

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. No.87/2006
in
O.A. NO.631/2003

This the 18th day of May, 2006.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

Gurdeep Singh S/O Charan Singh,
R/O D-66 Sanjay Gandhi Memorial Nagar,
Badkhal Road,
Faridabad.

... Applicant

(By Ms. Renu Verma, Advocate)

versus

1. Shri B. Majumdar,
Director General of Works,
Central Public Works Department,
Nirman Bhawan,
New Delhi-110011.
2. Shri Rabindra Kumar,
Superintending Engineer (Electrical),
Coordination Circle (Electrical),
CPWD, East Block-I, Level-7,
R.K.Puram,
New Delhi.
3. Shri A. K. Ahuja,
Superintending Engineer (Electrical),
Outer Delhi Electrical Circle,
CPWD, East Block-III,
R.K.Puram,
New Delhi.
4. Shri J. P. Gupta,
Superintending Engineer (Civil),
Ghaziabad Central Circle,
CPWD, C.G.O.-I Hapur Road,
Ghaziabad.

... Respondents

(By Shri S. N. Sharma, Advocate)

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**ORDER**

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

OA No.631/2003 was allowed vide order dated 14.11.2003 with the following directions to respondents:

“8. In the result, the IA is allowed. Respondents are directed to regularize the applicant in the post of MLD with effect from the same date when similarly placed persons were so regularized. Applicant shall be eligible for the consequential benefits flowing out of such regularization. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.”

2. It has been pointed out on behalf of applicant that applicant had filed MA No.451/2004 on 23.2.2004 seeking execution of Tribunal's aforesaid orders. This MA was disposed of by the Tribunal vide order dated 8.11.2005 directing respondents to regularize applicant from the date Shri V.S.Rawat was accorded regularization in service with all consequential benefits within a period of two months. It is alleged that respondents have committed wilful contempt of Tribunal's directions.

3. In reply, respondents have stated that seniority in CPWD is maintained Circle-wise and no junior in the unit to which applicant belongs has been regularized. Respondents have also stated that applicant cannot be compared with Shri V.S.Rawat who belongs to a different unit of seniority. As such, respondents have rejected claim of applicant for retrospective regularization as per Annexure R-2 dated 24.4.2006.

4. In order dated 14.11.2003 by which OA 631/2003 was allowed the case of Shri V.S.Rawat (OA-1338/2000) seeking similar relief was noted. In Rawat's case the following directions had been issued:

“7. In the background of the above discussions, we are convinced that the applicant deserves to be treated in the same



way in which the aforesaid juniors to him have been regularized/confirmed from November, 1995 with all consequential benefits which will include backwages with effect from the date of regularization. This will be done expeditiously and in any event in a period of three months from the date of receipt of a copy of this order. We order accordingly.”

5. It was found that the case of applicant was covered in all fours by orders in the case of Rawat (supra) and as such OA 631/2003 was allowed. It is observed that respondents had not at all mentioned at the time of hearing in OA 631/2003 regarding maintenance of Region/Circle-wise seniority of MLDs.

6. It has been stated on behalf of respondents that in order dated 8.11.2005 passed in respect of MA No.451/2004 the Court has taken note of the fact that Shri Rawat had been accorded regularization keeping in view the Region-wise seniority.

7. We have gone through the records related to the disposal of MA No.451/2004. IN reply to this MA filed on 27.4.2004, respondents have merely stated as follows:

“Para-1 to 3: Averments are not denied to the extent these are part of official records.

It is however submitted that the matter was considered by the Respondents and it was decided to file a Review application and the same has been filed in the 2nd week of April, 2004. The review application is receiving adjudication of the Hon’ble Tribunal.”

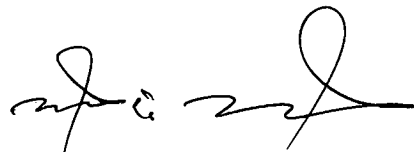
In this ^{reply} / respondents have not referred to the plea of maintenance of Region/Circle-wise seniority.

8. We have also perused the records relating to RA No.102/2004. This RA was rejected in circulation on 26.4.2004 as “not maintainable”.

9. In the above backdrop, when respondents have not taken the plea of maintenance of Region/Circle-wise seniority of MLDs till the present stage,

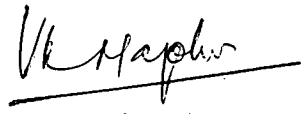
they cannot be allowed at this stage to reject applicant's claim on the ground that applicant belongs to a different seniority unit than Shri V.S.Rawat and that as such the benefit allowed to Shri Rawat cannot be granted to applicant. The observations, decision and directions made vide order dated 14.11.2003 in the OA have become final and respondents have to accord the same relief as granted to Shri Rawat (supra). The order dated 24.4.2006 (Annexure R-2) rejecting applicant's claim for regularization in terms of Tribunal's directions contained in order dated 14.11.2003 in OA No.631/2003 is totally invalid. However, taking a lenient view, respondents are granted a month's time to review their order dated 24.4.2006 and pass fresh orders in respect of applicant for grant of regularization in the post of MLD with consequential benefits from the date Shri Rawat has been accorded regularization in service.

10. The contempt petition is disposed of in the above terms granting liberty to applicant to resort to appropriate legal proceedings on remaining aggrieved.



(Mukesh Kumar Gupta)
Member (J)

/as/



(V. K. Majotra)
Vice-Chairman (A)

18/5/06