

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Civil Contempt Petition No.24/2005

In

Original Application No.379/2002

This the 04th day of December 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Budhiram, aged about 30 years, son of Late Ram Kishum R/o
Village and Post-Umapur, Tahsil-Rudauli, District Faizabad.

...Applicant.

By Advocate: Shri S.D. Srivastava.

Versus.

1. Dr. P. Pushpan Gadan, Director, National Botanical Research
Institute, Rana Pratap Marg, Lucknow.

...Respondents.

By Advocate: Shri A.K. Chaturvedi.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J).

The applicant has filed this application under Section 17 of the Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act, 1971 stating that the respondents have not complied with the order of this Tribunal Dt. 13.08.2004 passed in O.A.No.379/2002 and as such they are liable for punishment.

2. The respondent have filed compliance report, stating that one vacancy of Group-'D' arose for appointment on compassionate ground in the year 2007 and as such, CRC on compassionate ground appointment considered the claim of the applicant alongwith 11 others

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in the CRC meeting in which, decision was taken that Smt. Radha Chauhan w/o Late V.K. Singh is only eligible for appointment on compassionate ground and the said recommendation of the committee was also accepted by the Director, NBRI, Lucknow, which they have informed to the applicant vide letter Dt. 3.4.2007(Ann-S-1) and thus, they have complied with the direction of this tribunal.

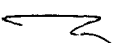
3. Head both the sides.

4. The point of consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicant filed O.A.No.379/2005 with a prayer for direction to the respondents for his appointment on compassionate ground and the same was disposed of on 13.08.2004 with a direction to the respondents to reconsider the case of the applicant afresh as and when vacancies are available with them.


6. From this, it is clear that tribunal directed to the respondents to consider the claim of the applicant for compassionate appointment, whenever vacancy arise under the said quota. From the counter affidavit of the respondents, there was no vacancy in earlier but such vacancy of Group-'D' post was available in the year 2007, in which they placed the representation of the applicant alongwith 11 others before the CRC in which name of Smt. Radha Chauhan w/o Late V.K. Singh was recommended for compassionate appointment and same was accepted by the Director on 22.08.2007 and the same has been communicated to the applicant.


7. When the respondent authorities have reconsidered the claim of the applicant for his appointment on compassionate ground in the year 2007 when vacancy for Group-'D' post was available but in which the committee recommenced the name of other candidate but not the applicant and the same was also informed to the



applicant and in such circumstances, there is no act of contempt on the part of the respondents for initiating any contempt proceedings against them thus, C.C.P. is liable for dismissal.

In the result, C.C.P. is dismissed. Notices are discharged.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)
04.12.08

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