

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT PETITION NO.170/00030/2019

IN

ORIGINAL APPLICATION No.170/00843 /2016

DATED THIS THE 13th DAY OF AUGUST 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV. SANKAR, MEMBER (A)

Sri.R.P.Meena,
S/o S.L.Meena,
Aged about 51 years,
Working as Deputy Chief Safety Officer (Traffic),
North Western Railway,
Head Quarters Office,
Jawahar Circle, Jagatpura,
Jaipur, Rajasthan.Petitioner

(By M/S SubbaRao & Co..... Advocate)
Vs.

1. Shri SK.Mishra,
Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan, Raisina Road
New Delhi-110 001.Respondent

(By Shri.N.Amaresh, Senior Panel Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The matter is in a very small compass. The Hon'ble High Court of Rajasthan, Jaipur Bench, Jaipur in DB

Civil W.P No.597/2012 order dated 12.7.2017 has passed an Order in which paragraph 5 we quote:-

“5. Looking to the fact that applicant was having a long career and penalty of reduction of two stages in time scale for a period of two years with future effect (i.e., which will have the effect of postponing his further increments of pay) was imposed, therefore, looking to the overall circumstances ends of justice will be served by reducing the penalty from two increments to one increment with future effect.”

2. Therefore, the original punishment having 2 elements to it, one is the 2 increments and the 2nd one is 2 years for which punishment has to run. Out of which the High Court has interferred with the punishment of 2 increments and made it into only one increment. The other element of the issue regarding the time the High Court has left as it is. Therefore, the punishment having commenced in 2007, in 2009 the applicant is not eligible. The respondents say in 2010 there was no DPC. That is not the fault of the applicant. Therefore, the applicant having been given a promotion in 2011 would be eligible to have the same promotion in 2010 also. To that extent it requires modification. We remit back the matter to the respondents to do the needful within 2 months next. There is no need for personal appearance or anything. We pass a mandate in it. Let the Railway consider it and pass appropriate orders within 2 months next, but with liberty.

3. Contempt Petition is disposed off. Notices are discharged.

No order as to costs.

(CV. SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicant in CP No.30/2019

Annexure A1 : Copy of circular dated 21.4.2008

Annexure A2 : Copy of order in W.P No.597/2012 dated 12.7.2017 and letter dated 2.11.2017

Annexure A3 :Copy of CAT, Bangalore order in OA No. 843/2016 dated 8.1.2019

Annexure A4 : Copy of representation dated 4.2.2019

Annexure A5 : Copy of letter dated 12.2.2019

Annexure A6:Copy of letter dated 14.2.2019

Annexure A7 :Copy of representation dated 25.2.2019

Annexure A8 : Copy of representation dated 26.3.2019

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