

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. 13.2002 in
ORIGINAL APPLICATION NO:457/2001

TRIBUNAL'S ORDER

DATED: 22.2.2002

Shri M.S. Ramamurthy counsel for the applicant.

Shri V.G. Rege, counsel for the respondents.

2. On 6.12.2001 the disciplinary proceeding, which was initiated in the year 1993 for the incident of the year 1981, ~~has~~ been quashed by us for the reasons that there was no evidence for holding the applicant guilty of the charges. The applicant is presently working as Commissioner of Income Tax and DPC met for considering the applicant for promotion for which sealed cover procedure was adopted. While quashing the disciplinary proceedings, we direct the respondents to open the sealed cover within one month from the date of receipt of copy of this order. The case was listed on 1.2.2002.

3. M.P. 82/2002 was filed by the respondents with the following prayer:

"The respondents say and submit that as the said order and the judgement of this Tribunal is against the respondents in terms of the instructions contained in the Government of India, Department of Personnel and Training O.M. No. 28027/9/99-Estt.(A) dated 1.5.2000, the respondents are under an obligation to consult the Department of Legal Affairs and also the Department of Personnel and Training in the said order and judgement dated 6.12.2001. The matter is being dealt with accordingly and as such it has become necessary to approach this Hon'ble

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Tribunal for extension of time in the matter as it is not possible to complete the said process within the period laid down by this Hon'ble Tribunal. A Copy of the said OM is annexed hereto and marked Exhibit 'A'".

4. A copy of Government of India instructions was also attached. The specific order of this Tribunal was to open the sealed cover. The respondents did not open sealed cover and preferred to follow the departmental instructions over and above this Tribunal's direction. When this was pointed out to learned counsel for the respondents as to why sealed cover was not opened when under law it was obligatory to the respondents to carry out the directions of this Tribunal, he could not answer the quarry.

5. The learned counsel for applicant argues that the respondents have promoted 18 juniors without opening the sealed cover and further promotions were likely to come in case the extension of time was granted. As the order of this Tribunal was not complied with by the respondents, a CP has been moved by the applicant. As our order is not being complied, therefore, we by a restrain order direct the respondents not to promote any one as Chief Commissioner of Income-tax till the order of this Tribunal is complied with.

6. Now, we are being informed by Shri V.G.Rege that the sealed cover has been opened and he prays for four weeks time for doing the needful after opening of B.Vinay

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Tripunseli for extension of time in the matter as
it is not possible to combine the said process
within the period laid down by this Order. Please
refer to the said OM in annexed
hereto and marked Exhibit 'A'.

A copy of Government of India instructions was
also affixed. The specific order of this Tripunseli was
to open the sealed cover. The responsibilities did not open
sealed cover and referred to follow the departmental
instructions over and above this Tripunseli's direction.
When this was pointed out to Jairam Chundevi for the
responsibilities as to why sealed cover was not opened when
under jaw if was officially to the responsibilities of certain
and the direction of this Tripunseli, he could not answer
the question.

8. The Jairam Chundevi for applying stamp to the
responsibilities have been promoted 18 minutes without opening the
sealed cover and higher promotion were likely to come
in case the extension of time was granted. As the order
of this Tripunseli was not combined with the
responsibilities, a CP has been given by the sub-judge. As
the order is not being combined, therefore, we by a
respective order direct the responsibilities not to promote any
one as Chief Commissioner of Income-tax till the order of
this Tripunseli is combined with.

9. Now, we are sending intimation by Shri V.G. Rao that
the sealed cover has been opened and he has for four
weeks time for going the necessary steps of opening of

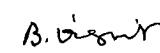
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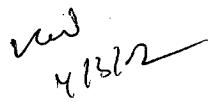
sealed cover. It appears that the respondents have not complied with the order of this Tribunal. No material has been placed before us to show that respondent no.1 had done the needful as per the directions. Under such circumstances, as we are prima facie satisfied that respondent no.1 has wilfully disobeyed the order of this Tribunal, we issued notice to respondent no.1 to show why he be not punished for wilful disobedience of order of this Tribunal. In case he is represented by counsel on the date fixed then he need not appear in person.

8. List this case on 8.3.2002.


(M.P.Singh)
Member(A)


(B.Dikshit)
Vice Chairman

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