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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 28.7.1999

CP 2/99 (OA 270/97)

Madan Lal Meena s/o Shri Beerbal Singh Meena r/o 1398-A, Railway Colony, Gulab Bari, Ajmer.

... Petitioner

Versus

Shri J.M.Qureshi, Chairman, Union Public Service Commission, New Delhi.

... Respondent

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.Chetan Bairwa

For the Respondent

...

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Petitioner, Madan Lal Meena, has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, alleging therein that the respondent by not producing the records relating to calling the candidates for interview on 20.5.97 in terms of an order passed by the Tribunal in the connected OA 270/97 on 26.3.98 has committed contempt of court.

2. We have heard the learned counsel for the petitioner and have carefully perused the records.

3. The contention of the petitioner is that the respondent having been directed to bring the records, referred to above, on the next date fixed in the OA i.e. 10.7.98, should have produced the same before the Tribunal on 10.7.98 and since the record was not produced by the respondent on that date, the respondent has not cared to carry the direction of the Tribunal and has, as such, committed contempt of court. On 10.7.98 and subsequently thereafter on several dates a Division Bench was not formed. An affidavit has been filed by the respondent to the effect that the petitioner had opted Hindi language as Medium for interview and he was grouped with Hindi Medium candidates for whom interviews were held from 19.5.97 to 26.5.97 and the petitioner was summoned for interview on 20.5.97 alongwith other Hindi Medium candidates. Since a Hindi language Expert was associated with the Board to assist them, there was no possibility of candidate being interviewed through wrong Medium. It is further stated that the constitution of Personality

Boards and the association of Advisors/Experts including language Experts/Facilitators/Interpreters in the Personality Test Boards is a highly confidential matter and is a part of internal functioning of the Union Public Service Commission. The respondent, therefore, claiming privilege under Section 123 of the Evidence Act did not give permission to any one to produce the records relating to constitution of Personality Test Boards for interviews. It has further been stated by the respondent in the affidavit that he has no objection to the records being produced for perusal by this Tribunal. A case of contempt is a matter between the alleged contemner and the court. As the respondent himself is not objecting to the said records being produced for perusal of the Tribunal, we are of the view that there was no wilful disobedience or disregard of the direction issued by the Tribunal. In the circumstances, we do not find any substance in this Contempt Petition. The Contempt Petition is, therefore, dismissed.


(N.P. NAWANI)

ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK