

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

ORDER SHEET

Contempt APPLICATION NO17.... OF 2001.
in C.A 135/2001

Applicant (s) Jaday Barman

Respondent (s) V.O.I Govt

Advocate for Applicants (s) M. Chanda, Mrs. N.D. Goswami

Advocate for Respondent (s) CASC.

Notes of the Registry | Date | Order of the Tribunal

This Contempt petition 23.5.01
has been filed by the Counsel
for the petitioner praying for
non-compliance of the judgment
and order dated 6.4.2001
passed by this Hon'ble Tribunal
in C.A 135/2001

bb

Issue notice to show cause as to
why contempt proceeding shall not be
drawn up, returnable by four weeks.

List for orders on 26-6-2001.

I C U Sharma
Member

Vice-Chairman

Panel before the
Hon'ble Comt for further
orders.

26.6.01

NS
23/5/01

Mr. S. Sarma learned counsel for
the respondent No. 1 & 2 and prays
for and granted 4 weeks time to
file written statement. The applicant
may also file rejoinder if any,
within 2 weeks. List on 27th August
2001.

I C U Sharma
Member

Vice-Chairman

Notice prepared and sent to
S/o. for issuing the respondent
No 1&2 by Royal ALD vide
DINo 1892 L93 dtd 28/5/01

lm

29/5/01

31.7.2001

10.8.01 Reply has been filed by the respondents. List on 14/9/01 for hearing.

Show Cause reply
by Contemnor No.2 has
been submitted.

I C Usha
Member

mb

PD

14.9.01 List on 28/9/01 alongwith O.A. 135/2001
for hearing.

21.8.2001

mb

Show Cause reply
has been submitted by
the Contemnor No.1.

Vice-Chairman

h
Vice-Chairman

nk m

PD

28.9.2001 List it again on 19.10.01 alongwith O.A.
No.135/2001.

12.9.2001

Rejoinder submitted
by the applicant in reply
to the Show Cause filed
by the Contemnor No.1.

I C Usha
Member

bb

12.12.01 List on 19.12.01 alongwith O.A.
No. 135 of 2001.

PD
The case is ready
for hearing.

I C Usha
Member

mb

27.9.01
19.12.01

List on 4.1.02 alongwith O.A.
No.135 of 2001 for hearing.

Vice-Chairman

lm

4.1.02

On the prayer of Mr.M.Chanda
learned counsel for the applicant case
is adjourned to 9.1.02.

I C Usha
Member

Vice-Chairman

lm

9

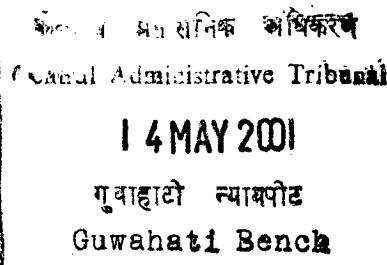
C.P. No. 17/2001

Notes of the Registry	Date	Order of the Tribunal
	9.1.2002	List on 18.1.2002 alongwith O.A. No. 135/2001 for hearing.
		<i>I C Usha</i> Member
		<i>[Signature]</i> Vice-Chairman
11.2.2002 Copy of the order has been sent to the D/secy for issuing the same to the L/Advocates for the parties. KS	18.1.02 trd	We have heard learned counsel for the parties at some length. Although we are not very happy with the action of the respondents we are not inclined to exercise our jurisdiction for initiating a contempt proceeding. Accordingly the Contempt proceeding is closed.
		<i>I C Usha</i> Member
		<i>[Signature]</i> Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal



Filed by me applicant
Jhanya S. Barman
Advocate
n 15/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No. 17/2001
in
O.A. No.135 of 2001

IN THE MATTER OF :

Shri Jaydev BarmanPetitioner
-VS-

Union of India & Others.

-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
contemners for non-compliance of the
judgment and order dated 06.04.2001
passed in O.A. No.135/2001.

- AND -

IN THE MATTER OF :

Shri Jaydev Barman,
Son of Late Madhav Barman,
Upper Division Clerk
Office of the Kendriya Vidyalaya,
P.O. Tenga Valley (Arunachal Pradesh),
Dist. West Kameng.

-Versus-

1. G. S. Sandhu,
Principal,
Kendriya Vidyalaya,
P.O. Tenga Valley,
Dist. West Kameng (A.P.).
PIN - 790115.

2. Shri D. K. Saini,
Assistant Commissioner,
Regional Office,
Maligaon Chariali,
Guwahati-781012.

.....Alleged Contemners.

The applicant above named most respectfully sheweth :-

1. That your applicant being highly aggrieved due to an arbitrary transfer sought to be inflicted on him vide one impugned letter No.10-4/2000-KVS (GR)/10454 - 58 dated 20.03.2001 transferring him from Kendriya Vidyalaya, Tenga Valley and posting him at Kendriya Vidyalaya, Kimin in utter violation of Government policy professed under memorandum dated 12.06.1997 directing that husband and wife should invariably be posted in the same station, approached this Hon'ble Tribunal praying for setting aside the impugned order of transfer and continuation of the services of the applicant in his present place of posting i.e. Kendriya Vidyalaya, Tenga Valley in the light of O.M. dated 12.06.1997 issued by the Govt. of India, Ministry of Personnel and Training. The Hon'ble Tribunal, after hearing the contentions and arguments of the parties, was pleased to pass order on 06.04.2001 in O.A. No.135/2001 with the following directions :

"Heard learned counsel for the parties. Issue Notice on the respondents as to why the application shall not be admitted and also issue notice on the respondents as to why the impugned order No.10-4/2001-WS(GR)/10454-58 dated 20/21.03.2001 shall not be suspended. Returnable by 3 weeks. List on 02.05.2001 for Admission. Meanwhile the impugned order dated 20/21.03.2001 shall remain suspended until further orders".

From the above order it is clear that the operation of the impugned order dated 20/21.03.2001 will remain suspended and shall have no effect until further order is passed by this Hon'ble Tribunal.

1. Copy of the ~~judgment~~ and order dated 06.04.2001 passed in O.A. No.135/2001 is annexed hereto as Annexure-I

2. That your applicant thereafter submitted his application for resumption of duty along with the order of the Hon'ble Tribunal dated 06.04.2001 to the Principal, Kendriya Vidyalaya, Tenga Valley which was received by the LDC on 09.04.2001 and put up to the Principal on the same day when the applicant also met the Principal. The Principal informed the applicant that since he (Principal) was not competent to decide the matter, he would take up the matter with the Asstt. Commissioner and asked the applicant to wait for 3 days to have the decision. Accordingly, the applicant met the Principal again on 12.04.2001 when the Principal informed him that it was not within his power to allow him to join. The copy of the application of the applicant was also sent by the applicant to the Asstt. Commissioner under Registered Post bearing Registration No.77 dated 09.04.2001.

Copy of application dated 09.04.2001, received by the LDC, Kendriya

Vidyalaya, Tenga Valley is annexed hereto as Annexure-II

3. That the applicant had since been reporting for duty everyday on regular basis but the Principal neither allowed him to sign his attendance sheet nor assigned any duty to him.

Surprisingly, on 01.05.2001 when the applicant was going to report for duty as usual, the security personnel on duty did not allow him to enter the school and informed him that it was done as per the instruction of the Principal

which presumably was done under the nodding/instructions of the Asstt. Commissioner.

It is abundantly clear from the above acts that the Principal and the Asstt. Commissioner i.e. the alleged Contemner Nos.1 & 2 connived and hatched up a conspiracy against the applicant after receiving the order dated 06.04.2001 of the Hon'ble Tribunal and were bent upon to humiliate the applicant further in a nefarious manner without paying any regard to the order of the Hon'ble Tribunal whatsoever.

4. That the alleged contemners inspite of having received the ~~judgment and~~ order dated 06.04.2001 of this Hon'ble Tribunal, deliberately and wilfully showing wanton disregard to the ~~judgment~~, have been harassing the applicant by not allowing him to work knowing fully well that the operation of the impugned order of transfer issued by them has been kept suspended by the Hon'ble Tribunal and such act on the part of the alleged contemners amount to contempt of Court.
5. That it is a fit case for the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of ~~an order~~ order dated 06.04.2001 passed in O.A. No.135/2001 which has caused the applicant to immense suffering, mentally and physically.
6. 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 non-compliance of the

Judgment and order dated
06.04.2001 passed in O.A.
No.135/2001 by this Hon'ble
Tribunal and further be pleased
to impose punishment against
the alleged contemners in
accordance with law.

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

AFFIDAVIT

I, Shri Jaydev Barman, S/o late Madhav Barman, aged about 40 years, working as Upper Division Clerk, in Kendriya Vidyalaya, P.O. Tenga Valley, Dist. West Kameng, Arunachal Pradesh do hereby solemnly declare as follows :-

1. That I am the Petitioner in the accompanying contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to swear this affidavit.
2. That the statements made in Para 4, 5 & 6 are true to my knowledge and those made in paragraphs 1, 2 & 3 being matter of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Court.
3. That this affidavit is made for the purpose of filing contempt petition before the Hon'ble Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's judgment and order dated 06.04.2001 passed in O.A. No.135/2001.

And I sign this Affidavit on this 11th day of May, 2001 at Guwahati.

Identified
Niru Devi Goswami
 Advocate

Jaydev Barman

Solemnly affirmed and declared that this Affidavit has been signed before me by the deponent who is identified by N.D. Goswami Advocate on the 11th Day of May, 2001.

Usha Das
 11/5/2001
 Advocate
 Central Adminis
 trative Tribunal

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati to initiate contempt proceeding agansit the alleged contemnners/respondents for wilful and deliberate non-compliance of judgment and order dated 06.04.2001 passed in O.A. No.135/2001 and further be pleased to impose punishment upon the contemnners/Respondents for wilful and deliberate non-compliance of judgment and order dated 06.04.2001 passed in O.A. No.135/2001

Annexure-1

Form No.4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWATHI BENCH:::GUWAHATI

ORDER SHEET

APPLICATION NO 135 OF 2001

Applicant (s) sri Jaydav Barman

Respondent(s) UOI & Others

Advocate for Applicant (s) Mr M. Chanda, S.C.Biswas and Mrs N.D.Goswami

Advocate for Respondent (s) CGSC

Notes of the registry	Date	Order of the Tribunal
	6.4.01	Heard learned counsel for the parties. Issue notice on the respondents as to why the application shall not be submitted and also issue notice on the respondents as to why the impugned order No. 10-4/2001-WS(GR)/10454-58 dated 20/21-3.2001 shall not be suspended. Returnable by 3 weeks. List on 2.5.01 shall remain suspended until further orders.

Sd/- VICE CHAIRMAN

Abbas Faruq
Advocate
DSR Advocate

ANNEXURE-2

To

The Principal
Kendriya Vidyalaya
Tenga Valley

Sub:- submission of stay order dated 6.4.2001 passed by the Hon'ble central administrative Tribunal Guwahati.

Sir,

I have the honour to inform you that being highly agreed with the transfer order No. 10-4/2001-KVS (GR)/10454-58 dated 20/21-03-2001 the undersigned approach to the Hon'ble CAT through original application No. 135/2001 the Hon'ble tribunal on 6.4.2001 passed the order to stay and passed to suspend the above said transfer order.

Therefore, you are requested kindly allow me to continue my duties on 9.4.2001 (FN) as UDC in the terms of the Tribunal dated 6.4.2001.

(The photocopy of the CAT order issued by the Hon'ble cat is enclosed herewith for you reference)

Thanking You.

Yours faithfully

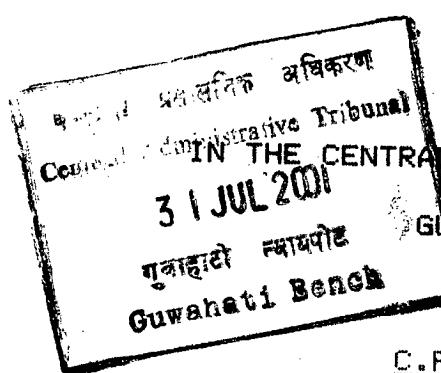
Date 9.4.2001

Sd/- (Jaydev Barman)

Encl. CAT order

Copy to:-

The Asstt commissioner KVS GUWAHATI region for information



C.P. NO. 17 of 2001.

IN O.A. NO. ... 135 of 2001

Jaydev Barman ... Petitioner.
- vs -

G.S. Sandhu & Anr. ... Contemnors.
IN THE MATTER OF:

Show cause reply by contemnor No. 2 in
the aforesaid contempt petition 17/2001
in OA No. 135/2001 preferred by Jaydev
Barman (Contempt Petitioner)

The humble application of the Contemnor No. 2
above named :

MOST RESPECTFULLY SHEWETH:

1. That the contemnor No. 2 has received the copy of the aforesaid contempt petition bearing No. 17/2001 passed in OA No. 135/2001 preferred by the petitioner and has gone through the same and have understood the contentions made therein. Save and except the statements which are not specifically admitted herein below may be treated as total denial and the statements which are not borne out of record, the petitioner is put to the strictest proof thereof.
2. That with regard to the statement made in paragraph 1 of the contempt petition the answering respondents while denying the contention made therein and begs to state that all the employees of KVS are liable to be transferred any where in India.

Filed by
Biswadeepa Jarma
Advocate
For. S.C. KVS
30-7-2001

and hence the order of transfer dated 20/21.3.2001 has been issued strictly complying the aforesaid service condition. The aforesaid fact is also mentioned in the transferred guideline and adhering to the said guideline the order of transfer was issued. It is pertinent to mention here that the petitioner was transferred vide order dated 20/21.3.2001 and pursuant to the aforesaid order of transfer he was relieved from KV Tengavalley, vide order dated 31.3.2001, enabling him to report KV Kimin. It is pertinent to mention here that the petitioner knowing fully well about the issuance of relieving order dated 31.3.2001 did not join at KV Kimin, rather concealing the fact he, preferred the aforesaid OA and misleading the Hon'ble Tribunal obtained the interim order dated 6.4.2001. It is therefore prayed before this Hon'ble Tribunal to draw suo moto contempt proceeding against the applicant for suppression of material fact. However, the contemners honouring the interim order dated 6.4.2001 has not taken any steps forcing him to join KV, Kimin.

3. That with regard to the statement made in para 2 of the contempt petition the answering contemner begs to state that admittedly the petitioner have not made any challenge against the said relieving order dated 31.3.2001 and therefore in view of the interim order dated 6.4.2001 he is not entitled to join the post again. It is further stated that the contemner has got the highest and maximum respect in regard to the order/direction passed by the Hon'ble Tribunal and at no point of time and under any circumstances there has been occasion for dishonoring the same. On the other hand taking into consideration the interim order dated 6.4.2001, the present contemner has not issued any such order compelling the petitioner to join at KV Kimin and hence the allegation of the petitioner regarding non compliance

of the said interim order is baseless and same is devoid of any merit.

4. That with regard to the statement made in para 3 of the contempt petition the contemner while denying the statement made therein and begs to state that from the aforesaid action admittedly the present contemner cannot be held to be liable for any willful and deliberate violation of the said interim order dated 6.4.2001. It is pertinent to mention here that giving maximum respect to the said interim order the contemner has not issued any such order compelling him to join KV, Kemin in terms of the transfer order dated 20/21.3.2000. It is further denied that on 1.5.2001 the security personal of the Vidyalaya did not allow him to enter in to the school. As per the records maintained by the security personal of the Vidyalaya it is clear that the petitioner did not visit the school on 1.5.2001. The aforesaid allegation has been made by the petitioner to gain undue advantage from the Hon'ble Tribunal.

5. That with regard to the statements made in paragraphs 4, 5 and 6 of the Contempt Petition the contemner while denying the contention made therein and begs to state that there is no willful disregard in complying the order of the Hon'ble Tribunal. Taking into consideration the conduct of the petitioner it is clear that he has not come before the Hon'ble Tribunal with clean hand and as such he is not entitled for any kind of sympathy from this Hon'ble Tribunal.

Taking into consideration the facts and circumstances of the case and the conduct of the petitioner it is a fit case for drawing up of suo moto contempt proceeding against the petitioner for misleading the court with a further prayer to drop the proceeding that has been initiated against the present contemners by

dismissing the present contempt petition.

6. That the show cause has been filed bonafide and to secure ends of justice.

A F F I D A V I T

I, Shri I, Deokishan Saini, s/o C.Saini, aged about 61 years, resident of Maligaon Guwahati, at present working as Asstt Commissioner Kendriya Vidyalaya Sangathan, Maligaon Regional Office, Guwahati, do hereby solemnly affirm and state as follows.

1. That I am the contemner No. 2 in the instant application and as such conversant with the facts and circumstances of the case and also competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying reply in paragraphs 1, 2, 5 and 6 are true to my knowledge and those made in paragraphs 2, 3 and 4 are matters of records which I believe to be true and the rests are my humble submissions before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this affidavit on this the 30th day of July, 2001.

Deokishan Saini
Deponent

Identified by

Solemnly affirm and state

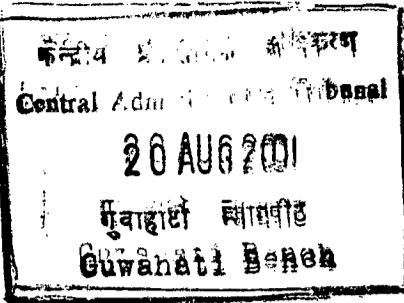
S. Sarma

by the deponent who is identified by Sri S. Sarma on this the 30th day of July, 2001

S. Sarma

Advocate

Anu. Bora
(Anu. Bora)
Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

C.P. NO. 17 of 2001.

IN O.A.NO. ... 135 of 2001

Jaydev Barman ... Petitioner.
- vs -

G.S. Sandhu & Anr. ... Contemnors.
IN THE MATTER OF:

Show cause reply by contemnor No. 1 in
the aforesaid contempt petition 17/2001
in OA No. 135/2001 preferred by Jaydev
Barman (Contempt Petitioner)

The humble application of the Contemnor No. 1
above named :

MOST RESPECTFULLY SHEWETH:

1. That the contemnor No. 1 has received the copy of the aforesaid contempt petition bearing No. 17/2001 passed in OA No. 135/2001 preferred by the petitioner and has gone through the same and has understood the contentions made therein. Save and except the statements which are not specifically admitted herein below may be treated as total denial and the statements which are not borne out of record, the petitioner is put to the strictest proof thereof.
2. That with regard to the statement made in paragraph 1 of the contempt petition the answering respondents while denying the contention made therein and begs to state that all the employees of KVS are liable to be transferred any where in India and hence the order of transfer dated 20/21.3.2001 has been

issued strictly complying the aforesaid service condition. The aforesaid fact is also mentioned in the transfer guideline and adhering to the said guideline the order of transfer was issued. It is pertinent to mention here that the petitioner was transferred vide order dated 20/21.3.2001 and pursuant to the aforesaid order of transfer he was relieved from KV Tengavalley, vide order dated 31.3.2001, enabling him to report KV Kimin. It is pertinent to mention here that the petitioner knowing fully well about the issuance of relieving order dated 31.3.2001 did not join at KV, Kimin, rather conceiling the fact he preferred the aforesaid OA and misleading the Hon'ble Tribunal obtained the interim order dated 6.4.2001. It is therefore prayed before this Hon'ble Tribunal to draw suo moto contempt proceeding against the applicant for suppression of material fact. However, the contemners honouring the interim order dated 6.4.2001 has not taken any steps forcing him to join KV, Kimin.

3. That with regard to the statement made in para 2 of the contempt petition the answering contemner begs to state that admittedly the petitioner have not made any challenge against the said relieving order dated 31.3.2001 and therefore in view of the interim order dated 6.4.2001 he is not entitled to join the post again. It is further stated that the contemner has got the highest and maximum respect in regard to the order/direction passed by the Hon'ble Tribunal and at no point of time and under any circumstances there has been occasion for dishonoring the same. On the other hand taking into consideration the interim order dated 6.4.2001, the present contemner has not issued any such order compelling the petitioner to join at KV Kimin and hence the allegation of the petitioner regarding non compliance of the said interim order is baseless and without any merit.

4. That with regard to the statement made in para 3 of the

contempt petition the contemner while denying the statement made therein and begs to state that from the aforesaid action admittedly the present contemner cannot be held to be liable for any willful and deliberate violation of the said interim order dated 6.4.2001. It is pertinent to mention here that giving maximum respect to the said interim order the contemner has not issued any such order compelling him to join KV, Kemin in terms of the transfer order dated 20/21.3.2000. It is further denied that on 1.5.2001 the security personal of the Vidyalaya did not allow him to enter in to the school. As per the records maintained by the security personal of the Vidyalaya it is clear that the petitioner did not visit the school on 1.5.2001. The aforesaid allegation has been made by the petitioner to gain undue advantage from the Hon'ble Tribunal.

5. That with regard to the statements made in paragraphs 4, 5 and 6 of the Contempt Petition the contemner while denying the contention made therein and begs to state that there is no willful disregard in complying the order of the Hon'ble Tribunal. Taking into consideration the conduct of the petitioner it is clear that he has not come before the Hon'ble Tribunal with clean hand and as such he is not entitled for any kind of sympathy from this Hon'ble Tribunal.

Taking into consideration the facts and circumstances of the case and the conduct of the petitioner it is a fit case for drawing up of suo moto contempt proceeding against the petitioner for misleading the court with a further prayer to drop the proceeding that has been initiated against the present contemners by dismissing the present contempt petition.

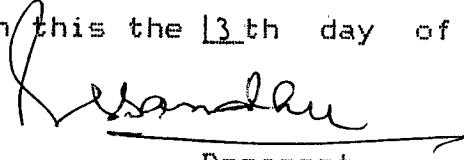
6. That the show cause has been filed bonafide and to secure ends of justice.

A F F I D A V I T

I, Shri G.S. Sandhu, s/o J. S. Sandhu, aged about 44 years, at present working as Principal, Kendriya Vidyalaya, P.O. Tengavally, District-West Kameng, Arunachal Pradesh, do hereby solemnly affirm and state as follows.

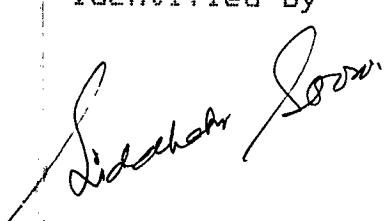
1. That I am the contemner No. 1 in the instant application and as such conversant with the facts and circumstances of the case and also competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying reply in paragraphs 1, 2 and 5 to 6. are true to my knowledge and those made in paragraphs 3-4 are matters of records which I believe to be true and the rests are my humble submissions before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this affidavit on this the 13th day of July, 2001.


G.S. Sandhu

Deponent

Identified by


S. Sarma

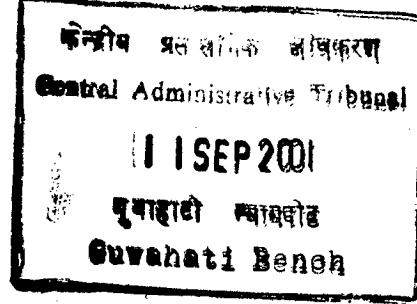
Solemnly affirm and state

by the deponent who is identified by Sri S. Sarma on this the 13th day of July, 2001

S. Sarma

Advocate


Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH -

Contempt Petition No. 17 of 2001

In

O.A. No.135 of 2001

IN THE MATTER OF :

Shri Jaydev Barman

Applicant

-Vs-

Union of India & Others.

Respondents

-AND-

IN THE MATTER OF :

Rejoinder submitted by the applicant
in reply to the show cause reply filed
by the Contemner No. 1 in Contempt
Petition No. 17 of 2001 in O.A. No.
135 of 2001.

- AND -

IN THE MATTER OF :

Shri Jaydev Barman,

Son of Late Madhav Barman,

Upper Division Clerk

Office of the Kendriya Vidyalaya,

P.O. Tenga Valley (Arunachal Pradesh),

Dist. West Kameng.

-Versus-

1. G. S. Sandhu,

Principal,

Kendriya Vidyalaya,

P.O. Tenga Valley,

Dist. West Kameng (A.P.).

PIN - 790115.

Filed by the applicant
through advocate Zois
G. M. Chodhary on 11-9-01

2. Shri D. K. Saini,
Assistant Commissioner,
Regional Office,
Maligaon Chariali,
Guwahati-781012.

■■.Alleged Contemnors.

The applicant above named most respectfully begs to state as under

1. That your applicant categorically denies the statements made in paragraphs 1 and 2 of the show cause reply and begs to state that the impugned order of transfer dated 20/21.2.2001 issued by the Respondents/Alleged Contemnors is in utter violation of the Office Memorandum dated 12.6.1997 which unequivocally provides for the posting of husband and wife in the same station and the Respondents/Alleged Contemnors are bound to abide by the professed policy of the Government. Further, the applicant had not received any relieving order dated 31.3.2001 as contended by the alleged contemner no.1 and as such it is a deliberate attempt on the part of the said alleged contemner to mislead the Hon'ble tribunal by giving a false statement.

The statement of not forcing the applicant to join his new place of posting i.e. Kendriya Vidyalaya, Kimin is irrelevant here since such action has already been suspended by the Hon'ble Tribunal vide order dated 06.04.2001 in O.A. No. 135 of 2001.

2. That your applicant categorically denies the contention of the alleged contemner made in paragraph 3 of the show cause reply and begs to state that the applicant did never relieve or relieve order dated 31.3.2001 as stated by the alleged contemner even till date, when the applicant approached the alleged contemner with the order dated 06.04. 2001 of the Hon'ble Tribunal

for resuming his duties, it was prudent and mandatory for the alleged contemner to allow the applicant to join since the operation of the very impugned order dated 20/21.3.01 was suspended by the Hon'ble Tribunal but the alleged contemner preferred to act otherwise showing wanton disregard to the order dated 06.04.2001 of the Hon'ble Tribunal wilfully and deliberately which is a clear contempt of court.

3. That your applicant emphatically denies the contentions made in paragraph 4 of the show cause reply and begs to reiterate that on 01.05.2001, when the applicant was going to report for duty as usual, the security personnel on duty did not allow him to enter the school and informed him that it was done as per the instruction of the Principal i.e. the alleged contemner No.1. The denial of this fact by the alleged contemner now is a blatant lie which can be inferred from his actions and attitude demonstrated against the applicant so far.

4. That in reply to the paragraphs 5 and 6 of the show cause reply, your applicant begs to state that the contemner, wilfully and deliberately, disregarded the order dated 06.04.2001 of the Hon'ble Tribunal and it is a clear case of the contempt of court and the Hon'ble tribunal may therefore be pleased to initiate a contempt proceeding against the alleged contemners for deliberate non-compliance of the order dated 06.04.2001 in O.A. No. 135 of 2001 and further be pleased to impose punishment against the alleged contemners in accordance with law.

5. That in the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt Proceeding against the alleged contemners for wilful and deliberate noncompliance of the order dated 06.04.2001 in 135/2001 and further be pleased to impose punishment against the alleged contemners in accordance with law.

AFFIDAVIT

I, Shri Jaydev Barman, S/o late Madhav Barman, aged about 40 years, petitioner in the Contempt Petition No.17/2001 (O.A. No. 135 of 2001), working as Upper Division Clerk, in Kendriya Vidyalaya, P.O. Tenga Valley, Dist. West Kameng, Arunachal Pradesh do hereby solemnly declare as follows :-

1. That I am the Petitioner in the aforementioned contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to swear this affidavit.
2. That the statements made in Para _____ are true to my knowledge and those made in paragraphs _____ being matter of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Court.
3. That this affidavit is made for the purpose of filing rejoinder to show cause reply filed by the alleged contemner no.1 in the aforesaid Contempt Petition against the non-compliance of the Hon'ble Tribunal's judgment and order dated 06.04.2001 passed in O.A., No.135/2001.

And I sign this Affidavit on this 11th day of September, 2001 at Guwahati.

Identified by

SDM

Advocate

Deponent

Jaydev Barman.

Solemnly affirm and declare that this Affidavit has been signed before me by the deponent who is identified by *ND Goswami* Advocate on the 11th Day of September, 2001.

Jaydev Barman
Advocate
Central Administrative
Tribunal
Guwahati.