

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 15th day of SEPTEMBER 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mrs. Roli Srivastava, Member (A)

Contempt Application no. 191 of 2002
in
Original Application no. 1620 of 1999

Agar Singh, S/o Sri Gyan Singh,
R/o Vill and Post Hassari,
Distt. Jhansi.

... Applicant

By Adv : Sri R.K. Nigam

V E R S U S

1. Maj Stephan K.J. Officer Commanding,
38 CoyASC (Sup) Type 'A' Cantt. Jhansi.
2. Lt. General I.K. Chitwal,
Director General Supply & Transport
Defence Headquarters, New Delhi.

... Respondents

By Adv : Sri S. Chaturvedi

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Justice S.R. Singh, VC.

Heard Sri R.K. Nigam learned counsel for the applicant and Sri S. Chaturvedi, learned counsel for the respondents.

2. The Tribunal vide its order dated 31.1.2002 passed in OA 1620 of 1999 Agar Singh Vs. U.O.I. & Ors had directed the respondents to consider the applicant for appointment provided there was no earmarked quota for compassionate appointment. It is further provided in the order that if no vacancy is available then the name of the applicant

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should be kept in the proper seniority list for appointment in future not only in the Defence Department but should also be forwarded to the other departments so that he can be absorbed as and when a vacancy arises in other department. The Hon'ble High Court, it is conceded, stayed the later part of the order.

3. As regard the first part of the order, the case ^{respondent} ~~applicant~~ of the ^{respondent} ~~applicant~~ is that the applicant was considered for appointment on a Group 'B' post, but there was no vacancy in Group 'B' post as on date of consideration. The applicant was recommended for being considered in the authorised post of Group 'D' in Defence Department ^{and} ~~other department~~ of Govt as per order of this Tribunal.

4. In suppl. counter affidavit, in para 4 & 5, it has been stated that in view of the order dated 18.11.2002 passed by the Hon'ble High Court there was no vacancy existing in the unit at Jhansi and as such offer of appointment cannot be issued in favour of the applicant. As per order of Hon'ble High Court dated 18.11.2002 the applicant could be considered for appointment as and when ^{exists} ~~exists~~ ^{vacancy}. The case of the applicant is that infact there exists the vacancy and the applicant has wrongly denied the appointment. If that be so, the applicant ^{may approach} ~~in view of~~ the Hon'ble High Court, for noncompliance of the order dated 18.11.2002 ^{or file} ~~have filed~~ the OA challenging the stand ^{of} ~~of~~ taken by the respondents.

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5. It is not a fit case for proceedings in the contempt jurisdiction. Contempt application is accordingly dismissed. Notices issued are discharged.

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Member-A

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Vice-Chairman

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