

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of February, 2001

CIVIL CONTEMPT PETITION NO. 22 of 1999

IN

O.A. Nos.153/97, 154/97, 162/97, 166/97

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. V. Srikantan, A.M.

1. Deepak Sharma S/o Sri S.P. Sharma,  
R/o 29, Indira Colony, Shahganj, Agra.
2. Manoj Upadhyaya S/o Sri R.D. Sharma,  
R/o 255, Defence Estate, Phase II,  
Devari Road, Agra.
3. Amit Sharma S/o Sri BB L Sharma,  
R/o 22/30, Shastri Nagar, Langare Ki Chauki,  
Agra.
4. Km. Renu Gupta, D/o Sri Kailash Chandra Gupta,  
R/o F-147, Kamala Nagar, Agra.
5. Keshav Deo S/o Sri Purushottam Singh,  
R/o 117, Manas Nagar, Shahganj, Agra.
6. Vinay Kumar Sharma S/o Sri Ishwari Prasad Sharma,  
R/o 2/6, Namner, Agra.
7. Km. Gunjan D/o Sri Ranveer Singh Chandel,  
R/o 23, Bajrang Nagar, Mathura Road,  
Sikandafa, Agra.

(Sri R.S. Gupta, Advocate)

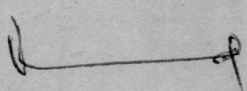
. . . . . Applicants

Versus

1. Brig Kushwant Singh Saini,  
Commandant 509 Army Base Workshop,  
Agra.
2. Brig Parminder Singh Cheema,  
Commandant 509 Army Base Workshop, Agra.

(Sri Amit Sthalekar, Advocate)

. . . . . Contemner/Opp.  
Parties.



- 2 -

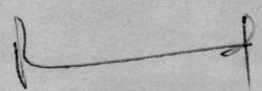
O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application under Section 17 of the Administrative Tribunals Act, 1985, the applicants have raised the grievance alleging non-compliance of the order of this Tribunal dated 10-11-1998 passed in O.A. Nos.154/97, 153/97, 162/97 and 166/97. Sri Amit Sthalekar, learned counsel appearing for the respondents has submitted that though in pursuance of the order of this Tribunal selection was communicated and even ~~appointment~~ <sup>selection</sup> orders were issued to the applicants but they could not be allowed joining in view of the contrary orders passed by the Principal Bench of this Tribunal in OA No.2956/1997 by which the Principal Bench disagreed with the view taken by this Bench of the Tribunal and directed to recruit apprentices without holding any written test. The Principal Bench also issued direction that any appointment made shall be subject to the orders of the Tribunal. ~~Meanwhile the appointments made shall~~ <sup>be subject to the final orders.</sup>

2. The controversy, however, stands concluded by a Full Bench of the Hon'ble High Court Judicature at Allahabad in case of Arvind Gautam Vs. State of U.P. and Others (1999) 2 UPLBEC 1397 and U.P. Rajya Vidyut Parishad Apprentice Welfare Association and another (2000) 2 UPLBEC 1779 (SC). As the controversy stands resolved and the apprentice trainees are also required to go through examination and the interview, the selection of the applicants based on the order of this Tribunal does not suffer from any legal infirmity and they are entitled for joining.

3. However, as Sri Amit Sthalekar, counsel for the respondents has submitted that the respondents are willing

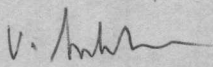


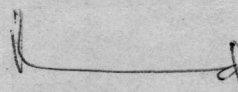


to allow the applicants' joining after clarification is given by this Tribunal. It is stated that the only anxiety on the part of the respondents was that they may not be subjected to any contempt proceedings if the appointment is made.

4. Considering the fluid situation which continued for sometime in view of the contrary views taken by the Principal Bench of the Tribunal, it cannot be said that the order of this Tribunal has been wilfully disobeyed. But now situation has changed after the judgement of the Hon'ble Supreme Court and the respondents cannot keep the applicants at wait for longer. Sri Amit Sthalekar, counsel for the respondents has assured the Tribunal that the applicants will be allowed joining within two weeks from the date a copy of this order is placed before the respondents.

5. In view of the assurance given by learned counsel for the respondents, we do not find any ground for continuing contempt proceeding against the Opp. Parties. The contempt petition is accordingly disposed of. The notices are discharged. There shall be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/