

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

Contempt Petition No.290/00080/2014

In

Original Application No. 290/00016/2009

Reserved on : 19.02.2020

Jodhpur, this the 26<sup>th</sup> February, 2020

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Karam Prasad Gorwal S/o Mohan Lal Ji, aged about 53 years,  
By caste Gorwal, Resident of F-9, Heavy Water Colony, Rawat-  
Bhata, District Chittorgarh, at present holding the post of  
Scientific Officer "D" under the respondents.

.....Applicant

By Advocate : Mr Gopal Bose proxy counsel for  
Mr Harish Purohit.

Versus

1. Shri R.K. Sinha, Secretary to the Government of India,  
Department of Atomic Energy, Anu Shakti Bhawan, CSM  
Marg, Mumbai.
2. Shri Rajneesh Prakash, Chief Executive Officer, Heavy  
Water Board, 5<sup>th</sup> Floor, VYS Bhawan, Anu Shakti Nagar,  
Mumbai.
3. Shri Hari Haran Ayyar, Administrative Officer, Heavy  
Water Plant, Anu Shakti via Kota, District Chittorgarh.
4. Sh Madhuri Dubey, Assistant Personnel Officer, Heavy  
Water Plant, Anu Shakti via Kota, District Chittorgarh.

.....Respondents

By Advocate : Mr K.S. Yadav.

ORDER

Per Mrs. Hina P.Shah

The present Contempt Petition has been filed for alleged non-compliance of the order dated 18.09.2013 passed in OA No.16/2009 by which the OA was disposed of with following directions:-

“Accordingly, the OA is allowed and the respondents are directed to consider the case of the Applicant for the post of Scientific Grade ‘D’ treating his promotion to the post of Scientific Officer Grade ‘C’ as on 16.09.1995. The Respondent department is further directed to complete the process of consideration within four months from the date of receipt of a copy of this order. No order as to costs.”

2. Heard the learned counsel for both the parties.
3. It is seen that the applicant had earlier approached this Tribunal in OA No.209 of 1998 wherein his OA was dismissed. Aggrieved by the same, he approached Hon’ble High Court in DBCWP No. 833 of 2002 which was allowed by the Hon’ble High Court vide its order dated 18.09.2003 wherein it was held that the applicant is entitled for promotion w.e.f. 16.09.1995 to the post of Scientific Officer Grade “C”. In these terms the present OA was also allowed directing the respondents to consider the case of the applicant for the post of Scientific Grade ‘D’ treating his promotion to the post of Scientific Officer Grade ‘C’ as on 16.09.1995. The respondents were

directed to complete the said process of consideration within four months from the date of receipt of the copy of the order.

4. From the additional reply filed by the respondents dated 18.07.2018, it is seen that the applicant has been granted promotion to the post of Scientific Officer / Grade D treating his promotion to the post of Scientific Officer / Grade C w.e.f 16.09.1995. Moreover, subsequent promotions have also been considered in respect of the applicant as per the norms and based on his CR/APAR grading. But, it is seen that the Applicant could not be promoted to the post of SO/D and SO/C from any previous date by the High Level Committee due to non fulfilling the norms and the eligibility criteria.

5. Learned counsel for the respondents contended that there is no disobedience on the part of the respondents as the order passed by this Tribunal has been complied with. In compliance of the said order, respondents have promoted the applicant to the post of Scientific Officer/Grade D treating his promotion to the post of Scientific Officer /Grade C w.e.f 16.09.1995. Therefore, the Contempt Petition is required to be dismissed.

6. After considering the matter of alleged disobedience of the order of this Tribunal, we are of the view that the order of this Tribunal has been complied with by the respondents and we do not find any wilful or deliberate disobedience on the part of the respondents. Pursuant to the directions issued vide

order dated 18.09.2013, the respondents have granted promotion to the applicant to the post of Scientific Officer/Grade D treating his promotion to the post of Scientific Officer / Grade C w.e.f 16.09.1995.

7. In view of the above observations, present Contempt Petition is liable to be dismissed. Accordingly, the same dismissed and notices issued to the respondents are discharged.

**[Archana Nigam]**  
**Administrative Member**

**[Hina P. Shah]**  
**Judicial Member**

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