

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

C.P.C. 92 of 1997.

( O.A 542 of 1996)

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

ANUKUL CH. DAS

VS.

A.P. MURUGASAN ( E. Rly)

For applicant : Mr. P.T. Banerjee, Counsel.

For alleged  
contemners : Mrs. P.K. Arora, Counsel.

Heard on : 19.2.98.

Ordered on : 19.2.98.

O R D E R

B.C.Sarma, AM.

1. This C.P.C has been directed against the Order dated 20.12.1996 passed in O.A. 542 of 1996. That O.A was filed by the applicant raising the dispute about the payment of salary and wages for the period from 24.10.89 to 8.11.89. The O.A. was disposed of in the following terms :-

"In view of the above, the matter is disposed of at the stage of admission itself with the direction that the representation dated 4.9.94 shall be considered by the respondents concerned and they shall pass a speaking order thereon as per rules which shall be conveyed to the applicant. All the above actions shall be taken by the respondents within a period of 4 months from the date of communication of this order. No order as to costs."

2. As directed, the alleged contemners have filed a reply. They have annexed a copy of the speaking order dated 14th August '97 to their reply; there is also a consequential order dated 14.8.97 as set out as 'R-14'. The alleged contemners contend that the direction has been complied with and there has been no violation although there is some delay.

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3. During hearing Mr. Arora, 1d. Counsel appearing for the alleged contemners has tendered unqualified apology for the delay and prays delay may be condoned. The matter has been examined after hearing the 1d. Counsel for both the parties and perusing the records. The 1d. Counsel for the applicant wanted to go into the details of the facts, which is not permissible in a C.P.C. We find that the direction given by the Tribunal has been substantially complied with although there is some delay. The alleged contemners have also tendered unqualified apology in the matter. We accept the apology and condone the delay. Accordingly, we are of the view that there is no prima facie case of contempt and the petition is liable to be dismissed.

4. Accordingly, the CPC is disposed of as action taken without passing any order as to costs. We, however, give liberty to the applicant to file a separate O.A in the matter if he so advised provided it is not otherwise barred.

MEMBER (J)



MEMBER (A)

P/K/C.