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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No. 367/2004
In
OA No. 1158 of 2002**

New Delhi this the 13th day of December, 2004.

**HON'BLE MR. SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.K. MALHOTRA, MEMBER(A)**

Shri Purushottam Dass
S/o Shri Adil Ram
R/o G-4, Type V,
New Police Lines,
Kingsway Camp,
Delhi - 110 009.

...Applicant

(By Advocate: Shri A.K. Behra)

-Versus-

Shri Dharendra Prasad
Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

....Respondent

(By Advocate: Shri R.N. Singh proxy for Sh. R.V. Sinha)

ORDER

By Shri Shanker Raju, Member (J):

With the following directions, the O.A. 1158/2002 was disposed
of:

"It has been brought to our notice that the controversy in this O.A. pertains to persons at Sr. No. 308 of the seniority list and below that. The applicant is at Sl. No. 216 and therefore the earlier decision dated 26.2.2003 referred to above in no way can be said to be affecting the rights of the applicant. Accordingly, we dispose of the present application with directions that a

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regular DPC meeting to fill up the vacant post of Junior Administrative Grade for the year 2001-2002 be held in accordance with law. It is directed that the necessary action in this regard be taken within 6 months from the date of receipt of this order. "

2. Respondents have come before this Tribunal in MA 1241/2004 seeking extension of time for the third time. As earlier on two occasions time was extended, M.A. was dismissed with the following directions:-

"To our query, there is no explanation forthcoming as to what effective steps have been taken to comply with the directions of this Tribunal. Even if some petitions are pending in the Delhi High Court, in the absence of any stay having been granted by that Court, there is no ground not to take steps for complying with the directions. Resultantly, we find no reason to extend the time."

3. Learned counsel for the applicant contends that as the directions in the OA have specifically ruled that the seniority beyond 308 of the combined seniority list is affected by the decision of this Tribunal in OA No. 1418/2002 [**B.K. Singh & Ors. vs. Union of India & Ors.**] decided on 26.02.2003, applicant's right, who stood at serial no. 216 of the list, would not be affected. Accordingly, DPC was to be held. As the same has not been held by the respondents amounts to contumacious and willful disobedience of the Tribunal's directions for which appropriate action may be taken against the respondents.

4. Respondent's counsel Shri R.N. Singh vehemently opposed the contentions and stated that the decision in B.K. Singh's case (Supra) was challenged by some of the DANIPS officers through WP(C) No. 5973/2003 before the High Court of Delhi. The High Court vide its order dated 17.02.2004 directed that the seniority list in which contestants were falling should not be acted upon till the next. The said order is continuing and the petition is slated in January, 2005 for disposal. Further more, it is stated that in another WP(C) 598/2004 by an order dated 17.02.2004 the same order was reiterated.


5. Learned counsel further states that in OA 1114/2003 on challenge, by an interim order passed on 2.5.2003, respondents had been directed not to pass final order on the recommendations of the Screening Committee and MA 1072/2003 filed for modification was turned down on 23.5.2003. In this view of the matter, it is stated that due to the stay accorded by the Tribunal, it would not be practicable and feasible to accord relief to the applicants and this is not a willful disobedience of the directions of the court rather in good faith the respondents have been waiting the outcome of the CWP. Shri R.N. Singh further stated that against the order passed in OA no. 1158/2002, respondents have finalized a Writ Petition, which would be filed within a short period and would be listed.

6. On careful consideration of the rival contentions, we are of the considered view that the directions issued by the Tribunal on 5.5.2003 are yet to be modified or over turned. As no stay has been


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granted by the High Court on the said decision. The decision in **B.K. Singh's** case (supra) is not going to affect the seniority position of the applicant. As the issue is contentious and it would be an anomalous position where the seniority list, which has been quashed, has to be acted upon to accord benefit to the applicants. In the interest of justice, we accord a month's time to the respondent, from the date of receipt of this order, to obtain stay of the directions issued in OA No. 1158/2002 failing which respondent shall comply with the directions given therein.

7. List the matter on 17.01.2005.


(**S.K. Malhotra**)
Member (A)

/na/


(**Shanker Raju**)
Member (J)
13/12/04

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**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.367/2004 in O.A.No.1158/2002

Monday, this the 17th day of January 2005

Hon'ble Shri Justice M.A. Khan, Vice Chairman (J)

Hon'ble Shri D.R. Tiwari, Member (A)

Shri Purushottam Dass
S/o Shri Adil Ram
R/o G-4, Type-V, New Police Lines,
Kingsway Camp, Delhi-9

..Applicant

(By Advocate: Shri A.K. Behera)

Versus

Shri Dharendra Prasad
Home Secretary
Ministry of Home Affairs
North Block, New Delhi

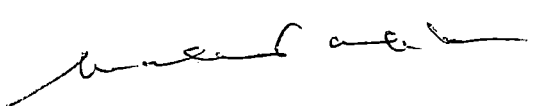
..Respondents

(By Advocate: Shri R.N. Singh)

ORDER (ORAL)


Justice M.A. Khan:

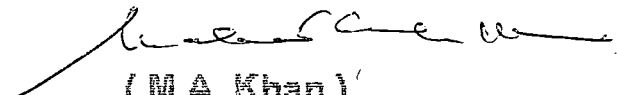
Learned counsel for respondents has submitted that Hon'ble Delhi High Court in Writ Petition (C) No.19736/2004 vide order dated 15.12.2004 has stayed the operation of the order dated 5.5.2003 passed in OA-1158/2002 till further orders. Learned counsel for applicant has requested that the proceedings in the present contempt petition may be adjourned *sine die* and if necessary, he will move appropriate application for its revival after the disposal of the writ petition or after the vacation of the impugned order. Request not opposed.



(2)

2. Accordingly, the proceedings in the present contempt petition are adjourned *sine die*, leaving it open to the applicant to move an appropriate application for revival of the proceedings, if necessary, after the writ petition is decided or the impugned stay order is vacated.


D.R. Tiwari)
Member (A)


(M.A. Khan)
Vice Chairman (J)

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