

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-69/2015 in
OA-3789/2014**

Reserved on : 19.01.2016.

Pronounced on : 21.01.2016.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Vijay Pratap Sharma, aged 47 years,
Scientist-E,
s/o Shri I.P. Sharma,
R/o DI/013, Satya Marg,
Chanakyapuri, New Delhi-110021.

Posted at :

National Informatics Centre,
A-Block, CGO Complex,
Lodhi Road, New Delhi.

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Petitioner

(through Shri R.K. Kapoor, Advocate)

Versus

1. Ram Sewak Sharma, Secretary
Union of India, through the Secretary,
Department of Electronics and Information Technology (DeitY),
Ministry of Communications & Information Technology, Govt. of India,
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi.
2. Ajay Kumar, Joint Secretary
Holding Addl. Charge of DG
The Director General, National Informatics Centre,
Department of Electronics and Information Technology,
Govt. of India, A Block, CGO Complex,
Lodhi Road, New Delhi.
3. Sanjay Kothari, Secretary
The Secretary, Ministry of Personnel,
Public Grievances & Pensions,
(Department of Personnel & Training),
Govt. of India, New Delhi.

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Respondents

(through Mrs. Sumedha Sharma, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Contempt Petition has been filed for alleged non implementation of our order dated 28.10.2014, the operative part of which reads as follows:-

“6. Accordingly, we allow this O.A. and direct the respondents to consider granting benefit of promotion to Scientist-D and Scientist-E under the FCE Scheme to the applicant from the due date with all consequential benefits of pay fixation and payment of arrears as directed by Hon'ble Supreme Court in the case of S.K. Murti (supra). This will be done within a period of six weeks from the date of receipt of a certified copy of this order.

3. In view of above submission made by the learned counsel for the applicant, we dispose of this OA with direction to the respondents to consider the case of the applicant in the light of the aforesaid Order of this Tribunal. If the case of the applicant is covered by the aforesaid Order, he shall also be given the same benefits as has been given to the applicant in the said OA within a period of six weeks from the date of receipt of a certified copy of this Order. There shall be no order as to costs.”

2. The respondents have filed their compliance affidavit on 16.11.2015 along with which they have filed a copy of their O.M. dated 04.11.2015 (page-91 of the CP). A mere reading of the aforesaid O.M. reveals that in compliance of this Tribunal's order, the respondents have considered ante dating promotion of the petitioner for Scientists-C, D & E. As far as Scientist-C is concerned, the date of promotion of the petitioner has not been changed since he was not cleared by the Screening Committee for promotion w.e.f. 01.01.1999. As far as promotion of Scientist-D is concerned, the petitioner's date of promotion has been ante dated to 01.01.2004 instead of 20.09.2004. Similarly, for Scientist-E his promotion date has been ante dated to 01.01.2009 instead of 01.06.2010.

3. We have heard both sides and have perused the material on record. Learned counsel for the petitioner argued that the order passed by the

respondents does not constitute full compliance of this Court's orders as the respondents have not given promotions to the petitioner from due date. According to learned counsel promotion from Scientist-B to Scientist-C should have been w.e.f. 01.07.1998. Thereafter, from Scientist-C to Scientist-D should have been from 01.01.2003 instead of 01.01.2004 and from Scientist-D to Scientist-E should have been from 01.01.2007 instead of 01.01.2009 granted by the respondents. Learned counsel for the petitioner further submitted that the respondents have not at all considered holding the Selection Committee meeting for promotion from Scientist-E to Scientist-F, which had become due from 01.07.2012.

4. We have considered the aforesaid submission. A mere reading of our order in question would reveal that the directions given to the respondents were to consider granting promotion to the petitioner from due dates as Scientist-D and Scientist-E. This is evident from order. Moreover, the Tribunal had not given any finding regarding the due dates of eligibility for promotion and had left it to the respondents to determine the same. Hence, in our opinion, by passing the order dated 04.11.2015, the respondents have substantially complied with the order of this Tribunal and no contempt subsists in this case. We, therefore, close this C.P. and discharge the notices issued to the alleged contemnors. The petitioner shall, however, be at liberty to challenge the orders passed by the respondents through appropriate judicial proceedings in accordance with law.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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