

R.M. Ramaul

Vs

State of H.P. and Others

Contempt Petn. (Civil) No. 57 of 1990 in Civil Appeal No. 6144 of 1983

(M.N. Venkatachaliah, N.M. Kasliwal JJ)

ORDER

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1. In this complaint of contempt of Court, complainant alleges a wilful disobedience by the H. P. Tourism Development Corporation of the directions of this Court made on 2-12-1988, in CA 6144 of 1983 in that respondents despite the specific directions in the order for restoration of complainant's seniority in service over and above two other officers, viz., N. K. Sharma and H. R. Choudhary, the said Corporation had resorted to hairsplitting technicalities in order to deny to the complainant the benefit of the order of this Court. It is urged that if the complainant's seniority had been so restored in accordance with the order the case of the complainant for promotion to the post of Deputy General Manager would require consideration with effect from 28-5-1982 on which date his admitted-juniors had been promoted entitling complainant also to all the monetary benefits of such promotion. What the corporation is said to have done is that while it reviewed the promotions with effect from 28-5-1982 and granted the promotion to the complainant, it treated the promotion for the period from 28-5-1982 up to 3-9-1986 on which latter date complainant, even according to the Corporation itself, had become entitled to and had been granted promotion - as a mere notional promotion without any monetary benefits.

2. In our view complainant's grievance is a legitimate one. Though there was no specific direction in the order of this Court to consider complainant's case for promotion with effect from 26-5-1982 such a relief was implicit in the reasoning of the order. Indeed, the Corporation in convening the D.P.C. and reviewing the promotions and granting the notional promotion to the complainant for, the period between 28-5-1982 to 3-9-1986, had virtually conceded this position. The withholding of the monetary benefits in respect of this period is inconsistent with what was decided in the judgment and what complainant was clearly entitled to. Since there was no specific direction in this behalf in the order, technically, there may be no case for punishment for contempt; but we make it clear that the promotion for the period from 28-5-1982 to 3-9-1986 should be accompanied by the monetary benefits. If a specific direction is necessary we issue it here and now. The appropriate monetary benefits shall be granted within 2 months from today.

3. There is yet another fall-out from what is decided in the order. It is also appropriate that the further promotions consistent with the seniority as declared by the judgment should also be considered in view of the fact that complainant's junior in service had been granted such promotion. Petitioner might also become eligible for consideration for promotion to the post of and appointment as Additional General Manager in the post that was specially created on 5-5-1987. His case for consideration for promotion shall have to be reviewed as on 5-5-1987 on which day his junior, viz., N. K. Sharma had been promoted. It is open to the authorities to put in to the scale the question whether complainants possess the requisite eligibility. Complainant's case shall accordingly

be examined for the post of Additional General Manager and if the promotion is granted it shall now necessarily have to be only on a notional basis as the post is said to have since been abolished. But such notional promotion if granted shall also be accompanied by the monetary benefits up to the date of the abolition of the post. This consideration shall be bestowed within three months from today.

4. The contempt-petition is disposed of with foregoing directions.

Order accordingly.

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