

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.664/2014
in
O.A.No.2093/2005

Order Reserved on: 25.01.2016
Order pronounced on 29.01.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

1. Harsh Kakkar
S/o Sh. G.L.Kakkar
R/o 50-B, I.Block, Platinum Enclave
Sector-18, Rohini
Delhi.
2. Jainendra Jain
S/o Shri J.L.Jain
R/o 165, Sector-5, Part III
Gurgaon (Haryana).
3. Rajesh Bhardwaj
S/o Sh. Ram Kumar Bhardwaj
R/o 47, Amba Enclave, Sector-9
Rohini, Delhi. Applicants/Petitioners

(By Advocate: Mr. M.K.Bhardwaj)

Versus

Union of India & Ors.

1. Sh. S.K.Das
Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi.

2. Smt. J.M.Shanti Sundaram
 Chairman
 CBEC, North Block
 New Delhi.

3. Sh. Harinder Bansi
 Commissioner of Central Excise, Delhi-1
 CR Building, I.P.Estate
 New Delhi. ... Respondents

(By Advocates: Mr. Arun Bhardwaj and Mr. Piyush Gaur)

ORDER

By V. Ajay Kumar, Member (J):

This Tribunal disposed of OA No.2093/2005 by its Order dated 20.03.2007 as under:

"MA 1844/2005 for joining together is allowed.

2. We heard Id. counsel for both sides for some time. It was fairly pointed out to us that issue regarding inter se seniority of Inspectors and various other grades pertaining to Ministry of Finance whether they belong to CBEC/CBTD is pending adjudication before the Honble Supreme Court in C.A. No.7514-7515/2005 Union of India & Ors. v. N.R. Parmar & Ors.

3. On bestowing our careful consideration to all aspects of the case, we are of the considered view that all parties including this Tribunal would be bound by the judgment to be rendered in the said case, and accordingly we dispose of present OA with the observation that both sides would be governed by the judgment to be pronounced in the aforesaid case, as and when it is decided. In case applicants are further aggrieved, it will be opened to them to take appropriate action in accordance with law. No costs."

2. Alleging violation of the aforesaid order, some of the applicants in the OA filed the present Contempt Petition.

3. The respondents by producing a speaking order dated 17.12.2015, submits that the orders of this Tribunal have been fully complied with and accordingly prayed for dismissal of the CP.

4. Heard Shri M.K.Bhardwaj, the learned counsel for the petitioners and Shri Arun Bhardwaj and Shri Piyush Gaur, the learned counsel for the respondents and perused the pleadings on record.

5. The learned counsel for the petitioners submits that this Tribunal in its Order dated 20.03.2007 passed in the OA, observed that both sides would be governed by the Judgement to be pronounced by the Hon'ble Supreme Court in C.A.No.7514-7515/2005 (**Union of India & Others v. N. R. Parmar & Others**), and the Hon'ble Apex Court pronounced the said Judgement on 27.11.2012 and the Speaking Order dated 17.12.2015 passed by the respondents, in the purported compliance of the Order dated 20.03.2007 of this Tribunal in the OA, is against to the dicta laid down in the said Judgement of the Hon'ble Apex Court, and hence, the respondents are liable for committing contempt of the orders of this Tribunal.

6. It is seen that this Tribunal while disposing of the OA, has not given any specific finding or direction to the respondents. Whether the speaking order dated 17.12.2015 is in accordance with the decision of the Hon'ble Apex Court in **N.R.Parmar** (supra), cannot be decided in this Contempt Petition. As observed by this Tribunal in the OA order itself, if the applicants are further aggrieved, it will be open to them to take appropriate action in accordance with law.

7. In the circumstances and for the aforesaid reasons the CP is dismissed. Notices are discharged. The petitioners are at liberty to question the order now passed by the respondents, if aggrieved, in accordance with law. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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