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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.426/2003 in
OA 401/2002

New Delhi this the 13th day of February, 2004

Hon'ble Shri V.K.Majotra, Vice Chairman (A)
Hon'ble Shanker Raju, Member (J)

C.K.Haridas,
S/O Shri C.S.Kunjunni,
R/O 11/224, Dev Nagar,
Karol Bagh, New Delhi.

...Petitioner

(By Advocate Shri Thomas Oommen)

VERSUS

1. Shri R.C.A.Jain,
Secretary to the Govt. of India,
Deptt. of Agriculture and Cooperation,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.

2. Shri Arun Bhatnagar,
Secretary to the Govt. of India,
Deptt. of Personnel and Training,
North Block, New Delhi.

3. Shri Jainder Singh,
Secretary,
Union Public Service Commission,
Shahjahan Road, New Delhi.

...Respondents

(By Advocate Shri Mohar Singh)

O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Vice Chairman, (A)

Heard learned counsel.

2. OA 401/2002 was disposed of vide order dated
4.12.2002 (Annexure CP 1) with the following
observations/directions:

"As already pointed above, the right to
the applicant would accrue only when the
recruitment rules are amended and in
accordance with the rotation roster as at
present, the applicant cannot claim that he
had a right to be considered for the post of
Editor (English). Consequently, the
application must be held to be devoid of any
merit. Accordingly the same is dismissed.

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However, it is directed that necessary steps to amend the recruitment rules in this regard for the two posts, namely Editor (English) and Joint Director (Farm Information) may be taken and preferably this exercise be completed within six months from the date of receipt of a copy of this order. No costs".

3. Learned counsel of the applicant stated that Civil Writ Petition No. 1637/2003 has been filed in the High Court against the Tribunal's order of dismissal of OA and seeking a direction for filling up the post of Editor (English) by promotion of the applicant and for filling up the post of Joint Director (Farm Information) only after revision of the RRs to the post. CWP is stated to be still pending. Our attention has also been drawn to the High Court order dated 4.3.2003 which reads as follows:

" Issue notice to the respondent to show cause as to why rule nisi be not granted.

Mr. Y.R. Joroya waives service of notice on behalf of respondents No.1 and 2 and seeks time to file reply affidavit. Let him do so within four weeks. Rejoinder, if necessary, may be filed within three weeks thereafter. Notice shall now issue to respondent No.3 only.

List on 8th July 2003.

CM No.2708/2003

Notice for 8 July 2003.


In the meantime, any promotions/appointments to the post of Editor (English) shall be subject to the final outcome of the writ petition".

4. Learned counsel of the respondents stated that when the High Court passed order dated 4.3.2003 that any promotions/appointments to the post of Editor (English) shall be subject to the final outcome of the Writ Petition, respondents have dropped action in regard to

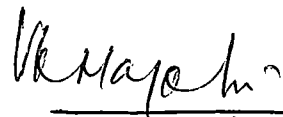
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the revision of the RRs. and appropriate action in terms of the directions in the Writ Petition shall be taken by the respondents.

5. We have considered the rival contentions. In our considered view in terms of High Court order dated 4.3.2003, the respondents have not committed any disobedience of the directions of this Court as they would be taking action in terms of the disposal orders of the Writ Petition. Even ~~if~~ ^{by} promotion/appointment is made by the respondents without revising the RRs, the High Court orders permit them so. Accordingly, respondents have not committed contempt of directions of this Court. CP is disposed of discharging notice and allowing liberty to the applicant to revive the CP, if necessary, after final orders are passed by the High Court in the Writ Petition.


(Shankar Raju)
Member (J)

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(V.K. Majotra)
Vice Chairman (A)
13.2.04