

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.P.No.27/2002

Date of order: 17.1.2003

Kuldeep Kumar Yadav, S/o Sh.U.S.Yadav, working as TTE, O/o  
Divisional Chief Ticket Inspector, W.Rly, Jaipur.

...Applicant.

Vs.

1. Sh.V.D.Gupta, General Manager, W.Rly, Churchgate, Mumbai
2. Sh.Vinay Kumar Agarwal, Divisional Rly.Manager, Western  
Railway, Jaipur Division, Jaipur.

...Respondents.

Mr.P.V.Calla - Counsel for petitioner.

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

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

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

PER HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER.

The present Contempt Petition has been filed against the alleged noncompliance of the direction as contained in para 9(ii) issued vide order dated 2.2.2001 in O.A No.29/97. This Tribunal while disposing of O.A No.29/97 alongwith O.A No.390/2000, in para 9(ii) have issued the following directions

"The official respondents are also directed to recheck the quota for SC & ST candidates in terms of rules and the law laid down by the Apex Court in the cases mentioned in the preceding paragraph and take further action accordingly."

2. The grievance of the petitioner in this Contempt Petition is that despite a specific direction given by this Tribunal, the order dated 2.2.01, as reproduced above, has not been complied with.

3. Respondent No.2 has filed reply affidavit and in para 3 of the reply the following averments have been made:

"...It is submitted that pursuant to the direction given by this Hon'ble Tribunal as contained in para 9(ii) of the order dated 2.2.01 to recheck the quota for SC & ST candidates in terms of rules and the law laid down by the Apex Court in the cases mentioned in the preceeding paragraph and take further action accordingly, the office of this respondent had undertake the exercise of rechecking the position in the month of February 2001 itself and had completed the said rechecking and on such rechecking the quota for SC & ST candidates was found to be correct. The said position was again rechecked recently and the said quota was again found to be correct. Thus, in view of the said position, no further action was required to be taken."


The respondents have also filed additional reply affidavit in which it is stated that two O.As bearing Nos.617/2001 and 438/2000 had also been filed by the SC & ST candidates for regularisation of their services on the posts of HTTE, pursuant to the panel dated 9.1.97 which was also the subject matter of the O.A No.29/97 and it had been submitted before the Hon'ble Tribunal in the aforesaid cases that as directed by the Hon'ble Tribunal vide order dated 2.2.2001 in O.A No.29/97, the quota for SC & ST candidates had been rechecked by the respondents after calling objection from the affected parties and final seniority list was issued. It is, therefore, submitted that the matter pertaining to the rechecking for the SC & ST candidates as per the direction given by the Hon'ble Tribunal on 2.2.01 in O.A No.29/97 had been taken judicial notice by this Tribunal in the common order dated 13.9.02 passed in O.A Nos.617/01 and 438/2000. Copy of the order dated 13.9.02 has been placed with the Additional Affidavit as Annx.R-2/1.

4. We have heard the learned counsel for the parties and have gone through the material placed on record.

5. It is not disputed that pursuant to the aforesaid direction issued by this Tribunal, the respondent authorities issued a revised seniority list vide order dated 7/8.8.01 in which name of the petitioner find mentioned at Sl.No.31 whereas names of some persons who belonging to SC & ST categories find mentioned at Sl.No.49, 88, 89, 115, 127, 130 and 74, This fact find mentioned in the notice dated 1.10.01(Annx.CP/3) the document attached and relied by the petitioner himself. Thus, the contention of the petitioner that the direction as contained in O.A No.29/97 has not been complied with by the respondents is palpably wrong and cannot be accepted. The grievance of the applicant as can be seen from notice Annx.CP/3 is that though he has been shown senior in the seniority list dated 7/8.8.01 issued pursuant to the decision in O.A No.29/97 but he has been superseded while granting subsequent promotion to the category of HTTE based on the panel of 9.1.97. The cadre of HTTE consists of 90 posts out of which 14 posts are meant for SCs and 7 posts are meant <sup>for STs</sup> STs. Whether the quota meant for SCs & STs has been correctly filled in terms of Rule and law as laid down by the Apex Court, on this <sup>of</sup> basis the direction given by the Tribunal in O.A No.29/97 as reproduced above cannot be agitated in these proceedings. The facts remains that the respondent contemnners have complied with the direction dated 2.2.01 issued by this Tribunal in O.A No.29/97 after inviting objection and issuing seniority list and then acted upon the panel dated 9.1.97 conclusively indicates that the direction of this Tribunal has been complied with. Needless to add that in case the petitioner is aggrieved about the correctness of the decision, he can challenge the same by way of separate O.A and


the contempt proceeding is not a proper remedy.

6. In view of these observations, the present Contempt Petition is dismissed. Notices issued to the contemner respondents are discharged.



(M.L. Chauhan)

Member(J)



(H.O. Gupta)

Member (A).