

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No. 386/97 in OA No.1033/95

NEW DELHI THIS THE 21ST DAY OF JULY, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.R.K.AHOOJA, MEMBER(A)

Shiv Kumar
S/o Shri Ram Kishan
R/o House No.E-884/7
Ashok Nagar
Shahdra
Delhi-93

..... Applicant

(Ms.Richa Goel, proxy for Mrs.Rani
Chabra, counsel for the applicant)

vs.

1. Shri Rohitash Singh
Sub-Divisional Officer
Phones-I
Sector-19
Noida
Distt.Gautam Budh Nagar
(U.P.)
 2. Shri Punkaj Kumar Garg
Sub Divisional Officer Phones II
Sector 19, Noida
Gautam Budh Nagar
(U.P.)
 3. ShriLaxmi Narayan Verma
Accounts Officer (Cash)
Telephone Exchange
Sector 19
Noida
Dist.Gautam Budh Nagar
(U.P.)
- Respondents

(By Advocate Shri K.R.Sachdeva)

ORDER (ORAL)

JUSTICE K.M.AGARWAL:

In O.A.No.1033/95 on 7.11.1996 while disposing of the said O.A.a direction was issued to the respondents that subject to the availability of the work, the respondents should consider re-engaging the applicant in preference to outsiders and those with overall lesser length of past service. Alleging that the direction was not obeyed, this CP was filed. Reply has been filed by the respondents saying that the representations were considered but the applicant could

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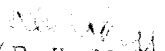
not be re-engaged because of non-availability of the work.

2. The applicant has filed rejoinder and also additional affidavit.

3. In these proceedings, we cannot enter into enquiry to find out whether the allegations made by the applicant are true or whether the statement made for and on behalf of the respondents is incorrect. Fact remains that the direction was for the reconsideration and thereafter to give employment subject to availability of the work. Consideration was made and it appears that though the respondents wanted to give employment to the applicant there was no vacancy available and, therefore, he could not be given employment.

4. We find that the direction has been sufficiently complied with and no case for contempt is made out. Accordingly, the CP is dismissed and rule nisi, if any issued against the respondents shall stand discharged. No costs.


(K.M. AGARWAL)
Chairman


(R.K. AHOOJA)
Member (A)