

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

Contempt APPLICATION NO. 23 OF 2001

APPLICANT (S) Suresh Bora in O.A. 167/2001

RESPONDENT (S) U. O. I. Jans

ADVOCATE FOR APPLICANT(S) M. Chanda, A.K. Chakraborty

ADVOCATE FOR RESPONDENT(S) CASE.

Notes of the Registry	dated	Order of the Tribunal
<p>This Contempt petition has been filed by the counsel for the petitioner praying for initiation of a Contempt proceeding against the alleged Contempts for non-compliance of the judgement and order dated 9.5.2000 passed by this Honble Tribunal in O.A No. 167/2001.</p>	<p>11.7.01</p>	<p>List after necessary correction</p> <p><u>Member</u> <u>Vice-Chairman</u></p>
<p>bb</p>	<p>17.7.01</p>	<p>Heard Mr.M.Chanda, learned counsel for the applicant.</p> <p>Necessary corrections have been made. Notices are to be issued to the respondent Nos.1 & 2.</p> <p>List on 16-8-2001 for order.</p> <p><u>Member</u> <u>Vice-Chairman</u></p>
<p>bb</p>	<p>16.8.01</p>	<p>Mr.S.Sarma, learned counsel for respondents nos. 1 and 2, seek 3 weeks time to file reply.</p> <p>List on 3/9/01 for order.</p> <p><u>Member</u> <u>Vice-Chairman</u></p>
<p>mb</p>		

See list of cases

1. Contempt order dated

11.7.2001

11/7/2001

12.7.2001

Necessary correction

has been done by the counsel

C.P 23/01

Notice prepared and sent to D/S
for cross the respondent No
1 & 2 by Regd A.D. vide D/No
25956-96 dt 24/7/01.

20/7/01.

3.9.01

Reply has been filed by the Contemptners.
Mr. M.Chanda, learned counsel for the applicant
requests hearing to be fixed on 27/9/01.

List on 27/9/01 for hearing.

① Service report are still
awaited.

30
14.8.01

27.9.10

List on 5.10.01 for hearing.

Member

Vice-Chairman

lm

22.8.2001

W/S submitted
by the Respondents No.
2, 3 and 4.

5.10.01

Mr. A. Ahmed learned counsel for
the applicant prays for adjournment.
Mr. B. C. Pathak, Addl. C.G.S.C. submits that
Mr. A. Deb Roy, Sr. C.G.S.C is indisposed
and he has not received the copy of the
written statement from Mr. A. Deb Roy and
he prays for adjournment. Prayer is allowed.
List on 28.11.01 for hearing.

31.8.2001

Affidavit in reply
has been submitted on
behalf of Contemner No. 1
and 2.

12.10.01

Heard Mr M.Chanda, learned counsel
for the applicant and also Mr S.Sarma,
learned counsel for the respondents.
This C.P. is connected with O.A.167/01.
As a matter of fact an order was passed
as far back as 16.8.2001 connecting
the O.A. alongwith C.P.

List this case for hearing on 28.11.01
alongwith O.A.167/2001.

12-9-2001

Rejoinder submitted
by the applicant against the
show cause reply submitted
by the alleged Contemner No. 1 & 2.

pg

28.11.01

List on 6.12.01 for hearing along-
with O.A.No.167 of 2001.

The case is ready
for hearing.

30
19/12/01

lm

Member

Vice-Chairman

3)
CP23/2001

Notes of the Registry

Date

Order of the Tribunal

6.12

as the Buyer or the learned Counsel for the applicant the case is adjourned to 24.12.2001.

M/s
A.K. Singh
6.12

The case is ready
for hearing.

31
9.1.02.

24.12.01

List again on 10.1.2002 for hearing
alongwith O.A.167/2001.

ICC Sharma
Member

Vice-Chairman

pg

10.1.02

The matter ought to have been posted
for hearing instead of order.

List against on 18.1.2002 for hearing.

ICC Sharma
Member

Vice-Chairman

pg

18.1.

Heard in part.

Writ again on 28.1.2002 for further
hearing. In the meantime, Mr S. Sarma,
learned Counsel appearing on behalf
of the respondents would obtain
necessary instructions on the
matter.

M/s
A.K. Singh
18.1.

28.1.2002

Heard Mr.M.Chanda, learned counsel for the
applicant and Mr.S.Sarma, learned counsel for
the respondents. In view of our direction in
O.A.167 of 2001 we are not inclined to pursue
the matter. Accordingly, the Contempt
Proceeding stands closed.

ICC Sharma
Member

Vice-Chairman

bb

Notes of the Registry

Date

Order of the Tribunal

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

Contempt Petition No. 23 /2001

In O.A. No.167 of 2001

In the matter of :

Sri Suresh Baruah

.....Petitioner

-Versus-

Union of India & others.

.....Alleged Contemnrs

-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 contemnrs for non-compliance of the judgment and order dated 09-05-200 passed in O.A. No.167/2001.

-AND-

In the matter of :

Sri Suresh Baruah,
Primary Teacher (PRT),
Kendriya Vidyalaya, Borjhar,
P.O. Borjhar, District-Kamrup,

*Filed by Applicant
through Advocates
B. H. Chakravarty*

Assam..

-Versus-

1. Sri D.K. Saini
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chayaram Bhawan,
Maligaon Chariali,
Guwahati-781012.
2. Shri ~~P. A. Madappa~~ *C. V. Raktam*
Principal,
Kendriya Vidyalaya , Borjhar,
P.O. Borjhar,
District- Kamrup,
Assam.

.....Alleged Contemnrs

The humble petitioner above named most respectfully Sheweth :

1. That your applicant being highly aggrieved due to the issuance of an order dated 18.4.2001 by the respondent/contemner no.1 transferring the applicant from Kendriya Vidyalaya, Borjhar to Kendriya Vidyalaya, Itanagar violating the settled principles of law, approached this Hon'ble Tribunal praying for setting aside of the impugned order of transfer dated 18.4.2001 and directions upon the respondents to allow him to continue in his present place of posting i.e. Borjhar. The Hon'ble Tribunal, after hearing the contentions of the parties, passed the order on 9.5.01 in O.A. No. 167/2001 directing the respondents as follows :

"The application is admitted. Call for the records. Issue Notice to show cause as to why an interim order shall not be granted as prayed for. Returnable by three weeks.

List on 1.6.2001 for orders. In the meantime order dated 18.4.2001 shall remain suspended so far the applicant Sri Suresh Baruah is concerned."

From the abovementioned order it is quite clear that the impugned order dated 18.4.2001 shall remain suspended and will have no effect which inputs that the applicant shall continue to work in his present post and present station i.e. Borjhar without any interference whatsoever.

(Copy of order dated 9.5.01 passed in O.A. No. 167/2001 is annexed hereto as **Annexure-I**).

2. That your applicant thereafter submitted an application on 18.5.2001 to the respondent/contemner no.1 enclosing therewith a copy of the judgment and order dated 9.5.2001 and requesting for allowing him to continue in the same post in Kendriya Vidyalaya, Borjhar in terms of the order dated 9.5.2001.

The applicant thereafter approached the alleged contemnners time and again for resuming his duties but the Principal i.e. the Contemner no.2 did not allow the applicant to join his duties on the plea that the applicant cannot be allowed to join without the permission of the Assistant Commissioner i.e. the Contemner No.1 and thus has kept the applicant out of job showing utter disregard to the order dated 9.5.2001 passed by the Hon'ble Tribunal in O.A. No. 167/2001.

(Copy of the application dated 18.5.2001 is annexed hereto as **Annexure-II**).

3. That it is stated that although the Hon'ble Tribunal vide its order dated 9.5.2001 has categorically directed the respondents/contemners that the impugned order of transfer dated 18.4.2001 shall remain suspended, the contemners still acting arbitrarily and capriciously in their own design and depriving the applicant of performing his duties in order to create further complexities which shall have far-reaching civil consequences.

4. That it is stated that the alleged contemners deliberately and wilfully did not take any initiation for implementation of the order dated 9.5.2001 passed by the Hon'ble Tribunal in O.A. No. 167/2001 which amounts to contempt of Court. Therefore the Hon'ble Tribunal be pleased to initiated a contempt proceeding against the alleged contemners for wilful violation of the order of the Hon'ble Tribunal dated 9.5.2001 and the Hon'ble Tribunal further be pleased to impose punishment against the alleged contemners for wilful violation of the order of the Hon'ble Tribunal in accordance with law.

5. That it is a fit case of the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of the order dated 9.5.2001 passed by the Hon'ble Tribunal in O.A. No. 167 of 2001.

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 wilful non-compliance of the order dated 9.5.2001 passed in O.A. No.167/2001 and further be pleased to impose punishment upon the alleged contemners in accordance with law and

further be pleased to pass any such other order or orders as deem fit and proper by the Hon'ble Tribunal.

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

AFFIDAVIT

I, Sri Suresh Baruah son of Sri P.R. Baruah, aged about 50 years resident of Azara, P.O. Azara, in the district of Kamrup do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-6 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's order dated 9.5.2001 passed in O.A. No.167/2001.

And I sign this Affidavit on this
 9th day of July, 2001.

Suresh Baruah
 Deponent

Identified by

D. D. S.
(Nena Devi Goswami)

Advocate's clerk

Solemnly affirmed and
 declared before me by the
 deponent who is identified
 by... *Mrs. N. D. Goswami*

Advocate on this.
 9th the day of July, 2001.

Alaka Das .
Advocate
Central Administrative
Tribunal

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the alleged contemnors/Respondents for wilful and deliberate non-compliance of order of the Hon'ble Tribunal dated 9.5.2001 passed in O.A. No.167/2001 and further be pleased to impose punishment upon the alleged Contemnors/Respondents for wilful and deliberate non-compliance of order dated 9.5.2001 passed in O.A. No.167/2001.

ANNEXURE-1

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

ORDER SHEET

Original Application No. 167 of 2001

Applicant (s) : Suresh Baruah

Respondent (s) : U.O.I & Ors.

Advocate for Applicant (s) : M. Chanda, Ms. N.D.Goswami,

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

Notes of the Registry

Date

Order of the Tribunal

9.5.01

The application is admitted. Call for the records. Issue notice to show cause as to why an interim order shall not be granted as prayed for. Returnable by three weeks.

List on 1.6.2001 for orders. In the meantime order dated 18.4.2001 shall remain suspended so far the applicant Sri Suresh Baruah is concerned.

Sd/- Vice Chairman

*certified
to be true copy
Advocate*

ANNEXURE-II

To

The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan
Regional Office, Chayaram Bhawan,
Maligaon Chariali,
Guwahati-781012.

Sub : Intimation regarding Hon'ble Tribunal's order passed
in O.A No. 167/2001 (S. Baruah Vs. U.O.I & Others.

Respected Sir,

I like to draw your kind attention on the subject cited above and for this beg to state that I have withdrawn my earlier Original application No. 155/2001 on 4.5.2001 from Hon'ble CAT, Guwahati Bench due to certain defects in the said Original Application with the liberty to file the application afresh. The Hon'ble Tribunal allowed my prayer on 4.5.2001 accordingly OA 155/2001 is withdrawn and afresh Original Application submitted before the Hon'ble Tribunal which was registered as O.A. No. 167/2001.

The aforesaid Original Application came up for consideration on 9.5.2001 suspending the impugned order of transfer dated 19.4.2001 so far the undersigned is concerned.

I am enclosing a copy of the Hon'ble Tribunal order dated 4.5.2001 passed in O.A. 155/2001 for your ready reference.

In view of the above factual position and also in view of the order dated 9.5.2001 passed in OA. 167/2001 you are requested to allow me to continue in the same capacity in Kendriya Vidyalaya, Borjhar.

This is for your information and necessary action.

Thanking you,

Yours faithfully,

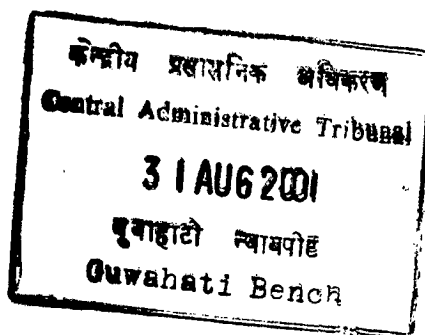
Sd/-

(SURESH BARUAH)

Date : 18.5.2001

Enclo : As above

*certified to be
True copy
law
advocate*



Filed by: Assistant Commissioner
Kendriya Vidyalaya Sangathan.
Through: Dipshikha Das.
Advocate.
31/08/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

CONTEMPT PETITION NO. 23/2001

in O.A No. 167/2001

Sri Suresh Baruah

..... Petitioner

-Versus-

Sri D.K Saini

... Alleged Contemner No.1.

Affidavit-in-reply on behalf of Contemner No.1.

I, Sri D.K Saini, son of Sri C.L Saini, aged about 53 years, presently working as Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon Chariali, Guwahati-12 do solemnly affirm and declare as follows :-

1. That I am the alleged Contemner No.1 in the instant case. I am also fully conversant with the facts and circumstances of the case. A copy of the contempt petition filed by the petitioner has been served upon me. I have gone through the same and understood the contents thereof. Save and except what has been specifically admitted in this reply all the averments and submissions in the Con-

tempt Petition may be taken to have been denied by the alleged Contemner.

2. That with regard to the statements made in paragraph 1 of the petition, the deponent begs to submit as follows. That the petitioner who is the senior most PRT of K.V. Borjhar was transferred to Kendriya Vidyalaya No.2 Itanagar on being found surplus as a result of reduction of sections due to less number of students. Such surplus was made on the basis of staff sanction order for the year 2001/2002. This surplus better stated as excess teacher was adjusted in other Vidyalaya where there was justification of additional teacher. Accordingly, he was relieved by the Principal, Kendriya Vidyalaya, Borjhar, on 19.4.2001 with a direction to report for duty at Kendriya Vidyalaya, No.2 Itanagar.

It is a fact that the Hon'ble Tribunal vide Order dated 9.5.2001 in O.A No. 167/2001 suspended the Order dated 18.4.2001 so far the applicant is concerned.

It is pertinent to mention here that the petitioner knowing fully well about the issuance of relieving Order dated 19.4.2001 did not join at Kendriya Vidyalaya No.2, Itanagar but rather concealing this fact he preferred the aforesaid OA and obtained interim Order from the Hon'ble Tribunal on 4.5.2001, by misleading the Tribunal. It is

therefore prayed before the Hon'ble Tribunal to draw suo moto contempt proceeding against the petitioner for suppression of material fact. However, the deponent honoring the interim Order dated 9.5.2001 has not taken any steps forcing him to join at Kendriya Vidyalaya, No.2 Itanagar.

3. That with regard to the statements made in paragraph 2 of the petition the deponent begs to submit that the petitioner knowing fully well about the KVS Surplus Rules/Policy and relieving Order he suppressed the material facts before the Hon'ble Tribunal. Therefore, in view of the interim Order dated 9.5.2001, he is not entitled to join the post again. It is further submitted that the deponent showing highest respect to the Order/Direction passed by the Hon'ble Tribunal have not issued any ~~order~~ compelling the petitioner to join at Kendriya Vidyalaya No.2 Itanagar and also have not taken any other disciplinary action against him. Hence the allegation of the petitioner regarding non compliance of the said interim Order is not correct and baseless.

4. That with regard to the statements made in paragraph 3 of the petition the deponent offers no comments as the facts have already been stated in paragraph 1 and 2 of this affidavit-in-reply.

5. That with regard to the statements made in para

graph 4, 5 and 6 of the contempt petition the deponent denies the facts stated therein and begs to submit that there is no willful disregard in complying with the Order of the Tribunal. It is further submitted that the petitioner has not come before the Hon'ble Tribunal with clean hands and as such he is not entitled for any kind of sympathy from the Hon'ble Tribunal.

-V E R I F I C A T I O N-

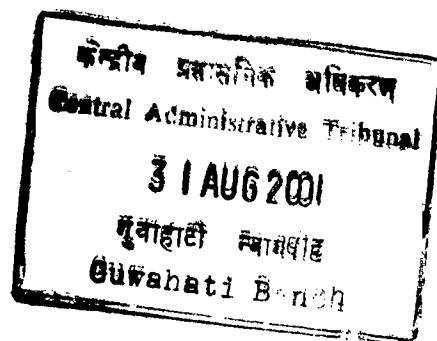
I, Sri D.K Saini, son of Sri C.L Saini, aged about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon Chariali under Guwahati Region do hereby verify that the statements made in paragraph 1,3,4,5 are true to my knowledge and those made in paragraph 2 are based on records. Which I believe to be true and rests on my humble submission before the Hon'ble Tribunal.

And I sign this, verification on this the 30th day of August, 2001 at Guwahati.

Place : Guwahati

Pranantam
DEPONENT

Date 30-8-2001



Filed by: Principal, Kendriya
Vidyalaya Sangathan.
Through: Dipshikha Das.
Advocate.
31/08/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

CONTEMPT PETITION NO. 23/2001

in O.A No. 167/2001

Sri Suresh Baruah

..... Petitioner

-Versus-

Sri P.A Medappa

... Alleged Contemner No.2.

Affidavit-in-reply on behalf of Contemner No.2.

I, Sri P.A Medappa son of P.A. Acharya, aged about 50 years, presently working as Principal, Kendriya Vidyalaya Sangathan, Borjhar, P.O. Borjhar, District-Kamrup, Assam, do solemnly affirm and declare as follows :-

1. That I am the alleged Contemner No.2 in the instant case. I am also fully conversant with the facts and circumstances of the case. A copy of the contempt petition filed by the petitioner has been served upon me. I have gone through the same and understood the contents thereof. Save and except what has been specifically admitted in this reply all the averments and submissions in the Con-

tempt Petition may be taken to have been denied by the alleged Contemner.

2. That with regard to the statements made in paragraph 1 of the petition, the deponent begs to submit as follows. That the petitioner who is the senior most PRT of K.V. Borjhar was transferred to Kendriya Vidyalaya No.2 Itanagar on being found surplus as a result of reduction of sections due to less number of students. Such surplus was made on the basis of staff sanction order for the year 2001/2002. This surplus better stated as excess teacher was adjusted in other Vidyalaya where there was justification of additional teacher. Accordingly, he was relieved by the Principal, Kendriya Vidyalaya, Borjhar, on 19.4.2001 with a direction to report for duty at Kendriya Vidyalaya, No.2 Itanagar.

It is a fact that the Hon'ble Tribunal vide Order dated 9.5.2001 in O.A No. 167/2001 suspended the Order dated 18.4.2001 so far the applicant is concerned.

It is pertinent to mention here that the petitioner knowing fully well about the issuance of relieving Order dated 19.4.2001 did not join at Kendriya Vidyalaya No.2, Itanagar but rather concealing this fact he preferred the aforesaid OA and obtained interim Order from the Hon'ble Tribunal on 4.5.2001, by misleading the Tribunal. It is

therefore prayed before the Hon'ble Tribunal to draw suo moto contempt proceeding against the petitioner for suppression of material fact. However, the deponent honoring the interim Order dated 9.5.2001 has not taken any steps forcing him to join at Kendriya Vidyalaya, No.2 Itanagar.

3. That with regard to the statements made in paragraph 2 of the petition the deponent begs to submit that the petitioner knowing fully well about the KVS Surplus Rules/Policy and relieving Order he suppressed the material facts before the Hon'ble Tribunal. Therefore, in view of the interim Order dated 9.5.2001, he is not entitled to join the post again. It is further submitted that the deponent showing highest respect to the Order/Direction passed by the Hon'ble Tribunal have not issued any order compelling the petitioner to join at Kendriya Vidyalaya No.2 Itanagar and also have not taken any other disciplinary action against him. Hence the allegation of the petitioner regarding non compliance of the said interim Order is not correct and baseless.

4. That with regard to the statements made in paragraph 3 of the petition the deponent offers no comments as the facts have already been stated in paragraph 1 and 2 of this affidavit-in-reply.

5. That with regard to the statements made in para

graph 4, 5 and 6 of the contempt petition the deponent denies the facts stated therein and begs to submit that there is no willful disregard in complying with the Order of the Tribunal. It is further submitted that the petitioner has not come before the Hon'ble Tribunal with clean hands and as such he is not entitled for any kind of sympathy from the Hon'ble Tribunal.

-V E R I F I C A T I O N-

I, Sri P.A. Medappa son of Sri P.A. Acharya, aged about 50 years, presently working as the Principal, Kendriya Vidyalaya, Borjhar P.O Borjhar, District- Kamrup Assam do hereby verify that the statements made in paragraph 1,3,4 are true to my knowledge and those made in paragraph 2 are based on records. which I believe to be true and rests on my humble submission before the Hon'ble Tribunal.

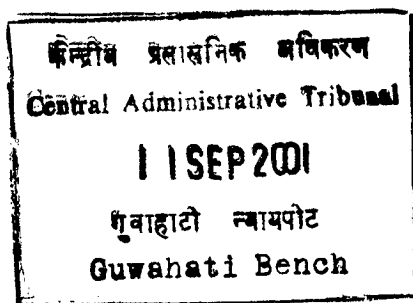
And I sign this, verification on this the 30th day of August, 2001 at Guwahati.

Place : Guwahati

Date


DEPONENT.

(P.A. MEDAPPA)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 23/2001

In O.A. No.167 of 2001

In the matter of :

Sri Suresh BaruahPetitioner

-Versus-

Union of India & others.

.....Alleged Contemners

-AND-

In the matter of :

A Rejoinder submitted by the applicant against the show cause reply submitted by the Alleged Contemner No. 1 in the Contempt Petition No. 23/2000 in O.A. No. 167 of 2001.

-AND-

In the matter of :

Sri Suresh Baruah,
Primary Teacher (PRT),
Kendriya Vidyalaya, Borjhar,
P.O. Borjhar, District-Kamrup,
Assam.

-Versus-

1. Sri D.K. Saini
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chayaram Bhawan,
Maligaon Chariali,
Guwahati-781012.
2. Shri P.A. Madappa
Principal,
Kendriya Vidyalaya , Borjhar,

Filed by the applicant
J. Singh
Advocate
11/9/2001

P.O. Borjhar,
District- Kamrup,
Assam.

.....Alleged Contemnners

The humble petitioner above named most humble and respectfully begs To state as under :

1. That the applicant categorically denies the statements made in paragraph 1 and 2 of the show cause reply and begs to state that the applicant has been sought to be transferred from Kendriya Vidyalaya, Borjhar to Kendriya Vidyalaya, Itanagar vide order dated 18.4.2001, violating all settled principles of law and the said order dated 18.4.2001 had been kept suspended by the Hon'ble Tribunal vide order dated 9.5.2001 in O.A. No. 167 of 2001 which means that the said impugned order dated 18.4.2001 is inoperative and as such the alleged contemnners are bound to allow the applicant to continue in his present place of posting i.e. Borjhar without any interference whatsoever. By acting otherwise, the contemnners have exhibited disregard to the order dated 09.05.2001 passed by the Hon'ble Tribunal which amounts to contempt of court.
2. That in reply to the statements made in paragraphs 3 and 4 of the show cause reply, the applicant begs to submit that after passing of the order dated 09.05.2001 by this Hon'ble Tribunal which kept the operation of the impugned order dated 18.04.2001 of the contemnners suspended, the plea of surplus rules/policy of Kendriya Vidyalaya Samiti etc. raised by the contemnners is irrelevant and it is beyond the powers of the contemnners to declare the applicant as non-entitled to join the post, violating the order dated 09.05.2001. It is a clear case of non-compliance of the order dated 09.05.2001 of the Hon'ble Tribunal which attracts initiation of Contempt Proceeding against the alleged Contemnners.
3. That the applicant categorically denied the contentions made in paragraph 5 of the Show Cause reply and begs to reiterate that by not allowing the applicant to join his present post in terms of the order dated 09.05.2001, the contemnners have wilfully and deliberately disregarded the said order and as such the Hon'ble Tribunal may be pleased to initiate a contempt proceeding against the alleged contemnners.
4. That in the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemnners for wilful non-compliance of the order dated 09.05.2001 passed in O.A. No. 167 of 2001 and further be pleased to impose punishment upon the alleged contemner in accordance with law.

AFFIDAVIT

I, Sri Suresh Baruah son of Sri P.R. Baruah, aged about 50 years resident of Azara, P.O. Azara, in the district of Kamrup do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-4 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing rejoinder to the show cause reply filed by the alleged contemner no.1 in Contempt Petition No. 23 of 2001 in O.A. No. 167 of 2001.

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

Identified by

Am

Advocate's clerk

Deponent

Solemnly affirmed and declared before me by the deponent who is identified by Mrs. N. D. Goswami Advocate on this 11th day of Sept 2001.

Suresh Baruah

Amal Kumar
Advocate
Central Administrative
Tribunal
Ecclesiastical Bench
Ecclesiastical

Notice

From : N. D. Goswami
Advocate

To : Mr. S. Samra.
Advocate for R.V.S

Sub Rejoinder Submitted
by the applicant
in CP. 23/2001
in OA 167/2001

Sir

Enclosed please
find herewith a copy
of rejoinder filed by
the applicant

Kindly acknowledge
the receipt the same

Received copy
Ashu Das
Advocate R.V.S.

Yours sincerely
N. D. Goswami

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
11 SEP 2001
गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 23/2001

In O.A. No.167 of 2001

In the matter of :

Sri Suresh Baruah

.....Petitioner

-Versus-

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.....Alleged Contemners

-AND-

In the matter of :

A Rejoinder submitted by the applicant against the show cause reply submitted by the Alleged Contemner No. 2 in the Contempt Petition No. 23/2000 in O.A. No. 167 of 2001.

-AND-

In the matter of :

Sri Suresh Baruah,
Primary Teacher (PRT),
Kendriya Vidyalaya, Borjhar,
P.O. Borjhar, District-Kamrup,
Assam.

-Versus-

1. Sri D.K. Saini
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Chayaram Bhawan,
Maligaon Chariali,
Guwahati-781012.
2. Shri P.A. Madappa
Principal,
Kendriya Vidyalaya , Borjhar,

Filed by me applicant
Shri D. D. Gromm
Advocate
11/9/2001

P.O. Borjhar,
District- Kamrup,
Assam.

.....Alleged Contemnners

The humble petitioner above named most humble and respectfully begs To state as under :

1. That the applicant categorically denies the statements made in paragraph 1 and 2 of the show cause reply and begs to state that the applicant has been sought to be transferred from Kendriya Vidyalaya, Borjhar to Kendriya Vidyalaya, Itanagar vide order dated 18.4.2001, violating all settled principles of law and the said order dated 18.4.2001 had been kept suspended by the Hon'ble Tribunal vide order dated 9.5.2001 in O.A. No. 167 of 2001 which means that the said impugned order dated 18.4.2001 is inoperative and as such the alleged contemnners are bound to allow the applicant to continue in his present place of posting i.e. Borjhar without any interference whatsoever. By acting otherwise, the contemnners have exhibited disregard to the order dated 09.05.2001 passed by the Hon'ble Tribunal which amounts to contempt of court.
2. That in reply to the statements made in paragraphs 3 and 4 of the show cause reply, the applicant begs to submit that after passing of the order dated 09.05.2001 by this Hon'ble Tribunal which kept the operation of the impugned order dated 18.04.2001 of the contemnners suspended, the plea of surplus rules/policy of Kendriya Vidyalaya Samiti etc. raised by the contemnners is irrelevant and it is beyond the powers of the contemnners to declare the applicant as non-entitled to join the post, violating the order dated 09.05.2001. It is a clear case of non-compliance of the order dated 09.05.2001 of the Hon'ble Tribunal which attracts initiation of Contempt Proceeding against the alleged Contemnners.
3. That the applicant categorically denied the contentions made in paragraph 5 of the Show Cause reply and begs to reiterate that by not allowing the applicant to join his present post in terms of the order dated 09.05.2001, the contemnners have wilfully and deliberately disregarded the said order and as such the Hon'ble Tribunal may be pleased to initiate a contempt proceeding against the alleged contemnners.
4. That in the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemnners for wilful non-compliance of the order dated 09.05.2001 passed in O.A. No. 167 of 2001 and further be pleased to impose punishment upon the alleged contemner in accordance with law.

AFFIDAVIT

I, Sri Suresh Baruah son of Sri P.R. Baruah, aged about 50 years resident of Azara, P.O. Azara, in the district of Kamrup do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-4 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing rejoinder to the show cause reply filed by the alleged contemner no.2 in Contempt Petition No. 23 of 2001 in O.A. No. 167 of 2001.

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

Identified by

AA

Advocate's clerk

Deponent

Solemnly affirmed and declared before me by the deponent who is identified by *N.A. Goswami* Advocate on this *11.9.01* the day of *Sept* 2001.

Suresh Baruah

Lunhekrany

Advocate

*Central Administrative Tribunal
Guwahati Bench*