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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
PRINCIPAL BENCH : NEW DELHI.

CCP.95/89.
(O.A.53/86).

Balwant Singh Rana and another
versus

... Petitioners.

Union of India and others

... Respondents.

P R E S E N T :

The Hon'ble Shri B.C.Mathur, Vice Chairman (Admn)

The Hon'ble Shri G.Sreedharan Nair, Vice Chairman(J).

For the petitioners - Shri K.N.R.Pillai, Advocates.

For the Respondents- Shri M.M.Sudan, Advocate.

Date of Order - 23.4.90.

O R D E R :

G.Sreedharan Nair, Vice Chairman(J) :

This petition is by the two applicants in the Original Application for initiating contempt proceedings against the respondents on the averments that they have not complied with the final order.

2. The petition is opposed by the respondents who have filed reply stating that the final order has actually been complied with.

3. After hearing counsel on the either side, we are of the view that no case for proceeding against the respondents has been made out. Two directions were given by the final order. The first was to amend the Recruitment Rules so as to include Supervisor (Adult Education) with five years experience in the grade, also in the eligible categories for promotion. The second ^{direction} was to hold a review Departmental Promotion Committee to consider Supervisor (Adult Education) with five years of service as on 1.2.1985 when the respondents No. 3 to 6 were promoted and within

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the number of vacancies of Project Officers available, to allow notional promotion.


4. The respondents have produced Annexure-I which is the amendment to the Recruitment Rules wherein the Supervisor (National Adult Education Programme) has also been included as feeder category. Counsel of the petitioners submitted that since the direction in the final order is to include Supervisor (Adult Education) also "as first of the eligible categories" and since in the amendment they have been shown only at serial No.3, there has not been compliance with the final order. On a reading of the final order as a whole, we do not find any merit in the submission, for earlier the Technical Assistant and Supervisor (Social Education) were alone in the feeder category and the grievance of the applicants who belonged to the category of Supervisor (National Adult Education) was against their non-inclusion in the feeder category, which grievance was accepted by the final order. As such, the direction can only be understood as meaning that the Supervisor (National Adult Education Programme) has also to be considered as the feeder category just as the Technical Assistant and the Supervisor (Social Education) are considered. From Annexure-R/2 produced by the respondents, it is seen that a review Departmental Promotion Committee was held and the first petitioner was allowed notional promotion to the post of Project Officer with effect from 1.2.1985. The counsel of the petitioners pointed out that the promotion has been made only on purely adhoc basis. There is no direction in the final order as to whether

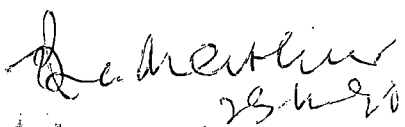
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the promotion should be regular even in the first instance itself, and as such the grant of adhoc promotion cannot be said to be violation of the final order. If the first petitioner has a case that others similarly situate were promoted even in the first instance on regular basis, perhaps it may be open to him to challenge the adhoc promotion by filing fresh original application; But that is not the reason for initiating contempt proceeding.

5. It was submitted by Mr Pillai on behalf of the petitioners that all the applicants in the Original Application have not been considered for promotion and that also is an infraction of the direction of the final order. We do not see any substance in this plea as well. Admittedly, there were only four vacancies against which respondents No.3 to 6 of the Original Application have been promoted. By the amendment, there are three feeder categories and the first petitioner who belongs to one of the three categories has been granted the promotion.

6. It follows from the discussion above that there is no scope for initiating proceedings against the respondents. While dismissing the petition and discharging the notice, we would make it clear that this order shall not preclude the petitioners, if they are aggrieved by the adhoc promotion granted to the first petitioner or denial of promotion to the others to challenge the same in an appropriate proceeding.


(G.Sreedharan Nair)
Vice Chairman(J).


(B.C.Mathur)
Vice Chairman(A).