

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 09th day of August, 2005

Contempt Petition No. 01 of 2005

HON'BLE Mr. A.K. Bhatnagar, Member- J.
Hon'ble Mr. S. C. Chaube, Member- A.

Dinesh Kumar Sharma, S/o Sri Radhey Shyam Sharma,
R/o 45/2-B, Nagla Agita, Near Ram Singh Bagicha,
Jagdishpura, Agra.

.....Applicant

Counsel for the applicant :- Sri R.S. Gupta

V E R S U S

Brig. Harprit Ikbal Singh Arora.
Commandant, 509, Army Base Workshop,
Agra.

.....Respondent

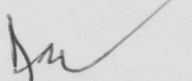
Counsel for the Respondent :- Sri A. Sthalekar.

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, JM

This contempt petition has been filed for punishing the respondents for willful disobeying the order dated 06.05.2004 passed in O.A. No. 1059/1998 by which the following order was passed: -

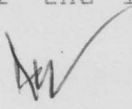
" However, having regard to the fact that one post is lying vacant pursuant to the order of the



Tribunal, we direct the respondents to consider the applicant, if he is otherwise eligible or qualified and appoint him, if found suitable. The order shall be implemented within three months."

2. Learned counsel for the respondent filed counter affidavit on behalf of respondents after serving a copy of same to the counsel for the applicant in the court. The same is taken on record. Learned counsel invited our attention on paragraph 3 of the counter affidavit and submitted that the order of this Tribunal has already been complied with. The applicant was called in the office of the respondent on 25.05.2004 in order to assess his suitability for selection for the post of Labourer by Board of Officers constituted for the purpose. The applicant appeared in the written test as well as the Physical/practical test but he failed. The result of the said test was also communicated to the applicant vide office letter dated 28.02.2005. Photocopies of the intimation letter dated 19.02.2005 calling the applicant for selection and the order dated 28.02.2005 communicating the result are enclosed as CA- 1 and CA- 2 with CA.

3. Learned counsel for the applicant at this stage submitted the applicant has not received that aforesaid letter dated 28.02.2005. On the other hand learned counsel for the respondents submitted that



the result of the trade test was sought to be communicated by hand but he refused to receive and the same was sent through the Registered post on 28.0.2005.

4. After hearing counsel for the parties we are of the view that the order dated 06.05.2004 passed in O.A 1059/98 has duly been complied with by the respondent and no case for contempt is made out. Accordingly the contempt petition is dismissed. Notices issued are discharged. However, the applicant still feels aggrieved and if so advised, he may come on the original side.


MEMBER- A


MEMBER- J.

/ANAND/