

Central Administrative Tribunal
Principal Bench: New Delhi

**CP No.470/2015
In
OA No.2214/2015**

New Delhi this the 16th September, 2015

**Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)**

1. Shri Ashok Kumar Sehrawat
S/o Shri Bharat Singh,
Aged about 49 years,
R/o 195, Village Tilang Pur Kotla,
Post Office Najafgarh,
New Delhi-43.
2. Shri Shyam Mohan Sharma
S/o Shri Satya Dev Sharma
Aged about 45 years,
R/o 4-1/278, Hastal Road,
Uttam Nagar, New Delhi-110059.
3. Shri Dharmendra Kumar
S/o Shri Ajeet Singh,
Aged about 39 years,
R/o RZ-93/17, Gali No.8,
Madan Puri, West Sagar Pur,
New Delhi-46. ...Petitioners.

(By Advocate : Shri Manjeet Singh Reen)

versus

Govt. of NCT of Delhi and others, through

Shri Jank Diggal,
Chairman,
Delhi Subordinate Services
Selection Board (DSSSB),
FC-18, Institutional Area,
Karkardooma, Delhi-110092. ...Respondent.

(By Advocate: Shri Amit Anand)

ORDER (ORAL)

Per Sudhir Kumar, Member (A):

Heard the learned counsel for the petitioners in CP No.470/2015. He has alleged that at the time of admission of the OA, through interim order dated 23.06.2015, the Vacation Bench had passed the following order:

"Heard.

Issue notice to the respondents.

It is stated by the learned counsel that the result of the skill test yet not been declared. **The respondent no.1 is directed to consider the request of the applicant for conducting separate skill test for them.** In the meantime, the result will not be declared.

Post on 07.07.2017.

DASTI."

(Emphasis supplied)

2. Learned counsel for the petitioners submits that thereafter the respondents have rejected the request of the applicants in OA/petitioners in C.P. for conducting a separate Skill Test, through their order dated 17.07.2015 (Annexure C-2).

3. It is seen that the Vacation Bench had given a specific direction that the respondent no.1 must consider the request of the applicants for

conducting a separate Skill Test. It had not ordered for such separate Skill Test to be actually held.

4. It is trite law that contempt arises in respect of a contumacious act in respect of a direction given in a case, after the case has been decided on merits, after hearing the learned counsel for both the parties concerned, and then a direction is issued to the respondents, to do a particular thing, in a particular manner. In this case, the direction given by the Vacation Bench on 23.06.2015 to the respondents was only to consider the request of the applicants for conducting separate Skill Test. The respondents have since considered the request of the applicants, and have not found it feasible, and rejected the same vide order dated 17.07.2015 (Annexure C-2). Therefore, the Order as passed is in substantial compliance of the directions issued by the Vacation Bench, and the C.P. does not lie, and the same is dismissed. Notice issued earlier is discharged.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/