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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 312/2001

in

O.A. NO. 751/2001

This the 5th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

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1. Y.C.Sharma, Asstt. Director,
Tariff Commission,
Lok Nayak Bhawan, Khan Market,
New Delhi.
 2. M.C.Arya, Research Officer,
Planning Commission,
Sansad Marg, New Delhi.
 3. J.S.Nigam, Asstt. Director,
O/O Economic Adviser,
Udyog Bhawan, New Delhi.
 4. Ram Pal Singh,
Assistant Director,
Ministry of Surface Transport,
Jam Nagar House, New Delhi.
 5. S.Roy, Research Officer,
Planning Commission,
Yojna Bhawan, Sansad Marg,
New Delhi.
 6. R.K.Sharma, Asstt. Director,
Department of Economic Affairs,
Ministry of Finance,
North Block, New Delhi.
 7. B.B.Sharma, Research Officer,
Planning Commission,
Yojna Bhawan, Sansad Marg,
New Delhi.
 8. Ram Vir Singh,
Assistant Director,
Department of Economic Affairs,
Ministry of Finance,
North Block, New Delhi.
 9. Sube Singh, Research Officer,
Ministry of Rural Development,
Krishi Bhawan, New Delhi.
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... Applicants

(By Shri D.K.Garg, Advocate)

-versus-

1. Shri Ajit Kumar,
Secretary (Finance),
Department of Economic Affairs,
North Block, New Delhi-110001.
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2. Shri T.R.Prasad,
Cabinet Secretary & Chairman,
Indian Economic Service Board,
Rashtrapati Bhawan,
New Delhi.

3. Shri A.K.Aggarwal,
Secretary,
Department of Personnel & Training,
North Block,
New Delhi-110001.

... Respondents

(By Shri R.V.Sinha, Advocate)

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal, Chairman :

Present contempt petition has been filed alleging non-compliance of an order passed on 22.3.2001 whereby OA No.751/2001 was disposed of finally at the admission stage itself even without issue of notices with a direction to the respondents to hold meetings of the Departmental Promotion Committee for the period 1994-95 to 2000-2001 in accordance with the Indian Economic Service Rules to fill up the yearwise vacancies/posts after determining the correct number of vacancies and in consultation with the Union Public Service Commission.

2. Respondents have submitted their counter and have sought to contend that since the aforesaid order has been issued without notices to them, they have been deprived of an opportunity to place before the Tribunal their side of the picture; hence, an order which could not have been passed, had the full facts been placed on record, cannot be made the basis of the present contempt petition.

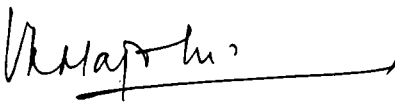
3. Shri Sinha, the learned counsel appearing on behalf of respondents has by placing reliance on the

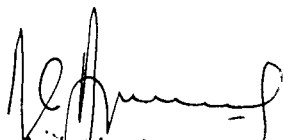
office record, submitted that there are in fact no vacancies in the 40% quota for departmental promotees; in fact, as many as 89 posts have been over filled up in the aforesaid quota.

4. Having regard to the aforesaid contentions raised and having regard to the fact that the order passed on 22.3.2001 in OA No.751/2001 was without notice to respondents without affording them an opportunity of being heard, we find that it would be unjust and unfair to proceed further with the present contempt petition. The same is accordingly disposed of with no order as to costs.

5. As far as the order of 22.3.2001 in OA No.751/2001 is concerned, the same, in view of the aforestated facts, is recalled and the aforesaid OA is restored to file. Respondents are now granted a period of four weeks to submit their reply to the OA. Applicants are granted further two weeks thereafter to submit their rejoinder. The OA thereafter be placed on board for hearing on 22.10.2001.

A copy of this order be placed on the file of OA No.751/2001.


(V.K.Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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