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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
CALCUTTA

An application for Contempt of Court under Section 17 of the
Administrative Tribunal, Act, 1985

In the matter of:

Contempt Petition (Civil);

And

In the matter of:

C.P.C. No. 350/00 195 of 2016

(Arising out of final judgment and order dated
13.07.2016 passed by this Hon'ble Tribunal in
O.A. No. 350/00984 of 2016);

And

In the matter of:

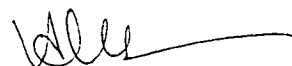
An application for Contempt of Courts Act,
1971;

And

In the matter of:

Willful, deliberate and contumacious violation
of the order passed by this Hon'ble Tribunal by
Hon'ble Mrs. Bidisha Banerjee, Judicial
Member and Hon'ble Ms. Jaya Das Gupta,
Administrative Member dated 13.07.2016 in
final judgment and order dated 13.07.2016
passed by this Hon'ble Tribunal in O.A. No.
350/00984 of 2016 (Tushar Kanti Barman -vs-

Tushar Kanti Barman



Union of India & Ors.) by the
contemnors/respondents;

And.

In the matter of:

Violation and/or disobedience of the solemn
order dated 13.07.2016 passed by this Hon'ble
Tribunal in O.A. No. 350/00984 of 2016
(Tushar Kanti Barman -vs- Union of India &
Ors.) by the contemnors/respondents namely:

1. Mr. T.C.A. ANANT, the Secretary,
Government of India, Ministry of Statistics &
Programme Implementation, Room No. 418,
S.P. Bhawan, 65, New Moti Bagh, New Delhi-
110021.
2. Mr. SAMIRAN MALLICK, the Director
General and Chief Executive Officer, Ministry
of Statistics & Programme Implementation,
National Sample Survey Office, Sardar Patel
Bhavan, Sansad Marg, New Delhi- 110001.
3. Mr. K.P. UNNIKRIISHNAN, the
Additional Director General, Government of
India, Ministry of Statistics & Programme
Implementation, National Sample Survey

Tushar Kanti Barman.



Office (Field Operations Division), East Block-
6, Level-4-7, R.K., Puram, New Delhi- 110066.

4. Mr. JYOTIRMOY PODDAR, the Deputy
Director General (EZ), Government of India,
Ministry of Statistics & Programme
Implementation, National Sample Survey
Office (Field Operations Division), Mahalonobis
Bhavan, 6th Floor, 164, G.L.T. Road, Kolkata-
700108.

5. Mr. A. K. BISWAS, the Deputy Director
General, (Regional Office), Government of
India, Ministry of Statistics & Programme
Implementation, National Sample Survey
Office (Field Operation Division), West Bengal
(South Region) at CGO Complex, 2nd Floor, 'E'
Wing, Sector-I, Block-DF, Salt Lake City,
Kolkata- 700064.

6. Mr. R.C. GOUTAM, the Director,
National Sample Survey Office (Field
Operation Division), West Bengal (West
Region) Chowdhury Market, 2nd Floor,
Badamtala, Kalna Road, Burdwan- 713101.

7. Mr. B. K. SHUKLA BAIDYA, the
Assistant Director, National Sample Survey

Jyeshtha Kanti Barman.

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Office (Field Operations Division), West
Bengal, North Region, 1/3, N.S. Road, Malda,
Gangabag, Pin- 732101.

8. **Mr. SWAPAN CHATTERJEE**, the Head
of office and DDO, National Sample Survey
Office (Field Operations Division), Chowdhury
Market, 2nd Floor, Badamtala, Kalna Road,
Burdwan- 713101.

In:

- a) Non-compliance the order of this
Hon'ble Tribunal whereby the Hon'ble Tribunal
clearly directed that accordingly we dispose of
this OA with a direction upon the authorities to
take up the exercise as directed in OA 38/15
i.e. to engage the applicants further for the 74th
round of NSS with liberty to deny employment
in case of bad track record of any applicant in
the past service by passing an order to that
effect and thereafter to engage additional
persons from the applications received in
response to the advertisement issued. The OA
along with MA accordingly stand dispose of.
No order is passed as to costs. However, this
order shall be subject to the outcome of Writ
Petition No. 207385/15 supra. Before we part

Jushar Kanti Barman,



we would like to add in haste that it is high time that the respondents should think of creating regular posts for the job and frame Recruitment Rules instead of engaging Field Investigators on contractual basis in batches. Let an honest endeavour be made within six months from this order. Despite such direction, the respondent authority did not engage the present applicants till today and they are engaging the outsiders on contractual basis by replacing one set of contractual employees by another set of contractual employees which is absolutely barred in view of the decision rendered by the Hon'ble Supreme Court in the case of State of Haryana & Ors. -vs- Piara Singh which is also recorded by this Hon'ble Tribunal at the time of passing the order dated 13.07.2016 in para-5 of the said solemn order;

b) Not implementing the said order even after communication of the same by the contemnors/respondents by committing act of contempt under the Contempt of Courts Act, 1971;

c) The intention of the Hon'ble Tribunal at the time of passing the solemn order dated

Jushar Kanti Barman


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13.07.2016 was to engage the applicants further for the 74th round of NSS with liberty to deny employment in case of bad track record of any applicant in the past service by passing an order to that effect and thereafter to engage additional persons from the applications received in response to the advertisement issued and to think of creating regular posts for the job and frame Recruitment Rules instead of engaging Field Investigators on contractual basis in batches. Let an honest endeavour be made within six months from this order;

d) Deliberate and willful violation of the court's order by not considering the observation of the Hon'ble Tribunal;

e) By causing interference of the administration of justice as directed by this Hon'ble Tribunal;

f) Flagrant violation of the Hon'ble Tribunal's mandate by not re-engaging the applicants by fresh contractual engagement purely on temporary basis;



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- g) In subordination of the judiciary and blatant violation of judicial expedite from the deceived action of the contemnor/respondents;
- h) By deliberately denying to implement of the direction coupled with the actions made by this Hon'ble Tribunal;
- i) By lowering down the dignity and image of this Hon'ble Tribunal before the public and the litigant public;

AND

IN THE MATTER OF:

TUSHAR KANTI BARMAN, aged about 38 years, son of Sri Sarat Chandra Barman, residing at Bankim Sarani Bye-Lane, 6, South Deshbandhu Para, Siliguri, Pin-734004 and working to the post of Field Investigator under control and authority of Director, National Sample Survey Office (Field Operations Division), West Bengal, North Region under the Government of India, Ministry of Statistics & Programme Implementation.

... Applicant

-Versus-

Tushar Kanti Barman.

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1. **UNION OF INDIA**, service through the Secretary, Government of India, Ministry of Statistics & Programme Implementation, Govt. of India, Room No., 418, Sardar Patel Bhavan, Sansad Marg, New Delhi- 110001.

2. **THE DIRECTOR GENERAL AND CHIEF EXECUTIVE OFFICER**, Ministry of Statistics & Programme Implementation, National Sample Survey Office, Sardar Patel Bhavan, Sansad Marg, New Delhi- 110001.

3. **THE DEPUTY DIRECTOR GENERAL**, (Eastern Zone), National Sample Survey Office (Field Operation Division), Mahalanobis Bhawan, 6th Floor, 164, Gopal Lal Tagore Road, Kolkata- 700108.

4. **THE DEPUTY DIRECTOR GENERAL**, (Regional Office), Government of India, Ministry of Statistics & Programme Implementation, National Sample Survey Office (Field Operation Division), West Bengal (South Region) at CGO Complex, 2nd Floor, 'E' Wing, Sector-I, Block-DF, Salt Lake City, Kolkata- 700064.

Jyoti Kanti Barman.

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5. THE DIRECTOR, National Sample Survey Office (Field Operation Division), West Bengal (West Region) Chowdhury Market, 2nd Floor, Badamtala, Kalna Road, Burdwan-713101.

6. THE ASSISTANT DIRECTOR, National Sample Survey Office, (Field Operation Division), West Bengal, North Region, 1/3, N.S. Road, Gangabag, Malda, Pin-732101.

...Respondents

AND

IN THE MATTER OF:

TUSHAR KANTI BARMAN, aged about 38 years, son of Sri Sarat Chandra Barman, residing at Bankim Sarani Bye-Lane, 6, South Deshbandhu Para, Siliguri, Pin-734004 and working to the post of Field Investigator under control and authority of Director, National Sample Survey Office (Field Operations Division), West Bengal, North Region under the Government of India, Ministry of Statistics & Programme Implementation.

...Applicant

Tushar Kanti Barman.



-Versus-

1. Mr. T.C.A. ANANT, the Secretary,
Government of India, Ministry of Statistics &
Programme Implementation, Govt. of India,
Room No.418, S.P. Bhawan, 65, New Moti
Bagh, New Delhi- 110021.
2. Mr. SAMIRAN MALLICK, the Director
General and Chief Executive Officer, Ministry
of Statistics & Programme Implementation,
National Sample Survey Office (Field
Operation Division), Sardar Patel Bhavan,
Sansad Marg, New Delhi- 110001.
3. Mr. K.P. UNNIKRISHNAN, the
Additional Director General, Government of
India, Ministry of Statistics & Programme
Implementation, National Sample Survey
Office (Field Operations Division), East Block-
6, Level 4-7, R.K., Puram, New Delhi- 110066.
4. Mr. JYOTIRMOY PODDAR, the Deputy
Director General (EZ), Government of India,
Ministry of Statistics & Programme
Implementation, National Sample Survey

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Office (Field Operations Division), Zonal Office of West Bengal Region at Mohalanobis Bhavan, 6th Floor, 164, G.L.T. Road, Kolkata-700108.

5. Mr. A. K. BISWAS, the Deputy Director General, (Regional Office), Government of India, Ministry of Statistics & Programme Implementation, National Sample Survey Office (Field Operation Division), West Bengal (South Region) at CGO Complex, 2nd Floor, 'E' Wing, Sector-I, Block-DF, Salt Lake City, Kolkata-700064.

6. Mr. R.C. GOUTAM, the Director, National Sample Survey Office (Field Operation Division), West Bengal (West Region) Chowdhury Market, 2nd Floor, Badamtala, Kalna Road, Burdwan-713101.

7. Mr. B. K. SHUKLA BAIDYA, the Assistant Director, National Sample Survey Office (Field Operations Division), West Bengal, North Region, 1/3, N.S. Road, Malda, Gangabag, Pin-732101.

Jushan Kanti Barman

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8. Mr. SWAPAN CHATTERJEE, the Head
of office and DDO, National Sample Survey
Office (Field Operations Division), Chowdhury
Market, 2nd Floor, Badamtala, Kalna Road,
Burdwan-713101.

...CONTEMNORS/RESPONDENTS

all

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O. R D E R

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

Heard Mr.P.C.Das, ld. Counsel appearing for the petitioner and Mr.B.P.Manna, ld. Counsel appearing for the alleged contemnors.


2. Mr.Manna has filed the compliance report and Mr.Das by bringing to our notice some allegations, submitted that this compliance report is not in compliance of the order passed in OA 383/2016 disposed of on 13.7.16.

3. However, after perusal of the documents and after taking into consideration the show cause filed by the alleged contemnors, we find that the CPC does not exist as alleged contemnors has not deliberately and intentionally violated our aforesaid order.

4. Therefore the Contempt Petition is dropped and notices if any, discharged.



(JAYA DAS GUPTA)
MEMBER (A)



(A.K.PATNAIK)
MEMBER (J)

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