

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**CPC/350/241/2015
(O.A/350/305/1997)

Date of Order: 09.04.2021

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

N. Satyanarayan Murty, Son of Nagarju,
At present residing at C/o. Sri N. Mohan Rao,
162/B, M.G. Road, Kolkata – 700 007.

..... Applicant.

-Versus-



1. Sri Rajiv Bishnoi, General Manager,
East Coast Railway, Bhubaneswar,
Orissa. Pin – 751 023.
2. Sri M. Ray, Chief Personal Officer,
East Coast Railway, Bhubaneswar,
Orissa. Pin – 751 023.
3. Sri P. Kishore Babu, Chief Personal
Officer (Administration), East Coast Railway,
Bhubaneswar, Orissa. Pin – 751 023.
4. Sri S.B. Ninawe, Chief Accounts
Officer (Construction), East Coast Railway,
Bhubaneswar, Orissa. Pin – 751 023.
5. Sri P. Behera, Chief Electrical
Engineer (Construction), East Coast Railway,
DRMS Officer Complex, Dondaparthy
Waltair Station Approach Road,
Visakhapatnam, Pin – 530 004.
6. Smt. Chandrakala Mukherjee,
Divisional Railway Manager,
East Coast Railway, Bhubaneswar,
Orissa. Pin – 751 023.
7. Sri M.L. Meena, Additional Divisional
Railway Manager, East Coast
Railway, Bhubaneswar,
Orissa. Pin – 751 023.

..... Respondents/ Contemnors.

For the applicant : Mr. S.K. Datta, Counsel
Mr. A. Banerjee, Counsel

For the respondents : Mr. S. Banerjee, Counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. The order dated 1.9.06, passed in O.A. 305/1997 is as under:



"9. In the result for the foregoing reasons and discussions made above, we find a lot of force in the submission made by the learned counsel for the applicant. Accordingly, we set aside and quash the impugned speaking order dated 22-7-96 (Annexure-D) and we direct the respondents to regularize the service of the applicant to the post of Supervising Mistry from the date of his appointment to the said post and fix the pay of the applicant to the post of Supervising Mistry in the scale of Rs. 380-560/- Rs. 1400-2300 with all consequential benefits. Accordingly the OA is allowed. MA is also disposed of. No order as to costs."

Alleging disobedience of the order CPC 100/2013 was preferred.

The direction in the CPC 100 of 2013, on 1.12.14 thus:

"1. Ld. Counsel for the alleged contemnor submits that the applicant has been granted all the due payments and he has accepted the same without any demur, in support thereof documents have been produced.

2. Ld. Counsel for the applicant however submits that the applicant is still aggrieved as Pay Scale of Rs. 1320-2040/- has been granted w.e.f. 1.1.1986 instead of Rs. 1400-2300/- as directed in O.A. and in support thereof a chart has been produced.

3. However both parties agree that there has been substantial compliance of the order passed by the Tribunal, hence the CPC is dropped. Notices issued, if any, are discharged.

4. With regard to the prayer seeking pay of Rs. 1400-2300/- w.e.f. 1.1.1986 as it seems that the applicant's claim may be a genuine one, the applicant may prefer a representation to the authorities within a week of receipt of this order, and the said authority upon receipt of the same shall issue appropriate order granting benefits of Rs. 1400-2300/- from 1.1.1986, if admissible to the applicant in terms of the order passed in the O.A., within a period of one month from the date of receipt of a copy of this order. In case

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the applicant is still aggrieved he shall be at liberty to revive the Contempt Proceedings on oral submissions."

On 25.8.15 the following ^{order 11} was recorded in CPC 100/13:

- 1. " Ld. Counsel for both sides are present.
- 2. Ld. Counsel for the respondents submits that the order passed in the O.A. has been fully complied with by the respondents.
- 3. Ld. Counsel for the applicant submits that he has no instructions regarding compliance of the order passed by this Tribunal.
- 4. Since substantial compliance of the order has already been made, the CPC is dropped. Notices issued, if any, are discharged.
- 5. The letter dated 3.2.2015 issued by the Dy. Chief Electrical Engineer (Con.), East Coast Railway, Visakhapatnam with regard to such compliance with break-up of dues is taken on record."



The present CPC 241/15 has been filed alleging that the respondents/contemnors have willfully, deliberately and contumaciously disobeyed the order dated 1st September, 2006 of this Hon'ble Tribunal and thereby deliberately committed gross violation of this Hon'ble Tribunal in the following manner:

- (a) By not directing the subordinate authorities concerned to implement the order of the Hon'ble Tribunal dated 1st September, 2006 in its letter and spirit after dismissal of the writ petition by the Hon'ble High Court at Calcutta in WPCT No. 201 of 2007 on 12th April, 2013 in favour of the applicant herein.
- (b) By not directing the concerned Divisional Authorities to implement the order in question in its letter and spirit.
- (c) By not directing to regularize the service of the applicant as Supervising Mistry in scale of Rs. 380-560/- 1400-2300/- 9300-34800/- from the date of initial appointment of the applicant in terms of the order of the Hon'ble Tribunal.
- (d) By not regularizing the service of the applicant as Supervising Mistry in the scale of Rs. 380-560/-1400-2300/- 9300-34800/- from the date of initial appointment of the applicant along with consequential benefits

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in terms of the order of this Hon'ble Tribunal dated 1st September, 2006 passed in O.A. No. 305 of 1997 and M.A. No. 418 of 2002 and subsequent dismissal order of the writ petition being WPCT No. 201 of 2007 by the Hon'ble High Court at Calcutta preferred by the respondent Railway authorities against the said order of the Hon'ble Tribunal dated 12th April, 2013.

3. Ld. counsel for the alleged contemnors would object on the maintainability of this application and submit that,

- i) A second CPC is not maintainable, and,
- ii) while disposing of the earlier CPC No. 100/2013, this Tribunal had granted liberty to the applicant to prefer representation, which was not preferred by the applicant.

4. The compliance orders dated 3.2.15 Annexure E and 23.11.15 Annexure F are noted. The extracts are as under:

EL/Con/VSKP/CP-C 100 of 2013/ 95

Dated 03.02.2015.

Sri N.S.N.Murty,
Supervising Mistry,
Office of SE/OHE/Con
Visakhapatnam.

Sub: Fixation of Pay & Payment of Arrears - Sri N.S.N.Murty, Supervising Mistry

Ref: 1. Hon'ble CAT/Calcutta's order dated 01.09.2006 on O.A.No 305/1997.
2. Hon'ble CAT/Calcutta directives on 22.08.2014, 19.09.2014
3. Hon'ble CAT/Calcutta's order dated 01.12.2014 on CPC 100 of 2013.

As per Hon'ble CAT/Calcutta's Order dated 01.09.2006 on O.A.No 305/1997, directives on 22.08.2014 & 19.09.2014 and Hon'ble CAT/Calcutta's Order dated 01.12.2014 in the matter of CP (C) 100 of 2013, your pay had been fixed at Rs 26,830/- including Grade Pay of Rs 5400/- in the scale of Rs. (9300-34800)/- in FB-2 and an amount of Rs 14,74,327/- towards arrears passed in 2 instalments, out of which an amount of Rs 8,87,464/- was credited to your SBI/Gopalapatnam's S.B.account no 31309729273 on 11.10.2014 and 31.01.2015 respectively, after deducting PF arrears, CGIS arrears & Income Tax etc. The details are as mentioned below.

S.no	Subject	Amount (Rs.)
1	Total arrears bill amount	14,74,327/-
2	Deduction towards PF arrears	2,19,063/-
3	Deduction towards CGIS arrears	10,800/-
4	Deduction towards IT	3,57,000/-
5	Net amount credited to SBI A/C	8,87,464/-

However, the above payments are subject to the outcome of High Court/Kolkata's WPCT 201 of 2007, the restore application CAN NO 4744 of 2014 and Section-5 applications CAN NO 5149 of 2014 filed on behalf of Railways and pending before Hon'ble High Court/Kolkata.

This is for your information and please acknowledge receipt.

By: Chief Electrical Engineer (Con),
East Coast Railway,
Visakhapatnam.

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No. EL/Con/ VSKP/CP-C 100 of 2013/

Dated 23.11.2015

Shri Achintya Kumar Benerjee,
 Advocate, Bar Association Room No 10,
 High Court, KOLKATA.

Dear Sir,

Sub: Contempt Petition (Civil) 100 of 2013 at Hon'ble CAT/Calcutta
 In the matter of Sri N.S.N.Murty VS Mr.Madhuresh Kumar & others.
 Re: Your Notice dated 06.10.2015.

The appellant Sri N.S.N.Murty appointed as casual labour on 26.11.1980, attained temporary status on 01.01.1984 and accorded PCR status w.e.f. 01.04.1984, as per Hon'ble Supreme Court directives, communicated by CPO/GRC's letter no. (copy enclosed). The same was brought to the notice of Hon'ble Members of CAT during hearings and accordingly Hon'ble CAT in their order dated 01.12.2014, mentioned the following:

"With regard to the prayer seeking pay of Rs. 1400-2300/- w.e.f. 01.01.1986, as it seems that applicant's claim may be a genuine one, the applicant may prefer a representation to the authorities within a week of receipt of this order, and the said authority upon receipt of the same shall issue appropriate order granting benefits of Rs. 1400-2300/- from 1.1.1986, if admissible to the applicant in terms of the order passed in the O.A., within a period of one month from the date of receipt of a copy of this order. In case the applicant is still aggrieved he shall be at liberty to revive the Contempt Proceedings on oral submissions".



The contents were mentioned, explained to the appellant Sri N.S.N. Murty. The payments were made and Sri N.S.N.Murty acknowledged this office letter dated dated 03.02.2015, satisfied and till date the appellant has not submitted any written representation at Dy.CEE/Con/VSKP office, as advised by the Hon'ble

Hon'ble CAT vide it's order dated 25.08.2015, dropped the CPC, taking Dy.CEE/Con/VSKP's letter dated 03.02.2015 on record.

It is also to mention here that East Coast railway filed the restore application CAN NO 4744 of 2014 and Section-5 application CAN NO 5149 of 2014 in the matter WPCT 201 of 2007 at the High Court/Kolkata.

Thanking you,

Yours faithfully,

N.PAPA RAO
 (N.PAPA RAO)

Deputy Chief Electrical Engineer (Con),
 East Coast Railway, Visakhapatnam
 Cell: 8978080351

5. In view of the fact that no representation has been preferred by the applicant pursuant to the leave as granted by this Tribunal in the earlier CPC No. 100/2013, which is admitted the Id. counsels for the petitioner at the bar, we drop contempt proceedings out of the CPC, 241/2015 and with the consent of both the parties grant liberty to the petitioner to prefer appropriate representation to the authorities if still aggrieved with non-

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compliance of the directions of the Tribunal passed in the O.A, within 4 weeks from the date of receipt of copy of this order.

In the event such representation is preferred, ld. counsel for the alleged contemnors assures that the same shall be considered in accordance with law and in the spirit of the orders passed in the O.A within a period of 3 months from the date of receipt of such representation.

6. With this, contempt proceedings are dropped. Notices issued, if any, are discharged.



(Nandita Chatterjee)
Member (A)

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(Bidisha Banerjee)
Member (J)