

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

CCP 338/93 in  
OA 1378/92

New Delhi this the 23rd Day of December, 1993.

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

Sh. Bhagat Singh  
S/o Sh. Laman Singh  
C/o Sh. K.L. Bhatia,  
Advocate,  
29/30, Punjabi Bagh Extn.,  
New Delhi-110 026.

Petitioner

(By advocate Sh. K.L. Bhatia)

versus

1. Sh. M.R. Sivaramanam,  
Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block,  
New Delhi-1.
2. Sh. S.K. Ojha,  
Secretary,  
Central Board of Excise & Customs,  
Ministry of Finance,  
North Block,  
New Delhi.
3. Sh. N. Raja,  
the Collector,  
Customs & Central Excise Collectorate,  
CR Building,  
New Delhi-2.

(By advocate Sh. M.L. Verma)

ORDER(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The complaint in this application is that the interim order passed by a Bench of this Tribunal on 10.09.1992 has been observed in its breach.

The relevant portion of the interim order may be extracted as under;-

"As regards interim relief, having heard the learned counsel for both the parties, in the interest of justice, we direct that one post of Inspector shall not be filled on the basis of the impugned order

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at Annexure-1 on the basis of which an interview was fixed on 9.3.1992. We also direct that in case any further selection is made for the post of Inspector, the applicant should also be considered provisionally for that post subject to the out-come of this application."

An analysis of the afore- quoted interim order indicates that the Tribunal intended to pass two distinct orders. The first was that one post of Inspector shall not be filled on the basis of the impugned order (Annexure-1) on the basis of which an interview was fixed on 9.3.1992. The second was that if and when a selection is made subsequent to 10.09.1992 for the post of Inspector, the petitioner should also be considered for that post subject to the out-come of the decision of the O.A.

In the counter-affidavit filed on behalf of the respondents the stand taken is that the first part of the interim order has been complied with. That is so as the petitioner has no grievance in respect to that part. With respect to second part, the stand taken is that in the selection the petitioner was considered and the recommendation of the D.P.C. has been kept apart to be opened after the decision of O.A.No. 1378/92.

In our opinion, the respondents have misinterpreted the order of 10.09.1992. This Tribunal clearly intended that if the petitioner was found fit in the selection he may be given an appointment and that shall be subject to the final out-come of the O.A.

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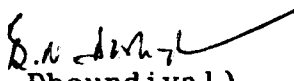
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Since the respondents have interpreted the order dated 10.09.1992 in a manner, in which it could be interpreted, the benefit of doubt may go to the respondents so far as contempt proceedings are concerned.


In continuation of the order dated 10.09.1992 passed by this Tribunal in O.A.No.1378/92 we direct the respondents to open the recommendation of the D.P.C. If the Committee had found the petitioner fit for appointment, he shall be given a provisional appointment as an Inspector. We make it clear that if the appointment is given, the same shall be subject to the out-come of the O.A. The respondents shall carry out this direction within a period of one month from today.

The contempt proceedings are dropped. The notices issued to the respondents are discharged.

No costs.

  
(B.N. Dhoundiyal)

Member(A)

  
(S.K. Dhaon)

Vice-Chairman