

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 9 of 1998
(O.A. 719 of 1997)

Date of Order : 4.6.1999

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman,
Hon'ble Mr. B.P. Singh, Administrative Member.

KRISHNENDU SARKAR

Vs.

P.K. RANGANATHAN, DIRECTOR (PER.),
GEOLOGICAL SURVEY OF INDIA,
CALCUTTA.

For the applicant : Mr. S.K. Gupta, counsel.

For the respondents: Mrs. Kanika Banerjee, counsel.

ORDER

S.N. Mallick, V.C.

We have heard Mr. S.K. Gupta, the ld. counsel for the applicant and Mrs. Kanika Banerjee, the ld. counsel for the alleged contemner.

2. It is the contention of Mr. Gupta that the direction given by this Tribunal in O.A. 719 of 1997 as per the order dated 31.7.1997, has not been complied with by the contemner respondent.

3. It may be noted that the respondents did not contest the said original application. Relevant portion of the order of this Tribunal dated 31.7.1997 is quoted below :

"We have heard the submissions made by the ld. counsel for the petitioner and have gone through the application as well as the annexures. In the circumstances, we consider it appropriate to dispose of the application with a direction upon the respondents, particularly the respondent no. 2, not to fill up the post of Mechanical (Painter) till publication of the result of the selection test for the post of Mechanic (Painter) held on 27.12.1996, within 3 weeks from the date of communication of this order."

4. A reply has been filed on behalf of the alleged contemner-respondent. It is stated there categorically in paragraph 4 that on the basis of the interview held for the post of Mechanic on 9.12.1996 and 10.12.1996 and practical test held on the afternoon of 9.12.1996 and 10.12.1996, five persons were recommended to the post of Mechanic in different trades. It is specifically stated in the said paragraph that the selection committee did not recommend for appointment of any name in the post of Mechanic (Painter), which was the subject matter of the O.A. filed by the present contempt petitioner.

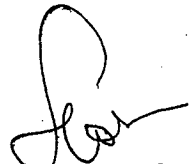
5. The direction of this Tribunal was specific in this regard i.e. commanding the respondents, especially the respondent no.2, not to fill up the post of Mechanic (Painter) till publication of the result of the selection test for the post of Mechanic (Painter) held on 27.12.1996. It is submitted by Mrs. Kanika Banerjee today that no test was held for the post of Mechanic (Painter) on 27.12.1996 but a combined test was held on the aforesaid dates i.e. 9.12.1996 and 10.12.1996 with the practical tests being held in the afternoons of the said dates. It is also the specific contention of Mrs. Banerjee that there was no recommendation by the selection committee for appointment of any name in the post of Mechanic (Painter).

6. Under such circumstances, we do not find any element of contempt in the present contempt petition. The application is dismissed.

7. No order is passed as to costs.



(B.P. Singh)
Administrative Member



(S.N. Mallick)
Vice-Chairman