

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Contempt Petition No. 291/00029/2014 in
Original Application No. 291/00426/2014

Order reserved on: 16/07/2015

Date of order: 20/07/2015

CORAM:

HON'BLE MR. JUSTICE HARUN UL RASHID, JUDICIAL MEMBER

HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER

Anuja Gupta Daughter of Shri G.K. Gupta, aged about 32 years resident of C/o Shri Umesh Jain, Servershwar Nagar, Near Ranu Studio, Ajmer and presently working as Health & Malariya Inspector (Grade-I) Office of Chief Works Manager (Loco Workshop), North Western Railway, Ajmer Division, Ajmer.

.....Applicant.

(Mr. C.B. Sharma counsel for the applicant.)

Versus

1. Shri R.C. Agrawal, General Manager, North Western Zone, North Western Railway (Head Quarter), Near Jawahar Circle, Jagatpura, Jaipur-302017.
2. Shri Naresh Salecha, Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. Dr. Chatar Singh Anand, Chief Medical Superintendent, North Western Railway, Ajmer Division, Ajmer.
4. Shri Sudhir Gupta, Chief Works Manager (Loco Workshop), North Western Railway, Ajmer Division, Ajmer.

.....Respondents.

(Mr. Anupam Agarwal counsel for the respondents.)

ORDER

(Per: Mr. R. Ramanujam, Administrative Member)

This Contempt Petition has been filed against the respondents alleging violation of interim order dated 30/07/2014 passed by this Tribunal in OA No. 291/00426/2014. The interim order in the said case had been passed keeping in view the submissions made by the applicant therein (petitioner in this case) that a clear vacancy existed in Ajmer for her to join and therefore the cancellation of the earlier order posting her to Ajmer was not warranted. The operative portion of the interim order reads as follows:

"In the interest of justice, the respondents are directed not to give effect to the office order dated 22/07/2014 (Annex. A/1) till the next date, if one post of Health Inspector Grade-I is still vacant at Ajmer."

The petitioner alleges that in spite of this order, the respondents did not allow her to work at Ajmer.

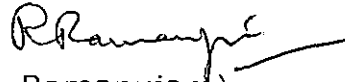
2. The respondents have filed affidavits in which they have contested that the applicant's claim that she had joined on 15/07/2014. There was no overt action on the part of respondents to give effect to the order 22/07/2014 and therefore question of contempt does not arise. According to them there was a genuine difficulty in accommodating her as there was no vacancy. However, the applicant has since been

posted to Ajmer on a regular basis by order dated 24/02/2015 and, therefore, nothing survived in the matter.

3. The learned counsel for the petitioner argued that there was a clear violation of the interim order between 30/07/2014 to 24/02/2015 and the respondents must be punished for contempt. The learned counsel for the respondents, however, pointed out that the interim order itself was conditional upon the availability of vacancy and, in any case, there was no overt action to implement the order dated 22/07/2014.

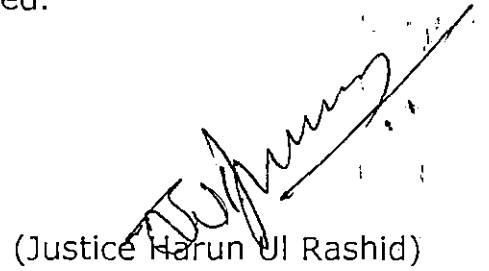
4. We have carefully considered the submission of the respondents in the light of charge of contempt attempted to be made out by the petitioner. We find that the petitioner has since been posted at Ajmer on a regular basis. This shows that the respondents had sincerely considered her claim and tried their best to accommodate her at the place of her choice. But for this, they would not have issued the order dated 24/02/2015. Thus their action is fully consistent with the spirit of the interim order passed by this Tribunal. Even if, there was a delay, it appears to be only because the respondents were not sure of the availability of a clear vacancy in Ajmer. It is, therefore, not possible to consider this as a case of willful disobedience of the order of this Tribunal.

5. In view of the above, the charge of contempt is not made out against the respondents. Contempt petition is, therefore, dismissed and notices are discharged.



(R. Ramanujam)

Administrative Member



(Justice Harun Ul Rashid)

Judicial Member

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