

22

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 138/94 in
O.A. NO. 1129/90

New Delhi this the 6th day of May, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Shiv Prashad S/O Hem Raj,
R/O F-238, Raj Nagar-II,
New Delhi-110045. ... Petitioner

By Advocate Shri V. P. Sharma

Versus

1. Shri Masih-Uz-Zaman,
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Shri J. S. Bathla,
D.R.M., Northern Railway,
Bikaner. ... Respondents

O R D E R (ORAL)

Shri Justice V. S. Malimath -

We fail to see how the present contempt petition is maintainable. The petitioner had obtained an order in his favour in O.A. No. 1129/90 that he should be regularised and absorbed in a suitable Group 'D' post. When a suitable Group 'D' post of Safaiwala was offered to the petitioner, he again approached this Tribunal in O.A. No. 355/93 saying that he would not accept the post of Safaiwala and that he should be offered the post of Paniwala. The Tribunal accepted the request of the petitioner and directed cancellation of the regularisation of the petitioner as Safaiwala in the light of the statement that he would await the regularisation till his turn for regularisation as

123
Paniwala comes. Now in this contempt petition the petitioner says that he is willing to accept the post of Safaiwala. Learned counsel for the petitioner submitted that the post of Paniwala has become unavailable and that, therefore, the petitioner is willing to accept the post of Safaiwala.

2. In this background we fail to see how the petitioner can maintain the C.C.P. as the respondents have not disobeyed the orders of the Tribunal. We have pointed earlier in other cases that if the Court directs appointment on Group 'D' posts, the question of picking ^{and} choosing a particular job of a Group 'D' post by the party should not be encouraged. We have expressed ourselves against the attitude taken by the parties treating one post among the Group 'D' as superior than the other. A party who thus picks and chooses a particular job and says that he is not willing to accept the post of Safaiwala, in our opinion, forfeits his right to secure the job.

3. The petitioner now says that he realises the mistake he has committed in not accepting the post of Safaiwala, and that he is now willing to accept the said post. It is open to the respondents to consider the petitioner's case for regularisation if a vacancy exists in Group 'D'.

4. With these observations, this C.C.P. is dismissed.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman

/as/