

FORM No.4  
(SEE RULE 12)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. Appl. ....

20/04

In O.A. 130/94

Name of the Applicant(s) Smt. Renu Mazumdar & another

Name of the Respondent(s) Sri J.K. Barmha & another

Advocate for the Applicant H. Chandra, S. Nath

Counsel for the Railway/CGSC K.N. Chandhuy, J. Chandhuy, S. Das

OFFICE NOTE DATE ORDER OF THE TRIBUNAL

1.6.2004

This Contempt  
petition has been  
filed by the petitioner  
praying for initiation  
of a Contempt proceeding  
against the alleged  
contemnors for non-  
compliance of the  
order dated 8.5.98  
passed by this Hon'ble  
Tribunal in O.A 130/94  
and O.A 131/94.

mb

02.08.2004

mb

23.8.04

laid before the  
Hon'ble Court for further  
orders.

Section officer

Heard Mr. S. Nath, learned  
counsel for the applicant.

Issue notice to show cause as  
to why contempt proceeding shall not be  
initiated, returnable within four  
weeks.

List on 7.7.2004 for orders.

K.V. Prasad  
Member (A)

List on 23.8.2004 for orders.

K.V. Prasad  
Member (A)

Present: Hon'ble Mr. D. V. Verma, Vice  
Chairman

Hon'ble Mr. K. V. Prahladan, Administ-  
rative Member.

Mr. M. Chanda learned counsel  
for the petitioner prays for adjou-  
ment. Prayer is allowed.

List on 25.8.04 for orders.

K.V. Prasad  
Member

Vice-Chairman

-2- C.P. 20/04 (OA 130/942131/94)

Notice & order  
sent to D/Section  
for issuing respondent  
nos - 1, 2, by regd.  
with A/D post.

4/6/04.

vide D/Memo  
No - 969 to 970  
Dt. 4/6/04.

7/6/04.

24/8/04  
Letter received from the  
Dy. Director of Consue  
Operations, Assam, Guwahati  
vide no. DCO(E)253/2004/7678  
dated 19.8.04 in connection  
with C.P. no. 20/2004 which  
may kindly be seen at  
file 'X'.  
24/8/04.

Received copy of  
order for Respondent No 2.

26/8/04.  
to the DCO, Assam.  
for Mr. G. Chandra  
27/8/04.  
K. V. Prahladam  
27/8/04.

25.8.04 present : The Hon'ble Sri D.C.verma,  
Vice-Chairman  
The Hon'ble Sri K.V.Prahladam  
Administrative Member.

Heard Sri M.Chanda, learned couns  
for the applicant and Sri I.Choudhury,  
learned counsel for the respondents.

By an additional affidavit the  
applicant has filed certain documents  
to show that the order of this Tribunal  
has not been fully complied with. Copy  
of the same has also been served on  
the learned counsel for the respondents.

During the course of hearing the  
learned counsel for the applicant sub-  
mitted that though in compliance of the  
Tribunal's judgment the applicants have  
been given benefit of part 3(i) and  
3(ii) of the order dated 12.8.04 the  
respondents have given promotion to the  
applicants on notional basis and have  
also specifically passed an order that  
the applicants will not be entitled for  
arrear pay and allowances. The submi-  
ssion of Mr Chanda is that the Tribunal  
or even the Hon'ble High Court have  
not passed any direction specifically  
to the effect that the respondents  
could give the applicants all consequen-  
tial benefits. The submission of Mr  
Chanda is that the respondents could  
not have promoted the applicants on  
notional basis only. From the documents  
and the Tribunal's direction and as  
upheld by the Hon'ble High Court we  
find no reason for the respondents to  
pass such an order. Hence the responden-  
could not have given promotion to the  
applicants on notional basis or restric-  
ted to non payment of salary.

Learned counsel for the respondent  
Sri I.Choudhury requests for some time  
to seek instruction from the respondent  
in this connection. Time is granted.

List before next Division Bench.

K.V. Prahladam  
pg Member (A)

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

16.9.04.

Present: Hon'ble Mr. Justice R.K. Batta  
Vice-Chairman.

Hon'ble Mr. K.V. Prahladan, Admin-  
istrative Member.

Heard learned counsel for both the  
parties.

The Contempt Application be listed  
alongwith O.A.No.194 of 2004 and 195 of  
2004, and O.A. 130/04

*K.V. Prahladan*  
Member

*R.K. Batta*  
Vice-Chairman

lm

24.9.04.

Present: Hon'ble Mr. Justice R.K. Batta,  
Vice-Chairman.

Hon'ble Mr. K.V. Prahladan, Administra-  
tive Member.

Heard Mr. M. Chanda learned  
counsel for the applicant and Mr. I  
Choudhury, learned counsel appearing  
on behalf of the Respondents.

The learned counsel for the  
Respondents has placed before us the  
order dated 14.9.2004 modifying earlier  
order dated 12.8.2004. In view of the  
modified order dated 14.9.2004 no  
further action is required to be taken  
in the Contempt Proceedings. Mr. M.R.  
Singh, Under Secretary, Government of  
India is present in the Court and he  
tendered unconditional apology.  
Accordingly, C.P. is closed.

*K.V. Prahladan*  
Member

*R.K. Batta*  
Vice-Chairman

lm

case is ready.

WS  
23/9/04

28.9.04

Copy of the order  
has been sent to the  
Officer for issuing  
the order to the L/Advocate  
for the parties

et al.