

Central Administrative Tribunal
Principal Bench, New Delhi.

CP-261/94 in
CP-32/94 in
OA-2873/92

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New Delhi this the 11th Day of January, 1995.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri Mukesh Kumar,
S/o Sh. Radhey Shyam.

2. Sh. Satish Kumar,
S/o Sh. Amar Nath.

3. Sh. Mohinder Kumar,
S/o Sh. Hari Ram.

Petitioners

(All the petitioners working as
Substitute Khalasis, under Chief
Works Manager, Signal Workshop,
Northern Railway,
Ghaziabad).

(through Sh. B.S. Mainee, advocate)

versus

1. Sh. Masih-Uz-Zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Sh. K.N. Jain,
CSTE, Northern Railway Hqrs.,
Baroda House, New Delhi.

3. Sh. Devinder Singh,
Chief Workshop Manager,
Northern Railway,
Signal Workshop,
Ghaziabad.

Respondents

(through Sh. Shyam Moorjani, advocate)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.(J)

The petitioners came to this Tribunal by means
of O.A.No.2873/92 claiming the principal reliefs that the
respondents may be directed to regularise their services
and also fix their seniority on the promoted posts on the
basis that persons junior to them had been promoted
earlier.

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A counter-affidavit was filed on behalf of the respondents in the said O.A. Therein, it was specifically denied that persons junior to the petitioners have been promoted. Therefore, the question of determination of inter-se seniority did not arise.

O.A.No.2378/92 was disposed of by a two-Member Bench of this Tribunal on 02.08.1993. In para-2, the learned Members recorded the fact that the learned counsel for the respondents had made a statement that process of regularisation and consequent action is on the verge of completion. Therefore, the Tribunal passed the order that the respondents shall complete the exercise within three months from the date of receipt of the order.

The petitioners felt that the said directions of the Tribunal had not been carried out in its entirety and, therefore, they preferred a Contempt Petition No.32/94 which came up for hearing on 07.04.1994. On that day, a Bench presided over by the then Hon'ble Chairman passed the following order:-

"The process of regularisation which was directed to be completed by the order of the Tribunal, though belatedly, has now been completed, as is clear from the counter filed and the orders passed thereon. Hence, accepting the explanation for the delay, these proceedings are liable to be dropped. On the question of further promotion, it is obvious that there is no clear direction of

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the Tribunal in this behalf. This does not mean that the cases of the petitioners should not be considered in accordance with their turn and in accordance with law.

2. These proceedings are dropped."

This contempt petition is founded upon the alleged directions given by this Tribunal in CP-32/92 on 07.04.1994. It is vehemently contended by the learned counsel for the petitioners that the cases of the petitioners for further promotion have not been considered in accordance with law in so far as persons junior to the petitioners ~~who~~ had already been promoted and the petitioners had not been put on par with them.

On 17.5.1994, an order was passed by the competent authority that the seniority of the petitioners had been determined with effect from 23.3.1994, the date on which the result of their screening test was announced. Obviously, the legality of this order has not been challenged so far by the petitioners. If the order dt.17.5.94 is read as it is in the light of the observations/directions given by this Tribunal on 07.04.1994 in C.P.No.32/94, there can be no getting way from the fact that the respondents have purported to consider the question of promotion and seniority of the petitioners in accordance with law. Therefore, the question of disobedience of the observations/directions, aforesaid, does not arise. The remedy of the

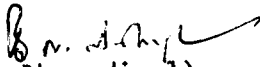
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petitioners, if any, is to challenge the legality of the
aforesaid order dt. 17.5.1994 by taking appropriate
steps before an appropriate forum.


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This contempt petition is disposed of.
Notices issued to the respondents are discharged.

No costs.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Vice-Chairman(J)

/vv/