

3

CENTRAL GOVERNMENT OF INDIA  
COMPLAINT DIVISION

ORDER SHEET

1. Original Application No.

2. Mise Petition No.

3. Contempt Petition No.

10/07 / (OA 50/07)

4. Review Application No.

Applicant (S) Shri T. M. Hartlong VS Karnail Singh  
Union of India & Ors

Advocate for the Applicant (S) Mr. Adil Ahmed, Smily S. Khatwani & Associates

Mrs. M. Das... Addl. C.G.S.C

Advocate for the Respondent (S) .....

Notes of the Registry

Date

Order of the Tribunal

This contempt petition has been filed under Section 17 of the Adm. Tribunal Act, 1985 with prayer for punishment of the contemnor/ respondent for wilful violation and disobedience of the order passed by the Tribunal in OA No. 50/07 on 23.2.07.

Laid before Hon'ble Court for orders.

*N. S. Das*  
14.6.07  
Section Officer

15.6.07. Contempt Petition has been filed by the petitioner for non compliance of the order of this Tribunal dated 23.2.2007 in O.A. No.50 of 07 contending that the applicant has been transferred from Nagaon Division to Dimapur Division. This Court vide order dated 23.2.07 had earlier directed as follows:

"In the meantime, the respondents are directed not to relieve the applicant from the present place of posting at Barpeta Road till the next date. Mrs. M. Das learned Addl.C.G.S.C. for the respondents has objected the interim relief. She has also submitted that the transfer is made for administrative reasons. I have gone through the matter, but I find there is no administrative reasons and public interest."

15.6.07.

I have heard Mr. A. Ahmed learned counsel for the applicant and Mrs. M. Das learned Addl. C.G.S.C. for the respondents.

In the meanwhile, the Respondents are directed not to relieve the applicant from the present place of posting at Barpeta road till the next date. Post the matter on 18.6.07.

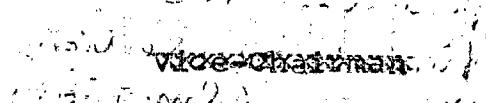


Vice-Chairman

lm

keyXXXX

matter x tater next has been fixed. course for the applicant wanted time to file rejoinder. x mark its be donek Post the matter on 18.6.07.



Vice-Chairman

lm

18.6.07.

post the matter on 19.7.07 alongwith O.A. No.50 of 07. Interim order shall continue.



Vice-Chairman

lm

19.7.2007

Heard Ms S. Bhattacharjee, learned counsel for the applicant. When the matter came up for hearing Mrs M.Das, learned Addl.C.G.S.C has produced a copy of the order dated 26.6.07 which reads as follows :

23/7/07  
Copy of the order has been sent to the D.S.C. for issuing the same to the L/H/Div. for the parlim.  
S.R.  
"In pursuance of the Hqrs letter C.NO II (3)7/ET III/2005/15691-93 dated 26.06.07, Sri T.M.Hartlong Superintendent, who is posted to Dimapur Range under Nagaon Central Excise Division subject to relieve from Barpeta Road Range of Guwahati Central Division vide order dated 10.04.07 is kept in abeyance until further orders."

Copy of the order will be kept in record. Regarding the statement relief has already been granted as per administrative order. C.P. therefore does not stand in its legs. Accordingly C.P is closed.

1  
Vice-Chairman

pg

14 JUN 2007

FILED BY

Shri T. M. Hartlong  
Applicant  
Through - Smita Bhattacharjee  
(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

CONTEMPT PETITION NO. ....10.... OF 2007

IN

O. A. No. 50 of 2007

IN THE MATTER OF:

A Petition under Section 17 of the  
Administrative Tribunals Act, 1985  
praying for punishment of the  
Contemner / Respondent for willful  
violation and disobedience of the Order  
passed by the Hon'ble Tribunal in O. A.  
No.50 of 2007 dated 23.02.2007.

- AND -

IN THE MATTER OF:

Shri T. M. Hartlong

...Applicant.

- VERSUS -

The Union of India & Others.

...Respondents.

- AND -

IN THE MATTER OF:

Shri T. M. Hartlong  
Son of Late Lam Thang  
Superintendent of Central Excise  
Barpeta Road Range  
P.O.-Barpeta Road  
District-Barpeta Road  
District-Barpeta.

...Petitioner



-VERSUS-

Shri Karnail Singh  
Commissioner  
Central Excise,  
Morello Compound,  
Shillong-793 001.

... Respondent/  
Contemner

The humble Petition of the above named  
Petitioner :

**MOST RESPECTFULLY SHEWETH:**

1) That your humble Petitioner had filed the Original Application No.50 of 2007 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati against the illegal and arbitrary transfer of the Applicant vide Establishment Order No.14 of 2007 dated Shillong 20<sup>th</sup> February 2007 whereby Petitioner was transferred from Barpeta Road Range to Nagaon Central Division.

2) That this Hon'ble Tribunal on 23.02.2007 issued notice to the Respondents and was pleased to pass an Interim Order by staying the Impugned Transfer Order No.14 of 2007 dated Shillong 20<sup>th</sup> February 2007. The Petitioner submitted the aforesaid Interim Order dated 23.02.2007 passed by the Hon'ble Tribunal before the concerned Authority and they stayed the impugned Transfer Order of the Petitioner.

Photocopy of Interim Order dated 23.02.2007 passed  
by this Hon'ble Tribunal in O.A. No.50 of 2007 is  
annexed hereunto and marked as ANNEXURE-A.

3) That your Petitioner begs to state that the aforesaid Original Application is pending before this Hon'ble Tribunal for final disposal. In the meantime one Shri A. K. Mandal, Deputy Commissioner, Central Excise, Nagaon vide his Order dated 10<sup>th</sup> April 2007 with the approval of the Contemner / Respondent i.e. the then Commissioner, Central Excise, Shillong vide C.No.II (3) 7/ET III/2005/Part-I/6975-78 dated 27.03.07 the Petitioner was transferred again from Nagaon Central Excise Division to Dimapur Range. It is worth to mention here that this Hon'ble Tribunal vide



its Interim Order dated 23.02.2007 stayed the Petitioner transfer to Nagaon Central Division. However, the Contemnor / Respondent Shri Karnail Singh, Commissioner, Central Excise, Shillong knowing fully well about the pendency of the Petitioner's case has transferred the Petitioner again from Nagaon Central Division to Dimapur Range. As such the Contemnor / Respondent has willfully disobeyed and dishonored this Hon'ble Tribunal's Order dated 23.02.2007. Hence, the Petitioner is compelled to approach this Hon'ble Tribunal by filling this Contempt Petition for seeking justice in this matter.

Photocopy of the Impugned Transfer Order dated 10<sup>th</sup> April 2007 is annexed hereunto and marked as ANNEXURE-B.

4) That your Petitioner begs to state that the Respondent/Contemnor has shown disrespect, disregard and disobedience to this Hon'ble Tribunal by giving approval on 27.03.2007 of the Petitioner Transfer Order from Nagaon Central Excise Division Range to Dimapur Range. The Respondent/Contemnor deliberately with a motive behind has disowned the Hon'ble Tribunal's Interim Order 23.02.2007 passed in O.A. No. 50 of 2007. As such, the Respondent/Contemnor deserves severe punishment from this Hon'ble Tribunal. It is a fit case where the Respondent/Contemnor may be directed to appear before this Hon'ble Tribunal to explain as to why he has disrespect to this Hon'ble Tribunal.

5) 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 Respondent/Contemnor to show cause as to why he should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such appropriate order or orders as this

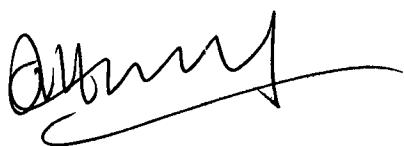


Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's Interim Order dated 23.02.2007 passed in O. A. No.50 of 2007 Respondent/Contemnor may be asked to appear in person before this Hon'ble Tribunal to explain as to why he 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 the Interim Order dated 23.02.2007 passed by this Hon'ble Tribunal in O.A No. 50 of 2007. The Contemnor/Respondent has wilfully and deliberately violated the Interim Order dated 23.02.2007 passed by this Hon'ble Tribunal. Accordingly, the Respondent/Contemnor is liable for Contempt of Court proceedings and deserves severe punishment thereof as provided. The Contemnor / Respondent to appear in person before this Hon'ble Tribunal and reply to the charges leveled against them before this Hon'ble Tribunal.

*[Handwritten signature]*

## AFFIDAVIT

I, Shri Thang Mang Hartlong, Son of Late Lam Thang, aged about 50 years, Superintendent of Central Excise, Barpeta Road Range, P.O.-Barpeta Road, District-Barpeta, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant of the Original Application No.50 of 2007 and also Petitioner of the instant Contempt Petition. As such I am acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs nos. 1, 4 and 5 are true to my knowledge, those made in paragraph nos. 2 and 3 are being matters of record are true to my information derived therefrom which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

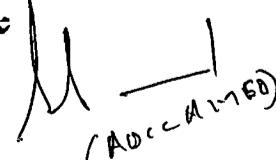
And I sign this Affidavit on this the 8<sup>th</sup> day of June 2007  
at Guwahati.

Identified by

Smita Bhattacharjee  
Advocate

  
DEPONANT

Solemnly affirm before me by  
the deponent who is identified  
by Smt. Smita Bhattacharjee,  
Advocate

  
(ADCC/AL-160)

RECORDED IN THE FILE

56/07

1. Application No. \_\_\_\_\_
2. Date of filing \_\_\_\_\_
3. Contingency \_\_\_\_\_
4. Review application No. \_\_\_\_\_

Plaintiff(s) Mr. Thang M. Harkong vs Union of India & Ors

Advocate for the Plaintiff(s) Adil Ahmed

Sanita Bhattacharya

Advocate for the Respondent(s) CASE

Places of the Registry	Date	Order of the Tribunal
	23.02.07	The applicant is working as Superintendent of Central Excise at Shillong. The applicant was transferred to Bapeta Road Range by the respondents vide order dated 07.08.2006 without considering his option of his choice places. Vide impugned order dated 20.02.2007 the applicant was again transferred to Nagaon Central Excise Division from Bapeta Road Range within 5 (five months of his posting.

I have heard Mr.A.Ahmed learned counsel for the applicant and Mrs. M. Das, learned Addl.C.G.S.C. for the respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that it would be difficult for the applicant to settle the family and

Contd/-

**A: TESTED**

*S. Bhattacharya*

**ADVOCATE**

23.2.07.

the frequent transfer after five months will put him into great hardship. The counsel for the respondents has submitted that she would like to take instructions. Let it be done.

In the meantime, the respondents are directed not to relieve the applicant from the present place of posting at Barpeta Road till the next date. Mrs. M. D. Das learned Addl. C.G.S.C. for the respondents has objected the interim relief. She has also submitted that the transfer is made for administrative reasons. I have gone through the matter, but I find there is no administrative reasons and public interest.

Post the matter on 12.3.07.

Sd/ VICE CHAIRMAN

TRUE COPY

Handwritten

23/02/07  
C.G.S.C.  
Section Officer (Adm)

Central Board of Secondary Education

33, Sector 1, Saltanpur

Guwahati - 781 011

Assam, India - 781 015

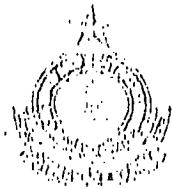
23/02/07

23/02/07

ATTESTED

Bhattacharya  
ADVOCATE

## ANNEXURE-- B



GOVERNMENT OF INDIA  
 MINISTRY OF FINANCE  
OFFICE OF THE ASSISTANT COMMISSIONER  
CENTRAL EXCISE: Nagaon

## ORDER

Dated: - Nagaon, the 10<sup>th</sup> April, 2007

The following transfer and posting in the grade of Superintendent Group 'B' officers is hereby ordered with immediate effect until further orders.

Sl.No.	Name and designation	From	To	Remarks
1.	T.M.Hartlong, Supdt.	Nagaon C.Ex. division	Dimapur Range	(On being relieved from Guwahati division.)
2.	J.C.Das -II Supdt.	do	Tech-II	(With an additional charge of Service Tax.)
3.	Kaizadai Supdt	Dimapur Range	Tech-III	(On reporting of T.M.Hartlong, Supdt. at Dimapur Range)

This order is issued with the approval of Commissioner Central Excise, Shillong vide C.No.II (3) 7/ET-III/2005/Part-I/6975-78 dated 27.03.07.

S/ff:  
 (A.K.Mandal)  
 Deputy Commissioner

*Received  
B.C. 16.04.2007*  
 C.No.II (3) 7/ET-III/01/ACN/07/

Dated:-

Copy forwarded for information and necessary action to:-

- The Commissioner Central Excise, Shillong.
- The Joint Commissioner (P&V) Central Excise, Shillong.
- The Chief Accounts Officer (Accounts) Central Excise Shillong
- PAO Central Excise Shillong.
- Shri Kaizadai, Supdt., Central Excise, Nagaon. *for further Range*
- Guard File.

**ATTESTED**  
 B.Bhattacharya  
**ADVOCATE**

*A.K. Mandal*  
 (A.K. Mandal)