

FROM NO. 4  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: \_\_\_\_\_/2009

2. Miscellaneous Petition No \_\_\_\_\_/

3. Contempt Petition No \_\_\_\_\_/

4. Review Application No \_\_\_\_\_/

5. Execution petition No 1/09

Applicant(S) Sri - Sanatan Talukdar

Respondant(S) de-o.I force

Advocate for the Applicant(S): Sri C.S. Sinha

Advocate for the Respondant(S): Shri C.S. Sinha, Mr. M.U. Ahmed, Ms. U. Das & M.R. Pathak for State of Tripura

Notes of the Registry	Date	Order of the Tribunal
<p>This Execution petition has been filed by the Counsel for Applicant for non-compliance with the order dated 19.12.08 passed in O.A 187/04 and O.A 249/07 (disposed of by a common order) by the Respondent authority within and/or even expiry of stipulated period of 60 (sixty) days from the date of receipt of the order on 31.12.08, hence this application for execution of the order dt. 19.12.08, laid before the Hon'ble Court for further orders.</p> <p><u>Dis</u> <u>16/03/09</u> Section Officer</p>	<p>16.03.2009</p>	<p>Heard Mr C.S. Sinha, learned Counsel appearing for the Applicant, and perused the materials placed on record. Copies of this E.P. have already been served on Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, and Ms U. Das, learned Counsel representing the State of Tripura.</p> <p>Issue notice to the Respondents requiring them to file their reply by 30.04.2009.</p> <p>Pendency of this E.P. shall not stand on the way of the Respondents to comply</p> <p>P.T.O.</p>


16.3.09

Issue Notice to the Respondents requiring them to file their reply by 30.4.09.

21/3/09

the order dated 19.12.2008 of this Tribunal rendered in O.A. Nos.187/2004 and 249/2007.

Call this matter on 30.04.2009.

  
(M.R. Mohanty)  
Vice-Chairman

Copies of Notice Order dt. 16.3.2009 sent to B/section & issued to all Respondent 1-4 by Regd. A/c post.

nkm

30.04.2009

Mr.C.S.Sinha, learned counsel for the Applicant is present. Mr.M.U.Ahmed, learned Addl. Standing counsel for the Govt. of India is also present. Ms.U.Das, learned counsel for the State of Tripura informs that State of Tripura has taken steps to file writ application in the Hon'ble High Court challenging the order of this Tribunal; non-compliance of which is the subject matter of the present E.P. She prays for adjournment in this matter.

18/3/09

M.N.O. 1341-1344 dt. 23-3-2009

Notice copies duly served on R-1 to 4.

27.4.09

Reply not filed.

3  
29.4.09.

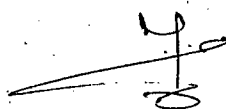
Reply not filed.

3  
14.5.09.

Notice copy duly served on R-3,4

20/5/09

In the aforesaid premises, call this matter on 15.05.2009.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

15.05.2009

None appears for the Applicant nor the Applicant is present. However, Mr. M. U. Ahmed, learned Addl. Standing Counsel representing the Government of India is present.

2. Ms. U.Das, Advocate, representing the State of Tripura, disclose that the order of this Tribunal rendered finally on 19.12.2008 in O.A.No.187 of 2004 and O.A.No.249 of 2007 have already been challenged before Agartala Bench of the Hon'ble Gauhati High Court by way of filing Writ Petition Nos. W.P.C No.126 & 127 of 2009. She informs, further, that by an order dated 14<sup>th</sup> May 2009, the order of this Tribunal, rendered on 19.12.2008 has already been stayed by the said Agartala Bench of the Hon'ble Gauhati High Court.

3. In the aforesaid premises, send a copy of this order to the Applicant in the address given in the O.A and call this matter on 8<sup>th</sup> June, 2009.

  
(M.R. Mohanty)  
Vice-Chairman

08.06.2009

In order to execute the common order dated 19.12.2008 (rendered in O.A. Nos.187/2004 and 249/2007) Applicant has filed this E.P.1/2009. By way of filing reply the Respondents have disclosed that the common order dated 19.12.2008 rendered in O.A. Nos. 187/2004 and 249/2007 of this Tribunal has already been stayed by the Hon'ble Itanagar Bench of the Gauhati High Court on 14.05.2009 in W.P.(C) Nos.126/2009 and 127/2009.

Contd...

18.5.09  
Mr. K. Das,  
Please send copy  
of the order dt  
15.5.09 to the  
applicant in the  
address given in the  
OA 187/04.

18/5/09

Copies of order  
dated 15/5/09 send  
to D/Sec. for  
issuing to applicant  
by post.

D/No-2489

19/5/09. Dt= 19.5.2009

Reply not filed.

5.6.09.

DOPT.

EP 1/09 (OA-187/04)

Contd.  
08.06.2009

Ms. Usha Das, learned counsel for the Respondent Nos. 3 & 4 undertakes to serve copies of this reply on the counsel for the Applicant and on the other co-Respondents/counsel appearing for the co-Respondents.

8.6.09 (u. Das)

Send copies of this order to the Applicant and to the Respondents in the address given in O.A. u. Das.

8/6/09

Call this matter on 28.07.2009, awaiting rejoinder from the Applicant.

Send copies of this order to the Applicant and to the Respondents in the address given in the O.A./E.P.

(M.R. Mohanty)  
Vice-Chairman

/bb/

8.6.2009

Reply to the Execution Petition has been filed by the Respondents No. 3 & 4 through their L/Adv. Miss U. Das, Add. CGSC. Copy not served.

8/6/09

Copies of order dt. 08.6.2009 sent to the Section for issuing to the Applicant & Respondent by post.

Issued vide memo No. 3251 to 3254 dt. 10.6.09

9/6/09

Reply filed.

27.7.09

28.07.2009

None appears for the Applicant. The Applicant is present. Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, and Ms U. Das, learned Counsel for the State of Tripura, are present.

In order to execute the common order dated 19.12.2008 (rendered in O.A. Nos.187/2004 and 249/2007), the Applicant filed the present E.P.No.01/2009.

By way of filing a reply, the Respondents (State of Tripura) have disclosed that the common order dated 19.12.2008 (rendered in O.A.Nos.187/2004 and 249/2007) of this Tribunal has already been stayed by the Agartala Bench of the Hon'ble Gauhati High Court on 14.05.2009 in W.P.(C) Nos.126/2009 and 127/2009.

Since the order sought to be executed has already been stayed by the Hon'ble Gauhati High Court, this E.P.No.01/2009 is hereby dropped with grant of liberty to the Applicant to take appropriate steps after the disposal of the aforesaid Writ Petitions.

Send copies of this order to the Applicant and to the Respondents of O.A.Nos.187/2004 and 249/2007.

Free copies of this order be also supplied to Mr C. Sinha, Advocate, Agartala/Tripura and to Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India and to Ms U. Das, learned Counsel for the State of Tripura.

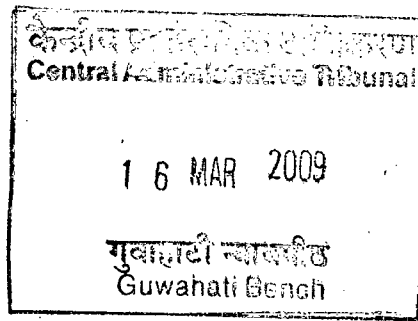
(M.K. Chaturvedi)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

nkmm

Copy of The order  
Dated - 28-7-2009 -  
prepared and send  
to D. Section for issuing  
of The same to the  
respondents vide D.No-  
9148-9155  
Date:- 5/8/09

5.8.09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Execution petition  
Application No

1 of 2009

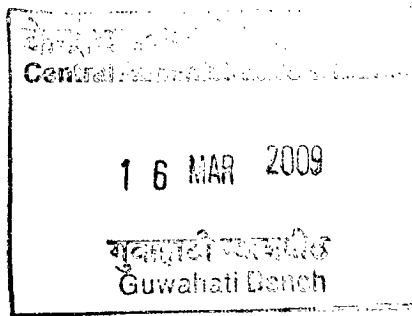
Shri Sanatan Talukdar, IFS

VERSUS

Union of India and others

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page</u>
1.	Application along with verification	1 to 4
2.	Copy of the Judgement dated 19.12.08- <u>Annexure 1</u>	5 to 10
3.	Copy of the letter dated 31.12.08. - <u>Annexure 2</u>	11
4.	Vakalatnama	12
5.	Notice to the Sr. C.G.S.C, C.A.T, Guwahati Bench.	13



Sanatan Talukdar

By  
Grandson of Sanatan  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

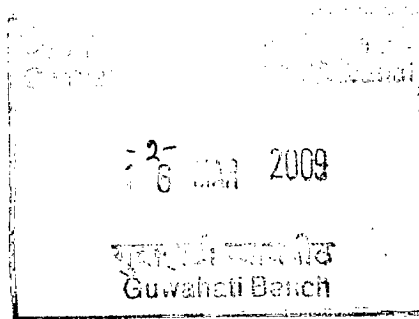
EXECUTION PETITION No. 1/2009  
Application of 2009  
(IN OA 187/2004 & OA 249/2007  
Disposed of on 19.12.08)

IN THE MATTER OF

Shri Sanatan Talukdar, IFS  
Chief Conservator of Forests  
Office of the Principal Chief Conservator of Forests.  
Government of Tripura, Agartala

VERSUS

1. Union of India, represented by  
the Secretary to the Government of India,  
Ministry of Environment & Forests,  
Parayavaran Bhawan, C.G.O. Complex,  
Lodhi Road, New Delhi- 110003
2. Union Public Service Commission,  
represented by the Chairman, UPSC,  
Dholpur House, Shajahan Road,  
New Delhi.
3. The State of Tripura, represented by  
the Chief Secretary, Department of Forests,  
Government of Tripura, Agartala.



Sandhan Talukdar

by  
Amarendra Singh  
Advocate

4. The Secretary to the Government of Tripura  
General Administration (A.R) Department  
Agartala.

AND

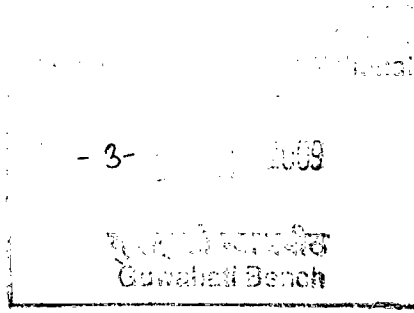
IN THE MATTER OF

The Applicant is aggrieved for non compliance with the order dated 19.12.08 passed in OA 187/04 and OA 249/07 (disposed by a common order) by the Respondent authority within and / or even expiry of stipulated period of 60 (sixty) days from the date of receipt of the order on 31.12.08. Hence this application for execution of the order dated 19.12.08 of the Hon'ble Tribunal.

The Applicant above named Most respectfully Sheweth.

1. That the applicant, a member of Manipur-Tripura Cadre of Indian Forest Service, was imposed penalty of reduction of pay by one stage in his time scale of pay for two years without increment for the said period. Against this, he made OA 48/2000 before this Hon'ble Tribunal which set aside the penalty. State authority implemented the order of the Hon'ble Tribunal. In the meantime, the Applicant received promotions to the post of Conservator of Forests and Chief Conservator of Forests respectively.
2. That, thereafter, by issuance of memo dated 31.07.04 the old Charge Sheet/Departmental Proceeding was sought to be revived. The Applicant challenged this in OA 187/2004 before this Hon'ble Tribunal, seeking reliefs, inter alia, for quashing memo dated 31.07.04.





Saratan Talukdar

b

Amulya K. Saha  
Advocate

3. During the currency of OA 187/04, the Applicant was superseded in the matter of the promotion to the next higher post, viz; Addl. Principal Chief Conservator of Forests in Tripura state. Against such supersession, he made OA 294/07 before this Hon'ble Tribunal, seeking reliefs, inter alia, for promotion to the post of Addl. Principal Chief Conservator of Forests.
4. That on 19.12.08 Hon'ble Tribunal disposed of both the OAs by a common order, quashed the revival of Disciplinary Proceedings and directed the Respondent Authority to provide relief to the Applicant within 60 (sixty) days from the date of the receipt of the order.  
Copy of the order dated 19.12.08 is enclosed as Annexure 1
5. That on 31.12.08 Ld. Counsel of the Applicant made letter to the Chief Secretary, Govt. of Tripura, along with the copy of the order of the Hon'ble Tribunal dated 19.12.08 and requested for compliance with the direction of the Hon'ble Tribunal. The office of the Chief Secretary received the letter on 31.12.08 itself.  
Copy of the letter dated 31.12.08 is enclosed as Annexure 2
6. That with the letter dated 31.12.08, the Authority received the order of the Hon'ble Tribunal dated 19.12.08. But even after expiry of stipulated period of 60(sixty) days from 31.12.08, the Applicant is kept without relief, which they cannot do.. Hence this application.
7. That Your Lordships are prayed for directions to the State Respondents for the implementation of the order dated 19.12.08.
8. That the rest would be submitted at the time of the hearing.

10 MAR 2009  
Tribunal  
Guwahati

Sanatan Talukdar

b  
Ambedkar/Sir  
Shree

In such circumstances, it is humbly prayed that Your Lordships would be graciously pleased to

- (a) Admit this petition.
- (b) Pass an order directing the Respondent Authority to execute / comply with the directions of this Hon'ble Tribunal in order dated 19.12.08( in OA 187/04 and OA 249/07, so that the Applicant gets reliefs as per order dated 19.12.08)
- (c) Pass any other relief/ reliefs in Your Lordships may deem fit and proper in the present petition.

AND

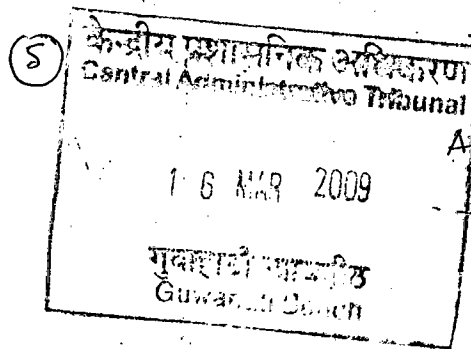
For this act of kindness, Your Applicant as in duty bound shall ever pray.

#### VERIFICATION

I, Shri Sanatan Talukdar, S/o Late Bipin Chandra Talukdar, presently holding the post of Chief Conservator of Forests (Administration), Forest Department, Government of Tripura, do hereby declare and state that the statement in para 1 to 8 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification this 13<sup>th</sup> day of March, 2009

Sanatan Talukdar



**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI**

O.A. No. 187 of 2004

With

O.A. No. 249 of 2007

Guwahati, this the 19<sup>th</sup> day of December, 2008

The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman  
The Hon'ble Shri S.N. Shukla, Member [Administrative]

O.A.No. 187 of 204

Shri Sanatan Talukdar, IFS  
Chief Conservator of Forests  
Office of the Principal Chief Conservator of Forests  
Government of Tripura, Agartala

By Advocate Mr. C.S. Sinha

**Applicant**

**Versus**

1. Union of India, represented by  
the Secretary to the Government of India,  
Ministry of Environment & Forests,  
Parayavaran Bhawan, C.G.O. Complex,  
Lodhi Road, New Delhi-110 003

2. Union Public Service Commission,  
represented by the Chairman, UPSC,  
Dholpur House, Shajahan Road,  
New Delhi.

3. The State of Tripura, represented by  
the Chief Secretary, Department of Forests,  
Government of Tripura, Agartala

4. The Secretary to the Government of Tripura  
General Administration [A.R.] Department  
Agartala.

5. Shri S.K.Saha,  
Special Commissioner of  
Departmental Inquiries,  
Melarmath, Agartala.

By Advocates:

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

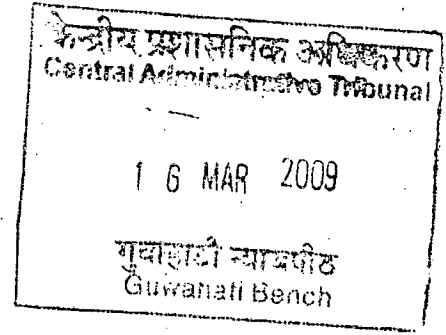
Mr. M.R.Pathak & Ms. U.Das for the State of Tripura

**Respondents**

By  
Anubachan  
Sinha

O.A. No.249 of 2007

Shri Sanatan Talukdar, I..F.S.,  
Chief Conservator of Forests,  
Office of the Principal Chief  
Conservator of Forests, Government  
of Tripura, Agartala



Applicant

By Advocate : Mr. C.S. Sinha

Versus

1. Union of India, represented by  
the Secretary to the Government  
of India, Ministry of Environment  
& Forests Paryavaran Bhawan,  
C.G.O. Complex, New Delhi-110 003

2. The Union Public Service Commission,  
represented by the Chairman, UPSC,  
Dholpur House, Shajahan Road,  
New Delhi.

3. The State of Tripura, represented  
by the Chief Secretary, Department  
of Forests, Government of Tripura,  
Agartala

4. The Secretary to the Government of  
Tripura, General Administration [AR]  
Department, Agartala.

Respondents

By Advocates: Mrs. M. Das, A.C.G.S.C.

Mr. M.R. Pathak and Ms. U. Das for the State. of Tripura

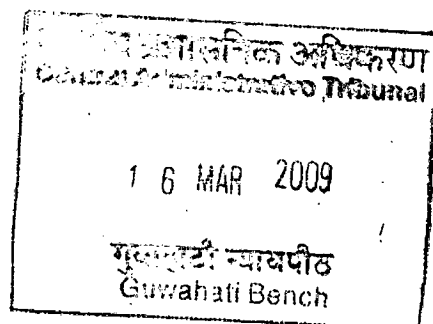
ORDERManoranjan Mohanty, Vice-Chairman:-

Applicant, a member of Manipur-Tripura Cadre of Indian Forest Service, was charge-sheeted in a Departmental/Disciplinary Proceeding initiated on 01.08.1987. During pendency of the said Departmental Proceeding, his juniors got superseding promotions and the case of the Applicant remained in sealed-cover. Penalty of reduction of pay by one stage in the time-scale of pay for a period of two years without increment for the said period was, ultimately,

By  
Amalendu  
1/1/08

imposed on him on 30.07.1998. Applicant challenged the said penal order before this Tribunal in an earlier Original Application No.48 of 2000; which was allowed on 19.12.2001 [by quashing the order of punishment; mainly on the ground [a] that the representation [directed against the Inquiry Report] was not taken into consideration at the time of passing of the penal order and [b]while passing the penal order the joint cadre controlling Authority was not consulted] and the General Administration [AR] Department of the State Govt. of Tripura also passed an order, on 22.05.2002, setting aside the punishment order dated 31.07.1998. In the meantime, during pendency of the earlier O.A. No.48/2000, the Applicant was granted promotion [on 22.09.2000] as Conservator of Forests [with effect from 31.07.2000] and as Chief Conservator of Forests by an order passed on 19.11.2001. On 05.06.2002, the Applicant claimed promotional benefit retrospectively [w.e.f. the date his junior A.K. Singh, IFS, got promotion] and, on consideration of the same, orders were passed, on 29.09.2006, anti-dating his promotion w.e.f.06.01.1996 i.e. the date on which A.K. Singh, IFS, was promoted as Conservator of Forests. By issuance of 2 different Memos [Dated 31.07.2004] the old Charge-sheet/Departmental Proceeding was sought to be revived and an Enquiry Officer was appointed, virtually, to start a de-novo proceeding [against the Applicant] on self same allegations/charges. The Applicant has challenged the said action of the Respondents in the present Original Application [No.187 of 2004] filed under Section 19 of the Administrative Tribunals Act, 1985. His further supersession [in the matter of promotion to next higher post/rank in IFS] is the subject matter of challenge in Original Application No.249 of 2007. Both the matters being inter-linked, although heard one after the other, are being dealt with and disposed of by this common order.

*[Handwritten signature]*



*[Handwritten signature]*

2. Applicant has prayed as under in O.A. No.187 of 2004:-

“[a] To set aside the Memorandum No.F.11[9]-GA [AR] /91 [S] /1258-1260 dated 31.07.2004 reviving the Disciplinary Proceeding under Memorandum No.F.11 [9] – ARD / 91 dated 01.08.1997.

[b] To set aside the Order No.F.11[9] – GA [AR] / 91 [S] / 1261-1264 dated 31.07.2004 being the appointment letter of Inquiry Officer.

[c] To direct the Respondents to provide the Applicant with the reliefs sought for in his representation dated 05.06.2002.

[d] Any other relief/reliefs to which the Applicant is entitled under the facts and circumstances of the case and as may be deemed proper by this Hon'ble Tribunal.”

3. Applicant has prayed as under in O.A.No.249 of 2007:-

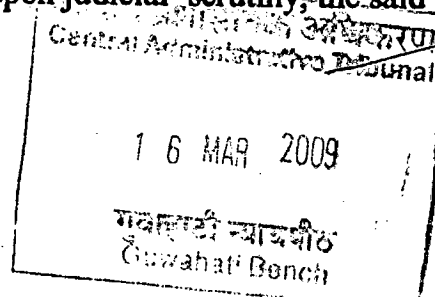
“[a] To direct the Respondents to consider promotion of the Applicant to the post of Additional P.C.C.F. as per recommendation of the D.P.C. held on 16.05.2007.

[b] Any other relief or reliefs to which the Applicant is entitled under the facts and circumstances of the case and as may deem proper by this Hon'ble Tribunal.”



4. By way of filing Written Statement, the Respondents have justified their action under challenge in O.A.No.187 of 2004. In O.A. No.249/2007, the respondents have disclosed, in essence, that for the reason of revival of the Departmental Proceeding against the Applicant, his further promotion matter have virtually been kept in sealed cover/withheld.

5. It is the case of the Applicant, as argued out by the learned Counsel appearing for the Applicant at hearing, is that on completion of the Departmental Proceeding, a penal order was passed and, upon judicial scrutiny, the said penal

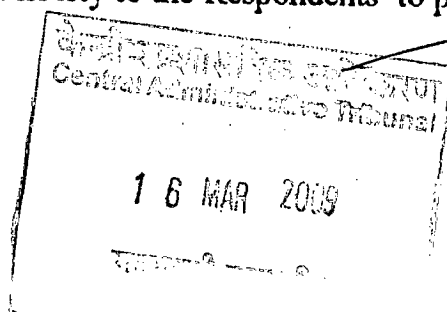


By  
Ambarish  
A

Order was set aside by this Tribunal and, while doing so, no liberty was granted by this Tribunal [to the Respondents] to proceed, de novo, against the Applicant and that the Respondents, also passed an order, on 22.05.2002, setting aside the punishment. While doing so, the Respondents did not reserve their right to start the proceeding, de novo, against the Applicant. It is also argued, on behalf of the Applicant, that at no point of time, the Respondents obtained leave from this Tribunal to proceed against the Applicant de novo and that, therefore, they are estopped to start the Departmental Proceeding, de novo, to cover up their lapses. On this ground, the Applicant has challenged the action dated 31.07.2004 of the Respondents in O.A.187 of 2004. Learned Counsel for the Applicant argued further to say that since revival of the Departmental Proceeding is bad, withholding of promotion [which is subject matter of O.A.249/2007] is also bad. Advocate for the Applicant has also relied upon the case of L.A. Singh [AIR 1967 M.P. 284] and that of Rebatimohan [1976 [2] SLR 897] to support the stand of the Applicant.

On the other hand, learned Counsel appearing for the State Govt. argued that the State Government, being the Competent Authority, revived the proceedings against the Applicant and that there were no requirement to obtain leave from this Tribunal to proceed afresh; as this Tribunal set aside the penal order only on technical grounds and not on merits of the allegations leveled against the Applicant.

7. Upon hearing both the parties and upon perusal of the materials placed on record [including the concerned files of the State Govt.] we are of the view that the Departmental Proceeding reached its finality on passing of the penal order on 30.07.1998 and the same was set aside, on judicial scrutiny, by this Tribunal and, while doing so, this Tribunal did not grant liberty to the Respondents to proceed



*Handwritten signature/initials*

against the Applicant de novo/afresh/from any particular stage. The matter was not remitted back to the Disciplinary Authority [by this Tribunal] nor the Respondents approached this Tribunal [at any point of time] to proceed with the matter from any particular stage or to revive the Departmental Proceeding. Even while passing the order, on 22.05.2002, the State Govt. of Tripura did not retain its liberty to proceed with the matter de novo or from any particular stage. Learned Counsel appearing for the State Govt. of Tripura took as though various notings in the Departmental Files; from which it appeared to us that in order to stall his [Applicant] further promotion, the Departmental Proceeding was revived on 31.07.2004. Such action of the State Government appears to be an outcome of mala fides against the Applicant.

8. Thus, we hereby quash the entire action of the Respondents including the orders dated 31.07.2004 reviving the Departmental Proceeding against the Applicant and appointing Enquiry Officer.

9. Since we have now quashed the revival of the Departmental Proceeding against the Applicant, he deserves to be considered for next higher promotion.

The sealed cover, if any, need be opened and consequential relief need be granted [to the Applicant] by the Respondents within a period of 60 days of receipt of a copy of this order. Respondents are directed accordingly.

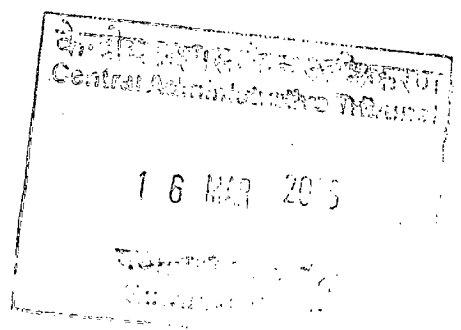
10. While allowing both these cases, we impose a cost of Rs.2000/- to be paid [to the Applicant] by the Respondents.

Date of Application : 23.12.08  
 Date on which copy is ready : 23.12.08  
 Date on which copy is delivered : 23.12.08  
 Certified to be true copy

Section Officer (Jd1)  
 C. A. T. Guwahati Bench  
 Guwahati-5.

Sd/- M.R. Mohanty  
 Vice-Chairman

Sd/- S.N. Shukla,  
 Member (Admin)



Ambedkar  
 23/12/08



(11)

From: Mr. C.S. Sinha  
Advocate  
Gauhati High Court  
Agartala Bench

ASNEKURE - 2

To  
The Chief Secretary  
Government of Tripura  
Agartala

Subject: For compliance with the order dated 19/12/08 passed in OA187 of 2004 and 249 of 2007 by Ld. Central Administrative Tribunal, Guwahati in favour of my client, Sri Sanatan Talukdar, IFS.

Sir,


I am to inform you that my client, above named approached Ld. Central Administrative Tribunal, Guwahati, against revival of old Charge sheet / Departmental Proceeding vide memo dated 31/07/04 and preferred OA 187 of 2004. Then, against his super session in the matter of promotion to the post of Addl. Principal Chief Conservator of Forests, he preferred another OA 249 of 2007 before the Tribunal.

2. On 19/12/08, Ld. Tribunal disposed of both the OAs and quashed the revival of Disciplinary Proceeding and directed the Respondent Authority to provide relief to my client within 60 (sixty) days from the date of receipt of the copy of the order.

3. Accordingly, I request your kind compliance with the direction of Ld. Tribunal (copy of the order dated 19/12/08 is enclosed).

Thanking you,

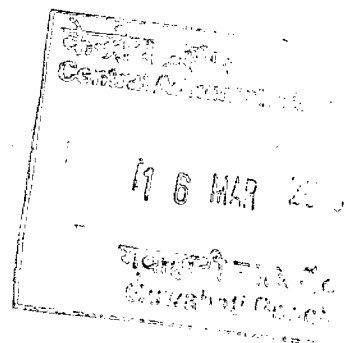
Yours faithfully

  
(Mr. Chandra Sekhar Sinha) 31/12

Dated, Agartala  
31/12/08

Enclo: As stated above

o/c  
A2  
31/12/08



By  
Mr. Chandra Sekhar Sinha

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

8 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

File in Court on. 08/06/09

Court Officer.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Title of the case: Execution Petition No. 1/2009 in OA No.  
187 of 2004 with OA No. 249 of 2007

BETWEEN  
SHRI SANATAN TALUKDAR

..Applicants.

AND

UNION OF INDIA & ORS

.....RESPONDENTS

Reply to the Execution petition submitted by the Respondents Nos. 384

I N D E X

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1.	Reply	1 and 2
2.	Verification	3
3.	Annexure-A (Order dated 14.5.2009 passed in W.P.(C) No. 126/2009)	4, 5
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6.	Annexure-B1 (Order dated 14.6.2009 passed in C. M. Application No. 134/2009)	10, 11

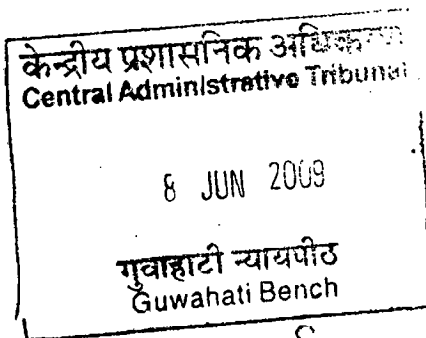
Filed by :

Miss Usha Das

Advocate

Date

: 08/6/09



- 1 -

Filed by the  
Respondent Nos. 3 & 4  
through  
Alsha Das  
Advocate  
08/6/09

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

Execution Petition No. 1/2009

In OA No. 187/2004

With

OA No. 249/2007

SHRI SANATAN TALUKDAR

.....applicant

-VERSUS-

UNION OF INDIA

.....RESPONDENTS

IN THE MATTER OF

Reply submitted by the respondent No.  
3 and 4 to the Execution Petition filed  
by the applicant

1) That the respondents have received a copy of the Execution Petition and understood the contentions made thereof. Save and except, the statements, which are specifically admitted herein below rests, may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.

2) That with the answering respondents beg to submit that against the judgment and order dated 19.12.2008 passed in OA No. 187/2004

Debasish Dasu

with 249/2007 the State of Tripura approached the Hon'ble Gauhati High Court, Agartala Bench by way of filing W.P. (C ) No. 126/2009 with C.M. Application No. 132/2009 and W.P. ( C ) No. 127/2009 with C. M. Application No. 134/2009 and the Hon'ble High Court has been pleased to stay the order dated 19.12.2008 passed by the Hon'ble Tribunal on 14.5.2009.

Copies of the orders dated 14.5.2009 are annexed herewith and marked as Annexure- A, A1, B and B1 respectively.

- 3) That in view of the above facts and circumstances of the case the Hon'ble Tribunal may be pleased to close the Execution Petition.

*Abhishek Bhow*

3 -

**VERIFICATION**

I Shri Debasish Basu, Son of Shri Sunil Ranjan Basu, aged about 50 years at present working as Joint Resident Commissioner, Tripura Bhawan, Ramakrishna Mission Road, Birubari, Guwahati-16, who is taking steps in this case, being duly authorized by the competent authority hence competent to sign this verification for respondent No. 3 and 4, do hereby solemnly affirm and state that the statement made in paragraph

1 - are true to my knowledge and belief, those made in paragraph

2 - being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 8<sup>th</sup> day of June 2009 at Guwahati.

*Debasish Basu*

DEPONENT

Annexure - A

**IN THE GAUHATI HIGH COURT**  
 (THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
 MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)  
**CIVIL APPELLATE SIDE**

W.P(C) No. 126 of 2009.  
 Guwahati Appellate Bench

The State of Tripura & An.

Petitioner(s)

Versus

Sri. Sanatan Tealundar, IFS & An.

Respondent(s)

For M. S. Deb, Sr. Adv.  
 Petitioner M. D. Cinath, Adv.

CERTIFIED TO BE A TRUE COPY

16-5-09  
 Assistant Registrar  
 Gauhati High Court  
 Agartala Bench  
 Agartala

Authorized U/S Act of 1878

For  
 Respondent

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports; orders or proceedings with
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16/5/09  
 Superintendent (Copying)  
 Gauhati High Court  
 Agartala Bench

केन्द्रीय प्रशासनिक अपील न्यायालय  
 Central Administrative Tribunal

8 JUN 2009

गुवाहाटी न्यायपीठ  
 Guwahati Bench

COMPARED BY

16-5-09  
 Signature

O.A. 187/2004

Debasish Barua

WP(C) No. 126 of 2009

Annexure - A

Filing by Officer or Advocate	Serial No	Date	Office notes, reports, orders or proceedings With signature
<p>GUARANTEED TO BE A TRUE COPY</p> <p>15/05/09</p> <p>Assistant Registrar Gauhati High Court Agartala Bench Agartala. Authorized U/S Act of 1879</p> <p>16/5/09</p> <p>Superintendent (Copying) Gauhati High Court Agartala Bench.</p>			<p>BEFORE</p> <p>THE HON'BLE MR. JUSTICE U. B. SAHA</p> <p>THE HON'BLE MR. JUSTICE C. R. SARMA</p> <p>14.05.2009</p> <p>Heard Mr. S. Deb, learned senior counsel, assisted by Mr. D. C. Nath, learned counsel for the writ petitioners.</p> <p>Let a Rule Issue calling upon the respondents to show cause as to why the writ as prayed for should not be issued; and/or why such further and other order(s) should not be passed as to this court may deem fit and proper.</p> <p>The Rule is made returnable within four weeks. The petitioners shall take steps for service of notice upon the respondents within three days.</p>

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal

8 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Sd/- C.R. Sarma  
Judge

Sd/- U.B. Saha  
Judge

COMPARED BY  
16-5-09  
Signature

Debasish Datta



4

6 -

- 3

Annexure - A1

**IN THE GAUHATI HIGH COURT**  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)  
CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

C.M. Appl.No. 132/09  
(In WP(C) 126/09)

The State of Tripura & Anr.

Petitioner(s)

Versus

Sr. Sanatan Talukdar, IFS & Ors.

Respondent(s)

For M.N. S. Deb, Sr. Adv.  
Petitioner M.N. D. C. Nath, Adv.

CERTIFIED TO BE A TRUE COPY

16/5/09  
Assistant Registrar  
Gauhati High Court  
Agartala Bench.  
Agartala.

Authorized II/S Act of 1972

For  
Respondent

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

8 JUN 2009

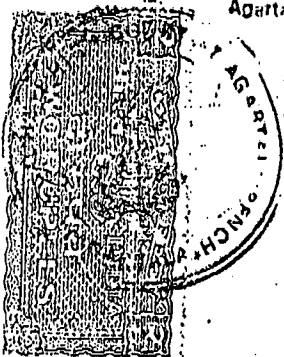
गुवाहाटी न्यायपीठ  
Guwahati Bench

Noting by Officer or Advocate

Serial | Date

Office notes, records, etc.

16/5/09  
Superintendent (Copying)  
Gauhati High Court  
Agartala Bench.



COMPARED BY

16-5-09  
Signature

Debasish Barua



Annexure - A1

C.M. Appl No. 132 of 2009

WP(C) No. 126 of 2009

Noting by Officer or  
AdvocateSerial  
No

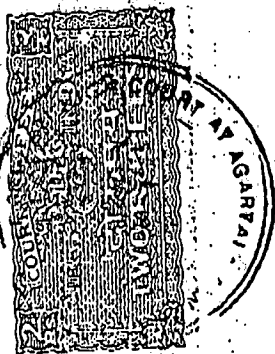
Date

Office notes, reports, orders or proceedings  
With signature

CERTIFIED TO BE A TRUE COPY

Assistant Registrar,  
Gauhati High Court  
Agartala Bench,  
Agartala.

Authorised U/S Act of 1978

Superintendent (Copying),  
Gauhati High Court  
Agartala Bench.

COMPARED BY

Signature  
16-5-09

BEFORE

THE HON'BLE MR. JUSTICE U. B. SAHA  
THE HON'BLE MR. JUSTICE C. R. SARMA

14.05.2009

Let a notice calling upon the respondents to show cause as to why an interim order shall not be passed as prayed for; and/or why such further and other order(s) should not be passed as this court may deem fit and proper.

The Notice is made returnable within a period of four weeks.

Meanwhile, the impugned order dated 9.12.208 passed by the learned Central Administrative Tribunal, Guwahati passed in Original Application (O.A.) No. 187 of 2004 shall remain stayed.

Sd/- C. R. Sarma.  
JudgeSd/- U. B. Saha.  
Judge.

Sd/- Basist Ban

केन्द्रीय प्रशासनिक अपील बोर्ड  
Central Administrative Tribunal

8 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 8 -

Amexu - B

**IN THE GAUHATI HIGH COURT**  
 (THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
 MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)  
CIVIL APPELLATE SIDE.

W.P(C) No. 127 of 2009.

With e.m. Appl. 134/09

The State of Tripura & Ann.

Petitioner(s)

Versus

Sri Sunetam Ta. Dendram, IFS & Pns.

Respondent(s)

For: M. S. Deb, Sr. Adv.  
Petitioner M. D. C. Nath, Adv.

CERTIFIED TO BE A TRUE COPY

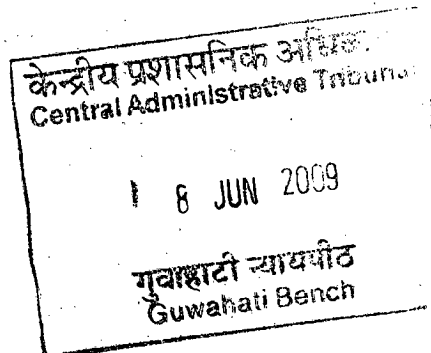
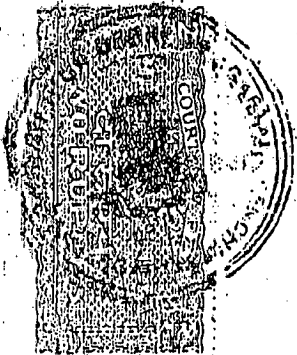
*16/5/09*  
 Assistant Registrar  
 Gauhati High Court,  
 Agartala Bench,  
 Agartala

For  
Respondent

Authorized I/S Act of 1978

Noting by Officer or Advocate	Serial	Date	Office notes, reports, orders
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*16/5/09*  
 Superintendent (Copying)  
 Gauhati High Court  
 Agartala Bench



COMPARED BY


*16-5-09*  
 Signature

O.A. 249/2007

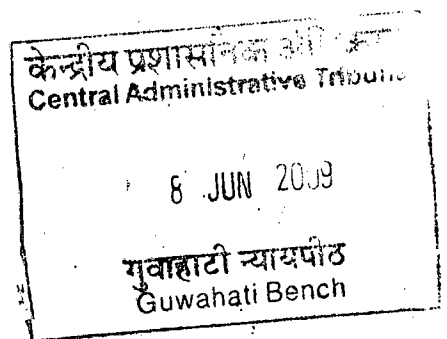
Subashish Basa

WP(C) No. 12/ 01 2009

Annexure - B

By Officer or Advocate	Serial No	Date	Office notes, reports, orders or proceedings With signature
<p><b>CERTIFIED TO BE A TRUE COPY</b></p> <p>Assistant Registrar, Gauhati High Court Agartala Bench, Agartala. Authorised U/S Act of 1978</p> <p>6/5/09 Superintendent (Copying), Gauhati High Court Agartala Bench.</p> 			<p><b>BEFORE</b></p> <p><b>THE HON'BLE MR. JUSTICE U. B. SAHA</b> <b>THE HON'BLE MR. JUSTICE C. R. SARMA</b></p> <p>14.05.2009</p> <p>Heard Mr. S. Deb, learned senior counsel, as assisted by Mr. D. C. Nath, learned counsel for the writ petitioners.</p> <p>Let a Rule issue calling upon the respondents to Show Cause as to why the writ as prayed for should not be issued; and/or why such further and other order(s) should not be passed as to this court may deem fit and proper.</p> <p>The Rule is made returnable within four weeks. The petitioners shall take steps for service of notice upon the respondents within three days.</p> <p>sd/- C. R. Sarma. Judge. sd/- U. B. Saha Judge.</p>

COMPARED BY  
6/5/09  
Signature



Sufashish Dasa

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)  
CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

C.M. Appl.No.  
(in WP(C))

The State of Tripura & Anr. Petitioner(s)

Versus

Mr. Sanatan Talukder, IFS & Anr. Respondent(s)

For Mr. S. Deb, Sr. Adv.  
Petitioner Mr. D. C. Nath, Adv.

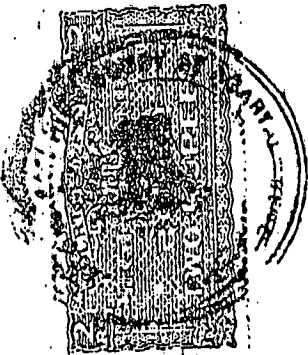
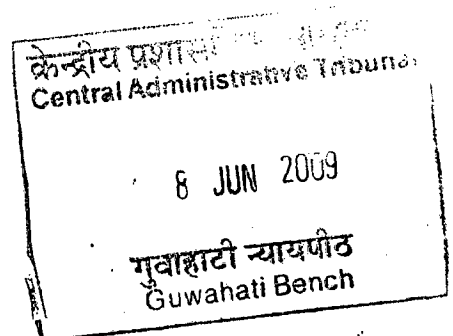
CERTIFIED TO BE A TRUE COPY

[Signature]  
Assistant Registrar,  
Gauhati High Court,  
Agartala Bench,  
Agartala

Authorized U/S Act of 1979

For  
Respondent


[Signature]  
Superintendent (Copying)  
Gauhati High Court  
Agartala Bench



COMPARED BY

[Signature]  
15-5-09  
Signature

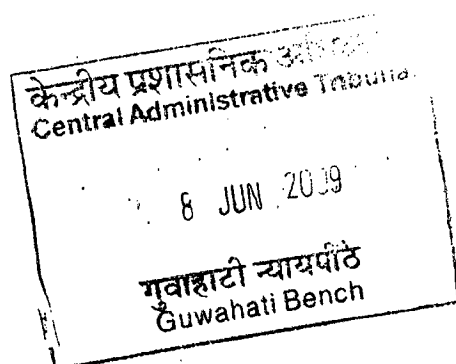
Subash Basu

ing by Officer or Advocate	Serial No	Date	Office notes, reports, orders or proceedings With signature
<p><b>CERTIFIED TO BE A TRUE COPY</b></p> <p><i>[Signature]</i> 16/5/09 Assistant Registrar Gauhati High Court. Agartala Bench. Agartala. Authorised U/S Act of 1979</p> <p><i>[Signature]</i> 16/5/09 Superintendent (Copying) Gauhati High Court Agartala Bench</p> 			<p>BEFORE</p> <p>THE HON'BLE MR. JUSTICE U. B. SAHA THE HON'BLE MR. JUSTICE C. R. SARMA</p> <p>14.05.2009</p> <p>Let a notice issue calling upon the respondents to show cause as to why an interim order shall not be passed as prayed for; and/or why such further and other order(s) should not be passed as this court may deem fit and proper.</p> <p>The Notice is made returnable within a period of four weeks.</p> <p>Meanwhile, the impugned order dated 19.12.2008 passed by the learned Central Administrative Tribunal, Guwahati passed in Original Application (O.A.) No. 249 of 2007 shall remain stayed.</p>

*Scd/- C.R. Sarma*      *Scd/- U.B. Saha*  
*Judge*                      *Judge*

COMPARED BY

Signature



*Debashish Barua*