

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Civil Misc. Contempt Application No.267 of 2002

In

Original Application No.596 of 2000.

Allahabad this the 08th day of September 2003.

Hon'ble Maj Gen KK Srivastava, A.M.
Hon'ble Mr.A.K. Bhatnagar, J.M.

Phool Chand Pal
S/o Late Motilal,
R/o-179, Uttari Lokpur,
Naini, Allahabad.

.....Applicant.

(By Advocate : Sri L.M. Singh)

Versus.

Major Ravindra Singh
S/o Magan Singh,
Posted as C.E. 859, E.W.S.
C/o 99-APO.

Respondent.

(By Advocate :-)

ORDER

(By Hon'ble Maj Gen KK Srivastava, A.M.)

This contempt application has been filed under section 17 of Administrative Tribunals Act 1985 for wilful disobedience of the order of this Tribunal dated 07.11.2000 passed in O.A. No.596 of 2000.

2. Sri L.M. Singh, learned counsel for the applicant submitted that in paras 23 and 26 of the counter affidavit filed in O.A. No.596 of 2000 that the cases of all persons applying for compassionate appointment under

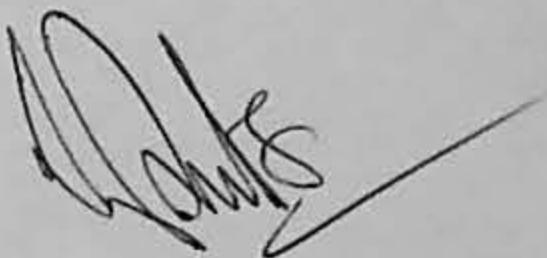
Dying-in-Harness Rule is maintained seniority-wise and cases are decided as and when the vacancies are released and cases are considered. Learned counsel for the applicant further submitted that case of the applicant has been rejected vide order dated 14.03.2002 (Annexure 3) whereas there is a specific averment that he will be given appointment as per his seniority list.

3. We have carefully considered the submissions of learned counsel for the applicant and have also perused paras 23 and 26 of the counter affidavit filed in O.A. No.596 of 2000. It has been stated by the respondents in para 26 as under:

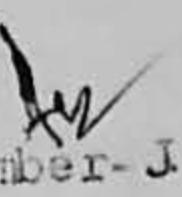
".....it is stated that the department after receipt of completed application of the applicant registered his name in the seniority list for consideration of employment to those who are dying-in-harness and accordingly the applicant will be given employment as per his seniority list. Hence, the department is considering the cases of all applicants Dying-in-Harness without any prejudice".

4. From perusal of the above, it is clear that respondent has stated that the case of applicant will also be considered. From perusal of paras 23 and 26, it appears that department has given no commitment that the applicant shall be given appointment. What the respondent has stated, is regarding considering the name of the applicant for compassionate appointment.

5. No case of contempt is made out. The contempt application is rejected. However, if the applicant is aggrieved by the action of respondent, he may approach ^h _{an} the original side.



Member-A.


Member-J

Manish/-