

~~CONFIDENTIAL~~

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, AT MUMBAI

CONTEMPT PETITION NO. 78 OF 1997

IN

ORIGINAL APPLICATION NO. 566 OF 1993

Shri Chandrashekhar Gajanan Dabke ... Petitioner

Versus

1. Shri Gopinath Sarangi,  
Chief Commissioner of Central Excise,  
Central Excise Building, M.K. Road,  
Churchgate, Mumbai - 400 020.
2. Shri Gopinath Sarangi,  
Commissioner of Central Excise,  
Commissionerate I, Central Excise Bldg.,  
M.K. Road, Churchgate,  
Mumbai - 400 020.
3. Smt. Vijay Jhutsi,  
Commissioner of Central Excise,  
Commissionerate II, Piramal Chambers,  
9th floor, Parel,  
Mumbai - 400 012. ... Respondents

TO,

THE HON'BLE THE VICE CHAIRMAN AND  
OTHER HON'BLE MEMBERS OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, AT MUMBAI.

The humble contempt petition for and  
on behalf of the petitioner abovenamed.

MOST RESPECTFULLY SHEWETH :

1. The petitioner states that the petitioner had preferred the above referred original application being

Original Application No. 566/1993 praying therein that the petitioner be considered for promotion to the post of Inspector of Central Excise by calling him for a physical test and interview to be held for promotion to the said post.

2. The petitioner states that this Hon'ble Tribunal passed an order dated 15.6.1993 whereby the respondents were directed to call the petitioner for physical test and interview, but it was stated that the result of the said physical test and interview be kept in a sealed cover and need not be opened till the final hearing of the original application.

3. The petitioner states that the above referred original application came for final hearing before this Hon'ble Tribunal on 24.6.1997 and this Hon'ble Tribunal by an order dated 24.6.1997 were pleased to direct the respondents to open the result of the petitioner and if he is found successful promote him as Inspector of Central Excise w.e.f. 15.6.1993 onwards. It was also directed by this Hon'ble Tribunal that if the petitioner is so promoted he should be granted notional seniority from that date.

ANX. 'R-1' Hereto annexed and marked as Annexure 'R-1' is a copy of the order dated 15.6.1993 as passed by this Hon'ble Tribunal in  
ANX. 'R-2' Original Application No. 566/1993 and marked as Annexure 'R-2' is a copy of the final orders passed by this Hon'ble Tribunal in Original Application No. 566/1993 dated 24.6.1997.

4. The petitioner states that pursuant to the above referred final orders as have been passed by this Hon'ble Tribunal in Original Application No. 566/1993, after obtaining a certified copy of the same, the petitioner requested the respondents by a communication dated 2.7.1997

that as per the orders of this Hon'ble Tribunal the petitioner be considered for the post of Inspector of Central Excise. Hereto annexed and marked as Annexure 'R-3' is a copy of the petitioner's communication dated 2.7.1997.

ANX. 'R-3'

5. The petitioner states that though the respondents are in receipt of the orders dated 24.6.1997 as have been passed by this Hon'ble Tribunal in the above referred original application being Original Application No. 566/1993 and that as per the orders of this Hon'ble Tribunal the respondents were required only to open the sealed cover and if found suitable the petitioner was to be promoted to the said post of Inspector of Central Excise, the respondents have failed to comply with the orders of this Hon'ble Tribunal and as such the respondents have committed breach of the orders as have been ~~byxx~~ passed by this Hon'ble Tribunal dated 24.6.1997 deliberately. The petitioner states that, in view of the above, the respondents have clearly committed breach of the orders as have been passed by this Hon'ble Tribunal dated 24.6.1997 and as such they deserve to be dealt with in accordance with the provisions of the Contempts of Courts Act.

6. The petitioner therefore, prays that :-

A) This Hon'ble Tribunal be pleased to call for the records and proceedings of the present case and after examining the legality and propriety thereof hold and declare that the respondents have wilfully and deliberately disobeyed the orders of this Hon'ble Tribunal dated 24.6.1997 in Original Application No. 566/1993 (Annexure 'R-2') and accordingly deal with them as per the provisions of

the Contempts of Courts Act as well as the rules in that behalf under the Administrative Tribunals Act, 1985.

B) Pass any such order and/or orders as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER as in duty-bound shall ever pray.

V E R I F I C A T I O N

I, Chandrashekhar Gajanan Dabke, the petitioner abovenamed, do hereby solemnly verify that the contents of paragraph nos. 1 to 5 hereinabove are true to the best of my knowledge and belief and that the contents of paragraph no. 6 are my humble prayers before this Hon'ble Tribunal. I have not concealed any material facts from this Hon'ble Tribunal.

Solemnly affirmed at Mumbai, )  
Dated this      th day of      )  
October, 1997.      )

  
(Chandrashekhar G. Dabke)  
D E P O N E N T

BEFORE ME

  
S.R. Atre,  
Advocate, High Court.