

(32)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

CP NO. 46/2002  
OA NO. 2415/99

This the 9th day of May, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)  
HON'BLE SH. S.A.T.RIZVI, MEMBER (A)

Dalveer Singh,  
S/o Shri Bhoop Singh  
Head Clerk,  
Electrical Branch,  
DRM's Office/Northern Railway,  
Moradabad.

Residential Address :

Dalveer Singh  
Mohalla Muckarebpur,  
Naya Gaon, Near PAC,  
Moradabad (UP)

...Applicant

(By Advocate: Sh. G.D.Bhandari)

Versus

1. Shri S. Dashrathi,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. Shri Suresh Mohan Bhardwaj,  
Divisional Railway Manager,  
Northern Railway,  
Moradabad.

...Respondents.

(By Advocate: Sh. V.S.R.Krishna)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this CP as he is not satisfied with the orders passed by the respondents in compliance of the orders passed by this Tribunal. Applicant had filed an OA No.2415/99 seeking promotion to OS-II w.e.f. 1991 wherein he had assailed an order dated 11.6.99 issued by Railway Authorities. The Court while hearing the OA had observed in para 9 that the action of the respondents is fully justified. However, the court allowed the OA with the directions to the respondents to consider the case of the applicant for promotion to the post of OS-II against SC quota from the date

K

34

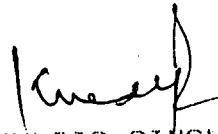
[ 2 ]

the vacancy had arisen. The respondents in compliance of the same passed an order giving promotion to the applicant w.e.f. 10.3.98 as according to the respondents vacancy has arisen only w.e.f. 10.3.98.

2. Applicant is not satisfied with the same and he claims that since the vacancy has arisen in 1991 and there is MA also on record during the litigation that they have sought for dereservation of the vacancy and dereservation has not been allowed and applicant should be promoted from 1991. But in our view while going through the judgment we find that this aspect of the case has also been discussed in the order passed while allowing the OA and the Court had come to the conclusion that the action of the Railways is quite justified and that is why without quashing the order dated 11.6.99 the Court still directed the respondents to promote the applicant from the date when the vacancy has arisen. Since the impugned order dated 11.6.99 has not been quashed and according to the respondents there was no vacancy available from 1991 which action is stated to have been justified by the judgment in the OA and the applicant had been given promotion w.e.f. from the date vacancy has arisen. So no contempt is made out. CP is dropped.



( S.A.T. RIZVI )  
Member (A)



( KULDIP SINGH )  
Member (J)

sd