

18  
5

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

CCP 292/93 in  
OA No.2435/89

Date of decision:31.03.93

Sh.Taqdir Ram .. Petitioner

vs.

Lt.Gen.V.N.Kapur,  
Engineer-in-Chief,  
Military Engineering Service,  
New Delhi. ... Respondent.

CORAM:-THE HON'BLE MR.JUSTICE V.S.MALIMATH,CHAIRMAN  
THE HON'BLE MR.B.N.DHOUDIYAL,MEMBER(A)

For the Petitioner .. Sh.T.C.Agarwal,counsel.

For the respondents .. Sh.M.L.Verma,Counsel.

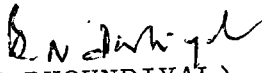
ORDER(ORAL)

(BY HON'BLE MR.JUSTICE V.S.MALIMATH,CHAIRMAN)

The complaint in this case is that the direction in OA No.2435/89 has not been complied with. The respondents have now filed an affidavit stating that they have complied with the judgement of the Tribunal by promoting the petitioner from 25.4.92. The direction in the judgement is that the petitioner should be given promotion against one of the vacancies for which the trade test was held in the year 1987 in which the petitioner was declared successful. It is further stated that his pay shall also be fixed notionally from the date of promotion on which the last vacancy as per assessment of 1987 was filled and for which he was trade tested and declared successful in December,1987. The clear effect of this direction is that the petitioner should be given promotion with effect from the date on which the last of the persons from 1987 select list was promoted. Material has now been placed before us to show that two persons were declared successful,namely Sh.Hari Das and the petitioner.

✓ The records also show that Sh.Hari Das secured more

number of marks in the trade test than the petitioner. The records also show that whereas Sh.Hari Das entered service on 1.3.78, the petitioner entered service much later on 21.8.90. The stand taken by the respondents is that the trade test was held with a view to fill up one vacancy but for administrative reasons that vacancy was not filled up and nobody was promoted until April 1992. In April, 1992, Shri Hari Das as well as the petitioner were promoted. These facts make it clear that there is no violation of the order of the Tribunal. We say so because no one was promoted on the basis of the select list prepared in the year 1987. That happened for the first time when Sh.Hari Das was promoted along with the petitioner. We are satisfied that the judgement of the Tribunal has been properly complied with. Hence, no further action under the Contempt of Court Act is called for. These proceedings are accordingly dropped. Notice of contempt is discharged.

  
(B.N.DHOUNDIYAL)  
MEMBER(A)

  
(V.S.MALIMATH)  
CHAIRMAN

SNS  
310393