

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, KOLKATA**

Contempt Petition (C) No. 102/97

in

ORIGINAL APPLICATION NO.: 617/1997

Date of order: 19.05.2005

CORAM:

HON'BLE MR. J. K. KAUSHIK, JUDICIAL MEMBER.

HON'BLE MR. A.K. BHATT, ADMINSTRATIVE MEMBER.

Shri S.C. Basak

...Applicant.

[Rep. by Mr.S.K.Dutta, Advocate for applicant]

V E R S U S

Shri S Ramanathan and Others

Respondents.

[Rep. by Mr. R.N.Das and MS. S.Banerjee, advocates for respondents]

O R D E R

Per Mr. J.K. Kaushik, Judicial Member

Shri S.C. Basak has filed an Original Application under section 19 of the Administrative Act 1985 assailing the reversion order dt. 3-6-1997 at Annexure-N and has sought for quashing the same with the direction to respondents to continue him to discharge the duties attached to the post of Chief DTI (M) without any interruption amongst other reliefs. The case was heard on dated 4.6.97 for grant of interim relief and this bench of the Tribunal was pleased to pass the following order:

2

" Heard the Id counsel for the petitioner and on perusal of the petition and annexures, particularly Annexure-D to the petition, we direct, in view of urgency, as an interim measure that the petitioner shall not be reverted to the post of Sr DTI (M) in the scale of 1600-2660/- till the next date.'

2. This contempt petition has been filed complaining the non-compliance of the aforesaid order. We have heard the learned counsel for both the parties who have reiterated their pleadings. It has been contented on behalf of the applicant that the respondents have intentionally and deliberately flouted the order of this bench of the Tribunal. On the other hand the respondents have pleaded that the reversion was given effect on 3.6.97 itself and the new incumbent had taken over the charge of the post earlier held by the applicant. The Id counsel for the respondents has tried to demonstrate us that the applicant in fact avoided the actual service of the reversion order despite the fact that a copy has been filed with this OA on 4.6.97.

3. We have considered the submissions put forth on behalf of both the parties. The reversion order came to be passed on 3.6.97 and the interim order was granted on dated 4.6.97. The respondents have placed on records the charge report of the new incumbent posted in place of applicant which is prior dated to the date of interim order. Thus, the order of reversion was given effect before passing of the interim order. The effect of

8

such interim has come for examination before coordinate benches of this Tribunal in case of **SLJ 1990(1) CAT JD 662 Shri Mool Chand Meena V. V K Rajada and Anr. SLJ 1990(1) CAT JD 278 Virender Vikram and Ors Vs. Mr. M K Kundra and ors.**, wherein it has been held that where implementation of an order has been stayed but the order had already implemented prior to passing the stay order, no contempt can be said to have been committed. Thus in the instant case, no contempt case is made out.

4. In the premises, the CP (C) No. 102/97, is hereby dismissed and notices of contempt stand discharged. No costs.


(ANAND KUMAR BHATT)
ADMINISTRATIVE MEMBER


(J.K.KAUSHIK)
JUDICIAL MEMBER

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