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Central Administrative Tribunal
Principal Bench: New Delhi

CP No.69/96
IN
OA No.2521/89

New Delhi this the 31st day of July 1996.

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

B.L.Vimal (CASO)
Vehicle Sub Depot
Meerut Cantt.

...Petitioner

(In person)

Versus

1. Maj. Gen.Sudhir Kumar
Addl. Adjutant General
AG's Branch
Army Headquarters
South Block
Ministry of Defence
DHQ PO, New Delhi-11.
2. Sh. G.N. Tripathi
DDG(CP) Org-4 (Civ) (a)
AG's Branch
Army HQs
Sena Bhawan
DHQ P.O. New Delhi-11.
3. Sh.S.M.Sharma
Civilian Staff Officer
Org-4 (Civ)(a)
AG's Branch
Army HQs
Sena Bhawan
DHQ P.O.
New Delhi-11.

...Respondents.

(By Advocate: Sh. B.K.Aggarwal)

O R D E R (Oral)

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

The petitioner is present in person. Sh. B.K.Aggarwal for Respondent No.1, Sh. D.N.Tripathi and Sh. S.N.Sharma for Respondents 2 & 3 are also present.


2. The respondents have filed an additional affidavit in which they have stated that the directions contained in the judgement in the OA have been fully complied with. The applicant has been treated to have been confirmed w.e.f. 28.5.82 as directed in the


judgement, that his case was considered by a Review DPC held on 13.6.96 for grant of selection grade w.e.f. 1.11.82 the date on which his junior B.L.Sharma was placed in the selection grade, and that as it was found that the petitioner did not satisfy the eligibility criteria for grant of selection grade, he could not be placed in the selection grade w.e.f. the date on which Sh. Sharma was placed. The reason why the petitioner did not qualify for placement in the selection grade has been indicated as the petitioner did not have 14 years of service nor did he reach 3/4th span of the pay scale of Rs. 550-900 on that date while Sh. B.L.Sharma was on the relevant date drawing basic pay of Rs. 810/-. An order to the said effect, dated 21.6.96 has also been appended to the reply. The petitioner states that the directions contained in the judgement are clear that the petitioner should be considered for grant of selection grade w.e.f. the date on which Sh. Sharma was granted such selection grade and the decision taken by the respondents that he was not eligible to the grant of selection grade w.e.f. that date is not correct. May be the petitioner has a different view in regard to the decision taken by the respondents but that is not ^a ~~the~~ reason for taking ^{under content of Govt Order} action against the respondents. Having complied with both the directions, namely, having the petitioner ~~been~~ confirmed and having his case considered by the duly constituted DPC, the respondents have substantially complied with the directions. There is a delay in implementation for which the respondents have expressed regret and ^{desired} ~~sought~~ apology.

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3. Under the circumstances, we do not find any reason, in the interest of justice, to proceed further in the contempt petition and, Therefore, the CP is dismissed and notice discharged. Needless to say, if the petitioner is not satisfied with the order passed by the respondents after consideration of his case for grant of selection grade, it is open for him to seek appropriate relief in accordance with law.

The ^{CP}MA stands disposed of.


(K.Muthukumar)
Member (A)


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

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