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Ct-08

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CPAN 358 of 2021

Eastern Railway Contractors Workers Union

Vs.

Mr. Manoj Joshi & Anr.

with

I.A No.CAN 1 of 2019 (Old No. CAN 8239 of 2019)

CAN 1 of 2021

CAN 2 of 2021

in

WPCT 20 of 2019

Union of India & Anr.

Vs.

Eastern Railway Contractors Workers Unionn & Ors.

Mr. Rauf Rahim

Ms. Smita Saha

Sk. Saidullah

Mr. Debopam Roy

... For the Petitioner

Mr. Anuj Kumar Mishra

Mr. Balaram Patra

... For the Applicant

in CAN 2 of 2021

Mr. Anuran Samanta

... For the Contemnors

We have heard the learned counsel appearing for the parties.

This contempt application has been filed for non-compliance of the following directions passed in WPCT 20 of 2019 on 26th March, 2019:-

- (i) *the respondents 1 and 2 shall submit a single representation before the Chief Personnel Officer (Administration), Eastern Railway within three weeks from date. Such representation shall contain all the documents in support of the claims of the members of the respondent no. 1/union for their absorption in the service of the railway;*

- (ii) *the application shall be considered by the Chief Personnel Officer (Administration) upon granting reasonable opportunity of hearing and for this purpose, any two members of the respondent no. 1/union, duly authorised by such union, shall be entitled to remain present before such officer;*
- (iii) *notice of hearing shall be served on the respondent no. 1/union at least 96 hours in advance of the date of hearing and the venue of hearing shall clearly be indicated in such notice; and*
- (iv) *upon hearing the representatives of the respondent no. 1/union and considering the representation together with the documents annexed thereto, the Chief Personnel Officer (Administration) shall proceed to dispose of the claims by passing a reasoned and speaking order within six weeks from date of close of hearing.*

The affidavit of compliance filed on behalf of the alleged contemnors shows that all the directions mentioned in the order dated 26th March, 2019 have been complied with and speaking order has been passed and duly communicated in view of the said order.

The dispute has been raised with regard to the representatives of the Union concerned can be considered by the appropriate authority, this issue cannot be decided in this contempt application.

The inter se dispute among the office bearers' of the union is not required to be gone into in

this contempt application.

We have been informed that separate writ application has been filed by some of the stakeholders of the said union and the matter is pending before the learned single judge.

As separate writ application has been filed challenging the speaking order and in view of the fact that all the directions have been complied with by the contemnors in terms of the order dated 26th March, 2019, the contempt proceeding, being CPAN 358 of 2021, is dropped.

In view of the aforesaid order, all connected applications stand disposed of.

(Saugata Bhattacharyya,J.)

(Soumen Sen, J.)

