

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P. 736/2015

In

O.A. 2159/2014

This the 06th day of May, 2016

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

Yogesh Kumar
Roll No. 3011519135
S/o Shri Bhim Singh,
R/o 976/7 Jain Bagh Colony,
Sonipat, Haryana

... Applicant

(By Advocate: Mr. Vishwendra Verma)
Versus

Shri A. Bhattacharya, I.A.S.
The Secreatary-cum-Controller of Examination,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi,
110003.

... Respondents

(By Advocate: Mr. S.M. Arif)

Order (oral)

Per Sudhir Kumar, Member (A)

Learned counsel for the respondents has pointed out that the matter concerning to the order dated 30.07.2014 passed by this Tribunal in O.A. No. 930/2014 (**Sudesh Versus Staff Selection Commission and others**) is pending for adjudication before the Hon'ble Apex Court. He has also submitted that hearing of the SLP is likely to be held in July, 2016.

2. Learned counsel for the respondents has also relied upon the order dated 26.11.2015 passed in C.P. No. 709/2015 in O.A. 3309/2014, in which the following orders were passed :-

"4. We find that when the common order & judgment in the 21 connected OAs was passed relying upon an earlier

order & judgment dated 30.07.2014 in OA No. 930/2014, and the Supreme Court has since stayed that earlier order, any subsequent order passed on the basis of that earlier judgment and order dated 30.07.2014 cannot obviously be implemented. Therefore, while, we do observe that the respondents have not fulfilled the directions, as given in Para-16 of the order dated 21.11.2014, but still, so long as the Supreme Court is seized of the matter in its entirety, it cannot be termed to be a willful disobedience, with mens rea to disobey the order of this Tribunal, which is a sine qua non for initiation of the contempt proceedings.

5. Therefore, the C.P. does not lie, and the same is dismissed in limine.

3. Therefore, since the Apex Court is seized of the matter, the C.P. does not lie, and the same is dismissed.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

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