

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

9/03 NO.A 194/2000

Applicant(s): G. R. Paul

- Vs. -

Respondent(s): H. O. I. Form

Advocate for the Applicant(s): B. K. Sharma S. Sarma

Advocate for the Respondent(s): Mr. B. C. Pathak, Mrs. U. D. Das

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt petition has been filed by the Counsel for the Applicant praying for drawing up of Contempt proceeding against the Contemners for wilful and deliberati violation of the Judgment & order dated 16.8.2001 passed by this Hon'ble Tribunal NO.A 194/2000.</p> <p>Laid before the Hon'ble Court for further orders.</p> <p>3/3.</p> <p>for sections officer</p>	<p>4.2.2003</p>	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>The Hon'ble Mr. S.K. Hajra, Administrative Member.</p> <p>Heard Mr. S. Sarma, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the contempt proceeding shall not be initiated.</p> <p>List again on 3.3.2002 for orders.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Case did not sit today. The Case is adjourned to 24/3/2003.</p> <p>M/S</p>

Notice prepared and sent
to S/S for bring the
respondent No 1 & 2
to Regd A/D.

13/2/03

D/Nor 2-15-03
dtd 11/3/03

No. reply has been
biked.

11.3.03.

22-4-03

W/s submitted
by the Contemner No. 2.

[Signature]

No. reply biked by
The R. No- 1.

27.5.03.

12.3.2003

Heard Miss U. Das, learned
counsel for the applicant and also
Mr. M.R. Pathak, learned counsel
for the respondent No.2. Mr. Pathak
learned counsel prays for time
for filing reply. Prayer is allowed.
List on 22.4.2003 for orders.

[Signature]
Vice-Chairman

mb

22.4. Cannot did not get today.
The case is adjourned to 6/5/2003.
MR

6.5.2003

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

The Hon'ble Mr. S. Biswas
Member (A).

The respondent No.1 is
yet to file reply. Further four
weeks time is allowed to the respond-
ent No.1 to file reply, if any.

List on 28.5.2003 for
further orders.

S. Biswas
Member

[Signature]
Vice-Chairman

mb

28.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra,
Administrative Member.

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondent No.1 and also Mr. M.R. Pathak, learned counsel for the respondent No.2.

The respondent No.2 has already filed reply. On perusal of the reply it appears that the respondents No.2 has duly complied with the judgment and order and communicated the same to the authority. Mr. B.C. Pathak, learned Addl. C.G.S.C. placed before us the order No. F.22012/12/2003-IFS II dated 3-3-2003 sent by the Government of India, Ministry of Environment & Forests. It thus appears that the respondent No.1 has duly considered the representation and disposed of the same by order dated 3.3.2003.

Mr. S. Sarma, learned counsel for the applicant, however, stated that the very order gave a time schedule for implementation of the judgment and order and the respondents failed to implement the same within time prescribed in violation of the order of the Tribunal. Merely because the authority failed to adhere to the time schedule, by itself will not amount to contempt. It must disclose, something more exhibiting contumelious disregard.

From the order dated 3.3.2003 it appears that the authority has duly complied with the order. In the circumstances, we do not find any justification for continuance the contempt proceeding. The C.P. accordingly stands dropped.

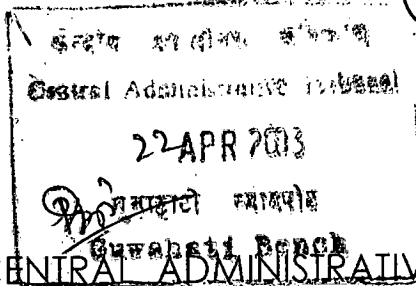
A copy of the order dated 3.3.2003 passed by the Govt. of India, Ministry of Environment & Forests may be furnished to Mr. S. Sarma, learned counsel for the applicant by Mr. B.C. Pathak, learned Addl. C.G.S.C. in course of the day.

Sanjay Kumar Hajra
Member

[Signature]
Vice-Chairman

1.6.2003

Copy of the order
has been sent to the
Office for receipt
the fine to the
L/A. Member for the
parties
SS



Filed by

[Signature]

V. Thulasidas
V. THULASIDAS
Chief Secretary
Government of Tripura

5

through
Gaurish Ranjan Paul
22/04/2003

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

C. P. No. 9 of 2003
in
O. A. No. 194 of 2000

Gaurish Ranjan Paul

----- PETITIONER

- VS -

Shri K. C. Mishra & Another

--- CONTEMNERS

- AND -

IN THE MATTER OF :

Written Statement submitted on behalf of the Contemner No.2, Shri V. Thulasidas, IAS, Chief Secretary to the Government of Tripura to the Petition filed by the Petitioner in C.P. No. 9 of 2003 in O.A. No. 194 of 2000.

The humble Contemner No.2 begs to submit the Written Statement as follows :

1. That save and except what has been specifically admitted herein below in this Written Statement, all other statements made by the Petitioner in the Contempt Petition may be treated as denied by the answering Respondent and further, does not admit the statements made by the Petitioner, which are contrary to, and/or inconsistent with the records of the case.
2. That the statements made by the Petitioner in Paragraph 1 of the Contempt Petition are admitted.
3. That the contentions made by the Petitioner in Paragraph 2 of the Contempt Petition are partly admitted by the deponent. That the

representation dated 5-10-2001 addressed to the Secretary, Ministry of Environment & Forests, Government of India through proper channel as mentioned by the Petitioner has not been received by the deponent. Therefore, the question of forwarding the same to the Government of India does not arise. That the deponent states that the representation dated 09-08-2002 submitted by the Petitioner has been duly forwarded to the Ministry of Environment & Forests, Government of India on 26-09-2002, alongwith the views of the Government of Tripura.

4. That with regard to the statements made in Paragraph 3 of the Petition, the deponent states that in compliance with the Order dated 16th August, 2001 passed by this Hon'ble Tribunal in O.A. 194 of 2000 (Sri Gaurish Ranjan Paul Vs. Union of India & Others) the Government of Tripura has already forwarded the representation dated 09-08-2002 of the Petition to the Ministry of Environment & Forests, Government of India on 26-09-2002, alongwith its views, as and when the State Government has received the said representation from the Petitioner. Therefore, the State of Tripura has not violated the said Judgment and Order dated 16-08-2001 passed by this Hon'ble Tribunal in O.A. 194 OF 2000. It is pertinent to mention herein that the Petitioner has intentionally blamed the State of Tripura for non-forwarding his representation dated 05-10-2001 without submitting the same in due time. Further the Petitioner has also misled this Hon'ble Tribunal by submitting wrong facts.

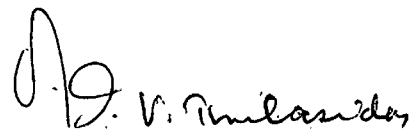
5. That with regard to the statements made in Paragraphs 4 & 5 of the Petition, the deponent states that on receipt of the representation dated 09-08-2002 of the Petitioner (Annexure-III to the Petition), the State Government in compliance with the Order dated 16-08-2001 passed by this Hon'ble Tribunal in O.A. 194 of 2000 forwarded the same to the Ministry of Environment & Forests, Government of India on 26-09-2002, alongwith the views of the State Government. The deponent likes to state herein that as per provisions of the relevant rules, the Central Government is the sole authority to take any action in this regard. The Government of Tripura has not received any decision of the Central Government in that regard till date.

6. That the deponent states that from the above position it is clear that the State Government has not violated any direction of this Hon'ble Tribunal and as per provisions of the relevant rules the State Government is not in a position to take any unilateral action in this regard.

7. That the deponent begs to state and submit that he has the highest respect and regard for judiciary including this Hon'ble Tribunal for upholding the dignity and principles of Law. This deponent is always ready to comply with any direction of this Hon'ble Tribunal and he has never flouted and/or disregarded and/or violated any Order of this Hon'ble Tribunal.

VERIFICATION

I, Shri V. Thulasidas, IAS, Chief Secretary to the Government of Tripura and the Secretary to the Department of Forest, Government of Tripura, Agartala do hereby verify that the statements made in paragraphs 1 & 6 are true to my knowledge, those made in paragraphs 2, 3, 4 & 5 being matters of record of the case are true to my information derived there from which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal and I sign this Verification on this the 8th day of April, 2003.



SIGNATURE

V. THULASIDAS
Chief Secretary,
Government of Tripura
