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~~CENTRAL ADMINISTRATIVE TRIBUNAL~~
PRINCIPAL BENCH

C.P. NO. 250/2002 In
O.A. NO. 385/2001

New Delhi this the 31st day of July, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

1. Shri Ishan Dutt Bahuguna
S/o Shri Narendra Dutt Bahuguna
R/o G-66, Street No.3, Shakarpur
Delhi-110092.
2. Shri Dilbagh Singh Gill
S/o Shri Suraj Bhan
R/o 15/286, Lodhi Colony
New Delhi-110003.
3. Shri Raghuvir Singh Akela
S/o Shri Lala Ram
R/o 46 Delhi Administration Flats
Karkardooma
Delhi-110009.Applicants

(By Shri Surinder Singh, Advocate)

-versus-

1. Shri Rajinder Kumar
Director of Education
Directorate of Education
Old Secretariat
Delhi-110054.
2. Shri S.S.Rathore
The Joint Director of Education (Admn)
Directorate of Education
Old Secretariat
Delhi-110054. ... Respondents

(Shri Mohit Madan, proxy for Mrs.Avnish Ahlawat,
counsel)

O R D E R (ORAL)

S.A.T.Rizvi:-

By an order passed on 12.2.2002 in OA
No.385/2001, the respondents were directed to

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reconsider the applicants' claim for promotion to the post of Lecturer (Engineering Drawing) with effect from the date his immediate junior one Shri Anupam Kumar Sharma was so promoted, by passing a detailed order under intimation to the applicant. Non-observance of the aforesaid direction has been made the basis of the present contempt petition.

2. The learned counsel appearing on behalf of the respondents has placed before us a detailed order passed by the official respondents on 19.7.2002 in pursuance of the aforesaid direction issued by this Tribunal. In the said order, the respondents have examined the rule position carefully and have stated that the applicant No.1 who is a Bachelor in Fine Arts (Graphic) with 5 years degree course from College of Arts, University of Delhi is qualified for promotion only to the post of PGT (Painting). He will accordingly be considered for promotion as PGT (Painting) in his turn in accordance with the rules. Since he does not possess the qualification prescribed for promotion to the post of PGT (Engineering Drawing), he could not be promoted to the post of PGT (Engineering Drawing) even though he was senior to Shri Anupam Kumar Sharma. The latter indeed possesses the qualification prescribed for promotion to the post of PGT (Engineering Drawing) and has been promoted on that basis.

3. The second applicant Shri Dilbagh Singh Gill is qualified to hold the post of PGT (Sculpture) and will be promoted in turn subject to availability of a vacancy. Not holding the prescribed qualification in Engineering Drawing, he too could not be promoted to the post of PGT (Engineering Drawing) and on ^{that} basis ^{that he} said Shri Anupam Kumar Sharma has been so promoted.

4. The third applicant Shri Raghuvir Singh Akela was qualified to hold the post of PGT (Graphics) and has already been promoted to that post during the pendency of the aforesaid OA. He wanted to be redesignated as PGT (Engineering and Drawing) again vis-a-vis Shri Anupam Kumar Sharma who was said to be junior to him. In this case again, the respondents have submitted that not being qualified to hold the post of PGT (Engineering Drawing) in accordance with the relevant recruitment rules, Shri Raghuvir Singh Akela could not be redesignated as PGT (Engineering Drawing). In these circumstances, there is nothing to show that the respondents have committed any wilful or contumacious disobedience of the orders passed by this Tribunal. Present contempt petition thus fails and is dismissed. Notices earlier issued are discharged.

5. In case the applicants are still aggrieved, it will be open to them to approach the Tribunal again by filing a fresh OA in accordance

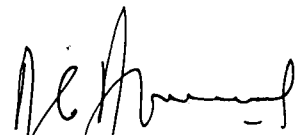
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with law and if so advised.



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



(Ashok Agarwal)
Chairman

/sns/