

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20330 of 2016

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1. The Union of India through the General Manager, East Central Railway, Hajipur
 2. The Chief Personnel Officer, East Central Railway, Hajipur
 3. The Divisional Railway Manager, Danapur Division, East Central Railway, Danapur, Khagaul
 4. The Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur, Khagaul
 5. The Senior Divisional Mechanical Engineer (C & W), Danapur Division, East Central Railway, Danapur, Khagaul
 6. The Senior Divisional Electrical Engineer (Transportation), Danapur Division, East Central Railway, Danapur, Khagaul
 7. The Assistant Personnel Officer, Danapur Division, East Central Railway, Danapur, Khagaul
 8. The Divisional Mechanical Engineer (Power), Danapur Division, East Central Railway, Danapur, Khagaul
 9. The Senior Section Engineer (C & W), Rajendra Nagar Coaching Complex, East Central Railway, Patna
 10. The Senior Section Engineer, (Loco) East Central Railway, Hajipur
 11. The Chief Crew Controller (TRS), East Central Railway, Jhajha
 12. The Senior Section Engineer, (Loco) East Central Railway, Kiul
 13. The Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur, Khagaul

.... Petitioner/s

Versus

1. Abdul Salam, Son of Late Maqbool Hussain, resident of Sanichra Bagh, Sandalpur Road, P.O. Mahendru, P.S. Sultanganj, Distt. Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 22-12-2016

In view of the order that we are going to pass, defect no. 1

as pointed out by the Stamp Report is directed to be ignored.

2. The writ application has been filed for quashing and



setting aside the order dated 08.12.2016 passed by the Central Administrative Tribunal, Patna Bench, Patna in contempt case bearing C.P. No. 100 of 2015 arising out of O.A. No. 451 of 2009. By the said order a direction has been issued to the Senior Divisional Personnel Officer, Danapur, E.C. Railway, Sri Awadhesh Kumar to personally appear before the Tribunal to show cause why contempt of court proceeding should not be initiated against him. Before initiating such proceeding the Tribunal has noted that the applicant has been paid his salary only from 28.05.2015 and he has not been yet paid the salary for the period from 12.10.2012 to 27.05.2015 without any justifiable reason and the show cause and the supplementary show cause filed by the contemnors are not found satisfactory.

3. We have gone through the show cause and the supplementary show cause filed by the contemnors and also the previous order of the Tribunal and we find that there was a clear allegation by the applicant that contempt has been made out because he has not been paid the salary, apart from other period, for the period in question which is separately the period noted in the impugned order of the Tribunal. No explanation is to be found with respect to the same in the said show cause and the supplementary show cause.

4. In the aforesaid circumstance, it would not be proper for this Court to interfere in the matter at this stage. Let the petitioner



concerned file his show cause clearly explaining why the salary had not been paid to the respondent for the said period by appearing before the Tribunal as directed by order dated 08.12.2016.

5. It is made clear that the writ application is being dismissed for the sole reason that the petitioners have approached this Court at the stage when only the show cause as to why contempt of court proceeding should not be initiated against the Senior Divisional Personnel Officer has been issued and this Court is also satisfied that the show cause and the supplementary show cause filed by them do not answer the same in a proper manner with regard to non-payment of salary to the respondent for the period in question.

6. The writ application is, accordingly, dismissed.

7. We, however, make it clear that in case a proceeding for contempt is initiated, it shall be open to the petitioners, if so advised, to approach this Court in accordance with law.

(Ramesh Kumar Datta, J)

Amin/-

(Arun Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

