

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. CPC 109 of 97  
(O.A. 890 of 97)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member  
Hon'ble Mr. G.S. Maini, Administrative Member

P.K. Mitra

Vs.

Amlan Kumar Biswas (E. Rly.)

For the applicant : None

For the respondents : Mr. M.K. Bandopadhyay, counsel

Heard on : 11.11.99

Order on : 11.11.99

O R D E R

When the matter is called on, none appears on behalf of the applicant. Id. counsel, Mr. M.K. Bandopadhyay appears on behalf of the alleged contemnors. In this Contempt petition, an allegation has been made that the respondents/contemnors had wilfully violated the interim order passed by this Tribunal on 1.8.97 in O.A.No.890/97 by which this Tribunal directed the respondents not to take any step in respect of impugned selection test due to be held on 5.8.97. It is averred that a copy of the said interim order was served upon the respondents on 4.8.97. It is further alleged that inspite of this, the respondents have proceeded to hold the said examination in violation of the aforesaid interim order. Accordingly, the petitioner have prayed for issuance of contempt rule against the respondents for deliberate violation of the order passed by this Tribunal.

2. The respondents have filed reply in which they have stated that the interim order dated 1.8.97 was passed ex parte. However, the copy of the interim order was served on 4.8.97 through the Additional DM. In the meantime, the preparation

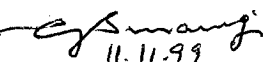
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for holding the examination on 5.8.97 had already been made and the intimation of the aforesaid interim order came to the knowledge of the concerned authority only on 5.8.97 when the first phase of the said examination had already been held.

As soon as the intimation reached, the concerned authority stopped all further proceeding of the matter. According to the respondents, there was no wilful violation of the interim order passed by the Tribunal and as such, the contempt proceeding does not lie.

3. After hearing the ld. counsel for the respondents and on going through the application and the reply, we are satisfied that there was no wilful violation of the order of the Tribunal. Accordingly the contempt petition is dismissed and the proceeding is dropped.

4. No order is passed as to costs.

  
11.11.99  
( G.S. MAINGI )  
MEMBER(A)

  
11/11/99  
( D. PURKAYASTHA )  
MEMBER(J)