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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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O.A. No.156/86  
CCP No.104/87

Date of decision 24-1-1989

Shri Jai Gopal

.....Petitioner

V  
s.

Union of India

.....Respondents.

For the petitioner

.....Shri Umesh Misra with  
Shri R.R. Rai, Counsel

For the respondents

.....Shri M.L. Verma,  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. S.P. MUKERJI, VICE CHAIRMAN(A)

(The Judgment of the Bench delivered by Hon'ble  
Mr. S. P. Mukerji, Vice Chairman(A))

In this CCP, the applicant has indicated that the directions given by this Tribunal in its judgment dated 26th August, 1986 in O.A. No.156/86 have not been implemented by the respondents. In that judgment on the basis of <sup>the</sup> Scheduled Caste Certificate dated 2.5.84 produced by the applicant, it was directed that the benefits available to Scheduled Caste should be made available to him also with retrospective effect and that he should be promoted unless otherwise disqualified, as Section Supervisor in the reserved vacancy from the date his next junior Scheduled Caste candidate was given

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promotion. This judgment was passed ex-parte as the respondents in spite of service of more than one notice, did not enter appearance. The applicant filed several representations dated 24.9.86, 11.12.86, 20.7.87 and 14.5.87 to the respondents for implementation of the judgment, but the same has not been done. In reply to the CCP, the respondents have indicated that they had no knowledge of the judgment as it was passed ex-parte. They have also gone into the merits of the case and indicated why the Scheduled Caste Certificate dated 2.5.84 is not of much avail for prior promotions.

2. We have heard the learned counsel for both the parties and gone through the documents carefully. In para 6 of the reply of the respondents to the CCP, it has been stated that they have filed an application for review and that the next date of hearing of the said application is also sub-judice in this Tribunal. The respondents have not indicated the date of filing of the said application. No such application is before us. The learned counsel for the respondents stated that they have filed a Review Petition against the aforesaid judgment, but no such Review Petition could be placed before us in spite of an opportunity being given to the learned counsel. Even if the respondents were to file a Review Application, they cannot presume that it will be admitted by the Tribunal and that the judgment in question will be reviewed, as sought for. The question whether there has been delay in filing such an application and whether the delay, if any, ought to be condoned will have to be gone into. In the absence of any Review Application before us, the plea of the matter being subjudice before the Tribunal is not tenable. In any case so long as the judgment is not set aside by an appellate court or stayed or reviewed, the respondents are obliged

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to implement the same and cannot avoid implementation by raising points which were decided on merits. At this stage, the respondents cannot escape their liability to implement the judgment.

3. In view of the above, we direct the respondents to implement the judgment in letter and spirit within one month from today failing which further proceedings under Contempt of Court Act will be taken. <sup>also Q</sup> We direct that the Director General, Tele Communications may be summoned to appear before the Tribunal personally on 3rd of March, 1989 to explain the non-implementation of the Judgment. <sup>Q delivered on 26th August 1986. Q2</sup> There will be no order as to costs.

*S.P. Mukerji*  
24/1/89  
(S.P. MUKERJI)  
VICE CHAIRMAN(A)

*P.K. Kartha*  
24/1/89  
(P.K. KARTHA)  
VICE CHAIRMAN(J)