

In The Central Administrative Tribunal
Calcutta Bench

CPC 10 of 1999
OA 733 of 1996

Present : Hon'ble Mr. D.V.R.S.G. Dattatreya, Judicial Member
Hon'ble Mr. B.P. Singh, Administrative Member

Ashok Kumar Roychoudhury

- VS -

R.N. Malhotra (SER)

For the Applicant : Mr. B.C. Sinha, Advocate

For the Respondents : Mr. C. Samadder, Advocate

Heard on : 21-07-2000

Date of Order : 21-07-2000

O R D E R


D.V.R.S.G. DATTATREYULU, JM


Heard Id. Advocates for the applicant as well as for the respondents. This contempt petition has been filed by the applicant stating that the respondents have wilfully and deliberately violated the order passed by this Tribunal on 22-07-1998 with a direction to the respondent authorities not to give any effect to the order passed by the disciplinary authority until the appeal, preferred by the applicant, is disposed of in accordance with the rules and the order is communicated to the applicant. Id. Advocate for the applicant submits that the respondents in complete violation and disobedience of the order of the Hon'ble Tribunal have fully and completely given effect to the order passed by the Disciplinary Authority. As a result the applicant has suffered irreparable loss and injury. So, respondents should be given punishment for being guilty of contempt of Court.

Contd....

2. Id. Advocate for the respondents submits that in compliance with the order passed by the Hon'ble Tribunal dated 22.7.1998 the impugned order dated 16.5.1996 has been withdrawn and communicated the same to the applicant vide letter dated 25.2.1999. It has been stated by the respondents that as per direction of the Tribunal the appeal preferred by the applicant on 10.8.94 has been duly considered by the respondents. The facts remain is that as the present case had arisen out of the vigilance investigation, so it took some time to dispose of the appeal in consultation with the vigilance branch. Hence, some procedural delay took place in processing the case. There was no iota of intention by the respondents for non-compliance of the said order of the Hon'ble Tribunal. Rather, in honouring the order of the Hon'ble Tribunal, the respondents have disposed of the appeal of the applicant which consumed some time. So, the allegations brought by the applicant are baseless and not tenable.

3. We have considered the submissions of Id. Advocates of both the parties. We are of the considered view that there was no wilful violation of contempt of Court's order on the part of the respondents. ^{since they complied with the order} Hence, there is no reason to initiate any contempt proceedings. Accordingly, the present application is rejected.


(B.P. Singh)
Member(A)


(D.V.R.S.G. Dattatreya)
Member(J)