

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

C.P.No.260/52/2019

Date of Reserve: 25.04.2019

Date of Order:14.05.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Sri Bikram Bag, aged about 48 years, S/o. Late Kantha Bag, Technician Grade-I/Elect/Kantabanjhi under Senior Section Engineer/Electrical/Kantabanji/East Coast Railways/Sambalpur Division, being a Psychiatric disorder represented through his son Binod Kumar Bag, aged about 28 years, permanent resident of Village-Rengali, PO-Chaulsukha, PS-kantabanji, Dist-Bolangir, Odisha, PIN-767 039.

...Applicant

By the Advocate (s)- In Person

-VERSUS-

1. Umesh Singh, G.M.East Coast Railway, Rail Bhawan, Chandrasekharpur, Bhubaneswar-751 017.
2. Babaji Charan Sahu, Chief Medical Superintendent, East Coast Railway, Sambalpur, pin-768 002.
3. Abhindra Roy, Disciplinary Authority, East Coast Railway, Sambalpur Divisional Elect. Engineer, Sambalpur-768 0092.
4. R.N.A.Parida, D.P.O., East Coast Railway, Sambalpur, PIN-768 002.
5. Devraj panda, D.R.M., East Coast Railways, Sambalpur-768 002.

...Contemnors

By the Advocate(s)-Mr.T.Rath

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Heard the applicant appearing in person and Mr.T.Rath, learned Standing Counsel for the alleged contemnors.

2. This Contempt Petition has been filed alleging non-compliance of the orders of this Tribunal dated 21.09.2017 in O.A.No.260/108/2017. For the sake of clarity, the operative part of the order dated 21.09.2017 is extracted hereunder.

- "6. A perusal of the records shows that Shri Bikram Bag has undergone psychiatric treatment at various hospitals. However, it is beyond the power of this Tribunal to declare him as medical fit or otherwise. Therefore, we are of the view that in the interest of expeditious justice, no further delay should be caused and at this stage, the railway authorities should constitute a medical Board as per rules to examine the railway employee, Shri Bikram Bag and assess his medical fitness or otherwise and take an appropriate decision whether he should be declared medically fit or unfit to continue in service. Respondent No.1 is therefore, directed to constitute a Medical Board within a period of four weeks from the date of receipt of this order, with due intimation to the applicant so that she can arrange for Shri Bikram Bag, railway employee to appear before the Medical Board for his medical assessment. The Respondent No.1 is further directed to pass appropriate orders within a period of two weeks from the date of receipt of the report from the Medical Board".

The O.A. is disposed of as above. The M.A.No.488/2017 also stands disposed of. No costs".

3. In obedience to the above order of this Tribunal, the respondent-railways issued a letter dated 11.10.2017 (A/2) to the applicant with an advice to attend at Divisional Railway Hospital, Sambalpur immediately for hospitalization on or before 13.10.2017 for further processing at their end. While the matter stood thus, vide letter dated 12.10.2017 (A/3) sent to the applicant, it was intimated that the Medical Board fixed to be held on 16.10.2017 at Divisional Railway Hospital, Sambalpur stood postponed till further orders.

4. Hence, this C.P.

5. On 09.04.2019 this C.P. had been listed for consideration. Mr.T.Rath, learned Standing Counsel appearing on behalf of the alleged contemnors submitted that the order dated 21.09.2017 for violation of which this C.P. has been filed is no longer in force inasmuch as the same having been reviewed, this Tribunal has set aside the said order and therefore, there exists no

contempt as such. On the other hand, the applicant appearing in person submitted that he has not received copy of the subsequent orders which is stated to have been passed in the Review Application. In the above, background, Registry was directed to send a copy of order dated 08.03.2018 passed by this Tribunal in the Review Application reviewing the order 21.09.2017. On 25.04.2010 this matter was again listed for consideration and after hearing the parties, CP was been reserved for orders.

6. This Tribunal had called for the records of R.A.No. 4 of 2017 disposed of on 08.03.2018. It reveals from the order that the railways had filed the said R.A. in O.A.No.108 of 2017 praying for a review/recall of the order dated 21.9.2017 passed by this Tribunal. In consideration of the R.A., this Tribunal vide order dated 08.03.2018 disposed of the same in the following terms:

"5. We, therefore allow the R.A. and recall the order dated 21.9.2017 passed in O.A.No.108/2017. Registry is directed to put up O.A.No.108/2017 before the Bench for hearing on admission on 26.03.2018".

7. From the above, there is no iota of doubt that order dated 21.09.2017 in O.A.No.108/2017 for non-compliance of which this CP has been filed is no longer in force and therefore, the present CP being a misconceived one is dismissed.

8. Free copy of this order be handed over to the parties during the course of the day.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

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