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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

CCP No.88 of 1993

M.P.No.2281 of 1993.

O.A.No.1332 of 1991.

Date of Decision: 8/10/93

Satnam LuthraApplicant.

Versus

Shri Madhav D.Godbole & 3 others ..Respondents.

CORAM:

Hon'ble Mr.Justice V.S.Malimath, Chairman.

Hon'ble Mr.S.R.Adige, Member(A)

For the applicant: Shri B.B.Raval, counsel.

For the respondents: Ms. Pritibha Mittal, proxy
counsel for Shri K.C.Mittal
counsel.

ORDER

(By Hon'ble Mr.S.R.Adige, Member(A),)

This is an application filed by Smt.Satnam Luthra for initiating contempt of Court proceedings against the respondents, together with recovery of the costs from them, for the alleged wilful non-compliance of the directions contained in the judgment of this Tribunal dated 25.5.92 in O.A. No.1332/91.

2. In the said O.A., the applicant had sought directions to the respondents to give her promotion as UDC from the due date from September, 1981 followed by further promotion to the grade of Assistant with effect from September, 1986 and for quashing of the order whereby her promotion had been given effect to from 12.3.90.

3. The said direction contained in the judgment dated 25.5.92(Supra) is extracted below and reads thus:-

"In the conspectus of the aforesaid facts the respondents are directed to review the seniority of the applicant in the light of the order passed in T.A.713/85(Smt. Swaran Baweja) dated 21.11.86 and reconsider her promotion as UDC in accordance with

the seniority so determined on review. We leave the discretion in regard to posting with respondents since they have to consider the totality of factors and public interest, but the contention of the petitioner in her representation dated 19.3.92 quoted in para 3 and the observation in para 7 be kept in view."

4. Thus, the respondents were called upon to review the applicant's seniority in the light of the order passed in T.A.No.713/85 (Smt. Swaran Baweja) dated 21.11.86 and reconsider her promotion as UDC in accordance with the seniority so determined on review. While doing so, the respondents were further directed to keep in view the applicant's prayer to be adjusted against the vacant post of UDC available ^{at that time} in the B.P.R. & D Headquarters.

5. In the reply, the respondents have stated that in compliance of this Tribunal's directions (Supra), the applicant's seniority as LDC was refixed from 24.9.76 and she thus became eligible for promotion as UDC in 1981, after five years' service as LDC in accordance with the recruitment rules to the post of UDC. Accordingly, a review ^{meeting} DPC/was held on 16.7.93 which assessed her suitability for promotion to the post of UDC with reference to the years 1981 to 1989. The review DPC did not find her fit for promotion to the post of UDC in any year from 1981 to 1989. On the basis of the recommendations of the DPC meeting held in 1990, the applicant was issued appointment order as UDC vide Office Order dated 21.12.90 and was posted to GEOD, Calcutta. Since she did not join the post of UDC, it is stated that she will now be considered for promotion along with others for the post of UDC in the DPC meeting to be held during this year, 1993. This position has also been communicated to the applicant vide respondents' O.M. dated 16.7.93.

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6. We have perused the records of the review DPC meeting held on 16.7.93 together with the character-roll of the applicant which the respondents had produced before us. We note that the DPC was properly constituted, and on the basis of the materials before them had concluded that the applicant was not fit for promotion to the post of UDC in any year from 1981 to 1989. If the applicant has any grievance against the respondents' decision not to promote her in any year from 1981 to 1989 based upon the recommendations of the DPC, it is open for her to agitate the matter through competent proceedings in accordance with law. A contempt of Court action is not the proper course to agitate this matter.

While considering whether prima facie the Contempt of Court action should be initiated in this case, this Tribunal is required to see whether there has been any contumacious violation of this Tribunal's directive contained in its judgment dated 25.5.92 or not. The directive was to review the applicant's seniority, which has been complied with and thereafter to reconsider her promotion as UDC in accordance with the seniority so determined on review. This reconsideration of the applicant's promotion as UDC has also been complied with by the respondents, and if the applicant has any grievance with regard to the decision based on ^{such} reconsideration, it is open to her, as stated above, to agitate the matter through competent proceedings in accordance with law.

7. Under the circumstances, we hold that no cause for initiating contempt of Court action has been made out, and this application is accordingly

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dismissed. No costs.

S. R. Adige
(S. R. ADIGE)
MEMBER(A)

V. S. Malimath

(V. S. MALIMATH)
CHAIRMAN.

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