

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP.No.177 of 1998
in
O.A.No.294 of 1990

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New Delhi, this 23rd day of February, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN(J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

R.H. Singh
F-125/2, New Area
Ordnance Factory Estate
Raipur
Dehradun (U.P.)

... Petitioner

By Advocate: Shri D.S. Garg.

versus

1. Shri B. K. Sharma
General Manager
Ordnance Factory Estate
Dehradun.
2. Shri V.N. Pattabhiraman
Chairman and Director Guard
Ordnance Factory Board
10-A Auckland Road
Calcutta.
3. Shri T.S. Vijayaraghawan
Secretary to G.O.I.
Ministry of Defence
South Block
New Delhi.

... Respondents

By Advocate: Shri V.S.R. Krishna

O R D E R (ORAL)

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

Heard learned counsel for the petitioner and the respondents.

2. The grievance of the petitioner is that the directions issued by this Tribunal in OA.294/90 dated 16.9.1997 have not been carried out in full. It is contended that in pursuance of the directions of the

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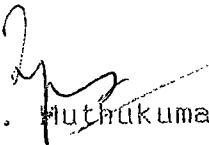
Tribunal to conduct a Review D.P.C. to implement the orders of the Full Bench and decide the date of promotion of the petitioner as well as two of his juniors, the respondents have drawn up a fresh seniority list showing the position of the petitioner and his juniors. In the said seniority list the date of promotion was shown as 30.4.83 of the petitioner as well as his juniors. Not satisfied with the said seniority list, it is contended by the learned counsel for the petitioner that as the petitioner's juniors were shown as promoted with effect from 2.4.82 in the earlier proceedings dated 19.3.90 in view of the clear directions given by the Tribunal the petitioner ^{should} have also been shown as promoted on 2.4.82. The learned counsel for respondents submits that the date of promotion shown as 2.4.82 of the juniors to the petitioner were reviewed by the Review D.P.C. conducted in pursuance of the judgment in the above O.A. and a fresh seniority list has been drawn up showing the seniority of the juniors to the petitioner also as 2.4.82. Hence the petitioner is not entitled for promotion ^{as} on 2.4.82. As per the directions of this Tribunal, learned counsel for respondents submits that the petitioner was paid all the benefits with retrospective effect ^{for} ~~as~~ are due to him. There is no substance in the contention of the learned counsel for the petitioner. ^{or is time for} The Tribunal in its judgment had clearly stated that the petitioner was entitled for promotion with effect from the date when his juniors were promoted. ^{and also} It is true that his juniors earlier were shown as having been promoted with effect from 2.4.82, but it

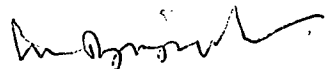
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should be noticed that in pursuance of the Full Bench judgment a Review D.P.C. had been held and dates of promotion of the petitioner's two juniors were re-drawn as having been promoted only with effect from 30.4.83.

3. We are satisfied that the directions given by this Tribunal have been fully complied with and no contempt is made out. The question of recovery of arrears from the other people is not a subject matter of contempt. It is for the respondents to take action as per law. This C.P. is dismissed and notice discharged.


(K. Muthukumar)
Member(A)


(V. Rajagopala Reddy)
Vice Chairman(J)

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