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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 174 of 1994
IN
O.A. NO. 1162 of 1991

New Delhi this the 28th day of February, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Shiv Kumar Tyagi S/O Chander Bhan,
R/O Village Shikarpur,
P.O. Najafgarh,
New Delhi - 110043.

... Applicant

(By Advocate Shri B. B. Raval)

Versus

1. Shri N. N. Vohra,
Secretary,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi.

2. Shri M. B. Kaushal,
Commissioner of Police,
Delhi Police,
Near I.T.O., New Delhi.

3. Shri Ranjit Narain,
Dy. Commissioner of Police,
Headquarters-I,
Delhi Police, Police Hqrs.,
Near I.T.O., New Delhi.

... Respondents

(By Shri S. K. Sinha, proxy for Shri
Jog Singh, Advocate)

O R D E R

Shri Justice S. C. Mathur —

The applicant, Shiv Kumar Tyagi, alleges disobedience by the respondents of the Tribunal's judgment dated 20.8.1993 passed in O.A. No. 1162/91.

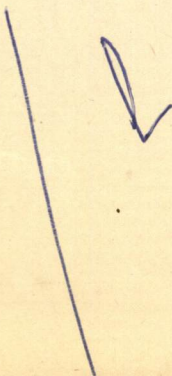
2. The applicant was posted as Hindi Shorthand Reporter with the rank of Assistant Sub Inspector in the Delhi Police. The next higher post to which the applicant could look forward for promotion was in the rank of Sub Inspector. It appears that before

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promotion in the rank of Sub Inspector, a candidate was required to undergo a training course. The applicant in his original application prayed for a direction to the administration to depute him to complete the said course and thereafter to treat him as eligible for promotion in the rank of Sub Inspector (Executive).

3. In its judgment of which disobedience is alleged, the Tribunal has noticed that the training course to which the applicant laid claim was meant for Executive cadre and the applicant was not entitled under the existing rules to be promoted in that cadre. The Tribunal felt that there was lack of promotional avenues in the cadre to which the applicant belonged. The Tribunal accordingly directed the administration to provide promotional avenues. In paragraph 4 of the judgment, the Tribunal has mentioned three options for providing promotional avenues to the cadre to which the applicant belongs. These options are — (1) to restore the eligibility for promotion to the Executive cadre as provided in the Punjab Police Rules; (2) to create sufficient posts of Inspectors in SHR (Technical cadre); and (3) to treat them at par with Stenographers for promotion in the Ministerial cadre. During the pendency of the contempt application, the rules have been amended by notification dated 19.1.1995. Existing Rule 17 (iii) of the Delhi Police (Promotion and Confirmation) Rules, 1980 has been substituted as follows :-



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"Confirmed Sub-Inspectors (Min.)
and Confirmed Shorthand Reporters
(Sub-Inspectors) having 6 years in
the rank of Sub-Insp. (Min.) and
Shorthand Reporter (Sub-Insp.)
respectively shall be eligible....."

4. It is not disputed by the learned counsel for the applicant that the result of the amendment is that promotional avenue has been provided for the cadre to which the applicant belongs. However, the submission of the learned counsel is that the promotional avenue should not have been provided by amendment of Rule 17 but should have been provided by amendment of Rule 16. It has also been submitted that by amendment of Rule 17 the applicant will have to wait for several years in order to get promotion to the post of Inspector.
5. In contempt proceedings all that has to be seen is whether the judgment of the Tribunal has been complied with. The Tribunal had not in its judgment prescribed the mode of providing promotional avenue. The amendment of the rule is relatable to third option mentioned hereinabove. In the absence of any direction from the Tribunal to provide promotional avenue in a particular manner, the respondents cannot now be said to be in contempt. Of course, there has been some delay in compliance with the judgment of the Tribunal which has been sufficiently explained.
6. In view of the above, the contempt application is consigned to records and the notice issued is hereby discharged. There shall be no order as to costs.

/as/

P. T. Thiruvengadam
(P. T. Thiruvengadam)
Member (A)

28/2/85

S. C. Mathur
(S. C. Mathur)
Chairman

28/2/85