

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP 6/2003 in OA 64/2002

DATE OF ORDER: 17.9.2003

Manoj Kumar Singhal son of Late Shri Suresh Chand Singhal aged about 26 years, resident of 169, Shiv Marg, Mansarovar Colony, Kalwar Road, Jhotwara. Aspirant for appointment on compassionate grounds on the post of Postal Assistant (Duly Approved).

.... Applicant.

VERSUS

1. Shri S.C. Dutta, Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Shri G. Mohana Kumar, Chief Post Master General, Rajasthan Circle, Jaipur.
3. Shri Ambesh Upmanyu, Sr. Superintendent of Post Office, Jaipur City Division, Jaipur.

.... Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.N. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order of this Tribunal dated 1.10.2002 passed in OA No. 64/2002 whereby this Tribunal had directed to re-consider the case of the applicant for compassionate appointment in the light of the observation made in the order within three months from the date of communication of the order and pass a speaking order.

2. Notices of this Contempt Petition were issued to the contemners/respondents. Respondent No. 3 has filed reply. In the reply, it is stated that the case of the applicant was considered by the Circle Relaxation Committee on 28.11.2002 as per various instructions on grounds of compassionate appointment. The committee has observed that due to non-availability of vacancy in PA Cadre, the applicant was offered appointment on the post of Gramin Dak Sevak which was available in the Department through SSPOs Jaipur City Division, Jaipur letter No. B2-64/14/Misc. dated 6.9.2001 but the applicant did not accept the offer and submitted unwillingness.

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The applicant cannot be considered against the earmarked vacancy of compassionate appointment for subsequent year as per DOP&T orders. The case of the applicant was reconsidered by the CSC and rejected.

3. In view of the averments made in the reply, we are satisfied that there is no wilful violation of the order dated 1.10.2002.

4. The learned counsel for the applicant submitted that the case of the applicant has been wrongly rejected as there are posts of PA available with the respondents. It is a matter which can be agitated by filing a fresh OA and the legality of the order cannot be ~~challenged~~^{examined} in Contempt Petition. The applicant will be at liberty to file fresh OA whereby challenging the decision taken by the respondents.

5. With these observations, the Contempt Petition is dismissed. Notices issued to the respondents are discharged.

(A.K. BHANDARI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)