

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Contempt Petition No. 29/94

Dated:- 28 SEP 1994

APPLICATION NUMBER: IN 40/91

APPLICANTS:

L. Chandraseingh
To.

RESPONDENTS:

1/2 Mohan A. Menon, D.P.O.,
Southern Railways, Bangalore.

1. Sri M. S. Anandaramu,
Advocate, No. 27 1st Floor
First Main, Gandhinagar,
Chandrashekar Complex,
Bangalore-560009.

2. Sri N. S. Prasad,
Advocate No. 242,
Fifth Main,
Gandhinagar,
Bangalore-560009.

Copy Received
28/9/94
(Viswanath)

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 08-09-94

Issued on
29/9/94

o/c for S. Sharmar 28/9
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

CONTEMPT PETITION NO. 29/ 1994

IN

ORIGINAL APPLICATION NO. 40/ 1991

THURSDAY, THE 8TH OF SEPTEMBER, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri L. Chandra Singh,
S/o Late Shri Lakshman Singh,
now aged about 50 years,
working as Vehicle Driver,
Office of the Divisional Railway,
Manager Works, Southern Railway,
Bangalore.

... Petitioner

(By Advocate Shri M.S. Anandaramu)

Vs.

Shri Mohan A. Menon,
Divisional Personnel Officer,
Divisional Office,
Personnel Branch,
Southern Railway,
Bangalore.

... Respondent

(By Advocate Shri N.S. Prasad)

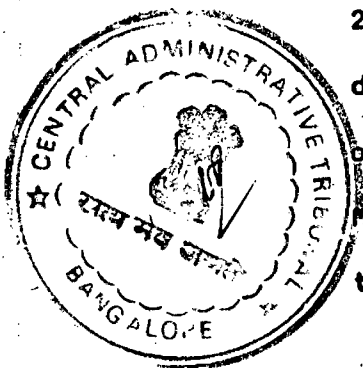
ORDER

Shri V. Ramakrishnan, Member (A)

Shri L. Chandra Singh, the applicant in OA 40/91 has filed a contempt petition challenging what according to him is the railway authority's action disregarding the Tribunal's decision rendered on 27.8.93.

2. The Tribunal vide its order dated 27.8.93 in OA 40/91 had directed that the applicant's seniority should be refixed in the cadre of drivers in such a manner that he ranks above Shri Venkatesh Muniyappa who started functioning as a Driver from a date later than that of the applicant.

...2/-



The Tribunal also however held that there was no merit in the other contention of the applicant that he should rank senior to R-5 to 9 who started functioning as Drivers from dates earlier to that of the applicant and also got regularised earlier. In pursuance to this direction, the Divisional Office, Southern Railway, Bangalore, revised the provisional seniority list as on 1.11.93 by its order dated 24.11.93 as at Annexure A-2. In this gradation list, the applicant has been shown above Shri Venkatesh Muniyappa, Respondent No.4, but has been placed below the other private respondents as per the direction of the Tribunal. However, on 24.2.94, a corrigendum (Annexure A-3) was issued which reads as follows:-

"Sub: Seniority list of Staff Car Drivers
- SBC Division.

Ref: This office letter No. B/P. 671/TT/PG/
Vol.I dated 24.11.93.

The date from which Shri H. Ahmed Hussain, Sl.No.4 of the above seniority list is continuously working as Driver may be read as 25.08.80 instead of 28.04.83 under column No.7.

The date of regularisation of Sri L. Chandra Singh, Sl. No.5 may be read as 3.3.89 instead of 19.3.81 under column No.8."

Shri Anandaramu, learned counsel for the applicant submits that the corrigendum has taken away the benefit of seniority which was conferred by the letter dated 24.11.93. He further submits that the corrigendum dated 24.2.94 as at Annexure A-3 has defied our direction.

3. The respondents in their reply statement have categorically stated that the corrigendum will not alter the position in the seniority list as at Annexure A-2; The relevant portion of the reply reads as follows:

...3/-

"The corrigendum issued correcting the date of regularisation of promotion as 3.3.89 without altering his position in the seniority list will not lead to disobedience of this Hon'ble Tribunal's orders, in as much as the applicant has been placed above Shri Venkatesh Muniappa in the seniority list and the Hon'ble Tribunal has also noticed that he should be below Ahmed Hussain which is the ranking that is given to him now.

The respondent submits that no disregard or disrespect has been shown to this Hon'ble Tribunal's orders. The respondent has complied with the orders of this Hon'ble Tribunal in full."

Shri N.S. Prasad, learned standing counsel for respondents also makes it clear that the intention of the respondent is not to alter the seniority of the applicant who is placed immediately above Shri Venkatesh Muniyappa and immediately below Shri K. Ahmad Hussain, which is in consonance with the direction of this Tribunal.

4. In view of the categorical assurance by the railways ^{which} as also brought out by the learned standing counsel during the hearing that the applicant's seniority will be regulated in strict conformity with the directions of this Tribunal ^{and} that the Corrigendum dated 24.2.94 does not alter this position, we find that the Railways have not committed any contempt. We, accordingly dismiss this contempt petition and the alleged contemnors are discharged.

Sd-
(A.N. Vujjanaradhya)
Member (J)

Sd-
(V. Ramakrishnan)
Member (A)

TCV



TRUE COPY

Se Shanwar
Section Officer 28/9
Central Administrative Tribunal
Bangalore Bench
Bangalore