

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

**Contempt Petition No. 48 of 2016
In
Original Application No. 413 of 2016**

This the 18th day of September, 2018

**Hon'ble Mr. Sanjeev Kumar Kaushik, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A**

Ajay Kumar, aged about 58 years, S/o Sri Rashik Bihari Lal Srivastava, R/o B-1/71 Sector B, Aliganj, Lucknow.

.....Applicant

By Advocate : None

Versus.

1. Sri G. Mohan, Secretary, Ministry of Defence, New Delhi
2. Sri Sanjiv Talwar, Engineer in Chief, HQ, E-in-C's Br. Integrated HQ of Ministry of Defence (Army), Kashmir House, 4 Rajaji Marg, New Delhi.

.....Respondents.

By Advocate : Sri P.C. Rai for Sri P.K. Singh

O R D E R (ORAL)

By Sanjeev Kumar Kaushik Member-J

The present Contempt petition has been filed for alleging non-compliance of the order of this Court dated 14th March, 2016 where directions were issued to the respondents to hold review DPC within three months from the date of receipt of copy of the order and if the petitioner is found eligible, then he be promoted notionally from the date of his juniors and actually from the date of taking over charge as Chief Engineer.

2. After notice, the respondents have filed various Compliance Affidavits and in their Compliance Affidavit dated 5.9.2017 they have annexed a copy of the order dated 27.6.2017 whereby the petitioner was promoted to the post of Chief Engineer in the pay scale of Rs. 37000-67000/- with Grade Pay of Rs. 10,000/- (VIth CPC) in the Military Engineer Service of the Ministry of Defence against the vacancies for the year 2013-14.

3. Sri G.S. Sikarwar, learned counsel appearing on behalf of the respondents and Maj Snigdha Sharma, SO (J) PERS, who is present in the Court apprised this Court that the petitioner has also been given seniority from the date of his immediate junior Sri Vijay Kumar Gupta w.e.f. 28.11.2014. They have also apprised that the petitioner has already retired from service on 31.7.2018 on attaining the age of superannuation. Therefore, it is prayed that the present Contempt Petition be closed.

4. In all fairness, they have submitted that a plea has been raised by the petitioner that he had to be posted as Chief Engineer in the zone, which is not as per submission of the order; whereas the order was to hold review DPC and if the petitioner is found eligible then he be granted notional promotion from the date of his juniors and actually from the date of his taking over charge of the post of Chief Engineer. Therefore, it is prayed that they have complied with the order of this Court and CCP be dismissed.

5. In the wake of above, having no other option but to dismiss the Contempt Petition as the order of this Court has been fully complied with. Accordingly Contempt Petition is closed and notices issued to the respondents are hereby discharged.

(Devendra Chaudhry)
Member-A

(Sanjeev Kaushik)
Member-J

Girish/-