

(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORDER SHEET

1. ORIGINAL APPLICATION No. : -----/2013
 2. Transfer Application No. : -----/2013 in O.A. No.-----
 3. Misc. Petition No. : -----/2013 in O.A. No.-----
 - ✓ 4. Contempt Petition No. : 19/2013 in O.A. No. 172/2011
 5. Review Application No. : -----/2013 in O.A. No.-----
 6. Execution Petition No. : -----/2013 in O.A. No.-----
- Applicant (S) : Sri M.P. Luitel & OCS
- Respondent (S) : Sri Shailesh Nayak
- Advocate for the [Applicant (S)] : Mr. M. Chanda, Mrs. U. Dutta
- Advocate for the [Respondent (S)] : _____

Notes of the Registry

Date

Order of the Tribunal

06.08.2013

Mr.M.Chanda, learned counsel for the petitioners submits that vide order dated 06.03.2012 in OA No.172/2011 directed the petitioners to file comprehensive representation within a period of two weeks from the date of receipt of the order and the respondents were required to take a final decision in a judicious manner on the said representation and it should be communicated to the petitioners within a period of four months from the date of receipt of representation. Immediately after receipt of the order petitioners made representation before the authority on 15.03.2012 along with certified copy of the said order. According to the learned counsel, in spite of receiving the same, the department has not yet complied with the order. Having no alternative petitioners approached this Tribunal vide CP No.15/2012. On 20.12.2012, Mr.Vivek Sinha, Director (Establishment), IMD appeared before this Tribunal. In the order dated 20.12.2012 this Tribunal recorded the assurance given by the learned counsel for the respondents Mr.Kankan Das that he will take all the steps to expedite the

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CP.19/2013 (OA.172/2011)

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matter so that the benefit of the flexible complementary scheme be extended to the petitioners at the earliest possible. It is noted that after the assurance given by the respondents side the CP No.15/2012 was closed. However, more than seven months time has elapsed but the order of this Tribunal has not yet been complied with. In a compelling circumstance the petitioners have again approached this Tribunal vide this CP.

Notices was issued to the alleged contemner no.2 in this CP on 23.04.2013, who has filed affidavit admitting that no restructuring of Group 'B' and 'C' has been done for long six decades.

Mr.Kankan Das, learned Addl. C.G.S.C. appearing for the alleged contemner no.2 submits that Ministry of Finance and DoP&T are involved in the matter and the Ministry of Earth & Sciences had forwarded the proposal in the month of February 2013 for implementation of the order. According to the learned counsel, presently the matter is pending before the Ministry of Finance.

This Bench expresses its serious concern while noting the fact that this Tribunal had disposed of the OA.172/2011 giving four months to comply with the directions rendered therein. CP No.15/2012 was closed on the basis of assurance given by the learned counsel for the respondents. Now a different plea has been taken by the contemner with the tactic of delay. We are very to say that after giving assurance before this Tribunal it ought not to have come up with separate/different plea to misuse the valuable time of the court. It is the obligation on the part of the department to comply with the order of this Tribunal unless the order is assailed before the higher forum, which is not done by the department. As such, this Tribunal directs Mr.Vivek Sinha, Director (Establishment), IMD to

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present before this Tribunal in person on the next date with the status report of the present case.

Uspdt

List the matter on 25.09.2013.



Sd/-
MANJULA DAS
MEMBER (J)
Sd/
V.N GAUR
MEMBER (A)

(i) Date of the order: 4.9.13
(ii) Name of the applicant: *260*
(iii) Name of the respondent: *Sri. H.C. Barman, Rmc, Gny.*
(iv) Nature of the case: *Three*
(v) Status of the case: *Ordinary*
(vi) Date of filing: *4.9.13*
(vii) Date of disposal: *Urgent.*
(viii) Date of hearing: *4.9.13*

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[Signature]
Section Officer (Judicial)
C. T. Guwahati
Guwahati-6

[Signature]
4.9.13.