

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 01A 213

OF 199 8

Applicant(s) Shri K. S. P. V. PAVAN KUMAR

- VS -

Respondent(s) Union of India & ORS

Advocate for Applicant(s) Mr. P. K. Goswami

Mr. B. K. Sharma

Mr. S. Sarma

Advocate for Respondent(s) Mr. U. K. Nair

Mr. A. K. Choudhury, Addl.

C.S. & C.

Dr. Y. K. Phukan, Sr.

G.A. Assam,

Mrs. M. Das

G.A. Assam.

| Notes of the Registry  | Date                                     | Order of the Tribunal   |
|--|--|---|
| <p>This application is in form and within time of Rs. 50/- deposited vide IPO BD No. 858732 dated 8.9.98 858733 628657 Dated 8.9.98</p> <p>Requisite 4 Copies have been filed.</p> <p><i>[Signature]</i> 11/9/98<br/>Registrar</p> <p><i>[Signature]</i> 15.9.</p> <p>Notice prepared &amp; sent to despatch for issuance to R-1-4</p> | <p>10.9.98</p> <p>trd</p> <p>11-9-98</p> | <p>Heard Mr P.K. Goswami, learned counsel for the applicant. The application is admitted. Mr Goswami prays for an interim order. Dr Y.K. Phukan, learned Sr. Government Advocate, Assam, submits that he has no instructions today. Accordingly we adjourn the case till tomorrow to enable Mr Phukan to receive instructions.</p> <p><i>[Signature]</i><br/>Member</p> <p><i>[Signature]</i><br/>Vice-Chairman</p> <p>Heard Mr. P.K. Goswami learned Sr. Advocate and Mr. B.K. Sharma learned counsel and also Dr. Y.K. Phukan, learned Government Advocate Assam, for the respondents.</p> <p>Contd/-</p> |

| Notes of the Registry  | Date   | Order of the Tribunal  |
|--|--|--|
| <p>1) Service Reports are still awaited.</p> <p>2) Show Cause in not seen till now.</p> <p>SA<br/>17/9</p> <p>Memo of appearance filed by Dr. Y.K. Phukan, Sr. G.A. Assam.</p> <p>10/9</p> <p>Written statement filed on behalf of the respondents No-4 (State of Assam)</p> <p>Copy of the same not yet served to the counsel of the applicant.</p> <p>17/9</p> <p>Pl. comply order dtd 18-9-98.</p> <p>18/9</p> <p>21.9.98</p> <p>Copy of order dtd 18.9.98 issued to the counsel of parties.</p> <p>21/9</p> <p>Copies of the notices issued &amp; D. No. 2745-2748 dtd 18-9-98</p> <p>21/9</p> | <p>11-9-98</p> <p>18-9-98</p> <p>1m<br/>17/9</p> <p>18-9-98</p> <p>1m<br/>18/9</p> | <p>Heard Mr.P.K.Goswami, learned Sr. Advocate and Mr.B.K.Sharma appearing on behalf of the applicant and Dr.Y.K.Phukan learned Sr.Government Advocate Assam for the respondents.</p> <p>Mr.P.K.Goswami prays for an interim order to stay the order of suspension dated 29-8-98. We granted time to Dr.Y.K.Phukan, Government Advocate, Assam, to receive instructions. To-day Dr.Phukan informs that he has not received any instruction as copy of the application was not available with the Government.</p> <p>Issue notice to show cause why the interim order dated 29-8-98 shall not be granted. Notice is returnable by 7 days. Meanwhile, the order of suspension dated 29-8-98 (Annexure II) shall remain suspended until further orders.</p> <p>List on 18-9-98 for Admission.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Heard Mr.S.Sarma learned counsel appearing on behalf of the applicant and Dr.Y.K.Phukan, learned Sr.Government Advocate, Assam for the respondents.</p> <p>Written statement has been filed. Mr.S.Sarma learned counsel for the applicant prays for 2 weeks time to file rejoinder if, so advised. Prayer is allowed. Dr.Phukan prays for 2 weeks time for filing objection against the interim order.</p> <p>List on 21-10-98 for orders. The interim order dated 11-9-98 shall continue until further orders.</p> <p>Member</p> <p>Vice-Chairman</p> |

21.10.98

Dr. Y.K.Phukan, learned Sr. Govt. Advocate, Assam submits that in the facts and circumstances of the case stay order dated 11.9.98 should not continue. However, if the Tribunal is inclined to continue the stay order, the matter should be disposed of as early as possible.

We have heard Dr.Y.K.Phukan learned G.A., Assam, Mr. A.K. Choudhury, learned Addl. C.G.S.C. and Mr. B.K.Sharma appearing on behalf of the applicant. We agree with the submission of Dr. Phukan. Accordingly we fix the matter for hearing on 5.11.1998. Mr. B.K.Sharma prays for two days time to file rejoinder. Dr. Phukan does not oppose the prayer of Mr. Sharma.

Rejoinder may be filed by 23rd October, 1998 by giving copies on the other sides.

List on 5.11.1998.

*6a*  
Member

*SLB*  
Vice-Chairman

trd

5.11.98

Division Bench is not available. The case is adjourned to 27.1.99

*SLB*  
Vice-Chairman

Case is ready for hearing. List for hearing on 5.4.99.

*6a*  
Member

*SLB*  
Vice-Chairman

pg  
27.1.99

pg

28/1/99

*no. Rejoinder as seen  
filed*

*3/11*

*23.11.98  
Notice duly served  
recptd. No. 3.*

*Boro*

*2.2.99*

*Rejoinder drawn  
filed by the applicant  
advocate at pages 70-83.*

*Boro*

1.4.98 4

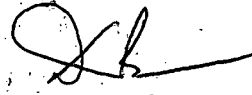
Case is ready for hearing.

Bon

5.4.99

The case is ready for hearing.  
List for hearing on 17.6.99.

  
Member

  
Vice-Chairman

17.6.98

Bench is not available.  
Placed the order on 6.7.99.

6.7.99

Let this case be listed for hearing on 24.8.99.

  
Member

  
Vice-Chairman

5-7-99

the case is ready for hearing.

pg

Leftover. Ad and in 30.9.98  
B/D  
- 10

24.8.99

23-8-99

The case is ready for hearing.

30.9.99

29-9-99

The case is ready for hearing.

Ms M. Das, learned Government Advocate, Assam has placed the order No.FRE.64/94/161 dated 8.3.1999 promoting the applicant to officiate as Deputy Conservator of Forests. As per the order, the applicant, on promotion, has been placed under the disposal of N.C. Hills Autonomous Council for posting as Divisional Forest Officer, Consolidation Division, Haflong relieving Shri M.E. Alam, Divisional Forest Officer, FRS Division.

We have perused the order dated 8.3.1999. This order itself indicates that the order of suspension of the applicant has been revoked. Ms also submits that the disciplinary.....

| Notes of the Registry   | Date                      | Order of the Tribunal  |
|---|---------------------------|--|
| <p>29.10.99</p> <p>copies of the order have been sent to the D/Sec. for issuing the order to the party.</p> <p>4276 to 4281 dk</p> <p>22.11.99.</p> <p>4266 to 4270 dk, 22.11.99.</p> | <p>30.9.99</p> <p>nkm</p> | <p>disciplinary proceeding initiated against the applicant has since been dropped.</p> <p>In view of the above the application has become infructuous. Accordingly the application is dismissed as infructuous.</p> <p>Member</p> <p>Vice-Chairman</p> |

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|                       |      |                       |