

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

M.A. No.304/2001
in
OA 795/1997

Date: 08/8/2001

Between:

1. prabhakar Das	25- K. Satyanayana
2. K.Appanna	26. B.Indu Kumar
3. S.Satyanarayana Murthy	27. V.Ravi Babu
4. G.Gnana Sunder Singh	28. N.Suryanarayana Murthy
5. A.V.Ramana	29. M.V.Satyanarayananamma
6. K. Nagamani	30. M.V.Satyalatha
7. P.Mary	31. Raja Rao
8. N.V.Ramanamma	32. M.Pratap Singh
9. Y.Usha Rao	33. A. Murali Rao
10.K.Udaya Bhaskari	34. IP Vanitha
11.K.N.Kashyap	35. A. Krishna Rao
12.A.Visweswara Rao	36. Y. Visalakshi
13.K.Vijaya Kumar	37. P.V.Ramana
14.G.Ganapathi Rao	38. P.Simhachalam Naidu
15.A.Suresh Kumar	39. M.Nagasiva Narayana
16.S.Vimala	40. P.Kamaraju
17.R.J.Madhusudhana Rao	41. K.Seshagiri Rao
18.J.V.Narayana Rao	42. K. Malathi
19.M.Gopala Krishna	43. S.V.Subramanyam
20.S.Malleswara Rao	44. S.V.S.Sarma
21.D.Suryanarayana Murthy	45. K. Srinivasa Rao
22.K.Chandra Rao	46. U.Prabhakar Rao
23.B.Venkateswarulu	47. A.Veerabrahmam
24.P.Varaprasad.	48. S.Surya Rama Rao

.. Applicants

A N D

1. Union of India
Secretary
Postal Department,
New Delhi.
2. Director General (Postal)
CGO Complex, New Delhi
3. Chief Postmaster General,
A.P. Circle, Hyderabad.
4. Postmaster General,
Visakhapatnam Region,
Visakhapatnam
5. Superintendent of Railway Mail Service,
RMS V-Divn. Visakhapatnam .. Respondents

Counsel for the applicants : Mr. N. Saida Rao

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC

Coram:

Hon. Shri M.V.Natarajan, Member (A)

Hon. Mrs. Bharati Ray, Member (J)

MA 304/2001 in
OA 795/97

O R D E R

(Per Hon.Mrs.Bharati Ray,Member(J)

This MA has been filed by the applicants for execution of the orders passed by this Tribunal in OA 795/97 on 27-6-97 by giving a direction to the respondents to fix the seniority of the applicants from the date of their initial appointment.

2. The applicants herein filed OA 795/97 which was disposed of on 27-6-97 and the respondents challenged the said order by filing review application No.80/98 to review the order passed by the Tribunal on 27-6-97 and the same was dismissed by the Tribunal on 19-2-99. The applicants herein thereafter filed MA No. 236/99 for implementation of the orders dt. 27-6-97 which was disposed on 5-7-99 reads as below :

"This MA is similar to the MA No.234/99 in OA No.1481/97. For the reasons stated in the order in MA No.234/99, this MA is disposed of with no order. "

3. MA 234/99 was filed by the applicants in OA 797/97. In MA 234/99 the Tribunal on 5-7-99 passed the following order :

"OA No.797/97 was disposed of way back on 27-6-97. The applicants filed this M.A on 22-3-99, nearly two years later, for implementation. If the respondents failed to implement the orders of this Tribunal, the applicants could have resorted to other judicial proceedings which may compel them to implement the orders. But they did not take any such action. As it may be possible that the applicants may apprehend that they may not be able to file even a contempt petition

they wanted to take recourse to file this M.A. for implementation based on the result of which they may contemplate to file some other proceedings for implementation of the judgment. Such an action on the part of the applicants cannot be accepted at this belated stage. We do not want to go into the merits of this implementation petition. The delay and laches have to be taken note of and hence the M.A. is disposed of with no orders. "

4. Applicants filed contempt petition No.135/99

which was disposed of by the following order :

"8. When the Hon. Supreme Court renders a decision on merits it becomes the law of the land, in view of Article 141 of the Constitution of India. When the Hon. Supreme Court did not agree with the order of the Ernakulam Bench of this Tribunal for giving certain reliefs to RTP and SDPAs in the postal department, then the respondents are justified in not giving effect to the decision given by this Tribunal in the OA.

9. In fact similar question came up before us in OA 689/97 and batch decided on 31-3-99. In the said batch, we considered in greater detail, whether the reliefs can be granted or not.

10. The very fact that the applicants failed to get any directions in the MA for implementing the directions given in the OA suggests that it is not open for them to file this CP for proceeding against the respondents. "

5. Applicants thereafter moved the Hon. High Court for a declaration that the orders of Central Administrative Tribunal passed in MA 236/99 for implementation of orders of the OA 795/97 and closing of the CP 135/99 without passing any orders is illegal, improper and against the Fundamental Rights

of the petitioners and contrary to the view taken by the Central Administrative Tribunal, Hyderabad in RA 80/98 and violation of Articles 14 and 16 of the Constitution of India and set aside the orders passed in MA 236/99 dated 5-7-99, CP 135/99 dt. 2-3-2000, and consequently for a direction to the respondents to implement the orders passed in OA 795/97 dt. 27-6-97 by regularising the services of the petitioners from the date of initial appointment and other benefits including service seniority, promotions and monetary benefits immediately.

6. The Hon. High Court on 17-1-2001 passed the following order :

"Having regard to the decision of the Apex Court in L.Chandra Kumar vs. Union of India (AIR 1997 SC 1125) in our opinion this application is not maintainable as the petitioner can file appropriate application before the learned Tribunal. The Writ Petition is accordingly dismissed. No order as to costs. "

7. We have heard the learned counsel on either side, perused the application, reply and rejoinder.

8. It is found that the instant MA is filed on 16-4-2001 i.e. one year, nine months after the disposal of MA 236/99 and more than four years from the date of disposal of OA 795/97. From the order passed by this Tribunal in CP No.135/99, it is found that the Tribunal considered that the respondents are justified in not giving effect to the decision given by this Tribunal in the OA. (vide para 8 of order in CP 135/99). The Tribunal also held that "the very fact that the applicants failed

to get any
/directions in the MA for implementing the direction
given in the OA suggests that it is not open for them
to file this CP for proceeding against the respondents." (vide para 10 of order in CP 135/99)

9. In view of the said decision rendered in the
above said proceedings and in view of the facts and
circumstances stated above we hold that the applica-
tion is not only a belated one but also devoid of any
merit. Applicants are not entitled to the relief
prayed for.

10. MA is dismissed accordingly. No order as to
costs.

Bharati Ray
(BHARATI RAY)
Member (J)

M.V.Natarajan
(M.V.NATARAJAN)
Member (A)

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