

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.324/2000

DATED: Friday, this the 06th Day of October, 2000

Shri Subhash Wig Applicant.

(Applicant Shri R.Ramesh with Shri Ramamurthy, Advocates)

Versus

Union of India & Ors Respondents

(Respondents by Shri M.I.Sethna, Sr.Adv. with Shri V.D.Vadhavkar, Advocate)

CORAM

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

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

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library.


(B.N. Bahadur)
Member (A)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.324/2000

DATED: This FRIDAY, the 6TH DAY OF OCTOBER,
2000.

CORAM: HON'BLE SHRI B.N.BAHADUR, MEMBER (A)
HON'BLE SHRI S.L.JAIN, MEMBER (J)

Shri Subhash Wig,
Appraiser (Under Suspension)
reverted as Preventive Officer
New Custom House,
Mumbai
and Res: At Flat No.5,
Building No.1,
Plot No.510,
Adenwala Road, Matunga,
Mumbai 400 019. Applicant
(Applicant by Shri R.Ramesh with Shri Ramamurthy, Advs.)

Versus

1. The Union of India
through the Secretary,
Ministry of Finance,
Govt. of India,
Dept. of Revenue,
North Block,
New Delhi 110 011.
2. The Commissioner of Customs (General),
New Customs House,
Ballard Estate,
Mumbai 400 001. Respondents.

(Respondents by Shri M.I.Sethna, Sr. Advocate with Shri V.D. Vadhwakar, Advocate)

ORDER (ORAL)

[Per: B.N.Bahadur, M (A)]

1. Learned Counsel for the Applicant Shri Ramamurthy and Shri M.I.Sethna with Shri Vadhwakar heard. Shri M.I.Sethna informs us that the Suspension Order in respect of the applicant has been revoked on 5.10.2000. Thus the grievance of the applicant made in para 8 (a) & (c) does not survive any more.

2. It is seen that in this Order dated 5th October, 2000 revoking suspension, it is stated that this order is without

prejudice to the outcome of the disciplinary proceedings or any other proceedings that have been initiated/may be initiated against Shri Subhash Wig, Preventive Officer.

3. The prayer made at para 8(b) is reproduced as below:

"(b) that this Hon'ble Tribunal be pleased to hold and declare that the department cannot issue any departmental chargebheet at this stage on the material on which the CBI has filed Special Case No.69/99 against the Applicant for disproportionate assets."

4. Learned Counsel for Applicant prays that the O.A. may be disposed of subject to this prayer at (at 8 (b) being left open) and he be granted liberty to agitate it as per law. Learned Counsel for the Respondents is heard on this point. It is ordered that in regard to this prayer, the issue is open on both sides. The Applicant shall be at liberty to agitate the matter as per law. The O.A. is disposed of subject to the above observations.

5. No orders as to costs.

SL Jain
(S.L.Jain)

Member (J)

B.N.Bahadur
(B.N.Bahadur)

Member (A)

sj*

2) OA 324/2000.

Dt. 12/9/2001.

Heard Sh. G. K. Masand, counsel for the applicant and Sh. V. G. Rege, counsel for the respondents.

Adjourned to 13/9/2001.

M.P. Singh
(M.P. Singh)
M/A)

B. Dikshit
(Birendra Dikshit)
V/C.

CP No. 46/2001 in OA No. 324/2000

Date : 13.9.2001.

Heard Mr. G. K. Masand, Counsel for the applicant and Mr. V. G. Rege, Counsel for respondents.

We are informed that Ramesh Ramachandran, alleged contemner, has been posted on 27.4.2001 as Commissioner of Customs (G), New Customs House, Ballard Estate, Mumbai. We do not find any negligence on the part in giving effect to Order of this Tribunal. Soon after his joining the Order has been given effect and therefore no contempt is committed under Section 11 of Contempt of Courts Act and therefore notice against him is discharged and proceedings are dropped.

Before parting with the case, we are of the view that though Ramesh Ramachandran is not at fault but the department has not been vigilant in the matter in giving effect to the Order, especially when the applicant has been making representation which ultimately required even the Lawyer's notice was not responded. We hope that the department will be careful in future in respect of implementation of Tribunal's Order. Since the proceedings are dropped, the Contempt Petition is stands disposed of.

M.P. Singh
(M.P. Singh)
Member (A).

B. Dikshit
(Birendra Dikshit)
Vice Chairman.

H.

Order/ Judgment despatched
to Applicant/Respondent(s)
on 19/9/2001

14 4/10/2001