

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 173/1999
OA 351/1993

New Delhi, this the 7th day of August, 2000.

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S. Tamai, Member (A)

Bharat Bhushan Dewan
S/o Shri Prakash Sharma
R/o CH 5 & 7 House No.632
Near Sayed Gaon,
Paschim vihar,
New Delhi

.....Petitioner

(By Advocate Sh. K.N.R.Pillai)

Versus

Shri Ram Bilas
Dy. Director (Admn.)
Delhi Doordarshan Kendra,
Sansad Marg, New Delhi

(By Advocate Sh. S.Mohd. Arif)Respondent

ORDER (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

Heard both the counsel for petitioner and respondents. By order dated 17-09-97, the respondents were directed to consider the representation of the petitioner and pass speaking a order. Till final decision was taken, the petitioner should continue. Aggrieved by the action of the respondent the applicant filed another OA 847/1998, which was disposed of by an order dt. 18-05-99 which reads as under :

"Ms. Pinkey Anand, learned counsel for the respondents states that according to the respondents, the representation has not been received by them. Since a copy has been sent to the DG by registered post, and copy is available in the OA, the same shall be forwarded by her to respondent No.2 for disposal within a period of four weeks from

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today by a reasoned speaking order. Ordered accordingly. Therefore, if the grievance of the applicant is not settled or still some grievance survives the applicant is free to approach the Tribunal in a fresh OA. Now that the representation has not been disposed of, the applicant shall continue to remain in the service till the representation is disposed of."

2. In the meanwhile the applicant and petitioner was removed from service by order dt. 6-5-99. Hence the Contempt Petition.

3. The respondents filed the reply stating that the representation made by applicant has been disposed of. It is stated in the reply that the representation was considered, but as the petitioner was overaged, he was found not eligible, hence he was disengaged.

4. The directions of the Tribunal in the the order dated 18-05-95 in OA 847/98 are very clear. If the petitioner had any grievance left, it was open to him to approach Tribunal by way of fresh OA. If the petitioner was eligible for regularisation and that he was not overaged, the only remedy for the petitioner was to file the fresh OA. Since the respondents had considered the petitioner for regularisation, it cannot be said that the respondents had violated the order of the Tribunal.

The CP is dismissed. Notices discharged.

/vikas/

(Govindan S. Tampi)
Under (A)

V.Rajagopala Reddy
(V.Rajagopala Reddy)
Vice-Chairman (J)