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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

C.P.No.65/95

In

O.A.No.2585/93 Dated: March // 16, 1996.

HON'BLE MR.S.R.ADIGE, MEMBER(A),

HON'BLE MRS.LAKSHMI SWAMINATHAN, MEMBER(J).

Bani Singh,
S/o Shri Lekh Raj Singh,
Head Clerk, Refund Branch,
Northern Railway,
Headquarters Office,
New Delhi

.....Applicant.

By Advocate Shri M.L.Sharma,

Versus

1. Shri V.K.Agarwal,
General Manager,
Northern Railway Baroda House,
New Delhi.

2. Sh.G.Ramakrishnan,
Chief Personnel Officer,
Northern Railway,
Hd.Qrs. Office,
Baroda House,
New Delhi.

.....Respondents.

By Advocate Shri H.K.Gangwani.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member(A).

We have heard Shri M.L.Sharma for the applicant and Shri H.K.Gangwani for the respondents on C.P.No.65/95 arising out of OA No.2585/93.

2. O.A.No.2585/93 was disposed of by judgment dated 14.11.94 whereby the Tribunal was of the view that as the applicant's seniority had been revised, he was entitled to be considered for promotion when his junior Shri O.P.Khosla was considered and given promotion. As the seniority matter has already been settled, the only direction given to the respondent was to consider the applicant's case for promotion as Asstt. Superintendent

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with effect from ^{the date} Respondent No.3 was given promotion as Assistant Superintendent in accordance with law, with all consequential benefits. This decision was to be communicated to the applicant within two months from the date of receipt of the order.

3. Thereupon the respondents filed a petition for review of the judgment dated 14.11.94 contending inter alia that the promotion of Respondent No.3 Shri O.P.Khosla was erroneous and he was to be depanelled and therefore ^{the} question of considering the applicant's case for promotion as Assistant Superintendent with effect from the date of Shri Khosla's promotion, did not arise. The said review petition was dismissed.

4. Meanwhile the applicant filed CCP No.65/95 wherein the official respondents against took the plea that after the reversion of Shri Khosla, no right in favour of the applicant subsisted. Applicant's counsel as well as respondents' counsel were heard on this contention on 12.12.95 and it was held that this argument was entirely misconceived. The respondents were bound to comply with the directions given, which were to the effect that they should consider the case of the applicant also for promotion as Asstt. Superintendent w.e.f. 15.10.93 as Respondent No.3 was given promotion from that date. This had to be done in accordance with law with consequential benefits. As Respondent No.3 Shri Khosla had since been reverted, the Tribunal modified the earlier direction by its order dated 12.12.95 to the extent that the promotion to be given on the

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basis of that direction would subsist till the date of reversion of Respondent No.3. The Tribunal further made it clear that it would be open to the respondents to take the stand that there were other persons senior to the applicant whose cases were to be considered, and in case the applicant was found suitable, the promotion had to be given to him accordingly for the above period. The CP was listed on 14.2.96 for reporting compliance. On that date, the applicant's counsel sought time to verify the contents of the affidavit filed by the applicant and the case was listed on 1.3.96.

5. We have perused the contents of the compliance affidavit to which Respondents' order dated 12.2.96 has been attached whereby the applicant has been allowed promotion to the grade of Rs.1600-2660 for the period 15.10.93 to 24.4.95 as a special case i.e. for the period availed by his junior Shri Khosla. The pay of the applicant for the said period has also accordingly been fixed in the above scale, and the applicant has been reverted to the post of Head Clerk only w.e.f. 24.4.95 i.e. the date of reversion of his junior Shri Khosla-Respondent No.3. The payment of arrears has also been directed to be arranged for the above period.

6. The applicant has filed a rejoinder affidavit in which a prayer has been made for a direction to the respondents to empanel him as Asstt. Superintendent Grade Rs.1600-2660 on the basis of modified selection procedure and to order

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his promotion as Asstt. Superintendent w.e.f. 15.10.93 with all consequential benefits and not to revert him w.e.f. 24.4.95 .

7. None of these prayers can be entertained at this stage as the judgment dated 14.11.94 , as modified by the subsequent directions dated 12.12.95 is final, binding and conclusive.

8. We are satisfied that there has been compliance of the judgment dated 14.11.94 as modified by order dated 12.12.95 and no cause for initiating contempt of Court proceedings against the official respondents is made out. In this connection, we also note that official Respondents' counsel Shri Gangwani has given an assurance at the bar that the arrears ordered to be paid to the applicant vide order dated 12.2.96 will be released to the applicant in the next two weeks or so.

9. Accordingly we dismiss this CCP. The notices against the respondents are hereby discharged. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A).

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