

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

NEW DELHI

C.P. NO.103/95

in O.A. NO.463/94

New Delhi, this the 1st day of July, 1996

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Smt. Sunita

W/o Shri Mukesh Kumar

H.No.250, Gali No.13,

Than Singh Nagar, Anand Parbat,

New Delhi-110 005

....Applicant

By Advocate Shri B.L. Babbar

Versus

1. Shri P.P. Chauhan
Chief Secretary, N.C.T. of Delhi
5, Sham Nath Marg, Delhi-110006

2. Shri G.S. Patnaik
Director of Education
Delhi State, Old.Sectt.
Delhi - 110 006

3. Shri M.C. Mathur
Dy. Director of Education
Distt.Central, Bela Road,
Darya Ganj,
New Delhi - 110 002

....Respondents

By Advocate Shri S.K. Gupta

J U D G E M E N T

Hon'ble Shri S.R. Adige, Member(A)

We have heard applicant's counsel Shri B.L. Babbar and respondents counsel Shri S.K. Gupta on C.P.No.103/95 filed by Smt.Sunita alleging wilful

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and deliberate disobedience of the directions contained in CAT/PB Judgement dated 21.11.1994 in O.A.No.463/94 - Smt. Sunita versus N.C.T. of Delhi & Ors.

2. By that judgement the applicant's termination order dated 14.02.1994 issued under Rule 5(1) of CCS (Temporary Service) Rules was quashed. The applicant has been appointed with retrospective effect by order dated 11.10.1995 (page 13 of respondents reply) but that order states that her appointment would be subject to the outcome of the Review Petition in O.A.463/94 and SLP to be filed in the Supreme Court, and she would not be entitled for financial benefits for the gap period till the decision on the Review Petition and the SLP.

3. The applicant contends in the written brief that the R.A. filed by the respondents on 25.09.1995 was rejected vide orders dated 01.03.1996, and there is no rebuttal by the respondents ~~with~~^{to} this contention. The respondents have not indicated whether the SLP has actually been filed till date, and even if the SLP has been filed, no orders setting aside, modifying or staying the operation of the impugned judgement dated 21.11.1994 in O.A.463/94 have been produced.

4. Under the circumstance the respondents have a ~~duty~~^{duty} to implement the judgement dated 21.11.1994 in full, which includes payments of arrears of salary to the applicant for the gap period and counting of her seniority

w.e.f. 14.02.1994.

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5. Thus while the respondents do not appear to have deliberately ^{or wilfully} ~~simply~~ disobeyed the Tribunal's directions, it cannot be said they have implemented those directions in full. Accordingly this C.P. is disposed of with a direction to the respondents to count the applicant's seniority w.e.f. 14.02.1994 and grant the applicant's arrears ^{of} wages for the back period. These directions should be complied with positively within three months from the date of receipt of a copy of this judgement.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

S.R. Adige
(S.R. Adige)
Member(A)

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