

Central Administrative Tribunal  
Principal Bench

C.P.No.134/98 in  
O.A.No.681/93

Hon'ble Mr. Justice K.M.Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 5th day of August, 1998

Pawan Kumar Gupta  
s/o Late Shri K.L.Gupta  
aged about 32 years  
Lower Division Clerk  
in the Intelligence Bureau  
Ministry of Home Affairs

... Applicant

(By Shri B.B.Raval, Advocate)

Vs.

1. Shri B.P.Singh  
Secretary  
M/o Home Affairs  
Govt. of India  
North Block  
New Delhi - 110 001.

2. Shri Arun Bhagat  
Director  
Intelligence Bureau  
M/o Home Affairs  
North Block  
New Delhi - 110 001.

... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

In OA No.681/93, decided on 3.9.1997, the  
following directions were made:-

"(a) That the respondents shall consider the case of the applicant for placement in the higher grade of either in ACIO-II or JIO-I subject to his entitlement and fulfillment of all conditions laid down.

(b) This shall be done within a period of four months from the date of receipt of a certified copy of this order and the applicant be communicated accordingly.

(c) In case the appeal of the applicant is considered favourably, consequential benefits like fixation of seniority shall be done only in terms of rules laid down on the subject."

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2. Reply filed shows that the order was complied with on 22.4.1998. A copy of the order is also filed with Annexure R1. The learned counsel for the applicant submitted that it was not proper consideration of the case of the applicant and therefore that cannot be considered to be proper compliance with the aforesaid directions of the Tribunal.

3. We are of the view that substantially compliance has been made with the directions of this Tribunal. If the applicant feels aggrieved by the order dated 22.4.1998, the remedy<sup>s</sup> to file<sup>a</sup> fresh OA, challenging the said order on its own merits but the CP cannot be allowed to continue in the circumstances of the case. Accordingly, the CP is closed. Rule nisi, if any, is discharged with liberty to the applicant to file a fresh OA, if so advised.

*Km*

(K.M. Agarwal)  
Chairman

*RK*  
(R. K. Ahooja)  
Member (A)

/rao/