

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

CP. No. 29/2007  
In MA No. 2174/2005  
OA. NO. 3302/2001

16

New Delhi this the 23<sup>rd</sup> day of July, 2007

**Hon'ble Mr. Justice M.Ramachandran, Vice Chairman(J)  
Hon'ble Mrs.Neena Ranjan, Member (A)**

Sh. Bansropan Singh,  
Applicant No.43,  
Block Road, C.P.W.D.  
Mallital, Bhimtal (Nainital)

Applicant

(Applicant in person)

Versus

1. Sh.M.Ram Chandran,  
Secretary,  
M/o Urban Development & Poverty Alleviation  
Nirman Bhawan, New Delhi.
2. Er.A. Chakravarti  
Director General (Works)  
C.P.W.D. Nirman Bhawan,  
New Delhi.
3. Er.Ranveer Singh  
Superintending Engineer  
Co-ordination circle (Civil)  
C.P.W.D., R.K.Puram, New Delhi.
4. Er. K.K.Jain  
Superintending Engineer  
Co-ordination circle (Elect.)  
C.P.W.D., R.K.Puram, New Delhi. .... Respondents

(By Advocate: Sh. R.N. Singh proxy for Sh. R.V.Sinha  
with Sh.M.P.Singh)

**O R D E R (ORAL)**

**Hon'ble Mr.Justice M.Ramachandran, VC(J)**

A group of 51 persons jointly had filed OA. 3302/2001

voicing their common grievance. Vide order dated 10.09.2002,

(K)

17

this Tribunal had directed the respondents to consider cases of their regularization in accordance with the rules and inter-se-seniority in each category. They were to continue in service till such orders were passed.

2. MA No. 2174/2005 has been filed by 43<sup>rd</sup> applicant, later on alleging that implementation step is not forthcoming. The Tribunal had recorded the submissions of the respondents that seniority of the applicant will first be decided and regularization will follow.

3. It appears that as a consequence office order had been passed (Annexure R-1) on 06.03.2003. The said person had been given a rank position as Sr. No.1 and his date of entry has been shown MR/HR as on 29.08.1984. However, according to the applicant this is not a full compliance. He alleged that orders have been flouted by the respondents. Appropriate promotion should have been given to him, had there been proper application of mind. He also refers to existence of an award passed by the Central Industrial Tribunal, which has attained finality.

4. In reply, the respondents submit that the application is misconceived. Shri R.N. Singh appearing on behalf of the respondents submits that position spoken by Annexure R-1 is in fact advantages to the applicant. He submits that of all the 51 persons, only one person has chosen to come up which may indicate that, he is attempting to grab on to something to which he is not eligible. The award had no relevance as the Tribunal had no occasion even to refer to it. The operative portion of the

earlier order was to consider cases of the applicants for their regularization strictly in accordance with the rules and in the order of their inter-se seniority in each category and subject to availability of vacancy. According to him present claim is far off cry of such rights, as he claims seniority even over strangers. This had not been recognized by the Tribunal as the order was to examine the position of the inter se seniority of the applicants there alone. If the claim is for seniority in the department, others, who might be affected are not made parties. And definitely it would not have been possible in a contempt petition.

5. Counsel also places reliance on a decision of the Hon'ble Supreme Court in **J.S. Parihar v. Ganpat Duggal (AIR 1997 Hon'ble Supreme Court 113)**, where it had been observed that in contempt proceedings, the Courts would not normally examine the correctness of the consequential orders passed. We find that the above observations are fully relevant here. The inter-se-seniority position of the original applicants, has been determined. Regularization, promotion etc. are to be examined after assessing other relevant circumstances. If they are not extended consequent to his status, is to be appropriately agitated by properly constituted applications. Giving liberty to the applicant to make such challenge, we close this application, as we find that there is no willful disobedience of orders on the part of the respondents, excepting certain amount of delay which is commented upon at

✓

19

the time of the earlier proceedings. Respondents are discharged. No costs.

NR Ranjan

( Mrs. Neena Ranjan )

Member (A)

( M. Ramachandran )

Vice Chairman (J)

mk