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Central Administrative Tribunal
Principal Bench

C.P. No. 211 of 2000
in
O.A. No. 2044 of 1999

New Delhi, dated this the 20th February, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Rajinder Singh,
s/o Shri Mange Ram,
House No. 24, Ghazipur Village,
Delhi-110096. .. Applicant

(By Advocate: Shri Sant Lal)

Versus

1. Shri R.U.S. Prasad,
Secretary,
Ministry of Communications,
Dept. of Posts,
Dak Bhawan,
New Delhi-110001.
2. Shri S.K. Sharma,
Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.
3. Smt. Manisha Mishra,
Sr. Supdt. of Post Offices,
Delhi East Division,
Delhi-110051.
4. Shri A.K. Jain,
Asst. Supdt. of Post offices,
Delhi East Sub-Division,
Delhi-110091. .. Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 211/2000
alleging contumacious disobedience of the Tribunal's
order dated 3.2.2000 in O.A. No. 2044/99.

2. By that order respondents had been
directed that if and when vacancies of EDA existed

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or arose in the future and applicant submitted his representation for consideration of applicant against the same, respondents should consider his prayer in accordance with rules and instructions after giving him weightage for his past service as EDA.

were

3. When the above orders not implemented, applicant filed the present C.P. stating that three vacancies of EDA had arisen, against which freshers/outsiders had been appointed in April/May, 2000, despite his having submitted application dated 4.2.2000 to Respondent No. 4 under Registered A.D. with a copy to Respondent No.3, attaching therewith copies of the Tribunal's aforesaid order. He stated that he has also submitted a further application to Respondents on 28.2.2000 but respondents have not taken any action thereon.

4. Respondents in their reply filed on 6.9.2000 admitted that not three vacancies but five vacancies of E.D. Packers and E.D.L.B. peon were notified on 18.1.2000 and the notification/vacancies was circulated to all sub-post masters of the Division. A requisition was also sent to the local employment exchange, but applicant did not apply against the said notification in the format given for the purpose wherein all the information were required to be filled up. It was also stated that applicant had worked only as substitute, and hence the question of seniority does not arise and only those candidates who applied for the posts were considered.

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5. When the case came up for hearing on 8.11.2000 we were informed by respondents' counsel that applicant had been selected for appointment, but the actual appointment order has not yet been issued owing to the pendency of the police verification etc.

6. On the next date i.e. 14.12.2000, we were informed that the police verification etc. were still required to be completed, Shri Sant Lal however invited our attention to the Government instructions contained in Circular dated 2.7.54 which provide that appointment may be made on the production of character certificates from two Gazetted Officers and the case was ordered to be listed on 15.1.2001 by which date applicant was to furnish the relevant character certificates.

7. The case next came up on 15.1.2001 on that date, copy of the order dated 29.12.2000 appointing applicant as ED Packer before completion of police verification formalities were taken on record and applicant's joining letter dated 1.1.2001 is also taken on record.

8. During hearing Shri Sant Lal invited our attention to the fact that Respondents themselves admitted that the vacancies had arisen in April/May, 2000 and applicant should have been appointed within this period pursuant to the Tribunal's order as applicant had applied well in time, and respondents' contention that application was not in the prescribed

format giving necessary details was merely to avoid implementing the Tribunal's order and hence Respondents were guilty of contempt of Court.

9. In this connection attention has been invited by Shri Sant Lal to the Tribunal's order dated 24.8.2000 in C.P. No. 238/2000 in O.A. No. 1553/1999 Tara Singh & Anr. Vs. P. Sudhir Kumar & Anr. The C.P. in Tara Singh's case (supra) is distinguishable to the one before us in as much as in that case despite a clear direction to respondents to consider reengagement of those applicants as Casual Labourers in preference to juniors and outsiders Respondents had arranged to get the work that was performed by those two Casual Labourers, performed by certain persons on contract basis to a private firm.

10. In that case it was held that the contemnors were clearly guilty of contempt of court and the aforesaid contemnors were punished for circumventing the Tribunal's directions.

11. In the present case applicant has been given appointment though no doubt with considerable delay.

12. Under the circumstances while respondents cannot be said to have deliberately, wilfully and wantonly sought to defy the Tribunal's order, applicants' claim for seniority as E.D.

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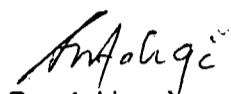
Packer from April/May 2000 merits consideration, were he to agitate separately in accordance with law for the same.

13. Subject to what has been stated in Para 12 above, the C.P. is dropped. Notices discharged.



(Dr. A. Vedavalli)
Member (J)

'gk'



(S.R. Adige)
Vice Chairman (A)