

of 100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sahil
21/11/17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 22 /2002

Applicant(s) Sri Khagen Ch. Rabha.

Respondent(s) U.O.I. & Oms.

Advocate for Applicant(s) Mrs. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP/BD No. <u>55/17.20</u> Dated <u>22-1-2002</u> <i>[Signature]</i> Dy. Registrar</p>	25.1.02	<p>Heard Mr.A.Ahmed, learned counsel for the applicant. The application is admitted. Call for the records. Issue notice as to why the interim order as prayed for shall not be granted. Meanwhile, respondents are directed not to withhold the salary until further order. List on 25.2.2002 for order.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p>Notice prepared and sent to D/S for issuing the Respondent No 1 to 3 by Regd A/D.</p>	mb 25.2.02	<p>Mr.A.Deb Roy, learned Sr. C.G.S. C. appearing for the respondents prayed for time to file written statement. Prayer is allowed. List on 27.3.2002 for order.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p>2911 D/No <u>235/237</u> Dtd _____</p>	mb	<p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p>Verbal statement filed on behalf of the respondents No. 2 and 3. <i>[Signature]</i> 15/3/02</p>		

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 22 /2002

Applicant(s) Sri Khagen Ch. Rabha.

Respondent(s) U.O.I. & Oms.

Advocate for Applicant(s) Mrs. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP/BD No. 55/17.20 Dated 22-1-2002</p> <p><i>[Signature]</i> Dy. Registrar</p>	25.1.02	<p>Heard Mr.A.Ahmed, learned counsel for the applicant. The application is admitted. Call for the records. Issue notice as to why the interim order as prayed for shall not be granted. Meanwhile, respondents are directed not to withhold the salary until further order. List on 25.2.2002 for order.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p>Notice prepared and sent to D/S for issuing the Respondent No 1 to 3 by Regd A/D.</p> <p>29/11 D/No 235/237 Dtd _____</p>	mb 25.2.02	<p>Mr.A.Deb Roy, learned Sr. C.G.S. C. appearing for the respondents prayed for time to file written statement. Prayer is allowed. List on 27.3.2002 for order.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>
<p>Verbal statement filed on behalf of the respondents No. 2 and 3.</p> <p><i>[Signature]</i> 15/3/02</p>	mb	

11

W/s has been filed
on behalf of the
respondents at page
17-21

NB
15/3/02

27.3.02

Written statement has been filed.

The case is ready as regards pleadings.

Let the matter be posted for hearing
on 30.4.2002. The applicant may file
rejoinder, if any, within two weeks from
today.


Member


Vice-Chairman

mb


30.4.02

Heard counsel for the parties.

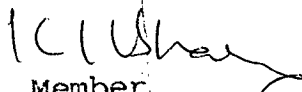
Hearing concluded. Judgment delivered in
open Court, kept in separate sheets.

The application is dismissed in
terms of the order. No order as to costs.

No rejoinder has been
filed.


29.4.02.

ag 12/5


Member


Vice-Chairman

pg

11

W/s has been filed
on behalf of the
respondents at page
17-21

NB
15/3/02

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today.


Member


Vice-Chairman

mb


30.4.02

Heard counsel for the parties.

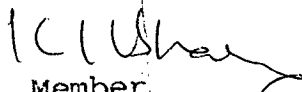
Hearing concluded. Judgment delivered in
open Court, kept in separate sheets.

The application is dismissed in
terms of the order. No order as to costs.

No rejoinder has been
filed.


29.4.02.

ag 12/5


Member


Vice-Chairman

pg

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. NO. 22 of 2002.

DATE OF DECISION 30.4.2002.

Sri Khagen Chandra Rabha

APPLICANT(S)

Mr. A. Ahmed.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Others.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C. for Rsp. No. 1 & 2 and P.K. Roy for Rsp. No. 3

ADVOCATE FOR THE
RESPONDENTS.

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

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

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 Vice-Chairman.

no

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 22 of 2002.

Date of Order : This the 30th Day of April, 2002.

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

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

Sri Khagen Chandra Rabha,
Staff Car Driver,
Staff Selection Commission (NER)
Rukmini Nagar,
P.O. Assam Sachivalaya,
Guwahati-6.

. . . Applicant

By Advocate Sri A.Ahmed.

- Versus -

1. Union of India,
represented by the Secretary,
Staff Selection Commission,
Department of personnel & Training,
Ministry of Personnel,
public Grievances and Pensions,
Block No. 12, CGO Complex,
New Delhi-110003.

2. The Chairman,
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110003.

3. The Regional Director (NER)
Staff Selection Commission,
Rukmini Nagar,
Guwahati-6.

. . . Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C for respondents No.1 & 2
and Sri P.K.Roy, for respondent No.3.

O R D E R

CHOWDHURY J.(V.C)

In this application under Section 19 of the
Administrative Tribunals Act 1985 the following two
orders dated 26.12.2001 and 27.12.2001 are assailed.

"Shri Khagen Ch.Rabha, Staff Car Driver
of this office is informed that his
performance of duty is not at all satis-
factory. He has been creating problem
for himself and for this office.

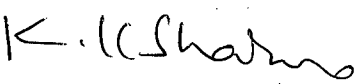
contd..2

In this connection, any kind of leave can not be claimed as a matter of right. Wilful absence from duty renders by him liable to prompt disciplinary action and he may be awarded without pay."

"The Accounts Section of this office is hereby directed that the payment of salary etc. of Shri Khagen Ch. Rabha, Staff Car Driver would be given after prior permission of the undersigned. This is for strict compliance."

2. We have heard Mr A.Ahmed, learned counsel for the applicant and also Mr A.Deb Roy, learned Sr.C.G.S.C for respondents No. 1 and 2 and Mr P.K.Roy, learned counsel for respondent No.3. In our view the aforesaid two orders are innocuous warranting ~~no interference~~ from the Tribunal under Section 19. The said two orders were passed in course of administration without interfering any rights of the applicant. Both the orders were passed obviously to maintain the office decorum. In the circumstances, the application is premature and accordingly the same is dismissed.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

24 JAN 2002
 गुवाहाटी बेंच
 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 GUWAHATI BENCH, GUWAHATI.

O. A. NO. 22 OF 2002.

Shri Khagen Chandra Rabha -Applicant.

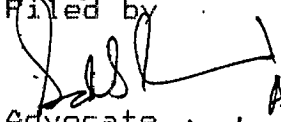
-Versus-

The Union of India & Ors. -Respondents

.. Respondents.

I N D E X

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Filed by

 Advocate. (ADIC AHMED)

VCD

Filed by
Shri Khagen chandra Rabha
through [Signature] Applicant
ss
(Adv. AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

22

ORIGINAL APPLICATION NO. OF 2002.

B E T W E E N

Sri Khagen Chandra Rabha,
(Staff Car Driver)
Staff Selection Commission (NER)
Rukmini Nagar,
P.O.-Assam Sachivalaya,
Guwahati-781006.
.. Applicant.

-AND-

- 1] Union Of India,
represented by the Secretary,
Staff Selection Commission,
Department of Personnel & Training,
Ministry of Personnel,
Public Grievances and Pensions,
Block No. 12, CGO Complex,
New Delhi-110003.
- 2] The Chairman,
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110003.

KCR.

3] The Regional Director (NER),
Staff Selection Commission,
Rukmini Nagar,
P.O.- Assam Sachivalaya,
Guwahati-781006.

-Respondents.

1. DETAILS OF THE APPLICATION:

PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE:

This instant application is made against the
impugned Office order No. SSCG/ A-42011 /1/95-
ADMN 11717 dated 26-12-2001 and also Office Order
No. F No. SSCG A-42011/1/95-ADMN dated 27-12-2001
issued by the Respondent No. 3.

2. JURISDICTION OF THE TRIBUNAL

The applicants declare that the subject
matter of the instant application is within the
jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

The applicants further declare that the
subject matter of the instant application is
within the limitation prescribed under Section 21
of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

KCR

Facts of the case in brief are given below:

4.1 That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2 That your applicant begs to state that he was appointed as Driver under the Staff Selection Commission on 30-06-1980 at Guwahati. He belongs to Scheduled Tribe Community.

Annexure-A is the photocopy of the appointment letter dated 30-06-1980.

Annexure-B is the photocopy of Caste Certificate.

4.3 That your applicant begs to state that since his joining in the above said Commission he has been discharging his duties with full satisfaction to his higher authorities and also without any blemish in his service carrier.

4.4 That your applicant begs to state that his daughter Miss Bhitali Rabha died on 30-05-2001 due to Cancer at the age of 4 (four) years.

Annexures-C and D are the photocopies of Death Certificate and also diagnosis Certificate issued by the Tata Memorial Hospital, Mumbai.

L

KCR

4.5 That your applicant begs to state that he is working under the Respondent No. 3 very sincerely and honestly. But, suddenly the Respondent No. 3 took away the key of the Staff car from the applicant without any reason. After that one casual driver was appointed to do the duty of the applicant.

4.6 That your applicant begs to state that the Respondent No. 3 issued an Office Order No. F. No. SSCG A-42011/1/95-ADMN 11717 dated 26-12-2001 to the applicant informing him that his performance of duty is not at all satisfactory and also creating problem for himself and his office. In this Office Order it has been also mentioned that any kind of leave cannot be claimed as a matter of right. Willful absence from duty liable to be prompt disciplinary action and he may be awarded without pay. The next day, the Respondent No. 3 issued another Office Order vide F. No. SSCG A/42011/1/95-ADMN dated 27-12-2001 directing the Accounts Section of the Office that payment of salary etc. of the applicant would be given prior permission of the Respondent No. 3. This is for strict compliance.

Annexure-E and F are the photocopies of such office orders dated 26-12-2001 and 27-12-2001.

4.7 That your applicant begs to state that he is working very sincerely and honestly despite of his family problem regarding his minor

KCR.

daughter who died of Cancer. He always availed his due leave with the permission of his superior. He has not taken any unauthorized leave or he has not availed any unauthorized absence from his office. The Respondent No. 3 without issuing any show cause notice to the applicant for so-called non-performance of his duty satisfactorily or willful absence issued office orders with his own findings about the applicants performance. Moreover, the Respondent No. 3 issued an office order to the concerned official for with-holding the due salary of the applicant. It is clear violation of ^{Principle of} natural justice of the applicant and also violation of his fundamental rights guaranteed under the Constitution of India. It is also worth to mention here that during the treatment of applicant's minor daughter at Mumbai he has avail his due leave with the permission of the higher authorities.

u

4.8 That your applicant begs to state that he is serving in the Commission with utmost sincerity and honesty. He is also performing his duty beyond office hours without any protest and without any over time allowance. Whenever he was called for performing his duties he is ready do his duties with sincerity. But the Respondent No. 3 has always abused him in office or any other places.

4.9 That your applicant begs to state that he is a poor employee and he is the sole earning member of his family. Now due to impugned office

KCR.

orders issued by the Respondent No. 3 the applicant is suffering from mental agonies and also facing threats for his livelihood. The act of the Respondent No.3 is arbitrary, malafide, illegal and also with a motive behind to harass your applicant.

4.10 That the applicant submits that the Respondent No.3 have violated the principle of natural justice and also violated the fundamental rights of the applicant.

4.11 That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the actions of the respondents highly illegal, arbitrary and violative of principle natural justice as well as the fundamental rights of the applicants.

5.2 For that, the applicant has been served with the impugned Office order dated 26-12-2001 and 27-12-2001 by violating the Principles of natural justice. As such, the impugned orders are liable to be set aside and quashed.

5.3 For that, the impugned orders are bad in law as well as in facts. As such, these are liable to be set aside.

KCR.

5.4 For that, with a malafide intention and motive the Respondent No. 3 has issued Impugned orders to the applicant to avenge his personal grudge.

5.5 For that, the Respondent No. 3 has no power to take away the legal and fundamental rights of the applicant by violating the Principles of natural justice.

5.6 For that, in any view of the matter the action of the Respondents are not sustainable in law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

VCR.

That the applicants further declare they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully pray that your Lordships may be pleased to admit this petition, call for the records and issue rule on the Respondents to show cause and if any cause or causes are shown than after hearing the parties, the rule may be made absolute or pass any other order or further orders as your Lordships may deem fit and proper and may be direct the respondents to give the following reliefs:-

8.1 That the Hon'ble Tribunal may be pleased to set aside and quash the Impugned Office Orders F No. SSCG. A-42011/1/95-Admn./1717 dated 26-12-2001 and F No. SSCG. A-42011/1/95-Admn. Dated 27-12-2001 (Annexures-E & F).

8.2 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the Costs of the case to the applicants..

8. INTERIM ORDER PRAYED FOR:

Pending disposal of this Original Application the applicant most respectfully prays for an interim order for staying the impugned order F No. SSCG. A-42011/1/95-Admn. Dated 27-12-2001 at Annexure-F issued by the Respondent No. 3.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 7G 55 1720

Date Of Issue 17.1.2002

Issued from Guwahati G.P.O.

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

VERIFICATION

I, Sri Khagen Chandra Rabha, (Staff Car Driver), Staff Selection Commission (NER), Rukmini Nagar, P.O.-Assam Sachivalaya, Guwahati-781006 do hereby solemnly verify that the statements made in paragraphs 4.1, 4.3, 4.5, 4.7 to 4.9 are true to my knowledge those made in paragraphs 4.2, 4.4, 4.6 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification today on this the 24th day of January at Guwahati.

Khagen C Rabha

Declarant.

NO. SSCG.1/79-80/Pt. I/21/1546

Government of India
 Ministry of Home Affairs
 Staff Selection Commission
 Sub-regional Office, Gauhati.

Dr. S.K. Bhuyan Road, Uzan Bazar,
 GAUHATI - 781 001,
 Dated : 2 30th June, 1980.

OFFICE ORDER

Shri Khagen Chandra Rabha, S/O.
 Late Sonta Chandra Rabha, Village- Birubari,
 P.O. Gauhati - 781 016, District-Kamrup is
 appointed temporarily as Driver with effect
 from 1st June, 1980 (F.N.) in the Scale of
 Pay of Rs. 260-6-326-EP-3-350/- P.M. plus other
 allowances as admissible under the Central
 Government Rules.

The appointment is purely temporary
 and may be terminated at any time without
 assigning any reason thereof.

Sd/ N.N. DEKA,
 DEPUTY REGIONAL DIRECTOR

Memo No. SSCG.1/79-80/Pt. I/21- Dtd. Gauhati the 30th June/80.

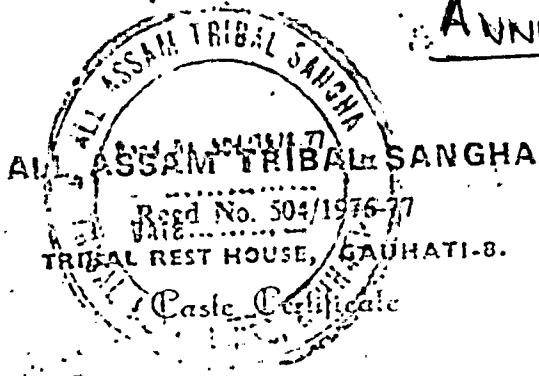
Copy to the :-

1. Under Secretary, (Admn), Staff Selection Commission,
 Lok Nayak Bhawan, 2nd Floor, Khan Market, New Delhi-3.
2. Regional Director, Staff Selection Commission, Eastern
 Regional Office, Calcutta.
3. Shri Khagen Chandra Rabha, Birubari, Gauhati - 781 016.
 He is requested to produce Medical Fitness Certificate
 from the Chief Medical and Health Officer, Gauhati.
4. Chief Medical and Health Officer, Gauhati. He is
 requested kindly to check up Sri Khagen Chandra Rabha
 and to report the undersigned as to whether he is fit
 to hold Government service.
5. Personal file.

(N.N. DEKA)
 DEPUTY REGIONAL DIRECTOR.

Deputy Regional Director
 Gauhati
 48. 11.

A Hes t/l
 Advate



No. 560

Date 14-3-80

This is to certify that Shri/Smti Khagen Chandra Rabha
 son/daughter/wife of Santa Chandra Rabha
 in Village/Town Birubari P.O. Gopinathnagar
Kamrup in the State of Assam belongs to
 District Jorhat Caste/Community RABHA
 Scheduled

recognised as Scheduled Tribes under constitution of India (Scheduled Tribes) Order 1950 as ammended (Modification) Order 1956 & SC/ST Orders (Amendment) Act. 1976.

Shri/Smti Khagen Ch. Rabha and his/her family

ordinarily resides in Village/Town Birubari

P.O. Gopinathnagar District Kamrup in the state of Assam.

Identified by

Countersigned

Deputy Commissioner

President/Vice-President/General Secretary

All Assam Tribal Sangha

Bhishan Chandra Borah

President

ALL ASSAM TRIBAL SANGHA

Attested
 1
 Advaita

B. C. Das M.B.B.S., (DIB), M.D. (AM)
Senior Medical & Health Officer
G. PHC
Regd. No. 7340 AMC

Death Certificate

This is to certify that Smt.
Bhikhi Radha S/o Shri Khagen
Ch. Radha of vill- Nagpur.
P.O. Gawahat 30 - Dist Karmali.
died on 13/5/2001 at their
own residence due to
Cardio Papillary filum folium.
Neuroblastoma (Ca in children).


3/11/02

Senior Medical & Health Officer
North Guwahati Primary Health Centre

Attended
J.L. / Advocate

- 14 -

ANNEXURE-D

TATA MEMORIAL HOSPITAL
(TATA MEMORIAL CENTRE)

BA N^o 013107 21

Phone : 414 6750 (6 Lines)
Fax : 022-414 6937
E-mail : medimall@tmc.ernet.in



DR. ERNEST BORGES ROAD,
PAREL, MUMBAI - 400 012.

Hospital Case No: BP-17150

09.03.02001.

Dear Dr. Bhuyan,

Referring herewith Miss Bhitali Rabha, 4 yrs old girl with Neuroblastoma stage IV. She presented with large abdominal primary, ascites and generalised anasarca with hypoalbumemia. She received St. Judes protocol (NB84) from 20.11.00 to 14.02.01 with lots of supportive care. Re-evaluation at end of therapy shows progressive disease. Parents have been explained prognosis. Please give her only supportive care.

Thanking You,

With regards,

Yours Sincerely,

P. A. Kurkure

DR. P. A. KURKURE
ADDITIONAL PROFESSOR
PEDIATRIC ONCOLOGY

Atsai
Adm



दुरभाष : 224779,
फैक्स : 0361-224779
तारपता : स्टासलकम,

TELEPHONE : 224779
FAX NO. 0361-224779
TELEGRAPHIC ADDRESS : STASELCOM

F.No.SSCG.A-42011/1/95-Admn.//7/7



भारत सरकार

ANNEXURE-E

कर्मचारी चयन आयोग

क्षेत्रीय कार्यालय (उ. पू. क्ष.)

रुकमीनि नगर

ए. अ. असम सचिवालय

गुवाहाटी - 781 006

27

GOVERNMENT OF INDIA
STAFF SELECTION COMMISSION
REGIONAL OFFICE (NER)
RUKMINI NAGAR, P.O. ASSAM SACHIVALAYA
GUWAHATI - 781 006
Phone : 224779
Fax : (0361) 224779

Dated: - 26.12.2001.

Office Order

Shri Khagen Ch. Rabha, Staff car Driver of this office is informed that his performance of duty is not at all satisfactory. He has been creating problem for himself and for this office.

In this connection, any kind of leave can not be claimed as a matter of right. Wilful absence from duty renders by him liable to prompt disciplinary action and he may be awarded without pay.

26.12.01

(S.Bhattacharjee) IAS
Regional Director(NER)

To

Shri Khagen Ch. Rabha,
Staff car Driver,
SSC(NER), Guwahati.

Residence:-

Maajgaon, near Police station,
North Guwahati-781 030.

Atul
Date



16-

ANNEXURE - F

भारत सरकार
कर्मचारी चयन आयोग
क्षेत्रीय कार्यालय (उ. न. क्षेत्र)
रुकमीनि नगर
पो. अ. असम सचिवालय
गुवाहाटी - 781 006

23

दुरभाष : 224779,
फैक्स : 0361-224779
सारपता : स्टैसलकम,

TELEPHONE : 224779
FAX NO. 0361-224779
TELEGRAPHIC ADDRESS : STASELCOM

F.No. SSCG.A-42011/1/95-Admn.

GOVERNMENT OF INDIA
STAFF SELECTION COMMISSION
REGIONAL OFFICE (NER)
RUKMINI NAGAR, P.O. ASSAM SACHIVALAYA
GUWAHATI - 781 006
Phone: 224779
Fax (0361) 224779

Dated:- 27.12.2001.

Office Order

The Accounts section of this office is hereby directed that the payment of salary etc. of Shri Khagen Ch. Rabha, Staff car Driver would be given after prior permission of the undersigned.

This if for strict compliance.

(S. Bhattacharjee) IAS
Regional Director (NER)

27/12/01

To

The Accounts Section,
Staff Selection Commission (NER),
Guwahati.

Handwritten signature and the word "Admitted" written below it.

13 MAR 2002
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

-17-

29

GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 22 OF 2002

Shri K.C. Rabha.

- VS -

Union of India & Ors.

- AND -

IN THE MATTER OFF:

Written statements submitted by the respondents.

The respondents beg to submit written statement as follows :-

1. That with regard to para - 1, 2 & 3 of OA, the respondents beg to offer no comments.
2. That with regard to para - 4.1 of OA, the respondents beg to state that there is no any instance that the applicant has not been allowed to enjoy all rights and privileges guaranteed under the Constitution of India.
3. That with regard to paras - 4.2 & 4.3 of the O.A., the respondents beg to ~~state that~~ offer no comments.

ContdP/2

FILED BY
13/3/02

Central Administrative Tribunal
Guwahati Bench

4. That with regard to para 4.4 of OA, the respondents beg to state that while Shri K.C. Rabha, Driver had been at Mumbai for more than 6 months in connection with his daughter's treatment all sorts of help was extended to him. To avoid financial hardship payment of salary for 5 months was made to him through Regional Director, Mumbai. Personal Liasion was made with Regional Director, Mumbai for arrangement of free lodging for him and to guide/assist him to get proper and quick treatment for his daughter.

regard to
5. That with ~~the~~ para 4.5 of OA, the respondents beg to state that Neither the key of the staff car was taken away from the applicant nor any casual driver was appointed in place of him. However, a daily wager working in the Exam. section has been asked to perform the duty of staff car driver occassionally while the applicant is on leave; absent from his duties.

6. That with regard to para 4.6 of OA, the respondents beg to state that neither any kind of leave h as been refused nor pay for a single day of the applicant has so far been held up. Two office orders as mentioned in the para itself were issued to the applicant with the intension that he would be regular and punctual in his duties.

7. That with regard to para - 4.7 of OA, the respondents beg to state that in several occasions the applicant has been found failed to perform his duties in time and verbally warned for non-occurance of such types of lapses in future. Issue of show ~~ca~~ cause notice which is a part of disciplinary action

was not considered necessary because this office has no any intension to initiate disciplinary action against the applicant.

8. That with regard to para - 4.8 of OA, the respondents beg to state that since April 2001 to till date he has never been asked to perform duties beyond office hours. As such payment of overtime allowances to the applicant does not arise. The applicant has never been abused except to remind him verbally to be punctual to his duties.

9. That with regard to para 4.9 of OA, the respondents beg to state that there is no any motive to harass the applicant.

10. That with regard to paras - 4.10, 4.11, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 6, 7, 8, 8.1, 8.2, 8.3 & 9 the respondents beg to offer no comments.

V E R I F I C A T I O N

-20- 27

I, Shri Santam Khutadong (AS (RD))
being authorised do hereby verify and declared

that the statement made in this written statement
are true to best of my knowledge, information and
believe and I have not suppressed any material
facts.

And I sign this verification on this th
day of , 2002.












Declarant.

Santam Khutadong
Regional Director
Staff Selection
Commission
NE Region
Gauhati - 781006.

Extract of Acquittance Roll for the month of Dec. 2001

Copy

Item No.	Name & Designation	Amount	Prof. Tax	Net Amount Payable	Dated Signature (with stamp where necessary) Unpaid Items to be noted as such and attested.
	B.F -	47,078	443	46,635	
8.	Shri B.N. Kalita, LAC	5626-	42-	5,584-	
9.	"D. Sonowal, LAC	5572-	42-	5,530-	
10.	Smt. S. Borah, LAC	5147	42-	5,105-	
11.	Shri K.C. Rava, Dhar	5,384-	60-	5,324-	
12.	"K.C. Kalita, DEM	4,907-	38-	4,869-	
13.	"D.C. Kalita, FWA	5,213-	29-	5,184-	
14.	Mrs. C.L. Das, FWA	4848-	29-	4,819-	
15.	Shri S.K. Rabha, FWA	4,375	29-	4,346-	
16.	"Kukun Dasgupta, Chao.	4,096-	29-	4,067-	
		92,246-	783	91,463	

Carried Over