

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**C.P No. 111/2014
O.A No.262/2009**

New Delhi this the 26th day of October, 2015

Hon'ble Mr. Justice B. P. Katakey, Member (J)
Hon'ble Shri K. N. Shrivastava, Member (A)

1. S. K. Srivastava
Aged about 50 years,
S/o. Late B. S. Bhaskar,
CRD II/9, Pandara Park,
New Delhi-110 003.Petitioner

(By Advocate : Shri S. K. Gupta)

Versus

1. Ms. Deepa Krishan, IRS,
Member (P), CBDT, &
Ex-officio Secretary to Govt. of India,
North Block, New Delhi-110001.
2. Shri M. K. Mirani, IRS,
CCIT (CCA), Delhi,
C. R. Building, I. P. Estate,
New Delhi-110002.
3. Shri S. M. Nigam, IRS,
DGIT & CVO, CBDT,
Dayal Singh Public Library Building,
1, Deen Dayal Upadhyay Marg,
New Delhi-110 002. Respondents

(By Advocate : Shri Rajesh Katyal)

O R D E R (O R A L)**Hon'ble Mr. Justice B. P. Katekey, Member (J)**

Heard Mr. S. K. Gupta, learned counsel for the petitioner and Mr. Rajesh Katyal, learned counsel for the respondents.

2. The learned counsel for the petitioner has submitted that despite the interim order passed by this Tribunal on 04.02.2009 in O.A. No.262/2009 restraining the respondents from issuing any chargesheet, which interim relief has been extended from time to time by passing various orders and still continuing, as the respondents have issued the charge sheet dated 02.01.2014 violating the aforesaid interim order passed by this Tribunal in O.A 262/2009, they have committed contempt of this Tribunal.

3. The respondents in their reply filed have contended that since there was lack of communication between the advocate and the department, it resulted in issuance of the aforesaid charge sheet dated 02.01.2014. Producing a copy of the order dated 18.09.2015 passed by the Hon'ble Supreme Court in W.P(C) No. 1010/2014, it has also been submitted that as the Hon'ble Supreme Court has directed the department, after hearing the learned counsel appearing for the respondent no.1 therein (contempt petitioner in this proceeding) to complete the

disciplinary proceedings, within six months from the date of passing of the said order, against three charge sheets, the department has no alternative but to complete the proceedings on the basis of the charge sheets within the specified period of time as granted by the Hon'ble Supreme Court.

4. To a query made to the learned counsel appearing for the petitioner as to whether it was pointed out to the Hon'ble Supreme Court, about passing of the interim order dated 04.02.2009 in O.A No.262/2009, it has been submitted by Mr. S. K. Gupta, the learned counsel that a counter was filed before the Hon'ble Supreme Court contending about the pendency of the O.A and passing of the interim order by this Tribunal in O.A No.262/2009. It has also been submitted by the learned counsel that one of the three charge sheets, mentioned in the order dated 18.09.2015 passed by the Hon'ble Supreme Court, is the charge sheet dated 02.01.2014.

5. It appears that the Hon'ble Supreme Court vide the aforesaid order dated 18.09.2015 passed in W.P(C) No. 1010/2014 has directed the department to conclude the inquiry pursuant to the three charge sheets, which according to the petitioner himself includes the charge sheet dated 02.01.2014, within a period of six months from the date of passing of the said

order. The said order, therefore, has the affect of vacating the interim order passed in the aforesaid O.A, when according to the petitioner the fact of passing an interim order dated 04.02.2009 by this Tribunal was brought to the notice of the Hon'ble Supreme Court.

6. Having regard to the aforesaid position, unless the petitioner gets an order from the Hon'ble Supreme Court not to proceed with the disciplinary proceedings pursuant to the charge sheet dated 02.01.2014, the respondents are bound to complete the inquiry on the aforesaid charged memo dated 02.01.2014 also.

7. The Hon'ble Supreme Court having directed the department to complete the process based on the charge memo dated 02.01.2014 also, which has the effect of vacating the interim order passed by this Tribunal, we are of the view that the contempt proceedings need not be continued further, the said proceeding being based on the allegation of violation of the said interim order only.

8. Hence the contempt petition stands closed and disposed of.

9. It is, however, open to the petitioner to move this Tribunal in case the petitioner is successful in getting any order from the Hon'ble Supreme Court.

10. The aforesaid order dated 18.09.2015 passed by the Hon'ble Supreme Court in W.P.C. No. 1010/2014 is taken on record.

11. **Dasti** service is permitted to both the parties.

(K. N. Shrivastava)
Member (A)

(B.P. Katakey)
Member (J)

/Mbt/