

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**C.P. No. 805/2017**

**O.A No. 1744/2013**

**M.A 1383/2013**

New Delhi, this the 14<sup>th</sup> day of September, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)**

**Hon'ble Ms. Aradhana Johri, Member (A)**

Rajesh Kumar Sah  
S/o. Shri Surya Narayan Sah,  
Flat No. 20/53, Lodhi Colony,  
New Delhi – 110 003.

...Petitioner

(By Advocate : Mr. S. K. Jha)

Versus

Shri V. Anandrajan,  
Joint Secretary & CAO,  
Ministry of Defence,  
E-Block Hutments, Dalhousie Road,  
New Delhi – 110 011.

...Respondent

(By Advocate : Mr. Ashok Kumar)

**ORDER (ORAL)**

**Mr. V. Ajay Kumar, Member (J) :**

O.A No. 1744/2013 filed by the applicants was disposed of by this Tribunal on 03.02.2017 as under :-

“13. In view of the above, we allow this OA and direct the respondents to prepare the seniority list of SOs strictly in terms of the relevant rules and instructions on the subject without diversion of unfilled direct recruitment quota vacancies and without granting retrospective promotion to respondents 4 to 331 in the grade of SOs. The impugned letters/ orders dated 14.05.2012, 7.04.2011 (Annexure A-1), 7.04.2011 (Annexure A-2), 19.04.2011 and 23.10.2012 are quashed and set aside. We fix a time frame of 90 days

from the receipt of a copy of this order for implementation of our directions. No costs.”

2. Alleging violation of the aforesaid order of this Tribunal, the applicant filed instant Contempt Petition.

3. The respondents vide their reply to the C.P. stated as under :-

“10. That although answering respondent decided to accept and implement the directions issued by Hon’ble Tribunal in its order dated 03.02.2017 in OA No. 1744/2013 but the same could not be given effect due to stay order dated 24.07.2017 in CWP No. 6184/2017 filed by Sh. R. K. Lal & Ors. against the operation of an Order dated 13.01.2017 passed by this Hon’ble Tribunal in O.A 2145/2011. The next date of hearing in CWP No. 6184/2017 before Hon’ble High Court of Delhi is on 20.03.2018.

11. That since revised seniority list for seniority quota SOs, LDCE quota SOs and Direct recruit SOs would be common, answering respondent has filed MA before the Hon’ble High Court of Delhi in W.P. (C) No. 4911/2017 for placing additional record of order passed in OA No. 1744/2013 (Annexure R-5).”

4. They further submitted that in view of the said legal impediment, they are unable to comply with the order of this Tribunal in O.A filed by the applicant and hence, there is no wilful disobedience of the orders of this Tribunal in the aforesaid circumstances.

5. Learned counsel for the petitioner has not disputed the existence of a stay order in that O.A however, submits

that the dispute in this case has nothing to do with the seniority of the DRs to which category the applicants belongs. The said submission cannot be accepted as, admittedly, the seniority is a common seniority of all categories such as DRs, and promotees.

6. In the circumstances, the C.P. is closed. Notice is discharged. However, the applicant is at liberty to avail the remedies, in accordance with law, once the legal impediments are cleared.

(Aradhana Johri)  
Member (A)

(V. Ajay Kumar)  
Member (J)

/Mbt/