

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

XX./XXX. No. of

C.P.No.32 of 1999

(O.A.No.64 of 1997)

DATE OF DECISION 25.1.2001

Shri Srikanta Choudury

PETITIONER(S)

Mr M. Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

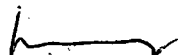
ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE MR JUSGICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No.32 of 1999
(O.A.No.64 of 1997)

Date of decision: This the 25th day of January 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Srikanta Choudhury
By Advocate Mr M. Chanda.

.....Petitioner/Applicant

- versus -

The Union of India and others
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....Opposite party/
Respondents

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This is an application under Section 17 of the Administrative Tribunals Act, 1985 for initiation of contempt proceeding for alleged wilful violation of the Order of the Tribunal dated 29.4.1999 passed in O.A.No.64 of 1997.

2. O.A.No.64/97 was filed by the applicant assailing the order dated 19.11.1996 by which the respondent authority refused the pay and allowances of the applicant. The authority also took steps for recovery of the amount allegedly overpaid to the applicant. This Bench after considering the respective submissions thought it fit to direct the applicant to submit a representation giving details of his grievance and if such representation was filed the authority was directed to dispose of the same by a reasoned order. The authority passed an order dated 16.8.1999 without giving any reason and started recovery from the applicant.

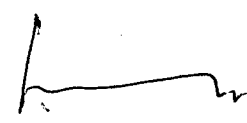
3. The respondent submitted their written statement and stated that the Director of Enforcement considered the matter in depth and disposed of the representation by a reasoned order. According to the respondents, an office order No.A-12/5/Cal/92/4757 dated 16.8.1999 regarding fixation of pay and allowances of the applicant was passed and the same was also communicated to the applicant. Mr M. Chanda, learned counsel for the applicant, however, submitted that no such order was communicated or furnished to the applicant.

4. We have heard Mr M. Chanda, learned counsel for the applicant and also Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Deb Roy, apart from defending the action of the respondents placed before us the order dated 16.8.1999. We have ourselves perused the order dated 16.8.1999 and seen that the respondents had dealt with the matter at length and gave its own reason. The copy of the order dated 16.8.1999 was also shown to Mr Chanda. Mr Chanda, however, submitted that this was never served or enclosed even with the written statement filed by the respondents. Mr Chanda also submitted that the reasons cited in the aforementioned order are no reasons at all and seemingly unreasonable. We are not concerned in this proceeding as to the legitimacy or correctness of the order dated 16.8.1999 passed by the concerned officer. We are only concerned with the compliance of the order of the Tribunal dated 29.4.1999 passed in O.A.No.64/97. From the office order dated 16.8.1999, it seems that the respondents have complied with the order. The legality and validity of the order cannot be gone into contempt proceeding which the applicant may take up if he is advised.

5. The contempt petition is accordingly dismissed. We, however, feel that a copy of the order dated 16.8.1999 should be furnished to the applicant and/or at least a copy to Mr Chanda for taking necessary action, which Mr Deb Roy readily agreed to furnish such copy.

No order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN