

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

**CP-78/2014 in  
OA-4167/2012**

**Reserved on : 07.03.2016.**

**Pronounced on :09.03.2016.**

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

1. Sh. Awadesh Prasad Tripathi,  
Director,  
Employees' State Insurance Corporation,  
Zonal Training Institute,  
Mumbai.
2. Sh. Sanjay Kumar Singh,  
Director,  
Employees' State Insurance Corporation,  
Headquarters' Office, New Delhi-110002.
3. Sh. Harbir Singh,  
Director,  
Employees' State Insurance Corporation,  
Headquarters' Office, New Delhi-110002.
4. Sh. K.S. Dhaliwal,  
Ex-Joint Director,  
Employees' State Insurance Corporation,  
Sub Regional Office Ludhiana, Punjab.
5. Sh. R.P. Gupta,  
Joint Director,  
Employees' State Insurance Corporation,  
Zonal Training Institute, (West) Kolkata  
(West Bengal).

..... Petitioners

(through Sh. S.M. Arif, Advocate)

Versus

1. Mr. A.K. Aggarwal,  
Director General,  
Employees' State Insurance Corporation (ESIC),  
Headquarters Office (HO),  
Panchdeep Bhawan,  
C.I.G. Road, New Delhi-110002.
2. Smt. Gauri Kumar,  
Secretary,  
Ministry of Labour & Employment,

Government of India, Shram Shakti Bhawan,  
Rafi Marg, New Delhi.

3. Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahjehan Road,  
New Delhi-110001.

..... Respondents

(through Sh. Yakesh Anand with Sh. Prattek Kumar, Sh. R.N. Singh and R.V. Sinha,  
Advocates)

## O R D E R

### **Mr. Shekhar Agarwal, Member (A)**

This Contempt Petition has been filed by five of the applicants in OA-4167/2012 for alleged non-compliance of the order dated 29.10.2013, the operative part of which reads as follows:-

"4.4 Keeping in view the above facts and circumstances, this O.A. is allowed. We quash the letter dated 22.06.2012 of the respondents and direct them to hold regular DPCs for promotions to the post of Joint Directors as well as Directors without waiting for the Notification of new Recruitment Rules. They will hold all the DPCs which have become over due within a period of three months from the date of receipt of a certified copy of this order. They will also pass appropriate orders regarding regularization of ad hoc service of the applicants as joint Directors after such DPCs have been held. No costs."

2. During the course of arguments both sides agreed that a part of the order has been stayed by Hon'ble High Court of Delhi in Writ Petition (C) No. 2723/2014 by their order dated 02.05.2014. The aforesaid order reads as follows:-

" C.M.No.5661/2014

Exemption is allowed subject to just exceptions.

Application is disposed of.

W.P.(C) 2723/2014

Issue notice to the respondents to show cause as to why rule nisi be not issued, returnable on 4th September, 2014.

C.M.No.5660/2014

Issue notice to the respondents, returnable on 4th September, 2014.

Till the next date of hearing, there shall be stay of the effect and operation of the directions of the tribunal in the order dated 29th October, 2013 to the extent that ad-hoc service of the respondents as Joint Directors being regularised.

The petitioner shall proceed in the matter convening a Departmental Promotion Committee as directed.

We are informed by Ms. Rekha Palli, learned counsel for the petitioner that the process for convening the DPC has already started.

Dasti."

The petitioners may avail of legal remedies available to them regarding this part at appropriate stage later if need be.

3. The respondents were thus required to implement only the first part of the order regarding holding of DPCs. The respondents have filed their reply in which they have stated that the aforesaid DPCs have since been held and thus the order of the Tribunal has been fully complied with.

4. On the other hand, learned counsel for the petitioners while admitting that the DPCs have been held stated that the respondents had neither prepared year-wise panels as laid down in DoP&T Instructions nor have included superannuated officers in the panel.

5. We have considered the aforesaid submission. After going through our judgment, we find that our directions were to hold the DPCs without waiting for Notification of new Recruitment Rules. Hence, in our opinion, there has been substantial compliance of our orders and no contempt survives in the aforesaid case. Accordingly, we close this C.P. and discharge the notices issued to the alleged contemnors. The petitioners shall, however, be at liberty to challenge the action of the respondents in accordance with law, if so advised.

**(Shekhar Agarwal)**  
**Member (A)**

**(V. Ajay Kumar)**  
**Member (J)**

/Vinita/