

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Civil Contempt Petition No.200/46/2018
(in OA No.1156/2017)

Jabalpur, this Monday, the 12th day of November, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Shri Yogendra Babu Sharma
(Age 50 years)
Type-V/4 GPRA
Income Tax Colony
Bharat Nagar
Bhopal 462039

-Applicant

(Petitioner present in person)

V e r s u s

1. Shri U.P. Singh
Secretary
Ministry of Water Resources RD& GR
Government of India
Sharam Shakti Bhawan
Rafi Marg, New Delhi-110001

2. Shri Rakesh Kumar Gupta
Secretary Union Public Service Commission
Dholpur House
Shahajahan Road
New Delhi 110069

3. Shri K.C. Naik
Chairman,
Central Ground Water Board
Bhujal Bhawan

N.H.IV Faridabad
(By Advocate –Shri S.P. Singh for respondents Nos.1 & 3, Shri Santosh Vishwakarma proxy counsel for Shri Mohan Sausarkar for respondent No.2)

- Respondents

O R D E R (Oral)**By Ramesh Singh Thakur, JM:-**

This Contempt Petition has been moved by the petitioner against the respondents alleging that the respondents have allegedly had not followed the order of this Tribunal specifically in Para 5 which reads as under :-

“5. That, this Hon’ble Tribunal passed an order on 20th July 2018 in M.A. No.200/438/2018 of O.A. No.1156 of 2017 stopping all future promotions to the post of Superintending Engineers and Regional Directors in Central Ground Water Board. A copy of the order is annexed as Annexure CPI.”

2. The replying respondents have specifically submitted that a meeting of supplementary DPC was convened in UPSC on 04.07.2018 for promotion to the post of Regional Director in Central Ground Water Board for the vacancy year 2017-18. The original DPC meeting was held on 07.06.2017 but subsequently one vacancy in the post of Regional Director (Engineering Stream) occurred on 23.01.2018. Since the vacancy could not be foreseen at the time of the original DPC meeting held on 07.06.2017, holding the said supplementary DPC on 04.07.2018 was necessitated.

3. It has been specifically submitted by the replying respondents that the DPC meeting was held on 04.07.2018 whereas the ex-parte interim order of this Tribunal was pronounced on 20.07.2018 around 16 days after holding the DPC. It has further

specifically submitted that the Commission has not convened any meeting of DPC for promotion either to the post of Superintending Engineer or Regional Director in CGWB after the passing of the order dated 20.07.2018 by this Tribunal in M.A. No.200/438/2018 in O.A. No.200/1156/2017.

4. Vide order dated 20.07.2018 in MA No.200/438/2018 (in O.A. No.200/1156/2017) this Tribunal has passed the following order:-

"We have considered the matter and direct the official respondents that no DPC should be held for promotion to Superintending Engineers and Regional Directors in the organization."

5. It is very clear from our order dated 20.07.2018 that we have directed the official respondents, that no DPC should be held for promotion to the post of Regional Director for the vacancy year 2017-18. It is clear from the reply of the respondent/contemnors that the DPC was earlier held on 07.06.2017 for the one vacancy for the post of Regional Director for vacancy year 2017-18 and supplementary DPC was held on 04.07.2018 i.e. around 16 days before passing of order dated 20.07.2018.

6. It is very clear from our order dated 20.07.2018 that we have directed the respondents that no DPC should be held whereas the DPC was done earlier on 04.07.2018. It is relevant to mention that the applicant/petitioner has misinterpreted, rather remissed our

order. The said misinterpretation and remiss of our order has been done for his own purpose. So, the said averments made in Para 5 is deprecated and it is not expected from any persons to interpret or modify or delete or add our order in any form. So there is misuse of due process of law.

7. In view of the above, we dismiss this Contempt Petition and respondents are discharged from the notice of contempt.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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