

1/10/01

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Coram: Hon'ble Mr. Justice Birendra Diskshit - Vice Chairman  
Hon'ble Mrs. Shantha Shastry - Member (A)

Dated this Tuesday the 27th day of November, 2001

CONTEMPT PETITION NO.108 OF 2001

IN

ORIGINAL APPLICATION NO. 26 of 1994

1. Shri Digamber B.Zadage,  
2. Shri Vijay S.Gawande  
3. Shri Sakharam L.Patil  
(All working in the Diesel Locoshed,  
Central Railway, Pune). - Petitioners  
(By Advocate Shri S.R.Atre)

VERSUS

1. Shri Sudhir Chandra,  
General Manager,  
Central Railway,  
C.S.T., Mumbai 400001.  
2. Shri Kasturi Rangan,  
Divisional Railway Manager,  
Pune Division, Central Railway,  
Pune Railway Station, Pune.  
3. Shri A.K.Saxena,  
Senior Divisional Mechanical Engineer (D),  
Pune Railway Station, Pune. - Contemnors  
(By Advocate Shri S.C.Dhawan)

ORDER (Oral)

Per Hon'ble Mr.Justice Birendra Dikshit - Vice Chairman -

Learned counsel Shri S.R.Atre, for the Applicant, has argued that a seniority list published in the year 1993 was challenged before the Tribunal. Before the matter could be decided, another seniority list was published in the year 1999, which was also challenged by Applicants. At the same time, the seniority list <sup>of 1999</sup> was also challenged by certain persons who were shown below the Applicants from sl.no.42 to 57. All the three OAs came up for hearing simultaneously and were dismissed which means that the Applicants' case in respect of 1993 and 1999 seniority list was not accepted as well as case of persons who are at sl. nos.42 to 57 was also not accepted.

B. Dikshit

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Court: Hon'ble Mr. Justice Bhagwati - Vice Chairman  
Hon'ble Mr. Justice Bhagwati - Member (A)

Dated this Tuesday the 27th day of November, 2001

CONTempt PETITION NO. 108 OF 2001

IN

ORIGINAL APPLICATION NO. 56 OF 1999

Shri Dhadkar B.Zade,  
Shri A.Jayaram  
Shri Balkar L.Bafna  
(A) Worked in the Diwali Locomotive  
Ganjali Raikwadi, Pune.  
(By Advocate Shri S.R.Afle)

VERSUS

Shri Sudhir Chaudhary,  
General Manager  
Central Raikwadi  
C.S.T. Mumbai 400001.  
  
Shri Kasturji Ranade,  
Divisional Raikwadi Manager,  
Pune Division, Central Raikwadi  
Pune Raikwadi Station, Pune.  
  
Shri A.K.Saxena,  
Senior Divisional Mechanic Engineer (D),  
Pune Raikwadi Station, Pune.  
(By Advocate Shri S.C.Dhawani)

ORDER (Oral)

Per Hon'ble Mr. Justice Bhagwati - Vice Chairman

Learned Counsel Shri S.R.Afle, for the Appellant has  
stated that a summons issued before November 1999 was  
delivered to a subscriber before the master could be  
identified, although the summons was delivered in the year 1999,  
which was also challenged by Appellants. At the same time, the  
subscriber for whom the summons was issued challenged by certain persons who were  
shown before the Appellants from 10.45 to 11. All the three  
of us came up for hearing simultaneously and were dismissed with  
means of the Application, case in respect of 1999 and 1998  
separately, that was not accepted as well as case of persons who  
are of 11. Nos. 45 to 51 was also not accepted.

2. The Applicants have filed this petition for proceeding under Contempt of Court on the ground of wilful disobedience of the order of this Tribunal. The contention is that apart from the Applicants' OA being dismissed, the OA filed by the persons mentioned at sl.no.42 to 57<sup>was</sup> also dismissed, which means the seniority list was upheld. However, persons who were at sl.no. 42 to 57 in the 1999 seniority list were shown senior to applicant in the seniority list of the year 1993 were promoted on ad-hoc basis considering them to be senior. The Counsel for applicant contends that as the seniority list of 1999 has been upheld, therefore, by not reverting the persons at sl.nos. 42 to 57, who were promoted on the basis of 1993 seniority list, became liable to be reverted being shown as junior. His main contention is that as O.A. of persons at serial nos. 42 to 57 has been dismissed and they are not being reverted, it amounts to wilful disobedience of the order of this Tribunal.

3. We are unable to accept this contention. The O.A. of the parties being dismissed means that the seniority list of 1999 was upheld and if anyone requires reversion but is not reverted, then it will be a different cause of action for seeking relief and if the law permits then by filing an O.A. But so far this contempt petition is concerned, as there is no specific order or direction by this Court to revert persons at serial nos. 42 to 57, there is no wilful disobedience of any order of this Tribunal. As such, the Contempt Petition fails and is dismissed. No costs.

*Shanta*  
(Smt. Shanta Shastry)  
Member (A)

*B.D.*  
(Birendra Dikshit)  
Vice Chairman

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