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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP No. 125/1995

Date of order: 08.07.1997

P.L.Gupta, aged about 54 years, r/o A-21, Tulsi Nagar, Shastri Nagar,
Jaipur- 302016.

.. Petitioner

Versus

1. Shri S.C.Mahalik, Director General, Department of Posts,
Government of India, Dak Bhawan, New Delhi.
2. Shri Gautam Gupta, Chief Post Master General, Department of
Posts, Rajasthan Circle-VII, Sardar Patel Marg, Jaipur.
2. Shri B.B.Dave, Senior Superintendent, P.M.S. Jaipur Division,
Jaipur.

.. Respondents

Mr. C.E.Sharma, Counsel for the petitioner.

Mr. V.S.Gurjar, Counsel for the respondents.

CORAM:

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

Hon'ble Mr. Patan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this Contempt Petition Shri P.L.Gupta has prayed that the respondents in the OA may be punished suitably for contempt of the Tribunal for not implementing its order dated 22.11.1994 passed in OA No. 46/1991, P.L.Gupta Vs. Union of India and Ors.

2. The direction given by the Tribunal in the order dated 22.11.1994 was that the applicant must be given promotion to the higher scale of pay in the time bound one promotion scheme from the date when it become due to him as per the prescribed procedure. There was a further direction that seniority should be given to him from an earlier date in the light of the observations in the said order. In para 6 of the said order it was observed that the DFC held in February, 1994 had declared the applicant to be fit for promotion and this recommendation was kept in a sealed cover. Once the penalty of stoppage of increment was imposed on the applicant, a review DFC

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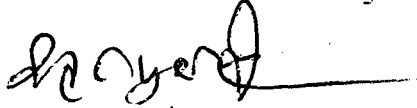
should have been convened to determine the suitability of the applicant for promotion after opening the sealed cover and in the light of the penalty imposed.

3. The learned counsel for the petitioner has pointed out that the petitioner has since been granted promotion w.e.f. 1.2.1987 whereas as per the order of the Tribunal dated 22.11.1994 he was entitled to promotion w.e.f. the due date in 1984.


4. We have perused the reply filed by the respondents and also other material on record.

5. The respondents have pointed out that after the review DPC was held, the said DPC recommended the petitioner's case for promotion w.e.f. 1.2.1987 and the petitioner has been granted promotion accordingly vide order dated 20.11.1996 (Ann.MAF/1). In view of this position, no case of contempt of the Tribunal is made out. However, the learned counsel for the respondents has pointed out that the petitioner's representation with regard to grant of promotion from a prior date has been received by them. It is pending consideration and likely to be disposed of by the respondents within a period of three months.

6. With the above observations the Contempt Petition is dismissed. Notices issued are discharged.


(Ratan Prakash)

Judicial Member


(O.P. Sharma)

Administrative Member