

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.**

**CONTEMPT PETITION NO.05 OF 2016  
IN  
ORIGINAL APPLICATION NO. 587 OF 2012**

**Date Of Decision:- 12<sup>th</sup> October 2018.**

**CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).  
HON'BLE SMT. RAVINDER KAUR, MEMBER (J).**

*Vikas Chand Chaturvedi*

General Manager

Securities and Exchange Board of India,  
SEBI Bhavan, Plot No.C4-A, G-Block  
Bandra Kurla Complex, Bandra (East)  
Mumbai 400051.

Residing at: 1303, I-Block,  
13<sup>th</sup> Floor, Hyderabad Estate,  
L.D. Ruparel Marg, Mumbai 400006.

....*Petitioner*

*(Petitioner by Advocate Shri. L.S. Shetty)*

**Versus**

**1. The Union of India,**

Through the Secretary to Government of India  
Department of Personnel & Training,  
North Block, New Delhi 110001.

**2. The Secretary**

Department of Atomic Energy  
Anushakti Nagar,  
CSM Marg  
Mumbai 400001.

**3. The Chairman Forward Markets Commission**

“Everest”, 3<sup>rd</sup> Floor,  
100, Marine Lines,  
Mumbai 400001.  
(now dissolved w.e.f. 29.09.2015.)

**4. G.N. Singh**

Director, Department of Consumer Affairs

Ministry of Consumer Affairs, Food & Public Distribution  
Krishi Bhavan, 3<sup>rd</sup> Floor,  
Dr. Rajendra Prasad Marg,  
New Delhi.

....*Respondents*  
**(Respondents by Advocate Shri. S.C. Dhawan)**  
*and*

**1. Mr. Sanjay Kothari**  
Secretary to Government of India  
Department of Personnel & Training  
North Block  
New Delhi 110001.

...*Contemnor*

**ORDER (ORAL)**

**PER:- SHRI. R. VIJAYKUMAR, MEMBER (A).**

1. Shri. L. S. Shetty, learned counsel for Contempt Petitioner. Shri. S.C. Dhawan, learned counsel for respondents.
2. The respondents have filed their compliance affidavit on 05.06.2018 by which they have obeyed the directions of the Tribunal to conduct a Review DPC and to promote the applicant. Directions are also issued in the same matter to fix his pay on notional basis in terms of the provisions of FR-22.
3. The learned counsel for Contempt Petitioner argues that promotion as Deputy Secretary has been given on 01.07.2006 and thereafter, he has also received in October 2018, orders for promotion as Director and is awaiting promotion as Joint Secretary for which he seeks the intervention of this Tribunal. It is apparent from the orders passed by this Tribunal that the

respondents were given directions to consider the applicant for promotion as Deputy Secretary from the year 2006 and with consequential effects. Any further promotion would be as per his entitlement in accordance with law but these cannot form part of claims made in the contempt petition nor can this Tribunal exercise any discretion to pass any orders in a motion of contempt nor on matters which are not before it and which should have been filed by way of a regular OA in case the applicant has a cause of action.

4. In the circumstances, the said Contempt Petition is closed. Notices are discharged.

*(Smt. Ravinder Kaur)*  
*Member (J)*

*(R. Vijaykumar)*  
*Member (A)*

*srp*