

(74)

Central Administrative Tribunal, Principal Bench

Contempt Petition No.236 of 2002 in
Original Application No.2227 of 2001

New Delhi, this the 3rd day of June, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Shri B.K. Dutta

.... Petitioner

(By Advocate: Shri B.S. Mainee)

Versus

Union of India, through

1. Shri R.K. Singh
The General Manager
Northern Railway
Baroda House, New Delhi
2. Shri V.K. Agarwal,
The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi
3. Shri D.K. Singh
Divisional Commercial Manager
Northern Railway,
State Entry Road
New Delhi
4. Shri R.B. Lal
Divisional Commercial Manager
Northern Railway,
State Entry Road
New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)

In pursuance of the directions ~~given~~ given on 31.10.96 in OA No.852/95, the respondents promoted the applicant to the post of Head TTE on ad-hoc basis. Thereafter on the basis that some of the applicant's juniors had been further promoted to the post of Junior Ticket Inspector (in short 'JTI') on ad-hoc basis, this Tribunal in its order dated 10.4.2002 in OA No.2227/2001, directed the respondents to consider the applicant's claim for ad-hoc promotion to the post of JTI, as a special case

and to consider his case for ad-hoc promotion by passing a reasoned and a speaking order. In pursuance of the aforesaid order, the respondents have issued a letter dated 20.5.2002 (Annexure C-2) by which the applicant's case for promotion to the post of JTI on ad-hoc basis has been rejected on the ground that second promotion on ad-hoc basis is not possible under the rules circulated vide P.S.No.8814.

2. The learned counsel appearing on behalf of the petitioner submits that when the Tribunal directed the respondents to treat the petitioner's case as a special case, the implication was that he should have been promoted by making an exception to whatever rules existed on the subject of double promotion on ad-hoc basis. According to him, by using the words "as a rule" (Annexure C-2), the respondents have themselves admitted even though indirectly, that an exception could be made and had the respondents proceeded to make an exception in the present case, they could promote the petitioner as well on ad-hoc basis.

3. We have considered the submissions made by the learned counsel. A perusal of the Tribunal's order dated 10.4.2002 reveals that the contents of the aforesaid P.S.No.8814 which prevents double promotion on ad-hoc basis, had not been placed before the Tribunal. In this view of the matter, it cannot be said that the Tribunal wanted the petitioner to be promoted by making an exception to the aforesaid rule. Viewed thus, we do not find

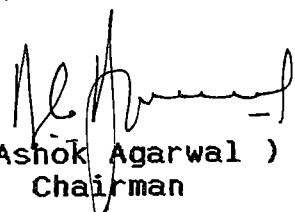
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anything wrong with the impugned letter dated 20.5.2002 issued in compliance of the directions of the Tribunal dated 10.4.2002.

4. In the light of the foregoing, the present contempt petition fails and is dismissed in limine.



(S.A.T. Rizvi)
Member(A)



(Ashok Agarwal)
Chairman

/dkm/