

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 29th January, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

C.P. No. 636 of 2001
in
O.A. No. 2010 of 2000

In the matter of:

Anand Prakash .. Applicant

Versus

P.S. Bhatnagar and others .. Respondents

C.P. No. 637 of 2001
in
O.A. No. 206 of 2001

Kaptan Singh Khokhar & Anr. .. Applicants

Versus

P.S. Bhatnagar and others .. Respondents

Advocates for parties: Shri S.K. Gupta for applicants
Shri Rajan Sharma for Respondents

ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 636/2001 in
O.A. No. 2010/2000 and C.P. No. 637/2001 in O.A.
No. 206/2001, alleging contumacious disobedience of
the Tribunal's common order dated 18.4.2001 disposing
of O.A. No. 2010/2000 and O.A. No. 206/2001.


2. By the operative portion of the common
order, respondents were directed to frame a well
thought out scheme for the appointment and
regularisation of coaches providing, inter alia,
for the possibility of reengagement/regularisation
of the services of the applicants in the two O.As,
by relaxing the age criterion by the number of

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~~2~~ years each of them had served the respondent authority. Respondents were directed to frame the aforesaid scheme within a period six months from the date of service of a copy of the order. Meanwhile Respondents were directed to continue to engage coaches from time to time as hitherto in accordance with the need of the respondents in preference to freshers/juniors/ outsiders.

3. Pursuant to the aforesaid directions Respondents vide their additional affidavit filed on 9.1.2002 have appended a copy of the said scheme drawn up by them for recruitment of sports coaches as directed by the Tribunal.

4. In this scheme it has been stated that there are six posts of sports coaches lying vacant in various sports discipline under the Directorate of Education, Government of Delhi which are to be filled by direct recruitment on regular basis. Details of these six posts to be filled have also been given. These six posts will be notified to DSSB for filling up the same by selecting suitable candidates who fulfill the qualifications prescribed in the Recruitment Rules. It is stated that Part Time coaches who have worked as such in the Directorate of Education can also apply for these posts and such part time coaches will be provided relaxation in the age corresponding to the number of actual working days they have served as such, for which the weightage of 1/2 mark for each completed work for one year with a maximum limit of 5 marks will be allowed. It is stated that they



have to compete on merits with other candidates as and when the DSSSB initiates the process of recruitment.

5. Applicants' counsel Shri Gupta asserts that by formulating the scheme, Respondents have committed contempt of court, mainly for the reason that the prospective candidates will have to appear before DSSSB ^{and seek appointment} through a process of direct recruitment. He contends that when the Tribunal had directed Respondents to formulate a scheme for regularisation/appointment of sports coaches, they should have been considered for regularisation on the lines contained in DOPT's O.M. dated 10.9.1993, providing for grant of temporary status and regularisation of casual labourers.

6. We have considered the matter carefully.

7. By the Tribunal's order dated 18.4.2001 Respondents were directed to frame a scheme for the appointment and regularisation of sports coaches. It cannot be denied that Respondents have formulated such a scheme, although with some delay, and a copy of that scheme has been appended with Respondents' additional affidavit dated 9.1.2002. If applicants are aggrieved with any aspect of the Scheme, it is open to them to challenge the same separately in accordance with law, if so advised, but a contempt petition such as the present one is not the appropriate instrument for the purpose.

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8. We are supported in our view by the Hon'ble Supreme Court's decision in J.S. Parihar Vs. S. Duggar & Others JT 1996 (9) SC 608 which, extracts of which are reproduced below.

"Once there is an order passed by the Govt. on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redress in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action..... (and) cannot be considered wilful violation of the order."

9. Giving leave to applicants as aforesaid, the C.Ps are dropped. Notices discharged.

S. Raju
(Shanker Raju)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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