

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

ORDER SHEET

Contempt APPLICATION NO ... 21..... OF 2001.
in O.A 68/2001

Applicant (s) Sukenswar Paswan

Respondent (s) Union of India Govt

Advocate for Applicants (s) Mr. A.C. Bhagabati

Mr. N.E. Borah, S. Ghosh,

Advocate for Respondent (s) CSE

B.C. Sethuram for Respdt. 2

Notes of the Registry Date Order of the Tribunal

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.

Issue notice to show cause as
to why a contempt proceeding shall
not be initiated against the
alleged contemners. Returnable by
four weeks.

List on 24.8.2001 for show
cause and further order.


Vice-Chairman

Laid before the
Hon'ble Court for further
orders.

pg
24.8.01N.B
25/8/01

Put up after complete of service
report.

List on 12/9/01 for order.


Vice-Chairman

A.K. Dey
Section Officer
12.10.2001

List on 12.10.2001 alongwith O.A. 68/2001.

Notice prepared and sent to D/S
for cross the respondent No 182
by legal A.D. vide D.No 2862
dd. 11/8/01


29/7/01


Member

(2) Service report are
still awaited.

12.10.01

List the matter alongwith
D.A. 68 of 2001.

33
11.9.01

bb

28.11.01 List on 20.12.01 alongwith D.A.
68 of 2001 for hearing.

29-11-2001

IC Usha
Member

Respondent No. 1 & mb

2 I have been informed 20/12 List the case alongwith
their affidavit in reply.

the OA 68/2001 on 27.1.2002

Pls

A.R.Tir
20/12

25.1.02 List on 27.2.2002 alongwith D.A.
No. 68/2001 for hearing.

21. 1. 2002

IC Usha
Member

Vice-Chairman

mb

27.2. List it alongwith the OA 68/2001
on 28/2/2002.

Pls
A.R.Tir
27/2

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 Usha
Member

Vice-Chairman

19 JUN 2001

गुवाहाटी न्यायपीट

Guwahati Bench

IN THE COURT OF CENTRAL ADMINISTRATIVE

GUWAHATI BENCH : GUWAHATI.

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

CODE :

Sri Sukheswar Paswan Petitioner.
- Vs -
The Union of India & Ors. Respondents.

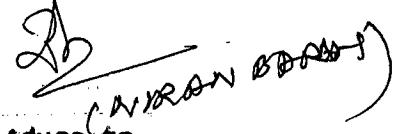
MATTER :

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
5.	-	-	Vakalatnama.		
6.	-	-	Notice.		

File by,


Avran Deka
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH :: GUWAHATI.

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. 68 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.N.G. Assam Telecom
Circle, Uluberia, Guwahati - 7.

2. Shri S.K. Bhaduri,
General Manager Telecom,
Kamrup Telecom District,
Guwahati - 7. ... Contemner/
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, Contamner 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 (Admin.) 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.B. Yadav, DEO(Ext - IV) Guwahati directed him to verify the records/authoncity of the Casual Labourers in connection with their claims for temporary on or before 12th April' 2000.

6. That, your petitioner appeared before the said committee comprising of Divisional Engineer (Admn.), office of the GMD/GH, GAO(TA), GMD/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 spite of a letter dated 27-12-2000 issued by Divisional Engineer (Admn), Office of the General Manager, Telecom Kamrup, Telecom District in which 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 for regularization 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 claimants No. 1 & 2.

9. That, dt. 14-2-2001, the Hon'ble Tribunal has given an 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.

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 ever pray -

- A F F I D A V I T -

- AFFIDAVIT -

I, Shri Sukeswar Paswan, S/O Sri Rajendra Paswan, aged about 28 years, resident of Village - Kalipur, P.S. Charalumukh, 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 make in paras of the contempt petition are true to my information and rests are my humble submission before in Hon'ble Tribunal 3,4.

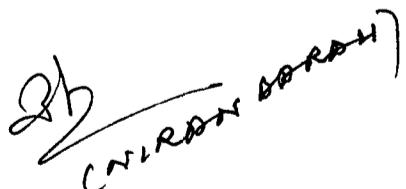
And I put my hand here into this affidavit on this affidavit on this day of June'2001, at Guwahati.

Identified by me :


(N. Borah)

Sukeswar Paswan -
Defendant.

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


Niran Borah
ADVOCATE.

ENRIT NO. 4
(See Rule 42)

THE CHIEF ADMISSION OFFICER (T.C.A.O.)
SUBMITTED WHICH IS TO SUBMIT

Original Application No. 68 of 2001

Applicant(s) Gurkaran Powar

Respondent(s) Union of India Govt

Advocate for Applicant(s) A.C. Pawarkarim
Mr. Borwankar, D. Poorak

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry : The Order of the Tribunal

14.2.01 | Presents Hon'ble Mr. B.N. Chou-
dhury, 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
B.N. Choudhury

Section Officer
Sarkar Bhawan
Central Admistrative Office
Sarkar Bhawan
Chinchwadi, Powai
Mumbai 400 087
Date: 14/02/2001

7
The Chief General Telecom BSNL.
Assam Telecom Circle,
Ulubari, Guwahati-7.

Dated : 12-03-2001.

9

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

Sir,

I have the honour to inform you that I had been working in your Department as Casual Mazdoor under the ~~Telecom Kamrup, Guwahati, dated 22-02-2001~~ 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 hereby as a proof for your kind perusal.

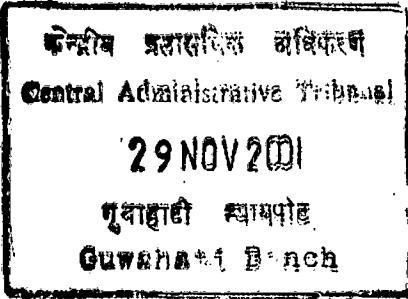
That sir against the disengagement letter issued by the General Manager, Telecom BSNL Kamrup, Guwahati in the vide letter No. GMT/EGT-179/TSN/00-01/110 Dated 27.12.2000, I went to honourable CAT Guwahati for justice and filed a case No. OA 68/2001 on the basis of above mentioned case. Honourable Judge 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,

Sukheswar Paswan
27-03-2001

(Sukheswar Paswan)
S/o. Rajendra Paswan,
Mahi Singh Laro,
Hampur Bari,
P.O. Hulbari, Guwahati-7,
working under BDO (1)
East IT, Guwahati,



Filed by 10
B. C. Pathak
28/11/01
(B. C. Pathak, Standing Counsel
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:-

Telecom.

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

Verifed Com B
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
<hr/>		
	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.

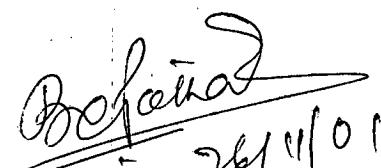
And I sign this affidavit on this 26th day of November, 2001 at Guwahati.



Deponent.

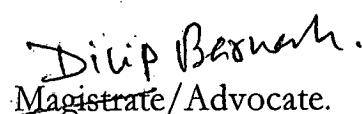
(J. K. CHHABRA)

Identified by me

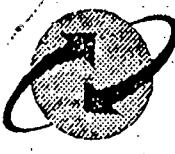


26/11/01
(Advocate)

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.



BSNL

प्रेषक
From

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

Annexure-F (contd)

क्रम संख्या
No.

सेवा में

To The C G M T

Assam Circle, Guwahati.

दिनांक

Dated at 11/10/01.

विषयः

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

Ref - ① G M T/GH letter no. Court/cam/6A-68/2001/21
dated 22/8/01.

② G M T/AS/64 letter no. SIT/318/11 dated 14/8/01.

Sir.

Please refer to the above mentioned
letter under subject above, regarding
counter signature at my certificate issued
by Sri Ramlalash Rai and Smt. Ragendra Paswan.
In this connection I like to mentioned that
the temporary casual mazdoor were engaged
by SIT as and when required and payment
were also made by them. No records of such
engagement of temporary casual mazdoos were
maintained in my 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. If required I shall submit
Affidavit to the Honorable court for this fact.

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

11/10/01

(R. M. Das)

S. D. O. No. 20
Noonmali, G.H. 20

(Earlier working as S. D. O. No. 20
East - II (Guwahati))

ENGAGEMENT DETAILS

(Extract)

Applicant's Name:- Shri Sukeswar Paswan

Year (1)	No of days for which documents checked (2)	No of days accounts left unverified (3)	Actual days put on engagement as per vouchers (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

170
52
222

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.

W/No. 2641
Asst. Director Telecom Layer
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781001
X

8/C

195 □
170
365

DEPARTMENT OF TELECOMMUNICATIONS



प्रेपक

From

Account Officer (Class)
Charmi Sacher Nigam Ltd.
c/o the C.I.T.D. Khararp
क्रम संख्या G.T.O. 781 007
No. A-2 (Cash) 01-02) P.T.T. & C. dated 27.8.01

सेवा में

To

The D.E. Operation
c/o. the G.I.H. (K) T.T.
दिनांक गुवाहाटी
Dated at 27.8.01

9/18
9/18
5/18

विषय:
Subject: Verification of

Payment particulars for the period

Jan, 95 to May, 98 through 1 to AEE-2

held of Sri R.M. Das SDOT-E-II

Case of Sri Sukheswar Paswan clu

Ref: your letter No. 6MT/Contd Case/0A-681 of 1/8
dt. 17.8.01.

Please refer to your letter no cited
alone. After investigation 20 Nos of AEE-2
accounts found for different periods as
enveloped herewith. The following observa-
tion are recorded.

As per alone AEE-2 files, Sri
Sukheswar 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
Sukheswar Paswan/s/o Sri Rajendra Paswan
upto May 1987 which is 1 to SDOT-E-II
Counter signed the certificate on 23.4.98.
Hence it seems to be most genuine.

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

~~क्रम संख्या 781 007
क्रम संख्या 781 007
क्रम संख्या 781 007~~

Account Officer (Class)
Charmi Sacher Nigam Ltd.
c/o the C.I.T.D. Khararp
G.T.O. 781 007

Working Particulars of Sri Sukeswar Daswan labour
 under Sri R.B. Roy I.M., Sri R. Daswani S.I and
 R.M. Das. S.D.C.T. 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 18.2.95
" " 15	"	20.2.95 to 2.3.95
" " 18	"	20.3.95 to 21.3.95

(95-96)

A/c No. 37	Period	20.1.96 to 31.12.96
" " 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
" " 23	"	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
" " 26	"	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 Sukeswar Daswan under
 Sri R. Daswani 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
 20/12/97, 21/12/97, 22/12/97, 23/12/97, 24/12/97, 25/12/97

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

22nd Dec 1997
 Acc. 1-731 007

10

* Afc No. 19 (97-98) P/E 4.12.97 of Sri R.M. Das.
work done by Sukeswar Basumat under
Sri R. Basumat S.I.

12/9/97, 13/9/97, 15/9/97, 16/9/97, 17/9/97
18/9/97, 19/9/97, 21/9/97, 23/9/97, 25/9/97, 26/9/97,
27/9/97, 30/9/97, 24/9/97.

* Afc No. 13 P/E 4.16.97 (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.
— 31 days.

* The labour did not perform any duty under
Sri R.B. Ray Hm as certificate given.


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

on P.P.
27/8/97



प्रेरक
From

क्रम संख्या

No. A-2 (Cm) 01-02 Pt. 11 Dated at 913 : 21.9.01

सेवा में
To

10 ✓ The D.E. operator is
of. $G_M(k) T^* D$.

do. 6 m. (4) T. 15.

दिनांक *गुरुवार*
Date: 21.8.20

दिनांक
Date: 6/11/2018

Digitized by srujanika@gmail.com

विषय

Subject: Verification of

Payment particulars for the period Jan/95
to May/98, through the AGB-2 book of
Sri R.M. Das S.D.O.P. B-II Cane
of Shri. Sukhsukh Basu. C/M.

Ref - Regd No. 6(MT) Court Case (A-A) 2001/25
dt 28.8.01.

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

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

8
Enclosed

Subrahmanyam

Accounts Officer (Cash)
Bharat Saundar Nigam Ltd.
O/o the G.M.T.D. Kasupur
Gurdaspur-751 003

Working particulars of Shri Sukheswar Pasuon c/m
 Under Shri R. B. Roy I/M, Sub R. Pasuon S.I. and Shri
 R. M. Das S.D.O.T. W.F. 94-95 to 97-98 (upto 5/98).

95-96

1. A/c No. 1	Period	6.4.95 to 18.4.95
2. " " 12	"	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

7.2. " 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 31.1.98

④ A/c No. 21 Period 8.12.97 to 31.1.98

Shri Sukheswar Pasuon worked under Shri
 R. Pasuon 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.

④ A/c No. 11 Period 7.8.97 to 8.9.97

Shri Sukheswar Pasuon worked under Shri
 R. Pasuon S.I. for the following days.
 23/7/97, 24/7/97, 25/7/97, 26/7/97

④ A/c No. 16 Period 15.10.97 to 4.11.97

Shri Sukheswar Pasuon worked under Shri
 R. Pasuon 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

④ Alstreeed

7/97 - 4 days

9/97 - 9 "

10/97 - 5 "

11/97 - 3 "

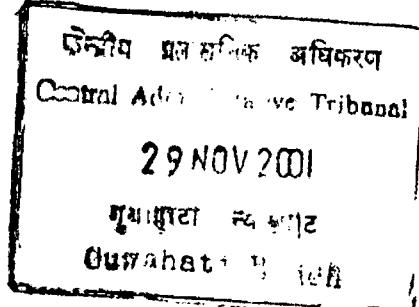
21 days

④ Shree Sukhsukar Paswan did not perform
any job under Sri R.B. Roy I/M as ~~candidate~~
~~gen~~

m
2/2/08

Patnaik

Accounts Officer (Cash)
Bharat Sanchar Nigam Ltd,
Off the G.M.T.D. Kharup
Outstation-781 007



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

Filed by
P. C. Pathak
P. C. Pathak
28/11/01
(P. C. Pathak, Standing Counsel
Addl. Central Govt. Standing Counsel
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 querry 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.

Sank Kumar Bhattacharyya

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 Barnab
Magistrate/Advocate.



BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

Annexure - Ry (Series)

प्रेषक
From

BSNL

क्रम संख्या
No.

- 6 -

सेवा में

To

The C G M T

Assam Circle, Guwahati.

दिनांक

Dated at 11/10/01.

28

विषयः

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

Ref - ① G M T / GU letter no. Court case / OA - 68/2001 / 21
dated 22/8/01.
② G M T / ASST / GU letter no. TES - 21/3/8/11 dated 14/8/01.

Sir.

Please refer to the above mentioned
letters under subject above, regarding
counter signature at the certificates issued
by Sri Ramkumar Das and Sri Ragendra Paswan.
In this connection I like to mentioned that
the temporary casual mazdoor were engaged
by SIT as and when required and payment
were also made by them. No records of such
engagement of temporary casual mazdoos were
maintained in my 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. If required I shall submit
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

11/10/01

(R. M. Das)

S. D. O. No. 20
Noonmali, G. H. 20

(Folks writing on S. D. O. No. 20
East. I. Guwahati)

ENGAGEMENT DETAILS

(Extract)

Applicant's Name:- Shri Sukeswar Paswan

Year (1)	No of days for which documents checked (2)	No of days accounts left unverified (3)	Actual days put on engagement as per vouchers (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

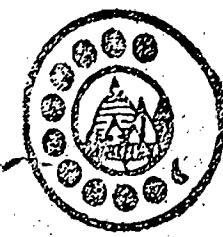
N. B. — If the left out period, for which vouchers are to be checked, if added together with number of days worked for the verification period will not come nearest to 240 days even.

X

gtc

W. M. P.
a. b. p.
Addl. Director Telecom Inspect
DIO, Dte. C. C. M. Telecom
Gwalior, 110001

DEPARTMENT OF TELECOMMUNICATIONS

प्रेषक
FromAccount Officer (Class)
Central Accounts Officer Unit
1/10th C.M.I.D. Building
क्रम संख्या 300000-781-207

No. A-2 (Cash) 01-01/PA/101

सेवा में

To The D.E. Operation
SDOP-E-II (X) T.T.
दिनांक Guwahati
Dated 27.8.01

our

30/98

विषय:
Subject: Verification of
Payment particulars for the periodJan, 95 to May, 98 through 1st AEE-2

Recd of Sri R.M. Das SDOP-E-II

Case of Sri Sukheswar Basumatary

Ref your letter No. G.M.T/Comd Case/0A-65/18
dt 17.8.01,

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

As per above AEE-2 files, Sri
Sukheswar Basumatary 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 Basumatary S.I. furnished a
Certificate for the work done by Sri
Sukheswar Basumatary to Sri Rajendra Basumatary
upto May 1988, referred as 1st SDOP-E-II
Court let signed 1st certificate on 23.4.98.

Hence it, refers to 1st and 2nd period.

It is also mentioned that Sri Sukheswar
Basumatary worked under Sri R. Basumatary S.I.
for 31 days only from 3/9/98 to 14/9/98 as
mentioned in the enclosed list.

1st period compensated
2nd period compensated

1st period compensated
2nd period compensated

Working Particulars of Sri Sukeswar Paswan labour 3)
 under Sri R.B. Ray, I.M., Sri R. Paswan S.I. and
 R.M. Das, S.D.C.T. Wef. 94-95 to 97-98 (5/18)

(94-95)

A/c No. 13 Period 19.1.95 to 31.1.95
 " " 14 " 2.2.95 to 18.2.95
 " " 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
 " " 22 " 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 3.7.97
 " " 13 " 15.9.97 to 14.10.97
 " " 19 " 2.11.97 to 4.12.97
 " " 23 " 7.1.98 to 31.1.98
 " " 26 " 10.3.98 to 25.3.98

(*) A/c No. 23 (97-98) Period ending 31.1.98

if Sri Sri R.M. Das,

work done by Sukeswar Paswan labour

SRI R. PASWAN 31

11/11/97, 12/11/97, 13/11/97, 14/11/97, 15/11/97, 16/11/97
 17/11/97, 18/11/97, 19/11/97, 20/11/97, 21/11/97, 22/11/97, 23/11/97, 24/11/97, 25/11/97

④ A/c No. 19 (97-98) P/E 4.12.97 of Sri R.M. Das.

WORK done by Sakeswar Paswan under
Sri R. Paswan S.I.

12/9/97, 13/9/97, 15/9/97, 16/9/97, 17/9/97
18/9/97, 19/9/97, 21/9/97, 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).

28/9/97, 29/9/97, 30/9/97.

④ Absentee. 7/97 — 1 day.
8/97 — 8 days.
9/97 — 9 days.
10/97 — x
11/97 — 12 days.
12/97 — 1 day.

31 days.

④ The labour did not perform any duty under
Sri R.B. Ray I.M. as certificate given.

S. Bhattacharya
27/09/08
Accounts Officer (Cash)
Rheatal Sanchar Nigam Ltd.
O/o the G.M.T.D. Kanpur
Gorakhpur-781 007

27/09/08
M.P.

Corr-22

भारत संचार निगम लिमिटेड ।।

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)



BSNL

प्रेषक
From

क्रम संख्या

No. A-2 (Cash) dt. 02/07/01

सेवा में
To

✓ The D.B. opened on
d.c.m.(R) T.D.

दिनांक
Date at 01. 21.90
Gujarati

Dated at 01. 21.90

विषयः

Subject: Verification of

Payment particulars for the period Jan/95
to May/98, through the D.B. 2 held by
Shri R.M. Das S.D.O.P. B-II care
of Shri Sukhsagar Pasveen, c/m.

Ref - Your No. 691 Court Case/ED-22/2001
of 27.8.01.

Please refer to your letter no. cited above
On mentioned subject, we have verified
for second time No. 12 (Twelve) No. 3 D.B. 2 accounts for different
period.

As per Annexure "B" it is found
that Shri Sukhsagar Pasveen worked under
Shri R. Pasveen S.I. for 21 days only i.e.
July/97 to May/97 as mentioned in the
enclosed list No. 1. Further we have made
parallel some comment in the list No. 2
for your information and necessary
reference.

Enclosed

① List No. 1

② List No. 2

Account Officer (Cash)
Bharat Sanchar Nigam Ltd.
C/o the G.M.D. Group
Gandhinagar 382 003

Working Particulars of Shri Sukheswar Paswan w/m
 Under S. & R. B. Roy L/M, Sub: R. Paswan S.I. and Smti B
 R.M. Das S.D.O.T. W.F. 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

④ A/c No. 21 Period 8.12.97 to 3.1.98

Shri 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,
 01/11/97, 07/11/97

④ A/c No. 11 Period 7.8.97 to 8.9.97

Shri 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

④ A/c No. 16 Period 15.10.97 to 4.11.97

Shri Sukheswar Paswan worked under Sri
 R. Paswan for the following days
 16/10/97, 21/10/97, 23/10/97, 24/10/97, 25/10/97, 26/10/97, 01/11/97
 and 11/11/97

39

⑦

13
Electricity

7/97 - 4 days

9/97 - 9 "

10/97 - 5 "

11/97 - 3 "

21 days

⑦ Shree Sukhsukhram Paswan did not perform
any job. Under Sri R.B. Roy I/M as contractor
gener

m
21/9/09

Sathishan

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