

02.1.97  
DA-332/97

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 332/97 AND 333/97.

Duplicate  
for T.M  
for  
JER

Dated this Friday, the 25th day of July, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

R. O. Rustagi,  
Joint General Manager,  
Ammunition Factory,  
Kirkee,  
PUNE - 411 003.

(Residing at : 2, Carriappa Road,  
Kirkee, PUNE - 411 003.)

Applicant in O.A.  
No. 332/97.

B. S. Shiroor,  
Deputy General Manager,  
Ordnance Factory,  
Dehu Road,  
PUNE - 412 113.

(By Advocate Shri S.P. Saxena).

Applicant in O.A.  
No. 333/97.

VERSUS

1. The Union Of India through  
The Secretary,  
Department of Defence  
Production,  
Ministry of Defence,  
New Delhi - 110 011.

2. The Chairman,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta - 700 001.

3. The Chairman,  
Union Public Service  
Commission,  
Dholpur House,  
Shahjahan Road,  
NEW DELHI - 110 011.

(By Advocate Shri R. K. Shetty)

Respondents in O.A.  
No. 332/97 and 333/97.

: ORDER (ORAL) :

PER.: SHRI B. S. HEGDE, MEMBER (J)

Heard Shri S. P. Saxena for the applicant  
and Shri R. K. Shetty for the respondents.

2. The only prayer made by the applicant in this O.A. is to direct the respondents to convene D.P.C. meeting forthwith for preparing the select panels for promotion to the post of Additional General Manager separately for vacancies for the years 1995 and 1996.

3. The respondents in their reply have stated that the D.P.C. meeting shall be convened soon for recommending a select panel of officers for promotion to the post of Senior Administrative Grade in IOFS for vacancies for the years 1995-96 and 1996-97.

4. In the circumstances, we hereby direct the respondents to complete the D.P.C. proceedings within a period of three months from the date of receipt of a copy of this order.

5. The O.A. is disposed of with the above directions. There will be no order as to costs.

MEMBER (A).

MEMBER (J).

os\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

C.P. 22/98 and C.P. 33/98 in  
Original Application No. 332/97 and 333/97.

Tribunal's order

Dated: 27.11.98

Shri S.P. Saxena, counsel for the applicants. Shri R.K. Shetty, counsel for the respondents.

2. In both the O.As C.Ps 22/98 and 33/98 are filed by the applicants alleging that the respondents have not complied with the order of the Tribunal dated 25.7.97. Respondents have filed reply opposing the C.Ps. We have heard counsel for both the sides.

3. The only direction given by this Tribunal dated 25.7.97 is as follows:

" In the circumstances, we hereby direct the respondents to complete the D.P.C. proceedings within a period of three months from the date of receipt of a copy of this order."

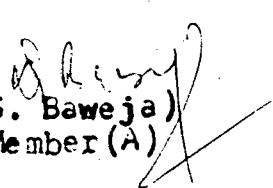
4. Now the respondents have brought to our notice that the D.P.C. meeting was held on 14.8.1997. The committee has taken into consideration the promotions yearwise. In 1993-94 2 officers were selected. In 1994-95 22 officers were selected. In 1995-96 5 officers were selected and in 1996-97 18 officers were selected.

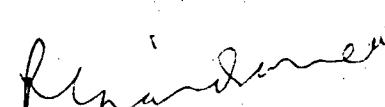
5. It is therefore seen that in pursuance of the order of this Tribunal the D.P.C. has been held within the time and has taken a decision for promotion of officers in the relevant vacancies yearwise. In our view this exercise done by the D.P.C. satisfies the direction given by this

Tribunal, which is extracted above.

6. The applicant's grievance is that the D.P.C. has not considered the case of applicants and his juniors have been considered. The Contempt Petition has limited jurisdiction. We will have to see whether the respondents have complied with the directions and completed the D.P.C. proceedings within three months. Once the D.P.C. is held, the correctness or legality of the D.P.C. proceedings cannot be gone into in a contempt jurisdiction. If the applicant is aggrieved by non promotion or supersession then he will have to file a fresh O.A. according to law, if so advised. A wrong decision of the D.P.C. or illegal decision of the D.P.C. cannot be a subject matter in a Contempt Petition. It may be noted that both the applicants are retired and the respondents have stated that the applicant's case could not be considered since on the date of D.P.C. the applicants were retired from service.

7. In the result the C.P. is rejected, without prejudice to the right of the applicants to agitate their claims, if any, according to law.

  
(D.S. Baweja)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman

NS

DT 28/11/98  
order/Judgement despatched  
to Applicant/Respondent (s)  
on 16/12/98