

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Contemp. APPLICATION NO. 42 / 2001 (OA 345/2001)

Applicant (S) Durgeshwar Das

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

Advocate for the Applicant: Mr P.R. Gogoi, P. Brahmick & S. Boro

Advocate for the Respondant:

Notes of the Registry

Date

Order of the Tribunal

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.

Member

Vice-Chairman

17.10.01

List on 21.11.2001 alongwith O.A. No. 345 of 2001.

Member

21.11.2001

List this case on 7.12.01 alongwith O.A. No. 345/2001.

Vice-Chairman

nk m

Section Officer (D)

Notice Reasoned and sent to  
DLS for issuing the returnable  
No 182 by Regd Atd. on  
20/9/01  
DINo 3600/01 dated 24/9/01

✓

7.12.01

List on 21.12.01 alongwith O.A.

No. 245 of 2001.

8.11.2001

An affidavit filed  
on behalf of Contemner No. 1.

§  
Member (J)

K. L. Sharma  
Member (A)

mb

21.12.01

List on 23.2.2002 alongwith O.A.

No. 245/2001 for final hearing.

20.11.2001

An affidavit  
has been filed by 31.1.2002  
The Contemner No. 2.

mb

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

Considering the facts and circum-  
stances of the case and also in view of  
the explanation made by the respondents  
/alleged contemnors, we do not find any  
merit to continue with the ~~application~~  
petition.

The Contempt Proceeding is accord-  
ingly disposed of.

22.11.2001

A rejoinder to the  
affidavit filed by the  
Respondent.

K. L. Sharma  
Member

Vice-Chairman

bb

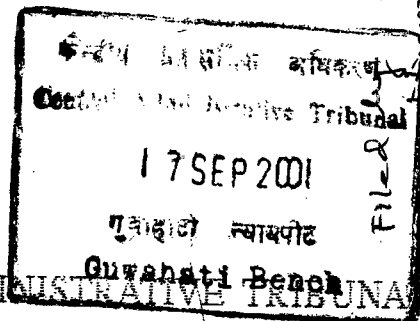
Reply filed on behalf  
of R. No. 1 & 2.

Ry  
20.12.01

Received  
26/2/02

26.2.2002

Copy of the order  
has been sent to the  
Office for issuing the  
warrant to the 1/1000s  
for the parties.  
sl



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 Hiteswar 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. 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 <sup>Petitioner</sup> 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 Tengavalley had approached this Hon'ble Tribunal by filing OA  
No. 345/2001 on 29-08-2001;

Contd.....P/3

*Surgesan Das.*

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.F. 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 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

*Surgeswar Das*

6

(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 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 met 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

*Sureswar 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 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

*Singeran. Sen.*

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 deliberation 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

*Surgurwar Das*



AFFIDAVIT

I, Sri Durgeswar Das, S/o Late Hiteswar 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 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 14<sup>th</sup> day of September, 2001 at Guwahati.

*Durgeswar Das.*

*Deponent.*

Identified by :-

Signed before me

*Santanu Bora*

(Santanu 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.

*Lurgeswar San*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

ANNEXURE - I

ORDERS SHEET

APPLICATION NO. 345 / 2001

Applicant (s) Sri P. Das.

Respondant(s) U.O. I & Ors

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

Advocate for the Respondant: K.V.S.

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



Certified to be true Copy

प्रमाणित प्रतिलिपि

Sd/VICE CHAIRMAN

*[Signature]*  
29/8/2001

Section Officer (J)

জনস্বাস্থ্য পরিদপ্তর, গুৱাহাটী  
Central Administrative Tribunal  
কেন্দ্রীয় প্রশাসনিক আদালত  
Guwahati Bench - Guwahati  
গুৱাহাটী বেঞ্চ - গুৱাহাটী

*[Signature]*  
29/8/2001

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 C.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

Surgeon Chap.  
Leading teacher  
K.V. Chabua (A.F.S.)

Stamp of the office

Signature

**EMS SPEED POST**

DEPARTMENT OF POSTS - INDIA  
SPEED POST RECEIPT



No. **ED840287025IN**

DATE	31-8-01	
TIME	1300	HRS
WEIGHT	205	GMS
CHARGE	Rs. 15 + 10.40 = 25.40	
SIGNATURE	<i>[Signature]</i>	

POST OFFICE  
GMA



TO	The Principal.	
	K-V. AFS. Chabua	
	PO Chabua AFS D.M. 786102	
TEL.	87509	PIN 786102
SENDER	M. D. Das	
	Dulajon, Dabha	
TEL.	801674	PIN 786602

CUSTOMER COPY

For enquiry, please contact your Speed Post Centre.

*Handwritten notes:*  
206600  
Sent from  
[Signature]



To

-12-

The Principal

K.V. Chabua AFS.

ANNEXURE -

III Series

Dated 01-09-01

Sub: Submission of suspended order No-345/2001 dated 29-8-01 issued by the Central Administrative Tribunal Guwahati Bench: Guwahati against the transfer order no. F.10-4-200/KVS(OR)/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(OR)/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 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-ED840257025IN 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,  
Drawing teacher  
K.V. Chabua.

01-9-2001

1-9-2001

Sub: Submission of suspended order No-345/2001 dated 29-8-01 issued by the Central Administrative Tribunal Guwahati Bench: Guwahati against the transfer order no. F.10-4-200/KVS(OR)/5138-42 dated 20-8-2001.

# EMS SPEED POST

## DEPARTMENT OF POSTS - INDIA SPEED POST RECEIPT



No.

ED840287048IN

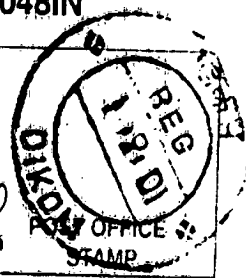
DATE 01-9-2001

TIME 11.30 HRS

WEIGHT 25 GMS

CHARGE Rs. 15.70

SIGNATURE





CUSTOMER COPY

TO	The Principal		
	K.V. H.S. Chhabra		
	PO Chhabra		
TEL.	87509	PIN	86102
SENDER	Sh. A. Das		
	(Dulipur, Chhabra)		
TEL.	801674	PIN	86602

For enquiry, please contact your Speed Post Centre.

*Delivered to the addressee*  
*Signature of Recipient*



4 Date mailed Year Month Day			5 Time mailed Hour Minutes		20 A Despatch charge 20 B Office of origin	
<div style="text-align: center;">  <p>EMS SPEED POST</p> </div>						
21 Description of contents applicable for (EMS Speed Post only)						
<div style="display: flex; justify-content: space-between;"> <div>  </div> <div>                 CODE NO. _____ R. NO. <i>ED 8024811</i> </div> </div>						
27 Name in print of the person taking delivery of the item						
Signature <i>N. K. Ch...</i>						
28 Date <i>01/09/01</i>						
22 <input type="checkbox"/> Gift		23 <input type="checkbox"/> Sample of merchandise		24 Value <i>25/-</i>		
				25 Weight in kg. <i>250g</i>		
29 Date of delivery Year Month Day			30 Time of delivery Hour Minutes			
81 Name and address of Sender <i>D. Dey, Dulaijan Kamalabari, Dibrugarh, Assam.</i>			Addressee			
9. Sender's postal code <i>786602</i>			12 Name and address of Addressee <i>Principal, K.V. (AFS) Chabua, Dibrugarh, Assam.</i>			
			14 Addressee's postal code <i>786102</i>			

*Sent to B...*

-15-  
**D. R. GOGOI & ASSOCIATES**

(Legal Consultants, Solicitors & Lawyers)

F. C. Road, Uzan Bazar, Guwahati -

**ANNEXURE**

524801  
454283

IV

Represented by :- **Sri Pallabh Bhowmick,**  
**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. 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 ~~primary~~ **productive** ~~links~~ **Drawing Teacher** in your **vidyalaya** I have to address you as follows :-

1) That being aggrieved by order No. P.10-4/2001/KVS (GR)/5138-42 dated 20-8-2001 whereby **Shri Das** has been sought to be transferred from **KV, AFS, Chabua** to **K.V. Tengla 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 in spite 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.

*Handwritten signature and stamp*

-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. BHOWMICK )

Copy to :-

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

((GUWAHATI GPO )) Cntr.4

REG 7806

NAME: THE PRINCIPAL, K. VIDALAYA

CITY: 000

भारतीय डाक



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

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

((GUWAHATI GPO )) Cntr.4

REG 7807

NAME: THE ASST COMMISSIONAR, K. VIDALAYA

CITY: 000

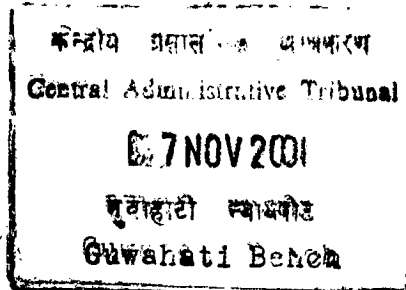
भारतीय डाक



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

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

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



Filed by:-  
Sri D.K. Saini  
20  
through  
Dipika Borgohain,  
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 <sup>the</sup> 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.....

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 <sup>1, 2, 5 and 7</sup> are true to my <sup>3, 4 (Part) and 6</sup> knowledge and those made in paragraphs are based on records.

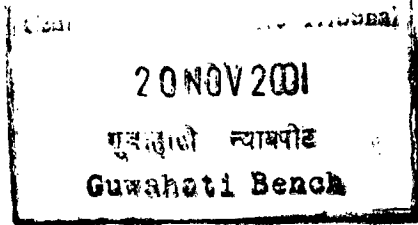
And I sign this verification on this the <sup>3<sup>rd</sup></sup> day of November 2001 at Guwahati.

Place : Guwahati

Deo Kishan Saini  
DEPONENT

Date : 3-11-2001





25  
Filed by  
Sri N.M. Varadharajulu  
Chengal Gargolam,  
Dipika  
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 <sup>the</sup> 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.....

VERIFICATION

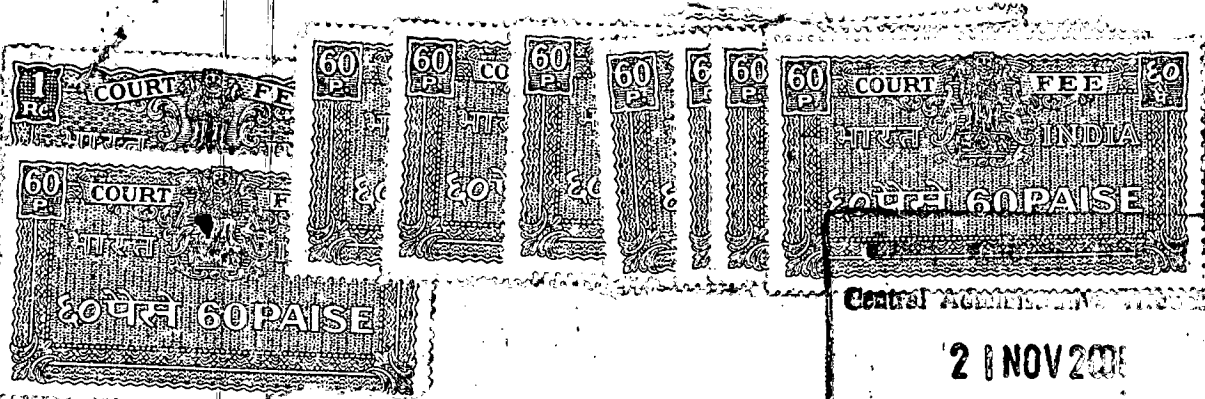
I, Shri M.N. Varadharajulu, Son of Sri N. Munuswamy Naidu, aged about 44 years, presently working as the Principal, Kendriya Vidyalaya, AFS Chabua, Dist. Dibrugarh(Assam) do hereby verify that the statement made in paragraphs 1, 2, 5 and 7 are true to my knowledge and those made in paragraphs 3, 4 (part)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

And I sign this verification on this the 29<sup>th</sup> day of October, 2001 at

Place : Guwahati

Date : 29/10/01

N.M.   
DEPONENT



Central Administrative Tribunal  
21 NOV 2001  
GUWAHATI BENCH

Filed by  
The petitioner  
through  
Sri Durgeswar Das  
Advocate  
21-11-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

*Sri Durgeswar Das*

(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

*Singesar Das.*

32

(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 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 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 ~~santality~~ of the order passed by this august body.

Contd.:.....P/4

*Sureshwar Das*



(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

*Surgesaran San.*

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 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.

*Durgeswar Das*

DEPONENT

Identified by :-

Signed before me

*Santanu Bora*  
(Santanu Bora)

Advocate

*Pallab Bhowmic*  
(Pallabh Bhowmic)

Advocate