

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

C.P. NO. 83/97 AND 19/98 IN O.A. NO.: 879/98. 92

Dated this Monday, the 5th day of October, 1998.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,  
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

C. V. Kuvalekar ... Applicant  
(In Person)

Versus

Union Of India & Others ... Respondents  
(By Advocate Shri V. D. Vadhavkar  
for Shri M. I. Sethna),

TRIBUNAL'S ORDER :

Contempt Petition No. 83/97 is filed by the applicant alleging that the respondents have not complied with the order of the Tribunal dated 10.01.1997. C.P. No. 19/98 is filed by the applicant alleging that the respondents have not complied with the order of the Tribunal on the Review Petition dated 06.01.1998. The respondents have filed reply to both the contempt petitions.

2. At the time of argument it is brought to our notice that the respondents have issued promotion order dated 30.09.1998. This order shows that the applicant has been given notional seniority from 17.10.1980 and he has been given actual promotion as Superintendent w.e.f. 01.10.1996. The order also shows that applicant will be entitled to actual monetary benefits w.e.f. 01.10.1996.

It is further mentioned in the order of promotion that this order is subject to the outcome of S.L.P/Review Petition which is stated to be pending in the Supreme Court.

In our view, the respondents have complied with the orders passed by this Tribunal both in the O.A. and in the R.P. It is true that there is delay in passing the order. Respondents have given some explanation for the delay, since number of O.As. are pending in this Tribunal on similar question, namely - about seniority of Inspectors of Central Excise. At any rate, there is no wilful disobedience of the order passed by this Tribunal except that, there is some delay in passing the order.

2. In our view, the order dated 30.09.1998 substantially complies with the direction given by this Tribunal both in the O.A. and R.P. If the applicant has some more grievance regarding service benefits, he has to take appropriate action according to law.

3. In the result, both the contempt petitions are disposed of subject to above observations. The respondents are directed to make all the monetary benefits to which the applicant is entitled w.e.f. 01.10.1996, as mentioned in the promotion order dated 30.09.1998, within a period of three months from the date of receipt of this order. The question about applicant being entitled to any other reliefs is left open, which he can agitate according to law. No costs.

J II  
(C)

*D. S. Baweja*  
(D. S. BAWEJA)  
MEMBER (A).

*R. G. Vaidyanatha*  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.