

25

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.
CP.109/96 in

C.A. No. 72/95.
T.A.N.C.

DATE OF DECISION: 7-11-96.

K. Gangadharan

PETITIONER(S)

K.Gangadharan (P-i-P)

ADVOCATE FOR THE PETITIONER(S)

VERSUS

Mr.K.K.Sinha, Chief Executive
NFC, ECIL Post, Hyderabad.

RESPONDENT (S)

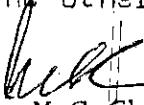
V. Rajeswara Rao, Addl.CGSC.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE SHRI JUSTICE M.G.CHAUDHARI : VICE CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN: MEMBER (ADMN.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not ?
the judgement ? NP
3. for the Fair copy of
4. Whether the Judgement is to be circulated to the other Benches ?


Judgement delivered by Hon'ble Justice Mr.M.G.Chaudhari :
Vice Chairman

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.P.No.109/96
in OA.No.72/95.

Dt.of Decision : 07-11-96.

K. Gangadharan

.. Applicant.

Vs

Mr. K.K.Sinha,
Chief Executive,
Nuclear Fuel Complex,
ECIL Post, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. K.Gangadharan
(Party-in-person)

Counsel for the Respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI JUSTICE M.G.CHAUDHARI : VICE CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE Mr.JUSTICE M.G.CHAUDHARI : VICE CHAIRMAN

Applicant in person present. Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. By the order in the OA, Respondent No.2 was directed to fix the seniority of the applicant in the grade of Stenographer Grade-II from the date on which his immediate junior was promoted to that grade against the seniority-cum-fitness quota. Consequential directions were also given which are not materialised at this stge. The respondents issued order dated 19-09-96

[Signature]

(Annexure-4) by which the applicant is informed that he has already been promoted as directed in the order in OA w.e.f., 26-05-93 i.e., the date on which his immediate junior was promoted to the post against seniority-cum-fitness quota. The respondents thus fully complied with the order in the OA.

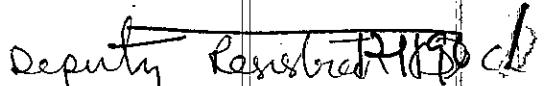
3. The applicant however disputes the fact that the immediate junior was promoted w.e.f., 26-05-93 was not actually his immediate junior but one Smt.Ch.Sabita who was promoted earlier ^{was} and he is entitled to be promoted from the date of her promotion and therefore disputed question of fact which has primarily to be raised before the Department and it does not involve any prima-facie breach of the original order. A contempt petition is not intended to embark on investigation in every disputed question as may be raised after the original order in the OA has been implemented. The proper remedy for the applicant was to approach the respondents with his grievance and await decision and if such decision is adverse, then it would give a cause of action for proper proceedings. This contempt petition is not such a proceeding. Hence, the CP is rejected subject to the observations made above.


(R.RANGARAJAN)
MEMBER(ADMN.)

Dated : The 07th Nov. 1996.
(Dictated in the Open Court)


(M.G.CHAUDHARI)
VICE CHAIRMAN

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Deputy Registrar