

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI



CP NO. 235/2004 IN
OA NO. 1756/2002

This the 11th day of March, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. S.K.NAIK, MEMBER (A)

T.No. 686 Maz Sunil Kumar
M.T.Sub Depot,
Ordnance Depot, Shakurbasti,
Delhi-110056.

(By Advocate: Sh. Hori Lal)

Versus

Brig. A.K.Vyas,
Commandant, Ordnance Depot,
Shakurbasti, Delhi-110056.

(By Advocate: Sh. Duli Chand)

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

OA-1756/2002 was disposed of by the Tribunal by order dated 11.7.2002
to the following effect:-

"4. In the aforesaid facts and circumstances, we find it just and proper to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations dated 23.11.2001 and to pass a reasoned and a speaking order thereon by keeping the aforesaid observations in mind, expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly. We also direct that until orders as above have been passed, the respondents will keep one post unfilled against appointments to be made in pursuance to the notice issued on 19.11.2001. OA is disposed of in the aforesaid terms."

2. There were two directions to the respondents. The first direction was to consider the representation of the applicant and dispose it of by a reasoned and speaking order thereon by keeping the aforesaid observations in mind, expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. Respondents have already considered and disposed of the representation of the applicant by an order dated 21.8.2002,

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which is Annexure C-II. The second direction to the respondents was that until the above order on the representation was passed the respondent would not proceed to make the appointments against the trade test held in response to the notice dated 19.11.2001 except by keeping one post vacant. Admittedly, the respondents have not proceeded to make an appointment and they have not disobeyed this direction.

3. In view of this, the respondents cannot be held in contempt and proceeded against under the Contempt of Courts Act. Applicant has drew our attention to para 6 of the reasoned and speaking order dated 21.8.2002 which is annexure C-II which showed that the respondents were considering the applicant for promotion on seniority basis. Now the grievance of the applicant is that the promotion order has not been passed as yet. Counsel for respondents has submitted that as per his instructions the matter is still under process and the decision in the matter is likely to take about six months since large number of authorities are involved in the decision making.

4. In the totality of the facts and circumstances, we are not inclined to proceed in the matter any further. We discharge the notice and dismiss the contempt petition.

Naik
(S.K. NAIK)
Member (A)

M.A. Khan
(M.A. KHAN)
Vice Chairman (J)

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