

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

CCP No. 145 of 1990

in

D.A. No. 383 of 1988.

Date of decision: 11-9-90

Shri Suresh Kumar ...

Petitioner.

Vs.

Principal Accounts Officer,
Ministry of Information and
Broadcasting ..

Respondent.

CORAM

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. B.C. Mathur, Vice-Chairman (A).

For the petitioner ...

Shri T.C. Agarwal, counsel.

(Order of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman)

The petitioner, Shri Suresh Kumar has filed this C.C.P. complaining that the order passed in the D.A. No. 383/88 dated 29.9.1989 has not been implemented by the respondent, inasmuch as the petitioner's service has not been regularised even though he had worked for a long spell with the Government. He has, therefore, prayed for taking proceedings against the respondent for committing contempt of Court. He has also made two other prayers: (i) to regularise the services of the petitioner with effect from 2.12.1982 and to pay the grade pay of 'peon' granting holidays, Saturdays and Sundays and regularising the break as per Government orders; and, (ii) to grant special compensation for this inordinate delay in implementing

the Govt. decision.

We have heard Shri T.C. Agarwal, learned counsel for the petitioner.

The operative part of the order passed in the O.A. was as follows:

"We, therefore, allow this Application with the directions that the respondent will consider the case of the applicant in the light of Government orders passed from time to time in the matter of regularisation of the services of the employees. We also direct the respondent to consider the matter and pass appropriate orders within a period of two months from the date of receipt of this order.

There will be no order as to costs."

The petitioner has placed a copy of the order dated 23.2.1990 (Annexure 'Z' to the CCP) which reads as follows:

"Shri Suresh Kumar, S/o Shri Tarif Singh, is hereby appointed as Peon-cum-Chowkidar (Group-D) in the pay scale of Rs.750-12-870-EB-14-940 in this Accounting Organisation w.e.f. 14.2.90 FN on a temporary capacity. He has been declared medically fit for appointment in Govt. Service by the Medical Officer, CGHS Dispensary (26), Tilak Nagar, New Delhi. He is within the prescribed age-limit. He will be on probation for a period of two years until further orders.

He is posted in Principal Accounts Office, New Delhi against an existing vacancy."

The above order shows that the petitioner has been appointed in an existing vacancy as a Peon-cum-Chowkidar and he will be on probation for a period of two years until further orders.

The petitioner is aggrieved that in giving him this service, his past service has not been considered. The question is one of providing him stable service in the organisation where he has been working. He has been provided with one. When the Bench of the Tribunal in the O.A. directed the respondent to consider the case of the petitioner for regularisation of the service and the respondent provides him with a stable job with the usual condition of probation etc., we consider that there is substantial compliance with the order. In this view of the matter, we do not see any case has been made out for taking ^{contempt} proceedings against the respondent.

The two other reliefs, which have been mentioned above are matters which can be taken in an Original Application but cannot be the subject matter of a C.C.P. It is well settled that only questions involving flouting or non-implementation of the order of the Tribunal can be taken in a petition under C.C.P., but question as to the merits of the case (O.A.) cannot be adjudicated in a C.C.P. The two prayers (i) and (ii) cannot, therefore, be gone into the present C.C.P.

If the petitioner feels still aggrieved, he may seek remedy by filing a fresh O.A. We find no force in this C.C.P. It is accordingly rejected.

Banerji
(B.C. MATHUR)
VICE-CHAIRMAN (A)

Al
(AMITAV BANERJI)
CHAIRMAN