

**Central Administrative Tribunal
Principal Bench**

CP No.156/2016

in

OA No.756/2012

New Delhi, this the 4th day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Shri Rajendra Prasad
Aged about 57 years, 3 months,
GM (West), MTNL Delhi
R/o T-8, Atul Grove Road,
Janpath,
New Delhi 110 001.

.... Applicant.

(By Advocate : Shri Sagar Saxena)

Versus

1. Shri J. S. Deepak
Secretary
Department of Telecommunications,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi.

2. Mr. Rajiv Rai
Secretary
Public Enterprise Selection Board,
Block No.14, PE Bhawan,
CGO Complex, Lodhi Road,
New Delhi 110 003.

... Respondent.

(By Advocates : Shri R. N. Singh)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

While disposing of OA No.756/2012 vide judgment dated 24.02.2016, this Tribunal passed following directions:-

“7. Before we part with the order, Shri R. N. Singh, learned counsel on instructions from Shri Rajiv Rai, Under Secretary, Public Enterprises Selection Board (PESB) submitted that there is no such provision for consideration of appeal made by the candidate regarding removal of defect in the application form. Nevertheless, we dispose of the OA with a direction that the applicant may appear before the Secretary, PESB today at 3.30 p.m. and if there is any provision to consider appeal of the candidate for rectification of defect in the application form, the Secretary would direct him to the concerned Appellate Authority

and a decision regarding removal of the defect in the application form of the applicant may be taken by the said authority in accordance with rules and law. If there is no provision, the applicant would be communicated such decision by the Secretary, PSEB.”

2. Shri R. N. Singh, learned counsel for the respondents has produced a copy of the communication dated 25.02.2016 addressed to the applicant. It is stated that it was issued on 29.02.2016 and served upon the applicant, which fact is disputed by learned counsel for the applicant. According to him, the communication was sent to him on 21.04.2016. However, receipt of the communication as such is not denied.

3. We have considered the letter dated 25.02.2016. From the perusal of paras 3 & 4 of the aforesaid communication, it is evident that the applicant approached the respondents and his contention for rectification of the defects in the Application Form was duly considered by Public Enterprise Selection Board and has not been acceded to. They have also referred to the stipulation in the advertisement which *inter alia* provides for rejection of the defective or incomplete Application Form. This is complete compliance of the directions issued by the Tribunal, except that the order should have been communicated well in time.

4. We do not find any reason to continue with the present contempt proceedings, the same are dropped.

(Shekhar Agarwal)
Member (A)

(Permod Kohli)
Chairman

/pj/

