

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 96 of 2002

Jabalpur, this the 30th day of October, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Vinay Shandilya
Surveyor of Works (SW)
S/o Shri Radha Raman Shandilya,
aged about 38 years,
MES No. 486722,
R/o Quarter No. P 178,
Sultania Infantry Line,
Bhopal

APPLICANT

(By Advocate- Shri S. Paul)

VERSUS

1. Union of India
Through its Secretary,
Ministry of Defence,
New Delhi.
2. Engineer-in-chief,
Army Head Quarter,
DHQ, P.O.
New Delhi-1.
3. Chief Engineer
Central Command,
Engineers Branch Headquarter
Central Command
Lucknow Cantt, Lucknow.
4. Chief Engineer,
Jabalpur Zone,
Military Engineering Services,
Bhagat Marg,
Jabalpur.
5. Commander Works Engineers
Military Engineering Services,
Sultania Infantry Lines,
Bhopal-452 001.
6. Shri Brahamanand Singh,
Surveyor of Works
O/o Chief Engineer
(Lucknow Zone),
P.O. Dilkusha,
Lucknow Cantt.,
Lucknow.

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

ORDER (ORAL)

By M.P Singh, Vice Chairman -

The learned counsel for the applicant has submitted
that the decision of the Full Bench of This Tribunal in the
case of Bhavesh Gupta and Ors Vs. UOI & Ors. 2003(2) ATJ 326

M.P.S.

was based on an order passed by the Hon'ble Punjab and Haryana High Court in Civil W.P. No. 1997-CAT-of 1999. An SLP No. 6471/2003 had been filed against the said order of Hon'ble Punjab and Haryana High Court and the Hon'ble Supreme Court vide order dated 7.4.2003 directed to issue notice to the respondents to show caus as to why the delay be not condoned and SLP be not granted. In the said order it was further held that the contempt proceedings against the said decision of Punjab and Haryana High Court in W.P. No. 1997-CAT of 1999 be stayed. In another identical case in Civil Appeal No. 10653-10654 of 2003 the Hon'ble Supreme Court has also stayed the order of Hon'ble Punjab and Haryana High Court in CWP Nos. 20162/02 and 5335/03.

2. We are bound by the decision of Full Bench on similar issue. As the same relief has been prayed for in this OA as has been given by the Full Bench in the case of Bhavesh Gupta (*supra*) we are of the considered view that the relief prayed for in this OA be granted to the applicant herein as well.

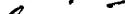
3. The learned counsel for the applicant has also submitted that he has also claimed a relief to the effect that in view of the change of seniority position of the applicant a review DPC is required to be held by the respondents to consider the applicant for promotion from the date his junior has been promoted. We are of the considered view that no such direction is required to be issued for holding the review DPC as the instructions issued by Department of Personnel and Training clearly stipulates holding of a review DPC in such cases. We have no doubt that the respondents ² ~~is~~ for holding the review DPC, will act accordingly.

4. In view of the aforesaid facts, we deem it appropriate to dispose of this OA with a direction that the outcome of the



decision of the Hon'ble Supreme Court in Civil Appeal No.6471/03
will govern ~~in~~ this case as well.

4. The OA is disposed of in the aforesaid terms.
No order as to costs.


(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

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8th St. Paul, Minn.
KN 7-1111

उमा राजेश
J. Hassemer
7.11.03