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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CCP-358/92 in
OA-1047/87

New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri M.P. Singh,
S/o late Shri K.B. Singh,
R/o C-197, Pushpanjali Enclave,
Pitampura, Delhi-34. Petitioner

(through Sh. S.S. Tiwari, counsel)

versus

1. Shri Nirmalendu Biswas,
Secretary(TD) and Director General(TD),
Directorate General of Tech. Development,
Udyog Bhawan, New Delhi.

2. Shri Surinder Singh,
Secretary,
Ministry of Industry,
Udyog Bhawan,
New Delhi.

Respondents

(through Sh. V.S.R. Krishna, counsel)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

By a common judgement dated 31.10.1990
this Tribunal disposed of O.As No. 818/87, 1047/87,
1070/87 & 1390/88. This contempt petition arises out
of the judgement given in O.A. No.1047/87. At this
stage, we may also note that in O.A.No.1390/88 Sh.
S.V. Bhopardikar was the sole applicant.

In O.A.No.1047/87 there were three
applicants. They were, (1) Sh. N.G. Basak (2) Sh.
A.N. Rao and (3) Sh. M.P. Singh.

The present contempt petition has been
filed by Sh. N.G. Basak and Sh. M.P. Singh. The
complaint in this petition is that the directions given

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by this Tribunal in its judgement dated 31.10.90 have not been fully carried out. The last paragraph of the judgement wherein the directions are contained is as follows:-

"In the result, therefore, we are of the view that the applicants in these O.As. are entitled to have their seniority computed afresh from the date of their initial appointments on being regularised. We, therefore, allow these O.As accordingly and direct the respondents either to correct the seniority list of 1984 or to draw a fresh seniority list in the light of the judgement. The applicants will be entitled to consequential benefits as well."

In the counter-affidavit filed on behalf of the respondents, it is averred that in pursuance of the directions given by this Tribunal, an order was passed on 24.8.1994 appointing Sh. M.P. Singh, one of the applicants, to the post of Deputy Director General (Chem.) with effect from 5.1.1989 on notional basis.

The grievance is that even though the promotion has been given to the applicant w.e.f. 5.1.1989, payment has not been made to him from that date. It is asserted that Sh. S.V. Shopardikar, the applicant in O.A.No.1390/80, though similarly situated

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as the applicant (Sh. H.P. Singh) has been given notional promotion but he has been paid the emoluments from the date of promotion. This, according to the applicant, is in violation of the directions given by this Tribunal because the Tribunal made it clear that the applicant would be entitled to consequential benefits if he is given a notional promotion. The order dated 24.1.1994 passed in O.A.No.1090/88 runs as follows:-

"Having regard to the delay in implementing the judgment and the special facts and circumstances of this case, we consider it appropriate, while granting one month's time for full compliance and to pay the arrears, to make it clear that in the event of the petitioner held entitled to promotion from any date prior to his retirement on 31.5.1993, he shall be entitled to arrears at any rate from 1.3.1992 till the date of retirement and for re-computation of his pension and arrears of pension and retirement benefits on that basis. We would like to make it clear that we have made these directions having regard to the special facts and circumstances of this case, and the directions in this case

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cannot, therefore, be regarded as a precedent to be followed in other cases"

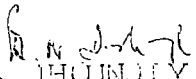
The learned counsel for the respondents has stated that Sh. Bhopardikar has been paid from the date of notional promotion in compliance of the afore-quoted order of this Tribunal. A mere reading of the afore-quoted order show that it was passed as a special case in the case of Bhopardikar and the Tribunal made it clear that it will not be regarded as a precedent. Therefore, the applicant Sh. M.P. Singh is not justified in making a grievance that he should be placed at par with Sh. Bhopardikar in the matter of payment from the date of notional promotion.

So far as the other applicant in this contempt petition is concerned, it is stated by the learned counsel that he has retired from service on 31.12.1993.

In view of the circumstances stated above and in view of the fact that the directions of this Tribunal in so far as it relate to the applicant have been carried out, no useful purpose would be served in going ahead with this contempt petition. The proceedings are dropped.

Notices issued to the respondents are discharged.

No costs.


(B.N. DHUNDIYAL)
MEMBER(A)


(S.K. ZHAON)
ACTING CHAIRMAN

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