

**WEST BENGAL ADMINISTRATIVE TRIBUNAL
BIKASH BHAVAN, SALT LAKE CITY
K O L K A T A – 7 0 0 0 9 1**

Present :-

Hon'ble Justice Soumitra Pal,
Chairman

-AND-

Hon'ble Dr. Subesh Kumar Das,
Administrative Member

Case No. : MA-102 of 2019 (arising out of OA-334 of 2018)

State of West Bengal & Ors. Applicant
-versus-
Amal Kumar Sen Respondent

For the applicant :-

Mr. A.L. Basu,
Mr. G.P. Banerjee, and
Mr. S. Bhattacharjee
Learned Advocates

For the respondent : -

Mr. S.N.Ray
Learned Advocate

Case No. : CCP-56 of 2019 (arising out of OA-334 of 2018)

Amal Kumar Sen Applicant
-versus-
State of West Bengal & Others. Contemnor/respondents

For the applicant :-

Mr. S.N. Ray,
Learned Advocate

For the alleged Contemnor/Respondent :-

Mr. A.L. Basu,
Mr. G.P. Banerjee, and
Mr. S. Bhattacharjee
Learned Advocates

Judgment is pronounced on : **23rd December, 2020**

J U D G M E N T

Since both the applications MA-102 of 2019 and CCP-56 of 2019 have arisen in response to the judgment and order of the Tribunal passed on 5th February, 2019 in OA-334 of 2018, the applications are disposed of by this common judgment and order.

The MA-102 of 2019, was filed on 18th February, 2020 for recalling the order dated 5th February, 2019 passed in OA-334 of 2018 the relevant portion of which is as under :-

“.....Heard Mr. S.N. Ray and Mr. M.N. Roy, learned advocates for the parties. Since in spite of opportunities no reply to the original application has been filed by the respondents, the statements in the application are deemed to be correct. Therefore, the memo dated 2nd June, 2016 issued by the Executive Engineer, Kangsabati Canals Division No. III, Bishnupur, Bankura the respondent no. 4, being annexure A-6 to the application stands set aside and quashed. The application is allowed. Accordingly, the respondent no. 4 is directed to take necessary action and pass orders in respect of release of pension and superannuation benefits of the applicant within eight weeks from the date of presentation of a copy of the certified copy of this order. Since the memo dated 2nd June, 2016 stands set aside and quashed, in view of the settled position of law, the date of superannuation be treated as 30th September, 2016 and accordingly the pensionary benefits are directed to be calculated by the respondents including the respondent no. 4.....”

Alleging non-compliance of the directions contained in the order dated 5th February, 2019 the original applicant (OA-334 of 2018) had filed on 1st August., 2019 a contempt application being CCP-56 of 2019.

2. The applicant in OA-334 of 2018, Amal Kumar Sen joined government service as Night Guard on 27th February, 1984. In OA-334 of 2018, he challenged the Memo dated 2nd June 2016 issued by the Executive Engineer, Kangsabati Canal Division No. III, Bishnupur, Bankura, whereby he was retired and released from government service on superannuation with retrospective effect from 30th November, 2005. The central issue in OA-334 of 2018 is the dispute relating to the date of birth of Amal Kumar Sen. According to the applicant in OA-334 of 2018, his date of birth is 4th September, 1956 as mentioned in the School Certificate issued by the Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore and submitted by him at the time of joining government service. According to the

respondents, the date of birth of the applicant should be considered as 20th November 1945 as mentioned in the Certificate issued by the Teacher-in-Charge, Badanganj High School which was confirmed on the basis of enquiry by the Superintendent of Police (DIB), Paschim Medinipur and by the District Inspector of Schools (Secondary Education), Paschim Medinipur.

3. The OA-334 of 2018 was admitted on 4th September, 2018 when direction was issued on the respective parties to file reply and rejoinder. The state respondents failed to file reply even after repeated opportunities were given. On 7th December, 2018, when the date for submission of reply by the state respondents was extended, it was specifically recorded in the order that if no reply was filed with supporting documents within the stipulated time, the statements in the original application would be deemed to be correct. During subsequent hearings, learned advocate for the state respondents submitted that in spite of his best efforts, the respondents did not respond and thus reply could not be filed. As no reply was filed by the respondents, the statements in the application were deemed to be correct and on 5th February 2019, OA-334 of 2018 was allowed by setting aside and quashing the Memo. dated 2nd June, 2016 issued by the Executive Engineer, Kangsabati Canal Division No. III, Bishnupur, Bankura, the date of superannuation was directed to be treated as 30th September, 2016, and to calculate pensionary and superannuation benefits within a period of eight weeks from the date of presentation of a copy of the certified copy of the order.

4. The MA-102 of 2019 has been filed on behalf of the state respondents in OA-334 of 2018 for recalling the said order dated 5th February, 2019 and to dismiss the said application OA-334 of 2018 on merit. The CCP-56 of 2019, as noted, has been filed by the applicant of OA-334 of 2018 for non-compliance of the order and judgment of the Tribunal passed on 5th February, 2019 in OA-334 of 2018.

5. We have heard Mr Apurba Lal Basu and Mr G. P. Banerjee along with Mr S. Bhattacharjee, learned advocates appearing for the applicants in MA-102 of 2019 and for the alleged contemnors in CCP-56 of 2019. In the initial days of hearing, Mr Basu represented the applicants and the alleged contemnors while on the concluding days Mr Banerjee represented them in place of Mr. Basu. We have also heard Mr S. N. Roy, learned advocate appearing for the respondent in MA-102 of 2019 (applicant in OA-334 of 2018) and applicant in CCP-56 of 2019.

6. Mr Basu representing the applicants initiated his argument by submitting that the applicants in MA-102 of 2019 who were respondents in original application OA-334 of 2018 failed to submit reply to the original application in spite of repeated opportunities given to them and for this the applicants tender unqualified apology before the Tribunal. In absence of such reply, the learned advocate for the state respondents in OA-334 of 2018 was not able to deal with the case properly as necessary documents already on record could not be placed in proper perspective. Mr Basu specifically stated that had the Tribunal considered all the documents annexed to the application in OA-334 of 2018 and appreciate the materials on record, the order would have been otherwise and Tribunal would have dismissed OA-334 of 2018. Mr. Basu submitted that Tribunal did not examine the enquiry report submitted by the District Inspector of Schools (Secondary Education), Paschim Medinipur dated 8th May 2015 and the enquiry report submitted by the Superintendent of Police (DIB), Paschim Medinipur both of them were on the issue of correct date of birth of the applicant in OA-334 of 2018. Close scrutiny of the reports clearly indicates that the correct date of birth of the applicant in OA-334 of 2018 is 20th November 1945 and not 4th September 1956 as claimed by the applicant. Mr. Basu submitted that the Tribunal should recall the order and judgment of the Tribunal dated 5th February 2019 passed in OA-334 of 2018 and dismiss the said application on merit. He further added that when the prayer is made for recalling the order of the Tribunal by invoking inherent power of the Tribunal, there cannot be any question

of limitation if in the opinion of the Tribunal the application has merit and the case deserves consideration afresh.

7. Mr Basu submitted that on receipt of complaint about the authenticity of the date of birth of Amal Kumar Sen, the Superintending Engineer, Kangsabati Circle, Bankura directed the Executive Engineer, Kangsabati Canal Division III for verification of his date of birth and accordingly it was referred to the Superintendent of Police (DIB), Midnapore for verification of date of birth. The Superintendent of Police (DIB), Paschim Medinipur submitted a report on 15th May, 2015 to the Executive Engineer which also enclosed the enquiry report of the District Inspector of Schools (SE), Paschim Medinipur. It would appear from the report that the Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore was recognised preliminary for Class V to VI w.e.f. 1st January, 1971 by the WBBSE and later it was upgraded from Class-V to Class VIII w.e.f. 1st January, 1980. Therefore, issue of Transfer Certificate in favour of Amal Kumar Sen from Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore mentioning Class VIII pass for promotion to Class IX and leaving the school on 31st December, 1971 does not arise because at that point of time the School was not recognised for Class VIII. On receipt of the said report, the Executive Engineer issued a Show Cause Notice to Amal Kumar Sen on May 5, 2016 within 7 days and the second show cause notice was issued on 23rd May 2016. The respondents modified the date of birth of Amal Kumar Sen after giving him enough opportunity to represent his case before the authority as required under the provisions of Rule 9(5) of WBSR Part-I.

8. Learned advocate for the applicant of MA-102 of 2019 submitted that the Admission Certificate of Amal Kumar Sen dated 6th April, 2010 issued by the Teacher-in-Charge of Badanganj High School clearly mention that he was admitted to Class V on 24th January, 1955 and his date of birth was recorded in the Admission Register of the said School as 20th November, 1945. Therefore, it is to be concluded that the date of birth of Amal Kumar Sen is 20th November, 1945 as mentioned in the certificate issued on the basis of Admission Register issued by the

Teacher-in-Charge of Badanganj High School and not as mentioned in the fake Transfer Certificate dated 9th January 1984 Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore showing the date of birth of Amal Kumar Sen as 4th September, 1956. The certificate produced by Amal Kumar Sen at the time of his appointment was not genuine and had no legal sanctity and validity in the eye of law. The tribunal should take into consideration the reports of the Superintendent of Police (DIB), Paschim Medinipur dated 15th May 2015 and the enquiry report of the District Inspector of Schools, Paschim Medinipur dated 8th May 2015. He further submitted that the Headmaster, Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore in his letter dated 30th January 2015 has admitted that the verification of the date of birth of Amal Kumar Sen by him on 1st August 2013 was a mistake and was without verification of any old records. Therefore, the applicant of OA-334 of 2018 cannot claim that the said Headmaster verified the transfer certificate dated 9th January 1984 produced by him at the time of joining in the government service as correct.

9. Mr. S. N. Roy, learned advocate appearing on behalf of the respondent of MA-102 of 2019 (applicant of OA-334 of 2018) submitted that the Tribunal passed the order dated 5th February 2019 after hearing the original application in detail, after perusing all the documents submitted with the original application, and after giving enough opportunity to the respondents to submit reply and represent their case and, therefore, the MA should not be allowed and the order and judgment in OA-334 of 2018 should not be recalled. He further submitted that the instant MA for recalling the order of the Tribunal dated 5th February 2019 in OA-334 of 2018 is effectively and purportedly a review application, which has been filed as miscellaneous application - MA with the intention of misleading the Tribunal and is not permissible in law and thus the application MA-102 of 2019 should be dismissed.

10. Mr. Roy further submitted that the scope for review of its own judgment and order by the Tribunal is very limited. It can be reviewed

only in some circumstances when there is discovery of new matter or evidence which could not be produced by a party in dispute when the judgement and order was passed after exercising due diligence or on account of some mistake or error apparent on the face of the record or for any other sufficient reasons interpreted in the light of the specific grounds which in the opinion of the Tribunal is sufficient for reviewing the earlier decisions. In the instant case, none of the reasons for review of judgement and order passed by the Tribunal on 5th February 2019 exists and thus the Tribunal should dismiss MA-102 of 2019 and pass order initiating contempt proceedings against the state respondents in CCP- 56 of 2019.

11. Mr. Roy submitted the following in support of the claim that the date of birth of the applicant in OA-334 of 2018 should be considered as 4th September, 1956.

- (i) The letter of the Headmaster, Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore dated 30th January, 2015 indicates that the Class-VIII passed certificate submitted by the applicant at the time of joining the Government service is not fake, forged or fabricated rather the Headmaster has stated that the signature of the then Headmaster has resemblance with the signature on the preserved documents of the School, which was confirmed by him on 1st August 2013. He has also confirmed that the transfer certificate submitted for verification had also got resemblance with the Transfer Certificate Books of the School.
- (ii) Although the Headmaster submitted that the Admission Register prior to 1970 was not found, counterfoils of T.C. Book were not preserved prior to 1987-88, Progress Report Registers were not available prior to 1980, and Admission Registers were not preserved prior to 1999, but the Headmaster verified that the certificate to be correct, when the certificate was placed before him on 1st August 2013.

Therefore, the certificate, in question, cannot be considered as fake, fabricated or forged document.

- (iii) The respondent continued in the service and no disciplinary proceeding was initiated against him and he was retired prematurely with retrospective effect.
- (iv) Under rule 9(1) of WBSR, Part-I, the date of birth once verified and certificate recorded as verified and found correct submitted by an employee at the time of entry into the Government service, cannot be corrected/ changed to the disadvantage of the employee concerned. Therefore, the certificate submitted by the applicant at the time of joining the service is to be considered as correct and should be accepted.
- (v) No retirement benefits and other consequential benefits can be reduced without abiding by the rules. No departmental proceeding was initiated against the applicant, but in the instant case Amal Kumar Sen was forced to retire with curtailment of 11 years of service. Such reduction in number of years of service is to be considered as punishment and cannot be done without any disciplinary proceedings.
- (vi) The State authority has considered sanctity of the information supplied by Badanganj High School as sacrosanct without checking its authenticity. It is denied and disputed that the Amal Kumar Sen was admitted in Class-V of Badanganj High School in 1955 as claimed by the said School which is impossible as his actual date of birth is 4th September, 1956.
- (vii) It is surprising that when Kadra School could not produce record as old as 42 years from 1971 to 2013, Badanganj School could have the records of 55 years from 1955 to 2010 intact. The truthfulness of the certificate issued by Badanganj High School is thus doubtful.
- (viii) Under Rule 9(1) of the WBSR, Part-I the date of birth once verified and recorded as verified and found authentic on

form 01, submitted by an employee while joining government service cannot be rectified/ changed to the disadvantage of the concerned employee. Thus the certificate submitted by the applicant at the time of joining government service should be considered as authentic and accepted.

12. Mr. G.P. Banerjee, learned advocate for the applicant in MA-102 of 2019 while replying to the submission of the respondent submitted that in terms of Rule 9(5) of WBSR, Part-I the State may at any time for sufficient reason review the order fixing date of birth of a government employee and modify the same provided the date of birth should not be modified to the disadvantage of the Government employee unless he has been given an opportunity of making representation in this regard. In the instant case, the date of birth of Amal Kumar Sen was modified after giving opportunity to represent his case. On 5th May, 2015, a show cause notice on the alleged forgery of date of birth of Amal Kumar Sen was issued to him with the direction to submit reply with documentary evidence within 7 days. The respondent in MA-102 of 2019 replied to the show cause notice asking for more time to reply. On 23rd May, 2016, the second show cause notice was issued to Amal Kumar Sen with direction to submit the documentary evidence in support of actual date of birth and statement against the second show cause notice. It was clearly mentioned in the second show cause notice that the genuineness of the date of birth was already verified by the Superintendent of Police (DIB), Paschim Medinipur and also by the by District Inspector of Schools (Secondary Education), Paschim Medinipur and their reports were enclosed with the show cause notice. The show cause notice also enclosed the reports of the of the SI of Schools, Garbeta I Circle, Paschim Medinipur and that of the Headmaster, Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore. In reply to the show cause notice, the respondent in MA-102 of 2019 submitted that he has no other supporting documentary evidence and requested the authority to consider the matter leniently and sympathetically. Mr. Banerjee argued

that this clearly indicates that Amal Kumar Sen accepted the position that he had no documents to deny the reports of the SP (DIB), Paschim Medinipur, the report of DI of Schools, Paschim Medinipur and the report of Headmaster of Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore. In view of such position, it can be submitted that the authority concerned followed the due procedure to change the date of birth of Amal Kumar Sen. Accordingly, the date of birth of Amal Kumar Sen should be considered as 11th November, 1945 and not 4th September, 1956.

13. In order to examine whether the action of the state respondents in modifying the date of birth of Amal Kumar Sen is justified, we need to examine whether they have followed the due procedure for change of date of birth. It appears that on receipt of complaint about the date of birth of Amal Kumar Sen, an enquiry was initiated to ascertain his date of birth. The enquiry was conducted through the Superintendent of Police (DIB), Paschim Medinipur and District Inspector Schools (Secondary Education), Paschim Medinipore, competent authority to conduct such enquiry. The letter of the Headmaster, Kadra Ashutosh Bibhabari Vidyamandir, Karba, Garbeta, Midnapore dated 30th January 2015 addressed to the Sub-Inspector of Schools, which is enclosed with the enquiry report is, in this regard, relevant. In this letter, it is mentioned that initially in response to a letter of Kangsabati Canal Sub Division dated 17th July, 2013, the Headmaster of the School signed the Transfer Certificate as verified and found correct and marked his official seal in the Transfer Certificate, but subsequently in the letter dated 30th January 2015, he submitted that he signed the Transfer Certificate produced for verification without much enquiry and that the note "verified and found correct" was not subscribed by him and it was put down by someone else. He mentioned in the said letter that this verification was a mistake on his part and on verification of the old records he found that the School was recognised for Class V and VI only in the year 1971. There is no mention in this letter that this School was in existence even as an unrecognised school prior to 1971, on the other hand he mentioned that Class VIII did not exist in the school in 1971. On

close scrutiny of this letter we find that he found no document about existence of the school prior to 1970 and accordingly, in our view, the state authority is justified in not accepting the Transfer Certificate indicating 4th September 1956 as his correct date of birth on the basis of the enquiry reports of the Superintendent of Police (DIB), Paschim Medinipur and District Inspector Schools (Secondary Education), Paschim Medinipore.

14. The admission certificate of Amal Kumar Sen issued by the Teacher-in-Charge, Badanganj High School on 6th April, 2010 certifies that Amal Kumar Sen was admitted to Class V of the school on 24th January, 1955 and his date of birth was recorded in the admission register of the said school as 20th November, 1945. This certificate was issued in the official pad of the High School and it was verified by the Headmaster of Badanganj High School on 12th July, 2013. The respondent in MA-102 of 2019 could not produce any evidence to indicate that this certificate is not genuine. This certificate has all the details including the serial number in the admission register and we are of the view that the action of the state in accepting this certificate to be genuine is just and proper.

15. In terms of Rule 9(5) of WBSR, Part-I, the state authority can modify the date of birth of a Government employee after following the due procedure as mentioned in Rule 9(5) of WBSR, Part-I, which is reproduced below:

“The appointing authority or where the final order fixing the year, month and date of birth of a Government employee has been passed by the Government, the Government, may at any time for sufficient reasons review the order fixing the year, month and date of birth and modify the same, provided that the year, month and date of birth shall not be modified to the disadvantage of the Government employee unless he has been given an opportunity of making any representation which he may wish to make against the proposed action.”

16. It appears that on completion of the enquiry, the state authority issued the first show cause notice and then not being satisfied with the reply issued the second show cause notice indicating that if he fails to file convincing reply, he will be released from Government service on the basis of actual age of attaining 60 years. In the reply dated 30th May 2016 to this second show cause notice (*Page 30 of the original application*).

Amal Kumar Sen submitted as under :

"I acknowledge receipt of 2nd show cause notice bearing memo. number 509 dated 23/05/2016 along with enclosures. In this connection I beg to submit that I had lost my both parents long back. I have no other supporting documentary evidence (like horoscope) for submission. But Sir, I may kindly be permitted to mention that I had no ulterior motive or mischievous intention while submitting the school certificate at the time of appointment in the organization.

Sir, I have been serving my organization for a long period over 3 decades with utmost sincerity, integrity, honesty and to the full satisfaction of my superior and maintain a clean unblemished record.

Sir, I feel that I have become a victim of a planned conspiracy against me.

In view of what is stated above and taking into account my past service records and being a poor employee in Group D, the matter may kindly be viewed leniently and sympathetically and also appeal to you to allow the matter to rest."

The original applicant, therefore, stated that he had no other documents to submit and that the matter "be viewed leniently and sympathetically". The Tribunal while passing the order dated 5th February, 2019 in OA-334 of 2018 erred and committed a mistake in not considering this document and the report of the Superintendent of Police (DIB), Paschim Medinipur dated 14th May 2015 (*Page 24 of the original application*) and the report of the District Inspector Schools (Secondary Education), Paschim Medinipore dated 8th May 2015 (*Page 26 of the original application*), already on record, which was vital for

adjudication. Had it been brought to the notice of the Tribunal the judgment could not have been passed.

On consideration of the submissions of the learned advocate for the respondent in MA-102 of 2019 regarding limitations of review of the order and judgment of the Tribunal, the submissions of the Learned Counsel of the applicants about the scope for recalling of the order and judgment more particularly the argument that no new material is to be taken into consideration and the matter can be recalled and decided on the basis of documents submitted with the original application being OA-334 of 2018, and on consideration of the materials on record more particularly the reply of the original applicant to the second show cause notice to treat his case leniently and sympathetically, which was not placed to the notice of the tribunal earlier and after considering the legal provisions, we are of the view that the order and judgment dated 5th February 2019 should be recalled. In view of such findings, the order and judgment dated 5th February 2019 in OA-334 is recalled.

17. Learned Counsel for the respondent in MA-102 of 2019 referred to the Judgment dated 22nd March 2013 of the Hon'ble High Court in "Gour Kanti Samanta vs. State of West Bengal and Others" in WPST No. 69 of 2012 and submitted that the case of the applicant herein is similar to that of the applicant in the referred case, where High Court has observed that as no departmental or criminal case was pending against the applicant, his pension cannot be withheld. In Gour Kanti Samanta (supra) the Tribunal held that since a criminal case was started against the applicant for submitting false age certificate and was pending no pensionary benefits could be sanctioned to the applicant. The applicant moved High Court against the order of the Tribunal, when it was submitted by the state that no criminal case was initiated or pending against the applicant. The High Court passed the order that as no criminal proceedings or departmental proceedings was pending pension benefits cannot be withheld. The High Court also held that if any criminal case is initiated and the applicant is convicted, the state can recover the overdrawn amount on the basis of actual date of birth.

In the present case no criminal case or departmental proceeding is pending and there is no order of withholding of pension. The issue before us is not withholding of pension, but modification of date of birth. The question of departmental proceeding or criminal proceeding is irrelevant here as Amal Kumar Sen accepted the position and requested the state authority to consider his case leniently and sympathetically in his reply to the second show cause notice dated 30th May 2016. The present case is, therefore, not similar to the facts Gouri Kanta Samanta (*supra*).

18. On receipt of reply of Amal Kumar Sen to the second show cause notice , the final order of modification of date of birth of Amal Kumar Sen was issued on June 2, 2016 indicating that his actual date of birth is 20th November, 1945 and he was released from Government service on retirement on superannuation with retrospective effect from 30th November, 2005 on attaining the age of 60 years. On 19th July, 2017, a letter was issued by the Director of Personnel and Ex-Officio Chief Engineer to the Secretary to the Government of West Bengal, Irrigation and Waterways Department seeking instructions on the issue of his retirement benefits.

19. With the above observation, we are of the view that the state respondents were justified in modifying the date of birth of Amal Kumar Sen to be 20th November 1945 and to pass order dated 16th June 2016 retiring him w.e.f. 30th November 2005. Accordingly, the order dated 16th June 2016 is just and proper. Hence, the order and judgment passed on 5th February, 2019 in OA-334 of 2018 is recalled. The application being MA-102 of 2019 is allowed.

20. The MA-102 of 2019 and the original application being OA-334 of 2018 are disposed with the following directions; - let the applicant be treated as superannuated on 30th November 2005 and his pension is to be drawn notionally from 1st December 2005 on the basis of last pay drawn on 30th November 2005 and actually from 1st May 2016 (the next date of the date of actual release from Government service). Similarly,

all the other retirement benefits leave encashment, gratuity and GISS be given on the basis of last pay drawn on 30th November, 2005 and considering 30th November 2005 as his date of retirement. Let GPF be paid based as outstanding balance on the date of actual release from government service. As he has worked and was paid salary up to 30th April 2016, he should be considered as under reemployment from 1st December 2005 to 30th April, 2016 and the salary paid during the period be not recovered. It is to be assumed that he has been paid pension payable to him during the period 1st December, 2005 to 30th April, 2016 as part of the salary paid to him. In other words, the salary paid to him during the period of reemployment will be considered as salary and allowances paid to him minus pension payable to him during the period. There will be no commutation of pension and there will be no payment of interest on the retirement benefits. The directions issued hereinbefore will be carried out by the respondents within twelve weeks from the date of presentation of a copy of the order subject to compliance of formalities by the applicant.

20. Accordingly, no order is passed on the contempt application, being CCP-56 of 2019, and is thus disposed of.

21. 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.

22. The urgent Xerox certified copy of the judgment and order may be supplied to the authorities, if applied for, subject to compliance of necessary formalities.

(DR. SUBESH KUMAR DAS)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN