

Central Administrative Tribunal
Principal Bench

O.A.No.542/98
M.A.No.568/98

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 11th day of March, 1998

1. Bikram Jit,
Son of Shri Baldev Singh,
R/o Ram Bihar Colony,
Bundu Katra, Agra.

2. Ashish Kapoor,
Son of Shri K.C. Kapoor,
R/o 174 Defence Estate,
Bundu Katra, Agra Cantt.

3. Manhar Saxena,
Son of Shri S.C. Saxena,
R/o 37/58 Bundu Katra,
Gwalior Road, Agra.

Petitioners

(By Shri Rajesh Tyagi, Advocate)

-Versus-

1. Union Of India,
Through its Secretary,
Ministry of Defence,
New Delhi.

2. Directorate General of EME,
Through Master General of
Ordinance Branch,
DHQ, P.O., New Delhi.

3. Director General of EME.
DHQ, P.O., New Delhi

Respondents

O R D E R (Oral)

Hon'ble Mr. Justice K.M. Agarwal, Chairman

Heard the learned counsel on admission.

2. By this application, the applicant wants all appointments against the vacancies for the post of Telecommunication Mechanics to be quashed on the ground that the appointments have been made without keeping in view the directions made by the Supreme Court in

U.P.S.R.T. Corporation Vs. U.P. Parivahan N.S.B. Sangh,

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(3)

AIR 1995 SC 1115 and those made by this Tribunal in a common order dated 13.10.1997, in OA No.375/97, 378/97 and 381/97.

3. In the common order dated 13.10.1997, this Tribunal gave the following directions to the respondents:

"These three OAs are disposed of with a direction to the respondents that if and when they made direct recruitments to the posts of Telecommunication Mechanics they should consider the claims of the applicants for preference for appointment to those posts. In the light of the Hon'ble Supreme Court ruling, referred above, to the extent that the said ruling is applicable to the facts and circumstances of these particular cases. In this connection pointed attention of the respondents is invited to Para-12(1) of that ruling extracted above, which states that "other things being equal, a trained apprentice should be given preference over direct recruits".

4. The learned counsel submits that applicants have been totally excluded from consideration while making appointments to the said post by the respondents. Accordingly, the appointments made are not legal.

5. Firstly, the persons so appointed and the appointment of those persons challenged have not been impleaded as parties. Secondly on being questioned why he did not file contempt proceedings against the respondents if they have not complied with the aforesaid directions of the Tribunal in OA Nos.375/97, 378/97 and 381/97, the learned counsel submitted that by filing contempt petition, the applicants may be in a position to see that the respondents are punished, but they may not be in a position to get the orders of appointment made in favour of outsiders quashed and therefore this application has been filed.

(3)

6. We find no merit in the contention. When it is demonstrated that if any order of the Tribunal has not been complied with, the respondents may not only be punished but may further be directed to comply with that order in such a manner as may be directed in the contempt proceedings. For one and the same relief several petitions cannot be entertained on any ground whatsoever. We are therefore of the view that this OA is misconceived. Accordingly, this application is hereby dismissed with liberty to the applicant to file a Contempt Petition for disobedience of the orders made in the aforesaid OAs in accordance with law.

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(K.M.AGARWAL)
CHAIRMAN

R.K.Ahooja
(R.K.AHOOJA)
MEMBER(A)

/rao/