

(7)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Civil Misc. Contempt Petition No.57 of 2002  
in  
Original Application No.1858 of 1994

Monday, this the 25th day of August, 2003.

Hon'ble Maj.Gen.K.K.Srivastava, A.M.

Hon'ble Mr. A.K.Bhatnagar, J.M.

Darshan Lal  
S/o Shri Shia Ram,  
R/o Near Zameel Building,  
Civil Lines,  
District Badaun.

.... Applicant.

(By Advocate : Shri P.K.Kashyap)

Versus

1. Shri I.M.V. Khan,  
Post Master General,  
Lucknow.
2. Shri K.K.Gagneja,  
Superintendent of Post Office,  
District Badaun.
3. Sri Nathulal Saxena,  
Head Post Master,  
District - Badaun.

.... Respondents.

(By Advocate : Shri Rajiv Sharma)

ORDER (ORAL)

By Hon'ble Maj. Gen.K.K.Srivastava, A.M. :

This contempt petition has been filed under Section 17 of A.T. Act, 1985, to punish the respondents for non-compliance of the order dated 28.11.2001 passed in OA No.1858/94.

Contd....2.



(8)

2. Shri P.K.Kashyap, learned counsel for the applicant submitted that the respondents challenged the order of this Tribunal before the Hon'ble High Court of Allahabad by filing C.W.P. No.11530/2002 which was dismissed on 18.3.2002.

The Hon'ble Allahabad High Court passed the following order :-

"The petitioner has challenged impugned order of Tribunal Annexure-2 to the petition. We see no illegality in the same. The Tribunal only directed to the respondents to consider regularisation of appellant.

The petition is dismissed."

3. The learned counsel for the applicant further submitted that the respondent No.3 has referred the matter to the Office of respondent No.1 through letter dated 15.7.2002 (Annexure-RA-2) for approval of Circle Office/Directorate.

4. Shri R. Sharma, learned counsel for the respondents submitted that the case of the applicant was considered for regularisation and rejected because for recruitment of Group 'D' cadre, the preferential categories are :-

- i) Non Test Category.
- ii) EDAs.
- iii) Full time casual labourers.
- iv) Part time casual labourers.


Since the applicant ~~was~~ belongs to category No.4, the claim of the other three categories, in order of preference, cannot be ignored and it is only after considering the case of the applicant, the order dated 29.7.2002 was passed.

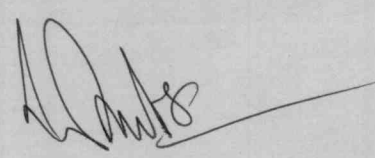
5. In view of the submissions made by the learned counsel for the applicant, we do not find that any case of contempt

Contd...3.

(9)

is made out. The contempt petition is rejected. Notices are discharged. However, keeping in view the length of service of the applicant, we hope that the case of the applicant shall be considered as per the extant rules for his regularisation in ~~xxx~~ Group 'D' cadre <sup>on his turn.</sup>

  
Member-J

  
Member-A

RKM/