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CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALIAHABAD

...

Contempt Appl. No. 30/89 in
Registration O.A. No. 692 of 1988

K.K. Prasad ... Applicant

vs.

Union of India and ors ... Opp. Parties

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K. Obayya, A.M.

(By Hon' Mr Justice Kamleshwar Nath, V.C.)

We have heard the applicant Shri K.K. Prasad in person and Shri K.C. Sinha counsel for the respondents.

The question is, whether the respondents have implemented the order of this Tribunal dated 16.2.89 passed in O.A. No. 692/1988? The promotion of the applicant to the post of Assistant Audit Officer was in question before the Tribunal. While deciding the case, the Tribunal ordered the respondents to re-examine the applicant's case afresh and held that the applicant, if found, otherwise suitable, he should be considered for promotion to the post of Assistant Audit Officer since the date he had qualified in SAS Examination according to his turn and seniority.

2. The statement of opposite parties in para 7 of their counter is that the applicant's case was re-examined, but it was found, among other things, that the applicant has not been holding a post of Section Officer on 1-10-87 for which he had to pass the SAS Examination. It is admitted that the examination was held in August, 1987, results were declared in December, 1987 and the formal order of appointment of the applicant as Section Officer on regular basis was passed on 18.12.87, on being found fit by the Departmental Promotion Committee. It is stated that after the applicant had been appointed as

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Section Officer on regular basis and the requisite three years period of experience was found to have been completed, he was promoted to the post of Assistant Audit Officer on 16.6.89 on the basis of the judgment under implementation. The case of the applicant is that he was entitled to count the period during which he was working as Section Officer, but according to the respondents, he was not entitled to have the benefit of having worked earlier as Section Officer, as he was not formally appointed to the post of Section Officer. This is a question of dispute on legal rights and beyond the purview of the contempt proceedings. All that has to be seen is, whether the respondents have deliberately or wilfully disregarded the judgement of this Tribunal and have not implemented it. We think that in view of the consideration of the matter, as indicated above, it cannot be said that even if, their view may be open to controversy, there was any wilful or deliberate disobedience of the judgement of this Tribunal. The application is dismissed and the notices are discharged.

R. Bhargava
MEMBER (A)Sh
VICE CHAIRMAN

(sns)

January 25, 1990

Allahabad.