

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7577 of 2016

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Mahesh Kumar, Son of Ram Narayan Sahu, Ex- T.T.A., resident of village-
Motgan, P.O.- Baghouni, P.S.- Bahrei, District- Darbhanga

.... Petitioner/s

Versus

1. The Union of India, through its Secretary, Post and Telegraph Department,
Government of India, New Delhi
2. The Chief General Manager, Telecom, Bharat Sanchar Nigam Limited, Bihar
Circle, Patna
3. The Assistant General Manager, Bharat Sanchar Nigam Limited, Bihar Circle,
Patna
4. The General Manager, Bharat Sanchar Nigam Limited, Katihar
5. The S.D.E. (Group), Bharat Sanchar Nigam Limited, Forbesganj
6. The Director, Telecom (RCCH), Bihar Circle, Patna
7. The Assistant Director, Telecom (RCCH), Bihar Circle, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate.
Mr. Kaushlesh Chaudhary, Advocate.
Mr. Shambhu Nath Jha, Advocate.

For the BSNL : Mr. Ashok Kumar Dubey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 08-08-2016

The challenge in the present petition is to an order dated 05.02.2016, whereby the contempt petition, filed by the petitioner for alleged violation of the order dated 27.02.2013 passed in Original Application No. 655 of 2012 by the Central Administrative Tribunal, Patna Bench, Patna, was dismissed.

The Tribunal, in its order dated 27.02.2013, directed the respondents to consider the comparative parameters of assessment of the candidates for the purposes of appointment on compassionate ground

within three months from the date of communication of the order. It is, thereafter, an order was passed on 04.03.2015, wherein the petitioner was considered by a High Power Committee in its meeting held in the year 2009 in which 93 cases were approved but not that of the petitioner herein as he could not obtain comparable weightage for the purpose of appointment.

We do not find any merit in the present petition as after considering the comparative merits, an order was passed by the competent authority on 04.03.2015. If aggrieved, the petitioner has to invoke its remedy as is available to the petitioner under Section 19 of the Administrative Tribunal Act, 1985, but no relief can be granted to the petitioner in a proceeding for contempt when the order passed by the Tribunal on 27.04.2013 stands complied with.

In view of the said fact, we do not find any reason to interfere with the order passed by the Tribunal in contempt proceedings. However, it shall be open to the petitioner to take recourse to the remedies available to the petitioner against the order dated 04.03.2015 in an appropriate forum in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12.08.2016
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