

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Civil Contempt Petition No.200/00075/2017
(in OA No.200/00209/2017)

Jabalpur, this Thursday, the 05th day of April, 2018

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

Kamla Bai,
Wd/o Chudaman Gaikwad,
D/o Amar Singh,
Aged about 46 years,
R/o Bhatta Kholi,
Opposite Kheda Pati,
Hanuman Mandir
Ganesh Ganj Road,
Khandwa (M.P.) PIN 450001

-Petitioner

(By Advocate –**Shri Naveen Kumar Agrawal**)

V e r s u s

Shri R.K. Yadav,
Divisional Railway Manager (P)
(Settlement and Pension Section)
Bhuswal Division,
Central Railway
Bhusawal (M.H) PIN 42501

- Respondent/contemnor

(By Advocate –**Shri Arun Soni**)

O R D E R

By Ramesh Singh Thakur, JM:-

This Contempt Petition has been filed under Section 17 of the Administrative Tribunal Act, 1985, read with section 12 of the contempt of Tribunal Act for non compliance and willful

disobedience of the order dated 25.07.2017 passed by this Tribunal in Original Application No.200/00209/2017.

2. Learned counsel for the petitioner submitted that the petitioner has submitted copy of the said order passed by the Tribunal along with complete memo of Original Application, Annexures/documents before the respondent No.2 with a request to comply with the order passed by this Tribunal on 16.08.2017 (Annexure C/2). It has been further submitted by the petitioner that more than two months have been elapsed the respondents have not taken steps to comply with the order of this Tribunal. Therefore the respondent/contemnor is liable to be held guilty of willful disobedience and non-compliance of the order of this Tribunal.

3. The respondent/contemnors in their reply has stated that in the instant petition Shri R.K. Yadav, Divisional Railway Manager, Bhusawal, wrongly mentioned as Divisional Railway Manager (P) (Settlement and Pension Section), Bhusawal Division Central Railway, has been made official respondent/contemnor. Though he was not a party respondent in Original Application No.200/209/2017. In Railway Administration the Divisional Railway Manager (P) (Settlement and Pension Section), Bhusawal Division, Central Railway and the Divisional Railway Manager, Bhusawal are two difference distinguishing posts of different

grades, official capacities and are having different pay scales and responsibilities. Hence this petition is liable to be dismissed on the ground of mis-joinder/non-joinder of necessary parties alone. He further submits that in compliance of the order of this Tribunal, the competent authority which is below the rank of DRM has already passed the speaking order dated 21.02.2018 (Annexure R/1) and therefore, DRM Bhusawal has no role to play in said case. It has been further submitted that the petitioner has submitted the representation dated 15.08.2018 in the office on 16.08.2017 and has not submitted all relevant documents regarding her claim of family pension, as directed by the Tribunal vide its order dated 25.07.2017. After receiving the instruction from the office, the applicant has submitted subsequent representation dated 11.10.2017 with original death certificates of 1. Shri Chudaman Lala Gaikwad 2. Smt. Meerabai Amarsingh 3. Shri Amarsingh Fulsingh. The S & WI has personally visited applicant's house three times and requested her to submit the requisite documents however, in response the petitioner has submitted affidavits dated 14.12.2017 and 20.12.2017 in the office with NOC of only one brother Shri Ramesh Amarsingh Pawar. The delay caused in passing the speaking order by the respondents was on account of the non submission of requisite documents by the petitioner. The

respondent/contemnors have already passed the speaking order dated 21.02.2018 and sent it to applicant through Register Post but same has been returned by Postman stating that the applicant is not presently residing on the address (Annexure R/2).

4. We have heard the learned counsel for the both the parties and perused the documents placed on record.

5. On perusal of Annexure C-1, it is clear that this Tribunal has passed order dated 25.07.2017 with the following direction:-

“4. Hence, the applicant is directed to file a fresh application for redressal of her grievances within a period of two weeks from today and in case she moves application/ representation along with relevant documents and the certified copy of this order before the competent authority, the competent authority will dispose of the matter by passing a reasoned and speaking order under intimation to the applicant within a period of two months from the date of communication of the said application/ representation.

5. With these observations, this Original Application is disposed of.”

6. It is clear from Annexure C-1 that the petitioner was directed to file a fresh application for redressal of her grievances within a period of two weeks from today i.e. 25.07.2017 and in case she moves application/ representation along with relevant documents and the certified copy of this order before the competent authority, the competent authority will dispose of the matter by passing a reasoned and speaking order under intimation to the applicant within a period of two months from the date of

communication of the said application/ representation. It is clear that the applicant had made representation on 16.08.2017. Admittedly this representation has been filed by the applicant beyond the time allowed by the Tribunal i.e. within two months from today i.e. 25.07.2017. From the reply of the replying respondents it is clear that the respondents have received the representation of the applicant on 16.08.2017 and the applicant has not submitted all relevant documents regarding her claim of family pension. The S & WI has personally visited applicant's house three times and requested her to submit the requisite documents, however, in response the petitioner has submitted affidavits dated 14.12.2017 and 20.12.2017 in the office with NOC of only one brother Shri Ramesh Amarsingh Pawar. So the respondents after receiving all these documents have passed the speaking order dated 21.02.2018 (Annexure R-1) and sent it to the petitioner through Registered post but the same has been returned by post man (Annexure R-2).

7. So, the replying respondents has complied the order of this Tribunal and there is no willful disobedience on the part of the respondents/contemnors. Rather the petitioner/applicant has not moved an application/representation as per the order of this Tribunal, which was to be made within a period of two months. So

the respondents/contemnors cannot be held liable for the non compliance of order passed by this Tribunal.

8. Resultantly, this Contempt Petition is dismissed being devoid of any merits. Notices issued to the respondents are discharged.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc