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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Order: 02.12.97

CP 10/97 (OA 10/96)

Kapoor Chand Saini, last employed on the post of Khalasi, Western Railway, Jaipur.

... Petitioner

Versus

Shri Lalit Menghnani, Senior Divisional Engineer, Head Quarters, Jaipur, Western Railway, Jaipur Division, Jaipur.

... Respondent

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr. Shiv Kumar

For the Respondent

... Mr. Manish Bhandari

O-R-D-E-R

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

In this Contempt Petition u/s 17 of the Administrative Tribunals Act, 1985, Shri Kapoor Chand Saini has prayed that contempt of court proceedings may be launched against the respondent and the respondent should be penalised for not complying with the order dated 25.9.96 passed in OA 10/96, Kapoor Chand Saini v. Union of India and others.

2. The dispute in the OA was whether the applicant had not <sup>been</sup> allowed to join duty under the respondent or whether the applicant was himself avoiding joining duty. In para-5 of the Tribunal's order, a direction was issued that the applicant shall report for duty to the Senior Divisional Engineer (Headquarters), Jaipur, within one week from the date of passing of the order and the Senior Divisional Engineer (Headquarters), Jaipur, will then issue appropriate order directing the applicant to report for duty to the authority under whom he will have to work at the place of posting either at Jaipur or at any place outside. The petitioner's case in this Contempt petition is that despite these directions he has still not been allowed to join duty. In the reply, the respondent has stated that it was the applicant/ petitioner, who was avoiding joining duty. The applicant then filed an affidavit stating that he has still not been allowed to join duty. The respondent, Shri Lalit Menghnani, Senior Divisional Engineer (Headquarters), has filed a counter-affidavit stating that the applicant/petitioner is insistent on being taken him on duty at Jaipur and that is why the problem about his joining duty has arisen.

3. The learned counsel for the petitioner has stated that in spite of all

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efforts made by the petitioner, he has still not been allowed to join duty although he is willing to join duty at Jaipur or any other station wherever he may be posted for performing his duties. The learned counsel for the petitioner now states before us that he will take the petitioner alongwith him to the Senior Divisional Engineer (Headquarters), Jaipur, to enable the petitioner to join duty.

4. In these circumstances, no further action is necessary in this Contempt Petition. Therefore, the Contempt Petition is dismissed. Notice issued is discharged. If any grievance of the petitioner remains, he shall be free to file a fresh OA.

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(O.P.SHARMA)

AIM.MEMBER

VK

Chakre  
(GUFAL IPLEHNA)

VICE CHAIRMAN