

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

Date of order: 16.01.2002

CP No.2/2002 (OA No.372/2000)

Shri Jaswant Singh s/o late Shri Mahendra Singh r/o
village Hatholi, Tehsil Wair, District Bharatpur.

..Petitioner

Versus

1. Mr. S.K.Rathi, Officer Commanding Ammunition,
Bharatpur.
2. Deepa Mathur, Dy. Dir. O.S. (Pers.) Army
Headquarter, New Delhi.

.. Respondents

Mr.Amit Mathur, counsel for the petitioner

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CORAM:

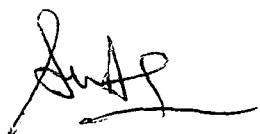
Hon'ble Mr. S.K.Agarwal, Member (Judicial)

Hon'ble Mr. H.O.Gupta, Member (Administrative)

ORDER

Per Hon'ble Mr. S.K. Agarwal, Member (Judicial)

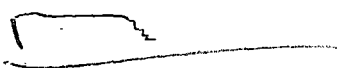
This Contempt Petition has arisen out of an order passed in OA No.372/2000 dated 24.5.2001. In this OA this Tribunal gave directions to the respondents that candidature of the applicant may be considered on any suitable post on compassionate grounds as and when vacancy is available and his turn comes. The respondents have given reply with reference to the notice for demand of justice given by Shri Akhil Simlote, Advocate dated 13.8.2001 and observed that the case of the petitioner has already been considered thrice by the Board of Officers



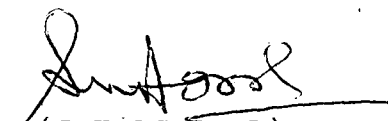
and rejected the request for appointment on compassionate grounds. Therefore, the request cannot be acceded to again as per the existing policy and it was observed that it would be treated as final reply and case is hereby closed. The learned counsel for the petitioner submits that this averments in the reply is against the order passed by this Tribunal. Therefore, non-petitioners are liable for contempt. In our considered view, the Tribunal has taken a view on the ground that case of the applicant was considered in the year 1999 and in view of this, the impugned order was passed by this Tribunal.

2. As we do not find any wilful and deliberate disobedience on the part of non-petitioners in communicating this order to the petitioner as according to their rules, the case of compassionate appointment can be considered three times. Therefore, we are of the considered view that there is no ground to initiate contempt proceedings against the non-petitioners. The petitioner will be at liberty to challenge the order dated 12.9.2001 by filing a separate OA before the proper forum.

3. With the above observations, this Contempt Petition is disposed of.


(H.O.GUPTA)

Member (Administrative)


(S.K.AGARWAL)

Member (Judicial)