

Central Administrative Tribunal
Principal Bench

C.P. No. 350 of 1999
in
O.A. No. 1762 of 1993

(61)

New Delhi, dated this the th 5 December, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Rakesh Kumar,
S/o late Shri Chandra Prakash,
R/o M-3, Jangpura Extension,
New Delhi.

.. Applicant

(By Advocate: Shri P.S. Mahendru)

Versus

1. Shri H.S. Kholā,
Director General of Civil Aviation,
Safdarjung Airport,
New Delhi.

2. Shri Prakash Chandra,
Under Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi.

... Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER

MR. S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 350/99
alleging that respondents had filed a false affidavit
in amended O.A. No. 1762/93.

2. In that amended O.A. applicant had inter
alia challenged his declaration as surplus w.e.f.
2.10.89 and the alleged inaction of respondents for
his redeployment for a long period.

3. Applicant himself avers in his C.P. that
in Para 4.9 of the reply dated 9.3.95 respondents had

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stated that applicant's name was under consideration of Surplus Cell^{of} Dept. of Personnel & Training (DOPT)^{which} had been sponsoring his candidature to UPSC to be recommended for absorption against certain suitable posts in terms of CCS (Redeployment of Surplus Staff) Rules, and as and when a suitable place was found^{for} his absorption/deployment he would get the office^{there} thereafter.

4. Applicant further avers that in Para 3 of their reply dated 5.8.96 to M.A. No. 1402/96 in O.A. No. 1762/93 respondents had stated that applicant's redeployment was under consideration of Surplus Cell of DOPT for a long time, and Surplus Cell had been sponsoring his candidature to UPSC for several posts in accordance with DOPT's Revised Redeployment Scheme of Surplus Staff. The UPSC recommended the name of applicant for appointment to the post of Senior Research Officer (Scientific Research) (SRO) in the Planning Commission in response to DOPT's spon^{or}ship dated 16.4.96.

5. Applicant avers that the above statements were repeated by Respondent No.2 when he appeared in person along with the Government counsel before the Tribunal, and accordingly the Tribunal found itself unable to intervene judicially vide order dated 23.12.96.

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6. Applicant also avers that on appeal against the Tribunal's order, the Hon'ble Supreme Court declined to admit the S.L.P.

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7. Applicant contends that upon joining the new post in Planning Commission on 14.1.97, and upon receiving a copy of the seniority list of SROs in Planning Commission as on 18.2.99, and from it and from an earlier seniority list of 1992 it could be seen that various posts of SROs were filled up by direct recruitment between 29.3.90 and 18.1.96. He ^{argues} ~~states~~ that the post of SRO filled up by direct recruitment on 29.3.90 and 1.8.91 were the same posts which was ultimately filled up by him in 1996, and had his name been sponsored for those posts immediately he was surplus on 2.10.89, he would have obtained the necessary eligibility for consideration for promotion to higher posts in Planning Commission. He thus alleges that respondents concealed material facts before the Tribunal and acted illegally and malafidely.

8. Respondents in their reply deny applicant's contention. They have enclosed copies of orders issued from time to time sponsoring applicant's name to UPSC for consideration for adjustment against different suitable vacancies.

9. We have considered the matter carefully.

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10. As per applicant's own averments in the C.P., respondents had stated in their reply that his name was under consideration of DOPT's Surplus Cell and DOPT had been sponsoring his candidature to UPSC for adjustment against several posts. These assertions of respondents in their reply are borne out by copies of order issued by DOPT from time to time, sponsoring applicant's name to UPSC for adjustment against several vacancies. Hence it cannot be said that respondents had deliberately and malafidely filed a false reply affidavit in amended O.A. No. 1762/93 so as to warrant initiation of contempt proceedings against them.

11. The C.P. is, therefore, rejected.
Notices discharged.



(Dr. A. Vedavalli)
Member (J)



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

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