

CCPA 44 of 1996

Pradeep Paswan

1/27.5.96

Shri M.L.Paswan, Registrar I/c

Defects not removed. List on 31.5.96

for removing the defects.

SKS

31/5/96.

Defects not removed. List 04/6/96
for removing defects.

SK
Registrar I/c

3/6.6.96

Shri M.L.Paswan, Registrar I/c

Defects have not been removed.

List on 8.7.96 for removing the defects.

Defects
removed
24/6/96
SKS

SK
(M.L.Paswan)
Registrar I/c

4/8.7.96

Shri M.L.Paswan, Registrar I/c

Defects have been removed. Let the
case be put up on 16.7.96 before the Hon'ble ~~Single~~
Bench for admission.

SKS

SK
(M.L.Paswan)

1/16.07.96

Counsel for the applicant : Shri S.K.Bariar.

Heard Shri S.K.Bariar, learned counsel for the applicant. Issue notices to the respondents returnable within four weeks from now.

List this case on 19.08.1996 for hearing on contempt.

N.K.V.
(N.K.Verma)
Member (A)

SKJ

Notice issued
by Regd with A/D
on 23/7/96
Notice could not be
issued due to deficit
starts without P.S. &
Per cash envelope
22/7/96
24/7/96
Answer filed on
11/8/96
by

Notice issued
by Regd with A/D
on 21/8/96
by

mA 24/8/96

2/19.8.96

Counsel for the applicant ..Mr. S.K.Bariar

Counsel for the respondents .. Mr.J.N.Pandey,
Sr. S.C.

Heard Shri Pandey and Shri Bariar.

In view of the contentions made by Shri Bariar and Shri Pandey it would be necessary to have a look at the petition filed in the Hon'ble Supreme Court in the SLP and then only to ~~decide~~ ^{as certain} the ratio which was upheld by the Hon'ble Supreme Court in the matter. List on 24.9.96 for hearing on contempt matter.

N.K.V.
(N.K.Verma)
Member (A)

SKS

3/24.9.1996

Counsel for the applicant : Mr. S. K. Bariar

Counsel for the respondents : Mr. R. K. Choubey

MA 248/96
is filed by
the Counsel
of applicant
in CCPA 47/96
On the request made on behalf of the
applicant to the effect he wants to file Misc.
Application. Time allowed. The case is adjourned
to 18.11.1996 for hearing.

(V. N. Mehrotra)
Vice-Chairman

It may be
placed alongwith
CCPA 67/96
MPS.

4/8.11.1996 Counsel for the applicant : Mr. S. K. Bariar

Counsel for the respondents : Mr. R. K. Choubey

On the request made by the learned counsel
for the applicant, the case is adjourned to 4.12.1996
for hearing.

MPS.

(K. D. Saha)
Member (A)

(V. N. Mehrotra)
Vice-Chairman

MA. : 248/96

5/04.12.96 Shri S. K. Bariar, learned counsel for the applicant.
Shri J. N. Pandey, learned SSC.

This M.A. is for adding the name of Dr. S. K.
Mazumdar, Dy. Director, General, ~~xxx~~ Eastern Region,
Calcutta as respondent no. 3. Counsel for the respondents
has no objection. The M.A. is allowed. Necessary amend-
ment may be carry out within a week.

✓ List the CCPA on 30.01.1997 for hearing.

(D. Purkayastha)
Member (J)

(K. D. Saha)
Member (A)

14.3.97

Counsel for the applicant.. Shri S.K.Bariar

Requisite notice
on behalf of R.30/03/97
29/3/97
to be issued
to S.K.Bariar
on 20/3/97

Respondent no.3, Dr. S.K. Mazumdar, Dy. Director General, Eastern Region, Calcutta, has been impleaded in this case on 4.12.96. Let notice be issued on him. Reply to be filed within four weeks. List this case on 8.5.97 for hearing on contempt matter.

(S.R. Adige)
Member (A)

(V.N. Mehrotra)
Vice-Chairman

8.1.8.5.97. Shri S.K.Bariar, the counsel for the applicant.

On the request made by Shri B.N. Pandey, Sr.

Standing Counsel for the respondents, four weeks time is allowed for filing reply. List it on 22.7.97 for hearing on contempt.

/CBS/ (K. Muthu Kumar)
Member (A)

(V.N. Mehrotra)
Vice-chairman

9/22.07.97

List on 05.09.1997 for hearing on contempt.

SKJ

(V.N. Mehrotra)
Vice-Chairman

10/05.09.97

DB is not yet available. Adjourned sine-die.
The case shall be taken up when the DB is available.

Show cause
be half of
respondent filed
on 1.10.97.
and file attached.

N.10pm
31.10.97

As far as possible
listed this case
before the hearing.
DB for hearing
on 15.9.97

(V.N. Mehrotra)
Vice-Chairman

11/6.5.99 Sh. S.K.Bariar, Counsel for the applicant.

Sh. V.M.K.Sinha, Counsel for respondents.

Heard the Counsel for the parties partly. List it as part heard on 24.5.99

AKJ

AKJ
(Lakshman Jha)
Member-J

AKJ
(L.R.K.Prasad)
Member-A

12

24.5.99

CM

Shri S.K. Bariar..Counsel for the applicant
Shri V.M.K. Sinha..Counsel for the respondents.

Heard the learned counsel for the parties partly. Shri V.M.K.Sinha prays for time to seek certain clarifications from the alleged contemner. He prays for listing of the case after vacation. List it for hearing on contempt matter on 28.6.99.

AKJ
(Lakshman Jha)
Member(J)

AKJ
(L.R.K.Prasad)
Member(A)

13/28.06.99 Shri S.K.Bariar, counsel for the applicant.

Shri V.M.K.Sinha, SSC for the respondents.

Since it is a part-heard matter, let it be listed before an appropriate Bench on 07.07.1999 for hearing on contempt.

SKJ

AKJ
(L.R.K.Prasad)
Member(A)

S.N.
(S.Narayan)
Vice-Chairman

14. / 7. 7. 99.

List this part-heard matter on 6.8.99
before the appropriate bench for further hearing
on contempt matter.

Noted
/CBS/

(L.R.K. PRASAD)

MEMBER (A)

S. Narayan
(S. NARAYAN)

VICE-CHAIRMAN

15/6.8.1999

Shri S.K. Bariar, counsel for the applicant.

Shri V.M. K. Sinha, Sr. S.C. for the respondents.

The learned counsel for the respondents states
that the recommendation of the 5th Pay Commission
with regard to such cases are under consideration
in the Ministry of Mines, Govt. of India and the
decisions are likely to be taken by ~~the~~ 15th of
September, 1999. In view of this, let it be listed
for hearing on contempt on 16.9.1999. It is released
from the part-heard.

MBS.

LJ
(Lakshman Jha)
Member (J)

L.R.K.P.
(L.R.K. Prasad)
Member (A)

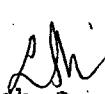
16/16.9.1999

Shri S.K.Bariar, counsel for the applicant.

Shri V.M.K.Sinha, Sr.S.C. for the respondents.

Heard the learned counsel for the parties. The learned counsel for the respondents states that an order dated 24.8.1999 passed in the matter by which the applicants have been granted pre-revised scale of Rs.950-1500/- w.e.f. 1.1.1996. The learned counsel for the applicant states that the applicant should have been given the same scale as was granted to the applicants of O.A.177 of 1997 vide order of the Cuttack Bench of the Tribunal. We direct the Respondents to file an affidavit indicating the present development in the matter alongwith the copy of the letter of the Ministry dated 24.8.1999. The same may be done within six weeks with a copy to the opposite party, who shall be at liberty to file reply to the same within two weeks thereafter. List it for hearing on 30.11.1999,

MES.


(Lakshman Jha),
Member (J)


(L.R.K. Prasad)
Member (A)

17/30.11.1999 Shri S.K.Bariar, counsel for the applicant.

On the request made on behalf of the learned counsel for the respondents, Shri V.M.K.Sinha, list it for hearing on 3.12.1999, with consent.

MPS.

(Lakshman Jha) (L.R.K.Prasad)
Member (J) Member (A)

Noted
(L.R.K.Prasad)
Member (A)

18/3.12.1999 Shri M.M.K.Sinha, Sr.S.C. for the respondents.

On the request of the learned counsel for the respondents, list it for hearing on 14.12.1999.

MPS.

(Lakshman Jha)
Member (J)

Noted
(L.R.K.Prasad)
Member (A)

19/14.12.99 None for the applicant.

Sh. V.M.K.Sinha, SSC, for the respondents.

On the request made by counsel for respondents, list this case for hearing on 5.1.2000.

AKJ

(L.JHA)
MEMBER(J)

Noted
(L.R.K.PRASAD)
MEMBER(A)

20/05.01.2000 Shri S.K.Bariar, counsel for the applicant.

Shri V.M.K.Sinha, SSC for the respondents.

Counsel appearing on the either side submitted it was a part-heard matter before the other Bench. Perused the order dated 16.09.1999 which indicates that the matter was heard by some different Bench. According to it is directed that this CCPA be placed before the appropriate Bench on 12.01.2000 for hearing on contempt.

SKJ

(L.Hsingliana)
Member (A)

Noted
(S.Narayan)
Vice-Chairman

21/12.1.2000

Shri S.K.Bariar, counsel for the applicant.
Shri V.M.K.Sinhar, Sr.S.C. for the respondents.

Heard the learned counsel for the parties and perused the ^{handed over} record. In O.A. 52/96, this Tribunal had passed following order on 25.1.1996-

"In view of the above, respondent no. 3, Dy. Director, Eastern Region, Geological Survey of India Calcutta, is hereby directed to dispose of the applicant's representation in this regard within a period of two months from the date of receipt of this order in the light of decision of the CAT, Cuttack Bench, referred to above."

2. The matter was disposed of by the respondents concerned vide order dated 6.3.1996 as at Annexure-4. The relevant portion of the order of Annexure-4 is reproduced below :-

"Under the above circumstances, taking into the account the factors such as the pay structure that existed prior to the 4th Pay Commission and the merger of posts, the specific nature of the judgment of the Hon'ble CAT, Cuttack, the judgement of Hon'ble CAT, Bangalore and Cuttack the plea of the above officials in the grade of Tech. Op. (Chem)/T. Op. (Geology) for grant of higher pay of Rs.975-1540/- is not acceptable and therefore, the request made in the representation cannot be acceded to.

3. It appears that while disposing of the representation, the concerned respondent has not followed the order of Cuttack Bench of the Tribunal dated 11.8.1994 passed in O.A.177/94. The said order has stated to have been confirmed by the Hon'ble Supreme Court in SLP No. on 17.4.95.

4. It is made clear that we are considering contempt petition. The only issue for consideration is whether the order of this Tribunal has been complied with or not. As this Tribunal cannot go beyond this, there is no scope to our ^{Querida} opinion on the issue on merit in contempt matter. In that view of the matter, we are of the considered opinion that the order of this Tribunal in O.A. 52/96 has not been faithfully complied with, particularly in view of the fact that the order of the Cuttack Bench has been confirmed by the Hon'ble Supreme Court. In the

Contd. 4

aforesaid circumstances, issue contempt rule for initiating contempt proceeding against Dr. S. K. Mazumdar, Dy. Director General, Geological Survey of India, Eastern Region, D.F. Block, Salt Lake City, Calcutta in the prescribed format. It is returnable within a period of five weeks. List it for hearing on contempt on 28.2.2000. Let a copy of this order be given to the learned counsel for the parties.

AKJ
(Lakshman Jha)
MPS. Member (J)

LRP
(L.R.K. Prasad)
Member (A)

22/28.2.2000 Sh. S.K.Bariar, counsel for the applicant.
Sh. V.M.K.Sinha, SSC, for the respondents.

Heard the counsel for the parties. Sh. K.P.Gautam, Regional Administrative Officer of GSI, Calcutta is personally present to explain the case. During the hearing it was stated on behalf of the respondents that they would prefer to file an affidavit with reference to order dated 12.1.2000 in order to clarify certain points and for filing of additional materials. The prayer is allowed. The same may be filed within a period of one week. List for hearing on contempt on 14.3.2000.

AKJ
(L.JHA)
MEMBER (J)

(L.R.K. PRASAD)
MEMBER (A)

23/14.3.2000 Sh. S.K.Bariar, counsel for the applicant.
Sh. V.M.K.Sinha, SSC, for the respondents.

In terms of the order dated 28.2.2000, a fresh affidavit has been filed. On the request made by Sh. Bariar, two weeks time is allowed to file rejoinder, if any. List for hearing on CCPA on 5.4.2000.

AKJ
(L.JHA)
MEMBER (J)

(L.R.K. PRASAD)
MEMBER (A)

CCPA 47/96

24/05.04.2000 Shri S.K.Bariar, counsel for the applicant.
Shri V.M.K.Sinha, SSC for the respondents.
Put-up before the appropriate Bench on 19.05.2000
for hearing on contempt.

SKJ (L.R.K.Prasad)/M(A)

(S.Narayan)/N.C.

25/19.5.2000 None for the respondents.
Shri V.M.K.Sinha, Sr.S.C. for the respondents.

List it after summer vacation when this
Bench is constituted for hearing on CCPA.

(Lakshman Jha)
Member (J)

(L.R.K.Prasad)
Member (A)

MPS.

26/21.7.2000 Shri S.K.Bariar, counsel for applicant
Shri V.M.K.Sinha, counsel for respondents
On the request made by the
counsel for the applicant, list the CCPA for
hearing on 28.7.2000.

SKS (L.Jha)/M(J)

(L.R.K.Prasad)/M(A)

27
28.7.2000
CM

On request made by Shri S.K.Bariar, list
it on 18.8.2000.

(L.Jha)
M(J)

(L.R.K.Prasad)
M(A)

,counsel

28/18.8.2000 Shri R.K.Bariar/for Shri S.K.Bariar, counsel

for the applicant

Part-heard is released.

(As Shri V.M.K.Sinha, Sr. SC is

away from Patna to Ranchi let it be listed
on 28.8.2000 for hearing on contempt matter.

SKS

(L. Jha)/M(J)

(L.R.K.Prasad)/M(A)

29

28.8.2000 Shri S.K.Bariar..Counsel for the applicant

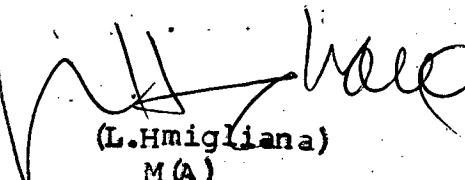
DM Shri V.M.K.Sinha..Senior Standing Counsel
for the respondents.

Heard Shri S.K.Bariar, learned counsel for the applicant and Shri V.M.K.Sinha, Senior Standing Counsel for the respondents. It appears from Annexure-1 that this Tribunal, vide order dated 25.1.96, passed in O.A.52/96, directed respondent no.3, Dy. Director General, Geological Survey of India, Eastern Region, Calcutta, to dispose of the representation of the applicant regarding his pay fixation within two months from the date of receipt of the order in the light of decision of CAT, Cuttack Bench, passed in OA 177/94 on 11.8.94. The learned counsel for the applicant states that this Cuttack Bench judgment travelled upto the Hon'ble Supreme Court which was confirmed. The respondent failed to comply with the order and is liable for disobedience of the order of this Tribunal.

2. On the other hand, the learned Senior Standing Counsel stated that on similar matter, the order of the Hon'ble Andhra Pradesh High Court was challenged before the Hon'ble Supreme Court in which

the aforesaid Cuttack Bench judgment was referred to. The earlier judgment of the Hon'ble Supreme Court confirming the order of the Cuttack Bench had been set aside on the question of limitation only, but in the judgment of the Hon'ble Supreme Court which was rendered against the judgment of Andhra Pradesh High Court, the aforesaid Cuttack Bench judgment was decided on merit, and the claim of the applicant has been negatived.

3. In view of the above position, no cause for contempt proceedings survives. The CCPA is, accordingly, disposed of. The learned counsel for the applicant is at liberty to pursue the remedy, as available to him under law.


(L.Hmiglana)
M(A)


(L.Jha)
M(J)