

Reserved

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH
ALLAHABAD

DATED: THIS THE 24th DAY OF FEBRUARY, 1996

C. C. P. NO. 223 of 1994
in

Orgl. Appln. No. 1206 of 1993

Quorum : Hon'ble Mr. D.C. Verma J.M.
Hon'ble Mr. D.S. Baweja A.M.

Smt. Rekha Singh w/o Sher Singh,
r/o Manpur, district Allahabad.

C/A Shri O.P. Gupta.

----- Applicant

VERSUS

1. Shyam Dhari, Sr. Supdt. of Post Offices,
Allahabad Division, Allahabad.
2. Ashutosh Tripathi Postal Services,
Allahabad Division, Allahabad.

----- Respondents

C/R Shri M.B. Singh

ORDER

By Hon'ble Mr. D. C. Verma. J.M.

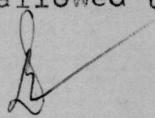
This is an application for contempt due
to non-compliance of the order dated 11.8.1994 by the
Tribunal in O.A. No. 1206/93 Smt. Rekha Singh Versus
Union of India and others.

2. Following direction was given by the
Tribunal, while deciding the said O.A.



" So considering these facts and the rules provided for the purpose, we feel that selection of respondent no.4 is unjust and improper and the applicant has been discriminated by arbitrary exercise of power. We, therefore, allow the application and quash the order dated 12.7.1993 passed by respondent no.3 by which respondent no.4 has been selected and appointed as E.D.B.P.M. We, however observe that the selection for the post of E.D.B.P.M., Manipur be made from amongst the sponsored candidates by the Employment Exchange on the basis of comparative merit. There shall be no order as to costs. "

3. The ground for contempt as stated is that after the orders (SUPRA) passed by the Tribunal, respondent no.4 of the O.A. was not removed as per orders of the Tribunal. The appointment of Prithivi Singh, who was respondent no.4 in the O.A. was found unjust and improper and the same was quashed by the Tribunal. The respondents were directed to select fresh candidate from amongst the names sponsored by the Employment Exchange. Though the copy of the Tribunal's order was communicated to the respondents on 22.8.1994, the respondent no.4 Prithivi Singh (Of the O.A.) was allowed to continue till 9.1.1995.



4. The respondents case is that the review of the order of the Tribunal dated 11.8.1994 was filed on 25.10.1994. Thereafter the present C.C.P. was filed on 2.12.1994. As the order of the Tribunal did not become final due to the pendency of the review application respondent no.4 Prithivi Singh (Of the O.A.) continued to work, but after the review was heard on 5.1.1995 Prithivi Singh was removed on 9.1.1995 and one of the candidates namely Manoj Singh, of the sponsored candidate was appointed in place of Prithivi Singh. It has, therefore been submitted that there is no intentional dis-obedience of the order of the Tribunal. The order of the Tribunal has been, therefore, fully obeyed and the delay is not intentional.

5. We have considered the circumstances brought out in the pleading and from the annexures on record, and we are satisfied that there is no intentional dis-obedience of the order passed by the Tribunal. In the circumstances, notices for contempt is discharged and C.C.P. is dismissed.


A.M. 24.2.96

Siddiqui