

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 1/2010 in OA No.310/2010

This the 13th day of April, 2011

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Hon'ble Sri D.C. Lakha, Member (A)

Fateh Mohd. Rahmani aged about 37 years son of Sri Nisar Ahmad Staff Car Driver, Office of Suptd. Post Office, Behraich Division, Behraich, R/o Mohalla- Mohammad Nagar, P.O.Risia Bazar, District- Bahriach.

Applicant

By Advocate: Sri R.S.Gupta

Versus

1. Col. Kamlesh Chandra, CPMG, U.P., Lucknow.

Respondents

By Advocate: Sri S.P.Singh

ORDER (Dictated in Open Court)

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Objection against compliance report along with affidavit filed today which are taken on record in the interest of justice.

2. Heard the arguments advanced from both the sides and perused the material on record.

3. In O.A. No. 310/2010, on the request made on behalf of the applicant, that if a direction is given to the respondent No. 2 to dispose of the application in speaking order within a specific period, his grievance would be redressed, this Tribunal passed the final order on 17.8.2010, directing the respondent No. 2 to decide the representation of the applicant dated 2.7.2010 (Annexure A-9) by passing a speaking order according to rules/ Govt. instructions within a stipulated period. A compliance report along with affidavit of Col. Kamlesh Chandra, presently posted as Chief Post Master General, U.P.Circle, Lucknow has been filed saying that

At

substantial compliance has been made by passing a reasoned order on 10.2.2001 (Annexure CA-1)

4. The relevant paragraph No. 5 of the aforesaid order is as under:-


"5. There is a post of Jeep Driver in Bahraich Divison which is running vacant due to ban on recruitment of drivers in the department and there are instructions to manage the work of Drivers by outsourcing. Therefore, the work of jeep driver in the office of the SPOs Bahraich Division Baharich was managed by engaging the applicant. His engagement was only to meet out occasional requirement of driving purely as a skilled labour hired from the market as a daily rated worker. He was never given any written order for engagement and never engaged continuously for more than 89 days. For above period, he was paid wages on daily rated basis as from open market. The applicant was not employed as casual labour in the department."

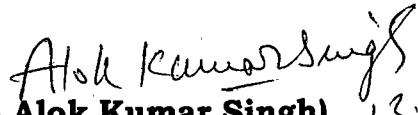
5. As against the above, an objection has been filed on behalf of the applicant saying that it has wrongly been mentioned in the aforesaid order that applicant was not paid the minimum of the pay scale of Group 'D' and instead his engagement was only to meet out occasional requirement and he was only a daily rated worker, who worked only for 89 days. It is further mentioned in the aforesaid order dated 10.2.2011 that he was never engaged continuously for more than 89 days. From the side of the applicant, it is said that this observation is also wrong. Further it is said that nothing has been said about engagement of one Santosh Kumar Singh as driver. In the last, it has been reiterated in the objection that applicant completed more than 205/240 days of work in each year 2008 and 2009 and had acquired temporary status according to rules.

6. As mentioned hereinabove, the direction of this Tribunal was only for passing a speaking order deciding the representation dated 2.7.2010. We are of the opinion that substantial compliance has been made by passing the

aforesaid order disposing of the representation.. As far as other points raised on behalf of the applicant are concerned, the same appear to be beyond the ambit of this contempt petition.

7. Finally, therefore, this contempt petition is dismissed in full and final satisfaction. Notice stands discharged.


(D.C. Lakha)
Member (A)


(Justice Alok Kumar Singh) 13.4.2011
Member (J)

HLS/-