

Central Administrative Tribunal
Principal Bench: New Delhi

CP-279/97 in OA 393/96

New Delhi, this the 6th day of October, 1997

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

Sarma Nand Sharma,
s/o Shri Nanak Chand
House No. 7594, Gali No.12,
Old Seelampur, Delhi-31.Petitioner
(By Advocate: Shri B.T.Kaul)

Versus

1. Mr. P.V. Jayakrishnan,
Secretary,
Govt. of NCT of Delhi,
5 Sham Nath Marg, Delhi.
2. Mr. T.T. Joseph,
Secretary (Services)
Govt. of NCT of Delhi,
5, Shamnath Marg, Delhi.
3. Mrs. Kiran Dhingra,
the Secretary-cum-Commissioner (Transport)
Govt. of NCT of Delhi,
5/9, Under Hill Road,
Delhi.Respondents
(By None)

O R D E R (ORAL)
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

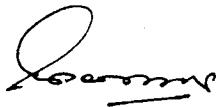
The petitioner is aggrieved by the fact that he had obtained an interim order from this court in the pending OA on 1.5.1996 stating that the respondents shall not resort to alternate mode of recruitment prescribed in the recruitment rules before considering feasibility of filling the post by promotion, and the same has been violated by the respondents.

The petitioner has not shown that the respondents have filled up the said post by any candidate either on ad hoc or on regular basis. What is stated in this petition is that the respondents are appointing one Mr. Kuljit Singh and the appointment of the said Shri

Kuljit Singh from the Surplus Cell is de hors the rules and order has been initially passed on 5.8.1996 and subsequently continued by an order dated 9.4.1997. 12

In the circumstances the remedy of the petitioner lies elsewhere and violation of our orders dated 1.5.1996, on the face of it, has not yet taken place. In the circumstances liberty is given to the petitioner to resort to the appropriate forum.

With this, these contempt of courts proceedings are dropped and notices discharged.


(S.P. Biswas)

Member (A)

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(Dr. Jose P. Verghese)

Vice-Chairman (J)