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**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.78/2005 in O.A.No.2120/2001

Thursday, this the 19th May of 2005

**Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Smt. Meera Chhibber, Member (J)**

Pramod Kumar
House No.483
Maharana Pratap Gali, Azadpur
New Delhi-33

...Applicant

(By Advocate: Shri Harpreet Singh)

Versus

Shri Krishan Srivastava
Registrar
Debts Recovery Tribunal-II
Sanskriti Bhawan
Jhandewalan, New Delhi

...Respondent

(By Advocate: Shri N.S. Mehta and Shri Anil Srivastava, Registrar)

O R D E R (ORAL)

Shri V.K. Majotra:

Learned counsel heard.

2. OA-2120/2001 was allowed vide order dated 21.4.2003 with the following directions to the respondents:-

“4. In view of the fact that the applicant is duly registered in the Employment Exchange, impugned order cannot stand and the OA deserves to be allowed. Accordingly, I allow the OA and direct the respondents to re-engage the applicant in preference to freshers and juniors as and when any vacancy becomes available.”

3. In their reply affidavit, respondents have stated that in compliance of directions of this Tribunal in another case, three persons were regularized on 26.7.2004 against three posts w.e.f. 15.6.2001, 15.6.2001 and 16.7.2001. It has been stated in the reply affidavit that no post in the grade of Peon has fallen vacant after 21.4.2003 and as such the applicant could not be considered for regularization. On instructions, learned counsel of the respondents stated that within a period of two weeks, the notification dated 23.2.2004 (Annexure P-3) shall be withdrawn. It is also

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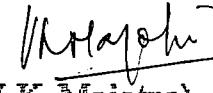
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assured that on availability of the first vacancy, the case of the applicant regarding appointment as Peon shall be considered as per the directions of this Court, in conformity with the rules.

4. In view of the assurance regarding cancellation of Annexure P-3 and also consideration of applicant's case for regularization, these contempt proceedings are dropped and notices to the respondents are discharged.


(Mrs. Meera Chhibber)
Member (J)


(V.K. Majotra)
Vice Chairman (A) 19.5.05

/sunil/