

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

Date of decision: 22-12-1995

CP No.34/95 (OA No.362/93)

Jagdish Prasad Sharma

.. Petitioner

VERSUS

P.C.Gupta and another

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Petitioner

.. Mr. P.V.Calls

For the Respondents

.. Mr. M.Rafiq

ORDER

PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

In this Contempt Petition, the petitioner Jagdish Prasad Sharma has prayed that the official respondents may be punished for contempt of court for disobeying the order of the Tribunal passed in OA No. 362/93 on 5-7-93. In the order passed on 5-7-93, the grievance of the applicant was that he had been worked for a period of 6 years on the post of L.D.C. and had been reverted to the lower post of Peon. The respondents had contended that they had held the examination for promotion to the post of L.D.C., the names of the applicant found place at list of 14 persons S.L.No. 57 of the/successful candidates and 2/ had already been promoted out of the said list. The direction of the Tribunal was that the respondents should fill up the rest of the vacancies by promotion according to rules within a period of 3 months and whenever the applicant's turn comes, he should be offered the appointment keeping in view the fact that he had already been worked for about 6 years.

2. The applicant had earlier filed a Contempt Petition No.5/94 for non-compliance with the order of the Tribunal.

The Tribunal passed an order dated 6-9-94 in the said

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Contempt Petition. In this order, the Tribunal had noted that the Respondents had been filling up a larger number of posts against the reserved quota of 5% by way of promotions from B-sons, on the basis of Limited Department Competitive Examination. The Tribunal had directed the respondents that all mistakes committed by violating the rules should be rectified within a period of 3 months and in case the mistakes are not rectified within the aforesaid period, the applicant shall be at liberty to file a fresh petition.

3. The Petitioner's case is that he has filed a fresh CA No. 604/93 but this was dismissed by the Tribunal on the ground that the applicant should have filed a Contempt Petition if any part of the order of the Tribunal was not complied with. According to the petitioner, this is the reason for filing the present Contempt Petition.

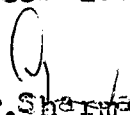
4. The learned counsel for the petitioner had stated during the arguments that a person lower in merit in the selection panel has been offered an appointment to the post of L.D.C. ignoring the case of the applicant and this shows that the respondents are perpetuating the mistakes committed by them regarding which there was a direction of the Tribunal that these should be rectified within a period of 3 months. The learned counsel for the respondents has drawn attention to the reply filed by the respondents and stated that it was on account of the appointments of SC and ST candidates on reservation ~~and~~ that persons lower to the applicant in the merit list had been given appointment and not for any other reasons. The learned counsel for the petitioner argued that reservation are not applicable in the matter of promotions against the 5% quota, on the basis of the Limited Departmental Examinations for appointment for the post of L.D.C. To support this argument, he sought to produce ^{before} ~~us~~ copies of ~~certain~~ rules. Therefore, according to him, the mistakes of not appointing the applicant is not corrected and the ~~mistake has been~~ perpetuated by the respondents.


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5. We have heard the learned counsel for the parties and have gone through the material on record.

6. The question whether reservations are available in the matter of filling up vacancies against the 5% quota of posts to be filled up on the basis of Limited Departmental Examinations is not one which can be adjudicated in this Contempt Petition. We cannot decide while dealing with this Contempt Petition, whether the respondents by giving appointments on reservation had committed any mistake while filling up posts against 5% quota of promotions to the post of L.D.Cs on the basis of the Limited Departmental Competitive Examinations.

7. In these circumstances, we hold that this Contempt Petition is not maintainable. It is, therefore, dismissed. Notices issued are discharged.


(O.P. Sharma)
Member (A)


(Gopal Krishna)
Vice-Chairman