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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 5.12.96

CP 45/96 (OA 6/96)

D.S.Dube, at present working as TCR in the scale of Rs.1600-2660 (RP) under DCTI, Western Railway, Jaipur.

... Petitioner

Versus

1. Shri D.R.Sharma, Divisional Railway Manager (E), Western Railway, Jaipur Division, Jaipur.
2. Shri Kalu Ram Meena, Sr.Divisional Personnel Officer, Western Railway, Jaipur Division, Jaipur.

... Respondents

CORAM:

HON' BLE MR.GOPAL KRISHNA, VICE CHAIRMAN
HON' BLE MR.C.P.SHARMA, ADMINISTRATIVE MEMBER

For the Petitioner
For the Respondents

... Mr.P.V.Calla
... Mr.Manish Bhandari

O R D E R

PER HON' BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Petitioner, D.S. Dube, has filed this Contempt Petition u/s 17 of the Administrative Tribunals Act, 1985, alleging contempt against the respondents for non-compliance of the order dated 5.1.96, passed in OA 6/96.

2. We have heard the learned counsel for the parties and have gone through the records of the case.

3. The relevant portion of the order passed on 5.1.96 in the OA referred to above reads as follows :-

"Meanwhile, the respondents are directed not to declare the result of the selection and make any appointment as a result of the selection proposed to be held on 8.1.96 and 9.1.96, vide Ann.3,2 dated 5.10.95 for the post of CTI, till the next date."

The learned counsel for the petitioner states that despite the directions of the Tribunal, the respondents have granted promotion to S/Shri P.S.Verma and Surendra Prasad as CTI in the scale Rs.2000-3200. These promotions were granted on ad hoc and provisional basis and they shall have no right to claim promotion on regular basis until they clear the

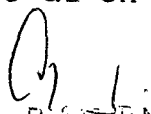
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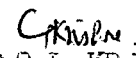
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process of selection. Moreover, these promotions were subject to the final decision of the Hon'ble Supreme Court also. The learned counsel for the petitioner brought to our notice that these two persons, to whom promotion was granted on ad hoc and provisional basis, figured in the eligibility list also. However, it has been clarified by the respondents in their reply that the order, at Ann.CP-7, is not an outcome of selection and no reference of selection has been made in that order. The result of the selection, as stated by the learned counsel for the respondents, has not been declared so far and since the appointments were made merely on ad hoc and provisional basis and not as a result of selection, we are of the view that no case of contempt is made out against the respondents. This Contempt Petition is, therefore, dismissed. Notices issued are discharged.


(G.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN