

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:329/2000
DATED THE 20TH DAY OF AUGUST, 2001

CORAM:HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN
HON'BLE SHRI G.C.SRIVASTAVA, MEMBER(A)

Shri B.G.Shinde,
J.R.apartments, 2nd Floor,
Ajinkya Corner, Camp Road,
Near I.T.Office,
Malegaon, Dist.Nasik. Applicant

By Advocate Shri P.A.Prabhakaran

v/s.

1. Union of India; through
The Chairman,
Central Board of Direct Taxes,
North Block, Department of Revenue,
M/o.Finance, New Delhi-110 001.
2. The Chief Commissioner of Income Tax, Pune,
Aayakar Bhavan,
Sadhu Vaswani Marg,
Pune - 400 001.
3. The Commissioner of Income-Tax, Nashik,
Rajaswa Bhavan, Camp Road,
Nashik - 423 001.

By Advocate Shri V.G. Rege

(ORAL) (ORDER)

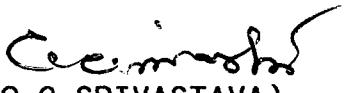
Per Justice Ashok C Agarwal, Chairman

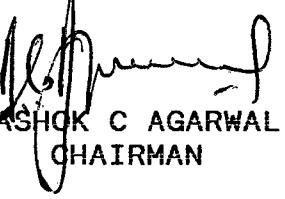
In pursuance of an order passed by this Tribunal on 18/8/98 in OA-954/92, applicant was promoted from the post of Income Tax Officer (Group B) to the post of Assistant Commissioner of Income Tax, Junior timescale (Group A) vide order dated 10/3/99 at Annexure A-3 with effect from 27/3/91. By the present OA, he claims Senior Timescale with effect from 1/10/94 when his juniors were granted the said scale. Aforesaid claim of the applicant is under active consideration of the Government of India, Ministry

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of Finance as is apparent in the communication dated 9/7/2001 of the Deputy Secretary to the Government of India, Ministry of Finance addressed to the Chief Commissioner of Income Tax, Pune.

2. In the circumstances we find that interest of justice will be duly met by disposing of the present OA with a direction to respondents to take ^{an} expeditious decision on the aforesaid ^{claim} and communicate the same to the applicant within a period of six months. We direct accordingly. Present OA is disposed of in the aforesaid terms with no orders as to costs.


(G.C. SRIVASTAVA)
MEMBER(A)


(ASHOK C AGARWAL)
CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CP-49/2002 in
OA No.329/2000

12th July, 2002

Shri P.A.Prabhakaran, Counsel for Applicant and Shri V.G.Rege, Counsel for Respondents.

There is no averment of any wilful disobedience of order passed by the Tribunal. The applicant has used a very guarded language so that if any part of averment is subsequently found to be false, he be not liable for perjury. Even the prayer is not to the effect that there is wilful disobedience of order passed by this Tribunal. Though the Court has power as per Section-14 of the Administrative Tribunals Act to draw contempt proceedings suo motto, but if a complainant wants it to be drawn on the basis of a Contempt Petition, then necessary facts and specific averments are to be made by applicant in his Contempt Petition, which are not before us in the application of applicant.

In absence of averments in Contempt Petition for making out a case for wilful disobedience in CP., the Contempt Petition is dismissed.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

B.Dikshit
(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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