

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

30

ORDER SHEET

Original Application No. _____

Misc. Petition NO. _____

Contempt petition No. 12/05 in O.A. 38/04

Review Application No. _____

Applicants. Krishna Kanta Singh

Respondents. U.O.I. Govt (B.S. Barman) & ors

Advocates for the Applicant. M. Chanda, S. Nath

Advocates of the Respondents. Mr. C. M. Ahmed

Notes of the Registry

Dated

Order of the Tribunal

This Contempt petition ^{22x}
has been filed by
the counsel for the
petitioner praying for
initiation of a contempt
proceeding against the
alleged contemnors for
non compliance of the
order dated 25.3.04
passed by this Hon'ble
court in O.A 38/04.

Laid before the
Hon'ble Court for further
orders.

24.3.05.

Present: Hon'ble Mr. Justice G. Sivarajan,
Vice-Chairman.
Hon'ble Mr. K.V. Prahladan,
Administrative Member.

Issue notice to ^{Respondents to} show cause as to
why Contempt Proceedings shall not be
initiated against the alleged contemnors
for non-compliance of the direction issued
by this Tribunal vide order dated 25.3.05
(Annexure 1).

Post the matter on 28.4.05.

Affidavit may file in the meantime.
Personal appearance is dispensed with for
the time being.

K. Prahladan
Member

G. Sivarajan
Vice-Chairman

1m

for Section Officer ^{28.4.05.}

Steps taken on 6/4/05.

6/4/05. Notice & order sent
to D/Section for issuing to
resp. Nos. 1, 2 & 3 by regd. A/D
post.

6/4/05. D/No = 570 to
572

Mr. M.U. Ahmed learned Addl. C.G.S.C.
submits that due to Parliamentary Session
is going on, the respondents who is not
looking after the matter is not in a posi-
tion to prepare the affidavit and submit
before the Tribunal. The Standing counsel
submits that some more time is required.
Post the matter on 30.5.05.

30.5.05.

Mr.M.U.Ahmed learned counsel Addl.C.G.S.C. submits that the affidavit is ready and is being filed to-day. Post the matter on 7.6.05.

Member

Vice-Chairman

Notice duly Served on resp.

No-1

7.6.05.

Mr.M.U.Ahmed learned Addl.C.G.S.C. for the Respondents submits that affidavit has been filed by the Respondents. Mr.M.Chanda learned counsel for the applicant submits that he has not received the copy of the same. The ^{Standing Counsel} are directed to furnish the copy of the affidavit to the learned counsel for the applicant.

Post the matter on 27.6.05.

Member

Vice-Chairman

31.5.05

lm

Reply in affidavit submitted by the Contemners No. 1, 2 & 3

27.6.2005

Post on 22.7.2005 for hearing. Reply, if any, in the meantime.

Vice-Chairman

mb

6-6-05

Reply filed by the Contemners.

22.7.2005

Heard Mr. M. Chanda learned counsel for the petitioner and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the alleged contemners. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The Contempt Petition is dismissed.

Member

Vice-Chairman

nkm

M.U. Ahmed
Addl. C.G.S.C.

22.7.05
Photo copy of the judgment has been sent to the office for filing the same to the applicant as well as to the Addl. C.G.S.C.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

C.P.No.12 of 2005 (O.A.No.38/2004)

DATE OF DECISION : 22.7.2005

Shri Krishna Kumar Singh

APPLICANT(S)

Mr. M. Chanda, Mr G.N. Chakraborty
and Mr S. Nath

ADVOCATE(S) FOR
THE APPLICANT(S)

- VERSUS -

1. Shri B.S. Baswan
2. Smt Bela Banerjee and
3. Dr P.L. Taneja

RESPONDENT(S)

Mr M.U. Ahmed, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN

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

Judgment delivered by Hon'ble Vice-Chairman.

.....

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No.12 of 2005
(In Original Application No.38 of 2004)

Date of Order: This the 22nd day of July 2005.

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Mr Krishna Kumar Singh,
Deputy Director (L),
Central Hindi Directorate (N.E.),
Government of India,
Ministry of Human Resource Development,
Das Enterprise, Jaya Nagar,
Khanapara, Guwahati-781002.

.....Petitioner

By Advocates Mr M. Chanda, Mr G.N. Chakraborty
and Mr S. Nath.

- Versus -

1. Shri B.S. Baswan,
Secretary to the Government of India,
Ministry of Human Resource Development,
Department of Secondary and Higher
Education,
Shastri Bhavan, New Delhi-110001.
2. Smti Bela Banerjee,
Joint Secretary (L) to the
Government of India,
Department of Secondary and
Higher Education,
Ministry of Human Resource Development,
Shastri Bhavan, New Delhi-110001.
3. Dr P.L. Taneja,
Director,
Central Hindi Directorate,
Ministry of Human Resource Development,
Department of Secondary and
Higher Education,
West Block-7,
R.K. Puram, New Delhi-110066.

.....Alleged Contemners

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.

.....

ORDER (ORAL)SIVARAJAN. J. (V.C.)

The applicant had earlier approached this Tribunal by filing O.A.No.38 of 2004, which was disposed of by directing the applicant to make a detailed representation, and the respondents were directed to pass a reasoned order within one month's time thereafter. This order was passed on 25.3.2004.

2. The applicant has filed the Contempt Petition on 23.3.2005, i.e. just on completing one year from the date of the order.

In other words, notwithstanding the non-compliance of the direction, the applicant waited for the expiry of one year for filing of the Contempt Petition. It is stated that the applicant had filed a representation on 1.4.2004 seeking for implementation of the direction issued by this Tribunal. It is stated that the respondents have not, so far, complied with the direction issued by this Tribunal.

3. The respondent No.3 has now filed an affidavit. It is stated that the allegation that no action has been initiated by the respondents to dispose of the representation filed by the applicant in pursuance of the order issued by the Tribunal is false. It is stated that the applicant was given a personal hearing, but before taking a final decision the respondents had to take into account a number of complaints, which were received against the applicant from the Voluntary Hindi Organisations functioning in the applicant's jurisdiction. For this purpose an Enquiry Committee was constituted to examine the complaints. The Enquiry Committee has submitted its report and a number of complaints which were received against the

Sp4

applicant were found substantiated in the report of the Enquiry Committee. In the above circumstances it took sometime to take a final decision on the applicant's representation. It is also stated that in the meantime the applicant was arrested by the police and an FIR was lodged against the applicant on 31.1.2005 in the Dispur Police Station at Guwahati. Based on the same the applicant was placed under suspension as provided under Rule 10 of CCS (CCA) Rules, 1965 and the applicant is presently under suspension.

4. The applicant has filed a reply wherein it is stated that though the applicant had filed the representation on 1.4.2004 he was called for a personal hearing only on 27.7.2004 and that the applicant rushed to Delhi on the next day and had a meeting with the Joint Secretary and a hearing given. Regarding the police complaint etc. it is stated that it was a fictitious complaint and a motivated one.

5. Mr M. Chanda, learned counsel for the applicant, submits that this Tribunal had issued the direction on 25.3.2004; that the applicant had submitted the representation on 1.4.2004 and therefore, the respondents were bound to pass an order within one month thereafter. He further submitted that in the instant case the hearing was also conducted after four months only and no final order has been passed pursuant thereto. The counsel submits that this is a gross violation of the order of the Tribunal.


6. Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents, on the other hand, submits that the respondents have tendered apology for the delay that occurred in the disposal of the representation. He further submitted that the applicant was given a personal hearing and that while the matter was under process the applicant was arrested by the police and an FIR was filed. In such


[Signature]

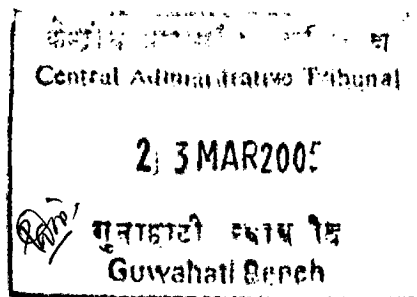
circumstances the respondents had no option but to keep the applicant under suspension as provided under Rule 10 of the CCS (CCA) Rules. Since the applicant is under suspension there is no question of giving any posting to him until the period of suspension is over.

7. True there has been delay on the part of the respondents in compliance of the directions issued in the order of the Tribunal. Further, this is admitted and an apology has been tendered in the affidavit filed by the respondent No.3. Having regard to the fact that subsequently the applicant was arrested in a police case and kept in custody and was later suspended as provided under Rule 10 of the CCS (CCA) Rules there is no question of directing the respondents to pass any order as directed in the final order until the suspension order is cancelled.

8. In the circumstances, we accept the apology tendered by the respondents and dismiss this Contempt Petition since no direction can be issued to the respondents to comply with the earlier direction of the Tribunal at present.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE-CHAIRMAN



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Filed by the petitioner
through Subrata Nath,
Advocate
28.03.05
29.03.05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 17 of the Administrative Tribunals Act, 1985)

Contempt petition No. 12 /2005

In O.A No. 38 of 2004.

In the matter of:

Mr. Krishna Kumar Singh.

... Petitioner.

-Versus -

Union of India and Others.

... Alleged Contemnors.

-And -

In the matter of

An application under Section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a Contempt proceeding against the alleged contemnors for non-compliance of the order dated 25.03.2004 passed in O.A.No.38/2004.

- And -

In the matter of

Mr. Krishna Kumar Singh.

Dy. Director (L)

Central Hindi Dte (NF),

Govt. of India, M/o HRD

Das Enterprise, Jaya Nagar.

Khanapara, Ghy-781002.

..... Petitioner.

-Versus-

- 1) Sri B.S. Baswan,
Secretary to the
Govt. of India.
M/o- H.R.D. Deptt. of Sec and Higher
Education, Shastri Bhavan.
New Delhi- 110 001.
- 2) Smri Beia Banerjee.
Joint Secretary (L) to the Govt. of India,
Deptt. of Secondary and Higher
Education, M/O HRD, Shastri Bhawan,
New Delhi-110001.
- 3) Dr. P.L. Taneja.
Director.
Central Hindi Directorate,
M/O H.R.D. Deptt. of Sec and Higher
Education, West Block-7,
R.K. Puram, New Delhi-110066.

... Alleged Contemnors.

The humble petitioner above named-

Most respectfully Sheweth:-

1. That your petitioner being aggrieved due to his transfer and posting order bearing letter No. F. No. 5-5/89-Admn. dated 10.02.2004 and consequential letter bearing No. F. No. 5-5/89 dated 10.02.2004 and also praying for a direction upon the respondents for posting of the petitioner at his choice station at New Delhi, approached this Hon'ble Tribunal through O.A. No. 38/2004.
2. That the Hon'ble Tribunal after hearing the contentions of the parties was pleased to dispose of the application vide order dated 25.03.2004 passed in O.A. No. 38 of 2004 directing the respondents as follows: -

“ Considering the facts and circumstances of the case, I am of the view that ends of justice will be met, if a direction is issued to the applicant to file a fresh representation before the respondents. Accordingly, applicant is directed to file a fresh and detailed representation mentioning his choice place of posting to the respondents within a period of one week from the date of receipt of this order. If such application is made, respondents shall consider the same and pass a reasoned order within one month's time thereafter. Adequate pre decisional hearing shall also be given to the applicant.

With this, the O.A is disposed of. No Costs.”

(Copy of the Judgment and order dated 25.03.2004 is annexed hereto and marked as Annexure-I).

3. That your petitioner thereafter approached the alleged contemnors for implementation of the Judgment and order dated 25.03.04 through representation dated 01.04.2004, praying for early implementation of the Judgment and order dated 25.03.2004 passed in O.A. No. 38 of 2004, which was forwarded to the alleged contemnor No. 3 vide letter dated 02.04.2004.

(Copy of the representation dated 01.04.2004 and 02.04.2004 are annexed hereto and marked as Annexure-II and III respectively).

4. That the humble petitioner begs to state that more than 11 (eleven) months time have passed since the passing of the order but the alleged contemnors have not initiated any action for implementation of the Judgment and order aforesaid.
5. That it is stated that the alleged contemnors deliberately and willfully did not initiate any action for implementation of the Judgment and Order dated

25.03.2004 passed by this Hon'ble Tribunal in O.A. No 38 of 2004 which amounts to Contempt of Court. Therefore the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order of the Hon'ble Tribunal dated 25.03.2004 in O.A.No.38/2004 and further be pleased to impose punishment upon the alleged contemnors in accordance with law.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt proceeding against the Alleged Contemnors for willful non-compliance of the order dated 25.03.2004 in O.A.No.38/2004 and be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Court.

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

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AFFIDAVIT

I Sri K.K.Singh, presently working as Deputy Director (L) Central Hindi Dte (NE), Govt. of India, M/O HRD, Das Enterprise, Jaya Nagar, Khanapara, Ghy- 781022, do hereby solemnly declare as follows: -

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1 to 5 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's order dated 25.03.2004 passed in O.A. No.38/2004.

And I sign this Affidavit on this ^{23rd} day of March' 2005.

Identified by

Surajit Choudhury

Advocate

Subash Nath
Dependent

The abovesaid dependent solemnly affirmed this affidavit and declared before Shri Subash Nath, Advocate on this the 23rd day of March' 05, who is identified by Shri Surajit Choudhury Advocate.

Subash Nath
Advocate
28/3/05

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6

DRAFT CHARGE

Laid down before the Hon'ble central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of order of the Hon'ble Tribunal dated 25.03.2004 passed in O.A. No 38/2004 and to impose punishment upon the alleged contemnors for willful disobedience and deliberate non-compliance of order dated 25.03.2004 of the Hon'ble Tribunal.

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SL.No. 67 ^{ud}

Annexure-I

FORM NO. 4

(RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHATI BENCH.

ORDER SHEET

Ord.App/ Misc.Petn/Cont.Petn/ Rev.Appl.

OP 38766

In O.A.

Name of the Applicant(s) K K Singh

Name of the Respondent(s) 12092

Advocate for the Applicant Mr. M. Chanda, Sr. C.G.S.C.

Counsel for the Railway/ C.G.S.C. S. Chandra, Sr. C.G.S.C.

CGSC

OFFICE NOTE

DATE

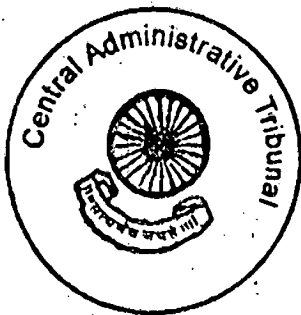
ORDER OF THE TRIBUNAL

25.3.2004 present: The Hon'ble Shri K.V.Prahladan
Administrative Member.

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2
1
Heard Mr.M.Chanda, learned counsel
for the applicant and also Mr.A.Deb Roy,
learned Sr.C.G.S.C. for the respondents
at length.

Considering the facts and circum-
stances of the case, I am of the view ϕ

Cont./2



Certified to be true copy
Asst. Adm. Officer

25.3.2004 that ends of justice will be met, if a direction is issued to the applicant to file a fresh representation before the respondents. Accordingly, ~~application~~ is directed to file a fresh and detailed representation mentioning his choice place of posting to the respondents within a period of one week from the date of receipt of this order. If such application is made, respondents shall consider the same and pass a reasoned order within one month's time thereafter. Adequate ^{pre decisional} ~~opportunity for~~ hearing shall also be given to the applicant.

With this, the O.A. is disposed of. No costs.

Till the completion of the exercise, interim order dated 20.2.2004 will continue.

Sd/MEMBER(ADM)



Certified to be true Cop.
प्रमाणित प्रतिलिपि

Section Officer (I)
C.A.T. GUWAHATI BANCH
Guwahati-781005

26/3/04
KS

From

K.K.Singh
Dy. Director (Languages)
Central Hindi Directorate
M/o-H.R.D., Deptt. of Sec.
& Higher Education
C/o Das Enterprise, Jayanagar
Khanapara, Guwahati-781 022.

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Annexure-11

To

The Secretary to the Govt. of India
M/o-H.R.D., Deptt. of Sec. & Higher
Education, Shastri Bhavan
New Delhi-110 001.

Dated 01st April 2004.

(THROUGH THE DIRECTOR, C.H.D., NEW DELHI)

Sub:- Posting to the station of choice on transfer from the post of
Dy. Director (Languages), Central Hindi Directorate (N.E.R. Office),
Guwahati.

Respected Sir,

With humble submission and in continuation of my earlier representation dated 16-02-2004 (enclosed for ready reference), I would like to draw your kind attention on the subject cited above and submit that being highly aggrieved with transfer and posting order number 5-5/89-Adm. dated 10.02.2004 whereby the undersigned is sought to be posted in the Regional Office of the Central Hindi Directorate at Kolkata. In the circumstances, I had to approach the Hon'ble C.A.T. Guwahati bench by filing an O.A. registered as O.A.No.38 of 2004. The said O.A. now disposed off on 25.03.2004 with the direction to the undersigned to submit a fresh representation within a week from the date of receipt of the Hon'ble C.A.T. order dated 25.03.2004 (enclosed for ready reference), hence the present representation.

1. Most humbly and respectfully I beg to say that prior to my posting at Guwahati, the undersigned served at Kolkata for a period of about four years from 1998 to 2003. On repatriation from the deputation post at Kolkata, I have been posted at Guwahati Regional Office and had joined here as Deputy Director (Languages) on 11.04.2003. Thereafter, I have been continuously working in this region. At the time of repatriation from Kolkata, I had submitted a representation dated 12.12.2002 for my posting at Delhi on compassionate grounds. Recently, on receiving the transfer order dated 10.02.2004, I again submitted a representation on 16.02.2004 and prayed for choice station of Delhi for posting in terms of Ministry of Finance O.M.No.20014/3/83-E.IV. dated 14.12.1983, O.M. No.20014/16/86-E.IV/E.II (B) dated 1st December 1988 and 22-07-1998. However, the authority did not pass any order on my repeated representations.

N*J*

Copy to be made
copy, for
submit

As per O.M. dated 14.12.1983, 01.12.1988 and 22.07.1998 a civilian government employee with ten years service is entitled to choice station posting on completion of fixed tenure of two years. I am almost completing two years, but surprisingly, the impugned transfer order dated 10.02.2004 was issued in respect of me ordering my posting to Kolkata.

2. It is relevant to mention here that my family and other dependant members are residing at Delhi, one son and daughter out of total three children are presently pursuing their under-graduate courses in Delhi and my youngest son has just finished his final plus-two exam in the last week of March 2004 at Kolkata.

3. In view of O.M. dated 14.12.1983, 01.12.1988 and 22.07.1998 of the Ministry of Finance, the undersigned is entitled to choice station of posting at Delhi on a priority basis.

4. It is pertinent to mention here that at present there are five Dy.Directors(Languages) under the Central Hindi Directorate in different regions and head office at New Delhi. But, surprisingly none of them except the Dy.Director (Languages) of Chennai and myself have been in the regional office, Guwahati at any point of time. It is further relevant to mention here that out of five incumbent Dy.Directors (L), the two - namely Dr.(Smt.) Shashi Rani Bhargava and Dr.D.C.Dixit have been working at the head office, New Delhi for more than twenty years in this deptt. and have never been posted outside New Delhi in their career. There is no transfer policy or guideline existing in our department. Transfers and postings are effected at the 'whims' of the authority on a 'pick and choose' basis and the undersigned has become a scape-goat of the arbitrary system of transfer and posting.

5. It is ought to be mentioned here that the undersigned has been transferred and posted for three times in a span of less than eight years. The particulars are given below:-

- a. From New Delhi to Kolkata in November 1996.
- b. From Kolkata to Guwahati in April 1998 and again,
- c. From Kolkata to Guwahati on repatriation from deputation in Feb./ April 2003 and now for the fourth^{time} present order for Kolkata from Guwahati within less than a year.

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I would also like to draw your kind attention on the following points.

a. When the O.A.number 38 of 2004 came up for admission before the Hon'ble C.A.T., Guwahati bench on 25.03.2004, the learned senior C.G.S.C. Mr.A.Deb Roy submitted before the Court that he had got the instructions that on the basis of certain complaints of the Voluntary Hindi Organisations of this region, the competent authority issued the transfer and posting order dated 10.02.2004. I was shocked after listening such submission of the learned counsel, which was made on the basis of the instructions of the competent authority;but, surprisingly till date I have not been served with any such complaint for my comments as is required under the rule. But, it appears that the action has been taken against me by way of transfer without any opportunity to the undersigned.

Therefore, the posting order of 10.02.2004 appears to be punitive in nature without following principles of natural justice. It is relevant to note that after my posting at N.E.R. office, Guwahati,it came to my notice on inspection of records that some Voluntary Hindi Organisations are not utilising government funds properly for the propagation of Hindi. Being a disciplined officer and always having a regard for proper utilisation of government funds and also having watchful eye on preventing the wastage and usurpation of the government money, I initiated some steps before putting up cases of VHO's for recommendation of financial assistance to them. Some unscrupulous Voluntary Hindi Organisations with sole motive of siphoning government fund were naturally not happy with the situation as this officer was not able to fulfil their fictitious demands. It is presumed that such Voluntary Hindi Organisations might have lodged baseless and imaginary complaints against me after^{npt} being satisfied due to strict compliance of financial and academic accountability. But, I trust and believe that the authorities should not act on the basis of any complaint of any vested circle without providing any opportunity to me. In view of the aforesaid circumstances, you are requested to kindly confirm

N*J*

- 4 -

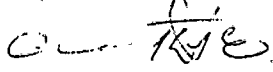
-12- 48

Whether it is a fact that the undersigned has been transferred to Kolkata on the basis of the complaint lodged by any Voluntary Hindi Organisations or any other quarter.

However, I request your kind honour and goodself to kindly consider my case for posting me at my choice station of Delhi. I shall be grateful and thankful to your kind honour for this act of kindness. I also pray you to kindly grant an opportunity to hear me in person.

With regards,

Yours faithfully,


(K. K. SINGH)
Dy. Director (L)
C.H.D., NER office, Ghy.

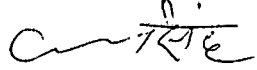
Copy to:- The Director

Central Hindi Directorate
M/o-H.R.D., Deptt. of Sec. &
Higher Education, West Block-7
R.K.Puram, N.Delhi-66.

- With a request that it may please be confirmed that my transfer order dated 10-02-2004 was issued on certain complaints and allegations. In view of the government instructions referred above and Hon'ble CAT, Ghy order dt.25.03.2004, my case of posting at the station of choice at Delhi may please be considered on a priority basis. Opportunity for hearing me in person may also be given.

Encl: As stated.

Yours faithfully,


(K. K. SINGH)
Dy. Director (L)
C.H.D., Ghy-22.

N*J*

सं० / No. ROG.F.1-1/03/Admn./ 2



भारत सरकार

Government of India

मानव संसाधन प्रशिक्षण विभाग, M/o H.R.D.

केन्द्रीय हिंदी निदेशालय (उच्च शिक्षा)

CENTRAL HINDI DIRECTORATE (NE)

(Dept of Secondary Education & Higher Education)

दास एंटरप्राइज Das Enterprise, डाकघर - खानपारा, गुवाहाटी/Guwahati - 781022

Dated 02nd April 2004.

फोन / Phone : 2260466

Rgd. (no. 2526)

URGENT PLEASE

To

The Director
Central Hindi Directorate
M/o-H.R.D., Deptt. of Sec. &
Higher Education
West Block-7, R.K.Puram
New Delhi-110 066.

Sub:- Posting to the station of choice on transfer from the post of Dy. Director (Languages), Central Hindi Directorate (NE Office), Guwahati.

Madam,

A representation of the undersigned dated 01st April 2004 regarding the above subject is enclosed for onward transmission to the Hon'ble Secretary to the Govt. of India in the Ministry. Therefore, you are requested to forward the representation alongwith its enclosures to the addressee on a priority basis. It is further requested that a copy of the forwarding letter may please be endorsed to the undersigned also.

Another copy of the representation alongwith its enclosures is enclosed for your kind consideration and necessary action.

Kindly acknowledge.

Yours faithfully,

(K. K. SINGH)

Dy. Director (L)
CHD (NE), Ghy-22.

Encl: As stated.

N*J*

Copy to be true copy
for
Advocate

50

(Filed by the petitioner through Subrata Nath Advocate 22.07.2005)

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

In the matter of:

C.P. No. 12/2005

In O.A. No. 38/2004

Mr. Krishna Kumar Singh.

... Petitioner.

-Versus -

Dr. P.L. Taneja.

... Alleged Contemners/
Respondent No.3.

-And -

In the matter of

Reply submitted by the petitioner against the
affidavit submitted by the alleged
Contemner /Respondent No. 3.

The humble petitioner above named most respectfully begs to say as under: -

1. That your Contempt petitioner has duly received the copy of the affidavit filed by Respondent No. 3 and gone through the same and understood the contents thereof. That with regard to the statements made in paragraphs 2 and 3 of the affidavit filed by the respondent No. 3, the contention raised therein by the Respondent No. 3 is totally false, misleading and contrary to the records. The petitioner approached the Hon'ble Tribunal by filing the Original Application No. 38/2004 praying for choice station posting. The learned Tribunal after considering the materials on records was pleased to disposed of the said Original Application way back on 25.03.2004 with the following direction, the relevant portion is quoted below:-

“ Considering the facts and circumstances of the case, I am of the view that the justice will be met, if a direction is issued to the applicant to file a

fresh representation before the respondents. Accordingly, applicant is directed to file a fresh and detailed representation mentioning his choice place of posting to the respondents within a period of one week from the date of receipt of this order. If such application is made, respondents shall consider the same and pass a reasoned order within one month's time thereafter. Adequate pre decisional hearing shall also be given to the applicant.

With this, the O.A. is disposed of. No costs.

Till the completion of the exercise, interim order dated 20.2.2004 will continue."

The petitioner immediately after receipt of the said order submitted a detailed representation on 1st April' 2004 to the Respondent No. 1 and 3 in terms of the order passed by the learned Tribunal on 25.03.2004. The applicant was summoned in the Ministry pursuant to the order of the learned Tribunal only on 27.07.2004 over telephone i.e. after lapse of four months from the date of passing of the order by the Under Secretary, Shri Hem Chand from the Ministry of HRD, the petitioner accordingly rushed to Delhi on the next very date and had an interview with Smti. Bela Banerjee, Joint Secretary (L) to the Govt. of India, (Respondent No. 2) and had an opportunity of hearing. But, surprisingly, adequate opportunity was not granted to the petitioner rather a formality was observed for the sake of the Court's order. The petitioner was allowed to present his case for about 15 minutes, but surprisingly Smti. Banerjee tried to pursuant the petitioner for compliance of the impugned order. But when the petitioner did not agree then it was told to the petitioner back that a lot of complaints against the petitioner have been received by the Ministry. However, the petitioner when replied that the complaints are fictitious and motivated and a circle with vested interest was working against the instant petitioner. However, when the petitioner explained that those complaints are fictitious due to strict observance of rules and regulations and enforcing the utilization of Govt. grants in his capacity as Deputy Director in N.E. Region, then Smti. B. Banerjee told the applicant to wait outside and he assured that the petitioner would be given another opportunity of hearing but unfortunately no such opportunity was provided to the petitioner and after waiting the whole day the petitioner left for Guwahati. Surprisingly, no order was

passed in compliance with the Hon'ble Tribunal's direction passed on 25.03.2004 in O.A. No. 38/2004. It would be evident from that formal letter issued to the petitioner inviting him to Delhi by the Respondent No. 3 vide a letter dated 14.07.2004, but unfortunately received on 29.07.04 in Guwahati, so it appears that the conduct of the Respondent is not fair at all when he was asked for personnel hearing in between 22.07.04 to 30.07.04.

A copy of the letter dated 14.07.04 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A.

2. That with regard to the statements made in paragraph 7, 7 (b) and 8 of the affidavit are categorically denied the correctness of the same and further begs to say that order was passed by this Hon'ble Tribunal way back on 25.03.2004, whereas of their own showing it is stated that the petitioner was arrested on 31.01.2005 by the Police and kept in custody for five days on the allegation made by a circle indulging misappropriation of Govt. funds working against the interest of the petitioner. But no order was passed in compliance with the Court's order dated 25.03.2004 within the preceding 10 months in favour of the petitioner, whereas the learned Tribunal granted only 1 month time for compliance of it's order. Therefore, allegation of arrest and complaint cannot stand on the way of compliance of eth order passed by this Hon'ble Tribunal. Now the alleged contemner No. 3 has made an attempt by filing the affidavit to take shelter on the pretext that the petitioner was arrested on 31.01.05 and a criminal case has been registered against him, as such she could not implement the order of the learned Tribunal passed in O.A. No. 38/2004 and it is a case of deliberate non-compliance of the order passed by this Hon'ble Tribunal with an ulterior motive. Therefore, the Hon'ble Tribunal will be pleased to proceed to initiate the proceeding against the Contemnor No. 3 since it is a deliberate and willful violation of the Court's order.

It is further submitted that the petitioner is now released on regular bail granted by the learned Court of Session Judge (K), Guwahati and therefore there is no difficulty in passing the necessary order in compliance with the direction passed by this Hon'ble Tribunal on 25.03.2004 passed in O.A. No. 38/2004.

VERIFICATION

I, Sri K.K. Singh, S/o- Late Badri Narain Singh, aged about 55 years presently working as Deputy Director (L) Central Hindi Dte (NE), Govt. of India, M/O HRD, Das Enterprise, Jaya Nagar, Khanapara, Ghy- 781022, do hereby verify that the statements made in paragraphs 1 and 2 are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this the 21st day of July' 2005.



(Translated from Hindi)

ANNEXURE- A

F. No. 4-16/2004 Admin
Govt. of India
Central Hindi Directorate
Deptt. of Secondary & Higher Education
(M/O Human Resource and Development)

West Block- 7, R.K. Puram
New Delhi- 110066.
Dated 14.07.2004.

MEMORANDUM

Shri Krishna Kumar Singh, Dy. Dir (L) Central Hindi Directorate, Regional Office, Guwahati is informed with regard to his representation dated 01.04.2004 addressed to the Hon'ble Education Secretary that after considering his representation, the Ministry has directed Shri Singh to be present before Joint Secretary (Languages), Department of Secondary & Higher Education, M/o- Human Resource and Development, Shastri Bhawan to submit his case on any working day between 22.07.2004 to 30.07.2004.

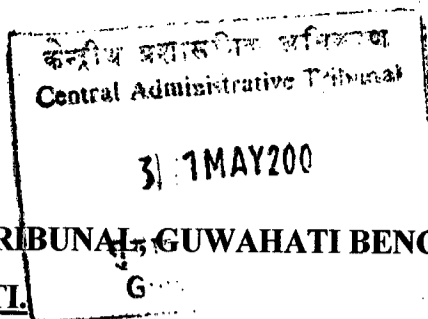
Sd/- Illegible

(Dr. Pushpalata Taneja)

Director

Shri Krishna Kumar Singh
Deputy Director (Language)
Central Hindi Directorate
Das Enterprise
Khanapara,
Guwahati- 781 022.

*Attested
for
Admission*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:
GUWAHATI.

CONTEMPT PETITION NO. 12/2005

In O.A. No.38 of 2004

In the matter of :

Krishna Kumar Singh

..... Petitioner.

-versus-

Sh. B.S. Baswan and others

..... Respondents/contemnors

Affidavit of Respondent No.1

I, B.S. Baswan Son of Commodore Baldan Singh Baswan aged about 59 year now residing at C-II/113, Moti Bagh, New Delhi presently posted as Secretary in the Department of Secondary & Higher Education, M/o Human Resource Development, Government of India, New Delhi do hereby solemnly affirm and state as under:

1. That I have perused a copy of the above noted contempt petition filed by Sh. K.K. Singh, Dy. Director (L), Central Hindi Directorate and the directions contained in order dated 25.3.2004 and understood their contents.

2. At the outset I submit that I have the highest regard for this Hon'ble Tribunal and there is no question of any wilfull disobedience of any order passed by the Hon'ble Tribunal. However, I tender unqualified and unconditional apology for any delay or lapse in the compliance of the order dated 25.3.2004 in the OA No.38/2004 pronounced by this Hon'ble Tribunal.

3. That it may be relevant to mention here that I took over as Secretary, Department of Secondary & Higher Education, Government of India only on 1.7.2004 and this matter has come to my notice for the first time on receipt of this contempt notice.

4. That the Central Hindi Directorate is a subordinate office of the Department of Secondary & Higher Education whose day-to-day administrative functioning is supervised by Director, CHD under the command of my Joint Secretary (Languages), who is overall in charge of Languages Bureau which controls the affairs of the CHD also .

5. That detailed parawise reply is being filed separately by the Director, CHD, who is the administrative authority for transfer and posting of the petitioner.

6. That I have gone through the contents of the case and pray to submit for the information of this Hon'ble Tribunal that neither of my subordinate respondents have shown any contempt to the orders of this Tribunal dated 25.3.2004. They have strictly followed the directions of this Hon'ble Tribunal and in pursuance of the orders the respondent no.2 has given a personal hearing to the petitioner on 29.7.2004 as per the orders of this Hon'ble Tribunal and reasoned orders passed. However, in the absence of any specific directions from the Tribunal, the action taken was not informed to the Tribunal, which is regretted. Also a number of complaints were received against the petitioner under examination and the petitioner was arrested by Dispur Police in connection with a criminal case, wherein a chargesheet has been filed against him in the Court of Chief Judicial Magistrate, Dispur. The petitioner has since been placed under suspension and continues to be at Guwahati.

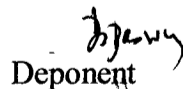
7. That since, the respondents have paid due regard to the orders of this Hon'ble Tribunal and have accordingly taken actions to implement the same the contempt petition may be dismissed.

8. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to discharge the notice issued against him in the contempt petition no.12/2005.


Deponent

Verification

Verified on 24/5..... day of May, 2005 at New Delhi that the contents given above are true to the best of my knowledge and belief based on the records of the case believed to be true and nothing material to the case has been concealed therefrom.


Deponent

श्री. एम्. वसन्तलाल / श्री. S. B. Vasantlal
अधिवक्ता / Advocate
का. नं. 111, मन्दावली, अ. नं. 111, 111
माध्यमिक एवं उच्च शिक्षा विभाग
Deptt. of Sec. & Higher Education
नई दिल्ली, दिल्ली-110002

31 MAY 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:

GUWAHATI
গুৱাহাটী ন্যায় বিঠ
Guwahati Bench

CONTEMPT PETITION NO. 12/2005

In O.A. No.38 of 2004

In the matter of :

Krishna Kumar Singh

..... Petitioner.

-versus-

Sh. B.S. Baswan and others

Smt. Bela Banerjee

..... Respondents/contemnners

Affidavit of Respondent No.2

I, Bela Banerjee Wife of Sh. Mihir Banerjee aged about 55 years now residing at 25 A Railway Officers Enclave, Sardar Patel Marg, New Delhi-110021 presently posted as Joint Secretary (Languages) in the Department of Secondary & Higher Education, M/o Human Resource Development, Government of India, New Delhi do hereby solemnly affirm and state as under:

1. That I have gone through the contents of the above noted contempt petition filed by Sh. K.K. Singh, Dy. Director (L) Central Hindi Directorate and the directions issued by the Hon'ble Tribunal therein and understood the contents.

2. That I have the highest regard for this Hon'ble Tribunal and there is no question of any wilful disobedience of any order passed by the Hon'ble Tribunal, however, I tender an unqualified and unconditional apology for any lapse or delay in compliance of the order of this Hon'ble Tribunal dated 25.3.2004 in the OA No.38/2004.

3. That it is most respectfully submitted that requisite action has been taken by me to implement this Hon'ble Tribunal's order dated 25.3.2004 pronounced by this Hon'ble Tribunal in the OA No.38/2004 as under:

i.) Written representation dated 1.4.2004 made by the petitioner in pursuance of Tribunal's order regarding his posting at station of choice was considered with reference to the facts of the case.

ii.) He was given a personal hearing by me on 29.7.04 in order to enable him to submit his version first hand.

iii.) Reasoned orders have been passed after taking into account the facts emerging out of personal hearing and consideration of written statement made by the petitioner.

Bela Banerjee

30/5/05
...../2

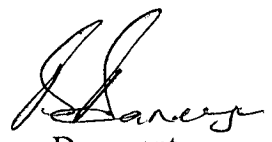
केन्द्रीय प्रशासनिक न्यायाधीश
Central Administrative Tribunal
गुवाहाटी बेंच
गुवाहाटी
दिनांक 30/5/05

4. That detailed parawise reply in the matter is being filed separately by Director, CHD who is the immediate administrative authority for cases like transfer and posting in respect of the petitioner.

5. That I have perused the contents of the case and pray to submit for the information of this Hon'ble Tribunal that none of the respondents have shown any contempt to the orders of this Hon'ble Tribunal dated 25.3.2004. We have strictly followed the directions of this Hon'ble Tribunal. However, in the absence of any specific directions from the Tribunal, the action taken was not informed to the Tribunal, which is regretted.

6. That it will be pertinent to mention that the petitioner is in the habit of working in an arbitrary manner. His behaviour which has often been unbecoming of a Government servant has invited a lot of complaints against him from the Voluntary Hindi Organisations functioning in the states of his jurisdiction. The complaints have been examined by the Respondents through an enquiry committee consisting of one officer from the Union of India and other from the Government of the State of Assam. Most of the complaints have been found substantiated. In addition, he has been arrested by the Dispur Police, Guwahati in connection with a FIR lodged against him in the Dispur Police Station. He remained in police custody for five days and a chargesheet has been filed against him by the Dispur Police in the Court of Chief Judicial Magistrate, Dispur. The petitioner has been placed under suspension on 31.1.2005 under Rule 10 of CCS (CCA) Rules, 1965 and continues to be at Guwahati.

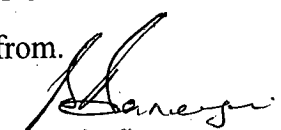
7. That from the submissions made above, it is clear that the respondents have paid due regard to the orders of this Hon'ble Tribunal. The contempt petition filed by him deserves to be dismissed. Hence, this Hon'ble Tribunal is prayed to discharge the notice issued against the respondents in the aforesaid contempt petition.


Deponent

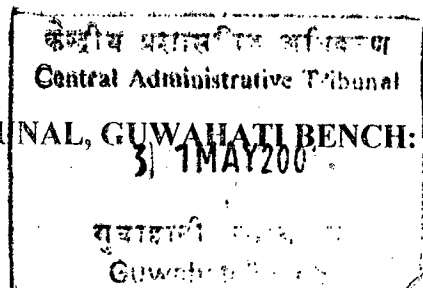
Verification

Verified on 24th day of May, 2005 at New Delhi that the contents given above are true to the best of my knowledge and belief based on the records of the case believed to be true and nothing material to the case has been concealed therefrom.

श्री का. वै. वर्मा
संयुक्त सचिव
राज्य संसाधन विकास मंत्रालय
राष्ट्रीय शिक्षा और उच्चतर शिक्षा विभाग
नई दिल्ली-110001


श्री का. वै. वर्मा
संयुक्त सचिव
राज्य संसाधन विकास मंत्रालय
राष्ट्रीय शिक्षा और उच्चतर शिक्षा विभाग
नई दिल्ली-110001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:
GUWAHATI.



CONTEMPT PETITION NO.12/2005

In O.A. No.38 of 2004

In the matter of :

Mr. Krishna Kumar Singh

..... Petitioner

-Versus-

Dr. P.L. Taneja,

Director, Central Hindi Directorate

M/o Human Resource Development

Deptt. of Secondary & Higher Education

New Delhi-110066.

..... Alleged Contemners/

respondent no.3

-AND-

In the matter of 12/2005

An Affidavit for and on behalf of the aforesaid Respondent no.3.

I, Dr. P.L. Taneja wife of Sh. Madan Gopal Taneja aged about 58 years, working as Director, Central Hindi Directorate, M/o Human Resource Development, Government of India, New Delhi-110066 do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No.3 in the instant contempt petition and have gone through the aforesaid contempt petition filed by the applicant and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records.
2. That the Respondent No.3 has not wilfully flouted the order dated 25.3.2004 passed in O.A. No. 38/04 by this Hon'ble Tribunal as alleged by the applicant.
3. That, there is no any wilful or deliberate and reckless disobedience of the aforesaid order by the respondents. The respondents has highest regards for this Hon'ble Tribunal and hence there is no question of showing any contempt to the orders of this Hon'ble Tribunal. However, the respondents tenders an unconditional and unqualified apology for any lapse or delay in compliance of the order of this Hon'ble Tribunal dated 25.3.2004 in the OA no. 38/2004.
4. That, the contents of para 1 are accepted to be true being matters of record.

Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110029

5. That the contents of para 2 are also accepted to be true being matters of record.

6. That, the contents of para 3 do not need any reply being matters of record.

7. That the allegation that no action has been initiated by respondents to dispose of the petitioner's representation filed by the petitioner in pursuance of this Hon'ble Tribunal's orders is totally false. After receiving the representation made by the petitioner dated 2.4.2004 marked as Annexure-II and III in the petition, the petitioner was given a personal hearing by the respondent no.2 for implementing the Hon'ble Tribunal's order passed on 25.3.2004. However, before taking a final decision, the respondents had to take into account a number of complaints, which were received against the petitioner from the Voluntary Hindi Organisations functioning in the petitioner's jurisdiction. For this purpose an enquiry committee was constituted to examine the complaints. The enquiry committee has submitted its report and a number of complaints, which were received against the petitioner were found substantiated in the report of the enquiry committee. As the allegations against the petitioner were serious, final decision on petitioner's representation took some time. The respondents were considering taking action to resolve the issue but in the meantime, the petitioner was arrested by the police.

An FIR was lodged against the petitioner on 31.1.2005 in the Dispur Police Station at Guwahati. The petitioner was arrested on 31.1.2005 by the police and kept in custody for 5 days upto 5th february, 2005. Since, the petitioner was behind the bars for a period exceeding 48 hours, the action of placing the petitioner under suspension under Rule 10 of the CCS (CCA) Rules, 1965 had to be taken (Annexure-I). The applicant at present is under suspension. It is mentioned for the kind information of this Hon'ble Tribunal that since a chargesheet has been filed by the police against the petitioner in the court of Chief Judicial megistrate, Kamrup, the petitioner can not be transferred from Guwahati at this juncture (Annexure-II).

7.(b) That the Respondent most respectfully submits, that due to the compelling circumstances, the aforesaid genuine facts were not intimated before this Hon'ble Tribunal in time and it may be termed as honest and innocent mistake without any malafide and/or any hidden vested interest and under the above circumstances such type of curable mistake may not be termed as wilful disobedience of the Hon'ble Tribunal's order. Since, the respondent being a high ranked officer of the Govt. of India, has very high respect to this Hon'ble Tribunal.

8. The submissions made in the preceding paragraphs amply clarify that the respondents have shown due regard to the orders of this Hon'ble Tribunal and hence, there is no question of showing any contempt to the orders of this Hon'ble Tribunal.

..../3

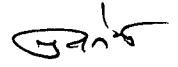
As directed a personal hearing was given to the petitioner. To be fair to the petitioner an independent inquiry was ordered which showed, that the petitioner was having problems with the local bodies. Thus, the respondents have fully complied with the judgement and regret the non-intimation of the same to the Hon'ble Tribunal.

Prayer

In the light of submissions made above, the Hon'ble Tribunal is requested to kindly dismiss the contempt petition against the petitioner.

Verification

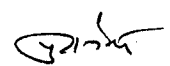
Verified that all the facts stated above are true. Nothing herein is false and nothing material has been concealed therefrom. Signed on this 24th day of May, 2005.



Deponent
Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110066



Deponent
Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110066



Deponent
Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110066

Section 3 of the North-Eastern Council Act, 1971 (84 of 1971), shall be made by the Secretary of that Council.

[G.I., C.S. (Dept. of Per.), Order No. 7/8/72-Ests. (A), dated the 18th January, 1973.]

(6) **Delegation of powers to Administrator, Andaman and Nicobar Islands.**—All appointments to Central Civil Services, Class I and Central Civil Posts, Class I, under the Andaman and Nicobar Islands Administration shall be made by the Administrator of the Union Territory of Andaman and Nicobar Islands:

Provided that no appointment to the post of Chief Development-cum-Rehabilitation Commissioner, Chief Secretary, Development Commissioner-cum-Development Secretary, Secretary (Finance) to the Chief Commissioner, Deputy Chief Conservator of Forests or Conservator of Forests shall be made except with the previous approval of the Central Government.

[G.I., M.H.A., Order No. 4 ES-68-AN 2, dated the 2nd April, 1969.]

9. Appointments to other Services and Posts

(1) All appointments to the Central Civil Services (other than the General Central Service) Class II, Class III and Class IV, shall be made by the authorities specified in this behalf in the Schedule:

Provided that in respect of Class III and Class IV, Civilian Services, or civilian posts in the Defence Services appointments may be made by officers empowered in this behalf by the aforesaid authorities.

(2) All appointments to Central Civil Posts, Class II, Class III and Class IV, included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President, or where no such order has been made, by the authorities, specified in this behalf in the Schedule.

PART IV SUSPENSION

10. Suspension

(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending; or

1. Inserted vide G.I., M.H.A., Notification No. 7. 9. 66-Ests. (A), dated the 1st July, 1966.

- (aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that, except in case of an order of suspension made by the Comptroller and Auditor-General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant-General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority—

- (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION.—The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

1. Inserted vide G.I., M.H.A., Notification No. 7/1/67-Ests. (A), dated the 29th February, 1968.

Mr. PUSHP LATA TANEJA
 Director
 Ministry of Human Resource Dev.
 West Block-7, R. K. Puram,
 New Delhi-110068

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

For Government of India's Instructions on suspension and allied matters, see separate chapters.

PART V

PENALTIES AND DISCIPLINARY AUTHORITIES

11. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:—

Minor Penalties:—

(i) censure;

(ii) withholding of his promotion;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

(iii) (a) reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension;

(iv) withholding of increments of pay;

1. Inserted by G.I., M.H.A., Notification No. 35012/2/80-Ests. (A), dated the 7th September, 1981.

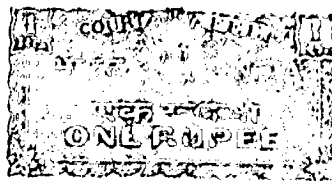
2. Inserted by G.I., Dept. of Per. & Tgt., Notification No. 11012/4/86-Estt. (A), dated the 13th July, 1990.

Clarification.—Since the penalty to the extent mentioned in clause (iii) (a) has been carved out of clause (iv) specifically, it does not constitute a major penalty under clause (v). To ensure that this is clear, clause (v) is being amended.

[G.I., Dept. of Per. & Tgt., O.M. No. 11012/4/86-Estt. (A), dated the 28th May, 1992.]


Dr. PUSHP LATA TANEJA
Director

Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110068



6

064

2/2/05	2/2/05	2/2/05	2/2/05	3/2/05
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In the Court of chief Judicial Magistrate (A) gity.
 Dispur p.s. case No-122/05 U/S 448/376/511/325 IPC

State
 v.s

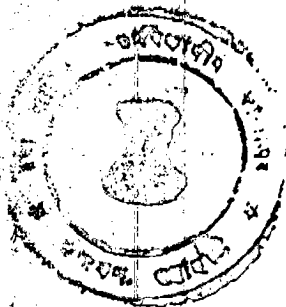
Sri Krishnakumar Singh.

1-2-05

1-2-05

Accd Krishnakumar Singh is produced
 by Dispur p.s. police under arrest in con:
 with the above noted case. He is remanded
 to jail hayat till 14/2/05.

22/2/05
 C.M.(A)



दिनांक 2-2-05
 दिनांक 22/2/05
 दिनांक 22/2/05

22/2/05
 दिनांक 22/2/05
 दिनांक 22/2/05

Dr. PUSHP LATA TANEJA
 Director
 Central Hindi Directorate
 Ministry of Human Resource Dev.
 West Block-7, R. K. Puram,
 New Delhi-110088



Date of receipt of the report	Date of receipt of the report	Date of receipt of the report	Date of receipt of the report
2/2/05	2/2/05	2/2/05	2/2/05

In the court of chief judicial magistrate (4) Jyoti
Despur p.s. case No-122/05 U.S. 448/376/511/325
g.p.c.

Shri
V.A.

Shri Krishnakumar Singh.

To
the chief judicial magistrate - Kanungu gramhat
dt-1/2/2005.

Through the p.s. gramhat court.

Sub - forwarding of Accused

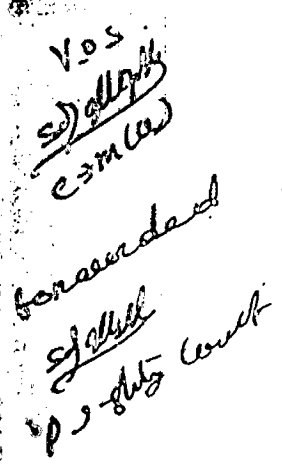
Ref - Despur p.s. case No-122/05 U.S. 448/376/511/
325 g.p.c.



Sir
I have the honour to report that I am sending
hereunder the below noted arrested accused
person in continuation with the above ref. cat
for favour of judicial custody for a period
of 14 (fourteen) days.

The brief of the case is that on 31/1/05 Compt
Shri Sushil Chaudhary, s/o Satnaghar Singh Chaudhary
of Joyanagar Simla lodged a written report
at Despur p.s. to the effect that on the same
day morning one Shri Krishnakumar Singh, s/o. Badra
Nath Singh entered in to the office chamber
of the compt and made an attempt to rape one
of his Hemla vidyalayon's student Smt. Sachikala
Sachikala Master Hulla and the compt appeared.

Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.
West Block-7, R. K. Puram,
New Delhi-110088



Shri Krishna Kumar Singh (SSJN)
870 Badrinath Singh
of Jaynagar Simla
P.S. Dispur.
yours faithfully

your faith fully.
Kripken Summer S.I.
Wispur. p.s "
alt. 1/2/2005



বি. বি. স. ৬
 ১-২-৫৫
 মোদাখা মাফুফ
 ২১২৫
 (১) আর্থিক পরিসংখ্যান প্রতিবেদন
 কামাল, ওয়াশিংটন।
 ০-৬-৫৫

2/27/75

Dr. PUSHP LATA TANEJA
Director
Central Hindi Directorate
Ministry of Human Resource Dev.,
West Block-7, R. K. Puram,
New Delhi-110066

DR. PUSHP LATA TAYABA
DIRECTOR
CONTROL POINT CHHAPRA
MINISTRY OF HOME AFFAIRS
GOVT. OF BIHAR
NEW DELHI-110002