

Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No. 231/99 In
O.A. No. 323/92

New Delhi this the 2nd day of November 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastry, Member (A)

Suchitra Goswami
presently working as Deputy Secretary
to the Govt. of India,
Department of Women & Child Development,
Jeevan Deep Building,
Parliament Street,
New Delhi.

....Petitioner

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India
through Mr. B.B. Tandon
Secretary,
Department of Personnel & Training,
North Block, New Delhi.

2. Mr. K.R. Nair
Establishment Officer
(Dept. of Personnel & Training)
North Block,
New Delhi.

....Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

By Reddy, J.:-

Heard the counsel for petitioner and the
respondents.

2. This C.P. is filed complaining that
the directions given in the judgment dated 19.11.97
passed in OA-323/92 have not been complied with.

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3. The operative portion of the judgment is as follows:-

"We, therefore, direct the respondents to initiate steps to convene a review DPC to reconsider the applicant's case for empanelment to the post of Dy. Secretary for the year 1989 within a period of 12 weeks from the date of receipt of a copy of this order and implement the recommendations of the said review DPC soon thereafter. The O.A. is accordingly allowed. No order as to costs".

4. It is contended by the learned counsel for the petitioner that though the respondents had convened the DPC and promoted the applicant with effect from 1989 as directed by the Tribunal, the respondents had not granted all consequential financial benefits. In the compliance affidavit it was stated that the order of the Tribunal has been fully complied with, ~~it was~~ ~~stated~~ inasmuch as the DPC has been convened on 18.2.98 and as per the recommendations of the DPC the name of the applicant was included in the CSS Selection Grade Select List for the year 1989. The recommendations accordingly were accepted on 27.4.1998 including her name for the year 1989. It was also averred that though the Tribunal had not directed payment of such arrears, respondents have also issued orders for payment of arrears of pay and allowances to the applicant consequent on the

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inclusion of her name in the CSS Selection Grade Select List for the year 1989 as she became eligible to be considered in the CSS Directors' Suitability List for the year 1994. The petitioner was considered by the Central Establishment Board to assess her suitability for CSS Officers in the CSS Directors' Suitability list but she was not found fit. Her case was reviewed for inclusion in the Directors' Suitability List for the year, 1996 but the Board again found her not suitable.

5. In view of the above averments it cannot be said that the respondents had violated the orders of the judgment and directions contained therein. It is however contended by the learned counsel for the petitioner that there was no reason for not ~~considering~~ ^{finding} the applicant ~~found~~ ^{✓ same} fit even for the post of Director as the ACRs have to be looked into for assessment of her suitability. This question, however, does not fall for consideration. If the petitioner is aggrieved by the order passed by the respondents it is open to her to question the same by way of filing a fresh original application.

6. C.P. is, therefore, dismissed. Notices issued to the alleged contemner are discharged.

Shanta S.

(Mrs. Shanta Shastry)
Member (A)

Rajagopala Reddy

(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.