

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Contempt Petition No.74/2007
In
Original Application No.256/2007
This, the 03 day of June 2009**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)**

J.D. Shukla, aged about 55 years son of Sri Shitala Prasad Shukla R/o Dhani Ram Ka Purva Jharkhandi Faizabad working as A.P.M. Faizabad (On leave since 03.06.2007).

...Applicant.

By Advocate:- Shri R.S. Gupta.

Versus.

1. Smt. Neelam Srivastava, Chief Postmaster General, UP, Lucknow.

... Respondents.

By Advocate:- Shri K.K. Shukla for Dr. Neelam Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the petition under Rule 5 of Contempt of Courts (CAT) Rules, 1992 and under Section-17 of Administrative Tribunal Act, 1985 to punish the respondents for willful disobedience of the order of this Tribunal dt. 2.7.2007 passed in main OA.

2. The respondents have filed compliance report stating that the authorities have complied with the direction of the Tribunal dt. 2.7.2007 and as such, there was no disobedience on the part of the respondents.

3. Heard both sides.

4. The point of consideration is whether the applicant is entitled for the relief as prayed for.

5. The brief facts of the case are that the applicant filed O.A.No.256/2007, claiming notional promotion to LSG (NB) post w.e.f. 01.01.1993 on the ground that many of his juniors have been promoted on the same post. After hearing both sides, the said OA was disposed of on 2.7.2007 with a direction to the Respondent No.2 to consider the pending representation of the applicant dt. 31.5.2007 (Ann.-A-9) and pass reasoned order in accordance with rules and regulations within a period of one month from the date of receipt of the copy of this order. Thereafter, the applicant has filed the present CCP on the ground that the respondents have not passed order as per the direction given by this Tribunal dt.2.7.2007.

6. The respondents have filed compliance report stating that in pursuance of the direction of the Tribunal dt.2.7.2007, the Respondent NO.2 ordered that the SSPO, Faizabad (Respondent No.3), who is the competent authority for considering the promotion against LSG (NB) post and he should consider the case of the applicant as per recruitment rules and issue posting orders of the official, if the official is found fit for promotion as per relevant recruitment rules. Annexure-2 dt. 13.09.2007 enclosed to the compliance report is the said order passed by the Respondent No.2. In pursuance of such directions of the Respondent No.2, Respondent No.3 considered the case of the applicant and passed order dt. 4.2.2008 (Ann.-A-3) stating that the promotion given to the official vide Memo dt. 8.10.2007 (Being in contravention of the Rules) was therefore modified vide order dt. 30.10.2007 (Ann.A-7), which was sent to the official and also stated

that official being junior to other official promoted in LSG (NB), therefore, he could not be promoted in LSG (NB). It further says that his case for promotion in LSG (NB) post will be considered on his turn.

7. The direction given to the Respondent No.2 to consider the pending representation of the applicant dt. 31.5.2007 and pass a reasoned order in accordance with rules and regulations in respect of his claim for promotion and in pursuance of such direction Respondent No.2 issued orders to the Respondent No.3 , who is the competent authority to pass orders on the promotion of the applicant, who considered the claim of the applicant and passed reasoned order dt. 4.2.2008 (Ann.-CR-3).

8. The direction was also to consider the claim of the applicant for promotion and in accordance with such direction the authorities have passed orders and in such circumstances there is no act of disobedience on the part of the respondents for taking any action against them under the Contempt of Court Act. If the applicant is aggrieved with such order dt.13.09.2007 (Ann.-CR-2) and dt. 4.2.2008 (Ann.-CR-3), he is at liberty to file fresh OA and with this observation, CCP is dismissed. Notice discharged.

Apri 203/06/09
(DR. A.K. MISHRA)
MEMBER (A)

ans
(M. KANTHAIAH)
MEMBER (J) 03-06-09