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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 586/2001 in
OA 2720/1999

New Delhi this the 25th day of October, 2002

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

Ms.Renu Sehgal,
w/o Mr.S.K.Sehgal,
R/O B-13,Liberal Group Hsg.Society,
Inder Enclave, Paschim Vihar,
New Delhi

..Petitioner

(By Advocate Dr.D.C.Vohra)

VERSUS

1. Mr.Pawan Chopra,
Secretary,
Ministry of Information and
Broadcasting, Shastri Bhawan,
New Delhi.

2. Mr.G.D.Belia,
Registrar of Newspapers in India,
West Block- Wing No.2,
R.K.Puram, New Delhi.

..Respondents

(By Advocate Shri Rajinder Nischal)

O R D E R (ORAL)

(Smt.Lakshmi Swaminathan, Vice Chairman (J)

Heard both the learned counsel for the parties in CP 586/2001. We are satisfied from the documents on record that there is no contumacious or wilful disobedience of the Tribunal's order dated 28.3.2001 in OA 2720/1999.

2. However, Dr.D.C.Vohra, learned counsel has submitted that while the Contempt Petition was pending, the respondents have issued office order dated 17.4.2001, copy placed on record. According to him, certain persons in the general category ~~Y~~ whose names

appear at Serial Nos. 7 and 8, namely, Shri Ved Pal Dhankar and Ms. Sunanda Sharma have been promoted from the post of Upper Division Clerks (UDCs) of the CSCS as Assistants on ad hoc basis. Learned counsel for the petitioner submits that in pursuance of the aforesaid order of the Tribunal, the petitioner has been placed as UDC above Shri Tulsi Ram and also the aforesaid two persons after his ante-dated promotion from 7.11.1989 to 1.12.1987. Consequently, he has contended that there is no reason why the petitioner should not be given the benefit of ad hoc promotion as Assistant as given to her juniors, in preference to them because of the newly assigned seniority position in the cadre of UDCs.

3. We note that in Paragraph 5 of Tribunal's order dated 28.3.2001, the OA has been disposed of with a direction to the respondents to consider "granting applicant all consequential monetary and service benefits pursuant to their own order dated 5.1.99 (sic) i.e. 6.5.1999 instead of 5.1.1999". The contention of the learned counsel for the respondents is that Shri Tulsi Ram is a SC candidate and, therefore, promotion given to him would not be on the same conditions as promotion given to the petitioner who apparently belongs to the general category. However, in view of the contention of Dr. D.C. Vohra, learned counsel for the petitioner that other general candidates who are junior to the petitioner have been promoted, even though on ad hoc basis as Assistants, it is incumbent upon the

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respondents to re-consider the petitioner's case for such promotion in case she is senior in the cadre of UDCs.

4. In view of the above findings ~~we find~~ that there is no contumacious or wilful disobedience of the Tribunal's order, CP 586/2001 is accordingly dismissed. Notices issued to the alleged contemnors are discharged but with a direction to the respondents to further re-consider the case of the petitioner on the facts, as stated in Para 3 above, for promoting her on ad hoc basis as Assistant. This shall be done within one month from the date of receipt of a copy of this order, ~~with~~
~~intimation to the applicant.~~

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Srinivasan

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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