

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 128 of 1997
(OA 987 of 1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

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

PRADIP KR. DEY

VS

RAIAN KR. GHOSH (C.P.W.D.)

For the applicant(s) : Mr. R.K. De, counsel

For the alleged : Mr. M.S. Banerjee, counsel (for alleged
Contemnors Contemnor No.1)

Mr. P. Chatterjee, counsel (for alleged
Contemnor No.2)

Heard on 6.4.2000

Order on : 6.4.2000

O R D E R

D. Purkayastha, J.M. :-

Alleged Contemnor No.1 Shri R.K. Ghosh appears personally today and tenders unconditional apology for violation of the Order of this Tribunal dated 27.8.1997 stating inter alia that ~~due to~~ misconception of the Order dated 27.8.1997 passed by the Tribunal on 27.8.1997 he did not take proper steps for giving effect to the Order of Stay.

2. Ld. Advocate Mr. M.S. Banerjee, appearing on behalf of the alleged Contemnor No.1 submits that the alleged Contemnor No.1 may be discharged from the charge since he has tendered unconditional apology today before this Tribunal for the alleged inaction on the part of the alleged Contemnor.

3. Ld. Advocate Mr. R.K. De appearing on behalf of the applicant submits that the Order of this Tribunal dated 27.8.1997 passed in O.A.No.987 of 1997 has been duly communicated to the alleged Contemnors by the applicant in pursuance of the directions given in the Order itself. Order of Stay in respect of transfer of Shri Arun Kr. Bala has been communicated to the alleged

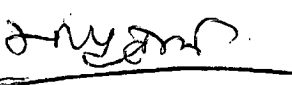
Contemnors in pursuance of the direction given by this Tribunal on 27.8.1997. Mr. De also alleged that Shri Bala was allowed to join on 4.9.1997 and thereafter the alleged Contemnor No.1 rejected the representation of the applicant on 9.9.1997. So, it is an intentional violation of the Order of this Tribunal and, therefore, proceedings should not be dropped and the alleged Contemnor should not be discharged.

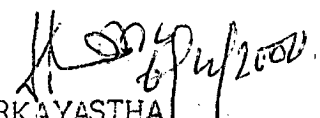
4. Ld. Advocate Mr. P. Chatterjee appears on behalf of the alleged Contemnor No.2.

5. We have gone through the reply filed by the alleged Contemnor Shri R.K. Ghosh. In Para. 4(d) of the reply the alleged Contemnor submits as follows :-

" As soon as I came to know about the said Order dated 8th September, 1997, necessary instructions were issued to respective Co-ordination Section intimating that in view of the order of stay passed by the Hon'ble Tribunal in C.A. No.987 of 1997 Shri A.K. Bala should not have been allowed to join as Ferro Printer in the office of the Superintending Surveyor of Works (EZ) in pursuance to the order of transfer dated 19th August, 1997."

We have considered the submissions of the Ld. Advocates of both sides. We find that the alleged Contemnor Shri R.K. Ghosh is holding a very responsible Post of Superintending Engineer. So, after receiving the order of the Tribunal dated 27.8.1997 he should have been much conscious so that Tribunal's order can be obeyed strictly. But we find that by his inaction Tribunal's order was violated and it be mentioned here that such in action on the part of the alleged Contemnor cannot be said to be accidental. However, we find that he has tendered unconditional apology before this Tribunal by appearing personally. ^{He accepted the same} Therefore, we discharge him from the said alleged charge and accordingly, CPC is disposed of.


B.P. SINGH
MEMBER (A)


D. PURKAYASTHA
MEMBER (J)