

In the Central Administrative Tribunal
Calcutta Bench

CPC No.58/2003
(OA No.651/96)
(OA No.725/96)

18-6-04

Present : Hon'ble Mr.R.K. Upadhyaya, Member(A)
Hon'ble Mr.J.K. Kaushik, Member(J)

Ashok Baidya & Ors

-Vs-

Kamal Shibal & Ors

For the applicants : Mr.J.L. Roy, Counsel

For the respondents: Mr.M.S. Banerjee, Counsel

ORDER

Mr.J.K. Kaushik, Member(J)

The Contempt Petition No.58/2003 has been filed on the ground that the judgement which was passed by this Bench of the Tribunal on 2-5-2000 in OA 651/96 and OA 725/96 has not been complied with. In the aforesaid OAs this Bench of the Tribunal was pleased to direct as under :

"11. Keeping in view the above facts and circumstances, we think it proper to direct the respondents to examine the cases of the applicants afresh in the light of the directions of the Supreme Court and the averments made at para No.14 of the reply and para No.8 of the supplementary affidavit of the applicants dated 14-3-2001 and pass appropriate order. This exercise be completed within a period of two months from the date of communication of this order.

12. Both the OAs stand disposed of with the above observations. No costs".

2. The learned counsel for the applicants has submitted that the respondents have not complied with the order. He has tried to persuade us that the respondents have not allowed them to join despite there is specific concession in para 10 of the judgement that as the applicants did not agree to furnish undertaking surrendering their claim for regularisation on the post they have not been allowed to perform their duties. He has submitted that *Submissim of* despite *said* undertaking they have not been taken on duty. It has already been submitted that the order dated 1-9-03 which has been

passed by the respondents in pursuance of the judgement of the Tribunal does not fulfill the intention of this Bench of ~~these~~ ^{Telegana} ~~workers~~ ² and the respondents have committed a contempt in as much as they have deliberately violated the order of the Bench. On the other hand, the learned counsel for the respondents has submitted that the respondents filed Misc. Application for recalling the order and which came to be decided only in the month of June. Thereafter they have decided the representation of the respondents and passed the order on 1-9-03 which is at Annexure - X2. The order has been passed keeping in view the observations made in the judgement passed by the Tribunal. The learned counsel for the respondents has contended that there has been some delay which was not deliberate and the respondents have already indicated in the very reply to the Contempt petition and has tendered unconditional apology for unconscious violation of the order of the Tribunal.

3. We have considered the submissions and the pleadings made on behalf of both the parties. We find that in pursuance of the direction of the Tribunal, the respondents have passed the order Annexure X2 on 1-9-03 and the judgement of the Tribunal has been complied with.

4. In this view of the matter the Notice of Contempt are discharged and the Contempt Petition is dismissed.

5. However, it scarcely mentioned here that if the applicants ^{necessary to} ~~still~~ ¹ ~~are~~ feel aggrieved from the order which has been passed vide Annexure X2 dated 1-9-03 and any grievance survived the same would give a fresh cause of action and they would have the liberty to file application before any appropriate forum as may be advised to them. No order as to costs.



Member (J)



Member (A)