

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

THIS THE 26th DAY OF SEPT. 2005

CIVIL CONTEMPT. PETITION NO.92 OF 2004

IN

ORIGINAL APPLICATION No. 789 OF 2001

CORAM:

HON.MR.K.B.S.RAJAN, MEMBER(J)
HON.MR.A.K.SINGH, MEMBER (A)

Vidya Kant Tiwari, Son of Shri Vidya
Dhar Tiwari, r/o 127/589, Block 'B'
Vinobha Nagar, Kanpur Nagar

Applicant

By Advocate : Sri A.K. Gaur

Versus

1. Sri Asha Murti, Director General

Director General of Employment &
Training, Shram Shakti Bhavan, Rafi
Marg, New Delhi.

2. Shri V.K. Sharma, Director (Incharge),
Advanced Training Institute, Electrical
Maintenance & Mechanic Motor vehicle
Udyog Nagar, Kanpur.Respondents

By Advocate : Sri J.N. Sharma

O R D E R

BY K.B.S. RAJAN, MEMBER-J

This Tribunal, on 7-4-2003 had disposed of OA 789/01
the operative portion of which reads as under:-

"The O.A. is allowed, the impugned advertisement
(Annexure 8) dated 9-10th June, 2001 issued by the



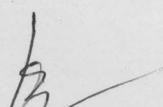
Advanced Institute Udyog Nagar, Kanpur is quashed, so far as it relates to vocational Instructor(Machinic Motor Vehicle) as mentioned at Sl. No. 2 and Maintenance Electrician (Arthmatic) mentioned at Sl. No. 4. It shall be open to the respondents to issue fresh advertisement for making appointment on regular basis. The applicants shall be allowed to continue on ad hoc basis on their posts, if work is there.”

2. The respondents have in pursuance of the above order passed an order on 18th July, 2003 which inter alia reads as under:-

“S/Shri M.K. Trivedi & V.K. Tiward are informed that presently the post of V.I (MMV) has fallen vacant on regular basis on 27-03-2003 because of the promotion of the incumbent to the post of T.O. vide DGET order No. 13/2003 dated 20-03-2003. Since the post has fallen vacant on regular basis, the said post will be filled on regular basis and action is being initiated by ATI, Kanpur in this regard. The post of Maintenance Electrician has already been filled up on regular basis due to reversion of Sh. M.M. Sharma, T.O. (Ad hoc) to his substantive post of Maintenance Electrician.”

3. The applicant has filed this CCA contending that the above order is not in strict compliance with the order of the Tribunal and hence, the respondents have committed contempt.

4. The petition has been resisted by the respondents. Their contention is that the advertisement which was cancelled was for appointment on ad hoc basis. The applicants had been functioning earlier on ad hoc basis and their re- reinstatement in service is subject to the condition that “work is available”. The applicant was



appointed as ad hoc Maintenance Electrician and the post in which he was so appointed is not vacant as on date in view of the fact that the earlier incumbent who was promoted on ad hoc basis had been reverted and he had already been functioning on regular basis in the said post. Thus

5. Arguments were heard and the matter examined. The order of this Tribunal is specific and unambiguous. If the work be there, the applicants shall be reinstated on ad hoc basis. This means, if there is no work, there is no question of accommodating the said applicants. Since the post has been filled up by regular incumbent and since there is no scope for ad hoc appointments, neither any fresh advertisement is sought to be made nor the applicant would be inducted. The action of the respondent is absolutely legal and thus, the applicant has failed to make any case for contempt. The Contempt petition is therefore, dismissed and the notices issued against the respondents discharged.


MEMBER-A
MEMBER-J