

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 5/2001

MONDAY, THE 27TH DAY OF AUGUST, 2001

CORAM: SHRI JUSTICE ASHOK AGARWAL. CHAIRMAN
SMT. SHANTA SHASTRY. MEMBER (A)

Shri Tarachand Dattuji Kumar,
Assistant in the office of the Director
Central Institute of Fisheries Education
(ICAR), residing at House NO. M1 X82,
Nagwadi, Near Raji Commercial Complex,
P.L. Lokhande Marg, Chembur (W),
Mumbai-400 089. Applicant

By Advocate Shri K.R. Yelwe.

Versus

1. Union of India through the
Secretary to the Government of India,
Ministry of Agriculture,
Krishi Bhavan,
Dr. Rajendra Prasad Road,
New Delhi-110 001.
2. The director General,
Indian Council for Agricultural Research
Krishi Bhavan, Dr. Rajendra Prasad Road,
New Delhi-110 001.
3. The Director, Central Institute
of Fisheries Education, J.P. Road,
Seven Bungalows, Andheri (West),
Mumbai 400 061.
4. Shri Prabhakar Balkrishna Tandav,
Assistant Administrative Officer,
Central Institute of Fisheries Education,
J.P. Road, Seven Bungalows,
Andheri (W), Mumbai-400 061. ... Respondents

By Advocate Shri V.G. Rege for R1 to R3
Shri R.K. Mendadkar for R4.

O R D E R (ORAL)

Smt. Shanta Shastry.

.. Member (A)

This is regarding promotion to the post of Superintendent and subsequent promotion to the post of Assistant Administrative Officer. One of the posts was reserved for ST candidates. The applicant belong to the ST community. However, the promotion was granted to Respondent No.4 against the roster point reserved for ST on the basis of the caste certificate produced by him. The caste certificate of Respondent No.4 is under scrutiny with the Caste Scrutiny Committee. Unless the matter is decided, no action can be taken by the respondents, was the submission of the learned counsel for the respondents. The learned counsel for the respondents also states that the Respondent No.4 is not co-operating in the matter in producing the relevant document.

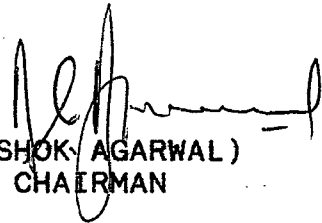
2. In the facts and circumstances of the case, the present OA can be disposed of with a direction to the official respondents to expedite the scrutiny of the caste claim of Respondent No.4. Respondent No.4 is also directed to extend the co-operation in the matter so as

...3.

to enable the caste scrutiny committee to take a final decision regarding the caste claim of Respondent No.4. We order so, and the OA is disposed of accordingly. No costs.



(SHANTA SHASTRY)
MEMBER (A)



(ASHOK AGARWAL)
CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.NO. 56 OF 2002
IN O.A. 5/2001

Thursday this the 12th day of December, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. SHANTA SHASTRY, ADMINISTRATIVE MEMBER

Shri T.D.Kumar ..Petitioner

(By Advocate Mr.K.R.Yelwe)

v.

1. Dr.S.Ayyappan, Director,
Central Institute of Fisheries Education,
JPRoad, Seven Bunglows,
Andheri (West)
Mumbai.61.
2. Shri Prabhakar Shankar Tandav,
Assistant Administrative Officer,
Central Institute of Fisheries Education,
JP Road, Seven Bunglows,
Andheri (W)
Mumbai.61.Respondents

(By Advocates Mr.R.K.Mendodker
Mr.V.G.Rege)


The Contempt Petition having been heard on
12.12.2002, the Tribunal on the same day delivered
the following:

O R D E R

HON'BLE MR.A.V. HARIDASAN, VICE CHAIRMAN

This Contempt Petition (Civil) arises out of
the orders of the Tribunal in OA 5/2001 dated
27.8.2001. The OA was disposed of with the
following direction:

"In the facts and circumstances of the case,
the present OA can be disposed of with a
direction to the official respondents to
expedite the scrutiny of the caste claim of
Respondent NO.4. Respondent No.4 is also
directed to extend the co-operation in the
matter so as to enable the caste scrutiny
committee to take a final decision regarding
the caste claim of Respondent No.4. We
order so, and the OA is disposed of
accordingly. No costs."



2. Alleging that the respondents 1 & 2 Dr.S.Ayyappan, Director of CIFE and Shri Prabhakar Shanker Tandav, Assistant Administrative Officer, CIFE have by not expediting the matter and not cooperating have disobeyed the direction contained in the Tribunal's order. the petitioner has filed this Contempt Petition (Civil) praying that action under the Contempt of Courts Act may be initiated against the respondents.

3. Mr.. S.C.Mukerji, Acting Director of CIFR as also the 4th respondent in the OA who is second respondent herein have filed affidavits. Respondent No.2 has in his affidavit says that he has rendered all cooperation for taking a decision by the scrutiny committee and not finalising the matter is not on account of lack of any co operation from him. Shri Mukerji in his affidavit has stated that the relevant particulars have already been furnished to the caste scrutiny committee and the committee has been requested to take a decision and that notaking a decision by the committee is something beyond his control.

4. The Caste Scrutiny Committee has now stated that the alleged contemner has not extended co-operation. Whatever is within the reach of alleged Contemner No.1, he has done. Now it is for

...3.



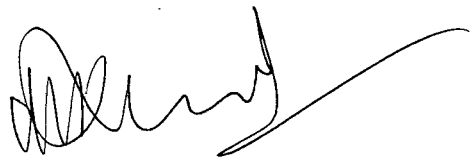
the Caste Scrutiny Committee to take a final decision.

5. Under these circumstances, we do not find any reason to proceed against the respondents in this petition. The Contempt Petition (Civil) is therefore, dismissed. No costs.

Dated this the 12 the day of December, 2002

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SHANTA SHASTRY
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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