

Central Administrative Tribunal  
Principal Bench, New Delhi

C.P.No. 289/96 IN

O.A.No. 808/96

New Delhi this the 25th Day of February, 1997

Hon'ble Dr Jose P. Verghese, Vice Chairman (J)  
Hon'ble Mr S.P. Biswas, Member (A)

Shri Saravan Kumar & Others **And**

1. Shri Uttam Chand, Beldar.  
R/o House No.6237, Gali No.1  
Block No.6 Dev Nagar,  
Karol Bagh, New Delhi
2. Shri Liyakat Ali (OBC), Plumber  
House No.E-34, Sewak Park,  
Najafgarh Road, New Delhi
3. Shri Om Prakash Pandey,  
R/o Asian House, CPWD Engg. Office,  
K.G. Marg, New Delhi.
4. Shri Om Prakash (OBC), Chowkidar  
House No.U-65, Gali No.5 RZ  
Om Vihar, Uttam Nagar,  
New Delhi-59.
5. Shri Barkhram  
House No.99, Mkh Square,  
Gole Market,  
New Delhi-1

... Applicants

(By Advocate : Shri S.S. Tiwari)

VERSUS

1. Shri P.V. Vijay,  
Director Genereal (Works)  
CPWD Nirman Bhavan,  
New Delhi.
2. Shri S. Patnayak,  
Director (Administration)  
CPWD Nirman Bhawan,  
New Delhi.
3. Shri R.R. Singh,  
Superintending Engineer,  
Coordination Circle (Civil)  
CPWD, I.P. Bhawan,  
New Delhi-2 .

... Respondents

(By Advocate : Shri B. Lal )

ORDER (ORAL)

(By Hon'ble Dr Jose P. Verghese, Vice Chairman (J))

The petitioner is aggrieved by  
non-implementation of the Order dated 23rd July, 1996

O.A.808/96. As per the said order the direction was issued to the respondents "to take further action pursuant to Annexure P-3 & 5 on the list of selected candidates, including the applicants, subject to availability of vacancies and their being suitable for such appointments."

The respondents have filed the reply stating that they have already passed appointment orders according to the availability of the vacancies and suitability of the candidates on the select list and appointments have been given to four such candidates. The remaining vacancies will be filled up, as and when it is available, from amongst the candidates in the select list. It is submitted on behalf of the respondents that the directions of this Court have been complied with by following the directions of the appropriate Government to follow 120 point roster. According to the said roster the respondents have filled up candidates at Serial Nos 1 to 4, according to their quota namely; 1 SC/Gen, 3 SC/ST and 4 General. The learned counsel appearing on behalf of the respondents states that the first point among the remaining vacancies will be filled by a candidate belonging to OBC as and when the next vacancy arises. The remaining part of the roster will be followed thereafter while the roster appointments are made.

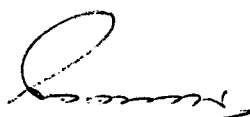
Learned counsel for the petitioner submits that one of the candidates in the select list is OBC and no appointment has been made from the category of OBC. Since the direction of the Hon'ble Court was to fill up the vacancy from the select list in accordance with the


availability of vacancies and the candidates who are suitable for such appointments. It is understandable that the suitability will also have to be considered with reference to respective quota according to 120 Roster.

The second contention raised by the petitioners is that the Annexure P3 & 5 are in the nature of merit list and appointment should have been made in accordance with the merit list and, the Order of the Court on the face of it does not indicate that the appointment should be made according to order of candidates shown in Annexure P-3 & 5. But when a roster is to be followed, the inter se merit also will have to be considered and appointment could only be made from the respective categories against their own quota available.

Therefore, we see no infirmity in the compliance and since there is substantial compliance of the order, the present Contempt Petition is disposed of and notice discharged. It is clarified that since we are only disposing of this Contempt Petition on substantial compliance, the petitioners are given liberty, to approach this Court as and when the cause of action arises.

With these directions, as above, this petition is disposed of with no order as to costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr Jose P. Verghese)  
Vice Chairman (J)