

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH PATNA

Order Sheet

OA - 464/96,

CCPA Application No. 13 1998

Applicant (s) Shri. Hawaldar Singh Respondent (s) The Secretary, Ministry of
Advocate for Applicant (s) Shri M.P. Dixit Advocate for Respondent (s) Energy Dept. of
Coal.

Note of Registry

Orders of the Tribunal

This is an application
u/s 17 of the
A.T. Act, 1985.
It is in prescribed
proforma and paper
book form. It is
free from defects.
It may be listed
for hearing along
with OA before
the Bench on
2.6.98.

Submitted
N. J. Das
1.6.98

12.9.1998
S.O. (J-I)

Supplementary
petition filed on
behalf of the applicant
on 11/9/98

1/2.6.98 Shri M.P. Dixit, counsel for the applicant

The record of the case does not
indicate as to when a copy of the order dated
26.5.1997 passed by this Bench in OA-464/96
was actually served on Respondent No.2.

The applicant shall file supplementary affidavit
along with proof of service of the copy of
the order on Respondent No.2 within three
weeks. CCPA be listed on 2nd of September,
1998.

SKS

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

(V.N. Mehrotra)
Vice-Chairman

None for the applicant. List for
hearing on CCPA on 30.11.1998.

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

(V.N. Mehrotra)
Vice-Chairman

3./ 30.11.98. Shri M.P. Dixit, the counsel for the
applicant.

List it on 28.12.98 for hearing on contempt
along with RA.

(LAKSHMAN JHA)
MEMBER (J)

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

/CBS/

4/28.12.1998

Shri M. P. Dixit, counsel for the applicant.
Shri V. M. K. Sinha, Sr. Standing Counsel for the Res

List the CCPA for hearing on 30.3.1999.

[Signature]

(L.R.K. Prasad)

Member (A)

MFS.

5/30.3.1999

Shri R. K. Choube, counsel for the applicant.
Shri V. M. K. Sinha, Sr. Standing Counsel for the respondent.

Heard the learned counsel for the parties.
The learned counsel for the applicant states that the order of this Tribunal dated 26.5.1997 as at Annexure-C/1 has not yet been implemented even though the applicant has communicated the decision to the Secretary, Govt. of India, Ministry of Coal, Shastri Bhawan, New Delhi with a copy to the O.S.D., Govt. of India, Ministry of Energy, Deptt. of Coal, Kalyan Bhawan, Jagjivan Nagar, Dhanbad. In spite of the said intimation, the respondents concerned has not implemented the order. We find that only one person namely Respondent No.2 has been made party by name.

We have considered the matter. Issue notices to Shri S. B. Das, O.S.D., Govt. of India, Ministry of Energy, Deptt. of Coal, Dhanbad (Respondent No.2) as to why contempt proceeding be not drawn up against him for not implementing the order of the Tribunal. passed on 26.5.1997. Show-cause may be filed within six weeks. Requisites to be filed within a week. List it for hearing on 24.5.1999.

(Lakshman Jha)
Member (J)

[Signature]
(L.R.K. Prasad)
Member (A)

MFS.

2 requisites have
been added till the
6/4/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH PATNA

Order Sheet

...Application No... ECPA...13/98...199 in ...
Applicant (s)... Respondent (s)...
Advocate for Applicant (s)... Advocate for Respondent (s) ...
...

Note of Registry

Orders of the Tribunal

6/24.5.99 Shri M.P.Dixit, Counsel for the applicant.

Heard the Counsel for the applicant.

As the requisites have not yet been filed, Shri
Dixit prays for and is allowed 1 week time
to file requisite whereafter the show cause
notice may be issued.

List it for hearing on 28.7.99

AKJ

(Lakshman Jha)
Member(J)

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

7./ 28.7.99.

Shri M.P. Dixit, the counsel for the

As per office note, requisites for
notice have not been filed by the applicant.
for the applicant submits that requisites
already been filed. The office to verify and
notices after requisites have been filed. List on
20.9.99 for hearing on contempt matter.

/CBS/

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

(S. NARAYAN)
VICE-CHAIRMAN

Requisites filed
on 18/7/99 with
stamp of Rs 2/-

Noted issued
on 3.8.99
Show cause
filed
5/8/99

8./ 20.9.99.

Shri M.P. Dixit, the counsel for the applicant.

On the request of the counsel for the respondents,
let it be listed on 28.10.99 for hearing on contempt.

/CBS/

(L. NINGLIANA)
MEMBER (A)

(S. NARAYAN)
VICE-CHAIRMAN

9/28.10.1999 Shri M.P. Dixit, counsel for the applicant.

On the request made on behalf of Shri
D.K. Jha, counsel for the respondents, list it
for hearing on 4.11.1999.

MPS.

(Lakshman Jha)
Member (J)

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

4.11.1999

Shri M.P. Dixit, counsel for the applicant.
Shri D.K. Jha, counsel for the respondents.

With consent, let it be listed for
hearing on 15.12.1999 alongwith R.A. 7/98.

MPS.

(Lakshman Jha)
Member (J)

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

11/16.11.99 Sh. M.P. Dixit, counsel for the applicant.
None for the respondents.

List it for hearing on 23.11.1999 .

AKJ

(L. JHA)
MEMBER (J)

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

12/23.11.99

Sh. M.P.Dixit, counsel for the applicant.

None for the respondents.

The record does not contained RA 7/98 which was required to be submitted today. List this case for hearing on CCPA 13/98 alongwith OA 464/98 and RA 7/98, on 29.11.1999. The office is directed to locate RA 7/98 and place the same ^{on record before} on the next date.

AKJ

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

13/28.11.99

Sh. M.P.Dixit, counsel for the applicant.

Sh. D.K.Jha, ASC, for the respondents.

As copy of RA 7/98 is not available in the office. The counsel for the respondents is directed to submit two copies of the same within a period of two days. List it for hearing on 10.12.1999 .

AKJ

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

14/10.12.1999

Shri M.P.Dixit, counsel for the applicant.

Shri D.K.Jha, ASC for the respondents.

With consent, list it for hearing on 7.1.2000.

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

MFS.

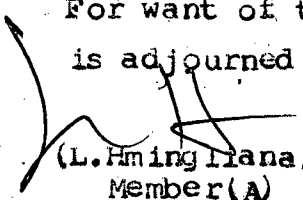
counsel for the
applicant RA 7
pics filed kept
file 1A.B.C

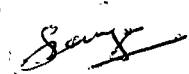
Topic

12.99

15/07.01.2000

For want of time, the hearing on contempt
is adjourned to 19.01.2000.

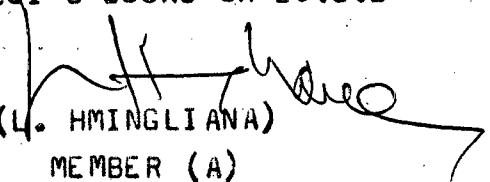

(L. Hmingliana)
Member(A)


(S. Narayan)
Vice-Chairman

16./ 19.1.2000.

In view of the submissions, let it be listed
after 8 weeks on 29.3.2000 for hearing on contempt.

/CBS/

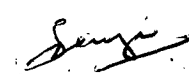

(L. HMINGLIANA)
MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN

17./ 29.3.2000.

On the request made by the counsel for the
applicant, list it on 13.4.2000 for hearing on contempt.

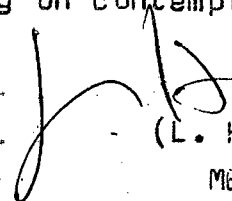
/CBS/


(S. NARAYAN)
VICE-CHAIRMAN

18./ 13.4.2000.

Since D.B. is not available today, let it be
listed on 4.5.2000 for hearing on contempt.

/CBS/


(L. HMINGLIANA)
MEMBER (A)

~~CCPA-13/98~~

19/4.5.2000

Since D.B. of Court No.I is sitting at Ranchi, list it for hearing on contempt on 27.6.2000.

SKS

(L. Hmingliana)
Member (A)

(L. Jha)
Member (A)

20/27.6.2000

Shri Amit Srivastava, counsel for the applicant.
List it before the appropriate Bench for hearing on 14.7.2000.

MFS.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

20/27.6.2000

Shri M.P.Dixit, counsel for the applicant.
List it for hearing on 26.7.2000.

MFS.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

21/26.7.2000

Shri M.P.Dixit, Counsel for applicant
Shri A.N.Jha, proxy counsel for Shri D.K.Jha,
counsel for respondents

It appears that some other CCPAs arising out of similar nature ^{of O.A.} have also been filed and they are pending. List it for hearing on 10.8.2000 along with all similar CCPAs regarding pro-rata pension ^{non-compliance of} order.

SKS

(L. Hmingliana)/M(A)

(L. Jha)/M(J)

22/10.8.2000 Shri A.N. Jha, proxy counsel for
 Shri D.K. Jha, counsel for respondents states
 of 2000
 that a writ petition No.7245/has been filed
 against the order passed in RA-7/98 before
 the Hon'ble High Court. The writ petition
 is listed for hearing today itself. List
 it for hearing on 6.9.2000.

SKS

(L. Hmingliana)/M(A) (L. Jha)/M(J)

23/6.9.2000

The father of the learned counsel for
 the applicant has expired. Shri H.R. Karn, for
 Shri M.P. Dixit, counsel for the applicant prays
 for and is allowed time. List it for hearing
 on 4.10.2000.

MRS.

(L. Hmingliana)
 Member (A)

(Lakshman Jha)
 Member (J)

24

4.10.2000
 CM

Shri M.P. Dixit..counsel for the applicant.
 Shri D.K. Jha...Counsel for the respondents.

The learned counsel for the applicant
 states that the petition challenging the order
 before the Patna High Court has been rejected vide
 order dated 11.8.2000 and, therefore, prays for further
 action in the matter. The learned counsel for the
 respondents states that the Government is contemplating
 to file S.L.P. before Hon'ble Supreme Court and,
 therefore, a reasonable time, at least within the
 period of limitation may be allowed. Considering
 the submissions, list it on 13.11.2000. Learned

CCPA 13/98

counsel for the respondents is directed to file a copy of SLP filed before the Hon'ble Supreme Court by that time.

(L.Hmingliana)
M(A)

(L.Jha)
M(J)

25/13.11.2000 : Shri M.P.Dixit, counsel for the applicant.

None for the respondents.

In the light of the submission made by the counsel for the applicant, we get an impression that in any view of the matter the earlier order dated 26.05.1997 passed by this Tribunal in OA 464/96 has not been complied with, even though this is related to grant of prorata pensionary benefit. That being as such, we direct to Issue Rule of Contempt against the respondent contemner No.2 returnable within six weeks from the date hereof.

Put-up again on 03.01.2000 for

skj

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

(S.Narayan)/V

26/8.1.2001

Shri M.P.Dixit, counsel for the applicant.
Shri D.k.Kja, ASC for the respondents.

The contemner Shri B.Chatterjee, Special Officer is present in person. The learned counsel for the respondents states that SLP has already been filed before the Hon'ble Supreme Court. In that view of the matter, let it be listed for hearing on 2.2.2001.

MPS.

(L.Hmingliana)/M(A)

(L.Jha)/M(J)

27

18.1.2001

Circuit Bench at Ranchi

C.M.

Shri D.K. Jha. Counsel for Respondents

List it on 23.2.2001 for
hearing on contempt at Patna

Supplementary
Affidavit
Filed

200205240004

N. T. P.

15.3.01

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

(S. Narayan)
V.C.

28/26.4.04

C.M.

Shri M.P. Dixit..for the applicant

ORDER

It is stated by the learned counsel for the petitioner that orders passed in O.A. 464/04 have already been complied with, therefore, nothing survives in this CCPA. In view of these submissions made at Bar by the learned counsel for the petitioner, we are not inclined to proceed further in the matter. Hence, the present CCPA is disposed of accordingly having become infructuous with no costs.

(Mantreshwar Jha) MA

(Shyama Dogra) M.J.

26/4/04