

**Central Administrative Tribunal  
Principal Bench**

**CP No.139/2018  
OA No.3326/2013**

New Delhi, this the 29<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

N. D. Azad  
S/o Late R. B. Sharma  
R/o Type IV/67, North West Moti Bagh,  
New Delhi. .... Applicant.

(By Advocate : Shri Santosh Kumar, Shri Saurabh and Shri Rajiv Ranjan)

Versus

1. Dr. Hasmukh Adhia  
Secretary Revenue  
Ministry of Finance,  
Department of Revenue,  
North Block,  
New Delhi.
2. Ms. Vanaja N. Sarna  
Chairman  
Central Board of Excise & Customs,  
North Block,  
New Delhi.
3. Sh. Sheo Narayan Singh  
Chief Commissioner  
Ranchi Zone, Patna  
Central Excise & Service Tax,  
Central Avenue Annex Building,  
Bir Chand Patel Marg,  
Patna. ... Respondents.

(By Advocates : Shri R. V. Sinha, Shri Amit Sinha and Shri Vaibhav Pratap Singh)

**: O R D E R (ORAL) :****Justice L. Narasimha Reddy, Chairman:**

This contempt case is filed alleging that the respondents did not implement the directions issued by this Tribunal through order dated 21.08.2015 in OA No.3326/2013. It was in relation to the consideration of the case of the applicants for promotion to the post of Superintendent in Central Excise and Customs.

2. The respondents filed a counter affidavit stating that the case of the petitioner was considered by refixing his seniority, but on account of the fact that he was not in the zone of consideration in a particular year, he was not considered, but was considered for subsequent years. Order dated 18.09.2018 is placed before us.

3. We heard Shri Santosh Kumar, learned counsel for the applicant and Shri R. V. Sinha with Shri Amit Sinha, learned counsel for the respondents.

4. The order passed by this Tribunal was upheld in a writ petition by Hon'ble High Court of Delhi. Even the respondents did not deny the fact that the petitioner is entitled to reckon his seniority in the post of Inspector for a particular date, as indicated in the order of this Tribunal. The question, however, was about his eligibility to be

considered in terms of the zone of consideration. According to the respondents, the petitioner was outside the zone of consideration for the years 1991-2002, and the review DPC has cleared his case for the subsequent years. In case the petitioner is not satisfied with this outcome, it would be open to him to institute appropriate proceedings. However, it cannot be said that there was any contempt on the part of the respondents.

5. The contempt petition is closed, leaving it open to the applicant to work out the remedies.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/