

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP 27/2003 (OA 184/2001)

DATE OF ORDER: 27.01.2004

Rakesh Kumar Jain son of Late Shri Tara Chand Jain, resident of Plot No. 113, Shanti Nagar, Near Gurjar Ki Thadi, Jaipur.

.... Applicant

VERSUS

1. Shri G. Mohana Kumar, Chief Post Master General, Rajasthan Circle, Jaipur.
2. Shri Ambesh Upmanyu, Sr. Superintendent of Post Offices, Post & Telegraph, Jaipur City, Jaipur.

.... Respondents.

Mr. R.P. 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.K. Bhandari, Member (Administrative)

ORDER (ORAL)

This Contempt Petition has been filed against the alleged violation of the order dated 4.3.2002 passed in OA No. 184/2001 whereby this Tribunal has directed the respondents to reconsider the candidature of the applicant or his elder brother for appointment on compassionate grounds within three months from the date of receipt of a copy of the order.

2. In compliance of the order passed by this Tribunal, the respondents vide order dated 13.5.2002 (Annexure A/2) considered the case of the applicant for appointment on compassionate grounds and came to the conclusion ^{that} on the basis of objective assessment of financial condition of the family and vacancy position, the Committee is unable to recommend the case for appointment on compassionate grounds; the request of the applicant is, therefore, rejected.


3. When the matter was listed before this Bench, this Bench vide order dated 30.10.2003 directed the respondents to file an Affidavit stating the vacancy position on the date when the case of the applicant was considered. Pursuant to such direction, the respondents had filed an Additional Affidavit. In paras 3 & 4 of

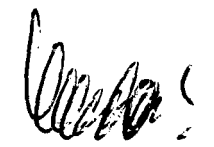
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the said Affidavit, it has been stated that two vacancies of P.A. Cadre were available for appointment on compassionate grounds on 18.1.2001 when the case of the applicant along with 72 other cases were considered by the ^{File} Relaxation Committee. The said Committee recommended the cases of two persons who were found more indigent in comparison to ~~others~~ the applicant. The case of the applicant was not found suitable in compare to other 72 cases.

4. In view of this, we are of the view that the order of the Tribunal has been complied with. As such, the present Contempt Petition is dismissed. Notice issued to the respondents are hereby discharged.

5. Learned counsel for the applicant submits that liberty may be reserved to him to file substantive OA against the impugned order dated 13.5.2002 (Annexure A/2). It will be open for the applicant to move substantive OA in case he is aggrieved by the order dated 13.5.2002.


(A.K. BHANDARI)
MEMBER (A)
AHQ


(M.L. CHAUHAN)
MEMBER (J)