

Item No.12

(S)

MA No.2162/2012
CP No.198/2006
OA No.389/2003

28.01.2013

Present : Ms. Aarti Mahajan Shedha, counsel for applicant.
Shri R.N. Singh, counsel for respondents.

MA No.2162/2012

Primarily, the present MA has been filed by the applicant seeking a direction to the respondents to extend him the consequential benefits, as prayed for by him in the main OA No.389/2003, which was allowed by this Tribunal by order dated 29.10.2003. The respondents somehow challenged that order before the Hon'ble High Court of Delhi which was pleased to dismiss the same on 10.9.2010 in Writ Petition No.2441/2010. Thereafter, it appears that the respondents have implemented the order of this Tribunal partially by transferring the applicant back to Cabinet Secretariat.

2. The respondents have again challenged the order of Hon'ble High Court before the Hon'ble Supreme Court by way of SLP which has been converted into an Appeal No.1624/2011.

3. By order dated 28.02.2011, the Hon'ble Supreme Court has issued notices and also directed that in the meanwhile status quo with regard to present posting of the respondents (the applicant herein) shall be maintained.

4. In this backdrop, the applicant has approached this Tribunal by filing the present MA seeking consequential benefits of the seniority and connected issues. Due to denial of consequential benefits, the applicant submits that he has to even work under a junior.

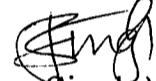
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(6)

5. We have heard both the learned counsel for the parties on the MA and, at the outset, we note that in the face of the pendency of the whole matter before the Hon'ble Supreme Court and particularly in view of order dated 28.2.2011 directing status quo to be maintained in respect of the present posting of the applicant (respondent before the Hon'ble Supreme Court), we are not inclined to interfere in this matter, as long as the appeal is pending before the Hon'ble Supreme Court.

6. In the circumstances, the MA stands disposed of with liberty to the applicant to approach the appropriate forum for redressal of his grievance, as per law and if so advised. We, however, make it clear that we have not expressed any opinion on the merit of the issue raised in the present MA by the parties.


(Mrs. Rajwant Sandhu)
Member (A)


(Jog Singh)
Member (J)

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