

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

- 1) C.P. NO. 86/1998  
in  
O.A. NO. 375/1997
- 2) C.P. NO. 87/1998  
in  
O.A. NO. 378/1997
- 3) C.P. NO. 88/1998  
in  
O.A. NO. 381/1997

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New Delhi this the 23rd day of July, 1998.

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

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

- 1) CP 86/1998  
MA 918/1998 in  
OA 375/1997

Bikram Jit S/O Baldev Singh,  
R/O Ram Bihar Colony,  
Bundu Katra, Agra.

- 2) CP 87/1998  
MA 917/98 in  
OA 378/1997

Ashish Kapoor S/O K. C. Kapoor,  
R/O 174, Defence Estate,  
Bundu Katra, Agra Cantt.

- 3) CP 88/1998  
MA 986/1998 in  
OA 381/1997

Manhar Saxena S/O S. C. Saxena,  
R/O 37/58 Bundu Katra,  
Gwalior Road,  
Agra.

... Applicants

( By Shri Rajesh Tyagi, Advocate )

-Versus-

1. Shri Arun Kumar,  
Defence Secretary,  
Government of India,  
New Delhi.

*Am*

2. Lt. Gen. J. S. Dhillon,  
PVSM, VSM,  
Master General of Ordnance Branch,  
Army Headquarters,  
DHQ P.O., New Delhi.
3. Lt. Gen. M. R. Kochher, AVSM,  
Director General of EME Branch  
(EME-CIV)-3, Army Headquarters,  
DHQ PO, New Delhi.

... Respondents  
in all CPs.

( By Shri Madhav Panikar, Advocate )

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

This order shall dispose of CP No. 86/98 in OA No. 375/97, CP No. 87/98 in OA No. 378/97 and CP No. 88/98 in OA No. 381/97.

2. On 16.3.1998, we recorded the following order:

"2. The Tribunal's order dated 13.10.1997 was served on the respondents on 3.11.1997. The direction of the Tribunal was to consider the claims of the applicants for preferential appointment to the posts of Telecommunication Mechanics as and when direct recruitments to the said posts were decided to be made by the respondents. The direction was not to appoint the applicants to the said posts but for giving due consideration to their claims for appointment to that post. We wanted to know from the learned counsel for the applicants, if there was any consideration and appointments subsequent to the date of service of the aforesaid order of the Tribunal on the respondents; the learned counsel referred to Annexure A-2 that one appointment was made on 1.10.1997, ten appointments were made on 17.11.1997 and four appointments were made thereafter on 1.12.1997. However, it does not appear either from the application for contempt or from various documents filed on record that the appointments made vide Annexure A-2 were

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pursuant to consideration of candidates for direct recruitments subsequent to the date of service of a copy of the order made by the Tribunal on 13.10.1997.

3. Under the circumstances, we direct the applicants either to file additional affidavit or documents showing that the persons named in Annexure A-2 were considered for appointment after 3.11.1997, i.e., the date on which the order of the Tribunal was served on the respondents, and pursuant to that consideration, the appointment orders at Annexure A-2 were issued."

3. The particulars were furnished by the learned counsel for applicants and thereafter on 20.4.1998 notices were directed to be issued only against the 3rd respondent in the contempt petition. Pursuant to the notice, the 3rd respondent has put in appearance through his counsel. Reply has also been filed.

4. On perusal of the reply, it is evident that the Tribunal's order dated 13.10.1997 has been flouted. However, the learned counsel submitted that there were certain directions by the Allahabad Bench of the Tribunal pursuant to which appointments were made. He further submitted that while making such appointments and due to inadvertence, the Tribunal's order dated 13.10.1997 was overlooked but there was no intention to flout that order of the Tribunal. He now says that the respondents are prepared to give an undertaking that when future vacancies arise, the claims of the applicants shall be considered in accordance with the directions made by the Tribunal in the aforesaid OAs.

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5. The learned counsel for the applicant in reply, submitted that the violation of the order of the Tribunal was deliberate and he wanted in support of this contention to narrate the history of the litigation before the Allahabad Bench of the Tribunal. We do not want to go into that history because we are satisfied that the disobedience does not appear to be deliberate in the circumstances of the case. In so far as the offer made for and on behalf of the respondents is concerned, the learned counsel submitted that the applicants may be excluded from consideration against the future vacancies on the ground that they had become over-age.

6. In the facts and circumstances, we consider the apprehension of the applicants to be genuine and, therefore, these contempt petitions can be disposed of by directing the respondents first to consider the claims of the present applicants in future vacancies on the basis of their age, qualifications etc. and the eligibility criteria on the date of the order made in the aforesaid OAs by this Tribunal.

7. The learned counsel for the applicants further stated that still there are 34 vacancies to be filled up by the respondents as per their own counter. The learned counsel for respondents admits that there are 34 vacancies available. Under these circumstances, it does not appear necessary to direct the respondents to consider the cases of the

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applicants against any future vacancies. they may be considered against the available 34 vacancies. If found eligible, they shall be given appointments. If they are not found eligible, the applicants shall not be eligible for future consideration, on the basis of or in pursuance to the aforesaid directions of the Tribunal. Accordingly, these contempt petitions are disposed of. Rule nisi shall stand discharged.

*Km*

( K. M. Agarwal )  
Chairman

*R. K. Ahooja*

( R. K. Ahooja )  
Member (A)

/as/