

-20-

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

MA 1079/2002 in  
CP354/2001  
OA 2250/1999

New Delhi this the 23rd day of July, 20002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K. Majotra, Member (A)

Shri Sarvjeet Singh  
S/o Shri Gian Singh,  
Power Fitter Grade-1,  
SSE, Electric Workshop,  
Dayabasti, New Delhi.  
and R/O 9/62-64, Ram Tirath  
Gali, Gandhi Nagar, Delhi-31

..Petitioner

(By Advocate Shri B.S. Mainee,  
learned counsel through proxy  
counsel Mrs Meenu Mainee )

VERSUS

1. Shri Dasarathy,  
General Manager,  
Northern Railway, Baroda  
House, New Delhi.
2. Shri S.C. Nagpal,  
Chief Electrical Engineer,  
Northern Railway, Baroda  
House, New Delhi.
3. Shri P.D. Grover,  
Workshop Electrical Engineer,  
Daya Basti, Delhi.

..Respondents

(By Advocate Shri R.L. Dhawan )

O R D E R (ORAL)

(Hon'ble Shri V.K. Majotra, Member (A))

Shri Dhawan, learned counsel has drawn our notice to the judgement/order dated 18.1.2002 of the Hon'ble Delhi High Court in CWP 5303/2001 which was directed against the order dated 19.12.2000 of this Tribunal in OA 2250/1999. The Hon'ble High Court has made the following observations/ directions:-

"Having regard the learned counsel for  
the parties, we are of the opinion that the

*[Signature]*

(2)


learned Tribunal was not correct in directing the petitioner herein to consider the case of the respondent herein for promotion to the post of Power Fitter Grade II w.e.f. 13th May, 1998 and grant of consequential benefits including arrears. The learned Tribunal in its impugned judgement has proceeded on the basis that the roster point had not been consumed. However, this matter, in our opinion, would fall for consideration by the Departmental Promotion Committee (DPC) inasmuch as in terms of the service Rules, the question as to whether the respondent herein was entitled to the promotion or not, must be considered by the DPC. The DPC is the only authority which can also go into the question as regards eligibility of the respondent to be promoted to the next higher post and to determine from which date the promotion can be affected.

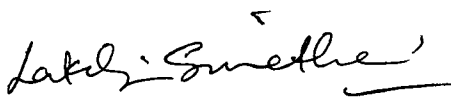
In this view of the matter in modification of the order passed by the learned Tribunal, we direct the petitioner to constitute the DPC forthwith which may go into the matter and make recommendations in the light of our observations made hereinbefore whereupon the petitioner may pass an appropriate order.

This writ petition stands disposed of. No order as to cost".

2. By the aforesaid order of the Hon'ble High Court, the order of the Tribunal has been modified, as such nothing further survives in this CP which is dismissed. Notices issued to the alleged contemnors are discharged.

3. MA 1079/2002 filed on behalf of respondents for taking on record additional affidavit is also accordingly disposed of.

  
(V.K. MAJOTRA)  
Member (A)

  
(SMT. LAKSHMI SWAMINATHAN)  
Vice Chairman (J)

sk