

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

CCP No. 5/90 in DA 1862/87

~~O.A.~~ No.

T.A. No.

199

DATE OF DECISION 5.9.1990.

Dr. Sita Ram Sharma Petitioner
Shri N.R.Sharma, Advocate for the Petitioner(s)
 Versus
Lt.Governor of Delhi & ors. Respondents
Shri M.M.Sudan, Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. K. Kartha, Vice Chairman(Judicial)

The Hon'ble Mr. D. K. Chakravorty, Member(Administrative)

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 ? */no*

(Order of the Bench delivered by Hon'ble
 Mr. D.K.Chakravorty, Member(Administrative))

ORDER

herein

The petitioner/is the Original Applicant in
 DA 1862/87 which was disposed of by the Tribunal's
 judgement dated 26.4.89. In the operative part of the
 judgement, the Tribunal quashed the impugned seniority
 list dated 30.10.1987 with the direction to the respondents
 that they should prepare a fresh seniority list in
 strict accordance with the observations and directions
 contained in the judgement dated 29.1.1987 and the
 observations contained in the judgement dated 26.4.89.
 Thereafter, further promotion to the post of Deputy
 Director should be made on the basis of the seniority
 list so prepared.

2. The petitioner filed the CCP 132/89 in the very same Original Application alleging that the respondents did not comply with the aforesaid judgement. The said CCP was discharged with the directions to the respondents that they should expedite the preparation of the final seniority list and consider the case of the petitioner for further promotion as soon as possible but in any event not later than 31st December 1989. In case the petitioner was found suitable for promotion and his juniors had been promoted from an earlier date, he would be entitled to all the benefits from the date his juniors were promoted on a regular basis and he would be entitled to all the consequential benefits flowing therefrom.

3. In the present CCP, the Petitioner has alleged that the final seniority list was not published within the time given by the Tribunal. He has also alleged that the respondents have promoted his juniors to the post of Deputy Director of Education. In this context, he has drawn our attention to an order dated 6-4-87 and another order dated 29.6.88 ^{of the} whereby the respondents promoted some/officers as Deputy Director on purely ad hoc and emergent basis.

4. The respondents have stated in their reply that the final seniority list has been prepared and the petitioner has been promoted as Deputy Director of Education on ad hoc and emergent basis with effect from 23.1.1990. They have produced a copy

of the order passed by them in this regard. As regards the promotion of the other officers, they have contended that it has been made on ad hoc basis.

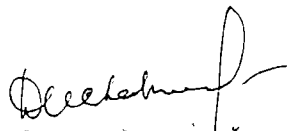
5. We have carefully considered the matter. While it is true that there has been delay in the preparation of the final seniority list as per the directions of the Tribunal, it cannot be said that there had been wilful and deliberate disobedience of the directions given by the Tribunal. The promotion of others on ad hoc basis had been made before the Tribunal delivered its judgement dated 26.4.89. After the judgement was delivered, no ad hoc promotion of any junior was made. The Tribunal's direction in its order dated 18.10.89 in CCP 132/87 in the present Original Application is that the petitioner will be entitled to the benefits of promotion from the date his juniors were promoted on a regular basis. As no regular promotion has been made by the respondents, the question of giving of consequential benefits to the petitioner would not arise in the present CCP.

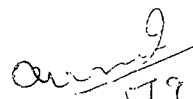
6. The petitioner has retired on 31.1.1990 while the respondents passed the order promoting him on ad hoc basis only on 23.1.1990. Therefore, in a sense, he has not received the fruit of his litigation which is to get the same benefits as that of his juniors who were promoted in 1987 and thereafter. This issue cannot be gone into ⁱⁿ the present CCP as we cannot direct the respondents to promote the petitioner on ad hoc basis from a retrospective date. In case the petitioner

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feels aggrieved, it will be open to him to file a fresh application in this Tribunal in accordance with law, if so advised. ...

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


(D.K.CHAKRAVORTY)
MEMBER
5/15 Sept, 1990


5/17/90
(P.K.KARTHA)
VICE CHAIRMAN