

**Central Administrative Tribunal  
Principal Bench**

**CP No.763/2017  
OA No.2963/2017**

New Delhi, this the 29<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Dilip Kumar  
Aged about 55 years,  
S/o Sh. R. Prasad  
R/o C-3, Andrews Ganj Extension,  
New Delhi 110 049. .... Applicant.

(By Advocate : Shri S. K. Gupta)

Versus

1. Sh. A. N. Jha  
Secretary  
Department of Expenditure  
Ministry of Finance,  
North Block,  
New Delhi.
2. Sh. P. K. Tripathi  
Establishment Officer (ACC)  
Department of Personnel & Training,  
North Block,  
New Delhi. .. Respondents.

(By Advocate : Shri D. S. Mahendru)

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

**Justice L. Narasimha Reddy, Chairman:**

This contempt petition is filed alleging that the respondents did not implement the order dated 19.09.2017 passed in OA No.2963/2017. Through the said order, this Tribunal has set aside the Memorandum dated 29.06.2017 issued by the respondent stating that the competent

authority in the ACC has returned the proposal for promotion of the applicant to the grade of SAG. A direction was also issued to consider the case of the applicant in the light of DO letter dated 09.03.2017. The applicant contends that though the direction issued by the Tribunal was clear in its purport, the respondents did not implement the same at all.

2. The respondents filed a counter affidavit stating that in compliance with the directions issued by this Tribunal, the ACC has considered the case of the applicant and has rejected it through order dated 21.12.2017. According to them, the applicant cannot be extended the benefit of promotion in view of the office Memorandum dated 02.11.2012 issued by the DoP&T.

3. The applicant filed rejoinder opposing the counter affidavit.

4. We heard Shri S. K. Gupta, learned counsel for the applicant and Shri D. S. Mahendru, learned counsel for the respondents at some length.

5. After arguing the case extensively, learned counsel for the applicant sought permission of the Tribunal to withdraw the CP without prejudice to the right of the applicant to challenge the order dated 21.12.2017. We, therefore, close

the contempt petition as withdrawn, leaving it open to the applicant to file a fresh OA challenging the order dated 21.12.2017.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/