

**Central Administrative Tribunal
Principal Bench, New Delhi**

**CP No.139/2016
in
OA No.2547/2014**

This the 9th day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr.K.N.Shrivastava, Member (A)**

Rajiv Kumar Mishra
Additional Commissioner
Commissionerate of Central Excise & Service Tax
143, New Bardwari, PO Sakchi
Jamshedpur, Jharkhand

Presently At:
Room No.302,
Service Tax-1 Commissionarate,
190, Shanti Pally,
Rajdanga Road,
Kolkata-700107. Petitioner/ Applicant

(By Advocate: Shri Anil Kumar with Shri Sumit Kumar)

VERSUS

1. Dr. Hasmukh Adhias
Secretary (Revenue)
Ministry of Finance
Department of Revenue
North Block
New Delhi 110 001
2. Shri Najib Shah,
The Chairperson
Central Board of Excise & Customs
Min. of Finance, Deptt. of Revenue
North Block
New Delhi-110001
3. Shri Sheo Narayan Singh,
The Chief Commissioner
Commissioner of Central Excise & Service Tax
Ranchi Zone, Patna
4. Sh. S.K.Panda
The Chief Commissioner

Commissioner of Central Excise & Service Tax
Kolkata Zone
Customs House
Kolkata

5. Sh. Deepak Gupta, Chairman
Union Public Service Commission
Through its Chairman
Dholpur House, Shahjahan Road
New Delhi -110 001. ... Respondents

(By Advocate: Shri Sunil Ahuja for R1&2, Shri Rajeev Kumar for-3
Shri R.V.Sinha and Shri R.N.Singh for R-4&5)

ORDER(ORAL)

Hon'ble Mr.JusticePermod Kohli

These Contempt Proceedings have been initiated for non-compliance of the judgment dated 07.09.2015 passed in OA-2547/2014 wherein following directions were issued:-

"Once the relevant ACR of the applicant has been upgraded, he need to be reconsidered for promotion to the post in question by convening review DPC. In the wake, the OA is disposed of with the direction to the respondents to consider the applicant for his promotion to the post of Commissioner of Customs and Central Excise by convening review DPC within a period of 3 months from the date of receipt of a copy of this order. No order as to costs."

2. Shri Sunil Ahuja learned counsel appearing for respondent nos.1 and 2 stated that ACR of the applicant has been upgraded on consideration by the competent authority. It is, however, stated that for convening the Review DPC the process though has been initiated, but not completed on account of requirement of consultation with the Department of Legal Affairs and DOP&T. We fail to understand why the directions have not been complied with within the stipulated period of three months.

3. Shri Ahuja however, states that the directions shall be complied with in regard to convening of DPC within a period of three months from today. However, Shri R.N.Singh learned counsel appearing for respondent-UPSC submits that the proposal has not yet been received from respondent no.1 and 2 pursuant to the direction of the Tribunal. In view of the circumstances, respondent nos.1 and 2 are directed to forward the proposal to the UPSC within a period of two weeks from today and the entire exercise for convening DPC shall be completed within a period of three months thereafter.

4. In this view of the matter, the Contempt proceedings are dropped at this stage with liberty to the applicant to revive this CP in the event the above directions are not complied with.

Issue **Dasti** to the parties.

(K.N. Shrivastava) (Permod Kohli)
Member(A) Chairman

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