

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. \_\_\_\_\_

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s): Smt. Dipa Kaur

Respondent(s): G.K. Mather Sons

Advocate for the Applicant(s): - K.K. Biswas

Advocate for the Respondent(s): - Das

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition has been filed by the Counsel for the Applicant u/s 17 of the Administrative Tribunal Act, 1985 for initiating Contempt proceedings against the opposite party and to punish them for Contempt for wilfully and deliberately non-compliance/ disobedience of the order dated 28.3.05 passed in O.A 78/05 by the Hon'ble Tribunal.

Laid before the Hon'ble Court for further order.

23.8.05. 1m 27.9.05.

Mr. K.K. Biswas learned counsel for the applicant is present. Ms. U. Das learned Addl. C.G.S.C. seeks time for filing affidavit.

Post the matter on 27.9.05. In the meantime, the Respondents may file affidavit.

K. D. Kaur  
Member

Q. Jaiswal  
Vice-Chairman

Q. Jaiswal  
Vice-Chairman.

This Contempt Petition has been filed alleging non-compliance of the direction issued by this Tribunal in the order dated 28.3.05 (Annexure R-1). Mr. K.K. Biswas learned counsel for the applicant is present. Ms. U. Das learned Addl. C.G.S.C. appearing on behalf of the Respondents has placed before this Bench a copy of the order dated 19.9.05

contd/-

for Section office

Am.

Pl. come on under date  
19.9.05 N2

3) 2  
 2  
 Notice & order  
 sent to D/Section  
 for issuing to  
 resp. No. 1 and 2,  
 by segd. A/D post.

25/7/05. D/No=1195  
 1196

Dated=28/7/05

Notice duly served  
 on resp. Nos-1,2.

Service Completed.

26/8/05.

No. Affidavite has  
 been filed.

22/8/05.

No. Affidavite has  
 been filed.

26/9/05.

28/9/05

Copy of the order  
 handed over to the  
 Add. C&SC and one  
 copy of the same has  
 been sent to the  
 office for the  
 use of the  
 applicant.

27.9.05. issued in WP(C) 275(SH)05, granting stay  
 of the order passed in O.A. No. 73 of 05.  
 In the light of the above I am of the view  
 that this Contempt Petition can be closed. The  
 parties will abide by the decision of the High Court  
 and liberty to the applicant to approach  
 this Tribunal, if circumstances arise. I do  
 so. The Contempt Petition is closed.

28/9/05  
 Vice-Chairman

the required number of stamps and folios	Date of delivery of the requisite stamp and folios.	Date on which the copy was ready for delivery.	Date of making up the copy to the applicant.
3-9-05	26-9-05	26-9-05	26-9-05

**IN THE GAUHATI HIGH COURT**  
**(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,**  
**MANIPUR AND TRIPURA)**  
**SHILLONG BENCH**  
**CIVIL APPELLATE SIDE**

Appeal from W.P. (C)

No 275 (8) 05 of 20

Civil Rule

The, Containment Board, Shillong

Appellant

Petitioner

Versus

Shri. Deba kaur

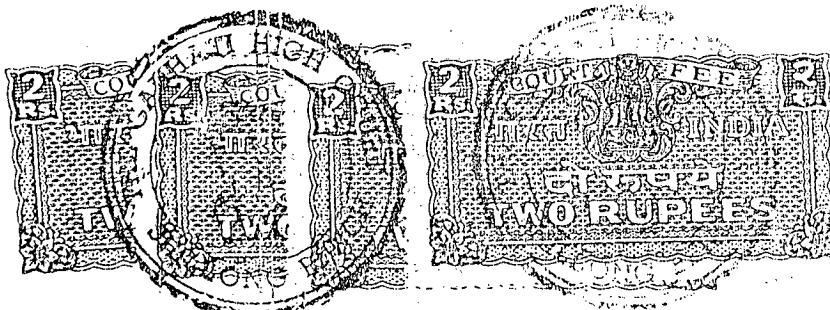
Respondent

Opposite-Party

Appellant Mr. S. C. Bhagat  
 For Advocate Mr. S. C. Bhagat  
 Petitioner Mr. S. C. Bhagat

Respondent  
 For Opposite-Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4



IN THE MATTER OF :-

1. The cantonment Board ,  
Represented by the Chief  
Executive Officer,  
Cantonment Board, Shillong.

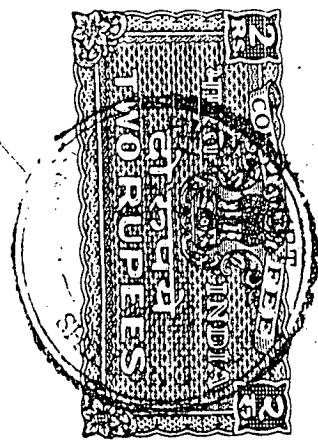
2. The Cantonment  
Executive Officer,  
Cantonment Board, Shillong-  
793001.

.....Petitioners

- Versus -

1. Smti Dipa Kaur, widow of  
late Indar Singh,  
Cantonment Coloney,  
Shillong.
2. The Central Administrative  
Tribunal, Guwahati  
Bench, Guwahati.

.....Respondents.

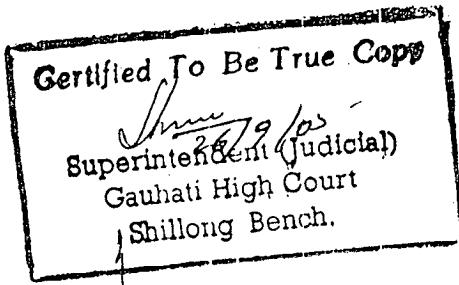


Noting by Office or Advocate	Date	Office notes, reports, orders or proceedings with signatures
		<u>WP(C) 275 (SH)/05</u>
		<u>BEFORE</u>
		THE HON'BLE MR. JUSTICE B. LAMARE
		THE HON'BLE MR. JUSTICE AMITAVA ROY
	19/9/2005	
		Heard Mr. SC Shyam, learned
		Counsel for the appellant.
		Admit the petition.
		Call for the records.
		Issue rule returnable within a
		month.
		The petitioner would take steps
		for service of notice on the respondents by
		registered post with A/d. Steps within three
		days.
		In the interim, it is provided that
		the operation of the impugned order dated
		28/3/2005 passed by the learned Central
		Administrative Tribunal, Guwahati Bench, in
		OA No. 73/2005 shall remain stayed.

The petitioner would take steps for service of notice on the respondents by registered post with A/d. Steps within three days.

In the interim, it is provided that the operation of the impugned order dated 28/3/2005 passed by the learned Central Administrative Tribunal, Guwahati Bench, in OA No. 73/2005 shall remain stayed.

♂ d/-A. Roy      Self-B. Lamare  
Fridge              Fridge



15 JUL 2005

Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

Contempt Petition No 21 of 2005.  
Arising out of O.A.No.73 of 2005.

IN THE MATTER OF:

An Application u/s17 of the Administrative Tribunal's Act, 1985 for initiating Contempt Proceedings against the Opposite Parties and to punish them for contempt for lawful, intentional And deliberate non-compliance/disobedience of the order of this Hon'ble Tribunal dated 28.3.05, and

IN THE MATTER OF:

O.A No.73 of 2005,  
Smti Dipa Kaur, wife of Late Indar Singh,  
Cantonment Colony, Shillong .....Petitioner/Applicant.

-Vrs-

1. Sri V. V. Sarma,  
President ~~Extr. to D.L.~~,  
The Chief Executive Officer, Cantonment Board,  
Shillong, Post Box No.83, Shillong-793001.

2. The Cantonment Executive Officer, Cantonment Board,  
Shillong, Post Box No.83, Shillong -793001, and .....Opposite Parties.

IN THE MATTER OF:

Sri G.K.Mathur,  
Cantonment Executive Officer,  
Cantonment Board, Shillong, Bunglow No.13,  
Post Box No.83, Shillong-793001 .....Opposite Party/Contemner.

The humble petition of the Petitioner/Applicant above named

Most respectfully sheweth:

- That the Petitioner is the Applicant of the Original Application filed before this Hon'ble Tribunal which was registered as O.A No.73/2005. The said.

Contd.....p/2.....O.A.....

Advocate  
New Bond  
File No:

O.A was allowed and disposed of by this Hon'ble Tribunal vide order dated 28.3.05.

A photo copy of the said order is enclosed as Annexure-R/1.

2. That the above named Petitioner's case as stated in the Original Application is as follows :

2.1. That the Petitioner's/Applicant's son named Late Dalbir Singh-V was an employee, a Sweeper in the establishment of the Shillong Cantonment Board under the Control of Executive Officer, Shillong and unfortunately expired on 12.9.97 only at the age of 24 years, leaving the Petitioner/Applicant, his mother as his only successor surviving to mourn for the rest of her life having lost her young son.

2.2. That all financial benefits, including the Security deposit of Late Dalbir Singh-V are still with the Opposite Parties and the Opposite Parties taking the advantage of the illiteracy and helplessness of this old woman have not released the final settlement of the deceased employee late Dalbir Singh-V, the son of the Petitioner/Applicant.

2.3. That the Petitioner/Applicant begs to submit that realizing the helplessness condition of the Petitioner/Applicant the Shillong Cantonment Board Union came forward to help her in getting the matter settled for releasing all financial benefits admissible to Late Dalbir Singh-V and his security deposit deposited at the time of his appointment with Opposite Parties.

2.4. That even after taking the matter by the Cantonment Employees Union the Respondent, more particularly the Opposite Party/Contemnor No.2 the Cantonment Executive Officer, Cantonment Board, Shillong, did not give any response at all.

2.5. That finding no other alternative way efficacious for the whimsical and capricious attitude of the Opp. Party No.2 and the unfair administrative policy to cause miscarriage of justice to Late Dalbir Singh-V and his family members, herein Petitioner/Applicant, the Applicant came to this Hon'ble Tribunal and filed the aforementioned O.A. praying for administering justice.

Contd.....p/3.....That in ..

Advocate

2.6. That in this connection the Petitioner/Applicant humbly submits that all necessary documents and certificates required in support of her deceased son Late Dalbir Singh-V have already submitted to the Respondent No.2 by the father of Dalbir Singh-V, late Indar Singh i.e. the husband of the Applicant, on time, as required by the Opposite Parties/Respondents, for early settlements of the final settlement dues of the Petitioner/ Applicant's son.

The photo copy of which were also enclosed with the aforementioned Original Application under Annexures-A to H.

2.7. That incidentally it is also mentioned that the Opposite Parties took a vague plea that an amount of Rs.16,361/- was lying outstanding against Late Dalbir Singh-V "on account of rent for Government accommodation unauthorisedly occupied by Dipa Kaur," the Applicant, and as such they could not make the final settlement of Late Dalbir Singh-V.

2.8. That it is submitted that Smti Dipa Kaur the Petitioner/Applicant, was also an employee in the same establishment of the Opp. Party-2 and had been any amount outstanding with her, this could have been recovered from her final settlement dues at the time of her retirement from service on superannuation on 30.6.04 instead of pondering over the matter with the vague plea for non settlement of the final settlement of the dues of an employee of the Opposite Parties/ Contemnor's establishment who lost his life at a very young age.

2.9. That on perusing the documents submitted with the Original Application and upon hearing both the parties on the matter at length the Hon'ble Tribunal was very much pleased to accord its benign order "directing the 2nd Respondent/Contemnor to consider the Annexure-H communication dated 8.4.2004 and pass appropriate orders in the matter as expeditiously as possible at any rate within a period of 6 weeks from the date of receipt of this order".

2.10. That the Applicant humbly submits that immediately after receiving the order dated 1.4.05 the Applicant handed over the certified true copy of the said order to the Opposite Party No.2 and requested him to settle early in releasing the withheld final settlement dues as ordered by this Hon'ble Tribunal.

Contd.....p/4....That the....

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N. N. Dass  
Advocate

2.11. That the Petitioner/Applicant and her representatives approached the Opposite Party No.2 the Contemnor, several times to look into the matter and carry out the orders of your Lordships communicated to him immediately after the pronouncement of the Judgment/order of the Tribunal by the Applicant and officially by this Hon"ble Tribunal itself.

3. That inspite of this categorical direction of your Lordships to release the financial benefits to the Petitioner/Applicant the lawful heir and successor of Late DalbirSingh-V, the Opposite Party No.2, the Contemnor, did not act fairly and have uttered such words which are very much contemptuous and may invite the severe punishment for causing sop as per law. It is reiterated that more than complete 3 months have elapsed *since submission of the Hon'ble CAT's order dated 28.3.05. The Annexure-R/I.*"

4. That it is submitted that the act and conduct of the Opposite Parties for non-compliance of this Hon'ble Tribunal's aforementioned order have invited *disobedience* of violation of Contempt laws/Rules. The direction and order of this Hon'ble Tribunal as contained in the order dated 28.3.05 specifically directed to the Opposite Parties. The said order was passed after hearing the learned counsels of both the sides. The Opposite Parties, more particularly the Contemnor, are fully aware and have the knowledge of the said order of this Hon'ble Tribunal dated 28.3.05.

5. That the action of the Opposite Parties, more particularly the Contemnor for not complying with and disobeying the order of this Hon'ble Tribunal dated 28.3.05 is intentional, willful and deliberate. The Opposite Parties have committed Civil contempt of this Hon'ble Tribunal and are as such, liable to be prosecuted against with under the Provisions of the Contempt of Court's Act 1971 made applicable by virtue of Section 17 of the Administrative Tribunal Act, 1985.

6. That the action of the Opposite Parties amount to undermining the authority of this Hon'ble Tribunal. The Opposite Parties have committed Civil contempt of this Hon'ble Tribunal. They are, as such, liable to be punished for contempt of this Hon'ble Tribunal.

7. That this petition is filed bonafide and for the ends of justice.

Contde.....p/5...Under.

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Mr. Dinesh  
Advocate

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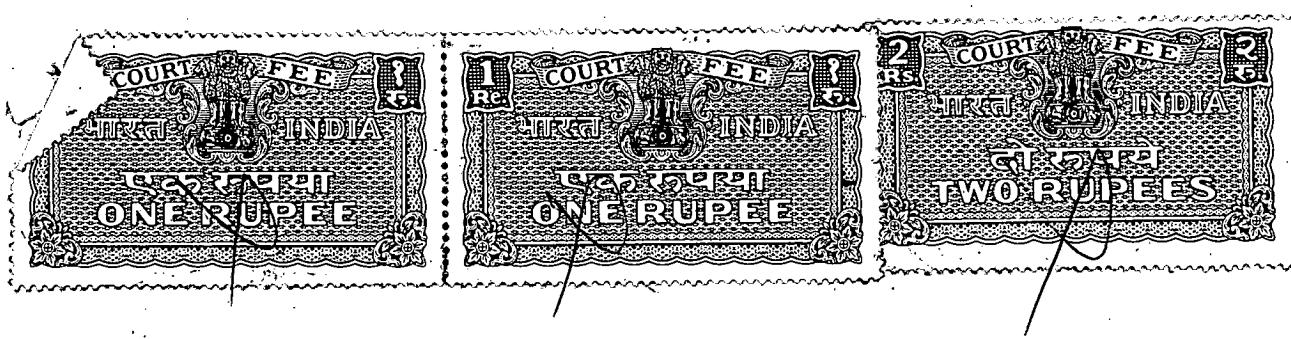
10  
Mehboob  
Advocate

Under the circumstances, it is, therefore, prayed that your Lordships may be pleased to issue Notice to the Opposite Parties to show cause as to why a Proceeding for contempt of this Hon'ble Tribunal should not be drawn up against them for intentional, willful and deliberate non-compliance and disobedience to the order of this Hon'ble Tribunal dated 28.3.05 passed in O.A.No.73/2005 and upon cause or causes that may be shown and after hearing the parties Your Lordships may be pleased to punish the Opposite Parties, Contemnors adequately and in an appropriate manner and/or pass such order or orders as your Lordships may deem fit and proper,

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

PSW

Contd....p/6..., Affidavit.....



-6-

-AFFIDAVIT-

I, Smti Dipa Kaur, wife of Late Indar Singh, aged about 61 years, a retired employee in the capacity of Sanitary Jamadar under the Management of the Executive Officer, Cantonment Board, Shillong, do hereby solemnly affirm and state as follows :

1. That I am the Petitioner and acquainted with the facts and circumstances of the case and, hence, I am authorized to swear the Affidavit.
2. That the statements made in the Affidavit in paragraphs-1,2,2.1 to 2.11 are true to my knowledge being matters of record and are true to my information derived therefrom and the paragraphs 3 to 7 are my humble and respectful submission.

I set my hands to the Affidavit on this 15th day of July, 2005, at Guwahati.

Identified by

Advocate.

DEPONENT.

Solemnly affirmed and declared before me by the deponent above named, which is identified by  
Sri K.K. Biswas, Advocate  
Subroto Nath  
Advocate, Guwahati.

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ANNEXURE R/1  
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 73 of 2005.

Date of Order: This, the 28th day of March, 2005

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

Smti Dipa Kaur  
Wife of Late Indar Singh  
Cantonment Colony  
Shillong. .... Applicant.

By Advocate Mr.K.K.Biswas.

Versus -

1. Union of India  
Representing per the Ministry of Defence  
The Chief Executive Officer, Cantonment Board  
Shillong, Post Box No.83  
Shillong - 793 001.

The Cantonment Executive Officer  
Cantonment Board  
Shillong, Post Box No.83  
Shillong - 793 001.

.... Respondents.

By Mr. A.K.Chaudhuri, Addl.C.G.S.C.

ORDER (ORAL)

SIVARAJAN, J (V.C.):

The applicant is the widow of late Indar Singh, who is the father of the deceased employee Dolbir Singh-V. Dolbir Singh-V, the employee died on 12.9.1999 at the age of 24 years leaving his parents. Initially late Indar Singh, the father of late Dolbir Singh preferred claim for settling the financial benefits due to deceased employee. According to the applicant, the father of late Dolbir Singh has produced all the required documents to enable the respondents to disburse the said claim. However, the respondents did not disburse the said

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claim and Indar Singh died in 2001. Thereafter the applicant in this O.A. has pursued the said claim. It is seen from the communication dated 12.11.2003 (Annexure-A) issued by the Cantonment Executive Officer that late Dolbir Singh-V owed a sum of Rs.16,361/- to the Cantt. Fund and therefore the said authority directed the General Secretary, Shillong Cantonment Board Employees Union, Shillong to arrange to deposit the said amount to the Cantt. Fund and also for submission of succession certificate from the competent authority for taking further necessary action in the matter. The applicant has produced a communication dated 8.3.2004 (Annexure-H) purporting to be in reply to Annexure-A communication sent by the Union wherein it is stated that late Indar Singh, father of the deceased employee had furnished all the required documents and that the applicant had preferred the claim only after the death of Indar Singh. It is also stated that the amount demanded in Annexure-A and sought to be recovered is very huge.

2. I have heard Mr. K. K. Biswas, learned counsel for the applicant and Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. appearing for the respondents. It would appear from the correspondence already mentioned that the only reason for non-disbursement of the financial benefits due in respect of late Dolbir Singh-V are that a sum of Rs.16,361/- is due to the Cantt. Fund towards occupation of the cottage allotted to the deceased by the applicant after his death and the non-production of succession certificate issued by the competent authority. According to the learned counsel for the applicant the communication dated 8.3.2004 (Annexure-H) is a complete answer to the above. In the circumstances, I am of the view that this original application can be disposed of by directing the 2nd respondent to consider Annexure-H communication dated 8.4.2004 and pass appropriate orders in the matter as expeditiously as possible at

13  
10/26/

any rate within a period of six weeks from the date of receipt of this order. If any succession certificate is absolutely required to enable the applicant to establish that she is the sole heir of deceased Dolbir Singh-V and the same has not already been produced by her deceased husband Indar Singh she must be given opportunity to do so before disposing of the application.

4. The application is disposed of as above.

Sd/ VICE CHAIRMAN



TRUE COPY  
क्रियिय

11/4/05

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

115/205  
114/205