

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH,  
ALIAHABAD

Dated : Allahabad this the 12th day of December, 1996.

Coram: Hon. Dr. R. K. Saxena, Member-J  
Hon. Mr. D. S. Baweja, Member-A

CONTEMPT PETITION (CIVIL) NO. 1910 of 1993.

(Arising out of Judgement dated 23.11.92 passed  
in O.A.No.530 of 1992 Krishna Dev Vs. U.O.I. & Others)

Krishna Dev son of Late Shri  
Narain Prakash C/o Sri Ram Prasad,  
Awasthy, 4C/6B/2, Shiv Kuti, Behind  
Narain Ashram, Allahabad. ....Petitioner.  
(Counsel Sri M.A. Siddiqui)

Versus

1. Sri S.K. Chakarwarty,  
Principal Accountant General,  
U. P. Allahabad
2. Shri C.P. Tripathi,  
Senior Accounts Officer (Admn)  
office of the Principal Accountant General,  
U. P. Allahabad.

.....Respondents.

(Counsel Sri N. B. Singh)

O R D E R (Oral)

(By Hon. Dr. R. K. Saxena, Member-J)

These contempt proceedings were started  
on the application moved by Sri Krishna Dev against  
the Principal Accountant General, U.P. and Senior

.....contd. 2.....

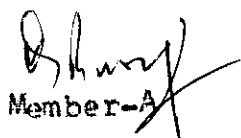
Accounts Officer(Administration), U. P. Allahabad. The contention of the applicant is that he had filed O.A.No.530 of 1992 (Shri Krishna Dev Vs. Union of India and others) which was decided on 23.11.1992. The copy of the judgement given in the said O.A. has been brought as Annexure-CP-1. It appears from the perusal of this judgment that the respondents of the said case who are the opposite parties in these contempt proceedings, did not file any counter-reply despite four weeks' time being given. The result was that the O.A. was disposed of on the basis of the judgement which was given in O.A.No.449 of 1991 (Moti Lal Vs. Union of India & others) decided on 3.11.1992. It further appears that several such O.As. were filed in which the question of bringing the names of the applicants in the seniority list was raised and was granted. In this case also the observation of the bench in its own words ~~was~~ "We also issue similar directions to the respondents as has been issued in the abovementioned case to prepare seniority list of the casual labours who have rendered their service in the past and give suitable employment to the applicant."

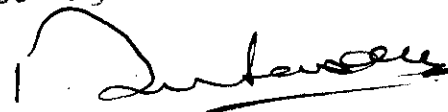
2. The contention of the opposite parties in this case is that the seniority list was prepared but because the applicant had not worked under them for even a single day, his name could not be included in the list. This information as appears from Annexure-CP-4 was also given to the applicant vide letter dated 23.3.1993.

.....contd. ...3.....

3. The learned counsel for the applicant has now challenged ~~the~~ genuineness of seniority list in these proceedings. We are of the view that the challenge of seniority list cannot be made subject matter of these proceedings. If the applicant has any <sup>g</sup>~~grievance~~ about the seniority, he may agitate the cause by approaching the Tribunal afresh. He pointed out that the copy of the seniority list has not been furnished to him. We therefore, direct the learned counsel for the respondents that the copy of this seniority list which has been produced in the Court before us, be given to the applicant or his counsel within two weeks.

4. So far as the contempt matter is concerned, we find that the compliance of the judgement in O.A. No.530 of 1992 dated 23.11.1992 was done as soon as this seniority list was prepared. The name of the applicant could be included if he worked. We have already observed that the challenge of seniority list is not the subject matter of these proceedings. In any way, we do not see that any contempt has been made <sup>out of</sup>. Therefore, the proceedings are dropped. Notices which were issued earlier, are discharged.

  
Member-A

  
Member-J

(pandey)