

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

**Contempt Petition No.180/00074/2017
in Original Application No.180/01071/2014**

Monday, this the 26th day of November, 2018

C O R A M :

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

A.U.Paulose, S/o.Ulahannan,
MES No.109544, Mezdoor Garrison Engineer-I,
E/M NH, Kochi – 682 004.
Residing at MES Qtr.No.103/3,
Katari Bagh, Naval Base, Kochi – 682 004.

...Petitioner

(By Advocate – Mrs.Ushakumari P)

v e r s u s

1. Mr.G.Mohankumar,
Secretary to Government,
Ministry of Defence, Govt. of India,
New Delhi – 110 001.
2. Mr.Suresh Sharma,
Engineer in Chief, Military Engineering Service,
Engineer in Chief's Branch,
Army Headquarters, Kashmir Post,
DRQ Post, New Delhi – 110 001.
3. Mr.Rajeev Chowdhari,
Chief Engineer, Military Engineering Services,
Headquarters, Southern Command,
Pune – 412 101.
4. Mr.V.B.Suryavanshi,
Chief Engineer (NW), Military Engineering Services,
Katari Bagh, Naval Base Post,
Kochi – 682 004.

...Respondents

(By Advocate – Mr.Thomas Mathew Nellimoottil)

.2.

This application having been heard on 26th November 2018, the Tribunal on the same day delivered the following :

ORDER

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

When the matter came up for hearing today, learned counsel for the petitioner seeks some time to verify the orders which have been issued by the respondents. She protested that the grievance of the petitioner is still not redressed.

2. Shri.Thomas Mathew Nellimoottil, learned counsel for the respondents drew our attention to the order of this Tribunal at Annexure P-1 wherein it is stated thus :

“8. Therefore, we are of the view that the O.A can be disposed of with a direction to the competent authority of the respondents to consider Annexures A-4 to A6 and to take a decision, in the light of the above discussion of law in this order. The aforesaid exercise shall be completed within two months from the date of receipt of a copy of this order and the decision so taken shall be communicated to the applicant soon thereafter. Accordingly, we pass an order in the above terms.”

3. Subsequently learned counsel for the respondents drew our attention to paragraph 5 of the 2nd additional affidavit filed on behalf of the respondents. From this we see that the case of the petitioner has been considered and no person junior to the petitioner has been promoted as claimed by the petitioner.

.3.

4. In the light of the above, we are of the view that the order at Annexure P-1 has been substantially complied with and due consideration has been extended to the case by the official respondents. Hence CP is closed and notices stand discharged. No order as to costs.

(Dated this the 26th day of November 2018)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in C.P.No.180/00074/2017 in O.A.No.180/01071/2014

- 1. Annexure P-1** – True copy of the order dated 23.1.2017 in O.A.No.180/01071/2014 rendered by this Hon'ble Tribunal.
- 2. Annexure P-2** – True copy of the covering letter dated 3.2.2017 send to the respondents by the petitioners counsel.
- 3. Annexure P-3** – True copy of the track consignment details showing the delivery of the letter to the respondents.
- 4. Annexure P-4** – True copy of the communication dated 29.4.2017 send by the petitioner's counsel to the respondents.
- 5. Annexure P-5** – True copy of the M.A for extension of time served by the respondents counsel to the petitioners counsel.
- 6. Annexure P-6** – True copy of the order dated 19.5.2017 issued by the 4th respondents to the petitioner.
- 7. Annexure P-7** – True copy of the order No.10453/A1071/2014/127/LC dated 26.9.2017.
- 8. Annexure P-8** – True copy of the office order No.10312/133/EINB dated 22.6.2012.
- 9. Annexure P-9** – True copy of the promotion order as per distribution ceiling 17 as on 14.6.2010.
- 10. CP-Annexure R-1** – True copy of the extract of the Area Seniority List of Mate (Fitter Pipe).
- 11. CP-Annexure R-2** – True copy of the CWE(NW) Kochi Letter No.10305/SS-SK/446/E1B(NB) dated 20.11.2017.
- 12. CP-Annexure R-3** – True copy of the letter No.GE(NS) Kochi Spl. PTO Sl.No.09 dated 5.12.2017.
- 13. CP-Annexure R-4** – True copy of the letter No.GE E/M Kochi PTO Sl.No.37 dated 13.9.2010.
- 14. CP-Annexure R-5** – True copy of the letter No.GE (NS) Kochi PTO Sl.No.4 dated 27.1.2015.
- 15. CP-Annexure R-6** – True copy of the letter OM No.36012/11/2016-Estt.(Res) dated 30.9.2016.

16. CP-Annexure R-7 – True copy of the OM No.36012/11/2016-Estt. (Res) dated 5.10.2016.

17. CP-Annexure R-8 – True copy of the letter dated 27.12.2017.

18. CP-Annexure R-9 – True copy of the letter dated 12.1.2018.

19. CP-Annexure R-10 – True copy of the letter dated 16.12.2017.

20. CP-Annexure R-11 – True copy of the letter dated 18.1.2018.

21. Annexure R-12 – True copy of the first page of the Service Book of Shri.K.Vijayan.

22. Annexure R-13 – True copy of the first page of Shri.K.K.Vidhyadharan's Service Book.

23. Annexure R-14 – True copy of the first page of the petitioner's Service Book.
