

Central Administrative Tribunal
Calcutta Bench

CPC/64/1998
OA/1131/97

Date of Order: 31-7-03

Present:

Hon'ble Mr.B.P.Singh, Administrative Member
Hon'ble Mr.Nityananda Prusty, Judicial Member

Lalit Gobinda Saha & 4 ors. Applicants

-Vs.-

V.G.Saxena & ors. Respondents

For the applicants : Mr.R.M.Roychowdhury, Counsel

For the respondents : Ms.U.Sanyal, Counsel

O R D E R

B.P.Singh, AM

Ld.Counsels for both sides are present.

2. This CPC has been filed for non-compliance of the Order dt.26-11-97 passed in OA/1131/97. The operative portion of the judgment as given in paragraph 5 is re-produced as hereunder :-

In view of the above, the application is disposed of at the stage of admission hearing itself with the direction that within the period of three (3) months from the date of communication of this Order the respondents shall dispose of the representation dt.20th August, '97 as set out at G-5 to the application submitted by the applicant no.3 and other representations, submitted by remaining applicants as set out in the petition and they shall dispose them of by passing a reasoned

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order. As a result of such consideration if the applicants are found entitled to get such benefit as prayed for, such benefit be given to them as per rules within a period of three (3) months from the date of taking of such decision.

3. Reply has been filed by the ld.Counsel for the alleged contemnors and a copy of the speaking order dt.17-3-98 passed in compliance of the abovesaid direction of the Tribunal is enclosed as R/1. Ld.Counsel for the alleged contemnors submits that the order of the Tribunal dt.26-11-97 has been fully complied with by passing a speaking and reasoned order and, therefore, no contempt lies in this case.

4. Ld.Counsel for the applicant submits that the speaking Order dt.17-3-98 has not been passed after considering all the averments made in the representation which was directed to be considered and decided by the respondent authorities in the Order dt.17-3-98 and, therefore, this speaking order cannot be treated to be compliance of the said order.

4.1 Ld.Counsel further submits that on the last occasion when this case was considered by this Tribunal on 9-8-01 it was held that no speaking order has been passed by the alleged contemner as stated in the reply and there was a direction to Chief Superintendent, CTO, Calcutta to appear in person with affidavit as to why he did not comply with the Order of the Tribunal dt.26-11-97. Ld.Counsel submits that the Chief Superintendent, CTO, is not present in person and has not complied with the said order.

5. Ld.Counsel for the respondents submits that the then Chief Superintendent, CTO, has been transferred from Calcutta and he is posted elsewhere. Ld.Counsel further submits that according to the Order enclosed as Annexure R/1 dt.17-3-98, the Order of the Tribunal dt.26-11-97 has been complied with.

~~the following points have been raised~~ the applicants are

not satisfied with the said order, they are free to agitate by filing proper application before the appropriate forum. Since the order has been complied with, the question of contempt does not arise and, therefore, the present contempt proceeding should be dismissed.

6. In view of the above submissions we find that the Order of the Tribunal dt.26-11-97 passed in OA/1131/97 has been substantially complied with and, therefore, the question of contempt does not arise. We, therefore, drop the contempt proceeding. However, we give liberty to ~~the parties~~^{law} ~~to approach the proper court~~ for the applicants to approach to the proper court by filing proper application for redressal of their grievances, if any, in accordance with law.



Nityananda Prusty,
Judicial Member.



B.P. Singh,
Administrative Member.

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