

Central Administrative Tribunal
Principal Bench

C.P. No. 84 of 1999

O.A. No. 2413 of 1998

New Delhi, dated this the 19th September, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Dilbar Bhengra,
S/o late Shri Martin Bhengra,
Director (Archaeology)
Archaeological Survey of India,
Janpath, New Delhi. .. Applicant

(By Advocate: Shri Surat Singh)

Versus

1. Shri Ajay Shankar Srivastava,
Director General,
Archaeological Survey of India,
Janpath, New Delhi.
2. Shri Satya Pal,
Director (Admn.),
Archaeological Survey of India,
Janpath, New Delhi.
3. Dr. R.V. Vaidyanathan Ayyar,
Secretary (Culture),
Ministry of Human Resources Development,
Shastri Bhawan, New Delhi. .. Respondents

(By Advocates: Shri R.P. Aggarwal for official
Respondents
Shri T.R. Kakkar for pvt. respondent)

ORDER

MR. S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 84/99 and O.A.
No. 2413/98.

2. Applicant had earlier filed O.A. No.
2276/98 seeking quashing of DPC proceedings
constituted on 6.11.98 for making recommendations for
promotion to the post of Director, Archaeology and
for a direction to respondents to place his name
before the DPC for regularisation and consideration

of his officiating/ad hoc services as Director,
Archaeology w.ef. 7.6.95.

3. The O.A. came up for preliminary hearing on 20.11.98 and by interim order passed on that date, the DPC proceedings and finalisation of the same were stayed, on applicant's assertion that he had not been considered by DPC.

4. However, on 4.12.98 those interim orders were vacated, when upon scrutinising of DPC records it was found that applicant's assertion that he had not been considered by the DPC, was baseless.

5. Subsequently by order dated 28.11.99, applicant was permitted to withdraw the O.A. which was dismissed as withdrawn.

6. Meanwhile during the pendency of O.A. No. 2276/98 applicant filed present O.A. No. 2413/98 seeking a direction not to revert him or transfer him till the pendency of the O.A.

7. By interim orders dated 9.12.98 in the O.A. respondents were directed to maintain the status quo.

8. Applicant has now filed C.P. No. 84/99 alleging that despite the interim orders passed on 9.12.98 applicant has been reverted on 4.12.98.

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9. As noticed above the interim orders for maintenance of status quo were passed on 9.12.98, but as per applicant's own averments in Para 2 of the contempt petition he was reverted on 4.12.98. Meanwhile O.A. No. 2276/98 itself stood withdrawn on 28.11.99 and hence no interim orders operated in that O.A. beyond 28.11.99. As applicant by his own averments, stood reverted on 4.12.98, ^{and} interim orders for maintenance of status quo were issued only on 9.12.98, even if applicant was reverted ^{on 4.12.98,} it cannot be said that respondents have committed contempt of the Tribunal's order dated 9.12.98.

10. Hence C.P. No. 84/98 is dismissed.

11. As regards O.A. No. 2413/98 applicant himself withdrew his O.A. No. 2276/98 containing his challenge to the DPC proceedings held on 6.11.98 for promotion to the post of Director, Archaeology. Under the circumstances, if on the basis of the aforesaid DPC regular promotions have been made, compelling the reversion of applicant who was holding the post of Director, Archaeology only on ad hoc basis, applicant cannot legitimately complain and the O.A. warrants no interference. If, however, any vacancy of Director, Archaeology is still available against which applicant can be promoted on ad hoc basis it will be open to respondents to consider doing so in accordance with rules and instructions.

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12. Thus while C.P. No. 86/99 is

dismissed, O.A. No. 2413/98 is disposed of in terms of what has been stated in para 11 above. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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