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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

✓ (DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 188/01.....

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SECTION OFFICER (Judl.)

*[Signature]*  
6.12.17

FORM NO.4  
(See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::: GUWAHATI

ORDER SHEET

*Original* APPLICATION NO ....168.....OF 2001.

Applicant (s) *Rabir Nuarie*

Respondent (s) *U.O.I*

Advocate for Applicants (s) *Mr. S. Chanhom*

Advocate for Respondent (s) *Cafe.*

Notes of the Registry	Date	Order of the Tribunal
his application is in form at not in the form of a donation petition as filed vide M.I.F. No. 64.792380 for Rs. 50/- and vide IPO/L. No. 64.792380 dated 13.5.01	9.5.01	List on 13.6.2001 along with M.P.123 of 2001 for admission.  Vice-Chairman
<del>cc prepared and sent to for filing in the Department 3 by Legal A.D. vide 13.5.01 M.I.F. No. 64.792380</del>	13.6.01	List on 11.7.01 along with M.P. No.123 of 2001 for admission.  Member
	11.7.01	List on 10.8.01 along with M.P. No.123 of 2001 for admission.
	10.8.01	List on 10.9.01 along with M.P. No.123 of 2001 for admission.
	10.9.01	List on 10.10.01 along with M.P. No.123 of 2001 for admission.
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	10.10.17	List on 10.11.17 along with M.P. No.123 of 2001 for admission.
	10.11.17	List on 10.12.17 along with M.P. 

CH 165/201  
10.8.01

No body is present on behalf of the applicant.

List on 24/8/01 for admission.

Member

mb

24.8.01

List on 3/9/01 to enable the respondents to obtained necessary instructions.

Vice-Chairman

mb

3.9.01

Sri S.Chouhan, learned counsel for the applicant, say that he has not get the copy of the reply filed by the respondents. Mr. A.Deb Roy, learned Sr.C.G.S.C. has promised to give the copy of the reply to him within a day.

List on 19/9/01 for admission.

Member

mb

19.9.2001

List the matter on 26.9.2001 for consideration of admission.

Vice-Chairman

trd

26.9.01

Admit. Call for the records. The respondents are ordered to file written statement within one month.

List on 21.11.01 for order.

Vice-Chairman

pg

21.11.01

Four weeks time is allowed to enable the respondents for filing of written statement. List on 19.12.2001 for written statement & further orders.

Vice-Chairman

trd

Notes of the Registry	Date	Order of the Tribunal
	19.12.01	List on 16.1.02 to enable the respondents to file written statement.
lm		Vice-Chairman
	16.1.02	List on 15.2.02 to enable the respondents to file written statement.
lm		Vice-Chairman
	15.2.02	Written statement has not been filed. List on 20.3.02 to enable the respondents to file written statement.
lm		Vice-Chairman
	20.3.02	At the request of Mr.A.Deb Roy, Sr.C.G.S.C. four weeks time is allowed for filing of written statement. List on 24.4.02 for orders.
lm		Member
24.4.2002		List the case on 17.5.2002 to enable the respondents to file written statment.
bb		Vice-Chairman
17.5.02		No written steatement has been filed though opportunities were given. List the matter for hearing on 21.6.2002. Meanwhile, the Respondents may file written statement, if any.
mb		Member

CP 168/04

O.A. 168 of 2001

Notes of the Registry	Date	Order of the Tribunal
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21.6.2002

Heard Mr.S.Chouhan, learned counsel for the applicant and also Mr.A.Deb Roy, Sr. C.G.S.C. for the respondents.

Written statement has been filed today. List the matter for further hearing on 12.7.2002.

Member

bb

21-6-02

WPS Submitted  
by the Respondent.

AD

19.7.02

Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No costs.

Member

lm

3

Notes of the Registry	Date	Order of the Tribunal
No written statement has been filed. <u>By</u> 15.1.02.	19.12.01  lm 16.1.02	List on 16.1.02 to enable the respondents to file written statement.  <u>Vice-Chairman</u>
No written statement has been filed. <u>By</u> 14.2.02.	lm 15.2.02	List on 15.2.02 to enable the respon- dents to file written statement.  <u>Vice-Chairman</u>
No written statement has been filed. <u>By</u> 19.3.02.	lm 20.3.02	Written statement has not been filed List on 20.3.02 to enable the respondents to file written statement.  <u>Vice-Chairman</u>
No written statement has been filed. <u>By</u> 23.4.02.	lm 24.4.2002	At the request of Mr.A.Deb Roy, Sr.C.G.S.C. four weeks time is allowed for filing of written statement. List on 24.4.02 for orders.  <u>Member</u>
No written statement has been filed. <u>By</u> 16.5.02.	bb 17.5.02	List the case on 17.5.2002 to enabl the respondents to file written statment.  <u>Vice-Chairma</u>
No written statement has been filed. <u>By</u> 20.6.02.	mb	No written statement has been filed though opportunities were given. List the matter for hearing on 21.6.2002. Meanwhile, the Respondents may file written statement, if any.  <u>Member</u>

O.A. 168 of 2001

Notes of the Registry

Date

Order of the Tribunal

21.6.2002

Heard Mr.S.Chouhan, learned counsel for the applicant and also Mr.A.Deb Roy, Sr. C.G.S.C. for the respondents.

Written statement has been filed today. List the matter for further hearing on 12.7.2002:

K. K. Sharma  
Member

bb

21-6-2002

WS Submitted  
by the Respondent.

12.7.

Heard Mr. S. Chouhan, learned counsel for the applicant & Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondent,  
Hearing concluded,  
Judgment reserved.

mo  
A. K. Sharma  
12.7

19.7.02

Judgment delivered in open Court.  
Kept in separate sheets. Application is dismissed. No costs.

K. K. Sharma  
Member

lm

Judgment & order dt  
19.7.02 communicated  
to the parties  
by the Registry  
25/7

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./~~Rxx~~ No. . . . . 168 . . . . . of 2001.

DATE OF DECISION 19.7.2002,.....

Rabia Nunia

APPLICANT(S)

Sri S. Chouhan

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR K.K.SHARMA, ADMN. MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble Admn. Member.

*K. K. Sharma*



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 168 of 2001.

Date of Order : This the 19th day of July, 2002.

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

Rabia Nunia,  
Stenographer (Retired),  
All India Radio,  
Malugram, Silchar, Assam,  
Silchar-788001.

...Applicant

By Advocate Sri S.Chouhan.

- Versus -

1. The Prasar Bharati (Broadcasting Corporation of India),  
represented by its Chairman,  
New Delhi.
2. The Member (Personnel),  
Prasar Bharati Broadcasting  
Corporation of India,  
New Delhi.
3. The Station Director,  
Prasar Bharati,  
Silchar.

...Respondents.

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

O R D E R

K.K.SHARMA, ADMN.MEMBER,

In this application under Section 19 of the Administrative Tribunals Act 1985 the applicant has sought the following reliefs :

(i) Proforma promotion as Head Clerk from 30.1.1984 (if not from 26.6.83) and as Administrative Officer with effect from 29.9.94,

(ii) Pay and allowances the applicant would be entitled if proforma promotion is given to the post of Head Clerk and Administrative Officer as above,

*10/11/02*

(iii) Consequential adjustment of pensionary benefits.

2. The applicant entered service in All India Radio, Silchar as Stenographer Junior Grade on 23.11.72. He passed the departmental examination for promotion to the post of Head Clerk/Accountant/Senior Store Keeper on 30.12.1981. The applicant was given an offer of appointment as Accountant at Imphal on 30.4.82. The applicant did not accept the offer and prayed for promoting him to the same post at Silchar. The applicant was informed that it was not possible to post him at Silchar and applicant was placed under ban for promotion to higher post for one year with effect from 25.6.82. The applicant was placed under suspension on 18.4.83 and the departmental proceeding was initiated on 18.7.83. The applicant was exonerated from all the charges by the President of India as communicated to him by order dated 26.7.94. Consequent to the Presidential order the Station Director, All India Radio, Silchar passed the following order on 30.3.95 :

"(a) The services of the applicant will be regularised

(b) The applicant will be entitled to full pay and allowances with effect from the date of suspension i.e. 18.4.83,

(c) The applicant will be entitled to all the benefits of leave, pension, LTC etc. during the entire period with effect from 18.4.83 and it will count towards increment. "

10/11/95

The applicant applied for premature retirement on 18.3.1996 on medical grounds. It is stated that during the period of suspension of the applicant from 18.4.83 to 30.3.95 a number of applicant's juniors were promoted to higher post. The applicant has<sup>h</sup> referred to the case of Shri A.B.Dhar, who is junior to the applicant and was promoted as Head Clerk with effect from 30.1.84 and was promoted as Administrative Officer with effect from 22.9.94. The applicant seeks the same benefit as given to his junior Shri A.B.Dhar with effect from 30.1.94<sup>h</sup> as Head Clerk and 22.9.94 as Administrative Officer. After premature retirement the applicant submitted a representation dated 26.3.97 to the Director General, All India Radio for granting the benefit of retrospective promotion and consequential pensionary benefits. Due to the non disposal of the representation the applicant filed an application being O.A.128/98 before the Central Administrative Tribunal, Guwahati Bench. It was disposed of on 27.8.98 whereby direction was given to the respondent No.2, the Director General of All India Radio to dispose of the representation within one month by a speaking order. By memo dated 25.1.99 the respondents rejected the applicant's claim. Hence this application.

3. Heard Mr S.Chouhan, learned counsel for the applicant who argued that the applicant had been wrongly dismissed from service on the basis of proceeding initiated against him and that he was finally exonerated by the Presidential order.

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Since the applicant was exonerated from all the charges the applicant is entitled to all the benefits including promotion. The applicant is suffering on account of premature retirement as he is getting meagre amount of pension. The applicant should be given all benefits which he would have otherwise got had he been continued in service.

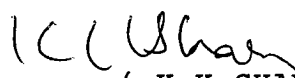
4. The respondents have filed the written statement and Mr A. Deb Roy, learned Sr.C.G.S.C appeared on behalf of the respondents. Though Mr Deb Roy argued the application on merit he also emphasised the point of limitation. It is stated that though the applicant proceeded on voluntary retirement with effect from 18.3.96 he filed the O.A.128/98 on 27.8.98 i.e. two years after taking voluntary retirement. The Tribunal gave a direction to the respondents to pass a speaking order on the representation of the applicant dated 26.3.97. The applicant came to Guwahati on several occasions to agitate the appointment of his son on compassionate ground and thus he allowed the limitation period to pass. The speaking order was passed on 25.1.99 (Annexure-9 to the O.A) and the applicant has filed this application on 8.5.2001 i.e. after more than two years from the date of the speaking order. The learned Sr.C.G.S.C argued that the application is hopelessly delayed. The applicant did not claim his promotion before his retirement and also not within the limitation period. The applicant also did not press for his formal promotion after exoneration of the charges in March 1995 or

K. U. Shaw

even before seeking voluntary retirement from 18.3.96. Only after retirement and after ensuring that his son got appointment on compassionate ground the applicant has claimed proforma promotion with retrospective effect.

5. I have carefully considered the submission made by the learned counsel for the parties. The case of the applicant is for getting promotion with retrospective effect. The applicant was exonerated with effect from 30.3.95. If the applicant was serious about getting promotion he should have been applied for promotion at that time. The applicant filed the representation for promotion only on 26.3.97. This is much after the exoneration of charges against him and much after retirement. He has also filed the application more than two years after the speaking order. It is not disputed that the applicant has been negligent about his right. He did not care to apply for relief at the appropriate time. The applicant's case is clearly hit by limitation. Without going into the merits of the case I am inclined to accept the objection of the respondents that the application is barred by limitation under Section 21 of the Administrative Tribunals Act.

The application is accordingly dismissed as barred by limitation. There shall, however, be no order as to costs.

  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

MP 123/2001

Filed by  
Rabia's office  
through  
S. J. J. J.  
S. J. J. J.  
8/5/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. NO. 168 /2001

BETWEEN

Rabia Nunia, Stenographer (Retired), All  
India Radio, Silchar, Assam, Malugram,  
Silchar-788001.

... Applicant

AND

1. The Prasar Bharati (Broad-Casting Corporation of India) represented by its Chairman, New Delhi.
2. The Member (Personnel) the Prasar Bharati/Broad-Casting Corporation of India) New Delhi.
3. The Station Director, Prasar Bharati Silchar-788001.

.... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application under Section 19 of the Administrative Tribunals Act, 1985 is not directed against any specific order but the same is for redressal of the Applicant's grievances in regard to the failure of the Respondents in conferring upon the Applicant the benefits pertaining to the promotions to which Applicant was entitled to during his service career and which were not given to him because of the imposition of penalties upon him by the Respondents. As the penalties imposed upon the Applicant were subsequently quashed and consequential benefits were given to the Applicant as a result of the Presidential

Rabia Nunia

order, the Applicant also became entitled to those very promotions which ought to have been given to him but could not be given to him primarily due to imposition of those very penalties which were later on quashed. Now, since the Applicant has been superannuated, he has come before this Hon'ble Court through the present application seeking proforma promotion order from 26.6.83 as Head Clerk and from 22.9.94 as Administrative Officer with the consequential reliefs pertaining to payment of difference in pay and allowance coupled with necessary adjustments in pensionary benefits due to conferment of benefits of proforma promotion.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application for which he is seeking redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The application is bar by limitation and the separate application for condonation of delay Under Section 21 of the Administrative Tribunal Act, 1985 is filed.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and as such, he is entitled to all the rights, privileges and protections guaranteed by the Constitution of India and the laws framed thereunder.

Rabia Mulla

4.2 That the Applicant belongs to a Scheduled Caste Community and he entered the service of All India Radio, Silchar on 23.11.1972 as Stenographer (Junior Grade).

4.3 That the Applicant passed the departmental examination held in August 1981 for promotion to the post of Head Clerk/Accountant/Senior Store Keeper as communication vide Director General, All India Radio, New Delhi memo No. 2/30/80-SII(Vol.II) dated 30.12.1981.

Copy of the aforesaid Memo dated 30.12.81 is annexed as ANNEXURE-1.

4.4 That the Applicant was given an offer of promotion as Accountant to All India Radio, Imphal (Manipur) vide Deputy Director General, North East Zone, All India Radio, Guwahati order No. DDG(NE)/Transfer-HC/Acctt./82-83 dated 30.4.82 as communicated vide Station Director, AIR, Silchar No. SLC-1(5)/82-S/4506 dated 18.5.82.

Copy of the aforesaid Memorandum dated 18.5.82 is annexed as ANNEXURE-2.

4.5 That the Applicant because of his personal difficulties could not accept the aforesaid offer of promotion for joining at Imphal and he prayed for promoting him to the same higher post at Silchar, AIR.

*Rabia Muna*



However, the Applicant was informed that it was not possible to post him at Silchar and the competent authority placed the Applicant under ban of one year with effect from 25-6-82 stating interalia that another post would be offered to him after one year, if any examination quota comes up. The order to this effect was communicated vide DDG (NE) is order No. DLG (NE) Vol. 1/II/Silchar/82-83 dated 13.7.82.

Copy of the aforesaid order dated 13.7.82 is annexed as ANNEXURE-3.

4.6 That the Applicant was confiemed in service as Stenographer (Junior) at Silchar AIR in a substantive capacity from 23.11.74 vide SD, AIR, Silchar No. ~~SLC~~ SLC-9(8)/96-8/2655 dated 9.8.90.

4.7 That though the Applicant became eligible for promotion to the post of Head Clerk/Accountant, yet no offer of promotion was given to him after the expiry of ban of one year. Instead of promoting the Applicant to the post of Accountant/Head Clerk, the Applicant was placed under suspension on 18.4.83 and the departmental proceeding was instituted against him and on 18.7.83 he was given a charge-sheet containing three articles of charges under Rule 14 of the CCS (CCA) Rules, 1965.

4.8 That the Applicant contested the aforesaid charges framed against him and he was honourably acquitted and

*Rabia Mulla*

exonerated fully of all those charges by the Hon'ble President of India as communicated to the Applicant as well as to all concerned authorities of All India Radio vide Ministry of Information and Broadcasting order No. C-17013/1/92-Vig dated 26.7.94 and Directorate Memo No. 6/52/9-Vig. dated 1.8.94.

Copy of the order of Government of India dated 26.7.94 is annexed as ANNEXURE-4.

4.9 That in the President's order it was held that :-

- (a) Appellate authority's order dated 30.9.91 setting aside the penalty shall stand :
- (b) No further or fresh enquiry shall be held :
- (c) The LTC claim recovered from the Applicant should be refunded to him.

4.10 That on receipt of the President's order, the Station Director, AIR, Silchar passed the following orders vide his Memo No. SLC-SD-90(22)/95-Vig/7014 dated 30.3.95 :

- (a) The services of the Applicant will be regularised
- (b) The Applicant will be entitled to full pay and allowances with effect from the date of suspension i.e. 18.4.83.
- (c) The Applicant will be entitled to all the benefits of leave, pension, LTC etc. during the entire period with effect from 18.4.83 and it will count towards increment.

*Rabia Mulla*

Copy of the order dated 30.3.85 is annexed  
as ANNEXURE-5.

4.11 That it has been the Applicant's misfortune that for a prolonged period from 1983 to 1985, he has been a victim of vendetta and virification. Protracted departmental proceeding took a heavy toll of Applicant. However, though belatedly, his innocence has been vindicated.

4.12 That the Applicant has a medical history of suffering from Pulmonary Tuberculosis. He was first referred to CMCH, Vellore for medical treatment by the Referral Board of Silchar Medical College Hospital on 30.10.91 with approval of the Director, Health Services, Assam vide his order No. CMCH/55/88/8408 dated 8.11.91. The Applicant was under treatment at Vellore from 19.11.91 to 7.1.92. He was advised to come for review in May 1992 by CMCH, Vellore. Whereafter the Applicant was registered as OPD patient in Silchar Medical College Hospital in July 1992 and from then onwards for a long time, he was treated almost continuously for Pulmonary Tuberculosis followed by recurrent Hemoptyses with Fibrosis lung with Emphysema, till 4.9.96. The medical certificate showing the continuous treatment of the Applicant from 30.7.92 to 4.9.96 was also issued by the Professor and Head of the Department of Tuberculosis, Chest disease, SMC, Silchar. It is pertinent to mention here that from March 1996, the Applicant was declared invalid and for nearly six months, he was in bed till September 1996. After recovery in September 1996, the Doctor has

Rabia Mulla

advised the Applicant complete rest for nearly six months i.e. upto March 1997.

The documents including the medical certificate are annexed collectively as ANNEXURE-6.

4.13 That the medical history pertaining to the treatment of the Applicant has been stated above primarily for the purpose of showing that the Applicant suffered greatly not only from the unwarranted departmental proceeding but also of his ailments. It was due to his ailments that the Applicant under compelling circumstances was forced to go on premature retirement on 18.3.96 due to his medical invalidity. It is stated that the premature retirement of the Applicant was purely on the ground of medical invalidity.

4.14 That on 18.3.96 when due to medical invalidity Applicant was forced to take premature retirement he was working as Stenographer (Junior) i.e. the very post to which he was initially appointed at the inception of his service career. From the chain of events as stated in the preceding paragraph, it is apparent that the Applicant was deprived of the promotions to the post of Head Clerk/Accountant and subsequently to the post of Administrative Officer primarily due to the prolonged continuation of departmental proceeding against him. As stated above, the Applicant was exonerated of all the charges and his innocence and honour was vindicated

Rabia Nureia

by the President's order which honourably acquitted the Applicant quashing all the charges against him. Now that the Applicant has been forced to go on premature retirement due to his medical invalidity ~~to~~ in view of the exoneration of the Applicant and his honourable acquittal, it would be fair India Radio and proper if the Respondents also give proforma promotion to the Applicant retrospectively i.e. on a date when his immediate junior was so promoted to the post of Head Clerk and Administrative Officer respectively. Consequently, the Applicant is also entitled to be given not only the payment of the difference in pay to which he would have been otherwise entitled had he worked as Head Clerk/Accountant and Administrative Officer respectively. Further, the Applicant is also entitled to be given the necessary pensionary benefits incorporating the enhancement in pension as a result of proforma promotion of the Applicant to the post of Head Clerk and Administrative Officer from due dates.

4.15 That from 18.4.83 when the Applicant was placed under suspension to 30.3.95 when pursuant to the President's order, the Station Director, Silchar passed a necessary order regularising the services of the Applicant, number of Applicant's juniors were promoted to the higher posts. In this connection, one example of the immediate junior of the Applicant would suffice the purpose :

Shri A.B. Dhar who is junior to the Applicant was promoted as Head Clerk with effect from 30.1.84 and he was again promoted as Administrative Officer with effect from 22.9.94 and he is presently posted at Doordarshan Kendra, PPC, Silchar (Assam)

*Rabia Muneer*

4.16 That in the backdrop of the promotion of the Junior of the Applicant to the aforesaid higher post, the Applicant is also entitled to be given the benefits of such promotion retrospectively with effect from 30.1.84 as Head Clerk and as Administrative Officer with effect from 22.9.94.

4.17 That it is noteworthy that the Applicant was compelled to proceed on invalid pension due to his suffering and ill health. His retirement was premature. He missed and opportunities of promotion not because of his own fault but because of vendetta and vilification unleashed by the certain senior officers in the All India Radio. Therefore, for the ends of justice Applicant is entitled to be given the benefits of those promotions which he otherwise would have got in normal course had he continued in service and had there been no unwarranted departmental proceeding against him.

4.18 That after his premature retirement the Applicant also submitted the representation dated 26-3-97 to the Director General, All India Radio (Respondent No. 21 wherein he prayed for conferring upon him the benefits with retrospective promotions alongwith all other consequential pensionary benefits. Since the aforesaid representation was not disposed of by authority.

Copy of the representation dated 26-3-97 is annexed as ANNEXURE-7.

Rabie Mulla

4.19 The applicant after submitting representation was waiting for disposal. But the representation dated 26.3.97 was not disposed by the authority, respondent No.2. Being aggrieved for non-disposal of representation dated 26.3.97 the applicant filed application No.128/98 before the Hon'ble Central Administrative Tribunal, Guwahati Bench. The Hon'ble Tribunal by order dated 27.8.98 disposed the application directed the respondent No.2, the Director General, All India Radio to dispose of the representation as early as possible preferably within a period of one month by passing a speaking order. Further the Hon'ble Tribunal observed that if this applicant is still aggrieved he may approach the Tribunal.

Copy of order dated 27.8.98 is annexed as  
ANNEXURE.8.

4.20 That after direction given by this Hon'ble Tribunal to dispose of the representation, vide office Memorandum dated 25.1.99 claim of the petitioner rejected by the respondents. While rejecting the claim of the applicant the respondents not denied the submission made by the applicant. Further the statements made by the applicant is also not denied by the respondents. In the order dated 25.1.99 it is mentioned that one Ajit Bhusan Dhar was/is senior to the applicant. Including the applicant four other also selected from North East Region for the post of Head Clerk/Accountant namely as :-

Rabia Nuria.

- 1) Sri A.B. Dhar
- 2) Sri R. Nunia (S.C.)
- 3) Sri S.Bhattacharjee
- 4) Sri B.P. Chakraborty and
- 5) Sri D.K. Das (S.C.)

Further it is stated that Dhar and Nunia were offered appointment but they declined and for that they were debarred from promotion for one year. Sri S.Bhattacharjee had left the post for better avenue. When another vacancy occurred on 31.1.84 Sri A.B. Dhar was offered for promotion which is illegal, unjust and unreasonable in as much as the applicant is senior to A.B. Dhar and deserved consideration for promotion prior to Sri A.B. Dhar.

It may be mentioned here that the applicant joined in All India Radio as Stenographer on 23.11.72, while Sri A.B.Dhar joined on 1.2.1974 as Lower Divisional Clerk, and as such the applicant is much more senior to Sri A.B.Dhar. The respondents with a view to favour Sri A.B.Dhar promoted him keeping aside the claim of applicant which is illegal and violative of norms and procedure. Sri A.B.Dhar was promoted to the post of Head Clerk/Accountant on 31.1.84 superseding the applicant and as such the applicant deserved promotion/notional promotion with effect from 31.1.84 i.e. the date on which the junior of the applicant was promoted.

Copy of office Memorandum dated 25.1.99 is annexed as Annexure-9.

Rabia Nunia



5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that after the exoneration and acquittal of the Applicant pursuant to the Presidential order and his regularisation of services as a result of the Station Director, it is only fair and proper that the Applicant should also be given benefits of those very promotions which he was otherwise entitled to and which he would have otherwise got had there been no departmental proceeding against him.

5.2 For that it was due to the departmental proceeding alone that the Applicant was deprived of promotion to the post of Head Clerk/Accountant and subsequently to the post of Administrative Officer. Since the Applicant was exonerated subsequently of all the charges, the protracted departmental proceeding was proved to be unnecessary and unwarranted. Hence the Applicant is entitled to those very promotions which he would have otherwise got had there been no departmental proceeding against him.

5.3 For that the Applicant was compelled to go on invalid pension due to his ailment and protracted suffering. The premature retirement which the Applicant was compelled to take has resulted in substantially small invalid pension. Even on humanitarian ground the Applicant is entitled to be considered for all those very benefits which he was entitled to in the normal course of his service career.

*Rabia Muneer*

5.4 For that equity, fair play and justice demands that the Applicants be given all those benefits which he would have otherwise got had he continued in service undisturbed without any unwarranted departmental proceeding. The Respondents are expected to act in conformity with Article 14 and 16 of the Constitution and in the facts and circumstances of the present case, they are expected to show sympathy and compassion to the Applicant.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant states that he has no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. WHETHER MATTER IS FILED OR PENDING BEFORE ANY OTHER COURT :-

The applicant filed application No.128/98 before this Hon'ble Tribunal. Hon'ble Tribunal by order dated 27-8-98 directed the Respondent to dispose of the representation dated 26-3-97. Further the Hon'ble Tribunal observed that if still the applicant is agreed he may approach this Tribunal and hence this application. The applicant further declare that he has not filed writ application, suit in this respect before any other Court, Tribunal. No any application, writ petition, suit is pending before any Court.

8. RELIEFS SOUGHT FOR :

In view of the facts and circumstances and premises aforesaid, the Applicant prays for the following reliefs :

Rabie Munia

8.1 Direct the Respondents to give proforma promotion to the Applicant from 30th January 1984 (if not from 26.6.83, the date on which the period of one year ban had expired), as Head Clerk and with effect from 29.9.94 as Administrative Officer and to confer upon the Applicant all other consequential benefits arising therefrom. ✓

8.2 Direct the Respondents to pay the difference in pay and allowances which the Applicant would be entitled to if the proforma promotion is given to him to the post of Head Clerk and Administrative Officer from 30.1.84 and 22.9.94 respectively. ✓

8.3 Direct the Respondents to adjust the pensionary benefit of the Applicant in view of the conferment of proforma promotions upon the Applicant to the post of Head Clerk and Administrative Officer from 30.1.84 and 22.9.94 respectively.

8.4 Pass such other order or orders as may be deemed fit and proper in the facts and circumstances of the present case.

8.5 Cost of the application.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the present case, the Applicant does not pray for any interim order.

Rabia Muneer

10... ..

The Application is filed through Advocate

11. PARTICULARS OF THE I.P.O.:

(i) I.P.O. No. : 6679280  
(ii) Date : 4/5/2001  
(iii) Payable at : Head post office  
Guwahati - 1

12. LIST OF ENCLOSURES :

18.4.83 to 30.3.95 - Submissions  
As stated in the Index.

VERIFICATION

I, Rabia Munia, aged about 44 years, resident of Malugram, Silchar, District Cachar, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4 (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 to 20) are true to my knowledge ; those made in paragraphs \_\_\_\_\_ being matters of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the 8<sup>th</sup> day of May 2001 at Guwahati.

Rabia Munia

COPY:

Government of India  
Directorate General : All India Radio

No. 2/30/80-SII (Vol. II)

New Delhi, the 30th Dec. 1981.

Subject: Result of the Departmental Examination for promotion to the post of Head Clerk/Accountant/Senior Storekeeper held in August, 1981.

In the Departmental Examination held in August, 1981, the following candidates have qualified for promotion to the post of HC/Acctt/Sr. SK :

Sl.No.	Roll No.	Name & designation	Office where working
1.	113	Shri P. Punnaiah Sarma, CGI	Vijayawada
2.	116	Shri S. Swamayadban	Vizakhapatnam
3.	118	Shri S.N. Raja, CGI	Guddapah
4.	120	" M. Ramkrishna Rao, Steno	CBS, Hyderabad
5.	215	" A.B. Dhar, CGI	AIR Silchar
6.	216	" R. Nunia, Steno	AIR Silchar (30)
7.	217	" S. Bhattacharjee, Steno	AIR Silchar.
8.	233	" B.P. Chakraborty, CGI	Shillong
9.	306	" R.K. Tewary, CG II	Patna
10.	409	" R.P. Sharma, CGII	Delhi
11.	410	" K. Subramanian, CGII	Delhi
12.	411	Smt. Krishna Kumari Rudra, CGII	Central Stores.
13.	421	Shri J.C. Bhatia, CGII	ESD
14.	439	Shri G.L. Aggarwal, CGI	RE(North)
15.	444	Shri A.K. Patney, CGII	RE(North)
16.	454	" Jagadishwar Prasad, CGI	DIK, New Delhi.
17.	506	" R.B. Vera, CGI	Rajket (AIR)
18.	507	" R.K. Shalkar, CGI	Rajket (AIR)
19.	508	" H.D. Manek, CGI	Rajket (AIR)
20.	516	" A.J. Chokshi, CGI	Rajket (HPT)
21.	601	" G. Sundaresan Pillai	AIR Trivandrum
22.	602	" P.V. Bahv CGII	-do-
23.	604	" P.G. Prasanna Pillai	-do-
24.	605	" M.G.K. Pillai	-do-
25.	610	" A. Joshua	Calicut
26.	702	" Suresh Kumar D.	AIR Bhopal

(Contd...)

1. Notified to be  
true copy  
Ms. Chandan  
Acho.

<u>Sl. No.</u>	<u>Roll No.</u>	<u>Name &amp; Designation</u>	<u>Office where working</u>
27.	714	Shri S.G. Jain, CGI	AIR Jabalpur
28.	802	" L.D. Sawant, CGI	AIR Bombay
29.	821	" E.N. Bahirat, CGI	DDG (HP) Bombay
30.	828	" M.G. Malusare, CGI	AIR Pune
31.	836	" S.A. Adhikari, CGI	AIR Parbhani
32.	845	" K.N. Nayyar, CGI	VBS, Bombay
33.	848	Smt. A.S. Maniarekar, CGI	-de-
34.	881	Shri R.S. Shetye, CGI	DIK, Bombay
35.	888	" G.G. Pathak, CGI	AIR Aurangabad
36.	902	" N.R. Ramakrishna, CGI	AIR Bangalore
37.	903	" G.H. Chandal Rao,	-de-
38.	916	" B.S. Krishnamurthy, EC	AIR Mysore
39.	919	" M.N. Ramanatha, CGI	AIR Mangalore
40.	1004	" Santam Nanda, CGII	AIR Cuttack
41.	1011	" R.M. Panda, CGI	AIR Jeypore
42.	1111	" T.R. Sharma, Acott.	AIR Chandigarh
43.	1114	" Jagat Ram, CGI	AIR Simla (SC)
44.	1120	" Shankar Singh, CGI	-de-
45.	1122	" K.S. Mahajan, CGI	-de-
46.	1131	" Ali Mohd. Wani, CGI	AIR Srinagar
47.	1132	" Abdul Samad Beg, CGI	-de-
48.	1154	" Niaz Ahmed, CGII	DIK, Srinagar
49.	1157	" Awtar Krishan, CGII	-de-
50.	1168	" Subash Chandra Prinia	DIK, Jullundur
51.	1176	Shri B.L. Sanyal, CGII	R.K. Srinagar
52.	1304	" M.G. Palani, CGI	RE (South), Madras.
53.	1310	" S. Swaminathan, CGII	-de-
54.	1313	" K. Munuswami, CGII	-de-
55.	1323	" A. Govindarassu, CGI	AIR Port Blair
56.	1325	" A. Paul Swamickan,	AIR Tirunelveli.
57.	1326	" Camen Samuel, SK	AIR Coimbatore.
58.	1328,	" N.N. Thankappan, CGII	HPT, Madras
59.	1332	" K. Sheshadri, CGI	AIR Pondicherry
60.	1335	" M. Wilson Sunder Singh	CCW, Madras.
61.	1342	" K.S. Balasubramanian	AIR Madras
62.	1350	" B.G. Gopinath Rao, CGII	-de-

(Contd....3)

Sl.No.	Roll No.	Name & Designation	Office where working
63.	1353	Shri R. Kannan, CGI	DIK, Madras
64.	1354	" Md. Sainul Abedin, CGI	--de--
65.	1356	Smt. S. Padmavaty, CGI	--de--
66.	1360	Shri B.Govinda Pillai, CGII	--de--
67.	1401	" J.C. Joshi, Acctt(Adhoc)	AIR Lucknow.
68.	1402	" J.P. Verma, CGI	--de--
69.	1405	" S.C. Verma, Sr.Steno	HPT, Aligarh.
70.	1407	" S.P. Agarwal, CGI	--de--
71.	1418	" Kallu Prasad, CGI	AIR Varanasi.
72.	1425	" C.S.P. Shukla, CGI	AIR Gorakhpur
73.	1428	" G.P. Pandey, Steno	--de--
74.	214	" D.K. Das, CGI	AIR Silchar (SC)
75.	718	" A.M. Rangari, CGI	AIR Rewa (SC)
76.	878	Smt. L.V. Gaikwad, CGI	DIK, Bombay (SC)
77.	913	Shri G.T. Karabekar, HC	AIR Gulbarga (SC)
78.	1113	" Sat Pal, CGII	AIR Chandigarh (SC)
79.	1327	" Jayakumar, CGI	AIR Coimbatore (SC)
80.	1357	" E. Murugesan, CGI	DIK, Madras (SC)
81.	1116	" Madan Singh, CGII	AIR Jaipur (ST)
82.	1203	" Sh. Har Sahai, CGII	AIR Madras (ST)
83.	1347	" V. Chandramauli, SK	AIR Madras (ST)

2. Results of the AIR Calcutta Centre will be announced later.

sd/- S.V. Seshadri  
DEPUTY DIRECTOR ADMINISTRATION  
For DIRECTOR GENERAL.

18  
ANNEXURE-2

GOVERNMENT OF INDIA  
ALL INDIA RADIO:::SILCHAR..

32  
18 MAY 1982

NO:SLC-1(5)/82-S/ 4506

/Dated, Silchar the 17th May, 1982.

MEMORANDUM

Shri R. Munia, Stenographer is informed that he has been under order of transfer to All India Radio Imphal on promotion as Accountant/Sr. Stenographer as per DDG(NE), AIR, Gauhati's order No. DDG(NE)/Transfer HC/ Acctt/82-83 dated 30.4.1982. This is for this information. Further communication in this regard will follow.

Sri R. Munia,

Stenographer,  
AIR, Silchar.

( G.C. SEN )  
Administrative Officer,  
for Station Director.

Sri R. Munia  
AIR, Silchar

Control & Sec  
line copy  
G.C. Sen  
Also



No. DDG(NE) Vol. I/II/Silchar/82-83 / 52 dt. 13/7/82.

This is with reference to an application submitted by Sri R. Nunia, Stenographer dated 25/6/82. It is regretted that it is not possible to post him at Silchar. Since he has not accepted the promotion, he is placed under the ban of one year with effect from 25/6/82. Another post will be offered to him after one year if any examination quota comes up. Meanwhile, he would be junior to all the persons appointed before him.

Shri R.Nunia,  
Stenographer,  
All India Radio,  
Silchar.

bania/

Confidential to Dr. Lurie  
Carm  
S. Chandra  
Also

No. C-17013/19925919.

GOVERNMENT OF INDIA

THE INFORMATION SYSTEMS

New Delhi, Dated : 26.7.1994.

ORDER

WHEREAS Shri Rabia Nunia, Stenographer (Jr. Grade), All India Radio, Silchar was proceeded against for Major Penalty under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 by the Station Director, All India Radio, Silchar vide Memorandum No.SLC-SD-17(23)/83-Vig.74728 dated 16.7.1993, on the following article of charge:-

ARTICLE - I

"That the duties of said Rabia Nunia, Stenographer (Jr. Grade), All India Radio, Silchar while functioning as Stenographer on 16.12.1982 was re-allocated and he was attached to the News Editor vide this Office Memorandum No.SLC-1(10)/82-19785-89 dated 16.12.82. He represented against the re-allocation asking to revise the order but it was not found possible to accede to his request owing to exigencies of service and he was advised to start working in the news section as per the above order. Instead of doing so he proceeded on leave from the following day in violation of rules 3(1)(i)(ii)(iii) of the C.C.S. (Conduct) Rules, 1964."

ARTICLE - II

"That during the aforesaid period and while functioning in the aforesaid office, the said Shri Rabia Nunia, Stenographer (Jr. Grade), All India Radio, Silchar during the period of his suspension (he was placed under suspension with effect from 19.4.1983) left the Headquarters stipulated in the suspension order and went to Karimganj without informing and obtaining the permission of the undersigned thus violating the rules 3(1)(iii) of the C.C.S. (Conduct) Rules, 1964."

ARTICLE - III

"That during the aforesaid period and while functioning in the aforesaid office, the said Shri Rabia Nunia, Stenographer (Junior Grade), All India Radio, Silchar on 29.1.1981 had applied for Leave Travel Concession for the block year 1978-'81. It has been found that the journey claimed to have been performed by him for which

*Centric to be  
one GPM  
MS. Chandra  
AEO*

total amount of Rs. 6,280/- (Rupees Six thousand two hundred and eighty only) was drawn by him and used for the purpose. Thus, he is responsible for violating the rule 3(C)(1) of the S.C.S. (Conduct) Rules, 1964.

WHEREAS Shri Subrata Banerjee, Assistant Station Director, All India Radio, Shillong was appointed as the Inquiring Authority to inquire into the charges framed against the said Shri Rabia Nunia, Stenographer vide Order No.SLC-SD-19(22)/83-Vig. dated the 18.8.1983 of Station Director, All India Radio, Silchar.

WHEREAS the Inquiry Officer, Shri Subrata Banerjee submitted his report vide letter dated 30.12.1983 and gave his findings therein.

WHEREAS Shri Rabia Nunia was Dismissed from service w.e.f. 5.3.84 and disqualified for future employment under the Government by the Disciplinary Authority i.e. Station Director, All India Radio, Silchar vide Order No.SLC-SD-19(22)/84-Vig. dated, 5.3.1984 and was asked to refund the whole amount of Rs.6280/- (Rupees Six thousand two hundred and eighty only) to AIR, Silchar immediately in one lump sum alongwith the penal interest payable to the Government for the period he retained the amount with him.

WHEREAS Shri Rabia Nunia preferred an appeal dated 31.7. 1984 to the Appellate Authority i.e. Deputy Director General (Admn.), Directorate General : All India Radio against the penalty awarded to him by the Disciplinary Authority. The Appellate Authority held that the penalty of dismissal imposed on Shri Rabia Nunia was not commensurate with the gravity of the charges and was on excessive side. The Appellate Authority felt that the ends of justice would be met if the pay of Shri Nunia is reduced to a lower stage of Rs. 404/- from Rs. 452/- on the time scale of Rs.330-10-380-EB-12-500-EB-15-560/- for a period of 2 years from the date of issue of the Order i.e. 15.2.1985 with the direction that Shri Nunia would not earn increments of pay during the period of reduction and that on the expiry of that period the reduction would not have the effect of postponing his future increments and ordered accordingly vide Appellate Authority's Order No.6/17/84-Vig. dated 15.2.1985.

WHEREAS Shri Nunia submitted a review petition dated 22.4.1985 to the Reviewing Authority i.e. Director General, All India Radio.

WHEREAS the Reviewing Authority rejected the review petition dated 22.4.1985 vide Order No.6/17/85-Vig. dated 8.10.1985 for the reasons mentioned therein.

WHEREAS Shri Rabia Nunia, Station Engineer, All India Radio, Silchar, filed an application before the Guwahati Bench of the Central Administrative Tribunal, vide its Order dated 13.8.1987, allowing the application and quashed and set aside the impugned inquiry proceedings with the inquiry report and the findings as well as the subsequent orders of the Disciplinary Authority, the Appellate Authority and the Reviewing Authority leaving it to the appropriate authority to decide what further action might be warranted in the circumstances.

WHEREAS in pursuance of the Hon'ble Central Administrative Tribunal, Guwahati Bench's aforesaid judgement and order dated 13.8.1987 it was decided to hold an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 in respect of the articles of charge as given in Memorandum No. SLC-14(3)/88-6/2831 dated 15.4.1988 issued by Station Engineer, All India Radio, Silchar.

WHEREAS Shri J.L. Sikdar, Assistant Station Director, Office of the DDG(ER), All India Radio, Calcutta was appointed as the Inquiring Authority vide Order No. SLC-SE-19(22)/89-Vig./307 dated 8/9.11.1989.

WHEREAS Shri Rabia Nunia made a representation to the Station Engineer, All India Radio, Silchar dated 22.1.1990 for change of Inquiry Officer which was rejected by the Deputy Director General (Admn.) and Shri Rabia Nunia was informed accordingly vide Memorandum No. 6/23/86-Vig. dated 8.2.1990.

WHEREAS Shri Rabia Nunia filed an application before the Guwahati Bench of the Central Administrative Tribunal for quashing the second proceedings initiated against him.

WHEREAS the Hon'ble Central Administrative Tribunal, Guwahati Bench vide its Order dated 20.12.1989 dismissed Shri Rabia Nunia's application with the direction to the Disciplinary Authority and the Inquiry Officer to dispose of the proceedings against the petitioner within 120 days from the date of receipt of the Hon'ble CAT's order dated 20.12.1989.

WHEREAS Shri J. L. Sikdar, the Inquiry Officer gave his findings vide his Inquiry Report dated 26.4.1990.

WHEREAS the Station Director, All India Radio, Silchar, in his capacity as the Disciplinary Authority vide Memorandum No. SLC-SD-19(22)/90-Vig./303 dated 9.7.1990 ordered that the pay of Shri Rabia Nunia, Stenographer (Jr. Grade) was reduced to a lower stage of Rs. 422/- from Rs. 452/- (four hundred and twenty two rupees only).

of his suspension in the time scale of Rs. 330-10-330 (pre-revised scale) for a period of one year. The case of his resumption of duties with the direction that he would not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction of pay would not have the effect of postponing his future increments and that the period of his suspension to the date he resumed his duties would be treated as under suspension.

WHEREAS Shri Rabia Nunia preferred an Appeal dated 23.8.1970 against the aforesaid penalty. Memorandum/Order dated 9.7.1970 passed by the Disciplinary Authority.

WHEREAS the Appellate Authority i.e. Additional Director General, Directorate General : All India Radio set aside the penalty imposed by the Disciplinary Authority with the direction that the inquiry should be done again by another Inquiry Officer in accordance with the provisions of the Rules and that the charged officer should be given all reasonable opportunity to defend himself by providing the documents and allowing him to present his witnesses and cross-examine the prosecution witnesses for the reasons mentioned in Order No. 6/30/90-Vig. dated 30.9.1991.

WHEREAS Shri Rabia Nunia submitted a Revision Petition dated 25.10.1991 to the President under Rule 29 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 against the Order No. 6/30/90-Vig. dated 30.9.1991 passed by the Additional Director General, Directorate General : All India Radio in his capacity as the Appellate Authority.

WHEREAS Shri Rabia Nunia's aforesaid Revision Petition dated 25.10.1991 alongwith the records of the case was referred to the Union Public Service Commission for their advice.

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WHEREAS the Union Public Service Commission vide their letter No. F.3/163/73-SI dated 5.5.1994 held all the three articles of charge framed against Shri Rabia Nunia as not proved and advised that (a) the Appellate Authority's Order setting aside the penalty may stand (b) no further or fresh inquiry is called for; and (c) that the LTC claim which had been recovered from the charged officer should be refunded to him, as prayed by him in his revision petition.

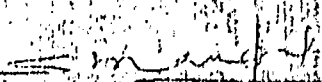
AND WHEREAS, the President, after carefully considering the Revision Petition dated 25.10.1991 preferred by Shri Rabia Nunia and the advice of the Union Public Service Commission with reference to the records of the case and after taking into consideration all the facts and circumstances of the case, has decided to accept the advice of the Union Public Service Commission as contained in their letter No. F.3/163/73-SI dated 5.5.1994 for the reasons mentioned therein.

NOW, THEREFORE, the President in exercise of the powers conferred by Rule 29 of the Central Civil Services (Discipline) Rules, 1955, and the Central Civil Services (Appeals) Rules, 1955, hereby orders:-

- a) that the Appellate Authority's Order dated 20.8.93 setting aside the penalty shall stand.
- b) that no further or fresh inquiry shall be held and
- c) that the LTC claim recovered from the petitioner should be refunded to him.

NOW, THEREFORE, the President orders accordingly.

(BY ORDER AND IN THE NAME OF THE PRESIDENT)

  
( SUKUMAR MANDAL )  
UNDER SECRETARY TO THE GOVERNMENT OF INDIA  
PH. No. 39, 57/75

✓ Shri Rabia Nuhie,  
Stenographer,  
All India Radio,  
SILCHAR.  
Along with a copy of  
UPSC's letter No.  
F.3/163/93-SI dated  
5.5.94.

THROUGH DG: AIR

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No. 113/163/92

PS

5.5.94

The Secretary to the Govt. of India,  
Ministry of Information & Broadcasting,  
New Delhi.

(Attention : Shri SUKumar Mandal, Under Secretary)

Subject : Shri Rabia Nunia, Stenographer, AIR, Silchar.  
Revision petition against the appellate  
authority's order for further enquiry.

Sir,

I am directed to refer to your letter No.  
C-17013/1/92-Vig. dated 30.6.93 on the subject cited  
above and to convey the advice of the Union Public  
Service Commission as follows.

2. The history of the case against Shri Rabia Nunia  
is given below in a chronological order.

(1) In Memo. dated 18.7.83, Shri Rabia Nunia was  
called upon under rule 14 of the CCS (CCA)  
Rules, 1965 to answer three articles of  
charge. (Since the proceedings against  
Shri Rabia were quashed due to the reasons  
stated below, a fresh Memo. was issued  
on 15.4.88 against Shri Rabia, containing  
the same articles of charge. These articles  
of charge are given in para 3 below.)

(11) The Station Engineer, AIR, Silchar in his  
capacity as Head of office and Disciplinary  
Authority passed his final order in the  
above proceedings after perusing the Inquiry  
Report etc. imposing major penalty of dismissal  
by Shri Rabia Nunia, Stenographer with  
penal interest vide his Memo. No. SLC-80-19  
(22)/84-Vig/643 dated 5.3.84.

from service and  
recovery of amount  
of L.T.C. received

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(iii)

Thereafter, Shri Nunia filed an appeal petition to the Appellate Authority, the Deputy Director General (Admin), Directorate General, AIR, New Delhi against the Order of the Disciplinary Authority. The Appellate Authority after considering the appeal petition and relevant records of the case modified the Order of the Disciplinary Authority vide his Order No.6/17/84-Vig. dated 15.2.85 as follows.

"that the ends of justice would be met if the pay of Shri Nunia is reduced to a lower stage of (old pay scale) from Rs.452/- (at the time of his suspension) in the time scale of Rs.330-10-380-EB-12-500-EB-15-560/- for a period of two years from the date of the issue of this order with the direction that Shri Nunia will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his further increments. The period from the date of his dismissal to the date, Shri Nunia resumes his duties will be treated as under suspension."

(iv)

In view of Appellate's above order, Shri Nunia was reinstated in service w.e.f. 22.2.85. Thereafter Shri Nunia filed a review petition to the Head of Department i.e. Director General All India Radio, New Delhi which was rejected vide D.G. AIR order No.6/17/85-Vig. dated 8.10.85.

(v)

Administrative  
Tribunal Act in the  
Guwahati

Thereafter, Shri Nunia filed an application U/S 19 of the Central Bench against the Order of the Disciplinary Authority, Appellate Authority and Reviewing Authority. The Hon'ble Tribunal after perusing the records and counter-affidavit allowed the application of Shri Nunia and passed the judgement and order on 13.8.87 in which all the departmental orders of the Disciplinary Authority, Appellate Authority and Reviewing Authority were quashed and set-aside for procedural and technical grounds without going into the merits of the case and left the next course of action to be taken by the Disciplinary Authority.

(vi)

Thereafter, the Station Engineer in his capacity as Disciplinary Authority of AIR, Silchar proposed a fresh enquiry into three charges already framed by the Disciplinary Authority in view of the Hon'ble Central Administrative Tribunal's Order as mentioned above.

contd....3/-



3. In the fresh Memo. dated 15.4.88, issued by the AIR, Silchar, Shri Rabia Munia, Stenographer (Junior Grade), was called upon under rule 14 of the CCS (CCA) Rules, 1963 to answer the following articles of charges:

ARTICLE I

That the duties of said Rabia Munia Stenographer (Jr. Grade), All India Radio, Silchar while functioning as Stenographer on 16.12.1982 were re-allocated and he was attached to the News Editor vide this office Memorandum No. SIC-1(5)/82/9785-89 dated 16.12.82. He represented against the re-allocating asking to revise the order but it was not found possible to accede to his request owing to exigencies of service and he was advised to start working in the news section as per the above order. Instead of doing so he proceeded on leave from the following day in violation of rules 3(1)(i)(ii)(iii) of the CCS (Conduct) Rules, 1964.

ARTICLE II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Rabia Munia, Stenographer (Jr. Grade), All India Radio, Silchar during the period of his suspension (he was placed under suspension with effect from 19.4.1983) left the headquarters stipulated in the suspension order and went to Karimganj without informing and obtaining the permission of the head of office thus violating the rules 3(1)(iii) of the CCS (Conduct) Rules, 1964.

ARTICLE III

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Rabia Munia, Stenographer (Jr. Grade), AIR Silchar, on 29.1.1981 had applied for Leave Travel Concession for the block year 1980-81. It has been found that the journey claimed to have been performed by him for which a total amount of Rs.6,280/- (Rupees six thousand two hundred and eighty only) was drawn by him was not at all utilised for the purpose. Thus Shri Rabia Munia is responsible for violating the rules 3(1)(i)(ii)(iii) of the CCS (Conduct) Rules, 1964.

A statement of imputations of misconduct or misbehaviour in support of the above articles of charge, was also forwarded with the charge sheet. In his reply dated 26.5.88 the charged officer did not accept the articles of charge against him. An oral enquiry was, therefore, held. The Inquiry Officer in his report dated 26.4.90, did not give any clear findings in respect of Articles I and III, though the Inquiry Officer has given suggestions for action by the Disciplinary authority, but in respect of Article II the Inquiry Officer held the charged officer

contd....

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-4-

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guilty of leaving his Headquarters without permission and of addressing a trade union meeting.

3.1 The Disciplinary Authority, after considering the findings of the Inquiry Officer, held all the three articles of charge as proved. Notwithstanding the above, however, the Disciplinary Authority exonerated the charged officer of charges framed under Article I and II and advised him that he should not repeat such irregularities and violation of service rules in future. The Disciplinary Authority imposed upon the charged officer the penalty of reduction to a lower stage of Rs. 428/- from Rs. 452/- (pre-revised scale) at the time of his suspension in the time scale of Rs. 330-10-380-EB-12-500-EB-15-560 (pre-revised scale) for a period of one year from the date of his resumption of duties with the direction that Shri Wunia will not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction of pay will not have the effect of postponing his future increments. The period of his suspension to the date of the Charged Officer resumed his duties was ordered to be treated as under suspension.

3.2 The charged officer preferred an appeal dated 23.8.90 to the appellate authority against the above orders of the Disciplinary Authority. The appellate authority decided that the papers submitted by the Disciplinary Authority were incomplete. In the absence of the documents, a clear picture was not available and the appellate authority was inclined to agree with the points made in the appeal and ordered that the enquiry had not been conducted in accordance with the rules laid down for this purpose (Rule 14 of the CCS(COA) Rules, 1965) and, therefore, the penalty imposed by the disciplinary authority was set aside with the direction that the Inquiry should be done again by another Inquiry Officer in accordance with the provisions of the Rules and the charged officer should be given all reasonable opportunity to defend himself by providing the documents and allowing him to present his witnesses and cross-examine the prosecution witnesses.

3.3 The Appellate Authority's Order No. 6430/90-Vig. dated 30th September, 1991, suffers from defect/lacuna in view of Government of India's instruction No. 3 under Rule 27 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which clarifies that Rule 27(2)(c)(i) and (ii) ibid., do not empower the appellate authority to pass an order in which both the alternatives mentioned therein, are ordered. The Revisionary Authority intends to modify the order passed by the Appellate Authority in order to rectify the defect/lacuna and as such the consultation with the UPSC is necessary. Accordingly the case records were forwarded to the Commission for their advice in the matter.

contd.....5/-

4. The case records have been examined by the Commission and their observations are contained in the following paragraphs.

4.1 From the records the Commission find it abundantly clear that the original proceeding conducted in 1983 and the appeal and the revision arising therefrom were all quashed by the CAT due to a variety of technical flaws observed vitilising the inquiry. The second inquiry which had been initiated in 1988 and on which the disciplinary authority passed an order of punishment is again flawed seriously, in the eyes of the appellate authority, for a variety of reasons. The appellate authority's order itself is flawed since it is violative of the provisions of Rule 27 of the CCS (CCA) Rules, 1965.

4.2 Regarding Article I of the charge the Commission observe that in his appeal dated 23.8.90 and in his revision petition dated 25.10.91 the charged officer has refrained from giving his defence since he has been exonerated of this Article by the Disciplinary Authority. The Commission feel that the charge seems to have been compromised by the grant of leave regularising the period of absence. They are of the view that once the leave is sanctioned imputation of non-compliance with a posting order cannot be validly established. In view of the above and considering the defence of the charged officer, and also considering the fact that the Inquiry Officer has not held the charge as proved though he has made certain suggestions for future good conduct of the charged officer, the Commission hold Article I of the charge as not proved against the charged officer.

4.3 The Commission notice that in regard to the second charge, the charged officer had pleaded right from the beginning that there was no clinching evidence to prove his presence away from headquarters. The Inquiry does not seem to have been conducted in a fashion to prove or disprove the defence plea. The imputation itself was not substantiated by indisputable documentary evidence and in the absence of the same oral evidence would have been necessary. Such necessities have not been gone into. Conclusions and opinions expressed regarding the charge appear to be on flimsy ground.

contd.....6/-

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-6- 1/6 44

Though the Disciplinary Authority, in its order dated 9.7.1990, stated that Article II of the charge had been proved against the charged officer but, considering the opinion and recommendations of the Inquiry Officer, the Disciplinary Authority exonerated the charged officer of the charge. In view of the above facts the Commission hold Article II of the charge as not proved against the charged officer.

4.4 In regard to Article III of the charge, the Commission find it clear that right from the stage of the first inquiry, the original L.T.C. claim was missing. The charge was supposed to be made out on the basis of an authenticated copy of the claim obtained from the office of the P.A.O. It has come on record that the charged officer was denied a copy of this document also. It has also come on record that the charge was to be proved on the basis of a letter from the Railway Authority saying that the relevant money receipt filed was false. The charged officer has pleaded at different times that the so called money receipt did not bear his authentication on the reverse and, therefore, it cannot be said that he had filed the said money receipt. The most important point is that the L.T.C. claim of 1981 being scrutinised in inquiries during 1984 and 1989 without any other contextual material and when the original LTC claim itself is missing cannot provide clinching evidence against the charged officer. In this context the Commission find force in his claim that the LTC was allowed after proper scrutiny and he does not have any papers to further substantiate the same and no adverse conclusion should be drawn when the original claim is missing and he has been denied copies of the documents relied upon. There seems to be a very strong element of denial of natural justice in this case. Further, it is observed from the Inquiry Officer's report that he has conducted the enquiry in a slipshod manner. At the end of the report itself the Inquiry Officer has mentioned that the duplicate copy of the LTC bill and the copies of the Railway Receipts cannot be given unless and until ordered by the Court of Law. This observation is not logical because the Inquiry Officer, who was conducting the enquiry, should have ensured that the relevant documents were made available to the charged officer. In his appeal as well as in his Revision Petition the charged officer has stated that the inquiry officer had omitted to examine any prosecution witness or defence witnesses. He had simply taken the statement of the Presenting Officer and the charged officer and on the uncorroborated evidence of these statements he had prepared his report which cannot but be perfunctory. The Appellate Authority has accepted the contention of the charged officer while issuing his orders dated 30.9.81 in which it has stated that all connected documents/papers were called for from the Station but it was found that the papers submitted by the Station were incomplete or had not been deliberately

contd...7/-

Inquiry  
should be done  
again by  
another

ced. The Appellate Authority in his order has accepted the plea of the charged officer that he was denied the opportunity of seeking the documents/ supplying copies thereof, examination of prosecution witnesses and presenting his defence witnesses. The Appellate Authority is of the view that the enquiry has not been conducted in accordance with the rules laid down for this purpose (Rule 14 of the CCS (CCA) Rules, 1955) and, therefore, the penalty imposed by the disciplinary authority was set aside with the direction that the Inquiry Officer in accordance with the provisions of the Rules and that the charged officer should be given all reasonable opportunity to defend himself by providing the documents and allowing him to present his witnesses and cross-examine the prosecution witnesses. The Commission agree with the decision of the Appellate Authority to set aside the penalty imposed by the Disciplinary Authority on the charged officer. However, they do not agree with his decision to conduct the enquiry again, because they find no ground for ordering yet another enquiry when proceedings have been vitiated twice already. They feel that no enquiry could do justice to the charged officer at such a late stage when all the records available with the charged officer regarding the journeys performed by him on LTC, had been destroyed by him after the adjustment amount had been paid to him.

In view of the facts brought out above, the Commission hold Article III of the charge as not proved against the charged officer.

4.5 To sum up, the Commission hold Articles I, II and III as not proved against Shri Rabia Nania.

5. In the light of their findings as discussed above, and after taking into account all other aspects relevant to the case, the Commission advise:

- a) that the appellate authority's order setting aside the penalty may stand;
- b) no further or fresh inquiry is called for; and
- c) that the LTC claim which had been recovered from the charged officer should be refunded to him, as has been prayed by him in his revision petition.

6. The case records as per list attached are returned herewith. Their receipt may kindly be acknowledged.

Yours faithfully,

101/—

( B.D. SHARMA )  
UNDER SECRETARY  
UNITED PUBLIC SERVICE COMMISSION  
P.O. BOX 200000

Encls.: 1. 10 copies of this letter.  
2. Case records as per list attached.

GOVERNMENT OF INDIA  
ALL INDIA RADIO:::SILCHAR-788001.

NO. SLC-SD-19(22)/95-Vig./ 7074 /Dated, the 30th March, 1995.

O R D E R

WHEREAS Shri Rabia Nunia, Stenographer (Jr) in this Office was levelled charges vide Memorandum No. SLC-SD-19(22)/83-Vig./4728 dated 18.7.1983 and subsequent inquiry conducted against him vide order No. SLC-SD-19(22)/83-Vig. dt.18.8.83.

WHEREAS Sri Rabia Nunia was dismissed from service w.e.f. 5.3.84 vide order No. SLC-SD-19(22)/Vig./643 dt.5.3.84 and was asked to refund the whole amount of Rs.6,280/- in one lump sum with penal interest.

WHEREAS the pay of Sri Nunia was reduced to a lower stage of Rs.404/- from Rs.452/- in the time scale of Rs.330-10-380-GH-12-500-EB-15-560/- for a period of two years from 15.2.1985 vide order No. 6/17/84-Vig. dated. 15.2.1985.

WHEREAS in pursuance of the Hon'ble Central Administrative Tribunal Guwahati Bench's judgement dt. 13.8.87 a fresh inquiry was held on charges as given in Memorandum No. SLC-14(3)/88-S/2831 dt. 15.4.1988.

WHEREAS the pay of Sri Nunia, Stenographer (Jr.) was again refixed to a lower stage of Rs.428/- from Rs.452/- at the time of his suspension i.e. 19th April, 1983 vide Memo. No. SLC-SD-19(22)/90-Vig/303 dated 9.7.1990.

WHEREAS the Appellate Authority i.e. Additional Director General, All India Radio, set aside the penalty imposed by the Disciplinary Authority with direction to conduct inquiry by another inquiry Officer vide order No. 6/30/90-Vig. dated 30.9.91.

WHEREAS Sri Rabia Nunia Submitted a Revision Petition dated 25.10.1991 to the President of India against the order No. 6/30/90-Vig. dated 30.9.1991.

NOW, THEREFORE, the President in exercise of the powers conferred by Rule-29 of the Central Civil Services (Classification control and appeal) Rules 1965 communicated vide Ministry of I & B's order No. C-17013/1/92-Vig. dt. 26/7/1994 and Directorate Memo No. 6/52/9-Vig. dt. 1.8.1994 hereby orders.

- a) that the Appellate Authority's order dt. 30.9.1991 setting aside the penalty shall stand.  
b) that no further or fresh inquiry shall be held and

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G. Chandra*

- c) that the LTC claim recovered from the ~~petitioner~~ petitioner should be refunded to him.

Therefore, the Station Director, All India Radio, Silchar as Disciplinary Authority hereby orders (over and above those mentioned in clause 1,2,3 above).

- 1) that the services of Sri Nunia will be regularised;
- 2) that Sri R.Nunia, will be entitled to full pay and allowances w.e.f. the date of suspension i.e. 18.4.83.
- 3) that Sri Nunia will be entitled to all the benefits of leave, pensions, L.T.C. etc. during the entire period w.e.f. 18.4.83 and it will count towards increment.

✓  
Shri R.Nunia,  
Stenographer,(Jr.),  
All India Radio,  
Silchar.

(G.C.SUKLABAIDYA)  
STATION DIRECTOR

Copy to:-

1. The Administrative Officer, All India Radio, Silchar for necessary action.
2. The Director General, (Sri K.V.S. Rao, S.O. by Name), All India Radio, Akashvani Bhavan, Parliament Street, New Delhi-110 001, with reference to Directorate Memo. No. 6/52/91-Vig. dt. 1.8.94 and 8/2/95 for kind information.

STATION DIRECTOR

ANNEXURE - 6 (PART-I), FORM NO. 38  
(G.O. No. 1047, 1947, Civil Service Regulations)

(This form should be granted without the cognizance of the Medical Officer or Department)

### CERTIFICATE OF INCAPACITY FOR FURTHER SERVICE (G.O. No. 1047, 1947, Civil Service Regulations)

CERTIFICATE that we have carefully examined Shri R. N. Nigam  
Sefanyappa (S. S. Nigam) Son of -----  
----- ----- -----  
in the 16/11/1947 ----- ----- -----  
age is, by his own statement 47 Years,  
by appearance about 47 Years.

We consider Shri R. Nigam to be  
completely and permanently incapacitated for further service of any  
kind (or in the Department to which he belongs) in consequence of  
(state disease or cause) Extensive fibrosis of lung  
-----

2. His incapacity does not appear to us to have been  
caused by irregular or intemperate habits.

In our opinion his incapacity is the result of irregular  
or intemperate habits.

3. We are of the opinion that -----  
----- (may, after resting for ----- months) be fit for  
further service of a less laborious character than that which he  
has been doing.

Left thumb-impression (to be taken  
only in the case of non-gazetted officers).

-----  
STANDING MEDICAL BOARD  
SIGNATURE OF CHAIRMAN

-----  
SIGNATURE OF MEMBER

-----  
SIGNATURE OF MEMBER

STANDING MEDICAL BOARD

STANDING MEDICAL BOARD

Please strike out whichever of the alternative clauses in  
para 2 & 3 does not apply.

Central file  
copy  
line  
C. S. Nigam



Govt. of Assam.  
OUTPATIENT DEPTT. OF T.B. (T.B.) 36  
UNIT Med.

49  
ANNEXURE-6 (Jelly)

SILCHAR MEDICAL COLLEGE &  
HOSPITAL : CHIOONGUR

NAME R. NUNIA

AGE 42 YEARS SEX M RELIG H

HOSP. NO 69417 DATE 30-7-92 (contd.)  
4-9-96

Certified that Shri R. Nunia of  
AIR Silchar has been suffering from  
active Pulmonary Tuberculosis since  
1979 followed by 'Recurrent Hemoptyses  
with Fibrosis Lung with Emphysema'.  
He is under my treatment.

He is advised complete rest.

(DR. G. K. CHAKRABORTY)  
PROF. & HEAD OF DEPTT.  
Tuberculosis & Chest  
Diseases, SMCH, SILCHAR

*Confirmed to be  
true*  
*S. Chakraborty*  
*MD.*

37

Dr. G.K. Chakravarty

M.B.B.S., D.T.C.D., M.D. (Gen. Medicine)

Physician &amp; Chest Specialist.

Asst. Professor.

SILCHAR MEDICAL COLLEGE.

Vivekananda Co-operative

Housing Society Ltd.

Netaji Subhas Avenue

Silchar-788005

Phone 21272

Gr. No. : 11

Date 9.10.95.

Certify that Mr. R. Nanda  
has been suffering from 'Recurrent hemoptysis  
with fibrosis lung with Emphysema'. He had  
been suffering from active pulmonary tuberculosis  
from 1979.

He is under my treatment.

G. K. Chakravarty  
10/11/95.

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copy

G. S. Chandra  
Asst.

ANNEXURE- 7

From: **Rabia Nunia**  
Stenographer(Retired)  
(All India Radio, Silchar(Assam))  
Malugram,  
SILCHAR -788 002.

To: The Director General,  
All India Radio,  
Akashvani Bhavan,  
Parliament Street,  
New Delhi-110 001.

Subject: Prayer for extending promotional  
benefits to Shri R. Nunia, Stenographer  
( retired ), AIR Silchar(Assam).

Respected Sir,

With due respect and humble submission I beg to lay  
before you the following few lines for your sympathetic  
consideration and favourable orders -

1. That Sir, I entered into service on 23-11-1972 as  
Stenographer(Jr. Grade) at the All India Radio, Silchar(Assam).  
I belong to Schedule Caste Community.
2. That Sir, I passed the departmental examinations  
held in August, 1981 for promotion to the post of Head Clerk/  
Accountant/Sr. Store Keeper as communicated vide DG AIR New Delhi  
Memo No. 2/30/80-SII(Vol. II) dated 30-12-1981 (Copy enclosed  
for ready reference as Annexure-I).
3. That Sir, I was given an offer of promotion as  
Accountant to AIR Imphal(Manipur) vide DDG(NEZ) AIR Guwahati  
Order No. DDG(NE)/Transfer-HC/Acctt./82-83 dated 30-4-82 as comm-  
unicated vide SD AIR Silchar's No. SLC-1(5)/82-5/4506 dated  
18-5-82(copy enclosed as Annexure-II). But for my personal diff-  
iculties I could not accept the offer for joining at Imphal and  
I prayed for the same higher post at Silchar AIR. But I was  
informed that it was not possible to post me at Silchar and that  
I was placed under ban of one year w.e.f. 25-6-82 and that

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another post would be offered to me after one year if any examination quota comes up, vide DDG(NE)'s Order No. DDG(NE) Vol.I/II/Silchar/82-83 dated 13-7-82(copy enclosed as Annexure-III).

4. That Sir, I was confirmed in Service as Stenographer (Jr) at AIR Silchar in a substantive capacity from 23.11.74 vide SD AIR Silchar's No. SLC-9(8)/96-S/2655 dated 9-8-90(copy enclosed as Annexure-IV).

5. That Sir, though I became eligible for promotion to the post of Head Clerk/Acctt., yet no offer of promotion was given to me within one year which I was anxiously waiting for. Instead of promoting me I was placed under suspension on 18.4.83 and a (18-4-83) deptt. proceeding was instituted against me and on 18-7-83 I was given a chargesheet containing 3 (three) articles of charges under Rule 14 of the CCS(CCA) Rules, 1965. I duly contested these false charges and was ultimately acquitted and exonerated fully of all those charges by the Hon'ble President of India as communicated to me and all concerned authorities of All India Radio vide Ministry of I&B order No.C-17013/1/92-Vig dated 26-7-94 and Directorate Memo No.6/52/9-Vig dated 1-8-94 (copy enclosed for reference as Annexure-V). In this order the Ministry after consultation with the UPSC set at naught all the penalties imposed and gave a clean slate to me.

6. That Sir, in the President's order it was clearly enjoined that the entire period covering the proceeding period from 18-4-83 shall be treated as on duty and any punitive step of any nature against me was utterly forbidden by the Presidential order.

7. On receipt of the President's order aforesaid the SD AIR Silchar passed the following categorical orders in his Memo No.SLC-SD-19(22)/95-Vig/7014 dated 30-3-95(copy enclosed as Annexure-VI):

.....3/-

- (a) that the services of Shri Nunia will be regularised.
- (b) that Shri N. Nunia will be entitled to full pay and allowances w.e.f. the date of suspension i.e. 18-4-83.
- (c) that Shri Nunia will be entitled to all the benefits of leave, pension, LTC etc. during the entire period w.e.f. 18-4-83 and it will count towards increment.

8. That Sir, the Directorate is well aware that in the prolonged period from 1983 to 1996 several attempts were made by the disciplinary authority viz. SD AIR Silchar to vilify me but every time whether at the hands of the ~~Centre~~ Appellate Authority or the DG or at the door of the Central Administrative Tribunal or ultimately at the beign disposition of the Hon'ble President of India, I could fortunately come out with flying colours.

9. That Sir, it is needless to submit that owing to institution of uncalled for spurious deptt. enquiry against me by the Disciplinary Authority causing endless harassment to me, I suffered from enormous mental and physical torture which ultimately heavily told upon my health for which reason I was forced to go on invalid pension on medical ground which I cannot but resent. Copy of the Medical Certificate issued by the Standing Medical Board, SMCH Silchar on 18-3-96 is enclosed as Annexure-VII.

10. That Sir, it is crystal clear that my ~~innocence~~ innocence has been absolutely proved at long last by the Presidential order. Since all benefits were to accrue in view of my exoneration from any guilt, justice demands that I should also get the benefit of promotion in the interim period vis-a-vis my juniors. In this respect the following instances are cited by way of example :-

- (a) Shri A.B.Dhar (from exam. quota)  
junior to me was promoted as Head  
Clerk w.e.f. 30-1-84
- (b) Shri A.B.Dhar was again promoted as  
Administrative Officer w.e.f. 22-9-94  
and is now posted at the Doordarshan  
Kendra(PPC), Silchar(Assam).

There may be other cases of supercession,  
but all informations are not available to me.

11. Hence, I pray to you, Sir, to extend Justice  
to me by giving me promotional order with retrospective effect  
from 30-1-84 as Head Clerk and as Administrative Officer w.e.f.  
22-9-94 the date from which my junior Shri A.B.Dhar ( AO )  
was promoted. This prayed for benefit of promotion will lead  
to enhancement of my pensionary amount since I was bound to  
proceed on invalid pension due to sufferings and ill health.

(i) Under the circumstances stated above it is  
prayed that your honour being the highest authority in the  
Deptt. of AIR would be pleased to appreciate the grievances  
of a poor retired Stenographer in distress and will issue  
direction to the concerned authorities for issuing my pro-  
forma promotional order from 30-1-84 (if not from 26-6-83,  
the date of completion of one year's ban) as Head Clerk and  
w.e.f. 22-9-94 as Administrative Officer so as to extend the  
benefit of higher posts on promotion to mitigate my hardship  
and also allow me all the consequential benefits to this  
effect to meet the ends of justice.

(ii) It is further prayed that the kind order for  
payment of the difference in pay and pay and allowances may  
also be sympathetically passed keeping in view the sufferings  
due to invalidation in the rest of my life period.

(iii) It is also prayed that the respective autho-  
rities may also kindly be asked to give me the enhanced  
pension becoming due on calculation of higher average pay  
resulting from retrospective promotion.

- 5 -

~~kind~~

The above kind orders by your benign authority will certainly go a long way in ameliorating the financial condition of a petty Pensioner compelled to proceed on invalid pension on medical grounds and also will remain a permanent healing recipe to the suffering subordinate like me.

Thanking you in anticipation Sir.

Yours faithfully,

Enclo: as above.

(R. NUNIA)

Copy for kind information and necessary action to :-

1. The Deputy Director General (NER), All India Radio, Chandmari, Guwahati -781 003.
2. The Station Director (Zonal Head), All India Radio, Chandmari, Guwahati-781 003.
3. The Station Director, All India Radio, Silchar-788 001.

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Annexure 8

FORM NO. 4  
( See Rule 42 )

**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO.

128

OF 1998

Applicant(s)

Rudra Nunia

VS

Respondent(s)

Union of India &amp; Ors

Advocate for Applicant(s)

Mr. B.K. Sharma

Mr. S. S. Sharma

Mr. L.K. Nair

Advocate for Respondent(s)

Mr. A.K. Choudhury

Advt. C. C. S. C.

27.8.98

(6)



This application has been filed seeking certain directions to the respondents to promote the applicant in the post of Head Clerk with effect from 26.6.1983 and thereafter to the further higher post as per his entitlement. According to the applicant he was unreasonably denied the promotion which he was entitled to as per law. The applicant submits that to his knowledge he was denied promotion because of the pendency of the departmental proceeding. Now the departmental proceeding has come to an end and the applicant was not found guilty of the charges. In spite of that the respondents have not given promotion. Hence the present application.

We have heard Mr B.K.Sharma, learned counsel appearing on behalf of the applicant and Mr A.K.Choudhury, learned

contd..

certified to be  
true copy  
S. Chatterjee  
Advt.



(3)

44

O.A. 128/98

Notes of the Registry	Date	Order of the Tribunal
	27.8.98	<p>Addl.C.G.S.C for the respondents. Mr. Sarma submits that because of the inaction of the respondents the applicant submitted Annexure-7 representation dated 26.3.1997 to the Director General, All India Radio. However, till now the representation has not been disposed of. On hearing the counsel for the parties we feel it expedient to give a direction to the respondents to dispose of the representation as early as possible and at any rate within a period of one month from today by a speaking order. If the applicant is still aggrieved he may approach this Tribunal.</p> <p>The application is disposed of with the above order. No order as to costs.</p>



Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)

TRUE COPY

प्रति

Section Officer (A)  
 Central Administrative Tribunal  
 New Delhi  
 27/8/98

1/8/98

BY SPEED POST  
CAT CASE  
Immediate

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
DIRECTORATE GENERAL: ALL INDIA RADIO

No. 7/19/98-S.IV/100

New Delhi, the 25.1.99

OFFICE MEMORANDUM

Subject:- Prayer for extending promotional benefits to Sh. R. Nunia,  
Stenographer(Retd.), AIR, Silchar (Assam).

\*\*\*\*\*

Shri R. Nunia may please refer to CAT, Guwahati Bench's Judgement dt. 27.8.98 in O.A. No. 128/98 in which the Hon'ble CAT directed to dispose of his representation dt. 26.3.97 by speaking order. His representation has been examined in detail and ad seriatim decision of the Directorate is as under:-

- 1) The submission by Sh. Nunia is not denied.
- 2) The statement made by Sh. Nunia is not denied.
- 3) Sh. Nunia had not accepted promotion. He had to be debarred from promotion for a period of one year w.e.f. 25.6.82 by order dt. 13.7.82 (Annexure -III to his application). Hence, he forfeited his right for appointment on the basis of that panel/select list.

✓

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4) He was holding the post of Stenographer and hence as per Govt.'s instruction he was confirmed in that grade.

5) At the time of examination in 1981 only one vacancy of Head Clerk/Accountant was notified under Examination quota and five candidates from North-East were qualified. They were 1) Sh. A.B. Dhar, 2) Sh. R. Nunia (SC), 3) Sh. S. Bhattacharjee, 4) Sh. B.P. Chakravarti, 5) Sh. D.K. Das (SC). Sh. Dhar and Sh. Nunia were offered appointment in April and June '82, but both of them declined and were debarred for promotion for a year. Sh. Bhattacharjee had left the department for his better avenues and consequently the next in seniority i.e. Sh. B.P. Chakravarti and Sh. D.K. Das were offered the promotion. Further when another vacancy of HC/AC occurred it was offered to Sh. A.B. Dhar on 31.1.84. Even if there was no vigilance case against him, Sh. Nunia would have to wait till longer to get his promotion until Sh. D.K. Das got promoted as A.O. in 1993. Therefore, Sh. Nunia's attempts in the petition to mix up his promotion with the vigilance case are not justified. He lost his promotion because of his refusal to accept the transfer as a result of promotion.

6. Refusal of promotion by Sh. Nunia in itself was not a punitive step as claimed by him in the petition. In Memo No. SLC-SD-19(22)/95-Vig./7014 dt. 30.3.95, Station Director, All India Radio, Silchar had stated that Shri Nunia's service will be regularized, that he will be entitled to full pay and allowances w.e.f. 18.4.83 and all benefits of leave, pension, LTC etc. during the entire period w.e.f. 18.4.83 and it will count towards increment. Station Director, All India Radio, Silchar had not mentioned anything about retrospective promotion. The promotion list prepared in 1981 cannot

18.4.83-93

-3-

remain valid for 14 years.

7. In view of what is stated above, it is not possible to extend the promotional benefit to Sh. Nunia with retrospective effect.

*(A.N. Bardaiyar)*

Dy. Director of Administration(II)

Shri R. Nunia

Stenographer(Retd.)

All India Radio, Silchar

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Filed by  
21/6/02  
(A. DEB ROY)  
Sr. C. G. S. C.  
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI.

O.A. NO.168 OF 2001

Shri Rubia Nunia.

-vs-

Union of India & Ors.

IN THE MATTER OF ::

Written statements submitted by the  
Respondents.

Before submitting para-wise written statements  
the respondents beg to submit background of case, which  
may be treated as a part of written statement.

(BACKGROUND OF THE CASE)

1. That the applicant proceeded on voluntary retirement (invalid pension) with effect from 18/3/1996 and after a period of two years from the retirement he filed OA No-128/1998 which was disposed of on 27/8/1998 by the Hon'ble Tribunal directing the respondents to give speaking order to the petitioner's representation dtd. 26/3/1997. Accordingly speaking order was issued.
2. That to get job for his son on compassionate ground the applicant several time had come to Guwahati but the petitioner did not agitate any point or did not file any case till his son got appointment on compassionate ground thus the allowed to pass limitation period.

Contd...P/2

3. That the petitioner filed the ~~x~~ instant OA No- 168/2001 after a period of about 2 (Two) years from the receipt of the speaking orders.

4. That he did not claim his promotion before his retirement and also not within the limitation period. Immediately after exoneration of all charges by the Hon'ble President of India in March 1995 the petitioner opted for voluntary retirement on medical ground on 4/12/1995 and accordingly he retired from services with effect from 18/3/1996.

5.1. That the petitioner, Shri Rubia Nunia formerly Stenographer, AIR, Silchar (now retired) has claimed in this case for his preferential promotion to the post of Head Clerk/ Accountant and then to the post of Administrative Officer with effect from the retrospective dates.

5.2. It is <sup>not</sup> denied that the petitioner while serving in AIR, Silchar had qualified himself in the Departmental Examination held in August 1981 for ~~pr~~ promotion to the post of Head Clerk/ Accountant against examination quota. He was accordingly offered the promotion to the post of ~~Head~~ Clerk/ Accountant in May 1982 and posted to AIR, Imphal which he declined to accept. Consequently, he forfeited his right of appointment on the basis of the result declared on 31/12/1981. The respondent beg to state that the order dated 13/7/1982 of the Deptt DDG(NER), AIR, Guwahati was issued erroneously and inadvertently since the idea of debarment attracts in the case of promotion offered on the basis of seniority + cum-fitness as per instructions. Hence, the debarment should not attract in

the case of promotion/appointment against exam.quota vacancy. Therefore the question of promotion/appointment of the applicant does not arise.

5.3. That the petitioner's claim that due to the ~~continuation~~ continuance of his disciplinary proceedings for more than 12 years from 1983 upto March 1995 before different authorities, he could not be considered for promotion by the DPC during the said period is not correct according to the true sense of the term. He actually lost his promotion as a result of his refusal to accept promotion at AIR, Imphal.

Inspite of getting all benefits from the department in view of Hon'ble President's decision, he again filed a O.A. No- 128/1998 in the Hon'ble CAT, Guwahati 2 years after he proceeded on voluntary retirement (invalid pension) with effect from 18/3/1996. As per the directive of the Hon'ble CAT passed in this case on 27/8/1998, necessary speaking order was issued to the petitioner's representation dtd. 26/3/1997.

The respondents also beg to state that the petitioner has been unnecessary clubbing together his disciplinary proceedings and promotion in the instant case and repeatedly has attempted to blame the department that he was forced to go on invalid pension. There is no single instance where the petitioner was ever asked to take voluntary retirement rather the department extended all permissible helps for his better treatment outside his station. Ultimately, whenever the petitioner himself

submitted his option for voluntary retirement in support of Medical ground, the department had to accept his option.

It may be worthwhile to mention here that the the petitioner immediately after retirement has managed compassionate appointment for his son in the department and then only the petitioner has been representing and filing repeated cases in CAT for getting undue benefits of promotion when he ceased to be an employee of the department.

It is surprised to see that after a period of about 2 years from the receipt of the speaking order as per the directive of Hon'ble CAT on 27/8/1998 in OA No-128/1998, the petitioner has again filed the instant case in Hon'ble CAT.

The respondents further state that the petitioner has also represented again to the Hon'ble president of India vide his representation dtd. 19.3.99 for getting the promotional benefits as claimed by him in the instant case. Necessary comments/information were also forwarded to our Hqs Higher Authorities for onward submission to the Hon'ble President, However the fact ~~is~~ of his representation is still unknown to the ~~xxxx~~ respondents.

The respondents humbly state that the applicant declined the promotion once he forfeited his claim of promotion/appointment on the basis that select list <sup>and</sup> he immediately proceeded on voluntary retirement on medical ground after exoneration of all charges by the Hon'ble President of India in March 1995, therefore the question of offering him promotion did not arise. He was



however, paid full pay and allowance with effect from 18/4/83 with incremental benefits etc., besides extending other benefits of leave, pension LTC vide SD, AIR, Silchar memo No-SLC.SD-19(22)/95-Vig/7014 dated 30/3/95. SD, AIR, Silchar had not mentioned about retrospective promotion as the promotion list of 1981 cannot be kept for 14 years. Therefore, the petitioner's claim of proforma promotion after March 1995 was out of question.

PARA WISE WRITTEN STATEMENTS SUBMITTED BY THE  
RESPONDENTS :-

1. That with regard to para- 1 to 4 in O.A. the respondents beg to offer no comments.
2. That with regard to para - 4.7 in O.A. the respondents beg to state that <sup>though</sup> erroneously & inadvertently the petitioner was debarred from promotion for a period of one year from 26/6/82 to 25/6/83, he was not offered promotion again after 25/6/83 as no debarment was actually applicable on the examination quota candidate. So his contention in this para is not correct.
3. That with regard to paras - 4.8, 4.9 & 4.10 in O.A. the respondents beg to offer no comments.
4. That with regard to para - 4.11 in O.A. the respondents beg to state that his statement of victim of vendetta and vilification is not proper when the disciplinary proceeding was initiated under Rule-14 of the CCS(CCA) Rules, 1965 by the appropriate authority.

contd...P/6

- 6 -

5. That with regard to para - 4.12 in O.A., the respondents beg to state that the medical history given by the petitioner is unwarranted in his case since there is no grievance/complain against the authority so far his treatment was concerned and all possible and permissible assistance were extended by the department.
6. That with the regard to para - 4.13 of G.A., the respondents beg to state that the petitioner's statement of medical history and thereafter his proceeding on invalid pension (Voluntary retirement) on 18/3/96 is unwarranted. ~~XX~~ after he was fully exonerated from all charge by the Hon'ble President of India in March 1995, the petitioner himself submitted an application dated 4/12/95 (Ex-I) for voluntary retirement on medical ground. From his application it would be seen that the petitioner was determined and interested for the retirement ~~however~~ when expressed his inability to continue any more in the service. The authority however referred for a medical board's opinion regarding the extent of his invalidity vide SE, AIR, Silchar letter No-SLC-21(5)/96-S (RN) dtd. 8/1/96 (Ex-2). It is only on receipt of the medical examination report from Silchar Medical College Hospital vide letter No-SMCH/MD/18-81/PT dtd. 22/3/96 (Ex-3), the petitioner's option for voluntary retirement was accepted by the department. In the Medical report as well as in his application dtd. 4/12/95 no where the departmental victimization in view of disciplinary proceedings was mentioned. So his contention of forced retirement does not arise.

Contd....P/7

- 7 -

7. That with regard to para - 4.14 or OA, the respondents beg to state that in addition to the comments given against Para - 4.13, the respondents vehemently objects to the petitioners contention that he was deprived of the promotion to the post of Head Clerk/ Accountant. But the respondents states that this was not mainly due to pending of the disciplinary case against the petitioner. The reason for that was that he declined to accept the promotion offered to him, he forfeited his claim for appointment/promotion to the post of HC/ Acctt. on the basis of result of Departmental examination held in 1981. Thus, the order dated 13/7/82 issued by the Deptt. is erroneously and inadvertently, as there was no provision for debarment of a candidate who qualified who qualified the Departmental examination.

8. That with regard to para - 4.15 in OA, the respondents beg to state that the Station +Director, AIR, Silchar was not the competent authority to give promotion to the petitioner after he was fully exonerated on 30/3/95. His contention that Shri A.B. Dhar was Junior to the petitioner is not correct. In view of petitioner's refusal to accept promotion at AIR, Imphal, when offered he was not further offered promotion.

contd....P/8

9. That with regards to para - 4.16 in OA, the respondents beg to state that the petitioner's promotion with effect from 30/01/84 as Head Clerk and with effect from 22/09/94 as Administrative Officer does not arise since no more post of Head Clerk/Accountant was available under examination quota and once he refused to accept the promotion to the post of H.C/Acctt, he lost his claim straightway. The decision of the Deptt for his debarment was taken erroneously & inadvertently.
10. That with regards to para - 4.17 in O.A., the respondents beg to state that the petitioner's contention that he was compelled to proceed on invalid pension is not based on any supported documents. Rather in the referring letter by SE.AIR Silchar dated 8/1/96 (Ex-2) to Medical Board, it was clearly mentioned, he is performing his duties satisfactorily. Thus it would be seen that his appointing authority was interested for his continuing in service.
11. That with regard to para - 4.18 in O.A. the respondents beg to state that the petitioner's contention is totally false and fabricated. His representation dated 26/3/97 was duly disposed by a speaking order of the Head of Department i.e. Director, AIR, New Delhi vide their letter No- 7/19/98-S.11/68 dtd. 25/1/99 (Ex-4) received by the petitioner on 5/2/99 (Ex-5 as per directive of the Hon'ble CAT, Guwahati in OA No- 128/98 passed on 27/8/98.

- 9 -

12. That with regard to para - 4.19 in OA the respondents beg to offer no comments.

13. That with regard to para - 4.20 in OA, the respondents ~~xxx~~ beg to state that ~~xxx~~ it is not denied that a post of Head Clerk/Accountant fell vacant on 31/1/1984, but against it Shri A.B.Dhar was promoted genuinely from the selected list. There was no violation of norms in offering the promotion to Shri A.B.Dhar instead of the petitioner who declined once to accept promotion.

14. That with regard to para - 5.1 & 5.2 in OA, the respondents beg to state as the recruitment rule is changed rendering him ineligible for promotion as per select ~~in~~ list of 1981 and also the petitioner immediately preceeded on retirement on 18/3/1996 the petitioner was not entitled for any promotion. Therefore, the petitioner's attempt to mix up ~~this~~ his promotion with vigilance case is not justified.

15. That with regard to para 5.3 & 5.4 in OA the respondents beg to state that the petitioner's contention that he was compelled to ~~go~~ go on invalid pension is not correct when he himself applied for the same. It is worthwhile to mention that after his invalid pension from 18/3/1996, he managed compassionate appointment for his son in the same department and only after such achievement, the petitioner has not left any corner to get undue advantage of preferential promotion after a period

of about 20 years and creating unnecessary harassment and problems for the respondents as well as for the department as a whole when he is ceased to be an employee after retirement.

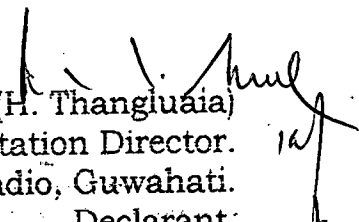
16. That with regard to para 6 to 12 the respondents beg to offer no comments.

v e r i f i c a t i o n . . . .

## VERIFICATION

I, Shri H. Thangluaia presently working as Selection Grade Station Director be duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 2 to 10, 14 to 16 .....are true to my knowledge and belief, these made in para 11 and 13 .....being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this 19<sup>th</sup> day of June 2002.

  
(H. Thangluaia)  
Station Director.  
All India Radio, Guwahati.  
Declarant.

केन्द्र निदेशक  
Station Director  
आफ़्ताबाद, गुवाहाटी  
All India Radio, Guwahati.

H-1

72  
Filed by me  
applicant  
Through  
Sudana Chatter  
Advocate  
12/07/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
AT GUWAHATI

ORIGINAL APPLICATION NO.168 OF 2001

Sri Rabin Nunia ... Applicant

-Versus-

Union of India and

Others ... Respondents

-AND-

IN THE MATTER OF :

Written statement and Reply thereon  
filed by the applicant.

The humble applicant most respectfully  
Sheweth :-

1. That the applicant filed O.A. No.168/2001 before this Hon'ble Tribunal praying for giving direction to the respondents to give the notional promotion to the post of Head Clerk/Accountant w.e.f. 30-1-84 and also Administrative Officers w.e.f. 29-9-94. In the said application respondents (Prasar Bharati) filed W.S. (written statement). The statements which are matter of records are admitted by this applicant. Rest of the statements which are not specifically admitted under this affidavit are hereby denied.

2. That it is a fact that the applicant retired on 18-3-96 on medical invalidity after completion of

Contd.



process. It is also a fact that the son of the applicant was provided a job on compassionate ground under the scheme of the authority.

3. That the applicant states that on 18-5-2001 the applicant filed O.A. No.168/01. It may be mentioned here that the applicant in 1998 filed O.A. No.128/98 and this Hon'ble Tribunal directed the respondents to dispose of his representation dated 26-3-97 by passing a speaking order with further observation that if the applicant is still aggrieved he may approach this Hon'ble Tribunal. By order dated 25-1-99 i.e. after expiry of five (5) months representation was disposed of violating the order of this Hon'ble Tribunal because Hon'ble Tribunal directed to pass order within a period of one month. The respondents accepted the submission and the statements made in the representation. It is absolutely incorrect that the applicant forfeited his right of promotion. After getting selection the respondent transferred <sup>on promotion</sup> six (6) persons including the applicant by order dated 30-4-82. The applicant and Shri A.B. Dhar both of them declined and as such debarred from promotion for one year.

In the meantime the applicant put under suspension w.e.f. 18-4-83 and Shri A.B. Dhar who was junior to the applicant promoted by order dated 31-1-84. It is absolutely incorrect that the applicant lost his promotional avenue from his refusal. The matter of promotion

dated 30-4-82 is very much specific that if any of the promotee does not accept he will be placed under ban for a period of one year and an offer will be made only after banned period.

In the promotion order dated 30-4-82 name of applicant appears at Serial No.1 and name of Shri A.B. Dhar appears at serial No.4. It is categorically stated that the applicant joined in service as Stenographer on 23-11-72 whereas Shri A.B. Dhar joined on 1-2-74 as L.D.C.

Copy of the order dated 30-4-82 is annexed as Annexure-A.

5. That the applicant states that by letter dated 12-5-82 Shri A.B. Dhar was <sup>offered</sup> ~~afforded~~ promotion to the post of Accountant and the same was declined by Shri Dhar and intimated by application dated 5-6-82 which is referred in letter dated 8-6-82.

Copy of letter dated 17-5-82 and 2-6-82 are annexed as Annexure B & C respectively.

6. That the applicant begs to state that Sri A.B. Dhar by his application dated 27-12-83 requested the authority to give him promotion to the post of Head Clerk/Accountant/Senior Storekeeper. Since the applicant was at the relevant time under suspension Sri Dhar was promoted w.e.f. 30-1-84. In fact Sri Nunia ought to have been promoted to the post of Head Clerk/Accountant/Senior Store Keeper as he was/is senior to Mr.A.B. Dhar.

Copy of application dated 27-12-83 filed by  
Shri A.B. Dhar is annexed as Annexure-D.

7. That the applicant begs to state that it is absolutely incorrect that the applicant was not qualified for promotion. In fact vide Annexure-1 dated 30-12-81 is apparently clear that the applicant was selected at serial No.6 under Roll No.216 under the promotion order itself indicates that the applicant not forfeited his right of promotion on refusal for personal difficulty but one year ban was imposed. It is also absolutely incorrect that Annexure-3 Memo dated 13-7-82 was issued erroneously because the order of promotion/ appointment dated 30-4-82 supports the contents of order dated 13-7-82. The statements is misleading to this Hon'ble Court. The applicant reiterates that due to disciplinary proceeding against the applicant he was not promoted. If declined or refusal forfeit the avenue of promotion then it ought to have been equally applicable in case of Sri A.B. Dhar because he had also declined to accept promotion which is apparent from Annexure-C & D.

8. That the applicant beg to state that Hon'ble President of India referred the case of the applicant before the U.P.S.C. and U.P.S.C. advised to stand the order of setting aside of penalty of the applicant and further advised not to hold fresh inquiry and also to refund the amount recovered from the applicant allegedly misappropriated by the applicant. Accordingly by order

Contd.

dated 26-7-94 the Hon'ble President of India orders that (1) setting aside of penalty imposed upon the applicant shall stand ; (2) No fresh inquiry shall be held; (3) The amount of L.T.C. recovered from the applicant should be refunded. Accordingly, the Station Director by his order dated 30-3-95 passed order as follows :-

- i) That Shri Nunia's services will be regularised.
- ii) That Shri R. Nunia will be entitled for full pay and allowances w.e.f. date of suspension i.e. 18-4-83.
- iii) That Shri Nunia will be entitled to all the benefits of leave, pension, L.T.C. etc. from the date of entire period i.e. from 18-4-83 with immediate effect.

And as such the respondents cannot deny service condition like promotion to the applicant.

10. That the applicant was appointed as Stenographer (Junior Grade) and joined on 23-11-1972 at the Scale of Rs.130/- to Rs.320/- which was revised to Rs.330/- to Rs.560/- w.e.f. 1-1-1973 and Rs.1200/- w.e.f. 1-1-1966. Shri A.B. Dhar was appointed as L.D.C. and joined in service on 1-2-1974 in the Scale of Rs.110/- which was revised to Rs.260/- to Rs.400/- w.e.f. 1-1-73 and Rs.950/- w.e.f. 1-1-1986.

VERIFICATION

I Shri Rabia Nunia, S/O Late A. Nunia,  
aged about 54 years resident of Maleogram, Silchar-3  
do hereby state and verify that the statements  
made in paragraphs 1; 2; 3; 4; 5; 6; 7; 8; 9 and 10 are  
true to my knowledge and belief and I verify the same.

Rabia Nunia

SIGNATURE

- 7 -

Annexure - A.

78

**OFFICE OF THE DY. DIRECTOR GENERAL**  
**ALL INDIA RADIO, GUWAHATI**

No. DDG(NE)/Trans. HC/ACCTT/82.83/3247

Dated 30.4.82

**TRANSFER/APPOINTMENT ORDER**

Following appointments and Transfers are ordered with immediate effect: -

Present Posting	New Place of Posting	Remarks
1. Shri R. Numia, Steno: AIR, Silchar	Acctt. AIR, Imphal	Examination Candidate
2. Shri B. P. Chakravarty, CG-I, AIR, Shillong	Acctt. AIR, Silchar	-do-
3. Shri S. Bhattachariya Steno, AIR, Silchar	Senior Storekeeper AIR, Kohima vice Shri Mahadev Sharma transferred to AIR, Gauhati	-do-
4. Shri A. B. Dhar CG-I, AIR, Silchar	Acctt. AIR, Tawang	-do-
5. Shri K. Kalita, Ad-hoc Acctt, AIR, Tawang	CG-I, CCW, AIR, Gauhati-3	He will leave Station only when Shri A. B. Dhar joins
6. Shri D.B.Choudhury, CG-I CCW, AIR, Gauhati	Posted as CG-I to AIR, Shillong vice Shri B.P.Chakravarti transferred to Silchar	

It may be noted that if any of the Examination candidate does not accept this offer he will be placed under a ban for a period of one year and an offer will be made to him only after that period if any examination point is available. He may note that in such an eventuality he will be junior to any candidates appointed before him. Shri D. R. Sharma(Ad-hoc) CCW is now regularised and shall join as a regular accountant with effect from the date he takes over and be on a probation for two years.

Did not accept

Sd/-  
(J. D. BAVEJA)  
DY. DIRECTOR GENERAL

Copy to SD: AIR, Gauhati with reference to his letter No. 24(3)/82-S dated 27<sup>th</sup>/29<sup>th</sup> April 82 for information.

Copy to :- SD: AIR:Silchar.  
Copy to :- SD: AIR:Imphal.  
Copy to :- SD: AIR:Kohima  
Copy to :- SD: AIR:Tawang  
Copy to :- SD: AIR:Shillong

Sd/-  
(J. D. BAVEJA)  
DEPUTY DIRECTOR GENERAL

**Government of India  
All India Radio: Tawang**

TWC. 1(4)/81-82-S/861

Dated Tawang the 12<sup>th</sup> May, 1982

**OFFER OF APPOINTMENT**

In accordance with the Transfer order no. DDG(NE)/TRANS.HC/ACCTT/82.83./3247. Transfer dated 30.4.82 from the Deputy Director General (AIR), All India Radio, Guwahati, Shri A. B. Dhar, Clerk Grade - I, All India Radio, Silchar is appointed to the post of Accountant on regular basis in the pay Scale of Rs. 425 - 700 at All India Radio, Tawang with effect from the date he reports for his duties at this Station.

In the event of his willingness as Accountant he should submit his acceptance to the undersigned on or before 15.6.82.

Sd/-

(P. D. SHIRA)

ASSISTANT STATION, DIRECTOR

Shri A. B. Dhar,  
Clerk Grade - I  
All India Radio, Silchar

Copy for information to :-

1. The Station Director, All India Radio, Silchar, is requested to relieve Shri A. B. Dhar, CG - I immediately so as to enable him to join his new assignment.
2. The Deputy Director General, (NER), All India Radio, Gauhati with reference to his order No. DDG(NE)/I HC/Acctt/82-83 dated 30.4.82.
3. The Station Director, All India Radio, Gauhati.
4. Personal file of Shri A. B. Dhar.

Sd/P.D.SHIRA

ASSISTANT STATION DIRECTOR

**GOVERNMENT OF INDIA**  
**ALL INDIA RADIO: SILCHAR**

SLC-1(5)/82-S/5057 - 58/966

Dated, Silchar, the 7<sup>th</sup> June/ 82

To,  
The Assistant Station Director,  
All India Radio,  
Tawang

Subject - Appointment in the grade of Accountant  
Reference - Your endorsement of Order No. TWG - 1(4)/82-83/861 dated 12<sup>th</sup> May/82.

Sir,

In continuation of this office letter of even number dated 1<sup>st</sup> June, 1982 on the subject mentioned above.

It is stated that Shri A. B. Dhar, Clerk Grade - I at this station who is under order of transfer on promotion as Accountant at your Station has intimated his inability to the offer vide his application dated 5-6-1982.

The application submitted by Shri Dhar is also sent herewith for information and necessary action at your end.

Yours faithfully  
Sd/

(T. R. MALAKAR)  
STATION DIRECTOR

Encl.- As above

SIC-1(5)/82-S/

/Dated, Silchar the 7<sup>th</sup> June/82

Copy to:

1. The Dy. Director General(SR), All India Radio, Gauhati together with a copy of the application dated 5.6.1982 submitted by Shri A. B. Dhar, Clerk Grade -I at this Station who is under order of transfer on promotion to AIR, Tawang.
2. The Station Director, all India Radio, Gauhati for information.

Sd/  
(T.R. MALAKAR.)  
STATION DIRECTOR



Annexure - D.  
81

To  
The Deputy Director General (NER),  
All India Radio,  
Gauhati-781003.

( Through proper channel )

Sub:- Request for promotion to the post  
Head Clerk/Accountant/Senior  
Store-Keeper.

Sir,

With due respect and humble submission I  
have the honour to write you the following few lines for  
your kind consideration:-

Sir, I appeared the Departmental Examination  
for promotion to the post of Head Clerk/Accountant/Senior  
Store-Keeper in 1981 and came out successful and subsequently  
I was offered the post of Accountant at AIR, Tawang in May, 82  
but could not accept the offer due to some unavoidable  
circumstances and I was placed under ban for one year  
upto 31-5-1983. It is presumed that now I am due for promotion  
to the post of Head Clerk/Accountant/Senior Store-Keeper.

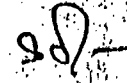
Sir, it is learnt from a reliable source  
that a post of Senior Store-Keeper at AIR, Kohima is lying  
vacant.

Sir, in view of the above I fervently  
request your honour to kindly consider my case for promotion  
to the post of Head Clerk/Accountant/Senior Store-Keeper at  
AIR, Kohima and for which I shall be grateful to you,

Thanking you sir,


Dated Silchar, the 27th  
December, 1983.

Yours faithfully,

  
( A. B. DHAR )  
Clerk Grade-I, AIR, Silchar

Copy to:-

The Station Director, All India Radio, Gauhati  
for consideration.

  
( A. B. DHAR )  
Clerk Grade-I, AIR, Silchar