

20

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 52/2005
OA 3085/2004

New Delhi this the 12th day of July, 2005

**Hon'ble Mr. M.P.Singh, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)**

Dr. Prashant Sharma,
160-R Model Town,
Sonepat- 131001
(Haryana)

..Applicant

(By Advocate Shri Hemant Arya)

VERSUS

1. Shri Ajay Dua,
The Director General,
E.S.I.Corporation,
E.S.I.Headquarters,
Kotla Road, New Delhi.
2. Dr.P.Bhalla,
The Medical Superintendent,
ESI Hospital, Basaidarapur,
Ring Road, New Delhi.

..Respondents

(By Advocate Ms. Anantmala Potdar)

O R D E R (ORAL)

(Hon'ble Mrs. Meera Chhibber, Member (J)

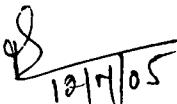
This CP was filed for disobedience of the order dated 25.1.2005 passed in MA 40/2005 in OA 3085/2004 whereby the following direction was given to the respondents:

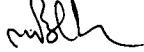
“I have considered the arguments advanced by the counsel for the parties. It is brought to my notice that interview has been fixed for 27th and 28th January, 2005 for selection of candidates against certain positions which also include General Medicine. Since there is only one vacancy for General Medicine and keeping in view the submissions made by the counsel for the applicant, it is ordered that the respondent can now go ahead with the selection of candidates, but they are restrained from declaring the final selections list, till disposal of the present OA”.



2. Respondents have filed their reply wherein they have explained that the result of the selected candidate was declared by Addl. Medical Superintendent at Basaidarapur on 29.1.2005 who was not aware of the said order. The head office of Corporation is at New Delhi and the order dated 25.1.2005 was intimated to them. When he came to know of the interim order on 2.2.2005 Medical Superintendent issued a circular stating that pursuant to the order passed by Hon'ble CAT the result/admission of DNB Medicine January, 2005 to be kept in abeyance till the outcome of OA 3085/2004. It is also submitted by the respondents which is not disputed by the learned counsel for applicant that OA has since been dismissed finally.

3. In view of the fact that as soon as the authority came to know that the interim order has been passed, they issued a corrected order. We are satisfied that this is a bona fide mistake and it cannot be said to be a contempt by any stretch of imagination. In any case now that the OA itself has been dismissed this CP has become infructuous also therefore, nothing further survives in CP. The same is accordingly dismissed. Notices are discharged.


13-4-05
(Mrs. Meera Chhibber)
Member (J)


(M.P. Singh)
Vice Chairman (A)

sk