

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.304/2016 in O.A.No.1658/2016

Order Reserved on: 08.03.2017
Order pronounced on 10.03.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

Sh. Mukesh Kumar & Others Employee of BSNL... Applicant
(By Advocate: Sh. V.P.S.Tyagi)

Versus

1. Shri Anupam Shrivastav
Bharat Sanchar Nigam Ltd.
(Through its CMD and Chairman)
Sanchar Bhawan, Corporate Office, Eastern Court
Janpath, New Delhi.

2. Shri B.C.Das
DGM Recruitment
Sanchar Bhawan
Corporate Office, Eastern Court
Janpath, New Delhi.

3. Shri K.D.Das
AGM Recruitment
Sanchar Bhawan
Corporate Office, Eastern Court,
Janpath, New Delhi. Respondents
Alleged contemnors

(By Advocate: Sh. J.D.Garg for Sh. M.K.Bhardwaj and Shri K.M.Singh for
Shri R.N.Singh)

ORDER

By V. Ajay Kumar, Member (J):

Heard both the learned counsel.

2. The applicant in the OA filed the present CP No.304/2016, alleging misrepresentation by the learned counsel for the respondents at the time of passing of interim orders by this Tribunal on 19.05.2016 in OA No.1658/2016 filed by the applicant.

3. This Tribunal, after hearing the matter in the OA, on the interim relief, on 19.05.2016, passed the following orders:

“ Heard the learned counsel.

2. The learned counsel for the respondents, on instructions, states that the actual promotions have already been taken place and, therefore, the prayer for interim relief has become infructuous. This is challenged by the learned counsel for the applicant, who states that only the panel of officers, who are recommended for promotion, has been prepared but no actual promotion has taken place.

3. However, keeping in view the facts of the case, we direct that whatever promotions are granted as a result of panel prepared, that would be subject to the outcome of the O.A.

4. Respondents shall file their reply within three weeks. Rejoinder, if any, may be filed within two weeks thereafter. Post on 06.10.2016.

Order **DASTI**.”

4. It is the case of the applicant that as on 19.05.2016, though actual promotions have not been taken place, the learned counsel for the respondents by misrepresenting and misleading this Tribunal prevented this Tribunal from granting stay of promotions, and as a result, this Tribunal only directed that whatever promotions are granted as a result of panel prepared, that would be subject to the outcome of the OA.

5. In the OA, counter has been filed by the official respondents 1 to 4 and the OA is coming up for filing reply by the private respondents and for filing rejoinder by the applicant to the counter filed by the official respondents.

6. If the respondents have misrepresented and mislead this Tribunal by stating any false facts, and if the applicant able to prove the same,

this Tribunal is not powerless to initiate appropriate action against the responsible persons either at the time of hearing of the OA or at the time of its disposal. Therefore, we do not find any merit to entertain the present Contempt Petition, in the said circumstances, at this stage.

7. Accordingly, the CP is dismissed. Notices issued are discharged.
8. The petitioner is at liberty to bring all the relevant facts, into the record of the OA by filing his rejoinder or any other application or affidavit, in accordance with law. No costs.

List the OA on 23rd May, 2017.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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