

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 153/2001 in  
OA 833/2000

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New Delhi this the 17th day of December, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.K.Malhotra, Member (A)

Bani Singh  
S/O Late Shri Ram Lal  
R/O D 208 Anand Vihar,  
Delhi-110092

..Petitioner

(By Advocate Shri Harvir Singh )

VERSUS

1. Shri Ajay Vikram Singh,  
Secretary, Revenue, Ministry  
of Finance, North Block,  
New Delhi.
2. Shri P.K.Sarma,  
Chairman,  
Central Board of Direct Taxes,  
North Block, New Delhi.
3. Dr.Vinay Singh  
Under Secretary (V&L),  
Central Board of Direct Taxes,  
North Block, New Delhi.

..Respondents

(By Advocate Shri V.P.Uppal )

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri Harvir Singh, learned counsel for the petitioner and Shri V.P.Uppal, learned counsel for the respondents. Both the learned counsel have referred to the directions contained in Tribunal's order dated 6.2.2001 in OA 833/2000 read with the Hon'ble Delhi High Court's order dated 1.10.2002. We have also read and re-read these orders which are very relevant in the context of the CP filed by the petitioner with regard to the subsequent orders issued by the respondents dated 2/3.12.2002 and 4.12.2002. By the order issued by the respondents

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subsequent to the orders passed by the Tribunal and the Hon'ble High Court, we note that the respondents have indeed complied with the Tribunal's order with regard to the reinstatement/ posting of the petitioner in an appropriate post in Delhi w.e.f. 6.2.2001, i.e., the date of the Tribunal's order.

2. However, Shri Harvir Singh, learned counsel for the petitioner has submitted that the order dated 2/3.12.2002 issued by the respondents revoking the order of suspension of the petitioner from the date of Tribunal's order i.e. 6.2.2001, subject to any SLP that may be filed by the respondents in the Hon'ble Supreme Court against the High Court's order is contumacious disobedience of the Tribunal's order. In the <sup>34</sup> context, it is noticed that the Hon'ble High Court in the order dated 1.10.2002 has also left it open to the petitioners (UOI) to consider the desirability of passing another order of suspension in accordance with law which apparently has not been done. However, after seeing the orders of the Tribunal and the Hon'ble High Court, we find no good grounds to continue with this CP, <sup>34</sup> as it is not apparent that there is any contumacious or wilful disobedience of the Tribunal's order which may be subject to more than one interpretation. In the circumstances, CP 153/2001 is dismissed. Notices issued to the alleged contemnors are discharged.

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3. In the peculiar facts and circumstances of the case, as prayed for by Shri Harvir Singh, learned counsel, liberty is granted to the petitioner to proceed in the matter if he is still aggrieved by any order passed by the respondents, in accordance with law.

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( S.K.Malhotra )  
Member (A)

Lakshmi

( Smt.Lakshmi Swaminathan )  
Vice Chairman(J)

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