

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

CONTEMPT PETITION NO.170/00007/2018

ORIGINAL APPLICATION No.170/00465/2017

DATED THIS THE 27th DAY OF APRIL, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PK.PRADHAN, MEMBER(A)

Solomon DB Chenji,  
Age 60 years,  
S/o Sri.John Chenji,  
Retired Deputy Legal Advisor,  
Branch Secretariat,  
Kendriya Sadan,  
Koramangala,  
Bengaluru-560 034.  
presently residing at  
No.2-282/2,  
Reads Pet,  
Kongareddy Palli,  
Chittur District 517 007

...Petitioner

(By Shri PA.Kulakarni..... Advocate)

Vs.

Mr.Suresh Chandra,  
Law Secretary,  
Ministry of Law and Justice,  
Department of Legal Affairs,  
Shastri Bhawan,  
New Delhi-110115.

...Respondent

(By Shri S.Prakash Shetty.. Senior Panel Counsel )

(By Shri VN.Holla.. Senior Panel Counsel )

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. We heard both counsel. Respondents file Annexure A along with the reply indicating that they have complied with the order which we quote below:-

“ F.No.A-19011/4/200-|Admn.I(LA)  
Ministry of Law and Justice  
Department of Legal Affairs  
Shastri Bhawan, New Delhi  
Dated 22<sup>nd</sup> February 2018.

To  
Shri Solomon DB Chenji,  
No.2-282/2,  
Reads Pet, Kongareddy Palli,  
Chittur District 517 007.

Sub: Compliance of directions of CAT, Bengaluru  
Bench in OA. No.170/00465/2017.

Sir,

I am directed to refer to your letter dated 12.9.2017 and Hon'ble CAT, Bengaluru Bench's directions dated 6.9.2017 in OA. No.170/00465/2017 and to say that pursuant to the directions of the Hon'ble Tribunal the matter was considered in this Department and it is conveyed that the delay in your promotion as Deputy Legal Adviser, w.e.f 23.2.2015 and not from an earlier date was not malicious, as alleged.

2. In this context, it is submitted that matter has been examined afresh and it is stated that 14 posts including DPC mode, after obtaining one time relaxation from DoP&T and UPSC for diversion of posts of DLA of Direct Recruitment to promotion quota. However, the aforesaid diversion of posts from direct recruitment to promotion quota was challenged in 4 different OAs and further agitated before the Delhi High Court, wherein the Department did not get a favorable verdict. Accordingly, a SLP has been filed by the Department which is still pending before the Supreme Court.

3. As a result of pending litigation, promotions of Departmental officers could not be processed. The matter has been examined for the reasons dwelt upon in the preceding para, his request for promotion from a retrospective date to the grade of Deputy Legal Adviser could not be agreed to.

4. The above position was brought to the notice of Law Secretary on 18.9.2017 and a decision in terms as stated in para 2 above was taken in the matter on 11.10.2017. It is however, regretted that the same could not be communicated timely.

Yours faithfully,

(AR.Joshi)  
Deputy Secretary to the  
Govt. of India “

2. This being the position, we cannot do anything else in the matter other than giving liberty to the applicant to file a fresh OA and challenge this on grounds available. Therefore, Contempt Petition is closed. Notices are discharged. No order as to costs.

(PK.PRADHAN )  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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Annexures referred to by the petitioner in CP/170/00007/2018

Annexure C-1: Certified copy of Final order in OA.No.465/2017 dated 6.9.2017 passed by CAT, Bangalore Bench.

Annexure C-2: Copy of the forwarding letter dated 12.9.2017

Annexure C-3: Copy of representation dated 14.9.2017 submitted in person

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