

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

CONTEMPT PETITION 8/2000 IN  
ORIGINAL APPLICATION NO: 1081/94

TRIBUNAL'S ORDER

DATED: 27.11.2000

Heard Ms. Ghulane for Shri Suresh Kumar counsel for the applicant. Shri Vadhavkar for Shri M.I. Sethna counsel for the respondents.

2. The applicant has filed this C.P. 8/2000 for proceeding against the respondents in not complying with the directions given in the OA. The direction given in the OA reads as under:

For the above reasons, we allow this application in parts directing the respondents to have a Review DPC held and consider the case of the applicant for promotion to the post of Superintendent from the date his junior belonging to S.T. was promoted or from the date his junior Shri S.V. Bhise was promoted whichever is earlier and if he is promoted to the post of Superintendent, give him all consequential benefits and also consider his case for further promotion from the date his junior was promoted. This shall be done within a period of four months from the date of receipt of a copy of this order.

3. The respondents have filed reply. In the reply they submit that the Review D.P.C. was held and notional promotion to the grade of Superintendent Grade 'B' has been granted to the applicant and following this, promotion order has already been issued. Further fixation of pay is under process. Further they submit that as regards ~~to~~ further promotion to the grade of Grade 'A', the Competent Authority is required to take necessary action and the said Competent Authority is the Ministry of Finance. They have also initiated the action by fixing the

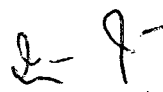
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seniority of the Petitioner in All India Seniority of Superintendent of Central Excise, Group 'B' promoted / appointed from 1.1.1980 to 31.12.1985 vide order dated 23.2.2000. The period given in the OA was very short and that they will comply with the directions given in the OA. Further by letter dated 15.11.2000 they have directed by the Pay and Accounts Officer, Central Excise, Mumbai that payment of commutation of pension will be made to the applicant through his pension disbursing bank directly by PAO, Central Pension Accounting Office, New Delhi. Further they have paid a sum of Rs. 15,262/- towards gratuity and a sum of Rs. 7,400/- towards leave encashment.


4. Thus the respondents submit that they have taken necessary steps to comply with the directions. Further steps in fulfilling the direction have to be taken by the Ministry of Finance. The learned counsel for the respondents submit that the direction given in the OA will be fulfilled completely within a period of six months.

5. Taking into consideration the above observations the C.P. is closed.

6. The applicant is at liberty to revise<sup>V</sup> the C.P. if the same is not complied within the time mentioned above.

  
(Ms. Shanta Shastri)  
Member(A)

NS

  
(B.S. Jai Parameshwar)  
Member(J)  
27.11.00