

Item-18

4.7.2005

MA-735/2005
OA-564/2003

Present: Sh. T.C.Gupta, counsel for applicants in MA.
(respondents in OA).

MA-735/2005

Respondent No.1 has filed this application for further extension of time for implementation of the order of the Tribunal till final judgment is delivered by the Hon'ble High Court in CWP No.1863/2003. The Tribunal vide order dated 12.9.2003 in OA-564/2003 has passed the following order:-

“28. In view of the above, OA is allowed and the respondents are directed to redraw the seniority list in view of the directions given in OA-2159/2002. This may be done within a period of 3 months from the date of receipt of a copy of this order.”

It is submitted that the respondents have challenged this order in WP (C) No.1863/2003 and the Hon'ble High Court while issuing a notice in CM No.3092/2003 has stayed the operation of the order on 12.3.2003. The notices were issued on 24.7.2003. On that day Hon'ble High Court passed the following order in CM No.3092/2003.

“Interim order dated 12 March 2003 is made absolute till the disposal of the writ petition. We, however, clarify that the process of preparation of fresh seniority list in terms of the impugned order of the Tribunal may continue but no further promotions shall be made without the leave of the Court. The application stands disposed of.”

It is submitted that earlier an application was filed before the Tribunal for extension which was bearing No.1962/2004 which was disposed of vide order dated 25.11.2004 which is as under:-

“In the absence of any objection, MA-1962/2004 is disposed of with the directions that order passed by this Tribunal on 13.5.2004 should be complied with subject to any stay that may be granted by any Court within four months from today.”

It is submitted that the order of the Hon'ble High Court dated 24.7.2003 is still in operation and the writ petition is pending. It is submitted that the Tribunal by order dated 25.11.2004 had extended the time for implementation of order by four months. The present application is filed for further extension of time after the stipulated period was over.

We have heard the learned counsel for the petitioner. The direction of this Tribunal in OA No.564/2003 was only for redrawing the seniority list in view of the direction given in OA-2159/2002. No direction was given for effecting promotion on the basis of the newly prepared seniority list. The Hon'ble High Court by order dated 24.7.2003 had clarified that the process for preparation of the fresh seniority list in terms of the order of this Tribunal would continue. However, further promotion on the basis of the said list has been stayed without the leave of the Hon'ble Court. Since the only direction of the Tribunal was for preparation of the fresh seniority list and not for giving any promotion, we do not think that any further extension of time is needed by the respondents in view of the clarification of the Hon'ble High Court dated 24.7.2003. In view of this there is no merit in the application.

In view of the above observation, counsel for applicant has requested one month time to comply with the order of the Tribunal read with the order of the Hon'ble High Court dated 24.7.2003. The request is allowed. The time for implementing the order of the Tribunal read with clarificatory order of the Hon'ble High Court dated 24.7.2003 is extended by one month from today. Application stands disposed of.

Dasti.


(S.A. SINGH)
Member (A)
'sd'


(M.A. KHAN)
Vice Chairman (J)