

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00827/16**

Reserved on: 03.01.2019
Pronounced on: 18.01.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Lakshman Singh, S/o Late Nand Kishore Singh, resident of Village & P.O.- Karja, PS- Kajra, Distt.- Muzaffarpur.

..... Applicant.

- By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Director of Postal Services, Northern Region, Muzaffarpur.
5. The Sr. Superintendent of Post Offices, Muzaffarpur Division, Muzaffarpur.

..... Respondents.

- By Advocate(s): - Mr. Bindhyachal Rai

O R D E R

Per Dinesh Sharma, A.M.:- The case of the applicant is that he has not been given his due promotion along with his juniors apparently because of the currency of a punishment of stoppage of increment of one year without cumulative effect though as per the relevant circular such punishment should not have been a bar for his promotion. He had filed OA 742/2005 which was decided on 24.03.2011 wherein this Tribunal had directed the respondents to consider the case of the applicant for promotion to HSG-II (Non-based cadre) along with others including his juniors who were

considered in DPC held on 11.03.2005. The Tribunal had also directed to promot him in HSG-II cadre, if found suitable, w.e.f. the date on which effect of penalty of withholding one increment was over. This order was later amended on a review application by the applicant to add the following:-

“ It is implied that if the applicant has been given consideration for promotion to HSG-II in terms of Tribunal’s order and if he has succeeded, he should be considered by the respondents for promotion to HSG-I as per rules.”

2. A meeting of the DPC weld held on 17.09.2015 in which the DPC did not recommend promotion to HSG-II Grade stating that “as the official was given notional promotion in LSG cadre w.e.f. 01.07.2005, hence the official has not completed 3 years regular service in LSG (NB) being his retirement on 30.11.2006.”
3. The applicant challenged this decision of the DPC as a contempt matter in CP/050/00044/15 in which the Tribunal found as follows:

“ In view of the above, it becomes abundantly clear that the respondents have fully complied with the directions of this Tribunal, although the outcome has not been in favour of the applicant. That being the case, the contempt petition is dropped and the notices issued to the alleged contemnors are hereby discharged.”

4. The applicant has now challenged the same decision of the DPC as erroneous and bad in law and sought for setting it aside. He has again prayed for convening a special DPC to consider and decide the claim of the applicant for his promotion to HSG-II and HSG-I w.e.f. the date of his batchmates.

5. We have gone through the pleadings and heard the learned counsels of both the sides. What the applicant's prayer now is exactly the same that was before this Tribunal in OA 742/2005. The decision of the DPC in compliance of the decision of this Tribunal has been found to be in full compliance with the direction of this Tribunal and therefore the contempt petition was dropped. Bringing another OA seeking the same relief is, therefore, not justified in the absence of any new facts or further developments in this case. The OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member