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

CP No.81/1995

Date of order: 31.5.1996

(OA 522/94)

Balbir & others

: Applicants

Versus

Shri R.Ravindra and another : Respondents

Mr.S.Kumar, counsel for the petitioners
Mr.Manish Bhandari, counsel for respondents

CORAM:

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

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

In this contempt petition S/Shri Balbir, Kedar Nath, Vidhya Ram, Chandan Singh, Ram Prakash, Joel John, Bajruddin, Nane Khan, Ali Mohammed, Shri Niwas, Ramesh Chandra have prayed that in view of the failure on part of the respondents to implement the Tribunal's interim direction issued on 21.10.1994 in OA No.522/94 they should be punished for contempt of court.

2. The Tribunal's interim direction dated 21.10.1994 in the aforesaid OA is as under:-

"3. Persons whose names find place in Annexure A/3, the seniority list dated 30.9.94; should also be allowed to appear in the test for the post of Helper Khalasi, in case the persons who are junior to them are allowed to appear.

The result of the test may be kept in the sealed cover."

3. We have heard the learned counsel for the parties and have perused the records.

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4. In the OA the applicants' grievance was that four persons junior to the applicants as mentioned in para 6 at page 5 of the OA had been called for apptitude test for the post of Helper-Khallasi scale Rs.800-1150. Pending disposal of the OA, the applicants ^{had} ~~have~~ filed a Misc. application in which the directions as reproduced above were given. No doubt the respondents had issued the eligibility list dated 21.2.1994 which is Annexure A-1 to the OA, for apptitude test for the post of Helper Khallasi scale Rs.800-1150 and in this list the names of the four persons mentioned in para 6 page 5 of the OA as mentioned above also appeared. However, the case of the respondents is that after the issue of the Tribunal's interim direction on 21.10.1994 they did not call any juniors to the applicants for the apptitude test in spite of issue of Annexure A-1 dated 21.2.1994 earlier. The learned counsel for the petitioners has drawn our attention to the rejoinder filed to the reply filed by the respondents to the contempt petition alongwith which he has placed on record Annexure A-9 dated 22.3.1995 being the orders of promotion of employees in various categories. He has stated that at page 2 of the said annexure names of those four persons mentioned in para 6 page 5 of the OA who are junior to the applicants have been mentioned as having been given promotions. These promotions/appointments are however in scale Rs.750-940 and not to scale Rs.800-1150 which is the scale of Helper Khallasi. Thus by referring this order the applicants cannot claim that these four

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persons who are junior to the applicants have been granted promotion in scale Rs.800-1150. As already stated above, it was the applicants' case that persons junior to the applicants had been called for aptitude test for the post of Helper Khallasi scale Rs.800-1150. This annexure A-9 to which attention has been drawn now does not establish that these four persons stated to be junior to the applicants were called for aptitude test for scale Rs.800-1150 and were appointed to the said scale.

5. In view of the categorical statement of the respondents that these four persons junior to the applicants have not been called for aptitude test after issue of interim direction by the Tribunal, we find no merit in the contempt petition. It is, therefore dismissed. The notices issued are discharged.


(RATAN PRAKASH)
MEMBER (J)
(O.P.SHARMA)
MEMBER (A)