

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Contempt Petition No. 180/00035/2018
in
Original Application No.180/00876/2016**

Friday, this the 6th day of July, 2018

CORAM:

**Hon'ble Dr. K.B. Suresh, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**

Kurian Joseph,
S/o. Late. M.K. Joseph, Aged 87 years,
Inspector of Income Tax (Retd.),
Cliff House, Kurichy, Sachivothamapuram P.O.,
Kottayam District – 686 532. **Petitioner**

(By Advocate – Mr. C.S.G. Nair)

V e r s u s

- 1 G.N. Varghese (Age and Father's name not known to the petitioner),
Zonal Accounts Officer,
Central Board of Direct Taxes,
IIIrd Floor, San Juan Towers,
Behind Central Revenue Buildings,
Old Railway Station Road, Cochin – 682 018.
- 2 Subhash Chandra (Age and Father's name not known to the
petitioner), Chief Controller of Accounts,
Central Pension Accounting Office,
Trikoort II Complex, Bhikajicama Place,
R.K. Puram, New Delhi – 110 066.
- 3 C. Viswanath (Age and Father's name not known to the petitioner),
Secretary, Ministry of Pension and Pensioner's Welfare,
North Block, New Delhi – 110 001. **Respondents**

(By Advocate – Mr. P.R. Sreejith, ACGSC)

This Contempt Petition having been heard on 06.07.2018, the Tribunal
on the same day delivered the following:

ORDER (Oral)

Per: Dr. K.B. Suresh, Judicial Member -

It appears that the Hon'ble High Court had stayed the original order. Therefore, with liberty the contempt petition is dismissed. Notice discharged.

2. Shri G.N. Varghese, Zonal Accounts Officer, CBDT is present before us. He is discharged.

3. MAs Nos. 180/733/2018 & 180/734/2018 for extension of time are closed.

4. It is reported by the bar that there is a process by which if a contempt petition has been disposed of, then unless a restoration application is filed it will not be entertained even if the Hon'ble High Court had disposed of the matter and there is no impediment or obstacle in the way of contempt being proceeded with. That is not the scheme of things even in the Contempt of Courts Act or under another visitorial jurisdiction of this Tribunal under Article 226. The purpose of the contempt petition by the petitioner is only to let the Tribunal know that its order are not being complied with. The matter is actually between the court and the alleged contemner. Therefore, the role of the petitioner is only to point it out to the court that such a lacuna exist. Therefore, in future in a matter in which contempt petition has been disposed of during the pendency of the matter in the Hon'ble High Court he need only file a memo that the Writ Petition had been since disposed of. On that the Registry will take up the matter and after getting the orders of the concerned

court post it for consideration and issue a notice on the notice board that the said matter will be taken up thereafter.

5. Publish a copy of the order in the notice board.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

“SA”

List of Annexures of the Petitioner

- Annexure P-1-** True copy of the order in O.A. 876/2016 dated 31.08.2017 of the Hon'ble CAT, Ernakulam.
- Annexure P-2-** True copy of the Letter dated 03.10.2017.

List of Annexures of the Respondents

- Annexure R-1-** True copy OM No. 7(32)E-111/92 dated 24.05.1993 of the Dept. of Expenditure, Ministry of Finance.
- Annexure R-2-** True copy OM No. 7(8)/2012-E111(A) dated 16.05.2012 of the Dept. of Expenditure, Ministry of Finance.
- Annexure R-3-** True copy of the OM No. 38/70/14-P&W(A) dated 07.10.2015 of the Ministry of Personnel, Public Grievances and Pensions, Dept. of Pension and PW.
