

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

C.P. (Civil) No. 286/1993 in O.A. No. 998/1992

New Delhi this the 1st day of November 1993.

THE HON'BLE MR. JUSTICE V. S. MALIMATH CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Dr. D. N. Sharma
son of Shri N. N. Sharma,
167, Anand Vihar,
Delhi 110034.

... Petitioner

(In person)

Versus

Union of India through

1. Shri N. N. Vohra,
Secretary, Department
of Personnel, Ministry of Home
Affairs, North Block,
New Delhi.
2. Shri R. K. Takkar,
Chief Secretary,
Delhi Administration,
5, Sham Nath Marg,
New Delhi

... Respondents

(By Advocate Mrs. Avnish Ahlawat)

O R D E R (ORAL)
Hon'ble Mr. Justice V. S. Malimath :-

The Tribunal directed the respondents to consider whether promotional avenues can be provided or in the alternative to consider whether in situ promotion can be granted to the petitioner. That the direction was to consider these two alternatives is made clear by the subsequent order made by the Tribunal on 23.11.1992. In the light of the said clarification, the obligation of the respondents was to consider creating promotional opportunities and in the alternative to consider giving in situ promotion. The respondents have given their consideration to these alternatives and have come forward with the

decision that they do not find it possible to provide either a promotional avenue or in situ promotion. As the obligation of the respondents was only to consider and that consideration having been given, the question of taking action under the Contempt of Courts Act does not arise. It is not possible to understand the direction in view of the clarification issued by the very same Bench that no mandamus has been issued but only a direction to consider. Hence, we see no good ground to take action under the Contempt of Courts Act.

2. The learned counsel for the respondents, however, submitted that the respondents on their own will examine if anything can be done on equitable consideration though they have not found it feasible to give promotional avenues and in situ promotion. The disposal of this contempt petition should not deter the respondents from giving their sympathetic consideration.
3. With these observations these proceedings are dropped.

Adige
(S. R. Adige)

Member (A)

Malimath
(V. S. Malimath)
Chairman

as