

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO.202 OF 2015**

Pawan Kumar ...Petitioner  
vs.  
G. Mohankumar and Another ...Respondents

Mr. S.V. Marne, for the Petitioner  
Mr. Vinod Joshi a/w. Mr. D.A. Dube, for the Respondents

**CORAM : SHANTANU S. KEMKAR &  
M. S. SONAK, JJ.**

**DATE : JULY 13, 2017**

P.C.:

. Having considered the submissions made by learned counsel for the parties, in our considered view as against the decision which has been taken by the Respondents on the basis of the directions given by this Court in the order dated 31<sup>st</sup> October, 2014 passed in Writ Petition No. 6747 of 2005, it is always open for the Petitioner to avail the remedy by filing a fresh proceeding before Central Administrative Tribunal.

2. The decision of the Respondents may or may not be wrong but it cannot be said that it amount to and it would come within the purview of an contempt.

3. In the circumstances, with liberty to the Petitioner to challenge the decision which has been taken by the Respondents after the aforesaid order passed by this Court, before Central Administrative Tribunal, we dispose of this Contempt Petition.

4. In case the Petitioner files the proceeding before Central Administrative Tribunal within four weeks from today, the same shall not be dismissed on the ground of limitation. We are passing this order as learned counsel for the Respondents has fairly stated that the objection about the limitation shall not be taken by the Respondents.

5. We also expect that the Central Administrative Tribunal shall consider the Petitioner's grievance that the ACRs which have been communicated to the Petitioner after the direction issued by this Court should have been ignored being stale.

6. All contentions of the parties in this respect are kept open.

7. In case the Petitioner approaches the Central

Administrative Tribunal, we hope and trust that Central Administrative Tribunal shall decide the matter as expeditiously as possible.

8. With the aforesaid observation and direction, the Petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)