

In The Central Administrative Tribunal
Calcutta Bench

CPE 171 of 1997
(OA 867 of 1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. V.K. Majotra, Administrative Member

Anup Kr. Ghosh & Ors.

-VS-

Mr. V.P. Tandon (W/o Steel & Mines & Ors.)

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents: Ms. K. Banerjee, Counsel

Heard on : 09-08-2001

Date of Order : 09-08-2001

O R D E R

V.K. MAJOTRA, AM

The OA 867 of 1997 was disposed of with the following direction to the respondents :

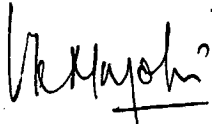
"The application is, therefore, disposed of with a direction upon the respondents to treat the application with all its enclosures as a representation of the reliefs claimed by the petitioners and in case it is turned down, a speaking order shall be passed within 8 weeks from the date of communication of the order. The applicants shall communicate the order passed today on the respondents along with the copy of the application with all enclosures".

2. The Ld. Counsel of the applicants stated that the respondents have not complied with the direction of the Tribunal. On the other hand the Ld. Counsel of the respondents, referring to the respondents' affidavit in reply, stated that a speaking order in pursuance of the Tribunal's order dated 24.7.97 was passed on 25-9-97 (Annexure-A/10 in which the applicants were communicated that the proposal

for holding DPC for promotion to the post of Geophysicist(Sr.) ~~is~~ being reviewed on the basis of post-based roster instead of vacancy-based roster and therefore, there is possibility of slight delay in convening the DPC by the Ministry. However, DPC was held on 9-1-98 and all eligible candidates including the applicants were promoted to the post of Geophysicist(Sr.) vide order dated 13-1-98 (Annexure-C II). The Ld. Counsel of the respondents stated that the respondents have complied with the order of the Tribunal though there was a slight delay for which unconditional apology is being sought on their behalf.

3. The Ld. Counsel of the applicant stated that there has been lot of delay in holding the DPC on account of which applicants' seniority has been affected.

4. In our considered view, the order of the Tribunal has been complied with substantially barring a little delay in holding of the DPC. In our view, whereas we are not inclined to proceed with the contempt matter against the respondents, we dismiss it accordingly. If the applicants are aggrieved that their seniority has been adversely affected on account of holding of DPC with delay, that would constitute a separate cause of action for which the applicants ^{may be} seek redressal separately, if so advised ^{by}


(V.K. Majotra)
Member(A)


(D. Purkayastha)
Member(J)