

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

CPC 129/98 (O.A. 764/93)

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman

Hon'ble Mr. B. P. Singh, Administrative Member

1. Debadis Das
2. Uday Kumar Singh
3. Kailash Prasad
4. Ganga Sharma
5. Sumanta Pramanik
6. Birendra Tanti
7. Kalinath Singh
8. Raj Kumar Sha
9. Baysh Muni Tiwari

VS

1. Sri S. Ramanathan,
General Manager, E.Rly.
17, N.S.Road, Fairlie Place,
Calcutta
2. Sri N.Biswas,
D.R.M. E. Rly. Malda Division, Malda
3. P.K.Chatterjee,
Sr.DPO, E. Rly. Malda Division.

... Respondents

For the petitioners : Mr. P.C.Das, Counsel

For the respondents : Mr. P.K.Arora, Counsel

Heard on : 27.8.99 : Order on : 27.8.99

O R D E R

S.N.Mallick, V.C.:

In this contempt application, the petitioners have prayed for initiating contempt proceedings against the respondents for alleged violation of the Tribunal's order dt. 29.9.97 passed by an earlier Bench of this Tribunal in OA 764/93. It appears from record that the aforesaid OA was disposed of along with a number of cases by the earlier Bench of this Tribunal by a common order and directions given therein are as follows :-

"40. We now come to the petitioners who have not yet been screened viz. those of OA Nos. 614/93, 695/93, 764/93, 1157/93, 1187/93, 1191/93, 1219/93, 1269/93, 1302/93, 1342/93, 1376/93, 1387/93, 1403/93, 1405/93, 1443/93, 152/94, 293/94, 329/94, 331/94, 434/94, 886/94, 1249/94 & 65/95 i.e. 23

cases. In those cases, it is desirable that they be screened by the same old screening committee or by any new Screening Committee to be appointed by the Divisional Commercial Superintendent, Malda, in line with the screening already done. However, at the time of such screening, the respondents shall issue registered notice to each and every petitioners in the respective address given in their respective petitions by giving them at least one month's clear notice to appear before the screening committee on the dates fixed with all the best papers and identification cards and other documents in their possession regarding their past engagement. The documents thus to be submitted by such petitioners shall be accepted by the respondents for verification by giving appropriate receipts and in order to avoid any problem of impersonation, the petitioners will also be required to produce their recent photographs along with names, present address and the address during the material time, age etc. attested by a gazetted officer suitably. The respondents shall intelligently verify the identify and service particulars with reference to records available with them and with particular reference to paid vouchers. The concerned SMS etc. should also be examined by the screening committee, if necessary. If after such screening, the respondents come to the conclusion that any such petitioner has willfully submitted fraudulent claims with bogus certificates, they may even consider prosecuting such petitioners criminally. However, the names of those petitioners whose claims would be found to be genuine should be brought in the live casual labour register for re-engagement as hot weather staff from the next summer season. Such screening will have to be completed by the respondents within 4 months from the date of communication of this order."

2. Reply has been filed on behalf of the alleged contemners/

respondents stating that directions given by the Tribunal in the aforesaid OA have been meticulously and faithfully complied with by them. But there has been some delay in the matter of implementing the order as so many cases were involved and various past records were to be looked into for the purpose of screening involving so many applicants. It is also stated that such delay was not intentional and the respondents have tendered unqualified apology for the delay.

3. It is submitted by Mr. Das, the ld. counsel appearing for the petitioners, ^{that} the screening committee has not followed the directions given by the Tribunal properly and the screening was not done in terms of the order of the Tribunal.

3. We have gone through the screening committee's report as per annexure to the reply. But we do not find any anomaly in the said report for which a contempt proceeding can be initiated against the respondents. It is categorically stated that in terms of the directions of the Tribunal as quoted above, the a committee consisting of Dy. Commercial Manager, Malda, Divisional Accounts Officer, Malda and Sr. Divl. Personnel Officer was nominated by the DRM, Malda to screen the claim of the applicants. We do not find any technical illegality or infirmity in the above report of the committee. We do not find any substance in this contempt application. As such it is rejected and the proceeding is dropped.



MEMBER(A)


VICE CHAIRMAN