

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. CPC 350/264/ 2015  
OA 350/822/2015  
MA 350/34/2017

Date of order : 24.2.2017

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

WIRELESS PLANNING & COORDINATION  
WING MONITORING NON-GAZETTED  
STAFF UNION & ORS.

VS

R. GARG & ORS.

For the applicant : Mr.K.Sarkar, counsel

For the respondents : Mr.S.Paul, counsel

O R D E R (ORAL)

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

Heard Mr.K.Sarkar, Id. Counsel appearing for the petitioner and  
Mr.S.Paul, Id. Counsel appearing for the alleged contemnors.

2. As per the direction of this Bench Mr.Anil Kumar, Director, Wireless  
Monitoring Organisation, Wireless Monitoring Headquarters, Pushpa Bhawan,  
'E' Wing, 3<sup>rd</sup> Floor, Madangir Road, New Delhi, is present in the Court today.  
On perusal of the records we observe that this Contempt Petition has been filed  
alleging deliberate and intentional violation of the order dated 5.6.2015 passed  
in OA 822/2015 which reads as under :

"Heard. Perused the records. The decision rendered on a issue is to  
be extended to all similarly situated employees is no more *res integra* and  
suffice to place reliance on one of such decision rendered in the case of  
K.C.Sarma and others -vs- UOI & Others [1997 (6) SCC 721]. Be that as  
it may, as the representations submitted by the applicants are still under  
consideration without expressing any opinion on the merit of the matter  
this OA is disposed of with direction to the respondents (whoever is  
competent to deal with the matter) to take a final decision on the  
representations and communicate the outcome of such consideration in  
a well reasoned order to the applicants within a period of 60 days from  
the date of receipt of a copy of this order and upon such consideration if  
it is found that the applicants are entitled to the benefit as claimed by  
them then the same may be extended to them within a period of 30 days  
from the date of such consideration. If in the meantime any decision has  
already been taken on his representations, but result has not been  
communicated, the result of the same be communicated to them, within



a period of 15 days from the date of receipt of this order. We make it clear that we have not expressed any opinion on the merit of the matter and all the points raised by the applicants are left open to the respondents to consider. No costs."

3. On perusal of the record we also find that while disposing of the OA this Bench has not entered into merit of the OA but a direction was given to the respondents/alleged contemnors to take a final decision on the representation and communicate the outcome of the said by passing a reasoned order to the applicant.

4. Mr. Paul, Id. Counsel for the alleged contemnors brought to our notice that after such order certain communication was made and the representation was also disposed of.

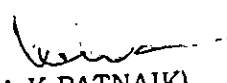
5. We are well aware of the well settled position of law that if any order is passed in compliance of the order of a Court/Tribunal, then it cannot be construed as deliberate and intentional violation of the said judgment.

6. We find that as we have not entered into merit of the matter while disposing of the OA, any order passed in it has given rise to a fresh cause of action. Mr. Sarkar submitted that the applicant is a similarly situated person like that of D.S. Rawat's case (OA 3038/2013 - D.S. Rawat & Ors. -vs- UOI & Ors.) disposed of by Principal Bench of this Tribunal and affirmed by Delhi High Court and the said order has reached its finality in absence of Supreme Court's order reversing or staying the order of Delhi High Court. However, the petitioner will be at liberty to file further application for redressal of his grievance.

7. With the aforesaid observation the Contempt Petition is dropped and notices, if any, discharged.

8. Personal appearance of Mr. Anil Kumar, Director, Wireless Monitoring Organisation, Wireless Monitoring Headquarters, Pushpa Bhawan, 'E' Wing, 3<sup>rd</sup> Floor, Madangir Road, New Delhi is dispensed with.

(JAYA DAS GUPTA)  
MEMBER (A)

  
(A.K. PATNAIK)  
MEMBER (J)

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