

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD**

Dated: This the 04th day of April 2018

HON'BLE DR. MURTAZA ALI, MEMBER – J

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER -A

Misc. Contempt Application No. 330/00156 OF 2017

In

Original Application No. 330/01279/2016

Km. Neetu Verma Daughter of Late Kamla Pati (Constable Sipahi), Resident of Village Umarpur Neewa, Post Office Dhooman Ganj, Police Station Dhooman Ganj, District Allahabad.

..... Applicant

By Adv: Shri Sanjay Kumar

V E R S U S

1. Sri Prem Nath Tiwari, Commissioner, Excise and Custom, Allahabad.
2. Sri R.R. Singh, Administrative Officer, (ET-1), Central Excise, Allahabad.
3. Dr. Hasmukh Adhia, Secretary (Finance & Revenue), 128-A, North Block, New Delhi.

..... Respondents

By Adv: Mr. L.P Tiwari

ORDER

BY HON'BLE DR. MURTAZA ALI, MEMBER – J

Heard Shri Sanjay Kumar, counsel for the applicant and Shri L.P Tiwari, counsel for the respondents.

2. The applicant has filed this contempt petition alleging wilful disobedience of order dated 13.4.2017 passed by this Tribunal in OA No. 330/1279/2016. By the said order, the respondents were directed to consider the case of applicant and offer the applicant compassionate appointment at the very first occasion whenever the first vacancy arises with them under compassionate appointment quota.

3. In the compliance report filed on behalf of respondents, it has been stated that screening committee has already been formed vide order dated 16.8.2017 and the competent authority has been directed to include the name of applicant in the current list of applicants for compassionate appointment. It is further stated that the name of applicant shall be considered for compassionate appointment at the very first occasion whenever the first vacancy arises under compassionate appointment quota.

4. In the rejoinder, it has been stated that the respondents had filed writ petition against the order dated 13.4.2017 passed by this Tribunal which has been dismissed by Hon'ble High Court vide order dated 6.11.2007. It has further been stated that the respondents had offered several appointments on compassionate ground between 2007 and 2016 but the applicant has not yet been considered.

5. In the supplementary counter affidavit, it has been reiterated that the name of applicant is in consideration list for appointment on compassionate ground and she will be considered by the departmental screening committee whenever compassionate appointment is taken up. It is further stated that the respondents had also filed review application No. 330/00032 of 2017 against the order of this Tribunal dated 13.4.2017, as per the decision of the Departmental Screening Committee in its meeting held on 22.5.2017. The said Review Application has been dismissed on 30.8.2017 and aggrieved by the said order, the respondents have also filed writ petition before Hon'ble High Court on 7.2.2018. It is also stated that the Departmental Screening Committee has decided to keep in abeyance all compassionate appointment till the case is decided.

6. In the supplementary rejoinder affidavit, it has been stated that the applicant had already submitted all documents in the month of May 2017 but the respondents have not yet taken any action for her appointment and is disobeying the order of this Tribunal as well as order of Hon'ble High Court.

7. Learned counsel for the respondents have categorically stated that no appointment has yet been made on compassionate ground after the date of order dated 13.4.2017 and the competent authority has already constituted the screening committee for such appointment in the department and the name of applicant has already been included in the list of consideration and she will be considered as and when any vacancy arises for compassionate appointment.

8. Learned counsel for the applicant has failed to point out any appointment on compassionate ground has been made by the respondents in violation to the order of this Tribunal dated 13.4.2017.

9. In view of the above, we are of the considered opinion that no wilful disobedience has been committed by the respondents and the contempt petition is liable to be dismissed. However, the

applicant will be at liberty to take necessary action under provisions of law in case the respondents violate the order dated 13.4.2017 of the Tribunal.

10. Accordingly, Contempt petition is dismissed. Notice issued to respondent No.1 is withdrawn.

Member (A)

Member (J)

Manish/-