



## Central Administrative Tribunal Principal Bench, New Delhi

C.P. No.487/2019 in O.A. No.759/2017

Tuesday, this the 22<sup>nd</sup> day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri Prem Chandra  
r/o B-10/1, IInd Floor  
Indira Enclave  
Neb Sarai, Maidan Garhi  
IGNOU Road, New Delhi – 110 068

... Applicant

(Mr. Vishwendra Verma, Advocate)

### Versus

1. Shri Durga Shanker Mishra  
Secretary  
M/o Urban Development  
Nirman Bhawan, New Delhi – 110 001
2. Dr. C Chandra Mouli  
Secretary  
Department of Pension & Pensioners Welfare  
M/o Personnel Public Grievances & Pensions  
Lok Nayak Bhawan, New Delhi
3. Shri Prabhakar Singh  
Director General  
CPWD  
Nirman Bhawan, New Delhi – 110 001
4. Shri L P Dubey  
Senior Accounts Officer,  
Pay & Account Office,  
CPWD, IP Bhawan,  
New Delhi – 110 002
5. Shri Manoj Kumar  
Superintending Engineer (CPWD)  
Delhi Central Circle – 11,  
CPWD, Pushpa Bhawan, New Delhi

... Respondents

(Dr. Ch. Shamsuddin Khan, Advocate)



## O R D E R (ORAL)

**Mr. Justice L. Narasimha Reddy:**

This Contempt Petition is filed by the applicant alleging that the respondents did not implement the direction issued by the Tribunal in its order dated 04.10.2018 in O.A. No.759/2017. The applicant contends that though a specific direction was issued by the Tribunal to pass an order under Rule 6.2 of the Manual on Regular Establishment and Office Procedure of CPWD, the respondents did not take any steps in that behalf.

2. On behalf of the respondents, a counter affidavit is filed, stating that the case of the applicant was considered in accordance with law and in compliance with the directions of the Tribunal, an Office Memorandum dated 28.02.2020 was passed by the respondents, stating the reason as to how the applicant cannot be extended the benefits.

3. Today, we heard Mr. Vishwendra Verma, learned counsel for applicant and Dr. Ch. Shamsuddin Khan, learned counsel for respondents.

4. The directions issued in the O.A. reads as under :-

“6. Quite clearly, the departmental rules themselves provide an exemption for considering the case of persons like the applicant who have not passed the departmental examination. Hence, the respondents were required to take a decision under the aforesaid provisions of the Manual on Regular Establishment and Office Procedure of CPWD, before disallowing any increments granted to

Item No.2



the applicant on the basis of not qualifying all the papers of the departmental examination meant for promoted Executive Engineers. Accordingly, the impugned order dated 29.03.2016 is set aside and the respondents are directed to first pass an order under Rule 6.2 of the Manual on Regular Establishment and Office Procedure of CPWD. Subsequent to passing of such an order, the respondents will then proceed to decide finally the payment of gratuity and retirement benefits of the applicant.”

From the above, it is evident that the respondents were required to pass an order Rule 6.2 of the Manual on Regular Establishment and Office Procedure of CPWD. The respondents have passed a detailed Office Memorandum dated 28.02.2020. Thereby the order of the Tribunal stands complied with. If the applicant is still aggrieved by the said order, he has to work out the remedies in accordance with law.

5. We, therefore, close the Contempt Petition. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

**June 22, 2021**  
**/sunil/vb/ankit/sd/dsn/**