

OPEN COURT**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD****PRESENT:****HON'BLE MR.JUSTICE A.K.YOG, MEMBER-J****HON'BLE MRS.MANJULIKA GAUTAM, MEMBER-A**

Allahabad this the 8th day of April, 2009

Contempt Petition 100/2007 in O.A.767/2002

1. Ashok Kumar S/o late Badhoo Ram,
R/ DSI/82, Suraj Kund,
Purana Pan Dariba,
Varanasi.
2. Virendra Kumar Sonekar,
S/o Late Basantu Ram Sonekar,
R/o 526/232-B, Mirapur, Bardhi,
Varanasi.
3. Km.Asha Das, D/o Bharat Das,
Typist under Joint Commissioner,
Income Tax Range-II,
Varanasi. ...Petitioners

By Advocate : Sri Pankaj Srivastava

Versus

1. Shri Vinod Kumar,
Chief Commissioner of Income Tax (Admin.)
Ayukt Bhawan, Lucknow.
2. Shailendra Kumar Singh Rawat,
Chief Commissioner of Income-Tax,
Mahatma Gandhi Marg,
Allahabad.
3. Shri R.N. Chaudhari,
Commissioner of Income Tax,
Varanasi. .

...Respondents.

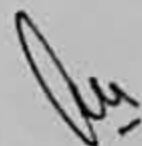
By Advocate : Mr.S.C.Mishra, Sr.Standing Counsel(GOI)

ORDER**HON'BLE MR. JUSTICE A.K.YOG, MEMBER (J)**

Heard learned counsel for the parties.

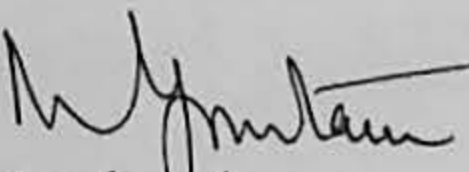
2. According to the applicant he has filed O.A.767/02 (Ashok Kumar &Others Vs. Union of India &Others). This O.A. was finally disposed of by certain observations/directions by means of order dated 27.11.2006. Annexure A-6 of the CP shows that a written application has submitted in the office of the concerned authority on 23.2.07.

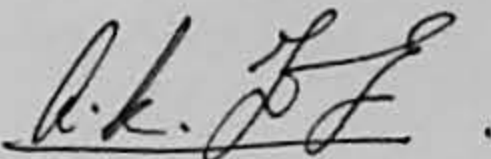
3. Opposite parties have filed counter affidavits giving various reasons in their defence. Without entering into the controversial factual aspect of the case, we find that the opposite parties have filed M.A.4699/02 under Rule 11 of Contempt of Court (CAT) Rules 1992, supported by an affidavit filed by Shri Devashish Roy Chowdhry, Commissioner of Income Tax, Varanasi praying for discharging Contempt Notices. Said Chaudhury, Commissioner of Income Tax has not been impleaded as a party. In para 3 of the counter they have stated that "after considering all the aspects of the case and records available with him passed an order dated 25.9.2008. (Annexure A-1).



4. It is further alleged that there has been no violation of the order of the Tribunal which may prove that it is a case of deliberate or willful disobedience. We discharge contempt notice with liberty to the applicants to seek their remedy as may be available to them under law against the order dated 27.11.2006 (if so advised).

5. Contempt Notice discharged. C.P. is dismissed subject to the above directions . No costs.


Member-A


Member-J

Rv