

FROM NO. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 73 / 06

2. Misc Petition No.                     

3. Contempt Petition No.                     

4. Review Application No.                     

Applicant(S) Smt. Ila Chakana

Respondents M.O. 1205

Advocate for the Applicant(S).... Mr. C. Sinha .....

Advocate for the Respondant(S).... C.G.S.C. M. H. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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This application is in form,  
is filed/C F. for Rs. 50/-  
deposited with PC/BD  
No. 206.163.766  
Dated 27-3-06 .....

[Signature]  
Dy. Registrar

[Signature]  
27-3-06

Steps taken

27.03.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

Heard Mr. C. Sinha, learned counsel  
for the applicant.

The grievance of the applicant is  
that she was absorbed in Bharat  
Sanchar Nigam Limited (BSNL in short)  
in the year 2004 and punishment was  
imposed after inquiry and the appeal  
which was filed by the applicant was  
set aside, but the reviewing authority  
initiated Suo Moto proceedings and  
punishment was imposed without  
giving any reasonable opportunity that  
was stipulated in rules. Aggrieved by  
the said inaction, the applicant has  
filed this application.

When the matter came up for  
admission hearing, it appears that the

Contd/-

Contd/-

27.03.2006

applicant is a Group 'B' Officer in BSNL, who was absorbed in the year 2004, hence the question of jurisdiction is very much involved whether this Court will entertain such application. Mr. M.U. Ahmed, learned Addl. C.G.S.C. appearing on behalf of the Respondents has also raised question of jurisdiction of the matter. Therefore, it is held that notice is to be issued to the respondents.

Pl. comply order  
dated 27.3.06.

N3  
27.3.06

Issue notice to the Respondents No. 3, 4 and 5 with instruction that they will enlighten this Court as to the question of jurisdiction.

Post on 10.05.2006.


  
Vice-Chairman

Notice & order  
sent to D/section  
for issuing to  
resp. nos. 3, 4 and  
5 by regd. A/D post.  
28/3/06. D/No-431 to 433  
Dt=5/4/06.

/mb/

9-5-06.

① Service report  
allowed.



Pl. comply order  
dated 10.05.06.

N3  
10.5.06

10.05.2006 On behalf of the BSNL a reply statement has been filed contending that this Court has not jurisdiction and quoted some decisions of the Tribunal and High Court. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondent No. 3 wanted to file reply statement. None for the applicant.

Post on 12.06.2006. It is made clear that since the issue involved is question of jurisdiction, a general referenda from the bar is invited and the Advocates are at liberty to address the Court on that day.

Contd/-

O.A. 73/2006

Contd/-

10.05.2006

Assistant Solicitor General is  
appeared on behalf of the BSNL.

Vice-Chairman

mb

12.06.2006

Leard learned counsel for the  
parties. The application is dismissed  
in terms of the order passed in separate  
sheets. No order as to costs.

Vice-Chairman

mb

12.5.06

An application  
has been filed by the  
Respondent No. 425 regarding  
the question of jurisdiction.

Am

16/6/06  
Add. C.S.C.

19.6.06

C. Copy has been  
collected by the Asst.  
Solicitor General  
on 16.6.06 and a  
copy of the order  
has been handed  
over to the Add. C.S.C.  
Further a copy of the  
final order has been  
sent to the office for  
copying the same to be  
appended by post.

sh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

73 of 2006

O.A. No. ....

12.06.2006

DATE OF DECISION .....

Smti. Ila Chakma

Applicant/s

Mr C. Sinha

Advocate for the  
Applicant/s.

- Versus -

Union of India & Others

Respondent/s

Mr M.U. Ahmed, Addl. C.G.S.C. for Respondents No. 1 and 3.

Mr P.K. Biswas, Mr S. Bhattacharya for the Respondents Nos. 4 & 5

Advocate for the  
Respondents

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, 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 to be forwarded for including in the Digest  
Being compiled at Jodhpur Bench ? Yes/No
4. Whether their Lordships wish to see the fair copy  
of the Judgment ? Yes/No

Vice-Chairman

13/6/06

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 73 of 2006.

Date of Order: This the 12th day of June 2006.

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

Smti. Ila Chakma  
D/O Lt. Panhajoy Chakma  
Resident of Abhoynagar  
Agartala, P.S. East Agartala  
District - West Tripura.

... Applicant

By Advocate Mr. C. Sinha, Advocate.

- Versus -

1. Union of India, represented by the  
Chairman-cum-Managing Director,  
Corporate Office, Statesman House,  
B-148, Barakhamba Road,  
New Delhi - 110 001.
2. The Chairman-cum-Managing Director,  
Bharat Sanchar Nigam Limited,  
Corporate Office, Statesman House,  
B-148, Barakhamba Road,  
New Delhi - 110 001.
3. The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
N.E.I., Telcom Circle,  
Shillong - 793 001.
4. The General Manager, Telcom,  
Bharat Sanchar Nigam Limited,  
Agartala, Tripura.
5. The Deputy General Manager,  
Office of the G.M. Telcom  
District, Bharat Sanchar Nigam Limited,  
Agartala, Tripura.

... Respondents.

By Advocates Mr M.U. Ahmed, Addl. C.G.S.C. for the Respondent No. 1 and 3 and Mr. P.K. Biswas, Assistant Solicitor General & Mr S. Bhattacharya for Respondent Nos. 4 & 5.

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**ORDER (ORAL)****K.V. SACHIDANANDAN (V.C.)**

The applicant is working as Telegraph Assistant under the Bharat Sanchar Nigam Limited (BSNL for short) and aggrieved by the impugned order of punishment and the order of the Appellate Authority, the applicant has filed this application to set aside the impugned orders and sought for the following reliefs: -

- "(i) To set aside the order No. NE-VIG/JTO - EXAM/AGT/2004(Appeal)/4 dated 25.10.2004.
- (ii) To set aside the order No. NE-VIG/JTO-COMP/AGT/P.T.1/2001-02/56 dated 01.11.2004 (01.11.2004)
- (iii) To direct the Respondents to restore the candidature of the Applicant in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre and promote her to the post of J.T.O. with retrospective effect from the date of promotion of Shri P.K. Banik, who was declared successful and promoted to the post of J.T.O. on the basis of the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre and provide her to all other consequential benefits.
- (iv) To pass any other relief/reliefs to which the Applicant is entitled under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal."

2. When the matter came up for hearing, learned counsel for the applicant though was present on 27.03.2006 did not appear on the subsequent dates and the respondents' counsel had raised the question of jurisdiction. This was posted for deciding the preliminary question of jurisdiction. Today also learned counsel for the applicant was not present. Therefore, this Court is disposing of the matter with the available materials, evidence and record.



3. Heard Mr P.K. Biswas, learned Assistant Solicitor General on behalf of the Respondent Nos. 4 and 5 and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondent Nos. 1 and 3. Mr B.C. Pathak, learned counsel helps the Court in enlightening the legal position with regard to the question of jurisdiction as amicus curie.

4. Admittedly, the applicant was erstwhile a telecom employee. By virtue of the notification and the official gazette dated 15.09.2000 the telegraph officials were absorbed in BSNL w.e.f. 01.10.2000. The applicant was absorbed in BSNL and while so departmental proceedings was initiated by the BSNL. The short question for consideration is that cause of action and impugned order that has been issued by the BSNL and the applicant being an employee of BSNL whether this Court has got jurisdiction to entertain such application. The counsel appearing for the respondents has taken my attention to Rule 14(2) of the Administrative Tribunals Act, 1985 which is quoted below: -


"(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by Government, not being a local or other authority or corporation (or society) controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of or different categories under any class of, local or other authorities or corporations (or societies)."

On reading the said section it is clear that unless there is a notification under Section 14(2), this Court is not competent to decide the question with regard to the BSNL employees. Therefore, this

Court has no jurisdiction over the public sector enterprises unless notification is issued under Section 14(2) of the Administrative Tribunals Act, 1985. Admittedly, no notification has been issued as per the provision.

5. Mr. P.K. Biswas, learned Assistant Solicitor General has brought to my notice to the various decisions of the Tribunal, Delhi High Court and Gauhati High Court. In O.A. No. 811 of 2002 dated 29.11.2002, the Ernakulam Bench of the Central Administrative Tribunal in an identical matter has declared that "since the applicant has been absorbed as an employee of the BSNL he is no more an employee of the Telecom Department. As the BSNL has not been notified under the Administrative Tribunals Act, this Tribunal cannot exercise jurisdiction in regard to service matters of such employees of BSNL". This decision was reiterated by Allahabad Bench of the Central Administrative Tribunal in O.A. No. 176 of 2003 dated 30.10.2003 and the Tribunal observed that "The legal position has been well settled in this regard by the Judgment of Division Bench of Hon'ble Delhi High Court in Ram Gopal Verma Vs. U.O.I. and Ors A.I.S.L.O. 2002(1) 352 and hon'ble Bombay High Court in B.S.N.L. Vs. A.R. Patil and Ors. etc. 2002 (3) ATJ 1." This Bench of the Tribunal had occasion to consider this question on 01.04.2004 in C.P. No. 6 of 2004 and held that "..... judgment of the Delhi High Court in Ram Gopal Verma Vs. Union of India and others, reported in 2002 (1) SLJ 352, wherein it was held that the Tribunal has no jurisdiction for a Public Sector Enterprise unless notification is issued under Section 14(2) of the Administrative Tribunals Act." Learned counsel for the respondents has also taken my attention to the celebrated decision of the Hon'ble Gauhati High Court passed in Writ Petition (C)





No. 1603 of 2004 dated 28.09.2005 in the case of Bharat Sanchar Nigam Ltd & Ors. Vs. Sri Binay Das and Ors., wherein it was observed that "..... in the absence of any Notification bringing the BSNL within the jurisdiction of the CAT, we hold that the Central Administrative Tribunal, Guwahati Bench, Guwahati had no jurisdiction over the employees of the BSNL and the respondents-applicants before us. As such, the impugned orders are bad in law for want of jurisdiction. The applicants shall, however, be not without any relief as they can approach the competent forum, if they so desire, and the present order shall not be a bar for them to approach the competent forum for relief, if any."

6. As per the legal positions discussed above, this Tribunal has no jurisdiction, therefore, I am of the view that this application is not maintainable. Accordingly, the O.A. is dismissed. However, as observed by the Hon'ble Gauhati High Court the applicant shall not be without any relief as she can approach the competent forum, if she so desires, and the present order shall not be a bar for her to approach the competent forum for relief, if any.

The O.A. is dismissed. No order as to costs.



( K. V. SACHIDANANDAN )  
VICE-CHAIRMAN

/mb/

Before the Hble CAT  
Gunsahel

OA 106

Smt Isha Chakraborty

Vs Applicant  
Union of India  
~~Bharat Sanchar Nigam Ltd. & Anr~~  
m  
Lysd

I may kindly be allowed to move  
the case mentioned above today for  
motion

Grandmother Bih  
Advol

Allowed

by  
22/5/16

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

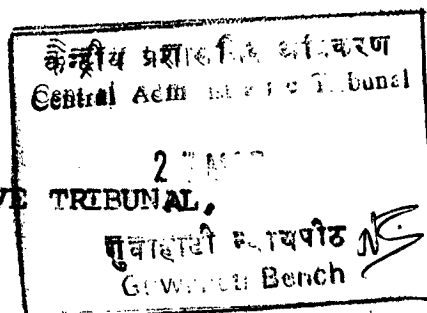
Original Application No. 73/06

1. a) Name of the Applicant: Ira Chakana  
b) Respondants: Union of India & Ors.  
c) No. of Applicant(S): one
2. Is the application in the proper form: Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title: Yes / No.
4. Has the application been duly signed and verified: Yes / No.
5. Have the copies duly signed: Yes / No.
6. Have sufficient number of copies of the application been filed: Yes / No.
7. Whether all the annexure papers are impleaded: Yes / No.
8. Whether English translation of documents in the Language: Yes / No.
9. Has the application is in time: Yes / No.
10. Has the Vakalatnama/Memo of appearance / Authorisation is filed: Yes / No.
11. Is the application by IPO/BD/ for Rs. 50/- 206/163766 dt 22.3.06
12. Has the application is maintainable: Yes / No.
13. Has the Impugned order original duly attested been filed: Yes / No.
14. Has the legible copies of the annexures duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available: Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed: Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for: Yes / No.
20. Is case of Condonation of delay is filed is it Supported: Yes / No.
21. Whether this Case can be heard by Single Bench / Division Bench:
22. Any other points: -
23. Result of the Scrutiny with initial of the Scrutiny Clerk: this application is in form.

27.3.06  
SECTION OFFICER (J)

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUNANATH BENCH



ORIGINAL APPLICATION NO. 073 OF 2006 A.D.

Smti. Ila Chakma.

... APPLICANT.

- VERSUS -

Bharat Sanchar Nigam Limited  
and 4 others.

... RESPONDENTS.

I N D E X / SYNOPSIS

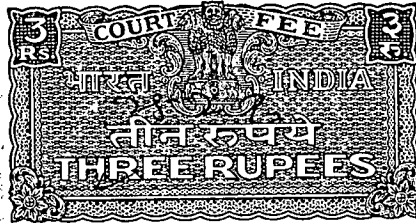
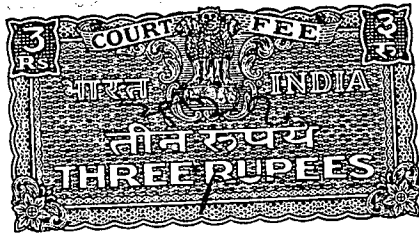
<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page Nos.</u>
1.	Original Application under Sec. 19 of Administrative Tribunals Act, 1985.	1 - 11.
2.	<u>Annexure - 1.</u> Copy of the order dated 24.03.2004.	12
3.	<u>Annexure - 2.</u> Copy of the Memorandum dated 10.06.2002.	13-18
4.	<u>Annexure - 3.</u> Copy of the enquiry report dated 19.6.2003.	19-22
5.	<u>Annexure - 4.</u> Copy of the order dated 08.09.2003.	23-24
6.	<u>Annexure - 5.</u> Copy of appeal of the Petitioner dated 30.10.2003.	25-27
7.	<u>Annexure - 6.</u> Copy of the order dated 29.07.2004.	28-30
8.	<u>Annexure - 7.</u> Copy of the order dated 25.10.2004.	31-32
9.	<u>Annexure - 8.</u> Copy of the letter dated 01.11.2004.	33
10.	<u>Annexure - 9.</u> Copy of the order dated 01.11.2004.	34

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<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page Nos.</u>
11.	<u>Annexure - 10.</u> Copy of Appeal of the Petitioner dated 04.12.2004.	35-37
12.	<u>Annexure - 11.</u> Copy of the letter dated 28.01.2005.	38
13.	<u>Annexure - 12.</u> Copy of the Appeal dated 10.02.2005.	39-42
14.	Vakalatnama.	43
15.	Notice to the Standing Counsel for B.S.N.L. at Guwahati.	44

Submitted.

*Chandrasekhar Sinha*  
( C.S. Sinha )  
Advocate.



*Diachakma*

*4*  
*b*  
*(Chandrabhushan Chakma)*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application Under Section 19 of the  
Administrative Tribunals Act, 1985)

ORIGINAL APPLICATION NO. 73 OF 2006 A.D.

BETWEEN

Smti. Ila Chakma  
D/O.Lt. Parhajoy Chakma,  
resident of Abhoynagar,  
Agartala, P.S. East Agartala,  
District - West Tripura.

... APPLICANT.

- VERSUS -

- Union of India*
1. ~~Bharat Sanchar Nigam Limited~~,  
represented by the  
Chairman-cum-Managing Director,  
Corporate Office, Statesman House,  
B-148, Barakhamba Road,  
New Delhi - 110001.
  2. The Chairman-cum-Managing Director,  
Bharat Sanchar Nigam Limited,  
Corporate Office, Statesman House,  
B-148, Barakhamba Road,  
New Delhi - 110001.
  3. The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
N.E.I. Telecom Circle,  
Shillong - 793001.
  4. The General Manager, Telecom.,  
Bharat Sanchar Nigam Limited,  
Agartala, Tripura.

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5. The Deputy General Manager,  
Office of the G.M. Telecom  
District, Bharat Sanchar  
Nigam Limited, Agartala,  
Tripura.

Shachakung.

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Punjab/Sikhar  
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... RESPONDENTS.

1. PARTICULARS OF THE ORDER AGAINST  
WHICH APPLICATION IS MADE :-

The Application is aggrieved by the order bearing  
No.NE-VIG/JTO/EXAM/AGT2004(Appeal)/4 dated 25.10.2004  
passed by the Chief General Manager and Reviewing Authority  
and communicated to the Applicant vide letter No.GMT/AGT/UG/  
Appeal/04/8 dated 01.11.2004 setting aside the order dated  
23.07.2004 issued by the General Manager, Telecom. District,  
Agartala, the Appellate Authority and the Order bearing  
No.NE-VIG/JTO-COMP/AGT/PT.I/2001-02/56 dated 01.11.2004  
passed by the Chief General Manager, NEI, Telecom. Circle  
cancelling the candidature of the Applicant in the J.T.O.  
Competitive Examination held on 21st and 22nd October, 2000  
at Agartala Centre.

2. JURISDICTION OF THE TRIBUNAL :-

The Applicant declares that the subject matter of  
this application falls within the jurisdiction of this  
Hon'ble Tribunal.

3. LIMITATION :-

The Applicant declares that her punishment order

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Subscribed /  
for

was passed on 08.09.2003. Against this the Applicant preferred Appeal and the Appellate Authority set aside the order of punishment vide order dated 29.7.2004. On 25.10.2004 the Chief General Manager and the Reviewing Authority set aside the order dated 29.07.2004 and upheld the punishment order dated 08.09.2003 and then passed order dated 01.11.2004 cancelling the candidature of the Applicant in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre. Against this the Applicant made Appeal. The Applicant made further representation on 04.12.2004 and on 28.01.2005 and order was passed rejecting the Appeal. Then the Applicant made another representation on 10.02.2005 and since then more than 6(six) months have elapsed without any result.

#### 4. FACTS OF THE CASE :-

4.1 The Applicant joined the services of the Department of Tele Communication as Telegraph Assistant on 10.11.1989 and got absorbed in the Bharat Sanchar Nigam Limited (for short B.S.N.L.) effecting from 01.10.2000 forenoon vide Order No.27-1/NE-1/Tripura/707/2001 dated 24.03.2004. Presently she holds the post of Sr. T.O.A.(TG).

A copy of the order dated 24.03.2004 is enclosed as Annexure - 1.



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by  
Subodh K. S.  
D.S.

4.2 On 21st and 22nd October, 2000 the Applicant appeared in the Departmental Examination for promotion to the post of Jr. Telecom Officer held at Agartala. Out of 36 candidates, one P.K. Banik was declared successful and given promotion to the post of Jr. Telecom. Officer (for short J.T.O.). Against 19 candidates of the 36 candidates the Deputy General Manager, Agartala initiated Departmental Proceeding including the Applicant on the charges of misconduct. The Departmental Proceeding against the Applicant was initiated vide Memorandum No.GMT/ACT/U/ILA CHAKMA/2002-03/02 dated 10.06.2002.

A copy of the Memorandum dated 10.6.2002 is enclosed as Annexure - 2.

4.3 On 19.06.2003 the Inquiring Officer submitted inquiry report against 19 candidates including the Applicant stating that the charge under Article-II was proved and the charges under Article - I and II were not proved beyond doubt.

A copy of the Inquiry Report ~~ix~~ dated 19.6.2003 is enclosed as Annexure - 3.

4.4 On 08.09.2003 on the basis of the enquiry report, the Deputy General Manager, Telecom., Tripura ordered that the pay of the Applicant be reduced by one stage in her time scale of pay for a period of one year with further direction about her earning increment of pay during the period of such reduction and exonerated the Applicant from Charges under

-( 5 ):-

Article - I and III and ordered for revival of her candidature in the Departmental Competitive Examination for promotion to the post of J.T.O. (15% Quota) held on 21st and 22nd October, 2000 at Agartala Centre.

A copy of the order dated 08.09.2003 is enclosed as Annexure - 4.

4.5 On 30.10.2003 the Applicant made an Appeal against the penalty imposed vide order dated 08.09.2003 and the Appellate Authority vide order dated 29.07.2004 set aside the punishment order.

Copies of Appeal dated 30.10.2003 and Order dated 29.07.2004 are annexed as Annexure - 5 and 6 respectively.

4.6 On 25.10.2004 the Chief General Manager and Reviewing Authority passed order No. NE-VIG/JTO Exam/AGT/2004(Appeal)/4 ~~son~~ moto reviewed the order dated 29.07.2004 and set aside the same and ~~he~~ held the punishment order dated 08.09.2003 and that order was communicated ~~to~~ to the Applicant vide letter No. GMT/AGT/VIG/Appeal/2003-04/8 dated 01.11.2004.

Copies of the order dated 25.10.2004 and letter dated 01.11.2004 are enclosed as Annexure - 7 and 8 respectively.

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4.7 On 0.1.11.2004 the Chief General Manager issued another order No.NE/VIG/JTO-COMP/AGT. 1/2001-02/56 cancelling the candidature of the Applicant in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre and declared her examination papers null and void in the said examination.

Copy of the order dated 01.11.2004 is enclosed as Annexure - 9.

4.8 Against the order dated 01.11.2004 the Applicant made Appeal before the Chief General Manager (Reviewing Authority) and in this context the Chief General Manager issued letter No.NE-VIG/Sr.TOA/JTO EXAM/AGT/2004(Appeal)/16 dated 28.01.2005 stating inter alia that Appeal against the said order only lies with the Chairman and Managing Director, B.S.N.D. Corporate Office, New Delhi.

Copies of the Appeal dated 4.12.2004 and letter dated 28.01.2005 are enclosed as Annexure - 10 and 11 respectively.

4.9 The Applicant then made Appeal to the Chairman and Managing Director on 10.02.2005 for review of her entire case on the basis of the documents and prayed for revival of her candidature in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre.

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by  
Subscribed  
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A copy of the Appeal dated 10.02.2005 is enclosed as Annexure - 12.

5. GROUNDS FOR RELIEF :-

- (a) For that the order dated 25.10.2004 is illegal and nonest in Law and deserves to be quashed.
- (b) For that the Chief General Manager & Reviewing Authority failed to appreciate that review of an order is entertained only when any new material or evidence which could not be produced or was not available at the time of passing the order under review and in the case of the Applicant no such occasion arose.
- (c) For that the Chief General Manager and the Reviewing Authority passed the impugned order on the same set of facts and circumstances, reports and as such the order dated 25.10.2004 cannot stand in Law.
- (d) For that the Appellate Authority set aside the order dated 08.09.2003 ( /08.09.2003 ) dated 08.09.2003 / vide order dated 29.07.2004 exonerating the Applicant from the punishment imposed upon her. Thereafter when the said punishment given by the Disciplinary Authority was imposed, before that the Applicant ought to have been given natural justice for defending her Case. But that opportunity was not provided to the Applicant.

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for

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- (e) For that on the basis of reports of the Supervising Officer, Invigilator, GMTD, Inquiring Officer and the report of the enquiry the Chief General Manager passed order dated 25.10.2004 and again on the basis of the report of the Supervising Officer, Invigilators, the Chief General Manager passed order dated 1.11.2004 and took away the benefit given to the applicant vide order dated 08.09.2003 and as such the Applicant has made subjected to double punishment.
- (f) For that even before passing the order dated 01.11.2004 the Applicant was not given natural justice.
- (g) For that the order dated 25.10.2004 and order dated 01.11.2004 deserve to be set aside/quashed in limine and the Applicant's candidature in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre be restored and she be given promotion to the post of J.T.O.

6. DETAILS OF REMEDIES EXHAUSTED :-

The Applicant states that she has no other alternative and efficacious remedy than filing this application, inasmuch as the matter herein calls for quick justice from this Hon'ble Tribunal.

Glachstone.

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Punjab/PT  
A/W

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

The Applicant further declares that she has not previously filed any Application/Writ Petition/Suit before any other Court and/or Authority and/or any other Bench of this Hon'ble Tribunal in respect of the subject matter of the instant application or any such Application/Writ Petition/Suit is pending with any of them.

8. RELIEFS SOUGHT FOR :-

Under the facts and circumstances stated above, the Applicant most respectfully prays for that the Hon'ble Tribunal may be pleased to admit this Application, call for records of the Case and upon hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs to the Applicant :-

- (i) To set aside the order No.NE-VIG/JTO EXAM/AGT/2004 (Appeal)/4 dated 25.10.2004.
- (ii) To set aside the order No.NE-VIG/JTO-COMP/AGT/PT.1/2001-02/56 dated 01.11.2004 (01.11.2004).
- (iii) To direct the Respondents to restore the candidature of the Applicant in the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre and promote her to the post of J.T.O. with retrospective effect from the date of promotion of

Blackstone.  
23  
by [signature]  
[signature]

-:( 10 ):-

Shri P.K. Barik, who was declared successful and promoted to the post of J.T.O. on the basis of the J.T.O. Competitive Examination held on 21st and 22nd October, 2000 at Agartala Centre and provide her to all other consequential benefits.

- (iv) To pass any other relief/reliefs to which the Applicant is entitled under the facts and circumstances of the Case and as may be deemed fit and proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :-

To stay the operation of the Order No. NE-VIG/JTO EXAM/ AGT/2004(Appeal)/4 dated 25.10.2004 and Order No. NE-VIG/JTO COMP/AGT/PT.1/2001-02/56 dated 01.11.2004 pending disposal of the Original Application.

10. This Application is filed through Advocate Mr. Chandra Sekhar Sinha.

11. Particulars of Postal Order No. IPO of Rs 50,  
No. 206163766

12. LIST OF ENCLOSURES :-

As stated in the Index.

Contd. - P/11.

-( 11 ):-

Ilachakma.

24  
by Subodh W. C.  
D.D.

VERIFICATION

I, Smti. Ila Chakma, D/O.Lt. Panhajooy Chakma,  
resident of Aghoynagar, Agartala, P.S. East  
Agartala, District - West Tripura, Applicant, do  
hereby declare and state that the statements made  
in this application in Para - 1 to 12 are true to  
my knowledge and I have not suppressed any material  
fact and I sign this verification this .....<sup>25th</sup> day  
of March, 2006.

Ilachakma.



ANNEXURE - 1  
✓ (12)

PRESIDENTIAL ORDER  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

No. 271/NE-I/Tripura/707/2001

Dated at Shillong, the 24<sup>th</sup> March 2004.

ORDER

Sub:- Permanent absorption of Smt Ila Chakma, Sr. TOA(TG) in Bharat Sanchar Nigam Limited.

1. Pursuant to letter No.BSNL/SR/2000 dated 2-1-2001 on the above subject, and in accordance with the provision of Rule 37-A of -CCS (Pension) Rules, as amended from time to time sanction of the President is hereby conveyed to the permanent absorption of Smt Ila Chakma a permanent/temporary employee of the Department of Telecommunications in BSNL, with effect from the date and under the terms and conditions as indicated below.
2. Date of effect:- The permanent absorption shall take effect from 01-10-2000, Forenoon.
3. Pension/Gratuity:- Smt Ila Chakma shall be eligible for pensionary benefits including gratuity as per provisions of Rule 37A of the CCS (Pension) Rules, as amended from time to time.
4. Family Pension:- The family of Smt Ila Chakma shall be eligible for family pension as per provisions of Rule 37-A read with Rule 54 (13 - B) of CCS (Pension) Rules, 1972, as amended from time to time.
5. Regulation of Pay on absorption:- To be regulated in terms of para 4 of DOP&PW O.M. No. 4/18/87-F PW (D) dated 5-7-1989.
6. Leave:- The Earned Leave and Half Pay Leave at the credit of Smt Ila Chakma stands transferred to BSNL on the date of absorption as provided for under Sub-rule 24(b) of Rule 37-A of the CCS(Pension) Rules.
7. Provident Fund:- The amount of subscription together with interest thereon standing to the credit of Smt Ila Chakma in the General Provident Fund account will be transferred to his/her new Provident Fund account under the BSNL as provided for under Sub-rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.
8. In pursuance of DGMT/Agartala Order No-AGT.E/V/2000-01/174/1-19 dated 08-09-2003 and AO (Cash),O/O GMTD Agartala letter No.A-63/Vigilance dated 18-11-2003, the official is awarded a punishment under rule 14 of the CCS(CCA) Rules 1965. The punishment will continue in BSNL.

Sd/-  
(D. Giri)

Director (Estt. NE-1)  
Department of Telecommunications

To,  
Chairman and Managing Director,  
Bharat Sanchar Nigam Limited,  
20, Ashoka Road, New Delhi.

Copy to:-

1. The General Manager Telecom District, Agartala for maintaining the service book for keeping this order in the service book along with suitable entries.
2. Officer concerned.
3. CGM N.E-I Telecom Circle/Shillong.

Sd/-  
(D. Giri)

Director (Estt. NE-1)  
Department of Telecommunications

Attached to be  
true copy  
mm  
Can

Ca. Sany B

4TT: Gopal Das.

ANNEXURE - 2  
20

BHARAT SANCHAR NIGAM LIMITED  
( A Govt of India Enterprise )  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
AGARTALA - 799001.

(13)

NO: GMIT/AGT/V/91a chakma/2002-C3/2

DATE: 10-6-2002

MEMORANDUM

The undersigned proposes to hold an inquiry against Smti Ila Chakma .Sr.TOA, bearing the Roll.No NECA/144/2000 O/o the STT, CTO, Agartala, under Rule 14 of the Central Civil Services (Classification, Control & 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 (Annexures III & IV).

2. Smti Ila Chakma is directed to submit within 10 days of the receipt of this Memorandum a written statement of her defence and also to state whether she desires to be heard in person.

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

4. Smti Ila Chakma is further informed that if she does not submit her 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 C.C.S.(C.C.&A) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against her exparte.

5. Attention of Smti Ila Chakma 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 her interest in respect of matters pertaining to her service under the Govt. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Smti Ila Chakma is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 20 of the C.C.S.(Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

To,

Smti Ila Chakma, Sr.TOA  
O/o the STT, CTO, Agartala

*[Signature]*  
Deputy General Manager  
O/o the GMTD  
Agartala

Dy General Manager,  
O/o the G.M.T., Agartala

*Added to G.M.T. CTS  
B  
Rambhadr*

Statement of Article of Charge against Smti Ila Chakma Sr.TOA, O/o the STT, CTO,  
Agartala.

---

(14)

#### Article I

That the said Smti Ila Chakma bearing the Roll No. NECA/144/2000 while appearing Departmental Competitive Examination for promotion to the post of JTO (15% quota) held on 21-22, Oct'2000 at Agartala Centre has used/attempted to use unfair means in the Examination Hall thereby behaving in an indisciplined manner, to get through in the Departmental Competitive Examinations for promotion to the post of JTO.

#### Article II

That the said Smti Ila Chakma bearing the Roll No. NECA/144/2000 while appearing in the Departmental Competitive examination for the promotion to the post of JTO(15%quota) held on 21-22<sup>nd</sup> Oct'2000, created a situation which cause panic to the Supervising Official as well as Invigilators.

#### Article-III

That the said Smti Ila Chakma bearing the Roll No. NECA/144/2000 while appearing in the Departmental Competitive Examination for the promotion to the post of JTO (15% Quota) held on 21<sup>st</sup> and 22<sup>nd</sup> Oct'2000 has copied the answers from other candidates.

Thus by her above acts, the said Smti Ila Chakma committed grave misconduct, failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening the provisions of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

*[Signature]*  
Deputy General Manager  
O/o the GMTD  
Agartala

Dy General Manager,  
O/o the G.M.T., Agartala

*[Handwritten signature]*  
Agartala

Statement of imputations of misconduct/ misbehaviour in support of Article of charge framed against Smti Ila Chakma Sr.TOA O/o the STT, CTO, Agartala.

1. That the said Smti Ila Chakma was functioning as Sr.TOA in the O/o the STT, CTO, Agartala during the year 2000-2001.

2. During the above said period and while working in the aforesaid capacity, Smti Ila Chakma applied for appearing in the Departmental Competitive Examination for promotion to JTO(15% Quota) to be held on 21<sup>st</sup> & 22<sup>nd</sup> Oct'2000. The official fulfilled all the conditions for appearing in the said examination and accordingly she was allotted Roll. No. NECA/144/2000. The centre of examination was fixed at B.Ed College, Agartala for candidates appearing from Agartala SSA.

3. For conducting the said examination Shri D.C. Sarkar, DE(P&A) O/o the GMTD, Agartala was nominated as Supervising Officer vide letter No. EC-36/JTO- COMP/DE/2000 dtd 11.10.2000 who in turn nominated the following officials of GMTD, Agartala's office as Invigilators.

i)	Shri G.S.Chakraborty	SDE(Commercial)
ii)	Shri M.P.Debnath	SDO(OFC)
iii)	Shri P.K.Nandi	SDE(Plg)
iv)	Shri H.P. Debbarma	SDOT/Agt
v)	Shri A.N. Das	SDE(PRO)
vi)	Shri H.P.Dey	SDOP/Agt
vii)	Shri R.K. Debnath	SDOP-II/Agt
viii)	Shri K.D. Chakraborty	SDE-I/Agt
ix)	Shri P. Shukla Das	SDE(TAX)/Agt
x)	Shri R. Majumdar	SDE(VO)
xi)	Shri A. Sharma	SDE(Admn)
xii)	Shri T.K. Roy	DE(EP)

4. The Examination was conducted at B.Ed College Agartala on 21<sup>st</sup> and 22<sup>nd</sup> Oct'2000 under supervision of Shri D.C. Sarkar DE (P&A) o/o the GMTD/Agt and his nominated invigilators. Before and during the Examination on those days lot of people gather around the Examination Hall creating an uncongenial situation for conducting the Examination. Shri T.K. Roy, DE(EP) and flying guard while entering the examination hall was threatened with dire consequences in the entrance. Minutes after the distribution of the question paper the examinee started going out of the hall although it is not permitted to go out of the hall within the first hour of the examination. When cautioned by the invigilators, they were threatened with dire consequences. The invigilators were thus silenced. The examinee go out of the hall at her will and started mass copying freely inside the hall. The situation was so grave that the attending invigilators were not in a position to carry out their duties owing to compelling situation which was duly reported in writing to the higher authorities.

Agartala to be  
B  
Cmld

During and after the said Departmental Competitive Examination for promotion to JTO (15% quota) held on 21<sup>st</sup> & 22<sup>nd</sup> Oct'2000 at B. Ed. College (Agartala Centre), the examination matter became so serious that the threats were received by several invigilators. Shri R.K. Debnath, SDOP-II Agartala, an invigilator of the said examination has intimated in writing that he was threatened in connection with JTO competitive Examination. Similarly Shri P.K. Nandi, SDE(Plg) an invigilator has intimated in writing to GMT, BSNL/Agt that he was threatened in connection with the JTO Exam. In this manner panic was created to supervising official as well as invigilators. In this way Smti Ila Chakma has acted in a manner, unbecoming of a government servant.

6. On verification of the answer script on Physic paper of Smti Ila Chakma bearing the Roll No NECA/144/2000 it is observed that her answers relating to question No.1 and question No.3 is similar with the answers to question No.1 and question No.3 of Shri Swapn S. Mazumdar bearing the Roll No NECA/145/2000.

7. On verification of the answer script on General Science Paper of Smti Ila Chakma bearing the Roll No NECA/144/2000 it is found her answers relating to question No.1, question No.2 and question No.3 is similar with the answers to question No.1, question No.2 and question No.3 of Shri Swapn S. Mazumdar bearing the Roll No NECA/145/2000.

From the above verification it is crystal clear that mass copying was done by the examinee in the Departmental Competitive Examination for promotion to JTO (15% quota) held on 21<sup>st</sup> and 22<sup>nd</sup> of October 2000 at B.Ed.College (Agartala centre) in presence of the Invigilators and Supervising official. By copying the answers from others in the Examination Hall the said Smti Ila Chakma has behaved in a manner of unbecoming of an Government Servant to get through the Departmental. Competitive Examination for promotion to the post of JTO which contravene Rule No.18(a)&(b) of Part-I of Appendix No. 37 of P&T Manual Vol. IV.

Thus by her above acts, the said Smti Ila Chakma has committed a grave misconduct, failed to maintain absolute integrity and devotion to duty and acted in a manner, unbecoming of a Government Servant thereby contravening the provisions of Rule 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules 1964.

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ANNEXURE-III

*List of Documents by which the article of charge framed against Smti Ila Chakma, TOA, O/o the STT, CTO, Agartala is proposed to be sustained.*

Letter No. GMT/TRP/CON/2000 Dtd 20.11.2000 from GMTD, Agartala.

Letter No. JTO/15%/DPTL Comp Exam/ AGT-2000-2001 dtd at Agartala 27-10-2000 from Divisional Engineer(P&A) O/o the GMTD/Agt and Supervisor I/C, Agartala Centre, Agartala.

Letter from Shri R.K. Debnath SDEP-II dtd 24-10-2000.

Letter from Shri T.K. Roy, DE(EP) dtd 22.10.2000

Letter from Shri P.K. Nandi, SDE(Plg) dtd 25.10.2000.

Letter No. NIL dtd 24.10.2000. from Invigilators.

(I)	Shri G.S. Chakraborty SDE(Comm)	O/o the GMTD /Agartala
(II)	Shri M.P. Debnath, SDO(OFC),	O/o the GMTD /Agartala
(III)	Shri P.K. Nandi, SDE(Plg),	O/o the GMTD /Agartala
(IV)	Shri H.P. Debbarma, SDOT, Agartala,	O/o the GMTD /Agartala
(V)	Shri A.N. Das, SDE(PRO)	O/o the GMTD /Agartala
(VI)	Shri H.P. Dey, SDOP Agartala,	O/o the GMTD /Agartala
(VII)	Shri R.K. Debnath, SDO(P-II) Agartala	O/o the GMTD /Agartala
(VIII)	Shri K.D. Chakraborty SDE-I, Agartala	O/o the GMTD /Agartala
(IX)	Shri P.K. Shukla Das, SDE(Tax) Agartala	O/o the GMTD /Agartala
(X)	Shri R. Majumdar, SDE(VO) Agartala	O/o the GMTD /Agartala
(XI)	Shri A. Sharma, SDE(Admn), Agartala	O/o the GMTD /Agartala
(XII)	Shri T.K. Ray DE(EP), Agartala,	O/o the GMTD /Agartala

Letter No. EC-36/JTO-Comp/DE/2000 dtd 11.10.2000.

Copy of Admit Card bearing Roll No. NECA/144/2000 and Roll No. NECA/145/2000.

Attendance Sheet of the JTO Competitive Examination held on 21-22<sup>nd</sup> Oct'2000..

Answer scripts on Physics bearing Roll No. NECA/144/2000 and Roll No. NECA/145/2000.

Answer scripts on General Science bearing Roll No. NECA/144/2000 and Roll No. NECA/145/2000.

Rule No. 18(a) (b) of part-I of Appendix No 37 of P&T Manual Vol.IV.

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#### ANNEXURE- IV

*List of witness by whom the Article of Charge framed against Smti Ila Chakma, Sr.TOA, O/o the STT, CTO, Agartala is proposed to be sustained.*

---

1.	Shri D.C. Sarkar	DE(P&A)	O/o the GMTD/ Agartala.
2.	Shri G.S. Chakraborty	SDE(Comml)	O/o the GMTD/ Agartala.
3.	Shri M.P. Debnath	SDE(OFC)	O/o the GMTD/ Agartala.
4.	Shri P.K. Nandi	SDE(Plg)	O/o the GMTD/ Agartala.
5.	Shri H.P. Deb Barma	SDOT	O/o the GMTD/ Agartala.
6.	Shri N.Das	SDE(PRO)	O/o the GMTD/ Agartala.
7.	Shri H.P. Dey	SDOP-I	O/o the GMTD/ Agartala.
8.	Shri R.K. Debnath	SDOP-II	O/o the GMTD/ Agartala.
9.	Shri K.D. Chakraborty	SDE(I)	O/o the GMTD/ Agartala.
10.	Shri P.K. Shukladas	SDE(Tax)	O/o the GMTD/ Agartala.
11.	Shri R. Majumdar	SDE(VO)	O/o the GMTD/ Agartala.
12.	Shri A. Sharma	SDE(Admn)	O/o the GMTD/ Agartala.
13.	Shri T.K. Ray	DE(EP)	O/o the GMTD/ Agartala.

INQUIRY REPORT  
ON  
DEPARTMENTAL ENQUIRY HELD AGAINST

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 01. Sri R. Majumdar Sr. TOA      | 14. Smt. K. Bose Sr. TOA        |
| 02. Sri M. Bhattacharjee Sr. TOA | 15. Smt. S. Debbarma Sr. TOA    |
| 03. Sri B. K. Laskar Sr. TOA     | 16. Smt. A. Baidya Sr. TOA      |
| 04. Sri B. K. Poddar Sr. TOA     | 17. Smt. K. Chakraborty Sr. TOA |
| 05. Sri S. K. Das Sr. TOA        | 18. Smt. D. Banik Sr. TOA       |
| 06. Sri S. S. Majumdar Sr. TOA   | 19. Smt. I. Chakma Sr. TOA      |
| 07. Sri S. B. Deb Sr. TS         |                                 |
| 08. Sri K. Debbarma Sr. TOA      |                                 |
| 09. Sri N. C. Bhowmik Sr. TOA    |                                 |
| 10. Sri P. C. Aine Sr. TOA       |                                 |
| 11. Sri A. K. Deb Sr. TOA        |                                 |
| 12. Sri R. K. Saha Sr. TOA       |                                 |
| 13. Sri S. Nag Sr. TOA           |                                 |

Submitted by  
Inquiry Officer  
Vide letter No. DE-DNR/INQ/SDC  
Dated 19-6-03

LIST OF EXIBITED DOCUMENTS

- S-1 Letter No. GMT/TRP/CON/2000 dtd. 20th Nov. 2000
- S-2 Letter No. JTO/15%Deptl. Comp. Exam/AGT-2000-2001 dt. 27.10.2K.
- S-3 Letter dtd. 24.10.2K from SDOP-II AGT.
- S-4 Letter dtd. 22.10.2K from Flying guard.
- S-5 Letter dtd. 25.10.2K from Sri P. K. Nandy SDE Plg.
- S-6 General observation and report from Invigilators.
- S-7 Letter No. EC-36/JTO-Comp/DE/2000 dt. 11-10-2000
- S-8 Admit card (i to xx)
- S-9 Attendance sheet (i to iv)
- S-10 Ans. Script of Physics paper.
- S-11 Ans script of General Science.
- S-12 Rule regarding treatment of candidates using unfair means.
- S-13 Answer script of Maths. paper.
- S-14 Supervisory certificate.
- S-15 Collected back ans. scripts from examinees in the 4th paper exam. (1st. time distributed answer papers)

LIST OF WITNESSES

- 01. Sri D. C. Sarkar DE (P&A)
- 02. Sri G. S. Chakraborty SDE (Com)
- 03. Sri M. P. Debnath SDE (OFC)
- 04. Sri P. K. Nandy SDE Plg.
- 05. Sri H. P. Debbarma SDOT AGT.
- 06. Sri N. Das PRO
- 07. Sri H. P. Dey SDOP-I
- 08. Sri R. K. Debnath SDOP-II
- 09. Sri K. D. Chakraborty SDE (I)
- 10. P. K. Sukladas SDE (TAX)
- 11. Sri R. Majumdar SDE (VO)
- 12. Sri A. Sharma SDE (Admn)
- 13. Sri T. K. Roy DE (EP)

*Submitted to the  
com  
for*



# INQUIRY REPORT

## In the case against nineteen Officials .

- |                              |                             |
|------------------------------|-----------------------------|
| 01.Sri R.Majumdar Sr.TOA     | 14.Smt.K.Bose Sr.TOA        |
| 02.SriM.Bhattacharjee Sr.TOA | 15.Smt.S.Debbarma Sr.TOA    |
| 03.Sri B.K.Laskar Sr.TOA     | 16.Smt.A.Baidya Sr.TOA      |
| 04.Sri B.K.Poddar Sr.TOA     | 17.Smt.K.Chakraborty Sr.TOA |
| 05.Sri S.K.Das Sr.TOA        | 18.Smt.D.Banik Sr.TOA       |
| 06.Sri S.S.Majumdar Sr.TOA   | 19.Smt.I.Chakma Sr.TOA      |
| 07.Sri S.B.Deb Sr.TS         |                             |
| 08.Sri K.Debbarma Sr.TOA     |                             |
| 09.Sri N.C.Bhowmik Sr.TOA    |                             |
| 10.Sri P.C.Aine Sr.TOA       |                             |
| 11.Sri A.K.Deb Sr.TOA        |                             |
| 12.Sri R.K.Saha Sr.TOA       |                             |
| 13.Sri S.Nag Sr.TOA          |                             |

1.Under Sub-rule(2) of Rule 14 of CCS(CCA) rules,I was appointed by DGMT,BSNL,Agartala as the Inquiring Authority to inquire into the charges framed against the above mentioned nineteen officials.I have since completed the enquiry and on the basis of documentary and oral evidences adduced before me prepared my inquiry report as under.

2.Participation by the charged officials and the defence assistant available to him/her.

The COs participated in the Inquiry from the beginning to end.They were assisted by defence assistants as under through out the enquiry proceedings :-

CO	DA
Ratin Majumdar	S.K.Chakraborty
Mrinmoy Bhattacharjee	-do-
B.K.Laskar	-do-
Kishore Debbarma	P.N.Das
M.C.Bhowmik	-do-
P.C.Aine	-do-
A.K.Deb	-do-
Kalyani Chakraborty	-do-
B.K.Poddar	Tirthankar Choudhury
S.K.Das	-do-
Shyamali Debbarma	-do-
S.B.Deb	Haripada Majumdar
Kakali Bose	-do-
S.S.Majumdar	Gopal Das
Alpana Baidya	-do-
R.K.Saha	Biswanath Saha
Swapan Nag	-do-
Dulali Banik	-do-
Ila Chakma	Sanatan Talukdar

3.Article of charges and substance of imputation of mis-conduct or mis-bahaviour

The following article of charges have been framed against the above mentioned nineteen officials.

Article No.I : Used/attempted o use unfair means in the exam.thereby behaving in an indisciplined manner.

Article No.II : Created a situation which caused panic to the supervising officers as well as invigilators.

Article no.III : Copying of answers from other candidates.

#### 4. Case of disciplinary authority

:- From the statements of Sri Asim Sharma SDE, Sri T.K.Roy DE, Sri H.P.Dey SDOP-I, Sri H.P.Debbarman SDE, Sri P.K.Sukladas SDE, Sri P.K.Nandy SDE, Sri K.D.Chakraborty SDE, Sri G.S.Chakraborty SDE, Sri N.Das PRO, Sri R.Majumdar SDE(VO), Sri M.P.Debnath SDE, the state witnesses prosecution side tried to establish that there was a panicky situation created by the examinees in the examination hall, where the supervisor-in-charge, invigilators had to be silent spectators and could not take any on the spot action as per rule out of fear. Sri T.K.Roy DE reported that he was threatened by some outsider while he was entering the exam.hall on 22-10-2000 (Exhibit S4). The invigilators and flying guard in their statement reported that mass copying was done, examinees resorted to unfair means for getting through the exam. (Article I)

Invigilators in their deposition stated that on 22nd October 2000, during 2nd half i.e 4th paper exam., the examinees raised hue and cry, went out of the hall at their own will without permission and returned for exam. after 30 to 45 minutes. Invigilators, supervisor, flying guard all were panicky and dared not take any action. (Article II)

To substantiate the stand of copying by the examinees the prosecution side made comparison of answers of different charged examinees (Annexure A) and found some answers similar and some near about similar. (Article III)

#### 5. Case of the defendant

All the charged officials denied the charges levelled against them. While cross examination of the state witnesses defence assistants of the charged officials asked for clarification if their clients (COs) participated in hue and cry, copying, leaving the exam.hall unauthorisedly. None of the state witnesses specifically identified any charged official in this regard.

#### 6. Analysis and assesment of evidence

All the state witnesses stated in their statements that they were panicky due to the unruly behaviour of the examinees. It seems they did not take any action against the erring examinees out of fear. So in the trying situation they did not discharge their duties as required. There is no record of any copying material seized from any examinee. So there is no material evidence regarding copying (Article-III) by which they could establish the charges. In a situation of lawlessness as has come to notice in this case, the examinees might have resorted to copying as circumstantial evidence point to. No examinee was expelled for copying.

Regarding Article I&II all the invigilators stated in their deposition that panicky situation was created, examination hall was deserted without permission by the examinees in 4th paper on 22-10-2000. An Officer of the status of GMTD Agartala has also recommended for withdrawal of exam. centre at Agartala for

next six months in his letter GMT/TRP/CON/2000 dt.20 Nov.2000, reflects the unruly behaviour of examinees and general situation at Agartala.

Astonishingly the statements of Sri H.Dey RM and S.Majumdar TM who were there in the exam.hall, say that they did not notice any abnormal thing happening in the exam.hall. This reflects the prevailing situation of fear.

#### 7. Findings

On the basis of documentary and oral evidence adduced in the case before me and in view of the reasons given above, I hold that the charge under Article II is proved and charges under Article I&III has not been proved beyond doubt against the following charged officials :-

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 01. Sri R. Majumdar Sr. TOA      | 14. Smt. K. Bose Sr. TOA        |
| 02. Sri M. Bhattacharjee Sr. TOA | 15. Smt. S. Debbarma Sr. TOA    |
| 03. Sri B. K. Laskar Sr. TOA     | 16. Smt. A. Baidya Sr. TOA      |
| 04. Sri B. K. Poddar Sr. TOA     | 17. Smt. K. Chakraborty Sr. TOA |
| 05. Sri S. K. Das Sr. TOA        | 18. Smt. D. Banik Sr. TOA       |
| 06. Sri S. S. Majumdar Sr. TOA   | 19. Smt. I. Chakma Sr. TOA      |
| 07. Sri S. B. Deb Sr. TS         |                                 |
| 08. Sri K. Debbarma Sr. TOA      |                                 |
| 09. Sri N. C. Bhowmik Sr. TOA    |                                 |
| 10. Sri P. C. Aine Sr. TOA       |                                 |
| 11. Sri A. K. Deb Sr. TOA        |                                 |
| 12. Sri R. K. Saha Sr. TOA       |                                 |
| 13. Sri S. Nag Sr. TOA           |                                 |

(S. D. Chakravarty)  
Inquiry Officer



23

REF. NO. \_\_\_\_\_

DATE \_\_\_\_\_

GMT/AGT/E/V/2000-01/174/9

08.9.2003.

ORDER

WHEREAS Smti Ila Chakma, Sr. TOA, O/o the STT, CTO, under the establishment of GMTD, Agartala was charge-sheeted by the DGM Telecom, Agartala vide his memorandum No. GMT/AGT/V/ Ila Chakma /2002-03/2 dtd. 10.6.2002. Under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 on the under mentioned charges which based on the allegations set out in the statement of imputation of misconduct or misbehaviour in support of each article of charge enclosed with the above memorandum.

ARTICLES OF CHARGE

ARTICLE-I : THAT Smti Ila Chakma, bearing Roll No. NECA/144/2000 While appearing the Departmental Competitive Examination for promotion to the post of JTO (15% Quota) held on 21-22 October'2000 at Agartala Centre has used/attempted to use unfair means in the Examination Hall thereby behaving in an indisciplined manner to get through in the Departmental Competitive Examination for promotion to the post of JTO.

ARTICLE-II : THAT Smti Ila Chakma bearing Roll No. NECA/144/2000. While appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October'2000 at Agartala Centre created a situation which caused panic to the Supervising Official as well as Invigilators.

ARTICLE-III : THAT Smti Ila Chakma bearing Roll No. NECA/ 144/2000 While appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October'2000 at Agartala Centre has copied the answers from other candidates.

Thus by his above acts, the said Smti Ila Chakma committed grave mis-conduct, failed to maintain absolute integrity and devotion to duty and acted in a manner un-becoming of a Government Servant thereby contravening the provisions of Rule-3 (1) (ii) & 3 (1) (iii) of CCS (Conduct) Rule 1964.

2. AND WHEREAS, the inquiry in the case of Smti Ila Chakma was completed by Sri S.D. Chakraborty, DET(OP), Dharmanagar, who was appointed as the Inquiry Officer vide this office no. GMT/AGT/E/V/2000-01/104 dtd. 23.7.2002 ( copy of the reports submitted by the Inquiry Officer is enclosed ).

*Agartala the incum*



REF. NO. \_\_\_\_\_

DATE \_\_\_\_\_

2.

3. AND WHEREAS after going through the reports of the Inquiry Officer and other records of inquiry and after taking all the facts and circumstances of the case into consideration, I am convinced :

- a. that the Article-I and Article-III could not be proved beyond doubt.
- b. that the Article-II has been proved beyond any doubt.

4. Now, therefore, I Sri Debkumar Chakrabarti, Dy. General Manager Telecom, Agartala hereby order that the pay of Smti Ila Chakma ,Sr.TOA, O/o the STT,CTO,Agartala under the establishment of the GMTD,Agartala be reduced by one stage in the time-scale of pay for a period of one year with further direction that the official will earn increment of pay during the period of such reduction. On expiry of such period, the reduction will not have effect of postponing the future increments of his pay.

Further, as the charges under Article-I and Article-III could not be proved beyond doubt, I exonerate the said Smti Ila Chakma of these charges and accordingly order for revival of her candidature in the aforesaid examination.

I also trust that the leniency shown to her while granting the benefit of doubt for Article-I and Article-III will not be found mis-placed.

This order will have immediate effect.

  
( D. Chakrabarti )

Dy .General Manager Telecom  
Tripura: Agartala.  
& Disciplinary Authority.

To

✓ Smti Ila Chakma, Sr TOA.  
O/o the STT,CTO,Agartala.

ARTBAURB 38 5  
(25)

To,  
The General Manager (Appellate Authority),  
Bharat Sanchar Nigam Limited,  
Tripura Division, Agartala

(Through proper channel)

Subject: - Appeal against the penalty imposed.

Ref:- Dy. General Manager, office of the General Manager, BSNL, Agartala order no. GMT/AGT/E/V/2000-01/174/09 dated 08/09/2003.

Respected Sir,

Most respectfully, I beg to state that vide the DGM, Agartala order referred above, punishment was imposed upon me under Rule 14 of CCS (CCA) 1965 which is as below:

"be reduced by one stage in the time-scale of pay for a period of one year with further direction that the official will earn increment of pay during the period of such reduction. On expiry of such period, the reduction will not have effect of postponing the future increments of his pay".

I may mention here that I have received the aforesaid of the Dy. General Manager, office of the General Manager, BSNL, Agartala order no. GMT/AGT/E/V/2000-01/174/09 dated 08/09/2003 on 22/09/03.

That Sir, the 3 (three) article of charges are as under.

Article-I: That Smt Ila Chakma bearing roll number NECA/144/2000 while appearing the departmental competitive examination for promotion to the post of JTO (15% Quota) held on 21-22 October' 2000 at Agartala Centre has used /attempted to use unfairmeans in the Examination Hall thereby behaving in an indisciplined manner to get through in the Departmental Competitive Examination for promotion to the post of JTO.

Article-II: That Smt Ila Chakma bearing roll number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October' 2000 at Agartala Centre created a situation which caused panic to the supervising Official as well as Invigilators.

Article-III: That Smt Ila Chakma bearing roll number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October' 2000 at Agartala Centre has copied the answers from other candidates.

checked & signed  
by  
[Signature]

(26) 39

That Sir, after causing departmental enquiry by the Disciplinary Authority, Article I & III could not be sustained, Article II could only be proved beyond doubt as stated vide aforesaid punishment order above.

That Sir, I would like to submit the following facts for favour of your kind sympathetic consideration:

1. After causing enquiry by the Disciplinary Authority, it is proved beyond doubt that I did not use or attempt to use unfair means (Article I) and did not copy from other candidates (Article III) i.e I was obedient, disciplined examinee in the examination hall. There is no opportunity or probability to create panic situation by me under any circumstances. The assumption that I have created panic in the examination hall is nothing but an imaginary situation and not on the basis of records and evidences produced before the inquiry. I am enclosing the photocopy of the deposition of Shri TK Roy, DE, (PW no 13) who was flying guard in said Examination and also second senior most official after Examination Supervisor that I never created any panic situation in the Examination hall (reference page 3). Therefore, the Article II is sustained as claimed by the Disciplinary Authority and penalty imposed on me is irregular, arbitrary and unsustainable as well.

2. That Sir, under Rule 14 of CCS(CCA) Rules, 1965, the departmental inquiry was instituted to conduct a proper and complete inquiry for justice to all. But the inquiry that has been conducted was neither completed properly, nor has been completed in all respect. For example

✓ (a) The most important, vital prime witness of the case, the Examination Supervisor, Shri D.C Sarker, DE (P&A) was not produced before the inquiry by the Prosecution and denied cross-examination which could surely brought the justice to the entire case.

(b) Prosecution brief was not submitted to me and hence, no defence brief could be offered. Therefore, denying natural justice to me

✓ (c) 2 (two) out of 3 (three) group D staff engaged for duty in the examination hall submitted in writing to Inquiry Officer on asking who were all along in the examination hall that they did not notice any abnormal scene in the examination hall (reference last but one para of the enquiry report of Inquiry Officer).

(d) Surprisingly the Disciplinary Authority decided to try disciplinary action against 19 out of 36 examinees sat in the departmental examination and, more surprisingly one Shri PK Banik who also sat examination with us, have been declared successful in the examination and at present he is posted at Sabroom as JTO. This

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indicates questionable action by the Disciplinary Authority as revealed from the depositions of the prosecution witnesses that all the examinees were involved in mass copying, behaved in disciplined manner and created panicky situation.

In view of the above, the punishment that has been imposed on me vide DGMT Agartala order no cited above, may kindly be withdrawn and exonerate me from the charge.

Enclo: - As stated above.

Dated at Agartala  
30/10/2003

Yours faithfully,


*Ila Chakma*

(Ila Chakma)

SR. TOA(TG), CTO/ AGARTALA



ANNEXURE-7  
6  
28

 <b>BHARAT SANCHAR NIGAM LIMITED</b> TEL NO: 0381 - 2381818	<b>BHARAT SANCHAR NIGAM LIMITED</b> (A GOVT. OF INDIA ENTERPRISE) OFFICE OF THE GENERAL MANAGER TELECOM TRIPURA SSA, AGARTALA - 799001 FAX NO: 0381 - 2381919
--	---

Ref. No. GMT/AGT/VIG/APPEAL/2004-2005

DATE: 29<sup>th</sup> July 2004

To,  
Shir.D.K.Chakrabarti,  
Dy.General Manager, Telecom  
Tripura, Agartala  
Disciplinary Authority

SUB: APPEAL PETITIONS:FINAL ORDERS :REG

Kindly refer to your Order No GMT/AGT/E/V/2000/01/174/ 5,even.No/7,even No.8/even No9,even No.10..dt 08-9-2003 and further in regard to the appeal petitions submitted by the aggrieved , the final orders of the appellate authority , are sent here with for your further action please.

*T. Senthumadhavan*  
(T.SETHUMADHAVAN)  
GM,TELECOM  
AGARTALA,TRIPURA  
(APPELLATE AUTHORITY)

Copy to:

1. The V.O. o/o CGMT, NE-1 circle, Shillong
2. The DGM(HQ)/DGM(OP)/DGM(Fin)/Agartala
3. DE(P&A)/SDE(Vig)/SDE(Admn)/AO(Cash)/Agartala
4. Personal File of concerned officials
5. Controlling Officers of officials
6. Individual concern (through the Disc. Authority)

4  
As per to be in Cms  
as per

(29) 7  
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ORDER

This disposes of the appeal petition dated 30<sup>th</sup> Oct 2003 submitted by SMT.ILA CHAKMA, SR.TOA(TG)CTO, against the punishment/penalty of...REDUCTION BY ONE STAGE IN THE TIME SCALE OF PAY FOR A PERIOD OF ONE YEAR WITH FURTHER DIRECTION THAT THE OFFICIAL WILL EARN INCREMENT OF PAY DURING THE PERIOD OF SUCH REDUCTION ON EXPIRY OF SUCH PERIOD THE REDUCTION WILL NOT HAVE EFFECT OF POSTPONING THE FURTHER INCREMENTS OF HER PAY awarded by the Disciplinary authority, Dy.General Manager, Telecom, Tripura, Agartala. Vide order no GMT/AGT/E/V/2000-2001/174/9 dt 08-9-2003.....

SMT.ILA CHAKMA, SR.TOA(TG)CTO was dealt with under Rule 14 of CCs (CCA), vide charge sheet memorandum No.GMT/AGT/V/SMT.ILA CHAKMA/2002-2003/2 dated 10-6-2002

ARTICLE OF CHARGE

ARTICLE - I: THAT, SMT.ILA CHAKMA SR.TOA(TG)CTO bearing Roll No.NECA/144/2000 while appearing the departmental competitive examination for promotion to the post of JTO (15% quota) held on 21-22 Oct 2000 at Agartala Centre, has used/attempted to use unfair means in the Examination Hall thereby behaving in an indisciplined manner to get through in the Departmental Competitive Examination for promotion to the post of JTO."

ARTICLE - II : That SMT.ILA CHAKMA SR.TOA(TG)CTO bearing Roll No.NECA/144/2000. While appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October '2000 at Agartala Centre created a situation which caused panic to the Supervising Official as well as Invigilators."

ARTICLE - III : "That, SMT.ILA CHAKMA SR.TOA(TG)CTO bearing Roll No. NECA/144/2000. While appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October '2000 at Agartala Centre has copied the answers from other candidates."

2. AND WHEREAS, the enquiry in the case of SMT.ILA CHAKMA SR.TOA(TG)CTO was completed by Sri S.D.Chakraborty, DET(OP), Dharmanagar, who was appointed as the Inquiry Officer vide this office no. GMT/AGT/E/V/2000-01/04 dtd. 23.07.2002 (copy of the report submitted by the Inquiry Officer is enclosed.)

3. AND WHEREAS after going through the reports of the Inquiry Officer and other records of inquiry and after taking all the facts and circumstances of the case into consideration, I am convinced:

- a. that the Article - I and Article - III could not be proved beyond doubt.
- b. that the Article - II has been proved beyond any doubt.

The appellant acknowledged receipt of the charge memorandum and submitted her written representation against the memorandum denying the charge leveled against her. The disciplinary authority awarded her the penalty of .....REDUCTION BY ONE STAGE IN THE TIME SCALE OF PAY FOR A PERIOD

Amended to be  
copy  
of

OF ONE YEAR WITH FURTHER DIRECTION THAT THE OFFICIAL WILL EARN INCREMENT OF PAY DURING THE PERIOD OF SUCH REDUCTION ON EXPIRY OF SUCH PERIOD THE REDUCTION WILL NOT HAVE EFFECT OF POSTPONING THE FURTHER INCREMENTS OF HER PAY....vide order no GMT/AGT/E/V/2000-2001/174/9 dt 08-9-2003.

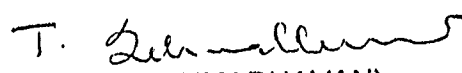
Being aggrieved with the said order issued by the Disciplinary authority the appellant has submitted her appeal petition dt, 30<sup>th</sup> Oct 2003. For consideration which is within the stipulated

In her appeal petition the appellant has put forth the following plea for consideration for clemency from the punishment awarded to her

That, one of the state witnesses Shri. T.K. Roy DE... (PW NO 13) has clearly and specifically stated during the course of enquiry/cross examination that the appellant has not created any panic during the examination.

Taking the veracity and spirit of this statement, I find the appellant has not indulged in any form of act which had really caused panic to the Supervising Officials in the examination hall, and therefore, she is not guilty of the charge of Article No II that is leveled against her. I, therefore, **set aside** the punishment awarded to the appellant."

Dated 29 JULY 2004  
Tripura

  
(T. SETHUMADHAVAN)  
GM. TELCOM.  
AGARTALA  
TRIPURA  
(Appellate Authority).

No: NE-VIC/JTO Exam/AGT/2004(Appeal)/4 Dated at Shillong, the 25<sup>th</sup> Oct'2004.  
 O/o the Chief General Manager  
 N.E.I Telecom Circle  
 Shillong- 793 001.

### ORDER

This order disposes off the review against appeal petition dated 30<sup>th</sup> Oct'2003 submitted by *Smt. Ila Chakma, Sr.TOA(TG) CTO* by the Chief General Manager and Reviewing Authority, N.E.I Telecom Circle, Shillong - 793 001, against the punishment/ penalty of .... *Reduction by one stage in the time scale of pay for a period one year with further direction that the official will earn increment of pay during the period of such reduction and on expiry of such period, the reduction will not have effect of postponing the further increments of her pay* awarded by the Disciplinary authority, Dy. General Manager, Telecom, Tripura, Agartala Vide order No. GMT/AGT/E/V/2000-2001/174/9 dtd 08-9-2003.....

*Smt. Ila Chakma, Sr.TOA(TG)CTO* was dealt with under Rule 14 of CCS(CCA) vide charge sheet memorandum No. GMT/AGT/V/SMT ILA CHAKMA/2002-2003/2 dated 10.6.2002.

### ARTICLE OF CHARGE

ARTICLE-I: THAT, *Smt. Ila Chakma Sr. TOA (TG) CTO* bearing Roll No. NECA/144/2000 while appearing the Departmental Competitive Examination for promotion to the post of JTO (15% quota) held on 21-22 Oct'2000 at Agartala Centre had used/ attempted to use unfair means in the Examination Hall thereby behaving in an indisciplined manner to get through in the Departmental Competitive Examination for promotion to the post of JTO."

ARTICLE-II: THAT *Smt. Ila Chakma , Sr.TOA(TG) CTO* bearing Roll No. NECA/144/2000 while appearing in the above mentioned examination for promotion to the post of JTO(15% quota) held on 21-22 Oct'2000 at Agartala centre created a situation which caused panic to the Supervising Officer as well as Invigilators."

ARTICLE-III: - THAT *Smt. Ila Chakma , Sr.TOA(TG) CTO* bearing Roll No. NECA/144/2000 while appearing in the above mentioned examination for promotion to the post of JTO(15% quota) held on 21-22 Oct'2000 at Agartala centre has copied the answers from other candidates."

2. AND WHEREAS, the enquiry in the case of *Smt. Ila Chakma, Sr.TOA(TG)CTO* was completed by Sri S.D. Chakraborty, DET(OP), Dharmanagar, who was appointed as the inquiry Officer vide this office No. GMT/AGT/E/V/2000-2001/04 dtd 23.07.2002.

3. AND WHEREAS the disciplinary authority awarded her the penalty of ..... *reduction by one stage in the time scale of pay for a period of one year with further direction that the official will earn increment of pay during the period of such reduction and on expiry of such period the reduction will not have effect on postponing the further increments of her pay* vide order No. GMT/AGT/E/V/2000-2001/174/9 dtd 08.9.2003.

*Submitted to  
 Mr. C.M.  
 15/10/04*

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Being aggrieved with the said order issued by the Disciplinary Authority the appellant has submitted her appeal petition dtd. 30<sup>th</sup> Oct'2003 to the appellate Authority for consideration

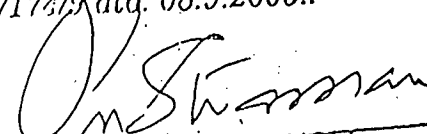
In her appeal petition the appellant has put forth that, one of the state witnesses Shri T.K. Roy, DE (PW No 13) has clearly and specifically stated during the course of enquiry/cross examination that the appellant has not created any panic during the examination.

There were altogether 11 (eleven) regular invigilators excluding Shri T.K. Roy, DE who was nominated as Special Invigilator in charge of flying squad.

4. AND WHEREAS, after going through the reports of the Supervising Officer, Invigilators, GMTD, Inquiry Officer and other reports of inquiry and after taking all the facts and circumstances of the case into consideration I am convinced

That reversing the order of DCM, Agartala, the Disciplinary Authority on the basis of statement of a special invigilator and flying squad will elude justice in the case as he was not present throughout the period of exam. The statements of other witnesses deposed in the case are also required to be taken into account.

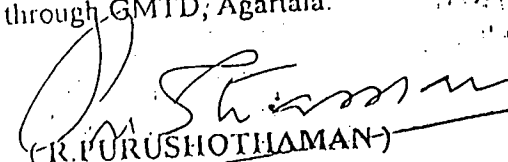
Taking the veracity of the fact I find that the appeal submitted by the appellant is not sustainable and therefore I, R. Purushothaman, Chief General Manager Telecom, and Reviewing Authority, N.E.I Telecom Circle, Shillong - 793 001 set aside the order dated 23<sup>rd</sup> July'2004 issued by General Manager Telecom District, Agartala the Appellate Authority exonerating Smti Ila Chakma, Sr.TOA(TG), CTO, Agartala and therefore I uphold the punishment order issued by Dy. General Manager, Agartala, the Disciplinary Authority vide No. GMT/ACT/E/5/2000-2001/174/9 dtd. 08.9.2003.

  
(R. PURUSHOTHAMAN)

Chief General Manager,  
& Reviewing Authority,  
N.E.I Telecom Circle,  
Shillong - 793 001.

Copy to :-

1. The General Manager Telecom District, Agartala.
2. Smt. Ila Chakma, Sr.TOA(TG), CTO, Agartala through GMTD, Agartala.

  
(R. PURUSHOTHAMAN)

Chief General Manager,  
& Reviewing Authority,  
N.E.I Telecom Circle,  
Shillong - 793 001.

1/1  
O/O THE GENERAL MANAGER TELECOM.  
DOORSANCHAR BHAWAN.  
KAMAN CHOWMONY; AGARTALA-799001  
TRIPURA(W).

भारत संचार निगम लिमिटेड  
(भारत सरकार का उपक्रम)  
BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)

33

F. NO. \_\_\_\_\_  
GMJ/AGT/VIG/APPEAL/2003-04/8.

DATE \_\_\_\_\_  
01/11/2004.

To,  
Smt. Ha Chakma, Sr. TOA(TG).  
O/o. The G.M.T., Agartala.  
Tripura-799001.

Sub:- Report of 5(five) officials who appeared Departmental JTO Competitive Exam. on 21<sup>st</sup> and 22<sup>nd</sup> Oct,2004 at Agartala.

Ref:- NE-VIG/JTO-Comp/AGT/2004(Appeal)/5 dtd at Shillong, the 25<sup>th</sup> Oct.2004.

Please find enclosed h/w the copy of letter no: NE-VIG/JTO Exam/AGT/2004(Appeal)/4 dtd at shillong, the 25<sup>th</sup> Oct,2004. of the Chief General Manager Telecom and Reviewing Authority, N.E.I Telecom Circle, Shillong-793001.

The same may kindly be received & acknowledged.

Encl:- As stated above.

Copy to,  
(1) The V.O./Shillong for info. Pl.

T. Sethumadhavan  
(T. Sethumadhavan). 11/11/04  
General Manager Telecom.  
Tripura SSA, Agartala.

Subscribed by  
T. Sethumadhavan  
General Manager  
Telecom  
Tripura SSA, Agartala

No: NE-VIG/JTO-COMP/ACT/PLI/2001-02/56

Dated at Shillong, the 1<sup>st</sup> Nov'2004.

O/o the Chief General Manager  
N.E.I Telecom Circle  
Shillong- 793 001.

ORDER

As per the report of Supervising Officer, the Invigilators and Special Invigilators in charge of flying squad in the 15% JTO competitive Examination held on the 21<sup>st</sup> and 22<sup>nd</sup> Oct in the year 2000 at Agartala centre *Shri/Smti Ila Chakma*, Sr.TOA O/o the STT, CTO under GMTD, Agartala bearing the Roll No. NECA/144/2000 was found adopting unfair means in the examination hall which is against the Rule-18 of Appendix No.37, Part-I of P&T manual Vol-IV.

And therefore, I, R. Purushothaman, Chief General Manager, N.E.- I Telecom Circle Shillong, 793 001 empowered under Rule 18 of Appendix No. 37, Part- I of P&T Manual Vol-IV do hereby *cancel* the candidature of *Shri/Smti Ila Chakma*, Sr.TOA O/o the STT, CTO under GMTD, Agartala bearing the Roll No. NECA/144/2000 in the 15% JTO Competitive Examination held on 21<sup>st</sup> and 22<sup>nd</sup> of October 2000 at Agartala centre and declare his/her examination papers null and void, in the said examination

(R.PURUSHOTHAMAN)

Chief General Manager,  
N.E.I Telecom Circle,  
Shillong - 793 001.

Copy to :-

1. Sr. DDG (IR) Room No.507, Dak Bhawan, Parliament Street, New Delhi-110 001 for kind information.
2. The General Manager Telecom District, Agartala, for information.
3. The Dy. General Manager, O/o the GMTD, Agartala, w.r.t. his letter No.GMT/ACT/E/V/2000-01/174/9 dtd, 08.9.2003.
4. *Shri/Smt Ila Chakma*, Sr. TOA O/o the STT CTO through GMTD, Agartala..

(R.PURUSHOTHAMAN)

Chief General Manager,  
N.E.I Telecom Circle,  
Shillong - 793 001.

(7)

*Supervised by*  
*Shri/Smt Ila Chakma*  
*Shri/Smt Ila Chakma*

ANNEXURE-18 48

35

The Chief General Manager (Reviewing Authority),  
Bharat Sanchar Nigam Limited,  
N.E Telecom Circle  
Shillong, Meghalaya  
Pin 793001

(Through proper channel)

Subject:- Appeal against the order No. NE-VIG/JTO-COMP/ACT/PL 1/2001-02/56  
Dated at Shillong, the 1<sup>st</sup> November, 2004.

Respected Sir,

Most respectfully, I beg to state that vide the DGM, Agartala order referred above, punishment was imposed upon me under Rule 14 of CCS(CCA) 1965 which is as below:

"be reduced by one stage in the time-scale of pay for a period of one year with further direction that the official will earn increment of pay during the period of such reduction. On expiry of such period, the reduction will not have effect of postponing the future increments of his pay".

I may mention here that I have received the aforesaid order no. GMT / AGT / E / V / 2000-01 / 174 / 09 dated 08/09/2003 on 22/09/03 of the Dy. General Manager, office of the General Manager, BSNL, Agartala.

That Sir, the 3(three) Article of charges which are as under:

Article-I: That Smt. Ila Chakma bearing roll number NECA /144 / 2000 while appearing the departmental competitive examination for promotion to the post of JTO(15% Quota) held on 21-22 October 2000 at Agartala Centre has used/attempted to use unfair means in the Examination Hall, thereby behaving in an indisciplined manner to get through in the Departmental Competitive Examination for promotion to the post of JTO.

Article-II : That Smt. Ila Chakma bearing roll number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO(15% Quota) held on 21-22 October 2000 at Agartala Centre created a situation which caused panic to the supervising Official as well as Invigilators.

Article-III: That Smt. Ila Chakma bearing roll number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO (15% Quota) held on 21-22 October 2000 at Agartala Centre has copied the answers from other candidates.

That Sir, after causing departmental enquiry by the Disciplinary Authority (DGM), an order was passed that the Article I & III could not be sustained, but Article-II could only be proved beyond doubt.

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As per the  
my own  
copy



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That Sir, I would like to submit the following facts for favour of your kind sympathetic consideration:

1. From the result of the enquiry it is proved beyond doubt that I did not use or attempt to use unfair means (Article I) and did not copy from other candidates (Article III) i.e. I was obedient, disciplined examinee in the Examination Hall. There is no opportunity or probability to create panic situation by me under any circumstances. The assumption that I have created panic in the Examination Hall is nothing but an imaginary situation and not on the basis of records and evidences produced before the inquiry. The depositions of Shri TK Roy, DE, who was flying guard in said Examination and also of other Invigilators present in the Examination Hall, it is clear that I did not create any panic in the Examination Hall. Therefore, the claim of the Disciplinary Authority that the Article II is sustained and penalty imposed is irregular, arbitrary and not based on records of the case.

2. Under Rule 14 of CCS (CCA) Rules, 1965, the departmental inquiry was instituted to conduct a proper, fair and complete inquiry for justice. But the inquiry was not complete as per Rules for the following reasons:

(a) The most important, vital prime witness of the case, the Examination Supervisor, Shri D.C. Sarkar, DE (P&A) was not produced before the inquiry by the Prosecution and denied the Defence to cross-examine him which could surely brought the justice to the entire case.

(b) Prosecution brief was not submitted and hence, no defence brief could be offered. Therefore, denying natural justice to me

© 2(Two) out of 3(Three) group D staff engaged for duty in the examination hall submitted in writing to the Inquiry Officer on asking who were all along in the examination hall that they did not notice any abnormal scene in the examination hall (refer the enquiry report of Inquiry Officer).

(d) Surprisingly the Disciplinary Authority decided to try disciplinary action against 19 out of 36 examinees sat in the departmental examination. It may be mentioned here that one Shri P K Banik who also sat examination with us, have been declared successful in the examination and at present posted at Sabroom as JTO. This indicates that the Examination was conducted in peaceful and cordial manner but the action by the Disciplinary Authority for drawing up of disciplinary action against only 50% of the candidates is questionable.

After considering the facts and circumstances stated above, the Appellate Authority (General Manager, BSNL, Agartala) exonerated me from the charge stated to be proved in Article II of the charge sheet.

Further I beg to submit that vide above referred order No. NE-VIG/JTO Exam/AGT/2004(Appel)/4 Dated at Shillong, the 25<sup>th</sup> October, 2004, you have uphold the punishment order no. GMT/AGT/E/V/2000-01/174/09 dated 08/09/2003 Issued by the DGM, Agartala on the ground that Shri T K Roy, DE, Special Invigilator and Flying Guard was not present throughout the period of examination. I may reiterate that the assumption made by you that Shri T K Roy, DE, Special Invigilator and Flying Guard was not present throughout the period of examination is not based on the records of the case. In fact neither Shri T K Roy nor any Prosecution Witnesses mentioned in their depositions that Shri T K Roy was not present throughout the examination period and records produced in the case do not support the argument put forward by you. It is

It is pertinent to mention here that Shri T K Roy was present throughout the examination period and it was only a single Hall in B.Ed College where the examination was conducted.

I, therefore, request you to kindly review the your order dated 1<sup>st</sup> November, 2004 passed by you upholding the punishment order of the DGM, o/o the GM, BSNL, Tripura and exonerate me from the charge. An early action is requested.

Yours faithfully,

*Shachakma*  
8-12-04  
(Shachakma)

SR.TOA(TG),CTO/AGARTALA

ANNEXURE II

CONFIDENTIAL



**BHARAT SANCHAR NIGAM LTD.**  
(A Govt. of India Enterprise)  
Office of the Chief General Manager,  
N.E.-I Telecom Circle, Shillong -793 001.

NO: NE-VIG/Sr.TOA/JTO Exam/AGT/2004 (APPEAL)/16

Dated at Shillong, the 28<sup>th</sup> Jan' 2005

To,

✓  
Shri T.Sethu Madhayan,  
General Manager Telecom District,  
Agartala.

Sub:-

Appeal against the order dtd. 1.11.04. ✓

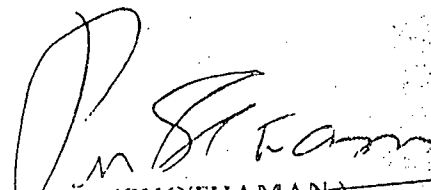
Ref:-

- (1) Your letter No.QM-261/RM/Sr.TOA(TG)/2004-05/19 dtd. 10.12.2004.
- (2) No. QC-313/IC/Sr.TOA(TG)/2004-05/29 dtd. 10.12.2004.

The two representations receipt from Shri Ratin Majumder, Sr. TOA(TG) of CTO/Agartala and from Smt. Ila Chakma, Sr.TOA(TG), CTO, Agartala were forwarded to this office vide your above referred letter for further consideration at this end.

In this context, it is intimated that the letter No. NE-VIG/JTO-Comp/AGT/PLI/2001-02/55 & 56 is issued by Shri R.Purushothaman, CGM, N.E.I Telecom Circle as per his administrative powers. Hence any appeal against the order lies with Chairman & Managing Director, BSNL, Corporate Office, New Delhi.

Same may be intimated to the official concerned with intimation to this office.

  
(R. PURUSHOTHAMAN)  
Chief General Manager,  
N.E.I Telecom Circle,  
Shillong - 793 001.

*Handwritten notes:*  
may be intimated  
to the official concerned  
with intimation to this  
office.

Annexure-12

39

To  
The Chairman & Managing Director  
Bharat Sanchar Nigam Ltd,  
Corporate Office, Statesman House,  
B-148, Barakhamba Road,  
New-Delhi-110001.

(Through proper channel)

Subject :- Punishment order passed by Dy. General Manager, o/o the General Manager, Tripura Division, BSNL, Tripura vide no. GMT/AGT/E/V/2000-01/174/09 Dated 08/09/03 and order passed by the Chief General Manager's no. NE-VIG/JTO-Exam/AGT/2004 (Appeal)/4 dated 25/10/04- appeal thereof.

Sir,

I beg to state that on 21<sup>st</sup> & 22<sup>nd</sup> October 2000 Departmental Examination was held for promotion to the post JTO at Agartala. 36 nos of departmental candidates appeared in the examination and one Sri P.K.Banik have been declared successful and presently posted as JTO at Sabroom, Tripura after attending training. The Disciplinary Authority (Dy. General Manager) had drawn up disciplinary proceeding against 19 nos. candidates out of 36 appeared although the Prosecution claimed that there was mass copying, no sanctity in the examination hall.

The punishment imposed on me was irregular, unjustified and arbitrary and not based on records of the case. I may mention that I did not use unfair means in the examination and remained obedient, loyal and never created any panicky situation throughout the examination which had been proved beyond doubt from the records of the case.

I would like to submit the following facts for favour of kind consideration:

1) Vide order No. GMT/AGT/E/V/2000-01/174/09 Dated 08/09/03 of the Dy. General Manager O/O the General Manager BSNL Agartala punishment imposed on me as below under Rule 14 of CCS(CCA) 1965.

"be reduce by one stage in the time-scale of pay for a period of one year with further direction that the official will earn increment of pay during the period of such reduction. On expiry of such period, the reduction will not have effect of postponing the future increments of his pay" (Copy Enclosed)

2) That Sir, the 3(three) Article of charges (Copy enclosed) enquired against me are as below :-

Article-I: That Smt Ila Chakma bearing Roll Number NECA/144/2000 while appearing the departmental competitive examination for promotion to the post of JTO (15%Quota) held on 21-22 October'2000 at Agartala Centre has used /attempted to use unfair means in the Examination Hall, thereby behaving undisciplined manner to get through in the departmental Competitive Examination for promotion to the post of JTO.

*Handwritten signature and initials:*  
Smt. Ila Chakma  
R. S. Ghosh

**Article-II:** That Smt Ila Chakma bearing Roll Number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO(15% Quota) held on 21-22 October'2000 at Agartala center created a situation which caused panic to the supervising Official as well as Invigilators.

**Article-III:** That Smt Ila Chakma bearing Roll Number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO(15% Quota) held on 21-22 October'2000 at Agartala Centre has copied the answers from others candidates.

3) That Sir, after causing Departmental enquiry by the Disciplinary Authority (Dy. General Manager), an order was passed that the Article-I & III could not be sustained, but Article-II could only be proved beyond doubt, i.e that Smt Ila Chakma bearing Roll Number NECA/144/2000 while appearing the above mentioned examination for promotion to the post of JTO(15% Quota) held on 21-22 October'2000 at Agartala center created a situation which caused panic to the supervising Official as well as Invigilators.

4) That Sir, I preferred an appeal against the punishment order to the General Manager, BSNL, Tripura, vide my representation dated 30/10/2003 (Copy enclosed) and after consulting all relevant records of the case, he exonerated me vide an order No. GMT/AGT/VIG/APPEAL/2004-2005 dated 29/07/2004. (Copy enclosed)

5) The Chief General Manager, NE-I Telecom Circle Shillong passed an order dated 25/10/2004 on my appeal petition dated 30/10/2003 upholding punishment order imposed by Dy. General Manager (Disciplinary Authority) dated 08/09/03 (Copy enclosed). In fact, I made an appeal General Manager, BSNL, Tripura on 30/10/2003 who is the Appellate Authority but not to the Chief General Manager, BSNL, Shillong as mentioned in the said order dated 25/10/04 of the CGM. In the said order the CGM (Reviewing Authority) set aside the order passed by the Appellate Authority (GM, BSNL) dated 29/07/04 (not 23/07/04) with the following observation:

**"AND WHEREAS,** after going through the reports of the Supervising Officer, Invagilators, GMTD, Inquiry Officer and other reports of inquiry and after taking all the facts and the circumstances of the case into consideration I am convinced.

That reversing the order of DGM, Agartala, the Discliplinary Authority on the basis of statement of a special invigilator and flying squad will elude justice in the case as he was not present throughout the period of exam. The statement of other witnesses deposed in the case are also required to be taken into account."

*During course of enquiry and also at the time of deposition, Shri T.K.Roy, DE, Special Invigilator and Flying Guard never mentioned that he was not present throughout the exam period and moreover it was only a single examination hall in B. Ed College where the examination was conducted. The assumption of the CGM that Shri T.K.Roy not present throughout the period of exam is imaginary and not based on record. The Statements of other prosecution witnesses deposed in course of inquiry, it is clear that I have not created panic in the examination hall. So the order passed by the CGM dated 25/10/04 as above is imaginary and not based on records of the case.*

(4)  
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6) That Sir, I had submitted a representation dated 04/12/04 requesting review of the order passed by the CGM (Reviewing Authority) is mentioned in para 5 above for his sympathetic consideration (Copy enclosed). My representation clearly speaks about facts and circumstances of the case but the CGM, BSNL, Shillong disposed my representation which is reproduced as below :-

"In this context, it is intimated that the letter No. NE-VIG/JTO-Comp/AGT/Pt.I/2001-02/55& 56 is issued by Shri R. Purushothaman, CGM, N.E.I Telecom Circle as per his administrative powers. Hence any appeal against the order lies with Chairman & Managing Director, BSNL, Corporate office New Delhi."

7) Further an order passed by CGM No. NE-VIG/JTO-Comp/AGT/Pt.I/2001-02/56 dated 01/11/2004 regarding declaring my examination papers null and void is irregular, unjustified and denying natural justice when the appeal process is yet to be disposed finally (Copy enclosed).

I may once again reiterate following facts for favour of your kind consideration

a) Article I & III i.e charge against using unfair means, mass-copying etc. could not be proved

b) Article II i.e that I have created panicky in the examination hall as alleged by the Disciplinary Authority which stated to be proved in course of enquiry is totally false and baseless. (copy of deposition of Shri T.K.Roy, PW No.13, Flying Guard of the Examination Centre). From the result of the enquiry it is proved beyond doubt that I did not use or attempt to use unfair means (Article I) and did not copy from other candidates (Article III) i.e, I was obedient, disciplined examinee in the Examination Hall. There is no opportunity and possibility to create panic situation by me under any circumstance. The assumption that I have created panic in the Examination Hall is nothing but an imaginary situation and not on the basis of records and evidences produced before the inquiry. From the depositions of Shri T.K.Roy, DE, who was flying guard in said Examination and also of other Invigilators present in the Examination Hall, it is clear that I did not create any panic in the Examination Hall. Therefore, the claim of the Disciplinary Authority that the Article II is sustained and penalty imposed is irregular, arbitrary and not based on records of the case.

c) Under Rule 14 of CCS (CCA) Rules, 1965, the departmental inquiry was instituted to conduct a proper, fair and complete inquiry for justice. But the inquiry was not complete as per Rules for the following reasons:

- (i) The most important, vital prime witness of the case, the Examination Supervisor, Shri D.C.Sarkar, DE (P&A) was not produced before the inquiry by the Prosecution and denied the Defence to cross-examine him which could surely brought the justice to the entire case.
- (ii) Prosecution brief was not submitted and hence, no defence brief could be offered. Therefore, denying natural justice to me
- (iii) 2(Two) out of 3 (Three) group D staff engaged for duty in the examination hall submitted in writing to the Inquiry Officer on asking who were all along in the examination hall that they did not notice any abnormal scene in the

(42)

examination hall (refer the enquiry report of Inquiry Officer). Copy of the report is enclosed

- (iv) Surprisingly the Disciplinary Authority decided to try disciplinary action against 19 out of 36 examinees sat in the departmental examination. It may be mentioned here that one Shri P.K.Banik who also sat examination with us, have been declared successful in the examination and at present posted at Sabroom as JTO. This indicates that the Examination was conducted in peaceful and cordial manner but the action by the Disciplinary Authority for drawing up of disciplinary action against only 50% of the candidates is questionable. I may reiterate that the assumption made by the CGM that Shri T.K.Roy, DE, Special Invigilator and Flying Guard was not present throughout the period of examination is not based on the records of the case. In fact, neither Shri T.K.Roy nor any Prosecution Witnesses mentioned in their depositions that Shri T.K.Roy was not present throughout the examination period and records produced in the case do not support it. It is pertinent to mention here that Shri T.K.Roy was present throughout the examination period and it was only a single examination hall in B. Ed College where the examination was conducted.

I, therefore, request your kind sympathetic consideration to review the entire case on the basis of documents of the case and exonerate me from the charge with revival of candidature.

Yours faithfully,

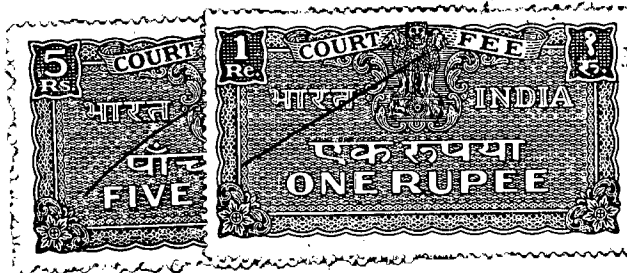
*Shachakma*  
10/2/05

(SMT. ILA CHAKMA)

Sr. TOA(TG),CTO/Agartala.

Dated Agartala, the 10<sup>th</sup> February, 2005

*2000/*



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Ila Chakma

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATIBENCH

DA 73/06.

**Smt Ila Chakma**

Applicant

-Versus-

**Bharat Sanchar Nigam Limited  
& others**

Respondents.

KNOW ALL MEN BY PRESENTS THAT I / WE *Ila Chakma*  
*D/O Lt. Panchajoy Chakma, Abhoynagar, Agl do*  
hereby in my / our name / names and on my / our behalf  
constitute and appoint Shri / Sarvasri *Chandrasekhar Sinha*  
..... Advocate as my / our true and lawful Advocate /  
Advocates to appear and act for me / us in the above case to file  
appeals from decree or award or order in original suit, or case or  
from appellate, decree or from in cases Civil / Criminal / Revenue  
or any order. Proceeding etc. to file written objection in appeals /  
cases whenever necessary, to conduct appeal or case on my /  
our behalf and for that purpose to examine witnesses and to do  
all acts and things whatsoever as required to be done in  
connection therewith, such as comprising above matter,  
deposition or withdrawing any money in and from the Court /  
Office, filing of any document / in the Court / Offices, referring  
matters in dispute between the parties hereto to arbitration,  
withdrawing the above matters with liberty to file appeal / cases  
proceeding a fresh, receiving properties, release from  
attachment, filing execution or miscellaneous cases, bidding at  
Execution sale, obtaining payment from High Court, withdrawing  
custody and other fees and doing on my / our behalf such other  
acts in the above matters are necessary and proper.

*Accepted by me*  
*Chandrasekhar Sinha*  
*Advocate*  
*25th Day of March 2006*



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N O T I C E

AGARTALA,  
March, 2006.

To  
The Ld. Standing Counsel,  
for B.S.N.L.  
GUWAHATI.

Dear Sir,

Enclosed please find herewith a copy of an  
Original Application submitted by the Applicant  
before the Hon'ble Central Administrative Tribunal,  
Guwahati Bench.

2. Receipt of the same may kindly be acknow-  
ledged.

Yours faithfully,  
*Chandrasekhar Sinha*  
( C.S. Sinha )  
Advocate.

Received copy.

*G. B. Sinha*

Advocate/Standing Counsel  
for B.S.N.L., Guwahati.

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**MEMORANDUM OF APPEARANCE**

Date : 27/3/06

To,

*By*, **The Registrar**  
Central Administrative Tribunal  
Bhangagarh, Rajgarh Road,  
Guwahati.

**IN THE MATTER OF :**

O.A. No. 73 of 2006

Smt. Ila Chakma

----- Applicant

- Vs -

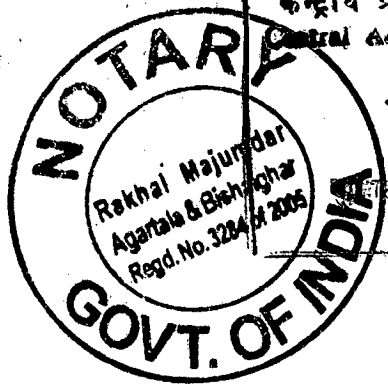
**Union of India & Others**

----- Respondents

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

*M* 27/3/06  
(Motin Ud-Din Ahmed)  
Addl. C.G.S.C.

*Delhi He 2002 (11567) 352*



केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

10 MAY

गौहाटी न्यायाधीश

V. Swamankar

General Manager (Telecom)

Tripartite Telecom. SSA

Bharat Sanchar Nigam Ltd

Agartala-798001

By B. B. Chatterjee  
3.5.2006  
Central Government  
GAUHATI HIGH COURT,  
AGARTALA BENCH

59

IN THE ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH

Original Application No. 73 of 2006

IN THE MATTER OF :-

Smt. Ila Chakma.....Applicant

Versus

Bharat Sanchar Nigam Ltd. & 4 others

.....Respondents.

AND

IN THE MATTER OF:-

An application by the Respondent No .4 & 5  
enlightening the question of jurisdiction.

The Respondents above named most humbly state as follows:-

1. That, the application filed by the Applicant challenging the order  
No. NE-VIG/JTO-EXAM/AGT/2004 (Appeal)/4 dated 25.10.2004 and  
order No. NE-VIG/JTO-COMP/AGT/PT.1/2001-02/56 dated  
01.11.2004 and also for restoring her candidature in the JTO  
Competitive Examination held on 21<sup>st</sup> and 22<sup>nd</sup> October, 2000 is not  
maintainable before this hon'ble Tribunal.

2. That according to Section 14 of the Administrative Tribunals  
Act, 1985 this hon'ble Tribunal would exercise jurisdiction

*Rakhal Majumdar*  
(RAKHAL MAJUMDAR)  
NOTARY, Govt. of India. 05/05/2006  
Agartala, West Tripura.  
Regd. No. 3284 of 2005.

Contd... P/2.



V. K. Majumdar  
General Manager (Telecom)  
Tripura Telecom. SSA  
Bharat Sanchar Nigam Ltd  
Agartala-798001

B. B. Bhowmik  
Central Government  
GAUHATI HIGH COURT,  
AGARTALA BENCH

(Page-2)

over the matter mentioned in Sub-Section 1 of Section 14 of the Administrative Tribunals Act, 1985 upon the authorities specified in the notification made by the Government under Section 14(2) of the said Act.

3. That the Bharat Sanchar Nigam Ltd. ( for short BSNL) is a Public Sector Undertaking formed on 01.10.2004. But no such notification under Section 14, Sub-Section 2 is made by the Central Government till today. Thus, this hon'ble Tribunal has no jurisdiction over the service matter of the Applicant, who is absorbed as an employee of the BSNL and she is no more employee of the Telecom Department. Thus, this hon'ble Tribunal has no jurisdiction over the matter. Hence, the application filed by the Applicant is liable to be rejected.

4. That, it is humbly submitted that similar question in respect of service matter of employees of the BSNL arose before the hon'ble Administrative Tribunal, Allahabad in Civil Misc. Contempt application No. 176 of 2003 wherein the hon'ble Tribunal has stated that the application was not maintainable since BSNL is a Corporation and no notification u/s 14(2) of the Administrative Tribunals Act, 1985 has been issued in respect of the newly constituted Corporation i.e.

BSNL. The Calcutta Bench of the Tribunal in OA 190 of 2001 and the

Rakhal Majumdar  
(RAKHAL MAJUMDAR)  
NOTARY, Govt. of India.  
Agartala, West Tripura.  
Regd. No. 3284 of 2005.

Contd...P/3.



V. Eswaran  
General Manager (Telecom)  
Tripura Telecom. SSA  
Bharat Sanchar Nigam Ltd  
Agartala-799001

By S.B. Majumdar  
Central Government  
SAHAI HIGH COURT,  
AGARTALA BENCH

(Page-3)

Administrative Tribunal, Ernakulam in OA 811 of 2002, this hon'ble Bench in Contempt No. 6 of 2004 has taken similar view stating that since the BSNL is a Corporation and no notification u/s 14(2) of the Administrative Tribunals Act is issued in respect of BSNL, this hon'ble Tribunal has no jurisdiction over the BSNL. Hence, in the present case also the application before this hon'ble Tribunal is not maintainable since no notification has been issued in respect of BSNL u/s 14(2) of the Administrative Tribunals Act, 1985. As such, the present application of the applicant is liable to be dismissed.

5. That the rest would be orally submitted.

In the premises aforesaid it is most humbly prayed that in view of the fact that no notification has been published by the Central Government u/s 14(2) of the Administrative Tribunals Act, 1985, the application filed by the Applicant before this hon'ble Tribunal is not maintainable and hence it may be dismissed.

Verification.

I, V. Eswaran,  
General Manager, Bharat Sanchar Nigam Ltd. do hereby verify that the statements made hereinabove in Para-1 to 5 are true to my knowledge as gathered from the official records and the rests are my humble submission and prayers before this Ld. Tribunal and in acknowledgement whereof I sign this Verification to-day, this 05th day of May, 2006 at Agartala, West Tripura.

(RAKHAI MAJUMDAR)  
NOTARY, Govt. of India.  
Agartala, West Tripura.  
Regd. No. 3284 of 2005.

General Manager Telecom  
BSNL, Tripura SSA, Agartala

Sl. No. 21/May/2006 Date 05 MAY 2006



V. S. Swarnan  
General Manager (Telecom)  
Tripura Telecom. SSA  
Bharat Sanchar Nigam Ltd  
Agartala-799001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH

Original Application No. 73 of 2006



Smt. Ila Chakma.....Applicant

Versus

Bharat Sanchar Nigam Ltd. & 4 others

.....Respondents

AFFIDAVIT

I, Sri V. Eswaran

Late Sri  
S/O. S. Venkata

Subramanian, General Manager, Office of the General Manager, Bharat Sanchar Nigam Ltd. (for short BSNL), Tripura, P.O. Agartala, P.S. West Agartala, District- West Tripura, aged about 54 years, by nationality- Indian, by religion-Hindu, by profession- Service in the BSNL, Tripura do hereby solemnly affirm and say on oath as follows:-

1. That I am the ~~General~~ General Manager, BSNL, Tripura. I am the Respondent No.5 in the original application and I am conversant with the facts and circumstances of this case and I am competent to swear this Affidavit for myself and I am also authorized to swear this Affidavit on behalf of the Respondent No.4.

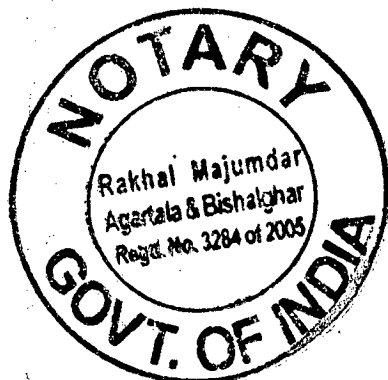
This is true to my knowledge.

2. That the statements made in Para-1 to 3 of the annexed

Contd....P/2.

(RAKHAL MAJUMDAR)  
NOTARY, Govt. of India.  
Agartala, West Tripura.  
Regd. No. 3284 of 2005.

05/05/2006



(Page-2)

application are true to my information as gathered from the official records which I verily believe to be true and the rest are my humble submission and prayer before this hon'ble Tribunal.

In acknowledgement whereof I sign this Verification to this Affidavit today, this 05<sup>th</sup> day of May, 2006 before the Notary Public, West Tripura, Agartala.

The deponent is identified by me.

*Sanku B. Choudhary*  
Advocate.

✓ *V. Swarnam*  
**Deponent**  
General Manager (Telecom)  
Tripura Telecom. SSA  
Bharat Sanchar Nigam Ltd.  
Agartala-799001

*Rakhal Majumdar*  
(RAKHAL MAJUMDAR)  
NOTARY, Govt. of India. 05/05/2006  
Agartala, West Tripura.  
Regd. No. 3284 of 2005.

Application are true to my information as gathered from the official records which I  
verily believe to be true and the rest are my humble submission and prayer before

Signature of the declarant

SOLELY AFFIRMED &  
DECLARE BEFORE ME.

OF V. Eswaran  
day of May, 2006 before me

S/O, D/O, W/O Late Sri S. Venkata Subrahmanian

S.M. S. West Agartala,  
B.S.N.L. Tripura

DISTRICT WEST TRIPURA,

IDENTIFIED BY ME S. Bhattacharjee.

THIS DAY OF 5th May 2006 Agartala.

AGARTALA... /... /... a.m./p.m.

(RAKHAL MAJUMDAR)

NOTARY, Govt of India, 05/05/2006

Regd. No. 3284 of 2003

West Tripura

Signature

General Manager (Telecom)

Tripura Telecom. SSA

Bharat Sanchar Nigam Ltd

Agartala-799001

05/05/2006

Identified by me.

Sanku B. Bhattacharya  
Advocate







General Manager (Telecom),  
Tripura Telecom. SSA  
Bharat Sanchar Nigam Ltd  
Agartala-799001

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# VAKALATNAMA

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Case No. O.A. 73 of 2006

Smt. Ila Chakma

Applicant

- VERSUS -

Bharat Sanchar Nigam Ltd. & 1 Others.

Respondent/ Opposite Party

KNOW ALL MEN BY THESE PRESENTS that I/We V. Eswaran, General Manager,  
P.S.N.L., Tripura on behalf of all respondents.

do hereby in my / our name / names and on my / our behalf constitute and appoint  
Mr. Pijush Ranji Biswas, Asstt. S.G.O.I.  
Shri/Sarvasi Sanjay Bhattacharjee, Central Govt. Counsel

as my / our

true and lawful Advocate/Advocates to appear and act for me / us in the above case, to file appeals from decree or award or order in original suit, or case or from appellate, decree or from order in case Civil / Criminal / Revenue or any order, proceeding etc. to file written objection in appeals / cases whenever necessary, to conduct appeal or case on my / our behalf and for that purpose to examine witnesses and to do all acts and things whatsoever as required to be done in connection therewith, such as compromising of the above matter, depositing or withdrawing any money in from the Court / Office, filing of any document / documents in the Court / Offices, referring matters in dispute between the parties hereto to arbitration, withdrawing the above matters with liberty to file appeal / cases proceeding afresh, receiving properties, release from attachment, filling execution or miscellaneous cases, bidding at Execution Sale, obtaining payment from the High Court, withdrawing custody and other fees and doing on my / our behalf such other acts in the above matters as are necessary and proper.

In case of my / our failure to comply with any instruction given by my lawyer in connection with this case the lawyer shall have no liability for any loss suffered by me / us for any adverse order against me / us

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate / Advocates as my / our own acts as if done by me / us, execute this Vakalatnama on this  
05<sup>th</sup> day of May 2006

Accepted  
Asstt. Solicitor General,  
Govt. of India, Guwahati,  
Agartala Bench

Accepted  
Central Government  
GUWAHATI BENCH  
24/5/06

Case No. OA 73 /2006.

Smt. Ma Chakma

.....Petitioner

-versus-

BSNL & ORS.

.....Respondents.

To Mr. C. S. Sinha  
The Id. Counsel for the petitioner/Respondent,  
Gauhati High Court,  
Agartala Bench.

Sir,

Please accept a copy of petition/counter on behalf of the  
petitioner/Respondent No. 485 in connection with the above  
mentioned case and acknowledge receipt of the same.

Thanking You,

Yours faithfully

S. B. Chakma  
Advocate for the petitioner/Respondent nos. 485

Copy received.

Chaitanya Kumar  
Advocate for the respondent/petitioner.