

ORDER SHEET

(OA. 296/2000)

Advocate for the Applicant :- *Mr D.K. Das*

Advocate for the Respondant:—

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed with a prayer for to issue notice to the contemner to show cause as to why contempt of Court proceeding shall not be initiated against him for willful and deliberate violation of the order dated 26.6.2001 passed in misc case no. 144/2001 in OA 296/2000. kindly write Court for order.	5.12.01	Issue notice of motion. Returnable by four weeks. The respondents may file reply as to why contempt proceeding shall not be initiated. List on 10.1.02 for order.
	10.1.02	Await service report. List on 31.1.2002 for order.
	31.1.02	Post the matter on 12.2.2002 along- with O.A.296 of 2000.
	4/12/01	
Notice prepared and sent to D/S for issuing the Respondent No. 1 to Regd. A.D. In DINo 4462 Dtd 5/12/01	5.12.01	

4.2.02

Heard Mr. D. K. Das, learned counsel for the applicant.

Considering the facts and circumstances of the case, we dropped the the Contempt Proceeding.

7.2.2002

Copy of the order has been sent to the Office for filing the same to the parties by post.

IC (Shan)
Member

Vice-Chairman

mb

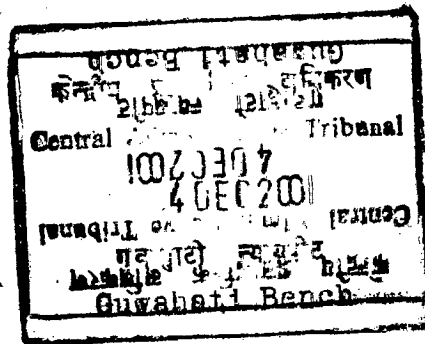
12.2.02

passed
In view of the order/in O.A.296/2000 this petition stands disposed of.

IC (Shan)
Member

Vice-Chairman

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*Filed by applicant
through Debajit Kalita
Advocate*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI
BENCH

63
CONTEMPT PETITION NO. OF 2001

IN THE MATTER OF :-

An application under Section 17 of the Central Administrative Tribunal Act 1985 for drawing Contempt Court proceeding against the contemner No. 1 for violation of Hon'ble Tribunal's order dtd. 26.6.2001 in Misc. Application No. 144/2001 in O.A. No. 296/2000.

-AND-

IN THE MATTER OF :-

Willful and deliberate violation of the aforesaid order passed by the Hon'ble Tribunal in Misc. Case No. 144/2001.

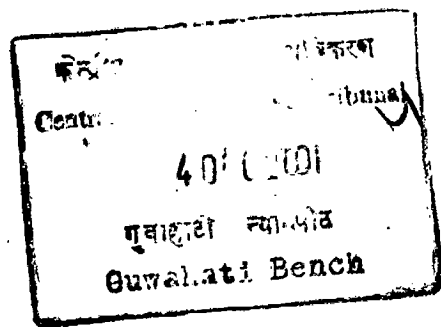
-AND-

IN THE MATTER OF :-

OA 296/2000

Sri Jatindra Sarmah & Ors.

... APPLICANTS.



- 2 -

-VERSUS-

Union of India & Ors.

... RESPONDENTS.

-AND-

IN THE MATTER OF :-

Sri Ranjan Kumar Das,
son of Sri Harnath Das,
Divisional Forest Officer,
Sonitpur West Division, Tezpur,
District - Sonitpur, Assam.

...APPLICANT

-VERSUS-

Sri Bin Bhandra Hagjer, IAS,
Secretary, Department of Forest,
Government of Assam,
Dispur, Guwahati-6.

... CONTEMNER

The humble petition of the applicant -

Contd.../-

Contd.../-

MOST RESPECTFULLY SHEWETH:-

1. That the applicant as petitioner No. 2 in O.A. No. 296/2000 has challenged the impugned Central Government Notification No. 16016/2195-AIS (H) A dtd. 9.11.95 i.e. Amended Indian Forest Service (Fixation) of Cadre Strength) Seventy amended Regulation in respect of Assam Meghalaya Cadre by amending the existing Indian Forest Service Fixation by Cadre strength Regulation 1966 by including 22 posts of DCF (Deputy Conservator of Forest) Territorial as included in the IFS Cadre Rules thereby depriving the members of the State Forest Service like the applicants in the rank of Deputy Conservator of Forests posting in Territorial Division of Assam although no such posts exist in Assam as per any notification issued by the State Government or any proposal made by the same at any point of time.

2. That the aforesaid case amended before the Central Administrative Tribunal, Guwahati Bench and the same was admitted on 27.9.2000 and notice was issued to the Respondents and the case is at present pending for final disposal before the Hon'ble Tribunal.

3. That during the pendency of the said original application, the Central Government directed the State Government to notify the Territorial Division

Contd.../-

as Cadre post as reflected by letter dtd. 27.4.2001 by the Director General of Forests and Special Secretary, Ministry of Forest and Special Secretary, Ministry of Environment and Forests addressed to the Chief Secretary, thereby causing serious loss/prejudice to the interest of the applicants when the entire matter was sub-judice waiting final adjudication. The Hon'ble Tribunal by order dtd. 26.6.2001 directed the State Government not to disturb/alter the position of the applicants vis-a-vis their status until further order's in terms of the letter dtd. 27.4.2001.

Copy of the aforesaid order dtd. 26.6.2001 & order dtd. 3/12/2001 is annexed herewith and marked as ANNEX-
URE-A. & B

4. That your applicant states that after procuring a copy of the Order dtd. 26.6.2001 he intimated the Government on 29.6.2001. In this connection it may be stated since there were other applicants who had also informed the Government about the Hon'ble Tribunal's order dtd. 26.6.2001 petitioner in the said original application, the copy of the Hon'ble Tribunals order dtd. 26.6.2001 and already informed to the Government. By the said order it was clearly directed that the State Government was restrained from altering the status position of the applicant with regard to the post without leave of the Court until further orders.

Contd.../-

5. That your applicant states that by Government notification dtd. 3.12.2001 issued by the Deputy Secretary, Department of Forest, Government of Assam, one Sri F.Ahmed, belonging to the State Cadre was posted in the applicant's post and he was transferred to attached post in the office of the Conservator of Forests, Northern Assam Circle, Tezpur in gross violation of the interim order dtd. 26.6.2001 passed by the Hon'ble Tribunal and therefore committed willful and deliberate violation of the aforesaid order of the Hon'ble Tribunal. The applicant states that till date he has not handed over charge as Divisional Forest Officer, Tezpur in terms of order dtd. 3.12.2001. That your applicant further states that in gross violation of interim order dated 26.6.2001 passed in Misc. Case No. 144 of 2001 in O.A.No. 296/2000 the State Government has been altering the status and position of various officers holding the post of the Divisional Forest Officer, Assam who were applicants in O.A.No. 296 of 2000, thereby committing contempt of this Hon'ble Tribunal.

6. That the applicant states that the effect and contempt of the Hon'ble Tribunal's order dtd. 26.6.2001 is clear and unambiguous and as such the action of the State Government in not complying the aforesaid order is clear, willful and hence the contemner is liable

Contd.../-

under for contempt section 17 of the Central Administrative Tribunal Act, 1985.

7. That this application is filed bonafide and in the interest of justice.

In the premises aforesaid it is most respectfully prayed that Hon'ble Tribunal may be pleased to issue notice to the contemner to show cause as to why contempt of Court proceeding shall not be initiated against him for willful and deliberate violation of the order dtd. 26.6.2001 passed in Misc. Case No. 144/2001 in O.A.296/2000 and upon hearing the parties and on perusal of records be pleased to punish the contemner in accordance with law and be pleased to pass such order/s as Your Lordships may deem fit and proper.

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

Contd.../-

9

- 7 -

AFFIDAVIT


I, Shri Ranjan Kumar Das, son of Sri Harnath Das, aged about 42, presently serving as Divisional Forest Officer, Sonitpur West Division, Tezpur in the district of Sonitpur, Assam do hereby solemnly affirm and state as follows:-

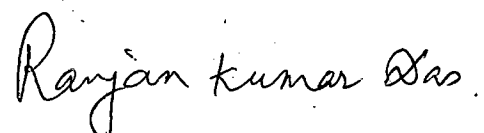
1. That I am the applicant in the instant application and being acquainted with the facts and circumstances of the case.

2. That the statements made in this affidavit and in paragraphs 1, 2, 4 to 7, are true to my knowledge, those made in paragraphs 3, are derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Tribunal.

And I sing this affidavit on this the 4th day of December, 2001 at Guwahati.

Identified by me


Advocate's Clerk.



Deponent.

Contd.../-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : : : GUWAHATI

ORDER SHEET

Misc APPLICATION NO ...114....OF 2001.
W.O.A. 296/2000

Applicant (s) Jalandica Baruah & sons

Respondent (s) Union of India & sons

Advocate for Applicants (s) Mr. N. Dutta, Mr. D.K. Das

Advocate for Respondent (s) C.G.S.C., Mrs. M.D.N., G.A. Anonim



26.6.2001

By this application the applicants have prayed that the operation of the letter dated 27.4.2001 issued by the Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India, may be suspended during the pendency of the O.A. In the O.A. the applicants have challenged the Notification dated 9.11.1993 by which the Central Government has fixed the cadre strength and has earmarked twentytwo posts of Deputy Conservator of Forests, (Territorial) for the members of the Indian Forest Service. The contention of the learned counsel

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Annexure A
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26.6.2001



Certified to be true Copy
प्रमाणित प्रतिलिपि

Section Officer (J)
आयुक्त न्यायाधीश (अ)
Central Administrative Tribunal
कोर्ट का न्यायाधीश, गुवाहाटी
Guwahati Bench, Guwahati-8
गुवाहाटी-बेंच, गुवाहाटी-8

for the applicant is that if the letter dated 27.4.2001 is given effect, the O.A. shall be rendered infructuous and the applicants will suffer irreparable loss and injury. On the other hand, Mr B.C. Pathak, learned Addl. C.G.S.C., has submitted that by the letter dated 27.4.2001 the State Government has been only asked to have the territorial divisions notified and communicate the same to the Ministry to ensure that only cadre officers are posted to the cadre posts. It is submitted that Notification in pursuance to the impugned letter has not yet been issued and there is no likelihood of any immediate injury to the applicants.

We have considered the rival submissions made by the learned counsel for the parties and perused the impugned letter. As the Notification dated 9.11.1995 is under serious challenge before this Tribunal and the letter dated 27.4.2001, now impugned, is only a consequential step, in our opinion, it shall be just and proper to protect the interest of the applicants so as their position may not be disturbed as a consequence to the letter dated 27.4.2001. The application is accordingly disposed of with a direction that though Notification regarding territorial division may be issued in pursuance of letter dated 27.4.2001, however, the position of the applicants vis-a-vis their status shall not be altered until further orders.

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm.)

-9- Annex B

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 3rd December, 2001.

NO.FRE. 68/2001/Pt.III/21 :- In modification of this Department Notification No.FRE. 66/90/190-E, dtd. 11.9.2001, Shri A.K. Das, Deputy Conservator of Forests (now under order of transfer) is in the interest of public service, transferred and posted as Divisional Forest Officer, Haltugaon Division, Kokrajhar with effect from the date he takes over charges vice Shri B.N. Pattni, Divisional Forest Officer, Kokrajhar Social Forestry Division, Kokrajhar is relieved from the additional charge.

NO.FRE. 60/2001/Pt.III/21-A :- In modification of this Department Notification No.FRE. 68/2001/Pt.III/17-A, dated 19.11.2001, Shri F.A. Ahmed, Divisional Forest Officer, Social Forestry Division, Biswanath Chariali, is in the interest of public service, transferred and posted as Divisional Forest Officer, Sonitpur West Division, Tezpur, with effect from the date he takes over charges vice Shri R.K. Das, Divisional Forest Officer transferred.

NO.FRE. 68/2001/Pt.III/21-B :- On relief, Shri R.K. Das, Divisional Forest Officer, Sonitpur West Division, Tezpur, is in the interest of public service, transferred and posted as Deputy Conservator of Forests attached to the Conservator of Forests, Northern Assam Circle, Tezpur, with effect from the date he assumes charges against the existing vacancy.

Sd/- M.M. Borthakur,

Deputy Secretary to the Govt. of Assam,
Forest Department, Dispur.

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- 2 -
Memo No. FRE. 68/2001/Pt.III/21-C, Dated Dispur, the 3rd December, 2001.

Copy for information and necessary action to :-

- 1) The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 4) The Chief Conservator of Forests (Wildlife), Assam, Rehabari, Guwahati-8.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) The Conservator of Forests, Northern Assam Circle, Tezpur/ Western Assam Circle, Kokrajhar/ Upper Assam Social Forestry Circle, Nagaon.
- 8) Shri A.K. Das, DCF, C/O Divisional Forest Officer, Karimganj Division, Karimganj.
- 9) Shri F.A. Ahmed, Divisional Forest Officer, Social Forestry Division, Biswanath Chariali.
- 10) Shri R.K. Das, Divisional Forest Officer, Sonitpur West Division, Tezpur.
- 11) The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for favour of information of the Minister.
- 12) The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for favour of publication of the above Notification in the next issue of the Assam Gazette.
- 13) Personal File of the officers.

By order etc.

Deputy Secretary to the Govt. of Assam,
Forest Department, Dispur.