

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

OA No.661/2000

MUMBAI, THIS THE 12TH DAY OF OCTOBER, 2000.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MRS.SHANTA SHAstry, MEMBER (A)

Hari Kishan s/o late Shri Chijo Mal
Hirani, residing at 136/7 Customs Quarters
Five Gardens, Matunga
Mumbai-400 019.

...Applicant

(By Advocate Shri G.K.Masand)

vs.

1. Union of India, through
Secretary (Revenue) in the
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-110 001.
2. Chairman, Central Board of
Excise & Customs, North Block
New Delhi-110 001.
3. Rakesh Sharma, duly appointed as
Commissioner of Customs (Gen.)
New Customs House, Bombay
4. V.P.Singh, acted as
Commissioner of Customs (Gen.)
though not appointed as such
presently working as Additional Director
General, Directorate of
Revenue Intelligence, Colaba
Bombay-400 005.

....Respondents

(By Advocate Shri M.I.Sethna)

ORDER (ORAL)

JUSTICE ASHOK AGARWAL:

Though the present OA contains several prayers, only
prayer which we are inclined to consider is the one
contained in prayer clause VIII(a) which reads as
follows:

"That this Hon'ble Tribunal will graciously
pleased to direct Respondent No.1 to dispose
off the Appeal dated 20.6.2000 (Ex.B) preferred
by the Applicant in accordance with law after
taking into consideration the various
submissions made by the Applicant in the said
Appeal as well as to be made in person during
the course of personal hearing to be afforded

to him as stated in letter dated 25.8.2000 (Ex.F) as expeditiously as possible and within the time frame to be fixed by this Hon'ble Tribunal."

The prayers contained in prayer clauses VIII(b) & (c) are as under:-

"(b) That during the pendency of the said Appeal dated 20.6.2000 and until after expiry of a period of ~~four~~ weeks thereafter in the event of the decision against the Applicant, the operation of the order dated 26.5.2000 passed by the Respondent No.4 be stayed by this Hon'ble Tribunal."

"(c) That pending the hearing and final disposal of the Appeal dated 20.6.2000, Respondents be restrained from initiating any proceedings against the Applicant for his eviction from Quarter No.136/7, Customs Quarters, Five Gardens, Matunga, Mumbai 400019."

The prayers contained in prayer clauses VIII (b) & (c) are rejected. Prayer contained in prayer clause VIII (a) is granted. Respondent No.1 is directed to hear and dispose of the appeal at Ex. 'B' preferred by the applicant expeditiously and in any event within a period of four months from the date of service of this order.

2. Present OA is accordingly partly allowed. No costs.

hans
(Smt. Shanta Shastray)
Member (A)

Agarwal
(Ashok Agarwal)
Chairman

sns

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.No.90/2001
in OA-661/2000

25/9/2001

Heard Shri H.K.Hirani, petitioner in person.

2. The Contempt Petition is filed aggrieved by the action of the respondents/alleged contemners has not given personal hearing to the petitioner while disposing of the appeal.

3. In the order of the Tribunal passed on 12/10/2000, the OA was disposed of directing the respondents to dispose of the appeal expeditiously, in any event not beyond four months from the date of the receipt of the order. It is now stated by the petitioner that though the petitioner was heard on disposal of appeal, as he had sought permission to engage a legal counsel, the disposal was postponed but thereafter the petitioner was not given opportunity of hearing before the appeal was disposed of on 20/7/2001.

4. From the above facts we do not find any deliberate violation of the order of the Tribunal. Since the respondents had infact given an opportunity of being heard, the petitioner has not availed of the said offer by putting forth one excuse or other.

5. In the circumstances, we find that there is no *prima facie* case for issuing notice to respondents. The Contempt Petition is therefore dismissed at the time of admission.

Shanta Shanstry

(SHANTA SHANSTRY)
MEMBER(A)

V.Rajagopala Reddy

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN