

**Central Administrative Tribunal
Principal Bench, New Delhi****C.P. No. 219/2020
In O.A. No. 999/2017****This the 04th day of March, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

R.S. Tomar, Aged 68+ years
Retd. Garden Superintendent
President's Gardens
S/o Shri Mangat Singh
R/o Flat No. B-304, Plot No. 31
Kalka Apartment, Sector-6,
Dwarka, New Delhi – 110075
(Mobile : 9810505365)

...Petitioner

(through Shri Suresh Sharma, Advocate)

Versus

Shri Kapil Dev Tripathi
Secretary to the President of India
President's Secretariat
Rashtrapati Bhawan
New Delhi – 110004

...Respondent

(through Shri Manish Kumar, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant filed OA No.999/2017 feeling aggrieved by the denial of 3rd MACP. The OA was allowed through order dated 16.09.2019 setting aside the



order dated 07.09.2016, and the respondents were directed to give all consequential benefits to the applicant. This contempt case is filed alleging that the respondents did not implement the order passed in the OA.

2. The respondents filed a status report as well as the counter affidavit.

3. Today, we heard Shri Suresh Sharma, learned counsel for the applicant and Shri Manish Kumar, learned counsel for the respondents.

4. It is no doubt true that the Tribunal has set aside the order dated 07.09.2016 through which the applicant was denied the benefit of 3rd MACP. The fact, however, remains that there was no direction for convening the Screening Committee or for adoption of any other mechanism in the context of extending the benefit of 3rd MACP to the applicant. The mere setting aside of the order dated 07.09.2016 will not by itself bring about the 3rd MACP to the applicant.

5. In view of this deficiency, the applicant has to seek review or modification of the order, for appropriate

directions. We, therefore, close the contempt case leaving it open to the applicant to take appropriate steps.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/ns/ankit/akshaya/