

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI

Dated this Monday the 16th day of August, 2010

Coram: Hon'ble Shri Jog Singh - Member (J)
Hon'ble Shri Sudhakar Mishra - Member (A)

Contempt Petition No.32 of 2007
in
Misc.Petition No.149 of 2004
(OA 1146/96)

Amit Jain,
R.K.Puram, New Delhi.
(By Advocate Shri G.K.Masand) - Applicant

Versus

1. Shri S.K.Singhal,
Chairman,
Central Board of Excise &
Customs, Govt.of India,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi - 110 001.
2. Shri R.K.Mahajan,
Commissioner (G),
New Customs House, Ballard Estate,
Mumbai.
3. Mrs.S.Panda,
Commissioner (Import),
New Customs House, Ballard Estate,
Mumbai - 400 001.

(By Advocate Shri V.S.Masurkar) - Respondent

O R D E R (Oral)

Per: Shri Jog Singh, Member (J)

The present Contempt Petition has been preferred
for non-implementation of Order dated 28.09.2006 passed in
MP No.149/2006 (Amit Jain Vs. Union of India & others).



2. By Order dated 13.6.2001 passed in OA 1146/96, the respondents were directed to extend the benefit of refixation to the applicant in terms of OM dated 7.8.1989 w.e.f. 1.8.1989. The respondents were also directed to fix the pay of the applicant on notional basis and increments and arrears etc. be worked out on that basis only from 1.11.1995. The said directions had to complied with, within a period of four months from the date of the order. The learned counsel for the applicant submits that the said order was not complied with by the respondents and they had approached the Hon'ble High Court in Writ Petition No.516/2002, which was dismissed on 9.8.2002.

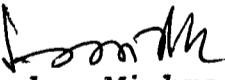
3. It is submitted by the learned counsel for the applicant that the applicant had filed Misc.Petition No.149 of 2004. The said Misc.Petition was, however, dismissed on 19.4.2004, against which order, the applicant approached the Hon'ble High Court in Writ Petition No.6964 of 2004 and the Hon'ble High Court, vide order dated 20.4.2006 allowed the said Writ Petition by remanding the matter back to the Tribunal to be heard on merits. The Tribunal, thereafter, *also* heard the Misc.Petition No.149 of 2004. Allowing the Misc.Petition, the Tribunal directed the respondents to implement the order dated 13.6.2001 within a period of four



months.. Thereafter, the respondents appear to have sought extension of time by four months to implement the order of the Tribunal by way of Misc.Petition No.127 of 2007. The said Misc.Petition was allowed on 6.3.2007 granting four months time to the respondents to implement the order of the Tribunal dated 28.9.2006.

4. We have heard the learned counsel for the applicant. We note that after the order dated 28.9.2006 has been passed by this Tribunal, the applicant does not appear to have made any representation to the respondents. In the circumstances, if the applicant is so advised, he may prefer a fresh representation for redressal of his grievance, in the light of order dated 28.9.2006 passed in Misc.Petition No.149 of 2004 read with order dated 13.6.2001 in OA 1146/96. If such a representation is preferred by the applicant, the same shall be considered by the respondents within a period of four months, by passing appropriate orders. The respondents shall try to redress the grievance of the applicant by passing final orders.

With the above observation and liberty the Contempt Petition stands disposed of. Notices discharged.


 (Sudhakar Mishra)
 Member (A)

mf


 (Jog Singh)
 Member (J)

