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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 15.10.2019

+ W.P.(C) 9669/2019

SUSHILA KAUL

.....Petitioner

Through: Mr.Debasis Misra, Advocate

versus

THE CHIEF SECRETARY, NCT DELHI & ORS.

...Respondents

Through: Mr.Zoheb Hossain, ASC with
Mr.Vivek Gurnani, Advocate
for respondents No.1, 2 and 3.
Mr.S.R.Swain, Advocate for
respondent No.4

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

CM APPL. 42598/2019(Restoration)

1. This application is directed against order dated 12.07.2019 passed by the Central Administrative Tribunal ('Tribunal') whereby the application for execution of order dated 07.06.2002 filed by the petitioner was dismissed on the ground that it had been filed after the lapse of 15 years.

2. Learned counsel for the petitioner submits that the learned Tribunal has failed to consider the fact after the OA was allowed, the petitioner was not only entitled to promotion but also to consequential monetary benefits and notional promotion.

3. Counsel for the respondents submits that there is no infirmity in the order passed by the Tribunal that requires interference in the present proceedings. He relies upon Corrigendum dated 24.12.2002, which was issued pursuant to the order passed by the Tribunal. As per the Corrigendum, the old Seniority No. 632A w.e.f. 18.01.83 of the petitioner/Ms. Sushila Kaul was cancelled. It is further stated in the Corrigendum that the two persons mentioned therein were only entitled to promotional benefits as allowed by the court ; and were not entitled to monetary benefits due to change in seniority. The said Corrigendum reads as under :

“In pursuance of judgements of Hon’ble CAT in O.A. No. 1930/99 entitled Mrs. Vidya Wati v/s GNCTD and others, and O.A. No. 1799/2001 entitled Ms.Sushila Kaul V/s GNCTD. The Seniority of Ms.Vidyawati and Ms. Sushila Kaul have been reconsidered and they have been assigned revised seniority vide corrigendum DE-2(4)(14)\99-E-II/ 8571-8624 dated 10.10.2002. That corrigendum slightly changed as under:-

YEAR	SNTY NO	NAME	CATEGORY	DR/DP	TGT SNTY	DOB	DOA AS TGT	NOTIONAL SNTY AS PGT
79-80	60A	VIDYA	SC	DP	90	28.08.47	12.10.70	20.10.79
79-80	61	WATI	SC	DP	94	14.07.47	12.10.70	21.11.79
		SUSHILA KAUL						

Old Seniority No.608 with date of regularization w.e.f 28.08.82 of Ms. Vidyawati is hereby cancelled. Ms.Sushila Kaul old seniority No. 632A w.e.f. 18.01.83 is also hereby cancelled.

It is pertinent to mention that they are only entitled for notional benefits of promotion as allowed by the court. However they are not entitled for any monetary benefits due to change in the seniority as above. ”

4. We may note that this Corrigendum pertains to the year 2002, and is not under challenge. Even otherwise, the Tribunal has rightly taken note of the fact that execution of the order has been sought after 15 years ; and that granting the petitioner’s prayer might affect the rights of several employees who have got promotions in the last 15 years. Therefore, no ground is made-out to interfere by way of this application. Accordingly, the application is dismissed.

5. The writ petition already stands disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

OCTOBER 15, 2019

v