

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

CP NO. 355/93

in

OA NO. 31/87

New Delhi this the ^{2nd} ~~13th~~ day of ^{March} ~~Feb~~, 1994.

SHRI JUSTICE B.C. SAKSENA, VICE CHAIRMAN.
SHRI S.R. ADIGE, MEMBER(A).

1. R. Duraiswamy
2. Som Dutt Gupta
3. C.L. Wadhawan
4. B.K. Khullar
5. S.T. Hasnain
6. M.R. Verma
7. B.S. Varshney
8. S.K. Khanna
9. P.K. Saha
10. H.S. Hora
11. P.B. Patel
12. S.S. Ganguly
13. A.K. Khurana
14. K.D. Chokshi
15. M.S. Baig
16. Mangat Ram
17. N.C. Chakraborty
18. S.R. Kamde
19. C.N. Subramaniam
20. P.S. Mandal
21. R.D.S. Yadav
22. V.P. Shiv
23. Om Parkash
24. C.S. Rao
25. S.R. Jagwani
26. K.P.S. Senegar
27. B.K. Chakraborty
28. S.M. Kansal
29. A.K. Mohanta
30. R. Devasahayam
31. Shri Chand

(All are Assistant Directors
in Central Water Commission, N. Delhi) ...Petitioners

By Advocate Shri K.L. Bhandula.

Versus

1. Shri C.D. Thatte,
Secretary to the Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi-110001.
 2. Shri M.S. Reddy,
Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi-66.
 3. Smt. R.M. Mathew,
Chairman,
Union Public Service Commission,
Dholpur House,
New Delhi.
- ... Respondents.

By Advocate Shri Jog Singh.

O R D E R

Shri Justice B.C. Saksena

This CCP has been filed by 31 applicants whose names have been indicated in Annexure-I. The applicants claim that the respondents have not given effect to the order passed in O.A. 31/87 (Shri V.P. Mishra Vs. Union of India & Ors). The said O.A. was filed by one Shri V.P. Mishra who was the sole applicant. The present applicants in the CCP were not parties. In O.A. 31/87 filed by Shri V.P. Mishra, a seniority list of Assistant Directors of the office of Central Water Commission which had been issued on 12.9.1985 was quashed. The respondents were directed to draw up a fresh seniority list as on 1.6.85 of Assistant Directors by adopting the principle of determining seniority on the basis of continuous officiation including ad hoc continuous service followed by regular appointment rendered by the applicant and others similarly situated, in the grade of Assistant Director during the aforesaid period (1975-82). It was also provided that the seniority list shall be finalised after giving adequate notice to all concerned

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for objections, if any, within a period of three months from the date of communication of this order. It appears against the said judgement dated 3.8.1988 in O.A. 31/87, the Union of India and others preferred a Special Leave Petition before the Hon'ble Supreme Court. A few others sought permission to intervene. The Hon'ble Supreme Court by its order dated 23.4.1991 permitted the intervention application to be withdrawn since it was indicated by the interveners that they have already filed a Review Petition before the Tribunal. The Hon'ble Supreme Court observed as follows:

"After hearing learned counsel for the petitioners and the respondent-in-person we do not consider it necessary to interfere.

V.P. Mishra was admittedly promoted to the post of Assistant Director on 31.3.78 and on that post his services were regularised with effect from 9.8.82 after the Departmental Promotion Committee approved his appointment. Therefore, he is entitled to seniority with effect from the date on which a vacancy in the promotee quota was available for him. According to the documents produced before us vacancy was available somewhere in 1979. In this view, we are of the opinion that the respondent is entitled to his seniority with effect from 1979 (according to the rules as applicable at the relevant period) against vacancy in his promotee quota and this seniority will be taken into account for purposes of his promotion to the higher post in service".

The Union of India was directed to rearrange the seniority of Shri V.P. Mishra and consider him for promotion and the Special Leave Petition was disposed of in the said terms. Thereafter, the contempt petition filed Shri V.P. Mishra (CCP. 43/89) was disposed of with a direction that the respondents shall comply with the directions given by the Hon'ble Supreme Court in its order dated 23.4.1991.

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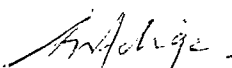
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2. The respondents have taken a plea that on disposal of the said CCP preferred by Shri V.P. Mishra, the sole applicant in O.A. No.31/87, the present application filed by others would be barred by resjudicata. In their reply, the respondents have shown that as per the directions of this Tribunal in its judgement in O.A. No.31/87 as also the directions of the Hon'ble Supreme Court in its order dated 23.4.1991, a fresh seniority list has been issued. The same was circulated by letter dated 19.1.1994 and has been filed along with the reply.

3. The applicants alleged non-compliance and wilful disobedience of the directions contained in the order passed in O.A. No.31/87. They were not applicants in the said O.A. They have, however, claimed that they are similarly situated as Shri V.P. Mishra and, therefore, they are entitled to maintain this contempt petition.

4. After having heard learned counsel for the parties and having gone through the record, we feel that detailed analysis of the facts is not called for. As far as Shri V.P. Mishra is concerned, the directions are shown to have been complied ^{with, but} both as given in the O.A. as also by the Supreme Court in the SLP. since a fresh seniority list has been issued by office memorandum dated 19.1.1994. If the present applicants have any grievance against the same, it would be open to them to make a representation against the same to the concerned authority and if so advised to seek redressal of their grievance in respect of the seniority position assigned to them by filing an O.A.

5. With these observations, the CCP is disposed of.
No costs.


(S.R. ADIGE)
Member(A)


(B.C. Saksena)
Vice Chairman(J)