



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

**No. CPC. 350/191/2016
O.A. 350/1509/2014**

Date of order: 11.1.2019

**Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Goutam Paul

... Petitioner/Applicant

- VERSUS -

**Mr. A.K. Goel,
General Manager,
Eastern Railway,
Kolkata & ors.**

... Contemners/Respondents

For the Applicant

Mr. T.K. Biswas, Counsel

For the Contemners

Mr. B.L. Gangopadhyay, Counsel

ORDER

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Contempt Petition has been filed under Contempt of Courts Act, 1971 read with Contempt of Courts (CAT) Rules, 1992 in the matter of deliberate, willful and contemptuous violation of the order dated 18.1.2016 issued O.A. No. 1509 of 2014.

2. The orders of the Tribunal, alleged to have been violated, are reproduced as under:-

"The applicant is aggrieved as despite attainment of temporary status he has not been regularized.

2. The respondents have filed their reply wherein they have indicated that in the last screening test the documents submitted by the applicant along with several others were found as defective and therefore the DRM/SDAH directed for proper verification of the documents of all such candidates including the present applicant and investigation in regard to the documents is on. After conclusion of the investigation, screening test will be held for regularization of the services of all staffs including the present applicant.

3. Learned counsel for the respondents submitted that the department may take 6 months time to complete the investigation. Learned counsel for the applicant vociferously

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objected to the same stating that the applicant has been suffering for 15 years long and that he is on the verge of attaining the age of superannuation.

4. In such view of the matter the OA is disposed of with a direction that the respondents would complete the investigation by 3 months from the date of communication of this order at least in regard to the present applicant and others who are on the verge of attaining the age of superannuation.

5. If nothing stood in the way, the respondents would accord the benefits to the applicant in accordance with law by one month thereafter.

6. OA is accordingly disposed of. No costs."

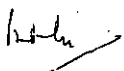
3. The operative part of the order hence reads as follows:-

".....the OA is disposed of with a direction that the respondents would complete the investigation by 3 months from the date of communication of this order at least in regard to the present applicant and others who are on the verge of attaining the age of superannuation and if nothing stood in the way, the respondents would accord the benefits to the applicant in accordance with law by one month thereafter.."

4. Heard both Ld. Counsel, examined the petition, the reply to the show cause as well as documents on record.

5. According to the Ld. Counsel for the applicant/petitioner, long after receiving the order dated 18.1.2016, the alleged contemnors had issued a letter dated 9.6.2016 seeking certain documents from the applicant. According to the applicant/petitioner, those documents had been submitted earlier to the competent authority (Annexure A-1 to the O.A. being evident to the same), that the applicant/petitioner had no further documents in his possession and that, despite reminders issued through Advocate's letters on 7.3.2016 and 29.6.2016, the alleged contemnors have failed to take any action to comply with the orders of the Tribunal.

6. In defence, the alleged contemnors have submitted that, upon passing of the orders of the Tribunal, the petitioner was asked to submit documents vide Office Letter dated 9.6.2016 followed by reminders on 28.6.2016 and 14.7.2016 (Annexure CPC-1, CPC - 2 and CPC- 3 of the affidavit in compliance). According to the alleged contemnors, there were certain anomalies in the applicant's case because of which the substitute period of the applicant could not be regularized and that, until and unless appropriate supporting documents are produced by the



applicant/petitioner, the respondents would be constrained to regularize such period in case of the applicant/petitioner.

The applicant/petitioner through a supplementary affidavit, further submitted that, on 24.4.2018, the applicant has submitted the total set of documents attaching the forwarding memo at Annexure X of the supplementary affidavit filed on 9.8.2018.

The role of the Tribunal in deciding on Contempt is confined to examining as to whether there was any deliberate violation of the orders of the Tribunal by the alleged contemnors. In this case, we find that orders were issued by the Tribunal on 18.1.2016 based on the submissions of the Ld. Counsel for the respondents that the Department may take six months' time to complete the investigation and that, as the applicant was on the verge of reaching his age of superannuation, the Tribunal allowed the alleged contemnors/respondents three months' time to complete the investigation of documents in order to decide on the regularization of the substitute period of the applicant/petitioner. It appears that the respondents issued the first letter asking for supporting documents on 9.6.2016 which is way beyond the three months' period granted to the respondents / alleged contemnors by the Tribunal. It further appears that the respondents/alleged contemnors kept reminding the petitioner/applicant on 28.6.2016 and 14.7.2016 for submitting the requisite documents.

The respondents/alleged contemnors, despite having been given a specific time limit of six months, did not, however, seek any extension of the time line of compliance from the Tribunal as they issued the first letter only after four months after receipt of the certified copy of the order and kept on issuing reminders and exchanging other communications thereafter. There is nothing on record to prove that even if the respondents found it difficult to comply within the time line, at no stage the respondents/alleged contemnors had sought further time with the leave of the Tribunal to complete the investigation of documents. The respondents/alleged contemnors not only failed to complete the investigation of

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documents even after receipt of further documents but also, during hearing, submitted another set of communications addressed to the applicant/petitioner.

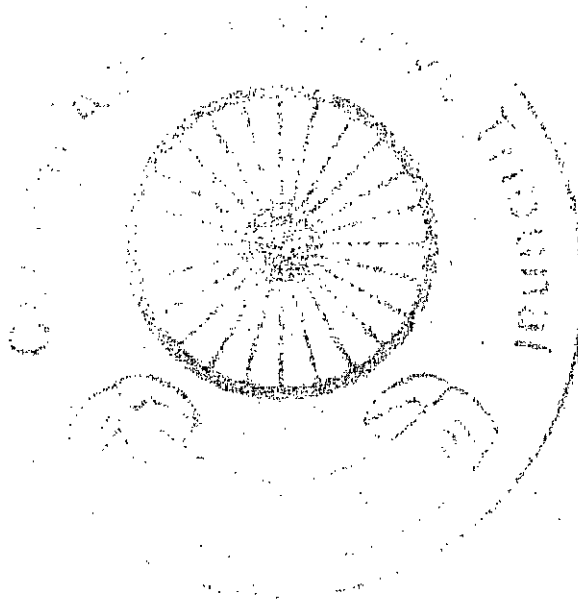
We are, therefore, of the view that there is a deliberate violation of the orders of the Tribunal on behalf of the respondents/alleged contemnors.

7. Accordingly, we deem it fit under the Contempt of Courts (CAT) Rules, 1992 and particularly in terms of Rule 21 thereof, to award a cost of Rs. 20000/- (Twenty thousand) only upon the respondents payable to the applicant within a period of one month from the date of receipt of a copy of this order.

8. With these directions, the Contempt Petition is disposed of.

(Dr. Nandita Chatterjee)
Administrative Member

SP



(Bidisha Banerjee)
Judicial Member