

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO.

*Contempt Petition: 26/2000*  
*Sri Swapam Beas* versus. *28.90/2000* APPLICANTS

Union of India & ors. *L. P. Manderwal* Respondents.

FOR THE APPLICANT(S) *Mr. M. Chanda*  
ADVOCATE *Mrs. N. D. Goowan*

FOR THE RESPONDENT(S)

Notes of the Registry

DATE

COURT'S ORDER

The learned  
applicant Advocate  
has been filed contempt  
petition for non  
compliance of the  
Tribunal order dtd.  
2.3.2000 passed by  
this Hon'ble Tribunal.  
Laid before  
Hon'ble court for  
further orders.

14.11.00 Present : The Hon'ble Mr Justice D.N.  
Chowdhury, Vice-Chairman.

Heard Mr M.Chanda, learned counsel  
for the petitioner.

Issue notice to show cause as to  
why a contempt proceeding shall not be  
drawn up against the alleged contemner.  
Returnable by four weeks.

List on 14.12.2000 for show cause  
and order.

*[Signature]*  
Vice-Chairman

*[Signature]*  
21/11/2000  
Section officer

*[Signature]*

Requint H.O.

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A-1572

15/11/00

14.12.00

Heard Mr M.Chanda, learned counsel  
for the petitioner. Mr B.C.Pathak, learned  
counsel for the alleged contemner seeks  
four weeks time to file reply. Prayer  
allowed.

List on 16.1.2001 for order.

*[Signature]*  
Member(A)

*[Signature]*  
Vice-Chairman

*[Signature]* Notice prepared and sent  
to D/S for serving the Respondent  
No 1 to 3 by Regd A/D vide  
D/No 2718 & 2719 dtd  
21/11/00

pg

*[Signature]* 16/11/00 Service Report are  
still awaited  
13/12/2000

16.1.01

Heard Mr.M.Chanda learned counsel for the petitioner and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for respondents No.3. Perused the application as well as the reply of the respondents. It has been stated of the bar that the order of this Tribunal has already been complied with. In the circumstances Contempt proceedings stands closed.

ICC Sharma  
Member

Vice-Chairman

lm

20.2.2001

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

sl

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Filed by  
16/11/2001  
(B. C. Pathak)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH  
AT GUWAHATI.

C.P.No.36/2000

O.A.No.90/2000

Shri Swapan Biswas ... Petitioner

- versus -

Shri L.P.Mandarwal & 2 others ... Respondents.

( Affidavit-in-~~reply~~ reply filed by the respondent No. 1  
Shri L.P. Mandarwal )

I, Shri L.P. Mandarwal , the respondent No. 1  
in the abovenoted case do hereby solemnly affirm and state  
as follows :-

1. That the copy of the C.P.No.36/2000 (referred to as the 'petition') has been served on me . I have gone through the contents of the said petition and understood the contents thereof.
2. That the above petition is liable to be dismissed for non-joinder and mis-joinder of parties as the respondents No.1 and 3 were not the parties in the O.A.No.90/2000.
3. That the respondents filed their written statements where they categorically stated that the letter of offer for appointment was kept in abeyance as the higher authorities raised objection for not obtaining prior permission for such appointment in view of the austerity measures adopted by the Union of India. Then steps were taken for subsequent approval. It is submitted in this regard that respondents have since complied with the Hon'ble Tribunal's order dated 2.3.2000 by suspending the operation of the impugned order dated 18.2.2000 which was communicated vide order dated 7.12.2000. This order was duly received by the petitioner and he has joined in service with effect from 18.12.2000. The formal appointment letter also has been issued to him on 29.12.2000 after verification of his original matriculation certificate. I also submit that there has been some procedural delay in complying with the order and in completing the process of appointment  
... contd ...p/2

as explained hereinabove. This delay is neither intentional, or deliberate and hence there was no wilful disobedience of the order of this Hon'ble Tribunal.

In this regard I also state that the law relating contempt and the wilful disobedience is well-settled by the Apex Court.

4. That the O.A.No.90/2000 has been dismissed as infractuous vide order dated 11.1.2001, hence there is no contempt as such.

5. That even if the Tribunal comes to a finding to hold me liable for the alleged contempt, in this case I seek unqualified apology from the Hon'ble Tribunal as a law abiding public servant, who has a high regard to Your Lordships and bound by the order and direction of the Tribunal. All the statements made in the petition has now become infractuous.

6. That the statments made in this affidavit are true to my knowledge and belief and I sign this affidavit on this 16th day of January, 2001.

Identified by me

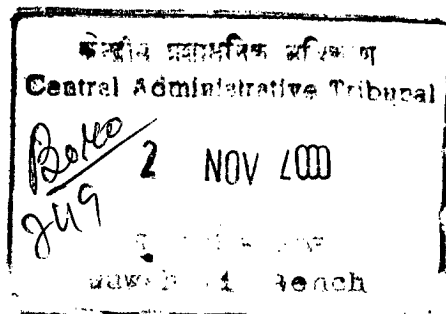
B.C. Pathak  
Advocate.

Deponent

16.01.2001

Solemnly affirmed and declared before me by the deponent, who is identified by Shri B.C.Pathak, Advocate, on this 16th day of January, 2001.

Advocate



In the Central Administrative Tribunal

Guwahati Bench ::: Guwahati.

C.P. No. *36* /2000  
In O.A. No. 90/2000

Shri Swapan Biswas

- Versus -

Union of India and others.

-And-

In the matter of :

An application under Section 17 of the Administrative Tribunal Act read with Section 24, the Hon'ble Tribunal be pleased to issued contempt proceeding against the alleged contemptner for violation. The Hon'ble Tribunal order dated 2.3.2000 passed in O.A. No. 90/2000.

-And-

In the matter of :

Shri Swapan Biswas

Son of Shri Lal Mohan Biswas

Resident of Udal Bakhra

Chandrapath, Guwahati-34.

..... Petitioner.

Contd.....

*5*

*Filed by me applicant  
Jyoti N.D. Guwahati  
Advocate  
30/10/20*

- Versus -

1. Shri L.P. Mandarwal

Director,

Doordarshan Kendra, *prasan Bhanuati*

Laikarpeak, Shillong.

(Meghalaya ).

2. Shri C.P.R. Nair

Deputy Director (P)

Door Darshan Kendra, *prasan Bhanuati*

Laikarpak, Shillong.

(Meghalaya ).

*Mr* 3. Shri Rajeev Ratan Shukh.

Director General, (Now CEO)

Doordarshan, *prasan Bhanuati*

Mandhi House,

Copernicus Marg,

New Delhi - 110 001.

.... Allaged Contemptners.

The applicant most humbly and respectfully beg  
to state under :

1. That your applicant highly aggrieved with the  
impugned order dated 18.2.2000 whereby the order of appoint-  
ment of the applicant dated 31.8.1999/28.1.2000. Sought  
to be kept in obedience, appronched this Hon'ble Tribunal  
through original application No. 90/2000. The Hon'ble Tribunal

Contdmm...

-3-

on 2.3.2000 was pleased to stay the operation of the impugned order dated 28.2.2000 until further order and thereafter the applicant obtain the Certified Copy of the order dated 2.3.2000 passed by this Hon'ble Tribunal and went to Shillong for resume his duties on 3.3.2000 and met the contemptner No.1 at 2.15 P.M. and submitted the order dated 2.3.2000 of the Hon'ble Tribunal ~~and~~ but the alleged contemptner No.1 refused to accept the order of the Hon'ble Tribunal dated 2.3.2000 and advised the applicant to meet the alleged contemptner no. 2, the applicant accordingly following the instruction of the alleged contemptner no.1 approached immediately thereafter to the contemptner but unfortunately the alleged contemptner No.2 also refused to accept the order of the Hon'ble Tribunal dated 2.3.2000 and thereby shown dis-respect of order of the Hon'ble Tribunal dated 2.3.2000 passed in O.A. No. 90/2000. Therefore action of the respondents/alleged contemptners amounts to contempt of Court.

Copy of the order dated 2.3.2000 passed in O.A.

No. 90/2000 is enclosed as Annexure -1.

2. That your applicant further beg to state that being highly dis-appointed with the action of the alleged contemptners No. 1 and 2 who did not allow the applicant to resume his duties in terms of the order dated 2.3.2000 of the Hon'ble Tribunal although repeatedly requested the contemptners No. 1 and 2 allow him to resume his duties in compliance with the order of the Hon'ble Tribunal stated above. In the circumstances finding no other alternative the applicant on the same d

Contd.....

day left for his Home Town at Guwahati and thereafter on 4.3.2000 the applicant submitted an application dated 4.3.2000 to the alleged contemptner no.1 stating therein that he should be allowed to continue in the post of Film/Video Editor and also ✓ sent the copy of the order of the Hon'ble Tribunal order dated 2.3.2000 by Speed Post and also requested to communicate the decision of the alleged contemptner regarding his joining in term of the order of the Hon'ble Tribunal to the applicants have address but surprisingly no decision is communicated to the applicant till filing of this contempt petition regarding his continuation in the post of Film/Video Editor. Therefore silence on the part of the alleged contemptner as well as refusal to accept the order of the Hon'ble Tribunal dated 2.3.2000 establish beyond all doubt that the alleged contemptners have deliberately and ✓ wilfully violated the order of the Hon'ble Tribunal dated 2.3.2000 as such the action of the alleged contemptners is amount to contempt of Court, there Hon'ble Tribunal be pleased to initiate contempt proceeding alleged the contemptners for violation of the order passed this Hon'ble Tribunal.

Copy of the application/representation dated

4.3.2000 is enclosed as Annexure -2.

3. That it categorically stated that the applicant was allowed to join on 9.2.2000 to the post Film/Video Editor by the alleged contemptner no.2 on the instruction of Deputy Director general D.DK. Guwahati and accordingly he has discharged his duties with effect from 9.2.2000 to 23.2.2000

Contd.....



this fact also evident from the written statement file by the respondents although an attempt is being made while preparing the statement to deny the fact that the applicant was already allowed to join to the post of Film/Video Editor on 9.2.2000 in terms of the appointment order dated 31.8.99/28.1.2000. ~~the appointment order dated~~

It is also relevant to mention here that no reason has been assigned in the impugned order dated 18.2.2000 for passing of the order of kept in abeyance where as very recently one Shri Bhaskar Jyoti Hazarika has been appointed as Film/Video Editor at DDK Itanagar very recently but thereafter Shri Hazarika was transferred and posted at DDK, Kohima. Therefore there is no reason to kept in abeyance the order of appointment of the present applicant.

Moreover the order of the Hon'ble Tribunal dated 2.3.2000 has been deliberately and wilfully violated by the alleged contemptners. It is pertinent to mention here that the alleged contemptner No.1 in apprised the entire situation as well as the order of the Hon'ble Tribunal dated 2.3.2000 passed by the Hon'ble Tribunal in O.A. No. 90/2000 to the contemptner no.3 but even thereafter the alleged contemptner no.3 did not pass any instructions or decision regarding joining of the applicant in terms of the order of the order of the Hon'ble Tribunal.

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Contd.....

In this facts and circumstances the alleged contemptner no.3 has been unpended in this contempt petition.

In the facts and circumstances stated above the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemptners and further be pleased to impose punishment upon the alleged contemptners in accordance with law.

4. That this application is made bonafide and for the ends of justice.

In the facts and circumstances the Hon'ble Tribunal be please to initiate contempt proceeding against the alleged contemptners for wilfull noncompliance of the order of the Hon'ble Tribunal on dated 2x 2.3.2000 passed in O.A. No. 90/2000 and further the pleased to impose punishment of upon the alleged contemptners and/or be pleased to pass any other order or orders as deem fit and proper.

And for this acts of kindness the petitioner as in duty bound shall ever pray.

Verification.....

A F F I D A V I T

I, Shri Swapan Biswas, son of sri LalMohan Biswas aged about 24 years, worked in the office of the Deputy Director, Doordarshan Kendra, Shillong do hereby solemnly affirm and declare as follows as under :-

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 statements made in para 1 to 3 are true to my knowledge and I have not suppressed any material facts.
3. That this affidavit is made for purpose of filing contempt petition before the Central Administrative Tribunal, Guwahati Bench, Guwahati for non-compliance of the order dated 2.3.2000 passed the O.A. No.90/2000
4. That I have been authorised by the other petitioner to sworn this affidavit.

And I sign this affidavit on this 3<sup>rd</sup> day of October, 2000 at Guwahati.

Identified by

*N.D. Goswami*

Advocate.

*Swapan Biswas*

Deponent.

*N.D. Goswami*

Solemnly affirmed and declared before me by the Deponent who is identified by Ms. N.D. Goswami, Advocate as this.

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Draft Charge

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for initiating contempt proceeding against the contempner/respondent for wilfull non-compliance and deliberate of the interim order of the Hon'ble Tribunal passed in O.A. No. 90/2000 dated 2.3.2000 and also to impose punishment upon the contempner for the Hon'ble Tribunal as mentioned above in accordance with law.

**The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO. 90/2000 OF 199

Applicant(s) *Sri Swapan Biswas*  
Respondent(s) *Union of India and ors.*  
Advocate for Applicant(s) *Mr. M. Chandra*  
*Mr. N. D. Gopinami*  
Advocate for Respondent(s) *Mr. G. N. Choudhary*  
*C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
	2.3.2000	<p>Heard Mr. J.B. Sarkar, learned counsel for the applicant. Mr. B.C. Pathak, learned Addl. C.G.S.C for the respondents prays for time to get instruction. Prayer allowed.</p> <p>List on 8.3.2000 for consideration of admission. Mr Pathak shall appear with full instructions on the matter. Meanwhile the operation of the impugned order dated 18.2.2000 shall remain suspended until further orders.</p>

Sd/ MEMBER (A)  
Sd/ MEMBER (J)

Certified to be true Copy

সত্যতার প্রমাণ

2/3/2000

To,

The Director ,  
(Shri L.P.Mandarwal-by name)  
Doordarshan Kendra,  
Laikarpeak,  
Shillong-  
(Meghalaya)

Dated: 4-3-2000

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Sir,

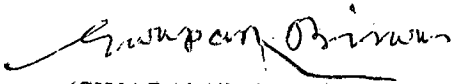
In accordance with the Courts Direction in order sheet, Application No.90/2000,dt. 2/3/2000 by Hon'ble CAT, Guwahati Bench, Guwahati, I had personally gone to meet you on 3/3/2000 at 2-15 PM, but you have refused to accept my letter enclosing Hon'ble CAT , Guwahati Bench, Guwahati Application No. 90/2000, dt 2/3/2000 and you advised me to meet Dy. Director (P). According to your advise, I met Dy Director(P) and he also refused to accept my letter. However, I am sending this letter along with Hon'ble CAT order copy by SPEED POST and allow me to continue my service in the post of FILM/VIDEO EDITOR. Since my date of joining intimated earlier vide my letter dated 9/2/2000 and communicate me your decision to allow me to continue my service in the following address after receiving this letter.

I am eagerly waiting for your favourable decision in terms of Hon'ble Tribunals Order.

Address

Shri Swapan Biswas,  
C/O: Shri Ranjit Biswas,  
Doordarshan Kendra,  
R.G. Baruah Road,  
Guwahati-781024

your's faithfully

  
(SWAPAN BISWAS)  
FILM/VIDEO EDITOR  
DDK, SHILLONG

Copy to:

The Deputy Director (P) (Shri C.P.R.Nair)  
Doordarshan Kendra, Laikarpeak,  
Shillong for information and necessary action.

  
(SWAPAN BISWAS)  
FILM/VIDEO EDITOR  
DDK, SHILLONG.