

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Orginal No. 100/2002
Misc. Petition No. /
Contempt Petition No. /
Review Application No. /

Applicant(s) Smt. Sumitra Das

Respondent(s) N.O.I. 90m

Advocate for Applicant(s) Mr. K.K. Phukan

Advocate for Respondent(s) Case

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
This is application for C. P. for Rs. 50/- C. P. No. 1 vide IP/3D 76549/542 Dated 21.3.2002 By Registrar	27.3.02 PP	Heard Mr. K.K. Phukan, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. The application is admitted. Call for the records. List on 26.4.2002 for orders.
Stamps and and entries not deposited	mb	
Slips taken, Notice preferred and sent to D.S. for my side Bench warrant No 1 to 7 by Regd A.I.O.	26.4.02	No written statement so far filed. Mr. A. Deb Roy, Sr. C.G.S.C. prays for time to file written statement. List on 24.5.02 for orders.
D/N. 1110.W.1116 Dtd. 24/4/02	lm	

(3)

O.A. 100 of 2002

No. written statement
has been filed.

23.5.02

24.5.02 List on 28.6.2002 to enable the
Respondents to file written statement.

No. W.S has been
filed.

24.6.02

Vice-Chairman

mb
28.6.02 List on 26.7.02 to enable the
respondents to file written statement

Vice-Chairman

1m

15.7.02

W/S submitted
by the Respondents.

26.7.02 Written statement has been
filed. Case is ready for hearing.
List for hearing on 6.9.02.

I.C.U.Shah
Member

1m

Phukan

6.9. Patravir to 9.9.2002

Mr.
A.K.Roy
6.9.

9.9.02 None appears for the applicant when
the matter was called upon. List on 11.10.02
for hearing.

Vice-Chairman

mb

11.10.02 Mr.K.K.Phukan learned counsel
for the applicant prays for adjournment
due to his personal difficulty. Mr.A.Deb
Roy, Sr.C.G.S.C. has no objection.
List on 29.11.02 for hearing.

I.C.U.Shah
Member

1m

Note of the Registry	Date	Order of the Tribunal
WLS has been listed	29.11.02 <u>33/12</u> 17.12.02	Heard Mr. K.K. Phukan, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. List on 18.12.2002 to enable Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents to obtain necessary instruction.
	mb <u>18/12/2002</u>	NO representation. List on 22.1.2003. M/s. A.F.J.
5.3.2003 Copy of the Judgment has been sent to the D/o/c for issuing the same to the applicant as well as to the D/o/c/o.	22.1.	Single bench did not sit today. The case is adjourned to 21/2/2003.
	21.2.2003 nkm	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.

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Note of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / XXXX No. 100. . . . of 2002

21.2.2003
DATE OF DECISION
LAW & ORDER

Smt Sumitra Das APPLICANT(S).

Mr K.K. Phukan ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others RESPONDENT(S).

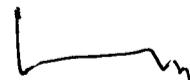
Mr A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

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 ?

Judgment delivered by Hon'ble Vice-Chairman



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.100/2002

Date of decision: This the 21st day of February 2003

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

Smt Sumitra Das
Wife of Late Kala Ram Das,
Resident of Village- Sonitpur,
P.O.- Biswanath Chariali, P.S. Chariali,
District- Sonitpur, Assam.Applicant
By Advocate Mr K.K. Phukan.

- versus -

1. The Union of India, represented by
The Secretary,
Department of Telecom,
Government of India,
New Delhi.
2. The Chairman
Bharat Sanchar Nigam Ltd.,
New Delhi.
3. The Chief General Manager,
Assam Circle,
Bharat Sanchar Nigam Ltd.,
Guwahati.
4. The Telecom District Manager,
Bharat Sanchar Nigam Ltd.,
Tezpur,
District- Sonitpur, Assam.
5. The Divisional Engineer,
Bharat Sanchar Nigam Ltd.,
Office of the T.D.M., Tezpur,
District- Sonitpur, Assam.
6. The Sub-Divisional Engineer,
Phones (Gr.),
Bharat Sanchar Nigam Ltd.,
Biswanath Chariali,
District- Sonitpur, Assam.
7. The Chief Accounts Officer,
(DDT CELL),
Bharat Sanchar Nigam Ltd.,
Assam Circle, Guwahati.Respondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

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O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The isssue relates to payment of retiral benefits to an employee since deceased.

2. The husband of the applicant Shri Kala Ram Das, since deceased, attained the age of superannuation as Line Inspector on 30.9.1997. According to the applicant, the wife and legal heir of Late Kala Ram Das, the respondents failed to settle the claim of retiral benefits despite representations submitted to the authority. Hence this application praying for a direction for payment of her retiral benefits.

3. It is seen from the pleadings that the husband of the applicant was placed under suspension by order dated 18.9.1997 in contemplation of a disciplinary proceeding. By Memo dated 22.9.1997, the department decided to hold an enquiry under the CCS (CCA) Rules, 1965. The husband of the applicant submitted his explanation and the said proceeding continued during the lifetime of the applicant's husband. According to the applicant in the aforementioned case the Presenting Officer submitted his prosecution brief to the applicant's husband on 15.7.1999 and the applicant's husband submitted his defence brief to the Inquiring Authority on 20.3.1999. However, before conclusion of the proceeding the husband of the applicant died on 8.7.2001.

4. The respondents submitted their written statement and stated that on the death of the husband of the applicant the disciplinary proceeding could not be concluded.....

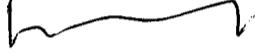
concluded and in terms of the O.M.No.11012/7/99-Estt(A) dated 20.10.1999, the disciplinary proceeding stood terminated and vide order dated 19.1.2001 the disciplinary proceeding was accordingly closed. It was also stated that the provisional pension was paid to the applicant's husband during the disciplinary proceeding as per the norms. It was also stated in the written statement that the husband of the applicant was wrongly retained in service beyond the date of superannuation and he worked for more than seven years after attaining the age of superannuation, and therefore, an excess payment of pay and allowances amounting to Rs.3,39,515/- was made to him. Accordingly the respondents took steps to regularise the excess payment. The respondents further stated that the payment of DCRG etc. would be settled after the excess payment made to the husband of the applicant was settled by the appropriate authority. From the written statement it also appears that leave encashment amounting to Rs.25,312/- had been paid and monthly family pension was also sanctioned at Rs.1275/- per month.

5. On consideration of the materials on record it thus transpires that the disciplinary proceeding initiated against the applicant stood dropped. In that view of the matter the respondents are to take steps for payment of DCRG to the applicant without further delay. The alleged excess payment of pay and allowances to the husband of the applicant as mentioned in the written statement needs to be written off since the proceeding itself stood terminated. Therefore, there is no justification for withholding the DCRG and payment of other dues admissible to the late husband of the applicant. In view of the facts and

circumstances.....

circumstances of the case the respondents are accordingly directed to take prompt measures for settling the claim of retiral benefits accrued to Late Kala Ram Das by completing all the formalities. The respondents are accordingly ordered to complete the aforesaid exercise as early as possible, preferably within a month from the date of receipt of the order for settling the retiral benefits and payment of DCRG etc.

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


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

22/11/2002
Guwahati Bench

Filed by
Smti Sumitra Das
- Appellant
Through -
Advocate
21/3/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BRANCH
GUWAHATI.

(An application under Section 19 of the
Administrative Tribunal Act 1981)

D.A. No. 100 Of 2002.

Smti Sumitra Das

Wife of Late Kala Ram Das,

Resident of Village Sonitpur,

P.O. Biswanath Chariali,

P.S. Chariali,

Dist. Sonitpur, Assam.

..... Appellant.

- Versus -

1. Union of India, represented by the
Secretary, Department of Telecom,
Govt. of India, Sanchar Bhawan,
New Delhi - 110001.

2. The Chairman,

Bharat Sanchar Nigam Ltd.,

Sanchar Bhawan, New Delhi-110001.

3. The Chief General Manager,

Assam Circle, Bharat Sanchar Nigam Ltd

Guwahati - 781007.

4. The Telecom District Manager

Bharat Sanchar Nigam Ltd., Tezpur,

Dist. Sonitpur, Assam.

Contd... p/

5. The Divisional Engineer

Bharat Sanchar Nigam Ltd.,

O/o the T.D.M., Tezpur,

District Sonitpur, Assam.

6. The Sub-Divisional Engineer

Phones (Gr.),

Bharat Sanchar Nigam Ltd.,

Biswanath Chariali,

District Sonitpur, Assam.

7. The Chief Accountant Officer

(DOT CELL),

Bharat Sanchar Nigam Ltd.,

Assam Circle, Guwahati - 781007.

..... Respondents.

Particulars of the case against which the application is made :-

i) Non-Fixation and non-payment of regular pension, gratuity and other retirement benefits of the applicant's husband Kala Ram Das who retired as Line Inspector from the Office of the S.D.E. (Gr.), Biswanath Chariali (B.S.N.L.) on 30.09.1997 and non-payment of monthly salary since the date of superannuation retirement till the death of the delinquent treating the period as regular service.

ii) Impugn, arbitrary and unfair actions of non-payment of family pension, gratuity and other retirement benefits to the applicant after death of her husband Kala Ram

Das who expired on 08.07.2001.

iii) Non-consideration of the applicant's representation dated 30th August' 2001 praying for releasing gratuity, family pension and other retirement benefits in the event of death of her husband Kala Ram Das who retired as Line Inspector from the respondents department on 30.09.1997.

2. Jurisdiction of the Hon'ble Tribunal :-

The applicant declare that the subject matter of the orders are within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :-

The applicant further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act' 1985.

4. Facts of the case :-

That the applicant is the wife of Late Kala Ram Das. Late Kala Ram Das was the regular employee of the respondent's department and retired as Line Inspector from the Office of the S.D.E. (Gr.) Biswanath Chariali on 30.09.1997 at the age of superannuation. ~~Biswanath Chariali on 30.09.1997 at the age of Superannuation.~~ After retirement said Kala Ram Das expired on 08.07.2001 leaving behind him his wife, the applicant, and three sons namely Sri Nitu Das aged about 34 years, Sri Jiten Das, aged about 31 years and Sri Niranjan Das, aged about 26 years.

ii) That the applicant respectfully state that her

husband Late Kala Ram Das was first worked under Muster Roll in the Respondent Department for several years. Thereafter he was appointed as Line Workman w.e.f. F/n of 05.02.1962 vide order no. Q-413/3 dated 10.02.1962 of the Sub-Divisional Officer, Telegraphs, Guwahati. Subsequently after having rendered services in different places and in different capacities rose to the post of Line Inspector of Phones under S.D.E. Phones, Biswanath Chariali from which post the applicant's husband was retired from his service on 30.09.1997 (AN) at the age of superannuation counting the date of birth as 29.09.1939 as recorded in the service book. It is to be stated here that the said superannuation retirement of the applicant's husband was provisional and same was subject to finding of the charge sheet served by T.D.M., Tezpur vide his Letter No. T.D.M./TEZ/1006/DIS/KRD/3 dated 22.09.1997 and suspension Order No. T.D.M./TEZ/1006/DIS/KRD/I dated 18.09.1997.

Photocopies of the aforesaid orders of appointment and superannuation are annexed herewith and marked as Annexure-I & IV respectively.

iii) That the applicant's said husband received notice of retirement issued under Memo No. E-52/Pen/Rig/96-97/140 dated 03.03.1997 by the Telecom District Manager, Tezpur, whereby it was informed that applicant's husband Kala Ram Das would retire from service w.e.f. 30.09.1997 and asked to submit pension papers to the authority concerned in time.

Contd... p/

SECRET

Accordingly applicant's said husband submitted the pension papers as directed *vide* letter referred to above.

iv) That to the utter surprise the applicant's said husband received order No. TDM/TEZ/1006/DIS/KRD/I dated 18.09.1997 of the Telecom District Manager, Tezpur placing the applicant's husband under suspension with immediate effect contemplating a disciplinary proceeding against the applicant's husband. The applicant's husband also *said* received a memorandum No. TDM/TEZ/1006/DIS/KRD/3 dated 22.09.1997 proposing to hold an inquiry against the applicant's husband under Rule 14 of the CCS(CCA) Rules, 1965 enclosing therewith article of charges under Rules 3(i)(i) & (iii) of CCS (conduct) Rules, 1964 and directing the applicant's husband to submit a written statement of defence within 10 days from the date of receipt of the said memorandum. The applicant's husband received the aforesaid order dated 18.09.1997 and Memorandum dated 22.09.1997 on 24.09.1997.

The charges leveled against the applicant's husband was in brief that the applicant's said husband, Kala Ram Das submitted false information by recording different dates of birth on different documents, overstayed in service and deceived the department *knowingly* knowingly and intentionally for his personal gains. Thus he failed to maintain absolute integrity and acted in a manner which is unbecoming of Government servant contravening rules 3(i)(i) & (iii) of CCS (conduct) Rules, 1964.

Photocopies of the aforesaid Office Order of Suspension dated 18.09.1997 and Memorandum of Article of Charges dated 22.09.1997 are annexed herewith and marked as Annexure-III & IV respectively.

v) That the applicant's said husband submitted his written statement of defence against the aforesaid charge sheet denying all the charges leveled against him on 04.10.1997.

Photocopy of the aforesaid written statement is annexed hereto and marked as Annexure-V.

vi) That thereafter observing usual formalities the Inquiry Authority conducted the inquiry against the applicant's husband on 24.03.1998, 15.05.1999, 20.05.1999 & 02.07.1999. During the course of inquiry the Presenting Officer examined 3 (three) state witnesses and exhibited as many as 10 (ten) documents in support of the charges framed against the applicant's husband and the said witnesses were cross examined by the Defence Assistant. Thereafter the Presenting Officer submitted his prosecution brief to the applicant's husband on 15.07.1999 and the applicant's husband submitted his defence brief through his Defence Assistant to the Inquiring Authority on 20.03.1999.

vii) That thereafter the applicant's husband had not heard anything about the fate of the disciplinary proceeding

till his death on 08.07.2001 and after his death till today the applicant also has not heard anything about the findings of the said disciplinary proceeding.

viii) That the applicant respectfully state that the delay in finalisation of the disciplinary proceeding against the applicant's husband led her husband to immense suffering mentally, physically and financially. However, the receipt of suspension Order, the charge sheet and the retirement Order within a span of one week had given a rude shock to the applicant's husband and as a result of which different ailments had attacked the applicant's husband needing specialised treatment ~~at~~ regular intervals. This constant suffering of the applicant's husband due to mental tension for continuing the disciplinary proceeding after retirement and non-finalisation of the same even after four years of retirement, the applicant's said husband had suffered shortage of life and accordingly he died on 08.07.2001.

ix.) That pending departmental proceeding the applicant's husband was allowed to draw a provisional pension which was a very ~~meagre~~ amount not sufficient to meet both ends particularly to meet the medical expenses and to maintain his family. That provisional pension was also not paid monthly/regularly which had aggravated the mental and physical sufferings of the applicant's husband. However the ^{received} said provisional pension had been ^{by} the applicant's husband upto the month of May' 2001.

22/6/2011 TPS

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x) That the applicant respectfully state that her husband Kala Ram Das expired on 08.07.2001 at Bora Nursing Home, Biswanath Chariali, Dist Sonitpur, Assam and the applicant is the legally married wife of the said Late Kala Ram Das and said Kala Ram Das did not marry anyone else except the applicant during his life time and at the time of his death, he had left behind this applicant and three sons namely Sri Nitu Das, Sri Jiten Das and Sri Niranjan Das who are all staying with the applicant under her full care, guidance and the applicant has maintaining them all and being only guardian of the family do all the transactions including monthly rent. As such the applicant is eligible for receiving family pension after the death of her said husband and accordingly the applicant has submitted the required pension papers along with death certificate of her husband, legal heir certificate, and an affidavit and requested the authority concern vide her application dated 30th august 2001 to release of gratuity, regular pension and other retirement benefits in respect of Late Kala Ram Das who retired from service on 30.09.1997 as Line Inspector, from the Office of SDE (Gr.) Bharat Sanchar Nigam Limited, Biswanath Chariali.

Photocopies of the aforesaid application dated 30.09.2001 regarding release of gratuity, pension etc. death certificate, legal heir certificate and the affidavit of the applicant are annexed hereto and marked as Annexure-VI, VII, VIII & IX respectively.

xi) That the applicant respectfully state and submits that if disciplinary action is sought to be taken against her husband it must have been done before he retired on superannuation. As such the disciplinary proceeding cannot continue against her husband after his superannuation retirement.

xii) That the applicant further submits that if the respondent authority intended to proceed with the disciplinary proceeding against her husband after 30.09.1997 that is the date of superannuation retirement, it was obligatory for the disciplinary authority to retain her husband in service until the inquiry into the charges is concluded and final order is passed thereon by the disciplinary authority instead of sending her husband on retirement with effect from 30.09.1997 (A.N.). As such the action of the disciplinary authority to send the applicant's husband on retirement in violation of the existing law during the pendency of the disciplinary proceeding and the delay in finalising the disciplinary proceeding have caused irreparable losses and injuries to her husband.

xiii) That it is submitted that the applicant's husband had submitted ~~numbers~~ ^{for releasing} of representations, retirement benefits and for finalising the disciplinary proceeding but no initiatives had been taken by the authority concerned till his death on 08.07.2001.

xiv) That the applicant most respectfully submits that the actions and non-actions of the respondent authorities with regard to non-granting family pension and other retirement benefits including arrear payments of her husband are all vitiated by the doctrine of malice-in-law and malice-in-fact and the same are arbitrary, unfair, unjust and bad in law and liable to be set aside and quashed.

xv) That this application is made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

I) For that non-granting of family pension and other retirement benefits after the death of the applicant's husband, Kala Ram Das, retired employee of the respondent department is illegal, arbitrary and unfair and liable to be set aside and quashed.

II) For that non-fixation of pension of the applicant's husband, Kala Ram Das, the respondent department after four years of his retirement and after receiving pension papers in time is illegal, arbitrary, against the mandatory provision of law and violated the Fundamental Rights of the appellant's husband.

III) For that drawing Disciplinary Proceeding and continuing the same without finalising for long

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period of four years after retirement of applicant's husband is highly illegal, unjust, unfair and arbitrary and liable to be set aside and quashed.

IV) For that non-treating the period since 01.10.1997 i.e. from the date of superannuation till the death of applicant's husband i.e. upto 08.07.2001 as regular service period and making payment of monthly salary with interest for that period are also illegal, unjust and bad in law.

V) For that delay in finalisation of the disciplinary proceeding/against the applicant's husband for a long period of four years after retirement is nothing but denial of justice.

VI) For that in any view of the matter the actions of the respondents authority for non-granting pension, gratuity and other retirement benefits including family pensions are all illegal and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant has submitted representations praying for releasing pensions, gratuity and all other retirement benefits in the event of death her husband, Kala Ram Das, who retired as Line Inspector on 30.09.1997 from the respondent department.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declare that she has not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. RELIEF SOUGHT :

It is, therefore, prayed that Your Lordship's would be pleased to admit this application, call for the entire records of the case, ask the respondent to show cause as to why they should not be directed to grant family pension, gratuity and other retirement benefits including arrear payments of the applicant's husband, Kala Ram Das, who retired as Line Inspector from the Respondent Department and as to why ^{not} respondent should be directed to finalise the departmental proceeding drawn against the applicant's husband and as to why ^{not} respondent should be directed to fix the pension, gratuity and other retirement benefits of the applicant's husband and as to why monthly salary with interest as admissible shall not be paid for the period ^{he} from date of superannuation retirement till

his death and/or as to why such other order/orders or directions shall not be issued as Your Lordship's may deem fit and proper ^{and} upon the hearing the parties, perusal of records make the rule/order be absolute.

And for this act of kindness, the applicant as in duty bound
shall ever pray.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

It is, further prayed that Your Lordship's would be pleased to direct the respondent authority to grant provisional pension to the family members of Kala Ram Das who retired as Line Inspector from the respondent department and who expired on 08.07.2001 ^{pending disposal of the disciplinary} _{may} proceeding drawn against the applicant's husband.

10. The application will be presented by the Advocate of the applicant.

11. Particulars of the Postal Order in respect of the application fee :

I.P.O. NO. DATED ISSUED BY THE

Guwahati P.O. payable at Guwahati is enclosed.

12. LIST OF ENCLOSURES :

- I. Annexure-I Appointment Order.
- II. Annexure-II Superannuation order.
" II(a) - *Released order*.
- III. Annexure-III Suspension Order dated 18.09.1997
- IV. Annexure-IV Memorandum of Article of charges dated 22.09.1997.
- V. Annexure-V Written Statement of Defence.
- VI. Annexure-VI Application of Release of Gratuity, pension dated 30.08.2001.
- VII. Annexure-VII Death Certificate.
- VIII. Annexure-VIII Legal Heir Certificate.
- IX. Annexure-Ix Affidavit of the applicant.

VERIFICATION.

I, Smti. Sumitra Das, wife of Late Kala Ram Das, aged about 52 years, resident of village Shantipur, P.O. Biswanath Chariali, in the district of Sonitpur, Assam, do hereby verify and certify that the contents in paragraphs I, VII, VIII, X, XI, XII, XIII, XIV are true to my personal knowledge and those in paragraphs II, III, IV, V, VI, IX are true to the best of my information which have been derived from records which I believe to be true and that I have not suppressed any material fact.

I, sign this verification on this the 21st day of March 2002 at Guwahati.

Date :

২১ মার্চ ২০০২

S I G N A T U R E.

INDIAN POSTS & TELEGRAPHS DEPARTMENT.

Extract from the orders of Sub Divisional Officer Telegraph Gauhati, during the month of February 1962.

Name and Rank: Sri. Kalaran Das, Ty Lineworkman.

Date from which this order is effective: F/H of 5/2/1962.

Appointed as Temporary Lineworkman Telegraphs with effect from the F/H of 5/2/1962 on the scale Re.70-1-
-80-EB-1-85 with the usual allowances. This appointment does not confer any claim for future benefits and is subject to the condition of discharge without notice.

[Signature] S.D.O. Telegraphs, Gauhati.

No. Q-413/3 dated at Gauhati the 10th February 1962.

Copy forwarded for information to:-

- 1) Sri. Kalaran Das, Ty Lineworkman, through E.S.T. Tezpur.
- 2) E.S. Telegraphs, Tezpur.
- 3) Divisional Engineer Telegraphs, Gauhati Division at Shillong.

[Signature] S.D.O. Telegraphs, Gauhati.

[Signature]
Certified to be true copy
K. K. Phukan
Advocate

OFFICE OF THE D.D.O. & CHIEF ENGINEER (P&A)
DARJEELING DISTRICT, SIKKIM, INDIA

b.

The D.D.O./Ranipore/Tezpur.

" D.D.O./Charail .

Ex. No. 52/P on/10/96-97/140

Dated at Tezpur, the 3-3-97 .

Subject: Superannuation .

The following officials will be retired due to superannuation on the date as mentioned against each. Hence suitable order may please be issued under intimation to this office on the date as mentioned against each. They may be instructed to obtain pension from this office as early as possible .

1. D.D.O. Name of officials Ranipore. Date of superannuation Unit under

____	____	____	____
1.	Sri Gouranga Ch. Das .	14-11-96	30-07-97
2.	" Kala Ram Das .	14-11-96	30-09-97

Sdy

Divisional Engineer (P&A) ,

O/o the D.D.O., Tezpur-784001.

Copy for information & n/a to:-

1) The A.O. (D.A), O/o the C.I.M. Telegraph, Guwahati-7.

2) - Officials concerned , Sh. Kala Ram Das & Telephone
4-517/F concerned . Exchange, C.I.

3) The A.O. (Cash) , O/o any Tezpuring they are requested to keep

4) The D.S.C (Cash) , O/o D.S.C/Tezpur. Note the date of superannuation
and act accordingly
for the purpose of deptl.
Recovery etc.

5) The A.M.C.O. , O/o D.S.C/Tezpur. He is requested to ^{update in} O/o of the above
officials .

6) Office copy

*Certified to be true copy
Bishnubhakar
Secretary*

Divisional Engineer (P&A) ,

O/o the D.D.O., Tezpur-784001.

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE SUB-DIVISIONAL ENGINEER PHONES (GR) BISWANATH CHARIALI-784126.

To,

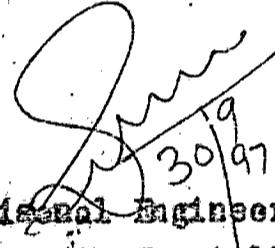
Sri Kalaran Das L.I.
Chariali Telephone Exchange

No. :- 471/K.R.Das/CLI/97-98/12 Dated at Chariali, the 30.9.97

Sub :- Superannuation .

Ref :- No. II-52/Pen/Hl3/96-97/140 Dated at Tezpur , the 3.3.97.

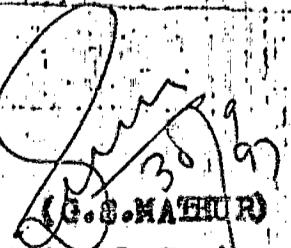
As per D.E.(P&A) O/O the T.D.M, Tezpur letter No. referred above the date of your superannuation is 30.9.97. Hence you are hereby released from the strength of this Sub-Division w.e.f 30.9.97 A/W on Superannuation retirement provisionally subject to finding of the charge sheet served by T.D.M , Tezpur vide his letter No .TDN/TEZ/1006/DIS/ KRD/3 Dtd. 22.9.97 and suspension order No.TDN/TEZ/1006/DIS/ KRD/1 Dtd. 18.9.97 received by you on 24.9.97 .


Sub-Divisional Engineer Phones (Gr)
Biswanath Chariali-784126.

Copy to :-

1. T.D.M/Tezpur for information .
2. D.E.(P&A) , O/O the T.D.M/Tezpur .
3. The A.O.(TA), O/O C.G.M.T/GR-7.
4. A.O.(Cash), O/O the T.D.M/Tezpur .
5. S.S.Paybill .
6. O/C .

*Copy to be forwarded to
B.M.Dhankar
24/3/97*


(C.G.MATHUR)
Sub-Divisional Engineer Phones (Gr)
Biswanath Chariali-784126.

Ne. TDM/TEZ/1006/DIS/KRD/ 1

GOVT. OF INDIA

MINISTRY OF COMMUNICATIONS

Dated : 18-9-97.

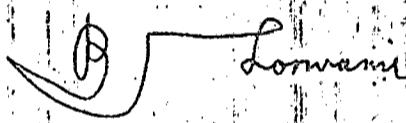
Place of Issue : TEZPUR - 784001.

O R D E R

Whereas a disciplinary proceeding against Shri Kala Ram Das, L/I is contemplated.

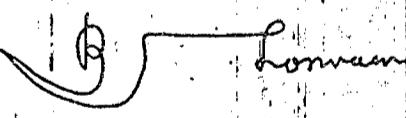
Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Kala Ram Das under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Kala Ram Das, L.I. should be Biswanath Charali, District Sonitpur, Assam and the said Shri Kala Ram Das shall not leave the headquarters without obtaining the previous permission of the undersigned.


(B.K. Goswami)
Telecom. District Manager

Tezpur-784001.

1. Copy to Shri Kala Ram Das, L/I. Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.


(B.K. Goswami)
Telecom. District Manager
Tezpur-784001.

OK
Certified to be true copy
Bala Bhushan
General

No. TDMY/TEZ/1006/DIS/KRD/3

Government of India

Ministry of Communications

Dated 22-9-97 .

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Kala Ram Das, L/I under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Kala Ram Das, L/I, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Kala Ram Das, L/I is further informed that if he does not submit his written statement of defence on or before the date specified in para. 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri Kala Ram Das, L/I is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri Kala Ram Das, L/I is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

To,

Shri Kala Ram Das, L/I

Biswanath Charali Exchange.


B.K. Goswami

(B.K. Goswami)

Telecom. District Manager,

Tezpur-784001 .

*Copy forwarded to be forwarded
Bishwanath Charali Exchange*

Annexure - I

Statement of articles of charge against Shri Kala Ram Das
L/I .

Article I

That the said Shri Kala Ram Das while functioning as temporary Line workman under EST/Tezpur during March ,62 recorded his date of birth as 10-2-32 in his Service Roll .

That the said Shri Kala Ram Das while functioning as Line Man under SDOT/Tezpur during Nov, 72 recorded his date of birth as 11-1-38 in PVR attestation form .

That the said Shri Kala Ram Das while functioning as Line Man under SDOT/Tezpur during May ,73 recorded his date of birth as 10-2-32 in the first page of Service Book .

That the said Shri Kala Ram Das while functioning as Sub-Inspector under SDOT/Tezpur during August ,82 submitted an attested copy of certificate issued by the Medical and Health Officer, Charali PHC, on the basis of his heresope where his date of birth is recorded as 29-9-39 .

That the said Shri Kala Ram Das conspired to get his date of birth changed and corrected as 29-9-39 in place of 10-2-32 in his Service Roll & Service Book .

Shri Kala Ram Das submitted false information by recording different dates of birth on different documents, overstayed in service and deceived the Department knowingly and intentionally for his personal gains. Thus he failed to maintain absolute integrity and acted in a manner which is unbecoming of a Government servant contravening rules 3(1)(i) & (iii) of CCS (Conduct) Rules, 1964.

Statement of imputations of misconduct or misbehaviour in support of articles of charge framed against Shri Kala Ram Das .

Article I

While functioning as Ty. Line workman under EST/Tezpur during March, 62, the date of birth of the said Shri Kala Ram Das is recorded as 10-2-32 in his Service Roll which was signed by him on 16-3-62 in presence of EST/Tezpur who had attested his signature on the same date .

Subsequently while functioning as Line Man under SDOT/Tezpur during Nov , 72 the said Shri Kala Ram Das submitted PVR attestation form recording his date of birth as 11-1-38 which was also signed by him on 16-11-72 .

Again while functioning as Line Man under SDOT/Tezpur during May , 73, the date of birth of the said Shri Kala Ram Das is recorded as 10-2-32 in the first page of his Service Book which was signed by him on 9-5-73 . This signature was attested by EST/Biswanath Charali and also countersigned by SDOT/Tezpur on 29-6-73.

While functioning as S/I under SDOT/Tezpur during August, 82 the said Shri Kala Ram Das submitted an attested copy (attested on 5-8-82) of certificate issued by the Medical and Health Officer , Charali on the basis of his horoscope where his date of birth is recorded as 29-9-39 .

Further , in connivance with Shri Jibon Ch. Nath, the then L.D Assistant of the office of TDE/Tezpur, Shri Kala Ram Das got his date of birth changed and corrected as 29-9-39 in place of 10-2-32 in his Service Roll and Service Book .

Shri Kala Ram Das submitted false information by recording different dates of birth on different documents, overstayed in service and deceived the Department knowingly and intentionally for his personal gains. Thus he failed to maintain absolute integrity and acted in a manner which is unbecoming of a Government servant contravening rules 3(1)(i)& (iii) of CCS (Conduct) Rules, 1964 .

33

Annexure -III

List of documents by which the articles of charge framed against Shri Kala Ram Das, L/I are proposed to be sustained.

- (1) Copy of Service Roll page of Shri Kala Ram Das.
- (2) Copy of PVR attestation form in respect of Shri Kala Ram Das.
- (3) Copy of first page of Service Book of Shri Kala Ram Das.
- (4) Copy of attested copy of certificate issued by the Medical and Health Officer, Charali.
- (5) Copy of horoscope of Sri Kala Ram Das prepared on 7-6-82.
- (6) Copy of statement of Shri Jibon Ch. Nath, SS, O/O SDOP/ Newgaon, the then L.D.Assistant, O/O TDE/Tezpur.
- (7) Copy of letter No.P-31/Recxn/Part -III/407 dt. 20-8-97 of O/O SDOP/Newgaon for tallying handwriting and signature of Shri Jibon Ch. Nath.

Annexure - IV

List of ~~xx~~ witnesses by whom the articles of charge framed against Shri Kala Ram Das, L/I are proposed to be sustained .

- (1) Shri D.N.Bhuiyan, the then LSG Clerk, O/O TDE/Tezpur (now retired) .
- (2) Shri Islam Ahmed, the then JAO O/O TDE/Tezpur (at present Sr. A.O(Cash), O/O TDM/Tezpur .)
- (3) Shri Jibon Ch. Nath, the then L.D.Assistant, O/O TDE/Tezpur (at present SS, O/O BDO/P/Nowgong).
- (4) Shri P.Pathak, JTO, B.Charali .

To

The Telecom District Manager, Tezpur.

Through proper channel

Dated at Chariali the 4th Oct. 1997.

Sub: Written Statement of Defence.

Ref: Your Memo No.TDM/TEZ/1006/DIS/KRD/3 Dtd. 22-9-97.

Sir,

With reference to above, I, with due deference and profound submission beg to submit my written statement of defence as follows:

1. That sir, I have joined as a Temporary Line Workman under EST/Tezpur after rendering service as a Muster Roll for three/four years. I am not literate enough to understand English on my own. Even today, I have to depend upon somebody else to get a representation prepared. There is not a iota of doubt that I am victim of illiteracy and circumstances. There is no gain saying that man may lie but the documents will never lie.
2. That sir, in the Service Roll, Service Book and in the attestation Form my signature was obtained without filling up the relevant columns and I was told that relevant columns would be filled up in due course in consultation of the certificates/documents. It is not a case that I had filled up the service roll, service book and the attestation form myself. I put my signature in the service roll, service book and in the attestation form bonafied and without an iota of doubt that the relevant columns would be filled up in consultation of the certificates.
3. That sir, I had no occasion to consult the service roll. It is clearly seen in the document No.1 of Annexure -III (copy of the Service Roll page of Shri Kala Ram Das), on 18.3.82 column, No.5 of the service roll was blank i.e. nothing was written there. On some later date only somebody "ascertained" or discovered that I was born on 10.2.1932 and put it there in the column without caring to verify the same with certificates. I can not be blamed for such wrong calculations. It is simple and clear case of negligence on the part of the competent authority.
4. That sir, as said in the para above, my signature was obtained in the Attestation Form before the relevant columns of

*certified to be true
Kamlesh Kumar
Advocate*

the Attestation Form was filled up. What was there in the school certificate I can not recall and I had submitted the original school certificate to the authority in the time of joining service. But the date of my birth written in the column No. 7(a) in the document No 2 of Annexure - III (Copy of the PVR Attestation form in respect of Shri Kala Ram Das). It is very interesting. Again a case of sheer miscalculation. Somebody might have told the person or the person himself who had filled up the Attestation Form "ascertained as nearly as can be" that I was 34 years "in the month of January 1972" and thus he calculated that in the date of my entry into the school I should be 11 years old. Arithmetic is like this, - admission at LP school in the age of 6 + 5 years in LP school = 11 years. Thereafter the person who had filled up the column in the Attestation Form made simple subtractions (i.e. Date of entry in to High School (11-1-49) - 11 years = 11-1-38) to discover my date of birth as written in the Attestation Form. Sir, it is obvious from the overwriting in the entry year in the school (49) and leaving year (54) from school the person who had made the entries had made necessary correction to adjust the period of my reading in school presuming that my age on the date of entry in to school was 11 Yrs. Thus, it is obvious that no date of my birth was written in the school certificate. Thus, it is conclusively proved that in the Attestation Form my date of birth was calculated presuming my age as 34 years in the month of January 1972. Sir, I am virtually an illiterate person and I can not be blamed for such miscalculation based on presumption behind my back. Otherwise how the day (11 January) of my entering school should be the day of my birth (11 January). It is pertinent to mention here that I was orphaned before my entering in to school.

5. That sir, it is obvious from the documents in Annexure - III that the first page of my service book (Document No. 3 of Annexure - III) was prepared consulting the service roll only. My signature was obtained in the first page of the service book before the relevant columns of the service book was filled up. Had I been asked before the filling up of columns of the first page of the service book I am not a bitch to forget my fathers name. In the document No. 3 my fathers name is not there till date. Hence, as the first page of the service book was filled up consulting the service roll only the column 6 of the first page of the service was also blank when the same was originally filled up. Afterward, as in the case of my service roll somebody "ascertained" my date of birth as 10.2.1932 and put it there without caring to verify the facts. Sir, I can not be made responsible for discovery of some other person who is responsible keeping and verifying the service books.

6. That sir, it can be understood well from the documents under Annexure - III that the column "Date of birth in Christian Era as nearly as can be ascertained" both in the service roll and in the first page of the service book till 1982 as hand writing of the both the dates of my birth (10.2.1932 & 29.8.39) both in the

service roll and in the first page of the service book opened in the year 1962 and 1973 respectively, i.e. in a gap of 11 years, are same. AND when Sri Jiban Nath, who had made the entries, realized that he had done some wrong writing the date of birth of some Sri Kala Miya in my service book and in the service roll asked me to submit him my birth certificate. I never applied for correction of my date of birth. I never knew till I was asked for birth certificate by Sri Jiban Nath that date of birth was not recorded or wrongly recorded in my service book. The charge of conspiring with somebody to change or corrected the date of my birth is imaginary.

7. That sir, as no school certificate was there with me as I had submitted the same in original to the authority in the time of joining service I had got that Horoscope prepared (Document No.5 of Annexure - III) on the basis of the 'Janmapatrika' made on 5/10/1939 by Shri Hari Nath Dev Sarmah of Kanhikuchi, Kamrup. The certificate by Dr. R.K. Deka was on the basis of Horoscope prepared on 7-8-82. I had obtained the certificate from the doctor as was asked from the office of the TDE, Tezpur. In no point of time I had submitted any false information. There is no question of conspiracy of any kind. I had submitted the available documents with me to prove my date of birth as the same were asked for.

8. That sir, I can not overstay in service and deceive the department at my will. Everything in regard of a serving employee is regulated from your office only. The date of superannuation is calculated from your office again. As I said earlier, I never submitted any false information and thus never failed to maintain absolute integrity and never acted in a manner unbecoming of a Government servant. The allegation against me are false, imaginary and not based upon facts and on the face of the above explanations I stoutly deny the allegations now leveled against me.

9. That sir, the irregularity if any, in the entire episode leads to only one conclusion that the competent authority was negligent in the matter and now also has sought to victimise me for no fault of my own.

10. That in view of the above position, I must fervently pray that the charges leveled against me may kindly be dropped. It will be pertinent to mention here that I had rendered 36 years of service to the Department without inviting any adverse remark in my long service life. That Sir, your honour now placing me under suspension had chequered my long flawless service, which had put on tremendous physical and mental pressure on me at this fag end of my life.

In the premises aforesaid should your honour graciously be pleased to drop the charge as has been leveled against me.

and thereby extend your protective hand over me. I had spared no pains to work upto your entire satisfaction. I shall remain bound to your honour in deep gratitude.

May I please be given a personal hearing towards disproval of this instant written statement of defence.

With sincere regards.

Yours faithfully

Kala Ram Das

(Shri Kala Ram Das)
Rtd.LI, O/O SDE(Gr)
Chariali

Annexure — VI

39

To,

The C.G.M.T.
Assam Telecom Circle
Guwahati.

Dated the 30th August, 2001

Sub: Request for release of Gratuity.
Regular pension and other payments in respect of Late Kala Ram Das Retd. On 30.9.97 as L.I.

Sir,

It is submitted to your kind goodself that my husband Late Kala Ram Das has recently expired on 8th July, 2001 — (Death Certificate enclosed). In this connection it is to inform you that my husband was retired as L.I. from office of the SDE(Gr.) Biswanath Chariali on 30.9.97. After his retirement he was attending all departmental enquiry at Guwahati, Patna and also at Nagaon as state witness. But till to date my husband has not got justice from your department.

Being an innocent person my husband cannot tolerate the charge sheet formed against him and day by day he was suffering from mental anxiety have not got and ultimately he was dead.

Almost his retirement completed four years and he is no more today but till today gratuity, Regular pension and other payment not yet release by your department. In the absence of my husband Late Kala Ram Das it is very difficult to run my family smoothly.

It is therefore, request your honour that the case may kindly be looked personally at your end and release all pending payment at the earliest please.

Your kind consideration in this regard is requested please.

Yours faithfully

শ্রী শুমিত্রা দাস

(Mrs. Sumitra Das)
Wife of Late Kala Ram Das
Vill. Santipur
P.O. Chariali - 784176
Dist. Sonitpur, Assam

Certified to be true copy
N. N. Bhattacharjee
Revenue Officer



GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(স্বাস্থ্য সেবা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ প্ৰমাণ পত্ৰ)

xx ISSUED UNDER SECTION 12/17 of the Registration of Births and Deaths Act, 1969.
xx (জন্ম আব মৃত্যু পঞ্জীয়ন আইন ১৯৬৯ ব ১২/১৭ অংশত লিপিবদ্ধ)
xx

xx This is to Certify that the following information has been taken from the
xx original record of Death which is in the register for.....Death.....
xx Registration unit of Chariali.... of District Sivasagar of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম বাজ্যাৰ-----জিলাৰ-----থওৰ/
 পৌৰসভাৰ ----- মৌজাৰ অস্তৰ্গত ----- পঞ্জীয়ন গোটৰ পঞ্জীৰ মূল অভিলেখৰ পৰা
 সংগৃহীত কৰা হৈছে।

Name/নাম : - Late Kalaram Das
Male

xx Date of Death/মৃত্যুর তারিখ - - - - - ০৬/০৭/১১
xx

Place of Death/मृत्यु स्थान B Nursing ch. vll. Sandipur Pol/charcoal
156 Ord: soft fm (15cm)

xx Registration No./পঞ্জীয়ন নং ----- 156
xx Date of Registration./পঞ্জীয়ন তারিখ ----- 01/08/01

ix Signature of issuing authority/জাৰি কৰা কেন্দ্ৰ/পক্ষ দ্বাৰা চৰি

xx Designation/পদবী

:x Date/তাৰিখ

Stamp Sig. of Chief Registrar/মুখ্য পঞ্জীয়ক চাহিব ষ্টাম্প

xx No disclosure shall be made of particulars concerning the cause of death as entered in the Register. See proviso to Section 17 (1).

certified to be true copy
by Shubhadev
Advocate

GOVERNMENT OF ASSAM
OFFICE OF THE SUB-DIVISIONAL OFFICER (CIVIL) ::::::: BISWANATH
(MAGISTRACY BRANCH)

Legal Heir Certificate

To whom it may concern

This is to certify that the following persons
are the Legal Heirs of Late Kalaran Das, Village-Santipur
Post Office-Chariali under Biswanath Sub-Division in the Dist.
of Sonitpur (Assam).

<u>Sl. No. and Name</u>	<u>Relation with the deceased persons</u>	<u>Age</u>
1. Smti Sumitra Das	Wife	53 Yrs.
2. Sri Nitu Das	Son	34 Yrs.
3. Sri Jiten Das	Son	31 Yrs.
4. Sri Niranjan Das	Son	26 Yrs.

28/8/2001
Sub-Divisional Officer (Civil),
Sub-Divisional Officer (Civil),
Biswanath Sub-Division,
Biswanath Chariali. 12

Date. 28/8/2001.

Memo No. BNM.3/2000-01/Pt-I/ 1307

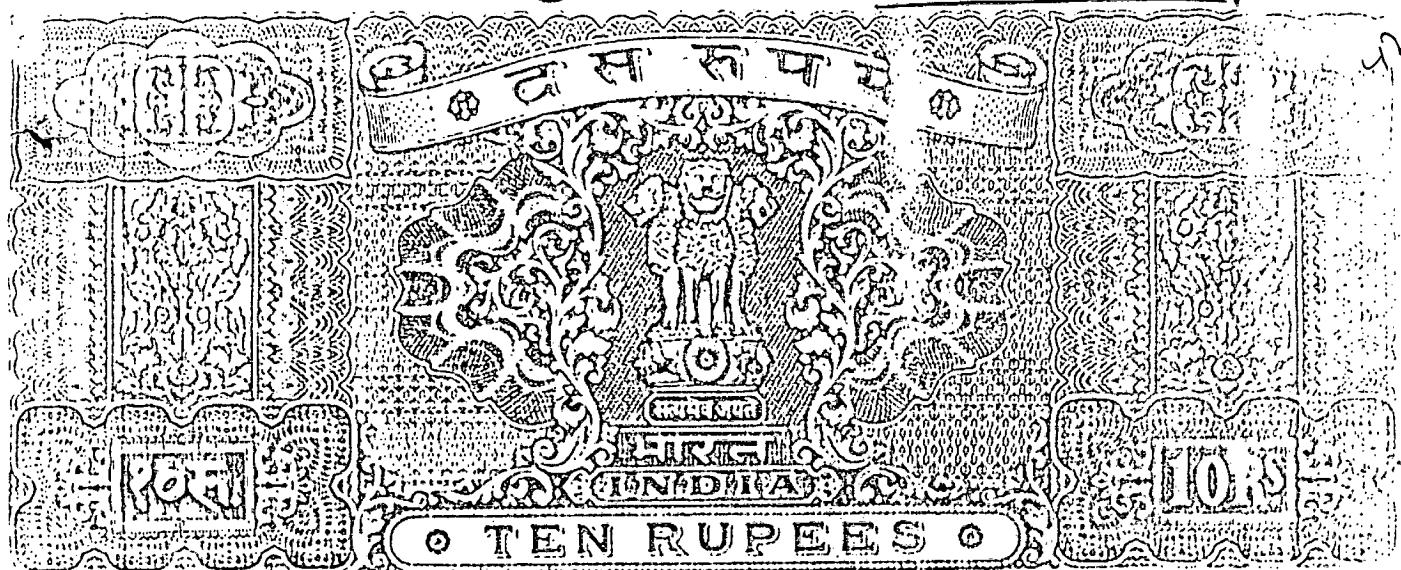
Copy To :-

Smti Sumitra Das W/O Late Kalaran Das with
reference to her petition dated 3/8/2001.

28/8/2001
Sub-Divisional Officer (Civil),
Biswanath Sub-Division,
Biswanath Chariali. 12

certified to be true copy
Abdul Karim
Advocate

১০০-৭০০০০০



AFFIDAVIT.

I, Smt. Sumitra Das, aged about 53 years, W/o Late Kalaram Das, by Caste- Hindu, by Profession- Housewife, resident of village. Santipur, Tu, PS & Mouza- Biswanath Chariali in the district of Sonitpur, Assam do hereby solemnly affirm and declare on oath as under :-

1. That I am a Permanent resident of the abovenamed village and Citizen of India by birth. This is true to the best of my knowledge, belief and information.
2. That my husband Kalaram Das expired on 8.7.2001 at Bora Nursing Home, Biswanath Chariali, Dist. Sonitpur, Assam. This is true to the best of my knowledge, belief and information.
3. That I am the only legally married wife of my husband Kalaram Das and my said husband Kalaram Das did not marry anyone else except me during his life time. This is true to the best of my knowledge, belief and information.
4. That at the time of my husband's death he had left behind this deponent and three sons Viz- Sri Nitu Das, Shri Jiten Das and Shri Niranjan Das. This is true and correct.

Contd - 2

*Confined to the
Bengal Bank
Debocal*

5. That all my three sons are staying with me under my full care and guidance and I am maintaining them all. This is true to the best of my knowledge, belief and information.

6. That as I am the only guardian of our family now hence all the transaction and the Monthly rents which were received by my husband during his life time from the Departmental Telegraph Office (DTO) situated at vill. Shantipur, Biswanath Chariali, Dist: Sonitpur, Assam will be received by me alone from the said concerned Office.

This is true to the best of my knowledge, belief and information.

7. That this Affidavit shall be used to prove my aforesaid statements as true and correct and shall also be used as a document in support of my above statements and I shall be liable under law if any of my aforesaid statements are found to be false later on.

And I, the abovenamed deponent do hereby swear and sign this Affidavit on this the 11th day of September, 2001 at Biswanath Chariali.

Identified by me.

Advocate.

Deponent.

Sworn and signed before me by the Deponent being identified by the Advocate.

Central Administrative Tribunal
15 JUL 2002
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

GUWAHATI BENCH :: GUWAHATI

Filed by

15/7/02

(A. DEB ROY)
S. C. G. S. C.
S. A. T. Guwahati Bench

O.A. NO 100 OF 2002

Smt. Sumitra Das.

-vs-

Union of India & Ors.

- AND -

IN THE MATTER OF ::

Written statement submitted
by the respondents.

The respondents beg to submit written statements
as follows :-

1. That with regard to paras 4.1 to 4.vi of O.A., the respondents beg to offer no comments. These are matter of records.
2. That with regard to para- 4.vii of OA, the respondents beg to state that before finalization of the disciplinary proceedings held by the Inquiry Officer the applicants husband expired and as such the date Inquiry could not be conveyed to him. And since by Govt. of India order No- G.O.I. Deptt. PER AND TRG W.M. No. 11012/7/99-Estt(A) dated 20-10-99, disciplinary proceedings should be closed immediately on the date of the alleged Government servant nothing was to be conveyed about the findings of the case, which

has been closed by order No- TDM/TEZ/1006/DIS/KRD/2
dated 19.11.2001.

3. That with regard to para - 4.viii of O.A., the respondents beg to state that delay in finalization of the disciplinary proceedings was due to various reasons, a part of which was also to the deceased himself. Moreover, the issue of suspension order, charge-sheet etc. came out as result of the tempting of the service book of the applicant's husband and for the mental suffering of her husband caused, the department had nothing to do.

4. That with regard to para - 4.ix of O.A., the respondents beg to state that the payment of previsional pension to the applicant's husband during the disciplinary proceedings was according to the Government Rules and no delay was ever made to make such previsional pension to the applicant's husband following the departmental procedure.

5. That with regard to para - 4.x of O.A., the respondents beg to offer no comments. These are matter of records.

6. That with regard to para - 4.xi of O.A., the respondents beg to state that disputed as CCS(CCA) Rules, 1965, provides for intimation/continuation of disciplinary proceeding against a Government servant even after his retirement.

7. That with regard to para-4.xii of OA, the respondents beg to state that disputed as there is no provision in CCS (CCA) Rules and Pension Rules to keep a Govt. Servant in service even after his date of retirement for continuation of disciplinary proceedings.

8. That with regard to Para-4.xiii of OA, the respondents beg to state that the pension rules of Govt. of India, provide for provisional pension only before finalization of disciplinary proceedings against a retired Govt. servant and no other retirement benefits could be realized before issuing the final order.

9. That with regard to Para 4. (ix) of OA, the respondent beg to state that deceased husband of the applicant was wrongly retained in service beyond the date of superannuation and worked for more than 7 years after attaining the age of 60 years. In the process there has been an excess payment of pay and allowances to tune of Rs. 3,39,515/- Action is being taken to regularized the excess payment. The payment of DCRG etc will be settled after the excess payment made to Late K. R. Das has been written off by the appropriate authority.

✓

In the meantime 2/3 of leave encashment amounting to RS. 25,312/- has been paid and monthly family pension @ Rs. 1275/- p.m. has been sanctioned.

The Respondent

DCRG

V_E_R_I_F_I_C_A_T_I_O_N.

I, Shri Shankar Chandra Das presently working as Assistant Director Telecom (Legal) be duly authorised and competent to sign this verification do hereby solemnly affirm and declare that the statements made in para are true to my knowledge and belief, these made in para being matter of records, are true to my information derived from and the rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this 12 th day of July : 2002

Shankar Chandra Das

Declarant.

सहायक निदेशक : समा.
Assistant Director, Telecom
कार्यालय, महाप्रभा उचितक दरमानारा,
010 The Chief General Manager Telecom
असम दूरसंचार परिषद्धि, गुवाहाटी-७
Assam Telecom Circle, Guwahati,