

CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,  
ALLAHABAD

Dtd. Allahabad this the 17th day of December, 1996.

Coram : Hon'ble Mr. S. Das Gupta, Member-A  
Hon'ble Mr. T. L. Verma, Member-J

Contempt Petition No. 82 of 1995.

IN

Original Application No. 954 of 1992.

Suresh Prasad Tripathi,  
S/o. SRI Raj Kumar Tripathi,  
R/o. village Rudrapur P.O. Khajani,  
District Gorakhpur. ....Applicant/petitioner

(Counsel Sri Anil Kumar)

Versus

1. Jaleshwar Kahar,  
Senior Superintendent of Post Offices,  
Gorakhpur, Division Gorakhpur.
2. Bhundshwar Ram,  
Inspector of Post Offices,  
Urwa Bazar Sub Division Urwa,  
District Gorakhpur.
3. Shri S.N. Bist, Senior Supdt. of Post Offices,  
Gorakhpur Division, Gorakhpur.

....Opposite parties/  
Respondents.

(Counsel Sri S. C. Tripathi)

O R D E R (oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This contempt application was filed alleging non-compliance with the direction contained in order dated 10.8.1994 by which O.A.No.954 of 1992 was disposed of by a bench of this Tribunal.

2. The operative portion of the direction reads as follows :-

"In the light of the above discussions we direct the respondents to make proper and complete verification about the educational qualification of the applicant from the school where he attended and stated to have appeared for the U.P. High School Board Examination and obtained T.C., within a period of two months from the date of communication of this order. If on such verification if it is found that the applicant had the prescribed educational qualification, the respondents may consider his candidature for appointment to the aforesaid post of E.D. Runner, if otherwise found suitable. The O.A. is disposed of with the above directions."

3. It would be clear from the aforesaid direction that the respondents were only required to conduct an inquiry with regard to the educational qualification of the applicant from the School which he attended and from where he ~~was~~ <sup>to have</sup> stated appeared for the U. P. High School Board Examination and obtained T.C. and in case it was found that he had the prescribed qualification, the respondents were required to consider the candidature of the applicant for the post of E. D. Runner.

4. Three counter-affidavits have been filed separately by the three respondents. It is seen from the counter-affidavit filed by Sri N.S.Bist, Senior Superintendent of Post Offices, Gorakhpur that a reference was made to the principal of Jawaharlal Nehru

Junior High School, Jakha (Khajani) Gorakhpur, who after examination of the record had reported ~~that~~ that the applicant ~~or~~ had not taken education in that school during 1976 and that his name was not available in the scholar register <sup>of the</sup> ~~who~~ had passed VIII class in the year 1976 from that school. It has been further submitted that the applicant did not submit the proof of his VIII class pass even after he was directed to do so. A further averment in the CA is that an inquiry was also conducted in the institute which was last attended by the applicant. Although high school failed marksheets was of 1979 and TC dated 15.10.77 were confirmed as issued by the Principal, the inquiry further revealed that the applicant's name could not be ~~placed~~ in the scholar register during 1976-77, in the list of successful candidates in 1976 examination of VIII class passed.

5. The respondents therefore contend that from the inquiry it has been proved that the applicant never passed VIII class examination, and therefore his candidature could not be considered. We however

6. The applicant has filed a rejoinder affidavit. We however find that there is no effective rebuttal of the aforesaid averment.

7. In view of the foregoing, we are satisfied that nothing further needs to be done by us in this contempt application. The contempt proceedings are dropped and the notices issued are discharged.