

(1) OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Contempt Application No.171 of 2003.

in

Original Application No.117 of 2003.

Allahabad this the 28th day of January 2004.

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

Sunnawar
Son of Rajak
r/o Village and post Sadat,
District Ghazipur.

.....Applicant.

(By Advocate : Sri O.P. Sharma)

Versus.

Lt.Col.P.R. Das
CO 92 UP BN NCC, GHAZIPUR.

.....Respondent .

(By Advocate : Sri S.C. Mishra)

O_R_D_E_R_

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

This contempt application has been filed for wilful disobedience of the order of this Tribunal dated 25.02.2003 passed in O.A. No.117/03. By order of this Tribunal the result sheet for selection to Sweeper held on 12.12.2002 was quashed and direction was issued to the respondents to hold fresh selection fairly and in accordance with law.

2. The respondent has filed counter affidavit. In para 6 of the counter affidavit, respondent ^{has} submitted that respondent is not empowered to appoint any civilian staff without approval of State Government. It has also been

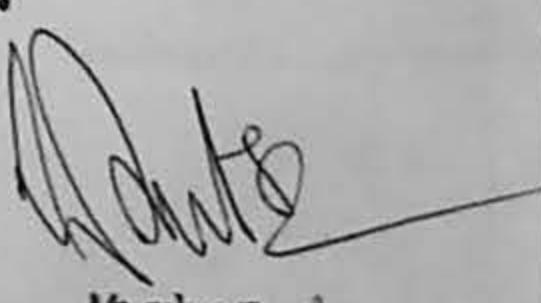
submitted that in compliance of the order of this Tribunal, the vacancy of the said post has been reflected in the quarterly report/return. for the quarters ending March 2003, June 2003 and September 2003.

3. Respondent has also stated in para 8 that on receipt of contempt notice, the respondent has initiated to obtain orders from appropriate authorities for fresh selection for the said post vide his letter dated 19.11.2003 (Annexure CA-4).

4. Learned counsel for the applicant has reiterated that respondent has not taken required action immediately on receipt of the order of this Tribunal dated 25.02.2003. He has woken up only on the receipt of contempt notice.

5. We have perused the records and we find that as averred in counter affidavit the posts of Sweeper has been shown in the quarterly report. Besides the respondent has taken action for getting approval for holding selection for the post of Sweeper against the vacancy lying with the unit. While we observe that respondent has not taken prompt action for fresh selection, yet in view of the averments made by respondents in the counter affidavit, no case of wilful disobedience is made out. Contempt petition is rejected. Notice is discharged.


Member-J.


Member-A.

Manish/-