

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP.No.195 of 1999
in
O.A. No.765 of 1997

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New Delhi this the 7th day of October, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

O.P. Sharma
S/o Shri R.C. Sharma
R/o 313/61-H, Anand Nagar, Inder Lok
Delhi-110 035. ... Petitioner

(By Advocate: Shri D.S. Chaudhary)

-Versus-

1. Shri P.K. Bhattacharya
Director, C.G.H.S.
Ministry of Health & Family Welfare
Government of India
Nirman Bhawan
New Delhi-110011.
2. Dr. B.M. Das
Director(EMR), C.G.H.S.
Ministry of Health & Family Welfare
Government of India
Nirman Bhawan
New Delhi-110011. ... Respondents

(By Advocate: Shri M.K. Gupta)

O R D E R (Oral)

By Reddy, J.

Heard the learned counsel for the
petitioner and the respondents.

2. This CP is filed alleging that the order dated 19.5.1998 passed in OA.765/97 has not been complied with by the respondents. In the said order a direction was issued to the respondents to consider the claim of the petitioner and others whose names had been sponsored by the Director General (EMR) and on assessing their comparative merit and performances in the interview to be held


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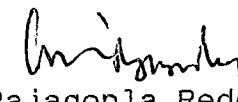
for this purpose, appoint even on ad hoc basis or give additional duties without claim for extra remuneration only after the process of selection was gone through. It was also observed that this exercise should be completed within a period of two months. This order however has been modified by order dated 18.2.1999 passed in in MA.1593/98 and MA.1944/98, directing the respondents to consider the claim of the petitioner for appointment to the post of Store Officer in accordance with the directions contained in order dated 19.5.1998 in OA.765/97 as soon as the post of Store Officer was revived.

3. Counter affidavit has been filed by the respondents stating that as the post of Store officer was not revived, the petitioner's case could not be considered. 4. From the above, it is seen that the order dated 19.5.1998 in OA.765/97 has been modified in [terms of the order dated 18.2.1999 in MAs.1593/98 and 1944/98. This order could be complied with only if the post of Store Officer has been revived. As it is stated that this post has not been revived, the ^{respondents &}petitioner cannot be said to have disobeyed the order of court. It should however be emphasized that the respondents should take all steps within their power to see that the post of Store Officer is revived as early as possible. The copy of the order dated 18.2.1999 should also be sent to the Financial Advisor so as to expedite the revival of the post of Store Officer.

4. The learned counsel for the petitioner however submits that as the order dated 18.2.1999 directs the respondents to consider the case of the petitioner only if the post of Store Officer is revived, the petitioner's career is absolutely left in the hands of the respondents. This court, in the CP, cannot go into or modify the order passed in aforesaid MAs dated 18.2.1999. If the petitioner is aggrieved by the said order and if so advised, he can seek modification or clarification of that order.

6. In view of the above, this CP is closed.
Notice discharged. No costs.


(Mrs. Shanta Shastry)
Member(A)


(V. Rajagopla Reddy)
Vice Chairman(J)

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