

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI****C.P. No.734/2017 In
O.A No.1849/2016****Reserved On:06.11.2017
Pronounced on:09.11.2017****Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Gurmit Singh

... Petitioner

(By Advocate:Shri Harpreet Singh)

Versus

1. Shri Ajay Mittal,
Secretary to the Govt. of India,
Ministry of Personnel, Public Grievances and Pensions,
Deptt. of Personnel and Training
North Block, New Delhi – 110 001.
2. Shri Surat Singh
Dy. Registrar (Estt.),
Central Administrative Tribunal,
Principal Bench,
61/35, Copernicus Marg
New Delhi – 110 001. ...

Respondents

ORDER**By Mr. V. Ajay Kumar, Member (J)**

Heard the learned counsel for the petitioner and perused the Contempt Petition (CP).

2. The petitioner, a Registrar of the Central Administrative Tribunal (CAT) had filed OA No. 1849/2016, while he was working as Joint Registrar, challenging the proceeding dated 28.10.2015 of the Government of India, Ministry of Personnel, Public Grievance and Pensions, vide which the proposal of the CAT was rejected

resulting the change of date of regular appointment of the petitioner as Deputy Registrar from 20.10.2003 to 28.02.2008. The said OA was allowed by order dated 28.04.2017 as under:-

“30. In these peculiar circumstances of the instant case and for the aforesaid reasons, the OA is allowed and the impugned orders and the consequential order dated 13.02.2017 are quashed and set aside, with all consequential benefits. The respondents shall consider the case of the applicant and others for promotion to the post of Registrar, on regular basis, if they are otherwise eligible, along with others, as per rules, by treating their respective dates of appointment as Deputy Registrars, on regular basis, with effect from the respective dates, as was ordered vide Order dated 25.07.2008 read with Order dated 26.08.2008. No costs”.

3. Alleging violation of the aforesaid order of this Tribunal, the petitioner filed the instant CP.

4. The petitioner himself stated in his CP “that the respondents have implemented the aforesaid judgment dated 28.04.2017 and accordingly a DPC was convened on 30.08.2017 whereby the name of the petitioner had been recommended for promotion to the post of Registrar vide orders dated 20.09.2017 and 26.09.2014 and accordingly the petitioner has been appointed and working as Registrar of the CAT with effect from 26.09.2017”.

5. However, the petitioner further submits that the DPC for consideration of his case for the post of Registrar was ordered to be convened on 10.02.2015, but the same was illegally put on hold by the respondent No.1 and since this Tribunal held that the said

action was illegal, the respondents were required to promote the petitioner as Registrar with effect from 10.02.2015 itself. But by not promoting the petitioner with effect from the said date, they have wilfully and deliberately committed contempt of the orders of this Tribunal.

6. A careful examination of the orders of this Tribunal dated 28.04.2017 in OA No.1849/2016 clearly indicate that this Tribunal considered the legality and validity of the action of the respondents in changing the date of regular appointment of the petitioner as Deputy Registrar from 20.10.2003 to 28.02.2008 only, while disposing of the OA and it has not adjudicated any issue relating to the date of entitlement of promotion of the petitioner to the post of Registrar. Hence, the submission of the petitioner that not promoting him as Registrar w.e.f. 10.02.2015 is in violation of the orders of this Tribunal, cannot be accepted.

7. In the circumstances and for the aforesaid reasons, we do not find any merit in the CP and accordingly the same is dismissed. However, this order shall not preclude the petitioner from agitating about his right of entitlement to the post of Registrar, from a particular date, if so advised, in accordance with law. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

Rakesh