

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTING : BILASPUR**

**Civil Contempt Petition No.203/00007/2017**

(in OA 203/00090/2017)

Bilaspur, this Wednesday, the 18<sup>th</sup> day of April, 2018

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Vimal Kumar Swarnkar S/o late Shri Balkrishna, aged about 50 years, working as Senior Technician (Electrician) in Sintering Plant (SP-3), R/o 2-C, Street No. 25, Sector 4, Bhilai, District Durg (C.G.).  
**-Petitioner**

**(By Advocate – Dr. Kumares Tiwari, proxy counsel of Shri Manish Upadhyay)**

**V e r s u s**

S. Bhattacharya, Deputy General Manager, Incharge Sintering Plant-3 (SP-3), Bhilai Steel Plant, Bhilai, District Durg (C.G.) 491001.  
**- Respondent /Contemnor**

**(Shri Sanjay Singh, proxy counsel of Dr. S.K. Pandey along with S. Bhattacharya, respondent/contemnor)**

**O R D E R**

**By Ramesh Singh Thakur, JM.**

The petitioner has filed this Contempt Petition alleging non compliance of the order passed by this Tribunal dated 25.01.2017 in Original Application No.203/00090/2017.

**2.** The contention of the petitioner is that after receiving the certified copy of the order, he had intimated the respondent/contemnor on 13.02.2017 (Annexure C-2) by submitting the original order alongwith copy of representation dated 05.11.2015. The petitioner submits that after receiving the said order on 13.02.2017, the respondent/contemnor has not complied with the order of this Tribunal till date and instead of making compliance, the respondent authorities are torturing and harassing the petitioner in the duty hours for filing Original Application against them. Therefore, he has prayed to initiate the contempt proceeding, as per law.

**3.** The respondent/contemnor has filed response to the notice issued by this Tribunal. It has been submitted that he has highest regards and respect towards this Tribunal and Judiciary. It is further submitted that no sooner did the copy of the order dated 25.01.2017 was received at SAIL-BSP, the process of compliance to the same had begun on 28.02.2017, which can be seen from the copy of note sheet dated 28.02.2017 (Annexure R-2). It has also been submitted by the respondent/contemnor that as the petitioner was seeking transfer from his then place of posting on medical

grounds, therefore, he was directed to appear for his medical examination on 28.03.2017 along with relevant medical records. As the petitioner had stated medical problem of Asthma, therefore, vide letter dated 28.03.2017 (Annexure R-6), his case was referred to the Joint Director, Medical & Helath Services (Chest), Jawaharlal Nehru Hospital & Research Centre, SAIL-BSP for medical examination. Though the petitioner had appeared before the Joint Director but had refused to get himself admitted in the hospital for detailed medical investigations and misbehaved with the lady chest physician.

4. It has been further submitted by the respondent/contemnor that ultimately a note sheet dated 12.04.2017 was moved by the Manpower Planning Section of SAIL-BSP for taking final decision on the issue of transfer of the petitioner and finally, on 18.05.2017, the Executive Director had given concurrence to the decision of transfer of the petitioner from Sintering Plant -3 to Safety Engineering Department, SAIL-BSP. In pursuance thereof, vide order dated 23.05.2017 (Annexure R-10), the petitioner had been transferred and posted to Safety Engineering Department (SED).

Therefore, it has been submitted that the order of this Tribunal dated 25.01.2017 has been duly complied with.

5. We have heard the counsel for the parties and also gone through the documents attached with the pleadings.

6. This Tribunal, vide order dated 25.01.2017, has passed the following order:

“It is stated that representation of the applicant dated 05.11.2015 in regard to his grievance is still pending with the respondent No.2.

2. In view of it, without going into the merits of the case, we dispose of this Original Application at the admission stage itself with a direction to respondent No.2/competent authority to consider and decide the applicant’s representation dated 05.11.2015, if not already decided, within a period of two months from the date of receipt of a copy of this order.”

7. As per the response filed by the respondent/contemnor, it is clear that they have taken steps for implementation of the orders of this Tribunal, which is reflected as per Annexure R-10. The only direction to the respondents was to decide the representation dated 05.11.2015 of the petitioner. Though the period of two months from the date of receipt of copy of the order was granted, but from the response filed by the respondent/contemnor, it is clear that they have made every endeavor to comply with the order of this

Tribunal. Therefore, there is no intentional and willful disobedience of our order dated 25.01.2017.

8. Resultantly, this CCP is devoid of any merit and the same is dismissed. The respondent/contemnor is discharged from the notice of contempt.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

am/-