

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.574/2015
in
O.A.No.2410/2013

Order Reserved on: 19.09.2016
Order pronounced on 28.09.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V. N. Gaur, Member (A)

Ms. Chetna Raghav
D/o Sh. Jagdish Singh
R/o 33/A Street No.1
Near MIG Flats, Vill. Kondli
Delhi – 110 096. Applicant

(By Advocate: Shri Lalta Prasad)

Versus

Shri V.K.Singh
Chairman
Delhi Subordinate Service Selection Board
FC-18, Institutional Area
Karkardooma, Delhi – 110 092. ... Respondent

(By Advocate: Shri Amit Anand)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, who belongs to General (UR) category, in
pursuance of a notification of the respondents, participated in

the selection process for selection to the post of PGT (Hindi)(Female), Post Code No.24/10. As per the final merit list published by the respondents, the applicant's name was shown at Sl.No.18 and that the applicant got 93 marks in Part-II Exam., which is the basis for selection of the candidates.

2. It was the case of the applicant in the OA that out of the total 13 vacancies under UR category for PGT (Hindi-Female), the respondents have filled up only 12 vacancies, and since the claim of one-Ms. Neelam Kumari for the remaining vacancy under General Category was rejected, the applicant being the next candidate as per her merit is entitled for consideration against the said vacancy. Since the same was not disputed by the respondents, the OA was disposed of by Order dated 14.05.2015, as under:

"5. In the circumstances and in view of availability of clear vacancy, the O.A. is allowed. The respondents are directed to consider the case of the applicant for appointment against the said clear vacancy as per her merit position, with all consequential benefits, however, in the circumstances, without any back wages. This exercise shall be completed within 60 days from the date of receipt of a copy of this order. No costs."

3. Alleging non-compliance of the said Order, the present CP has been filed.

4. The respondents, by way of their status report, submitted that after the OA of the applicant was disposed of, in pursuance of the orders passed by this Tribunal in another OA filed by Mrs. Neelam Kumari, her case was re-considered and accordingly, she was appointed in the aforesaid 13th vacancy and hence, it cannot be said that they have committed any Contempt of Court orders.

5. Admittedly, this Tribunal while disposing of the OA No.2410/2013, filed by the petitioner in the present CP, noting the submission of the applicant and the facts prevailing at that time, directed the respondents to consider the case of the applicant in the vacancy which was caused due to rejection of the case of Mrs. Neelam Kumari, whose name stood above the applicant in merit under UR category. Once this Tribunal found that rejection of Mrs. Neelam Kumari's candidature is bad, and that the respondents appointed her as per her merit, in the remaining vacancy, as per the orders of the Tribunal, as rightly contended by the learned counsel for the respondents, no vacancy left to the applicant and hence the action of the respondents cannot be said to be a contempt.

6. In the circumstances and for the aforesaid reasons, we do not find any merit in the CP and accordingly, the CP is dismissed. Notices are discharged. No costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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