



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**CP No. 79/2020
in
OA No. 1481/2018**

New Delhi, this the 24th day of February, 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Rajiv Shivram Khandare
S/o Shivram Khandare
A-4, Rathi Sansar CHS,
Pisa Devi Road, Aurangabad,
Maharashtra

... Applicant

(through Sh. Dheeresh Kumar Dwivedi)

Versus

Bharat Sanchal Nigam Ltd., Bharat Sanchar Bhawan
Through Mr. Thakur Singh, Assistant General
Manager (Personal Policy)
Recruitment Branch, Corporate Office
Room No. 223, Eastern court Building
Janpath, New Delhi-110001

... Respondent

(None)

ORDER (O R A L)

BY HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J):

The Tribunal has passed certain directions on
14.10.2019. The operative part reads as under:-

*“6. After considering the rival contentions,
this Tribunal is of the view that the total*



income of the applicant should be taken as Rs.6,80,560/- as the non taxable component also needs to be added. This amount is also shown to be his income chargeable under the Head Salaries. The recruitment notice specified vide clause 3.3 (ii) (b) that equivalent gross salary should be approximately Rs.7 lacs. This Rule does not mandate exact or minimum Rs.7 lacs. The word used is approximately. This denotes around Rs.7 lacs and not exactly minimum seven lacs. The applicant case is, thus, covered under plain interpretation of the said Rule. The non taxable component therefore, should also be considered as part of gross salary because it is given in lieu of the wages. If same is taken into account, then salary of the applicant comes to Rs.6,80,560/- which falls under the definition approximately being very close to Rs.7.0 lac.

7. Therefore, we are of the view that the department should consider the case of the applicant once again after taking into account the non taxable component towards the salary of the applicant and also take into account the gross salary as 5 approximately Rs.7 lacs and pass a reasoned and speaking order within a period of 90 days from the date of receipt of a certified copy of this order. If found eligible, he should be considered for appointment. The order of the Tribunal is final. No further petition shall be entertained for clarification etc. This OA is disposed of with above directions. Pending MA is also disposed of.”

2. The respondents have since passed detailed order on 02.01.2020 and did not consider the applicant as eligible and accordingly, he has been denied for the appointment in the BSNL.

3. The applicant pleads that order by the Tribunal has not been complied with and accordingly, he preferred the CP.



4. Matter has been heard. Learned counsel Sh. Dheeresh Kumar Dwivedi represents the applicant.

5. Since the Tribunal's direction has substantially been complied with by the respondents, which is clearly evident from a perusal of the order dated 02.01.2020, Contempt Petition is not made out. Hence, the CP is dismissed at admission stage.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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