

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CP 79/97 in MA 1105/97 to 1107/97
OA-1777/95

New Delhi this the 29th day of May, 1997

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

Hon'ble Shri K. Muthukumar, Member (A)

Smt. Lalita Dua
wife of Shri Prem Dua
Matron Grade-II
Northern Railway Central Hospital
Basant Lane, New Delhi.

(By Advocate Shri S.K. Sawhney) ... Petitioner

Vs.

Shri Shanti Narain
General Manager
Northern Railway
Baroda House, New Delhi.

(By Advocate Shri R.L. Dhawan) ... Respondent

O R D E R (ORAL)

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

This is a Contempt petition filed by the applicant in OA 1777/95 which was decided on 12.2.96. The Tribunal had disposed of this application by the following directions:-

"In the result, the application is disposed of with a direction to the respondents to place the applicant at the appropriate place in the merged list of Nurses taking the seniority of the applicant Nurse 'A' w.e.f. 27.6.72 and to consider her for selection as Matron in accordance with rules and instructions on the subject. There is no order as to costs."

2. The petitioner has filed this contempt petition stating that the respondents have not complied with the directions of the Tribunal wilfully and contumaciously. The petitioner has submitted that in Ann.P.4 order dated 13.2.97 issued by the respondents they have again shown her name as having been appointed on 1.2.74 whereas the Tribunal had directed that the operative date should be taken as 27.6.1972.

3. The respondents have filed reply to the CP and we have also heard both the learned counsel at length.

4. We note that the combined seniority list of Matrons scale Rs 2000-3200 (RPS) dated 13.2.97 is a provisional list. It is seen that the applicant has made a representation against this list. The respondents have stated

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that they have now circulated ^a fresh seniority list after receipt of the representations from the Matrons revising the earlier seniority list, as ^{at 18/} Annexure R-1 dated 24.4.97. (S)
We note that this is also a provisional combined seniority list of Matrons scale, Rs 2000-3200 (RPS) for holding selection for the post of Group 'B'. Both the learned counsel agree that the combined seniority list of Matrons scale, Rs 2000-3200 (RPS), is the relevant/correct seniority list which had been ordered by the Tribunal in its judgment dated 12.2.96. The main contention of Shri Sawhney, learned counsel for the petitioner, is ^{regarding 18/} ~~towards~~ the provisional seniority list issued on 3.2.97 and the placement of the applicant at serial No.3 of this seniority list which, according to him, is incorrect as she ought to have been placed at serial No.1 taking into account the fact of her seniority in the feeder grade u.s.f. 27.6.72 as ordered by the Tribunal. According to the learned counsel for the petitioner, the respondents have failed to consider this matter and they have assigned the wrong position in the seniority list. He relies on various documents, particularly Ann. A.2 in the OA in support of his contention. Shri Dhawan, learned counsel for the respondents, on the other hand, has submitted that in the provisional combined seniority list dated 24.4.97 the petitioner has been placed at serial No.2, and the date of ^{for} ~~entry into~~ service has been taken as 27.6.72 as ordered by the Tribunal and she has been placed correctly in the seniority list.

5. After careful consideration of the pleadings and the submissions made by the learned counsel for both the parties, we cannot come to a conclusion that there has been ^{any} wilful and contumacious disobedience of the order of the Tribunal by the respondents so as to take action, as prayed for under Section 17 of the Administrative Tribunals Act read with Section 12 of the Contempt of Courts Act. The respondents have considered the representation of the applicant and revised the seniority list ^{and 18/} ~~also~~ given her seniority in the combined seniority list of Matrons scale,

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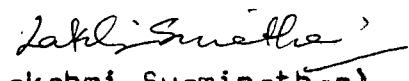
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Rs 2000-3200 (RPS), taking into account the orders of the Tribunal, particularly the date from which her services were required to be counted i.e. 27.6.72 in Nurse Grade 'A'. The grievance of the applicant regarding her position in the seniority list cannot be agitated in the C.P., having regard to the facts and decision of the Supreme Court in the case of Shri J.S. Parihar v. Ganpat Duggar and Ors (J.T. 1996(9)SC 608).
Hence accordingly
We dismiss the contempt petition with liberty to the applicant to file a fresh application, if she is so advised in accordance with law. Notice issued to the respondents is discharged.

The file be consigned to the record room.


(K. Muthukumar)

Member (A)


(Smt. Lakshmi Swaminathan)

Member (J)

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