

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CONTEMPT PETITION NO. 70/96

IN

ORIGINAL APPLICATION NO. 367/92

DATE OF ORDER : 13-9-96.

Between :-

Brajesh Kumar

... Applicant

And

1. Shri A.C.Sen,
Union of India rep. by the
Secretary, Ministry of Steel & Mines,
Department of Mines,
New Delhi.
2. Shri S.K.Acharya
The Director General,
Geological Survey of India,
Calcutta.
3. Shri S.K.Ghouse,
The Dy. Director General,
Geological Survey of India,
Southern Regional Office,
GSI Complex, Bundlaguda,
Hyderabad.
4. Shri EVR Partha Sarathi,
The Director,
Map Printing Division,
Geological Survey of India,
Southern Region,
Bandlaguda, Hyderabad.

... Respondents

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Counsel for the Applicant : Shri M.RAMASUBRAMANIAM

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *hell*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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Oral (Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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Shri M.Rama Rao for the applicant. Shri N.R.Devaraj
for the respondents. In our opinion no question of committing
contempt arises in this matter. The relief prayed for by the
applicant was in the nature of requiring the respondents to
provide a promotional avenue for the applicant with the same
scale of pay ^{as of} to the post of Plate Maker on par with that of
Press Operator, Senior Technical Assistants and STA/Foreman. The
applicant was working as Plate Maker in the Map Printing Division.
His grievance was that there was no avenue of the promotion to
the post of Manager for him and since Press Operator has that
avenue, the respondents should be directed to make that
avenue available to him also. By the order passed in the O.A.
the respondents were left
to consider that question after having regard to the duties and
responsibilities of the posts concerned and in the event of it
being found that the Plate Maker could not be considered suitable
for the post of the Manager then to consider whether any suitable
promotion avenue can be created keeping in view the decisions
of the Supreme Court mentioned.

2. In the reply to the present petition, the respondents
have stated as follows :-

...3.

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"The entire issue of promotional channels and panels to be fixed for the various posts in the Map Printing Division including the post held by the petitioner is under the active consideration in pursuance of judgement of the Tribunal."

It has been further stated that the matter has been under the consideration of the 5th Central Pay Commission and that the applicant rushed to file this petition without awaiting decision of the Government of India in pursuance of the decision of the 5th pay Commission.

3. Since the respondents have complied with the direction to consider the question and the matter is under active consideration of the authorities we see no ground to infer that the original order has been dis-obeyed.

4. The Respondents have stated in the reply that the orders of the Tribunal are advisory. The learned counsel for the applicant submits that this by itself is showing dis-respect to the order. We are of the view ^{that} since merely a direction was made to the respondents to consider the question and that decision ~~should be taken~~ being left to the said authorities. The respondents are not wrong in describing the directions as advisory.

5. The petition is mis-conceived and therefore is disposed of with no order there on.

(H. RAJENDRA PRASAD)
Member (A)

(M. G. CHAUDHARI)
Vice-Chairman

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Dated: 13th September, 1996.
Dictated in Open Court.

23/9/96.
Deputy Registrar (DCC)