

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No. 135/2002

in

Original Application No.546 of 1992

Dated: This the 24th day of November, 2003

HON'BLE MR. JUSTICE S.R.SINGH, V.C.
HON'BLE MR. D. R. TIWARI, A.M.

1. Jagmohan Yadav
s/o Raghunath Yadav,
Working as E.D.S.V., Karvi,
(Now Sahuji Maharaj Nagar,
Chitrakoot.
2. Awadh Behari,
s/o Bitta alias Shiv Prasad,
Working as E.D.D.A., Pahari,
District-Sahuji Maharaj Nagar,
Chitrakoot.
3. Hari Shankar Dwivedi,
s/o Badri Prasad Dwivedi,
working as E.D.R., Babrai,
Banda.
4. Lallu Prasad Trivedi
s/o Bisheshwar Lal
working as E.D.Packer Pailani,
District - Banda.
5. Babu Khan
s/o Chand Khan
Working as E.D.Packer Shivrampur,
District - Chitrakoot.

.. .. Applicants

By Advocate : Shri J.H.Khan

versus

1. R.C.Vishnoi
Superintendent Posts,
Banda.
2. Smt. Neelam Srivastava,
Post Master General,
Kanpur.
3. I.M.V.Khan,
Chief Post Master General,
U.P., Lucknow.

4. S.C.Dutta,
Dak Mahanideshak,
Dak Vibhag,
New Delhi.

... .. Respondents.

By Advocate : Shri S.Chaturvedi
Km. Sadhna Srivastava

O R D E R

By Hon. Mr. Justice S.R.Singh, V.C.

Instant contempt petition has been instituted in view of the alleged non-compliance of Tribunal's orders dated 05.2.1997 and 29.4.2002 in O.A. No. 546/92. As a matter of fact O.A.No.546/92 was instituted by J.M.Yadav and 4 others against the Superintendent Post Offices, Banda and 3 others for the following relief(s) :-

- " (a) quashing the order dated 18.8.1991 cancelling the examination for the post of Postman.
- (b) respondents be directed to declare the result of the examination before the date of holding the next examination and post the successful candidates against the vacant 26 posts of Postman in Kanpur city, Postal Division. "

The O.A. was disposed of vide order dated 09.2.1997 (Annexure-I). The operative portion of the order reads as under :-

- " In the result of the above deliberations, we allow the application quashing the order date 27.7.1992 and 18.8.1991. The result of the examination held on 18.8.1991 shall be declared that the successful candidates will be posted against the 17 vacancies of Kanpur Head Post Office as per the extant rules. The candidates posted against these 17 vacancies will be assigned seniority alongwith the order postue based on the result of examination held on 18.8.1991 as per the extant rules. We, however, further provide that such employee shall be entitled for performa fixation of the pay but no payment of arrears for the period shall be paid. The action as detailed above shall be completed within three months after receipt of the copy of the judgment. No order as to costs."

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2. The order dated 29.4.2002 was passed on M.A.No. 140/02 instituted with a prayer to recall the order dated 09.11.2000 by which civil contempt application No. 86/97 was dismissed as infructuous on the ground that the order dated 05.2.1997 passed in O.A.No.546/92 had been stayed by Hon'ble High Court in Writ petition No. 46902/00. The Hon'ble High Court subsequently by order dated 19.12.2001 rejected the stay application and vacated the interim order passed earlier. The M.A.No.140/02, however, came to be disposed of with liberty to the applicant to make a representation before Supdt. of Post Offices, Banda and P.M.G. Kanpur to comply with the order of this Tribunal dated 05.2.1997 passed in O.A. 546/92 within 2 months and coupled with the observation that in case the order is not complied with, within the aforesaid period, it would be open to them to file fresh contempt application in this Tribunal. Instant contempt application has been instituted with the allegation that despite the order dated 29.4.2002 the respondents have failed to comply with the order passed by the Tribunal in O.A.No.546/92.

3. Heard, the counsel for the parties and perused the pleadings.

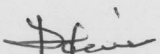
4. On perusal of the order dated 16.10.2003 filed alongwith the M.A. dated 05.11.2003 it is clear that in compliance of the direction given by the Tribunal by order dated 05.2.1997 in O.A.No.546/92 it was notified that none of the E.D.A. of Banda division had been selected for the post of Post Master as there was no vacancy in Banda division. The result of Post Master examination held on 18.8.1991 was accordingly ^{declared} as null vide order dated 16.10.2003 which reads as under:-

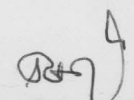
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" In compliance of C.A.T. Allahabad order dtd. 5.2.97 given in O.A.No.546/92 and directive dated 25.8.03 given in C.C.A. No. 135/02, it is notified to all concerned that none of the Extra Departmental Agents of Banda division has been selected for the post of Postman as there was no-vacancy in Banda division notified vide notification dated 24.5.1991. Therefore, the result of the Postman Examination held on 18.8.1991 is NIL."

5. In the circumstances, therefore, the contempt application does not survive and is dismissed.

6. There will be no order as to costs.


Member A


Vice-Chairman

Brijesh/-