

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____ 42/2002 (CA 38/2000)

Applicant (s) Sri N.K. Arjun Kanungo

-Vs-

Respondent (s) Sri H.W. Travost & Sons.

Advocate for the Applicant (s) Mr J.L. Sarcar, A. Chakrabarty

Advocate for the Respondent(s) A. Deb Roy for CA&C

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition was filed by the applicant u/s 17 of the Admin. Tribunals Act, 1985 purporting for initiation of a contempt proceeding against the alleged contemners for non-compliance of the common judgment and order dated 31.07.01 passed in CA. 38/2000.	20.9.02	Heard learned counsel for the parties. Issue notice on the respondents to show cause as to why the Contempt proceedings shall not be initiated against the alleged contemners. List on 7.11.02 for orders.
Had before Hon'ble Court for order.	7.11.02	None appears for the applicant. List on 10.12.02 for orders.
7.11.02 W.M. 16/9/02 SO (J)	1m	Member Vice-Chairman

Deputy Register to call for explanation from the concerned officer as to why noti-

ces were not sent and steps were not taken as per order dated 20.9.02.

Exhibit 2

10.12.02

None appears for the applicant.

List again on 3.1.2003 for orders.

By Order.

Steps Received today.
Notice prepared and sent to SC for writing the Subordinate No. 182 by Regd. A.O.

mb

8.1.03 present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman.
The Hon'ble Mr K.K.Sharma, Administrative Member.

At the request of Mr S.Dutta, learned counsel appearing on behalf of Mr J.L. Sarkar, learned counsel for the applicant list it on 6.2.03 for order.

D/W No 3164 & 3165

Dtd 15/1/02

No. reply has been filed.

pg

K.L. Sharma

Member

16 Aug

Chairman

6.2.03 None appears for the applicant. No reply filed by the respondents.
List on 6.3.03 for order.

No. reply has been filed.

pg

6.3.2003. Court did not sit today. The case adjourned to 26/3/2003.

M/s

26.3.2003

Service is complete. The respondents are yet to file reply. List on 30.4.2003 for reply.

S. D.

Member

Vice-Chairman

mb

26/3/03.

No. reply has been filed.

30.4.2003 No reply so far filed by the respondents. Put up again on 22.5.2003 to enable the respondents to file reply, if any.

No reply has been filed.

22/5/03

Vice-Chairman

mb

22.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Administrative Member.

No reply so far filed by the respondents though time granted nor any steps taken by any of the respondents. Let the respondent No.1 Sri Herbert Wilson Trevor appear in person to explain on 24.6.2003.

~~22/5/03 List on 24.6.2003 for orders.~~

~~A copy of the order be also furnished to Mr. B.C. Pathak, Addl. C.G.S.C. for taking necessary steps.~~

Vice-Chairman

mb

22.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Administrative Member.

No reply so far filed though time granted nor any steps taken by any of the respondents. The respondent No.1 Sri Herbert Wilson Trevor is ordered to appear in person to explain on 24.6.2003.

List on 24.6.2003 for orders.

A copy of the order be also furnished to Mr. B.C. Pathak, learned Addl. C.G.S.C. for taking necessary steps.

mb

Member

Vice-Chairman

Copy of order dtd 22/5/03
communicated to Respondent
No. 1 & Sri B.C. Pathak.
Addl. C.G.S.C.

23/5

24.6.2003 Mr. B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents stated that he is yet to communicate the order dated 22.5.2003 and therefore, prays for time to communicate the same. Put up again on 25.7.2003 for personal appearance and further orders.

Office may also send a copy of the order to respondent No.1 Sri Herbert Wilson Trevor Syicm, The Secretary, North Eastern Council, Taxation Building, Shillong.

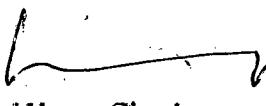

Vice-Chairman

mb

25.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. N.D. Dayal, Member (A).

Put up again on 6.8.2003 to Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents to obtain necessary instruction.


Member


Vice-Chairman

mb

6.8.2003 Perused the affidavit filed by Sri P.L. Thanga, Planning Adviser, North Eastern Council, Shillong and also ~~Ms.~~ heard Mr. A. Deb Roy, learned Sr. C.G.S.C. on behalf of the respondents.

Considering the facts and circumstances of the case, the direction for personal appearance of Sri Herbert Wilson Trevor Syicm, the Secretary, NEC is dispensed with. The matter may come up again on 8.9.2003 for orders. On that day Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents shall intimate the actual steps so far taken by the respondents.


Member

Office Note	Date	Tribunal's Order
	8.9.2003	Present : The Hon'ble Mr. K.V. Prahaladan, Member (A). List again on 22.10.2003 for orders.
Abhidavit Bided on behalf of the R. No - 2, 20/11/03.	mb 22.10.2003	None appears for the applicant. Mr. A. Deb Roy, learned Sr.C.G.S.C. appearing on behalf of the respondents prays for time for filing of reply. Prayer allowed. List the case on 21.11.2003 for reply.
Abhidavit filed on behalf of the R. No - 2. 19.11.03.	bb 21.11.2003	present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman The Hon'ble Shri S.K.Naik Administrative Member. Mr.J.L.Sarkar, learned counsel for the petitioner and also Mr.A.D.Roy, learned Sr.C.G.S.C. for the alleged contemners. List on 10.12.2003, on that day, orders, if any, passed by the Hon'ble High Court may be produced.
	bb 20.1.2004	Present: Hon'ble Shri Bharat Bhusan, Member (J) Hon'ble Shri K.V. Prahaladan, Member (A)/ Mr J.L. Sarkar, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. are present. This is a contempt petition filed for against the non-compliance of the orders of the Hon'ble Tribunal in

Office Note

Date

Tribunal's Order

20.1.2004

Order dt. 20/1/04
 Sent to D/Section
 for issuing to
 applicant, respondent
 No.2 and S.r.c.c.s.e.
 (20/1/04)
 27/1/04.

O.A.No.38 of 2000 dated 31.7.2001. It is stated that in the intervening period the respondents have approached the Hon'ble High Court but so far the copy of the orders passed, if any, by the Hon'ble High Court has not been filed by the respondents. However, it is submitted by the learned counsel for the applicant that no stay order has been passed against the order of the Tribunal. Even in the affidavit of the Respondent No.2 filed by the respondents as far back as on 5.8.2003, it was mentioned in para 14 that steps were being taken to implement the judgment of the Tribunal and for that they had prayed for grant of three months time. The said period has also expired long back but they have not taken any steps to implement the judgment. In the circumstances directions are given to respondent 2 to appear before the Tribunal on 25.2.2004.

List the matter on 25.2.04 for further orders.


 Member (A)

nkm


 Member (J)

12.5.2004 Present : The Hon'ble Sri Mukesh Kumar Gupta, Member (J).

The Hon'ble Sri K.V. Prahla-
dan, Member (A).

Learned counsel for the applic-
ant to take steps to implead UPSC as
contemner as well as find out name of
the incumbent who is holding the post
of Secretary ^{to Minister} List before the next
Division Bench.

*K. V. Prahla-
dan*
Member (A)

S. J.
Member (J)

mb

14.6.2004 Present: Hon'ble Mrs. Bharati Roy
Judicial Member.

Hon'ble Mr.K.V.Prahla-
dan
Administrative Member.

Mr.J.L.Sarkar, learned counsel for
the petitioner shall take appropriate
step so that notice reaches the UPSC
by 15 days from today.

Post the matter before the next
Division Bench.

*K. V. Prahla-
dan*
Member (A)

S. J.
Member (J)

bb

22.7.2004 Present: The Hon'ble Shri K.V.Sachidanan-
dan, Member (J).

The Hon'ble Shri K.V.Prahla-
dan
Member (A).

When the matter came up for hearing,
learned counsel for the applicant submitted
that he had already taken steps of notice
to UPSC as ordered by this Tribunal, but
nothing is brought on record. Let the same
be brought on record. Post before the next
Division Bench.

*K. V. Prahla-
dan*
Member (A)

S. J.
Member (J)

bb

D/Memo No: 1176

Dt. 5/8/04

Rec'd (contd.)
5/8/04

5/8/04

25.2.2004 Present: Hon'ble Shri Shanker Raju,
Judicial Member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

Order dt. 25/2/04
sent to D/Section
for issuing to both
the parties.

*Cess
5/3/04.*

Learned counsel for the applicant
seeks a weeks time to implead the
Chairman, UPSC as a party as the steps
had already been taken by the respondents
to send the particulars to the UPSC.
However, UPSC is awaiting the CWP pending
before the High Court where the matter
was restored and due to the sudden demise
of the applicant notice have been issued
for substitution of the party. However,
it is not disputed that no stay has been
granted on our order by the High Court.
List it on 4.3.04.

KV Prahladan
Member (A)

KV
Member (J)

nkm

9.3.2004 List in the next available Division
Bench.

KV Prahladan
Member (A)

mb

31.3.2004 present: The Hon'ble Shri Kuldip Singh
Member (J).

The Hon'ble Shri K.V. Prahladan
Member (A).

Mr. J.L. Sarkar, learned counsel for the
petitioner prays for impleading Union Public
Service Commission as contemnor No.3 and
seeks time to implead the same.

Prayer allowed. Two weeks time is
allowed to the petitioner to implead Union
Public Service Commission as contemnor No.3
List the matter on 3.5.2004.

KV Prahladan
Member (A)

KV
Member (J)

bb

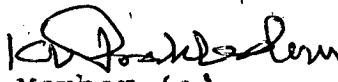
Affidavit filed
on behalf of
the R. No 2.

5/5/04

24.8.2004 present: The Hon'ble Shri D.C.Verma,
Vice-Chairman (J).

The Hon'ble Shri K. V.
Prahladan, Member (A).

As prayed by Mr.A.Deb Roy, learned
Sr.C.G.S.C. four weeks time is granted
to the respondents for getting inst-
ruction.


K. V. Prahladan
Member (A)


Vice-Chairman

bb

28.9.04. Present: Hon'ble Mr.Justice R.K.
Batta, Vice-Chairman.
Hon'ble Mr.K.V.Prahladan, Admini-
strative Member.

Heard Mr.J.L.Sarkar, learned
counsel for the petitioner and
Mr.A.Deb Roy, Sr.C.G.S.C. for the
Respondents.

Mr.A.Deb Roy, Sr.C.G.S.C.
has placed before us that Minutes
of the Meeting of the Departmental
Promotion Committee held on 9th
August, 2004, wherein it is repre-
sented that the petitioner was found
fit and the Departmental Promotion
Committee recommended the promotion
of the applicant to the grade of
Deputy Director (Admn). In view of
this we made specific enquiry to
Mr.A.Deb Roy, Sr.C.G.S.C. as to
when the promotion order will be
actually issued. Mr.A.Deb Roy,
Sr.C.G.S.C. has stated that the
Government of India is awaiting
for High Court's order. We would
like to point out that no stay order
in the matter has been granted by
the Hon'ble High Court. Even though
the promotion may be subject to the
outcome of the Writ Petition before
Hon'ble High Court, the Respondents
are directed to issue the promotion
order of the petitioner in terms of

 contd/-

28.9.04.

the order of the Tribunal dated 31.7.2001, ^{and} in subsequent order thereon ^{namely} including the order dated 20th January, 2004. It appears that the Respondents do not ^{intend} wish to comply with the order of this Tribunal, as such we direct the Respondent No.2 to appear before us and show cause as to why action for contempt should not be taken against him. In the circumstances, it is considered necessary that the Respondent No.2 shall personally appear before us on the next date of hearing. Stand over to 3rd November, 2004.

As per order dt. 28/9/03
order Sent to D/Section
for issuing the respondent
No-2, by regd. with A/D
post.

(28/9/04)
29/9/04

2-11-04

✓ Affidavit filed by the respn.2
✓ no-rely also filed
by the respn.2 on 11 nov. 1m

(2)

3.11.04.

K. V. Prahadan
Member

R
Vice-Chairman

2.11.04

order dt. 28.9.04
duly served on
Respondent No. 2.

A/D card at
Flag 'A'

(2)

1m

K. V. Prahadan
Member

R
Vice-Chairman

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
Hon'ble Mr. K.V. Prahadan, Administrative Member.

Mr. J.L. Sarkar, learned counsel for the applicant is present.
Mr. A. Deb Roy, Sr.C.G.S.C. states that in Writ Petition filed by the Respondents against the Judgment of this Tribunal the stay has been granted by the Hon'ble High Court on 14.10.04. In view of the same at this stage we do not pass any further orders in the matter.

13.09.2010 This Contempt Petition had been adjourned sine die vide order dated 03.11.2004. On perusal of paper book, we noticed that High Court order dated 14.10.2004 passed in Writ Petition No.5232/2002 has not been placed on record.

In absence of appearance made by both sides, notice be issued to both parties informing them for placing necessary order of Hon'ble High Court, vide which stay had been granted. This being a very old matter, it is made clear that no further adjournment will be allowed.

List on 01.10.2010.

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

/bb/

01.10.2010 Mr. S.N. Tamuli, proxy counsel appears on behalf of Dr J.L. Sarkar, learned counsel for applicant and prays for adjournment.

List on 02.11.2010. On that day applicant should produce a copy of the order passed by the Hon'ble High Court as detailed vide earlier order.

 (Madan Kumar Chaturvedi)
Member (A)

 (Mukesh Kumar Gupta)
Member (J)

nkm

02.11.2010 Ms P. Zannat, proxy counsel for Dr J.L. Sarkar, appeared and prayed for adjournment on the ground of illness of Dr. Sarkar.

List on 16.12.2010.

 Madan Kumar Chaturvedi
Member (A)

nkm

CP 42/2002 (OA 38/2000)

16.12.2010 Place it before the Division Bench at the earliest available date. Adjourned sine die.

~~(Signature)~~
(Madan Kumar Chaturvedi)
Member (A)

/bb/

3-11-11

04.11.2011

In this case notice was issued on 20.9.2002.

*For view of the order
D. 3.11.04, 13.9.10 & 1.10.10
the CTO is sending due
to oversight.
The same has been placed
at order.*

Thereafter, several dates were given. It was submitted before the Tribunal that respondents have approached the Hon'ble High Court but the copy of the High Court order has not been filed by the respondents. It was further stated by the respondents that steps were taken to implement the judgment of the Tribunal. Thereafter, none appeared. In absence of appearance made by both the parties on 13.9.2010, Tribunal directed to issue notice to both parties informing them for placing necessary order of Hon'ble High Court by which stay had been granted. It was made clear that no further adjournment will be allowed. Thereafter case was fixed on 01.10.2010, 02.11.2010 and 16.12.2010. Adjournment was prayed on one pretext or other. Nothing was done in the matter.

It appears that petitioner is not interested in prosecuting the matter. As such without going into the merits, we close the Contempt Petition. Notices are discharged.

(Signature)
(Mrs M. Das)
Member (J)

(Signature)
(Madan Kumar Chaturvedi)
Member (A)

11/9/02
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In THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH at GUWAHATI

11/5/2002

11/5/2002

C.P. No. 42/2002

Sri N.K. Arjun Kanungo

Vs. -

Sri H.M. Trevor & ors.

I N D E X

S. No.	Annexure	Particulars	Page No.
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2		Affidavit	5
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4	A	Judgment dated 31.7.2001	7-11
5	B	Letter dated 19.9.2001	12
6	C	Letter Dated 08.07.2002	13

Filed by

A. Chakraborty
11/9/2002

Advocate

In The Central Administrative Tribunal

Guwahati Bench at Guwahati.

Contempt Petition No. 42/2002

In

O.A. No. 38/2000

In The Matter Of

Sri N.K. Arjun Kanunjna

Applicant

— Vs. —

Union Of India & Ors.

Respondents

— 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
contemners for non-compliance
of the common Judgment and
Order dated 31.07.2001 passed
in O.A. No. 38/2000.

— AND —

In the matter of:

Sri N.K. Arjun Kanunjna,

Shillong Bar Library,

Shillong, Meghalaya.

Petitioner

Filed by the petitioner
through S. Chakraborty
Advocate
11/9/2002

----- Versus -----

1. Shri Herbert Wilson Trevor
Syiem, The Secretary,
North Eastern Council,
Taxation Building,
Shillong.

2. Shri P.L. Thanga,
Planning Adviser,
North Eastern Council,
Shillong.

* The Secretary,
M.P.S.C, Dholpur
House, New Delhi.

*3. Respondents

The humble petition of the
above named petitioner is

MOST RESPECTFULLY SHEWETH

1. That your petitioner being highly aggrieved
by the impugned orders dated 23.11.1992, 1.12.1992,
2.12.1992 and 22.3.1999 moved this Hon'ble Tribunal through
O.A. No.38/2000. The Hon'ble Tribunal, after hearing the
parties, was pleased to set aside and quashed all the above
impugned orders and was further pleased to give direction to
the respondents to consider the case of the petitioner for
promotion to the post of Deputy Director (A) as on 1990 as
per law and grant him service benefit within three weeks
from the date of receipt of the order and pass consequential
order.

A copy of the Judgment and Order dated
31.07.2001 is enclosed as Annexure A.

2. That your petitioner most humbly begs to state that he obtained certified copy of the Judgment and Order dated 31.7.2001 in OA.No.38/2000 on 18.9.2001. Thereafter, he submitted a copy of the same to the respondent No.1 for considering his case by letter dated 19.09.2001.

A copy of the Letter dated 19.09.2001 is enclosed as Annexure - B.

3. That the petitioner begs to state that the respondents have received the copy of the said Judgement and Order dated 31.7.2001 but nothing has been done in this regard. Due to inaction of the respondents your petitioner by another letter dated 08.07.2002 to the respondent No.1 prayed to communicate him the outcome of the matter. But the respondents has not given any response to the petitioner up till date.

A copy of the letter dated 08.07.2002 is enclosed as Annexure - C.

4. That your petitioner humbly submits that a period of about one year has passed away from the date of submission of Judgement of this Hon'ble Tribunal dated 31.7.2001 alongwith petitioner's letter dated 19.9.2001 but the respondents did not take any initiative to implement the judgment of Hon'ble Tribunal.

5. That your petitioner begs to state that the respondents deliberately and willfully did not take any initiative to implement the Judgment and Order of this Hon'ble tribunal.

6. That in the facts and circumstances stated above, it is a fit case for the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for deliberate and willful disregard to the Judgment and Order of the Hon'ble Tribunal dated 31.7.2001 passed in O.A. No. 38/2000.

7. That this petition is made bonafide and for the cause of justice.

Under the facts and circumstances stated above, the Hon'ble tribunal be pleased to issue notice to the respondents and after hearing the parties be pleased to initiate contempt proceeding against the respondents for willful negligence of the Judgment and Order dated 31.7.2001 passed in O.A. No. 38/2000 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.

A F F I D A V I T

I, N.K. Arjun Kanunina, son of Late Narmada
Kr. Arjun Kanunina, C/O. Shillong Bar Library, 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.

2. That the statements made in para 1 to 7 are
true to my knowledge and belief and that I have not
suppressed any material fact.

3. That this affidavit is made for the purpose
of filing the contempt petition before the Hon'ble Central
Administrative Tribunal, Guwahati Bench, Guwahati.

And I, sign this affidavit on this 11th
day of September, 2002 at Guwahati.

Identified by
A. Chakrabarty
(Advocate)

Deponent
Maju

Solemnly affirms and declares before me
who is identified by A. Chakrabarty
Advocate on this 11th Day of
September, 2002

Usha Das
Advocate 11/9/02

DRAFT CHARGE

4

Laid down before the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for willful disregard to the common judgment and order of the Hon'ble tribunal dated 31.07.2001 passed in OA. No. 33/2000. The respondents have willfully and deliberately violated the order of the Hon'ble Tribunal dated 31.07.2001 and therefore are liable for contempt of court proceedings and punishment in accordance with law.

— 7 —

Annexure-A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.38 of 2000

Date of decision: This the 31st day of July 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri N.K. Arjun Kanunjna,
Son of Late Narmada Kr Arjun Kanunjna,
East Khasi Hills.Applicant

By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mrs S. Deka.

versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Home Affairs,
North Eastern Council Division,
New Delhi.

2. The Secretary,
The North Eastern Council,
East Khasi Hills,
Meghalaya, Shillong.

3. The Union Public Service Commission,
Through its Secretary,
New Delhi.Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J. (V.C.)

By an order dated 26.4.1983 the applicant, who was Private Secretary to the Chairman of North Eastern Council (NEC for short), was appointed to officiate as Private Secretary to the Chairman in the scale of pay of Rs.1100-1600 subsequently revised to Rs.3000-4500 plus other allowances with effect from 23.4.1983. Consequent upon the approval of the UPSC of the aforesaid appointment of the applicant to the upgraded post of Private Secretary to the Chairman, NEC in the scale of Rs.3000-100-3500-125-4500, the officiating appointment of the applicant to the post of Private Secretary to the Chairman, NEC



21 stood regularised with effect from 23.4.1983. By an order dated 24.9.1990 he was temporarily appointed as Deputy Director (A) on ad hoc basis in the NEC for a period of six months with effect from the date of assumption of charge. By order dated 11.4.1991 the term of ad hoc appointment to the post of Deputy Director (A) was extended for a further period of six months with effect from 8.4.1991 or till the date of receipt of the UPSC's final decision in regard to the eligibility of the applicant for regular appointment to the post. The NEC, subsequently, by its order dated 23.11.1992 cancelled the order dated 28.1.1991 regularising the services of the applicant in the upgraded post of Private Secretary to the Chairman, NEC with effect from 23.4.1983. By the said order it was also held that the applicant was not eligible for consideration of regularisation in the post of Deputy Director (A) and accordingly by the aforesaid order dated 23.11.1992 the applicant was reverted to the post of Private Secretary to the Chairman, NEC. The above order was assailed before this Bench by way of O.A.No.127 of 1993 as unlawful. By Judgment and Order dated 5.2.1998 the Tribunal disposed of the application with direction to the respondents to dispose of the representation of the applicant by passing a reasoned order within the specified period. As per direction of the Tribunal the matter was taken up for consideration by the concerned authority wherein the applicant was also given a personal hearing. By the impugned order the respondents turned down his representation and refused his promotion to the upgraded post of Private Secretary to the Chairman with effect from 23.4.1983 to 12.8.1990 as regular promotion and count the same for the purpose of seniority for promotion to the post of Deputy Director. Hence this application.

2. For proper adjudication of the controversy raised in this application certain basic facts are required to be gone into, more particularly about the appointment of the applicant. As alluded by order dated 26.4.1983 the applicant was appointed to officiate as Private Secretary to the Chairman, NEC. The said order was also forwarded to the Deputy Secretary to the Government of India, Ministry of Home Affairs.....

3: 9

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Affairs, New Delhi for taking certain formal steps. In the said communication it was informed that the appointment of the applicant was made against the post of Private Secretary to the Chairman, NEC created by NEC order No.NEC.23/75 dated 26.4.1983. The applicant was thus appointed to the post created in 1983. The NEC by order dated 28.1.1991 regularised the services of the applicant from 26.4.1983, consequent upon the approval of the UPSC to the appointment of the applicant to the upgraded post of Private Secretary. A copy of the order dated 28.1.1991 was sent to the Deputy Secretary (NEC), Government of India, Ministry of Home Affairs, New Delhi referring to the Ministry's letter No.7/21/84-NE.II dated 14.1.1991. The Ministry's letter dated 14.1.1991 was not made available before us. However, the fact remains that the applicant was appointed to a post created in 1983. Admittedly, there were no rules in the NEC for recruitment to the post of Private Secretary to the Chairman of the NEC. The Recruitment Rules were approved and notified vide Memo No.5/19/83-NE.II dated 11.3.1985. The said Recruitment Rules insisted eight years regular service in the lower grade and recruitment could be made either by promotion or by transfer on deputation. As per the eligibility criteria a departmental Private Secretary in the scale of pay of Rs.650-1200 was eligible to be considered on completion of eight years regular service in the grade.

3. Mr A. Deb Roy, learned Sr. C.G.S.C. contended that the applicant did not fulfil the requirement for recruitment as per the Recruitment Rules. As mentioned, the post in which the applicant was appointed as Private Secretary to the Chairman, NEC was a post created prior to the emergence of the Recruitment Rules. The Recruitment Rules of 1985 will not apply since the rules are relatable to the existence of the vacancy. The respondents, in the circumstances, fell into gross error in holding that the applicant was not eligible for appointment to the post earlier than the existence of the Recruitment Rules. The cancellation of the regularisation of the applicant for the aforesaid reason from 1983, therefore, cannot be sustained. The order dated 23.11.1992 and the consequent order dated 1.12.1992 in the circumstances therefore.....

therefore, cannot be sustained and accordingly the same is set aside. Consequently, the order dated 2.12.1998 reverting the applicant to the post of Private Secretary to the Chairman, NEC on the strength of the order dated 23.11.1992 cannot be sustained.

4. Mr. J.L. Sarkar, learned counsel for the applicant, stated and contended that since the applicant was unlawfully reverted from the post of Deputy Director (A), the applicant should get the service benefit of the post, which he would have held till his retirement. Mr Deb Roy submitted that the applicant was considered subsequently in the year 1996 by the DPC for promotion, but the DPC did not find him suitable for promotion to the said post as he failed to attain the prescribed Bench Mark Grading of 'very good'. As per the amended Recruitment Rules of 1990 the applicant was entitled for consideration of promotion to the post of Deputy Director on and from 8.10.1990 and not 1996 as was held by the impugned order dated 22.3.1999. The legitimacy of the action of the respondents in the matter of reverting the applicant from the post of Deputy Director by the order dated 2.12.1992 was also under consideration in O.A.No.127/1993. The action of the respondents in holding DPC during the pendency of the aforesaid O.A. was contrary to the provisions of Sub-section 4 of Section 19 of the Administrative Tribunals Act, 1985.

5. For the reasons stated above the impugned orders dated 23.11.1992, 1.12.1992, 2.12.1992 and 22.3.1999 are set aside and quashed. The applicant has already attained his superannuation on 30.4.1996. However, the applicant cannot be deprived of the benefit that he was entitled to during his period of service. The respondents are accordingly directed to consider the case of the applicant for promotion to the post of Deputy Director (A) as on 1990 as per law and grant him whatever service benefit he was eligible for under the law. The respondents are directed to complete the above exercise as early as.....

as possible, preferably within three weeks from the date of receipt of the order and pass consequential order.

6. The application is allowed to the extent indicated. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)



Certified to be true Copy
गुणात्मक अविवादी

WZ/18/9/2017

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To

—12—

Annexure - B

The Secretary,
North Eastern Council,
Shillong.

Ref:- O.A. No. 38 of 2000 - N.K. Arjun Kanunjna P.S. to Chairman, NEC (Retd) - Vs - Union of India and others - Order of the Hon'ble CAT, Guwahati, dated 31st July, 2001.

Sir,

I have the honour to submit herewith a xerox copy of the Order dated 31st July, 2001, passed by the Hon'ble Central Administrative Tribunal, Guwahati, in the above mentioned matter.

I shall be grateful for necessary action.

Thanking you.

Yours faithfully,

N.K. Arjun Kanunjna
(N.K. Arjun Kanunjna)
Retd. P.S. to Chairman, NEC
C/O Shillong Bar Library,
Shillong.

Dated Shillong,
19th Sept., 2001.

*Submitted on
19/9/2001.*

To

The Secretary
North Eastern Council
Shillong

Ref: O.A. No. 38 of 2000 - N K Arjun Kanunjna, P.S. to
Chairman, NEC (Retd) - Vs - Union of India and
Others - Orders of the Hon'ble CAT, Guwahati,
Dated 31st July, 2001 - My letter dtd. 19th September
2001.

Sir,

I have the honour to invite your kind attention to my letter dated 19th September, 2001, on the above subject.

I shall be grateful if I could be informed of the outcome of your kind consideration.

Thanking you,

Yours faithfully,

Dated Shillong
The 8th July 2002.


(N K Arjun Kanunjna)
Retd. P.S. to Chairman, NEC
C/o. Shillong Bar Library
Shillong.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.

CONTEMPT PETITION No.42/2002

In
OA No.38/2000
AND

IN THE MATTER OF :
LATE SHRI N.K. ARJUN KANUNJNA *petitioner*
Vs.

1) SHRI HERBERT WILSON TREVOR SYIEM,
SECRETARY, NORTH EASTERN COUNCIL

2) SHRI P.L. THANGA,
PLANNING ADVISOR, NORTH EASTERN COUNCIL

respondents

AND

IN THE MATTER OF :
AN AFFIDAVIT BY THE RESPONDENT NO (2)

MOST RESPECTFULLY SHEWETH :

1. That the respondent No.2 above named is the Secretary In-charge, North Eastern Council.
2. That your humble respondent No.2 beg. to submit that Mr.H.W.T. Syiem Respondent No.(1) has proceeded on voluntary retirement on 30th July, 2002.
3. That the Respondent No.(2) (Shri P.L.Thanga), Planning Adviser has been asked to look after the current charge of Secretary, NEC vide order No.(Fax) 4/1/99-NE.II dt. 5.8.2002 purely as a temporary measure in addition to his own duties.
4. That Respondent No.(2) took over the current charge of Secretary, NEC in addition to his duties as Planning Adviser w.e.f. 5.8.2002.
5. That the post of Secretary, NEC has not been filled up by the Govt. of India till date.
6. That the respondent No.2 received C.P.No.42/2002 on 28.11.2002 by mail and Mr.A. Deb Roy, Sr.Central Govt. Standing Counsel was authorized to represent him by signing Vakalatnama and was requested to appear before the Tribunal on 10.12.2002 on behalf of the Secretary, NEC and the Central Government.
7. That Shri A. Deb Roy, SCGSC has been requested to appear on behalf of the Secretary, NEC on 25.7.2003.

Contd... P.2/-

8. That the North Eastern Council has preferred an appeal before the Hon'ble High Court, Guwahati vide W.P.C. No.5232/02 against the Judgement & order in O.A.No.38/2000 dt. 31st July, 2001 of the Hon'ble CAT.
9. That the matter is being pursued in the Hon'ble High Court for revival and further order in view of the fact that the petitioner has already expired in the month of Feb., 2003.
10. That the respondent has no intention to ignore or to disobey the order of the Hon'ble CAT dt. 31st July, 2001 and the show cause notice dt. 28th Nov., 2002.
11. That under the above circumstances, your humble respondent beg to pray that the contempt proceeding contemplated against him in the above matter may be dropped as the respondent has no intention to ignore the order dt. 31st July, 2001 passed by the Hon'ble CAT.
12. That your humble respondent further beg to state that delay in taking appropriate decision in this case was not intentional and occurred only because of lack of communication and information.
13. That the respondent Most humbly and respectfully, further beg to state that he could not give personal attention to the case primarily because of the communication gap.
14. That your humble respondent further beg to assure ^{state} your honour that besides pursuing the case at the Hon'ble Guwahati High Court, simultaneous steps are being taken to implement the judgement. For this, he most humbly pray to grant him three months time for approaching appropriate authority for final decision in this case.
15. That this affidavit is filed bonafide for the end of justice.

In the premises, it is prayed that your Lordship may be pleased to take the notice of this affidavit in respect of retirement of Shri H.W.T. Syiem, Respondent No.(1) and further be pleased to allow the respondent 3(three) months time to take necessary steps to comply with the related order of the Hon'ble CAT. And for which act of kindness the humble respondent shall ever pray.

Dated, Shillong :
the 5 August, 2003.

Humble Respondent.

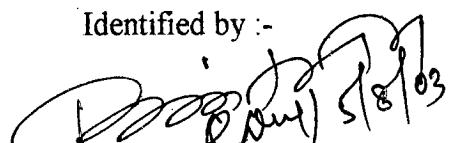
Thang
E/c Secretary,
North Eastern Council

AFFIDAVIT

I, Shri P. L. THANGA aged about 54 years, son of Shri (L) HARRUMA Resident of NEC Complex, Motinagar, P.O. SHILLONG, Shillong-14, District East Khasi Hills, State of Meghalaya, Government Servant by Profession, A Chirian by Religion, do hereby solemnly affirm and state as under :-

- 1) That, I am the Respondent in the above noted case.
- 2) That the statements made in Paragraph No.1 to 14 are true to the best of my knowledge, belief and rest are my humble submission before this Hon'ble CAT and I sign this affidavit on this, the 5th day of August, 2003 at Shillong.

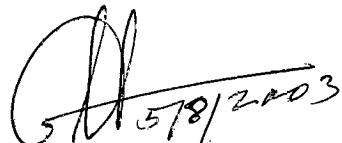
Identified by :-


5/8/03

Advocate

Deponent


J/C SECRETARY
North Eastern Council


5/8/2003

IN CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI

C.P. 42/2002

OA No. 38/2000

AND

IN THE MATTER OF

LATE SHRI N.K. ARJUN KANUNJNA.....Petitioner

Vrs

1) SHRI HERBERT WILSON TREVOUR SYIEM
SECRETARY, NORTH EASTERN COUNCIL

2) SHRI P.L. THANGA

PLANNING ADVISER, NORTH EASTERN COUNCIL.....Respondents

AND

IN THE MATTER

AN AFFIDAVIT BY THE RESPONDENT NO (2)

MOST RESPECTFULLY SHEWETH :

1. That the Respondent No. 2 above named is the Secretary In-Charge, North Eastern Council.
2. That your humble Respondent No.2 begs to submit that Mr. H.W.T. Syiem Respondent No.(1) has proceeded on voluntary retirement on 30th July, 2002.
3. That the Respondent No.(2) Shri P.L. Thanga, Planning Adviser has been asked to look after the current charge of Secretary, NEC vide Order No.(Fax)4/1/99-NE.II dt. 5.8.2002 purely as a temporary measure in addition to his own duty.
4. That Respondent No. (2) took over the current charge of Secretary, NEC in addition to his duties as Planning Adviser w.e.f. 5.8.2002.
5. That the post of Secretary, NEC has not been filled up by the Govt. of India till date.
6. That the North Eastern Council has preferred an appeal before the Hon'ble High Court, Guwahati vide W.P.C No. 5232/02 against the Judgement & order in O.A No. 38/2000 dt 31st July, 2001 of the Hon'ble CAT.
7. That the Respondent has no intention to ignore or disobey the order of the Hon'ble CAT dated 31/7/0.

contd....2/-

8. That the Respondent simultaneously to comply with the order of the Hon'ble CAT approached the competent authority to sit for the DPC in the matter of Promotion to the post of the Deputy Director (A) .Copies of all the correspondence with the UPSC is enclosed and marked as ANNEXURE A (Series)

9.. That the Respondent has received the notice of the Hon'ble High Court to the proposed legal heirs on the application for substitution dated 2.12.03 with notice to take steps within three days (copy enclosed) and marked as ANNEXURE - B .

10.. That your humble Respondent beg to assure your honour that besides pursuing the case at the Hon'ble Guwahati High Court and the Departmental Promotion Committee most humbly pray to grant the revision of the Order towards the implementation of the CAT Order dated 31/7/2001 to such time the Hon'ble High Court give their final verdict or the final judgement

11.. That this Affidavit is filed bonafied for the end of justice.

It is prayed that your Lordship may be pleased to take the notice of this Affidavit and to allow the Respondent to take necessary steps to comply with the related order of the Hon'ble CAT till such time he receives the High Court Final Judgement. For which act of kindness the humble Respondent shall ever pray.

Dated Shillong
The _____ February, 2004

Humble Respondent

19-
82

AFFIDAVIT

I, Rakesh Mathur Shri Omkar Mathur
aged 37 years, a Hindu by faith, Govt Servant by
profession, R/O Mohingar, Shillong
Dist. East Khasi Hills Meghalaya, hereby solemnly
affirm and declare as follows—

1. That I am serving as Asy. Secretary in the office of NEC, Secretariat, Shillong under the Government of India and as such I am authorised to swear this affidavit on behalf of the Writ petitioners. I am also fully conversant with the facts and circumstances of this case and as such I am competent to swear this affidavit.
3. That the statements made in this affidavit as well as those made paragraphs 1 to 7 and 10 and 11 of the petition are true to my knowledge and those made in paragraphs 8 and 9 being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Court.

And in witness where of I put my hand unto this affidavit on this 13th day of February, 2022 at _____

Identified by

Signature
Advocates Clerk

**(R.Mathur),
DEPONENT**

(4)

(6A)

(20)

37

REGISTERED / SPEED POST
(CONFIDENTIAL)GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
SHILLONG

NO.NEC/ADM/8/2000

Dated Shillong the 8th Aug., 2003

To

1. The Secretary,
 Union Public Service Commission,
 Dholpur House,
 Shahjahan Road,
 New Delhi - 110 011.

Sub: Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP
 No.42/2002 - (L) Shri N.K.A.Kanunjana Vrs UOI and Others.

Sir,

I am directed to enclose herewith a copy of the judgement order dated 31.7.2001 passed by the Hon'ble CAT Guwahati Bench on the subject mentioned above for favour of perusal.

Although we have preferred an appeal in the Hon'ble High Court, Guwahati vide WPC No.5232/02 against the judgement and order of the Hon'ble CAT, we have not been able to succeed and the matter is still being pursued in the Hon'ble High Court. In the meantime (L) Shri N.K.A.Kanunjana filed a contempt petition against the Secretary and Planning Adviser, NEC vide CP No.42/2002 and accordingly the Hon'ble CAT have issued a Show Cause Notice to the Secretary, NEC and also called for personal appearance of the Secretary, NEC.

In compliance with para 5 of the judgement order dated 31.7.2001, the promotion case of (L) Shri N.K.A.Kanunjana, PS to Chairman to the post of Dy.Director(Adm) as on 1990 may be placed before the Departmental Promotion Committee for consideration. In this connection a copy of the Recruitment Rules 1985 and amended Recruitment Rules 1990 for the post of Dy.Director(Adm)/PS to Chairman are enclosed alongwith the following papers:

1. ACRs of (L) Shri N.K.A.Kanunjana for the period from 1983 to 1990
- (2) Copies of the following letters/orders affected by the Hon'ble CAT order dated 31.7.2001:
 - (a) NO.NEC/ADM/179/73-Vol.IV dated 11.4.1991.
 - (b) Order NO.NEC/ADM/179/73 Vol.IV dated 23.11.1992.
 - (c) Order NO.NEC/ADM/104/72 Vol.II dated 01.12.1992.
 - (d) Order NO.NEC/ADM/179/73 Vol.IV dated 02.12.1992
 - (e) MHAs letter No.7/21/84-NE.II dated 14.1.1991.
 - (f) Order NO.NEC/ADM/104/72 Vol.II dated 28.1.1991.
 - (g) NO.NEC/ADM/179/73 VOL.V dt. 22.3.1999.

Contd...2/-

34

✓ BY SPEED POST/
FAX

210

GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

NEC/ADM/8/2000.

Dated Shillong the 3rd November, 2003.

Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110069.

DPC- Deputy Director (A) in NEC- Implementation of the CAT order dated 31.7.2001 in OA No. 38 of 2002/CP No. 42/2002- (L) Shri N.K. Arjun Kanunjna Vs Union of India & Others.

In inviting a reference to your letter No.1/24(30)/2003-AP.I dt. 24.10.03 on subject cited above I am directed to enclose herewith a copy of an affidavit by the Secretary, NEC on 5/8/2003 which is self explanatory. Thereafter we not heard anything from the Hon'ble CAT.

As regards the appeal No.5332/2002 in the High Court the case has been decided on 16.9.2003 and likely to come up for hearing after 10th November, 2003.

As above.

Yours faithfully,

(R. Mathur)
Deputy Secretary.

8/2

RECORDED

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- 2 -

(h) UPSCs letter No.F.4/24(1)/90-AU.II dated 12.3.1991.

As per the amended Recruitment Rules 1990 Asstt. Secretary with 5 years regular service in the grade and PS to Chairman with 5 years regular service in the grade are eligible for consideration for promotion to the post of Dy. Director(Adm) in the scale of Rs.3700-5000/- (Revised to Rs.12,000-16,500/-). In this context, a copy of the minutes of the last DPC meeting held on 18.3.96 is enclosed for perusal.

As per the Hon'ble CAT order dated 31.7.2001, the date of regular appointment of (L) Shri N.K.A.Kanunjana in the post of PS to Chairman has to be counted from 1983 i.e. from the date of initial appointment to the upgraded post and the Respondents were directed to consider the applicant for promotion to the post of Dy. Director(Adm) as on 1990 as per Law and grant him whatever service benefit he has eligible for under the Law.

As per amended Rules 1990 the composition of Departmental Promotion Committee are as follows:

1. Chairman/Member UPSC	Chairman
2. Secretary, NEC	Member
3. Joint Secretary, MHA	Member

Since the Administrative Ministry has been transferred from Ministry of Home Affairs to D/o Development of NER, the Joint Secretary(NEC) D/o DONER may be requested to join the Departmental Promotion Committee meeting.

The Chairman/Member UPSC as the Chairman of the Departmental Promotion Committee may be requested to fix the convenient date for DPC Meeting in Delhi office since both the Chairman and Member are from Delhi only.

Yours faithfully,

(R. Mathur)
Deputy Secretary.

Dated Shillong the 8/8/2003

Memo NO.NEC/ADM/8/2000
Copy to:

The Joint Secretary, Govt.of India, D/o Development of North Eastern Region, Vigyan Bhavan Annexe, Maulana Azad Road, New Delhi - 110 011. This has a reference to this Sectt.letter of even number dated 13.12.2001. Approval for implementation of the CAT judgement dated 31.7.2001 may kindly be accorded on 'Top Priority' basis.

(R. Mathur)
Deputy Secretary

ok

18/8/2003
3

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BY SPEED POST 168

GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

No.NEC/ADM/8/2000.

Dated Shillong the 25th August,2003.

To

The Secretary,
Union Public Service Commision,
Dholpur House, Shahjahan Road,
New Delhi-110011.

Sub: Implementation of the CAT order dated 31.7.2001 in OA No.38 of
2002/CP. No.42/2002-(Late) Shri N.K. A. Kanunjna Vrs. UOI and others.

Sir,

In inviting a reference to this Council Secretariat Speed Post letter of
even number dt. 8.8.2003 on the subject cited above I am directed to request
that the matter may kindly be expedited.

Yours faithfully,

(R. Mathur)
Deputy Secretary.

26.8.03
ISSUED

Confidential 170

~~BY SPEED POST~~

REGISTERED WITH A/D

GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

No.NEC/ADM/8/2000.

To

Dated Shillong the 17th September, 2003.

Shri A. V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110011.

Sub: DPC - Deputy Director (Admn.) in NEC – Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP No.42/2002- (L) Shri N.K. A. Kanunjna Vs. Union of India & others

Sir,

I am directed to refer to your letter No. 1/24(30)/2003-AP-I dt. 3.9.2003 on the subject cited above and to enclose herewith the following documents as desired by you for favour of early necessary action.

1. DPC Proforma.
2. Check list.
3. Self Contained Note.
4. Copy of Recruitment Rules.
5. Seniority list.
6. Eligibility list.
7. Integrity certificate.
8. Major/Minor Penalty certificate.
9. Vigilance clearance certificate.
10. Non-relation certificate from Secretary, NEC.
11. Minutes of the last DPC held on 18.3.96.
12. Original ACRs for the year 1982-83 to 1995-96.

Decision of the Hon'ble High Court in appeal is still awaited

Encl: As stated above

Yours faithfully,

(R. Mathur)
Deputy Secretary.

(6) 24 11

Self contained note regarding promotion case of (L) Shri N.K.Arjun Kanunjna,
Ex-PS to Chairman, NEC.

Vide Hon'ble CAT order dt. 16.2.96 in M.P.24/96(OA.No.127/93) the Hon'ble CAT directed the respondent to consider the promotion case of the applicant most expeditiously and in any event within a period of one month from the date of receipt of the copy of order. In compliance with the direction of the Hon'ble CAT, a proposal was accordingly sent to the UPSC for convening DPC on 29.2.96, accordingly a DPC was held on 18.3.96 at 11.00 A.M. A copy of the proceeding of the DPC is enclosed at Annexure 'A'.

As the DPC did not recommend (L) Shri N.K.Arjun Kanunjna for promotion, he again went to the Central Administrative Tribunal in O.A.No.38/2000. The Hon'ble CAT vide their order dt. 31.7.01 directed the respondent to consider the promotion case of (L) Shri N.K.Arjun Kanunjna as on 1990 by squashing the impugned order dt. 23.11.92, 1.12.92, 2.12.92 and 22.3.99.

As the order passed by the Hon'ble CAT is not in accordance with the recruitment rules in matter of qualifying service, the North Eastern Council has filed an appeal in the High Court against the order of the CAT. However, the North Eastern Council has not been able to obtain any order from the Hon'ble High Court till date. In the mean time, the Hon'ble CAT is contemplating proceeding against the Secretary, NEC for which the Secretary, NEC was called for personal appearance on 25.7.03.

In the circumstances, the UPSC has been requested to convene a DPC to consider the promotion case of (L) Shri N.K.Arjun Kanunjna to the post of Deputy Director(A).

(L) Shri N.K.Arjun Kanunjna, Ex-PS to Chairman, NEC was promoted on adhoc basis to the post of Deputy Director(A) w.e.f. 24.9.90 in the scale of Rs.3700-5000/- The UPSC vide their letter No.F.1/24(5)/91-AU.2 dt. 11.3.91, No.F.4/24(1)/90-AU.2 dt. 12.3.91 had ruled that (L) Shri N.K.Arjun Kanunjna was not eligible for promotion to the post of Deputy Director(A), therefore (L) Shri N.K.Arjun Kanunjna was reverted to the post of PS to Chairman, NEC on 23.11.92. Accordingly the post of Deputy Director felt vacant w.e.f. 23.11.92. This post could not be filled up by alternative method i.e. by deputation due to CAT order dt. 2.7.93.

Vide Hon'ble CAT order dt. 31.7.01, a seniority and qualifying service for purpose of promotion are to be counted from 1983, the date of initial appointment to the post of PS to Chairman (upgraded scale). As per the recruitment rules for the post of Deputy Director(A) Assistant Secretary and PS to Chairman with 5 years regular service in the grade are to be considered eligible and hence the proposal for convening DPC.

(R. Mathur)
Deputy Secretary.

CONFIDENTIAL:**MOST IMMEDIATE / COURT DIRECTION:****FILE NO.F.1/24(30)/2003-AP.I.**

UNION PUBLIC SERVICE COMMISSION
DIOLPUR HOUSE, SIIAIJAIAN ROAD
NEW DELHI-110011.

DATED: 3RD SEPTEMBER, 2003.

The Secretary to the Government of India,
North Eastern Council Secretariat,
Shillong.

(Kind attn.: - Shri R. Mathur, Deputy Secretary)

Subject:- DPC - Deputy Director (A) in NEC - Implementation of the CAT
order dated 31.7.2001 in OA No.38 of 2002/CP No.42/2002-(L) -
Shri N. K. A. Kanunjana Vs. Union of India & Others.

Sir,

I am directed to refer to your letter No.NEC/ADM/8/2000, dated 8th August, 2003 (received in this office on 26th August, 2003), on the above mentioned subject and to say that, as per the directions of the Hon'ble Central Administrative Tribunal, Guwahati Bench, in their order dated 31st July, 2001, in O.A. No.38 of 2000, filed by Shri N. K. Arjun Kanunjana, the case of the applicant for promotion to the post of Deputy Director (A) as on 1990 is to be considered as per law. In view of this, the department may please immediately furnish all necessary information/documents in the prescribed DPC proforma, including the then vacancy position (including date & manner of occurrence), the vacancy year, the then existing Seniority List, an Eligibility List of eligible officers, a Self-contained Note for DPC, Integrity Certificate/vigilance clearance, a Statement of penalties imposed, if any, on the eligible officers, original ACRs of all eligible officers and a copy of the Recruitment Rules then applicable, may be furnished. It may be clarified whether any DPC has already been held for the said vacancy year. If so, UPSC reference number in this regard may please be furnished.

Pending receipt of the aforesaid documents/clarification, no further action can be taken on the proposal at this end.. Keeping in view the directions of the Hon'ble Court the aforesaid clarification/documents may please be furnished immediately. The present position of the appeal filed before the Hon'ble High Court may also be indicated.

Yours faithfully,

A. V. Tarvadi
(A. V. Tarvadi)
Under Secretary
Ph.23385674.

(10) *by order* (26)
1205
v
GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

Dated Shillong the 17th October, 2003.

No.NEC/ADM/8/2000.

To

Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110011.

Sub: Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP
No. 42/2002 (Late) Shri N.K. Arjun Kanunjna Vrs UOI and others.

Sir,

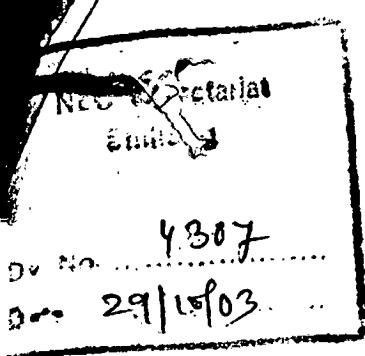
In inviting a reference to your letter No. F.1/24(30)/2003-AP.I dt. 3.9.2003 on the subject cited above and to state the position of the above case are as follows:-

1. That on 12.8.2003 an appeal made by this office before the Hon'ble High Court, Guwahati for restoration of WP© No.5332/2002. The Hon'ble High Court has considered the appeal on 16.9.2003. A copy of the order dt. 16.9.2003 is enclosed for favour of your information.

Yours faithfully,
(R. Mathur)
Deputy Secretary.

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NEC Sectt. Shillong.
Administration Section.
O. No. 1745. D. 31/10/03

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MOST IMMEDIATE /
COURT DIRECTION:

FILE NO. F.1/24(30)/2003-AP.I
UNION PUBLIC SERVICE COMMISSION
DIOLPUR HOUSE, SIIAJIJIAN ROAD
NEW DELHI-110069.

DATED: 24TH OCTOBER, 2003.

The Secretary to the Government of India,
North Eastern Council Secretariat,
Shillong.

(Kind attn.: Shri R. Mathur, Deputy Secretary)

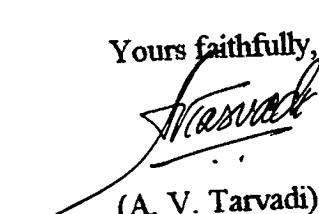
Subject: - DPC - Deputy Director (A) in NEC - Implementation of the CAT
order dated 31.7.2001 in OA No.38 of 2002/CP No.42/2002-(L) -
Shri N. K. A. Kanujana Vs. Union of India & Others.

Sir,

I am directed to refer to your letter No. NEC/ADM/8/2000, dated 17th September, 2003, on the above mentioned subject and to say that it may be clarified as to what development had taken place in the hearing before the Hon'ble Central Administrative Tribunal in July, 2003, when the Secretary, NEC, was called for personal appearance before the Hon'ble Tribunal. The developments in the case before the High Court may also be indicated and whether the contempt case before the Hon'ble Tribunal is also being pursued or whether it has been stayed till the Hon'ble High Court decides on the appeal of the Department before them. It may also be clarified whether the Hon'ble Tribunal have been apprised of the appeal pending before the Hon'ble High Court. The Department are advised to pursue the case before the Hon'ble High Court so as to obtain their directions on the issue and simultaneously keep the Hon'ble Central Administrative Tribunal informed of the same.

2. This office may also be kept apprised of the development in the case, pending which, no further action can be taken on the proposal at this end.

Yours faithfully,


(A. V. Tarvadi)
Under Secretary
Ph. 23385674.

✓ Sub 11/10/03
AB 3/10
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D/P 3/10
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✓ BY SPEED POST/
FAX

GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

Dated Shillong the 3rd November, 2003.

No. NEC/ADM/8/2000.

To
Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110069.

Sub:

DPC- Deputy Director (A) in NEC- Implementation of the CAT order
dated 31.7.2001 in OA No. 38 of 2002/CP No. 42/2002- (L) Shri N.K.
Arjun Kanunjna Vs Union of India & Others.

Sir,

In inviting a reference to your letter No.1/24(30)/2003-AP.I dt. 24.10.03 on
the subject cited above I am directed to enclose herewith a copy of an affidavit
filed by the Secretary, NEC on 5/8/2003 which is self explanatory. Thereafter we
have not heard anything from the Hon'ble CAT.

As regards the appeal No.5332/2002 in the High Court the case has been
restored on 16.9.2003 and likely to come up for hearing after 10th November, 2003.

Ecnl. As above.

Yours faithfully,

(R. Mathur)
Deputy Secretary.

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NEC Sectt. Shillong.

Administration Section.

No 1898 Date 24/11/03
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FILE NO.F.1/24(30)/2003-A.P.I.
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAHJAHAN ROAD
NEW DELHI-110069.

DATED: 13TH NOVEMBER, 2003.

The Secretary to the Government of India,
North Eastern Council Secretariat,
Shillong.

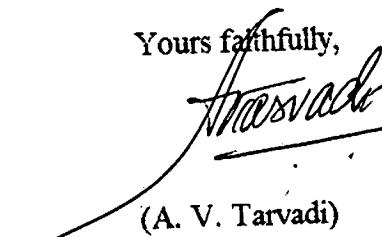
(Kind attn.: - Shri R. Mathur, Deputy Secretary)

Subject: - DPC - Deputy Director (A) in NEC - Implementation of the CAT
order dated 31.7.2001 in OA No.38 of 2002/CP No.42/2002-(L) -
Shri N. K. A. Kanunjana Vs. Union of India & Others.

Sir,

I am directed to refer to your letter No. NEC/ADM/8/2000, dated 3rd November, 2003, on the above mentioned subject and to say that this office may please be intimated immediately the developments in the case referred to above which is stated to have come up for hearing on 10th November, 2003, as the same is required to be placed before the Hon'ble Commission.

Yours faithfully,


(A. V. Tarvadi)
Under Secretary
Ph. 23385674.

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By Speed Post

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GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

No.NEC/ADM/8/2000.

Dated Shillong the 15th December,2003.

To

Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110011.

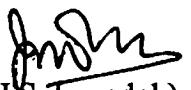
Sub: ~ Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP
No. 42/2002 (Late) Shri N.K. Arjun Kanunjna Vrs UOI and others.

Sir,

In inviting a reference to our telephonic discussion on 12.12.2003 on the subject mentioned above, I am directed to say that latest development of the case in CAT/High Court has been intimated to you time to time vide letter of even number dtd. 17.10.2003, 3.11.2003 and 4.12.2003 (copies enclosed). No further development has come up till date. However, any development come up in CAT/High Court will be intimated to the UPSC in time.

Encl: As above.

Yours faithfully,


(J.S. Lyngdoh)
Section Officer (Admn.)

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BY SPEED POST

GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

No.NEC/ADM/8/2000.

Dated Shillong the 21st January,2004.

To

Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110011.

Sub: DPC- Deputy Director(A) in NEC- Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP No. 42/2002- (L) Shri N.K. Arjun Kanunjna Vrs Union of India & Others.

Sir,

I am directed to refer to the subject mentioned above and to furnish herewith details information as desired by you (ref. F.1/24(30)/2003-AP.I) dt. 17.11.2003.

1. In the CAT, Guwahati: The case in respect of Late N.K. A. Kanunjna came up for hearing on 20.1.2004. The Hon'ble Tribunal on 20.1.2004 has directed Respondent No.2 i.e. Secretary, NEC to appear in person before the Hon'ble Tribunal on 25.2.2004 as per written information dt. 20.1.2004 of Sr.C.G.SC.
2. In the Hon'ble High Court, Guwahati: As per direction of Hon'ble High Court on 2/12/2003 notice to the legal heirs for substitution has been issued in the Court on 6.1.2004 and this information has been collected by our representative visiting Guwahati on 20.1.2004.

Yours faithfully,


J.S. Lyngdoh
Section Officer (Admn.)

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GOVERNMENT OF INDIA
NORTH EASTERN COUNCIL SECRETARIAT
TAXATION BUILDING, SHILLONG-793001.

No.NEC/ADM/8/2000.
To

Dated Shillong the 4th December,2003.

Shri A.V. Tarvadi,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110069.

Sub: DPC- Deputy Director(A) in NEC- Implementation of the CAT order dated 31.7.2001 in OA No.38 of 2002/CP No. 42/2002- (L) Shri N.K. Arjun Kanunjna
Vrs Union of India & Others.

Sir,

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In inviting a reference to your letter No. 1/24(30)/2003-AP.I dt. 17.11.2003 on the subject cited above I am directed to say that nothing has come up after filing of affidavit in the CAT. However, a decision has been taken in the Hon'ble High Court, Guwahati to issue notice to the legal heirs for substitution a copy of the same is enclosed for necessary action.

Encl : As above.

P. 293 - 296

Yours faithfully,

(R. Mathur)
Deputy Secretary.

DR

ISSUED

ANNEXURE - B

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by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p style="text-align: right;">Misc. Case No. <i>In C.P.W.S 523</i></p> <p style="text-align: right;">BEFORE</p> <p style="text-align: center;">HON'BLE THE CHIEF JUSTICE HON'BLE MR JUSTICE B.K.SHARMA</p> <p style="text-align: center;">02.12.03</p> <p><i>[Signature]</i></p> <p>Issue notice to the proposed legal heirs application for substitution.</p> <p>Notice is returnable by a month.</p> <p>Petitioner to take steps within three days.</p>

Gauhati High Court

Chief Justice

Self-B Gangaram
K. Shekhar

J. W. G.

CERTIFIED TO BE TRUE CCPY
Date 3d day of Oct 1872
Superintendent (Comptng Section)
Ga. Natl. H. & C. Co.
A. horized U. S. 76, Oct 1, 1872

3/12/2003