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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

C.C.P. NO. 198/91 in  
C.C.P. NO. 17/90 in  
O. A. NO. 905/87

Decided on : 06.01.1992

Jarnail Singh & Anr. ... Petitioners

Vs.

R. K. Takkar & Anr. ... Respondents

CORAM : HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN

HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri N. L. Gupta, Counsel for the Petitioners

Mrs. Avnish Ahlawat, Counsel for the Respondents

O R D E R (ORAL)

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

We are satisfied that the judgment of the Tribunal has since been complied with. A separate cadre for the staff transferred from the Directorate of Technical Education to the Education Department since Education Department has been prepared. The case of the complainants on the basis of the same has also been considered and promotions also accorded to them. Learned counsel for the complainants, however, submits that this cannot be regarded as due compliance, as retrospective effect has not been given to the creation of a separate cadre, directed to be made in pursuance of the judgment of the Tribunal. We do not find any positive direction in the judgment of the Tribunal to create a separate cadre with retrospective effect, though in para 6 of the judgment, it is observed that the order of August, 1986 should be implemented for creating a separate cadre. There is no direction that such a cadre should be created with reference to any retrospective date. The order of August, 1986 also

does not in terms say that a separate cadre should be created with reference to any particular date. In these circumstances, we will not be justified in taking the view that the respondents have contumaciously violated the order of the Tribunal by their not giving retrospective effect to the creation of a separate cadre for the staff transferred from the Directorate of Technical Education to the Education Department. Though, there is some delay, the same has been explained and apology has been tendered. We accept the explanation and apology and drop these proceedings. The rule is, accordingly, discharged. No costs.

*Malimath*

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

( V. S. MALIMATH )  
CHAIRMAN

AS