

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH : ALIAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

CIVIL MISC. CONTEMPT PETITION NO.96 OF 2002

IN

ORIGINAL APPLICATION NO.680 OF 1995
NAINITAL THIS THE 12TH DAY OF APRIL, 2004

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

L.N. Sharma,
S/o Late Balmukund Sharma,
R/o H-131, Hathi Barkala Estate,
Dehradun.Applicant

(By Advocate Shri K.C. Sinha)

Versus

1. Prof. V.S. Ramamurthy,
Secretary to the Govt. of India,
Department of Science & Technology,
Technology Bhawan, New Mehrauli Road,
Institutional Area,
New Delhi-110016.

2. Dr. Prithvish Nag,
Surveyor General of India,
Survey of India,
Hathibarkala Estate,
Dehradun-248 001.Respondents

(By Advocate Sri R.C. Joshi)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Heard Shri K.C. Sinha, counsel for the applicant,
Shri G.R. Gupta, holding brief of Shri R.C. Joshi, counsel
for the respondents and we have also perused the pleadings.

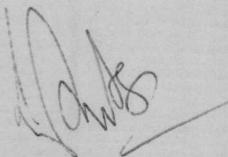
Re: J

2. This Contempt petition has been instituted with the allegation that the respondents have deliberately and wilfully failed to comply with the direction given by the Tribunal while disposing of O.A. No.680/95 alongwith O.A. No.642/96 and O.A. No.99/95 vide judgment and order dated 17.04.2001. The dispute ^{is} regarding determination to seniority of Upper Division Clerks. The Tribunal, it appears, found that the seniority list was not drawn in accordance with the law laid down by Karnataka High Court which was upheld by the Supreme Court. In the counter affidavit filed by Dr. Prithvish Nag, Surveyor General of India, Survey of India, Hathibarkala Estate, Dehradun, it has been stated that the ~~combined~~ judgment aforesated has already been implemented by holding Review DPCs and by issuing promotion orders to the post of Assistant/Office Superintendent/Superintendent SGO/E&AO vide SG's orders dated 13.5.2002, 24.6.2002, 9.7.2002 and 31.7.2002. In para 8 of the said Suppl.CA it has been stated that in the light of various court judgments delivered in the case of V.T. Rajendra ^h Vs Union of India by Hon'ble High Court of Karnataka at Bangalore originating from the judgment dated 20.11.1981 in W.P. No.165/79 duly upheld by the Hon'ble Supreme Court of India in Civil Appeal No.2858/1987 dated 10.07.1990, "all the records have been thoroughly verified" and on perusal of the seniority list etc., "it has been brought out that the seniority of Shri L.N. Sharma has been fixed correctly". The seniority of Shri L.N. Sharma has been shewn at serial No.250 and it would appear that the seniority position has been determined on the basis of merit in the select list of Limited Competitive Examination, the result of which was declared on 09.01.1976. It would further appear that as many as 11 UDCs who ^{has} joined on March 1, 1976 are shown junior to the applicant who ^{has} joined on 13.04.1976. The submissions made by Shri K.C. Sinha, that the judgment

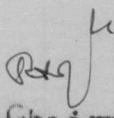
(18)

of the Tribunal has not been implemented cannot be countenanced. A perusal of the judgment of the Tribunal would indicate that all ^{that} has been said in the judgment to fix the seniority in accordance with the judgment of the Hon'ble ^{to} Karnataka High Court which was upheld by the Supreme Court. It is true that the seniority position of the applicant remains unaltered as stated in the CA but in the absence of any specific direction as to the exact position of the applicant in the seniority list it cannot be said that the respondents have wilfully and deliberately flouted the direction given by the Tribunal.

3. The contempt petition lacks in merit and is dismissed. Notices are discharged. It goes without saying that in case the fixation of the applicant's seniority pursuant to the direction given by the Tribunal is still erroneous as stated by Shri K.C. Sinha it would be open to the applicant to pursue his remedy on original side.



Member-A


Raj
Vice-Chairman