
(2024) 11 CAT CK 0025

In the Central Administrative Tribunal

Case No : Contempt Petition No. 109 Of 2023 In Original Application No. 766 Of 2022

Sandeep Kumar Singh Son Of Fateh Bahadur Singh

APPELLANT

Vs

Satish Kumar, General Manager, North Central Railway,
Prayagraj. & Ors

RESPONDENT

Date of Decision : 28-11-2024

Acts Referred:

Citation : (2024) 11 CAT CK 0025

Hon'ble Judges : Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench : Division Bench

Advocate : Surya Bhan Singh, Manoj Kumar Sharma

Judgement

Mohan Pyare, Member (A)

1. Shri Surya Bhan Singh, learned counsel for the petitioner and Shri Manoj Kumar Sharma, learned counsel for the respondents are present.

2. The present contempt petition has been filed against the non implementation of the order of this Tribunal dated 19.05.2023 passed in OA No.766 of 2022. The operating portion of the order is reproduced as below :-

"15. Considering the above circumstances and the legal principles cited supra, the action of the respondents in canceling the exam under reference, is not in accordance with law. Therefore, the impugned orders are quashed. Respondents are directed to declare the result of the examination conducted on 28.3.2022, 29.3.2022, 30.3.2022 and 31.3.2022 and finalize the selection on the post of CCTC (Level-3) under 33.1/3 % of promotional quota within a period of 03 months from the date of receipt of certified copy of this order. Fresh examination conducted on 15.11.2022, 16.11.2022 and 17.11.2022 subsequent to cancelling of the examination conducted on 28.3.2022, 29.3.2022, 30.3.2022 and 31.3.2022, which has been stayed by this Tribunal vide order dated 14.11.2022, during the pendency of the O.A., is hereby cancelled.."

3. Certified copy of the order dated 19.05.2023 passed in OA No.766 of 2022 was served by the petitioner in the Office of the Respondents on 29.05.2023 and 30.05.2023 alongwith his application dated 29.05.2023 with a prayer to comply the aforesaid order of this Tribunal. On non compliance of the order of this Tribunal, notice was issued to the respondents on 20.09.2023.

4. The respondents have filed the compliance affidavit on 09.01.2024 and submitted that the earlier notification for promotion of Group 'D' staff to Commercial-cum-Ticket Clerk was issued erroneously mentioning that the above promotion will be on seniority basis and on the basis of Committee report as well as RBE No.164/2022 dated 20.12.2022 and letter dated 05.07.2023, the entire selection proceeding conducted by the Administration is wrong from the initial notification dated 08.02.2022. Hence, in the interest of justice the competent authority has taken decision to cancel the notification dated 08.02.2022 and not to declare the result of the examination conducted on 28.03.2022, 29.03.2022, 30.03.2022 & 31.03.2022 and subsequent examination conducted on 15.11.2022, 16.11.2022, and 17.11.2022 vide order dated 03.01.2024 and accordingly the notification dated 08.02.2022 has been cancelled vide order dated 05.01.2024.

5. Learned counsel for the petitioner has filed reply to the compliance affidavit citing that the respondents have filed the Writ-A No.17678 of 2023 against the order of this Tribunal, which was dismissed by the Hon'ble High Court on 29.11.2023. Inspite of the dismissal of Writ-A No.17678 of 2023 against the order passed by this Tribunal, the respondents have not complied the order of this Tribunal. This is wilful disobedience of the order of this Tribunal and requested to pass an appropriate order.

6. The respondents have filed the Additional Affidavit of compliance mentioning the same fact and given the same reason.

7. After perusal of the record available in the contempt petition, it is very clear that the respondents have deliberately disobeyed the order of this Tribunal and have brought new facts for not complying the order of this Tribunal, which were neither brought during the pendency of this OA nor they have taken the issue when they have filed the Writ-A No.17678 of 2023 before the Hon'ble High Court.

8. Reply filed by the respondents is not acceptable for the above deliberate and wilful disobedience of the order of this Tribunal. In the interest of justice, one last opportunity is provided to the respondents to comply the order of this Tribunal and file a better compliance affidavit by the next date fixed in the matter.

9. List this case on 29.01.2025.

10. It is made clear that if order of this Tribunal is not complied with by the date fixed in the matter, the competent authority amongst the respondents will appear in person or through video conferencing to explain the fact.