

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 26.6.2000

CP 43/99 (OA 491/94)

Baiju s/o Shri Nathu, r/o Village Man gorra, District Mathura (UP).

... Petitioner.

Versus

1. Shri V.D.Gupta, General Manager, Western Railway, Churchgate, Mumbai.
2. Shri Nepal Singh, Divisional Railway Manager, Western Railway, Divisional Office, Kota.
3. Shri Indrajeet Nanda, Station Master, Jajan Patti, Western Railway.

... Respondents.

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER
HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... None

For the Respondents

... Mr.Hemant Gupta, proxy counsel
for Shri M.Rafiq

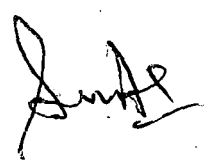
O R D E R

(PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER)

This C.P. has arisen out of an order passed in OA 491/94 on 23.7.99. In OA 491/94 following directions were given on 23.7.99 :-

"In the circumstances, the respondents are directed to re-engage the applicant on the post of Safaiwala within a period of one month from the date of receipt of a copy of this order. The respondents are further directed to consider grant of temporary status to the applicant as per rules.

2. Notice to show-cause was given to the non-petitioners and they have filed reply. It is stated in the reply that the answer respondents file review petition against the impugned order and the said review petition is also pending. It is also stated that this Tribunal has issued directions; i) to re-engage the applicant within a period of one month, and ii) to consider the applicant for conferring temporary status as per rules. It is stated by the



opposite parties that the applicant was re-engaged vide interim order of this Tribunal dated 7.10.94 and continuing on the post of Local Safaiwala. It is also stated in the reply that the applicant has been considered for conferring temporary status but he was not eligible to grant temporary status in terms of IREM para 2001 (ii)(iii). In view of the reply filed by the opposite parties they have requested to dismiss this Contempt Petition.

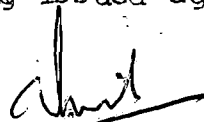
3. Rejoinder has also been filed, which is on record.

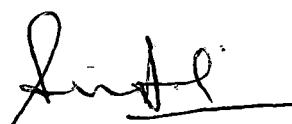
4. Heard the learned counsel for the respondents and also perused the averments made in this C.P. and reply filed by the opposite parties and rejoinder filed by the petitioner.

5. It is not disputed that the applicant by an interim order of this Tribunal is continuing as Safaiwala. It is also not disputed that the respondents have considered the candidature of the applicant for conferring temporary status but he was not found eligible. Therefore, in our considered view, no case of contempt is made out against the opposite parties.

6. Disobedience of courts/Tribunals' order amounts to contempt only when it is deliberate and wilful. Merely that order was implemented not within the specified period is no ground to initiate ~~punish~~ contempt proceedings or to punish the alleged contemnors for committing contempt. In view of the facts and circumstances of this case and settled legal position, we are of the opinion that the petitioner failed to establish any case of contempt against the alleged contemnors.

7. We, therefore, dismiss this Contempt Petition and notices ~~xy~~ issued against opposite parties are hereby discharged.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)