

Central Administrative Tribunal Lucknow Bench Lucknow.

Civil Contempt Petition No. 57/2009 IN OA 420/2002
This, the 27th day of April, 2010

Hon'ble Shri Justice Shiv Charan Sharma, Member (J)
Hon'ble Dr.. A. K. Mishra, Member (A)

Surendra Prakash aged about 67 years, son of Sri Puttu
Lal, resident of C-1520, Indira Nagar, Luckow-226016.

Applicant

By Advocate Sri N. Srivastava.

Versus

1. Ms. Indu Liberhan, Secretary, Ministry of Finance
(Defence) Govt. of India, South Block, New Delhi-
110001.
2. Ms. Bulbul Ghosh, IDAS. Controller General of
Defence Account, West BlockV, R.K. Puram, New Delhi.
3. Mr. V.V. Rao Principal Controller of Defence
Accounts, Central Command, Lucknow Cantt. Lucknow.

Respondents

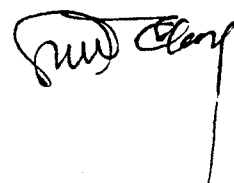
By Advocate Sri S. P. Singh.

Order (Oral)

By Hon'ble Shri Justice Shiv Charan Sharma, M(J)

None is present for the applicant whereas, the
learned counsel for the respondents Sri S. P. Singh is
present. The learned counsel for the respondents have
filed compliance report in accordance with the direction
of the Tribunal.

2. We have perused the direction of the Tribunal in
the O.A. It was directed that "the respondents shall
communicate the adverse entries less than bench mark
entries, if any, to the applicant within a period of one
month from the date of receipt of the copy of this order
and on being communicated the applicant is directed to
make a representation against such entry within one



month thereafter and the said representation of the applicant shall be decided within one month and if the entries are expunged or upgraded he should be considered for promotion from the date of his juniors R.K. Raizada and Ram Prasad within next 2 months."

3. Hence there was a direction that firstly the respondents shall communicate adverse entries less than bench mark and thereafter a representation shall be made by the applicant against the entry for expunction and further time ~~framed~~ ^{granted} has been ~~forwarded~~ ^{granted} for consideration of the adverse entries and further provided if the entries are expunged or upgraded, he will be considered for promotion.

4. As compliance report shows that the Competent Authority had passed a speaking order dated 14.9.2009 wherein his 'Average' entries in the ACRs for the years 1993-94 and 1994-95 have been upgraded ~~to~~ ^{as} 'Good'.


Hence this part has already been complied with. Further direction was ^{for} consideration for promotion in case the entries are expunged or upgraded, and on consideration for promotion, Sri Surendra Prakash was not found fit for promotion and on the strength of this compliance ^{report}

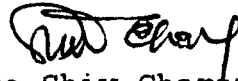
^{if} stated that this contempt has ^{been} rendered infructuous as compliance has already been made.

5. As none is present for the applicant and we are convinced that due compliance of the order of the Tribunal has been made by the respondents and ⁱⁿ this back ground, the present application for contempt is liable to be dismissed as rendered infructuous.

[Signature]

6. The contempt petition is dismissed as rendered infructuous. Notices issued to the respondents are discharged.


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


(Justice Shiv Charan Sharma)
Member (J)

v.