

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Application No. 89 of 1995
(Arising out of O.A.No.1772 of 1993)

Allahabad, this the 4th day of August, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member (A)
Hon'ble Mr.S.K.Agrawal, Member (J)

Nageshwar Lal
S/o. Late Sri Bhawani Lal Srivastava,
R/o. 34/4, Karelabagh Colony,
Allahabad.

.....Applicant

(By Shri H.C.Lal, Advocate)

Versus

1. Sri Mohd. Wajih,
Welfare Commissioner,
Allahabad.

.....Contemnor

(By Shri S.C.Tripathi, Advocate)

O R D E R (Open Court)

(By Hon'ble Mr.S.Dayal, Member (A))

This contempt petition has been filed for violation of interim order passed in original application No. 1772 of 1993 on 17-12-93 directing that vacancy occurred on the post of Head Clerk on account of promotion of Shri R.Zamman in pursuance of office order dated 1-11-93 shall not be filled by promotion except in accordance with the rules.

contd.../2p

2. The case of the applicant is that the opposite party has committed a willful and ~~deliberate & believed~~ disobedience of this order.

3. The learned counsels have been heard. The learned counsel for applicant has mentioned that the post could not have been filled up except for a very short period while it has been filled up on adhoc basis for upwards of twenty months. The learned counsel also mentions that the order of the Tribunal was that the post should have been filled up in accordance with rules. The rules in his opinion required the respondent to consider the eligibility conditions prescribed in the Recruitment Rules. The learned counsel for the applicant states that eligibility conditions also meant that the merit of the persons considered for adhoc appointment should have been gone into. The last contention of learned counsel for the applicant is that the respondents ^{circumvented} ~~suspended~~ the order of the Tribunal by making adhoc promotion.

4. We have considered the contentions made by learned counsel for the applicant. We find from paragraph 7 of Supplementary Counter Affidavit that the opposite party have stated that the post was filled up by making adhoc promotion following criteria provided for making adhoc promotions. The basic question is whether the criteria provided required consideration of merit also or not while making adhoc promotions? We are of the opinion that the rules as shown by the learned counsel for applicant in furnishing

copies of Chapter 16 on Adhoc Appointments required only eligibility conditions to be considered for adhoc appointment. The consideration of merit does not come into play. In view of this, we do not find any violation of direction of the Tribunal given in interim order in original application No.1772 of 1993. The petition of Contempt stands dismissed and the notices issued to the respondents are discharged.



MEM BER (J)



MEM BER (A)

/satya/