

HIGH COURT OF CHHATTISGARH AT BILASPURCONT No. 24 of 2019

Rajiv Nagaria S/o Shri D.P. Nagariya, Aged About 43 Years, Presently Posted As Office Superintendent Grade-I (OS-I), Personnel Department, Office Of Sr. DPO, South East Central Railway, Raipur, Chhattisgarh.

---Petitioner

Versus

1. Shri Sunil Singh Soin, General Manager, South East Central Railway, Bilaspur, District Bilaspur, Chhattisgarh.
2. Shri P.C. Nayak, The Then Principal, Chief Personnel Officer, South East Central Railway Personnel Department, Bilaspur, District Bilaspur Chhattisgarh, Presently Posted As Chief Personnel Officer, East Coast Railway, Bhubaneswar, Odisha.
3. Shri Sukhbir Singh, Principal Chief Chief Personnel Officer, South East Central Railway, Personnel Department, Bilaspur, District Bilaspur, Chhattisgarh.
4. Shri Kaushal Kishore, Divisional Railway Manager, South East Central Railway, Raipur Division, Raipur, District Raipur, Chhattisgarh.
5. Smt. Darshnita B. Ahluwalia, The Then Senior Divisional Personnel Officer, South East Central Railway, Raipur Division, Raipur, District Raipur Chhattisgarh, Presently Posted As Chief Public Relations Officer, South East Central Railway, Raipur Division, Raipur, District Raipur, Chhattisgarh.
6. Shri Pradeep Mishra, Divisional Personnel Officer (Co-Ord), South East Central Railway, Raipur Division, Raipur, District Raipur, Chhattisgarh.
7. Shri S. Soren Divisional Personnel Officer, South East Central Railway, Raipur Division, Raipur, District Raipur, Chhattisgarh.

---Respondents

For petitioner : Shri Amrito Das, Advocate.

Hon'ble Shri Justice P.Sam Koshy
Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

Per P.Sam Koshy, Judge

24/01/2019

1. Perusal of record would show that, the present contempt petition has been filed alleging non-compliance of the order dated 01/05/2017 passed in WPS No. 2868/2016.
2. On going through the record it appears that, the said Writ Petition infact was the Writ Petition filed by the department of Railways assailing the order passed by the Central Administrative Tribunal, Jabalpur whereby an Original Application i.e. OA No. 203/00251/2014 preferred by the present petitioner stood allowed vide order dated 11/03/2016.
3. Perusal of the said order would also reveal that, this Court had infact dismissed the Writ Petition thereby affirming the order passed by the Tribunal.
4. In view of the aforesaid facts of the case, this Court is of the opinion that, the contempt case as such would infact lie before the Administrative Tribunal itself under Section 17 of the Administrative Tribunal Act.
5. In view of the aforesaid statutory provision as it stands, we are reluctant to entertain the instant Contempt Petition at this juncture.
6. The Contempt Petition accordingly stands disposed off reserving the right of the petitioner to avail the remedy available to him under the Act of 1985.

Sd/-
(P.Sam Koshy)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge

Sumit