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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

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Contempt Petition No. 22 of 1992

IN

Registration O.A. No. 50 of 1988

Smt. Ram Khushi Devi Applicant.

Versus

Shri V.P. Sane and another Respondents.

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

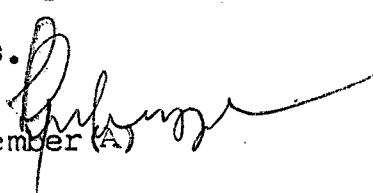
Hon'ble Mr. K. Obayya, Member (A)

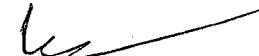
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is an application filed by Smt. Ram Khushi Devi under the Contempt of Courts Act. In this application, the applicant has contended that the order passed by this Tribunal dated 20.9.1991 has not been implemented. It has been stated on her behalf that there was earlier an interim order passed by the Tribunal requiring the respondents to keep one post vacant. Subsequently, the Tribunal in its final judgment directed the respondents to consider the claim of Promod Kumar for Class-III post itself but in case it is decided to appoint Promod Kumar, the respondents will not terminate the services of Vinod Kumar, the second son of the deceased, as the appointment of Vinod Kumar is against the class $\frac{3}{4}$ IV post. In any matter, the appointment can be made by the respondents, without prejudice to Vinod Kumar. According to the applicant the case of Promod Kumar has not been considered and he has not been given appointment. On behalf of the respondents, counter affidavit has been filed in which it has been stated that Vinod Kumar was given an appointment on compassionate ground due to death of his father but ~~@@~~ from the record, it transpires that Vinod Kumar was earlier appointed on daily wage basis

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and now he has been regularised. Regarding Promod Kumar, they have said that he can apply for the class-III post and his case can also be considered. Technically, from the counter affidavit, it appears that the case of Promod Kumar was considered but because of the difficulty mentioned above that it will amount to providing two sons of the deceased Horilal on compassionate ground and this could not be done. However, as the department itself has said that the case of Promod Kumar will be considered when vacancy arises, and we have no doubt in our mind that the department will stick^{to} what it has said and the department will certainly consider the case of Promod Kumar and give him appointment by giving him priority and preference over other. With the above observations, the contempt application is disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Dated: 16.7.1992

(n.u.)