

Central Administrative Tribunal, Principal Bench

C.P. No. 331 of 1999 In
Original Application No.3292 of 1992

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New Delhi, this the 18th day of June, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri C.K. Jain
S/o Late Shri M.K. Jain
R/o 242-C, Pocket-1, Mayur Vihar,
Phase-I,
Delhi-91.

- Petitioner

(By Advocate - Shri M.K. Gupta)

Versus

1. Shri Kamal Pandey
Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
2. Shri R.K. Raghvan,
Director, Central Bureau of Investigation,
Block-3, CGO Complex,
Lodi Road, New Delhi-110 003.
3. Dr. S.R. Singh
Director, Central Forensic Science
Laboratory,
Block-4, CGO Complex,
Lodi Road, New Delhi-3. - Respondents

(By Advocate - Shri Gajender Giri)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (J)

This is a Contempt Petition filed by the applicant wherein he has alleged that the orders passed by this Tribunal dated 19.11.1998 has not been complied with by the respondents. In the order dated 19.11.1998, the following directions were given:-

"10. Accordingly this OA is disposed of with a direction to respondents that subject to the availability of a regular vacancy of Sr. S.O. Gr. II on or after 31.7.86, they should consider applicant's case for promotion as SSO Grade II against that vacancy w.e.f. that date, in accordance with the Rules and instructions on the subject, and in case applicant is found fit for promotion as Sr. S.O. Gr. II w.e.f. such date, he will be entitled to all consequential benefits, including consideration for promotion to higher

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posts. These directions should be implemented within six months from the date of receipt of a copy of this order. No costs."

2. The grievance of the complainant/applicant is that despite the time frame given by the Tribunal, the directions given by the Tribunal remains uncomplied with as review DPC of the petitioner's promotion as Sr. Scientific Officer Grade-II has not been convened within the time limit. He has also stated that he has made further representation on the basis of the orders/directions given by this Tribunal, but no action has been initiated.

3. It is further alleged that action of the respondents amounts to deny him reconsideration to the post of Sr. Scientific Officer Grade-II, which is illegal, unjust and violative of the directions of this Tribunal and it amounts to Contempt of Court.

4. The respondents contested the application. They have filed a compliance affidavit. The respondents pleaded that the copy of the order was received on 29.11.1998 and after its examination by the CBI and CFSL, a letter was sent to the Secretary, UPSC on 23.4.99 requesting them to hold a review DPC for considering C.K. Jain's case for promotion to the grade of Sr. Scientific Officer Grade-II.

5. The Union Public Service Commission vide their letter dated 17.5.99 requested the CFSL to furnish the relevant documents, i.e., UPSC reference No., under which the original DPC was held, up-to-date authenticated copy of Recruitment Rules, up-to-date CR dossiers in respect of the

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applicant, vigilance clearance etc. Thereafter further correspondence is going on between the respondents and the UPSC.

6. It is further stated that the respondents had remained quite vigilance and active for implementation of the orders of the Tribunal and there has never been any wilful intention and silence approach on the part of the respondents.

7. Thereafter, the matter was heard. The learned counsel appearing for the respondents stated that they have been writing various letters to the UPSC for holding a review DPC and since lot of paper work is required to be done to follow up the matter which has taken still longer time.

8. We have heard the learned counsel for the parties and have gone through the records of the case.

9. From the record it appears that though there is slight delay in complying with the directions of the Tribunal, the documents on record and correspondence do show that the respondents are taking up the matter with the UPSC and it is routine office work which is causing delay. But this does not show at all that there is any contumacious or wilful disobedience on the part of the respondents in complying with the directions of the Tribunal. ^{therefore?} We are of the considered opinion that no case for contempt is made out and the respondents are further directed to see that the orders of the Tribunal are complied with as early as possible giving it top priority.


for

10. In view of the above, C.P. is dismissed.

Notices are discharged.



(Kuldip Singh)
Member(J)



(S.R. Adige)
Vice Chairman(A)

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