

GAHC030002122024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/5/2024

Rinzuala and 68 Ors.

S/o Khetrojoy, R/o Rajtali, Kolasib District 2: Sh Lalengkimttheia

S/o Thansiamma

R/o Rajtali

Kolasib District

3: Lungmuana

S/o Thansiamma

R/o Rajtali

Kolasib District

4: Lallungliani

D/o Thansiamma

R/o Rajtali

Kolasib District

5: Vanlalhlana

S/o Ramsadu

R/o Rajtali

Kolasib District

6: Thiamchawngi

D/o Thangpuui

R/o Rajtali

Kolasib District

7: Ononjoy

S/o Ramsadi

R/o Rajtali

Kolasib District

8: Nil Bahadur

S/o Ronjon

R/o Rajtali

Kolasib District

9: Ramba
S/o Bancharaj
R/o Rajtali
Kolasib District

10: Ramzauva
S/o Birmohan
R/o Rajtali
Kolasib District

11: Daia
S/o Luaicha
R/o Rajtali
Kolasib District

12: Nobiram
S/o Dosanga
R/o Rajtali
Kolasib District

13: Lalchawimawia
S/o Tlangsan Hmar
R/o Rajtali
Kolasib District

14: Kapmawia
S/o Bijoy
R/o Rajtali
Kolasib District

15: Tlangsan Hmar
S/o Zathuama
R/o Rajtali
Kolasib District

16: Tlangsan Hmar
C/o Lalruata
R/o Rajtali
Kolasib District

17: Rinchhana
S/o Samsadu
R/o Rajtali
Kolasib District

18: Vuana

S/o Buaikhonto
R/o Rajtali
Kolasib District

19: Manjarung
S/o Monchoring
R/o Rajtali
Kolasib District

20: Satirai
S/o Bijoy
R/o Rajtali
Kolasib District

21: Lawmkima
S/o Horena
R/o Rajtali
Kolasib District

22: Lawmkima
S/o Herondo
R/o Rajtali
Kolasib District

23: Zorinkima
S/o Khetrojoy
R/o Rajtali
Kolasib District

24: Dula
S/o Durachha
R/o Rajtali
Kolasib District

25: Mohindro
S/o Sobiram
R/o Rajtali
Kolasib District

26: Mohindro
C/o P.L.Zohmingliana
S/o Spbiram
R/o Rajtali
Kolasib District

27: Dosanga
S/o Bijoy
R/o Rajtali

Kolasib District

28: Nokorai
C/o Zodinsanga
S/o Khetrojoy
R/o Rajtali
Kolasib District

29: Rammawia
S/o Robia
R/o Rajtali
Kolasib District

30: Dobola
S/o Mirtojoy
R/o Rajtali
Kolasib District

31: Budasingh
S/o Kornojoy
R/o Rajtali
Kolasib District

32: Nokurai
S/o Khetrojoy
R/o Rajtali
Kolasib District

33: Taiduha
S/o Daruka
R/o Rajtali
Kolasib District

34: Lalengkima
S/o Masarai
R/o Rajtali
Kolasib District

35: Nasarung
S/o Nisia
R/o Rajtali
Kolasib District

36: Joela
C/o Vanlalruata
S/o Saduhai
R/o Rajtali
Kolasib District

37: Muanpuia
S/o Monia
R/o Rajtali
Kolasib District

38: Ropuia
S/o Zangula
R/o Rajtali
Kolasib District

39: Nisia
S/o Bisarai
R/o Rajtali
Kolasib District

40: Ramliana
S/o Golduram
R/o Rajtali
Kolasib District

41: Mungoti
S/o Jujendro
R/o Rajtali
Kolasib District

42: Melkoram
S/o Dorchoram
R/o Rajtali
Kolasib District

43: Boikhanto
S/o Monba
R/o Rajtali
Kolasib District

44: Linjorai
S/o Keson
R/o Rajtali
Kolasib District

45: Chandiram
S/o Dohoram
R/o Rajtali
Kolasib District

46: Chotoino
S/o Baronjoy

R/o Rajtali
Kolasib District

47: Chotoino
S/o Matingi
R/o Rajtali
Kolasib District

48: Burdirram
S/o Norendro
R/o Rajtali
Kolasib District

49: Nadurai
S/o Bijoy
R/o Rajtali
Kolasib District

50: Subidra
S/o Horendro
R/o Rajtali
Kolasib District

51: Rangnangti
S/o Raimona
R/o Rajtali
Kolasib District

52: Jobinti
C/o Biakhluni
Kolasib
Mizoram

53: Manui
D/o Ronjona
R/o Rajtali
Kolasib District

54: Lalmangaiha
S/o Dappharai
R/o Rajtali
Kolasib District

55: Dilcham
S/o Kesoh
R/o Rajtali
Kolasib District

56: Nironjon
S/o Ramzauva
Hortoki
Kolasib District

57: Lalfakzuala
C/o Raimona
R/o Rajtali
Kolasib District

58: Zothanpuui
W/o Ngurchhuanmawia
R/o Kolasib
Mizoram

59: Ngurchhuanmawia
S/o S.K.Sanga
Kolasib
Mizoram

60: Vanlalhruii
C/o Zothanga
Kolasib
Mizoram

61: Lalduhveli
D/o S.K.Sanga
R/o Kolasib
Mizoram

62: S.K.Sanga
S/o L.T.Zauva
Kolasib

63: Lalhmingliana
S/o S.K.Sanga
R/o Kolasib

64: Lalzawmliana
S/o Rengzika
R/o Hortoki

65: Liporjoy
C/o Remthangi
R/o Rajdali
Kolasib District
Mizoram

66: Kholoti
C/o Tlanmawii
Kolasib
Mizoram

67: Lalngilneia
S/o Goikoram
R/o Rajdali
Kolasib District
Mizoram

68: Chotoino
S/o Boronjoy
R/o Rajdali
Kolasib District
Mizoram

69: Lalfakzuala
S/o Lungsenham
R/o Rajdali
Kolasib District
Mizora

VERSUS

Smt Aruna Nayar and 6 Ors.
IRPS, Secretary, Railway Board, Ministry of Railways, Govt. of India, Room No.227,
Rail Bhavan, 1, Raisina Road, New Delhi-110001 2:Sh Satish Kumar Pandey
General Manager /Construction Northeast Frontier Railway
Maligaon
Guwahati - 781011

3:Sh P.K.Kshatriya
Chief Administrative Officer / Construction-II
Northeast Frontier Railway
Maligaon
Guwahati - 781011

4:Sh Vinod Kumar
Chief Engineer / Construction-2
Northeast Frontier Railway
Maligaon
Guwahati - 781011

5:Sh Dinesh Kumar
Deputy Chief Engineer / Construction / Bhairabi
Northeast Frontier Railway
Tarapur

Silchar
Assam - 78800

Advocate for the Petitioner : Mr. Jonathan L Sailo

Advocate for the Respondent : Mr Haresh Gupta

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

26.11.2025

Heard Mr. H. Zodinsanga, learned counsel appearing for the petitioners. Also heard Mr. Haresh Gupta, learned counsel appearing for the respondent/contemnor Nos. 1 and 4.

None appears for the respondent/contemnor Nos. 2, 3, 5, 6 and 7 on call.

Pertinent that on 07.08.2025, Mr. H. Gupta, learned counsel, had categorically submitted before this court that he has instructions to appear for all the respondents/contemnors including respondent Nos. 2, 3, 5, 6 and 7. He had also categorically submitted before this court that he will be filing a Vakalatnama within a short period of time for the remaining respondents/contemnors. However, till date no power has been filed on behalf of the aforesaid contemnors.

It appears that thereafter the matter came up on 22.09.2025, on which date this court, upon hearing the parties, was of the prima facie view that the respondent/contemnor No. 4 has attempted to take advantage of a writ appeal belatedly being filed to justify the non-

compliance.

It further appears that on 16.10.2025, a prayer was sought by Mr. H. Gupta, learned counsel, for filing an additional affidavit on behalf of respondent/contemnor No. 7 and also to make necessary corrections in the previous affidavit, which inadvertently was said to have been filed on behalf of respondent No. 7 instead of respondent No. 4. It appears that on 13.11.2025 there was no representation on behalf of respondent No. 7 on call, and it was also noticed that there was no additional affidavit or corrected affidavit filed on behalf of the respondent No. 7, and accordingly, this court granted one more opportunity to the respondent No. 7 to ensure appearance on his behalf on the next date fixed. Accordingly, the matter was posted on 17.11.2025.

On 17.11.2025, Mr. H. Gupta, learned counsel, appeared on behalf of the respondent No. 7 and submitted that the respondent requested an accommodation till Friday to file their affidavit and to bring on record in accordance with the earlier order passed by this court. It further appears that on that date this court reluctantly granted time to the respondents till 26.11.2025. However, it was clarified that in the absence of any affidavit on record on behalf of the respondent No. 7, on the next date of hearing, this court shall view the same seriously.

Today, when the matter was called Mr. H. Gupta, learned counsel appearing for the respondents/contemnors, submits that during the pendency of the contempt proceedings respondent No. 7 was transferred to Chandigarh from the present post of Deputy Chief Engineer, Construction/Kawnpui (KWN I), Northeast Frontier Railway, Kawnpui, Mizoram. Upon a pointed query, on which date he was

transferred, Mr. Gupta, learned counsel, is unable to inform this court. He further submits that since Mr. Hitesh Jaiswal, the then Deputy Chief Engineer, Construction/Kawnpui (KWNl), Northeast Frontier Railway, Kawnpui, Mizoram, has been transferred from the said post, the department is unable to give him the Vakalatnama to appear on his behalf. He further submits that he has also not been able to procure the Vakalatnama on behalf of the remaining respondents/contemnors. This court depreciates the practice of the learned counsel adjourning the matter on behalf of the respondent/contemnor No. 7 on several occasions without filing power on his behalf. It is evident from the records that the service has been duly completed against the aforesaid contemnors/respondents, however, despite having received the notice from this court to show cause as to why contempt proceedings shall not be drawn against them for non-compliance of the judgment & order dated 15.05.2023 passed by this court in W.P(C) No. 47/2023, they have not bothered to appear before this court and/or engage any counsel to represent them in the present contempt proceedings before this court. It further appears that the contempt proceedings have been very casually treated by the concerned contemnors, i.e., respondent Nos. 2, 3, 5, 6 and 7. Mere transfer of Mr. Hitesh Jaiswal, the then Deputy Chief Engineer, Construction/Kawnpui (KWNl), Northeast Frontier Railway, Kawnpui, Mizoram, to Chandigarh shall not automatically discharge him from his liability in the aforesaid contempt proceedings.

Mr. H. Gupta, learned counsel, once again requests for posting this matter on another date to enable him to inform the aforesaid

respondent/contemnor through the concerned department.

Noticing that on the last occasion, this court had made it clear that in the absence of any affidavit on behalf of the respondent No. 7, this court shall view the same seriously, this court directs the respondent No. 7, Mr. Hitesh Jaiswal, the then Deputy Chief Engineer, Construction/Kawnpui (KWNl), Northeast Frontier Railway, Kawnpui, Mizoram, to be present before this court on the next date of listing either personally or through virtual mode. He further is at liberty to engage a legal counsel of his own choice to represent him in the present contempt proceedings and file the show cause in response to the notice issued in the present contempt proceedings.

Relist the matter on 11.12.205.

Mr. H. Gupta, learned counsel, shall also communicate the order to the department concerned to ensure that the respondent No. 7 Mr. Hitesh Jaiswal, the then Deputy Chief Engineer, Construction/Kawnpui (KWNl), Northeast Frontier Railway, Kawnpui, Mizoram, is furnished a copy of this order and is informed about the consequences of not appearing before this court on the next date fixed.

Let Registry also communicate the copy of this order to the respondent No. 7, i.e., Mr. Hitesh Jaiswal.

Mr. H. Gupta's, learned counsel's office shall also inform the Court Master of Court No. 2, Aizawl Bench, Gauhati High Court, about the contact details including WhatsApp and E-mail details of Mr. Hitesh Jaiswal, for the Registry to do the needful.

Mr. H. Zodingsanga, learned counsel for the petitioners is also at

liberty to file necessary application to bring the new incumbent to the post of Deputy Chief Engineer, Construction/Kawnpui (KWNI), Northeast Frontier Railway, Kawnpui, Mizoram, on record including any other new incumbents to the post the remaining contemnors are holding.

Let a copy of this order be furnished to Mr. H. Gupta, learned counsel for the respondents/contemnors No. 1 & 4 by the Registry of this Court.

JUDGE

Comparing Assistant