

03-7-96

Hon'ble Mr. Justice B.C. Saxena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

Heard learned counsel for the parties. The applicant had filed OA No.111/92 which was decided by an order passed on 15-10-1992. The applicant retired from service on 31-1-1993. The relevant operative part of the order to the OA reads as follows :-

"the respondents are directed to promote the members of the general community to the extent they are entitled to by adjusting the seniority."

2, The claim of the applicant was that reserve quota ⁱⁿ ~~in~~ ^{candidates} ~~for~~ excess of the prescribed quota has been promoted. Also his claim is to promote him to the post of Supdt. from the date his junior Sri A.P. Parmanik has been promoted. The Bench of Tribunal gave ^{no} specific direction for promoting him from the date his juniors have been promoted but had given direction in respect of the general community as ~~per~~ ^{indicated above} ~~for~~ ^{for}. The direction of the Tribunal was challenged through a SLP No.4102/94. The said appeal along with other appeal ~~are~~ ^{were} ~~for~~ ^{for} decided by the Hon'ble Supreme Court on 10-10-1995. The civil appeals concerned have been considered and dismissed by the Hon'ble Supreme Court. One of the reasons indicated by the Hon'ble Supreme Court to dismiss the appeal was by applying the principles enunciated in Sri A.K. Sabharwal case. The ratio ^{the} of decision in the aforesaid case ^{was} ~~specifically~~ ^{for} directed to have prospective operation. Since the applicant has already retired from service, no benefit would accrue to him even if the direction given in the OA is to be implemented. The contempt application needs no further orders. It is accordingly disposed of. Notices issued are discharged.

W.C.
A.M.

B.C.
V.C.

Dube/