

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: _____ /

Mise Petition No: _____ /

Contempt Petition No: 01/04 in O.A. 220/98

Review Application No: _____ /

Name of the Appellant(s): Sri A.J. Das & another

Name of the Respondent(s): Sri Virin Nanda & another

Advocate for the Appellant: - Ms. K. Deka, Mr. P. Deka,
Mr. D.K. Bordoloi

Advocate for the Respondent: - Adv. Counsel.

Notes of the Registry	Date	Order of the Tribunal
This contempt petition has been filed under Rule 24 of the C.A.T. (Procedure) Rules 1987.	13.1.2004	On the plea of the learned counsel for the respondents, the case is adjourned. Fix it before the next available Division Bench.
The Respondents/contemptors are guilty of contempt and for proceeding for willful and deliberate violation of the judgment and order dated 27/4/2001 passed in OA 220/98.	23.2.2004	Present: Hon'ble Shri Shanker Raju, Judicial Member Hon'ble Shri K.V. Prahladan, Administrative Member.
Laid before this Court for orders.		Heard the learned counsel for the petitioner. Leaving open the issued of limitation, issue notice to the respondents. Their personal appearance is exempted.

Notice & Order dt. 23/2/04
Sent to D/Section for
issuing to respondent nos
1 & 2.

(appd) 9/1/04.

List it on 29.3.04.

I.C. Deka
Member (A)

Member (J)

29.3.04 Notices have already been issued to the respondents. Service reports are awaited.

List on 30.4.2004 for order.

Service report are
still awaited.

29.4.03

K.V.Prahladan
Member (A)

K.M.
Member (J)

pg

30.4.2004 List on 10.5.2004 before the Division Bench for orders.

5-5-04
WTS filed by
the Condemner No.).

Deka

K.V.Prahladan
Member (A)

mb

10.5.2004 Present: The Hon'ble Shri Mukesh Kumar Gupta, Member (J).

The Hon'ble Shri K.V.Prahladan
Member (A).

Mrs.K.Deka, learned counsel for the applicant, states that she has received reply filed on behalf of the respondents only ~~on~~ yesterday and as such she needs time to go through the same.

Prayer allowed. Adjourned for 14.5.2004.

Fr 5-04
Objection filed by
Contp. no. I,
Condemner no.2 awaited.

K.V.Prahladan
Member (A)

M.J.
Member (J)

bb

14.5.2004 The Tribunal vide order dated 27.4.2001 passed in O.A.220/1998 issued directions to the respondents to consider their cases against any such future vacancy as per law without any predilection/ ~~or~~ pre-disposition alongwith other persons similarly situated. It is contended by Mrs.K. Deka, learned counsel for the applicants, that the said directions have been ~~ignored~~ breached by the respondents deliberately, wilfully and purposefully. Despite the fact that vacancy arose in the year 2002-03, the applicants were not considered.

Dr.M.C.Sharma, learned Standing counsel for the Railways, on the other

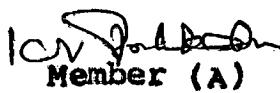
Contd.

Contd.

14.5.2004 hand, contended that the present Contempt petition ~~xx~~ is barred by limitation under Section 21 of Contempt of Court Act, 1971 wherein the ~~xx~~ period of one year for filing of contempt is prescribed. The judgment in O.A.220/1998 was passed on 27.4.2001, while the present C.P. was filed on 9.1.2004. Even if the vacancies were to be filled in for the year 2002-03, no detailed and precise statement ^{about the date} was made.

29/5/04
Moreover, the respondents in their reply affidavit, stated that the applicants, who were to be considered against Scout and Guide quota for the year 2002-03, they do not possess the qualification required as per the Railway Board guidelines.

In view of the above, we find no justification ^{in the petitioners submission} that the respondents will fully disregarded the order of the Tribunal. Accordingly the present Contempt Petition is disposed of. Notices are discharged.


Member (A)


Member (J)

bb