

Central Administrative Tribunal  
Principal Bench

C.P. No. 255 of 1998

in

O.A. No. 2609 of 1996

New Delhi, dated this the 8<sup>th</sup> July, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Bhanwar Singh  
S/o Shri Khem Chand,  
Head Clerk,  
General Branch,  
Northern Railway, Claim Office,  
IRCA Building,  
New Delhi.

... Petitioner

(By Advocate: Shri P.M. Ahlawat)

Versus

Shri S.P. Mehta,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

... Respondent

(By Advocate: Shri R.L. Dhawan)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard.

2. The operative portion of the order dated 6.3.98 in O.A. No. 2609/96 was to make selection from amongst available and eligible reserved candidates since all three posts had become vacant due to promotion of SC/ST candidates.

3. Respondents in their additional affidavit filed on 18.3.99 has stated that in compliance with the aforesaid directions applicant and other eligible and available SC/ST candidates were considered, but applicant did not secure the requisite 60% marks to qualify in the written test.

However, by adding marks for seniority he became eligible to be called for viva voce test in terms of Para 219(g)(ii) IREM Vol. 1. He appeared in the viva voce test on 26.1.99 but failed to qualify in the selection and thus could not be placed in the panel. Two other SC and 1 ST candidates were placed in the panel dated 15.3.99 (Ann. R-3).

4. In the light of the above it cannot be said that there has been any deliberate, wilful, or contumacious disobedience of the Tribunal's order dated 6.3.98. In this connection the Hon'ble Supreme Court's ruling in J.S. Parihar Vs. G. Duggar & Others JT 1996 (9) SC 608 is relevant.

5. If applicant is aggrieved by the contents of respondents' letter dated 15.3.99 (Ann. R-3), it is open to him to challenge the same in accordance with law if so advised. Subject to that the C.P. is dismissed and notices to alleged contemnors are discharged.

*Lakshmi Swaminathan*

(Mrs. Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*

(S.R. Adige)  
Vice Chairman (A)

/GK/