

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.92/2003 in
OA 3293/2001

New Delhi this the 12th day of August, 2003

Hon'ble Shri V.K.Majotra, Member (A)
Hon'ble Shri Kuldip Singh, Member (J)

Shri Kamal Kishore Saini,
S/O Late Jagdish Kumar Saini,
R/O 41, Bhagwan Nagar,
P.O.Jangpura, New Delhi-14

..Petitioner

(By Advocate Shri K.N.Bahuguna)

VERSUS

1. Shri Krishan Kumar,
Director General of Works,
C.P.W.D. Nirman Bhawan,
New Delhi.
2. Shri A.K.Saraf,
Chief Engineer (Electrical-1),
C.P.W.D. Vidyut Bhawan,
Connaught Place, New Delhi.
3. Shri Sudhir Kumar,
Superintending Engineer (Elect),
Coodination Electrical Cicle,
C.P.W.D.I.P.Bhawan, 4th Floor,
I.P.Estate, New DDelhi.

..Respondents

(By Advocate Shri D.S.Mahendru)

O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Member (A)

OA 3293/2001 was disposed of vide order dated 8.4.2002

(Ann.A 1) with the following directions:-

" In the above view of the matter, the OA succeeds and is accordingly disposed of. Respondents are directed to treat the applicant Sh.Kamal Kishore Saini, senior as Lift Operartor to Shri Sunil Raj Bhati, respondent No.4 and grant him consequential benefits. No costs".

The grievance of the applicant is that directions of the Tribunal contained in the aforesaid order have not been complied with.

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2. Learned counsel of the respondents stated that consequent upon the aforesaid order of the Tribunal dated 9.10.2002, copy thereof has also been given to the applicant, the respondents have granted seniority to the applicant over respondent No.4, namely, Shri Sunil Raj Bhati stating that the date of seniority of applicant Kamal Kishore Saini may be read as 2.1.2002. Earlier both the applicant and respondent No.4 had been appointed on 3.1.2002. With the issuance of order dated 9.10.2002 the applicant has been granted a day's seniority over respondent No.4.

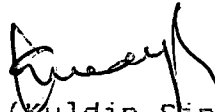
3. On the other hand, learned counsel of the applicant has contended that while the applicant had been trade tested on 9.2.2000 by an approved Committee, the respondents No.4 had been trade tested much later by a Committee which was not approved. Whether the Committee considering the case of respondent No.4 was 'approved' or 'not approved' is immaterial in the present proceedings of contempt against the respondents. Even if the applicant was trade tested on 9.2.2000 much before respondent No.4, the directions of this Tribunal contained in order dated 8.4.2002 did not specify any date from which the applicant was to be accorded seniority as lift operator. The direction was limited to according seniority to the applicant over respondent No.4. The respondents have also tendered unconditional apology.

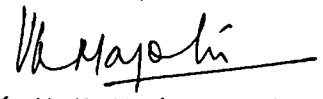
4. Having regard to the above discussions, in our considered view, the respondents have complied with the

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directions of this Court and have not committed any contempt
in following directions of the Court. CP is dismissed.

Notices issued to alleged contemnors are discharged.


(Kuldip Singh)
Member (J)


(V.K.Majotra)
Member (A)

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