

(120)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

CCP 334 /93 in  
OA 532/87

New Delhi this the 14th Day of December, 1993.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. I.D. Garg,  
S/o Sh. M.R. Garg,  
Asstt. Superintending  
Archaeological Chemist,  
Archaeological Survey of India,  
Office of Director(Science)  
29, New Cantt. Road,  
Dehradun.

Petitioner

(By advocate Sh. G.K. Aggarwal)

versus

Achla Moulik (Mrs)  
Offg. Director-General  
Archaeological Survey of India,  
11, Janpath,  
New Delhi.

Respondent

(Sh. George Paricken proxy counsel for  
Sh. P.P. Khurana)

ORDER(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The complaint in this application is that the direction given by the Tribunal on 18.09.1992 in O.A.No.532/87 has not been carried out by Mrs. Achala Moulik, the sole opposite party in this application. In the O.A. four respondents were cited alongwith the Secretary, Union Public Service Commission.

Counter-affidavit has been filed on behalf of the respondents. It is averred therein that immediately after the order of the Tribunal, department sent a requisition to the U.P.S.C. to convene a D.P.C. The composition of the D.P.C. is set out in the

Sd/-

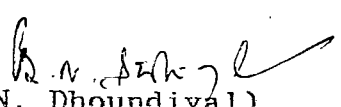
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counter-affidavit. It is shown that the Chairman of the U.P.S.C. or one of the Members of the Commission shall be the Chairman of the D.P.C. We may note that the Tribunal while giving the direction did not fix any time limit for the respondents to carry out the directions.


Sh. Aggarwal learned counsel for the petitioner took time to file a rejoinder-affidavit. Today, he has made a statement that the petitioner does not propose to file any rejoinder-affidavit. In the absence of a rejoinder-affidavit, we have to proceed on the assumption that the averments made in the counter-affidavit are correct. In the circumstances of the case, no occasion for continuing with the contempt proceedings exists. Since the U.P.S.C. is not before us in the present proceedings, we are unable to give any positive direction to it. We have, however, no doubt that the U.P.S.C. shall act expeditiously. It will be open to the petitioner to make appropriate representation to the U.P.S.C. setting out the relevant facts therein. It goes without saying that the petitioner will be at liberty to adopt an appropriate course of action against the U.P.S.C., if a case is made out in that behalf.

The Contempt Petition is dismissed. Notice issued to the respondent is discharged.

No costs.

  
(B.N. Dhoundiyal)

Member(A)

  
(S.K. Dhaon)

Vice-Chairman