



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 94 of 2018

(Arising out of O.A. No. 350/00333 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 Mr. A.K. Patnaik,
Judicial Member dated 28.06.2017 in O.A.
No. 350/00333 of 2016 (Asis Biswas & Ors.
Vs- Union of India & Ors.) by the
contemnors/respondents;

13

And

In the matter of:

Violation and/or disobedience of the solemn order dated 28.06.2017 passed by this Hon'ble Tribunal by Hon'ble Mr. A.K. Patnaik, Judicial Member in O.A. No. 350/00333 of 2016 (Asis Biswas & Ors. 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, 418, Sardar Patel Bhavan, Sansad Marg, New Delhi-110001.
2. **MR. DEBI PRASAD MONDAL**, the Director General, Central Statistics Office, Ministry of Statistics and Programme Implementation, D-Block, 1st Floor, Sankhiyiki Bhawan, GPOA Building at CBD Shahdara near Karkardooma Court, New Delhi-110032.
3. **Dr. TAPAS KUMAR SAHA**, the Additional Director General, Data Processing Division (HO) Eastern Zone, National Sample Survey Office, Ministry of Statistics and

Programme Implementation, Government of India, Mahalanobis Bhawan, 164, Gopal Lal Tagore Road, Kolkata- 700108.

4. **Mr. TAPAS KUMAR SANYAL**, the Deputy Director General, Industrial Statistics Wing, Data Processing Division, National Sample Survey Office, Ministry of Statistics and Programme Implementation, 1, Council House Street, Calcutta- 700001.

In:

a) Non-compliance the order of this Hon'ble Tribunal whereby the Hon'ble Tribunal clearly directed that in view of the office memorandum dated 27th June, 2017 issued by the Under-Secretary, Government of India, Ministry of Statistics and Programme Implementation, Central Statistics Office (Industrial Statistics Wing) nothing remains to be adjudicated in this original application. Accordingly the respondents are directed to act as per the office memorandum quoted above within a period of three months from the date of receipt of order. Despite such direction, till today the respondents did not act as per the office memo dated 27th June, 2017 within a period of three months from the

13

date of receipt of the order. More than six months are over, till now, the respondents did not take any action in accordance with the order dated 28.06.2017 passed by this Hon'ble Tribunal, therefore by not taking any action in terms of the said order passed by this Hon'ble Tribunal, the respondents are clearly guilty in respect of the violation of the solemn order and direction passed by this Hon'ble Tribunal dated 28.06.2017 in O.A. No. 350/00333 of 2016 under the Contempt of Courts Act, 1971;

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 28.06.2017 was to act as per the office memorandum quoted above within a period of three months from the date of receipt of 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 acting as per the office memorandum dated 27th June, 2017 within a period of three months from the date of receipt of order;

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:

1. **ASIS BISWAS**, aged about 44 years, son of Shri Dilip Biswas, residing at 33/D, Subhas Pally, Kolkata- 700092 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General;
2. **ASHIM KUMAR ROY**, aged about 44 years, son of Late Sailendra Bijoy Roy, residing at 126/N, Banerjee Para Road, Post Office- Sarsuna, Kolkata- 700061 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.
3. **JHUMU DEY**, aged about 43 years, daughter of Late Bijoy Chandra Dey, residing at 18/1, A, Swinhoe Street, Kolkata- 700019 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street,

Calcutta- 700001 under the Deputy Director General.

4. **SUKLA DEBNATH**, aged about 50 years, daughter of Late Jiban Krishna Sikdar, residing at 3B, Gagan Sarkar Road, Kolkata- 700010 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

5. **ITU GHOSH (DAS)**, aged about 48 years, daughter of Late Jogendra Das, residing at 81/20A, Regent Colony, Kolkata- 700040 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

6. **SOUMEN ROY**, aged about 47 years, son of Late Sambhu Nath Roy, residing at 2, Motilal Colony, Post Office- Rajbati, Police Station- Dum Dum, Kolkata- 700080 and

at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

7. **SUDIP ADHIKARY**, aged about 44 years, son of Late Subal Chandra Adhikary, residing at 43/5A, Murari Pukur Road, Kolkata- 700067 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

...Applicants

-Versus-

1. **UNION OF INDIA** service through the Secretary, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi- 110001,
2. **THE DIRECTOR GENERAL**, Central Statistics Office, Ministry of Statistics and

Programme Implementation, Sardar Patel
Bhavan, Sansad Marg, New Delhi-
110001.

3. **THE DEPUTY DIRECTOR GENERAL,**
Central Statistics Office (Industrial
Statistics Wing), 1, Council House Street,
Calcutta- 700001.

...Respondents

AND

IN THE MATTER OF:

1. **ASIS BISWAS**, aged about 44 years,
son of Shri Dilip Biswas, residing at
33/D, Subhas Pally, Kolkata- 700092
and at present working as Lower
Division Clerk in the office of the
Central Statistics Office (Industrial
Statistics Wing), 1, Council House
Street, Calcutta- 700001 under the
Deputy Director General;

2. **ASHIM KUMAR ROY**, aged about 44
years, son of Late Sailendra Bijoy Roy,
residing at 126/N, Banerjee Para Road,
Post Office- Sarsuna, Kolkata- 700061
and at present working as Lower
Division Clerk in the office of the

Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

3. **JHUMU DEY**, aged about 43 years, daughter of Late Bijoy Chandra Dey, residing at 18/1, A, Swinhoe Street, Kolkata- 700019 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.
4. **SUKLA DEBNATH**, aged about 50 years, daughter of Late Jiban Krishna Sikdar, residing at 3B, Gagan Sarkar Road, Kolkata- 700010 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.
5. **ITU GHOSH (DAS)**, aged about 48 years, daughter of Late Jogendra Das, residing at 81/20A, Regent Colony, Kolkata-

700040 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta-700001 under the Deputy Director General.

6. **SOUMEN ROY**, aged about 47 years, son of Late Sambhu Nath Roy, residing at 2, Motilal Colony, Post Office- Rajbati, Police Station- Dum Dum, Kolkata- 700080 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

7. **SUDIP ADHIKARY**, aged about 44 years, son of Late Subal Chandra Adhikary, residing at 43/5A, Murari Pukur Road, Kolkata- 700067 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General

...Applicants

-Versus-

1. **Mr. T.C.A. ANANT**, the
Secretary, Government of India, Ministry
of Statistics & Programme
Implementation, 418, Sardar Patel
Bhavan, Sansad Marg, New Delhi-
110001.
2. **MR. DEBI PRASAD MONDAL**, the
Director General, Central Statistics Office,
Ministry of Statistics and Programme
Implementation, D-Block, 1st Floor, Sankhiyiki
Bhawan, GPOA Building at CBD Shahdara
near Karkardooma Court, New Delhi-110032.
3. **Dr. TAPAS KUMAR SAHA**, the
Additional Director General, Data Processing
Division (HO) Eastern Zone, National Sample
Survey Office, Ministry of Statistics and
Programme Implementation, Government of
India, Mahalanobis Bhawan, 164, Gopal Lal
Tagore Road, Kolkata- 700108.
4. **Mr. TAPAS KUMAR SANYAL**, the
Deputy Director General, Industrial Statistics

Wing, Data Processing Division, National
Sample Survey Office, Ministry of Statistics
and Programme Implementation, 1, Council
House Street, Calcutta- 700001.

...CONTEMNORS/RESPONDENTS.

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

CPC. 04 of 2018
(OA. 333 of 2016)

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

Asis Biswas & Ors.

..... Applicants.

Versus

Mr. T.C.A. Anant & Ors.

..... Respondents.

For the applicant : Mr. P.C. Das, Counsel

For the respondents : Mr. S. Paul, Counsel

Reserved on : 21.06.2019

Date of Order : 26.8.19.

ORDER

Per : Bidisha Banerjee, Judicial Member

We heard Ld. Counsel and perused the compliance report.

2. The order dated 14.03.2019 shows that in compliance of the order of this Tribunal in the OA, such order has been issued.

It reads as under:

"Whereas Shri Asis Biswas, who had been working as LDC on contract basis in this office since 05.01.1996, was regularized in the post of LDC w.e.f. 29.07.1997.

2. And whereas the regularization Order and Pay fixation Order were kept in abeyance by the Ministry of Statistics & Programme Implementation and he was not allowed 60% of arrears of Pay and Allowance on the basis 6th CPC. He was also not considered for granting of ACP/MACP given the regularization Order and Pay fixation Order being kept under abeyance.

13

3. And whereas Shri Asis Biswas & Ors. had filed an O.A. No. 350/00333/2016 before the Hon'ble CAT, Calcutta Bench seeking direction on this Department:

- (i) To release payment of 60% arrears of Pay and allowances on the basis of 6th CPC recommendations.
- (ii) To quash and/ or set aside the order dated 26.04.2010 of PAO, MoSPI, Kolkata and orders dated 18.05.2010 and 08.06.2011 issued by CSO (IS Wing), Kolkata; and
- (iii) To retain the Circular dated 30.10.2013 issued by CSO (IS Wing), Kolkata vide which their seniority list was published and the date of regularization shown in the aforesaid seniority list be retained and subsequent benefits of ACP and MACP be given in favour of the applicants which they are otherwise entitled to along with all consequential benefits.

4. And whereas on 28.06.2017 during hearing of OA No. 350/00333/2016. Hon'ble CAT was intimated that the matter was under examination of the Ministry of Statistics & Programmed Implementation and the Hon'ble Tribunal was requested for extension of time for a further period of three months.

5. And whereas Hon'ble CAT, Calcutta Bench in their Order dated 28.06.2017 passed in CPC in O.A. No. 350/00333/2016 inter alia, directed as follows:

"..... The Office Memorandum which was forwarded alongwith the above letter dated 27.06.2017 is also quoted below for ready reference:-

Sub: Proposal of payment of 60% arrears of Pay and Allowance on the basis of 6th CPC recommendations to the contractual employees of CSO (IS Wing), Kolkata regularized by them – OA No. 350/00333/2016-Shri Asis Biswas & Ors. Vs. UOI.

The undersigned is directed to refer to CSO (IS Wing)'s letter dated 04.03.2017 addressed to ADG(ESD) on the above cited subject and to say that the matter regarding release of payment of 60% arrears of Pay and Allowances on the basis of 6th CPC recommendations to the nine (09) contractual employees of CSO (IS Wing), Kolkata regularized by them is under examination of this Ministry. ESD has been requested under single filing system vide note of the Ministry dated 23.06.2017 for furnishing their comments/ view in the instant matter to the Ministry.

2. In view of the above, CSO (IS Wing) is requested to seek extension of time for a further period of at least 3 months or even more from the Hon'ble CAT, Calcutta Bench in OA No. 350/00333/2016 Shri Asis Biswas & Ors. Vs. UOI & Ors. and keep this Ministry updated the status of this case"

In view of the above, nothing remains to be adjudicated in this O.A. Accordingly the respondents are directed to act as per the Office Memorandum quoted above within a period of three months from the date of receipt of this Order."

6. And whereas respondents in the OA No. 350/00333/2016 filed by Shri Asis Biswas & 6 Ors. Vs Uoi & Ors. have now completed the examination of the issue and found that he was regularized without following the due procedure by CSO (IS Wing) as per Government policies.

Now, therefore, he is not entitled to any of the reliefs sought by him in O.A. No. 350/00333/2016."

3. Since, it is evident from the order extracted supra that there was no adjudication on the right of the applicant in the O.A. to the 60% arrears and the OM did not mandate such payment we find no violation of any direction.

4. Accordingly we drop the contempt proceedings with liberty to challenge the decision of the authorities.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

drh