

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. C.P.C. 28 of 2003.
(O.A. 815 of 1997)

Date of Order : 18.12.2003.

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. Nityananda Prusty, Judicial Member

N.K. SAMANTA

VS.

SUNIL KUMAR MITRA AND ANR.

For the Applicant : Mr. P.K. Ghosh, counsel

For the Respondents : Mr. P.K. Arora, counsel

O R D E R

MR. NITYANANDA PRUSTY, JM:

Heard Mr. P.K. Ghosh, 1d. counsel for the applicant and Mr. P.K. Arora, 1d. counsel appearing on behalf of the official respondents/alleged contemnors. Reply has already been filed by the official respondents in this case.

2. The O.A. was filed for fixation of pay and for payment of interest for the delayed payment of the actual dues of the applicant from the date of his entitlement for the sum till the date of actual payment. While disposing of the O.A. the Tribunal has directed that the representation of the applicant is to be considered treating that O.A. as a part thereof and within a period of 03 months from the date of communication of the order and pay interest on the arrears amount payable to the applicant at the rate of 12% per annum. Accordingly as per the above, direction, the official respondents have paid Rs. 10,910/- to N.K. Samanta and Rs. 10,615/- to T. N. Saha. The official respondents have considered the representation of the applicants treating the O.A. as a part thereof and passed order for payment of interest at the rate of 12% per annum on the arrear amount payable to the applicants. The interest amount was accordingly calculated

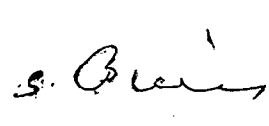
and office order to that effect dated 17th June, 2003 Annexure CR/2 has been communicated to the applicant and also the payment has already been made in the mean time.

3. In that view of the matter, we are of the opinion that the order of the Tribunal has been fully complied with in letter and spirit even though there is some delay in complying the order. The official respondents in their reply have explained that the delay was not deliberate or intentional and there was no wilful disregard or disobedience of the order of the Tribunal. However, Mr. Arora, 1d. counsel appearing for the official respondents tenders unqualified apology on behalf of the respondents for the delay caused in complying the order.

4. Keeping in view of the above submissions made by the 1d. counsel for both the parties, we are of the considered opinion that the order of this Tribunal has been substantially complied by the official respondents/alleged contemnors with some delay. Hence we do not want to proceed any further in the matter. The contempt proceedings is accordingly dropped. However, there shall be no order as to costs.

5. However, if the applicant has got any further grievances in the matter, he is at liberty to approach the appropriate forum in accordance with law for redressal of his grievances.


MEMBER (J)


MEMBER (A)

ASVS.