

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 182/2006

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E.P/M.A No.....

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SECTION OFFICER (Judl.)

*Balela*  
25/10/17

(5.0 Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 182/06
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Smti. Sunmitra Das

Respondent(s) U.O.P. Govt

Advocate for the applicant(s) K.K. Phukan....  
S.M. Sharma....  
M. Chetia.....

Advocate for the Respondant(s) Sr. Cstl. G. Boruwa

Notes of the Registry	Date	Order of the Tribunal
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27.7.2006 Present: The Hon'ble Shri K.V. Sachidanandan  
Vice-Chairman.

This application is in form  
is filed/C. F. for Rs. 20/-  
deposited vide IPC/BD  
No. ~~26.6.32.4509~~  
Dated 13-6-06

*Sheth*  
Dy. Registrar

While working as Line Inspector in  
the respondents' department, just before  
attaining the age of superannuation on  
30.9.1997 a disciplinary proceeding has  
been initiated against the applicant's  
husband late Kalaran Das on the charge  
of alteration of date of birth.  
According to the applicant, his date of  
birth is 30.9.1939 but as per the  
Service Book the date of birth is  
10.2.1932. While the disciplinary  
proceeding was pending the husband of  
the applicant died. The proceeding was  
dropped against him by the respondents.  
Thereafter, the applicant filed an O.A.  
100/2002 before this Tribunal and vide  
order dated 21.2.2003 this Tribunal  
directed the respondents to take prompt  
measures for payment of DCRG and other  
admissible amount to the applicant,  
which was done as per Annexure - V.

*Sheth*  
Steps taken with  
respect to the application.

*Sheth*

Contd

17.6.2006 according to the respondents. Applicant claimed that retiral benefits were settled treating 10.2.1932 as date of birth instead of 30.9.1997. Therefore, the applicant filed another O.A. No. 216/2003 and this Tribunal vide order dated 11.6.2004 disposed of the same directing the applicant to file comprehensive representation with a further direction to the respondents to dispose of the same. Pursuant thereto Annexure-IX order was passed by the respondents in which they stated that the husband of the applicant should have retired on 10.2.1992 taking his date of birth recorded in the Service Book as 10.2.1932.

Pl. copy order  
dated 27.7.06.

N3  
28.7.06.

Notice & order sent  
to D/section for issuing  
to resp: no-1, by regd.

A/D post and other  
sent to  
resp. nos. - 2 & 3 received  
by hand.

D/No. 799 to 801

Class. D1 = 3/8/06.

2/8/06  
Copi  
Recd  
3/8/06

Mr. K. K. Phukan, learned counsel for the applicant submits that since the disciplinary proceeding has been closed without any finding, the respondents cannot take date of birth as 10.2.1932 instead, taking into account his date of superannuation as 30.9.1997 they have settled and disbursed all the retiral benefits to the applicant. But the respondents had not done it. Hence, this application.

Heard Mr. K. K. Phukan, learned counsel for the applicant, Mr. G. Baishya, learned Sr.C.G.S.C. representing the respondents submits he would like to get instruction in the matter. Let it be done.

Post the matter on 12.9.2006

Notice duly served  
on resp. no- 3, 1.

10/8/06.

Notice duly served  
on R. No - 3 & 1.

10/8/06.

Vice-Chairman

27-10-06

12.9.2006

Mr.G.Baishya, learned Sr.C.G.S.

C. seeks further time to take instruction and file reply statement.

Post on 17.10.2006.

No reply filed so far.

bn

Vice-Chairman

bb

30.10.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

Post on 15.12.2006 for appearance  
of the parties.

20  
10.1.07-

Vice-Chairman

/mb/

No W/Ls has been  
filed.

11.1.2007

Mr.G.Baishya, learned Sr.C.G.S.C. for  
the Respondent Nos. 1 & 2 requested for  
time to file reply statement. Respondent  
No.3 though was served is not appearing.

Post on 14.2.2007

21  
13.2.07.

Vice-Chairman

/bb/

14.2.2007

Four weeks time is granted to the  
Respondents to file reply statement as  
requested.

Post the case on 16.3.2007.

No W/Ls has been  
filed.

22  
15.3.07.

Vice-Chairman

/bb/

16.3.07.

is  
The issue/involved in this matter

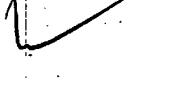
We are of the view that the application  
has to be admitted.

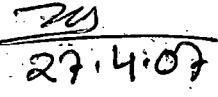
Application is admitted. Issue  
notice on the respondents. Six weeks  
time is granted to the respondents to  
file written statement. It is made

contd/-

16.3.07. clear that since the matter relates to pensionary benefits to the applicant. Respondents shall adhere to the time limit. Post the matter on 30.4.07.

  
Member

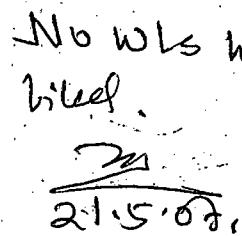
  
Vice-Chairman

  
1m

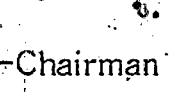
27.4.07.

30.4.2007. Mr. G. Baishya, learned Sr.C.G.S.C. sought for further time to file reply statement. Let it be done.

Post on 22.5.2007.

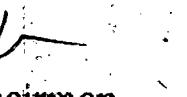
  
No W.Ls has been  
billed.

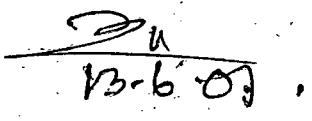
  
21.5.07.

  
Vice-Chairman

/bb

22.5.07. The matter relates to pensionary benefits to the applicant. Counsel for the respondents has submitted that some more time may be granted to file written statement as a last chance. Three weeks time is granted to file written statement as a last chance. Post the matter on 14.6.07.

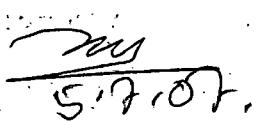
  
Vice-Chairman

  
Lm

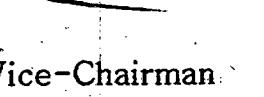
14.6.2007

Post the case on 6.7.2007 for filing

of reply statement. It is made clear if the reply statement is not filed by that time the matter will be proceeded accordingly.

  
W.Ls not filed.

  
5.7.07.

  
Vice-Chairman

/bb

182/06

O.A.No. 266 of 2003

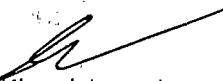
Notes of the Registry	Date	Order of the Tribunal
WLS not filed.  <i>23/7.07</i>	6.7.2007  /bb/	Let the case be posted after ten days. Respondents are directed to file reply statement, if not matter will be proceeded without reply statement.  <i>✓</i> Vice-Chairman
WLS not filed.  <i>23/7.07</i>	19.7.2007  /bb/	Three weeks further time is granted for filing of reply statement on the prayer of Mr.G.Baishya, learned Sr. C.G.S.C. Post the matter on 9.8.2007.  <i>✓</i> Vice-Chairman
WLS not filed.  <i>23/4.10.07</i>	18.9.2007  /bb/	Mr.G.Baishya, learned Sr. C.G.S.C. submitted that he will be filing reply statement next week. It should be ensured that copy of the same shall be furnished to the counsel for the Applicant. Post on 5.10.2007.  <i>✓</i> Vice-Chairman

6  
O.A. 182/2006

05.10.2007 In this case Mr.G.Baishya, learned Sr. Standing Counsel for the Central Government undertakes to file written statement during the course of the day, after serving a copy on the learned counsel for the Applicant Mr.S.M.Sarma; who seeks time to file rejoinder.

8.10.07  
W/C Submitted  
by Respondent Nos. 1, 2 & 3.  
Copy served.

Call this matter on 06.11.2007 awaiting rejoinder from the Applicant.

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

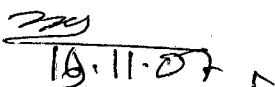
Rejoinder not  
filed.

06.11.07.

Mr.K.K.Phukan, learned counsel for the applicant has undertaken to file rejoinder within one week. Mr.G.Baishya, learned Sr.C.G.S.C. is present for the Respondents.

Rejoinder not  
filed.

Call this matter on 20.11.07.

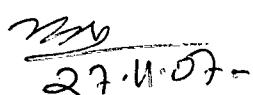
  
20.11.07.

  
Member (A)

Lm

Rejoinder not  
filed.

20.11.2007 Mr.K.K.Phukan, learned counsel for the Applicant is present and states that no rejoinder is required to be filed by the Applicant in this case.

  
27.11.07.

Call this matter on 28.11.2007 for final hearing.

/bb/

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

O.A. 182/06

28.11.2007 Mr.K.K.Phukan learned counsel for the Applicant and Mr.G.Baishya, learned Sr.Standing Counsel for the Union of India are present.

Matter is heard in part.

Call this matter on 19.12.2007.

Rejoinder not filed.

22  
18.12.07.

  
(Khushiram)  
Member(A)

lm

182/06

19.12.2007 Call this part heard matter on  
04.01.2008.

Rejoinder not  
filed.

22  
3.1.08.

  
(M.R.Mohanty)  
Vice-Chairman

/bb/

04.01.2008 Heard Mr K.K. Phukan, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, in part.

This matter is adjourned to 01.02.2008, awaiting production of original Service Book (of the deceased employee) by the Sr. Standing Counsel. The Respondents should provide the original Service Book to the learned Sr. Standing Counsel well before the next date.

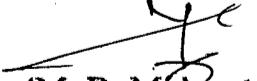
Call this matter on 01.02.2008.

31.1.2008  
Pl. supply a copy of the order to the learned standing counsel for his use.

31.1.08

A copy of this order be supplied to the learned Sr. Standing Counsel for his use.

  
(Khushiram)  
Member (A)

  
(M. R. Mohanty)  
Vice-Chairman

nkm

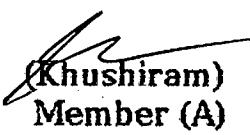
*handed  
for supply to  
C.S.C  
8.1.08*  
order of 4/11/08 handed  
over to Mr. G. Baishya, Sr. C. O. S.C.  
08/11/08.

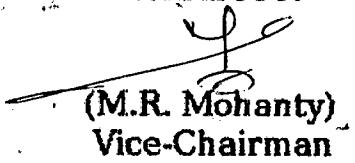
8  
02-02-2008

01.02.2008 Heard further in part. Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, appearing for the Respondents, seeks another date to cause production of the Service Book of the husband of the Applicant.

Zy21.2.08. M.R. Mohanty  
Vice-Chairman

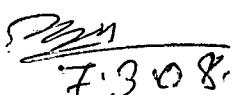
Call this matter on 10.03.2008.

  
 (Khushiram)  
Member (A)

  
 (M.R. Mohanty)  
Vice-Chairman

Rejoinder not  
filed.

nkm

  
 7.3.08

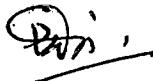
10.03.2008

Mr K.K. Phukan, learned counsel for the applicant is present in Court. Mr G. Baishya, learned Sr. Standing counsel appearing for the Respondents has filed a leave note.

Call this matter on 12.03.2008.

  
 (M.R. Mohanty)  
Vice-Chairman

11.3.08  
An additional affidavit filed by the Applicant. Copy not served.

  
 11.3.08

pg

12.03.2008 Mr. K. K. Phukan learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents department is also present.

On perusal of Service Book of the husband of the Applicant it appears that one Kala Miya's date of birth was wrongly entered in the Service Book of the husband of the Applicant and that is why the correction was required in the Service Book of the husband of the Applicant. The Respondents are hereby called upon to cause production of the Service Book/particulars of said Kala Miya. It is stated by Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents that the Service Book of the husband of the Applicant was opened at Guwahati and, therefore, the service Book/particulars of said Kala Miya may be available in Guwahati office or from such other office to which, the said Kala Miya was transferred.

Call this matter on 26.03.2008; when the Respondents should cause production of Service Book of said Kala Miya through the learned Sr. Standing Counsel appearing for the Respondents Department.

Copy of this order be handed over to Mr. G. Basihya, learned Sr. Standing Counsel appearing for the Respondents Department.

fm.

  
(M. R. Mohanat  
Vice-Chairman)

10

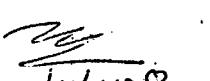
10

26.03.2008. On the prayer of the learned Counsel for the parties, call this part heard matter on 07.04.2008, when Mr G. Baishya, learned Sr. Standing Counsel for the Union of India shall cause production of the records called for.

  
(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing

nkm

  
4408

07.04.2008.

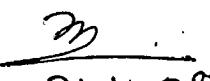
Call this matter on 22.04.2008.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing.

/bb/

  
21.4.08

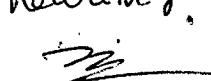
22.04.2008

Call this part heard matter before

Division Bench on 16.05.2008

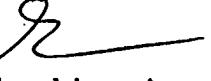
  
(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing.

  
15.5.08

16.05.2008 Heard Mr G. Baishya, learned Counsel appearing for the Respondent Department and also Mr S.M. Sharma, learned Counsel appearing for the Applicant. Hearing concluded.

For the reasons recorded separately,  
this O.A. stands dismissed. No costs.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

Final copy  
sent by  
Smt. S. M. Sharma  
28.5.08

nkm

11.6.08  
Copy of the Judgment  
sent to the office for  
issuing the same to the  
parties

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 182 of 2006.

DATE OF DECISION : 16-05-2008

Smt Sumitra Das

.....Applicant/s

By Advocate Mr K.K.Phukan and S.M.Sharma

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

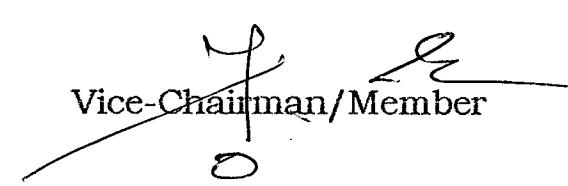
Mr G.Baishya, Sr.C.G.S.C.,

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.

  
Vice-Chairman/Member

13

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

Original Application No. 182/2006.

Date of Order : This the 16th Day of May, 2008.

**THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN**

**THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER**

Smt Sumitra Das,  
W/o Late Kala Ram Das,  
R/o Vill. Sonitpur  
P.O. Biswanath Chariali,  
Dist. Sonitpur, Assam

.....Applicant

By Advocate Shri K.K. Phukan, S.M.Sharma

-Versus-

1. The Union of India,  
represented by the Secretary,  
Department of Telecom,  
Govt. of India, Sanchar Bhawan,  
New Delhi-110001.
2. The Director of Telecom,  
Department Cell Office of the  
C.G.M.T, Assam Circle, Ulubari,  
Guwahati-7.
3. The Chief General Manager,  
Telecom, Assam Circle,  
Bharat Sanchar Nigam Ltd.,  
Ulubari, Guwahati-7.

.....Respondents

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

**ORDER**

**KHUSHIRAM (MEMBER-A)**

The applicant's husband late Kolaram Das was working as Line Inspector in the Telecom department. He continued in service upto 30.09.1997 on the basis of over writing of his date of birth in his service book. He was charge sheeted for having recorded different dates of birth on different documents and for over staying in service by



deceiving the department. He submitted his written statement of defence on 20.03.1999. Before the conclusion of the said departmental proceeding, the applicant's husband (late Kolaram Das) died on 08.07.2001. Thus, the departmental proceeding had to be closed vide order dated 19.01.2001. Having remained in service for 7 years, after the date of superannuation, he had received excess payment amounting to Rs.3,39,515/- . The department fixed his family pension treating his date of superannuation as 28.02.1990; on the basis of original date of birth 10.02.1932 recorded in his service book. The retrial benefits including family pension has been accordingly settled taking date of superannuation as 28.02.1990. The Applicant had earlier filed O.A.100/02 before this Tribunal which was disposed of on 21.02.2003 with a direction to the Respondents to take steps for payment of DCRG and other retrial benefits (to the Applicant, without further delay) as admissible to (the late husband) the Applicant. The Respondents were directed to settle the retrial claim of the deceased by completing all formalities. The case relating to excess payment made on account of his over stay in service amounting to Rs.3,39,515/- has since been written off vide order dated 27.05.2003. By over writing the date of birth 10.02.1932 was converted as 29.09.1939 on the basis of which he superannuated on 30.09.1997. By order dated 15.10.2005 the Chief General Manager, (Telecom) of Assam Circle at Guwahati informed the Applicant that ~~retrial~~ benefits has been calculated by taking 28.02.1990 as the date of superannuation. Aggrieved by the said decision, the Applicant had filed representation with the Respondents with prayer to calculate the retrial benefits by taking 30.09.1997 as the date of



superannuation of the deceased husband of the Applicant. Failing to get any response from the Respondents, the Applicant filed the present Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs.

“Respondents be directed to calculate and make all the payment of retired benefits like leave encashment, commutation of Pension, family pension and death cum retirement gratuity etc. taking 30.9.97 as the date of superannuation of Late Kala ram Das a retired Line Inspector.”

2. The Respondents, by filing a written statement, have stated that the date of birth of late Kala Ram Das in his service was originally recorded as 10.02.1932, which has been crossed and further recorded as 29.09.1939 without any valid authority/approval of the competent authority. Accordingly, the deceased husband of the Applicant was placed under suspension and disciplinary proceeding was started. The husband of the Applicant expired on 08.07.2001 resulting in closure of the disciplinary proceeding. The deceased employee was not exonerated from the charges and, therefore, the Respondents have taken his date of birth as 10.02.1932; which was manipulated as 29.09.1939 without any approval of the competent authority. The Applicant has been granted DCRG, family pension and other retiral benefits by fixing the date of birth as 10.02.1932 and the proceeding against the deceased has since been dropped. The direction of the Tribunal rendered in O.A.100/02 vide order dated 21.2.2003 has been complied with and excess payment made to the deceased has since been written off. The Applicant is being paid family pension of Rs.3015/- per month regularly taking the date of birth of the deceased as 10.02.1932 and the date of superannuation as 28.02.1990.



3. We have heard Mr K.K.Phukan (assisted by Mr S.M.Sharma), learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr. Standing counsel appearing for the Respondents. The learned counsel for the Applicant argued that since the Applicant's role in change of his date of birth was never proved and the Applicant's husband continued in service upto 30.09.1997, therefore, calculation of DCRG and other retiral benefits taking the date of superannuation as 28.02.1990 is not correct. He also argued that Applicant entered service in 1962, therefore, his real date of birth was only 10.02.1939.

4. Mr G.Baishya, learned Sr.C.G.S.C has argued that since no application was made nor the permission was ever taken from the competent authority for change of date of birth, therefore, the deceased husband of the applicant's date of birth has to be treated as 10.02.1932 (as originally recorded in his service record) as his real date of birth. By over writing the date of birth as 29.09.1939 for which permission from competent authority was never obtained by the husband of the Applicant and he being sole beneficiary of the over writing, he was suspended and charge sheeted for the same. He cited the decision of Smt Charu Bala Devi vs. State of Assam & Ors. (reported in 1997 (III) GLT 299); wherein the petitioner was to retire on 5.8.1984 but was made to retire on 1.11.1992. It was held that :

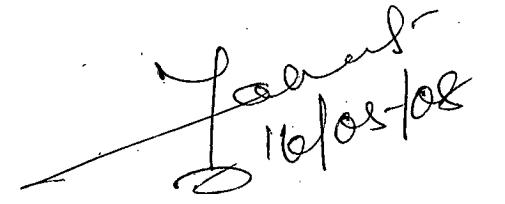
"Rule of audi alteram is to ensure that there is no failure of justice. If the stand of the authority is found to be correct, she has been allowed to superannuate more than 8 years beyond her date of retirement. A fresh enquiry will give her wrongful benefits."

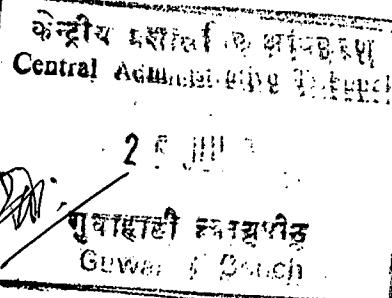


5. We have gone through the materials placed before us and have considered the arguments advanced on behalf of the rival parties. Since at no point of time permission was sought or granted by the competent authority (for change of date of birth entered in the service book) the interpolation by over writing of the same is not acceptable. The deceased had already continued in service for almost 7 years after the date of his actual superannuation and payment received by him during that period (amounting to Rs.3,39,515/-) has also been written off by the Respondents. With the death of the husband of the Applicant, during pendency of the departmental proceeding, the case against him stood abated and proceeding have been, accordingly, dropped by the Respondents. The other retrial dues taking 28.02.1990 as the date of superannuation has been calculated and paid to the Applicant. Accordingly the deceased husband of the Applicant, the Applicant herself will be entitled to notional \_\_\_\_\_ pension from the date of superannuation i.e. 01.03.1990 till the date of actual retirement on 30.09.1997. Thereafter the deceased as well as the Applicant will be entitled pension/family pension calculated on the basis of 28.02.1990 being his date of superannuation. The citation submitted on behalf of the Respondents strengthen their case in totality. We find no merit in the Original Application and, therefore, the same is dismissed without any order as to costs.

  
 (KHUSHIRAM)  
 ADMINISTRATIVE MEMBER

//pg//

  
 (MANORANJAN MOHANTY)  
 VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI

O.A. NO. 182 /2006

Smt Sumitra Das ...Applicant  
-vs-  
The Union of India & Ors. ...Respondents

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Filed by:  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

AT GUWAHATI

O.A. NO. 182 /2006

IN THE MATTER OF:

An application under Section 19 of  
the Administrative Tribunal Act,  
1991.

-AND-

IN THE MATTER OF:

Smt Sumitra Das,  
W/o Late Kala Ram Das,  
R/o Vill. Sonitpur,  
P.O. Biswanath Chariali,  
Dist. Sonitpur, Assam.

...Applicant

-Versus-

1. The Union of India,  
represented by the Secretary  
Department of Telecom,  
Govt. of India, Sanchar Bhawan  
New Delhi-110001.

2. The Director of Telecom,  
Department Cell Office of the  
C.G.M.T. Assam Circle, Ulubari,  
Guwahati-7.

...Contd...P/-

Filed by 19  
Smt. Sumitra Das  
applicant.  
through

Central Admin. Trib.  
Smt. Sumitra Das  
25-7-06

Subhas Mohan Samor  
25-7-06

3. The Chief General Manager,  
 Telecom, Assam Circle, Bharat  
 Sanchar Nigam Ltd. Ulubari,  
 Guwahati-7.

....Respondents

1. PARTICULARS OF THE CASE AGAINST WHICH THE APPLICATION IS MADE:

i) Non fixation of Pension Family, death cum retirement gratuity leave encashment communication etc. of the applicant's husband Late Kala Das, who retired as Line Inspector from the office of SDE (Gr) Biswanath Chariali (Telecom) 30.09.1997 counting his date of birth as 29.09.1939.

ii) Illegal fixation of Pension, family pension, death cum retirement gratuity leave encashment communication etc. and other retirement benefits of the applicant's husband of Late Kala Ram Das who retired as line Inspector treating 28.02.1990 as the date of superannuation counting 10.2.1932 as the date of birth.

iii) Impugned, arbitrary and unfair actions of the respondents meted out to the applicant with regard to non payment of family pension, gratuity and other retirement benefits of to the applicant after death of her husband, Late Kala Ram Das, who expired on 8.7.2001.

iv) Non compliance of the Hon'ble Central Administrative Tribunal's (CAT) Judgment and order dtd. 21.02.2003 passed in OA No.100/2002 directing the authority concerned to take prompt measures for settling the claim of retiral benefits accrued to Late Kala Ram Das.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declare that the instant application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

i) That the applicant is the wife of Late Kala am Das, who retired as an Line Inspector from the office of the SDE (Gr) Biswanath Chariali on 30.9.1997 at the age of superannuation. After retirement said Sri Kalaram Das expired on 8.7.2001 living behind his wife, the applicant and three (3) son namely Sri Nitu Das, Sri Jiten Das, Sri Niranjan Das,

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ii) That the applicant respectfully states that her husband Late Kalaran Das first worked under Master roll in the respondent department. Thereafter he was appointed as Line Workman w.e.f. F/N of 05.02.1962 vide order No. Q-413/3 dtd. 10.02.1962 of the Sub Divisional Officer, Telegraphs, Guwahati. He rendered his service in different places and in different capacities and ultimately he retired as Line Inspector under SDE, Phones Biswanath Chariali at the age of superannuation counting the date of birth as 29.9.1939 which was recorded in his service book.

iii) That the applicant's said husband received notice of retirement issued under memo No. E-52/PEN/RIG/96-97/140 dated 03.03.1997 by Telecom District Manager, Tezpur and asked to submit pension papers to the authority concerned in time. Accordingly applicant's husband submitted the pension papers as directed above.

iv) That to the utter surprise the applicant's said husband was placed under suspension by order dated 18.9.1997 in contemplation of a disciplinary proceeding by memo dated 22.9.1997 proposing to held an enquiry against the applicant's husband under Rule 14 of the CCS (CCA) Rules, 1965 and directing the applicant's husband to submit a written statement of defence within 10 days from the date of receipt of the said memorandum.

Photo copies of the aforesaid office order of suspension dated 18.9.1997 and Memorandum of Article of charges dated 22.9.1997 are annexed herewith and marked as Annexure - I & II respectively.

v) That the applicant's said husband submitted his written statement in defence against the aforesaid charge sheet denying all charges levelled against him on 4.10.1997.

Photo copies of the aforesaid written statement is annexed herewith and marked as Annexure - III.

vi) That thereafter observing usual formalities the Inquiry Authority conducted the inquiry against the applicant's husband on 24.3.1998, 15.5.1999, 20.5.1999 & 2.7.1999. During the course of inquiry the Presenting Officer examined 3(three) state witnesses and exhibited as many as (10) ten documents in support of the charges framed against the applicant's husband and the said witnesses were cross examined by the Defence Assistant. Thereafter the Presenting Officer submitted his prosecution brief and the applicant's husband submitted his defence brief through his Defence Assistant to the Inquiry Authority on 20.3.1999.

HON'BLE TRIBUNAL  
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vii) That thereafter during the pendency of the disciplinary proceeding the applicant's husband said Sri Kalaran Das died on 8.7.01.

viii) That pending departmental proceeding the applicant's husband was allowed to draw a provisional pension, which was a very meagre amount not sufficient to meet ~~both~~ expenses and to maintain his family. That provisional pension was also not paid monthly/regularly, which had aggravated the mental and physical sufferings of the applicant's husband. However the said provisional pension had been received by the applicant's husband upto the month of May 2001.

ix) That it is submitted that the applicant's husband had submitted number of representations for releasing retirement benefits and for finalising the disciplinary proceeding but no~~t~~ initiatives had been taken by the authority concerned till his death on 8.7.2001.

x) That after the death of said Kala Ram Das, the applicant, submitted pension papers as required by the authority for granting death cum retirement benefits, family pensions and other retiral benefits. But the respondent authority failed to grant those benefits to the applicant. Being aggrieved the applicant filed an application before this Hon'ble Tribunal vide OA No.100/2002 and this Hon'ble Tribunal was pleased to

pass judgment and order dated 21st February, 2003 with a direction to the respondent authorities to take steps for payment of death cum retirement gratuity to the applicant without further delay and also directed to take prompt measures for setting the claim retiral benefits to Late Kala Ram Das by completing all the formalities.

Photo copies of the aforesaid order dtd. 21st February, 2003 passed by the Hon'ble Tribunal is annexed herewith as Annexure - IV.

xi) That the applicant states that in the written statement submitted by the respondents in the aforesaid OA Case No. 100/2002 clearly stated that due to death of said Kala Ram Das during the pendency of the disciplinary proceeding the said disciplinary proceeding was closed without finalising the dispute regarding date of birth vide order dated 20.10.1999. Then only the applicant came to know that the disciplinary proceeding against the applicant's husband was closed. However, this Hon'ble Tribunal vide aforesaid order dated 21st February, 2003 clearly directed the respondent authority that the alleged excess payment of pay and allowances to the husband of the applicant as mentioned in the written statement needs to be written off since the proceeding itself stood terminated. Therefore there is no 'justification for withholding the death cum retirement gratuity

and payment of other dues admissible to said applicant's husband.

xii) That the applicant furnished the certified copy of the aforesaid Hon'ble Tribunal's order dated 21st February, 2003 before the respondents authority for the compliance of the same. After prolong persuasion the respondent authorities vide letter dated 27.6.2003 issued under hand and seal of Accounts Officer (DDT CELL) O/O the CGNT, BSNL, Assam Telecom Circle, Guwahati-7 granted death cum retirement gratuity family pension and other retiral benefits fixing date of birth as 10.2.32 not on the basis of date of birth corrected as 29.9.39 in the service book of late Kala Ram Das.

Photo copy of the letter dtd. 27.6.03 issued under hand and seal of Accounts Officer (DDT CE22), O/O the CGNT, BSNL, Assam Telecom Circle, Ghy-7 is annexed herewith and marked as Annexure - V.

xiii) That the applicant states that as the disciplinary proceeding against the petitioner's husband was closed vide Govt. of India order No. GOT Deptt. PER ANB TRQ WM No. 11012/799-Estt(A) dated 20.10.99 due to death of the applicant's husband, the date of birth i.e. 29.9.1939 which was corrected and recorded in the service book and on the basis of which the applicant

husband was retired should be counted for all purposes. Moreover, this Hon'ble Tribunal also vide order dated 21st February, 2003 passed in OA No. 100/2002 the respondent authorities are directed to written off the claims of the respondents.

xiv) That the applicant respectfully states that she is entitled family pension, death cum retirement benefit and all other retiral benefits on the basis of the date of birth i.e. 29.9.39 recorded in the service book of the applicant's husband Late Kala Ram Das but the respondent authority granted death cum retirement gratuity, family pension and other retiral benefits on the basis of date of birth i.e. 10.2.32 which was disputed and stood terminated without final settlement due to death of the applicant's husband on 8.7.01 during the pendency of the disciplinary proceeding. As such the actions of the respondents authority regarding fixation of death cum retirement gratuity, family pensions and other retiral benefits on the basis of date of birth i.e. 10.02.32 are illegal, unjust, arbitrary, discriminatory and against the mandatory provisions of law, equity and good conscience.

xv) That on being aggrieved at and dissatisfied with the actions of the respondent authorities the applicant filed an application before the Hon'ble Tribunal being OA No. 216/2003 and this Hon'ble Court was

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pleased to disposed of the said application vide order dtd. 11th day of June, 2004 with a direction to the applicant to file a representation listing out all grievances before the respondents and the respondents are directed to pass an appropriate order within a period of 4 months from the date of receipt of the said representation.

Copy of the judgment and order dtd. 11.6.2004 passed in OA No. 216/2004 passed is annexed herewith as Annexure - VI.

xvi) That thereafter the applicant submitted a representation dtd. 15.7.04 before the Chief General Manager, Assam Circle, Bharat Sanchar Nigam Limited, Guwahati-7 listing out all grievances with a prayer for fixation and payment of death cum retirement gratuity, pension family pension and other retirement benefits of Late Kala Ram Das. But as the same was not disposed of within 4 months from the date of receipt of the representation the applicant filed a contempt petition being C.P.(C) No. 25/2005 before this Hon'ble Tribunal.

Copy of the representation dtd. 15.7.04 is annexed herewith as Annexure - VII.

xvii) That during the pendency of the said contempt petition the respondent, the Chief General Manager,

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Telecom in reply to the contempt petition annexed an office order dtd. 5th October, 2005 as Annexure-R1, whereby it was inter alia informed to the Hon'ble Tribunal that vide communication letter No.250-14/2004/Pers (iii) dtd. 24.4.2003 the contempt Authority in the BSNL has communicated the local office at Guwahati that the settlement of DCRG benefits of the said employee should be calculated treating the date of Superannuation as 28.2.1990 and the family pension should be paid taking 30.9.1997 as the date of entitlement. Further it was informed that the letter dtd. 24.4.2003 created some more Problems in determining the actual date of Superannuation and the various calculation to be made in the connection with DCRG. It is further informed that the matter was decided and all the calculations were made taking 30.9.1997 as the date of superannuation and on the basis of last pay certificate granted to the employee. It is further declared that the employee in question was not absorbed in the establishment of BSNL as his controversial date of Superannuation ended on 30.9.97 where as the BSNL came into existence on 1.10.2000. That being that position the monthly family pension now being paid @ <sup>P.M.</sup> ~~Rs 350~~ also directly made by the Department of Telecommunication (Cell) and BSNL has nothing to do with such action of the Department of Telecommunication and it was submitted that BSNL is not answerable for the erstwhile employee of Department of Telecommunication who had never been absorbed in BSNL.

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As the representation of the applicant was disposed of the Hon'ble Tribunal was pleased to close the contempt petition vide order dated 9.3.2006 with liberty to the applicant to approach the appropriate forum if he has got any further grievances.

Copy of the Hon'ble Tribunal order dtd. 9.3.2006 passed in CP No. 25/2005 (OA 216/2003) is annexed herewith as Annexure-VIII and the copy of the office order dtd. 5th October, 2005 issued by the Chief General Manager, Telecom Assam Circle, Ulubari, Guwahati-7 is annexed herewith as Annexure-IX.

xviii) That the applicant respectfully states that although vide office order dtd. 5th October, 2005 issued by one Mr. B.K. Shingha, Chief General Manager, Assam Circle, Ulubari, Guwahati-7 informed to the applicant that all the calculations were made taking 30.9.97 as the date of superannuation and on the basis of last pay certificate granted to the employee. And accordingly all the payment like leave encashment, commutation, pension, family pension etc. has already been calculated and paid and being paid to Smt Sumitra Das. But in fact that was not done. Vide letter under memo No. AJM/DOT/CELL/FP/KRD/TEZ/107 dtd. Guwahati 27.6.2003 (Annexure- ) sanction was accorded for all the payment like death cum retirement gratuity, leave encashment,

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commutation, pension family pension etc. treating the date of superannuation as 28.2.1990 not as the date of 30.9.1997. As a result of which a heavy amount was deducted from the amount due to the applicant. On being aggrieved at and dissatisfied with the illegal and unjustified actions of the respondent authorities the applicant submitted a representation dtd. 19.12.05 before the Director of Telecom Department of Telecom Cell office of the CGMT Assam Circle Ulubari, Guwahati-7 with a prayer for fixation of death cum retirement gratuity, pension, family pension and other retiral benefits of Late Kala Ram Das, Line Inspector, treating 30.9.97 as the date of superannuation instead of treating 28.2.1990 and also requested to make necessary arrangement for payment of the same.

A copy of the said representation dtd. 19.12.05 is annexed herewith as Annexure-X.

xix) That the applicant respectfully states that the respondent authorities fail to consider the case of the petitioner and did not take any initiatives for fixation of and payment of DCRG, Pension, Family pension and all other retiral benefits of Late Kala Ram Das treating 30.9.1997 as the date of the Superannuation. On being aggrieved the applicant begs to prefer this application for redressal of her grievances.

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KALARAM DAS  
S/o  
KALARAM DAS

xx) That the action and <sup>non</sup> actions are all illegal, unjustified, unfair, arbitrary, discriminatory and violative of fundamental and legal, rights of the applicant and also against the mandatory provisions of law and also violative of administrative fair play, good conscience and equity and as such liable to be interfered by this Hon'ble Tribunal for the ends of justice. And this application is made bonafide and for the ends of justice.

xxi) That the applicant demanded justice which was denied to her.

xxii) That there is no efficacious and alternative remedy, available to the applicant and the remedy sought for if granted would be just and proper.

xxiii) That this petition is made bonafide and for the ends of justice.

5.  GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

I. For that non granting of family pension death cum retirement gratuity and other retiral benefits to the applicant after the death of the applicant's husband late Kala Ram Das a retired employee of the respondents department fixing his date of birth as 29.9.39 is illegal, arbitrary, unfair, unjust and against the mandatory provisions of law.

II. For that granting death cum retirement gratuity pension, leave encashment, commutation, family pension etc. vide impugned order dated 27.6.03 (Annexure - ) fixing date of birth as 10.2.32 which was disputed and remain unsettled due to death of applicant's husband during the pendency of the disciplinary proceeding is illegal, arbitrary, whimsical, unfair, unjust and against the mandatory provisions of law and violated the fundamental rights of the applicant.

III. For that, after closing disciplinary proceeding initiated against the applicant's husband vide Government order No. TDM/TEZ/1006/DIS/KRD/2 dated 19.11.01 there is no justification for settling the claim of family pensions and other retiral benefits approved to Late Kala Ram Das on the basis of date of birth as 10.2.32.

IV. For that non compliance of the order dated 21st Feb,2003 passed in O.A. No.100/2002 by the respondent authorities while granting gratuity, pension and other retiral benefits fixing 29.9.39 as date of birth of the applicant's husband Late Kala Ram Das is amounting to violation of Hon'ble Tribunal's order and liable for punishment for contempt of this Tribunal.

V. For that illegal office order No. STES-21/558/8 dtd. 5th Oct '2005 issued by one Sri B.K. Sinha, Chief General Manager, Telecom Assam Circle, Ulubari declaring falsely that all the calculations like leave encashment, commutations, pension, family pension etc. were made and paid to the applicant taking 30.9.97 as the date of superannuation and on the basis of last pay certificate granted to the employee.

VI. For that in any view of the matter the actions of the respondents authority for non granting family pension, other retiral benefits fixing date of birth as 29.9.39 as recorded in the service book and on the basis of which the applicant's husband Late Kala Ram Das was retired from his service are all bad in law and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant has submitted representations praying for releasing pensions, gratuity and all other retiral benefits accrued to Late Kala Ram Das retired as Line Inspector on 30.9.97 from the respondents department.

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

The applicant further declares that she filed application being OA No.100/2002, OA No.216/2003

and CP No. 25/2005 before this Hon'ble Tribunal for redressal of her grievances. But all those were disposed of. No other applications, writ petition or suit is pending before any court or Tribunals.

8. RELIEF SOUGHT :

It is, therefore, prayed that Your Lordship would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why they should not be directed to calculate and make all the payment of retired benefits like leave encashment, commutations, pension, family pension and death cum retirement gratuity etc. taking 30.9.97 as the date of superannuation of Late Kala Ram Das a retired Line Inspector and/or as to why such other further order or directions shall not be issued as to this Hon'ble Tribunal may deem fit and proper and upon hearing the parties, perusal of records and show cause if any your Lordship may be pleased to make the rule/order absolute.

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

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15/5/859. INTERIM ORDER IF ANY PRAYED FOR:

It is further prayed that Your Lordships would be pleased to direct the respondents authority to grant family pension and other retiral benefits on the basis of last pay certificate taking 30.9.97 as the date of superannuation.

## 10. ....

The application will be presented by the advocate of the applicant.

11. PARTICULARS OF THE I.P.O.:

- i) I.P.O. No. : 266324507
- ii) Date : 13.6.86.
- iii) Payable at : Guwahati

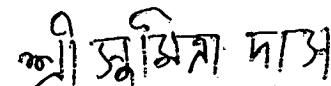
12. LIST OF ENCLOSURES:

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VERIFICATION

I, Smt Sumitra Das, W/o Late Kala Ram Das, aged about 55 years, Resident of Vill. Sonitpur, P.O. Biswanath Chariali, P.S. Chariali, Dist. Sonitpur, Assam do hereby solemnly affirm and verify that the statements made in paragraphs \_\_\_\_\_ are true to the best of my knowledge and those made in paragraphs IV, V, X, XII, XIV, XVI, XVII, & XVIII are matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification on this 28<sup>th</sup> day of July, 2006 at Guwahati.



Signature

(20) ANNEXURE - I

No. TDIY/TEZ/1000/DIS/KRD/ 1

GOVT. OF INDIA

MINISTRY OF COMMUNICATIONS

Dated : 18-9-97 .

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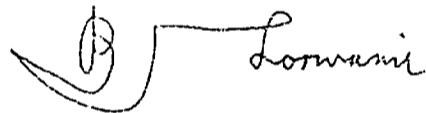
Place of Issue : TEZPUR - 784001 .

ORDER

Whereas a disciplinary proceeding against Shri Kala Ram Das, L/I is contemplated .

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Kala Ram Das under suspension with immediate effect .

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Kala Ram Das, L.I. should be Biswanath Charali, District Sonitpur, Assam and the said Shri Kala Ram Das shall not leave the headquarters without obtaining the previous permission of the undersigned .

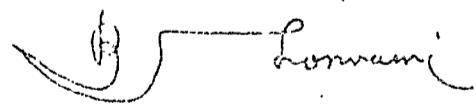
 B.K. Goswami

( B.K.Goswami. )

Telecom. District Manager ,

Tezpur-784001.

1. Copy to Shri Kala Ram Das, L/I. Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately .

 B.K. Goswami

( B.K.Goswami. )

Telecom. District Manager ,

Tezpur-784001.

OK  
Certified to be  
true copy  
Moni Jit Chetia  
Advocate  
24/07/06

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(21)

ANNEXURE-II

No. TIN/TEZ/1005/BLG/KRD/3

Government of India

Ministry of Communications

Dated 22.9.97.

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MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Kala Ram Das, L/I under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Kala Ram Das, L/I is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

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

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

6. The receipt of the Memorandum may be acknowledged.

To,

Shri Kala Ram Das, L/I

Biswanath Charali Exchange.

( B.K.Goswami.)

Telecom. District Manager,

Tezpur-784001.

verified to be  
true copy  
Mangil Chetia  
Advocate  
24/09/06

To

The Telecom District Manager, Tezpur.

Through proper channel

Dated at Chariali the 4th Oct. 1997.

Sub: Written Statement of Defence.Ref: Your Memo No.TDM/TEZ/1006/DIS/KRC/2 Dtd. 22-9-97.

Sir,

With reference to above, I, with due deference and profound submission beg to submit my written statement of defence as follows:

1. That sir, I have joined as a Temporary Line Workman under EST/Tezpur after rendering service as a Muster Roll for three/four years. I am not literate enough to understand English on my own. Even today, I have to depend upon somebody else to get a representation prepared. There is not a iota of doubt that I am victim of illiteracy and circumstances. There is no gain saying that man may lie but the documents will never lie.
2. That sir, in the Service Roll, Service Book and in the attestation Form my signature was obtained without filling up the relevant columns and I was told that relevant columns would be filled up "in due course" in consultation of the certificates/documents. It is not a case that I had filled up the service roll, service book and the attestation form myself. I put my signature in the service roll, service book and in the attestation form bonafide and without an iota of doubt that, the relevant columns would be filled up in consultation of the certificates.
3. That sir, I had no occasion to consult the service roll. It is clearly seen in the document No. 1 of Annexure - III (copy of the Service Roll page of Shri Kala Ram Das), - on 10.3.62 column No. 5 of the service roll was blank i.e. nothing was written there. On some later date only somebody "ascertained" or discovered that I was born on 10.2.1932 and put it there in the column without caring to verify the same with certificates. I can not be blamed for such wrong calculations. It is simple and clear case of negligence on the part of the competent authority.
4. That sir, as said in the para above, - my signature was obtained in the Attestation Form before the relevant columns of

Certified to be  
true copy  
Nawajul Chetia  
Advocate  
24/10/06

(W)

the Attestation Form was filled up. What was there in the school certificate I can not recall and I had submitted the original school certificate to the authority in the time of joining service. But the date of my birth written in the column No. 7(a) in the document No 2 of Annexure -III (Copy of the PVR Attestation form in respect of Shri Kala Ram Das) is very interesting. Again a case of sheer miscalculation. Somebody might have told the person or the person himself who had filled up the Attestation Form "ascertained as nearly as can be" that I was 34 years "in the month of January 1972" and thus he calculated that in the date of my entry into the school I should be 11 years old. Arithmetic is like this, admission at LP school in the age of 6 + 5 years in LP school = 11 years. Thereafter the person who had filled up the column in the Attestation Form made simple subtractions (i.e. Date of entry in to High School (11-1-48 - 11 years = 11-1-38) to discover my date of birth as written in the Attestation Form. Sir, it is obvious from the overwriting in the entry year in the school ('48) and leaving year ('54) from school the person who had made the entries had made necessary correction to adjust the period of my reading in school presuming that my age on the date of entry in to school was 11 Yrs. Thus it is obvious that no date of my birth was written in the school certificate. Thus it is conclusively proved that in the Attestation Form my date of birth was calculated presuming my age as 34 years in the month of January 1972. Sir, I am, virtually an illiterate person and I can not be blamed for such miscalculation based on presumption behind my back. Otherwise how the day (11 January) of my entering school should be the day of my birth (11 January). It is pertinent to mention here that I was orphaned before my entering in to school.

5. That sir, it is obvious from the documents in Annexure -III that the first page of my service book (Document No.3 of Annexure -III) was prepared consulting the service roll only. My signature was obtained in the first page of the service book before the relevant columns of the service book was filled up. Had I been asked before the filling up of columns of the first page of the service book I am not a bitch to forget my fathers' name. In the document No 3 my fathers name is not there till date. Hence, as the first page of the service book was filled up consulting the service roll only the column 5 of the first page of the service was also blank when the same was originally filled up. Afterward, as in the case of my service roll somebody "ascertained" my date of birth as 10.2.1932 and put it there without caring to verify the facts. Sir, I can not be made responsible for discovery of some other person who is responsible keeping and verifying the service books.

6. That sir, it can be understood well from the documents under Annexure - III that the column "Date of birth in Christian Era as nearly as can be ascertained" both in the service roll and in the first page of the service book till 1982 as hand writing of the both the dates of my birth (10.2.1932 & 20.9.30), both in the

service roll and in the first page of the service book opened in the year 1962 and 1973 respectively, i.e. in a gap of 11 years, are same. AND when Sri Jibon Nath, who had made the entries, realized that he had done some wrong writing the date of birth of some Sri Kala Miya in my service book and in the service roll asked me to submit him my birth certificate. I never applied for correction of my date of birth. I never knew till I was asked for birth certificate by Sri Jibon Nath that date of birth was not recorded or wrongly recorded in my service book. The charge of conspiring with somebody to change or corrected the date of my birth is imaginary.

7. That sir, as no school certificate was there with me as I had submitted the same in original to the authority in the time of joining service I had got that Horoscope prepared (Document No. 5 of Annexure -III) on the basis of the 'Janmapatrika' made on 5/10/1939 by Shri Hari Nath Dev Sarmah of 'Kankukuchi', Kamrup. The certificate by Dr. R.K. Deka was on the basis of Horoscope prepared on 7-6-82. I had obtained the certificate from the doctor as was asked from the office of the TDE, Dibrugarh. In no point of time I had submitted any false information. There is no question of conspiracy of any kind. I had submitted the available documents with me to prove my date of birth as the same were asked for.

8. That sir, I can not overstay in service and deceive the department at my will. Everything in regard of a serving employee is regulated from your office only. The date of superannuation is calculated from your office again. As I said earlier I never submitted any false information and thus never failed to maintain absolute integrity and never acted in a manner unbecoming of a Government servant. The allegation against me are false, imaginary and not based upon facts and on the face of the above explanations I stoutly deny the allegations now leveled against me.

9. That sir, the irregularity if any, in the entire episode leads to only one conclusion that the competent authority was negligent in the matter and now also has sought to victimise me for no fault of my own

10. That in view of the above position, I must fervently pray that the charges leveled against me may kindly be dropped. It will be pertinent to mention here that I had rendered 36 years of service to the Department without inviting any adverse remark in my long service life. That Sir, your honour now placing me under suspension had chequered my long flawless service, which had put on tremendous physical and mental pressure on me at this fag end of my life.

In the premises aforesaid should your honour graciously be pleased to drop the charge as has been leveled against me

\* and thereby extend your protective hand over me. I had spared no pains to work upto your entire satisfaction. I shall remain bound to your honour in deep gratitude.

May I please be given a personal hearing towards disproval of this instant written statement of defence.

With sincere regards,

Yours faithfully

*Kala Ram Das*

(Shri Kala Ram Das)  
Rtd.LI, O/O SDE(Gr)  
Chailali

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.100/2002

Date of decision: This the 21st day of February 2003

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

Applicant: Smti Sumitra Das,  
Wife of Late Kala Ram Das,  
Resident of Village- Sonitpur,  
P.O.- Biswanath Chariali, P.S. Chariali,  
District- Sonitpur, Assam.  
By Advocate Mr K.K. Phukan. ....Applicant

versus -

1. The Union of India, represented by  
The Secretary,  
Department of Telecom,  
Government of India,  
New Delhi.

2. The Chairman  
Bharat Sanchar Nigam Ltd.,  
New Delhi.

3. The Chief General Manager,  
Assam Circle,  
Bharat Sanchar Nigam Ltd.,  
Guwahati.

4. The Telecom District Manager,  
Bharat Sanchar Nigam Ltd.,  
Tezpur, District- Sonitpur,  
District- Sonitpur, Assam.

5. The Divisional Engineer,  
Bharat Sanchar Nigam Ltd.,  
Office of the T.D.M., Tezpur,  
District- Sonitpur, Assam.

6. The Sub-Divisional Engineer,  
Phones (Gr.),  
Bharat Sanchar Nigam Ltd.,  
Biswanath Chariali,  
District- Sonitpur, Assam.

7. The Chief Accounts Officer,  
(DDT CELL),  
Bharat Sanchar Nigam Ltd.,  
Assam Circle, Guwahati.  
By Advocate Mr A. Deb Roy, Sr. C.G.S.C. ....Respondents

Certified to be  
true copy  
Monit Chakraborty  
24/07/06

## ORDER (ORAL)

CHOWDHURY, J. (V.C.)

The issue relates to payment of retiral benefits to an employee since deceased.

2. The husband of the applicant Shri Kala Ram Das, since deceased, attained the age of superannuation as Line Inspector on 30.9.1997. According to the applicant, the wife and legal heir of Late Kala Ram Das, the respondents failed to settle the claim of retiral benefits despite representations submitted to the authority. Hence this application praying for a direction for payment of her retiral benefits.

3. It is seen from the pleadings that the husband of the applicant was placed under suspension by order dated 18.9.1997 in contemplation of a disciplinary proceeding.

By Memo dated 22.9.1997, the department decided to hold an enquiry under the CCS (CCA) Rules, 1965. The husband of the applicant submitted his explanation and the said proceeding continued during the lifetime of the applicant's husband. According to the applicant in the aforementioned case the Presenting Officer submitted his prosecution brief to the applicant's husband on 15.7.1999 and the applicant's husband submitted his defence brief to the Inquiring Authority on 20.3.1999. However, before conclusion of the proceeding the husband of the applicant died on 8.7.2001.

4. The respondents submitted their written statement and stated that on the death of the husband of the applicant the disciplinary proceeding could not be concluded.....

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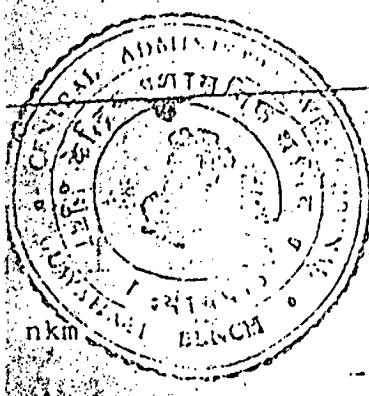
concluded and in terms of the O.M.No.11012/7/99-Eatt(A) dated 20.10.1999, the disciplinary proceeding stood terminated and vide order dated 19.1.2001 the disciplinary proceeding was accordingly closed. It was also stated that the provisional pension was paid to the applicant's husband during the disciplinary proceeding as per the norms. It was also stated in the written statement that the husband of the applicant was wrongly retained in service beyond the date of superannuation and he worked for more than seven years after attaining the age of superannuation, and therefore, an excess payment of pay and allowances amounting to Rs.3,39,515/- was made to him. Accordingly the respondents took steps to regularise the excess payment. The respondents further stated that the payment of DCRG etc. would be settled after the excess payment made to the husband of the applicant was ~~settled~~ to the appropriate authority. From the written statement it also appears that leave encashment amounting to Rs.25,312/- had been paid and monthly family pension was also sanctioned at Rs.1275/- per month.

5. On consideration of the materials on record it thus transpires that the disciplinary proceeding initiated against the applicant stood dropped. In that view of the matter the respondents are to take steps for payment of DCRG to the applicant without further delay. The alleged excess payment of pay and allowances to the husband of the applicant as mentioned in the written statement needs to be written off since the proceeding itself stood terminated. Therefore, there is no justification for withholding the DCRG and payment of other dues admissible to the late husband of the applicant. In view of the facts and circumstances.....

: 3 :

circumstances of the case the respondents are accordingly directed to take prompt measures for settling the claim of retiral benefits accrued to Late Kala Ram Das by completing all the formalities. The respondents are accordingly ordered to complete the aforesaid exercise as early as possible, preferably within a month from the date of receipt of the order for settling the retiral benefits and payment of DCRG etc.

6. The application is accordingly allowed. There shall, however, be no order as to costs.



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S. J. H. 1915

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SD/VICE CHAIRMAN



(31)

ANNEXURE VI

1. CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 216 of 2003.

Date of Order : This, the 11th Day of June, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Smti. Sumitra Das  
W/o Late Kala Ram Das  
R/o Village: Sonitpur  
P.O: Biswanath Chariali  
P.S: Chariali  
Dist: Sonitpur, Assam. . . . . Applicant.

By Advocates Mr.K.K.Phukan, Mr.N.K.Bora & Ms.J.Likhok.

— Versus —

1. Union of India  
Represented by the Secretary  
Department of Telecom  
Government of India  
Sanchar Bhawan  
New Delhi - 110 001.

2. The Chairman  
Bharat Sanchar Nigam Ltd.  
Sanchar Bhawan  
New Delhi - 110 001.

3. The Chief General Manager  
Assam Circle, Bharat Sanchar Nigam Ltd.  
Guwahati - 781 007.

4. The Telecom District Manager  
Bharat Sanchar Nigam Ltd.  
Tezpur, District Sonitpur  
Assam.

5. The Divisional Engineer  
Bharat Sanchar Nigam Ltd.  
O/o the T.D.M., Tezpur  
District Sonitpur, Assam.

6. The Sub-Divisional Engineer Phones (Gr)  
Bharat Sanchar Nigam Ltd.,  
Biswanath Chariali  
Dist: Sonitpur, Assam.

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Monjit Chetia  
Advocate  
24/07/06

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7. The Chief Accountant Officer (D.O.T. C.P.L.)  
Bharat Sanchar Nigam Ltd.

Assam Circle  
Guwahati - 781 001.

Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

ORDER(ORAL)

K.V.PRAHLADAN, MEMBER(A):

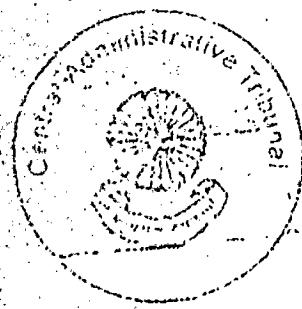
The applicant's husband retired as a Line Inspector on 30.9.1997 from the Office of the S.D.E. (Gr.), Biswanath Chariali. He expired on 8.7.2001. Before retirement a disciplinary proceeding was initiated against him regarding his date of birth in the service book which was recorded as 29.9.1930. Respondents claimed that applicant's husband was born on 10.2.1922 and he served seven years more beyond the retirement date. The applicant filed an Original Application No.100 of 2002 before this Tribunal and the Tribunal vide its order dated 21.2.2003 directed the excess payment of pay and allowances to the applicant's husband amounting to Rs.3,39,515/- to be written off since the disciplinary proceeding stood terminated.

This O.A. is for the payment of retirement benefits to the applicant who is the legal heir of the deceased. As per Annexure - VII the applicant has not been fully paid the retirement benefits i.e. D.C.R.G., Leave Encashment, Commutation, pension and family pension, which are yet to be settled by the respondents. The applicant may file a representation listing out all

grievances before the respondents within two weeks from the receipt of this order. Respondents, on receipt of such representation shall pass an order ~~is~~ <sup>that is</sup> ~~is~~ lawful, just and fair within a period of four months from the date of receipt of the representation.

The present application is thus disposed of. No costs.

Sd/MEMBER(ADM)



TRUE COPY

• शिल्पि

No. 25/6/04

Section Officer (1)  
C.A.T. GUWAHATI PANCH  
Guwahati-781005

H. S. /

(34)

ANNEXURE: VII

To,  
The Chief General Manager,  
Assam Circle,  
Bharat Sanchar Nigam Ltd  
Guwahati-7.

Dated 15/7/04

Sub: Prayer for fixation and payment of death-cum-retirement gratuity, provident fund and other retirement benefits of Late Kala Ram Das who retired as Line Inspector from the Office of the SDE (Gr-I), Bishwanath Chariali (BSNL) on 30.9.97.

Sir,

I have the honour to state that my husband Late Kala Ram Das was the regular employee of your Department. He first worked under Master Roll and thereafter he was appointed as Line Workman - w.a.f. on 05.02.1962 vide order No. 4/11379 dated 10.02.1962 issued by the S.D.O., Telegraphin, Guwahati. He rendered his services in different places and under different capacities and lastly he retired on 30.9.97 as Line Inspector from the office of the SDE, Phones, Bishwanath Chariali at the age of superannuation counting his death of birth as 29.9.1939 which was <sup>recorded</sup> ~~recorded~~ in his service book and which was duly verified by the authority concerned time to time.

But at the verge of retirement of my said husband a disciplinary proceeding was drawn against him alleging inter alia that said Late Kala Ram Das during his service period submitted false information by recording different dates of birth on different documents, over stayed in service by changing and correcting his date of birth as 29.9.39 in place of 10.2.32 and de-

Certified to be  
true copy  
Monjot Chetia  
Advocate  
24/7/06

( 2 )

ceived the department knowingly and intentionally for his personal gains and as such violated rules 3(1)(i) & (iii) of CCS (Conduct) Rules, 1964.

During pendency of the aforesaid disciplinary proceeding, said Kala Ram Das died on 8.7.2001 and on his death the said disciplinary proceeding could not be concluded and in terms of the dti No. 11012/7/98-Rett.(A) dated 20.10.1999 the disciplinary proceeding stood terminated and vide order dated 19.1.2001 the said disciplinary was accordingly closed.

In this regard Hon'ble Central Administrative Tribunal, Guwahati Bench gave judgment and order dated 21.2.2003 passed in OA No. 11012/2002 directed the authority concerned to take prompt measures for settling the claim of retiral benefits accrued to late Kala Ram Das.

Thereafter the alleged excess payment of pay and allowances to the said Kala Ram Das was written off since the proceeding itself stood terminated but vide letter under Memo No. ASH/INT.CELL/FP/RKD/T2/107 dated at Guwahati 27.06.2003 settled the Death cum Retirement Gratuity, Leave Encashment, Commutation, Pension, Family Pension etc. on the basis of the alleged date of birth i.e. 10.02.32.

AS the disciplinary proceeding itself was dropped, the charges levelled against late Kala Ram Das were not proved. Without proving the charges, disputed date of birth i.e. 10.02.32 cannot be taken into consideration for fixation of death cum retirement gratuity.

C. B. I.

Leave encashment, commutation, pension, family pension etc. On being aggrieved at and dissatisfied with the aforesaid settlement of retired benefits, O.A. No. 216/2003 was filed before the Central Administrative Tribunal, Guwahati Bench for redressal of his grievances and the said Hon'ble Tribunal was pleased to pass judgment and order dtd. 11.2.2004 directing the applicant to file a representation listing out all grievances before the respondent authority. Hence this representation.

It is, therefore, prayed that your honour may be pleased to look into the matter and consider the date of birth i.e. 10.8.39 as the basis for determining his death cum retirement gratuity, Leave encashment, commutation, pension, family pension etc and be pleased to make payment as early as possible and for which act of your kindness I shall ever remain grateful to you.

Yours faithfully,

Sumitra Das  
H/o Late Kala Ram Das  
Ex-Engine Inspector,  
RDE (Phones), Biswanath  
Chirait.

Copy to:

(M.M. NO. 4  
(See Rule 42.)CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.ORDER SHEETOriginal Application No. 25/03 / COA 216/03.

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

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

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

Applicant(s): Smti Sumitra DasRespondent(s): Sri B.K. Sinha & OrsAdvocate for the Applicant(s):- Mn K. K. Phukan & L.N. DasingiaAdvocate for the Respondent(s):- Mr. B.C. Pathak,  
Mr. T.B. Barnabas

Notes of the Registry | Date | Order of the Tribunal

14/10/2006 9.3.2006 Present: Hon'ble Shri B.N. Som,  
Vice-Chairman. (A)  
Hon'ble Shri K.V. Sachidanandan,  
Vice-Chairman (J).

The contempt petition has been filed by the applicant in O.A. No. 216 of 2003. Vide order dated 11.6.2004 in O.A. No. 216/2003 this Court directed the applicant to make a comprehensive representation to the respondents and on receipt of such representation, the respondents were directed to dispose of the same. In compliance of the said order the 3rd respondent, Chief General Manager, Telecom, Assam Circle, Guwahati has passed a considered order, No. STES-21/558/8 dated 5.10.2005 which is marked as Annexure-R1. On a perusal of the said order, we are of the view that substantial compliance of the order



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Mayukh Chakrabarti  
Advocate  
24/07/06

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C.P.No.25/2005 (O.A.No.216/2003)

Order of the Tribunal  
s of the Registry Date

9.3.2006

has already been passed and therefore the Contempt Petition will not stand on its legs.

Under the circumstances, the Contempt Petition is only to be closed and notice, if any, issued will be discharged. However, the applicant is at liberty to approach the appropriate forum if he has got any further grievance.

The Contempt Petition is accordingly closed. Notice issued is discharged.



Sd/ VICE CHAIRMAN (J)

Sd/ VICE CHAIRMAN (A)

07.03.2006

Memo No. 324

Copy for information and necessary action to:

1) Sonitpur Jumira Das, w/o Late Kala Ram Das, R/o Village - Sonitpur, P.O. Biswanath Chariati, Dist: Sonitpur, Assam.

2) Mr. B.C. Pathak, Advocate, Gauhati High Court, Gauhati

16/3/06  
Section Officer (Ind)  
16/3/06

(39)

ANNEXURE

IX

**BIHARAT SANCHAR NIGAM LIMITED**  
(A GOVT OF INDIA ENTERPRISE)  
**OFFICE OF THE CHIEF GENERAL MANAGER TELECOM,**  
**ASSAM CIRCLE, GUWAHATI - 785007**

No. - STES-21/558/8

Dated: - 5<sup>th</sup> Oct 2005

**OFFICE ORDER**

Whereas, one Smti. Sumitra Das, W/o Late Kalaram Das, who was a Line Inspector and died on 8.7.2001, filed an Original Application in the Hon'ble Central Administrative Tribunal, Guwahati Bench (in brief "CAT") vide OA. No. 216/2003. After hearing the parties the Hon'ble CAT passed the final order on 11.6.2004 in the said case. By the said final order the Hon'ble CAT directed the applicant to file a representation listing out all the grievances and also directed the respondents to consider the said representation and pass necessary order within a period of four months from the date of receipt of the representation. Accordingly the said case was disposed of.

As per direction of Hon'ble CAT the applicant, Smti Sumitra Das preferred a representation dated 13.7.2004 which was received by the concerned authority on 19.7.2004. The said representation was processed through different administrative hierarchy and a decision was taken to refer the matter to the higher authority of the Corporate Office at New Delhi. Accordingly the matter was referred to the Corporate Office, New Delhi and in the process there had been some delay in considering the representation of Smti. Sumitra Das and in passing a speaking order. The delay caused in the matter relates to a dispute on the matter of date of birth of the deceased husband of the applicant. The actual date of birth of the applicant as recorded in the service book was 10.2.1932 whereas the said date was overwritten and corrected as 29.9.1939. This was a serious matter to be investigated. A disciplinary proceeding was drawn against the said deceased employee while he was in service but during the pendency of

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Advocate  
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the said proceeding relating to the correction of date of birth without any authority, the said employee expired on 8.7.2001. As a result, the disciplinary proceeding was closed and could not be proceeded against the employee in the matter of correction of date of birth. As per original entry in service book indicating the date of birth as 10.2.1932, the date of superannuation of the said employee was to be determined as 28.2.1990. But the employee was allowed to continue by mistake beyond the said date of superannuation. On scrutiny, when the said mistake was detected the aforesaid disciplinary proceeding was initiated to ascertain the correct position which ended without any result. On the other hand if the date of birth of the said employee is taken as 29.9.1939, the date of superannuation was to be fixed as on 30.9.1997. On the death of the employee, it was incumbent on the part of the department to settle the Death cum Retirement Gratuity (DCRG) benefits and accordingly due process was initiated and the matter was taken up with the higher authority indicating the anomalous situation with regard to the date of birth and continuation of the employee in service to a controversial date of superannuation. The competent authority in the BSNL has communicated the local office here that the settlement of DCRG benefit of the said employee should be calculated treating the date of superannuation as 28.2.1990 and the family pension should be paid taking 30.9.97 as the date of entitlement. This was communicated vide No. 250-14/2002/Pers-III dated 24.4.2003. This letter 24.4.2003 created some more problem in determining the actual date of superannuation and the various calculations to be made in connection with DCRG. The whole process therefore delayed though it was unexpected and beyond the control and power of the lower authorities. However the matter was decided and all the calculations were made taking 30.9.1997 as the date of superannuation and on the basis of last pay certificate granted to the employee. Accordingly all the payment like leave encashment, commutation, pension, family pension etc. has already been calculated and paid and being paid to Smti. Sumitra Das. At present the family pension is being paid at the rate of Rs. 1350/- per month to Smti. Sumitra Das regularly.

As per direction of Hon'ble CAT, Smti Sumitra Das submitted her representation where she has made a mention regarding the long service rendered by her deceased husband and the disciplinary proceeding initiated against him with regard to the controversy of his date of birth. Mention has also been made about the death of her husband as on 8.7.2001 and closure of the disciplinary proceeding by order dated 19.1.2001 (which should be 19.11.2001). It has also

(41)

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been mentioned that Hon'ble CAT vide order dated 21.2.2003 passed in O.A. No. 100/2002 regarding the direction given by the Hon'ble CAT in that case. Smti. Sumitra Das also made a categorical mention about the calculation of DCRG alleging that calculation of DCRG has been made on the basis of 10.2.1932 as the date of birth. She has also alleged that the DCRG can't be calculated taking 10.2.1932 as the date of birth as the disciplinary proceeding against her husband was dropped. In her prayer she has demanded that the date of birth of her husband be considered as 29.9.39 and all the benefits of DCRG be calculated on that basis only.

As stated hereinabove, the competent authority of BSNL makes it clear here that the employee died on 8.7.2001 and 30.9.1997 was taken as date of superannuation. That being the actual position all the calculation and payments has been made on the basis of 30.9.97 as the date of superannuation. Hence the entire allegations and the confusion created by such allegations are baseless and can't sustain in law. The competent authority makes it clear that the employee was not absorbed in the established of BSNL as his controversial dated of superannuation ended on 30.9.1997 where as the BSNL come into existence on 1.10.2000. That being the position the monthly family pension now being paid is also directly made by the Deptt of Telecommunication (cell) and BSNL has nothing to do with such action of the Deptt of Telecommunication. The BSNL therefore is not answerable for the erstwhile employee of Deptt of Telecommunication who had never been absorbed in BSNL. As per records of the BSNL there is no mistake in calculation of the DCRG of late Kalaram Das, the husband of Smti. Sumitra Das. Accordingly the representation of Smti Sumitra Das stands disposed of.

To,

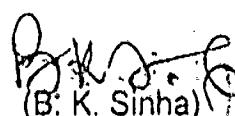
Smti Sumitra Das

W/o Lt. Kalaram Das

Ex-line Inspector

Vill- Sonitpur. PO.- Biswanath Chariali.

Dist. – Sonitpur. (Assam)



(B. K. Sinha)

Chief General Manager Telecom

Assam Circle, Ulubari,

Guwahati-781007

(42)

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To,

The Director of Telecom,  
 Department of Telecom, ~~cell~~  
 Office of the C.G.M.T.,  
 Assam Circle, Ulubiri, Ghy-7.

Dated - 19/12/05

Sub:- Prayer for fixation and payment of death-cum-retirement gratuity, Pension, family pension and other retirement benefits of Late Kala Ram Das who retired as line Inspector from the office of the S.D.E(G.R), Biswanath Chariali (B.S.N.L) on 30-09-1997, On his Superanuation.

Sir,

I have the honour to state that my husband Late Kala Ram Das was the regular employee of your department. He first worked under Master Roll. There after he was appointment as line Workman with effect from 05-02-1962 vide order No.Q-413/9 dated 10-02-1962 issued by the S.D.O, Telegraphs, Ghy. He rendered his services in different places and under different Capacities and lastly he retired on 30-09-1997 as Line Inspector from the office of the S.D.E. Phones, Biswanath Chariali at the age of Superanuation Counting his date of birth as 29-09-1939 which was recorded in his service book and which was duly verified by the authority concerned on time to time.

But at the verge of retirement of my said husband, a disciplinary proceeding was drawn against him alleging inter-alia that the said Late Kala Ram Das during his service period submitted false

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 Monil Mitra  
 Advocate

Contd.../-



- 2 -

information by recording different dates of birth on different documents and overstayed in his service by changing and correcting his date of birth as 29-09-1939 in place of 10-02-1932 and deceived the department knowingly and intentionally for his personal gain and as such violated Rules 3(1)(I) and III of C.C.S(Conduct) Rules 1964.

During pendency of the aforesaid disciplinary proceeding said Late Kala Ram Das died on 08-07-2001 and on his death the said disciplinary proceeding could not be concluded and in terms of the O.M.No.11012/7/1999-E.S.T.T(A) dated 20-10-1999 the disciplinary proceeding stood terminated and vide order dated 19-01-2001 the said disciplinary proceeding was accordingly closed.

In this regard Hon'ble Central Administrative Tribunal, Guwahati Bench vide judgment and order dated 21-02-2003 passed in O. A. No.100/2002, directed the authority concerned to take prompt measures for settling the claim of retiral benefits accrued to Late Kala Ram Das.

Thereafter the alleged payment of pay and allowances to the said Late Kala Ram Das was written off since the proceeding itself stood terminated but vide letter Memo No. A.S.M/DOT.Cell/FP/KRD/TZ/107 dated Ghy 27-06-2003 settled the death cum retirement gratuity, leave encashment, commutation, pension, family pension etc. On the basis of the alleged date of birth i.e. 10-02-1932. As the disciplinary proceeding itself

was dropped, the charges levelled against Late Kala Ram Das was not proved. Without proving the charges, disputed date of birth i.e. 10-02-1932 cannot be taken into consideration for fixation for death cum retirement gratuity, leave encashment, Commutation, Pension, family pension etc. On being aggrieved at and dissatisfied with the aforesaid settlement of retiral benefits, O.A.No.216/2003 was filed before the central Administrative Tribunal Guwahati Bench for redressal of his grievances and the said Hon'ble Tribunal was pleased to pass judgment and order dated 11-06-2004 directing the appellant to file a representation listing out all grievances before the respondent authorities.

That a representation dated 15-07-2004 listing out all grievances and with a prayer for fixation and payment of death cum retirement gratuity, pension, family pension and other retirements benefits of late Kala Ram Das taking 30-09-1997 as date of Superaunation, was submitted before the authorities concerned. But the said representation was not disposed off for a long period which compels the petitioner to file a contempt petition bearing C.P.No.25/2005 before the Hon'ble C.A.T, Guwahati Bench which is still pending for final disposal. In this regard an affidavit-in-opposition, as filed by the respondent BSNL side where an office order dated 05-10-2005 issued by Chief General Manager, Assam Circle, Ulubari was annexed. Photocopy of the aforesaid office order dated 05-12-2005 issued by the Chief General Manager, Assam Circle, Ghy-7 is enclosed here with

Contd.../-

- 4 -

for your kind perusal. By that order it was specifically mentioned that all calculation mentioned that all calculation were made taking 30-09-1997 as the date of superannuation and on the basis of last pay certificate granted to the employee. But infact all the payment like leave encashment, commutation, pension, family pension and other retiral benefits have not been calculated. On the basis of 30-09-1997 as the date of superannuation but whatsoever the amount made and paid that was only on the basis of treating 20-08-1990 as the date of superannuation i.e. on the basis of the letter dated 24-04-2003 which was communicated vide No.250-14/2002/PERS-III dated 24-04-2003.

That I am entitled the family pension, leave encashment, commutation, pension, family pension etc, all other retiral benefits on the basis of 30-09-1997 as the date of Superannuation of my husband Late Kala Ram Das.

Therefore I do hereby request you to kindly fix the death cum-retirement gratuity pension, family pension and other retiral benefits of Late Kala Ram Das, Line Inspector, treating 30-09-1997 as the date of Supperannuation instead of treating 28-02-1990 and also request you to make necessary arrangements for payment <sup>act</sup> of the same as early as possible and for which <sup>act</sup> of your kindness I shall ever remain greatful to you.

Yours faithfully

(SUMITRA DAS)

Wife of Late Kala Ram Das  
village - Sonipuri.  
P.O. Biswanath Chariali  
Dist - Sonipuri.  
Assam.

File in Court on 11/10/07  
D/R 15  
Court Officer.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. No. 182 of 2006

Smti Sumitra Das

.... Applicant.

-VS-

The Union of India & Ors.

.... Respondents.

The written statement on behalf of the  
Respondents No. 1, 2 & 3 abovenamed.

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraph 1 of the instant application, the respondent begs to state that in the earlier way this matter was defended by BSNL. The instant case is relates to the anomaly in the date of birth of Late Kolaram Das. The date of birth in service book was written as 10/2/1932, which has been crossed and further recorded as 29/9/1939. As there was no approval for competent authority whatsoever, a departmental proceeding was drawn against the said Kolaram Das. The said matter was first noticed and immediately the said employee was ~~put~~ under suspension with effect from 18/9/1997 and as aforesaid charge sheet under Rule 14 was framed by the competent authority. During pendency of the aforesaid enquiry the charge employee expired on 8/7/2001. After the death of charge employee the disciplinary proceeding was closed as per the Rules. But

69  
Through Grandan Bishnu Sircar  
05/10/07  
H. Respondents

5 OCT 2001

गुवाहाटी न्यायालय  
Gauhati Bench

[2]

6

it is pertinent to mention here that as the charge employee was not exonerated from the charge and therefore his date of birth was taken as 10/2/1932 which was manipulated as 29/9/1939 without any sanctity, approval from the competent authority.

Given  
Date

2. That with regard to the statement made in paragraphs 2 and 3 of the instant application the Respondents beg to offer no comment.

3. That with regard to the statement made in paragraphs 4(i) to 4(vi) of the instant application the Respondents beg to state that those are matter of record and the answering respondents does not admit anything which is contrary to the record.

4. That with regard to the statements made in paragraph 4(vii) of the instant application the Respondents beg to state that before finalisation of the disciplinary proceeding held by the Inquiry Officer the applicant husband expired and as such the date of enquiry could not be conveyed to him. And since by Govt. of India order No. G.O.I. Deptt. PER AND TRG WM No. 11012/7/99-Estt(A) dated 20/10/99 disciplinary proceeding should be closed immediately on the date of expiry of alleged Govt. servant nothing was to be conveyed about the finding of the case, which has been closed by order No. TDM/TEZ/1006/DIS/KHD/2 dated 19/11/2001.

5. That with regard to the statements made in paragraphs 4(viii) and 4(ix) of the instant application the Respondents beg to state that the said departmental

5 OCT 2007

गुवाहाटी न्यायालय  
Guwahati Bench

[3]

proceeding could not be finalised and delay was caused due to various factors a part of which also attributed by the charge official himself. The said proceeding was drawn as stated earlier as a result of tampering of the service book of the charge employee and he was suspended for which as per the rules the provisional pension was paid and no delay was reverent to make such provisional pension to the charge employee following the departmental procedure. However the issue of suspension order charge sheet etc. as per the Rules for tampering of the service book of the charge employee and for that the mental suffering of the husband of the applicant the departmental has no role to play and the department is not at all responsible for the same.

6. That with regard to the statement made in paragraph 4(x) of the instant application the Respondents beg to state that those are matters of record and the answering Respondent does not admit anything which is not borne out of record.

7. That with regard to the statement made in paragraph 4(xi) of the instant application the Respondents beg to state that those are matters of record and the answering Respondent does not admit anything which is not borne out of the record.

8. That with regard to the statement made in paragraphs 4(xii) and 4(xiii) of the instant application the Respondent begs to state that the Accounts Officer (DOT CELL) office of the CGMT, BSNL, ASSAM TELECOM CIRCLE rightly vide the letter dated 27/5/2003 granted death

15 OCT 2011

गुवाहाटी अधिकारी  
Guwahati Admin.

[4]

cum retirement gratuity family pension and other relevant benefit by fixing date of birth as 10/2/1932. It is pertinent to mention here that the charge employee was not exonerated from the charge of tampering the service book by changing the date of birth from 10/2/1932 to 29/8/1939 but the said proceeding was dropped due to the death of the charged employee. The said charge employee was wrongly retained in the service during the date of superannuation and worked for more than 7 years after allowing the age of 60 years. In the process there has been an excess pay and allowances to the tune of Rs. 3,39,515/- As per the direction of the Hon'ble Court the said excess payment was retained off but at the same time this Hon'ble Court did not fix the date of birth of the charge employee as 29/9/1939. Hence the date of birth was rightly considered as 10/2/1932 by the Respondent No.3.

9. That with regard to the statements made in paragraph- 4(xiv) of the instant application the Respondents beg to state that as stated earlier the charge employee was wrongly retained in service beyond the date of superannuation and worked for more than 7 years after the retiring age. As per the direction of this Hon'ble Tribunal excess pay and allowances were not recovered and during the pendency of the departmental proceeding as the incumbent employee expired the same has been dropped, closed. But the said action not amounting to exonerated from the charge framed against the employee and the same cannot give any right to the claim of date of birth 29/9/1939 which was manipulated, without any approval of the competent authority and therefore the

5 OCT 2001

गुवाहाटी न्यायालय  
Guwahati Bench

[5]

answering Respondent authority rightly taken the date of birth as 10/2/1932 for fixation of family pension etc.

10. That with regard to the statement made in paragraphs 4(xv) and (xvi) of the instant application the Respondents beg to state that those are matters of record and the Respondents does not admit anything which is not borne out of the record. The denial order on disciplinary proceeding of Late Kolaram Das was passed on 19/1/2001 closing the DP as per the Rules.

A copy of the order dated 19/1/2001 is annexed herewith and marked as ANNEXURE-I.

11. That with regard to the statement made in paragraphs 4(xvii) and 4(xviii) of the instant application the Respondents beg to state that the Respondent authority vide communicated dated 13/5/2003 informed the Assistant Director General BSNL regarding condonation to excess period of service informed the letter regarding the settlement of retirement benefit, that retirement gratuity, leave encashment, CGEGIS are payable on 1/3/90 based on pay and allowances drawn on 28/2/90 treating the date of superannuation as 28/2/90. So far the superannuation pension and communication of pension are payable w.e.f. 01/10/97 based on pay and allowances drawn on 28/2/90 treating the date of retirement 30/9/97 and family pension is to be settled based on pay drawn on 28/2/90 treating the date of retirement as 30/9/1997. Accordingly the answering Respondent regularly paying the family pension of Rs. 3015 P/M to the applicant by

5 OCT 2007

गुवाहाटी न्यायालय  
Guwahati Bench

[6]

69

Guwahati  
Bench

treating the date of birth as 10/2/1932. As stated earlier there was manipulation in the service of book of charge employee of Late Kolaram Das for which he was wrongly in the service after the date of retirement and he has received excess allowances payment of pay and allowances to the tune of Rs. 3,39,515.00. The said excess amount was written off as per the direction of this Hon'ble Tribunal but the answering Respondent was not directed to take the date of birth of charge employee as 29/9/1939. Therefore the answering Respondent rightly calculated the retirement benefit including superannuation pension and communication pension with effect from 1/10/97 based on pay and allowances drawn on 28/2/90 treating the date of retirement as 30/9/1997. Further the answering Respondent begs to state that vide communication dated vide 24/4/2003 it was also informed to the Chief General Manager, BSNL that approval of the competent authority is hereby conveyed for treating the date of superannuation as 28/2/90 and retirement benefit may be settled on the pay and allowances drawn as on 28/2/90. However family pension should be paid as per the extent rules keeping in view the date of superannuation of the official as on 30/9/97.

Copies of the letter dated 24/4/2003 is annexed herewith and marked as ANNEXURE II

12. That with regard to the statement made in paragraph 4(xix) of the instant application the Respondents beg to state that as per the rules the answering Respondent rightly treated the date of retirement as

5 OCT 2001

गुवाहाटी न्यायपीठ  
Guwahati Bench

[7]

28/2/90 and retirement benefit were paid to the applicant on the basis of the pay and allowances drawn as on 28/2/90.

13. That with regard to the statement made in paragraphs 4(xx) to 4(xxiv) the answering Respondent begs to state that those are the submissions made by the applicant before this Hon'ble Tribunal which are contrary to the rules and provision of law and are liable to be rejected.

14. That with regard to the statement made in paragraphs 5(i) to (iii) of the instant application the Respondent begs to state that those are incorrect untrue false and hence same are denied. The Respondent further begs to state that in view of the reasons and facts narrated in aforesaid paragraph there is no prima-facie illegal malafide arbitrariness or ill motive on the part of the Respondent and hence the application is liable to be dismissed.

15. That with regard to the statement made in paragraph 5(iv) to (vi) of the instant application the answering Respondent begs to state that those are untrue false and baseless statement and hence same are denied. The Respondents further begs to state that all the grounds set forth in the instant application are not at all good grounds for filing the instant application and hence the application is liable to be dismissed.

5 OCT 1999  
গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

[8]

16. That with regard to the statements made in paragraph 6 of the instant application the answering Respondents have no comments.

17. That with regard to the statement made in paragraph-7 of the instant application the Respondent begs to state that same are within the personal knowledge of the applicant and hence the Respondent cannot admit or deny the same.

18. That with regard to the statement made paragraphs-8 and 9 of the instant application the answering Respondent begs to state that in view of the facts and circumstances mentioned above the applicant is not entitled to get any relief or interim relief as prayed for and the application is liable to be dismiss.

15 OCT 2007

गुवाहाटी न्यायालय  
Guwahati Bench

[9]

VERIFICATION

Shri S. N. Chakravarty S/o Late Jitendra Chakravarty aged about 52 years resident of Bokkakhati Road, Panbazar, Guwahati working as Asst. Director Telecom (Legal) being authorised to hereby verify and declare that the statement made in this reply of original application in para 1 to 9 and 12 to 17 are true in my knowledge, these made in para 10 and 11 being matter of records are true to my information and believe and I have not suppressed any material fact.

And I sign this verification on this 1<sup>st</sup> day of October, 2007.

S. N. Chakravarty

DEPONENT  
Asst. Director Telecom (Legal)  
O/o CGMT, BSNL  
Panbazar, Guwahati-1

**BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
BSNL, TEZPUR**

No. TDM/TEZ/1006/DIS/KRD / 1

Dated at Tezpur, the 19-11-2001.

Sub:- Order for revocation of suspension order i/r/o Lt. Kala Ram Das,  
Ex L.I.

Shri Kala Ram Das, Ex. L.I. was placed under suspension by order No. TDM/TEZ/1006/DIS/KRD/1 Dtd. 18-9-97 by TDM, Tezpur, with effect from 18-9-97. The date of retirement of Shri Kala Ram Das was 30-9-97. The disciplinary case initiated against Shri Kala Ram Das, started as per charge-sheet No. TDM/TEZ/1006/DIS/KRD/3 Dtd. 22-9-97, but before the conclusion of the inquiry Kala Ram Das expired on 8-7-2001.

Therefore, I Shri M.K.Patel, the disciplinary authority of the charged official hereby order that the suspension imposed upon Kala Ram Das w.e.f, 18-9-97 was revoked on 30-9-97 i.e. on the date of his retirement on superannuation and the period of 13 days from 18-9-97 to 30-9-97 will be treated as on duty.

*(M.K.Patel 19/11/01)*  
(M. K. PATEL)  
Telecom District Manager  
Tezpur.

*True Copy  
M. C. Das  
Advocate*

11  
भारत संचार निगम लिमिटेड  
(भारत सरकार का उद्यम)  
BHARAT SANCHAR NIGAM LIMITED  
(A Group of BSNL Enterprises)

113/1

11

ANNEXURE - 11

101/101/C  
No. 113/14/2002 Pers. 111

Dated: 24.4.2003

To

The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
Assam Telecom Circle,  
Guwahati.

[ Kind Attn: Shri P.C. Mahirania, GM (Fin.) ]

Sub: Condonation of excess period of service in respect of Late Kala Ram Das, Ex-Lineman II, O/o TDM, Tezpur.

I am directed to refer to your office letter No. 113/14/PEN/KRD/2000-01/68 dated 8.4.2002 on the above mentioned subject and to say that the case has been examined in consultation with the branch of BSNL and Nodal Ministry i.e. DoT. ~~approval of the competent authority is hereby conveyed for treating the date of superannuation as 28.2.1990~~ retirement benefits may be settled on the pay and allowances ~~incurred on 28.2.1990~~. However, gratuity should be paid as per the extant rules keeping in view the ~~date of superannuation~~ of the official as on 30.9.97. Service Book and Personal file of the official is enclosed herewith.

Necessary action may be taken and compliance reported to this office records.

Kindly acknowledge the receipt of the above said documents.

re: As above.

(RAJENDER PRASAD)  
ASST. DIRECTOR GENERAL (PERS. 111)  
TEL: 23310401 FAX: 23725709

Regd Office: Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001  
Corporate Office: B-148, Statesman House, Barakhamba Road, New Delhi - 110 001 Website: www.bsnl.co.in

True Copy  
P.C. Das  
Advocate

NOTICE

FROM - Gaurav Banerjee  
Sr. C.A.Sc, CAT

To,

O.A. No. 182/2006

Smti. Sumitra Das  
-- Applicant

v3

Union of India & others.

-- Respondents.

Please find herewith a copy of written  
Statement ~~petitions~~ along with annexure  
which is going to be filed on the  
behalf of the Respondents no. 1, 2, 3 in  
connection with O.A. No. 182/06

Received copy of  
w.s. alongwith annexure.  
Linda acknowledge the receipt  
hereof.  
Thankyou.  
S/10/07

File in Court on 06/11/07

*[Signature]*  
Court Officer.

16

FORM NO. 11

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA/RECEIPT NO. 182 OF 2006

Smt. Sumitra Das Applicant(S)

-vs-

Union of India Respondent(S)

I, Sri Gautam Baishya having been authorized by  
Ministry of Law by the Central Government /Government Servant  
/..... Authority/Corporation /Society notified under section 14  
of the Administrative Tribunals Act, 1985, hereby appear for applicant  
no...../Respondent no....all.... and undertake to plead and act  
for them in all matters in the aforesaid case.

Place: Guwahati

Date: 06-11-07

*Gautam Baishya*  
(GAUTAM BAISHYA)  
SR.CGSC,CAT.

File in Court on 10/3/08

*SK*  
Court Officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

ADDITIONAL AFFIDAVIT

IN O.A. No. 182 OF 2006

Smti Sumitra Das

...Applicant

-Versus-

The Union of India & Ors.

....Respondents

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<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
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3.	Annexure -B(Photo copy of Horoscope in brief )	5
4.	Annexure-C(Photo copy of the Horoscope in detail)	6-9
5.	Annexure-D(Photo copy of the Doctor's certificate)	10

Filed by:

*Umeshwar*  
10/3/08  
Advocate

File No. ....  
Court Officer.

78

File No. 51514731 - Applicant  
through Adv. S. M. Samra  
1-2-2008

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

in O.A. No. 182 of 2006.

IN THE MATTER OF:

An additional affidavit filed by the applicant in connection with OA No. 182/2006.

-AND-

IN THE MATTER OF:

Smt Sumitra Das,  
W/o Late Kaliaram Das.  
Resident of Vill. Sunitpur,  
P.O. Biswanath Chariali,  
Dist. Sunitpur, Assam.

.., Applicant

-vs-

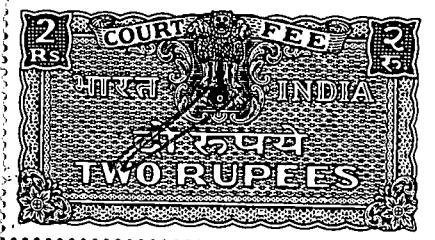
1. The Union of India, represented by the Secretary, Department of Telecom, Govt. of India, Sanchay Bhawan, New Delhi-110001.

2. The Director of Telecom Department Cell Office of the C.G.M.T., Assam Circle, Ulubari, Guwahati-7.

3. The Chief General Manager, Telecom Circle, Bharat Sanchar Nigam Ltd., Ulubari, Guwahati-7.

.., Respondents

File in..... on.....  
Court Officer.



01 FEB 2008

[ 2 ]

AG

15/1/08  
15/1/08  
15/1/08

ADDITIONAL AFFIDAVIT

I, Smt Sumitra Das, W/o Late Kalaran Das, aged about 57 years, resident of Vill. Sonitpur, P.O. Biswanath Chariali, Dist. Sonitpur, Assam, do hereby solemnly affirm and states as follows:

1. That I am the applicant of O.A. No. 182/2006.

2. That my husband Late Kalaran Das was working as Line Inspector in the Department of Telecom and he retired from his service on 30.9.97 at the age of his

★ superannuation.

3. That at the verge of his retirement, a disciplinary proceeding was drawn against him alleging inter alia that my said husband has overstayed in his service by 7 years by changing/correcting his date of birth from 10.2.32 to 29.09.39.

4. That my husband contested the proceedings and denied the allegation raised against him.

5. That some documents along with Memorandum of Article of charge were served to my husband by the respondent Government Department.

W01/02  
(Pranab Talukdar)  
NOTARY  
KAMRUP (Metro) GUWAHATI

6. That one photostat copy of first page of service book of Sri Kaliaram Das was also served to my said husband along with other documents.

The said photostat copy is annexed herewith and marked as Annexure - A.

7. That my said husband submitted copy of the horoscope (one in brief prepared by one Shri Hari Nath Deva Sarma Kahikuchi on 5.10.1939 and another in detail prepared by Shri Tirtheswar Sarma, M.A. Gorahabi village Chariali, Darrang on 7.6.82) along with Doctor's Certificate before the respondent authorities in support of his date of birth.

Photo copies of the aforesaid horoscope and doctor's certificate are annexed herewith and marked as Annexure - B, C & D respectively.

8. That the statements made above are true to my knowledge and belief and I sign this affidavit on this 16<sup>th</sup> day of February, 2008 at Guwahati.

*Agay Hazarika*

Identified by:

*Agay Hazarika*  
Advocate

Deponent

Solemnly affirmed and declared before me by the deponent who is identified by *Agay Hazarika* Advocate, on this 16<sup>th</sup> day of Feb, 2008 at Guwahati.



*Pranab Talukdar  
01/02/08*

(Pranab Talukdar)  
NOTARY  
KAMRUP (Metro) GUWAHATI

(Name (in full))

PTC - 630 63

241

III (3)

2. Permanent Home Address (in full)

3. Father's name (and also husband's name in the case of a woman Government servant) and residence.

4. Nationality (if not a citizen of India, number and date of the certificate of eligibility granted by the Government of India.)

S/o S. Kala Ram &amp; S/o

P.O. & P.S. Pandu, Vill - Garigaon.  
Dist. Jharkhand  
Indian

5. If a member of Scheduled Caste, Scheduled Tribe, particulars of Caste /Tribe.

Malai (Scheduled Caste)

*(Wrongly entered the place of birth as S/o Kala Ram)*  
29.7.39 (Twenty nine September  
of 1939 from the calendar  
thirty nine)

6. Date of birth, by Christian Era as nearly as can be ascertained.

5' 3 1/2"

one cut mark on left foot.

7. Educational qualifications

8. Exact height by measurement (without shoes)

9. Personal mark for identification

10. Left hand thumb and finger impressions of (non-gazetted) officer if he is not literate enough to sign his name in English, Hindi or other regional language.

Little finger

Ring finger

File in Court on.....

Court Officer

Thumb

Middle finger

Fore finger

Certified to be true copy of  
the photocopy supplied by the applicant  
Gopal  
1-2-08  
Advocate

8.7.

11. Signature of the Government servant

Kali Ram &amp; S/o

9-5-73

COUNTERSIGNED.

Sub-Divisional Officer  
Engineering Supervisor (Tele)

784176

12. Signature and designation of the head of the Office or other attesting officer

NOTE 1.—The entries on this page should be renewed or re-attested at least every five years, and the signatures in lines 11 and 12 should be dated. Finger prints need not be taken afresh every five years under this rule.

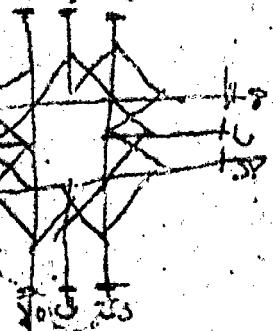
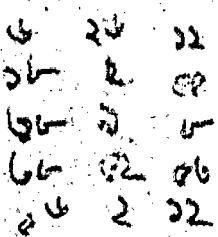
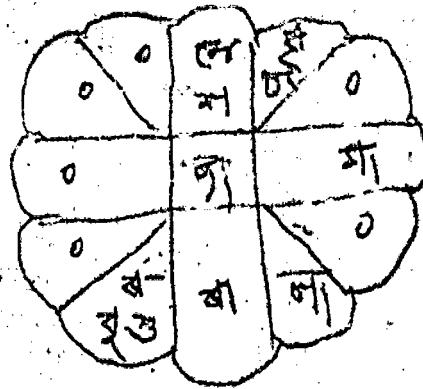
NOTE 2.—For additional entries in respect of Government servants of the Police Departments, please see page 32.

File in Court on.....

**Court Officer.**

ଶ୍ରୀମତୀ କର୍ମଚାରୀ ମହାନ୍ତିର୍ମାଲା ପାତ୍ରମାନଙ୍କ ପରିବାରରେ ପରିବାରକାରୀ ମହାନ୍ତିର୍ମାଲା ପାତ୍ରମାନଙ୍କ ପରିବାରରେ

ଶ୍ରୀରାମମ୍ ପ୍ରଦୁର୍ବିତ୍ତି-ଅନ୍ତର୍ଗତ ଲକ୍ଷ୍ମୀପ୍ରମାଣୀ



उत्तराञ्जु। अंदिनी-ग्रन्थ) लालूका: २६४३।२।२२ दे०-

३६  
श्रीराम नामे (स्व. भगवत् शंकर द्वादश)

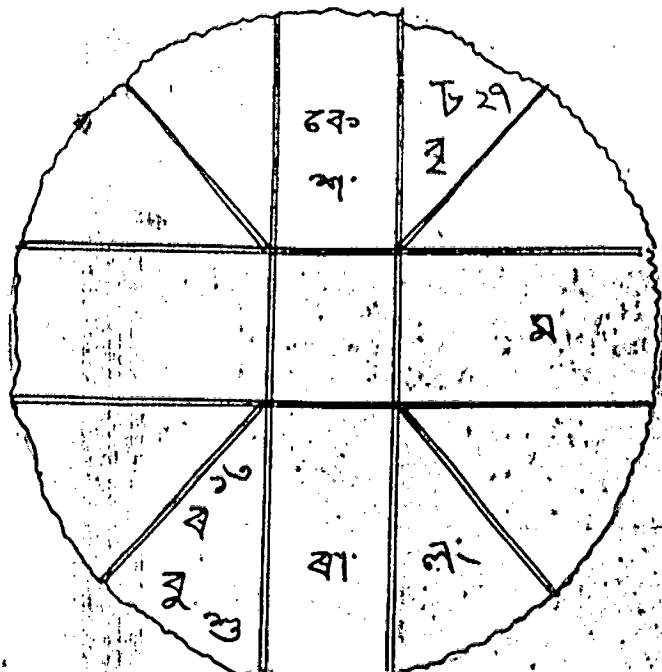
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Certified to be true copy

Graham  
1/21/08

Advocate

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۲۶. - ۲ - ۲۲.  
۶-۲-۲  
۶- ۲۲- ۲۲  
۶- ۲- ۲۲

ନିଯା ୨୯୧୪ନୀ୧୮୦

支那 90/20120

ନିଆ ୩୨୭ ନିତ୍ୟାନ୍ତିଃ ୮-୧୨୦୧୦

ଅମ୍ବାନ୍ତିକ ନିର୍ମାଣ ୨୫୧୮୦୨୮

سے ۱۲۰ | ۶

م ۱۰۱ ف ۱۴۵ : ج ۱۰۱

ପାଞ୍ଚାଟ

9-29-20  
29-5-28  
82-20-20  
25-2-86  
28-8-21

ମୁଦ୍ରା, ୨୯୧୪୬୧୨୬

ଆମ୍ବି ୨୦୧୨୬ ୧୪୭

ଆମ୍ବାଦାରୀ ଅରା କର୍ବ୍ବ ନାମାନ୍ତରି କାଶବ୍ଦ ।

ଦିଲାମାନ : ଅଜୁକ୍ତରୁ ଶତ୍ରୁଗାନ୍ତ ଉପରିଲି ।

ପ୍ରକଳ୍ପି । ଶାକାଶୀ: ପ୍ରକଳ୍ପି । ଶବ୍ଦ ୧୯୪୬ । ଶ୍ରୀକଳ୍ପି ପାତାଳ ।

ଓଡ଼ିଆ । ୧୨ ଅକ୍ଟୋବର । କୁଣ୍ଡଳୀ ଦେବତାଙ୍କର ପାଦମୁଦ୍ରା । ପ୍ରକାଶ ।

ମୁଦ୍ରା: ଶାଖା: ୨୮୮୮ । ଅନ୍ଧନ ଶାଖା ଟ୍ରୋବ ଅନ୍ଧନ ମାନ୍ୟ ମୁଦ୍ରା-

ନିଯମ ପ୍ରକାଶକ୍ରିୟା ନିବାସ ଟଙ୍କା 20 ମାତ୍ରାକ୍ରିୟା (ଟଙ୍କା ୧-ଟଙ୍କା ମାତ୍ର)

କୁଷଣ ନାମେ ପ୍ରତିବିନ୍ଦୁ ରାଜ୍ୟରେ ଦେଶକୁ ନାମିତ୍ତ୍ଵରେ ପରିବର୍ତ୍ତନ ହେଲା ।

ଯାଏବ କାବଣୀ ଅତି ପ୍ରମିଳିକ ନାମ୍ବି ହେଲେଥିବୁ ରେଖା ଶ୍ରୀନ ପାତ୍ରୀ ୧୯୫୨-  
ଦେଖୁ ଯାଏ ତାବଣାରୀ ଅଭିନବି ଅନୁଭବ ନାମ୍ବି ଅତିଥି ପାତ୍ରୀ ଶ୍ରୀନ ପାତ୍ରୀ ୧୯୫୨-

କୁଳାମଣି, ତ୍ରିଲାଭୁମି, ଶୁଦ୍ଧକର୍ମୀ ଅକ୍ଷତେ ଶାଶ୍ରିତାତ୍ମ ଲହାର ନିର୍ମିତା;

ମାତ୍ରାର୍ଥିତ୍ବ ନାମ ପରମାତ୍ମାନିଃ; ଶ୍ରୀମନ୍ ଟାର୍ମନଙ୍କୁ ମାତ୍ର ଦେଖି ।

ଓଡ଼ିଆ ପ୍ରିଯାର ଦେଖନ ନାହିଁ କୌଣ୍ଡି ।

५६८. राजाराजेश्वीरामाचलीय

ପାଇଥାନା ତ୍ରୀତୀର୍ଥମାର୍ଗ ଅପର୍ଯ୍ୟନ୍ତ ବରଷାରୀ ଅନ୍ଧରେ ଶାନ୍ତିକାଳେ ଲୁହିପାଥ ନିରାପତ୍ତି ।

ଓପ୍ପି ପାତ୍ରଗ୍ରହିତା ପାଇଁ ପାତ୍ରମହାପ୍ରାଣିମ୍ବିଃ ଶ୍ରୀମିନ୍ ଦ୍ୱାରାନ୍ତା-ଦ୍ୱାରା ହେଲି ।

ପ୍ରତିଗମ ଶ୍ରୀମନ୍ ଟମାନ୍ ହୁଅସ ପ୍ରତିକିଃ ।

ଶ୍ରୀମଦ୍ ଗାୟତ୍ରୀ ପ୍ରୀଣନ୍ କଣ୍ଠାବ୍ରାହମ ମୁଦ୍ରା ଦ୍ୱାରା

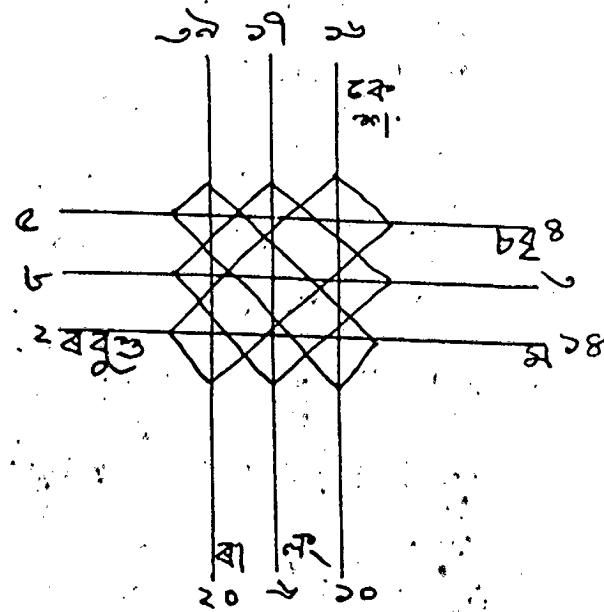
ପ୍ରାଚୀମ ପାଶନ କଳ୍ପନାର୍ଥୀ ୧୯୩୮ ପ୍ରକାଶକ ।

૧૫. ટાનુંદેશ્વરામાલું અંગ્રેજી

**Court Of**

- ପାକି ଟଙ୍କା -

ପାଇକି ବିଷ୍ଟ ନାମ ।



କଣ୍ଠନାଟୀ - ୨

ଶ୍ରୀହାତିକାନ୍ତି

કૃતિનામાં 29

## — ସମ୍ପଦୀ ପ୍ରକାଶ —

ମାନମନ୍ତ୍ରୀ 28

ବିନାଶକାରୀ

ନଡ଼ି ନିଜ୍ମୁଖ ରୋ ଆଶ୍ରମ ପାଇବାର କଷ୍ଟରେ ନିରାପତ୍ତି :—

નાણી નાણી પાપાએ શાંકુબ રણ કૃત્યા અમલા, રાજુનાની, એણીની રિક બીજી, માનાંક અણી, આજીએ ઇન્ન પ્રવિદ્ધાજ પ્રકૃતિનાના રીતની એણી રણ રણ રણ । ગાંધીજી એણીની આલક્ષણીએ — પણીકારણ અન્ના રણ રણ રણ એણી નાણી પિરણા (નાણી નાણી નાણી નાણી) પાપાએ શાંકુબ (એણીની કબા રીતની )

ମୂର୍ଖ ବୁନିଲେ ବୁକ୍ଷିମ୍ :— ଅର୍ପି. ମାନ୍ଦି. ଶାନ୍ତି, ବାନ୍ଦି. କେତୁ ।

- 13012017 27325 -

বর্ষাবৰ্ষণ	১	২	৩	৪	৫	৬	৭	৮	৯	১০	১১	১২
৭১	৭৮	৭৯	৮০	৮১	৮২	৮৩	৮৪	৮৫	৮৬	৮৬	৮৭	৮৮
চক্ষু প্রকৰ্ম	৩	৪	৫	৬	৭	৮	৯	১০	১১	১২	১৩	১৪
চেনা প্রকৰ্ম	৩	৪	৫	৬	৭	৮	৯	১০	১১	১২	১৩	১৪

ବର୍ଷ-ମୁହୂର୍ତ୍ତ	୧	୨	୩	୪	୫	୬	୭	୮	୯	୧୦	୧୧	୧୨	୧୩
ବେଳେ ପାତାକି	୩୧	୩୮	୩୯	୪୦	୪୧	୪୨	୪୩	୪୪	୪୫	୪୬	୪୭	୪୮	୪୯
ବେଳେ କୁଞ୍ଜଳି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
ଶ୍ରୀକୃଷ୍ଣଙ୍କି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
	X	X								X	X		

ବର୍ଷ-ମୁହୂର୍ତ୍ତ	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୨୦	୨୧	୨୨	୨୩	୨୪	୨୫	୨୬
ବେଳେ ପାତାକି	୩୭	୩୮	୩୯	୪୧	୪୨	୪୩	୪୪	୪୫	୪୬	୪୭	୪୮	୪୯	୫୦
ବେଳେ କୁଞ୍ଜଳି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
ଶ୍ରୀକୃଷ୍ଣଙ୍କି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
							X						

ବର୍ଷ-ମୁହୂର୍ତ୍ତ	୨୦	୨୧	୨୨	୨୩	୨୪	୨୫	୨୬	୨୭	୨୮	୨୯	୨୧	୨୨	୨୩
ବେଳେ ପାତାକି	୬୧	୬୨	୬୩	୬୪	୬୫	୬୬	୬୭	୬୮	୬୯	୬୧	୬୧	୬୨	୬୨
ବେଳେ କୁଞ୍ଜଳି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
ଶ୍ରୀକୃଷ୍ଣଙ୍କି	୩	୮	୧୩	୧୪	୧୫	୧୬	୧୭	୧୮	୧୯	୧୮	୧୯	୨୦	୨୧
	X	X	X										

File in Court on.....

Court Officer.

(X) ଟିନିର୍ଦ୍ଦିଷ୍ଟ ଆୟା ବିନାବଳ୍ ପିଲାମା- କିମ୍ବା ଆମ୍ବା !

ପିଲାମା- କିମ୍ବା ନିର୍ମାନମୁକ ।

ଗାତ୍ରକ କ୍ଷେତ୍ର ବୃଦ୍ଧ ବିନାବଳ୍ ଆୟା ଆମ୍ବା କାରିବ ।

— ପ୍ରାଣଲୈ —

ପ୍ରୋତ୍ସହ ନିଶ୍ଚାତ ଆମ୍ବା । ଆୟା କ୍ଷେତ୍ରକୁ ନିର୍ମାନ ଆମ୍ବା ।

ବର୍ଷ-ମୁହୂର୍ତ୍ତ	ବର୍ଷ	ମାତ୍ରା	— କେବଳ —
ଶ୍ରୀକୃଷ୍ଣ	୧୧	୫	ଶ୍ରୀପ୍ରାଣଲୈ ବିନାବଳ୍ ନିର୍ମାନ କାରିବ । କିମ୍ବା ପିଲାମା କାରିବ । କିମ୍ବା ଆୟା କାରିବ । କିମ୍ବା ଆୟା କାରିବ ।
ବେଳେ	୧୨	୫	କିମ୍ବା ପିଲାମା କାରିବ । କିମ୍ବା ଆୟା କାରିବ । କିମ୍ବା ଆୟା କାରିବ ।
ବେଳେ	୧୩	୫	କିମ୍ବା ପିଲାମା କାରିବ । କିମ୍ବା ଆୟା କାରିବ । କିମ୍ବା ଆୟା କାରିବ ।
ଶ୍ରୀକୃଷ୍ଣ	୧୪	୫	କିମ୍ବା ପିଲାମା କାରିବ । କିମ୍ବା ଆୟା କାରିବ । କିମ୍ବା ଆୟା କାରିବ ।

କଣ୍ଠେ ଅବଶ୍ୟକ କାହାରେ ରଖିବାକୁ  
କୁମ ଅବସାନ କରିବାକୁ କରିବା  
ଆଲୋକୀୟା ଅବସାନ କରିବାକୁ ।

Court Officer.

V. ୩୮	୮		କଣ୍ଠେ ଅବଶ୍ୟକ କାହାରେ ରଖିବାକୁ କୁମ ଅବସାନ କରିବାକୁ କରିବା ଆଲୋକୀୟା ଅବସାନ କରିବାକୁ ।
ସମୟ	୨୧	୭	କୁର୍ଯ୍ୟ କରିବାକୁ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ କରିବାକୁ । କିମ୍ବା କାହାରେ ରଖିବାକୁ ।
ବସନ୍ତ	୨୬	୭	କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ଶତାବ୍ଦୀ	୮		କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ବସନ୍ତ	୮୮	୭	କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ଶତାବ୍ଦୀ	୧୨		କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ବସନ୍ତ	୮୯		କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ଶତାବ୍ଦୀ	୧୦		କୁର୍ଯ୍ୟ କରିବାକୁ । କୁମ କରିବାକୁ । କେତେ ଅବସାନ କରିବାକୁ ।
ବସନ୍ତ →	୧୧	୭	

ଅନୁରୋଧ କରିବାକୁ । ୧୯୮୨  
ଅଭାବରେ ।  
ବ୍ୟାପକି - ମୁଖ୍ୟ । ୧୯୮୨

File in Court, etc.....	III (4).
Court Officer.	(28)

Certified that Sri K.R. Das, employee in the P&T Department Charali, S/O Late Dandi Ram Das, hailing from Jalukbari Guwahati-14, Vill. Garigaon has born on 29th September during the year 1939 as per his birth horoscope.

*Attached  
P.W.D. Record  
Charali*

Signature

*55/*

(Dr. R.K.Deka)

Medical & Health Officer  
Charali P.H.C.  
Charali, Darrang

*Certified to be true copy &  
the photocopy supplied by the applicant.*

*Surjana*

*Advocate*

*1-2-08*