

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 711 of 1999.

Dated this Friday, the 28th day of April, 2000.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

Shri Tukaram Dadu Sawant,
employed in the office of the
Zonal Accounts Officer,
ZAO Pre Check Unit CBDT,
2nd Floor, Aayakar Bhavan,
M. K. Road, Mumbai - 400 020
as U.D.C.

... Applicant

(By Advocate Shri P.A. Prabhakaran)

VERSUS

1. The Chairman,
Central Board of Direct Taxes,
M/o. Finance, Deptt. of Revenue,
North Block, New Delhi - 110 001.
representing the Union of India.
2. The Chief Commissioner of
Income-Tax, Mumbai,
3rd Floor, Aayakar Bhavan,
M. K. Road, Mumbai - 400 020.
3. The Dy. Commissioner of Income-Tax
(HQ) Personnel, Mumbai,
3rd Floor, Aayakar Bhavan,
M. K. Road, Mumbai - 400 020.
4. The Accounts Officer,
ZAO, Pre Check Unit, CBDT,
2nd floor, Aayakar Bhavan,
M. K. Road, Mumbai - 400 020. ... Respondents.

(By Advocate Shri V. G. Rege).

OPEN COURT ORDER.

PER : Shri B. N. Bahadur, Member (A).

The Learned Counsel on both sides are heard. The admitted position is, that against the impugned orders through which a decision was taken regarding treatment of suspension

B.N.B.

period under F.R. 54, the applicant has gone in appeal to the Chairman, C.B.D.T., New Delhi, a copy of which is available at pages 20 to 22. Also admittedly, the appeal has not yet been disposed of. We, therefore, direct the Respondent No. 1, i.e. the Chairman, C.B.D.T., Ministry of Finance, New Delhi, to dispose of the appeal referred to above (dated 16.02.1998) within a period of three months from the date of receipt of a copy of this order. The decision may be taken as per law and rules and be communicated to the applicant. If applicant is aggrieved by the order passed, he will be at liberty to approach this Tribunal as per law.

2. The O.A. stands disposed of with the above directions. No order as to costs.

S. L. JAIN
(S. L. JAIN)
MEMBER (J).

B. N. BAHADUR

(B. N. BAHADUR)
MEMBER (A).

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO. : 14/2001 In O.A. No. 711/99

Dated this Tuesday, the 21st day of August, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

T. D. Sawant ... Petitioner.

(By Advocate Shri P.A. Prabhakaran)

VERSUS

Shri A. Balasubramaniam,
Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
New Delhi - 110 001.

... Respondents.

(By Advocate Shri V. G. Rege)

TRIBUNAL'S ORDER

We have before us for consideration C.P. No. 14/2001 with regard to the order in O.A. No. 711/99. The order in the O.A. was by way of a direction to the Central Board of Direct Taxes for disposal of a representation within three months from the date of receipt of a copy of the order. The order was dated 28.04.2000.

2. We have seen the affidavit in reply to contempt petition and have been assisted today by the Learned Counsel for Original Applicant, Shri P.A. Prabhakaran. We have also heard Shri V. G. Rege on behalf of alleged Contemnor. The position on fact is

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that the order is complied on 27.05.2001, as could be seen from the annexure to the Written Statement. Thus, it is clear that although direction have been complied with ^{it is} ~~not~~ after a considerable delay of almost 8 to 9 months, Apology has been made on behalf of original Respondents. Considering all these facts, while we note the delay, we do conclude that there is no element of intentional disobedience. We, therefore, hold that no contempt is committed and discharge the contempt notice and reject the contempt petition. No costs.

SLJ/11

✓ (S. L. JAIN)
MEMBER (J).

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ch-21/8L/1
order/Judgment attached
to Appli. Respondent(s)
on 31/5/01

B. N. BAHADUR

✓ (B. N. BAHADUR) 21/8/01
MEMBER (A):

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