

CENTRAL ADMINIS-TRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of February, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

CCP No.242/01 win O.A. No.1817 of 1994

1. Bipin Behari son of Late Saru Prasad.
2. Ram Sijor Maurya son of Shri Sahadeo.
3. Narendra Kumar son of Shri Charan Das.
4. Mauniddin son of Shri Jahiruddin.
5. Jasbir Singh son of Sri Sardar Sohan Singh.
6. R.S. Maurya son of Late Ram Deo Maurya.
7. Kabool Ahmad son of Late Imam Baksh.
8. B.S. Srivastava son of Late Sri T.G. Srivastava.
9. Santosh Kumar son of Sri Raj Bali Singh.
10. Karuna Sagar son of Sri Ram Kishore Shukla.
11. Prem Narain Shukla son of Baboo Ram Shukla.
12. S.K. Ray son of Shri B.B. Ray.
13. Rameshwar Singh son of Ram Ugrah Singh.
14. Sheo Kumar son of Sri Shiv Prasad Vaishya.
15. S.K. Tiwari son of Sri D.P. Tiwari.
16. Rameshwar Singh son of Late Sri Jaga Singh.
17. Tarachand son of Sri Brahma Deo Prasad.
18. Mohd. Iqbal son of Sri Noor Mohammad.
19. Ravi Shanker son of Omkar Nath.
20. Kamlesh Sharma son of Sri Vishwanath Sharma.
21. A.K. Khanna son of Late Suraj Prakash.
22. R.B. Sharma son of Sri Naresh Sharma.
23. Bhan Kinkar Pandey son of Late Ram Lotan Pandey.
24. Jai Chandra son of Sri Bhagirathi.
25. Mahabir Singh son of Sri Basdeo Singh.
26. Saravadeo Singh son of Sri Ram Harkash Singh.
27. Kehar Singh son of Gurudas Singh.
28. Bankey Lal son of Mathura Prasad.
29. Anirudh Lal son of Late Sri Ranjit Bahadur.
30. Abdul Rauf son of Late Sri Abdul Gafoor.
31. Shri Kumar Pal son of Shri Manni Lal Pal.
32. Shamim Ahmed son of Sri Nasiruddin.
33. Ram Baboo son of Sri Sooraj Bali.
34. Vishnu Sharma son of Late Sri Baboo Ram.
35. Puran Mishra son of Sri Babri Prasad.
36. Pramod Kumar son of Shri Ram Charan.
37. Shivaji Palit son of Late Sri S.K. Palit.
38. M.M. Bhatia son of Late Sri P.L. Bhatia.
39. Irshad Illahi son of Sri Kasam Illahi.
40. Shiv Shanker son of Sri Kashi Prasad.

41. Birbal Prasad son of Sri Ram Khe lawan.
42. Vishwanath Yadav son of Sri Bahal Yadav.
43. Nandeshwar son of Sri Bhairo Prasad.
44. K.N. Mishra son of Sri Prem Narain Mishra.
45. Ram Murti son of Late Sri Balak Ram.
46. Narsingh Narain son of Late Sri Ram Chhewar Mishra.
47. Sheo Kumar son of Shri Ram Sashrey.
48. Lala Ram Jha son of Late Shri Dhani Ram Jha.
49. O.P. Savita son of Sri Ram Dev.
50. Janardan Yadav son of Sri Raj Bali.
51. S.P. Singh son of Shri M. Singh.
52. D. Chakraborti son of Late Sri P.K. Chakraborty.
53. R.K. Paul son of Late Shri Sadanand Paul.
54. C.K. Mishra son of Sri U.K. Mishra.
55. Paras Nath son of Sri Bola Nath Yadav.
56. Baloo son of Sri Hibib.
57. Gangadhar son of Upendra Chand Prasad.
58. M.M. Siddiqui son of M.N. Azim.
59. Munne son of Rahim Baksh.
60. Ram Nath son of Pusa Lal.
61. Ganga Prasad Yadav son of Sri Nankhoo Yadav.
62. Jai Prakash son of Sri Tulsi Ram.
63. Hasmat Ali son of Sri Mohd. Shafi.
64. Ram Bahadur son of Sri Shiv Mohan Yadav.
65. Virendra Kumar Srivastava son of Sri Laxmi Saran Srivastava
66. Dalbir Singh son of Shri Man Singh.

All working in the Ordnance Factory, Kalpi Road, Kanpur.

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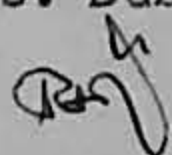
.....Applicants.

Counsel for applicants : Sri Vikram Nath.

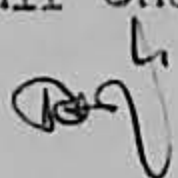
A N D

CCP No.239/01 in O.A. No.1937 of 1994

1. Ramjani son of Late Shri Imam Bux.
2. S.K. Singh son of Shri Laxmi Singh.
3. S.K. Yadav son of Shri Sobhan Yadav.
4. K.D. Yadav son of Sri Shiv Mangal Yadav.
5. V.K. Mishra son of Shri D. Mishra.
6. Rajendra Mishra son of Shri Bankey Lal.
7. A.G. Siddiqui son of Shri Abdul Sattar.
8. V.D. Mishra son of Shri Late Bechan Mishra.
9. Prem Kishore son of Shri M.N. Prasad.
10. Bhanu Pratap son of Shri Ram Briksha.
11. S.P. Mishra son of Shri Nagendra Mishra.
12. Jahoor Ahmad son of late Shri Rasool Bux.
13. J.L. Mashi son of Shri Ram Jeet Mashi.
14. V.S. Dubey son of Late Shri Algoo Dhar Dubey.



15. Sunil Kumar Srivastava son of Late Shri Shankar Lal.
16. Lalji Vishwakarma son of Shri Baij Nath Prasad.
17. D.K. Mukherjee son of Shri T.N. Mukherjee.
18. Kayam Singh son of Sri Chhotey Lal.
19. Ajai Veer Singh son of Late Shri Ganga Singh.
20. Satya Vrat Tieari Son of Late Shri Laxmi Chandra Tiwari.
21. Shanker Lal Gupta Son of Late Shri Ram Charan Gupta.
22. V.K. Dixit son of Late Shri Jagan Nath Prasad.
23. D. Singh, son of Late Shri E.V. Singh.
24. Hira Lal, son of Late Shri Suddhym.
25. Shyam Sunder Yadav.
26. Atma Ram son of Shri Ram Sharma.
27. Mahajan Singh son of Sri Ram Pyre Singh.
28. Baboo Lal Maurya son of Late Shri Jagdeo Prasad.
29. J.P. Shukla son of Late Shri Kalika Prasad.
30. Vijay Shanker Shukla son of Late Shri Ram Swaroop Shukla.
31. Baboo Ram Mishra son of Shri Junsher Mishra.
32. Ganga Ram son of Late Shri Sukh Lal.
33. Ghanshyam Dubey son of Late Shri Shiv Shanker Dubey.
34. Bhagirathi Upadhyay son of Late Shri Bhullar Updhyay.
35. Raja Ram son of Late Shri Jai Karan.
36. Ashok Kumar Srivastava son of Late Shri Harbans Lal Srivastava.
37. Ram Prabha Vishwakarma son of Shri Deo Narain Vishwakarma.
38. Ram Chandra Singh son of Late Shri Buddha Singh.
39. Phokhan Ram son of Shri Munni Ram.
40. Chandra Bhushan Das son of Shri Phokhan Ram.
41. Suresh Chandra Gupta son of Shri R.P. Gupta.
42. Pyare Lal son of Late Shri Gangoo.
43. Ram Kumar Chauhan son of Late Shri Ram Bahadur.
44. Mohan Lal Sharma son of Late Shri P.L. Sharma.
45. Mahdeo Prasad son of Late Gujeshwar Prasad.
46. Uma Kant Awasthi son of Shri Shiv Ram Prasad Awasthi.
47. Awadh Chaturvedi son of Late Shri Tirth Raj Chaturvedi.
48. Mohd. Ibrahim son Late Shri Sahadat Ali.
49. R.P. Sahu son of Late Shri Ram Deen Sahu.
50. Sarfuddin son of Shri Mahmood Ali.
51. Ram Daur son of Late Shri Tiju.
52. Shrawan Singh son of Shri Ram Agya Singh.
53. S.S. Chauhan son of Shri Ram Ratan Chauhan.
54. Anil Kumar Kalia son of Shri H.K. Kalia.
55. Khunni Lal son of Asharfi Lal.
56. Rajendra son of Shri Ram Swarath.
57. Sudhir Chandra Das son of Late Gaur Mohan Das.



58. C.L.Bajpai son of Shri D.G. Bajpai.
59. R.R.Pandey son of Shri R.R.Pandey.
60. J.P. Singh son of Late R.D. Singh.
61. S.P.Srivastava son of Late R.D.Singh.
62. Jagdish Roy son of Shri Ram Shanker Roy.
63. P.N. Yadav son of Shri Umrao Yadav.
64. Jageshwar son of Shri Asha Deen.
65. Gorakh Prasad son of Shri Gani Prasad.
66. K.K. Nayar son of Goplan Nayar.

.....Applicants.

All working in the Ordnance Factory, Kalpi Road, Kanpur.

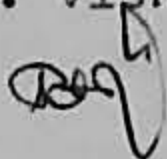
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Counsel for applicants : Shri Vikram Nath.

A N D

OCP No.240/01 in O.A. No.1102 of 1994

1. V.P. Dwivedi son of Sri Brij Lal Dwivedi.
2. Ramesh Kumar son of Basu Dev.
3. Sudama Prasad son of Sri Hardev.
4. Vishram Singh son of Sri Kundan Singh.
5. Trilochan Singh son of Sri Preetam Singh.
6. R.C. Srivastava son of Sri Harish Chandra.
7. K.S. Gupta son of Late Sri Mewa Lal Gupta.
8. Mohd. Jubair son of Late Sri Kayum Uddin.
9. A.K. Sharma son of Late Sri Harvansh Prasad.
10. N.C. Pathak son of Sri Jagdish Pd. Pathak.
11. Sunder Singh son of Sri Lala Ram.
12. Ram Ratan Sharma, son of Late Shri Asharfi Lal,
13. Ifterkar Ali son of Late Sri Ashfaq Ali.
14. Rajjan Beg son of Sri Majjan Beg.
15. Rajeev Sobti son of Sri R.L. Sobti.
16. R.K. Kushwaha son of Sri Suraj Bali Kushwaha.
17. Mangali Prasad son of Sri Lala.
18. Mahendra Swaroop son of Late Sri C.B. Sharma.
19. Satish Kumar son of Sri Ramesh Chandra.
20. N.S. Katiyar son of Late Sri Sudarshan Lal.
21. Madan Lal Yadav son of Late Sri Lala Ram.
22. Prahlad Kumar Nigam son of Sri Om Sharan Nigam.
23. Kripa Shankar son of Sri Subedar Gupra.
24. Hashim Raja son of Sri Nazim Hussain.
25. Kulwant Singh son of Late Sri Gur Dayal Singh.
26. R.K.P. Sharma son of Sri Pratipal Sharma.
27. R.N. Vishwakarma, son of Sri Ram Raj Vishwakarma.



28. Markandey Prasad son of Sri Budhhi Ram.
29. Gulab Vishwakarma son of Sri Ram Raj.
30. Praam Jeet Singh son of Sardar Jung Bahadur.
31. Vikramaditya Yadav son of Sri Gamdhir Singh.
32. R.K. Mishra son of Sri Baij Nath Mishra.
33. Kailash Chandra son of Sri Mangali Prasad.
34. S.K.L. Sharma son of Late Sri Shiv Shankar.
35. Robert Don son of Late Sri Peetar Don.
36. Jai Indra Singh son of Sri Late Prasad.
37. Amal Karmakar son of Sri D.C. Karmakar.
38. N. Chakravarti son of Late Sri B.B. Chakravarti.
39. K.P. Pal son of Late Sri Pyari Mohal Pal.
40. Shiv Sagar Mishra son of Sri Brindaban Mishra.
41. Shyam Babu Dwivedi son of Sri Ram Rata Dwivedi.
42. Rama Kant Verma son of Sri Devi Ram Verma.
43. Paitrik son of Sri D. William.
44. Shah Mohammed son of Bhola Shaikh.
45. Avinash Singh son of Sri Jogendra Singh.
46. Mahendra Prasad son of Late Sri Baboo Ram.
47. Vashik Ahmad son of Sri Latif Ahmad Khan.
48. Satish Srivastava son of Sri Ram Narain.
49. Ajia Shankar son of Late Sri Prem Shankar.
50. S.N. Tiwari son of Late Sri B.D. Tiwari.
51. J.B. Singh son of Sri Shiv Nath Singh.
52. R.K. Arora son of Late Sri Amar Nath Arora.
53. R.A. S hukla son of Late Sri Madhav Prasad Shukla.
54. S.P. Sahu son of Late Sri Hira Lal Sahu.
55. D.K. Sharma son of Late Sri Chhote Lal Sharma.
56. Vijai Verma son of Late Ram Lal Verma.

All working in the Ordnance Factory, Kalpi Road, Kanpur.
.....Applicants.

Counsel for applicant : Sri Vikram Nath.

Versus.

1. Sri S.K. Mohanti, the Chairman, Ordnance Factory Board,
10-A, Auckland Road, Calcutta.
2. Sri Mohan Das Rao, Senior General Manager, Ordnance Factory,
Kalpi Road, Kanpur.
3. Sri S .K. Mishra, Joint General Manager, Ordnance Factory
Kalpi Road, Kanp-ur.....

.....Respondents.

Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY HDN. MR. JUSTICE S.R. SINGH, V.C.

None appears for applicant. We have heard Sri A.



Sthalekar, learned counsel for respondents and perused the pleadings.

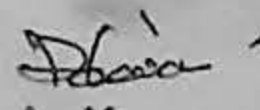
2. These three contempt petitions may be disposed of by a common order. CCA No.242/01 shall be treated as a leading file. Copy of the order may be placed on the file of CCP No.239/01 and CCP No.240/01.

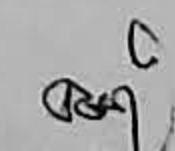
3. The Tribunal by its judgment and order dated 1.11.2000 passed in O.A. No.1112/92 connected with O.A. Nos.1102/94, No.1937/94, No.1817/94 had directed the respondents to fix the grade of applicants as directed by this Tribunal vide order dated 6.1.1997 in other cases and also re-fix the seniority of the applicants with ~~the~~ consequential benefits on the basis of their fixation of the revised pay scale. Respondents, in their counter affidavit dated 9.10.02 have stated that after finalisation of the seniority list in compliance with the direction given by the Tribunal after ascertaining the vacancy position at different points ~~as under~~ as under :-

"It is therefore, evident that the respondents have already substantially implemented the directives of the Hon'ble CAT. Since the basic step has been taken in the form of finalization of the seniority list and it is only the latter part of the directives which relates to giving of consequential benefit which is to be finalized....."

4. In the affidavit dated 7.10.2003, Sri S.K. Mishra, Joint General Manager, Ordnance Factory, Kanpur has filed the complete implementation chart of promoted applicants whose pay fixation proposals have been sent for approval of finance of O.A. No.1102/94, No.1937/94 and No.1817/94 under CAT order dated 1.11.2000. In that view of the matter we are of the view that no case for contempt is made out.

5. The Contempt Petition is accordingly dismissed, and the notices issued are discharged.


A.M.


V.C.

CCA 242/01 in
of 1817/94 with connected.

or

lead MA 1108/04 in CCA

242/01 & MA 1108/04 in

CCA 239/01 & MA 1109/04

in CCA 240/01. has been
filed.

Submitted for orders.

on 16/3/04.

16
16/3/04

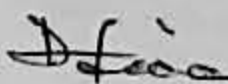
CCA 242/01
With CCA239/01
CCA 240/01

16.⁶3.04

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

All the three contempt petitions were dismissed by ~~ex~~ order dated 5.2.04 in view of the fact that the order passed by the Tribunal had^π been complied with. The recall application filed under Rule 15 of the CAT Procedure Rules 1987 is not maintainable. In that the provisions of Rule 15 are attracted where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called for hearing, the Tribunal may in its discretion, either dismiss the application for default or hear and decide it on merit. The contempt petitions were dismissed on merits. None has appeared to press the misc. applications seeking recall of the order dated 5.2.04. The Misc. applications are dismissed.


MEMBER(A)


VICE CHAIRMAN

Uv/