

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No. 29/2015
O.A. No. 966/2012**

**C.P. No. 30/2015
O.A. No. 965/2012**

**C.P. No. 31/2015
O.A. No. 964/2012**

**C.P. No. 47/2015
O.A. No. 3067/2011**

New, Delhi, This the 15th day of September, 2015.

**HON'BLE MR. G. GEORGE PARACKEN, MEMBER (J)
HON'BLE MR. V.N. GAUR, MEMBER (A)**

(1) C.P. 29/2015 in O.A. 966/2012

Dr. Satish Kumar Azad
S/o. Shri Ganga Dass
Aged 59 years,
R/o. SC-208, Shastri Nagar,
Ghaziabad-201002 (UP). ...Petitioner

(By Advocate: Shri Atul Kumar with Mr. Radhakanta Tripathi)

Versus

1. Smt. Gauri Kumar
Secretary (L&E) Room No. 112,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.
2. Sh. Anil Aggarwal, IAS
Director General, ESIC,
Panchdeep Bhawan, CIG Marg,
New Delhi.Respondents

(By Advocate: Shri Yakesh Anand)

(2) C.P. 30/2015 in O.A. 965/2012

Dr. R.K. Tara
 IMO Incharge,
 Flat No.458, Pocket-2,
 Sector-9, Dwarka,
 New Delhi.Petitioner

(By Advocate: Shri Atul Kumar with Mr. Radhakanta Tripathi)

Versus

1. Smt. Gauri Kumar
 Secretary (L&E) Room No. 112,
 Shram Shakti Bhavan,
 Rafi Marg, New Delhi.
2. Sh. Anil Aggarwal, IAS
 Director General, ESIC,
 Panchdeep Bhawan, CIG Marg,
 New Delhi.Respondents

(By Advocate: Shri Yakesh Anand)

(3) C.P. 31/2015 in O.A. 964/2012

Dr. Bhagat
 S/o. Sh. Kundan Singh Rana
 R/o Flat No.7,
 ESIC, Tagore Garden Extension,
 New Delhi-27.Petitioner

(By Advocate: Shri Atul Kumar with Mr. Radhakanta Tripathi)

Versus

1. Smt. Gauri Kumar
 Secretary (L&E) Room No. 112,
 Shram Shakti Bhavan,
 Rafi Marg, New Delhi.
2. Sh. Anil Aggarwal, IAS
 Director General, ESIC,
 Panchdeep Bhawan, CIG Marg,
 New Delhi.Respondents

(By Advocate: Shri Yakesh Anand)

(4) C.P. 47/2015 in O.A. 3067/2011

Dr. P C Gupta,
B-2/279, Modern Apartments,
Sector-15 Rohini,
Delhi – 89.Petitioner

(By Advocate: Shri Atul Kumar with Mr. Radhakanta Tripathi)

Versus

1. Smt. Gauri Kumar
Secretary (L&E) Room No. 112,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.
2. Sh. Anil Aggarwal, IAS
Director General, ESIC,
Panchdeep Bhawan, CIG Marg,
New Delhi.Respondents

(By Advocate: Shri Yakesh Anand)

O R D E R (O R A L)

Hon'ble Mr. G. George Paracken, Member (J)

All these Contempt Petitions being identical in nature are closed by this common order.

2. These Contempt Petitions have been filed by the petitioners for the alleged non-implementation of the order dated 17.07.2013 passed by this Tribunal in O.As. No.966/2012, 965/2012, 964/2012 & 3067/2011. The operative part of the said order reads as under :-

"9. In the above facts and circumstances of the case, there cannot be any iota of doubt in the mind of anyone that the uncommunicated ACRs having adverse remarks/below benchmark gradings cannot be relied upon by a DPC. All ACRs with adverse remarks/below benchmark gradings are required to be communicated within a reasonable time and the employee concerned is to be given the opportunity to make representation to expunge those adverse remarks/upgrade below benchmark gradings. In all the present cases, the DPC considered the below benchmark ACRs of the Applicants and it was on that basis they were denied SAG Grade.

10. We, therefore, allow these OAs and quash and set aside the respective orders of the Respondents rejecting the requests of the Applicants for holding Review to consider their case ignoring the below benchmark ACRs. We further direct the Respondent-ESIC to ensure that a review DPC in the case of the Applicants shall be convened as early as possible but in any case within a period of 2 months from the date of receipt of a copy of this order and consider their cases ignoring their below benchmark ACRs but following the procedure prescribed by the Honble High Court of Delhi in the case of V.S. Arora and Others (*supra*). If the Review DPC find them suitable, they shall be placed in SAG Grade in Pay Band-4 with the Grade Pay of Rs.10,000/- with effect from the due dates with all consequential benefits.

11. There shall be no order as to costs.

Let a copy of this order be placed in all the case files."

3. Today, when the matter was taken up for consideration, learned counsel for the respondents submitted that the aforesaid order is being complied with and compliance affidavit will be filed

within a week's time with an advance copy of the same to the petitioner's counsel.

4. In view of the assurance given by the learned counsel for the respondents these Contempt Petitions are closed. Notices issued to the alleged contemnors are discharged. There shall be no order as to costs.

5. Let a copy of this order be placed in all the case files.

(V.N. GAUR)
MEMBER (A)

(G. GEROGE PARACKEN)
MEMBER (J)

/Mbt/