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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP No. 14/96 (OA No. 683/93)

Date of order: 6.5.99

Gopal Singh S/o late Shri Sahib Singh aged around 27 years, r/o village Agawal, Post Lalcorakala, Tehsil Bayana, District Bharatpur.

.. Petitioner

Versus

1. Shri M.Ravindran, General Manager, Western Railway, Churchgate, Bombay.
2. Shri Arimardan Singh, Chief Engineer (Survey and Construction), Western Railway, Jaipur Division, Jaipur.
3. Shri Rajendra Nath, Chief Administrative Officer, Western Railway, Churchgate, Bombay.

.. Respondents

Mr. Vinod Goyal, Briefholder for Mr. R.N.Mathur, counsel for the petitioner

Mr. M.L.Shivashiya, SPO, Departmental rep. for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Petitioner, Gopal Singh, has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 stating therein that the respondents by not considering the application of the petitioner for appointment in the category of physically handicapped persons in terms of the order of the Tribunal passed in OA No.683/93, have committed contempt of court.

2. We have heard the counsel for the petitioner and Shri M.L.Shivashiya, Senior Personnel Officer, Western Railway, Jaipur, departmental rep. for the respondents.
3. The relevant portion of the order delivered in the aforesaid OA reads as under:

"In the circumstances, the applicant may make an application to the Railways for appointment on the ground of orthopaedical handicap. If such an application is made by him within one month from today, the respondents shall consider such application on merit in accordance with their rules keeping in

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view the type of handicap suffered by the applicant, for appointment under the quota for the handicapped, and having regard to the priority list maintained by the Railways. The eligibility of the applicant for appointment in the category of physically handicapped persons may be determined within a period of 4 months from the date of the receipt of a copy of this order and if he is found eligible for such appointment, the appointment may be offered to him as soon as his turn comes according to his priority."

4. The contention of the petitioner is that he moved an application as directed by the Tribunal on 10.2.95 vide Ann.CP/2 but the respondents ignored the same and did not take any steps to implement the order of the Tribunal. On the contrary the respondents have stated that no such application dated 10.2.95 was ever delivered to them. The copy of the application Ann.CP/2 does not contain any endorsement of receipt at the respondents' end. The petitioner has not produced any document in support of his contention that such application was ever moved to the respondents by him within a month of the date of the order. The application submitted by the petitioner vide Ann.R1 was received by the respondents on 19.5.95 beyond a period of one month. It appears that the petitioner himself did not comply with the directions of the Tribunal and he did not submit any application to the respondents within a month. No case of contempt is, therefore, made out.

5. The Contempt Petition is, therefore, dismissed. Notices issued are discharged.

*Gopal Singh*  
(GOPAL SINGH)

Adm. Member

*Gopal Krishna*  
(GOPAL KRISHNA)

Vice Chairman