

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

RA No. 130/98 with  
MA No. 1335/98 in  
CP No. 291/97 &  
OA No. 1507/88

New Delhi, this the 24<sup>th</sup> day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri Prithvi Singh  
s/o Sh. Ram Singh Verma  
L.D.C., HQ, C.W.E.  
Meerut Cantt  
r/o B-333 Clock Tower,  
Hari Nagar, New Delhi.

..Review Applicant

(By Advocate: Sh. G.D. Bhandari)

Versus

1. Sh. Ajit Kumar,  
Secretary,  
Ministry of Defence,  
South Block, New Delhi.

2. Lt.-Gen. N.R. Khanna,  
Engineeer in Chief  
Army Headquarters,  
Kashmir House,  
New Delhi.

3. Maj. Gen. S.S. Karki,  
Chief Engineer,  
Engineering Branch,  
HQ Central Command,  
Lucknow - 2.

.... Respondents

(By Advocate: None)

**O R D E R (By circulation)**

Hon'ble Shri T.N. Bhat, Member (J)

We have gone through the contents of the R.A. by which the petitioner seeks review of our final order disposing of his C.P. 291/97. We must really admire the tenacity with which the petitioner is pursuing this matter and thereby flogging a dead horse.

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2. In his O.A. (No. 1507/1988) he had claimed the benefit of service rendered by him in some other units before his posting to M.E.S. on compassionate grounds as L.D.C. so that he could claim promotion to the next higher post of U.D.C. The respondents had refused to count his service in the A.S.C. (Records) Meerut rendered by him between 1962 to 1976.

3. The OA was disposed of by the judgement order dated 20.10.1993 with a direction to the respondents to consider the case of the petitioner for promotion when the same becomes due in accordance with the rules, treating the petitioner as having earned eligibility on completion of eight years of service taking into consideration the service rendered by him in the other units or departments in which he was serving before his transfer twice on his own requests [Emphasis supplied].

4. After waiting for some time the petitioner filed the Contempt Petition (CP, for short) when, according to him, the respondents deliberately failed to implement the judgement and to grant promotion to the petitioner. However, during the pendency of C.P. the respondents passed an order on 11.02.1998 promoting the applicant as U.D.C. Even so, the petitioner pressed his C.P. on the ground that according to the judgement dated 20.10.1993 the petitioner ought to have been given promotion from an earlier date. The petitioner further contended that some persons who were junior to him had been granted promotion prior to the applicant's promotion.

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5. After hearing the counsel for the parties we dismissed the C.P. by our detailed order dated 21.05.1998, holding, inter-alia, that mere eligibility would not suffice for seeking promotion unless one falls within the zone of consideration. We further observed that the judgement of the Tribunal dated 20.10.1993 left it open to the respondents to investigate and decide the question as to when would the case of the applicant fall for consideration, depending upon the number of available vacancies and the zone of consideration. The plea taken by the respondents in their reply to the C.P. was that before 1998 the applicant did not fall within the zone of consideration even though he was eligible. The respondents further emphatically denied that any person junior to the petitioner was given promotion before him.

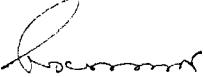
6. The petitioner has now sought to question our findings in the C.P. on grounds which, according to us, can appropriately be raised in an Appeal or Writ Petition against our aforesaid order. We notice that the petitioner continues to harp on the tune that seniority should be assigned to him after counting his previous service rendered in A.S.C. A bare reading of the judgement dated 23.10.1993 would clearly show that counting of the said period of service was allowed by the Tribunal only for the purpose of the petitioner's eligibility on the basis of length of service.

7. The petitioner further contends that the respondents had concealed the fact that his name had been interpolated in the list of promotees issued in the year 1994 and that the petitioner's promotion was, therefore,

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effective from 1994 and not 1998. In the C.P. the only question which fell for adjudication was as to whether the respondents had deliberately disobeyed the orders of the Tribunal. The date from which the petitioner's promotion would be effective was not relevant for the adjudication. 30

8. We are convinced that the petitioner has failed to disclose any grounds for review. The R.A. is accordingly dismissed, by circulation.

  
(S.P.BISWAS)

Member (A)

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24.8.98

(T.N.BHAT)  
Member (J)