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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 380/2002
OA-2495/2002

New Delhi this the 18th day of March, 2004.

Hon'ble Shri Sarweshwar Jha, Member(A)

Hon'ble Shri Bharat Bhushan, Member(J)

Mrs. Vinod Wasson
Technical Assistant
Clinical Pathology
Lok Nayak Hospital
New Delhi.

... Applicant

(By Advocate: Mrs. Harvinder Oberoi)

versus

Shri S.P. Aggarwal
Secretary (Medical)
Govt. of NCT, Delhi
Delhi Secretariat
Near Indira Gandhi Stadium
Vikas Marg, New Delhi.

... Respondent

(By Advocate: Shri Vijay Pandita)

Order(Oral)

Hon'ble Shri Sarweshwar Jha, Member(A)

Heard learned counsel for the parties in
CP-380/200.

2. Vide order dated 30.9.2002 in OA 2495/2002, the Tribunal had directed that the respondents shall convene a DPC to consider all the candidates who may be eligible for appointment to the said post of Technical Supervisor. On perusal of the counter reply of the respondents filed in the C.P., it is observed that they had initially convened a DPC within the period of six months from the date of receipt of order passed by this Tribunal. It is also observed that, in the meanwhile, a representation dated

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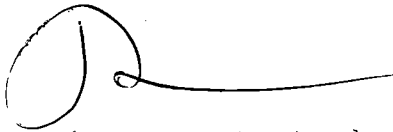
21.3.2003 had been submitted by the applicant to the Principal Secretary (Health & Family Welfare) for compliance of the orders of the Tribunal. However, in compliance of the orders of this Tribunal, a review DPC was held on 5.1.2004 in the Chamber of Pr. Secretary (Health & Family Welfare) where they considered the candidates for the said posts. The learned counsel for the respondents has also produced a copy of the minutes of the said DPC.

3. The learned counsel for the applicant has submitted that the respondents have not finalised the seniority list for the said post. The learned counsel for the respondents has, however, submitted that this aspect of the matter and some other cause of action are not covered under the provisions of CCP and, therefore, these aspects can be considered only through filing a fresh OA.

4. Having regard to the facts and circumstances of the case and the orders of the Tribunal, directing the respondents to hold DPC within a specific period, and keeping in view the fact that the DPC in question has already been held and a copy of the minutes of the DPC has been produced in the Court, which we have perused, we do not find that the respondents have committed Contempt of Court as alleged. However, we do find that the respondents have taken more time in complying with the orders of the Tribunal, for which they have tendered unconditional apology.



5. Under the facts and circumstances of the case as discussed above, the CP is dismissed. Notices issued to the respondent is discharged. If any grievance of the applicant still survives, it will be open to him to file a fresh OA in the matter, if so advised.



(Bharat Bhushan)
Member(J)



(Sarweshwar Jha)
Member(A)

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