

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Contempt Petition No. 040/00003/2019

In

Transfer Application No. 040/00002/2015

Date of Order: This, the 22nd day of May 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



1. Sri Jiten Chandra Bhuyan
S/o Late Kandarpa Bhuyan
Resident of Vill – Kshudarkuhati
P.O. – Kalang (Kamarkuchi)
District – Nalbari, Assam.
2. Sri Paresh Chandra Das
S/o Late Soneswar Das
Resident of Village – Mohania
P.O. – Boramboi, P.O. – Hajo
District – Kamrup, Assam.
3. Smt. Debajani Das
W/o Late Phanidhar Das
North Guwahati
Rajaduar, Kamrup, Assam.
4. Sri Parmesh Talukdar
S/o Late Sati Alohu Talukdar
Village – Lawpara, Mukalmuwa.

...Petitioners/Applicants

By Advocate: Sri H.K. Das

-Versus-

1. Sri Amit Khare
The Secretary to the Government of India
Department of Telecommunication
Ministry of Information & Broadcasting
A-Wing, Sashtri Bhawan, New Delhi – 1.
2. Smt. Supriya Sahu
The Director General
Doordarshan, Doordarshan Bhawan
Copernicus Marg, New Delhi – 110001.
3. Sri Sanjay Kumar
The Deputy Director (Admin)
Doordarshan, Doordarshan Bhawan
Copernicus Marg, New Delhi – 110001.
4. Sri Deepak Kumar Sarma
The Deputy (now Additional)
Director General (NER), Doordarshan
R.G. Baruah Road, Guwahati – 24.
5. Sri M. Anandan
The Director (i/c) cum Head of Office
Doordarshan Kendra Guwahati
Guwahati – 24.



...Alleged Contemnors

By Advocates: Ms. V. Sharma, Sr. Advocate assisted by

Sri Deepom Borah

Heard on: 18.03.2020

Pronounced on: 22.05.2020

O R D E R

NEKKHOMANG NEIHSIAL, MEMBER (A):-

This C.P. No. 040/00003/2019 has been filed by the petitioners/applicants for non-implementation of the order dated 10.05.2016 passed by this Tribunal in T.A. No.

040/00002/2015 as well as order dated 08.10.2018 in M.A. No. 040/00076/2017 regarding granting of temporary status to the applicants. The order of this Tribunal dated 10.05.2016 was upheld by the Hon'ble Gauhati High Court vide its judgment and order dated 20.04.2018 in WP(C) No. 6666/2017 with certain observations in regard to the facts and information in connection with the claim of the applicants.



2. After due process and giving reasonable opportunities to both sides, the alleged contemnor Nos. 3 & 5 i.e. the Deputy Director (Admin), Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi & the Director (i/c) cum Head of Office, Doordarshan Kendra Guwahati were directed to appear in person before this Tribunal vide order dated 10.02.2020. Accordingly, two alleged contemnors appeared on 18.03.2020. They were also represented by Ms. V. Sharma, Sr. Counsel duly assisted by Sri D. Borah, learned counsel for the opposite party.

3. During hearing, Sri H.K. Das, learned counsel for the applicants prayed for initiation of contempt proceedings against the alleged contemnors for

deliberate failure to implement the order of this Tribunal dated 10.05.2016 passed by this Tribunal in T.A. No. 040/00002/2015 and subsequently upheld by the Hon'ble Gauhati High Court vide its judgment and order dated 20.04.2018 in WP(C) No. 6666/2017.

4. On the other hand, opposite parties strongly contested the initiation of contempt proceedings against the alleged contemnors. Ms. V. Sharma, Sr. Counsel insisted that the alleged contemnors were more than keen to comply with and implement the order of the Tribunal and subsequently upheld by the Hon'ble Gauhati High Court. However, they are not in a position to do so due to the fact that the petitioners submitted contradictory data/information in response to the speaking order issued by the respondents/alleged contemnors vide their order No. F.19/75/2018-S.II(A) dated 05.10.2018. Since the employment in a Govt. requires specific documented personal data for giving appointment and since the applicants are not able to furnish the same, therefore, the alleged contemnors are helpless to implement the order of this Tribunal as well as of the Hon'ble Gauhati High Court, as stated above.



5. In the previous order dated 08.10.2018 while disposing the M.A. No. 040/00040/2017 for implementation, has observed with lines of the speaking order dated 05.10.2018 as under:-



“NOW, therefore, the Competent Authority has accorded approval for the conferment of temporary status on the said applicants strictly in accordance with DoP&T OM No. 51016/2/90-Estt (C) dated 10th September 1993. However, under the aforesaid peculiar facts and circumstances with regard to details of casual engagement, the applicants will submit an Affidavit, duly notarized, indicating their entire particulars specifically indicating the days of their casual engagement at DDK, Guwahati.

In view of that, we express our view that the applicants may approach before the authority for the formalities as instructed by the department at the earliest so as to extent the benefit as prayed for by applicants and thereafter, the department shall take a decision immediately as per law. Liberty is however, granted to the applicants if they are not satisfied with the decision of the respondent authority.”

6. Keeping in view of the above, it is clear that the applicants are to be given temporary status on the strength of the order of this Tribunal as well as of the Hon'ble Gauhati High Court and Govt. of India, DOP&T's OM dated 10th September 1993. It is also clear that the applicants are not required to exactly to furnish each and every points/criteria as required by the above Govt. order. Accordingly, it is hereby ordered that the applicants shall submit details of their personal bio-data including the details of engagement as recorded by the

Hon'ble Gauhati High Court in their judgment and order dated 20.04.2018 in WP(C) No. 6666/2017 and they shall be given temporary status by the respondent authorities without further delay and not less than within a period of two months from the date of receipt of a copy of this order.



7. Accordingly, the initiated Contempt Proceedings stand disposed of and the personal appearance of the alleged contemnor Nos. 3 & 5 namely the Deputy Director (Admin), Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi & the Director (i/c) cum Head of Office, Doordarshan Kendra Guwahati are hereby dispensed with.

8. There shall be no order as to costs.

**(NEKKHOMANG NEIHSIAL)
MEMBER (A)**

**(MANJULA DAS)
MEMBER (J)**

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