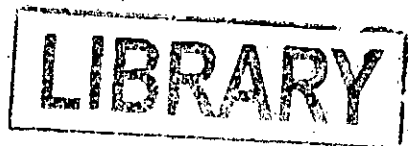


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. CPC. 53 of 2017
O.A. 1344 of 2013
M.A. 836 of 2019

Reserved on: 6.12.2019
Date of order: 17.12.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

MALAY KR. GHOSH

VS.

G. SINGH & ORS.

For the Applicant : Mr. B.R. Das, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER

Per Dr. Nandita Chatterjee, Administrative Member:

This CPC has arisen from alleged violation of the orders of the Tribunal in O.A. No. 1344 of 2013, which directed as follows:-

"4. Hence, we are of the view that the appellate order dated 1.7.2010 is liable to be set aside and appellate authority may be directed to hear the applicant and pass a reasoned and speaking order after making out the points raised by the applicant his appeal within a period of three months from the date of communication of this order. Accordingly, this O.A. is decided in the aforesaid terms with no order as to costs."

2. Ld. Counsel for the petitioner would vociferously agitate that a timeline of three months was set by this Tribunal w.e.f. the date of his order, that is, 4.5.2016, and, although the respondent authorities were intimated on 16.5.2016 of the orders of the Tribunal, the appellate authority issued his speaking order only on 14.8.2017 upholding the penalty imposed by the disciplinary authority on the applicant/charged

officer. Ld. Counsel for the petitioner would also robustly urge that the respondent authorities are so disrespectful of the Tribunal's authority that they dared to issue an order much beyond the prescribed timeline, namely, about 15 months later than the timeline prescribed by this Tribunal.

While Ld. Counsel for the applicant would agree that although the speaking order would give rise to a fresh cause of action, the fact that there was a subsequent delay in complying with the orders amounts to deliberate and intentional violation of the Tribunal's orders.

3. On 9.8.2019, the alleged contemnors were directed to file their compliance report as to whether their decision was taken within 3 months time period fixed by Tribunal upon payment of Rs. 5000/- payable to the petitioner which they have chosen not to comply with. Rather, the respondents have come up with an M.A. bearing No. 836 of 2019 praying for waiver of payment of Rs. 5000/- as mandated by the Tribunal on 9.8.2019.

3. We are of the considered view that, there has indeed been a delay of more than a year in complying with the orders of the Tribunal. The respondents had not sought the leave of the Tribunal praying for extension of time for compliance, in case it was difficult to comply with the orders within the time frame set by the Tribunal. When they had been given a mandate to file their compliance report upon payment of cost, the respondent authorities have filed the Miscellaneous Application praying for waiver of the cost.

4. We hold that the conduct of the respondent authorities is indeed violative of the orders of the Tribunal, and, hence, in terms of Rule 21 of Contempt of Courts (CAT) Rules, 1992, we would direct the concerned appellate authority, upon whom the orders were passed by this Tribunal

hwh

on 4.5.2016, to pay a cost of Rs. 20000/- (Rupees Twenty thousand only) to the petitioner. These costs would be over and above the costs of Rs. 5000/- imposed on the respondent authorities by this Tribunal on 9.8.2019.

5. The M.A. seeking waiver of payment of costs is rejected accordingly.

6. The CPC is disposed of as directed above with liberty to agitate afresh.


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP