

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCHCPC 110 of 2000
(O.A. No.1478 of 1996)Present : Hon'ble Mr.Justice G.L. Gupta, Vice-Chairman
Hon'ble Mr. B. P. Singh, Administrative MemberPronab Kumar Dutta, S/o Late S.K. Dutta
Retd. Asstt. Engineer, S. E. Rly.,
residing at 12/B/3, Durga Prosanna
Paramhangsha Road, P.O. Naktala, Calcutta

... Applicant

VS

1. Sri R. K. Thoopal, General Manager,
S.E. Rly, Garden Reach, Calcutta-432. Sri B.S.S. Jain, Chief Engineer,
S.E. Rly., Calcutta-433. Sri R.R. Bhandari, CPO, S.E.Rly.
Calcutta-434. Sri S.S. Khurana, Divl. Rly. Manager
S.E. Rly. Adra,

... Respondents

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

For the Respondents: Mr. S. Chowdhury, counsel

: : Date of order: 5.4.2002

O R D E RPer Mr. Justice G. L. Gupta,

The case for the applicant is that the respondents have committed contempt of the order of this Court dated 18.6.99 by non implementing the order. As a matter of fact, there is no order of that date on record. It has also been stated that the respondents had even filed Writ Petition No.WPCT 398 of 1999 before the Calcutta High Court against the orders dated 20.11.98 and 26.3.99, but the same was dismissed for default.

2. Reply has been filed by the respondents. It has been stated that after the order dated 4.8.2000, the respondents have passed the order dated 22.9.2000 and they have not committed contempt willfully. It has been averred that the delay in



implementing the order dated 4.8.2000 in MA 288/2000 was caused due to administrative reason for which unconditional and unqualified apology has been tendered.

3. We have heard the learned counsel for the parties and perused the documents placed on record. First order was passed on 03.6.96 in OA 1476/96 directing the respondents to complete the disciplinary proceedings initiated against the applicant within a period of four months from the date of communication of that order provided the applicant participated and cooperated with the disciplinary authority in bringing the proceedings to a conclusion. Thereafter the respondents filed MA 474/98 seeking extension of time. That application was allowed giving two months' time to complete the order.

The respondents again filed MA 25/99 seeking extension which was rejected vide order dated 26.3.99.

4. Thereafter the applicant filed MA 288/2000 which was disposed of by this Tribunal vide order dated 4.8.2000. It was stated in the order that the respondents could implement the order in one month's time.

It is pointed out that the respondents did not complete the disciplinary proceedings even within one month from the date of the order dated 4.8.2000 and therefore, they have committed contempt.

5. We have considered the arguments advanced by the learned counsel for the parties. It is evident that the Tribunal had extended the period of implementation for one month vide order dated 4.8.2000. This order was communicated to the respondents on 17.8.2000. Thereafter the final order has been passed on



22.9.2000. There was thus delay of five days only in passing the final order for which the respondents have tendered unconditional apology.

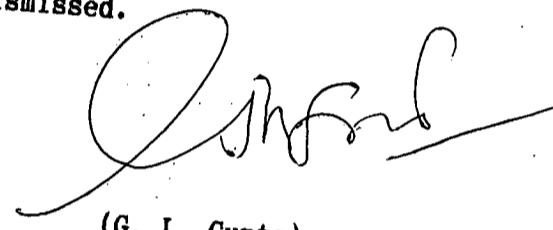
6. Keeping in view the facts and circumstances of the case, it cannot be said that the respondents have deliberately committed contempt of the order of the Court. The delay in implementing the order cannot be said to be intentional.

7. For the reasons stated above, there is no cause to issue notice to the respondents. The CPC is dismissed.

Singh

(B. P. Singh)

MEMBER (A)



(G. L. Gupta)

VICE-CHAIRMAN