

FORM NO. @
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) _____

Respondent(s) _____

Niteak Bhattacharjee

U.O.T. Gons

Advocate for the Applicants Mr. Adil Ahmed

Advocate for the Respondent(s) Mr. N. I. Ahmed

CGSC

Att. St. Counsel

Notes of the Registry Date

01.02.06

Order of the Tribunal

This Contempt petition
has been filed by the
counsel for the petitioner
and praying for punishment
of the Contemnor/Respondent
for non-compliance of Judgment
and order passed by the

bb

23.02.06.

Mr. N. I. Ahmed, learned counsel
for the applicant.
Issue notice. Post on 23.2.2006.

Vice-Chairman

Worlde Tribunal in O.A. 78/2005
dated 22.08.2005.

Laid before this
Worlde Tribunal Court
for further orders.

1m

Post the matter on 24.3.06.

Vice-Chairman

31/1/06
Section Officer

Par

Please comply order dated

1/2/06.

NS
2/2/06

Contd....

Steps taken 24/3/06
on 8/2/06.
(c/21/06)

Mr. A. Ahmed learned counsel for the applicant has submitted that he would like to have some more time to file counter reply filed by the alleged contestants. Post the matter on 28.4.06.

Notice & order dt.
1/2/06 Sent to
D/section for

issuing, dt. resp.
nos. 1, 2 & 3 by

regd. A/10 post. 128/4/06.

(c/21/06. D/No. 201

dt. 20/3/06

DT - 15/2/06.

Vice-Chairman

Written statement has been filed by the respondents.

Let this case be listed before the next available Division Bench.

22-2-06

Vice-Chairman

① Service report are awaited

② No Reply has been filed.

By

Notice duly served
on resp. no. 3.

23-3-06

No Reply has been filed.

By

23. 3. 06

Compliance report
submitted by the respondents.

Off.

Compliance report
Submitted by the
Respondents.

28.4.06

10.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

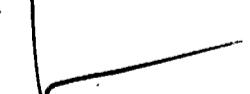
Hon'ble Sri Gautam Ray,
Administrative Member.

This Contempt Petition has been filed by the Petitioner for non-compliance of the order of this Tribunal dated 22.08.2005 passed in O.A. No. 78 of 2005. The direction of this Tribunal was "The Respondents will consider the same for giving him choice place in one of the three places mentioned in the representation and pass appropriate order in accordance with the law within three months thereafter." The Petitioner mentioned Narangi, Silchar and Bagdogra as his choice place. Mr M.U. Ahmed, learned Addl. C.G.S.C. for the alleged Contemniers submitted that no vacancy is available in his choice place. Therefore, the Petitioner was posted at Siliguri, which is 10 Kms away from Bagdogra.

Considering the submission made by the learned Counsel for the Contemniers, we find that substantial compliance has already been done by the Contemniers/Respondents. Therefore, the Contempt Petition will not stand in its legs. Hence, the C.P. is closed.

Mr A. Ahmed, learned Counsel for the Petitioner submitted that the Petitioner may be permitted to file representation for further grievance, if any, which is always liberty to do so.


Member


Vice-Chairman

/mb/


24.8.06
Copy of the
order handed over
to the L/Advocates
for the parties
L.G.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Contempt Petition No.04 of 2006
In O.A.No.78/2005

IN THE MATTER OF:

Shri Hirak Bhattacharjee

..... Petitioner

- Versus -

Shri Sekhar Dutta and Others

..... Alleged Contemnor/
Respondent

IN THE MATTER OF:

An affidavit and/or Compliance Report for and on
behalf of the Respondent.

I, Lieutenant Colonel Ahsan Nadeem Rafat son of
Mr Rafat Ullah aged about 41 years working as Garrison
Engineer (Air Force), Borjar, Ministry of Defence do hereby
solemnly affirm and state as follows:-

1. That I am the Respondent No.3 in the instant
Contempt Petition and authorized to represent all the
respondents and have gone through the aforesaid Contempt
Petition filed by the petitioner and have understood the
contents thereof and I am well acquainted with the facts
and circumstances of the case based on records.

2. At the outset I submit that I have the Highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any Order passed by the Hon'ble Tribunal. However, I tender unqualified and unconditional apology for any delay or lapse in the compliance of the Order dated 22.8.2005 in O.A.No.78 of 2005 pronounced by this Tribunal.

3. That, there is no willful or deliberate and reckless disobedience of the aforesaid order by the respondents and showing any contempt to the order of this Tribunal does not arise.

4. That, with regard to the statements/allegations made in paragraphs 1 to 5 of the Contempt Petition are not based on rational foundation devoid of merit and the answering respondents do not admit anything except those that are in record.

5. That, the applicant had completed more than three years tenure at Borjar, which is more than a normal tenure. He did not serve in staff appointment in his entire service. As per Para 40 of posting transfer policy of HQ CEEC Kolkata dated 30 August 2003 the applicant is bound to move on turn over from executive to staff after continuous 6 Years service in sensitive appointment. The applicant's 3rd choice station Bagdogra is under Siliguri Complex, i.e. with ten km distance. Hence posting order to CE Siliguri

Zone was issued by HQ CEEC Kolkata vide posting transfer order No.131322/2/2005/JE QS&C/03/Engr/EIC(I) dated 17 March 2005 which is fully justified as per policy in vogue.

6. That, the applicant has given three choice stations i.e. Narangi, Silchar and Bagdogra as mentioned in Part I of application dated 25 February 2005. The applicant could not be posted to his 1st and 2nd choice stations due to non availability of vacancy. The third choice station i.e. Bagdogra is under Siliguri Complex. The applicant has never served in office of CE Zone, which is considered necessary as per career profile and organizational interest. Hence the applicant has been posted to CE Siliguri Zone the 3rd choice Stn/complex vice HQ CEEC, Kolkata posting transfer order No.131322/2/2005/JE QS&C/03/Engr/EIC(I) dated 17 March 2005. The present posting order to CE Siliguri Zone to adjust in staff appointment is fully justified as choice station. The individual has already moved on posting and his substitute has also joined on 14 February 2005.

7. That the posting to 3rd choice station i.e. Bagdogra/HQ CE Siliguri Zone is over but it is not understood as to why contempt Notice is being issued by Hon'ble Court. It reveals that the intention of the applicant was to continue getting the benefits of sensitive appointments, which is contrary to the existing policy of the organisation.

8. That the speaking order dated 17.02.2005 issued by the Lt. Colonel A.N. Rafat, G.E. (A/F) Borjar for Chief Engineer (A/F), Shillong Zone, was received by the applicant on 21 February 2006.

9. A Photocopy of the aforesaid speaking order dated 17.02.2005 and the receipt dated 21.02.2006 are annexed herewith and marked as Annexures- I & II respectively, which are self explanatory.

10. IN VIEW of the above, it is respectfully submitted that the order dated 22.08.2005 passed in O.A.No.78 of 2005 as regard to the choice place of posting has been implemented in full earnest and sincerity, as such the respondents have fully complied with the order pronounced by the Hon'ble Tribunal. So there is no willful or deliberate and reckless disobedience of the aforesaid order to constitute any contempt to the Hon'ble Tribunal.

P R A Y E R

In the light of the submissions made hereinabove, Your Lordships would be pleased to dismiss the Contempt Petition filed against the Respondents.

AFFIDAVIT

I, Lieutenant Colonel Ahsan Nadeem Rafat son of Mr Rafat Ullah aged about 41 years working as Garrison Engineer (Air Force) Borjar, Ministry of Defence do hereby solemnly affirm and state as follows :-

That I am the Respondent No. 3 in the above case and I am fully acquainted with the facts and circumstances of the case and also authorized to swear this affidavit.

That the statements made in Para 1 h 9 of the affidavit are true to my knowledge, belief and information based on the record and nothing has been suppressed thereof.

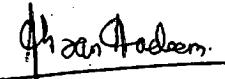
And I sign this affidavit/report on this 20th day of March/2006 at Guwahati.

Identified by



ADVOCATE

Deponent



Solemnly affirm and declare before me

By the deponent who is identified by

M.U. Ahmed Advocate at Guwahati on

this 20th day of March/2006 at

Guwahati.

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Amx-I

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SPAKING ORDER

MES-229603

Shri Hirak Bhattacharjee
JE (QS&C)

OA NO. 78/05 FILED BY SHRI HIRAK BHATTACHARJEE
JE (QS&C) REGARDING POSTING ORDER

1.A Ref your representation dated 09 Sep 2005 addressed to CE, HQ Eastern Command in compliance to Hon'ble CAT Guwahati order dated 22 Aug 2005 in the matter of your OA No. 78/05

1.B Hon'ble CAT Guwahati has gone through the facts of the case and passed following order :-

"In view of the above circumstances, if the applicant makes a representation in this regard before the respondents within a month from today, the Respondents will consider the same for giving him choice place in one of the three places mentioned in the representation and pass appropriate order in accordance with the law within three months thereafter".

2. In this connection it is brought out that your earlier posting to CE

Shillong Zone as ordered vide CEEC Kolkata letter No 131322 2 2003

JE(QS&C)2-15/Engrs/E1CC/1 dated 31 Dec 2003 has already been cancelled

Contd... P/2

-2-

vide their letter No. 131307/2.HB/29 Engrs EIC(I)

dated 21 Feb 2005 and asked for fresh choice of posting to tenure limited to any Chief Engineer Office only.

3. It is also brought to your notice that -

(a) You were directed to give a choice for transfer on tenure to any of the CE Office of Eastern Command. This step was taken in view of the fact that you have never served in Offices of CE Zones, which is considered necessary as per your career profile and as per organizational interest

(b) It is also mentioned that, in case you refuse to give choice in accordance with this HQ letter under reference, posting will be issued out as per discretion of the department.

(c) Instead of giving a choice stn as per instr issued by HQ CEEC Kol, asking policy letter is considered incorrect and taken as refusal to give a choice stn.

Contd...P.3

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-3-

(d) As per para 40 of Posting Policy dt 30 Aug 2003 as amended from time to time you are bound to move on turn over from executive sensitive post (ie CWE/GE/AGE (I) office to staff (Zone CE office) after continuous 06 years of service in sensitive appointment. Moreover, while computing the period of your tenure in sensitive appointment (ie CWE/GE/AGE(I) Office), your entire profile irrespective of stay in present unit Siliguri Complex is to be considered for your further posting. Your present posting order to CE-SZ is fully justified as choice stns (ie any stn in the state of Assam), given through para 4 of your application dt 25 Aug 2005 has no place to adjust in staff appointments

(e) Your previous choice stns is Narangi, Silchar and Bagdogra as mentioned in Para 1 of your application dt 25 Feb 2005. It is intimated that you could not be posted your 1st and 2nd choice due to non-availability of vacancy (as per Comd deli). Your third choice stn i.e Bagdogra under Siliguri Complex. Hence, your posting order issued to CE Siliguri Zone, which is also under Siliguri Complex as per policy in vogue.

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4.

4. In view of the foregoing, you are directed to complete your three years service in the present office ie CE Siliguri Zone (Peace Sta) and apply for peace to tenure posting after completion of three years service in the same office for consideration of HQ CEEC Kolkata.

5. By issuing this Speaking Order, Hon'ble CAT Guwahati order dated 22 Aug'2005 on OA No 78/05 is already complied with.

6. Please acknowledge receipt.

AN Rafat
(AN Rafat)
Lt Col
GE (AF) Borjar
For Chief Engineer (AF)
Shillong Zone

Copy to :-

1. CWE (AF) Borjar
2. GE(AF) Borjar
3. Motin Ud-Din Ahmed, M.A.B.Sc,LLB
Additional Central Govt Standing Council
Central Administrative Tribunal
Guwahati High Court

10 - 21 ✓ 58 10A

REGISTERED POST

Tele : 2561890

Headquarters
Chief Engineer (AF)
Shillong Zone
Military Engineer Services
Elephant Falls Camp
Shillong - 793009

81625/HB/115/E1 (Legal)

03 Feb 2006

HQ Eastern Command
Engineers Branch
Fort William
Kolkata - 21

OA NO 78/2005 : FILED BY SHRI HIRAK BHATTACHARJEE,
JE (QS & C) REGARDING POSTING ORDER

1. Refer to your HQ letter No 131900/78/05/83/Engrs/E1 (Legal) dt 15 Sep 2005.
2. The following documents as per Para 43 of SOP on the above subject case as asked for vide your HQ letter under ref are forwarded herewith in triplicate for your further necessary action please :-

(a) Copy of Judgement	- Flag 'A'
(b) Copy of OA	- Flag 'B'
(c) Copy of Counter Affidavit	- Flag 'C'
(d) Statement of Case	- Flag 'D'
(e) Parawise comments	- Flag 'E'
(f) Financial effect	- NA
(g) Local legal opinion of CGSC	- Flag 'F'
3. It is also submitted that as per Para 40 of posting policy dated 30 Aug 2003 as amended from time to time, the applicant is mandatory to move on turn over from executive/sensitive post (ie. CWE/GE/AGE (I) office) to staff duty (Zonal CE office) after continuous 6 years of service in sensitive appointment. Since, the applicant was serving in entire period in QEs/CWE office, posting him to CE Siliguri Zone is justified as per posting policy in vogue.

Issue Show Cause notice

Encls : (Three Folders)

(MN Deolikar)
Dy Dir (Arch)
Adm Oficer
for Chief Engineer

Copy to :-

CWE (AF) Borjar

GE (AF) Borjar

DN-06 14:00

93532590084

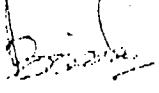
CE SLG ZONE

002

Amu II

RECEIPT

Receipt Speaking Order issued by GE (AF) Barjat via their letter No
1368/HB/63/E1C dt 17 Feb 2003 in respect of OA No 78/05 regarding posting order


Shri Hirak Bhattacharjee
JE (QSRC)
C/O CE Siliguri Zone
21 Feb 2003

1/2/06
31 JAN 06
Guwahati
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

Contempt Petition No. 4 /2006

IN

Original Application No.78 of 2005

IN THE MATTER OF:

A Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnors/ Respondents for non-compliance of Judgment and Order passed by the Hon'ble Tribunal in O. A. No.78 of 2005 dated 22.08.2005.

- AND -

IN THE MATTER OF:

Sri Hirak Bhattacharjee

...Applicant.

- VERSUS -

The Union of India & Others.

...Respondents.

- AND -

IN THE MATTER OF :

Sri Hirak Bhattacharjee,
MES No.229603
Son of Sri Haripada Bhattacharjee
Ex. Junior Engineer (QS & C),
Office of the Garrison Engineer
(Air Force), Borjhar, Guwahati - 15.

...Petitioner

- VERSUS -

1. Shri Shekhar Dutta
Secretary to the Government of India, Ministry of Defence, 101 South Block, New Delhi-1.
2. Major General B. Thambiah
Chief Engineer (Head Quarters)
Fort William, Kolkata-21.

Hirak Bhattacharjee

Filed by
Sri Hirak Bhattacharjee
through
Advocate
(Adv.
A. H. M. B. D.)

3. Lt. Col. A. Nadeem Rafat
Garrison Engineer (A/F)
Borjhar, Guwahati-15.

... Respondents/Contemnors

The humble Petition of the above named Petitioner:

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner had filed the Original Application No.78 of 2005 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati against the illegal and arbitrary transfer of the Applicant vide posting order No.12 dated 17th March 2005 by which Applicant was transferred to the office of the Chief Engineer (A/F), Siliguri Zone from office of the Garrison Engineer (A/F), Borjhar, Guwahati-15.

2. That this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 22.08.2005 finally heard the matter and disposed of the Original Application by stating " if the Applicant makes a representation in this regard before the Respondents within a month from today, the Respondents will consider the same for giving him choice place in one of the three places mentioned in the representation and pass appropriate order in accordance with law within three months thereafter. Application is disposed of as above. Applicant will produce this order along with the representation before the Respondents for compliance."

ANNEXURE - A is the photocopy of judgment and order dated 22.08.2005 passed in O.A.No.78 of 2005.

3. That your Petitioner begs to state that as per direction of this Hon'ble Tribunal, the petitioner filed a representation on 09.09.2005 before the Respondent No.2 through Respondent No.3.

ANNEXURE - B is the photocopy of representation dated 09.09.2005 submitted by the petitioner before the respondents.

Hirak B Bhattacharyee

4. That your Petitioner begs to state that the respondents till date did not take any steps on the representation submitted by the petitioner before the Respondents or the Respondents did not issue any transfer order of the Applicant in his choice place of posting. The Respondents have not passed any order this regard till date. Although the petitioner is entitled to get his choice posting as per direction issued by the Hon'ble Tribunal in its order dated 22.08.2005. The Respondents/Contemnors have willfully and deliberately violated the order of this Hon'ble Tribunal and also did not dispose the representation submitted by the petitioner. The Respondents / Contemnors have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnors deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 22.08.2005 passed in O. A. No.78 of 2005. Hence the Respondents/Contemnors deserve punishment from this Hon'ble Tribunal for non-compliance of its order dated 22.08.2005 passed in O.A.No.78 of 2005. It is also a fit case where the Respondents/Contemnors may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

5. That this Petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue Contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 22.08.2005 passed in O.A.No.78 of 2005. The Respondents /Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why

Hirak Bhattacharjee

they should not be punished under the Contempt
of Court proceeding.

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

Draft Charge

Hirak Bhattacharjee

DRAFT CHARGE

The petitioner has aggrieved for non-compliance of the Judgment and Order dated 22.08.2005 passed in O.A. No. 78 of 2005. The Contemnors/Respondents have willfully and deliberately violated the Order dated 22.08.2005. Accordingly, the Contemnors/Respondents are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

Hirak Bhattacharya

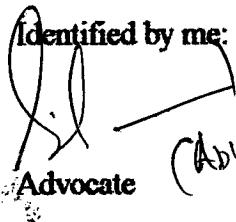
- A F F I D A V I T -

I, Hirak Bhattacharjee, son of Hariprada Bhattacharjee, aged about 42 years, Ex. Junior Engineer (QS & C), Office of the Garrison Engineer (A/F), Borjhar, Guwahati-15 do hereby solemnly affirm and state as follows:

1) That I am the Applicant of the Original Application No.78 of 2005 and also the Petitioner of the instant Contempt Petition and as such I am acquainted with the facts and circumstances of the case.

2) That the contents of this Affidavit and the statements made in paragraphs 1, 4, — of the above petition are true to my knowledge and those made in paragraphs 2, 3, are being matters of records derived there from I better to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this Affidavit on this the 16th day of 2006.

Identified by me:

Advocate (ADIL AHMED)

Hirak Bhattacharjee
Solemnly affirmed before me by the
Deponent who is identified by Mr.Adil
Ahmed, Advocate.

Sukumar Sarma

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No.78 of 2005.

Date of Order: This the 22nd Day of August 2005.

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

Shri Hirak Bhattacharjee,
MES No.229603
Junior Engineer(QS&CO)
Office of the Garrison Engineer,
(A/F) Borjhar, Guwahati-781005.
By Advocate Mr A.Ahmed

Applicant.

Versus.

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, New Delhi-1.
2. The Chief Engineer(Head quarters), Eastern Command, Engineer Branch, Fort William, Kolkata-21.
3. The Garrison Engineer(A/F), Borjhar, Guwahati-15.

Respondents

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

ORDER (ORAL)

SIVARAJAN(V.C.)

The applicant is a Junior Engineer. He was initially posted at Borjhar, Guwahati under the Garrison Engineer, Air force. He was transferred from the said place to Shillong as per order dated 3.5.2003(Annexure B). The applicant being aggrieved by the said order approached this Tribunal by filing O.A.No.165 of 2003. The said O.A. was disposed of by order dated 14.8.2003(Annexure E) directing the applicant to make representation and the Respondents were directed to pass orders thereon. The applicant accordingly made a representation (Annexure G). The Respondents then passed an order dated 1.10.2003 cancelling the transfer order dated 3.5.2003.

Ahmed
Jd
Amrit

(Annexure II). Again the applicant was transferred to Shillong as per order dated 31.12.2003 (Annexure I). Being aggrieved by the said order the applicant again approached this Tribunal by filing O.A.No. 13 of 2004. During the pendency of the said O.A. the Respondents have passed an order(Annexure J) cancelling the transfer order dated 31.12.2003. The said communication also directed obtaining fresh choice posting from the applicant. Based on the above, the O.A was disposed of by order-dated 01.03.2005 (Annexure K). The Respondents were directed to consider the choice posting of the applicant as per Rule. The grievance of the applicant is that instead of giving transfer to one of the three choice places - (i) Narangi, (ii) Bokchar,(iii) Bagdogra stated in the representation the applicant has been transferred to a different place Siliguri by order dated 17.3.05 (Annexure L). The applicant is aggrieved by the said order. The Respondents have filed their written statement. It is stated therein, that though the applicant was provided an opportunity to point out the office station the applicant requested for posting in any part of Assam only. Accordingly, he was posted to CE Siliguri. It is also stated that the applicant has completed more than three years at Borjhar which is more than a normal tenure and he did not serve in staff appointment in his entire service. Though the applicant has filed the rejoinder he did not deny the aforesaid contentions stated in the written statement.

Q. I have heard Mr.A.Ahmed learned counsel for the applicant and Mr.M.U.Ahmed learned Addl.C.G.S.C. appearing for the Respondents. Mr.A.Ahmed counsel for the applicant submits that Siliguri is away from Bagdogra which is one of the choice place requested for even if the applicant cannot be posted in Assam on account of his illness he

After

After
fil *Ans*

could have been posted in Bagdogra which is not in Assam. Mr.M.U.Ahmed counsel for the Respondents on the other hand submits that Siliguri is nearer to Bagdogra. As already noted the applicant in his representation (Annexure G) dated 8.9.03 had given his choice as Narangi, Siliguri and Bagdogra. The Tribunal has directed the Respondents to consider the representation for posting of his choice. The respondents also have called for the choice places. The Respondents in the impugned order did not state any reasons as to why the applicant could not be transferred to any one of the three places mentioned above. Silchar it appears to be nearer to Bagdogra. That does not mean that the direction issued by this Tribunal can be ignored and the applicant cannot be posted to any one of the places other than the three places as already mentioned above without assigning any valid reasons. No reasons are stated. In view of the above circumstances, if the applicant makes a representation in this regard before the respondents within a months from to-day, the Respondents will consider the same for giving him choice place in one of the three places mentioned in the representation and pass appropriate order in accordance with the law within three months thereafter.

Application is disposed of as above.

Applicant will produce this order alongwith the representation before the respondents for compliance.

S/VICE CHAIRMAN

Date of Application : 26.8.03
Date on which copy is ready : 26.8.03
Date on which copy is delivered 26.8.03
Certified to be true copy

N.S. 26.8.03
Section Officer (Jdly)
C. A. T. G. S. Baruwa Bench
Guwahati

M. B. S. Baruwa

Balbhadra

Affid
filed
Amanta

The Chief Engineer
HQ Eastern Command,
Flat William, Kolkatn - 21.

5/10

ANNIVERSARY - B

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OA No. 78/2005
SHRI HIRAK BHATTACHARJEE
Vs
HO CEEC KOLKATA, GE (AF) BORJAR AND OTHERS.
And
HON'BLE CAT GUWAHATI JUDGMENT DATED 22 AUG.'2005

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1. References:-

- (i) OA No. 165/2003 and Hon'ble CAT Guwahati Judgment Dated 14 Aug.'2003.
- (ii) OA No. 13/2004 and Hon'ble CAT Guwahati Judgment Dated 01 Mar.'2005.
- (iii) OA No. 78/2005 and Hon'ble CAT Guwahati Interim Stay Order dated 23 Mar.'2005 and subsequent Judgment Dated 22 Aug.'2005.

2. A C.T.C. of Hon'ble CAT Guwahati Judgment dated 22 Aug. '2005 is submitted herewith for your kind and favorable action please.

3. It is also added for your information and ready reference that the Hon'ble C.A.T Guwahati Judgment Dated 14 Aug.'2003, 01 Mar.'2005 and interim stay order Dated 23 Mar.'2005 against my C.A. Nos. 165/2003, 13/2004 and 78/2005 respectively as mentioned under reference para 1(i), 1(ii) and 1(iii) respectively were in my favour but unfortunately I was not given my choice posting/transfer by your HQ Ignoring said Hon'ble C.A.T Guwahati Judgments.

4. In view of the above most humbly it is submitted that my all OAs and Rejoinders as mentioned under references may kindly be gone through sympathetically and I kindly be given choice within stipulated time as directed by Hon'ble CAT Guwahati vide judgment dated 22 Aug. 2005 mentioned in para 2 here in before so that I am not deprived of natural justice again.

Thanking you,

Yours faithfully,

Dated : 09 Sep. '2005
Stn. : Salugara, Siliguri (W.B.)

(HIRAK BHATTACHARJEE)
MES : 229603, JE (QS & C)
O/o The HQ CE Siliguri Zone.
Salugara, Sevoke Road, Siliguri.

Contd.

After 1st
lil. 7
Smile

Sid Guest

四

Photo copy of CTC by Hon'ble CAT Guwahati
Judgment Dated 22 Aug. 2005 against OA No. 78/2005

Copy to:

1. Secy, Ministry of Defence - New Delhi - 1 for kind information please.
2. Engineer-In-Chief, Army Headquarters, Kathputli House, Delhi PO New Delhi - 11 for kind information please.
3. Hon'ble CAG Guwahati for kind information and record please.
4. Adv. A. Ashok for kind information and record please.

After
G. T. 1 Amelia

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MEMORANDUM OF APPEARANCE

Date : 23/2/06

To,

The Registrar

Central Administrative Tribunal
Bhangagarh, Rajgarh Road,
Guwahati.

IN THE MATTER OF :

C.P. - OA No. 4 of 2006
in OA - 78/05

H. Bhattacharjee

----- Applicant

- Vs -

Union of India & Others

----- Respondents

I, M. U. Ahmed, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. _____ in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.

23/2/06

(Motin Ud-Din Ahmed)
Addl. C.G.S.C.