

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Contempt Petition No. 180/00026/2018
in
Original Application No.180/00717/2015

Thursday, this the 15th day of November, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Mini K.P., aged 38years, D/o. Shri Bhaskaran Nair,
Part-time Sweeper, Pazhanji PO, Kunnamkulam,
residing at Moolayil House, Akkikkavu, Kunnamkulam PO,
680 519. **Petitioner**

(By Advocate – Mr. Shafik M.A.)

V e r s u s

1. Mr. A.M. Nanda, age : Not known, Father's name : Not known to the petitioner, Director General, Posts, Dak Bhavan, New Delhi 110 001.
2. Mr. P. Suseelan, aged 58 years, S/o. R. Parameswaran, Senior Superintendent of Post Offices, Thrissur Division, Thrissur 680 001. **Respondents**

(By Advocate – Mr. N. Anilkumar, SCGSC)

This Contempt Petition having been heard on 12.11.2018, the Tribunal on 15.11.2018 delivered the following:

ORDER

Per: Ashish Kalia, Judicial Member -

This contempt petition is arising out of the final order passed by this Tribunal on 21st October, 2017 in OA No. 180/717/2015 whereby this Tribunal passed order as under:

“14.The respondents are directed to re-consider selection to the post of GDS BPM Porkulam strictly in terms of Annexure A-8 order of this Tribunal only from amongst the part-time or full time casual labourers of the

same sub division and to give the applicant appointment if she happens to be meritorious amongst the candidates so considered..... ”

2. This order was questioned before the Hon'ble High Court of Kerala and the Hon'ble High Court has passed judgment on 18.9.2018 in OP (CAT) No. 135/2018 wherein it held as under:

“.....In such circumstances, without making any observation on the merits of the rival contentions, there will be a direction to the Tribunal to take up Ext. P21 filed by the first petitioner herein/first respondent therein and Ext. P22 filed by the second petitioner herein/second respondent therein, in Contempt Petition No. 26 of 2018 and pass appropriate orders as expeditiously as possible. It will also be appropriate to dispose of them within a period of one month from the date of receipt/production of a copy of this order.”

Hence, the present Contempt Petition is taken up.

3. The respondent No. 2 had filed a reply affidavit submitting as under:

“2. In compliance with the orders of this Hon'ble Tribunal dated 28.11.2017, part time contingent employees of Guruvayoor Sub Division have been considered for selection to the post of GDSBPM Porkulam. The following two part time contingent casual labourers are considered for the selection.

| Sl. No. | Name | DOB | Marks in SSLC/Equivalent | Percentage |
|---------|--|------------|--------------------------|---|
| 1. | Smt. Lakshmi M.T. | 06.03.1965 | 439/1000 | 43.9 (JTS 3 rd Chance-compartmental) |
| 2. | Smt. Mini K.P. (Applicant in OA 717/2017) | 27.03.1974 | 214/600 | 35.67 (SSLC 4 th chance - compartmental) |

Smt. Lakshmi M.T. who is the meritorious candidate in the merit list has been selected to the post of GDSBPM Porkulam and she has been intimated about her selection provisionally.....”

A copy of the order dated 16.3.2018 selecting Smt. Lakshmi M.T. is placed on record.

4. Heard Mr. Shafik M.A. learned counsel appearing for the petitioner and Mr. N. Anilkumar, SCGSC learned standing counsel appearing for respondents. Perused the record.

5. Contempt matters are normally subjected between the contemnor and courts concerned who have passed the order. But the counsel for the petitioner in this contempt petition submitted that the respondents have not complied with the order in its true spirit and in order to circumvent the benefit given to the petitioner the respondents have taken a different *modus operandi* and contempt still lies unless the order is complied with in full.

6. In the contrary learned counsel for the respondents strenuously argued for quite some time and tried to convince this Tribunal the basic urge on the arguments relied on by the counsel for the respondents as this Tribunal had directed them to consider the part-time or full time casual labourers of the same sub division and to give the petitioner appointment if she happens to be meritorious amongst the candidates so considered. Learned standing counsel Mr. Anilkumar had submitted that this direction has been complied with as they have considered all part time and full time casual labourers of the same sub division including the petitioner and while assessing the merit Smt. Lakshmi M.T has been found as more meritorious than the contempt petitioner.

7. Learned counsel for the petitioner had laid emphasis to his argument that the petitioner had not been considered in true spirit of the order and Smt.

Lakshmi M.T. who took up the post of GDS MP at Karikkad Sub Post Office in the vacancy caused due to officiating arrangement, should not have been considered for the said post. We disagree with this contention for the simple reason that the order of the Tribunal was to consider all part time and full time casual labourers for the post.

8. Thus, we are of the considered opinion that the direction of this Tribunal had been fully complied with by the respondents by considering the part time and full time casual labourers of the same sub division. It is not the case of the petitioner herein that Smt. Lakshmi M.T who had been appointed was not a casual labour.

9. Accordingly, the contempt petition is dismissed. Notices discharged.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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List of Annexures of the Petitioner

Annexure P-1- True copy of the order dated 28.11.2017 of this Hon'ble Tribunal Original Application No. 717/2015.

List of Annexures of the Respondents

Annexure R2(a)- True copy of the selection proceedings in respect of GDSBPM Porkulam dated 16.3.2018 of the 2nd respondent.

Annexure R2(b)- True copy of the provisional selection order to the post of GDSBPM Porkulam dated 16.3.2018.

Annexure R2(c)- True copy of list of casual labourers engaged before and after 1.9.1993 maintained in the office of the Senior Superintendent of Post Offices, Thrissur Division, with covering letter of Senior Superintendent of Post Offices, Thrissur Division, addressed to the Postmaster General, Central Region, Kochi.

Annexure R2(d)- True copy of letter dated 8.5.2017 issued by the Sub Postmaster, Kattakambal in connection with calculation of arrears due to Lakshmi M.T. received by Senior Superintendent of Post Offices, Thrissur received on 12.5.2017.

Annexure R2(e)- True copy of the acquaintance of Lakshmi M.T. with respect to Annexure R2(d).

Annexure R2(f)- True copy of details of the periods during which Lakshmi M.T. worked as substitute as GDSMP at Karikkad SPO in Guruvayoor Sub Division maintained in the office of the Inspector of Post, Guruvayoor Sub Division (No. 5/GDS/GS dated at Guruvayoor the 23.3.2018).

Annexure R2(g)- True copy of letter No. B2/Court Cases dated 28.1.2015 issued by Superintendent of Post Offices, Thrissur Division addressed to all PTCL of Guruvayur Sub Division.

Annexure R2(h)- True copy of representation dated 3.2.2015 submitted by Lakshmi M.T. Addressed to this respondent.

- Annexure R2(i)**- True English translation of Annexure R2(h) dated 3.2.2015 submitted by Lakshmi M.T. Addressed to this respondent.
- Annexure MA-1**- True copy of order dated 11.11.2011 of this Tribunal in OA No. 186/2011 filed by Smt. Mini K.P.
- Annexure MA-2**- True copy of judgment dated 18.2.2014 of Hon'ble High Court of Kerala in OP (CAT) No. 979/2012.
- Annexure MA-3**- True copy of DG Posts letter No. 19-65/2014-GDS dated 30.12.2014.
- Annexure MA-4**- True copy of order dated 28.11.2017 of this Hon'ble Tribunal in OA No. 717/2015 filed by Mini K.P.
- Annexure MA-1**- True copy of the order dated 11.11.2011 in OA No. 186/2011 filed by Smt. Mini K.P.
- Annexure MA-2**- True copy of DG Posts letter No. 19-65/2014-GDS dated 30.12.2014.
- Annexure MA-3**- True copy of order dated 28.11.2017 in OA No. 717/2015 filed by Smt. Mini K.P.
- Annexure MA-5**- True copy of order dated 18.9.2018 of Hon'ble High Court of Kerala in OP (CAT) No. 135/2018.
