

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22 DAY OF FEBRUARY 1996

Civil Contempt Application No. 2486 of 1993

In

Original Application No.1661 of 1992

CORAM

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR. S.DAS GUPTA, MEMBER(A)

Ram Lakhan, S/o Sri Chittar
Resident of 188, Chaukhandi
Kydganj, Alklahabad 211003

Applicant

BY ADVOCATE SHRI K.P. SRIVASTAVA

Versus

1. Sri Shyam Dhari,
Sr. Supdt. of Post Offices,
Allahabad.
2. Sri S.K. Parsarthy
Secretary(P)
Ministry of Communication,
Govt. of India, New Delhi.

Respondents

BY ADVOCATE SHRI N.B. SINGH

O R D E R(Reserved)

JUSTICE B.C. SAKSENA,V.C.

Through this contempt petition the applicant alleges that the respondents ~~have~~ ^{and have not complied} willfully disobeyed ~~the order~~ the order dated 6.8.93 passed in O.A. 1661/92 Ram Lakhan Vs. Union of India and Ors. The applicant was working at Kutchery Post office Allahabad and was transferred to Chhitpalgarh branch post office as a runner. He filed OA 1661/92 and the said OA came up for orders. As noted in the order the learned counsel for the respondents submitted that the respondents are prepared to post the petitioner as Chaukidar. It was observed in the order that in view of the statements made by the learned counsel for the respondents no grievance of the petitioner survives as agreed by the learned counsel for the petitioner. Accordingly, a direction was given that the respondents shall issue an order for posting of the

1/Boh

petitioner as Chaukidar at the place of posting."

2. The respondents have filed an application seeking correction of the order passed in the O.A. In the said application it is pleaded that in the order passed in the OA the statement of the counsels for the parties have not been properly recorded. It has been indicated that on 6.8.93 during the course of hearing of the OA it was contended by the learned counsel for the applicant that the applicant was ready to be posted as Chaukidar anywhere in the division but he did not like to be posted as runner at Chhitpalgarh. It is stated in the said application that after this statement the Hon'ble Tribunal inquired from the counsel for the respondents as to what is the difficulty in posting the petitioner as Chaukidar. It is stated that it ~~was~~ ^{was} also pointed out by the learned counsel for the respondents that the applicant has already been posted at Manauri as Chaukidar but the applicant was not willing to join there and has not joined. The applicant's sole aim which is stated was to remain at Kutchery Head Quarters Allahabad. In short, it is pleaded that ~~that~~ the learned counsel for the respondents had indicated that the department was having no hesitation in posting the petitioner as Chaukidar in the division subject to availability of the vacancy. The applicant has filed objections to the misc. correction application no. 119/94.

3. We have heard the learned counsels for the parties. On the basis of the material on record we are persuaded to take the view that the true purport of the order passed on 6.8.93 in OA 1661/92 is that it would be open to the respondents to post the petitioner as Chaukidar at any place in the division and he may not be posted as a runner. With this clarification no further orders are called for in the contempt petition. It is expected that the respondents

1
Bcl

:: 3 ::

shall pass necessary orders for the petitioner's posting as Chaukidar at any place in the division where a vacancy of the post of Chaukidar is available if not already done in the meantime. We have taken note of the order dated 6.1.93 filed as Annexure R-5 which shows that in pursuance of the order dated 3.12.92 passed in OA 1661/92 the applicant was allotted Allahabad Kutchery Head quarters as Temporary Group D Non test category (Chaukidar) with immediate effect. The contempt petition fails. The Notices issued to the respondents are discharged. Misc. correction application No. 119/94 filed in the OA. also stands disposed of.


MEMBER (A)


VICE CHAIRMAN

Dated: 22 February, 1996

Uv/