

Central Administrative Tribunal, Lucknow Bench, Lucknow
CCP No. 3 1/2004 in O.A. No. 375/2002

this the 25th day of April, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L. SAHNI, MEMBER (J)

George Bharat aged about 30 years son of late S. Bharat r/o Shahpur Post Geetavatika, Gorakhpur c/o Shri N.N. Claudious, D-2/345, Sector C, Jankipuram, Lucknow.

...Applicant

By Advocate: Miss Veena Sinha

Versus

1. Sri P.N. Pathak, Chief Commissioner of Income Tax, Govt. of India, Lucknow.

2. Sri S.J.S. Pal, Commissioner of Income Tax, Allahabad.

3. Sri Yogesh Kumar Srivastava, Administrative Officer, Officer of Deputy Commissioner, Income Tax, Gorakhpur.

...Respondents

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

This contempt petition has been moved by the applicant for willful disobedience of the order dated 29.8.2003 passed in O.A. No. 375/2002.

2. We have heard learned counsel for the applicant.

3. The following orders were passed in the said Original Application:

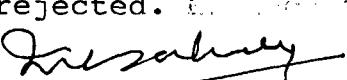
"After hearing the counsel for the parties, we dispose of this O.A. with the direction that the representation of the applicant's dated 9th October, 2001 be decided by the competent authority by a reasoned and speaking order after examining the claim of the applicant."

4. The Chief Commissioner of Income Tax, Lucknow, who was respondent No. 2 in the Original Application, has passed the order of 25th September, 2003 stating that "there is a ban on direct recruitment

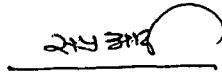
in the cadre of Group 'C' and Group 'D' conveyed vide letter dated 3.12.2002 of Central Board of Direct Taxes, Ministry of Finance, New Delhi." It is further stated in the order "In light of the aforesaid Board's letter, the applicant's representation cannot be considered at the moment. However, as and when, this ban is lifted and if there are vacancies in Group 'C' cadre, then this representation will be considered by the committee constituted for recommending the names for the appointment."

5. The direction issued by this Tribunal was not for considering and rejecting the representation of the applicant for compassionate appointment. The representation was directed to be considered by a reasoned and speaking order after examining the claim of the applicant. Since the competent authority found that there is a ban on the recruitment in the cadre of Group 'C' and Group 'D', no reasoned order other than what was passed by the competent authority was possible to be passed. The order of the competent authority speaks of considering the claim of the petitioner as and when vacancies will be available.

6. In view of the above, we find that no willful disobedience has been made by the competent authority. No contempt as such is made out. The CCP is rejected.


(M.L.Sahni)

Member (J)


(S.P.Arya)

Member (A)

HLS/-