

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH AT BOMBAY

CONTEMPT PETITION NO. 187 OF 1993

IN

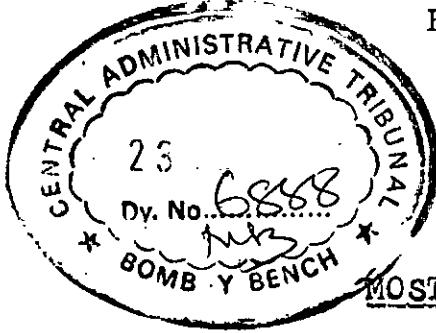
ORIGINAL APPLICATION NO. 599 OF 1993

Shri Arvind Haribhau Borse, )  
aged about 41 years, residing at )  
5/2373, Stock-7, C.G.S.Colony, )  
Antop Hill, Bombay-400 037. ) .. Petitioner

Vs.



1. Union of India, )  
through Smt. Anita Chopra )  
Secretary, Ministry of Finance, )  
Department of Revenue, New Delhi. )  
2. Shri N. Obherai, )  
Collector, Central Excise, )  
Collectorate-II, Piramal Chambers, )  
Jeejeebhoy Lane, Parel, )  
Bombay-400 012. )  
3. Shri Chakravarti, )  
Collector, Central Excise, )  
Collectorate-I, New Central )  
Excise Building, Churchgate, )  
Bombay-400 020. ) .. Respondents.



HUMBLE CONTEMPT PETITION FOR AND ON  
BEHALF OF THE PETITIONER HEREINABOVE

MOST RESPECTFULLY SHEWETH :

1. The petitioner states that he had filed the aforesaid Original Application in this Hon'ble Tribunal

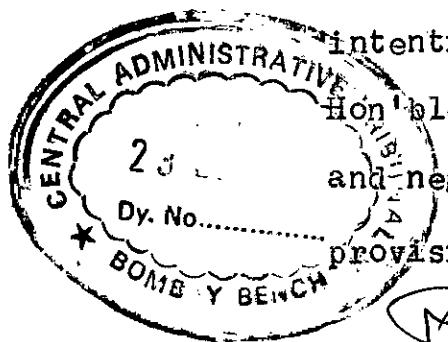
*Bommo*

seeking an order directing respondents to consider the petitioner & for promotion to the post of Superintendent Grade-B in consonance with the Memo. dated 14th September, 1992.

2. The petitioner states that the aforesaid Original application had come up for urgent admission and interim order before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to pass an order dated 12th July, 1993 directing the respondents to consider the case of the petition for promotion to the post of Superintendent Grade-B in consonance with the provisions contained in Clause-4 and 5 of the aforesaid office memo. dated 14th September, 1992, within the period of 2 months from the date of receipt of the order. Hereto annexed and marked Ex. 'P-1' is a copy of the said order dated 12th July, 1993 passed by this Hon'ble Tribunal.

3. The petitioner states that the petitioner himself has furnished a copy of the aforesaid order to the respondents Nos. 1 and 2 and further requested them to take action in respect thereof. The petitioner states that even subsequently also he has requested the respondents to consider his case for provisional promotion during the pendancy of the departmental proceedings and in consonance with the provisions contained in the office memo, however the respondents have failed and neglected to consider the case of the petitioner for provisional promotion till date.

4. In the light of the aforesaid facts the petitioner states that the respondents have deliberately and intentionally committed breach of the order passed by this Hon'ble Tribunal in as much as the respondents have failed and neglected to consider the case of the applicant for provisional ~~promotion~~ promotion in pursuance of the order



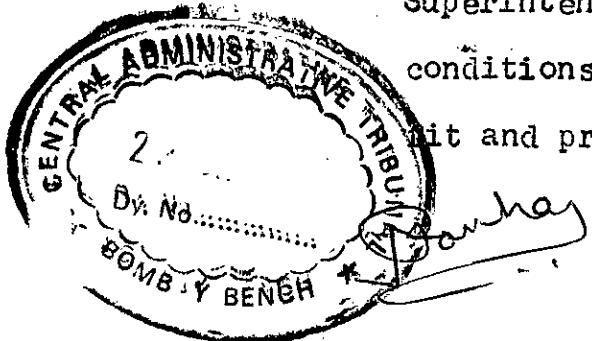
passed by this Hon'ble Tribunal and therefore the respondents are liable to be punished accordingly. The petitioner states that not only the case of the petitioner has been considered, however he has also not been informed or communicated anything in so far as his provisional promotion is concerned.

5. The petitioner states that the duty was cast upon the respondents to examine the case of the petitioner for provisional promotion during the course of pending departmental proceedings against him in consonance with the order passed by this Hon'ble Tribunal and as the respondents have failed and neglected to do so they have committed gross contempt of the order passed by this Hon'ble Tribunal and hence liable to be punished.

6. The petitioner has not filed any other application in respect of the subject matter involved in the present petition in any other court.

7. The petitioner therefore prays that -

- A) This Hon'ble Tribunal be pleased to pass an order punishing the respondents for having committed gross contempt of the order passed by this Hon'ble Tribunal in Original Application No. 599 of 1993.
- B) Pending hearing and final disposal of the present application this Hon'ble Tribunal be pleased to pass an order directing the respondents to promote the petitioner to the post of Superintendent Grade-B, on such terms and conditions as this Hon'ble Court may deem fit and proper.



C) Cost be provided for.

D) Pass any such order ~~or~~ and/or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

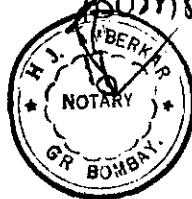
8. Particulars of Postal Order filed in respect of fees:

1. No. of Postal Order : ~~8 05 347211~~

2. Date of Postal Order: ~~21/10/93~~

3. Issuing Post Office : ~~BOMBAY~~

4. Post Office at which payable : ~~BOMBAY~~ *Bombay*



9. List of Annexures:

Ex. P-1 Copy of the order dated 12th July, 1993 passed by this Hon'ble Tribunal in Original Application No. 599 of 1993.

VERIFICATION

I, Shri Arvind Haribhau Borse, the Petitioner hereinabove do hereby verify that whatever is stated hereinabove is true to my personal knowledge and belief and I believe the same to be true on legal advise and that I have not suppressed any material fact.

Bombay, dated this 22 <sup>nd</sup>  
day of December 1993 )

(Arvind Haribhau Borse)  
Deponent.

*Bombay*  
Before me,

(M. D. LONKAR)  
Advocate for the Petitioner.

*H. J. AMBERKAR*  
22-12-1993  
H. J. AMBERKAR  
NOTARY, GREATER BOMBAY  
S. A. LL. B.

