

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

N E W D E L H I

(41)

CCP 35/89 in

O.A. No. 262/86
T.A. No.

199

DATE OF DECISION 12.10.1990.

Shri Satnam Singh & Others Petitioner

Shri H.M. Singh Advocate for the Petitioner(s)

Versus

The Chairman, CEA Authority & Respondent

Others

Shri K.L. Bhandula Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGMENT(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

This petition has been filed by the original applicants in OA 262/86, which was disposed of by the Tribunal by judgment dated 16.10.1987.

2. In the operative part of the judgment, the Tribunal quashed the impugned orders reverting the applicants. It was further directed that the applicants shall be given their due seniority in the seniority list of Jr. Draftsmen on the basis of their promotion, in the light of the order of the Tribunal.

3. The Tribunal had observed that in the case before it, the promotion quota had been enhanced by a deliberate decision taken by the respondents by amending the existing recruitment

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rules and in that behalf executive instructions were issued so that till the draft amendment was finalised, promotions could be made based on the same. The question was whether such orders of promotion made deliberately and consciously, and when they had been allowed to be in force for years together allowing the promotees to work in the promoted post continuously and even granting promotion to the next higher grade could be said to be invalid merely on the ground that they were based on the executive instructions. The Tribunal answered the question in the negative.

4. The grievance of the petitioner is that the respondents did not comply with the directions contained in the judgment. In their rejoinder-affidavit, they have contended that the respondents have issued a seniority list of Senior Draftsmen on 7.6.1989 purporting to be in compliance with the judgment of this Tribunal but declined promotions to the petitioners from the date they were promoted. There is a gap of few days between the date of their reversion and the date of their promotion and according to them this would adversely affect their seniority. They have also alleged that there had been inordinate delay on the part of the respondents in implementing the judgment.

5. The version of the respondents is that they had issued a final seniority list on 16.8.1988 wherein due

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seniority was given to the petitioners as Junior Draftmen.

They have annexed a copy of the said seniority list to their counter-affidavit.

6. After fixing seniority of the petitioners in the grade of Junior Draftsmen, their promotions were regulated by giving them promotions as per the recommendations of the review DPC. 19 Senior Draftsmen, all direct recruits in the grade of Junior Draftsmen were reverted to the post of Junior Draftsmen and equal number of promotee Junior Draftsmen were promoted to the post of Senior Draftsmen vide order dated 24.11.1988. A copy of the same has been given at Annexure-III to the counter-affidavit. This was done in implementation of the judgment of the Tribunal. The direct recruits, who were aggrieved by the action of the respondents filed an OA 1623/88 before this Tribunal and the same is pending. The Tribunal had initially granted a stay in that case which was in force from 30.8.1988 to 13.9.1988. Thereafter, the respondents redrew the seniority list by office order dated 7.6.1989. The office order dated 7.6.1989 which is at Annexure VI to the counter-affidavit states that on the recommendation of the review DPC, promotions have been made to the grades of Junior Draftsmen and Senior Draftsmen. The office order further states that the respondents consulted the Department of Personnel & Training as regards the consequential benefits admissible to the concerned

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officials and that also has been indicated in the Annexures to the office order dated 7.6.1989.

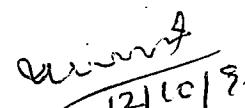
7. It is true that there is a gap of few days between the date of promotion of some of the petitioners on ad hoc basis and the date of promotion on notional basis on the recommendations of the review DPC. This does not mean that the respondents have deliberately disobeyed the directions contained in the Tribunal's judgment. In our opinion, the respondents have complied with the judgment of the Tribunal according to their understanding. The petitioners cannot use the medium of a contempt petition for redressal of their grievances, if any, as a result of the implementation of the judgment by the respondents. In case they still feel aggrieved, the proper course for them would be to file a fresh application in the Tribunal in accordance with law.

8. The CCP is dismissed and the notice of contempt is discharged.


(D.K. CHAKRAVORTY)

MEMBER (A)

12/10/90


(P.K. KARTHA)

VICE CHAIRMAN (J)

12/10/90