

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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C.C.P. No. 2086 of 1993
(O.A. 673 of 1992) (D)
Devendra Kumar Singh Applicant.

Versus

Mohd. Ezaz Ahmad Respondents.

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

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

Heard Sri Gajendra Pratap, learned counsel for the applicant and Sri N.B. Singh, learned counsel for the respondents and also perused the documents.

2. The direction of this Tribunal which is stated to have been dis-obeyed by the alleged contemner is contained in the judgment and order dated 4.5.1993 in O.A. No. 673 of 1992, a copy of which is at Annexure-1. The relevant direction is reproduced below;

"Accordingly, the respondents are directed to consider the case of the applicants in view of the above directions. In case they are found fit after screening they may be given fresh appointment or they may be regularised instead of giving appointment to any other persons as the process of advertisement and selection is followed in their cases, may be by competent or incompetent authority, against whom no action has been taken. With the above

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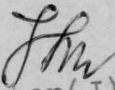
observations, the application stands disposed of."

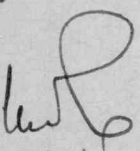
3. It would appear from the above direction that the respondents in the original application were obliged to consider the case of the applicant for fresh appointment or regularisation. According to the petitioner, this direction has not been obeyed and on the other hand, the alleged contemner has given him a communication, a copy of which is at Annexure- A 4 in which, it has been stated that all the papers of this case have been forwarded to the P.M.G. ^{and} as far as no action in the matter can be taken by the alleged contemner. The learned counsel for the respondents argued that there is no violation of direction of the order of this Tribunal in view of the fact that the papers relating to this, have already been forwarded to the P.M.G. for consideration and meanwhile, a SLP has been filed before the Supreme Court challenging the judgment dated 4.5.1993. He has also pointed out that there has been no time limit in the judgment dated 4.5.1993 for compliance of the direction.

4. We have carefully considered ^{the rival contentions.} While we agree with the learned counsel for the respondents that there is no wilful or deliberate violation of the Tribunal's order, the fact remained that the direction of the Tribunal has not been complied so far.

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5. We, therefore, ~~dismissed~~ this petition for contempt with the direction that the order of the Tribunal contained in the judgment dated 4.5.1993 shall be complied with by the respondents within a period of one month from the date of communication of this order subject to any order passed by the Supreme Court in S.L.B. stated to have been filed. Notices already issued stand discharged.


Member (J)


Member (A)

Dated: 30.6.1994

(n.u.)