

**Central Administrative Tribunal  
Jabalpur Bench**

CCP No.27/06  
in OA No.598/02

Jabalpur, this the 26<sup>th</sup> day of June 2006.

**C O R A M**

Hon'ble Dr.G.C.Srivastava, Vice Chairman  
Hon'ble Mr.A.K.Gaur, Judicial Member

Laljee Shrivastava  
S/o late Trivenilal Shrivastava  
R/o Qrs.No.99/1, Railway Colony  
Jabalpur.

Petitioner

(By advocate Shri S.K.Nandi on behalf of Shri S.Paul)

Versus

1. Shri P.Sudhakar Rao  
General Manager  
South Eastern Central Railway  
Bilaspur.
2. Shri P.Guru  
Chief Operating Manager  
South Eastern Central Railway  
Bilaspur.
3. Shri R.N.Barlariya  
Divisional Railway Manager  
South Eastern Central Railway  
Bilaspur.
4. Shri C.R.Sawain  
Sr.Divisional Operating Manager  
South Eastern Central Railway  
Bilaspur.
5. Shri S.K.Singh  
Divisional Operating Manager (C)  
South Eastern Central Railway  
Bilaspur.

Respondents.

(By advocate Shri M.N.Banerjee)

ORDER

By A.K.Gaur, Judicial Member

The petitioner has filed the aforesaid contempt petition alleging wilful disobedience of the orders and directions of this Tribunal dated <sup>15 order</sup> 10.1.2005 passed in OA No.598/02.

2. The petitioner was subjected to disciplinary proceedings, which ended with imposition of penalty and against the same, OA No.598/02 was filed. The said OA was finally disposed of by the Tribunal on 10.1.2005. It is pertinent to mention here that this Tribunal had set aside the impugned orders dated 18.11.98 (Annexure A1), 19.8/8.9.99 (Annexure A2) and 29.1.99 (Annexure A3). However, liberty was granted to the Railway Administration to resume the enquiry from the stage of appointment of the presenting officer. The operative portion of the order passed by this Tribunal is being reproduced hereunder:

“7. Thus, considering all the facts and circumstances of the case and also in view of the judgment of the Hon’ble High Court referred to above, we are of the opinion that this Original Application deserves to be allowed. Accordingly, the Original Application is allowed and the impugned orders dated 18.11.1998 (Annexure A-1), 19.8/8.9.99 (Annexure A2) and 29.2.99 (Annexure A3) are quashed and set aside. The respondents are directed to resume the enquiry from the stage of appointment of the Presenting Officer. They are also directed to change the enquiry officer Shri A.K.Satpathi as the applicant has alleged bias against him, as he was a witness in a criminal trial against the enquiry officer. No costs.”

3. In compliance of the aforesaid orders and directions of the Tribunal, the Senior Divisional Personnel Officer, Bilaspur, passed order dated 7.4.05 wherein it was clearly ordered that the petitioner shall be restored to his original position prevailing before the imposition of the punishment, which was set aside by the Tribunal.

4. It is submitted by the petitioner that after the appointment of the presenting officer in the departmental enquiry, the petitioner was addressed as Guard without restoring his position and the same was objected to by the petitioner. Vide order dated 7.4.05, the department

informed the petitioner that he has been restored as Guard. It is submitted by the petitioner that although, on papers, it is mentioned that he is being restored as Guard, the benefits arising out of the order have not been given to him. It is admitted that the petitioner was restored on the post of Guard from 15.6.2005, and paid salary of the post from the month of July 2005. The petitioner has also stated that he shall be treated to be in employment as Guard with all consequential benefits as if the aforesaid orders were not passed. In Para 4.4. of the petition, the petitioner has specifically admitted that he has been posted as Guard only from 15.6.2005. It is, however, submitted in the same paragraph that the petitioner should have been posted as Guard immediately after the order dated 10.1.05 was passed by the Tribunal.

5. We have heard Shri S.K.Nandi holding brief of Shri S.Paul, for the petitioner and Shri M.N.Banerjee, standing counsel for the Railways.

6. In our view, this Tribunal has allowed the OA and quashed the impugned orders dated 18.11.98 (A1), 19.8./8.9.99 (A2) and 29.12.99 (A3) and directed the respondents to resume the enquiry from the stage of appointment of the Presenting Officer. It was also directed that the enquiry officer Shri A.K.Satpathi be changed because he was biased and prejudiced against the applicant, ~~as~~ he was a witness in a criminal trial against the said enquiry officer.


7. We have seen various representations given by the petitioner to the competent authority. In the representation-dated 12.2.05, it is clearly stated that the petitioner was working as Sr.T.N.C. at Shahdol, and in the last representation dated 17.10.05, the petitioner has clearly admitted that he was already posted and working as Goods Guard. This fact alone shows that the orders and directions of this Tribunal have been complied with by the respondents. The impugned orders (A1, A2 & A3) were quashed by the Tribunal. In strict compliance thereof, the petitioner has been reinstated.

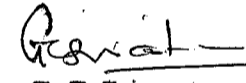
8. Learned counsel for the petitioner has argued that the petitioner has not been paid consequential benefits and his name may be included in the seniority list of Goods Guard. In our view, no such direction was ever issued to the respondents to grant consequential benefits and keep his name in the seniority list of Senior Goods Guard.

9. We are of the considered view that the respondents have not at all wilfully or intentionally disobeyed the orders and directions of the Tribunal. On the other hand, the orders and directions of the Tribunal have been complied with in toto.

10. No case for Civil Contempt is made out against the respondents and the respondents are not guilty of wilful disobedience of the orders and directions of the Tribunal. If the petitioner is aggrieved by the orders of the competent authority, he may approach this Tribunal by way of filing a fresh OA.

11. With the aforesaid observations, the CCP is dismissed and notice discharged.

  
(A.K. Gaur)  
Judicial Member

  
(Dr. G.C. Srivastava)  
Vice Chairman

aa.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अद्ये दिनाः

(1) सचिव, उच्च न्यायालय काय एरोडिशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.....के कार्डसल

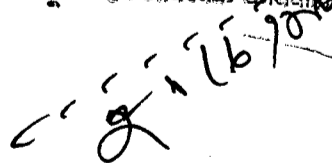
(3) प्रत्यर्थी श्री/श्रीमती/कु.....के कार्डसल

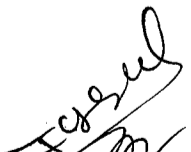
(4) वॉयपाल, को.प्र.अ., जबलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही

नम्र हुनिसद्वार

S. Paul Adv JDB  
M. K. Bhanu  
Adv JDB



  
26/6/06