

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 115/1998
in
O.A. NO. 2487/1996

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New Delhi this the 24th day of February, 1999.

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

HON'BLE SHRI N. SAHU, MEMBER (A)

Shri P. S. Bahl,
R/O 21/39-B,
Tilak Nagar,
New Delhi - 110018.

... Applicant

(By Shri Rajinder Nischal, Advocate)

-Versus-

1. Shri P. V. Jaikrishnan,
Chief Secretary,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi.
2. Smt. Kiran Dhingra,
Commissioner-cum-Secretary,
Transport Department,
Govt. of N.C.T. of Delhi,
5/9, Under Hill Road,
Delhi.

... Respondents

(By Shri S. K. Gupta Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

A prayer for adjournment was made on behalf of the applicant so as to enable him to file rejoinder. Prayer refused because we are of the view that in contempt proceedings, it is not necessary to give time for filing rejoinder unless and until we feel it

Jm necessary to do so.

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2. This contempt petition was filed for non-compliance with the order dated 23.7.1997 in O.A. No. 2487/97. In the operative part of the order the respondents were directed to consider the case of the applicant for permission in accordance with rules as on 22.6.1996 and to pass appropriate orders within a specified time. The counter shows that the direction has been carried out. The respondents also submitted that they were also producing the DPC minutes for perusal of the Tribunal.

3. At the time of hearing the DPC minutes were produced before us. Just below paragraph 4 of the DPC minutes dated 20.11.1997, following paragraphs are recorded :

"There are only three Inspectors (Enf.) in the Department in the feeder cadre. In the case of Sh. P.S. Behl, the DPC took note of the requirement of an order of the CAT whereby his case is to be considered for promotion as on 22.6.96. In the case of Shri S.N. Sharma, the DPC took note of the order of the Tribunal whereby appointment by alternative modes are not to be made without considering the feasibility of filling up the post by promotion. The DPC also took note of a tribunal case which challenges the absorption of Sh.P.S. Behl and that there are no instructions/orders of the tribunal in this case.

In view of the Tribunal's orders to consider the case of Shri P.S. Behl as on June, 1996, it was observed that in the promotion quota the only vacancy that subsists is reserved with reference to the instructions on the subject as subsisted in June, 1996 and as per the roster applicable. It was also noted that in view of the non-availability of reserved candidates in the grade of Inspector (Enf.) the Department had moved a proposal for de-reservation to the Services Department separately.

For

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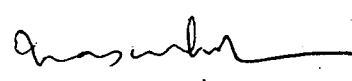
The DPC observed that the regular service of Shri P.S. Behl as Inspector (Enf.) is w.e.f. 23.6.92 and that of Shri S. N. Sharma is w.e.f. 7.12.92 and that both are graduates. It was also noted that Shri Kedar Singh, Inspector (Enf.) is on adhoc w.e.f. 25.9.92 and that Shri R.K. Dhama, Inspector (Enf.) who has voluntarily retired w.e.f. 21.10.97 had put in adhoc service w.e.f. 9.9.96.

In view of the factual position namely that the subsisting post in the promotion quota is reserved and in view of the fact that the officials belong to the general category, the DPC considered their cases but was unable to make any recommendations in view of the non-availability of vacancy for un-reserved category officials.

4. It would thus be seen that the applicant was considered and the directions made by the Tribunal on 23.7.1997 in OA No. 2487/96 have been carried out. Under these circumstances, this C.P. has become infructuous. Accordingly, it is hereby dismissed. Rule nisi, if any, shall stand discharged.



(K. M. Agarwal)
Chairman



(N. Sahu)
Member (A)

/as/