

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUMHATI BENCH: CUMHATI, 5. (FORM NO. 4)

ORDER SHEET.

(See Rule-42)

Contempt APPLICATION NO. 34/2000 (OA.126/2000)  
Applicant(s) Sri Girish Kalita.

Respondents(s) Sri Nikanjan Das and another.

Advocate for Applicant(s) Mr. M. Chanda.  
Mrs. N. D. GooNamani.

Advocate for Respondent(s) Mr. B.C. Pathak,  
Addl. C.S.C.

Notes of the Registry

DATE

ORDER OF THE TRIBUNAL

20.9.01

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.S.C. for the respondents.

The main case since disposed, this application automatically stands disposed.

Vice-Chairman

The Learned Applicant Advocate has been filed this Contempt against the order of the Tribunal dtd. 10.7.2000 passed by the Hon'ble Tribunal.

Lead before Hon'ble court for further orders.

Put up to-day i.e. 10/9/2001 for sign.

Section Officer.

This contempt petition kept in Abeyance in the time of Sri J. Das, who was in his custody. After the time has come is find out from the Abeyance and put up before the Hon'ble court for orders.

10/9/2001

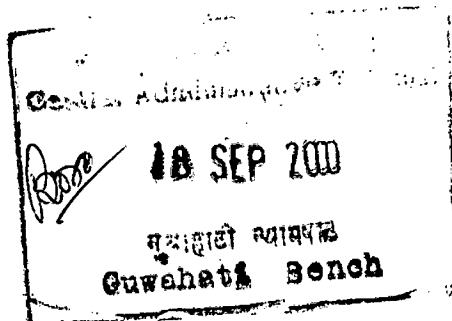
26.9.2001

Copy of the order  
has been sent to  
The D/Sec. for issuing  
the sum to the L/Sec.  
for the parties.

ell

10.9.01

CM



In the Central Administrative Tribunal  
Guwahati Bench at Guwahati.

Contempt Petition No. 34 /2000  
In Misc. Petition No. 192/2000  
In  
O.A. No. 126/2000.

In the matter of :

Shri Girish Kalkx Kalita

-Versus-

Union of India and others.

- And -

In the matter of :

An application under Section 17 of  
the Administrative Tribunal Act, 1985  
praying for initiation of a contempt  
proceeding against the contemner for  
non-compliance of the order dated  
10-7.2000 in Misc. Petition No.192/2000  
in O.A. No. 126/2000.

-And-

In the matter of :

Shri Girish Kalita

Son of Shri Krishna Kanta Kalita

Resident of Village Iaw Para

P.O. Iawpara, Dist. Nalbari,

Assam.

- Versus -

3  
Filed by me applicant  
through V.D. Goswami,  
Advocate.

1. Shri Nirranjan Das  
Superintendent of Post Offices  
Nalbari, Assam.
2. Shri Prem Nath Gayari  
Sub-Divisional Inspector  
of Post Office, West Division,  
Nalbari.

*Contingency* ss

The humble petition of the abovenamed petitioner  
most respectfully submits as follows :

1. That your petitioner was initially appointed  
as extra-departmental Delivery Agent under the Sub-Divisional  
Inspector of Post Offices West Division, Lawpara Dist. Nalbari.  
His services was terminated vide Memo No. Al/Lawpara/2000  
dated 1.4.2000.
2. That your petitioner being highly aggrieved with  
the order of termination dated 1.4.2000, approached the  
Hon'ble Tribunal through O.A. No. 126/2000 praying inter-  
alia for setting aside the order of termination. The  
matter came up for admission on 10.4.2000 before the Hon'ble  
Tribunal and the Hon'ble Tribunal was pleased to admit the  
said original application and also was pleased to kept in  
abeyance in operation of the impugned order of termination  
dated 1.4.2000.
3. That your petitioner beg to state that although  
he had served during the month of April 2000 and May 2000  
his pay and allowances had not been released by the authorith.

Contd....

The petitioner being highly aggrieved for non-releasing his salary again approached before the Hon'ble Tribunal through Misc. petition No. 192/2000 for making payment of salary for the month of April 2000 and May 2000 . The Hon'ble Tribunal was pleased to admit this misc. petition on 10.7.2000 and was pleased to release the salary/wage of the petitioner as he has been permitted to join as per the order of this Tribunal till the vacation of the interim order is considered and allowed.

A copy of the order dated 10.7.2000 is enclosed as Annexure -1.

4. That your ~~ap~~ petitioner, immediately after receipt of the order dated 10.7.2000, submitted the same on 13.7.2000 before the contempner No. 2 with a representation. But the contempner did not take any action against the petitioner for release of payment of salary for the month of April 2000 and May 2000.

A copy of the representation is enclosed as Annexure -2.

5. That non-payment of salary to a Government employee who has approached this Hon'ble Tribunal for redressed of his grivances is highly arbitrary and unfair. It is a wilful violation of the Hon'ble Tribunal order's dated 10.7.2000 by the alleged contempner, therefore the action of the contempner is amount to contempt of the Hon'ble Tribunal . Therefore the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contempner for non-compliance of the

Hon'ble Tribunal order dated 10.7.2000 in misc. case No. 192/2000 in O.A. No. 126/2000.

6. That this petition is made bonafide and for the ends of justice.

It is therefore prayed that the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contempners for non-compliance of the order dated 10.7.2000 in misc. petition No. 192/2000 in O.A. No. 126/2000 and further be pleased to impose punishment in accordance with law.

And for this act of kindness Your petitioner as in duty bound shall ever pray.

affidavit.....

A F F I D A V I T

I, Shri Girish Kalita son of Shri Krishna Kalita resident of Village Law Para P.O. Lawpara in the District of Nalbari, Assam do hereby solemnly affirm and declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-6 are true to my knowledge and belief and I have not suppressed any material facts.
3. That this affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the order dated 10.7.2000 in Misc. Petition No. 192/2000 in O.A. No. 126/2000.

And I sign this affidavit on this 8<sup>th</sup> day of August, 2000 at Guwahati.

Identified by me.



Advocate.



Deponent.

Solemnly affirmed and declare before me by the deponent who is identified by Mrs. N.D. Gouami, Advocate, on this 8<sup>th</sup> day of August, 2000.

  
Advocate.

Central Administrative Tribunal  
Guwahati Bench.

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B

DRAFT CHARGE

Laid down before the Hon'ble Central -  
Administrative Tribunal Guwahati Bench, Guwahati  
to initiate contempt proceeding against the alleged  
Contemners/Respondents for wilful and deliberate  
non-compliance of judgement and order dated 10.7.2000  
passed in M.P. No. 192/2000 in O.A. No. 126/2000  
and further be pleased to impose punishment upon  
the Contemners/Respondents for wilful and deliberate  
non-compliance of judgement and order dated 10.7.2000  
passed in M.P. No. 192/2000 in O.A. No. 126/2000.



# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

Misc APPLICATION NO. 192/2000 OF 199  
O.A. 126/2000

Applicant(s) Sri Girish Kalita.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chanda  
Mrs. N.D. Goowami.

Advocate for Respondent(s) C.G. S.C.

M.P.No.192/2000

Date	Order of the Tribunal
10.7.00	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Learned counsel Mr M. Chanda for the petitioner/applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. for the opposite party/respondents.</p> <p>Heard the learned counsel for the parties. This Misc. Petition is a prayer for payment of salary for the months of April and May 2000. It is mentioned that even beyond that date in pursuance of interim order the salary/wage was not paid. to the applicant</p> <p>Pending a decision/disposal of O.A.No.126/2000 the respondent No.4 shall release the salary/wage of the petitioner/applicant, as he has been permitted to join as per the order of this Tribunal, till the vacation of the interim order is considered and allowed. Post on 31.7.00 for orders.</p> <p>In the meantime time is granted to file written statement and vacation petition, if necessary. <u>as filed</u></p>



TRUE COPY

11/7/2000  
Section Officer (Judicial)  
Central Administrative Tribunal  
Guwahati

- 8 -

Shuman - 2  
10

To  
The Sub-Divisional Inspector  
of Post Office,  
West Division  
Nalbari.

Sub: Prayer for payment of salary for the month of April/May'2000 and onwards in terms of Hon'ble Tribunal, Guwahati Bench, Guwahati interim order dated 10.7.2000 passed in M.A. No.192/2000 in O.A. No. 126/2000.

Sir,

With due respect I beg to request your honour to be kind enough to release my salary for the month of April/May'2000 and onwards in terms of the Hon'ble Tribunal's order dated 10.7.2000. It is relevant to mention here that there is a specific direction by the Hon'ble Tribunal to release the salary for the month of April/May'2000 and onwards by the Sub-Divisional Inspector of Post Offices West Division, Nalbari, i.e. R-4. You are requested to comply the order dated 10.7.2000 at your earliest and for which I shall be be grateful to you.

Yours faithfully,

(GIRISH KABITA)  
EDDA, Iaopara  
P.O. Lao-para

Enclosure :

Copy of order dated 10.7.2000.