

Central Administrative Tribunal Lucknow Bench Lucknow.

C.C.P. No. 69/2006 In O.A. 46/2005.

This, the 30th day of April, 2007.

Hon'ble Mr. A. K. Singh, Member(A)

Hon'ble Mr. M. Kanthaiah, Member(J)

Deepak Kumar Tewari, aged about 28 years, son of Late Sri Awadhesh Kumar gtewari, resident of Mohalla Gharnajpur, Post Kurwali, District Mainpuri, presenting residing at Lucknow R/o 569 Cha/299ka Prem Nagar, Alambagh Lucknow.

By Advocate Shri S. N. Rathaur

Versus

1. Shri R. Ganeshan, Secretary, Department of Post India Dak Bhawan, New Delhi.
2. Smt. Vijay Laxmi Seth, Chief Post Master General U.P., Lucknow.
3. Sri Dinesh Chandra Gupta, superintendent of Post Offices, Mainpuri, Mandal Mainpur.

By Advocate Shri S. P. Singh.

By Hon'ble Mr. A. K. Singh, Member (A)

C.C.P. bearing No. 69/2006 has been filed by applicant Shri Deepak Kumar Tewari under Section 17 of Administrative Tribunal Act 1985 read with Section 12 of Contempt of Court Act 1971. The applicant's submits that the respondents have not so far complied with the order/direction of this Tribunal issued vide order dated 9th September 2005 in O.A. 46/2005 and therefore have committed a contempt of this court which is punishable


under Section 12 of the Contempt of this Court Act 1971 read with Section 17 of Administrative Tribunal Act 1985.

2. The counsel for respondents Shri S.P. Singh opposes the contempt petition. He submits that the directions of the Tribunal have been fully complied with in accordance with the above mentioned order.

3. We have heard counsels on both sides today on the question of admissibility of the contempt petition in question. We find that the operative portion of this Tribunal's order dated 9th of September 2005 in O.A. 46/2005 reads as under:

"We direct the respondents to reconsider the case of the applicant in accordance with rules and instructions by passing a detailed and speaking order within a period of 6 months from the date of receipt of copy of this order. With the above directions, O.A. is disposed of."

4. We find that as per above direction of this Tribunal the respondents have duly considered the case of the applicant and have rejected their request on certain grounds which can be enumerated as under:

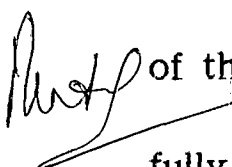
 (i) the mother of the applicant had received of terminal benefits amounting to Rs. 3,86,272 in the year 2000. She was also receiving pension @ Rs. 2625 + DAR as

admissible under rules every month. The applicant possesses 0.239 Hec. Agricultural land for cultivation etc.

(ii) In the second place, the respondents have also rejected the case of compassionate appointment of the applicant on the ground that applicant had no vested right to be considered for employment on compassionate grounds. Moreover, compassionate appointment cannot be granted after a lapse of a reasonable period.

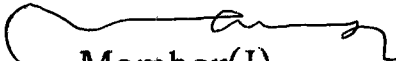
(iii) In the third place, they contend that appointment on compassionate grounds can be made only if a vacancy is available within 5% quota allowed for such appointments.

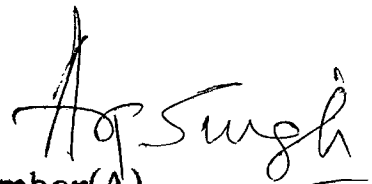
5. We have considered the matter. It is settled law that the merits of a case cannot be gone into in the contempt proceedings. Respondents have no doubt raised fresh issues in their order which lead to fresh cause of action. The applicant, should have filed fresh O.As, instead of filing a contempt petition. On a perusal of direction of this Tribunal vis-à-vis compliance report

 of the respondents, we find that the respondents have fully complied with the same and have also passed a speaking order in the matter. If the applicant is aggrieved by the same, he can file a separate O.A. in this regard.

6. Moreover, Under Section 12 of the Contempt of Court Act 1971 a contemnor is liable to be punished only when there is a deliberate intent to disobey the order. In this case, it is not so. Hence, the contempt petition is not maintainable before us and is liable to be dismissed. We order accordingly. Notices issued to the contemnors are hereby discharged.

7. Liberty is however given to applicant to file fresh O.A. on the points raised by respondents in their order dated 12.2.2007 in case, he is aggrieved by the same.


Member(J)


Member(A)

v.