

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

**CP-562/2010 in  
TA-115/2009**

**New Delhi, this the 03<sup>rd</sup> day of October, 2017.**

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Som Prakash  
S/o late Sh. Ram Adhin  
R/o H.No. 7781/3, K.P. Quarters,  
Shakti Nagar, Delhi.

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Petitioner

(Sh. R.S. Kaushik with Sh. Umang Gupta)

Versus

1. Sh. P.K. Gupta, Commissioner,  
North Delhi Municipal Corporation,  
Dr. S.P.M. Civic Centre, Minto Road,  
New Delhi.
2. Dr. A.R. Sihag, Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi.
3. Sh. K.K. Sharma, Chief Secretary,  
Govt. of Delhi,  
A-Wing, 5<sup>th</sup> Floor, Delhi Secretariat,  
IP Estate, Delhi-110002.
4. Sh. Ramesh Negi, Principal Secretary (UD)/  
Director, Local Bodies,  
Govt. of Delhi  
C-Wing, 9<sup>th</sup> level, Delhi Secretariat,  
IP Estate, Delhi-110002.

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Respondents

(through Sh. R.N. Singh and Ms. Neetu Mishra for Ms. Rashmi Chopra)

**ORDER(ORAL)**

**Hon'ble Mr. Justice Permod Kohli**

These Contempt Proceedings have been initiated for the alleged non compliance of the judgment dated 06.05.2009 passed in TA No. 115/2009. It was

a common order passed in TA No. 115/2009 and TA No. 116/2009. It appears that Writ Petition (C) No. 358/2015 came to be filed against the order dated 31.07.2013 passed in MA No. 1893/2012 in CP No. 563/2010. While considering the validity of the said order, a Division Bench of Hon'ble High Court of Delhi made following observations:

"10. In view of the aforesaid factual position, the Tribunal, in our opinion, was right in dismissing MA No. 1893/2012 filed by the petitioner for revival for Contempt Petition No. 543/2010. The effect of the order of the Five Member Bench of the Tribunal dated 27<sup>th</sup> January, 2012, as affirmed by the judgment of this Court dated 31<sup>st</sup> May, 2013 in Writ Petition (C) No. 2215/2012 was that the very basis for seeking promotion was quashed. There were no promotional or vacant post in the cadre of DEO, as the resolution dated 31<sup>st</sup> January, 1997 was struck down. Consequently, there was no need to hold Review DPCs as vacancies did not exist. In view of the decision dated 31<sup>st</sup> May, 2013 and the subsequent orders, the directions vide order dated 6<sup>th</sup> May, 2009 given in TA No. 115/2009 filed by Som Prakash and TA No. 116/2009 filed by the petitioner herein, were rendered infructuous."

2. The above directions are absolutely categorical and clear holding that the judgment dated 06.05.2009 passed in TA No. 115/2009 filed by Som Prakash and TA No. 116/2009 has been rendered infructuous on account of non availability of vacancies. The Hon'ble High Court has also observed that there is no need to hold review DPCs. In view of the above, the very basis of this contempt petition ceases to exist.

3. This CP is accordingly dismissed.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

/ns/