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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A.No.207/94 in
CCP No.212/92 in
OA 115/90 and
MP No.901/93 in
CCP No.212/92 and
also in CCP No.294/93
in OA No.115/90.

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New Delhi, this the 9th June 1994.

HON'BLE JUSTICE V.S.MALIMATH, Chariman.
HON'BLE SHRI P.T.THIRUVENGADAM, Member(A).

1. Shri J.S.Sandhu
s/o Shri Jagir Singh,
r/o 179, Vikas Kunj,
Vikaspuri, New Delhi.
2. Balbir Singh
s/o Shri Banta Singh
r/o H-156, Nanakpura,
New Delhi.
3. Jaswant Singh Sachdeva
s/o Shri Hardayal Singh,
r/o Qr.No.125, Sector 4,
RK Puram, New Delhi.
4. Janardan Pandey
s/o Shri SM Pandey,
R/o E-79, Sarojini Nagar,
New Delhi.
5. Nagender Nath Sharma
s/o Late Pt.Siri Ram,
R/o H-18/459, Kali Bari Marg,
New Delhi.
6. J.P.S.Gandhi
s/o late Shri Kishan Singh,
r/o 582, Vaishali Apartments,
'F' Block, Vikaspuri, N.Delhi.
7. M.M.Lal
s/o Shri Ram Rakha Mal,
R/o D-610, Sarojini Nagar,
New Delhi.

(By Shri B.B.Raval, Advocate)

..Applicants.

Versus

1. Union of India
through the Secretary,
Ministry of Defence,
Govt. of India,
South Block, New Delhi.
2. The Joint Secretary (Adm.)
& Chief Administrative Officer,
Ministry of Defence,
C-II Hutments, DHQ P.O.
New Delhi.

..Respondents

✓ (By Shri P.H.Ramchandani, Advocate)

(By circulation)

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ORDER
HON'BLE SHRI P.T. THIRUVENGADAM, MEMBER (A)

This Review Application has been filed by the seven applicants in MP No.901/93 in CCP No.212/92 in O.A.No.115/90.

2. The Miscellaneous Petition referred to was filed mainly seeking seniority to the petitioners from the date of joining as L.D.C/equivalent in lower formation in Defence Ministry and not just from the date of their joining the Armed Forces Headquarters. The consequential benefits by way of promotion and payment of various allowances have also been prayed for.

3. While disposing of the above M.P. alongwith CCP No.212/92 and 294/93, we had observed in para 5, as under:-

"There is grievance of some of the petitioners in the two CCPs and the MP that their seniority has not been determined taking into consideration the length of service rendered by them in the cadre of Lower Division Clerks. According to some of them, they are entitled to seniority from earlier dates and that the respondents have unreasonably denied the benefit of entire length of service rendered by them. The respondents have, however, submitted that there are good reasons for doing so and that they are entitled to take into account as to what should be the date that can be regarded as continuous service which qualifies for the purpose of seniority. One thing which we are

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assured by the respondents is that in none of the cases seniority has been determined taking into consideration the dates on which they were confirmed. There are divergent of views in regard to what is the correct date of continuing service which would qualify for the purpose of seniority. On this matter, we find that there is no decision recorded by the Tribunal in its judgement. The Tribunal only enunciated the general principles and left the entire matter to be examined by the authorities and hence it would not be right to take the view that the respondents have committed the contempt merely because the petitioners assert that the wrong dates have been taken into consideration in that behalf. As far as the general principles laid down by the Tribunal are concerned, they having been followed their action cannot be regarded as contumacious justifying under the Contempt of Courts Act. We can only say that those questions are left for being adjudicated upon in original proceedings. It is enough, therefore, to reserve liberty to the aggrieved parties in that behalf."

4. This Review Application has been filed mainly on the ground that by not conceding the seniority to the petitioners as claimed in the M.P., contempt

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has been committed and the reply filed by the respondents dated 15-2-1994 in CCP No.212/92 to the effect that all the petitioners have been paid arrears of pay and allowances due to them on review of promotion from the cadre of LDC to UDC and from UDC to Assistant as well as from Assistant to ACSO (for serving employees) is incorrect. We are unable to appreciate the contention of the applicants in view of what we have recorded in para 5 of the order passed in M.P.No.901/93 on 5-4-94 (reproduced ⁱⁿ para 3 supra). For the reasons stated therein we are not convinced that any particular contempt has been committed. We have already mentioned that the question regarding seniority as claimed in M.P.901/93 is left upon for being adjudicated upon in original proceedings and liberty has been reserved to the aggrieved parties in this behalf.

5. The other grounds raised in this Review Application do not support the prayer for review of our order passed on 5-4-94. We do not find any error apparent on the face of the record to warrant a review.

6. As regards the prayer that the cost of Rs.500/- awarded to each of the petitioners in the two CCPs be extended to the seven petitioners in this Review Application, We find that this cannot be entertained in view of the position already explained.

7. In the circumstances, this Review Application stands dismissed. No costs.

P. J. Thiruvengadam
9/6/94
(P.T. THIRUVENGADAM)
Member(A).

V. S. Malimath
(V.S. MALIMATH)
Chairman.