

Central Administrative Tribunal, Principal Bench

MA No.1940/2003 In
R.A. 263/2003 In
CP. 28/2003 In
OA No.2686/2000

New Delhi this the 1st day of October, 2003

Hon'ble Mr. V.K. Majotra, Member (A)

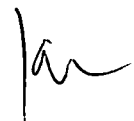
Hon'ble Mr. Kuldip Singh, Member (J)

1. Mahipal Singh S/o. Shri. Sukh Ram
R/o. House No. B-3/454,
Nand Nagri
Delhi - 110093
2. Satish S/o Shri. Kirpal Singh
R/o. House No. 308/1,
Gali Kanthimatawali
Saboli, Nand Nagri,
Delhi - 110 093
3. Rajesh Kumar S/o. Shri. Ram Kumar
4. Ram Pal S/o. Shri. Mauji Ram
5. Mukesh Lata D/o. Shri. Vasdev Sharma
6. Jag Mohinder Singh S/o. Shri. Ram Swarcop
7. Ramesh Chand S/o. Shri. Puran Chand
8. Ved Prakash S/o. Shri. Sukan Chand
9. Sanjay @ Shayam Lal , S/o. Shri. Bola Ram

From Serial No. 3 to 9
Resident of
C/o. D-85 West Vinod Nagar
Delhi - 91

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10. Rajpal Singh, S/o. Shri. Kishori Lal
11. Bana Ram S/o Shri. Kanhaiya Lal
12. Sant Raj S/o. Shri. Zile Ram
13. Vijaya Pal S/o. Shri Teka Ram
14. Ajay Kumar S/o. Shri. Pyare Lal
15. Gajender Kumar S/o. Shri. Trikhanand Sengar
16. Prakash S/o. Shri. Prem Lal
17. Tej Ram S/o. Shri. Harchand
18. Mam Chand S/o. Shri. Mehar Chand
19. Smt. Raj Rani W/o. Shri Ravi Datt
20. Smt. Meena Devi W/o. Munshi
21. Ram Swaroop S/o. Shri. H.O. Ram
22. Ram Niwas S/o. Shri. Sahi Ram
23. Prem Kumar S/o. Shri. Amir Chand
24. Sandeep Kumar S/o. Shri Hari Chand
25. Prem Kumar S/o. Shri Jhumma Ram
26. Ravinder S/o. Shri Mam Chand
27. Rajender S/o. Shri. Puran Singh
28. Surender Kumar, S/o. Shri. Bhupan
29. Rajender Singh, S/o. Shri. Bhupan
30. Vijaya Kumar, S/o. Shri. Krishan Murari
31. Lalit Singh Bisht, S/o. Shri Pratap Singh
32. Ramesh Chander Singh S/o. Sh. Narain Singh
33. Inder Singh S/o. Kishan Singh
34. Jagdish S/o. Sh. Dewan Chand
35. Hari Chand S/o. Shri. Karan Singh
36. Hari Chand S/o. Mewa Ram
37. Kamal Singh S/o. Takhat Singh
38. Hilal S/o. Visal Ahmed
39. Anju Panwar D/o. Shri. Nawal Kishore
40. Vijay Kumar S/o. Amal Chand
41. Ranjit S/o. Parmal
42. Smt. Jagwati w/o. Puran Singh



43. Om Bir S/o. Kanwar Chand

44. Rohtash S/o. Elam Chand

Serial No. 10 to 44

All are resident of

Sanjay Colony

Bhati Mines

New Delhi - 30

APPLICANTS/ PETITIONERS

Versus

1. Smt. Shailja Chandra
The Chief Secretary
Government of N.C.T. of Delhi
Delhi Secretariate, I.P. Estate
New Delhi - 110 002

2. Shri. U. Srivastava
Principal Secretary
Services Department
Government of N.C.T. of Delhi
Delhi Secretariate, I.P. Estate
New Delhi - 110 002

3. Shri. B. Saxena
Development Commissioner
Government of N.C.T. of Delhi
5/9, under Hill Road
Civil lines Delhi

4. Shri. M.L. Vijay / Banerjee
Project Director
Rural Development Department
Government of N.C.T. of Delhi
Kashmiri Gate / ISBT
Delhi - 110 006

5. Shri. G.S. Patnaik
Divisional Commissioner/ Secretary
Revenue Department
Government of N.C.T. of Delhi
Tis Hazari Court Complex
Delhi

6. Shri. S.P. Agarwal
principal Secretary
Department of Health & Family Welfare
Government of N.C.T. of Delhi

7. Shri R.N. Baisya
Director of Health Services
Government of NCT of Delhi,
Swasthya Sewa Sadhan,
Karkardooma Complex,
Delhi.

...Respondents

ORDER BY CIRCULATION

Hon'ble Mr. Kuldip Singh, Member (A)

The applicants have file this RA and have prayed for review of the order dated 10.7.2003 whereby the CP filed by the applicants had been dismissed and alleged contemnors had been discharged.

2. Facts in brief are that the applicants had filed an OA which was disposed of vide order dated 27.11.2001 wherein it was directed that respondents to take appropriate steps as directed by the Hon'ble Supreme Court and persons who were already in the panel be considered for appointment against Class IV vacancies subject to their eligibility as and when such vacancies occur, as per rules and instructions on the subject. Applicants were also directed to cooperate with the department and furnish all the relevant service particulars required by the latter.

3. The applicants had a grievance that the directions given by the Hon'ble Supreme Court are not being followed so they had filed a CP. However, on 10.7.2003 when the case was taken up since noone had appeared for the applicants so after hearing the alleged contemnors on the allegations raised in the CP and after examining the contentions raised therein, the CP was found without any merits and the same was dismissed.

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4. The applicants have now filed the RA in which they submit that the counsel had met with an accident and was taking treatment in the Safdarjung Hospital so he could not appear, therefore, the applicants could not put up their case properly and directions given by the Tribunal have not been complied with. The present RA No.263 of 2003 has been filed by the applicants for review of the order passed in CP 28 of 2003 In OA No.2686 of 2000 on 10.7.2003.


5. We have considered the Review Application and have gone through the record.


6. The fact remains whether the non-appearance of the applicants or their counsel calls for review of the order. To that extent we find that the applicants have been unable to make any case for review of the order passed by the Tribunal. On the contrary we find that the Tribunal while hearing the respondents found that the respondents had made every effort to bring the applicants on the panel and for that purpose notices were also issued to all the applicants to furnish their bio-data and service particulars but it was the applicants who did not furnish the requisite particulars with the result that the action initiated by the department could not be complied with because of the non-cooperation on the part of the applicants. Thus this court could not find any wilful disobedience on the part of the respondents.



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7. In view of the above, there does not appear to be any error apparent on the face of the record which may call for review of the contempt order. Accordingly, the RA is dismissed. MA 1940/2003 is also dismissed.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

Rakesh