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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. 46 of 1994 IN
O.A. 442 of 1992

New Delhi this the 12th day of April, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.K. Singh, Member

1. Shri Gaiinda Singh
R/o House No. 16, Sector-11,
Near W/9 Noida, U.P.
2. Shri Harpal Singh
R/o Sector-35, Village Morna,
Noida, U.P.
3. Shri Nandan Singh Rawat
R/o K-17/1 West Ghonda, K-Block,
Gali No.4, Shahdara,
Delhi-110053.
4. Shri Suresh Kumar Chauhan
R/o G-31, Sector-27,
Noida, U.P. ...Applicants

By Advocate Shri V.P. Trikha

Versus

1. Shri Lalit Pariyar,
Director General,
Employees' State Insurance Corporation,
E.S.I.C. Building,
Kotla Road,
New Delhi-110002.
2. Dr. Mrs. C.K. Kapoor (Director),
E.S.I. Hospital, Sector-24,
Noida, U.P. ...Respondents

By Advocate Shri G.R. Nayar

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The four applicants in this Contempt Petition along with four others came to this Tribunal by means of O.A. No.442 of 1992 which was disposed of finally on 01.02.1993 with the following directions:-

" After hearing both parties, we dispose of the present application with the direction to the respondents to regularise as many as applicants as possible in accordance with the vacancies available and in accordance with the merit as found by the Selection Board which interviewed them. There shall be no order as to costs."

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2. The complaint in this petition is that the respondents have not carried out the directions of this Tribunal.

3. A counter-affidavit has been filed on behalf of the respondents. Therein, the material averments are these. As noted in the judgment of this Tribunal in O.A. No.442 of 1992 all the 8 applicants before it had been considered and interviewed and that a select panel had been drawn up for appointment on regular basis in accordance with the recruitment regulations. In accordance with the panel prepared, 3 of the selectees had been appointed. The 4 applicants in this Contempt Petition are such, who were not selected. In all, there were 24 candidates. Out of 24, 14 were selected and appointed in accordance with the recruitment rules and regulations.

4. The substance of the reply of the respondents is that the 4 applicants before us were found unfit. Learned counsel for the applicant argues that the selection was irregular, as it was not done in accordance with the existing rules. Be that as it may, the fact remains that in pursuance of the directions of this Tribunal, the respondents acted and found the 4 applicants before us unfit. Therefore, it cannot be said that the respondents wilfully disobeyed the directions of this Tribunal. The grievance of the applicants that the selection was not done in accordance with law, cannot be gone into in this Contempt proceedings. The remedy of the applicants, if any, is to agitate this grievance before the appropriate forum ^{by} resorting to appropriate proceedings.

5. The Contempt Petition is rejected. The notices issued to the respondents shall stand discharged.

(B.K. SINGH)
MEMBER (A)

(S.K. DHAON)
VICE CHAIRMAN

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