

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Orig.App/ Misc.Petr/Cont.Petr/ Rev.Appl.

31/04

In O.A.

294/03

Name of the Applicant(S) Smt. Arundhati Kalita

Name of the Respondent(S) Sri Shyam Kumar and others.

Advocate for the Applicant Mr. G.K. Bhattacharyya, Mr. B. Choudhury,

Counsel for the Railway/ C.G.S.C. A. Goswami,

S. S. Sanyal, N. K. Counsel
Report- 2, 3 & 4

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

3.8.2004

Heard Mr. G.K. Bhattacharyya,

learned ~~Mr~~ Sr. counsel for the applicant.

Issue notice to show cause as to why contempt proceeding shall not be initiated.

List on 24.8.2004 for orders.

[Signature]
Member (A)

mb

Laid before Hon'ble 24.8.2004 present: The Hon'ble Shri D.C.Verma, Vice-Chairman (J).

Could for orders.

The Hon'ble Shri K.V.Prahlad an, Member (A).

Mr.B.Choudhury, learned counsel for the petitioner was present.

Notice was issued by the Registrar to the respondents but A/D card has not been received back and there is no appearance.

Reply to be filed within four weeks. List on 16.9.2004.

[Signature]
Member (A)

Vice-Chairman

bb

Section Officer (2)

Notice & orders dt-3/8/04 sent to D/section for issuing to resp. Nos. 1 to 4, by regd. with A/D post.

12/08/04

20.9.2004 present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan Member (A).

Ms. U. Das, learned counsel appearing on behalf of respondent nos. 2, 3 & 4 seeks two weeks time to file reply. Stand over to 5.10.2004.

K.V. Prahladan
Member (A)

R.K. Batta
Vice-Chairman

bb

5.10.2004 None for the parties. Adjourned to 19.11.2004.

K.V. Prahladan
Member (A)

R.K. Batta
Vice-Chairman

mb

30.11.04. Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
Hon'ble Mr. K.V. Prahladan, Administrative Member.

Mr. B. Choudhury, learned counsel for the applicant is present. None for the Respondents.

Notices has been served on behalf of all the respondents. Even though reply has been filed by Respondent No. 3, no one has put in appearance for him. Accordingly, we direct that non-bailable warrants of arrest be issued against all four contemners in the sum of Rs. 2000/- with the surety in the like amount, returnable on 17.12.04.

Stand over to 17.12.04.

K.V. Prahladan
Member

R.K. Batta
Vice-Chairman

lm

postal A/D card received from resp. Nos 1, 2, 3 & 4.

15/9/04

The case is ready as regards service.

17/9/04

4/10/04

1) postal A/D cards received from Res. NO. 1, 2, 3 & 4.

17/10/04

2) Notice duly served on Contemner NOS. 1, 2, 3 & 4.

3) reply has been filed by Contemner No. 3.

16/10/04

29/11/04

1) Notice duly served on R. Nos. 1-4.
2) Reply has been filed on Contemner NO. 3.

29/11/04

The case is ready as regards Service,

Order dated 30.11.04 Received at the court of the applicant. *Amr Singh* 30.11.04 4.30 PM.

es of the Registry	Date	Order of the Tribunal
	1.12.2004	<p>In view of the order passed in M.P. 143/2004 the order dated 30.11.2004 is reviewed and the bailable warrants (wrongly mentioned as non-bailable warrants in farad order) issued, are hereby cancelled.</p> <p>Learned Advocate for the alleged con-temners states that reply on behalf of contemner nos.1,2 & 4 shall be filed within two weeks from today. Matter be listed on 20.12.2004.</p>
3.12.04		<p><i>K.P. Bhatta</i> Member</p> <p><i>R.</i> Vice-Chairman</p>
show-cause reply has been submitted by the Contemner No.1.	bb 17.12.2004	<p>Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.</p> <p>Division Bench is not available. The matter to be placed before the Division Bench on 11.1.2005.</p>
3.12.04		<p><i>R.</i> Vice-Chairman</p>
Copy of the order has been sent to the office. I am paying the fine to the advocates for the parties.	bb 11.1.2005	<p>List the matter on 20.1.2005 before the Division Bench.</p>
14-12-04	bb 20.1.05	<p><i>K.P. Bhatta</i> Member</p> <p><i>R.</i> Vice-Chairman</p>
show-cause-reply on behalf of the Contemner No.1 has been submitted.	pg	<p>On the request of learned Advocate for the petitioner stand over to 1.3.2005.</p>
21-12-04		<p><i>K.P. Bhatta</i> Member</p> <p><i>R.</i> Vice-Chairman</p>
Show Cause reply on behalf of the Contemner No.2 has been submitted.		

19-1-05

17.2.2005

Present: Hon'ble Shri M.K. Gupta,
Judicial Member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

Notified duly served on.

20-1-4

Replied to - Secy. 8/10

Correspondence No. 3

Wilful breach of directions

issued by this Tribunal on 1.4.2004
disposing of O.A.No.294 of 2003 as
alleged in the present C.P.

If it is contended by Mr S. Sarma
learned counsel for the respondent
that a Writ Petition No.5758 of 2004
has been preferred against the
aforesaid judgment and order of this
Tribunal, and the same was admitted
vide order dated 13.8.2004. Thereafter
the said Writ Petition has not been
listed till date, despite the fact
that the reply has been filed by the
applicant herein.

We have heard Mr G.K.
Bhattacharyya, learned counsel for the
petitioner and Mr S. Sarma, learned
counsel for the respondents. It is
stated by the respondents that
pursuant to interim order dated
26.12.2003 passed in the aforesaid
O.A. the applicant continues to occupy
the post of JSO.

Since the matter is under
consideration before the High Court,
we are of the view that it cannot be
viewed that there was a wilful
disobedience on the part of the
respondents. Therefore, the present
Contempt Petition is closed with
liberty to the applicant to revive the
same in case the aforesaid Writ
Petition is dismissed.

Received

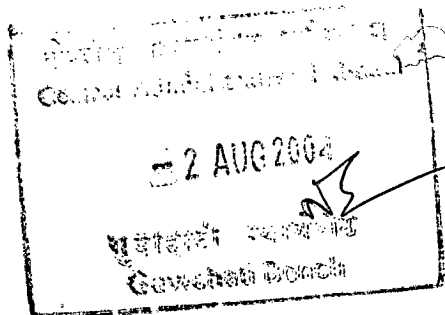
Advocate
25/2/05

Member (A)

Member (J)

Copy of the order handed
over to the applicant as well
as to the L/Adv. for the
Respond.

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

C.P.No. 31 of 2004

IN O.A NO. 294 of 2003

Smti. Arundhati Kalita

... Applicant

- VERSUS -

Sri Shyam Kumar and others

... Respondents

I N D E X

Sl No.	Particulars	Page No.
1.	Petition	1 - 7
2.	Affidavit	8
3.	Draft Charges	9
4.	Annexure - I	10 - 12
5.	Annexure - II	13
6.	Annexure - III	14
7.	Annexure - IV	15

Filed by

Bikram Choudhury

Advocate

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

C.P.No. of 2004

IN O.A NO. 294 of 2003

IN THE MATTER OF :

An application u/s 17 of the
Administrative Tribunals
Act, 1985.

-AND-

IN THE MATTER OF :

Intentional and willful
disobedience of the order
dated 01.04.2004 passed by
this Hon'ble Tribunal in
O.A. No. 294/2003.

-AND-

IN THE MATTER OF :

An application under Rule 24
of the C.A.T. (Procedure)
Rules 1987 for non-
implementation of the order
dated 01.04.2004 passed by
this Hon'ble Tribunal in
O.A. No. 294/2003.

-AND-

Filed by the petitioner
through Devjit Goswami
Advocate 30/7/04
Guwahati units.

IN THE MATTER OF :

Smti. Arundhati Kalita,
W/O Sri Arup Kumar Goswami,
Railway Quarter No. 167/B,
East Maligaon, Guwahati:11.
.... Petitioner.

- VERSUS -

1. Sri Shyam Kumar,
General Manager, N.F. Railway,
Maligaon, Guwahati:11.
2. Sri A.K. Nigam,
Chief Personal Officer,
N.F. Railway, Maligaon,
Guwahati:11.
3. Sri P.K. Singh,
Deputy Chief Personal Officer
(Gaz), Office of the General
Manager (Personnel),
N.F. Railway, Maligaon,
Guwahati:11.
4. Sri L.C. Trivedi,
Chief Safety Officer,
N.F. Railway, Maligaon,
Guwahati:11.

.... Contemners/
Respondents

The humble petitioner above named.

Arundhati

MOST RESPECTFULLY BEGS TO STATE:

1. That the petitioner is presently serving the N.F. Railway as Junior Scientific Officer (Group-B) and at present she is posted in Psycho-technical cell under the Respondent No.4 office.
2. That the petitioner joined N.F. Railway service on 07.04.1997 as Senior Scientific Research Assistant under the Office of Chief Scientific Officer which is under the Operation Department, N.F. Railway.
3. That the petitioner begs to state that as per order dated 24.02.1993 issued by the Railway Board a Junior Scale Group-B post was created in the Psycho-technical Cell and this post was subsequently designated as Junior Scientific Officer. This post could be filled up by transferring a regular post from Traffic or Mechanical or Personnel Branch of their own Railway.

That Petitioner by order dated 05.12.1997 was promoted to the post of Junior Scientific Officer (Group-B) and she continued to work as such. While working as such the petitioner was shocked and surprised when she received order dated 16.12.2003 issued by the General Manager (P), whereby the petitioner was reverted back from the

Atalika

post of Junior Scientific Officer, Group-B to the post of Senior Scientific Research Assistant i.e. her substantive post with immediate effect. The petitioner being aggrieved assailed the reversion order dated 16.12.2003 before this Hon'ble Tribunal which was registered and numbered as O.A. 294/03 and this Hon'ble Tribunal by order dated 26.12.2003 directed the authorities to maintain status quo.

On 01.04.2004, the Hon'ble Tribunal after hearing the parties, issued a direction stating that the order of reversion was passed in arbitrary manner as the post of JSO was still existing and has not been abolished and the petitioner has a right to continue in the post and accordingly the reversion order dated 16.12.2003 was quashed and set aside.

A copy of the order dated
01.04.2004 is annexed
herewith and marked as
ANNEXURE-I.

4. That, thereafter, the petitioner on receiving a copy of the Hon'ble Tribunal's order dated 01.04.2004, the petitioner on 5/6.04.2004 submitted the order before the Contemner/Respondent No.2 who received the same on that date.

Atalits

A copy of the receipt of the order is annexed herewith and marked as **ANNEXURE-II**.

5. That, thereafter, the petitioner by virtue of this Hon'ble Tribunal's order has been rendering her services as Junior Scientific Officer and has conducted several psycho test for promotion of D.A.D. and A.S.M. but till date the respondents/contemners have not issued any order or taken any steps to implement the order dated 01.04.2004 passed by this Hon'ble Tribunal.

6. That, the petitioner begs to state that she has now come over a Office Note No.T/2/48/ Pt-VIII dated 01.07.2004 issued from the office of General Manager(s), Maligaon whereby it was stated that due to non-availability of Junior Scientific Officer in N.F. Railway Sri N.L. Sarma, Scientific Officer of S.E. Railway has given his consent to conduct the psycho-test of different categories of staff between 19th and 23rd July at Guwahati and all concerned were directed to ensure that staffs were present during this test.

Accordingly the Respondent No.3 issued notification No.E/227/81/Tr.ASM(T) Part-I dated 13.07.2004, whereby all Deputy Personnel Officers of various divisions were directed to send the names of candidates/employees who have to appear for the

W. K. S. S.

test as a Junior Research Officer from Kolkata will be available in Headquarter from 19.07.2004 to 23.07.2004.

Copies of the note dated 01.07.2004 and notification dated 13.07.2004 are annexed herewith and marked as **ANNEXURE-III** AND **IV** respectively.

7. That, the petitioner states that though the Respondents/Contemners are aware of the order dated 01.04.2004 passed by this Hon'ble Tribunal quashing and setting aside the reversion order dated 16.12.2003 of the petitioner, the action of the Respondents/Contemners in issuing the office note 01.07.2004 (Annexure-III) and notification dated 13.07.2004 (Annexure-IV) shows that the contemners/ respondents are deliberately sitting over the matter and such act of the Respondents/Contemners is contemptuous and amounts to willful and intentional disobedience of the order passed by this Hon'ble Tribunal and there can be no reasonable explanation for such act of contempt on the face of the record.

8. That the petitioner states that the contemners are liable to be prosecuted and punished under the contempt of courts proceeding.

Shah

9. That this application is filed bonafide and for the ends of justice.

It is, therefore, prayed that Your Lordships would be pleased to consider what is stated above, issue show cause notice to the Respondents/Contemnners and take appropriate action for willful and deliberate violation of the order dated 1.4.04 (Annexure-I) passed by this Hon'ble Tribunal in O.A. 294 of 2004 and after hearing the causes shown, if any, be pleased to draw a contempt proceeding against the Respondents/Contemnners for imposition of appropriate punishment under the Contempt of Court's Act and/or pass such order/orders as Your Lordships may deem fit and proper.

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

Shalits

- 8 -

A F F I D A V I T

I, Smti. Arundhati Kalita, wife of Sri Arup Kumar Goswami, aged about 37 years, Railway Quarter No.167/B, East Maligaon, Guwahati-11, in the district of Kamrup, Assam do hereby, solemnly affirm and declare as follows:

1. That, I am the petitioner in this petition and as such I am well conversant with the facts and circumstances of the case and I swear this affidavit.

2. That, the Statements made in this affidavit and in paragraphs 1, 2, 3, 4, 5 and 7 of the petition are true to the best of my knowledge; those made in paragraphs No. 6 being matters of record, are true my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 30th day of July, 2004 at Guwahati.

IDENTIFIED BY.
Devojit Goswami
ADVOCATE

Arundhati Kalita

DEPONENT

Solemnly affirmed and declared before me by the department who is identified by Sri *Devojit Goswami* ~~Arundhati~~ *Goswami*, Advocate, Guwahati on this 30th day of July, 2004 at Guwahati.

Babul Ch. Kalita
Advocate 30.7.04

DRAFT CHARGE

Whereas the contemners namely (i) Sri Shyam Kumar, General Manager, N.F. Railway, Maligaon, (ii) Sri A.K. Nigam, Chief Personal Officer, N.F. Railway, Maligaon, (iii) Sri P.K. Singh, Deputy Chief Personal Officer, (gaz.), Office of the General Manager(P), N.F. Railway, Maligaon and (iv) Sri L.C. Trivedi, Chief Safety Officer, N.F. Railway, Maligaon, are liable for contempt of Court's proceeding for their willful and deliberate violations of the order dated 01.04.2004 passed by the Central Administrative Tribunal, Guwahati, Bench in O.A. No. 294 of 2004.

Devojit Goswami

SIGNATURE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 194 of 2003.

Date of Order : This the 1st Day of April, 2004.

The Hon'ble Shri Kuldip Singh, Judicial Member.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Smt. Arundhati Kalita,
W/o Shri Arup Kumar Goswami,
Railway Qrs. No. 167/B,
East Maligaon, Guwahati-11.

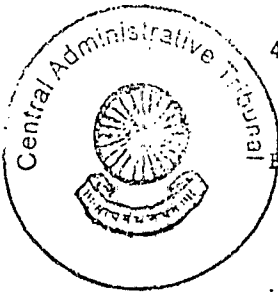
. . . Applicant.

By Advocate Sri Bipul Sarma.

- Versus -

1. Union of India,
through the General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
 2. General Manager (Personnel)
N.F.Railway, Maligaon,
Guwahati-11.
 3. Deputy Chief Personnel Officer,
(Gaz), Office of the General Manager,
Personnel, N.F.Railway,
Maligaon, Guwahati-11.
 4. Dy. Director, Estt. Gaz (Cadre),
Railway Board, Rail Bhawan,
New Delhi.
- . . . Respondents.

By Advocate (None present for the respondents)



O R D E R

KULDIP SINGH, MEMBER (J) , , , ,

Heard Sri B.Sarma, learned counsel for the applicant.

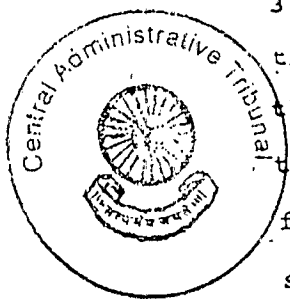
None present for the respondents. However, we proceed to hear the matter under the provision of Rule 15 of the Central Administrative Tribunal (Procedure) Rules 1987.

2. This application has been filed challenging the arbitrary reversion of the applicant from the post of Junior Scientific Officer (Gr.B) which she was holding purely on ad hoc basis to the post of Senior Scientific Research Assistant i.e. her substantive post. The applicant submitted that vide order dated 24.2.93 issued by the Railway Board a Junior Scale Group B post was created which was subsequently designated as Junior Scientific Officer. This ^{Court} may be filled up by transferring a regular post from

contd..2

Attested by
Advocate.

Traffic or Mechanical or Personnel Branch of their own Railway. The applicant belongs to Traffic branch and was ^{thus} posted to the post of Junior Scientific Officer. The applicant continued to work but suddenly the ^{impugned} order dated 16.12.2003 was issued by the General Manager(P), N.F. Railway, wherein it was mentioned that the post of JSO is restored back to Mechanical Department with ~~x~~ immediate effect and as a consequence thereof the applicant who was posted as JSO was ordered to be reverted to her substantive post of Sr. Scientific Research Assistant. The applicant thereafter filed an O.A. and this Tribunal vide order dated 26.12.2003 directed to maintain status quo. Notice was issued to the respondents.

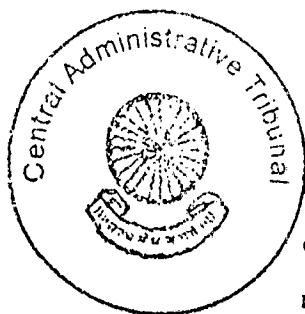


3. The respondents filed their written statement contesting the case. In the affidavit the respondents pleaded that the post of JSO was created for operation in the psycho-technical cell by variation of a post of equivalent rank from the mechanical department and the said order also stated that the applicant who was working as Sr. Scientific Research Assistant was empanelled for promotion to the post of JSO Gr.B purely on ad hoc basis with the stipulation that this would not confer her any claims for regular promotion to Gr.B service and seniority. By the impugned order dated 16.12.2003 the post of JSO was restored back from the office of the Chief Safety Officer, N.F. Railway to the Mechanical Engineering department to which the post belonged. Consequently the order of reversion has been passed. Thus the respondents in the O.A. has taken a plea that the post of JSO is no more available to the applicant since the post has been restored to the mechanical department. Keeping in view the various considerations of administrative convenience the decision was taken to restore the post.

K₁
contd..3

4. We have heard the learned counsel for the applicant at length. We find from the record that there was no order of abolition of the post of JSO. The post has been created by order dated issued by the Railway Board which is still in force and the General Manager cannot overriding the orders passed by the Railway Board. ^{As per the order of the Railway Board, the post of JSO is still in force.} Though the respondents have denied the allegation that this order has been passed to accommodate some other person from Personnel department, but the fact remains that the post has not yet been abolished by the Railway Board and continued till today. This fact has been established by letter dated 22.4.96 (Annexure-G) written by the Executive Director Traffic Research (Psych.), wherein it has been clearly mentioned that as regards post of JSO is concerned, the N.F. Railway may fill up the post on local basis from its own sources and the present arrangement of utilising a Calcutta based JSO is dispensed with. Thus we find that the order of reverting the applicant to the post of Sr. Scientific Research Assistant has been passed in an arbitrary manner as the ~~post~~ post of JSO is still exist and has not been abolished and the applicant has a right to be continued to the post of JSO though purely on ad hoc basis. ~~Since the post of JSO is still in existence, the applicant is entitled to be continued to the post of JSO.~~ Accordingly we allow the O.A. and quash and set aside

the order dated 16.12.2003 reverting back the applicant to the post of Sr. Scientific Research Assistant. ~~on the basis of the order dated 16.12.2003.~~
No order as to costs.



Certified to be true
प्रमाणित प्रतिलिपि

Sd/MEMBER(J)

Sd/MEMBER(Adn)

[Handwritten signature]
24/4/04

Secy (J)
C.A.T. DELHI BRANCH
Gurukul 16/05

pg

[Handwritten signature]
24/4/04

To
The C.P.O.
N. F. Railway, Maligaon,
Guwahati-781011

Dated: 05-04-2004

Sub: Hon'ble CAT's order dated 01-04-2004

Sir,

I have the honour to state you that I have attached herewith the Order given by Honourable CAT on dated 01-04-2004.

This is for your information and kind implementation of the same.

With thanks.

Shalita
(Arundhati Kalita)
JSO, N. F. Railway
Maligaon, GHY-11

DA - As above

Copy to:-

- 1) CSO/MLG
- 2) COM/MLG

Attested by
Durgit Goswami
Advocate

Read
now
06/04/04
S. K. S. to
APD/SC

NORTH EAST RAILWAY

Office Note:
No T/2/48/PJ-VIII

Office of the
General Manager(S)
Maligaon, Guwahati-11
Dated: 01.07.1004

Sub: Psycho test.

Psycho-Examination of ASM's and other categories were held up on account of non-availability of JSO on N.F. Railway. Now Scientific Officer of S.E. Railway, Shri N.L. Sharma has given his consent to be available in Guwahati for conducting psycho-test of different categories of staff including ASM's between 19th and 23rd July. All concerned may note and ensure that staff are directed accordingly to Maligaon H.Q. to Dy. CSO/SSO(T)/ASO(T)/SRSA accordingly.

Dy.CPO/HQ

(H. Tawna)
Dy.CSO/I
for General Manager(s)

Copy to:-

1. DRMs/KIR, APDJ, RNY, LMG & TSK
2. Sr. DPO/DPOs/ KIR, APDJ, RNY, LMG & TSK
3. Sr. DOM/DOMs/ KIR, APDJ, RNY, LMG & TSK
4. Sr. DME/ KIR, APDJ, RNY, LMG & TSK
5. Secy. to GM for information please.
6. Shri N.L. Sharma, JSO/S.E. Railway, Garden Reach Kolkata for information. This has reference to his telephonic discussion with CSO/N.F. Rly. on date.

(H. Tawna)
Dy.CSO/I
for General Manager(s)

Attested by
Advocate

N.F.RAILWAY.

Office of the
General Manager (P),

Maligaon, dt. 13.7.04.

No. E/227/81/Tr.ASM(T) Part.I.

To
DPOs/KIR, APDJ, RNY, LMG & TSK.

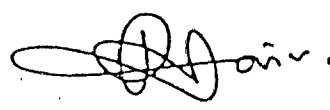
Sub: Aptitude Test for the post of ASM, DAD.

Ref: This office letter of even number dt. 7.7.04.

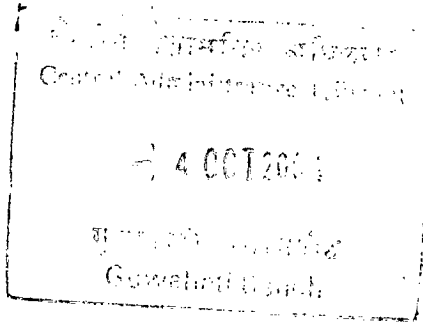
With reference to this office letter referred above, it was advised to send the names of candidates/employees who have to appear for the Aptitude Test in addition to candidates who have to appear in the test on 19.7.04 as per the list circulated. It is informed that Jr. Research Officer will be available in HQ from 19.7.04 to 23.7.04. Please inform the names of any other employees/candidates who have to appear for Aptitude Test for any category and they may be directed during the week to HQ to appear in the Aptitude Test.

(R. Aaivu)
Dy. Chief Personnel Officer/HQ.
For General Manager (P).

Copy to : CSO/MLG for information.


For General Manager (P).

Attended by
D. S. Wani
Advocate.



Pradeep Kumar Singh
By CHS/Pradeep Kumar Singh
21

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Contempt Petition No.31/04
arising out of OA NO.294/03

Smt. Arundhuti Kalita

.....Petitioner

-VS-

Sri Shyam Kumar & Ors.

.....Contemners

Filed by
the contemner No.
Therough Advocate
Siddhartha Sarma
4/10/04

IN THE MATTER OF

Show-cause-reply on behalf of the
contemner No. 3

I SriPradeep kumar Singh aged about 33..yrs.
son ofBhup Lal Singh..... at present working as Deputy
CPO/603, N.F.Railway, Maligaon, Guwahati-11, do hereby
solemnly affirm and state as follows:-

1. That I am the contemner No.3 in the above noted
Contempt Petition and I have been served with a copy of the
Contempt Petition filed by teh petitioner. I have gone
through the copy of the contempt petition and have
understood the contentions made therein. Save and except the
statements which are specifically admitted herein below,
other statements made in this Contempt Petition may be
treated as total denial.

Pradoup unwar iylh

3. That the petitioner praying for continuation of her adhoc service along with other consequential benefits preferred the above noted OA 294/03 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA by setting aside the order dated 16.12.03 by which the petitioner was reverted back to her original post from the adhoc appointment. The respondents/contemners immediately on receipt of the said judgment and order dated 1.4.04 decided to prefer Writ Petition before the Hon'ble High Court and accordingly Writ Petition has been filed before the Hon'ble High Court against the said judgment and order dated 1.4.04 passed in OA No.294/03 which was registered and numbered as WP(c) No.575/04. the Hon'ble High Court on ...13/8/04... was pleased to entertain the said Writ Petition.

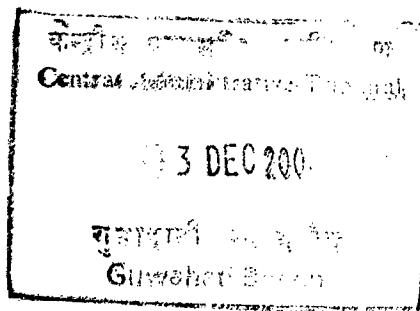
4. That it is noteworthy to mention here that the petitioner being apprehensive of filing such Writ Petition, preferred Caveat petition before the Hon'ble High Court and on the day of its admission the Hon'ble High Court was pleased to hear the petitioner and the said caveat was discharged. The said Writ Petition is presently sub-judice before the Hon'ble High Court. It is also noteworthy to mention here that the petitioner who has been arrayed as a sole respondent in the said Writ Petition has also filed their Affidavit-in-Opposition is the said Writ Petition.

However, the present petitioner suppressing those material facts has preferred this Contempt Petition which is not at all tenable and liable to be dismissed with cost.

5. That the contemner begs to state that in view of the above facts and circumstances there is no wilful and deliberate violation of the judgment of this Hon'ble Tribunal. It is further stated that the contemner being a responsible officer under the respondents never violated any judgment and/or directives of the Hon'ble Tribunal. The present contemner having highest regard to this Hon'ble Tribunal can not even think of violating any directive/judgment passed by this Hon'ble Tribunal willingly. It is further stated that even if there is any violation occurred due to ignorance and unwillingly, the present contemner places his unconditional apology with an assurance not to repeat the same in future.

6. That the present contemner begs to state that the allegations made by the petitioner in the Contempt Petition is not at all correct. It is stated that the contemner has never committed any wilful and deliberate violation of the judgment and order passed by the Hon'ble Tribunal and as such the Contempt Petition may be closed imposing heavy cost on the petitioner for not discharging the correct factual position.

7. That the statements made in this show-cause-reply in paragraph 1, 2, 4, 5, 6 are true to my knowledge and those made in paragraph 3 are matter of records which I believed to be true and rests are my humble submission before this Hon'ble Tribunal.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Contempt Petition No.31/04

arising out of OA NO.294/03

Smt. Arundhuti Kalita

.....Petitioner

-VS-

Sri Shyam Kumar & Ors.

.....Contemners

IN THE MATTER OF

Show-cause-reply on behalf of the
contemner No.4.

I Sri L. C. Trivedi.....aged about 43 yrs.
son of Late Sri Samlehu Datt Trivedi at present working as Chief Safety
Officer, N.F.Railway, Maligaon, Guwahati-11, do hereby
solemnly affirm and state as follows:-

1. That I am the contemner No.4 in the above noted Contempt Petition and I have been served with a copy of the Contempt Petition filed by the petitioner. I have gone through the copy of the contempt petition and have understood the contentions made therein. Save and except the statements which are specifically admitted herein below, other statements made in this Contempt Petition may be treated as total denial.

25
i
3
n
j

2. That instead of dealing with the various contemnors made in the Contempt Petition, I beg to place the following facts before this Hon'ble Tribunal apprising the factual aspect of the matter.

3. That the petitioner praying for continuation of her adhoc service along with other consequential benefits preferred the above noted OA 294/03 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA by setting aside the order dated 16.12.03 by which the petitioner was reverted back to her original post from the adhoc appointment. The respondents/contemnors immediately on receipt of the said judgment and order dated 1.4.04 decided to prefer Writ Petition before the Hon'ble High Court and accordingly Writ Petition has been filed before the Hon'ble High Court against the said judgment and order dated 1.4.04 passed in OA No.294/03 which was registered and numbered as WP(c) No.575/04. the Hon'ble High Court on ...13/8/04... was pleased to entertain the said Writ Petition.

4. That it is noteworthy to mention here that the petitioner being apprehensive of filing such Writ Petition, preferred Caveat petition before the Hon'ble High Court and on the day of its admission the Hon'ble High Court was pleased to hear the petitioner and the said caveat was discharged. The said Writ Petition is presently sub-judice before the Hon'ble High Court. It is also noteworthy to mention here that the petitioner who has been arrayed as a sole respondent in the said Writ Petition has also filed their Affidavit-in-Opposition in the said Writ Petition.

26
[Handwritten signature]

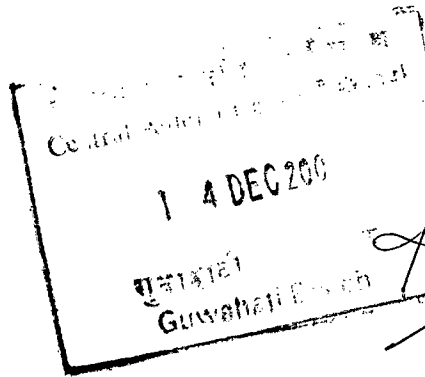
However, the present petitioner suppressing those material facts has preferred this Contempt Petition which is not at all tenable and liable to be dismissed with cost.

5. That the contemner begs to state that in view of the above facts and circumstances there is no wilful and deliberate violation of the judgment of this Hon'ble Tribunal. It is further stated that the contemner being a responsible officer under the respondents never violated any judgment and/or directives of the Hon'ble Tribunal. The present contemner having highest regard to this Hon'ble Tribunal can not even think of violating any directive/judgment passed by this Hon'ble Tribunal willingly. It is further stated that even if there is any violation occurred due to ignorance and unwillingly, the present contemner places his unconditional apology with an assurance not to repeat the same in future.

6. That the present contemner begs to state that the allegations made by the petitioner in the Contempt Petition is not at all correct. It is stated that the contemner has never committed any wilful and deliberate violation of the judgment and order passed by the Hon'ble Tribunal and as such the Contempt Petition may be closed imposing heavy cost on the petitioner for not discharging the correct factual position.

7. That the statements made in this show-cause-reply in paragraph 1, 2, 5, 6... are true to my knowledge and those made in paragraph 3, 4, are matter of records which I believed to be true and rests are my humble submission before this Hon'ble Tribunal.

[Handwritten signature]



General Manager
T. & M.
N. F. Ry.

27
Filed by
the Contemner No. 1 through
Siddhanta Jena
R.A.
14/12/09

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Contempt Petition No.31/04
arising out of OA No.294/03

Smt. Arundhuti Kalita
.....Petitioner

-VS-

Sri Shyam Kumar & Ors.
.....Contemners

IN THE MATTER OF

Show-cause-reply on behalf of the
contemner No.1

I Sri**Shyam Kumar**..... aged about ...58.... yrs. son
of**Kashmiri Lal**.....at present working as General Manager,
N.F.Railway, Maligaon, Guwahati-11, do hereby solemnly affirm and state as
follows :-

1. That I am the contemner No.1 in the above noted Contempt
Petition and I have been served with a copy of the Contempt Petition filed by the
petitioner. I have gone through the copy of the contempt petition and have
understood the contentions made therein. Save and except the statements which
are specifically admitted herein below, other statements made in this Contempt
Petition may be treated as total denial.

2. That instead of dealing with the various contemnors made in the Contempt Petition, I beg to place the following facts before this Hon'ble Tribunal apprising the factual aspect of the matter.

3. That the petitioner praying for continuation of her adhoc service along with other consequential benefits preferred the above noted OA 294/03 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA by setting aside the order dated 16.12.03 by which the petitioner was reverted back to her original post from the adhoc appointment. The respondents/contemnors immediately on receipt of the said judgement and order dated 1.4.04 decided to prefer Writ Petition before the Hon'ble Gauhati High Court/Guwahati and accordingly Writ Petition has been filed before the Hon'ble Gauhati High Court/Guwahati against the said judgment and order dated 1.4.04 passed in OA No.294/03 which was registered and numbered as WP(C) No.575/04. The Hon'ble High Court on 13.08.04 was pleased to entertain the said Writ Petition.

4. That it is noteworthy to mention here that the petitioner being apprehensive of filing such Writ Petition, preferred Caveat petition before the Hon'ble High Court and on the day of its admission the Hon'ble High Court was pleased to hear the petitioner and the said caveat was discharged. The said Writ Petition is presently sub-judice before the Hon'ble Gauhati High Court. It is also noteworthy to mention here that the petitioner who has been arrayed as a sole respondent in the said Writ Petition has also filed their Affidavit-in-Opposition in the said Writ Petition. However, the present petitioner suppressing those material facts has preferred this Contempt Petition which is not at all tenable and liable to be dismissed with cost.


5. That the contemner begs to state that in view of the above facts and circumstances there is no willful and deliberate violation of the judgment of this Hon'ble Tribunal. It is further stated that the contemner being a responsible officer under the respondents never violated any judgment and/or directives of

General Manager
Ry. 2 P.V.

the Hon'ble Tribunal. The present contemner having highest regard to this Hon'ble Tribunal cannot even think of violating any directive/judgement passed by this Hon'ble Tribunal willingly. It is further stated that even if there is any violation occurred due to ignorance and unwillingly, the present contemner places his unconditional apology with an assurance not to repeat the same in future.

6. That the present contemner begs to state that the allegations made by the petitioner in the Contempt Petition is not at all correct. It is stated that the contemner has never committed any willful and deliberate violation of the judgement and order passed by Hon'ble Tribunal and as such the Contempt Petition may closed imposing heavy cost on the petitioner for not discharging the correct factual position.

7. That the statements made in this show-cause-reply in paragraph 1, 2, 5, 6..... are true to my knowledge and those made in paragraph..... 3, 4..... are matter of records which I believed to be true and rests are my humble submission before this Hon'ble Tribunal.


General Manager
T. & T.
N. F. Rly.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

গুৱাহাটী ন্যায্যীক
Guwahati Bench

**Contempt Petition No.31/04
arising out of OA No.294/03**

Smt.Arundhuti Kalita
.....Petitioner

- Vs -

Sri Shyam Kumar & Ors
..... Contemnners

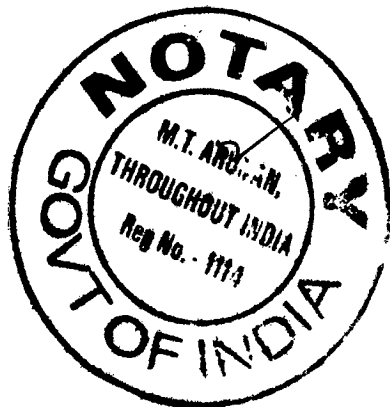
IN THE MATTER OF

Show-cause-reply on behalf of the
Contemner No.2

I Sri **A.K.Nigam** aged about 52 years son of Late Sri.S.P.Gaurha at present working as Chief Personnel Officer, Southern Railway, Chennai, ex.Chief Personnel Officer, N.F.Railway, Maligaon, Guwahati-11, do hereby solemnly affirm and state as follows :-

1. That I am the contemner No.2 in the above noted Contempt Petition and I have been served with a copy of the Contempt Petition filed by the petitioner. I have gone through the copy of the contempt petition and have understood the contentions made therein. Save and except the statements which are specifically admitted herein below, other statements made in this Contempt Petition may be treated as total denial.

2. That instead of dealing with the various contemnners made in the Contempt Petition, I beg to place the following facts before this Hon'ble Tribunal apprising the factual aspect of the matter.



Filed by
The Contemner No.2 Through
Siddhartha Samma
Adm. Gate
17/12/04

de

Heu

3. That the petitioner praying for continuation of her adhoc service along with other consequential benefits preferred the above noted OA 294/03 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA by setting aside the order dated 16.12.03 by which the petitioner was reverted back to her original post from the adhoc appointment. The respondents/contemnors immediately on receipt of the said judgement and order dated 1.4.04 decided to prefer Writ Petition before the Hon'ble Gauhati High Court/Guwahati and accordingly Writ Petition has been filed before the Hon'ble Gauhati High Court/Guwahati against the said judgment and order dated 1.4.04 passed in OA No.294/03 which was registered and numbered as WP(C)No.575/04. The Hon'ble High Court on 13.08.04 was pleased to entertain the said Writ Petition.

4. That it is noteworthy to mention here that the petitioner being apprehensive of filing such Writ Petition, preferred Caveat petition before the Hon'ble High Court and on the day of its admission the Hon'ble High Court was pleased to hear the petitioner and the said caveat was discharged. The said Writ Petition is presently sub-judice before the Hon'ble Gauhati High Court. It is also noteworthy to mention here that the petitioner who has been arrayed as a sole respondent in the said Writ Petition has also filed their Affidavit-in-Opposition in the said Writ Petition. However, the present petitioner suppressing those material facts has preferred this Contempt Petition which is not at all tenable and liable to be dismissed with cost.

5. That the contemner begs to state that in view of the above facts and circumstances there is no willful and deliberate violation of the judgment



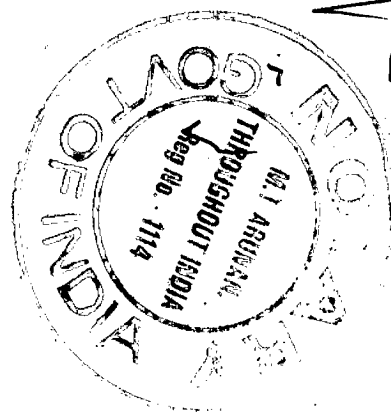
32

of this Hon'ble Tribunal. It is further stated that the contemner being a responsible officer under the respondents never violated any judgment and/or directives of the Hon'ble Tribunal. The present contemner having highest regard to this Hon'ble Tribunal cannot even think of violating any directive/judgement passed by this Hon'ble Tribunal willingly. It is further stated that even if there is any violation occurred due to ignorance and unwillingly, the present contemner places his unconditional apology with an assurance not to repeat the same in future.

6. That the present contemner begs to state that the allegations made by the petitioner in the Contempt Petition is not all correct. It is stated that the contemner has never committed any willful and deliberate violation of the judgement and order passed by Hon'ble Tribunal and as such the Contempt Petition may be closed imposing heavy cost on the petitioner for not disclosing the correct factual position.

7. That the statements made in this show-cause-reply in paragraph 1 to 7 are true to my knowledge which I believe to be true and rest are my humble submission before this Hon'ble Tribunal.

Signed in my presence
at Chennai on 10 day of
December 2004.



Ur.
10/12-2009

(A. K. NIGAM)

