

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NUMBER 94/2001

IN

ORIGINAL APPLICATION NUMBER 164/94

ALLAHABAD, THIS THE 1st DAY OF APRIL, 2003

HON'BLE MAJ GEN K K SRIVASTAVA, MEMBER (A)

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

1. Vidhya Sagar,  
s/o Shri Ram Chandra

2. Mohd. Fazal,  
s/o Mohd. Vasi-uddin;

Both working as Skilled Grade-II under  
Assistant Engineer (C.S.P.), Khalispur,  
Varanasi.

....Applicants

(By Advocate : Shri Sudama Ram)

V E R S U S

1. Sri Dharm Pal,  
Chief Engineer (TSL),  
Northern Railway,  
Baroda House,  
New Delhi.

2. Sri Raj Bahadur,  
Dy. Chief Engineer,  
(C.S.P.), Subedarganj,  
Allahabad.

3. Sri Shankar Lal,  
Assistant Engineer,  
(C.S.P.), Khalispur,  
Varanasi.

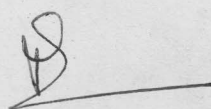
....Respondents

(By Advocate : Shri A.K. Gaur)

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

The Contempt Petition has been filed by the applicant



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alleging non compliance of the order dated 21.08.2000 passed in O.A. No.164 of 1994 in which the following order was passed:-

"That in view of what has been discussed above, we do not find any merit in the present O.A. and the same is liable to be dismissed. However, since no further action could be taken by the respondents due to pendency of the present O.A., we find it desirable to direct the respondents to complete the process of promotion of the applicant, and other officials after setting seniority disputes, within a period of three months from the date of communication of this order. In case the applicants are found suitable for promotion, fresh promotion order shall be issued and the applicants will be entitled for salary in the new scale from the date of thier promotion. There shall be no order as to costs."

It is submitted by the applicant that inspite of these directions the respondents have not granted promotion to the applicants till date.

2. Respondents, on the other hand, submitted that the impugned judgment was challenged by them in the Hon'ble High Court by filing Writ Petition No.39737 of 2001, which was decided on 04.07.2002 and the Hon'ble High Court was pleased to clarify the Tribunal's order by observing that the Tribunal had only directed the respondents to consider the claim of promotion of the applicants in Grade-II in accordance with relevant rules and no direction was given by the Tribunal to stay or to grant promotion to the applicants in Grade-II, if the applicants claim that they are entitled to Grade-II, they have to satisfy the authorities concerned before they can be granted this prayer. Accordingly the petition was disposed off (Annexure SA-I).



3. Respondents have also filed Civil Miscellaneous Application No.683 of 2003 to annex subsequent order dated 29.08.2002 which was inadvertently annexed in the Supplementary Affidavit whereby the authorities after considering the directions given by the Tribunal has been modified by the Hon'ble High Court and also keeping in view the other facts have come to the conclusion that it is not possible to promote the applicants as artisan skill Grade-II at present, this is filed as Annexure-I to the M.A. No.683 of 2003<sup>M.A.</sup> is allowed and this annexure is taken on record.
4. Counsel for the applicants was trying to say that he had already been empanelled as back as on 1992 and persons junior to him have been promoted by ignoring his claim in the subsequent panel. He also submitted that the Writ Petition with regard to 12 III Staff has already been disposed off by the Hon'ble High Court. Against that the applicant have filed their review, which is still pending in the Hon'ble High Court.
5. It goes without saying that since there are so many cases pending in one Court or the other, definitely the respondents cannot be held guilty for committing non-compliance of the order. In any case in contempt proceedings we cannot go into the merits of the case and decide the reliefs which are claimed by the applicant. Therefore, if applicants are aggrieved by the order passed by the respondents on 29.08.2002, the remedy open to them is to file Original Application in the Tribunal challenging the
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said order.

6. In view of the above discussion, there is no justification to proceed with this Contempt Petition. Accordingly, this Contempt Petition is dismissed. Notices issued to the respondents are discharged.



Member (J)



Member (A)

shukla/-