

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 02.01.2013

CP No. 57/2009 (OA No. 114/2005)

None present for the petitioner.

Mr. Mukesh Agarwal, counsel for respondents.

Heard learned counsel for the respondents.

C.P. is dismissed by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K.S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**CONTEMPT PETITION NO. 57/2009
IN
ORIGINAL APPLICATION NO. 114/2005**

DATE OF ORDER: 02.01.2013

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Anil Kumar Sharma S/o late Smt. Prem Devi Sharma, R/o Village
& Post Niwana, Via Itawa Bhopji, District Jaipur.

...Applicant

None present for the applicant.

VERSUS

1. Shri Javed AKD, Ex-Secretary to the Government (Union of India), Geological Survey of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Shri K.C. Kanchan, Ex-Director, Geological Survey of India, Western Region, Jaipur.
3. Shri Vishvapati Trivedi, presently Secretary to the Government (Union of India), Geological Survey of India, Ministry of Mines, Shastri Bhawan, New Delhi.
4. Shri Kshirod Pirande, presently Director, Geological Survey of India, Western Region, Jaipur.

...Respondents-Contemnors

Mr. Mukesh Agarwal, counsel for respondents.

ORDER (ORAL)

This Bench of the Tribunal vide its order dated 23rd October, 2008 disposed of the O.A. No. 114/2005 (Anil Kumar Sharma vs. Union of India & Anr.) observing as under: -

"7. Keeping in view the special circumstances mentioned in this OA, whereby justice was denied to the applicant because of inaction on the part of the respondents, the respondents are directed to reconsider



the case of the applicant for appointment on compassionate grounds in the next CAC meeting. However, his case is to be considered without taking into account the limitation of three years laid down in the DOPT OM dated 5.5.2003. His case is also to be considered subject to the condition of all other rules, regulations, instructions, penurious condition of the applicant and subject to the availability of vacancy."

2. The order dated 23rd October, 2008 passed by this Tribunal has been assailed by the respondents / Union of India by way of filing D.B. Civil Writ Petition No. 12048/2009 before the Hon'ble Rajasthan High Court, Jaipur Bench, and the same was disposed of vide order dated 12.05.2011 in view of the statement made by the counsel Shri T.P. Sharma, appearing for the appellant, who has submitted that pursuant to the order dated 23.10.2008 passed by the Central Administrative Tribunal, the case of the petitioner has been considered vide order dated 12.04.2011. While disposing of the said Writ Petition, the Hon'ble High Court has observed that in view of the aforesaid order, which has been complied with, nothing further survives in this writ petition and the same has rendered of academic importance, hence, the same is disposed of.

3. Aggrieved and dissatisfied with the order dated 12.05.2011 passed by the Hon'ble Division Bench of the Rajasthan High Court, Jaipur Bench in the aforesaid Writ Petition, the applicant / petitioner has filed a D.B. Civil Review Petition No. 555/2011 before the Hon'ble Rajasthan High Court, Jaipur Bench, which was decided by the Hon'ble Division Bench of the Rajasthan High Court vide its order dated 02.02.2012 observing that "In fact, we have not adjudicated upon the aspect whether order of the



Tribunal has been complied with or not; that question can be raised before the Tribunal, in case the order has not been complied with. We have recorded simply the statement of the counsel appearing on behalf of Union of India. No adjudication finally has been made by this Court. This aspect has to be considered by the Tribunal. Thus, we find no ground to review the order passed by this Court. The review petition is hereby dismissed."

4. Thereafter, the applicant filed M.A. No. 210/2012 for recalling the order dated 14.07.2011 passed by the Tribunal in Contempt Petition No. 57/2009 and also for revival of this Contempt Petition. The Misc. Application No. 210/2012 was allowed by this Tribunal vide order dated 26.09.2012 and the Contempt Petition No. 57/2009 was restored to its original number and position.

5. The applicant also filed M.A. No. 325/2012 praying for impleading Shri Vishvapati Trivedi & Shri Kshirod Pirande as respondent nos. 3 & 4 to the Contempt Petition as they are presently working in place of respondent nos. 1 & 2 as Secretary to the Govt. (Union of India), Geological Survey of India, Ministry of Mines, Shastri Bhawan, New Delhi (R-3) and Director, Geological Survey of India, Western Region, Jaipur (R-4). The M.A. No. 325/2012 was allowed by this Tribunal vide order dated 01.11.2012 and the amended cause title filed along with the MA was taken on record of the C.P.



6. Now the Contempt Petition is listed before us for considering the issue 'whether the case of the applicant has been considered by the respondents in true and letter spirit or not' in view of the directions issued by this Tribunal vide order dated 23rd October, 2008 in O.A. No. 114/2005.

7. Learned counsel appearing for the respondents has submitted before us 'Minutes of the Committee for Appointment on Compassionate Grounds', the same is taken on record. It is observed in the Minutes of the Committee finally met on 22.02.2011 that "the case already considered by earlier CAC. Though the case of the applicant is time barred but it was considered by the CAC in the light of the directives of the Hon'ble High Court. The concept of compassionate appointment is largely related to the need for immediate assistance to the bereaved family of the Govt. servant in order to relieve it from economic distress. The very fact the family of late Smt. Prem Devi has been able to manage all these sixteen years is an adequate proof that the family had some dependable means of subsistence. So any compassionate appointment in this case cannot be recommended."

8. Upon careful perusal of the 'Minutes of the Committee' it appears that the case of the applicant for appointment on compassionate grounds has been reconsidered by the CAC, and we are of the considered view that in the light of the conclusion drawn by the Committee finally met on 22.02.2011, the order dated 23rd October, 2008 passed by this Tribunal O.A. No.



114/2005 has been fully complied with in true and letter spirit and in view of this fact, the Contempt Petition does not survive more and the same deserves to be dismissed.

9. Consequently, the present Contempt Petition is dismissed. Notices issued earlier to the respondents are hereby discharged.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

kumawat