

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 43/2000 (M. 72/78)

..... *Jarini Ch. Sema* ..... Applicant.

Versus

Union of India & Ors *Mrs. S. Swamy* Respondents.

For the Applicant *Mr. J. L. Sankar*  
*Mr. M. Chanda*

For the Respondents. *Mr. A. I. ....*

NOTES OF THE REGISTRAR

DATE

ORDER

5.1.2001

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

*The learned applicant Shwank has been filed this Contempt against the order of 13.3.2000 for non-compliance*

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.

Issue notice to the respondents to show cause as to why the contempt proceeding shall not be initiated against the alleged contemner.

List on 6.2.01 for show cause and further orders.

*[Signature]*  
Vice-Chairman

Await Service Report. List on 20.2.01 for orders.

*[Signature]*  
Vice-Chairman

List on 8.3.01 to enable the respondents to obtain instructions.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

*1) Requisition two  
Cp is filed.*

*Notice prepared and sent to  
D/S. for issuing the respondents  
No. 182 by Regd. A.D. vide  
B/No. 116/12 dtd 10.1.2001*

*5/1/01.*

8.3.01

Reply to the application has been filed. List on 10.4.01 for orders.

*1 C. U. Sharma*  
Member

*[Signature]*  
Vice-Chairman

lm

10.4.2001

On the prayer of Mr J.L. Sarkar, learned counsel for the petitioner, the case is adjourned till 2.5.01 for orders.

12-3-2001

*W/S harsen*

*Submitted on behalf of Contemners No. 2,*

nkm

*[Signature]*  
Vice-Chairman

*[Signature]*  
2.5.01

List on 18.5.2001.

*1 C. U. Sharma*  
Member

*[Signature]*  
Vice-Chairman

trd

18.5.01

It is an application under section 17 of the Administrative Tribunal Act, 1985 for initiation of contempt proceeding against the alleged contemner of an Order dated 13.3.2000 passed in O.A.72 of 1998. The Tribunal <sup>by its above order quashed the</sup> ~~have seen adverse entries in the~~ Orders dated 28.7.1997 and 16.12.1997 in applicant's ACR for the year 1996-97 are quashed and set aside. The Respondents were directed to hold review Screening Committee/ DPC to consider the applicant's case for promotion from the due date and confer all consequential benefits. It is now been stated that Office Order No.21 of 2001 dated 19-2-2001 was issued in compliance of the Tribunal's Order.

Considering the facts and circumstance it appears to us that the Respondents No.2 has seemingly failed to carry out the direction issued by the Order. We record our <sup>displeasure in the conduct of the Respondent</sup> ~~displeasure in the conduct of the Respondent~~ No.2. Accordingly, we drop the contempt pro-

*Tribunal, in the above perspective, there may be the acting Respondent No. 2 at best may be Administrative Officer, but the same cannot be held to be guilty of willful Contd.*

*The Contemner is the Respondent No. 2. Order calling for the exercise of*

Notes of the Registry	Date	Order of the Tribunal
<p>22.5.2001</p> <p>Copy of the order has been sent to the Office for issuing the time to the L/Adm. for the parties.</p> <p><i>[Signature]</i></p>	18.5.01	<p>It is an application under Section 17 of the Administrative Tribunals Act, 1985 for initiation of contempt proceeding against the alleged contemner of an Order dated 13.3.2000 passed in O.A.72 of 1998. The Tribunal by its above order quashed the adverse entries dated 28.7.1997 and 16.12.1997 in the applicant's ACR for the year 1996-97. The Respondents were directed to hold review Screening Committee/DPC to consider the applicant's case for promotion from the due date and confer all consequential benefits. It is now been stated that Office Order No.21 of 2001 dated 19-2-2001 was issued in compliance of the Tribunal's Order.</p> <p>Considering the facts and circumstances it appears to us that the Respondent No.2 has seemingly failed to carry out the direction issued by the Tribunal, in the right perspective. The action of the Respondent No.2 at best may be <sup>in</sup>transient that did not behove of a public officer, but the same cannot be held to be an act of wilful defiance of the order calling for the exercise of the Contempt jurisdiction. Accordingly, we drop the contempt proceeding. It would be open for the applicant to assail the legitimacy of the Order in a separate proceeding.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

bb

Notes of the Registry	Date	Order of the Tribunal
<p>1. The first of the three cases is the case of the <i>Republic of the Philippines</i> against the <i>United States of America</i>. The case is based on the <i>Philippine Claims Act of 1948</i>, which provides for the payment of compensation to the Philippines for the damage to its territory and property caused by the United States during the <i>Philippine-American War</i> (1898-1902).</p> <p>2. The second case is the case of the <i>Republic of the Philippines</i> against the <i>United States of America</i>. The case is based on the <i>Philippine Claims Act of 1948</i>, which provides for the payment of compensation to the Philippines for the damage to its territory and property caused by the United States during the <i>Philippine-American War</i> (1898-1902).</p> <p>3. The third case is the case of the <i>Republic of the Philippines</i> against the <i>United States of America</i>. The case is based on the <i>Philippine Claims Act of 1948</i>, which provides for the payment of compensation to the Philippines for the damage to its territory and property caused by the United States during the <i>Philippine-American War</i> (1898-1902).</p>	<p>1. 1951</p> <p>2. 1951</p> <p>3. 1951</p>	<p>1. 1951</p> <p>2. 1951</p> <p>3. 1951</p>