

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

C.P. 15/98 in
Original Application No. 546/96.

Monday the 26th day of October 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A)

H.B. Mishra ... Applicant.

By Advocate Shri C.B. Kale.

V/s.
Union of India and others. ... Respondents.

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This C.P. has been filed by the applicant alleging that the respondents have not complied with the order of this Tribunal dated 22.7.97. The respondents have filed their reply. We have heard the learned counsel for both the sides.

2. The applicant's grievance is that the respondents are not willing to give him retrospective promotion and consequential benefits.

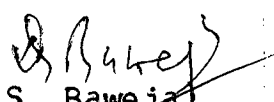
We have perused the order dated 22.7.97; it only states that he should be given three chances to appear for the departmental examination and if he clears, then he should be considered for promotion. The Tribunal neither granted retrospective promotion nor retrospective monetary benefits. Admittedly the applicant did not appear for the examination for which he has received the notice from the respondents. Since the applicant himself did not appear in the examination, the question of grant of promotion or retrospective promotion does not arise. The order does not give any retrospective promotion to the applicant and therefore there is no dis-obedience


to the order of this Tribunal.

3. The second grievance of the applicant is that he was not given One Time Bound promotion ^{and} of BCR in spite of the order of the Tribunal. The respondents have explained that the applicant's case for OTBT was considered and since criminal case against the applicant is pending, the findings of the D.P.C. is kept in sealed cover. We do not find that the respondents have committed any illegality, ^{and} nor they have dis-obeyed the order of the Tribunal. The question of BCR will not arise, unless the applicant gets his promotion of OTBT.

4. After having heard both the sides and on perusal of the record we do not find any case of contempt.

5. In the result the C.P. is rejected.
No costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS

dd 126/10/98
Order/Judgement despatched
to Applicant/Respondent (s)
on 9/11/98
10/11/98