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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No.176/2001

IN

OA No.1514/1995

New Delhi: this the 18th day of October, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

1. Prabhu Lal,
S/o Shri Pura Ram,
R/o 5/171, Lalita park,
Laxmi Nagar,
Delhi.

2. Mam Raj,
S/o Shri Hem Chander,
R/o 407, Chirag Delhi,
New Delhi

.....Petitioners.

(By Advocate: Shri Sarvesh Bisaria)

Versus

1. Dr. S.Narayan,
Secretary,
Ministry of Finance,
(Department of Revenue),
New Delhi.

2. Shri M.M.Joshi,
Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi.

3. Shri A.Balasubramaniam,
Chief Commissioner (Admn),
Income Tax Office,
IP Estate,
New Delhi

.....Respondents.

(By Advocate: Shri V.P.Uppal).

ORDER

S.R.Adige, VC (A):

Heard both sides on C.P.No.176/2001 alleging
contumacious disobedience of the Tribunal's order
dated 27.3.2000 in OA No.1514/95.

2. In OA No.1514/95 applicants had impugned
respondents' order dated 6.7.95 rejecting their

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representation made pursuant to the Tribunal's directions dated 25.3.94 in OA No. 673/89 and OA No. 1085/89, regarding their claims for promotion from the grade of Income Tax Inspector to that of Income Tax Officer under SC/ST quota. The Tribunal disposed of OA No. 1514/95 by order dated 27.3.2000 with a direction to consider the whole issue afresh and from a speaking order thereon.

3. When the present CP came up for hearing, the Bench on 18.5.2001 upon noting that respondents' letter dated 12.3.2001 (Annexure-3) was no compliance of the aforesaid order of the Tribunal dated 27.3.2000 observed that a prima facie case of contempt was made out and directed issue of notices to respondents.

4. Pursuant to the same, respondents have now issued detailed order dated 27.7.2001 (Annexure-RC II).

5. Shri Bisaria has vehemently contended that the aforesaid order dated 27.7.2001 contains several inaccuracies, and thereby respondents are guilty of contempt of Court.

6. Having regard to the Hon'ble Supreme Court's ruling in J.S. Parihar Vs. G. Duggar & Ors. JT 1996(9) SC 608, the issue of respondents' order dated 27.7.2001 gives applicant a separate cause of action, and though issued with some delay ^{the same} cannot be considered violation of the Tribunal's order dated 27.3.2000. It is open to applicant to challenge respondents' order dated 27.7.2001 separately in accordance with law, if so advised.

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7. Giving leave to applicant, as aforesaid the present CP is dropped. Notices discharged.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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