

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL VENUE
NEW DELHI

C.P. NO. 122/94
M.A. NO. 1252, 1253/94
IN
O.A. NO. 115/90

New Delhi this the 10th day of October, 1994

CORAM :

THE HON'BLE MR. JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

1. Gurbachan Singh,
S-IV/576, Timarpur,
Delhi - 54.
2. Harbans Lal Anand,
C-1/48, Malika Ganj,
Delhi - 7.
3. J. S. Chowhan,
E-449, Dev Nagar,
New Delhi - 5.
4. K. S. Pathania,
S-II/94, Sadig Nagar,
New Delhi - 49.
5. L. N. Bala,
L-221, Sarojini Nagar,
New Delhi - 23.
6. Radha Krishan Gaur,
A-5/198-C DDA Janata Flats,
Paschim Vihar,
New Delhi - 110063.
7. R. K. Sood,
99-MS/III, Timarpur,
Delhi - 54.
8. R. S. Lamba,
H. No.33, Lal Katra,
Subzi Mandi, Delhi-7.
9. Rajinder Singh,
D-90, Fateh Nagar,
New Delhi - 18.
10. Shyam Lal,
34/2, Rajendra Nagar,
New Delhi - 60.
11. Vas Dev Sharma,
I-301, Sarojini Nagar,
New Delhi - 23.
12. K. L. Pajni,
PA/DD Rajbhasha Air Hq.,
R. K. Puram, New Delhi-23.

... Applicants

By Advocate Shri G. K. Aggarwal

Versus

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(53)

1. Shri K. A. Nambiar,
Defence Secretary,
South Block,
New Delhi - 110011.
2. Ms. Mala Srivastava,
Chief Administrative Officer &
Joint Secretaries (Admn.),
C-II Hutments, South Block,
New Delhi - 110011. ... Respondents

By Sr. Advocate Shri P. H. Ramchandani

ORDER (ORAL)

Mr. Justice S. C. Mathur, Chairman —

The applicants allege disobedience by the respondents of this Tribunal's judgment and order dated 8.11.1991 passed in O.A. No. 115/90.

2. The applicants were working on the post of Lower Division Clerk in the Armed Forces Headquarters Clerical Service. By notification dated 22.12.1970, Armed Forces Headquarters Stenographers Service Rules, 1970 were enforced. These Rules contemplated creation of the cadre of Stenographers Grade 'D'. The applicants opted to join this new Service. Upto 31.7.1972 they remained in the cadre of LDCs and with effect from 1.8.1972, they joined the cadre of Stenographers Grade 'D'. It appears that there was certain dispute regarding assignment of seniority in the LDC cadre. The dispute was taken to the Delhi High Court and later before their lordships of the Supreme Court. A perusal of the judgment of this Tribunal dated 8.11.1991 of which disobedience is alleged, shows that the dispute raised in the said proceedings related to the manner of counting seniority — whether it was to be counted from the date of continuous officiation, or from the date of confirmation. A learned Single Judge of the

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Delhi High Court held that seniority was to be counted from the date of continuous officiation. This was affirmed in appeal by their lordships of the Supreme Court. The applicants' counsel avers that the O.A. had been filed before this Tribunal for giving the benefit of the judgment of the Supreme Court to the applicants also. This Tribunal while directing the benefit of the judgment of the Supreme Court to be given to the applicants, also made the following observations :-

"11. We, therefore, allow these applications and dispose them of with a direction to the respondents to redetermine the seniority of the applicants and those similarly situated including those who have retired from service and review their cases for promotion in the light of the revised seniority list.....We further direct that the applicants and those similarly situated would be entitled to all consequential benefits, including arrears of pay and allowances due to them..." (Emphasis supplied).

3. The applicants do not dispute that the seniority of the applicants in the Armed Forces Headquarters Clerical Service has been redetermined. To this extent, therefore, there is no dispute between the parties that the judgment of this Tribunal has been complied with. The learned counsel for the applicants, however, submits that under the judgment of this Tribunal the applicants are entitled to consequential benefits also which have not been given to them. The learned counsel does not dispute that whatever consequential benefits the applicants were entitled to in the LDC cadre, they have been given to them. His submission is that the consequential benefits accruing to the applicants in the Stenographers Service have not been given.

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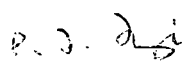
4. From the Rules of 1970, a copy of which has been annexed with the application, it is apparent that there are several sources of recruitment to the cadre of Stenographers Grade 'D'. In the earlier application, there was no dispute raised between the LDCs and the Stenographers. The dispute related to determination of seniority in LDC cadre. Accordingly, the expression 'consequential benefits' used in the judgment of this Tribunal will have to be confined to the benefits accruing in the LDC cadre. The contention now raised by the applicants is a fresh one and was not the subject matter of the earlier proceedings. If the petitioners' claim is that on the basis of redetermination of their seniority in the LDC cadre they are entitled to some benefit in the Stenographers cadre, they can make a fresh application before the appropriate forum. The respondents cannot be said to have contumaciously disobeyed the judgment of this Tribunal if they denied promotion and monetary benefits to the applicants in Stenographers Gr. 'D' cadre.

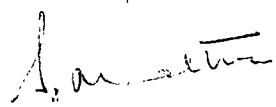
5. It also needs to be pointed out that certain persons whose cases were disposed of by the judgment of which disobedience is alleged, approached this Tribunal with contempt applications alleging that the judgment of this Tribunal had not been complied with. Those contempt applications were disposed of by order dated 5.4.1994. Prior to that date, the present application had been filed on 23.3.1994. It is unfortunate that the applicants did not bring the fact of filing of the present application to the notice of the Bench which dealt



with the earlier contempt applications. If the pendency of this application had been brought to the notice of the Bench, this application could also have been disposed of by the judgment and order dated 5.4.1994. The learned counsel for the respondents is justified in submitting that the administration cannot be involved in several contempt cases in respect of the same judgment. He points out that the applications which were disposed of by judgment dated 5.4.1994 were also made by the same learned counsel who has made the present application.

6. In view of the above, this contempt application is rejected and the notice issued is discharged.


(P. T. Thiruvengadam)
Member (A)


(S. C. Mathur)
Chairman

/as/