

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

No.CPC.96/2005

Arising out of

O.A.No.1475/1996

Date of order : 22.9.2006

Present : Hon'ble Mr. B.V. Rao, Judicial Member

Hon'ble Dr. A.R. Basu, Administrative Member

PROSAD KR. GHOSH  
VS.  
UNION OF INDIA & ORS.

For the applicant : Mr. P. Chatterjee, counsel

For the respondents : Mrs. U. Sanyal, counsel

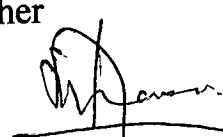
ORDER

Per Dr. A.R. Basu, A.M.

This contempt petition has been filed by the applicant for non-compliance of the order of this Tribunal dated 07.03.2005 passed in O.A.No.1475/1996 which reads as follows:-

“The upshot of the aforesaid discussion leads us to an inescapable conclusion that there is ample substance in this Original Application and the same stands allowed accordingly. The complete disciplinary proceedings including the impugned penalty order dated 30.10.96(A/7) is hereby quashed and the applicant shall be entitled to all consequential benefits including reinstatement as if no such orders were in existence. This order shall be complied with within a period of three months from today. No costs. However, the competent authority is given liberty to take appropriate action in the same matter but finalise the same within a period of not later than four months from today.”

2. Contention of the applicant is that the respondents/contemnors deliberately and willfully disobeyed the order of the Tribunal and instead the alleged contemner No.3 in the meanwhile initiated action for further



enquiry against the applicant and communicated the applicant about this on 29.6.05. The applicant has stated in the contempt petition that the alleged contemner NO.3 has violated a specific order of his reinstatement in service by 7.6.05 i.e. 3 months from the date of issue of the order and he cannot now take undue advantage to resort to initiate action for further enquiry by having deliberately disobeyed the order of this Tribunal.

3. The alleged contemnners have filed detailed reply and tendered unqualified apology. In the reply they have stated that in compliance of the order of the Tribunal the respondent concerned issued an order vide Memo F-2/25-96 dated 29.06.05 to give consequential benefits to the petitioner and at the same time issued an order on 1.7.2005 for taking disciplinary action against him. The respondents/contemnners have submitted that they have duly implemented the order of the Tribunal and they have regretted for the delay. They have stated that the matter was delayed on technical ground and nothing has been done deliberately for non-implementation of the order of the Tribunal. They further stated that the put off duty allowance w.e.f. 13.1.1997 was paid to the applicant on 19.8.2005. The petitioner has been reinstated in service on 18.8.2005 as GDS Branch Postmaster, Jyangra, EDBO.

4. After hearing the Id. Counsel for both sides and on going through the record, we are satisfied that the order of the Tribunal has been substantially

