

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF MARCH, 2002

Civil Contempt Application No.226 of 2001

In

Original Application No.503 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Rajesh Kumar Roy, S/o Late Sri Samir  
Kumar Roy, R/o C/o Sri Surendra Mishra  
Anand Nagar, Kali Mahal, P.O.  
Mughalsarai, district Chandauli.

... Applicant

Bipin Kumar Singh, Senior Divisional  
Personnel Officer, E.Railway, Mughalsarai  
District Chandauli.

O R D E R  
JUSTICE R.R.K.TRIVEDI, V.C.

We have heard Shri A.K.Misra counsel for the applicant  
and Shri A.V.Srivastava learned counsel for the opp.  
party.

By This contempt application u/s 17 of A.T.Act 1985  
has been filed for punishing the respondents for committing  
contempt of this Tribunal for wilfully disobeying the  
order dated 17.7.01 passed in OA 503/97. The direction  
given by this Tribunal was as under:

"The matter of compassionate appointment  
to the applicant Sri Rajesh kumar Roy be  
reconsidered notwithstanding the order  
passed earlier in this regard and to decide on  
merit within three months from the date of  
communication of this order. In case the  
request of the applicant is not accepted a detailed  
speaking reasoned order be passed with copy  
to the applicant. No costs."

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In pursuance of the aforesaid order respondents passed the order dated 6.8.01(Annexure 4) rejecting the claim of the applicant. The reason stated in the order is as under:

"After scrutiny of the adoption deed furnished by you it is seen that the age on the date of adoption should be below fifteen years but your age exceed the above age bar on 24.5.93 i.e. a date of execution of the deed. Moreover there is no signature/LTI of your natural mother as a sign/record of her consent in the deed owing this the deed of adoption is unaccepted. Late S.K. Roy never given your name as adopted son in family declaration for the purpose of P/passes."

From the direction of this Tribunal it is clear that the respondents was required to decide the claim on compassionate appointment on merit. If the respondent has passed an order against the applicant, it is difficult to say on the basis of the material on record that he has committed contempt of this Tribunal. The learned counsel for the applicant, however submitted that this Tribunal vide order dated 17.7.01 accepted applicant as adopted son and it was not open to the respondents to decide the case against the finding recorded in the order.

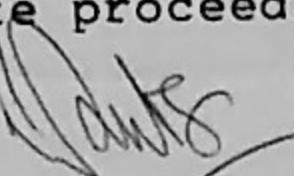
We have carefully considered this submission. However, it is difficult to infer from the order that this Tribunal recorded a final finding regarding the adoption of applicant by Late S.K.Roy. The court only observed that same authority could not take different views in respect of the same claim at different stages and after these observations gave direction to decide the claim on merit. In these

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circumstances, it is difficult to hold that respondents passed the order in wilful disobedience of the order. In our opinion no case of contempt is made out.

The contempt application is accordingly rejected. Notices are discharged. However, if the applicant is dis-satisfied with the order, he may challenge the same in appropriate proceedings. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 18th March, 2002

UV/