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Central Administrative Tribunal
Principal Bench

C.P. No.28/2003 In
O.A. No.2686/2000

New Delhi this the 10th day of July, 2003

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

Hon'ble Shri 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 Swaroop
7. Ramesh Chand S/o. Shri. Puran Chand
8. Ved Prakash S/o. Shri. Sugan 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

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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

(By Advocate: None)

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

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

4. Shri.M.L. Vijay
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

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Delhi Secretariate, I.P. Estate
New Delhi-110 002

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

-Respondents

(By Advocate: Mrs. Sumedha Sharma)

ORDER (Oral)

Hon'ble Shri Kuldeep Singh, Member (J)

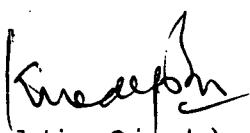
Applicants have filed C.P. for non-compliance of order dated 27.11.2001 passed in OA-2686/2000 where directions were given to the respondents to take appropriate steps as directed by the Hon'ble Supreme Court and persons who have already in panel be considered for appointment against Class IV vacancies 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 department and furnish all the relevant service particulars required by the latter.

2. Department issued notices to all applicants and called upon them to furnish the bio-data and service particulars, so that their appointment may be considered by the Department. All these applicants who have filed the present C.P. belonging to erstwhile DRDA which had been wound up and their appointments were to be re-considered by the Government of NCT of Delhi. The additional affidavit filed by the respondents shows that as regards the candidates from DRDA are concerned, the committee had observed that almost all those interviewed were illiterate and were not in possession of suitable

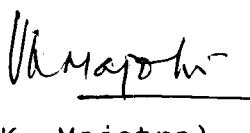
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documents with regard to their age, educational qualifications, casts and service rendered by them with the DRDA and these candidates, therefore, boycotted the selection process as they wanted to be appointed straightaway without following any procedure. Since they were not cooperating nor had they furnished their documents with regard to age, ^{selection} educational qualification etc, committee could not ~~recommend~~ recommend them for appointment ~~to the selection~~ committee. Thus, these applicants could not be given appointment as directed by the Tribunal.

3. The question arises where there is any wilful disobedience on the part of the respondents for considering the case of the applicants for appointment. The additional affidavit filed by the respondents shows that they have properly considered ^{only the} the case of the applicants because of non-furnishing of documents and the non-cooperative attitude of the applicants, they could not be appointed. So, we find that there is no wilful disobedience on the part of the respondents. The allegations ⁱⁿ ~~above~~ contained in the additional affidavit has also not been controverted by the applicants. So, we believe the additional affidavit and find that there is no wilful disobedience on the part of the respondents. Hence C.P. is dismissed. Notices to the alleged contemners are discharged.


(Kuldip Singh)

Member (J)


(V.K. Majotra)

Member (A)

cc.