

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 160/2002 in
OA 289/2000

New Delhi this the 19th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Joginder S/O Shri Ramgati
SE-III
 2. Parvinder S/O Hari Chand
Dir(North)
 3. R.N.Mishra S/O Sh.R.S.Mishra
MOS"s Office
 4. Harish S/O Sh.Anand Lal
DB (SB) Sec.
 5. R.N.Mishra S/O B.N.Mishra
SAARC Divn.
 6. Jaibir S/O Sh.Bhane Ram
IPA Div.
 7. Arvind Kumar Tiwari
S/O Shri R.K.Tiwari, Dir (J&K)
 8. Ashok Kumar S/O Sh. Prabhu Nath
Dir.(Fin.)
 9. Mohd.Talib S/O Sh.Mohd.Shamim
CR (SB)
 10. Nav Kumar Dey S/O S.C.Dey
SE-III
 11. Vipin Rai S/O R.A.Rai
OSD (PR)
 12. Ravinder Nath S/O Shri H.P.Pandey
JS (Affr.)'s Office
 13. Satpal Singh Rawat S/p G.S.Rawat
JS(ED)'s Office
 14. Narender Singh S/O Shri Rai Singh
U.S.(PV-II)
 15. Ashwani Kumar S/O Sh.Kartar Singh
R&M Sec.
 16. Ashok Kumar Chauhan S/O Jiut
Chauhan-Res.Sec.(PH)
 17. Trilok Chand S/O Sh.Murari Lal
ITEC Cell
 18. Paswan Kumar S/O Sh.Raghubir Singh
CR (SB)
- B.

19. Jagdish Prasad S/O N.Prasad
ESO
20. Anil Kumar S/O Om Prakash
ESO
21. Vijay Kumar S/O Sh.Nathi Ram
ESO
22. Vijay Kumar Pant S/O Sh.H.D.Pant
Computer Cell (SB)
23. Suresh Kumar S/O Sh.Baru Ram
ODS Cell
24. Smt.Poongarhi, ESO
25. Virender Narayan MEA Canteen
26. Raj Kumar, MEA Canteen
27. Ganesh S/O Sh.Gopal, MEA Canteen
28. Kama Singh S/O Sh.Madia,
MEA Canteen
29. Madan Gopal Singh S/O Shri
Muni Sah, MEA Canteen
30. Smt.Geeta Devi, MEA Canteen

..Petitioners

(All the applicants are working in the
Ministry of External Affairs (P.E.Section)

(By Advocate Shri A.K.Sinha)

VERSUS

1. Ms.Chokila Iyer,
Foreign Secretary,
Ministry of External Affairs,
Room No.177, South Block,
New Delhi.
2. Mr.R.S.Badwal,
Under Secretary (P.E.),
Ministry of External Affairs,
Room No.532, Akbar Bhawan,
New Delhi.

.. Respondents

(By Advocate Shri A.K.Bhardwaj)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri A.K.Sinha, learned senior
counsel for the petitioners and Shri A.K.Bhardwaj, learned

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counsel for the respondents in CP 160/2002 read with the Tribunal's order dated 14.12.2000. The relevant portion of this order reads as follow:-

"After hearing both the parties and going through the record, this OA is disposed of by directing the respondents to consider the case of the applicants for grant of temporary status in accordance with the Scheme of DOP&T dated 10.9.1993. These directions should be implemented within a period of three months from the date of receipt of a copy of this order".

2. Consequent upon the aforesaid order, the respondents have issued OM dated 11.4.2001, the relevant portion of the order reads as follows:-

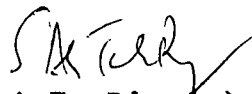
" As the applicants of the above OA were engaged only in the year 1994 and afterwards, they do not meet the criteria laid down under the DOP&T's Scheme referred to by the Hon'ble CAT, since the Scheme was a one time exception only. It is, therefore, not possible to extend the benefit of the Scheme to the applicants viz., Shri Joginder and others".

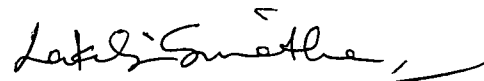
3. Shri A.K.Bhardwaj, learned counsel for the respondents has also relied on a recent judgement of the Hon'ble Supreme Court in UOI Vs. Mohan Pal (Civil Appeal Nos 3168 and 3169 with connected SLPs) decided on 29.4.2002.

4. Having regard to the aforesaid directions of the Tribunal in the present case, the respondents were to consider the case of the applicants for grant of temporary status, in accordance with the Scheme of the DOPT dated 10.9.1993. We are unable to agree with the contentions of Shri A.K.Sinha, learned senior counsel for the respondents that there has been wilful or contumacious disobedience of

the Tribunal's order dated 14.12.2002 warranting any further action against them, as the respondents have issued OM dated 11.4.2001 in terms of the aforesaid order of the Tribunal. If the applicants are aggrieved by the reasons given therein, it is open to them to proceed in the matter in accordance with law but CP is not the remedy.

5. For the reasons given above, CP 160/2002 is dismissed. Notices issued to the alleged contemnors are discharged. File to be consigned to the record room.


(S.A.T. Rizvi)
Member (A)


(Smt Lakshmi Swaminathan)
Vice Chairman (J)

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