

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Appl. No. 127 of 2002 in
Original Application No. 327 of 1993

Allahabad this the 25th day of March, 2003

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Jai Prakash, aged about 37 years, Son of Shri Ram Kewal, resident of Plot No. 116/521, Keshav Nagar, Near Rawatpur Public School, Rawatpur Gaon, Kanpur.

Applicant

By Advocates Shri M.K. Upadhyay
Shri N.K. Nair

Versus

1. Shri Subeer Datta, Secretary, Ministry of Defence, Government of India, New Delhi.
2. Shri D.K. Datta, Chairman, Ordnance Factory Board/Director General of Ordnance Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkatta.
3. Shri K.L. Sapra, Senior General Manager, Field Gun Factory, Kalpi Road, Kanpur.

Opp. Parties.

By Advocate Km. Sadhna Srivastava

ORDER (Oral)

By Hon'ble Maj Gen K.K. Srivastava, Member (A)

This contempt petition has been filed under Section 17 of the Administrative Tribunals Act, 1985 to punish the respondent no. 3 for wilful disobedience of this Tribunal's order dated 12.07.01 passed in O.A. No. 327 of 1993. Following order was passed;

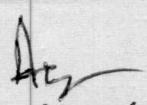
"In view of the above observations we have no doubt that the action of the respondents is bad in law. We dispose of the application with direction to the

respondent no.2 to re-engage the applicant on assurance of good conduct within a month and consider the case of the applicant for regularisation whenever an additional post of Cook is sanctioned subject to fulfilling the required conditions. The applicant will however, not be entitled to claim other consequential benefits for the period he has not actually worked."

2. Miss Sadhna Srivastava, counsel for the respondents submitted that the order of this Tribunal has been complied with and the applicant has been re-engaged as Cook. He has already joined as Cook in the respondents' establishment. Shri M.K. Upadhyay applicant's counsel submitted that the order of this Tribunal has not been fully complied with. Though applicant has been re-engaged but, his engagement is only for 89 days and the respondents have taken his re-engagement as a new appointment. The case of the applicant for regularisation has also not been considered. The respondents have also stated in para-3 of the order dated 31.10.2002 that applicant is debarred from claiming benefit of past services-for any purpose whatsoever except to such extent as may be prescribed under General order of the Government. Thus, the respondents have not complied with the orders fully. At this juncture the respondents counsel Miss Sadhna Srivastava invited our attention to letter dated 18.11.02 (annexure S.C.A.-2), by which the order dated 31.10.02 has been superseded. The applicant has been re-engaged by the respondents subject to the outcome of the Writ Petition No.34824/01 which is still pending before the Hon'ble High Court.

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3. In the facts and circumstances , we do not find that any case of contempt is made out. The contempt petition is dismissed. Notices are discharged.


Member (J)


Member (A)

[M.M.]