

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

**

Contempt Application No. 1262 of 1993
in
Original Application No. 397 of 1993

Gyan Shanker Pandey

Vs.

Shri R.C.Dube, A.D.R.M.
Northern Railway, Nawab Yusuf
Road, Allahabad & another.

-to:-

HON'BLE MR MAHARAJDIN, MEMBER J
HON'BLE MR B K SINGH, MEMBER - A

(By Hon'ble Mr Maharajdin, Member-J)

This contempt petition has been preferred against
the interim order dated 19-04-93 passed in Original Application
No.397/93, which reads as under :-

" Promotion made on the post of Assistant Superintendent
and Superintendent on the basis of seniority list of
1987 will be provisional and subject to final decision
of the case."

The copy of this order was served on the respondents No.1 and 2
but it is stated that in spite of the service of the order passed
by this Court, the respondents No.1 and 2 deliberately and ille-
gally promoted one Shri Sangam Lal Head Clerk and other Shri R.R.
Sagar, Head Clerk on the post of Assistant Superintendent vide
order dated 13-05-93 (Annexure -III). The respondents by this
order promoted Shri Sangam Lal and Shri R.R.Sagar, Head Clerks to
officiate as Assistant Superintendent (T) with effect from 1-1-84
against the upgraded post. Thus from the order Annexure A-III, it
is clear that the promotion of Shri Sangam Lal and R R Sagar was
not made on regular basis, rather they were given promotion to
officiate as Assistant Superintendent (T). The interim order
referred to above, makes it clear that the respondents were not
restrained from making officiating promotion. The promotion made

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on officiating basis does not give any permanent lien on the post on which the promotion was made. The respondents by issuing corrigendum on 22-07-93 further made it clear that the promotions made on officiating basis shall be treated as provisional and subject to final decision of O.A.No.397/93.

Thus from the Corrigendum issued by the office of the respondents No.1 and 2 it has become further clear that the respondents had no intention to dis-obey the order passed by this Court, rather the interim order passed by this Court, has been literally obeyed.

The petitioner during the course of the arguments has pointed out that while disposing of his application for modification of the interim order, this court has observed that respondents No.1 and 2 have committed gross contempt of this Court. Since it was application for modification of the interim order, no such view could be taken while disposing of the application for modification of the order. The verbal discussion made during the course of disposal of modification application, shall have no impact as regards committing of offence of contempt of court.

Thus in view of the discussions made above, We are of the view that the respondents have not committed any offence of contempt whatsoever and the contempt petition is hereby disposed off with ^{above} the observations in limine.


MEMBER-A


MEMBER-J

Dated: Allahabad, August 19th, 1993.
(VKS PS)
