

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

CIVIL MISC. CONTEMPT APPLICATION NO. 330/00070 OF 2014.

IN

Original Application No.245 of 2011.

This is the 13th day of November 2018.

**HON'BLE MR. RAKESH SAGAR JAIN, JUDICIAL MEMBER
HON'BLE MR. MOHD. JAMSHED, ADMINISTRATIVE MEMBER**

Smt. Madhu Lala, aged about 29 years, D/o Late Hari Lal, R/o 124/129, Swaraj Nagar, Teliarganj, Allahabad.

.....Applicant

By Advocate : Shri M.K. Upadhyaya.

Versus

1. Major General Ranjan Bakshi, Head Quarter EIC (1), Central Command, Lucknow-2.
2. Pankaj Jaswal, GE(E), (MES), Old Cantt., Teliarganj, Allahabad.

By Advocate: Shri R.K. Srivastava.

O R D E R

BY HON'BLE MR. RAKESH SAGAR JAIN, JUDICIAL MEMBER

1. This order disposes of the Contempt application filed by applicant Smt. Madhu Lata seeking initiation of proceeding against respondents for disobedience the order dated 03.12.2013 passed by the Tribunal in O.A. No. 245/2011 titled Madhu Lata v/s Union of India.
2. The directive part of the order dated 03.12.2013 reads as under:

“5. In view of the above position the impugned order dated 24.08.2010 is quashed. The respondents are directed to consider the case of the applicant afresh in accordance with the terms

of the prevailing scheme on compassionate appointment and pass a speaking order incorporating details of the marks scored by the selected candidates vis-à-vis the applicant. The above exercise shall be completed within a period of three months from the date of receipt of certified copy of this order".

3. Applicant's case is that the respondents did not comply with the above direction given by the Tribunal. In reply, the stand of respondents is that the case of applicant was considered against the vacancy for the year 2013-14 but due to her low merit position, she could not be recommended for the appointment on compassionate ground. They have filed the comparative chart of the marks obtained by all the candidates including the applicant as well as the speaking order dated 08.10.2015 passed in compliance to the order of this Tribunal.
4. We have heard and considered the arguments of the learned Counsels for the parties and gone through the material on record.
5. The records reveals that the respondents have placed on record the comparative chart of the marks obtained by all the candidates as well as the speaking order dated 08.10.2015 whereby the request of applicant for appointment on compassionate ground has been rejected. The record shows that the respondents have meticulously considered the record pertaining to the case of applicant and thereafter rejected her request for appointment on compassionate basis.
6. Learned counsel for applicant argued that there has been deliberate disobedience of the aforementioned order dated 03.12.2013 by the respondents whereby the respondents were directed to pass a speaking order incorporating the details of the marks obtained by the candidates including the applicant. It has been further argued by learned counsel for applicant

that the respondents appear to have committed gross violation of the order of this Tribunal and therefore the respondents be punished for deliberate disobedience of the order of this Tribunal.

7. On the other hand, learned counsel for respondents submitted that the respondents in pursuance to the orders of this Tribunal have complied with the directions issued by the Tribunal and therefore complied with the order of the Tribunal, as such, the present application has no legs to stand upon and be dismissed.
8. Learned counsel for respondents while reiterating the facts contained in the compliance affidavits as well as the documents attached thereto, submitted that no wilful disobedience can be made out when the matter has been considered and disposed of by the respondents in compliance with the directions of the Tribunal and the application be dismissed with imposition of heavy costs upon the applicant.
9. A careful perusal of the order passed by this Tribunal shows that respondents were directed to (1) consider the case of applicant afresh in accordance with the scheme of compassionate appointment and pass a speaking order; (2) give the details of the marks scored by the selected candidates vis-a-vis the applicant. The record shows that the respondents have placed on the file, the details of the marks obtained by the candidates including the applicant and also passed a reasoned and speaking order rejecting her candidature for appointment on compassionate grounds. The respondents have taken the action, as per, the directions of this Tribunal. Hence, they cannot be said to have committed wilful disobedience.

10. In the facts and circumstance of the case, we fell that compliance has been made by the respondents and no case of contempt is made out. Consequently, the notices issued to the respondents are discharged and the contempt proceeding is dropped. No order as to Costs.

(Mohd. Jamshed)

Member (A)

(Rakesh Sagar Jain)

Member (J)

Manish/-