

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

**CP-332/2017 in
OA-1157/2015**

New Delhi this the 08th day of November, 2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

1. Rajiv Gupta S/o Sh. S.Gupta, Division Cashier;
2. Suresh Sahu, Divisional Cashier;
3. R.P. Savita, Divisional Cashier;
4. Ashok Kumar, Incharge Office Cash;
5. K.K. Joshi, Incharge Office Cash;
6. Arjun Singh, Incharge Office Cash;
7. A.K. Deepak, Incharge Office Cash;
8. U.S. Mishra, Incharge Office Cash;
9. A.K. Verma, Incharge Office Cash;
10. S.K. Sahu, Senior Cashier;
11. Kaisher Hussain, Senior Cashier;
12. Tanmai Singh, Senior Cashier;
13. A.K. Nagich, Senior Cashier;
14. Manish Bajpai, Senior Cashier;
15. Pradeep Jain, Senior Cashier;
16. Sanjive Tripathi, Senior Cashier;
17. Ajai Arora, Senior Cashier;
18. Sanjive Agriya, Senior Cashier;
19. Wazid Kahn Mansoori, Senior Cashier &
21. S.K.Jatav, Incharge Office Cash;

[All the Petitioners are posted /retired in the Office of DRM, Northern Central
Railway, Jhansi] ... Petitioners

(through Sh. P.S. Khare)

Versus

1. Mr. A.K. Mittal
Chairman, Railway Board
Government of India,
Ministry of Railway, New Delhi-110001;
 2. Neera Khuntia
Executive Director Establishment (General)
Railway Board, Government of India
Ministry of Railway, New Delhi-110001;
 3. Mr. M.C. Chauhan
General Manager,
Northern Central Railway,
Subedarganj, Allahabad
 4. Mr. J.C. Pandey,
Finance Advisor and Chief Accounts Officers,
Northern Central Railway,
Subedar Ganj, Allahabad.
 5. Mr. V.K. Tiwari
Senior Divisional Finance Manager,
Northern Central Railway, DRM's Office,
Jhansi
- ...Respondent-Contemnors
- (through Sh. V.S.R. Krishna along with Sh. Shailendra Tiwary)

ORDER (ORAL)

Mrs. Jasmine Ahmed, Member (J)

Learned counsel for the respondents has handed over a copy of the judgment passed by Hon'ble High Court of Delhi in Writ Petition (C) No. 525/2017 dated 03.02.2017 in the case of Union of India & Ors. vs. U.S. Meena & Ors. staying the order of this Tribunal dated 07.09.2016. Learned counsel for the respondents states that the OA No. 1157/2015 titled Rajiv Gupta and Ors. vs. Union of India and Ors. and OA No. 1802/2014 titled U.S. Meena and Ors. was clubbed together and a common judgment was passed by this Tribunal dated 02.06.2016 disposing both the OAs by passing a common judgment. The counsel for the respondents states that in OA No. 1802/2014, review petition was filed by the respondents which was dismissed vide order dated 07.07.2016

meaning thereby that the order of the Tribunal passed in the common judgment was retained. Accordingly, learned counsel for the respondents states that a Writ Petition was filed before Hon'ble High Court challenging the order of the review and the Hon'ble High Court has stayed the order passed in review petition vide its order dated 03.02.2017. Accordingly, the CP cannot be proceeded further.

2. Learned counsel for the applicant vehemently objected the contention of the respondents and states that in the main OA No. 1157/2015, no Writ Petition was filed. Hence, the stay is not applicable in this contempt in hand and the CP cannot be closed.

3. Heard the rival contentions of the parties and perused the order passed by the Hon'ble High Court dated 03.02.2017. As the order was a common order in both the OA No. 1157/2015 and OA No. 1802/2014, hence when the review of OA No. 1802/2014 has been dismissed meaning thereby the order of the Tribunal has been retained by this Tribunal in the review and the Hon'ble High Court has stayed the order in the review. Accordingly, the argument of the applicant is not tenable or acceptable.

4. Hence, this CP is closed with liberty to revive it again subject to final outcome of the Writ Petition (C) No. 525/2017 pending before the Hon'ble High Court.

The documents handed over by the counsel for the respondents are taken on record.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

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