

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF OCTOBER, 2002

Civil Contempt Application No.42 of 2002

(OA No. 390/2001)

CORAM:

HONMR.S.DAYAL, MEMBER(A)

HON.MR.A.K.BHATNAGAR, MEMBER(J)

Anil kumar Dixit,
Son of Sri V.D.Dixit,
R/o 18, Gandhi Nagar Gali,
No.3, Firozabad.

... Applicant

(By Adv: Shri V.K.Goel)

Versus

1. Sri B.N. Soam,
Secretary, Department of Post,
Dak Bhawan, New Delhi.
2. Shri R.Gareshan,
Chief Post Master General
Lucknow.
3. Sri U.S.Lal Srivastava
Superintendent Post Office
Mainpuri.

... Respondents

(By Adv: Shri V.B.Mishra)

O R D E R

Hon.Mr.S.Dayal, Member(A)

This contempt petition was filed for willful disobedience of order dated 13.8.01 by which the respondents were directed to appoint the applicant w.e.f. 2.10.00 on notional basis within 8 weeks.

The respondents have filed affidavit enclosing a copy of order dated 3.7.02 appointing the applicant as officiating Postal Assistant at Firozabad against the vacancy for the year 2000.

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The learned counsel for the applicant states that the order has not been complied with as arrears have not been paid and the order was not passed within 8 weeks as directed by the Tribunal.


With regard to the contention of learned counsel for the applicant that arrears should have been paid to the applicant, we find that the order is very clear that the applicant is to get benefit of appointment w.e.f. 2.10.00 on notional basis only without requiring any arrears to be paid by the respondents.

As regards the delay in complying with the order, the delay was caused by the procedure required to be undergone before appointment could be made. It does not show that the respondents were not willing to comply with the directions.

no case for contempt survives and

We, therefore, find that the contempt proceedings are dropped, notices issued are discharged.


MEMBER(J)


MEMBER(A)

Dated: 07.10.2002

Uv/