

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

Contempt ORIGINAL APPLICATION NO. 45/2000 (OA. 335/2000)

..... *Sajal Chandra Das* Applicant.

Versus

Union of India & Ors *K.S. Warrick* Respondents.

For the Applicant(s) *Mr. A. Ahmed.*

For the Respondents.

NOTES OF THE REGISTRAR

DATE

ORDER

The Learned applicant Advocate has now filed this Contempt petition for non-compliance of the Hon'ble Tribunal order dtd. 17.10.2000 passed by this Hon'ble Tribunal.

Laid before Hon'ble court for further orders.

Sent to
21/12/2000
Section Officer.
Ran

22.12.00

Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman and Hon'ble Mr. M.P. Singh. Administrative Member.

Heard Mr. A. Ahmed learned counsel for the petitioner and Mr. B.C. Pathak, Addl. C.G.S.C. for the alleged contemnors.

Issue notice to show cause as to why the Contempt proceedings shall not be initiated against the alleged contemnors. List on 8.2.01 for orders.

Member

Vice-Chairman

1m

~~22.12.00~~

~~On the prayer of learned counsel for the respondents case is adjourned to 16.2.01 for hearing.~~

~~Member~~

~~Vice-Chairman~~

1m

Notice prepared and sent to D.S. for issuing the summons No 1 by Regd A.D. vide D/No 15 dtd 2/1/2001

1/1/2001

8.2.01

It has been stated that written statement has already been filed. List on 23.2.01 for hearing. In the meantime the applicant may file rejoinder if any.

ICC Sharma
Member

Vice-Chairman

lm

23.2.01

On the prayer of learned counsel for the respondents case is adjourned to 12.3.01.

ICC Sharma
Member

Vice-Chairman

lm

12.3.01

List on 27.3.01 alongwith O.A.No 335 of 2000. In the meantime the respondents may file reply.

ICC Sharma
Member

Vice-Chairman

lm

27.3.01

List on 25.4.01 for order. ~~before the~~

ICC Sharma
Member

Vice-Chairman

6.4.2001

Upon hearing the learned counsel for the parties and in the light of the order passed in O.A.No.335/2000 the Contempt Petition stands dismissed.

Vice-Chairman

nkm

22/2/2001

Service report are still awaited.

No. show cause has been filed.

22/2/2001

9.2.2001

An affidavit has been filed by one case behalf of Respondent No. 3.

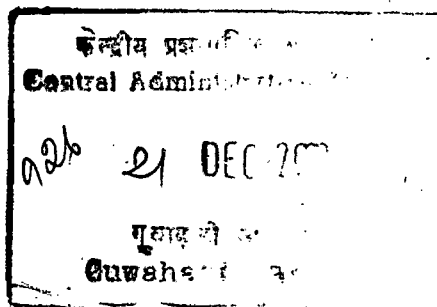
22/2/2001

22.2.2001

Rejoinder has been submitted by the applicant.

22/2/2001

Reply and Rejoinder has been filed.



Filed by
Shri Sajal Chandra Das
Petitioner
through [Signature]
(Adv. AM/123)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 45 OF 2000.
In O.A. No. 335 of 2000

IN THE MATTER OF:

A petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment to the contemner/Respondent for non-compliance of Interim orders dated 17-10-2000 and 21-11-2000 passed by this Hon'ble Tribunal in O.A. No. 335 of 2000 and also in M.P. No. 251 of 2000.

-AND-

IN THE MATTER OF:

Sri Sajal Chandra Das.

-Applicant

-Versus-

Union of India & Others.

-Respondents

-AND-

IN THE MATTER OF:

Sri Sajal Chandra Das

dz

Daftry, Office of the
Executive Engineer,
Silchar Central Division
Central Public Works Dept.,
Silchar- 788002.

. . Applicant.

-AND-

Sri K. S. Warrich
Executive Engineer,
Silchar Central Division,
Central Public Works
Department, Silchar-2.

Respondent/
Contemner.

The humble petition of the
above named petitioner:

MOST RESPECTFULLY SHEWETH:

1) That your humble petitioner has filed the Original Application No. 335 of 2000 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati challenging the impugned Order of transfer of the applicant from Silchar to Tura (Meghalaya).

2) That the Hon'ble Tribunal on 17-10-2000 after hearing both sides admitted the above said application and was also pleased to pass an interim order that the operation of the transfer Order No. 21(9)/Peons/SEc/ER/Cal/.



00/979 dated 26-09-2000 (Annexure-B) in so far as it relates to the applicant shall remain suspended till 20-11-2000.

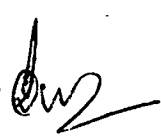
Annexure-1 is the photocopy of Order dated 17-10-2000 passed in D.A. No. 335/2000.

3) That your petitioner begs to state that, as per interim order dated 17-10-2000 of the Hon'ble Central Administrative Tribunal's passed in D.A. No. 335/2000 your petitioner submitted the certified copy of the said order vide his letter dated 18-10-2000 before the Respondent/Contemner. The petitioner also submitted his joining report on 18-10-2000 before the Respondent/Contemner as the applicant was in Earned Leave.

Annexure - 2 is the Photocopy of letter of intimation to the Respondent/Contemner about the order passed by the Hon'ble Tribunal on 17-10-2000.

Annexure-3 is the photocopy of joining report vide letter dated 18-10-2000.

4) That your petitioner begs to state that the Respondent/Contemner after receiving the certified copy of interim order dated 17-10-2000 and also petitioner's joining report the Respondent/Contemner did not allow your



petitioner to join in his post as Daftry in the office of the Respondent/Contemner. But the Respondent/Contemner issued another transfer order with corrigendum vide F No. 21(9)/Peons/SEc/ER/Cal/00/1060 dated 31-10-2000. In the said In the said corrigendum it was stated that ' in partial modification of this order No. 21(9)/Peons/ SEc/ER/Cal/00/979 dated 26-09-2000, it is hereby ordered that, the transfer of Sri Sajal Kumar Das, Daftry, Silchar Central Division, C.F.W.D. Silchar to Tura Maintenance Division, (IBBR), C.P.W.D. Tura shall be in PUBLIC INTEREST with T.A./D.A, joining time, etc. All other terms and conditions of this Office Order dated 26-09-2000 mentioned above shall remain unchanged'. It may be stated here that earlier impugned transfer order dated 26-09-2000 it was clearly stated by the Respondent No. 2 that the transfers are on their own requests. As such, they are not entitled for TA/DA and joining time.

Annexure- 4 is the photocopy of Corrigendum No. 21(9) /Peons/SEc/ER/Cal/00/ 1060 dated 31-10-2000.

51 That your petitioner begs to state that he was again compelled to file a Misc. Petition No. 251/2000 to stay the Impugned Office Corrigendum No. 21(9) /Peons/SEc/ER/Cal/00/1060 dated 31-10-2000. The Hon'ble Tribunal on 21-11-2000 again passed an order that 'the Operation of the impugned transfer

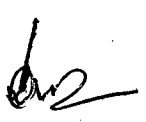
duz

order No. 21(9)/Peons/SEc/ER/Cal/00/1060 dated 31-10-2000 shall be kept in abeyance until further orders'.

Annexure-5 is the photocopy of Order dated 21-11-2000 passed in M.P. No. 251/2000.

6] That your petitioner begs to state that he again approached before the Contemner/Respondent with the certified copy of the Order dated 21-11-2000 of the Hon'ble Tribunal to allow him to join in his post as Daftry at Silchar. But till today the Respondent/Contemner did not allow to join in his post. It may be stated that the petitioner is regularly attending his Office since 18-10-2000 when the first interim order was passed by the Hon'ble Tribunal. But your petitioner was not allowed to sign the office attendance register nor his monthly salary has been paid to him. As such, your petitioner is compelled to file this contempt petition before this Tribunal for seeking justice.

7] That your petitioner begs to state that from the above it appears that the Respondents/contemners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal and deliberately not complied with the interim order dated 17-10-2000 and 21-11-2000 with a motive behind and this amounts to serious contempt of Court. As such, they deserve the punishment for disobedience, disregard and disrespect shown to the Hon'ble



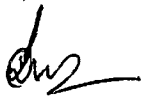
Tribunal by violating the interim orders. As such, it is a fit case where the Respondent /Contemner may be directed to appear before this Hon'ble Tribunal, to explain as to why he has shown disrespect to this Hon'ble Tribunal and also disobeyed the Hon'ble Tribunal's order dated 17-10-2000 and 21-11-2000.

81 That your petitioner submits that he has filed this petition bonafide and for the ends of justice.

Under the facts and circumstances narrated above, it is, therefore, respectfully prayed that your Lordship may be pleased to admit this petition and issue contempt notice to the respondent /Contemner to show cause as to why he should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as the Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to the Hon'ble Tribunal's order dated 17-10-2000 and 21-11-2000 the Respondent/Contemner be asked to appear in person before this Hon'ble Tribunal to explain as to why he should not be punished for contempt of Court.

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



DRAFT CHARGE

The petitioner aggrieved for non-compliance of interim order dated 17-10-2000 and 21-11-2000 passed by this Hon'ble Tribunal in O.A. No. 335 of 2000 and M.P. No. 251 of 2000. The Contemner/Respondent has willfully, deliberately violated the interim orders. Accordingly, the Respondent/Contemner is liable for contempt of Court Proceeding and severe punishment thereof as provided under the law. He may also be directed to appear in person and reply the charge of this Hon'ble Tribunal.



Affidavit

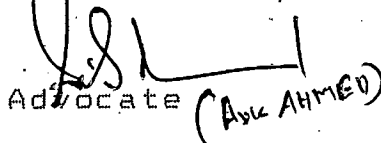
I, Sri Sajal Chandra Das, aged about 37 years, Son of late Bhupendra Chandra Das, presently working as Daftry in the Office of the Executive Engineer, Silchar Central Division, Central Public Works Dept., Silchar- 788002 do hereby solemnly affirm and state as follows:

1) That I am the applicant in O.A. No. 335 of 2000 and also petitioner of this instant Contempt Petition and as such I am fully conversant the instant case and I am well conversant with the facts and circumstances of the case and being authorised I am competent to swear this affidavit on behalf of all the applicants.

2) That the statement made in paragraphs 1, 3, 4, to 6 are true to best of my knowledge and those made in paragraphs 2, 5, are being matters of record are true to my information derived therefrom which I believe to be true and rests are my are humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 15 th day of December 2000 at Guwahati.

Identified by me:


Advocate (Adil AHMED)

Sajal ch. Das
Deponent

Solemnly affirmed before me
by the deponent who is identified by Mr. Adil Ahmed,
Advocate.

Sukumar Sarma
Advocate
15/12/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI. 5

ANNEXURE - I

✓ ORIGINAL APPLICATION NO. 335/2000

Shri Sajal Ch. Das APPLICANTS
versus.

Union of India & Ors Respondents.

FOR THE APPLICANT(S)
ADVOCATE

Mr. Adil Ahmed

FOR THE RESPONDENT(S)

C.G.S.C.

Notes in the Registry

DATE

COURT'S ORDER



17.10.00

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

Heard Mr A. Ahmed, learned counsel for the applicant and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents.

Application is admitted. Issue usual notice. Call for the records.

List on 20.11.2000 for written statement and further orders.

Heard Mr Ahmed on the interim relief prayer. Also heard Mr A. Deb Roy.

Issue notice to show cause as to why the impugned transfer order dated

26.9.2000 (Annexure-B) insofar as it relates to the applicant, shall not be

suspended until further orders. Returnable by four weeks.

List on 20.11.2000 for show cause and order. In the meantime the operation

of the transfer order, No.21(9)/Puons/SE(c)/ER/Cal/00/979 dated 26.9.2000

(Annexure-B) insofar as it relates to the applicant, shall remain suspended till 20.11.2000.

So/VICE CHAIRMAN

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (Jr)

अनुभाग अधिकारी (न्यायिक शाखा)

Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण

Guwahati Bench, Guwahati-6

গুৱাহাটী বেঞ্চ, গুৱাহাটী-৬

Adil Ahmed
Adil Ahmed

To

ANNEXURE-2

The Executive Engineer,
Silchar Central Division,
C.P.W.D. Malugrah,
Silchar -2.

Ref. :- Original Application No.335 of 2000
Shri Sajal Ch. Das - Applicant
- Versus -
Union of India & others - Respondents

Sub :- Intimation regarding Court Cases filed by me at
Central Administrative Tribunal Guwahati Branch
at Guwahati against impugned Transfer order
vide F No.21(9)/Peons/SEC/ER/Cal/00/979, dated
16-09-2000.

Sir,

With reference to the above referred subject I most respectfully beg to state that I filed a case before the Honourable Central Administrative Tribunal Guwahati Branch at Guwahati against impugned Transfer order dated 16-09-2000. The Honourable Tribunal on 17-10-2000 admitted the O.A. No. 335 of 2000 and was also pleased to suspend the operation of transfer No.21(9)/Peons/SE(C)/ER/CAL/00/979, dated 26-09-2000. As such your Honour may kindly allow me Continue as Daftry at your office, I am enclosing the Certified copy of order dated 17-10-2000 passed by the Honourable Tribunal in C.A. No.335 of 2000 for your information and necessary action.

Thanking you.

Yours faithfully,

o/c

21/10/00

(SAJAL CHANDRA DAS)

Daftry

S.C.D., C.P.W.D., SILCHAR-2.

Date :-

(THROUGH PROPER CHANNEL)

Copy for information & necessary action please.

TO

The Superintendent Engineer (C.P.W.D.) (ER),
C.P.W.D., Nizam Palace,
234/4 A.J.C. Bore Road,
Calcutta -20.

Advocate

o/c

21/10/00

(SAJAL CHANDRA DAS)

Received
OAS
DESPATCHER
O/O THE EE
S.C.D., C.P.W.D.
SILCHAR

भारतीय डाक



SILCHAR H.F.C. (788001)

SP EE0000031165IN

Counter No:3, OP-Code:SUMAN

To: SUPDT ENGINEER,
CALCUTTA, PIN:700

From: S C DAS, SIL

Wt: 20grams,

PS: 45.00, , 19/10/2000, 14:23

To
The Executive Engineer
Silchar Central Divn.
C.P.W.D. Silchar - 2

Sub :- Prayer for joining Report-

Sir,

With due respect I have the honour
to state that, I am submit the revised
E.L. and am join in this Divn. on
18/10/2000

I therefore pray that your
honour would be kind enough to
grant my Prayer and obliged

Encls as above

Revised E.L. Form

Thanking you

Received
18/10/2000
18/10/2000
18/10/2000
18/10/2000
18/10/2000

DESPATCHER
O/S THE EN
R.O., C.P.W.D.
SILCHAR

Yours faithfully
Sajal Das
18/10/2000
Dy. Secy

Attd
1
Attd

-12-

ANNEXURE-4-01

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT


Sl.No: 21(9)/Peons/SE@/ER/Cal/ 00/ 1060

Dated: 31.10.2000

CORRIGENDUM

In partial modification of this office order no. 21(9)/Peons/SE@/ER/Cal/ 00/979 dated 26.9.2000, it is hereby ordered that that transfer of **Sri Sajal Kumar Das**, Daftry/Silchar Central Division, CPWD, Silchar to Tura Maintenance Division, IBBR, CPWD, Tura shall be **In public Interest** with TA, DA, Joining Time etc.

All other terms & conditions of this office order dated 26.9.2000 mentioned above shall remain unchanged.

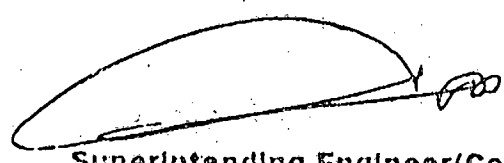


(D.Hore)

Superintending Engineer, Co-Ordination

Copy to :-

1. The ADG(ER), C.P.W.D., Calcutta-20.
2. Chief Engineer, IBBZ, Siliguri
3. Chief Engineer, IBBR, Siliguri
4. Chief Engineer, NEZ., Shillong
5. Supdtg. Engineer, SCC, IBBZ, Silchar
6. Supdtg. Engineer, SMC/IBBR, silchar
7. Executive Engineer, SCD, Silchar w.r.t. his letter no. 75(2)/CON/SCD/2000-01/CON:54 dt. 24.10.2000
8. Executive Engineer, TMD/IBBR/Tura
9. Person concerned.
10. The Secretary, CPWD Class-IV Staff Union, Nizarn Palace, Cal-20



Superintending Engineer (Coord)

24.
31/10

Atst
1
Adv
peont 31/10/00 16:25

ORIGINAL APPLICATION NO. M.P. 251/2000

Mr. S.C. Das Applicant.

versus

Union of India & Ors Respondents.

For the Applicant(s) Mr. A. Ahmed.

For the Respondent Mr. A. Deb Roy, Sr. C.S.C.

21.11.00 Present.: The Hon'ble Mr Justice
D.N.Chowdhury, Vice-Chair-
man.

Heard Mr A.Ahmed, learned coun-
sel for the petitioner and Mr A.Deb
Roy, learned Sr.C.G.S.C for the
opposite party.

This petition has been filed
praying for stay of the operation
of the impugned transfer order
dated 31.10.2000. Mr Deb Roy, learned
Sr.C.G.S.C has submitted that pur-
suant to the order dated 26.9.2000
the applicant was released from
service on 28.9.2000. Mr Ahmed on
the other hand submitted during the
pendency of the stay order dated
17.10.2000 the subsequent order
dated 31.10.2000 was issued by a
corrigendum.

Issue notice to show cause as
to why the impugned order dated 31.
10.2000 shall not be stayed till
disposal of this application.

contd..



7
Sd/-
Advocate

- 19 -

21.11.00



List on 22.12.2000 for show cause and further order. Meanwhile, the operation of the impugned transfer order No.21(9)/peons/SE(c)/ER/Cal/00/1060 dated 31.10.2000 shall be kept in abeyance until further orders.

Sd/VICECHAIRMAN

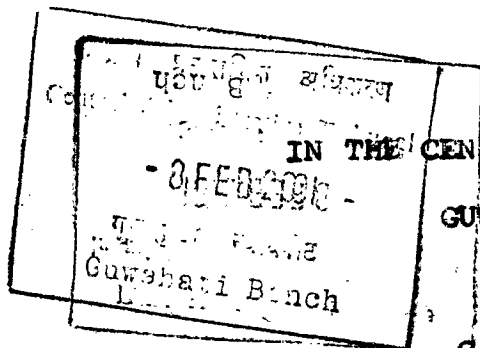
TRUE COPY

Section Officer (Judicial,
National Administrative Tribunal,
Gandhinagar, Guwahati
23/11/00

Copy to ① Secy A. Ahmed, Adv. CAT. Gt Bench
Guwahati-5

A/c Secy
Section Officer 23/11/2000

Attd
1
Hence to



C.P. NO. 45 OF 2000

IN O. A. NO. 335 OF 2000

Shri Sajal Chandra Das

..... Petitioner

-Vs-

Er. K. S. Warriach

..... Contempner

I Shri Er. K. S. Warriach Executive Engineer,
Silchar Central Division, CPWD, Silchar-2, do hereby
solemnly affirm and say as follows:=-

1. That I have gone through the contempt petition and the order dated 17.10.2000 passed by the Hon'ble Tribunal and have understood the contents thereof. Save and except whatever as specifically admitted in this reply rest of the averments will be deemed to have been denied.

2. That I have the highest reverence and regard for the Hon'ble Tribunal and its orders. I cannot think of doing any act or omit to do any act which may be construed or treated as an act or omission amounting to contempt of Court or disobedience or violation of any order of the Hon'ble Tribunal. I hold Hon'ble Tribunal in highest and utmost respect and regard and for any lapse on my part I tender unqualified apology and sincere regret for the same.

Contd....2/-

15
Filed by
Er. K. S. Warriach
A. S. Das
8/24/01

16

3. That I respectfully submit that on transfer I joined ^{and} took over charge of the office from the respondent No. 3 on 7.11.2000 after the then Executive Engineer (respondent no. 3) was prompted and transferred.

4. That ^{from} true records it is found that my predecessor (respondent no.3) could not implement the Hon'ble Tribunal order dated 17.10.2000 as the applicant in O.A. 335/2000 has already been relieved on 28.9.2000.

5. That as regards interim order dated 21.11.2000, I beg to state that the petitioner has not approached the respondent for joining.

6. That after receiving the transfer order on 28.9.2000, the petitioner left the office on his purposed Earned Leave without prior sanction. He was informed accordingly by number of letters (Regd. A/D), but these were undelivered as he was not found.

7. That under office order F. No. 21(9)/Peons/SEC/ER/Cal/00/979 dated 26.9.2000. the applicant along with Shri D.C. Barman was transferred on his ^(D.C. Barman's) own request and so in the office order dated 26.9.2000 it was mentioned that "No TA/DA and joining time etc. shall be payable as the transfer are on their own request." This

Contd....3/-

was an error in respect of the petitioner and so
Shri P.K. Singh, my predecessor ^{wrote} with to
Superintending Engineer, Co-ordination Circle(EZ)
CPWD, Calcutta to correct the order vide No.
5(2)/CON/SCD/2000-01/Con-54 dated 24.10.2000.

Copy of letter dated 24.10.2000
is annexed hereto and marked as
ANNEXURE-C-I.

8. That the Superintending Engineer Co-ordi-
nation Circle, CPWD, Calcutta corrected the order
stating that the applicant shall get TA/DA and
joining time vide Corrigendum P.No.21(9)/Peons/
SEC/ER/Cal/00/1000 dated 31.10.2000.

Copy of Corrigendum dated
31.10.2000 is annexed hereto
and marked as ANNEXURE-C-II.

9. That I beg to state that the petitioner
has never approached me to join. He only submi-
tted an application in my office on 27.11.2000
requesting for payment of salary for the month
of October and November, 2000. As the petition-
er was relieved from Silchar office on 28.9.2000
so the salary for the month of October and Novem-
ber could not be paid from this office.

It is absolutely wrong that the petition-
er is regularly attending the office. From the

Contd....4/-

Postal Authorities remarks also it is clear that the petitioner is out of station.

10. That I did not violate the order dated 17.10.2000 or 21.11.2000 passed by the Hon'ble Tribunal deliberately or intentionally.

11. That I submit that the contempt petition of the petitioner is misconceived, untenable and hence the notice issued to the present respondent is required to be discharged.

In view of the submission made herein above I respectfully pray that the present contempt Proceeding is liable to be dismissed by discharging the notice issued to the respondent.

*Identified by
Asst. Secy
Advocate*

Statements made in paras 5, 7, 8, 9 are true to my informations and those made in paras 1, 2, 4, 6, 7, 8 are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal.

And I sign this affidavit on this 7th day of February, 2001.


DEPONENT

Solemnly affirmed and declare before me by
the deponent being identified by Shri A. Deb Roy,
Sr. C.G.S.C. on this 8th day of February
2001.


ADVOCATE

ANNX C-I

(6) 20...
R-9
R-uc

BY FAX (033-2813181)

GOVT OF INDIA
CENTAL PUBLIC WORKS DEPARTMENT
MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
O/O. THE EXECUTIVE ENGINEER
CPWD, SILCHAR-2

NO.5(2)/CON/SCD/2000-01/Con-54 Dated, Silchar the, 24/Oct'2000

CONFIDENTIAL

To
Shri D.Hore,
Superintending Engineer,
Co-ordination Circle (EZ),
CPWD, Nizam Palace,
234/4, A.J.C. Bose Road,
Calcutta-20.

Sub:- Transfer & posting of Peons.

Ref:- No.21(9)/Peon/SEC/ER/CAL/00/979 dtd.26.9.2000.

With reference to your letter No. cited above on the subject, it is to intimated that Sri S.C. Das, Dastry has been relieved by this office vide this office No.9(1)/SCD/2000-01/1195 dt.28.9.2000 with the direction to report for duty to Executive Engineer, TMD, IBBR, Tura.

To our knowledge the said order of Sri Sajal Das has been issued on account of administrative reasons as per this office letter No.5(2)/SCD/00-01/Con-47 dt.18.9.00 & No.5(2)/SCD/00-01/Con-48 dt.20.9.2000 and also as per Superintending Engineer, Silchar Central Circle's letter No.5(3)/SCC/Conf/2000/84 dt.20.9.2000. However, your office order dt. 26.9.2000 mentioned that transfer has been done on the basis of his own request.

Mr. Sajal Das has approached to CAT, Guwahati for stay of said order on the plea that he has never made any request for his transfer.

Under the circumstances, it is requested that said order may be modified suitably immediately for filling proper reply in C.A.T. The amendment may be sent through fax at No.03842-34894.

Copy of letter received from CGSC and CAT's order are enclosed.

Encl:- As stated.

h
24/10
(P. K. SINGH)
EXECUTIVE ENGINEER

o/c
h
24/10

12
ANNEX-C-II

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

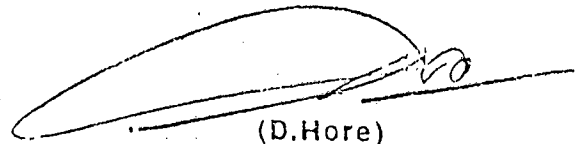
No: 21(9)/Peons/SEC/ER/Cal/ 00/ 1060

Dated: 31.10.2000

CORRIGENDUM

In partial modification of this office order no. 21(9)/Peons/SEC/ER/Cal/ 00/979 dated 26.9.2000, it is hereby ordered that that transfer of **Sri Sajal Kumar Das**, Daftry/Silchar Central Division, CPWD, Silchar to Tura Maintenance Division, IBBR, CPWD, Tura shall be in public interest with TA, DA, Joining Time etc.

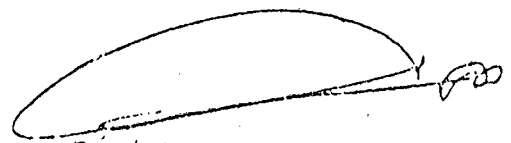
All other terms & conditions of this office order dated 26.9.2000 mentioned above shall remain unchanged.


(D. Hore)

SuperIntending Engineer, Co-Ordination

Copy to :-

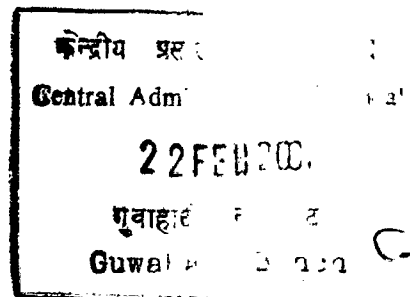
1. The ADG(ER), CPWD, Calcutta-20
2. Chief Engineer, IBBZ, Siliguri
3. Chief Engineer, IBBR, Siliguri
4. Chief Engineer, NEZ., Shillong
5. Supdtg. Engineer, SCC, IBBZ, Silchar
6. Supdtg. Engineer, SMC/IBBR, silchar
7. Executive Engineer, SCD, Silchar w.r.t his letter no. 5(2)/CON/SCD/2000-01/CON-54 dt. 24.10.2000
8. Executive Engineer, TMD/IBBR/Tura
9. Person concerned.
10. The Secretary, CPWD Class-IV Staff Union, Nizam Palace, Cal-20



SuperIntending Engineer (Coord)

peont 31/10/00 16:25

Office of the SuperIntending Engineer, Co-ordination Circle, CPWD, Eastern Region, Nizam Palace
Calcutta-700020



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 45 OF 2000.
In O.A. No. 335 of 2000

IN THE MATTER OF:

Rejoinder submitted by the
applicant in the above
Contempt Petition No. 45 of
2000 in O.A. 335 of 2000.

-AND-

IN THE MATTER OF:

Sri Sajal Chandra Das.
-Applicant

-Versus-

K. S. Warriach.
- Contemner/Respondent

-AND-

IN THE MATTER OF:

Sri Sajal Chandra Das
Daftry, Office of the
Executive Engineer,
Silchar Central Division
Central Public Works Dept.,
Silchar- 788002.

. . Applicant.

ds

The humble applicant submits
his rejoinder as follows:

MOST RESPECTFULLY SHEWETH:

1] That with regard to statements made in paragraphs 1, 2 & 3 of the Show-cause reply submitted by the contemner the applicant has no comment.

2] That with regard to statements made in paragraph 4 of the Show-cause reply submitted by the contemner the applicant begs to state that the same is not correct. The applicant has been in earn leave and as such the release of the applicant from his office does not arise. The copy of the earn leave application have been received by the office of the Contemner on 28-09-2000. The photocopy of the applicant's earn leave petition had been attached in the Original Application No. 335 of 2000 as Annexure-F.

3] That with regard to statements made in paragraph 5 of the Show-cause reply submitted by the contemner the applicant begs to state that it is not correct that the applicant has not approached before the Contemner for joining in his post. He has submitted the copy of the interim order dated 17-10-2000 and Interim Order dated 21-11-2000 of the Hon'ble Tribunal before the Contemner but the Contemner did not allow your applicant to join in his post. The photocopy of the



intimation to the Contemner regarding the Hon'ble Tribunal's Interim Order has been annexed as Annexure-G & H of the Original Application No. 335 of 2000. It is also pertinent to mention that the applicant has been regularly attending his office since 18-10-2000, i.e., after passing of first Interim Order by the Hon'ble Tribunal on 17-10-2000. But the Contemner did not allow the applicant to sign the attendance register.

Annexure-X is the photocopy of the Certificate issued by the C.P.W.D. Class-IV Staff Union dated 14-02-2000 regarding attendance of the applicant in the Office of the Contemner since 18-10-2000.

4] That with regard to statements made in paragraph 6 of the Show-cause reply submitted by the contemner the applicant begs to state that the matter has been fully stated by the applicant in the above paragraph No. 3 of this rejoinder.

5] That with regard to statements made in paragraph 7 of the Show-cause reply submitted by the contemner the applicant begs to state that the First interim order passed by the Hon'ble Tribunal on 17-10-2000 and accordingly the transfer of the applicant has been stayed and it was intimated to the contemner by the applicant vide Annexure-G of the Original Application No. 335 of 2000 which

dv2

was received by the Contemner on 18-10-2000. But the Contemner deliberately with a motive behind by over ridding the Hon'ble Tribunal's order requested the Superintending Engineer, Co-ordination Circle (EZ), C.P.W.D. Kolkata to correct the impugned transfer order (which has already been stayed by the Hon'ble Tribunal on 17-10-2000) vide No. 5(2)/Con/SCD/2000-01/Con-54 dated 24-10-2000. Accordingly, a corrigendum was issued on 31-10-2000 vide P. No. 21(9)/Peon/SEC/ER/Cal/00/1000.

From the above facts it is crystal clear that the Contemner has committed a Contempt of Court and the Contemner has willfully over ride the Interim Order passed by the Hon'ble Tribunal on 17-10-2000. As such, the Contemner should be directed for personal appearance before this Hon'ble Tribunal and severe punishment should be given to the Contemner for violation of the Interim Order dated 17-10-2000 and 21-11-2000 passed in O.A. No. 335 of 2000 and also in M.P. No. 251 of 2000.

6] That with regard to statements made in paragraph 8 of the Show-cause reply submitted by the contemner the applicant begs to state that the contemner has committed the contempt of court by correcting the impugned transfer order which has already been stayed by the Hon'ble Tribunal on 17-10-2000.

7] That with regard to statements made in paragraphs 9, 10 & 11 of the Show-cause



reply submitted by the contemner the applicant begs to state that it is not correct that the applicant never approached before the Contemner to join in his post. The applicant from 18-10-2000 has been approaching before the Contemner for implementation of the Hon'ble Tribunal's order dated 17-10-2000 and 21-11-2000. But the contemner has deliberately and will fully with a motive behind did not allow your applicant to join in his post. Hence, the contemner be prosecuted by the Hon'ble Tribunal under the contempt of court proceeding.

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Affidavit

I, Sri Sajal Chandra Das, aged about 37 years, Son of late Bhupendra Chandra Das, presently working as Daftry in the Office of the Executive Engineer, Silchar Central Division, Central Public Works Dept., Silchar-788002, do hereby solemnly affirm and state as follows:

1) That I am the petitioner of the Contempt Petition No. 45 of 2000 in D.A. No. 335 of 2000 and as such I am fully conversant the instant case and I am well conversant with the facts and circumstances of the case.

2) That the statement made in paragraphs 1, 2, 4, 5, 6 to 7 are true to best of my knowledge and those made in paragraphs 3-
 are being matters of record are true to my information derived therefrom which I believe to be true and rests are my are humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 22nd day of February 2001 at Guwahati.

Identified by me:

Advocate

(Adil Ahmed)

Deponent

Sajal ch. Das
Deponent

Solemnly affirmed before me
by the deponent who is identified by Mr. Adil Ahmed, Advocate.

Advocate

Central P. W. D. Class IV Staff Union

(Recognised by the Govt of India)

(Registered No. 3354)

EASTERN ZONE

Estd. 1954

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ANNEXURE-X

CENTRAL OFFICE

234/4. Acharya J. C.

Bose Road,

Nizam Palace

CALCUTTA- 700020

BRANCH OFFICE

C/O Silchar Central Circle

C. P. W. D. Malugram

SILCHAR- 788002

Ref. SILCHAR/L. U/UNION/51

Dated Silchar the 14/02/2001

TO WHOM IT MAY CONCERN

This is to certified that Sri Sajal Ch. Das, Daftry, Silchar Central Division, C.P.W.D., Silchar is regularly present in the office from 18-10-2000 and onwards but he has not been allowed to signature in the attendance register by the authority as he has already been releived vide of order No.9(1)/SCD/2000-01/1195, dated 28-09-2000 and also intimated that future correspondence, salary for 10/2000, sanction of leave etc. should be dealt with the Executive Engineer, Tura Maintenance Divn., I.B.B.R., Tura vide No.9(7)/SCD/2000-01/1283, dtd. 25-10-2000 and even No.1284, dtd. 25-10-2000 respectively.

Dipankar Paul
14/2/2001

Branch Secretary

C.P.W.D. Class IV Staff Union

Silchar Central Circle, Silchar

Atk
Adw
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