

Central Administrative Tribunal  
Principal Bench

C.P. No. 430 of 2000

in

O.A. No. 2089 of 1999

New Delhi, dated this the 14<sup>th</sup> MAY, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Ashok Kapper,  
S/o Shri Pyare Kapper,  
R/o Old 21, Chidya Colony,  
I.A.R.I. Pusa,  
New Delhi-110012.

.. Petitioner

(By Advocate: Shri S.L. Hans)

Versus

Shri B.P. Mishra,  
Jt. Controller of Patents & Designs,  
Patent Office Branch,  
M.M. Building, Karol Bagh,  
New Delhi-110005.

.. Respondent

(By Advocate: Shri B.S. Jain)

ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 430/2000  
alleging contumacious non-compliance of the  
Tribunal's order dated 17.2.2000 in O.A. No.  
2089/99.

2. In that O.A. applicants Ashok Kapper and  
Raj Kumar had sought grant of temporary status with  
all consequential benefits. They had also sought  
preferential treatment in the matter of future  
appointment.

3. That O.A. was disposed of by order dated  
17.2.2000 holding that applicants were entitled to be  
considered in preference to other freshers or juniors

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in future appointments of casual labourer in respondents department.

4. Respondents held selection for three regular vacancies and two temporary vacancies of peons in May, 2000. Admittedly both Ashok Kapper and Raj Kumar were considered. While Raj Kumar was selected against one of the two regular vacancies of peons, Ashok Kapper could not be selected either against the remaining regular vacancy or against the two temporary vacancies of peons. His grievance is that preference was not given to him while making selections in the background of the Tribunal's order dated 17.2.2000.

5. As applicant, in terms of the aforesaid order dated 17.2.2000, was entitled to <sup>preference</sup> ~~peons~~ only against appointments of casual labourers, and not against vacancies of peons, respondents cannot be said to be in contempt of the Tribunal's order.

6. Under the circumstances the C.P. is dropped and notices are discharged after noting the submissions made by respondents' counsel upon

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instructions from the departmental representative who was present in Court, that applicant Ashok Kapper's claim for reengagement would be considered when future recruitments ~~are~~ made in Group 'D' category.

A Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

karthik