

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Civil Contempt Petition No.129 of 2002.

In

Original Application No.237 of 2000.

Allahabad this the 06th day of January 2004.

Hon'ble Mr.V.K. Majotra, V.C.  
Hon'ble Mr.A.K. Bhatnagar, J.M.

Rakesh Kumar Sharma,  
Son of Sri Om Prakash,  
Sharma, Resident of House No.S-10/188-A-A-1,  
Hukulganj, Varanasi.

.....Applicant.

(By Advocate : Sri Anand Kumar)

Versus.

1. Shri Kamlesh Chandra,  
Post Master General, Allahabad  
Region, Allahabad.
2. Shri Jiyut Ram,  
Senior Superintendent of Post Offices,  
East Division Varanasi, District Varanasi.

.....Respondents.

(By Advocate : Sri S Chaturvedi,)

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(Hon'ble Mr.V.K Majotra, V.C.)

Learned counsel heard, O.A. No.237/2000 was  
disposed of by order dated 10.08.2001 with the following  
observations/directions:-

"This O.A. is partly allowed to the extent that  
respondents are directed to pay the applicant  
minimum of the scale of Rs.950-1500/- from the  
date he completed 240 days till date he continued  
in the first spell. The amount payable shall be  
given to him within three months from the date  
a copy of this order is filed before the Sr.  
Superintendent of Post Offices (respondent No.2).  
As the applicant has already served the  
department for more than 240 days, he shall be  
given preference in case there is any vacancy  
for the post of Driver subject to his fulfilling  
all the requirements".

2. Admittedly first part of Tribunal's order regarding  
payment at the rate of minimum of scale of Rs.950-1500/-  
with  
has been complied. It is alleged on behalf of the applicant

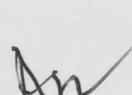
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that although there are five vacancies of Drivers in terms of Annexure 3 and Annexure 8, respondents are not considering the applicant for appointment there against. Learned counsel of the applicant further drew our attention to the Tribunal's order of 18.08.2003 wherein reference has been made to contention made on behalf of applicant that without any selection, the respondents had engaged two persons namely Arun Kumar and Rajesh Dubey as Drivers without considering the claim of the applicant.

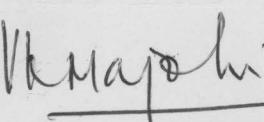
3. In reply affidavit filed today, respondents have stated that Arun Kumar and Rajesh Dubey were engaged for a few specified days due to unavailability of any other persons as they had already worked and used to visit office. Their engagement was in an emergency. It has been clearly stated on behalf of respondents that for the present no recruitment for the post of Driver is being made. The case of the applicant will be considered as and when the recruitment on the post of Driver is made. As such no wilful and contumacious disobedience of the orders of this Tribunal appears to have been made.

4. In view of explanation furnished on behalf of respondents, respondents are directed to consider the applicant's claim for recruitment against the post of Driver as and when the recruitment against the first vacancy is made by them.

5. This contempt petition is disposed of in the light of the above direction. Notices issued to the respondents are discharged.

  
Member-J.

Manish/-

  
Vice-Chairman.