

**Central Administrative Tribunal
Principal Bench**

**CP No.134/2018
In OA No.4524/2017**

New Delhi, this the 16th day of July, 2018

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

1. Shri Shashi Bhushan Mishra
S/o Shri J.N. Mishra, Aged 48 years
Working as SMM (Group – B)
Under PCMM/C/Northern Railway
Baroda House, New Delhi.
2. Shri Hakim Singh Sengar
S/o Shri Beni Sing, Aged 56 year
Working as SMM (Group-B)
Under SMM/Signal, Northern Railway
Headquarter's Office
Baroda House, New Delhi.
3. Shri Sanjay Kumar
S/o Shri Jai Prakash, Aged 46 year
Working as SMM (Group-B)
Under SMM/M-I, Northern Railway
Baroda House, New Delhi.
4. Shri K.D. Singh, S/o Shri Kanwar Gurdev Chand
Working as SMM (Group-B)
Aged 50 year, Under CATO (Construction)
Northern Railway, Kashmere Gate
New Delhi.
5. Shri Rakesh Gupta, S/o Late Sh. R.S. Gupta
Aged 49 year, Working as SMM (Group-B)
Under Northern Railway
Baroda House, New Delhi.
6. Shri Sanjay Kumar Gangal
S/o Late Shri Panna Lal Gangal
Aged 52 year, Working as SMM (Group-B)
Under SMM GII Churchgate, WR, HQ Mumbai.

7. Shri Girija Sankar Mohanty
S/o Late A.K. Mohanty
Aged 51 year, Working as SMM (Group-B)
Under PCMM/ECOR/BBS.
8. Shri Atul Sharma
S/o Shri Ram Avtar Sharma
Aged 44 year, Working as SMM/Group-B
Under DRM/Western Railway Vadhodara
9. Shri Kuldeep Singh Dhaliwal
S/o Shri Mohinder Singh Dhaliwal
Aged 53 year
Working as Sr. Material Manager
Under CMM, Northern Railway Ludhiana (Punjab).
10. Shri Sunil Kumar Gaur
S/o Late Shri Kailash Prasad Gaur
Aged 53 year, Working as SMM(Group-B)
Under Secy to PCMM Churchgate
Western Railway HQ, Mumbai. ...Petitioners

(By Advocate: Shri M.S. Reen)

Vs.

Ministry of Railways & Others: through

1. Shri R.K. Verma
Secretary, Ministry of Railways
Rail Bhawan, Raisina Road
New Delhi.
2. Shri B.P. Sharma,
Department of Personnel
& Training (DoPT)
Through: It's Secretary
North Block, New Delhi-110011.
3. Shri T. Jacob, Union Public Service Commission
Through its Secretary, Dholpur House
Shahjahan Road, New Delhi. ...Respondents

(By Advocates: Shri Krishna Kant Sharma and Shri
Vaibhav Pratap Singh for Shri R.V. Sinha)

ORDER (ORAL)**Justice L. Narasimha Reddy :-**

OA No.4524/2017 was filed by the applicants herein with a prayer to direct the respondents to promote them to higher post on the basis of consideration of the DPC. The OA was disposed of vide Order dated 20.12.2017 directing the respondent No.1 to take a decision on the representations submitted by the petitioners herein within a period of two months. This contempt case is filed complaining that the respondents have not complied with the directions issued by the Tribunal in OA No.4524/2017.

2. The respondents have filed counter affidavit mentioning in detail, the developments that have taken place ever since the OA has been decided.

3. Heard Shri M.S. Reen, learned counsel for the petitioners and Shri Krishna Kant Sharma and Shri Vaibhav Pratap Singh for Shri R.V. Sinha, learned counsel for the respondents.

4. The direction issued by this Tribunal is only to take a decision as to whether promotions are to be

effected on the basis of the panel prepared by the DPC. Along with their implementation memo, the respondents have filed copy of a speaking order signed on 19.03.2018 by the Member Staff Railway Board by referring to certain official memos issued by the DoP&T and the opinion said to have been given by the Solicitor General. It is stated that the promotions on the basis of the panel prepared by the DPC cannot be ordered in view of the pendency of a case before the Supreme Court. The question as to whether the case of the petitioners is covered by the said proceedings can be adjudicated if only separate proceedings are initiated. This much can be said that the respondents have complied with the directions issued by this Tribunal in the OA. Therefore, the contempt case is closed.

(Nita Chowdhury)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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