

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. CP(C) 132 of 1997 (OA 1145 of 1996)

Present : Hon'ble Dr. B. C. Sarma, Member (A)

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

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA.

VS.

K. S. BHASKAR, ADMINISTRATIVE OFFICER,
MIN. OF WATER RESOURCES,
CENTRAL GROUND WATER BOARD,
NH-IV, FARIDABAD, HARYANA.

For applicant in OA : Mr. P. Chatterjee, counsel.

For respondents : Ms. K. Banerjee, counsel.

heard on : 27.10.97 :: ordered on : 27.10.97.

O R D E R

B.C.Sarma, AM

This CP(C) arose on the basis of a direction given by us upon the Registry of this Tribunal in our order dated 15.9.97 passed in O.A. 1145 of 1996. The dispute raised in that application was about the impugned order of transfer from Calcutta to Bhubaneswar. That application was dismissed. But while dismissing the application, we found that the respondents had passed certain orders after the application was admitted on 11.10.96. It was directed in the order dated 15.9.97 that a notice be issued on Shri K.S.Bhaskar, Administrative Officer, Min. of Water Resources, Central Ground Water Board, Faridabad to show cause why contempt of court proceedings should not be drawn up against him.

2. When the matter was taken up today, Ms. K. Banerjee, appearing for the alleged contemner submits that the alleged contemner is present in court although he was not directed



to appear. Ms. Banerjee, however, submits that in the show cause notice it was mentioned. She also files a reply submitted by the alleged contemner, which we have perused. In the reply the alleged contemner submits that inadvertently, solely because the alleged contemner being an officer from the administrative discipline, he was unaware of the provisions of Section 19 of the A.T.Act, 1985 and the legalities attached therewith and he tendered unqualified apology. He also submits that the order was issued with the approval of the Head of the Department.

3. We have heard the submissions of the 1d. counsel for both the parties, perused records and considered the facts and circumstances of the case. Ms. Banerjee argues that this case is not attracted by the provisions of Section 19(4) of the A.T.Act, 1985, because about the debarment of promotion for a specific period, the applicant did not have any grievance. While it may be true, as recorded in our order, that the applicant did not assail the debarment of his promotion, but the fact remains that debarment of promotion has got some impact on the grievance raised by the applicant in the O.A. Ms. Banerjee, 1d. counsel, further submits that action taken by the alleged contemner was not intentional and purely out of his ignorance it was done. In view of the reply filed and keeping in view of the fact that the alleged contemner is himself is present, whom we have also asked certain questions, we come to the conclusion that the alleged contemner did not have any intention to flout the order of the Tribunal. We accept the position that whatever was done by him was done out of ignorance, but such thing should not have happened. We also accept the apology tendered by him. We, therefore, drop the proceeding. The CP(C) is thus disposed of without passing any order as regards costs.

W.C.M
MEMBER (J)


MEMBER (A)