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Central Administrative Tribunal, Principal Bench

Contempt Petition No.106 of 2003 in
Original Application No.1959 of 2000

New Delhi, this the 17th day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

Sanjay Kumar Kain
S/o late Shri Niwas,
Aged about 25 years
Resident of 1/3715,
Bhagwanpur Khera,
Loni Road, Shahdara,
Delhi

.... Applicant

(By Advocate: Shri B.B. Raval)

Versus

1. Shri N.Gopal Swami,
Secretary
Ministry of Home Affairs,
North Block, New Delhi
2. Shri J.B. Sinha
Director Administration
Ministry of Home Affairs,
North Block, New Delhi
3. Shri T.J. Banerjee,
Under Secretary,
Administration 'B'
Ministry of Home Affairs,
North Block, New Delhi

.... Respondents

(By Advocate: Shri D.S. Mahendru)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant had claimed for compassionate appointment. This Tribunal while disposing O.A.1959/2000 on 5.11.2001 had directed:

"In this view of the matter by observing that the present decision should not be treated as precedent, in the interest of justice, the OA is disposed of with a direction to the respondents to consider the claim of the applicant having regard to the decision of the High Court in Rajender Kumar's case (supra), for accord of compassionate appointment, within two months from the date of receipt of a copy of this order. No costs."

2. The applicant has filed the present petition



seeking that the order so passed has been disobeyed. In this regard, an additional affidavit has been filed in which in paragraph 6, it has been incorporated:

"The Screening Committee in its meeting held on 7.4.2003 considered 48 applications including that of Shri Sanjay Kumar Kain, the petitioner. The Committee has recommended three most deserving candidates for appointment as LDC subject to completion of pre-appointment formalities. The recommendations of the Screening Committee have since been accepted by the competent authority. The name of Shri Sanjay Kumar Kain, the petitioner, does not find a place among the three candidates recommended by the Screening Committee and approved by the competent authority for compassionate appointment."

3. In the concluding paragraph of the order already reproduced above, a direction had been given to consider the case of the applicant having regard to the decision of the High Court in Rajender Kumar's case. Once the matter has been considered and an order passed, we find no reason to interfere. ^{further} Rule is discharged with liberty to the applicant to take recourse under the law.

S.K. Naik
(S.K. Naik)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

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