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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No.409/2012

in

OA No.1488/2003

New Delhi this the 17th day of April, 2015

Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. A.K.Bhardwaj, Member (J)

Shri Shailendra Kumar Singh,
S/o Shri Bhagwan Singh,
R/o RZ-173, Gali No.3A,
Durga Park, Near Dabri,
New Delhi-110045
Working as Peon (daily wages)
Under Ministry of New & Renewable Energy,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003

... Applicant

(By Advocate Shri R.N.Singh)

VERSUS

1. Shri Gireesh B.Pradhan, Secretary,
Ministry of New & Renewable Energy,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003
2. Shri Suresh Kumar,
Under Secretary(Admn-1)
Ministry of New & Renewable Energy,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003

... Respondents

(By Advocate Shri D.S.Mahendru)

ORDER

Hon'ble Mr. A.K.Bhardwaj, Member (J)

The OA No.1488/2012 was disposed of along with OA 1595/2003 & OA 1639/2003 by this Tribunal in terms of order dated 19.09.2003 with direction to respondents to consider the claim of the applicants for regularization in terms of the guidelines dated 26.10.1984 and 7.06.1988 as well as in accordance with the rules and instructions and subject to applicants fulfilling the eligibility criteria. Para 30 of the order reads thus:-



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"30. In the result, for the foregoing reasons, the OAs are partly allowed. Respondents are directed to consider the claim of the applicants for consideration under the guidelines of 26.10.1984 as well as 7.06.1988 in accordance with rules and instructions and subject to applicants fulfilling the eligibility criteria. A copy of this order be kept in each of the file of the OAs. No costs."

2. The present Contempt Petition has been filed by the applicant in OA No. 1488/2003. As has been stated by the respondents in their reply dated 21.09.2012, the case of the petitioner along with two others was considered when the vacancies of Peon were available but the same could not be given to him as he did not fulfill the requisite qualification for the post. Relevant part of para 5 and 6 of reply reads thus:-

"..It is respectfully submitted that consequent to the ultimately demise of 3 Group 'D' employees namely Sh.Chatarpal, Sh. Yogesh Yadav and Sh.Hariprasad on 03.09.2009, 17.09.2009 and 29.10.2010, respectively, the candidature of the petitioner was considered in accordance with RRs for Group D posts in the Ministry of New and Renewable Energy however there does not exist any post of Peon/Group D, after the implementation of the report of 6th CPC. As per existing provisions which prevail after orders consequent to 6th CPC were issued in October 2008, all Group 'D' posts have been upgraded to Group 'C' and the appointment is to be done through Staff Selection Commission. The posts of peon are filled as follows:

75% by direct recruitment and 25% by transfer basis. In case posts are left unfilled in the 'transfer basis' category the post are to be filled by direct recruitment, with the age limit of 18-25 years and minimum educational qualification of 10th standard.

The applicant were not on the role of MNRE on the date of arising of vacancy in the year 2010, as he is on the roll of a private agency since 31.1.2003. Furthermore, the applicant did not fulfill the age criteria on the said date as his date of birth is 16.6.1969, as he was overage.

6. That the contents of para 6 are not admitted as correct. It is incorrect that the Petitioner is being exploited by the Respondents as alleged. It is submitted that in terms of the order dated 19.09.2003, the case of the petitioner along with two others was considered when the vacancies of peons were available. But the same could not



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be given to applicant as he did not fulfill the requisite qualification of the said post. As regards appointment of Ms Gurjeet Kaur, the same was done on compassionate grounds because of the untimely death of her husband, as such her case is not similar to the case of applicant. It is reaffirmed that the case of the Petitioner had been duly considered, but for the reason of his not being the employee of (MNRE) since 31.01.2003 and being over aged he could not be appointed."

Once the only direction given by this Tribunal was for consideration of the applicants for their regularization and the respondents had subjected them to such consideration, it cannot be viewed that there was willful disobedience of the order dated 19.9.2003 passed by this Tribunal. Further, if according to applicant, the consideration was not as per the direction given by the Tribunal and deficient and defective consideration constituted Contempt of Court, he ought to have filed the present CP within one year of such consideration. In terms of Section 20 of the Contempt of Courts Act, 1971, a Contempt Petition needs to be filed within one year from the date of commission of contempt and there is no provision for condoning the delay in filing the Contempt Petition. Section 20 of the Contempt of Courts Act, reads thus:-

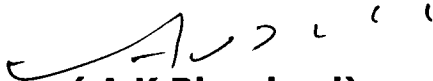
"20. Limitation for actions for contempt. No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

The present Contempt Petition was filed on 10.04.2012, i.e. after almost 9 years of the order of the Tribunal and more than two years of the consideration of the petitioner in implementation of






the said judgment. Thus, we are not persuaded to initiate the Contempt Proceedings against the respondents. The CP is accordingly dismissed. No costs



(A.K.Bhardwaj)
Member (J)



(Sudhir Kumar)
Member (A)

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