

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

Allahabad, this the 19th day of October, 2011

Present :

Hon'ble Mr. Justice S.C. Sharma, Member-J

Hon'ble Mr. D.C. Lakha, Member-A

Contempt Petition No.129 of 2007
in
Original Application No.1042/2005

1. Ram Awadh Verma, aged about 61 years (Superannuated) S/o Late Ram Pyare Plot No. 2, Sidharth Nagar, Rampuram, Kanpur.
2. K.L. Kureel, /o Late Kali Dass, 133/18 Transport Nagar, Kanpur.
3. V.N. Singh, S/o Late Saudagar Singh 288/11 NLC, Kidwai Nagar, Kanpur.
4. Kanhaiya Mishra, S/o Late Kashi Nath Mishra, P-21/9, Type II, Raksha Vihar Colony, Shyam Nagar, Kanpur.
5. Indra Mohan, S/o Shri Ram Bajpai, 275 COD Colony, Koyala Nagar, Kanpur.
6. R.S. Gupta, S/o Late R.A. Gupta, 39/1, Site No. 1, Kidwai Nagar, Kanpur
7. Smt. Savitri, W/o Shri Ashok Singh 168/4 Shastri Nagar, Kanpur.
8. Ram Saran, S/o Late Badri Prasad, (Superannuated) Block No. 287/4 NLC Kidwai Nagar, Kanpur.
9. Hira Lal, S/o Late Bansi Lal, LIG-99, KDA Colony, Ganga Vihar, Jajmau, Kanpur
10. J.L. Srivastava, S/o Late L.N. Srivastava, II-405 Gujaini, Kanpur
11. J.C. Pant, S/o Late M.M. Pant, 148 Type-II Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
12. Smt. Usha Singh, W/o Shri Haridwar Singh, P-27/2 Raksha Vihar Colony, Shyam Nagar, Kanpur.
13. Ramji Gupta, S/o Shri S.N. Gupta 244 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.

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14. R.K. Bajpai, S/o Shri R.C. Bajpai, 242 Anand Nagar, Rawatpur Gaon, Kanpur.
15. V.N. Lal Srivastava, S/o Shri R.S.L. Srivastava 153 Ganga Nagar, Near PAC Colony, Kanpur.
16. Arjun Prasad, S/o Late Satya Narayan Trivedi, (Superannuated) 384 W-2, Basant Vihar, Naubasta, Kanpur.
17. Ram Autar, S/o Shri Jurakhan, A-2058, Awas Vikash, Hanspuram Naubasta, Kanpur.
18. Smt. Seema Guha, W/o Satyajit Guha, 85-C Block, Shayam Nagar, Kanpur.
19. Smt. Kanti Singh, W/o Shri Bhim Singh, 153 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
20. Harbhajan Singh, S/o Late Gurbachan Singh, (Superannuated) 13/190 Govind Nagar, Kanpur.
21. Uma Kant Srivastava, S/o Late R.K. Srivastava, 119 Yogendra Vihar, Naubasta Kanpur.
22. B.K. Kispota, S/o Late Israil Kispotta, 307, COD Colony, Koyala Nagar, Kanpur.
23. R.K. Sinha, S/o Late Surendra Kumar Sinha, 31/6 Type-II Raksha Vihar Colony, Shyam Nagar, Kanpur.
24. L.R. Pathak, S/o Late Markandey Pathak, II-402, Gujaini Kanpur.
25. S.S. Saxena, S/o Late J.S. Saxena, 329/2 Juhi Lal colony, Kanpur.
26. R.L. Pandey, S/o Shri Rama kant Pandey, A-93, Shyam Nagar, Kanpur
27. D.S. Kureel, S/o Late Mathura Prasad, 100/148, Colonel Ganj, Kanpur
28. A.C. Dev, S/o Late Sukumar Chand Dev, 47/2, Type-III Raksha Vihar Colony, Shyam Nagar, Kanpur.
29. Ram Kishan, S/o Late Ram Chandra, 88/5/191, Gola Ghat, Nai Basti Cantt, Kanpur.
30. Smt. Nirmla Trivedi, W/o Late S.K. Trivedi, 31/4 Site No 2 Kidwai Nagar, Kanpur.
31. Ramesh Chandra, S/o Shri Ganga Prasad, Lal Kurti Bazar Cantt, Kanpur.
32. C.D. Shukla, S/o Late Basudev Shukla, (Superannuated) 18 COD Colony Koyala Nagar, Kanpur.
33. Ram Lal, S/o Shri Ram Adhar, 20-A, 'O' Block, Yashoda Nagar, Kanpur.
34. Ghasi Ram S/o Late Natha Ram, 6/43-A, Purana Kanpur.



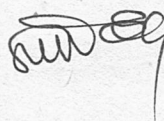
35. L.K. Pal, S/o Late Arjun Pal, 128/K/67/224 Yashoda Nagar, Kanpur.
36. R.A. Alvi, S/o Late M.A. Alvi, 42/5 Ajeet Ganj Colony, Babupurwa, Kanpur.
37. Narendra Kumar Shukla, S/o Late M.P. Shukla, 37/118 Bandhu Katra, Agra.
38. Bal Krishna S/o Arjun Lal, 180, COD Colony, Koyala Nagar, Kanpur.
39. B.K. Mishra, S/o Late Mangal Prasad, 41/4 Babu Purwa Colony, Kanpur.
40. Ram Jeet Yadav, S/o Late R.G. Yadav 86/5, Babupurwa Colony, Kanpur.
41. Sant Lal, S/o Late Kalpu, 388 W Block, Keshav Nagar, Kanpur.
42. S.N. Singh, S/o Late J.B. Singh, 152 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
43. Ram Babu, S/o Shri Shyam Lal, 46/5, Vishnu Puri Colony, Nawab Ganj, Kanpur.
44. Ross Abraham, S/o Late G. Abraham, 127/236, Nirala Nagar, Kanpur.
45. Narendsra Singh Tomar, S/o Late J.N. Singh Tomar, 15 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
46. Bajrangi Sharma, S/o Shri Major Sharma, H-400, Gujaini Kanpur.
47. S.B. Singh, S/o Late B.P. Singh, 115/7 Type-II Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
48. Ratan Sarkar, S/o Late G. Sarkar P-31/18, Type-II, Raksha Vihar Colony, Shyam Nagar, Kanpur.
49. J.S. Jaiswal, S/o Shri R.C. Jaiswal, P-31/3, Raksha Vihar Colony, Shyam Nagar, Kanpur.
50. A.P. Yadav, S/o Late D.D. Yadav, 185 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
51. Kanhaiya Lal, S/o Late Mishri Lal, 241-H Block, Kidwai Nagar, Kanpur.
52. B.S. Bhadauria, S/o Shri S.N. Singh, 54, New Basti, Paharpur, Naubasta, Kanpur.
53. P.K. Pandey, S/o Late Gopalji Pandey, 30/3, Type-II, Raksha Vihar Colony, Shyam Nagar, Kanpur.
54. V.K. Srivastava, S/o Late D.N. Srivastava, 105 Type-II Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
55. V.K. Verma, S/o Late L.N. Verma 23/15, Patkapur, Birhana Road, Kanpur.

Subodh

56. G.S. Puri, S/o Late C/S Puri, 25/2 Labour Colony, Govind Nagar, Kanpur.
57. Chandrika Mahta, S/o Shri Munni Lal Mahto, 267/9 NLC, Kidwai Nagar, Kanpur.
58. Mohd. Zamir, S/o Late Riazuddin, House No. 155, Shujatganj, Kanpur.
59. Rajesh Nagrath, S/o Late B.P. rath, 120/171, Lajpat Nagar, Kanpur.
60. S.C. Gera, S/o Late K.L. Gera, 37/3, Block No. 4, Govind Nagar, Kanpur.
61. Smt. Santosh Kumari, W/o Shri D.P. Singh, 38/2 Type-III, Raksha Vihar Colony, Shyam Nagar, Kanpur.
62. R.K. Mishra, S/o Late Devi Chand, 110, Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
63. Mahendra Kumar S/o Shri Satti Deen, 552 Meerpur Cantt, Kanpur.
64. V.B. Sharma, S/o Late Kapil Deo, P-1, 29/6, Type-II, Raksha Vihar Colony, Shyam Nagar Kanpur.
65. Smt E.D. James, W/o Shri M. James, 285/1 Babupurwa Colony, Kanpur.
66. Smt. Manju Rani Gautam, W/o S. Narain, 295/6, NLC, Kidwai Nagar, Kanpur.
67. S.C. Srivastava, S/o Late R.K. Srivastava, 310-A, Kaji Khera, Lal Banglow, Kanpur.
68. A.K. Goswami, S/o Late Laxman Giri, 98, COD Colony, Koyala Nagar, Kanpur.
69. S.N. Mishra, S/o Late L.N. Mishra, H. No. 169 'K' Block Yashoda Nagar, Kanpur.
70. H.N. Singh, S/o Late B.R. Singh, 253, COD Colony, Koyala Nagar, Kanpur.
71. Shiv Kumar, S/o Shri Kewal Singh, LIG-876, 'C' Block Shyam Nagar, Kanpur.
72. Maya Ram, S/o Late Khushiyal, E-13/8 Gangapur (KDA) Colony, Kidwai Nagar, Kanpur.
73. Bali Raj Singh, S/o Late Arjun Singh, P-79, Type-I, Raksha Vihar Colony Shyam Nagar, Kanpur.
74. Suresh Chandra S/o Shri Ganesh, 145, Mangla Vihar, Kanpur.
75. Madan Gopal, S/o Late Ganga Ram, 147 Type-II, Kendranchal Colony, Gulmophar Vihar, Naubasta Kanpur.
76. Brij Lal, S/o Late Pyare Lal, 22 Bajjapurwa, Cantt kanpur.
77. A.D. Pal, S/o Shri Bachnoo Pal, 296, Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta Kanpur.

Subodh

78. V.N. Rai, S/o Late Nagdev Rai, 139 Type-II, Kendranchal Colony, gulmohar Vihar, Naubasta, Kanpur.
79. Ishaq Ansari, S/o Late Noor Ali, 2/19, Ajeet Ganj, Safed Colony, No. 2 Begam Purwa, Kanpur.
80. D.S. Adhikari, S/o P.S. Adhikari, 132, COD Colony, Koyala Nagar, Kanpur.
81. A.K. Kalyania, S/o Shri P.M. Kalyania, 3/17, Type-I, Raksha Vihar Colony, Shyam Nagar, Kanpur.
82. S.N. Bhagat, S/o Shri R.J. Bhagat, 4/3 Type-I, Raksha Vihar Colony, Shyam Nagar, Kanpur.
83. Parmod Kumar, S/o Late Mihi Lal, 261, Jawahar Puram, New PAC Line, Kanpur.
84. R.S. Katiyar, S/o Late M.R. Katiyar, 24/2, Vijay Nagar Colony, Kanpur.
85. Shyamji Gupta, S/o Shri S.N. Gupta, 112 Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
86. Manoj Saxena, S/o Late A.P. Saxena, 170/4 Juhi Lal Colony, Kanpur.
87. L.K. Yadav, S/o Shri P.L. Yadav, 138, Type-II, Kendranchal Colony, Gulmohar Vihar, Naubasta, Kanpur.
88. Asharfi Lal, S/o Late Munna Lal, E-2/249, KDA Colony Deheli Sujanpur Kanpur.
89. Ram Chandra, S/o Late Shri Ram 133/673, Naya Purwa, Kidwai Nagar, Kanpur.
90. Manohar Bijani, S/o Late K.K. Bijani, Block No. - II, House No. 124-A/289, 1st Floor, Govind Nagar, Kanpur.
91. R.N. Dhoundiyal, S/o Late Shri B.R. Dhoundiyal, B-194, World Bank Colony, Barra-Kanpur.
92. Prakash Chandra, S/o Late Shobha Ram, 113/314, Swaroop Nagar, Kanpur.
93. M.P. Singh, S/o Late Ganesh Raut, Block 'G' Plot No. 230, Shyam Nagar, Kanpur.
94. R.K. Verma, S/o Late Soney Lal, Block 'B' House No. 358 World Bank Colony, Barra, Kanpur.
95. A.K. Pathak, S/o Late M.N. Pathak, M-48, KDA Colony, Delehi Shujanpur. Kanpur.
96. B.B. Pal, S/o Late Bansi Lal, 09, Chhabiley Purwa, Jajmau, Kanpur.
97. Suman Srivastava, S/o Late L.P. Srivastava Type-II, Block No. 28, House No. 03, Raksha Vihar Colony, Shyam Nagar, Kanpur.
98. Rakesh Kumar, S/o Late R.B.P. Singh, 30/6, type-II, Raksha Vihar Colony, Shyam Nagar, Kanpur.



99. Smt. J. Manju, W/o Shri D.P. Singh, 23-A, Vimanpuri Sanigawan Road, Kanpur.

100. Sunil Tripathi, S/o Late R.S. Tripathi, Y-1/75, Yashoda Nagar, Kanpur.

.....Applicants.

By Advocate – Shri S. Mandhyan

V E R S U S

1. Shri Vijay Singh, Secretary, Government of India, Ministry of Defence, New Delhi.
2. Lt. General B.S. Sissodia Director General of Ordnance Services Army, Headquarter, DHQ, New Delhi.
3. Brig. S.Vayaboury Commandant, COD, Kanpur.

.....Respondents.

By Advocate : Shri Abhinav Tripathi

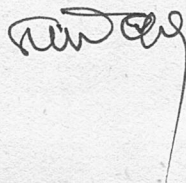
O R D E R

By Hon'ble Mr. Justice S.C. Sharma, J.M. :

We have heard Sri M.K. Yadav, Advocate holding brief of Sri S. Mandhyan, Advocate for the applicant and Sri Abhinav Tripathi, Advocate for the respondents and perused compliance report dated 23th September, 2011.

2. A request has been made on behalf of the applicant by Sri M.K. Yadav for adjournment but it is a matter between the court and contemnor and ^{ip 2}the Court is satisfied that the appropriate order can be passed.

3. Instant application has been moved under the contempt of Court's Act in order to punish the



contemnor/respondent for disobeying the order of the Tribunal passed in OA No.1042/05 on 27.3.2007.

4. We have heard Shri Abhinav Tripathi, Advocate for the respondents and perused the entire facts of the case. Although Shri M.K. Yadav, Advocate appearing on behalf of Shri S. Mandhyan, Advocate for the applicant requested for adjournment. But it is a matter between the court and contemnor and the Court is satisfied that the compliance has been made on behalf of the respondents. It will be disposed of today and hence we proceed to dispose of this contempt petition today. In OA No.1042/05 the order was passed on 27.3.2007, which is as under :-

"In view of the what has been stated above, the O.A. is finally disposed of with direction to the respondent no. 1 to take decision on the representation (Annexure A-7) of the Applicants' Association in accordance with relevant rules or orders as may be on the subject within a period of 4 months from the date a certified copy of this order is produced before it."

5. From perusal of the order it is evident that a direction was given to respondent No.1 to take decision on the representation (Annexure-A-7) of the Applicants' Association in accordance with relevant rules or orders as may be on the subject within a period of four months. As the compliance was not made hence the contempt petition was

Order

moved. On the previous date i.e. 11.8.2011 the order was passed in the contempt petition that the compliance has not been made by respondent No.1 of the order passed by this Tribunal and hence the order was passed that either compliance be made or Secretary of Defence shall appear before us to explain as to why the compliance has not been made. Today Shri Abhinav Tripathi, Advocate for the respondents has produced the compliance report dated 23.9.2011 and from perusal of compliance report it is evident that order was passed in the matter of restructuring of clerk staff approved by MOF and approval has also been given by the Ministry of Defence as well as there is Government Sanction in this regard by the Ministry of Defence. Hence it appears that compliance has been made of the order. Considering that the compliance has been made of the order, it will be just and appropriate to dispose of this contempt petition. Accordingly, the contempt petition is disposed of as the compliance has been made of the order of the Tribunal. Notices are discharged.

Copy of the order be supplied to the parties counsel.


Member-A


Member-J

RKM/