

FROM No. 4..
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No 105/2006
2. Misc Petition No.
- 3- Contempt Petition No.
4. Review Application No.

Applicant(S) Atul Baruah

Respondants W.O. 1 2018-

Advocate for the Applicant(S).... Mr. S. Sarma, Miss. B. Devi

Advocate for the Respondant(S)..... CASE.....

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. Rs. 10/- deposited with the No. <u>266/320129</u> Dated <u>6.3.06</u></p> <p><i>N. J. J. 5.5.06</i> H. C. Dy. Registrar</p> <p><u>17.5.06</u> Copy of the order has been sent to the office for issuing the rule to the applicant as well as to the adv. for the Resp. Ds. Hls.</p> <p><u>17/5/06</u> <u>ADCE/SC</u></p>	<p>9.5.06.</p> <p>1m</p>	<p>Judgment delivered in open Court.</p> <p>Kept in separate sheets. Application is disposed of. No costs.</p> <p>Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A.No.105 of 2006.)

DATE OF DECISION: 09.05.2006.

Shri Atul Borah

APPLICANT(S)

Mr.Mr.S.Sarma

ADVOCATE FOR THE
APPLICANT(S)

VERSUS-

Union of India and ors.

RESPONDENT(S)

Mr.G.Baishya. Sr..C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments?
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

12/5/06

3

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Original Application No.105 of 2006.

Date of Order: This the 9th Day of May, 2006.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Sri Atul Borah,
S/O.Mr.Sonaram Borah,
R/O.Silsako(Majpathar)
Tehsil-Nazira,
Dist-Sibsagar, Assam.

Applicant.

By Advocate Mr.S.Sarma, Ms.B.Devi.

-Vs-

1. Union of India represented by
Commissioner and Secretary to the
Govt.of India,Ministry of Defence.
2. The Director General, Assam Rifles, Shillong.
3. The Commandant, 35 Assam Rifles Respondents
C/O 99 APO.

By Advocate Mr. G.Baishya, Sr.C.G.S.C.

ORDER(ORAL)

SACHIDANANDAN,V.C:

The applicant is presently working as Fireman/Cook at 35 Assam Rifles since 8.9.1997. On 01.06.05 the applicant was terminated on medical ground without affording him due opportunity of hearing. During the service period of the applicant, in the year 2002 he fell sick and accordingly he reported the matter to the concerned authority. For a brief period i.e. w.e.f. 7.7.2002 to 11.7.2002 he was kept under medical observation and thereafter he reported back to his duty after being declared to be fit for duty. The concerned attending physician diagnosed the ailment of the applicant to be generalized

✓

seizure. In the year 2004 the applicant had one more minor seizure attack for which he had to report the same again to the authority, which stated it to be a very minor attack and he was advised to resume duty after taking few medicine. The applicant received the discharge certificate dated 12.5.05 by which he was discharged from his service w.e.f. 1.7.05 on medical ground, which was issued to the applicant without any notice. After the declaration of fitness of the applicant there was no report of any further such ailment and he was serving under the respondents. As per guideline it is averred that before discharging a regular staff on medical ground the concern authority is required to follow various procedural formalities but in the instant case the applicant has been discharged from his service without following the prescribed procedure. Everything has been done behind his back without prior notice. The discharge certificate produced by the applicant it is indicated that the applicant is fit to hold suitable job in Assam Rifle. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs:-

"8.1 To set aside and quash impugned discharge of the applicant and to reinstate him in his service as Rifleman/Cook with all consequential service benefits including arrear salary etc. alternatively to reinstate the applicant in service providing him alternative employment as per the recommendation by protecting his pay and past service with all consequential service benefits including arrear salary seniority etc.

8.2 Costs of the Application.

8.3 Any other relief or reliefs to which the applicant is entitled under law and equity."

2. I have heard Mr.S.Sarma learned counsel for the applicant and Mr. **G.Baishya**, learned **Sr.** C. G. S. C. appearing for the respondents. When the matter came up for hearing the counsel for

the applicant has submitted that he will be satisfied if a direction is given to the Respondent No.3 to consider and dispose of the appeal dated 02.9.05 within the time frame and pass speaking order and communicate the same to the applicant. Mr. G. Baishya, learned Sr. J.C.G.S.C. has no objection. I am of the opinion that if such direction is given it will suffice the interest of justice. Therefore, this Court directs the Respondent No.3 or any other competent authority shall dispose of the appeal dated 2.9.05 and pass appropriate speaking order and communicate the same to the applicant within two months. The respondents also shall afford an opportunity is being heard personally to the applicant if, he so desires while the said appeal is being disposed of.

The O.A. is accordingly disposed of. There will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

LM

BY POST/BY HAND.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:.....GUWAHATI.

DESPATCH NO. CAT/GHY/JUDL/_____/DTD. GUWAHATI THE

✓ ORIGINAL APPLICATION NO. 105 / 200 6
MISC. PETITION NO. _____ / 200
CONTEMPT PETITION NO. _____ / 200
REVIEW APPLICATION NO. _____ / 200

Sri Atul Borah

APPLICANT(S)

VERSUS

U. O. P. & ops

RESPONDENT(S)

To

Sri Atul Borah,

S/o Mr. Sonaram Borah,

R/o Silsako (Majpathar)

Tensil-Nazira

Dist. Sibsagar, Assam

Please find herewith a copy of Judgment/Order dated
9.5.06 passed by the Bench of this Hon'ble Tribunal
Comprising of Hon'ble Justice Shri K. V. Sachidanandan
Vice-Chairman and Hon'ble Shri _____
Member (Admn) in the above noted case for information and necessary
action, if any.

Please acknowledge receipt of the same.

Enclo : As above.

By Order

(Copy of the Original

Application in O.A. No. _____)

N. S. 17.5.06
SECTION OFFICER (JUDL).

Memo. No.

Dtd.

Copy for information to :

1. Mr./Mrs. _____

17/5/06
/Sr. CGSC, Addl. CGSC.

2. Mr./Mrs. _____

/Rly. Standing Counsel/
Govt. Advocate

P
17.5.06
Advocate

x

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

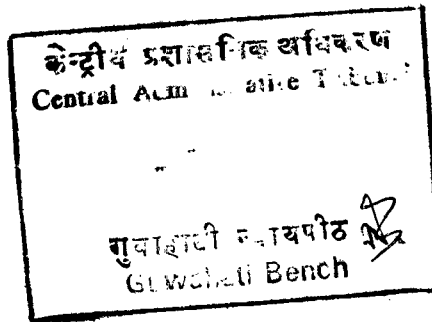
ORIGINAL APPLICATION NO. 105/06

1. a) Name of the Applicant:- Atul Barah
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :- one
2. Is the application in the proper form:- Yes/~~No~~.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/~~No~~.
4. Has the application been duly signed and verified :- Yes/~~No~~.
5. Have the Copies duly signed :- Yes / ~~No~~.
6. Have sufficient number of copies of the application been filed:-Yes/~~No~~.
7. Whether all the annexure parties are impleaded :-Yes/~~No~~.
8. Whether English translation of documents in the Language : Yes/~~No~~.
9. Is the application in time :- Yes/~~No~~.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/~~No~~.
11. Is the application by IFO/BD/For Rs: 5/- 26G 320129 dtd. 6.3.06
12. Has the application is maintainable :- Yes/~~No~~.
13. Has the Impugned order original duly attested been filed : Yes/~~No~~.
14. Has the legible copies of the annexures duly attested filed:-Yes/~~No~~.
15. Has the Index of documents been filed all available:- Yes/~~No~~.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/~~No~~.
17. Has the declaration as required by item 17 of the form:- Yes/~~No~~.
18. Whether the relief sought for arises out of the single :- Yes/~~No~~.
19. Whether the interim relief is prayed for :- Yes/~~No~~.
20. In case of condonation of delay is filed is it supported :-Yes/~~No~~.
21. Whether this Case can be heard by ~~Single Bench~~/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk. the application is in order:-

This application is in form.

SECTION OFFICER(J)
5.5.06

DEPUTY REGISTRAR



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the Case : O.A. No. 105/2006

Sri Atul Borah : Applicant

-VERSUS-

Union of India & Ors. : Respondents

I N D E X

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3.	Annexure-1	13-28
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5.	Annexure-3	32-33

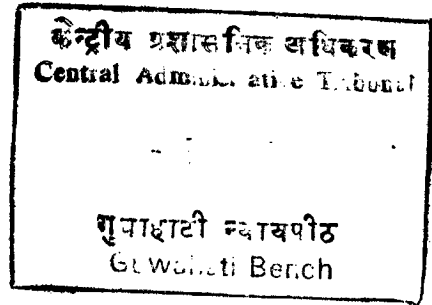
Date :

File : d:\private\atul

Filed by :



Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 105/2006

Sri Atul Borah

.....Applicant

-versus-

Union of India & Ors.

.....Respondents

SYNOPSIS

The Applicant in the instant application was working as Fireman/Cook at 35 Assam Rifles since 8.9.97. On 1.6.05 the service of the Applicant was terminated on medical ground without affording him due opportunity of hearing. The Applicant preferred appeal against the said order of termination before the concerned authority, but same yeilded no result in positive. Having no other alternative the Applicant has now come under the protective hands of this Hon'ble Court seeking redressal of his grievances. Hence this application.

AB

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by
The Applicant

10
through
Bomdona Devi
Advocate
2.5.06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A. No. 105 /2006

Between

Sri Atul Borah
s/o Mr. Sonaram Borah
R/o Silsako (Majpathar)
Tehsil-Nazira
Dist-Sivasagar, Assam

.....Applicant

-AND-

1) Union Of India represented by
commissioner and Secretary to the
Govt. of India, Ministry of Defence.

2) The Director General, Assam
Rifles, Shillong

3) The Commandant, 35 Assam Rifles
C/O 99 APO.

.....Respondents

AB

DETAILS OF THE APPLICATION

1. Particulars of the orders against which this application is made:

This application is made against the order dated 1/06/2005 by which the applicant was terminated from service on medical ground. The applicant through this application prays for re-instatement in his service or alternatively to provide him alternative appointment as per the recommendation of the authority concerned.

2. Jurisdiction

The applicant declares that the application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal 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 and laws framed thereunder.

4.2 That the applicant got his initial appointment as fireman/cook at 35 Assam Rifles on 8/09/1997. From the date of his appointment he has been serving the department to the satisfaction of all concern.

4.3 That the applicant begs to state that during his service tenure i.e in the year 2002 he fell sick and accordingly he reported the matter to the concerned authority. For a brief period i.e w.e.f 7/7/2002 to 11/7/2002 he was kept under medical observation and thereafter he reported back to his duty after being declared to be fit for duty. The concerned attending physician diagnosed the ailment of the applicant to be generalized seizure. As stated above after resumption of duty the applicant continued to perform his regular duty till 1/06/2005. It is noteworthy to mention here that he was fully recovered and he continued to serve the respondents with the best of his ability. It was in the year 2004 he had one more minor seizure attack for which he had to report the same again to the concern authority which was stated to be a very minor attack and he was advised to resume duty after taking few medicine.

AB

4.4. That the applicant was shocked and surprised when he received the discharge certificate dated 12.5.05 by which he was discharged from his service w.e.f 1.7.05 on medical ground. The aforesaid discharge certificate was issued to the applicant without any notice and he was not allowed to place his say in the matter. It is noteworthy to mention here that after the declaration of fitness of the applicant there was no report of any further such ailment and he was serving under the respondents without any blemish whatsoever from any quarter.

-Copy of the impugned discharge certificate is annexed herewith and marked as Annexure-1.

4.5. That the applicant begs to state that as per the guideline holding the field, before discharging a regular staff on medical ground the concern authority is required to follow various procedural formalities but in the instant case the applicant has been discharged from his service without following the prescribed procedure. Everything has been done behind his back without affording him reasonable opportunity of hearing and as such entire action on the part of the respondents is illegal and arbitrary and same is liable to be set aside.

4.6. That the applicant begs to state that as per the procedure the case of the applicant was required to be placed before the duly constituted medical board and he should have been provided with adequate opportunity of

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hearing. It is pertinent to mention here that to the best of the knowledge of the applicant, the medical board in question was never constituted as per the requirement of rule and basing on an incorrect finding of the said medical board the applicant has been discharged from his service. It is therefore the applicant could not have been discharged from his service basing on the ailment which in fact never caused any hindrance towards normal performances of his duty. Apart from that the specific disease diagnosed by the medical board does not indicate the same to be contagious one. In fact the applicant after taking the treatment recovered fully and he is presently fit to perform his normal duty as before. In this connection it is categorically stated that even at the time of his discharge he was performing his duty without there being any ailment whatsoever and as such the respondents instead of resorting to such a drastic action should have adopted certain alternative measure.

4.7. That the applicant begs to state that as per the rules holding the field prior to effecting the discharge, the official is required to be provided with an opportunity to place his willingness for alternative employment in the department itself in the same pay scale, after providing all other consequential benefits of his past service including pay protection. In the instant case even assuming but not admitting, the disease diagnosed in case of the applicant, falls within the category requiring discharge from service the authority concern ought to have considered his case for alternative employment prior to discharging him from his

service. It is noteworthy to mention here that the discharge certificate itself is indicative of the fact that he is fit to hold suitable job in Assam Rifle itself within the category of security and to that effect recommendation has also been made. However, the respondents who ought to have recommended the case of the applicant prior to issuance of the discharge certificate for his alternative employment have recommended his case after the discharge for which the applicant had to suffer irreparable loss and injury. The applicant immediately on receipt of the discharge certificate pursued the matter before the concern authority for his reinstatement but nothing was done. It was under the aforesaid fact situation of the case the applicant had to serve a legal notice dated 16.6.2005 through his counsel demanding his reinstatement in service but same yielded no result in positive.

A copy of the said legal notice dated 16.6.05 is annexed herewith and marked as Annexure-2.

4.8. That the applicant begs to state that as stated above he left no stone unturned to get some positive response from the respondents but as on date nothing has been communicated to him. The applicant thereafter was compelled to approach the authority concern by submitting an appeal dated 2.9.05 ventilating his grievances which has also remained unassured till date.

A copy of the appeal dated 2.9.03 is annexed herewith and marked as Annexure-3.

4.9. That the applicant begs to state that he is the sole earning member in his family. After his discharge from service he along with the family members are facing tremendous financial hardship. It is now become very difficult to even manage two square meal for the family of the applicant. The applicant submits that during his service tenure he never receives any complain from any quarter. Therefore the respondents should not have discharged him only on medical ground. It is pertinent to mention here that the doctor has also declared the applicant as fully recovered and fit to resume duty.

The applicant craves leave of this Hon'ble Tribunal for a direction towards the respondents to produce all the relevant records at the time of hearing of the case.

4.10. That the applicant begs to state that he has completed 7 years of continuous service under the respondents. Therefore, the respondents before discharging him from service should have considered the past services rendered by him and ought to have offered him the reasonable opportunity of hearing. No notice to that effect has been issued to the applicant to place his say in the matter. It is pertinent to mention here that the applicant who belongs to the lower stratum of the society and being the only

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earning member, now has been facing tremendous financial hardship as from the month of May 2005 he is without any salary and/or any other such allowances. It is under this peculiar fact situation of the case and having no other efficacious and alternative remedy available to him, has come under the protective hands of this Hon'ble Tribunal seeking redressal of his grievances, by filing this present OA.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the action/inaction on the part of the respondents in issuing the impugned discharge certificate to the applicant is per-se illegal and arbitrary and same is violative of the rules holding the field as well as the principles of natural justice.

5.2. For that the manner and method applied by the respondents towards issuing and effecting the discharge of the applicant is per-se illegal and arbitrary and same depicts total non-application of mind by the respondents and as such same is not sustainable in the eye of law and liable to be set aside and quashed.

5.3. For that the respondents have adopted a very mechanical approach in the matter and as such same is required to be interfered with by the Hon'ble Tribunal by setting aside the discharge of the applicant.

5.4. For that the board constituted towards discharging the service of the applicant was not constituted as per the provision holding the field and as such the impugned discharged of the applicant from his service that too without affording him the reasonable opportunity of hearing is not at all sustainable and liable to be set aside and quashed.

5.7. For that in any view of the matter the impugned action on the part of the respondents in discharging him from service is not at all sustainable and liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED

The applicant declares that he has no other alternative remedy other than approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any other court of law, or any other authority and/or other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the applicant prays that the instant application be admitted, records be called for and upon hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to allow the application by granting the following reliefs :

8.1 To set aside and quash impugned discharge of the applicant and to reinstate him in his service as Rifleman/cook with all consequential service benefits including arrear salary etc. alternatively to reinstate the applicant in service providing him alternative employment as per the recommendation by protecting his pay and past service with all consequential service benefits including arrear salary seniority etc.

8.2 Costs of the Application.

8.5 Any other relief or reliefs to which the applicant is entitled under law and equity.

9 INTERIM ORDER PRAYED FOR

Pending disposal of this application the applicant prays for an interim order directing the respondents to reinstate him and to pay him his current salary.

AB

10 The application has been filed through advocate.

11. PARTICULARS OF THE IPO

I. I.P.O.No.

: 260320129

II. Date

: 6/3/06

III. Payable at

: Guwahati

12. LIST OF ENCLOSURES

As stated in the Index.

AB

V E R I F I C A T I O N

I, Sri Atul Borah, aged about 30 years, s/o Mr. Sonaram Borah, R/o Silsako (Majpathar), Tehsil-Nazira, Dist-Sivasagar, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 4.9, 4.10 are true to my knowledge and those made in paragraphs 4.2-4.8 are matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2nd day of May, 2006.

Mr. Atul Borah

Signature.

08/2007

आसाम सूची ६० (बी), फार्म नं० ३

Assam schedule XL (B), Form No. 3

EX F3560773L RFN

ATUL BORAH



रिहाई प्रमाणपत्र

Discharge Certificate

असम राइफलस

Assam Rifles

इस प्रमाणपत्र पर बहुत बड़ी सावधानी होनी चाहिये। गुम हो जाने पर दूसरी प्रतिलिपि
नहीं मिलेगी

Great care must be taken of this certificate. If lost no duplicate
can be supplied.

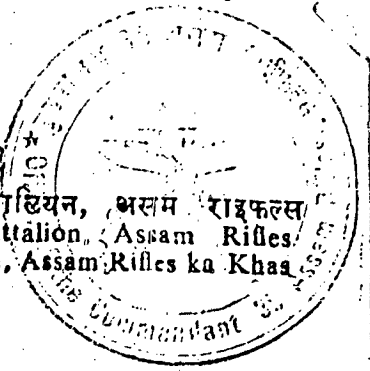
Attested
[Signature]
Advocate.

DICAL

S/Adm

रिहाई प्रमाण पत्र
DISCHARGE CERTIFICATE

क्रम सं०
Serial No 08/2005 का
Silsilewar Number of the 35th
स्थायी स्थान
Permanent Station c/o 99 APO
छावनी
Gihhuni



यह प्रमाणपत्र बनने पर हाथ की लिखी हुई बातों को रह बदल न करें।
This certificate is to be issued without any alterations in the manuscript.
Ya certificate banne par hath ka likhi hui baton ko rodd-o-badal na karen.

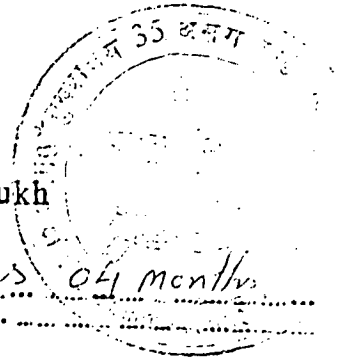
(एन० बी० अगर किसी आदमी को यह प्रमाणपत्र मिलने से कमांडेंट साहब
बटालियन असम राइफल्स को भेज देना चाहिये)।

(N.B.— Any person finding this certificate is requested to forward it to the
Commandant 35th Battalion, Assam Rifles at)

(N.B.— Agar kisi udmi ko yih certificate Milne se Commandant sahib
Battalion, Assam Rifles.....ko bhej dena chahie)

नाम कटने का प्रमाणपत्र नं० EX-F/3500773L पद RIFLEMAN/COOK
 Certificate of discharge of No. EX-F/3500773L Rank RIFLEMAN/COOK
 Nam katne ka certificate No. EX-F/3500773L Ohda EX-F/3500773L
 नाम ATUL BORAH वाप का नाम SONARAM BORAH
 Name ATUL BORAH Father's name SONARAM BORAH
 Nam ATUL BORAH Bap ka nam SONARAM BORAH
 जाति CBC गाँव MAZ PATHAR तहसील NAZIRA
 Caste CBC Village MAZ PATHAR Tehsil NAZIRA
 Zat MAZ PATHAR Goan MAZ PATHAR Tashil MAZ PATHAR
 जिला SIB SAGAR डाकघर SILASAKU
 District SIB SAGAR Post Office SILASAKU
 Zila SIB SAGAR Dak Khana SILASAKU

पहचान की निशान देही की अमुख
Particulars of Identification
Pahchan ki nishandehi ki Amukh



नाम कटते समय उम्र
Age at the time of discharge 29 years 04 months
Name katate Samey umar.....

नाम कटते समय कद
Height at the time of discharge 160.5 cm
Nam Katate samey qad.....

निशाने, घाव का दाग
Marks, scars, etc. 1 A black mole at y o'clock 7cm from
Nishan ghao ka dag 2 Left nipple
wagairah— 2 A mole over forehead 1cm above l
3 Left eyebrow
वाये अंगुठे का निशान
Left thumb impression
Baen angutha ka chhap

नौकरी की अमुख Particulars of service	नाम कटने के वक्त फौजी योग्यता Military qualifications on discharge,
Naukari ki Amukh	Nam katne ke waqt fauji योग्यता
भरती होने की तारीख Date of enlistment...	चाँदमारी Muskeery
08 SEP 1927	Chandmari
Bharti hone ki tarikh	शिक्षा Education
नाम कटने की तारीख Date of discharge	MR-6
01 JUN 2005(FN)	Education
Nam katne ki tarik	विशिष्ट योग्यता Specialist qualifications
पूरी नौकरी. वर्ष Total service, years	MR
07	Khas ilm jis men liyaqat ho*
Puri naukari Baras	दिन Days
महीने Months	23
08	Din
Mahine	

लड़ाई की नौकरी

war service— NIL —

Larai ki naukari—

कारीगरी की योग्यता

Trade qualifications—

Karigari ki योग्यता—

तगमे संजावट आदि

Medals Decorations etc. Awardeed

Tagme wagairah

Samanya Seva Medal

1965 with clasp Manipal (OP-HIFAZAT-II)

पी टी सिगनल, आदि

P T, Signaling etc.

T. T. Signal wagairah.

जरूरत

Wounds— NIL —

Zakhm—

लोहे या काटमिस्त्री आदि

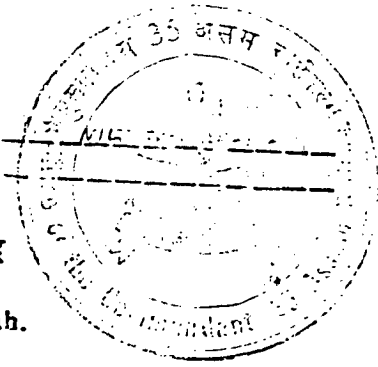
Armourer Carpenter etc.

Lohe ya kach mistri wagairah.

(हर एक खाना को भरना चाहिए और जरूरत के मुताबिक निल भी लिखें)

(Each space is to be filled in and the word Nil inserted where necessary)

(Har ek khana ko bharna chahie our zarurat ke mutabik Nil bhi likhen)



नाम कटने के वक्त कर्ज की अदा—

Settlement of dues on discharge—

Nam katne ke waqt karz ki ada—

डेफर्ड वेतन की अदा रु०

Deffered pay paid Rs

Deffered pay ki ada Rs

निर्वाह या वचत की अदा रु०

Provident or

Saving Fund Rs 81,684/-

Provident ya savings ki ada Rs

और कोई वचत

रु०

Other Credits

Rs.

Aur koi dusare

Rs.

उपदान
Gratuity
Gratuity


पेंशन की स्वीकृति
Pension sanction
Pension ki manzuri

रु०
Rs
Rs
रु०
Rs
Rs



मुझको मेरा नाम कटने के रोजे तक का अपना पाने का हिसाब पूरा और ठीक मिल गया।
I acknowledge to have received a full and just settlement of all sums due to me up
to the date of my discharge.
Mujnako mere nam katne ke roz tak ka apna pane ka hisab pura aur thik mil gaya.

गवाह का दस्तखत
Signature of witness
Gawahi ka dastkhat


आदमी का दस्तखत
Signature of man
Admi ka dastkhat

कमांडेंट साहब का सिफारिश

Commandant's recommendation

Samadeshaq sahib ki sifarish—

नाम कटने वक्त चरित्र

Charactor ou Di-charge— VERY GOOD

Nam katne ke waqt cha'chalan

नाम काटने का कारण

Reasons for Discharge— Discharge / Released medical Board

Nam katne ka karan

क्या असम राइफल्स या पुलिस में दोबारा भरती होने के लायक हो ?

Is he recommended as suitable for re enlistment in Assam Rifles or Police ? yes

क्या कोई दूसरे सरकारी नौकरी के लिये लायक हो ?

Is he recommended as suitable for other Government Service ? yes

Kya koi dusre Sarkari naukari karne ke liaq hai ?

सिविल काम के लिये किसी खास काम जिस में लायक हो ?

State any special qualification for civil employment

Civil kam ke lie kbi khas kam jis men laaq ho.

चाल चलन व्यवहार और इमानदारी के लिहाज से सिविल कर्मचारी के लिये वर्ग पास सिफारिस किया है या नहीं।

As to character, conduct and integrity, is he recommended to Civil employers?
Chalchalan, imandary, wagairah ke lihaze se Civil employers ke pas-sifarish kia hai ya nahin ?

छावनी
Station 4/6 99 APO
Cbhaoni

कर्नल कमांडेंट
Commandant
35 असम राइफल्स
35 Assam Rifles

मेजर Major
वटलियम, असम राइफल्स
Battalion, Assam Rifles
Battalion Assam Rifles
35 असम राइफल्स
35 Assam Rifles

तारीख
Date 12 MAY 05

1-6-05 [Signature]

नाम कटे हुए आदमियों और पेंशनरों के लिये सलाह
NAM KATA HUA ADMION AUR PENSIONERON KE LIE SALAH

- १। (अ) अगर तुम फिर भरती होना चाहते हो।
1. (a) Agar tum phir bharti hona Chahte ho
- (ब) अगर तुम दरखास्त भेजना चाहते हो दरखास्त सीधा सरकार को नहीं भेजना चाहिए।
- (b) Agar tum darkhast-bhejna chahte ho. Darkhast sidha Government ko nahin bhejna chahie.
- (स) अगर तुम अपना रिहाई प्रमाण-पत्र खो दिये हो।
- (c) Agar tumne apna Discharge Certificate khua dia ho.
- (द) अगर तुम अपना रिहाई प्रमाण-पत्र खो दिये हो। इसके बारे में तुम्हारा पूरा बयान देना चाहिए कि कैसे खो गया था। तबमा सिर्फ भुगतान में बदली दिया जाता है।
- (d) Agar tumne apna Medals kho die ho. Iske bare men tumhara pura bayan dena chahie kih kaisa kho gaya tha Medals sirf payment men badli dia jata hai.

- (ए) अगर तुम असैनिक नौकरी के लिये सिफारिश चाहते हो तो —
 a) Agar tum Civilian employment ko lie sifarish chahte ho to —
 अपने पुराने बटालियन के कमांडेंट के पास सीधा दरखास्त दो।
 Apne purane battalion ke Commandant ke pas sidha darkhast do.
२. (अ) अगर तुम असैनिक नौकरी (काम) मांगते हो।
 2. (a) Agar tum Civilian employment (kam) mangte ho.
- (ब) अगर तुमको कोई मदद या सलाह की जरूरत हो।
 (b) Agar tumko koi madad ya salah ki zarurat ho.
- (स) अगर तुमको कानूनी मदद की जरूरत हो।
 (c) Agar tumko kaouni madad ki zarurat ho.
- (द) अगर तुमको माल-व खर्च की जरूरत हो जबकि तुम काम में नाकामयाब हो।
 (d) Agar tumko mal-ya-kharch ki zarurat ho, jabkih tum kam men Nakamyab ho

(च) अगर तुमको रुपया की मदद किसी सहायता कोष से जमीन या वस्तु खरीदना चाहते हो। तुमको खैरियत की हक नहीं है और मदद सिर्फ खास तकलीफों में देते हैं।

(e) Agar tumko rupya ki madad Kisi Relief Fund se zamin ya bastu kharidna chahate ho. Tumko khatir ki haq nahin hai aur madad sirf khas taklifon men dete hain.

नजदीक के जिला सैनिक बोर्ड में दरखास्त दो।

Nazdik ke District Soldier Board men darkhast do.

३. (अ) अगर तुमने अपना पेंशन कागज खो दिया हो।

3. (a) Agar tum apna pension kagaz khua di ho.

(ब) अगर तुम अपना पेंशन कागज खो दिया हो।

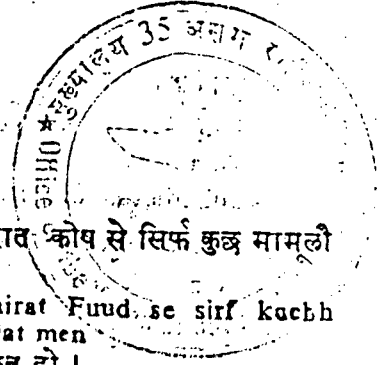
कोषाधिकारी को दरखास्त दो।

Treasury Officer ko darkhast do.

४. अगर तुम या तुम्हारा बाल बच्चों के लिये दवाई या डाक्टर की जरूरत हो तो नजदीक की असेनिक अस्पताल में दरखास्त दो। इलाज मुफ्त होगी।

4. Agar tum ya tumhara balbachon ke liye dawai ya Doctor ke zarurat ho to nazdik ke Civil Hospital men darkhast do ilaj muft hogi.

विधवा को सलाह
BIDHAWA KO SALAH



- १। (अ) अगर तुम अपना लड़का भरती करना चाहती हो।
1. (a) Agar tum apna larka bharti karna chahti ho.
(ब) अगर तुम गरीब हालत में हो। बटालियन की खैरात कोष से सिर्फ कुछ मामूली हक दे सकता और खास गरीबी हालत में।
(b) Agar tum garibi halat men ho, Bat alion ki Khairat Fund se sirf kuchh mamuli haqq de sakti hai aur sirf khas garibi halat men apne madad ki purani Battalion ke Commandant ko darkhast do.
२। (अ) अगर तुमको कोई सलाह की जरूरत हो।
2. (a) Agar tumko koi salah ki zarurat ho.
(ब) अगर तुमको अपने लड़के के लिये शिक्षा के लिये मदद की जरूरत हो।
(b) Agar tumko apne larko ko education ke lie madad ki zarurat ho.
(स) अगर तुमको सहायता कोष से रुपया की मदद की जरूरत हो।
(c) Agar tumko khas Relief fund se rupya ki madad ki zarurat ho.

तुमपेंशन का हकदार नहीं है और छोटा हक (अनुदान) खास जरूरी हालत में कोई आदमी को दिया जाता है।

Tum pension ka haqdar nabin/hai aur chhota haq (grants) khas zaruri halat men koi admi ko dia jata hai.

नजदीक के जिला सैनिक बोर्ड के दफ्तर में दरखास्त दो।

Nazdik ke District Soldier Board ke dafter men darkhast do.

३- जब तुम्हारा मर्द मरता है। पेंशन का कागज अच्छी तरह रखो और खजाना जितना वार्क पेंशन का रूपया है कानूनी वारिस को देगा।

3. Jab tumbara marad marta hai, Pension ka kagaz achhi tarah rakho aur Treasury men jitna baki pension ka rupya hai kanuni warish ko dega.

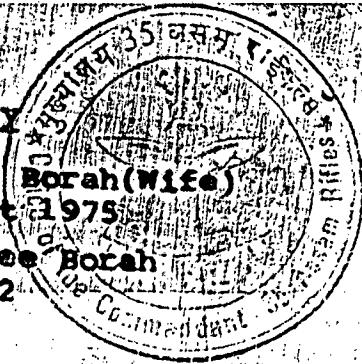
28

39

Details of family



NOK : Mrs Binita Borah (Wife)
DOB : 10 Oct 1975
Daughter : Himadree Borah
DOB : 24 Feb 2002



Maj/Dep Comd
दण्डपाल
Adjutant
35 असम राईफल
35 Assam Rifles

कर्नेल
Colonel 12515
समादेशक
Commandant
35 असम राईफल
35 Assam Rifles

SRI KULENDRA BHATTA, M.A., LL.B.
ADVOCATE
GAUHATI HIGH COURT
Guwahati-781001

Residence-Cum-Chamber
Noonmati, Refinery-Gopalnagar Road
Madhabpur, Sector - II
Near Madhabpur L.P. School, Ghy.-20
Ph. 2654110 / 94351-03736 (M)

Dated: 16.06.2005

LEGAL NOTICE



To

The Commandant
35, Assam Rifles,
C/o 99 APO

GUWAHATI GPO (781001)
RL-AD 2064
PA : PKD
To: COMMANDANT,
99 APO, PIN:

Wt: 20 grams

PS: 0.00, Amt: 25.00, 20/06/2005, 13:23:42

SUB : Legal notice for reinstatement of the discharged
employee Sri Atul Borah, Army No. 134833-L.

Sir,

Having obtained all necessary instruction and authority from my client Sri Atul Borah, S/o Mr. Sonaram Borah resident of Silsako (Majpathar) Tehsil - Nazira, Dist. Sibsagar, Assam, I, on behalf of my said client cause to serve you this legal notice (which may be treated as representation of Sri Atul Borah) asking your authorities to consider for reinstatement of the Rifleman bearing Army No. 134833-L who has also been discharged vide certificate of discharge No. EX-F/3500773 L and state as follows :-

1. That, my client bearing Army No. 134833-L has been serving in your office since 08.09.1997, who was discharged on 01.06.05 vide discharge certificate No. EX-F/3500773 L on medical grounds. At the time of discharge it has been communicated to my client that he will not be entitled for any pension inspite of his 7 years 8 months 23 days continuous service under your authority.

That before the date of discharge my client has not been given due opportunity of hearing and no prior notice of discharge was served upon my client. My client is an obedient armyman under your authority and he had signed on the discharge certificate as per command of your authorities although my client is not ready to get discharge as per whims of the authority concerne.

Cont....P/2.

Attested
[Signature]
16/06/05

That my client rendered service as fireman/cook under your command and discharge certificate itself speaks that his character is very good at the time of discharge. It is further mentioned in the discharge certificate that my client is a fit person for recruitment as security. That my client also got award of Samananya Seva Medal.

That my client had got generalised seizure in 2002 and he was medicalised for the period of 7.7.02 to 11.07.02. Thereafter, my client is almost cured and in the last 3 years he had got only one seizure attack (Minor) in March 2004. The report of the medical authorities also shows his recovery from the said disease and the family history of my client does not reflect any syndrome of epileptic disease. The medical authorities also have opined that my client may be engaged in service to do works other than handling fire arm/fire/moving machinery. As such your authorities could have kept my client in service by engaging him in such works to which he is fit instead of discharging him without any reasonable ground.

That Sir, my client is the only service holder in his family having ailing parents, wife and minor children. The whole family is dependent upon the salary of my client. So the discharge of my client from his service has caused sorrow and misery to the whole family of my client. Your authorities may be kind enough and compassionate towards my client and reinstate him in his service wherever he deems fit as per your wit and wisdom.

That your authority has taken the drastic step of discharge of my client without giving him due opportunity of hearing and without showing any sympathy to the fellowman who suffered from generalised seizure only twice in his service life. Minor ailment of a person twice in more than 7 years is not a good and sufficient ground for discharge. As such, it is a fit case to be considered and reinstate my client in any post under your authority.

Contd....P/3.

That, my client if not reinstated in his service, is entitled to the benefit of pension apart from other service benefits. Your authorities might have erred in informing my client that he will not be entitled to any pension. In this context I would like to request you to let us know under what rules and regulations my client is debarred from his benefit of pension as Ex-serviceman (provided he is not reinstated).

That if your authorities failed to consider this representation for reinstatement of my client and/or give all pensionary benefits to my client and inform the same in reply to this notice within a period of 15 days from date of receipt, then I have the instruction to proceed for appropriate suits and proceeding before the court of law.

Your authorities may take this notice as urgent one and reply as early as possible.

Thanking you,

Kulendra Bhatta
(KULENDRA BHATTA)

To,

The Commandant
35 Assam Rifles
C/O 99 APO

Date - 2.9.05

Sub: Appeal against the order dated 1/6/2005
discharging from service.

Sir,

With due deference and profound submission I beg to lay
the following few lines for your kind consideration and
necessary action thereof.

That, I have been serving as fireman/cook in your office
w.e.f 8/09/1997 to the satisfaction of all concern.

That, I have got generalised seizure in the year 2002
and i have been medicalised for a period of 7/07/2002 to
11/07/2002. Thereafter, I have been almost fully recovered and
in the last three years I have got only one seizure
attack (Minor) in March, 2004. The medical authorities also
declared my full recovery from the said disease. On the other
hand, the family history of mine will not reflect a single
syndrom of epileptic disease. But to my utter surprise, I was
discharged from my service on 1/06/2005 vide discharge
certificate no. EX-F/350073 I. on medical grounds.

That, before discharging me from service I have not been
given due opportunity of hearing and no prior notice of
discharge was served upon me.

Attested
by
Advocate


That, the Medical Authorities have also opined that I may be engaged in service to do works other than handling fire arm/fire/moving machinery. I therefore request your kind honour to engage me in such works where I can discharge my duties with due diligence instead of oustering me from service.

That, sir I am the only service holder in my family having ailing parents, wife and minor children. The whole family is dependent upon me. My removal from service has brought untold miseries to my family.

I hope and trust that your honour would be kind enough and compassionate towards me and reinstate in service wherever your honour deems fit and proper.

Thanking you.

Sincerely yours,


Sri Atul Borah
S/o Mr. Sonaram Borah
R/o: Silsako (majpathar)
Tehsil-Nazira
Dist: Sibsagar, Assam