

Central Administrative Tribunal, Principal Bench
New Delhi

C.P. No.205/2001 IN
O.A. No.2008/1996

This the 29th day of August, 2001

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

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1. Ashok Kumar Kaushik
S/o Sh. Ram Kumar Kaushik,
R/p Vill Ranholla,
P.O. Nangloi, Delhi-41.
2. Vinod Kumar
S/o Sh. Om Prakash,
Vill. & P.O. Majra Dabhas,
Delhi-81.
3. Surinder Kumar Malik
S/o Shri Ram Kumar
R/o A-4/35, Sector-15,
Rohini,
Delhi.

- Petitioners

(By Advocate: Ms. Shilpa Chohan for Shri Naresh Kaushik)

Versus

1. Shri Ashok Pradhan,
Commissioner of Transport,
5/9, Underhill Road,
Govt. of NCT of Delhi,
Delhi-110054.
2. Shri Madhu K. Garg,
Joint Director (Admn.)
O/o Commissioner of Transport,
5/9 Underhill Road,
Govt. of NCT of Delhi,
Delhi-110054.

- Respondents

(By Advocate : Shri Mohit Madan for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

Hon'ble Mr. Shanker Raju, Member (J)

In the present CP, the petitioners have stated that despite the orders of the Court in OA No.2008/1996 with OA No. 2058/1996, the seniority list of 10.9.1996 was cancelled and the respondents were directed not to cancel the seniority list of Head Constables issued on 7.9.1992. The learned counsel for the petitioners stated that the respondents have

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wilfully and contumaciously disobeyed the directions of this Court's order by passing an order dated 10.7.2000 whereby the seniority of the one Yogesh Kumar has been fixed above to the petitioners.

2. On the other hand, the learned counsel for the respondents stated that the directions of the Court order, as passed in OA No.2008/1996 dated 10.4.2000, is substantially complied with and they are operating the seniority list of 7.9.1992 as per the directions of the Court. It is also stated that the issue regarding the seniority of Yogesh Kumar was not the issue in the OA. If there is any dispute regarding seniority of Yogesh Kumar as has been fixed above to the petitioners by passing an order dated 10.7.2000, the same can be agitated in a separate proceeding and the present CP is liable to be dismissed.

3. We have carefully considered the rival contentions of the parties.

4. We are of the confirmed view of the ratio laid down by the Apex Court in the case of J. S. Parihar Vs. Ganpat Duggar & Ors. JT 1996 (9) S.C. 611 wherein it has been held that a new relief cannot be claimed in a CP. Learned counsel for the applicant is also satisfied partially with the complinace of the directions of the Tribunal and the seniority of Yogesh Kumar was not the issue in the present OA.

5. In this view of the matter, the present CP is dismissed as directions of the Tribunal have been

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substantially complied with by the respondents. Notices are discharged. However, after keeping in view the claim of the applicant, the applicant is granted liberty to challenge the order dated 10.7.2000 in a fresh OA, if so advised, in accordance with law,

S. Raju

(Shanker Raju)
Member (J)

/ravi/

M.P. Singh

(M.P. Singh)
Member (A)