

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

CIVIL CONTEMPT PETITION NO. 121 of 2000

IN *2/1040* *2*
ORIGINAL APPLICATION NO. 1024 of 2000

this the 5th day of August 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER(A)

1. Vinod Kumar, S/o Sri Jamki Prasad.
2. Chhote Lal, S/o Shri Chiman.
3. Harish Yadav, S/o Sri Badri Prasad Yadav.
4. Vinod Kumar, S/o Sri Surjan Singh.
5. Sudesh Kumar, S/o Sri Bansi Lal.
6. Kali Charan, S/o late Sri Munna Lal.

.... Applicants.

By Advocate : Sri K.P. Singh.

Versus.

1. Sri M.S. Huda, Chief Engineer, Lucknow Zone,
Lucknow.
2. Sri V.N. Purohit, Commander Works Engineer, Jhansi.

.... Respondents.

By Advocate : Sri R. Choudhary.

ORDER

BY JUSTICE S.R. SINGH, V.C.

The instant Contempt petition has been instituted with the allegation that the directions given by this Tribunal in O.A. no. 1040 of 2000 has not been complied with by the respondents. While disposing of the aforesaid O.A. no. 1040 of 2000 vide order dated 15.9.2000, the Tribunal had directed the respondents to declare the result of the selection held in February '97 within

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a period of one month. It is not disputed that the
was made
selection for the post of Chowkidar.

2. In the Counter affidavits filed by one Brig. M.S. Hooda and another by Sri V.N. Purushit in which it has been stated that the selection conducted in February '97 was not approved by the Chief Engineer due to serious procedural irregularities in the conduct of these proceedings. It is further stated therein that a fresh selection Board of Senior Officers was constituted for the purpose of conducting and the selection afresh. The Selection Board so constituted was assembled on 7th & 8th April '97 to conduct tests and interviews for the post, in question. The results of the second Board of Officers proceedings were approved by the competent authority. It is alleged in para 7 of the Counter affidavit filed by Brig. M.S. Hooda that the results of the candidates who had appeared in the selection proceedings held on 7th & 8th April '97 for the post of Chowkidar, were declared on 9.9.2000. It is not disputed that the aforesaid O.A. was disposed of vide order dated 15.9.2000 without inviting the Counter affidavit, though after hearing the learned counsel appearing for the respondents. The fact remains that the true facts were not brought to the notice of the Tribunal and the O.A. was disposed of with the directions stated above on the presumption that the selection held in February '97 was subsisting and only the result thereof was awaited. While complying with the order dated 15.9.2000, the authorities could take notice of the development ^{in that like place} ~~in the meanwhile~~, before passing of the order. In the circumstances, we, therefore, find ~~that~~ no case is made out for committing contempt of the order of this Tribunal.

3. Accordingly, the Contempt petition is rejected. Notices issued to the respondents are hereby discharged.

G.S.

Dinesh
MEMBER (A)

Paranjpye
VICE CHAIRMAN