

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.
CP/050/00087/2016
[OA/050/00528/2016]

Date of CAV - 1st May, 2019

Date of order : 22.05.2019

C O R A M

Hon'ble Shri Jayesh V. Bhairavia, Member [Judicial]
Hon'ble Shri Dinesh Sharma, Member [Administrative]

L.M.Jha, son of late Braj Bhushan Jha, Chief Administrative Officer
[Construction]/South East Central Railway, Mahendru Ghat, PO –
Bankipur, P.S. – Pirbahore, Town & District – Patna.

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Applicant.

By advocate : Shri M.P.Dixit

Vs.

1. sri A.K. Mital, the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.
2. Sri Bhanupratap Sharma, the Secretary, Department of Personnel & Training, North Block, New Delhi – 110 001.
3. R.K.Verma, the Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi – 110 001.

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Respondents.

By advocate : Mr. Mukundjee and Mr. S.K.Ravi

O R D E R

Per Jayesh V. Bhairavia , Member [J] : The present contempt petition has been filed for non compliance of the order dated 09.09.2016 passed in OA/05000528/2016.

2. It is noticed that this Tribunal, vide its order dated 9th September, 2016, directed the respondents to reconsider the applicant's case for empanelment within a period of two months from the date of receipt of a copy of the order and if as a result of such reconsideration the applicant gets empanelled, he would be placed at his appropriate seniority in the same panel for the year 2016-17 as notified vide order dated 14.07.2016.

3. Notices to the alleged contemners were issued on 01.12.2016.

The alleged contemners filed their show cause as also supplementary show cause stating therein that the order passed by this Tribunal was challenged by the respondents before the Hon'ble High Court of Judicature at Patna in Civil Writ Jurisdiction No.20133 of 2016, which was dismissed vide order dated 16.02.2017.

4. Thereafter, the respondents referred the matter to the Railway Board for taking appropriate decision in compliance of the order passed in OA/050/528/2016 on 09.09.2016. It is noticed that during the pendency of the present contempt petition, the respondents have re-considered the case of the applicant by holding a Review Selection Committee/DPC. The minutes of the said Review Selection Committee/DPC and its decision has been produced by the learned counsel for the alleged contemnors in sealed cover, which was opened on 20.09.2017 by this Tribunal in presence of Id. Counsel for the parties. The Tribunal, vide its order dated 20.09.2017 observed that – “The Review Selection Committee/DPC has re-considered the matter and declared the applicant unfit”. However, the Contempt Petition was adjourned since the Senior Panel Counsel for the respondents, Shri Mukundjee was unwell.

5. Today we have again perused the proceedings of Review Selection Committee/DPC held on 23.02.2017. The said committee has taken into consideration the order passed by this Tribunal on 09.09.2016 in the aforesaid OA and after considering the eligibility criteria laid down for consideration for empanelment for the post of

General Managers and equivalent in para 7.2 of the Resolution dated 16.07.1986 as amended from time to time and considering the APAR dossier for the preceding five years as also the DOPT's guidelines no.22011/5/86 dated 10.04.1989 for DPCs to ensure greater selectivity in matters of promotion the posts in Higher Administrative Grades, and after considering the overall performance of the applicant, they do not find his performance meritorious enough with reference to the requirements of the post of General Manager.

6. Considering the aforesaid steps taken by the respondents by holding the Review Selection Committee/DPC for promotion of the applicant as General Manager, in compliance of the order passed by this Tribunal in the aforesaid OA, we are of the considered view that the respondents have complied with the orders passed by this Tribunal, hence the contempt petition is dropped and notices issued to the alleged contemners are hereby discharged. No costs.

Sd/-

[Dinesh Sharma]M[A]

sd/-

[Jayesh V. Bhairavia]M[J]

mps.