

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING:- GWALIOR

Civil Contempt Petition No.202/00021/2017
(in OA 202/00782/2013)

Gwalior, this Thursday, the 11th day of January, 2018

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Sharad Kumar, aged 64 years, S/o Shri Nand Ram,
Occupation:Retired Employee,
R/o Near A Quarter, Railway Station Guna (M.P.),
Pin-473331, Mob. 9926218928

-Petitioner

**(By Advocate –Shri Ram Milan Singh proxy counsel of
Shri M.P.S. Raghuvanshi)**

Versus

Shri Seema Kumar, Divisional Railway Manager,
West Central Railways, Kota, Rajasthan-324001 - Respondent

(By Advocate –Shri Raja Sharma)

ORDER (ORAL)

By Ramesh Singh Thakur, JM

This contempt petition has been filed by the petitioner under Article 12 of the Contempt of Court Act read with section 17 of the Administrative Tribunals Act 1985 for non compliance of the order dated 18.11.2015 passed in O.A. No. 782/2013 by this Tribunal.

2. It is submitted by the petitioner that for non-compliance of the order dated 18.11.2015 the petitioner had submitted the

representation to the respondents on 28.03.2017, a copy of which is annexed as Annexure A-2.

3. It is further submitted by the petitioner that the order of this Tribunal has not been complied with by the respondents and there is willful disobedience of the order of this Tribunal in which the respondents are liable to be punished for non compliance of the order.

4. On 12.10.2017 this Tribunal has passed the order which is as under:-

“None for the respondent/contemnor.

The Case was passed over two times, but learned counsel for the respondent/contemnor did not make any appearance and there is no information available to the Court.

On 09.10.2017, the learned counsel for the respondent/contemnor had submitted that the orders of this Tribunal in O.A. 782/12013 has already been complied with and he would be filing compliance report in this regard during the course of the day. This was allowed and the matter was ordered to be listed today. However, it is seen that no reply/compliance report has been filed in the Registry till date.

In view of it, personal appearance of respondent/contemnor is called for on the next date of hearing.”

5. The counsel for the respondents had moved Misc. Application No. 202/767/2017 which is listed alongwith this Contempt Petition. The said application is moved with the prayer that the application may be allowed and the order dated 12.10.2017 may kindly be recalled to the extent of personal appearance of the

contemnor/DRM, West Central Railway, Kota, Rajasthan in the interest of justice.

6. In the said application it has been specifically mentioned by the counsel for the respondents that the order dated 18.11.2015 has been complied with and on 09.10.2017 when the matter was taken up for hearing, the counsel for the applicant was not present, although the compliance report was ready, but the same could not be filed due to non-availability of the counsel for the applicant. So the compliance report could not be filed and the matter was listed on 12.10.2017. Further, it has been submitted that on 11.10.2017 the counsel for the respondents has to leave the city, due to the fact that FIR at Crime No. 797/2017 was registered against him for abducting his son under section 363 of IPC. Therefore, on 12.10.2017 the counsel for the respondents could not appear in the court and was not in position to inform anybody to appear on behalf of respondents.

7. In view of this we are convinced that the explanation given by the counsel for the respondents is plausible and unavoidable and need consideration and after due consideration, we allowed MA 202/00767/2017 and recall the order dated 12.10.2017 to the extent of personal appearance of the contemnor/DRM, West Central Railway, Kota, Rajasthan in the interest of justice.

8. The respondents had filed compliance report and in Para 6 it has been mentioned that the letter Annexure A-2 has been sent to the office of the answering respondents on 28.03.2017 and prior to that the answering respondents take care of the issue involved and to comply with the order of the Tribunal dated 28.01.2016 and thereafter after completing all the formalities PPO was issued on 14.03.2017 and as such there is no such inordinate delay and intentional delay in compliance of the order of this Tribunal, a copy of which is annexed as Annexure R-1.

9. It is pertinent to mention that as per our order dated 18.11.2015 the direction was issued to the applicant to file his option form for revision of his PPO under 6th Pay Commission within a period of three weeks and on such option form being filed, the competent authority of the respondents shall consider the matter and issue a revised PPO within a period of four months from the date of submission of the applicant's option form.

10. The petitioner submitted all the relevant documents on 28.03.2017 (Annexure A-2). Prior to this the answering respondents has also issued a letter to the petitioner and has called for the option as per our order darter 18.11.2015, which is a letter dated 28.01.2016 annexed with Annexure A-2.

11. In view of the above, we are of the considered view that the respondents had complied with our order dated 18.11.2015 in letter & spirit. We find no merit in the Contempt Petition and hence the same is dismissed. The respondents are discharged from their duties of contempt. No order as to costs.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member