

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI CCP 45/90OA/TA/RA/CCP No. 583 1986Shri R.D. Mittal  
APPLICANT(S)

COUNSEL

VERSUS

RESPONDENT(S)

COUNSEL

Date	Office Report	Orders
		<u>ccp 45/90</u> <u>20.4.1990</u>
		Present: Applicant in person.  The applicant stated that his Counsel is not available today and sought adjournment of the case. The case is adjourned to 14.5.1990.
		<i>I.K. Banerji</i> <i>Ab</i> (I.K. Banerji) 14/90 : (Amitav Banerji) Member (A) Chairman To be listed on 14.5.90.
		<u>17.5.90</u> → To be listed on 18.5.90. <i>ccp 45/90</i> <u>16.5.90</u> proxy Petitioner through/counsel Shri R.R. Rai. for Shri Umesh Misra, Counsel.  We have heard Shri R.R. Rai proxy counsel for Shri Umesh Misra on behalf of the petitioner. On 12.12.1988, a Misc. Petition had come up before us for withdrawal of the Original Application with a prayer to give a direction to the respondents to implement the Lt. Governor's decision as stated in letter dated 8.4.87

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		<p>and with liberty to the applicant to file a fresh one if need arises. After hearing learned counsel, we passed the order that "nothing needs to be done by the court except to allow prayer for withdrawal of original application". We had, however, observed that "on the withdrawal of the case it is expected that the respondents would proceed to implement the Lt. Governor's decision". We had, therefore, not given any direction whatsoever in our order dated 12.12.88.</p> <p>The present CCP has, however, been filed of that after allowing/the M.P. and dismissal of the O.A., the Lt Governor's orders should be implemented by the respondents, which has not been done. The summary of the Lt. Governor order is in the letter dated 8th April, 1987 (Annexure-I) where he had directed that the date of confirmation of the representationist may be changed from 25.7.70 to 25.7.69 as in the case of his juniors and consequential benefits may be given to the representationist.</p> <p>The claim of the petitioner is that the first part of the order has been implemented but consequential benefits in the shape of promotion have not been given to the petitioner. He has also drawn our attention to Annexure 'D', which is a letter written by the Deputy Commissioner of Police, New Delhi intimating that his name could not be included in the promotion list 'F' with effect from 31.8.73, 19.12.75 and 12.5.78 and there was a Review DPC, which did not find</p>

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		<p><u>18.5.90</u></p> <p>the applicant suitable for promotion list 'F' on all the three occasions. Further observation was that there was no need to place his case again for promotion list 'F' before the Review DPC. It is now clear that the Respondents not had/flouted the orders of the Tribunal as well as the Lt. Governor. As such, this CCP is not maintainable at all. It is accordingly rejected.</p> <p>However, we observe that if the petitioner is aggrieved by any order of his involving seniority or promotion, he may take appropriate action available to him under the law.</p> <p><i>Banerji</i> 18/5/90 ( B.C. Mathur ) Vice-Chairman (A)</p> <p><i>Abd</i> ( Amitav Banerji ) Chairman</p>