

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

C.P. APPLICATION NO.

6/2002 (OB 441/2001)

Applicant(s) Mr. B. N. Sarma.

Respondent(s) Mr. D. K. Saikia & ors.

Advocate for Applicant(s) Mr. U. K. Nain

Advocate for Respondent(s) Mrs. U. Das,

M.K. Mazumdar, A. Chakrabarty for Respondent
K.L.

L, 223

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed with a prayer for issue notice upon the respondents to allow cause to why a proceeding under Contempt of Court Act should not be initiated on them as after hearing the parties may be placed to initiate Contempt proceedings against the parties (C.P.) and Plaintiff to under the said Act for wilful violation of the Hon'ble Tribunal's order dated 16.11.2001.	7.2.02 14.3.2002 bb	Heard Miss U. Das, learned counsel for the applicant. Issue notice to show cause as to why the Contempt Proceeding shall not be initiated. List on 14.3.2002 for order.
Plaintiff to under the said Act for wilful violation of the Hon'ble Tribunal's order dated 16.11.2001.	28.3.2002 bb	Member Awaits service report. List on 28.3.2002.
Plaintiff to under the said Act for wilful violation of the Hon'ble Tribunal's order dated 16.11.2001.	28.3.2002 bb	Member Service of notice is accepted. The respondents may file reply, if any, within three weeks from today. List the case again on 24.4.2002.
Plaintiff to under the said Act for wilful violation of the Hon'ble Tribunal's order dated 16.11.2001.	bb	Member Vice-Chairman Vice-Chairman

Slabstakam Notice
Preferred and sent
to Dls for my the
same by Regd AD.

12/2/02

DINo 624 di 626
Dtd 25/2/02

24.4.02

List again on 16/5/2002 to
enable the Respondents to file reply,
if any.

Vice-Chairman

mb

16.5.02

List the matter on 17.5.2002
alongwith O.A. No. 441 of 2001 for
orders.

① Service report were
still awaited.

23
13/3/02

Notice duly served
on Respondent No 2

12/3/02

No reply has been
brought

23
15/5/02

I C Usha
Member

Vice-Chairman

mb

17.5.02

Mr. M.K. Mazumdar, learned
counsel for the Respondents submits
that he will file reply shortly. List
the C.P. on 14.6.2002 alongwith O.A.
No. 441/2001. Meanwhile, the Respond-
ents may file reply before the next
date of hearing.

No Reply has been
brought

23
13.6.02

No reply has been
brought till to-day.

23
21/6/02

No reply has been
brought

23
15.7.02

lm

16.7.02

List on 31.7.2002 for hearing
alongwith O.A. 441/2001.

I C Usha

Member

Vice-Chairman

mb

23.7.02 Hearing concluded
Judgment reserved

23.7.02
16.7.02
31.7.02

3/N

Op No: 6 / 2002

3

Notes of the Registry

Date

Order of the Tribunal

1. 31.7.2002 List on 31.7.2002 alongwith the
Ord A441/2001.

Mr.

A. K. Ray

31.7

2. 8.

List on 8.8.2002 alongwith OA 441/2001

Mr.

A. K. Ray

2.8

3. 8.

Hearing Concluded.

Judgment reserved.

Writ issued on 21.8.

Mr.

A. K. Ray

8.8

21.8.02

XXXXXX

List on 29.8.02 for orders.

I C Usha
Member

Vice-Chairman

1m

29.8.02

On the prayer of Mr. M.K. Mazumdar, learned counsel for the Respondents, the case is posted for hearing orders on 4.9.2002.

I C Usha
Member

Vice-Chairman

mb

4. 9.

Heard Mrs. Usha, learned Counsel for the applicants
Heard Mr. M.K. Mazumdar, learned
Counsel for the respondent.

Hearing concluded.

Judgment reserved.

Mr.
A. K. Ray

C. P. 6/2002

Notes of the Registry	Date	Order of the Tribunal
	5.9.02	<p>In view of the order passed in O.A. 441/2001, the C.P. stands dismissed.</p> <p><i>K C Chatterjee</i> Member</p>
	5.9.02	<p>Heard Ms. U.Das, learned counsel for the applicant and Mr. M.K. Mazumdar, learned counsel for the respondents at length. On perusal of the contempt petition and also taking note of the facts mentioned in the Caveat No 14/2001 read with Misc. Petition No.34/2002 (since disposed of) and other aspects of the matter and in view of the order passed in the O.A. the contempt proceedings stands dropped.</p> <p><i>K C Chatterjee</i> Member</p>

6 FEB. 02
2002
Gauhati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI BENCH

GAUHATI

CONTEMPT PETITION (CIVIL) No. 6/2002

IN

O.A.No. 441/2001.

Sri.B.N.Sarma,

..... Petitioner.

-Vs-

K.V.S.,

.....Opposite Parties/Contemnors.

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Filed by:- *Moksha Das*

Advocate.

IN THE HON'BLE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL,

GAUHATI BENCH :: GAUHATI

CONTEMPT PETITION (CIVIL) No./2002.

IN

O.A. No. 441/2001.

Sri. B.N.Sarma,

(Vice-Principal)

Kendriya Vidyalaya, Maligaon, and

at present residing at Maligaon,

Gauhati - 11.

..... Applicant/Petitioner.

- Vs -

1. Mr.D.K.Saini,

S/o.Sri.C.L.Saini,

The Assistant Commissioner,

Kendriya Vidyalaya, Sangathan,

Maligaon, Gauhati - 12.

2. Mr.D.Venkataswarlu,

The Principal,

Kendriya Vidyalaya, Maligaon,

Gauhati - 11.

3. Mr.V.K.Gupta,

The Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Mahendra Narayan Saha

18, Institutional Area,

Shaheed Jeet Singh Marg,

New Delhi - 16.

....Opposite Parties
Contemnors

IN THE MATTER OF:-

An application under Section - 17 of
the Administrative Tribunal Act, 1985
for contempt of Court.

- AND -

IN THE MATTER OF:-

An application under Section 24 of the
Central Administrative Tribunal (Procedure
Rules, for implementation of the
directives passed by this Hon'ble Tribunal
vide order dated 16.11.2001.

- AND -

IN THE MATTER OF:-

Wilful violation and non-compliance of
order dated 16.11.2001 of this Hon'ble
Central Administrative Tribunal, Gauhati
Bench passed in O.A.No.441/2001.

The humble petition of the petitioner
above named -

MOST RESPECTFULLY SHEWETH :-

1. That, the petitioner is a resident of Maligaon

Teachers Colony and is presently working as a Vice-Principal in Kendriya Vidyalaya, Maligaon w.e.f. 06.07.2001.

2. That, the petitioner filed an application O.A.No. 441/2001 before this Hon'ble Tribunal against the Order of Transfer dated 31.10.2001 transferring the petitioner from Kendriya Vidyalaya, Maligaon to Kendriya Vidyalaya No.1 (AFS) Jorhat.

3. That, the Hon'ble Tribunal upon hearing the parties stayed the operation of the impugned order of Transfer dated 31.10.2001 vide its order dated 16.11.2001 and also issued notices to the respondents.

The copy of the Order dated
16.11.2001 is annexed as Annexure-1.

4. That, the petitioner communicated the Hon'ble Tribunal Order dated 16.11.2001 to the Opposite party No.2 alongwith a representation dated 21.11.2001 and the same was also followed by reminder No.1 dated 23.11.2001.

The copy of the representations dated 21.11.2001 and reminder dated 23.11.2001 are annexed as Annexures-2 and 3 respectively.

5. That, thereafter, the petitioner approached the Opposite party No.2 (The Principal, K.V, Maligaon) and submitted several representations/reminders dated 1.12.2001,

13.12.2001, 21.12.2001 and 23.12.2001 respectively wherein requested to allow him to join his post as well as to pay his salary but, no action has been taken in this regard till date.

The copy of the representations
dated 1.12.2001, 13.12.2001, 21.12.2001
and 23.12.2001 are annexed as Annexures-4, 5, 6 and 7 respectively.

6. That, the petitioner also submitted a representation dated 31.12.2001 to Opposite party No.1 and requested inter alia to issue direction to the Opposite party No.2 to allow the petitioner to join and pay his salary, but the same is also not responded till date.

The copy of the representation
dated 31.12.2001 is annexed as Annexure-8.

7. That, the Opposite parties took time to file the Written Statement twice on dated 12.12.2001 and 9.1.2002 respectively. However, they have not complied the Order dated 16.11.2001 passed by the Hon'ble Tribunal till date.

8. That, it is stated that the Opposite parties have not complied with the Order dated 16.11.2001 passed by this Hon'ble Tribunal and for the same the Opposite parties No.1 and 2 are specifically responsible and as such they are liable to be prosecuted as per the provision of law. The said Order dated 16.11.2001 has not been set aside till date and the O.A.No. 441/2001 is still pending for the disposal before this Hon'ble Tribunal. Further, the interim order has been extended from time to time and it still holds the field.

9. That, the denial to allow to join in his post as per Order dated 16.11.2001 of this Hon'ble Tribunal in O.A.No. 441/2001 is a clear violation of the Hon'ble Tribunal's order and direction. The Opposite parties have wilfully violated and flouted the order of the Hon'ble Tribunal and denied the petitioner to join in his post as Vice-Principal at K.V, Maligaon. By wilful non-compliance, the Opposite parties have shown stout disregard to this Hon'ble Tribunal's order and by such wilful flouting of the order, the Opposite parties have caused irreparable loss to the students as well as to the petitioner.

10. That, the Opposite parties are guilty of offence of contempt of Court under Section - 23 of the Contempt of Court Act, 1971 read with the relevant rules and procedure under the Section - 17 of the Central Administrative Tribunal Act, 1985 for wilful and negligent act and for violating the Tribunal's Order dated 16.11.2001 and for same, the Opposite parties/ Contemners are liable to be prosecuted against for this.

11. That, this petition is made bonafide for the interests of justice.

In the premises aforesaid, it is therefore, humbly prayed that your Lordships would be pleased to admit this petition, call for the records , issue

Shabdar Hossain
Signature

notices upon the Opposite parties to allow cause as to why a proceeding under Contempt of Court Act should not be initiated on them and after hearing the parties may be pleased to initiate Contempt Proceedings against the Opposite parties and punish them under the said Act for Wilful violation of the Hon'ble Tribunal's Order dated 16.11.2001 and be further pleased to direct the Respondents to implement the directions passed by this Hon'ble Tribunal vide Order dated 16.11.2001 and to release the pay and other arrears due to the applicant and/or may pass such order or orders as the Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case for the interests of justice.

And, for this act of kindness the petitioner is duty bound and shall ever pray.

(7)

VERIFICATION

I, B.N.Sarma, S/o.(Late)C.K.Sarma aged about 57 years and resident of K.V, Maligaon do hereby verify that the contents of paras ...1...2...3...4...5...6...
...and...7..... are true to my personal knowledge and paras ...8...9...
...and...10..... are believed to be true on legal advise and that I have not suppressed any material fact.

Date :- 28.1.02

Place:- Gauhati

Bhabenatra Narayan
Sarma

Signature of the applicant.

(B)

Mahendra Verma 13

DRAFT CHARGE

That, the petitioners states that the Opposite Parties/Contemners named herein in this Contempt Petition are liable to be prosecuted under the relevant provisions of the Section 23 of the Contempt of Courts Act, 1971 read with the provisions of Section,17 of Administrative Tribunal Act,1985 for non-compliance of the Order dated 16.11.2001 passed by this Hon'ble Tribunal in O.A.No. 441/2001.

Date :- 28.1.02

Annexure -1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 441/2001

Applicant(s) :- B.N. Sarma

Respondent(s) :- K.V. S.

Advocate for the Applicant :- Mr. D.K. Mishra, Mr. I. Longjum,
Mrs. S. Jahan

Advocate for the Respondent:- Mr. Todi, Mr. S. Sarma

Notes of the Registry {) Date Order of the Tribunal

16.11.01 Heard Mr. K. Mishra, learned counsel appearing for the applicant and Mr. S. Sarma for the respondents.

Mr. Mishra submits that the applicant had been transferred from NERIST to Maligaon vide order dated 26.6.2001 and by another order dated 31.10.2001 the applicant has been transferred to KVS, Jorhat (Annexure-4). The order dated 31.10.2001 is challenged on the ground that it is arbitrary.

The application is admitted, call for the records.

Issue notice to show cause to the respondents as to why the interim prayer suspending the operation of the impugned order dated 31.10.2001 should not be allowed. In the meanwhile the operation of the order dated 31.10.2001 is stayed till the next date.

List the case on 12.12.2001 for filing of written statement.

Sd/- MEMBER (Adm)

Certified to be true Copy.

मानित प्रतिलिपि

Recd on Date: 19/11/01

Guwahati Bench (Refugee and
Central Administrative Tribunals)

Central Administrative Tribunals
Guwahati Bench, Guwahati

19/11/2001

(10)

21/11/2001

To

The Principal
(K.V. Nalgonda), Guwahati

Annexure-2

Sub- Hon'ble Tribunal Guwahati
order of 16-11-2001 passed
in OA no 441/2001

Reb- KVS order No F7-5/2001-KVS
(EST-11) dt 31-10-2001

Sir

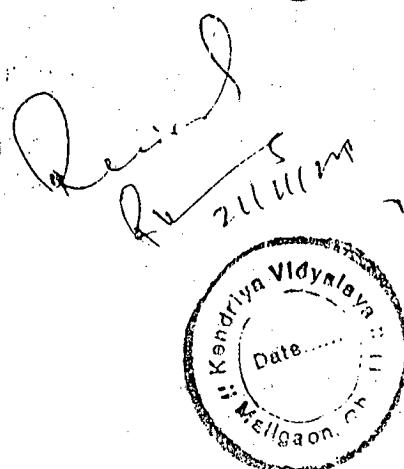
Pursuence order dt 16-11-2001
passed by the Hon'ble Tribunal Guwahati
in OA No 441/2001, this is to inform you
that I continue to hold the post of
Vice Principal K.V. Nalgonda.

This is for your kind information,
Yours faithfully

Enclosure

- 1 xerox copy of the
order dt 16-11-2001
- 2 xerox copy of medical
certificate

Yours
(B.N. Sarma)
Vice principal
(K.V. Nalgonda)



(11)

Annexure-3

14

Reminder No-1.

23/11/2001

To

The Principal KV, Maligaon, Guwahati

Sub - Information regarding my joining on 21-11-2001

Ref - (i) Vide my application dated 21-11-2001

(ii) Vide Hon'ble Tribunal Guwahati order dated 16-11-2001 passed in O/A 441/2001.

Sir,

With reference to the subject cited above and the letters as referred to above, I beg to inform your honour the following few points for your kind information and necessary action please.

(1) That, vide my application dated 7-11-2001, I applied for five days casual leave with effect from 7-11-2001 along with a medical certificate.

(2) That vide another application dated 13-11-2001 sent to your good office by speed post, I requested for the extension of leave in continuation to my earlier application dated 7-11-2001.

(3) That on 21-11-2001 I was properly examined by the Doctor and was declared fit to resume my routine activities.

Accordingly I reported to your goodself by way of submitting an application along with the medical fitness certificate etc.

It is noted to be noted that your goodself received the application dated 21-11-2001 and very gently directed me to wait for his approval.

contd... 2



(12)

(18)

- 2 -

and advice from his legal advicer.

(4) That Sir, I was eagerly waiting for your kind approval till two days but I could not get any response from the concerned end.

Therefore I submit this reminder with the great hope that your honour would shower the rain of justice by way of allowing me to resume my duties in KV Maligaon for which I shall be grateful to you Sir.

Thanking you.

Yours faithfully,

22/11/1961
(B.N.Sarma)
Vice Principal
KV Maligaon.

(13)

Annexure - 4

Date:- 1/12/2001

REMINDER NO. 2

To,

The Principal, K. V. Maligaon,
G U W A H A T I

Sub:- Information regarding my joining on 21/11/2001,

Ref:- i) Vide my application dated 21/11/2001,

ii) Vide Hon'ble Tribunal Guwahati order dated -
" 16/11/2001, passed in O/A 441/2001.

iii) Vide my application dated 23/11/2001.

Sir,

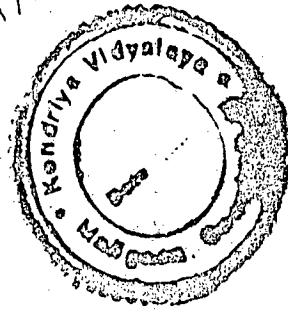
With reference to the subject cited above, and the letters as referred to above, I beg to inform you that I am not allowed to join till date. I have received no reply of my letters also.

Under such circumstances, I submit this reminder so that you be kind enough to allow me to resume my duty and oblige.

Thanking you,

Yours faithfully,

1/12/2001
(B. N. Sarma)
Vice-Principal,
K. V. Maligaon,
Guwahati-11



(14)

Annexure - 5

9

Reminder A-3

13-12-2001

13-12-2001

To

The Principal, KV Maligaon

Sub - Information about my joining on 21-11-2001.

Ref - (i) Vide my application dated 21-11-2001

(ii) Vide Hon'ble Tribunal Guwahati order dated 16-11-2001 paravol 6/A 441/2001

(iii) Vide my application dated 23-11-2001

(iv) Vide my application dated 1-12-2001

Sir,

With reference to the subject cited above and the letters as referred to above, I beg to inform you that I am not allowed to join till date. I have not received any reply to my letters also.

So I submit this reminder with the request kindly to allow me to resume my duty and oblige.

Thanking you



13/12/2001

21-12-2001

20

To

The Principal,

K.V. Mahigaon, Guwahati

Sub- Release of Salary Concerning

Sir,

With due respect it is to inform you that I am facing much trouble for financial scarcity
 So I courtesly request you to release salary for me and oblige.

Thanking you

Yours faithfully

I

Jyoti

(B.N. Sarmah)

Vice Principal

Recd
K.V. 22/12/01



Dt. 23.12.2001

The Principal
Kendriya Vidyalaya,
Malgach, Guwahati.

Sub: Request for reporting on duties and release of salary.

Ref:- (i) Hon'ble Tribunal order dtd. 16.11.2001
 (ii) Reminder No. I dated 23.11.2001
 (iii) " No. 2 dated 1.12.2001
 (iv) " No. 3 dated 13.12.2001
 (v) " No. 4 dated 21.12.2001

Respected Sir,

With due regards and humble submission I am to state -

(1) That Sir, pursuant to Hon'ble Tribunal order dated 16.11.2001, I submitted my Joining report to your good office but the same is not responded till date.

(2) That thereafter I submitted various reminders as referred to above but these have also not been responded till date.

(3) That Sir, I am facing actual financial hardships and my entire family has reached at the very of starvation arising out of non-payment of my salaries from your good office.

Therefore, I once again request your honour to allow me to resume my duties alongwith the release of salary within three days from today failing which I shall be constrained to file contempt petition against the concerned ones for the interest of justice.

Thanking you,

Copy to:-

1) Asstt. Commissioner,
KVS Regional Officer
Guwahati for information.

Yours faithfully,

73/12/2001
(B.N. Sarma)
Vice Principal
K.V. Malgaon

REGD SPEED POST 20/12/01

162577 RECEIVED DATE 20/12/01

TIME

The Principal K-V. Mlg Guwahati - II	Subj: N. Sarma Vice Principal K-V. Mlg Guwahati
Spec Post Charges	
Rs	20/-

ATE STAMP OFFICER IN CHARGE
20/12/01

To

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati Region.

(17)

Annexure - 8

22

Sub - Prayer to issue instruction/order/direction to the Principal KV Maligaon in order to comply the Hon'ble Tribunal Guwahati order dated 16-11-2001

Ref - (i) Hon'ble Tribunal order dated 16-11-2001.

(ii) Reminder No.1 dated 23-11-2001.

(iii) " No.2 " 1-12-2001.

(iv) " No.3 " 13-12-2001.

(v) " No.4 " 21-12-2001.

(vi) " No.5 " 23-12-2001.

Respected Sir,

With due regards and humble submission
I most respectfully state -

(1) That Sir, pursuance to Hon'ble Tribunal order dated 16-11-2001, I submitted my joining report to the Principal KV Maligaon and the said Principal received the copy and very gently directed me to wait for his approval and advice from his legal adviser but Sir even after a gap of about one and half months I could not get any communication from the concerned end.

(2) Thereafter I submitted several representations as referred to above but these were also not responded from the concerned end.

(3) That Sir, on 23-12-2001 I again most respectfully submitted representation to the Principal of KV Maligaon, Guwahati and the copy of the same was also sent to your good office through the

contd....2

Principal KV Maligaon under Speed post receipt No. 162577 dated 24-12-01 and another copy was also sent by me personally to your good office by post but the same is also not responded from any of the concerned ends.

(4) That Sir, I most respectfully submit that I am facing an acute financial hardship and my entire family members have reached at the verge of starvation arising out of non payment of my salaries and therefore my entire family members have to run from pillar to post to earn their livelihood.

(5) Therefore Sir, I most fervently and most respectfully request to your good self kindly to issue direction/order/instruction etc. to the Principal KV Maligaon who is directly working under your administrative control in order to allow me to resume my duties within a week time from the date of issue of this representation and would also be pleased to issue direction/order/instruction etc. to release my salary within stipulated time of seven days failing which I shall be constrained to file Contempt petition against the concerned ends for the interest of justice.

Yours faithfully,

Copy to-

1) Principal,
KV Maligaon
for kind information.

31/11/2001
(B.N.Sarma)
Vice Principal
KV Maligaon.

Encloser-

Hon'ble Tribunal order
dated 16-11-2001.