

40

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

C.C.P. NO. 24/92 in
O.A. NO. 310/87

Decided on : 13.1.1992

Ramesh Chand Sharma

... Petitioner

Vs.

R. K. Takkar & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri S. K. Bisaria, Counsel for the Petitioner

ORDER (ORAL)

(Hon'ble Mr. Justice V. S. Malimath) :

The complaint in this case is that the interim order made by the Tribunal on 17.3.1987 has been violated inasmuch as the seniority of the petitioner, which was protected by the interim order, does not stand reflected in the seniority list which has been published in December, 1991. We must bear in mind that the seniority list, apart from the fact that it is only tentative in character and has not yet become a final seniority list, the attempt made by the authorities is not to violate the interim direction of the Tribunal but to give proper effect to the direction contained in the judgment of the Supreme Court. Besides, it is not possible for us to construe the interim order of the Tribunal in the manner in which the petitioner wants us to understand. The petitioner wants us to understand the effect of the interim order as directing the

2

respondents to promote the petitioner on the basis of the alleged seniority which he enjoyed as on the date of the interim order. We do not find any such direction. All that is stated is that the status quo as on the date of the interim order in respect of seniority should be maintained and any promotion made by the respondents shall be subject to the result of the main proceedings. This clearly contemplates promotions being made during the pendency of the original proceedings, and it has been made clear that the promotions made during the pendency of these proceedings, shall be subject to final outcome of the O.A. In other words, promotions can be made during the pendency of the original proceedings. It is undoubtedly true that there is a direction to maintain status quo in respect of seniority as on the date of the interim order. In other words, there is a mandate to the respondents not to disturb the petitioner from the post which he was holding on the date of the interim order on the ground that he is not sufficiently senior to continue in that post. In other words, what is protected is the continuance of the post of the petitioner on 17.3.1987.

2. We are, therefore, of the view that the action taken by the respondents cannot be regarded as one in violation of the interim order. Hence, no action under the Contempt of Courts is called for. The petition is dismissed.

C. C. Jain
(P. C. JAIN)
MEMBER (A)

V. S. Malimath
(V. S. MALIMATH)
CHAIRMAN