

73

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P.No.96/94 in  
O.A.NO.1921/90

Hon'ble Shri Justice S.C.Mathur, Chairman  
Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 29th day of May, 1995

Shri P.V.Subba Rao  
s/o Shri P.Satyarayana,  
Research Assistant,  
Department of Environment & Forests & Welfare  
Ministry of Environment & Forests  
Paryavaran Bhavan,  
New Delhi. .... Applicant

(By Shri C.L.Narasimhan, Advocate)

Versus

Shri R.Rajamani  
Secretary  
Govt. of India  
Department of Environment  
Forests & Wild Life  
Ministry of Environment & Forests  
Paryavaran Bhawan  
New Delhi. .... Respondent

(By Shri E.X.Joseph, Advocate)

Q R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

The applicant alleges disobedience by the respondents of the Tribunal's order dated 26.4.1991 passed in OA No.1921/90.

2. The applicant was appointed as Research Assistant on 11.9.1984. By order dated 8.5.1990, his services were terminated. The applicant was aggrieved by that action of the Administration. He accordingly, approached this Tribunal through OA No.1921/90. In the said application, the applicant pointed out that Juniors to him had been regularised while his case for regularisation had not been referred to the Union Public Service Commission(UPSC). The applicant's plea was that he had been discriminated against and the order of termination of service was illegal. The

34

Tribunal agreed with the submission of the applicant and vide its order dated 26.4.91, quashed the order of termination of service and directed the Government to refer the case of the applicant to UPSC for regularising his services. It was also observed that while doing so they shall, if necessary, relax the upper age limit for appointment as Research Assistant and his regularization shall be on the basis of the evaluation of his work and conduct based on his Annual Confidential Reports(ACR), as was directed by the Supreme Court in Dr.A.K.Jain's case. In compliance of this order the administration passed an order dated 23.5.1991 reinstating the applicant. The case of the applicant was referred to Union Public Service Commission and thereafter, an order was passed on 28.1.1992, appointing the applicant on regular basis as Research Assistant w.e.f. 27.12.1991. It has also been provided in the order that the applicant shall be on probation for a period of two years w.e.f. 27.12.1991. The applicant's plea is that he had joined the services on 11.9.1984 and on the basis of the judgment in Dr. A.K.Jain's case, he was entitled to regularization of his service w.e.f. the said date. The disobedience alleged is to the extent that the regularization instead of being made effective from 11.9.1984 has been made effective from 27.12.1991.

3. The Contempt Application has been opposed on behalf of the respondents. The learned counsel for the respondents points out that in the judgment of the Tribunal reference has been made to Dr.A.K.Jain's judgment for a limited purpose, that purpose being the basis on which the regularization was to be made. He points out that the Tribunal directed that the regularization shall be on the basis of the evaluation of his work and conduct based on his

Annual Confidential Reports. This was the method of regularisation directed in Dr.A.K.Jain's case also. The tribunal did not direct that the regularisation shall be w.e.f. the date of initial entry of the applicant into the services. We find substance in the submission of the learned counsel. Accordingly, we are of the opinion that no contempt has been committed.

4. Learned counsel for the applicant however, invited our attention to certain observations made in the Tribunal's judgment, wherein discrimination alleged by the applicant was held to have been established. On the basis of these observations, the learned counsel has submitted that the applicant was entitled for regularisation from the date of his initial entry into the service or atleast from the date juniors to him namely, Shri S.N.Satpal and Shri Monorathan Hota were regularised. It may have been the applicant's claim in the Original Application but no such direction was issued by the Tribunal.

5. In view of the above, the Contempt Application lacks merit and is hereby dismissed. There shall be no order as to costs. Notice issued is hereby discharged.

P.J. 25

(P.T.THIRUVENGADAM)  
MEMBER(A)

*S. Mathur*  
(S.C.MATHUR)  
CHAIRMAN

/RAO/