

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

C.P. No. 75 of 2004 In
Original Application No.205 of 2003

New Delhi, this the 21th day of July, 2004

HON'BLE MR.V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

1. Behari Lal
S/o Late Shri Chet Ram
R/o H.No.348 A.V & P.O.,
Bijwasan,
New Delhi.
 2. Ashok Kumar Vishrant
S/o Shri Hukum Singh
273-B, Sant Nagar,
East of Kailash,
New Delhi.
 3. Bhagat Singh
S/o Shri Puran Singh
80/5697, Regar Pura,
Karol Bagh,
New Delhi.
- ..Applicants

By Advocate: Shri Ambar Qamaruddin.

Versus

1. Berjinder Singh
Chief Commissioner of Income Tax,
C.R. Building,
I.T.O.,
New Delhi.
 2. Neeraj Nath Kumar
Addl. Commissioner of Police
(HQRS-Personal),
C.R. Building,
I.T.O.,
New Delhi.
- ..Respondents

By Advocate: Shri V.P. Uppal.

O R D E R(ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

OA No. 205 of 2003 was decided vide order dated 27.11.2003. Though the OA was dismissed but, however, the court had observed as follows:-

"20. We further held that the OM dated 11.7.2002 has been applied in its true spirits and no interference is called for OA being without any merit is liable to be dismissed. Accordingly, we dismiss the OA. Before parting with this OA, we may mention that since the counter-affidavit respondents themselves have stated

that some of the applicants have qualified the examination at par with general category candidates. Respondents shall ensure that they are treated at par with the general category candidates".

2. Since the learned counsel for the applicants contended that respondents had issued promotion order dated 15.1.2004 but they had not complied with the directions by treating the reserved category candidates who had otherwise qualified on merits at par with the general category candidates so the respondents have committed contempt and by this act of the respondents six of such reserved category candidates who had qualified on merits are to be treated at par with general category candidates and in their place other six reserved category candidate could have been promoted so on this basis notice on contempt was issued.

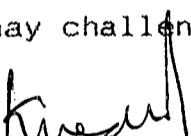
3. Respondents denied having committed contempt. They have filed their reply and in the reply it is stated that there were 11 SC/ST candidates who were selected on their own merit and not on the basis of reservation or relaxation of qualifications have been adjusted against the UR points in the roster but the court was still not satisfied so the respondents were directed to file a detailed affidavit to show the roster. Thereafter the respondents filed detailed affidavit wherein the respondents in paragraph 6 to 9 of the affidavit have given the details of as to on what point the candidates belonging to SC /ST category each had qualified the departmental examination by attaining general standards and got selected on the basis of their seniority against the unreserved points and have been adjusted against the

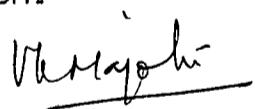


unreserved roster points and not against SC/ST roster points. They have given the details of the position in their seniority list and also how they have been adjusted.

4. On the contrary counsel for the applicant could not point out as to who was the candidate belonging to SC/ST and who qualified on merits and is still occupying a post on reservation quota whereas respondents have also placed on record roster of Income-Tax Officers of Delhi Region and since respondents have categorically stated that in compliance of the observations made by the court they had adjusted those SC/ST candidates who have qualified the departmental examination with general standards against unreserved points so we are satisfied that there is no contempt of Tribunal's order. Notices issued to the contemnor, i.e., respondent No.2 is discharged and proceedings in the contempt are dropped.

5. However, if the applicant is not satisfied he may challenge the order by filing a fresh OA.


(KULDIP SINGH)
MEMBER (JUDL)


(V.K. MAJOTRA)
VICE CHAIRMAN (A)
21-7-04

/Rakesh