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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi

C.P.No.259 OF 1994
IN
OA NO. 443 OF 1986

New Delhi this the 23rd day of December 1994.

Hon'ble Mr. S.C. Mathur, Chairman
Hon'ble Mr. S.R.Adige, Member (A)

Shri R.K.Prabhakar
S/o Shri Moongi Lal Prabhakar
R/o D/39 Bhagat Singh Road
Adarsh Nagar
Delhi-110 033.

...Applicant

Versus

Shri A.K. Venkatasubramanian
Director General of Supplies & Disposals
Jeevan Tara Building
Parliament Street
New Delhi-110 001.

...Respondent/
Contemnor

J U D G E M E N T (Oral)

Hon'ble Mr.S.C.Mathur, Chairman

The applicant alleges disobedience of the Tribunal's judgement dated 11th February 1994 passed in OA 443 of 1986.

2. By the aforesaid judgement, following directions had been issued:

(i) the respondents shall treat the petitioner

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as regularly appointed Senior Economic Investigator from the date when he joined that post in pursuance of the order dated 21.8.1976 and give him all benefits.


- (ii) the respondents shall not revert the petitioner to the post of Economic Investigator on the ground that he was not found fit by the DPC held in 1986.

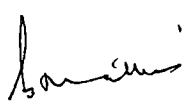
3. The applicant does not dispute that he has been treated as regularly appointed Senior Economic Investigator from the date he joined that post in pursuance of the order dated 21.8.1976 and that he was not reverted to the post of Economic Investigator on the ground that he was not found fit by the DPC held in 1986. The applicant's surviving grievance is that he has not been given a promotion to the next higher post. The next higher post is Grade-IV of the Indian Statistical Service. On behalf of the respondents, it is pointed out that they have already made recommendation to the Cadre Controlling Authority to consider the applicant for promotion to the next higher post, vide letter dated 10.11.1994. Copy of this letter has been filed as Annexure R-3 to the respondents' reply. A reminder was also sent on 10.11.1994; copy thereof was produced before us. It is submitted on behalf of the respondents that whatever was required by the respondents in terms of the judgement of the Tribunal has been done. Now it is for the Cadre Controlling Authority, which is not a party to the proceedings, to take further action in the matter.

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4. Learned counsel for the applicant submits that the respondents have not forwarded the revised seniority list and therefore the Cadre Controlling Authority has not been able to take further action in the matter of applicant's promotion. The contention of the learned counsel is disputed by the learned counsel for the respondents ^{who} ~~to~~ invites our attention to para 2 of the letter dated 10.11.1994 in which it is mentioned " for which a proposal in the prescribed proforma is enclosed alongwith revised seniority list of SEI." From this assertion, it appears that even revised seniority list has been sent by the respondent department to the Cadre Controlling Authority. However, we do not propose to enter into this controversy as the Cadre Controlling Authority is not a party before us. We only hope that the respondents shall re-check the position and send a copy of the correct seniority list, if it has not already been sent. We further hope that the Cadre Controlling Authority will take expeditious action in the matter as it has been stated before us that the applicant will be retiring from service on attaining the age of superannuation on 31st January 1995.

5. In view of the above, we are of the opinion that no contempt has been committed and therefore the present application is dismissed.


(S.R.ADIGE)
Member (A)


(S.C.MATHUR)
Chairman