

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

CP No.60/2000, with MP 957/2000 in OA 1129/1994

Mumbai, this 26th day of July, 2001

Hon'ble Shri Justice Birendra Dikshit, VC(J)
Hon'ble Shri M.P. Singh, Member(A)

L.P.Raja & 8 others .. Petitioners

(By Shri B.Ranganthan, Advocate)

versus

Dr.S.Swarup
Dy.Director General
Dte. of Supplies & Disposals
5th Floor, New CGO Building
New Marine Lines, Mumbai-400020 .. Respondent

(By Shri P.M.Pradhan, Advocate)

ORDER(oral)

Justice Birendra Dikshit

This Tribunal by its order dated 28.7.2000 in OA No.802/96 quashed the promotion order of Respondent No.4 passed by Dte. General of Supplies & Disposals, New Marine Lines, Mumbai, restored the seniority list issued on 7.6.93 and directed respondents to take action to promote applicants to next higher grade on the basis of seniority list dated 7.6.93 subject to their suitability otherwise. The Tribunal also directed that its directions be carried out within four months from the date of order. An MP 957/2000 was moved on 30.10.2000 to extend the time by eight weeks for complying the order in addition to the time granted at the time of disposal of the OA. The MP was taken up on 5.2.2001 when the Division Bench observed that if it is taken that time was to be granted, even then the time already stands expired.

B. Singh

Learned counsel for the applicant has now pointed out that no compliance of the order has taken place till this time.

2. Notice was issued on CP on 5.2.2001 which was ordered to be returnable in four weeks. Time was sought on CP for filing reply on 9.3.2001. Again on 23.3.2001 an MP for extension of time was moved by the respondents for filing reply to CP. The time was granted awarding adjournment cost of Rs.300. It was made clear while fixing next date that the cost should be paid before filing the reply. When the case was taken up on 9.4.2001, the order dated 23.3.2001 was not complied by that time, and respondent was then directed to appear in person at next date of hearing to explain delay in non-implementation of the order, the date fixed being 8.6.2001. On 8.6.2001 one Dr. S. Swarup (Respondent) appeared in person and admitted that there has been delay due to mistake in giving effect to the order of Tribunal as instead of year 1997 in respect of the applicants, it is to be mentioned between 1993-1995 and the necessary correction will be made within 10 days. In view of the said statement of Dr.S. Swarup, the case was adjourned to 22.6.2001. On 15.6.2001, office order No.58 of the office of respondent was passed fixing inter-se seniority of UDCs. In respect of this giving effect to the order

there was difference between the parties counsel and, therefore, the question arose whether respondents have duly complied the order dated 28.7.2000. Shri Pradhan appearing on behalf of respondent sought time to file compliance affidavit and the same was filed on 13.7.2001. On 20.7.2001, as case was being adjourned, an order was passed that respondent need not be present on the next date in case he is represented through a counsel and the case was listed for 24.7.2001. On 24.7.2001 this Tribunal ordered that Dr.S.Swarup was to be present on 26.7.2001. Dr. S. Swarup is present today. A copy of order dated 26th July, 2001 has been filed which is corrigendum to office order No.59 dated 20.7.01, the relevant part of which is as under:

"In terms of the CAT Judgement dt. 28.7.2000 and the direction given by the Hon'ble CAT on 24.7.01 the promotions issued on the dates indicated against the following officials stands cancelled and they stand reverted.


Sl.No. Name of the official Dates

- | | |
|-----------------------------|--|
| 1.Smt. A.K.Khopkar, LDC | O.O. No.350 dt. 24/8/93
(w.e.f. 17.08.93) |
| 2.Smt. S.S.Salvi, LDC | O.O. No.433 dt. 01/08/95 |
| 3.Smt. Celin Fernandes, LDC | O.O. No.434 dt. 01/08/95 |
| 4.Smt. M.V.Kirtikar, LDC | O.O. No.447 dt. 01/09/95 |

This issues with the approval of DDG(S&D), Mumbai"

A. *gint*

The counsel for applicant is satisfied that order of this Tribunal has now been complied with. We have also examined this. However, it has been wrongly referred in the affidavit by Dr.S.Swarup that "the direction given by the Hon'ble CAT on 24.7.01". No such direction was given on 24.7.2001 by the Division Bench. Although the order of the Tribunal was not complied in letter and spirit earlier but as now needful has been done, we do not propose to take any action against respondent as his counsel stated that Dr.S. Swarup is sorry for the mistake that stood committed. Dr.S.Swarup came forward for that and also admitted his mistake. Under the circumstances, we discharge the notice and drop the proceedings against respondent. However, as applicant has been dragged to this court due to non-compliance of our order, we award cost of Rs.1000/- to applicant which shall be paid by the respondent to the applicant within one month. Thus, subject to payment of costs awarded as above, the CP is dismissed.


(M.P.Singh)
Member(A)

/gtv/


(Birendra Dikshit)
Vice-Chairman(J)