

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."

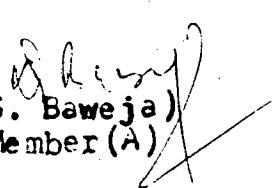
4. Now the respondents have brought to our notice that the D.P.C. meeting was held on 14.8.1997. The committee has taken into consideration the promotions yearwise. In 1993-94 2 officers were selected. In 1994-95 22 officers were selected. In 1995-96 5 officers were selected and in 1996-97 18 officers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

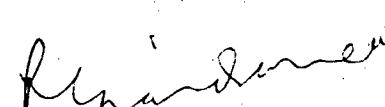
Tribunal, which is extracted above.

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