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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 107/94
IN
O.A. NO. 1549/87

New Delhi this the 25th day of January, 1995

HON'BLE MR. JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Shri Narendra Singh,
R/O 1157, Kucha Mahajani,
Chandni Chowk,
Delhi - 110006.

... Applicant

(In Person)

Versus

1. Dr. A. P. J. Abdul Kalam,
Scientific Adviser to the
Minister of Defence and
Secretary, Defence Research
and Development Organisation,
Ministry of Defence,
Govt. of India,
South Block, New Delhi.
2. Prof. Dr. Vinay Jain,
Director,
Institute of Nuclear Medicine
and Allied Sciences,
Lucknow Road, Delhi-54. ... Respondents

(By Advocate Shri Vijay Kr. Mehta)

O R D E R

Shri Justice S. C. Mathur -

The applicant, Narendra Singh, alleges disobedience
by the respondents of Tribunal's judgment and order
dated 18.3.1993 passed in his O.A. No. 1549 of 1987.

2. In the aforesaid O.A., the applicant challenged
the order dated 10.8.1984 whereby he was placed
under suspension and the order dated 7.2.1986 by
which the punishment of reduction in rank was imposed
upon him after drawing disciplinary proceedings. A
Division Bench of the Tribunal allowed the O.A. and
quashed the said two orders observing, "he is entitled

to all consequential benefits as he was never punished." In the draft charge the applicant has stated that the respondents have not restored him to the post he was holding when the punishment of reduction in rank was imposed upon him. It is further stated that the applicant has not been considered for promotion. These two actions or inactions of the respondents are alleged to constitute disobedience of the Tribunal's judgment.

3. In the reply filed on behalf of the respondents it has been stated that in view of the punishment imposed upon the applicant, he was reverted from the post of Tradesman 'A' to Tradesman 'C' and his name was placed at the appropriate level in the seniority list of Tradesman 'C' and was promoted as Tradesman 'B' with effect from 15.4.1987 on his turn. It is then stated that some delay occurred in the implementation of the Tribunal's order as five departments were involved but now the judgment has fully been complied with. The compliance is indicated in the manner :
(1) he has been reinstated to the post of I/Mech/ (Tradesman 'A') w.e.f. 7.2.1986; (2) he has been given seniority in the grade of Tradesman 'A' w.e.f. 25.3.1966; (3) reckoning his seniority in the grade of Tradesman 'A' w.e.f. 1966 he has been promoted to the post of Technical Supervisor grade II w.e.f. 14.6.1973, the date from which his juniors Kewal Krishan and N. K. Arora were promoted to the said grade; (4) he has been further promoted to the grade of Chargeman II w.e.f. 1.3.1977 when his said two juniors were promoted; and

(5) lastly he has been promoted to the Chargeman grade-I w.e.f. 15.3.1993 when his juniors Kewal Krishan and N. K. Arora were promoted. In support of this plea, order dated 20.5.1994 has been placed as Annexure A-II.

4. It has also been stated in the reply that monetary benefits accruing from the aforesaid actions have also been given and arrears amounting to Rs.74,495/- have been paid on 30.6.1994. Copy of the receipt of that date issued by the applicant has been placed as Annexure A-IV.

5. In the rejoinder affidavit the applicant has not disputed the above facts. He has, however, pleaded in paragraph 4 that vide order dated 22.6.1994 his pay in the post of Technical Supervisor grade-II had been fixed as Rs.392/- per month in the scale of Rs.380-560 while w.e.f. 1.1.1973 the said post had been given the scale of Rs.425-700. In support of the plea he has relied upon orders dated 1.10.1990 and 11.4.1994 issued from the Ministry of Defence, Government of India.

6. With regard to the order dated 1.10.1990 it has been stated in the additional affidavit of Brig. A. Thomas that the same applies to Technical Supervisor grade-II working in the Directorate General of Quality Assurance (Department of Defence Production and Supplies) and does not apply to such staff posted in Defence Research and Development Organisation where the applicant is posted. It is further stated that the order dated 11.4.1994 of course applies to such staff

posted in Defence Research and Development Organisation but the re-fixation of pay has to be done only when the employee exercises option referred to in paragraph 3 of the order. The applicant was sent letter dated 10.10.1994 advising him to exercise the option which he refused to receive. In his supplementary rejoinder affidavit the applicant has denied refusal of the letter alleged to have been sent.

7. It is not necessary to go into the factual controversy of refusal to receive the letter as the order dated 11.4.1994 was not in existence when the judgment was rendered by the Tribunal in the applicant's O.A. On the basis of the position obtaining on that date all the reliefs have been given to the applicant. The respondents cannot, therefore, be said to be in contempt.

8. The respondents' plea that order dated 1.10.1990 does not apply to the applicant is also correct. The applicant is not posted in Defence Production and Supplies Department to which the said order relates.

9. It is also pressed by the applicant that the applicant has not been given due seniority. It is not the case of the applicant that some seniority list has been issued in which he has not been placed at the appropriate place. The allegation is vague and cannot be entertained. The applicant has not disputed that Kewal Krishan and N. K. Arora were junior to him. In the higher posts the applicant has been promoted with effect from the date the said persons were

promoted. It is not the case of the applicant that in the higher posts Kewal Krishan and N. K. Arora are being shown senior to him.

10. In view of the above, the application is dismissed but without any order as to costs. Notice issued is discharged.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

Chairman

25-1-1995

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