

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 01st Day of June, 2017)

Hon'ble Mr. Justice Dinesh Gupta -JM

Hon'ble Ms. Nita Chowdhury -AM

Contempt Petition No.330/58/2017

(Arising out of Transfer Application No.10/2010)

Brij Mohan Srivastava son of Sri Lalita Prasad Srivastava, resident of 84/11-G/1, Tilak Nagar, Allahpur, District-Allahabad, working as Personal Assistant in the office of Chief General Manager, Telecom U.P. (West), Circle Meerut, Meerut.

..... Applicant

By Advocate. Shri S.P. Shukla

Versus

1. Rajeev Kumar, the then Chief General Manager, Telecom U.P. (West), Circle Meerut, Meerut.
2. Hari Shankar Sharma, present Chief General Manager, Telecom U.P. (west), Circle Meerut, Meerut.
3. Brij Bhshan Sharma, the then Assistant General Manager (Staff-I), B.S.N.L., Office of Chief General Manager U.P. (West) Telecom Circle, M.D.A. Building, First Floor, Meerut.
4. Suraj Pal, presently posted as Assistant General Manager (Staff-I), B.S.N.L., Office of Chief General Manager U.P. (West) Telecom Circle, M.D.A. Building, First Floor, Meerut.

..... Respondent

By Advocate. Shri L.M. Singh

ORDER

Delivered by Hon'ble Mr. Justice Dinesh Gupta- Member (J)

Shri S.P. Shukla, Advocate is present for the applicant.

2. Present Contempt Petition has been filed by the applicant for non compliance of the order dated 08.01.2016 passed by this Court in Transfer Application No.10 of 2010 (Brij Mohan Srivastava vs. Union of India & Ors.) by which the O.A. was allowed with the following observation:-

"11. Accordingly, O.A. is allowed. The impugned order dated 22.09.2005 (Annexure-I) is quashed. The respondents are directed to work out the vacancies in the cadre of Stenographer Grade II and Stenographer Grade I as on 31.12.2003 and if any vacancy is found to be available pertaining to the period, then consider the case of the applicant for promotion from Stenographer Grade III to Stenographer Grade II and then Stenographer Grade I in accordance with the then existing rules, if he fulfils other eligibility criteria. The above exercise shall be completed within a period of four months from the date of receipt of certified copy of this order."

3. After receiving the aforesaid order of this Court, respondents have passed the order dated 22.04.2016, which reads as under"-

".....

उपरोक्त आदेश दिनांक 08.01.2016 के अनुपालन में इस कार्यालय के एच0आर0॥ अनुभाग में स्वीकृत पद 03 व कार्यरत पद भी 03 ही है।



अतः कोई रिक्त पद उपलब्ध नहीं है विभाग में रिक्तियों की गणना वित्त वर्ष के अनुसार वार्षिक की जाती है। अतः दिनांक 31.12.2003 को भी रिक्तियों की संख्या उपरोक्त अनुसार ही रहेगी। माननीय कैट इलाहाबाद के आदेश दिनांक 08.01.2016 के अनुसार रिक्तियों की जॉच उपरांत, रिक्तियों की संख्या न होने के कारण श्री ब्रजमोहन श्रीवास्तव, स्टेनोग्राफर को ग्रेड-III से ग्रेड-II में इस के बाद स्टेनोग्राफर ग्रेड-I में पदोन्नति नहीं दी जा सकती। यह पत्र माननीय कैट इलाहाबाद के आदेश दिनांक 08.01.2016 टी.ए० नम्बर 10/2010 के अनुपालना में जारी किया जाता है।"

4. In view of the order dated 22.04.2016 passed by the respondents, It is clear that there is no wilfull disobedience on the part of the respondent and respondent has complied with the order of this Court. Accordingly, the contempt petition is dismissed. However, if the applicant is still aggrieved by the order of the respondent he may file fresh O.A. for challenging the same.

(Nita Chowdhury)
Member-A

(Justice Dinesh Gupta)
Member-J

Sushil