

Central Administrative Tribunal  
Principal Bench, New Delhi

CP No.124/95  
IN  
OA No.1706/1988

New Delhi this the 15th day of September 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

Raj Pal Singh  
R/o Village & PO Kaakraulia  
Delhi 110 043

...Applicant.

(Through Shri A.S.Grewal, advocate)

Versus

1. Commissioner of Police Delhi  
Delhi Police Headquarters  
M.S.O.Building, I.P.Estate  
New Delhi.
2. Additional Commissioner of Police  
New Delhi Range, New Delhi  
Delhi Police Headquarters  
M.S.O.Building, I.P.Estate  
New Delhi.
3. Deputy Commissioner of Police  
West District, P.S. Rajouri Garden  
Near Vishal Cinema,  
New Delhi.  
Through Shri S.K.Gupta, proxy for Shri B.S.Gupta for respondents.)

...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)


The OA was disposed of by judgement dated 10.12.1993 setting aside the impugned order of penalty and directing reinstatement of the applicant; to treat the period of suspension as duty and also to consider the petitioner for promotion on the basis of seniority as if the impugned order has not taken effect. The respondents had reinstated the petitioner and also paid him arrears of pay and allowances but finding that he was not considered for promotion and their inaction has amounted to violation of the directions contained in para 20 of the judgement, the petitioner has filed this CCP praying that action under Contempt of Court Act may be initiated against the respondents.

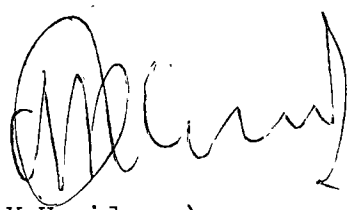
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2. The respondents on receipt of notice filed an additional affidavit in which they have stated that the case of the applicant for promotion on the basis of his seniority with effect from the due date was considered but he could not be promoted as he has not passed the obligatory departmental test.

3. We have heard learned counsel for the petitioner and the respondents. Learned counsel for the petitioner states that as the petitioner could not be faulted for not qualifying the test as it was held at a time when he was out of service, there is no justification for the respondents contending that the applicant could not be promoted as he did not qualify in the obligatory departmental test. The direction contained in the judgement was only to consider the case of the petitioner for promotion on the basis of his seniority. There was no direction that the petitioner should be promoted. If the petitioner is aggrieved by the outcome of the consideration, it would be open for him to agitate the matter separately in an OA instituted in that behalf.

4. With the above observations, we do not find any necessity to proceed with the CP further as the directions contained in the judgement have been substantially complied with. We dismiss the petition and discharge the notice issued.

  
(R.K. Ahooja)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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