

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**



**CP No.17/2021
OA No. 549/2013**

This the 08th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Preeti Kate,
R/o D-5, Dipsar Campus,
Pushp Vihar, Sec-III, M.B.Road,
New Delhi-110017.
2. Sapna Israni,
R/o D-6, 6049/3, Vasant Kunj,
New Delhi-110070.

... Applicants

(By Advocate: Sh. M.K.Bhardwaj)

Versus

1. Sh. Vijay Kumar Dev,
Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P.Estate,
Delhi.
2. Sh. Sandeep Mishra,
Secretary,
Delhi Subordinate Services Selection Board,
3rd Floor, UTCS Building,
Institutional Area,
Vishwas Nagar, Shahdara,
Delhi-110032.
3. Ms. Varsha Joshi,
Commissioner,
North Municipal Corporation of Delhi
Civic Centre, New Delhi.
4. Sh. Gyanesh Bharti,
Commissioner,
South Municipal Corporation of Delhi,



Dr. SPM, Civic Centre,
Minto Road,
New Delhi.

(By Advocate: Sh. Anil Singh)

... Respondents

ORDER (ORAL)

By Hon'ble Justice L.Narasimha Reddy, Chairman

The respondents issued an advertisement on 05.06.2003 for the post of Ayurvedic Compounder. Certain qualifications were stipulated, which are mostly experience related.

2. OA No.165/2016 was filed by a person who was physically handicapped and holding BA MS degree. He wanted to be considered for appointment to the post of Compounder. The OA was allowed on 09.09.2016 mostly on the grounds of sympathy towards a physically handicapped person. The informal training, said to have been undergone by the applicant herein was treated as sufficient qualification. Aggrieved by that, the respondents filed Writ Petition No.3766/2017 before the Hon'ble High Court of Delhi.

3. The present applicant filed OA No.549/2013, almost on the same lines. The OA was disposed of on 16.10.2018 directing that depending upon the outcome of the W.P. No.3766/2016, the respondents shall pass appropriate orders. This contempt case is filed alleging that the



respondents did not comply with the directions issued by this Tribunal.

4. The respondents filed a compliance affidavit. According to them, the Hon'ble High Court refused to interfere with the order on the OA by taking sympathy with the applicant therein, and by clearly directing that the order in the said OA shall not be treated as a precedent.

5. Today we heard Shri M. K. Bhardwaj, learned counsel for the applicant, Shri R. K. Jain, Ms. Sangita Rai, Shri Gyanendra Singh and Shri Arun Birbal, learned counsel for the respondents.

6. This case presents some peculiar features. The applicant relied upon the outcome of OA No.165/2013 decided by this Tribunal which, in turn, was the subject matter of writ petition at that time. In that OA, the Tribunal observed that the training which the applicant therein has undergone, can be treated as holding good for the post. It was almost an interpretative the process. Before the Hon'ble High Court, it was strongly urged that the Tribunal cannot stipulate new qualification altogether. Though that argument weighed with the Hon'ble High Court, no interference was made with the order in the OA mostly on the grounds that the respondent therein was a physically handicapped person. What is more important is that the Hon'ble High Court made



it clear that the order in the OA shall not form a precedent for any other case. In this scenario, we cannot hold that the respondents have committed any contempt of court.

7. Accordingly, the contempt case is closed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

Pj/lg/sd