

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

CCP No. 184/92 in
OA 2986/91.

Date: 1st June, 1992.

Surinder Parkash

... Petitioner

Versus

Dr. Satish Chandra, M.S., ... Respondents
E.S.I. Hospital and others

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P.C. JAIN, MEMBER(A).

For the petitioner

... Shri V.P.Trikha, Counsel.

ORDER (ORAL)

(Hon'ble Mr. Justice V.S. Malimath, Chairman) :

The complaint in this case is that the judgment of the Tribunal in OA-2986/91 delivered on the 30th of March, 1992 has been violated justifying the action under Contempt of Courts Act. The operative part of the judgment is paragraph 3 of the judgment which says that the respondents should re-engage the applicant as daily wages Nursing Orderly wherever vacancy exists in any of their Hospitals located in Delhi in preference to Nursing Orderlies with lesser length of service and outsiders.

There is also a further direction for regularisation in accordance with the relevant rules which is not concerned in this case. The direction is clearly

prospective in character in the sense that it directs the respondents to re-engage the applicant if vacancy comes into existence in any of the Hospitals located in Delhi in preference to Nursing Orderlies with lesser length of service and outsiders. The first condition to be satisfied is that there should occur a vacancy after the date of the judgment which is required to be filled up, When such a vacancy arises and the authorities decide to fill up the vacancy, they are required to give preference to the applicant in the matter of filling up that vacancy to the others who have lesser length of service and outsiders. There is no such grievance made in this petition. The only grievance is about the persons who have been appointed and, according to the petitioner, are juniors to him that took place before the decision of the Tribunal. It is necessary to point out that the appointments made before the decision of the Tribunal have not been quashed or declared as illegal. The direction is only prospective in character in regard to filling up of vacancy that occurs after the date of the judgment and the petitioner has no case that there was a vacancy in which any of his juniors has been appointed.

2. For the reasons stated above, the question for taking action under the Contempt of Courts Act does not arise. Hence, this CCP is dismissed.