

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Order: 08.9.95.

CP No.49/95 (OA No.629/92)

Ved Prakash, Gauri Lal and Jagdish Prasad

... PETITIONERS.

VERSUS

Shri M. Ravindra and R.C. Tripathi

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Petitioners ... Mr. P.V. Calla

For the Respondents ... Mr. Manish Bhandari

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Petitioners, named above, have prayed for initiating contempt proceedings against the respondents for non-compliance with and dis-obedience of the directions of the Tribunal in OA No.629/92, decided on 26.7.94.

2. We have heard the learned counsel for the parties and have gone through the records of these proceedings.

3. The short question to be determined in this petition is whether the respondents have wilfully dis-obeyed the directions of this Tribunal issued in the aforesaid OA, which may be extracted below :-

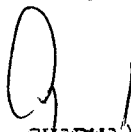
"The respondents are directed that the determination of seniority may be done between the applicants and the respondents no.3 to 10 within a period of two months from today. In case, it is found that any person junior to the applicants has been given promotion, the applicants should be given promotion from the retrospective date on which their juniors have been given promotion. In case, the applicants get promotion, their cases should also be considered for promotion on the post of Fireman Grade-I, as a consequential relief. The entire exercise should be completed within a period of four months from today."

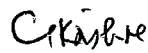
The learned counsel for the petitioners has contended that a duty was cast upon the respondents to determine the seniority of the petitioners qua respondents no.3 to 10 according to the working days but in this case despite directions of the Tribunal no exercise, as intended, was done by the respondents and

C. K. Singh

straightway a communication dated 10.11.94 (Ann.P/2) was issued stating therein that the seniority of the petitioners vis-a-vis the private respondents was correctly determined and there was no necessity to amend the same, which communication has been assailed as having been issued without any application of mind. The learned counsel for the petitioners further stated that the basic criteria for determining seniority have not been applied and, therefore, the respondents are guilty of contempt of the Tribunal's directions. There is no averment in this petition that any person named therein junior to the applicants has been granted promotion. In these proceedings for contempt we are not supposed to reopen the case on merits and re-decide the issue of seniority. We are of the view that the respondents have fully complied with the directions issued by the Tribunal in the aforesaid OA vide Annexure P/2 dated 10.11.94. The petitioners have failed to make out any case of contempt against the respondents.

4. The result is, this contempt petition is dismissed.


(O.P. SHARMA)
MEMBER (A)


(GOPAL PRISHNA)
VICE CHAIRMAN

VK