

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

Contempt Petition No. 46/2013

In

Original Application No. 214/12

Order Reserved On 6.3.2014

Order Pronounced on 13/3/14

HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS JAYATI CHANDRA, MEMBER(A)

Nripendra Kumar Rawat, aged about 24 years, S/o Late Hari Prasad, R/o Villae-Gauri, Post-Sarojini Nagar, Lucknow.

Applicant

By Advocate Sri A. N. Tripathi.

Versus

1. A. Sunder Murti, Director General, Geological Survey of India , 27 Jawahar Lal Nehru Road, Kolkata-700001.
2. S. P. Bharti, Deputy Director General, Geological Survey of India, Sector-E, Aliganj, Lucknow-226024.

Respondents

By Advocate Sri Deepak Shukla.

ORDER

By Hon'ble Mr. Navneet Kumar, Member (J)

The present contempt petition filed by the applicant for non compliance of the order dated 17th August, 2012 passed in O.A. N. 214 of 2012 wherein, the Tribunal has passed the following orders:

"In the conspectus of the above, the impugned order dated 12/13.7.2011(Annexure-1) is hereby quashed with direction to the respondents to reconsider/review the matter of compassionate appointment of the applicant expeditiously in accordance with existing norms. No order as to costs."

2. The copy of the order served by the learned counsel for the applicant to the respondents and the respondents have put in appearance and filed their counter affidavit and through counter affidavit, it was indicated by the respondents that the case of the applicant will be considered by the committee after completing all the formalities as per scheme along with other similar situated cases. Apart from this, the learned counsel for the respondents have also placed the minutes of the

meeting held on 29.4.2013 and through the said minutes of the meeting, it was decided that all the applications should be completed by mentioning all the relevant facts along with valid proof and also showing the cost/value of the immovable property in rupees certified by the revenue authority not below the rank of Tehsildar. It is also pointed out by the learned counsel for the respondents that the no case was considered for compassionate appointment in the meeting held on 29.4.2013 and the applicant as well as the other candidates were requested to furnish through candidature in prescribed format issued by the CHQ, GSI, Kolkata vide their letter dated 13.2.2013.

3. Not only this, the learned counsel for the applicant has also filed his rejoinder affidavit and through rejoinder affidavit, it is pointed out that he has received a letter dated 13.2.2013 and the requirement as shown in the said letter has already been fulfilled by the applicant and sent to the respondents office.

4. Not only this, the applicant through letter dated 23. 8.2013 submitted that the earlier letter was duly served in the office of the respondents. The bare perusal of the affidavit filed by the respondents shows that the case of the applicant is under active consideration and it is also mentioned in the said affidavit that the respondents are going to consider the case of the applicant along with other similar situated candidates after completing all the formalities as per the scheme. The Tribunal has directed in his order dated 17th August 2012, is also absolutely clear to the extent that only direction is issued to the respondents to reconsider/review the matter of compassionate appointment of the applicant and the respondents are in the process of considering the case of the applicant for grant of compassionate appointment.

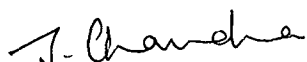
5. As observed by the Hon'ble Apex Court in the case of **J.S. Parihar Vs. Ganpat Duggar and others AIR 1997 Supreme Court 113**, the Apex Court has held as under:-

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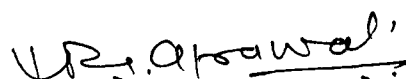
“It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the willful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act.”

6. Since the respondents have themselves admitted this fact that the case of the applicant would be considered along with that similar situated candidates and to this effect, they have also written a letter to the applicant on 13.2.13 which was duly completed by the applicant. As such, nothing survives to be adjudicated in the present contempt petition.

7. Accordingly, the present contempt petition is dismissed. Notice issued shall stand discharged.



(Ms. Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)

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