

(15) (29)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P.No.185/2008

in

OA NO.804/2000

New Delhi, this the 15th day of May, 2009

**HON'BLE SHRI JUSTICE M. RAMACHANDRAN, VICE-CHAIRMAN (J)
HON'BLE SHRI SHAILENDRA PANDEY, MEMBER (A)**

Shri Raj Kumar Tiwari
R/o 10/4, URI Enclave
Brar Square
Delhi Cantt - 10.

... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Col. D.N.Bhatt
Commander Works Engineer (AF)
Palam, Delhi Cantt-10.

... Respondent

(By Advocate: Shri R.V.Sinha)

ORDER

By Shailendra Pandey, Member (A):

This Contempt Petition is filed for non-compliance of this Tribunal's order dated 25.01.2001 in which the respondents were directed to consider the applicant's candidature for the post of Lower Division Clerk (LDC), if not already filled, by applying the provisions of the DoPT's OM dated 21.12.1998 or any other post of LDC by further relaxing the age of the applicant by a particular period, if necessary.

2. The counsel for the applicant points out that the Tribunal's order was passed as long as ago in 2001 and was also upheld by the Hon'ble High Court of Delhi but the respondents have not yet complied with the Tribunal's directions. It is also mentioned that the recruitment sanction for 231 posts of LDC has been granted and the respondents are

16 30

going to make selection for the aforesaid posts of LDC but the applicant has not been called for consideration of his candidature.

3. The respondents, on the other hand, have stated that while dismissing the Writ Petition (C) No.2423-24/2004 by the Hon'ble High Court of Delhi vide order dated 3.10.2007, it had directed as follows:

“We, therefore, do not find any fault with the directions of the Tribunal. The respondent herein was within the prescribed age limit and should have been considered for the post of LDC. Non consideration of the respondent is entirely attributed to the petitioners, who cannot take advantage of their own wrongs because of lapse of time in the meantime.

Accordingly, this petition is dismissed. The directions of the Tribunal shall be complied with as and when next post of LDC becomes available for filling by direct recruitment.”

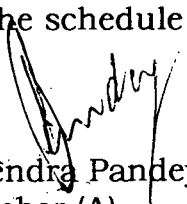
It is further stated that thereafter the matter was considered by the Government and it was decided to file an SLP (C) No.9421-22/2008 before the Hon'ble Apex Court which was decided by the Apex Court vide its Judgement dated 21.07.2008. It is further also stated that the competent authority has released one post of LDC vide letter dated 14.08.008 (Annexure R1), and the applicant will be considered against the vacancy in compliance of the directions of this Tribunal and that since the matter is being complied with, the Contempt Petition should be dismissed.

4. The applicant's counsel submitted that an advertisement had been issued in the Statesman (Kolkata edition) dated 24.11.2008 to fill up one post of LDC category but thereafter, the respondents took no further steps and now they have issued another advertisement in the Employment News dated 18-24.04.2009 for so many posts of LDCs. Hence, according to him, this is an deliberate attempt to defy the directions of the Tribunal. The respondents, however, denied this and

31

have pointed out that the subsequent advertisement was not with regard to the one post for which the advertisement was issued in Kolkatta (The Statesman) but for recruitment being carried out by the Staff Selection Commission for 231 other posts, and that the applicant will be considered in accordance with rules and instructions against the separate vacancy released by the competent authority. For this, about 25000 applications have been received which are being processed as per a schedule drawn ^{and} ~~by~~ the recruitment ^{action} ~~which~~ is expected to conclude only in February, 2010.

5. In view of the above clarification, as the respondents are taking action to fill up the one post, for which they have stated that the applicant would be considered, no contempt is made out. The Contempt Petition is, therefore, closed. Notices issued are discharged. We, however, hope that care will be taken to conclude the recruitment action as per the schedule drawn up. No costs.


(Shailendra Pandey)
Member (A)


(M. Ramachandran)
Vice-Chairman (J)

/nsnrsp/