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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

C.P.No. 149/95

IN

O.A.No. 1546/90 New Delhi: the 25th April, 1996.

HON'BLE MR.S.R.ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Bhagwan Chandwani,
R/o CD-5IC, DDA Flats,
Hari Nagar,
New Delhi -110064
.....Applicant.

By Advocate Shri D.R.Ray.

Versus

1. Shri Lalit Kumar Sinha,
Former General Manager,
Northern Railway, Baroda House,
New Delhi -110003.

2. Shri V.K.Agarwal,
Present General Manager,
Northern Railway,
Baroda House,
New Delhi -110003

.....Respondents.

By Advocate Shri B.K.Agarwal.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A).

In this C.P. wilful and deliberate disobedience has been alleged of the Tribunal's judgment dated 17.8.94 in O.A.1546/90 B.Chandwani Vs. UOI.

2. The operative portion of that judgment reads thus:

"Accordingly, we dispose of this OA with the declaration that the applicant shall be treated to have resigned from the Railways only w.e.f. 22.12.87 i.e. the date from which the impugned Annexure-A3 notice was issued. The Annexure A-3 notice shall be read subject to this declaration. It is open to the respondents to take up the matter, if they so choose,

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that:

- "a) His promotion as Chief Draftsman in the Grade of Rs.2000-3200(RPS) was not due as his junior Shri S.P.Khurana was promoted after 22.12.87. For adhoc promotion, promotion on the basis of NBR cannot be given to an officer working out of the regular line. Promotion to the post of Chief Draftsman is given by a positive act of selection. Shri Harinder Pal Singh is junior to Shri S.P.Khurana.
- b) His monthly salary has been refixed raising his pay from Rs.2200/- to Rs.2250/- and accordingly his dues have been paid.
- c) Calculation of settlement due and payment of arrears have been made.
- d) His service certificate has since been issued."

6. In so far as ^{para} 3(a) above is concerned, the applicant in his rejoinder has admitted that the promotion to his junior in the department was given w.e.f. 28.2.86 on purely adhoc basis, and this fact is corroborated by the applicant himself by filing letter dated 11.4.86 (Annexure-C9) with his rejoinder. In that letter, the applicant was asked whether he would like to go back and he signified his willingness in writing on the body of that letter on 16.4.86 to go back but it is clear that he subsequently changed his mind because in the judgment dated 17.8.94, it has been noticed that he sought to sever his connection with the Railway-department on 17.9.86.

7. Manifestly the applicant cannot now seek through this CCP what he had not ^{specifically} sought in the OA No. 1546/90 itself, ^{and on which the Tribunal gave} no specific directions."

22

8. There are no materials on record to indicate that the respondents have wilfully or deliberately disobeyed the Tribunal's judgment dated 17.8.94 in O.A.No.1546/90. The CCPis dismissed and the notices against the respondents are discharged.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J).

S.R. Adige
(S.R.ADIGE)
MEMBER (A).

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