

CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH

C.P.No.060/00032/2018 in
O.A.NO.060/00374/2015

Decided on : 09.10.2018

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

1. Ravi Bhushan son of Sh. Ghanshyam Singh, aged about 40 years, working as Superintendent, Central Goods and Services Tax, Range-II, Ropar, Sub Commissionerate, Mohali, Punjab.
2. Ram Kumar S/o Late Sh. Sita Ram Mahto, aged 35 years, working as Superintendent, Central Goods and Services Tax Range-IV, Division-2, Jalandhar.
3. Tarun Gupta S/o Sh. Raj Kumar Gupta, aged 33 years, Superintendent (Appeals) with ADG NACIN, Chandigarh.

Petitioners

(By: **MR. V.K. SHARMA, ADVOCATE**)

Versus

1. Mr. Hasmukh Adhia, Secretary, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Ms. Manoranjan K. Virk, Chief Commissioner of Central Excise, North Zone, Central Revenue Building, Sector-17, Chandigarh.

Respondents

(By: **MR. SANJAYGOYAL, ADVOCATE**)

O R D E R (oral)
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. The present Contempt Petition (C.P) has been filed by the petitioners alleging non-compliance of the order dated 21.1.2016 whereby the petitioners were held to be eligible for promotion to the post of Superintendent in the recruitment year 2015-16 and to include them in the list of eligibles for consideration by the DPC, when the same meets to carry out such consideration. The decision was upheld by Hon'ble Jurisdictional High Court in CWP No. 14525 of 2016 - **UNION OF INDIA VS. CENTRAL**

ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH & OTHERS, vide order dated 24.8.2017 (Annexure P-2).

2. When the respondents did not comply with the order of this Court, the present C.P. was filed for taking action against the respondents for non compliance thereof. The respondents had earlier filed an affidavit, indicating that Board had asked the authorities to implement the order dated 21.1.2016, by granting relaxation to the extent of 15 days to the petitioners as on 1.4.2015. Today, again an affidavit has been filed by Mr. Goyal, learned counsel for the respondents. It indicates that Department is going to hold DPC for regularization of posts of approximately 290 Superintendents in regular grade during last week of current month and in that process, the petitioners will also be considered as eligible for the post of Superintendent in R.Y. 2015-16, subject to vacancy in that year.

3. Mr. V.K. Sharma, learned counsel for the petitioners states that the respondents are not complying with the order of this Tribunal in letter and spirit as once petitioners have been held to be eligible, there is no question of grant of any relaxation for 15 days, as claimed in the affidavits filed by them, as this plea is against the findings recorded by this Tribunal. However, he stated that since the respondents have themselves stated that the DPC is going to meet at the end of this month itself and case of the petitioners will be considered therein against R.Y. 2015-16 and as such this petition can be disposed of in terms of the undertaking given by them.

4. In view of the above, this C.P. is closed at this stage, with a sanguine hope that the respondents would abide by the statement

made in their affidavits and case of the petitioners would be considered for promotion as Superintendent against the R.Y. 2015-2016, by treating them as eligible. However, if the respondents fail to carry out directions of this Court in letter and spirit, the petitioners would be at liberty to file a plea for revival of this C.P.

5. Connected M.As also stand disposed of accordingly.

(SANJEEV KAUSHIK)
MEMBER (J)

(P. GOPINATH)
MEMBER (A)

Place: Chandigarh.
Dated: 09.10.2018

HC*

