

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

CONTEMPT PETITION 110/1995
(OA No. 26/1991)

: Date of order:
20-11-1995

Mohammed Rafiq : Petitioner

Versus

Shri Ramesh Tripathi & Others : Respondents.

Mr. S.S.Sharma, counsel for the petitioner
Mr. U.D.Sharma, counsel for the respondents

CORAM:

HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN
HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)

O R D E R

(PER HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN)

This is a contempt petition filed by the petitioner Mohammed Rafiq under Section 17 of the Administrative Tribunal's Act, 1985, alleging that the respondents by not granting permanent status to the petitioner in terms of the order passed in OA 26/91 dated 22.11.1994 w.e.f. 5.12.1985 have wilfully disobeyed the same and have committed contempt.

2. We have heard the learned counsel for the parties and have carefully gone through the records.

3. The order passed by the Tribunal as at Annexure A-1 may be extracted below:-

"Heard the learned counsel for the parties. Applicant's case is that one Shri Kailash Chandra has been given the benefit of original seniority even though his transfer from Phulera was at his own

C/KM/R

request. The same criterion should be applied in the case of the applicant which has been applied in the case of Shri Kailash Chandra and necessary orders regarding permanent status should be passed according to law within three months from the date of receipt of this order. The applicant shall be given all consequential benefits according to law.

The OA stands disposed of accordingly, with no order as to costs."

4. It is stated by the respondents in their reply that the petitioner has been given permanent status w.e.f. 7.6.1995 vide order dated 8.5.1995 at Annexure R-4. It is not unequivocally and categorically stated in the order at Annexure A-1 that the petitioner shall be granted permanent status w.e.f. 4.12.1985. It is of-course stated in the order of the Tribunal that one Kailash Chandra was given the benefit of original seniority even though his transfer from Phulera ^{was} ~~at~~ ^{the} his request and/same criterion should be applied in the case of the petitioner. Since necessary orders regarding permanent status have been passed in respect of the petitioner vide order Annexure R-4 dated 8.6.1995 and his services as a Cleaner have been regularised and the petitioner has been posted at Sikar by an order dated 17.10.1995 which has been produced by the respondents and has been taken on record, we find that no contempt is made out.

5. The contempt petition is therefore dismissed and the notices issued are discharged.

(O.P. SHARMA)
MEMBER (A)

GK
(GOPAL KRISHNA)
VICE CHAIRMAN