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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1585/1992

Date of decision:07.07.1993

Shri Parvesh Kumar

...Petitioner

Versus

Ministry of Defence & Another

...Respondents

For the Petitioner

...Shri V.K. Rao, Counsel

For the Respondents

...Shri J.C. Madan, proxy counsel for
Shri P.H. Ramchandani, Sr. Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The principal prayer is that the respondents may be directed to regularise the services of the petitioner in Grade II in the pay scale of Rs.950-1500 in the Department of INS, India.

2. A reply has been filed on behalf of the respondents. Learned counsel for the parties have been heard.

3. It appears that the petitioner is being given the job of a Telephone Operator in INS, India from time to time as and when vacancies occur. The last appointment was given to him on 19.5.1992 in a leave vacancy with effect from 19.05.1992 to 27.06.1992. It was made clear that the order of appointment will be treated as termination order on or before 27.06.92.

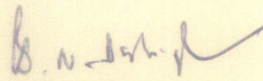
4. Before 27.06.1992, the petitioner on 16.6.1992 approached this Tribunal by means of this OA. On that day, this Tribunal passed an interim order to the effect that the respondents were directed not to terminate the services of the petitioner, if not already done.

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5. The stand taken on behalf of the respondents is that in view of the terms of the order of appointment, the services of the petitioner stood automatically terminated on 27.06.1992. There is a prayer on behalf of the petitioner to initiate contempt proceedings against the officer concerned and according to him (the petitioner), the officer concerned acted in violation of the interim order passed by this Tribunal on 16.06.1992. We are informed that sometime in July, 1992 a leave vacancy did occur and in that vacancy the petitioner was not given an appointment. It is a trite law that contempt proceedings are quasi - criminal proceedings and in such proceedings the contemnor is entitled to the benefit of doubt. Hence, it can be possibly argued by him that the appointment of the petitioner came to an end on its own accord on 27.6.1992. However, we cannot restrain ourselves from expressing the view that the officer concerned overreached this Tribunal when he did not offer a fresh appointment to the petitioner after 27.6.1992 when a fresh vacancy occurred.

6. Learned counsel for the respondents assure us that in future, if and when a temporary vacancy occurs, the petitioner shall be given a preference and he shall be given an appointment. We also direct the respondents to consider the case of the petitioner for regular appointment if and when such a situation arises and if he is otherwise found eligible in accordance with the relevant rules.

7. With these directions, this application is disposed of finally but without any order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
07.07.1993


(S.K. DHAON)
VICE CHAIRMAN
07.07.1993

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