

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Civil Misc. Contempt Application No.76 of 2001.

In

Original Application No.817 of 1993.

Allahabad this the 25th day of September, 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr.D.R. Tiwari, Member-A.

J.N. L Das
son of Sri R.K. Das
r/o M 63 Sector 12, Noida, U.P.

.....Applicant.

(By Advocate : Sri N.L. Srivastava)

Versus.

Smt. Teenu Joshi
Development Commissioner (Handicrafts)
Ministry of Textile, West Block No.7
R.K. Puram New Delhi.

.....Respondents.

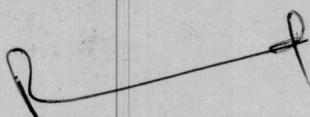
(By Advocate : Sri A Sthalekar)

O_R_D_E_R

(Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this contempt application filed under section 17 of Administrative Tribunals Act 1985, the applicant has prayed to punish the respondents for committing for wilful disobedience of the order of this Tribunal dated 17.10.2000 passed in O.A. No.817 of 1993.

2. The facts of the case are that the applicant was working on adhoc basis as Store Keeper with effect from 01.10.1980 in the Ministry of Textile.



The applicant was promoted on regular basis as Store Keeper w.e.f. 22.08.1991. The claim of the applicant is that he should have been promoted w.e.f. 17.01.1984. For this grievance, he filed aforesaid O.A. in which the Tribunal gave the following direction:

"Under the circumstances we consider it necessary to direct the respondents to consider the applicant for promotion along with persons officiating on adhoc basis and senior to him with retrospective effect and promote them from the date when they are considered fit for promotion by a review D.P.C. The compliance of this order shall be made within a period of three months from the date a copy of this order is filed before the respondents. There shall be no order as to costs".

In pursuance of aforesaid direction, review D.P.C. was held on 20.03.2002. A copy of minutes has been filed as Annexure CA-1. Review D.P.C. concluded in the following manner.

"At last, all members of D.P.C were of the opinion that there was no reason to recommend the promotion of Shri J.N.L.Das to the post of S.K. on regular basis alongwith other officials who were also officiating on ad-hoc basis as SK under Carpet Scheme and senior to him in the feeder cadre post of SK/AC as on 17.01.1984 or prior to 28.08.1991 due to non-availability of sufficient number of vacant post of S.K. under Carpet Scheme and also due to the fact that no official junior to Shri Das under Carpet Scheme had been promoted prior to him".

Thus the D.P.C though considered the direction of Tribunal but refused to grant ~~the~~ promotion to the applicant from back date i.e. with effect from 17.01.1984.

3. Learned counsel for the respondents has placed before us paragraph No.5(d) of the counter affidavit filed by the respondents wherein it has been stated that in the year 1986, 76 posts were created and those posts were already continuing ^{from} ~~the~~ before. It has been stated that in the year 1991 after obtaining the approval of



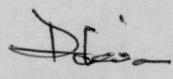
Department of Expenditure, Ministry of Finance and

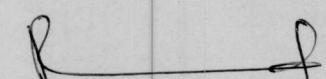
D.O.P.T. 85 Storekeeper-cum-Accounts Clerk were recommended for promotion to the post of Storekeeper and thus the applicant was also promoted as Storekeeper w.e.f.

28.08.1991. In para 5(c), it has been stated that Review D.P.C did not find any reason to consider the promotion of applicant on regular basis from 17.01.1984. against the said 9 posts of Storekeeper under Carpet Scheme with a view of ~~that~~ ^{the} grant of benefit of promotion, cannot be at the cost of interest of the said officials who were admittedly senior to him in the feeder cadre post of Storekeeper-cum-Accounts Clerk and had not been impleaded in the O.A. as respondents before the Hon'ble ~~Court~~ Court.

4. In our opinion from the aforesaid facts, in para 5(c) and 5(d), it is difficult to say that applicant has been refused/promotion w.e.f. 17.01.1984 by way of wilful disobedience of the direction of this Tribunal. Thus, no case of contempt is made out. The application is rejected. Notices are discharged. However, ^{in case} applicant is dissatisfied, he may file fresh O.A.

5. There will be no order as to costs.


Member-A.


Vice-Chairman.

Manish/-