

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-430/93 in
OA-2388/91

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New Delhi this the 25th Day of August, 1994.

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

Shri Sunil Kumar Gupta,
S/o Shri Krishan Chand Gupta,
R/o 474, Sainik Vihar,
Pitampura,
Delhi.

Petitioner

(through Sh. S.C. Jindal - None present)

versus

1. Union of India,
Sh. N.N. Vohra,
through Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Smt. Kiran Bedi,
Inspector General of Prisons,
Central Jail,
Tihar, New Delhi.

3. Sh. Anil Baijal,
The Secretary,
Home Deptt. Delhi Administration,
5, Shamnath Marg,
Delhi-54.

Respondents

(through Sh. Arun Bhardwaj)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

The grievance in this application is that the directions given by this Tribunal on 8.1.1993, while disposing of O.A.No.2388/91, have not been carried out. Two directions were given. We are concerned with one which relates to finalisation of the Recruitment Rules for the post of Law Officer which has been sanctioned for the Central Jail, Tihar. The further direction was that the applicant should be considered for being given an ad hoc appointment as Law Officer till regular appointment is made.

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A counter-affidavit has been filed on behalf of the respondents. Therein the material averments are these. On 29.7.93 the rules were notified in the gazette. Reliance is placed on communication dated 11.6.93 of the Govt. of N.C.T. of Delhi Finance (Budget) Department addressed to all Heads of Department. The subject of communication is Economy in administrative expenditure of the Govt. - Ban on creation of posts/filling up of vacancies. Amongst others, it is recited in the said communication that if a post is held in abeyance or remains unfilled for a period of one year or more, it would/should be deemed to be abolished. Admittedly, the post of Law Officer in the Tihar Jail remained unfilled for one year. Therefore, in view of the said communication, the respondents cannot/could not carry out the directions of this Tribunal in so far as it pertains to giving regular appointment to the applicant. It is also pointed out on behalf of the respondents that in the communication dt. 11.6.93, they have made efforts to get the post of Law Officer revived. A final decision is yet to be taken by the competent authority.

So far as the direction of the Tribunal that pending finalisation of the appointment of the applicant on regular basis as a Law Officer, an ad hoc appointment should be made, the answer of the learned counsel for the respondents is that in view of the aforesaid communication dt. 11.6.93, even an ad hoc appointment cannot be made. This appears to a plausible explanation.

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There appears to be some delay on the part of the respondents in following up the orders of the Tribunal dated 8.1.1993. However, taking note of the fact that the official machinery moves slowly, it does not appear to be a fit case where we should punish the respondents for the delay. We, however, make it clear that the direction of the Tribunal in so far as the giving of a regular appointment to the applicant as Law Officer is concerned, it shall be carried out within a period of one month from the date of revival of the post of a Law Officer.

With these observations, the O.A. is disposed of finally.

Notice issued to the respondents are discharged.

No costs.

B.N. Dhondiyal
(B.N. Dhondiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Acting Chairman

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