

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-658/2015 in
OA-2699/2013
MA-3324/2015**

Reserved on : 06.01.2016.

Pronounced on : 07.01.2016.

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Sh. N.K. Agarwal,
S/o late Shri R.P. Agarwal,
Ex. Senior Section Engineer (DSI)
Northern Railway Diesel Shed Tughlakabad,
R/o FA-218 Lajpat Nagar Sahibabad,
Ghaziabad (UP).

..... Petitioner

(through Mrs. Meenu Mainee, Advocate)

Versus

Sh. Sunil Kumar Agarwal,
Additional General Manager,
Northern Railway,
Baroda House,
New Delhi.

..... Respondent

(through Sh. Satpal Singh, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Contempt Petition has been filed for alleged disobedience of our order dated 26.05.2015, the operative part of which reads as follows:-

"3. In our considered view, when a statutory provision is provided under the rules, the applicant should have availed of the same. The submissions made by the applicant before us should have been made before the Appellate Authority first. We, therefore, dismiss this OA by giving liberty to the applicant to make appeal to the appellate authority taking all the grounds mentioned in the OA as well as any other ground he would like to take in the matter. The authority concerned shall dispose of the same by a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order under intimation to him.

4. With the aforesaid directions, OA is disposed. There shall be no order as to costs."

2. Respondents have filed their reply along with which they have annexed a copy of the order dated 30.10.2015 passed by them by which appeal of the applicant in disciplinary proceedings has been disposed of.

3. We have heard both sides and have perused the material on record. Learned counsel for the alleged contemnor argued that with the passing of the order dated 30.10.2015, the respondents have fully complied with the order of the Tribunal. Learned counsel for the petitioner, however, submitted that retiral dues of the applicant for which the OA itself was filed have still not been paid.

4. However, as is obvious from the operative part of our order quoted above, only direction given was that the applicant may make an appeal to the Appellate Authority and the authority concerned shall dispose of the same by passing a reasoned and speaking order. Since the appeal has now been disposed of, we are of the opinion that our order has been complied with. Hence, no contempt subsists in this case and the Contempt Petition is accordingly closed. Notice issued to the alleged contemnor is discharged. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/