

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 17th day of August 2021

Contempt Petition No. 330/00103 of 2013
in
Original Application No. 330/00238 of 2001

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)

Satya Dev Tiwari, S/o Late Sarju Tiwari, R/o Village, Sonbarsa, P.O. Manjhi, District Saran Chupra (Bihar).

. . .Petitioner

By Adv : Shri M.K. Updhayay and Shri A. Srivatava

V E R S U S

1. Lt. Gen. Vijay Sharma, Engineer-in-Chief AHQ DHQ, Kashmir House, P.O. New Delhi.
2. Major General C.M. Tandon, Chief Engineer, Central Command, Lucknow.
3. Major Ravindra Pal Singh, Garrison Engineer (East) Stanly Road, Allahabad.

. . .Opposite party/Respondent

By Adv: Shri Raghvendra Pratap Singh and Shri Saruabh Srivastava.

O R D E R

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

We have joined this Division Bench online through video conferencing.

2. Shri A. Srivastava, learned counsel for the petitioner is present online through video conferencing, whereas, Shri Raghvendra Pratap Singh, learned counsel for the respondents is present in Court.

3. Heard learned Counsel for the parties and perused the record.

4. Learned counsel for the respondents has filed a compliance affidavit in which it has been stated that the order dated 12.12.2005 passed in OA No. 238/2001 and the order dated 26.11.2012 passed by the Hon'ble High Court in Writ (A) No. 60230 of 2008, have been substantially complied by the respondents in true letter and spirit. It is submitted that the applicant has been considered and promoted as Superintendent Grade II and all the financial benefits, including pay and allowances and arrears have been given to him and he has received the cheque for the same on 27.07.2017. It is prayed that in view of the fact that the order of Hon'ble High Court and the order of this Tribunal, both have been complied, the contempt petition is liable to be closed and be closed.

5. Learned counsel for the petitioner has filed objection against the compliance affidavit by means of a supplementary affidavit, in which it has been stated that neither the order dated 12.12.2005, passed by this Tribunal nor the order dated 26.11.2012, passed by Hon'ble High Court in Writ (A) No. 60230 of 2008, has been fully complied by the respondents. It has been admitted by the petitioner that the respondents have given promotion of Charge Mechanic to him w.e.f. 26.12.1977, but his grievance is that they have not given subsequent promotion to the petitioner as per the rules.

6. It is further submitted by the learned counsel for the applicant that the respondents have not considered SRO 302/1983 and despite the fact that the applicant had become due for promotion of Superintendent Grade I w.e.f. 26.12.1992, this promotion has not been given to him.

7. In reply, learned counsel for the respondents has submitted that there was no such order of any Court to give the promotion of Superintendent Grade I to the petitioner because the promotion to the Superintendent Grade I requires a special qualification, which the petitioner does not possess. He has submitted that the order has been fully complied and if any grievance subsists with the petitioner, he is at liberty to file a fresh OA for this purpose. It has been prayed that the in view of the compliance of the orders of this Tribunal and also of Hon'ble High Court, the present contempt petition may be dismissed .

8. Having considered the rival contentions of learned counsel for both the parties, we are of the view that the orders of this Tribunal and also of Hon'ble High Court have been substantially complied with by the respondents. Therefore, the present contempt proceedings are liable to be closed. However, the petitioner is given liberty to file a fresh OA, if so advised.

9. With the aforesaid direction the contempt proceedings are closed with the above liberty to the petitioner. Notices issued to the respondents are discharged and all the pending MAs are also dismissed as having become infructuous.

10. Hon'ble Mr. Tarun Shridhar, Administrative Member has consented to this order during video conferencing.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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