

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

CP 31/99 in OA 4/92

New Delhi, this the 26th day of May, 1999

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HON'BLE SHRI T. N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

Sukhdev Chand s/o Late Mehanga Ram,
R/o A-103, Mansarovar Colony,
Vaishali Nagar,
Ajmer.

...Petitioner

(By Advocate: Shri P.P. Khurana)

Versus

1. Sh. Javed Chaudhary,
Secretary,
Deptt. of Revenue,
Ministry of Finance,
North Block, New Delhi.

2. Shri Ravi Kant,
Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.

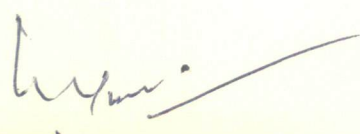
...Respondents

(By Advocate: Shri V.P. Uppal)

J U D G M E N T

By Hon'ble Shri T.N. Bhat, Member (J)

The petitioner herein was one of six persons who had filed separate OAs in this Tribunal seeking directions to the respondents to promote those applicants as Commissioners of Income Tax in pursuance of the meeting of the DPC held in October 1986, September 1987 and April, 1988. By a common judgement dated 12.9.1997 this Tribunal disposed of all the six OAs including the petitioner's OA, being OA No. 4/92, with a direction to the respondents to consider inclusion of the applicants in those OAs in the panel for promotion as Commissioners of Income Tax w.e.f. September, 1987 and April, 1988 by making applicable to them similar standards as had been applied in the cases of Shri Panna Lal, Smt. Baljit Mathiyani and Smt. Rama Rani Hota. The respondents were further directed to comply with the directions within four months from the date of receipt of a copy of that judgement.



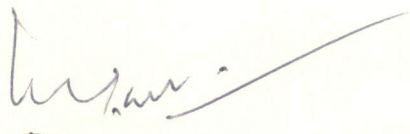
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2. The petitioner has now filed this Contempt Petition alleging wilful disobedience of the directions of this Tribunal as contained in the aforesaid judgement dated 12.9.1997, in that, the respondents have done little to work out the correct promotion list after considering the name of the petitioner according to the same standards as had been applied to aforesaid three persons, namely, Shri Panna Lal and others.

3. The Chairman, Central Board of Direct Taxes has filed a compliance affidavit in which it is stated that the competent authority had considered the case of the petitioner for inclusion of his name in the panel for promotion to the post of Commissioner of Income Tax, but that after a detailed examination and evaluation of each of his confidential reports of the relevant years vis-a-vis Sh. Panna Lal, Smt. Mathiyani and Smt. Hota, the competent authority had come to the conclusion that the applicant could not qualify for promotion to the said post.

4. We have heard the learned counsel for the parties and have perused the material on record.

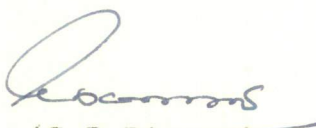
5. During the course of his arguments the learned counsel for the respondents produced before us a copy of the order dated 8.3.1999 passed by this very Bench in the Contempt Petition filed by the applicant in OA 454/94 which OA was also disposed of by the aforesaid common judgement dated 12.9.1997. A CCP had been filed on identical grounds by Shri Gopala. After considering the submissions made by the learned counsel for the parties the Tribunal dismissed that contempt petition on the ground that no contempt was



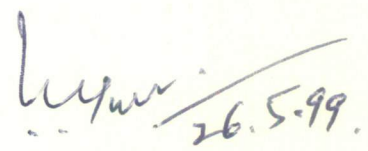
made out, as there was no presumption that the respondents while considering the case of the petitioner therein according to the standards which had been made applicable to Shri Panna Lal and others had committed any contempt and had deliberately contravened the directions of the Tribunal. While conceding that the respondents might have committed some error in considering the case of the petitioner therein so far as the correct grading based upon the confidential records is concerned it was, however, held that this would give a fresh cause of action to the petitioner in that CP to assail the action of the respondents in not including his name in the panel.

6. The aforesaid reasoning would apply with equal force to the instant C.P. and to the contention of the petitioner that the respondents have failed to correctly implement the judgement and to give the appropriate grading to the petitioner according to the standards applied to Shri Panna Lal & Ors. In our view this by itself would not amount to contempt though it would give the petitioner herein a fresh cause of action.

7. In view of the above, we find no ground to proceed further in this contempt petition. These proceedings are accordingly dropped and notice issued to the respondent is hereby discharged.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)