

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 11.09.2002

CP No. 70/01 (OA No.111/2000)

1. Gajanand Chaturvedi s/o Shri M.P.Chaturvedi
2. Rafiq Mohd. a/o Shri Mustak Khan
3. Smt. Gyatri Sharma w/o Shri M.K.Sharma
4. Smt. Bimla Arcra w/o Shri A.K.Arora
5. Trivendra Singh Rathore s/o Shri Ganpat Singh
6. Smt. Kaushalya Daswani w/o Shankar Daswani

All the applicants are at present posted as
Heard Clerk, Establishment Branch in the office of D.R.M.,
Western Railway, Jaipur.

.. Applicants

Versus

1. Shri V.D.Gupta, General Manager, Western
Railway, Churchgate, Mumbai.
2. Shri V.K.Agarwal, Divisional Railway Manager,
Western Railway, Jaipur Division, Jaipur.
3. Shri S.P.Vatsa, Chief Commercial Officer,
Western Railway, Churchgate, Mumbai
4. Shri Anant Swaroop, Senior Divisional Personnel
Officer, Western Railway, Jaipur Division,
Jaipur.

.. Respondent-contemners

Mr. Vinod Goyal - counsel for the applicants

Mr. U.D. Sharma - counsel for respondent-contemners

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

O R D E R (ORAL)

This Contempt Petition has been filed for the

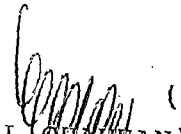
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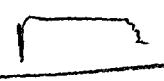
alleged disobedience of the order of this Tribunal dated 29.3.2001 passed in OA No.111/2000.

2. Heard the learned counsel for the parties.

2.1 The learned counsel for the applicant submits that as per the order of this Tribunal, the eligibility list or panel already prepared for promotion to the next higher grade was not to be given effect to till the revision of the seniority in the lower grade in the light of the catch-up rule enunciated by the Apex Court. He further submits that although from the said panel some persons were already promoted but it was specifically mentioned in the promotion order that their promotion will be subject to the outcome of the OA. The learned counsel for the respondent-contemners submits that the seniority has been revised as per the order of the Tribunal and that the order of the Tribunal has been complied with in this regard. He further submits that after the date of the order of the Tribunal, the panel has not been operated and the alleged promotions made as per the panel had taken place earlier to the date of the order and, therefore, he submits that it cannot be said that the respondent-contemners have wilfully committed contempt of this Tribunal.

2.2 Keeping in view the submissions of the parties, we are of the opinion that there is no wilful disobedience of the order of this Tribunal and accordingly, this Contempt Petition is dismissed. Noticees are discharged. However, if the applicants are still aggrieved, they may agitate their grievances afresh subject to limitation.


(M.L. CHAUDHAN)
Member (J)


(H.O. GUPTA)
Member (A)