



**Central Administrative Tribunal
Principal Bench, New Delhi**

**C.P. No.188 of 2020
IN
O.A. No. 1288 of 2020**

This the 14th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Smt. Rekha Singh
Age about 38 years
W/o Sh. Surya Prakash
R/o A-840, Sangam Vihar,
New Delhi- 110080

....Applicant

(By Advocate: Ms. Rashmi Chopra)

VERSUS

1. Mr. Vijay Kumar Dev
Chief Secretary,
Govt. of N. C.T. of Delhi
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi
2. Mr. V. K. Singh
Chairman
Delhi Subordinate Services
Selection Board (DSSSB)
FC-18, Institutional Area,
Karkardooma,
Delhi-10092
3. Ms. Dilraj Kaur
Commissioner,
East Delhi Municipal Corporation



(Community Services Department)
F.I.E.-419, Udyog Sadan, First Floor,
Patparganj Industrial Area,
Delhi-110092

4. Mr. Devi Das Singh
Dy. Director
East Delhi Municipal Corporation
(Community Services Department)
Udyog Sadan, Patparganj Industrial
Area, Delhi-110092
5. Mr. Gyanesh Bharti (IAS)
Commissioner
South Delhi Municipal Corporation
9th Floor, E1 Tower
Dr. S. P. Mukherjee Civic Centre,
JLN Marg, New Delhi-110002.

....Respondents

(By Advocate: Shri Amit Yadav for Ms. Esha Mazumdar
for R-1 and R-2, Shri Manjeet Singh for R-3 & R-4 and
Ms. Manisha Tyagi for R-5)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member (J):

The present Contempt Petition has been filed by the petitioner alleging wilful defiance of the directions contained in the interim order dated 14.9.2020 of this Tribunal passed in the aforesaid OA. The aforesaid interim order reads as under:-

“1. The applicant herein was successful in the recruitment examination for the post of Community Worker under SDMC, under SC



Community, which was notified by DSSSB vide Advertisement No.2/2012 wherein closing date of application was 15.6.2012. The applicant's name was in the wait list Sl.No.1 under SC category for the Post Code No.60/2012.

2. Subsequently, one Shri Ravinder Kumar, who was also a SC candidate and was successful on his own merit under General category for the said post, did not join. The SDMC requested DSSSB on 21.3.2019 for the candidate in his place. DSSSB, somehow, advised the name of the applicant as the next candidate.

Accordingly, she was offered the appointment on 18.6.2020 whereupon she joined on 19.6.2020.

3. Subsequently, DSSSB realized that Ravinder Kumar was selected but against general vacancies though he was a SC candidate. Accordingly, it was the next candidate on the waiting list of general candidate list, who was required to be appointed and not from the waiting list of SC category. When this came to light, DSSSB advised SDMC vide their letter dated 4.9.2020 that candidature of the applicant was inadvertently advised.

Following this, SDMC advised the candidate (instant applicant) on 9.9.2020 that her candidature has been rescinded by the DSSSB.

Feeling aggrieved at the loss of service, the applicant has preferred this OA. The applicant brings out that even a show cause not issued to her.

4. The matter has been heard.

The letters dated 4.9.2020 and 9.9.2020 are stayed for the time being in so far as they pertain to instant applicant. The respondents have liberty to issue a show cause notice specifying time therein, for the applicant to submit her defence, before taking any action in the wake of these two letters. The respondents also have liberty to take subsequent follow up action.



Meanwhile, notice is issued in the OA to the respondents.

Ms. Esha Mazumdar, learned counsel accepts notice on behalf of respondent nos.1 and 2. Ms. Manisha Tyagi, learned counsel accepts notice on behalf of respondent no.3.

Let notice be issued to respondent no.4 who are not represented today.

Reply be filed within four weeks. Two weeks thereafter for rejoinder to the applicant, if any.

List it on 9.11.2020.”

2. Learned counsel appearing for the respondents submit that the aforesaid interim order was served upon the respondents after 14.9.2020 and before that the respondents have already passed the order dated 14.9.2020 (Annexure R/1 with compliance affidavit filed by the respondent no.3 – East MCD).

3. Shri Reen, learned counsel appearing for respondent no.3 and no.4, submits that competent authority has approved the order of termination of services of the petitioner on 11.9.2020 itself and the same has only been communicated by Annexure R/1 dated 14.9.2020 and that too before the respondent no.3 informed about the interim order.

4. Be that as it may, it is evident from the aforesaid that there is no proof on record to indicate that interim



order dated 14.9.2020 was served upon the respondents before the Office Order dated 14.9.2020 was passed and issued by the respondent No.3.

5. Learned counsel for the petitioner – Ms. Rashmi Chopra submits that the said Office Memorandum is issued in violation of principles of natural justice and only to harass the petitioner for malafide reasons, as no show cause notice has been issued to the petitioner before passing the said Office Memorandum. However, these facts cannot be considered in the present CP, as in the present CP we are only to see as to whether there is any wilful and deliberate defiance of this Tribunal's order by the respondents or not. We do not find any deliberate defiance of tribunal's directions in the context of instant CP.

6. In view of the aforesaid, the CP is closed. However, the petitioner shall be at liberty to challenge the Office Memorandum dated 14.9.2020 in accordance with the rules and law on the subject.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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