

11

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. _____
Misc. Petition No. _____
Contempt Petition No. 16/2002 in O.A. 292/2000
Review Application No. _____

Applicant(s) Hirzenmay Deka Ghosh

Respondent(s) H.O.P. Joms

Advocate for Applicant(s) B.K. Sharma, S. Sarma, Min U. Das

Advocate for Respondent(s) Addl. C.S.C. B.C. Pathak for Contemner No. 1, 2 & 3.

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

This Contempt petition
has been filed by
the applicant - for
drawing up Contempt
Proceeding against the
Contemners for willful
and deliberate of the
Judgement and order
dated 10.8.2001 passed
by this Honble Tribunal
in O.A. 292/2000.

Laid before the
Honble Tribunal for 7.6.02
for further orders.

Section Officer

Heard Mr. S. Sarma, learned counsel
for the applicant.

Issue notice to show cause as to why
the contempt proceeding shall not be
initiated.

List the matter on 7/6/2002 for
orders.

Member

Vice-Chairman

Mr. B.C. Pathak, learned Addl. C.G.S.C.
appeared on behalf of the Respondents No. 2
and prayed for time for filing reply. Await
service report against the Respondent No. 1.

List on 4.7.2002 for orders.

Member

Vice-Chairman

2
Steps Taken, Notice
Prepared and sent to
D/S for using the
respondent No 1403
Do Regd. A.D. 10
9/5/02

SINo 1500 to 1502

Dtd 27/8/02

No reply has been
biled.

30
6.6.02.

No reply has been
biled.

30
12.8.02.

No reply has been
biled.

30
3.9.02.

4.7. Due to circuit bench at
Agartala, the cases
adjourned to 18.7.2002.

17/6
A.K. 4.7.

18.7.2002 The respondents have entered
appearance through Mr. B. C. Pathak,
learned Addl. C.G.S.C. and Mr. Pathak
prays for time to file a reply.
List the case on 13.8.2002
enabling the respondents to file
reply.

ICU Sharma
Member

Vice-Chairman

bb

13.8.2002

List the case after three weeks
enabling the respondents to file its
reply or instruction so far received.
List on 4.9.2002.

ICU Sharma
Member

Vice-Chairman

bb


C.P. 16/2002

Notes of the Registry	Date	Order of the Tribunal
	4.9.02	<p>Heard Miss U.Das, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents.</p> <p>Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents stated that against the judgment and order dated 10.8.2001 passed in O.A. No. 292/2000 the Respondents approached the High Court by way of Writ Petition which is numbered and registered as W.P.C. No. 4300/2002 and the High Court suspended the operation of the judgment and order of the Tribunal.</p> <p>In this circumstances, the Contempt proceeding stands dropped.</p>

Order dtd 4/9/02
Communicated to the
Parties Comd.
J
9/9

mb

ICUShan
Member


Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by
Alsha Das,
Advocate
29/4/02

C.P. No.16.../02

O.A No. 292/2000

IN THE MATTER OF :

An application under Section 17 of
the Central Administrative Tribunal
Act.1985 for drawing up contempt
proceeding against the contemnors
for willful and deliberate of the
judgement and order dated 10.8.2001
passed in OA No.292/2000.

AND

IN THE MATTER OF :

Shri Hiranmoy Ghosh
Sr.Telephone Supervisor (P)
Grade-IV (BCR)
Office of the SDE (E-10B) (MDF & PP)
Daccai Patty, Silchar.
..... Petitioner.

-versus-

1. Shri G.S.Grover

The Chief General Manager, Telecom
Assam Circle, Ulubari.

2. Shri Srihari Rai

The General Manager, Telecom
Silchar SSA.

- 2 -

b

3. Shri Indrajeet Rudrapaul

The Divisional Engineer (P&A)
Office of the General Manager
Telecom, Silchar.

..... Contemners.

The humble petition on behalf of the petitioner
above named;

MOST RESPECTFULLY SHEWETH:

1. That the petitioner is presently working as Sr.Telecom Supervisor under the Contemners. By an order dated 20.7.98, he was promoted as Chief Telecom Supervisor, Grade-IV under BCR scheme. The contemners by an order dated 21.6.00 canceled the said promotion order dated 20.7.98 and he was reverted to his substantive post of Sr.Telephone Supervisor. Challenging aforesaid order dated 21.6.00 the petitioner preferred OA No.292/00 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA setting aside the order dated 21.6.00 directing the respondents to provide all consequential benefit to the petitioner.

A copy of the said Judgement and Order dated
10.8.01 is annexed herewith and marked as
Annexure-1.

2. That the aforesaid Judgement and order dated 10.8.01 was duly communicated to the Respondent No.3 of the said OA and the Registry of this Hon'ble Tribunal has also communicated the same to all the Respondents. However, the respondents inspite of having full knowledge about the

Judgement and order dated 10.8.01 have not yet implemented the same and have violated the direction contained in the said judgement.

3. That the petitioner begs to state that the contemnors even after repeated request have not yet implemented the said judgement. It is stated that there is no ambiguity in the said judgement and order dated 10.8.01 and the direction contained in it's operative paras are very much clear. And the contemnors ought to have no difficulty in implementing the same.

4. That the petitioner begs to state that to the best of his knowledge the contemnors have not yet apprised this Hon'ble Tribunal regarding the delay in implementing the aforesaid judgement and order dated 10.8.01 and hence they have committed contempt of court's order, and therefore, all the contemnors are liable to be punished for contempt of court's order.

5. That the petitioner begs to state that the contemnors willfully and deliberately violated the judgement and order dated 10.8.01 passed in OA No.292/00 and for that all the contemnors are liable to be punished for their such willful and deliberate violation. It is therefore prayed that this Hon'ble Tribunal may be pleased to draw up contempt proceeding against the contemnors and to punish them accordingly.

6. That this contempt petition has been filed bonafide and to secure ends of justice.

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- 4 -

In the premises aforesaid it is most respectfully prayed that Your Lordships would graciously be pleased to draw up contempt proceeding against the contemnors for their willful and deliberate violation of the direction contained in the judgement and order dated 10.8.01 passed in OA No.292/00 by this Hon'ble Tribunal and to punish them accordingly, and to direct them to implement the said judgement and/or be pleased to pass any such order/orders as may be deemed fit and proper.

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

DRAFT CHARGE

WHEREAS the contemners namely Shri G.S.Grover, the Chief General Manager, Telecom, Assam Circle, Ulubari., Shri Srihari Rai, the General Manager, Telecom, Silchar SSA., Shri Indrajeet Rudrapaul, the Divisional Engineer (P&A), Office of the General Manager, Telecom, Silchar are liable for punishment for their willful and deliberate violated the Judgement and order dated 10.8.01 passed in DA No.292/00 by this Hon'ble Tribunal.

6 -

AFFIDAVIT

I, Shri Hiranmoy Ghosh, son of Late Haripada Ghosh, aged about 58 years, Sr. Telephone Supervisor (P), Grade-IV Office of the SDE (E 10B) (MDF & PP), Deccai Patty, Silchar, do hereby solemnly affirm and state as follows ;

1. That I the Petitioner in the aforesaid Misc. Petition and as such fully acquainted with the facts and circumstances of the case and hence competent to swear this affidavit .

2. That the statements made in this affidavit and in the accompanying petition in paragraphs 2,3,4,5,6 are true to my knowledge and those made in paragraphs 1 are matters records which I believed to be true and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this affidavit on this the 29th day of April, 2002 at Guwahati.

Identified by:
Advocate. Usha Das

Hiranmoy Ghose
Deponent.

Solemnly affirm and declared by the deponent, who is identified by Miss U. Das Advocate on this the 29th day of April, 2002.

6-A

ANNEXURE - 1

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

Applicant
By Post

DESPATCH NO. CAT/GHY/JUDL 3242

DATED GUWAHATI, THE 28-8-01

✓ ORIGINAL APPLICATION NO : 292/2000
MISC. PETITION NO. :
CONTEMP PETITION NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :

Sri Hiranmoy Ghosh

APPLICANT(S)

VERSUS

U. O. I. in on

RESPONDENT(S)

To

Sri Hiranmoy Ghosh,
Sr. Telephone Supervisor (P)
O/o The SDE (E-10B) (MDF & PP)
Daccaipatty, Silchar.

Please find herewith a copy of Judgment/Order dated
10.8.2001 passed by the Bench of this Hon'ble Tribunal comp-
rising of Hon'ble Justice Shri D. N. Chowdhury
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.

Enclo : As stated above.

BY ORDER,

DEPUTY REGISTRAR.

Attested

Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.292 of 2000

Date of Order: This the 10th Day of August 2001

HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

Sri Hiramoy Ghosh, Chief Telephone of
Supervisor (P) Grade IV in BCR Scheme since
reverted to the post of Senior Telephone Supervisor(P) Office
of the SDE(E-10B)(MDF & PP), Daccaipatty,
Silchar. ... Applicant.

By Advocate Mr.B.K.Sharma, Mr.S.Sarma

-Vs-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication, Sanshar Bhawan, New Delhi-1.
2. The Chief General Manager, Telecommunication,
Assam Circle, Ulubari Guwahati-7.
3. The General Manager, Telecom,
Silchar SSA, Silchar
4. Divisional Engineer(P&A) Office of the
General Manager, Telecom,
Silchar. ... Respondents.

By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R.

CHOUDHURY, J(VC):

By order dated 20.7.98 the applicant was promo-
ted to the officiate as Chief Telephone Supervisor Grade-IV
under BCR scheme in the scale of Rs. 6500/-200-10,500/-p.m.
By the impugned order dated 21.6.2000 the aforementioned
order of promotion given effect to ~~that the order dated~~
~~21.7.98~~ was cancelled and was reverted to his substantive
post of Senior Telephone Supervisor with effect from
21.06.2000. Hence this application.

Attested
Advocate

We have heard Mr.B.K.Sharma, Sr.counsel and assisted by Mr.S.Sarma learned counsel for the applicant and also Mr.A.Deb Roy, Sr.C.G.S.C. for the respondents at some length.

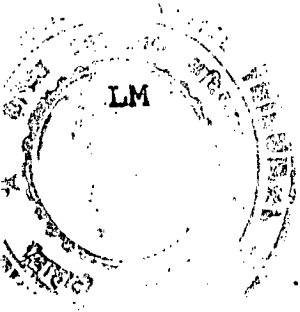
The respondents have submitted the written statement. In the written statement the respondents have submitted that on review of the cases on receipt of the complaints revealed that the applicant had superseded his basic grade Senior officials in BCR at the time of DPC. Admittedly, the impugned order of reversion was passed in violation of principle of natural justice. The applicant was promoted under the BCR scheme but the impugned order has been issued stating that the promotion of the applicant was found on erroneous/the purported review. In the impugned order mentioned about the letter No.22-6/94-TE.II dated 8.9.99. As per said letter dated 8.9.99 the promotion to Gr.IV was earlier being done on the basis of seniority in BCR. The issue was challenged in the Court. In view of the judgment of Principal Bench, New Delhi upheld by the Supreme Court, it was decided ^{that} in supersession of earlier instructions that promotion to Gr.IV may be given from amongst officials in Gr.III on the basis of their seniority in the basic cadre restricting the number of officials thus promoted strictly to 10% of the posts placed in Gr.III. The said communication indicated the judgment of Hon'ble C.A.T, Ahmedbad Bench dated 11.4.97. The said communication itself indicated that some of the officials already promoted to Group IV became ineligible and were facing reversion and therefore, enjoined upon the officials to protect those person from reversion those who were promoted to the BCR Scheme.

In the facts and circumstances the impugned order dated 21.6.2000 is set aside. The respondents are directed to provide all consequential benefits to the applicant.

Application is allowed to the extent indicated above. There shall however, no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)



TRUE COPY
प्रतिनिधि

Section Officer (J)
आयुक्त अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati
गुवाहाटी बेंच, गुवाहाटी-७

KS
24/8/2001

AGG-2
Wm
AGG-2