

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH:

1. Original Application No. _____
2. Mice Petition No. _____
3. Contempt Petition No. 30/06 (OA 184/2006)
4. Review Application No. _____

Applicant(S) Sri P.K. Das

Respondent(S) Sri S. Naib & ORS.

Advocate for the Applicant(S) M. Adil Ahmed, Smt. S. Bhalla chg.

Advocate for the Respondent(S) Mr. M. U. Ahmed Add. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
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This contempt Petition has been filed u/s 17 of the Adm. Tribunal Act, 1985 praying for punishment of the contemnor/respondent for non compliance of Judgment and order dated 01.8.06 passed by the Hon'ble Tribunal in OA NO. 184/06.

Laid before Hon'ble court for orders.

[Signature]
9.11.06.
Section Officer

Notice & order sent to D/Section for issuing to R-1 by regd. A/D post.

D/No-1113

DT= 14/11/06.

5/12 [Stamp] Service

10.11.2006	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.
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Issue simple notice to the Respondent No. 1 as to whether the order of the Tribunal has been complied with or not. Post on 03.01.2007.

[Signature]
Vice-Chairman

23.1.2007

Post on 8.2.2007.

[Signature]
Vice-Chairman

8.2.06.

Post the matter on 12.3.07.

[Signature]
Vice-Chairman

12.3.07.

post the matter on 16.3.07.


Member


Vice-Chairman


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① Service report
~~Resubmitted~~ Compled. 1m

16.3.07.

Post the matter on 19.3.07.


Member


Vice-Chairman


7.2.07.

9.3.07
No Affidavit filed.
b


19.03.2007 Present: Hon'ble Shri K.V. Sachidanandar
Vice-Chairman

Hon'ble Shri Tarsem Lal,
Administrative Member.

The contempt petition has been filed by the applicant for non-compliance of the order of the Tribunal dated 01.08.2006 passed in O.A.No.184/2006, the operative portion of which is as follows:

"In the interest of justice, this Court directs that the representations that has been filed by the Applicant shall be considered by the Respondent No.2 with all sympathy and pass appropriate order and communicate the same to the Applicant within three months from the date of receipt of this order."

Heard Mr. A. Ahmed, learned counsel for the applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. appearing on behalf of the alleged contemnors. Learned counsel for the alleged contemnors (respondents in the O.A.) has filed an affidavit in response to the notice issued in the Contempt Petition and also an order of compliance dated 07.02.2007 in which it is stated that the representation of the applicant has been considered and disposed of. Copy of the letter will be kept on record for future reference.

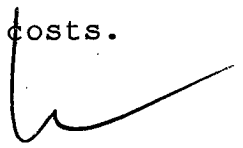


19.03.2007

From the above submission it is clear that the contempt petition will not stand and it is liable to be dismissed. Accordingly the Contempt Petition is dismissed. In the circumstances no order as to costs.



Member



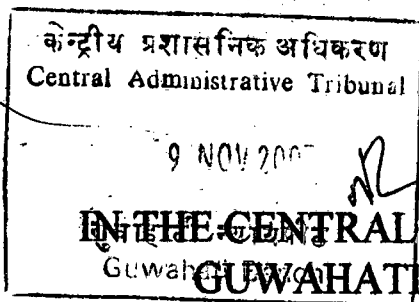
Vice-Chairman

nkm

Received
Schoeddy
21/03/07

28.3.07

Copy of the
order handed over
to the L/Adv. for
the parties.
[Signature]



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FILED BY

Shri Prabir Kr. Das

Applicant

Through - Smrita Bhattacharjee
Advocate

CONTEMPT PETITION NO. 30/06 OF 2006

IN

ORIGINAL APPLICATION NO. 184 OF 2006

IN THE MATTER OF:

A Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnors/ Respondents for non-compliance of Judgment and Order passed by the Hon'ble Tribunal in O. A. No.184 of 2006 dated 01.08.2006.

- AND -

IN THE MATTER OF:

Shri Prabir Kumar Das .

... Applicant

-VERSUS-

The Union of India & Ors.

... Respondents

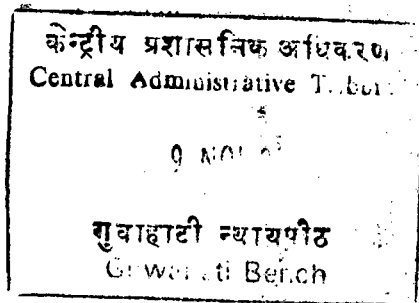
-AND-

IN THE MATTER OF

Shri Prabir Kumar Das
Son of Late Pradyut Kumar Das
Enforcement Officer
Office Of the Assistant Director
Directorate of Enforcement
Guwahati Sub-Zonal Office
House No.4
Bye Lane-4
Rajgarh Road
Guwahati-781 003.

... Applicant.

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-VERSUS-

1. Shri Sudhir Nath
Director
Directorate of Enforcement
Loknayak Bhawan
Khan Market
New Delhi-110003
2. Mr. P. K. Das
Special Director (Administration)
Directorate of Enforcement
Loknayak Bhawan
Khan Market
New Delhi-110003
3. Mr. H. L. Haldar
Deputy Director
Directorate of Enforcement
Kolkata Zonal Office
CGO Complex
Salt Lake
Kolkata

... Respondents/
Contemnors

The humble petition of the above named
petitioner :

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner had filed the Original Application No. 184 of 2006 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, praying for a direction from this Hon'ble Tribunal to the Respondents to transfer the Petitioner from Guwahati to Kolkata i.e. his home town considering his health condition and the interest of his family members including his old aged ailing mother, ailing wife and two children. This Hon'ble Tribunal after hearing both the parties on 01.08.2006 and was

Tr

pleased to pass an Order by directing the Respondents to consider the Representations filed by the Petitioner before the Respondent No.2,

A photocopy of the Judgment and Order dated 01.08.2006 passed in O.A. No.184 of 2006 is annexed herewith and marked as ANNEXURE

-A-

2. That your petitioner begs to state that the aforesaid Order of the Hon'ble Tribunal was communicated to the Respondents No. 2 & 4 by him through speed post on 03.08.2006 vide despatch serial no. 615 & 614 respectively. But till today the Respondents/Contemnors did not implement the aforesaid order dated 01.08.2006 passed in O.A.No.184 of 2006 by the Hon'ble Tribunal. It is to be stated that the Petitioner had already completed his two years service tenure at North Eastern Region. As such your Petitioner is compelled to file this Contempt Petition before this Hon'ble Tribunal to initiate contempt proceedings under the Contempt of Court Act. against the alleged Contemnor/Respondents.

3. That your Petitioner begs to state that the Respondents/Contemnors have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnors deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 01.08.2006 passed in O.A. No.184 of 2006. As such, the Respondents/ Contemnors deserve punishment from this Hon'ble Tribunal. It is a fit case, where the Respondents/Contemnors 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 bonafide 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 issue contempt notice to the Respondents/Contemnors to show



cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such appropriate 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 01.08.2006 passed in O. A. No.184 of 2006 the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the Contempt of Court Act.

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

...Draft Charge



DRAFT CHARGE

The Petitioner aggrieved for non-compliance of Judgment and Order dated 01.08.2006 passed by this Hon'ble Tribunal in O.A No.184 of 2006. The Contemnors/Respondents have willfully and deliberately violated the Judgment and Order dated 01.08.2006 passed by this Hon'ble Tribunal. Accordingly, the Respondents/Contemnors are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in person and reply to the charges leveled against them before this Hon'ble Tribunal.

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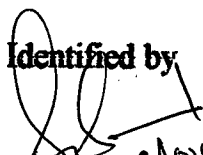
AFFIDAVIT

I, Shri Prabir Kumar Das, Son of Late Pradyut Kumar Das, aged about 56 years, Enforcement Officer, Office Of the Assistant Director, Directorate of Enforcement, Guwahati Sub-Zonal Office, House No.4, Bye Lane-4, Rajgarh Road, Guwahati-781 003, , do hereby solemnly affirm and state as follows:

1. That I am the Applicant of O. A. No.184 of 2006 and also petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case.

2. That the statements made in paragraphs 2, 3, and 4 - of the Contempt Petition are true to my knowledge, those made in paragraphs 1 _____ 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 9th day of November 2006 at Guwahati.

Identified by

Advocate (Adil Ahmed)

Prabir Kumar Das,
DEPONENT

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

SL-NO. 167

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE-- A

Original Application No. 184 of 2006

Date of Order : This the 1st August 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

The Hon'ble Sri Gautam Ray, Administrative Member.

Shri Prabir Kumar Das
Son of Late Pradyut Kumar Das
Enforcement Officer
Office of the Assistant Director,
Directorate of Enforcement Guwahati Sub-Zonal Office
House No. 4, Eye Lane No. 4, Rajgach Road,
Guwahati - 781 003.

... Applicant

By Advocates Mr Adil Ahmed and Ms Smita Bhattacharjee.

- Versus -

The Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance, New Delhi - 1.

The Director,
Directorate of Enforcement
Lok Nayak Bhavan, Khan Market
New Delhi - 110 003.

3. The Special Director (Administration)
Directorate of Enforcement
Lok Nayak Bhavan, Khan Market
New Delhi - 110 003.

4. The Deputy Director
Directorate of Enforcement
Kolkata Zonal Office
C.G.O. Complex, Salt Lake
Kolkata - 94.

... Respondents

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.

ATTESTED

Bhatta
ADVOCATE

ORDER (ORAL)

K. V. SACHIDANANDAN (V.C.)

The Applicant was appointed as Junior Stenographer in the office of the Directorate of Enforcement, Government of India, Special Unit, Kolkata. Thereafter, the Applicant was promoted on merit quota as an Assistant Enforcement Officer at Special Unit, Kolkata. The Applicant was transferred from Special Unit, Kolkata to Kolkata Zonal Office, Kolkata and on June 1996, he was again transferred from Kolkata Zonal Office to Delhi Zonal Office, New Delhi. Now, the Applicant is working as Enforcement Officer at Guwahati Sub Zonal Office, Guwahati from 01.11.2004. The Applicant was undergone three times Angio Plasty Operation, first at AIIMS, New Delhi and other two at B.M. Birla Heart Research Centre at Kolkata. The Applicant submitted representation on 22.06.2006 seeking transfer from Guwahati to Kolkata due to his health reason. But the Respondents did not reply to the said representation. Aggrieved by the said inaction of the Respondents, the Applicant has filed this Application seeking the following reliefs: -

"8.1 That the Hon'ble Tribunal may be pleased to direct the Respondents to transfer the applicant from Guwahati to Kolkata, i.e. his home town, considering his condition of health and the interest of his family members including his old aged ailing mother, ailing wife and two children.

8.2 To pass any other appropriate relief or relief(s) to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal."

2. We have heard Mr A. Ahmed, learned Counsel for the Applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondents.

ATTESTED

Bhatta
ADVOCATE



3. Mr A. Ahmed, learned Counsel for the Applicant submitted that the Applicant submitted representations right from 15.09.2004 seeking transfer to his hometown. However, the Respondents did not respond to the said representations. Mr Ahmed, learned Counsel further submitted that he will be satisfied if a direction is given to the Respondents to consider these representations of the Applicant with all sympathy and as per guidelines. Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondents submitted that it will suffice the ends of justice and he has no objection in adopting such course of action.

In the interest of justice, this Court directs that the representations that has been filed by the Applicant shall be considered by the Respondent No. 2 with all sympathy and pass appropriate order and communicate the same to the Applicant within three months from the date of receipt of this order.

The O.A. is disposed of as above at the admission stage itself. In the circumstances, no order as to costs.

SD/VICE CHAIRMAN
SD/MEMBER (A)

Date of Application : 3.8.06
Date on which copy is ready : 3.8.06
Date on which copy is delivered : 3.8.06
Certified to be true copy

Section Officer (JdI)
C. A. T. Guwahati Bench
Guwahati-5

3/8/06

ATTESTED

Bhatta
ADVOCATE

- 10 -

From: P. K. Das,
Enforcement Officer,
Directorate of Enforcement,
Guwahati Sub-Zonal Office,
Guwahati.

Dated: 2nd Aug., 2006.

To
The Director,
Directorate of Enforcement,
Lok Nayak Bhavan, Khan Market,
NEW DELHI - 110003.

THROUGH PROPER CHANNEL

Sir,

Sub: Representation for transfer to Kolkata on
Medical ground and humanitarian ground.

Ref: O.A.No184 of 2006 in the CAT, Guwahati
Bench Judgment and order dt.01.08.2006

With due respect I am forwarding the Judgment and Order dated 01.08.2006 passed in O.A NO.184 of 2006.

Sir, I am working as an Enforcement Officer and posted and joined at Guwahati since 01.11.2004. As I have already stated before your Honor in my various representations since September 2004, that I am suffering from acute heart trouble and on three occasions Angioplasty operations were done. On 15.06.2005 I suffered serious heart attack during the office hours at Guwahati Office. Due to my serious condition I was air lifted to my home town at Kolkata as per direction of Head Office and admitted to B.M.Birla Heart Research Centre. On 22.06.2005 third Angioplasty operation was performed on me. After the said operation I was compelled to take medical leave for more than 10 months. During the course of my leave I submitted number of representations before your Kind self to consider my case of transfer to my home town at Kolkata as an extreme humanitarian and medical ground but the same was not considered and hence I finding no other alternative but to approach the Hon'ble Central Govt. Tribunal, Guwahati Bench through O.A.No184/2006 for redressal of my grievances. After hearing both the parties The Hon'ble Tribunal was pleased to pass an Order for considering my case for transfer to my home town at Kolkata within three months.

I therefore, again, most humbly request your honor to consider my case with kind and sympathetic manner as per direction of the Hon'ble Tribunal.

Thanking you in anticipation.

Yours faithfully,

Encl: Copy of the Order

(P.K. Das)
Enforcement Officer

ATTESTED

/Shatta
ADVOCATE