

FORM NO.4

(SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Original Application No. - - - - -

Misc. Petition No. - - - - -

Contempt Petition No. - - - - -

Review Application No. - - - - -

Applicants: - L. G. Singh

Respondents: - Radha Singh & Ors.

Advocates for the Applicant: - A. M. Singh, A. Petam, S. T. Singh

Advocates of the Respondents: - Mr. K. K. Phukan

Order of the Tribunal

Notes of the Registry

Date

09.02.2005

present: The Hon'ble Mr. M. K. Gupta,
Member (J).The Hon'ble Mr. K. V. Prahladan
Member (A).Heard Mr. A. M. Singh, learned
counsel for the petitioner.

It is contended that vide order
dated 16.9.2004, direction was
issued to respondent No.2 to consider
applicant's representation filed
by him in October, 2003 and dispose
of the same within a period of 3
months from the date of commu-
nication of the said order. It is
contended that the said direction
has been breached and violated by
the respondent No.2.

In view of the above, issue
notice to respondent No.2 only as
he alone is responsible to comply
with the aforesaid direction.
Returnable on 29.3.2005. Personal
appearance of the respondent No.2
is dispensed with for the time
being.

Member (A)

Member (J)

This contempt petition
has been filed by the
applicant under section
17 of the A.T. Act, 1985
for initiation of contempt
proceeding against
the respondents.

Laid before Hon'ble
Court for orders.

8.2.05
Scelior office (T)

Pl. comply order dated
9.2.05. ✓
10.2.05

Notice & order sent
to D/Sections for
issuing to resp.
No. 2, by regd. A/D
post. (15/2)

bb

29.3.05. The learned counsel for the applicant seeks two weeks time to file affidavit.

Post the matter on 13.4.05.

28-3-05

S/12 - another

st

D.K.
Vice-Chairman

1m

12-4-05
No reply has been
beld.

KA

13.4.2005 At the request of counsel for the applicant the list on 4.5.2005.

K. Palan
Member (A)

KA
Vice-Chairman

04.05.2005 Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.
Hon'ble Mr. K.V. Prahla dan Administrative Member.

Since neither applicant nor counsel is present today and since earlier two occasions it was adjourned, it would appear that direction issued has already been complied with. Hence, the C.P. is closed.

11.5-05

Copy of the order
has been sent to the
Office for issue of the
List to the applicant
as well as to the
Resps No's by Post.

K. Palan
Member

KA
Vice-Chairman

mb

Received copy
of the order dated

04/05/05

K. Palan
24/11/08

- 8 FEB 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench
GUWAHATI BENCH

CIVIL ORIGINAL CONTEMPT CASE NO. 06 OF 2005

Shri L. Gojendra Singh, Manipur

... Applicant

- Versus -

The Union of India and 3 others.

... Respondents

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N. Gojendra Singh.

Signature of the Counsel

For use in Tribunal's Office.

for the Applicant

Date of filing : 08th Feb. 2005

Registration No.:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition (Civil) No. of 2005
(Arising out of order dated 16/9/2004
passed in O.A. No. 272 of 2003)

Filed by the applicant
Kiran N. Thaisa Singh
(Advocate) S

08 - 02 - 2005

L. Gojendra Singh

IN THE MATTER OF :

An application under section 17 of
the Administrative Tribunal Act, 1985,
Contempt of Court's (C.A.T.) Rule,
1997 read with Section 11 and 12 of
the Contempt of Courts Act, 1971
for initiation of Contempt proceeding
against the Respondents;

- AND -

IN THE MATTER OF :

Wilful and deliberate disobedience
of the Order of the Hon'ble Central
Administrative Tribunal, Guwahati
Bench dated 16-9-2004 passed in
O.A. No. 272 of 2003.

- AND -

IN THE MATTER OF :

Shri L. Gojendra Singh, aged about
45 years old S/o L. Babu Singh
resident of Top Awang Leikai Tinsid
Road, P.O. & P.S. Porompat, District
Imphal East, Manipur.

... Applicant.

Contd... 2/-

- Versus -

1. Smt. Radha Singh
Secretary, Ministry of Agriculture,
Department of Agriculture & Co-
operation, Govt. of India, New Delhi.

2. Shri Bhagawati Prasad,
Chief Executive, National
Co-operative Union of India;
3, Siri Institutional Area-Angust
Karanti Marg, New Delhi-110016.

3. Shri D.P. Neb
Sr. Consultant, National Co-
operative Union of India,
3, Siri Institutional Area, Angust
Karanti Marg, New Delhi-110016,

4. Shri Kh. Borkeshor Singh,
Chairman, Project Co-ordination-
Committee of NCUI, Field Project,
Bishnupur, Manipur, District :
Bishnupur, Manipur.

... Respondents.

A. DETAILS OF APPLICATION

The humble petition of the Petitioner abovenamed.

Most Respectfully Sheweth :-

1. That, the present petitioner is the Petitioner
in O.A. No. 272 of 2003 which was filed before the
Hon'ble Central Administrative Tribunal, Guwahati
Bench, seeking praying for giving a direction to

Contd....3/-

set aside the impugned termination order dated 04/06/2003.

2. That, the Hon'ble Central Administrative Tribunal, Guwahati Bench heard the Original Application on 16/9/2004 and finally disposed of the same with a direction to the Respondents to dispose of the representation dated 23/10/2003 filed by the applicant within a period of 3(three) months from the date of communication of the order of the Hon'ble Central Administrative Tribunal dated 16/09/2004.

*2
original
copy*
A true copy of the said order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, dated 16/9/2004 passed in O.A. 272 of 2003 is enclosed herewith and marked as Annexure-C/1.

3. That, the said order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 16/09/04 passed in O.A. No. 272 of 2003 was duly communicated in the form of legal notice dated 4/10/2004, to the Respondent Nos 1 to 4 by registered post being Nos. 480, 481, 482 and 483. The said legal notice dated 4/10/2004 also clearly stated to consider the case and to reinstate the applicant to the service of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur.

True copies of (i) legal notice dated 4/10/2004 (ii) Postal Receipts being No. 480, 481,

X

482 and 483 dated 4-10-2004 for sending said legal notice to the Respondents are enclosed herewith and marked as Annexures C/2 and C/3 respectively.

4. That, after lapses of period provided by the Hon'ble Tribunal the Respondents deliberately and wilfully not implementing the order of the Division Bench of the Hon'ble Central Administrative Tribunal dated 16-9-2004 passed on O.A. No. 272 of 2003. It is also submitted wilful, non-compliance of direction of the Hon'ble Tribunal also amounts to committing contempt and the Respondents are liable to be punished under the Section of Central Administrative Tribunal Act read with Contempt of Courts (C.A.T.) Rules, 1992.

5. That, the Hon'ble Supreme Court of India held in catena of cases where serious views were taken up when its orders are violated. The Hon'ble Supreme Court of India has also occasioned when the contemners were punished with both fine and imprisonment.

6. That, if the Contemners/Respondents are not punished severally in accordance with the relevant provision of law, the officers and administrators of the Country who are already flouting the Hon'ble Tribunal's order will be encouraged to disregard and disrespect to the order of the Hon'ble Tribunal, which is the only ray of hope to the poor citizen in the present stage of life.

7. That, the present petitioner/applicant has been filed bona fide and in the interest of justice to safeguard and maintain the dignity and power of the Hon'ble Tribunal and to guarantee belief and hope amongst the people. The Applicant has no other remedy which is speedy, adequate and efficacious. The prayer for herein when granted will be complete and adequate.

8. That, in the manner stated above, the Respondents had wilfully and intentionally disobeyed the Hon'ble Tribunal's order and as such the Respondents/Contemners are liable to be punished in accordance with law.

RELIEFS SOUGHT FOR PRAYER

In the above premises mentioned, it is most respectfully prayed that Your Lordships may most graciously be pleased to -

- i) take suo-moto cognizance of the offence of the Respondents/Contemners under the contempt of Courts (C.A.T.) Rules, 1992 ;
- ii) issue process of the Hon'ble Tribunal compelling the Respondents to appear in person before the Hon'ble Tribunal to answer the charges ;
- iii) award appropriate punishment to the Respondents after hearing of the case and to compel them to comply with the Hon'ble Tribunal's order at once ;

iv) issue any other orders/directions that this Hon'ble Tribunal deems fit and just in the interest of justice;

- A N D -

Award the cost of this petition.

v) Particulars of I.P.O - I.P.O. No. Date Payable at
Enawakeli

Dated/Imphal, Signature of the Applicant,
The ^{Feb} ~~January~~, 2005.

L. Gojendrash

By :- N. Thoiba Singh.

Advocate.

M. E. R. I. F. I. C. A. T. I. O. N

I, L. Gojendra Singh, aged about 45 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.O. & P.S. Porompat, District, Imphal East, Manipur, do hereby verify that the contents of paragraph Nos. 1 to 4 are true to personnel knowledge and contents of Para Nos 5 to 8 are believe to be true on the legal advice excepting those legal points and those legal points are based on the information of my counsel which I also verify believe to be true.

Dated/Imphal,
the ^{8th} ~~Feb~~ ~~January~~, 2005

Signature of the Verifier,

L. Gojendrash

By :- N. Thoiba Singh.
Advocate.

Contd...7/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

CIVIL ORIGINAL CONTEMPT CASE NO. 0F 2003

Shri L. Gojendra Singh, Manipur

... Applicant.

- Versus -

The Union of India and 3 others.

... Respondents.

AFFIDAVIT

I, L. Gojendra Singh, aged about 45 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S. Porompat, District-Imphal East, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such I am well conversant with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. These are true to my knowledge.

2. That, the statements made in the foregoing paragraph Nos 1 to 4 are within my personnel knowledge; and contents of Para Nos.5 to 8 are believe to be true on the legal advice are based on the information received by me from my counsel which I believe the same to be true.

3. That, the documents at Annexures C/1 to C/3 are the true and correct copies of their originals.

Dated/Imphal,

the 8th ^{Feb} 2005.

Drawn up by :- N. Thoiba Singh.

L. Gojendra Singh

(L. Gojendra Singh)

Deponent

Advocate.

ANNEXURE - C/1

8

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 272 of 2003.

Date of Order : This, the 16th Day of September, 2004.

THE HON'BLE MR. JUSTICE R. K. BATTA, VICE CHAIRMAN.

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri L. Gojendra Singh
Aged about 44 years
S/o L. Babu Singh
Resident of Top Awang Leikai
Tinsid Road, P.S: Porompat
Dist: Imphal East
Manipur.

• • • Applicant.
None appeared on behalf of applicant.

- Versus -

1. The Union of India
Through the Secretary
to the Government of India
Ministry of Agriculture
Department of Agriculture and Cooperation
Krishi Bhavan, Dr. Rajendra Prasad Road 1
New Delhi.
2. The Chief Executive
National Cooperative Union of India
3, Siri Institutional Area, Khel Gaon Marg
New Delhi - 110 016.
3. The Senior Consultant
National Cooperative Union of India
Cooperative Education Field Project
3, Siri Institutional Area
Khel Gaon Marg
New Delhi - 110 016.
4. The Chairman
Project Co-ordination Committee of
National Cooperative Union of India
Cooperative Education Field Project
Bishnupur, Manipur.

• • • Respondents.

By Advocates Mr. K. K. Phukan & Mr. B. K. Borah for respondents 2
to 4.

True Copy

Advocate

ORDER (ORAL)P.K.BATTA, J.(V.C):

The matter is listed today for final hearing. However, no one has appeared on behalf of the applicant. It may be mentioned here that the matter has been adjourned from time to time at the request of learned advocate for the applicant w.e.f. 14.6.2004. When the matter came up for hearing on 9.9.2004 also, no one appeared for the applicant and learned counsel Mr.K.K.Phukan appearing on behalf of respondent nos.2 to 4 had undertaken to convey today's date to the learned advocate for the applicant. Mr.K.K.Phukan makes a statement at Bar that he has conveyed that the matter is fixed for hearing on today to advocate Mr.P.K.Roy Choudhury, who is junior to Mr.A.M.Singh, learned advocate for the applicant. It is noticed by us that Vakalatnama has also been filed by the applicant in favour of Mr.P.K.Roy Choudhury.

2. It appears that the applicant is not interested in pursuing the matter before this Court, as a result of which, the matter had been adjourned from 14.6.2004. On that count alone, the application can be dismissed for default for non-appearance on behalf of the applicant.

3. Mr.K.K.Phukan, learned advocate appearing on behalf of respondent nos.2 to 4, has drawn our attention to the fact that the applicant had made representation to respondent no.2 in October, 2003, which is at Annexure-A/a,

R
Contd./3

10

B

which is still pending. He has also pointed out that there is alternative remedy available of arbitration in terms of Section 84 (1) (c) of the Multi-State Cooperative Societies Act, 2002.

4. In the light of the above, even though the matter can be dismissed for default for non-appearance on behalf of the applicant, we are of the opinion that the ends of justice will be met by giving direction to respondent no. 2 to dispose of the representation filed by the applicant in October, 2003 within a period of three months from the date of communication of this order, in case, the same is not already disposed of. In the facts and circumstances and especially in view of the fact that the matter has been adjourned from time to time on account of adjournments sought by the applicant and also on account of non-appearance of the applicant, we are not inclined to continue with the interim order dated 16.12.2003 suspending the operation of Annexure-A/13 and the said order is accordingly vacated.

The application stands disposed of in aforesaid terms. There shall be no order as to costs.

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

रिहितिपि

Secty: Officer (I)
C.A.T. CHITRAVITANAKA
Branch
Guwahati, Assam

128/5

ANNEXURE - C/2

11
14

From

A. Sachikumer Singh
C/o T. Nandakumar Singh
Sr. Advocate
Keishamthong Top Leirak
IMPHAL- 795001

Tel. Fax 0385-2220367

Date 4/10/04

True Copy

✓

Advocate.

To

1. The Secretary
Ministry of Agriculture,
Department of Agriculture & Co-Operation.
Government of India.
2. The Chief Executive.
National Co-Operative Union of India.
3. The Senior Consultant,
National Co-Operative Union of India.
4. The Chairman, Project Co-ordination
Committee of National Co-Operative
Union of India, Co-Operative Education
Field Project, Bishnupur, Manipur.

Ref. :- (1) Representation dated 23/10/2003 of Shri L.Gojendra Singh, Ex-Project Officer, NCUI Co-operative Education Field Project, Bishnupur.

(2) Order of the Hon'ble Central Administrative Tribunal Guwahati Bench dated 16/09/2004 passed in Original Application No.272 of 2003.

Subject :- Legal notice for compliance of the above order of the Hon'ble Central Administrative Tribunal dated 16/09/2004 passed in O.A. No. 272 of 2003.

Sir,

Under the instruction and on behalf of my client, Shri L. Gojendra Singh, S/o L.Babu Singh of Top Awang Leikai Tinsid Road, P.S: Prompat, Imphal East District, Manipur, I hereby give you the present legal notice for compliance of the above order of the Hon'ble Central Administrative Tribunal dated 16/09/2004 passed in O.A. No. 272 of 2003 on the following facts and circumstances.

1. That, my client was initially appointed to the post of Farm Guidance Instructor for intensification of Co-operative Education in Co-operatively undevelopment states vide memo No. NCUI/AA/ESTT-1(Pt) dated 19/12/1981 issued by the Chief Executive, National Co-operative Union of India. Later, my client was appointed to the post of project Officer, NCUI Co-operative Education Field Project, Bishnupur vide Office Memo No. NCUI/UDS/Bishnupur/99 dated 16/07/1999 issued by the Director(P&A)National Co-operative Union of India.

2 That, during the tenure of my client's service as Project Officer, NCUI Co-operative Education Field project, Bishnupur there were some sort of communication gap between the chairman project Co-ordination Committee, NCUI Co-operative Education Field Project, Bishnupur and higher authorities of the National Co-operative Union of India regarding submission of my client's ACRs by the concerned authorities.

3 That, during this sort of communication gap between the authorities of the National Co-operative Union of India, the Sr. Consultant, National Co-operative Union of India issued an office order being No.NCUI/AA/ESTT/PO/Bishnupur/03 dated 04/06/2003 terminating my client from his service as the Project Officer, NCUI Co-operative Education Field Project, Bishnupur with immediate effect.

Being aggrieved with the above order of the Sr. Consultant dated 04/06/2003 my client approached the higher authorities of the NCUI including the chief Executive by filing different applications for reinstating him to his service as Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground.

4. That as the authority concerned, NCUI did not pay any heed to the applications of my client, he finally filed the above representation dated 23/10/2003 for reinstating him to the service of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground after considering the facts stated therein. But the authority concerned did not act upon the said representation dated 23/10/2003.

5.. That, being aggrieved with the above acts of the authority concerned, National Co-operative Union of the India my client approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by filling the present Original Application No. 272 of 2003 praying for direction to set aside the Impugned order dated 04/06/ 2003 to the post of Project Officer, NCUI Co-operative Education Field project Bishnupur with the reliefs sought for in the above Original Application.

6. That on 16/09/2004 the above Original Application was heard by the Division Bench of the Hon'ble Central Administrative Tribunal, Guwahati Bench and disposed the same. The Division Bench of the Hon'ble Central Administrative Tribunal at the time of disposing the above Original Application directed the Chief Executive National Co-operative Union of India to dispose of the representation dated 23/10/ 2003 filed by my client within a period of 3 (three) months from the date of communication of the order of the Hon'ble Central Administrative Tribunal dated 16/09/2004.

In the above facts and circumstances, you are hereby requested to comply with the order of the Hon'ble Central Administrative Tribunal Guwahati Bench dated 16/09/2004 passed in O.A. No.272 of 2003 and to dispose of the representation dated 23/10/2003 filed by my client within the period specified therein and in case of non compliance of the said order I have further instructions to initiate Contempt proceedings against you.

Yours faithfully,

(A. Sachikumar Singh)
Advocate
Jr. to T. Nandakumar Singh
(Sr Advocate)

Enclosure :

(1) Representation dated

23/10/2003

(2) Copy of the Order of the Hon'ble
Central Administrative Tribunal
dated 16/09/2004 passed in O.A.
No. 272 of 2003

ANNEXURE - C/3 (14)

RLC 480
Counter No:3,OP-Code:05 भारतीय डाक
To:CHIEF EXE.,
DELHI, PIN:16



Wt:30grams,
PS:27.00, , 04/10/2004 , 11:47
Have a nice day

True Copy

Advocate.

IMPHAL-HPO (795001)

RLC 481
Counter No:3,OP-Code:05 भारतीय डाक
To:SR. CONSULTANT,
DELHI, PIN:16



Wt:30grams,
PS:27.00, , 04/10/2004 , 11:47
Have a nice day

IMPHAL-HPO (795001)

RLC 482
Counter No:3,OP-Code:05 भारतीय डाक
To:THE SECY,
DELHI, PIN:1



Wt:30grams,
PS:27.00, , 04/10/2004 , 11:47
Have a nice day

IMPHAL-HPO (795001) भारतीय डाक

RLC 483
Counter No:3,OP-Code:05 भारतीय डाक
To:THE CHAIRMAN,
BISHENPUR



Wt:30grams,
PS:27.00, , 04/10/2004 , 11:48
Have a nice day