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CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, MUMBAI.

C.P.No.86/2008 in O.A.No.79/98.

Dated this Monday the 15th Day of June, 2009.

Coram : Hon'ble Shri Jog Singh, Member (J)
Hon'ble Shri C.R. Mohapatra, Member (A).

Shri S.K. Kulkarni & Others. Applicants.
(By Advocate Shri S.P. Saxena).

Vs.

1. Lt Gen Y Singh,
Director General and Sr Col Comdt,
Armed Forces Medical Services,
Ministry of Defence,
New Delhi - 110 011.
2. Lt Gen SK Kaul,
Director and Commandant,
Armed Forces Medical College,
Pune - 411 040. Contemnors/
Respondents.

(By Advocate Shri R.R. Shetty).

Order (Oral)
Per : Hon'ble Shri Jog Singh, Member (J).

The present Contempt Petition is directed against the inaction of the respondents in not implementing the order dated 31.12.2007 passed by this Tribunal in O.A.79/98. By the said order, it was held that the case of the applicants was squarely covered by the earlier judgment of this Tribunal dated 07.07.2006 passed in O.A.781/1998. The present O.A. i.e. 79/98 was accordingly allowed and the respondents were directed to carry out the direction within

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a period of 3 months from the date of receipt of a copy of the order.

2. The respondents in their reply in the C.P. have annexed the order dated 07.08.2008 which mentions that in compliance with the Tribunal's order in question in exercise of power conferred by the Ministry of Defence vide letter dated 01.09.2006 and in consultation with the Ministry of Defence, the number of posts of Steno Gde-II which would be available in AFMC Pune on the basis of DOP&T OM dated 06.02.1989 will be worked out in consultation with all concerned and the case of applicants will be considered to the extent of the posts of Steno Gde-II/upgraded, if any, as per seniority and recruitment rules.

3. We have heard the learned counsel for the parties.

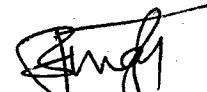
4. We note that the order dated 07.08.2008 is a step towards implementation of the order of this Tribunal in question but it is vague and does not, in specific terms, implement two orders of this Tribunal in question in the present O.A.79/98 dated 31.12.2007 read with order dated 07.07.2006 in earlier O.A.No.781/1998. It is seen from CPR-2 filed along with the reply to the Contempt Petition that authorisation of Gde III, Gde II & P.S. has been determined but no indication of the applicants having been considered against the above authorisation is available.

(Signature)

5. The respondents are, in fact, required to carry out further exercise to see that how many applicants are actually included and the benefit to be conferred on them in accordance with the direction of this Tribunal and the DOP&T OM referred to above. This further exercise shall be done within a period of three months from the date of receipt of a copy of this order and appropriate orders should be passed and same should be conveyed to the applicants. In case the applicants are still aggrieved by the same, they would be at liberty to approach the appropriate forum in accordance with law in appropriate proceedings.

6. The C.P. is disposed of with the above observations. No costs.


(C.R. Mohapatra)
Member (A)


(Jog Singh)
Member (J).