

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

CP 232/2017 in
OA 1940/2016

New Delhi, this the 17th day of November, 2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. Ex-Nk Harminder Singh, JE (E&M)
1579545P
Aged about 48 years
S/o Shri Karam Singh
R/o WZ-1080B, Nangal Raya
New Delhi-110046
2. Ex-Nk Lekh Raj Singh, JE (E&M)
(Aged about 46 years)
S/o Shri Kuwar Pal Singh
R/o Kutub Vihar, Phase-I
'A' Block, New Delhi
3. Ex-Nk Birendra Singh, JE (E&M)
(Aged about 45 years)
S/o Shri Devi Singh
R/o WZ-1078, Tulsi Ram Bagchi Lane
PO – Narela, Delhi-110040

....Petitioners

(Through Shri M.K. Bhardwaj, Advocate)

Versus

Shri G. Mohan Kumar & Ors.

1. Shri G. Mohan Kumar
Secretary,
Ministry of Defence
South Block, New Delhi
2. Lt. Gen. Suresh Sharma
Engineer-in-Chief
Rajaji Marg, Kashmir House
New Delhi
3. Lt. Col. J.S. Punia
Record Officer,
BEG & Centre
CCA-III Section,

Roorkee, Uttarakhand-908779
C/o 56 APO

4. Shri A.K. Singh
DG (Pers).,
E-in-C Branch
Rajaji Marg, Kashmir House
New Delhi ... Respondents

(Through Shri B.K. Berera, Advocate)

ORDER (Oral)

Mrs. Jasmine Ahmed, Member (J)

Vide order dated 23.09.2016, this Tribunal disposed of OA Nos.2025/2015, 2124/2015, 2652/2015, 411/2016, 2004/2015 and 1940/2016 with a direction to the respondents that "they may issue a public notice giving reference to their earlier notices fixing cut-off date not beyond 60 days before which any ex-servicemen out of the total panel, who is interested may give their preference for appointment. Wide publicity may be given to this, if necessary, through Army Welfare Association, etc. After the stipulated cut-off date, appointments shall be made strictly according to merit list within a time frame of ninety days from the cut-off date stipulated by them for the vacancies existing now. For future vacancies, they will follow similar procedure. We make it abundantly clear that offer should be made to all retired ex-servicemen irrespective of the date of the retirement. In case, anybody's appointment is rejected on the ground that they do not have the requisite qualifications on merit, before taking a decision, the respondents shall communicate this to the

concerned ex-servicemen through a show cause notice and take a decision after consideration of his show cause. No costs."

2. The petitioners have filed this Contempt Petition (CP) stating that the respondents are not complying with the directions of the Tribunal.

3. The respondents have filed their counter affidavit, stating that they are in the process of complying with the directions of this Tribunal. The learned counsel for the respondents Shri B.K. Berera also drew our attention to page no.48 of the affidavit filed by him wherein it is seen that in a similar matter i.e. CP No.546/2015 in OA No.2266/2014, after hearing the learned counsel for the parties and going through the affidavit filed by the respondents, the Tribunal opined that no contempt was made out and accordingly the CP was dismissed and notices issued against the respondents were discharged.

4. The learned counsel for the respondents stated that as per the orders of this Tribunal, the respondent no.2 has directed Headquarter Chief Engineer, Southern Command, Headquarter Chief Engineer, Eastern Command and Headquarter Chief Engineer, Northern Command to take necessary action on issuing of appointment letters to balance selected JEs under DCRE so as to complete the appointment of JEs within the timeline i.e. 90 days given by the Tribunal. He also contended that directions were also passed that appointment letters of JEs who have failed to join duty without valid reason, be cancelled and fresh names from the reserve list be asked on priority so as

to fully subscribe to the vacancies allotted under DCRE. In this regard, the learned counsel for the respondents also stated that updated list of 118 numbers of JE (Civil) and 51 numbers of JE (Elect) who were selected for appointment from reserve panel till 25th May 2017 is enclosed with the affidavit. Petitioners no.1, 2 and 3 herein are in the reserve panel at serial numbers 38, 44 and 20 respectively.

5. The learned counsel for the respondents further stated that in pursuance of the orders of this Tribunal dated 23.09.2016, the respondents have written to the candidates from reserve panel that their names have been kept in reserve list and will be confirmed for appointment in case any vacancies remain unfilled and that the respondents have not at all flouted the Tribunal's directions nor caused any intentional or deliberate delay which may attract proceedings for contempt of court.

6. We have heard the learned counsel for the parties and perused the documents filed by the respondents and we are satisfied that the respondents are in the process of complying with the orders of this Tribunal and in that regard they have taken all the needful steps.

7. We find that no case has been made out for contempt and accordingly CP is dismissed and notices discharged. But, it is made clear that the respondents shall complete the process of appointment preferably within six weeks from the date of receipt of a certified copy of this order.

(Uday Kumar Varma)
Member (A)

/dkm/

(Jasmine Ahmed)
Member (J)