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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

CF No. 32/1997 (OA No. 34/94)

Date of order: 10.12.1997

with MA No. 334/1997

Pirendra Singh Pippal at present working as Guard (Goods Train), Western Railway, Gangapur City.

.. Petitioner

Versus

1. Shri Gyan Dutt Pandey, Sr. Divisional Operational Manager, Western Railway, Kota Division, DEM Office, Kota.
2. Shri Sukhdev Meena, Divisional Operational Manager, Western Railway, Kota Division, DEM Office, Kota.

.. Respondents

Mr. M.L.Sharma, counsel for the petitioner

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, petitioner, Shri Pirendra Singh Pippal has prayed that the respondents be taken up for contempt of court and appropriate order may be passed against them for not complying with the directions of the Tribunal contained in its order dated 27.1.1994.

2. Services of the petitioner were initially terminated on 15.9.1992 and thereafter he was allowed to resume duty on 8.10.1994. Thereafter, according to the petitioner, his services have again been terminated on 10.5.1995. The petitioner is, therefore, aggrieved that there has been no real compliance with the directions of the Tribunal given in its order passed in OA No. 34/1994.

3. We have heard the learned counsel for the petitioner

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and have perused the material on record.

4. By an order dated 27.1.1994 (Ann.A1) passed in OA No. 34/1994, the Tribunal had directed the respondents to dispose of the petitioner's representation with regard to his grievance. A liberty was also given to the petitioner to file a fresh application, if he is aggrieved by any order of the respondents. Thereafter, the petitioner moved a Contempt Petition, No.57/1994, seeking compliance with the directions of the Tribunal. The Tribunal passed an order dated 23.2.1995 (Ann.A2) taking note that the representation of the petitioner has already been disposed of and the petitioner has also rejoined his duty. The Tribunal, therefore, observed that since the Contempt Petition had become infructuous, it was dismissed.

5. Now the learned counsel for the petitioner states that the respondents have terminated the services of the petitioner w.e.f. the very same date namely 15.9.1992 from which these were terminated earlier. Thus, in fact, there has been no compliance with the order of the Tribunal and the respondents had made false claim before the Tribunal in their reply to the Contempt Petition, that the petitioner had been taken back on duty. His further grievance is that the question of pay and allowances of the petitioner for the intervening period have also not been decided, although the respondents had stated before the Tribunal in their reply to the Contempt Petition that this matter had also been settled.

6. We have considered the matter carefully. We find that the order Ann.A6 is in fact an order imposing penalty under the Railway Servants (Discipline and Appeal) Rules, 1968. Since this order has been passed on finalisation of the disciplinary proceedings against the petitioner, it would, in our view, furnish a fresh cause of action to the


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petitioner. This is not a matter which can be adjudicated by way of a Contempt Petition filed in relation to his earlier termination from services. The petitioner is free to move a fresh OA with regard to his grievance arising as a result of Ann.AC and while doing so, he may also raise the issue of non-payment of pay and allowances for the intervening period, if he so chooses. The Contempt Petition is, however, in our view, not maintainable. It is dismissed.

7. The Misc. Application seeking condonation of delay in filing the Contempt Petition is also dismissed.

  
(Ratan Prakash)

Judicial Member

  
(O.P.Sharma)

Administrative Member