

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 371/2006
OA 739/2002

New Delhi, this the 2nd day of February, 2007

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri V.K. Agnihotri, Member (A)

Sh. Nitish Sharm,
S/o Late Shri R.P. Sharma,
R/o D-109/A, Gali No.-1,
Burari Road, Saroop Nagar,
Delhi-1100042.

...Applicant.

(Applicant in person)

Versus

1. Shri Anurag Goyal,
The Secretary to the Union of India,
Ministry of Company Affairs,
Vth floor, A-Wing, Shastri Bhawan,
Dr. Rajender Prashad Road,
New Delhi-110001.
2. Shri U.C. Nahata,
Then Regional Director (N.R.),
Ministry of Company Affairs,
Ground Floor, PDIL Bhawan,
Sector-I, NOIDA (U.P.)
3. Shri Rakesh Chandra,
Regional Director (N.R.),
Ministry of Company Affairs,
Ground Floor, PDIL Bhawan,
Sector-I, NOIDA (U.P.)
4. Shri B.C. Meena,
Registrar of Companies,
132, Vijay Nagar, Part-II,
Near Kartarpura Railway Crossing,
Jaipur.

...Respondents

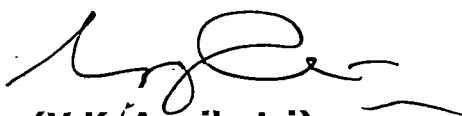
(By Advocate: Shri Rajeev Bansal)

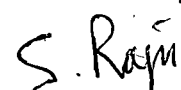
ORDER (ORAL)

By Mr. Shanker Raju, Member (J):

It is trite that when a matter goes contentious in contempt, it cannot be made subject matter and no adjudication can be done. In such view of the matter, it is always open for the parties to raise their grievances in an appropriate proceeding. Though it is very unfortunate that the services rendered by the applicant, who appears in person, have been reckoned as Company employee, after having been absorbed in pursuance of the Scheme, by the respondents. The similarly circumstanced persons have preferred Writ Petition in the Hon'ble High Court and ultimately LPA wherein the claim of reckoning their erstwhile service was decided. The applicant's claim was dealt with and this Tribunal, vide its order dated 25.09.2003, specifically quashed fresh appointment vide Memorandum dated 31.12.1999 but on the question whether the directions of the Hon'ble Supreme Court have been meticulously, in true letter and spirit, complied with as per order dated 27.08.1999, holding that the matter would have attracted law of limitation, liberty has been given to the respondents, as welfare employer, to pass orders with a further direction that the applicant would be entitled to continue in service from the date of earlier appointment in the post with all consequential benefits. This has resulted in compliance vide order dated 28.11.2003 where the applicant was appointed with immediate effect, however, this has been corrected by the respondents vide order dated 23.12.2005 where the appointment of the applicant has been ante dated to 31.12.1999 and as a

result, an amount of Rs. 3,49,493/- has been disbursed to the applicant. Applicant's claim is that once the appointment from 31.12.1999 has been set aside by the Tribunal, it could not be the date of initial appointment to be reckoned for the purpose of continued service. However, as there is to be a probe into all these issues, which cannot be gone into contempt, giving liberty to the applicant to assail his grievance in an appropriate proceeding may be a fresh OA, the present CP stands disposed of and notices are discharged.


(V.K. Agnihotri)
Member (A)


(Shanker Raju)
Member (J)

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