

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**C.P. No. 09/2020
O.A. No. 535/2013**

Date of decision: 19.10.2020

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Smt. Hina P. Shah, Member (J)**

Anil Sharma S/o Late Shri Jai Prakash Sharma, a/a 40 years, R/o Plot No.4, New Kesri Colony, Adarsh Nagar, Ajmer. Presently posted as J.E. in Carriage Workshop, Ajmer-355001.

...Applicant.

(By Advocate: Shri Amit Mathur)

Versus

1. Shri Anand Prakash, General Manager, North Western Railway, H.Q. Office, Jagatpura, Jaipur-302017.
2. Shri Sudhir Gupta, Chief Mechanical Engineer, North Western Railway, H.Q. Office, Jagatpura, Jaipur-302017.
3. Deputy C.M.E. (Carriage) Ajmer Workshop, Ajmer-355001.
4. Chief Workshop Manager (Carriage & Wagon), Ajmer.
5. Shri R.K.Mundra, Chief Workshop, Manager (Carriage & Wagon), Ajmer-355001.

...Respondents.

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Dinesh Sharma, Member (A)

The learned counsel for the respondents argued that the order dated 19.09.2019 in OA No.535/2013 has been complied in full. The respondent is continuing as J.E. and, as pointed out by the learned counsel for the respondents, this

(2)

is evident from the address given by the Contempt Petitioner in the Contempt Petition (CP) itself.

2. Learned counsel for the petitioner argued that the respondents have issued select list dated 07.06.2020 (Annexure CP/4) where it is shown that the result of the petitioner has been shown to have been kept in sealed cover due to stay orders in OA No. 535/2013. This, learned counsel argues, shows that the orders of the Tribunal has not been complied with, and the fact of keeping his promotion matter in a sealed cover, though the case was already finally disposed of by the Tribunal, is wrong and is contemptuous of this Tribunal.

3. After going through the CP, its reply and the rejoinder, and after hearing the arguments of both the parties on video conference, we are convinced that the orders of this Tribunal in OA No 535/2013 have been complied with. The operative portion of the orders is reproduced below:

“12. Given the findings as above, the OA succeeds and the revised panel issued vide respondents' letter of 05.07.2013, (Annexure A/2), the connected office order No.186/2013 dated 05.07.2013, (Annexure A/1), as well as letter No.स.सीई 1136/2/पार्ट 9 dated 02.07.2017, (Annexure R/2), are quashed and set aside along with the entire re-evaluation exercise carried out by the respondents on the basis of the report of the JAG level committee; (Annexure A/3 - letter No.स.सीई

(3)

1136/2/पार्ट 9 (confidential) dated 08.10.2013). Accordingly, the respondents are directed to restore *status quo ante* in the matter as established in the earlier panel of 29.10.2010; (Annexure A/6). The interim order earlier issued by this Tribunal on 23.07.2013 is thus confirmed."

4. It is clear that the applicant was not reverted and was continued as JE, following our orders quoted above. The order at Annexure CP/4, where the issue of further promotion (as Senior Section Engineer) has been kept in sealed cover, *prima facie* appears to be for a wrong reason. Apparently, before the date of this order (09.06.2020), the matter was already finally decided, restoring *status quo ante*, by our order dated 19.09.1919. However, this still does not amount to a contempt of that order since that order did not relate to granting promotion to a further higher post. Nor does it appear that the further promotion is a automatic consequence of our order granting *status quo ante* in the earlier case. Not granting further promotion on an apparently wrong ground can be a subject matter of contention before us, but it would certainly not amount to contempt of this Tribunal for disobedience of its order dated 19.09.2019. The C.P. is therefore dismissed and notices issued against the respondents discharged.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/