

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

C.P. NO.259/2005

in

O.A. NO.1772/2003

This the 5<sup>th</sup> day of September, 2005.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)**

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Dr. Shrish,  
Working as Chief Commissioner of Income Tax, Hubli.  
Presently residing at –  
N-10, Jangpura Extension,  
New Delhi-110014.

... Applicant

( By Shri K.C.Mittal, Advocate )

Versus

1. Shri C.S.Rao,  
Secretary, Department of Revenue,  
Government of India,  
North Block, New Delhi.
2. Mrs. Shobha Mazumdar,  
Chairman, Central Board of Direct Taxes,  
Department of Revenue, GOI,  
North Block,  
New Delhi-110001.

... Respondents

( By Shri V.P.Uppal, Advocate )

**ORDER**

**Hon'ble Shri V.K.Majotra, Vice-Chairman (A):**

OA No.1772/2003 was partly allowed vide order dated 5.3.2004 with the following directions to respondents:

“9. ... The respondents are directed to hold a review DPC in terms of para 6.4.2 of the guide-lines referred to above and to consider the case of the applicant for the post of Chief Commissioner of Income Tax in accordance with rules and subject to his suitability as per the “Bench Mark” adopted in the original DPC. This should be done within a period of 3 months from the date of receipt of a copy of this order. ...”



2. The Tribunal on its own motion initiated contempt proceedings against respondents for non-implementation of its directions in CP No.214/2004 and issued notice to respondents in the matter, while respondents in the OA filed MA No.1288/2004 seeking extension of time for implementation of the Tribunal's directions. MA No.1288/2004 was disposed of by order dated 16.7.2004 according two months' further period to respondents to implement directions of the Court from the date when UPSC's recommendations were available. Thereafter, vide order dated 9.5.2005 in MA No.702/2005 time to implement Tribunal's directions was extended by one week from 9.5.2005.

3. The present contempt petition has been filed alleging that the Tribunal's orders have not yet been complied with and they should be proceeded against in contempt under the contempt of Courts Act. On 5.7.2005, a direction was issued to respondent No.2 to submit status report on implementation of Tribunal's directions.

4. Respondents have submitted their reply by way of an affidavit.

5. We have heard the learned counsel of both sides in the matter.

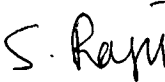
6. Learned counsel of applicant submitted that respondents have yet not complied with the directions of the Tribunal and as such, charge for committing contempt of the Court should be framed against respondents.


7. On the other hand, the learned counsel of respondents stated that respondents have furnished details of action taken by them towards implementation of directions of this Court. They have also furnished reasons for delay in implementing the directions. The learned counsel stated that the meeting of the review DPC was held on 7.12.2004 as per directions of the Tribunal. After receipt of the DPC recommendations from the UPSC, the matter had to be referred to DOP&T and Department of Legal Affairs for some clarifications. The recommendations of the review DPC have been approved by the Finance Minister



and the matter has been referred to the DOP&T for seeking approval of the Appointments Committee of the Cabinet (ACC) on 26.8.2005. Respondents have tendered their unqualified apology for delay caused in this case. The learned counsel stated that now that the recommendations of the UPSC have been submitted to the ACC, respondents would also be making vigorous efforts for obtaining approval of the ACC on the recommendations of the UPSC.

8. It is noticed that the Finance Minister had raised queries in the matter, whereupon the matter had to be referred to the UPSC. UPSC had stated that the matter being administrative in nature, it should be sorted out in consultation with the DOP&T. Thereafter advice of the DOP&T and the Department of Legal Affairs was sought. Now that respondents have ultimately submitted the recommendations of the UPSC for approval of the ACC and they have also tendered unqualified apology, a lenient view is taken in the matter. Expecting that the Department would make vigorous efforts for obtaining approval of the ACC as per their assurance, the present proceedings are dropped directing the respondents to issue orders on the basis of ACC's approval within a week thereof. However, applicant shall have liberty to revive the matter as per law on remaining aggrieved.

  
(Shanker Raju)  
Member (J)

  
(V. K. Majotra)  
Vice-Chairman (A)

/as/