

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

CCP No.43 of 2006
(in OA 809/04)

Indore, this the 12th day of July, 2006

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

OMPRAKASH MEENA & Ors - Petitioner

(By Advocate - Shri A.N.Bhatt)

Versus

The UNION OF INDIA & ors.
Represented by:

1. Shri J.P.Batra, Chairman, Railway Board,
New Delhi. Rail Bhawan, Rail Mantralaya,
PO:New Delhi.
2. Shri L.R.Ganeshan, Financial Adviser and
Chief Accounts Officer, W.Railway, Churchgate,
Mumbai-20. - Respondents

ORDER (Oral)

By A.K.Gaur, JM.-

By means of order dated 18.10.2005, this
Tribunal in OA 809/2004 has passed the following
order:

"5. After considering the facts and
circumstances of the case, we are of the
considered view that ends of justice would
be met if we direct the respondent no.2
to forward the options of the applicants
to the General Manager, Western Railway,
Mumbai for their transfer to Jaipur Zone,
in accordance with rules, who will take a
decision by passing a speaking detailed
and reasoned order within a period of two
months from the date of receipt of such
options from the respondent no.2. We do
so accordingly. The applicants are also
directed to forward a copy of their
option for their transfer, within 15 days
of the receipt of this order to respondent
no.2. The OA is accordingly disposed of.
No costs."

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2. The learned counsel for the petitioner has contended that the respondent no.2 has deliberately and wilfully not obeyed the orders and the directions contained in the judgment passed by this Tribunal and as such he has committed the contempt of court.

3. We have carefully seen the order dated 16.2.2006 (annexure CP/4) wherein it is clearly observed that in terms of order dated 18.10.2005 delivered by the Tribunal, Jabalpur Bench circuit camp Indore, joint representation and copy of options submitted by Shri Omprakash Meena and others addressed to FA & CAO, Western Railway, Churchgate, Mumbai received has been forwarded to the GM, Western Railway, Mumbai for consideration and the order passed by the General Manager, Western Railway, Mumbai is reproduced in verbatim as under:

"All the eight Accounts Assistants are working under SR.DFM at Ratlam, which is non-affected division, as far as the formation of the New Zone is concerned. The seniority of these eight persons is maintained at the divisional level. They had submitted their options in the month of August 2002, requesting their transfer for Jaipur, in the newly created North Western Railway Zone. Their names have been correctly noted down in the register at priority no.three, as per Railway Board's instruction dated 6.12.1996".

4. In view of the aforesaid decision taken by the competent authority we are of the confirmed view that the order of this Tribunal has been fully complied with and the petitioner has failed to show any wilful or deliberate defiance of the order of this Tribunal. Accordingly, the contempt petition is dismissed. However, it will be open to the applicant to file a fresh OA, if he still feels aggrieved.

(A.K.Gaur)
Judicial Member

(Dr.G.C.Srivastava)
Vice Chairman

पुनर्विचार से ओ/का. निलंबित, दि. 10/06/2017

पुनर्विचार अर्ज खिल : -

(1) सचिव, उच्च न्यायालय वार एसीआरएन, जलपुर

(2) आदेशक श्री/श्रीमती/वृ. के काउंसिल

(3) प्रबन्धी श्री/श्रीमती/वृ. के काउंसिल

(4) जयपाल, के.प.अ., जलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव

Shri Govt Indore