

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CCP-71/89 <sup>NEW DELHI</sup> In

O.A. No. 1147/88  
T.A. No.

198

DATE OF DECISION 29.1.1990.

Shri R.D. Gupta & Others Applicant (s)

Shri E.X. Joseph Advocate for the Applicant (s)

Versus

Union of India Respondent (s)

Shri D.P. Malhotra Advocate for the Respondent (s)

CORAM :

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

✓ CCP no 71/1989  
O.A No 1147 OF 1988  
The CCP has orders to be made  
on 12.12.1989. It is not in  
the list may please be made  
on 19.12.1989

By order dated 13.1.1989, the Tribunal referred the application to the Hon'ble Chairman for constituting a Larger Bench to consider the points raised in para.36 of the judgement. In para.37 of the judgement, an interim order was passed to the effect that in case the respondents want to make promotion of UDCs to higher posts, the same should be on the basis of a fresh seniority list prepared in accordance with Regulation 28 (2) of the Employees

or

6/66

State Insurance Corporation (Recruitment) Regulations, 1965 read with Principle No.5 of O.M. dated 22.12.1959 issued by the Ministry of Home Affairs. Any such promotion would also be subject to the decision of the Larger Bench of the Tribunal and the promotees should be specifically informed about the same.

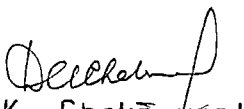
3. It has been alleged in the petition that the respondents issued Office Order dated 31.3.1989 promoting some persons from the post of U.D.C. to that of Assistant (Annexure A-2, pages 13-21 of the paper-book). According to the petitioners, the revised seniority list on the basis of which the promotions had been ordered, is violative of <sup>the</sup> judgement and order of this Tribunal dated 13.1.1989. They have given certain examples in this regard in the petition.

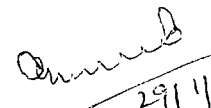
4. The respondents have stated in their reply to the petition that the promotions were made on the basis of a revised seniority list prepared in pursuance of the directions contained in the judgement dated 13.1.1989.

5. We have gone through the records and have heard the learned counsel for both the parties. The version of the respondents is that they have implemented the orders of this Tribunal according to their understanding sincerely and honestly and that there was no wilful or deliberate disobedience on their part. In this context, they have drawn attention to the notes appended to the office order dated 31.3.1989 according to which, the promotions have been made on purely temporary and ad hoc basis without prejudice to the right of their seniority. The promotions have been made on the basis of a revised seniority list prepared provisionally. The promotions are subject to the decision of the Larger Bench of the Tribunal.

6. The Larger Bench of the Tribunal delivered its judgement on 7.8.1989 and thereafter, a Division Bench consisting of one of us (P.K. Kartha) had finally disposed of OA-1147/88 by judgement dated 21.12.1989, whereby the respondents have been directed to revise the seniority and consider the promotions of the eligible officers on the basis of the orders and directions given by us.

7. On a careful consideration of the matter, we are satisfied that the respondents have not wilfully and deliberately flouted the orders passed by this Tribunal on 13.1.1989. The C.C.P. is, therefore, discharged. The parties will bear their own costs.

  
(D.K. Chakravorty)  
Administrative Member  
29/1/1990

  
29/1/90  
(P.K. Kartha)  
Vice-Chairman(J)