

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Contempt APPLICATION NO. 41 / 2001 (OA 344/2001)

Applicant (S) Pulw Chetia

Respondant(S) D.K. Saini & ors.

Advocate for the Applicant: Mn P.R. Gosai, P. Bhawnick & S. Borge.

Advocate for the Respondant:

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed by S. Borge, Advocate with a prayer for issue notice to show cause as to why the Contemners shall not be punished for deliberate and wilful violation of the order dated 29.08.2001 passed in OA No. 344/2001.	18.9.01	Issue notice as to why the contempt petition shall not be initiated. Returnable by four weeks. List on 17/10/01 for order.
mb		<u>Member</u> Vice-Chairman
And before Hon'ble Court in orders.	21.11.201	List on 21.11.01 alongwith O.A. 344/2001.
pg		<u>Member</u> Member
Notice prepared and sent to D/S for issuing the respondents No 1 & 2 by Regd AID.	20/9/01	List this case on 7.12.01 alongwith O.A. No., 344/2001.
D/Mo 3598 to 3599	24/9/01	<u>Vice-Chairman</u> Vice-Chairman

CP 41/2001 (OP 344/2001)

7.12.01

List on 21.12.01 alongwith O.A.

No. 244 of 2001.

8.11.2001

An affidavit has

Member (J)

Member (A)

filed on behalf of ^{mb} 21.12.01
Contemners No. 1 & 2.

List on 23.1.2002 alongwith O.A.
No. 244 of 2001. for hearing.

AD

mb

31.1.2002

Perused the Contempt Petition and
also the reply filed by the alleged con-
temners.

22-11-2001

A rejoinder to the
affidavit filed by
the Respondents.

Considering the facts and cir-
cumstances of the case and also in view
of the explanation made by the respond-
ents/alleged contemners, we do not
find any merit to continue with the
proceeding.

The Contempt Proceeding is
accordingly disposed of.

AD
Affidavit filed
on behalf of R.No.
1 & 2.

Member

Vice-Chairman

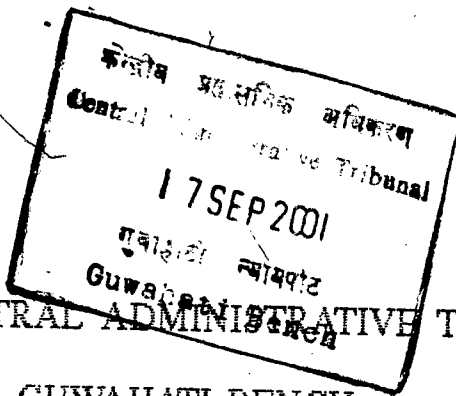
bb

20.12.01

26.2.2002

Copy of order
has been sent to the
Office for issuing the
and to IS & Admns
on the parties

HC



Filed by -
the petitioner
Putul Chetia
S/o Late Girindra Nath Chetia
Bantou Bone
Assam
14-9-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CONTEMPT PETITION (CIVIL) NO. 41/2001

IN THE MATTER OF :

An application under Section-17 of the
Administrative of Tribunal Act, 1985 and the
contempt of Court (CAT) Rules 1992 read
with Article - 215 of the Constitution of India.

-AND-

IN THE MATTER OF

Wilful and deliberate violation of order dated
29-08-2001 passed by this Hon'ble Tribunal
in OA no.. 344/2001

-AND-

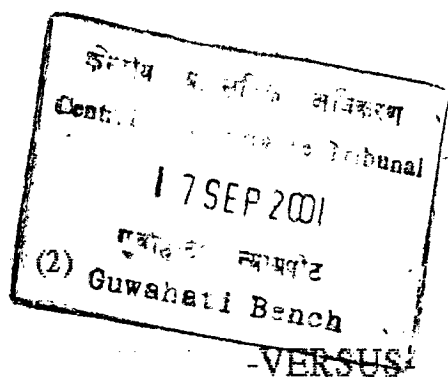
IN THE MATTER OF -

Sri Putul Chetia
S/o Late Girindra Nath Chetia
Socially Useful Productive Works
Teacher, Kendriya Vidyalaya
Air-force Station, Chabua
Dist. : Dibrugar, (Assam)

.....PETITIONER

Contd.....P/2

Putul Chetia



1. Sri D. K. Saini

Asstt. Commissioner

Kendriya Vidyalaya Sangathan

Regional Office,

Chanyaram Bhaban

Maligaon, Chariali

Guwahati-12

Pin. : 781012

2. N. M. Varodharajulu

Principal

Kendriya Vidyalaya

Air Force Station, Chabua

Dist. : Dibrugarh (Assam)

Pin. : 786102

.....RESPONDENTS

The humble petition of the ~~petitioner~~ above name.

MOST RESPECTFULLY SHEWETH :

1. That the ^{Petitioner} being aggrieved by issuance of transfer No.F/10-4/2001/KVS (GR)/15138-42 dated 20-08-2001 issued by D. K. Saini, Asstt. Commissioner, Kendriya Vidyalaya Sangathan where by the petitioner had been sought to be transferred from Kendriya Vidyalaya Chabua to Kendriya Vidyalaya Pasighat had approached this Hon'ble Tribunal by filing OA No. 344/2001 on 29-08-2001..

Contd.....P/2

Putul Chetia

(3)

2. That this Hon'ble Tribunal vide order dated 29-08-2001 ~~passed~~ in OA No. 344/2001 was pleased to issue notice upon the respondents to show cause as to why the application shall not be admitted and was also pleased to issue notice as to why the interim order prayed for, suspending the operation order No.F. 10-4/2001/KVS (GR)/15138-42 dated 20-08-2001 transferring the petitioner from Chabua to Pasighat shall not be granted. The notice was made returnable by 2 (two) weeks. It was further directed that till the returnable date the operation of the transfer order shall remain suspended.

A copy of the aforesaid order dated 29-08-2001 is annexed hereto and is marked as ANNEXURE-1.

3. That the petitioner obtained the certified copy of the aforesaid order dated 29-08-2001 on that very day and produced the same before the respondent No.2 on 30-08-2001, but the respondent No.2 did not allow him to join saying that since he has not received any intimated from the Tribunal and as such he could not allow him to join and he refused even to accept the certified copy of the order dated 29-08-2001. As such the petitioner sent a copy of the order dated 29-08-2001 to the respondent No.2 by speed post on 31-08-2001 along with a covering letter. The petitioner had again sent a copy of the aforesaid order dated 29-08-2001

Contd.....P/4

Putul Chetia

(4)

by speed post on 01-09-2001 along with another covering letter which the respondent No.2 duly received.

The copies of the aforesaid letter dated 31-08-2001 and 01-09-2001 along with the respective postal receipt and the acknowledgment of the respondent No.2 that he had received the aforesaid letter on 01-09-2001 are annexed herewith and are marked as ANNEXURE-II series & III series respectively.

4. That the petitioner states that the respondent No.2 inspite of receipt of the aforesaid order dated 29-08-2001 on 01-09-2001 as is apparent from annexure-II and III series respectively did not allow the petitioner to join in the post of (S.U.F.W) Teacher at Kendriya Vidyalaya Chabua where he was serving prior to the issuance of his transfer order. Apart from sending the notice by post he physically went to school and he meet the respondent No.2 on 31-08-2001 and again on 01-09-2001. On 01-09-2001 respondent No.2 told to your petitioner that he could not be allowed to join as the respondent No.1 has told the respondent No.2 not to allow your petitioner to join. It was 8 O'clock on 01-09-2001 in the morning the Upper Division Clerk Mr. U. C. Das also witnessed the conversation with the respondent No.2. Again on 03-09-2001 your petitioner went to respondent No.2 in the School, but he was refused to join on

Contd.....P/5

Puful Chetia

the same plea that the respondent No.1 has categorically told him not to allow him to join, and from 04-07-2001 onwards the respondent No.2 was out of station.

5. That as such the counsel for the petitioner served a notice on the respondent No.2 a copy of which was also sent to Respondent No.1 by registered post on 01-09-2001 urging upon them both to allow the petitioner to join in the post in which he was serving prior to the issuance of the transfer order dated 20-08-2001 and also intimating about the intention to initiate contempt proceedings in the event of its non compliance.

A copy of the aforesaid notice dated 01-09-2001 along with the necessary postal receipt is annexed hereto and is marked as ANNEXURE-IV.

6. That the petitioner states that inspite of receipt of the aforesaid notice dated 01-09-2001 the Respondent No.2 has still not allowed the petitioner to join in the post in which he was serving prior to the issuance of the transfer order dated 20-08-2001 as such the petitioner has been constrained to file this contempt petition.

7. That the petitioner states that the respondents by not allowing the petitioner to join has committed contempt of this Hon'ble Tribunal by wilful and deliberate violation of order dated 29-08-2001 and is therefore liable to be punished under Section 11 and 12 of the contempt of courts Act, 1971 read with Section-17 of the Administrative Tribunals Act, 1985

Contd.....P/6

Putul Chetty

and contempt of courts (CAT) Rules 1992 and Article 215 of the Constitution of India.

8. That as such under the facts and circumstances stated above it is respectfully submitted that this Hon'ble Tribunal may be pleased to issue notice upon the respondent to show cause as to why they shall not be punished for deliberate and wilful violation of order dated 29-08-2001 passed in OA No. 344/2001 and upon such cause or causes that may be shown and upon hearing the parties may be pleased to punish the respondents under the relevant provisions of the Law.

9. That this application is filed bonafide and for the ends of Justice.

It is therefore, prayed that this Hon'ble Tribunal would be pleased to issue notice to show cause as to why the (Contemners) shall not be punished for deliberate and wilful violation of the order dated 29-08-2001 passed in OA No. 344/2001 and upon such cause or causes that may be shown and upon hearing the parties may be pleased to punish the respondents under Section 11 & 12 of the Contempts of Courts Act, 1971, Section-17 of the Administrative Tribunal Act, 1985, Contempt of Courts (CAT) Rules, 1992 read with Article-215 of the Constitution of India and/or pass such further order or orders as may be deem fit and proper.

Affidavit...../7

Patal Chetia

AFFIDAVIT

36

I, Sri Putul Chetia, S/o Late Girindra Nath Chetia, aged about 8 years, resident of Kodomoni, (Near St. Marys School), in the district of Dibrugar, Assam; do hereby Solemnly affirm and State as follows :-

1. That I am the petitionre in this Contempt petition as such I am competent to fille this affidavit and accordingly I swear the same. I am fully conversent with the facts and circumstances of the case.

2. That the statements made in this affidavit and in paragraphs

6 and 7

of the petition are

true to my knowledge and those made in paragraphs 1, 2, 3, 4, and 5

being matter of records are true to my information derived therefrom which I believe to be true and the rest my humble submissions made before this Hon'ble Tribunal

And I sign this affidavit on this the 14th day of September, 2001 at Guwahati.

Putul Chetia
Deponent.

Identified by :-

Signed before me

Santanu Bora
(Santanu Bora)

Advocate

Pallabh Bhowmick
(Pallabh Bhowmick)

Advocate

DRAFT CHARGE

Whether the respondents/contemnors are guilty of contempt of court for deliberate and wilful violation of order dated 29-08-2001 passed in OA No.344/2001 by not allowing the petitioner to join in the post which he was serving prior to the transfer order No. F : 10-4/2001/KVS (GR)15138-42 dated 20-08-2001.

Patal Chetia

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ANNEXURE - I

ORDERS SHEET

APPLICATION NO. 344 / 2001

Applicant (S) Sri putul chetia

Respondant(S) U. O. I. S. O. S.

Advocate for the Applicant: Mr. D.R. Gogoi,

Advocate for the Respondant: Mr. P. Bhownik.

Advocate for the Respondant: K. V. S.

Notes of the Registry	Date	Order of the Tribunal
	29.8.01	Heard Mr. D.R. Gogoi, learned counsel for the applicant and also Mr. S. Sarma, learned counsel for the respondents (Caveater). Issue notice as to why the application shall not be admitted. Also issue notices as to why the interim order as prayed for shall not be granted suspending the order No. F. 10-4-2001/KVS(GR)/5138-42 dated 20.8.2001 so far transferring the the applicant Sri P. Chetia, Chabua to Pasighat. Returnable by 2 weeks. Mr. S. Sarma, learned counsel, accepts notice on behalf of the respondents. The operation of the aforesaid order shall remain suspended till the returnable day. List on 19/9/01 for admission.



Sanctioned to be true Copy

সত্যাপন প্রতিলিপি

SD/ VICE CHAIRMAN

27/8/01

Section Officer (J)

সহস্রাধ্যক্ষ (জ)
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক আদালত
Guwahati Bench, Guwahati-8
গুৱাহাটী ন্যায়ালয়, গুৱাহাটী-৮

Sanctioned to be true Copy
সত্যাপন প্রতিলিপি

ANNEXURE - II Series

To

The Principal,
K.V., A.F.S., Chabua

Dated Chabua the 31st Aug. 2001

Sub:— Submission of ORDER SHEET APPLICATION No.
344/2001 IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL GUWAHATI BENCH GUWAHATI
Dated 29-8-01.

Sir,

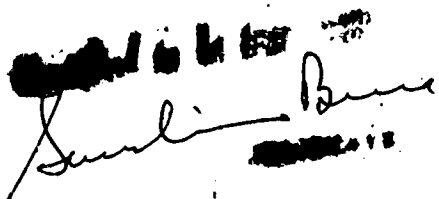
I would like to submit you the application
along with order sheet application no. 344/2001
In The Central Administrative Tribunal Guwahati
Bench: Guwahati dated 29-8-01. For your kind
knowledge and perusal please.

Thanking You.

Yours faithfully

Chitra
29-8-01

P. Chitra
S.U.P.W. Tr.


Sanku Bora

EMS SPEED POST



ED840287034IN

DATE	31-8-01		
TIME	1310		HRS
WEIGHT	25		GMS
CHARGE	15710025		
NATURE			

CUSTOMER COPY


DEPARTMENT OF POSTS - INDIA
SPEED POST RECEIPT

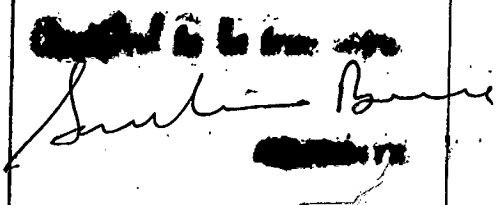


TO	The Principal	
	K.V. A.P.S. Chhabra	
	Re Chhabra A/P K.V. A.P.S. Chhabra	
TEL.	07503	PIN 786102
SENDER	S. P. Chhabra	
	Kadamb. Dibrugarh	
TEL.	343974	PIN 786001

For enquiry, please contact your Speed Post Centre.

Signature
Sentin. Pr...

4 Date mailed Year Month Day			5 Time mailed Hour Minutes		20 A Despatch charge
			13/10		20 B Office of origin
21 Description of contents applicable for (EMS Speed Post only)					
					
22 Gift		23 Sample of merchandise		24 Value	25 Weight in kg
				25	25
8 Name and address of Sender			12 Name and address of Addressee		
Sri R. Chelagadathan, Dindurthi 9 Sender's postal code 7106101011			Principal A.Y. A.S. Chelagadathan 14 Addressee's postal code 710611012		
			27 Name in print of the person taking delivery of the item		
			Signature		
			28 Date of delivery		
			Year Month Day		
			Hour Minutes		


 Senthil Kumar

-13-

ANNEXURE -

III

Series

The Principal,

K.V. A.F.S., Chabua.

Dated Chabua the 1st September 2001

Subj:— Submission of Suspended C-107 No. 344/2001
Dated 29-8-01 issued by Central Administrative
Tribunal Guwahati Bench: Guwahati against
the transfer order no. F.10-4-2001/KVS(GR)/
5138-42 dated 20-8-2001.

Sir,

I am to draw your kind attention to the subject
cited above and to inform you that the Honorable Central
Administrative Tribunal Guwahati Bench: Guwahati suspended
the transfer order no. F.10-4-2001/KVS(GR)/5138-42 dated
20-8-2001 issued by Assistant Commissioner K.V.S. Guwahati
Region. According to that I approached you yesterday that
is on 31-8-01 to continue my service as usual along with
the order of C.A.T. Guwahati. Instead of continuation
of my service in the vidyalaya it is found that you did
not accept the above said order. The same matter was posted
to you by speed post no. ED840287034IN dated 31-8-2001.

Today also, I come to you with great expectation
to continue my service in the same vidyalaya with above
said order.

Hope, you will be kind enough and do the needful
favourable action.

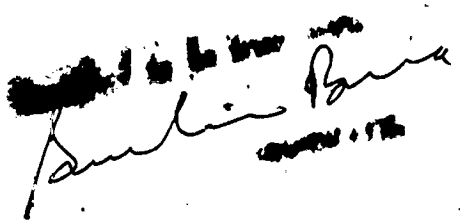
Thanking You,

Yours faithfully,

Bd in
1-9-2001

Bd in

30.8.2001



-14-

16

EMS SPEED POST



ED840287051IN

DATE	01-09-2001	
TIME	11.55	
WEIGHT	25	
CHARGE	15 F/PAD 25	
SIGNATURE		

CUSTOMER COPY

DEPARTMENT OF POSTS - INDIA
SPEED POST RECEIPT




TO	The Principal	
	K.V. A.F.S. Chavag	
	PO. Chavag A/F	
TEL.	87509	PIN 505102
SENDER	Mr. P. Chavag	
	Kadambur, Dindigul	
TEL.	223974	PIN 626001

For enquiry, please contact your Speed Post Centre.

- 15 -

17

4 Date mailed Year Month Day			5 Time mailed Hour Minutes		20 A Despatch charge 20 B Office of origin		EMS SPEED POST RELIABLE FAST DELIVERY SERVICE	
Customs Declaration							CODE NO. R. NO. <i>ED 2420746</i>	
21 Description of contents applicable for (EMS Speed Post only)							27 Name in print of the person taking delivery of the item Signature <i>[Signature]</i>	
							28 Date <i>01.09.01</i>	
							29 Date of delivery Year Month Day	
22 Gift <input type="checkbox"/>		23 Sample of merchandise <input type="checkbox"/>		24 Value <i>25/-</i>		25 Weight in kg. <i>5.85</i>		
Sender							Addressee	
11 Name and address of Sender <i>P. Chetia, PO - Kadamoni, Dist. - Dibrugarh</i>							12 Name and address of Addressee <i>Principal K.V. AFS, Chabua</i>	
9 Sender's postal code <i>718161</i>							14 Addressee's postal code <i>712101</i>	

[Signature]
Sender Bana

- 16 -

18

☎ : 524801
454283

D. R. GOGOI & ASSOCIATES

(Legal Consultants, Solicitors & Lawyers)

F. C. Road, Uzan Bazar, Guwahati - 1

ANNEXURE - IV

Represented by :- Sri Pallabh Showmik,
Advocate, Gauhati High
Court, Guwahati.

Date :- 1-9-2001.

(NOTICE)

TO

The Principal,
Kendriya Vidyalaya,
Air Force Station, Chabua,
Dist-Dibrugarh, Assam.

Sub :- Original application No. 344/2001.

sri Putul Chetia Applicant.

-vs-
Union of India & Ors. Respondents.

Sir,

Under instructions from my client Shri Putul Chetia who is serving as socially useful productive Works, Teacher Teacher in your Vidyalaya I have to address you as follows :-

1) That being aggrieved by order No. P.10-4/2001/KVS (OR)/5138-42 dated 20-8-2001 whereby Shri Chetia has been sought to be transferred from KV, AFS, Chabua to K.V. Pasighat he had approached the Hon'ble Central Administrative Tribunal at Guwahati by filing Original Application No. 344/2001.

2) That the Hon'ble Tribunal vide order dated 29-8-01 had issued notice upon the respondents and had further directed to suspend the operation of the transfer order, the logical consequence of it is that Shri Chetia shall continue to serve at KV, AFS, Chabua.

3) That a copy of the said order has been served you by my client on 30-8-2001 and inspite of receipt of it you had not allowed him to resume duties at KV, AFS, Chabua which is highly contemptuous.

4) That under these facts and circumstances, I have been instructed to call upon you, which I hereby do, and serve this notice to ensure compliance of order dated

Contd. ... 2.

We are available from 6 A.M. to 10 P.M.

Sd/-
[Signature]
SRI PALLABH SHOWMIK

- 17 -

D. R. GOGOI & ASSOCIATES

(Legal Consultants, Solicitors & Lawyers)

F. C. Road, Uzan Bazar, Guwahati - 1

524007
454283

Represented by :-

- 2 -

29.8.01 forthwith, failing which my client shall be constrained to initiate contempt proceedings against you as to the cost and consequences thereof.

5) That in this connection it is being made abundantly clear that in case you are acting at the behest of your Assistant Commissioner, it will not absolve you as well as your Assistant Commissioner of your joint responsibility to ensure compliance of order dated 29.8.2001 and you shall both be made personally responsible for your default.

Yours faithfully,

(P. BHOWMICK)

Copy to :-

Assistant Commissioner, Kendriya Vidyalaya
Sangathan, Chayaram Bhavan, Maligaon Chariali,
Guwahati.

भारतीय डाक



((GUWAHATI GPO)) Cntr. 4

REG 7809

NAME: THE ASST COMMISSINAR, K VIDYALAYA

CITY: 000

INS FOR RS. 0 / P-STAMP RS. 0

AMT: 23.00/ Gs. 20M / 01/09/2001 16:55

भारतीय डाक



((GUWAHATI GPO)) Cntr. 4

REG 7808

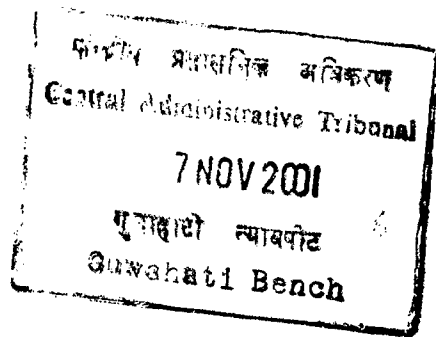
NAME: THE PRINCIPAL, K. VIDALAYA

CITY: 000

INS FOR RS. 0 / P-STAMP RS. 0

AMT: 23.00/ Gs. 10M / 01/09/2001 16:54

from 6 A.M. to 10 P.M.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

Contempt Petition No. 41/2001

in O.A No. 344/2001

Sri Putul Chetia

..... Petitioner

-VERSUS-

Sri D.K Saini

..... Contemner No.1

An affidavit filed on behalf of the Contemner No.1

I, Sri D.K Saini, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, solemnly affirm and declare as follows :-

1. That I have been impleaded as Contemner No.1 in the instant 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 affidavit and those which are matters of record to the extent the

documents on record support them all other averments and submissions in the contempt petition may be treated to have been denied by the deponent.

2. That with regard to the statements made in paragraph 1 and 2 of the contempt petition, the deponent has no comments.

3. That with regard to the statements made in paragraph 3 of the contempt petition, the deponent begs to submit that the petitioner was not allowed to re-join at K.V Chabua, because he was relieved on 27.8.2001 from K.V. Chabua, with a direction to report for duty at his new place of posting without fail. The deponent further begs to submit that the petitioner has been transferred as per clause 3 of the existing transfer guidelines. With reference to the Hon'ble Tribunal's order dated 29.8.2001 it is submitted that the deponent honouring this Order dated 29.8.2001 has not taken any disciplinary action or any other action to compel the petitioner to join at K.V Pasighat, where he has been transferred.

4. That with regard to the statements made in paragraph 4 of the contempt petition the deponent begs to submit

that the petitioner has not challenged the relieving Order dated 27.8.2001, and therefore in view of the interim order dated 29.8.2001 he is not entitled to join the post again. It is further submitted that the deponent has got the highest respect in regard to the order/direction passed by the Hon'ble Tribunal and at no point of time and under no circumstances there has been any occasion for dishonouring the same. On the other hand, taking into consideration the interim order dated 29.8.2001, passed by the Hon'ble Tribunal, the deponent has not issued any order compelling the petitioner to join at K.V Pasighat.

5. That with regard to the statements made in paragraph 5 of the contempt petition the deponent has no comments.

6. That with regard to the statements made in paragraph 6 of the contempt petition the deponent begs to submit that the petitioner was relieved on 27.8.2001, as per the transfer order dated 20.8.2001. Therefore, the question of allowing the petitioner to join in the post again does not arise. However, the deponent honouring the interim order dated 29.8.2001, has not taken any further steps against the petitioner.

7. That with regard to the statements made in paragraphs 7 and 8 of the contempt petition the deponent has no comments.

8. That with regard to the statements made in paragraph 9 of the contempt petition the deponent begs to submit ^{that} there is no wilful disregard in complying with ^{the} order passed by the Hon'ble Tribunal.

9. That the deponent begs to state that there is no negligence or laches on the part of the deponent as he is always prompt in complying with the order passed and direction given by this Hon'ble Tribunal.

10. That this affidavit is made bonafide and in the interest of justice.

Verification.....

24

-5-

VERIFICATION

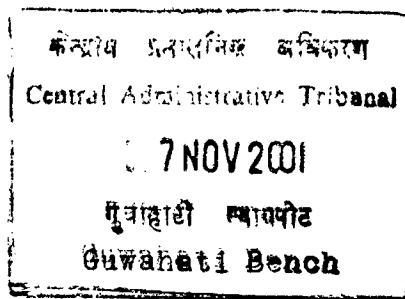
I, Shri Deo Kishan Saini, son of Sri C. L. Saini, aged about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Chariali, Guwahati-12, do hereby verify that the statement made in paragraphs^{1, 2, 5 and 7} are true to my knowledge and those made in paragraphs^{3, 4 (Part) and 6} are based on records.

And I sign this verification on this the 3rd day of November, 2001 at Guwahati.

Place : Guwahati

Deo Kishan Saini
DEPONENT

Date : 3-11-2001



Filed by
Sri N.M. Varadharajulu
25
Through Beggelins
Singapore
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

Contempt Petition No. 41/2001

in O.A No. 344/2001

Sri Putul Chetia

..... Petitioner

-VERSUS-

Sri N.M.Varadharajulu,

..... Contemner No.2

An affidavit filed on behalf of the Contemner No.2

I, Sri N.M.Varadharajulu, Principal, Kendriya Vidyalaya, Air Force Station, Chabua, District:- Dibrugarh, Solemnly affirm and declare as follows:-

1. That I have been impleaded as Contemner No.2 in the instant 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 affidavit and those which are matters of record to the extent the

documents on record support them all other averments and submissions in the contempt petition may be treated to have been denied by the deponent.

2. That with regard to the statements made in paragraph 1 and 2 of the contempt petition, the deponent has no comments.

3. That with regard to the statements made in paragraph 3 of the contempt petition, the deponent begs to submit that the petitioner was not allowed to re-join at K.V Chabua, because he was relieved on 27.8.2001 from K.V. Chabua, with a direction to report for duty at his new place of posting without fail. The deponent further begs to submit that the petitioner has been transferred as per clause 3 of the existing transfer guidelines. With reference to the Hon'ble Tribunal's order dated 29.8.2001 it is submitted that the deponent honouring this Order dated 29.8.2001 has not taken any disciplinary action or any other action to compel the petitioner to join at K.V Pasighat, where he has been transferred.

4. That with regard to the statements made in paragraph 4 of the contempt petition the deponent begs to submit

that the petitioner has not challenged the relieving Order dated 27.8.2001, and therefore in view of the interim order dated 29.8.2001 he is not entitled to join the post again. It is further submitted that the deponent has got the highest respect in regard to the order/direction passed by the Hon'ble Tribunal and at no point of time and under no circumstances there has been any occasion for dishonouring the same. On the other hand, taking into consideration the interim order dated 29.8.2001, passed by the Hon'ble Tribunal, the deponent has not issued any order compelling the petitioner to join at K.V Pasighat.

5. That with regard to the statements made in paragraph 5 of the contempt petition the deponent has no comments.

6. That with regard to the statements made in paragraph 6 of the contempt petition the deponent begs to submit that the petitioner was relieved on 27.8.2001, as per the transfer order dated 20.8.2001. Therefore, the question of allowing the petitioner to join in the post again does not arise. However, the deponent honouring the interim order dated 29.8.2001, has not taken any further steps against the petitioner.

7. That with regard to the statements made in paragraphs 7 and 8 of the contempt petition the deponent has no comments.

8. That with regard to the statements made in paragraph 9 of the contempt petition the deponent begs to submit that there is no wilful disregard in complying with ^{the} order passed by the Hon'ble Tribunal.

9. That the deponent begs to state that there is no negligence or laches on the part of the deponent as he is always prompt in complying with the order passed and direction given by this Hon'ble Tribunal.

10. That this affidavit is made bonafide and in the interest of justice.

Verification.....

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VERIFICATION

I, Shri N. M. Varadharajulu, son of Shri N. Munuswamy Naidu, aged about 44 years, presently working as the Principal, Kendriya Vidyalaya, AFS Chabua do hereby verify that the statement made in paragraphs ^{1, 2, 5 and 7} are true to the best of my knowledge and those ^{3, 4 (part) and 6} made in paragraphs are based on records.

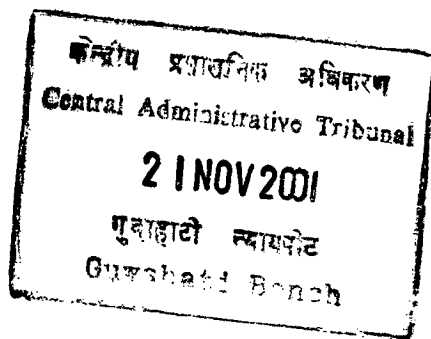
And I sign this verification on this the 29th day of October, 2001 at Guwahati.

Place : Guwahati

Date : 29-10-2001

N.M. Varadharajulu
DEPONENT

[N.M. VARADHARAJULU]



Filed by
the petitioner
Shravanji -
Sanam Banerjee
Advocate
21-11-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

CONTEMPT PETITION (CIVIL) NO.41/2001

IN OA NO. 344/2001

Sri Putul Chetia

.....PETITIONER

-VS-

Sri D. K. Saini and another

.....RESPONDENTS

-AND-

IN THE MATTER OF

A rejoinder to the affidavit filed by the respondents.

1. That all the averments and submissions made by the respondents in their respective affidavits are specifically denied by the petitioner save and except what had been specifically admitted here in and what appears from the record of the case.

Contd.....P/2

Putul Chetia

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(2)

2. That the petitioner denies the correctness of the statement made in paragraphs 1 and 2 of the affidavit and reiterates and reaffirms the statements made in paragraphs 1 and 2 of the contempt petition.

3. That the petitioner denies the correctness of the statement made in paragraph -3 of the affidavit and reiterates and reaffirms the statements made in paragraph-3 of the contempt petition. In this connection the petitioner begs to state that the order dated 29-08-2001 passed in O.A. No. 344/2001 has been violated by the respondents with all impurity. The plea taken by the respondents now that the petitioner was relieved on 27-08-2001 from K. V. Chabua in totally false and an after thought to cover up their highly contemptuous action in not allowing the petitioner to resume his duties at K. V. Chabua.

4. That I deny the correctness of the statement made in paragraph-4 of the affidavit and reiterates and reaffirms the statements made in paragraph-4 of the contempt petition. In this connection the petitioner states that there was no reason on the part of the respondent No.2 in refusing to accept a certified copy of the order dated 29-08-2001 passed by this Hon'ble Tribunal. This itself speaks volumes about the intention of the respondents in harassing the petitioner for approaching this Hon'ble Tribunal being aggrieved by issuance of the order of transfer and the

Contd.....P/2

Putul Chetia

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(3)

scant regards which the respondents have for the orders passed by this Hon'ble Tribunal. The petitioner further states that the impugned order of transfer order dated 20-08-2001 which was served upon him on 24-08-2001. On receipt of which the petitioner submitted a representation on 24-08-201 itself. On 25-08-2001 the petitioner submitted ~~sick~~ leave application to the respondent No.2 and from then onwards he is on ~~sick~~ leave. The attendants register will speak the veracity of the statement of the petitioner. A copy of the alleged released order dated 27-08-2001 was received by the petitioner on 01-09-2001 by speed post.

5. That the petitioner denies the statement made in paragraph - 5 of the affidavit and reiterates and reaffirm the statement made in paragraph- 5 of the contempt petitioner.

6. That the petitioner denies the statements made in paragraph-6 of the affidavit and reiterates and reaffirms the statements made in paragraph- 6 of the contempt petition. The petitioner further states on the date of filing the instant O.A. i.e. 29-08-2001 he had no knowledge about the alleged relieving order 27-08-2001 as he was on ~~sick~~ leave from 25-08-2001. As such the respondents in not allowing the petitioner to resume his duties after passing of the interim order dated 29-08-2001 has committed contempt of this Hon'ble Tribunal by their wilful and deliberate action

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Putul Chetia

(4)

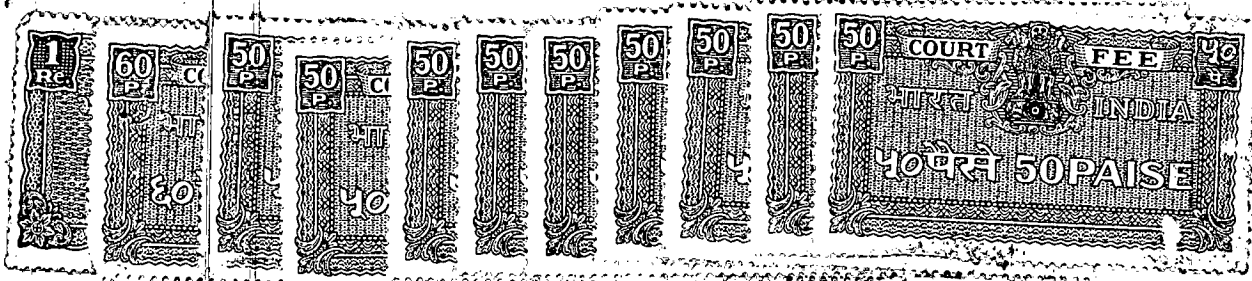
and is accordingly liable to be punished, for the sake of holding the dignity and majesty of their Hon'ble Tribunal and for safeguarding the sanctity of the order passed by this august body.

7. That the petitioner denies the correctness of the statement made in paragraphs 7 & 8 of the affidavit and reiterates and reaffirms of the correctness of the statement made in paragraphs 7, 8 & 9 of the contempt petition.

8. That under the facts and circumstances stated above the petitioner respectfully submits that it is quite apparent that order dated 29-08-2001 has been violated by the respondents with all impurity and, as such, the respondents are to be awarded exemplary punishment for their highly contemptuous and unpardonable conduct.

Contd.....P/5

Putul Chetia



AFFIDAVIT

I, Sri Putul Chetia, S/o Sri Girindra Nath Chetia, aged about 36 years, resident of Kadamoni, Dibrugarh, in the district of Dibrugar, Assam; do hereby Solemnly affirm and State as follows :-

1. That I am the petitionre in this Contempt petition as such I am competent to fille this affidavit and accordingly I swear the same. I am fully conversent with the facts and circumstances of the case.

2. That the statements made in this affidavit and in paragraphs 1, 2 & 5 of the petition are true to my knowledge and those made in paragraphs

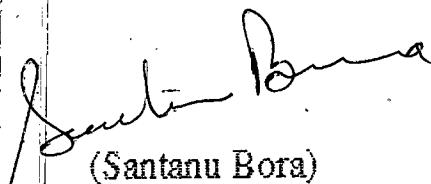
3, 4 & 6 being matter of records are true to my information derived therefrom which I believe to be true and the rest my humble submissions made before this Hon'ble Tribunal

And I sign this affidavit on this the 21st day of November, 2001 at Guwahati.

Putul Chetia
DEPONENT

Identified by :-

Signed before me


(Santanu Bora)

Advocate

(Pallabh Bhowmic)

Advocate