

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

C.P. No. 498/2013
O.A. No. 1227/2013
M.A. No. 308/2014
M.A. No. 1605/2014

New Delhi, this the 17th day of February, 2016

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

Deepak Goel,
S/o Late Shri Hari Om Prakash Goel,
R/o D-47, Rana Pratap Road,
Adarsh Nagar, Delhi-110033 .. Applicant

(By Advocate: Shri M.K. Bhardwaj with Shri M.D. Jangra)

Versus

East Delhi Municipal Corporation & Ors. through:

1. Shri Kumar Swami,
Commissioner,
East Delhi Municipal Corporation,
Udyog Sadan, Patpar Ganj Industrial Area,
New Delhi
2. Shri P.K. Gupta,
Commissioner,
North Delhi Municipal Corporation,
Civic Centre, New Delhi
3. Shri S.K. Yadav,
Director (Personnel),
North Delhi Municipal Corporation,
Civic Centre, New Delhi .. Respondents

(By Advocate : Shri R.N. Singh with Shri Amit Sinha)

ORDER (ORAL)**By Mr. Justice Syed Rafat Alam**

At the outset, Shri R.N. Singh, learned counsel for the respondents produced copy of Office Order dated 17.02.2016 and submitted that in compliance of the order of the Tribunal dated 11.04.2013 in O.A. No. 1227/2013, the applicant has been given ad hoc promotion to the post of Executive Engineer (Civil) with effect from the date when his junior was promoted, i.e. 03.10.2012. He further submits that the promotion is given on notional basis and the monetary benefits will be admissible from the date of actual promotion, till the post is filled up on regular basis or till further orders, whichever is earlier. Copy of order dated 17.02.2016 is taken on record.

2. Shri M.K. Bhardwaj, learned counsel for the applicant, submitted that the arrears of salary should have also been paid to the applicant and the respondents have not passed any order for payment of monetary benefits. The learned counsel, however, sought to question the validity of the order on the ground of non-payment of arrears. The argument assailing the order is beyond the scope of contempt, as the direction was only to pass order on the representations of the applicant after opening the sealed cover, and if there would be no legal impediment, necessary orders be passed in respect of his promotion with effect from the due date. Admittedly, vide order

dated 17.02.2016 the respondents have given him promotion w.e.f. 03.10.2012 notionally, i.e. the date when his junior was promoted, which, in our view, amounts to substantial compliance of the order. However, if the applicant is aggrieved by the order passed by the respondents, he has a remedy to assail the same in appropriate proceedings, but the Contempt Petition cannot be maintained, in view of the judgment of Hon'ble Supreme Court in **J.S. Parihar V. Ganpat Duggar & Ors., (1996) 6 SCC 291**, wherein the Apex Court held that once there is an order passed by the concerned authority in pursuance of the directions issued by the court, there arises a fresh cause of action to seek redressal in the appropriate forum.

3. Therefore, we are satisfied that the order of the Tribunal has been complied with substantially and, as such, we close this proceeding. The respondents are discharged from notices. However, It would be open to the applicant to agitate his grievance regarding payment of salary from a retrospective date before the appropriate forum.

4. The contempt petition stands disposed of accordingly, but without costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/Jyoti/