

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD**

Civil Contempt Petition no. 138 of 2005  
IN

ORIGINAL APPLICATION NO. 1129 OF 1998

ALLAHABAD THIS THE 28th DAY OF April, 2008

**HON'BLE MRS. MEERA CHHIBBER, MEMBER-J**  
**HON'BLE MR. N.D. DAYAL, MEMBER-A**

Arun Kumar Chandel, S/o late Sri Sonu Lal working as  
Painter Khalasi under Section Engineer (Works),  
N.E.R., Varanasi.

.....Applicant

(By Advocate Shri S.Ram)

V E R S U S

1. Sri Navin Tandon, D.R.M., N.E.R., DRM' Office,  
Varansi.
2. Sri Shashi Dhar Dubey, Sr. Divisional Personnel  
Officer, N.E.R., Varanasi.
3. Sri Shailendra Tripathi, DRM, N.E.R., Varanasi.
4. Sri M.K. Dixit, DPO, N.E. Railway, Varanasi.

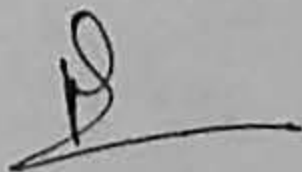
.....Respondents

(By Advocate: Sri K.P. Singh assisted by Sri Anil  
Kumar)

**O R D E R**

**BY MEERA CHHIBBER, MEMBER-J**

This Contempt petition was filed alleging disobedience of the order dated 1.12.2004 passed by this Tribunal in O.A. no. 1129 of 1998. By the said order, the respondents were directed to screen the applicant for promotion to the next higher grade and if the applicant is found suitable, he may be promoted to the next higher grade of Artisan Gr. III from retrospective date notionally i.e. from the date his immediate junior was promoted in accordance



with the provisions of para 228 of IREM Vol. II. No arrears of pay will be given prospectively. The respondents were directed to complete the aforesaid exercise within a period of four months from the date of receipt of a copy of the order.

2. The respondents have filed Supplementary affidavit, wherein they have stated that the applicant was found suitable in the trade test held on 23.9.2006 vide result declared on 7.10.2006. Accordingly, the applicant was granted notional promotion in comparison to his junior i.e. Sri Chauthi as Painter Gr.III (Rs. 3050-4590) w.e.f. 1.5.1992.

3. They have further explained that the applicant was called for the next promotion of Painter Gr. II for which the trade test was to be held on 22.1.2008, which was duly intimated to the applicant in his residence, but he refused to accept the same and did not appear in the trade test. However, another date was fixed for trade test on 28.1.2008 which was communicated to the applicant vide letter dated 23.1.2008. The note dated 24.1.2008 has also been issued from the office of Sr. DPO, Varanasi that the applicant will be granted next promotion of Painter Gr. II after passing the trade test. They have, thus, submitted that the directions given by this Tribunal have been complied with, the CCP may, therefore, be dismissed.

4. The counsel for the applicant has, on the other hand, submitted that the applicant has become mental patient and he has been sent for examination by the department itself. More-over the applicant has not approached him, therefore, he is not in a position to say that what happened on 28.1.2008.

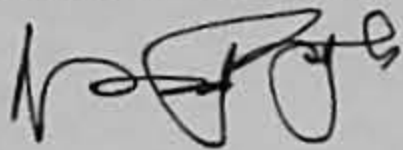




5. We have heard both the counsel and perused the pleadings as well.

6. As far as the directions of this Tribunal are concerned, we are satisfied, after perusing the Annexures filed by the respondents, in their Reply that the directions given by this Tribunal have already been complied with. The applicant had already <sup>been</sup> granted notional promotion in comparison to his junior i.e. Sri Chauthi as Painter Gr. III. Further, he was called for next promotion as Painter Gr. II <sup>also</sup> but he did not appear in the trade test due to sickness or has become mental for which the respondents cannot be held responsible, nor it can be said that the respondents have committed any contempt. However, if it is correct that the applicant is indeed sent by respondents themselves for examination of his mental disease, that would be a separate matter and dealt with by the respondents separately.

7. In view of the above, the CCP is dropped and notices issued to the respondents are discharged.



MEMBER-A



MEMBER-J

GIRISH/-