

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

CP 81/2002 in OA 212/2002

DATE OF ORDER: 19.3.2003

Lal Chand son of Dhannalal aged about 32 years resident of Village and Post Office Khera Rashidpur Tehsil Ladpura, District Kota (Raj.) and working as Postal Assistant, Head Post Office, Beawar.

..... Applicant.

VERSUS

1. H.K. Sharma, Chief Postmaster General, Rajasthan Southern Region, Ajmer.

2. Shri J.P. Sharma, Superintendent of Post Offices, Beawar.

..... Respondents.

None present for the applicant.

Mr. P.C. Sharma, Proxy counsel for
Mr. Sanjay Pareek, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

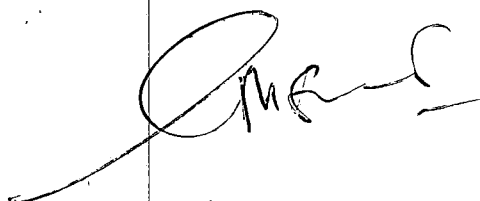
ORDER

PER MR. JUSTICE G.L. GUPTA

This Contempt Petition has been filed alleging that the respondents have not implemented the directions contained in the order dated 2.7.2002 passed in OA 212/2002.

2. In the reply, respondents' case is that documents filed by the applicant have been found to be not genuine and the petitioner did not co-operate in the inquiry.

3. Rejoinder has been filed by the petitioner.

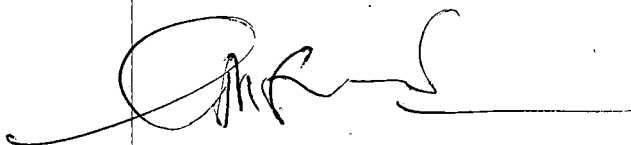


4. On 15.11.2003, we had heard the arguments. We had directed the respondents' counsel to submit the copy of the FIR lodged in the matter. The learned counsel for the respondents submit a copy of the FIR No. 230/02 lodged in Police Station, Beawar City.

5. We have gone through the record of the case. It is seen that pursuant to the notification issued in the year 1995, the applicant had applied for the post of Postal Assistant and he had deposited the security of Rs. 5200/- in the form of Kishan Vikas Patra. In his application, the applicant had stated that he had passed Inter Science Examination in First Division from Bihar Intermediate Education Council Patna as a regular student of A.M. College of Patna.

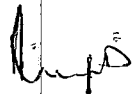
6. The applicant had filed OA No. 316/97, which was allowed and the respondents were directed to appoint the applicant on the post of Postal Assistant after completing all the formalities required for the purpose. The respondents gave appointment to the applicant and he was sent for training also. In the meanwhile, an inquiry was conducted and it was found that the certificates filed by the applicant were not genuine. When the applicant was asked about the genuineness of the certificate, he filed OA No. 212/2002 which was dismissed vide order dated 2.7.2002. While dismissing the OA, the following observations were made -

"However, the respondents will get the educational documents submitted by the applicant, verified in the light of our aforesaid observations as expeditiously as possible."



7. The respondents have placed on record the inquiry conducted by them after the order of the Tribunal. It is seen from the communication of Annexure B/3 that the applicant did not co-operate in the inquiry. It is further seen that the Ambika Madhuri college could not be traced where from the applicant claimed to have appeared in the Examination. It is further seen that Shri Dineshwar Paswan, Secretary of the Council had denied his signatures on the applicant's certificate/letter. It is also seen that the name of the applicant was not found on Roll Code No. 136 and Roll No. 11561 of the year 1993 and the registration of Shri Rathore was also not found against the said Roll number. The inquiry has revealed that certificate ^{was} not genuine. The respondents on holding the inquiry have found that the applicant did not possess the requisite educational qualification. He did not appear in the Inter Science Examination. It is noticed that the Postal authorities have lodged FIR at Police Station Beawar in this regard.

8. Keeping in view the steps taken by the respondents after the order of the Tribunal, it cannot be said that the respondents have violated the directions of the Tribunal. No case of Contempt is made out. The Petition of Contempt is, therefore, dismissed.


(A.P. NAGRATH)
MEMBER (A)


(G.L. GUPTA)
VICE CHAIRMAN