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10-5-2011

CP No 32/2010 in
DA 251/2010

Dr. Sangath Roy, counsel for applicant.

Ms. Shabina proxy counsel for

Mr. V.S. Gungar ld. counsel for respondent.

Heard ld. counsel for parties,

the CP stands dismissed by a separate
order.

Anil Kumar
(Anil Kumar)
Member (A)

K. S. Rathore
(Justice K.S. Rathore)
Member (J)

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Central Administrative Tribunal
Jaipur Bench, JAIPUR

CP No. 37/2010
In
OA No. 251/2010

This the 10th day of May, 2011

Hon'ble Shri Justice K.S. Rathore, Member (Judicial)
Hon'ble Shri Anil Kumar, Member (Administrative)

1. Bhagwan Sahay Son of Shri Bhanwar Lal age about 48 years, Resident of District Mahendragarh, Haryana, Presently posted at SE(PWAY) Attelary as Gangman under N.W.R. Jaipur.
2. Gopal Song of Shri Nanak Ram aged about 45 years, Resident of Gram Chosla, Shivadaspora, Panchayat – Kathawala, Tehsil Chaksu, District –Jaipur. Presently posted as Gateman at Gate No. 72 in between Sanganer- Shivdaspora, N.W.R. Jaipur.

.....Applicant/ Petitioner.

(By Advocate: Dr. Saugath Roy)

- V E R S U S -

1. Mr. G.C./Budhalakoti, Divisional Railway Manager, North Western Railway, Jaipur, Division, Jaipur.

.....Respondent

(By Advocate: Ms. Shabina proxy for Mr. V.S.Gurjar)

ORDER (ORAL)

Heard the rival submissions of the respective parties and perused the order dated 17.5.2010(Annexure A-1), passed by this Tribunal, whereby the Tribunal has ordered that the respondents are restrained to effect recovery in respect of applicant No. 1 & 2 for the amount of hostel subsidy disbursed to these applicants in the year 2008 till the next date. Thereafter the matter was ordered to be listed on 28.5.2010.



2. Upon perusal of reply to the Contempt Petition, whereby the respondents have submitted that he has not deliberately or willfully disobeyed the order passed by this Tribunal on 17.5.2010. It has further been submitted that as soon as the matter came to the knowledge of the respondent/ contemnor, the concerned was called upon to explain the circumstances which led to such a situation and having not received satisfactory reply, the concerned clerk has been served with a charge-sheet initiating disciplinary proceedings under the provisions of Railway Servant (Disciplinary and Appeal) Rules 1968.

3. In view of the above, we find that it appears that respondent has not deliberately or willfully disobeyed the order passed by this Tribunal and the concerned clerk, who committed the mistake has been served with a charge sheet with regard to payment of recovery for the month of June, July and August 2010 for which the recovery was made effected itself which shall be subject matter of the final outcome of OA 251/2011.

4. Accordingly, the present CP stands dismissed and the notice issued to the respondent is hereby discharged.

Anil Kumar

(Anil Kumar)
Member (Administrative)

K.S. Rathore

(Justice K.S.Rathore)
Member (Judicial)

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