

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CP NO.38/96 in OA No.1271/95

Dated: 26th July 2001

CORAM:Hon'ble Smt.Shanta Shastry, Member(A).
Hon'ble Shri Shankar Raju, Member(J)

Shri M.G.Patil & 6 Ors. ... Contempt Petitioners

v/s.

Union of India & Ors. ... Original Respondents.

(ORDER)

Per Smt.Shanta Shastry, Member(A)

This CP has been filed by the applicants in OA-1271/95 for allegedly violating the Interim Orders dated 20/10/95 and 17/11/95 passed by the Tribunal in aforesaid OA and to order the contemners to cancel the promotion order dated 19/2/96 in respect of Shri B.R.Ramchander, Shri D.K.Singh and Shri Virender Singh and to restore the petitioners namely the original applicants in this OA Shri Abdullah and Shri D.K.Verma to the posts which they were occupying at the time of the interim order passed by this Tribunal on 17/11/95 and to follow the seniority list of feeder cadre. The petitioners have further prayed not to promote any juniors to the Junior Administrative Grade posts till the disposal of this OA.

2. This Tribunal while admitting the OA passed the order dated 17/11/95 and modify the order dated 20/10/95. the same is reproduced below:-

" Heard Shri M.S.Ramamurthy alongwith Shri G.S.Walia Counsel for the applicants and Shri S.C.Dhawan, Counsel for the respondents on the ex-parte interim order. In the facts and circumstances of the case, the OA is Admitted. The interim order passed on 20/10/1995 will hold good, subject to the availability of any person senior to the applicants locally in the zone. So far as the applicants - Shri R.S.Gokhe, Shri A.M.Ellim and Shri P.G.Mangrulkar, they are already

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working in the J.A.G. post on adhoc basis and they continue to work in that capacity. In so far as Shri M.G.Patil is concerned, since he is to superannuate by 30/11/1995, he may be continued in that capacity in which he is working till his retirement. In so far as Shri Abdullah, Shri D.K.Verma and Shri Murath Ram is concerned, since they are working in the senior scale grade, no order need be passed."

3. According to the petitioners the respondents have promoted their juniors to the Junior Administrative Grade vide Office order dated 19/2/96. The names of these juniors as per the seniority list ^(Ans) at Sr.Nos.17, 19 ande 21. They are junior to the three petitioners on All India basis. Thus, however, contempt has been committed. The petitioners have been reverted from the post of Junior Administrative Grade which they were holding when the interim order was passed and they have been ignored for promotion. According to the seniority list of Junior Scale Officers published in 1975, the petitioners names appears at Sr.Nos.14, 15 and 16. This seniority is taken into consideration for the post of Additional Commercial Manager/ Divisional Operating Manager (Senior Scale). The petitioners were cleared by the DPC for the Junior Administrative Grade posts. The Advocate of the petitioners also sent a letter on 20/1/96 to the respondents clarifying the position and forewarning (not to violate the interim orders of the Tribunal). However, the contemners ignored the directive given by the Tribunal and have put the petitioners in a humiliating situation and caused moral and status loss.

4. The respondents vide their reply have denied that they have violated the interim orders issued by the Tribunal. The respondents submits that the interim orders of the Tribunal make

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it abundantly clear that the Tribunal had accepted the fact that S/Shri Abdullah, D.K.Verma and Murath Ram were working in Senior scale posts and not in Junior Administrative Grade posts when the interim order was passed. Although they were holding the post of Dy.CCO/Mumbai and Presenting Officer/NGP respectively and they were drawing the pay in the Senior Scale Grade. They were transferred in the same capacity and posted as SCM (Marketing and Sales). Therefore, it is not correct to say that they were reverted or they were posted in lower post. Those promoted to Junior Administrative Grade on adhoc basis are Officers senior to the applicants. There is no deliberate or wilful violation of the Tribunal's order. Moreover, the substantive appointments of the petitioners were cancelled vide order dated 28/8/95 i.e. much before the interim orders were issued by the Tribunal.

5. On hearing the rival contentions, in our considered view, the respondents have not violated interim orders passed by the Tribunal while promoting the seniors to the applicants. We therefore hold that no contempt has been committed. Accordingly, contempt notice is discharged and the CP is dismissed.

S. Raju

(SHNAKAR RAJU)
MEMBER(J)

app.

Shanta S

(SHANTA SHAstry)
MEMBER(A)