

209

Central Administrative Tribunal
Principal Bench

CP No.54/96 in
OA No.1301/95

New Delhi this the 1st day of October, 1996.

Hon'ble Mr. S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Sh. Nand Kishore,
R/o H.No.B-44, Bawana,
Delhi.

...Applicant

(By Advocate Sh. R.R. Rai)

Versus

1. Sh. O.P. Sharma,
Chief Engineer,
Flood and Irrigation Deptt.,
Govt. of N.C.T. of Delhi,
4th Floor, I.S.B.T.,
Delhi.

2. Sh. R.C. Manchanda,
Executive Engineer,
Minor Irrigation Division,
L.M. Bund,
Shastri Nagar,
Shahdara, Delhi.

...Respondents

(By Advocate Sh. Arun Bhardwaj)

ORDER (Oral)
(Hon'ble Mr. S.R. Adige)

We have heard Sh. R.R. Rai for the applicant and
and Sh. Arun Bhardwaj, learned counsel for the respondents
on CP No.54/96 arising out of Tribunal's order dated 14.11.95
in OA-1301/95.

2. By the said order, the respondents were directed
to pay the applicant's salary as Driver upto 20.7.95, which
admittedly has been done. Furthermore, the respondents
were also directed to consider the case of the applicant
for appointment as Driver on temporary basis in case there
was a need for such appointment in preference to his juniors
and outsiders.

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3. It appears that pursuant to the said order dated 14.11.95, the respondents issued order dated 2.8.96, appointing the applicant on sanction basis for a period of 89 days only, upon which the applicant's counsel raised an oral objection before the Tribunal stating that the appointment order should not have been issued for 89 days alone. Thereupon the respondents appear to have issued another order dated 30.9.96, a copy of which is stated to have been filed in the Registry today. The same should be brought on record.

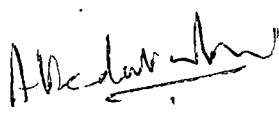
4. In that order, the applicant has been appointed as a Driver on work-charge basis with immediate effect and posted in C.B. No.5. This supersedes the respondents' earlier order dated 2.8.96.

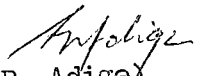
5. We noted that the Tribunal's direction was to appoint the applicant on temporary basis in case there was a need for such appointment, in preference to his juniors and outsiders. This direction has been complied with inasmuch as the applicant has been appointed vide order dated 30.9.96 and under the circumstances no cause for contempt arises. The notices issued to the respondents are accordingly discharged.

6. However, during the course of the hearing, the applicant's counsel has contended that the applicant is senior to a number of persons who had been appointed in the

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Department. Sh. Arun Bhardwaj had stated at the Bar that this involves the question of applicant's seniority vis-a-vis others and the applicant's seniority will be determined in accordance with the extant rules and instructions on the subject. Noting this assurance, the C.P. is ^{dismissed} ~~disposed~~ of.


(Dr. A. Vedavalli)
Member(J)


(S.R. Adige)
Member(A)

'Sanju'