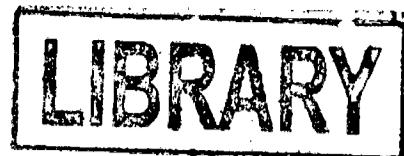


CPC 350/00055/2016
(O.A. 350/00290/2014)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Contempt Petition(Civil)No.55 of 2016

(Arising out of O.A. No.350/00290/2014)

Dr. (Mrs.) Archana Majunder, wife
of Dr. Asis Kumar Das, holding the
post of Chief Medical Officer(NFSS),
CPWD Dispensary, Nizam Palace,
Kolkata - 700 020, residing at
30/F, Hara Mohan Ghosh Lane,
P.S. Beleghata, Kolkata-700 085.

... Applicant/Petitioner

-Versus-

1. Sri Bhau Pratap Sharma,
Secretary to the Government of
India, Ministry of Health and
Family Welfare, Nirman Bhawan,
New Delhi - 110 011.

2. Sri M. K. Sarovar,
Under Secretary to the Government
of India, Ministry of Health and

Archana Majunder

Ad

No.CPC./350/55/2016
(O.A.350/290/2014)

Date of order : 03.02.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the applicant : Mr. B. Chatterjee, counsel

For the respondents/contemnors : Mr. P.N. Sharma, counsel

O R D E R(ORAL)

Mr. A.K. Patnaik, J.M.

Heard Mr. B. Chatterjee, Id. counsel for the applicant and Mr. P.N. Sharma, Id. counsel for the alleged contemnors/respondents.

2. This contempt petition has been filed alleging wilful and deliberate violation of the order of this Tribunal passed in O.A.350/00290/2014 on 02.07.2015.

3. A compliance report has been filed by the alleged contemnors/respondents enclosing the Office Order dated 27.10.2016. Id. counsel for the alleged contemnors submitted before us that the order of the Tribunal dated 02.07.2015 passed in the O.A.350/00290/2014 has been complied with.

4. We have perused the order dated 02.07.2015 passed in the O.A.350/00290/2014, operative portion of which runs as follows:-

"8. In the wake of such clear and categorical finding by the CAT there is no question of once again the respondent authority sitting in the judgment over the same issue and taking a different view. It is also quite obvious and axiomatic that the earlier order of this Tribunal was not challenged before the Hon'ble High Court of Calcutta by filing any WPCT. Trite the proposition of law is that one Bench of CAT order is binding on another Bench of the CAT on the same issue. In such a case, this Bench is bound by its earlier decision on the same issue. A fortiori the Respondent Authority was not justified in taking a different view. The Learned counsel for the Respondents would also point out that the service condition of the juniors



who were promoted earlier are on a different footing from that of the applicant as they satisfied all the norms contemplated under CHS Rule, 1992. We would like to observe that CHS Rules, 1992 was amended subsequently and CHS Rules, 1996 came into vogue and with reference to the current rules only the earlier order of CAT was passed. It is also to be mentioned here that the respondent authority rejected the request of the applicant on only one ground i.e. lack of qualifying service on balance to the risk of repetition, we would like to point out that this issue has already been decided by the CAT and it is no more *res integra*. Accordingly, we allow this OA by setting aside the impugned order dated 22nd January, 2014 and holding that the applicant is entitled to get the benefit of DACP scheme, and she should be provided with the same from the date her juniors who were given such benefit."

5. On a perusal of the order dated 27.10.2016 we find that in pursuance of the aforesaid order of C.A.T., the applicant, Dr. Archana K. Majumdar has been promoted to the Supertime Administrative Grade under Dynamic Assured Career Progression(DACP) Scheme subject to outcome of the Writ Petition pending before the Hon'ble High Court of Calcutta in W.P.C.T.No.110/2016.

6. In view of the above, we do not find any deliberate or wilful violation of the order of this Tribunal. Accordingly the Contempt Proceeding is dropped. Notices, if any issued, are hereby discharged.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

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