

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

CONTEMPT PETITION NO. 78/2002  
IN  
ORIGINAL APPLICATION NO. 689/2001

FRIDAY, THE 11TH DAY OF OCTOBER, 2002

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT. VICE  
CHAIRMAN  
HON'BLE SHRI B.N. BAHADUR. MEMBER (A)

B.R. Dubey,  
1 B/ M H B Colony,  
Flat No.29, Near Ashokvan  
Borivali (E)  
Mumbai-400 066.

.. Petitioner

In person

Versus

1. Madam Anit Sahani,  
Commissioner Preventive Operation  
Customs & Central Excise,  
Lok Nayak Bhavan, 4th Floor,  
Khan Market, New Delhi-1110 003.
2. Shri S.K. Bhardwaj, Chief  
Commissioner of Customs,  
New Customs House, Bellar Estate,  
Mumbai-400 038.
3. Shri S.C. Rohatgi,  
Joint Commissioner of Customs,  
Personnel and Estt. Deptt.,  
Bellard Pier, New Customs House,  
Mumbai-400 038.
4. Cdr. A.V. Laghate,  
Additional Director (Marine),  
Customs Marine Headquarters,  
16, Arthus Bunder Road,  
Hotel Waldorf, 2nd Floor,  
Colaba, Mumbai-500 005. .. Respondents

By Advocate Shri M.I. Sethna.

O R D E R (ORAL)  
Hon'ble Shri B.N. Bahadur. Member (A)

Applicant Shri B.R. Dubey is heard on Contempt  
Petition No.78/2002. There is also a Miscellaneous

B.N.

...2.

Petition for extension of time. Shri M.I. Sethna along with Shri V.D. Vadhavkar provided a copy of communication from Deputy Commissioner of Customs, Personnel & Establishment Department F No.S/5-345/2001 Estt dated 10.10.2002. Copy is provided to Shri Dubey who has been spared some time to go through it.

Shri Dubey stated that the facts given in the letter are wrong. We go back to the order made in the Original Application and we find that the direction given to the applicant as follows:-

"We therefore direct the applicant to place before the respondents all details in a representation for decision in accordance with law. if the respondents allow the benefits in view of the ACP Scheme as claimed by the applicant, the respondents need not refer the matter to Department of Personnel and Training Establishment (B) Section, but the respondents should take decision by passing a speaking order within two months from the date of the receipt of the representation of the applicant and communicate the same to the applicant. In case the matter has to be referred to the Department of Personnel & Training Establishment (B) Section, this information may also be communicated to the applicant. The decision so arrived at by the Department of Personnel & Training may be communicated to the applicant within an additional one month from the date of receipt of the representation of the applicant."

2. What we have to see in the Contempt Petition is only whether the directions are complied. We find that the matter has been decided after consultation with the Department of Personnel & Training and as such the

1348

directions are complied. There is, ofcourse, a delay in the matter, but we are not convinced that this amounts to wilful disobedience of our order.

3. If the applicant is still aggrieved, his case would lie in a fresh Original Application which can be filed as per law. *Prima facie*, there is no case for contempt. We do not see any reason to go ahead with the matter. We therefore dismiss the Contempt Petition. Copy of communication dated 10.10.2002 is kept on record.

B.N.Bahadur

(B.N. BAHADUR)  
MEMBER (A)

B.Dikshit

(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

Gajan