

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

Contem APPLICATION NO. 2 /2002 (CA 487/2001)

Applicant(s) Tapan Kumar Chakraborty.

Respondent(s) H.M. Cairae & others.

Advocate for Applicant(s) Mr S. Dutta.

Advocate for Respondent(s) Dr. B.P. Todi, S. Sarma for Contemner No. 1.

Notes of the Registry	Date	Order of the Tribunal
This application has been filed under Section 17 of the A.T. Act, 1985 praying for initiation of a contempt proceeding against the contemnors for non-compliance of the Order dated 3.01.2002 in O.A. No. 487/2001.	10.1.02	Issue notice. Returnable by four weeks. List on 15.2.2002 for hearing alongwith O.A. No. 487/2001.
Filed before Hon'ble Court for orders.	15.2.02	List on 25.2.2002 for hearing alongwith O.A. No. 487/2001.
mb 9/10/02 SO(1)	25.2.2002	List on 15.3.2002. In the meantime the respondents may file reply, if any.
Steps taken. Notice prepared and sent to D/Section for bringing the respondents No. 1 to 3 by Regd. A/D.	bb	
D/No. 792 to 794 Dtd 8/3/02		
No. Reply has been filed.		
14.3.02		

2
Notice duly served
on Respondent No 2

27/3/02

15.3.2002 List the case again on 1.4.2002
enabling the respondents to file
reply, if any.

Member

Vice-Chairman

bb

14. There was no physical hearing today.
The case is adjourned to 22.4.2002.

mb

27/3/02

1.4.2002

An affidavit filed
by the Contemner No. 3.

List on 29/5/2002 for hearing

Vice-Chairman

mb

29.5

The case is adjourned to 7.6.2002
as Respondent No. 3 did not appear today.

8.4.2002

An affidavit filed
on behalf of the Contemner No. 1.

7.6.02

List the case for hearing on
17.6.2002.

Member

Vice-Chairman

bb

9.4.2002

An affidavit
has been submitted by
the Contemner No. 2.

17.6.02

This is an application for
initiation of a contempt proceeding
against the alleged contemnors for
violation of the order dated 3.1.2002
passed in O.A. 487/01. I

C.P. 2/2002

Notes of the Registry

Date

Order of the Tribunal

17.6.02

Heard Mr. G.N. Chakrabarty, learned counsel for the applicant and also Mr. S. Sarma, learned counsel for the alleged contemnors.

This is an application for initiation of a contempt proceeding against the alleged contemnors for violation of the order dated 3.1.2002 passed in O.A. No. 487/2001. It has been stated that the O.A. 487/2001 was disposed on 1.3.2002 and the respondents had acted in terms of the order passed in the O.A., since disposed of. The interim order dated 3.1.2002 also automatically stood dissolved.

In the circumstances, we do not find any merit for initiation of contempt proceeding. Accordingly, the C.P. stands dropped.

K. L. Sharma
Member


Vice-Chairman

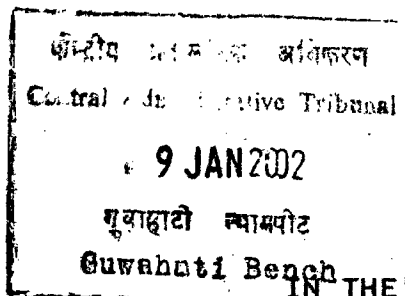
mb

Pl. comply order
dated 17.6.02.

NT
17/6/02

Order dt. 17/6/02
Communicated to the
Parties concerned & the
Applicant.

102
24/6



1

Filed by:-
The Petitioner
Through:-
Surajit Dutta
Advocate
09.01.02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 2 /2001

In O.A. No.487 of 2001

In the matter of :

Sri Tapan Kumar Chakraborty

.....Petitioner

-Versus-

Sri H.M. Cairae & Others.

..... Contemners

-AND-

In the matter of :

An Application under Section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a contempt proceeding against the contemners for non-compliance of the order dated 03-01-2002 passed in O.A. No. 487 /2001;

-AND-

In the matter of :

Willful disobedience and non-compliance of the Order dtd. 03.01.2002 passed by this Hon'ble Tribunal in O.A. NO. 487 /2001 directing to allow the applicant/petitioner to continue working at Silchar ;

-AND-

In the matter of :

Sri Tapan Kumar Chakraborty
Son of late Motilal Chakraborty
Resident of Kanakpur Part-II, Silchar-5.
District-Cachar (Assam).

Petitioner

Tapan K. Chakraborty

-Versus-

1. Sri H. M. Cairae
Commissioner, Kendriya Vidyalaya
Sangathan (Hqrs), 18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi-16.
2. Shri D. Singh Bisht
Joint Commissioner (Admn.), Kendriya
Vidyalaya Sangathan (Hqrs),
18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi-16.
3. Shri R. V. Singh
Education Officer (presently holding the
charge of Assistant Commissioner),
Silchar Regional Office, Hospital Road,
Silchar - 1.

***** Containers

The humble petitioner above named most respectfully sheweth :

1. That this petition arises out of willful disobedience and non compliance of the Order dtd.03.01.2002 passed by this Hon'ble Tribunal in O.A. NO.487/2001 filed by the petitioner wherein the contemnners were directed to allow the applicant/petitioner to continue working at Regional Office, Silchar..
2. That tersely described, the brief facts and circumstances of the case under which the aforesaid original application was filed by the petitioner were that the applicant, being aggrieved by an order dated 13.11.2000 issued by the Contemner No.1 transferring him from Kendriya Vidyalaya Sangathan, Regional Office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi, in violation of the existing transfer guidelines and in frustration of his claim for choice station posting at Regional Office, Calcutta, had approached this Hon'ble Tribunal praying for setting aside the impugned order of transfer and for issuance of directions upon the respondents to consider and post him to his place of choice at R.O., Calcutta.

3. That the petitioner was brought to Regional Office, Silchar on transfer from Regional Office, Calcutta on 31.10.1995. However, on completion of a fixed tenure of three years service in the NE Region, the petitioner exercised his option in terms of the existing transfer guidelines for choice station posting at Regional Office, Calcutta. But, his case was not duly considered by the respondents in a most arbitrary and unfair manner. Nonetheless, he continued to press the respondents for redressal of his grievance but in vain and surprisingly by the impugned order dtd.13.11.2000, he was transferred to Regional Office, Delhi in colourable exercise of power.
4. That at this stage, because of the inaction of the respondents (therein), the petitioner approached this Hon'ble Tribunal in O.A. No.423/2000 to remove this discrimination and arbitrary action and this Hon'ble Tribunal after considering the matter had been pleased to pass interim orders on 07.12.2000 and 25.04.2001 restraining the respondents (therein) from relieving the petitioner from Silchar and from filling up the vacant post of Assistant at Regional Office, Calcutta.
5. That the above mentioned original application was heard in due course of time and after hearing the parties and considering the materials on record, this Hon'ble Tribunal allowed the application vide Order dtd.05.06.2001 and directed the respondents (therein) to re-consider the case of the petitioner for his posting at Calcutta on the basis of the representations so far filed by him in the year 1999-2000 and as per transfer policy guidelines.
6. That in spite of the direction of this Tribunal passed in O.A. No.423/2000 as stated above, the respondents/contemners did not take any action whatsoever to transfer and post the petitioner to Calcutta Regional Office. Nonetheless, on 04.12.2001 the contemner no.1 passed an order reiterating the order dated 13.11.2000 and thereby directed the petitioner to join at Delhi. Being aggrieved, the petitioner

Tapas K. Baruah

challenged the same before this Tribunal in O.A. No.487/2001 whereupon this Hon'ble Tribunal vide order dated 03.01.2002 suspended operation of the impugned orders and directed to allow the petitioner to continue working at Silchar.

A copy of the order dtd. 03.01.2002 passed by this Hon'ble Tribunal in O.A. No.487/2001 is annexed herewith as Annexure-1.

7. That the petitioner states that in pursuance of the order dated 03.01.2002 passed by this Tribunal, he went to resume his duties at Regional Office, Silchar on 07.01.2002. But the contemner no.3 acted contrary to the direction of the Tribunal and quite surprisingly did not allow him to join and sign the attendance register on the plea that the petitioner had already been relieved from Silchar. The petitioner categorically states that till date he has not been served with any order relieving him from Silchar Regional Office and therefore there cannot be any reason for not allowing him to work at Silchar Regional Office. It is also stated that the petitioner submitted his joining report on the same day but the same was refused to be accepted.

The petitioner begs to annex herewith the necessary documents whereby the order of the Tribunal was communicated to the contemner no.3 and the same are marked as Annexure -2.

8. That in terms of the directions passed by this Hon'ble Tribunal in O.A.No.487/2001, the contemnors were required to allow the petitioner to continue at Regional Office, Silchar. But surprisingly, in spite of serving the copy of the above order to the contemner no.3, he has not allowed the petitioner to work at Silchar Regional Office. The petitioner has come to know from a reliable source that the contemner no.3 has been acting under the telephonic instruction of the contemner no. 1 and 2 and has resorted to disobey the order of this Hon'ble Tribunal dtd.03.01.2002 and thus have willfully flouted the order of

Tapen K. Gaharajy.

this Hon'ble Tribunal. They have, therefore, made themselves liable to be punished for violating the order of this Hon'ble Tribunal.

9. That the above action of the Contemnors amount to willful disobedience to the Hon'ble Tribunal's direction and the same has been committed deliberately and intentionally. The contemnors are still acting arbitrarily and capriciously in their own design and this has resulted in substantial interference with the due course of justice. Hence, this petition for appropriate order under the law.
10. That it is submitted that the contemnors willfully did not take any action to comply the order dated 03.01.2002 passed by the Hon'ble Tribunal in O.A. No. 487/2001 and have deliberately defied the order of this Hon'ble Tribunal which amounts to contempt of Court. Therefore, they are liable to be proceeded against and punished according to law.
11. That it is a fit case for the Hon'ble Tribunal for initiation of contempt proceeding for deliberate noncompliance of the order dated 03.01.2002 passed by the Hon'ble Tribunal in O.A. No. 487 of 2001.
12. That this petition is made bona fide and for the ends of justice.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to admit this petition and issue notice on the contemnors to show cause as to why a contempt proceeding should not be drawn up against them and to show cause further as to why they should not be punished for willful disobedience and noncompliance of the order dated 03.01.2002 passed in O.A. No.487/2001 ;

- and -

cause or causes being shown and upon hearing the parties be pleased to punish the contemnors in accordance with law

and be further pleased to pass any such other order or
orders as deemed fit and proper by the Hon'ble Tribunal. 9

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

Tabau K. Adinabady

AFFIDAVIT

I, Sri Tapan Kumar Chakraborty, son of late Motilal Chakraborty, aged about 46 years resident of Kanakpur Part-II, P.O. Silchar-5, in the district of Cachar, do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 111 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, in the matter of noncompliance of the Hon'ble Tribunal's order dated 03.01.2002 passed in O.A. No. 487/2001.

Identified by

Swagat Datta

Advocate

Tapan Kumar Chakraborty

DEPONENT

4

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemners for willful disobedience and deliberate non-compliance of order of the Hon'ble Tribunal dated 05.06.2001 passed in O.A. No.423/2000.

Tapau K. Sakralong

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI


ORDER SHEET
APPLICATION NO. 487/2021

Applicant(s) Mr. T. K. Chakraborty

Respondent(s) L.O.I. Govt

Advocate for Applicant(s) Mr. B. C. Das, S. Dutta, Min U. Dutta

Advocate for Respondent(s) K. V. B.

Notes of the Registry	Date	Order of the Tribunal
 Certified to be true Copy প্রমাণিত প্রতিলিপি 3/1/02	3.1.02	<p>Heard Mr. S. Dutta, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>Issue notice as to why impugned transfer order F.No.11-6/99-KVS(Estt-1) dated 13-11-2000 reiterated by order No. F.6-25/94-KVS(Estt.) dated 4.12.2001 shall not be suspended. Returnable by three weeks.</p> <p>Mr. S. Sarma, learned counsel accepts notice on behalf of respondents. In the meantime, operation of the orders of transfer shall remain suspended and the applicant shall continue in working at Regional Office, Silchar.</p> <p>List on 25.1.2002 for order.</p>

Sd / VICE CHAIRMAN
Sd / MEMBER (A)

Section Officer (A)
জুজ্ঞান অফিসার (অতিরিক্ত সিনিয়র)
Central Administrative Tribunal
Guwahati Bench, Guwahati-7
গুৱাহাটী বেঞ্চ, গুৱাহাটী-৭

Date - 07.01.2002

Annexure-2

The Assistant Commissioner,
Kendrasa Vidyalyaya Sangathan,
Hospital Road, S. Ichas-738001.

Sub:- Resuming duty:- Court Order- Compliance Therapy

Sir,

In continuation to my letter submitted in the office on 31.12.2001, followed by letter dtd. 01.01.2002 (copies enclosed for reference), I am to submit herewith copies of medical certificates of illness dtd. 31.12.2001 and fitness dtd. 05.1.2002 issued by Dr. P. R. Sarma, Associate Professor of Radiology, Salchar Medical College. I resume my duty today in the forenoon.

Herewith is enclosed a letter dtd. 03.01.2002 of Mr. S. Mr. Acharya, High Court, Guwahati alongwith a certified copy of Order dtd. 03.01.2002 passed by the Honble C.A.T. Guwahati.

You are requested to comply with the orders of the Honble C.A.T. and allow me to continue working at R.O. Salchar and to release the leave as follows.

- 05.12.2001 to 06.12.01 - Compensatory leave against date proffered on 27.10.01 and 28.10.01 as cel. applied in time was refused with to direct to avoid ill health.
- 07.12.2001 - J/T.
- 08.12.2001 to 09.12.2001 - J/T.
- 10.12.2001 to 30.12.2001 - J/T.
- 31.12.2001 to 04.01.2002 - Sick leave.
- 05.01.2002 to 06.01.2002 - Compensatory leave.

Yours faithfully,
K.V.S. R.O. Salchar.

- Encl:-
- ① Copy of letters dtd. 31.12.2001 and 01.01.2002.
 - ② Copy of fitness dtd. 31.12.2001 and fitness dtd. 05.01.2002.
 - ③ Letter dtd. 03.1.2002 of Mr. S. Mr. Acharya.
 - ④ Order dtd. 03.1.2002 of Honble C.A.T. Guwahati.

Received
R.O. Salchar
07/01/02



Attendance Record

Ann-2 (Contd.)

Resumed my duty in the forenoon of 07.01.2002 at KVS
 L.S. Sanchur. Orders of the Honble J.A.T. Guwahati and
 dated 03.12.01 of Shri S. Dutta, - Advoc 3, High Court, Guwahati
 regarding certificate of illness dated 31.12.2001 and fitness dated
 05.01.2002 and relevant enclosures were received in RO Silchar
 in official, Sent on 07.01.2002.

Since the Attendance Register was not provided by Shri R.V.
 Singh, the offg. A.C. till 16.15 hrs, I put my signature
 here in below for record.
 Office - K.V.S. RO Silchar

Date	Month	Dt.	Name	Designation	Signature
07.01.02	January	07	T.K. Chakraborty	Assistant	<i>[Signature]</i>

Sh. R.V. Singh offg. Asstt. Quisitor
 has directed me not to receive
 any letter from Sh. T.K. Chakraborty
 hence letter cannot be
 received by me.

R. N. Singh
 07/1/02



Dt. 08.01.2002.

Ann-2 (Contd.)

15

To
The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Hospital Road,
Silchar - 788001.

Sub:- Reporting to duty.

Sir,

I, accompanied by my lawyer Shri Chandra Bhattacharyya, on 07.01.2002, met you and handed over the copy of Hon'ble CAT's order dt. 03.01.2002 which was acknowledged by you and myself sent to my office and handed over my joining report to Shri R. Nath, who placed the papers before you in presence of my lawyer. You told that since Shri Tapau K. Chakraborty, Assistant has been relieved on 31.12.2001 he will not be allowed to join duty at R.O. Silchar. But you personally told my lawyer that necessary correspondence will be made to me.

Neither I was allowed to put my signature on the Attendance Register nor any official communication has been made to me although you promised to the Secretary, Bar Association, Silchar who happens to be my lawyer that you will not allow me to join duty at R.O. Silchar and communicate your written decision to me on 07.01.02.

It is surprising that I have not yet been handed over any letter by you and in spite of my written intimation on 31.12.2001 and 01.01.2002 regarding my illness and leave on medical ground I was not relieved from my office. Besides all these I attended the office yesterday in compliance with the orders dt. 03.01.2002 of the Hon'ble CAT. and today also I report for duty at 09:00 hrs.

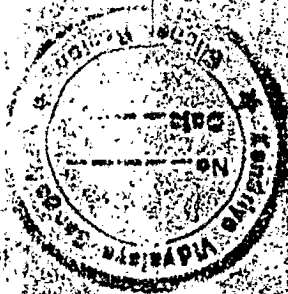
Yours faithfully,

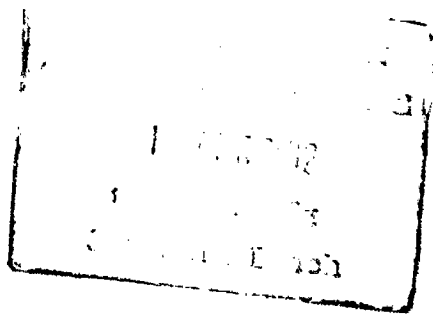
Tapau K. Chakraborty
Assistant, KVS.
R.O. Silchar.

N.B. No correspondence has been made to me at my address furnished to the office on 01.01.02 till 06.01.02.

At R.V. Singh offg. Asstt. Commissioner directed me verbally on 31/12/01 not to receive any letter from Th. Tapau Kumar Chakraborty Asstt. KVS R.O. Silchar. Hence the letter (copy) has not been received.

R.V. Singh
08/01/02





VP
Filed by:
Sri R.V. Singh
Contemner No.3
Tharanga Bagchi,
Dipika Bagchi,
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

Contempt Petition No. 2/2002

in

O.A No. 487/2001

Sri Tapan Kumar Chakraborty

.... Petitioner

-VERSUS-

Sri R.V. Singh

.....Contemner No.3

An affidavit filed on behalf of the Contemner No.3

I. Sri R.V. Singh, presently Education Officer,
Kendriya Vidyalaya Sangathan, Regional Office, Silchar,
solemnly affirm and declare as follows :

1. That I have been impleaded as Contemner No.3 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 the this affidavit and those which are matters on 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.

R- 2. That with regard to the statements made in paragraph 1 of the Contempt Petition the deponent begs to submit that the Order dated 3.1.2002 passed by this Hon'ble Tribunal in O.A 487/2001 has been complied with and in accordance with the direction passed in that order the petitioner has been allowed to continue working at Regional Office, Silchar.

3. That with regard to the statements made in paragraph 2 of the Contempt petition the deponent begs to submit that the petitioner was transferred from Kendriya Vidyalaya Sangathan, Regional office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi in accordance with the existing transfer guidelines.

4. That with regard to the statements made in paragraph 3,4 and 5 of the Contempt petition the deponent beg to submit that the averments made by the petitioner has already

been decided by this Hon'ble Tribunal in O.A. 423/2000 and O.A. 487/2001 vide Order dated 5.6.2001 and 1.3.2002 respectively. In accordance with the direction passed in Order dated 5.6.2001 the petitioner's representation for transfer to K.V.S, Regional Office, Calcutta had been reconsidered but the same could not be acceded to and the petitioner has been informed vide Order No.F-6-25/74-KVS(Estt.10) dated 4.2.2002. The petitioner challenging the said Order dated 4.12.2001 preferred O.A. No.487/01 before this Hon'ble Tribunal. The Hon'ble Tribunal has finally disposed of this matter vide Order dated 1.3.2001 with a direction to the respondent authorities to consider the case of the petitioner for transfer to K.V.S, Regional Office, Calcutta. The matter is under consideration by the concerned authorities and will be considered within the stipulated time.

5. That with regard to the statements made in paragraph 7 of the Contempt petition the deponent begs to submit that the petitioner was relieved of his duties on 31.12.01 with the direction to report to the Assistant Commissioner, KVS, Delhi Region in terms of the transfer Order dated 13.11.201 issued by the KVS. It is further submitted that the relieving Order could not be served in person to the applicant on 31.12.2001 as he left the office at about 11.20 A.M without informing/taking permission of the competent authority. The relieving order was dispatched to the local address of the applicant by registered post and another copy

of the relieving order was pasted on the door of the residence of the applicant. However, in accordance with the Order dated 3.1.2002 passed by this Hon'ble Tribunal the petitioner has been allowed to continue working at K.V.S, Regional Office, Silchar.

6. That with regard to the statements made in paragraph 8 of the Contempt petition the deponent begs to submit that he has never disobeyed the Order of the Hon'ble Tribunal at any stage and the contention of the petitioner is baseless and misleading specially relating to receiving any telephonic instruction from Contemner Nos 1 and 2.

6. That with regard to the statements made in paragraph 9,10,11 and 12 the deponent begs to submit that there is not wilful and deliberate violation or disobedience of the Order passed by this Hon'ble Tribunal. In fact the Order dated 3.1.2002 passed by this Hon'ble Tribunal has been complied with.

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

VERIFICATION

VERIFICATION

I, Sri R.V. Singh, son of *Sh. J.N. Singh*
aged about *40* years, presently working as Education
Officer, Kendriya Vidyalaya Sangathan, Regional Office,
Silchar, do hereby verify that the statement made in para-
graph *1, 3, 6 & 7* are true to my knowledge and
those made in *2, 4 & 5* paragraphs are based on
records.

And I sign this verification on this the *30th*
day of March, 2002 at Guwahati.

Ranvir Singh

DEPONENT

Place : *Guwahati*
Date : *30-3-2002*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

AT GUWAHATI

Contempt Petition No. 2/2002

in

O.A No. 487/2001

Sri Tapan Kumar Chakraborty

.... Petitioner

-VERSUS-

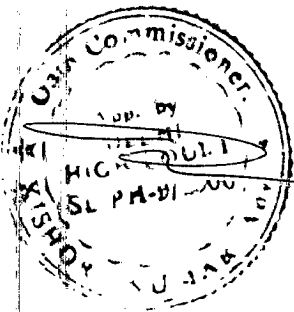
Sri H.M. Cairae

.....Contemner No.1

An affidavit filed on behalf of the Contemner No.1

I. Sri H.M. Cairae, Commissioner, Kendriya Vidyalaya Sangathan, 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 the this affidavit



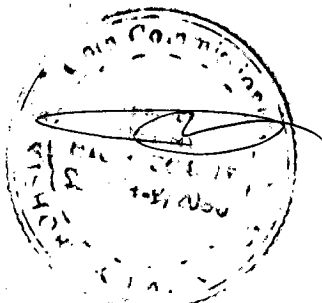
21
Filed by:
Sri H.M. Cairae
Commissioner,
Kendriya Vidyalaya Sangathan
Guwahati
Bengaluru
8-4-2002

and those which are matters on 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 of the Contempt Petition the deponent begs to submit that the Order dated 3.1.2002 passed by this Hon'ble Tribunal in O.A 487/2001 has been complied with and in accordance with the direction passed in that order the petitioner has been allowed to continue working at Regional Office, Silchar.

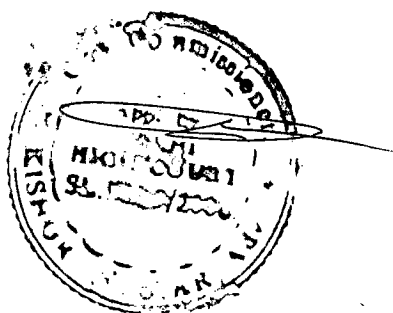
3. That with regard to the statements made in paragraph 2 of the Contempt petition the deponent begs to submit that the petitioner was transferred from Kendriya Vidyalaya Sangathan, Regional office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi in accordance with the existing transfer guidelines.

4. That with regard to the statements made in paragraph 3,4 and 5 of the Contempt petition the deponent beg to submit that the averments made by the petitioner has already been decided by this Hon'ble Tribunal in O.A. 423/2000 and



O.A. 487/2001 vide Order dated 5.6.2001 and 1.3.2002 respectively. In accordance with the direction passed in Order dated 5.6.2001 the petitioner's representation for transfer to K.V.S, Regional Office, Calcutta had been reconsidered but the same could not be acceded to and the petitioner has been informed vide Order No.F-6-25/74-KVS(Estt.10) dated 4.2.2002. The petitioner challenging the said Order dated 4.12.2001 preferred O.A. No.487/01 before this Hon'ble Tribunal. The Hon'ble Tribunal has finally disposed of this matter vide Order dated 1.3.2001 with a direction to the respondent authorities to consider the case of the petitioner for transfer to K.V.S, Regional Office, Calcutta. The matter is under consideration by the concerned authorities and will be considered within the stipulated time.

5. That with regard to the statements made in paragraph 7 of the Contempt petition the deponent begs to submit that the petitioner was relieved of his duties on 31.12.01 with the direction to report to the Assistant Commissioner, KVS, Delhi Region in terms of the transfer Order dated 13.11.201 issued by the KVS. It is further submitted that the relieving Order could not be served in person to the applicant on 31.12.2001 as he left the office at about 11.20 A.M without informing/taking permission of the competent authority. The relieving order was dispatched to the local address of the applicant by registered post and another copy of the relieving order was pasted on the door of the resi-



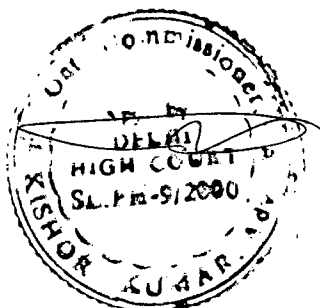
dence of the applicant. However, in accordance with the Order dated 3.1.2002 passed by this Hon'ble Tribunal the petitioner has been allowed to continue working at K.V.S, Regional Office, Silchar.

6. That with regard to the statements made in paragraph 8 of the Contempt petition the deponent begs to submit that he has never disobeyed the Order of the Hon'ble Tribunal at any stage and the contention of the petitioner is baseless and misleading specially relating to the telephonic instruction to Contemner No.3.

6. That with regard to the statements made in paragraph 9,10,11 and 12 the deponent begs to submit that there is not wilful and deliberate violation or disobedience of the Order passed by this Hon'ble Tribunal. In fact the Order dated 3.1.2002 passed by this Hon'ble Tribunal has been complied with.

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

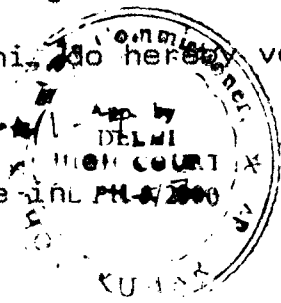
VERIFICATION



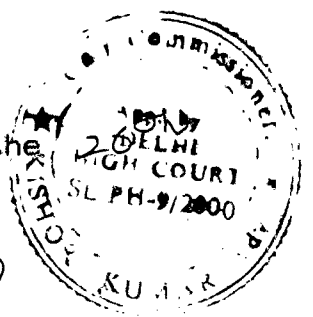
25

VERIFICATION

I, H.M. Cairae, son of Shri V.P. Cairea aged about 44 years, presently working as Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, do hereby verify that the statement made in paragraph 6 are true to my knowledge and those made in paragraphs 2 to 5 are based on records.

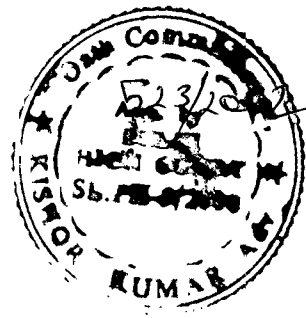


And I sign this verification on this the 26 day of March, 2002 at New Delhi.



[Signature]
DEPONENT

Place : New Delhi.
Date : 26.03.02.



I identify the Dependent/Dependent with mentioned in my presence.

[Signature]
I, H.M. Cairae, son of Shri V.P. Cairea, Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, do hereby affirm before me at New Delhi on 26-3-02 that the contents of the affidavit which has been read over and explained to him are true & correct to his knowledge.
[Signature]
Joint Commissioner, New Delhi.

26 MAR 2002

28
Filed by:
Sri D. Singh Bisht
Joint Commissioner (Admn)
Kendriya Vidyalaya Sangathan
Through: Bargarhain,
Bipulgarh
9/4/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

AT GUWAHATI

Contempt Petition No. 2/2002

in

O.A No. 487/2001

Sri Tapan Kumar Chakraborty

..... Petitioner

-VERSUS-

Sri D. Singh Bisht

.....Contemner No.2

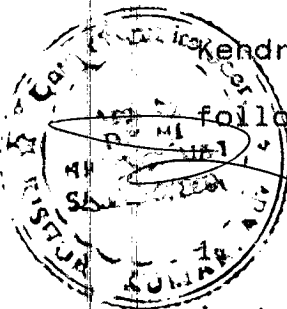
An affidavit filed on behalf of the Contemner No.2

I. Sri D. Singh Bisht, Joint Commissioner (Admn),

Kendriya Vidyalaya Sangathan, solemnly affirm and declare as

follows :

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

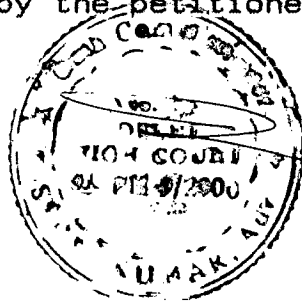


what has been specifically admitted in the this affidavit and those which are matters on record to the extent the documents on record support them all other averments and submissions in the Contempt petition may be treated to have been denied by the deponent.

K 2. That with regard to the statements made in paragraph 1 of the Contempt Petition the deponent begs to submit that the Order dated 3.1.2002 passed by this Hon'ble Tribunal in O.A 487/2001 has been complied with and in accordance with the direction passed in that order the petitioner has been allowed to continue working at Regional Office, Silchar.

3. That with regard to the statements made in paragraph 2 of the Contempt petition the deponent begs to submit that the petitioner was transferred from Kendriya Vidyalaya Sangathan, Regional office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi in accordance with the existing transfer guidelines.

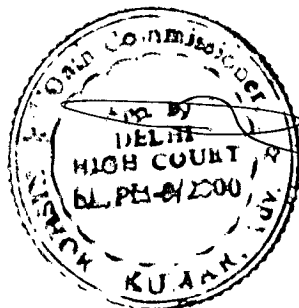
4. That with regard to the statements made in paragraph 3,4 and 5 of the Contempt petition the deponent beg to submit that the averments made by the petitioner has already



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been decided by this Hon'ble Tribunal in O.A. 423/2000 and O.A. 487/2001 vide Order dated 5.6.2001 and 1.3.2002 respectively. In accordance with the direction passed in Order dated 5.6.2001 the petitioner's representation for transfer to K.V.S, Regional Office, Calcutta had been reconsidered but the same could not be acceded to and the petitioner has been informed vide Order No.F-6-25/74-KVS(Estt.10) dated 4.2.2002. The petitioner challenging the said Order dated 4.12.2001 preferred O.A. No.487/01 before this Hon'ble Tribunal. The Hon'ble Tribunal has finally disposed of this matter vide Order dated 1.3.2001 with a direction to the respondent authorities to consider the case of the petitioner for transfer to K.V.S, Regional Office, Calcutta. The matter is under consideration by the concerned authorities and will be considered within the stipulated time.

5. That with regard to the statements made in paragraph 7 of the Contempt petition the deponent begs to submit that the petitioner was relieved of his duties on 31.12.01 with the direction to report to the Assistant Commissioner, KVS, Delhi Region in terms of the transfer Order dated 13.11.201 issued by the KVS. It is further submitted that the relieving Order could not be served in person to the applicant on 31.12.2001 as he left the office at about 11.20 A.M without informing/taking permission of the competent authority. The relieving order was dispatched to the local address of the applicant by registered post and another copy



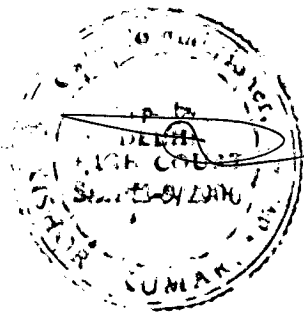
of the relieving order was pasted on the door of the residence of the applicant. However, in accordance with the Order dated 3.1.2002 passed by this Hon'ble Tribunal the petitioner has been allowed to continue working at K.V.S, Regional Office, Silchar.

6. That with regard to the statements made in paragraph 8 of the Contempt petition the deponent begs to submit that he has never disobeyed the Order of the Hon'ble Tribunal at any stage and the contention of the petitioner is baseless and misleading specially relating to the telephonic instruction to Contemner No.3.

6. That with regard to the statements made in paragraph 9,10,11 and 12 the deponent begs to submit that there is not wilful and deliberate violation or disobedience of the Order passed by this Hon'ble Tribunal. In fact the Order dated 3.1.2002 passed by this Hon'ble Tribunal has been complied with.

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

.....VERIFICATION



VERIFICATION

I, Sri D. Singh Bisht, son of Sri I.S. Bisht, aged about 38 years, presently working as Joint Commissioner (Admn) Kendriya Vidyalaya Sangathan, New Delhi, do hereby verify that the statement made in paragraph 1-7 are true to my knowledge and those made in 2 to 5 paragraphs are based on records.

And I sign this verification on this 26th day of March, 2002 at New Delhi.

DEPONENT

Place : New Delhi

Date : 26.03.02

I, D. Singh Bisht, son of Sri I.S. Bisht, Joint Commissioner (Admn) Kendriya Vidyalaya Sangathan, New Delhi, do hereby affirm before me at New Delhi on 26-3-02 that the contents of the affidavit which has been read over and explained to him are true & correct to his knowledge.

Oath Commissioner, New Delhi.

26 MAR 2002

Identify the Dependent who has signed in my presence.