

Central Administrative Tribunal
Principal Bench: New Delhi

...

CP 151/97
in
OA No.2368/97

31

New Delhi, this the 9th day of September, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

Krishan Kumar Marwah s/o
Shri Pyare Lal,
R/o A-247, Shiv Nagar,
New Delhi.

....Petitioner

(By Advocate: Shri U.Srivastava)

Versus

Sh. K.K.Bhasin,
Director of Education,
Old Secretariat,
N.C.T.D., Delhi.

...Respondents

(By Advocate: Sh. Anoop Bagai)

O R D E R (ORAL)
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)]

The petitioner is aggrieved by the order dated 30.4.1996 which according to him, has not been complied with by the respondents. The grievance of the petitioner is that the direction given in the said order that the selection grade will be considered on the basis of attainment ^{of} qualification prescribed by the competent authority from the date his juniors were given this grade, if he is otherwise eligible.

The Contempt Petition was filed on the basis that the petitioner had joined the post on 7.5.1970. As far as the petitioner is concerned his date of joining as PGT and entry into government service was the same while at Annexure C-3 one Shri Jai Singh, according to the petitioner junior to him, is shown above him. Shri Jai

Singh has been shown above the petitioner since Sh. Jai Singh was shown to have entered into the government service on 19.1.1968.


32


The final seniority list produced both by the petitioner as well as respondents today in which the petitioner's name is shown at serial no. 28 while Sh. Jai Singh's name is at serial no. 4 and the petitioner's counsel argued that the date of appointment in the regular manner in the post being later on that of the petitioner Sh. Jai Singh should not have been shown as senior to the petitioner. On the other hand the respondents stated that the seniority list has been prepared not on the basis of the appointment in a regular manner in the post rather on the basis of continuous service applicable to each of the candidates. Since Sh. Jai Singh had obtained the benefit of his continuous service from 19.1.1968 and the petitioner herein has continuous service only from 7.5.1970, the contention of the respondents is that Sh. Jai Singh is senior on that basis and the final seniority list has been prepared accordingly.

In view of this matter, we are not able to adjudicate the correctness of the entry which the respondents have made in the final seniority list on the basis of continuous officiation in the cadre and liberty is given to the petitioner to seek appropriate relief. As far as the contempt of courts proceedings are concerned, we find that there is no basis for a complaint on the basis that final seniority list has been, prima-facie, shown

correctly as Shri Jai Singh senior to the petitioner
subject to any further orders that may be passed in
future.

In view of the facts and circumstances, these
contempt of courts proceedings are dropped and notices
discharged.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

naresh