

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.**

CIVIL MISC. CONTEMPT APPLICATION NO. 80 OF 2006.

IN

ORIGINAL APPLICATION NO. 1253 OF 2002.

ALLAHABAD THIS THE 15<sup>TH</sup> DAY OF NOVEMBER 2006.

**HON'BLE MR. JUSTICE KHEM KARAN, V.C.  
HON'BLE MR. M. JAYARAMAN, A.M**

Jeewan Lal s/o Shri Bhagwan Das,  
R/o 17/70, Maithan, B.P Oil,  
Near Tail Mill, Agra.

.....Applicant

(By Advocate: Sri L.M Singh)

Versus.

Shri D.K. Sharma,  
Chief Engineer Zone, Air Force,  
Bamrauli, Allahabad.

.....Respondents

(By Advocate: Sri S. Singh)

**ORDER**

By MR. JUSTICE KHEM KARAN, V.C.

Heard Sri L.M. Singh, learned counsel for the applicant and Sri S. Singh, learned counsel for the respondents in this matter.

2. Vide order dated 20.4.2005 passed in O.A. NO.1253/02, this Tribunal asked the respondents to reconsider the case of the applicant for compassionate appointment. The relevant portion of that order of the Tribunal is as under:-

*"However, in view of the decision of the Division Bench in the case of 2004 (1) ATJ 54-Kishan Das Vs. U.O.I and others (CAT Jabalpur) wherein the question that came up for consideration is identical, it would be appropriate to direct the respondents to peruse the records relating to compassionate appointments for the year 1993 onwards to see whether there were any vacancies and whether the applicant could have been covered within the vacancy position and if so, the applicant be considered for compassionate appointment in the next available vacancy. In case the case could not be covered in the past years, details thereof (such as year-wise vacancies and number of candidates appointed) be intimated to the applicant. This exercise shall be conducted within a period of four months from the date of communication of this order".*




2. On seeing that the respondent NO.2 namely Chief Engineer Zone, Air Force, Bamrauli, Allahabad is not complying the said directions of the Tribunal. Applicant filed this application under section 17 of Act of 1985. Notice was issued to the respondent, Sri D.K. Sharma, Chief Engineer Zone, Air Force, Bamrauli, Allahabad and thereupon he filed reply, alleging that in compliance of the above directions of the Tribunal, the matter was considered and orders passed, annexing thereto the copy of the order dated 27.10.2005 (Annexure CA-2).

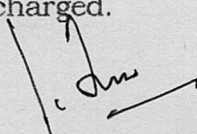
3. Sri L.M. Singh has submitted that these alleged orders of compliance are infact not the compliance orders as vacancy position of 1993 was not traced out and kept in mind and rather facts were twisted so as to say that the application of 1993 could be ready for consideration in June 1999. He says that the respondent has not complied with the orders of this Tribunal, in letter and spirit.

4. Sri S. Singh has tried to say that the correctness or otherwise of the compliance order dated 27.10.2005 should not be debated or decided in such contempt proceedings. According to him, after this order dated 27.10.2005, it can not be stated that respondent has disobeyed the order, what to say of wilfully disobeyed the order of the Tribunal.

5. We have considered the respective submissions of counsel for the parties. We find ourselves in full agreement with Sri S. Singh, learned counsel for the respondents. It is true that the order dated 27.10.2005 cannot be tested here in these proceedings. That may be subject matter of any other proceedings, but not the contempt proceedings. It cannot be said that the respondents have wilfully disobeyed the direction dated 20.4.2005 passed in O.A. NO.1253/02. So the contempt proceeding are dropped and notice is discharged.



**Member-A**



**Vice-Chairman.**

Manish/-