

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13TH DAY OF AUGUST, 2003

Civil Contempt Application No 25 of 2001

(OA No. 384 /92)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

Ram Das Sharma, son of
Late Vaidya Krishnadas, Resident
of 448 Peetpunch, Mathura

.. Applicant

Versus

1. Sr.Lt.General Vijai Lal
Director of General of Ordnance
Services Master General of
Ordnance Branch, Army Head
Quarters, New Delhi.
2. Brig.M.S.Moorjani,
The Officer Incharge, A.O.C
Records Secunderabad
3. Brig.Ashwani Kumar
The Commandant General of
Ordnance Depot, Agra.

.. Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 17 of A.T.Act 1985 applicant has prayed to punish respondents for willful disobedience of the order of this Tribunal dated 6.9.00 passed in OA 384/92. The direction given was as under:-

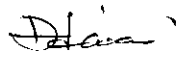
"In consequence, the respondents are directed to hold review D.P.C proceeding to examine the case of the applicant for promotion to U.D.C and the next higher post of Superintendent grade II, in case the applicant is recommended for promotion as U.D.C from a date earlier than November, 1994, which shall be carried out within a period of three months from the date of communication

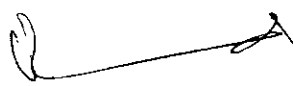
of this order. No order as to costs.
The OA is disposed of accordingly."

Respondents have filed counter affidavit and supplementary counter, in which it has been stated that review DPC was held in respect of all the years right from 1978 but he has not been found fit for promotion earlier than 1994. Shri Ashok Mohiley counsel for respondents has placed before us the complete proceedings of the review DPC held on 30.8.01. The assessment sheet and confidential report have also been placed. From perused of which it appears that the case of the applicant has been considered for promotion as directed and we do not find that any case of contempt is made out.

The learned counsel for the applicant tried to assail the proceedings. However, in these proceedings we cannot enter into the question as to whether the procedure adopted or the view taken by the DPC was legal or illegal. Such dispute can be examined only in original side.

The contempt application is accordingly disposed of. Notices are discharged. However, if the applicant is dis-satisfied, he may challenge the result of the review DPC in original side. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 13.8.03

Uv/