

(Arising out of O.A.No.: 433 of 1996)

Smt. Sudheshwari Devi & Ors.

Vs.

Shri A.K.Gupta & Ors.

Date of order: 03.12.04

Counsel for the applicant. : Shri M.P.Dixit.

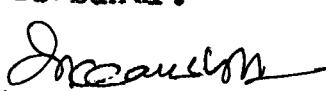
O R D E R

(ORAL)

This contempt petition has been filed complaining non-compliance of the order dt. 05.04.1999 passed in OA No. 433 of 1996, read with further order passed in CCP No. 166 of 2000 passed on dt. 09.01.2004, whereby, the direction was given to the respondents to consider the case of the applicant leaving aside the point that he was not in employment at the time of his <sup>death</sup> or his retirement which took place few days before the date of his superannuation. The L/c for the applicant has endeavoured & very hard to persuade us that there has been non-compliance of the order and which is otherwise deliberate and intentional and they have also made up their mind, somehow or the other, to deny the due appointment to the applicant and for this purpose he has made us to travel the earlier orders which had been passed by this Bench of the Tribunal as well as by the respondents. Finally, the Annexure-C/5, dt.15/16.09.04 was pressed which is an exhaustive order and we are of the firm opinion that the order of this Bench of the Tribunal has been complied with in substance and, therefore, *prima facie* no contempt is made out. The contempt petition stands dismissed in liminie at the stage of admission itself.

2. However, the applicant would be at liberty to take recourse to the judicial forum as may be considered appropriate for redressal of his grievances arising out of the order which has been passed in pursuance with the judgment of this Bench of the Tribunal.

  
(Mantleshwar Jha)  
Member (A)

  
(J.K.Kaushik)  
Member (J)