

Reserved

Central Administrative Tribunal, Allahabad Bench, Allahabad

This the 08th day of October, 2021.

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

Hon'ble Mr. Tarun Shridhar, Member (A)

Civil Contempt Petition No. 330/00071/2020

Arising out of
Original Application No. 00969/2018

Dr. Santosh Kumar Tiwari, Principal Scientific Officer JAG (NFSG), Office of the Controllerate of Quality Assurance (Material), DCQA, Ashok Path, Cantt, Kanpur – 208004, Department of Defence Production, Ministry of Defence, Government of India, Kanpur – 208004 (Presently residing at Cantt Kanpur – 208004), aged about 58 years, Son of Late Bhagwan Tiwari, Resident of Quarter No. P-3/3, War Memorial Colony, G.T. Road, Cantt, Kanpur – 208004.

..... **APPLICANT**

By Advocate: Shri Rohit Singh.

Versus

1. Shri Raj Kumar, IAS, Secretary, (Department of Defence Production), Ministry of Defence, Govt of India, Room No-136, South Block, New Delhi – 110011.

Tel No:- 011-23012527, Fax No:- 011-23012300.

2. Maj Gen, R.K. Malhotra, Offg DGQA, Deptt of Defence Production, Ministry of Defence, Govt of India, D-1 Wing, Room No: - 308- ASena Bhawan, New Delhi-110011.

Tel No:- 01123012484, Fax No: - 011-23012814.

3. Shri Prahlad Meena, ADQA (S), Deptt of Defence
 Production Ministry of Defence, Govt of India, 'G' Block, Nirman Bhawan, P.O: New Delhi- 110011.
 Tel No: - 011-23011422, Fax No: - 011-23011422.

4. Dr. Gurbachan Singh, Controller, Controllerate of Quality Assurance (Materials) DGQA Stores Complex, Ashok Path, Cantt: Kanpur – 208004.
 Tel No: - 0512-2328614, Fax No: - 0512-2324436.

----- **Opposite Parties**

By Advocate: Shri Chakrapani Vatsyayan.

ORDER

Delivered By Hon'ble Mr. Tarun Shridhar, Member (A)

The instant contempt petition has been filed by the applicant alleging non-compliance of the order passed by this Tribunal on 10.08.2021 in Original Application No. 969/2018. Vide the aforesaid order, this Tribunal had directed the respondents to consider the case of the applicant for regular promotion to selection grade in terms of DoPT's Memorandum No. 22011/4/91-Estt.(A) dated 14th September, 1992. The applicant has alleged that despite the clear order of the Tribunal, he has not been considered for placement by the placement committee to a higher post on the ground that he does not have vigilance clearance. Learned counsel for the applicant mentions that the order of this Tribunal was challenged by the respondents in the Hon'ble High Court of Allahabad and the Hon'ble Court clearly observed that there is no illegality in the order passed by the Tribunal. He argues that despite these two clear orders, the respondents have flouted the orders and gone on to promote the officers junior to the applicant to the higher post. Hence, he seeks exemplary punishment.

2. Learned counsel for the respondents on the other hand points out that the respondents being law-abiding citizens cannot even imagine to flout the order of this Tribunal and places on record that the applicant has all through his career been receiving regular promotions to higher posts as and when he became eligible. Learned counsel also points out that in the instant case, the issue is placement to a higher post and not promotion to selection grade. He further argues that in any case, the applicant still does not have the minimum qualifying service in the grade of Principal Scientific Officer to become eligible for promotion to the selection grade. The learned counsel further argues that the placement to a higher post is made on the recommendations of the placement committee and in the instant matter the placement committee has not recommended him as he does not have vigilance clearance on account of his involvement in an FIR registered by the CBI under section 120-B, 420, 467 IPC and Section 13(2) read with 13(1)(d) of PC Act, 1988.

3. We have heard the learned counsel for the parties and also gone through the documents on record. We are of the view that the direction of this Tribunal was limited to consideration of the case of the applicant for regular promotion in terms of the DoPT's Memorandum referred to earlier. The case has been satisfactorily considered and on account of the reasons adduced above, the candidate has not been found fit for either promotion or placement to a higher grade. There being no further merit in the instant contempt petition, it is **dismissed**. The contempt proceedings are dropped and the notices are discharged.

(Tarun Shridhar)

Member (A)

(Ritu Raj)

(Justice Vijaya Lakshmi)

Member (J)