

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 04.09.02

CP No.46/02 (OA No. 136/96)

D.J.Joseph w/o Shri J.Joseph, Nursing Sister in the office of Chief Medical Superintendent, r/o House No.161/43, Pal Bibhla, Krishan Colony, Ajmer.

.. Applicant

Versus

1. Kamal Kishore Agarwal, General Manager, Western Railway, Churchgate, Mumbai.
2. B.B.Saran, Divisional Railway Manager, Western Railway, Ajmer.
3. Mahaveer Kumar Sogani, Chief Medical Superintendent, Western Railway, Ajmer.

.. Respondents

Mr. P.V.Calla - counsel for the applicant

Mr. U.D.Sharma - counsel for the respondents

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

This Contempt Petition has been filed for the alleged disobedience of the order of this Tribunal dated 29.3.2001 passed in OA No.136/96. The operative portion of the order is as under:-

"All the above OAs are disposed of with a direction to the respondents not to give effect to any eligibility list and/or panel already prepared for the purpose of promotion to the next higher cadre, without revising the seniority in the lower cadre in the light of the "catch-up" rule enunciated by Hon'ble the



Supreme Court in Ajit Singh-II, Jatinder Pal Singh etc. The official respondents shall now take up the exercise for revising the seniority between the applicants and the respondents in each case with reference to other persons of the cadres at different levels, in terms of the base level seniority. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order or before initiating the process for any promotion to higher cadre, whichever is earlier."

2. It is admitted by the learned counsel for the applicant that the revised seniority list has been issued on the basis of catch-up rule and to that extent the order of the Tribunal has been complied. The learned counsel for the applicant submitted that the respondents have not complied the order with regard to not giving effect to the eligibility list and panel for promotion to the next higher grade since Smt. Usha Chauhan was promoted to the post of Chief Matron from the panel prepared earlier. He further submits that vide order dated 30.3.01 (Ann.CP/4), the respondents, instead of demoting her, have kept her on the post of Matron on ad-hoc basis. The learned counsel for the respondents submits that as per the judgment of the Hon'ble Supreme Court, the persons already promoted have to be continued and catch-up rule is to be applied to vacancies arising subsequent to the Hon'ble Supreme Court judgment.

3. We have considered the rival contentions of the learned counsel for the parties. We are of the view that there is not wilful disobedience of the order of the



: 3 :

Tribunal. Therefore, this Contempt Petition is not maintainable. Accordingly, it is dismissed. Noticees are discharged. The applicant will be at liberty to agitate her grievances by filing separate OA, if she still feels aggrieved subject to limitation.



(M.L.CHAUHAN)

Member (Judicial)



(H.O.GUPTA)

Member (Administrative)