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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.326/2002 IN
O.A.NO.3287/2001

Tuesday, this the 13th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Pradipta Kumar Kar
s/o Shri Narasinha Kar
Aged 44 years
r/o Type-III, Qrs.No.11
New Block Central Revenue Colony
Rajaswa Vihar
Bhubaneswar - 751004

..Petitioner

(By Advocate: Shri Kalyan Dutt for Shri A.K.Behera)

Versus

1. Dr. S. Narayan
Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi
2. Shri P.K.Sharma
Chairman
Central Board of Direct Taxes
North Block, New Delhi
3. Shri S.S.Khan
Director of Income Tax (System)
ARA Centre
E-2, Jhandewalan Extension
Ground Floor
New Delhi-55
4. Shri G.P.Nanda
Chief Commissioner of Income Tax
(Orissa Region)
1st Floor, Aayakar Bhawan
Rajaswa Vihar
Bhubaneswar - 751 004

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The petitioner, who is a Programme Assistant/
Console Operator re-designated as Data Processing
Assistant Group 'B', is an aspirant for promotion to the
post of Programmer re-designated as Assistant Director
(Systems). He came up before us through OA-3287/2001

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seeking promotion as above on the basis of orders passed by this Tribunal in another OA, being OA-2516/2000. In the aforesaid OA, directions, as follows, were issued for compliance by the respondents:-

"ii) Declare that the service rendered by the applicants as Programme Assistant/ Console Operator from the date of their initial deputation to the date of their absorption as regular service for the purpose of being considered for promotion as Programmer, Group 'A'/Assistant Director System;

iii) Direct the respondents to consider the applicants for promotion as Programmer Group 'A'/Assistant Director, System from the due date and to promote them as such from the said date, if found fit by the DPC/review DPC with all consequential benefits."

2. After consideration, the OA-3287/2001 filed by the petitioner was disposed of with a direction to the respondents to consider the petitioner's claim by having regard to the directions earlier issued by the Tribunal in the aforesaid OA-2516/2000. A period of two months was given to the respondents to comply with the aforesaid directions. Later, the aforesaid period was extended by another two months.

3. The learned proxy counsel appearing on behalf of the petitioner submits that though the respondents have complied with the directions of this Tribunal in the aforesaid OA-2516/2000, they have failed to do the same in respect of the petitioner herein even after the time period for complying with the directions of the Tribunal has been extended as above. Since the relief sought by the petitioner has been delayed despite the Tribunal's

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directions, the petitioner has filed a detailed representation dated 17.4.2002. To this also, there has been no response.

4. We have considered the submissions made by the learned proxy counsel and have carefully noted his plea that by not complying with the Tribunal's directions in OA-3287/2001 filed by the petitioner, the respondents are discriminating against the petitioner, vis-a-vis, the applicants in OA-2516/2000. This discrimination, according to the learned proxy counsel, is without any basis in law or in fact. Taking note of this fact, we find that it will in order to dispose of the present Contempt Petition at this very stage with a direction to the respondents to ensure compliance of our directions just in the same way in which the order^s passed in OA-2516/2000 has been complied with vide order dated 27/28.6.2002 place at A-4. We direct accordingly. These directions will be carried out within a period of two weeks from the date of receipt of a copy of this order.

5. The present Contempt Petition is disposed of in the aforestated terms.

Issue Dasti.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

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