

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

**C.P. No. 339/2017  
O.A. No. 1826 of 2012**

New Delhi, this the 3<sup>rd</sup> day of August, 2018

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

V. K. Verma, Aged around 63 years,  
S/o. Late Sh. O.P. Verma,  
R/o. B-702, Apex Green Valley Apartment,  
Sector-9, Vaishali,  
Ghaziabad.

Presently posted at :

G. B. Pant Institute of Technology.

....Petitioner

(By Advocate : Mr. Sourabh Ahuja)

Versus

1. Ms. Puniya Salila Srivastava  
Principal Secretary/Secretary  
Department of Training & Technical Education,  
GNCT of Delhi,  
Muni Maya Ram,  
Pitam Pura,  
Delhi-110 088.

2. Mr. M. M. Kutty,  
Chief Secretary, Department of Training &  
Technical Education, GNCT of Delhi,  
Delhi Sachivalaya,  
Players Building,  
IP Estate, New Delhi.

...Respondents

(By Advocate : Mr. Piyush Gaur)

**O R D E R (O R A L)****Justice L. Narasimha Reddy, Chairman :**

The petitioner filed O.A No. 1826/2012 claiming the relief of promotion with effect from an anterior date. The O.A was allowed through order dated 15.04.2014 holding that the applicant is entitled to be considered for promotion with effect from 12.06.1996 and that a review DPC shall be conducted for this purpose duly drawing the year wise panels. The consequential benefits were also extended.

2. The respondents filed W.P. (C) No. 937/2017 before the Delhi High Court. The Writ Petition was disposed of on 27.04.2017 slightly modifying the order passed by the Tribunal in the context of the year, from which the applicant shall be promoted. Instead of 1996 it was mentioned as 1999.

3. This Contempt Petition is filed alleging that the respondents did not comply with the order passed by the Tribunal as modified by the High Court.

4. Respondents filed compliance affidavit. It is submitted that the review DPC was conducted on 14.07.2017 and after verifying the vacancy position year

wise, it was found that the petitioner is entitled to be promoted with effect from 01.01.2001.

5. Heard Mr. Sourabh Ahuja, learned counsel for petitioner and Ms. Harvinder Oberoi, learned counsel for respondents.

6. It is not in dispute that the review DPC was conducted and the petitioner was promoted with effect from 01.01.2001. It is no doubt true that the Hon'ble High Court directed that petitioner shall be promoted in the year 1999. However, perusal of the minutes of the review DPC discloses that the vacancy for the period 1999 was earmarked for direct recruitment and there was no vacancy for promotion quota in the year 1999. So was the case in the year 2000. The next available vacancy was in the year 2001 and accordingly, he was promoted against that vacancy.

7. It is alleged by the petitioner that the procedure of referring the matter for review DPC was not followed. We do not find any discussion on that issue in the order passed by the Tribunal or the High Court.

8. We, therefore, close the Contempt Petition. We however make it clear that, in case the petitioner is not satisfied, or is of the view that the order passed in his favour suffers from serious legal infirmity, it shall be open to him to pursue the remedies in accordance with law. There shall be no order as to costs.

(Aradhana Johri)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/Mbt/