

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 461/2000
OA 2473/2000

New Delhi, this the 19th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)~
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Rajender Kumar
S/o Shri Gyanchand
R/o 205 L, Savitri Nagar
New Delhi - 110017

...Petitioner.

(By Advocate : Shri U.Srivastava)

V E R S U S

Smt. Komal Anand
Director General
Archiological Survey of India
Janpath, New Delhi.

...Respondents.

(By Advocate : Shri S.M.Arif)

O R D E R (ORAL)

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

We have heard Shri U.Srivastava, learned counsel for the applicant and Shri S.M.Arif, learned counsel for the respondents in CP 461/2000.

2. This Contempt Petition has been filed by one petitioner, that is applicant No.1 in OA 2473/2000. Shri U.Srivastava, learned counsel has emphasised that at the time when Tribunal's order dated 27-11-2000 was issued, the respondents had issued a requisition to the Employment Exchange on 23-11-2000. His contention is, therefore, that as the respondents required the services of the persons because they had sent a requisition letter to the Employment Exchange, the seventeen applicants in the OA ought to have been engaged, which has not been done. Hence this Contempt Petition.

782

(6)

3. Shri S.M.Arif, learned counsel has, however, drawn our attention to the fact that the requisition to the Employment Exchange dated 23-11-2000 was sent prior to the interim order dated 27-11-2000, in which the respondents had required only ten persons. He has further clarified that at present ten of the applicants in the OA have been re-engaged, although three of them are junior to certain other persons who have been left out because of the interim order. Admittedly, the requisition letter dated 23-11-2000 was withdrawn by the respondents and as submitted by Shri S.M.Arif, learned counsel, that it was mainly in order to comply with the interim order. He has further explained that the Annexure C-II Notice dated 23-11-2000 relied upon by Shri U.Srivastava, learned counsel is misplaced because this has shown that the earlier interview fixed for the candidates on 24-11-2000 has been cancelled. In the circumstances, learned counsel for the respondents has submitted that there is no contempt in this petition, as alleged and he has prayed that the same may, therefore, be dismissed.

4. We have considered the submissions of the learned counsel for the parties and the documents on record.


5. In the interim order dated 27-11-2000, it has been clearly mentioned that "in case the respondents need the services of the casual labourers, they shall continue till the next date". This interim order has been continuing. From the requisition issued by the respondents prior to the ad interim

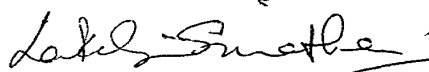
JS

⑦

order, it is seen that the respondents had asked the Employment Exchange to send suitable candidates to fill the ten vacancies. Ten persons have been retained by the respondents out of the applicants, although three of them are junior to certain other persons, in pursuance of the Tribunal's interim order. In the circumstances, CP 461/2000 is dismissed, as we find absolutely no disobedience of the Tribunal's interim order, either wilfully or contumaciously by the respondents. Notices to the respondents are accordingly discharged.

6. After completion of pleadings, list OA for PFH on 26-3-2001.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

/vikas/