

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

No.CPC.29 of 2010  
(O.A.1041/1996)

Date of order : 13.07.2011

Present : Hon'ble Mr. Shankar Prasad, Administrative Member  
Hon'ble Mr. Navneet Kumar, Judicial Member

VINCENT/TOPNO

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. M.S. Banerjee, counsel  
Mr. M.K. Bandyopadhyay, counsel

For the respondents : Ms. U. Sanyal, counsel

ORDER

Per Mr. Shankar Prasad, A.M.

Aggrieved by the non-implementation of the order in O.A.No.1041 of 1996 the applicant has preferred the instant contempt application. Para 10 of the order reads as under:-

“10. Consequently, the OA is allowed. The adverse remarks communicated to the applicant in respect of ACR of 1994-95 are hereby quashed. The respondents are directed to hold review DPC to consider the case of the applicant for promotion to the post of ITO for the year in which persons junior to him were considered and given promotion. The exercise of holding review DPC and issuance of the order on the basis of the recommendation of such DPC, should be completed within three months from the date of communication of this order. No costs.”

2. WPCT No.895 of 2002 preferred against the aforesaid orders was dismissed for default on 01.01.2008. It appears that the matter was subsequently recalled but the writ petition has again been dismissed for default on 26.08.2009. It appears from the letter of Sri B. Mishra, advocate appearing for the respondents in this O.A. that the writ petition was restored and dismissed on merit on 14.06.2010 and the respondents were directed to implement the order within 3 months. *A.*

3. A statement was made on 30.11.2010 that the orders passed by the Tribunal had already been complied with and time was sought for filing compliance report. The respondents were directed to file compliance report indicating whether the orders have been complied with within the time frame.

4. It is stated in the reply that the decision was communicated to CBDT. Vide its letter dated 04.10.2011<sup>they &</sup> enclosed the views expressed by Additional Solicitor General of India that no purpose would be served by filing an SLP(Annexure E). After holding the meeting of review DPC, office order dated 10.11.2010 was issued promoting the applicant as ITO and placing him between Sri Jyotirmoy Naskar & Sri Debananda Jha. He was ~~to be~~<sup>to</sup> given the notional promotion from the date of promotion of Sri Jha till the date of his actual promotion on 24.06.1997. Pay of the applicant was refixed on account of antedating of the date of promotion. The order dated 09.12.2010 refixing the pay shows that there was no change in the last pay drawn by the applicant and hence there is no change in the terminal benefits payable to the applicant. The arrears of pay and allowances from 27.06.1997 to 31.12.2005 have been paid to the applicant along with the withheld amount of gratuity.

5. We have heard the ld. counsel. It is submitted at the bar that the juniors to the applicant were promoted to the next higher grade of Assistant Commissioner of Income Tax also. It is, however, seen from the orders passed by the Tribunal that no relief had been granted on this point. We are accordingly of the view that there has been substantial compliance of the order of the Tribunal. The contempt petition is accordingly dropped without issuing any notice to the respondents. It would be open to the applicant to take recourse to such means as may be advised for redressal of grievance surviving, if any. <sup>&</sup> No costs. <sup>A</sup>

V. R. Agarwal  
MEMBER(J)

Shankar Prasad  
MEMBER(A)