

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.C.P. 7/92

Lucknow this the 17th day of July, 2000.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Suneet Kumar aged about 37 years, son of Sri Rishikesh Bajaj, Resident of House No. 101, Ganga Prasad Road, Molvi Ganj, Lucknow.

Applicant.

By Advocate Shri R.C. Saxena.

versus

1. Sri S.M. Prasad, G.M. Telecommunication, U.P. Circle Hazratganj, Lucknow.
2. Sri R.C. Agarwal (P.P.) UP. Circle Lucknow (now Central Area (Administration(Lucknow.)).
3. Dr. Vinod Agrawal, Medical Officer, Incharge, P&T Dispensary III, Mahanagar, Lucknow.
4. Sri D.N. Singh Divisional Engineer Telegraph, Faizabad.
5. Shamshur Rahman Farooqui, Chief Post Master General, Lucknow.

Respondents.

By Advocate None.

O R D E R

BY D.C.VERMA, MEMBER(J)

Suneet Kumar has filed this Contempt Petition against the respondents¹⁷ on the ground that the respondents have not complied with the Tribunal's order dated 2.7.91 given in T.A. no. 1153/97 (W.P. No. 2420 of 1983) Inre Suneet Kumar vs. Union of India and others.

2. While deciding the said T.A., the Tribunal issued the following directions:

"The applicant was given appointment in the year 1982 and the bifurcation of the Department took place in the year 1985. It is only an internal



matter of the department. The respondents are bound to give appointment to the applicant. The applicant should not be subjected to suffer for the lapses of the Department. With these observations, the application is allowed and the respondents are directed to give appointment to the applicant from the date on which five other candidates were selected alongwith him. But the applicant shall not get any salary for the above period. Let the compliance be done within one month from the date of communication of this order."

3. The respondents' case is that in compliance of the Tribunal's order the respondents passed the order dated 10.2.1992 (Annexure R-1 to the C.A.) by giving appointment to the applicant as Medical Storekeeper and consequently, there is no non compliance of the Tribunal's order.

4. The learned counsel for the applicant has submitted that vide letter dated 5.10.82, the applicant had been directed to report for duty to Medical Officer Incharge P&T Dispensary III, Mahanagar, Lucknow within 15 days on the post of Medical Storekeeper. After being relieved from K.G. Medical College, the applicant submitted the charge certificate but was not allowed to join at Mahanagar Dispensary. The main submission of the learned counsel for the applicant is that by Annexure-1 dated 10.2.92, the applicant has been directed to report for duty to the Medical Officer, Incharge P&T Dispensary Gorakhpur. The submission is that in the light of the initial order of appointment dated 5.10.82, the applicant should be appointed at P&T Dispensary Mahanagar and not at Gorakhpur. Consequently, it has been submitted that the posting of the applicant at Gorakhpur is non compliance of the Tribunal's order dated 2.7.91.

5. Heard the learned counsel for the applicant and perused the pleadings on record.

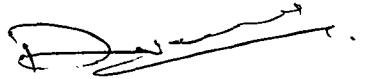


6. The direction of the Tribunal has been quoted above. The only direction is that the respondents shall appoint the applicant from the date on which five other candidates were selected alongwith him. It was further directed that the applicant shall not get any salary for the above period. The direction was to be complied with within one month from the date of communication of the order. There was no direction about the place where the applicant was to be appointed. By Annexure R-1 dated 10.2.92, the applicant has been given appointment w.e.f. the date of joining of the junior candidate and it is specifically mentioned that arrear of pay and allowances will not be paid to the applicant.

7. The learned counsel for the applicant, on a query from the Bench, has submitted that the applicant has not joined the P&T Dispensary Gorakhpur in pursuance of the order dated 10.2.92 and is still working with K.G.M.C. It is thus, seen that though the order of appointment was issued by the respondents, in 1992, the applicant preferred to continue with his posting in K.G.M.C. and has not joined the P&T Dispensary at Gorakhpur. There being no specific direction to appoint the applicant at Mahanagar, the appointment of the applicant at Gorakhpur cannot be faulted.

8. In view of the discussions made above, in our view, no contempt is made out. The C.C.P. is dismissed. Notices are discharged.


MEMBER (A)


MEMBER (J)

Lucknow; Dated: 17.7.2000

Shakeel/-