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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

Civil Contempt Petition No. 173 of 2006

IN

ORIGINAL APPLICATION NO. 481 OF 2005

ALLAHABAD THIS THE 18th the DAY OF MARCH, 2008

**HON'BLE MR. A.K. GAUR. MEMBER-J
HON'BLE MR. K.S. MENON, MEMBER-A**

Kailash Nath Kaushik, S/o late Sri Beni Prasad Kaushik, R/o
Prem Nagar, Jhansi.

.....Applicant

By Advocate: Sri G.P. Agarwal.

VERSUS

1. Sri Budh Prakash, G.M., N.C.R., Allahabad.
2. Sri. U.K. Singh, D.R.M., DRM Office, Jhansi.
3. Sri S.K. Singh, Sr. Divisional Personnel Officer, Central
Railway, Jhansi.

.....Respondents

By Advocate: Sri. P. Mathur.

ORDER

BY A.K. GAUR, MEMBER-J

We have heard Sri G.P. Agarwal, learned counsel
for the applicant and Sri P. Mathur, counsel for
respondents.

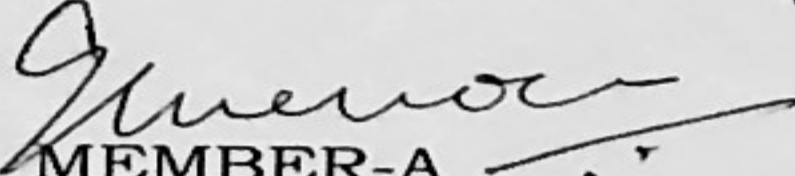
2. The learned counsel for the applicant has
contended at the outset that the directions of this
Tribunal have been complied with except directions
contained in clause (c). The direction of this
Tribunal as contained in clause (c) reads as under:-

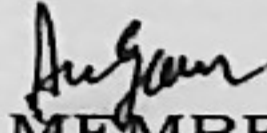
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"The respondents shall consider applicant no.2 and 3 for regularisation in the post of Material Checking Clerk/Asstt. Time Keeper, as the case may be, in which they have for the past decades been functioning on adhoc basis from retrospective effect and afford necessary seniority in the said posts and the applicants on their regularisation would be eligible for consideration to the higher posts if any on the basis of their seniority or other benefits such as ACP etc."

3. Sri P. Mathur, learned counsel for the respondents on the other hand invited our attention to IInd Supplementary Counter Affidavit and stated that on bare perusal of the documents as referred would reveal that the applicant had appeared in the said examination on the scheduled date, result of which was declared on 7.1.2008. He also stated that in the result of the said written test, the name of the applicant does not appear in the list of successful candidates and as such his candidature cannot be considered for promotion to the post of Senior Clerk (Annexure-3). We have perused the result of examination (Annexure-3) wherein the applicant has been declared 'failed'.

4. The learned counsel for the applicant has contended that the respondents were duty bound to grant him promotion on the basis of seniority. In Civil Contempt, this Tribunal may not look into the genuineness and correctness of the order. Whatever order has been passed, in contempt jurisdiction, the genuineness of the same cannot be challenged. In view of the above, we find that the order of this Tribunal has been fully complied with and as such we find no case for civil contempt. The contempt petition is accordingly dismissed. Notices discharged.


MEMBER-A
GIRISH/-


MEMBER-J