

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

The Hon'ble Sayeed Ahmed Baba, Member (A)

**Case No. CCP – 75 of 2012 (OA – 2561 of 2006)**

**Ashok Kumar Sain - VERSUS - Shri H.K. Dwibedi, Pr. Secy, Govt. of West Bengal**

Serial No. For the Applicant : Mr. G.P. Banerjee,  
and Mrs. S. Agarwal,  
Date of order Mr. K. Bera,  
10 Advocates  
02.12.2021

For the Contemnor : Mr. B.P. Roy  
O.P.(s) Advocate

The counsel for the applicant has drawn our attention to the order dated 07.10.2021, wherein there is an inadvertent typographical error in the case number. In the order dated 07.10.2021, **CCP – 75 of 2021** has been typed in place of **CCP – 75 of 2012**. Therefore, the order dated 07.10.2021 be treated as **CCP -75 of 2012** in place of **CCP – 75 of 2021**.

Today the counsel for the applicant has vehemently submitted that even today no compliance has been made. Though during the course of the hearing, the counsel for the Contemnor O.P. has tried to convince us showing Supreme Court judgement, wherein the applicant being the member of the Association and supposed to be covered by the judgment. We have gone through the judgement and it is noted that even in that judgement, it has been observed that in contempt petition no. 1287 of 2018, the Apex court has held that those who are placed in a specific scale at the time of passing of the order, their scale cannot be reduced. Therefore, this judgement also would not help the Contemnors to bypass the original order dated 03.08.2011, which was passed prior to the order of the Hon'ble Apex Court, Even no appeal has been preferred against the said order. The counsel for the applicant has further submitted that the fact of the case of the instant contempt petition is different than the case before the Hon'ble Apex Court as referred by the

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**THE STATE OF WEST BENGAL & ORS.**

contemnor.

In view of the above, the Contemnor is granted last chance to comply with the order and file compliance report otherwise he should be present before this court by the next date.

**Registry is directed to send copy of this order to the Contemnor no.**

**7.**

Let the matter be listed on **22.02.2022.**

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA  
MEMBER(A)

URMITA DATTA (SEN)  
MEMBER (J)

A.K.P.