

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 175/2000 IN
OA 2299/1994

New Delhi, this the 18th day of August, 2000.

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

Shri Ganga Ram,
s/o Shri Dhula Ram,
r/o Gaon Shahbad Mohamedpur,
New Delhi - 110061.

.....Petitioner.

(By Advocate Sh. Surinder Singh)

-VERSUS-

Brig. A.S.Hundal
Commandant
O.D. Shakurbasti
Delhi - 110056.

.....Respondent/Contemnor.

(By Advocate Sh. H.K.Gangwani)

O R D E R (ORAL)

By Hon'ble Mr.Justice V.Rajagopala Reddy, VC (J).

Heard the counsel for the petitioner and the respondents. The OA was disposed of with the coming following directions :

" We find sufficient force in the submissions of Shri Surinder Singh so far as granting of seniority is concerned. Accordingly, we direct the respondents to grant the applicant the benefit of seniority in the service, cadre and group in terms of Rule 12 (3) of Swamy's manual, referred to above. Regarding the arrears of pay, we direct the respondents to consider the same in accordance with the Rules, as early as possible at any rate but within two months from the date of receipt of this order. No costs".

2. Complaining that this directions have not been complied, the petitioner filed the present CP.

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3. In the reply, the respondents stated that the petitioner had willingly accepted the post of Majdoor w.e.f. 1-9-66, in the pay-scale of Rs. 70-85. During 1973, when a post of Tailor became available, he was again reclassified as temporary Tailor w.e.f. 22-12-73 in the pay-scale of 85-120 and his pay was fixed at Rs. 89 per month. It is further stated that the benefit of seniority in the service cadre and group in terms of Rule 12 (3) of the Swamy's manual have already been given to the petitioner, as directed by the Tribunal.

4. Learned counsel for the petitioner, however, submits that as applicant had been re-appointed as Tailor, he was entitled for the benefit of seniority as well as pay protection. The respondents had only protected his pay and not restored his seniority.

5. In our view, he is not entitled for protection or restoration of his seniority as he was appointed as Mazdoor initially and later on was appointed as Tailor. He was not reappointed as Tailor. As Tailor, he would have entitled for the benefit of seniority. Hence, the contention cannot be accepted. We do not find violation of the Tribunal's order by the respondents.

CP is, therefore, dismissed.

(Govindan S. Tampi)
Member (A)

(V. Rajagopala Reddy)
Vice Chairman (J)

/vikas/