

12

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 251/2006
OA 15/2001

New Delhi, this the 18th day of August 2006

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Shishpal Singh
S/o Sh. Net Ram
R/o – F-60, Jawahar Park,
Laxmi Nagar, Delhi-110092.

... Applicant.

(By Advocate – None)

VERSUS

1. Sh. Jagannath Srinathan,
Sr. Supt. Of Post Offices,
Delhi East Division,
Krishna Nagar, Delhi-110051.

2. Sh. Dinesh Chand Sharma,
Asstt. Supt. Of Post Offices,
Delhi East Sub Division,
Delhi-110091.

... Respondents.

O R D E R (ORAL)


By Mr. Mukesh Kumar Gupta, Member (J):-

By present Contempt Petition, allegation is made that directions contained vide order dated 14.9.2001 in OA No.15/2001 have been willfully breached by respondents. Said OA was disposed of vide aforesaid order directing respondents that: "if and when respondents are making regular appointments to the post of EDA and applicant applies for the same, subject to his fulfilling the prescribed qualification for appointment, applicant's claim for such appointment should be considered in accordance with rules, instructions and judicial pronouncements on the subject."

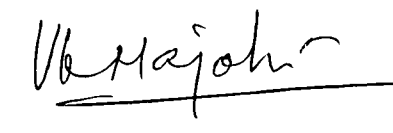
2. Since none appeared for applicant despite revised call and even on earlier occasion none appeared for him, we decided to proceed under Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987 and perused Contempt Petition. Allegation made in Contempt Petition is that he had come to know that:

"some of his juniors are regularized in said post without considering him." Vide para-7, it is averred that recruitments are being made in Group-D category of SC/ST candidates and advertisement was made for said purpose. In other words, there had been vacancies, which arose from time to time for different categories of Group-D post, yet applicant has not been considered. On perusal of advertisement made, copy of which was appended to Contempt Petition, we find that for the post of Peon (Group-D "Test Category") under Special Recruitment Drive, applications were invited from those who fulfilled eligibility conditions prescribed therein. One of such conditions had been the age-limit i.e. 18-25 years, though age relaxation was available for SC/ST for five years. It is his own case that he was appointed in 1994 and as per affidavit filed by him he is of 34 years' old. Even if he was granted five years' age relaxation, he would not be within the age limit prescribed, after grant of such relaxation. In other words, he was ineligible for said post. Directions issued, were that applicant would be considered for the post of EDA subject to his fulfilling the prescribed qualification for appointment. Similarly no details of alleged juniors, who had been regularized, overlooking his claim, has been provided therein.

3. In our considered view, applicant has not made out any case of willful disobedience of directions contained in order dated 14.9.2001 in OA 15/2001. Therefore, we do not find any contumacious act on the part of respondents. In any case, Section 20 of Contempt of Court Act provides limitation for initiating contempt, which is one year from the date on which contempt is alleged to have been committed. Accordingly, CP is dismissed.


(Mukesh Kumar Gupta)
Member (J)

/gkk/


(V.K. Majotra)
Vice-Chairman (A)

18-8-06