

Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No. 222/2002 In

O.A. No. 1116/2001

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This the 21st day of August, 2002

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

Hon'ble Shri Shanker Raju, Member (J)

Avinash Mishra,
S/o Shri M.D. Mishra,
R/o D-107, Pragati Vihar,
Lodhi Road, New Delhi.

-Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Shri S.S. Bopa Rai
Secretary,
Planning Commission,
Yojana Bhawan,
New Delhi.

2. Shri Navin B. Chawala,
Secretary,
Union Public Service Commission
Dholpur House, Shahjan Road,
New Delhi-110001

-Respondents

(By Advocate: Shri Jayant Nath, for R-2

Shri K.K. Chhabra, Depttl.
representative for R-1)

ORDER (Oral)

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

Learned counsel for the petitioner submitted that in compliance of Tribunal's order dated 3.4.2002 in OA-1116/2001, respondents were supposed to open the sealed cover within a month of the communication of a copy of that order. The operative part of the order reads as follows:-

"In the light of the foregoing, the OA is found to have merit and is allowed. Accordingly we hold that the service rendered by the applicant on ad hoc basis during the period from 14.5.1996 to 21.7.1999 will be counted as qualifying service for the purpose of promotion to the post of Deputy Adviser in Planning Commission and direct that the result of the selection of the applicant which has been kept in a sealed cover in pursuance of the direction contained in the interim order

passed on 3.5.2001, shall be given effect to by the respondents after opening the sealed cover within a period of one month from the date of a copy of this order. There shall be no order as to costs". S

2. Learned counsel of the respondent No.2 drawing our attention to the reply filed on behalf of UPSC stated that UPSC had filed a writ petition being CW No.4092/2002 was dismissed vide order dated 12.7.2002 by the Hon'ble High Court. Thereafter UPSC opened the sealed cover containing the minutes of the Selection Committee Meeting held on 15.5.2001 ~~and~~ on 12.7.2002 itself and thereby complied with the directions of the Tribunal contained in order dated 3.4.2002. As such, there has been no wilful or deliberate default on the part of the respondents. Learned counsel also produced the records relating to the Selection Committee Meeting; we find that the Selection Committee minutes were opened on 12.7.2002. Selection Committee had recommended the name of one Shri K.C. Idiculla for the post of Deputy Adviser (Irrigation) in the Planning Commission and kept the name of the petitioner, herein, Shri Avinash Mishra among two persons as a reserved candidate in the panel.

3. Having regard to the facts and circumstances described above, in our view respondents have complied with the directions of this court contained in order dated 3.4.2002 in OA-1116/2001. The C.P. is dismissed and notices to the respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.