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Power
and
reply filed

03.11.2009

CP 46/2009 (OA No. 392/2007)

Mr. Rakesh Sharma, Proxy counsel for
Mr. R.N. Mathur, Counsel for applicant.

Mr. Hemant Mathur, Advocate, puts appearance
on behalf of the respondents nos. 1 to 3 and submits
that reply has been filed. The Registry is directed to
place the same on record.

Let the matter be listed on 11.11.2009.

(B.L. KHATRI)

MEMBER(A)

(M.L. CHAUHAN)

MEMBER (J)

AHQ

11.11.2009

CP 46/2009 (OA No. 392/2007)

Mr. Rakesh Sharma, Proxy counsel for
Mr. R.N. Mathur, Counsel for applicant.
Mr. Hemant Mathur, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the
Contempt Petition is disposed of.

(B.L. KHATRI)
MEMBER(A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th day of November, 2009

CONTEMPT PETITION NO. 46/2009
IN
ORIGINAL APPLICATION NO. 392/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mool Chand son of Shri Ram Chandra, aged around 42 years, resident of Outside Char Darwaja, Mandi Khatikan, Samsan Road, Rampuri Basti, Jaipur (Rajasthan).

.....APPLICANT

(By Advocate: Mr. Rakesh Sharma proxy to Mr. R.N. Mathur)

VERSUS

1. Smt. Ritu Menon, Secretary, Ministry of Textile Industries, Government of India, New Delhi.
2. Shri R. Kumar, Zonal Director, Weavers Service Centre, Bunkar Colony, Bharat Nagar, Delhi.
3. Shri D.R. Gupta, Deputy Director, Weavers Service Centre, Kamdhenu Complex, Ajmer Road, Civil Lines, Jaipur.
4. Shri Kanhaiyalal son of Shri Kalulal, resident of Plot No. 47, Yogshala Ki Bawdi, Purani Basti, Jaipur (ad hoc employee working in place of applicant).

.....RESPONDENTS

(By Advocate : Mr. Hemant Mathur)

ORDER (ORAL)

The applicant has filed this Contempt Petition against the alleged violation of the order dated 05.08.2008 passed in OA No. 392/2007 whereby the respondents were directed to engage the applicant as Sweeper on daily wage/ part time basis in case the work is available in the office of respondent no. 3.

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2. The grievance of the applicant in this Contempt Petition is that despite this observation made by the Tribunal, the respondents have engaged a junior person in place of the applicant. On the basis of averment so made by the applicant, notices were issued to the respondents.

3. The respondents have filed their reply. In the reply, the respondents have stated that Office of the Development Commissioner for Handloom vide its letter dated 08.01.2008 informed the respondent no. 3 to engage the applicant as per the requirement through some private Security/Deployment Agency duly approved by the Government. In compliance of letter dated 08.12.2008, respondents no. 3 wrote a letter to the Secretary, M/s Super Ex-Serviceman Welfare Co-operative Society Ltd., Jaipur for providing a part time sweeper and the name of the applicant was also recommended for deployment vide letter dated 15.01.2009. Further vide letter dated 16.03.2009, the applicant was directed to join through agency followed by letter dated 08.05.2009 but the applicant did not turn up. It is also stated that respondent no. 4, Shri Kanhaiya Lal, is not working in the office of respondent no. 3, as alleged by the applicant and he was never engaged by respondent no. 3. It is further stated that when the applicant did not turn up despite the repeated requests by the respondents, respondent no. 3 engaged one sweeper on contract basis as part time sweeper w.e.f. April 2009 through Ex-Servicemen Registered Society, Jaipur with the approval of the office of the Development Commissioner for Handlooms letter dated 17.04.2009.

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4. In view of this stand taken by the respondents in the reply affidavit, we are of the view that no case for contempt proceedings is made out. Accordingly, the Contempt Petition is dismissed. Notices issued to the respondents are hereby discharged.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ