

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

CIVIL MISC. CONTEMPT APPLICATION NO.127 OF 2004

IN

ORIGINAL APPLICATION NO.1142 OF 1997

ALLAHABAD, THIS THE 18<sup>TH</sup> DAY OF MAY, 2005

HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

HON'BLE MR. D. R. TIWARI, MEMBER-A

Rajjan Lal,  
Son of Shri Puttoo Lal,  
R/o-C/o Shri Arjun Nagar Mahapalika,  
Nursery Complex, Motijhed,  
Kanpur.

.....Applicant.

(By Advocate Shri S. K. Bahadur )

Versus

1. Smt. Neelam Srivastava,  
Post Master General,  
Kanpur Region,  
Kanpur.
2. Shri Riju Ganguli,  
Senior Superintendent of Post Offices,  
Kanpur City Division,  
Kanpur-208001.
3. Shri Mahabir Prasad,  
Assistamt Superintendent of Post Offices,  
Kanpur (West), Sub-Division,  
Kanpur-208001.

.....Respondents.

(By Advocate Sri Saumitra Singh )

O R D E R

HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

This contempt Petition has been filed by the  
applicant for punishing the respondents for willful

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passed in o.a.t.o 1042/97

disobedience of the order dated 05.04.2002 by which  
the following order was passed: -

"However, considering the facts that the applicant had worked from 1987 to 1997 in broken spells and the total working of the applicant is 1200 days, we find it a fit case in which the respondents should consider the applicant's case sympathetically on any vacancy which becomes available in future of E.D. Agents and consider his claim in accordance with the rules. The O.A. is disposed of accordingly. No order as to costs."

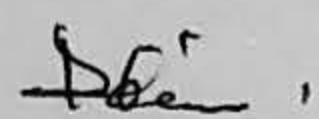
2. As per applicant's counsel, six posts of GDS had fallen vacant due to the promotions of GDS in Group 'D' vide order dated 11.11.2004 (Annexure A-3 of Suppl. Affidavit filed by the applicant) but the claim of the applicant has not been considered by the department as yet. On the other hand, learned counsel for the respondents filed a short counter affidavit on behalf of respondent no.2 after serving a copy of it to the applicant's counsel, which is taken on record. Learned counsel for the respondents submitted that the order of this Tribunal is being complied with as per direction of the Tribunal. In support of his arguments he invited our attention to the letter dated 09.03.2005 (Annexure CA-1) in which it is stated as under:-

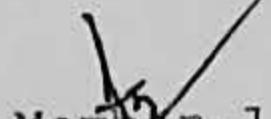
"On the above-mentioned subject you are hereby informed that action for appointment against vacant GDS posts has not been initiated so far. The matter of considering your claim sympathetically for appointment against the vacant GDS post, as per orders of the Hon'ble CAT dated 05.04.2002, would be taken up at appropriate time, as per departmental rules and regulations."

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Therefore, the due compliance of the order is being made accordingly. In view of the statement made by the counsel for the respondents, we do not ~~find~~ that any case of contempt is made out against the respondents.

3. Accordingly, the Contempt Petition is dismissed. Notices are discharged. However, it is expected from the department that his case will be considered sympathetically.

  
Member-A

  
Member-J

/NEELAM/