

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Contempt Petition No. 54 of 2006 in
Original Application No. 100 of 2005

Jabalpur, this the 8th day of September, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Pradeep Singh Rajput,
Son of Late Shri Hori Lal
Rajput, aged about 30 years,
Residence of 312/1, Vaidhnathan
Nagar, GCF State, Jabalpur. **Petitioner**

(By Advocate – Shri Bhoop Singh)

V e r s u s

1. Shri M.S. Jaiprakash Senior General
Manager, son of non known, GCF,
Jabalpur.
2. Shri P.K. Mishra, Chairman,
Ordinance Factory Board, 10A,
Sahid Khudiram Bose Marg,
Kolkata. **Respondents**

(By Advocate – Shri P. Shankaran)

O R D E R (Oral)

By A.K. Gaur, Judicial Member –

Heard the learned counsel for the petitioner and Shri P. Shankaran, learned counsel appearing for the respondents.

2. By means of this contempt petition the petitioner has alleged non-compliance of the order and direction passed in O.A. No. 100 of 2005 dated 28.6.2005. The direction of the Tribunal has been mentioned in paragraph 7 and the same is being reproduced hereunder:

“7. After considering all the facts and circumstances of the case, I direct the respondents to consider the case of the

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applicant for compassionate appointment within three months from the date of receipt of a copy of this order. The OA stands disposed of accordingly. No costs.”

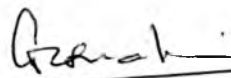
3. In compliance of the aforesaid direction of the Tribunal, the respondents have considered the case of the petitioner and by means of order dated 16.5.2006 passed a detailed and reasoned order to the extent that as per directives of this Tribunal, on sympathetic grounds completely after reexamining the case on the third time, it is unable to accommodate the request of the petitioner for consideration at this point of time and the case of the petitioner was rejected.

4. The learned counsel for the respondents has argued that the direction of this Tribunal for consideration of the applicant's case for compassionate appointment has been done and ^{is still if it} the petitioner has any grievance, it will be a fresh cause of action. There is no willful disobedience of the order and direction of the Tribunal.

5. We have carefully gone through the records and we are of the opinion that in view of the case of V. Kanak Rajan AIR 1996 SC 2758 and Lalit Mathur 2000 (10) SCC 285, the directions of the Tribunal have been fully complied with and no case of willful disobedience of the Tribunal's order is made out. The case law cited by the learned counsel for the petitioner i.e. 2005 (5) SC 116 Director of Education, Uttaranchal & Ors. Vs. Ved Prakash Joshi & Ors., also deals on the same point and it is clearly observed by the Hon'ble Supreme Court that while dealing with application for contempt the court cannot traverse beyond the order, and cannot test correctness or otherwise of the order or give additional direction.

6. In view of the aforesaid position, no case for contempt is made out and the contempt petition is dismissed.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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