

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. CPC 38 of 2015
(OA 668 of 2012)

Present: Hon'ble Ms. Jasmine Ahmed, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUSHMITA MAJUMDAR

v/s

HARBANS SINGH & ORS.

For the applicant : None

For the respondents : Mr.P.Mukherjee, counsel

Heard on : 9.2.2017 Order on : 10.02.2017

O R D E R

Ms. Jasmine Ahmed, J.M.

None for the applicant. Mr.P.Mukherjee, Id. Counsel appeared for the respondents.

2. An order was passed by this Tribunal on 13.3.14 disposing of the OA. While disposing of the OA the termination order was quashed by this Tribunal with a liberty to the respondents to proceed in accordance with law against the applicant and the interregnum period between the date of termination and date of passing fresh order to be determined in accordance with law.

3. It is the contention of the applicant that the order of the Tribunal dated 13.3.14 was duly communicated to the respondents vide letter dated 9.4.14 but ispite of that the applicant was not allowed to join her duties. Hence the Contempt Petition has been filed by the applicant before this Tribunal.

4. In response to that an order dated 29.8.14 was passed by the respondents wherein it was decided to reinstate the applicant in service with immediate effect without prejudice to any further action in the matter and to initiate fresh departmental enquiry as per liberty granted by this Tribunal in the order dated 13.3.14. It was also written that the interregnum period between the date of termination and date of reinstatement in job will be treated

[Signature]

in the spirit of FR 17 i.e. as "no work no pay" and the applicant was directed to submit Pass Certificate and Secondary School Certificate at the time of joining the service.

5. It is contended by the ld. Counsel for the respondents that despite giving offer of reinstatement in service by letter dated 29.8.14 the applicant did not join duty. She was again advised to join in the post of Store Clerk on reinstatement by the subsequent letter dated 17.9.14. But she did not report with original certificates and vide letter dated 22.9.14 the applicant stated that she had applied for original certificates to the Bihar School Board and after getting the certificates she will join her duties.

6. Ld. Counsel for the respondents also stated that in pursuance of the fresh order dated 17.6.16 passed by this Tribunal, the respondents finally passed a speaking order dated 21.7.16 for reinstatement of the applicant with immediate effect and the applicant has accepted the order and has also joined her duty on 28.9.16. Ld. Counsel for the respondents also stated that the interregnum period between the date of termination and date of reinstatement in the job, will be treated in the spirit of FR 17 and in this regard the ld. Counsel for the respondents drew our attention to Page 7 of the compliance affidavit which is a letter dated 21.7.16, the order of reinstatement and at Page 9 it is found that the applicant has joined her duty on 28.9.16 in pursuance of the letter dated 21.7.16.

7. Accordingly the order of this Tribunal is substantially complied with by the respondents. Hence the Contempt Petition is dismissed. Notices, if any, are discharged.

(JAYA DAS GUPTA)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)