

2

C.P. 27 of 2001 (O.A. 198 of 2000)

FORM NO. 410.e.1

is in presence of  
22 (22) N.A. Joshi, alleged contemner  
no. 1 is directed for his personal  
THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH GUWAHATI  
1.10.2001

ORDER SHEET

Contempt Petition No. 27 OF 2001

APPLICANT (S)

In O.A. 157/2000 198/2000

Jahindra Ch. Roy

RESPONDENT (S)

U.O.I. Goms

ADVOCATE FOR APPLICANT(S)

Mr. M. Chandra, Mrs. N.D. Goswami

ADVOCATE FOR RESPONDENT(S)

Mr. B.C. Pathak

Mr. G.N. Chakraborty

Adl. C.A.S.

Notes of the Registry

dated

Order of the Tribunal

This Contempt petition  
has been submitted by the  
counsel for the petitioner  
praying for initiation  
of a Contempt proceeding  
against the alleged contemners  
for non compliance of the  
Judgement and order of  
2.12.2000 passed by this  
Honble Tribunal in O.A.  
198/2000.

27.7.01

Issue notice to show cause as to why  
contempt proceeding shall not initiated  
against the alleged contemners.  
List on 31-8-2001 for order.

Member

Vice-Chairman

Laid before the  
Honble Court for further  
orders.

31.8.01

Written statement has been filed. The  
applicant may file, rejoinder if any.  
List on 19/9/01 for order.

By order

9/11/01

19.9.01

Heard Mr. M. Chanda, learned  
counsel for the applicant and Mr.  
B.C. Pathak, learned Addl. C.G.S.C.  
appearing on behalf the alleged  
contemners. Perused the reply  
submitted by the alleged contemners.  
From the materials it appears that  
there is prima facie case for drawing  
up of contempt proceeding. List the  
matter on 1.10.2001 for framing  
charge against the alleged contemner  
Contd..

Section Officer

Pro.

Notice prepared and sent to alls  
for cross the respondent No  
182 by Legd AID vide D/N/0  
2800 212/1532 dtd 31/7/01

2800 212/1532  
31/7/01

① Service report are still awaited,

② No. show cause has been filed.

30.8.01

C.P. 27 of 2001(O.A.198 of 2000)

19.9.01

Sri M.C. Joshi in presence of him. Sri M.C. Joshi, alleged contemner no.1 is directed for his personal appearance before the Tribunal on 1.10.2001.

List the matter before the Division Bench on 1.10.2001.

Vice-Chairman

31.8.2001

show cause has been submitted by the Contemner No.1.

trd

1.10.01

There is prima facie <sup>case</sup> for drawing up of contempt proceeding and accordingly alleged contemner was asked for personal appearance before the Tribunal. It is stated by the learned counsel for the respondents that presently Sri M.C. Joshi, the alleged contemner is in abroad. The case is thus adjourned. List on 12/11/01 for framing charge against the alleged contemner in his presence.

Order dtd. 19/9/01 Communicated to the Respondent No 1 & 2. by Regd. A/D. 21/9/01

mb

D.No. 3581/82 dtd 21/9/01 12.11.01

① Show cause has been filed.

28.9.01

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B. C. Pathak, learned Addl. C.G.S.C for the respondents.

Mr. Pathak has placed before us the order No. E-85/10%BCR/Gr IV/Reversion/35 dated 2.11.2001. It seems that a copy of the order has kept on record. It seems that the order of this Tribunal has been complied with. In this circumstances the Contempt Proceeding stands dropped.

Vice-Chairman

16.10.2001

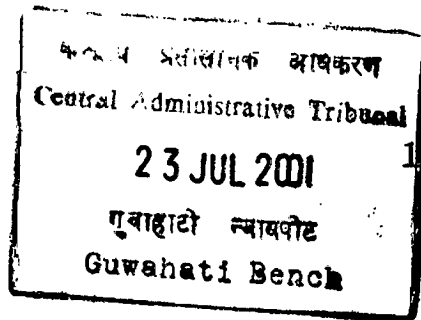
Affidavit submitted by the Contemner No.1. bb

Member

Vice-Chairman

16.11.2001

Copy of the order has been sent to the Dy. Secy for issuing the same to the L/Adm for the parties.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 27/2001  
O.A. No. 168 of 2000

In the matter of :

Sri Jatintra Chandra Roy

.....Petitioner

-Versus-

Union of India & others.

.....Alleged Contemnners

-AND-

In the matter of :

An Application under Section 17 of the  
Administrative Tribunals Act, 1985 praying for  
initiation of a contempt proceeding against the  
alleged contemnners for non-compliance of the  
judgment and order dated 12.12.2000 passed in  
O.A. No.198/2000

-AND-

In the matter of :

Shri Jatinndra Chandra Roy,

Son of Late Harendra Chandra Roy

Telecom Office Assistant Grade IV,

Office of the Chief General Manager, Telecom,

N.E.Circle, Shillong.

...Applicant

Filed by me applicant  
Harendra N. D. Goswami  
Harendra  
23rd July 2001

-versus-

1. Sri M.C.Joshi  
C.G.M.T.  
N.E.Circle, Shillong.
2. Sri S.S. Sundaram,  
G.M.T.D.  
Shillong

.....Alleged contemnners

The humble petition of the above named petitioner –

Most respectfully Sheweth :

1. That your applicant being highly aggrieved due to his reversion from Grade IV post to ~~Grade IV~~ to Grade III cadre of Telecom Office Assistant (General) without giving him the opportunity of being heard of, approached this Hon'ble Tribunal praying for setting aside of the impugned order reversion dated 1.6.2000 with all consequential benefits etc. The Hon'ble Tribunal, after hearing the arguments of the parties, was pleased to allow the Original Application No. 198/2000 by its judgment passed on 12.12.2000 with the following directions upon the Respondents.

“.....In view of the order of the Principal Bench and also considering the fact that the impugned order of reversion dated 1.6.2000 was passed after eight years without giving any opportunity to the applicant, we hold that the impugned order of reversion dated 1.6.2000 as illegal and accordingly the same is set aside.

5. The application is accordingly allowed. The applicant shall be given the consequential benefits.

No order as to costs.”

From above, it is clear that the impugned order dated 1.6.2000 has been quashed by the Hon'ble Tribunal which inter alia implies categorically that the applicant shall be restored in the capacity of Grade IV TOA without any interruption and shall get all consequential benefits whatsoever as if the said order dated 1.6.2000 was never issued.

A copy of the judgment and order dated 12.12.2000 passed in O.A. No. 198/2000 is annexed hereto as Annexure-1.

2. That your applicant thereafter submitted the order of the Hon'ble Tribunal dated 12.12.2000 to the Contemner No.1 vide his application dated 18.12.2000 praying for implementation of the judgement.

The applicant again submitted on reminder dated 26.2.2001 forwarding therewith a copy of the judgement dated 12.12.2000 to the said Contemner No.1 reiterating his request for implementation of the judgement and also informing that a Contempt Petition would otherwise be filed before the Hon'ble Tribunal, but with no response from the Contemnors.

Finding no change in the attitude of the contemnors, the applicant once again submitted an application on 15.6.2001 to the said contemner No.1 requesting for expeditious implementation of the order of the Tribunal. Meanwhile, the applicant approached the alleged Contemnors time and again for restoration of his post of Grade IV TOA in terms of the judgment and order dated 12.12.2000 of the Hon'ble tribunal but all his efforts went in vein.

(Copy of applications dated 18.12.2000, dated 26.2.2001 and dated 15.6.2001 are annexed hereto as Annexure-2, 3 and 4 respectively.

3. That the applicant being a member of Scheduled Caste Community, also submitted one representation on 6.6.2001 to Shri B.S. Pasheera, IAS, Joint Secretary,

Lok Nayak Bhawan, 5<sup>th</sup> Floor, New Delhi-110003, enclosing therewith a copy of the judgement dated 12.12.2000 of the Hon'ble tribunal for settlement of his case.

(Copy of the representation dated 6.6.2001 is annexed hereto as Annexure-5.)

4. That it is more than six month since the date of passing of the judgment dated 12.12.2000 of the Hon'ble tribunal, but the respondents/alleged contemnors are not at all inclined to comply with the judgment in spite of all efforts of the applicant. Due to the illegal reversion, the applicant has been suffering not only monetarily but has been passing through extreme mental anxieties for no fault of his.

5/ That it is stated that the alleged contemnors deliberately and wilfully did not take any initiative for implementation of the judgment and order dated 12.12.2000 passed by this Hon'ble Tribunal which amounts to contempt of court. Therefore, Hon'ble Tribunal be pleased to initiate a contempt proceeding against the contemnors for wilful violation of the order of the Hon'ble tribunal dated 12.12.2000 passed in O.A. No. 198/2000 and further be pleased to impose punishment upon the alleged contemnors in according with law for such violation.

6. That it is a fit case for the Hon'ble Tribunal for initiation of contempt proceeding for deliberate and wilful disregard to the judgment and order dated 12.12.2000 passed in O.A. No. 198/2000 in the facts and circumstances stated above.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemnors for wilful non-compliance of the order of the Hon'ble Tribunal dated 12.12.2000 passed in

O.A. No. 198/2000 and further be pleased to impose  
punishment in accordance with law.

And for this act of kindness your petitioner as in duty bound shall ever pray.

**AFFIDAVIT**

I, Sri Jatindra Chandra Roy, Son of Late Harendra Chandra Roy, aged about 53 years, working as Telecom Office Assistant Grade IV in the office of the Chief General Manager, Telecom, N.E.Circle, Shillong, do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-7 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's order dated 12.12.2000 passed in O.A. No.198/2000.

And I sign this Affidavit on this 23<sup>rd</sup> day of July, 2001.

Identified by

*Jatindra Chandra Roy*

Deponent

*(Nimabari Geomni)*

Advocate's clerk

Solemnly affirmed and declared before me by the deponent who is identified by Mrs. N. A. Geomni

Advocate on this 23<sup>rd</sup> the day of July 2001.

*Wale*  
(H. DUTTA)

*Advocate*  
*Central Administrative*  
*Tribunal*  
*Guwahati Bench*



**DRAFT CHARGE**

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the alleged contemnors/Respondents for wilful and deliberate non-compliance of order of the Hon'ble Tribunal dated 12.12.2000 passed in O.A. No.198/2000 and further be pleased to impose punishment upon the alleged Contemnors/Respondents for wilful and deliberate non-compliance of order dated 12.12.2000 passed in O.A. No.198/2000.

## ANNEXURE-1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 198 of 2000

Date of decision : This the 12<sup>th</sup> day of December, 2000.

The Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.  
The Hon'ble Mr. M.P.Singh, Administrative Member.

By Advocates Mr. M. Chanda.  
Mrs. N.D.Goswami and Mr. S.Ghosh.

-versus-

1. The Union of India, through  
the Secretary to the Government of India,  
Ministry of Communications,  
Department of Telecommunication,  
New Delhi.
2. The Director General,  
Department of Telecom Service  
New Delhi.
3. The Chief General Manager, Telecom,  
N.E.Circle, Shillong.
4. The General Manager, Telecom District,  
Meghalaya, Shillong. ....Respondents

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

.....

## ORDER (ORAL)

CHOWDHURY J. (V.C.).

The legality of the order dated 1.6.2000 reverting the applicant from grade IV post to Grade III cadre of Telecom Office Assistant (General) is the subject matter of this O.A.

2. The applicant was initially appointed as Time Scale Clerk on 27.6.1972 in the office of the Assistant Engineer (Phones), Military, Shillong under CGMT, Shillong. He was promoted in terms of the Time Bound Promotion Scheme on completion of sixteen years of service during the year 1998. He was further promoted as Telecom Office Assistant (TOA short) grade I in the year 1990 and in the year 1992 he was promoted to the cadre of TOA grade II. The applicant was thereafter promoted to the cadre of TOA Grade III. By order dated 26.6.1992 the applicant along with one Smt. N.E. Marrisen (ST) was placed in Grade IV of the basic cadre of TOA with effect from 1.7.1992 or from the date of assumption of charge by the officials whichever was later, pursuant to the approval of the Chief General Manager, N.E. Telecom Circle, Shillong. The applicant in terms of the order of promotion joined in the cadre and started discharging his duties. By the impugned order dated 1.6.2000 the applicant was reverted to Grade III cadre of TOA with effect from the date of issue of the impugned order in pursuance of Department of Telecommunication Order No. 22-6/94/TE-II (Vol.III) dated 30.12.1999. The applicant has challenged the impugned order dated 1.6.2000 as arbitrary, discriminatory and violative of the principles of natural justice.

3. The respondents have contested the claim of the applicant and submitted that the respondents resorted to the impugned reversion to accommodate only eligible official to Grade IV against 10% posts in BCR scheme as per the judgments of the Supreme Court and the Ahmedabad Bench of the Central Administrative Tribunal. No such orders are produced before us, but the applicant has produced before us an order dated 2.6.2000 passed by the Principal Bench of the Central Administrative Tribunal in O.A. No. 425 of 2000, wherein the Principal Bench has set aside the order dated 30.12.1999 which was the basis of the impugned order.

✓

4. In view of the order of the Principal bench and also considering the fact that the impugned order of reversion dated 1.6.2000 was passed after eight years without giving any opportunity to the applicant, we hold that the impugned order of reversion dated 1.6.2000 as illegal and accordingly the same is set aside.

5. The application is accordingly allowed. The applicant shall be given the consequential benefits.

No order as to costs.

Sd/- Vice Chairman

Sd/- Member

## ANNEXURE-2

To

The Chief General Manager, Telecom  
N.E. Circle/Shillong-793001

No. NE/HAE/99-2000

Dated at SH/the 18<sup>th</sup> Dec 2000

Sub : Passed order in the Central Administrative Tribunal,  
Guwahati Bench in respect of Sri J/C./Roy, Sr. TOA (G), submission of.

Sir,

Enclosed herewith kindly find a photo copy of passed order regarding the  
abovementioned subject with a request for favour of your kind honour to implement  
the same immediately pl.

Thanking you Sir,

Copy to

1. Asstt. General Manager, Telecom (Admn.), for favour of necessary action pl.
2. The ADT (V/O), O/o the CGMT/SH-1, for favour of necessary  
action pl.

Yours faithfully,

(J.C.Roy, Sr. TOA (G)),  
O/o the CGMT/NE Circle,  
Shillong-793001

Annexure-3

To  
The Chief General Manager, Telecom  
N.E. Circle-I/Shillong-793001

No. NE/HAE/2000-01

Dated at SH/the 26<sup>th</sup> Feb-2001

Sub: Passed order in the CAT, Guwahati Bench  
In respect of Sri J.C. Roy, SR TOA(G), O/o the C.G.M.T./SH-1.

Ref : My letter No. NE/HAE/99-2000 dated 18.12.2000

Sir,

Kindly refer to my representation letter even No. dated cited above, and this for favour of your kind information that till the date my reversion case is not yet been reviewed. So, therefore, I am requesting your kind honour to look into the matter for early solution as per passed order in CAT, Guwahati Bench. Otherwise, I will proceed to appeal to the Hon'ble CAT, Guwahati Bench to Contempt of Court against the letter No. even dated 1.6.2000 issued by the GMTD/Shillong-1. In this regard a photocopy of True Copy of judgment dated 12.12.2000 is enclosed herewith.

Thanking you,

Yours faithfully,

(J.C.Roy, Sr. T.O.A.(G)  
O/o the CGMT/N.E. Circle-I  
Shillong-793001

Copy to

The AGM (Admn)/VO/ADT(HRD),  
O/o the CGMT/NE Circle-I,  
Shillong-793001

**Annexure-4**

To  
The Chief General Manager, Telecom  
N.E. Circle-I/Shillong-793001

No. NE/J-I/HAE/Revert-Gr.IV/1001-2002

Dated at SH/the 15<sup>th</sup> June,2001

Sub : Implementation of O.A. No. 198 of 2000 pass ordered by the  
Hon'ble CAT/GHY dated 21.2.2000.

Sir,

Kindly refer to my letter even No. dated 06.06/2001 and consequent reminders vide No. (i)NE/HAE/99-2000 dated 18.12.2000 and No. (ii) NE/HAE/2000-01 dated 26.2.20001.

That Sir, till the date no action has been taken from your end so far. So that Sir, I am again proceeding to the court case for further decision by the Hon'ble CAT/GHY in this regard.

In this connection a photo copy of same related court cases are enclosed herewith for favour of your kind observation and ready reference from your end.

Thanking you,

Yours faithfully,

(Sh. J.C. Roy.), HAE/Sr. TOA(G),  
O/o the CGMT/NEC-1  
Shillong-1

Copy to :

1. The AGMT(Admn), O/f the CGMT/NEC-I.
2. The ADT (HRD), O/o cGMT/NEC-Shillong-1.
3. Sri S.S.Sundaram, GATTD/Shillong 1. for favour of his kind information & observation.

(Sh. J.C. Roy.), HAE/Sr. TOA(G),  
O/o the CGMT/NEC-1  
Shillong-1

**Annexure-5**

To

Shri B.S. Pasheera-IAS,  
Joint Secretary,  
5<sup>th</sup> Floor, LOK NAYAK BAHAWAN,  
NEW DELHI-110003

No. NEC/J-1/HAE/Revert.Gr.IV/2001-2001

Dated at Sh/the 6<sup>th</sup> June, 2001.

Sub : Implementation of Reservation policy.

Ref : (i) Your No. J-2/Tell-II/2000-SSW.IV Dt. 2.1.2001.

(ii) DOTS/ND(STN-1 Section), No. 203-22/2000, for favour of your kind observation and guidance.

Sir,

Kindly refer to above, and I am submitting herewith the photo copy of judgment ordered vide Hon'ble CAT/GHY.No. CAT/GHY/JUDL/3163 Dt. 21.12.2000, for favour of your kind observation and guidance.

In this connection that Sir, in DOTS letter dated 25.9.2000, and in which vide his letter No. 22-6/94-TE-II, dated 19.7.99, where it is underlined the fact stated and also by the Hon'ble Supreme Court of India ordered that employees should be granted Grade IV based on their seniority in entry cadre, the Hon'ble Court also ordered that those who were promoted earlier should be retained in grade IV against Supernumerary posts.

That Sir, in this regards, there are so many instructions and amendments are issued time to time by the Department for which all the related orders, the photo copies of the same are enclosed for favour of your kind necessary guidelines.

In this connection, that Sir, I am inviting with a request for favour of your kind attention that the Department followed the judgment of Gujrat High court, and issued the order vide his No. and dt. 30.1.99 asking to revert all officials retained in Gr. IV against Supernumerary posts in violation of the Hon'ble Supreme Court of India. The judgment of Hon'ble CAT/GY issued vide his No. and dated 21.12.2000, has not yet been implemented to restore the reversion from Gr. IV till date.



So that Sir, I am requesting your personal attention, being a member of SC community and peruse the case with the concerned authority for early settlement of the case from your end.

Thanking you Sir,

Yours faithfully,

(J.C.ROY), Sr. TOA(G)  
O/o the CGMT/NE Circle-I,  
Shillong

Copy to

- i. The GMT/NEC-I/Shillong-1, for favour of information with a request for early solution in this regard. In this connection my reference letter No. NE/HAE/99-2000, Dated 18.12.2000 and consequent reminder vide No. NE/HAE/2000-01 also may kindly referred to.
- ii. The ADT (HRD), O/o the CGMT/SH-1. -do-

(J.C.ROY), Sr. TOA(G)  
O/o the CGMT/NE Circle-I,  
Shillong

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
ADMINISTRATIVE TRIBUNAL  
BENCH : GUWAHATI  
गुवाहाटी न्यायाधीश  
No. 27/04th C.A. 198/2000

Contempt Petition No.27/Of the O.A.198/2000

18  
filed by:-  
Prof. A. K. Adhikari  
Advocate  
(B. C. Pathik)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
New Delhi

(B. C. Pritchik)

Addl. Central Govt. Standing C  
 Central Administrative Tribunal  
 中央行政訴訟委員會

Addl. Central Govt. Standing C  
 Central Administrative Tribunal  
 中央行政訴訟委員會

1. That I have gone through the contempt petition and after going through the petition have understood the contents thereof.
2. That the statement made in the petition is save and except whatever is specifically admitted in this reply and rest of the averments will be deemed to have been denied.
3. That I have the highest reverence and regard of the Hon'ble Tribunal and its orders. It is however to be held on consideration of the facts and circumstance of the case. If there had been any lapse on my part then I hereby tender unqualified apology and sincere regard of the same. I cannot even think of doing any act or omit to do any act which may be construed or treated as an act of omission amounting to contempt of court or disobedience or violation of any order of the Hon'ble Tribunal in highest and utmost respect and regard.
4. That I submit that this Hon'ble Tribunal by its judgement and order dated 12<sup>th</sup> December 2000 in O.A. 198/2000 had directed the respondents to set aside the impugned order of reversion dated 1.6.2000.
5. That I submit that vide DoT letter No.22-6/94-TE-II (Vol.III) dated 30.12.99 Shri J.C.Roy was reverted w.e.f. 1.6.2000. The reversion was done according to the instruction of the Department. The Contemner No.1 has no power to go against the instruction of the Department.
6. That regarding implementation of the judgement and order passed by this Hon'ble Tribunal I submit that the judgement was forwarded to the TCHQ for further instruction. Hence the allegations mentioned in the Paragraph 2 is not correct.

2.

7. That I submit that the Department has filed writ petition against similar case at Chennai High Court, and the case is still pending. One writ petition has been filed by the Department in the Guwahati High Court and is still pending.
8. That I submit that allegation mentioned in paragraph 5 of the petition is baseless. I have already taken action by forwarding the case to the TCHQ for taking necessary action. This being a policy matter I have no power to implement the judgement without the consent of TCHQ. I have to act as per the direction of the TCHQ. Moreover writ petition is pending in the different High Courts and the whole case is sub-judice. Before finalisation of the court cases the Department cannot take any decision for the implementation of the judgement and order passed on 12/12/2000 by this Hon'ble Tribunal.
9. That I submit that the Hon'ble Tribunal has directed the respondents to give consequential benefit vide order dated 12.12.2000 passed in OA.No 198/2000. There was no time bar given in the order. Further the case is sub-judice. It is therefore submitted that I have neither disobeyed nor violated the said order of the Hon'ble Tribunal.
10. That I submit that in the above circumstances this contempt petition may be dismissed.

Statement made in the Paras are true to my knowledge based on the official records and belief.

And I sign this affidavit on this

day of August 2001.

Identified by me  
B.C. Pathak  
Advocate 30/8/2001



**DEPONENT**

Solemnly affirmed and declare before me by the Deponent being identified by Shri B.C.Pathak Addl CGSC on this 30.8.2001 day of August 2001.

*Diwip Barnah.*  
**ADVOCATE**

OCT 2001  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :- GUWAHATI

Contempt Petition No 27/01 in OA.No 198/2000

(B. C. Pathak)  
Addl. Central Govt. Standing Counsel,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati

Shri J.C.Roy.....Applicant

Vs.

Shri M.C.Joshi.....Contemner No 1

AFFIDAVIT/IN/CP 27/01

I, Shri C.Murmu, Vigilance Officer o/o the Chief General Manager, N.E.Telecom Circle, Shillong do hereby solemnly affirm and say as follows.

1. That Shri M.C.Joshi CGMT/Shillong, Contemner No 1 has the highest reverence and regard of the Hon'ble Tribunal and its orders. It is however to be held on consideration of the facts and circumstances of the case.
2. That regarding implementation of the Judgement and Order passed by this Hon'ble Tribunal in OA.No 198/2000, the Judgement was forwarded to the TCHQ for further approval as CGMT is not competent to implement the judgement without the approval of Telecom Commission. The Telecom Commissions instruction was issued vide letter No 203-22/2000-PERS-111 dated 1/3/01 directing Shri M.C.Joshi CGMT/Shillong to challenge the Judgement and Order dated 12/12/2000 in OA.No 198/2000 in the Guwahati High Court. Hence Shri M.C.Joshi the Contemner No 1 has not violated the Honourable CAT's directive wilfully.  
(Letter No 203-22/2000-PERS-111 dated 1/3/2001 annexed here as R1)
3. That a writ petition which was filed in the Guwahati High Court Shillong Bench was heard and dismissed on 26<sup>th</sup> September 2001.  
(Annexed as R2)
4. That Shri M.C.Joshi CGMT/Shillong is presently outside the country ( USA)on leave for treatment and expected to join the office on 1st week of October 2001.
5. Copy of judgement of the Honourable Guwahati High Court Shillong bench is received on 28<sup>th</sup> September 2001 which is to be sent to Telecom Headquarter for their examination and approval of implementation of the CAT directive.

That I submit in the circumstances the Hon'ble Tribunal may kindly grant some more time for implementing the Honourable CAT's Judgement.

And for which act of kindness the petitioner shall ever pray.

[Signature]  
28/9/01

HUMBLE PETITIONER

### AFFIDAVIT

1. Shri C.Murmu s/o Late Mohendra Murmu.....
2. ....
3. ....

Verified by :- and signed  
for me  
[Signature]  
11/10/01

I sign this affidavit on  
this 28<sup>th</sup> day of Sept 2001  
Shillong.

[Signature]  
28/9/01  
Vigilance Officer  
o/o the C. G. M. T.  
Shillong-793001

So truly seen and signed  
by the deponent and  
witnesses by Sri B.C. Patan  
etc etc

Dilip Boruah  
Advocate

URGENT -3  
भारत संचार निगम लिमिटेड

(भारत सरकार का उद्यम)

**Bharat Sanchar Nigam Limited**  
(A Govt. of India Enterprise)

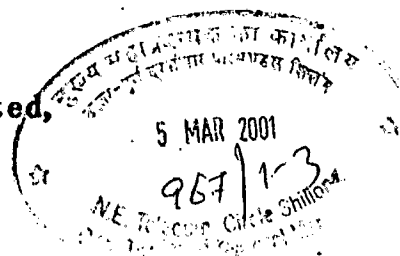
CAT CASE/MOST IMMEDIATE

No. 203-22/2000-PERS.-III

Dated: 1/2/2001

To

The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
N.E. Telecom Circle,  
SHILONG.



Sub: Regarding implementation of reservation policy in respect of Sh. J.C.Ray as per his representation dated 14.6.2000.

Sir,

I am directed to refer to your letter No. STB/BCR/CO/92/L dated 15.1.2001 on the above-mentioned subject and to say that the case has been examined in this office and it is found that the applicant was promoted to Gr. IV by applying reservation orders and subsequently was reverted in accordance with DoT Order No. 22-6/94-TE-II(Vol. III) dated 30.12.1999 with pay protection while the applicant should have been reverted in accordance with our orders dated 8.9.1999 and without pay protection. Hence, the N.E. circle is advised to challenged the Judgement dated 12.12.2000 in the Hon' ble High Court and bring the above facts to the notice of Guwahati High Court. In this connection, a copy of this office letter NO. 22-6/2000-TE-II dated 14.11.2000 is also enclosed for information and necessary action.

Yours faithfully

( RAJENDER PRASAD )

ASSTT. DIRECTOR GENERAL (PERS.-III)

TEL : 3310401/3032223

Encl: As above.

of application for the copy.	Date filed for notices the requisite number of stamps and fees.	Date of delivery of the requisite stamps and fees.	Which day in Date on which the copy was ready for delivery.	Annex R2
26/9/01	28/9/01	28/9/01	28/9/01	28/9/01

-4-

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND,  
MEGHALAYA, MANIPUR AND TRIPURA)  
SHILLONG BENCH  
CIVIL APPELLATE SIDE**

Appeal from W.P.C. No. 196 (H) of 19 01  
Civil Rule

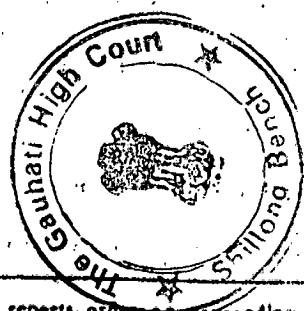
Union of India & Ors. Appellant  
Petitioner

Versus

Sri Golindia Chandra Raj Respondent  
Opposite-Party

For Appellant Mr. P. Dey Addl. CGSC  
Petitioner

For Respondent  
Opposite-Party



Noting by Officer or Advocate	Serial No.	Date	Officer notes, reports, orders or proceedings with signatures
1	2	3	4

B E F O R E

THE HON'BLE MR JUSTICE NS SINCH  
THE HON'BLE MR JUSTICE PC PHUKAN

26.9.2001

Heard Mr. P. Dey, learned Addl. CGSC assisted by Mr. Jha, for the petitioners.

The order (oral dated 12.12.2000) passed by the Central Administrative Tribunal, Guwahati Bench passed in Original Application No. 198 of 2000 is the subject matter under challenged in this petition.

The facts of the case in a short compass are as follows :

*Handwritten signature/initials*

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

24 contd...

- 2 -

The respondent here-in was initially appointed as Time Scale Clerk on 27.6.72 under the respondents' department and thereafter he was promoted in terms of the Time Bound Promotion Scheme on completion of sixteen years of service during the year 1988 and he attained the status of Telecom Office Assistant (TOA for short) Grade I in the year 1990 and again in the year 1992 he got promotion to the cadre of TOA Grade II and thereafter he was promoted to the cadre of TOA Grade III and, subsequently under the related order dated 26.6.92 the respondent alongwith one Smti NE Marrisen (ST) <sup>was</sup> placed in Grade IV of the basic cadre of TOA w.e.f. 1.7.92. But, after serving about eight years in the Grade IV he was reverted to Grade III cadre of TOA under the related order dated 1.6.2000 which was challenged by the respondent before the Central Administrative Tribunal, Guwahati Bench. The Tribunal upon hearing the parties allowed the application filed by the respondent <sup>thus</sup>, setting aside the order of reversion dated 1.6.2000, as illegal and violative of the principles of natural justice.

The main contention of Mr Dey, learned counsel for the petitioners is that the related order of reversion dated 1.6.2000 was made in pursuance to the policy decision of the authority vide, the Department of Telecom Service Order, bearing No. 22-6/94/TE-II (Vol-III) dated 30.12.99.

...3



-6-

25

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

contd...

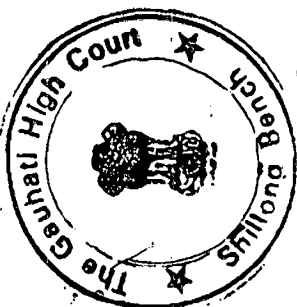
- 3 -

While deciding the issue, the Administrative Tribunal made the following observations:

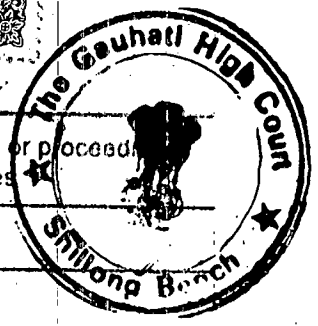
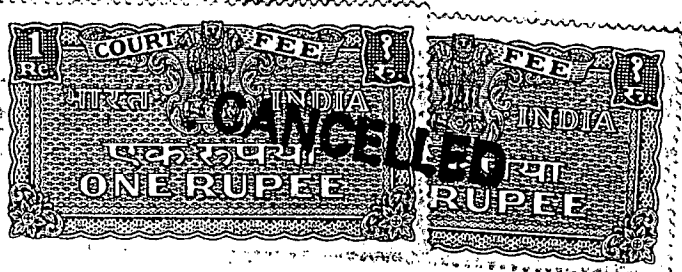
" 3. The respondents have contested the claim of the applicant and submitted that the respondents resorted to the impugned reversion to accommodate only eligible official to Grade IV against 10% posts in BCR Scheme as per the judgments of the Supreme Court and the Ahmedabad Bench of the Central Administrative Tribunal. No such orders are produced before us, but the applicant has produced before us an order dated 2.6.2000 passed by the Principal Bench of the Central Administrative Tribunal in OA No. 425 of 2000, wherein the Principal Bench has set aside the order dated 30.12.1999 which was the basis of the impugned reversion order."

It is an admitted position that the authority concerned namely the petitioners did not afford any reasonable opportunity of being heard or say to the present respondent before passing the related order of reversion dated 1.6.2000. In our considered view, the order of reversion dated 1.6.2000 virtually amounts to reduction in rank and, if such order is to be made by the appropriate authority the incumbent concerned should be given reasonable opportunity of being heard. If it was not done so the action amounts to violation of the principles of natural justice. This Court need not go more into depth in the matter as suffice is made with the above observations for affirming the impugned order (oral) dated 12.12.2000 passed by the Central Administrative Tribunal, Guwahati Bench.

For the reasons, observations and discussion



N. J. Choudhury



Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

contd...

- 4 -

made above this petition is devoid of merit and accordingly it is dismissed. Thus, affirming the impugned order (Oral) dated 12.12.2000, passed by the Central Administrative Tribunal, Guwahati Bench, in Original Application No. 198 of 2000.

Sd/- P. C. PHUKAN Sd/- N. S. SINGH  
JUDGE JUDGE

DR

typed by  
read by  
compared by

Certified to be true copy

28/9/01  
Superintendent  
Gauhati High Court  
Shillong Bench