

Central Administrative Tribunal Lucknow Bench Lucknow

C.C.P.No.45/2008

In

Original Application No.238/2007
This, the 23 day of December 2008

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

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

Satish Kumar, aged about 23 years, son of Late Sri Shiv Prasad, Postman, Bakshi Ka Talab, Lucknow, resident of Village and Post Bibipur (Itaunha), Lucknow.

...Applicant.

By Advocate:- Shri R.S. Gupta.

Versus.

1. Smt. Neelam Srivastava, Chief Postmaster General, U.P., Lucknow.

... Respondents.

By Advocate:- Shri S.P. Singh.

ORDER

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

The applicant has filed this C.C.P. under Section 17 of Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act to punish the respondents on the ground that they have willfully and deliberately not complied with the direction of this Tribunal Dt. 21.01.2008.

2. The respondents have filed compliance report stating that they have considered the claim of the applicant in respect of his

appointment on compassionate ground and also in respect of refund of DCRG and as such, the C.C.P. is liable for dismissal.

3. Heard both sides.

4. The main OA i.e. O.A. No.238/2007 was disposed of on 21.01.2008 with a direction to the respondent No.2 to consider the representation of the applicant covered under (Ann-A-4) Dt.21.08.2006 and pass reasoned order as per rules in respect of the claim for appointment on compassionate ground and also for refund of DCRG within a period of three months.

5. From the compliance report, it is clear that the respondents have informed the applicant vide letter Dt. 18.2.2008 (An.-CR-1) stating that no deduction has been made and the DCRG amount to the tune of Rs.1,53,098/- has already been sanctioned and paid to the applicant on 09.08.2005 and 07.01.2006 and also filed calculation chart Dt. 22.04.2008 (Ann.CR-2). In respect of the direction for his appointment on compassionate ground the respondents also stated that the case of the applicant was placed before the Circle Relaxation Committee in its meeting held on 26.08.2008 but his name could not be recommended due to limited number of vacancy available and keeping in view inter-se merits of other such cases and also assured for re-consideration in the next meeting of Circle Relaxation Committee on receipt of vacancies duly approved by the Screening Committee from Postal Directorate, New Delhi (Ann-CR-3, CR-4 and CR-5). From this, it is clear that the respondents have considered the claim of the applicant in respect of compassionate appointment and

also payment of DCRG and passed necessary orders and in such circumstances commission of act of disobedience on the part of the respondents does not arise and as such, C.C.P is liable for dismissal.

In the result the C.C.P. is dismissed. Notice discharged.



(DR. A.K. MISHRA)

MEMBER (A)



(M. KANTHAIAH)

MEMBER (J)

23.12.04

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