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**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P. No.703/2012 in
O.A.No.2785/2003

New Delhi this the 5th day of February, 2013

**Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Shri Shiv Swarup Sharma,
S/o Shri Late G.S. Sharma
R/o DD-14, Nehru Enclave,
Kalkaji Extn., New Delhi. ...Petitioner.

(By Advocate : Shri Arun Bhardwaj)

Versus

1. Shri R.S. Gujaral,
The Secretary,
Ministry of Finance,
South Block, New Delhi.
2. Shri Praveen Mahajan
The Chairman,
Central Board of Excise and Customs,
North Block, New Delhi-1.
3. Smt. Shobha Chari,
Member (P&V),
Central Board of Excise and Customs,
North Block, New Delhi-1.
4. Shri Amitabh Bhattacharya
Secretary through Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi. -Respondents

(By Advocate: Shri R.N.Singh for respondents no.1 to 3 and
Shri Naresh Kaushik for respondent no.4)

ORDER (ORAL)

By Mr. George Paracken, Member (J):

This Contempt Petition has been filed by the Applicant alleging
non-implementation of the Order of this Tribunal dated 03.01.2012 in

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OA 2785/2003. The operative portion of the said order reads as under:

"10. Having considered the totality of facts and circumstances of the case, we are of the considered opinion that applicant's case has merits on both the counts i.e. for his promotion to the post of Joint Commissioner and Commissioner. Therefore, two review DPC as directed in the above paragraphs need to be convened within a period of three months from the date of receipt of the certified copy of this order.

11. In terms of our above orders and directions, the Original Application is allowed to the extent as mentioned above leaving the parties to bear their respective costs."

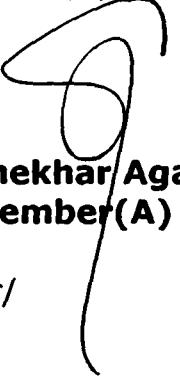
2. Today, when the case was taken up for consideration, the learned counsel for the UPSC has submitted that the review DPC for the post of Joint Commissioner has already been held on 14.01.2013 and the minutes have been forwarded to the Department of Revenue. However, the review DPC for the post of Commissioner will be conducted only on receipt of the proposal from the Respondent-Department.

3. In view of above position, we direct the Administrative Department to act upon the recommendations of the Respondents and convey the decision to the Applicant within a period of two weeks from the date of receipt of a certified copy of this order. If the Applicant has become successful in the review DPC, necessary proposal for his promotion to the post of Commissioner shall also be sent to the UPSC as early as possible but in any case within a period of one month thereafter. The UPSC shall also conduct review DPC for the aforesaid post as expeditiously as possible and preferably within a period of six weeks from receipt of the proposal. In terms of the directions as

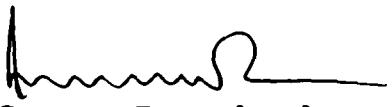


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above, this Contempt Petition is closed and notices issued to the alleged contemnors are discharged. However, liberty is given to the Petitioner to revive the Contempt Petition if any of the Respondents do not comply with the aforesaid directions. No costs.


(Shekhar Agarwal)
Member(A)

/kdr/


(G. George Paracken)
Member(J)