

FORM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc. Petn/Cont. Petn/Rev. Appl. .... 41/2004

In O.A. 99/04

Name of the Applicant(s) Sri Jaydev Das

Name of the Respondent(s) Smti Pompa Baban & others.

Advocate for the Applicant M. Datta

Counsel for the Railway/C.G.S.C. S. Sarma, Rly. Counsel

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

6. 9.2004

Present: Hon'ble Mr. K. V. Prahladan,  
Administrative Member.

List on 6.10.04 alongwith  
M.P.No. 88 of 2004.

*K. V. Prahladan*  
Member

6.10.2004

Notice to respondents, returnable  
on 6.12.2004.

*K. V. Prahladan*  
Member (A)

*R. Sarma*  
Vice-Chairman

bb

06.01.2005

List on 01.02.2005.

*K. V. Prahladan*  
Member (A)

mb

Notice and (MP 88/04)  
Order dt. 6/10/04 (MP 88/04)  
sent to D/Section for  
issuing to resp. Nos.  
1 & 2, by regd. A/D  
post- 19/10/04.

*Section Officer*  
27/8/04

This contempt petition  
has been filed with a  
prayer under Rule 5 of  
the Central Administrative  
Tribunal contempt of  
Court Rules 1987. to  
direct the respondents  
to allow the petitioners  
to join the service.  
Laid before  
Hon'ble Court on  
order.

15.2.2005

Present: Hon'ble Shri M.K. Gupta,  
Judicial Member  
Hon'ble Shri K.V. Prahladan,  
Administrative Member.

3.12.04

Show cause reply  
submitted by the Contemner  
No. 1 & 2.

List on 17.2.05 alongwith  
O.A.99/2004.

Pro,

W.D. Datta  
Member (A)

W.D. Datta  
Member (J)

nkm

17.2.05

Hearing concluded. Reserved for order.

Notice duly served  
on resp. No - 1.

W.D. Datta  
Member (A)

W.D. Datta  
Member (J)

pg

Cas  
16/2/05.

C.P. 41/2004

Notes of the Registry

Date

Orders of the Tribunal

17.2.2005

Heard learned counsel for the applicant. The contempt petition is dismissed in terms of the order passed in separate sheets. No costs.

*K. D. Sharma*  
Member (A)

*J. S. Singh*  
Member (J)

mb

14.2.05

Copy of the order has been sent to the D/Sec. for issuing the order to the applicant as well as to the Rly. Standing Counsel.

JS

Received  
Dandana Devi  
for S. Sarma  
SC, Rly  
18.3.05

JS

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.A./RXX.No. C.P. 41/2004.

DATE OF DECISION 17/02/2005.

..... Sri J. Das ..... APPLICANT(S)

..... Sri M. Dutta. .... ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS -

..... Smt. P. Babar & Another; ..... RESPONDENT(S)

..... Dr. M.C. Sarma ..... ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, MEMBER (A).

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 (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Contempt Petition No. 41 of 2004 (In O.A.99/2004)

Date of Order : This the 17<sup>th</sup> Day of February, 2005.

**THE HON'BLE MR M.K.GUPTA, JUDICIAL MEMBER**

**THE HON'BLE MR K.V.PRAHLADAN, ADMINISTRATIVE MEMBER**

Shri Jaydev Das, son of late K.C.Das,  
Assistant Chemist, N.F.Railway,  
Alipurduar Junction Railway Hospital,  
Alipurduar, West Bengal.

.... Petitioner

By Advocate Shri M.Dutta

- Versus -

1. Smt Pompa babar,  
Divisional Railway Manager,  
N.F.Railway,  
Alipurduar Junction,  
Alipurduar, West Bengal.
2. Dr. Manik Khaglari,  
Senior Medical Officer,  
N.F.Railway,  
Railway Hospital, Alipurduar Junction  
Alipurduar, West Bengal.

... Respondents

By Advocate Dr M.C.Sarma, Railway Standing Counsel (not present).

**ORDER (ORAL)**

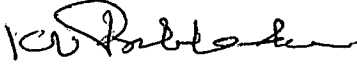
**M.K.GUPTA, MEMBER(J) :**

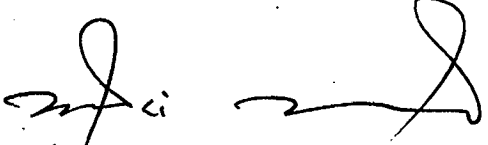
Willful disobedience of order dated 27.4.2004 passed in O.A.99/2004 directing the respondents to maintain status quo, is alleged in the present C.P.

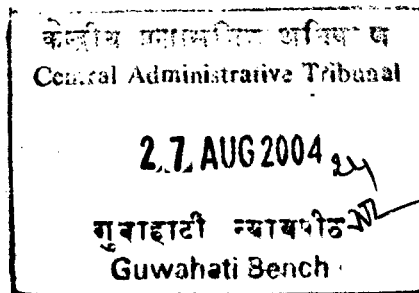
2. The respondents in their reply stated that prior to passing of the said interim order the applicant's service were terminated vide order dated 22.4.2004, which fact was suppressed by the applicant. Moreover, the termination order dated 22.4.2004 sent by registered post to the applicant on the address furnished and available in the service record, was returned back.



3. It is stated by the learned counsel for the applicant that during the relevant period the applicant was on leave and as such was not available in the said address. Be that as it may, the fact remains that prior to passing of interim order dated 27.4.2004 the respondents have indeed passed the order dated 22.4.2004 terminating the service of the applicant. Therefore, we do not find any contemptuous conduct of the respondents in not permitting the applicant to join the said post and therefore, the present Contempt Petition is dismissed. Notices are discharged. No costs.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( M.K.GUPTA )  
JUDICIAL MEMBER



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Filed by  
Hishmy Bultu  
Jalpaiguri

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

CONTEMPT PETITION (CIVIL) NO 41 /2004

BETWEEN

Shri Jaydev Das, son of Late K.C  
Das, Assistant Chemist, N.F Railway,  
Alipurduar Junction Railway  
Hospital, Alipurduar, West Bengal.

... Petitioner

AND

1. Smti Fompa Babar, Divisional  
Railway Manager, N.F Railway  
Alipurduar Junction, Alipurduar,  
West Bengal

2. Dr. Manik Khaglari, Senior  
Division Medical Officer, N.F  
Railway, Railway Hospital, Alipur-  
duar Junction, Alipurduar, West  
Bengal.

... Respondents

IN THE MATTER OF:

An application under Rule 5 of the  
Central Administrative Tribunal  
(Contempt of Court) Rules 1987.

The Humble Petition of the Petitioner above named most  
respectfully begs to state : . . . . .

1. That the petitioner, apprehending termination from his service as Assistant Chemist, N.F. Railway Alipurduar Junction Railway Hospital, approached this Hon'ble Tribunal by filing OA No 1099/2004 praying interalia for direction to the authorities not to terminate the service of the petitioner.

2. That this Hon'ble Tribunal by order dated 27/04/04 was pleased to direct the authorities to maintain status quo with regard to the services of the petitioner.

A copy of the order dated 27/04/04 is annexed as Annexure-A.

3. That the petitioner served copies of the order dated 27/4/04 on the respondents to the Original Application including the present respondents. The copies of the order dated 27/04/04 was personally served by the petitioner along with a representation and same were received by the office of the Chief Medical Superintendant on 30/04/04 at 10.15 hrs.

A copy of the representation containing endorsement of receipt of the order is annexed as Annexure-B.

4. That to the shock and surprise of the petitioner, on the evening of 30/04/04, inspite of the knowledge of the order dated 27/04/04 directing status quo with regard to the service of the petitioner, some people from the office of the respondent/contemner No 2 came to the house/quarter of the petitioner and hung an order allegedly dated 22/04/04 issued by the contemner



No 2, on the wall of the quarter of the petitioner, whereby it was intimated that the petitioner has been terminated from his service. At the time when the said order of termination was hung in the wall of the petitioner's quarter, the petitioner was not at his home/quarter. Later on, the petitioner could come to know that in the evening of 30/04/04, Smti Niva Ghosh, Head Clerk, Shri P.B Mazumdar, Office Superintendent, Shri D.R. Choudhury, Ambulance Driver, Shri Kalayan Rao, Ambulance Cleaner and some R.P.F personnel came to the quarter of the petitioner in an ambulance bearing registration No.W.B-69-0527 for hanging the said order of termination.

5. That it is pertinent to mention here that the petitioner is working under the Senior D.M.O, Dr. Bhaskar Basak. However the order of termination was issued by the contemnor No-2 in exercise of powers beyond his jurisdiction and that too inspite of the order dated 27/04/04 passed by the this Hon'ble Tribunal. The contemner No 2 has deliberately and willfully violated the order of this Hon'ble Tribunal inspite of the fact that the order of this Hon'ble tribunal was very much within the sphere of his knowledge and acknowledgment.

6. That being aggrieved by the order of termination, the petitioner submitted a representation to the contemnors for cancellation of the order of termination as the same was passed in violation of the order of this Hon'ble Tribunal.

A copy of the representation along with acknowledgment receipts are annexed as Annexure-C series

7. That the contemner No 1 has also failed in discharging her duties and has connived in violation of the order of this Hon'ble Tribunal. The contemner No 1 after receiving the representation of the petitioner ought to have taken up the matter with the contemner No 2 and it was her responsibility to ensure that the violation of the order of this Hon'ble Tribunal was stopped. However she has willfully and deliberately refrained from discharging her duties for which she is also liable for contempt of this Hon'ble Tribunal.

8. That the respondents/contemnors have willfully flouted the order of this Hon'ble Tribunal and have committed and perpetrated an illegality for which the respondents are liable to be punished for contempt of this Hon'ble Tribunal.

9. That this application is made bonafide and for the ends of justices.

#### PRAYER

In the premises aforesaid it is most respectfully prayed that this Hon'ble Tribunal may be pleased to direct the respondents to be personally present before this Hon'ble Tribunal and to show cause as to why the respondents shall not

be punished for contempt of this Hon'ble Tribunal and on such cause or causes being shown, after hearing the parties this Hon'ble Tribunal may be pleased to punish the Contemnors for committing contempt of this Hon'ble Tribunal.

AND

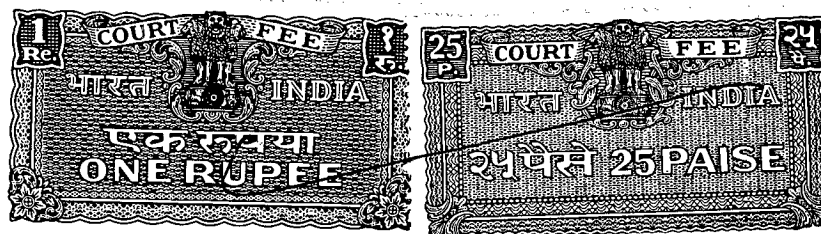
Pending disposal of the contempt petition, this Hon'ble Tribunal may be pleased to direct the respondents to allow the petitioner to join in his service.

...Affidavit

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DRAFT CHARGE

Whereas this Hon'ble Tribunal by order dated 27.04.2004 passed in O.A. No. 99/2004 was pleased to direct the respondents to maintain status quo with regard to the service of the petitioner. However, inspite of the service of the said order on the respondents, the respondents NO. 1 and 2, the Divisional Railway Manager, n.F. Railway, Alipurduar Junction and the Senior Divisional Medical Officer passed order terminating the petitioner from his service in willful and deliberate disobedience of the order passed by this Hon'ble Tribunal. As such, the respondents are liable to be punished for the contempt of this Hon'ble Court.



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### AFFIDAVIT

I, Jaydev Das, aged about 34 years, son of Shri K.C.Das, resident of N.F Railway colony Alipurduar Junction district Jalpaiguri (West Bengal) do hereby solemnly affirm and declare as follows.

1. That I am the petitioner, conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.

2. That the statements in this affidavit and in the accompanying petition in paragraphs 1 and 3 to 9 are true to my knowledge; those in paragraph 2 being matters of record are true to my knowledge derived therefrom and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this the 11 th day of August 2004 at Guwahati.

Identified by me:

*A. D. Deka*

Advocate.

✓ Jaydev Das  
DEPONENT



Solemnly affirmed and declared by  
the deponent before me who is  
identified by A. Deka, Advocate, Guwahati.

*11.8.04*  
MAGISTRATE

FORM NO. 4  
(SEE RULE 2-1)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI Bench

Org. App/ Misc. / Rev. App. 97/04

Name of the Applicant(s) Shri Joydeb Das  
Name of the Respondent(s) 12.0.11. P. 018  
Advocate for the Applicant Mr. M. K. Choudhury  
Counsel for the Railway/ C.G.S.C. Mr. M. Dutta  
Rel. Counsel

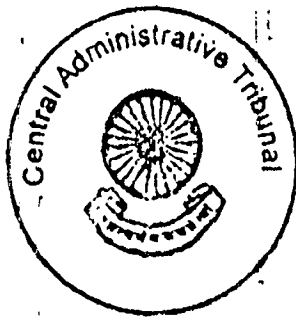
OFFICE NOTE DATE ORDER OF THE TRIBUNAL

27.4.2004

Heard Mr. M.K. Choudhury, learned counsel for the applicant and also Ms. U. Das, learned counsel on behalf of the Railway.

The application is admitted, call for the records. Issue notice to the parties.

List on 28.5.2004 for orders. Meanwhile, status quo as on today shall be maintained.



Certificate to be true copy  
प्रमाणित प्रतिलिपि

Sd/MEMBER (ADM)

Section Officer (J)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005

Noted  
MDM  
Dewan

To  
The J.M.S.,  
N.F. Railway Alipurduar Jn. Rly. Hospital,  
Alipurduar Jn.

(Through Proper Channel)

Sir,

Reg:- Original Application No. 99/04 before Hon'ble  
Administrative Tribunal, Guwahati Bench

.....

With due regards I beg to state that I have been served  
a Show cause notice under your NO. H/SS/MED/ID/DAR dt. 01-03-04  
as to why my services will not be terminated on the ground that  
my Diploma Certificate of Laboratory Certificate is not according  
to required qualification for the post of Asstt. Chemist.

Sir, on apprehension of termination of service, I sought  
Legal remedies before the Central Administrative Tribunal, Guwahati  
Bench on 27-04-04 and the Hon'ble Tribunal vide order dated 27-04-04  
admitted my application and issue notice to the parties. List on  
28-05-04 for orders. Meanwhile, status quo as on 27-04-04 shall  
be maintained. Copy of the said order duly attested is enclosed  
for your perusal please.

Sir, I was on sanctioned 5 days LAP on & from 8-3-2004  
and thereafter I extended leave by an application due to my  
wife's illness. To-day I reported for duty.

Enclo. : One.

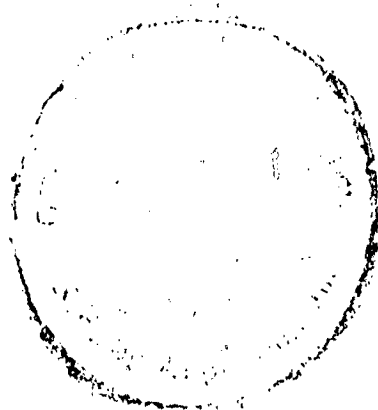
Dated : 30-04-2004.

Yours faithfully,

Jaydeb Das

(JAYDEB DAS)

Received on  
30-04-04  
at 10:15 AM hrs.  
Vet



Attested  
M. B. H.  
M. B. H.

To

1. The General Manager,  
N.F. Railway, Maligaon,  
Guwahati.

2. The Divisional Railway Manager,  
N.F. Railway, Alipurduar Junction,

3. The Chief Personnel Officer (Recruitment),  
N.F. Railway, Maligaon, Guwahati-11.

4. The Senior Divisional Medical Officer,  
N.F. Railway, Alipurduar Junction.

Sub : Termination of my service.

Sir,

Most Respectfully, the undersigned beg to state the following for your kind and sympathetic consideration.

1. That pursuant to my appointment after due selection, I was appointed as an Assistant Chemist by an order dated 28.11.95. I was initially posted at Luming and thereafter in the year 1997, I was transferred to Alipurduar.

2. That after having rendered almost eight and half years of service, I was shocked to receive a show cause notice dated 1.3.2004 for proposed termination of my service on the allegations that the institution from which I obtained my diploma in Laboratory Technology was neither a Government Recognised institute nor an institute of the standing of institute like All India Institute of Hygiene and Public Health.

3. That I submitted my reply to the abovenoted show cause stating inter alia that my appointment was made after due scrutiny of my certificates in original after I had secured the first position in the merit list of the selections. Further, I had also in the meantime served for eight and half years in the Organisation and as such my service was not terminable.

4. That being aggrieved by the manner in which the show cause notice was issued, I was constrained to approach the Hon'ble Central Administrative Tribunal by filing the original application No. 99/2004 praying inter alia for setting aside the show cause notice dated 1.3.2004.

5. That the Hon'ble Tribunal by an order dated 27.4.2004 was pleased to direct that the status quo with regard to my service shall be maintained. By the said order, my application was admitted and the next date was fixed on 28.5.2004.

6. That pursuant to the order passed by the Hon'ble Tribunal, I went to office of the Chief Medical Officer, N.F. Railway, Alipurduar Junction and submitted a copy of the order passed by the Hon'ble Tribunal alongwith a representation and with the



information that I was reporting back to duty. The said representation alongwith the copy of order passed by the Hon'ble Tribunal were received by the office of Chief Medical Officer on 30.4.2004 at 10:15 A.M.

7. That inspite of the submission of the order of the Hon'ble Tribunal, I was not allowed to join back on duty and I could learn that later in the day i.e. on 30.4.2004 that an order purportedly issued on 22.4.2004 by the Sr. Divisional Medical Officer, N.F. Railway, Alipurduar Junction was hanged in the wall of my residential quarter which was under lock and key during the day. The said order was apparently issued on a back date. In this context, it is pertinent to note that when I left for my office in the morning of 30.4.2004 the said order was not hanging in the wall of my residential quarter. I was also served with a copy of the said order at around 3:30 P.M. on 30.4.2004.

8. That I had also sent copies of the order of the Hon'ble Tribunal through registered post to your Honour.

9. That the order of termination apart from being illegal and arbitrary has been issued in violation of the order passed by the Hon'ble Tribunal whereby a direction was given to maintain status quo with regard to my service. The said order of termination is also contemptuous. The order of termination was served on me on 30.4.2004 and apparently the same was issued on back date to circumvent the order of the Hon'ble Tribunal.

10. That under these circumstances, I have been constrained to approach your Honour by submitting this representation praying that I may be allowed to continue in office in terms of the order of the Hon'ble Tribunal dated 30.4.2004.

It is therefore prayed that Your Honour will be pleased to issue necessary orders within 15 days allowing me to continue in my service of Assistant Chemist in the Railway Hospital, Alipurduar Junction and the order of termination purportedly issued on 22.4.2004 (served on me on 30.4.2004) be cancelled.

Encl: 1. Copy of the order dated 27.4.2004 passed by the Hon'ble Tribunal.  
2. Copy of the order of termination served on me 30.4.2004.

Yours faithfully,

Jaydeb Das

(Jaydeb Das)

Asstt. Chemist Rly. Hospital,  
Alipurduar Junction.

From  
11/5/04  
RECEIVED  
11/5/04  
11/5/04

Recd. from copy only  
11/5/04

Attested  
Mauha  
A. M. Choudhary

# प्रातिप-स्वीकृति (रसीद)/ACKNOWLEDGEMENT

★ एक रजिस्ट्री पत्र/ पोस्टकार्ड/ पैकेट/ पार्सल प्राप्त हुआ  
★ Received Registered Insured Letter, Postcard, parcel

क्रमांक  
No.

पाने वाले का नाम  
Addressed to (Name)

The Sr Divisional Medical Officer  
NF RLY Hospital  
Alipurdwar Junction

● बीमे का मूल्य (रुपयों में)  
● Insured for Rupees  
वितरण तारीख  
Date of delivery

Dhs - Jalpaiguri  
(West-Bengal)

Pin - 736123

★ अनिवार्यक दी काट दिया जाये/ Score out the matter not required.  
★ केवल बीमा वस्तुओं के लिए/ For insured articles only

पाने वाले के हस्ताक्षर  
Signature of addressee  
12/5/84

# प्रातिप-स्वीकृति (रसीद)/ACKNOWLEDGEMENT

★ एक रजिस्ट्री पत्र/ पोस्टकार्ड/ पैकेट/ पार्सल प्राप्त हुआ

★ Received Registered Insured Letter, Postcard, parcel

क्रमांक  
No.

पाने वाले का नाम  
Addressed to (Name)

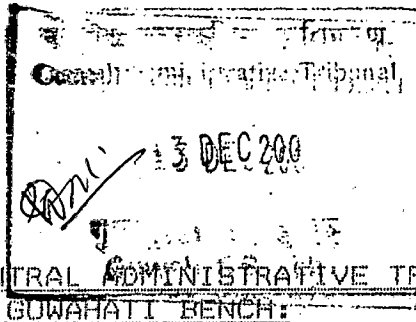
The Divisional RLY Manager  
NF RLY Alipurdwar Junction

● बीमे का मूल्य (रुपयों में)  
● Insured for Rupees  
वितरण तारीख  
Date of delivery

★ अनिवार्यक दी काट दिया जाये/ Score out the matter not required.  
★ केवल बीमा वस्तुओं के लिए/ For insured articles only

पाने वाले के हस्ताक्षर  
Signature of addressee  
12/5/84

Amul  
Mam  
Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH:

Filed by  
Advocate  
D. 2/12/04

IN THE MATTER OF:

C.P. No 41 of 2004.

D.A No 99/2004.

Sri Jaideb Das .....Petitioner.

-VS-

Smt. Pampa Babbar & anr.....Respondents.

IN THE MATTER OF:

Show Cause reply on behalf of the  
Respondent/Contemner. No 1. (Smt. Pampa Babar)

1. That the Contemner No 1 has received the copy of the Contempt Petition No 41 of 2004 and has gone through the copy of the said Contempt petition filed by the petitioner and have understood the contents thereof.

2. That save and except the statements which are specifically admitted hereinbelow, other statements made in the Petition are categorically denied. Further the statements which are not borne on records are also denied and the petitioners are put to the strictest proof thereof.

3. That answering Contemner instead of providing the parawise comments to each para to avoid repetition begs to place the factual aspect of the matter as follows;

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That the applicant of the O.A was served with a show cause notice by the Railway Authority dated 01.03.04, as to why his service may not be terminated on the ground that he got employment on the basis the diploma certificate in Medical Laboratory Technology from an institute which is not Govt. recognised institute and same does not fall under the prescribed qualification as per the advertisement made by RRB/Ghy, (Employment Notice No.3/94- category 10.). In fact, the applicant made a false declaration regarding his qualification at the time of his appointment.

That on receipt of the show cause notice, the applicant submitted reply 16.03.04 and thereafter without waiting for the reply, filed the aforesaid O.A, apprehending termination. The Hon'ble Tribunal on 27.04.04 while admitting the O.A was pleased to pass an interim order directing the Railway Respondents to maintain status quo as on that day i.e, 27.04.04. The applicant only on 30.04.04 submitted the copy of the said interim order dated 27.04.04.

That the applicant w,e,f, 08.03.04 was on leave up to 13.03.04 ( 5 days). However, the applicant remained un-authorisedly absent w,e,f, 13.03.04 onwards and subsequently on 08.04.04 he submitted application for extension of leave without any material disclosure. His such application for extension of leave was rejected by the competent authority by an order dated 29.09.04.

That in the mean time basing on the unsatisfactory show cause reply dated 16.03.04, in relation to the his appointment, the service of the applicant was terminated, vide order dated

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22.04.04. The said order dated 22.04.04 was sent to the applicant on 23.04.04 by registered post with AD. However, said order returned undelivered with the postal remark "not found, left without address". Subsequently, a copy of the said order was also pasted on the wall/door of his quarter in presence of two witnesses.

That prior to passing of the interim order dated 27.04.04, the service of the applicant was terminated and as such his request for resumption of duty has not been considered. It is therefore, the contention of the applicant regarding willful violation of the Hon'ble Tribunal's order dated 27.04.04 does not arise. The applicant who is well aware of the passing of the termination order dated 27.04.04, has suppressed the fact before the Hon'ble Tribunal with a view to mislead the Hon'ble Tribunal and as such rather he is liable to be proceeded under contempt of court's order. It is stated that as per the provisions of Railway Bard's letter dated 17.11.70 as well as 19.11.71, the service of the order dated 22.04.04 has been completed on 23.04.04 itself.

4. That the Contemner above named begs to state that the other statements made in the contempt petition, including the personnel allegations are baseless and fabricated and same are categorically denied. It is noteworthy to mention here the contentions based on the merit of the case are also denied and to that effect the Railway respondents have already filed the Written Statement which has been received by the counsel of the applicant.

5. That the deponent begs to state that from the above it is crystal clear that the petitioner with an ulterior motive

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suppressed the material facts before the Hon'ble Tribunal to get undue advantage and as such, it is a fit case for drawing up appropriate contempt proceeding against the petitioner invoking power under the Central Administrative Tribunal (Contempt of Court) Rules 1992, read with section 17 of the Administrative Tribunal Act 1985 and to punish the petitioner for suppressing the material facts before the Hon'ble Tribunal.

6. That the deponent begs to state that he being a responsible officer is duty bound to Judgment and order passed by the Hon'ble Tribunal. It is stated that the Judgment of the Hon'ble Tribunal has been implemented in its true sense and sprite and as such there is no violation of the same as alleged by the petitioner. However, in case of any deviation from the said Judgment, that has occurred unknowingly, may not be treated as willful violation and the deponent for such violation, if any, places her unconditional apology before the Hon'ble Tribunal.

11. That the deponent begs to state that in view of the facts and circumstances state above the present contempt proceeding is liable to be dismissed with cost.

## AFFIDAVIT.

I Shrimati... POMPA...BARBAR aged about 52 years,  
resident of Alipurduar Jn in the Dist. of Jalpaiguri do  
hereby solemnly affirm and state as follows;

Balhar  
1. That I am the DIVISIONAL Rly. MANAGER under  
N.F. Railway, Alipurduar Jn, West Bengal and as such am well  
acquainted with the facts and circumstances with the case and  
competent to swear this affidavit.

2 That the statements made in this affidavit and in  
the accompanying petition in paragraphs... 1, 2 & 6 ..... are  
true to my knowledge and the statements made in  
paragraphs... 3-5 ..... are matters of  
records and rests are my humble submission before this  
Hon'ble Court.

And I sign this affidavit on this the 1st day  
of Dec..., 2004.

Identified by  
Usha Das  
Advocate's Clerk.

Balhar  
✓ DEPONENT.  
मंडल रेल प्रबंधक  
Divl. Railway Manager  
पू० सी० रेलवे / N. F. Railway  
अलीपुरद्वार जंन / Alipurduar Jn.

Solemnly affirmed and  
declared by the deponent  
~~that~~ she is identified by  
Miss Usha Das, Advocate  
on 1st day of Dec, 2004  
1 at Guwahati

Bandana Devi  
Advocate