
(2020) 01 CAT CK 0028

In the Central Administrative Tribunal

Case No : Contempt Petition No. 539 Of 2019, Original Application No. 3561 Of 2019

Capt. Pramod Kumar Bajaj

APPELLANT

Vs

Pramod Chandra Mody And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Citation : (2020) 01 CAT CK 0028

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Hanu Bhasker, Aman Malik, Ravi Prakash

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. This contempt case is filed alleging that the respondents did not comply with the directions issued by this Tribunal in its order dated 06.03.2019 in O.A. No.137/2018. The O.A. was filed with a prayer to quash the denial of vigilance clearance through order dated 20.04.2018. The said O.A., together with O.A. No.279/2018, was allowed and a direction was issued to the appropriate competent authority in the light of the orders of Lucknow Bench of Hon'ble Allahabad High Court in W.P. (SERB) No.8648/2017, as confirmed by the Hon'ble Supreme Court in S.L.P. (Civil) No.22596/2017, within two weeks.

2. The respondents filed compliance affidavits. It is stated that the vigilance clearance was forwarded through letter dated 3.07.2019 and nothing more needs to be done at this stage.

3. We heard the applicant, who argued the case in person, Mr. Hanu Bhasker and Mr. Aman Malik for Mr. Ravi Prakash, learned counsel for respondents.

4. This is one of the several proceedings initiated by the applicant in the context of his selection to the post of Member, Income Tax Appellate Tribunal (ITAT).

Three O.As. were filed and all of them were disposed of. The direction issued in O.A. No.137/2018 reads as under:-

"40.... Accordingly, O.A. No.137 of 2018 and 279 of 2018 both are allowed and inclusion of the name of the applicant in A.L. and all consequential proceedings as well as denial of Vigilance Clearance are quashed. The respondents are directed to forward the name of the applicant to the appropriate competent authority in view of Hon'ble High Court's order dated 30.05.2017 passed in Writ petition No.8648 (SB) of 2017 as affirmed by the Hon'ble Supreme Court in its order dated 15.11.2017 within a period of two weeks from the date of receipt of certified copy of this order. There shall be no order as to costs."

5. No independent direction as such was given but the one issued by the Hon'ble High Court in W.P. No.8648/2017 was reiterated. In that view of the matter, the contempt, if at all, would be of the orders of Hon'ble High Court and not independently of the Tribunal. At any rate, the vigilance clearance has been forwarded and it cannot be said that there was any lapse on the part of the respondents.

6. The contempt case is accordingly closed. There shall be no order as to costs.