

**Central Administrative Tribunal
Principal Bench**

CP No.677/2011

in

OA No.274/2001

New Delhi, this the 8th day of September, 2011

**Hon'ble Mr. Justice V. K. Bali, Chairman
Hon'ble Dr. Ramesh Chandra Panda, Member (A)**

Dr. H.C. Goel
S/o Late P. L. Goel
Aged 68 years,
A 78/2, DDA (SFS) Flats,
Saket,
New Delhi-110105.

... Applicant

(By Advocate : Shri Pramod Saxena)

Versus

1. Dr. V. K. Saraswat
Secretary,
Deptt. of Defence Research & Development and
SA to DM & DGR&D, DRDO,
Ministry of Defence,
DRDO Bhawan, Rajaji Marg,
New Delhi-110105.
2. Dr. P. S. Goel
The Chairman,
Peer Committee for SC 'F' to 'G' DRDS (1999-2000),
Recruitment & Assessment Centre,
Lucknow Road, Timarpur,
Delhi-110054.
3. Dr. R. P. Tripathi,
Director,
Institute of Nuclear Medicine and Allied Sciences,
Brigadier S. K. Mazumdar Marg,
Delhi-110054.

.... Respondents

By order

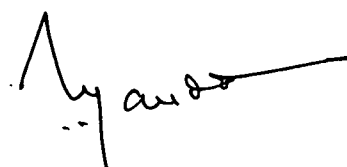
: ORDER :

Dr. Ramesh Chandra Panda, Member (A)

Non-compliance of the following order passed by this Tribunal on 17.03.2011 in OA No.274/2011 is the issue raised in the present Contempt Petition:-

"7. Having considered the contentions raised by the parties, we are of the opinion that the issues decided in **Dr. R.R. Dayal's** case (supra) by this Tribunal and upheld by the Hon'ble High Court of Delhi should be taken into account while examining the facts and circumstances of the case of the Applicant in the present OA by the Respondents as expeditious as possible. While comparing and taking a decision on the same, if the applicant is found similarly circumstanced, the Respondents are directed to extend the benefits accrued to Dr. R.R. Dayal in OA No.1968/2000 upheld in Writ Petition 2082/2001 to the Applicant in the present OA. In case they find there is dis-similarity between the two cases, the Respondents are directed to give an opportunity to the Applicant to explain how he is similarly placed and circumstanced and after hearing him, an appropriate speaking and reasoned order needs to be passed with a copy to the Applicant. The whole exercise in the present case should be completed by the Respondents within 9 weeks from the date of receipt of certified copy of this order. There is no order as to costs."

2. We heard Shri Pramod Saxena, learned Counsel for the petitioner at the admission stage. Through the instruments of Right to Information Act, 2005, the Petitioner has received certain information vide letters dated 14.07.2011 (Pages 16 and 17) and 12.07.2011 (Page 19). Confronted with the facts revealed in both letters relating to reasonable compliance of



the above directions issued in the order dated 17.03.2011, the learned Counsel had no specific response.

3. The part of the information so received by the Petitioner relates to the Minutes of the Peer Committee Meeting held on 01.06.2011 for promotion of Scientist 'F' to the grade of Scientist 'G' in pursuance to the Tribunal's judgment in OA No.274/2011, reads as follows:-

"CAT (PB) in its judgment vide OA No.274/2001 dated 17 March 2011 has directed to constitute an Assessment Board to review the case of Dr. HC Goel, Sc 'G' (Retd) of INMAS for his promotion from Sc 'F' to Sc 'G' for the year 2000 without taking into consideration of Para I & II of his Biodata (Self appraisal report). Accordingly, his case has been considered in the Peer Committee Meeting held at 1030 hrs on 01 June 2011 in Conference Room at 5th Floor DRDO Bhawan, New Delhi.

The following constituted the Peer Committee:

CHAIRMAN

XXXXXX

XXXXXXXXX

XXXXXX

MEMBERS

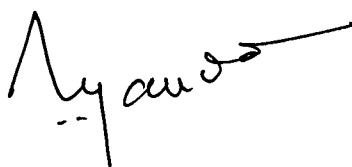
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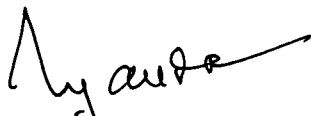
2. The Peer Committee perused the evaluated the CPAR of Dr. HC Goel, Sc 'G'(Retd) of INMAS. Taking into account holistic view of the scientists work in the Sc 'F' grade and the attributes like quality of R&D activities, timely completion of assigned tasks, management ability, leadership quality and potential for undertaking higher responsibility, the Peer Committee recommends that

- (i) Dr. HC Goel, Sc 'F' Not to be promoted as Sc 'G' w.e.f. 01 Jul 2000."



4. The petitioner may not be satisfied with the above decision of the Peer Committee. In that case, he should assail the same in appropriate proceedings. We find that the Peer Committee has considered the case of the petitioner in the true spirit of the judgment and we are of the considered opinion that there is fair and reasonable compliance of the order dated 17.03.2011.

5. Resultantly, there exists no contempt and the CP is dismissed *in limine*..


(Dr. Ramesh Chandra Panda)
Member (A)


(V. K. Bali)
Chairman

/pj/