

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Friday 2<sup>nd</sup> day of August Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)  
THE HON'BLE MR. T. JACOB, MEMBER(A)

C.P.310/44/2019  
IN  
O.A. No.310/1549/2017

S. Karthigayan,  
S/o. V. Seduraman,  
No. 128-A, Veerampatinam Street,  
Ariyankuppam,  
Puducherry- 605 007.

....Applicant

(By Advocate: Mr. P. Parthiban)

Vs.

1. Shri Ashwani Kumar, IAS,  
Chief Secretary to Government,  
Puducherry;
2. Smt. S. Sundari Nanda, IPS  
The Director General of Police,  
Police Department,  
Puducherry;
3. Smt. Aboorava Gupta, IPS,  
The Commandant,  
India Reserve Battalion,  
Puducherry Police Department,
4. Shri Gururaj,  
The Deputy Commandant (HQ),  
India Reserve Battalion,  
Puducherry Police Department.

.....Respondents.

(By Advocate: Ms. Devie)

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

Learned counsel for the applicant submits that the C.P. is filed for non-compliance of the order passed in OA 1549/2017 dated 5.10.2017 by which the respondents were directed to dispose of the representation of the applicant within a period of two months from the date of receipt of copy of the order. However, the respondents, by their own action, had taken steps by amending the Amended Draft Recruitment Rules dated 06.06.2016 by an another Draft Recruitment Rules dated 27.09.2018. Consequently, the representation of the applicant for considering the same was complied with. However, no order to that effect was passed, specifically, in respect of the direction given by the Tribunal in the aforesaid OA. It is further stated that all the legal plea raised in the OA was kept open while passing the above direction and, therefore, the applicant has not chosen to file the Contempt Application at that relevant point of time.

2. Learned counsel for the applicant further stated that since there were no further steps taken based on the Amended Draft Recruitment Rules by promoting the applicant, one Mr. R. Muthukumar approached this Tribunal in O.A. No. 285/2019 which was subsequently withdrawn as the earlier order was not complied with. In such circumstances, the instant C.P. was filed for non-compliance of the order of the Tribunal.

3. Learned counsel for the applicant submits that his client would be satisfied if the applicant is given liberty to file a fresh OA for agitating the merits of the case for issuing appropriate order by promoting him to the post of Assistant Commandant by closing the instant C.P.
4. C.P. is closed by giving liberty to the applicant to file a fresh OA agitating the merit of the case for issuing appropriate orders by promoting him to the post of Assistant Commandant.