

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

CCP No. 330/00117/2017 in O.A. No. 330/00540/2013

Reserved on 11.11.2017

Pronounced on 15.2.2018

Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Mr. Gokul Chandra Pati, Member (A)

Kashi Nath Rajbhar son of Late S. N. Raj Bhar aged about 28 years r/o Village & Post-Rajpur, Police Station, Mirza Road, Varanasi District- Varanasi.

..... Applicant
By Advocate : Shri O. P. Gupta

Versus

1. Sri Alok Kumar Development Commissioner (Handicraft) Ministry of Textiles, Govt. of India, West Block No. -7, R.K. Puram, New Delhi -11006.
2. B.S. Singh Assistant Director, Handicraft, Central Store Unit, Service Extension Centre, Akash Deep Panna Lal Park, Ground Floor, Varanasi. Respondents

By Advocate : Shri L. M. Singh

ORDER

Hon'ble Mr. Dinesh Gupta, Member (J):

This contempt petition is preferred by the applicant for non-compliance of order dated 31.3.2016 passed by this Tribunal in O.A. No. 540/2013 by which the Tribunal passed the following orders:-

8. In view of the above, I am of the opinion that the applicant was not actually considered by the CRC in its meeting held on 16.1.2014 as claimed in para 5 of C.A. and it is also wrong to state that the applicant could not be offered compassionate appointment due to non-availability of vacancies whereas several other candidates have been appointed on compassionate ground. In these circumstances, the applicant is also entitled for consideration as and when future vacancies arise.

9. The O.A. is accordingly, allowed and the respondents are directed to consider the applicant by keeping his name in the priority list for compassionate appointment in future vacancies. No costs."

2. Notices were issued to the respondents who in turn filed the compliance affidavit stating that in compliance of the order passed by this Tribunal, the matter of the applicant was processed to include his name in the priority list meant for considering the cases of compassionate appointment and after completing the due administrative formalities, his name was incorporated in the priority list along with others and same was communicated to all concerned units through letter dated 10.7.2017. The name of applicant finds place at Sl. No. 26 to the priority list 2017 and applicant shall be considered for compassionate appointment in the next Board Meeting in accordance with the framework and parameters of the scheme for compassionate appointment. As such respondents have fully complied with the order passed by this Tribunal on 31.3.2016 and contempt petition is liable to be dismissed.

3. Learned counsel for applicant filed objection/ reply affidavit to the counter affidavit filed by the respondents through which it is stated that respondents have included the name of applicant in the priority list and by inclusion of his name, respondents have done only part compliance of the order dated 31.3.2016. It is further submitted that respondents have stated in their counter affidavit that applicant shall be considered in next Board meeting when it will take place. Meaning thereby, the applicant still has not been considered for

compassionate appointment. It is further submitted that from the date of order of this Tribunal, more than one and half year is passed but the board has not been constituted for considering the case of applicant for compassionate appointment.

4. Heard the learned counsel for applicant Sri O. P. Gupta and learned counsel for respondents Sri L. M. Singh.

5. Learned counsel for applicant submitted that the respondents are simply delaying to consider the case of applicant. This Tribunal vide order dated 31.3.2016 directed the respondents to consider the case of applicant against the future vacancy and keeping his name in the priority list. In another similar case, where the respondents were also directed to hold the meeting of CRC as soon as possible (in the case of S. K. Yadav). However, in that case, the respondents have assured before this Tribunal that they will held the meeting of the CRC as soon as possible and respondents were directed to hold the meeting within 2 months while disposing of the Misc. Application. However, till today, respondents have not convened the meeting of the CRC.

6. Counsel for respondents submitted that only direction was given to the respondents to keep the applicant's name in the priority list for compassionate appointment against future vacancy and in compliance of the same respondents placed the name of applicant in the priority list which is enclosed in the compliance affidavit and respondents have further submitted that in the next meeting, name of the applicant will be considered as per direction of this Tribunal.

7. From the above, it is clear that the respondents have complied with the order passed by this Tribunal and kept the applicant's name in the priority list. As such there is no willful disobedience of the order passed by this Tribunal. Accordingly, CCP is dismissed. Notices are discharged.

(Gokul Chandra Pati)
Member (A)

(Justice Dinesh Gupta)
Member (J)

HLS/-

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