

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P.N.O.316/94
in
O.A.N.O.1122/89

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

New Delhi, this 20th day of October, 1995

(By Shri G.D.Gupta, counsel for the applicant)

Versus

1. Lt. Governor Mr. P.K.Fave
through Chief Secretary
5, Sham Nath Marg
NEW DELHI.
 2. The CS, DAD Mr. P.P.Chauhan
5, Sham Nath Marg
DELHI
 3. The C.P. Shri Nikhil Kumar
MSO Building
I.P.Estate
DELHI.
 4. Addl . C.P./AP, Shri R.C.Kohli
MSO Building
I.P.Estate
DELHI.
 5. DCP - III Bn.
DAP, Shri A.K.Singh
Kingsway Camp
DELHI.

... Petitioners

(By Shri G.Kathpalia, Advocate)

ORDER (Oral)

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

This Contempt Petition arises out of the order of the Tribunal in OA No.1122/89. The above of ^{Settling} case was disposed of on 22.3.1993, set-aside the order

by which the Petitioner was dismissed in service, directing the respondents to reinstate the applicant and to give all consequential benefits in accordance with law within a period of three months from the date of receipt of the order. Liberty was also given to the respondents for resuming the disciplinary proceedings in accordance with law, if they so choose. The petitioner was reinstated in service and was also paid back wages. Alleging that ~~as~~ the respondent has not considered his case for promotion and has thereby disobeyed the directions in the judgment, this Contempt Petition has been filed.

2. The respondents have filed an additional affidavit stating that the case of the applicant for promotion has been considered by a review Departmental Promotion Committee in compliance to the judgment and that therefore, the directions in the Judgment have been fully complied with. They have enclosed Annexure A & B.

3. Learned counsel for the applicant invited our attention to the Annexure 'B', the minutes of the DPC which had considered the case of the applicant and found him not fit for promotion on the ground that he did not have three 'Good' ACRs. He argued that the requirement of three 'Good' gradings in the ACR was not in existence at the time when the Petitioner should have been considered for the promotion and therefore, the DPC has not considered the case of the Petitioner for promotion in accordance with the rules which should have been followed. Thus, according to him in as much as there has been no proper consideration the respondents have defied the orders of the Tribunal. If the applicant is not

Within 6 weeks of
satisfied by that case of the consideration of the DPC
or with the manner ~~in~~ in which his case was considered,
he is at liberty to challenge the same in an appropriate
proceedings in that ~~case~~ behalf. That is not a question
to be gone into in a Contempt Petition.

4. Now, that the Petitioner ~~has~~ been reinstated in
service and paid arrears of pay and allowances and considered
by the DPC for promotion, we are of the considered view that
the directions contained in the judgment have been
substantially complied with.

5. In the light of the what is stated above, we do
not find any reason to further proceed in this Contempt
Petition, and therefore, it is dismissed and notices
issued to the respondents are discharged. Regarding the
outcome of the consideration by the DPC the applicant is at
liberty to agitate in an appropriate proceedings.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER(A)

A. V. Haridasan
(A. V. HARIDASAN)
VICE-CHAIRMAN(J)

/BAG/