

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 30.10.2003

Contempt Petition No. 62/2003.

IN

Original Application No.58/98.

Babu Lal Mudgal S/o Shri Ratan Lal Sharma, Now
Deputy Divisional Manager, Postal Life Insurance,
Office of C.P.M.G. Rajasthan, Jaipur.

...Applicant.

v e r s u s

1. Ms. Padama Bala Subramaniam, Secretary,
Ministry of Communication, Department of Posts,
New Delhi.

2. Shri G. Mohana Kumar, Chief Post master
General, Rajasthan Circle, Jaipur.

... Respondents.

Mr. P. K. Sharma counsel for the applicant.

CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.
Hon'ble Mr. A. K. Bhandari, Administrative Member.

: O R D E R :
(per Hon'ble Mr. G. L. Gupta)

The petitioner was promoted to the Postal service Group-B w.e.f. 02.04.1992. His name appeared at Sl. No. 484 in the Seniority List of Group-B officers. One Shri C. M. Gehlot was also Group-B Officer and his name appeared at Sl. No. 719. Vide order dated 03.04.1991, Shri C. M. Gehlot was promoted to the post of HSG-I but the petitioner was not given promotion. He, therefore, made representations against his supersession. The last such representation was filed on 23.10.1996. The same was rejected by the



Chief Post Master General vide order dated 04.04.1997 on the ground that promotion to Shri C. M. Gehlot was given on the basis of roster as he was member of the Scheduled Caste. The applicant approached this Tribunal by filing OA No.58/98 claiming promotion to the post of HSG-I w.e.f. 11.6.1991, the date on which Shri C. M. Gehlot, person junior to him in the basic grade, was promoted. The said OA was disposed of by this Tribunal vide order dated 29.03.2001 along with some other OAs. A common order was passed. The last paragraph of the order read as follows :-

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."

1.1 The respondents filed Review Application, but the same was dismissed by this Tribunal vide order dated 03.12.2002 as barred by limitation.

1.2 The petitioner now has filed this CP stating that the respondents have not implemented the order of the Tribunal and have denied the



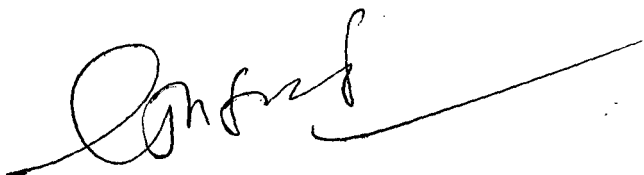
implementation on the basis of the order dated 04.04.1997, which was the subject matter of the OA.

2. We have gone through the record of the case and have heard the learned counsel for the petitioner.

3. It is seen that the OA No. 58/98 was tagged along with the other OAs in which the controversy, relating to the principles for determining the seniority of Scheduled Caste/Scheduled Tribe candidates, promoted earlier on roster principles vis-a-vis general category candidates promoted later, was involved. The Tribunal directed to revise the seniority list in the light of the "Catch up" rule enunciated by the Supreme Court in the case of Ajit Singh-II and Jatinder Pal Singh.

4. It is evident that no direction was given to the respondents to consider the case of the applicant for promotion to HSG-I w.e.f. the year 1991. What was directed in the order was only to revise the seniority list, keeping in view, the "Catch up" principle.

5. It is not the stand of the petitioner that the seniority list has not been revised. What is averred is that the respondents have not promoted the applicant in compliance of the order of the Tribunal on the same ground stated in the order

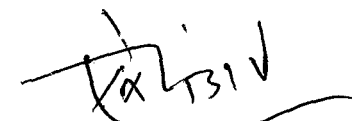


dated 04.04.1997 which was the subject matter of the OA.

6. In the order dated 29.03.2001, no finding was recorded as to the correctness or otherwise of the order dated 04.04.1997 impugned in the OA filed by the petitioner. Since the Court had not directed the respondents to consider the promotion of the petitioner, it cannot be said that the respondents have committed contempt much less deliberately when promotion of the applicant has not been ordered w.e.f. 1991.

7. It is relevant to point out that after the decision of the Tribunal the Constitution has been amended, providing for keeping the seniority of the persons promoted on roster basis, in fact.

8. No case of contempt is made out. The petition is dismissed in limine.



(A. K. BHANDARI)
MEMBER (A)



(G. L. GUPTA)
VICE CHAIRMAN