

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

C.P.No.671/2015 in O.A.No.1396/2015

Monday, this the 2nd day of November 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Mr. Vijay Pal s/o Mr. Bhajan Lal
Room Attendant (R/A)
MGICC (Govt. of NCT of Delhi)
Bakoli, Alipur
Delhi-36

(Mr. L C Rajput, Advocate)

..Applicant

Versus

Mr. Ravinder Palakurthy
Dy. Director (Admn.)
MGICC (Govt. of NCT of Delhi)
Bakoli, Alipur
Delhi-36

..Respondent

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

In terms of interim Order dated 21.04.2015, the respondents were directed to make promotion to the post of LDC on the basis of LDCE or DPC subject to the outcome of the O.A. In terms of order dated 07.09.2015, the Institute made promotion of one Mr. Dilip Kumar, Bus Attendant to the post of LDC and indicated in the order that the same would be subject to the outcome of the present O.A. The order reads thus:-

“ORDER

On the basis of the recommendation of Departmental Promotion Committee (DPC) for the promotion to the post of LDC, Sh. Dilip Kumar, Bus Attendant is hereby appointed on promotion to

the post of LDC in the Pay Band of Rs.5200-20200, plus corresponding Grade Pay Rs.1900/- P.M. against the vacant post from the date, Sh. Dilip Kumar assumes the charge of the post.

This appointment is subject to the following terms & conditions:-

1. The appointment carries with it the liabilities to serve anywhere in NCT of Delhi.
2. The Appointment is subject to satisfactory completion of probation period of 2 years.
3. The appointment is liable to be cancelled at any time within probation period, if any thing adverse is found against the official.
4. The Competent Authority reserves the right & discretion to impose any other condition like clearance of any other examination which is found to be necessary in the interest of the requirement of service.
5. The promotion will be subject to the outcome of O.A. 1396/2015 pending before the Central Administrative Tribunal, Principal Bench, New Delhi.”

2. The applicant has construed the order of promotion of Mr. Dilip Kumar as disobedience of the interim Order dated 21.04.2015 passed by the Tribunal. According to the applicant, once the promotion was made subject to the final outcome of the O.A., the respondent could not have made any promotion. Such an interpretation of the interim Order on behalf of the applicant is misconceived. As there is no willful and contumacious disobedience of the interim Order dated 21.04.2015.

3. Contempt Petition is accordingly dismissed.

(V.N. Gaur)
Member (A)

November 2, 2015
/sunil/

(A.K. Bhardwaj)
Member (J)