

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

.....

Contempt Application No. .... 69 of 1990,  
( T. A. No. .... 818/87 )

R. N. Agrawal ..... Applicant.

vs.

S. M. Vaish & Ors. ..... Opposite parties  
(Contemhors)

Hon'ble Mr D.K. Agrawal, JM  
Hon'ble Mr K. Obayya, AM

( By Hon'ble K. Obayya, AM )

This Contempt Application has been filed for non-compliance with the order and judgement dt. 27.06.89 passed by this Tribunal in T.A. No. 818/87, R.N. Agrawal vs. Union of India and Others.

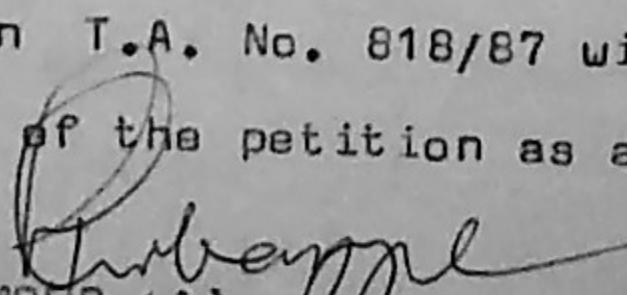
2. It is alleged by the petitioner in this contempt petition that he submitted a copy of the judgment to the authorities on 15.07.89 for compliance but by an order dated 15.01.90 (Annexure-9), his claim for inclusion in the panel of 1977-78 was not agreed to.

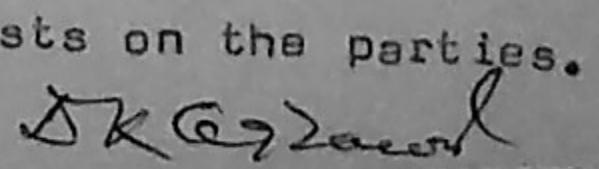
3. We have heard the learned counsel of the parties. We have also carefully gone through the judgment of this Tribunal. Admittedly, the case of the petitioner was not considered for selection to the post of AEN in 77-78 panel due to an administrative error. He was, however, considered and selected for promotion in the 78-79 panel and was graded as 'good'. In another case of O.P. Panchal who was also not considered due to an administrative error in 77-78, but was considered in 78-79 and selected and graded as 'good';

he was placed in 77-78 panel above his juniors. Considering this fact, a direction was given to the respondents that the benefit of empanelment given to O.P. Panchal should also be given to the petitioner herein by suitable amendment to the 77-78 panel.

4. It is admitted on both sides that the petitioner's seniority position would be above that of Kimti Lal shown at Sl. NO. 10 in the seniority list. In terms of the directions given by this Tribunal in T.A. No. 818/87, the petitioner should be placed above his juniors and his place would be next below to Shri Shankar Sharan and above Shri Kimti Lal shown at Sl. No. 10. In other words, he should find a place between Shankar Sharan and Kimti Lal in the 1977-78 panel of selected candidates for promotion to the post of AEN.

5. The learned counsel for the respondents contended that Shri Panchal was given differential treatment because he secured higher marks. This contention in our view is fallacious. The marks are awarded for purpose of grading and once in the same grade the inter-se seniority as in the lower cadre has to be maintained. In this view of the matter, there has been no compliance of the directions of this Tribunal. However, we consider that this may not be deliberate and we would like to give further opportunity to the respondents to take suitable action to comply with the orders of this Tribunal in T.A. No. 818/87 within a period of two months. We dispose of the petition as above with costs on the parties.

  
MEMBER (A)  
Karn/ November 22/90.

  
MEMBER (J)