

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

C.P. No.674/2017 in  
O.A. No.1031/2017

New Delhi this the 23<sup>rd</sup> day of March, 2018

**Hon'ble Mr. Raj Vir Sharma, Member (J)**  
**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Rajesh Kumar Rawat (Aged about 24 years)  
S/o Shri Parshuram  
R/o Ruknapur, Post Payagpur,  
Jila Bahraich, Ruknapur, Payagpur,  
Shrawasti (UP) Pin-271871

-Petitioner

(By Advocate: Shri P.K. Ghosh)

**Versus**

1. Shri R.K. Verma  
Secretary  
Railway Board, Rail Bhawan  
New Delhi
2. Shri R.K. Kulsrestha  
General Manager  
Northern Railway  
Baroda House, New Delhi
3. Shri Avinash Kumar  
Dy. Chief Engineer  
(Bridge Design),  
Northern Railway  
Baroda House, New Delhi
4. Shri A.K. Kamra  
Senior Divisional Engineer (V)  
Northern Railway, State Entry Road,  
New Delhi.

-Respondents.

(By Advocate: Shri R.N. Singh)

**O R D E R (Oral)****Mr. K.N. Shrivastava, Member (A):**

The contempt petitioner had filed OA No.1031/2017, which was disposed of on 28.03.2017 at the admission stage itself with the following directions:-

“2. In view of the limited prayer made by the applicant, we dispose of this OA at the admission stage itself, without going into the merits of the case and without issuing notice to the respondents, with a direction to them to decide the pending appeal of the applicant within a period of three months from the date of receipt of a certified copy of this order. No costs.”

2. He has filed this Contempt Petition alleging non-compliance of the ibid order dated 28.03.2017. The respondents have filed reply, in Para-8 of which, they have averred as under:-

“8. That on receipt of the aforesaid order/judgment of this Hon’ble Tribunal, the matter was examined, however, no appeal dated 28.04.2015 was found in the case file for disposal and therefore, the petitioner herein has been requested vide Registered Dak letter No. DOB/Court Case/2013 dated 30.10.2017 to submit a copy of the appeal along with documentary evidence of submission of this copy at the earliest so that further necessary action may be taken accordingly. But reply of petitioner herein is still awaited”.

3. When the case was taken up for consideration to that, Shri R.N. Singh learned counsel for the respondents vehemently argued that the petitioner has failed to produce any evidence to prove that he has indeed filed the appeal. He also stated that from the records of the respondents, it is absolutely clear that no such appeal was filed by the applicant (petitioner in CP).

4. On the issue raised by the respondents in Para (8) of their reply and argued by Shri R.N. Singh, learned counsel for the petitioner failed to submit any documentary proof to the effect that appeal was indeed filed by the petitioner. It is, thus, clear that the petitioner has not filed any appeal and has secured order dated 28.03.2017 in OA No.1031/2017 by way of misrepresentation.

5. In the normal course, we would have taken coercive action against the petitioner for such an act but showing leniency, we refrain from doing so, but at the same time, warn the petitioner to be more careful in future. If he indulges into such misrepresentation in future, action will be taken by the Tribunal to punish him severely.

6. In view of the above, CP is closed. Notices are discharged. No costs.

**(K.N. Shrivastava)**  
**Member (A)**

**(Raj Vir Sharma)**  
**Member (J)**

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