

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD

(THIS THE 29th DAY Of August, 2011)

Hon'ble Mr. Justice S.C. Sharma, Member (J)
Hon'ble Mr. Akhil Kumar Jain, Member (A)

Civil Contempt Petition No.173 of 2008
(Arising out of O.A. No. 1330 of 2005)

1. Dinesh Prasad a/a 48 years, S/o Late Ram Govind Prasad, R/o Plot No.193, Soyepur, Pandeypur, District-Varanasi.
2. Lal Chand Singh aged about 47 years, Son of Chhotey Lal Singh, R/o House No. N-13/209, Sarai Surjan, Post Wazardiha, Varanasi.
3. Vinod Kumar aged about 46 years S/o Late Lallu Sahu, R/o Village and Post- Manduadih, District-Varanasi.
4. Uma Shanker Shukla, a/a 51 years, S/o Rama Kant Shukla @ Rama Shanker Shukla, R/o House No.B-22/275, K-10, Kirahiya, Kojawa Bazar, District Varanasi.
5. Muzahid Khan a/a 42 years, S/o Late Hazi Altaf Khan, R/o Village-Rahimpur, Post-Lohata, District Varanasi.
6. Chhedi Ram a/a 52 years, S/o Shri Sukhdev, R/o Village and Post- Anai, District Varanasi.
7. Shiv Pratap aged about 43 years, S/o Shri Kali Charan Yadav, R/o Village Khaidopur, Post-Koirauna, District Sant Ravidas Nagar (Bhadohi).
8. Shitla Prasad aged about 48 years, S/o Late Ram Adhar Prasad, R/o Village Raipuria, Post-Narainpur, District Mirzapur.
9. Dev Saran Yadav a/a 47 years S/o Baba Ram Yadav, R/o Village Bhikharipur, Post Raja Talab, District Varanasi.

Subodh

10. Nand Lal Prasad S/o Late Sita Ram, R/o Village & Post-Bankat, District Varanasi.

All the applicants are working under the respondents.

..... Applicants

Present for Applicant : Shri G.K. Gupta

Versus

1. Ashutosh Tripathi, Post Master General, Allahabad Zone, Allahabad.
2. S.M. Zama, Superintendent of Post Offices, West Division, Varanasi.

..... Respondents

Present for Respondents : Shri R.P. Singh

ORDER

(Delivered by Hon. Mr. Justice S. C. Sharma, Member-J)

Instant contempt petition has been filed in order to punish the respondents/O.Ps. for flouting the order of this Tribunal dated 07.07.2008 in O.A. No.1330 of 2005.

2. We have heard Shri Shiv Poojan, holding brief of Shri G.K. Gupta, Advocate for the applicant and Shri R.P. Singh, Advocate, for the respondents and perused the order dated 17.07.2008 passed in O.A. No.1330 of 2005. It will be appropriate to produce the operating portion of the judgment:-

Shiv Poojan

"Without going into the scheme of 1993 and Rules of 2002, it is felt that it is for the respondents to consider the applicants' case based upon the facts that they are already having temporary status and consider their case for regular appointment in accordance with the scheme/Rules within a stipulated period of time. Let the respondents consider the applicants' case for regular appointment in accordance with the Rules/Scheme for grant of Temporary status and Regularization 1993 and inform them of the present status of the case for such appointment within a period of three months from the date of receipt of a certified copy of this order."

3. From the perusal of the aforesaid judgment, it is evident that at the very outset it has been stated that without going to the Scheme of 1993 and Rules of 2002, it is felt that the respondents to consider the applicants' case based upon the fact that they have already worked as temporary and got temporary status. No specific direction was given by the Tribunal to give appointment to the applicant. The direction was to consider the case of the applicant in the light of Rules/Scheme framed by the respondents. From the perusal of the compliance report it shows that on 22.07.2011, the matter was considered by the D.P.C. for promoting in MTS Cadre from Casual Labour (T/5) for the vacancy of 2009 and 2010 on the basis of seniority cum fitness. It has also been alleged in the compliance report that during the year 2009-10, one ^{occurred 2} vacancy each category for OBC/SC and against these two vacancies one [^] Shri Murari Lal and Shri Nand Lal Prasad have been promoted as Casual Labour.

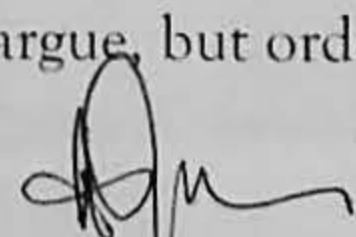
Swamy

4. Learned counsel for the respondents emphasized that direction was to consider the case of the applicants as per Rules/Scheme and the case of the applicant was considered subject to availability of the vacancy according to seniority and similarly situated persons. One post was given to Shri Murari Lal, who is senior most to the applicant and another post belong to S.C. category has been given to Shri Nand Lal Prasad. In the subsequent year, whenever, the post is available, the applicant shall be considered for promotion as per direction of the Tribunal.

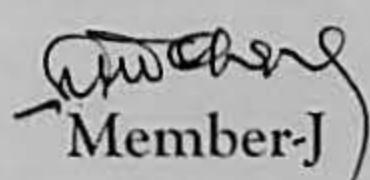
5. At present compliance report filed by the respondents is passed in accordance with the direction of the Tribunal and nothing is to be complied with further. It has also been argued that the direction of the Tribunal has not been flouted by the respondents. There is no element of wilful disobedience of the order passed by the Tribunal. In view of the compliance report the Contempt Petition does not survives and liable to be dismissed.

6. Contempt Petition is dismissed and notices discharged.

7. After dictating the order Shri A.D. Singh appeared and stated that he wants to argue, but order has been dictated already.



Member-A



Member-J

Sushil