

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

**C.P. No.216/2018
IN
O.A. No.1014/2009**

Reserved On: 19.11.2018

Pronounced on: 29.11.2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Karan Singh

S/o Shri Kanahaya Lal

Aged about 56 years

R/o C-155, Nanakpura, South Moti Bagh,
Delhi-110021

Working as Deputy Manager.

...Petitioner

(By Advocate: Shri Sudarshan Rajan with Shri Ramesh Rawat and
Shri Rajeev Khurana)

Versus

1. Shri Durga Shankar Mishra
The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Mr. A.K. Bansal,
Directorate of Printing,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

...Respondents

(By Advocate: Shri Satish Kumar and Shri R.K. Sharma)

ORDER

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

All India Printing Technical Officers Association, along with
seven individual applicants, including the sole petitioner in the

instant C.P., filed the OA No.1014/2009 which was disposed of by this Tribunal by an order dated 15.10.2009, as under:-

“We direct disposal of this OA as per counter reply filed by the respondents to determine the sanctioned strength of various Presses and approval of Ministry of Finance for revival of posts, which had already come under deemed abolition and determine exact number of vacancies to give effect to the recommendations of the DPC for promotion of the applicants to the next higher grade of Deputy Manager (Photolitho) with protecting the seniority of the applicants in the promotional post, qua the Overseers, as per law. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

2. Alleging non-implementation of the aforesaid orders of this Tribunal, the applicant No.5 in the OA, filed the instant CP.

3. The respondents filed a reply affidavit in the CP stating that they have complied with the orders of this Tribunal and the relevant paragraphs of the same read as under:-

“8. That in order to comply with the direction of the above judgment of the Hon’ble CAT, the Ministry of Finance was approached to revive the 22 post of Deputy Manager for giving promotion to the remaining officers in the panel. The Ministry of Finance vide its communication dated 8.4.2010 (Annexure R-1) revived 22 posts of Deputy Manager for which DPC was already taken place. Accordingly, Shri Karan Singh and others were promoted to the post of Deputy Manager vide order dated 21st/24th May, 2010 (Annexure R-2). The seniority of the applicant in the grade of Deputy Manager has been maintained as per the date of promotion in that post.

9. That as per order 20(5)/2002-A.III dated 18.05.2007 of this Directorate, post of Assistant Manager (Technical) and Overseer will get abolished after non-availability of incumbent and such posts will be merged with post of Deputy Manager and Technical Officer respectively. As per RR-1997, the post of Manager is required to be filled by promotion from (i) Deputy Manager and Technologist with 7 years regular service, (ii) Asstt. Manager(T) with 8 years regular service. Accordingly, the Inter-se-eligibility list of AM(T)/Dy. Managers/Technologist for the post of Manager was issued in the year 2012/13, against

which various representations were received including Sh. Karan Singh. The representation of Shri Karan Singh dated nil was received from GIP, Faridabad vide their letter dated 5.3.2013 (Annexure R-3) that his seniority has not been fixed in accordance with CAT's judgment dated 15.10.2009 and that he should be placed above the AM(T) appointed in 2009 in the Inter-se-eligibility list.

10. That the representation of the petitioner was examined and it was replied vide O.M. dated 5th September, 2013 (Annexure R-4) that he was confusing Inter-se-eligibility list with Inter-se-seniority list and that the Hon'ble CAT's direction dated 15.10.2009 has already been complied with.

11. Thereafter, the Inter-se-eligibility was again issued in the years 2014 & 2015 but no representation was again received from Sh. Karan Singh. The draft Inter-se-eligibility list for the year 2016 was issued on 19.1.2016 (Annexure R-5) and objections were called for within 21 days from the issue. However, no representation was received from Sh. Karan Singh within the time. The representation from Sh. Karan Singh on the subject was received only on 30.5.2016 (Annexure R-6) and thus his request was not considered. The final Inter-se-eligibility list of AM(T)/Dy. Managers was issued on 25.4.2016 (Annexure R-7). As there was no change in the final inter-se-eligibility issued on 19.1.2016, the last final inter-se-eligibility list as on 01.01.2017 was also issued on 29.05.2017. In all these inter-se-eligibility list, the placement of Deputy Managers and Assistant Managers (Technical) was in the order of their date of promotion to the respective posts."

4. Heard Shri Sudarshan Rajan with Shri Ramesh Rawat and Shri Rajeev Khurana, the learned counsel for the petitioner and Shri Satish Kumar and Shri R.K. Sharma, the learned counsel for the respondents and perused the pleadings on record.

5. Except the sole petitioner in the CP, but the rest of the applicants including the Association are satisfied with the compliance of the orders of this Tribunal in the OA. The petitioner filed the instant CP after a lapse of about 9 years from the date of disposal of the OA. It is also his specific case that the respondents

committed the contempt of the orders of this Tribunal passed in OA No.1014/2009 dated 15.10.2009, by issuing Annexure CP-4, Office Memorandum dated 19.01.2016 whereunder a Draft Inter-Se Eligibility List in the grade of Deputy Manager/Technologist/Assistant Manager (Tech) as on 01.01.2016 was issued. It is also his case that in the said Annexure CP-4 Draft Inter-Se Eligibility List dated 19.01.2016, the petitioner was shown as junior to some of the Overseers who were promoted as Technical Officer subsequent to the petitioner.

6. A perusal of the order dated 15.10.2009 in OA No.1014/2009 which was disposed of by this Tribunal by placing reliance on the counter reply filed by the respondents in the said OA reveals that, no determination of any seniority position of any of the applicants therein including the petitioner was made. A general direction was given to the respondents. The petitioner kept quiet for about 9 years and for the first time, he raised the objection against the Draft Inter-Se Eligibility List dated 19.01.2016 by stating that the same is in violation of the orders of this Tribunal.

7. After considering the objections made against the said OM, including the objections of the petitioner, the respondents issued Annexure CP-6 Office Memorandum dated 29.05.2017, i.e., the Final Inter-Se Eligibility List. The petitioner instead of challenging the said Final List, if he is aggrieved, chose to file the instant CP.

8. As explained by the respondents in their counter that an identical objection of the applicant was examined and was replied vide OM dated 05.09.2013 (Annexure R-4) stating that he was confusing the Inter-Se Eligibility List with Inter-Se Seniority List. The petitioner has not chosen to challenge the same though his identical claim was rejected by the respondents way back in the year 2013.

9. In the circumstances and for the aforesaid reasons, we do not find any wilful or deliberate contempt of the orders of this Tribunal and accordingly the CP is dismissed. Notices issued to the respondents are discharged. However, this order shall not preclude the petitioner from challenging the Office Memorandum dated 29.05.2017 (Annexure CP-6), i.e., Final Inter-Se Eligibility List in the grade of Deputy Manager/Technologist/Assistant Manager (Tech) as on 01.01.2017, after impleading all the necessary and affected parties, by filing a fresh OA, in accordance with law, if he is advised as such. No costs.

(ARADHANA JOHRI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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