

Reasoned

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Civil Contempt Petition No.200/00085/2018
(in O.A. No.200/00925/2015)

Jabalpur, this Friday, the 12th day of July, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Adarsh Kumar, S/o Shri Bhagwan Singh, DOB 25.02.1991 R/o
Village Shumbha P.O. Ramchoura District Saran Chhapra, Bihar
841411 - **Petitioner**

(By Advocate-**Shri Vijay Tripathi**)

V e r s u s

1. Ms. Meera Handa, Director General of Post Offices Ministry of
Communication and IT Department of Posts, Dak Bhawan, Sansad
Marg New Delhi 110001

2. Shri Abhinav Walia Chief Post Master General Chhattisgarh
Circle Raipur 492001 (CG.)

3. Shri M.B. Gajbhiye Director Postal Services (HQ) O/o Chief
Post Master General Chhattisgarh Circle Raipur 492001 (C.G.)

4. Shri L.N. Mahto Superintendent of Post Offices, Raigarh
Division Raigarh 496001 (C.G.) - **Respondents**

(By Advocate-**Shri Vivek Verma**)

O R D E R
By Ramesh Singh Thakur, JM:-

This Contempt Petition has been filed under Section
17 read with Section 27 of the Administrative Tribunal

Act, 1985 for non compliance of the order dated 23.08.2018 Annexure C/1 passed by this Tribunal in O.A. No.925/2015. In this Contempt Petition, it has been submitted by the petitioner that vide Annexure C/1 this Tribunal on 23.08.2018 has passed the following order:-

“22. Accordingly, the O.A is allowed. The impugned order dated 15.09.2015 (Annexure A-9) is quashed and set aside. The respondents are directed to proceed further in pursuance of the results declared on 29.07.2015 and take necessary steps to offer appointment letter to the applicants, if otherwise found fit, within a period of 90 days from the date of receipt of a certified copy of this order. No costs.”

2. After receiving the order of this Tribunal, the petitioner has preferred representation dated 06.09.2018 through speed post and brought the order of this Tribunal dated 23.08.2018 to the notice of all the respondents. The copy of representation is filed as Annexure C-2. It has been further submitted by the applicant that 90 days period is already over and respondents have not paid any heed towards the order passed by this Tribunal and the respondents have willfully disobeyed the order of this Tribunal.

3. The respondents have filed the compliance report/reply to the Contempt Petition. It has been specifically submitted by the replying respondent that at the outset the respondents have full faith in the judicial system and order passed by the Tribunal has always respect and honour in its true letter and spirit. The respondents have tender their apology from this Tribunal. The replying respondent has given detailed explanation in Para 4. It is clear that the replying respondent firstly preferred Writ Petition before the Hon'ble High Court which was registered as WP(S) No.260/2019 (Union of India vs. Adarsh Kumar). The same was dismissed on 05.02.2019 (Annexure C-R/2). After receiving the order passed by Hon'ble High Court, the authority has sought legal opinion on 13.03.2019 by the Assistant Solicitor General of India. The department preferred to file SLP before the Hon'ble Apex Court which is clear as per letter dated 15.03.2019 (Annexure C-R/3). Thereafter the replying respondent has exhausted official formality for

filing the SLP which is clear from Para 4(e) to (i) of reply filed by the respondent. So ultimately the SLP has been drafted and filed before the Hon'ble Apex Court on 09.07.2019 vide Diary No.23938/2019. Copy of correspondence is enclosed as Annexure CR/8 and receipt of SLP (Diary No.23938 of 2019) is enclosed as Annexure C-R/9.

4. From the above explanation we are of the affirmed view that the respondent-department has resorted to the remedy available in due process of law and there is no willful, intentional disobedience on the part of the respondent in contempt.

5. Resultantly this contempt petition is dismissed. Respondents are discharges from the notice of contempt.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc