

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

C.P. No. 492/2018

In

M.A. No. 3463/2018

In

O.A. No.547/2013

Reserved On:24.08.2018

Pronounced on:05.09.2018

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

Hon'ble Mr. A.K. Bishnoi, Member (A)

Raj Rani Choudhary
Wife of Shri Shyam Sunder Choudhary
82, Sandesh Vihar,
Pitam Pura, Delhi-110034.

...Petitioner

(By Advocate: Shri Ranvir Singh)

Versus

1. Shri Anupam Srivastava,
Chairman and Managing Director,
BSNL,
Corporate Office, BSNL, Janpath,
New Delhi-110001.
2. Shri Sanjay Gupta
Chief General Manager (Architect),
Architectural Wing, Room No.37,
IR Hall, Eastern Court, New Delhi-110001.
3. Shri Rajesh Kumar
Sr. Chief Architect BSNL,
802, CTS Compound,
Netaji Nagar, New Delhi-110023. ...Respondents

ORDER

By Hon'ble Mr. V. Ajay Kumar, Member (A)

Heard Shri Ranvir Singh, learned counsel for the petitioner.

2. MA No. 3463/2018 filed for seeking exemption. The same is allowed.

3. OA No. 547/2013, filed by the petitioner was allowed by an order dated 10.05.2016, as under:-

“18. In view of the above discussions and in the light of the judgments of Hon’ble Apex Court, the impugned order dated 8.8.2012 cannot be sustained. Hence, the same is liable to be quashed and set aside. Accordingly the order dated 8.8.2012 is quashed and set aside. The gradings “Average and “below Average” as awarded by the Reporting and Reviewing Officer respectively for the year 2008-09 to the applicant’s ACRs are expunged and the respondents are directed to decide and finalise the applicant’s case for granting her Second Time Bound Promotion with effect from the date she is become entitled for it treating the applicant eligible for appropriate bench mark grading in hers ACR for the year 2008-09. She will also be entitled for all the consequential benefit. The entire process shall be completed within a period of three months from the date of receipt of a certified copy of this order. OA allowed. No costs”.

4. Writ Petition (C) No.8365/2016 filed against the aforesaid orders in the OA was dismissed on 08.02.2017 as under:-

“16. In these circumstances, we are not inclined to issue notice in this writ petition and the same along with all pending application is dismissed. There would be no order as to costs.

17. Learned counsel for the petitioners, at this stage, submits that time may be granted to implement the order of the Tribunal dated 10.05.2016. We grant the petitioners six weeks’ time to implement the order from the date a copy of this order is received by them”.

5. The petitioner filed MA No. 3019/2016 in OA No.574/2013 seeking execution of the aforesaid orders in the OA. The said MA was disposed of as infructuous by an order dated 27.10.2017 after recording that the claim of the petitioner has been accepted by the respondents and the said order reads as under:-

“None for the applicant.

2. Vide order dated 10.05.2016 passed in OA No.547/2013, direction was issued to the respondents to decide and finalise the

applicant's case for grant of Second Time Bound Promotion w.e.f. the date she became entitled for it treating the applicant eligible for appropriate bench mark grading.

3. Today proxy counsel appearing for the respondents has placed on record copy of communication dated 26.10.2017 along with pay slip which indicates that the claim of the applicant has been accepted.

4. In this view of the matter, the relief claimed for by the applicant having been granted, this application is rendered infructuous and is disposed of as such".

6. The Cont. Case (C) No.367/2017 filed by the petitioner alleging violation of the order dated 08.02.2017 in W.P. (C) No.8365/2016 which was filed by the respondents against the orders in OA No.547/2013, was disposed of on 14.12.2017, as under:-

"Instant contempt petition has come to be filed alleging violation of the order dated 8.2.2017. Perusal of the petition and the order dated 8.2.2017 passed by the Division Bench of this Court would show that the order of Central Administrative Tribunal (CAT) dated 10.5.2016 was allowed to be implemented in six weeks' time. During the course of hearing, Mr. Singla, ld. counsel for the respondents points out that the satisfaction of the order dated 10.5.2016 in terms of the order dated 8.2.2017 has already come to be recorded by CAT in its order dated 27.10.2017, a copy whereof is annexed as Annexure P-11 to the rejoinder filed by the petitioner itself. When the satisfaction has already been recorded by CAT, the petition does not survive and is disposed off accordingly".

7. In spite of the orders of this Tribunal in MA No. 3019/2016 in OA No. 547/2013 dated 27.10.2017 and the order dated 14.12.2017 in Cont. Case (C) No.367/2017 of the Hon'ble High Court of Delhi, the petitioner again filed the instant CP alleging violation of the very same orders dated 10.05.2016 in OA No.547/2013 which were already held to have been complied with. If the petitioner is aggrieved either with the order dated 27.10.2017

in MA No.3019/2016 in OA No.547/2013 or by the order dated 14.12.2017 in Cont. Case (C)No.367/2017 of the Hon'ble High Court of Delhi in any manner and if his case is that this Tribunal as well as the Hon'ble High Court wrongly closed the said legal proceedings or the said orders were obtained by the respondents behind his back or my misleading or misrepresenting, the remedy lies to him was before the appropriate Court/Tribunal by filing appropriate application/petition against the said orders, but the petitioner having not questioned the said orders, now cannot maintain the present CP once again alleging the violation of the orders which were already held to have been complied with.

8. In the circumstances and for the aforesaid reasons, the CP is dismissed. No costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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