

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated This the 9th day of March 1999.

Contempt Petition No. 90 of 1998
in
D.A. No. 889 of 1996

Coram:- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S.K. Agarwal, J.M.

Jitendra Kumar s/o Late Musafir Ram
at present residing at Gram Tajpur
Post Tajpur Dehama Distt. Ghazipur (U.P.)

. . Applicant.

C/A Sri Anant Vijai, Advocate.

Versus

J.P. Maurya, Assistant Director (Recruitment)
on behalf of Chief Post Master General, Lucknow U.P.

. . Contemner/Respondent.

Order

By Hon'ble Mr. S. Dayal, Member (A.)

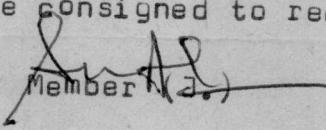
The applicant has filed this contempt application
under section 17 of the Administrative Tribunals Act
1985 praying for punishment to the Opposite party
for committing contempt of order of this court
dated 10.7.98 in D.A. 889/96.

By Order dated 10.7.98 the single member bench
of this tribunal had allowed application of the
applicant which sought direction to the respondent
to consider the case of the applicant for suitable
appointment on compassionate ground. The relief is

prayed for was allowed and the respondents were directed to comply with the directions within one month. The direction was to be considered on the application on the ground of compassionate ~~grave~~ appointment.

The learned counsel for the Opp. party has annexed order dated 9.9.98 in which it has been mentioned that Divisional Selection Committee considered the case of the applicant again and came to the conclusion that the case do not qualify for compassionate appointment because the family was not left in indegent circumstances. It is the contention of the learned counsel for the applicant in this contempt application that the Tribunal had already come to the conclusion that the applicants were left in indegent condition and that the respondents themselves in para 8 of their counter reply had mentioned that the sons of deceased employee were on the verge of starvation. He has also cited the judgment of Allahabad High Court in Daya Shankar Dubey Vs. Subhash Kumar reported in Cr. L.J. 1992 page 319 to state that not only the later but spirit of the judgment should also be considered in case of contempt.

He had taken into account the directions of the bench and the directions were to consider the application of the applicant for compassionate appointment. We ~~do not~~ find that the application has been so considered and the respondents have rejected the application for compassionate appointment by order dated 9.9.98. Hence no case for contempt is made out. No notice need be issued. The case may be consigned to records.

 Member (A.)

 Member (A.)

Nafees.

 Member (A.)