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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.P. No. 1/97
in
OA No. 1792/95

New Delhi this the 25th Day of July 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri Mansoor Usmani Petitioner
Through Shri S.C. Luthra, Counsel for applicant

-Versus-

1. Shri N.K. Singh,
Secretary, Ministry of Finance
Deptt. of Revenue, North Block,
New Delhi.
2. Shri Arvind Verma,
Secretary, Ministry of Personnel,
Public Grievances and Pensions,
North Block, New Delhi
New Delhi.
3. Shri B. Sankaran,
Chairman,
Staff Selection Commission,
Block No. 12, CGO Complex,
New Delhi. Respondents

(By Advocate: Shri E.X. Joseph)

ORDER

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

In this contempt petitioner, the petitioner is complaining against non-compliance of the orders of this Court dated 23.4.1996 passed in this OA (OA 1792/95).

The submission of the petitioner is that at the time when the original application was filed he was already holding the post of Grade-II of Delhi Administration Subordinate Services (DASS) and his result of the written test in the combined examination was withheld for the reason that the petitioner could not be called for interview for not having qualified to call for interview. Learned counsel for the respondents says that all the candidates who appeared in written

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test were not called for interview and only those who were qualified in written test were called for interview. It is also submitted by him that even though the applicant had qualified written test, he could not be called for interview due to two reasons namely; (i) that he was considered to be not belonging to the Central Government Services and (ii) that there was no nexus between the post he was holding and the post to which he was aspiring for.

The requirement of being a Central Government Employee is found to be not tenable for the reason that the Delhi State is now being considered as Union Territory; and with respect to the second ground of nexus this Court had given a direction in the previous order and on the basis of the record it was found that there is nexus between the post the applicant is holding and the post to which he is aspiring for. In view of the matter his result in the interview was also directed to be declared.

Respondents have filed their reply to Contempt petition, and annexed an order dated 17.01.1997 which shows that the said order has been passed in pursuance of the order of this Tribunal and the said order also shows that when the result was published, the applicant was declared as passed in both written test as well as interview.

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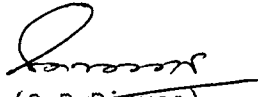
Learned counsel for the respondents on the other hand states that even though the applicant has passed both, the written test as well as interview, his promotion could not be made against the post as he was already holding the same post i.e. Grade-II (DASS).

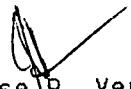
When the matter came up for hearing on 27.2.1997, we had directed the respondents to file a detailed affidavit explaining the criteria adopted by the respondents in such matters and to indicate the cut of marks determined vis-a-vis the cut of marks obtained by the applicant. Thereafter the matter came up for hearing on 15.4.1997 and the respondents handed over a sealed letter with an endorsement "to be seen by the Hon'ble CAT, Principal Bench in camera". We have opened the sealed cover and we find that the author of the content has not claimed any privilege. It was stated therein that the last unreserved candidate included in the select list of Delhi Zone for the post of Inspector of Incometax had secured 350 marks in aggregate whereas the aggregate marks obtained by the petitioner was only 334 and since no other appointment/posting were made in any other category from Delhi Zone, the petitioner could be appointed only in Grade II of Delhi Administration Subordinate Services in the pay scale of Rs. 1400-2300. In view of the said communication which we have no reason to disbelieve and in view of the fact that the petitioner is already holding the said post in the same

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grade and pay scale, we are afraid no useful purpose will be served by retaining these proceedings open. The CP is disposed of and the notices discharged.


(S.P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

Mittal