

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 13.7.2000

CP 37/99
(OA 169/98)

Onkar Singh Chauhan S/o Shri Bakhtawar Singh aged about 58 years at present working on the post of Travelling Ticket Inspector in the pay scale of Rs. 5500-9000 in the office of Divisional Chief Ticket Inspector, Western Railway, Jaipur, resident of Plot No. 48, Behind Bhairon Public School, Hatwara Road, Jaipur.

.... Petitioner

Versus

1. Shri Nepal Singh, Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
2. Shri Ram Prakash, Executive Director Establishment (RES), Railway Board, Rail Bhawan, New Delhi.

.... Respondents

Mr. P.V. Calla, Counsel for the applicant.
Mr. U.D. Sharma, Counsel for the respondents.

CO RAM

The Hon'ble Mr. S.K. Agarwal, Member (Judicial)
The Hon'ble Mr. S. Bapu, Member (Administrative)

ORDER

(PER HON'BLE MR. S. BAPU, MEMBER (ADMINISTRATIVE))

This Contempt Petition has been filed alleging that the official respondents have failed to comply with the interim order dated 20.5.98 and order dated 5.6.98 passed in OA 169/98. The applicant had prayed for the following reliefs:-

"By an appropriate order/direction the Impugned orders Annexures A/A, A/2, A/3, A/4, A/5, A/6 and A/7 may kindly be declared illegal. Further the official respondents may be directed first to redetermined the seniority of the applicant vis-a-viz the Private respondents in the grade of Rs. 1400-2300/-, 1600-2660 and Rs. 2000-3200/- and further provide promotion to the applicant from the date when his juniors were so promoted keeping in view the base grade and the seniority list of the grade Rs. 330-560 (Rs. 1200-2040/-) with all consequential benefits."

2. The applicant had also prayed for an interim order that during the pendency of OA, the operation of the letter dated 6.3.98 (Annexure A-6) be stayed. A Single Member Bench of this Tribunal had directed the respondents not to act upon the impugned order dated 6.3.98 (Annexure A-6) till the next date. This order was passed on 20.5.98. It was ordered on 5.6.98 that interim direction issued on 20.5.98 qua the applicant shall continue till the next date.

3. It is the allegation of the petitioner in this Contempt Petition that the official respondents issued office order dated 16.4.99 bringing out seniority list of Travelling Ticket Inspectors wherein all the private respondents in OA 169/98 have been shown senior to the petitioner and, therefore, official respondents have committed contempt.

4. The official respondents have stated that in the seniority list communicated alongwith order dated 16.4.99, it has been clearly directed that an employee who may find any error therein should submit his representation within one month and any representation received thereafter would not be considered and that petitioner have submitted his representation on 14.5.99 against the seniority position assigned to him. In the seniority list dated 16.4.99 and the Petitioner's representation was rejected and he was also informed accordingly. It is further stated by the respondents that while submitting ^{his} representation on 14.5.99, the petitioner did not choose to alleged that it was in violation of Tribunal's interim orders dated 20.5.98 and 5.6.98.

5. ^{The} short question is whether official respondents have wilfully disobeyed the interim orders of this Tribunal dated 20.5.98 and 5.6.98 and thereby committed contempt. The direction

(A)

given by this Tribunal on 20.5.98 and 5.6.98 in respect of letter dated 6.3.98 namely Annexure A-6 to OA 169/98. That letter was from the Headquarter C.P.O. Western Railway to Senior D.P.O. and that letter by itself did not lay down any criteria/principles for the purpose of determination of seniority of general candidates viz-a-viz reserved candidates. A glance at the said letter would show that it merely drew the attention of the Sr. D.P.O. to certain paragraphs in Railway Boards letter dated 21.8.97 circulated by the Western Railway Headquarter Office alongwith endorsement dated 12.9.97. The only advice given to the Sr. D.P.O. from the Headquarter office besides drawing his attention to the Board's letter was in case reserved candidates had been promoted in excess during the period from 10.2.95 to 21.8.92, they should be adjusted in future vacancies and they should not be reverted.

6. After carefully considering the matter, we are of the view that direction issued by a Single Member on 20.5.98 and 5.6.98 not to act upon the letter dated 6.3.98 cannot by any imagination be construed to extend to Railway Boards letter dated 21.8.97 etc. We may note in the relief column of the OA, the applicant had prayed for declaring several annexures as illegal. The order dated 6.3.98 was only one among them. The interim order of the Tribunal pertained to that alone. It did not extend to Railway Board's letter. The seniority list brought out by the official respondent on 16.4.99 was passed on the principles enunciated in the Railway Board's letter and they did not originate from letter dated 6.3.9 of the Western Railway Headquarter office. We are unable to hold that official respondents have committed any contempt in releasing seniority list dated 16.4.99 and calling for objection from the applicant. This Contempt Petition is, therefore, dismissed.

(S. BAPU)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)