



(2)

C.P. 43 of 2000

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

*I C Usha*

Member

*Vice-Chairman*

lm

10.4.2001

12.3.2001

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

*W/S Subram*

Intimated on behalf  
of Contemnor No. 2.

nkm

*Vice-Chairman*

2.5.01

List on 18.5.2001.

*I C Usha*

Member

*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 contemnor of an Order dated 13.3.2000 passed in O.A.72 of 1998. The Tribunal ~~by its above order quashed 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 displeasure in the conduct of the Respondent

That did not No.2. Accordingly, we drop the contempt pro-  
be held to be an act of wilful  
The Contemnor. In the meantime, we call for the exercise of  
Contd.

Notes of the Registry	Date	Order of the Tribunal
<p style="text-align: right;">5.201</p> <p>Copy of the order been sent to the Secy. for sending the same to the L/Adm. the parties.</p> <p style="text-align: right;">S</p>	<p style="text-align: right;">18.5.01</p> <p>bb</p>	<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><u>K.C.Shah</u> Member</p> <p><u>____</u> Vice-Chairman</p>

