



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. CPC 350/14/2017  
OA 350/1268/2013  
CPC 350/80/2016

Date of order : 22.2.2017

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

**SANTOSH HALDER**

S/o Late Suryakanta Halder,  
Working as Gateman, Chandpara  
Under Station Manager,  
Eastern Railway,  
Sealdah Division,  
R/o Rly. Qtr. No. T/18B  
Dhakuria Gaighata,  
P.O. Dhakuria Kalibari,  
Dist - 24 Parganas (N)  
Pin - 743246.

...APPLICANT

VERSUS

1. Sri Ghanashyam Singh  
The General Manager,  
Eastern Railway,  
17 N.S. Road,  
Kolkata - 700001.
2. Shri Basudev Panda  
The Divisional Railway Manager,  
Eastern Railway,  
Sealdah Division,  
Sealdah,  
Kolkata - 700014.
3. Shri Ravi Kumar  
The Sr. Divl. Personnel Officer,  
Eastern Railway,  
Sealdah Division,  
Sealdah  
Kolkata - 700014.

...RESPONDENTS.

For the applicant : Mr.K.Sarkar, counsel

For the respondents: None

O R D E R

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

Heard Mr.K.Sarkar, Id. Counsel appearing for the petitioner.

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2. We find that this Contempt Petition has been filed alleging deliberate and intentional violation of the order dated 10.12.15 in OA 1268/15.

3. On perusal of the records we find that on 10.12.15 while disposing of the OA 1268/15 this Tribunal has directed as follows :

“3. Since nothing remains for adjudication in the matter, the OA is disposed of with a direction upon the respondents to pass appropriate orders in accordance with law within two months from the date of communication of this order.

4. The instruction dated 8.12.15 as given by the DRM to the ld. Counsel for the respondents, is taken on record.

5. The OA along with the MA stands disposed of. No order is passed as to costs.”

4 We find that in page 12 of the Contempt Petition an order dated 12.9.16 has been passed in which the applicant's case after being found suitable by the Screening Committee has been considered and he has been granted 2<sup>nd</sup> financial upgradation under MACP from the date 16.3.15.

5 Mr. Sarkar submitted that though this order was passed on 12.9.16 till date the actual benefits have not been granted to the applicant and therefore it should be treated as deliberate and intentional violation of the Tribunal's order as decided by Hon'ble Supreme Court of India. But we are at a loss to agree with such contention made by Mr.Sarkar as the order passed by this Tribunal was a direction issued to the respondents to consider and pass necessary order and that has been complied with.

6 Therefore in our considered view there is no deliberate and intentional violation of the order passed in OA 1268/13 dated 10.12.2015. Therefore the Contempt Petition is not admitted.

7. Accordingly as on date no contempt exists, the Contempt Petition is dismissed not being admitted.

8 Mr.Sarkar may file any other application for redressal of his grievances.

(JAYA DAS GUPTA)  
MEMBER (A)

(A.K.PATNAIK)  
MEMBER (J)