

THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDER SHEET

(8)

APPLICATION NO.: CP 48/2003 (OA 526/96)

Applicant (s) Sharavan Lal

Respondent (s) C.D. Araha

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDER OF THE TRIBUNAL

issued notices to
the respondents. 21/10
copy of C.P.
no. 1264
dated 01-09-03
A.S. received R-3
A.S. not received R182
power & reply
not filed

reply filed to the
C.P. on 13/11/03
19d.

10-12-03

26.8.2003

Mr. M.B. Shama, Counsel for the applicant.

Issue notices to the respondents returnable within six weeks.

Put up on 13.10.2003.

(A.K. BHANDARI)
MEMBER(A)

(G.L. GUPTA)
VICE CHAIRMAN

13.10.2003

Mr. Kunal Rawat, Counsel for the applicant.

Mr. N.C. Goyal put in his appearance on behalf of the respondents and submits that he has filed reply. The reply is not record. The Registry is directed to place the same on record.

Let the matter be listed on 10.12.2003.

(A.K. BHANDARI)
MEMBER(A)

(M.L. CHAUHAN)
MEMBER (J)

None is present for the applicant.

The case is taken up in the second round.

This CP has been filed complaining the flouting of the order dated 06.07.2000 passed in OA No. 526/97, Shravan Lal vs. U.O.I. & Ors., wherein this Bench of the Tribunal allowed the OA with the following direction :-

"7. I, therefore, allow this Original Application and direct the respondents to consider the applicant for casual employment on compassionate grounds within a period of three months from the date of receipt of a copy of this order. No order as to costs."

Learned counsel for the respondents has submitted that the respondents have filed a Writ Petition before the Division Bench of the Hon'ble High Court at Jaipur Bench and their Lordships were pleased to stay the operation and execution of the judgement

NOTES OF THE REGISTRY


ORDER OF THE TRIBUNAL

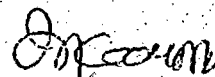
in the first instance but subsequently there was some confusion regarding filing of the reply and the interim order was vacated. They are striving hard to apprise the Hon'ble High Court regarding the actual facts and the matter is on the way but may take some time. He has also invited our attention to Annexure CPR/3, a communication dated 03.09.2003. Vide this communication, the applicant has been informed that his case has been considered in the light of the direction for grant of compassionate appointment but in view of the instructions in vogue, it has not been possible to offer appointment to the applicant.

It has been submitted by the learned counsel for the respondents that despite the fact that they have taken up the matter with the higher court and filed a writ petition against the judgement, they have sincerely considered the case of the applicant and passed the order as per direction of this Bench of the Tribunal, thus they have not committed any contempt.

We have considered the submissions made on behalf of the respondents and are of the considered opinion that the order of this Bench of the Tribunal has been substantially complied with inasmuch as there was direction to consider the case of the applicant for casual appointment and the same has been done by the respondents in the true spirit of our order. Thus we are satisfied that prima facie no contempt is made out.

The CP stands dismissed. Notices already issued stands discharged with no order as to costs.


(A. K. BHANDARI)
MEMBER (A)


(J. K. KAUSHIK)
MEMBER (J)