

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

ORDER SHEET

Contempt Application No. 57/2001

$\tilde{m} \approx 0.4 \cdot 68 / 2000 \text{ (T)}$

Applecant(s) :- K. K. Singh

Respondant(s): - S. P. Banri

Advocate for the Applicant :- Mr. M. Chanda, Ms. N. D. Soraeni
Mr. G. N. Chatterjee

Advocate for the Respondant:- case

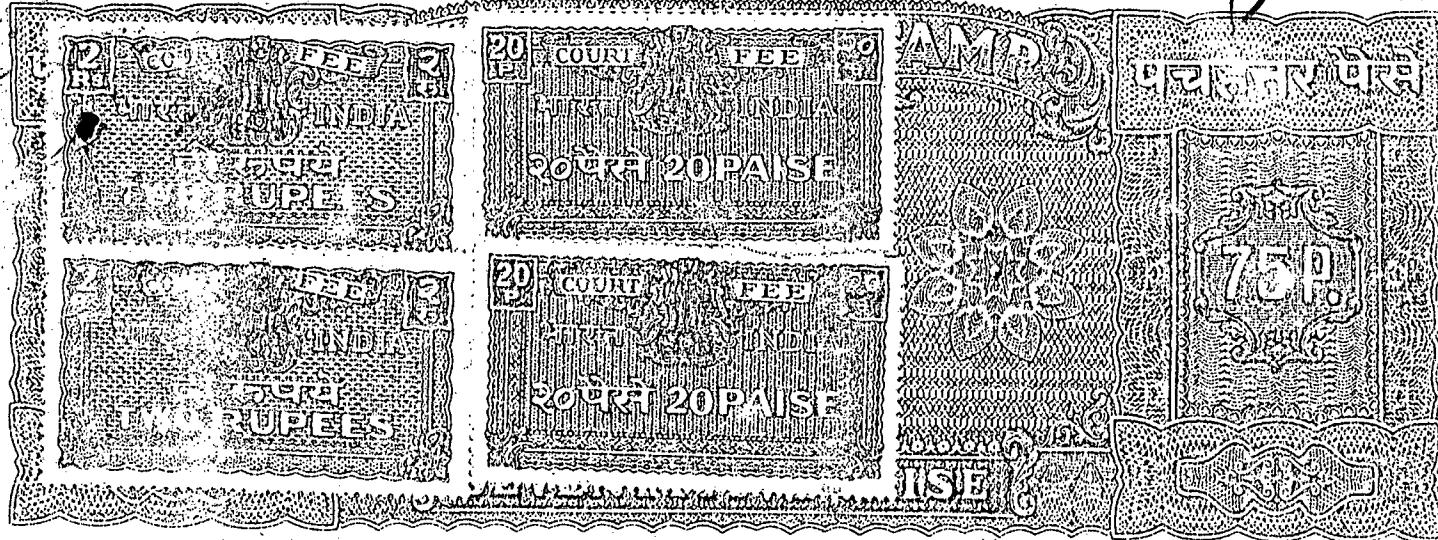
Notes of the Registry	Date	Order of the Tribunal
This Contempt application has been filed by the Counsel for the petitioner praying for initiation of a Contempt proceeding against the alleged Contemner for non-compliance of the Judgement and order dated 23.2.2001 passed by this Hon'ble Tribunal in O.A 68/2000(T).	21.12.01 mb 29.1.02	Issue notice as to why the contempt proceeding shall not be initiated. List on 29.1.2002 for order.
Laid before the Hon'ble Court for further orders.		I C Ullah Member
Section 175 Section 89 P.D.	mb	Vice-Chairman
Steps taken Notice prepared and sent to D/18 for min the Respondent No 1 to 3 by Regd A.D.		It has been stated at the bar by Sri M.Chanda, learned counsel for the applicant that against the judgment and order dated 23.2.2001 passed in O.A.68/2001 the respondents moved the High Court and the High Court issued the notice of motion in W.P.(C) No.4511/2001. The matter is under examine in the High Court and the High Court has stayed the operation of the impugned order. In the circumstances, the Contempt Proceeding stands dismissed at not pressed.
D/No 89 Dated 07/1/02	81/102	I C Ullah Member
		Vice-Chairman

2
No reply has been
billed.

30
28/1/02.

8/2/2002

Copy of the order
has been sent to the
D/Secy for recd by
the date to the
L/Advocates for 15
parties.



प्रतिलिपि के लिए जरूरी की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित रास्ता सूचित करने की तिथि 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.
29.6.2001	30.6.2001	30.6.2001	30.6.2001	30.6.2001

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:
MIZORAM AND ARUNACHAL PRADESH)

W.P.C. NO. 4511/2001.

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi 16, represented by its Assistant commissioner, Kendriya Vidyalaya Sangathan, Regional office, Guwahati-11 Kamrup, Assam.
2. The Principal Kendriya Vidyalaya, Namrup, P.O. Farbatpur 786623, Dist-Dibrugarh, Assam.

... Petitioners.

-Vs-

Shri Krishna Kanta Singh, son of Shri Ramjanam Singh, resident of Nagalblong, Namrup, P.O. Parbatpur, Dist-Dibrugarh, Assam.

... Respondent.

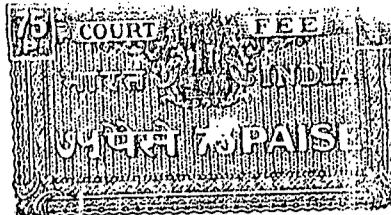
::PRESENT::

THE HON'BLE MR. JUSTICE A.K. PATNAIK,
THE HON'BLE MR. JUSTICE D. BISWAS,

For the petitioner:- Mr. B. Banerjee, Mr. SC Biswas, Mr. K. Bhattacharjee, Mr. M.K. Majumdar.

For the respondent:-

Contd... 2/-



m -2-

Date:-27.6.2001. ORDER

Heard Mr. B. Banerjee, learned counsel for the petitioners.

Let a notice issue calling upon the respondent to show cause as to why the appeal shall not be admitted as prayed for; or why such further or other orders should not be passed as this court may deem fit and proper.

The notice is made returnable within 6 weeks.

The prayer for interim orders shall be considered after notice.

In the meantime, the impugned order dated 23.2.2001 passed in O.A. No. 68/2000 by the central Administrative Tribunal, Guwahati shall remain stayed.

Steps shall be taken for service of notice on the respondent by Friday.

Sd/- D. BISWAS.

Sd/- A.K. PATNAIK,

JUDGE.

JUDGE.

PNO 11442
29.6.

WITNESS BY.....

BY.....

RE.....

1/M
30/6
Mr. B.
30/6
A.K.
30/6

Krishna Krishnayogi
Supreme Court
High Court
TO Dated 30/6/2001

Okhund
30/6

Sh. S.C. Biswas
pleaza Building Lakshetra
Rly Ghat No: 02
Guwahati - 78
ph. - 511338 (0361)
Ans. M. K. Majumader
ph: 472836

Contempt

19 OCT

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

C.P. 57/2001

Contempt Petition No. /2001

In O.A. No.68 of 2000(T)

In the matter of :

Sri Krishna Kant Singh

.....Petitioner

-Versus-

Sri S.P.Bauri

....Alleged Contemner

-AND-

In the matter of :

An Application under Section 17 of the
Administrative Tribunals Act, 1985 praying for
initiation of a contempt proceeding against the
alleged contemner for non-compliance of the
judgment and order dated 23-02-2001 passed
in O.A. No.68/2000. (T)

-AND-

Filed by the applicant
through advocate Sri
G.N. Chakraborty on
29-10-2001. Shri

In the matter of :

Sri Krishna Kant Singh,
Son of Late Babu Lal Singh
C/o Ramjanam Singh
At Nagadolong, Namrup
P.O. Parbatpur-786623,
District-District-Dibrugarh, Assam.

-Versus-

1. Sri S.P. Bauri
Assistant Commissioner
Kendriya Vidyalaya Sangathan,
Regional Office
Cachar-788004, Assam.
2. Sri S.M. Kaire, Commissioner,
Kendriya Vidyalaya Sangathan,
J.N.S. Campus, New Delhi.
3. Sri K.N. Bhatt, Principal,
Kendriya Vidyalaya, Namrup,
P.O. Parbatpur-786623, Assam.

.....Alleged Contemner

The humble petitioner above named :

Most Respectfully Sheweth :

1. That your applicant being highly aggrieved due to termination of his service as Laboratory Attendant vide order of termination issued under No. F83/KVN/88-89/291 dated 14.9.1988 by Principal, KV, Namrup, approached this Hon'ble Tribunal for redressal of his grievances by filing an Original Application No. 68/2000(T).

d

2. That Hon'ble Tribunal, after hearing the contestants and having examined the facts and circumstances of the case, was pleased to allow the application and passed the order on 23.02.2001 in O.A. No. 468/2000(T) with the following directions:

"For the foregoing reasons stated above, the impugned order of termination issued under Ref. No. F.83/KVN/88-89/391 dated 14.9.1988 cannot be sustainable accordingly the same is set aside. The respondents are directed to reinstate the applicant in service forthwith with full back wages. Mr. P.K.Tiwari, the learned counsel appearing on behalf of Dr. B.P.Todi, however submitted that the order of awarding full back wages would cause financial strain on the Respondents. Mr. Tiwari therefore submitted that on the principle of no work no pay the direction for back wages need to be rescinded. We, are not inclined to accept the submission of Mr. Tiwari, since we found the purported termination order to be a patently arbitrary, discriminatory and unlawful.

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

(Copy of judgment and order dated 23.2.2001 is annexed herewith as Annexure-I.)

3. That the applicant thereafter approached the Principal, KV, Namrup time ^{02,} and again with a copy of order dated 23.2.2001 for joining duty but the Principal refused to receive the same. Being compelled, the applicant then addressed one application dated 24.5.2001 to the said Principal and sent the same along with a copy of the order dated 23.2.2001 under Registered Post to the Principal, KV, Namrup.

(Copy of the application dated 24.5.2001 is annexed herewith as Annexure-II.)

4. That, finding no response, the applicant eventually sent one application dated 31.7.2001 to the contemner, the Assistant Commissioner, KVS, Silchar, enclosing therewith a copy of the order dated 23.2.2001 and praying for his reinstatement in accordance with the order dated 23.2.2001 passed by the Hon'ble Tribunal. It is pertinent to mention here that it is the said Contemner i.e. the Assistant Commissioner, K.V.S. Silchar Region, Silchar under whose direction, the service of the applicant was terminated by the Principal, K.V., Namrup.

(Copy of the application dated 31.7/2001 is annexed herewith as Annexure-III).

5. That the applicant begs to state that in spite of repeated approach and applications the contemner did not show the slightest regard to the order of the Hon'ble Tribunal and most deliberately and wilfully did not take any initiative of the order dated 23.2.2001 passed in O.A. No. 68/2000(T) which amounts to contempt of court and therefore, the Hon'ble Tribunal be

pleased to initiate a contempt proceeding against the alleged contemner for deliberate non-implementation of the Tribunal's order.

6. That it is a fit case of the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of the order dated 23.02.2001 passed by the Hon'ble Tribunal in O.A. No. 68 of 2000 (T).
7. That this application is made bona fide and for the ends of justice.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the alleged contemners for wilful non-compliance of the order dated 23.02.2001 passed in O.A. No. 68/2000 (T) and further be pleased to impose punishment upon the alleged contemners in accordance with law and further be pleased to pass any such other order or orders as deem fit and proper by the Hon'ble Tribunal.

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

AFFIDAVIT

I, Sri Krishna Kanta Singh, son of Late Babu Lal Singh, aged about years resident of C/o Ramjanam Singh, at Nagadolong, Namrup, P.O. Parbatpur, District Dibrugarh, Assam, do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-6 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's order dated 23.02.2000 passed in O.A. No.68/2000 (T).

And I sign this Affidavit on this the 19th day of October, 2001.

Identified by

G.N. Chakravarty

Advocate

Krishna Kanta Singh

Solemnly affirmed and declared before me by the deponent who is identified by Sri *G.N. Chakravarty* Advocate on this the 19th day of October, 2001.

W.M.L.
Advocate

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 order of the Hon'ble Tribunal dated 23.02.2000(T) passed in O.A. No.68/2000 (T) and further be pleased to impose punishment upon the alleged Contemners/Respondents for wilful and deliberate non-compliance of order dated 23.02.2001 passed in O.A. No.68/2000(T).

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: ::::: GUWAHATI.

Applicant
By Post

DESPATCH NO. CAI/GHY/JUDL/ 2024

DATED GUWAHATI, THE 5/6/07

✓ ORIGINAL APPLICATION NO. : 68/2000 (T)

MISC. PETITION NO. :

CONTEMPT PETITION NO. :

REVIEW APPLICATION NO. :

TRANSFER APPLICATION NO. :

Shri K.K. Singh

APPLICANT(S)

VERSUS

Mr O.E. v. Drs.

RESPONDENT(S)

To:

Shri K.K. Singh,

C/o Ramjanam Singh,

At Ngadolong Namsup,

P.O. Parbatpur,

Dist. Dibrugarh, Assam.

Please find herewith a copy of Judgment/Order dated 23.2.2007
passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Justice
Shri D.N. Choudhury Vice-Chairman and Hon'ble Shri
K.K. Sharma Member, Administrative in the above noted
case for information and necessary action, if any.

Please acknowledge receipt of the same.

BY ORDER

For 5(b) and
DEPUTY REGISTRAR.

Enclo. : As stated above.

Attested
Wali
Advocate

4/6/2007

- 8 -
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 68 of 2000 (T).

Date of decision : This the 23rd day of February, 2001.

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

Hon'ble Mr. K.K.Sharma, Member (A).

Shri K.K.Singh;
C/o Ramjanam Singh
At Ngadolong Namrup
P.O. Parbatpur
Dist. Dibrugarh (Assam)

...Applicant

None appears for the applicant.

-versus-

1. The Commissioner of
Kendriya Vidyalaya Sangathan
17 B Indraprastha Marg,
New Delhi.

2. The Assistant Commissioner
KVS Regional Office
Silchar-788004.

3. The Chairman
Kendriya Vidyalaya
Management Committee
Namrup, P.O. Parbatpur,
Dist. Dibrugarh (Assam).

4. The Principal
Kendriya Vidyalay
Namrup
P.O. Parbatpur -786623
Dist. Dibrugarh (Assam).

...Respondents

Advocate Mr. P.K.Tiwari on behalf of Dr. B.P.Todi,
Standing counsel for the KVS.

O R D E R (ORAL).

CHOWDHURY J. (v.C.).

This application has been filed under Section 19 of the
Administrative Tribunals Act 1985, assailing the legality of
the order terminating the service of the applicant, who was
serving as Laboratory Attendant on regular basis in Kendriya
Vidyalaya, Namrup. The impugned order itself indicates that

the service of the applicant was terminated not by the Principal, the appointing authority on his own but seemingly at the direction of the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar. The applicant was appointed as Laboratory Attendant on regular basis on 1.5.1988 vide memorandum No. F/KVN/88-89/53 dated 1.5.88/7.5.88 and the applicant joined the post on 2.1988. It appears that his appointment was called for and the same was sent to the Assistant Commissioner vide communication dated 1.7.1988. By an order dated 17.8.1988 the Principal, Kendriya Vidyalaya, Namrup ordered the applicant to go on leave with effect from 18.8.1988 until further orders due to the turn of events engineered by the local AASU -an organisation of students. The service of the applicant was terminated by an order dated 14.9.1988 on the ground that his appointment was irregular. Hence the present application.

The respondents filed its written statement. In the written statement the respondents that the appointment of the applicant was made in contrary to the Sangathan circular. It was also stated by the respondents in the written statement that in view of the appointment of the applicant a great resentment expressed by the All Assam Students Organisation. There was a pressure on the Principal and Vidyalaya Management Committee as well as the Kendriya Vidyalaya and also the Project Authority i.e. Hindustan Fertilisers Corporation Ltd., Namrup Unit as regards the appointment of the applicant. The situation deteriorated such extent that Principal of the KVS, Namrup was gheroed on 18.8.1998 by the students union. Considering the pros and cons of the matter the Resident Chief Executive of the Hindustan Fertilisers Corporation Ltd. constituted an Enquiry Committee comprising the Chairman, Cidyalaya Namrup and CPO of Hindustan Fertilisers Corporation Ltd. The Committee resolved that the

Contd..

applicant should ask to go on leave so that the law and order situation was not disturbed in the Vidyalaya and the Assistant Commissioner was apprised of the fact. The Assistant Commissioner advised the Principal to terminate the service of the applicant and accordingly his service was terminated.

3. From the facts narrated above, it is thus clear that the applicant was terminated from service at the instance of some stranger body. The respondent No.4 mechanically exercised the discretion and act as per direction of the Assistant Commissioner, Regional Office, Silchar.

4. For the foregoing reasons stated above, the impugned order of termination issued under Ref. No. F.83/KVN/88-89/391 dated 14.9.88 cannot be sustainable accordingly the same is set aside. The respondents are directed to reinstate the applicant in service forthwith with full backwages. Mr. P.K.Tiwari, the learned counsel appearing on behalf of Dr. B.P.Todi, however submitted that the order of awarding full backwages would cause financial strain on the Respondents. Mr. Tiwary therefore submitted that on the principle of No Work No Pay the direction for back wages need to be rescinded. We, are not inclined to accept the submission of Mr. Tiwari, since we have found the purported termination order to be a patently arbitrary, discriminatory and unlawful.

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

TRUE COPY

अधिकारी

5(b) 2/1988
W.S.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Section Officer (S)

असमीय अधिकारी (नगरपाल शास्त्र)
Central Administrative Tribunal

काम्पान नगरपाल अधिकारी
Guwahati Bench, Guwahati

प्राप्तिकारी अधिकारी, असम
Ku/6/1988

REGISTERED WITH A/D

To

The Principal,
Kendriya Vidyalaya,
Namrup,
P.O. Parbatpur,
Dist. Dibrugarh.

Date: 24-5-2001.

Sub :- Joining report as Laboratory Attendant in your
Vidyalaya.

Ref :- NOCAT/GHY/JUDL/1097
Original Application No. 68/2000(T) 22/2/2001.

Sir,

With reference to the above I would like to state that I went to your office with a copy of the order passed by the Hon'ble High Court at Guwahati on several occasions, but you expressed your inability to receive the same for the reasons best known to you.

Hence, I am sending the copy of the order of the Hon'ble Court by registered letter to you for your compliance and intimation to me immediately.

With regards,

Yours faithfully,


(K.K. SINGH),
Naga Dalong,
Namrup,
P.O. Parbatpur,
Dist. Dibrugarh.

Attested
W.D. Singh
Advocate

To,

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Silchar -788004.

Date: 31-07-2001.

Sub :- Joining report as Laboratory Attendent in the Kendriya Vidyalaya, Namrup, Post. Parbatpur, Dist. Dibrugarh, Assam.

Re :- No. CAT/GHY/JUDL/1097.
Original application No. 68/2000(T) 28-2-2001.

R/Sir,

With reference to the subject cited above I would like to inform you that I was serving as Lab. attendant as regular basis in the Kendriya Vidyalaya Namrup under your regional Office, Silchar. My service was terminated by the Ex-Principal Sri R.K. Yadav. Then I filed a suit against the KVS in the Central Administrative Tribunal Guwahati. Then the Court has ordered me to Join my duty immediately in the former place.

Then I went in the office of the Principal K.V. Namrup with a copy of the order passed by the hon'ble Court(CAT) Guwahati on several occasion. But the Principal expressed him inability to allow to join my duty without your permission.

So, I request you to kindly to allow me to join my duty as soon as possible please. The Judgement copy is enclosed herewith.

Thanking you.

Yours faithfully,



7-7-01

(K.K. SINGH)

C/O. Ram Janam Singh
At Nagadolong, Namrup.
P.O. Parbatpur
Dist. Dibrugarh (Assam)

Attested-
M. K. Singh
Advocate