

**Through Video Conferencing****CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR****Civil Contempt Petition No.200/65/2019**

(in OA 200/897/2016)

Jabalpur, this Wednesday, the 16<sup>th</sup> day of September, 2020**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

B.B. Gop S/o Late Shri H.C. Gop, aged about 56 years, Working as Junior Accountant, R/o 93/94, B/2, Rajved Colony, Near Bright School, Shiv Mandir, Kolar Road, Bhopal (M.P.) - 462042

**-Petitioner****(By Advocate – Shri J.B. Singh)****V e r s u s**

1. Shri Anshu Prakash, Secretary, Department of Telecommunications, Ministry of Communications, Sanchar Bhawan, 20, Ashoka Road, New Delhi – 110001.

2. Shri P.K. Sinha, Member (Finance), Department of Telecommunications, Ministry of Communications, Sanchar Bhawan, 20, Ashoka Road, New Delhi – 110001.

3. Shri Satish Kumar, Controller of Communications Accounts, First Floor, Door Sanchar Bhawan, Hoshangabad Road, Bhopal – 462015

**-Respondents****(By Advocate – Shri D.S. Baghel)****O R D E R****By Ramesh Singh Thakur, JM.**

This Contempt Petition has been filed by the petitioner under section 17 of the Administrative Tribunals Act, 1985 alleging non-compliance of order



dated 11.10.2018 passed by this Tribunal in Original Application No.200/897/2016 (Annexure C-1).

2. The petitioner submits that this Tribunal has quashed the order dated 15.07.2016 (Annexure A-17 of the OA) issued by the respondents and directed the respondents to check the suitability of the petitioner within 60 days vis-à-vis the Recruitment Rules for Jr. Accountant and if found fit, he should be deemed to be appointed as Junior Accountant with effect from the date he joined the office of respondent No.4 (in the OA) on 18.01.2010. It has been further submitted by the petitioner that the respondents have filed MA No.200/1366/2018 seeking further three months' time to comply with the order dated 11.10.2018, which was granted by this Tribunal on 02.01.2019 (Annexure C-2). Thereafter, the respondents have again filed MA No.200/329/2019 and have sought for further three months' time to comply with the order of this Tribunal dated 11.10.2018. In the meantime, the respondents have approached the Hon'ble High Court of Madhya Pradesh at Jabalpur in MP-1874-2019 challenging the order of this Tribunal dated 11.10.2018. However, the Hon'ble High Court did not find any reason to interfere with the orders passed by this Tribunal and dismissed the said Miscellaneous Petition vide order dated 24.07.2019 (Annexure C-3).



Thereafter, this Tribunal vide order dated 02.09.2019 (Annexure C/3A) granted two weeks' time to the respondents for implementing the order dated 11.10.2018 in letter and spirit.

3. The petitioner submits that the respondents, without considering the absorption of the petitioner against the post of Jr. Accountant, have rejected his claim vide order dated 13.09.2019 (Annexure C-4) on the same ground as communicated to the petitioner by order dated 15.07.2016 (Annexure A-17 with the OA), which has already been quashed by this Tribunal. Therefore, the petitioner prays to call upon the respondents to explain their conduct and punish them in accordance with law.

4. The respondents have filed their reply, wherein it has been submitted that the respondents have highest regard for the order passed by this Tribunal and they cannot even think of disobeying the same. It has been further submitted that in compliance of order dated 11.10.2018, the suitability of the petitioner vis-à-vis the Recruitment Rules of Jr. Accountant, was intensively scrutinized and considered and the petitioner was not found fit. Therefore, claim of the petitioner was rejected vide order dated 13.09.2019 (Annexure C-4/R-1). It has also been submitted that as per



the Recruitment Rules, there are settled procedures for appointment/absorption of Junior Accountant such as Direct Recruitment, Departmental Examination and Seniority-cum-Fitness. The petitioner was subjected to be absorbed through absorption along with the similarly situated persons from other Departments. However, being from technical background, his candidature was not considered for absorption as Jr. Accountant. Thus, the respondent No.4 (in OA 200/897/2016) has duly complied with the order dated 11.10.2018 passed by this Tribunal.

**4.1.** It has also been submitted by the respondents that the Hon'ble High Court in Para 12 of the order dated 24.07.2019 passed in MP No.1874/2019 has observed as under:

*“The Tribunal was conscious of the fact that aspect of absorption providing the substantive post etc. are administrative/managerial function. Thus Tribunal itself has not passed any mandatory order to absorb the respondent/employee indeed, directed the petitioner/employer to check the suitability and pass appropriate order.”*

**4.2** Thus, this Tribunal has not passed any mandatory order to absorb the petitioner and has directed to check the suitability and pass appropriate order. Accordingly, the respondents have duly complied with the orders



passed by this Tribunal by passing order dated 13.09.2019 (Annexure C-4) and there is no merit in this Contempt Petition.

5. We have heard the learned counsel for the parties and have gone through the pleadings and the documents annexed with the petition.

6. This Tribunal in Para 20 of the order dated 11.10.2018 in Original Application No.200/896/2016, has directed as under:

*“20. In the result, the impugned order dated 15.07.2016 (Annexure A-17) is quashed and set aside. The respondents are directed to check the suitability of the applicant vis-à-vis the Recruitment Rules for Jr. Accountant and if found fit, he should be deemed to be appointed as Junior Accountant with effect from the date he joined the office of respondent No.4, i.e. 18.10.2020. The decision so taken should be communicated to the applicant. The MACP due to him should also be implemented. The same shall be carried out within a period of 60 days from the date of receipt of certified copy of this order.”*

7. The application for extension of time was allowed twice and the respondents were granted time to implement the orders passed by this Tribunal. Ultimately, the respondents have passed the order dated 13.09.2019 (Annexure C-4/R-1), in which it has been mentioned that “in order to comply with the order dated 11/10/2018 passed by the Hon’ble Tribunal and dated 24/07/2019 by the Hon’ble High Court, the Department again scrutinized the relevant rules and regulations seeking possibility of



merger/absorption of the applicant from the Telephone Operator cadre to Junior Accountant cadre, but merger/absorption of Shri B.B. Gop against the post of Junior Accountant cadre is not found permissible. As per Recruitment Rules, vide Controller General of Communication Accounts DoT letter No. 33-17-2019 / Admn. – VII / 1310 Dtd. 13/09/2019, there are three categories of recruitment for the post of Jr. Accountant in the Department of Telecommunications i.e.



- I. DR Quota :- 60% posts can be filled through SSC after qualifying combined graduate level examination.
- II. DE Quota :- 20% posts can be filled through the Departmental Examination from among the LDCs, who completed three years of regular service.
- III. SCF Quota:- 20% posts can be filled from among the LDCs who have completed 5 years of regular service.

Grant of MACP to the applicant is also under process and shall be allowed at the earliest, if he is found eligible for the same.”

**8.** From our order (Annexure C-1) itself, it is condition precedent to the fact that the suitability of the petitioner vis-à-vis the Recruitment Rules for

Junior Accountant was to be assessed and scrutinized by the respondents. The second portion of the order is also condition subsequent to the fact that if found fit, he should be deemed to be appointed as Junior Accountant with effect from the date he joined the office of respondent No.4 (in OA 200/897/2016) i.e. 18.01.2010. As per the order dated 13.09.2019 (Annexure C-4), the respondents have considered the case of the petitioner as per our direction in Original Application No.200/897/2016, particularly in para 20 of the order. The operative portion is as under:



*“Thus Pursuant to the said order dated 11/10/2018 of the Hon’ble CAT Jabalpur the possibility of merger/absorption of Shri Gop in Jr. Accountant cadre was re-examined in the light of relevant rules and provisions. “The merger/absorption of Shri B.B. Gop against the post of Junior Accountant is however not found permissible under the existing recruitment rules of Jr. Accountant cadre.”*

So, we find that the respondents have fully complied with our order.

9. Accordingly, this Contempt Petition is dismissed and the respondents are discharged from the notice of contempt. Needless to say that the petitioner may seek appropriate remedy as per law.

**(Naini Jayaseelan)**  
**Administrative Member**  
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**(Ramesh Singh Thakur)**  
**Judicial Member**