

**04.12.2009**

**CP 48/2009 (OA No. 60/2007)**

Mr. Anupam Agarwal, Proxy counsel for  
Mr. C.B. Sharma, Counsel for applicant.  
Ms. Kavita Bharti, Proxy counsel for  
Mr. Kunal Rawat, Sr. Standing Counsel for  
respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the CP is  
disposed of.

  
(B.L. KHATRI)  
MEMBER(A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 04<sup>th</sup> day of December, 2009

**CONTEMPT PETITION NO. 48/2009**  
**IN**  
**ORIGINAL APPLICATION NO. 60/2007**

**CORAM:**

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

Smt. Mangi Bai wife of Shri Ghanshyam aged about 46 years, resident of near Ed Minar Mazjid, Kumharo Ka Mohalla, Chhaoni, Kota and presently working as Safaiwala (Group-D) in the office of Deputy Commissioner, Customs and Excise, Central Excise and Customs, Kota (Rajasthan).

.....APPLICANT

(By Advocate: Mr. Anupam Agarwal proxy to Mr. C.B. Sharma)

VERSUS

1. Shri D.K.Verma, Commissioner, Central Excise, Jaipur-I, NCR Building, C-Scheme, Jaipur.
2. Shri Suresh Chand Mukrtiya, Deputy Commissioner, Central Excise, Kota.

.....RESPONDENTS

(By Advocate : Ms. Kavita Bhati, Proxy counsel to Mr. Kunal Rawat, Sr. Standing Counsel)

**ORDER (ORAL)**

The applicant has filed this Contempt Petition for the alleged violation of the order dated 23.09.2008 passed in OA No. 60/2007 whereby the respondents were directed to consider the feasibility of granting relaxation to the applicant in view of the provisions noticed in the judgment and considering the financial upgradation as <sup>per</sup> the Scheme even if such relaxation in physical standard/height is given to the applicant. For that purpose, three months' time was given to the



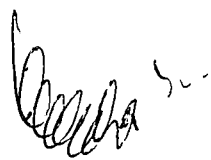
respondents. Since the order of this Tribunal has not been complied with, the applicant has filed this Contempt Petition.

2. Notice of this Contempt Petition was given to the respondents. The respondents have <sup>u filed u</sup> their reply, which is taken on record. In the reply, the respondents have stated that pursuant to the order passed by this Tribunal, Assistant Commissioner conducted the Physical and Literacy Test of the applicant. She <sup>u</sup> was failed in the Physical as well as in the Literacy test. Thus according to the respondents, inspite of granting relaxation to the applicant in terms of the provisions noticed in the judgment, the applicant has not qualified the requisite standard required for promotion. As such, the applicant is not entitled for granting financial upgradation.

3. In view of what has been stated above, we are of the view that the order of this Tribunal has been complied with. In case the applicant is still aggrieved by the decision so taken by the respondents, it will be open for her to file substantive OA.

4. With these observations, the Contempt Petition is disposed of with no order as to costs. Notices issued to the respondents are hereby discharged.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ