

FROM NO: 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: _____ /

Misc Petition No: _____ /

Contempt Petition No: 58/2003, in OA 189/03

Review Application No: _____ /

Name of the Appellant(s): Smti Prafibha Bahna

Name of the Respondent(s): Sri H.C. Caire & ors.

Advocate for the Appellant: - Mr. N. Zaman &
Mr. P. C. Dey.

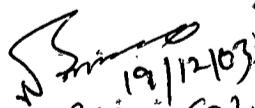
Advocate for the Respondent: -

Notes of the Registry date Order of the Tribunal

24.12.2003 Present : The Hon'ble Mr. Justice
B. Panigrahi, Vice-Chairman.

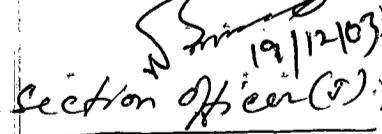
The Hon'ble Mr. K.V. Prahladan, Member (A).

Let a copy of the application be served upon the alleged contemners by speed post with A/D within six weeks. The matter shall appear for hearing on 16.2.2004.


K. B. Baruah
Member


Vice-Chairman

16.2.2004 List on 26.2.2004 for orders.


Section Officer (S)
mb
Done as per court's order
dated 26.12.03.


N.S.
26.12.03

mb


Member (A)

Notice & order dt. 24/12/03,
Sent to D/Section for
issuing to respondent
Nos 1 to 4, by Speed post
with A/D.

26.2.04 List again on 15.3.04 along
with O.A.189/03.

K.V. Prahadan
Member (A)

Member (J)

Class
9/1/04.

pg

15.3.2004 List before the next Division
Bench.

K.V. Prahadan
Member (A)

Notice issued vide
D. NO. 64 - 87 dated
12/1/03.

mb

29.3.04 Since the learned counsel for the
respondents is out of station list
again on 26.4.04 for order.

K.V. Prahadan
Member (A)

Member (J)

pg

26.4.2004 On the plea of the learned counsel
for the applicant the matter is posted
before the next available Division Bench,
alongwith the connected matters.

K.V. Prahadan
Member (A)

bb

11.5.2004 Present: The Hon'ble Shri Mukesh Kumar
Gupta, Member (J).
The Hon'ble Shri K.V. Prahadan,
Member (A).

List on 12.5.2004 alongwith O.A.183
of 2003 and S.P.118/2003.

Member (A)

Member (J)

bb

12.5.2004 Present: The Hon'ble Shri Mukesh Kumar
Gupta, Member (J).
The Hon'ble Shri K.V. Prahadan
Member (A).

Arguments heard. C.P. disposed of alongwith
O.A.189/03 order separately

K.V. Prahadan
(K.V. PRAHADAN)
MEMBER (A)

(MUKESH KUMAR GUPTA)
MEMBER (J)

12
Filed by -

Pijush Chandra Dey
Advocate
12/12/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

CONTEMPT PETITION CIVIL NO. 58 /2003.
OA. 189/03

IN THE MATTER OF :

An application U/S. 17 of the
Administrative Tribunal Act,
1985 read with the Contempt of
Courts (C.A.T.) Rules, 1992 and
U/S.12 of the Contempt of Courts
Act, 1971.

- AND -

IN THE MATTER OF :

Wilful and deliberate violation
of the order dated 22.8.03
passed by this Hon'ble Tribunal
in O.A. No. 189/03.

- AND -

IN THE MATTER OF :

Non-compliance of the direction
of this Hon'ble Tribunal dated -
22.8.03 in not allowing the

- : 2 :-

petitioner to join her duty through the transfer as well as the receiving order dated 18.7.03 and 22.7.03 has been suspended and kept in abeyance .

- AND -

IN THE MATTER OF :

Smti Pratibha Brahma,
W/O. Sri Khargeswar Brahma,
Resident of Hatimata Road,
Kokrajhar, Ward No. 8,
P.O. & Dist.- Kokrajhar,
(Assam), Pin-783370.

... PETITIONER.

- Versus -

1. Sri H.C. Caire

The Commissioner,

Kendriya Vidyalaya Sangathan,

18, Institutional Area,

Sahid Feet Singh Marg,

New Delhi- 110016.

2. Miss P. Devasena

The Education Officer,

Kendriya Vidyalaya Sangathan 18,

Institutional Area, Sahid Jeet

Singh Marg, New Delhi- 110016.

3. Mr. S.S. Sehrawat,
The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Officer, Maligaon Chariali,
Guwahati - 781012.

4. Mr. A.M. Khan,
The Principal,
Kendriya Vidyalaya (BRPL)
Bongaigaon, P.O.- Dhaligaon,
Dist.- Bongaigaon, Assam.

..... RESPONDENTS.

The humble petition of the above
named petitioner.

MOST RESPECTFULLY SHEWETH :

1. That the petitioner is a citizen of India and permanent resident of Ward No. 8, Hatimata Road, P.O. & P.S.- Kokrajhar, District Kokrajhar, Assam.
2. That the petitioner states that she has preferred a case being O.A. No. 89/03 on being aggrieved by the Transfer order dated 18.7.03 issued by Education Officer, K.V.S., 18 Institutional Area, Saheed Jeet Marg, New Delhi- 16, vide No. F.I-3/TGT/2003-04/KVS (Estt-II) as well as the releasing order dated -

22.7.03 issued by the principal, K.V.S. BRPL, Bongaigaon vide No. F. 31/KV BRPL/2003-04/437-41 before this Hon'ble Tribunal praying interalia to set - aside and quash the said transfer order as well as the relieving order dated- 18.7.03 and 22.7.2003 respectively.

3. That this Hon'ble Tribunal was pleased to issue notice on 22.8.2003 to the Respondents returnable by three weeks and in the meantime the order dated- 18.7.03 relating to transfer of the petitioner from K.V. BRPL, Bongaigaon to K.V.Satakha has been suspended and the releiving order dated 22.7.2003 has been kept in abeyance till returnable date which has been continuing as per subsequent orders of this Hon'ble Tribunal.

A copies of the said order dated- 22.8.03 along with the order of continuing the interim order are annexed herewith as ANNEXURE A & B.

4. That thereafter, the petitioner obtained the certified copy of the said order dated 22.8.2003 and submitted the same before the principal, K.V.S.; BRPL, Bongaigaon on 27.8.2003 alongwith a joining letter dated 27.8.2003 for allowing her to join in duties as the transfer order dt. 18.7.03 as well as the relieving order dated 22.7.2003 had already been stayed by this Hon'ble Tribunal.

A copy of the said joining letter
dt.- 27.8.2003 is annexed herewith
as ANNEXURE- 'C'.

5. That the petitioner states that since the transfer order dt. 18.7.2003 as well as the receiving letter dated 22.7.03 had been suspended and kept in abeyance vide Order dt. 22.8.03 passed by this Hon'ble Tribunal, the respondents were in duty bound to allot the work to the petitioner on being submitting her joining report dt. 27.8.03 but the respondents neither allowed her to join her duties nor allotted any work since 27.8.2003 which amounts to wilful and deliberate disobeying of the order dated 22.8.2003 passed by this Hon'ble Tribunal.

6. That the petitioner states that Respondents have been intentionally disobeying the order of this Hon'ble Tribunal just to harass the petitioner did not pay the salary w.e.f. 23.6.2003.

7. That the petitioner begs to state that the respondents wilfully disregard and deliberately disobeyed the order dated 22.8.2003 passed by this Hon'ble Tribunal in not implementing the said order and as such, the respondents are liable to be punished for contempt of Courts as per law.

8. That this petition has been filed bonafide and in the interest of just,

In the premises aforesaid your petitioner humbly prays that your honour would be pleased to issue notices upon the respondents directing them to appear personally and to show cause as to why they would not be prosecuted under Administrative Tribunal Act, 1985 read with Contempt of Courts (C.A.T) Rules, 1992 and be punished for their wilful and deliberate disobeying of the order dated- 22.8.03 passed by this Hon'ble Central Administrative Tribunal in O.A.No. 189/2003 and after hearing cause or causes may be shown by the Respondents and after hearing the parties further be pleased to punish the respondents in accordance with law and/or pass any such other further order(s) as your Honour may deem fit and proper.

And your petitioner, as in duty bound, shall ever pray.

-AFFIDAVIT-

I, Smti Pratibha Brahma, W/O Sri Khargeswar Brahma, aged about 34 years, resident of Ward No.-8, Hatimata Road, P.O. & P.S.-Kokrajhar, District- Kokrajhar Assam, do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner in the instant case and as such, fully acquainted with the facts and circumstances of the case.
2. That the statement made in paragraphs-1, 4, 5, 6, 7 and 8 are true to my knowledge and the statement made in paragraphs-2 and 3 are true to my information derived from the record of the case and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 19th day of Dec/2003 at Guwahati.

Identified by -

Abhijit Das
Advocate

Pratibha Brahma

DEPONENT

Solemnly affirm and declare before
me who is identified by

Abhijit Das
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 189/2003

Misc Petition No. :

Contempt Petition No. :

Review Application No. :

Applicants:- Smt. pratibha Brahma

Respondents:- C.I.B. & I.A.O.s

Advocate for the Applicants:- Mr. N. Zaman

Mr. P.C. Dey

Ms. B. Decca

KVS, S.C.

Notes of the Registry	Date	Order of the Tribunal
	22.8.2003	<p>Heard Mr. P.C. Dey, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned standing counsel for the K.V.S.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>Also, issue notice to show cause as to why impugned Office Order No.F. 1-3/TGT/2003-04/KVS(Estt-II)/ dated 18.7.2003 relating to transfer of the applicant from BRPL, Bongaigaon to Satakhia and the consequent Relieving Order No.F.31/KVBRPL/2003-04/437-41 dated 22.7.2003 shall not be suspended. Returnable by three weeks.</p> <p>In the meanwhile, the order dated 18.7.03 relating to transfer of the applicant from BRPL, Bongaigaon to Satakhia shall remain suspended and the relieving order dated 22.7.2003 shall</p>
		<p>Contd/-</p>
<p><i>Heard Deep 19/2/03 (P.C. Dey)</i></p>		



প্রতিক্রিয়া পত্র
Certified to be true Copy

Deputy Registrar (A)
Central Administrative Tribunal
Guwahati

29/9/03

be kept in abeyance till the returnable date.

List again on 19.9.2003 for admission.

Sd/VICE CHAIRMAN

FORM NO.4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

Original Application : 189/2003

Misc Petition No. :

Complaint No. :

Contempt Petition No. :

Review Application No. :

Applicants: Smt. Pratibha Brammer

Respondents: C. B. I. P. O. S.

Advocate for the Applicants: - Mr. N. Zaman

Advocate for the Respondents: - Mr. P. C. Dey

Advocate for the Respondents: - Ms. B. Decca

KVS, S.C.

Notes of the Registry | Date

Order of the Tribunal

31.10.2003. The respondents are yet to file reply. Further four weeks time is allowed to the Respondents to file reply.

List on 8.12.2003 for admission.

In the meantime, interim order dated 22.8.2003 shall continue.

Sd/ VICE CHAIRMAN



certified to be true

प्रभाग अधिकारी

[Signature]
31/10/03

Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati-781005

Received
19/12/03
(P.C. Dey)
Reviewed

To
The principal
KV.BRPL
Bongaigaon.

Date: 27-08-03

Sub: - Joining report.
Ref: -CAT order dated 22.8.2003.

Sir,

With reference to the CAT order No 189/2003, dated 22.08.2003. I am reporting the duties on 27.8.2003. Hence I request you to allow me to join the duties keeping (my transfer) reliving order dated 22.7.2003 in abeyance.

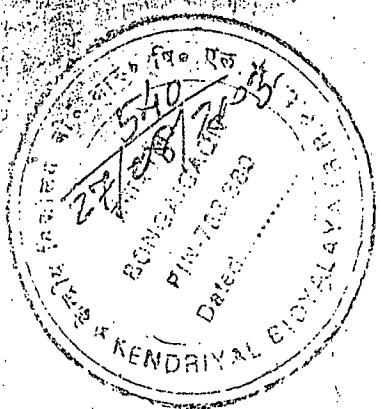
Thanking you,

Yours faithfully,

Prathibha Brahma
(Prathibha Brahma)
TGT(Science)

Encl:

Copy of court order of honorable CAT Guwahati.



Accepted
Prathibha
27/8/03
(L. T. Sen)
Parasuram

- 11 -

In the Central Administrative Tribunal,
Guwahati Bench

Filed by -
Prakash Chandra Dey
Advocate
19/12/03

Contempt Petition Civil No. /2003

Draft Charges

- I. That as the transfer order dated 18.7.2003 as well as the relieving order dated 22.7.2003 issued by the Education Officer, K.V.S. 18 Institutional Area, Saheed Jeet Marg, New Delhi-16, have been suspended and kept in abeyance vide order dated 22.8.2003 passed by this Hon'ble Tribunal in O.A.No. 189/2003, the Respondents were duty bound to allow the petitioner to join in her duties in pursuant to the said order dated 22.8.2002, but Respondents intentionally neither allowed the petitioner to join her duties nor allotted any work in the K.V. Bangaigaon (BRPL) which amounts to wilful and deliberate disobedience of the order dated 22.8.2003 passed by this Hon'ble Tribunal and as such the Respondents are liable to be punished for contempt of Courts' order.

- II. That the Respondents intentionally violated the order dated 22.8.2003 passed by this Hon'ble Tribunal in O.A.No. 189/2003 in not implementing the same by allowing the petitioner to join her duties in K.V. Bengaigaon (BRPL) w.e.f. 27.8.2003 when the petitioner submitted the certified copy of the order and reported her joining and as such the Respondents are liable to be punished for contempt of Court's order.