

**Central Administrative Tribunal
Principal Bench**

**CP No.111/2019 in OA No.2878/2016
With**

CP No.112/2019 in OA No.2880/2016

CP No.113/2019 in OA No.2885/2016

CP No.114/2019 in OA No.2618/2016

CP No.116/2019 in OA No.2506/2016

CP No.117/2019 in OA No.2578/2016

CP No.497/2018 in OA No.2390/2016

CP No.115/2019 in OA No.2543/2016

New Delhi, this the 12th day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

I. CP No.111/2019 in OA No.2878/2016

Neeraj Kumar
S/o Sh. Subhash Chander,
Aged about 32 years,
R/o Mohalla Shaha Wala Tibber,
Curdaspur, Punjab. Petitioner

(By Advocate : Shri Hitendra Nath Rath)

Versus

1. Arvind Saxena
Union Public Service Commission,
Through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi-110069.

2. Dr. S. Venkateswara,
Central Drugs Standard Control Organization
(CDSCO), Directorate General of Health Service,
Ministry of Health and Family Welfare
Government of India, FDA Bhawan, ITO,
Kotla Marg, New Delhi-110002
Through its Director General. Respondents
(By Advocate : Shri Naresh Kaushik with Shri Devik
Singh)

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 CP No.115/2019 in OA No.2543/2016

II. CP No.112/2019 in OA No.2880/2016

Rohit Sharma Sharma
 S/o Mr. Omprakash Sharma,
 Aged about 29 years,
 R/o 53, Duplex, Suyog,
 Parisar Ext., Near Mukharjee Nagar,
 Ratlam, MP.

... Petitioner

(By Advocate : Shri Hitendra Nath Rath)

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 Through its Director General.

... Respondents

(By Advocate : Shri Naresh Kaushik with Shri Devik Singh)

III. CP No.113/2019 in OA No.2885/2016

Ravisinh Solanki
 S/o Vikramsinh Solanki

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 CP No.115/2019 in OA No.2543/2016

Aged about 27 years,
 R/o D-202, Green View Residency,

Atladra-Bil Road,
 Bil, Vadodara-391410, Gujarat.

... Petitioner

(By Advocate : Shri Hitendra Nath Rath)

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IV. CP No.114/2019 in OA No.2618/2016

Rajarajan Rajasekar,
 S/o Sh Rajasekar K.,
 Aged about 29 years,
 R/o 51-B, Type-3, Block-12,
 Nayveli Township, Cudalore District,
 Tamilnadu-607803

... Petitioner

(By Advocate : Shri Hitendra Nath Rath)

CP No.111/2019 in OA No.2878/2016 with
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 Through its Director General.

... Respondents

(By Advocate : Shri Naresh Kaushik with Shri Devik Singh)

V. CP No.116/2019 in OA No.2506/2016

Shabari Girinath Kala,
 S/o Sh. Kala Narsimha,
 Age about 30 years,
 R/o Plot No. 21, Lakshma Reddy Palem,
 Peddamberpet, Hayatnagar,
 Hyderabad-501505,
 Telangana State.

... Petitioner

(By Advocate : Shri Hitendra Nath Rath)

Versus

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 Union Public Service Commission,
 Through its Chairman,
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New Delhi-110069.

2. Dr. S. Venkateswara,
 Central Drugs Standard Control Organization
 (CDSCO), Directorate General of Health Service,
 Ministry of Health and Family Welfare
 Government of India, FDA Bhawan, ITO,
 Kotla Marg, New Delhi-110002
 Through its Director General.
3. Drug Controller,
 Drug Control Department,
 Health and Family Welfare Department,
 Govt. of National Capital Territory of Delhi,
 F-17, Karkardooma,
 New Delhi-110032.

... Respondents

(By Advocate : Shri Naresh Kaushik with Shri Devik Singh)

VI. CP No.117/2019 in OA No.2578/2016

Vibhu Yadav,
 D/o Sh. D.P. Yadav,
 Aged about 28 years,
 R/o 252, Ward No. 6,
 Pataudi Road, Haily Mandi,
 Gurgaon, Haryana.

... Petitioner

Versus

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 Union Public Service Commission,
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 Through its Director General.

... Respondents

(By Advocate : Shri Naresh Kaushik with Shri Devik
 Singh)

VII. CP No.497/2018 in OA No.2390/2016

Nidhi Pandey,
 S/o Sh. R.P. Pandey,
 R/o B-223, Ground Floor,
 Ramprastha, Ghaziabad
 UP-201011.

... Petitioner

(By Advocate : Ms.Deepika Kumari)

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 Central Drugs Standard Control Organization
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Government of India, FDA Bhawan, ITO,
 Kotla Marg, New Delhi-110002
 Through its Director General.

... Respondents

(By Advocate : Shri Naresh Kaushik for R-1
 Shri Vijendra Singh for R-2)

VIII. CP No.115/2019 in OA No.2543/2016

1. Ranjita Nayak w/o Mahesh Nasare,
 Age about 36 years,
 R/o Plot No. 19 & 20, Sai Nilayam,
 Near Bachpan Play School,
 Hanuman Nagar, Kondapur,
 Hyderabad-500084,
 Telangana State.

2. Sobha Deepthi Kompella,
 W/o K.H.S. Pradeep,
 Age about 30 years,
 R/o Flat No. 8C Brahmananda Nagar Colony,
 Malakpet, Hyderabad-500036
 Telangana State.

... Petitioners

(By Advocate : Shri Hitendra Nath Rath)

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 Government of India, FDA Bhawan, ITO,
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(By Advocate : Shri Naresh Kaushik with Shri Devik
 Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

In this batch of contempt cases, the petitioners complain that the respondents did not implement the directions issued by the Tribunal in the common judgment dated 22.03.2018 in OA No. 2390/2016 and batch. Through the said judgment, this Tribunal declared that the stipulation of certain qualifications as to experience, for the post of Drug Inspector, is impermissible in law.

2. Identical OAs were filed before various Benches of the Tribunal. Following the judgment dated 22.03.2018, in OA No.2390/2016 and batch, the Hyderabad Bench of the Tribunal allowed the OA No.792/2016 on

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25.04.2018. It is brought to our notice that the respondents filed WP(C) No.38693/2018 before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, challenging the order in OA No.792/2016 and in IA No.1 of 2018, and the Division Bench of Hon'ble High Court suspended the operation of the order in the said OA. It is stated that the respondents filed individual Writ Petitions against the OA No.2390/2016 and batch in the Hon'ble Delhi High Court.

3. We heard Shri Hitendra Nath Rath and Ms. Deepika Kumari, learned counsel for applicants and Shri Naresh Kaushik and Shri Vijendra Singh, learned counsel for respondents, at some length.

4. The subject matter of OA No.2390/2016 and batch on the one hand and OA No.792/2016, on the file of the Hyderabad Bench is identical and the result was also uniform. Once the Hon'ble High Court has suspended the operation of the judgment in one of the OAs, it

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becomes almost impermissible to compel the respondents to implement the directions issued in various OAs. The petitioners can pursue the remedies depending upon the outcome of the Writ Petition No.38693/2018 or the Writ Petitions, that are now pending before the Hon'ble Delhi High Court.

5. We, therefore, close the contempt cases, leaving it open to the petitioners to pursue the remedies depending upon the outcome of the respective Writ Petitions.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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