

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CCP No .159/1991

in

OA No .493/1991.

Date of decision: January 6, 1992.

Shri Mangal Sain

...

Applicant.

Vs.

Shri S.M.Vaish, General Manager,
Northern Railway and Others ...

Respondents.

CORAM:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. P.C. JAIN, MEMBER (A)

For the applicant

...

Shri R.K.Relan, counsel.

For the respondents

...

Shri P.S.Mahendru,
counsel.

ORDER (ORAL)

(HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

The complaint in this case is that there has been a violation of the interim order made by the Tribunal on 12.3.1991. The clear effect of the said order is that the respondents are free to displace the applicant from Class III post held by him on ad-hoc basis to accommodate a person who is regularly appointed. There is further direction that even in such an event if any of the junior to the applicant is continued on ad-hoc basis, he would be entitled to continue in Class III post. As regards applicant's displacement is concerned, it is admittedly by a person regularly recruited to Class III post. He cannot have any

25

grievance about the same. The only grievance that survives is as to whether any junior person to the applicant continues on ad hoc basis to Class III post. The applicant has given the names of such persons in para 7 of the C.C.P.

In the reply, the respondents have stated that there are no such persons by these names who are continued on ad hoc basis. There is further assertion that none junior to the applicant is working in the substantive post of Class III.

The applicant has filed a further rejoinder. There is no positive assertion in regard to this aspect of the matter. There is a bald assertion that the respondents are escaping from their liability by not placing the true facts before the Tribunal.

The reply has been filed by a responsible officer, viz., the Assistant Personnel Officer, Office of the Divisional Railway Manager, Northern Railway, New Delhi. There is no good reason to reject his statement in the reply as the Assistant Personnel Officer is well conversant with the requisite information in regard to the persons who are holding the post of Class III at the relevant point of time. The assertion of the respondents that there are no persons of the description mentioned in para 7 of the C.C.P. has not been effectively countered by the applicant in the rejoinder filed by him. Hence, we see no reason to

26

reject the statement made by the Assistant Personnel Officer in the counter on behalf of the respondents. That is sufficient to establish that there is no violation of the interim directions given in the O.A. Hence, taking of action under the contempt of court proceedings does not arise. The C.C.F. is disposed of accordingly. The rule is discharged.

Cen.
(P.C. JAIN)
MEMBER(A)
6.1.1992.

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN
6.1.1992.

SKS