

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Application No: 138 of 1993

In
Original Application No: 739 of 1992

Anil Kumar Applicant.

Versus

P.K.Dhondhari & Ors. Respondents.

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. S.Dayal , Member-A

(By Hon'ble Mr. T.L.Verma, J.M.)

This Contempt Application has been filed by the applicant in O.A. No. 739 of 1992. According to the petitioner, the respondents have committed breach of the direction given by this Tribunal in its judgement and order dated 27.07.1992 passed in O.A. No. 731 of 1992 by not giving appointment to the applicant in U.P. Circle.

2. For proper appreciation of the case of the parties, a brief reference to the facts of the case giving rise O.A. No. 739 of 1992 is necessary. The

The applicant was appointed as a Watchman on 21.05.90 at S.I.S.I., Industrial State, Kanpur. His services were terminated by notice dated 01.05.1992 under Rule 5 of the CCS (Temporary Service Rules) 1965. The order of termination was challenged by filing O.A. No. 739 of 1992. It is alleged that the respondents have not complied with the above directions so far. Two other O.As viz. 725/92 and 757/92 filed, challenging

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similar order of termination of service, were heard together with O.A. 739/1992 and disposed of by one common judgement (Annexure-1). This Tribunal, after hearing the parties, issued the following direction;

It has been pointed out by the applicant that cost 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 anybody 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 anybody else.

3. Two Contempt Applications viz. 136/1993 and 138 of 1993 were filed on the alleged breach of ^{the} ~~the~~ ^{above} direction by the respondents. CCA 136/93 has already been disposed of by a Bench of this Tribunal of which one of us (Hon'ble Mr. T.L.Verma, J.M.) was a Member. The Tribunal in its judgement in CCA 136/1993 has held that no case has been made out for wilful or deliberate violation of the Tribunal's order dated 27.07.1992 and accordingly discharged the Rule issued in that case.

4. This & Contempt Application arises out of the same judgement which gave rise to CCA No. 136/1993. The CCA 136/1993 is in parimateria with CCA No. 138/1993 under consideration before this Bench.

5. It has been stated in the Counter Affidavit that the post on which the applicant was appointed, was purely temporary. According to the direction given by this Tribunal, the applicant was to be given preference and priority in the matter of appointment in any post which may, hereinafter be available ~~in~~ in the department or any other Small Industries Service Institute taking into consideration, the seniority position of the applicant. The respondents, pursuant to the above direction, ^{after} ascertaining the vacancy position in the department and else where, gave offer of appointment ^{to the applicant} on the post of Watchman at the Branch Small Industries Service Institute Silli Gurri vide order dated 12.07.1993 (Annexure CA-3) and as such, ^{it is stated} the direction has been substantially complied with.

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6. We have heard the learned counsel for both the parties and perused the record. We agree with the contention of the learned counsel for the respondents that the Tribunal, in its decision in O.A. 725/1992 and ~~has~~ ^{has} not issued any mandate to the respondents to accommodate the petitioner against the post of Daftari stated to be vacant at that time. The direction, as is clear from the plain reading of the relevant portion of the judgement extracted above, is to consider the case of the applicant on priority basis for an alternative appointment. Since, the respondents have already offered appointment in the same post on which he was working before the retrenchment at Silliguri, we are of the view that the direction of the Tribunal has been fully complied with. The delay caused in issuing appointment order, in our opinion, in the circumstances of the case, cannot be ^{said to be} unjust or unreasonable.

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7. In view of the discussions made above and having regard to the judgement of this Tribunal in CCA No. 136/1993, we find and hold that the respondents have complied with the directions fully and as such, no action as prayed for is warranted. This application is accordingly, dismissed and Rule issued is discharged. There will be no order as to costs.


Member-A


Member-J

Allahabad Dated: 16th September 1994

/jw/