

FORM NO. 4
(See Rule 42)

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

ORDER SHEET

Contempt APPLICATION NO ... 21 OF 2001.
m o A 68/2001

Applicant (s) Sukumar Paswan

Respondent (s) Union of India & Ors

Advocate for Applicants (s) Mr. A.C. Bhargava
Mr. N.E. Borah, S. Shankar.

Advocate for Respondent (s) C.S.C.
B.C. Sathya for Respondent 2

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt Petition has been filed by the 25.7.01 Counsel for the Petitioner for wilful and deliberate violation of interim order dt. 14.2.2001 passed by this Hon'ble Tribunal in O.A. 68/2001.</p> <p>Laid before the Hon'ble Court for further orders.</p> <p>A.K. Jena Section Officer 12.10.2001</p> <p>Notice prepared and sent to D/1 for cross the Respondent No 1 & 2 by Regd A.D. vide D/No 28621 dtd 1/8/01</p> <p>29/7/01</p>		
<p>Issue notice to show cause as to why a contempt proceeding shall not be initiated against the alleged contemners. Returnable by four weeks.</p> <p>List on 24.8.2001 for show cause and further order.</p> <p>Vice-Chairman</p> <p>Put up after complete of service report.</p> <p>List on 12/9/01 for order.</p> <p>Vice-Chairman</p> <p>List on 12.10.2001 alongwith O.A. 68/2001</p> <p>111 Shau Member</p>		

This Contempt Petition has been filed by the 25.7.01 Counsel for the Petitioner for wilful and deliberate violation of interim order dt. 14.2.2001 passed by this Hon'ble Tribunal in O.A. 68/2001.

Laid before the Hon'ble Court for further orders.

pg
24.8.01

mb
25/9/01

A.K. Jena
Section Officer
12.10.2001

Put up after complete of service report.

List on 12/9/01 for order.

Vice-Chairman

List on 12.10.2001 alongwith O.A. 68/2001

Member

bb

Service report are
still awaited.

By
11.9.01

12.10.01

List the matter along with
O.A. 68 of 2001.

IC Ushah
Member

bb

28.11.01

List on 20.12.01 along with O.A.
68 of 2001 for hearing.

29-11-2001

IC Ushah
Member

Respondent No. 1 & mb

2 have been submitted 20/12 list the case along with
their affidavits in reply. the O.A. 68/2001 on 28/1/2002.

Pls
A.K. Singh
20/12

AD

25.1.02

List on 27.2.2002 along with O.A.
No. 68/2001 for hearing.

21. 1. 2002

IC Ushah
Member

Vice-Chairman

mb

27.2. List it along with the O.A. 68/2001
on 28/1/2002.

Pls
A.K. Singh
29/2

28.2.02

Heard Mr A.C. Buragohain, learned
counsel for the applicant and Mr B.C. Pathak
learned Addl. C.G.S.C for the respondents.

perused the contempt petition. Mr
Buragohain, learned counsel for the applicant
does not want to press the petition.
Considering all aspects we do not find any
merit in this petition. Accordingly the
C.P. stands disposed of.

IC Ushah
Member

Vice-Chairman

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
19 JUN 2001
गुवाहाटी न्यायपीठ
Guwahati Bench
ORIGINAL 333

IN THE COURT OF CENTRAL ADMINISTRATIVE

GUMAHATI BENCH : GUMAHATI.

Cont. Petition No. 21/2001.
in O.A. No. 68/2001

CODE :

Sri Sukhaswar Paswan

....

Petitioner.

- Vs -

The Union of India & Ors.

....

Respondents.

MATTER :

BENCH :

- INDEX -

<u>Sl. NO.</u>	<u>Particulars</u>	<u>Pages.</u>
1.	- Contempt Petition. -	1 to 4
2.	- Affidavit -	5
3.	- Annexure - I -	6
4.	- Annexure - II -	7
6.	- Vakalatnama.	
6.	- Notice.	

File by,

[Signature]
Advocate.

Filed by the
petitioner in
Sukhaswar Paswan
through Niranjan
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUMAHATI BENCH :: GUMAHATI.

CONTEMPT PETITION NO. _____ OF 2001.

IN THE MATTER OF ::

Contempt Petition under Section 12
of the Contempt of Courts Act.

- A N D -

IN THE MATTER OF :

Wilful and deliberate violation of interim
order dt. 14.2.2001 passed by the Hon'ble
Central Administrative Tribunal, Guwahati
Bench in O.A. No. 58 of 2001.

- A N D -

IN THE MATTER OF :

Shri Sukeswar Paswan,
S/O Shri Rajendra Paswan,
Village - Manipuri Basti,
Dist. Kamrup, Guwahati - Assam.

.. Petitioner.

- Vs -

1. Shri J.K. Chhabra, Chief General
Manager, S.S.M.G. Assam Telecom
Circle, Uluberi, Guwahati - 7.

2. Shri S.K. Bhaduri,
General Manager Telecom,
Kamrup Telecom District,

Guwahati - 7.

... Contemners/
Respondents.

The humble petition of the above named Petitioner.

MOST RESPECTFULLY SHEWETH :-

1. That, your petitioner is a citizen of India and he is permanent resident of Village - Manipuri Basti, in the District of Kamrup, Assam.
2. That, your petitioner worked as casual Mazdoor/Labourer Group 'D' Employees, working under Sub - Divisional Officer, Telephones East - II, Guwahati - 7, Guwahati Circle, Contemner No. 2.
3. That, your petitioner fulfilled all the conditions required for regularisation his service but the Department did not regular his service, so the petitioner and 10 others similarly situated Casual Labourers filed the O.A. No. 114/1998 before the Hon'ble Tribunal praying for giving direction to the Respondents.
4. That, the Hon'ble Tribunal after hearing the parties in details, disposed of the O.A. on 31-8-1999 with a direction to the Respondents to examine the case of the applicants within a period of 6(Six) months.
5. That, your petitioner beg to state that after pronouncement of the above Judgement dt. 1-8-1999 in O.A. 107/1998 the Divisional Engineer (Admn.) and office of the General Manager Telecom, Kamrup District, issued of official letter vide Memo No. GMT/ENG/CL - I/2000/2 dated 5-4-2000 to Sri S.R. Yadav, DEO(Ext - IV) Guwahati directed him to verify the records/authenticity of the Casual Labourers in connection with their claims for temporary on or before 12th April' 2000.

Contd...3/-

6. That, your petitioner appeared before the said committee comprising of Divisional Engineer (Admn.), office of the GMTD/GH, GAU(TA), GMTD/GH and ADT(L), Circle Office, Guwahati, for notification of records/authenticity of the Casual Labourers in connection with their claims for Temporary status. But nothing has been done till date, in state a letter dated 27-12-2000 issued by Divisional Engineer (Admn), Office of the General Manager, Telecom Kamrup, Telecom District in where the committee submitted its reports to the department stating that petitioner has not completed the required No. of days of engagement year wise and so he is not justified for regularisation of the Casual Mazdoor.

7. That, your petitioner beg to state that the committee in the said letter dated 27-12-2000 also stated that the petitioner has not been engaged in the department since 31-10-97 and have been dis-engaged as Casual Labour with effect from 31-1-2001. But as per the certificate ~~with~~ which is attested by the Sub-Divisional Officer, Telecom East - II, Guwahati clearly shows that the petitioner has been working as a Casual Labour since January'1995.

8. That, your petitioner fulfilled all the conditions ~~required~~ required for regularisation his service but the department did not regular his service. So the Petitioner again filed the O.A. No. 68/2001 before the Hon'ble Tribunal praying for giving direction to the respondents, including contemners No. 1 & 2.

9. That, dt. 14-2-2001, the Hon'ble Tribunal has given on interim order that the petitioner is allowed to continue in his post of Casual Mazdoor in the Telephone Department till the disposal of this Original Application.

Contd...4/-

Annexure - I is the photocopy of order dated
14-2-2001 passed by Central Administrative Tribunal.

10. That, your petitioner as per the Hon'ble Tribunal order dated approached the respondents No. 3 with a representation dated 12-3-2001 praying for reengagement as Casual Mazdoor as per the Hon'ble Tribunal order dated 14-2-2001. But no action has been taken till date.

(Representation dated 12-3-2001 is marked as
Annexure -).

11. That, no communication has been sent to the petitioner with reasoned order as directed by the Hon'ble Tribunal in their interim order.

12. That, the Respondents deliberately and intentionally violated the direction of the Hon'ble Tribunal and as such the respondent are liable to be punished in accordance with provisions of contempt of Courts Act.

It is, therefore, respectfully prayed that Hon'ble Tribunal may be pleased to admit the petition, call for the records, issue to the contemner notice to show cause as to why they should not be punished for direction of the interim order given on 14-2-2001.

And for this act of kindness the humble petitioner as in duty bound shall over pray -

- A F F I D A V I T -

Contd...5/-

- AFFIDAVIT -


I, Shri Sukeswar Paswan, S/O Sri Rajendra Paswan,
aged about 28 years, resident of Village - Kalipur, P.S.
Bharalumukh, Guwahati - 9, by religion Hindu, do hereby solemnly
affirm and state as follows :-

1. That, I am the petitioner in above contempt petition
and as such I am fully acquainted with the facts and circumstances
of the case.

2. That, the statements made in para are true to my
knowledge, and those made in paras of the contempt petition
are true to my information and rests are my humble submission
before in Hon'ble Tribunal 3,4.

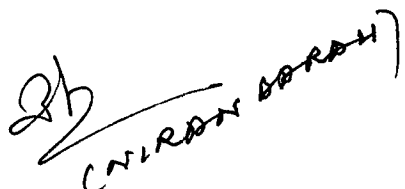
And I put my hand here into this affidavit on this
affidavit on this day of June'2001, at Guwahati.

Identified by me :


(N. Borah)


Deponent.

Solemnly declared before me by the Deponent
Sri Sukeswar Paswan who is identified by Sri
Niran Borah, Advocate on this 18th day of
June'2001, at Guwahati.


ADVOCATE.

FORM NO. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI CHIEF JUSTICE GUJARATI

ORDER SHEET
(Original Application) (E. S. OF 200)

Applicant (S) *Gurkaran Poonam*

Respondent(s) *Union of India Govt*

Advocate for Applicant(s) *A.C. Bowragorkhan
M. Borah, D. Borah*

Advocate for Respondent (I) *C.G.S.C.*

Notes of the Registry Date Order of the Tribunal

14.2.01

Present: Hon'ble Mr. D.N. Choudhury, Vice-Chairman.

Heard learned counsel for the parties. Application is admitted. Call for records. Issue notice on the respondents. Returnable by 4 weeks.

Issue notice on the respondents as to why interim order as prayed for shall not be granted. In the meantime the applicant is allowed to continue in his post of Casual Mazdoor in the Telephone Department till the disposal of this Original Application.

List on 14.3.01 for Admission.

Exhibited to be true Copy Vice-Chairman
14.2.01

Section Officer (I)
Joint Secretary (I)
Joint Secretary (II)
Joint Secretary (III)
Joint Secretary (IV)
Joint Secretary (V)
Joint Secretary (VI)
Joint Secretary (VII)
Joint Secretary (VIII)
Joint Secretary (IX)
Joint Secretary (X)

7-
The Chief General Telecom BSNL.

Assam Telecom Circle,

Ulubari, Guwahati-7.

9
Dated : 12-03-2001.

Sub : Prayer for Re-engagement as Casual Mazdoor as
per CAT Case No. DA 68/2001.

Sir,

I have the honour to inform you that I had been working in your Department as Casual Mazdoor under the name Kamrup, Guwahati since 1998 but I was removed from job without written order, even though I have completed more than 240 days in a year. The certificate for my working in the Department given by the concerned authority is enclosed herewith as a proof for your kind perusal.

That sir against the disengagement letter issued by the General Manager, Telecom BSNL Kamrup, Guwahati in the vide letter No. GMT/EST-179/TSM/00-01/110 Dated 27-12-2000, I went to honourable CAT Guwahati for justice and filed a case No. OA 68/2001 on the basis of above mentioned case. Honourable Judge has given an interim order that in the meantime the applicant is allowed to continue in his post of Casual Mazdoor in the Telephone Department till the disposal of this original application on 14-02-2001.

So I fervently request you to kindly issue necessary instruction to the GMT Kamrup, Guwahati to allow me to continue to work as Casual Mazdoor till disposal of this case in the light of judgement given the honourable CAT, Guwahati. The copy of judgement is attached herewith for taking action in my favour.

Yours faithfully,

Sukeshwar Paswan

27-12/03/2001

(Sukeshwar Paswan)

S/O. Rajendra Paswan,

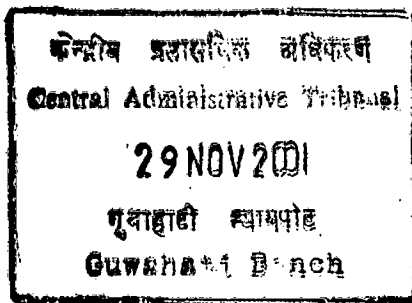
Mani Singh Lane,

Hanipur Basti,

P.O. Ulubari, Guwahati-7.

Working under SDO (1)

Dist-II, Guwahati.



Filed by 10
29/11/01
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

CONTEMPT PETITION NO. 21/2001
(IN O.A. NO. 68/2001).

Shri Sukeswar Paswan Petitioner.

- Vs -

Shri J. K. Chhabra and another Respondents.

(Affidavit-in-reply filed by Respondent No. 1).

I, J. K. Chhabra, son of Shri D.N. Chhabra, aged

about 58 years, presently resident of Panbazar, CTO Compound, Guwahati
- 1, District:- Kamrup (Assam), do hereby solemnly affirm and state as
follows:-

Tele com.

1. That I am the Chief General Manager, Assam Circle, Guwahati -
7. I have been impleaded as a Respondent in the above noted contempt petition. I have gone through the petition and understood the contents thereof.
2. That before traversing various paragraphs of the petition, a brief resume of the facts of the case is given below:-

Verifier Com R 11

The applicant along with some other casual labourers made an application vide O.A. No. 114/98 in the Hon'ble Tribunal. The said application along with 14 other applications were heard and disposed of by the Hon'ble Tribunal on 31.8.99. By the said decision, the Hon'ble Tribunal directed the Respondents to examine the case of each applicant on their representation individually and to pass a reasoned order on merit of each case. The case of the applicant along with other were also taken by the duly constituted verification committee as directed by the Hon'ble Tribunal. The verification committee recorded the findings in their report duly signed by them.

According to the said report, the total number of days of service actually rendered by the applicant was for 05 days only. This fact was also duly communicated to the applicant vide our letter No. GMT/EST-179/TSM/00-01/110 dated 27.12.2000. Thereafter the applicant filed another OA vide No. 68/01 raising the same question. The Respondent for the ends of justice decided to verify the records of the engagement once again and it was found that the applicant in fact rendered his service for 52 days as detailed below:-

<u>Month</u>	<u>Year</u>	<u>Days.</u>
July	1997	05
August	1997	08
September	1997	18
October	1997	05
November	1997	15
December	1997	01

Total - 52 days.

In the meantime, the applicant has filed this instant contempt petition. Considering the seriousness of the matter which has been questioned in contempt of Court, the respondents seriously went to the findings of the fact particularly relating to the certificates issued by Shri Rajendra Paswan, S.I. and Shri Rambilash Roy, L.M. and countersigned by the then SDOP (E-II), Shri R. M. Das. On our written query made to these officials, Sri R. M. Das, the then SDOP has confirmed that the contents of the certificates were not correct. He also further stated that if necessary he would file affidavit in this Hon'ble Tribunal. Hence the contempt petition has no merit and the respondents have not done anything which will amount to willful disobedience of the order passed by the Hon'ble Tribunal. The Respondents fully complied with the direction as given in the OA No. 114/98.

The copies of 2nd verification report and the written statement given by the then SDOP (E-II), Guwahati are annexed hereto as Annexure -RI (Series).

3. That I have no comments to offer with regard to the statement made in para 1 of the petition.
4. That with regard to the statement made in paragraphs, 2,3,4,5,6,7 and 8, I reassert and reiterate the foregoing statements made herein above and deny the correctness made in the petition.

5. That with regard to the statement made in para 9, 10 and 11, I say that the applicant has not been on engagement since December, 1997 and hence the order dated 14.2.2001 in OA No. 68/2001 passed by the Hon'ble Tribunal has no effect so far the applicant is concerned as he was not holding any posts nor he was in engagement on the date of issue of the orders. I also say that this order dated 14.2.2001 is not an order for re-engagement.

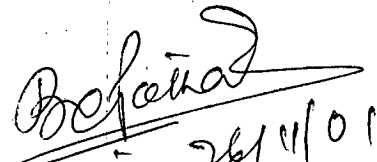
6. That with regard to the statement made in paragraph 12 of the application, I say that as stated in this reply, I have not violated any direction or order passed by the Hon'ble Tribunal as I have not done anything willfully or deliberately or disobey the order of this Hon'ble Tribunal. That in a civil contempt the action of respondent must be willful. The Hon'ble Supreme Court in a catena of decisions reported in AIR 1999 Supreme Court 880 and (1999) 7 SCC 569, has held that action based on bonafide interpretations of the order and notification etc. can not amount to willful disobedience and also the actions which are casual, accidental, bonafide or unintentional acts or genuine inability to comply with the terms of the order, are excluded from the meaning of 'willful'. I say that any action so carried on are squarely covered by the aforesaid ratio of decision of the Hon'ble Apex Court. And hence I am not liable for contempt of court.

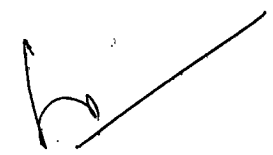
7. That I have very high regards to the institution of Court and the order passed by such Court and I can not have any such idea to disobey such order of the Hon'ble Court. In case this Hon'ble Tribunal comes to a finding in its opinion that I am otherwise liable for contempt of Court, in that case, I hereby pray for unqualified apology and to exonerate from my unintentional bonafide acts if so I have done in connection with the contempt petition and

8. That the statements made in reply in paragraphs 1, 3 to 7 are true to my knowledge and belief, those made in paragraphs 2 being matter of records, are true to my information derived thereon and the rest are my humble submission before this Hon'ble Tribunal. That I have not suppressed any material facts.

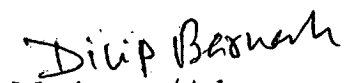
And I sign this affidavit on this 26th day of November, 2001 at Guwahati.

Identified by me


(Advocate) 26/11/01


Deponent.
(J. K. CHHABRA)

Solemnly affirmed and signed before me by the deponent which is identified by Sri B. C. Pathak, Advocate, on this 26th day of November, 2001 at Guwahati.


Magistrate/Advocate.



प्रेषक
From

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

सेवा में

To

The CGMT
Assam Circle, Guwahati.

Answered (R. M. Das)

क्रम संख्या
No.

दिनांक

Dated at 11/10/01.

विषय:

Subject - OA. NO 68/2001 and
CP NO 21/2001.

Ref - ① G.M.T/GH letter no Court case/OA-68/2001/21
dated 22/8/01.

② G.M.T/AS/GH letter no STES-21/318/11 dated 14/8/01.

Sir.

Please refer to the above mentioned
letter under subject above, regarding
counter signature at the certificate issued
by Sri Ram Lalash Rai and Sri Rajendra Paswan.
In this connection I like to mention that
the temporary casual mazdoors were engaged
by SIT as and when required and payment
were also made by them. No records of such
engagement of temporary casual mazdoors were
maintained in the office. Those two certificates
were not issued by me and I simply
counter signed.

Hence I deny the correctness of the
content of the certificate but I counter signed
the certificates. As required I shall submit
Affidavit to the Honorable court for this fact.

This for favor of your kind
information and necessary action Please.

11/10/01

(R. M. Das)

S.D.O. Noonmati

Noonmati, GH. 20

(Earlier working as S.D.O. Dibrugarh
East II / Guwahati)

ENGAGEMENT DETAILS

(Extract)

Applicant's Name:- Shri Sukeswar Paswan

Year	No of days for which documents checked	No of days accounts left unverified	Actual days put on engagement as per vouchers
(1)	(2)	(3)	(4)
1995	170 days	195 days	Nil
1996	182 days	183 days	Nil
1997	195 days	<u>170 days</u>	052 days
1998	044 days	169 days (upto 1.8.98)	Nil

N. B. — If the left out period, for which vouchers are to be checked, if added together with number of days worked for the verification period will not come nearest to 240 days even.

26/4/11
Asst. Director Telecom Dept.
O/O the C. G. M. Telecom
Karam Circle, Guwahati-781001

195 ☐
170
365

170
52
222

o/c



DEPARTMENT OF TELECOMMUNICATIONS

प्रेषक

From

Accounts Officer (Cash)
National Sanchar Nigam Ltd,
C/o the G.M.T.D. Kamrup

सेवा में

To

The D.E. Operation
C/o. the G.M.T.D. T.T.

क्रम संख्या

G.M.T.D. Kamrup

दिनांक

Guwahati

No. A-2

Cash/01-01/Pat-1

Dated at

27.8.01

विषय:

Subject: Verification of

payment particulars for the period
Jan, 95 to May, 98 through the AEE-2
bill of Sri R.M. Das SDOT-E-11
Case of Sri Sukhswar Paswan c/m

Ref your letter No. G.M.T.D. Kamrup/01-68/01/18
dt. 17.8.01.

Please refer to your letter no cited
above. After investigation 20 Nos of AEE-2
accounts found for different periods as
enclosed herewith. The following obser-
vation are recorded.

As per above AEE-2 A/c. Sri
Sukhswar Paswan did not work for a
single day under Sri R.B. Roy Lineman
as mentioned in Annexure "A" of your
letter.

As per Annexure "B" it is stated that
Sri Rajendra Paswan S.I. furnished a
certificate for the work done by Sri
Sukhswar Paswan s/o Sri Rajendra Paswan
upto May/98, whereas the SDOT-E-11
counter signed the certificate on 23.4.98.
Hence it seems to be not genuine.

It is also mentioned that Sri Sukhswar
Paswan worked under Sri R. Paswan S.I.
for 31 days only from 7/97 to Dec/97 as
mentioned in the enclosed list.

~~Account Officer (Cash)~~
~~National Sanchar Nigam Ltd,~~
~~C/o the G.M.T.D. Kamrup~~
~~Guwahati-781 007~~

Account Officer (Cash)
National Sanchar Nigam Ltd,
C/o the G.M.T.D. Kamrup
Guwahati-781 007

Working Particulars of Sri Sukeshwar Paswan labour
under Sri R.B. Roy L/M; Sri R. Paswan S.I and
R.M. Das. S.DOT. Wef. 94-95 to 97-98 (5/98)

(94-95)

A/c No. 13	Period	19.1.95 to 31.1.95
" " 14	"	2.2.95 to 18.02.95
" " 15	"	20.2.95 to 2.3.95
" " 18	"	20.3.95 to 29.3.95

(95-96)

A/c No. 37	Period	20.1.96 to 31.1.96
" " 40	"	5.2.96 to 16.2.96
" " 41	"	19.2.96 to 2.3.96
" " 7	"	5.5.95 to 16.5.95
" " 19	"	17.8.95 to 31.8.95
" " 27	"	19.10.95 to 2.11.95

(96-97)

A/c No. 5	Period	17.4.96 to 2.5.96
" " 11	"	5.6.96 to 19.6.96
" " 29	"	2.11.96 to 2.12.96
" " 31	"	4.12.96 to 31.12.96

(97-98)

A/c No. 2	Period	4.4.97 to 2.5.97
" " 6	"	7.6.97 to 2.7.97
" " 13	"	15.9.97 to 14.10.97
" " 19	"	2.11.97 to 4.12.97
" " 23	"	7.1.98 to 31.1.98
" " 24	"	10.3.98 to 25.3.98

(*) A/c No. 23 (97-98) Period ending 31.1.98
of Shri R.M. Das.

work done by Sukeshwar Paswan under
Sri R. Paswan S.I.

11/11/97, 12/11/97, 15/11/97, 17/11/97, 18/11/97, 19/11/97
21/11/97, 22/11/97, 24/11/97, 25/11/97, 27/11/97, 29/11/97 and

P.T.O. 4/12/97.

RE-~~XXXXXX~~

Obtained by ~~XXXXXX~~
Goverment of India

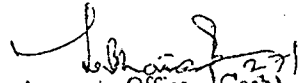
* A/c No. 19 (97-98) P/E 4.12.97 of Smt R.M. Das.
 work done by Sukumar Pasuan under
 Smt R. Pasuan S.I.

12/9/97, 13/9/97, 15/9/97, 15/9/97, 16/9/97, 17/9/97
 18/9/97, 19/9/97, 22/9/97, 23/9/97, 25/9/97, 26/9/97,
 27/9/97, 30/9/97, 24/9/97.

* A/c No. 13 P/E 4.16.97 (97-98).
 28/9/97, 7/10/97, 8/10/97.

* Abstract. 7/97 — 1 day.
 8/97 — 8 days.
 9/97 — 9 days.
 10/97 — 8 days.
 11/97 — 12 days.
 12/97 — 1 day.
31 days.

* The labour did not perform any duty under
 Smt R.B. Roy L/M as certificate given.


 Accounts Officer (Cash)
 Bharat Sanchar Nigam Ltd.
 O/o the G.M.T.D. Kanpur
 Guwahati-781 007

on 27/9/97

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

BSNL

प्रेषक
Fromसेवा में
To✓ The D.E. operations
O.G.M. (K) T.D.
Gurukul

क्रम संख्या

दिनांक

No.

A-2/Cash/01-02/11-11-11 Dated at 9th 21.9.01

विषय:

Subject: Verification of

Payment particulars for the period Jan/95
to May/98, through the AEB-2 List of
Sri R.M. Das & D.P. B-11 case
of Sri Sukhdev Paswan. C/M.

Seen
21/9/2001

Ref - your No. G.M.T. Court Case/01-02/2001/25
of 21.8.01.

Please refer to your letter no cited above
on mentioned subject, we have verified
for second times
12 (twelve) Nos. AEB-2 accounts for different
period.

As per Annexure 'B' - it is found
that Sri Sukhdev Paswan worked under
Sri R. Paswan SI. for 21 days only i.e.
July/97 to Nov/97. as mentioned in the
enclosed list No. 1. Further we have incor-
porated some comments in the list No. 2
for your information and necessary
action please.

Enclosed.

✓ AD/OL
for early
action please
enclosed
① List No. 1
② List No. 2
21/9/2001

Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd.
O/o the G.M.T.D. Kusrup
Gurukul-751 003

Working Particulars of Shree Sukheswar Paswan c/m
under Sri R.B. Roy L/M, Sri R. Paswan S.I. and Shree
R.M. Das S.D.O. Wt. 94-95 to 97-98 (upto 5/98)

95-96

1. A/c No. 1	Period	6.4.95 to 18.4.95
2. " " 10	"	5.6.95 to 15.6.95
3. " " 15	"	10.7.95 to 17.7.95
4. " " 16	"	17.7.95 to 2.8.95
5. " " 21	"	7.9.95 to 20.9.95
6. " " 31	"	18.11.95 to 1.12.95

96-97

7. " " 19	"	5.8.96 to 30.8.96
8. " " 21	"	3.9.96 to 2.10.96

97-98

9. " " 9	"	9.7.97 to 4.8.97
10. " " 11	"	7.8.97 to 8.9.97
11. " " 16	"	15.10.97 to 4.11.97
12. " " 21	"	8.12.97 to 3.1.98

⊗ A/c No. 21 Period 8.12.97 to 3.1.98

Shree Sukheswar Paswan worked under Sri
R. Paswan S.I. for the following days.
01/11/97, 17/10/97, 18/10/97, 20/10/97, 25/10/97, 27/10/97,
6/11/97, 7/11/97

⊗ A/c No. 11 Period 7.8.97 to 8.9.97

Shree Sukheswar Paswan worked under Sri
R. Paswan S.I. for the following days.
23/7/97, 24/7/97, 25/7/97, 26/7/97

⊗ A/c No. 16 Period 15.10.97 to 4.11.97

Shree Sukheswar Paswan worked under Sri
R. Paswan S.I. for the following days.
1/9/97, 2/9/97, 3/9/97, 4/9/97, 5/9/97, 8/9/97, 9/9/97, 10/9/97
and 11/9/97.

13/22

(A)

Abstracted

7/97 - 4 days

9/97 - 9 "


10/97 - 5 "

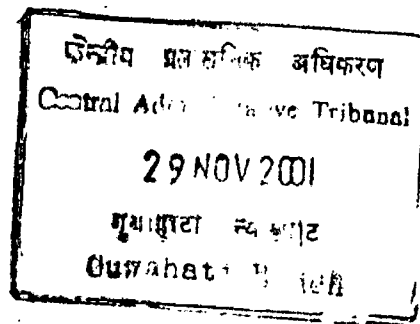
11/97 - 3 "

21 days

(*) Shree Sukheswar Paswan did not perform any duty under Sri R.B. Roy L/M as candidate for promotion.

m
21/9/07


Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd.
O/o the G.M.T.D. Kharup
Gurgaon-781 007



Filed by 23
28/11/01
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

CONTEMPT PETITION NO. 21/2001
(IN O.A. NO. 68/2001).

Shri Sukeswar Paswan Petitioner.

- Vs -

Shri J. K. Chhabra and another Respondents.

(Affidavit-in-reply filed by Respondent No. 2).

I, S.K. BHADURI, son of Late Panchanam Bhaduri,
aged about 47 years, presently resident of Panbazar, CTO
Compound, Guwahati - 1, District:- Kamrup (Assam), do hereby solemnly
affirm and state as follows:-

1. That I am the General Manager, Kamrup Telecom. District,
Guwahati - 7. I have been impleaded as a Respondent in the above noted
contempt petition. I have gone through the petition and understood the
contents thereof.

2. That before traversing various paragraphs of the petition, a brief
resume of the facts of the case is given below:-

The applicant along with some other casual labourers made an application vide O.A. No. 114/98 in the Hon'ble Tribunal. The said application along with 14 other applications were heard and disposed of by the Hon'ble Tribunal on 31.8.99. By the said decision, the Hon'ble Tribunal directed the Respondents to examine the case of each applicant on their representation individually and to pass a reasoned order on merit of each case. The case of the applicant along with other were also taken by the duly constituted verification committee as directed by the Hon'ble Tribunal. The verification committee recorded the findings in their report duly signed by them. According to the said report, the total number of days of service actually rendered by the applicant was for 05 days only. This fact was also duly communicated to the applicant vide our letter No. GMT/EST-179/TSM/00-01/110 dated 27.12.2000. Thereafter the applicant filed another OA vide No. 68/01 raising the same question. The Respondent for the ends of justice decided to verify the records of the engagement once again and it was found that the applicant in fact rendered his service for 52 days as detailed below:-

<u>Month</u>	<u>Year</u>	<u>Days.</u>
July	1997	05
August	1997	08
September	1997	18
October	1997	05
November	1997	15
December	1997	01

Total - 52 days.

In the meantime, the applicant has filed this instant contempt petition. Considering the seriousness of the matter which has been questioned in contempt of Court, the respondents seriously went to the findings of the fact particularly relating to the certificates issued by Shri Rajendra Paswan, S.I. and Shri Rambilash Roy, L.M. and countersigned by the then SDOP (E-II), Shri R. M. Das. On our written query made to these officials, Sri R. M. Das, the then SDOP has confirmed that the contents of the certificates were not correct. He also further stated that if necessary he would file affidavit in this Hon'ble Tribunal. Hence the contempt petition has no merit and the respondents have not done anything which will amount to willful disobedience of the order passed by the Hon'ble Tribunal. The Respondents fully complied with the direction as given in the OA No. 114/98.

The copies of 2nd verification report and the written statement given by the then SDOP (E-II), Guwahati are annexed hereto as Annexure -RI (Series).

3. That I have no comments to offer with regard to the statement made in para 1 of the petition.
4. That with regard to the statement made in paragraphs, 2,3,4,5,6,7 and 8, I reassert and reiterate the foregoing statements made herein above and deny the correctness made in the petition.

5. That with regard to the statement made in para 9, 10 and 11, I say that the applicant has not been on engagement since December, 1997 and hence the order dated 14.2.2001 in OA No. 68/2001 passed by the Hon'ble Tribunal has no effect so far the applicant is concerned as he was not holding any posts nor he was in engagement on the date of issue of the orders. I also say that this order dated 14.2.2001 is not an order for re-engagement.

6. That with regard to the statement made in paragraph 12 of the application, I say that as stated in this reply, I have not violated any direction or order passed by the Hon'ble Tribunal as I have not done anything willfully or deliberately or disobey the order of this Hon'ble Tribunal. That in a civil contempt, the action of respondent must be willful. The Hon'ble Supreme Court in a catena of decisions reported in AIR 1999 Supreme Court 880 and (1999) 7 SCC 569, has held that action based on bonafide interpretations of the order and notification etc. can not amount to willful disobedience and also the actions which are casual, accidental, bonafide or unintentional acts or genuine inability to comply with the terms of the order, are excluded from the meaning of 'willful'. I say that any action so carried on are squarely covered by the aforesaid ratio of decision of the Hon'ble Apex Court. And hence I am not liable for contempt of court.

7. That I have very high regards to the institution of Court and the order passed by such Court and I can not have any such idea to disobey such order of the Hon'ble Court. In case this Hon'ble Tribunal comes to a finding in its opinion that I am otherwise liable for contempt of Court, in that case, I hereby pray for unqualified apology and to exonerate from my unintentional bonafide acts if so I have done in connection with the contempt petition and

8. That the statements made in reply in paragraphs 1, 3 to 7 are true to my knowledge and belief, those made in paragraphs 2 being matter of records, are true to my information derived thereon and the rest are my humble submission before this Hon'ble Tribunal. That I have not suppressed any material facts.

And I sign this affidavit on this 27th day of November, 2001 at Guwahati.

Sabir Kumar Bhattacharya

Deponent.

Identified by me

B. C. Pathak
(Advocate) 27/11/01

Solemnly affirmed and signed before me by the deponent which is identified by Sri B. C. Pathak, Advocate, on this 27th day of November, 2001 at Guwahati.

Dilip Baruah
Magistrate/Advocate.



BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

Annexure - R (Series)

प्रेषक
From

-6-

सेवा में
To

The CGMT
Assam Circle, Guwahati.

क्रम संख्या
No.

दिनांक

Dated at 11/10/01.

विषय :

Subject - OA No 68/2001 and
CP No 21/2001.

Ref - ① CGMT/GH letter no Court case/OA-68/2001/21
dated 22/8/01.

② CGMT/AS/04 letter no STES-21/318/11 dated 14/8/01.
Sir.

Please refer to the above mentioned
letter under subject above regarding
counter signature at the certificate issued
by Sri Ramvilash Rai and Sri Rajendra Paswanari.
In this connection I like to mention that
the temporary casual mazdoors were engaged
by SIT as and when required and payment
were also made by them. No records of such
engagement of temporary casual mazdoors were
maintained in the office. Those two certificates
were not issued by me and I simply
counter signed.

Hence I deny the correctness of the
content of the certificate but I counter signed
the certificates. As required I shall submit
Affidavit to the Honorable court for this fact.

This for favour of your kind
information and necessary action Please

R. M. Das
11/10/01

(R. M. Das)

S DO P No. 2001/21
Noonmati, GH-20

(Formerly working as SDO Phons
East II / Guwahati)

ENGAGEMENT DETAILS

(Extract)

Applicant's Name - Shri Sukeswar Paswan

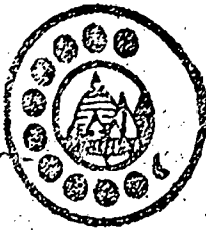
Year	No of days for which documents checked	No of days accounts left unverified	Actual days put on engagement as per vouchers
(1)	(2)	(3)	(4)
1995	170 days	195 days	Nil
1996	182 days	183 days	Nil
1997	195 days	170 days	052 days
1998	044 days	169 days (upto 1.8.98)	Nil

N. B. — If the left out period, for which vouchers are to be checked, if added together with number of days worked for the verification period will not come nearest to 240 days even.

-----X-----

26/01
 Asst. Director Telecom Dept.
 O/o the C. O. M. Telecom
 Secy (M) Govt. of India

o/c



Corr-22

दूर संचार विभाग - 8 -

DEPARTMENT OF TELECOMMUNICATIONS

प्रेषक

From

Joint Office (Cable)
Joint Director, Pigeon Ltd.
Joint C.M.T.D. Group

संवा में

To

The D.E. Operation
of the G.M.T.D. T.T.

क्रम संख्या

Serial No. 781 207

दिनांक

Gurukul

No. A-2

Cable

01-01/14-14

Dated at

27.8.01

विषय

Subject: Verification of

Payment particulars for the period
Jan, 95 to May, 98 through the AEF-2
bill of Sri R.M. Das SDOP-E-II
Case of Sri Sukhswar Paswan etc

Ref your letter No. G.M.T. Control Case/DA-68/01/18
dt 17.8.01.

Please refer to your letter no cited
above. After investigation 20 Nos of AEF-2
accounts found for different periods as
enclosed herewith. The following obser-
vation are recorded.

As per above AEF-2 of Sri
Sukhswar Paswan did not work for a
single day under Sri R.B. Roy Lineman
as mentioned in Annexure 'A' of your
letter.

As per Annexure 'B' it is stated that
Sri Rajendra Paswan S.I. furnished a
certificate for the work done by Sri
Sukhswar Paswan to Sri Rajendra Paswan
upto May/98, whereas the SDOP-E-II
counter signed the certificate on 23.4.98.
Hence it seems to be not genuine.

It is also mentioned that Sri Sukhswar
Paswan worked under Sri R. Paswan S.I.
for 31 days only from 4/97 to 31/97 as
mentioned in the enclosed bill.

[Handwritten signatures and stamps]

[Handwritten signatures and stamps]

Working Particulars of Sri Sukeshwar Paswan Lalouh 3)
 under Sri R.B. Roy L.M., Sri R. Paswan S.I. and
 R.M. Das. S.D.C. Wef. 94-95 to 97-98 (5/98)

(94-95)
 A/c No. 13 Period 19.1.95 to 31.1.95
 " " 14 " 2.2.95 to 18.02.95
 " " 15 " 20.2.95 to 2.3.95
 " " 18 " 20.3.95 to 29.3.95

(95-96)
 A/c No. 37 Period 20.1.96 to 31.1.96
 " " 40 " 5.2.96 to 16.2.96
 " " 41 " 19.2.96 to 2.3.96
 " " 7 " 5.5.95 to 16.5.95
 " " 19 " 17.8.95 to 31.8.95
 " " 27 " 19.10.95 to 2.11.95

(96-97)
 A/c No. 5 Period 17.4.96 to 2.5.96
 " " 11 " 5.6.96 to 19.6.96
 " " 29 " 2.11.96 to 2.12.96
 " " 31 " 4.12.96 to 31.12.96

(97-98)
 A/c No. 2 Period 4.4.97 to 2.5.97
 " " 6 " 7.6.97 to 2.7.97
 " " 13 " 15.9.97 to 14.10.97
 " " 19 " 2.11.97 to 4.12.97
 " " 23 " 7.1.98 to 31.1.98
 " " 24 " 10.3.98 to 25.3.98

(*) A/c No. 23 (97-98) Period ending 31.1.98
 of Shri R.M. Das.

work done by Sukeshwar Paswan Lalouh
 Shri R. Paswan S.I.

11/1/97, 12/1/97, 15/1/97, 17/1/97, 18/1/97, 19/1/97
 20/1/97, 21/1/97, 22/1/97, 23/1/97, 24/1/97, 25/1/97
 26/1/97, 27/1/97, 28/1/97, 29/1/97, 30/1/97, 31/1/98

- 10 -

(*) A/c No. 19 (97-98) P/E 4.12.97 of Sri R.M. Das.
Work done by Sukumar Pasuan under
Sri R. Pasuan S.I.

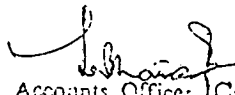
12/9/97, 13/9/97, 15/9/97, 15/9/97, 16/9/97, 17/9/97
18/9/97, 19/9/97, 22/9/97, 23/9/97, 25/9/97, 26/9/97,
27/9/97, 30/9/97, 24/9/97.

(*) A/c No. 13 P/E 4.10.97 (97-98).
28/7/97, 7/8/97, 8/8/97.

(*) Abstract.

7/97	—	1 day.
8/97	—	8 days.
9/97	—	9 days.
10/97	—	x
11/97	—	12 days.
12/97	—	1 day.
		<hr/> 31 days.

(*) The labour did not perform any duty under
Sri R.B. Roy L/M as certificate given.


Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd.
O/o the G.M.T.D. Kamrup
Guwahati-781 007

27/2/98

Corr-22

भारत संचार निगम लिमिटेड

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

BSNL

प्रेषक
From

सेवा में
To

✓ The D.E. operations
of G.M. (H) T.D.
Gwalhati

क्रम संख्या

No. A-2/Cash/01-02/pt. H/c

दिनांक

Dated at 01.12.2001

विषय :

Subject : Verification of

Payment particulars for the period Jan/95
to May/98. Through the AEF-2 List of
Sri R.M. Das SDOP-E-II case
of Sri Sukhdev Paswan, a/m.

Ref - your No. 001/Cash/01-02/2001/25
of 28.8.01.

Please refer to your letter no. cited above
on mentioned subject, we have verified
for second times
12 (twelve) Nos AEF-2 accounts for different
period.

As per Annexure 'B' it is found
that Sri Sukhdev Paswan worked under
Sri R. Paswan SI for 21 days only i.e.
July/97 to Nov/97 as mentioned in the
enclosed list No. 1. Further we have incor-
porated some comments in the list No. 2
for your information and necessary
action please.

Enclosed.

① List No. 1

② List No. 2

[Signature]

Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd.
C/o the G.M.E.D. Kharagpur
Gwalhati-731 003

Working Particulars of Shree Sukheswar Paswan c/m
under Sri R.B. Roy LHM, Sri R. Paswan SI. and Sri 34
R.M. Das SDO Wg. 94-95 to 97-98 (upto 5/98)

95-96

1. A/c No. 1	Period	6.4.95 to 18.4.95
2 " " 10	"	5.6.95 to 15.6.95
3 " " 15	"	10.7.95 to 17.7.95
4 " " 16	"	17.7.95 to 2.8.95
5 " " 21	"	7.9.95 to 20.9.95
6 " " 31	"	18.11.95 to 1.12.95

96-97

7. " " 19	"	5.8.96 to 30.8.96
8 " " 21	"	3.9.96 to 2.10.96

97-98

9 " " 9	"	9.7.97 to 4.8.97
10 " " 11	"	7.8.97 to 8.9.97
11 " " 16	"	15.10.97 to 1.11.97
12 " " 21	"	8.12.97 to 3.1.98

(*) A/c No. 21 Period 8.12.97 to 3.1.98

Shree Sukheswar Paswan worked under Sri
R. Paswan S.I. for the following days.
01/11/97, 17/10/97, 18/10/97, 20/10/97, 25/10/97, 27/10/97,
6/11/97, 7/11/97

(*) A/c No. 11 Period 7.8.97 to 8.9.97

Shree Sukheswar Paswan worked under Sri
R. Paswan S.I. for the following days.

23/7/97, 24/7/97, 25/7/97, 26/7/97

(*) A/c No. 16 Period 15.10.97 to 4.11.97

Shree Sukheswar Paswan worked under Sri
R. Paswan for the following days.

1/9/97, 2/9/97, 3/9/97, 4/9/97, 5/9/97, 8/9/97, 9/9/97, 10/9/97
and 11/9/97.

32

13
⑦

Abstracted

7/97 - 4 days
9/97 - 9 "
10/97 - 5 "
11/97 - 3 "
21 days

⑦ Shree Sukhswar Paswan did not perform any duty under Sri R.B. Roy L/M as confidential genl.

m
21/9/07

S. K. Anand
Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd.
O/o the G.M.T.D. Kanpur
Jorahat--781 007