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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

CONTEMPT APPLICATION NO.82/94
ORIGINAL APPLICATION NO. 45 of 1994

Date of decision: 29-3-96

.....S.A. Raheem.....

APPLICANT(S)

Versus

Sri P.K. Sharma,
Supdt. Engineer, Telecom,
Civil Circle, Chikkadpalli
Hyderabad 500020

RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters
or not?
2. Whether it be circulated to all the
Benches of C.A.T. or not?

(R. Rangarajan)
Member (Admn)

(M.G. Chaudhari)
Vice Chairman/Member ()

M.G. Chaudhari

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

Contempt Petition No.82/94 in
Original Application No.45/94

dt.29-3-96

Between

S.A. Raheem

: Petitioner

and
Shri P.K.Sharma
Supdtg. Engineer Telecom
Civil Circle, Chikkadapalli
Hyderabad 500020

: Respondent

Counsel for the petitioner

: K.L. Narashimha, Advocate

Counsel for the respondent

: K. Bhaskara Rao, Addl.CGSC

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Judgement

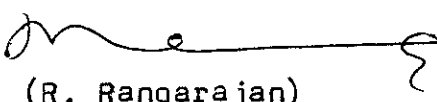
(As per Hon. Mr. Justice M.G.Chaudhari, V.C)

Heard Sri K. Bhaskara Rao, counsel for the respondent.

2. The respondent has stated in the reply that the order of promotion of the petitioner dated 12-1-1995 has been cancelled without however pointing out the date of cancellation. The order in the OA directed the respondents to proceed with the promotion order dated 12-12-1993 and give effect to it in accordance with the extant instructions/regulations until and unless that order was

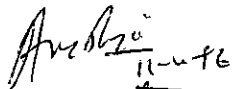
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rescinded or cancelled. We would have expected the respondents to explain as to why during the period prior to the cancellation, the applicant was not given promotion which could be subject to the cancellation. On the other hand the statement contained in paragraph-5 while putting it as answer to the contention ~~indicates~~ that it is sought to be pleaded that the action is taken ~~in~~ in accordance with instructions/directions on the subject. This stand is not open to the respondents if the order of the Tribunal was suffered by the department. Their remedy was to apply for review of the order or to appeal; short of that they were bound to comply with the order. It was a different matter if the time gap was small which we could understand as required for completing the formalities. Therefore, although the respondents (Dept.) have acted within the ambit of the order, yet they have done so belatedly and have not offered any satisfactory explanation. This is highly objectionable and as it was held that the petitioner was entitled to the benefit of promotion from the date of order till the date of cancellation he has clearly been deprived of that benefit. We would, therefore, leave it to the petitioner if so advised to agitate that question by appropriate proceeding. However, since the order has been substantially complied no action is called for in the instant contempt petition. The CP is therefore dismissed.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : March 29, 96
Dictated in Open Court


Deputy Registrar (D) Ce