

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

12.11.2009

Cp 66/2008 (OA No. 564/2005)

Mr. P.V. Calla, Counsel for applicant.

Dr. V.K. Sharma and Mr. Mukesh Dhanera, proxy to
Mr. T.P. Sharma, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the CP is
disposed of.

DLK
(B.L. KHATRI)
MEMBER(A)

MLC
(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 12th day of November, 2009

CONTEMPT PETITION NO. 66/2008
IN
ORIGINAL APPLICATION NO. 564/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Anil Kumar son of Shri S.P. Singh, aged about 51 years, presently working as Assistant Director, STC, I.G. Stadium, Alwar (Rajasthan), resident of 4/35, Kala Kuwa Housing Board, Alwar.

.....APPLICANT

(By Advocate: Mr. P.V. Calla,

VERSUS

1. Shri Shyam Chatterji, Director General, Sports Authority of India, Indra Gandhi Indoor Stadium, I.P. Estate, New Delhi.
2. Shri S.S. Chhabra, Secretary cum Executive Director (Personnel & Admn.), Jawahar Lal Nehru Stadium, Lodi Road Complex, New Delhi.
3. Shri Roque Dias, Director, Sports Authority of India and SWC, Sector 15, Gandhi Nagar (Gujarat).

.....RESPONDENT

(By Advocate : Dr. V.K. Sharma and Mr. Mukesh Dhanera proxy to Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order dated 01.09.2008 passed in OA No. 564/2005.

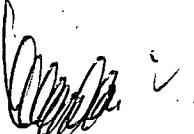
2. The respondents have filed their reply. Alongwith the reply, the respondents have also annexed minutes of the DPC proceedings for promotion to the post of Assistant Director held on 27.08.2008 and further order of promotion dated 10.12.2008 (Annexure R-V) whereby the applicant has also been granted promotion with immediate effect.

3. We have heard the learned counsel for the parties. We are of the view that in view of the reasons recorded in the minutes of the DPC held on 27.08.2008 whereby the respondents have specifically stated that the minutes of the Review DPC held on 10.08.2001 of DPC held on 24.01.1992 pursuant to the judgment rendered by the Jodhpur Bench reveals that all the 11 persons including the applicant was not fulfilling the eligibility criteria and no regular DPC was held thereafter and now the applicant has been given promotion vide order Annexure A/2, the order of this Tribunal stands complied with.

4. In view of what has been stated above and the fact that Chandigarh Bench of the Tribunal has also disposed of the Contempt Petition, which has formed basis for issuing direction in OA No. 564/2005, we are of the view that the present Contempt Petition does not survives. Notices issued to the respondents are hereby discharged. It is, however, clarified that in case the applicant is aggrieved by his prospective promotion vide order dated 22.12.2008, it will be open for him to file fresh OA thereby claiming promotion from back date and the matter will be considered in accordance with law.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ