

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI
C.P. NO. 11/2000 m
O.A. NO. 1997/1995

DATE OF DECISION : 11-01-2000

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE ^{SMT.} ~~SMT.~~ SHANTA SHASTRY, MEMBER (A)

RAMAN KUMAR

... Applicant(s)

-Versus-

CHIEF SECRETARY, NCT DELHI

... Respondent(s)

Advocates :

Mr./Ms. B. B. RAVAL for Applicant(s)

Mr./Ms. / for Respondent(s)

1. Whether to be referred to Reporter? Yes
2. Whether to be circulated to other Benches? No


(ASHOK AGARWAL)
CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 11/2000
in
O.A. NO. 1997/1995

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New Delhi this the 11th day of January, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Raman Kumar S/O Gias Ram,
R/O 48, Patparganj,
Delhi-110092.

...Applicant

(By Shri B. B. Raval, Advocate)

-Versus-

Shri Omesh Saigal,
Chief Secretary,
Government of National Capital
Territory of Delhi,
5, Sham Nath Marg,
Delhi.

...Respondent

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Non compliance of an order passed by this Tribunal on 13.8.1996 in O.A. No. 1997/95 is made the subject matter of the present contempt petition.

2. In the aforesaid O.A. No. 1997/95 applicant had impugned an order of termination dated 29/31.8.1995 whereby the services of the applicant as an Assistant Public Prosecutor had been terminated. By the aforesaid order dated 13.8.1996 the termination of the applicant was set aside and the respondents were directed not to terminate his services except by due process of law. Respondents have now passed an order on 27.10.1999 dispensing with the services of the applicant. The order recites as under :

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"WHEREAS Shri Raman Kumar was appointed on the post of Assistant Public Prosecutor on purely ad hoc and emergent basis in the Directorate of Prosecution as the posts of Assistant Public Prosecutors, as per rules, were required to be filled up on regular basis through Union Public Service Commission;

WHEREAS the Union Public Service Commission after inviting application through an open advertisement held a written test for recruitment to the posts of Assistant Public Prosecutors and thereafter, conducted interviews and has recommended the names of selected candidates for appointment on regular basis to Government of National Capital Territory of Delhi and Shri Raman Kumar in spite of availing opportunity of appearing in the recruitment test and interviews could not qualify for being recommended for the post;

HENCE, the Competent Authority has decided to dispense with ad hoc services of Shri Raman Kumar from the post of Assistant Public Prosecutor forthwith."

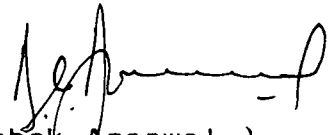
3. Aforesaid order makes it clear that applicant was appointed to the post of Assistant Public Prosecutor purely on ad hoc and emergent basis pending filling up of the said posts on regular basis through the Union Public Service Commission (UPSC). UPSC issued a public advertisement and has held a written test for recruitment to the post of Assistant Public Prosecutors. It has thereafter conducted interviews and has recommended the names of selected candidates for appointment as Assistant Public Prosecutors on regular basis. As far as the applicant is concerned, he was afforded an opportunity of appearing in the recruitment test and qualify. Applicant did appear in the recruitment test but he could not qualify the same. He has, therefore, failed to qualify for being recommended for the said post.



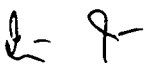
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In the circumstances, his services which had been engaged on ad hoc basis have been dispensed with. In our judgment, the aforesaid order terminating the services of the applicant from the post of Assistant Public Prosecutor which was purely on ad hoc and emergent basis has been passed after following the due process of law. The applicant cannot have any just cause of grievance against the said order. In the circumstances, we do not find that any case is made out to initiate contempt proceedings against the respondents.

4. Present petition, in the circumstances, is summarily rejected.



(Ashok Agarwal)
Chairman



(Shanta Shastri)
Member (A)

/as/