

**In the Central Administrative Tribunal
Calcutta Bench**

No. C.P.C. 13 of 2001
(O.A. 154 of 1997)

Dated: 18-04-2005

Present : HON'BLE MR. S.K. MALHOTRA, ADMINISTRATIVE MEMBER
HON'BLE MR. G. SHANTAPPA, JUDICIAL MEMBER

DIPAK KR. ROY & ORS.

Vs.

ASHOKE KR. & ORS. (S.E.Rly.)

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Ms. S. Banerjee, Counsel

ORDER

MR. G. SHANTAPPA, J.M.:-

The above Contempt Petition is filed for not complying with the order in O.A. 154 of 1997 dated 30.10.2000 by the respondents. The direction of this Tribunal is as follows :-

“In view of the aforesaid facts and circumstances of the case, we direct the respondents to pass appropriate order within three months from the date of communication of this order in the light of the aforesaid judgement dated 4.8.2000 passed in O.A.No. 1319 of 1996. With this observation, application is disposed of awarding no costs.”

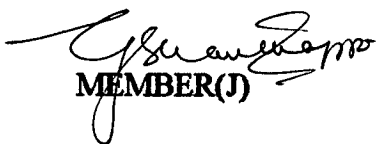
2. The relief sought in the present contempt petition is to issue show cause notice to the contemnors as to why they should not be sentenced to jail and/or otherwise suitably punished or dealt with by this Hon'ble Tribunal for gross willful and contumacious violation of the order date 30.10.2000 under the Contempt of Courts Act, 1971. The applicant issued legal notice on 3-11-2000 and contempt petition has been filed on 9-2-2001.

3. After service of notice the respondents have filed affidavit in reply stating that they have complied with the directions of this Tribunal. They have stated in their reply that in obedience to the directions of this Hon'ble Tribunal in O.A. 1319 of 1996 (S.C. Das & Ors.) and O.A. 154 of 1997 the restructuring promotions order w.e.f. 1.8.1983 has already been issued by the Office vide Office Order dated 2.3.2001 to the 26 applicants of both two cases



by applying alternative – II as per Estt. Srl. No. 160 of 83. The calculation for paying monetary benefits to all the applicants due to their promotion have already been started and desired to be completed within short period since it is being a case of 18 years old and 20 applicants out of 26 have already been retired from Railway Services. The similar case is pending before the Hon'ble Supreme Court in C.A.No. 2054 of 1990. The applicants have prayed for extending the benefit of such judgement of the Hon'ble Supreme Court. The respondents have further stated in their reply that processing the case of promotion it took some time but the judgement has been implemented, as a result question of violation of order and implementation of judgement of the Hon'ble Tribunal does not arise.

4. They have also stated that if any delay has been caused, they tender unqualified apology. We have carefully examined the contempt petition and also the reply statement of the respondents. The respondents have produced the order dated 2.3.2001 along with the reply statement. They have issued the order of promotion of Station Master against restructuring scheme as per alternative – II in compliance of the direction of this Tribunal in O.A. 1319 of 1996 and O.A. 154 of 1997 dated 4.8.2000 and 30.10.2000 respectively. When they have produced the order of compliance, we consider that the respondents have complied with the directions of this Tribunal and we accept the statement made by the respondents as they have fully complied with the directions of this Tribunal. Hence, we need not to proceed with the contempt petition further. Hence, we drop the contempt proceedings against the respondents.


MEMBER(J)


MEMBER(A)