

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 07th day of August, 2018.

CIVIL CONTEMPT PETITION NO. 103 OF 2013
IN
ORIGINAL APPLICATION NO. 238 of 2001

Present:

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)
HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).

Satya Dev Tiwari, S/o Late Sarju Tiwari, R/o Village
Sonbarsa, P.O. Manjhi, District Saran Chupra (Bihar).
.....Applicant.

By Advocate: Shri Ashish Srivastava

VERSUS

1. Lt. Gen Vijai Sharma, Engineer-in-Chief, AHQ DHQ,
Kashmir House, P.O. New Delhi.
2. Major General C.M. Tandon, Chief Engineer Central
Command, Lucknow.
3. Major Raghvendra Pal Singh, Garrison Engineer
(East), Stanly Road, Allahabad.

.....Respondents

By Advocate : Shri Raghvendra Pratap Singh
Shri S. Srivastava

O R D E R

BY HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)

Heard Shri Ashish Srivastava counsel for
the applicant and Shri Saurabh Srivastava and
Shri Raghvendra Pratap Singh counsel for the
respondents.

2. Vide order dated 12.12.2005 passed by this
Tribunal in OA No. 238 of 2001, direction was

issued to consider the case of the applicant for promotion of Superintendent (E/M) Grade II w.e.f. 1.11.1997 and pay arrear of pay including pay of retiral dues which has been complied. It was also directed that period from the date of promotion as Superintendent (E/M) Grade II would also count for seniority of further promotion.

3. Learned counsel for the applicant submitted that his further promotion as Superintendent (E/M) Grade II has not yet been considered, which should have been considered as per direction of the Tribunal.

4. Learned counsel for the applicant submitted that he has two pending issues for compliance, firstly fixation of first promotion to the post of Superintendent (E/M) Grade II, which was not done correctly as mentioned in the supplementary affidavit dated 17.7.2018, secondly his subsequent promotion has not been considered.

5. Learned counsel for the respondents submitted that the respondents have given promotion to the applicant as Supt. Grade II w.e.f. 1993 and disbursed the arrears. He also assured that rest of the claims of the

applicant will also be considered as per rules.

6. Since the respondents have substantially complied the order of the Tribunal and there is intention to comply the order in full, there is no need to keep this contempt petition pending at this stage.

7. Accordingly, we dispose of this contempt petition with a direction to the respondents to consider the points raised by the applicant in the supplementary affidavit dated 17.7.2018 including fixation of his pay as per the extant rules and make necessary correction, if required within a period of four months. Similarly, the applicant's case for subsequent promotion is to be considered as per rules within four months. Learned counsel for the respondents assured that these pending issues will be considered by the respondents as per Rules. However, a liberty is given to the applicant to revive this contempt petition, if after four months the applicant still has grievance about compliance of the order dated 12.12.2005 of this Tribunal. Notices issued are discharged.

(Rakesh Sagar Jain)

Member (J)

Manish/-

(Gokul Chandra Pati)

Member (A)

