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**Central Administrative Tribunal
Jabalpur Bench**

OA No.598/06

Jabalpur, this the 10th day of November 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman

N.K.Marani
S/o Shri L.K.Marani
R/o D-3/539, Danish Nagar
Hoshangabad Road
Bhopal (M.P.)

Applicant

(By advocate Shri M.K.Verma)

Versus

1. Union of India
through Secretary
Ministry of Social Justice and
Empowerment, Shasti Bhavan
New Delhi
2. The Secretary, National
Commission for S.T., Vth Floor
Loknayak Bhavan
New Delhi.
3. Director, National Commission
For S.T., State Office, 52-A
Nirman Sadan, Room No.309
Arera Hills, Bhopal.

Respondents.

(By advocate Shri M.Chaurasia)

O R D E R (oral)

By Dr.G.C.Srivastava, Vice Chairman

This Original Application has been filed seeking the following
reliefs:

- (i) Quash the order dated 17.8.2006.
- (ii) Direct the respondents to comply with the order passed by
this Tribunal dated 13.8.2003 in OA No.212/99.

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2. Shri M.K.Verma, appearing on behalf of the applicant, has submitted that this Tribunal had passed an order to the following effect in OA No.212/99 on 13th August 2003:-

“In view of what has been said and discussed above the Original Application has ample force and substance. The same is hereby allowed. The respondents are directed to treat the applicant as regular appointee on the post of Investigator from 8.10.1981. He shall be entitled for all consequential benefits. However, in the peculiar facts and circumstances of the case, we make no order as to costs.”

3. Shri M.K.Verma has stated that although regular appointment as Investigator has been granted to the applicant, all other consequential benefits have not been given so far, as a result of which the applicant continues to be on the post of Investigator and this post has been transferred along with the incumbent from Bhopal to New Delhi vide order dated 17.8.2006 (A-5).

4. In the reply, the respondents have stated that the National Commission for Scheduled Castes & Scheduled Tribes has been bifurcated into two separate Commissions w.e.f.19.2.2004 and the applicant is presently working in the National Commission for Scheduled Tribes, but the cadre controlling authority is the National Commission for SC. It has also been submitted that the case of the applicant for further promotion is being examined by the National Commission for SC, which is not a respondent party in the present OA. However, since both the Commissions are under the Ministry of Social Justice and Empowerment and the Secretary of this Ministry is respondent No.1, I am of the view that if the directions are to be complied with by the National Commission for SC, it can be done by issuance of directions to respondent No.1. Learned counsel for the applicant has stated that the applicant would be satisfied if respondent No.1 is directed to get the Tribunal's order in the aforesaid Original Application implemented in full, within a specified period and till then, the order dated 17.8.2006 through which the applicant has been transferred along with the post be kept in abeyance. The applicant has not joined at his new place of posting in terms of the interim relief

given by this Tribunal. In view of the submissions made by Shri M.Chaurasia, learned counsel for the respondents that the National Commission for SC ~~has~~ ^{is} considering the case of the applicant for further promotion, I am of the considered view that ends of justice would be met by directing respondent No.1 to ensure that this Tribunal's order in the aforesaid OA regarding consequential benefits to the applicant is implemented within a period of three months from the date of receipt of this order by issuing suitable directions to the National Commission for SC, which is reported to be the cadre controlling authority for the applicant. The respondent No.1 is directed to get a detailed and reasoned order passed through the National Commission for SC, within this period and whatever relief is admissible to the applicant, be given within the aforesaid period. Meanwhile, if the applicant wishes, he can join on the existing post at New Delhi in terms of the impugned order dated 17.8.06.

5. With the aforesaid directions, the OA is disposed of.

General -
(Dr.G.C.Srivastava)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/व्या..... जम्मू, दि.....
परिविहारी गाने पाता:-

- (1) श्रीम. विजय राम दिव्याधर, जम्मू
- (2) श्रीम. विजय राम दिव्याधर, जम्मू
- (3) श्रीम. विजय राम दिव्याधर, जम्मू
- (4) श्रीम. विजय राम दिव्याधर, जम्मू

सूचना एवं आवश्यक कार्यालय, नव

157111 नव
उप रजिस्ट्रार

M.G.Verma
Adv 288
M.Chaurasia
Adv 238

DDW
on 15/11/06
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