

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CPC. 150 OF 2005
CPC. 149 OF 2005
(O.A. 694 OF 1997)
(O.A. 654 OF 1997)

Present : Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman
Hon'ble Mr. C. Chatterji, Administrative Member

1. O.A. 694 of 1997

Nirmal Kumar Poddar,
S/o. Late R.L. Poddar,
Aged about 65 years,
Retired as Data Processing Assistant,
D.P. Division HQ NSSO,
Dept. of Statistics,
GLT Road, Calcutta,
Now residing at 5/1 A Deshbandhu Road,
Calcutta & ors.

2. O.A. 654 of 1997

Salil Ghosh,
Aged about 51 years,
Working as Data Processing Assistant,
Gr. III NSSO, G.L.T. Road, Kolkata,
Residing at 3/1/C, Ambika Mukherjee Road,
Kolkata – 700 056 & ors.

.. Applicants

- Versus -

1. Sri Prem Singh Rana,
Secretary,
M/o. Statistics & Programme Implementation,
Sardar Patel Bhavan,
New Delhi – 110 001.
2. Sri P.D. Joshi,
Deputy Director General,
DPD (HQ), NSSO,
M/o. Statistics & Programme Implementation,
164, GLT Road,
Kolkata – 700 108.
3. Sri S.K. Das,
Director,
M/o. Statistics & Programme Implementation,
164, GLT Road,

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Kolkata – 700 108.

.. Respondents

For the Applicants : Mr. B.C. Sinha, Counsel
Mr. C. Sinha, Counsel

For the Respondents : Mr. J.M. Bhattacharjee, Counsel

Order dated: 19.12.07

ORDERPer Mr. K.V. Sachidanandan, VC:

These Contempt Petitions have been filed by the applicants for non-compliance of the Orders passed by this Tribunal dated 16.3.2005 in O.A. bearing Nos. 694 of 1997 & O.A. 654 of 1997. Both these Contempt Petitions are disposed of by a common order since common questions of law are involved.

2. Mr. B.C. Sinha & Mr. C. Sinha, Ld. Counsel appears on behalf of the applicant and Mr. J.M. Bhattacharjee, Ld. Counsel appears on behalf of the respondents.

3. The respondents have filed a reply statement contending that the orders of the Tribunal has been complied with vide order dated 30th March, 2006 and 14th November, 2005 (Annexure – 'X-2') in the respective CPCs. The compliance orders have been filed in support of their contention.

4. The issue involved in this case is that the SC/ST candidates were given out of turn promotion in the quota of General Category. In the compliance order it is made clear that:

"However, before the seniority of the general category candidates could be determined as per order dated 30.1.1997, the said order was negated by the Govt. of India vide order dated 21.1.2002, stating inter-alia that "if an officer belongs to SC/ST category is promoted to higher post before his senior in the feeder category, he will retain his seniority even when the general category candidate is promoted to the same post later

on. Hence, there will be no loss of seniority of promoted SC/ST candidate by virtue of rule of reservation". Keeping in view the subsequent order of the Govt., the seniority position of the general category candidates promoted later were not altered."

4. Perusing the entire materials available on record and the said orders we are of the view that there is substantial compliance of the Orders of this Tribunal and the Contempt Petitions will not stand their legs. The CPCs are accordingly dismissed. No order as to costs.



MEMBER(A)



VICE-CHAIRMAN