

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Contempt APPLICATION NO. 14/99
DA. 174/97.

OF 199

Applicant(s) Sri Babul Ch. Deka and ors.

Respondent(s) Sri R. S. Paroda and ans.

Advocate for Applicant(s) Mr. S. Sarma.

Advocate for Respondent(s) Mr. A. Debi Roy,
Sr. C.S. S.C.

Notes of the Registry	Date	Order of the Tribunal
The Learned applicant Advocate has filed this Contempt petition for drawing up Contempt of Courts proceeding for non implementation of Judgment on order dated 21.4.98 passed in DA 174/97.	9-6-99	Heard Mr. S. Sarma learned counsel for the petitioner. Issue notice to show cause as to why the contempt proceedings shall not be drawn up. Notice is returnable by 4 weeks. List on 12-7-99 for orders.
	1m 10/6/99	69 Member
Learn before Appellate Court for further orders	12-7-99	Await service report. Fix it on 16-8-99 for orders.


Vice-Chairman


Vice-Chairman

See for Form
See for Office
16/6/99
58
13/7/99

(2)

C.P. No. 14 of 1999 (O.A. 174/97)

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
15.6.99 Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A/D.	16.8.99	Name of the counsel of the alleged contemner has not been shown in the list and for that reason counsel may not be present today. Let this case be listed after a week showing the name of Mr. K.N.Choudhury, learned counsel for the alleged contemner. List it on 24.8.99.
26.6.99 Notice issued to the respondents vide D.No. 2029 - 2030 Df. 17.6.99	trd N.B. 19/8/99	 Vice-Chairman
27.6.99 9.7.99 No. Show cause has been filed by the respondents.	24.8.99	Two weeks time allowed on the prayer of Mr M.Chanda, learned counsel on behalf of Mr K.N.Choudhury. List on 13.9.99 for order.
28.6.99 Notice duly served on R.No - 2 & 2.	pg N.B. 25/8/99	 Member  Vice-Chairman
29.6.99 Objection has been filed by the Contemner No. 12.	13.9.99	On the prayer of Mr B.K.Sharma, learned counsel for the petitioner. the case is adjourned to 27.9.99 for filing rejoinder.
30.6.99 Pet. contmry order dated 16.8.99.	pg N.B. 14/9/99	 Member  Vice-Chairman
31.6.99 23-8-99 Objection has been filed.	27.9.99	10 days time allowed for filing of rejoinder on the prayer of Mr S.Sarma, learned counsel for the petitioner. List on 7.10.99 for order.
32.6.99 6-10-99 No. Rejoinder has been filed.	pg N.B. 8/10/99	 Member  Vice-Chairman

(3)

Notes of the Registry

Date

Order of the Tribunal

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Notes of the Registry

7.10.99

On the prayer of Mrs U.Dutta, on behalf of Mr S.Sarma, learned counsel for the petitioner the case is adjourned to 11.11.99 for order.


Member


Vice-Chairman

10-11-99
1) Service ready on R.W.S.
10.2.

11.11.99

Two weeks time allowed for filing of rejoinder on the prayer of Mr S.Sarma learned counsel for the petitioner.

List on 26.11.99 for order.


Member


Vice-Chairman

2) Objection by S.C.
b/w on R.W.S 10.2.
3) Rejoinder by S.C.
b/w b/w

26.11.99

Mr S.Sarma, learned counsel for the applicant submits that the case is otherwise ready for hearing.

List on 28.1.2000 for hearing.


Member


Vice-Chairman

27-1-00
Rejoinder by S.C.
b/w b/w

pg

28.1.00

No D.B. adjourned to 25.2.00.


by

25.2.00

40. adj.—1-27-3-00


by

27.3.2000

No Division Bench is available.
List for hearing on 8.5.2000.

24/2
The case is ready.


25.9.2000

trd

8.5.00

There is no D.B. adjourned to 6.7.00.


by

6.7.00

There is no D.B. adjourned to 26.9.00.


by

Notes of the Registry	Date	Order of the Tribunal
<i>The case is ready for hearing.</i>	26.9.99	to 20.2.00. To be listed on 30.1.00.
<i>Rey</i> 29.1.2001	30.1.01	List the matter on 20.2.2001.
trd		<i>U. Usha</i> Member
	20.2.01	<p>This is an application under Section 17 of the Administrative Tribunals Act, 1985 for initiating a contempt proceeding for alleged wilful defiance of the judgement and order dated 21.4.1998 rendered by this Tribunal in O.A. No. 174/97. By the judgement and order dated 21.4.98 the Tribunal directed the respondents to dispose of the representation contained in Annexure-5 to the Original Application in terms of the order dated 12.1.1988 passed in G.C. No. 112/87 within the time specified. The respondents have filed its reply and stated that in terms of the order of the Tribunal the respondent authority acted upon and disposed of the representation as per law. A reasoned order was passed to that effect by order dated 24.6.99.</p> <p>Heard Mr. S.Sarma, learned counsel for the petitioner and Mr. A. Deb Roy, learned Sr. C.G.S.C.</p> <p>Considering the facts and circumstances it is apparent that the judgement and order of the Tribunal was complied with and the respondents disposed of the representation. Mr. S. Sarma learned counsel for the petitioner submitted that the respondents denied the relief to the applicant on the face of the professed</p>

Contd..

policy of the ICAR. The said contention cannot be accepted in the contempt proceeding which is specifically concerned for wilful defiance of the order of the Tribunal. If the order of the respondents is erroneous ^{it} can only be looked into in O.A or like proceeding but not in a contempt proceeding.

The contempt proceeding is accordingly dismissed.

FCW

Member

Vice-Chairman

trd

23/2/01