

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **CCP-83 of 2019 (OA-329 of 2016)**

Nani Gopal Ghosh

Versus

Mr. Manish Jain, Pr. Secretary,
School Education

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
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<u>02</u> 03/12/2019	<p>For the Contempt Petitioner : Mrs. S. Agarwal, Ld. Advocate.</p> <p>For the Contemnor Respondent No. 1 : Mr. M.N. Roy, Ld. Advocate.</p> <p>For the Contemnor Respondent No. 2 : Mr. S.N. Ray, Ld. Advocate.</p> <p>This is a contempt application whereby the applicant has prayed for issuance of the contempt rule for willful violation of order dated October 25, 2017 passed in OA-329 of 2016 being modified/clarified by order dated November 06, 2017 passed in the same OA-329 of 2016, whereby this Tribunal directed for issuance of appointment on compassionate ground.</p> <p>Affidavit of Service filed on behalf of the applicant is kept on record. Mr. M.N. Roy, Learned Counsel appearing on behalf of the contemnor submits that this Bench has no determination to deal with this matter. We have also heard Mrs. Agarwal, Learned Counsel for the applicant in this regard.</p> <p>It appears from Note 1 to the revised schedule of determination published by the order of the Hon'ble Chairman of this Tribunal that the contempt application will be heard by the Bench having determination for</p>	

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	<p>passing the original order, when both the Hon'ble Members of the Bench which passed the order have already retired. It is relevant to quote Note 1 of the revised schedule of determination published by the order of the Hon'ble Chairman, which is as follows:</p> <p>"(1) The application for contempt, review, modification/clarification of order/judgment will be heard by the Bench consisting of Hon'ble Members who passed the order/delivered the judgment. If one of Hon'ble Members retires after passing the order/judgment, the Registry will place the application before the Hon'ble Chairman for assignment. If both Hon'ble Members retire, the application will be heard by the Bench having determination for passing the original order whose violation/review/modification is prayed for."</p> <p>The Hon'ble Members who passed the order alleged to have been violated retired from the Tribunal. Naturally, the contempt application will be placed before the Hon'ble Bench taking up "appointment on compassionate ground". Unfortunately, Learned Registrar of the Tribunal did not care to look into the determination published by the order of the Hon'ble High Court and attached to the daily cause list, and thereby, she placed the matter before Hon'ble Chairman</p>	

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Csm	<p>for fresh assignment. In our view, this matter should have been routinely placed before the Hon'ble 3rd Bench of the Tribunal as per determination already published by the order of the Hon'ble Chairman.</p> <p>Under the above circumstances, Learned Registrar is directed to place this order along with the file before the Hon'ble Chairman for necessary order.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	