

(RESERVED)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 1st day of November, 2018.

**CONTEMPT PETITION NO. 330/00162 OF 2018
IN
ORIGINAL APPLICATION NO. 823 OF 2001**

**HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. MOHD. JAMSHED, MEMBER (J)**

1. Gopal Prasad
2. Pradeep Kumar

Both sons of Late Surendra Shaw,(Retired Shguntman) Mughal Sarai Division, East Central Railway, R/o 362, Lot No.2, Hanumanpur Mughalsarai, District Chandauli.

.....Applicants.

VERSUS

Shri Pankaj Saxena, Divisional Rail Manager, Mughalsarai Division East Central Railway.

.....Respondent

Advocates for the Applicants : Shri J.P Gupta
Advocate for the Respondents :

ORDER

BY HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)

1. We have heard Shri J.P Gupta, learned counsel for the applicant on the point of maintainability of this Contempt Petition.
2. It is submitted in the Contempt Petition that father of applicants (Gopal Prasad & Pradeep Kumar) filed O.A No. 823 of 2001 before this Tribunal challenging the order dated 14.2.1997 on the ground that the salary paid to him for the work performed by him on the basis of interim order passed by the Tribunal in OA No. 78 of 1991 dated 31.01.1991 cannot be recovered on the dismissal of the said OA on merit on 25.11.1994. By order dated 28.07.2004, the O.A No. 823 of 2001 was allowed by this Tribunal.

3. The sole question involved in this Contempt Petition is that sons of deceased employee, whose favour order dated 25.11.1994 was passed.
4. In our view, sons of deceased employee can also file contempt petition claiming the benefits of order, which was passed in respect of their father.
5. Issue notice to the respondent to show cause as to why contempt proceeding should not be initiated against him. Compliance affidavit may be filed within 4 weeks.
6. List on 10.12.2018.

(Mohd. Jamshed)
Member (A)

(Rakesh Sagar Jain)
Member (J)

Manish/-