CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Civil Contempt Petition No.63/2009
In
Original Application No.85/2004
This the 25th Day of May 2011

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S.P. Singh, Member (A)

Vijay Kumar Singh, aged about 54 years, son of Late Sri Girdhari Lal Pundeer, resident of 509/3, Old Hyderabad, Lucknow at present posted and working as Inspector in the Office of District Opium Officer, Jaora, District Ratlam, M.P.

...Applicant.

By Advocate: Sri S.L. Dixit holding brief for Sri Virendra Mishra.

Versus.

1. Jagjeet Powdia, Commissioner, Narcotics of India, Central Bureau of Narcotics, 19, Mall Morar, Gwalior, M.P.
2. S.C. Gupta, Assistant Narcotics Commissioner, Central Bureau of Narcotics, 19, Mall Morar, Gwalior, M.P.

.... Respondents.

By Advocate: Sri Yogesh Kesharwani.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

As was already observed on the last occasion i.e. on 23.05.2011 this Tribunal vide order dated 24.03.2004 had stayed the reversion order, in question, on account of which the applicant continued on the post of Inspector till issue of Establishment order dated 26.02.2007 by means of which a direction was issued promoting the applicant on regular basis on the findings of Departmental Promotion Committee held on 6.2.2007. This

averment has been specifically made in para-5 of the C.A./reply filed on behalf of Respondent No.1. Further, it has been averred that at present applicant has been working as Inspector in M.P. Unit of the Narcotics Department and has continued to draw salary in the Grade of Inspector since September 1994 in view of the stay order granted by this Tribunal on 24.3.2004 and also being promoted subsequently to the grade of Inspector on the basis of order dated 26.2.2007 as per recommendations of DPC held on 6.2.2007 for the year 2003-04.

2. From the side of the applicant, it is said that he is also entitled for sonority and other benefits to the post of Inspector w.e.f. 23.09.1994. This is vehemently opposed form the side of the respondents.

3. We have carefully gone through the order passed by this Tribunal deciding the O.A.No.78/2004. This order neither provides in specific terms for seniority w.e.f. 23.09.1994 by quashing the Review DPC held on 23/24.1.2004 though specific prayer had been made in para 8 (c) of the O.A., nor other benefits though consequential relief's were prayed for by the applicant. The aforesaid C.A./reply of the respondents has not been controverted. After filing of the C.A. this case was listed on so many occasions during the last two years but no R.A., was filed. Instead on one ground or other the case was adjourned.

4. On the last occasion after making arguments at length Sri S.L. Dixit holding brief for Sri Virendra Mishra sought time on the ground that his senior is out of station. Therefore, a short opportunity was given to him on his request.

5. Today Sri S.L. Dixit is again present for the applicant and says that his senior is not available. However he requests that the CCP may be finally disposed of with an observations that it may not come in the way of the seniority. In fact this request is not within the ambit of this CCP as already observed hereinabove.

6. As the substantial compliance has been made in this CCP in respect of which the C.A./reply filed by the respondent stands uncontroverted. We have no other option but to close this CCP. Accordingly this CCP is disposed of in full and final satisfaction. Notices stands discharged.

(S.P. Singh)
Member (A)

25.5.11

(Justice Alok Kumar Singh)
Member (J)

Amit/-