

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT PETITION NO. 170/00130/2016

IN

ORIGINAL APPLICATION NO.854-863/2013

DATED THIS THE 05TH DAY OF FEBRUARY, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Ravi Kumar,
S/o Sri.Dasappa
Aged about 53 years
Income Tax Inspector,
Income-tax Office,
BMTC Building,
Kormangla, Bangalore

.....Petitioner

(By Advocate Shri T.C. Gupta)

Vs.

1. Shri Ashok Lavasa,
Finance Secretary,
Ministry of Finance,
Department of Revenue
Government of India,
New Delhi-110 001.
2. Shri Sushil Chandra,
Chairman,
Central Board of Direct Taxes
North Block,
New Delhi-110 001.
3. Ms. Nutan Wodeyar,
Pr. Chief Commissioner of Income Tax
Karnataka & Goa,
Bangalore-560 001.

....Respondents

(By Shri M.V. Rao, Senior Panel Counsel)

ORDER

(HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A))

This Contempt Petition has been filed by one of the applicants in OA No. 854-863/2013 against non-compliance of the said order pertaining to protection of pay and allowance for the period he was working as Income Tax Officer. The respondents have filed a reply saying that they have already filed RA No. 07/2017 against the order of the Tribunal. The applicants have also filed an RA against the said order. Hence there is now wilful violation of order passed by the Tribunal by the respondents.

2. We note that against the order passed by the Tribunal dated 22.04.2016 in OA No. 854-863/2013 both the applicants as well as the respondents in the Original Application have filed Review Applications No. 05/2017 and 07/2017 seeking a review of the said order. When the applicants themselves have filed a review petition, not to speak of the review petition filed by the respondents, the allegation of non-compliance of the order does not arise. Both the Review Applications filed by the original applicants and the respondents against the order dated 22.04.2016 in OA No. 854-863/2013 had since been disposed off by a separate order. Now that the Review Application has been disposed off, it would be appropriate to permit the respondents to ensure compliance of the said order within a reasonable time. Moreover, the petitioner has not contended that he has been reverted or his service benefits has been curtailed thereby violating the said order. According to us there is no case of any wilful violation of the order passed by the Tribunal by the respondents and hence there is no necessity to continue with the present Contempt Petition. In case any adverse action is taken against the petitioner by the respondents in violation of the order passed in OA No. 854-863/2013, he will have the liberty to approach the Court again.

3. As the matter stands now, the Contempt Petition stands closed. Notices are

discharged. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the petitioner in CP No. 170/00130/2016

Annexure-C1: Copy of CAT, Bangalore Bench order in OA No. 853-864/2013

dated 22.04.2016

Annexure-C2: Copy of representation of the petitioner dated 26.05.2016

Annexures referred in Reply Statement

Nil

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