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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

CONTEMPT PETITION NO. 23 OF 1999
(in O.A.No. 1939 of 1997)

New Delhi, this the 12th day of March, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE SHRI N. SAHU, MEMBER (A)

J.K. Khanna, S/o Shri R.L. Khanna, R/o
F-105, Pragati Vihar Hostel, Lodi Road,
New Delhi-100003

-APPLICANT

(By Advocate: Shri K.C. Mittal)

Versus

1. Shri Surendra Nath, Chairman, Union
Public Service Commission, Dholpur
House, Shahjahan Road, New Delhi.

2. Shri B.K. Mishra, Secretary, Union
Public Service Commission, Dholpur
House, Shahjahan Road, New Delhi.

-RESPONDENTS


(By Advocate: S.K. Gupta)

O R D E R (ORAL)

By Reddy, J.-

Heard the learned counsel for the petitioner
and the respondents.

2. We have seen the directions given by the Tribunal. The directions are very clear. It is the contention of the learned counsel for the petitioner that the directions contained in Para 9 (iii) & (iv) are not complied with and in fact the respondents have violated the directions given in Para 9(iv). The direction no.(iii) says that the respondents should finalize the recruitment rules for the post of Executive Director (IS) within a period of four months. The direction no.(iv) further adds that the process of the recruitment shall be made only after the recruitment rules are framed.



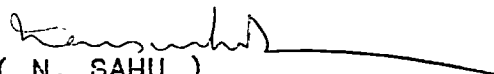
3. The respondents filed the counter stating that the order has been complied with. It is true, as stated by the respondents, that steps have been taken immediately after the order was passed for preparing the recruitment rules but inasmuch as the rules are to be approved by the Department of Personnel, the rules could not be framed by the respondents so far. Draft rules have been sent to the Department of Personnel but due to some objections raised by the Department of Personnel the rules are yet to be finalized and it can be said that no violation was committed by the respondents in taking steps to finalize the recruitment rules. The delay in approval of the rules by the Department of Personnel cannot be attributed to the respondents. However, it is seen from the Office Memorandum dated 15.10.1998 that the respondents have issued the above OM for filling up of the post of Executive Director (IS) pending finalization of the recruitment rules. The direction no.(iv) categorically says that the post should be filled up only after the recruitment rules are framed. Since the rules are not yet framed, the respondents should not have proceeded with filling the post of Executive Director (IS).


4. The learned counsel for the respondents tries to submit that since the rules were not yet framed they had performed their part of their duty in sending the draft rules to the Department of Personnel and due to departmental exigency they need to fill up the said post and they have taken the steps to fill up the post pending the finalization of the recruitment rules. We do not agree. But, this memorandum is directly in the teeth of

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the directions given by the Tribunal, this action in our view amounts to clear contempt. However, in view of the compliance of the order with regard to the sending of the draft rules for approval to the Department of Personnel; but in order to obviate certain necessity the respondents may have taken such a step, we, therefore, accept the submission of the learned counsel for the respondents that this action is not a deliberate violation of the order.

5. We, therefore, direct the respondents to stop appointment on the post of Executive Director (IS) which is sought to be made in accordance with OM dated 15.10.1998. We also make it clear that unless the Recruitment Rules are finalized, no action should be taken for recruitment to the post of Executive Director (IS). With this direction the contempt petition is closed. Notices are discharged.


(N. SAHU)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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