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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.239/2005

in

O.A. NO.89/2000

This the 5th day of October, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SMT. MEERA CHHIBBER, MEMBER (J)

I.S.Bhama S/O late Hari Chand,
R/O A-244 Paschim Vihar,
New Delhi.

... Applicant

(By Shri B.B.Rawal, Advocate)

Versus

Shri S.K.Arora,
Secretary,
Ministry of Information & Broadcasting,
Government of India, Shastri Bhawan,
New Delhi-110001.

... Respondent

(By Shri S. M. Arif, Advocate)

ORDER (ORAL)

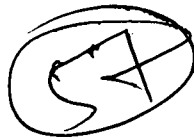
Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

Vide order dated 25.2.2004 OA No.89/2000 was disposed of with the following observations/directions:

"10. It appears that the claim of the applicant was reviewed almost more than sixteen years thereafter on 28.9.1994. This is unfortunate. The claim of the concerned person necessarily has to be considered on the date his junior is promoted and thereafter it has to be reviewed periodically. It cannot be after sixteen years. Therefore, we dispose of the present petition directing the respondents:-

- a) The claim of the applicant should be considered from the date Shri S.K.Mallick, junior to the applicant, was promoted on 22.6.1978;
- b) We are informed that the applicant has since superannuated on 31.12.1994. If he is promoted, the notional benefit would accrue to him; and
- c) The said exercise should be done preferably within four months from today."

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Thereafter respondents were granted time till 28.2.2005 for implementing Tribunal's directions. Through this petition applicant has alleged that respondent has wilfully disobeyed the directions of the Tribunal and is guilty of civil contempt.

2. The learned counsel of applicant stated that respondents were to consider applicant's claim for promotion w.e.f. 22.6.1978 as his junior Shri S.K.Mullick had been promoted as Station Director (Selection Grade) from 22.6.1978 ignoring applicant's claim. Applicant retired on 31.12.1994. As such, the learned counsel stated that applicant has been suffering from his supersession for several years and even though he retired several years ago and despite Tribunal's directions, respondents have not considered and allowed applicant's claims. The learned counsel further pointed out that respondents did not carry out the directions of the Court within the extended period, i.e., by 28.2.2005.

3. On the other hand, the learned counsel of respondent submitted unconditional apology on behalf of respondent for the delay caused in compliance of the Tribunal's directions. He explained that this delay was not deliberate or intentional but due to administrative reasons in calling the review DPC meetings which were to be held in the UPSC. He further stated that in compliance of Tribunal's directions, applicant's claim was considered for convening a review DPC on 12.7.2005 for applicant's promotion to the grade of Station director (SG) w.e.f. 22.6.1978. However, the review DPC did not recommend applicant's name for promotion. Review DPC meetings held on 18.3.1992 and 7.5.1993 were also reviewed but the review DPC did not recommend any change in the panels prepared by those DPCs. The learned counsel stated that no further review DPC was necessary, as applicant had already been promoted to the grade of Station Director (SG) on the recommendations of the DPC held on 28.6.1993.

4. We have considered the contentions of parties.



5. We are satisfied as to the explanation rendered on behalf of respondent for delay in implementing the Tribunal's directions. It is understandable that as the review DPC of very old DPC meetings was to be held by the UPSC, delay occurred in the implementation of Tribunal's directions. Respondent's apology is accepted and delay in implementing the Tribunal's directions condoned. We are satisfied that that by conducting the review DPC on 12.7.2005 and passing orders dated 25.7.2005 (Annexure R-1), respondent has complied with the Tribunal's directions. As such, the contempt petition is ^{dismissed} and notice to respondent is discharged.



(Meera Chhibber)
Member (J)

/as/



(V. K. Majotra)
Vice-Chairman (A)