

Central Administrative Tribunal
Principal Bench

...

C.P. No. 120/96
in
O.A. No. 985/96

(b)

New Delhi, this the 31st day of May, 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)
Hon'ble Shri R.K. Ahooja, Member (A)

1. Dr. Kapil Kochhar,
s/o Mr. M.K. Kochhar,
R/o E-16, Lajpat Nagar-3,
New Delhi.

2. Dr. Tushar Aggarwal,
s/o Dr. S.K. Aggarwal,
R/o 48, Guru Nanak Road,
Civil Lines,
Rampur (U.P.)

....Petitioner

(By Shri R. Venkatramani, Advocate)

Versus

Dr. I.N. Tiwari,
Medical Superintendent,
Lok Nayak Jai Prakash Narain, Hospital,
New Delhi-110 002.

.... Respondents

(By Shri Raj Singh, Advocate)

ORDER (Oral)

By Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)

Heard the learned counsel on either side and the alleged
contemnor who is present in person.

The reply statement to the C.P. has been filed. The
respondent has also produced an order dated 25.5.1996 wherein
it has been stated that the petitioners are allowed to join duty
as per O.A. No. 985/96 dated 20.5.1996 from the date of issue of
the order against the vacant reserved post of SC and ST till
reserved candidates become available. The respondent states that
the petitioners having been allowed to join duty in accordance
with the order of the Tribunal, there is no defiance of the
orders of the Tribunal.

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2. Shri R. Venkatramani, counsel for the petitioners states that in the original letter by which the petitioners were appointed it was not stated that they were posted against the reserved post of SC & ST and that the appointment was tenable till such reserved candidates became available and that the order allowing the petitioners to join duty w.e.f. 25.5.1996 also is not in-conformity with the directions of the Tribunal.


3. Having given considerable consideration of the facts mentioned in the Contempt Petition and the other relevant facts and materials emerging from the order said to have been ~~implemented~~ ^{issued} by the respondents and after hearing the respondent who is present in person, we find that the incorporation of the condition that the petitioners are appointed against reserved posts of SC & ST till such candidates became available is not warranted from the situation as respondent himself admits that there was no such condition incorporated in the original order by which the petitioners were appointed. The impugned order of termination of the services of the petitioners having been set aside by the Tribunal, the respondents are bound to treat that the petitioners continued in service despite ~~of~~ passing of the impugned order by him and to allow them to perform their duties. So the proper order to be passed by the respondent is to allow the petitioners to perform their duties in obedience with the orders of the Tribunal and it was not required ~~of~~ him to add conditions which were not there in the original order of appointment. The statement in the order that the petitioners are allowed to join duty w.e.f. 25.5.1996 was not necessary. The respondent who is present in person undertakes to pass an order as stated above within a period of two days from the date of receipt of this order. Noting the undertaking given by the respondent, we do not consider it necessary to proceed further with this

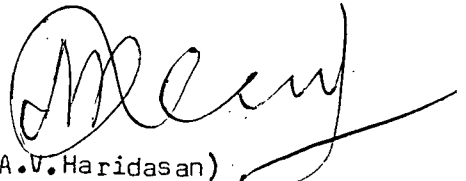
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Contempt Petition. Hence, the Contempt Petition is closed
and the notice to respondent discharged.

Issue Dasti


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice-Chairman (J)

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