

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

CP No.556/2018 IN
O.A. No.1135/2015

This the 1st day of April, 2019

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

Hem Nath Mishra
Aged about 56 years,
S/o. Sh. Shiv Nath Mishra,
R/o. 1/32/414, Ordinance Factory Estate,
Muradnagar, Ghaziabad (U.P), ...Applicant

(By Advocate : Mr. U. Srivastava)

Versus

1. Sh. Sanjay Mitra, Secretary,
Ministry of Defence, New Delhi.
2. Sh. P. K. Srivastava,
Director General,
Ordinance Factories 10-A, SK Bose Road,
Kolkata-01.
3. Sh. P. Mohanti, General Manager,
Ordinance Factory, Murad Nagar,
Ghaziabad, U.P. ...Respondents

(By Advocate : Shri Hanu Bhaskar)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant filed OA No.1135/2018 in continuation of the previous round of litigation in connection with the appointment to the post of Non

Language Teacher in the respondents' organization.

The OA was allowed on 02.09.2016 directing, *inter alia*, that the case of the applicant for relaxation of age limit shall be considered in terms of Clause 6 of SRO 91 dated 08.04.1995, and to re-advertise the post concerned.

2. This contempt case is filed alleging that the respondents did not take steps as directed by the Tribunal.

3. On 10.12.2018, the CP was adjourned *sine die* taking note of the fact that the respondents filed Writ Petition(C) No. 101357/2017 before the Hon'ble Delhi High Court.

4. We took up the matter for hearing today.

5. We heard Shri U. Srivastava, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

6. Though the respondents filed Writ Petition No.101357/2017, challenging the Order dated 02.09.2016, the Hon'ble High Court did not grant any order of stay. On the other hand, it was made clear

that no interim order has been granted and it was observed on 15.11.2017 that the respondents herein shall abide by the directions issued by the Tribunal. Obviously because of the development that has taken place in the writ petition, or otherwise, the respondents passed an order dated 26.10.2018 rejecting the case of the applicant for relaxation of age limit. The detailed reasons, comprised in three pages, were furnished.

7. Once the direction as regards the consideration of the case of the applicant for relaxation of age limit was dealt with through an order dated 26.10.2018, the question of there being any contempt does not arise. If the applicant feels aggrieved by the said order, it shall be open to her to challenge the same through fresh proceedings. It shall also be open to her to work out the remedies depending upon the outcome of the pending Writ Petition(C) No.101357/2017 before the Hon'ble Delhi High Court. The CP is accordingly closed.

8. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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