

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 351/8/2016
OA 351/70/2013

Date of order : 14.2.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member
Hon'ble Ms.Jaya Das Gupta, Administrative Member

BINA VAIDYA PARMAR

VS

UNION OF INDIA & ORS.

For the applicant : Mr.P.C.Das, counsel

For the respondents: Mr.S.K.Ghosh, counsel

O R D E R (ORAL)

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

Heard Mr.P.C.Das, Id. Counsel appearing for the applicant and
Mr.S.K.Ghosh, Id. Counsel appearing for the respondents.

2. Mr.Ghosh has already filed a compliance report and submitted that in the meantime order dated 30.9.2015 passed in OA 70/AN/2013 has been complied with and accordingly the contempt petition should be dropped.

3. On the other hand Mr.Das drawing our attention to the order passed by Hon'ble High Court in Circuit Bench at Port Blair, dated 10.6.16 in WPCT No. 188/16 which reads as under :

"No doubt in view of the provisions contained in Article 16(4) of the Constitution of India, the Administration is authorized to declare certain post reserved for the local candidates but since such declaration has not been made by the local Administration, we by following the decision of the Hon'ble Supreme Court in the case of Sanjay Pant (supra) have no hesitation to hold that the local Administration was not justified either in refusing to regularize the appointment of the applicant with effect from the date of her initial ad hoc appointment or in not granting her consequential relief by counting her seniority from the date of her initial appointment by treating her in regular services from the date of her initial ad hoc appointment simply because of the fact that she is not a local candidate.


We thus do not find any reason to come to a conclusion different from the majority view expressed by the Tribunal in the impugned order. We, thus, dismiss the writ petition and direct the concerned authority to implement the order of the Tribunal and extend the time for implementation of the order of the Tribunal and extend the time for implementation of the order of the Tribunal by four weeks from the date of communication of this order."

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4. While disposing of the Contempt Petition, we cannot close our eyes to the order passed by Hon'ble High Court dated 10.6.16 in WPCT No. 188/16. We therefore direct the alleged contemnors to comply with the order strictly in accordance with the order passed by the Hon'ble High Court dated 10.6.16 in WPCT No. 188/16.

5. Accordingly the Contempt Petition is dropped. Notices if any, are discharged.

(JAYA DAS GUPTA)
MEMBER (A)



(A.K.PATNAIK)
MEMBER (J)

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