

FROM No. 4  
(SEE RULE 42 )

GENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. /

Mise Petition No. /

Contempt Petition No. 34/02 in O.A 216/97

Review Application No. /

Applicants. Birendra Kantu Saikia

-Vs-

Respondant(s) H. O. I. Towns

B.K. Sharma

Advocate for the Applicant(s) Mr. M. Chanda, S. Saikia, V.K. Nair  
Mr. A. Deb Ray, Mrs. U. Das

Advocate for the Respondant(s) Sr. C. Asl.

Notes of the Registry Date Order of the Tribunal

This Contempt petition  
has been filed by  
the counsel for the  
applicant for willful  
and deliberate violation  
of the judgement and  
order dated 6.5.1999  
passed by this Hon'ble  
Tribunal in O.A. 216/97

Laid before  
the Hon'ble Court for  
further orders.

Passed  
14/8/02

Section officer

16.8.02

Heard Mr. M. Chanda, learned  
counsel for the applicant.

Issue notice to show cause as  
to why the contempt proceeding shall  
not be initiated.

List on 16.9.2002 for orders.

U. U. Sharma  
Member

C  
Vice-Chairman

16.9.2002

List on 1.10.2002 for order.

bb

C  
Vice-Chairman

PP

(2)

Notice prepared and  
Sent to Dr. Section for  
issuing of the same  
to the respondents  
Through Regd. post  
with A.P.D.

Vide D.No. 225 & 2258  
Dtd. 20.8.02.

Zy  
20.8.02

1.10.02 List on 12.11.2002 to enable  
the respondents to file reply on the  
prayer made by Mr. A. Deb Roy, learned  
Sr. C.G.S.C. for the Respondents.

U.C.Usha  
Member

Vice-Chairman

mb

12.11.02 List again on 12.12.2002 to  
enable the respondents to file reply.

U.C.Usha  
Member

Vice-Chairman

mb

12.12.02 ~~Re~~ Reply has been filed. List  
on 20.12.2002 for further orders.

U.C.Usha  
Member

Vice-Chairman

mb

No reply has been  
filed.

Zy  
11.12.02

No reply has been  
filed

Zy  
19.12.02

Note of the Registry	Date	Order of the Tribunal
	20.12.2002	<p>This application is for contempt filed by the applicant for alleged non compliance of the judgment and order dated 6.5.1999 passed in O.A. No. 216/97. By the said judgment and order, the Tribunal directed the respondents to appoint the applicant under the respondents by relaxing the age bar. The respondents moved the High Court and by judgment and order dated 11.9.2001, the High Court refused to intervene in the matter. Mr. B.K. Sharma, learned Sr. counsel appearing on behalf of the applicant submitted that despite the direction issued by the Tribunal dated 6.5.1999, the applicant is yet to be appointed. Mr. Sharma, also submitted that the matter is a long pending one and the case of the applicant was considered by the Tribunal vide order dated 1.8.1994 passed in O.A. No.126/1994.</p> <p>Mr. A.Deb Roy, learned Sr. C.G. S.C. appearing on behalf of the respondents referring to paragraph 5 of the affidavit stated that one post of pharmacist-cum-Clerk is lying vacant in Kolkata on retirement of Mr. A.Das on 30.11.2002 and the respondents are willing to appoint the applicant in that post with immediate effect after completion of the formalities. In the affidavit the respondents also stated that one post of pharmacist-cum-Clerk will occur on 1.7.2005 in the Govt. Medical Store Depot, Guwahati.</p> <p>Mr. B.K. Sharma, learned Sr. counsel for the applicant stated that the applicant is agreeable to accept the offer of appointment in Kolkata also. Since the applicant is agreeable, the matter may now be resolved.</p> <p>The respondents shall now issue the appointment order to the applicant expeditiously as per the statement mentioned in paragraph 5 of the affidavit in terms of the communication dated 4.12.2002.</p>

Note of the Registry

Date

Order of the Tribunal

20.12.2002

26.12.2002  
Copy of the order  
has been sent to  
the Office, for issuing  
the same to the D/Adm  
for the parties  
JLS

Mr. B.K. Sharma, learned Sr. counsel for the applicant also submitted that since the applicant remained out from the department since 1984-85 and the order was passed by the Tribunal on 1.8.94, he will lose the seniority and will be deprived of the pensionary benefits. We are not inclined to pass any order in the C.P. in this aspect, leaving it open to be resolved by the authorities themselves justly, fairly and reasonably.

The respondents shall now complete the process of appointment of the applicant in Kolkata within two weeks from the date of receipt of the order.

Subject to the observations made above, the contempt proceeding stands closed.

K. K. Sharma

Member

  
Vice-Chairman

mb