

Central Administrative Tribunal
Principal Bench

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CP No.206/95 in OA No.1066/94

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New Delhi, this the 29th day of March, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman (J)
Hon'ble Shri B.K. Singh, Member (A)

1. Shiv Dayal s/o Late Ganesh Das,
r/o 2/145, Subhash Nagar,
New Delhi- 110 027.Petitioner
(By Shri Ranjan Dwivedi, Advocate)

Versus

1. M.R.Sivaraman,
Secretary Revenue, Min. of Finance,
Dept. of Revenue(Ad-II-A),
North Block, New Delhi.

2. Shri A.M. Prasad,
Director General of Inspection,
Customs & Central Excise,
D-Block, I.P.Estate,
New Delhi.Respondents
(By Shri V.S.R.Krishna, Advocate)

O R D E R (ORAL)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman.

Heard the learned counsel on either side.

This C.P. arises out of the order dated 9th March, 1995 passed in O.A. No. 1066/94 which was disposed off with a direction to the respondents to consider the fixation of pay of the petitioner on his promotion to the post of Assistant w.e.f. 1.6.1989 in terms of the averments in the letters referred to in the judgement as also of the judgement of the Hon'ble Supreme Court in B.K. Jain Vs. U.O.I. to give the applicant a speaking order.

2. Alleging that the direction contained in the judgement has not been complied with and that inaction on the part of the respondents amounts to a defiance of the orders of the Tribunal, the petitioner has filed this

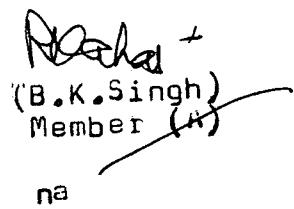
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Contempt Petition praying that action under the Contempt of Courts Act may be initiated against the respondents.

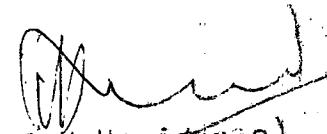
3. Notice having been served on the respondents, a reply has been filed on behalf of the respondents in which it has been stated that the direction contained in the order has been fully complied with by fixing the pay of the petitioner according to the direction given in the judgement and instructions for disbursement of the arrears has been given by order dated 8.11.1995, a copy of the order has also been annexed to the reply statement. It has also been stated that there has been some delay in finalizing the matter and which has been highly regretted. The respondents, therefore, pray that taking into account that there was no intention for defiance of the orders of the Tribunal, the Contempt Petition may be closed.

4. The petitioner has filed the rejoinder stating that one Deputy Director of Inspection (Admn.) Shri K.N. Gupta on 19.10.1995 issued a reply to his representation stating that the judgement in B.K. Jain's case is not applicable to him. The petitioner, therefore, contends that the contempt is still there.

5. When the matter came up for hearing, we notice that the respondents have substantially complied with the direction contained in the judgement dated 9th March, 1995 and, therefore, we find no reason to proceed further with this Contempt Petition. Hence, the Contempt Petition is closed and the notices discharged.


(B.K. Singh)
Member (A)

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(A.V. Haridasan)
Vice-Chairman (J)