

Central Administrative Tribunal
Principal Bench

CP 753/2010
OA 1793/2010
MA 2511/2010

New Delhi this the 19th day of April, 2011

Hon'ble Mr. Justice P. Swaroop Reddy, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)

1. Sh. Ominder Singh
S/o Sh. Phool Singh,
R/o Village & P.O. 61, Asola Fatehpur Beri,
New Delhi – 110074.
2. Sh. Raj Pal
S/o Sh. Gaini Ram,
R/o Village & P.O. Asola Fatehpur Beri 333
New Delhi – 110074.
3. Sh. Bijender
S/o Sh. Phool Singh
R/o Village & P.O. 61, Asola Fatehpur Beri,
New Delhi – 119974.
4. Sh. Basant Kumar Singh
S/o Sh. M.M.P. Singh,
RZA – 52, Mahipalpur Extn. Road N.O.2
5. Sh. Inder Pal Singh,
S/o Sh. Gaj Raj Singh,
R/o H.No. 383, Gali –Ashram No.2
Mandawali, Fazalpur
New Delhi – 110092.

.....Applicants

(By Advocate: Sh. Anil Mittal & Sh. Prashant Katara)

-VERSUS-

Sh. Rakesh Mehta, Chief Secretary,
5th Floor, Delhi Secretariat,
I.P. Estate,
New Delhi – 110002.

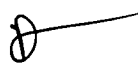
.....Respondent

(By Advocate: Ms. Urvashi Malhotra, proxy counsel for Ms. Avnish Ahlawat)

ORDER (Oral)

Justice P. Swaroop Reddy, Member(J)

In this CP, non implementation of the order of this Tribunal passed on 11th January, 2002 in OA No.1793/2000 is complained of. Applicant's contention is that the said OA was disposed of in view of the directions of the Hon'ble Supreme Court, as referred in the order of the Tribunal, which reads as follows:-



"16. In the circumstances, it is not possible to accede to the request of the petitioners that the respondents be directed to regularize them. The most that can be done for them is to direct the respondent Delhi Administration to keep them on a panel and if they are registered with the Employment Exchange and are qualified to be appointed on the relevant posts, given them a preference in employment whenever there occurs a vacancy in the regular posts, which direction we give hereby."

2. The learned counsel for the respondents states that earlier one of the applicants was called for interview in pursuance of the directions of the Tribunal but he was not selected. About that the applicant has no complaint. Another complaint of the applicant is that subsequently on 21.10.2008, Sh. Mukesh Kumar was appointed on class-IV post for which the applicants were not called for interview. Thus there is violation of the orders of the Tribunal.

3. The learned counsel for the respondents contends that first of all there is no obligation for the respondents to consider the cases of the petitioners for ever and secondly, Sh. Mukesh Kumar who was, no doubt appointed was subsequently removed on account of his being not qualified. As such the applicant can not have any grievance. Learned counsel for the applicant contends that there is no material on record to show that Sh. Mukesh Kumar was removed from service. Learned proxy counsel for respondents on instructions from departmental representative, Sh. K.S. Meena, Deputy Director, GNCT confirms that Sh. Mukesh Kumar has since been removed from service. There is no further necessity of filing any material regarding the same. Thus on account of removal of Sh. Mukesh Kumar, the petitioners cannot be said to be having any cause for complaint.


4. In future in case again some other persons are considered, there is possibility of the applicants contending that there is contempt. We may


also make it clear that in the order of the Delhi High Court in CCP, 2005 covered on the same subject, it was held as follows:

"15. Plea of the relators that against every future vacancy they have to be considered, cannot be accepted for the reason that the mandamus issued cannot be treated as a continuous mandamus. More so, when relators failed even to qualify the limited skill test to which they were subjected to, de hors the test to which general category candidates are subjected to."

5. In view of the above, there is no necessity of the petitioners being called for interview and consideration forever.

6. CP is accordingly dismissed. Notices are discharged.


(Dr. Veena Chhotray)
Member (A)


(P. Swaroop Reddy)
Member (J)

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