

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration C.C.A. No 136 of 1993

IN

O.A. No. 725 of 1992

Jitendra Kumar Srivastava ... Applicant.

Versus

Shri P.K. Chaudhari,
and others ... Respondents.

...

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. T.L. Verma, J.M.

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

This contempt petition has been filed by the applicant in O.A. No. 725 of 1992 along with other applications decided by this Bench of the Tribunal by its order dated 27.7.1992. It has been alleged in the contempt petition that the directions contained in the said order dated 27.7.1992 have been deliberately and wilfully violated by the alleged contemnors. The applicant was a temporary Helper in Small Industries Service Institute Estate Kanpur in plan vacancies. His services were terminated in terms of CCS(T.S.) Rules 1965 after giving him one months notice. Due to the closure of extension centre at Firozabad and Meerut resulting in redeployment of the staff senior to the applicant ^{and} dispensing with the services of the applicant who happened to be junior. On the basis of this fact, the Tribunal vide its order dated 27.7.1992 gave the following directions;

It has been pointed out by the applicant

that post of equivalent pay-scale are available elsewhere including the post of Daftari that respondents will give preference and priority in the matter of appointment in any post which may here in after if available in the department or in various other Small Industries Service Institute, taking into consideration the seniority position of the applicant and for this they should not approach the surplus cell or any other cell because on their failure to sponsor any name; these applicant were given employment without exhausting these applicants or any body who may be senior to them awaiting their turn to come and similarly no fresh appointment will be made in the department or any of its centres. In case, the applicants are prepared to accept any lower post, the department shall consider them first for said posts to any body else."

In the contempt petition, it has been stated that these directions have not so far been complied with since the applicant was neither appointed as Daftari nor given any alternative appointment.

2. In the counter affidavit filed by the respondents, it has been submitted that the petitioner could not have been appointed against the post of Daftari since 100% of such posts are to be filled by promotion from the lower grade.

They were, however, trying to locate a suitable ^{post} to accommodate the petitioner and finally issued a letter appointing the petitioner as Helper in the office of the Small Industries ~~Dept~~ Service

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Institute, Calcutta.

3. We have heard the learned counsel for both the parties and carefully gone through the records of the case.


4. The direction given by the Tribunal in O.A. No. 725 of 1992 does not make it mandatory on the part of the respondents to accommodate the petitioner against the post of Daftari stated to be vacant at that time. All that it directs is that the applicant should be considered on priority basis for an alternative job. Admittedly, the applicant has since been offered appointment in the same post ^{on} ~~for~~ which he was working before his retrenchment but in Calcutta. The Tribunal's order does not make it incumbent on the respondents to ~~post~~ ^{post} the applicant in any particular place, therefore, by giving him an appointment as Helper in the Calcutta office, the direction of the Tribunal has been fully complied with.


No doubt, the respondents have taken some time ~~in~~ issuing appointment order, but there is no denial that they must be given a reasonable time to locate a suitable vacancy to accommodate the applicant.

5. In view of the foregoing, we are of the view that no case has been made out for wilful

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or deliberate violation of the Tribunal's order
dated 27.7.1992, ~~As~~ such, the contempt petition
is dismissed. Notices issued are discharged.


Member (J)


Member (A)

Dated: 16 August, 1994.

(n.u.)