

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 273/1998

in

O.A. NO. 2300/1992

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New Delhi this the 7th day of December, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Subrata Bhowal S/O Parikshit Chandra Bhowal,
R/O 1123, Type-IV,
Sector-IV, R. K. Puram,
New Delhi.

... Applicant

(By Shri Debashish Moitra, Advocate)

-Versus-

1. Shri K. B. Saxena,
Secretary (H),
Ministry of Helth & Family Welfare,
Nirman Bhawan,
New Delhi.
2. Shri S. P. Aggarwal,
Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
3. Dr. R. N. Salhan,
Medical Superintendent,
Safdarjung Hospital,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for applicant on
admission.

2. Pursuant to direction made on 18.11.1998,
additional affidavit has been filed on 4.12.1998.

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3. This Contempt Petition has been filed for disobedience of an order made on 10.11.1997 in O.A. No. 2300/92. The direction was as follows :-

"7. In the circumstances we find that it is a fit case for the respondents to consider the case of the petitioner for the post of OT Supervisor in the scale of Rs.1640-2900/- as and when the next vacancy arises, treating him as a trained Perfutionist at Singapore in the Scale of Rs. 1640-2900."

It was further directed that the respondents would pass appropriate orders in view of the above findings within four weeks from the date of receipt of a copy of that order.

4. On 18.11.1998, the applicant was directed to furnish particulars about the date of vacancy and the date of appointment of any other candidate ignoring the directions of the Tribunal in OA No. 2300/92 for considering his claim for appointment to the post in future vacancy. The affidavit would show that no vacancy arose and no appointment was made on any date subsequent to 10.11.1997, when the final order in OA 2300/92 was made. In paragraph 2 of the additional affidavit, details of promotions made prior to the date of the aforesaid final order have been given. It was urged that there was also some interim order or interim relief in favour of the applicant.

5. All interim orders merge with the final order of the Tribunal. Under these circumstances, we cannot look into the orders made during the pendency

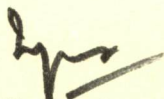
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of the O.A. as interim measure. Fact remains that as per the final order, the applicant was to be given consideration for appointment to the post in future vacancy. Application, therefore, appears to be misconcieved. Accordingly, it is hereby dismissed.



(K. M. Agarwal)
Chairman



(K. Muthukumar)
Member (A)

/as/