

6.12.00

Hon. Mr. V.K. Majotra, AM
Hon. Mr. Rafiq Uddin, JM

It is a fourth round of litigation in the matter of selection of the post of Chaukidar.

Heard Shri K.P. Singh, learned counsel for the applicant.

MA 6539/00 is for joining together is allowed. The case be given an OA number.

The applicants had participated in the selection for the post of Chaukidar held between 20-24 Feb. 1997. It is claimed that they had been selected but their result was not declared. Vide order dated 15.9.2000 in OA 1040/00, the respondents were directed to declare the result of the selection held in Feb. 1997 within a month. Although the applicants made applications on 4.10.00 & 9.10.00 for compliance of the aforesaid ~~xxx~~ order of the Tribunal. The respondents have ^{yet} ~~not~~ complied the same. In the meantime, the applicants have become overage for any fresh selection. Respondents have notified vide annexure 1 (Employment news dated 25.11.2000 to 01.12.2000) that selection for the post of 31 Chaukidars amongst the others is going to be held from 11.12.2000.

Learned counsel prays that the OA can be disposed of at admission stage itself by directing the respondents to declare the result of the applicants for the selection held ^{from} ~~in~~ 20 + 24 Feb 1997 in-terms of order dated 15.09.2000 in OA 1040/00 and restraining the respondents from proceedings with the selection of Chaukidar invited vide employment news dated 25.11.2000 to 01.12.2000.

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In our view, the interest of justice would be met, if the respondents are restrained from continuing with the selection for the post of Chaukidar undertaken in pursuance of notification dated 25.11.2000 to 01.12.2000, until^{dr.} the order^{15.9.2000} in OA 1040/00 is complied with.

Accordingly, we dispose of this OA at admission stage itself by directing the respondents not to proceed with the selection for the post of Chaukidar in pursuance of aforesaid notification till the aforesaid order dated^{9/6} 15.9.2000 of the Tribunal is complied with.

No cost.

Rafiquddin
Member-J

V. Maheshwari
Member-A

OA 1399/m
Dy. 5787/m

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OB

AS per order of DR(3)
Copy of petition handed over
to Mr. Rakesh Chaudhary
Addl. Study Counsel.

Recd
9/11/2001

Received copies of OA
for all respondents (1-4)

APD for 3/9.1.2001
for Mr. R. Chaudhary
for

ASC (UO) CAT-ALD

OP

MISC-2137, 2139/2001
in OA 1399/00 is submitted
for order.

Recd
9/13/2001

Dt. 10.05.01

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

This MA has been filed with the prayer that the order dt. 06.12.00 passed in O.A No.1399/00 may be recalled.

2. The dispute was with regard to declaration of the result of selection for the post of Chaukidar. Before filing OA No. 1399/00, O.A 1040/00 was filed which was disposed of after hearing counsel for the parties by order dt. 15.09.00 by following order :-

"Without entering in to the merits of the allegations made on the sole grounds that if the selection was held in 1977, the result ought to have been declared within a reasonable time, we dispose of this application with a direction to the respondents No. 3 & 4 to declare the result of the selection held in February, 1997 within a month. No order as to costs. "

3. In O.A No. 1399/00, the Bench passed the following order on 06.12.00 :-

" In our view, the interest of justice would be met, if the respondents are restrained from continuing with the selection for the post of Chaukidar undertaken in pursuance of notification dt. 25.11.00 to 01.12.00, until the order dt. 15.09.00 in O.A No. 1040/00 is complied with.

Accordingly, we dispose of this O.A at admission stage itself by directing the respondents not to proceed with the selection for the post of Chaukidar in pursuance of aforesaid notification till the aforesaid order dt. 15.09.00 of the Tribunal is complied with. "

The applicants in this M.A have ~~been~~ prayed for recalling of the order dt. 06.12.00. The order dt. 06.12.00 is only direction for complying with the order dt. 15.09.00. The order dt. 15.09.00 was passed after hearing both sides. In the circumstances, we do not find any justification for recalling of the order dt. 06.12.00.

4. We make it clear that quite often this Tribunal under anxiety to dispose of the dispute in quickest possible manner, some time after hearing parties decide the O.A without calling for CA and full facts pertaining to the dispute do not come before the Tribunal. In such a situation, it remains open to the authorities to comply with the order taking in to account all the developments which had taken place before passing the order of the Tribunal. In the present case/this course ^{also} was available to the authorities. Subject to aforesaid observation, we disposed of this Misc. application. No. costs.

Copy of the order shall be given to the parties within one week.

Member- A.

Vice-Chairman.

/Anand/