

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : -----/ 2009
 2. Transfer Application No : -----/2009 in O.A. No.-----
 3. Misc. Petition No : -----/2009 in O.A. No.-----
 4. Contempt Petition No : 8 /2009 in O.A. No. 133/2001
(EP.No. 2/2008)
 5. Review Application No : -----/2009 in O.A. No.-----
 6. Execution Petition No : -----/2009 in O.A. No.-----
- Applicant (S) : Shri Utpal Sutradhar
- Respondent (S) : Shri B.K. Sinha & 3 others
- Advocate for the : Mr. Adil Ahmed
- {Applicant (S)} Mr. N. Ahmed.
- Advocate for the : -----
- {Respondent (S)}

| Notes of the Registry | Date | Order of the Tribunal |
|--|------------|--|
| <p><u>13.8.2009</u></p> <p>This Contempt Petition has been filed by the Applicant through his Advocate for wilful non-compliance of Judgment and order dated 1.3.2002 passed in OA No.133/2001 and order dated 20.2.2008 passed in Execution Petition No. 2 of 2008 by this Hon'ble Tribunal.</p> <p>Four copies of Application with envelopes received.</p> <p>Laid before the Hon'ble Court for favour of order.</p> <p><i>[Signature]</i> Section Officer(I), 13/8/09</p> | 19.08.2009 | <p>Execution Petition No. 2 of 2008, was filed by the Applicant (of O.A.No.133 of 2001) for execution of the order dated 1st March, 2002 of this Tribunal rendered in O.A.No.133 of 2001.</p> <p>2. During pendency of the said E.P.No.2 of 2008, the Respondents disclosed that steps were taken to file a Writ Application (challenging the order dated 1st March, 2002 of this Tribunal) in the Hon'ble Gauhati High Court and that the said Writ Application was misplaced. However, the</p> <p style="text-align: right;">4 8 Contd/-</p> |

K. Das

Send copies of this order to the Respondents along with contempt petition in the address given in C.P. and also free copies to advocates both the parties

20/8/09

Received
24-8-09

24/8/09

Copies of notices along with order dated 19/8/2009 send to D/Sec. for issuing to respondents by regd. A/D Post.

Free copies of this order also handed over to 4 counsel for both the parties.

24/8/09 D/No-9757-9760
Df= 25/8/09

9.16.09

A/D Card received from Respnt. 2.

9/16/09

lm

C.P.No.8 of 2009 in O.A.No.133 of 2001

Contd/-

19.08.2009 Respondents having not taken any steps, even during pendency of E.P.No.2 of 2008; the said E.P. was disposed of (on 28.2.2009) with direction to the Respondents; to comply the order dated 01.3.2002 of this Tribunal, by end of April 2009.

3. Now, alleging non compliance orders of this Tribunal, the Applicant has, again, approached this Tribunal by way of filing the present C.P.No.8 of 2009.

4. A copy of this C.P.No. 8 of 2009 has already been supplied to Mr.K.K.Das, learned Addl. Standing Counsel for Government of India;

who undertakes to obtain instructions from the Respondents, (of the O.A.No133 of 2001 and opposite party of the present C.P.No.8 of 2009) by 30.10.2009. Accordingly, call this matter on 30.10.2009; by which time the learned Addl.Standing Counsel shall obtain instructions from the Respondents.

5. Send copies of this order to the Respondents of this C.P.No.8 of 2009 (along with copies of Contempt Petition) in the address given in the C.P. and free copies of this order be also handed over to the Advocates appearing for both the parties.

(M.K.Chaturvedi)
Member(A)

(M.R.Mohanty)
Vice-Chairman

30.10.09

Affidavit in reply
has been filed by the
Respondant No 2 on
behalf of Respondents
(No. 1, 3 & 4) through
Mr. K. K. Das, Addl.
CGSC. and Memo-
randum for the
Respondents. Copy
served.

JS
30/10/09

CP 8-09

30.10.2009

An affidavit has been filed by Sri Hira Lal, working as Assistant Director (P), Weavers' Service Centre, Guwahati. In Contempt Petition affidavit has to be filed by the contemner not an alien to the proceeding.

Let Respondent Nos. 2 & 3 appear in person on 04.11.2009 explaining why the charges be not framed against them.

3.11.09

2nd Affidavit filed
by the Respondents.

/bb/

04.11.2009

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

An affidavit has been filed by Shri S.P.Singh, Director, Weavers' Service Centre, Guwahati whereby an order dated 30.10.2009 has been placed on record, a perusal of which reveals that Applicant has not yet been made the payment, rather it averse; "the said arrear payment of Sri Sutradhar would be made only after the resumption of Officer-in-Charge/D.D.O. on 09-11-09."

On the face of it, the orders passed by this Tribunal on 01.03.2002 in O.A.133/2001 and also reiterated in order dated 20.02.2009 passed in E.P. No.2/2008 remains un-complied with.

On the request of Shri Kankan Das, learned Addl. C.G.S.C., list on 06.11.2009 to ensure that the payment is released and orders of this Tribunal are fully complied with, failing which we will be compelled to take coercive action against Respondents.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

M

4

06.11.2009

Heard the learned counsel for the parties.

Vide orders passed separately the C.P. stands disposed of.



Madan Kumar Chaturvedi
Member (A)



(Mukesh Kumar Gupta)
Member (J)

Received
1-12-09
@

nkm

Issue vide Memo

No. 12718 to 12720

03-12-2009

com
16.12.09

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]

[Faint text at the bottom of the page, possibly a footer or additional notes]

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Contempt Petition No.08 of 2009
(In Original Application No.133 of 2001)

Date of Order: This the 06th day of November 2009.

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Shri Utpl Sutradhar,
Son of Late Dinabndhu Sutradhar,
Carpenter,
Office of the Deputy Director, Weavers' Service Centre,
Ministry of Textiles, Government of India,
Agartala, P.O.- Shamali Bazar,
P.S.-West Agartala - 799006,
Tripura.

..... Applicant

By Advocate Mr A. Ahmed.

- versus -

1. Shri B.K. Sinha
Development Commissioner for Handlooms,
Ministry of Textiles,
Government of India (Udyog Bhavan),
New Delhi-110011.
2. Shri S.P. Singh
Director, Weavers Service Centre,
Ministry of Textiles, I.I.H.T. Campus,
Jawahar Nagar, Khanapara, Guwahati.
3. Shri H.B. Suryawanshi
Deputy Director, Weavers Service Centre,
Gurkhabasti, Agartala-799006.
4. Shri S. Chowdhury
Assistant Director,
Office of the Development Commissioner
for Handloom,
Government of India,
Ministry of Textiles,
Udyog Bhavan,
New Delhi-110011.

.....Contemners/Respondents

By Advocate Mr K.K. Das, Addl. C.G.S.C.

.....

2

✓

ORDER (ORAL)

MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Present Contempt Petition has been preferred alleging willful disobedience of directions issued in O.A. No.133/2001, which had been allowed by this Tribunal vide order dated 01.03.2002 with following observations:

"The respondents are accordingly directed to regularize his leave period by granting him study leave as admissible, or in aid of the provision of the leave rules. The applicant cannot be denied with increments and the due salary only on the ground mentioned. The higher education itself is an asset to the department and the department can use and take benefit from his skill and educational qualification. I also do not find any justification for changing the date of substantive appointment of the applicant from 1.4.88 to 7.6.90. The substantive appointment was fixed on 1.4.88 and no reason assigned as to how it was again changed without taking the applicant into confidence. In the circumstances the impugned communication dated 28.2.2001 refixing the date of substantive appointment of the applicant as 7.6.90 in place of 1.4.88 is set aside and quashed. The respondents are directed to regularize the period of absence during his training with all benefits of pay and allowances.

The application is allowed to the extent indicated. There shall, however, be no order as to costs."
(emphasis supplied)

2. Aforesaid order had been carried in Writ Petition before the Hon'ble High Court, but it has not been prosecuted properly as it was misplaced at the stage of filing itself. Thereafter, he preferred Execution Petition No.02/2008, which was also disposed of vide order dated 20.02.2009 with the following observations:

"By way of filing reply in the present Execution Petition No.2 of 2008, the Respondents have disclosed that steps were taken by them (Respondents) to challenge the aforesaid order dated 01.03.2002 in the Hon'ble Gauhati High Court and, as it appears, the said Writ Petition has been misplaced (at the filing stage) since November, 2002. It appears that the Respondents took no

8

steps in the matter since 2002. They even failed to take any action after receipt of notice in the present Execution Petition No.2 of 2008.

In the aforesaid premises, Respondents are directed to comply with the order dated 1st March 2002 of this Tribunal (rendered in O.A. No.133 of 2001) by end of April 2009 under intimation to the Applicant.

With the aforesaid direction, this Execution Petition No.2 of 2008 stands disposed of."

(emphasis supplied)

3. Alleging willful and contemptuous violation of the aforesaid orders, present Contempt Petition was preferred by the applicant.

4. Respondents initially filed a written statement stating that they have already taken necessary steps to implement the directions contained in aforesaid orders, and as such there is no willful and deliberate negligence of the directions issued. However, later respondent Nos.2 and 3 filed affidavit dated 02.11.2009 wherein it has been disclosed that on approval of competent authority for implementation of aforesaid orders, necessary orders have been issued on 06/07-08-2009 with instructions to Officer-in-Charge, Weavers' Service Centre, Agartala, to arrange to regularize his period of absence during training by granting him study leave as admissible or in aid of provisions of leave rules and consequential order dated 14.09.2009 had been passed by respondent No.3 herein, which recites as under:


"The leave period mentioned as below are herewith regularized and necessary entries made in the service book of the concerned as per the norms and direction given by the Central Administrative Tribunal, Guwahati Bench vide original application No.133 of 2001 and date of order 01.03.2002. The financial benefits like increments for the said period etc. also have been regularized and send to the Pay & Accounts Office (Textiles), Kolkata for further payment to the concerned."

(emphasis supplied)

2

5. We have heard the learned counsel for the parties and perused the material^Q placed before us. Mr A. Ahmed, learned counsel for the applicant contends that directions issued by this Tribunal on 01.03.2002 would reveal that it contained two facets namely, restoration of his date of substantive appointment as 01.04.1988 instead of 07.06.1990 and second was in relation to regularization of his absence during training period. It has been emphasized that there was no reason given for not regularizing his period of absence during training period and the manner in which his date of substantive appointment had been changed from 01.04.1988 to 07.06.1990, which action of respondents had not been approved by this Tribunal. It was contended that order dated 01.03.2002 has attained finality and therefore, there was no further scope for its implementation in a manner prejudicial to his interest and in breach of directions issued by the Tribunal. Learned counsel further contends that no order has been passed by the respondents treating his date of substantive appointment as 01.04.1988 instead of 07.06.1990.

6. On examination of the matter particularly with reference to documents placed on record, we are satisfied that said contention has merit and directions issued on said aspect remains technically uncomplied with, when more than seven years had passed as on date from date of issue of said order. We may, however, note the fact that even in the Execution Petition, which was decided on 20.02.2009, the respondents were required to comply with aforesaid order by end of April 2009. It is not in dispute that neither of the orders are under challenge before any higher court and therefore, the respondents under no circumstance were justified to ignore the mandate of said



10

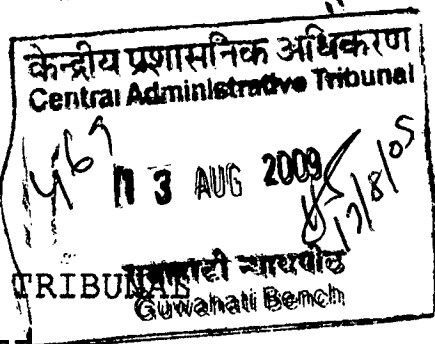
5

order and directions. Despite passage of six months thereafter, counting from April 2009, directions remain uncomplied with as far as first direction is concerned. Normally, we would have taken very serious view of the matter and framed charges against respondent No.2, who is wholly responsible for defying directions and mandate of the orders passed by this Tribunal, however, without precipitating the matter any further, we issue warning to said respondent No.2, who is present in court, to be careful in future in dealing with court matters failing which necessary action would be initiated under provisions of Contempt of Courts Act. We may note that it is not in dispute that applicant's period of absence has been regularized and a sum of Rs.72,446 has been paid to him on 27.10.2009. In this view of the matter we dispose of this Contempt Petition with observations made hereinabove. This fact of warning shall be recorded in the ACR of respondent No.2.

6. Contempt Petition is accordingly disposed of.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

CONTEMPT PETITION NO. 8 OF 2009

O.A. No. 133 of 2001

E.P. No. 2 of 2008

Shri Utpal Sutradhar

..Petitioner

-Vs-

The Union of India & Others

.Contemnors/Respondents

Index

| Sl. No. | Particulars | Page Nos. |
|---------|-------------------|-----------|
| 1 | Contempt Petition | 1 to 6 |
| 2 | Draft Charge | 7 |
| 3 | Affidavit | 8 |
| 4 | Annexure -1 | 9 to 14 |
| 5 | Annexure -2 | 15 to 17 |
| 6 | Annexure -3 | 18 to 20 |

Date- 20.07.2009

Filed by

Nuruddin Ahmed
Advocate

FILED BY

Shri Utpal Sutradhar
 Petitioner
 through Mr. Arundhan Shrivastava
 Advocate
 20/08/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 8 OF 2009

IN O. A. NO.133 of 2001

IN E.P. NO. 2 OF 2008

IN THE MATTER OF:

A Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnors/Respondents for willful non-compliance of Judgment and Order dated 01.03.2002 passed in O.A. No.133 of 2001 and order dated 20.02.2009 passed in Execution Petition No. 2 of 2008 by this Hon'ble Tribunal.

-AND-

IN THE MATTER OF:

O.A. No.133 of 2001

In E.P. No. 2 of 2008

Shri Utpal Sutradhar

Applicant

-VERSUS-

The Union of India & Others.

Respondents

-AND-

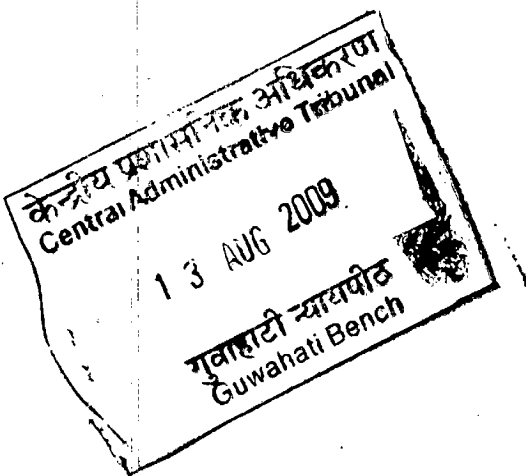
IN THE MATTER OF:

Shri Utpal Sutradhar,

Son of Late Dinabandhu Sutradhar,

Carpenter, Office of the Deputy

Director Weavers' Service Centre



Utpal Sutradhar

Ministry of Textile, Govt. of
India, Agartala, P.O. Shamali
Bazar, P.S.-West Agartala,
PIN Code-799006, (Tripura).

..Petitioner

-VERSUS-

- 1) Shri B. K. Sinha
Development Commissioner for
Handloom, Ministry of Textile,
Government of India, (Udyog
Bhavan),
New Delhi-110011.
- 2) Shri S. P. Singh
Director, Weavers Service Centre,
Ministry of Textile, I.I.H.T.
Campus, Jawahar Nagar, Khanapara,
Guwahati-781022.
- 3) Shri H.B. Suryawanshi
Deputy Director, Weavers Service
Centre, Gurkhabasti,
Agartala, PIN-799006.
- 4) Shri S. Chowdhury
Assistant Director, Office of
the Development Commissioner
for Handloom, Government of
India, Ministry of Textile,
Udyog Bhavan, New Delhi-110011.

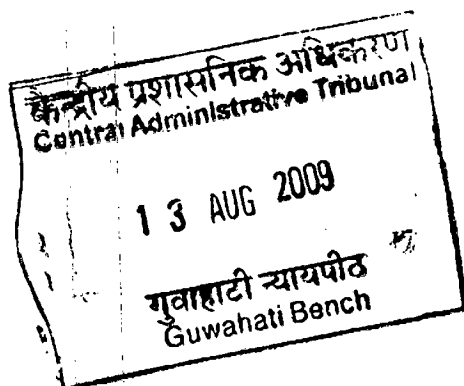
..Contemnors/Respondents

The humble Petition of the above
named Petitioner:

MOST RESPECTFULLY SHEWETH:

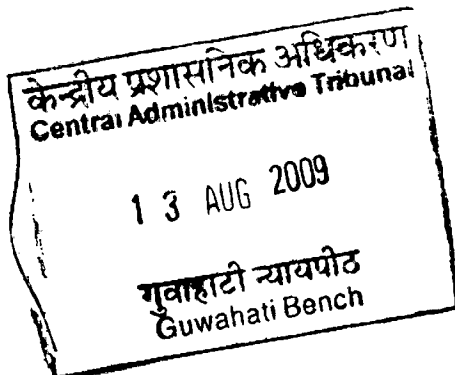
1. That your humble Petitioner had filed an Original
Application No.133 of 2001 before this Hon'ble Tribunal

Utpal Sutradhar



for seeking a direction upon the Respondents for regularization of the period spent by him in study and also for setting aside and quashing the order dated 28.02.2001 whereby the Respondents had re-fixed substantive date of appointment of the petitioner as 7.6.1990 in place of 01.04.1988.

2. The Hon'ble Tribunal heard both the parties on 01.03.2002 and was pleased to allow the Original Application No.133 of 2001 and set aside and quash the impugned communication dated 28.02.2001 re-fixing the date of substantive appointment of the Applicant as 7.6.1990 in place of 01.04.1988. Further, direction was given to the Respondents to regularize the period of absence of the Applicant during his training with all benefits of pay and allowances.

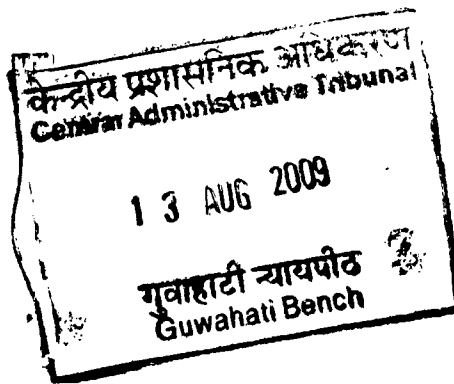


Copy of Judgment & Order dated 01.03.2002 passed in O.A. No.133 of 2002 is annexed herewith and marked as ANNEXURE-1.

3. That being aggrieved by the inaction on the part of Respondents in implementation of the order dated 01.03.2002 passed in O.A. No. 133 of 2001, the instant petitioner filed an Execution Petition No. 2 of 2008 before this Hon'ble Tribunal under Rule 27 of the C.A.T. (Procedure) Rules 1987 for Execution of the order dated 01.03.2002 passed by this Hon'ble Tribunal in O.A. No.133 of 2001.

This Hon'ble Tribunal vide its order dated 20.02.2009 passed in Execution Petition No.2 of 2008 directed the Respondents to comply with the order dated 01.03.2002 passed in O.A. No.133 of 2001 by the end of April,2009 under intimation to the instant petitioner.

Utpal Sutradhar



Copy of the order dated 20.02.2009 passed in Execution Petition No.2 of 2008 in O.A. No.133 of 2001 is annexed herewith and marked as ANNEXURE-2.

4. That your Petitioner begs to state that the Contemnor/Respondent No.2 vide his letter No.WSC/GAU/HC/US-1 (70)/2008/836 dated 30th April 2009 informed the Officer-in-Charge, Weavers Service Centre, Agartala that the approval of DOPT is required before implementation of Hon'ble Court order. Since the matter is under consideration of the highest authority it will take some time for getting approval. Soon after receipt of the communication from the concerned authority in this respect the matter will be intimated to him. It is worth to mention here that since passing of the judgment and order dated 01.03.2002 in O.A. No. 133 of 2001 the Contemnors/Respondents has taken excuse by stating that the order dated 01.03.2002 has been challenged before the Hon'ble Gauhati High Court but they have failed to produce any authentic documents before this Hon'ble Tribunal during the course of hearing of the Execution petition No. 2 of 2008. Now the Contemnors/Respondents have taken a new plea that for implementation of this Hon'ble Tribunal's order the approval of DOPT is required.

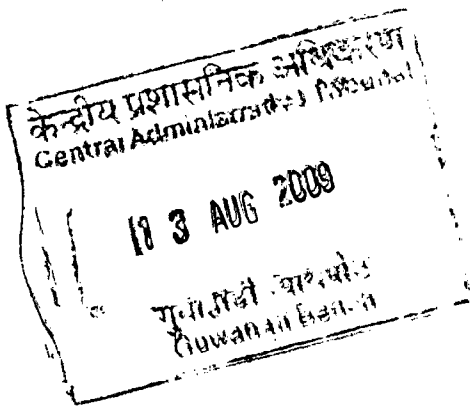
Copy of the letter No.WSC/GAU/HC/US-1 (70)/2008/836 dated 30th April 2009 is annexed herewith and marked as Annexure-3.

5. That your petitioner humbly submits that this Hon'ble Tribunal passed the order on 01.03.2002 in O.A. No. 133 of 2001 i.e. more than 7 (seven) years but due to willful and deliberate negligence on the part of the Contemnors/Respondents the same has not been implemented

Utpal Sutradhar

till date. The Respondents/Contemnors have willfully and deliberately shown disrespect, disregard and disobedience to the orders passed by this Hon'ble Tribunal. The Respondents/Contemnors with a motive behind have not complied with the Hon'ble Tribunal's Order dated 01.03.2002 passed in O.A. No.133 of 2001 and order dated 20.02.2009 passed in Execution Petition No.2 of 2008. As such, the Respondents/Contemnors deserve severe punishment from this Hon'ble Tribunal. It is also a fit case where the Respondents/Contemnors may be directed to appear in person before this Hon'ble Tribunal to explain as to why they have shown disrespect, disregard and disobedience to this Hon'ble Tribunal.

6. That this Petition is filed bonafide to secure the ends of justice.



In the premises aforesaid, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such appropriate order or orders as this Hon'ble Tribunal may deem fit and proper.

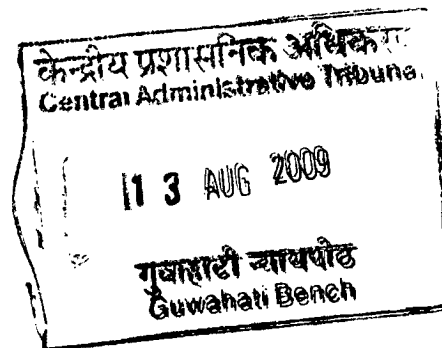
Further, it is also prayed that in view of the willful and deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 01.03.2002 passed in O.A. No.133 of 2001 and

Utpal Sutradhar

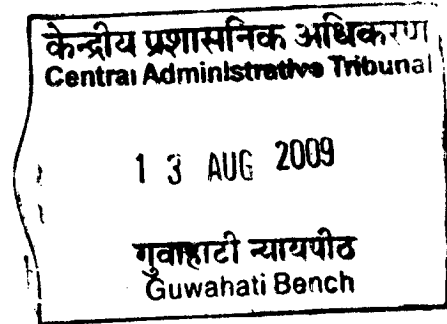
also order dated 20.02.2009 passed in Execution Case No.2 of 2008, the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the Contempt of Court Act.

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

Draft Charge



Utpal Sutradhar



DRAFT CHARGE

The Petitioner is aggrieved for non-compliance of the Judgment and Order dated 01.03.2002 passed by this Hon'ble Tribunal in O.A No.133 of 2001 and also order dated 20.02.2009 passed in Execution Petition No.2 of 2008. The Contemnors/Respondents have willfully and deliberately disregard and disrespect of the Orders dated 01.03.2002 and 20.02.2009 passed by this Hon'ble Tribunal. Accordingly, the Respondents/Contemnors are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in person and reply to the charges leveled against them before this Hon'ble Tribunal.

Utpal Sutradhar

AFFIDAVIT

I, Shri Utpal Sutradhar, aged about 44 years, Son of Late Dinabandhu Sutradhar working as Carpenter in the Office of the Deputy Director, Weavers' Service Centre, Ministry of Textiles, Government of India, Agartala, P.O.:Shamali Bazar, P.S.:West Agartala, Pin Code:799006, Tripura do hereby solemnly affirm and state as follows-

1. That I am the Petitioner in O.A. No.133 of 2001 and also Petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case.

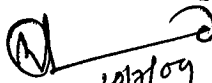
2. That the statements made in paragraph Nos. 1, 3 (Parth), 4 (Parth) of the Contempt Petition are true to my knowledge, those made in paragraph Nos. 2, 3 (Parth), 4 (Parth) of the petition being matters of records are true to my information, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I put my hand hereunto this affidavit on this 20th day of July 2009.

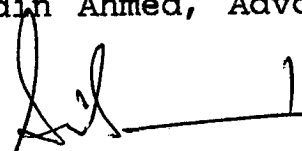
Utpal Sutradhar.

DEPONENT

Identified by


 Advocate

Solemnly affirmed before me by the Deponent who is identified by Mr.Nuruddin Ahmed, Advocate


 (Adv. AHMED)



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 133 of 2001.

Date of Order : This the 1st Day of March, 2002.

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

Sri Utpal Sutradhar,
Carpenter,
Weaver's Service Centre,
Ministry of Textiles,
Agartala.

. . . Applicant

By Advocate Miss Sankari Das.

- Versus -

1. Union of India,
represented by the Development Commissioner
for Handloom, Ministry of Textile,
Govt. of India (Udyog Bhavan),
New Delhi-11.
2. Director, Weaver's Service Centre,
Ministry of Textiles,
I.I.H.T. Campus, Jawahar Nagar,
Khanapara, Guwahati-22.
3. Deputy Director,
Weaver's Service Centre,
Gurkhabasti, Agartala-6.
4. Assistant Director,
Office of the Development Commissioner
for Handlooms, Govt. of India,
Ministry of Textiles,
Udyog Bhavan,
New Delhi-11.

. . . Respondents.

By Sri A. Deb Roy, Sr.C.G.S.C.

ORDERCHOWDHURY J.(V.C)

The controversy raised in this application relates to the regularisation of the period spent in study and also legality of the order dated 28.2.2001 refixing the date of substantive date of appointment of the applicant in the following circumstances.

The applicant was appointed as a Carpenter, a Group C post in the pay scale of Rs.950-1500/- in the Weaver's Service Centre, Indian Institute of Handloom

contd..2

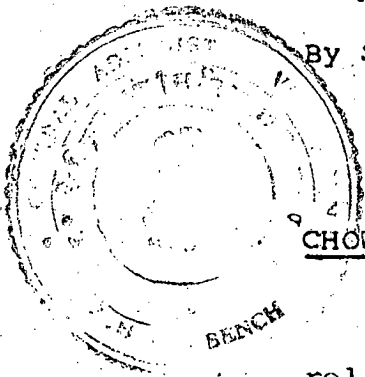
ATTESTED

ADVOCATE

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench



Technology, Agartala against the quota earmarked for physically handicapped vide order dated 8.1.88 with effect from 7.12.87. By order dated 6.6.95 eight persons working in the Weavers Service Centre, Indian Institute of Handloom Technology under the Eastern Zone were appointed in substantive capacity in the post with effect from the date shown against each. The name of the applicant appeared at serial No.7 to the post of Carpenter and the date of substantive appointment was shown as 1.4.88. While the applicant serving as such he applied for admission to 3 years DHT course in the Indian Institute of Handloom Technology at Varanasi on non stipendiary basis. His application was forwarded by the department and accordingly office order No.J-11011/1/91.WSC/E-II dated 26.7.91 was issued, granting permission to the applicant to take admission on non stipendiary basis in the first year of 3 years diploma course of DHT during the academic year 1991-92. The applicant accordingly left for Varanasi to the knowledge of the authority and joined in the Institute. The applicant by his application dated 12.8.91 wrote to the officer in charge Weavers Service Centre,

Agartala to issue a no objection certificate as was insisted by the authority and also issue a formal relieving order with effect from 9.8.91 from the Weaver's Service Centre, Agartala. In this application he mentioned about his application dated 9.8.91 for granting study leave and joining his course. The applicant completed his course in due time and came back to Agartala where he was also directed to impart training to the trainees weavers under Hill Area Project and Project packages scheme in addition to his normal duties until further

orders. The applicant completed his course and obtained diploma in Handloom Technology from the Indian Institute of Handloom Technology, Varanasi. In the meantime the respondents authority by order dated 15.7.92 came down

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
13 AUG 2009
गुवाहाटी ब्याच
Guwahati Bench

ATTESTED

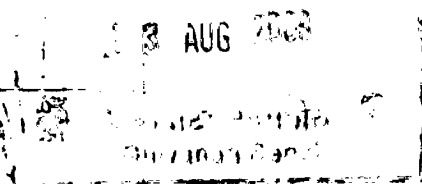
ADVOCATE

22

his application for granting study leave on the ground that he did not complete 5 years of service and he had also not completed the period of probation. The applicant is getting his salary without any increments and by the impugned order dated 28.2.2001 the applicant's substantive appointment as a Carpenter was refixed from 7.6.90 by cancelling the order dated 6.6.95 wherein the date of substantive appointment of the applicant was shown as 1.4.88. In this application the applicant has sought for a direction on the /authority for regularising the period spent in study and release his arrears which was not paid during the study period and also prayed for quashing the order No. WSC/GAU/AGT/15(1)/2001/947 dated 28.2.2001.

2. The respondents submitted its written statement and contested the claim. According to the respondents the applicant was appointed as Carpenter, a Group C post of Weaver's Service Centre in a temporary capacity against physically handicapped quota. It was also admitted that by order dated 6.6.95 the applicant was made regular but the same order was issued through oversight and when the matter came to the notice of the authority the same was corrected by another order dated 2.3.2001 in the form of corrigendum. It was also stated that the applicant was allowed to take admission into the diploma course at his own risk and interest and DHT course has no relation with the nature of duty of the applicant in any way. No study leave was granted to the applicant by the competent authority vide order dated 15/16.7.92 and as per leave rules the applicant was not entitled to such leave as he did not complete 5 years of regular service. The respondents also stated that no doubt the applicant applied for relieving order and no objection certificate but no such order/certificate was issued in favour of

contd..4



ATTESTED
①
ADVOCATE

the applicant. In the written statement the respondents mentioned that 18 days leave was granted to the applicant with effect from 12.8.91 to 29.8.91 and again 42 days leave without pay was also granted to the applicant from 30.8.91 to 10.10.91. After availing 60 days leave worked in the office from 11.10.91 to 8.11.91 and then left for Varanasi on 10.11.91. Thereafter he again joined on duty on 5.5.92 after availing 178 days EOL (without pay) with effect from 9.11.91 to 4.5.92. The applicant worked in the office from 5.5.92 to 21.7.92. The applicant again left for Varanasi and rejoined the office in 1994. During the period for which the applicant worked and the period for which E.L was granted he was paid salaries. For the period between 21.7.92 to 1994 no leave was granted to the applicant and from 5.5.92 to 5.5.94 no increment was also granted to him.

3. I have heard Miss Sankari Das, learned counsel for the applicant at length and also Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents. Miss Das, learned counsel for the applicant submitted that the respondents acted in a most illegal fashion overlooking the relevant considerations. Miss Das submitted that the for undergoing the diploma course in Handloom technology the applicant applied through proper channel. His application was forwarded and in due course the applicant was recommended for granting admission on a non cependiary basis as per the order of the respondents and also issued in the public interest. There is no justification for not giving him the study leave as admissible. Mr Deb Roy, learned Sr.C.G.S.C on the other hand submitted that the respondents rightly rejected the study leave of the applicant

did not complete the 5 years regular service

contd..5

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

13 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED

ADVOCATE

and the period of probation and referred to the rules relating to the conditions for grant of study leave. Chapter VI of the Central Civil Services (Leave) Rules 1972 provides conditions for grant of study leave. Rule 52 of the said rules pertains to application for study leave. Rule 53 relates to sanction of study leave. Admittedly the application of the applicant was processed and thereafter the competent authority including the respondents, the Government of India, Ministry of Textiles recommended the applicant for taking admission on non stipendiary basis. Naturally when order was issued the applicant joined the course with the knowledge of the respondents. Under sub-rule 5 of Rule 50(i) study leave may be granted to the Government servant who has satisfactorily completed the period of probation and has rendered not less than five years regular service including the period of probation under the Government. The applicant was appointed earlier in a substantive capacity vide order 6.6.95 and he was assigned with higher responsibility. Legal policies are laid down in the rules. In the circumstances the respondents instead of taking a sententious view ought to have looked into the substance of the rule and necessarily grant him the study leave. Mr Deb Roy, learned Sr.C.G.S.C submitted that study leave has also a prescribed limit which ordinarily be for 12 months at a time and when it is a fit case for extending the benefit. The applicant by now has already completed the course and there was not justification for not regularising the period of absence. The respondents are accordingly directed to regularise his leave period by granting him study leave as admissible, or in aid of the provision of the leave rules. The applicant cannot be denied with increments and the

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
13 5 2008
गुवाहाटी बेंच
Guwahati Bench

contd..6

ATTESTED
ADVOCATE

- 14 -

due salary only on the ground mentioned. The higher education itself is an asset to the department and the department can use and take benefit from his skill and educational qualification. I also do not find any justification for changing the date of substantive appointment of the applicant from 1.4.88 to 7.6.90. The substantive appointment was fixed on 1.4.88 and no reason assigned as to how it was again changed without taking the applicant into confidence in the circumstances the impugned communication dated 28.2.2001 refixing the date of substantive appointment of the applicant as 7.6.90 in place of 1.4.88 is set aside and quashed. The respondents are directed to regularise the period of absence during his training with all benefits of pay and allowances.

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

Sd/ VICE CHAIRMAN

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

11 3 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Certified to be true Copy
प्रमाणित प्रतिलिपि

20/3/02
Section Officer (A)
आयुक्त सचिव (अ)
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
गुवाहाटी न्यायपीठ, गुवाहाटी-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

ATTESTED

ADVOCATE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI

E.P. No.2/2008 in Original Application No.133 of 2001

Date of Order: This the 20th Day of February, 2009

HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN

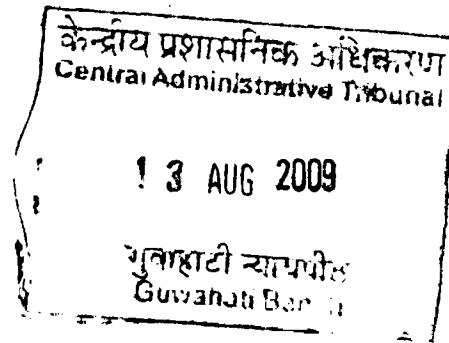
Shri Utpal Sutradhar
S/o Late Dinabandhu Sutradhar
Carpenter
Office of the Deputy Director
Weaver's Service Centre
Ministry of Textile
Govt. of India, Agartala
P.O.- Shamali Bazar
P.S.- West Agartala
Pin Code- 799006, (Tripura).

..... Applicant

By Advocate: Mr. Adil Ahmed, Mr. Nuruddin Ahmed and Ms. S. Das Choudhury.

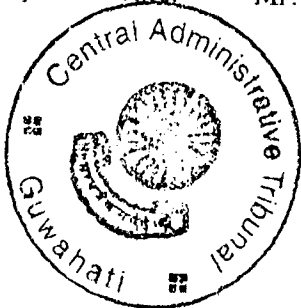
-VERSUS-

1. The Union of India
Represented by the Development
Commissioner for Handloom
Ministry of Textile
Government of India
(Udyog Bhavan)
New Delhi- 110011.
2. The Director
Weavers Service Centre
Ministry of Textile
I.I.H.T. Campus
Jawahar Nagar
Khanapara, Guwahati- 781002.
3. The Deputy Director
Weavers Service Centre
Gurkhabasti, Agartala
Pin- 799006.
4. The Assistant Director
Office of the Development
Commissioner for Handloom
Government of India
Ministry of Textile
Udyog Bhavan
New Delhi- 110011.



..... Respondents

By Advocate: Mr. G. Baishya, Sr C.G.S.C.



PTO

ATTESTED

ADVOCATE

- 16 -

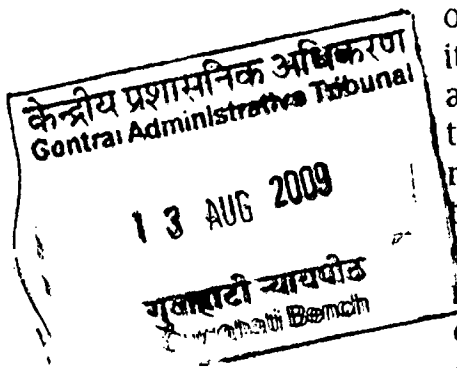
2

ORDER(ORAL)
20.02.2009

Heard Mr. N. Ahmed, learned counsel appearing for the Applicant and Mr. G. Baishya, Learned Sr. Standing Counsel representing the Respondents.

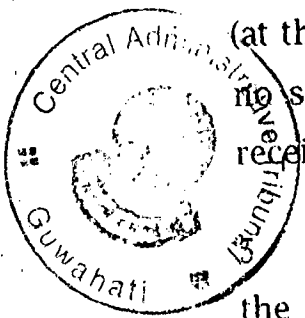
2. O.A.No.133 of 2001 filed by the present Applicant was disposed of on 1st March, 2002. The relevant portion of the said order dated 1st March 2002 reads as under:-

"The substantive appointment was fixed on 01.04.1988 and no reason assigned as to how it was again changed without taking the applicant in to confidence. In the circumstances the impugned communication dated 28.02.2001 re-fixing the date of substantive appointment of the applicant as 07.06.1990 in place of 01.04.1988 is set aside and quashed. The respondents are directed to regularize the period of absence during his training with all benefits of pay and allowances".



3. The Respondents having not given the required/consequential benefit to the Applicant, he has filed the present Execution Petition No.2 of 2008.

A 4. By way of filing reply in the present Execution Petition No.2 of 2008, the Respondents have disclosed that steps were taken by them (Respondents) to challenge the aforesaid order dated 01.03.2002 in the Hon'ble Gauhati High Court and, as it appears, the said Writ Petition has been misplaced (at the filing stage) since November, 2002. It appears that the Respondents took no steps in the matter since 2002. They even failed to take any action after receipt of notice in the present Execution Petition No.2 of 2008.



In the aforesaid premises, Respondents are directed to comply with the order dated 1st March, 2002 of this Tribunal (rendered in O.A. No.133 of 2001) by end of April, 2009 under intimation to the Applicant.

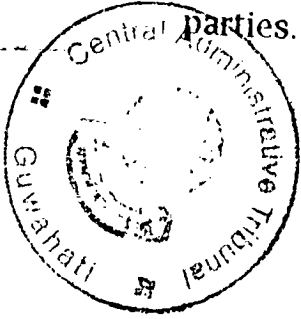
6. With the aforesaid direction, this Execution Petition No. 2 of 2008 stands disposed of.

A

ATTESTED

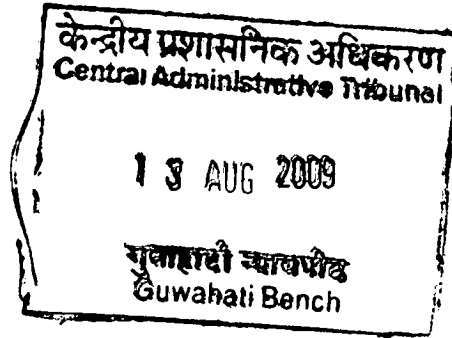
ADVOCATE

7. Send copies of this order to the Applicant and to all the Respondents. Free copies of this order be supplied to Advocates of both parties.



Sd/-
M.R. MOHANTY
VICE CHAIRMAN

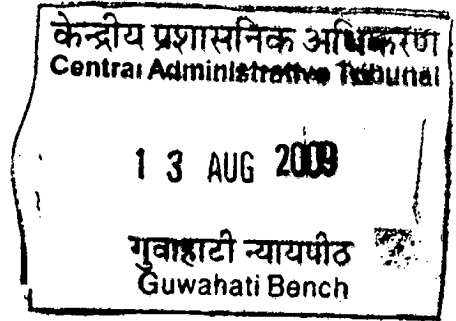
TRUE COPY
प्रतिलिपि
अनुभाग अधिकारी
Section Officer (Judl)
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench
गुवाहाटी/Guwahati-5



ATTESTED
ADVOCATE

-TYPED COPY-

Government of India
Ministry of Textiles
Weaver's Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
National Highway No.37
Guwahati-781022
PH: (0361) 230-3568; FAX: 0361-2302599



No.WSC/GAU/HC/US-1(70)/2008/836

Dated April 30, 2009

To

The Officer-in-Charge

Weaver's Service Centre

Agartala

Sub- Forwarding of copy of Notice of the Hon'ble CAT, Guwahati-regarding

Sir,

Please refer to your letter No. WSC/AGT/P (61)/9/441 dated 6-4-09 forwarding therewith an order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide letter No. CAT/GHY/judl/1166 dated 17-3-09 directing the respondents authority to comply the order dated 1-3-02 (rendered in O.A. No. 133 of 2001) by the end of April'09 in respect of petition filed by Shri Utpal Sutradhar, carpenter of your office.

In this connection, it has already been stated vide this office letter of even No. dated 27/4/2009 that the matter has been forwarded to competent authority for approval. You might have been aware that approval of the DOPT is required before implementation of Hon'ble Court order. Since the matter is under consideration of the highest authority, it will take some time for getting approval. Soon after receipt of the communication from the concerned authority in this respect, the matter will be intimated to you.

A TESTED
ADVOCATE

Accordingly, you are requested to please inform the position to Shri Utpal Sutradhar, carpenter of your centre.

Yours faithfully

Illegible

Sd/

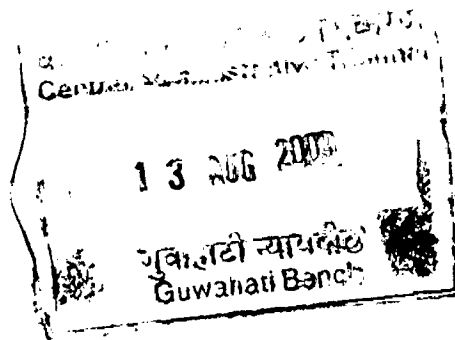
(S.P. Singh)

Director

1. Utpal Sutradhar, carpenter, WSC, Agartala for his information
 2. The Addl. Development Commissioner for Handlooms
- Office of the D.C.(H), Udyog bhavan, New Delhi-110011

(S.P.Singh)

Director

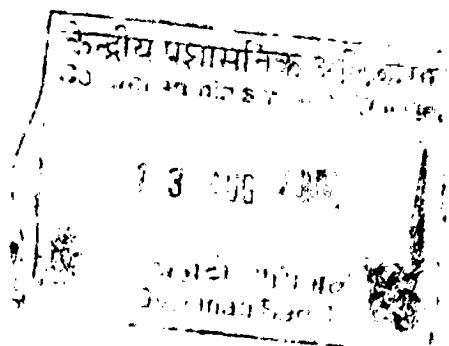


ATTESTED

ADVOCATE

By Fax

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022
PH: (0361) 230-3586; FAX: 0361-2302599



No. WSC/GAU/HC/US-1(70)/2008/

Dated April 30, 2009

To,
The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Sub: Forwarding of copy of Notice of the Hon'ble CAT, Guwahati- regarding

Sir,

Please refer to your letter No. WSC/AGT/P(61)/2/441 dated 6-1-09 forwarding therewith an order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide letter No. CAT/GHY/judl/1166 dated 17-3-09 directing the respondents authority to comply the order dated 1-3-02 (rendered in O.A. No. 133 of 2001) by the end of April'09 in respect of execution of petition filed by Shri Utpal Sutradhar, Carpenter of your office.

In this connection, it has already been stated vide this office letter of even No. dated 27/4/2009 that the matter has been forwarded to competent authority for approval. You might have been aware that approval of the DOPT is required before implementation of Hon'ble Court order. Since the matter is under consideration of the highest authority, it will take some time for getting approval. Soon after receipt of the communication from the concerned authority in this respect, the matter will be intimated to you.

Accordingly, you are requested to please inform the position to Shri Utpal Sutradhar, Carpenter of your centre.

Yours faithfully,

(S.P. Singh)
Director

1. Shri Utpal Sutradhar, Carpenter, WSC., Agartala for his information
2. The Addl. Development Commissioner for Handlooms,
Office of the D.C. (H), Udyog Bhavan, New Delhi-110011

(S.P. Singh)
Director

ATTESTED

(M)
ADVOCATE

File in Court on.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

32
Filed by the
contemners
through
Kankon Das,
Addl. C.O.-S.C. in
C.A.T. Guwahati Bench
On 30-10-09

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
30 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE MATTER OF :

Contempt Petition No. 8 of 2009
In O. A. NO.133 of 2001
E.P. No. 2 of 2008.

Sri Utpal Sutradhar

.....Petitioner

- Versus -

Union of India & Ors.

Contemners/Respondents

AND -

IN THE MATTER OF :

Affidavit in reply submitted by the Respondents No. 2
on behalf of all respondents.

WRITTEN STATEMENT

The humble answering respondents

submit his affidavit as follows :

1.(a) That I Sri HIRA LAL working as Asst
Director (P) at W.S.C. Guwahati

and Respondents No. 2 in the above contempt petition. Save and
except whatever is specifically admitted in the affidavit rests may be
treated as total denial. The statements which are not borne on records
are also denied and the applicants are put to the strictest proof thereof.

2. That with regard to the statements made in paragraph 1 & 2
of the Contempt Petition the Respondent do not offer any comment.

3. That with regard to the statements made in paragraph 3 of
the Contempt Petition the answering respondents most respectfully beg
to submit that soon after receipt of the order of the Hon'ble Central

28.10.2009
HIRA LAL
ASSISTANT DIRECTOR (PROG.)

Administrative Tribunal, Guwahati Bench, Guwahati dated 20.02.2009, this office has referred the matter to the highest authority for execution of the order of the Hon'ble Court. It is true that no orders is implemented by the concerned departments/Ministries without first referring the matter to the Department of Legal Affairs for advice and to Department of Personnel and Training. In this connection O.M. of the Govt. of India, Deptt. of Personnel & Training & Training O.M.No.28027/9/99-Estt.(A) dated 1.5.2000 may kindly be referred to (Enclosed as Annexure-A).

4. That with regard to the statements made in paragraph 4 of the Contempt Petition the answering respondents most respectfully beg to submit that the higher authority has conveyed his approval vide letter No.C-18014/1/2001-DCH/Estt.II dated 29.07.2009 after getting advice from the Ministry of Law & Justice (Department of Legal Affairs), Shastri Bhawan, New Delhi may kindly be referred to (copy enclosed in Annexure-B). There is no question about not to respect the order of the Hon'ble Court and never to think disobey the order of the Hon'ble Court.

It is also true that this office took steps to challenge the order dated 01.03.2002 in O.A.No.133 of 2001 before the Hon'ble Gauhati High Court, Guwahati through Shri B.M.Choudhury, Addl. Central Govt. Standing Counsel, Gauhati High Court, Guwahati vide Sl. No. 1118 of 2002 on 2.9.2002. In this connection, a letter received from Shri B.M.Choudhury stating that he has filed the writ petition before the Gauhati High Court, Guwahati may kindly be referred to (copy enclosed Annexure-C) and a legal fee bill paid to Shri Choudhury dated 18.11.2002 (copy enclosed in Annexure-D).

5. That with regard to the statements made in paragraph 5 of the Contempt Petition the answering respondents most respectfully beg

to submit that this respondent never dare to disrespect, disregards and

27/10
HIRA LAL
ASSISTANT DIRECTOR (PROC.)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
30 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

disobey to the order passed by the Hon'ble Tribunal in the impugned order of the Hon'ble Court as passed on 01.03.2002 in O.a.133 of 2001. However, as per the opinion of the legal expert, this office approached before Gauhati High Court, Guwahati as stated at para 4 above. This office tried to produce relevant documents before Hon'ble Tribunal during the course of hearing of the Execution Petition No.2 of 2008, but it has not been subsisted before the Hon'ble Court. The Respondents have already taken necessary steps to implement the order of the Hon'ble Court. In this connection, this office letter No. WSC/GU/HC/US-1(70)/2008/1718-20 dated 6/7-8-2009 may please be referred to (copy enclosed in Annexure-E).

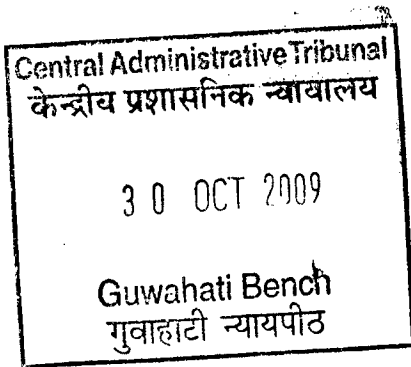
6. That with regard to the statements made in paragraph 3 of the Contempt Petition the answering respondents most respectfully beg to submit that necessary action for implementation of the order of the Hon'ble Court has already been issued and the respondents authority has already passed direction to the concerned respondent i.e. the Officer-in-Charge, Weavers' Service Centre, Agartala for granting the study leave as admissible or aid of the provision of the leave rule after obtaining application from the applicant. Further, it is to state that the contemnors/Respondents have no willfull and deliberate disregard and disrespect of the orders dated 01.03.2002 and dated 01.03.2002 and dated 20.02.2009 passed by the Hon'ble Tribunal but delayed some extend of time. Accordingly, the humble respondent earnestly request your Lordship to exempt from appearing in person by the respondent authorities before the Hon'ble Tribunal keeping in view that necessary orders for implementation of the Hon'ble Court has been made.

[Signature]
27/10

HIRA LAL

ASSISTANT DIRECTOR (PROG.)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
30 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

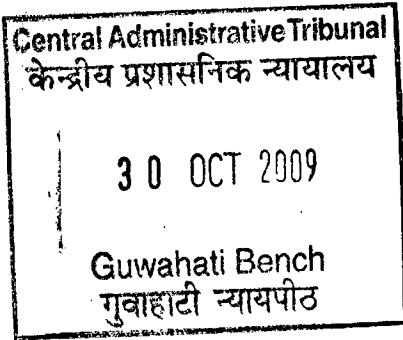


4

7. That this affidavit in reply has been made bona fide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the present contempt petition filed by the petitioner may be dismissed.


HIRA LAL
ASSISTANT DIRECTOR (PROC.)

**AFFIDAVIT**

I Shri HIRA LAL at

present working as Asstt. Director (P) at WSC,

Garchul who is one of the respondent No. ²..... in this Contempt
Petition by the competent authority to take steps and file affidavit in
reply on behalf of all the contemnors/respondents in this Contempt
Petition and hence competent to sign this affidavit do hereby solemnly
affirm and state that the statement made in paragraph 1, 2, 6, 7, are
true to my knowledge and belief those made in paragraph 3, 4, 5.....
being matter of records are true to my information derived therefrom
and rest are my humble submission before this Hon'ble Tribunal. I
have not suppressed any material facts.

And I sign this affidavit on this 28th Day of Oct..... 2009
at Garchul.....

Identified by

HIRA LAL
27/10

HIRA LAL

ASSISTANT DIRECTOR (PROC.)
Deponent

Government of India
Ministry of Textiles
Weavers Service Centre
I.I.T. Campus
Jalpaiguri, Jalpaiguri
Guwahati-781002

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

30 OCT 2009

Guwahati Bench
गुवाहाटी न्याय

NSS-81 Accounts. The Ministry of Finance (DEA) has continued the National Savings Scheme, 1987 has already been discontinued with effect from 1-10-1992 and no revision of rate of interest payable to depositors on the earlier deposits has been made. The present rate of interest is 11% and the depositors shall be entitled to same rate of interest on the deposits made prior to the discontinuance of the scheme.

2. It is requested that this clarification should be brought to the notice of all concerned for necessary action. Receipt of the letter may be acknowledged.

159

G.I., Dept. of Per. & Trg., O.M. No. 28027/9/99-Estt. (A),
dated 1-5-2000

Ministry of Law and DoP & T to be consulted before
implementing Court orders

The undersigned is directed to say that it has come to the notice of this department that in cases where the Courts have passed orders against the Government of India instructions, the administrative Ministry/Department has not consulted the Law Ministry on the question of filing appeal against such orders, before implementation of such orders.

2. The matter has been considered in this Department and it has been decided that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs and the Department of Personnel and Training on the question of filing appeal against such an order, as far as possible, well in time, that is before the time limit, if any, prescribed in such order or before the time limit for filing appeal. No such orders shall be implemented by the concerned Departments/Ministries without first referring the matter to the Department of Legal Affairs for advice and to Department of Personnel and Training.

3. The Ministries/Departments are requested to note the above instructions for strict compliance.

4. These instructions are issued in consultation with the C & AG, in regard to its applicability to Indian Audit and Accounts Department.

HIRA LAL

ASSISTANT DIRECTOR (PROG.)

Government of India

Ministry of Personnel

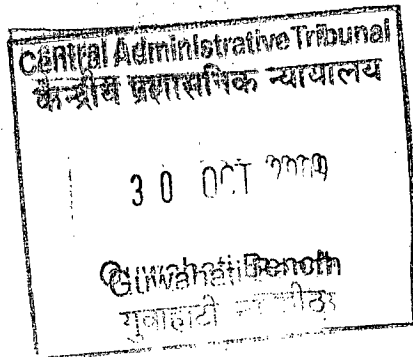
Western Building Complex

11007, Connaught

Lawahatnagar, Bhubaneswar

Guwahati 22

We sell more, because we tell more.



Annex B 38

BY SPEED POST/FAX
COURT CASE
~~XXXXXXXXXXXX~~
OUT TO-DAY

No.C-18014/1/2001-DCH/Estt.II

Government of India

Ministry of Textiles

Office of the Development commissioner for Handlooms

| | |
|-------|--------|
| Diary | 217 |
| Date | 6/8/09 |
| W | MAITI. |

Udyog Bhavan, New Delhi
Dated the 29th July, 2009.

To

✓ Shri S.P. Singh
Director
Weavers' Service Centre
Jawaharnagar, Khanapara
Guwahati - 781 011.

Sub: Execution of Petition No.2/88 in O.A.No.133/2001 - Utpal Sutradhar V/s. Union of India & Others - Reg.

Sir,

Please refer to your letter No.WSC/GAU/CAT/US-1(70)/08/1376 dated the 9th July, 2009 on the above cited subject.

2. In this connection you are directed to comply with the order dated 1st March, 2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati rendered in O.A.No.133 of 2001 immediately as advised by Ministry of Law & Justice (Department of Legal Affairs), Shastri Bhavan, New Delhi. While implementing the order, Shri Utpal Sutradhar's seniority position in the list must not be hampered in any case and this should be in order. Further, the Action Taken Report must be submitted to the undersigned. This may please be treated as most immediate.

Yours faithfully,

21/8/09
HRA LAL
ASSISTANT DIRECTOR (PROG.)

Government of India
Ministry of Textiles
Weavers Service Centre
Jawaharnagar, Khanapara
Guwahati - 781 011

(Sohan Kumar Jha)
Addl. Development Commissioner for Handlooms

20 OCT 2009

- 8 -

Amenue - c

B. M. Choudhury
Advocate

Guwahati Bench
गुवाहाटी न्यायपीठ

Old Ulubari Post Office,
Dr. B.K. Kakoti Road,
Ulubari Chariali,
Guwahati - 781 007
Phone: (0361) 548659 (R)
E-mail: bmchoudhury@rediffmail.com

Additional Central Govt. Standing Counsel
Gauhati High Court, Guwahati-781 001.

18.11.02

18.11.02

To

Date: 18-11-02.

The Director.

Weavers' Service Centre

Jawahar Nagar

Khanapara 781022.

Sub:- UOI vs Utpal Sutradhar

Ref:- WSC/Gau/HC/US-12 (70)/2002/3042

Date: 28.11.2002

Sir

Please find herewith a copy of petition filed in the
above mentioned case in the Hon'ble High Court.

Also find herewith my advance bill in triplicate for
your necessary action.

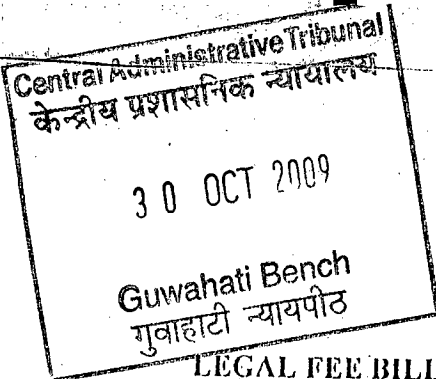
Thanking You

Yours faithfully

Bharadwaj Mrinal Choudhury
(Advocate)
18-11-02

HIRA LAL
ASSISTANT DIRECTOR (PROG)

Government of India
Ministry of Textiles
Weavers Service Centre
I.M.T. Complex
Jawahar Nagar, Khanapara
Guwahati 22



- 9 -

Ammer - 2

Bill of fee for Sri Bharadwaj Mrinal Choudhury, Additional Senior Central Government Standing, Counsel,
Gauhati High Court, Guwahati

Appearance on behalf of
Name/Number of the case

SL NO. 1118/02 dt. 2-9-02

Civil Rule No. _____ of 200 _____

Misc Case No. _____ of 200 _____

UOI Petitioner/Applicant

Utpal Choudhury Respondent.

Date of Appearance

Date of Disposal

IN THE COURT OF HON'BLE JUSTICE _____ AT _____ (COURT NO)

| | |
|---|-------------|
| 1. (a) Counsels hearing fee as per Clause VIII (1) : 1/3 of 2250/- | Rs. 750.00 |
| (b) Additional hearing fee as per Clause VIII (1) Rs.325.00 per day | Rs. |
| 2. (a) Legal fee for Drafting of Written Statement/Affidavit in opposition as per VIII (XII) | Rs. 750.00 |
| (b) Legal fee for Drafting of Additional Written Statement/Affidavit in opposition as per Clause VIII (XII) | Rs. |
| (c) Legal fee for Drafting Petition for Vacating stay/Misc Petition as per Clause VIII (XII) | Rs. |
| 3. Legal fee as per Clause VIII (3) | Rs. |
| 4. Legal fee as per Clause IX (1) for appearance out of Head Quarters | Rs. |
| 5. Legal fee as per Clause IX (2) for appearance out of Head Quarters | Rs. |
| 6. Consultation and preparation of the case involving Arduous work as per Clause XIII (4) | Rs. |
| 7. Fee on Written Opinion as per Clause VIII (XI) | Rs. |
| 8. Clerkage as per Clause X 10% of Rs. 1500/- | Rs. 150.00 |
| 9. Cost of papers, typing, stamps, certified copy as per Clause XI | Rs. 300.00 |
| 10. Misc incidental expenses/out of Pocket expenses as per Clause XI | Rs. 50.00 |
| Total | Rs. 2000.00 |
| Less Advance | Rs. |
| Grand Total | Rs. 2000.00 |

(Rupees Two Thousand only) (only)

Certified that the amount claimed in this bill is in accordance with the Govt of India, Ministry of Law,
Justice and Company Affairs, Dept of Legal Affairs OM F.N. 26 (1) 99-Judl. Dated 24.9.99

Dated Guwahati the 18-11-2002

Pre-Receipt

(Bharadwaj Mrinal Choudhury)

Additional Senior Central Govt Standing
Counsel, Gauhati High Court.

Pre-Receipt

Received a sum of Rs. 2000.00.

(Rupees Two Thousand only)

HIRA LAL

ASSISTANT DIRECTOR (PROG.)

Government of India
Ministry of Pensions

Weavers Service Centre

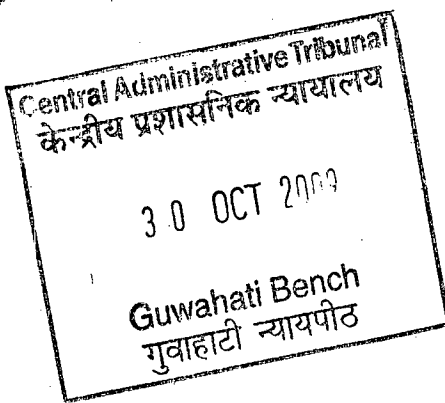
1111 T. Gangas

Lawabharat, Bhopal

Bharadwaj Mrinal Choudhury

Additional Senior Central Govt Standing
Counsel, Gauhati High Court.

PH-2548659



- 10 -

Annex - 2

BY FAX

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

PH: (0361) 230-3586; FAX: 0361-2302599

No. WSC/GAU/HC/US-1(70)/2008/

1718-20

Dated August 6, 2009

To,

The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Sub: Execution of petition No. 2/08 in O.A. No. 133/2001- Utpal
Sutradhar Vs Union of India & other - regarding

Sir,

Please refer to the subject cited above. In this connection, I am forwarding herewith a copy of letter received from the office of the D.C. (Handlooms), New Delhi vide No. C-18014/1/2001-DCH/E-II dated 29-07-09 directing the respondent authority to comply with the order dated 1st March, 2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati rendered in O.A. No. 133 of 2001 immediately as advised by Ministry of Law & Justice (Department of Legal Affairs, New Delhi). The copy of the order is already with you. Hence, you are requested to take necessary action on top priority basis in accordance with the order passed on dated 01-03-2002 by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on the following points viz:

(i) Arrange to regularize his period of absence during training by granting him Study Leave as admissible, or in aid of the provisions of the leave rules.

(2) As the powers for granting the study leave is vested with the Ministry//Department of the Central Government, you may please obtain the application from Shri U. Sutradhar, Carpenter if not submitted earlier of your office and forward the same to the concerned authority for necessary action. After necessary regularization of period of absence, periodical increment due w.e.f. 5-5-92 to 5-5-94 may be granted at your end and arrange to release all benefits of pay & allowance as per rules.

Encl: As above

Yours faithfully,

(S.P. SINGH)
Director

Copy to:

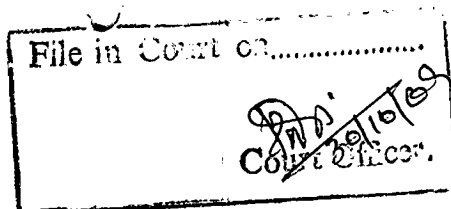
1. The Addl. Development Commissioner for Handlooms, Udyog Bhavan, New Delhi 110011 for his information..

2. Sri Utpal Sutradhar, Carpenter, WSC., Agartala for his information.

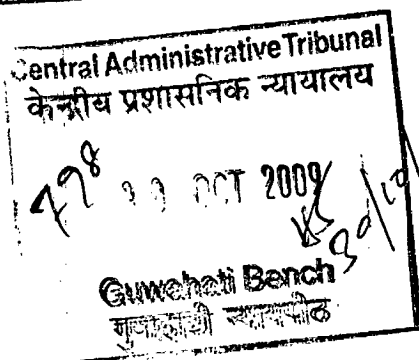
HRA LAL
ASSISTANT DIRECTOR (PROG)
Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
Guwahati-781 022.

(S.P. SINGH)
Director

on
6/11/09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



IN THE MATTER OF :
Contempt Petition No. 8 of 2009
In O. A. NO.133 of 2001
E.P. No. 2 of 2008.

Sri Utpal Sutradhar

.....Petitioner

- Versus -

Union of India & Ors.

Contemnners/Respondents

AND -

IN THE MATTER OF :

Memorandum submitted by the counsel for the
Respondents/alleged contemnners.

In the above Contempt Petition the counsel for the
Respondents files the following documents :-

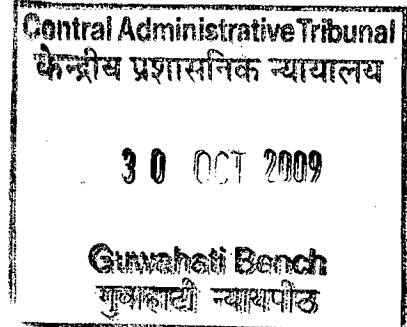
1. Letter No. WSC/Gau/CAT/W-1(70)/80/2170 dated 16.9.2009.
2. Letter No. WSC/AGT/P-(61)/09/2210 dated 14.9.2009.

The letter No. WSC/AGT/P-(61)/09/2210 dated 14.9.2009,
it is seen that as per direction given by the Hon'ble Central
Administrative Tribunal, Guwahati Bench vide Original Application
No.133 of 2001 and date of order 01.03.2002, the financial benefits like
increments for the said period etc. have also been regularised and sent to
the Pay & Accounts Office (Textiles) Kolkata.

Filed by
Kankan Das
29-10-09

Kankan Das
Addl. C.G.S.C
Central Administrative Tribunal
Guwahati Bench.

2



Government of India,
Ministry of Textiles,
Weavers' Service Centre
Jawaharnagar, Khnapara
Guwahati-781022

Phone: (0361) 2302599, 2303586, 2303189, Fax: 2302599

No. WSC/GAU/CAT/US-1(70)/08/ 2170

Dated September 16, 2009

To,
Shri K.K. Das,
Addl. Central Govt. Standing Counsel,
Central Administrative Tribunal,
Guwahati Bench, Guwahati

22

Sub: Contempt Petition No. 8/2009 (O.A. No. 133/2001,
E.P. 2/2008 – Petitioner Shri Utpal Sutradhar- regarding

Sir,

Please refer to this office letter No. USC/gau/CAT/US-1(70)/08/2040-41 dated 10-09-2009 on the above subject.

In this connection, I am enclosing herewith a Xerox copy of letter No. WSC/AGT/P(61)/09/2210 dated 14-09-09 received from the Officer-in-Charge, Weavers' Service Centre, Agartala (wherein the Petitioner Shri Utpal Sutradhar works), conveying the regularization of leave as per the norms and direction given by the Central Administrative Tribunal, Guwahati Bench, Guwahati vide original application No. 133 of 2001 dated 01-03-2002. The financial benefits like increments for the said period etc also have been regularized.

You are, therefore requested to please incorporate the same while preparing parawise comments against the contempt Petition for defend the petition in favour of Govt. of India.

Encl: As above

Yours faithfully,

(S.P. SINGH)
Director

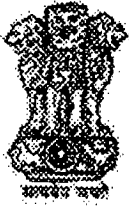
Copy to: 1. The Addl. Development Commissioner for Handlooms,
Udyog Bhavan, New Delhi

2. The Officer-in-Charge, WSC., Agartala

(S.P. SINGH)
Director

24/9/09
HIRA LAL
ASSISTANT DIRECTOR (PROG.)

Government of India
Ministry of Textiles
Weavers' Service Centre
Jawaharnagar, Khnapara
Guwahati-22



GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE DEVELOPMENT COMMISSIONER FOR HANDLOOMS
WEAVERS' SERVICE CENTRE

GORKHABASTI, KUNJABAN
AGARTALA - 799 006



No.WSC/AGT/P-(61)/09/2210

Date: 14-09-09.

To
✓ The Director (E.Z),
Weavers' Service Centre
Guwahati.

| | |
|---------------------|---------|
| Diary No. | 2626 |
| Date | 5/10/09 |
| W. S. C., GUWAHATI. | |

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

30 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub: Execution of petition No. 2/08 in O.A. No. 133/2001-Utpal
Sutradhar Vs Union of India & other-regarding.

Sir,

Kindly refer to your letter No. WSC/GAU/HC/US-1(70)2008/1718 dated 6/7-08-09 and No.C-18014/1/2001-DCH/E.II dated 29-07-2009 of office of the D.C.H., New Delhi, on the subjected cited above. In this context, while going through the service records of Shri Utpal Sutradhar, Carpenter it is observed that the leave application pertaining to the period from 22-07-92 to 05-05-94 (E.O.L.) was not found and the same has been now obtained and placed in the records of the concerned.

The leave period mentioned as below are herewith regularized and necessary entries made in the service book of the concerned as per the norms and direction given by the Central Administrative Tribunal, Guwahati Bench vide original application No.133 of 2001 and date of order 01-03-2002. The financial benefits like increments for the said period etc. also have been regularized and send to the Pay & Accounts Office (Textiles), Kolkata for further payment to the concerned.

- E.L. 18 days w.e.f 12-08-91 to 29-08-91.
- E.O.L. w.e.f. 30-08-91 to 10-10-91 reported for duty on 11-10-91.
- Attended duty w.e.f. 11-10-91 to 08-11-91 during vacation of Institute.
- E.O.L. w.e.f. 09-11-91 to 04-05-92 and reported for duty on 05-05-92.
- Attended duty w.e.f. 05-05-92 to 21-07-92.
- E.O.L. w.e.f. 22-07-92 to 05-05-94 reported for duty on 06-05-94.

This is for your kind information/perusal and necessary action at your end, as per rules and norms.

Yours faithfully

Encl: As above

HIRA LAL
ASSISTANT DIRECTOR (PROG.)

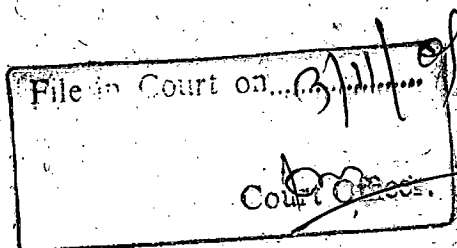
(S. ARUN KUMAR PANDU) 14/9
OFFICER-IN-CHARGE

Copy to:

1. The Hon'ble Vice Chairman, C.A.T., Guwahati Bench for information and kind perusal.
2. The Development Commissioner for Handlooms, New Delhi for information.
3. Shri Utpal Sutradhar, Carpenter, W.S.C., Agartala.
4. Personal file of the concerned.

Ministry of Textiles
Weavers Service Centre
I.L.T. Campus
Jawaharnagar, Bhenapara
Guwahati-22.

(S. ARUN KUMAR PANDU)
OFFICER-IN-CHARGE



IN THE CENTRA ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by the Contemnors
No. 2 & 3
Through
Kamron Das
Addl C.A.-S.C in CAT
on- 3-11-09

IN THE MATTER OF:

CONTEMPT PETITION No. 8 of 2009

In O.A. No. 133 of 2001

E.P. No. 2 of 2008.

Sri Utpal Sutradhar

..... petitioner

- Versus -

Union of India & Ors.

Contemnors/Respondents

AND -

IN THE MATTER OF:

2ND AFFIDAVIT IN REPLY FILED BY THE
CONTEMNERS/RESPONDENTS 2 & 3

WRITTEN STATEMENT

The humble answering respondents
Submit his affidavit as follows:-

1. (a) That I Shri S.P. Singh, Director, Weavers' Service Centre, Guwahati and Respondents No. 2 in the above contempt petition. Save and except whatever is specifically admitted in the affidavit rests may be treated as total denial. The statements which are not borne on records are also denied and the applicants are put to the strictest proof thereof.

S. P. SINGH
DIRECTOR (E2.)

2. That with regard to the statements made in paragraph 1 & 2 of the Contempt Petition the Respondent do not offer any comment.

3. That with regard to the statement made in paragraph 3 of the Contempt Petition the answering respondents most respectfully beg to submit the following :-

A BRIEF NOTE IS GIVEN BELOW FOR THE STEPS TAKEN BY THIS OFFICE AND HEAD QUARTER NEW DELHI WITH REFERENCE TO THE EXECUTION PETITION NO.2/08.

3. (a) This office received order of the E.P.- 2/08 dated 20-2-09 of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati from Section Officer (Judl). CAT, Guwahati on 20-3-09 vide No. DESPATCH NO. CAT/GHY-JUDL 1164 dated 17-3-09 (copy enclosed as **ANNEXURE-A**).

3. (B) This office forwarded the above order to our Head Quarter New Delhi for getting approval of the competent authority vide this office letter No.WSC/GAU/CAT/US-1(70)/08/627 dated 23/24-3-09.(Copy enclosed as **ANNEXURE-B**).

3. (C) The Officer-In-Charge, Weavers' Service Centre (WSC), Agartala was informed above the action taken in the matter vide this office letter No.WSC/GAU/HC/US-1(70)/2008/808-810 dated 27-4-09 alongwith forwarding the copy to Sh. Utpal Sutradhar, Carpenter, WSC, Agartala and to Office of the Development Commissioner for Handlooms, New Delhi. The copy of the which is enclosed as **ANNEXURE-C**).

S. P. SINGH
DIRECTOR (E.Z.)

3. (D) Another letter was addressed to Officer-In-Charge, Weavers' Service Centre, Agartala was sent vide this office letter No.WSC/GAU/HC/US-1(70)/2008/836-839 dated 30-4-09, (copy enclosed as **ANNEXURE-D**) stating that the approval of the DOP&T is required before implementation the Hon'ble Court Order. Since the matter was under consideration of the higher authority it will take some time for getting approval of the competent authority, the copy of which was forwarded to Sh. Utpal Sutradhar, Carpenter, WSC, Agartala as well to the Additional Development Commissioner for Handloom, New Delhi.

3. (E) A letter vide No.C-18014/1/2001-DCH/Esstt-II dated 12-5-09 is received on 1-6-09 (copy enclosed as **ANNEXURE-E**) from Office of the Development Commissioner for Handloom, New Delhi informing this office that the matter was referred to DOP&T for advise. The same was awaited also stating that guidelines of Ministry of Law and Justice (Deptt. Of Legal Affairs) also needs to be taken before implementation of the Court Order.

3. (F) A letter was written to Officer-in Charge, Weavers' Service Centre, Agartala vide this office letter No.WSC/GAU/HC/US-1(70)/2008/1069-1071 dated 3 /4-6-09 (copy enclosed as **ANNEXURE-F**) informing that the status of the case has been forwarded to DOP&T for the advise in this regard. The copy of which was forwarded to Sh. Utpal Sutradhar, Carpenter, WSC, Agartala and Additional Development Commissioner for Handlooms, New Delhi.

3. (G) The approval of the Competent Authority for implementation of the Hon'ble Court order is received vide No.C-18014/1/2001-


S. P. SINGH
DIRECTOR (E.Z.)


- 4 -

48

DCH/Estt.II dated 29-7-09 (copy enclosed as **ANNEXURE-G**) which was received on 11-8-09 only (faxed copy received earlier

3. (H) Necessary order was issued vide this office order No. WSC/GAU/HC/US-1(70)/2008/1718-20 dated 6/7-8-09 enclosed as **ANNEXURE -H**) addressed to Officer-in-Charge, Weavers' Service Centre, Agartala with an instruction to arrange to regularize his period of absences during training by granting him study leave as admissible or in aid of the provision of the leave rule.
3. (i) As per the above instruction the Weavers' Service Centre, Agartala has regularized the period of the absences by granting leave and financial benefit etc. which was communicated vide his letter dated 14-9-09 (copy enclosed as **ANNEXURE -I**). The financial benefit like increment the said period etc. also being regularized and send to the Pay and Accounts office, Kolkata for payment.
3. (J) It was confirmed that Weavers' Service Centre, Agartala vide his letter No. WSC/AGT/P-61/09/2387 dated 30-10-09 (copy enclosed as **ANNEXURE-J**) has conveyed that a Demand Draft for financial benefit workout to an amount Rs. 72,446/- is received on 27-10-09.

Thus the respondent/ contemnors have taken necessary steps to implement the order of the Hon'ble Court. However unintentionally some extent of time delay due to some procedural gap for which the respondent authorities pray un-conditional apology.


S. P. SINGH
DIRECTOR (E.Z.)

4. That this affidavit in reply has been made bona fide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the resent contempt petition filed by the petitioner may be dismissed.

S. P. Singh
S. P. SINGH
DIRECTOR (E.Z.)
Government of India
Ministry of Textiles
Weavers Service Centre
11-B-7, Sector 7
Jawaharnagar, Faridkot
Gurukul 142

- 6 -

90


AFFIDAVIT

I Shri S. P. Singh, at present working as Director at Weavers' Service Centre, Guwahati who is one of the respondent No. 2 in this Contempt Petition by the competent authority to take steps and file affidavit in reply on behalf of all the contemnors/respondents in this Contempt Petition and hence competent to sign this affidavit do hereby solemnly affirm and state that the statement made in paragraph..1,2, 4 are true to my knowledge and belief those made in paragraph..3,..... Being matter of records are true to my information derived there from and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this affidavit on this...2nd.... Day of...November.....2009 at Guwahati.

Identified by

Kamkandab.
Addl C. U. S. C. in
CAT Guwahati
Bench.


S. P. SINGH
DIRECTOR (E.Z.)

Deponent

Government of India
Ministry of Textiles
Weavers' Service Centre
112 T. Chaugach
Jawaharnagar, Bhanupara
Guwahati - 781 001

DESPATCH NO. CAT / JUDL

CENTRAL ADMINISTRATIVE
GUWAHATI BENCH

1169

D.D.

ORIGINAL APPLICATION

MISC. PETITION NO.

CONTEMPT PETITION NO.

REVIEW APPLICATION NO.

200

200

200

200

EP No. 2/08

OA 133/01.

Shri Utpal Sengupta

/APPLICANT(S)

Versus

U.O.I. VOPS

/RESPONDENTS.

To

The Director,
Weavers Service Centre,
Ministry of Textile,
I.I.H.T. Campus,
Jawahar Nagar,
Khanapara, Guwahati-781002

Please find herewith a copy of Judgment/ order dated
20.2.09 passed by the Bench of this Hon'ble Tribunal
comprising of Hon'ble Shri M.R. Mohanty
Vice-Chairman and Hon'ble Shri
Member (Adm.) in the above noted case for information and
necessary action if any.

Please acknowledge the receipt of the same.

Encl : As above

(Copy of Original Application)

No.

Dated

By order,

SECTION OFFICER (JUDL).

Ms. P. SINGH
DIRECTOR (E.Z.)

Copy for information :

Government of India Mr. Mrs. Ms. Dr.

Ministry of Textiles Mr. Mrs. Ms.

Ministry of Labour Mr. Mrs. Ms. Dr.

Ministry of Industries Mr. Mrs. Ms. Dr.

Ministry of Commerce Mr. Mrs. Ms. Dr.

Ministry of Finance Mr. Mrs. Ms. Dr.

Ministry of Health Mr. Mrs. Ms. Dr.

Ministry of Education Mr. Mrs. Ms. Dr.

Advocate, Gauhati
High Court.

Sr. CGSC/Addl. CGSC.

Rly. Standing
Counsel/ Govt. Advocate,
Assam/Machalava

Government of India,
Ministry of Textiles,
Weavers Service Centre,
Jawaharnagar, Khanapara,
Guwahati-781022

Phone: 2302599, 2303586 Fax: 2302599

by Speed post
Annexure-B

No. WSC/GAU/Cat/US-1(70)/08/627
To,
The Addl. Development Commissioner
For Handlooms,
Office of the D.C.(Handlooms)
Udyog Bhavan,
New Delhi - 110011

Dated March 23, 2009

Sub: Execution of Petition No: 2/08 in O.A. No: 133/2001 - Utpal
Sutradhar Vs Union of India & Others - regarding

Sir

Kindly find enclosed herewith a copy of letter received from the Hon'ble Central Administrative Tribunal, Guwahati vide his office letter No. CAT/GHY/JUDL/164 dated. 17-3-09 forwarded therewith an Order (oral) dated 20-02-2009 of the Hon'ble Vice Chairman, Central Administrative Tribunal, Guwahati Bench, Guwahati on the above matter.

The text of the order passed by the Hon'ble Tribunal under para 2 to 6 is reproduced below for your perusal:

"2. O.A. No. 133 of 2001 filed by the present Applicant was disposed of on 1st March, 2002. The relevant portion of the said order dated 1st March 2002 reads as under:

The Substantive appointment was fixed on 01-04-1988 and no reasons assigned as to how it was again changed without taking the applicant in to confidence. In the circumstances the impugned communication dated 28-02-2001 refixing the date of substantive appointment of the applicant as 07-06-1990. In place of 01-04-1988 is set aside and quashed. The respondents are directed to regularize the period of absence during his training with all benefits of pay and allowances"

3. The Respondents having not given the required/consequential benefit to the Applicant, he has filed the present execution petition No. 2 of 2008.

4. By way of filing reply the present Execution petition No. 2 of 2008, the Respondents have disclosed that steps were taken by them (Respondents) to challenge the aforesaid order dated 01-03-2002 in the Hon'ble Gauhati High Court and, as it appears, the said Write Petition has been misplaced (at the filing stage) since November, 2002, It appears that the Respondents took no steps in the matter since 2002. They even failed to take any action after receipt of notice in the present Execution Petition No. 2 of 2008.

S. P. SINGH
DIRECTOR (E.Z.)

Government of India
Ministry of Textiles

Vice-Chairman
11th Floor
Jawaharnagar, Khanapara
Guwahati-82

- 9 -

5 In the aforesaid premises, Respondents are directed to comply with the order dated 1-3-2002 of this Tribunal (rendered in O.A. No. 133 of 2001) by end of April, 2009 under intimation to the Applicant.

6. With the aforesaid direction, this Execution Petition No. 2 of 2008 stands disposed of"

In this connection, "the Respondents took no steps in the matter since 2002" under para 5 of the above order is concerned, you may kindly refer the 'Brief statement about comply/not comply of order of the Hon'ble Court' furnished by this office to Shri Gautam Baishya, Sr. Central Govt. Standing Counsel, CAT., Guwahati vide this office letter of even No. dated 26/27-6-2008 (copy enclosed). Moreover, you may also refer this office letter of even No. dated 4/16-2-2009 furnishing upto date report pertaining to compliance of the order passed by the Hon'ble Court dated 2-1-2009 addressed to the CGSC., CAT., Guwahati.

Considering the Order (oral) passed by the Hon'ble Vice Chairman, CAT., Guwahati as stated above and the various steps taken by this Dept. about which a brief note has already been communicated to the Higher authority (copy enclosed), you are requested to kindly see that whether the present order is required to be implemented or to approach again Gauhati High Court for Challenging the order passed by the Hon'ble Tribunal dated 1-3-2002 for which the applicant has filed Execution Petition No. 2/2008 for implementation of the said order. In this connection, you may also refer this office letter of even No. dated 4/16-2-2009 (copy enclosed).

You are therefore, requested to kindly inform this office course of action to be taken in the matter at the earliest.

Yours faithfully,

(S.P. SINGH)
DIRECTOR

Encl: As above

S. P. SINGH
DIRECTOR (E.Z.)

Government of India
Ministry of Pensions
New Delhi
Lawyer's Office
Guwahati-22.

- 10 -

0381-2300241

Ammanu - C

51

Government of India
Ministry of Textiles
Weavers' Service Centre

IIHT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

PH: (0361) 230-3586; FAX: 0361-2302599

No. WSC/GAU/HC/US-1(70)/2008/808-810, Dated April 27, 2009

To,
The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Sub: Forwarding of copy of Notice of the Hon'ble CAT, Guwahati- regarding.

Sir,

Please refer to your letter No. WSC/AGT/P(61)/-9/441 dated 6-4-09 forwarding therewith an order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide No. CAT/GHY/jud/1166 dated 17-3-09 serving deadline for execution of court order by the end of April'09 in respect of Shri Utpal Sutradhar, Carpenter of your office.

In this connection, this office has already taken up the matter with the Office of the D.C(H), New Delhi vide this office letter of even No. dated 23/24-03-2009 to convey the approval of the competent authority, Soon after receipt of the information in this respect, the position will be intimated to your for necessary action.

Yours faithfully,

Encl: As above.

(S.P. SINGH)
Director

Copy to:

1. Sri Utpal Sutradhar, Carpenter, WSC., Agartala for his information
2. The Addl. Development Commissioner for Handlooms, Udyog Bhavan, New Delhi 110011 for his information and necessary action.

(S.P. SINGH)
Director

S. P. SINGH
DIRECTOR (E.Z.)

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
Guwahati - 781 022

Sent by fax
28/4/09

27/4/09

Government of India
Ministry of Textiles
Weavers' Service Centre
IIIT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

PH: (0361) 230-3586; FAX: 0361-2302599

No. WSC/GAU/HC/US-1(70)/2008/
To,
The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Dated April 30, 2009

Sub: Forwarding of copy of Notice of the Hon'ble CAT, Guwahati- regarding.

Sir,

Please refer to your letter No. WSC/AGT/P(61)/-9/441 dated 6-4-09 forwarding therewith an order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide letter No. CAT/GHY/judl/1166 dated 17-3-09 directing the respondents authority to comply the order dated 1-3-02 (rendered in O.A. No. 133 of 2001) by the end of April'09 in respect of execution of petition filed by Shri Utpal Sutradhar, Carpenter of your office.

In this connection, it has already been stated vide this office letter of even No. dated 27/4/2009 that the matter has been forwarded to competent authority for approval. You might have been aware that approval of the DOPT is required before implementation of Hon'ble Court order. Since the matter is under consideration of the highest authority, it will take some time for getting approval. Soon after receipt of the communication from the concerned authority in this respect, the matter will be intimated to you.

Accordingly, you are requested to please inform the position to Shri Utpal Sutradhar, Carpenter of your centre.

Yours faithfully,

(S.P. Singh)
Director

S. P. SINGH
DIRECTOR (E.Z.)
Government of India
Ministry of Textiles
Weavers' Service Centre
IIIT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

1. Shri Utpal Sytradar, Carpenter, WSC, Agartala for his information
2. The Addl. Development Commissioner for Handlooms,
Office of the D.C. (H), Udyog Bhavan, New Delhi-110011

(S.P. Singh)
Director

AT Nagar, Khanapara
Highway No. 37

12-

Amrithu-E 56
11/9

126

4-6-09

By Speed Post/Fax
Court Case
Most Immediate/Out Today

U. B. Singh
11/6/09

No.C-18014/1/2001-DCH/Estt.II
Government of India
Ministry of Textiles
Office of the Development Commissioner for Handlooms

Udyog Bhavan, New Delhi
Dated the 12th May, 2009

To

✓ Shri S.P. Singh
Director
Weavers' Service Centre, IIHT Campus,
Jawahar Nagar, Khanapara,
National Highway No.37
Guwahati - 781 022.

Sub: Forwarding copy of Notice of Hon'ble CAT. Guwahati - regarding.

Sir,

Please refer to copy of your letter No.WSC/GAU/HC/US-1(70)/2008/810 dated the April 27, 2008 through which you have conveyed that the Hon'ble Central Administrative Tribunal, Guwahati Bench vide their communication No.CAT/GHY/Judl/1166 dated 17.3.09 served deadline for execution of court order by the end of April, 2009 in connection with O.A.No.133/2001 - Utpal Sutradhar Vs. UOI.

2. In view of above, it is stated that in terms of Department of Personnel & Training O.M.No.28027/9/99-Estt.(A) dated the 1.5.2000 (copy enclosed for ready reference), the case has been forwarded to DOP&T for their advise in this regard. The same is still awaited. However, guidance of the Ministry of Law & Justice (Department of Legal Affairs) also needs to be taken before implementation of the court order. This is for information and necessary action.

Yours faithfully,

S. P. SINGH
DIRECTOR (EZ.)

(Sohan Kumar Jha)

Addl. Development Commissioner for Handlooms

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
Guwahati - 781 022

2 June 2000

46

NSS-87 Accounts: The Ministry of Finance (DEA) has clarified that the National Savings Scheme, 1987 has already been discontinued with effect from 10-10-1992 and no revision of rate of interest payable to depositors on the earlier deposits has been made. The present rate of interest is 11% and the depositors shall be entitled to same rate of interest on the deposits made prior to the discontinuance of the scheme.

2. It is requested that this clarification should be brought to the notice of all concerned for necessary action. Receipt of the letter may be acknowledged.

159

G.I. Dept. of Pers. & Trg. O.M. No. 28027/99-Estt. (A), dated 1.5.2000

Ministry of Law and D.P. & T. to be consulted before implementing Court orders

The undersigned is directed to say that it has come to the notice of this department that in cases where the Courts have passed orders against the Government of India instructions, the administrative Ministry/Department has not consulted the Law Ministry on the question of filing appeal against such orders before implementation of such orders.

2. The matter has been considered in this Department and it has been decided that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs and the Department of Personnel and Training on the question of filing appeal against such an order, as far as possible, well in time, that is before the time limit, if any, prescribed in such order or before the time limit for filing appeal. No such orders shall be implemented by the concerned Departments/Ministries without first referring the matter to the Department of Legal Affairs for advice and to the Department of Personnel and Training.

3. The Ministries/Departments are requested to note the above instructions for strict compliance.

4. These instructions are issued in consultation with the C & AG, in regard to its applicability to Indian Audit and Accounts Department.

S. P. SINGH
DIRECTOR (E.Z.)

Government of India
Ministry of Finance
Director (E.Z.)
10-10-1992
10-10-1992
10-10-1992

We sell more, because we tell more.

pl do as per this letter
[Signature]
17/6

The and ach

2-6 app sim Res rou No Ku app the cla Po: for the ear un:

app giv tha col ins 19 Tr He wa ea th

up as 1'

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

PH: (0361) 230-3586; FAX: 0361-2302599

Ammeru - F

No. WSC/GAU/HC/US-1(70)/2008/ 1069-1071 Dated June 3, 2009
4

To,
The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Sub: Forwarding of copy of Notice of the Hon'ble CAT, Guwahati- regarding.

Sir,

Please refer to your letter No. WSC/AGT/P(61)/-9/441 dated 6-4-09 and this office subsequent letter of even Nos. dated 27-4-09 and dated 30-4-09 on the above subject matter.

In this connection, it may be reiterated that the matter has already been forwarded to the competent authority for necessary approval. Moreover it has been informed that in terms of Department of Personnel & Training O.M. No. 28027/9/99-Estt.(A) dated the 15.2000(copy enclosed for ready reference) the case has been forwarded to DOP&T for their advise in this regard. The same is still awaited. However, guidance of the Ministry of Law & Justice (Department of Legal Affairs) also needs to be taken before implementation of the court order.

This is for information and necessary action.

Yours faithfully,

Encl: As above

(S.P. SINGH)
DIRECTOR

Copy for information to:

S. P. SINGH
DIRECTOR (EZ.)

1. ShriUtpal Sytradhar, Carpenter, WSC., Agartala with Regd. A/D. post.

Government of India
Ministry of Textiles
The Addl. Development Commissioner for Handlooms,
Office of the D.C. (H), Udyog bhavan, New Delhi-110011

(S.P. Singh)
Director

-15-

| |
|---------|
| 229 |
| 19/8/09 |

Ammanu - G.S.

BY SPEED POST/FAX
COURT CASE
MOST IMMEDIATE
OUT TO-DAY

No.C-18014/1/2001-DCH/Estt. II
Government of India
Ministry of Textiles
Office of the Development commissioner for Handlooms

Udyog Bhavan, New Delhi
Dated the 29th July, 2009.

To

✓ Shri S.P. Singh
Director
Weavers' Service Centre
Jawaharnagar, Khanapara
Guwahati - 781 011.

Sub: Execution of Petition No.2/88 in O.A.No.133/2001 - Utpal Sutradhar V/s. Union of India & Others - Reg.

Sir,

Please refer to your letter No.WSC/GAU/CAT/US-1(70)/08/1376 dated the 9th July, 2009 on the above cited subject.

2. In this connection you are directed to comply with the order dated 1st March, 2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati rendered in O.A.No.133 of 2001 immediately as advised by Ministry of Law & Justice (Department of Legal Affairs), Shastri Bhavan, New Delhi. While implementing the order, Shri Utpal Sutradhar's seniority position in the list must not be hampered in any case and this should be in order. Further, the Action Taken Report must be submitted to the undersigned. This may please be treated as most immediate.

Yours faithfully,

(Signature)

(Sohan Kumar Jha)

Addl. Development Commissioner for Handlooms

S. P. SINGH
DIRECTOR (EZ.)

Government of India
Ministry of Textiles
Weavers' Service Centre
Jawaharnagar, Khanapara
Guwahati - 781 011

- 16 -

By Speed Post/FAX

Annexure H

BY FAX

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022

PH: (0361) 230-3586; FAX: 0361-2302599

No. WSC/GAU/HC/US-1(70)/2008/1718-20
To,

Dated August 6, 2009

The Officer-in-Charge,
Weavers' Service Centre,
Agartala

Sub: Execution of petition No. 2/08 in O.A. No. 133/2001- Utpal
Sutradhar Vs Union of India & other - regarding

Sir,

Please refer to the subject cited above. In this connection, I am forwarding herewith a copy of letter received from the office of the D.C. (Handlooms), New Delhi vide No. C-18014/1/2001-DCH/E-II dated 29-07-09 directing the respondent authority to comply with the order dated 1st March, 2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati rendered in O.A. No. 133 of 2001 immediately as advised by Ministry of Law & Justice (Department of Legal Affairs, New Delhi). The copy of the order is already with you. Hence, you are requested to take necessary action on top priority basis in accordance with the order passed on dated 01-03-2002 by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on the following points viz:

(i) Arrange to regularize his period of absence during training, by granting him Study Leave as admissible, or in aid of the provisions of the leave rules.

(2) As the powers for granting the study leave is vested with the Ministry//Department of the Central Government, you may please obtain the application from Shri U. Sutradhar, Carpenter if not submitted earlier of your office and forward the same to the concerned authority for necessary action. After necessary regularization of period of absence, periodical increment due w.e.f. 5-5-92 to 5-5-94 may be granted at your end and arrange to release all benefits of pay & allowance as per rules.

Encl: As above

Yours faithfully,

(S.P. SINGH)
Director

Copy to:

S. P. SINGH
DIRECTOR (E.Z.)

1. The Addl. Development Commissioner for Handlooms, Udyog Bhavan, New Delhi 110011 for his information..

2. Sri Utpal Sutradhar, Carpenter, WSC., Agartala for his information.

(S.P. SINGH)
Director

Government of India
Ministry of Textiles
Weavers' Service Centre
IIHT Campus
Jawahar Nagar, Khanapara
Guwahati-781 022

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE DEVELOPMENT COMMISSIONER FOR HANDLOOMS
WEAVERS' SERVICE CENTRE
GORKHABASTI, KUNJABAN
AGARTALA - 799 006

WSC/AGT/P-(61)/09/2210

| | |
|---------------------|-----------------|
| Diary No. 2620 | Date: 14-09-09. |
| Date: 5/10/09 | |
| W. S. C., GUWAHATI. | |

The Director (E.Z),
Weavers' Service Centre
Guwahati.

Sub: Execution of petition No. 2/08 in O.A. No. 133/2001-Utpal
Sutradhar Vs Union of India & other-regarding.

Sir,

Kindly refer to your letter No. WSC/GAU/HC/US-1(70)2008/1718 dated 6/7-08-09 and No.C-18014/1/2001-DCH/E.II dated 29-07-2009 of office of the D.C.H., New Delhi, on the subjected cited above. In this context, while going through the service records of Shri Utpal Sutradhar, Carpenter it is observed that the leave application pertaining to the period from 22-07-92 to 05-05-94 (E.O.L.) was not found and the same has been now obtained and placed in the records of the concerned.

The leave period mentioned as below are herewith regularized and necessary entries made in the service book of the concerned as per the norms and direction given by the Central Administrative Tribunal, Guwahati Bench vide original application No.133 of 2001 and date of order 01-03-2002. The financial benefits like increments for the said period etc. also have been regularized and send to the Pay & Accounts Office (Textiles), Kolkata for further payment to the concerned.

- E.L. 18 days w.e.f 12-08-91 to 29-08-91.
- E.O.L. w.e.f. 30-08-91 to 10-10-91 reported for duty on 11-10-91.
- Attended duty w.e.f. 11-10-91 to 08-11-91 during vacation of Institute.
- E.O.L. w.e.f. 09-11-91 to 04-05-92 and reported for duty on 05-05-92.
- Attended duty w.e.f. 05-05-92 to 21-07-92.
- E.O.L. w.e.f. 22-07-92 to 05-05-94 reported for duty on 06-05-94.

S. P. SINGH
DIRECTOR (E.Z.)

Government of India
Ministry of Textiles
Office of the Development Commissioner for Handlooms
Guwahati

Encd: As above

HIRA LAL
ASSISTANT DIRECTOR (PROG)

Yours faithfully

(S. ARUN KUMAR PANDU) 1418
OFFICER-IN-CHARGE

Copy to:

- The Hon'ble Vice Chairman, C.A.T., Guwahati Bench for information and kind perusal.
- The Development Commissioner for Handlooms, New Delhi for information.
- Shri Utpal Sutradhar, Carpenter, W.S.C., Agartala.
- Personal file of the concerned.



GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE DEVELOPMENT COMMISSIONER FOR HANDLOOMS
WEAVERS' SERVICE CENTRE
GORKHABASTI, KUNJABAN
AGARTALA - 763 006



No.WSC/AGT/P-61/09/ 2387

Annexure - J
Date: 30-10-2009.

To
The Zonal Director
Weavers' Service Centre
Guwahati.

Sub : Payment of arrear Pay & allowances in respect of Shri Utpal Sutradhar, the then Carpenter - reg.

Sir,

With reference to the telephonic discussion held today on the above cited subject, I am to inform you that the bill of arrear pay & allowances for the period from 12-08-1991 to 30-09-09 in respect of Shri Utpal Sutradhar, the then Carpenter of this office for Rs.72,446/- has been passed & received from the Pay & Accounts Office(Textiles), Kolkata through Demand Draft No. A-218405 dated 27-10-09. As you are aware that the Officer-In-Charge/D.D.O. is on leave upto 08-11-09 and the said arrear payment of Shri Sutradhar would be made only after the resumption of Officer-In-Charge/D.D.O on 09-11-09.

The inconvenience caused in this regard is regretted.

Yours faithfully

S. P. SINOH
DIRECTOR (E.Z.)
Government of India
Min. of Textiles

(S. ARUN KUMAR PANDU)
OFFICER-IN-CHARGE

Copy to:-

1. The Development Commissioner for Handlooms, New Delhi, for information please.
2. Shri Utpal Sutradhar, the then Carpenter. West Pratapgarh(Janakalyan Sangha), P.O. Arundhutinagar, Agartala, West Tripura - 799 003

(S. ARUN KUMAR PANDU)
OFFICER-IN-CHARGE