

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Contempt Petition No.76 of 2004

IN

Original Application No.273/1997

This the 28<sup>th</sup> day of January 2006

**HON'BLE SHRI S.P. ARYA, MEMBER (A)**

**HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)**

S.K. Shukla , aged about 64 years, son of Late Shri Jagannath Prasad Shukla, resident of House NO. 568 Kha/358, Block No.5, Geetapalli, Alambagh, Lucknow.

...Applicant.

By Advocate: Shri R.C. Singh

Versus.

1. Shri Ajai Vkram Singh, IAS, Secretary, Ministry of Defence, Government of India, new Delhi.
2. Lieutenant General Mathew Menon, Engineer-in-Chief, Army Headquarter, Kashmir House, New Delhi.
3. Major General Utpal Bhattacharya, Chief Engineer, Central Command, Lucknow.

...Respondents.

By Advocate: Shri S.P. Singh.

**ORDER**

**BY SHRI K.B.S. RAJAN, MEMBER (J)**

1. The applicant has filed the CCP alleging non-compliance of the order dated 06-06-2003 in OA No. 273/97.
2. The relief claimed by the applicant and the direction in the said order is as under:

" The applicant has filed this O.A. for issue of directions to the respondents to open the sealed cover of 1995, and considered his case for promotion to the post of SBS Grade-I before issuing the promotion orders on the basis of panel prepared by the D.P.C. in which names of juniors of the applicant has been included. The applicant has also sought quashing of the order dated 13.4.95 passed by the Chief Engineer Central Command Lucknow (Respondent No.3) as contained in Annexure No.A.25 to the O.A. whereby, the penalty of 'Censure' has been imposed upon the applicant.

In view of the above discussion, we allow this O.A.S. and quash the impugned punishment order dated 13.5.97 contained in Annexure A-25 to the O.A. The respondents are directed to reconsider the case of the applicant for his promotion on the basis of DPC which was held in the year 1995 and grant him promotion from the date he is entitled as per rules after ignoring the punishment of 'Censure' awarded to the applicant vide order dated 13.5.97 passed by the respondent no.3, and also to grant him further consequential benefits if any, These directions shall be carried out within a period of three months from the date of communication of this order. No costs."

4. The respondents had passed an order date 13<sup>th</sup> March 2004 and 8<sup>th</sup> November, 2004 which according to them is in compliance with the judgment dated 6<sup>th</sup> June, 2003. Admittedly there has been a separate OA No. 130/05 against the aforesaid orders.

5. In view of the fresh OA on a separate cause of action, we are of the considered view that there has been no disobedience, much less any deliberate disobedience of the order dated 06-06-2003. Hence, the contempt petition is dropped and notices discharged.

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

  
 (S.P. ARYA)  
 MEMBER (A)