

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP 17/2003 (OA 245/1996)

DATE OF ORDER: 26.09.2003

R.N. Khurana son of Shri Chandi Ram aged about 65 years, resident of F-205, Mithila Path, Priyadarshini Marg, Shyam Nagar, Jaipur. Retired from the post of Superintending Engineer (Civil), Telecom Department, Jaipur.

.... Applicant.

VERSUS

1. Shri Vinod Vaish, Secretary to the Government of India, Department of Telecommunication, Ministry of Communication, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
2. Shri Vinod Vaish, Chairman, Telecom Communication, Sanchar Bhawan, 20 Ashoka Road, New Delhi.

.... Respondents.

Mr. C.B. Shama, Counsel for the applicant.

Ms. Shalini Sheoran, Proxy counsel for  
Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed the present Contempt Petition for alleged disobedience of the order of this Tribunal dated 18.4.2002 passed in OA No. 245/1996. While disposing of this OA, this Tribunal vide its operating portion has observed as under:-

"We, therefore, dispose of this OA finally in terms of the decision of the Principal Bench aforesaid and direct that the applicant, who was initially promoted as Executive Engineer on ad-hoc basis in the year 1978, is entitled to be treated on regular basis from that year i.e. 1978 and is also entitled to be considered for further promotion to the post of Superintending Engineer from the date his junior was so promoted, with all consequential benefits. No order as to costs."

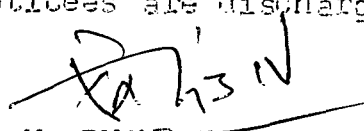
2. Show cause notices <sup>were</sup> issued to the respondents. The respondents have filed interim reply. In the reply, ~~it is stated that~~ delay for not complying the order of this Tribunal has been explained. It has been stated that the respondents in OA had filed D.B. Civil Writ Petition before the Rajasthan High Court, Jaipur Bench which has been dismissed now. The learned counsel for the respondents has also placed on record the order dated 25.9.2003, according to this order, the applicant has been promoted to the grade of Superintending Engineer (Civil) on ad-hoc basis w.e.f. 28.12.1994 that is from <sup>bl</sup>


the date his immediate junior Sh. S.K. Saxena was promoted. Copy of this order is placed on record.

3. The learned counsel for the petitioner submits that the order of this Tribunal has not been fully complied with in as much as the applicant is entitled for promotion w.e.f. 27.3.1992, the date on which his junior, Shri A.K. Nagar, was promoted on ad-hoc basis in the grade of Superintending Engineer (Civil). The learned counsel for the respondents submits that the order dated 27.3.1992 (Annexure A/4 in the OA) was issued on the basis of provisional seniority list, which has undergone changes from time to time, and the final seniority list as on 01.10.2002 was issued only vide letter dated 25.11.2002. The applicant has been given the benefit on the basis of this seniority list. According to this seniority list, the name of the applicant appeared at sl. no. 90 whereas the name of Shri S.K. ~~Saxen~~ Saxena has been shown at sl. no. 91.

4. In view <sup>of</sup> what has been stated above, we cannot go into merit of the case in this proceeding. We are of the view that the order of the Tribunal has been complied with. In case the applicant is still aggrieved about the merit of the order dated 25.9.2003, whereby the benefit has been given to him w.e.f. 28.12.1994, he will be at liberty to institute appropriate proceeding.

5. With these observations, this Contempt Petition is dismissed. Noticees are discharged.

  
(A.K. BHANDARI)  
MEMBER(A)

  
(M.L. CHAUDHARY)  
MEMBER (J)