

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

Contemp. APPLICATION NO. 42 /201 (OA 345)201)

Applicant (s) D requestor D as

Respondant(s) D. K. Saenre 2 ans.

Advocate for the Applicant: Mr P.R. Gogoi, P. Bhawani & S. Baru.

Advocate for the Respondant:

Notes of the Registry	Date	Order of the Tribunal
This contempt petition has been filed by Mr. S. Bora, Advocate with a proper for to issue notice to show cause as to why the containers shall not be punished for deliberate and wilful violation of the order, dated 29-08-2001 passed in OA 345/2001.	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		KC Usha Member
bb		Vice-Chairman
nk m		KC Usha Member
nk m		Vice-Chairman

7.12.01

List on 21.12.01 alongwith O.A.

8.11.2001

No. 245 of 2001.

An affidavit filed
on behalf of Contemner No. 1.

Member (J)

IC Usha
Member (A)

mb

21.12.01

List on 23.1.2002 alongwith O.A.

No. 245/2001 for final hearing.

20.11.2001

An affidavit
has been filed by
The Contemner No. 2,

mb

31.1.2002

Perused the Contempt Petition
and also the reply filed by the alleged
contemners.

Considering the facts and circumstances of the case and also inview of the explanation made by the respondents /alleged contemners, we do not find any merit to continue with the application Petition.

The Contempt Proceeding is accordingly disposed of.

IC Usha
Member

Vice-Chairman

bb

Reply filed on behalf of

DR. R. No. 1 & 2.

20.12.01

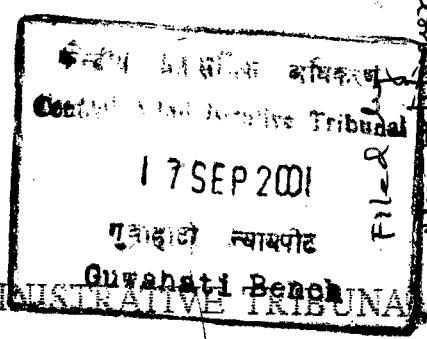
Received
26/12/01

26.12.2001

Copy of the order
has been sent to the
Office for issuing the
same to the respondents
for the parties.

SP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



GUWAHATI BENCH

CONTEMPT PETITION (CIVIL) NO. 42/2001

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. 345/2001

-AND-

IN THE MATTER OF

Sri Durgeswar Das
S/o Late Hiteswor Das
Drawing Teacher
Kendriya Vidyalaya
Air-force Station, Chabua
Dist. : Dibrugar, (Assam)

PETITIONER

Contd..... P/2

Durgeswar Das

(2)

-VERSUS-

1. Sri D. K. Saini
Asstt. Commissioner
Kendriya Vidyalaya Sangathan
Regional Office,
Chanyaram Bhaban
Maligaon, Chariali
Guwahati-12
Pin. : 781012
2. N. M. Varodharojulu
Principal
Kendriya Vidyalaya
Air Force Station, Chabua
Dist. : Dibrugarh (Assam)
Pin. : 786102

RESPONDENTS

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

MOST RESPECTFULLY SHEWETH :

^{Petitioner}

1. That the ^{Petitioner} being aggrieved by issuance of transfer No. F10-4/2001/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 Tengavally had approached this Hon'ble Tribunal by filing OA No. 345/2001 on 29-08-2001:

Contd..... P/3

Sureswar Das.

(3)

2. That this Hon'ble Tribunal vide order dated 29-08-2001 passed in OA No. 345/2001 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.E. 10-4/2001/KVS (GR)/15138-42 dated 20-08-2001 transferring the petitioner from Chabua to Tengavalley 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 intimation 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

Durgeswar Das

(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 joint in the post of Drawing 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 I 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

Durgeswar Das

(5)

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 joint 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

Amgaraan. Adn.

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. 345/2001 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. 345/2001 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

Abhijit Das

AFFIDAVIT

I, Sri Durgeswar Das, S/o Late Hiteswor Das, aged about 36 years, resident of Kamalabari, Duliajan, in the district of Dibrugar, Assam; do hereby Solemnly affirm and State as follows :-

1. That I am the petitioner in this Contempt petition as such I am competent to file 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.

Durgeswar Das.

Seprnent.

Identified by :-

Signed before me

Santnu Bora
(Santnu Bora)

Advocate

Pallab Bhowmik
(Pallab Bhowmik)

Advocate

(7A)

DRAFT CHARGE

Whether the respondents/contemners are guilty of contempt of court for deliberate and wilful violation of order dated 29-08-2001 passed in OA No.345/2001 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.

Durgeswar Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ANNEXURE-I

ORDERS SHEET

APPLICATION NO. 365, 2001

Applicant(s) Sri D. Das.

Respondent(s) U.O.I.G.O.S.

Advocate for the Applicant: Mr. P. R. Gogoi
Mr. P. Bhownik

Advocate for the Respondent: 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 Caveat(s) respondent(s). Issue notice as to why the application shall not be admitted. Also issue notices as to why the interim 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 applicant Sri D.Das, Chabua to Tengavally. 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.

Certified to be true Copy

প্রতিপাদিত প্রতিপাদিত

Sd/VICE CHAIRMAN

NS/29/8/2001

Section Officer (J)

গুৱাহাটী অধিবক্তা প্রতিপাদিত
Central Administrative Tribunal
গুৱাহাটী পৰিষদ
গুৱাহাটী বিধান পৰিষদ
১৯৮৫, পৰিষদ পৰিষদ

Deuli

ANNEXURE - II Series

To

the principal
K.V. Chabua.

Chabua dated 31/08/01

Sub:- Suspending of transfer order
No. F.10-4/2001/KVS(GR) 5138-42
dt. 20-08-2001 by honourable K.A.T.
Guwahati.

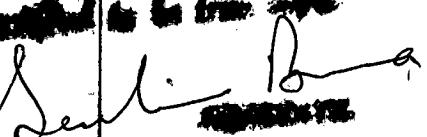
Sir,
With reference to the subject cited
above. I am to enclosed herewith a copy
of suspending order against transfer
order no as stated above issued by
Asst. commissioner K.V.S. Guwahati Region

This is for your kind information
and perusal please.

Thanking you.

Yours faithfully,

Durgeswar Chakraborty
Deputy Teacher
K.V. Chabua (A.F.S.)



DEPARTMENT OF POSTS - INDIA
SPEED POST RECEIPT

भारतीय डेक्स



SMS SPEED POST



ED840287025IN

NO.

DATE	31-8-01
TIME	1300 HRS
WEIGHT	60 GMS
CHARGE Rs.	15/- 10 AD. 25/-
SIGNATURE	<i>[Signature]</i>



CUSTOMER COPY

TO

The Principal

*K-V. AFS. CP 0603
PA O 0603 4/1 2001 2001*

TEL. 87509.

PIN 726102

SENDER

S. J. Das

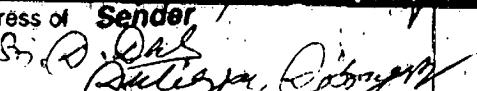
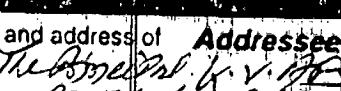
TEL. 801674

PIN 726102

For enquiry, please contact your Speed Post Centre.

*Chennai
Send - home*

14

4 Date mailed			5 Time mailed		20 A Despatch charge	
Year	Month	Day	Hour	Minutes	20	B Office of origin
			13	00	20	Amritsar
Customs Declaration						
21 Description of contents applicable for (EMS Speed Post only)						
						
22		23	24 Value	25 Weight in kg.	26	27
<input checked="" type="checkbox"/> Gift		<input type="checkbox"/>	5/-	2.00	<input type="checkbox"/>	Name in print of the person taking delivery of the item
Sender		Addressee				
8 Name and address of Sender						
						
9 Sender's postal code		12 Name and address of Addressee				
7816161012						
14 Addressee's postal code		15 Date of delivery				
781611012		Year Month Day 28 Date of delivery 01 04				
16		17 Signature				

The Principal

K.V. Chabua A.F.S.

Dated 01-09-01

ANNEXURE -

III Series

Sub: Submission of suspended order No. 345/2001

dated 29-8-01 issued by the Central Administering Tribunal Guwahati Bench : Guwahati against the transfer order no. F.10-4-2001/KVS(O.R)/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 Administration Tribunal Guwahati Bench, Guwahati suspended the transfer order no. F.10-4-2001/KVS(GR/5138-42 dated 20-8-2001 issued by the Assistant Commissioner KVS, Guwahati Region. According to that I approached you yesterday that is on 31-8-2001 to continue my service a usual alongwith 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. ED8402870251N dated 31-8-2001.

To day 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 needfull favourable action.

Thanking you,

Yours faithfully

D. Das

Deacing teacher
K.V. Chabua

Seal No. 1
Date 01-09-2001

1-9-2001



No.

ED840287048IN

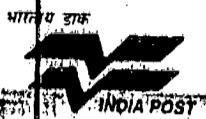


DATE	01-9-2001
TIME	11.50 HRS
WEIGHT	25 GMS
CHARGE	Rs. 15/-/04/-25/-
SIGNATURE	



CUSTOMER COPY

DEPARTMENT OF POSTS - INDIA
SPEED POST RECEIPT



TO	<i>The Principal K.V. H.S. College Po Chabua</i>
TEL.	87509
SENDER	<i>S. A. Das Buljan, Buxar</i>
TEL.	801674

PIN **786102**

PIN **786602**

For enquiry, please contact your Speed Post Centre.

Suniti Rose

4 Date mailed Year Month Day	5 Time mailed Hour Minutes	20 A Despatch charge 20 B Office of origin
Customs Declaration		
21 Description of contents applicable for (EMS Speed Post only)		
		
22	23	24 Value <i>25/-</i>
<input type="checkbox"/> GM	<input type="checkbox"/> Sample of merchandise	25 Weight in kg. <i>25/2</i>
85 Name and address of Sender D. Day. Duliyaan Kanakabari Dibrugarh Assam.		
9. Sender's postal code 7816102		
29 Date of delivery Year Month Day		
30 Time of delivery Hour Minutes		
Addressee		
12 Name and address of Addressee Principal. K. M. (AFS) Chabua Dibrugarh Assam.		
14 Addressee's postal code 78161102		

EMS SPEED POST

CODE NO. R. NO. ED 89284811

27 Name in print of the person taking delivery of the item
Signature N. M. C. S.

28 Date 01/09/01

Signature 19/10/01

Send - Bina

D. R. GOGOI & ASSOCIATES

(Legal Consultants, Solicitors & Lawyers)

F. C. Road, Uzan Bazar, Guwahati - 781001

524801
454283

ANNEXURE - IV

Represented by :-

Sri Pallab Bhownick,
Advocate, Guwahati High
Court, Guwahati.

Date :- 1-9-2001

(NOTICE)

TO

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

Sub :-

Original Application No. 345/2001.

SRI DURGESWAR DAS. ... Applicant.

-Vs-

Union of India & Ors. Respondents.

Sir,

Under instructions from my client Shri Durgeswar Das who is serving as ~~geometric~~ useful productive Banks Drawing Teacher in your Vidyalaya I have to address you as follows :-

1) That being aggrieved by order No. #.104/2001/KVS (GR) /513842 dated 20-8-2001 whereby Shri Das has been sought to be transferred from KV, AFS, Chabua to K.V. Tenga Valley he had approached the Hon'ble Central Administrative Tribunal at Guwahati by filing Original Application No. 345/2001.

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 Das 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.

Subscribed to on this date
B
DRAFTS

-16-

D. R. GOGOI & ASSOCIATES

(Legal Consultants, Solicitors & Lawyers)

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

524801

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. BHUMIKA)

Copy to :-

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

भारतीय डाक



((GUWAHATI GPO)) Cntr.4

REG 7806

NAME: THE PRINCIPAL, K. VIDALAYA

CITY: 000

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

AMT: 23.00/ Gds. 2M / 01/09/2001 16:53

भारतीय डाक



((GUWAHATI GPO)) Cntr.4

REG 7807

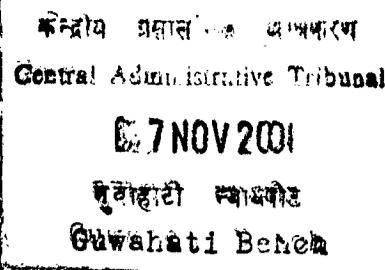
NAME: THE ASST COMMISSIONER, K. VIDALAYA

CITY: 000

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

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

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



Tiled by : Saini
Sri D.K. Saini
20
through
Sripree Senghini
Sripree Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

Contempt Petition No. 42/2001

in O.A No. 345/2001

Sri Durgeswar Das

..... 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

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, ^{1,2,5 and 7} do hereby verify that the statement made in paragraphs ^{3, 4 (Part) and 6} are true to my knowledge and those made in paragraphs ¹ 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

20 NOV 2001

গুৱাহাটী ন্যাশনাল

Guwahati Bench

25
Filed by
Sri N.M. Varadharajulu
Chanda Begelein,
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

Contempt Petition No. 42/2001

in O.A No. 345/2001

Sri Durgeswar Das,

..... 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.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.....

29

VERIFICATION

I, Shri M.N. Varadharajulu, Son of Sri N. Munuswamy Naidu, aged about 44 years, presently working as the Principal, Kendriya Vidyalaya , AFS Chabua, Dist. Dibrugarh(Assam) 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.

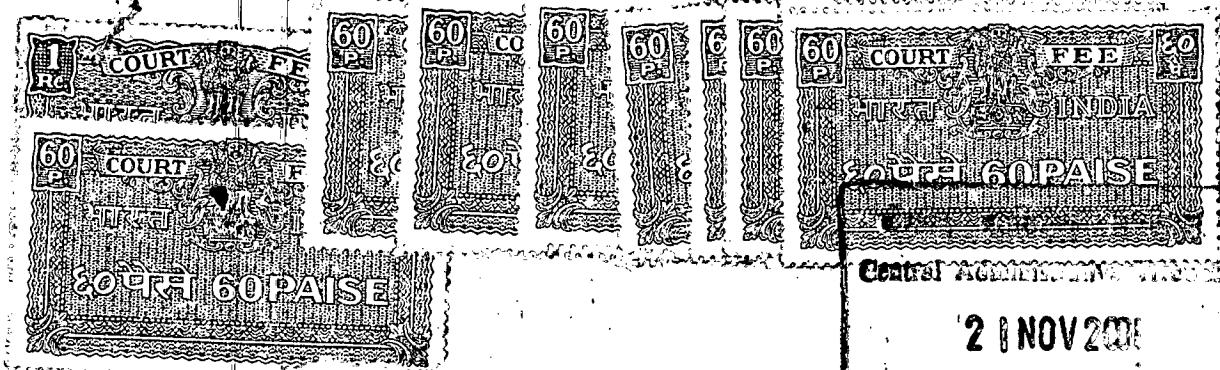
And I sign this verification on this the 29th day of October, 2001 at

Place : Gauhati

Date : 29/10/01

N.M. Varadharajulu

DEPONENT



File No.
for petitioner
Tengnashri
Basant Bora
Advocate
21-11-2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

GUWAHATI BENCH

21 NOV 2007

गुवाहाटी नगरपालिका

CONTEMPT PETITION (CIVIL) NO.42/2001

IN OA NO. 345/2001

Sri Durgeswar Das

.....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

Durgeswar Das

31

(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. 345/2001 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 scant regards which the respondents have for the orders passed by this

Contd..... P/2

Sengeswar Das.

(3)

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 03-09-2001 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 petition.

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 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.

Contd..... P/4

Sureswar Das

33

(4)

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 petition 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

Surgeswaran

(5)

AFFIDAVIT

I, Sri Durgeswar Das, S/o Late Hiteswor Das, aged about 36 years, resident of Kamalabari, Duliajan, 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 converstent 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.

Durgeswar Das

DEPONENT

Identified by :-

Santu Bora
(Santnu Bora)

Advocate

Signed before me

Pallab Bhowmik
(Pallab Bhowmik)

Advocate