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Central Administrative Tribunal
Principal Bench: New Delhi

C.P. 68/99
in
O.A. 341/97

New Delhi this the 10th Day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri Vijendra Singh Jafa,
S/o Late Shri HCS Jafa,
Resident Representative
Govt. of Assam,
Assam Bhawan,
Chanakyapuri, New Delhi.

Petitioner

(By Advocate: None)

Versus

1. Union of India
through
Shri Prabhat Kumar,
Cabinet Secretary,
Rashtrapati Bhawan,
New Delhi.
2. Shri D.K. Manavalan,
Secretary, Ministry of Welfare,
Shastry Bhawan,
Dr. Rajender Prasad Road,
New Delhi.
3. Tribal Cooperative Marketing,
Development Federation of India
through
Its Managing Director, Shri K.S. Rao,
Noui Bldg., 2nd Floor,
Khelgaon Marg,
New Delhi.
4. Shri B.L. Sharma,
Addl. Secretary,
Ministry of Welfare,
Shastry Bhawan,
New Delhi.

Respondents

(By Advocate: Shri VSR Krishna, learned counsel
for Respondent No. 1

Shri Rajinder Nichal, learned counsel
for Respondent No. 2.

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ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

We have perused the averments in CP 68/99 and the affidavit filed by the Respondent 1 dated 21.5.1999.

2. In Tribunal's order dated 4.7.1997, respondents were directed to review the case of the applicant for empanelment to the post of Additional Secretary/Secretary whichever is applicable according to his seniority/merit and other criteria mentioned in para 14 of the Central Staffing Scheme. In case the petitioner was found fit in accordance with the Scheme, the respondents were directed to give all the benefits from the date when any of his juniors was given similar relief with all other consequential reliefs.

3. Shri V.S.R. Krishna has submitted that the respondents have complied with the aforesaid orders of the Tribunal both in letter and spirit. They have submitted that the petitioner has been duly considered by the Special Committee of Secretaries to consider his suitability to hold the post of Secretary at the Centre. Based on records and other personal attributes, ^{and is} _{without taking into account} the vigilance status stated to be pending against him, they have stated that the Committee did not find him suitable for empanelment which has been approved by the Hon'ble Home Minister and the

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Hon'ble Prime Minister in the ACC in October 1997.

Accordingly, the learned counsel has submitted that the direction of the Tribunal has been fully complied with and he has prayed that the CP may, therefore be discharged against the respondents. He has further submitted that the directions contained in Tribunal's order dated 4.7.1999 were basically to be complied with by Respondent 1 by which he submits has since been done.

3. After considering the Tribunal's order and the affidavit filed by the respondents, we find that the respondents have complied with the directions and it cannot be stated that they have in any way wilfully disobeyed the orders. Therefore, this does not call for further action to be taken against them under ^{read as} Section 12 of the Contempt of Courts Act, 1971 with Section 17 of the Administrative Tribunal Act, 1985.

4. In the facts and circumstances of the case and for the above reason, CP 68/99 is dismissed.

Notices to the respondents are discharged.


(S.P. Biswas)
M(A)


(Smt. Lakshmi Swaminathan)
M(J)

Mittal