

Central Administrative Tribunal  
Principal Bench: new Delhi

C.P. No.153/2002 In  
O.A. No.2832/1997

This the 4th day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri V.K. Majotra, Member (A)

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Shri Sridhar Prakash  
DPA-B, NCRB (MHA)  
East Block-7, R.K. Puram  
New Delhi-66

R/o 15/293, Lodhi Colony,  
New Delhi-3.

-Applicant

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

Versus

1. Shri Kamal Pandey,  
Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.

2. Shri Ram Avtar Yadav,  
Director,  
National Crime Records Bureau,  
East Block-7,  
R.K. Puram,  
Delhi.

-Respondents

ORDER (Oral)

Hon'ble Shri Justice Ashok Agarwal:

An Office Memorandum issued by respondents on 22.2.2002 at Annexure CP-3 has been made the basis of the present contempt petition. Aforesaid Office Memorandum had been issued in pursuance of the directions issued by the Tribunal on 6.11.2001 in OA No.3008/2001. Applicant who is an Inspector/Data Processing Assistant (DPA) Grade-B had earlier instituted OA No.3008/2001 claiming promotion to the post of System Analyst Programmer (SAP) earlier designated as Junior Staff Officer (JSO) on regular basis. Aforesaid OA was disposed

V.K.J.

of by an order passed on 6.11.2001 with a direction to the respondents to treat the aforesaid OA as a representation of the applicant and pass suitable orders. Pursuant to the said direction, respondents have proceeded to issue the aforesaid Office Memorandum of 22.2.2002. ~~The claim of the applicant for promotion has been rejected on the ground that no post is lying vacant in the grade of JSO.~~ (2b)

2. By the aforesaid Office Memorandum, the representation of the applicant has been disposed of by observing that no post was at present lying vacant in the grade of JSO and his case will be considered when the vacancy arises. It is the contention of the applicant that the aforesaid averment that no post is lying vacant cannot be sustained as the respondents themselves in their communication to the Secretary, Union Public Service Commission of 12.4.2001 at Annexure CP-2 stated that three posts for promotion were available, out of which two posts have been filled up and as such one post is lying vacant. Hence the applicant who was holding the aforesaid post and was earlier promoted on ad hoc basis was entitled to be promoted on regular basis. In our view, the remedy of the applicant against the aforesaid Office Memorandum cannot be by way of a contempt petition.

3. Present contempt petition, in the circumstances, is dismissed in limine with liberty.

V.K. Majotra  
(V.K. Majotra)  
Member (A)

Ashok Agarwal  
(Ashok Agarwal)  
Chairman