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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 51/2007
In
OA No. 2637/2004

New Delhi this the 14th day of February, 2007

**Hon'ble Mr. Justice M. Ramachandaran, Vice Chairman (J)
Hon'ble Mr. V.K.Agnihotri, Member (A)**

1. **P.C.M.Mahapatra,
Dy. Director (HRD),
ESI Corporation (Hqrs. Office),
C.I.G.Road, New Delhi-110002**
2. **A.K.Mukhopadhyaya,
Dy. Director,
ESI Corporation, Regional Office,
Grant Lane, Kolkata.**
3. **V.V.S.P.Rao,
Dy. Director,
Regional Office, Panchdeep Bhawan,
Bhawani Singh Marg, Jaipur-302 001.**
4. **D. Venugopal,
Dy. Director,
ESI Model Hospital,
Nacharam, Hyderabad.**
5. **M.R.Pratap,
Dy. Director,
ESI Model Hospital,
Nacharam, Hyderabad.**
6. **J.K.Dagar,
Dy. Director,
ESI Hospital, Regional office,
Panchdeep Bhawan, Bhawani Singh Marg,
Jaipur- 302 001.**
7. **R.Ramakrishnanan,
Dy. Director,
ESI Corporation, Regional Office,**

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Panchdeep Bhawan,
143, Sterling Road, Chennai-600 034

..Applicants

(By Advocate Mrs. Nidhi Bisaria proxy for
Shri V. K. Rao)

VERSUS

Ramesh Inder Singh,
DG,ESI, C.I.G.Road,
New Delhi-110002

..Respondent

(By Advocate Mrs. Geeta Luthra along with
Shri Plyush Singh)

ORDER (ORAL)

(Hon'ble Mr. Justice M.Ramachandran, Vice Chairman (J)

By an order dated 14.7.2005, the Principal Bench had issued direction to respondent No.1 to recast the seniority list of the persons concerned within three months of the receipt of the order, in accordance with the clarification given in DOP&T's OM dated 29.2.2000. Petitioners complain that there has not been proper compliance thereof. Of course, learned counsel for applicants has made available a copy of the order of Hon'ble High Court in CP No. 12027/2006 in WP (C) No. 5433/2008. This inter-alia, indicates that the order of the CAT is under challenge, but no stay has been granted. The only objection is that the final seniority list will be subject to the decision of the High Court in writ petition.

2. Counsel for applicants submits that there was contumacious conduct on the part of the respondents as they were obliged to finalize the proceedings, therefore, as for the directions that Respondent No.1 has

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to finalize the seniority list. It is further submitted that on the basis of the directions, provisional seniority list has been issued and it has been circulated to concerned persons for recording objections, but they are in complete violation of the directions.

3. We have heard learned counsel for respondents who submits that in fact after the orders are passed by the High Court steps were taken to implement the directions of the Tribunal. They have prepared provisional seniority list and objections are called for, and objections are forthcoming. In fact clarifications from DOP&T also are expected and without any further delay, of course, subject to orders of the High Court, the list will be finalized.

4. We find that at present only provisional seniority list has been issued and it is yet to be finalized. We also note that it entailed delay. Preparation of such a list may require time as contended by learned counsel for respondents although the CAT granted only 3 months time for completing the exercise. It is, however, not disputed that there was application for extension of time and time had been granted. On the whole, we do not see any contumacious conduct which requires initiation proceedings. *notices discharged* Therefore, Contempt Petition is dismissed, however, reserving liberty for the applicants to agitate grievance in case of necessity.



(V.K.Agnihotri)
Member (A)



(M. Ramachandran)
Vice Chairman (J)

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