

**Central Administrative Tribunal, Lucknow Bench,
Lucknow**

**CONTEMPT PETITION NO.101/2009
IN
ORIGINAL APPLICATION No.239/2006**

This the 18th January, 2010.

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member-A

S.K. Srivastava, aged about 67 years, Son of late B.R.K. Singh, resident of 28, II-Lane, Navaiya, Ganeshganj, Lucknow. (MES-210324, Retd. AE-E/M).

.....Applicant

By Advocate: Sri S.K. Srivastava.

Versus

1. Sri B.M. Mittal, Director General (Personnel) /E.LB./E.LL.(O), Military Engineering Services, Engineer-in-Chiefs Branch, Army Headquarters, D.H.Q., P.O., Kashmiri House, New Delhi-110011.
2. Lt. Gen. Gautam Dutt, Engineer-in-Chief, Army Headquarter, D.H.Q., P.O., Kashmiri House, New Delhi-110011.
3. Sri Pradeep Kumar, Secretary Defence, Government of India, Ministry of Defence, New Delhi.

.....Respondents

By Advocate: Sri S.P. Singh.

ORDER (Oral)

By Ms. Sadhna Srivastava, Member-J

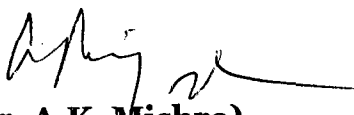
This C.C.P has been filed alleging non-compliance of the order dt.29.01.2009 passed in O.A.No.239/2006.


2. In the OA the grievance of the applicant was in respect of denial of second financial upgradation. This Tribunal directed the respondents to review the case of the applicant for grant of second financial upgradation. The respondents have filed show cause reply stating therein that in compliance of the Tribunal order, the respondents have issued an order dt.11.12.2009 (Annexure-CA-1) granting second financial upgradation to the applicant w.e.f.



09.08.2009. However, it is stated by the applicant that no order relating to the payment of financial upgradation has yet been issued to the applicant. After hearing counsel for the parties, we are of the opinion that this C.C.P. can be disposed of at this stage by giving a direction to the respondents to issue an order regarding payment of financial upgradation in compliance of the order dt.11.12.2009 within a period of three months from the date of receipt of the certified copy of this order. However, incase no order is issued within this period the liberty is granted to the applicant to revive this C.C.P.

3. With this observation the C.C.P. is dismissed. Notices issued stands discharged.


(Dr. A.K. Mishra)
Member-A


(Ms. Sadhna Srivastava)
Member-J

Amit/-