

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

C.P.No.260/54/2018

Date of Reserve: 18.04.2019

Date of Order: 28.06.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Muralidhar Meher, aged about 44 years, S/o. Sri Jageswar Meher, At-Ananda Nagar, PO-Rajendra College, Dist-Bolangir.

...Applicant

By the Advocate(s)-Mr.M.R.Mishra

-VERSUS-

1. Sri R.N. Porosor, Secretary in the Department of Post, New Delhi.
2. Sri Banambar Sethi, Superintendent of Post Office, Bolangir Division, Bolangir, Dist-Bolangir.
3. Sri Kunu Charan Rana, Post Master, Bolangir, Head Office, At/PO/Dist-Bolangir.
4. Sri Tilak De, the Chief Post Master General, Orissa, At/PO-Bhubaneswar, Dist-Khurda.
5. Sri S.C. Kanhur, the Post master General, Odisha, Sambalpur Region, At/PO/Dist-Sambalpur.
6. Sri Ashutosh Tripathy, the Director General, Posts, Dak Bhawan, Sansad Marg, New Delhi-1.

...Respondents/Contemnors

By the Advocate(s)-Mr.S.Behera

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

This is the second round of Contempt Petition filed by the applicant alleging non-compliance of the order dated 12.05.2015 passed by this Tribunal in O.A.No.152/1999. This Tribunal while disposing of the said O.A. had issued the following direction.

"Accordingly, in view of above discussions, the impugned order at Annex.A/5 dated 16.06.1998 is hereby quashed and the respondents are directed to consider the claim of the applicant for compassionate ground appointment on two more occasions, under the next available vacancies for such purpose as early as possible, looking to the fact that it is a very old matter, applicant be intimated about the outcome thereof by a self speaking order. No orders as to costs".

2. The aforesaid direction having not been complied with, the applicant had earlier filed Contempt Petition No.260/40/2016. This Tribunal vide order dated 12.04.2018 dropped the C.P. in the following terms:

"Perused the speaking order dated 01.11.2017 filed along with the show cause wherein it has been clearly averred that the case of the applicant was considered on 31.10.2017 and was rejected and it was further reflected in the order that his case shall be considered once again in the next CRC meeting. This being the substantial compliance of the order of this Tribunal, the C.P. is dropped and notices are discharged".

3. In the present C.P., it has been submitted that the information received by the applicant under the RTI Act goes to show that even though prior to 31.10.2017, the CRC had met on 11.04.2016 and 25.04.2017, it did not consider the case of the applicant in pursuance of the direction of this Tribunal dated 12.05.2015 in O.A.No.152/1999, purportedly to harass the applicant.

4. In the show cause filed by the respondents, it has been submitted that on earlier occasions on 31.12.1997 and 19.05.1998, the case of the applicant had been considered twice by the CRC and in obedience to the orders of this Tribunal dated 12.05.2015 in O.A.No.152/1999, his case was once again considered by the CRC which met on 31.10.2017, after receipt of fresh synopsis papers with relevant documents of the applicant from SPOs, Bolangir Division and was rejected on the ground that the family was found to be not in indigent condition. Prior to that the applicant had already filed C.P.No.40/2016, which has been disposed of vide order dated 12.04.2018.

5. Applicant has filed a rejoinder to the show cause in which it has been submitted that the information received by him under the RTI Act clearly shows that on 31.10.2017 there was no CRC meeting and therefore, the

respondents have tried to mislead this Tribunal. He has further pointed out that when there was no such special direction to hold separate CRC meeting, how CRC meeting was held without any other persons being considered along with the applicant. Applicant has pointed out that while disposing of O.A.No.152/1999, this Tribunal had taken note of the indigent conditions of the family of the applicant, but despite that the CRC left aside the factor of indigent conditions and rejected the claim of the applicant by reiterating the same reasons.

6. We have heard the learned counsels for both the sides. In the C.P. the applicant has basically urged that the indigent condition of his family has not been objectively assessed by the CRC as a result of which, his case for compassionate appointment was rejected on this ground alone. This point cannot be adjudged in a Contempt Petition. There appears to be no such allegation of wilful and deliberate violation of the orders of this Tribunal. Secondly, the earlier C.P. No.40/2016 having been dropped, it would be farfetched to delve into the matter since in our considered view, the applicant has a right to remedy and that right he can exercise by way of an appropriate proceedings and certainly, not by dint of this Contempt Petition. In view of this, the applicant is at liberty to challenge the legality and validity of order dated 31.10.2017 whereby the CRC has rejected his case for appointment on compassionate ground in view of the fact that rejection order as such gives rise to a fresh cause of action.

7. With the above observation, this C.P. is dropped. Notice on the alleged contemnor(s) is discharged.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

BKS

