

**Central Administrative Tribunal
Madras Bench**

CP/310/00141/2017 in OA/310/00233/2001

Dated the 10th day of December Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

R.Vassandhan,
Public Relations Assistant,
Directorate of Information & Publicity,
Government of Puducherry,
Puducherry.

.. Applicant/Applicant

By Advocate **M/s.V.Vijaya Shankar**

Vs.

1. Mr.P.Jawahar,
The Union of India, rep. by the
Secretary to Government
for Information & Publicity,
Government of Puducherry,
Puducherry.

2. Mr.N.Udayakumar,
The Director of Information & Publicity,
Government of Puducherry,
Puducherry.

.. Respondents/Respondents

By Advocte **Mr.R.Syed Mustafa**

ORDER

Pronounced by Hon'ble Mr.P.Madhavan, Member(J)

The applicant in OA 233/2001 has filed CP 141/17 against the respondents alleging wilful disobedience of the order passed by this Tribunal in OA 233/2001 dated 10.1.2002.

2. The applicant had filed the OA seeking a direction to the respondents to consider his case for the post of Public Relations Assistant (PRA). This Tribunal allowed the OA with a direction to the respondents to consider the case of the applicant for selection to the post of PRA within a period of three months from the date of receipt of a copy of the order.

3. It is submitted that the respondents 1 and 2 preferred WP 15485/02 before the Hon'ble High Court against the order of this Tribunal in OA 233/01 dt. 10.1.02 which was dismissed thereby confirmed the findings of the Tribunal in the said OA. The SLP 24472/08 filed against the said WP was also dismissed confirming the order of the Hon'ble High Court.

4. It is submitted that after the order of the Hon'ble Supreme Court in SLP, the 1st respondent by order dated 09.2.17 appointed the applicant as PRA with prospective effect and not w.e.f. 2001 when his colleagues R.Balaji and K.Kulasegaran were appointed. He has joined the said post on 15.2.17 and thereafter he made representation to R1&2 to restore his seniority by appointing him in the said post on par with his above said colleagues, which evoked no response. He also send a legal notice on 30.5.17 which also evoked no response. Therefore, he filed the above said CP for non-implementation of the order passed in OA 233/01 dt. 10.1.02. He also filed OA 772/2017 for giving him promotion as Assistant Director on the basis of his original seniority w.e.f. 2001. The said CP 141/17 and OA 772/17 were clubbed together and posted for final arguments. However, the matter got adjourned from time to time. Hence he filed MA 685/19 for Advance Hearing of the OA 772/17 alongwith CP 141/17

which is posted to 21.11.19 for effective implementation of the earlier order passed by this Tribunal in OA 233/01 and to fix his seniority and grant promotion to the post of Assistant Director. The said MA was allowed on 08.11.19 and the CP was taken up alongwith OA 772/17 and reserved for orders.

5. The respondents have filed reply explaining their stand.

6. We have heard both sides and perused the records. On perusal, it is seen that the order in OA 233/01 has been complied substantially and the delay occurred was due to pendency of SLP filed by the respondents. It seems that the applicant had filed OA 772/17 thereafter seeking retrospective notional promotion and the said OA was disposed off allowing the same. Since the respondents had substantially complied with the order in OA 233/01 no wilful contempt is revealed.

7. In view of the order already passed in OA 772/17 nothing survives in the CP and the CP has become infructuous and it is liable to be closed.

8. Accordingly CP is closed. Notices of contempt, if any, are discharged.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

10.12.2019

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Annexures referred to by the applicant in CP 141/17:

Annexure A1: Order in OA 233/2001 dt.10.1.02.

Annexure A2: Order in WP 15485/02 dt. 01.11.07.

Annexure A3: Final seniority list of PRA dt. 11.11.10.

Annexure A4: Order in SLP 24472/08 dt. 10.1.17.

Annexure A5: Offer of appointment dt. 09.2.17.

Annexure A6: Representation dt. 16.2.17.

Annexure A7: Representation dt. 16.3.17.

Annexure A8: Notice by applicant counsel dt. 30.5.17.

Annexures with reply statement:

Annexure RI: Stay Order of the Hon'ble High Court dt. 10.3.17

Annexure RII: Legal Notice sent by the counsel for applicant dt. 27.3.17.

Annexure RIII: Reply Legal Notice sent by the counsel for respondents dt. 03.5.17.

Annexure RIV: High Court cause list dt. 16.6.17.