

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. _____

Misc Petition No. _____

Contempt Petition No. 24 / 2002 (OA 320/2000)

Review Application No. _____

Applicants. Md. Mozamil Ali & ors.

-Vs-

Respondant(s) Sri G.S. Grover.

Advocate for the Applicant(s) Mr. B. Malakar, R. Das.

Advocate for the Respondant(s) B.C. Pathak, for Contemner No. 1.

Notes of the Registry	Date	Order of the Tribunal
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This Contempt Petition has been filed by Mr. B. Malakar, Advocate with a prayer for wilful violation of Court's order dated 26.9.2001 passed by the Honorable Tribunal in OA No. 320/2000.

31.5.02

Heard Mr. B. Malakar, learned counsel for the applicant.

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

List on 1.7.2002 for orders.


Vice-Chairman

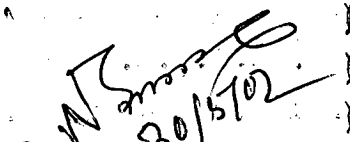
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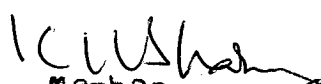
Filed before Honorable Court for orders.

1.7.02

On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents four weeks time is allowed to file reply.

List on 8.8.2002 for orders.


30/5/02
Section Officer (M)


Member


Vice-Chairman

mb

Notice attached and sent to D/S for filing the Respondent No 1 by Regd A.D. 10/6/02
D/No 1717
Dtd 11-6-02

8.8.02 The alleged contempers entered appearance through Mr. B.C. Pathak, learned Addl. C.G.S.C. but yet to file reply. List again on 30.8.2002 for filing reply, if any.

① Service completed.

K.C. Shaha
Member

[Signature]
Vice-Chairman

[Signature]
28.6.02

mb
30.8.02

No. reply has been filed.

List on 24.9.02 to enable the alleged contemnars through Mr. B.C. Pathak, learned Addl.C.G.S.C. to file reply.

[Signature]
28.8.02

[Signature]
Vice-Chairman

lm

No. written statement has been filed.

24.9.02 Heard Mr. R. Das learned counsel for the applicant. List on 8.11.02 to enable the respondents to file reply.

[Signature]
7.11.02

K.C. Shaha
Member

[Signature]
Vice-Chairman

lm

8.11.02 Heard Mr. R. Das learned counsel appearing on behalf of the applicant and Mr. B.C. Pathak learned Addl.C.G.S.C. for the Respondents. Mr. Pathak has stated that he requires some more time for filing of reply. Accordingly, three weeks time is allowed to the respondents to file reply.

No. written statement has been filed.

[Signature]
28.11.02

K.C. Shaha
Member

[Signature]
Vice-Chairman

lm

No. written statement has been filed.

29.11.02 Heard Mr. B. Malakar, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents. Mr. Pathak, learned Addl. C.G.S.C. stated that he has received the instruction and he is filing reply shortly. List on 6.1.2003 for orders.

[Signature]
3.1.03

[Signature]
Vice-Chairman

6.1.03 present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman
The Hon'ble Mr K.K.Sharma, Member (A).

This Tribunal had disposed of O.A.320/2000 on 26.9.2001. The operative part of the order passed by this Tribunal reads as under:

"The applicants may submit detailed representation individually within two weeks from today. If such representations are filed by the applicants, the Chief General Manager, Telecommunication shall cause an enquiry into the matter and after scrutinising all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made and the case of the applicants were examined, the respondents need not go into the fresh exercise, but, instead they should communicate the decision to the applicants."

Md Mozamil Ali ^{has} ~~and four others~~ presented the present Contempt Petition complaining about disobedience of the direction given by this Tribunal. Today when the matter has been called there is no appearance on behalf of the applicants. Learned counsel for the respondents intimated us that the claim of the applicants has been rejected and an order to this effect has already been passed on 27.6.02 and the same has been communicated to the applicants. This perhaps may ^{well} be the reason for non appearance of the applicants or ~~xx~~ their counsel. The fact remains that when one decision has been taken on the representation of the applicants, dated 27.6.02, necessarily no further direction is called for. The applicants, if they so advised may challenge the said order in accordance with law.

Accordingly for the aforesaid reason the rule is discharged.

K.K.Sharma
Member

V.S. Aggarwal
Chairman

17.12.02

Copy of the order has been sent to the office for issuing the same to the applicant as well as the H/Adv. for the Respd.

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केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
30 MAY 2002
 गुवाहाटी न्यायपीठ
 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH : GUWAHATI.

Filed by —
 Md. Mozammel Ali
 & 8 ors
 Thru:
 Latif Bar
 Advocate
 28/5/02

CONTEMPT PETITION NO. 24 /2002.
ARISING OUT OF OA No. 320/2000.

IN THE MATTER OF:

An application under Rule 9
 of Central Administrative
 Tribunal (Contempt of Court)
 Rules, 1986.

-AND-

IN THE MATTER OF:

Deliberate and wilful violation
 of Court's order dated 26.9.2001
 passed by the Hon'ble Tribunal
 in O.A. No. 320/2000.

-AND-

IN THE MATTER OF:

1. Md Mozamil Ali.
2. Md Islam Ali.
3. Jan Mohammad Ali.
4. Md Abul Hussain.
5. Mojimuddin Ahmed (As corrected
 vide Court's
 order dt.
 28.5.2001).
 contd...2/-

2.

6. Md Zakir Ali.
7. Md Abul Ali.
8. Sri Bipul Baidya.
9. Md Kabir Ali.

... Petitioners.

-VERSUS-

Sri G.S. Grover,
Chief General Manager,
B.S.N.L. Assam Circle,
S.R. Bora Lane, Ulubari,
Guwahati-7.

... Contemner.

This humble petition of the petitioner above-named.

MOST RESPECTFULLY SHEWETH:

1. That the humble ~~xxx~~ petitioners were engaged as casual mazdoors by the S.D.O. (Phones), Guwahati for various construction/maintenance works in 1996 and they continued as such casual mazdoors till 1998 when they were verbally disengaged from their work. During the period from 1996 they had completed 240 days in 1996, 1997 and 1998 and were thus entitled to the grant of temporary status under the 1998 scheme. The petitioners indivicually submitted representations for

contd...3/-

3.

granting them the temporary status under the rules. But, their case could not be considered by the respondent authorities for the ground best known to them.

2. That their cases not being considered the petitioners filed an application in the Hon'ble Tribunal which was registered and numbered as OA 320/2000. This application was admitted by the Tribunal on 29.9.2000 and records were called for.

3. That several adjournments were taken by the respondent side for filing written statements and records. But, not to speak of records even the written statement was not submitted by the respondents.

4. That the case came up for hearing on 26.9.2001 and the Hon'ble Tribunal after hearing the parties was pleased to allow the application as under:-

".....To adjudicate the claim of the applications, one is to make an evaluation of the facts by scrutinising the records, which will not be an easy task for the Tribunal. In the circumstances, to meet the ends of justice, the applicants who are nine in number are directed to make fresh representation before the Chief

contd...4/-

X

4.

General Manager, Telecommunication along with the materials available in support of their claim. The applicants may submit detailed representation individually within 2 weeks from today. If such representations are filed by the applicant, the Chief General Manager, Telecommunication shall cause an enquiry into the matter and after scrutinising all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made in the case of applicants were examined, the respondents need not go into the fresh exercises but instead they should communicate the decisions to the applicants....".

A copy of the order aforesaid is annexed hereto and marked as Annexure-I to this application.

5. That after passing the order by the Hon'ble Tribunal, the applicants filed their representation before the contemner on 19.10.2001 which was duly received in the office of the contemner. Along with the representation, the engagement letter, the order of the Tribunal and a copy of the earlier representation were also furnished.

One copy of such a representation is annexed

contd...5/-

d

5.

hereto and marked as Annexure-II
to this petition.

6. That the petitioners beg to state that since 18.10.2001, there has been no action taken on the ~~xxx-~~ ~~xxx~~ representation of the petitioners who are unemployed youths are passing their days in great despair. The contemner is sitting over the order of the Tribunal and had deliberately avoided the same. The action of the contemner is a clear violation of the order passed by the Tribunal and as such he is liable under the Contempt of Courts Act, 1971 for which a contempt proceeding is required to be initiated against him.

7. That the petitioners humbly submit that although there is no time frame to cause an enquiry, the contemner cannot take it as a device to take unlimited time to frustrate the cause of the petitioners. By now seven months have already passed and the petitioners are quite in the dark as to when the enquiry will be made and when will the reasoned order be passed. Therefore, the petitioners are compelled to file this contempt petition.

8. That from the above facts and circumstances, it is quite clear that the contemner has wilfully and deliberately violated the order dated 26.9.2001 passed

contd....6/-

6.

by the Hon'ble Tribunal and as such a contempt proceeding needs to be initiated against him.

Under the circumstances, it is most respectfully prayed that the Hon'ble Tribunal be pleased to admit this petition and issue notice on the contemner to show cause as to why a contempt proceeding for violating the Tribunal's order be not initiated against him.

And upon ^{showing} ~~making~~ cause and causes and hearing the parties be pleased to initiate the proceeding and furnish the contemner accordingly.

And the petitioners as in duty bound shall ever pray.

contd....7/-

A F F I D A V I T

I, Md ~~Maj~~ Mojimuddin Ahmed, aged about 25 years, son of Md Basiruddin Ahmed, resident of village Monhamic under Hajo P.S. in the district of Kamrup, Assam, do hereby solemnly affirm and declare as follows:

1. That I am one of the petitioners of this contempt petition and one of the applicants in OA 320/2000 and, assuch, I am fully conversant with the facts and circumstances of the case.

2. That the statements made in this affidavit and in para 1, 2, 5, 6, 8, are true to my knowledge and those made in para 3, 4, being matters of records are true to my information derived therefrom which I believe to be true.

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

Md. Mojimuddin Ahmed
DEPONENT

Identified by
Ratul Das
Advocate

Solembly affirmed and declared before me by the deponent who is identified by Sri R. Das, Advocate.

Guwahati

Dejjen Sarma
ADVOCATE 29/5/02

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

DRAFT CHANGE

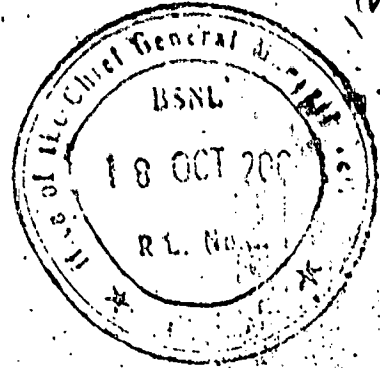
We, ()
the member constituting the Bench of CAT Guwahati
hereby charge you Sri G. S. Grover as under:-

That you violated the order of this Tribunal
passed on 21.9.2001 in OA No.320/2000 and thereby
committed the contempt of this Tribunal punishable
u/s 12 of the Contempt of Courts Act, 1971 within
our cognisance.

We hereby direct you to be tried by this
Tribunal for the aforesaid charges.

To,

The Chief General Manager (Telecom)
Annam Circle, S.R. Bora Lane, Ulubari
Guwahati.



Sub : Regularisation of Casual Masdoor.

Sir,

I was engaged as casual labourer by the cable splicer, Tazpur in January, 1994 and I continued as such till July, 1998 when my engagement was discontinued. I represented to the authority for giving me benefit of temporary status as I had work more than 240 days in a year. The representation dt. 28-06-99 was not considered.

Particulars of my engagement are as under : -

1994	---	241	days
1995	---	255	"
1996	---	265	"
1997	---	269	"
1998	---	196	"

Sir, as my case was not considered, I filed an application in the CAT, Guwahati which was registered as OA320/2000 which was disposed on 26-09-2001 wherein honorable Tribunal has directed to consider my case!

I am enclosing herewith a copy of the order passed by the Tribunal and requested you to consider my case for grant of Temporary status.

And for this, I shall remain ever grateful to you.

Yours faithfully

Enc. ----

1. Tribunal's order
2. Engagement letter
3. Representation.

Name - Md. Mujimuddin Ahmed.
Village - MOKMA
Post - Barambor.
Thana - HASO
Dist - Kamrup, Assam.

A handwritten signature in dark ink, appearing to be "Md. Mujimuddin Ahmed".

Time over
Ratim

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.320 of 2000

Date of decision: This the 26th day of September 2001

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

1. Md. Mozammil Ali
 2. Md. Islam Ali
 3. Jan Mahammad Ali
 4. Md. Abul Hussain
 5. Md. Mojumuddin Ahmed
 6. Md. Zakir Ali
 7. Md. Abul Ali
 8. Shri Bipul Baishya
 9. Md. Khabir Ali
- By Advocate Mr B. Malakar.

.....Applicants

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
 2. The Chief General Manager, Telecommunication, Guwahati.
 3. The Sub-Divisional Officer, Telecommunication, Tezopur,
- By Advocate Mr A. Deb Roy, Sr. C.G.S.C. and Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

.....
O R D E R (ORAL)



CHOWDHURY. J. (V.C.)

The only issue involved in this application pertains to conferment of temporary status as per the Scheme under the Department of Telecommunication.

2. I have heard Mr B. Malakar, learned counsel for the applicants and also Mr B.C. Pathak, learned Addl. C.G.S.C. To adjudicate the claim of the applicants, one is to make an evaluation of the facts by scrutinising

*True copy
R.D.*

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the records, which will not be an easy task for the Tribunal. In the circumstances, to meet the ends of justice, the applicants who are nine in number are directed to make fresh representation before the Chief General Manager, Telecommunication, alongwith the materials available in support of their claim. The applicants may submit detailed representation individually within two weeks from today. If such representations are filed by the applicants, the Chief General Manager, Telecommunication shall cause an enquiry into the matter and after scrutinising all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made and the case of the applicants were examined, the respondents need not go into the fresh exercise, but, instead they should communicate the decision to the applicants. A

3. With the above observation the application stands disposed of. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN



Certified to be true Copy
 3/10/2017

Section Officer (J)
 Central Administrative Tribunal
 India
 New Delhi

3/10/2017