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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 26.07.2000

CP No.48/1999 (OA No. 288/1997)

Birdichand Saini S/o Shri Jhawar Mal Saini aged about 36 years, presently working as Pump Driver/Gardner, Postal Colony, Jhunjhunu

.. Petitioner

Versus

Shri R.L.Modi, Superintendent of Post Offices, Jhunjhunu Postal Division, Jhunjhunu.

.. Respondent

Mr. C.B.Sharma, counsel for the petitioner.

Mr. K.N.Shrimal, counsel for respondent

CORAM:

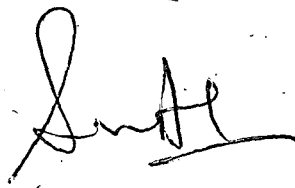
Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

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

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This Contempt Petition has arisen out of an order passed on 5.1.99 in OA No. 288/87 and OA No. 289/97 wherein the following direction was issued:

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 "However, since the applicants have been continuously working with the respondent Department from the year 1988 as part time casual labourers/contingent paid workers, it is expected that the respondents shall consider the cases of the applicants for conferment of temporary status/regularisation of them in pursuance of the letter dated 17.5.1989 as at Annexure-A8/A7 in the respective O.As also keeping in mind the contents of letter dated 28.4.1997 issued by the Govt. of India, Deptt. of Posts and

(6)

published in Swamy's News July, 1997 at page 28, if the applicants otherwise fulfil the eligibility criterion laid down therein".

2. It is stated by the applicant that the opposite party has wilfully and deliberately disobeyed the order of the Tribunal and did not comply with the directions. Therefore, he prayed to initiate contempt proceedings against the opposite party.


3. Show cause was filed. In the reply, it has been stated that the case of the petitioner was examined and it is stated that there is no post available for the applicant for his regularisation. It is also stated that the work remains for less than 7.30 hours in the department. It is further stated that the applicant will be adjusted whenever there will be a possibility of giving him more work and genuine efforts will be made to adjust him.

4. We have heard the learned counsel for the parties and perused the whole record.

5. We are not convinced that there is any deliberate/wilful disobedience on the part of the opposite party as the opposite party has clearly stated that the applicant will be adjusted whenever there will be possibility of giving him more work and genuine efforts will be made to adjust him.

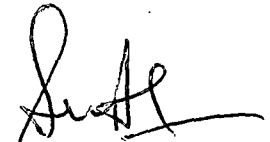
6. In view of the submissions made by the opposite party, we dismiss the Contempt Petition with the observation that whenever there is a possibility of giving more work, i.e.

8 hours, efforts shall be made to adjust the applicant so that he may be conferred temporary status or may be considered for regularisation. The notice issued to the opposite party is hereby discharged.



(N.P.NAWANI)

Adm. Member



(S.K.AGARWAL)

Judl. Member