

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

~~Contempt~~ APPLICATION NO. 14/99  
OA. 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. J. Sarma.

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

| Notes of the Registry   | Date  | Order of the Tribunal   |
|---|---|---|
| <p>The Learned<br/>applicant Advocate<br/>has on filed this<br/>contempt petition<br/>for drawing up<br/>contempt of Courts<br/>proceedings for non<br/>implementation<br/>of judgment and<br/>order dated 21.4.98<br/>passed in OA 174/97.</p> <p>Kind before<br/>Honble court for<br/>further orders</p> <p>See for<br/>Section 57/6/99</p> | <p>9-6-99</p> <p>1m</p> <p>278<br/>10/6/99</p> <p>12-7-99</p> <p>1m</p> <p>58<br/>13/7/99</p> | <p>Heard Mr. S. Parma learned counsel<br/>for the petitioner.</p> <p>Issue notice to show cause as to<br/>why the contempt proceedings shall not<br/>be drawn up . Notice is returnable by<br/>4 weeks.</p> <p>List on 12-7-99 for orders.</p> <p><br/>Member</p> <p><br/>Vice-Chairman</p> <p>Await service report. Fix it on<br/>16-8-99 for orders.</p> <p><br/>Member</p> <p><br/>Vice-Chairman</p> |

(2)

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

| Notes of the Registry | Date | Order of the Tribunal |
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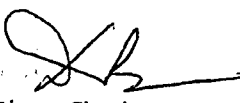
15.6.99

Service of notices prepared and sent to D. Section for Issuing of The same to The Respondants 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.

  
Vice-Chairman

Notice Issued to the Respondants vide D.No. 2029 - 2030 Dt. 17.6.99

trd

19/8/99

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.

Member

Vice-Chairman

Notice duly served on R.No - 2 & 2.

pg

27/8/99

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.

Member

Vice-Chairman

10.8.98

Objection has been filed by the Contemner No. 1 & 2.

pg

14/9/99

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.

Member

Vice-Chairman

Pr. camady order dated 16-8-99.

19/8/99

23-8-99

Objection has been filed

6-10-99

No. Rejoinder has been filed

23/8

pg

## Notes of the Registry

## Date

## Order of the Tribunal

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

pg

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

pg

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

pg

28.1.00

no DJB, adjourned to 25.2.00.

by  
by

25.2.00

40. A.D. 1-27-3-00

by  
by

27.3.2000

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

Member

trd

8.5.00

There is no DJB, adjourned to 6.7.00

by

6.7.00

There is no DJB, adjourned to 26.9.00.

by  
by

## Notes of the Registry

## Date

## Order of the Tribunal

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Vice-Chairman

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by  
by

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Vice-Chairman

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by

6.7.00

There is no DJB, adjourned to 26.9.00.

by  
by

Notes of the Registry

Date

Order of the Tribunal

26.9.00

No. 27B. To be listed on  
30.1.01.1870  
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T

30.1.01

List the matter on 20.2.2001.

Member

Vice-Chairman

trd

20.2.01

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.

Heard Mr. S.Sarma, learned counsel for the petitioner and Mr. A. Deb Roy, learned Sr. C.G.S.C.

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

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The case is ready  
for hearing

29.1.2001

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 <sup>it</sup> can only be looked into in O.A or like <sup>^</sup> proceeding but not in a contempt proceeding.

The contempt proceeding is accordingly dismissed.

*K. C. Chatterjee*  
Member

*[Signature]*  
Vice-Chairman

trd

*2/5*  
*23/2/01*

3.1.2001

*Copy of the order  
has been sent to the  
D/Sec. for issuing  
the order to the  
2/advocates for  
the parties.  
WJ*