

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW**

CONTEMPT PETITION NO. 58 OF 2004

**IN
ORIGINAL APPLICATION NUMBER 599 OF 2002.**

LUCKNOW, THIS THE 15TH DAY OF MARCH 2005

**HON'BLE SHRI S.C. CHAUBE MEMBER (A)
HON'BLE SHRI K. B. S. RAJAN MEMBER (J)**

**K.K. Vaish, presently employed as JE Grade I (Design)/S & T, R.D.S.O. Lucknow,
R/o B 631, Rajajipuram, Lucknow-226017.**

BY ADVOCATE SHRI CHANDRA SEKHAR

V E R S U S

Mr. Gopal Krishna Wadhwa, DirectorGeneral, R.D.S.O., Manak Nagar, Lucknow.

BY ADVOCATE SHRI S.VERMA

.....Respondents.

ORDER (ORAL)

BY HON'BLE SHRI S.C. CHAUBE MEMBER(A)

This C.C.P. has been filed in pursuance to the directions of this Tribunal dated 3rd December, 2003, in which the respondents were directed to treat the applicant as notionally promoted w.e.f. 25.9.2002 i.e. the date from which his juniors were promoted. The applicant will also be entitled to all the consequential benefits.

2. We have heard the learned counsel for the parties and perused the pleadings.

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3. A perusal of Annexure -4 to the Counter Affidavit filed by the respondents shows that the respondents have issued the order dated 28th January, 2004 promoting him w.e.f. 25.9.2002 his juniors Shri A.K. Gupta and Shri S.P. Chakladhar were promoted to Junior Engineer Grade I (Design) S&T in the pay scale of Rs. 5500-9000/- This was a promotion on the basis of principle of proforma promotion. Further, in para 5 of the Counter Affidavit filed by the respondents, it is clear that by Staff Posting order No. 14 dated 28.1.2004, the promotion on proforma basis has been ordered. He has also been assigned seniority from the said date and the same will be reflected in the next seniority list in the due course. According to the respondents, the pay of the applicant has been fixed as under:

- "i) w.e.f. 25.9.2002 to 30.11.2002 = Rs. 6900.00/p.m.
- ii) w.e.f. 1.12.2002 to 30.11.2003 = Rs. 7250.00/p.m.
- iii) w.e.f. 1.12.2003 onwards = Rs. 7425.00/p.m."

4. According to respondents, the applicant has been given all consequential benefits.

5. Having heard the learned counsel for the parties, we are of the view that no case for contempt is made out. Accordingly, the Contempt Petition is dismissed with liberty to the applicant to seek legal remedy, if so advised on the original side of jurisdiction of this Tribunal. If he still feels aggrieved by the action taken by the respondents.

6. Accordingly, the Contempt Petition is dismissed and notices are discharged.


(K.B.S. RAJAN)
Member (J)


(S.C.CHAUBE)
Member (A)