

In the Central Administrative Tribunal
Calcutta Bench

CPC No.131 of 1997

(OA No.225 of 1996)

Present : Hon'ble Mr. S. Dasgupta, Member (A)

Hon'ble Mr. D. Purkayastha, Member (J)

Bimal Chandra Das

.... Applicant

Vs.

1) Sri S. Ramanathan, General Manager,
S.E. Railway, Garden Reach, Calcutta.

2) Sri V.K. Sahay, Divisional Railway
Manager, S.E. Railway, Adra Division,
Dist: Purulia, West Bengal.

3) Sri K.P. Roy, Divisional Personnel
Officer, S.E. Railway, Adra Division,
Purulia, (West Bengal).

.... Respondents

For the Applicant : Mr. K.C. Saha, Lt. Counsel

For the Respondents: Mr. S. Choudhury, Lt. Counsel

Heard on : 4-8-98

Date of Judgement : 4-8-98

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Heard Lt. Counsels for both the parties. The contempt application arises out of order dated 3.4.97 by which OA 225 of 95 was disposed of with direction to the respondents. The operative part of the order is as follows :

"In view of the aforesaid circumstances I find that it is a fit case to direct respondent No.2, the Divisional Railway Manager, S.E. Railway, P.O. Adra, Dist: Purulia to dispose of this application treating the same as a representation of the applicant with a speaking order within three months from the date of submission of representation by the applicant to respondent NO.2. The applicant is also directed to file representation as ordered i.e. the copy of this application along with annexures to respondent No.2 within three weeks

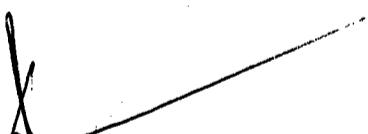
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from to-day and on receipt of the representation the respondent No.2 shall dispose of the same with a reasoned order within three months, as mentioned above. If the applicant still remains aggrieved, he will be at liberty to approach this Tribunal again. Accordingly, the application is disposed of without passing any order as to costs".

2. The contempt application was filed alleging that the respondents have not complied with the aforesaid direction of the Tribunal. The respondents have filed reply in which they have stated that an earlier speaking order was passed by the alleged contemner No.3 dated 8.9.97 copy of which is annexed as Annexure R-II to the reply and subsequent speaking order was passed by alleged contemner No.2 dated 5th/8th June, 1998 copy of which is annexed as Annexure R-I to the reply.

3. We have heard the submissions of both the parties. We find that the order dated 5th/8th June '98 has been passed, the order of Tribunal has been substantially complied with. No doubt, there has been considerable delay in complying with the order, but we are of the view that there has been no deliberate attempt to delay on the part of the respondents in complying with the orders. We, therefore, see no reason to proceed with the case. The application stands disposed of accordingly.


(D. Purkayastha)
Member (J)


(S. Dasgupta)
Member (A)