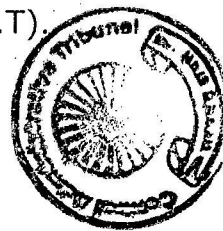


CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH****Decided on: 21.01.2015**

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER(A)

(I) M.A.NO.060/00065/2015 IN
CP NO. 060/00190/2014 IN
O.A.NO.1140-CH-2013

Dr. A.K. Sharma son of Sh. Jawahar Lal, aged about 47 years,
presently working as Asstt. Professor in Applied Art, Government
College of Arts, Sector 10, Chandigarh (U.T).



Applicant

Versus

1. Sh. S.V Patil, Administrator, Union Territory, Chandigarh
through Advisor to Administrator, U.T Secretariat, Sector
9, Chandigarh.
2. Sh. Sarbjit Singh, Secretary Technical Education, U.T.
Administration, Sector 9, Chandigarh.
3. Sh. Sandeep Hans, Head of Department, Govt., College of
Art, Sector 10, Chandigarh through Principal Govt., College
of Art, Sector 10, Chandigarh.

Respondents

(II) M.A.NO.060/00066/2015 IN
CP NO. 060/00188/2014 IN
O.A.NO.060/00263/2014

1. Dharmender Kumar son of Sh. Suresh Chandra Prasad, Aged 40 years, resident of House No. 5025-A, PEC Campus, Sector-12, Chandigarh presently working as Assistant Professor, Chandigarh College of Architecture, Sector 12, Chandigarh (U.T).
2. Gaurav Gangwar son of Sh. Hari Nandan Singh Gangwar, Aged 42 years, resident of House No. 5022, PEC Campus, Sector-12, Chandigarh presently working as Assistant Professor, Chandigarh College of Architecture, Sector 12, Chandigarh (U.T).



Applicants

Versus

1. Sh. S.V Patil, Administrator, Union Territory, Chandigarh through Advisor to Administrator, U.T Secretariat, Sector 9, Chandigarh.
2. Sh. Sarbjit Singh, Secretary Technical Education, U.T. Administration, Sector 9, Chandigarh.
3. Sh. P. Bhagat, Principal, Chandigarh College of Architecture, Sector 12, Chandigarh.

Respondents

(III) M.A.NO.060/00067/2015 IN
C. P NO.060/00189/2014 IN
O.A.NO.1141-CH-2013

Anand C. Shende son of Sh. Chandershekher Shende, aged 41 years, presently working as Asstt. Professor in Applied Art, Government College of Arts, Sector 10, Chandigarh (U.T).

Applicant

Versus

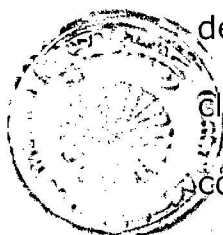
1. Sh. S.V Patil, Administrator, Union Territory, Chandigarh through Advisor to Administrator, U.T Secretariat, Sector 9, Chandigarh.
2. Sh. Sarbjit Singh, Secretary Technical Education, U.T. Administration, Sector 9, Chandigarh.
3. Sh. Sandeep Hans, Head of Department, Govt., College of Art, Sector 10, Chandigarh through Principal Govt., College of Art, Sector 10, Chandigarh.

Respondents

Present : Mr. S.S. Pathania, Advocate, for the applicants.
None for the respondents.

O R D E R (oral)
SANJEEV KAUSHIK, MEMBER (J)

1. These Miscellaneous Applications involve identical questions of facts and law and as such are being disposed of by a common order.
2. In all the three Original Applications mentioned above the claim was for implementation of the order dated 26.3.2012 granting date of seniority as 2.9.2003 i.e. the date on which the immediate senior of the applicants had joined and benefit of increments, pension, gratuity, GPF, GIS etc. from the deemed date of seniority of year were also allowed. It was claimed that actual benefit has already been allowed to compatriots of the applicants.
3. The Original Applications were disposed of on 23.7.2014 remitting the matter back to the Chandigarh Administration that similarly situated employees of the Administration should be treated in a similar manner and such consideration in respect of the applicants in the present O.As may be completed within two months from the date of receipt of a certified copy of the order.
4. Non-compliance of the order resulting into filing of three Contempt Petitions and during the pendency of the same, Ms.




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Puneeta Sethi, learned counsel for the respondents produced photocopy of an order dated 28.10.2014 to indicate that the relevant orders of this Tribunal stood complied with. A perusal of the same indicates that the Administration had reconsidered the matter and it was decided to comply with the order and it was held that applicants are entitled for the grant of benefit of deemed date of their joining along-with all consequential benefit such as increments, pension, gratuity, GPF, GIS etc. subject to the conditions that no financial benefit for the notional fixation of their pay shall be admissible as per orders dated 16.3.2012. In view of this, the Contempt Petitions were disposed of as having been satisfied as learned counsel for the applicant did not dispute about the factual accuracy of the statement qua compliance and notices were also discharged.

5. Now the applicants have moved the instant applications for recall of the order dismissing the Contempt Petitions as having been satisfied on the premise that the applicants have not been given (a) increments (advance/annual); notional from the deemed date of seniority and actual disbursement from the actual date of joining; (b) arrears of CAS and (c) grant of Selection Scale w.e.f. 28.3.2012.

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6. A perusal of the pleadings of the parties would reveal that only relief sought for by applicants in the Original Application was qua implementation of the order dated 26.3.2012 which was for grant of increments, pension, gratuity, GPF, GIS etc. and the order now passed by the respondents indicates grant of these benefits to the applicant. Now the specific relief sought for in the M.A. were not even mentioned in relief clause of the Original Application. The applicants have not even cared to approach the respondents for grant of stated relief and have rushed to this Tribunal under an assumption that "actual implementation would never come about".
7. Considering the sequence of events and factual scenario and nature of relief prayed for by applicants in the Original Application and consideration carried out by the respondents one can safely conclude that the orders of this Tribunal have been complied with and if some actual financial benefit is to be released, we expect the respondents to release the same expeditiously and if they fail to do so the applicants can very well move an Execution Application for release of the desired relief. In so far as revival of the Contempt Petition is concerned, once the C.P. stands disposed of on satisfaction of the court and admission of learned counsel for the applicant
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that the directions stand complied with, we do not find any grounds made out for revival of the Contempt Petition.

8. In view of the aforesaid discussion, these Miscellaneous Applications are found to be devoid of any merit and are dismissed.

(SANJEEV KAUSHIK)
MEMBER (J)

(UDAY KUMAR VARMA)
MEMBER (A)

Place: Chandigarh
Dated: 21.1.2015

HC*

Certified True Copy/प्रमाणित सत्य प्रतिलिपि

[Signature]
अनुभाग अधिकारी (न्याय)/Section officer (Judl.)
4/21/2
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
चण्डीगढ़ पीठ/ Chandigarh Bench
चण्डीगढ़ / Chandigarh

[Signature]
21/2/15