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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No .378/92& MA No.632/94 in OA No.2462/89

New Delhi this the 17th Day of August, 1994.

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

Shri R.D.Sharma
S/o Shri Bhagwan Sharma
R/o 323 Janta Flats
Nandnagri
Delhi. Petitioner

BY ADVOCATE SHRI J.P.VERGHESE.

Vs.

Shri R.K.Thakkar
Chief Secretary,
Delhi Administration
5 Alipur Road
Delhi 110 054 . . . Respondents

BY ADVOCATE SHRI B.S.GUPTA.

ORDER(ORAL)
Justice S.K.Dhaon:

MA No.632/94

Shri Verghese states that he does not press this application. MA is dismissed.

CP No.378/92

The complaint in this contempt petition is that the direction given by this Tribunal in OA No.2462/89 on 22.4.1992 has not been complied with.

2. In OA No.2462/89 apart from Shri Ram Dev Sharma, there were four other applicants. This petition has been filed by Shri Ram Dev Sharma alone. The remaining four applicants in the OA have made an application for being made co-petitioners in this contempt petition. However, the said application has not been pressed by the learned counsel for the petitioner. We are, therefore, left with the pleadings of Shri Ram Dev Sharma alone.

3. It appears that Shri Ram Dev Sharma was employed as a Librarian on fixed salary of Rs.660/- in the Sanatna Dharma Ayurvedic College.

For one reason or the other, the college could not run and it was taken over by the Delhi Administration. The employees therein were declared surplus.

4. In paragraph 13 of the judgement of this Tribunal, it is recited that after April 1991, the petitioner Shri Ram Dev Sharma was declared surplus. The crucial words are:

" Accordingly, the application is disposed of with a direction to the respondents to treat the applicants as the employees of the Delhi Administration who have been rendered surplus consequent upon the closure of the Sanatna Dharma Ayurvedic College with effect from April, 1991."

5. There is no dispute that the petitioner, Shri Ram Dev Sharma has been paid arrears of his salary etc. from the month of April, 1991. It is vehemently contended on behalf of the petitioner that the date of the take-over is really some time in Oct., 1986 and, therefore, the Delhi Administration was liable to pay him the salary etc. from the date of the take-over. It is not necessary for us to record a finding as to what was the actual date of the take-over. However, from a reading of the judgement of this Tribunal it is manifest that the Tribunal intended that the liability of the Delhi Administration will begin from April, 1991 onwards. We are informed at the Bar that the precise controversy raised on behalf of the petitioner regarding the date of actual take-over and the liability of the Delhi Administration from that date is engaging the attention of the Supreme Court. If that be so, the decision of the Supreme Court will be given effect to if and when the occasion arises. For the purpose of the present contempt petition, we record a finding that the respondents

have complied with the direction of this Tribunal in so far as payment has been made to Shri Ram Dev Sharma from April 1991 by the Delhi Administration.

6. The second grievance is that the second part of the direction which runs as follows:

"The applicants shall be given alternative placement in posts in the Delhi Administration commensurate with their qualifications and experience in accordance with the scheme to be prepared by them, as directed in the judgement of this Tribunal dated 25.10.1991 in Smt. Nirmal's case"

has not been complied with.

7. The respondents have brought to our notice, a copy of the decision/resolution wherein it is recited that keeping in view the aforesaid direction of this Tribunal, the petitioner has been given the post of Assistant Librarian(Junior) in the pay scale of Rs.975-1040. Again, the grievance is that having regard to the qualifications and experience of the petitioner, the post of Assistant Librarian(Junior) offered to him is a mere eye-wash and in substance the direction of this Tribunal has been violated. The emphasis is on the observations of this Tribunal "the applicants shall be given alternative placement in posts in the Delhi Administration commensurate with their qualification and experience". It appears to be the case of the respondents that having regard to the exigencies of the situation no other suitable post is available for the moment wherein the petitioner may be accommodated. Counsel for the respondents urged that the petitioner having been employed in the Sanatna Dharma Ayurvedic College on a fixed salary of Rs.660/- per month and he having been given the pay scale of Rs.975-1040/-, there can be no ground for any grievance at all. On the whole,

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we are satisfied that the second part of the direction has been substantially complied with.

8. The net result is that this contempt petition has no legs to stand upon. It is accordingly dismissed. Notice of contempt is discharged.

9. There shall be no order as to costs.

B.N.Dhundiyal
(B.N.DHUNDIYAL)
MEMBER(A)

S.K.Dhaon
(S.K.DHAON)
ACTING CHAIRMAN

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