

222

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In re: Suo Motu Criminal Contempt No.1 of 2010
Court's on its own vs. Shri J.P.Rathore

Date of order: 19.02.2010

Applicant appears alongwith Mr P. J. Saikia, learned counsel. He states that he does not wish to file any affidavit to show cause notice dated 18.12.2009.

2. In the above circumstance, we are left with no option but to frame the charge.

3. Central Administrative Tribunal, Guwahati Bench, hereby charges you [J.P. Rathore, Deputy Registrar (under suspension)] that you, on or about, 03.11.2009, 30.11.2009, 21.01.2010 at the time of filing O.A. No.227/2009, M.P. No.141/2009 & M.P. No.9/2010 respectively & therein made serious aspersions on the Vice-Chairman (J) (Shri K.V. Sachidanandan) as well as one of us namely, Mukesh Kumar Gupta, Member (J), besides made scurrilous & derogatory remarks and also made other written allegations, which scandalizes as well as has lowered & tend to lower the authority of this Tribunal. Though the subject matter of O.A.No.227 of 2009 had been as to whether his suspension was reviewed in accordance with provisions of CCS (CCA) Rules, but vide paras 4.15 (g & h) of O.A. made written representation making allegations against the then Vice-Chairman (J) without any reason & justification.

4. Similarly, vide M.P.No.141/2009 filed on 30.11.2009, vide paras 1-4 you not only repeated the allegations against the Vice-Chairman (J) but also made derogatory remarks against one of us [Mukesh Kumar Gupta, Member (J)]. Similarly, vide para 4 of M.P.No.9/2010 filed on 21.01.2010 he once again attacked one of us. Said allegations were reiterated during the course of oral hearing of O.A. & M.P.s.

5. Ex facie it appears that you are not interested to prosecute main O.A. as the same has never been pressed. As you are attaining the

f

age of superannuation on 31.12.2010, basic aim appears to be to drag on proceedings initiated vide O.A. No.227/2009 so that you, if reinstated, are not compelled to discharge normal duties to the post attached.

6. Cumulative reading of aforesaid paras, which are not repeated herein for the sake of brevity, would establish that the acts noticed therein amounts to scandalizing as well as lowering the dignity and authority of this Tribunal.

7. You are hereby directed to be tried by this Tribunal for the aforesaid charge.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

The charge was read over and explained to the alleged contemner and his plea was recorded as under:

(1) Do you plead guilty to the charge?

Answer: No

(2) Do you have anything else to say?

Answer: Give me time to file an affidavit and adjourn it till 23.03.2010

Accordingly, list it on 26.03.2010.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

Suo Motu Criminal Contempt No. 1 of 2010

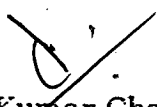
229

01.04.2010

Registry to furnish and supply a copy of statement of facts as well as the order dated 19th February 2010 framing charge against Shri J.P. Rathore. He seeks time to argue the matter.

List on 06th April 2010.

Earlier we had appointed Mr. M.K. Boro, as amicus curiae to assist the Tribunal in present suo motu criminal contempt proceedings. Since learned counsel has not come forward thereafter, we are constrained to appoint Mr. U.K. Nair, learned counsel present in court as amicus curiae to assist this Tribunal.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

06.04.2010

In peculiar facts and circumstances of present case, we direct that hearing of this matter be held in camera.

After arguing for some time, a written unconditional apology has been tendered by Shri J.P. Rathore withdrawing all allegations made in O.A. as well as various M.P.s. listed, which reads as follows:

"In Suo-Motu Cr. Contempt No.1 in O.A.227/2009 - J.P. Rathore - V/s- U.O.I.

On this day of 6th April 2010, in the above mentioned matter, I hereby tender unconditional apology and withdraw all the allegations made in the O.A. and M.A.s.

Sd/- 6/4/2010

(J.P. Rathore)

Applicant"

9

1.4.2010
Shri J.P. Rathore
Collects the certified
copy of order dated
19.2.2010 passed
in suo Motu Cr.
Contempt No 1/2010
and copy of the
statement as
per Court's order
dated 1.4.2010.
1/4/2010.

in which the defendant has been found guilty of contempt of court. The court has taken into consideration the facts and circumstances of the case and has found that the defendant's conduct was wilful and deliberate. The court has therefore imposed a fine of Rs. 10,000 on the defendant for contempt of court.

Order of the Court dated 10.01.2010

The court has also directed the defendant to pay the costs of the proceedings. The court has found that the defendant's conduct was a clear violation of the court's authority and has therefore imposed the above-mentioned punishment. The court has also directed the defendant to pay the costs of the proceedings, which are to be paid within a period of one month from the date of the order.

Accepting said apology, suo motu contempt proceedings are dropped.

The valuable assistance rendered by Mr U.K. Nair, learned Amicus Curiae, is highly appreciated.

In view of above, present proceedings stands closed.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (B)

(Mukesh Kumar Gupta)
Member (B)

STATEMENT OF FACTS

Date: 18.02.2010

Initially, an application was filed on 03.11.2009 by Shri J.P. Rathore, which was registered as O.A.No.227 of 2009 and listed for admission on 05.11.2009. As he was required to answer some queries, it was adjourned to 06.11.2009. On 06.11.2009, matter was adjourned on his request to 24.11.2009. On the said date, when he was required to delete certain personal allegations in the body of O.A., vide para 4.15 (g&h) in specific and other general allegations which have no concern to the basic issue raised in the O.A., against the officials concerned, who were not even impleaded as parties, he prayed for time "to consider the same". Contents of Para 4.15 (g&h) read as under:

"(g) That the then HOD Mr K.V. Sachidanandan VC while functioning as VC CAT Guwahati Bench, had misappropriated Govt. money worth several lakhs of rupees by availing LTCS in respect of his son who then was and is a practicing lawyer of Kerala High Court, thus not dependent, and also availing LTC for self and wife via longer route via Delhi, staying at Delhi for few days, while the shortest route to his home town Kochi is Via Kolkata-Bangalore only.

There are certain other irregularities/illegalities done by the then HOD K.V.Sachidanandan, VC which are mentioned in detail in the letter no.11-08/06 Acts/730 dated 15-10-2007 written by the office of R-3 to the office of R-2. (A-1B).

In view of these facts every prudent/sensible person can come to the conclusion that the entire episode was a well planned conspiracy against the applicant in order to take revenge. Since the matter is subjudice, no comments can be offered at this stage.

(h) Since the misappropriation of Govt. money by Mr K.V.Sachidanandan, VC as mentioned in the foregoing paragraphs is self proved on records, respondent no.1 and 2 are requested to take necessary action (Departmental action/Departmental enquiry and other actions) against Mr K.V.Sachidanandan, VC in accordance with the procedure laid down in the Rules framed vide G.J. Dept. of Pers & Trading Notification No.A-11013/98-AT dated 7th February 2000, in the public interest and in the larger interest of justice. There is catena of judgments of Hon'ble Supreme court deciding that in the case of misappropriation of Govt.

money, sanction for prosecution is not all required. Moreover, in the case, Laxman singh solanki V/S Lt Governor NCT, Delhi, Hon'ble supreme court have decided that the judicial officer holds an office of public trust and even private life of a judicial officer must adhere to high standard of probity and propriety than those deemed applicable to others."

2. Thereafter, he preferred Misc. Petition on 30.11.2009, which was registered as M.P.No.141 of 2009. Vide para 1 of said M.P. he made allegations and quoting certain observations of the Bench. Vide para 2 thereof, he stated that he would not withdraw any of the allegations made in the O.A. as the same are "hundred percent correct against the corrupt officers". He went on stating that Judicial Officer of this Tribunal "had swallowed several lakhs of Rupees from Govt funds". He also made certain other unwarranted, unjust, baseless and derogatory remarks against the Judicial Officer of this Tribunal. He also stated that he is impleading VC (J) of this Tribunal besides, an official of the Registry as parties in the said O.A. Contents of Para 1, 2 & 4 of M.P.No.141/2009 reads as under:

"1. "..... Hon'ble Member (Judicial) had categorically stated in the open court that, "we shall hear this OA only after all the personal allegations made in the OA (against Mr K.V. Sachidanandan, VC and others) are withdrawn."

"2. In this connection it is submitted that the applicant will not withdraw any of the allegations made in the OA (against Mr K.V. Sachidanandan, VC and others) because these allegations are hundred percent correct against the corrupt officers. I further state that Mr. K.V. Sachidanandan while functioning as VC CAT Guwahati Bench had swallowed several lakhs of rupees from Govt. funds."

"4. Therefore keeping in view the above submission, Mr. K.V. Sachidanandan and Mr. J.N. Sharma are being arrayed as party respondents in the O.A.-227/2009. A copy of the amended cause title is placed at Annexure-3. I shall submit the extra sets of the OA at the time of issue of notice to the respondents as per amended cause title."

2. The matter had been listed before the Hon'ble Bench on 18.12.2009 and noticing the aforesaid scandalous remarks made against the Judicial Officers, the Bench issued show cause notice why Criminal Contempt Proceedings be not initiated. The matter was adjourned to 28.01.2010 and thereafter to 04.02.2010. He filed another Misc. Petition, which was registered and numbered as M.P.No.9 of 2010, whereby vide paras 4, 8 and 13 he made further allegations against the Vice Chairman (J) as he then was. Allegations made therein are scandalous in nature, tend to lower the dignity and authority of this Tribunal. Contents thereof reads as under:

"1. That vide order dated 24.11.2009 the applicant was directed by the Hon'ble Bench of the Tribunal to withdraw all the personal allegations made in the body of the O.A., in compliance to which the applicant filed M.A. - 141/2009 stating that the applicant will not withdraw any of the allegations made in the body of the O.A. as these are hundred percent. Perhaps this annoyed the Senior Member of the Bench i.e. Hon'ble Member (J) and consequently he ordered Suo-Motu Contempt Proceedings against the applicant out of the annoyance, vide order dated 18.12.2009....."

"2 The then Registrar CAT Guwahati Bench, who wrote the official letter date 15.10.2007 highlighting corruption by Mr K.V. Sachidanandan, has been rated throughout his service career as most outstanding, brilliant and upright honest officer, by not one but twenty Hon'ble Chief Justices of the High Court/Hon'ble Chairman CAT during his service career. Only such bold officer like the then Registrar CAT Guwahati Bench, could have eradicated corruption from Govt. Offices like CAT but his official letter have also been kept under carpet nor even he was called upon to explain."

"3 From the manner of taking up the O.A. and the proceedings in the O.A. till date, it appears that the Hon'ble Bench is more inclined to prosecute the applicant (to defend Mr K.V. Sachidanandan) rather than to decide the main issue of suspension raised in the O.A"

3. It is submitted for necessary action.

(J. C. Mahan) 18/02/2010
(J. C. Mahan)
Section Officer (E)/ H.O.O.

To
The Hon'ble Bench