

FROM No. 4 .
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- _____/

Misc Petition No: _____/

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

Review Application No: _____/

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

Name of the Respondant(s): Sri Vipin Nandaz another

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

Advocate for the Respondant:- Rly. 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.

The Respondents/contempts
are guilty of contempt court
proceeding for willful and
deliberate violation of the
judgment and order dated
27/4/2001 passed in O.A.
220/98. b

Laid before members
Court for orders.

12/1/04
So (J)

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

9/9/04

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

bb

23.2.2004

Present: Hon'ble Shri Shanker
Raju, Judicial Member
Hon'ble Shri K.V.
Prahlanan,
Administrative Member.

Heard the learned
counsel for the petitioner.
Leaving open the issue of
limitation, issue notice to
the respondents. Their
personal appearance is
exempted.

List it on 29.3.04.

12/1/04
Member(A)

Member(J)

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

List on 30.4.2004 for order.

Service report are still awaited.

K.V. Prahladan
Member(A)

Ku
Member(J)

29
29.4.03

pg

30.4.2004 List on 10.5.2004 before the Division Bench for orders.

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).

5.5.04
W/S filed by
the Contemner No.1.

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.

K.V. Prahladan
Member (A)

nit
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 prediliction/~~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 ~~breached~~ breached by the respondents deliberately, wilfully and purposedly. 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

7.5.04
Objection filed by
Cont p. no. I,
Contemner no.2 awaited.

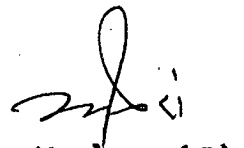
Contd.

14.5.2004 hand, contended that the present Contempt petition ~~is~~ is barred by limitation under Section 2D of Contempt of Court Act, 1971 wherein the ~~max~~ 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, ^{about the date} no detailed and precise statement ^{was} made.

Moreover, the respondents ~~in~~ 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 ^{in the petitioners submissions, which can't be held} justification that the respondents wil-fully disregarded the order of the Tribunal. Accordingly the present Contempt Petition is disposed of. Notices are discharged.


Member (A)


Member (J)

bb

29/5/04

Copy of the order
has been sent
The D/Sec. for
Enquiry the same
to the applicant
as well as to the
Advocate for
the Respondents
H.P.