

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP 3/2011 in
OA 3173/2003**

New Delhi this the 7th day of January, 2011

Hon'ble Mr. Justice V.K.Bali, Chairman
Hon'ble Mr. L.K.Joshi, Vice Chairman (A)

Madan Lal S/o Shri Dhanna Ram,
Retd. Chief Inquiry Inspector/ HQ
50-A/1, Rakesh Marg, Ghaziabad

... Petitioner

(Appeared in person)

VERSUS

1. Shri S.K. Bhudhlakoti,
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Shri Suresh Seth,
Chief Personal Officer, N. Rly.,
Baroda House, New Delhi.

... Respondents

ORDER

Mr. L.K. Joshi, Vice Chairman (A):

This Contempt Petition has been filed complaining that the directions issued by this Tribunal in its judgement dated 11.08.2008 in OA number 3173/2003, upheld by the Honourable Delhi High Court in WP© number 8432/2008 by judgement dated 01.12.2009, have not been fully complied with.

2. The following directions were given in the judgement in OA number 3173/2003:

"11. Resultantly, OA is allowed to the extent that the respondents shall decide subjecting the applicant to selection test for the post of ACM and as per its result or otherwise consider him for promotion to the post of ACM on notional basis from the date his juniors have been considered. In case of promotion, his pensionary benefits

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shall be revised with the entitlement of arrears thereof. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs."

3. The Petitioner had approached this Tribunal earlier in Contempt Petition number 39/2009, which was closed after the Respondents had stated that the written test would be conducted on 29.03.2010. It is seen from the order dated 12.11.2010 of the Northern Railway, placed on record by the Petitioner, that a written test was held on 29.03.2010 and supplementary interview was held on 26.08.2010. Consequently he was placed in the panel for the assessment period from 01.04.2003 to 31.03.2005. By an order dated 15.12.2010, placed at page 15 of the petition, directions have been given by the competent authority for fixation of the pay of the Petitioner on notional basis in Group 'B' and for revising his entitlement for pension.

4. The only contention raised by the Petitioner, who appeared in person, was that the Respondents have delayed the implementation of the directions of this Tribunal. This is not a sufficient ground for contempt petition. The judgement of this Tribunal had been challenged before the Honourable Delhi High Court, which decided the matter in December 2009. Thereafter the Respondents held the written test in March 2010 and the interview in August 2010. The benefit of promotion, on notional basis, has been given to the Petitioner in November 2010. Directions for giving the benefit of the revised pension have been passed only 15 days back. From the sequence of events, it is clear that there is no wilful disobedience of the directions of this Tribunal by the Respondents. There has been substantial

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compliance of the directions.



5. In view of the above the Contempt Petition is dismissed at the threshold.


(L.K.Joshi)
Vice Chairman (A)


(V.K.Bali)
Chairman

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