

22

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. NO. 90/92 in
O.A. NO. 531/89

DECIDED ON : 15.5.1992

Mohan Lal & Ors.

... Petitioners

-Versus-

M. K. Rao

... Respondent

CORAM : THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Petitioner through Shri B. L. Madhok, proxy counsel
for Shri B. S. Mainee, counsel

Shri Shyam Moorjani, counsel for the Respondent

ORDER (ORAL)

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

The respondents have filed a reply stating that they have since complied with the judgment of the Tribunal. They have, in support of their stand, produced two orders in this behalf. The first order is dated 21.4.1992 wherein it is stated that as per the judgment of the Tribunal, the cases of Shri Mohan Lal and Shri Harcharan Singh, Sr. Clerks, were considered. It is stated that there is no junior employee to them who has been promoted as Head Clerk. It is further stated that promotion orders of Shri Mohan Lal as Head Clerk with immediate effect as per seniority position determined with effect from June, 1981 as Clerk and 8.1.1987 as Sr. Clerk will be issued along with other senior employees who are due for promotion as Head Clerk. They have also produced as per Annexure R-2 another order giving promotion to Shri Mohan Lal as Head Clerk. The clear effect of the stand taken by the respondents in the reply and the orders produced by them is that none juniors to the petitioners have been promoted and as far as Shri Mohan Lal is concerned, he has now been

23

given promotion along with other seniors in accordance with the seniority as determined in the judgment of the Tribunal. But it was maintained by the learned counsel for the petitioner that this does not amount to compliance with the judgment of the Tribunal. It was stated that there are others who are juniors to the petitioners, who are in the higher cadre, which shows that the petitioners' case for promotion has not been considered as on the date on which their juniors were promoted. In support of this claim, they have relied upon what is ~~prescribed~~^{also} as provisional seniority list of Head Clerks. In the said list, the date of original appointment has been given as also the date of promotion as Head Clerk. The date from which the respective persons were promoted to the feeder category of Head Clerks, i.e., seniority in the category of Sr. Clerks has not been given. Hence, the petitioners cannot place any reliance on the said list as it is ^{also} not a final list but only a provisional list.

The material produced by the petitioners in the rejoinder is not, therefore, sufficient or satisfactory. It is proved by the stand taken by the respondents that none juniors to the petitioners were promoted. In these circumstances, we are inclined to believe the statement of the respondents and to hold that the judgment has been complied with. These proceedings are accordingly dropped.

(P. C. Jain)
Member (A)

(V. S. Malimath)
Chairman