

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. CPC 30 of 2000  
(O.A. 878/1997)

Date of order : 1.2.2001

Present : Hon'ble Mr. D. Burkayastha, Judicial Member  
Hon'ble Mr. S. Biswas, Administrative Member

HUSSAIN HAIDER

VS.

S. RAMANATHAN (E. RLY.) & ORS.

For the applicant : Mr. B.J. Basu, counsel  
Ms. N. Fatima, counsel

For the respondents : Mr. P.K. Arora, counsel  
Ms. K. Banerjee, counsel (For UPSC)

O R D E R

Heard ld. counsel for both sides.

2. It appears from the records that a showcause notice has been issued by this Tribunal on 25.9.2000 to the alleged contemnners asking them to showcause <sup>within one month</sup> as to why contempt proceeding shall not be drawn up against them for the alleged violation of the order passed by this Tribunal in the O.A. Accordingly, the alleged contemnners have filed reply to the showcause notice. In reply to the showcause notice it has been stated by the railway authorities that the pay of the applicant in Senior Scale as well as in Junior Administrative Grade has been

contd..2

refixed vide Eastern Ray Railway's order No.E 800/Gaz/1196 dated 9.11.2000 and promotion of the applicant to JA Grade has been made effective from 4.4.1991 as the Senior Scale post of Statistical Officer ~~in~~ Eastern Railway was upgraded to Senior Statistical Officer in JA Grade vide Board's letter No.88/E(GC)12-10/Stat dated 4.4.1991 with the stipulation that it will take effect from the date of its operation in JA Grade. It has also been stated by the railway authorities that the applicant has been appointed to the post of Statistical & Analysis Officer in Group 'A'/Senior Scale in the Statistical Department on regular basis w.e.f. 1.10.1985 subject to outcome of Writ Petition No.308/2000 pending in the High Court at Calcutta.

3. The ld. counsel for the applicant, Mr. B.J. Basu has produced before us an order dated 3.1.2001 passed by the Hon'ble High Court at Calcutta in W.P.C.T. No.308/2000

\* Correlated vide  
order dt. 9.2.2001 which runs as follows :-  
in cpe. 30/2000 as  
under:

1986 i.e. after  
date of appointment  
in that scale within  
a period of three  
months from

"A point has been raised as to the entertainability of this writ petition before us by the learned counsel appearing for the writ petitioner/respondent No.1. At this stage, we are not inclined to go into such question in view of the fact that in a contempt proceeding, the writ petitioners were directed to comply with the order which is now under challenge in this writ petition. However, we keep this point open for decision as to whether the writ petition is entertainable by us after the order passed by the Tribunal which is under challenge in this writ petition has been duly complied with or not."

We have also perused the final order dated 7.12.1999 passed by this Tribunal in O.A.No.878/1997. Para 11 of the order runs as follows:-

"In view of our findings made above we allow the application. The respondents are directed to consider the case of the applicant for promotion to the post of Group A/JA Grade and notionally refix his pay in that senior time scale with effect from the date of communication of this order in the light of observation made above."

contd..3

4. We find that the official respondents of C.A. (alleged <sup>prima facie</sup> contemnors) have violated the order of this Tribunal by giving the benefit of pay scale to the applicant in JA Grade <sup>allegedly</sup> with effect from 1991 instead of 1986 relying on the letter dated 4.4.1991 which was also placed before us for perusal. So, we are of the view that there is a prima facie case for ~~issuing~~ drawing contempt proceeding against the alleged contemnors for non-compliance of the order of this Tribunal.

5. Accordingly, we direct the ~~2~~ alleged contemnors namely, Sri V.K. Agarwal, Chairman of Railway Board and Sri D.P. Tripathy Secretary of Railway Board to appear before this Tribunal personally to explain why the order of this Tribunal has not been complied with, otherwise contempt proceeding shall be drawn up against them as per rules. Copy of this order be served to Sri V.K. Agarwal and Sri D.P. Tripathy. The matter stands adjourned to 26.4.2001 for further orders.

6. Plain copy of this order be handed over to the ld. counsel for both sides for communication and compliance.

*S. B. ...*  
MEMBER(A)

*[Signature]*  
MEMBER(J) 1/2/2001

#Corrected  
vide order dt.  
9.2.2001 in  
CPC. 30/2000  
km  
7/2/2001