

**Central Administrative Tribunal  
Principal Bench**

**CP No.394/2016  
OA No.3971/2015**

New Delhi, this the 21<sup>st</sup> day of October, 2016

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

Shri Ashok Kumar Aggarwal  
Aged about 52 years,  
S/o Shri R. B. Aggarwal  
R/o 56, Ashoka Road,  
New Delhi 110 001.

... Applicant.

(By Advocate : Shri S. K. Gupta)

Versus

Shri Hasmukh Adia  
Secretary  
Ministry of Finance  
Department of Revenue,  
North Block,  
New Delhi.

... Respondent.

(By Advocate : Shri Rajesh Katyal)

**: O R D E R (ORAL) :**

**Justice Permod Kohli, Chairman :**

Vide order dated 02.02.2016, this Tribunal while allowing the bunch of OAs, issued following directions:-

“67. In view of the aforementioned facts and circumstances, we quash the charge sheet dated 20.03.2014 and communication dated 28.04.2014 challenged in OA No.2976/2014 and charge sheet dated 14.03.2014 and communication dated 7.04.2014 challenged in OA No.2977/2014. Respondents are directed to consider giving the applicant all such promotions as have been granted to his junior, with all consequential benefits within three months. The consideration for promotion should be based upon the ACRs written upto the year 1999 with due regard to the law declared by Hon'ble Supreme Court in the case of Abhijit Ghosh Dastidar (supra).”

The order contains two directions; (i) quashment of charge sheet and (ii) consideration of the applicant for promotion from the date his juniors were granted promotion.

2. It is not in dispute that pursuant to the aforesaid directions, the charge sheet against the applicant has been dropped subject to outcome of the writ petition. Shri Rajesh Katyal, learned counsel for the respondents submits that the judgment passed by this Tribunal is subject matter of writ petition (c) No.9230-9231. The Hon'ble High Court is seized of the matter and the applicant has already applied for grant of interim stay. Since the part of the judgment has been complied with and the judgment itself is under challenge before the High Court, we drop the present contempt proceedings subject to the condition that the respondents would be under obligation to implement the judgment in the event interim stay is refused by the High Court and the judgment survives in the writ petition. In the event, the interim stay is refused by the High Court and second part of the judgment is not complied with, applicant shall have the liberty to make a motion for revival of this CP.

**(V. N. Gaur)**  
**Member (A)**

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

/pj/