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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 480/92

Nathulal Trivedi

Applicant

versus

Union of India and another

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
KxxMxxKxxQxxMxxAxxMxxMxx

(Hon. Mr. Justice U.C. Srivastava, V.C.)

This is the second hearing and the behaviour of the respondents indicates that they be held responsible and punished under Contempt of Courts Act.

2. The applicant, who has passed the vernacular middle examination, came forward with the allegation that he passed the examination in the year 1942 and also passed examination of Mail peon in the post and Telegraph Department on 30.4.1944. He was promoted to ~~the post of~~ Postman w.e.f. 16.7.1964 and subsequently promoted to the post of Mail Overseer on 1.9.1979 in LakhimpurKheri. The service Book was prepared in the year 1946 and according to the applicant, it was done after obtaining certificate from the applicant yet the same was not correctly prepared and his date of birth was wrongly entered in the column as 31.3.1924 instead of 7.7.26. As the correction was not done even after representation ~~which was rejected~~ made by him and ~~after representation's rejection~~ he filed the writ petition (No. 831 of 1982) in the High

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Court which was allowed by the Tribunal with the directions to dispose of the representation dated 14.7.779 and the Tribunal directed for holding an enquiry associating the applicant with the same.

3. It appears that the respondents have not made any enquiry associating the applicant, although this was directed earlier. Although action under Contempt of Courts Act can be taken but instead of issuing notice at present the respondents are directed to conclude the enquiry within a period of three months associating the applicant with the same. The non-cooperation or not giving of reply by the Registrar of Departmental Examination itself can not be made a ground for concluding the enquiry. Some one even can be deputed to look into the documents in the presence of the applicant in the said office ~~if there is also refusal for the same~~. The respondents will indicate the name of the officer holding enquiry.

4. Accordingly, the respondents are directed to conclude the enquiry within three months and if it results in his favour, benefit of the same will be given to him.

5. Application stands disposed of as above. No order as to costs.



Vice Chairman

Lucknow: Dated 2.4.93

Shakeel/-