

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

DATE OF ORDER: 17.09.2004

Contempt Petition No. 33/2003

in

Original Application No. 404/2001

Dr. B.M. Meena aged 47 years son of Shri Prasadi Lal working as Assistant Medical Officer, Western Railway Hospital, Reangus, Jaipur Division, Jaipur. Resident of Railway Bungalow, Near Railway Dispensary, Reangus.

.... Applicant

VERSUS

1. Shri R.M. Agarwal, General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. Shri V.K. Ramteke, Chief Medical Director, Western Railway, Churchgate, Mumbai.

.... Respondents

Mr. Nand Kishore, Counsel for the applicant.

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

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

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The Petitioner has filed this Contempt Petition for the alleged violation of the order dated 3.6.2002 whereby the respondents were directed to consider the case of the applicant for regularisation of his services on the post of A.D.M.D. and for further promotion according to rules and in consultation with the UPSC.

2. The MA has been filed on behalf of the Railway Authorities thereby annexing copy of the order dated 8.6.2004 and 30.6.2004. It is averred in the MA that the order of this Tribunal has been

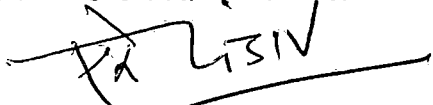
complied with. The learned counsel for the respondents further argued that the order passed in compliance of the order passed by this Tribunal has been also challenged by filing Substantive OA and the applicant has also obtained stay against this order. Thus there can be no dispute that the order of this Tribunal has not been complied with.

3. The learned counsel for the petitioner submits that cognizance of this MA cannot be taken as reply should have been filed by the contemner. It is further argued that vide order dated 15.4.2004, the contemner was specifically ordered either to comply the order of the Tribunal or remain present in the Court on the next date of hearing as such they are liable for action under the contempt proceeding.

4. We have considered the submissions made by the learned counsel for the petitioner. At this stage, it may be stated that order dated 15.4.2004 was considered by this Bench subsequently on 1.9.2004 and it was observed that the respondents shall ensure to comply the order or contemner shall be present on the next date and the matter was adjourned to 17.9.2004.

5. In view of the order dated 1.9.2004, the MA has been filed on behalf of the respondents thereby reporting compliance of the order passed by this Tribunal.

6. In view of what has been stated above, we are of the view that it was not necessary for the respondents to file reply individually. The MA filed on behalf of the Railway Authorities, thereby annexing copy of the orders dated 8.6.2004 and 30.6.2004 shows that compliance of the earlier order dated 3.6.2002 has been made. Accordingly, this Contempt Petition is dismissed. Notices issued to the respondents are discharged.


(A.K. BHANDARI)
MEMBER (A)

AHQ


(M.L. CHAUDHAN)
MEMBER (J)