

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 67/1995
in
O.A. NO. 421/1994

(16)

New Delhi this the 20th day of December, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE SMT. BAKSHMI SWAMINATHAN, MEMBER (J)

Anil Kumar S/O Ved Prakash,
R/O KG II/293, Vikaspuri,
New Delhi-110018. ... Petitioner

By Shri T. C. Aggarwal, Advocate

-Versus-

Gen. Jagdish Narain,
Engineer-in-Chief,
Military Engineering Service,
Army Headquarters,
Kashmere House,
New Delhi. ... Respondent

By Shri M. K. Gupta, Advocate.

O R D E R (ORAL)

Shri N. V. Krishnan, Acting Chairman —

The direction of the Tribunal to the respondents was to consider the case of the applicant also according to rules for giving promotion to the higher grade, that is, HS-II/HS-I on the basis of the revised seniority list. In their reply, the respondents have stated that the applicant has been considered for promotion to HS-II and order has been passed on 15.6.1995, Annexure R-1 giving notional promotion in HS-II with retrospective effect from 15.10.1984 for the purpose of seniority only; financial effect shall be given from the date of assumption of the new post.

2. In regard to promotion to HS-I, the reply states that the petitioner has been informed by the Annexure R-3 letter that he would be considered for promotion

12

17

as and when any vacancy arises. The persons already promoted are those whose names appear above the petitioner's name in the revised list of HS-II. The reply further clarifies that no junior HS-II has been promoted excepting one person belonging to the SC community against a reserved post.

3. The learned counsel for the petitioner submits that by not giving actual promotion on the HS-II post, contempt has been committed. We have heard him. He refers to an order of the Supreme Court in H. M. Ramaul vs. State of Himachal Pradesh : 1991 (17) ATC 259 in which, in a similar circumstance, the Court held there was no contempt as there was no direction to the effect. Nevertheless, the Court itself gave a direction for providing monetary benefits along with promotion. In the circumstance, we hold that no contempt has been committed. We are unable to give a direction as had been done by the Supreme Court in the above case. If the applicant is aggrieved, it is open to him to seek further remedy regarding his claim for actual promotion and backwages.

4. In so far as promotion to HS-I is concerned, the learned counsel for the ~~respondent~~ ^{petitioner} states that the revised seniority list of HS-II does not give any information about the promotions made to HS-I of seniors and juniors. We are of the view that this does not constitute any contempt. Annexure R-3 letter dated 21.9.1995 addressed to the petitioner states that only seniors have been promoted and it is further clarified in the reply to the contempt petition that no junior excepting an SC candidate has been promoted. The ~~applicant~~ ^{petitioner} has not countered these averments.

(18)

5. In the circumstances, we find that no contempt ^{a petition} has been committed. In case the applicant has any information that juniors have been promoted he may make a claim with the respondents to give him such benefit also.

6. With these observations, reserving liberty to the petitioner to seek further remedy as admissible under law, the contempt petition is dismissed.

Notice issued is discharged.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

N. V. Krishnan
(N. V. Krishnan)
Acting Chairman
20/12/11

/as/