

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING:BILASPUR

Civil Contempt Petition No.203/00033/2018
(in OA No.203/00143/2016)

Bilaspur, this Thursday, the 12th day of July, 2018

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

Bhaskar Guha, aged about 39 years, S/o Late A.B.Guha
Presently working as CLA/SECR/BSP,
R/o Near Bony Agency Devri Khurd, Bilaspur,
Chhattisgarh-495004 Mobile No.9752440523

-Petitioner

(By Advocate –**Shri A.V. Shridhar**)

V e r s u s

1. Ranjanesh Sahai, Secretary,
Ministry of Railways, Rail Bhawan, New Delhi-110001

2. S.S. Soin, General Manager, South East Central Railway,
Bilaspur Chhattisgarh-495004

3. P.C. Nayak,
Chief Personnel Officer, South East Central Railway,
Bilaspur Chhattisgarh-495004

4. Ashok Kumar Senior Personnel Officer (GAZ),
South East Central Railway,
Bilaspur Chhattisgarh-495004 - **Respondents**

ORDER (Oral)

By Ramesh Singh Thakur, JM:-

This Contempt Petition has been filed by the petitioner under Section 17 of the Administrative Tribunal Act 1985 read with Central Administrative Tribunal (Contempt of Court Rules) 1992 for non-compliance of order dated 24.08.2017 passed in Original Application No.203/00143/2016.

2. The Original Application No.203/143/2016 was allowed vide order dated 24.08.2017 passed by this Tribunal. The operative portion is as under:-

“5. In the circumstances and for the aforesaid reasons, the O.A is allowed and the action of the respondents to the extent of providing reservation in respect of one vacancy under the impugned Annexure A-1 notification dated 9.9.2015 is declared illegal and unsustainable in view of the law as laid down by the Hon’ble Apex Court. However, the respondents are at liberty to proceed with the Annexure A-1 notification dated 9.9.2015 without the element of rule of reservation or by issuing a fresh notification, in accordance with law. Other issues, if any, raised in the OA are kept open. No costs.”

3. It has been submitted by the petitioner that he had filed Contempt Petition No.203/00001/2018 before this Tribunal whereby the respondents/contemnors submitted that the order dated 24.08.2017 has been complied by issuing a fresh notification dated 15.03.2018 and the written examination were to be conducted on 27.05.2018. However, vide order dated 24.05.2018 without assigning any reasons the respondents postponed the written examination vide order dated 24.05.2018.

4. It is pertinent to mention that as per order dated 24.08.2017 this Tribunal has declared that the action of the respondents to the extent of providing reservation in respect of one vacancy under the impugned Annexure A-1 notification dated 9.9.2015 is declared illegal and unsustainable in view of the law as laid down by the

Hon'ble Apex Court. It is also clearly held that the respondents are at liberty to proceed with the Annexure A-1 notification dated 9.9.2015 without the element of rule of reservation or by issuing a fresh notification, in accordance with law. Meaning thereby liberty has been granted to the respondents to proceed as per notification or to issue a fresh notification. As per order dated 24.05.2018, the respondent-department has simply postpone the process for examination. So it is clear that the respondent-department has not taken any action contrary to our order dated 24.08.2017. Moreover, liberty has been granted to the respondents in case of two instances i.e. to proceed in accordance with notification dated 09.09.2015 (Annexure A-1) without the element of rule of reservation in respect of one vacancy or by issuing a fresh notification.

5. We are of the considered view that there is no willful or intentional disobedience of our order. Thus, Contempt Petition is dismissed being devoid of any merit.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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