

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

C.P.No.36/1996 in OA 170/94

Date of order: 13.1.98.

Deepak Mukhija son of Shri Aasha Nand Mukhija, R/o Mukhija Phawan, Opp. S.B.E.J., Rajgarh, District Alwar, Presently posted as Ticket Collector, Western Railway, Paroda Division, Bharunch.

: Petitioner.

Versus

1. Shri M. Ravindra, General Manager, Western Railway, Churchgate, Bombay.
2. Shri Dev Raj Sharma, Divisional Railway Manager, Western Railway, Jaipur.

: Respondents

Mr. R.N.Mathur, counsel for the petitioner

Mr. Manish Bhandari, counsel for the respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)

HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this contempt petition filed under Section 17 of the Administrative Tribunals Act, 1985, the petitioner Shri Deepak Mukhija has prayed that the respondents may be suitably punished for committing contempt of court in not complying with the directions of the Tribunal contained in its order dated 12.9.1994 passed in OA No. 170/94 Shri Kamlesh Kumar & Others Vs. Union of India and others.

2. The directions of the Tribunal contained in para 8 of its order read as under:-

"8. We have considered the matter carefully, in the circumstances of the present case, we direct the Government respondents that they shall in the first instance, offer appointments to the persons initially nominated for appointments as Ticket Collectors in the

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Jaipur Division in the order of their seniority to the extent vacancies are at present available after considering cases of persons rendered surplus. Those who cannot be absorbed in the Jaipur Division for the reasons given by the government respondents, may be offered appointments in the neighbouring Divisions of Jaipur in the Western Railway and may also be offered appointments in other Divisions of the Western Railway in the order of their seniority in the merit list. Those of the applicants who have now expressed their willingness to be appointed/absorbed in the Bombay Division may be appointed/absorbed therein at present. As soon as vacancies start becoming available in the Jaipur Division, those of the applicants who are keen to come back to the Jaipur Division may be brought back to Jaipur Division in the order of their seniority. We make it clear that the persons brought back to the Jaipur Division in accordance with directions given above shall not lose seniority as per their original merit position. The directions given in this paragraph shall be applicable to all the persons whose names were forwarded for appointment/absorption as Ticket Collectors in the Jaipur Division, regardless of whether they have filed applications before the Tribunal or not. This is intended to ensure that no injustice is done to persons who may otherwise be senior to the applicants as per their merit position. We expect that the respondents shall appoint/absorb these persons in accordance with the above directions without any undue delay, as they have been awaiting appointments, for over a year now. We make it clear that the right of the private respondents otherwise eligible for the posts of Ticket Collectors shall not be effected."

3. The respondents filed their reply to the contempt petition. The Tribunal had given certain directions on 20.8.1997. Thereafter the respondents have passed order dated 15.12.1997 by which they have transferred the petitioner, amongst others, to Jaipur Division. Thus, the direction of the Tribunal regarding transfer back of the petitioner to Jaipur Division has been complied with. The learned counsel for the petitioner has, however, pointed out that there is no specific mention in this order regarding retention of the seniority of the petitioner in accordance with the order of the Tribunal. The Tribunal had directed that on transfer to Jaipur Division, the petitioner shall not lose his seniority as per his original merit position. In view of the apprehension of the petitioner that his seniority may not be maintained as per the directions

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of the Tribunal and after hearing the learned counsel for the parties, we direct that the respondents shall make a specific order with regard to the seniority of the petitioner in accordance with the directions of the Tribunal. The respondents may further inform the persons mentioned in the order dated 15.12.1997 that those of them who have not joined the Jaipur Division under the apprehension that their original seniority may not be retained may now join the Division within fifteen days of the receipt of their communication. The contempt petition stands disposed of. Notices issued are discharged. A copy of the order dated 15.12.1997 has been taken on record.

  
(RATAN PRAFASH)

JUDICIAL MEMBER

  
(G.F.SHARMA)

ADMINISTRATIVE MEMBER