

CENTRAL ADMINISTRATIVE TRIBUNAL , ALLAHABAD BENCH
ALLAHABAD.

Dated This the 25th Day of March 1999.

Coram:- Hon'ble Mr. S. Dayal, Member (A.)
Hon'ble Mr. S.L. Jain, Member(J.)

Civil Contempt Application No. 87 of 1998
(Arising Out of O.A. 743 of 1992.)

Naresh Kumar, son of Hargobind Singh,
R/O Krishnawanshi Niwas C/O Sanjay Kumar,
243 Brahmapuri Haridwar, Post and Distt. Haridwar.

Counsel for the applicant Sri G.D. Mukherjee, Adv.
Sri S. Mukherjee, Adv.
. . Applicant.

Versus

1. Col. Omkar Singh Bhatti,
Officer Commanding (Commandant),
Remount Training School and Depot, P.O.
R.T.C. Hempur Distt. Udham Singh Nagar.
2. Captain Krishan Atri, Field Officer/Officer
Incharge Civil Records, Remount Training School
and Depot P.O. R.T.C. Hempur Distt. Udham Singh
Nagar.

Counsel for the Respondents:- Sri N.B. Singh, Adv.

. . Contemner/Respondents.

O R D E R

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

The applicant has filed contempt petition
for punishing the alleged contemnors namely
Col. Omkar Singh Bhatti and Captain Krishan Atri
for willful non compliance of the order of the
Tribunal dated 12.5.98.

2. In the affidavit the applicant has stated that the direction was given to the respondents to engage the applicant as daily rated tractor driver till the vacancy of tractor driver was released after which he was to be selected as a regular tractor driver. The learned counsel for the applicant has also mentioned that two vacancies had fallen vacant due to retirement of Sri Darshan Singh and Sri Vishal Ram in 1984 and that the respondents have engaged a fresh tractor Driver who has come from Remount Training School Hissar while the applicant has not been engaged as a tractor driver.

3. The operative portion of the judgment dated 12.5.98 is reproduced as under:-

" In view of the above position, we consider it appropriate to direct the respondents to engage the applicant on daily rate basis till the vacancies of tractor driver are released by the respondents and consider the applicant for selection against the post of tractor driver against the first vacancy so released by granting him exemption from age limit in view of his services in the past. The applicant shall be re-engaged on daily rate basis within one month from the date of communication of this order."


It is the contention of learned counsel for the applicant that the applicant has been engaged as a labourer in the field and not as a labourer driving a tractor. We find from the operative portion that the direction was only for the applicant ^{to be engaged} on daily ^{basis} rated and it was not for engagement of the applicant as a daily rated tractor driver. Hence no disobedience

of the order can be inferred from this fact.

4. As far as the second issue of engagement of a fresh tractor driver from Remount Training School Hisar is concerned, the opposite parties have clarified this point in their counter reply and they have mentioned that one Sri Badloo Ram, tractor Driver has not been engaged ^{as fresh} against any ~~first~~ vacancy but was posted to this depot from Equine Breeding Stud, Hisar on transfer. Therefore, it can not be inferred that a vacancy had arisen on which any selection was made in which the applicant was not considered.

Under the circumstances, we find no merit in the contention of learned counsel for the applicant. The notices issued to the opposite parties are discharged and the case consigned to records.


Member (J.)


Member (A.)

Nafees.