

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No.478/2005 In
O.A. No.2239/2004

New Delhi this the 31st day of January, 2006

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

Dr. Viswa Prakash,
Plastic Surgeon,
Department of Burns & Plastic Surgery,
Safdarjung Hospital,
New Delhi-110029.

-Applicant

(By Advocate: Shri A.K. Shukla, proxy for
Ms. Sriparana Chatterjee)

Versus

1. Shri P.K. Hota,
Secretary, Government of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. V.M. Prasad,
Director,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.

-Respondents

(By Advocate: Shri VSR Krishna)

ORDER (Oral)

Hon'ble Shri Mukesh Kumar Gupta, Member (J)

Vide order dated 8.7.2005, respondent No.1 was directed to put up a memorial before the appropriate authority for taking a decision in accordance with law preferably within a period of four months of the receipt of a certified copy of that order. The contention of the applicant is that the said order remained uncomplished with.

2. Respondents, on notice issued by this Tribunal in Contempt Petition, have appeared and filed Office Memorandum dated 20.1.2006 communicating that the appropriate authority has decided to expunge the adverse remarks in the ACR for the period 2001-2002.

3. Learned counsel for the applicant contended that he had made a specific request in his memorial before appropriate authority to constitute a review DPC

for considering his case for promotion, which has not been either noticed or communicated. 17

4. On consideration of the entire matter, we are of the view that a limited direction had been given to place the memorial before the appropriate authority for taking its decision, which aspect has been duly complied with.

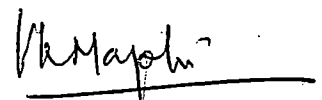
5. Shri VSR Krishna, learned counsel for respondents states that after expunction of the adverse remarks, respondents are duty bound to take necessary steps to consider the applicant for promotion, which will certainly be done in accordance with law.

6. In view of the statement made as noticed hereinabove, we do not find any necessity to issue any further orders. It is expected that respondents will take reasonable steps within a reasonable period to consider the applicant for promotion.

7. Accordingly, C.P. is disposed of and notices to the respondents are discharged.


(Mukesh Kumar Gupta)
Member (J)

cc.


(V.K. Majotra)
Vice Chairman (A)

31.1.06