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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 233/2003 in
OA 837/2002

New Delhi this the 23rd day of October, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Sarveshwar Jha, Member (A)

Shri Ajay Kumar
S/O Late Shri J.P. Singh,
Ex-APM Meerut Cantt Head
Post Office R/O Village
Khekra Distt. Bagpat UP
Address for service of notices
C/O Sh. Sant Lal, Advocate CAT Bar
Room, New Delhi.

..Petitioner

(None)

VERSUS

1. Ms.P. Balasubramanian,
Secretary,
Ministry of Communications,
Deptt. of Posts, Dak Bhawan,
New Delhi.
2. Ms. Neelam Srivastava,
Chief Postmaster General,
UP Circle, Lucknow.
3. Shri S.K. Sinha, Postmaster General,
Bareilly Region, Bareilly, UP

..Respondents

(By Advocate Shri M.M. Sudan, learned
senior counsel)

O R D E R (ORAL)

(Smt. Lakshmi Swaminatha, Vice Chairman (J)

Shri G.S. Lobana, learned proxy counsel on behalf of
Shri Sant Lal, learned counsel for the petitioner was
present earlier and had sought an adjournment. However,
this is a Contempt Petition and we thought it fit to hear
Shri M.M. Sudan, learned senior counsel for the respondents
and ^{have} perused the relevant documents on record.

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2. Contempt Petition No. 233/2003 has been filed by

the applicant in OA 837/2002 on 2.7.2003. He has alleged that the respondents have committed contempt of Tribunal's order dated 20.2.2003 in the above referred to OA. The petitioner has stated that the respondents cannot adopt a pick and choose policy. He has referred to the appointment of one Shri Anil Kumar to the post of Postal Assistant (PA) by order dated 13.3.2002, whose name stood in the approved list after the name of the petitioner. It is relevant to note that the respondents in their reply affidavit, have also referred to the case of Shri Anil Kumar although it is noted in Paragraph 7 of Tribunal's order dated 20.2.2003, that reference has been made to 'Ajay Kumar' instead of Anil Kumar.

3. Shri M.M.Sudan, learned senior counsel has submitted that in terms of the aforesaid order of the Tribunal, reference has been made to 132 vacancies which were available in UP for the posts of PA. He has gone through the various averments in the reply affidavit. He submits that there were 64 vacancies relating to the year 2000 which had already been filled up even prior to the OA being filed in the Tribunal. He has, therefore, submitted that in terms of the reference to 132 vacancies made in Tribunal's order, the applicant had been duly considered by the Screening Committee. With regard to the appointment of Shri Anil Kumar, the respondents have explained the situation in Paragraph 5 of the reply affidavit. In the particular facts and circumstances of the case, the reasons given by the respondents cannot be

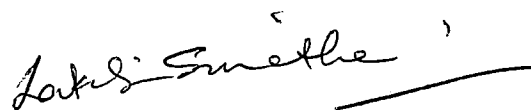
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held to be arbitrary to justify interference in the matter, at this stage.

4. Therefore, having carefully considered the directions of the Tribunal contained in the order dated 20.2.2003 in OA 837/2002 and the action taken by the respondents, we are unable to come to the conclusion that they have wilfully or contumaciously disobeyed the Tribunal's order justifying further action to be taken against the alleged contemnors for punishment under Section 17 of the Administrative Tribunals Act, 1985 read with the provisions of Section 12 of the Contempt of Courts Act, 1971. In this view of the matter and also noting the fact that this is a Contempt Petition, which primarily is a matter between the Court and the alleged contemnors and after having carefully perused the pleadings on record, we dismiss CP 233/2003 in OA 837/2002. Notices issued to the alleged contemnors are discharged. File to be consigned to the record room. However, liberty is granted to the petitioner in accordance with law.



(Sarveshwar Jha)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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