

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

(27) C.P. No. 9 of 1994 In
O.A. No. 1137 of 1991

New Delhi this the 22nd day of August, 1994

Mr. Justice S.K. Dhaon, Acting Chairman
Mr. B.N. Dhoundiyal, Member

Shri Ravi Kumar Goel
R/o Adamgirigunj,
Barielly.

...Petitioner

By Advocate Shri T.C. Aggarwal

Versus

Shri D.C. Johri,
Director,
Central Avian Research Institute,
Izatnagar,
Barielly,
U.P.

... Respondents

By Advocate Shri V.K. Rao

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Acting Chairman

The complaint in this contempt petition is that the direction given by this Tribunal in Contempt Petition No. 188 of 1992 has not been complied with.

2. The controversy pertains to the regularisation of the service of the petitioner. This Tribunal in its order dated 14.12.1992 in CCP No. 188 of 1992 observed:-

".....The respondents have in their reply given assurance that the case of the petitioner would be considered in accordance with his qualifications and experience in the vacancies that arise for being filled up by direct recruitment. That is the right stand to take. We have no doubt that the respondents would be vigilant in ascertaining the direct recruitment vacancies in the light of the observations made and accord him the benefit of his regularisation as and when any vacancy arises. We hope that the petitioner will not have to approach the Tribunal any further for relief".

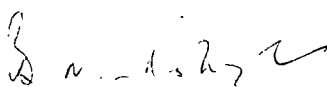
We have gone through the contents of the present contempt


petition and we do not find even a whisper of any averment that subsequent to 14.12.1992 any vacancy has arisen so as to enable the same to be filled up by direct recruitment. No particulars of any such vacancy have either been given.

We had directed the respondents to place before us, the record so as to satisfy us as to how and why 4 vacancies had been advertised for being filled up by direct recruitment. On the last hearing, the counsel stated that such an advertisement has been issued mistakenly. Today, a roster register has been produced. This indicates that there are, in fact, 4 vacancies and all these vacancies are to be filled up by promotion. Learned counsel has urged that the roster register does not indicate upto date position. According to him, it contains the position till 1989 only. Be that as it may, in the absence of any averment made in the contempt petition that some vacancy arose on or after 14.12.1992 as the same is available for direct recruitment, we cannot proceed with this contempt petition. It must fail.

Accordingly, the Contempt Petition is dismissed. The notice issued to the respondents is discharged.

No costs.


(B. N. DHOUNDIYAL)
MEMBER


(S. K. DHAON)
ACTING CHAIRMAN