

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**C.P. No.91/2018 In
O.A No.621/2004**

**Reserved On:14.03.2018
Pronounced on:23.03.2018**

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Ram Rattan, aged about 52 years
S/o Shri Daulat Ram,
Working as Sr. Investigator, CSO,
Ministry of Statistics & PI,
E.B. 10 R.K. Puram,
New Delhi.
2. Shri K.K. Chand, aged about __ years
S/o Shri Satya Pal Chand
Sr. Investigator
National Accounts Division
Central Statistical Organisation,
Ministry of Statistical and Programme Implementation,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001.Petitioners

(By Advocate: Mrs. Harvinder Oberoi)

Versus

1. Shri K.V. Eapen
Secretary,
Ministry of Statistics and Programme Implementation,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001.
2. Shri Vivek Shukla
Director (Administration/SSS Division),
Ministry of Statistics and Programme Implementation,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001. Respondents

ORDER

By Mr. V. Ajay Kumar, Member (J)

OA No.621/2004 filed by the petitioners was disposed of by this Tribunal on 30.06.2005 (Annexure CP-I), as under:-

“10. Be that as it may, the fact that before an adverse decision has been taken against applicants without putting them to notice is sufficient to vitiate the impugned orders being violative of principle of natural justice. Accordingly, on the above ground, leaving other please open, impugned orders are set aside. Applicants are directed to be restored to their original position with all consequential benefits. However, this shall not preclude the respondents, if so advised, from taking appropriate action in accordance with rules having regard to our observations made above. No costs”.

2. Alleging non-implementation of the aforesaid orders, the petitioners earlier filed C.P. No.112/2006, which was dropped by order dated 05.06.2006 (Annexure CP-2) as under:-

“3. Learned counsel of the applicants stated that while respondents have restored the applicants to their original position allocating related seniority, they have not accorded the consequential benefits to them. On the other hand, learned counsel of the respondents stated that as regards consequential benefits, cancellation of order dated 02.07.2002 does not have any effect on the pay and allowances of the applicants and also as regards consequential benefits, cancellation of order dated 02.07.2002 does not have any effect on the pay and allowances of the applicants and also as regards seniority in the grade of Sr. Investigators. Learned counsel of the applicants stated that consequential benefits would imply that applicants should be placed in the higher pay scale of Rs.7400-11500/- with consequential arrears. It is observed from OA that in the relief claimed neither such a relief was specifically asked for nor this question has been dealt with in detail in Tribunal's orders. As such, the issue of consequential benefits becomes a contentious issue.

4. In this view of the matter, while CP is dropped discharging notices to the respondents, applicants shall have liberty to resort to appropriate legal proceedings regarding benefits consequential to restoration to original position”.

3. The respondents vide Annexure CP-3 order dated 05.03.2009, after examining the suitability of both the petitioners for Sr. Investigators in the Central Statistical Organisation for absorption in the Subordinate Statistical Service as Statistical Investigator Grade-I with effect from 01.04.2004, absorbed and appointed them

as such. Vide the same order, the respondents also assigned seniority to the applicants as per date of appointment as well as inter-se seniority in the parent organisation. However, the respondents, vide Annexure CP-4, Office Memorandum dated 01.02.2018, reviewed the promotions of the petitioners as Sr. Investigators and declared that their promotion as Sr. Investigators in Central Statistical Organisation as well as the absorption as Statistical Investigators Grade-I in the Subordinate Statistical Service vide order dated 05.03.2009, was erroneous.

4. The petitioners filed the instant CP by mainly submitting that their promotion granted vide Annexure CP-3 order dated 05.03.2009, was in compliance of the orders of this Tribunal in OA No.621/2004 and that withdrawing the same vide Annexure CP-4, Office Memorandum dated 01.02.2018, is contumacious and accordingly prayed for punishing the respondents under the Contempt of Courts Act, 1971.

5. Heard Mrs. Harvinder Oberoi, learned counsel for the petitioners and perused the pleadings.

6. Firstly, in CP No.112/2006, filed by the petitioners, after recording the statement of the petitioners that the respondents have restored the petitioners to their original position allocating related seniority, this Tribunal dropped the CP granting liberty to the petitioners to resort to appropriate legal proceedings regarding benefits consequential to restoration to original position, by order

dated 05.06.2006. Admittedly, the petitioners have not initiated any other legal proceedings exercising the liberty granted by this Tribunal, till date.

7. Secondly, OA No.621/2004 was allowed on the ground of violation of principles of natural justice. Accordingly, the respondents, after following the due procedure, passed the Annexure CP-3 order dated 05.03.2009. However, withdrawing the same subsequently, by giving certain reasons, cannot be termed as contempt of the orders of this Tribunal dated 30.06.2005 in OA No.621/2004.

8. Accordingly, and in the circumstances, the CP is dismissed. However, the petitioners are at liberty to avail their remedies in accordance with law, if they are aggrieved by Annexure CP-4, Office Memorandum dated 01.02.2018, if they are so advised. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS