

0/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 216/03

R.A/C.P No. 25/05

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SECTION OFFICER (Judl.)

Shah's
20/11/17

FORM NO.4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

Original Application : 216/2003

Misc Petition No. : _____

Contempt Petition No : _____

Review Application No: _____

Applicants:- Smt. Sumitra Das

Respondents:- U.O. 1. 2 OAS.

Advocate for the Applicants:- Mr K.K. Phukan, B.K. Bona
& J. Likhak,

Advocate for the Respondents:-

Case

Notes of the Registry	Date	Order of the Tribunal
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25.9.2003

Heard Mr.K.K.Phukan, learned counsel on behalf of the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

Issue notice on the respondents to show cause as to why the application shall not be admitted, returnable by four weeks.

List the case on 31.10.2003 for admission.

Member

bb

Application is in form but not in time

Application Partion b

Filed / not filed C F

of Rs. 50 deposited

de IPO/ET No. 86485706

24/9/03

By. Registrar

Steps taken

24/9/03

Pl. comply the order dated 25/9/03

25/9/03

Notice & Order dated 25/9/03 Sent to D/S for issuing to the respondents. Extra cost Rs. 10/- order 7/10/03 paid, Memo No 1085 dt-24/9/03.

2
O.A. 216/2003

N 1
notice issued vide
despatch NO. 2097-2102
dated 8/10/03

NS
7/11/03

31.10.2003

Put up again on 4.12.2003

to enable the Respondents to file
reply.


Vice-Chairman

mb


19.12.2003

List again on 16.2.2004
for admission.


Member (A)

mb

No reply has
been filed.


17.3.04

16.2.2004

Heard Mr. A. Deb Roy, learned
counsel for the respondents.

The O.A. is admitted. List on
18.3.2004 for orders.


Member (A)

mb

Pl. compl.

NS
18/3/04

18.3.2004

List on 23.4.2004 for written
statement. In the meanwhile, the
respondents are directed to finalise
the remaining payment of the retire-
ment benefits of the applicant.


Member (A)

mb

23.4.2004

List on 26.5.2004 for hearing.
Meanwhile, the respondents may file
written statement.


Member (A)

mb

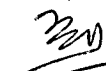
26.5.2004

Since Mr. A. Deb Roy, learned
Sr. C.G.S.C. for the respondents is
on leave, list the matter on
11.6.2004 for hearing.


Member (A)

mb

No reply has been
filed.


25.5.04

11.6.2004

Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order. NO costs.

my 16/6

28.6.04

*Copy of the
Judgt has been
sent to the D/Sec.
for issuing the
fine to the applicant
by post.*

HE

bb

KD Pashlekar
Member (A)

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./RXX.No. 11.1 216 of 2003.

DATE OF DECISION 11.6.2004.

.....Smt.. Sumitra Das.....APPLICANT(S).

.....Mr.K.K.Phukan, B.K.Bora & Ms.J.Likhok.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....U.O.I. & Ors.....RESPONDENT(S)

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

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE 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 ?

Judgment delivered by Hon'ble Member (A).

bwp

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 216 of 2003.

Date of Order : This, the 11th Day of June, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Smti. Sumitra Das

W/o Late Kala Ram Das

R/o Village: Sonitpur

P.O: Biswanath Chariali

P.S: Chariali

Dist: Sonitpur, Assam.

. . . . Applicant.

By Advocates Mr.K.K.Phukan, Mr.B.K.Bora & Ms.J.Likhok.

- Versus -

1. Union of India
Represented by the Secretary
Department of Telecom
Government of India
Sanchar Bhawan
New Delhi - 110 001.
2. The Chairman
Bharat Sanchar Nigam Ltd.
Sanchar Bhawan
New Delhi - 110 001.
3. The Chief General Manager
Assam Circle, Bharat Sanchar Nigam Ltd.
Guwahati - 781 007.
4. The Telecom District Manager
Bharat Sanchar Nigam Ltd.
Tezpur, District Sonitpur
Assam.
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
Dist: Sonitpur, Assam.

Contd./2

7. The Chief Accountant Officer (DOT CELL)
Bharat Sanchar Nigam Ltd.
Assam Circle
Guwahati - 781 001.

. . . . Respondents.

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

O R D E R (ORAL)

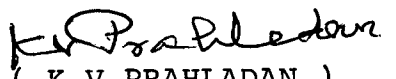
K.V.PRAHLADAN, MEMBER(A):

The applicant's husband retired as a Line Inspector on 30.9.1997 from the Office of the S.D.F. (Gr.), Biswanath Chariali. He expired on 8.7.2001. Before retirement a disciplinary proceeding was initiated against him regarding his date of birth in the service book which was recorded as 29.9.1939. Respondents claimed that applicant's husband was born on 10.2.1932 and he served seven years more beyond the retirement date. The applicant filed an Original Application No.100 of 2002 before this Tribunal and the Tribunal vide its order dated 21.2.2003 directed the excess payment of pay and allowances to the applicant's husband amounting to Rs.3,39,515/- to be written off since the disciplinary proceeding stood terminated.

6/8
This O.A. is for the payment of retirement benefits to the applicant who is the legal heir of the deceased. As per Annexure - VIII the applicant has not been fully paid the retirement benefits i.e. D.C.R.G., Leave Encashment, Commutation, pension and family pension, which are yet to be settled by the respondents. The applicant may file a representation listing out all

grievances before the respondents within two weeks from the receipt of this order. Respondents, on receipt of such representation shall pass an order ^{that is to} ~~is~~ lawful, just and fair within a period of four months from the date of receipt of the representation.

The present application is thus disposed of. No costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

BB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. /2003

Lists of Dated

<u>Sl.No.</u>	<u>Date</u>	<u>Contents</u>	<u>Para</u>	<u>Page</u>	<u>Annexure</u>
1.	30.09.97	Kalaram Das retired as Line Inspector	4 (i)	4	
2.	08.07.2001	Kalaram Das Expired	4 (i)	4	
3.	06.02.1962	Kalaram Das appointed as Line Workman	4 (ii)	4	Annexure-I
4.	29.09.1939	Date of birth of Kalaram Das recorded in Service Book	4 (ii)	4	
5.	03.03.1997	Notice for superannuation	4 (iii)	19	Annexure-II
6.	30.09.1997	Release Order		20	Annexure III
7.	20.09.1997	Chargesheet served to Kalaram Das	4 (ii)	5	
8.	18.09.97	Suspension Order to Kalaram Das	4 (iv)	5	Annexure-IV
9.	22.09.1997	Memorandum of Article of Charges	4 (iv)	5,6	Annexure-V
10.	04.10.1997	Written Statement in Defence	4 (v)	6	Annexure-VI
11.	24.03.1998 15.05.1999 20.05.1999 02.07.1999	Conducted Inquiry	4(vi)	6	
12.	20.03.1999	Defence brief Submitted	4 (vi)	7	
13.	21.02.2003	Passed Judgment and order in O.A. 100/2002 directed to pay retiral benefit	4(x)	8	Annexure-VI
14.	20.10.1999	Closed disciplinary proceeding due to death of Kalaram Das during pendency of the proceedings.		9,10	
15.	27.06.2003	Fixing death cum retirement benefits gratuity and other benefits on the basis of 10.02.32 as the date of birth not 29.09.39 as date of birth recorded in the Service Book.		10	Annexure - VIII
16.	29.09.1939	Entitled Family pension and other retiral benefit as recorded and corrected in the Service Book.		11	

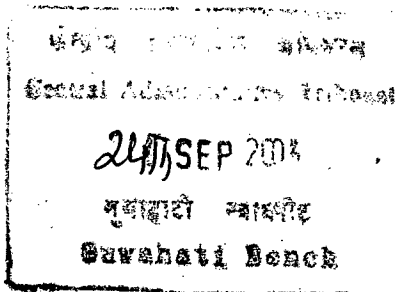
Contd.. 2

17. 10.02.1932 Disputed date of birth
not finalised. Illegally 4(XIV) 11
fixed family pension
and other retiral benefit.

18. Hence prayed for fixing
29.09.1939 as date ~~x~~ of
birth for the purpose of
gratuty, pension and other
retiral benefits.

Filed by

Advocate



Filed by "

Smti Sumitra Das
Through Bishu Krishna Barua
Advocate 24/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI
BENCH: GUWAHATI

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

O.A. NO. 216 OF 2002

Smti. Sumitra Das,
W/o late Kala Ram, Das,
R/o 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, Government 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.
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,
Dist. Sonitpur, Assam.
7. The Chief Accountant
Officer, (DOT CELL), Bharat
Sanchar Nigam Ltd., Assam
Circle, Guwahati - 781001.

Respondents

PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE.

- 1) Non-fixation and non-payment of death-
cum-retirement-gratuity, pension, family pensions

and other retirement benefits of the applicant's husband, Late Kala Ram Das, a retired line-Inspector, from the office of the S.D.E.(Gr), Biswanath Chariali (B.S.N.L.) on the basis of his death of birth i.e. 29.09.1939 as recorded in his service book.

2) Arbitrary discriminatory, unfair, unjust, illegal actions of the respondents with regard to fixation of Death-cum retirement gratuity, pension, family pension and other retirement benefits w.e.f. 10.02.32 instead of 29.09.39 of Late Kala Ram Das a retired line Inspector of the respondents Department who died on 08.07.01.

3. Non-compliance of this Hon'ble Tribunal's order dated 21st February 2003 passed in O.A. No. 100/2002 (Smti. Suaritra Das -Vs- Union of India & Ors.)

4. JURISDICTION OF THE HON'BLE TRIBUNAL:-

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

5. LIMITATION

The applicant further declares the application is within

the limitation prescribed under Sec. 218
the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE :

(i) That the applicant is the wife of Late Kala Ram Das, a retired line Inspector from the office of S.D.E.(Gr.) 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 35 years, Sri Jiten Das, aged about 32 years and Sri Niranjana Das, aged about 27 years.

(ii) That the applicant respectfully states that her husband Late Kala Ram Das first worked under Muster Roll in the respondent department 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. He rendered service in different places and in different capacities and retired as line Inspector under S.D.E. Phones, Biswanath Chariali 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 holding of charge sheet served by T.D.M., Tezpur Vide his Letter No. T.D.M./TEZ/1006/DIS/KRD/3 dated 20.09.1997 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 and release annexed herewith and marked as Annexure-I, II and III respectively.

(iii) That the applicant's said husband received notice of retirement issued under Memo No. E-52/PEN/R1G/96-97/140 dated 03.03.1997 by Telecom District Manager, Tezpur and asked to submit pension papers to the authority concerned in time. Accordingly applicant's husband submitted the pension papers as directed above.

(iv) That to the utter surprise the applicant's said husband was placed under suspension by order dated 18.9.1997 in contemplation of a disciplinary proceeding by memo dated 22.09.1997 proposing to held an enquiry against the applicant's husband under Rule

14 of the CCS (CCA) Rules, 1965 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.

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 - IV & V respectively.

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

Photocopies of the aforesaid written statement is annexed herewith and marked as Annexure-VI.

- (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 and the applicant's husband submitted his defence brief through his Defence Assistant to the Inquiry Authority on 20.03.1999.

(vii) That thereafter during the pendency of the disciplinary proceeding the applicants husband said Sri Kala Ram Das died on 8.7.01.

(viii) 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 said provisional pension had been received by the applicant's husband upto the month of May 2001.

(ix) That it is submitted that the applicant's husband had submitted number of

representations for releasing retirement benefits and for finalizing the disciplinary proceeding but no initiatives had been taken by the authority concerned till his death on 08.07.2001.

- (x) That after the death of said Kala Ram Das the applicant, submitted pension papers as required by the authority for granting death-cum-retirement benefits, family pensions and other retiral benefits. But the respondent authority failed to grant those benefits to the applicant. Being aggrieved the applicant filed an application before this Hon'ble Tribunal vide O.A. No. 100/2002 and this Hon'ble Tribunal was pleased to pass judgment and order dated 21st February 2003 with a direction to the respondent authorities to take steps for payment of death-cum-retirement gratuity to the applicant without further delay and also directed to take prompt measures for setting the claim retiral benefits to late Kala Ram Das by completing all the formalities.

Photocopies of the aforesaid order dated 21st February 2003 passed by the Hon'ble Tribunal is annexed herewith and marked as Annexure-VII.

- (xi) That the applicant states that in the written statement submitted by the respondents in the aforesaid O.A. Case No.100/2002 clearly stated that due to death of said Kala Ram Das during the pendency of the disciplinary proceeding the said disciplinary proceeding was closed without finalizing the dispute regarding date of birth vide order dated 20.10.2002. Then only the applicant came to know that the disciplinary proceeding against the applicant's husband was closed. However, this Hon'ble Tribunal vide aforesaid order dated 21st February 2003 clearly directed the respondent authority that the alleged excess payment of pay and allowances to the husband of the applicant as mentioned in the written statement needs to be written up since the proceeding itself stood terminated. Therefore there is no justification for withholding the death-cum-retirement gratuity and payment of other dues admissible to said applicant's husband.
- (xii) That the applicant furnished the certified copy of the aforesaid Hon'ble Tribunal order dated 21st February 2003 before the respondents authority for the compliance of the same. After prolong persuasion the

respondent authorities vide letter dated 27.6.2003 issued under hand and seal of Accounts Officer (DOT CELL), O/o the CGNT, BSNL, Assam Telecom Circle, Guwahati-7 granted death-cum retirement gratuity family pension and other retiral benefits fixing date of birth as 10.2.32 not on the basis of date of birth corrected as 29.9.39 in the service book of late Kala Ram Das.

Photocopy of letter dated 27.06.03 issued under hand and seal of Accounts Officer (DDT CE22), O/o the CGNT, BSNL, Assam Telecom Circle, Ghy-7 is annexed herewith and marked as Annexure-VIII.

- (xiii) That the applicant states that as the disciplinary proceeding against the petitioner's husband was closed vide Govt. of India order No.:- G.O.T. Deptt. PER ANB TRQ W.M.No. 11012/7/99-Estt(A) dated 20.10.99 due to death of the applicant's husband, the date of birth i.e. 29.09.1939 which was corrected and recorded in the service book and on the basis of which the applicant's husband was retired should be counted for all purposes. Moreover this Hon'ble Tribunal also Vide order dated 21st

February 2003 passed in OA No. 100/2002 the respondent authorities are directed to written off the claims of the respondents.

(xiv) That the applicant respectfully states that she is entitled family pension, death-cum retirement benefit and all other retiral benefits on the basis of the date of birth i.e. 29.09.39 recorded in the service book of the applicant's husband late Kala Ram Das but the respondent authority granted death-cum retirement gratuity, family pension and other retiral benefits on the basis of date of birth i.e. 10.02.32 which was disputed and stood terminated without final settlement due to death of the applicant's husband on 08.07.01 during the pendency of the disciplinary proceeding. As such the actions of the respondents authority regarding fixation of death-cum retirement gratuity, family pensions and other retiral benefits on the basis of date of birth i.e. 10.02.32 are illegal, unjust, arbitrary, discriminatory and against the mandatory provisions of law, equity and good conscience.

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

7. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

- I. For that non-granting of family pension death-cum retirement gratuity and other retiral benefits to the applicant after the death of the applicant's husband late Kala Ram Das a retired employee of the respondents department fixing his date of birth as 29.9.39 is illegal, arbitrary, unfair, unjust and against the mandatory provisions of law.
- II. For that granting death-cum retirement gratuity pension, leave encashment, commutation, family pension etc. vide impugned order dated 27.06.03 (Annexure-VIII) fixing date of birth as 10.02.32 which was disputed and remain unsettled due to death of the applicant's husband during the pendency of the disciplinary proceeding is illegal, arbitrary, whimsical, unfair, unjust and against the mandatory provisions of law and violated the fundamental rights of the applicant.
- III. For that, after closing disciplinary proceeding initiated against the applicant's husband vide Government order No. TDM/TEZ/1006/DIS/KRD/2 dated 19.11.01 there is no justification for settling the

claim of family pensions and other retiral benefits approved to late Kala Ram Das on the basis of date of birth as 10.02.32.

IV. For that non-compliance of the order dated 21st Feb, 2003 passed in O.A. No. 100/2002 by the respondent authorities while granting gratuity, pension and other retiral benefits fixing 29.9.39 as date of birth of the applicant's husband late Kala Ram Das is amounting to violation of Hon'ble Tribunal's order and liable for punishment for contempt of this Tribunal.

V. For that in any view of the matter the actions of the respondents authority for non-granting family pension, other retiral benefits fixing date of birth as 29.9.39 as recorded in the service book and on the basis of which the applicant's husband late Kala Ram Das was retired from his service are all bad in law and liable to be set aside and quashed.

8. DETAILS OF REMEDIES EXHAUSTED:

The applicant has submitted representations praying for releasing pensions, gratuity and all other retiral benefits accrued to late Kala Ram Das who retired as Line Inspector on 30.9.97 from the respondents department.

✓

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

The applicant further declares that she filed an application being O.A. No. 100/2002 before this Hon'ble Tribunal for finalisation of the disciplinary proceeding initiated against the applicant's husband and for granting family pension, gratuity and other retiral benefits which was disposed of with a direction to the respondents for settling the retiral benefits and payment of death-cum retirement gratuity etc. vide order dated 21st Feb. 2003 and no other application, writ petition or suit is pending before any Court or Tribunals.

10. RELIEF SOUGHT :

It is, therefore, prayed that Your Lordships could be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why they should not be directed to fix the date of birth as 29.9.39 instead of 10.2.32 of late Kala Ram Das, a retired Line Inspector for the purpose of

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granting family pension, death-cum retirement gratuity and other retiral benefits and/or as to why such other or further orders on directions shall not be issued as Your Lordships may deem fit and proper and upon hearing the parties, perusal of records and show causes if any make the Rule/Order be absolute.

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

11. INTERIM ORDER IF ANY PRAYED FOR :

It is, further prayed that Your Lordships would be pleased to direct the respondents authority to grant provisional pension of Rs. 1275 as usual till disposal of this application.

12. The application will be presented by the advocate of the applicant.

27

13. Particulars of the Postal order/Bank Draft in respect of the application fee.

I.P.O./D.D. No. DATED ISSUED BY THE

Guwahati P.O. payable at Guwahati is enclosed.

9. LIST OF ENCLOSURES :

1. Annexure-I : Appointment orders
2. Annexure-II : Superannuation order
3. Annexure-III : Released order.
4. Annexure-IV : Suspension order dated 18.9.97
5. Annexure-V : Memorandum of Article of charge dated 22.09.97
6. Annexure-VI : Written statement of defence.
7. Annexure-VII : Order dated 21st Feb. 2003 passed by Hon'ble Tribunal.
8. Annexure-VIII : Letter dated 27.6.03 issued by Accounts Officer (DOT CELL), O/o the CGNT, BSNL, ASSAM, Telecom Circle, Ghy-7.

VERIFICATION

I, Smti. Sumitra Das, aged about 52 years, Wife of Late Kala Ram Das, resident of village Sonitpur, P.O. Biswanath Chariali, P.S. Chariali, in the district of Sonitpur (Assam) do hereby verify that the statements made in Paragraphs No. 4(i), 4(viii), 4(x), 4(xiv), 4(xv)..... are true to my personal knowledge and the statements made in paragraphs No. 4(ii), 4(iii), 4(iv), 4(v), 4(vi), 4(vii), 4(x), 4(xi), 4(xii), 4(xiii)..... are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this the 24th day of September, 2003 at Guwahati.

Place: Guwahati

Date: 24/09/03

সুমিত্রা দাস

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

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

Date from which this order is effective: P/N of 5/2/1962.

....

Appointed as Temporary Lineworkman Telegraphs with effect from the P/N of 5/2/1962 on the scale Rs.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.

S.D.O. Telegraphs, Gauhati.

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

Copy forwarded for information to:-

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

S.D.O. Telegraphs, Gauhati.

Certified to be
True copy
B.K. Das
Almora

OFFICE OF THE DIVISIONAL ENGINEER, (P&A),
TAMPUR, DISTRICT OF TAMPUR, TAMIL NADU.

To,

The A.D. & Revenue/Tampur.

" A.D. & Charali.

No. 52/Pen/Reg/96-97/140

Dated at Tampur, the 3-3-97.

Subject: Superannuation.

The following officials will be retired due to superannuation on the date as mentioned against each. Hence release 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.

Sl. No.	Name of officials	Design.	Date of Superannuation	Unit under them wkg.
1.	Sri Gauranga Ch. Das.	CAS	30-07-97	SDP/Tampur.
2.	" Kala Ram Das "	LS-III	30-09-97	SDP/Charali.

Sd/-

Divisional Engineer (P&A).

O/o the T.D.M., Tampur-734001.

Copy for information & n/a to:-

- 1) The AD.(CA), O/o the C.S. & Revenue, Guwahati-7.
- 2) Officials concerned, Sh. Kala Ram Das. Telephone Exchange, C.I.
- 3) SDP/T concerned.
- 4) The AD.(Cash), O/o T&R/Tampur. They are requested to keep note the date of superannuation and act accordingly for the purpose of deptl. recovery etc.
- 5) The AD.(Cash), O/o T&R/Tampur. He is requested to ^{update} n of the above officials.
- 6) Office copy.

Divisional Engineer (P&A).

O/o the T.D.M., Tampur - 734001.

Confided to be
True Copy
B.K. Borth
Advocate

18 '20

Annexure - II
Annexure III (2)

3

DEPARTMENT OF TELECOMMUNICATION

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

To,

Sri Kalaram Das L.I.
Chariali Telephone Exchange

No. :- Q-71/K.R.Das/CLI/97-98/12 Dated at Chariali, the 30.9.97

Sub :- Superannuation .

Ref :- ^{D.E.(P&A)} No. B-52/Pen/Hlg/96-97/140 Dated at Tezpur, the 3.3.97.

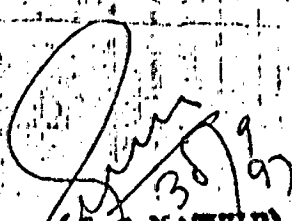
As per D.E.(P&A) O/O the T.D.M, Tezpur letter No. referred above the date of your superannuation is 30.9.97. Hence you are hereby released from the strength of this Sub-Division w.e.f 30.9.97 A/M on Superannuation retirement provisionally subject to finding of the charge sheet served by T.D.M, Tezpur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


30/9/97
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/CH-7.
4. A.O.(Cash), O/O the T.D.M/Tezpur .
5. S.S.Paybill .
6. O/C .

*Certified to be true copy
B.K. Borah
Advocate*


30/9/97
(B.S. MATHUR)
Sub-Divisional Engineer Phones (Gr)
Biswanath Chariali-784126.

19 21- Annexure - IV (2)

No. 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 .

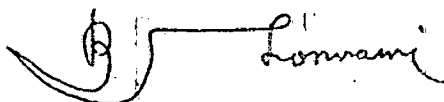


(B.K. Goswami.)

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
B.K. Borah
Advocate

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 .

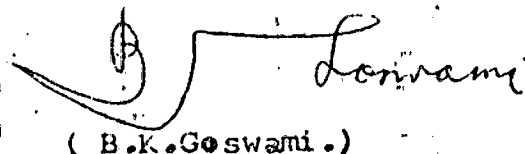
5. Attention of Shri Kala Ram Das, L/I is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining 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.)

Telecom. District Manager,

Tezpur-784001 .

Checked by
B.K. Goswami
Advocate

25 (- 23)
Annexure-VI

(15)
34

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 16.3.62 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

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B. K. Borth
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) 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 father's name. In the document No 3 my father's 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 & 29.9.39), 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 Sarma of Kanhiakuchi, Kamrup. The certificate by Dr. R.K. Deka was on the basis of Horoscope prepared on 7-6-82. 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 38 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

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(18)

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 disapproval 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

(15)

127-
Annexure - VII
38

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.
By Advocate Mr K.K. Phukan.

.....Applicant

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

.....Respondents

Certified to be
True Copy
B.K. Borah
Advocate

-28-

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue 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 submitted to 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.

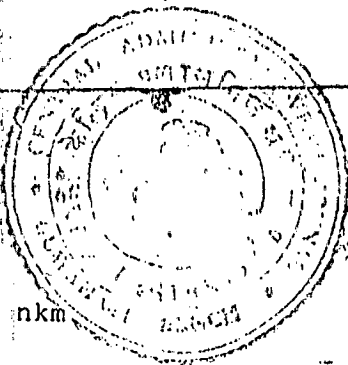
5. On consideration of the materials on record it thus transpires that the disciplinary proceeding initiated against the applicant stood dropped. In that view of the matter the respondents are to take steps for payment of DCRG to the applicant without further delay. The alleged excess payment of pay 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.....

- 30 -
: 3 :

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.

Sd/VICE CHAIRMAN



Certified to be true copy
of the original

NS
03/03/03

Section Officer
03/03/03
03/03/03
03/03/03
03/03/03



BHARAT SANCHAR NIGAM LTD.

(AGovt. of India Enterprise)

DOT-CELL

OFFICE OF THE CHIEF GENERAL MANAGER,

ASSAM CIRCLE,

ULUBARI, GUWAHATI - 781007.



NO. : ASM/BSNL/DOT.CELL/

FP/KRD/TEZ/107

Dated at Guwahati,

27-06-2003.

the

decision of BSNL letters No. 250-14/2002-Part III dt. 16-6-03 & No. 250-14/2002-Part III dt. 24-4-2003

Consequent upon the enhancement of Dearness allowance / Dearness Relief w.e.f.

01-07-2001, sanction is hereby accorded for payment of the following arrear amounts

to Shri/Smti. Sumitra Das w/o late Kala Ram Das Ex. L1 retired on

30-9-1997 & expired on 8-7-2003

✓ Death cum Retirement Gratuity :

Amount due Rs. 16,800.-

Amount drawn Rs. Not drawn

Difference payable Rs. 16,800.-

✓ Leave Encashment :

Amount due Rs. 10,709.-

Amount drawn Rs. 25,312.-

Difference payable Rs. (-) 14,603.-

Commutation Dearness Relief :

Amount due Rs. 20,962.-

Amount drawn Rs. Not drawn

Difference payable Rs. 20,962.-

Total amount payable Rs. 10,724.-

(Rupees Ten thousand seven hundred and twenty four only)

NOT PAYABLE COPY

Copy to :

1. Sri/Smt. Sumitra Das w/o

w/o late Kala Ram Das

2. A.O. (Cash) of G.M.T. Tezpur.

Accounts Officer (DOT-CELL)

O/o the CGMT, BSNL

Assam Telecom Circle,

Guwahati - 7

Accounts Officer (DOT-CELL)

O/o the CGMT, BSNL

Assam Telecom Circle,

Guwahati - 7

Certified to be
True copy
B.K. Borth.