

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1368 of 97

Date of order : 10.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta. Judicial Member
Hon'ble Mr.M.K.Mishra, Administrative Member

NIRANJAN DAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.K.Banerjee, counsel

For the respondents: Dr.S.Sinha, counsel

O R D E R (ORAL)

Mukesh Kumar Gupta. J.M.

Suo moto action under Contempt of Courts Act :

Vide order dated 16.1.98 after hearing 1d.counsel for both sides this Tribunal admitted OA 1368/97 and passed the following order

"After hearing the 1d.counsel appearing for the petitioner the application is admitted for adjudication and after hearing both the parties the interim order is passed to this effect that the respondents will be free to proceed with the Disciplinary Proceeding of the petitioner but no final order will be passed till the disposal of the case."

The aforesaid order has not been implemented till date. Mr.A.K.Banerjee, 1d.counsel for the applicant has pointed out that neither reply has been filed in the said OA nor the said order was at any time thereafter modified, varied or recalled. He however, contends that the said order has not been challenged by the respondents in any other proceeding. Despite such facts, Sr.Divisional Commercial Manager, Howrah vide order dated 24.1.2001, Annexure 'C' to the Supplementary Application filed by him, has passed an order of penalty without seeking permission from this Tribunal.

2. Under the provisions of Contempt of Courts Act, this action of the respondents particularly of Sr.Divisional Commercial Manager, Howrah in passing the aforesaid order prima facie amounts to interference in the administration of justice and constitute contempt. Show cause notice be issued to Sr.Divisional Commercial Manager,

Howrah as to why charge be not framed against him and also direct him to appear either in person or through an advocate on the next date until further order is passed. Notice is returnable on 17.2.2005.

Original Application :

In the present application the applicant seeks direction to the following extent :

a) an order commanding and/or directing the respondents and each one of them and also through their servants, subordinates, associates, assigns and agents to immediately rescind, cancel and/or revoke the impugned charge sheet including all departmental proceedings and further, the charge sheet including annexures thereto including the departmental proceeding be quashed.

b) an order of costs for causing unnecessary harassment to the applicant.

2. No reply has been filed to the OA. Supplementary Affidavit dated 16.9.03 has been filed annexing the copy of the punishment order dated 24.1.2001. Since the Disciplinary Proceedings sought to be quashed in the present application has already been resulted to punishment order, the present OA has become academic in nature particularly when the applicant has also retired during the pendency of the present application on attaining the age of superannuation, as stated by the 1d.counsel for the applicant, we do not deem it fit to pass any other order. It was contended by Mr.Banerjee, 1d.counsel for the applicant that due to the aforesaid Disciplinary Proceeding the applicant was denied promotion to the post of Commercial Supervisor. Since we are not making any comment on merits of the charge sheet or the punishment order, we refrain from making any further comment on the matter. However, if the applicant wish to submit any statutory appeal, the same could be filed by him and the respondents would consider the same disregarding the fact that there is a delay in filing the appeal. If such appear is filed within 2 weeks from the date of receipt of the copy of the order, the Appellate Authority