

(2018) 07 CAT CK 0041

In the Central Administrative Tribunal

Case No : Contempt Petition No. 106 Of 2017, Original Application No. 1638 Of 2012, Miscellaneous Application No. 564 Of 2017

Baldev Ram And Ors

APPELLANT

Vs

Naresh Kumar

RESPONDENT

Date of Decision : 24-07-2018

Acts Referred:

Citation : (2018) 07 CAT CK 0041

Hon'ble Judges : Praveen Mahajan, Member (A); S.N. Terdal, J

Bench : Division Bench

Advocate : Rashmi Chopra, Vaibhav Agnihotri

Final Decision : Allowed

Judgement

S.N. Terdal, J

1. Heard Ms. Rashmi Chopra, counsel for the applicants and Mr. Vaibhav Agnihotri, counsel for the respondents, perused the pleadings and all the documents produced by both the parties.

2. The short point involved in this case is whether the applicants are entitled to the same reliefs, which their junior, Shri Narender Kumar was given.

3. The relevant facts of the case are that it is an admitted position that Shri Narender Kumar is junior to all the applicants. In his OA bearing number 2517/2015, a specific order was passed for his regularization in service with effect from 1.09.2001 with all consequential benefits. Vide order dated 14.09.2016 in OA number 1638/2012, there is a specific reference to the order passed in the case of Narender Kumar bearing OA number 2517/2015. In view of the said order passed in the case of Narender Kumar (supra), the applicants being senior to him, the same relief was given to the applicants. Though, "with consequential benefits" is not finding place in the order dated 14.09.2016. But, however, in view of the orders passed by the Hon'ble High Court of Delhi dated 30.05.2007 in CCP No. 663-884/2006 and order dated 19.12.2005 in Writ

Petition (C) No. 23844/2005 etc. and the order passed in OA 2517/2015, it is crystal clear that the same relief which is given to Narender Kumar with consequential benefits was extended to the applicants.

4. In view of the same construing the order dated 14.09.2016 passed in OA 1638/2012 in the letter and spirit, the respondents are directed to regularize the services of all the applicants with effect from 1.09.2001 with "all consequential benefits" as is extended in the case of the said Narender Kumar within 2 months from the date of receipt of the order, failing which the contemnor shall personally present himself before the Tribunal on the next date of hearing to reply as to why charge should not be framed against him for willful disobedience of the Tribunal's order.