

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 10.12.2014**


CP No. 291/00041/2014 (OA No. 131/2010)

Mr. S.K. Jain, counsel for petitioner.  
Mr. Anupam Agarwal, counsel for respondents.

Heard learned counsels for the parties.

The Contempt Petition is closed, the reasons to be followed. The detailed order is to be passed on the separate sheets.

  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER

  
(B. V. RAO)  
JUDICIAL MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

**CONTEMPT PETITION NO. 291/00041/2014**

**IN**

**ORIGINAL APPLICATION No. 131/2010**

**DATE OF ORDER : 10.12.2014**

CORAM :

**HON'BLE MR. B.V. RAO, JUDICIAL MEMBER**

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Hajari Lal Meena son of Shri Jagdish Narain Meena, aged about 56 years, resident of Village Panchunda, Post Shivedas Pura District, Jaipur. Now a days Office Superintendent Works Accounts (DRM Office), Jaipur.

... Applicant

(By Advocate: Mr. S.K. Jain)

Versus

1. Shri U.V. Singh, Sr. DEN (Co), Jaipur Division, Jaipur now a days General Manager, IRCON, Jaipur.
2. Shri Sandeep Gemawat, Sr. DEN, Railway Jaipur Division.

... Respondents

(By Advocate: Mr. Anupam Agarwal)

**ORDER**

**PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

The petitioner has filed this Contempt Petition on the ground of willful disobedience on the part of the respondents of the interim order dated 11.03.2010 passed by this Tribunal in OA No. 131/2010. The interim order is quoted below:-

"The respondents may proceed with the inquiry but no final order shall be passed till the next date of hearing."

2. However, the respondents have passed the order of penalty dated 17.09.2013 (Annexure CPR/2). The learned counsel for the petitioner argued that respondents were in the knowledge of the interim order passed by this Tribunal. Hence

*Anil Kumar*

CP No. 291/00041/2014

passing of the order of penalty by the respondent no. 1 is clear cut, deliberate and willful disobedience of the order of this Tribunal and thus he has committed contempt of this Tribunal showing totally disregard of the order of the Tribunal. Therefore, the respondents be punished severely for the contempt of the Tribunal.

3. The learned counsel for the petitioner argued that now the respondents vide order dated 28.10.2014 (Annexure CP R/1) have withdrawn the order of penalty dated 17.09.2013. He vehemently argued that the Disciplinary Authority has no power to withdraw the order of penalty. He drew our attention to Rule 18(2), Rule 20, Rule 25, Rule 25(2) and Rule 25-A of the Railway Servants (Discipline & Appeal) Rules, 1968 and submitted that in view of the rule position, the order dated 28.10.2014 (Annexure CPR/1) is illegal and, therefore, contempt is made out against the respondents.

4. On the other hand, the respondents have filed the reply and the affidavit. In their reply, they have admitted that though there was a direction not to pass final order in the inquiry pending against the petitioner, yet the same skipped knowledge of the competent authority because of which the order of penalty was passed. The order of penalty dated 17.09.2013 was received by the applicant without any protest. He even did not bring this fact to the knowledge of the Tribunal for a considerable length of time though the OA was pending consideration. The answering respondents without any

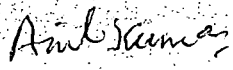
*Anil Kumar*


prejudice passed the order dated 28.10.2014 (Annexure CPR/1) cancelling the order of penalty dated 17.09.2013. The learned counsel for the respondents further submitted that the respondents had submitted unconditional apology for their action/inaction in this Contempt Petition. He prayed that unconditional apology tendered may kindly be accepted. He argued that respondents have further restored the pay etc. of the applicant.

5. Heard the rival submissions of the parties, perused the relevant documents on record and Rule 18(2), Rule 20, Rule 25, Rule 25(2) and Rule 25-A of the Railway Servants (Discipline & Appeal) Rules, 1968, as referred to by the learned counsel for the applicant. The facts of the case are not disputed that there was an interim order of this Tribunal dated 11.03.2010 with the direction to the respondents not to pass final order in the disciplinary proceedings pending against the applicant. However, the Disciplinary Authority passed the penalty order dated 17.09.2013. Subsequently this penalty order has been withdrawn vide letter dated 28.10.2014 (CP R/1) and pay & other allowances of the applicant have also been restored. The respondents have tendered unconditional apology for their action. In view of the fact that the respondents have restored the position of the applicant as it existed prior to 17.09.2013 and have withdrawn the penalty order and in view of the fact that they have tendered unconditional apology for their action, the present Contempt

*Anil Kumar*

Petition is dismissed. Notices issued to the respondents are hereby discharged.

  
(Anil Kumar)  
Member (A)

  
(B.V.Rao)  
Member (J)

Abdul