

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO.157 OF 2003

IN

ORIGINAL APPLICATION NO.177 OF 2002

ALLAHABAD THIS THE 21ST DAY OF APRIL,2004

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Manoj Kumar Sharma,
S/o Sri Ramesh Chandra Sharma,
R/o Surya Nagar, Chau Ki Basti,
Line Par, City & District-Moradabad.

.....Applicant

(By Advocate Sri Raj Singh)

Versus

1. Sanjay Singh,
Senior Superintendent of Post Offices,
Main Branch, Moradabad.
2. Jokhan Ram Bharti,
Assistant Superintendent of Post Offices,
(North) Sub-Division, Moradabad.

.....Respondents

(By Advocate Shri B.N. Singh)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

This contempt petition has been filed for punishing respondent no.2 for wilful dis-obedience of the order of this Tribunal dated 07.07.2003 passed in O.A. No.177/02. By the order under reference respondent no.2 was directed to



reinstate the applicant on the post of Extra Departmental Stamp Vendor (in short EDSV) in Moradabad city post office within 15 days from the date of communication of the order of this Tribunal. It has further been directed in the said ^{in order} ~~letter~~ that the applicant shall be removed only by a regularly selected person or by the compassionate appointee only on receipt of approval from Chief Post Master General U.P. Lucknow.

2. Aggrieved by non-compliance of the order applicant instituted this contempt petition on 05.09.2003. Notice ⁱⁿ ~~has~~ issued to respondent no.2 on 05.12.2003.

3. Shri Radhey Shyam appeared on behalf of respondents and submitted that the respondent has passed the order dated 23.03.2004 by which the applicant has been ordered to be re-engaged. The counsel for the respondent submitted that the compliance ⁱⁿ ~~alongwith~~ the annexure annexing the copy of the order dated 23.03.2004 has already been filed. Though the same is not on record we have perused the same as the copy of the same was placed before us by the counsel for the respondents. This fact is not disputed by the applicant's counsel. The submission made by the applicant's counsel is that the applicant has been subjected to harassment for about eight months.

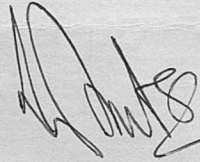
4. The learned counsel for the applicant further submitted that this order could have well been ⁱⁿ ~~been~~ passed immediately after the order of this Tribunal was served on the respondents. We find substance in the submission of the learned counsel for the applicant and we hope that Senior Superintendent Post Offices, Moradabad will take due notice of the same. Now since the respondent ⁱⁿ ~~has~~ already passed

[Signature]

the order for re-engagement of the applicant, in our opinion, the order of this Tribunal stands complied with. No case of contempt is made out. Contempt petition is rejected. Notice is discharged.



Member-J



Member-A

/Neelam/