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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

C.C.P. No.186/92
in O.A. 642/89.

DATE OF DECISION: 7-7-1992.

Shri S.K. Chopra and 17 Others Petitioners.

V/s.

Union of India Respondents.

CORAM: Hon'ble Mr. T.S. Oberoi, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

Shri R. Dora iswamy, counsel for the petitioners.

ORDER:

All the 18 petitioners in this C.C.P. claim to have been respondents in O.A. 642/1989, which was decided by judgment dated 8.11.1991. The aforesaid O.A. was filed by one Shri Vikram Aditya, seeking review of the seniority list prepared by the respondents in implementation of the judgment delivered by the Calcutta Bench of CAT in Dilip Kumar Goswami Vs. Union of India and Others (1987 (2) A.T.C. 155) decided on 12.9.1986. The applicant in the O.A. in the judgment dated 8.11.91 was given the following reliefs: -

" Keeping in view the ratio in Narendra Chadha's case and the facts and circumstances of the case, we partly allow the ~~allow~~ the application and order and direct as follows: -

(i) The impugned order of reversion of the applicant from the post of Deputy Director to that of Assistant Director, Grade I, is hereby set aside and quashed. The respondents shall create a supernumerary post of Officer on Special Duty (O.S.D.) in the scale of pay of Deputy Director and accommodate the applicant in the said post w.e.f. 6.4.1984. He would be entitled to the annual increments admissible on the post of Deputy Director from 6.4.1984 to date as also difference in the pay and allowances of the post of Assistant Director Grade I and Deputy Director from 6.4.1984 to date. The respondents shall pass the necessary orders accordingly within a period of two months from the date of communication of this order."

Another direction was also issued as below: -

"(ii) The respondents shall, within the aforesaid

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period of two months, also review all promotions made from the post of Assistant Director to that of Deputy Director in the light of the new seniority list prepared in accordance with the judgement of the Calcutta Bench of the Tribunal in Dilip Kumar Goswami's case, 1987 (2) A.T.C. 155, if this has not already been done. If any officer is found to be entitled to be so promoted, he shall be given such promotion when he would have been promoted in accordance with the new seniority list."

2. The contention of the petitioners in the C.C.P. is as below: -

" That the 18 applicants herein, had filed their counters in the O.A. and they were heard before the judgment dated 8.11.91 was given and the judgment recognises their rights to be considered for promotion vis-a-vis the applicant Shri Vikram Aditya, as the applicants in the present C.C.P. who were respondents in O.A. No.642/89 are senior to the applicant as per the recast seniority list. Consequently non-implementation of para 9(ii) of the judgment dated 8.11.91 vitally affects these 18 applicants."

3. From the above, it is clearly seen that the petitioners herein are claiming benefit on the basis of the relief given to the applicant in O.A. No.642/89, and not in terms of the direction (ii) in para 9 of the judgment in the said O.A. A careful perusal of the direction given in the judgment and reading the judgment as a whole, it is clear to us that the judgment of the Tribunal in the aforesaid O.A. did not pass any order so as to allow any relief to the respondents therein (petitioners herein) with reference to the relief granted to the applicant in the O.A. It is further clear from the facts that the applicant was allowed relief by giving a direction to the official respondents to create supernumerary post of Officer on Special Duty (O.S.D.) in the scale of pay of Deputy Director; the direction was not to promote the applicant to the cadre post of Deputy Director. Further, there is no direction in the judgment to upset or to revise the seniority list prepared in accordance with the judgment of the Calcutta Bench of the Tribunal in Dilip Kumar Goswami's case (supra).

Thus, if the aforesaid seniority list was not to be affected, the petitioners herein could not have been given any relief contrary to their rights as per the seniority list.

4. In the light of the foregoing discussion, we are of the view that the C.C.P. is not maintainable and it is accordingly rejected at the admission stage itself.

(P.C. JAIN) 7/7/92
(P.C. JAIN)
MEMBER(A)

(T.S. OBEROI) 7.7.92
(T.S. OBEROI)
MEMBER(J)