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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

Contempt Petition No. 97/95

IN

Original Application No. 1157/92.

G. L. Huriwal

...

Applicant

Versus

Union Of India & Ors.

...

Respondents.

CORAM :

Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri M. S. Ramamurthy,

Counsel for the applicant.

TRIBUNAL'S ORDER :

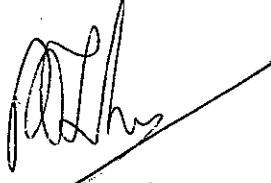
DATED : JULY 31, 1995.

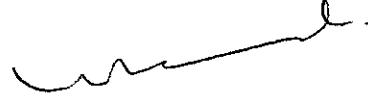
¶ Per.: Shri M. S. Deshpande, Vice-Chairman ¶

1. Shri Ramamurthy, Counsel for the applicant states that the respondents have not complied with the directions issued by the Tribunal. The direction was to prepare a 40 point roster and to find out whether the applicant was entitled to be promoted in the vacancy for the scheduled caste category. In the original petition it was mentioned that the applicant would be eligible for promotion from 1983 while it was granted from 1989. Pursuant to the directions of the Tribunal, a 40 point roster was prepared and the respondents informed the applicant by Annexure 'B' dated July 4, 1995 that 3 other officers could be promoted but not the

applicant and that the order of the Tribunal was implemented. Shri Ramamurthy urges that it was necessary for the respondents to explain why on the basis of the roster prepared the applicant could not be granted promotion from 1987 when a post of scheduled caste category was de-reserved. The question is whether there was a substantive compliance with the direction of the Tribunal and we find ~~from the authenticity~~ ^{that since the} ~~observation that the exercise~~ ^{was} carried out by the Respondents in implementing the order of the Tribunal, ~~that the order has been substantially complied with.~~ The remedy of the applicant will be to file a fresh O.A. if so advised and if a challenge have to be raised on the basis of 40 point roster and the promotion granted.

2. The C.P. is disposed of.


(P.P. SRIVASTAVA)
MEMBER (A).


(M. S. DESHPANDE)
VICE-CHAIRMAN.

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