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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R.

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CP No.134/94

Date of order: 9.10.1996

Harendra Singh Krishnia :Petitioner

Vs.

Shri Y.S.Parande and Ors. : Respondents

Mr. P.V.Calla, counsel for the petitioner
Mr. K.N.Shrimal, counsel for respondents No.1 & 2
Mr. V.S.Gurjar, counsel for respondents No.3 & 4

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this contempt petition, petitioner Shri Harendra Singh Krishnia has prayed that the respondents should be called upon to explain why they should not be punished for the non-compliance with the order passed by the Tribunal on 12.11.1993 in O.A.No.597/1992 Harendra Singh Krishnia Vs. Union of India and others.

2. We have heard the learned counsel for the parties and have perused the material on record.

3. The operative part of the order of the Tribunal passed on 12.11.1993 in the aforesaid OA which is para 6 thereof reads as under:-

"6. In the result, we accept the O.A. and set aside Annex.A-8(Appendix-E) dated 11/16.12.86. We direct the respondents to give the appointment to the applicant under the list of panel prepared and declared of the examination conducted in 1985 and the results declared in 1986. We further direct

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that the appointment will be notional and the applicant shall not be entitled for any back wages. However, his services will be counted from the date other similarly situated persons were appointed and his seniority shall be regulated accordingly."

4. The learned counsel for respondents No.3 and 4 has produced before us a copy of the Memorandum dated 12.7.1996 issued by the Deputy Commission (PGV), Office of the Commissioner, Customs & Central Excise, Jaipur which shows that the applicant has been offered appointment as Inspector in the Department of Customs & Central Excise in pay scale Rs. 1640-2900 with usual allowances. It has further been stated in the said Memorandum that the applicant's services would be counted from the date other similarly situated persons were appointed, on a purely notional basis, as ordered by the Tribunal and his seniority would be regulated accordingly. It has further been stated that the applicant will not be entitled for any back wages for the period when he has not performed any duties. ^{also certain} There are other conditions mentioned therein regarding future promotions etc.

5. The grievance of the learned counsel for the applicant is that this memorandum has been issued about 2½ years after the date of passing of the order by the Tribunal on 12.11.1993. The fact of the matter is that respondents No.3 & 4 who are concerned with the Customs & Central Excise Department and who were actually to offer appointment to the applicant had not been impleaded as respondents in the original contempt petition. They have been impleaded subsequently. This apparently has partly led to the delay

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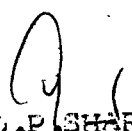
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in complying with the order of the Tribunal.

6. We are satisfied that the directions of the Tribunal have been complied with. This contempt petition is, therefore, dismissed and the notices issued are discharged. A copy of the Memorandum dated 12.7.1996 has been taken on record.


(RATAN PRAKASH)
MEMBER (J)


(C.P. SHARMA)
MEMBER (A)