

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.410/2004 in OA 178/2001

23

Thursday, this the 10th day of February 2005

**Hon'ble Shri V.K. Majotra, Vice Chairman, Member (A)
Hon'ble Smt. Meera Chhibber, Member (J)**

1. AIR & Doordarshan Engineers' Association
through its President
Shri Ashish Bhatanagar
S/o Dr. K.G. Bhatnagar
313, Asia House, K.G. Marg
New Delhi
2. Shri Dhruba Ray
s/o Subodh Ranjan Ray
Director Engineering (Ad-hoc Chief Engineer)
Directorate General, Doordarshan
Mandi House, New Delhi
3. Shri Ghanshyam
s/o Shyam Karan
Director Engineering (Ad-hoc Chief Engineer)
O/o Chief Engineer (Nz)
All India Radio & Doordarshan
Jamnagar House, Shahjahanroad,
New Delhi

..Applicants

(By Advocate: Shri Gopal Dutt)

Versus

1. Shri Pawan Chopra
The Former Secretary to the Govt. of India
Ministry of Information & Broadcasting
R/o C-1/39, Pandara Park
New Delhi-1
2. Shri Naveen Chawla
The Secretary to the Govt. of India
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi-1
3. Shri A.K. Aggarwal
The Former Secretary to the Govt. of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
4. Shri S.S. Dawra
The Former Secretary to the Govt. of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
5. Shri Arun Bhatnagar
The Former Secretary to the Govt. of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

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Shri A.N. Tiwari
The Former Secretary to the Govt. of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

24

All respondents No 3 to 6
Through
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training, North Block
New Delhi

..Respondents

(By Advocate: Shri Subhash Mishra)

ORDER (ORAL)

Hon'ble Shri V.K. Majotra:

Learned counsel of the respondents stated that the respondents have filed the reply affidavit on 9.2.2005 vide diary no.1151. However, we have been shown the reply affidavit by him. Registry to place the same on record.

2. We have heard learned counsel appearing for both sides.
3. Respondents have filed the copy of the order dated 16.12.2004 and stated that in due compliance of the directions of the Court, respondents have completed all the pending DPCs for STS, JAG, SAG and E-in-C and also issued the promotion orders. Vide these orders, the applicants have been promoted with effect from the date they assume charge of the post. Learned counsel of the applicants stated that the applicants have been promoted with prospective effect against the spirit of the Tribunal's directions. Their promotions ought to have been given retrospective effect.
4. We have considered the rival contentions. The instant OA was disposed of with the following observations/directions to the respondents:-

"7. In the above view of the matters the OA succeeds and is accordingly allowed. Respondents are directed to initiate the procedure for initiating the DPCs for filling up the vacant posts in IB(E)S, with the association of UPSC, whenever necessary on yearly basis and consider the cases of the applicants if they are eligible for such consideration and if found fit, promote them in accordance with rules and instructions laid down by DoPT's OM No.24011/9/98 Estt. (D) dated 8.9.1998 and 13.10.1998 and the IB(E)S Rules, 1981. This exercise shall be finalised as early as possible and in any rate within four months from the date of receipt of this order. No costs."

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In these directions, it is nowhere stated that applicants should be promoted with retrospective effect. As such, we are satisfied that Tribunal's directions have been complied with. The *CP is dropped*, therefore, and notices to the respondents are discharged. However, if the applicants are still aggrieved, they shall be at liberty to take permissible legal recourse, other than the present contempt proceedings.

MA-2199/2004

This MA also stands disposed of.



(Meera Chhibber)
Member (J)

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(V. K. Majotra)
Vice Chairman (A)