

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Civil Misc. Contempt Application No.155 of 2003

Friday, this the 9th day of January, 2004

Hon'ble Mr. V.K. Majotra, V.C.
Hon'ble Mr. A.K.Bhatnagar, J.M.

1. Aditya Narain Dixit,
S/o Shri Madhav Prakash Dixit,
R/o Village - Ganj Moradabad,
Tahsil - Safipur, District - Unnao.
2. Shailesh Kumar Awasthi,
S/o Late Shri Virendra Nath Awasthi,
R/o - B.P.M. RAR, Ghatampur, Kanpur.Applicants.

(By Advocate : Shri S.K.Bahadur)

Versus

1. Smt. Neelam Srivastava,
Chief Post Master General,
U.P. Circle, Lucknow-226 001.
2. Smt. Neelam Srivastava,
Post Master General,
Kanpur Region, Kanpur.
3. Shri Riju Gangoli,
Chief Post Master,
Kanpur Head Post Office,
Kanpur.Respondents.

(By Advocate : Shri S. Chaturvedi)

O R D E R

By Hon'ble Mr. V.K. Majotra, V.C. :

The O.A. was decided by order dated 13.5.2003 with the following direction to the respondents :-

"Perusal of the earlier judgment shows that the direction was already given to the respondents to consider the case of the applicants for appointment when such ban is lifted. Therefore, we feel that the ends of justice would be better served if without commenting on the merits of the

.....2.

case, this O.A. is disposed off at admission stage itself by giving a direction to the respondents to consider the representations given by the applicants and pass a reasoned and speaking order thereon keeping in view the directions already given by this Tribunal in the earlier O.As, within a period of two months from the date of receipt of copy of this order under intimation to the applicants. Till such time, no further examination should be held by the respondents as number of vacancies have not been mentioned in the notification at page 41. If the applicants are still aggrieved by the order passed by the respondents, it will be open for them to file a fresh O.A., if so advised. No costs."

2. Learned counsel of the respondents stated that though there has been delay on the part of the respondents, they have decided the representation of the applicant in pursuance of Tribunal direction vide their order dated 9.10.2003, copy whereof has been filed by learned counsel in the court. Learned counsel stated that direction of this court has been complied with though the respondents have not yet filed the compliance affidavit. He expressed unconditional apology for delay on behalf of the respondents.

3. We have perused the order dated 9.10.2003 by which the representation of the applicant for their absorption against vacancy of 1998 has been rejected. The relevant portion of the order ^{is} _{is} reproduced below :-

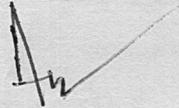
" I have thoroughly and carefully gone through the facts of the case, representations of the applicants preferred in pursuance of CAT order dated 01.05.01, 25.05.01, 03.08.01 and 28.10.02 with regard the rulings and instructions on the subject. The department had imposed ban on filling of vacant posts in pursuance of Ministry of finance letter dated 05.08.1999. Therefore on issue of instructions by DOPT and under O.M. No. 2/8/2001-PIC dated 16.05.2001, the department issued policy decision under letter no. 60-29/98SPBI (PT-II) dated 11.06.02 in respect of optimisation of direct recruitment to civil Posts. The department in his decision has mentioned clearance of vacancies by the screening committee for the year 2001 and those, which are less than one year old as on

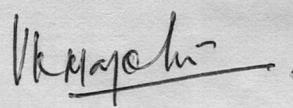
W

16.05.01 for recruitment. As regards remaining vacancies meant for direct recruitment it has been decided that the vacancies which are not cleared by the screening committee will not be filled up by promotion or otherwise and these posts stand abolished. The applicants appeared in the examination against the vacancies of year 1998 and they were also allotted to Kanpur HD against the unfilled vacancies of year 1998. But the said vacancies of the 1998, have not been cleared by the screening committee and these vacancies stand abolished as decided by the department. As such the representation of the applicants for their absorption against the vacancies of 1998 are not acceptable and rejected.

However, it is open to the applicants that they can appear in the examination against the vacancies cleared by the screening committee. "

4. We are satisfied that respondents have complied with the direction of this court. They have rejected the representations of the applicants and have given reasons therefor. This Contempt Petition has been rendered infructuous in the above back-drop; the same is dismissed with liberty to the applicants to take ^{legal} recourse on remaining aggrieved. Notices to the respondents are discharged.


MEMBER-J


VICE CHAIRMAN

RKM/