

(16)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

REJECTED CONTEMPT PETITION NO. 21/88.
in Tr.A.No. 326/86.

Shri W.L.Narsimhan,
C/o.Dy.Chief Engineer(Constn.),
SEGL/North, Pune.

Applicant

V/s.

Union of India
through
General Manager,
C.Rly., Bombay V.T.

Respondent

CORAM: Hon'ble Vice Chairman Shri B.C.Gadgil

Appearance :

Shri M.Sudame
Advocate
for the Applicant

Shri D.S.Chopra
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 12.7.1988

(PER: B.C.Gadgil, Vice Chairman)

Mr.M.Sudame for the applicant and Mr.D.S.Chopra for the respondents. This Contempt Petition was filed by the applicant making a grievance that the Tribunal's Judgment dated 5.10.1987 in Transferred Application No. 326/86 has not been complied with and that in this way the respondents have committed Civil Contempt.

2. The Tribunal's Judgment requires two things to be done, namely, (1) to fix the seniority of the applicant in Gr.II on the basis that he has been promoted to that post on 16.2.1971 and (2) to promote the applicant to Gr.I w.e.f. the date his immediate junior in Gr.II was so promoted. After re-fixing the seniority in Gr.II, the applicant's position would be that he would be in between R.P.Alwan (Sr.No.54) and K.S.Sankaran (Sr.No.55)

on the hypothesis that Sankaran would be the immediate junior. It would be necessary to note that Sankaran was promoted on 1.1.1979. Respondents have given promotion to the applicant in Gr.I from that date. The grievance of the applicant is that in 1975 one Rajarao (who would be at Sr.No. 70 in the seniority list of Gr.II) was promoted to Gr.I and that the applicant is entitled for promotion from 1975. In my opinion, the wording of the judgment does not specifically make out such interpretation. I am dealing with this matter as contempt proceedings. I think in this background it will not be proper to initiate the contempt proceedings on the basis of interpretation that is sought to be put by the applicant on the judgment of this Tribunal. This is more so when the interpretation put by the respondents cannot said to be absurd interpretation so as to constitute an action for not obeying the orders of the Tribunal.

3. Before closing, I may observe that Mr.Sudame made a query as to what should be done if the interpretation that is given by the applicant is correct. In my opinion, the applicant, if he chooses so, may file a proper application on the review of the judgment or clarification and the said application, if filed, will be decided on merits.

4. For the above reasons, I do not think that this is a fit case to initiate contempt proceedings. The application is, therefore, rejected.

B.C. Gadgil
(B.C.Gadgil)
Vice Chairman