

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-82/97 in
OA-2084/95

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New Delhi this the 16th day of July, 1997.

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

Mrs. Sushma Jain,
Addl. Legislative Counsel
Official Languages Wing,
Legislative Department,
Ministry of Law & Justice,
Indian Law Instt. Building,
Bhagwan Das Road,
New Delhi-1.

..... Petitioner

(through Sh. M.M. Sudan, advocate)

versus

1. Shri K.L. Mohanpuria,
Secretary,
Official Languages Wing,
Ministry of Law & Justice,
Indian Law Instt. Building,
Bhagwan Das Road,
New Delhi-1.

2. Sh. J.M. Qureshi,
Chairman,
U.P.S.C.,
Dholpur House,
Shahjahan Road,
New Delhi-11.

..... Respondents

(through Sh. N.S. Mehta, Sr. Standing Counsel for R-1
and Mrs. B. Rana for R-2)

ORDER(ORAL)

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

The petitioner in this contempt petition has complained that our orders dated 17.9.96 have not been complied with. The Tribunal had directed in the said judgement that the respondents shall hold a review D.P.C. after the same has been constituted within two months from the date of receipt of a copy of that order and reconsider the matter in accordance with law. Respondent No.2 in his affidavit dated 1.7.1997 has shown that the review D.P.C. as directed has been properly constituted and held its deliberations and as a

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result of it the selected candidate has been recommended in accordance with the rules and this fact has been communicated to the concerned department i.e. respondent No.1.

The learned counsel appearing on behalf of Respondent No.1 states that the recommendation of the U.P.S.C. has been accepted and it is being implemented in accordance with law.


This matter came up with an affidavit of UPSC on 14.7.97 and was called twice and the counsel for the petitioner who appeared on the second call requested some time to go through the reply of the respondents. Even though we were of the prima facie opinion that there was nothing remained to be done, in the interest of justice, we had adjourned the matter for today. The learned counsel for the petitioner submits that the respondents have wrongfully manipulated the position or status of the post and by an order dated 1.11.96 the post of Joint Secretary and Legislative Counsel (Hindi) in the grade of Rs.5900-6700/- has been temporarily downgraded. The petitioner is seriously aggrieved by this order and it is contended that by passing this order the respondents have violated the directions issued by us in our order dated 11.9.96. We are unable to accept this contention for the reason that, that was the subject matter of our order in OA-2084/96. The review DPC now held is also the same in the same scale. Even though an order by the President has intervened


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between our order and its implementation and as long as the UPSC has not given any effect to that order, we find that there is no violation of our directions.

The contention of the learned counsel for the petitioner is that while implementing our orders due to the intervening order of the respondents dated 1.11.98, the post which is now being filled up does not exist. In the proceedings under the Contempt of Courts Act, we cannot take note of the cause of action that has arisen after the judgement is passed, and the petitioner is stated to have approached this Tribunal by an independent O.A. against the process of selection and the petitioner is also at liberty to challenge this order in accordance with law. Since we are concerned only with the proceedings in the Contempt of Courts Act whether our previous order has been implemented or not, we are unable to take note of a subsequent event which was not an issue at the time when the O.A. was decided.

In view of the above observations, this contempt petition is disposed of. Notices discharged.


(S.P. Biswas),
Member(A)


(Dr. Jose P. Vergheese)
Vice-Chairman(J)

/vv/