

Central Administrative Tribunal
Principal Bench

C.P. No. 329 of 2000
in
O.A. No. 1980 of 1996

40

New Delhi, dated this the 30th January, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

In the matter of:

Dr. Seema Wahab .. Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Dr. (Mrs.) Manju Sharma, Secretary
& Others .. Respondents

(By Advocate: Ms. Rekha Palli)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides on CP-329/2000 alleging contumacious non-compliance of the Tribunal's order dated 21.3.2000 in O.A. No. 1980/96.

2. By the aforesaid order Respondents had been directed to promote applicant w.e.f. 1.7.95 from which date her colleagues were promoted as Director. Respondents had been directed to accord the applicant the same seniority as it existed on 27.4.94 and it was made clear that on promotion as Director in the grade of Rs.5100-6300 she would be entitled to all consequential benefits w.e.f. 1.7.95.

3. When the aforesaid order was not complied with applicant filed the present C.P. which came up for hearing on 12.9.2000 on which date notices were

directed to be issued to Respondents.

41

4. The next date fixed for hearing was 23.10.2000 on which date Shri K.C.D. Gangwani, Sr. Counsel for respondents appeared and upon his request four weeks time was granted to file file reply.

5. The case thereafter came up on 4.12.2000 on which date Shri K.C.D. Gangwani again appeared on behalf of respondents and upon respondents' application, the case was ordered to be listed on 9.1.2001 to enable them to file their compliance affidavit. Again the matter was listed on 9.1.2001 on which date Shri K.C.D. Gangwani appeared and sought two days time to file compliance report and the matter was ordered to be listed on 12.1.2001.

6. On 12.1.2001 when the case came up for hearing Shri K.C.D. Gangwani appeared and prayed for permission to withdraw himself from O.A. as Respondents' counsel. Ms. Rekha Palli appeared and stated that she represents Respondents and sought for an adjournment. Accordingly the matter was adjourned for today.

7. Ms. Rekha Palli has now furnished a copy of Delhi High Court's order dated 9.1.2001 directing respondents to show cause as to why rule nisi be not issued returnable on 7.5.2001 in regard to the Tribunal's order dated 21.3.2000 in the O.A.

42

8. Ms. Rekha Palli informs us that she has also moved a petition for stay of the contempt proceedings on 25.1.2001, in which also notices have been were ordered to be issued, returnable by 7.5.2001. She, therefore, prays that respondents should not be compelled to implement the Tribunal's aforesaid order dated 21.3.2000 till the High Court passes orders upon her prayer for stay. In this connection she relies upon the Hon'ble Supreme Court's orders in State of J&K Vs. M.Y. Khan 1992 (4) SC 167 and Modern Food Industries (India) Ltd. Vs. Sachidanand Dass & Anr. 1995 (Suppl. 4) SCC 465.

9. We have considered the matter carefully.

10. We are informed that applicant already stands promoted as Director w.e.f. 1.7.96 and by the Tribunal's order dated 21.3.2000 her date of promotion as Director will be preponed to 1.7.95. In other words, she will be entitled to certain additional emoluments because of the ante-dating of her date of promotion as Director. Furthermore we are informed that as a consequence of the Tribunal's order she will acquire five years eligibility qualifications for consideration for promotion as Adviser Grade II from an earlier date.

11. In this connection Ms. Palli upon instructions from Departmental Representative Shri R.D. Gupta, Under Secretary, Ministry of Bio-Technology who is present in Court informs us


2

43


that normally respondents hold DPC twice a year i.e. one in January and the other in July. The DPC for January, 2001 is stated already to have been held and the next DPC will therefore, be held only in July, 2001, well after the matter is come up before Delhi High Court on 7.5.2001.

12. Under the circumstances prima facie we are of the view that there should be no difficulty for respondents to implement the Tribunal's order dated 21.3.2000, by issue of appropriate orders after adding such caveat in the those orders as respondents consider necessary to safeguard their own interest. In the light of the above Ms. Rekha Palli states that respondents will issue appropriate orders implementing the Tribunal's order dated 21.3.2000 within two weeks from today.

13. Noting this statement made by Ms. Palli the C.P. stands disposed of accordingly. Notices discharged.


(Dr. A. Vedavalli)
Member (J)

'gk'


(S.R. Adige)
Vice Chairman (A)