

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

C.P. No. 291/00009/2015 in OA No. 291/00067/20015

Date of order: 30/05/2016

Coram:

**Hon'ble Dr. K.B. Suresh, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Mukut Bihari S/o Sh Ram Kishan, Age: 34 Years, Min. Railway, Group 'D', Substitute Bungalow Khalasi, North Western Railway, Jaipur, R/o H. No. 27, Veer Sawarkar Nagar, Rangbari, Kota, Rajasthan.

.....Applicant

(Mr. S.K. Bhargava, counsel for the applicant)

VERSUS

Sh. Karan Singh, Chief Personnel Officer, North Western Railway, Head Office, Jawahar Circle, Jagatpura, Jaipur.

.....Respondents

(Mr. Anupam Agarwal, counsel for the respondent)

ORDER

(By : Hon'ble Dr. K.B. Suresh, Member Judicial)

Heard.

2. The matter is relating to non-compliance of order dated 28/01/2015 passed by this Bench of the Tribunal in OA No. 291/00067/2015 wherein we have given an interim order whereas the claim has been put forward that the respondents have transferred and relieved the applicant on



the ground of coterminous transfer of concerned officer with whom he was in service.

3. At this point of time learned counsel for the applicant would say that this order was not implemented and therefore, the provision of 'if not relieved' in our order will not apply. He relies on a sickness certificate produced by him dated 23/01/2015 along with a fitness certificate also issued by an Ayurvedic Physician, as Chikitsa Adhikari, Arogya Clinic, Ganesh Vihar, Jaipur. For the purpose of fever, there is no specific treatment in Ayurvedic method. Therefore, we are in agreement with the learned counsel for the respondents that it appears to be an adjustment ^{reliability} medical certificate. This is the instrument by which reliving order have not been served on applicant. The respondents have rightly rejected this medical certificate.

4. Learned counsel for the applicant vehemently ^{✓ reliability} contested that this reliving is not in accordance with the rules issued by the Railway Board, but the Railways has adopted a view that in the matter of Bungla Peons it is a coterminous transfer when the current officer is transferred out his peon also goes with him. The policy adopted by the Railway cannot be said to be undue harassment. As the question of Contempt can arise only where there is a willful default or there is a rejection of an order. It appears that since the Interim order was passed on 28/01/2015 and



relying
relieving order was passed on 23/01/2015. Therefore, there cannot be any valid contempt proceedings.

7. Therefore, Contempt Petition is dismissed. Notices discharged.

Meenakshi
(Ms. Meenakshi Hooja)
Administrative Member

K.B. Suresh
(Dr. K.B. Suresh)
Judicial Member

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