

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.**

**Contempt Petition No. 58 of 2009  
In  
Original Application No. 171 of 2008**

This the 16<sup>th</sup> day of November, 2010

**Hon'ble Mr. Juustice Alok Kumar Singh, Member-J**  
**Hon'ble Mr. S.P. Singh, Member-A**

1. Jag Ram, Aged about 36 years, S/o Sri Ram Het, R/o 51 Ram Tirath Marg, Narhi, Lucknow.
2. Gopal Chand Srivastava, Aged about 35 years, S/o Sri Rajeshwari Prasad Srivastava, R/o House No. 2/29 Guru Ravidas Nagar, Wazir Hasan Road, Lucknow.

.....Applicants

By Advocate : Sri Ankit Srivastava for Sri Anurag Srivastava

Versus.

1. Sri D.R. Tripathi, Chief Commissioner of Central Excise/ Customs, 7-A Ashok Marg, Lucknow.
2. Smt. Suchitra Sharma, Commissioner, Central Excise, 7-A Ashok Marg, Lucknow..

.....Respondents

By Advocate: Sri S.P. Singh

**ORDER**

**BY JUSTICE ALOK K SINGH, MEMBER-J**

Heard Sri Ankit Srivastava holding brief for Sri Anurag Srivastava, learned counsel for the applicant as well as Sri S.P. Singh, counsel for respondents and perused the material on record.

2. Tthe relevant paragraph 11 of the judgment of this Tribunal dated 29.8.2008 in O.A. no. 171 of 2008 is extracted here-in-below:


*"Therefore, this application is disposed of with a direction to Respondent no.2 that he might examine the availability of a post of Farrash as reflected in the statement made by the Chief Information Officer and if such a suitable vacancy was available, he could consider the applicants as per his previous assurance. The request to set-aside the recruitment of Sepoys is dismissed as devoid of any merit."*

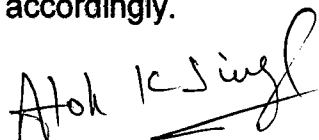
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3. It has been specifically averred in paragraph 12 of Supplementary Counter Affidavit of Smt. Suchitra Sharma, Commissioner, Central Excise, 7-A, Ashok Marg, Lucknow that the matter of both the applicants namely Jagram and Gopal Chand Srivastava were considered by the Chief Commissioner, Central Excise, Lucknow zone and they were duly communicated vide letter dated 7.8.2009 (Annexure-B) that in the course of filling up vacancies in Government departments a specific methodology and system has to be followed. The process of filling of any vacancy in the grade of Safaiwala/Farrash has not yet been initiated by the department. It was further informed that as and when it would be advertised, they are at liberty to apply as a fresh candidate. Lastly, it was assured that the case of the applicants will be duly considered.

4. Concededly this Supplementary Counter Affidavit has not been controverted by any Rejoinder Affidavit. Therefore, there is no valid reason before us to disbelieve this Affidavit.

5. Finally, therefore, in our view, substantial compliance of the judgment of this Tribunal dated 29.8.2008 has already been made by the respondents as mentioned hereinabove. Therefore, notices stand discharged and Contempt petition is finally disposed of accordingly.

  
(S.P. Singh)  
Member-A

  
(Justice Alok K Singh)  
Member-J

Girish/-