

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. Datta.

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

Notes of the Registry

Date

Order of the Tribunal

This application has been
billed under Section 17 of
the A.T. Act, 1985 praying
for initiation of a contempt
proceeding against the
contemnor for non-compliance
of the Order dated 3.1.2002
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.

I.C.Usha
Member

Vice-Chairman

List on 25.2.2002 for hearing
alongwith O.A. No. 487/2001.

I.C.Usha
Member

Vice-Chairman

List on 15.3.2002. In the
meantime the respondents may file
reply, if any.

I.C.Usha
Member

Vice-Chairman

Steps taken. Notice preferred
and sent to D/Section for
informing the respondent No.
1 to 3 by Regd. A.D. bb

DINo. 792 & 794

Dtd. 28/1/02.

No. Reply has been
billed.

28/3/02

Notice of service
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.

IC Usha
Member

Vice-Chairman

bb

1.4. There is no public hearing today.
The case is adjourned to 22.4.2002.

MS

AKS

1.4.2002

An affidavit filed
by the Contemnor No. 3.

22.4.02

List on 29/5/2002 for hearing

Vice-Chairman

mb

29.5

The case is adjourned to 7.6.2002
as no hearing was held today.

MS

AKS

29/5

8.4.2002

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

7.6.02

List the case for hearing on
17.6.2002.

IC Usha
Member

Vice-Chairman

bb

9.4.2002

An affidavit
has been submitted to
the Contemnor No. 2.

17.6.02

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

3
C.P. 2/2002

Notes of the Registry	Date	Order of the Tribunal
	17.6.02	<p>Heard Mr. G.N.Chakrabarty, learned counsel for the applicant and also Mr. S. Sarma, learned counsel for the alleged contemners.</p> <p>This is an application for initiation of a contempt proceeding against the alleged contemners 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.</p> <p>In the circumstances, we do not find any merit for initiation of contempt proceeding. Accordingly, the C.P. stands dropped.</p>
<p>Pl. comply order dated 17.6.02.</p> <p>17/6/02</p> <p>Order dtd 17/6/02 communicated to the Parties Commr. & the Applicant.</p> <p>b 24/6</p>		<p>K. I. Sharmin Member</p> <p>Vice-Chairman</p>

संघीय नियन्त्रण अदालत
Central Administrative Tribunal
9 JAN 2002
गुवाहाटी न्यायपीट
Guwahati Bench

1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

5
Filed by : The Petitioner
Through : Sunita Datta
Advocate
09.01.02

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.

..... Contemnors

-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 contemnors 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.

..... Contemnors

The humble petitioner above named most respectfully sheweths :

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 contemnors 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 Contemnor 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 a 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

Tapan K. Mukherjee

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 contemners 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

Tapan Kr. Chakrabarty

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 Contemners amount to willful disobedience to the Hon'ble Tribunal's direction and the same has been committed deliberately and intentionally. The contemners 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 contemners 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 contemners 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 contemners 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.

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

Tapan K. Acharya

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 :-

- i. 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 1H 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

Surajit Datta

Advocate

Tapan Kumar Chakraborty

DEPONENT

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.

Tapas K. Shakya

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

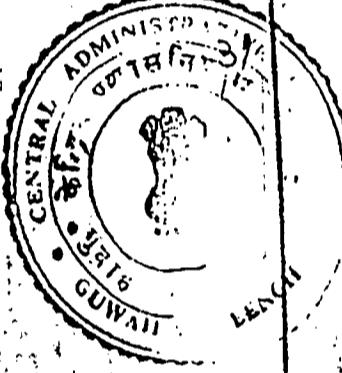
APPLICATION NO. 487/2001

Applicant(s) Mr. T. K. Chakrabarty

Respondent(s) R.O.T. Govt

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

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

Notes of the Registry	Date	Order of the Tribunal
 Certified to be true Copy প্রমাণিত প্রতিক্রিয়া	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.6x25/94-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-CHIEF

Sd / MEMBER (A)

Section Officer (U)
 অধিকারী (কার্যকারী)
 Central Administrative Tribunal
 ১০১ সুব্রত নগর
 গুৱাহাটী, গুৱাহাটী-১
 পূর্ব প্রদেশ, ভাৰত

13
Mr. Assistant Commissioner,
Kendrapara Vidyavaya Sangathan,
Hospital Road, S. J. Salchar-788001.

Sub:- Resuming duty: Court Order: Compliance Thereof.

Sir,

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

Herewith is enclosed a letter dt. 03.01.2002 of Mr. S. Mr. Arora, H.P. Court, Guwahati alongwith a certified copy of Order dt. 03.01.2002 passed by the Hon'ble C.A.T. Guwahati.

You are requested to comply with the orders of the Hon'ble C.A.T. and allow me to continue my working at R.D. Salchar and I enclose the leave as follows:

05.12.2001 to 06.12.01 - Commencing leave against duty performed on 27.10.01 and 28.10.01 as per applied in time from yesterday with the direction to avoid till further order.

07.12.2001

8.12.2001 to 9.12.2001

10.12.2001 to 30.12.2001

31.12.2001 to 09.01.2002

05.01.2002 to 05.01.2002 - Commencing & continuing leave.

Enclosure: ① Copy of letters dt.

31.12.2001 and 01.01.2002.

② Copy of letter dt. 31.12.2001

and fitness dt. 05.01.2002.

③ Letter dt. 03.1.2002 of Mr. S.

Arora, - Associate

④ Order dt. 03.1.2002 of

C.A.T., Guwahati.

Yours faithfully,

Assistant

C.V.S. R.D. Salchar,

Received
Brahm
07.01.02



Attendance Record

Annex 2 (Contd.)

Received my duty on the forenoon of 07.01.2002 at 8:15 A.M. Pursuant to Order of the Hon'ble S.A.T., Guwahati and on 05.01.02 of Shri S. Datta, -Advoc 12, -High Court, Guwahati giving certificate of illness 31.12.2001 and illness of 05.01.2002 and relevant enclosures were received by R.D. Sarker Official, Seal on 07.01.2002.

Since the Attendance Register was not provided by Shri R.V. Singh, his offg. A/c. till 16/15 hrs, I put my signature below for record.

officer- K.V.S. SDO. Sarker

Month	Date	Name	Designation	Signature
January	07	T. K. Chatterjee	Assistant	Handy

Sh. R.V. Singh offg. Ass'tt Qmssn. 2
has directed me not to receive
any letter from Sh. T.K. Chatterjee
unless letter comes to be
Received by me

R. N. Sarker
07/1/02



dt. 08.01.2002.

Annex-2 (Contd.)

5
The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Hospital Road
Silchar - 788001

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Sub:- Reporting to duty.

Sir

I, accompanied by my lawyer Shri Chiribabu Bhattacharjee, 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 went to my office and handed over my joining report to Shri R. Nath, DDC who placed the papers before you in presence of my lawyer. You told that since Shri Tapas Kr. Chakraborty, Assistant DDC has been relieved on 31.12.2001 he will not be allowed to join duty at R.D. 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, Pors Association, Silchar who happens to be my lawyer that you will not allow me to join duty at R.D. Silchar and communicate your written decision to me on 07.01.02.

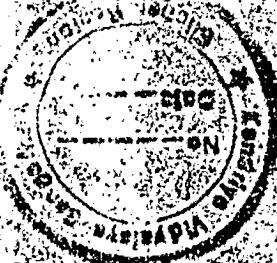
It is surprising that I have not yet been handed over any letter by you and notice of my written information on 31.12.2001 and 01.01.2002 regarding my illness could leave on medical ground and was soon relieved from my office. Besides all these I attended the office yesterday in compliance with the orders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

N.B. No correspondence has been made to me at my address furnished to the office on 01.01.02 till 08.01.02.

Yours faithfully,
Tapas Kr. Chakraborty
Assistant, KVS.
R.D. Silchar.

Shri R. V. Singh, off. Asstt. Commissioner
directed me verbally on 31/12/01 not to receive any letter from 'The Tapas Kr. Chakraborty Asstt. KVS R.D. Silchar' hence his letter cannot be received.

R.V.S.
08/01/02



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 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

u
Filed by
Sri R.V. Singh
in Contemner No.3
through
Sri
Advocate

the same and understood the contents thereof. Save and except what has been specifically admitted in the this affidavit and those which are matters or 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 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 paragraph 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-

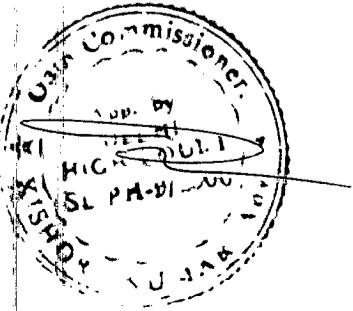
Sri H.M. Cairae

.....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



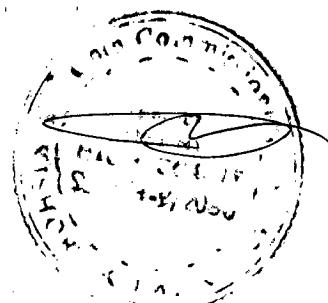
2
Sri H.M. Cairae
Commissioner, Kendriya Vidyalaya Sangathan
8-4-2002

and those which are matters or 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.

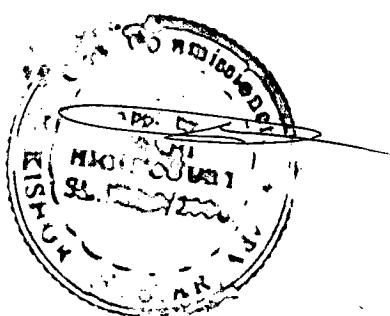
3. That with regard to the statements made in paragraph 2 of the Contempt petition the deponent begs to submit that the petitioner was transferred from Kendriya Vidyalaya Sangathan, Regional office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi in accordance with the existing transfer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

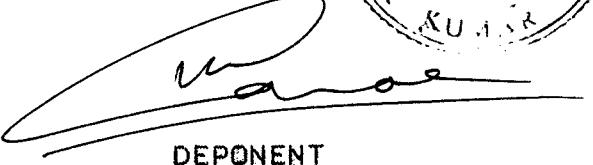
VERIFICATION



VERIFICATION

I, H.M. Cairea, 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 day of March, 2002 at New Delhi.


DEPONENT

Place : New Delhi.

Date : 26.03.02.

C. S. (Signature)
H.M. Cairea
Do Shri V.P. Cairea, Commissioner
Kendriya Vidyalaya Sangathan N. Delhi
S/o V.P. Cairea
I solemnly affirmed before me at New
Delhi on 26.3.02 that the contents
of the affidavit which has been read over
to me and explained to him are true & correct
to my knowledge.


(With Commissioner, New Delhi.)

26 MAR 2002

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT 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

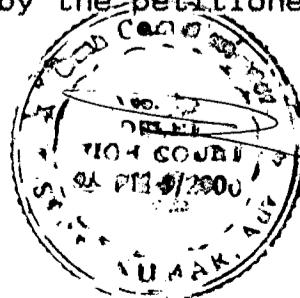
filed by
Sri D. Singh Bisht
Joint Commissioner (Admn)
Kendriya Vidyalaya Sangathan
Through : Basakha
Dated : 9/4/2002

what has been specifically admitted in the this affidavit and those which are matters or 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.

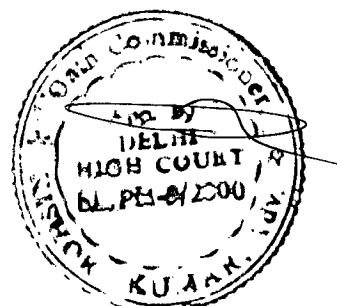
3. That with regard to the statements made in paragraph 2 of the Contempt petition the deponent begs to submit that the petitioner was transferred from Kendriya Vidyalaya Sangathan, Regional office, Silchar to Kendriya Vidyalaya Sangathan, Regional Office, New Delhi in accordance with the existing transfer 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 13.11.2001 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



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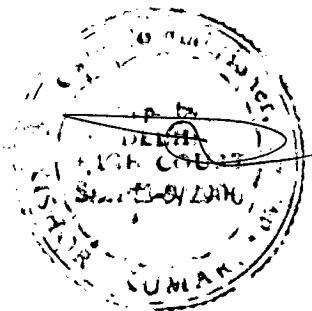
of the relieving order was pasted on the door of the residence of the applicant. However, in accordance with the Order dated 3.1.2002 passed by this Hon'ble Tribunal the petitioner has been allowed to continue working at K.V.S, Regional Office, Silchar.

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.

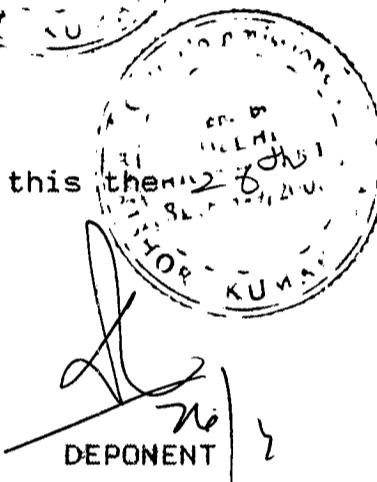
.....VERIFICATION



VERIFICATION

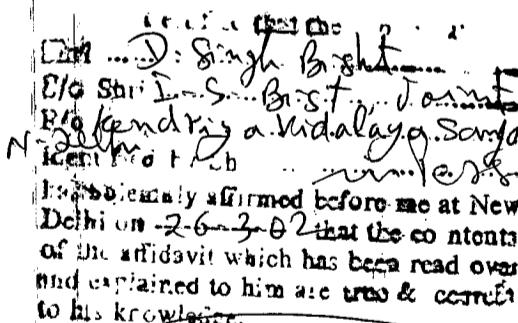
I, Sri D. Singh Bisht, son of Sri I.S. Bisht, aged about 38 years, presently working as Joint Commissioner (Admn) Kendriya Vidyalaya Sangathan, New Delhi, do hereby verify that the statement made in paragraph 6 are true to my knowledge and those made in paragraphs 1-3, 255 are based on records.

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


DEPONENT

Place : New Delhi

Date : 26.03.02.


I, Sri D. Singh Bisht, son of Sri I.S. Bisht, Joint Commissioner (Admn) Kendriya Vidyalaya Sangathan, New Delhi, do hereby verify 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