

In The Central Administrative Tribunal  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO. *27* OF 1998

Applicant(s) *Smt. Dhanwanthari Verma*

Respondent(s) *Union of India*

Advocate for Applicant(s) *Mr. B. K. Sharma*  
*Mr. S. Sarma*

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
<p><i>Shic. op. in letter by Mr. S. Sarma on behalf of the applicant. Drawing up contempt of court proceedings for non-implementation of judgment &amp; order dated 15.7.98 passed in OA 80/98</i></p>	<p><i>16.9.98</i></p>	<p>Heard Mr. S. Sarma, learned counsel for the petitioner. Draw contempt against the alleged contemners. Issue usual not returnable by one month. List 28.10.98. The contemners are to appear before personally.</p> <p><i>Member</i></p>
<p><i>drawn for Baroni of orders.</i></p> <p><i>21.9.98</i></p> <p><i>21.9.98</i></p> <p><i>21.9.98</i></p> <p><i>21.9.98</i></p>	<p><i>nkm</i></p> <p><i>28.10.98</i></p>	<p>The alleged contemner N.D. Verma, is personally His personal appearance with until further order contemner No.1, Shri</p>

Note  
Notice  
has been  
and issued to the  
respondents by Regd/  
Post vide D.No. 3842 to  
2544 dt. 22-9-98  
BTV

1.10.98

sick and it is submitted that he is in hospital. Shri Chauhan need not appear until further orders. The alleged contemner No.2, Dr R.S. Paroda is abroad on official tour. He is likely to return on 5.11.98. Time allowed till 1.12.98 for him to appear before this Tribunal.

Reply filed on behalf of the contemnors No. 2 & 3

We have heard Mr K.N. Choudhary, learned counsel for the alleged contemnors and Mr B.K. Sharma, learned counsel for the opposite party. Four weeks time allowed for filing of objection, if any. List it on 1.12.98.

(2) Vakalatnama filed by Mr. P. Rishi Hacharya advocate on behalf of contemnors No. 1, 2 & 3. nkm 1.12.98

Member Vice-Chairman

Adjourned to 28.12.98 for order.

Sumo of appearance filed by Mr. N. Choudhary Advocate on behalf of contemner No. 1. High Court. 21/12/98 28.12.98

Member Vice-Chairman

7 days time allowed on the application of Mr S. Sarma, learned counsel for the applicant to file rejoinder. List on 6.1.99 for order.

Sumo of appearance filed by Mr. N. Choudhary Advocate on behalf of contemner No. 1. High Court. 21/12/98 28.12.98

Member Vice-Chairman

6.1.99

On the prayer of Mr S. Sarma, learned counsel for the applicant one week time is allowed to file rejoinder. List on 14.1.99 for order.

Sumo of appearance filed by Mr. N. Choudhary Advocate on behalf of contemner No. 1. High Court. 21/12/98 28.12.98

Member Vice-Chairman

15.1.99 There is no representation. Case is adjourned till 28.1.99.

Fix on 28.1.99.

Member

Vice-Chairman

trd

28.1.99 There is no representation on behalf of the alleged contemner. However, for the ends of justice once again we grant 3 weeks time.

List on 19.2.99 for order.

Member

Vice-Chairman

pg

19-2-99 On the prayer of counsel for the parties case is adjourned to 11-3-99.

Member

Vice-Chairman

lm

11.3.99

19.4.99

Mr G. Sarma, learned counsel for the alleged contemner is present. However, he is unable to take up the matter as he has no instructions. K.N. Choudhury, learned counsel also not present. Situated they have no other alternative but to give notice to the alleged contemner their personal appearance and make alternative arrangements.

27-1-99  
objection has been taken

29/1/99

18-2-99

An objection has been taken on behalf of R Nos 1-3.

Senior Reports are still available

1/4/99

10-3-99

Senior Reports are still available

An objection has been taken on R.No 1-3.

13/4/99 16.4.99

Case is ready for hearing.

Box

19.4.99

advised, for proceeding with the case. Fix it for hearing on 11.5.99. Order to issue notice to the alleged contemners.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

nkm

26-4-99

Notices prepared and sent to D. Section for issuing of the same to the contemners through Regd. post with A/D.

28

Notice issued to the Respondents vide D.No.1441-1443 Dtd-28.4.99.

11-5-99

On the prayer of Mr.K.N.Choudhury learned Standing counsel the case is adjourned to 1st June 1999 for hearing.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

1.6.99

On the prayer of the learned counsel for the parties the case is adjourned till 9.7.99.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

nkm

9.7.99

There is no representation on behalf of the parties. For the ends of justice the case is adjourned to 18.8.99 for hearing. Records shall be produced by the respondents.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

pg

8-7-99

Service Reports are still awaited.

Service Reports are awaited.

*[Signature]*  
13/7/99

Notes of the Registry	Date	Order of the Tribunal
	18.8.99	<p>Mr K.N. Choudhury, learned counsel for the alleged contemners informs that the judgment of this Tribunal has been challenged before the Hon'ble Gauhati High Court and the matter is pending. In view of the above we adjourn the case till 22.9.99.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>22.9.99</u></p> <p>This case was not placed before the Court by mistake which was to placed on 22.9.99. Placed before the H.Court on 9.11.99 as order.</p> <p><i>bn</i></p>	<p>nkm</p> <p><i>85</i> <i>19/11/99</i></p> <p>9.11.99</p> <p>nkm</p>	<p>On the prayer of the learned counsel for the parties the case is adjourned till 25.11.99.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>24-11-99</u></p> <p>1) Service Reports are still awaited issued dt. 28-4-99.</p> <p>2) An affidavit by Sen B.W on Contemners nos. 203 -</p>	<p>25.11.99</p> <p>3.1.00</p> <p>7.3.00</p>	<p><i>40. Adjourned to 3.1.00.</i></p> <p><i>3/0</i> <i>m</i></p> <p><i>There was a reference. Adjourned to 7.3.00.</i></p> <p><i>3/0</i> <i>5</i></p>
<p><i>24-11</i></p>		<p>Mr P.Bhowmick, learned counsel for the alleged contemners submits that the order of the Tribunal has been stayed by the Hon'ble High Court by order dated 25.11.98. He prays that the contempt petition may be kept in abeyance. Heard Mr S.Sarma, learned counsel for the petitioner also.</p> <p>Accordingly contempt petition is kept in abeyance until further orders.</p> <p><i>[Signature]</i> Member (J)</p> <p><i>[Signature]</i> Member (A)</p>

Notes of the Registry

Date

Order of the Tribunal

6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

File by  
Siddhanta  
11.9.98

Contempt Petition No. 27/98.

D.A. No. 80 of 1995.

Sri. Dhruvendra Kumar.

VERSUS.

Union of India & ors.

IN THE MATTER OF.

An application under Section 17 of the Administrative Tribunal Act 1985. for drawing up contempt of Court's proceedings for non implementation of judgment and order dated 15.7.97.

AND.

IN THE MATTER OF.

Sri Dhruvendra Kumar.. Applicant.

VERSUS.

1. Sri. B.K. Chouhan, Secretary to the Govt of India Ministry of Agriculture, New Delhi.

2. Sri. R.S. Paroda,

Director General.

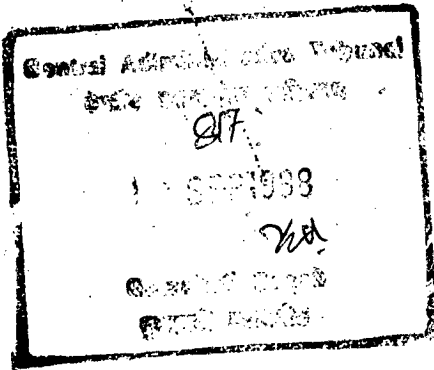
I.C.A.R. New Delhi.

3. Sri. N.D. Verma.

Director, I.C.A.R. Research Complex for NER. Barapani. Shillong.

Contemptner. 1m0.0

The humble application on behalf of the applicant above named;



OK

MOST RESPECTFULLY SHEWETH.

1. That the above named applicant has filed the aforesaid O.A. No 80 of 1995 before the Hon'ble Tribunal seeking an appropriate direction for consideration of his case for promotion to the post of Technical Officer, Entomology (T-6). In due course of time the respondents had filed their written statement and the aforesaid case came up for hearing on 15.7.97. The Hon'ble Tribunal upon hearing the parties was pleased to pass an order to appoint the applicant in the post of Technical Officer, Entomology (T-6) within a period of one month from the date of receipt of the order, taking in to consideration of judgment and order dated 9.6.97 passed in O.A. No 78/95 (Similar case.)

A copy of the order dated 15.7.97 is annexed herewith and marked as ANNEXURE-1.

2. That the applicant after receipt of the copy of the order dated 15.7.97 submitted the same before the authority concerned on 13.10.97. The applicant to that effect filed an application on 8.10.97 to the Director ICAR Research Complex Borapani, on 8.10.97 praying for implementation of the said order.

A copy of the said letter dated 8.10.97 is annexed herewith and marked as ANNEXURE-2.

3. That the Registry of this Hon'ble Tribunal sent the said copy of the order dated 15.7.97 (Annexure-1) to all the Offices of the respondents and the said copy was received on 23.11.97. Thereafter the respondents have filed a Misc. Petition for extension of time to implement the aforesaid judgment and order dated 15.7.97. The said Misc Petition was registered as M.P. No 27 of 1998. The said M.P. No 27/98 came up before the Hon'ble Tribunal on 17.2.98 and the Hon'ble Tribunal was pleased to pass an order granting 3 months time w.e.f. 17.2.98 to imple-

ment the aforesaid judgment and order dated 15.7.97.

A copy of the order dated 17.2.98 passed in M.P. No 27 of 1998 is annexed herewith and marked as ANNEXURE-3.

4. That as per the Annexure- 3 order dated 17.2.98 the respondents got time up to 16.5.98 for implementation the aforesaid judgment and order dated 15.7.98. However, the respondents did not take any steps to implement the aforesaid judgment of the Hon'ble Tribunal. It is pertinent to mention here that the case of the applicant was decided on the basis of the judgment and order dated 9.6.97 passed in O.A. No 78/95 and the said order has already been implemented by the respondents. To that effect the respondents have issued an order dated 25.9.97 offering the appointment to the applicant in O.A. No 78/95. (Sri. S. Verma.) and have implemented the said judgment and order dated 9.6.97.

A typed copy of the order dated 25.9.97 is annexed herewith and marked as ANNEXURE-4.

5. That the applicant begs to state that the respondents have got additional three months time as per the order dated 17.2.98 passed in M.P. No. 27/98 up to 16.5.98. Thereafter the respondents have filed yet another M.P. No.155/98 in the aforesaid O.A. for extension of time for implementation of order dated 15.7.97 (ANNEXURE-1) and this Hon'ble Tribunal was pleased to pass an order on 8.7.98 directing the respondents to implement the said order within two months.

A copy of order dated 8.7.98 is annexed and marked as ANNEXURE-5.

6. That the applicant begs to state that as per annexure-5 order dated 8.7.98 the respondents got two additional months to implement the aforesaid order dated 15.7.97 but till date nothing has been communicated to the applicant so far as the implementa-

tion part is concerned. The respondents have got the full knowledge of all the orders passed in the aforesaid O.A., but in complete violation of the aforesaid orders of the Hon'ble Tribunal, they have not yet implemented the same.

7. That the applicant begs to state that as stated earlier the order passed in O.A. No. 78/95 (S. Verma Vs UOI & ors) has already been implemented on 25.7.97 that too exactly within two months from the date of the order that is 9.6.97. It is also stated that the case of the applicant was disposed of in the light of the order passed in the aforesaid O.A. 78/95 and the order of the same has already been implemented and hence there is no earthly reason as to why the case of the applicant is still pending implementation.

8. That the applicant begs to state that the respondents have got the full knowledge of the aforesaid order dated 15.7.97 and the subsequent orders passed in the M.P.s for extension of time to implement the said order but in spite of the fact, they have acted contrary to the order passed in the said O.A. This action of the respondents amounts to Contempt of Court's Proceedings and total disregard to the order passed by the Hon'ble Tribunal.

9. That the applicant submits that the respondents have acted contrary to the provisions of law in not implementing the orders of the Hon'ble Tribunal and violating the same and for this action they are liable to be punished under Contempt of Court's Proceedings. Again the respondents have willfully and deliberately violated the orders of the Hon'ble Tribunal.

10. That the applicant has filed this application bonafide and to secure ends of justice.

In the premises aforesaid it is most respectfully prayed that Your Lordships

would graciously be pleased to draw up  
Contempt of Court's Proceeding against  
the contemnors for willful and deliber-  
ate violation of the order dated  
15.7.97 passed in O.A. 80/95 and to  
punish them according to the provisions  
of law and/or pass any such  
order/orders, as may be deemed fit and  
proper considering the facts and cir-  
cumstances of the case.

And for this the applicant as in duty bound shall ever pray.

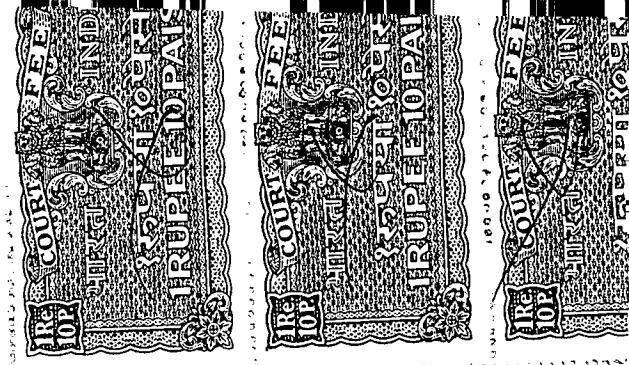
DRAFT CHARGE

WHEREAS the contemnors have willfully and deliberately violated the of orders dated 15.7.97 passed in O.A. No 80/95 , dated 17.2.98 passed in M.P. No 27/98 and dated 8.7.98 passed in M.P. No 155/98. And hence, they are liable to punished under the Contempt of Court's Proceeding for the said willful and deliberate violation of the aforesaid orders.

ADVOCATE.

*Siddhant Loma  
Advocate*

*ok*



AFFIDAVIT

I Shri Dhrubendra Kumar, son of Sri, K.P.Singh, aged, about 45 years, at present working as Research Associate under ICAR research Complex Barapani Meghalaya, do hereby solemnly affirm and state as follows ;

1. That I am the applicant in the aforesaid Contempt Petition and as such fully acquainted with the facts and circumstances of the case and hence competent to swear this affidavit.

2. That the statements made in this affidavit and in the accompanying petition in paragraphs ..... 6 to 9 ..... are true to my knowledge and those made in paragraphs 1 to 5 ..... are matters records which I believed to be true and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this affidavit on this the 9<sup>th</sup> day of Sept. 1998.

(DEPONENT)

Dhrubendra Kumar.

Identified by  
*D. Sarma*  
Advocate.

Solemnly affirm and state by the deponent who is identified by Sri D. Sarma, Advocate. at this the 9<sup>th</sup> day of Sept. 1998

*D. Sarma*  
ADVOCATE.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos.79, 80, 81, 82, 85, 137 & 146 of 1995.

Date of decision: This the 15th day of July 1997

The Hon'ble Mr Justice D.N. Baruahc, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Lakshmi Narayan Singh (O.A.No.79/95)
2. Dhruvendra Kumar (O.A.No.80/95)
3. Tribhuvan Kr Sinha (O.A.No.81/95)
4. Ramvilas Kushwaha (O.A.No.82/95)
5. R.C. Sachan (O.A.No.85/95)
6. Shri Dhruvendra Kumar (O.A.No.137/95)
7. Shri Shatrughan Verma & ors (O.A.No.146/95) .....Applicants

By Advocate Mr B.K. Sharma & Mr S. Sarma.  
- versus -

Union of India and others .....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.,  
Mr G. Sarma, Addl. C.G.S.C. and  
Mr A.K. Choudhury, Addl. C.G.S.C.

.....

ORDER

BARUAH, J. (V.C.)

All the above original applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the original applications by this common order. Facts for the purpose of disposal of these applications are as follows:

The applicants have been working in the Indian Council of Agricultural Research (ICAR for short) as a Trainee Assistant Research Associates etc. The respondent No.3 issued an advertisement by Annexure-A dated 20.8.1993 for appointment to the said posts.

2. Pursuant to the said advertisement, the present applicants

*D2*  
*affected*  
*the*  
*Advocate*

alongwith others submitted applications for appointment to the said posts. They were called for to appear before a Selection Board in the month of March 1994. They appeared before the Selection Board and the Board after considering their merits, selected them for appointment. The selection so made had been approved by the Competent Authority. The second respondent, thereafter, issued Annexure B letter dated 4.3.1994. In the said letter, it was observed that the third respondent being the appointing authority was competent to make order for appointment. The applicants further state that in spite of such selection, they were not appointed. Feeling aggrieved, they submitted individual representations to the authority concerned but to no avail. Hence the present applications.

3. In due course written statement have been filed by the respondents. In their written statements they state that the matter was under process and it was taken by the Council Headquarter. The applicants state that under similar situation, another application was filed (O.A.No.78/95, S. Verma -vs- Union of India and others). The said original application was disposed of on 9.6.1997 by this Tribunal with a direction to the respondents to appoint the applicant the said original application as per the select list within a period of one month.

4. In the aforesaid case, during the course of hearing, Mr S. Ali, learned Sr. C.G.S.C. very fairly submitted that the applicant was going to be appointed by the respondents pursuant to his selection.

5. We have heard Mr S. Sarma, learned counsel for the applicants and Mr S. Ali, learned Sr. C.G.S.C.. Mr Sarma submits that the present cases are squarely covered by the order passed by this Tribunal in the aforesaid original application No.78/95. Accordingly, similar direction should be given in the present application also. Mr S. Ali does not dispute the contention of

*23*  
*Attended*  
*✓*  
*delro case*

Mr S. Sarma.

6. On hearing the learned counsel for the parties and on perusal of the applications we are of the opinion that the present original applications are squarely covered by the order passed in O.A.No.78/95 on 9.6.1997. Therefore, we dispose of these applications with a direction to the respondents to appoint the applicants within a period of one month from the date of receipt of this order. Mr S. Ali also informs the Tribunal that there will be no difficulty for the authority to appoint the applicants within that period.

7. Mr B.K. Sharma, learned counsel appearing on behalf of the applicants, also submits that the applicants were selected earlier. However, they had not been appointed. On the other hand, subsequent select list was prepared and the persons subsequently selected had been appointed. These actions were not only arbitrary, but also unreasonable and unfair. Learned counsel Mr S. Ali has not disputed the same. However, we are not inclined to pass any order at this stage. We leave it to the authorities to decide and while deciding the matter the authorities shall take into consideration the case of the present applicants who were earlier selected.

8. The applications are accordingly disposed of. However, in the facts and circumstances of the cases we make no order as to costs.

sc/- VICE CHAIRMAN

sc/- MEMBER (A)

*Attended*  
*2/10/12*  
*Handwritten signature*  
*Handwritten signature*

To

The Director

ICAR Research Complex

Borapani

Borapani

Dated 8 oct 1997

Sub;- submission of certified copy of the order by the Hon'ble  
CAT Guwahati Bench against O.A. No. 80/95 and 137/95,---  
Regarding.

Sir,

In reference to subject filed above I have the honour to  
enclose herewith the certified copy of above filed order, which  
is self explanatory, and request you to kindly take necessary  
action and to issue the order at par with my other colleagues who  
joined serve, from the same selection list, during 1994 and  
enjoying all the service benefits etc. So that my seniority and  
other benefits are protected and also to avoid further litigation.

Submitted for you kind perusal and necessary action.

Yours faithfully

Sd/-

( D.KUMAR )

R.A.

AICRP on Rodententional

Division of Entomology

ICAR, Borapani.

*Attended  
Advocate*

FORM NO. 4

(See Rule 42)

- 12 -

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 27 OF 1998

Applicant(s) Union of India & Ors GA: 86/95

- Vs -

Respondent(s) Shrawendra Kumar

Advocate for Applicant(s) Mr. S. Ali, Sr.  
C.G.S.C

Advocate for Respondent(s) Mr. B.K. Sharma  
Ms. S. Sharma

Notes of the Registry

Date

Order of the Tribunal

17.2.98

This Misc. Petition has been filed for extension of time to implement the judgment dated 15.7.97 passed in O.A. NO. 80/95.

Heard Mr S. Ali, learned Sr. C.G.S.C for the petitioner and Mr B.K. Sharma, learned counsel for the opposite party. Mr Ali prays for 3 months time to implement the judgment. Mr Sharma has no objection. Accordingly we grant 3 months time from today to implement the judgment as a last chance. No further time will be granted.

Misc. Petition is disposed of.

*Attested  
Advocate*

Sd/VICECHAIRMAN

Sd/MEMBER (A)

P.T.O.

Memo.No. 523, 524

Dated 2/8/28

Copy for information and necessary action to :

- ✓ 1. Mr. S. Ali, Sr. C.G.S.C., CAT, Guwahati Bench.
- ✓ 2. Mr. B.K. Sharma, Advocate, Gauhati High Court, Guwahati.

*S. Sumner*  
23/2/28  
SECTION OFFICER (J).

*23/2*

*Admitted*  
*[Signature]*  
*Advocate*

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
..... UMRIO ROAD, MEGHALAYA.

793103.

M E M O R A N D U M

The Director, ICAR Research Complex for N.E.H. Region is pleased to offer a temporary post of T-6 (AGRONOMY) to Shri Shatrughan Verma on the following terms and conditions :-

1. The post is temporary and carried the pay scale of Rs.2200-75-2600- EB -100-4000/-. On appointment he/she will draw the initial stage of Rs. 2200-4000/- in the above time scale. He/she will be entitled to draw such allowances (Dearness allowances & house rent allowances etc.) as are admissible to other staff of corresponding grade and status under ICAR.
2. Grant of pay, leave traveling and other allowances are regulated by the Indian Council of Agricultural Research,..... in accordance with the principles of Fundamental and Supplementary Rules and such other rules and orders as are issued by the Government of India from time to time.
3. The post is non Government but pensionable. He/she will be governed by the Indian Council of Agricultural Research Pension Rules which are based,..... or the liberalised pension Rules of the Government of India, as needed, clarified or modified time to time.
4. His/her headquarter will be at Sikkim for the present, but he/she will be liable to serve in any institute and/or office of the Indian Council of Agricultural Research, located anywhere in India.
5. He/she will be on probation for a period of two years

*Attested  
by  
Kernocate*

from the date of his/her joining the post, which may be extended at the discretion of the competent authority. Failure to completion of the probationary period to the satisfaction of the competent authority will render him/her liable to be discharged from service.

6. His/her appointment may be terminated without assigning any reason by one month's notice on other side under Rules 5 of the Central Civil Service (Temporary Service) Rules 1965, as applicable, ..... to the employees of the Council. During the probation, however, the appointing authority may terminate the service of the appointee without prior notice and without the payment of salary in lieu thereof.

7. His/Her appointment will be subject to the conditions that he/she is declared medically fit for service by the prescribed medical authority.

8. On appointment, he/she will be required to take an oath of allegiance to the constitution of India or make solemn affirmation to that effect, as in the form enclosed.

9. He/she will submit a declaration regarding his/her marital status as in the form enclosed. In the event of his/her having already more than one wife living or being married to a person having already another wife living the appointment will be subject to his/her being exempted from the endorsement of the laws of recruitment in this behalf.

10. His/her appointment under the Council will be considered to be a fresh appointment and he/she will not be entitled to any traveling/ or conveyance allowances for joining the post at Sikkim.

11. Other conditions of service will be governed by relevant rules and orders which may be issued from time to time by the ICAR.

*Attested*  
*[Signature]*  
*Advocate*

12. He/she should state another he/she is serving or is under obligation to serve another Central Government Department, as State Government or Public Authority. He/she should also state whether he/she applied or is being considered for post elsewhere.

13. If any declaration given or information furnished by him/her proves to be false or if he/she is found to have willfully suppressed any material information, he/she will be liable to removal from service and such other action may be deemed necessary.

14. He/she should produce the original certificates in respects of his/her educational qualifications and age and caste etc.

15. The appointment is provisional and is subject to the caste/tribe and other certificate being verified through the proper channels and if the verification reveals that the claims to belong to SC or ST or OBC and other certificate as the case may be, is false, the service will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of the I.P.C for production of false certificates.

16. In case the post is acceptable to Shri Shatrughan Verma on terms and conditions mentioned above he/she should intimate his/her acceptance to the director immediately and report for duty to the Joint Director, ICAR Research Complex for NEH Region Sikkim centre after obtaining the medical fitness certificate from the medical Board to be constituted by the D.H.S. within 30 days from the date of issue of the offer failing which the offer will automatically stand canceled.

*Attested  
Helw cake*

( Illegible. )

Administrative Officer.

To,

Shri Shatrughan Verma.

ICAR Research Complex for NEH Region.

Nagaland Centre, Jharnapani. Nagaland.

Copy to :-

1. The Jt. Director, ICAR Research Complex, Nagaland Centre.
2. F.A.O. ICAR, Barapani, Shri Shatrughan Verma has been appointed against the vacant post of T-6 under VIII plan.
3. Personal file of Shatrughan Verma.
4. Deputy Register (J), C.A.T. Guwahati Bench, Guwahati. This has reference to Judgment of the Hon'ble CAT against application No. 78 of 1995.
5. The Supdt. (A), ICAR, Barapani.

*Attested*  
*[Signature]*  
*Advocate*

6

FORM NO. 4

- 17 -

(See Rule 42)

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 155 OF 1998

GA. 86/95


Applicant(s) Union of India & Ors

Respondent(s) Shruvendika Kumar

Advocate for Applicant(s) Mr. S. Ali, Bar - Az. 7, 01

Advocate for Respondent(s) Mr. B.K. Sharma

Ms. S. Sharma

Notes of the Registry	Date	Order of the Tribunal
 <p><i>Advocate</i></p>	8.7.98	<p>In this Misc. Petition the petitioner/respondents has prayed for two months time to consider the case as per the direction given by this Tribunal on 15.7.1997 in the original application No.80/95. The petitioner has prayed for two months time for disposal of the matter as it is necessary to complete the official formalities.</p> <p>Heard Mr G. Sarma, learned counsel for the petitioner and Mr S. Sarma, learned counsel for the opposite party. On hearing the counsel for the parties we grant two months time for implementation of the order dated 15.7.1997.</p> <p>The Misc. Petition is disposed of.</p>

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (ADMIN)

- 2 -


Memo No. 19413

Dated 10/7/98

Copy for information and necessary  
action to:-

- 1) Mr. S. Ali, Sr. C.G.S.C., CAT, Guwahati  
Bench, Guwahati.
- 2) Mr. B.K. Sharma Advocate, Gauhati  
High Court, Guwahati.

S. Sharma  
10/7/98  
Section Officer (2)  
11/97

Attested  
  
Advocate



18

*Filed by the  
petitioners through  
Pallab Bhattacharya  
Advocate, 28.10.98*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI BENCH.

IN THE MATTER OF :

Contempt Petition No. 27/98.

Original Application No. 80/95.

- A n d -

IN THE MATTER OF :

An application filed on behalf of  
Respondent Nos. 1 and 2 for  
exemption from personal appearance  
on 28.10.98 pursuant to Order dtd.  
16.09.98 passed in C.P. No. 27/98.

- A n d -

IN THE MATTER OF :

Shri Dhruwendra Kumar.

... Applicant.

- Versus -

- 1) Shri B.K. Chauhan,  
Secretary, Indian Council of  
Agricultural Research,  
New Delhi.
- 2) Shri R.S. Paroda,

contd... p 2.

  
Commissioner of Affidavits  
Central High Court  
Guwahati

2.

Director General,  
Indian Council of Agricultural  
Research, New Delhi.

- 3) Shri N.D. Verma,  
Director, Indian Council of  
Agricultural Research Complex  
for N E R, Barapani,  
Shillong.

... Respondents.

- A n d -

IN THE MATTER OF :

- 1) Shri B.K. Chauhan,  
Secretary, Indian Council of  
Agricultural Research,  
New Delhi.
- 2) Shri R.S. Paroda,  
Director General,  
Indian Council of Agricultural  
Research, New Delhi.

... Petitioners.

The humble application of the  
petitioners above-named -

MOST RESPECTFULLY SHEWETH :

- 1) That this Hon'ble Tribunal vide order dated

contd... p 3.

3.

16.09.98 in C.P. NO. 27/98 arising out of Original Application No. 80/95 has been pleased to draw up Contempt Proceedings against the Respondents and has also been pleased to direct them to be appear personally before this Hon'ble Tribunal on 28.10.98.

2) That pursuant to the Order dated 16.09.98 the Respondents No. 3, Shri N.D. Verma, Director, Indian Council of Agricultural Research Complex for N E R, Barapani, Shillong is personally present in this Hon'ble Tribunal to-day i.e. 28.10.98.

3) That the Respondent No. 1, Shri B.K. Chauhan, Secretary, Indian Council of Agricultural Research is seriously ill and is on long leave and is currently undergoing treatment in Civil Hospital, Simla and as such is unable to appear personally before the Hon'ble Tribunal to-day.

4) That the Respondent No. 2, Dr. R.S. Paroda, Secretary, Department of Agricultural Research and Education, Govt. of India and Director General, Indian Council of Agricultural Research is in the United States of America to attend an International Conference in Washington and is likely to return on 5.11.1998.

5) That as such, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dispense with the Order

contd... p 4.

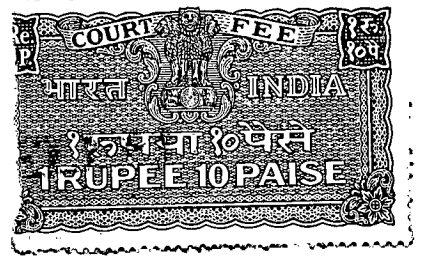
4.

of personal appearance of Respondent Nos. 1 and 2 as there are genuine and bonafide grounds of their inability to appear personally before this Hon'ble Tribunal.

6) That this application is filed bonafide and in the interest of justice.

In the premises aforesaid it is respectfully prayed that Your Lordships may be pleased to admit this application and upon perusal thereof and upon hearing the parties may be pleased to dispense with the Order of personal appearance of Respondent Nos. 1 and 2 and/or pass any such further order or orders as Your Lordships may deem fit and proper.

And for this act of kindness the petitioners as in duty bound shall ever pray.



5.

22

A F F I D A V I T

I, Dr. N.D. Verma, Son of Late Hinnilal Verma aged about 56 years, presently working as Director, Indian Council of Agricultural Research Complex for N E R, Barapani, Shillong do ~~not~~ hereby solemnly affirm and declare as follows :-

1) That I have been impleaded as Respondent No. 3 in the instant Contempt petition. I am fully acquainted with the facts and circumstances of the case. I have been authorised by Respondent Nos. 1 and 2 to swear this affidavit on their behalf. As such, I am competent to swear this affidavit and accordingly I swear the same.

2) That the statements made in this affidavit and in paragraphs 1 to 4 of the accompanying application are true to my knowledge and the rests are my humble submissions before this Hon'ble Court.

I sign this affidavit this the 26th day of October, 1998 at Guwahati.

*Narendra Deo Verma*

Identified by -

DEPONENT

*Pallab Bhattacharya*

Advocate

solemnly affirmed before me this <sup>the</sup> 26<sup>th</sup> days of October, 1998  
The declarant is identified by Sri P. Bhattacharya, Advocate  
known to me personally and I read over and explained the contents of the declarant and the declarant to my understanding  
them

*[Signature]*  
26/10/98  
Commissioner of Affidavits  
Gauhati High Court  
Guwahati

Filed by the  
petitioners through  
Pallab Bhattacharya  
A d/o's wife, 30.11.98

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI



IN THE MATTER OF :

Contempt Petition No.27 of 1998  
arising out of O.A.No.80/95

-And-

IN THE MATTER OF :

Application filed on behalf of the  
alleged contemner/opposite party No.2  
Shri R.S.Paroda praying for dispensing  
with the personal appearance on the  
date fixed on 1.12.98.

-And-

IN THE MATTER OF :

Shri Dhrubendra Kumar,  
at present working as Research  
Assistant, ICAR Complex,  
Borapani, Meghalaya.

... Applicant

-Versus-

1. Shri B.K.Chauhan,  
Secretary to the Govt of India,  
Ministry of Agriculture, New Delhi.
2. Shri R.S.Paroda,  
Director General, ICAR, New Delhi.
3. Shri N.D.Verma,  
Director, ICAR Research Complex,  
Borapani, Meghalaya.

... Opp. Party/Contemner  
PER ITIONERS


2.

The humble petition of the  
contemners/petitioners abovenamed,

Most Respectfully Sheweth :

1. That the applicant filed the aforesaid application under Section 17 of the Administrative Tribunal Act, 1985 for drawing up a contempt proceeding against the present opposite parties/petitioners for alleged non-compliance of the judgment and order dated 15.7.97 passed by the Hon'ble Tribunal in O.A.No.80/95. This Hon'ble Tribunal by order dated 16.9.98 was pleased to initiate a contempt proceeding and was also pleased to direct the opposite party contemners to appear personally before this Tribunal on 28.10.98.

2. That on 28.10.98 the Contemner /Opp.Party No.3 appeared personally. However, an application was filed on behalf of the contemner/opposite party No.1 and 2 praying for dispensing with their personal appearance. This Hon'ble Tribunal by order dated 28.10.98 was pleased to dispense with the personal appearance of Contemner 3 Opposite Party No.1 and 2 until further orders. However, this Hon'ble Tribunal was further pleased to order for personal appearance of contemner /opposite party No.2 on 1.12.98.

  
Contemner  
Opp. Party  
No. 2

3.

3. That the petitioner states that in the meanwhile the opposite party/contemners have assailed the said impugned order dated 15.7.97 passed by this Hon'ble Tribunal in O.A.No.80/95 in Civil Rule No.5864/98. A Division Bench of the Hon'ble Gauhati High Court by order dated 25.11.98 has been pleased to issue notice of motion and further stayed operation of the judgment dated 15.7.98 insofar as it relates to Shri Dhrubendra Kumar.

A copy of the said order dated 25.11.98 passed in Civil Rule No.5864/98 is annexed hereto and marked as Annexure-I.

4. That the petitioner states that petitioners have already filed a objection to the petition filed by the applicant wherein petitioners have pointed out the circumstances under which the judgment and order dated 15.7.98 could not be implemented. It is not a case where it can be alleged that there is wilful and/or deliberate disobedience of this Hon'ble Tribunal's judgment dated 15.7.97. However, in view of the order dated 25.11.98 passed by the Hon'ble High Court ~~in the~~ <sup>may be</sup> contempt proceeding kept in abeyance to meet the ends of justice.

4.

5. That in view of the fact that the judgment dated 15.7.97 passed in C.A.No.80/95 has been stayed by the Hon'ble High Court, this Hon'ble Tribunal may be pleased to keep the proceedings of Contempt Petition No.27/98 in abeyance and furthermore be pleased to dispense with the personal appearance of the contemner opposite party No.2 for the present.

6. That under the facts and circumstances stated above, it is respectfully submitted that it is a fit case wherein this Hon'ble ~~Court~~ Tribunal may be pleased to keep the contempt proceeding in abeyance and furthermore be pleased to dispense with the personal presence of the contemner No.2 to meet the ends of justice.

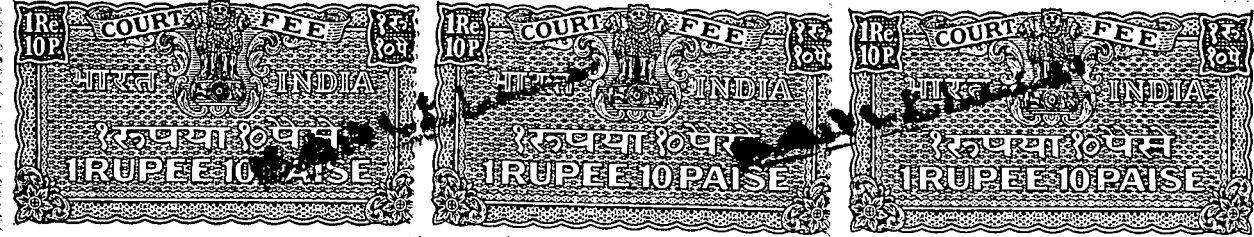
7. That this application has been made bonafide and in the interest of justice.

In the premises aforesaid, it is respectfully prayed that the Hon'ble Tribunal may be pleased to admit this application and on perusal thereof and upon hearing the parties be pleased to keep the proceedings of Contempt Petition No.27/98 in abeyance and further be pleased to order for dispensing with the personal appearance of Opposite Party No.2 and/or pass such further or other orders as to this Hon'ble Tribunal may deem fit and proper.

And for this act of kindness the petitioners shall ever pray.

Affidavit..

*[Handwritten signature]*  
C. S. Srinivasulu Reddy  
Counsel



A F F I D A V I T

I, Shri N.D.Verma, son of late M.L.Verma, aged about 56 years, presently working as Director, Indian Council of Agricultural Research, Barapani, Meghalaya, do hereby solemnly affirm and declare as follows :

1. That I am the contemner /opposite party No.3 in the instant case. I am also competent to swear this affidavit on behalf of the Contemner/opposite Party No.1 and 2 as authorised and I swear the same. I am also fully acquainted with the facts and circumstances of the case.

2. That the statements made in this affidavit and in paragraphs 3,4 and 6 of the accompanying application are true to my knowledge, those made in paragraphs 1 & 2 being matters of record of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 27th day of November, 1998 at Guwahati.

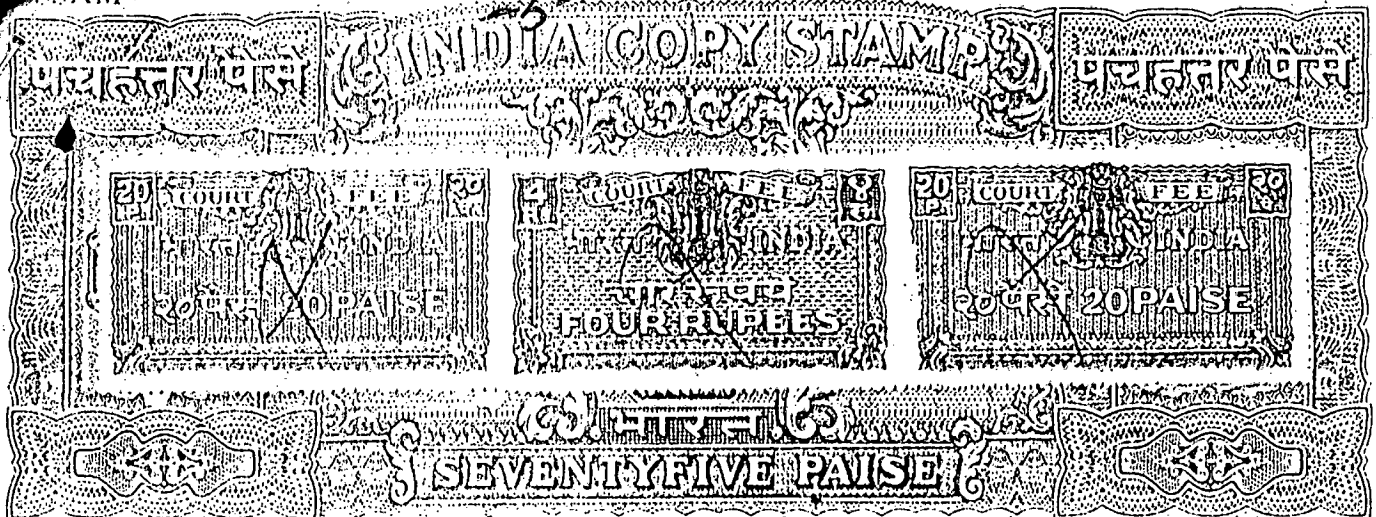
Identified by

*Tee Lokj u Deka A/C*  
Advocate's clerk.

27-11-98

*Narendra D. Verma*  
Deponent. *st 27.11.98*

ceremony observed before me this... the  
... 27th day of November, 1998  
The deponent identified by—  
... Shri J. Deka, A/C personally  
known to me...  
examined...  
the deponent...  
them  
*[Signature]*  
Guwahati High Court  
Guwahati



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटोओ की अपेक्षित संख्या तय करने की तिथि Date fixed for notifying the requisite number of stamps and photos.	अपेक्षित स्टाम्प और फोटोओ देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
25-11-98	28-11-98	28-11-98	28-11-98	28-11-98

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
MIZORAM AND ARUNACHAL PRADESH).

CIVIL RULE NO. 5864/98.

1. The Secretary to the Govt. of India,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi.
2. The Director General,  
Indian Council of Agriculture Research,  
Krishi Bhawan, New Delhi.
3. The Director, Indian Council of Agricultural  
Research, Research Complex, N.E. Region,  
Borapani, Meghalaya.

... Petitioners.

-vs-

Shri Dhruvendra Kumar ... Respondent.

PRESENT

THE HON'BLE THE CHIEF JUSTICE (ACTING) MR.N.C.JAIN  
THE HON'BLE MR.JUSTICE P.G. AGARWAL.

For the petitioner : Mr. K.N.Choudhury,  
Mr.P. Bhowmick,  
Mr.B.C. Das, Advocates.

contd..



30.

Filed by the respondents through Pallab K. Borah

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI BENCH.



IN THE MATTER OF :

Contempt petition No. 27/98.

Original Application No. 80/95.

- A n d -

IN THE MATTER OF :

An objection filed on behalf of  
the alleged Contemners/respondents  
No. 1, 2 and 3.

- A n d -

IN THE MATTER OF :

Shri Dhrubendra Kumar.

... Applicant.

- Versus -

- 1) Sri B.K. Chouhan,  
Secretary to the Govt. of India,  
Ministry of Agriculture,  
New Delhi.
- 2) Sri R.S. Paroda,  
Director General, I.C.A.R.  
New Delhi.

2.

3) Sri N.D. Verma,  
 Director, I.C.A.R. Research  
 Complex for North Eastern Region,  
 Barapani, Shillong.

... Respondents.

1) That all the averments and submissions made in the application is denied by the respondents save and except what has been specifically admitted herein and what appears from the record of the case.

2) That ~~with regard~~ to the statements made by the applicant in paragraph 1 of the C.P. is only partly correct. The candidate is not a regular employee of the Council and as such, he is not entitled for any benefit whatsoever is available to a regular employee. Hence, the question of his "promotion to the post of Technical Officer, Entomology ( T-6) " does not arise.

In the very first para of written statement filed by the Respondents of O.A. 80/95, it is clearly mentioned that "The claim made by the applicant in regard to his applications to the post of T-6, Technical Officer (Entomology) at ICAR Research Complex for N.E.H. Region, Barapani is still under process which has been already taken up with the Council Headquarters, New Delhi seeking certain clarifications vide this Office letter No. RC(R)14/

3.

94 dated 5.4.95 and the decision of the Council Hqrs. in this regard is still awaited". The statement made by the candidate with regard to consideration of judgement and order dated 9.6.97 passed in ~~xxx~~ O.A. No. 78/95 is also not correct to the extent as much as the applicant of O.A. No. 78/95 is a regular employee of the ICAR whereas in the instant case the applicant is not a regular employee of ICAR. As such, the judgement passed in O.A. No. 78/95 for a regular employee cannot be claimed as a precedent for a Research Associate. It is true that the applicant is a Research Associate under the Rodent Control Project. As per the terms and conditions offered to him as a Research Associate, it is clearly mentioned ( Clause No. 8 ) that "the fellowship should not be considered as a regular employment in ICAR and this will not confer any right or claim whatsoever for regular appointment or otherwise in ICAR". Hence, he has never been considered as a regular employee in ICAR to claim any service age relaxation to enter into a regular appointment in any service. As per his age certificate, he was found overaged as prescribed in the Advertisement No. RC(R) 14/93 dated 20.8.93.

A copy of the aforesaid letter No. RC(R)14/94 is annexed herewith and is marked as Annexure- I.

A copy of the terms and conditions for Research Associates is annexed herewith and is marked as Annexure - II.

contd... p 4.

4.

3) That with regard to the statement made in para 2 of the C.P. No. 27/98, the respondents have no comments to offer.

4) That with regard to the statement made in para 3 of the C.P. No. 27/98, the respondents beg to state that ~~the applicant~~ <sup>it</sup> is true to the extent that the Registry of the Hon'ble Tribunal sent the copy of the Order dated 15.7.97 to all the offices of the respondents and the said copy was received on 29.11.1998 and not on 23.11.93 as alleged by the applicant. Here also he has deliberately tried to confuse this Hon'ble Tribunal.

As per the implementation of the judgement of the Tribunal in service matters is the duty and responsibility of the Union of India. But, in the instant case certain anomalies such as disclosure of overage of the petitioner and also the entitlement of service benefit as applicable to other regular employees of ICAR were brought to the notice of the respondents and these vital issues attracted the attention of the respondents. Hence, before the implementation of the order of the Hon'ble Tribunal it became imperative to seek clarification from the Council Hqrs. at New Delhi. And, on the other hand Council had also sought by Fax Message No. 27-2/95-Law dated 24.12.97 all the replies filed by the ICAR Research Complex for N.E.H. Region, Barapani in respect of the Judgement in question. subsequently, on 12.1.98 and 20.1.98 Council also sent message directing the Director, ICAR Research Complex for N.E.H. Region not to implement the

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said order dated 15.7.97. The Council also insisted for filing a Writ Petition in Hon'ble High Court against the said judgement.

A copy of the aforesaid Fax Message No. 27-2/95 - Law dated 24.12.97 is annexed herewith and is marked as Annexure - III.

A copy of the aforesaid letter dated <sup>12.1.98 &</sup> 20.1.98 is annexed herewith and is marked as Annexure-IV & V respectively.

5) That with regard to the statement made by the applicant in para 4 of C.P. No. 78/98 that "the respondents did not take any steps to implement the aforesaid judgement of the Hon'ble Tribunal. It is pertinent to mention here that the case of the applicant was decided on the basis of the judgement and order dated 9.6.97 passed in O.A. No. 78/95 and the said order has already been implemented by the respondents in as much as the respondents have issued an order dated 25.9.97 offering the appointment to the applicant in O.A. No. 78/95 ( Shri S. Verma ) and have implemented the said judgement and order dated 9.6.97" is not true. It has been categorically mentioned to implement the judgement and order passed by the Hon'ble Tribunal on 15.7.97 respondents were continuously communicating with Council Hqrs. at New Delhi and finally the Council have straightway mentioned that the judgement is not to be implemented. The contention of the applicant that his case was to be decided on the basis of the judgement and order dated 9.6.97 passed in O.A. No. 78/95 as in Shri S. Verma's case is totally baseless.

contd... p 6.

6.

Shri S. Verma is a regular employee of ICAR and has been working as Training Assistant (T-4) and was entitled for service benefit with regard to his age as well as experience whereas in case of the applicant ( Shri D. Kumar ) in question he was found overaged and even he was not qualified for being called for interview as he was not having the requisite experience for the post applied for. Hence, his case cannot be decided at par with Shri S. Verma.

6) That with regards to the statement made by the applicant in paragraphs 5 and 6 the respondents have no comments to offer.

7) That with regard to the statement made by the applicant in paragraph 7 of the C.P. that the order passed in O.A. No. 78/95 ( S. Verma Vs. Union of India & Ors. ) has already been implemented on 25.7.97 that too exactly within two months from the date of the Order i.e. 9.6.97 is true, but the contention of the applicant that his case is similar to Shri S. Verma and there is no earthly reason as to why case of the applicant is still pending implementation is not justified. His case is not similar to Shri S. Verma's case and it has been categorically emphasised earlier also. The "earthly reasons" for not implementing the order in his case was delayed only due to the pendency of decision at the Council Hqrs. in New Delhi. Once the age bar is removed in one case it will become a precedent for all the recruitments in future. Positive view has been taken in favour of the applicant and council's decision is still awaited.

7.

8) That with regard to the statement made by the applicant in paragraph 8 of the C.P., the respondents beg to submit their strong objection to the contention of the applicant that "they have acted contrary to the order passed in the said O.A. This action of the respondents amounts to Contempt of Court's proceedings and total disregard to the order passed by the Hon'ble Tribunal" is far from truth and have been mentioned with ulterior motive only to confuse this Hon'ble Tribunal and to put the respondents into trouble. The respondents ~~are~~ law abiding citizens of India and have full honour for any judgement and order passed by this Hon'ble Tribunal. In compliance of the order passed by the Hon'ble Tribunal, the respondent<sup>s</sup> appeared personally on the crucial dated 28.10.98 ~~ix~~ fixed by the Hon'ble Tribunal. The respondents have never acted contrary to the order passed in the said O.A. They have never shown any action which may amount to contempt of court proceeding. They have full regard to the order passed by this Hon'ble Tribunal. Contempt of Court Proceedings can only be initiated against the respondents for "willful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of undertaking given to a court". But, in the instant case at no instance or occasion any judgement, decree, direction, order, writ or any other process of the Tribunal either wilfully or otherwise have been disobeyed.

The inordinate delay in deciding the case of the applicant was only because certain anomalies were

8.

noticed and the case of the applicant had to be referred to the Council Hqrs. in New Delhi before the judgement and order dated 15.7.97 was passed by this Hon'ble Tribunal. The respondents have not made any recruitment against the post for which he was an applicant till today.

9) That with regard to the statement made by the applicant in paragraph 9 of the C.P. that "the respondents have acted contrary to the provisions of law in not implementing the orders of the Hon'ble Tribunal and violating the same and for this action they are liable to be punished under Contempt of Court Proceedings. Again the respondents have willfully and deliberately violated the order of the Hon'ble Tribunal" the respondents beg to state that the statement is not true. It is well known fact that "the business of the Government is transacted by large number of persons, including Secretaries to the Ministries/Depts. and other officers. Decision making is an elaborate and complex process involving participation of several officers. It is not easy to pin point the stage at which implementation of decision of the Tribunal got bogged down or delayed. There are frequent changes of personnel from one post to another for reasons such as transfer, promotion, reversion, removal, retirement or resignation. The Officer who has the relevant information to be placed in reply to show cause notice may not be available and the contemner impleaded in the contempt petition may not possess the information which is required to be placed before the Tribunal". Hence, the respondents ~~may~~ have not violated the order of Hon'ble

Tribal either willfully or deliberately and no Contempt of Court Proceedings can be initiated against any of the respondents. On the contrary Contempt of Court Proceedings should be initiated against the applicant for willfully suppressing the material facts and confusing the Hon'ble Court since the preliminary stage of the hearing.

10) That with regard to the statement made by the applicant in paragraph 10 of the C.P. that the applicant has filed this application bonafide and to secure ends of justice, the respondents beg to state that the statement is not true. He has only filed contempt proceedings in the instant case only to put the respondents into trouble and to rock the Government business and not to secure ends of justice.

11) That the respondents state that against the Judgement delivered by this Hon'ble Tribunal in O.A. No. 80/95 they had filed a Writ petition in the Hon'ble Gauhati High Court which has been numbered as Civil Rule No. 5864/98. The Hon'ble Gauhati High Court vide order dated 25.11.98 has been pleased to issue notice of motion and stay the operation of Judgement dated 15.7.97 passed in O.A. NO. 80/95.

A copy of the aforesaid Order dtd. 25.11.95 passed in Civil Rule No. 5864/98 has been annexed hereto and is marked as Annexure - VI.

12) That under the facts and circumstances stated above, it is respectfully submitted that the respondents have never violated the order dated 15.7.1997 passed by the Hon'ble Tribunal in O.A. No. 80/95 either willfully and deliberately or otherwise and as such, the instant proceeding

10.

is liable to be dropped. The applicant has willfully suppressed the material fact that he was overaged and had no any experience for the post of Technical Officer (T-6) Entomology, as such, this Hon'ble Tribunal may be pleased to drop the instant proceeding against the respondents.

VERIFICATION.

I, Shri N.D. Verma, S/o Late N.L. Verma, aged about 56 years, presently working as Director, Indian Council of Agricultural Research, Barapani, Meghalaya, do hereby solemnly affirm and verify that the statements made herein and in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the accompanying objection are true to my knowledge which I believe to be true.

Hence, I sign this verification on this, the 27<sup>th</sup> day of November, 1998 at Guwahati.

Narendra Das Verma  
DEPONENT. at 27.11.98

*Confidential*

ANNEXURE-I

29/4

UMROI ROAD, BARAPANI, MEGHALAYA 793 003.

No. RC(R) 14/94

Dt. Barapani, the 5th April, 1995.

To  
The Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan,  
New Delhi - 1.

Subject: Discrimination against the appointment of  
OBC for the post of T-6.

Reference: Your letter F.No. 10(5)/95-Estt.IV, Dt. 23.3.95.

Sir,

With reference to the letter on the subject cited above I am to forward herewith 3 (three) photostat copies of the proceedings of the Selection Committee Meeting for favour of your kind perusal. A copy of the Advertisement against the said selection is also forwarded herewith.

In this connection, I would like to state as follows, As per advertisement the post of Farm Manager T-6 (Poultry/Agro) 2 (two) posts were shown out of which 1 (one) post was reserved for SC. But as per the proceeding of the Selection Committee, both the candidates were selected belonging to the Other Backward Classes community, while the advertisement was made without any provision for the Other Backward Classes, since the said advertisement was made before issuing the circular for reservation for Other Backward Classes by the Govt. of India.

2. As per the advertisement, only one post of Training Associate T-6 (Agro) was shown and the said post has been filled up by appointing the first candidate of the merit list. Thereby the appointment of the remaining candidates could not be issued, since there was only one post as per the advertisement.

3. As per the advertisement, 2 (two) post of Tech. Officer T-6 (Ento) were advertised showing both the post as Un-reserved. But so far as the case of Shri D. Kumar is concerned, he was found overaged for which his case could not be considered for appointment.

Contd.....2/-

Moreover there is a controversy/complaint against the  
 election of the candidates for the post of Technical Officer  
 (3-6) Anatomy against which Dr. Mahesh Kumar has submitted a representation which was already forwarded to the Council HQ and further communication in this regard is still awaited.

Thereby, it appears that there is no such discrimination made against the appointment of OBC candidates and other so far this office record goes.

However, it is requested to kindly advise the undersigned as to whether the said appointment could be issued under the aforesaid anomalies.

An early reply is requested.

Yours faithfully,

*S. Laskar*  
 ( S. LASKAR )  
 DIRECTOR

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Ms

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
"CEDAR LODGE", JOWAI ROAD, SHILLONG - 3

No.RC(R)1/83

Dated Shillong, the 10<sup>th</sup> May, 1985

M E M O R A N D U M

The Director, ICAR Research Complex for N.E.H. Region, Shillong is pleased to offer a Fellowship as Research Associate to Dr/Shri. **Dhrubendra Kumar**.....under All India Coordinated Research Programme on Rodent Control Scheme at a monthly fixed fellowship @ Rs.600/- (Rupees six hundred) only for initial two years and @ Rs.700/- (Rupees seven hundred) only for the third year based on the terms and conditions indicated in the Annexure-I to this Memorandum, with effect from the date of joining.

If this offer of Research Fellowship is acceptable to Dr/Shri. **Dhrubendra Kumar**.....as per terms & conditions prescribed, he should furnish his joining report to the Director through the Scientist Incharge, Division of Entomology, ICAR Research Complex for N.E.H. Region, Shillong within 21 days from the date of issue of this offer. In the event of his failure to join the fellowship within the specified period, this offer will stand automatically cancelled.

Sd/- M.N. Sharma  
Asstt. Admn Officer (Admn)

Memo No.RC(R)1/83

Dated Shillong, the 10<sup>th</sup> May, 1985

Copy to :-

1. Dr./Shri **Dhrubendra Kumar**, C/o Singh Medical Store, Azeelganj, Bijnor (U.P) 246722. C/o Scientist I/C Entomology, Shillong.....
2. Asstt. Director General (P), Indian Council of Agricultural Research, Krishi Bhavan, New Delhi - 110001 for favour of kind information with reference to his letter No.7-3/81-PP dated 17th January, 1983.
3. Dr. S.K. Gangwar, Scientist In-charge (Entomology), ICAR Research Complex for N.E.H. Region, Shillong for information.
4. Acc-cunts Officer, ICAR Research Complex for N.E.H. Region, Shillong for information.
5. Asstt Admn Officer (BC)/Asstt Admn Officer (DD Cell), ICAR Research Complex for N.E.H. Region, Shillong.
6. Superintendent (Admn), ICAR Research Complex for N.E.H. Region, Shillong for information and opening personal file of Dr/Shri. **Dhrubendra Kumar**.....
7. Cash Branch (internal)

o/v

*M.N. Sharma*  
(M.N. Sharma)  
Asstt. Admn Officer (Admn)

TERMS & CONDITIONS OF FELLOWSHIP FOR RESEARCH ASSOCIATE

1. Terms and conditions governing grant of fellowship will apply as decided by the ICAR.
2. The Research fellow is not allowed to accept or hold some other fellowship/studentship/appointment during the tenure of fellowship. In case the Research Fellow is already the recipient of some other scholarship/fellowship of a subsequent date during the period of his fellowship, he shall not accept or draw the same and surrender to the authority awarded it. If the research fellow has already been awarded fellowship/scholarship/student-ship from some other sources and have also drawn the same, he will be required to refund the amount received during the currency of this fellowship to the authority concerned.
3. The fellowship holder is required to devote his whole time to the approved research programme and will not be allowed to accept or hold another appointment paid or otherwise. If he is holding a part-time/casual employment/engagement the fellowship will take effect from the date from which he resigns that employment/engagement or join this fellowship whichever is later.
4. The research fellow will have to work under the guidance and supervision of the Scientist In-charge of Entomology Division/Principal Investigator. He will submit six monthly and annual report of his progress to the Principal Investigator for review of his progress and in case, his progress is found unsatisfactory, the fellowship will be liable to be terminated prematurely without previous notice and assigning any reason thereof.
5. All insects collected and research done during the period of the fellowship will best with the ICAR and should be deposited to the Principal Investigator. Fellow will not be permitted to directly involve in any exchange or sending any research material to any individual or Institute or Agency for any purpose. All such correspondence will be routed through the Principal Investigator for whose decision will be binding upon the fellow.
6. The research fellow will have to furnish an undertaking to the effect that he will not leave the fellowship at least for two years.
7. The research fellow will have to furnish his original certificates in respect of his age, qualification, etc., at the time of his joining.
8. The fellowship should not be considered as a regular employment in ICAR and this will not confer any right/claim whatsoever for regular appointment and/or otherwise in ICAR.
9. The fellowship is subject to observance of discipline and maintenance of good conduct. Decision/order of the Director on this count will be final and binding upon the research fellow.

.....

ANNEXURE-III

44-162

-15-



Form No. 53  
Dated 24.12.97  
No. of Pages 1

TELEPHONE OFF. : 3388993/3388994  
3388995 EXTN./.....  
TELEGRAM : AGRI  
TELEX : 031-62249 ICAI

भारतीय कृषि अनुसंधान परिषद्

कृषि भवन, डॉ. राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110001

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAWAN, Dr. RAJENDRA PRASAD ROAD, NEW DELHI-110 001

F.No.27-2/95-Law

Dated : 24.12.97

To,

The Director,  
ICAR Research Complex for MBH Region,  
Barapani.

Subject :- OA No.578 - 82/95 and 85/95 filed by S/Sh.  
S. Verma, L.N. Singh, D.Numan, T.K. Sinha  
& R. Krishna before CAT Guwahati Bench.

Sir,

Kindly send immediately copies of reply filed  
by the institute in the above subject case through  
courier or speed post.

Yours faithfully,

(S.R. CHAUHAN)  
SECTION OFFICER

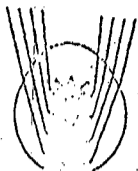
PG/GCD.

Pl. furnish  
information

the required  
urgently.  
29/12/97

DU

ANNEXURE IV



FAX

TELEPHONE OFF : 3388991 EXTN/  
TELEX : 031-62249 ICAR IN  
FAX : 011-3387293  
TELEGRAM : AGRISEC

भारतीय कृषि अनुसंधान परिषद  
कृषि भवन, डॉ० राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110 001  
INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001.

F.No.27-2/95-Law

Dated : 12.1.98

To,

The Director,  
ICAR Research Complex,  
Barapani.

Subject :- O.A. Nos. 79, 80, 81, 82, 85, 137 and  
138/95 filed by Shri Lakshmi-Narayan  
Singh and others.

Sir,

Council is in receipt of a copy of the  
common order dated 15th July, 97 in the above  
subject cases. The undersigned <sup>somebody</sup> alongwith the  
respective records of all the cases immediately so  
that possibility of filing Writ Petition in High  
Court could be examined. The Writ Petition will  
be got prepared at New Delhi if deemed necessary.

Yours faithfully,

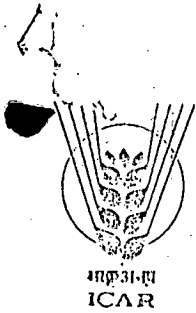
*(Signature)*  
(S.R. CHAUHAN)  
SECTION OFFICER

*Ho*  
*Comma*  
*13/1/98*

Director Place No. 153 D. 13/1/98

*urgent*  
*Supdr (A) / PG*  
*pl. put up*  
*13/1/98*

4536  
13/1/98



FAX

Fax Reg. No. 869  
Dated...  
No. of Pages...

ANNEXURE  
TELEPHONE OFF. 3388991 EXT...  
TELEX 031 - 62249  
FAX 011 - 3387293  
TELEGRAM AGRISEC

16446

-17-

भारतीय कृषि अनुसंधान परिषद  
कृषि भवन, डॉ. राजेन्द्र प्रसाद रोड, नई दिल्ली-110 001  
INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001.

F.No.27-2/95-Law

Dated : 20.1.98

To,

The Director,  
ICAR Research Complex for NEH Region,  
Umroi Road,  
Barpeta.  
C/O CFC, Barpeta

Subject :- O.A No.78-82/95 & 85/95 filed by S/Sh.  
S. Verma, L.N. Singh, D. Kumar, F.K.  
Sinha & R. Krishna before CAT Guwahati  
Bench.

Sir,

Kindly refer to your letter No.RC(G)/35/  
05/1078 dated 7th January, 98 on the subject  
mentioned above. The undersigned is directed to  
inform you not to implement the order dated  
15.7.97 passed in O.A No.79 to 82,85, 137 and  
146/95. Also depute someone alongwith the  
relevant records and reply filed in the court as  
referred to in para 3 of the judgment dated  
15.7.97.

P.166-167/c

Yours faithfully,

(S.R. CHAUHAN)  
SECTION OFFICER

Urgent

AO  
27.1.98

PG  
Pl. put up urgently  
28/1/98



18

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	र्याग और फोटिओ की अपेक्षित संख्या सहित नमूने की तिथि तारीख Date fixed for affixing the requisite number of stamps and folios.	अपेक्षित र्याग और फोटिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
25-11-98	28-11-98	28-11-98	28-11-98	28-11-98

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
MIZORAM AND ARUNACHAL PRADESH).

CIVIL RULE NO. 5864/98.

1. The Secretary to the Govt. of India,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi.
2. The Director General,  
Indian Council of Agriculture Research,  
Krishi Bhawan, New Delhi.
3. The Director, Indian Council of Agricultural  
Research, Research Complex, N.E. Region,  
Borapani, Meghalaya.

... Petitioners.

-VS-

Shri Dhruvendra Kumar ... Respondent.

PRESENT

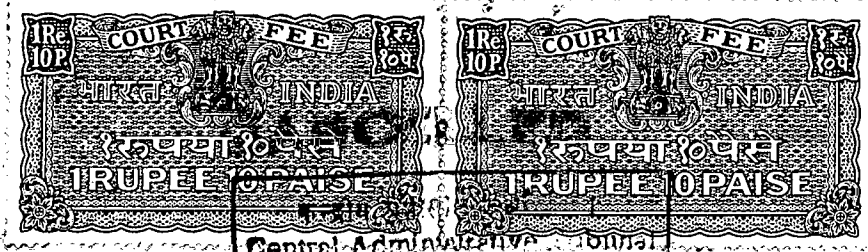
THE HON'BLE THE CHIEF JUSTICE (ACTING) MR.N.C.JAIN

THE HON'BLE MR.JUSTICE P.G. AGARWAL.

For the petitioner : Mr. K.N.Choudhury,  
Mr.P. Bhowmick,  
Mr.B.C. Das, Advocates.

contd..



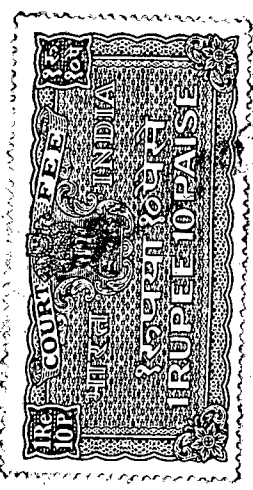


49

Filed by the  
Respondents/Contemners  
through -  
Rajesh Bhawan  
Advocate, 26.05.99.

Central Administrative Tribunal  
26 MAY 1999

IN THE GUWAHATI ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH :: GUWAHATI.



IN THE MATTER OF :

CONTEMPT PETITION NO. 27 OF 1998  
arising out of O.A.No.80/95

-And-

IN THE MATTER OF :

An affidavit filed on behalf of  
the alleged Contemners No.2 and 3.

-And-

IN THE MATTER OF :

Sri Dhruvendra Kumar ... Applicant.

-Versus-

Sri B.K.Chauhan & Others. ... Respondents  
Contemners.

*Narenchha Deo Verma*

I, Sri N.D.Verma, presently working as  
Director, ICAR Research Complex, Barapani, Meghalaya,  
aged about 58 years, do hereby solemnly affirm  
and declare as follows :

1. That I am the alleged contemner/Opposite party No.3 in the instant contempt petition. I am competent to file this affidavit on behalf of the alleged contemner No.2 as authorised and I swear the same. I am also fully acquainted with the facts and circumstances of the case.

*[Handwritten signature]*

2.

2. That the deponent states that the aforesaid application under section 17 of the Administrative Tribunals Act, 1985 was filed by the applicant for drawing up a contempt proceeding against the alleged contemners for alleged non-compliance of the judgment and order dated 15.7.97 passed by this Hon'ble Tribunal in O.A.No.80/95. This Hon'ble Tribunal by order dated 16.9.98 was pleased to initiate a contempt proceeding against the alleged contemners.

3. That the present affidavit has been filed by the alleged contemners/opposite party No. 2 and 3 for raising a question of vital legal importance, inasmuch as, whether this Hon'ble Tribunal can exercise the power of contempt.

4. That it is true that Section 17 of the Administrative Tribunal Act, 1985 empowers this Hon'ble Tribunal to exercise the same jurisdiction, powers and authority in respect of contempt of itself as a High Court. ~~as~~ and may exercise, for this purpose, the provision of the Contempt of Court Act, 1971, hereinafter referred to as the Act of 1971. However, with the pronouncement of the judgment by the Apex Court in L.Chandra Kumar vs. Union of India & Ors., reported in (1997) 3 SCC 261, the legal position

3.

in this regard has undergone a change which has a vital bearing in adjudication of the issues as to whether this Hon'ble Tribunal can still exercise the power of contempt under Section 17 of the Act of 1985 after 18.3.97 i.e. the date of the judgment(supra).

5. That the Apex Court in the case of L. Chandra Kumar. (supra) has held that the jurisdiction conferred upon High Courts under Article 226/227 and upon the Supreme Court under Article 32 of the Constitution is a part of the inviolable basic structure of our Constitution. While it was also held that while this jurisdiction cannot be ousted, other courts and tribunals may perform a supplementary role in discharging the powers conferred by Article 226 /227 and 32 of the Constitution of India.

6. That the deponent states and submits that initially when the Act of 1985 was enacted, this Hon'ble Tribunal was conceived as a substitute of the High Court exercising the powers under Article 226 of the Constitution of India. This is the dictum of law laid down by the Apex Court in S.P.Sampat Kumar Vs. Union of India and Ors., reported in AIR 1987 SC 386. In paragraph 4 of the report, the Apex Court held as follows :

  
District High Court  
Muzaffarpur

"4. ... .. But what is needed in a judicial tribunal which is intended to supplant the High Court in legal training and experience. I am, therefore, of the view, in agreement with Ranganath Mishra, J that Clause (C) of Section 6(1) must be struck down as invalid."

Therefore, until the coming into force of the judgment of the Apex Court in L.Chandra Kumar (supra) there cannot be any quarrel with the proposition that this Hon'ble Tribunal indeed had the power to exercise the power of contempt. However, after the decision in L.Chandra Kumar (supra) it is difficult to subscribe the view that this Hon'ble Tribunal can still exercise the power of contempt. It is the only respectful submission of the deponent for consideration by this Hon'ble Tribunal.

7. That the deponent states and submits that after the decision in L.Chandra Kumar (supra), this Hon'ble Tribunal is no longer a substitute of the High Court, inasmuch as, this Hon'ble Tribunal can only perform a supplementary role in discharging the powers conferred by Article 226/227 of the Constitution of India. It was

*[Signature]*  
 ... High Court  
 ...

5.

also held in the said judgment that this Hon'ble Tribunal will, nevertheless continue to act like courts of first instance in respect of the areas of law for which they have been enacted. The aforesaid sentence of the said judgment has also a lot of significance in deciding the issue raised in the present affidavit. The phrase "areas of law" in the respectful submission of the deponent means matters relating to recruitment and condition of service. Primarily the Act of 1985 has been enacted for adjudication by the tribunals of disputes and complaints with respect to recruitment and conditions of service.

8# That in this connection it would be relevant to refer to Section 10 of the Act of 1971. Section 10 empowers the High Court to punish contempt of subordinate courts. Therefore, on a harmonious reading of Section 10 of the Act of 1971 and the legal position which has emerged after the decision in L.Chandra Kumar (supra), the deponent respectfully feels that this Hon'ble Tribunal has become subordinate to the High Court under Article 226/227 of the Constitution of India. With utmost humility the deponent respectfully submits that this is a possible interpretation which has emerged after the decision in L.Chandra Kumar (supra).

6.

9. That the deponent states and submits that the phrase 'courts subordinate to it' used in Section 10 of the Act of 1971 is wide enough to include all courts which are judicially subordinate to the High Court even though the administrative control over them under 235 of the Constitution does not vest in the High Court. It is further submitted that superintendence includes the power to deal with contempt courts. In this connection it would be relevant to refer to the decision of the Apex Court in S.K.Sarkar, Member, Board of Revenue U.P. vs. Vijoy Chandra Mishra, reported in 1981 Cr.LJ 283.

10. That with utmost respect and humility the deponent begs to raise the aforesaid legal question for adjudication by this Hon'ble Tribunal. Although in L.Chandra Kumar(supra) the legal question raised in the present case was not raised and/or adjudicated upon, but there is a clear intention in para 99 of the report that by necessary implication the power of this Hon'ble Tribunal to exercise power of contempt has been negatived.

11. That the statements made in this affidavit and in paragraphs 1 and 3 are true to my knowledge,

Handwritten signature and official stamp of the High Court.

7.

those made in paragraph 2 being matters of record of the case are true to my information derived therefrom which I believe to be true and those made in paragraphs 4 to 10 are true to my knowlege based on legal advice and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this 25<sup>th</sup> day of May, 1999 at Guwahati.

Identified by *Narendra Deo Verma .*  
Deponent.  
*Taru Lokya Deka Ak* Dt 25/5/99  
Advocate's clerk. 25-5-99

*25/5/99*  
The declaration is identified by *Narendra Deo Verma* personally  
known to me and  
explained to me  
by *Narendra Deo Verma*  
Counsel for the Deponent  
Guwahati High Court  
Guwahati  
25/5/99

From : P.Bhowmick, Advocate

To

Shri B.K.Sharma, Advocate  
Gauhati High Court,  
Guwahati.

Subj : Contempt Petn No.27/98(in O.A.No.80/95)

Sri Dhrubendra Kumar  
vs  
Sri B.K.Chauhan & Ors.

Sir,

Please take notice that an affidavit on behalf of the alleged contemner/opp.party No.2 & 3 is being filed in the abovementioned case. A copy of the same is furnished for your use which may kindly be acknowledged.

Received copy

*M.K. Curmy*  
Advocate.

Yours faithfully,

*P. Bhowmick*  
(P.Bhowmick)  
Advocate.