

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 608/2017 in
OA 215/2017
MA 1760/2018

**Sumit Kumar Vs. Shri Ajay Mittal, Secretary, DoP&T
& ors.**

Reserved on: 19.04.2018
Pronounced on: 24.04.2018

Present: Shri Ajesh Luthra, for the applicant

Shri Gyanendra Singh and Shri Piyush Gaur, for
the respondents.

ORDER

Mrs. Jasmine Ahmed, Member (J)

Order passed by this Tribunal on 27.03.2018 reads as under:

“Shri Piyush Gaur, learned counsel for the respondents seeks two weeks’ further time which we allow subject to condition that if compliance affidavit will not file within two weeks respondent no.2 shall be present before us to explain the position on the date fixed.

List on 19.04.2018.

Order by **Dasti.**”

2. A status report has been filed on behalf of respondents. MA No.1760/2018 for exemption from personal appearance has also been filed on behalf of respondent no.2.

3. It is the contention of the learned counsel for the applicant that order dated 27.03.2016 speaks about filing of compliance affidavit. Nowhere, it speaks about filing of status report. He vehemently argued that in absence of filing compliance affidavit, respondent no.2 was directed to be present before this Court to explain the position. Neither compliance affidavit has been filed nor respondent no.2 is seen in the Court to explain the position why the order of this Tribunal has not been complied with, which is nothing but blatant disregard shown by respondent no.2 towards the order of this Tribunal.

4. Learned counsel for respondents Shri Piyush Gaur stated that compliance of the order of this Tribunal is under process and in pursuance thereof, typing test and document verification has been done. Thus, it cannot be said that there is no compliance of the order of this Tribunal. Shri Gaur stated that because of number of new cases every day received by them, they are facing difficulty in publication of results as on infuse of new applicants, the merit position will invariably get changed. Therefore, the respondents need some more time for filing compliance affidavit. In the meantime, it is told as the respondents are facing difficulty in compliance of the order of this Tribunal in the circumstances explained above, they have been advised to file an SLP before the Hon'ble Apex Court and it is thus prayed that some more time may be granted to them to know the fate of the SLP proposed to be filed.

5. Learned counsel for the respondents further stated that as per the memo of parties filed by the applicant herein, Shri Gajender Singh Thakur, Regional Director, Staff Selection Commission (SSC), is very much present in the Court today. We, however, find this argument to be undesirable as it can be seen that it was only on account of a typing mistake that Shri Gajender Singh Thakur was also shown as respondent no.2 beside Shri Ashim Khurana, Chairman, SSC. In fact, the respondents have filed an MA seeking exemption from personal appearance of Shri Ashim Khurana, Chairman, SSC, taking the plea that they are filing an SLP before the Hon'ble Apex Court as they are facing problem in implementation of the order of this Tribunal.

6. Taking into consideration the arguments advanced by both sides, the respondents are directed to comply with the order of this Tribunal within three weeks, as prayed for by the respondents, from today i.e. 19.04.2018. If the respondents are not able to obtain stay in their favour before the Hon'ble Apex Court, the order of this Tribunal shall be complied with in its true letter and spirit and in the event they fail to do so, respondent no. 2, Shri Ashim Khurana, Chairman, SSC shall remain present on the next date of hearing to explain the position.

7. List on 15.05.2018.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)