

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

CP-6/2019

[OA 603/2018]

Date of Order : 04th July, 2019CORAM

Hon'ble Mr. Jayesh V. Bhairavia, Membr [Judicial]

The Hon'ble Mr. Dinesh Sharma, Member [Admn.]

Malin Hansdak, son of late Pagan Hansdak, Rail Wheel Plant, Bela, Post Arvind Nagar, District – Saran, PIN Code 841221 [Bihar] and seventeen others.

.....Applicant

By Advocate : Mr. M.P.Dixit

Versus

1. Shri Aswani Lohani, Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
2. Sri R. Sahai, Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
3. Shri S.N.Agarwal, Member [Staff], Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
4. Shri S.N. Agarwal, Member [Stock Rolling], Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
5. Shri B.K. Agrawal, additional Member [Production Unit], Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
6. Shri A.K. Sen, Director [Establishment], Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
7. Shri R.P. Singh Chief Administrative Officer Rail Wheel Plant, Ministry of Railway, Bela, District, saran, PIN Code 841221 [Bihar].
8. Shri U.F. Kujur, Chief administrative Officer, Workshop Project, Chamber Bhawan, Judges Court Road, Patna – 800 001.
9. Smt. Pushpa Rani, Principal Financial Advisor & Chief Accounts Officer, Rail Wheel Plant, Ministry of Railway, Bela, District – saran, PIN Code 841221 [Bihar].
10. Shri Rajesh Kumar, Deputy Chief Personnel Officer, Rail Wheel Plant, Ministry of Railway, Bela, District – saran, PIN Code 841221 [Bihar].
11. Shri D.P. Singh, Deputy Chief Engineer, Rail Wheel Plant, Ministry of Railway, Rail Wheel Plant, Ministry of Railway, Bela, District – saran, PIN Code 841221 [Bihar].

.....Respondents

By Advocate : Shri S.D.Sanjay, Id. Additional Solicitor General

Shri Mukundjee, Id. Sr. Panel Counsel.

Shri S.K.Ravi, Id. Standing Counsel

ORDER
[oral]

Per Jayesh V. Bhairavia, Member [J] :- The applicant has initiated this contempt proceeding for non compliance of the order of this Tribunal dated 23.07.2018 passed in OA/050/00603/2018, which reads as under : -

“11. In this view of the matter, the applicants cannot be allowed to accept the allotted bungalows/quarters RWP/Bela which are not fit for living therefore, the respondents are directed to re-consider the representations of the applicants in the light of the foregoing discussions and take appropriate decision within a period of six weeks from the date of receipt of copy of this order. Till then, the respondents are directed to allow the applicants to retain their bungalow/quarters/accommodations allotted at previous place of posting.”

2. The aforesaid order was modified/substituted, vide order dated 03.08.2018 passed in MA/050/00313/2018. The relevant portion of the order passed in MA, reads as under : -

“Considering the reasons stated in the said MA, it is appropriate to substitute the following direction which reads as under : -

“Till then, the respondents are directed to allow the applicants to continue with their existing facilities in respect of Lease Accommodation, H.R.A. & Transportation etc. beyond 20.07.2018.”

..... in place of the direction issued by this Tribunal on 23.07.2018, which reads as under : -

“Till then, the respondents are directed to allow the applicants to retain their bungalow/quarters/accommodations allotted at previous place of posting.”

3. The learned counsel for the petitioners has vehemently pleaded that the petitioners have communicated the order of this Tribunal to the concerned respondents but in spite of receipt of order as contained in Annexure-C/1 and C/2 respectively, they have neither implemented the same nor released the benefits as claimed in para 8.2 of the OA as has

been allowed by way of interim relief. Accordingly, the respondents have disobeyed the order passed by this Tribunal, which amounts to contempt of court.

4. On the other hand, the alleged contemnors have filed their show cause and submitted that in compliance of the order passed by this Tribunal in OA/050/00603/2018 and order dated 03.08.2018 passed in MA/050/00313/2018 they have passed speaking order dated 19.01.2019 [Annexure-O]. The relevant portion of the speaking order reads as under

: -

“Para-XI – In view of the above and considering nearing of current academic session and other related aspects, the following orders are passed : -

“Applicants are allowed to continue with existing facilities of lease accommodation, HRA and Transportation till 31.03.2019. Accordingly, the representation dated 04.06.2018 and 05.07.2018 as well as OA stand complied and thereby disposed off at administrative level.”

5. Heard the learned counsel for the parties and gone through the records.

6. In our considered view, since the alleged contemnors in the present contempt petition have already passed a speaking order in compliance of the direction given by this Tribunal in the aforesaid OA and MA and allowed the petitioners to continue with existing facilities of lease accommodation, HRA and Transportation till 31.03.2019, nothing remains in our order to be complied with.

5. Accordingly, the contempt proceeding is dropped and the notices issued to the alleged contemnors are hereby discharged. If the applicants are still aggrieved, they are at liberty to take legal recourse afresh. No costs.

Sd/-

[Dinesh Sharma]
Member [Admn.]

Sd/-

[Jayesh V. Bhairavia]
Member [Judicial]

mps-