

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Contentst APPLICATION NO. 54 / 2001
in O.A 37/2000(G)

Applicant (S) Ashim Laml

Respondant(S) K.V.S.

Advocate for the Applicant: In person

Advocate for the Respondant: K.V.S.

Notes of the Registry

Date

Order of the Tribunal

This Contentst petition
has been filed by the 18.10.01
~~Respondant~~ Prisoner
himself praying for
intentional violation
of the order dt. 29.11.2000
passed by this Honble
Tribunal in O.A. 37/2000(G) bb

The applicant appears in person
and made submissions.

Issue notice of motion, returnable
by three weeks. List on 23.11.2001.

ICLShan
Member

Laed before the 23.11.01
Honble Bench for further
order.

Issue notice, returnable by
four weeks. List on 1.1.2002.

ICLShan
Member

Vice-Chairman

Section Officer

Notice Reasoned and sent to D/O for
Cm's file Respondent No 1 & 3 by
Regd A.D.

S.No 4040 W 42

Dtd 5/11/01

① Service report are still awaited.

By
22.11.01

1.1.02

Heard Mr. A. Paul, who is appear in person.

List again on 17.1.2002 for order.

K. Ushar
Member

Vice-Chairman

Vokalatnama filed
Sri S. Sarma.

mb

17.1.02

List on 31.1.2002 to enable the respondents to file written statement.

NTS
9/01/02-

No written statement has been filed

mb

31.1.2002

List after 10 days as prayed by Mr. S. Sarma, learned counsel appearing for the respondents.

List on 13.2.2002 for further order.

Affidavit filed on behalf of the Contemner No-2

bb

13.2.02

List on 28.2.2002 to enable the respondents to file reply.

By
12.2.02

K. Ushar
Member

Vice-Chairman

Affidavit filed on behalf of Contemner No. 3 and 1

mb

28.2.02

List on 26.3.2002 for order.

K. Ushar
Member

Vice-Chairman

14/2

mb

26.3.02

List on 24.4.2002 for further order.

K. Ushar
Member

Vice-Chairman

mb

24.4.02

List on 16/5/2002 to enable the Respondents to obtain necessary instructions.

K. Ushar
Member

Vice-Chairman

Vice-Chairman

mb

Notes of the Registry	Date	Order of the Tribunal
	6.5.92	<p>The applicant appeared in person and stated that in view of the order of the Supreme Court he is not pressing the application, even otherwise, we do not feel in continuing this proceeding. Accordingly, the Contempt Proceeding stands dropped.</p> <p><i>K L Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

mb

Received by
S. S. Chandra
4/6/02

4
Notes of the Registry

Date

Order of the Tribunal

OCT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

(Civil Original Contempt Jurisdiction)

Contempt Petition No. 54 /2001
in O.A. 37/2000 (T)

Shri Ashim Paul

--- Petitioner

-Vs-

Kendriya Vidyalaya Sangathan

--- Respondents/
Contemners

In the matter of :-

A petition under section 12 of the Contempt of Courts Act for Deliberate & intentional Violation of the order dtd. 29th November, 2000 passed by the Hon'ble Central Admn. Tribunal, Guwahati Bench in OA no.= 37/2000(T) as well as the order dtd. 27th July, 2001 by the Hon'ble Division Bench of the Gauhati High Court in WP(C) 5072/2001.

-And-

In the matter of :-

Shri Ashim Paul

S/o Sri Nilu Paul

Resident of Pandu, New Coloney

Guw-ahati-12, Dist. Kamrup, Assam.

-Versus-

1) Shri V.K.Gupta

Assistant Commissioner (admn.)

Kendriya Vidyalaya Sangathan (HQ)

18, Institutional Area, Saheed

Jeet Singh Marg,

New Delhi-16.

Contd....(2)

filed by,

Shri. Ashim Paul
(Petitioner - A - Person)

-- 2 --

2) Shri D.K.Saini
Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati
Chayaram Bhawan, Maligaon Chariali
Guwahati-12.

3) Shri R.K.Gautam
Principal, Kendriya Vidyalaya
Upper Shillong, PO. Nanglyor
Shillong-9.

--- Respondents/Contemners

The humble petition of the above-named petitioner:-

Most Respectfully Sheweth :-

- 1) That the Petitioner is a citizen of India and as such your petitioner is entitled to all rights and privileges guaranteed under the Constitution of India. Your petitioner is a permanent resident of Guwahati, Assam.
- 2) That your petitioner states that he was appointed as a LDC (English) in the Kendriya Vidyalaya, Upper Shillong vide memorandum of the Assistant Commissioner KVS, Regional Office Guwahati dtd. 13/15-12-1997.
- 3) That your petitioner further submits that in pursuant to that offer of appointment dtd. 13/15-12-97 he has joined in the office of the Principal KV Upper Shillong on 12th January, 1998. Thereafter from the next date i.e. on 13th January, 1998 he was not allowed to work in the office of the respondent No.3.

Contd...(3)

- 4) That your petitioner states that in this connection when a Civil Rule bearing no. 642/1998 was filed before the Hon'ble Gauhati High Court the petitioner's service have been terminated by the respondents most arbitrarily vide a memorandum of the respondent no.2 dtd. 19/2/98. The same was challenged too before the Gauhati High Court within a reasonable time.
- 5) That your petitioner most respectfully submits that the said Civil Rule CR/642/98 was transferred to this Hon'ble Tribunal for adjudication in the middle part of 1999 by following a Central Govt. Notification, under section 14 of CAT act, 1985.
- 6) It is most respectfully submitted that the petitioner's application bearing No.OA/37/2000(T) was decided by this Hon'ble Tribunal on 29/11/2000 and set aside the termination order issued by the respondent No.2 herein on which the respondents were directed by the Hon'ble Tribunal to reinstate the petitioner in service forthwith. The copy of the order dtd. 29/Nov/2000 is annexed herewith as annexure-A.
- 7) The petitioner further submits that being aggrieved by the said order dtd. 29th Nov/2000 ^{he} reported for duties before the Asstt. Commissioner KVS (Guwahati Region) on 1st December, 2000 through a memorandum enclosing the order copy of this Hon'ble Tribunal. The photocopy of the memorandum dt. 1/12/2000 is annexed herewith as annexure-B.
- 8) It is respectfully submitted that the petitioner was expecting an early response from the respondents after submitting the said memorandum dt. 1/12/2000

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before the Asstt. Commissioner KVS Regional Office Guwahati but when it is found that from 29/11/2000 to 17th April, 2001 KVS Authority i.e. the respondents have debarred from taking any necessary step in regards to your petitioners case then he is fully stranged.

- 9) That your petitioner admits that as per stated in para-8 of this petition & being remained in uncertainty for a long lapse of time after the order delivered by this Hon'ble Tribunal your petitioner submitted another memorandum to the Asstt. Commissioner KVS (Guwahati Region) on 18th April, 2001. A copy of the said memorandum is annexed herewith as annexure-C.
- 10) That your petitioner further submits that your petitioner had sent a similar nature of memorandum as like annexure-C by stating the similar facts to the respondent No.1 of KVS (HQ) New Delhi on 20th April, 2001. A copy of the said memorandum dtd. 20th April/2001 is annexed herewith as annexure-D .
- 11) That the petitioner further respectfully submits that when he was eagerly expecting an early reply in regards to his case from the KVS Authority after submitting the memorandum dtd. 18/4/2001 & 20/4/2001 to the respondents. The respondents have filed a WP(C) in the Hon'ble Gauhati High Court (Division Bench) against the order dtd. 29th Nov/2000 of this Hon'ble Tribunal in OA/37/2000(T) and the same was numbered as WP(C) No.5072/2001.
- 12) That it is respectfully submitted that after examining the facts of the case the Hon'ble Division Bench of the Gauhati High Court dismissed the WP(C)no. 5072/2001

by finding no merit in it under the light of the order passed in WP(C)2319/2000 (Union of India Vs.Smt. Shanu Kumari) order dtd. 20/11/2000.

- 13) That thereafter being aggrieved by the said order of the Hon'ble Gauhati High Court dtd. 27th July, 2001, your petitioner further submitted a memorandum before the Asstt. Commissioner KVS, Regional Office Guwahati on 8th October, 2001 to re-instate him in the service of KVS forthwith in compliance with the order of the Hon'ble Gauhati High Court as well as the Hon'ble Central Administrative Tribunal Guwahati Bench.

The photocopy of the order passed by the Hon'ble Gauhati High Court (Division Bench) dt. 27th July, 2001 in WP(C) No.5072/2001 is annexed herewith as annex.-E.

And the submitted memorandum before the Asstt. Commissioner dtd. 8th October/2001 is annexed herewith as annexure-F.

- 14) That your petitioner admits that inspite of passing an adequate period after passing the order of this Hon'ble Tribunal as well as the Hon'ble Gauhati High Court and being fully conversant with the petitioner's case the respondents have not shown any interest to implement the orders of this Hon'ble Tribunal which was upheld by the Hon'ble Gauhati High Court in WP(C)5072/2001. Hence the petitioner was bound to file this contempt petition before this Hon'ble Tribunal within the ambit of law.

- 15) That it is respectfully submitted that the contemnors are liable to be heavily punished for their wilful, disobedience and deliberate & intentional violation of this Hon'ble Tribunals order/direction as well as the order of the Hon'ble Gauhati High Court passed in case

of the present petitioner.

- 16) That your petitioner submits that inspite of repeated request to the contemnners particularly the Asstt. Commissioner i.e. Contemner No.2 herein as a regional Head of the KVS have not at all interested for implementation of the orders passed by this Hon'ble Tribunal dt.- 29th November, 2000 in OA no.37/2000(T) as well as the order of the Hon'ble Gauhati High Court (Division Bench) for which they are liable to be heavily punished for intentional violation of this Hon'ble Tribunal's direction/order as well as the Hon'ble Gauhati High Court.

- 17) That your petitioner submits that at any rate the Contemnners are liable to be punished as per provision of law.

It is therefore, most respectfully prayed that your Lordships may be pleased to admit this petition and issue Notice to the Contemnners to show cause as to why they should not be punished as per provision of contempt of Court's Act for their deliberate and intentional violation of this Hon'ble Tribunal's order/direction passed in OA no.37/2000(T) as well as the order of the Hon'ble Gauhati High Court (Division Bench) in WP(C) no.5072/2001 dt. 27/2/2001. and/or pass any such order as your Lordships may deem fit and proper.

Contd....(7).

- And -

Further it is prayed that the Contem-
ners be directed to appear personally
before this Hon'ble Tribunal to
explain as to why they should not be
punished for violation of this Hon'ble
Court's order as per provision of
Contempt of Court's Act.

And for this Act of kindness, the petitioner is in duty bound
shall ever pray.

AFFIDAVIT

A F F I D A V I T

I, Shri Ashim Paul, Son of Shri Nilu Paul, aged about 27 years, resident of Pandu New Coloney, Guwahati-12 in the District of Kamrup, Assam do hereby solemnly affirm and declare as follows :-

- 1) That I am the petitioner in the instant case and I am acquainted with the facts and circumstances of the case.
- 2) That the statements made in paragraphs -1 & 2 are true to my knowledge, and those made in paragraphs 2, 3 & 4 being matters of record are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Court.

And I sign this Affidavit on this 15th day of October, 2001 at Guwahati.

Identified by,

M. C. Garrodia
(Advocate)

S. Hussain
15/10/2001
Advocate

Ashim Paul

DEPONENT

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a Contempt proceeding against the alleged Contemners/Respondents for wilful and deliberate non-compliance of the Hon'ble Tribunal's order dated 29th November, 2000 passed in OA no.=37/2000(T) and further be pleased to impose punishment upon the alleged Contemners/Respondents for wilful and deliberate non-compliance of the order dated 29th November, 2000 passed in OA no.=37/2000(T).

W P in July -
Dismissed by HC

-10-
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

SL No. 407

Amexw- A

Original Application No. 37 of 2000(T).

Date of decision : This the 29th day of November, 2000.

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

Shri Ashim Paul
Son of Sri N. Paul,
Resident of Pandu New Colony,
P.O. Guwahati
District-Kamrup,
Assam

...Applicant

Applicant appeared in person

-versus-

1. The Union of India,
represented by Secretary to the
Human Resource Developemnt,
Sastri Bhawan, New Delhi.

2. The Asstt. Commissioner(Admn.),
18 Institutional Area,
Shaheel Jeet Sing Marg
New Delhi-110066.

3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Chayaram Bhawan, Maligaon Chariali,
Guwahati-12.

The Principal
Kendriya Vidyalaya
Upper Shillong,
P.O. Nonglyor,
Shillong-9.

The Asstt. Commissioner(Officiating)
Kendriya Vidyalaya Sangathan
Chayaram Bhawan,
Maligaon Chariali,
Guwahati-12.

...Respondents

By Advocate Dr. B.P. Todi, learned counsel for the K.V.S.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

The applicant was appointed as Lower Division Clerk in the Kendriya Vidyalaya Sangathan, Upper Shillong in the pay scale of Rs. 950-20-1150-EB-25-1500. There were six persons appointed as Lower Division Clerk from the

Contd...

general category, three from the OBC, two from the SC and one from ST category in the school cadre. According to the applicant pursuant to the order of appointment dated 13.12.1997, he joined in the office of the Principal, Kendriya Vidyalaya, Upper Shillong on 12.1.1998 in terms of the appointment letter dated 13.12.1997 which has been disputed by the respondents. According to the applicant he joined in service on 12.1.1998 and on the very next date he was informed by the Respondent No.4 that he would not be allowed to work as Lower Division Clerk and accordingly he was not allowed to work in the school. Subsequently he was served with the order No. 8-6/96/KVS(GR)/16771-73 dated 19.2.1998. Hence the present application.

2. Sri Ashim Paul, applicant appeared in person. Applicant cited the judgement of the O.A. No. 53 of 1999 rendered on 3.2.2000 which was upheld in Writ Petition (C) No. 2343 of 2000 by a Division Bench of the High Court on 7.6.2000. Dr. B.P.Todi learned counsel for the Kendriya Vidyalaya Sangathan submitted that the case of those persons involved in the O.A. No. 53/99 is distinguishable on facts. Dr. Todi further submitted that the seven applicants in O.A. 53/99 although joined their respective duties but after rendering for sometime their services were terminated. I do not find any qualitative distinction on the matter. In the above O.A. the order of termination from service was set aside by the Tribunal on the ground of violation of Principles of Natural Justice. The order of termination from service itself indicated about the order of Delhi High Court dated 4.2.1998. The Tribunal as well as the High court rather held that for that reason the order of appointment would not become non est. The Tribunal held in the O.A. that order of dismissal

Contd...

entailed civil consequence and without giving opportunity of hearing such order could not have been passed. On the ground of violation of Natural justice the order of termination was set aside. In the Writ Petition the High Court considering all the facts and circumstances upheld the order of the Tribunal. Dr. B.P.Todi, the learned counsel submitted that situations in OA 53 of 1999 were disparate and dissimilar than the present one. In the first case all the applicants pursuant to the order of appointment, joined in the posts and were rendering their services in the respective schools for a considerable period, whereas in the present one the applicant could hardly act and discharge his functions in the school. But the fact of the matter is that in all the cases the appointment orders of the applicants were annulled, on the same settings, by a common order in fascimile. The case of the applicant cannot be distinguished from the seven applicant in the O.A. 53/99. In the light of the order of the earlier O.A. the impugned order of termination from service issued under Memorandum No. 8-6/96/KVS(GR)/16771-73 dated 19.2.1998 is set aside and the respondents are directed to reinstate the applicant in service forthwith.

3. The application is allowed. There shall, however, be no order as to costs.

Sd/ VICECHAIRMAN

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (I)

आनुमान लमिका (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायालय, गुवाहाटी-8

30/11/2000

To,

The Assistant Commissioner,
KVS (Regional Office),
Guwahati.

Place : Guwahati.

Date : 1st Dec'2000.

Subject:- Re-instatement in the post of LDC (English School Cadre)
under KVS Guwahati Region.

Sir,

With due respect I beg to state that I was appointed as a LDC in the K.V. Upper Shillong vide memorandum of the Assistant Commissioner KVS (Regional Office) Guwahati dtd. 13/15 Dec'97. I was not allowed to continue my duties after 12th January'98; in addition with that my services were terminated by the A.C.(Offg.) K.V.S. Regional Office, Guwahati vide letter dtd. 19th Feb'98 in pursuant to K.V.S. (HQ) letter No. F.19(1)/4-98 KVS L&C dtd. 13/02/98. In this connection I inform you that on 29th November, 2K, Central Administrative Tribunal (Guwahati Bench) directed KVS to re-instate me in my service.

So, in compliance with the order of CAT : Guwahati Bench (order copy enclosed with this application) I request you to re-instate me in my service as early as possible.

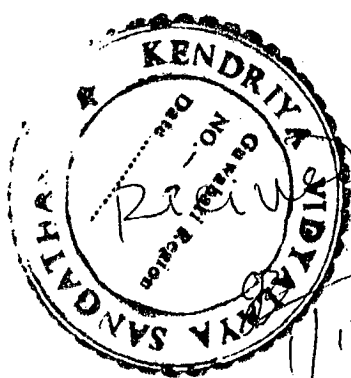
I hope that by considering the whole matter you will do the needful at the earliest.

Thanking you,

Yours faithfully,

Abhim Sen

(APPLICANT)



MEMORANDUM

Amrta - C 18

Date : 18th April'2001

Place: Maligaon.

To,

The Assistant Commissioner
KVS (Regional Office, Guwahati)

Subject :- Decision of the KVS from the order dtd. 29th Nov'2000
in O.A. 37/2000(T) Ashim Paul Vs U.O.I. (KVS) passed
by the CAT (Guwahati Bench).

Sir,

With due respect I beg to state that I was appointed as a LDC in the K.V. Upper Shillong by the Assistant Commissioner's KVS regional Office, Guwahati memorandum dtd. 13/15-12-97. Few month thereafter i.e. on 19/2/98 my service was terminated by A.C.(Offg.) KVS (Regional Office, Guwahati). In this connection my termination order was set aside by the Hon'ble CAT(Guwahati Bench) on 29.11.2000 & directed KVS to re-instate me in my service forthwith.

Being aggrieved by the said order of CAT dtd. 29.11.2000 I have submitted a memorandum to your office on 1st Dec'2000 for to re-instate me in service at the earliest.

Now (i) It is found that atleast more than four months passed after the order delivered by the CAT, Guwahati Bench in my D.A. 37/2000(T) from 29.11.2000.

(ii) From 29.11.2000 to 17.4.2001, it is found that KVS have debarred from taking any necessary step regarding my case.

(iii) Inspite of passing an appropriate period I am fully shocked for not receiving any response from KVS authority in regards to my case.

In these circumstances, I request you to intimate me the decision of KVS authority on the instant subject within 15 days from today.

If it is not done as per my request I may approach to the CAT after passing the stipulated period.

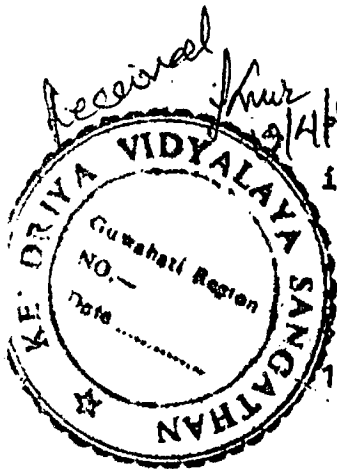
I hope that by considering the whole matter you will do the needful. Thanking you,

Applicant's Name & Address :

Shri Ashim Paul,
C/o. Anand Bastralaya
P.N.G.B. Road, Maligaon,
P.O. Maligaon, Ghy-11.

Yours faithfully,

Ashim Paul
(Applicant)



- 15 -
MEMORANDUM

Anaxme - D

Date : 18th April '2001

Place : Maligaon, Guwahati

To,

The Assistant Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed jeet Singh Marg,
NEW DELHI - 110 016

Subject :- Decision of the KVS from the order dtd. 29th Nov. '2000
in O.A. 37/2000(T) Ashim Paul Vs U.O.I. (KVS) passed
by the CAT (Guwahati Bench).

Sir,

Most respectfully and humbly I beg to state that I was appointed as a LDC(English) School Cadre in the K.V. Upper Shillong by the Assistant Commissioner's KVS regional Office, Guwahati memorandum dtd. 13/15-12-97 bearing no. F.8-6/96 KVS.GR No.14122. Few months thereafter i.e. on 19th February/98 my service was terminated by the A.C.(Offg.) KVS (Regional Office, Guwahati), in pursuant to KVS Hq. Letter No. F.19-1(4)/98 KVS L&C dated: 13/2/98. In this connection I inform you that on 29.11.2000 my termination order was set aside by the Hon'ble Central Administrative Tribunal (Guwahati Bench) and directed KVS to reinstate me in my service forthwith.

Being aggrieved by the said order of CAT dtd. 29.11.2000 I have submitted a memorandum to Asstt. Commissioner's Office in KVS Regional Office, at Guwahati to re-instate me in service at the earliest and take necessary steps in regards to my case and moreover he was requested to draw the notice of the concerned authorities of KVS Hq., New Delhi in this regard on 1st December, 2000.

Now from 29.11.2000 to 17.4.2001 I have not received any response from KVS authority in regards to my case.

In this circumstances I request you to inform me your decision on behalf of KVS authority in regards to my case within 15(Fifteen) days from receipt of this Memorandum.

If you donot keep my request on the instant subject I may approach to the CAT against KVS after passing the stipulated period in this Memorandum.

I hope that by considering the whole matter you will take a necessary step which you may think deem fit and proper.

Thanking you,

Yours faithfully,

Applicant's Name & Address:-

Shri Ashim Paul,
C/O. Anand Bastralaya
P.N.G.B. Road, Maligaon
P.O. Maligaon,
GUWAHATI - 781 011

Ashim Paul
(Applicant)

मा नहीं, NOT INSURED

प्राप्त गये डाक टिकटों का मूल्य

Amount of Stamps affixed Rs.

क रजिस्ट्रार

Received a Registered

नेवाले का नाम

Addressed to

क्रमांक

No.

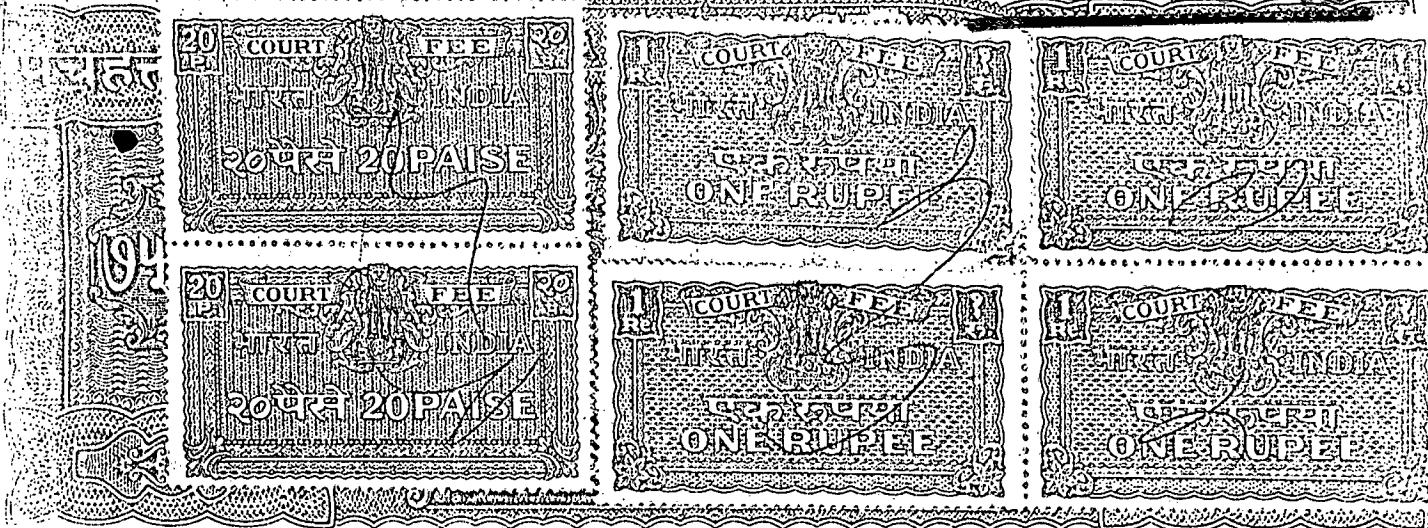
7178

तारीख मोहर

Date Stamp

Signature

Signature



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
3/10/2001	5/10/2001	5/10/2001	5/10/2001	5/10/2001

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM NAGALAND MEGHALAYA MANIPUR TRIPURA
MIZORAM & ARUNACHAL PRADESH)
W.P. (C) NO. 5072/2001

1. Kendriya Vidyalaya Sangathan,
represented by the Asstt. Commissioner
(Admn) 18. Institutional Area, Shaheed
Jeet Singh Marg, New Delhi -110016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan, Maligaon,
Guwahati- 12.
3. Principal
Kendriya Vidyalaya, Upper Shillong,
P.O. Nonglyor, Shillong -9.

... Petitioners/Respondents.

-Versus-

1. Sri Ashim Paul, Son of Sri Nilu Paul
Resident of Pandu New Coloney, P.O.
Guwahati-12, District -Kamrup, Assam.

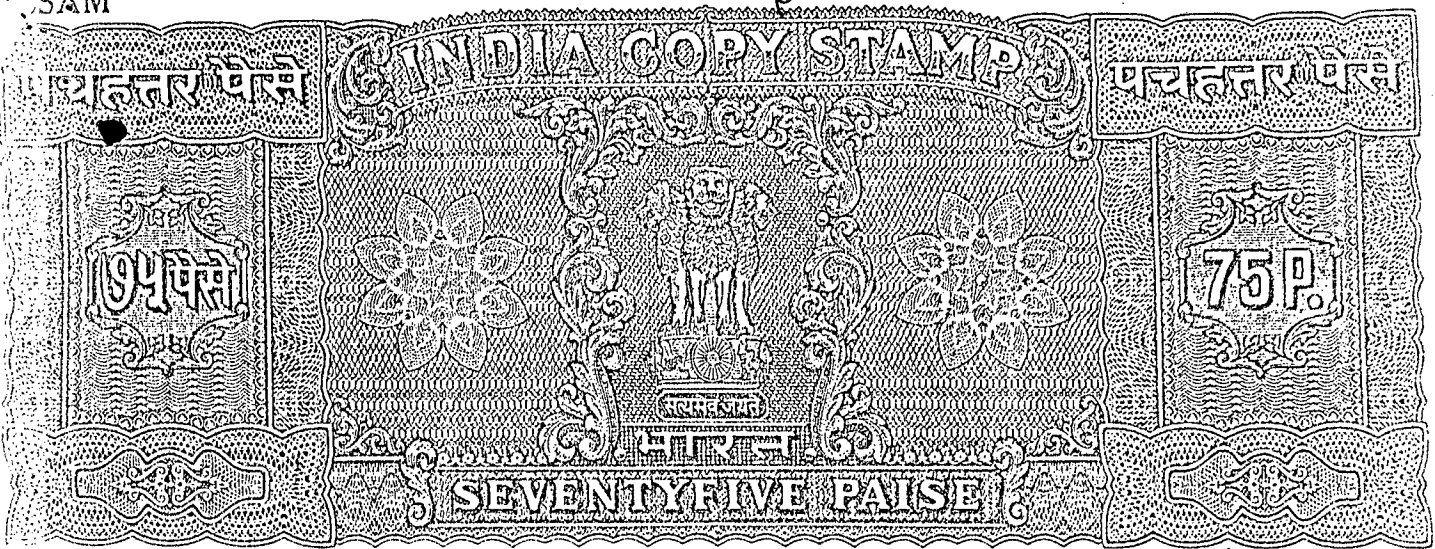
... Respondent/Applicant.

PRESENT.

THE HON'BLE MR JUSTICE JN SARMA
THE HON'BLE MR JUSTICE PG AGARWAL

FOR THE PETITIONERS : Dr.B.P.Todi,
Mrs.D.Das, Advocates.

Contd..2.



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

2.

27.7.2001

ORDER

Heard Dr.B.P.Todi, Learned Advocate for the
petitioners.

In view of the order passed in similar other case
i.e. WP(C) No. 2319/2000, order dated 20.11.2000 (The
Union of India and Ors -Vs- Smti Shanu Kumari) we do
not find any merit in this writ petition and the
same shall stand dismissed.

Sd/-FG AGARWAL

JUDGE

Sd/-JN SARMA

JUDGE.

Registered No. of Petition.....	17853
Photostate by/Type by.....	W 5/10/2001
Read by.....	H.M. 5/10/2001
Compered by	H.M. 5/10/2001

CERTIFIED TO BE TRUE COPY	
Date	15 Oct 2001
Superintendent (Copying Section)	
Gauhati High Court	
Authorised U/S 74, Act I, 1872	

5/10/2001

5/10/2001

To
The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati.

Date: 08.10.01

Sub:- Re-instatement in the post of LDC under
KVS (Guwahati) Region.

Sir,

With due respect I beg to state that I was appointed as L.D.C. in the K.V. Upper Shillong under KVS (Guwahati) Region vide an offer of appointment dtd. 13/15-12-1997 by the Assistant Commissioner KVS (Guwahati) Region. Thereafter on 19th Feb, 1998 my service was terminated by the Assistant Commissioner (offg.) in pursuant to KVS (HQ) letter No.F 19-(1)/4-98 KVS L&C dtd. 13/2/1998.

In view of the above all concerned, on 29th Nov, 2000 Central Administrative Tribunal (Guwahati Bench) set aside my termination order passed by KVS and directed KVS to re-instate me in the service of KVS forthwith.

Further, I would like to inform you that being aggrieved against the order of CAT (Guwahati Bench) KVS filed a WP(C) before a Division Bench of the Hon'ble Guwahati High Court, which was numbered as WP(C) No.5072/2001. Finally, on 27th July, 2001 a Division Bench of the Hon'ble Guwahati High Court dismissed the said WP(C) No.5072/2001 of KVS which was filed against me. However, the Hon'ble Gauhati High Court (Division Bench) dismissed the said WP(C) 5072/2001 finding no merit in it in view of the order passed in similar other case WP(C)-2319/2000 Union of India & ors Vs. Smt. Shanu Kumari dated - 20/11/2000.

Therefore, in compliance with the order of CAT (Gauhati Bench) and the Hon'ble Gauhati High Court (Division Bench) I request you to re-instate me in my service forthwith.

Further, you are requested to draw the notice of the Concerned Authority of KVS (HQ) New Delhi in the instant subject and take necessary action as you think deem fit and proper.

Yours faithfully,

Ashim Paul

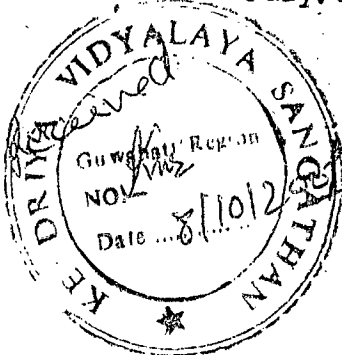
(Ashim Paul)

C/o Sri Nilu Paul

Resident of New Colony, Pandu
(Near Kali Mandir)

PO. Pandu, Guwahati-12.

- N.B.:- 1) Enclosed order copy of
CAT (Guwahati Bench) dt.29/11/2000.
2) Enclosed order copy of the Hon'ble
Gauhati High Court (Division Bench)
dt. 27th July, 2001.



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19
To

The Hon'ble Vice Chairman
Central Administrative Tribunal
Guwahati Bench.

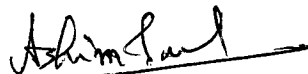
Sub:- Personal appearance before the CAT in the
Contempt petition against Kendriya Vidya-
laya Sangathan arising out of the violation
of this Hon'ble Tribunal's order in OA no.=
37/2000(T) dtd. 29/Nov/2000.

Sir,

Most respectfully and humbly I beg to state that I
am the petitioner in the instant case. In November 29, 2000
my OA no.=37/2000(T) was adjudicated by this Hon'ble Tribunal
with direction to the KVS to re-instate me in my service
forthwith, the order which was upheld in the Division Bench
of the Hon'ble Gauhati High Court in WP(C) No.5072/2001 dtd.-
27th July, 2001. After passing an adequate period by following
the non implementation of this Hon'ble Tribunal's order I have
filed this contempt petition against this KVS. to punish
the contemnners within the ambit of law. Moreover, I would
like to inform you that I am hailed from a very poor class
family and have not capacity to bear the expense or required
fees of an advocate in this purpose. As my OA no.=37/2000(T)
was allowed by this Hon'ble Tribunal on my personal appear-
ance, so I pray before you to allow me to appear personally
in this contempt case too against KVS.

In view of the above all concerned, I hope that you
will be kind enough to grant my humble prayer.

Yours Obediently,


(Ashim Paul)
Petitioner.

Date :-

Copy to:-

The Hon'ble Member (admn.)
Central Administrative Tribunal
Gauhati Bench.

24
Filed by
Sri D.K. Saini,
Contemner No. 2
through
Dipika Beggin,
Advocate
30/1/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Contempt Petition No. 54/2001

in

O.A No. 37/2000(T)

Sri Ashim Paul Petitioner

-Vs-

Sri D.K. SainiContemner No.2

An affidavit filed on behalf of the Contemner No.2

I. Sri D.K. Saini, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati, solemnly affirm and declare as follows :

1. That I have been impleaded as Contemner No,2 in the instant case. A copy of the Contempt Petition filed by the petitioner has been served upon me. I have gone through the same and understood the contents thereof. Save and except what has been specifically admitted in the this affidavit and those which are matters of record to the extent the documents on record support them all the averments and submissions in the Contempt petition may be treated to have been denied by the deponent.

2. That with regard to the statements made in paragraph 1 & 2 of the Contempt petition the deponent has not comments.

3. That with regard to the statements made in paragraph

3 of the Contempt petition the deponent begs to submit that the petitioner has mislead the Hon'ble Court. The petitioner was not allowed to join his duties. As per records of Kendriya Vidyalaya, Upper Shillong there exists no joining report nor does the petitioner's name appear in the attendance register or pay bill etc.

4. That with regard to the statements made in paragraph 4 and 5 of the Contempt petition the deponent begs to submit that in compliance with the order of the Hon'ble Delhi High Court the order of appointment dated 15.12.97 issued by Dr. K.C. Rakesh, the then Assistant Commissioner, KVS, RO, Guwahati after his termination on 11.12.97, appointing the petitioner to the post of LDC was declared to be non-est being null and void and without any legal effect whatsoever, Keeping in view the above facts the petitioner was not allowed to join the mentioned post.

5. That with regard to the statements made in paragraphs 6 and 7 of the Contempt petition the deponent has no comments.

6. That with regard to the statements made in paragraph 8 and 11 of the Contempt petition the deponent begs to submit that the petitioner has mislead the Hon'ble Tribunal. The deponent have no intention to disobey the order of the Hon'ble Tribunal. After receiving the Order dated 29.11.2000, the deponent has forwarded the same to the competent authority,

i.e. the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi. The matter was examined in consultation with the Legal Adviser of KVS at New Delhi and it was decided to file an appeal in the Gauhati High Court against the judgment and Order dated 29.11.2000 passed by the Hon'ble C.A.T, Guwahati Bench.

7. That with regard to the statements made in paragraph 12 of the Contempt petition the deponent has no comments.

8. That with regard to the statements made in paragraph 13 and 14 of the Contempt petition the deponent begs to submit that he has no intention to disobey the order of the Hon'ble Tribunal and Gauhati High Court. The matter was forwarded to the competent authority of the Kendriya Vidyalaya Sangathan.

The said authority preferred a special leave petition against the judgment and final order dated 27.7.2001 passed by the Gauhati High Court.

9. That with regard to the statements made in paragraphs 15, 16 and 17 of the Contempt petition the deponent begs to submit that there is no wilful disregard in complying with the order of the Hon'ble Tribunal.

10. That this affidavit is made bonafide and in the interest of justice.

V E R I F I C A T I O N

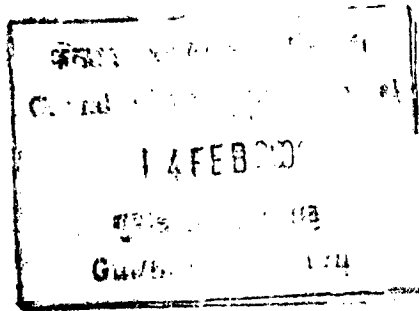
I, Sri Deo Kishan Saini, son of Sri C.L Saini, aged about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region do hereby verify that the statements made in paragraphs 1, 5, 7, 9, 10 are true to my knowledge and those made in paragraphs 3, 4, 6 and 8 are based on records.

And I sign this verification on this the 30th day of ~~January~~ 2002 at Guwahati.

Place : Guwahati

Sri Deo Kishan Saini
DEPONENT

Date



Filed by:
Sri V. K. Gupta
Chargé
Dipankar Borgehain,
Advocate
14/2/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Contempt Petition No. 54/2001

in

O.A No. 37/2000(T)

Sri Ashim Paul

.... Petitioner

-Vs-

Sri V. K. Gupta

.....Contemner No.1

An affidavit filed on behalf of the Contemner No.1

I. Sri V.K. Gupta, Assistant Commissioner, (Admn)
Kendriya Vidyalaya Sangathan, Headquarter, Delhi, solemnly
affirm and declare as follows :

1. That I have been impleaded as Contemner No.1 in the instant case. A copy of the Contempt Petition filed by the petitioner has been served upon me. I have gone through the same and understood the contents thereof. Save and except what has been specifically admitted in the this affidavit and those which are matters of record to the extent the documents on record support them all the averments and submissions in the Contempt petition may be treated to have been denied by the deponent.

2. That with regard to the statements made in paragraph 1 & 2 of the Contempt petition the deponent has not



comments.

3. That with regard to the statements made in paragraph 3 of the Contempt petition the deponent begs to submit that the petitioner has mislead the Hon'ble Court. The petitioner was not allowed to join his duties. As per records of Kendriya Vidyalaya, Upper Shillong there exists no joining report nor does the petitioner's name appear in the attendance register or pay bill etc.

4. That with regard to the statements made in paragraph 4 and 5 of the Contempt petition the deponent begs to submit that in compliance with the order of the Hon'ble Delhi High Court the order of appointment dated 15.12.97 issued by Dr. K.C. Rakesh, the then Assistant Commissioner, KVS, RO, Guwahati after his termination on 11.12.97, appointing the petitioner to the post of LDC was declared to be non-est being null and void and without any legal effect whatsoever, keeping in view the above facts the petitioner was not allowed to join the mentioned post.

5. That with regard to the statements made in paragraphs 6 and 7 of the Contempt petition the deponent has no comments.

6. That with regard to the statements made in paragraph 8 and 11 of the Contempt petition the deponent begs to



state that the same relates to respondent No.2 as such the deponent has no comment.

7. That with regard to the statements made in paragraph 12 of the Contempt petition the deponent has no comments.

8. That with regard to the statements made in paragraph 13 and 14 of the Contempt petition the deponent begs to state that the same relates to respondent No.2 as such the deponent has no comment.

9. That with regard to the statements made in paragraphs 15, 16 and 17 of the Contempt petition the deponent begs to submit that there is no wilful disregard in complying with the order of the Hon'ble Tribunal.

10. That this affidavit is made bonafide and in the interest of justice.

.... Verification



VERIFICATION

I, Shri V.K. GUPTA, son of Sri Late B.D. GUPTA, aged about 57 years, presently working as the Assistant Commissioner (Admn), Kendriya Vidyalaya Sangathan, Headquarters, Delhi, do hereby verify that the statements made in paragraph 1, 2, 5, 6 & 10 are true to my knowledge and those made in paragraphs 3, 4 are based on records.

And I sign this verification on this the 08th day of February, 2002 at New Delhi.

Place : New Delhi

Dated 8-2-2002



1 Identify the deponent who has
Signed/Put T. I. in my Presence

DEPONENT

A. Y. Datta

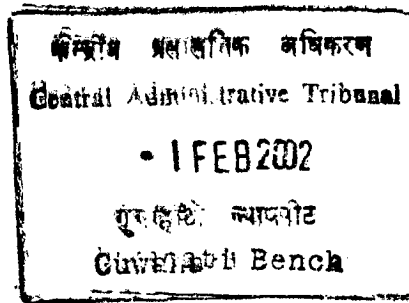
Kendriya Vidyalaya Sangathan
New Delhi-110016

I, A. Y. Datta, do hereby declare that the above statement is true to the best of my knowledge.

Signed at New Delhi on 08/12/2016

A. Y. Datta

Joint Commissioner New Delhi



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Contempt Petition No. 54/2001

in

O.A No. 37/2000(T)

Sri Ashim Paul

..... Petitioner

-Vs-

Sri R.K. Gautam

.....Contemner No.3

An affidavit filed on behalf of the Contemner No.3

I. Sri R. K.Gautam, Principal, Kendriya Vidyalaya
Upper Shillong, Shillong, Shillong solemnly affirm and
declare as follows :-lows :

1. That I have been impleaded as Contemner No.3 in the
instant case. A copy of the Contempt Petition filed by the
petitioner has been served upon me. I have gone through the
same and understood the contents thereof. Save and except
what has been specifically admitted in the this affidavit
and those which are matters on record to the extent the
documents on record support them all the averments and sub-
missions in the Contempt petition may be treated to have
been denied by the deponent.

2. That with regard to the statements made in para-
graph 1 & 2 of the Contempt petition the deponent has not

comments.

3. That with regard to the statements made in paragraph 3 of the Contempt petition the deponent begs to submit that the petitioner has mislead the Hon'ble Court. The petitioner was not allowed to join his duties. As per records of Kendriya Vidyalaya, Upper Shillong there exists no joining report nor does the petitioner's name appear in the attendance register or pay bill etc.

4. That with regard to the statements made in paragraph 4 and 5 of the Contempt petition the deponent begs to submit that in compliance with the order of the Hon'ble Delhi High Court the order of appointment dated 15.12.97 issued by Dr. K.C. Rakesh, the then Assistant Commissioner, KVS, RO, Guwahati after his termination on 11.12.97, appointing the petitioner to the post of LDC was declared to be non-est being null and void and without any legal effect whatsoever, keeping in view the above facts the petitioner was not allowed to join the mentioned post.

5. That with regard to the statements made in paragraphs 6 and 7 of the Contempt petition the deponent has no comments.

6. That with regard to the statements made in paragraph 8 and 11 of the Contempt petition the deponent begs to

submit that the same relates to respondent No.2 as such the deponent has no comment.

7. That with regard to the statements made in paragraph 12 of the Contempt petition the deponent has no comments.

8. That with regard to the statements made in paragraph 13 and 14 of the Contempt petition the deponent begs to states that the same relates to respondent No.2 as such the deponent has no comment.

9. That with regard to the statements made in paragraphs 15, 16 and 17 of the Contempt petition the deponent begs to submit that there is no wilful disregard in complying with the order of the Hon'ble Tribunal.

10. That this affidavit is made bonafide and in the interest of justice.

..... Verification

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VERIFICATION

I, SHRI RADHEY KRISHAN GAUTAM S/O Shri (late)
U.S. Gautam 51 years ,Presently working as Principal Kendriya
Vidyalaya Upper Shillong, P.O. Nonglyor, Shillong -9 do hereby verify
that the statement made in paragraph 1,2,5,6 to 10 are true to my
knowledge and those made in paragraph 3,4 are based
on records.

And I sign the verification on this 30th day of January
,2002 at Guwahati.

Place : Guwahati

Date 30-1-2002

Radhey Krishan Gautam
DEPONENT