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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

C.P.C. No. 350/00232/2016
O.A. No. 350/01193/2013

Date of Order: 31st July 2018

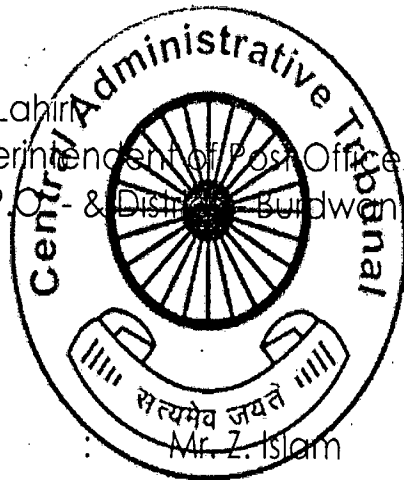
Present: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Babulal Sardar,
son of Late Kali Charan Sardar,
Village & P.O. – Parulia, P.S. Purbasthali,
District – Burdwan, Pin – 713513.

...Applicants

-VS-

Smt. Baby Lahiri
Senior Superintendent of Post Offices
Burdwan, P.O. – & District – Burdwan, Pin – 713101.



Alleged Contemnor

For the Applicant

For the Respondents

Mr. B.P. Manna

ORDER

MRS. MANJULA DAS, MEMBER (J):

By this Contempt Petition, the petitioner prays for initiation
of contempt proceedings against the alleged sole contemnor for

non compliance of the judgment and order dated 29.06.2015 passed in O.A. No. 350/00195/2014.

2. Mr. Z. Islam, learned counsel appearing on behalf of the petitioner submits that this Tribunal, vide order dated 29.06.2015 in O.A. No. 350/00195/2014 passed an order by disposing the said O.A. that in view of such assurance the OA is disposed of with a direction upon the respondents to place the matter before the next CRC which shall take a decision in regard to this matter in accordance with law. According to Mr. Islam, after obtaining the certified copy of the judgment and order dated 29.06.2015, the same was duly communicated by the learned advocate by registered post with A/D on 14.07.2015. However, the respondent/alleged contemnor did not care to pay any heed to it and did not take any effective steps as yet, even giving one line reply to the petitioner ~~as yet~~ and has been sitting tight over the matter and the petitioner has been suffering day to day.

3. The learned counsel submitted that the alleged contemnor willfully and intentionally has been flouting and violating the order of this Tribunal which amount to contempt of court. According to learned counsel, because of contemptuous act committed by the alleged contemnor, the petitioner has been seriously prejudiced and without getting compassionate

appointment in time, the petitioner cannot manage and maintain his family and facing serious hardship and financial distress.

4. On the other hand, Mr. B.P. Manna, learned counsel appearing on behalf of the sole contemnor by filing compliance report submitted that in compliance of the order dated 29.06.2015 passed by this Tribunal in O.A. No. 350/00195/2014, the case of the petitioner was placed before the next CRC meeting held on 29.11.2016 in MTS cadre against the earmarked vacancies of 2014. The available vacancy was 12. The petitioner earned 61 merit points and comparative merit position was 264. CRC has recommended the candidature of 12 candidates who were positioned at Sl. No. 1 to Sl. No. 12 in accordance with descending order of merit. As the petitioner was positioned far behind against the limited no. of vacancies his case cannot be recommended in order of merit/eligibility due to want of vacancies. However, his case will be again placed before next CRC meeting. As per direction of this Tribunal, a reasoned and speaking order was issued and communicated to the petitioner. Hence, there is no contemptuous on the part of the alleged contemnor.

5. We have heard the learned counsel for the parties, perused the pleadings and the material placed on record. This

Tribunal vide order dated 29.06.2015, while disposed of the O.A. No. 350/00195/2014, passed an order as hereunder:

4. In view of such assurance the OA is disposed of with a direction upon the respondents to place the matter before the next CRC which shall take a decision in regard to this matter in accordance with law. Appropriate reasoned order shall be passed in regard to the recommendation of the CRC within one month of such meeting and granting the relief as admissible and in accordance with law.

5. The OA is accordingly disposed of. No order is passed as to costs."

The said O.A. relates to the compassionate appointment of the petitioner.



6. From the aforesaid order, it is reflected as here under:

"As per departmental rules and regulations, Circle Relaxation Committee (CRC) is the appropriate authority to consider and decide cases of compassionate appointment on the basis of certain parameters and the case of the applicant is "under active process" consideration".

7. The sole alleged contemptuous ^{category} stand made in para 4 of the compliance report that the order passed by this Tribunal is duly complied with inasmuch as petitioner's case was considered and accordingly placed before the next CRC meeting held on 29.11.2016 in MTS cadre against the earmarked vacancies of 2014.

8. Undisputedly, the available vacancy was 12 and the applicant/petitioner obtained 61 merit points wherein comparative merit position was 264. The CRC recommended the candidature of 12 candidates against 12 vacancies who are above that is, against Sl. No. 1 to 12. The said stand taken by the alleged contemnor has not been disputed by the petitioner/applicant.

9. This Tribunal while passed the order on 29.06.2015 specifically directed the respondents/alleged contemnor to place the matter before the next CRC which shall take a decision in regard to this matter in accordance with law.

10. In the instant case, we note that the alleged sole contemnor duly complied with the order of this Tribunal by placing the matter of the petitioner for compassionate appointment on the next CRC meeting held on 29.11.2016. As the petitioner did not find his place in the above within Sl. 1 to 12 but against Sl. No. 264. Hence, the department was unable to recommend the name of the petitioner in the said CRC meeting. Further in compliance with the court's order, the department also passed a speaking order dated 30.11.2016 which was communicate to the petition.

11. Thus, we do not find any contemptuous act on the part of the alleged sole contemnor inasmuch as the sole contemnor duly complied with the order passed by this Tribunal on 29.06.2015 in O.A.

No. 350/00195/2014. As such, C.P. is closed. Notices, if any, are discharged.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

PB

