

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

CP 123/94 in
OA 223/94

: Date of order 31.3.95

Prem Narain Gupta : Petitioner

V/s

Shri K.A. Nambiar & Others: Respondents

Mr. T.P. Sharma : Counsel for the petitioner

Mr. K.N. Shrimal : Counsel for the respondents.

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. O.P. Sharma, Member (Administrative)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

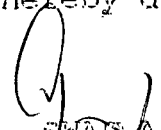
This is a Contempt Petition, in which the petitioner has prayed for punishing the respondents for not complying ~~with~~ the order of a Division Bench of this Tribunal dated 16.5.94, passed in OA no. 223/94.


2. The contention of the petitioner is that in the light of the direction issued by the Tribunal, the seniority of the applicant has been refined from 1.1.73 as Office Superintendent Grade II vide an order dated 9.8.94 (Annexure A-3). This Annexure A-3 ~~which~~ also states that further action in the matter is being taken by the concerned Section. The learned counsel for the petitioner persistently stated that the applicant is in fact entitled to get other benefits of promotion to the higher post i.e. Office Superintendent Grade I, Administrative Officer Grade II, Administrative Officer Grade I and Senior Administrative Officer retrospectively/ and that the respondents have ~~have~~ in fact disobeyed the directions of the Tribunal. The respondents have categorically stated in their reply that in order to consider the applicant for further promotions, following review DPCs are to be held:-

- a. OS Grade II to OS Grade I
- b. OS Grade I to Administration Officer Grade II
- c. Administration Officer Grade II to Administration Grade I.

It is also stated by them that in order to refix the seniority of the applicant in the Grade of OS-I and then in the Grade of AO-II, accordingly, a review DPC was held to promote the petitioner in the Grade of OS-I taking into account his date of actual officiation in the Grade of OS II w.e.f. 1.1.73. A further review DPC has been held on 9.11.94 to promote him in the Grade of AO II, taking consideration into his revised seniority in the Grade of AO II. Still further, another Review DPC has been held on 15.12.94 to promote the officer of AO-I, taking into account his revised seniority in the Grade of AO-II. It is categorically stated that the petitioner's seniority in the AO-I has been refixed, as requested by him. A DPC for the grade of SAO has been held in the year 1993 and the said DPC relates to the vacancies pertaining to the year 1992-93 and 1993-94. The petitioner shall be considered against these vacancies as per Government policy on the subject. It is stated in the rejoinder that after the grant of seniority from 1.1.73, neither year-wise vacancies ^{have} been determined nor the proper review DPC has been conducted for giving the promotional benefits with retrospective effect.

If the applicant is aggrieved by any decision taken on his representation, the Division Bench of this Tribunal vide the aforesaid order had already granted him liberty to approach this Tribunal. In the circumstances, we find no disobedience of the directions issued, and in our opinion no case of contempt is made out against the respondents. This Contempt Petition is dismissed, and notices issued are hereby discharged.


(C.P. SHARMA)
MEMBER(A)


(GOPAL KRISHNA)
MEMBER(J)