

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.60/1998 IN
O.A.NO.1820/1997

Thursday, this the 19th day of September, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Bachi Singh
Transmission Assistant
o/o SDE, VFT Station, Kidwai Bhawan
M/O Communications
Kidwai Bhawan, New Delhi-1

...Applicant
(By Advocate: Shri H.K.Gangwani)

Versus

1. Shri A.V. Gokak
Secretary
M/O Communications
Dept. of Telecommunications
Government of India
Sanchar Bhavan, New Delhi
2. Shri A.V. Gokak
Chairman
Dept. of Telecommunications
Government of India
Sanchar Bhavan, New Delhi
3. Shri S.K.Gupta
Director (ST II)
M/O Communications
Dept. of Telecommunications
Government of India
Sanchar Bhavan, New Delhi
4. Shri B.L.Singh
All India President
Diploma Engineers Telecom Association
Sanchar Bhavan, Ashok Road,
New Delhi

...Respondents
(By Advocate: Shri Rajinder Nischal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, VC (J):-

We have heard Shri H.K.Gangwani, learned counsel for petitioner and Shri Rajinder Nischal, learned counsel for respondents in CP-60/98.

2. This CP has been filed on 24.2.1998 by the petitioner alleging wilful non-compliance of Tribunal's

(2)

order dated 9.1.1998 in OA-1820/97 by the respondents. Learned counsel for the petitioner has reiterated that even now the respondents have failed to comply with the directions contained in Tribunal's order particularly paragraph 10 which relates to "All the candidates....".

3. The respondents had filed a Writ Petition before the Hon'ble High Court against the aforesaid order and by order dated 4.3.1998, the operation of the Tribunal's order was stayed. Thereafter, by order dated 5.9.2001, three Writ Petitions (CW Nos. 1071/98, 1124/98 and 5603/98) have been dismissed as having become infructuous. It has also been observed by the Hon'ble High Court that "Nothing said in this order shall be construed as any expression of opinion or any affirmation of the view taken by Tribunal on issues involved in impugned order".

4. When the Contempt Petition was taken up for hearing today, both the learned counsel submits that during the pendency of the aforesaid petition, the petitioner has passed away.

5. We have carefully considered the relevant orders, including the aforesaid order of the Hon'ble High Court dated 5.9.2001 and the submissions made by the learned counsel for the parties. The Hon'ble High Court has clearly held that "It is also noticed that Respondent Bachi Singh was not being deputed because of non-availability of any slot but because of his own inability to make the grade". In Tribunal's order in

41

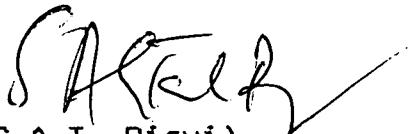
OA-1820/97, it has also been observed that if, e.g., "100 candidates had completed six years of regular service in the respective cadres or respective cadres plus TTAs, then the persons with the longest service who have also qualified in the screening test and medical test will be eligible for being sent to JTO training". To this extent, the respondents' contention was held valid by the Tribunal. We have also seen the observations/directions of the Tribunal in paragraph 11. In this, it has been held that "respondents shall with care and diligence choose such of the candidates who fulfil the criteria as interpreted by us and who are to be sent for training after 09.02.1996 which shall be notified accordingly.

6. In view of the fact that the Hon'ble High Court has itself noticed the disqualification of the petitioner for being sent for training because he did not make the grade, the other observations/directions of the Tribunal dated 9.1.1998 are not something which would be maintainable in this Contempt Petition. In any case, this petition has also become infructuous due to the demise of the petitioner and the memo. of alleged contemnors having also not been amended, and for other legal grounds, including non-substitution of the legal heirs of the ^{deceased} _{petitioner} himself. In the facts and circumstances of the case, we are also unable to agree with the contention of Shri H.K.Gangwani, learned counsel for the petitioner that in the light of the findings of the Hon'ble High Court with regard to the petitioner that he has not made the grade, anything further survives in the Contempt Petition.

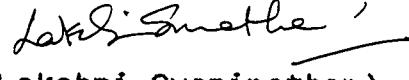
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7. In this view of the matter, CP-60/98 is dismissed. Notices issued to the alleged contemnors are discharged. File be consigned to the record room.


(S.A.T. Rizvi)

Member (A)


(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

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