

In The Central Administrative Tribunal
Calcutta Bench

CPC No.108 of 1996
(OA 1335 of 1996)

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

Abir Ghosh & Ors.

- VS -

A. Ghosh (ER)

For the Applicant : Mr. B. Mukherjee, Advocate

For the Respondents: None

Heard on : 21-07-2000

Date of Order : 21-07-2000

ORDER

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

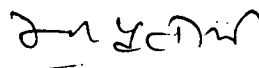
Heard Id. Advocate for the applicants. It is seen from the order passed by this Tribunal dated 11.11.1996 directing the respondents as an interim measure not to publish the result of the viva-voce test already held till next date. It is also seen that the order was supplied on 14.11.96. But Id. Advocate for the applicants submits that respondents were informed on 11.11.96. What that may be, in fact, the respondents violated the Court's order in turn, they issued notification declaring the panel for promotion as Assistant Accounts Officer (Group 'B') out of the viva-vace test held on 9.11.1996. Accordingly, this contempt petition has been filed by the applicants praying for initiation of contempt proceedings against the respondents.

2. From the reply of the respondents it appears that in compliance with the judgement of this Tribunal dated 17.10.96 passed in 1112 of another OA/ 1996 (Sunil Kr. Chakraborty & Ors.) where a direction

Contd....

issued to publish the panel of Assistant Accounts Officer motion to the said post. Accordingly, on 9-11-96 Viva-Voce was held and result was published and approved by the General Manager on the same date i.e. 9.11.96 and promotion orders were also issued along with the panel on 11.11.96 and some of the promotees had also taken charge of the higher promotional post. It has been averred by the respondents ^{in their reply} that in the second half of 11-11-96 at 2.10 hours they were served with the copy of the interim-order. But before receipt of the same the panel was published and some promotees had also joined the higher posts. They have, therefore, submitted that there was no willful violation of the Court's order. They complied with the earlier judgement of the Tribunal and published the panel accordingly. After publication of such panel only they got the Tribunal's subsequent interim order in the O.A. No.1335 of 1996.

3. After considering the position we are of the opinion that they have not willfully violated the Court's order dated 11-11-96. Hence, there is no reason to initiate any contempt proceedings. Accordingly, it is disposed of.


(B.P. Singh)
Member (A)

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

DKN