

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P.No.324/2003 in O.A.No.1237/2002

New Delhi, this the 9<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2003

Hon<sup>ble</sup> Shri V.K. Majotra, Vice Chairman (A)  
Hon<sup>ble</sup> Shri Bharat Bhushan, Member (B)

Shri Sridhar Prakash  
Data Processing Assistant Grade-B  
National Crime Records Bureau  
East Block-7, R.K.Puram  
New Delhi-66

...Applicant

(By Advocate: Shri S.K.Sawhney)

Versus

1. Shri N.Gopalaswami,  
Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi
2. Shri Ram Avtar Yadav  
Director  
National Crime Records Bureau  
East Block-7, R.K.Puram  
New Delhi

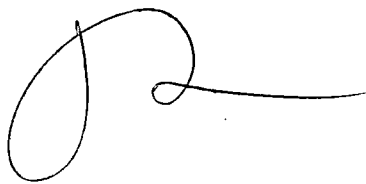
...Respondents

(By Advocate: Shri K.C.D.Gangwani with Shri R.K.Shukla  
for Ms. Promila Safaya)

O R D E R

Shri Bharat Bhushan:-

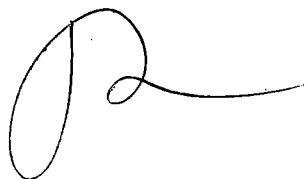
This is the Contempt Petition under the Contempt of Courts Act filed by the applicant against the respondents for alleged wilful disobeying and flouting the specific directions dated 12.12.2002 contained in OA-1237/2002. In the said OA, the applicant had sought quashing of the order dated 22.2.2002 passed by the respondents and for a direction to consider him for promotion to the post of Junior Staff Officer (JSO) against the existing vacancy with effect from the date the two other officials were promoted on regular basis. The said OA was disposed of with the following observations as contained in para 11 of the order:-



"11. In this view of the matter, keeping the scales even, we direct that steps should be taken immediately to revive one of the posts which had been abolished in the peculiar facts and thereafter the applicant in accordance with law may be considered to fill up the said post. The above said exercise should be completed preferably within six months from the date of receipt of a copy of this order."

2. Now it is alleged that even though the period granted by the Tribunal has elapsed, the respondents have not complied with the order of the Tribunal nor have they promoted the applicant to the higher post of JSO and thus it is a clear case of contempt of this Tribunal's directions and their act is wilful and deliberate disobedience which attracts the provisions under the Contempt of Courts Act.

3. The notice of this petition was given to the respondents. They have stated that on receipt of the order, the respondent No.2 had immediately taken up the matter with the Government for revival of one of the posts abolished by the Government and the approval of the Government was received vide Ministry of Finance, Department of Expenditure note dated 23.4.2003 and since the post of JSO was a Group 'A' post and the recruitment to the post is to be made in consultation with UPSC. So the National Crime Records Bureau (NCRB) sent a proposal to UPSC on 30th May, 2003 requesting them to consider the promotion case of Shri Sridhar Prakash to enable the respondents to comply with the directions of the Hon'ble Tribunal. And the UPSC after considering the case have advised the respondents that the educational qualification of the applicant may be got clarified as to



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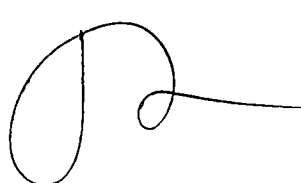
whether "Sahitya Sudhakar Examination" conducted by the Bombay Hindi Vidyapeeth was a full-fledged degree making him eligible for consideration for promotion to the post of JSO in the respondent's office and that the Law Ministry may also be consulted. So, accordingly the respondent No.2 had taken up the matter with Ministry of Human Resource Development who in turn clarified vide their letter dated 1.8.2003 that Sahitya Sudhakar Examination conducted by Bombay Hindi Vidyapeeth is equivalent to Degree for the purpose of appointment only in the Hindi related job in the Government and not for any other purpose.

4. The respondents have further stated that the matter was again referred to UPSC on 29th August, 2003 in the light of advice of the Ministry of Human Resource Development. And the UPSC vide their letter dated 25th September, 2003, observed that Shri Sridhar Prakash reportedly does not fulfil the eligibility conditions.

5. Hence it is urged before us on behalf of the respondents that as per the Recruitment Rules, the following essential qualification is required for promotion to the grade of JSO:

"Degree in Statistics/Mathematics (with Statistics)/ Operations Research/ Physics or Economics (with Statistics) or Degree in Engineering/ Computer Science of a recognized University or equivalent"

And Since the applicant did not possess the above qualification, his name was not considered for ad-hoc

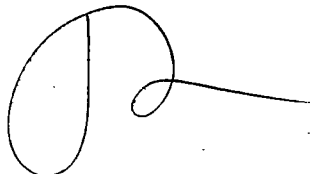


promotion to the post of JSO along with the four Officers promoted.

6.. Heard the learned counsel for the parties and with their kind assistance we have gone through the entire records. Though the learned counsel for applicant has contended that the applicant is eligible in all respects to be promoted to the post of JSO in terms of the statutory recruitment rules and that he should be considered and promoted to the higher post as has been done in the case of his senior but he has not been able to satisfy us as to in what manner and how he possessed the requisite qualifications for promotion to the grade of JSO. As already discussed hereinabove, the essential qualification required for promotion to the grade of JSO, as stated by the respondents, is as under:-

"Degree in Statistics/Mathematics (with Statistics)/ Operations Research/ Physics or Economics (with Statistics) or Degree in Engineering/ Computer Science of a recognized University or equivalent."


But the petitioner has failed to satisfy as to <sup>how</sup> ~~wherein~~ he fulfils any of the aforesaid qualifications. He has not been able to convince us that Sahitya Sudhakar Examination (conducted by the Bombay Hindi Vidyapeeth) for which he is stated to be in possession of degree is a full-fledged degree making him eligible for consideration for promotion to the post of JSO with the respondents. This being so, in our view, there does not appear to be



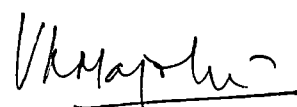
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any wilful defiance on the part of the respondents and thus the contempt proceedings against the respondents are dropped and the notice issued are discharged.

  
(Bharat Bhushan)  
Member (J)

/sunil/

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