

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT PETITION No. 170/00021/2018

IN

ORIGINAL APPLICATION NO.170/00434/2010

DATED THIS THE 14TH DAY OF SEPTEMBER, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Shri M.N. Narasimha Murthy
S/o N. Narasiyappa,
Aged 45 years,
Working as Intelligence Officer,
Office of the Additional Director General,
Directorate of Revenue Intelligence,
Zonal Unit, No. 8(2)P,
Opposite to BDA Complex,

1st Block, 3rd Stage, H.B.R. Layout,
Kalyananagar Post, Bangalore – 560 043
Residing at No. 09, 'H' Block,
Central Excise & Customs
Staff Quarters, B.T.M. Layout,
Bangalore – 560 068Petitioner

(By Advocate Shri Ranjith K.S)

Vs.

1. Dr. Hasmukh Adhiya,
The Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise & Customs,
North Block,
New Delhi – 110 001

2. Ms. Vanaja Sarna,
Chairman,
Central Board of Excise & Customs,
North Block,
New Delhi – 110 001

3. Shri Debi Prasad Dash,
Director General,
Directorate of Revenue Intelligence, Hqrs.,
7th Floor, 'D' Block, I.P. Bhavan,
I.P. Estate,
New Delhi – 110 002

4. Shri Surjit Bhujabal,
Additional Director General,
Directorate of Revenue Intelligence,
Zonal Unit, No. 8(2)P,
Opposite to BDA Complex,
1st Block, 3rd Stage, H.B.R. Layout,
Kalyananagar Post,
Bangalore – 560 043

....Respondents

(By Shri Prabhuling Navadgi, Additional Solicitor General and
Shri V.N. Holla, Senior Panel Counsel)

O R D E R (ORAL)

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

Heard. Apparently the applicant being a Scheduled Tribe candidate could have come in only in the 14th position which the respondents have granted him and which is also the focus and content of our order. Now he claims that some

of his juniors were also promoted above him which normally does not appear to be correct because according to the learned Additional Solicitor General the applicant came to the 14th position also only because of the reservation policy. Taken on merit alone, he would not have reached such a position. Since those people were also parties in the earlier matter and since the focus was on reservation, the comparative merit of those candidates have not been adjudicated. Therefore we will now give liberty to the applicant to agitate it in a fresh OA after impleading all the necessary parties but the CP cannot lie for the simple fact that the basic content of the order has been satisfied.

2. The CP is therefore disposed off with liberty. Notices are discharged. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

Annexures referred to by the petitioner in CP No. 170/00021/2018

Annexure CP1 Copy of the order dated 09.08.2011 in O.A. No. 434/2010

Annexure CP2 Copy of the order No. 71/2011 dated 16.12.2011

Annexure CP3 Copy of the orders dated 02.06.2014 in Writ Petition No. 47318/2011 passed by Hon'ble High Court of Karnataka and order dated 16.03.2015 in SLP 4370/2015 passed by Hon'ble Supreme Court

Annexure CP4 Copy of the order dated 20.11.2017 in MA 392/2017

Annexures referred in MA 275/2018

Annexure R1 Copy of the Corrigendum to office orders dated 23.11.2015

Annexures referred in reply statement

Annexure R1 Copy of the Corrigendum to office orders dated 23.11.2015

Annexure R2 Copy of the Office order No. 02/Ad.IV/2018 dated 12.02.2018

Annexures referred in additional reply statement

Annexure 1 Copy of the Office Order No. 71/2011 dated 16.12.2011

Annexure 2 Copy of the Directorate of Revenue Intelligence and Directorate of Anti-Evasion Recruitment Rules, 1990

Annexure 3 Copy of the Hon'ble Supreme Court order dated 16.03.2015

Annexure 4 Copy of the Corrigendum to Office Orders in respect of recruitment to the post of Intelligence Officer dated 23.11.2015

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