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Central Administrative Tribunal
Principal Bench

C.C.P. No. 128/2003 In
O.A. No. 747/2002

New Delhi this the 19th day of May, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Shri Jastinder Singh,
S/o Shri A.S. Sodhi,
R/o J-169, Saket, New Delhi.

-Petitioner

(By Advocate: Shri S.S. Tiwari)

Versus

1. Shri V. Govinda Rajan
Secretary,
Department of Industrial Policy & Promotion,
M/o Commerce & Industry,
Udyog Bhawan, New Delhi.

2. Shri Anwar Ehsan Ahmed,
Joint Secretary,
Department of Industrial Policy & Promotion,
M/o Commerce & Industry, Udyog Bhawan,
New Delhi.

-Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

We have heard both the learned counsel for parties and considered the pleadings on record in CP-128/2003.

2. While we do note from the averments made by the respondents in their reply affidavit that it cannot be held that they have wilfully and contumaciously disobeyed Tribunal's order dated 24.9.2002 in OA-747/2002, at the same time we are also unable to come to the conclusion that the respondents cannot hold the review DPC as ordered by us. Learned counsel for respondents has submitted that at the time when submissions were made, before the order dated 24.9.2002 in OA-747/2002 had been passed, the respondents had not

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informed that ACRs of the applicant have been weeded out for the relevant years and that is a reason that review DPC cannot be held at this stage for promotion to the post of AIA (Chemical) for the year 1978 onwards.

3. In the above circumstances, we reiterate our previous order directing the respondents to hold review DPC, taking into account the relevant facts and circumstances in accordance with law, rules, and instructions.

4. Shri V.S.R. Krishna, learned counsel has submitted that this has to be done in consultation with UPSC for which he prays and is allowed four months to hold review DPC, from the date of receipt of a copy of this order.

5. With regard to the payment of interest on gratuity as directed in paragraph-8 (ii) of the order dated 24.9.2002, Shri V.S.R. Krishna, learned counsel has submitted that the due amount for delay in payment of gratuity in accordance with the CCS(Pension) Rules, 1971 has been paid to the applicant and nothing survives on this account.

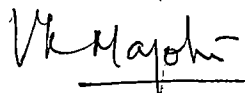
6. Shri S.S. Tiwari, learned counsel, however, disputes this contention. If he has any grievance, he may proceed in the matter in accordance with law, as we do not find any contumacious disobedience of Tribunal's order with regard to directions given to the respondents in paragraph-8 (ii).


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7. As mentioned above, respondents are granted further four months from the date of receipt of a copy of this order to fully comply with the aforesaid directions in paragraph-8(i) of the order dated 24.9.2002 in OA-747/2002.

8. With this, CP-128/2003 is dropped. Notices to the alleged contemners are discharged. File to be consigned to the record room.


(V.K. Majotra)
Member (A)
cc.


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)