

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Contempt Petition No. 71 of 2007
In
Original Application No. 984 of 2001**

Thursday this the 3rd day of April, 2008

**Hon'ble Mr. Ashok S. Karamadi, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)**

Sarad Chandra Son of Late Babin Lal, Resident of Madpur, vill & P.O. Manuari.

Applicant

By Advocate Sri O.P. Khare

Versus

1. A.K. Laroiya, J.D.P.C.-5 Air Headquarters Directorate of D.C. Vayu Bhawan, New Delhi-110011.
2. A. Mohanty, Air Commodore, Air Officer Commanding 24 E.D. Air Force, Manuari, Allahabad.

Respondents

By Advocate Sri Saumitra Singh

O R D E R

By Ashok S. Karamadi, Member (J)

01.04.2008

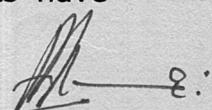
This Contempt Application is filed against the Order dated 16.05.2006. By the said Order, the respondents were directed to refer the matter to the Department of Personnel and Training for consideration of the case in the light of Judgment of the Apex Court in the case of Govind Prakash Verma and arrive at just conclusion and communicate to the respondents. On receipt of the same, the respondents may act accordingly. The time framed for completing the above exercise was six months. The case of the applicant is that since the respondents have not complied with the Order, they have disobeyed the same, therefore, this Contempt Petition is filed for taking action against the respondents.



2. On notice, the respondents have filed the Counter Affidavit. The sum and substance of the counter affidavit is that they have complied with the Order and having regard to the direction issued to the respondents, necessary steps are taken by the respondents to consider the case of the applicant and accordingly by Order dated 20.12.2006, as ordered, the matter was considered by the department by referring the same to the D.O.P.T. and the said communication which was done in pursuance of the Order of this Tribunal, same was communicated to the applicant and the applicant has also been produced the said communication. In spite of that applicant is contenting that the respondents have not obeyed the Order passed by this Tribunal. It is wrong. Hence, sought for dismissal of the contempt petition.

3. Even though in the revised call there is no representation on behalf of the applicant on 01st April 2008 when the case was first heard. Learned counsel for the respondents is present. We have heard the learned counsel for the respondents and perused the material on record.

4. Having regard to the fact that the Order was passed in the O.A. on 16.05.2006. By the said Order, the respondents are directed to consider the case of the applicant and direction also issued to the respondents to refer the matter to the Department of Personnel and Training for further consideration. In pursuance of the Order, the respondents have taken into consideration the Order passed by this Tribunal, have applied their mind and have issued the necessary communication by the Order dated 20.12.2006, which is produced by the applicant himself in the O.A. In view of this, case of the applicant as we peruse from the Contempt Petition that having regard to the fact that the respondents have taken time for compliance of the said Order, the applicant states that the respondents have not complied fully the Order passed by this Tribunal by giving compassionate appointment to the applicant. This contention of the applicant has no legs to stand as there is no specific order by this Tribunal to give any compassionate appointment to the applicant, the only direction issued to the respondents was to refer the matter to the D.O.P.T. to consider the same in the light of Supreme Court's Judgment, referred in the Order. Having regard to the submission made by the respondents in their counter affidavit, it is clear that the respondents have not disobeyed the Order passed on 16.05.2006, on the contrary the respondents have

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complied with the Order and taken steps to comply the Order passed by this Tribunal and same was also communicated to the applicant.

5. In view of the foregoing reasons, we do not find any justifiable ground to continue with the contempt proceedings. Accordingly, the Contempt Petition is dismissed and notices issued to the respondents are discharged.

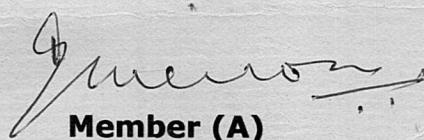
Member (A)

Member (J)

03.04.2008

On mention of the learned counsel for the applicant-Sri O.P. Khare, we have heard the matter again.

2. Learned counsel for the applicant has brought to our notice the decision rendered by the Apex Court in the case of Union of India and others Vs. Subedar Devassy PV [(2006) 1 UPLBEC 745] with regard to the fact that the authorities have no other option except to pass the Order in accordance with the Order passed by the Court. In the instant case, the respondents have passed the Order, referring the matter of the applicant to the Department of Personnel and Training. Having regard to the fact that there is no specific order to the respondents to consider the case of the applicant for compassionate appointment, we do not find that the respondents have deviated from the Order, as contented by the learned counsel for the applicant. The facts of the case, referred above and relied upon by the learned counsel for the applicant, are not applicable to the present case, therefore, same is not applied to the present case. So far as other facts mentioned by learned counsel for the applicant, reasons are already given in the aforesaid Order. Accordingly, contempt petition is dismissed. Notices issued to the respondents are discharged.



Member (A)



Member (J)

/M.M/