

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.108/2002
IN
O.A.NO.2364/2001

Monday, this the 8th day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Dr. V.T.Prabhakaran, Principal Scientist
IASRI, Pusa, New Delhi-12

..Applicant

(Applicant in person)

Versus

1. Dr. Panjab Singh, Secretary DARE
Krishi Bhawan, New Delhi-1
2. Ms. Shashi Mishra, Secretary ICAR
Krishi Bhawan, New Delhi-1
3. Shri Ajit Singh, President of ICAR
Krishi Bhawan, New Delhi-1
4. Dr. S.D.Sharma, Director, IASRI
Pusa, New Delhi-12

..Respondents

(By Advocate: Ms. A. Priyadarshini)

O R D E R (ORAL)

By Hon'ble Shri S.A.T. Rizvi, M (A):

By an order passed on 8.1.2002 in OA-2364/2001,
the following directions were issued:-

"9. In the circumstances, we are of the considered view that the ends of justice will be duly met, if the respondents are directed to ascertain as to whether the applicant is the second senior-most Principal Scientist in the discipline of Bio Statistic and Statistical Genetics and if he is the senior-most Principal Scientist Dr. Prajneshu, he should be considered for appointment to the post of Head of the division for the interim period within a period of six weeks. We do so accordingly. As and when the respondents have to make a regular appointment to the post of Head of the division of Biometrics, the applicant may also be considered for appointment to the post of Head of the division if otherwise found suitable in terms of the Rules, Instructions and guidelines."

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(2)

2. In compliance of the aforesaid directions, the respondents have issued Office Order dated 6.4.2002, a copy of which has been placed before us by the learned counsel appearing for the respondents. The applicant, who has appeared in person, argues that the aforesaid order passed on 6.4.2002 is not ~~in~~ consistent with the order passed on 8.1.2002 inasmuch as quite unnecessarily it lays down a period of six months. The learned counsel for the respondents submits that the guide-lines issued by the respondents lay down a period of six months in such cases.

3. We have considered the submissions made by the applicant as well as the learned counsel for the respondents. We have also perused the guide-lines in question and find that the same would apply to the case of an existing incumbent who is to be allowed to continue. The applicant's case is obviously different and, therefore, the aforesaid guide-lines will not apply in his case. The order passed by the respondents on 6.4.2002 is, to this extent, not ~~in~~ consistent with the directions given on 8.1.2002.

4. Having regard to the aforesaid position, we dispose of the present Contempt Petition with a direction to the respondents to amend the Office Order dated 6.4.2002 so as to provide that the applicant will look after the work of Head of Division of Biometrics with immediate effect ^{2 (as on 6-4-2002)} and will continue to do so until the post is filled up on regular basis. The respondents are directed to issue an amendment order to the above effect

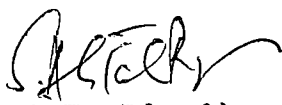
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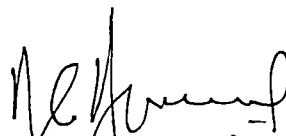
(3)

within a period of 15 days from the date of receipt of a copy of this order. In the event of the respondents not complying with the aforesaid direction within the time frame indicated above, the applicant will have the liberty to seek revival of the present Contempt Petition.

5. The present CP is disposed of in the aforestated terms. No costs.

6. Notices issued to the alleged contemnors are discharged.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/

Item-22
27.5.2002
MA-1120/2002 IN
OA-2364/2001

Present: Applicant in person.


By the present MA applicant seeks to impugn an order passed on 15.3.2002 in RA-53/2002 in OA-2364/2001. By the aforesaid order of 15.3.2002 we had directed as under:-

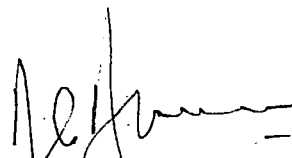
"In para 9 of our judgement we have inadvertently directed the respondents "to ascertain as to whether the applicant is the second senior-most Principal Scientist in the discipline of Bio Statistic & Statistical Genetics.....". We are of the considered view that the respondents could have filed an MA seeking correction of the typing error instead of filing the present RA. However, having regard to the submissions made by the respondents, we direct that the words appearing in 5/6th lines of para 9 of our judgement i.e. "Bio Statistic and Statistical Genetics" shall stand deleted and be replaced by the words "Agriculture Statistics (Biometrics Division)". RA is disposed of in the above terms. Let a copy of this order be issued to the parties."

It is the contention of the applicant that aforesaid order has been passed without notice to him. He further submits that there was no error in the original order which was sought to be corrected by the aforesaid impugned order. He, in the circumstances, prays that the aforesaid order be quashed and set aside. He also prays for certain interim reliefs.

In the circumstances, we direct notices to be issued to the respondents to file their reply within 4 weeks. Prayer for interim reliefs will be considered after service of notice upon the respondents.

List on 10.7.2002.


(S.A.T. RIZVI)
Member (A)
'sd'


(ASHOK AGARWAL)
Chairman

Not in arrears
50000/-
10/11/2002

MASTER PLUS PREMIUM