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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No..... 219/2005

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FORM NO. 4.  
( SEE RULE 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 219/05

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s): N. Hazarika

Respondent(s): MOI ZONE

Advocate for the Applicant(s):- Mr. M. Chanda, S. Nath

Advocate for the Respondent(s):- C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
	<u>24.8.2005</u>	present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman
This application is on Reg. No. 206/158/322 filed on 10.8.2005 and deposited v.v.d. IPED No. 206/158/322.		Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.
Dated <u>9.8.05</u>		The O.A. is disposed of at the admission stage itself in terms of the order.
<u>21/8/05</u> Dy. Registrar	<u>9.8.05</u>	<u>G. Sivarajan</u> Vice-Chairman
<u>No steps</u>	<u>9.8.05</u>	<u>bb</u>

9.9.05  
Copy of the order  
has been sent to the  
applicant as well as  
to the Addl. C.G.S.C. for  
the resps.

12/9/05  
Received  
Visha Das  
Addl C.G.S.C.

14. 08. 08

A letter at file A  
received from R. Saxena,  
group captainstration  
Commander regarding  
absent including submission  
of representation for payment  
of salary during absent

Period : 1st July 2008 to 14th July 2008

(Ap) (20)

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 219 of 2005.

DATE OF DECISION: 24.08.2005

Sri Niranjan Hazarika

APPLICANT(S)

Mr. M. Chanda & Mr. S. Nath

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Ms. U. Das, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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

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.

*G. Sivaranjan*

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

Original Application No. 219 of 2005.

Date of Order: This, the 24th Day of August, 2005.

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

Sri Niranjan Hazarika  
Store Keeper  
(PA No.37094-A)  
Logistic Section  
No.14 wing AF  
C/O 99 APO.

..... Applicant.

By Advocates S/Shri M.Chanda, S.Nath.

- Versus -

1. The Union of India  
Represented by Secretary  
to the Government of India  
Ministry of Defence  
South Block  
New Delhi-110 001.
2. The AOC-in-C  
Eastern Air Command  
C/O 99 APO.
3. The Station Commander  
14 Wing Air Force  
C/O 99 APO.
4. Group Captain  
Station Commander  
14 Wing Air Force  
C/O 99 APO.

..... Respondents.

By Ms.U.Das, Addl.C.G.S.C.

**ORDER (ORAL)**

**SIVARAJAN, J.(V.C.) :**

The applicant is a Store Keeper (PA No. 37094-A), Logistic Section, No. 14 Wing Air Force, C/O 99 APO. His grievance is that though he had joined duty after study leave on 19.7.2004 and had continued to work since then, he

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had not been paid salary for the period from 19.7.2004 till January, 2005. The applicant sent a Lawyer's Notice dated 31.1.2005 (Annexure-9) to the third respondent and in reply to that the third respondent issued letter dated 11.2.2005 (Annexure-11). It is stated in para 4 of the said reply as follows:-

"4. Individual reported on 19 Jul 04 but again with effect from 20 Jul 2004 absented himself till 12 Sep 2004 and the individual attended the Board of Inquiry which was started from 13 Sep 2004. As such the individual is entitled for his salary with effect from 13 Sep 2004 onwards."

2. Mr. M. Chanda, learned counsel for the applicant submits that the applicant had worked in the department from 19.7.2004 and that the statement made as above is incorrect. Counsel, in support, has also relied on the communication dated 11.8.2004 (Annexure-8). The counsel also submitted that even though the third respondent has stated that the applicant is entitled for his salary w.e.f. 13.9.2004 onwards the applicant has not been paid the salary for the period after 13.9.2004.

3. I have also heard Ms.U.Das, learned Addl.C.G.S.C. appearing for the respondents. She made submissions on the lines made in para 4 of Annexure-11. From the para 4 of Annexure-11 letter, it is clear that even according to the respondents the applicant is entitled to salary for the period from 13.9.2004. In these circumstances, if the applicant has not so far been paid the salary for the

*gpt*

period from 13.9.2004, the same will be paid without any delay, at any rate, within a period of six weeks from the date of receipt of this order.

4. So far as the claim for salary for the period from 19.7.2004 till 12.9.2004 is concerned, the respondents have stated that though the applicant had joined duty on 19.7.2004, he absented from duty from 20.9.2004 till 12.9.2004 and therefore, he is not entitled to salary for the said period. The applicant, on the other hand, contended that he had worked during the said period also. This is a disputed issue. In these circumstances, if the applicant makes a representation with evidence regarding his being on duty for the period from 20.7.2004 till 12.9.2004 within a period of one month from today, the respondents will consider the same and take a decision thereon after perusing the relevant record within a period of two months thereafter. If it is found on such enquiry that the applicant is entitled to salary for the period from 20.7.2004 to 12.9.2004 also, needless to say that it must be paid within one month thereafter.

The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order along with the representation before the respondents for compliance.

*Sivarajan*  
(G.SIVARAJAN)  
VICE CHAIRMAN

केन्द्रीय न्यायपीठ  
Central Administrative Tribunal  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 219 /2005

Shri Niranjan Hazarika

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

13.02.2003- Applicant while serving as Store Keeper in the office of the Air Force Station, Chabua, P.O- Air Field, Chabua, Dist- Dibrugarh, Assam submitted a leave application on 13.02.2003 for sanctioning a leave for twenty four (24) months w.e.f 02.03.2003 to 02.03.2005 on account of higher study. (Annexure-1 series)

14.02.2003- Station Commander forwarded the said leave application to the higher authority duly recommending the said application for sanction of the leave. (Annexure- 1 series)

02.03.2003- Applicant left for higher studies at Mumbai in Maharashtra Institute of Computer Technology for 24 months in anticipation that the leave would be sanctioned for higher study.

19.07.2004- Applicant on receipt of information from his family members that a news item published by the Air Force Station authority, Chabua alleging missing of the applicant left the Computer Institute at Mumbai and reported for duty on 19.07.04. (Annexure-2)

06.08.2004- Show cause notice was issued to the applicant directing to explain the reason for alleged unauthorized absence w.e.f. 03.03.03 to 18.07.04. (Annexure-3)

09.08.2004- Applicant submitted his reply explaining under what circumstances he had proceeded for higher studies at Mumbai and also explained other quarries raised in the show cause notice. (Annexure-4)

11.08.2004- Office of the 14 Wing, Air Force informed the Commander that the applicant is on duty w.e.f. 19.07.04. (Annexure-8)

16.08.2004- Memorandum of charge sheet was issued against the applicant containing 5 articles of charges, all are relating to unauthorized absence from 03.03.03 to 18.07.04. (Annexure-5)

27.08.2004- Applicant submitted detailed reply denying the allegations and requested for exonerating him from charges. (Annexure-6)

08.11.2004- Respondents imposed penalty of reduction in lower stage for a period of 44 months without increment of pay during this period and the reduction will not effect of postponing the future increment of his pay. (Annexure-7)

31.01.2005- Applicant through his Lawyer issued a notice to the Station Commander, interalia stating that the applicant reported his duty on 19.07.04 and thereafter no payment of pay and allowance was made to him and his salary was withheld since 19.07.04. (Annexure-9)

02.02.2005- Applicant submitted representation addressed to Station Commandar, 14 Wing, Air Force praying for payment of salary. (Annexure-10)

11.02.2005- Station Commander informed the Lawyer of the applicant through letter dated 11.02.05 that the applicant reported for duty on 19.07.04 but absented him till 12.09.04, therefore he is entitled to his salary w.c.f. 12.09.04 and an amount of Rs. 7,220/- approximately liable to be deducted from his IRLA as SCA (remote), Transport allowances and adhoc bonus are not entitled for his period of absence and on 1.2.05 an amount of Rs. 1354/- approx is in debit. It is further stated in that on receipt of the monthly pay slip for February 2005 payment would be made to the applicant after necessary deduction. (Annexure-11)

11.02.2005- Applicant submitted an application addressed to the Station Commandar, 14 Wing, Air Force requesting for regularization of his leave from 03.03.03 to 18.07.04. (Annexure-12)

#### PRAYER

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief (s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to pay arrear pay and allowances w.e.f 19.07.2004 to 31.01.2005 or alternatively direct to pay the arrear and allowances due and admissible to the applicant after statutory deduction for the period w.e.f 19.07.2004 to 31.01.2005 with immediate effect.
2. Costs of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 219 /2005

BETWEEN:

Shri Niranjan Hazarika,  
Store Keeper,  
(PA NO. 37094-A)  
Logistic Section,  
No. 14 wing AF  
C/O 99 APO.

.....Applicant.

-AND-

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Defence,  
South Block,  
New Delhi- 110001.
2. The AOC-in-C,  
Eastern Air Command,  
C/O 99 APO.
3. The Station Commander,  
14 Wing Air Force,  
C/O 99 APO.
4. Group Captain,  
Station Commander,  
14 Wing Air Force,  
C/O 99 APO.

.....Respondents.

Filed by the applicant  
in Person: Subrata Nath  
Advocate  
19.08.05

Niranjan Hazarika

## DETAILS OF THE APPLICATION

### 1. Particulars of the order (s) against which this application is made:

This application is made praying for a direction upon the respondents for payment of salary of the applicant w.e.f 19.07.2004 to till date and this application is also made against the impugned decision communicated vide letter dated 11.02.2005.

### 2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

### 3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

### 4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant is working as Store Keeper in the Logistic Section of 14 Wing Air Force Station, Chabua. Applicant is the Civilian employee of the 14 Air Force Station, Chabua, Govt. of India, Ministry of Defence.
- 4.2 That while serving as Store Keeper in the office of the Air Force Station, Chabua, P.O- Air Field, Chabua, Dist- Dibrugarh, Assam. The applicant submitted a leave application on 13.02.2003 for sanctioning a leave for twenty four (24) months w.e.f. 02.03.2003 to 02.03.2005 on account of higher study. The said leave application was forwarded by Station Commander on 14.02.2003 to the higher authority duly recommending the said application for sanction of the leave by the Station Commander. The

*Nirajjan Hazarika*

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applicant in anticipation that the leave would be sanctioned by the higher authority since the leave application was duly recommended by the station commander and also due to urgency of attending the course for higher study at Mumbai at Maharashtra in the Institute of Computer Technology for 24 months course. Applicant was under impression that the leave would be sanctioned by the appropriate authority since the same was recommended by his immediate controlling officer.

Copies of the leave application dated 13.02.2003 and forwarding letter dated 14.02.2003 are enclosed herewith for perusal of Hon'ble Court and marked as Annexure-1 (Series).

- 4.3 That your applicant left for higher studies at Mumbai in Maharashtra Institute of Computer Technology (M.I.C.T) for 24 months as on 02.03.2003 in anticipation that the leave would be sanctioned for higher study. It is a normal practice in the establishment in which the applicant is working that once a leave application is submitted and if the same is recommended by the immediate controlling officer that the same is normally got sanctioned by the appropriate authority. Therefore applicant was under a bonafide belief that his leave would be sanctioned by the appropriate authority, more so in view of the fact that the same was recommended by the immediate controlling officer and accordingly applicant left for higher studies at Mumbai.
- 4.4 That your applicant while undergoing the aforesaid Computer Course at Mumbai, he came to learn from his family members that there was a news item published by the Air Force Station Authority, Chabua alleging missing of the applicant without leave in the local news paper. On receipt of the said news from his family members the applicant immediately left the Computer Institution and reported for duty on 19.07.2004 i.e within 15 days from the publication of news item. However, the authority permitted him to join in his duty on 19.07.2004 itself.

Niranjan Hazarika

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A Copy of the joining report dated 19.07.2004 is enclosed herewith for perusal of Hon'ble Court as Annexure-2.

4.5 That your applicant thereafter regularly attending his duties. However on ~ 06.08.2004 a show cause notice was issued to the applicant. In the said show cause notice the applicant was directed to explain the reason for alleged unauthorized absence w.e.f 03.03.2003 to 18.07.2004, wherein it is stated that the applicant was absent unauthorizedly w.e.f 03.03.2003 till 18.07.2004 as indicated by his Section Commander. It is also stated that the applicant was intimated that the study leave was not approved by the appropriate authority and the remarks were conveyed on his application which was submitted on 27.02.2003. It is further alleged in the show cause notice that after a period of 90 days of unauthorized absence for duty, a letter under registered A/D was sent to the home address of the applicant as per the service documents dated 10.06.2003. Wherein it was directed to the applicant to join duties failing which necessary action has been taken against him as per leave Rule 1972. The applicant submitted his reply on 09.08.2004 explaining under what circumstances he had proceeded for higher studies at Mumbai and also explaining the other quarries raised in the show cause notice dated 06.08.2004.

Copy of the show cause notice dated 06.08.2004 and reply dated 09.08.2004 are enclosed herewith for perusal of Hon'ble Court as Annexure- 3 and 4 respectively.

4.6 That it is stated that vide memorandum dated 16.08.2004 a memorandum of charge sheet was issued against the applicant containing 5 articles of charges all are relating to unauthorized absence from 03.03.2003 to 18.07.2004. On receipt of the memorandum of charge sheet dated 16.08.2004 the applicant submitted a detailed reply dated 27.08.2004

Niranjan Hazarika

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denying the allegations and requested for exonerating him from the charges.

Copy of the memorandum of charge sheet dated 16.08.2004 and reply dated 27.08.2004 is enclosed herewith for perusal of Hon'ble Court as Annexure- 5 and 6 respectively.

4.7 That it is stated that enquiry proceeding was conducted in total violation of the relevant provisions of CCS (CCA) Rules 1965. However, the Station Commander, 14 wing, Air Force imposed penalty of reduction in lower stage for a period of 44 months without increment of pay during this period and the reduction will not effect of postponing the future increment of his pay vide order bearing letter No. 14 W/359/37094/1/PC dated 08.11.2004. However, the applicant preferred an appcal before the appellate authority against the said penalty order and the same is still pending with the appellate authority.

A copy of the order dated 08.11.2004 is enclosed herewith for perusal of Hon'ble Court as Annexure-7.

4.8 That it is stated that the office of the 14 wing, Air Force vide letter bearing no. 14 W/359/37094/1/PC dated 11.08.2004. It was informed even to the Commander that the applicant is on duty w.e.f 19.07.2004.

A Copy of the letter dated 11.08.2004 is enclosed herewith for perusal of Hon'ble Court as Annexure-8.

4.9 That your applicant on different occasions approached the authority even in writing for payment of pay and allowances, more particularly for the period i.e. after his resumption of his duties on returning from Mumbai i.e. w.e.f 19.07.2004 onwards, no payment of salary is made to the applicant continuously, for the reasons best known to the authorities. Initiation of disciplinary proceeding under Rule 14 for alleged

Niranjan Hazarika

unauthorized absence cannot be a ground for denial of regular pay and allowances after resumption of his duties, more particularly for pay and allowances, being highly disappointed for non consideration of payment of his current salary. He has further represented on 02.02.2005 by submitting a letter addressed to the Station Commander, 14 Wing, Air Force, the applicant also through his Lawyer issued a notice to the said station Commander on 31.01.2005. In the said notice it is interalia stated that the applicant reported his duty on 19.07.2004 and thereafter no payment of pay and allowances was made to the applicant and his salary was withheld since 19.07.2004 and the authority is not therefore justified in withholding the salary of my client since 19.07.2004 i.e. after resumption of his duties, the notice was served on 31.01.2005 and till then no payment is made to the applicant and accordingly in the lawyer notice it was requested to pay the arrear salary i.e w.e.f 19.07.2004 as well as the current salary.

Copy of the lawyer notice dated 31.01.2005 and a letter dated 02.02.2005 is enclosed herewith for perusal of Hon'ble Court as Annexure- 9 and 10 respectively.

4.10 That your applicant further beg to state that Station Commander by the letter bearing No. 14 W/359/37094/1/PC dated 11.02.2005 informed his Lawyer that a Board of inquiry was ordered and completed under CCS (CCA) Rules 1965 and his unauthorized absent period of 560 days treated as FOI which bars him for his pay allowances for the said period. It is further stated in para 4 of the impugned letter that your applicant was reported on 19.07.2004 but absented himself till 12.9.2004. Therefore, he is entitled for his salary w.e.f 13.09.2004 and an amount of Rs. 7,220/- approximately liable to be deducted from his IRLA as SCA (remote), Transport allowances and adhoc bonus are not entitled for his period of absence and on 01.02.2005 an amount of Rs. 1354/- approx is in debit.

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It is further stated in para 5 that in view of the above factual position on receipt of monthly pay slip for February 2005 payment would be made to the applicant after necessary deduction. But surprisingly no payment is made to the applicant for his arrear pay and allowances even as per their statement made in para 4 of the letter dated 11.02.2005. The contents of para 4 of impugned letter dated 11.02.2005 is contrary to their own letter dated 11.08.2005 (Annexure-9) to the effect that the applicant is absented from duty w.e.f 20.07.2004 till 12.09.2004. In the instant case the specific prayer of the applicant to pay his arrear salary and allowances w.e.f 19.07.2004 onwards which is not being paid as yet. The applicant is entitled to pay and allowances for the period of his resumption of duties w.e.f 19.07.2004. The applicant has no objection for deduction of an amount as indicated in para 4 of the impugned letter dated 11.02.2005. The applicant has not yet been paid pay and allowances w.e.f 19.07.2004 to 31.01.2005. Therefore, the applicant finding no other alternative praying for direction upon the respondents to pay the arrear salary to the applicant w.e.f 19.07.2004 to 31.01.2005 or any other amount due and admissible in the form of pay and allowances of the aforesaid period with immediate affect since the applicant is facing financial hardship.

A copy of the letter dated 11.02.2005 is enclosed herewith for perusal of Hon'ble Court as Annexure-11.

4.11 That your applicant also submitted an application on 18.02.2005 addressed to the Station Commander, 14 wing, Air Force requesting for regularization of his leave from 03.03.2003 to 18.07.2004.

Copy of the letter dated 18.02.2005 is enclosed herewith for perusal of Hon'ble Court as Annexure-12.

4.12 That in the circumstances stated above the applicant have no other alternative but to approach this Hon'ble Tribunal for redressal of his grievances particularly for arrear pay and allowances w.e.f 19.07.2004 till

Niranjan Hazarika

31.01.2005 or alternatively to pay the arrear salary due and admissible to the applicant in accordance with rules after necessary deduction permissible under the statutory rule with immediate effect.

4.13 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the applicant has resumed his duties on 19.07.2004 pursuant to the notice to the respondents authorities and thereafter continued in service on his return from Mumbai leaving in half way the higher study course and as such applicant is at least entitled to arrear pay and allowances due and admissible as per rules after statutory deductions as indicated in para 4 of the impugned letter dated 11.02.2005.
- 5.2 For that, the applicant is entitled to arrear pay and allowances at least w.e.f. 19.07.2004 to 31.01.2005 which is legally due and admissible to the applicant after necessary deductions and the same cannot be withheld on the plea of pendency of a disciplinary proceeding.
- 5.3 For that, the paragraph 4 of the impugned letter dated 11.02.2005 is contrary to their own letter-dated 11.08.2004, to the effect that applicant was absenting w.e.f 20.07.2004 to 12.09.2004 as per the records of the Department.
- 5.4 For that, since the period of unauthorized leave has already been treated as extra ordinary leave, therefore withholding of arrear pay and allowances w.e.f 19.07.2004 onwards that too after resumption of duties.
- 5.5 For that, the applicant is legally entitled to arrear pay and allowances at least w.e.f 19.07.2004 to 31.01.2005 after necessary statutory deduction.

Niranjan Hegarikar

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief (s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay arrear pay and allowances w.e.f 19.07.2004 to 31.01.2005 or alternatively direct to pay the arrear and allowances due and admissible to the applicant after statutory deduction for the period w.e.f 19.07.2004 to 31.01.2005 with immediate effect.

8.2 Costs of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

Niranjan Hazarika

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9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10. ....

11. Particulars of the I.P.O

i)	I.P.O No.	20 G 158322
ii)	Date of issue	9.8.05
iii)	Issued from	GPO, Guwahati
iv)	Payable at	GPO, Guwahati

12. List of enclosures:

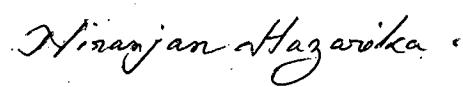
As given in the index.

Niranjan Hazarika

VERIFICATION

I, Shri Niranjan Hazarika, S/o- Shri Dilip Hazarika, aged about 34 years, resident of Kadamoni, Dibrugarh, Assam, presently working as Store Keeper (PA NO. 37094-A), in the office of the No. 14 wing AF, C/O 99 APO, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this 7<sup>th</sup> day of August, 2005.



GENERAL APPLICATION

Service No. 370940 Rank... 8/1..... Name and Initial.... N. HAZARIKA.....

Trade... F.13..... Section... 165..... Extra... 286.....

14 Wing, AF  
C/O 99 APO

13 Feb 2003

Air Officer Commanding  
14 Wing, AF  
C/O 99 APO

REQUEST FOR STUDY LEAVE

Sir,

1. I have the honour to request/state that I may please be permitted  
to avail the study leave for my better career  
and prospect.

Yours faithfully,

(J. S. Basakar)  
Sgt. M.  
Sgt. Off.

Remarks by section commander  
Date: 14 Feb 03 recommended & forwarded

Remarks by SWO  
Date:

Remarks by O/Room  
Date:

Remarks by Asst Adjt/Stn Adjt  
Date:

Remarks by A.O.C.

Date:

Advocate

-B-

Annexure-1 (series)

LEAVE APPLICATION : CIVILIANS

No. : 14 Wing, Air Force

Section : Logistic

Date : 13/02/03

Sir,

I, Name N. Hazarika Pass/PA No. 37094-A Trade S.K.  
have the honour to request that I may be granted 24 months ~~24 months~~ E/Leave Study  
G/L, Med/Leave from 02nd March 2003 to 02nd March 2005 (both days inclusive).

Reasons for leave Acquire higher study

I hereby declare that on expiry of my leave I shall resume my duty at this Station. I also request that I may be permitted to avail LTC during my leave upto place/Railway Station                   . My leave address is as under :-

Village/House No Kachanor 46 P.O. Kirangarh (Kachanor)  
District Kirangarh State Assam

To  
The Air Officer Commanding  
14 Wing, Air Force  
Section Commander :-

Signature of the Applicant

Recommended/Not Recommended

  
(C/S Basuwar)  
Son of  
S/o off.

Date : (4 Dec 03)

Remarks by SWO (for Lascars & Safaiwalas only)

Recommended/Not Recommended

Date :

Remarks by Civil Admin Section

Leave at credit and due as on date of commencement of leave

Earned Leave                    Casual                    HPL/Med Leave                   

Date :

I/C Civil Admin Section

Leave granted :-

Earned Leave from                    to                    =            days

HPL/Med Leave from                    to                    =            days

Casual Leave from                    to                    =            days

Approved/Not Approved.

Date :

  
After <sup>to</sup>  
for Advise

-14-

Annexure - 2

29

Extn: 206

14W/673/5/Lgs

19 Jul 04

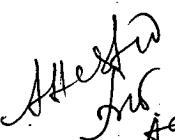
**STATION LOGISTIC SECTION**

**ARRIVAL REPORT OF GP 'C' CIVILIAN**  
**PA NO. 37094A N HAZARIKA (SK)**

1. The abovementioned Gp 'C' civilian has reported on duty at 0900 hrs on 19 Jul 04 and being routed to you at 1330 hrs.
2. This is for your information and further necessary action.

  
(NK Pillai)  
Sqn Ldr  
SLO

**C i/c Civil Admin**

  
Advocate

- 15 -

Tele : 2864447/268

14W/359/37094/1/PC

No. 14 Wing, AF  
C/O 99 APO

16 Aug 2004

Shri Niranjan Hazarika, SK  
(PA No. 37094-A)  
No. 14 Wing AF  
C/O 99 APO

DISCIPLINE CIVILIANS : SHOW CAUSE NOTICE  
SHRI NIRANJAN HAZARIKA, SK (PA NO. 37094-A)

1. Whereas you have been absent from duty with effect from 03 Mar 2003 till 18 Jul 2004 as intimated by your Section Commander on 03 Mar 2003, to this HQ. You have been intimated by your Section Cdr that your leave application for study leave is not approved by the appropriate authority and also the same remarks were conveyed on the personal application submitted by you on 27 Feb 2003, by the C Adm O, 14 Wing, AF.

2. You have not mentioned in your application dated 27 Feb 2003 about the course of Higher Study applied for.

3. After a period of 90 days of unauthorised absence from duty, a letter under registered (AD) was sent to your home address as per service documents on 10 Jun 2003, wherein it was directed to join your duties immediately, failing which necessary disciplinary action will be taken against you as per the limits laid down in Rule-32 (2)(a) CCS Leave Rules 1972.

4. You are hereby directed to explain the reasons for absence for the period as mentioned above and for not following the proper procedure for availing study leave as per the conditions given in Chapter-VI of CCS Leave Rules 1972. You are also directed to show cause as to why disciplinary action should not be initiated against you. You are to submit the reply within 3 days from the receiving of this letter positively.

*(A Bhattacharya)*  
Wg Cdr  
C Adm O  
for Stn Cdr

*Attended  
Mr. Advocate*

Ext No 2

-16-

28

From :

Sri Niranjan Hazarika,  
 (P.A. NO. 37094-A)  
 No. 14 Wing AF  
 C/o-99 APO

Dated, the 20th August, 2004.

To,  
 The Wing Commander  
 Civil Administrative Officer  
 No-14 Wing AF  
C/o-99 APO.

Sub : Show-Cause reply of your letter reference No. 14W/  
359/37094/1/PC dated 06/08/2004.

RESPECTED SIR,

With due honour, I beg to submit my Show-Cause reply for your kind consideration as hereunder :

1) THAT so far para 1 of your notice is concerned, I like to state that I had never been absent as shown from 03/03/2003 till 18/07/2004. Because I made an application dated 13/02/2003 through my superior officer Mr. J.S.Badhwar the then Sqn. Ldr. who recommended my application on the same day for your necessary sanction.

It is to be noted that I made such an application for leave for higher studies at Mumbai for upgrading my service carrier as I was eligible for that in accordance with the provision or Rules and Regulations of Govt. Employees.

However, in response to which I got a letter from your end assigning the reason for non-acceptance or non-consideration of my said leave application. Sir specifically you mentioned that I was/ am not eligible for being granted my study leave against which I made a clarification vide my letter dated 27/02/2003 showing all my eligibilities as provided under the provisions of different laws, Acts and Rules and Regulations. My said letter of clarification was also recommended and forwarded to you by the aforesaid Sqn. Ldr.

All my said applications have become part of your official record to be kept and maintained by different sections <sup>through</sup> their special Officials as such, any remark on my application or letter of clarification dated 27/02/2003 is supposed not to be known by me or any

Contd., .... P/2 ..

Recd.  
 20/8/04  
 Off. to

Affected  
 Mr. Advocate

Allegation of unauthorized absence from duty

- 2 -

other employee other than the person who dealt with. Therefore, I could not know about any remarks which was conveyed on my personal application dated 27/02/2003 submitted by me or lying in your office record. On the other hand, I did not receive any reply rejecting my study leave application after such a clarification in regard to my eligibility.

2) THAT so far para 2 of your notice is concerned, I like to submit that at the time of making study leave application I was quite unaware about the course/Branch of higher studies which would be suitable and available for me. Simply I made an application for higher studies in Maharashtra Institute of Computer Technology (M.I.C.T.) on condition that I was ready to take admission in any branch or course of study which would be suitable for my service carrier. So, after arrival there I made my choice which could not be written in my leave application in advance. In this context, I also beg to submit that no selection took place at the time of making application for leave as such, it was uncertain in which course or brance of study I would have been selected. Therfore, I could not mention about the course of my higher studies in my application for clarification of eligibility on 27/02/2003.

3) THAT so far para 3 of your notice is concerned, first of all I deny the allegation of unauthorised absence <sup>from</sup> duty. Secondly, my leave application was not rejected or no information was given after my letter of clarification dated 27/02/2003 in respect of my leave application. Thirdly, no registered letter was received by my family members on 10/06/2003 as alleged as such, the contents of the said letter could not be known by me.

Sir, I had given my own residential address at Kadomoni, Dibrugarh in my leave application due to the reason that my original place of residence is in an interior place where no letter correspondence can be made easily. On and often I made enquiry over phone about the receipt of any letter either from my deptt. or any other person through my care taker upon whom I entrusted my residential house at Kadomoni, Dibrugarh, but no letter had ever been received by the said care-taker from your end as such, the caution of disciplinary action, though not applicable and attracted in my case, could not be known to me.

- 3 -

4) THAT Sir, I hereby crave your leave for reserving my rights of submitting an additional Written explanation if it becomes necessary on my part in near future in connection with the aforesaid Show-Cause notice.

Therefore, I submit my Written explanation stating the reasons as to why disciplinary action should not be initiated against me. In plain, knowingly I did not commit any mistake during the relevant period as alleged as such, the said Show-Cause notice is liable to be recalled.

It is, therefore, prayed that You will be kind enough to consider my case and drop the matter for the ends of justice and oblige.

Yours faithfully,

  
(Sri Niranjan Hazarika)  
(PA No. 37094 A)  
No-14 Wing AF,  
C/o-99 APO.

**CHARGE SHEET FOR IMPOSING MAJOR PENALTY**  
**UNDER RULE 14 OF CCS (CC&A) RULES 1965**

14W/359/37094/1/PC

No. 14 Wing Air Force  
C/O 99 APO

16 August 2004

**MEMORANDUM**

The President/undersigned proposes to hold an inquiry against Shri N Hazarika under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A list of documents by which, and a list of witness by whom, the article of charge are proposed to be sustained are also enclosed as (Annexure II).

2. Shri N Hazarika is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

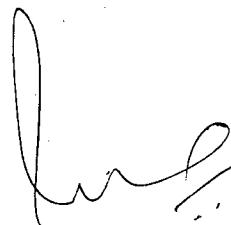
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri N Hazarika is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the C.C.S. (C.C.A.) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri N Hazarika is invited to Rule 20 of the Central Civil Services (Conduct) rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri N Hazarika is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the C.C.S. (Conduct) Rules, 1964.

*Attested  
for Advocate*

6. The receipt of the Memorandum may be acknowledged.



(R. Saxena)  
Group Captain  
Station Commander  
14 Wing Air Force

To  
Shri N Hazarika, Storekeeper,  
PA No. 37094-A  
14 Wing Air Force

### ANNEXURE I

Statement of Articles of charge framed against Shri N Hazarika, Storekeeper, PA No.37094-A of No.14 Wing Air Force.

#### Article - I

Shri N. Hazarika, SK PA No.37094-A while working in Logistic Section has absented himself without leave and not reported for duty at 0715h on 03 Mar 2003. He has also been intimated by his Section Commander that his leave application dated 13 Feb 03 for study leave cannot be approved at the Station Level, hence not approved.

#### Article - II

Inspite of being informed of his study leave not been approved he put up a personal application dated 27 Feb 2003 on the same subject which was returned back with remarks of C Adm O as not approved for reasons quoted by O I/C Civil Admin in the leave application dated 13 Feb 2003. He absented from duty without approval of competent authority of his study leave with effect from 03 Mar 2003.

#### Article - III

Whereas a registered letter dated 10 Jun 2003 on subject, intimation regarding "Absent without leave with effect from 03 Mar 2003 till date". This letter has been refused to be accepted by Sri N. Hazarika on 25 Jun 2003 and the remarks have been made by the postman on the cover of the registered letter No.RL-5386 dated 16 Jun 2003. The second register letter dated 19 September 2003 on same subject has been forwarded to Sri N. Hazarika by registered post No.RL-3328 dated 23 September 2003 which has been returned to 14 Wing Air Force by the post office with remarks, "Addressee left without information Dibrugarh on 26 - 27 September 2003".

#### Article - IV

Efforts were made by 14 Wing in liaison with 19 P & S Unit and Civil police to trace Sri N. Hazarika, physically at his residential addresses as given in the leave application and service documents, but could not be traced till reporting back to the unit on 19 July 2004, subsequent to the publishing of a missing notice in the national and local news papers through DAVP New Delhi.

Article - V

Sri N. Hazarika has not kept his whereabouts informed to this office, his family members and relatives during the period of absences of 16 and half months, for which it became imperative to publish a missing personnel notice in the newspaper.

Unit : 14 Wing , AF  
Date : 16 Aug 2004

  
(R. Saxena)  
Group Captain  
Station Commander  
14 Wing Air Force

Advocate  
for Advocate

## ANNEXURE II

Statement of imputation of misconduct or misbehavior in support of the articles of charge framed against Shri N Hazarika, Storekeeper (PA No.37094-A).

### Article-I

Copy of Leave application for study leave in respect of Shri N Hazarika, Storekeeper, PA No.37094-A) dated 13 Feb 2003.

### Article -II

Copy of personal application in respect of Shri N Hazarika, Storekeeper (PA No.37094-A) dated 27 Feb 03.

### Article -III

(a) Copy of letter No 14W/2605/PC dated 10 Jun 03 sent by registered post/AD and original registered cover duly returned by the post office with remarks of P & T staff

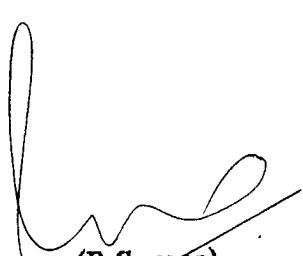
(b) Copy of second registered letter dated 15 Sep 03 on same subject returned un-delivered with remarks of P&T Staff

### Article -IV

(a) Copy of report submitted by 19 P&SU dated 15 Dec 03.

(b) Copy of the advertisement published in Assam Tribune, Guwahati dated 04 Jul 04

Unit : 14 Wing , AF  
Date : 16 Aug 2004

  
(R. Saxena)  
Group Captain  
Station Commander  
14 Wing Air Force

*After  
for  
private*

To

Extno 3  
- 24 -

Annexure - 6  
23

Mr. R. Saxena,  
Group Captain,  
Station Commander,  
14 Wing Air Force.

Dated the 27th August, 2004.

Subject: Written Statement of Defence.

Reference: Your Memorandum No. 14W/359/37094/1/PC dated 16<sup>th</sup> August, 2004.

Sir,

With due respect and humble submission I beg to lay before your good offices, the following few lines as my written statement of defence in respect of the chargesheet containing the articles of Charges framed against me for your perusal, kind consideration and necessary sympathetic action:

1. That sir, so far as Article I of the chargesheet is concerned, I beg to deny the same and would like to state that I did not absent myself without leave as stated in Article I of the chargesheet. It is submitted that I submitted my leave application on 13.2.03 and the same was recommended by Shri J.S. Budhwar, Section Commander.

It is further submitted that as alleged in the Article I of the chargesheet, I have not been intimated by my Section Commander about any non-approval of my leave application dated 13.2.03. In fact, it is the OIC Civil Admin, who had disapproved my leave application without assigning any reasons whatsoever just to harass and humiliate me and spoil my career.

In this connection, it may be mentioned here that I am entitled to study leave as per Rule 50(1) and Rule 50(2) of the C.C.S. (Leave) Rules 1972 – (i) for higher studies or specialized training in a professional or technical subjects having a direct and close connection with the sphere of duties, and (ii) studies capable of widening the mind and improving ability as a civil servant.

I have clarified the above facts in my application dated 27.2.03 and the said application dated 27.2.03 was also recommended and forwarded by my Section Commander Shri J.S. Budhwar.

I do admit that I had not specifically mentioned the course of study in my leave application. I could not mention it because I was not sure in which course of study I would be selected after applying for. As no selection took place at the time of making the leave application, I could not mention the study in my application dated 13.2.03 and 27.2.03.

But, be that as it may, I fail to understand how the I/C, Civil Admin Section could opine or decide that the course of study is not to the definite

Atul  
Advocate

advantage of the Government or that the course of study is not directly linked with the post held by me.

Further, I fail to understand how and under what authority the Civil Admin section could disapprove my leave application after the same had been recommended by my Section Commander.

As such, I beg to submit that my leave application for higher study, to which I am legally entitled, has been whimsically rejected in order to harass and humiliate me.

It is further submitted that after my application dated 27.2.03 duly recommended by my Section Commander was forwarded to the Civil Admin section, there was no further correspondence from your end and I was in dark regarding the fate of my leave application. And hence I left for Mumbai to prosecute higher studies anticipating that my leave would be granted.

Hence, the question of absenting myself without leave does not arise at all.

2. So far as Article II of the chargesheet is concerned, I beg to deny the same and submit that my leave application dated 13.2.03 was duly recommended by my Section Commander and O I/C Civil Admin Section has whimsically disapproved the said leave application for reasons best known to them. I beg to submit that the "reasons quoted" by the O I/C, Civil Admin in my leave application dated 13.2.03 are entirely vague and without any concrete basis. I fail to understand how the O I/C Civil admin could know and decide that my course of study, for which I applied for leave, is not directly linked with the post held by me or is not to the definite advantage of the Government.

It is further submitted that I have not absented from duty without approval of my study leave as alleged in Article II of the chargesheet. I fail to understand who is the "competent authority". So far as my section is concerned, my competent authority is my Section Commander, who duly recommended my leave application dated 13.2.03 and also my application dated 27.2.03. Article II of the chargesheet is vague so far as the term "competent authority" is concerned. If the leave application cannot be approved at the station level, then who will approve it?

3. That sir, so far as the Article III of the chargesheet is concerned, I beg to deny the same and submit that the letter dated 10<sup>th</sup> June, 2003 or its contents are all greek to me in as much as I neither received nor refused to accept any such letter as alleged. The person who refused to receive the said letter was my brother, whose name is also N. Hazarika (Nipun Hazarika). It is not a fact that I refused to accept any such letter.

The second letter dated 19<sup>th</sup> September, 2003 returned to 14 Wing Air Force because I was not available at Dibrugarh and ~~went away~~ to join my course of higher studies at M.I.C.T. (Maharashtra Institute of Computer Technology).

That sir, so far as Article IV of the chargesheet is concerned, I beg to submit that as I left Dibrugarh for M.I.C.T. Maharashtra to prosecute higher studies

the question of my missing does not arise. The publication of missing notice in the newspapers was done only with the malafide object of finding fault in me on this or that pretext.

3

It may be mentioned here that, I have been enrolled as a student in the M.I.C.T., Maharashtra and prosecuting my studies there. I had to rush to Dibrugarh on seeing the missing notice in the newspaper by taking leave therefrom with effect from 12.7.04 to 28.7.04 and I was supposed to join my classes on 29.7.04 – which I could not do. May I ask what will be the fate of my career if I do not join my classes at the M.I.C.T. in time? Will the Civil Admin Section take the responsibility if my enrolment in the M.I.C.T. is cancelled?

5. That sir, so far as article V of the chargesheet is concerned, I beg to deny the same and submit that I informed the office, my family members and relatives that I had gone out of Assam for higher studies. The statement of my elder sister Miss Gitanjalee Hazarika is very much clear in this respect. In her statement, she has stated about my going out of Assam for study purpose.

Further I beg to submit that it is not a fact that I have not informed my whereabouts to the office. I had been making a number of applications requesting for my posting at Mumbai or Guwahati on several occasions vide letter no. 14W/2623/1/PC dated 5.1.99 and 22.11.02 and also for study leave dated 14.2.03, recommended and forwarded by Section Commander, but all my applications, though duly recommended by my Section Commander, have been lying without any result for a pretty long time for reasons best known to the Civil Admin Section. My remainder dated 29.1.03, recommended by my Section Commander, wherein I wanted to know the latest position of my applications, had also been lying pending for about 2 months without any action. All these acts of the Civil Admin section has considerably disturbed my mental peace and my career is at stake.

All my said applications became part of the official records and I was totally in dark about any remark on my application dated 13.2.03 or 27.2.03.

Hence, I submit that the charges leveled against me in Articles I to V of the chargesheet do not stand and are liable to be set aside.

In fine, therefore, I would like to request your good offices fervently to consider my case sympathetically and kind enough to exonerate me from the aforesaid charges and the proceedings initiated against me be dropped.

Further I would like to request that I may be heard in person in the matter.

And for this act your kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

*Niranjan Hazarika*

Enclosures: Annexure I containing list of documents submitted by the delinquent.

ANNEXURE I

LIST OF DOCUMENTS SUBMITTED BY THE DELINQUENT

1. Copy of the letter of Director MICT, Maharashtra granting leave from 12.7.04 till 28.7.04.
2. Copy of leave application dated 13.2.03.
3. Copy of letter requesting study leave dated 14.2.03.
4. Copy of letter dated 29.1.03 asking for latest position of applications.
5. Copy of statement of Miss Gitanjalee Hazarika.

✓  
✓  
✓  
✓  
✓

✓  
✓  
✓  
✓  
✓

ORDER FOR IMPOSING A MAJOR PENALTY UNDER  
RULE - 11 & 14 OF CENTRAL CIVIL SERVICES  
(CC&A) RULES - 1965 .

14 Wing Air Force  
C/O 99 A P O

14W/359/37094/1/PC

08 Nov 2004

ORDER

1. Whereas Shri N Hazarika, SK, PA No. 37094-A of 14 Wing AF had been Charge Sheeted vide Memorandum No. 14W/359/37094/1/PC dated 16 Aug 2004 for the offences committed by him.
2. And whereas a Board of Inquiry was ordered to investigate the charge framed against Shri N Hazarika, SK, PA No. 37094-A vide Articles I & II of the Charge Sheet. The charges have been proved against the said Shri N Hazarika, SK, PA No. 37094-A.
3. Now therefore, in exercise of the powers conferred by Rule - 11 & Rule 14 of Central Civil Services (CC&A) Rules, 1965 the undersigned hereby imposes the following Penalty on the said Shri N Hazarika, SK, PA No. 37094-A.

(a) Reduction in lower stage for a period of 44 months without increments of pay during this period and the reduction will not have effect of postponing the future increments of his pay.

  
(R. Saxena)  
Group Captain  
Station Commander  
14 Wing Air Force

To :

Shri N Hazarika, SK  
PA No. 37094-A  
Lgs Sec  
14 Wing AF  
C/O 99 APO

Received 17/11/04

Att. of  
Advocate

12/07/04

Tele : 268

14W/359/37094/1/PC

Date : 11 AUG 2004

EMPLOYMENT IN SECTION DUTIES  
PA NO. 37094-A, SRI N HAZARIKA (SK)

1. Reference is made to your letter No. 14W/673/5/Lys dated 19 Jul 2004.

2. The above named individual is being routed to your section for employment in trade duties as per requirement, as he is on duty wef 19 Jul 2004.

*Copy to*

(Erinash Sharma)  
Sqn Ldr  
Dy C Adm C  
14 Wing Air Force

S L O

Copy to :-

Sri N Hazarika, SK : You are requested to report to your Section Commander immediately.  
(PA No. 37094-A)

*Wk 128  
for 1 FSE  
11/07/04  
Pl. 12/18*

For 1 FSE  
25 | 28  
| 29  
| 32

*After 12/18  
for 1 FSE*

Manik Chanda

Advocate  
Gauhati High Court

30-

Annexure - 39

9  
3  
No. : 2522998  
Bye Lane - 7  
Lachit Nagar  
Guwahati - 781 007

Ref. No.....

Date..... 31.01.2005.

LAWYER'S NOTICE

From:

Manik Chanda,  
Advocate.

To,

The Station Commandar,  
14 Wing Air Force,  
C/O- 99 APO.

My Client - Shri N. Hazarika, Store Keeper, PIA No. 37094-A, LGS Sec, 14  
Wing Air Force, C/O 99 APO.

Dear Sir,

Under instructions of my client, named above I do hereby serving this notice for immediate payment of arrear as well as current salary to my client. In this connection I beg to say that my client has reported for duty at 9 hours on 19<sup>th</sup> July, 2004 in terms of your notice dated 4.7.2004 published in a local daily but surprisingly after resumption of duty my client above named has not been paid the pay and allowances in spite of the fact that he reported for duty and discharging his duties in accordance with the rule. It is pertinent to mention here that my client repeatedly approached to the authorities for release of his salary in writing but even then no action was initiated for payment of arrear salary as well as for payment of current salary. It is ought to be mentioned here that even in a case where the civilian government employee is placed under suspension for any alleged misconduct or misbehaviour, there is a specific provision for payment of subsistence allowance under the CCS (CCA) Rules 1965 but in the instant case of my client he was never placed under suspension even then salary has been withheld after resumption of duty, way back on 19.07.04, moreover the proceeding initiated against my client vide memorandum dated 16.08.2004, where, my client has participated each and every stage of proceeding and the appeal is now

Attested  
for Advocate

Manik Chanda  
Advocate  
Gauhati High Court

-31-

2 : 2522998  
Bye Lane - 7  
Lachit Nagar  
Guwahati - 781 007

Ref. No.....

Date..... 31.01.2005

pending against the order of penalty dated 08.11.04 imposed by the disciplinary authority, therefore there is no justification to withhold the salary of my client, therefore I request you to pay the arrear salary as well as current salary to my client alongwith 18% interest without any further delay and the said exercise be completed within a period of 30 days from the receipt of this NOTICE failing which you will be liable to face all legal consequences and including payment of cost, compensation and legal expenses in accordance with law. Your decision in this regard may kindly be communicated to the undersigned or directly to my client.

Yours Sincerely

  
(MANIK CHANDA)

**GENERAL APPLICATION**

Ser No. 37094-A Rank. SIC Name M. H. S. A. M. S. Trade SIC Section 1st Sec.  
14 Wing, AF C/O 99 APO

02 Feb 05

Station Commander  
14 Wing, AF  
C/O 99 APO

**REQUEST FOR PAYMENT**

Sir,

1. I have the honour to request/state that I may please be paid monthly pay for my maintenance as I have not received any pay and allowances since last month. (extra month)

Yours faithfully,

*dkj*

Remarks by section commander

Recommended /Not Recommended.

*M.U.*  
(N.K. Pillai)  
Sqn Ldr  
S L O

Date: 12 Feb, 05

Remarks by SWO

Date:

Remarks by Asst Adit

Date:

Remarks by Adit

Date:

Remarks by Station Commander

*Advocate  
S. J. S. Advocate*

Anexure - 11

33

Telephone : 286447/268

REGISTERED/POST

Air Force Station Chabua  
P.O. Air Field Chabua  
Distt - Dibrugarh (Assam)

No.14W/359/37094/1/PC

11 February 2005

To  
Mr Manik Chanda,  
Advocate  
Guwahati High Court  
Guwahati

FORWARDING OF REPLY TO LAWYER'S NOTICE  
DATED 31 JAN 2005

1. Please refer your notice dated 31 Jan 2005 regarding payment of salary to your Client Shri Niranjan Hazarika, SK (PA No. 37094-A).
2. Shri Niranjan Hazarika, your client, is a civilian employee of this Air Force Unit, serving as SK was absent without leave with effect from 03 Mar 2003 till reporting back on 19 Jul 2004.
3. For regularisation of the period of his absence without leave, a Board of Inquiry was ordered and completed under Rule-14 of (CCSS & CCA) Rules 1965. The unauthorised absent period of 560 days (Five hundred sixty) treated as EOL which bars him from his pay and allowances, for the said period.
4. Individual reported on 19 Jul 04 but again with effect from 29 Jul 2004 absented himself till 12 Sep 2004 and the individual attended the Board of Inquiry which was started from 13 Sep 2004. As such the individual is entitled for his salary with effect from 13 Sep 2004 onwards. As per monthly pay slip of AFCAO New Delhi for the month of Jan 05 the closing balance is Rs.5866/- as on 31 Jan 2005 and an amount of Rs.7220/- approximately to be deducted from his IRLA as SCA (Remote), Transport allowances and Adhoc Bonus are not entitled for his period of absence. As on 01 Feb 05 an amount of Rs.1354/- approx is in debit.
5. In view of the above fact, on receipt of monthly pay slip for Feb 2005 payment will be made to the individual after necessary deduction.



  
(Monica Mishra)  
Flying Officer  
O I/C Civil Administration  
for Station Commander

Copy to :-

Shri Niranjan Hazarika, SK | For information.  
Lgs Section  
No. 14 Wing Air Force

*Afternoon  
Dr. private*

PA N 37094-A

Rank- SK

Name- N Hazarika

Anneperve - 12

Section- Logistics

14 Wing, AF  
C/O 99 APO

18 Feb 05

To,  
The station commander  
14wing Air force  
c/o 99APO

(Through proper channel)

**Sub: -REQUEST FOR REGULARIZATION OF LEAVE  
FROM 03<sup>d</sup> MARC 03 TO 18<sup>th</sup> JUL 04 AVAILED  
FOR HIGHER STUDIES**

Sir.

1. I have the honour to state that I left for higher studies by submitting my leave application w.e.f 03d Mar 03 to 02nd Mar 05 which was duly forwarded by the section commander vide his letter dated 18<sup>th</sup> Mar 03. However the said leave application ultimately not sanctioned from your end but I left for study leave with the anticipation that the leave could be sanctioned in due time since the leave was recommended by the Section Commander. However I resumed my duties on 19 Jul 04 perused to your notice.

2. However, I request you kindly regularise my aforesaid period of leave i.e. w.e.f 02 Mar 03 to 18 Jul 04. By existing the leave of any kind in my credit. I further request you to advice me if any other formalities is required to be made for regularization of the aforesaid period of leave.

3. An early action in this regard is highly solicited.

Thanking you.

Yours Faithfully,

