

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Contempt APPLICATION NO. 40 /2001

in M.P. 144/2001 in O.A. 296/2000

Applicant(s) Aronseit Kr. Das

Respondent(s) Bair Bhadra Hagger, IAS

Advocate for the Applicant: Mr. D.K. Das

Advocate for the Respondent: ~~Mr. M. Das~~  
Mrs. M. Das  
Gvt Adv. Assam

Notes of the Registry	Date	Order of the Tribunal
of this Contempt petition has been filed by the Counsel for the petitioner praying for drawing Contempt proceeding for violation of the order dated 26.6.2001 in M.P. 144/2000 in O.A 296/2000.	14.9.01	Heard Mr. D.K. Das, learned counsel for the applicant. Issue notice on the respondents to show cause as to why contempt proceeding shall not be drawn up against the alleged contemners as prayed for. List on 16.10.2001.
Valid before the Hon'ble Court for further orders.	16.10.01 296/2001.	ICU Sharm Member List on 28.11.2001 alongwith O.A. 296/2001.
See Section A(1)(c).	28.11.01	ICU Sharm Member Perused the Additional Affidavit filed by the applicant and also heard Mr. D.K. Das, learned counsel for the applicant. This affidavit shall form a part of the Contempt Petition. List on 12.12.01 alongwith O.A. 296/2001 for completion of service report.
NO court fee stamp in application to be paid in advance.	13/9/2001	Defect removed. Warrant 13/9/2001 ICU Sharm Member Vice-Chairman

②  
Notice prepared and Sent  
to D/S for writing the Contem-  
plaint No 1 by Legal A.D.  
by

Vide No 3480

Dtd 17/9/07

12.12.01 None present for the  
applicant. Respondents may file  
show cause as to why the contempt  
proceeding shall not be initiated.

List on 4.1.02 for order.

KC Usha

Member

mb

4.1.02

None appears for the alleged con-  
temners. The applicant is to take steps  
of service of notice on the alleged  
contemners Shri B.B.Hagger, Secretary,  
Department of Forests within three days.  
List on 25.1.02 for orders.

KC Usha

Member

Vice-Chairman

lm

Notice prepared and Sent 25.1.02  
to D/S for writing the Contem-  
plaint No 1 by Legal A.D.

It has been stated by Mrs. M. Das, learned  
counsel for the State of Assam that the Original  
Application is listed for hearing on  
12.2.2002. List the matter for hearing on  
12.2.2002 alongwith the A.O.. In the meantime,  
the respondents may file written statement, if  
any.

KC Usha

Member

Vice-Chairman

mb

DKD 11.2.02. 12.2.02

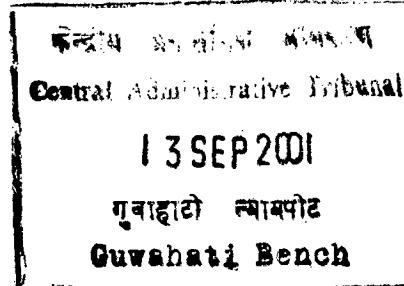
We have heard Mr D.K.Das, learned  
counsel for the petitioners and Mrs M. Das,  
learned Govt. Advocate, Assam for the respon-  
dents. We have already dismissed the O.A.s  
as not maintainable. On consideration of  
the facts we do not find any merit in this  
petition.

C.P. is accordingly dismissed,

KC Usha

Member

Vice-Chairman



B  
Filed by applicant  
through Debjitkr Doss  
Advocate 13/9/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI  
BENCH

CONTEMPT PETITION NO. 40 OF 2001

IN THE MATTER OF :-

An application under Section 17 of the Central Administrative Tribunal Act 1985 for drawing Contempt Court proceeding against the contemner No. 1 for violation of Hon'ble Tribunal's order dtd. 26.6.2001 in Misc. Application No. 144/2001 in O.A. No. 296/2000.

-AND-

IN THE MATTER OF :-

Willful and deliberate violation of the aforesaid order passed by the Hon'ble Tribunal in Misc. Case No. 144/2001.

-AND-

IN THE MATTER OF :-

O.A 296/2000

Sri Jatindra Sarmah & Ors.

... APPLICANTS.

41

-VERSUS-

Union of India & Ors.

... RESPONDENTS.

-AND-

IN THE MATTER OF :-

Sri Amrit Kumar Das,  
son of Late Manu Ram Das,  
Divisional Forest Officer,  
Karimganj Division,  
District - Karimganj, Assam.

... APPLICANT

-VERSUS-

Sri Binu Bhandra Hagjer, IAS,  
Secretary, Department of Forest,  
Government of Assam,  
Dispur, Guwahati-6.

... CONTEMNER

The humble petition of the applicant -

Contd.../-

Contd.../-

MOST RESPECTFULLY SHEWETH:-

1. That the applicant as petitioner No. 2 in O.A. No. 296/2000 has challenged the impugned Central Government Notification No. 16016/2195-AIS (H) A dtd. 9.11.95 i.e. Amended Indian Forest Service (Fixation) of Cadre Strength) Seventy amended Regulation in respect of Assam Meghalaya Cadre by amending the existing Indian Forest Service Fixation by Cadre strength Regulation 1966 by including 22 posts of DCF (Deputy Conservator of Forest) Territorial as included in the IFS Cadre Rules thereby depriving the members of the State Forest Service like the applicants in the rank of Deputy Conservator of Forests posting in Territorial Division of Assam although no such posts exist in Assam as per any notification issued by the State Government or any proposal made by the same at any point of time.
2. That the aforesaid case amended before the Central Administrative Tribunal, Guwahati Bench and the same was admitted on 27.9.2000 and notice was issued to the Respondents and the case is at present pending for final disposal before the Hon'ble Tribunal.
3. That during the pendency of the said original application, the Central Government directed the State Government to notify the Territorial Division

Contd.../-

as Cadre post as reflected by letter dtd. 27.4.2001 by the Director General of Forests and Special Secretary, Ministry of Forest and Special Secretary, Ministry of Environment and Forests addressed to the Chief Secretary, thereby causing serious loss/prejudice to the interest of the applicants when the entire matter was sub-judice waiting final adjudication. The Hon'ble Tribunal by order dtd. 26.6.2001 directed the State Government not to disturb/alter the position of the applicants vis-a-vis their status until further order's in terms of the letter dtd. 27.4.2001.

Copy of the aforesaid order dtd. 26.6.2001, 11/9/2001 is annexed herewith and marked as ANNEX-URE-A & B

4. That your applicant states that after procuring a copy of the Order dtd. 26.6.2001 he intimated the Government on 29.6.2001. In this connection it may be stated since there were other applicants who had also informed the Government about the Hon'ble Tribunal's order dtd. 26.6.2001 petitioner in the said original application, the copy of the Hon'ble Tribunals order dtd. 26.6.2001 and already informed to the Government. By the said order it was clearly directed that the State Government was restrained for posting any cadre officer to the post held by the applicants i.e. Divisional

Forest Officer, Karimganj Division which was shown as Cadre post in serial 20 of the letter dtd. 27.4.2001 issued by the Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India during the pendency of the original application before this Hon'ble Tribunal.

5. That your applicant states that by Government notification dtd. 11.9.2001 issued by the Joint Secretary, Department of Forest, Government of Assam, one Sri Suryanarayan, IFS belonging to the Indian Forest Service i.e. Cadre officer was posted in the applicant's post and he was transferred to attached post in the office of the Conservator of Forests, Northern Assam Circle, Tezpur in gross violation of the interim order dtd. 26.6.2001 passed by the Hon'ble Tribunal and therefore committed willful and deliberate violation of the aforesaid order of the Hon'ble Tribunal. The respondent State Government has already filed affidavit before the Division Bench of the Hon'ble Gauhati High Court in W.A. No. 219 of 2001 in W.P.(C) No. 4193/2001 that the State Government till date has not notified which of the 22 posts of Deputy Conservator of Forest (Territorial) are for the Indian Forest Service. The applicant states that till date he has not handed over charge as Divisional Forest Officer, Karimganj in terms of order dtd. 11.9.2001.

Contd.../-

6. That the applicant states that the effect and contempt of the Hon'ble Tribunals order dtd. 26.6.2001 is clear and unambiguous and as such the action of the State Government in not complying the aforesaid order is clear, willful and hence the contemner is liable under for contempt section 17 of the Central Administrative Tribunal Act, 1985.

7. That this application is filed bonafide and in the interest of justice.

In the premises aforesaid it is most respectfully prayed that Hon'ble Tribunal may be pleased to issue notice to the contemner to show cause as to why contempt of Court proceeding shall not be initiated against him for willful and deliberate violation of the order dtd. 26.6.2001 passed in Misc. Case No. 144/2001 in O.A.296/2000 and upon hearing the parties and on perusal of records be pleased to punish the contemner in accordance with law and be pleased to pass such order/s as Your Lordships may deem fit and proper.

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

⑧

### AFFIDAVIT

I, Shri Amrit Kumar Das, son of Late Manu Ram Das, aged about 42, presently serving as Divisional Forest Officer, Karimganj Division, in the district of Karimganj, Assam do hereby solemnly affirm and state as follows:-

1. That I am the applicant in the instant application and being acquainted with the facts and circumstances of the case.

2. That the statements made in this affidavit and in paragraphs *470 4.*

are true to my knowledge, those made in paragraphs

*170 5* are derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Tribunal.

And I sing this affidavit on this the *13<sup>th</sup> September* day of September, 2001 at Guwahati.

Identified by me

*Amrit Das*  
Deponent.

*Das*

Advocate's *Das*.

Contd.../-

**DRAFT CHARGE**

The petitioner aggrieved for non-compliance of Judgement and order dated 26.6.2001 in Misc. Application No. 14/2001 in O.A. No. 296/2000. The alleged Contemner/Respondent has wilfully and deliberately violated the order of the Hon'ble Tribunal dated 26.6.2001. Accordingly, the alleged Contemner/Respondent are liable for contempt for court proceedings and severe punishment thereof as provided under the law. He may also be directed to appear in person and reply the charges levelled against him before the Hon'ble Tribunal.

POINT NO. 4  
(CASE NO. 42/2001) = Annex A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
SUBDIVISION: JALSHALA, GUJARAT

ORDERS

Case APPLICATION NO. 144 OF 2001  
W.O.A. 296/2000

Applicant (s) Jagminder Barnah Tew

Respondent (s) Union of India Tew

Advocate for Applicants (s) Mr. N. Datta, Mr. D.K. Das

Advocate for Respondent (s) CGSC, Mrs. M. Dwi, G.A. Bokar

26.6.2001



By this application the applicants have prayed that the operation of the letter dated 27.4.2001 issued by the Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India, may be suspended during the pendency of the O.A. In the O.A. the applicants have challenged the Notification dated 9.11.1993 by which the Central Government has fixed the cadre strength and has earmarked twentytwo posts of Deputy Conservator of Forests (Territorial) for the members of the Indian Forest Service. The contention of the learned counsel

26.6.2001

for the applicant is that if the letter dated 27.4.2001 is given effect, the O.A. shall be rendered infructuous and the applicants will suffer irreparable loss and injury. On the other hand, Mr B.C. Pathak, learned Addl. C.G.S.C., has submitted that by the letter dated 27.4.2001 the State Government has been only asked to have the territorial divisions notified and communicate the same to the Ministry to ensure that only cadre officers are posted to the cadre posts. It is submitted that Notification in pursuance to the impugned letter has not yet been issued and there is no likelihood of any immediate injury to the applicants.

We have considered the rival submissions made by the learned counsel for the parties and perused the impugned letter. As the Notification dated 9.11.1995 is under serious challenge before this Tribunal and the letter dated 27.4.2001, now impugned, is only a consequential step, in our opinion, it shall be just and proper to protect the interest of the applicants so as their position may not be disturbed as a consequence to the letter dated 27.4.2001. The application is accordingly disposed of with a direction that though Notification regarding territorial division may be issued in pursuance of letter dated 27.4.2001, however, the position of the applicants vis-a-vis their status shall not be altered until further orders.

Sd/VICE CHAIRMAN  
Sd/MEMBER (ADM)



Certified to be true Copy  
सत्याग्रह असाम

W/27/6/2001

Section Officer (W)  
Assam Legislative Assembly  
Central Administrative Tribunal  
सत्याग्रह असाम  
Guwahati Bench, Guwahati-8  
Assam, India, 781008

W/27/6/2001

110  
Annexure B.

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT ::::::: DISPUR.  
EEEEE

ORDERS BY THE GOVERNOR

NOTIFICATION

At Dispur, the 11th September, 2001.  
In the interest of public service, the Governor has issued the following

NO. FRE. 66/90/190-A : In modification of earlier Govt. Notification No. FRE. 66/90/190-A, dated 12.7.2001, Shri C.R. Bhowra, DFO is transferred and posted as Divisional Forest Officer, Central Assam Afforestation Division, Hojai with effect from the date of taking over charge vice Shri A.C. Das transferred.

NO. FRE. 66/90/190-B : In the interest of public service, Shri A.C. Das, Divisional Forest Officer, Central Assam Afforestation Division, Hojai is transferred and posted as Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat with effect from the date of taking over charge vice Shri P.S. Das, IFS transferred.

NO. FRE. 66/90/190-C : On relief, Shri P.S. Das, IFS, Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat is in the interest of public service transferred and posted as Divisional Forest Officer, Kamrup (West) Division, Bamunigaon with effect from the date of taking over charge vice Shri Nagen Das, IFS transferred.

NO. FRE. 66/90/190-D : On relief, the services of Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup (West) Division, Bamunigaon is in the interest of public services are placed at the disposal of Karbi Anglong Autonomous Council, Diphu for his posting as Divisional Forest Officer, Hamren Division, Hamren vice Shri A.C. Sarma already transferred.

NO. FRE. 66/90/190-E : In modification of earlier Govt. Notification No. FRE. 66/90/Pt.II/208-A, dated 22.8.2001, Shri Y. Suryanarayan, IFS, Divisional Forest Officer, Digboi Division, Digboi is in the interest of public service transferred and posted as Divisional Forest Officer, Karimganj Division, Karimganj with effect from the date of taking over charges vice Shri A.K. Das transferred.

3 = 12 =  
NO. FRE. 66/90/180-E Subj. Avd. B.M. Eunus

On relief, Shri A.K. Das, Divisional Forest Officer, Karimganj Division, Karimganj is in the interest of public service transferred and posted as DCF attached to Conservator of Forests, Northern Assam Circle, Tezpur, with effect from the date of taking over charge, i.e., 1st October, 2001. The transfer order has been modified.

Shri G.R. Bhobora, whose transfer order has been modified, is now posted as DCF, Karimganj Division, Karimganj.

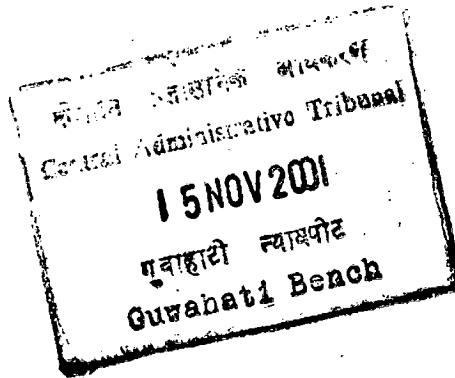
Memo No. FRE. 66/90/180-F, Dated 8/9/2001, the 11th September, 2001.

Copy to :-

1. The Accountant General (A&E), Assam, Maidampon, Batala, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
3. The Chief Conservator of Forests (Wildlife), Assam, Rehbari, Guwahati-8.
4. The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
5. The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
6. The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
7. The Conservator of Forests, Central Assam Circle, Guwahati-1.
8. Northern Assam Circle, Tezpur/ Eastern Assam Circle, Jorhat/ Western Assam Circle, Kokrajhar/ Karbi Anglong Autonomous Council, Diphu.
9. The Director, Kaziranga National Park, Bokakhat.
10. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu for information and necessary action.
11. Shri A.C. Das, Divisional Forest Officer, Central Assam Afforestation Division, Majai.
12. Shri P.S. Das, Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat. He is directed to move first immediately after handing over charge to Regional Director, Kaziranga National Park.
13. Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup West Division, Bamunigam.
14. Shri Y. Suryanarayan, IFS, Divisional Forest Officer, Digboi Division, Digboi.
15. Shri A.K. Das, Divisional Forest Officer, Karimganj Division, Karimganj.
16. Shri G.R. Bhobora, DCF C/O Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
17. The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
18. The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
19. The Deputy Director, Assam Govt. Press, Bamonimala, Guwahati-23 for favourable publication of the above Notification in the next issue of the Assam Gazette.
20. Personal File of the officers.

By order etc.,

Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur.



15 NOV 2001  
Guwahati Bench  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI.

Filed by applicant  
Debbyitkn DSS  
Through  
Advocate  
11/11/2001

CONTEMPT PETITION NO. 40/2001.

In the matter of :

Sri Amrit Kumar Das.

.... Applicant.

-Versus-

Sri Bir Bhadra Hagjer.

.... Contemner.

-And-

In the matter of :

An additional affidavit filed  
by the above-named applicant

Sri Amrit Kumar Das.

ADDITIONAL AFFIDAVIT

I, Sri Amrit Kumar Das, Son of Late Monuram Das,  
aged about 42 years, by caste-Hindu, by profession-  
Govt. Servant and at present serving as Divisional  
Forest Officer, Karimganj, in the district of Kamrup,  
do hereby solemnly affirm and declare as follows :-

1. That I am the applicant in the above noted  
contempt petition. The above-noted contempt petition

Contd.....2.

has been filed by the applicant against the Contemner for wilful violation of this Hon'ble Tribunal's order dated 26.6.2001 in Misc.Application No.144/2001 arising out of O.A.No.296/2000.

2. That the applicant begs to state that this Hon'ble Tribunal was pleased to issue notice of this contempt petition by order dated 14.9.01 passed in Contempt Application No.40/2001 which has been duly served upon the contemner. The instant additional affidavit is being filed for bringing into the notice of this Hon'ble Tribunal certain developments that took place subsequent to the filing of the above-noted contempt application.

3. That it appears that upon receipt of notice of this contempt application, the Joint Secretary to the Govt. of Assam by a Notification issued under Memo No.FRE.100/2001/26 dated 10.10.2001 stayed the transfer order dated 11.9.2001 which was issued in violation of this Hon'ble Tribunals order dated 26.6.2001 in Misc. Application No.144/2001 in O.A.No.296/2000. The aforesaid order dated 10.10.01 was apparently issued with a view to comply with this Hon'ble Tribunal's aforesaid order dated 26.6.2001.

A copy of the order dated 10.10.01  
is annexed hereto and marked as  
ANNEXURE- A.

4. That in view of the order dated 10.10.01 the original transfer order dated 11.9.2001 could not be given effect to, and the applicant is still continuing to hold the post of Divisional Forest Officer, Karinganji.

5. That subsequently, however for reasons best known to the contemner, the earlier stay order dated 10.10.01 was vacated by an order issued under Memo No.FRE.100/2001/79 dated 9.11.2001 in clear and wilful disobedience of this Hon'ble Tribunal's order dated 26.6.2001.

A copy of the order dated 9.11.2001 is annexed hereto and marked as  
ANNEXURE- B.

6. That it is respectfully submitted that by issuing the order dated 9.11.2001 the contemner has once again deliberately and willfully committed contempt of this Hon'ble Tribunal. The above-named contemner has systematically disrespected this Hon'ble Tribunal and has undermined the majesty of law on account of which the Contemner is liable to be severely punished by this Hon'ble Tribunal.

7. That the statements made in paragraphs are true to my knowledge those in paras

are true to my knowledge derived from records and  
the rest are my humble submissions before this  
Hon'ble Tribunal.

And I sign this Affidavit on this the 12<sup>th</sup>  
day of November, 2001 at Guwahati.

Identified by me.

*Arunit Debnarayan Das*  
(DEPONENT)

(Advocate's Clerk)

Ames A

NOTIFICATION

Dated Dispur, the 10th October, 2001.

NO.FRE. 100/2001/26 :-- The transfer order issued vide Govt. Notification No.FRE. 66/90/190-E, dtd. 11.9.2001 in respect of Shri A.K. Das, Divisional Forest Officer, Karimganj Division is hereby stayed temporarily and until further order.

Sd/- A.B. Md. Eunus,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur.

Memo No. F.R.E. 100/2001/26-A, Forest Department, Dispur,  
Copy to :- Dated Dispur, the 10th October, 2001.

copy to :-

1) The Accountant General (A&E), Assam, Maidamgaon, Daltola, Guwahati-29.

2) The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-3.

3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.

4) The Chief Conservator of Forests (Wildlife), Assam, Rehbari, Guwahati-8.

5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Barongi Road, Guwahati-24.

6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.

7) The Conservator of Forests, Southern Assam Circle, Silchar.

8) Shri A.K. Das, Divisional Forest Officer, Karimganj Division, Karimganj.

9) Shri Y. Suryanarayanan, IFS, DCF, C/o Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.

10) The P.S. to the Minister, Forest, Assam, Dibrupur, Guwahati-6 for information of the Minister.

11) The Deputy Director, Assam Govt. Press, Samnima Maidam, Guwahati-21 for favour of publication of the above Notification in the next issue of the Assam Gazette.

12) Personal file of the officers.

By order etc.

Joint Secretary to the Governor of Madras,  
Forest Department, Diwani.

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT :::: DISPUR

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 09th Nov/2001.

NO.FRE.100/2001/79 : The order of stay of transfer of  
Shri A.K. Das, Divisional Forest Officer, Karimganj  
Division, Karimganj issued vide Notification No.FRE.100/  
2001/26, dtd. 10-10-2001 is hereby vacated.

Sd/- A.B.Md. Eunus,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur

Memo No.FRE.100/2001/79-A, Dated Dispur, the 09th Nov. 2001.  
Copy to :-

1. The Accountant General(A&E) Assam, Beltola, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
3. The Chief Conservator of Forests(Territorial) Assam, Panbazar, Guwahati-1.
4. The Conservator of Forests, Southern Assam Circle, Silchar.
5. Shri A.K. Das, Divisional Forest Officer, Karimganj Division, Karimganj. He is directed to handover charge of Karimganj Division to Shri Y. Surya Narayan, IFS by 12-11-2001 without fail and submit the report of compliance.
6. Shri Y. Surya Narayan, IFS, Divisional Forest Officer, Camp Karimganj Division, Karimganj. He is directed to take over charge of Karimganj Division, Karimganj from Shri A.K. Das, DFO. He is allowed to take over charge unilaterally if Shri A.K. Das fails to handover charge by 12-11-2001.
7. P.S. to Minister of Forests, Assam, Dispur for favour of information of Minister, Forests.
8. The Deputy Director, Assam Govt. Press, Bhamunimaidam, Guwahati-21 for favour of publication of the above notification in the next issue of the Assam Gazette.
9. Personal file of the officers.

By order etc.,

*11/11/2001*  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur

*Sub-91*

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