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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 776/2002

Date of order: 26.05.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. H.P. Das, Administrative Member.

Chandra Kanta Dalai

-versus-

Union of India and Ors.

For the applicants : Mr. S.K. Pattnaik, counsel.

For the respondents : Mr. S.B. Jena, counsel.

O R D E R

Per Justice B. Panigrahi, VC

Heard 1d. counsel appearing for the applicant as well as 1d. counsel appearing for the respondents.

2. It appears that the applicant had earlier filed a case before the Tribunal in O.A. No. 58/1991 whereby and whereunder he had prayed revision of seniority list in which he was placed at a much lower position. In the aforesaid case the Tribunal had issued direction against the respondents which is quoted as under:-

"11. In consideration of all the above, we hold that while fixing the seniority of the applicant in the combined list of Inspectors inclusive of the pre-Fourth Pay Commission Inspectors (Senior Grade) and Inspectors (Ordinary Grade), the applicant has to be given credit of his appointment as Inspector (Senior Grade), i.e., he should be given his position above all those Inspectors over whom he became Inspector (Senior Grade) with effect from 30.5.1985."

3. Mr. Jena 1d. counsel appearing for the respondents has submitted that the respondents being aggrieved by the order passed by the Tribunal has filed a Writ petition before the High Court at Cuttack being OJC No. 6825/2001 and the matter is still sub judice.

4. 1d. counsel appearing for the applicant has submitted that there has been no order of stay granted by the Hon'ble High Court in the aforesaid case. In the meantime, there was every likelihood that the applicant may retire from service. Mr. Jena has further submitted that some of the affected persons of the order dated 11.8.2000 in O.A. 58/1991 have also filed similar writ petition in the Hon'ble High Court being OJC No. 1351/2001. In none of the cases the Hon'ble High Court has passed any stay order. In the process two years have elapsed, but the respondent authorities failed to comply with the direction of the Tribunal. Therefore, in the aforesaid circumstances, we direct the respondents to implement the order of the Tribunal which shall abide by the result of the above writ petitions.

5. With the above observation the application is disposed of.
No costs.

L. B. Jh

Member (A)



Vice-Chairman.