

(39)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 8/2000 IN
OA 2380/1997

New Delhi, this the 3rd day of August, 2000

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

Hari Ram Rohilla,
S/o Late Shri Sobha Ram,
R/o D2/1A, Ashoka Road,
Adarsh Nagar,
Delhi - 110033

.....Petitioner
(By Advocate Sh. S.S.Dahiya)

Versus

State of Delhi
Through

T.C.Nak,
Joint Director of Education (A),
Department of Education,
Old Secretariat,
(Establishment IV Branch),
Delhi - 11054

..... Respondent
(By Sh. Vijay Pandita)

ORDER (ORAL)

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

Heard the Counsel for applicant and respondents. In the order passed by the Tribunal, directions were given for consideration of the case of the applicant in the selection grade in pursuance to the letter dated 4.3.76 and accordingly refix his pensionary benefits. It is complained that this direction was not followed by the respondents.

2. In the reply, the proceedings dt. 24-08-99 (Annexure R-1) is filed, where the respondents submit that they had considered the case of the applicant for placing him for giving the selection grade. Learned Counsel for the petitioner, however, submits that the seniority list as prepared by the respondents was not the one which was relied at the time of the disposal

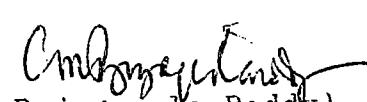
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of the OA and in that seniority list, applicant's position was at Sl.No.10, hence he was entitled for the grant of selection grade. The respondents submit that the seniority list has been prepared in accordance with the date of his absorption and there is no direction that the date of appointment is 1958 should be counted for the purpose of fixing his seniority. It is stated that in 1958, he was appointed at Bombay. The respondents, on the other hand state that the date of his absorption being 1972 in Delhi the said date of his appointment was taken into consideration for fixing the seniority.

3. We find that the respondents have complied with the order of the Tribunal. As the respondents had considered the petitioner for selection grade, in the absence of any clear direction in the order as to how the seniority list to be prepared, we cannot hold them guilty of contempt. The CP is, therefore, dismissed. Notices issued to the respondents are dismissed.

/vikas/

(Govindan S. Tampli)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman (J)