

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O R D E R S H E E T

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 47/2004 in O.A. 189/2004

Review Application No. _____

Applicants: Sri Binode Besfore

Respondents: Smti B. Benerjee & Ors

Advocate of the Applicants: Mr. A. Ahmed

Advocate for the Respondents: G. G. S. C. Mr. M. Jha, R. Jha for (Appt. No. 3)

Notes of the Registry

Date

Order of the Tribunal

22.9.2004

Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

This contempt Petition has been filed by the counsel for the petitioner praying for punishment of the contemners for non-compliance of interim order dated 30.8.04 passed by this Hon'ble Tribunal in O.A. 189/04 regarding payments of advice Medical bill to the application by the Respondents.

Laid before the Hon'ble Court for further orders.

Heard Mr. A. Ahmed, learned counsel for the petitioner.

We would like to first point out that there is no proof that the respondent nos. 1 and 2 have been served. Moreover, it appears that the advance sanctioning authority is respondent no. 3 and in fact, earlier advance was granted by respondent no. 3 vide order dated 19.5.04 which is at page 32 of the Original Application no. 189/2004 (Annexure-K).

In view of this, we do not consider it necessary to issue any notice to respondent nos. 1 and 2 and the proceedings against them are dropped at this stage. Respondent no. 3 has been served of the order passed by this Tribunal and the allegation is that the order dated 30.8.04 has not been complied with so far. Notice be accordingly be issued to respondent no. 3, returnable on 4.10.04.

Section officer(J)

Notice & order
of 22/9/04 sent to
D/Section for
issuing to resp.
No. 1, 2 by regd. post
with A/D and another
resp. No. 3 by Hand.

23/9/04

Member (A)

Vice-Chairman

-2-

CP. 47/04

2

4.10.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

1/10/04

1) Notice issued to
R-3 on 23/9/04.

2) No A/D cards received
by this Registry.

3) S/R is awaited.

1/10/04

3-11-04

1) A/D cards received
back from R-No 1
after duly signed.

2) S/R is awaited for
R-No-2-8-3

Order dt: 4th Nov '04.
Received on behalf
of Resp no.3.

Manjusha Thakur
5th Nov 04

Service Completed.

None for the applicant. Service
on Respondent No. 3 has not been effected.
Awaiting service. Adjourned to 4.11.2004.

Member (A)

Vice-Chairman

mb

4.11.04.

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

Mr. A. Ahmed learned counsel is present. At the request of learned counsel for Respondent No.3 stand over to 3rd December, 2004. It has been made clear that no further adjournment shall be granted, since the matter pertains to medical advance, for purpose of medical treatment.

Member

Vice-Chairman

lm

3.12.04.

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

Heard learned counsel for both sides.

The learned counsel Mr. M. Thakur learned counsel for the Respondents seeks further adjournment to file reply. It was made clear that on the last hearing that no further adjournment shall be granted. Nevertheless we are inclined to grant one more opportunity to the Respondents subject however, to payment of cost 500/- to the applicant. Payment of cost is condition precedent for granting to-days adjournment and the cost shall be paid/deposited in the Tribunal on or before the next date of hearing. If, the

C.P.47/04(O.A. 189/04.)

3.12.04. cost are not paid/deposited, the Respondent No.3 shall not be permitted to file reply. Stand over to 20th December, 2004

Received
Member

R
Vice-Chairman

lm

20.12.2004

List on 5.1.2005 for orders.

100
Member (A)

mb

21.12.2004

Heard Mr. A. Ahmed, learned counsel for the applicant and also Ms. M. Jha, learned counsel for the respondent No. 3.

Mr. A. Ahmed, learned counsel for the applicant states that this Court does not have jurisdiction of Central Hindi Institute which is an autonomous body under the Ministry of Human Resource Development. Therefore, he prays to withdraw the contempt petition. The C.P. is accordingly allowed to be withdrawn.

The C.P. stands dismissed on withdrawal. and the notices are discharged.

K. P. B. B.
Member (A)

mb

Received

Don't

Received Copy

on 11/05

Majority

Advocate

Resp-3.

22/12/04

Copy of the order has been sent to the office for issuing the due to the Advocate for the Respondent.

20 DEC 2004

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
GUWAHATI**

Contempt Case No.47/04

In Re: O.A. No.189/04

IN THE MATTER OF:

Sh. Binod Basfor

.....Petitioner

-Versus-

Prof R.B. Singh & Ors

.....Respondent/Contemnor

IN THE MATTER OF:

**Affidavit-in-Opposition on behalf of
Respondent/Contemnor No. 3**

Affidavit-in-Opposition

I Sri Dr. Ravi Prakash Gupta son of Dr. P.S Gupta aged about 56 years presently serving as Professor & Center-in-Charge of Central Hindi Institute, Guwahati, center situated at Jatia, Kahilipara Road Guwahati do hereby solemnly affirm & state on oath as follows:

That I am the competent & authorized officer to swear this affidavit as the Respondent & a copy of the Contempt Petition has been served upon me & I have gone through & same & understood the contents thereof & am well acquainted with the facts & circumstances of the case and as such make the following statement:

1. That the statements made in the contempt Petition unless specifically admitted will be deemed to have been denied. Substantial & brief denial is advanced to avoid repetition.

Filed by the Petitioner:

Ravi Prakash
Nargusha Ila Advocate, 3 Dec 04

2. That the Contempt Petition is pre mature and misconceived & filed with a malafide intention for wrongful gains. That the statements made in para 1, 2, & 3 of the Contempt Petition is denied in toto as false & misleading.

That the Respondent most humbly submits that there is no violation of the order dt. 30th Aug ' 04 passed by this Hon'ble Tribunal in O.A. No. 189/'04 as such the contempt does not lie in the present form & manner & liable to be dismissed in limine.

3. That the application lacks the inclusion of necessary and proper parties in as much as the Respondent No. 1 & 2 so included in the Contempt Petition is not necessary Parties as the Respondent/Contemnor No. 1 i.e, Prof Ranbir Singh is not the Director of the Central Hindi Institute at Agra as alleged by the applicant.

That the Contemnor No. 3 against whom the Contempt proceeding has been initiated is only the Prof. & Center-in-Charge of the Branch Office of Central Hindi Institute at Guwahati & he is not the competent authority. That the Contemnor No. 3 is only the communicating link between the Director at Head Office & employee of his branch office regarding the sanctions/orders passed by the Director from the Head Office situated at Agra & as such who is not liable for any kind of contempt proceedings so initiated by this Hon'ble Tribunal. The Director of the Institute is the sole authority with whom all the financial powers is being vested, it is the Director who is the competent sanctioning/disbursing authority & as such the contempt proceeding drawn against the Contemnor No. 3 is not tenable in law & as such liable to be dropped.

4. That the Contemnor submits that the Petitioner has approached before the wrong forum for redressal of his grievances as this Hon'ble Tribunal has no jurisdiction to adjudicate the matters pertaining to the Central Hindi Institute which is an Autonomous Body of the Ministry of Human Resource Development & the Institute is not covered by Section 4 of the Administrative Tribunal Act 1985

5. That it is most respectfully submitted that the order of this Hon'ble Tribunal passed on 30th Aug ' 04 has specifically stated that " the Respondent may make the payment of advance medical bill as per rules".

That it needs to mention here that the contemnor has never denied the Petitioner his requisite dues for Medical Treatment as and when asked for through proper application along with valid estimate of the concerned hospital & at times also paid advance without any estimate to which applicant also admit.

The Petitioner submitted an estimate of probable expenditure for medical treatment at Arya Hospital Guwahati which was forward by the Executive Director of the said Hospital vide letter dt. 17th March ' 04 and the Contemnor No. 3 after obtaining proper sanction from the Director at Agra, Head Office of Central Hindi Institute & has

immediately deposited a full amount of Rs. 2,60,000/- (Rupees Two Lakhs, Sixty Thousand Only) as per the estimate of Hospital to the Hospital vide letter dt. 5th May '04 for the treatment of the Petitioner and the Hospital authority on being fully satisfied that the Petitioner does not require indoor treatment anymore, discharged him on 11th May '04 along with the follow up action with the advice of bed-rest of 3 months. The Hospital authority has never referred the Petitioner to any other Hospital for his further medical treatment.

6. That the estimate submitted by the Hospital authority was for full treatment for six months and as per certificate given by Dr. A. Neog, Administrative Officer of Arya Hospital dt. 23rd March '04 the Petitioner required 6 month treatment but the Petitioner without following the advice of the doctor of Arya Hospital on his own went to Ram Ratan Hospital, at Patna inspite of the fact that his condition was improving from the treatment of Arya Hospital.

That the Contemnor No.3 submits that the Petitioner willfully went to Ram Ratan Hospital Patna without any recommendation of any Govt. Doctor/ without following the due process of law & knowing fully well that he is not entitled for treatment in any private institute which equivalent treatment is available in Govt. Hospital still the Petitioner was given an advance for medical treatment at Patna amounting to Rs. 75,000/- as soon as it got sanction from Head Office, but with the said advance he was also directed to submit the estimate of total probable expenditure required for his treatment so that sanction can be obtained from competent authorities from Head Office at Agra but the Petitioner failed to submit the same estimate till date & also has not submitted his claim in proper format along with certificate from authorized medical attendants due to which the Contemnor is unable to provide him with further advance as claimed for.

7. That the Petitioner is asking for the Medical advance for his treatment at his own wishes without any genuine requirement & also without any proper certificate from authorized Medical attendants as required for the Govt. servant under the CS (Medical Attendant) Rule of the Govt. of India.

That the Hon'ble Tribunal vide order dt. 30th Aug '04 has also directed the Contemnor to make payment 'as per rules' and the Contemnor being bounded by the Rules unable to give Medical assistance at the sweet will of the Applicant until & unless the same is supported by the reference of authorized Medical attendants/ Govt. doctors/ Govt. Hospital & estimate as mandatorily required under the CS (Medical Attendant) Rules as applicable to the applicant also.

8. That the contention of the Petitioner that the Contemnor No. 3 has not complied with the order of the Hon'ble Tribunal dt. 30th Aug '04 deliberately with a motive behind

it is not correct is as much as the Contemnor had given him the Medical advance to the tune of Rs. 1,78,884/- for his treatment as & when asked for. However it needs mention that the Petitioner on 31st Aug '04 wrote a letter & submitted to the Director through the Contemnor No.3 along with the Order of this Hon'ble Court dt. 30th Aug '04 wherein the Petitioner misinterpreted the Order of the Hon'ble Tribunal by stating that this Hon'ble Tribunal has directed to pay an amount of Rs. 1 Lakh as medical advance which clearly indicates the malafide intention of the Petitioner for wrongful gain.

Whereas the aforesaid Order dt. 30th Aug '04 does not even whisper any amount specifically to be paid to the Petitioner by the Contemnor & also in the interim prayer as prayed by the Petitioner in O.A. No. 189/'04 does not speak for release of Rs. 1 Lakh as an advance for medical treatment as such contempt does not lie against the Contemnor No. 3 & liable to be set aside and dropped.

9. That the Contemnor No. 3 begs to submit that he had never violated & had never had the intention of violating the order of the Hon'ble Tribunal & has full regard for the Hon'ble Tribunal & his Orders but the Contemnor being a service holder is bound by the Rules & Regulation of the Department under whom he is serving & also does not have the power of sanction & disbursement, he has to forward all/any such claim of any employee in his branch to the Head Office for sanctions and as soon as any sanction comes he forwards the same to the employee under his branch. The Contemnor No. 3 has never withheld any amount, which has been sanctioned by the Head Office and has always tried to handover the money as early as possible. The Contemnor has forwarded the claim of the Petitioner to the Head Office for sanction with a recommendation that bills in respect of earlier advance is submitted as such, further advance can be initiated. The Contemnor further states that it has always co-operated with the Petitioner and has provided him with Medical Advance & further assures that the Petitioner will be given all the dues for which he is lawfully entitled but the Contemnor cannot go beyond the rules and the powers hasted on him in order to avoid audit objections & similarly the Petitioner is also bounded by the rules of service & cannot claim beyond his entitlements.

10. That the Contemnor No. 3 submits that the Petitioner has not joined the service till date after the expiry of 3 months medical leave which was till 16th Sept '04 only & absented himself without any formal information to the Department in that regard. The Petitioner has also not submitted all the bills in original in connection of his medical treatment as required under the Medical Attendants Rules inspite of the several reminders given to him in this regard & as such those bills which need rectification are returned back for correction.

11. That the Respondents submits that the Contempt proceedings is pre mature & there is no violation of any order of the Hon'ble Tribunal and as such the said proceedings against the Contemnor may be dropped with cost.

12. That the Contemnor craves the leave of this Hon'ble Court to produce the relevant documents pertaining to the case at the time of hearing of the case.

That the statements made in para 13.9 of this Affidavit-in-Opposition are true to the best of my knowledge belief & faith & those made in para 14.19 being matters of records & are true to my information derived thereon which I believe to be true & the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this ...11th... day of ...Dec' 2004 at Guwahati.

Identified by

Narayan Chandra
Advocate

DEPONENT

Ravi Prakash

20 DEC 2004

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
GUWAHATI

Contempt Case No.47/04

In Re: O.A. No.189/04

IN THE MATTER OF:

Sh. Binod Basfor

Petitioner

-Versus-

Prof R.B. Singh & Ors.

Respondent/Contemnor

IN THE MATTER OF:

Affidavit-in-Opposition on behalf of
Respondent/Contemnor No. 3

Affidavit-in-Opposition

I Sri Dr. Ravi Prakash Gupta son of Dr. P.S Gupta aged about 56 years presently serving as Professor & Center-in-Charge of Central Hindi Institute, Guwahati, center situated at Jatia, Kahilipara Road Guwahati do hereby solemnly affirm & state on oath as follows

That I am the competent & authorized officer to swear this affidavit as the Respondent & a copy of the Contempt Petition has been served upon me & I have gone through & same & understood the contents thereof & am well acquainted with the facts & circumstances of the case and as such make the following statement:

1. That the statements made in the contempt Petition unless specifically admitted will be deemed to have been denied. Substantial & brief denial is advanced to avoid repetition.

Ravi Prakash

2. That the Contempt Petition is pre mature and misconceived & filed with a mala fide intention for wrongful gains. That the statements made in para 1, 2, & 3 of the Contempt Petition is denied in toto as false & misleading.

That the Respondent most humbly submits that there is no violation of the order dt. 30th Aug '04 passed by this Hon'ble Tribunal in O.A. No. 189/'04 as such the contempt does not lie in the present form & manner & liable to be dismissed in limine.

3. That the application lacks the inclusion of necessary and proper parties in as much as the Respondent No. 1 & 2 so included in the Contempt Petition is not necessary Parties as the Respondent/Contemnor No. 1 i.e, Prof. Ranbir Singh is not the Director of the Central Hindi Institute at Agra as alleged by the applicant.

That the Contemnor No. 3 against whom the Contempt proceeding has been initiated is only the Prof & Center-in-Charge of the Branch Office of Central Hindi Institute at Guwahati & he is not the competent authority. That the Contemnor No. 3 is only the communicating link between the Director at Head Office & employee of his branch office regarding the sanctions/orders passed by the Director from the Head Office situated at Agra & as such who is not liable for any kind of contempt proceedings so initiated by this Hon'ble Tribunal. The Director of the Institute is the sole authority with whom all the financial powers is being vested, it is the Director who is the competent sanctioning/dispersing authority & as such the contempt proceeding drawn against the Contemnor No. 3 is not tenable in law & as such liable to be dropped.

4. That the Contemnor submits that the Petitioner has approached before the wrong forum for redressal of his grievances as this Hon'ble Tribunal has no jurisdiction to adjudicate the matters pertaining to the Central Hindi Institute which is an Autonomous Body of the Ministry of Human Resource Development & the Institute is not covered by Section 4 of the Administrative Tribunal Act 1985

5. That it is most respectfully submitted that the order of this Hon'ble Tribunal passed on 30th Aug '04 has specifically stated that " the Respondent may make the payment of advance medical bill as per rules".

That it needs to mention here that the contemnor has never denied the Petition his requisite dues for Medical Treatment as and when asked for through proper application along with valid estimate of the concerned hospital & at times also paid advance without any estimate to which applicant also admit.

The Petitioner submitted an estimate of probable expenditure for medical treatment at Arya Hospital Guwahati which was forward by the Executive Director of the said Hospital vide letter dt. 17th March '04 and the Contemnor No. 3 after obtaining proper sanction from the Director at Agra, Head Office of Central Hindi Institute & has

immediately deposited a full amount of Rs. 2,60,000/- (Rupees Two Lakhs, Sixty Thousand Only) as per the estimate of Hospital to the Hospital vide letter dt. 5th May '04 for the treatment of the Petitioner and the Hospital authority on being fully satisfied that the Petitioner does not require indoor treatment anymore, discharged him on 11th May '04 along with the follow up action with the advice of bed-rest of 3 months. The Hospital authority has never referred the Petitioner to any other Hospital for his further medical treatment.

6. That the estimate submitted by the Hospital authority was for full treatment for six months and as per certificate given by Dr. A. Neog, Administrative Officer of Arya Hospital dt. 23rd March '04 the Petitioner required 6 month treatment but the Petitioner without following the advice of the doctor of Arya Hospital on his own went to Ram Ratan Hospital, at Patna inspite of the fact that his condition was improving from the treatment of Arya Hospital.

That the Contemnor No.3 submits that the Petitioner willfully went to Ram Ratan Hospital Patna without any recommendation of any Govt. Doctor/ without following the due process of law & knowing fully well that he is not entitled for treatment in any private institute which equivalent treatment is available in Govt. Hospital still the Petitioner was given an advance for medical treatment at Patna amounting to Rs. 75,000/- as soon as it got sanction from Head Office, but with the said advance he was also directed to submit the estimate of total probable expenditure required for his treatment so that sanction can be obtained from competent authorities from Head Office at Agra but the Petitioner failed to submit the same estimate till date & also has not submitted his claim in proper format along with certificate from authorized medical attendants due to which the Contemnor is unable to provide him with further advance as claimed for.

7. That the Petitioner is asking for the Medical advance for his treatment at his own wishes without any genuine requirement & also without any proper certificate from authorized Medical attendants as required for the Govt. servant under the CS (Medical Attendant) Rule of the Govt. of India.

That the Hon'ble Tribunal vide order dt. 30th Aug '04 has also directed the Contemnor to make payment 'as per rules' and the Contemnor being bounded by the Rules unable to give Medical assistance at the sweet will of the Applicant until & unless the same is supported by the reference of authorized Medical attendants/ Govt. doctors/ Govt. Hospital & estimate as mandatorily required under the CS (Medical Attendant) Rules as applicable to the applicant also.

8. That the contention of the Petitioner that the Contemnor No. 3 has not complied with the order of the Hon'ble Tribunal dt. 30th Aug '04 deliberately with a motive behind

it is not correct is as much as the Contemnor had given him the Medical advance to the tune of Rs. 1,78,884/- for his treatment as & when asked for. However it needs mention that the Petitioner on 31st Aug '04 wrote a letter & submitted to the Director through the Contemnor No.3 along with the Order of this Hon'ble Court dt. 30th Aug '04 wherein the Petitioner misinterpreted the Order of the Hon'ble Tribunal by stating that this Hon'ble Tribunal has directed to pay an amount of Rs. 1 Lakh as medical advance which clearly indicates the malafide intention of the Petitioner for wrongful gain.

Whereas the aforesaid Order dt. 30th Aug '04 does not even whisper any amount specifically to be paid to the Petitioner by the Contemnor & also in the interim prayer as prayed by the Petitioner in O.A. No. 189/04 does not speak for release of Rs. 1 Lakh as an advance for medical treatment as such contempt does not lie against the Contemnor No. 3 & liable to be set aside and dropped.

9. That the Contemnor No. 3 begs to submit that he had never violated & had never had the intention of violating the order of the Hon'ble Tribunal & has full regard for the Hon'ble Tribunal & his Orders but the Contemnor being a service holder is bound by the Rules & Regulation of the Department under whom he is serving & also does not have the power of sanction & disbursement, he has to forward all/any such claim of any employee in his branch to the Head Office for sanctions and as soon as any sanction comes he forwards the same to the employee under his branch. The Contemnor No. 3 has never withheld any amount, which has been sanctioned by the Head Office and has always tried to handover the money as early as possible. The Contemnor has forwarded the claim of the Petitioner to the Head Office for sanction with a recommendation that bills in respect of earlier advance is submitted as such, further advance can be initiated. The Contemnor further states that it has always co-operated with the Petitioner and has provided him with Medical Advance & further assures that the Petitioner will be given all the dues for which he is lawfully entitled but the Contemnor cannot go beyond the rules and the powers hasted on him in order to avoid audit objections & similarly the Petitioner is also bounded by the rules of service & cannot claim beyond his entitlements.

10. That the Contemnor No. 3 submits that the Petitioner has not joined the service till date after the expiry of 3 months medical leave which was till 16th Sept '04 only & absented himself without any formal information to the Department in that regard. The Petitioner has also not submitted all the bills in original in connection of his medical treatment as required under the Medical Attendants Rules inspite of the several reminders given to him in this regard & as such those bills which need rectification are returned back for correction.

11. That the Respondents submits that the Contempt proceedings is pre mature & there is no violation of any order of the Hon'ble Tribunal and as such the said proceedings against the Contemnor may be dropped with cost. 13

12. That the Contemnor craves the leave of this Hon'ble Court to produce the relevant documents pertaining to the case at the time of hearing of the case.

That the statements made in para 1-3... of this Affidavit-in-Opposition are true to the best of my knowledge belief & faith & those made in para 4^{so} being matters of records & are true to my information derived thereon which I believe to be true & the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 18th day of Dec. 2004 at Guwahati.

Identified by

Harishanker Sena
Advocate

Ravi Prakash

20 SEP 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

CONTEMPT PETITION NO. 47 OF 2004.
IN O.A.NO.189 OF 2004

Filed by
Shri Binod Basfore
Petitioner
through [Signature]
(Adv. AHM2D)

IN THE MATTER OF:

A Petition under Section 17 of the central Administrative Tribunal Act, 1985 praying for punishment of the Contemners/ Respondents for non-compliance of interim order dated 30-08-2004 passed by the Hon'ble Tribunal in O.A.No.189 of 2004 regarding payment of Advance Medical Bill to the Applicant by the Respondents.

-AND-

IN THE MATTER OF:

Shri Binode Basfore

... Applicants.

-VERSUS-

The Union of India & Others.

... Respondents.

-AND-

IN THE MATTER OF

Shri Binode Basfore,
Son of Shri Annadi Basfore,
Lower Division Clerk,
Central Institute of Hindi,

Binod Basfore

Ministry of Human Resource &
Development,
J.C.Paul Building, Jatia, Kahilipara
Guwahati-781019.

...Petitioner

-VERSUS-

1. ~~Prof. Ram Bir Singh~~ Smt Bela Benerjee 24
Director, Central Institute of Hindi,
Hindi Sansthan Marg,
Agra, Post Office-Agra (Uttar Pradesh)
Pin-282005.
2. Shri Chandra Kant Tripathy,
Registrar, Central Institute of Hindi,
Hindi Sansthan Marg,
Agra, Post Office-Agra (Uttar Pradesh)
Pin-282005.
3. Prof. Ravi Prakash Gupta,
Centre In-Charge, Central Institute of
Hindi, Ministry of Human Resource
Development,
J.C.Paul Building, Jatia, Kahilipara,
Guwahati-781019.

...Respondents/Contemners

The humble Petition of the above named
Petitioner :

MOST RESPECTFULLY SHEWETH:

- 1) That your humble Petitioner had filed the Original Application No.189 Of 2004 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for payment of Advance Medical Bill for his treatment at Ram Ratan Hospital, Patna, Bihar in connection with the

Binod Baruah

serious accident occurred on the Applicant at the time of discharging of his official duties.

2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 30-08-2004 admitted the said Original Application and issued notice to the parties and was pleased to pass an interim order to make payment Advance Medical Bill. The said order dated 30-08-2004 was received by the Respondents. But till today the Respondents/Contemnners did not take any steps in the matter for payment of Advance Medical Bill to the Applicant. As such, your Petitioner is compelled to filed this Contempt Petition before this Hon'ble Tribunal to initiate Contempt proceeding under the Contempt of Court Act against the alleged Contemnners/Respondents.

Annexure-A is the photocopy of Judgment Order dated 30-08-2003 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A No.189 of 2004.

3) That your Petitioner begs to state that the Respondents/Contemnners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnners deliberately with a motive behind have not complied the Hon'ble Tribunal's interim order dated 30-08-2004 passed in O.A.No.189 of 2004. As such, the Respondents/Contemnners deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemnners may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

4) That this Petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that your Lordships may be pleased to admit this petition and issued Contempt notice to the Respondents/Contemnners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other

order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 30-08-2004 passed in O.A.No.189 of 2004, the Respondents/Contemnners may be asked to appear in persons before this Hon'ble Tribunal to explain as to why they should not be punished under the contempt of Court proceeding.

And for this act of kindness your Petitioners as in duty bound shall ever pray.

... Draft Charge

Prinod Basjone

-DRAFT CHARGE-

The Petitioner aggrieved for non compliance of interim order dated 30-08-2004 passed by the Hon'ble Tribunal in O.A No.189 of 2004. The Contemnners/Respondents have willfully and deliberately violated the interim order dated 30-08-2004. Accordingly, the Respondents/Contemnners are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

Prinod Basore

- A F F I D A V I T -

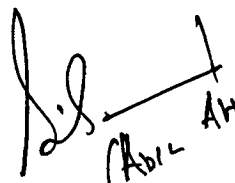
I, Shri Binode Basfore, Son of Shri Annadi Basfore, Lower Division Clerk, Central Institute of Hindi, Ministry of Human Resource & Development, J.C.Paul Building, Jatia, Kahilipara, Guwahati-781019, District - Kamrup (Urban), Assam by profession Service, by religion Hindu do hereby solemnly affirm and state as follows:


1) That I am the Applicant in O.A.No.189 of 2004 and also petitioner of the instant petition and as such I am fully acquainted with the facts and circumstances of the case and I swear this Affidavit as follows: -

2) That the statements made in paragraphs 1, 3 — of the Contempt Petition are true to my knowledge those made in paragraphs 2, — of the petition being matters of records are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

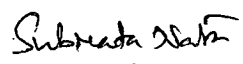
And I put my hand hereunto this affidavit on this 21st day of September 2004 at Guwahati.

Identified by me:


Advocate (Adil Ahmed)


Binod Basfore

Solemnly affirmed before me by
the Deponent who is identified by
Mr.Adil Ahmed, Advocate.


Subrata Nath
Advocate,
21.09.04

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER NO. 189/2004

OFF. APP./ALLEG. PLEN/CONT. MTD/REV. APPL.

In O.A.

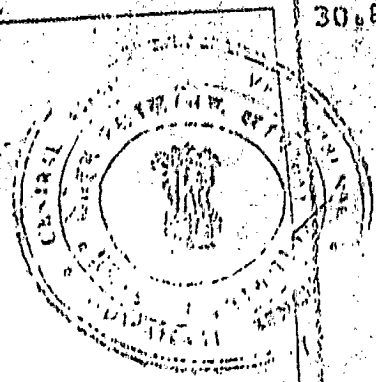
Name of the Applicant(s) Shri Binod Basu
Name of the Respondent(s) U.O.I. & one
Advocate for the Applicant Mr. ADIL AHMED
Counsel for the Railway/C.G.S.C. C.G.S.C.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

30.8.2004



Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Adml. C.G.S.C. for the respondents.

The O.A. is admitted. Issue notices to the parties. Returnable within four weeks.

List on 1.10.2004 for orders. Meanwhile, the respondents may make payment of the advance medical bill as per rules.

Sd/MEMBER (ADM)

Attended
[Signature]
[Signature]