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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

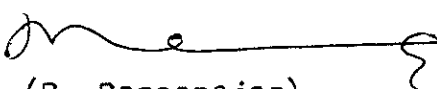
( As per Hon. Mr. Justice M.G.Chaudhari, V.C )

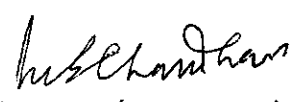
Heard Sri K. Bhaskara Rao, counsel for the respondent.

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

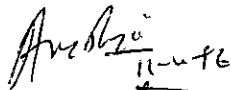
(34)

rescinded or cancelled.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~~ 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~~ 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

19/4/96

I COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. JUSTICE P. S. SAHAI JUDGE (A)

Dated: 29-3-1996

ORDER/JUDGMENT

M.A./R.A./C.A.No. 82/94

in

O.A.No.

45/94

T.A.No.

(w.p.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

