

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**C.P.NO.551 OF 2015  
(In OA No.1306/12)**

New Delhi, this the 8<sup>th</sup> day of January, 2016

**CORAM:**

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

**&**

**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

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Yatish Kumar Rohlan,  
s/o Shri Manak Chand Rohlan,  
aged about 23 years,  
R/o H.No.608/44, Brij Vihar Colony,  
Gulab Bari Ajmer (Raj) ..... Petitioner  
(Advocate for petitioner: Mr. Sanjiv Joshi)

Vs.

Sh.Amitava Bhattacharyya,  
Chairman, Staff Selection Commission,  
Block No.12, CGO Complex,  
Lodi Road, New Delhi ..... Opposite Party  
(Advocate for opposite party – Mr.S.M.Arif)

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**ORDER**

**RAJ VIR SHARMA, MEMBER(J):**

We have perused the records, and have heard Mr.Sanjiv Joshi, learned counsel appearing for the applicant-petitioner, and Mr.S.M.Arif, learned counsel appearing for the respondent-opposite party.

2. The applicant-petitioner had filed OA No.1306 of 2012 seeking the following reliefs:

- “(i) to declare that the applicant is entitled for selection and appointment on the post of Statistical Investigator in S.C. Category in Combined Graduate Level Exam.,2010 and accordingly amend the Final Result Annex.A/1.
- (ii) to direct the respondents to select and appoint the applicant on the aforesaid post in S.C. Category;
- (iii) Any other order/direction which this Honble Tribunal deems just and proper in the facts and circumstances of the case may also be passed in favour of the applicant.
- (iv) to all the cost of this application.”

3. The Tribunal had disposed of the said O.A.No.1306 of 2012, vide order dated 24.3.2015, the operative part of which is reproduced below:

6. The whole issue relates to whether the applicant had the essential qualifications prescribed for the post or not as per the notification published by the SSC. This is an issue to be examined and decided by the respondents-SSC themselves. We would, therefore, direct the respondents to re-examine the case of the applicant with respect to his essential qualifications having regard to the certificate issued at Annexure A/6 by the concerned University at Ajmer and to take a decision thereon within twelve weeks from the date of receipt of copy of this order. Within one week from today, the applicant will furnish authenticated copies of mark-sheet for all three years of the BSc examination because the respondents shall to consider the same while taking their decision.

7. The OA is disposed of with the above noted directions. No costs.”

4. Alleging non-compliance of the above order dated 24.3.2015 passed by the Tribunal in OA No.1306 of 2012, the applicant-petitioner filed the present Contempt Petition on 4.8.2015.

5. On 6.1.2016, when the matter was taken up for hearing, Mr.S.M.Arif, the learned counsel appearing for the respondent-opposite party, produced before us a photocopy of the order dated 7.10.2015 issued by Shri Vilas Burde, Regional Director (NR), Staff Selection Commission, Northern Region. It transpires from the said order dated 7.10.2015 that in compliance with the Tribunal's order dated 24.3.2015, *ibid*, the applicant-petitioner's case was re-examined, and the mark sheets of B.Sc. issued by the Maharshi Dayanand Saraswati University, Ajmer, in favour of the applicant-petitioner, were scrutinized by the competent authority. It was found by the competent authority that the applicant-petitioner did not study Statistics as one of the main subjects in any year of the three-year B.Sc. course. Therefore, the applicant-petitioner was found not to have fulfilled the essential qualification for the post of Statistical Investigator, as stipulated in the notice of CGLE-2010. Accordingly, the applicant-petitioner's claim was rejected. It also transpires that a copy of the order dated

7.10.2015, *ibid*, was duly communicated to the applicant-petitioner.

6. Though there is some delay on the part of the respondent-opposite party in complying with the Tribunal's direction, yet, considering the facts and circumstances of the case, and, particularly, the order dated 7.10.2015, *ibid*, we do not find a *prima facie* case of contempt to have been made out by the applicant-petitioner against the respondent-opposite party. It is trite law that contempt jurisdiction is to be exercised sparingly and in very deserving cases only and not casually. Such a power is not intended to be exercised as a matter of course.

7. Accordingly, the Contempt Petition is dismissed, and the notice issued against the respondent-opposite party is discharged. No costs.

**(RAJ VIR SHARMA)**  
**JUDICIAL MEMBER**

**(SUDHIR KUMAR)**  
**ADMINISTRATIVE MEMBER**

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