

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH  
CIRCUIT COURT SITTING AT INDORE

Misc. Application No. 8/05  
(In CCP No. 102 of 2004 in  
O.A. No. 844 of 2003)

ORDER OF THE TRIBUNAL

Jabalpur, this the 17<sup>th</sup> day of January, 2005  
By Madan Mohan, Judicial Member -

Shri H.B. Shrivastava and Shri K.P. Singh for the respondents/contemners. MA No. 8/2005 for pre-ponement of the date of hearing has been filed by the respondents/contemners.

2. As this CCP was directed to be listed on 18.1.2005, we have taken up MA No. 8/2005 on 6.1.2005 and have heard the learned counsel for the respondents/contemners. The respondents contemners had notified 308 vacancies of Group-D employees vide notification dated 17.5.2002. The applicant who had earlier worked with the respondents as casual labourer had also applied for the said vacancies. The respondents published the selected list of 308 candidates vide notification dated 23.1.2003. When the applicant was not selected he had made a representation on 3.5.2003 to the respondents. As the said representation was not decided, the applicant filed OA No. 844/2003, which was disposed of by the Tribunal on 16.12.2003 by directing the respondents to decide the said representation within a period of one month. As the respondents had not decided the representation of the applicant, the applicant again made representations on 6.2.2004 and 25.5.2004. When the respondents had not complied with the direction of the Tribunal, the applicant has filed the present CCP No. 102/2004. The Tribunal vide order dated 4.11.2004 issued notices to respondent/contemner No. 1 Shri Deepak Kumar Gupta, General Manager, West Central Railway, Jabalpur and respondent/Contemner No. 2 Shri Bhuvnesh Prasad Khare, DRM, West Central, Jabalpur to show cause as to why contempt proceedings should not be initiated against them for wilful disobedience of the aforesaid order of the Tribunal.

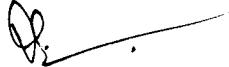
However, their personal appearance was dispensed with at this time.

3. Thereafter one Mr. Anurag Tripathi, Divisional Personal Officer, West Central Railway, Jabalpur filed a reply. When the case was listed on 17.12.2004, the Tribunal observed that as the contemners have not filed their reply they should remain present in the court on 18.1.2005, to explain the circumstances as to why they have not filed the reply and somebody else on their behalf has filed the reply. Now the respondent/contemner No. 1 has filed the return. In the reply the contemner No. 1 has simply stated that as he was General Manager "he was in no way directly involved in the process of implementation of the order of the Tribunal as the representation was addressed to the DRM". Therefore, he may be exempted from personal appearance before the Tribunal on 18.1.2005.

4. We find that the Tribunal in the order dated 16.12.2003 in OA No. 844/2003 has clearly directed the "respondents" to consider and dispose of the representation dated 3.5.2003 by passing a speaking order. The Tribunal has not specifically directed the DRM to dispose of the representation. The General respondent Manager/contemner No. 1 was one of the respondents i.e. respondent No. 2 in the aforesaid OA. Therefore, the respondent No. 1 cannot now at this stage say that he was in no way concerned with the implementation of the direction of the Tribunal. Further it is very surprising to note that in the reply filed on behalf of contemner No. 1, not a single sentence has been stated regarding compliance/non-compliance or delay in compliance of the order of the Tribunal. The reply filed by the DPO in this CCP has no relevance as he was not required to file the reply in the CCP. The DRM, Bhuvnesh Prasad Khare has also not yet filed his reply explaining the delay for implementation of the order of the Tribunal.

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5. As no affidavit or application has yet been filed either on behalf of respondent/contemner No.1 or respondent No. 2, explaining the delay for implementation of the order of the Tribunal and also no separate application for exemption of appearance has been filed by them, the request made by their Advocate vide application dated 6.1.2005 for exemption of the appearance of the respondent No. 1 is rejected. The case be listed on 18.1.2005 as directed earlier.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

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