

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

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RAJASTHAN CCP No. 106 of 1992 in OA-234/91

Bhopal Singh
APPLICANT (S)

In person
COUNSEL

Union of India & Ors.
RESPONDENT (S)

VERSUS
COUNSEL

Date	Office Report	Orders
		27.3.1992 Present : Petitioner in person. Call on 9.4.1992. B. O. as C. O. (C-I)
		9.4.1992 Present : Shri B. L. Babbar, counsel for the petitioner. Issue notice to the respondents returnable on 21.5.1992. Personal presence of the respondents is dispensed with for the present.
		(P. C. Jain) Member (A) <i>(Signature)</i> (V. S. Malimath) Chairman <i>(Signature)</i>
		21.5.1992 Present : Shri B. L. Babbar, counsel for the petitioner. Shri M. C. Garg, counsel for the respondents. One week's time is granted for filing reply. Call on 4.6.1992. as (P. C. Jain) Member (A) <i>(Signature)</i> (V. S. Malimath) Chairman <i>(Signature)</i>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CCP 1C6/92 in OA 234/91

04.06.1992

Shri Bhopal Singh
Vs.

...Petitioner

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri P.C. Jain, Member (A)

Hon'ble Shri J.P. Sharma, Member (J)

For the Petitioner

...Sh.B.L. Babbar,
Counsel

For the Respondents

M.C. Garg
...Sh. R.K. Bhawan,
Counsel

ORDER (ORAL)

(DELIVERED BY HON'BLE SHRI P.C. JAIN, MEMBER (A))

The grievance of the petitioner in this case is that the directions of the Tribunal in his favour in the judgement dt. 8.11.1991 in OA 234/91 have not been complied with. In the aforesaid judgement, the Tribunal has directed that

(i) The petitioner shall be reinstated on the post of Driver, and

(ii) He will be considered for regularisation by the DPC along with other Class-IV employees.

2. In the reply filed by the respondents, it is stated that in pursuance of the judgement, the petitioner was reinstated in service. This is also accepted as correct by the learned counsel for the petitioner. In regard to the second direction, the respondents have stated that within a period of three months, as allowed by the Tribunal, they considered the case of the petitioner along with other

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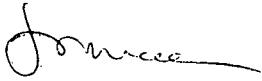
Class-IV employees, who were entitled to be considered for being regularised as Driver against the single vacancy, which was available. This consideration was through a Departmental Promotion Committee, which recommended one Shri Suresh Kumar for the aforesaid one vacancy. The minutes of the meeting of the DPC held on 14.2.1992 have also been enclosed. A perusal of these minutes shows that the DPC was informed that one post of Driver was vacant and which was kept reserved in view of the OA filed by the petitioner in this case. All the three candidates were considered by the DPC, ^{and} one Shri Suresh Kumar was recommended by the DPC. The learned counsel for the petitioner does not challenge the fact that a DPC was held ^{as} aforesaid and that the case of the petitioner has also been considered by the said DPC. The case having been considered by the DPC, the direction given in the judgement has been complied with. However, the learned counsel for the petitioner submits that the persons, who were considered by the DPC along with the petitioner were Peons and they were not eligible for this post. It needs to be stated that the direction of the Tribunal is for consideration of the case of the applicant along with other Class-IV employees. In view of this direction, the contention of the learned counsel for the petitioner cannot be accepted. The learned counsel for the petitioner also submitted that the promotion order issued by the respondents on 25.2.1992 in respect of Shri Suresh Kumar, who was recommended by the DPC as

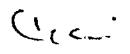
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aforesaid shows that Shri Suresh Kumar has been promoted and appointed to the post of Driver only on adhoc basis and not on regular basis, and accordingly he argued that the direction of the Tribunal for consideration of regularisation of the petitioner cannot be said to have been complied with. The fact remains that only one post was intimated to the DPC as vacant, and the DPC considered the eligible Class-IV employees in accordance with the rules and also the petitioner in view of the direction of the Tribunal in the judgement in issue. Thus it cannot be said that the case of the petitioner has not been considered. In what circumstances appointment of Shri Suresh Kumar has been made to that post on ad-hoc basis from 26.2.1992 to 28.2.1993 is not known to us nor is it relevant for deciding the issue involved in these contempt proceedings. The learned counsel for the petitioner further submitted that the respondents have circulated another vacancy for which eligible Class-IV employees have been asked to apply. He thus contends that there is another vacancy for which the applicant is eligible. That is another issue which, in our opinion, will have to be taken up by the petitioner in appropriate proceedings.

3. In view of the above discussion, we are satisfied that the directions of the Tribunal in the judgement dt.8.11.1991 have been complied with. Accordingly, these proceedings are dropped and notice to the respondents is discharged.


(J.P. SHARMA)
MEMBER (J)


(P.C. JAIN)
MEMBER (A)