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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 58/2002 in  
OA 853/1993

New Delhi this the 6th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Yag Dutt Gaur  
Son of late Jaidev Sharma,  
R/O H.No.39, Village Mungesh Pur,  
Delhi-110039

.. Petitioner

(By Advocate Ms. Sarla Chandra,  
learned counsel through proxy  
counsel Shri N. Tripathi )

VERSUS

1. H.A. Yadav,  
through Director of Printing,  
Ministry of Urban Development,  
6th Wing, Nirman Bhawan, N/Delhi.

2. R.S. Wadhwa  
General Manager (Personal)  
Government Press, Minto Road,  
New Delhi.

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

We have heard Shri N. Tripathi, learned proxy counsel in CP 58/2002. This CP has been filed on 12.12.2001 alleging contemptuous action on the part of the respondents in not complying with the directions of the Tribunal's order dated 16.9.1993 in OA 853/1993. In that order a direction was given to the respondents to reconsider the case of the applicant for appointment on compassionate grounds in its turn, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgement. Learned proxy counsel for the petitioner relies on a list, which he states, has been circulated by the respondents by order dated 31.1.2001 wherein the petitioner's name is given at Serial No.12. He has

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contended that the right to be given an appointment on compassionate grounds on the death of the father of the applicant on 3.6.1992 is a continuing cause of action and, therefore, there is no delay in the matter. However, we note that MA has been filed for condonation of delay reiterating the same stand.


2. We have carefully considered the submissions made by the learned proxy counsel as well as the relevant documents on record.


3. The relevant directions of the Tribunal's contained in the order dated 16.9.1993 read as follows:-

"In the conspectus of the above facts and circumstances of the case, the rejection of the request of the widow of the deceased Government servant for the employment of her son Shri Yag Dutt Gaur on compassionate ground is not acceptable to me. I, therefore, direct the respondents to reconsider the case of the applicant for appointment on compassionate grounds in its turn, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgement".

Having regard further to the provisions of Section 20 of the Contempts of Courts Act, 1971 and the aforesaid directions of the Tribunal, we are unable to agree with the submissions made by the learned proxy counsel for the petitioner that he has a continuous cause of action to file contempt petitioner at any time and in this case after more than seven years of the Tribunal's order dated 16.9.1993.

4. In the above facts and circumstances of the case, CP 58/2002 is dismissed as not maintainable.

  
(S.A.T. Rizvi )  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)