

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

C.P.No.66/97 in OA.NO.1276/93

Friday this the 5th day of December, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri P.P.Srivastava, Member (A)

R.M.Dayal ... Applicant

V/S.

Shri P.Subramanyan, IAS,  
Chief Secretary,  
Government of Maharashtra,  
Mantralaya, Mumbai.

By Advocate Shri V.S.Masurkar ... Respondents

Tribunal's Order

Heard the applicant in person and Mr.V.S.Masurkar,  
learned counsel for the respondents.

2. The applicant has filed this contempt  
petition alleging that the respondents have not  
complied with the order passed by this Tribunal  
dated 10.1.1997 in OA.NO.1276/93.

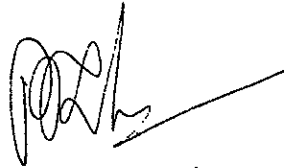
3. After hearing both the sides, we find  
that no case is made out for contempt. The operative  
portion of the order dated 10.1.1997 is that the  
adverse remarks against the applicant for three years  
were quashed and the respondents <sup>to</sup> have considered the  
applicant for Super Time Scale from the date his junior  
was promoted.

4. At the time of hearing, it is submitted that  
the adverse remarks have been expunged from the confidential  
report of the applicant in respect of three years which  
was the subject matter in the previous OA.

5. As far as direction for considering the applicant for promotion, it has been stated by the respondents that in the light of the Tribunal's order, the applicant's case was considered by the DPC committee but he was not selected.

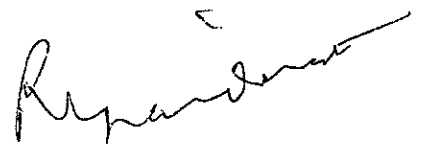
In our view, there is no question of contempt in the admitted facts and circumstances of this case. If the applicant is aggrieved by the non-selection in Super Time Scale inspite of fresh DPC held after the order is passed by this Tribunal, the applicant's remedy is to approach this Tribunal or <sup>any other</sup> in the appropriate forum.

6. In the result, the contempt petition is rejected. No costs.



(P.P. SRIVASTAVA)

MEMBER (A)



(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.

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