

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP NO. 31/2009
OA NO. 172/1999

New Delhi, this the 28th day of May, 2009

Hon'ble Shri L.K.Joshi, Vice Chairman (A)
Hon'ble Shri Dharam Paul Sharma, Member (J)

Sh. D.P.Chetal Retd. OSD to Dir (HRD),
S/o L. Sh. H.C.Chetal,
R/o 4B, Navyug Adarsh Appts. F-Block,
Vikaspuri,
New Delhi-110018.

...Applicant

(By Advocate: Sh. Sant Lal)

V E R S U S

1. Sh. Siddharatha Behura,
Secretary,
M.O.C., Department of Telecommunication,
Sanchar Bhawan, New Delhi-110001.
2. Shri Kuldeep Goel, C.M.D.,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Nigam, Janpath,
New Delhi-110001.

...Respondents

(By Advocate: Sh. H.K.Gangwani for respondent No.1
Sh. Rajnish Prasad for respondent No.2)

ORDER (ORAL)

Hon'ble Shri L.K.Joshi, Vice Chairman (A)

Following directions have been given in OA-172/1999 by order dated 20.10.2000.

"8. In view of the above, we are totally convinced that applicant has a case and he has to succeed. Respondents are directed to accord him regularization in JAG Group 'A' with effect from the year in which the vacancy arose, i.e. 1987-88 though the regularization has been done by the formal meeting of the DPC in 1995. He should also be entitled for consequential benefits, if any, to arise. In the circumstances of the case, we also order that he be granted cost of this OA estimated at Rs.5000/-."

2. This order of the Tribunal has been upheld by the Honourable

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Delhi High Court in WP (C) No.1674/2001 decided on 7.11.2007.


3. Pursuant to this, first Respondent has passed an order dated 16.10.2008 placed at page 7 of the counter affidavit of the second Respondent. By this order the Applicant's promotion to JAG of TTS Group 'A' was ante-dated to 1.10.1987. By another order dated 4.11.2008, at page 8 of the aforesaid counter affidavit, the BSNL, second respondent issued an order of promotion to JAG from 1.10.1987. Thereafter first Respondent sent a communication dated 3.02.2009, at page 9 of the counter affidavit, by which it was directed that the ante-dated promotion of Applicant to JAG would be notional and actual benefit would be given to the Applicant from the date of assumption of charge of higher post. By order dated 3.02.2009, at page 10 of the counter affidavit, the order of ante-dating of promotion of applicant was modified to the extent that it would be notional and actual benefit would be given from the date of assumption of charge. By order dated 4.02.2009 the cost of Rs.5000/- has been paid by the second Respondent to the Applicant.

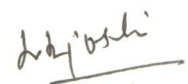
4. Learned counsel for applicant states that this is not full compliance of the directions of this Tribunal in as much as the Applicant has not been promoted to Senior Administrative Grade and, therefore, consequential benefits have not been given. The learned counsel has pointed to the observation of the Tribunal in the order dated 20.10.2000 in paragraph 7 of the order that "[T]he contention of the learned counsel for the respondents is that the applicant has not been heard in any way by the above decision is clearly beside the point and is not acceptable as the regularization from the earlier date, i.e., the date on which the vacancy arose, would have given the benefit of advancement in career to him, as it would have made him eligible for promotion by advancing his eligibility for promotion to the next grade." The second Respondent in

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its communication dated 9.02.2009 placed at page 13 of the counter affidavit has stated at para 1 [a] that "as the officer was already in JAG w.e.f. 17.01.1984 on ad hoc basis, no consequential benefits is admissible to him."

5. In the light of the above order and communications, in our considered opinion, the directions given by this Tribunal in its order dated 20.10.2000 have been complied with. We may mention here that in so far as the Contempt Petition is concerned, we would be mainly concerned with the direction finally given by the Tribunal. The directions finally given by the Tribunal have already been extracted in the first paragraph. In view of this, we cannot give any further direction in the Contempt Petition, as has been vehemently urged by the counsel for Applicant. If the Applicant has any grievance against these orders he would be at liberty to challenge these in appropriate proceedings. With the aforesaid directions, Contempt Petition is closed. Notices are discharged.


(DR. DHARAM PAUL SHARMA)
Member (J)


(L.K. JOSHI)
Vice Chairman (A)

'sd'