

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 78 of 2009

(OA 37106/1996)
Present: Hon'ble Mr.K.V.Sachidanandan, Vice-Chairman
Hon'ble Mr.Champak Chatterji, Administrative Member

NRIPEN DAS,
S/O Late Suresh Chandra Das,
R/O 137 Keshab Chandra Sen Street,
Calcutta - 700009, working as
Chowkidar under Sr. Section Engineer
(TRD), Dankuni, Howrah Division,
Eastern Railway, Howrah.

...APPLICANT

VERSUS

1. Smt. Jyotsna Pande Kusumakar,
Sr. Divisional Personnel Officer,
E.Rly., Howrah Division,
P.O. & Dist.- Howrah.
2. Shri P. Chakraborty,
Sr. Divisional Electrical Engineer,
E.Rly., Howrah Division,
P.O. & Dist.- Howrah.

...RESPONDENTS.

For the applicant : Mr.B.Mukherjee, counsel

For the respondents : Mr.P.K.Arora, counsel

Heard on : 9.7.09

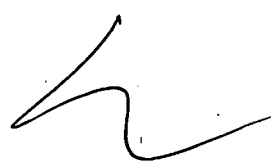
Order on : 31/7/09

O R D E R

Mr.K.V.Sachidanandan, VC

This application has been filed by the applicant for alleged non-compliance of the order of the Tribunal in OA 371/96 dated 20.5.98, the operative portion of which is as follows :

"In view of the aforesaid circumstances I hold that the applicant is entitled to get overtime allowance even after issuance of the notification dated 26.6.92 in this case and the respondents are directed to make payment of overtime allowance from July, 1992 and onwards, if the applicant was employed to perform the duty for more than 9 hours in a day in a 5-day week as Chowkidar and he will be entitled to get the benefit of overtime allowance till he holds the post of Chowkidar and performing the duty as such. Accordingly the application is allowed awarding no costs."



2. We have heard Mr.B.Mukherjee, Id. Counsel appearing for the applicant and Mr.P.K.Arora, Id. Counsel appearing for the alleged contemnners.

3. When the matter came for hearing the alleged contemnners have submitted that the matter has already been disposed of by this Court in an earlier Contempt Petition No. CPC 20/25 vide order dated 5.8.05 which is quoted below :

“Ld. Counsel for both the parties submit that grievance of the applicant has been fully complied with and all payments due to him have been paid. Therefore, they pray for dropping the proceedings. Having heard Id. Counsel for both the parties and having regard to the prayer made, the same is granted and CPC is disposed of as dropped.”

4. The Id. Counsel for the alleged contemnners would submit that since an earlier Contempt Petition has already been adjudicated and disposed of by dropping the proceedings, the applicant is not entitled to file a fresh contempt. His grievance if any, is to be redressed elsewhere.

5. We are also of the same view and when we asked the applicant to ^{Cite ✓} ~~side~~ any rule/procedure and/or citations to establish his case that a further contempt will ⁱ ~~lye~~, was not acceded to. Therefore the legal position is that once a contempt proceeding is dropped the Court cannot proceed with another contempt on the same issue. Therefore we are of the considered view that the CPC will not stand on its leg and it is to be dropped.

6. The CPC is therefore dropped. No order as to costs.

MEMBER(A)

VICE-CHAIRMAN

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