

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

C.P. (Civil) No.148/96

In

O.A. No.666/95

(3)

New Delhi, this the 23rd day of September, 1996.

Hon'ble Shri A.V. Haridasan, Vice Chairman(J)
Hon'ble Shri K. Ramamoorthy, Member(A)

D.P. Mallik
S/o Shri R.S. Mallik
Asstt. Station Director
External Services Division
All India Radio,
R/o 212, Tagore Road Hostel,
Minto Road,
New Delhi - 110 001

...Petitioner

By advocate Sh. S.Y. Khan, proxy for Shri Jog
Singh, Counsel for the petitioner.

Versus

1. Union of India
Through
The Secretary,
Ministry of Information & Broadcasting
Govt. of India
Shastri Bhawan
New Delhi - 110 001

2. The Director General
All India Radio,
Ministry of Information & Broadcasting
Parliament Street,
Directorate General
New Delhi

....Respondents

By Advocate Shri E.X. Joseph, Sr. Counsel.

O R D E R (ORAL)

(By Hon'ble Shri A.V. Haridasan, Vice Chairman(J))

This is a Civil Contempt Petition, arose out of the order passed by the Tribunal in O.A.-666/95 dated 25.10.1995. The claim of the applicant in the O.A. was that the applicant had the requisite 4 years' regular service for being promoted to the Senior Time Scale and that he was ignored for the purpose of

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promotion. When the application came up for final hearing Shri Joseph, learned counsel for the respondents stated that there was a proposal to give relaxation of one year and that would be given to the applicant also when the review DPC meets. Therefore, the application was disposed of by noting the undertaking given by Shri Joseph and directing that while holding the DPC a relaxation would be given to the applicant also and if any further grievance of the applicant would survive, it will be open for him to agitate the same in an appropriate proceeding. Now, alleging that the respondents did not give effect to the directions contained in the order and give promotion to the petitioner, the petitioner has filed this Civil Contempt Petition. On notice the respondents appeared through counsel Shri E.X. Joseph and have filed the reply. The respondents have contended that the petitioner having been promoted to the Junior Time Scale only with effect from 26.06.1991 did not come within the zone of consideration even after giving one year relaxation as for the vacancies of 1994-95, ^{as} he did not complete 4 years' of service in the Junior Time Scale by 31.05.1995. The fact that the petitioner was promoted to the Junior Time Scale on 28.6.1991 is not in dispute. Therefore, the contention of the respondents that the petitioner did not come within the zone of consideration is found to be correct.

2. Learned counsel for the petitioner argued that the normal period required for promotion to the Senior Time Scale was 4 years and if relaxation be given the petitioner having completed 3 years' service even in 1994 would be eligible for such promotion and the stand taken by the respondents is incorrect.

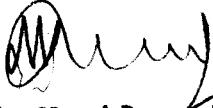
3. We are not able to agree with this argument because such a proposition does not emanate from the judgement on the basis of which this Contempt Petition has been filed. If the petitioner has any grievance, it is open for him to agitate the same in an appropriate proceedings as has been observed in the order of the

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Tribunal on 25.10.1995. We do not find any intention in the minds of the respondents to defy the orders of the Tribunal warranting action be taken against them. The Civil Contempt Petition is therefore, dismissed and the notice is discharged.


(K. Ramamoorthy)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

/Skant/