

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCHCPC 66 OF 1999
(OA 965 OF 1996)

Date of order : 21.3.2002

Present : Hon'ble Mr. B.P.Singh, Administrative Member
Hon'ble Mr. M.L.Chauhan, Judicial Member

SMT. GUNJESHWARI DEVI

VS

SHRI A.K.PAL & ORS

For the petitioner : Mr. P.Chatterjee, Counsel
Ms. U.Bhattacharjee, Counsel

For the respondents : Mr. S.K.Dutta, Counsel

ORDERB.P.Singh, A.M.:

This contempt petition has been filed by the petitioner alleging non-compliance of the order dated 9.6.98 passed by the Tribunal in OA 965 of 96. The operative part of the said order reads as follows :-

" In viewn of the aforesaid circumstances, I am of the view that the impugned order of rejection (annexure-A1) is devoid of reason. Hence, it is arbitrary and illegal and liable to be quashed. Accordingly, I set aside the order dated 25.1.96 (annexure-A1) and direct the respondents to consider the case of the applicant afresh in the light of the discussions made above and to pass appropriate order regarding appointment of applicant No. 2 on compassionate ground under the said scheme applicable to him within 4 months from the date of communication of this order, if vacancy is available."

2. This order could not be complied with within the prescribed period of four months from the date of communication of the order. Therefore, a petition was filed by the respondents for extension of time and time was extended by the order dt. 18.1.99 in MA 582 of 96 arising out of OA 965 of 96. The relevant part of the order is as follows :-

" However, a last chance is given to the respondent-applicant to consider the case of the applicant for the purpose of appointment as per observation made in the OA without adding new grounds for rejection within two months from to-day."

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3. The ld. counsel for the petitioner has drawn our attention to the order dt. 6.4.99 passed by the Superintending Engineer, CPWD, annexed to the contempt petition as Annexure-CP-III. His contention is that the same grounds, on which the earlier order of rejection dt. 25.1.96 was passed and which was set aside by the Tribunal by its order dt. 9.6.98 disposing of the OA, have been reiterated in this order also for rejection of compassionate appointment. Therefore, according to the ld. counsel, it is against judicial order of the Court. The ld. counsel further submits that in this order dt. 6.4.99 certain new grounds have been added whereas there was specific direction in the order dt. 18.1.99 in MA 582/98 that no new grounds should be added for rejection.

4. Ld. counsel for the respondents, on the other hand, submits that the order dt. 9.6.98 passed in OA 965 of 96 has been complied with in full. He also submits that the original order was passed in reference to this order by the Ministry on 4.1.99 as annexed to the reply to the contempt petition and this order of the Ministry was communicated by the order dt. 6.4.99. Therefore, there was no question of non-compliance of the order dt. 18.1.99 passed in MA 582/98 as the said order was passed by the Ministry earlier than the date of passing of the order in the aforesaid MA. He, therefore, contends that there was no wilful disobedience of the order of this Tribunal and as such this contempt petition should be dismissed.

5. We have gone through the contempt petition and the reply as also the various annexures annexed therewith.

6. We find that the order dt. 9.6.98 has been fully complied with as per direction of the Tribunal and there is no wilful violation of the direction of the Tribunal.

7. Regarding the order dt. 30.3.2000 passed in the instant CPC that Shri A.K.Mittal should file an affidavit disclosing the name and designation of the competent authority by the next date, we notice that no affidavit has been filed so far inspite of the direction given by the Tribunal about two years back. However, at the time of hearing

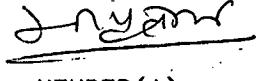
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of this petition, ld. counsel for the respondents drew our attention to the order dt. 4.1.99 enclosed with the reply, to which reference has already been made, which has been signed by the Dy. Secretary, Govt. of India. This is an order of the Govt. and, therefore, we find that there is no formal justification for filing any affidavit by Shri Mittal in this case in pursuance of the order dt. 30.3.2000.

8. In view of the above, we are of the opinion that it is not fit and proper to proceed further with this contempt proceeding and accordingly it is dropped. The applicant will be at liberty to approach proper forum for redressal of his/her grievance if he/she is not satisfied with the order passed by the respondent authorities.



MEMBER(J)



MEMBER(A)