

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 131/2006

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SECTION OFFICER (Judl.)

Fahis
23.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 131/06
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Santosh Kumar Adhikari

Respondents U. O. I. Govt

Advocate for the Applicant(s)..... Absentia.....

Advocate for the Respondant(s) Addl. C. G. S. C. Ms. U. Das, for Respondent 3.

Notes of the Registry	Date	Order of the Tribunal
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~~This application is in form
is filed/C. F. for Rs. 50/-
deposited in C. P. I. D
No. 131/484/90
Dated 21.3.06~~

10.05.2007

This petition has been filed by the Applicant in absentia for non-compliance of the order of this Tribunal. Even though contempt petition was filed for non-compliance of the orders the same was dismissed on the ground that "Court is satisfied with the conduct of Respondent No.1". However, Ms. U. Das, learned Addl. C.G.S.C. submitted that she will obtain instruction in the matter.

Issue notice to the Respondents.

They are specifically directed to apprise this Court as to whether orders of this Tribunal had been complied with or not and to produce the compliance order by the next date.

Post on 22.06.2007.

Received
Under P.W.
Addl. C.G.S.C.
22/5/06

22.6.2007

Notice & order sent
to D/Section for
issuing to R-1 to 4.
by regd. A/D post.

Con^s 22/5/07. D/No-490 to
D/ 493.
D/ = 29/5/07.

⑪ Service report
awaited.

23
21.6.07.

Ms.U.Das, learned Addl.C.G.S.C. appearing for Respondents 1 & 2 has produced two orders stating that orders of this Tribunal have already been complied with and the benefit is proposed to be given to the Applicant w.e.f. 1999 subject to the outcome of the Writ Petition before the Hon'ble High Court. Copies of the two orders is kept on record. Ms.U.Das shall provide copy of the two orders before the Registry and the Registry will serve notice of the same to the Applicant.

Post on 24.7.2007.

Vice-Chairman

/bb/

4.7.07.
A letter dated 21.6.07
(at flag 'A') received
by this Registry on 25.6.07
from Under Secretary
to the Govt. of India Deptt.
of Personnel & Training,
New Delhi regarding
compliance of the compliance
order dt. 11.7.01 passed
by this Hon'ble Tribunal
in O.A 231/00. (Sh. S.K. Adhikari
- no. 1 O.I Form). The details
which will speak itself.

Laid before the Hon'ble
Court for further order.

SO(G) 5/7/07. P.P.
5/7/07

24.7.07. Ms.U.Das learned Addl. C. G.S. C. for the respondents has submitted that order of this Tribunal has been complied with vide order dated 11.7.2003. This Court vide order dated 22.6.07 directed the Registry to serve the copies of the orders dated 11.7.2003 and 21.6.2007 to the applicant. However, it appears that the Registry has not served the same to the applicant as directed by this Court till date. Section Officer (Jud) shall tender his explanation on this side. Post the matter on 24.8.07.

Vice-Chairman

lm

As per court order dated 22/6/07, 24/7/07, vide order dt. 11/7/03 and 21/6/07 sent to D/Section for issuing to applicant by pg Speed post/AID.

13.9.07

Let the case be posted on 5.10.07.

Vice-Chairman

Heard Mr. I.A.Talukdar, learned Counsel appearing for the Petitioner and Mr. B.C.Pathak, learned Counsel appearing for the alleged contemners. Mr. G.Baishya, Learned Sr.Standing Counsel appearing for the Central Government.

For the reasons recorded in separate sheets. Contempt Petition is closed.

(Khushiram)

Monoranjan Mohanty

Member(A)

Vice-Chairman

Cab D/No-771, Dt-27/7/07
27/7/07. Dt=
27.7.07

My explanation begins with an apology to the Hon'ble Tribunal for not having served notice with the two-order copies dt. 11.7.07 and 26.6.07 to the applicant as directed by the Hon'ble Tribunal on 22.6.07.

However the two order copies have been sent to the applicant by speed post on 27.7.07.

Such lapse - made due to over eight, call and receive having instructions from the Government

of Tripura, she has filed 'Vokalatnama' yesterday. She seeks adjournment to obtain instructions in this matter. She should also obtain instructions relating to stage of Writ Petition that is stated to be pending before the Gauhati High Court.

Call this matter on 6.11.07.

Khushiram
Member(A)

(Monoranjan Mahanty)
Vice-Chairman

Im

05.10.07. Ms.Usha Das, Advocate, says that having instructions from the Government of Tripura, she has filed 'Vokalatnama' yesterday. She seeks adjournment to obtain instructions in this matter. She should also obtain instructions relating to stage of Writ Petition that is stated to be pending before the Gauhati High Court.

Call this matter on 6.11.07.

① Service report awaited.

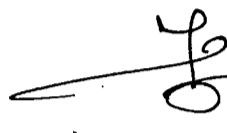
By
5.11.07.

for instruction.

lm

By


(Khushiram)
Member(A)


(Monoranjan Mahanty)
Vice-Chairman

06.11.2007

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

Respondent Nos. 1,2,3 & 4 is present. The counsel for the Respondents has stated that a Writ Petition is pending before the Hon'ble Gauhati High Court. Vide order dated 18.7.2007/ the order of this Tribunal has been stayed. of the Gauhati H.C. Apparently, the applicant is not interested to pursue the petition. Accordingly, matter stands disposed of.


Khushiram
Member(A)

lm

13/11/07
Copy of the
order has been
sent to the Office
for issuing the
Same to the applicant
as well as to the
Addl.C.G.S.C. for
the record.

SL

By Speed Post

No. 22012/24/2007-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, 21st June, 2007.

To

Mrs. Usha Das
Addl. Central Govt. Standing Counsel,
Birubari, Gopinath Nagar,
Guwahati – 781016.
Ph. (R) 2472699
(M) 9864080663

25 JUN 2007

Subject : OA No. 131 of 2006 filed by Sh. S.K. Adhikari in CAT, Guwahati Bench, Guwahati.

Sir,

I am directed to refer to the notice received from Deputy Registrar, CAT, Guwahati Bench on the above subject wherein Secretary, Department of Personnel & Training has been named as the 1st Respondent.

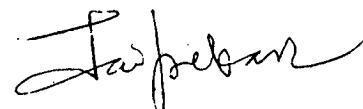
2. In the above matter, with regard to the specific directions given by the Bench to respondents to apprise the Bench whether orders of the Tribunal had been complied with or not and to produce the compliance order by the next date, i.e. 22.06.2007 it may be noted that in compliance of the Tribunal's order dated 14.09.2001 this Department had issued Order No. 22012/62/2000-AIS(I) dated 11th July, 2003 appointing Sh. S.K. Adhikari to the Joint Manipur-Tripura Cadre of the IAS w.e.f. 20th February, 1999 after the Govt. of Tripura had issued orders exonerating him. However, his deemed appointment was made subject to the final outcome of the Writ Petition filed by the Central Govt. in the Guwahati High Court against the orders dated 14.09.2001 passed by the CAT, Guwahati Bench in OA No. 231/2000. According to the said order the consequential benefits payable to him were to be worked out by the Govt. of Tripura. A copy of this order was filed before the Guwahati Bench along with the affidavit in the matter of OA No. 175/2002. A copy of the same is enclosed.

Mr. P. C. Dutta (please)
21.6.2007.

Partha Guha
D.P.T.
S.D.T.

3. As may be clear from the above further action in the matter regarding grant of consequential benefits has to be taken by the Government of Tripura and this Department has no further role to play. In the given circumstances, it is requested that the Hon'ble CAT may be apprised accordingly.

Yours faithfully,

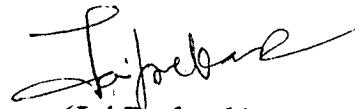


(Jai Prekash)

Under Secretary to the Government of India

Copy forwarded for information to :

1. The Deputy Registrar, CAT, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-781005. (Fax No. 0361-2529056)
2. The Chief Secretary, Govt. of Tripura, Agartala.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi. (Kind Attn. :: Sh. R.S. Sinha, Under Secretary).



(Jai Prekash)

Under Secretary to the Government of India

No.22012/62/2000-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, 11th July, 2003.

ORDER

WHEREAS the Selection Committee Meeting to fill up promotion quota vacancies in Tripura segment of the Joint Manipur-Tripura Cadre of the IAS for the year 1996-97 was held on 27th March, 1997 whereafter the Select List for this purpose was finalized in September, 1997 and appointments therefrom were made in the IAS;

AND WHEREAS Sh. S.K. Adhikari was placed at S.No. 1 in the Select List but he was included in the List on provisional basis as departmental proceedings were pending against him at that time and the State Government of Tripura had also not issued integrity certificate in his favour, as per first proviso to Regulation 5(5) of the IAS (Appointment by Promotion) Regulations, 1955 and Sh. Adhikari was therefore not appointed in the IAS from this List;

AND WHEREAS the said Select List remained valid till 18.12.2000 as the Selection Committees for preparation of Select Lists for filling up of promotion quota vacancies in Tripura segment of the Joint Manipur-Tripura Cadre of the IAS did not meet during the years 1998 and 1999 and the next meeting of the Committee took place on 19.12.2000;

AND WHEREAS Government of Tripura wrote to the Union Public Service Commission in February, 1998 to make the name of Sh. Adhikari unconditional in the 1996-97 Select List as according to them, he had been exonerated in the disciplinary proceedings pending against him;

AND WHEREAS the Commission did not agree with the State Government's proposal as they found that even after completion of the enquiry in the case of Sh. Adhikari, the minor penalty of Censure had still been imposed upon him;

AND WHEREAS the State Government did not thereafter take up the matter again with the Commission and Sh. Adhikari retired from the State Civil Service on 29.02.2000 on attaining the age of 58 years as per the State Government Rules;



AND WHEREAS Sh. Adhikai moved the Central Administrative Tribunal, Guwahati Bench in O.A. No. 231/2000 for appointing him to the IAS alongwith the consequential benefits from the 1996-97 Select List subsequent to his exoneration in the disciplinary proceedings;

AND WHEREAS the CAT, Guwahati Bench passed orders in O.A. No. 231/2000 on 14th September, 2001 and directed the respondents to take action on 1996-97 Select List (in regard to Sh. Adhikari's appointment to the IAS) and provide all the consequential benefits to the applicant as per law, preferably within a period of three months;

AND WHEREAS these orders were examined in consultation with the Ministry of Law as the matter involved appointment of a retired State Civil Service officer in the IAS for which the Central Government has also since filed a Special Leave Petition in the Hon'ble Supreme Court of India, which has been admitted;

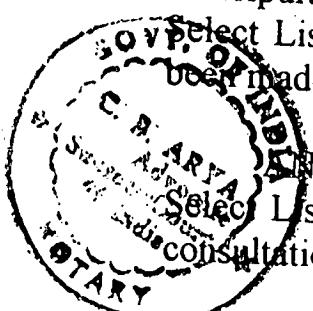
AND WHEREAS it was finally decided to file an appeal in the Guwahati High Court against the CAT's orders dated 14.09.2001 passed in O.A. No. 231/2000 and the same has also since been done. The matter is yet to be heard by the Hon'ble High Court.

AND WHEREAS Sh. S.K. Ahihari filed O.A. No. 175/2002 in the CAT, Guwahati Bench against non-implementation of their orders dated 14.09.2001 passd in O.A. No. 231/2000 and the O.A. was admitted and taken up as the contempt petition;

AND WHEREAS since contempt proceedings have been initiated in the matter, it has been decided to implement the Hon'ble CAT's orders dated 14.09.2001 in O.A. No. 231/2000 to take necessary steps for giving effect to the 1996-97 Select List prepared for appointment of SCS officers of Tripura segment of the Joint Manipur - Tripura cadre of the IAS in-so-far as the appointment of Sh. S.K. Adhikari to the IAS is concerned. The implementation of these orders is however to be made on provisional basis as on appeal against the said orders stands filed in the Hon'ble High Court at Guwahati;

AND WHEREAS subsequent to his exoneration in the disciplinary proceedings initiated by the Govt. of Tripura on 20th February, 1999 and the Govt. of Tripura taking up the matter of making his name unconditional in the 1996-97 Select List with the UPSC, Sh. Adhikari's name included in this Select List has been made unconditional by the Commission;

AND WHEREAS appointment of SCS officers provisionally included in the Select Lists, whose names are subsequently made unconditional by the UPSC in consultation with the State Governments concerned, is made prospectively under



the second proviso to Regulation 9 of the IAS (Appointment by Promotion) Regulations, 1955;

AND WHEREAS Sh. Adhikari's name in the 1996-97 Select List has been made unconditional by the Commission subsequent to his having been exonerated by the Govt. of Tripura vide the latter's order dated 20th February, 1999;

NOW THEREFORE Sh. S.K. Adhikari, a SCS officer of Tripura who was included in the 1996-97 Select List prepared for appointment of SCS officers of Tripura to the Joint Manipur-Tripura Cadre of the IAS, is hereby deemed to have been appointed in the Joint Manipur-Tripura Cadre of the IAS with effect from 20th February, 1999 when the Government of Tripura had issued orders exonerating him in the disciplinary proceedings and the penalty of Censure earlier imposed on him was set aside, whereafter his name has been made unconditional in the 1996-97 Select List. This would however be subject to the final outcome of the Writ Petition filed by the Central Government in the Guwahati High Court against the orders dated 14.09.2001 passed by the CAT, Guwahati Bench in O.A. No. 231/2000. The consequential benefits to be payable to Sh. Adhikari on this account would be worked out by the Govt. of Tripura forthwith.

It is ordered accordingly.

The Chief Secretary
Government of Tripura,
General Administration (Personnel
& Training) Department,
Agartala.

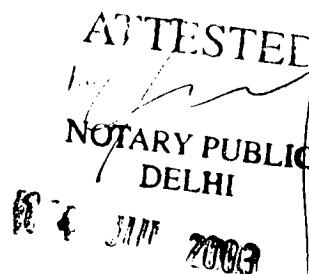
(T. JACOB)
Director



Copies for information and necessary action to:-

1. Sh. S.K. Adhikari, C/o Dr. Rabindranath Mukherjee, Rathatala, P.O. Krishnagar, Dist. Nadia, West Bengal – 741101.
2. Secretary, Union Public Service Commission, Dholpur House, New Delhi (Sh. G.C. Yadav, Asstt. Director).

(T. JACOB)
Director



RECORDED IN THE OFFICIAL LOG BOOK
RECORDED IN THE OFFICIAL LOG BOOK
RECORDED IN THE OFFICIAL LOG BOOK

No. 22012/24/2007-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, 21st June, 2007.

To

Mrs. Usha Das
Addl. Central Govt. Standing Counsel,
Birubari, Gopinath Nagar,
Guwahati - 781016.
Ph. (R) 2472699
(M) 9864080663

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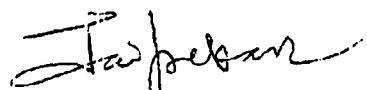
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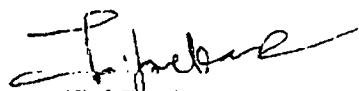


(Jai Prekash)

Under Secretary to the Government of India

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(Jai Prekash)

Under Secretary to the Government of India

Ann. A-2

No.22012/62/2000-AIS(I)

Government Grievances & Pensions
Department of Personnel & TrainingNew Delhi, 11th July, 2003.ORDER

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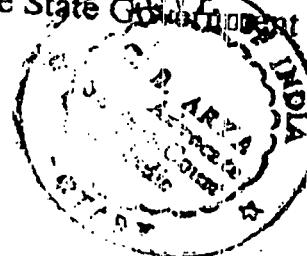
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AND WHEREAS the said Select List remained valid till 18.12.2000 as the Selection Committees for preparation of Select Lists for filling up of promotion quota vacancies in Tripura segment of the Joint Manipur-Tripura Cadre of the IAS did not meet during the years 1998 and 1999 and the next meeting of the Committee took place on 19.12.2000;

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AND WHEREAS subsequent to his exoneration in the disciplinary proceedings initiated by the Govt. of Tripura on 20th February, 1999 and the Govt. of Tripura taking up the matter of making his name unconditional in the 1996-97 Select List with the TSPSC, Sh. Adhikari's name included in this Select List was made unconditional.

With Regards

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 131/06

1. a) Name of the Applicant: - Santosh Kumar Adhikari
b) Respondents: - Union of India & Ors
c) No. of Applicant(S) :-

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/- 134 48490

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:

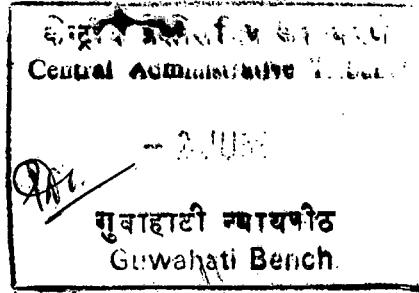
22. Any other point: -

23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order: -
The application is in order.

Address of R.L. is
Incomplete
Date 10/10/2010

20/10/2010
SECTION OFFICER (J) 6/6/06

DEPUTY REGISTRAR



IN THE
**CENTRAL ADMINISTRATIVE
TRIBUNAL**
GUWAHATI

BETWEEN
Shri Santoshkumar Adhikari ----- Petitioner
AND
The Union of India & 3 others ---- Respondents

IN THE MATTER OF

Wilful disobedience and deliberate flouting of the Directions of the Hon'ble Central Administrative Tribunal, GUWAHATI, for more than 4 (four) years by the Respondents; and Reliefs and Redressals sought and deserved by the Petitioner therefor.

DETAILS OF THE PETITION

1. PARTICULARS OF THE PETITIONER

16
Sandesh Kumar Dasgupta

(2)

Govt. of Tripura, AGARTALA.

vii) Address for :
Communication
C/o Sm. Swapna Bhaumik,
Lady Carmichael Girls' H.S.
School, P.O. KRISHNAGAR,
Dist. Nadia, W. Bengal,
Pin - 741101

2. PARTICULARS OF THE RESPONDENTS

Respondent No. 1 : The Union of India, through the
Secretary, Ministry of Personnel,
Public Grievances & Pensions
(Department of Personnel &
Training), NEW DELHI;

Respondent No. 2 : The Chairman, Union Public Service
Commission, Dholpur House,
Shajahan Road, NEW DELHI;

Respondent No. 3 : The State of Tripura, through the
Chief Secretary, Govt of Tripura,
AGARTALA;
and

Respondent No. 4 : The State of Manipur, through the
Chief Secretary, Govt. of Manipur,
IMPHAL.

3. LIMITATION

The question of limitation does not arise as the matter has been in a continuous process since filing of the Original Application with the Hon'ble Central Administrative Tribunal, Guwahati, which was registered there under no. 231/2000 and disposed of with certain Direction to the Respondents (Annexure - I) and the Petitioner has been still trying to be granted the reliefs directed to be given by the Hon'ble Tribunal. The Petitioner cannot be treated as indolent.

✓
Santosh Kumar Dikshit

(3)

4. COURT FEES, ETC.

Court Fee Stamps for Rs. 10/- (Rupees Ten) only are affixed to the instant Petition and an Indian Postal order for Rs. 100/- (Rupees One hundred) only in favour of the Registrar is also enclosed.

5. NON-ENGAGEMENT OF A LAWYER

The Petitioner does not have the financial capability of engaging a Lawyer. The case is very simple. Some reliefs were directed to be given to the Petitioner by the Hon'ble Tribunal more than 4 (four) years ago (Annexure- I). Despite the Direction of the Hon'ble Tribunal, the Respondents are not yet reacting. They never appealed against such Direction. To show that the Respondents have been wilfully disobeying and deliberately flouting the said Direction is very simple. It is more than a luxury for a poor pensioner to engage a Lawyer and to make avoidable expenditure and try for making and keeping a distant contact for this simple purpose. Every thing is explained in the instant Petition on the merit of which the Petitioner appeals to the Hon'ble Tribunal to dispose it of.

6. HEARING AND DISPOSAL IN ABSENTIA.

The Petitioner is old, being 64 (sixty-four) years of age; financially handicapped, being on a meagre pension; and of ill health. He needs the constant company of escorts during journeys. It is not physically and financially possible for him to be present before the Hon'ble Tribunal in person. Moreover, he has reasons to believe that the Respondents will be asking for time again and again to drag the case and thus render the Petitioner exhausted of patience, energy and resources. So, he requests the pleasure of the Hon'ble Tribunal of being so kind and considerate as to hear this humble Petitioner in absentia and dispose of the case purely on its merit. Self attested copies of the essentially material documents are sent herewith as Annexures.

Sambas Kumar Dasingi
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7. MATTERS NOT PENDING WITH ANY OTHER COURT

The matter is not pending with any other court. The Petitioner, however, being confused on receipt of letter no. CAT / GHY / SB / Judl. / 328 dated 16/22. 04. 2004 from the Registry of the Hon'ble Tribunal (Annexure - IV), approached the Hon'ble Supreme Court and the Hon'ble Guwahati High Court, Agartala Bench, by mistake and owing to ignorance of law. But the ~~said~~ Hon'ble Courts either returned his Petition or forwarded his Petition to the Hon'ble Tribunal or lodging his Petition advised him to move the Concerned Court (Annexures V, VI & VIII). The Petitioner, not being a lawyer, not being conversant with the legal procedure, seeking only justice and not having the view point of law may please be excused for making the mistake, if any, unintentionally.

8. FACTS OF THE CASE

(i) Around the time of his retirement as a Tripura Civil Service (TCS) Officer, the Petitioner filed an Application with the Central Administrative Tribunal, Guwahati, for a Direction to appoint him to Indian Administrative Service (IAS) on the basis of the select list of 1996-97.

(ii) Hon'ble Tribunal, on proper appreciation of the case pro and con and examining all aspects of it directed the Respondents to give effect to the Select List of 1996-97 and give all consequential benefits to the Applicant within 3 (three) months of the date of such Direction which was given on the 14th september, 2001 A.D., in OA No. 231/2000.

ANNEXURE - I

(iii) As no action except initiating a proposal by the Respondent No. 3 for appointment of the Applicant to the IAS was taken by the Respondents in compliance with the Direction of the Hon'ble Tribunal even after a long time of much more than 3 (three) months, the Petitioner filed another Application, legally termed the Con-

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Sambasivam Arivuwan

(5)

tempt Petition, with the Hon'ble Tribunal. That was also disposed of by the Hon'ble Tribunal on the 17th July, 2003, using a few harsh words for lack of sincerity on the part of the Respondents, particularly, the Respondent No. I

ANNEXURE - II

ANNEXURE - III

(iv) It also appears that the Respondent No. I avoided personal appearance before the Hon'ble Tribunal and escaped contempt of court by assuring that certain steps had been or were being taken for complying with the Direction given on the 14th September, 2001, in OA no. 231 / 2000 A.D.

(v) As a long time again passed by in total inactivity on the part of the Respondents and the assurances given by the Respondent No. I before the Hon'ble Tribunal turned totally false, the Petitioner again referred the matter to the Hon'ble Tribunal. This time, the Petitioner received a letter under no CAT/GHY/53/Judl./328 dated the 16th / 22nd April, 2004, from the Deputy Registrar, Central Administrative Tribunal, who expressed the helplessness of the Hon'ble Tribunal to take further action in the matter and advised the Petitioner to move the Appropriate Forum for redressal of the grievances, the subject-matter of the Original Petition and that of the Contempt Petition both being stood disposed of by the Hon'ble Tribunal.

ANNEXURE - IV

(vi) In this connection, the Petitioner begs to state that he was not at all aggrieved at the Direction of the Hon'ble Tribunal given on the 14th September, 2001, in OA No. 231/2000 ; but he was totally shocked by the wilful disobedience and deliberate flouting of the Court Orders by the Respondents. He simply wanted the reliefs already directed to be given by the Hon'ble Tribunal (Annexure - I) and punishment for the Respondents who were guilty of not

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Sandesh Kumar Dharwadkar

(6)

only wilful disobedience but also making false assurances.

(vii) On receipt of the letter (Annexure - IV), the Petitioner suddenly found the doors of the Appropriate Forum closed before him. Being at a loss, he approached the Hon'ble Supreme Court. It was not according to the procedure. The Petition was returned.

ANNEXURE - V

(viii) Then, the Petitioner approached the Hon'ble Guwahati High Court, Agartala Bench, the Registry of which forwarded his Petition to the Hon'ble Tribunal.

ANNEXURE - VI

(ix) The Petitioner made a correspondence with the Registrar of the Hon'ble Tribunal as to the fate of such a development. But, he received no response.

ANNEXURE - VII

(x) Then, the Petitioner approached the Hon'ble Supreme Court second time. His Petition was not admitted for not being covered under the PIL guidelines. It was lodged there and he was advised to move before the Concerned Court for the desired relief in the matter.

ANNEXURE - VIII

(xi) Hence, is this Petition to the Hon'ble Tribunal. The Petitioner begs to urge this point on the attention of the Hon'ble Tribunal that the Order dated the 14th September, 2001 (Annexure - I) has not yet been implemented even after a long period of more than 4 (four) years and it is not likely to be ever implemented ; because, despite the assurances given by the Respondent No. I (Annexure - II & III), no step for compliance with the said order has yet been seen to be taken.

9. RELIEFS SOUGHT

(i) The Respondents shall be compelled to comply with the Direction of the Hon'ble Tribunal given on the 14th September,

2001, in OA No. 231 / 2000 (Annexure - I)

10. CONSEQUENTIAL BENEFITS

(i) As the Petitioner has already been entitled to appointment to the IAS on the basis of the Hon'ble Tribunal's Direction (Annexure - I), he is also fully entitled to re-fixed pay on the basis of the Pay Slip (Annexure x) issued by the Finance Department, Government of Tripura, along with the Central Government allowances with effect from the date of such appointment ; extended service up to the 28th February, 2002 AD ; 2 (two) more annual increments ; retirement as an IAS Officer on completion of 60 (sixty) years of age ; increased pensionary benefits, such as, a larger amount as cash equivalent of leave due at the time of retirement, a larger amount as gratuity as per the Central Government norms, re-fixed pension, etc., on the basis of such re-fixed pay with effect from the 1st March, 2002 A.D. All such arrear amounts shall be given to the Petitioner without delay.

(ii) As there has been inordinate delay, all the benefits under (i) shall be given to the Petitioner with interest, considering the genuine economic factors of inflation and devaluation and general financial procedure for delayed payment.

(iii) As the Petitioner suffered from severe humiliation and loss of mental peace during service and in retirement and is still suffering from constant tension and anxiety even in the presence of a specific Direction for redressal of his grievances from the appropriate judicial forum, he shall be suitably compensated.

11. PUNISHMENT FOR THE RESPONDENTS

The Respondents, being responsible for wilful disobedience and deliberate flouting of Court Orders and giving false assurances before the Hon'ble Court, thereby committing and also repeating contempts over and over again for more than 4 (four) years, shall be punished.

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Sandesh Kumar Debnath

(8)

12. COST OF THE CASE

The Respondents shall be directed to bear the cost of the case

13. The instant Petition in requisite number of copies is being sent by Registered Parcet along with an Indian Postal Order for Rs. 100/- (Rupees One hundred) only in favour of the Registrar, Central Administrative Tribunal, Guwahati.

14. LIST OF ENCLOSURES

The instant Petition containing ~~or (one)~~ pages in 7 (seven) sets along with an IPO for Rs. 100/- (Rupees one hundred) only is accompanied with the following Annexures, all being self - attested copies.

Annexure - I	Order of the Hon'ble Tribunal dt. 14.09.01
Annexure - II	Order of the Hon'ble Tribunal dt. 17.07.03
Annexure - III	Order of the Hon'ble Tribunal dt. 17.07.03
Annexure - IV	Letter no CAT/GHY/56/Judl/328 dt. 16/22.04.04 from the Dy. Registrar Central Adm. Tribunal. Guwahati
Annexure - V	Letter No. D. No. 2634 / 04 / XIV dt. 02.07.04 from the Asstt. Registrar, Supreme Court
Annexure - VI	Letter no. 671-72/HC/AGT/B dt. 29.10.04 from the Asstt. Registrar Guwahati High Court, Agartala Bench
Annexure - VII	The Petitioner's letter dt. 07.03.05 to the Registrar, Central Adm. Tribunal
Annexure - VIII	Letter no. Dy. no. 239/SC/ PIL / 2006 dt. 18.01.2006 from the Asstt. Registrar, Supreme Court of India
Annexure - IX	School Final Certificate
Annexure - X	Pay slip no. F 9(5)(3) - FIN (E) / 88 dt. 11.01.2000

Santosh Kumar Adhikari
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(9)

Annexure - XI

~~First~~
~~First~~ 3 (three) pages of the Pension
Payment order

VERIFICATION

I, Sri Santosh Kumar Adhikari, Son of Late Phanindranath Adhikari, aged 64 (sixty four) years, a retired Tripura Civil Service Officer, Grade I, now having the following address for communication, do hereby verify that the contents of this Petition are true to the best of my knowledge and that I have not suppressed any material fact.

ADDRESS

C/o Sm. Swapna Bhaumik,
Lady Carmichael Girls' H.S. School,
P.O. KRISHNAGAR, Dist. Nadia,
West Bengal, Pin - 741101

Dated, Krishnagar,
the 29th March, 2006

Santosh Kumar Adhikari

Signature

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 231 of 2000.

Date of order : This the 14th Day of September, 2001.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman,
 The Hon'ble Mr V.K.Sharma, Administrative Member.

Shri Santosh Kumar Adhikari,
 C/o Shri Dhirendra Kr. Bhownick,
 Roy Para, P.O. Krishnagar,
 Dist. Nadia,
 West Bengal, Pin-741101.

. . . Applicant.

By Advocate S/Sri M.Chanda, S.Sarma.

- Versus -

1. Union of India
 through the Secretary,
 Government of India,
 Ministry of Personnel, Public Grievances
 and Pensions, (Department of Personnel
 & Training), New Delhi.
2. The Chairman,
 Union Public Service Commission,
 Dholpur House, Shahjahan Road,
 New Delhi - 110 001.
3. The State of Tripura,
 through the Chief Secretary
 to the Government of Tripura,
 Agartala.
4. The State of Manipur,
 through the Chief Secretary
 to the Government of Manipur,
 Imphal.

. . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.)

This is an application under Section 19 of the
 Administrative Tribunals Act 1985 praying for a direction
 for providing necessary benefits to the applicant pursuant
 to his selection to All India Service in accordance with
 Indian Administrative Service (Appointment by Promotion)
 Regulations 1955 in the following circumstances.

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2. The applicant belonged to the Tripura Civil Service. A Select List was prepared for the year 1996-97 for appointment by promotion to the Indian Administrative Service (IAS) under the IAS Appointment By Promotion Regulation 1955. In the said select list the name of the applicant was included at serial No.1 by the Selection Committee which met on 27.3.1997. The applicant was selected provisionally subject to clearance of departmental proceeding pending against him and grant of Integrity Certificate by the State Government in accordance with the provisions of IAS (Appointment by Promotion) Regulations 1955. The Select List was approved by the Commission vide their letter dated 9.10.1997 and notified by the Government of India on 22.10.97. In view of the pendency of the departmental proceeding officers named at serial No.2 and 3 were promoted after keeping one post reserved for the applicant in terms of the proviso of the Regulation 9(1) of IAS Promotion Regulations of the IAS (Appointment by Promotion) Regulations 1955. After a protected enquiry the applicant was imposed with a minor penalty of censure vide order dated 12/17.3.1998. The said penalty imposed on the applicant was set aside on appeal vide order dated 12.3.98. In the meantime the applicant retired from service on 29.2.2000. On conclusion of the departmental enquiry the applicant sought for a direction for appointing him in the IAS on the basis of the Select List of 1996-97. It was asserted that the disciplinary proceeding was initiated on 14.8.92 but the proceeding was unnecessarily dragged on by the State Government for no fault of his own. There was delay in appointing the Presenting Officer and conclusion of the enquiry and finally the applicant was exonerated by the department in 1999. According to the applicant none of

the respondents took any genuine steps for giving him the benefit of promotion under the Regulation and on the strength of the Select List of 1996-97.

3. The respondents submitted their written statement. According to Union Public Service Commission (UPSC) the Selection Committee included the name of the applicant at serial No.1 provisionally but he could not be appointed to IAS due to the pendency of the disciplinary proceeding. By order dated 20.2.1999 the applicant was exonerated from the disciplinary proceeding pending against him. Though there was a clear vacancy for the applicant on 1.11.97 he was not appointed to IAS instead his junior officers were appointed from the Select List of 1996-97. It was stated by the UPSC that the State Government by its letter dated 26.3.98 stated that the officer had been fully exonerated from the charges and requested the Commission to make his name unconditional and final in terms of Regulation 9(1) of IAS Promotion Regulations. The Commission observed that the officer has not been fully exonerated and a minor penalty of censure was imposed on him and accordingly Government of Tripura was informed. It was stated that the State Government did not bring to notice of the Commission so far about the later development wherein his penalty of censure was set aside.

4. The respondent No.1 in its written statement also asserted that the name of the applicant remain provisional in 1996-97 and it was yet to be made unconditional from the UPSC. The State of Tripura, the respondent No.3 in its written statement stated that in view of the pendency of the disciplinary proceeding officers placed below the

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applicant in the Select List were promoted to IAS keeping one post reserved for the applicant.

5. From the facts enumerated above it thus appears that no steps were so far taken by any of the respondents for declaring the applicant unconditional in the Select List of 1996-97 despite the fact that one post was kept reserved for the applicant in pursuance of proviso 9(1) of the Regulations. We do not find any justification on the part of the respondents for not taking the follow up action after the applicant was exonerated. The applicant could not lawfully be refused the benefit of his selection to the IAS on the procrastination ^{of} / the departmental proceeding in which he was fully exonerated in due course.

6. Upon hearing Mr M.Chanda, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents and upon considering all the aspects of the matter, we are of the view that ends of justice will be met if a direction is given to all the respondents for giving effect to the Select List of 1996-97 wherein the name of the applicant was placed at serial No.1. The respondents are accordingly directed to take the necessary steps for giving effect to the Select List prepared in 1996-97 and provide all the consequential benefits to the applicant as per law. The respondents are directed to complete the above exercise, as early as possible, preferably within a period of 3 months from the date of receipt copy of this order.

TRUE COPY
The application is allowed. There shall, however be no order as to costs.

Ref/101
Section Officer (J)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अदायक
Guwahati Bench, Guwahati
प्रायोगिक अधिकारी

Sd/VICE CHAIRMAN

Sd/MEMBER (Adm)

Attested
Sandesh Kumar Adhikar

29.03.06

16/03/2006

FROM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: _____ /

Misc Petition No: _____ 76/03 in O.A. 175/2002

Contempt Petition No: _____ /

Review Application No: _____ /

Applicants: - U.O. I & ORS.

Respondents: - S. K. Adhikari

Advocate for the Applicants: - Sr. C. G. & C.

Advocate for the Respondents: - To be heard in absentia

Notes of the Registry	Date	Order of the Tribunal
	17.7.03	present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman The Hon'ble Mr N.D. Dayal, Admn. Member.


This is an application praying for exemption of personal appearance of the Secretary personnel as per the order of this Bench dated 11.6.2003.

Heard Mr A. Deb Roy, learned Sr.C.G. S.C for the petitioner. Notices were served on the respondents. There was no response from the respondents. As a matter of fact standing counsel appeared one after another took time to file written statement. We were kept dark as to the steps those were taken. We are only concerned as to whether any steps were taken pursuant to the judgment rendered as far back as September 2001. A litigant came and complained about the inactivity and intransigence on the part of the administration. When the respondents preferred not to riposte,

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17.7.03

we were impelled to issue notice for personal appearance. Those who are in charge of the affairs of the administration are expected to respond to the notices of the Tribunal, else justice system gets imperilled. Now it seems that concerned authority took all the steps in conformity with law, as it appears from the materials on record. Calm reticence bordering indiscretion on the part of the respondents resulted to this exercise wasting public time and money. With this caveat we revoke our order of personal appearance of the Secretary, personnel etc.

The Misc. application stands allowed.

No costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

affidavit

Santosh Kumar Adhikari
22/7/03

Section Officer (J)

C.A.T. GUWAHATI BANCHI

Guwahati, 18/03/03

29.03.03

attested

Santosh Kumar Adhikari

29.03.03

FROM No. 4
(SEE RULE 42)

GENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH;

ORDER SHEET

Original Application No. 175/2(102)

Misc Petition No. /

Contempt Petition No. 28/103

Review Application No. /

Applicant(s). S. K. Achikam

-Vs-

Respondent(s) H. O. P. Toms

Advocate for the Applicant(s) To be heard in absence

Mr. A. Deb Roy,

Advocate for the Respondent(s) Mr. C. G. S. C.

Notes of the Registry	Date	Orders of the Tribunal
	17.7.03	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman The Hon'ble Mr N.D.Dayal, Admin. Member.</p> <p>Perused the petition and also the affidavit filed by Sri S.S.Dawra, Secretary to the Govt. of India, Ministry of personnel, Public Grievances and Pensions, New Delhi.</p> <p>We have heard Mr A.Deb Roy, learned Mr.C.G.S.C appearing for the respondent No.1. We have also considered the steps so far taken by after rendering of the judgment. On consideration of all the aspects of the case we are satisfied with the conduct of the respondent No.1. The notice discharged.</p>

Attest
Sandeep Kumar Achikam

29.03.06

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

RTD



केन्द्रीय प्रशासनिक अधिकरण,
Central Administrative Tribunal
 गुवाहाटी न्यायपीठ
 Guwahati Bench, Guwahati-5.

सं०/No. : CAT/GHY/56/JUD1./328

Phone No. : 0361-2529294 (0)
 Fax No. : 2529056
 Rajgarh Road, Bhangagarh,
 GUWAHATI -781005.

दिनांक / Date : 16.04.2004.

To

Sri S.K. Adhikary
 C/o Smt. Swapna Bhowmik
 Lady Carmichael Girls' School
 P.O. - Krishnagar, Dist. - Nadia
 West Bengal, PIN - 741 101.

Ref.: Your application dated 08.03.2004.

Sir,

This is with reference to your application dated 08.03.2004 which was sent by you by Registered Post to this Registry for filing the same before this Tribunal. On Scrutiny of the application, we have found that the subject matter of the application already stands disposed of vide O.A. No. 231/2000. The Contempt Petition filed by you was also disposed of vide order dated 17.07.2003. Therefore, if you have got any grievances still to be redressed, you have to approach the appropriate forum for remedy. Hence, your application alongwith annexures and IPO of Rs. 50/- which was received by this office is hereby returned for your further necessary action.

Kindly acknowledge the receipt of the same.

Yours faithfully,

Enclo.: As above.

Joseph
 (N.J. JOSEPH)
 DEPUTY REGISTRAR

Attested
 Santosh Kumar Adhikary

29.03.06

repo wires

ANNEXURE

36

D.NO.2634/04/XIV
SUPREME COURT OF INDIA
NEW DELHI
DATED:2nd July.2004

FROM: ASSISTANT REGISTRAR.

TO:

✓ Sh. Santosh Kumar Adhikari,
C/O Sm. Swapna Bhaumik
Lady Carmichael Girls' H.S.School,
P.O. Krishnanagar,
Distt. Nadia,
West Bengal, PIN 741101

Original Application
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 9004

Santosh Kumar AdhikariPetitioner

Vs.

Union of IndiaRespondent

Sir,

With reference to the letter dated 3rd June, 2004, sent by you by post, I am directed to return you that the documents sent by Post cannot be entertained under Order X, Rule 5, 6(1), of SCR 1966. (Copy of extract is enclosed herewith) and the same are returned herewith.

Yours faithfully,

[Signature] ASSISTANT REGISTRAR.

RB

*Subscribed
Santosh Kumar Adhikari
29.03.06*

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EXTRACT OF ORDER X RULE, 5, 6(1)

5. All plaints, petitions, applications and other documents shall be presented by the plaintiff, petitioner, applicant, appellant, defendant or respondent in person or by his duly authorised agent or by an advocate on record duly appointed by him for the purpose:

Provided that a party, who had been adjudged to be a pauper for the purpose of the proceedings in the Courts below, may present the documents below the judicial authority of the place where the said party resides, and the said Judicial Authority, after attesting the document and endorsing thereon under his seal and signature the date of presentation, shall transmit the same to the Court by registered post, acknowledgement due at the expense of the party concerned. The date of presentation in this Court of the said document shall be deemed to be the date endorsed thereon by the said Judicial Authority.

6(1)

6(1) All plaints, petitions, appeals or other documents shall be presented at the filing counter and shall, wherever necessary, be accompanied by the documents required under the rules of the Court to be filed alongwith the said plaint, petition or appeal.

THE GAUHATI HIGH COURT
AGARTALA BENCH : AGARTALA.(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

No. 671-72/HC/AGT/B.

From : T. Majumder

Asstt. Registrar

Gauhati High Court
Agartala Bench.

GAUHATI HIGH COURT : BENCH AT AGARTALA—783001.

To

The Registrar
Central Administrative Tribunal (C.A.T.)
Guwahati Bench.

29-10-2004.

Dated, Agartala, the 2004.

Subject :—Transmission of petition alongwith necessary papers of Shri
S.K. Adhikari, Krishnanagar, Nadia, West Bengal.

Reference :—

Sir,

I am directed to send herewith the petition alongwith enclosures as received from Shri Santosh Kumar Adhikari, Nadia, West Bengal which relates to the Jurisdiction of the C.A.T., Guwahati Bench for placing the same before the Hon'ble Vice Chairman for passing such order as His Lordship deem fit and proper.

Kindly acknowledge the receipt of the same.

Yours faithfully,

ENCLO :- 117 sheets.

Sd/-
(T. MAJUMDER)
ASSTT. REGISTRAR
GAUHATI HIGH COURT, AGARTALA
BENCH, AGARTALA.
(T. MAJUMDER)
Asstt. Registrar,
Gauhati High Court,
Agartala Bench, Agartala.

Copy to :-

✓ Shri Santosh Kumar Adhikari, C/o. Smt. Swapna Bhaumik,
Lady Carmichael Girls' H.S.School, Krishnanagar, Dist.—
Nadia, West Bengal, Pin-741101 for information & Postal
order of Rs.100/- (Rupees one hundred) only as received
from him is returned herewith.

Affested

(T. MAJUMDER)
ASSTT. REGISTRAR
GAUHATI HIGH COURT, AGARTALA
BENCH, AGARTALA.
(T. MAJUMDER)
Asstt. Registrar,
Gauhati High Court,
Agartala Bench, Agartala.

TGPA—13-5-2002—10,000—

28.03.06

To
 The Registrar,
 Central Administrative Tribunal,
 GUWAHATI,
 Assam.

Reference: No. 671 - 72 / HC/AGT/B dated 29.10.04.

Sir,

Please refer to the correspondence no. 671 - 72 / HC/AGT/B dated 29.10.04. made by the registry of the Hon'ble Guwahati High Court, Agartala Bench, and the enclosures sent therewith.

As a layman, quite ignorant of the legal procedure, I am now quite at a loss what to do next. I do not know whether the case in the present shape, particularly in the event of the petition being addressed to the Hon'ble High Court and the I.P.O. having been returned by it, is to be admitted. More over, the communication made by your office under no. CAT / GHY/ 56/Judl./328 dated 16 / 22.04.2004 confuses me further. I ~~do~~ not even know whether such a correspondence as this one is becoming of me.

Otherwise, the situation need no further clarification. Certain reliefs were directed by the Hon'ble Tribunal to be given but the Respondents still do not care to comply with the directions of the Hon'ble Tribunal. Though a layman, I know none is above law and none can sit over a judicial order.

Under the circumstances, I would fervently request you to let me know of the stage the case is now at and thereby oblige.

Yours faithfully,

Santosh Kumar Adhikari

Dated, Krishnagar,
 the 7th March, 2005

C/o - Sm. Swapna Bhaumik,
 Lady Carmichael Girls' H.S. School,
 P.O. - KRISHNAGAR, Dist. - Nadia
 West Bengal.

Santosh Kumar Adhikari

29.03.06

Registered A.D. Dy.No.:239/SC/PIL/2006

All communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
 Telegraphic address :-
 "SUPREMECO"

SUPREME COURT
INDIA
NEW DELHI

Dated: 18th January, 2006

From: Kamal Ram
 Assistant Registrar (PIL CELL)

To : Sh. Santosh Kumar Adhikari,
 ✓ C/o Ms. Swapna Bhaumik,
 Lady Carmichael Girls H.S. School,
 P.O. Krishnagar, Distt. Nadia,
 WEST BENGAL- 741101.

Sir,

With reference to your petition dated 19.12.2005, addressed to Hon'ble the Chief Justice of India, I am directed to inform you that no action can be taken on your petition as the same is not covered under PIL Guidelines. Hence it has been lodged. You may, if so advised, move before the concerned court in accordance for the desired relief in the matter. The Postal Order No. 8H 736291 of Rs. 100/- enclosed with the petition is returned herewith as the same is not required by this Registry.

Kindly acknowledge receipt.

Yours faithfully,

10

ASSISTANT REGISTRAR

Encl.: as above.

Santosh Kumar Adhikari
 29-03-06

Board of Secondary Education, West Bengal

ANNEXURE - IX



SCHOOL FINAL EXAMINATION

Certified that
Son/Daughter of Santosh Kumar Adhikari
appearing from Krishnaganj C.M. Govt. High School, whose date of birth
is Fourth day of February One thousand nine hundred and
forty two, duly passed the School Final Examination
held in the month of March, 1959, and was placed in the Second Division.

CALCUTTA-16,
19th June, 1959

Attested by
Santosh Kumar Adhikari
Deputy Secretary
29.03.06

S. K. Mitra
Administrator



GOVERNMENT OF TRIPURA

12-1-2000 CIVIL SECRETARIAT

FINANCE DEPARTMENT

(ESTABLISHMENT BRANCH)

No. F. 9(5) (3)-FIN(E)/88

Dated, Agartala, the 11th, 2000, January.

00
(3)

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer (s) named below is entitled to draw Pay etc. at the monthly rate (s) shown from the date(s) specified less the amount already drawn, if any.

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deduction of fund subscriptions and recoveries of loans and advances and other Government dues shall be affected. Nothing shall be drawn beyond what is authorised below.

Name :— Shri Santosh kr Adhikari, TCS-I

Designation :— Director, Employment Services & Manpower Planning.

Scale :— Rs.14,150-450-20,000/-

Name, designation and scale of pay	From	From	From	From	REMARKS
1	2	3	4	5	6
	1.1.2000				
1. Pay : Substantive/Officiating	Rs. 15,950/-				
2. Leave Salary :—					
3. Special Pay :—					
4. Personal Pay :—					
5. Allowance :—	As admissible under rules.				
D. A.					
A. D. A.					
C. A.					
R. R. A.					
Other allowances					

Signature

Designation

101.
Mrs. N. R. DAS
Section Officer,
Finance Department
Establishment Branch
Civil Secretariat.

Copy forwarded to Shri Santosh kr. Adhikari, TCS-I, Director, Employment Services & Manpower planning.

The Director, Employment & Services & Manpower Planning Tripura, Agartala.

3. The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.
4. The Estate Officer, P. W. D. Agartala.

आदेशक अनुदेश
(Important Instructions)

1. पेंशन प्राप्तकर्ता के विरुद्ध किसी भाग के लिए उधारकर्ता के अनुरोध पर भारत में किसी न्यायालय की कार्यवाही द्वारा कोई भी पेंशन जल्दी, कुकी अथवा परिवर्द्ध नहीं की जा सकती।
(धारा 11, 1871 का अधिनियम III)

1. No pension shall be liable to seizure, attachment or sequestration by process of any Court in India in the instance of creditor for any demand against the pensioner (Section 11, ACT XIII of 1871).

2. इस आदेश के अन्तर्गत कोई भी अदायगी, पेंशन प्राप्तकर्ता को निम्नलिखित अपवादों को छोड़कर केवल व्यक्तिगत रूप से उपस्थित होने पर ही की जाएगी :—

2. Payment under this order is to be made only to the pensioner in person, with the following exceptions

(क) सरकार द्वारा विशिष्ट रूप से छूट दिए गए व्यक्ति।

(a) To persons specially exempted by Government.

(ख) ऐसी महिलाएं जो सार्वजनिक रूप से उपस्थित होने की अभ्यस्त नहीं हैं और ऐसे व्यक्ति जो वीगाही अथवा शारीरिक अस्थायता के कारण उपस्थित होने में असमर्थ हैं।

(b) To females unaccustomed to appear in public and to persons unable to appear on account of illness or bodily infirmity.

(क) और (ख) दोनों मामलों में अदायगी ऐसे जीवन प्रमाण-पत्र को प्रस्तुत किए जाने पर की जानी है, जो सरकार के किसी जिम्मेदार अधिकारी या किसी अन्य विश्वसनीय एवं सुप्रसिद्ध व्यक्ति द्वारा हस्ताक्षर किया गया हो।

[Payment in both cases (a) and (b) is made on production of a Life Certificate signed by a responsible officer of Govt. or other well known and trustworthy person.]

(ग) अपराधिक प्रक्रिया सहिता (सी.पी.सी.) के अन्तर्गत दण्डाधिकारी की शक्तियों का प्रयोग कर रहे किसी व्यक्ति द्वारा अथवा भारतीय पंजीयन अधिनियम, 1908 के अन्तर्गत नियुक्त किए गए किसी राजिस्ट्रार या उपराजिस्ट्रार द्वारा अथवा किसी ऐसे व्यक्ति द्वारा जो सेवा निवृत्ति से पूर्व दण्डाधिकारी की शक्तियों का प्रयोग कर चुका हो अथवा किसी राजपत्रित अधिकारी द्वारा अथवा किसी मुनिसिप द्वारा अथवा किसी पुलिस थाने के प्रभारी पुलिस अधिकारी द्वारा जो कास से कम सब इन्सपेक्टर के रैंक का हो अथवा किसी इकानाल, विभागीय उप डाकपाल या डाकघरों के निरीक्षक द्वारा अथवा ग्राम पंचायत के प्रधान द्वारा या किसी ग्राम की कार्यकारी समिति के मुख्या द्वारा अथवा भारतीय रिजर्व बैंक अधिनियम, 1934 की दृष्टी अनुसूची में शामिल किए गए ऐसे बैंक द्वारा जिसके माध्यम से उक्त व्यक्ति द्वारा पेंशन ली जा रही हो, द्वारा हस्ताक्षरित जीवन प्रमाण-पत्र प्रस्तुत करने वाला व्यक्ति।

(c) To any person sending a Life Certificate signed by some persons exercising the powers of a Magistrate under the Criminal Procedure Code, or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 or by any pensioned officer who, before retirement exercised the powers of a Magistrate or by any Gazetted officer or by a Munsiff or by a police officer not below the rank of Sub-Inspector in-charge of a police station or by a postmaster, a Departmental sub-postmaster or an Inspector of post offices, or by officers of the Reserve Bank of India and Public sector bank or by the Head of a village Panchayat, Gaon Panchayat or Gram

स्थान प्राप्तकर्ता (नं. ० एवं हक) - 72

M. S. O. (A & E)-72

(पेंशन अदायगी आदेश जारी करने वाले कार्यालय की रबड़ भोज्हर)
(Rubber Stamp of the Office issuing the Pension Payment Order)

पेंशन अदायगी आदेश
PENSION PAYMENT ORDER

(पेंशन पाने वाले का भाग)
(Pensioner's Portion)

पेंशन अदायगी आदेश संख्या दिनांक

सरकार को डेबिट किया जाना है *प्रभारी*
P.P.O. No/pen-5/06 Date 4/20-7/20 Debitable to
Government.

लेखा शीर्ष

Head of Account

मुख्य शीर्ष

Major Head

लघु शीर्ष

Minor Head

स्वीकृत/प्रभारित

Voted/charged

अगली सूचना दिए जाने तक, और प्रत्येक महीने की समाप्ति पर पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता की उपरित पहचान के बाद श्री/श्रीमती को * इस आदेश के भाग-II में निर्दिष्ट किए गए अनुसार पेंशन/इस आदेश के भाग III में निर्दिष्ट किए गए अनुसार परिवार पेंशन तथा समय-संग्रह पर मंजूरी की जाने वाली महंगाई राहत की राशि की अदायगी करें। अदायगी महीने से आरम्भ की जानी चाहिए। जहां आयकर वी कटौती की जानी है, उसे स्रोत पर ही काट लिया जाना चाहिए।

UNTIL FURTHER NOTICE, and on the expiration of every month be pleased to pay
Shri/Smt. *Santosh Kr. Adhikari, TCS Gr. 1*

the pension as set out in Part II of this order/Family
Pension as set out in Part III of this order*, plus the amount of dearness relief as
admissible from time to time thereon after due identification of the pensioner/family
pensioner. The Payment should commence from 01.3.2002. The income tax, where
deductible, should be deducted at source.

2. श्री/श्रीमती _____ को _____ से _____ तक _____ सप्तए (_____ सप्तए मात्र) प्रति भास की दर पर पेंशन/परिवार पेंशन की दक्षता राशि तथा उस पर संजूर की गई राहत की राशि की अदायगी भी करें।

2. Arrears of pension/family pension at Rs. P.M. (Rupees per month) from to plus the admissible dearness relief thereon may also be paid to Shri/Smt.

Re. (A.R.B) Tripura
Spl. Sec'tt Authority
No. Pen I/ TRI P/S
SUP/00/SSA/770/340
dt. 26. 6. 2000.
(By Pen I/ SSA/ 163
05.7.2000) F/0/8

(पंशन अदायगा आदश जारा करन वा
प्राधिकरी की विशेष माहर) (Special Seal of the Pension
Payment Order issuing Authority)

सेवा में, (पेशन संवितरण अधिकारी, जहां पेशन अदा की जानी है)

Pension Distributing Authority where pension is to be paid).

• जो खण्ड लाग न हो उसे काट दें। * Inapplicable clause to be deleted.

2

भाग - ८ — देशन आकृतर्त्त्व/भूत सरलाती कर्मवारी छी सेथा का जीरक

**PART I — PARTICULARS OF SERVICE OF THE PENSIONER/DECEASED
GOVERNMENT SERVANT**

1. सरकारी कर्मचारी का नाम 1. Name of the Government servant.	<u>Santosh Kumar Adhikari</u>
2. भारत सरकार के अन्तर्गत जिस मंत्रालय/विभाग/ कायोलिय से सेवा निवृत्त हुए हैं, इसका नाम तथा अन्त में धारण किया गया पद/ग्रेड/रैंक	Ex. J. C. S. Gov.
2. Post/Grade/Rank last held and the name of the Dep'tt. office from which retired under the State Government.	: 04-02-1942
3. जन्म तिथि 3. Date of Birth.	: -
4. सरकारी सेवा में शामिल होने की तारीख 4. Date of entry into Government service.	: -
5. सेवा समाप्त होने की तारीख (सेवा का अंतिम दिन)	: 29,02.2000
5. Date of ending service. (last day of the service)	: -
6. सेवा में स्वीकृत किया गया बहत्त, यदि कोई है	: -
6. Details of weightage in service allowed, if any.	: -
7. पेंशन के लिए न ली जाने दारी आर्हक सेवा	: -
7. Period of service not qualifying for pension.	: -

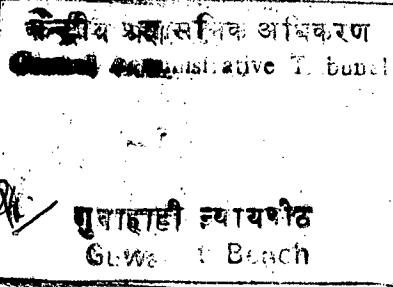
से From	तक To	उद्दिष्ट Period			कारण Reasons
		वर्ष y	महीने m	दिन d	
					Attested Santosh Kumar (Signature) 29-03-06

४. शिक्षा की कुल अवधि
सर्विस कार्यालय $[(5-4) + 6-7]$

५. Total length of qualifying
Service Col. $[(5-4) + 6-7]$

वर्ष	महीने	दिन
Year	Months	Days

3



To
The Registrar,
Central Administrative Tribunal,
GUWAHATI,
ASSAM.

Subject : Ensuring the reliefs directed by the Hon'ble Tribunal in OA No. 231 / 2000 on the 14th September, 2001, and punishment of the Respondents for wilfully disobeying and deliberately flouting the court orders for more than 4 (four) years.

Sir,

With due respect I beg to state that I applied to the Hon'ble Tribunal for a direction for my appointment to the Indian Administrative Service (IAS) on the basis of the Select List of 1996-97.

Hon'ble Tribunal, on the 14th September, 2001, in OA No. 231 / 2000, directed the Respondents to appoint me to the IAS on the basis of the Select List of 1996-97 with all consequential benefits.

As no action was taken by the Respondents even after a much longer time than allowed by the Hon'ble Tribunal, I filed another Application with the Hon'ble Tribunal. It was disposed of on the 17th July, 2003, by the Hon'ble Tribunal but not before bitterly criticising the Respondents for delay and wastage of time and also on some assurances given on behalf of the Respondent No. 1.

Much time passed by and no step was taken by the Respondents. I filed another Application. This was returned to me as both my Original Application and Contempt Petition had been disposed of and I was advised to approach the appropriate forum for redressal of my grievances.

In this connection, I beg to state that I was not at all disappointed in the Direction of the Hon'ble Tribunal given on the 14th September, 2001, or the orders passed on the 17th July, 2003, but totally aggrieved at the deliberate noncompliance with the above Direction and making false assurances by the Respondents, to be specific, the Respondent No. 1.

Hence, your letter no. CAT / GHY / 56 / Judl. / 328 dt. 16/22. 04. 04 confused me.

I approached the Hon'ble Supreme Court. It was a procedural mistake. The papers were returned. Then, I approached the Hon'ble Guwahati High Court, Agartala Bench. The papers sent there by me were forwarded to you. But, this my Application was not addressed to you in view of the letter no. CAT / GHY / 56 / Judl. / 328 dated the 16th / 22nd April, 2004. Confused, I made a correspondence with you. I received no reply. I approached

*Received by post
Office
Guwahati
5/4/05*

*SO (S)
Mr. Director
The record and
action
27/4/05*

the Hon'ble Supreme Court again. The case was not admitted but my Application was lodged. I was advised to approach the appropriate court.

Hence, I beg to file this instant Petition with the Hon'ble Tribunal again with the request to see whether the order dated the 14th September, 2001, in OA No. 231 / 2000 has yet been implemented and whether the assurances given by the Respondent No. 1 as reflected in the order dated the 17th July, 2003, have been followed up. I think, to see whether its orders has been implemented is well within the purview of that very court and for this a petitioner need not move from forum to forum.

It is my understanding that any order passed by the Hon'ble Tribunal shall be executed. If it need not be carried out by the Respondents and the Hon'ble Tribunal has no further action to compel compliance with its own order, it may be a mistake on my part to waste my time, energy and money on submitting the Original Application to the Hon'ble Tribunal which was registered OA No. 231 / 2000. Despite its merit and the Direction on appreciation of its merit, the ultimate result is disappointing for me because of ~~wilful~~ disobedience by the Respondents to the said Direction which is meaningless to me if not executed.

Under the circumstances, I would request you to please admit the case and dispose of it purely on its merit. According to me, it is not only contempt committed but also contempt continuously repeated by the Respondents. They are not likely to ever comply with the Direction of the Hon'ble Tribunal if not compelled.

Being an old man of ill health, I am unable to attend the court physically. So, action on the enclosed Petition may please be taken ex-parte in absentia. I am also not financially capable of engaging a lawyer to conduct my case. So, I will not be represented in that sense. My Petition is fully self-contained and self-explanatory.

So, it is my earnest request to please take necessary steps for its admission and disposal and thereby oblige.

Enclosures

- i) IPO for Rs. 100/-
- ii) The Petition & its Annexures
(7 sets in 152 sheets)

Dated, Krishnagar,
the 29th March, 2006

Yours faithfully,


C/o Sm. Swapna Bhaumik,

Lady Carmichael Girls' H.S. School,
P.O. KRISHNAGAR, Dist. Nadia,
West Bengal, Pin - 741101

IN THE CENTRAL ADMINISTRATIVE

GUWAHATI BENCH



(Rejoinder under Section 12 of the Central Administrative Tribunals (Procedure) Rules, 1987)

Title of the case : O.A. No. 65/2005

Between :

Md. Islamul Haque Mondal Applicant
-Versus -

Union of India & Others Respondents.

Rejoinder filed by and on behalf of the Applicant as a reply to the written Statement filed by Respondent numbers 2 and 5 of the Original Application.

1. That with respect to the contents of paragraph 1, 5 and 19 of the Written Statement, the applicant begs to admit to the extent that the applicant is an employee of the Central Govt. and the impugned orders were also issued by the Central Govt. As such the applicant filed the Original Application before the Hon'ble Tribunal as per procedure laid down under section 19 of the Administrative Tribunals Act, 1985 and hence there is no valid ground to raise any objection to the maintainability of the Original Application.
2. That the Applicant challenged the orders issued by the Central govt. and the relieves were also sought against the Central Govt. only. As such the applicant has no grievance against BSNL or its employees and also the applicant sought no relief against BSNL. Hence the applicant begs to state that the applicant has no objection to striking out names of BSNL, namely respondent numbers 2 and 5 from the Original Application, if your lordships deem fit and proper.
3. That only except what has been specifically admitted herewith the applicant denies all the statements made by Respondent Nos. 2 and 5 through the written statement.

Contd- p/2

Md. Islamul Haque Mondal

File copy
Md. Islamul Haque Mondal
(Applicant in person)

4. That the respondents no. 2 and 5 had pleaded for striking out their names from the Original Application as being parties not necessary to the instant case through paragraphs 1 and 5 of the written statement in on hand, and on the other the same respondents 2 and 5 were trying to defend the illegal and unreasonable actions of the Central Govt., namely respondents no. 1, 3 and 4, through the paragraphs 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 16, 18 and 20, and whereas only Central Govt. has the authority to defend the actions of Respondent numbers 1, 3 and 4, thus the applicant offers no comment except denying all the justifications given by respondents number 2 and 5 through the said paragraphs of the written statement.

5. That the Applicant begs to state that the impugned punishment orders issued by the Central Govt., namely respondent numbers 1, 3 and 4 are illegal and *prima-facie* unreasonable and the orders were issued in violation of certain provisions of the Constitution of India as clearly mentioned in the Original Application and hence the orders are liable to be set aside and quashed by this Hon'ble Tribunal.

6.

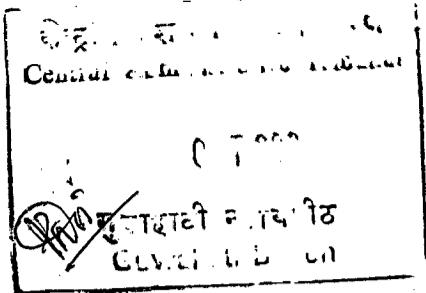
VERIFICATION

I, Md. Islamul Haque Mondal, Son of late Sakeruddin Mondal, aged about 43 years, working as Sub-Divisional Engineer, in the office of the Divisional Engineer, Telecom Project-II, N.E. Task Force, BSNL Bhangagarh, Guwahati, do hereby verify that the statements made in Paragraph 1 to 5 are true to my knowledge and belief and I have not suppressed any material fact.

And I sign this verification on this 13th day of March 2006.

Signature of the Applicant

Md. Islamul Haque Mondal
(MD. ISLAMUL HAQUE MONDAL)



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI

O.A. No. 131 OF 200 6

S. K. Adhikari

APPLICANT

-VS-

.....Union of India & ors. RESPONDENT (S)

I, Dr. Debasish Basu, for Respondent No. 3 in
the above application do hereby appoint and Ms. Usha Das, advocate
to appear, plead and act for me/us in the above application and to conduct and prosecute
all proceedings that may be taken in respect thereof including Contempt of Court
petitions and Review applications arising there from and applications for return of
documents enter into compromise and to draw any moneys payable to me/us in the said
proceeding.

Place:- Guwahati

Date :- 4/10/07

Debasish Basu

Signature of the Party
Jt. Resident Commissioner

"Accepted" Tripura Bhawan, Guwahati - 28

Usha Das
Advocate 04/10/07

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No.F.5(1)-Law/LR-I/2005

Dated, Agartala, the 30th August '07

O R D E R

Smti Usha Das, Ld. Standing Counsel of Government of India for Central Administrative Tribunal (CAT), Guwahati Bench, Guwahati is hereby appointed to appear and defend the State of Tripura in case No.OA 131/06 between Shri S. K. Adhikari Vrs. the State of Tripura & Others.

She will be paid fees as admissible to her as per L.R.s Manual.

The expenditure involve on this account will be borne by the G.A (P&T) Department, Government of Tripura.

1/1 30/8/07

[P.B.Nath]

Addl. Secretary, Law
Government of Tripura.

Copy to:-

1. Smti Usha Das, Ld. Standing Counsel of Govt. of India for Central Administrative Tribunal (CAT), Guwahati Bench, Guwahati.
2. The Joint Resident Commissioner, Tripura Bhawan, Gauhati to conduct Ld. Advocate.
3. G.A.(P&T) Department, Govt. of Tripura, Agartala
4. The Accounts Section of the Law Department, Govt. of Tripura, Agartala.

1/1 30/8/07

[P.B.Nath]

Addl Secretary, Law
Government of Tripura.