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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P.NO.327/2002 IN  
O.A.NO.2441/2001

Tuesday, this the 13th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Smt. Prakash Gupta
2. Shri V.K. Bhatnagar, both  
Office Superintendent Grade I, Operating  
Branch Northern Railway, Baroda House  
New Delhi

..Petitioners

(By Advocate: Shri T.S.Pandey)

Versus

R.K. Singh, General Manager,  
Northern Railway, Baroda House,  
New Delhi

..Respondent

O R D E R (ORAL)

Shri S.A.T. Rizvi:-

By an order passed on 5.12.2001 in OA-2441/2001 with connected OAs, the respondents were directed to recast the seniority list in accordance with the Hon'ble Supreme Court's <sup>judgement</sup> in the case of Ajit Singh & Ors. (II) vs. State of Punjab & Ors. (1999) 7 SCC 209. The Tribunal further directed that until the seniority list has been recast as above, the respondents will desist from making further promotions. In pursuance of the aforesaid direction, the respondents have recast the seniority list and have issued the same vide their letter of 11.1.2002 (page 17 of the paper book). Meanwhile, the 85th Constitutional Amendment, by which Article 16 (4A) has been amended, came into force leading to issuance of a Circular dated 8.3.2002 by the respondents. Following the aforesaid Circular, the respondents have reversed the seniority earlier granted by their letter of 11.1.2002 by

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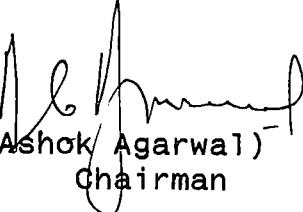
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issuing a further letter of 22.3.2002 (page 23 of the paper book). The matter was taken before the Hon'ble Supreme Court when, by their order dated 8.4.2002 (page 20 of the paper book), the Court directed the respondents not to revert the petitioners nor affect their standing in the seniority list and promotion, pay etc.

2. Since the aforesaid order passed by the Hon'ble Supreme Court comes after the revised seniority list has been issued on 22.3.2002, which, as already stated, has reversed the seniority positions indicated in the respondents' letter of 11.1.2002, we have little option in the matter. The obvious implication is that the revised seniority list issued on 22.3.2002 shall remain unaffected in view of the order of the Hon'ble Supreme Court. In the circumstances, we find ourselves unable to enforce the Tribunal's order dated 5.12.2001 by directing the respondents still to adhere to the seniority list of 11.1.2002 and act upon the same. No case of contempt, therefore, survives. The Contempt Petition is accordingly dismissed in limine.

  
(S.A.T. Rizvi)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/