

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No.CPC.350/00137/2016  
(O.A.350/00977/2015)

Date of order :26.08.2016

Present.: Hon'ble Mr. Justice Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

DILIP KUMAR MISHRA & ORS.

VS.

UNION OF INDIA & ORS.

[N.K. Prasad(E. Rly.)]

For the applicants : Mr. A.K. Bairagi, counsel  
For the respondents : Mr. A.K. Guha, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicants and Id. counsel for the respondents/contemnors.

2. The operative portion of the order dated 28.08.2015 in O.A.No.350/00977/2015, which is sought to be complied with, is reproduced herein below:-

"4. We are of the view that case of the applicant for stepping up could be considered by the respondent No.2 subject to the outcome of similar matter pending before the Hon'ble Supreme Court.

O.A. is disposed of. No costs."

3. The order has been passed directing the respondents to grant the benefit of stepping up subject to outcome of the similar cases pending before the Hon'ble Supreme Court. , but, instead of complying with the order, the respondents waited for decision of SLP pending before the Hon'ble Supreme Court but the same was dismissed on 23.02.2016. In spite of that the order of this Tribunal has not been complied with.

*(Signature)*

4. It has been contended by the ld. counsel for the respondents that a review petition has been filed which is pending for disposal before the Hon'ble Supreme Court.

5. We are of the view that in view of the order passed by this Court, the grant of benefit of stepping up of the applicant would be subject to outcome of the SLP or order passed by the Hon'ble Supreme Court in SLP or in the Review Petition. On this pretext the respondents cannot say that they cannot comply with the order passed by this Tribunal.

6. Hence, we allow 15 days time to the respondents to comply with the order of the Tribunal and place a compliance report before this Court failing which, it shall be presumed that the respondents are willfully avoiding to comply with the order. List on 16.09.2016 for further orders.

(J. Das Gupta)  
Administrative Member

(Justice ~~V~~ C. Gupta)  
Judicial Member

s.b