

In the Central Administrative Tribunal  
Calcutta Bench

No. C.P.C.73 OF 2000  
M.A. 263 of 2000  
(O.A.647 of 1991)

Dated:18-04-2005

Present : HON'BLE MR. S.K. MALHOTRA, ADMINISTRATIVE MEMBER  
HON'BLE MR. G. SHANTAPPA, JUDICIAL MEMBER

CHINMOY BHATTACHARJEE

-Vs-

R.K. THOOPAL (G.M., S.E.Rly.)

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. K. Chakraborty, Counsel

ORDER

Mr. G. SHANTAPPA, J.M.:-

The above Contempt Petition is filed by the applicant for not complying with the order dated 30-9-1999 passed in O.A. 647 of 1991 by the respondents. The reliefs prayed in the petition are as follows :

I. Issue Rule calling upon the respondent contemners herein to show cause as to why they should not be committed to prison and/or punished suitably in accordance with the provisions of Contempt of Courts Act, 1971 and/or the Rules framed thereunder for their deliberate, willful and contumacious violation and disobedience of the order dated 30.9.1999 passed by Their Lordships the Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman and the Hon'ble Mr.ingh, Administrative member in O.A.No.647 of 1991 for not implementing the order by not giving the promotional benefits to the applicant at per with his immediate junior till to-day.

II. Issue an Order and/or direction calling upon the respondents-contemners herein, to show cause as to why their assets and/or properties should not be sequestered for their utter disobedience and gross violation of the order dated 30.9.99 passed by this Hon'ble Tribunal in O.A. 647 of 1991.

III. Rule in terms of prayers (i) and (ii) above and to make the same absolute if the respondents-contemners herein fail to show any cause and/or insufficient cause is shown by them.

IV. And to pass such further or other order or ordrs and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper.

2. The direction of this Tribunal is as follows :



"In view of the above, we hereby allow the application and direct the respondents to notionally empanel the applicant w.e.f. the date his immediate junior was empanelled and give him all the consequential benefits which he would have been eligible to get. We would further direct that the applicant should be given the option to choose the most beneficial relief between what he would get on notional fixation and what he is already getting. The above direction should be implemented by the respondents within a period of 4 months from the date of communication of this order and the same should be communicated within a week thereafter to the applicant. The applicant will exercise his option within two weeks after receipt of the order from the respondents. We do not pass any order as to costs".

3. The applicant had submitted his representation dated 28.10.99 along with copy of the order of this Tribunal passed in O.A. 647 of 1991. Therefore, the applicant has received the said order. He made representation dated 30.9.99 requesting to send him the proposed fixation of pay showing his pay fixation from the date of his promotion of his immediate junior as SCR, Dy. CHC and CHC along with drawal particulars. Subsequently, the respondents have issued office order dated 6/7<sup>th</sup> March, 2000 regarding implementation of the judgment of this Tribunal. Subsequently the applicant had issued legal notice dated 31-3-2000. The grievance of the applicant is that the respondents have not complied with the directions of this Tribunal. Hence, this CP(C).

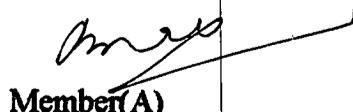
4. After service of notice the respondents have filed their reply statement producing the order dated 16.2.2000. Subsequently, another order dated 6/7<sup>th</sup> March, 2000 was issued. The statement of the respondents as per para 9 of the reply is that they have complied with the directions of this Tribunal. There is no disobedience to the order. Hence, they have requested for dropping the contempt petition.

5. We have heard Ld. Counsel for both the parties. On perusal of the order dated 6/7<sup>th</sup> March, 2000 the respondents have complied with the directions. If the applicant is aggrieved by the said order, it is a fresh cause of action for him. Since, there is compliance, we need not draw up any contempt proceedings against the respondents. We are convinced that the respondents have not committed any contempt to the order of this Tribunal. Accordingly, contempt is dropped.

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The applicant has filed the above M.A. for clarification of the order. Since the contempt petition is dropped, there is no need to clarify the order as sought for in the M.A. Therefore, the M.A. has become infructuous and the same is dismissed.

  
Member(J)

  
Member(A)