

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : -----/ 2011
2. Transfer Application No : -----/2011 in O.A. No.-----
3. Misc. Petition No : -----/2011 in O.A. No.-----
4. Contempt Petition No : 5/2011 in O.A. No. 94/2005
5. Review Application No : -----/2011 in O.A. No.-----
6. Execution Petition No : -----/2011 in O.A. No.-----

Applicant (S): Sri Pradeep Kumar Saikia

Respondent (S): Dr. Jagadish Mahanta & Anr

Advocate for the: Mrs. K. Deka, Mr. D.K. Bordoloi

{Applicant (S)}

Advocate for the: ChSC

{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
This cp is filed by the applicant, through Mrs. K. Deka, Advocate praying for deliberately and wilfully disobeying the order Dtd- 22.9.2006 passed in OA 94/2005.	14.03.2011	14.03.2011 On the request of Mrs.K. Deka, learned counsel for the applicant, list on 28.03.2011.
Laid before the Hon'ble court for favour of Orders.	28.03.2011 /bb/	List the matter on 3rd May 2011 before Division Bench.
<u>Section Officer (I)</u> 11.3.2011 /PB/		<u>Madan Kumar Chaturvedi</u> Member (A)
<u>10.3.2011</u>		<u>Madan Kumar Chaturvedi</u> Member (A)

C.P.No.5/11 (O.A.No.94/2008)

20-5-11
Execution petition
has not been filed.

03.05.2011 Ms K. Deka, learned counsel for the applicant is present and prays for time to consider whether Execution Petition is required to be filed in the light of the judgment of the Hon'ble High Court.

List on 23.05.2011.

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(M. K. Chaturvedi)
Member (A)

(N. A. Britto)
Member (J)

23.05.2011 Sri D.K. Bordoloi, proxy counsel on behalf of Mrs. K. Deka seeks further time on the ground of illness of Mrs. Deka, learned counsel for the Applicant. Time is granted.

List the matter on 26.05.2011.

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26.05.2011

(M. K. Chaturvedi)
Member (A)

(N.A.Britto)
Member (J)

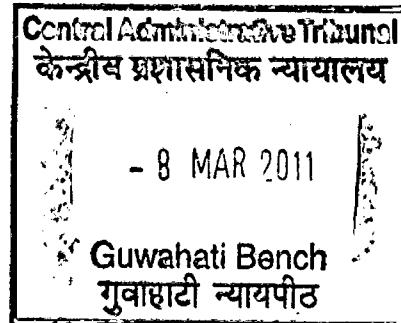
Heard Mrs K.Deka, learned counsel for the applicant. Learned counsel seeks leave to withdraw this application for civil contempt, with liberty to file an application for execution. Allowed to withdraw.

Dismissed as withdrawn with liberty as approached aforesaid.

(M. K. Chaturvedi)
Member (A)

(N.A.Britto)
Member (J)

14-3-4
1
DISTRICT: DIBRUGARH



Pradip Kumar Saikia
Filed by the petitioner through
Sri Durbal Krishna Saikia
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH

C.P. NO. 5 /2011

In O.A. Case No. 94 / 2005

IN THE MATTER OF:

An application under section 12 of the Contempt of Court's Act 1971 read with section 27 of the Administrative Tribunals Act 1985.

-AND-

IN THE MATTER OF:

Wilful disobedience on the part of the Contemners to execute the Judgement and order dated 22.09.2006 passed by the Hon'ble Central Administrative Tribunal in O.A. Case No. 94/2005.

-AND-

IN THE MATTER OF:

Sri Pradip Kumar Saikia
Son of Late Durbal Krishna Saikia
Resident of Athabari Gaon.

P.O: Khwang Ghat. P.S: Khwang

District: Dibrugarh, Assam.....Petitioner

-Vs

1. Dr. Jagadish Mahanta

The Director, Regional Medical Research Centre, N.E. Region, Indian Council of Medical Research, Post Box No. 105, Dibrugarh-786001, Assam.

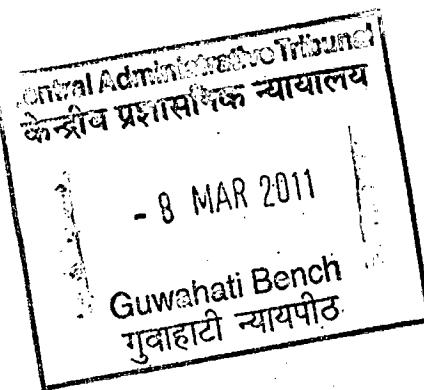
2. Mr. R. K. Dutta

Administrative Officer, Regional Medical Research Centre, N.E. Region, Indian Council of Medical Research, Post Box No. 105, Dibrugarh-786001, Assam.....Contemnners

The humble petition of the above named petitioner

Most Respectfully Sheweth.

1. That the petitioner is a Citizen of India and a permanent resident of aforesaid locality. The petitioner belongs to the Schedule Tribes community and an Arts Graduate.
2. That the petitioner begs to state that he filed a petition in the Hon'ble Central Administrative Tribunal No. being O.A. No. 94/05 alleging that his promotion to the post of Laboratory attendant instead of to the post of Field Worker (Senior) from the Field Worker (Junior) is not a promotion at all and as such the promotion is illegal. The fact is that as per the advertisement published in the Assam Tribune News paper dated 28.11.85 applications were invited by the Director, Regional Medical Research Centre, N.E. Region, (ICMR) Dibrugarh, the Contemner No.1 to fill up two post of Field worker (Senior) and one post was reserved for S.T candidate and qualification for the said post was required H.S.L.C examination passed. The petitioner appeared in the interview and he was selected by the Director, RMRC vide appointment letter 02.06.86, which was issued to him for the post of Field worker (Jr.) instead of Field Worker (Sr.) for which the petitioner infact applied for. It may be



Prachin Kr. Saikia

mentioned herein that on being asked by the petitioner, as to why he was selected for Field Worker (Jr.), the Director told the petitioner that the petitioner had no experience and as such he was appointed for the post of Field Worker (Jr.) but very soon he would be promoted for the post of Filed Worker (Sr.). Accordingly on 19.06.86 the petitioner joined in the post of Field Worker (Jr.) with the hope to get to be promoted to the post of Field Worker (Sr.).

3. That the petitioner was granted financial upgradation under Assured Career Progression (ACP) Scheme with effect from 09.08.1999 in the pay scale of Rs. 2610-3540. In the mean time, the petitioner had submitted representation dated 21.02.2000 praying for his promotion to the next higher post of Field Worker (Sr.). However he was promoted to the post of Laboratory Attendant with effect from 18.06.2003. Be it stated herein that the pay scale attached to the post of laboratory attendant was Rs. 2610-4000, while that of Field Worker (Sr.) was Rs. 3200-4900.

4. That being aggrieved by the aforesaid order of promotion, the petitioner made time-to-time representations in which he agitated that having regard to his long length of service (16 years), he was required to be promoted to the post of Field Worker (Sr.) equivalent to the post of Laboratory Assistant. The petitioner begs to mention herein that the post of Field Worker (Sr.) is re-designated as Laboratory Assistant but at the same time the post of Field Worker (Jr.) had not been re-designated. In

Central Administrative Tribunal

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the representation he also urged that those who had joined as Field Worker (Sr.) had already been promoted to the post of Laboratory Technician and that he had accepted the post of Field Worker (Jr.) with the hope that he would be very soon be promoted as Field Worker (Sr.).

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In the representation, the petitioner also apprised the respondents that in the meantime he had obtained B.A. degree from Dibrugarh University

Pradip Kr. Saikia

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Pradeep Kumar Saikia

in the year 1988 and obtained a Certificate Course in Application of Computer in Office Automation from Tezpur University in the year 1999.

5. That as against the aforesaid prayer of the petitioner, he was apprised by the authority that since he was granted upgradation under ACP, he could not be considered for promotion to the post of Field Worker (Sr.). On receipt of such intimation, the petitioner by his representation dated 30.07.2003 apprised the authorities that his promotion to the post of Laboratory Attendant had deprived him of his promotion to the post of Field Worker (Sr.) as the post of Field Worker (Jr.) and the post of Laboratory Attendant were equivalent in rank and status.

6. That departmental remedies pursued by the petitioner having not yielded any result, he approached the Hon'ble Tribunal by filling the aforesaid O.A. No 94/05. In the O.A., apart from the aforesaid fact, the petitioner also stated that those who were appointed as Field Worker (Sr.) had already been promoted to the next higher post of Laboratory Technician.

7. That the Learned Tribunal considering the entire materials on record has upheld the contention of the petitioner holding that he was entitled to be promoted to the post of Field Worker (Sr.). While holding so, the Tribunal noticed that the pay scales of laboratory Attendant and that of Field Worker (Jr.) are almost same and that the petitioner had already received the upgradation of pay under the ACP. The Learned Tribunal also found that the pay scales of both the posts. i.e Field Worker (Jr.) and Laboratory Attendant at one point of time were the same. So far as the upgraded pay scale is concerned, the Tribunal has rightly observed that such upgradation is assured under ACP and cannot not be construed to be a promotion. The ACP was granted to the

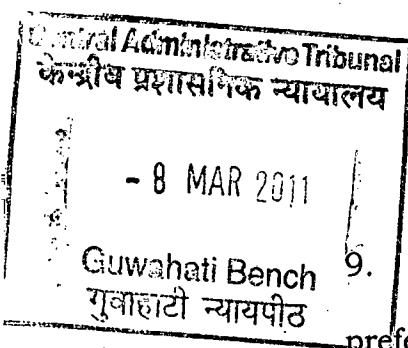
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petitioner on completion of requisite length of service. The Tribunal also noticed the fact that those who had joined along with the petitioner as Field Worker (Sr.) had been promoted to the next higher rank of Laboratory Technician.

8. That vide Judgement and order dated 22.09.2006 passed by the Hon'ble Tribunal the application of the petitioner was allowed and it was held that upgradation made to the petitioner to the post of Laboratory Attendant is not justified and the petitioner will be entitled to the pay scale of Field Worker (Sr.) on ACP. Further it was made clear that the petitioner will be entitled to the benefit notionally till the date of issuance of the order and this shall be carried out within four months from the date of receipt of this order by convening a DPC if required.



A Xerox copy of the certified copy of the Judgement and order dated 22.09.06 is annexed herewith and marked as annexure-I to the petition.

9. That against the aforesaid Judgement and order the contemners preferred a review petition, which was also dismissed by the Hon'ble Tribunal. Thereafter the Contemners had preferred before the Hon'ble Gauhati High Court a Writ petition No. being W.P. (C) 460/07 against the aforesaid Judgement and order passed by the learned Tribunal.

10. That vide Judgement and order dated 23.12.2009 passed by the Hon'ble High court in W.P.(C) No. 460/07 dismissed the writ petition upholding the Judgement and order of the learned Tribunal.

A Xerox copy of the certified copy of the Judgement and order dated 23.12.09 is annexed herewith and marked as annexure-II to the petition.

11. That thereafter the petitioner submitted a petition to the contemner No. 1 along with a copy of the Judgement and order dated 23.12.09 praying for executing the order of the Hon'ble High Court by

promoting him to the post of Laboratory Assistant. Instead of promoting the petitioner to the post of Laboratory Assistant which is equivalent to the post of Field Worker (Sr.) the Contemner No. 2 vide its letter No. RMRC/Dib/Court case (PKS) /2009-10/452 dated 24.05.2010 re-designated his post as Attendant (Services) cancelling his promotion w.e.f 12.06.2003 which is clear violation of the order passed by the learned Tribunal and upholding by the Hon'ble Gauhati High Court.

A Xerox copy of the letter dated 24.05.2010 is annexed herewith and marked as annexure-III to the petition.

12. That thereafter on 07.06.2010 the petitioner again submitted a petition before the contemner No.1 praying to comply with the Hon'ble Court's order and to promote him to the post of Field Worker (Sr.) or of equivalent category. Thereafter instead of executing the Hon'ble High Court's order the Contemner no.1 sent the petitioner another letter dated 09.06.2010 alleging violation of the CCS (Conduct) Rule way back in the year 1996. Thereafter the petitioner submitted another petition before the contemner No.1 on 11.06.2010 again praying for upholding the High

Central Administration Court's order.
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A typed copy of the petition filed by the petitioner dated 07.06.2010 is annexed herewith and marked as annexure-IV to the petition.

13. That therefore the contemner No.2 for the contemner No. 1 sent the petitioner a letter No. RMRC/Dib/PF-49/2010-11/1136 dated 20.07.2010 whereby the petitioner was informed that there was no vacant post of Field Worker (Sr.) or any post of equivalent category to consider the petitioner's request for promotion, which is apparently wilful violation of the Hon'ble High Court's order.

A Xerox copy of the letter dated 20.07.2010 is annexed herewith and marked as annexure-V to the petition.

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Prahlip Kumar Sircar

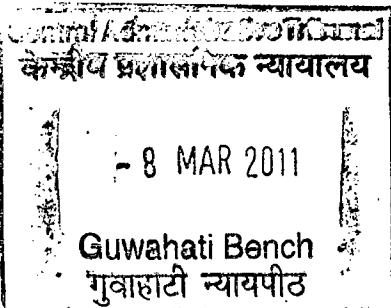
14. That the petitioner begs to state herein that one Robin Ch. Doloi was promoted in the year 2008 from the post of laboratory Attendent to the post of Laboratory Assistant by the Contemner No.1 which is apparently after the passing of the order by the Hon'ble Administrative Tribunal dated 22.09.06.

15. That the petitioner begs to state that the Contemners have deliberately and wilfully disobeyed the aforesaid Judgements and orders passed by the Hon'ble Tribunal dated 22.09.2006 in O.A No 94/05 and the Hon'ble Gauhati High court dated 23.12.2009 in W.P.(C) No. 460/07 in so far the petitioner is not promoted to the post of Field Worker (Senior) or of equivalent category; and as such the Contemners are guilty under the Contempt of Court's Act 1971.

16. That the petitioner further begs to state herein that the Contemners have deliberately and wilfully violated the order and directions of the Hon'ble High Court insofar he cancelled the petitioner's promotion instead of executing the clear directions given by the Hon'ble Tribunal vide its order dated 22.09.2006 to promote the petitioner to the post of Field Worker (Senior) or of equivalent category within four months from the date of receipt of the order.

17. That thereafter the petitioner filed a contempt case No. being Contempt Case No. 67/2011 before the Hon'ble Gauhati High Court and vide order dated 21.02.2011 the Hon'ble High Court granted leave to the petitioner to withdraw the contempt petition with liberty to approach the Central Administrative Tribunal for appropriate relief under section 27 of the Administrative Tribunal Act, 1985.

A Xerox copy of the certified copy of the order dated 21.02.2011 is annexed herewith and marked as annexure-VI to the petition.

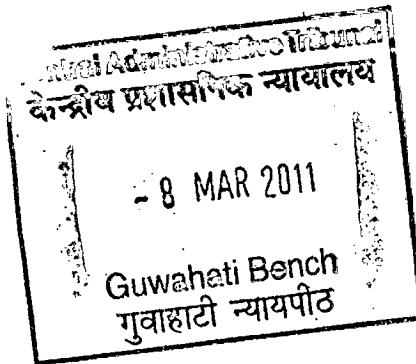


18. That the petition is filed bonafide and in the interest of justice only.

In the premises aforesaid it is prayed that Your Lordships will be pleased to admit the petition and issue notice upon the Contemners to show cause as to why a contempt proceeding/ petition shall not be drawn against the Contemners for deliberately and wilfully disobeying the directions and orders passed by the Hon'ble Central Administrative Tribunal dated 22.09.2006 in O.A. No 94/05 and upheld by the Hon'ble Gauhati High Court vide its order dated 23.12.2009 passed in W.P. (C) No. 460/07 and upon perusing the show cause, if any, and upon hearing both sides be pleased to punish the Contemners for deliberately and wilfully disobeying the orders and directions of the Hon'ble Tribunal passed in its Judgement and order dated 22.09.2006 in O.A No 94/05 and or to pass such other order or orders as Your Lordships may deem fit and proper considering the facts and circumstances of the case.

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

-Affidavit-



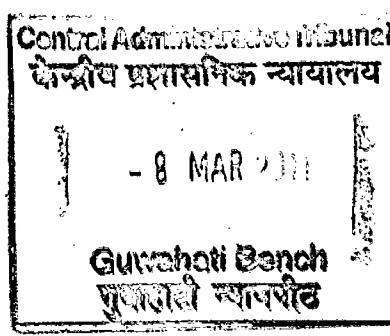
In the premises aforesaid it is prayed that Your Lordships will be pleased to admit the petition and issue notice upon the Contemners to show cause as to why a contempt proceeding/ petition shall not be drawn against the Contemners for deliberately and wilfully disobeying the directions and orders passed by the Hon'ble Central Administrative Tribunal dated 22.09.2006 in O.A. No 94/05 and upheld by the Hon'ble Gauhati High Court vide its order dated 23.12.2009 passed in W.P. (C) No. 460/07 and upon perusing the show cause, if any, and upon hearing both sides be pleased to punish the Contemners for deliberately and wilfully disobeying the orders and directions of the Hon'ble Tribunal passed in its Judgement and order dated 22.09.2006 in O.A No 94/05 and or to pass such other order or orders as Your Lordships may deem fit and proper considering the facts and circumstances of the case.

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Sri Dr. Jagadish Mahanta and Sri Mr. R.K. Dutta, the Director and Administrative Officer respectively of the Regional Medical Research Centre, N.E Region, Indian Council of Medical Research, Dibrugarh has wilfully and deliberately violated the Judgement and order dated 22.09.2006 passed in O.A. 94/2005 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench and as such they are liable to be punished under the provisions contained in contempt of Courts Act for such act of wilful and deliberate violation.

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A F F I D A V I T

I, **Sri Pradip Kumar Saikia**, son of Late Durbal Krishna Saikia, aged about 51 years, by religion-Hindu, by profession-service, Resident of Athabari Goan, P.O: Khwang Ghat, P.S: Khwang, in the district of Dibrugarh, Assam do hereby solemnly affirm and declare as under.

1. That I am the petitioner of this instant contempt case and as such fully acquainted and conversant with the facts and circumstances of this petition.
2. That the statements made in this affidavit-in-play and in paras.....1 to 6, 11 to 14, 17 and 18.....are true to my knowledge and those made in paragraphs.....7 to 9 and 10.....are matters of records which I believe to be true and the rests are my humble submission before this Hon'ble court.

And I sign this affidavit on this.....day of 2011 at Guwahati.

Pradip K. Saikia

Identified by

Deba K. Baruah

D E P O N E N T

Advocate/Advocate's clerk

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 94 of 2005

Date of Order: This the 22nd day of September 2006

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Guwahati Bench
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The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman

The Hon'ble Shri G. Ray, Administrative Member

Shri Pradip Kumar Saikia,
S/o Shri Durbal Krishna Saikia,
Resident of Athabari Gaon,
P.O. Khwang Ghat,
District- Dibrugarh, Assam.

.....Applicant

By Advocate Mrs K. Deka.

versus

1. The Union of India, represented by the
Secretary, Health and Family Welfare,
Government of India,
New Delhi-1.

The Director,
Regional Medical Research Centre,
N.E. Region (ICMR),
District- Dibrugarh, Assam.

2. The Administrative Officer,
Regional Medical Research Centre,
N.E. Region (ICMR),
District- Dibrugarh, Assam.

3. Shri Kamaleswar Gogoi,
Laboratory Assistant,
Regional Medical Research Centre,
N.E. Region (ICMR),
District- Dibrugarh, Assam.

4. Shri Purnananda Gogoi,
Laboratory Assistant,
Regional Medical Research Centre,
N.E. Region (ICMR),
District- Dibrugarh, Assam.

.....Respondents

By Advocate Mrs R.S. Choudhury.

*Certified to be true copy
Deba Kr. Borthakur
Advocate*

K.V. SACHIDANANDAN (V.C.)

Guwahati Bench

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(The applicant who is a graduate belongs to the ST community of Assam (Annexure-I). In response to a notification the applicant applied for the post of Field Worker (Senior) in the pay scale of Rs.260-430. At that time the qualification required was H.S.L.C. Examination passed. A call letter was issued to the applicant. The applicant was selected and appointed as Field Worker (Junior) instead of Field Worker (Senior) since the applicant had no experience. Thereafter the applicant discharged his duties with full satisfaction. On 22.03.2000 respondent No.2 granted financial upgradation under the Assured Career Progression (ACP for short) Scheme with effect from 09.08.1999 and accordingly the applicant's basic pay became Rs.2610-60-3150-65-3540. The applicant submitted an application on 24.02.2000 praying to consider his promotion to the next higher upgradation i.e. to the post of Field Worker (Senior) in the pay scale of Rs.3200-85-4900 per month. Thereafter on 18.06.2003 vide Annexure-V order the applicant was promoted as Laboratory Attendant with effect from 12.06.2003 in the pay scale of Rs.2610-60-2910-65-3300-70-4000. The applicant submitted a representation contending that the applicant was serving as a Field Worker (Junior) since last sixteen years and the applicant's next promotion was to the post of Field Worker (Senior), which was equivalent to the post of Laboratory Assistant. Those who had joined as Field Worker (Senior) had been promoted as Laboratory Technician and the applicant accepted the post of Laboratory Attendant under protest and requested to reconsider the applicant's promotion to the post of Field

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was considered for the recruitment to the post of Field Worker (Junior) and accordingly the applicant joined the post. The applicant was given financial upgradation under the ACP Scheme raising his scale of pay from Rs.2550-3200 to Rs.2610-3540 with effect from 9.8.1999 as per the guidelines contained in DOPT letter dated 26.10.1999. The promotion to the higher post can only be considered as and when suitable vacancies arise and that too under the rules and provisions in force. As per the DPC recommendations the applicant was promoted to the post of Laboratory Attendant with effect from 12.6.2003 with a direction to the applicant either to accept the same or to make an objection over the said promotion. As per clause 10 of the ACP Scheme while accepting the benefit under the Scheme, an employee shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of subsequent vacancy and if he refuses to accept the higher post on regular basis he shall be subject to normal debarment for regular promotion. According to the respondents the applicant has given his unqualified acceptance of such promotion on occurrence of such vacancy. The posts of Field Worker (Junior) and Laboratory Attendant are not equivalent posts as contended nor is the post of Laboratory Assistant a reserved post. The right to be considered for promotion is not a fundamental right and as such the applicant cannot claim promotion as a matter of right. Therefore, the applicant is not entitled for the benefit.

3. The applicant has also filed a rejoinder reiterating his contention in the original application.

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Guwahati Bench
गुवाहाटी न्यायालय

Oral Evidence copy
Sub to Board of
Public Works

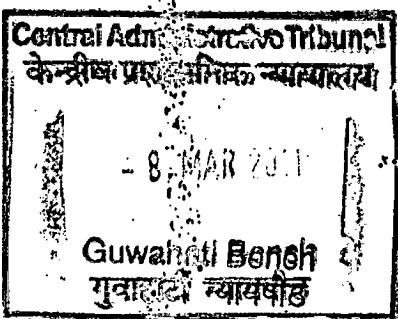
We have heard Mrs K. Deka, learned counsel for the applicant and Mrs R.S. Choudhury, learned counsel for the respondents. The learned counsel for the parties submitted that since the pleadings are complete and there is some urgency in the matter the matter may be heard even before admission before the Division Bench and the counsel for the parties have taken us to various pleadings, materials and evidence placed on record.

5. The learned counsel for the applicant argued that the applicant who is well qualified for the post of Field Worker (Senior) was not granted the same though the selection was held only for that post. Even thereafter when the ACP was granted, instead of upgrading the salary to the pay scale of Field Worker (Senior) the applicant was placed on a lesser pay scale, which is not in the hierarchy.

6. The learned counsel for the respondents, on the other hand, submitted that the applicant has joined as Field Worker (Junior) and worked for years which cannot be a dispute at this juncture. After the merger of the cadre the applicant was given financial upgradation under the ACP Scheme according to the hierarchical pay scale. The applicant was not denied any benefit and therefore cannot have a case.

7. We have given due consideration to the arguments, pleadings and evidence placed on record. The contention of the applicant that the applicant was called for the selection of Field Worker (Senior) is a thing of the past, which now cannot be agitated.

In the rejoinder the applicant has specifically pleaded that there is no post in between the posts of Field Worker (Junior) and Field Worker (Senior). Only in Dibrugarh RMRC, N.E. Region of Indian Council of Medical Research there is a post of Field Worker (Junior), but there is no such post designated as Field Worker (Junior) in other Regional Medical Research Centre of ICMR. Again the post of Field Worker (Senior) was redesignated as Laboratory Assistant but the post of Field Worker (Junior) is not redesignated till date. The applicant has made a representation on 9.9.2002 with a request to take necessary steps to redesignate the post of Field Worker (Junior) to Laboratory Assistant (Junior) considering the future prospect of the applicant but no reply has been received. It is also the case of the applicant that the post of Laboratory Attendant is equivalent to the post of Field Worker (Junior). The pay scale of Laboratory Attendant is not enhanced pay scale of Field Worker (Junior) and the applicant has already received that pay in the month of August 1999. Therefore, the pay scale granted in the post of Laboratory Attendant is of no consequential benefit to the applicant and the applicant's consistent case is that the applicant should be upgrade to the post of Field Worker (Senior), which is equivalent to the post of Laboratory Assistant. Those who have joined with the applicant as Field Worker (Senior) have been promoted as Laboratory Technician. Therefore, it will be of some use to find out the hierachal position of the post held by the applicant. Annexure-IX dated 29.8.1985 is a Circular issued by the ICMR sanctioning creation of the new posts right from Deputy Director to Chowkidar. For better elucidation the relevant items (10, 11 and 12) are reproduced as under:



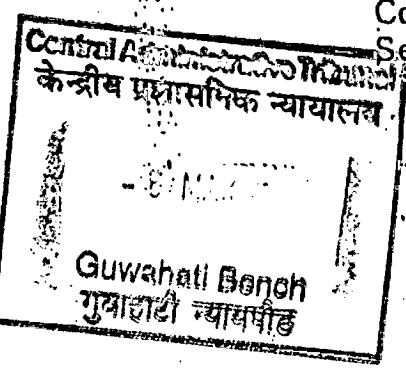
Recd for B/o 10/10
Advocates

Sl.No.	Designation	Pay scale	No.of posts
10.	Field Worker (Senior)	Rs.260-400	Two
11.	Field Worker (Junior)	Rs.196-268	One
12.	Laboratory Attendant	Rs.196-268	Four

8. From the said document it is clear that Field Worker (Junior) and Laboratory Attendant are in the same pay scale of Rs.196-268/- at that point of time. Therefore, O.M. dated 04.08.2004 (Annexure-XIII) promoting the applicant from the post of Field Worker (Junior) to the post of Laboratory Attendant in the pay scale of Rs.2610-4000/- cannot be said to be an upgradation in the promotional post. The applicant, admittedly, joined service as Field Worker (Junior) and completed more than sixteen years of service. The ACP Scheme which was born on 09.08.1999 by the orders of the Ministry of Personnel, Public Grievances and Pensions had salient features of granting financial upgradation to Group 'B', 'C' and 'D' employees on completion of 12 and 24 years of regular service. For better elucidation clause 3 of the ACP Scheme and clauses 4, 5, 6.1 and also 10 of the conditions for grant of benefits under the ACP Scheme, which are relevant, are reproduced as under:

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES.

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission) and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to



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Bordoloi
Akhale

Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no. 4 in Annexure - I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure - I.

3.2 Regular Service for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment Service Rule.

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first financial upgradation gets postponed on accounts of the employee not found fit or due to departmental proceedings, etc. this would have consequential effect on the second upgradation which would also get deferred accordingly.

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purpose and restriction of the

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 52 -

Guwahati Bench
गुवाहाटी न्यायालय

Deb K. Basu, Jr.
Advocate

ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc.) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputations to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years ($12+2+1$) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation ($2+10$) in that higher grade, i.e. after 25 years ($12+2+1+10$) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

9. The Scheme is introduced to mitigate hardship in case of acute stagnation either in a cadre or in an isolated post and decided to grant two financial upgradations on completion of 12 years and 24 years of regular service. Reading from clause 5.1 of the Scheme, admittedly, the applicant was not subjected to any regular promotion during the prescribed period of 12 and 24 years. Therefore, this is a beneficial scheme to the employee. It goes without saying that any

technicalities or interpretation of the scheme in denying the eligible

employees for the benefit cannot be accepted. The standard/common pay scale as per Part A annexed to the Ministry of Finance as Annexure-II to the ACP Scheme is as follows:

S.No:	Revised pay scales (Rs)
1	2550-55-2660-60-3200
2	2610-60-3150-65-3540
3	2650-65-3300-70-4000
4	2750-70-3800-75-4400
5	3050-75-3950-80-4590

10. Now, it will be interesting to note what are the pay scales that the applicant was drawing and the pay scales of Field Worker (Senior) and Laboratory Assistant:

Laboratory Attendant carries the scale of Rs.2610-60—2910-65-3300-70-4000/-

Field Worker (Junior) carries the scale of Rs.2550-55-2660-60-3200/-

Field Worker (Senior) carries the scale of Rs.3200-85-4900/-

Laboratory Assistant carries the scale of Rs.3200-85-4900/-

11. Admittedly, at the time of the upgradation under the ACP Scheme the applicant was drawing the pay scale of Laboratory Attendant. According to the applicant the next post of promotion was Field Worker (Senior), which was equivalent to the post of Laboratory Assistant. The applicant's line of job was directly related to the job of Field Worker (Senior) and Laboratory Assistant. The job is not related

to the Laboratory Attendant and pay scale of Field Worker (Junior) and that of Laboratory Attendant is almost the same. The post of Field Worker (Senior) and Laboratory Assistant were merged and redesignated as one, whereas Field Worker (Junior) was not redesignated. Vide Annexure-XIII order dated 4.8.2004 it is evident that a financial upgradation is sought to be granted to the applicant to the pay scale of Rs.2610-4000/- with effect from 12.6.2003 i.e. Rs.3215.00 plus Rs.20.00 as PP (Total Rs.3235.00) which was almost the same that the applicant was drawing at the time of this order as Field Worker (Junior). Therefore, it cannot be said that any upgradation has been granted to the applicant as per the scheme. Admittedly, the Field Worker (Junior) post is analogous and not designated till date and the hierarchical position of the next promotion of the applicant is Field Worker (Senior). We are of the view that the alleged upgradation to the post of Laboratory Attendant is not justified and not in the spirit and interpretation of the ACP Scheme. Though the respondents have contended that as per clause 10 of the ACP Scheme if an employee accepts a post he cannot challenge the same later on cannot be made applicable in this case for the reason that by merger and redesignation of the promotional post which has been compartmentalized stood prejudiced to the applicant and this also has to be taken note of. From the records it is clear that the applicant has objected and given in writing that he cannot accept the upgradation which is very meager in its output. After serving for sixteen years in a stagnated post an employee who is aspiring for the next hierarchical post of Field Worker (Senior) has been down played to give a pittance of putting in the higher scale, which he was almost drawing at the time of alleged upgradation.

12. In the conspectus of facts and circumstances we are of the considered view that the upgradation made to the applicant to the post of Laboratory Attendant is not justified and the applicant will be entitled to the pay scale of Field Worker (Senior) on ACP if the applicant is otherwise eligible.

3. The respondents are directed to consider the same and grant the benefit to the applicant at the earliest. In the meantime the status quo as of now will continue. However, considering the entire aspects it is made clear that the applicant will be entitled to the benefit mentioned till the date of issuance of the order. This shall be carried out within four months from the date of receipt of this order by convening a DPC if required.

The original application is allowed. In the circumstances there will be no order as to costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

TRUE COPY

affidavit

31/10/06
N. N. N.

संग्राम उनियारी

संघीय उनियारी

Central Administrative Tribunal

संघीय उनियारी

प्राप्ति की तिथि की of the date of receipt of copy	स्टाम्प और फॉलियो की अपेक्षित शैल्या सुचित करने की तिथि विवर Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फॉलियो देने की तिथि Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
21/1/10	21/1/10	21/1/10	21/1/10	21/1/10

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA:
MANIPUR: TRIPURA: MIZORAM AND ARUNACHAL
PRADESH)

WP(C) NO. 460 of 2007

- C.M.

Gauhati Branch
गुवाहाटी ब्रांच

1. The Director, Regional Medical Research Centre, N.E. Region, Indian Council of Medical Research, Post Box No. 105, Dibrugarh - 786001, Assam.
2. The Administrative Officer, Regional Medical Research Centre, N.E. Region, Indian Council of Medical Research, Post Box No. 105, Dibrugarh - 786001, Assam.

----- Petitioners

-Versus-

Sri Pradip Kr. Saikia,
Son of Sri Durbal Krishna Saikia,
Resident of Athabari Gaon,
P/o Khwang Ghat, PS - Khwang,
District - Dibrugarh, Assam.

----- Respondent

For the Petitioners : Mr. K.N. Choudhury, Sr. Advocate.
Ms. R.S. Choudhury, Advocate.

Central file no. 0109
Sub. Kr. Board
Deka

For the respondent : Ms. K. Deka, Advocate.

PRESENT
THE HON'BLE MR. JUSTICE RANJAN GOGOI
THE HON'BLE MR. JUSTICE B K SHARMA

Date of hearing : 21.12.2009 & 22.12.2009.

Date of Judgment : 23.12.2009

22
कानूनी अधिकारी कालय
Guwahati Bench
गুৱাহাটী বৰ্ষাধীন

JUDGEMENT AND ORDER (CAV)

B. K. Sharma, J

This writ petition is directed against the judgement and order dated 22.9.2006, passed by the Central Administrative Tribunal, Guwahati Bench (here-in-after referred to as the Tribunal) allowing the Original Application registered and numbered as OA No. 94/05, filed by the respondent herein as the applicant.

2. We have heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Ms. R. S. Choudhury, learned counsel appearing for the petitioners, who were respondents in the Tribunal. We have also heard Ms. K. Deka, learned counsel representing the respondent, who was the applicant before the Tribunal.

3. The respondent filed the aforesaid OA No. 94/05 making a grievance against his promotion to the post of Laboratory Attendant instead of Field Worker (Senior), redesignated as laboratory Assistant with effect from 12.6.2003. The Tribunal by its impugned judgement and order has allowed the OA and hence this writ petition by the respondents.

4. Shortly stated the facts leading to filling of the instant writ petition are as follows :-

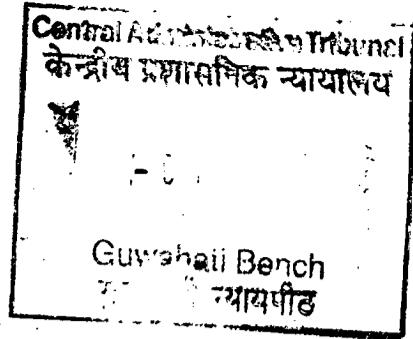
The respondent herein was first appointed under the petitioners as Field Worker (Junior) on 2.6.1986. It will be

*Certified to be true copy
Deka Kr. Boudh
Advocate*

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Sub. Hm

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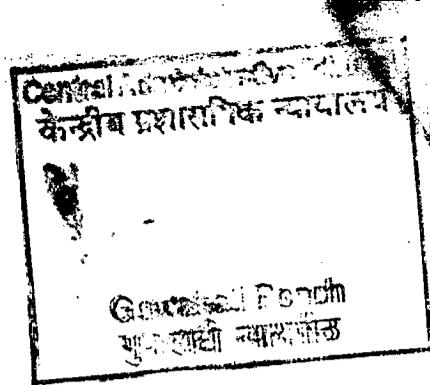
pertinent to mention here that although the respondent was invited for selection for the post of Field Worker (Senior) accepting his candidature which he had offered pursuant to the employment notice dated 28.11.1985, but he was offered with the appointment of Field Worker (Junior) on the ground that he had lacked experience for the higher post i.e. Field Worker (Senior). According to the petitioner, the authorities had assured him that soon he would be promoted to the post of Field Worker (Senior) on gaining experience. However, he was not so promoted.

5. The respondent was granted financial upgradation under Assured Career Progression (ACP) Scheme with effect from 9.8.1999 in the pay scale of Rs. 2610-3540. In the mean time, the respondent had submitted representation dated 21.2.2000 praying for his promotion to the next higher post of Field Worker (Senior). However, he was promoted to the post of Laboratory Attendant with effect from 18.6.2003. Be it stated here that the pay scale attached to the post of Laboratory Attendant was Rs. 2610-4000, while that of Field Worker (Senior) was Rs. 3200 - 4900.

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Debt to Board to
Advocate*

6. Being aggrieved by the aforesaid order of promotion, the respondent made time-to-time representations in which he agitated that having regard to his long length of service (16 years), he was required to be promoted to the post of Field Worker (Senior) equivalent to the post of Laboratory Assistant. In the representation he also urged that those who had joined as Field Worker (Senior) had

V



already been promoted to the post of Laboratory Technician and that he had accepted the post of Field Worker (Junior) with the hope that he would be soon promoted as Field Worker (Senior). In the representation, the respondent also apprised the petitioners that in the meantime he had obtained BA Degree from Dibrugarh University.

7. As against the aforesaid prayer of the petitioner-respondent, he was apprised by the authority that since he was granted upgradation under ACP, he could not be considered for promotion to the post of Field Worker (Senior). On receipt of such intimation, the respondent by his representation dated 30.7.2003 apprised the authorities that his promotion to the post of Laboratory Attendant had deprived him of his promotion to the post of Field Worker (Senior) as the post of Field Worker (Junior) and the post of Laboratory Attendant were equivalent in rank and status.

8. The departmental remedies pursued by the respondent having not yielded any result, he approached the Tribunal by filling the aforesaid OA. In the OA, apart from the aforesaid fact, the respondent also stated that those who were appointed as Field Worker (Senior) had already been promoted to the next higher post of Laboratory Technician.

9. In the writ petition filed by the petitioners, the claim of the respondent has been resisted on the ground

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Date 10/08/2008
Advocate*

*AD
John Ha*

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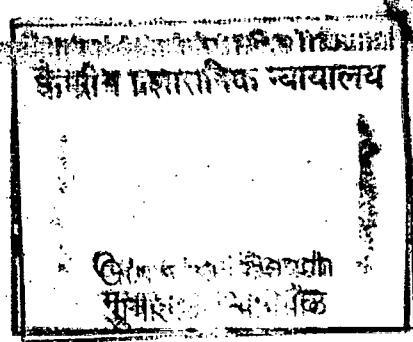
that the respondent having accepted the ACP accepting the terms and conditions thereof and he having been promoted to the post of Laboratory Attendant, he could not have urged for his promotion to the post of Field Worker (Senior).

10. The learned Tribunal considering the entire materials on record has upheld the contention of the respondent holding that he was entitled to be promoted to the post of Field Worker (Senior). While holding so, the Tribunal noticed that the pay scales of Laboratory Attendant and that of Field Worker (Junior) are almost same and that the respondent had already received the upgradation of pay under the ACP. The Tribunal also found that the pay scales of both the posts i.e. Field Worker (Junior) and Laboratory Attendant at one point of time were the same. So far as the upgraded pay scale is concerned, the Tribunal has rightly observed that such upgradation is assured under ACP and cannot not be construed to be a promotion. The ACP was granted to the respondent on completion of requisite length of service. The Tribunal also noticed the fact that those who had joined alongwith the applicant as Field Worker (Senior) has been promoted to the next higher rank of Laboratory Technician.

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Date 20/06/2018
Anil Patel*

ASD

11. On perusal of the records and as noted by the Tribunal, what we find is that in the hierarchical position of the posts involved the post of Field Worker (Senior) was in the pay scale of Rs. 260-400 and that of Field Worker



(Junior) and Laboratory Attendant were in the pay scale of Rs. 196-268. The post of Field Worker (Junior) was in between the post of Laboratory Attendant and Field Worker (Senior).

12. Noticing the aforesaid facts, the Tribunal has rightly held that the promotion of the respondent as Laboratory Attendant cannot be said to be an upgradation to a promotional post. The promotional post being Field Worker (Senior) re-designated as Laboratory Assistant, the Tribunal has held that the promotion of the respondent to the post of Laboratory Attendant was not justified and consequently he should be promoted to the post of Field Worker (Senior).

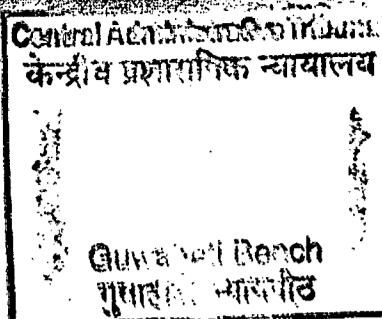
13. The aforesaid view of the Tribunal on the basis of the facts and circumstances involved cannot be said to be arbitrary and without any jurisdiction. Having regard to the scope of judicial review under Article 226 of the Constitution of India, we are of the considered opinion that the particular finding arrived at by the Tribunal on the basis of the facts as was revealed before it, cannot be interfered with.

14. As noticed above, in fact, the respondent had offered his candidature for the post of Field Worker (Senior) but he was appointed as Field Worker (Junior), which was a lower post with lower pay scale. The respondent being at the receiving end accepted the same. Long 16 years thereafter, he was again sought to be

sent/referred to before ¹⁹⁰⁷
John to Board of
Advisors

✓ D. Schaff

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deprived of the promotion in the line of avenue of promotion when he was provided with the promotion to the equivalent rank of Laboratory Attendant instead of Field Worker (Senior).

15. For all the aforesaid reasons, we do not see any reason to interfere with the impugned judgement and order. Be it stated that the petitioners being aggrieved by the said judgement and order had also preferred review application before the Tribunal and the same was dismissed by order dated 10.1.2007.

16. The writ petition is dismissed. However, in the facts and circumstances, there shall be no order as to costs.

Sd/- B. K. Sharma
Judge

Sd/- Ranjan Gogoi
Judge

CERTIFIED TO BE TRUE COPY
.....
Date: 21.1.10
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872

Adarsha
21.1.10

certified to be true copy
Yashika Basumatary
Adarsha

REGISTERED A.D.

Phone Off : (0373) 2381494, 2381506
2381548, 2381566Gram : Remres
Fax : (0373) 2381748
E-Mail : lcmrrcdi@hub.nic.inCentral Administration of India
केन्द्रीय प्रशासनिक स्थायालयक्षेत्रीय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई. सी. एम. आर.)
REGIONAL MEDICAL RESEARCH CENTRE, N. E. REGIONINDIAN COUNCIL OF MEDICAL RESEARCH
Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIAGuwahati Bench
गुवाहाटी न्यायालयNo. RMRC/Dib/COURT case (PKS)/2009-10/ 452 Dated the 24TH May 2010

-Office Memorandum-

Subject: - Implementation of Hon'ble Gauhati High Court Judgement in the matter of WP (C) No. 460 of 2007 in respect of Mr. Pradip Kumar Saikia- reg.

The Competent authority of the Council has decided to implement the court judgement and order dated 23-12-2009 issued by the Hon'ble Guwahati High Court in the matter of WP (C) No. 460 of 2007 in respect of Mr. Pradip Kumar Saikia, RMRC, Dibrugarh.

(1) Accordingly, financial up gradation under Assured Career Progression Scheme (ACP) has been granted to Shri Pradip Kumar Saikia raising his scale of pay from Rs.2550-50-2660-60-3200 in the post of Field Worker (junior) to Rs. 3200-85-4900 (i.e. the scale of pay prescribed for next sanctioned hierarchy in the Centre) wef 9th August 1999 with permission for revision of his scale of pay from Rs. 3200-85-4900 to Rs. 4000-100-6000 with effect from 1st September 2005.

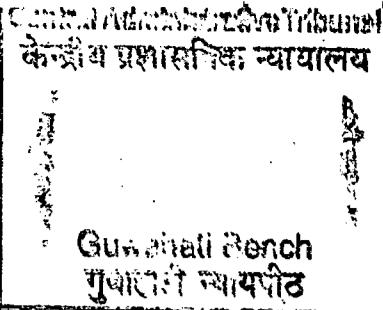
This supersedes earlier order issued vide letter No. RMRC/Dib/Adm-97/99-2000/2458 dated 23-2-2000

(2) Further, promotion of Shri Pradip Kumar Saikia to the post of Lab. Attendant in the scale of pay 2610-60-2900-65-3300-70-4000 wef 12th June 2003 as per recommendation of the Departmental Promotion Committee vide order/letter No. RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18-6-2003 is hereby cancelled.

(3) & Re-designated the post of Shri Pradip Kumar Saikia as Attendant (Services) as per guidelines contained in the Council's letter No. 6/01/2007 Admn-II dated 30-12-2009

24/05/2010
(R.K. Dutta)
Administrative Officer
For DIRECTOR

*Certified to be true copy
Dated 24/05/2010
Advocate*



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Dtd : 7th June ' 2010

To,

The Director,
Regional Medical Research Centre , N.E. Region,
Indian Council of Medical Research,
Post Box No.105, Dibrugarh - 786001,
Assam

Sub : YOUR OFFICE MEMORANDUM VIDE SL NO.
RMRC/DIB/COURT case(PKS)/2009/10/
452 dated 24th May ' 2010

Dear Sir,

This is to acknowledge the receipt of your subject
Memorandum vide respective serial number as stated above.

I deeply regret to inform you that your subject
order vide which you have re-designated me as Attendant (SERVICES)
and also vide which you have cancelled my promotion w.e.f.12-6-2003
is violative of the Central Administrative Tribunal Order No. dated
22nd September 2006 which has been subsequently upheld by the Hon'ble
Guwahati High Court vide its order dated 23-12-2009.

The above legal forums after much consideration and
debate had conclusively directed you to promote to me the position
of a Field Worker (SENIOR), in view of my long tenure of service
and the matter was also legally justified.

Your above order is not only discriminatory and con-
fiscatory , but has failed to suitably redress my grievance.

In view of the above you are once again requested to
comply with the Court order and promote me to the position of a
FIELD WORKER SENIOR OR EQUIVALENT CATEGORY, .Further instead of
suitably promoting me you have also cancelled your order No.RMRC/
DIB/Adm-28(DPC)/2003-04/961 dated 18-6-2003.

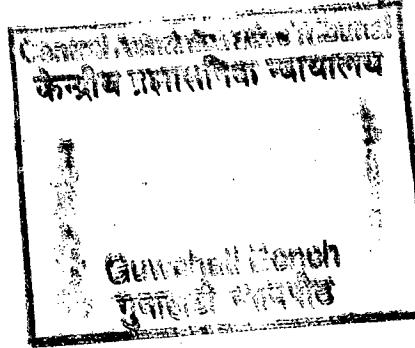
Thanking You,

Yours faithfully,

Pradip Kumar Saikia,
L.A., R.M.R.C.,
Dibrugarh - Assam

Pradip Kumar Saikia
(PRADIP KUMAR SAIKIA)

*Certified to be true copy
Debaki Poddar
Advocate*



Phone Off : (0373) 2381494, 2381506
2381548, 2381566

Gram : Remres
Fax : (0373) 2381748
E-Mail : lcmrcdi@hub.nic.in



क्षेत्रीय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई. सी. एम. आर.)
REGIONAL MEDICAL RESEARCH CENTRE, N.E. REGION
INDIAN COUNCIL OF MEDICAL RESEARCH
Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIA

No. RMRC/DIB/PF-49/2010-11/ 1126

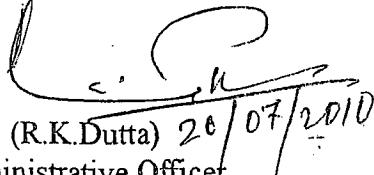
Dated: 26 July 2010

To,

Mr Pradip Kumar Saikia
Attendants (Services)
RMRC (ICMR), Dibrugarh

With reference to your letter dated 7.6.2010, this is to inform you that this Centre has no vacant post of Field Worker (Senior) or any post of equivalent category to consider your request for promotion.

However, your above referred letter has been forwarded to ICMR Hdqrs, New Delhi for necessary action. You are informed that you will be transferred to any other ICMR institutions against any such vacant post if exists.


(R.K. Dutta) 26/07/2010
Administrative Officer
For Director

Copy to :-

In-charge, Biostatistics Section for information.

*Certified to be true copy
Dabekar Bimal
Archivist*



Guwahati Bench
Guwahati, Assam

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court Of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Page No. 1

CASE NO : Cont.Cas(C) 67/2011

District : Dibrugarh

Category : 10200 (Contempt Petition (Civil).)

1 PRADIP KUMAR SAIKIA
S/O LT. DURBAL KRISHNA SAIKIA
R/O ATHABARI GAON,
P.O. KHWANG GHAT,
P.S. KHWANG,
DIST. DIBRUGARH, ASSAM.

Petitioner/appellant/applicant

Versus

1 DR. JAGADISH MAHANTA & ANR.
THE DIRECTOR, REGIONAL MEDICAL RESEARCH
CENTRE, N.E. REGION, INDIAN COUNCIL OF
MEDICAL RESEARCH, POST BOX NO. 105,
DIBRUGARH- 786001, ASSAM.

2 MR. R K DUTTA
ADMINISTRATIVE OFFICER,
REGIONAL MEDICAL RESEARCH CENTRE, N.E.
REGION, INDIAN COUNCIL OF MEDICAL RESEARCH,
POST BOX NO. 105, DIBRUGARH- 786001, ASSAM.

Respondent/Opp. Party

Advocates on record for Petitioner/ap

1 MRS. K DEKA
2 MR. D K BORDOLOI
3 MS. R CHARINGIA

Advocates on record for Respondents

Summary Of Case And Prayer In Brief

CERTIFIED COPY OF JUDGEMENT / ORDER

DATE OF FILING APPLICATION	DATE WHEN COPY WAS READY	DATE OF DELIVERY
05/03/2011	05/03/2011	05/03/2011

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR
HON'BLE MR. JUSTICE AK GOSWAMI**

DATE OF ORDER : 21/02/2011

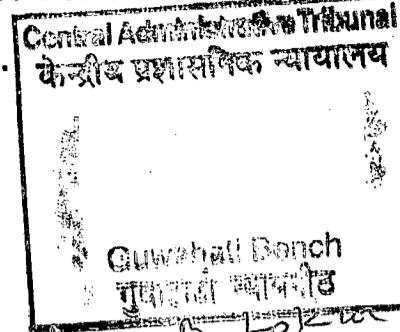
Learned counsel for the petitioner seeks leave to withdraw this

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contempt petition with liberty to approach the Central Administrative Tribunal for appropriate relief under Section 27 of the Administrative Tribunal Act, 1985.

Leave and liberty is granted.

Dismissed as withdrawn.



33

sd/- Kadam B. Lokan

Chief Justice

sd/- A.K. Goswami
Judge

CERTIFIED TO BE TRUE COPY
.....Amal M/36c
Date: 5/3/11
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872

SL-NO. 162125
27. 5/3/11

Gobas
5/3/11

Certified by
Tele 2nd Block (v)
Achanta