

23
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 360/1997

in
O.A. NO. 1204/1997

New Delhi this the 10th day of December, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Nitin Kumar S/O Arun Kumar Singh,
R/O 3-D, Savita Apartment,
Boring Patliputra,
Near Raj Chikitsa Hospital,
Patna, at present House No.
1017, Mukherjee Nagar,
Delhi-110009.

... Applicant

(By Shri S. P. Jha, Advocate)

-Versus-

1. Shri T. R. Kakkar,
Commissioner of Police,
Headquarters, MSO Building,
Indra Prastha Estate,
New Delhi.

2. Shri P. W. Ralegankar,
Regional Director (NR),
Staff Selection Commission,
C.G.O. Complex, Lodhi Road,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal -

Heard the learned counsel for the applicant.

2. The contempt petition has been filed on the allegation that certain directions made in O.A. No. 1204/1997 on 26.8.1997 have not been complied with by the respondents. From the order, we find that the following directions were made by the Tribunal :-

.....In view of this and in view of the fact that no enquiry or show cause notice has been issued before issuing the cancellation order at page 25 of the paper book as Annexure P-7, the only conclusion

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that can be arrived at is that this is an illegal order and as such we quash the same and direct the respondent No.2 to consider the candidature of the applicant in accordance with the rules ignoring the order at P-7 and the communication of the Chairman, SSC which was based on the notings of the Chairman of the Interview Board. The respondents are at liberty to make appropriate enquiry if it is considered fit to be done in accordance with the rules but that shall not affect the candidature and selection of the applicant and posting of the applicant along with his colleagues who have qualified in the same examination."

3. It will be thus seen that no time limit has been fixed for carrying out the said directions. In such a case, we are of the view that the time prescribed for execution of the orders of the Tribunal by Government of India's order dated 14.8.1987 will apply. That time is six months from the date of receipt of the order of the Tribunal. The time has not expired and the application was filed on 25.11.1997, i.e., much before the expiry of the time for compliance.

4. The learned counsel for the applicant submitted that the Tribunal made it clear that though the respondents were at liberty to make appropriate enquiry, it was not to affect the candidature and selection of the applicant and his posting along with his colleagues who had qualified in the same examination. According to the learned counsel, the applicant's colleagues have been selected and sent for training on 8.12.1997. In that case also, the application ought to have been filed after 8.12.1997

but it was filed on 25.11.1997. Therefore, it is premature. Accordingly, the contempt petition is hereby dismissed as premature. The applicant will be at liberty to renew the petition at an appropriate stage.

K. M. Agarwal

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/