

CNETRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

C.P. 24/98 in  
Original Application No.1023/96

Tribunal's order

Dated: 22.1.1999

Shri G.S.Walia, counsel for the applicant.

Shri V.S.Masurkar, counsel for the respondents.

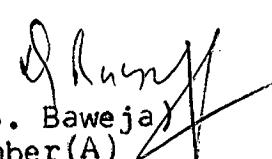
2. C.P. 24/98 has been filed by the applicant stating that the respondents have committed contempt of the order passed by the Tribunal dated 15.1.1998. The respondents have filed reply and have produced some documents.

3. After hearing both sides and perusal of the record we find that the respondents have not complied with the direction given by this Tribunal in the order dated 15.1.1998. Prima facie we find that the concerned authority has ignored the order of the Tribunal and his order may amount to contempt. This Tribunal has already given a direction that there were no two adhoc promotions and that the first promotion as ELC(Diesel) was regular promotion. In spite of the order, the concerned authority by order dated 12.2.1998 stated that both the promotions were adhoc and therefore the second adhoc promotion is not sustainable. The administration issued a second order dated 30.7.1998 in partial modification to the order dated 12.2.1998. In this order it is admitted that the first promotion is regularised with effect from 29.10.1998 as per the judgement of the Tribunal and it is further added that the order of reversion of the applicant from AEF(DL) still stands. This clearly shows that the respondents have not complied the order of the Tribunal.



4. We feel that in the facts and circumstances of the case, without initiating any action for contempt, an opportunity to be given to the respondents to implement the order of the Tribunal. We direct the competent authority to issue fresh show cause notice to the applicant on the question whether he should be reverted from the post of AEF(Diesel) as mentioned in the operative portion of the judgement dated 15.1.1998. After the applicant gives his reply, the competent authority to pass appropriate speaking order whether the promotion is to be confirmed or he should be reverted. We repeat that the competent authority to proceed on the basis that the applicant's first promotion as ELC(Diesel) was regularised with effect from 29.10.1998 as per the order of the Tribunal.

5. In the result, we direct the competent authority to issue show cause notice to the applicant and after the applicant gives his reply, then to pass an appropriate order within three months from the date of receipt of this order, in the light of the observations made above and earlier order of Tribunal dated 15.1.1998. C.P. 24/98 is disposed of accordingly. No costs.

  
(D.S. Bawejah)  
Member(A)

  
(R.G. Vaidyanatha)  
Vice Chairman