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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

CCP 178/93 in
OA 692/92.

Date of decision: 16.8.1993.

Francis Xavier & Anr. .. Petitioners.

Versus

Shri H.P. Wagle, .. Respondent.
Secretary,
Department of Telecommunications,
New Delhi.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER (A).

For the petitioner. Shri J.P. Verghese,
Counsel.

For the respondent. Shri M.L. Verma, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman).

The complaint in this case is that the directions of the Tribunal in O.A. 692/92 have not been complied with. The first direction is to pay to the applicants in the present application the minimum of the pay-scale of Office Assistant/Typist of regularly employed staff of the said category. The respondents have placed material to show that such payment was made as long as they were holding the said posts. We are satisfied that there is no violation in this behalf. The other direction is to consider the case of the petitioners for regularisation of their services in accordance with the relevant recruitment rules, if vacancies are available. It is further stated that the respondents shall relax the age-limit to the extent of the service already rendered by them in their present posts. The respondents have stated

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that so far as the petitioners are concerned, they have ~~have~~ been given temporary status in Group 'D' post. They have taken the stand that in accordance with the directions of the Supreme Court a scheme for Group 'D' post has been drawn up and the steps are being taken to strictly adhere to the said scheme. It is stated that to qualify for regularisation in accordance with the said scheme, one has to put in 10 years of service and the petitioners' case will be considered for regularisation only when they ^{will} earn eligibility in accordance with the said scheme. When the Supreme Court has directed a scheme and the Tribunal has issued directions in accordance with the said scheme, we must construe the directions consistent with the directions of the Supreme Court. It would therefore, be appropriate if the case of the petitioners for regularisation is considered in accordance with the scheme prepared in this behalf as per the directions of the Supreme Court. There is no good reason, therefore, to find fault with action of the respondents in not regularising the services of the petitioners. One more complaint of the petitioners is that some persons have been posted in Group 'D' posts only to displace the petitioners. This, according to the petitioners' counsel, is to circumvent the orders of the Tribunal and to prevent the continuance of the petitioners. The respondents have, however, made it clear to us that the petitioners were displaced consequent upon the postings made to fill up those posts by the process of transfer. There is nothing in the direction of the

judgement to prevent the respondents from resorting to

filling up the posts occupied by the petitioners on a temporary basis by posting regularly employed persons on transfer basis. It is not possible to draw an inference that this step was taken by the respondents solely for the purpose of circumventing the orders of the court and to deny the benefit to the petitioners. We are inclined to take the view that this has been done in ordinary course in public interest. We, therefore, see no good ground to take action under the Contempt of Courts Act. These proceedings are accordingly dropped.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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

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