

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES,1990)

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O.A/T.A No.1/99/2007

R.A/C.P No.3/2007

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SECTION OFFICER (Judl.)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

OUR D E R S S C H E L E T

1. Original Application No. 199/67
2. Misc Petition No. 1
3. Contempt Petition No. 1
4. Review Application No. 1

Applicant(s) Tinku Chakrabarty -vs- Union of India & Ors

Advocate for the Applicants: M. Drilla, Cr. Scrima

Advocate for the Respondants ~~Mr. C. G. S. L.~~ M. M. Ahmee

Mr. R. Debnath CGS for R&H
No 2 to 5.

Notes of the Registry	Date	Order of the Tribunal
This application is in form of file/C.F.T. & Rs. 50/- As per the order dated 26.7.07 No. 34 G.654298	26.7.07	When the matter is taken up Mr G.Sarma, learned counsel for the applicant submitted that this Tribunal has no jurisdiction over the BSNL employees and he may be permitted to withdraw this application and seek remedy before the appropriate forum. Prayer allowed.
Dated 12.6.07 Petitions Cm's for Issue notices and received with envelops.		O.A. is accordingly dismissed on withdrawal.
PG R.A. 3 31.7.2007 Regarding jurisdiction of grade 'C' a photo copy of the order dated 2.1.06 in O.A 175/06 placed at pg A.	31.7.2007	1 Vice-Chairman In view of the order passed in R.A.3 of 2007 allowing the same the O.A. is restored to file. Issue notice to the Respondents, returnable by four weeks. Post the case on 31.8.2007.
1 R.A. 3 31.7.2007 Vice-Chairman		

Vice-Chairman

31.7.07
Pl. is seen (notices) bb/

Warning
27/07/07

2
-
Notice of order
Sent to D/Section
for issuing to
resp. nos. 1, 2, 3, 4
and 5 by regd. A/D
post.

31.8.2007

It appears that notice was served on Respondent Nos. 4 & 5. Mr. M.U.Ahmed, learned Addl.C.G.S.C. appearing for Respondent Nos. 1 & 3 wanted time to file statement. Let it be done within four weeks. Let the case be posted on 5.10.2007. In the meantime other Respondents are also at liberty to file reply statement.

Copy
10/8/07 - D/No - 814, 815,
816, 817.
Dt. 13/8/07

① Service report
anuited.

/bb/

Vice-Chairman

30.8.07

Mr. R. Debnath, Advocate for the Respondent No. 5, seeks four weeks time to file written statement. Prayer is allowed.

Call this matter on 6th, November, 2007

Call for bettering of Respondents No. 5. The Government of India, should also take steps to file their Written Statement by 6th November, 2007.

WLS not bled.

Send copies to the Respondents.

Khuhiram
Member(A)

Monoranjan Mahanty
Vice-Chairman

06.11.2007

Mr. M. Dutta, learned counsel for the applicant

Mr. M.U.Ahmed learned Addl.C.G.S.C. for Respondent No. 5 and Mr. R. Debnath, learned counsel for Respondent Nos. 2 to

are present. Mr. R. Debnath has produced a copy of the order dated 21st September, 2007 on behalf of the Respondents. Let it be kept on record. Copy of this order dated 21.9.07 has

already been served on the counsel for the applicant and same has been perused by the counsel for the applicant. Therefore the matter has been disposed of as infructuous.

Copy of this order be served to the counsel for concerned.

Member

17/10/07 - WLS not bled.

5.10.07.

06.11.2007

Mr.M.Dutta, learned counsel for the applicant, Mr.M.U.Ahmed learned Addl.C.G.S.C. for Respondent No.1 and Mr.R.Debnath, learned counsel for Respondent Nos. 2 to 5 are present.. Mr.R.Debnath has produced a copy of the order dated 21st September, 2007 on behalf of the Respondents. Let it be kept on record. Copy of this order dated 21.9.07 has already been served on the counsel for the applicant and same has been perused by the counsel for the applicant. Therefore, the matter stands disposed of.

Copy of this order be served to the counsel, for all concerned.

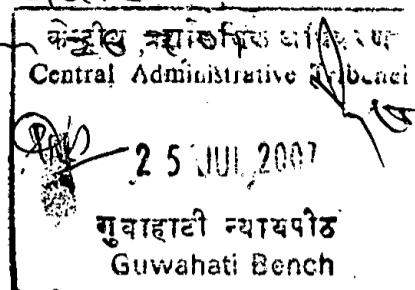
K Chatterjee
Member(A)

Lm

18.11.07
Copy of the
order has been
sent to the DSC
for issuing the
same to the applicant
as well as to the
Addl.C.G.S.C. for
the Respondents.

lnd. wide
of No. 14856
1486 on 21.11.07
18/11/07

OA (in 2+5 sets) with 190 & Envelopes is filed
today by Sh. Guramani Sarma, Advocate. To
be posted



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO 199 /2006

Tinku Chakravarty

...Applicant

-VS-

Union of India &Ors

...Respondents

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Filed by

Guramani Sarma
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A. NO 199 /2006

Tinku Chakraborty

...Applicant

-VS-

Union of India &Ors

...Respondents

SYNOPSIS

That this application is directed against in-ordinate delay by the Disciplinary Authority in pronouncing the final order the disciplinary proceeding against the applicant, although the enquiry was completed in March 2003 and the enquiry Officer had prepared his report on 21.8.03. The copy of the enquiry report was even furnished after 5 months on 9.2.04. The applicants had submitted her representation against the Enquiry Report on 25.3.04. The pendency of the said decision has not only resulted in great deal of mental agony for the applicant but also has resulted in virtual deadlock with regard to the payment of regular scale and grant of various service benefits which would have otherwise been payable to the applicant. As such this petition has been filed with the limited prayer for a direction to the authorities to completed the proceeding by pronouncing the final decision and thereafter settle all pending issues related to the grant of service benefits.

LIST OF DATES

02.4.90- Applicant joined service

24.9.92- The applicant could not attend duties from the said date due to the heart ailments.

24.6.97- The applicant reported for joining.

15.11.01-The applicant was allowed to join and charge sheet was issued.

19.11.01-The applicant was informed that she would not be allowed to join till a decision was taken by the higher authorities.

30.6.03- The applicant was allowed to join on a fixed pay.

21.8.03- The report of the Enquiry Officer was prepared.

18.11.06-The last representation of the applicant

Filed by
Guruman Lams
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO 199 /2007

BETWEEN

Smti Tinku Chakravarty
Telecom Office Assistant (G)
Commercial Section, Office of the
General Manager, Telecom District,
Shillong.

..... Applicant

Vs

1. The Union of India represented by the Secretary, Government of India, Ministry of Communications, Department of Telecom, New Delhi.
2. The Sr. Deputy Director General (Estt) Bharat Sanchar Nigam Limited, Statesman House, Bakrakhamba road, New Delhi-110001
3. The Chief General Manager, North Eastern Circle, Bharat Sanchar Nigam Limited, Meghalaya, Shillong.
4. The General Manager Telecom District Bharat Sanchar Nigam Limited Barik Shillong, Meghalaya

Filed by
 Smti Tinku Chakravarty
 Through Girimai Samu
 Advocate
 24/ 2/ 07

5. The Deputy General Manager

Office of the General Manager

Telecom District, Bharat Sanchar

Nigam Limited, Barik, Shillong

Meghalaya

Suklens Chakravorty

.....Respondents

DETAILS OF APPLICATION1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE

That this application is directed against in-ordinate delay by the disciplinary Authority in pronouncing the final order in the disciplinary proceeding pending against the applicant, although the enquiry was completed in the year 2003 and the applicant had submitted her representation against the enquiry report dated 21.8.2003. The pendency of the said proceeding has not only resulted in agony and trauma for the applicant but also has resulted in virtual deadlock with regard to the payment of regular scale and grant of various service benefits which would have otherwise been payable to the applicant. This application as such therefore does not challenge any order.

2. JURISDICTION OF THE TRIBUNAL

That this Hon'ble Tribunal has the jurisdiction to entertain this application as the applicant is still an employee of the Department of Telecommunication and the option exercised by the applicant for absorption in the Bharat Sanchar Nigam Limited is yet to be approved. This Hon'ble Tribunal also has the territorial jurisdiction

3. LIMITATION:

Sukanya Shukla

That the applicant humbly submits that the laws of limitation do not bar the instant application, as the wrong complained against is a continuing wrong and the applicant continues to suffer, till date.

4. FACTS OF THE CASE: -

4.1. That the applicant joined as a Telecom Office Assistant on 2.4.90 in the scale of pay of Rs 975-25- 1150-30-1560.

4.2. That the applicant due to health reasons could not attend office, from 24.4.92 till 24.6.97. The applicant was suffering from heart ailment and had to undergo surgery during the said period. On 24.6.97 the applicant submitted her joining report but she was not allowed to join.

4.3. That thereafter the applicant on several occasion made representations for allowing her to join her duties but she was not allowed to join till 15.11.2001.

4.4. That the applicant was also issued with a charge sheet on 15.11.2001, which was received by the applicant on 25.11.2001. The charges levelled against the applicant were that of unauthorized absence.

A copy of the charge sheet is annexed as
Annexure-1

4.5. That however by an order dated 19.11.2001 the applicant was informed that she would have to wait for some time before she can be allowed to work, till the higher authorities convey the decision on her absence for the period referred above.

4.6. That the applicant submitted her replies against the charge sheet and denied the allegations.

Lokesh Chakrabarty

4.7 That in the meanwhile pursuant to several representations the applicant was finally allowed to join her duties by an order dated 24.6.03. She is however being paid a consolidated pay of Rs 1920/- per month (last pay drawn), in terms of the order dated 11.8.03.

A copy of the order-dated 24.6.2003 is annexed as
Annexure-2

A copy of the order dated 11.8.2003 is annexed as
Annexure-2A

4.8 That the Enquiry Officer completed the enquiry and prepared his report dated 21.8.2003 after conclusion of the enquiry

A copy of the enquiry report is annexed as
Annexure-3

4.9 That a copy of the enquiry report dated 21.8.2003 was however furnished to the applicant on 9.2.2004.

4.10 That the applicant on receipt of the Enquiry report submitted her reply against the report on 25.3.2004.

A copy of the reply-dated 25.3.2004 is annexed as
Annexure-4

4.11. That unfortunately till date the proceeding has not been finalised inasmuch as the disciplinary authority is yet to pronounce the decision in the proceeding

4.12. That in view of the pendency of the proceedings there has been a virtual stalemate in the service of the applicant. The applicant still continues to serve at the meagre fixed emolument and she is suffering from immense mental agony and trauma, the applicant continues to suffer with the two children to look after. She stands deprived from

Sukhwinder Chahal, Secretary

all service benefits and her services are being extracted on exploitative terms. The applicant has filed several representations but till date nothing has been communicated to the applicant

A copy of the last representation-dated 8.11.2006 is annexed as Annexure-5

4.13 That the applicant being aggrieved has been constrained to file this application seeking a direction to the authorities to conclude the proceeding by pronouncing the decision in the departmental proceeding and thereafter settle all pending issues with regard to the service benefits payable/admissible to the applicant.

4.14. That the applicant has filed this application with a limited prayer for a direction to the authorities for completion of the disciplinary proceeding without prejudice to her claims on her rights and entitlement payable/admissible and recognised as per the laws and rules of the land

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION: -

5.1 That the applicant is aggrieved by the manner in which the disciplinary proceeding has been kept hanging even though a long time has elapsed since the enquiry officer submitted his report. The enquiry report itself was furnished to the applicant after more than five months since the report was prepared. Thereafter, although the applicant has furnished her reply to enquiry report, for reasons best known to the authorities, the proceeding has been made to linger. As per the Central Civil Services (Classification, Control and Appeal) Rules 1965 decision on enquiry report has to be made within a period of three months, but in the instant case, the same has not come about even in more than three years. The inordinate delay has not only resulted in a great deal of mental agony and trauma for the

applicant, but the same also has resulted in stalemate with regard to the service of the applicant. The applicant continues to receive the meagre fixed emoluments and has been deprived of all service benefits that would have otherwise been extended to the applicant. The service of the applicant is being extracted on exploitative terms as such the intervention of this Hon'ble tribunal is prayed for.

5.2 That the applicant has been left with no other option but to approach this Hon'ble Forum praying for its intervention in the matter so that the ordeal that the applicant has been made to undergo comes to an end. As such unless this Hon'ble court interferes in the matter the applicant will suffer irreparable loss and injury.

6. DETAILS OF REMEDIES EXHAUSTED:-

That the applicant states that she has no other alternative, efficacious remedy except by way of approaching this Hon'ble Tribunal.

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

That the applicant declares that no other suit, application, writ petition has been filed by the applicant or is pending with regard to the subject matter of the instant application, before any court, authority or any bench of this Hon'ble Tribunal.

8. RELIEFS SOUGHT FOR: -

On the facts, circumstances and premises aforesaid, the applicant prays for the following relief.

8.1 Direction to the authorities to finalise the disciplinary proceeding against the applicant by passing necessary orders

initiated pursuant to the charge sheet dated 15.12.2001 by passing necessary orders within a specified time frame

8.2 Direction to the authorities to finalise all pending issues regarding the service benefits payable/admissible to the applicant, within a specified time frame.

8.3 Pass such further or other order, as this Hon'ble Tribunal may deem fit and proper in the interest of justice and to give complete relief to the applicant.

9. INTERIM ORDER PRAYED FOR:-

In the interim pending disposal of the application this Hon'ble Tribunal may be pleased to direct the authorities to pass necessary orders concluding the disciplinary proceeding against the applicant

10.

11. PARTICULARS OF IPO

1) IPO NO: - 346 654298

2) DATE: - 24/07/07

3) PAYABLE AT: - GUWAHATI

12. LIST OF ENCLOSURES:

As stated in the index

...verification

VERIFICATION

I, Tinku Chakravarty, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1 to 5 including all the subparagraphs to the said paragraphs and paragraphs 6 and 7 are true to my knowledge and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 21st day of July 2007

Tinku Chakravarty

BHARAT SANCHAR NIGAM LIMITED
 (A Government of India Enterprise)
 OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
 MEGHALAYA SHILLONG - 793001

No: QC-50/Pl-11/7

Dated at Shillong, the 15 November 2001

MEMORANDUM

The undersigned proposes to hold an inquiry against Smt Tinku Chakravorty under Rule 14 of 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 is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV):

2. Smt Tinku Chakravorty is directed to submit within 10 (ten) 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. Smt Tinku Chakravorty 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 CCS (CCA) Rules 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against her *ex parte*.

5. Attention of Smt Tinku Chakravorty 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 Government.

Ambedkar
 Chakravorty
 Nehru

- 10 -

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 Smt Tinku Chakravorty 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 CCS (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

K.S. Madanpuri
(K.S. Madanpuri)
Deputy General Manager
Bharat Sanchar Nigam Limited
O/o GMTD Shillong

To,
Smt Tinku Chakravorty, TOA (General)
C/o A.K. Banerjee
337/2 Anjangarh Feeder Road
PO - Shyamnagar
District - 24 Parganas
West Bengal - 743127

- 11 -

C 7729

6 10

ANNEXURE I

Statement of charge framed against Smti Tinku Chakravorty, TOA (General)

Article 1.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at present GMTD Shillong has remained absent from duty from 28-4-92 to 2-5-92 without proper sanction of leave and also left Headquarters without permission of her superior. She has also accepted the fact that she has not obtained prior permission in her representation dated 28-5-92.

Article 2.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong has sent a Telegram on 12-5-92 for extension of her leave in spite of the intimation sent earlier to her to resume duty immediately as her earlier leave from 28-4-92 to 2-5-92 is not sanctioned which is unbecoming of a Government servant.

Article 3.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong, has submitted her leave application for period 28-4-92 to 2-5-92 (HPL) and from 3-5-92 to 1-6-92 (EOL) on medical grounds without proper medical certificate only on 28-5-92.

Article 4.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong remained absent in spite of letter QC-50/14 dated 16-7-1992 informing that the period of leave is treated as Dies Non thereby disobeying the instructions of her superiors which is unbecoming of a Government servant.

Article 5.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at present GMTD Shillong has submitted medical certificate for extending leave from 1-8-92 for a period of 2 months and from 1-10-92 for a period of 3 months without indicating the illness in the medical certificate which is unbecoming of a Government servant.

Article 6.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at present GMTD Shillong has submitted her leave application for the period from 1-8-92 to 30-9-92 and from 1-10-92 to 1-1-93 only on 4-1-93 i.e. after expiry of leave which is unbecoming of a Government servant.

Article 7.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong has continued to remain absent unauthorisedly since 28-4-92 to till date in spite of letter No: QC-50/18 dated 20-3-93 except submitting a representation dated 11th July '97 enclosing a fitness certificate issued by Dr. Madhusudan Saha on 20-6-97 declaring her fit for joining duty from 21-7-97 but no joining report is submitted which is unbecoming of a Government servant.

ANNEXURE II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Smti Tinku Chakravorty, TOA (General)

Article 1.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at present GMTD Shillong has remained absent from duty from 28-4-92 to 2-5-92 without proper sanction of leave and also left Headquarters without permission of her superior. She has also accepted the fact that she has not obtained prior permission in her representation dated 28-5-92.

The above act of omission on the part of Smti Tinku Chakravorty is unbecoming of a Government servant and violates Rule 3 (1) (ii) & (iii) of CCS (Conduct) Rules 1964, Rule 7 (1) of CCS (Leave) Rules 1972 & Rule 62 of P&T Manual Volume III.

Article 2.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong has sent a Telegram on 12-5-92 for extension of her leave in spite of the intimation sent earlier to her to resume duty immediately as her earlier leave from 28-4-92 to 2-5-92 is not sanctioned which is unbecoming of a Government servant.

The above act of omission on the part of Smti Tinku Chakravorty violated GOI Decision No 3 (ii) below Rule 25 of CCS (Leave) Rules 1972.

Article 3.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong, has submitted her leave application for period 28-4-92 to 2-5-92 (HPL) and from 3-5-92 to 1-6-92 (EOL) on medical grounds without proper medical certificate only on 28-5-92.

The above act of omission on the part of Smti Tinku Chakravorty violated Rule 19 (1) (ii), 19 (5) of CCS (Leave) Rules 1972 & Rule 3 (i), (ii), (iii) of CCS (Conduct) Rules 1964 which is unbecoming of a Government servant.

Article 4.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong remained absent in spite of letter QC-50/14 dated 16-7-1992 informing that the period of leave is treated as *Dies Non* thereby

disobeying the instructions of her superiors which is unbecoming of a Government servant.

The above act of omission on the part of Smt Tinku Chakravorty violated Rule 3-C (23) sub para (1) of CCS (Conduct) Rules 1964.

Article 5.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at present GMTD Shillong has submitted medical certificate for extending leave from 1-8-92 for a period of 2 months and from 1-10-92 for a period of 3 months without indicating the illness in the medical certificate which is unbecoming of a Government servant.

The above act of omission on the part of Smt Tinku Chakravorty violated Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules 1964.

Article 6.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong, at presnt GMTD Shillong has submitted her leave application for the period from 1-8-92 to 30-9-92 and from 1-10-92 to 1-1-93 only on 4-1-93 i.e. after expiry of leave which is unbecoming of a Government servant.

The above act of omission on the part of Smt Tinku Chakravorty violated Rule 3 (1), (ii) & (iii) of CCS (Conduct) Rules 1964.

Article 7.

That the said Smti Tinku Chakravorty while functioning as TOA (G) in the office of TDM Shillong at present GMTD Shillong has continued to remain absent unauthorisedly since 28-4-92 to till date in spite of letter No: QC-50/18 dated 20-3-93 except submitting a representation dated 11th July '97 enclosing a fitness certificate issued by Dr. Madhusudan Saha on 20-6-97 declaring her fit for joining duty from 21-7-97 but no joining report is submitted which is unbecoming of a Government servant.

The above act of omission on the part of Smt Tinku Chakravorty violated Rule 3 (1) (ii) & (iii) of CCS (Conduct) Rules 1964 & Rule 25 (2) of CCS (Leave) Rules 1972.

Article 8.

1. Tinku

2. Chakravorty

3. Shillong

4. 1997

ANNEXURE III

List of documents by which the articles of charge framed against Smt Tinku Chakravorty, TOA (General) are proposed to be sustained.

Documentary Evidence:

1. Service Message dated 15-5-92
2. Letter from Smt Tinku Chakravorty dated 28-5-92
3. Letter from Smt Tinku Chakravorty dated 28-7-92
4. Casual leave application dated 29-4-92 for leave from 28-4-92 to 2-5-92
5. Telegram dated 12-5-92
6. SRI dated 28-5-92 with medical certificate dated 3-5-92
7. Letter No: QC-50/14 dated 16-7-92
8. Letter No: QC-50/16 dated 28-8-92
9. SRI for EOL w.e.f. 1-8-92 to 30-9-92 dated nil and medical certificate without date and without indicating illness.
10. SRI for EOL w.e.f. 1-10-92 to 1-1-93 dated nil and medical certificate without date and without indicating illness.
11. Letter No: QC-50/18 dated 20-3-93
12. SRI for EOL from 1-8-92 to 30-9-92 and from 1-10-92 to 1-1-93
13. Representation of Smt T. Chakravorty dated 1-1-97 and medical certificate dated 20-6-97
14. Letter No: QC-50/18 dated 20-3-93
15. Documents at Article 1 above

ANNEXURE IV

List of witnesses by which the articles of charge framed against Smt Tinku Chakravorty, TOA (General) are proposed to be sustained.

Shri H.C. Singh, TDM
Shri R.L. Kar, DE
Shri G.C. Paul, CAO
Shri K. Murthy, AO
Shri S. Sen, SDE
Smt Jayanti Choudhury, JAO (looking after)
Smt Anjali Das, SS
Smt A.A. Warjti, TOA (G)
Smt Uma Biswas, TOA (G)

REGISTERED A/D

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA, SHILLONG

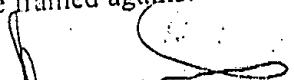
Dated at Shillong, 24th June 2003

No: QC-50/Pt-III/18

To

✓ Smt. Tinku Chakravorty
C/o Shri A.K. Banerjee
337/2, Anjangarh, Feeder Road
P.O. Shyamnagar - 743 127
District: North Parganas, West Bengal

In response to your representation dated 29th April 2003, the General Manager Telecom District, Shillong is pleased to allow you to join duty within 7 (seven) days from the date of receipt of this letter without any prejudice to the ongoing disciplinary case framed against you.


(D.S. Dutta)
DE (Administration)
O/o GMTD Shillong

Copy to:

1. Shri A.B. Sharan, DE (Departmental Inquiry) & Inquiry Officer, O/o CGM Telecom Bihar Circle, CTO Building, Patna - with a request for early settlement of the case.
2. Shri S. Nongkhlaw, SDE (Planning) & Presenting Officer O/o GMTD Shillong.
3. Accounts Officer (TA) O/o CGM NE 1 Circle, Shillong
4. Accounts Officer (Cash) O/o GMTD Shillong
5. SS Staff Section


(D.S. Dutta)
DE (Administration)
O/o GMTD Shillong

*Alleged
Alleged
Alleged
Alleged
Alleged*

DHARAT SANCHAR NICAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)
OFFICE OF THE GENERAL MANAGER TELECOM. DISTRICT :: MEGHALAYA
SHILLONG. ***** 793001.

ANNEXURE - 2A

No. OC-50/Pt-IV/4 Dated at Shillong the 11th August, 2003.

Approval of the General Manager Telecom. District, Shillong is hereby conveyed for drawal of Pay and Allowances of Smti. Tinku Chakraborty, TOA(G) with effect from 30.06.2003 till finalisation of Disciplinary case at the following rates.

Basic Pay	- @ Rs. 1000/- p.m.
D A	- @ Rs. 600/- p.m.
H R &	- @ Rs. 250/- p.m.
H C A	- @ Rs. 70/- p.m.

Divisional Engineer(Admn.)
o/o the General Manager Telecom. District
Meghalaya, Shillong - 793001.

Copy to :-

- 1) The Sr.A.O. (Cash), BSNL, o/o GMTD/Shillong for information and necessary action.
- 2) Smti. Tinku Chakraborty, TOA(G), o/o GMTD/Shillong.

Sub-Divisional Engineer(Admn.)
o/o the General Manager Telecom. District
Meghalaya, Shillong - 793001.

Attested
Gaurav
Sarkar

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA, SHILLONG - 793 001

No.QC-50/Pl-III/03-04

Dated at Shillong, the 9th February 2004.

To

Smti Tinku Chakraborty
TOA(G)
O/o GMTD, Shillong

Kindly find enclosed herewith a copy of the Inquiry report conducted under disciplinary producing under rule - 14 of CCS (CCA) rules 1965 against Smti Tinku Chakraborty, TOA (G) O/o GMTD, Shillong. Your representation, if any, may be submitted to the undersigned within 15 days.

The receipt of the report may please be acknowledged.


(M. SESHACHALAM)
Deputy General Manager Telecom
O/o GMTD, Shillong

Enclosed :- a/a

Attested
Cham
Advocate

Bharat Sanchar Nigam Limited
(A Government of India Enterprise)
Office of the Chief General Manager Telecom
Bihar Circle, Patna-800 001

INQUIRY REPORT

CONFIDENTIAL

No. OSD(PT)/61/2002

August 21, 2003

INQUIRING AUTHORITY

: SRI A.B.SHARAN
DIVISIONAL ENGINEER
(DEPARTMENTAL INQUIRY)
CTO Bldg, 3rd FLOOR, PATNA

PRESENTING OFFICER

: SRI S. NONGKHLAW
SDE(Plg-II) SHILLONG

DEFENCE ASSISTANT

: SRI PIYUSH KANTI CHOUDHARI
SR. A.O (RETIRED)
A.G. OFFICE, SHILLONG

Disciplinary proceedings under Rule-14, of CCS(CCA), Rules-1965
against Smt. Tinku Chakravorty TOA(G) O/o the GMTD, Shillong.

The aforesaid Suspected Public Servant Smt. Tinku Chakravorty (hereinafter referred to as SPS) was chargesheeted vide Memo No. QC-50/Pt-IL7 dated-15.11.2001 issued by the Deputy General Manager BSNL O/o the GMTD, Shillong hereinafter referred to as the Disciplinary Authority in the case. The undersigned was appointed as Inquiring Authority by the Disciplinary Authority vide Memo No. QC-50/Pt-II/13 dated-02.01.2002 to inquire into the charge framed against the SPS. Simultaneously Sri S. Naongkhaw, SDE(Plg-II) O/o the GMTD, Shillong was appointed as Presenting Officer (hereinafter referred to as P.O) vide the Disciplinary Authority Memo No. QC-50/Pt-II/14 dated-02.01.2002 to present the case in support of the charges before the inquiring Authority on behalf of Disciplinary Authority. The SPS took assistance of Sri Piyush Kanti Choudhary/ Sr. Accounts Officer (Retired) A.G office, Shillong as his defence assistant which was allowed by I.O.

The sitting started with its preliminary hearing on 03.05.2002 when the SPS categorically denied the charges leveled against him and preferred personal hearing in the case. The SPS along with his defence assistant inspected all the listed documents as enlisted in Annexure-III of the memorandum of charge sheet and were supplied their Xerox copy as desired.

After completion of the pre-hearing formalities, the Regular Hearing was held on 10.03.2003, 11.03.2003, 12.03.2003 & 13.03.2003 when the P.O adduced all the thirteen (13) documents as enlisted in Annexure-III to the charge sheet and all such documents as undisputed have been marked as S. Exts. as under and taken on record:-

1. S.Ext. 01. Service message dated-15.05.92
2. S.Ext. 02. Letter from Smt. Tinku Chakravorty dated-25.05.92 addressed to the AO(A&P) Shillong.
3. S.Ext. 03. Letter from Smt. Tinku chakravorty dated-28.07.92 addressed to the AO(A&P) Shillong.
4. S.Ext. 04. Casual leave application dated-29.04.92 for leave from 28.04.92 to 02.05.92 addressed to AO(A&P).
5. S.Ext. 05. Telegram dated-12.05.92 issued by Smt. Tinku Chakravorty addressed to AO(A&P) along with comment draft of the AO on the body of telegram.
6. S.Ext. 06. SR-I of the SPS dated-28.05.92 along with MC dated-03.05.92.
7. S.Ext. 07. Letter No. QC-50/14 dated-16.07.92 of AO(A&P) addressed to SPS at Bombay address.
8. S.Ext. 08. Letter No. Q5-50/16 dated-28.08.92 of AO(A&P) addressed to SPS at Bombay address.
9. S.Ext. 09. SR-I dated-NIL of the SPS along with MC.
10. S.Ext. 10. SR-I dated-NIL of the SPS along with MC
11. S.Ext. 11. Letter No. Q5-50/18 dated-20.03.93 of CAO Shillong addressed to SPS at Bombay address.

- : 03 : -

12. S.Ext. 12. Nil as sl.12 of the listed document is already available at S.Ext.09&10 above

13. S.Ext. 13. Letter of SPS dated-11.07.97 addressed to the TDM Shillong regarding regularization of leave with visitor slip & M/C dated-20.06.97.

Also during Regular Hearing the P.O produced all the five state witnesses in support of charges who were examined-in-chief by P.O and cross-examined on behalf of the SPS conclusively. They were as under:

1. S.W.01. Sri R.L. Kar the then DE(Admn) O/o the TDM, Shillong
2. S.W. 02. Sri S. Sen the then SDE(Admn) O/o the TDM, Shillong
3. S.W.03. Smt. A.A. Warjri the then TOA(G) in staff section dealing with leave cases.
4. S.W. 04. Sri G.C. Paul the then CAO O/o the TDM Shillong
5. S.W. 05. Sri K.S. Sudaram murthy (K.Murthy) the then AO(A&P) O/o the TDM shillong.

The defence adduced the following admitted defence documents in support of his defence case.

- 1.D.Ext. 01. Letter no. nil dated 21.03.2000 of the SPS Addressed to the CGM Telecom, North East Circle, D.O.T Sillong.
2. D.Ext.02. Letter no. nil dated 22.03.98 of the SPS addressed to The G.M.T.D, DOT Sillong.
3. D. Ext. 03. Xerox copy of rectified M/C of dated-10.07.2002 furnished by the SPS on 7th March 2003 addressed to the GMTD, Shillong.
4. D.Ext. 04. Memo No. QC-50/Pt-101/9 dated-19.11.2001 of DE(Admn) GMTD, Shillong addressed to the SPS.

The prosecution did not prefer to call & examine any more witness under Rule-14(15). On closure of the prosecution case the defence filed his statement of defence under Rule-14(16) and endorsed a copy to P.O.

The SPS neither requisitioned for any defence evidence documentary/oral nor preferred to be examined as defence witness in its behalf as such he was questioned by I.O under Rule-14(18) which was recorded, a copy which was endorsed to P.O.

At the end of oral hearing, both the parties were directed to submit their respective briefs within stipulated time. The prosecution brief of the P.O dated-17.04.2003 was received on 28.04.2003 and the defence brief of SPS dated-10.03.2003 was received on 13.03.2003

Thus all the documentary evidence adduced and submissions made were thoroughly examined. At the same time both the parties (i.e prosecution and the defence) were afforded full and reasonable opportunities that they availed, to the best of their satisfaction and at the same time there was absolutely no complaint in this regard from either side.

The following article of the charge was framed against the SPS as contained in Annexure-I of the charge sheet.

ANNEXURE-I

ARTICLE-I

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong, at present GMTD, Shillong has remained absent from duty from 28.04.92 to 02.05.92 without proper sanction of leave and also left Headquarters without permission of her superior. She has also accepted the fact that she has not obtained prior permission in her representation dated- 28.05.92.

ARTICLE-II

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong at present GMTD Shillong has sent a Telegram on 12.05.92 for extension of her leave in spite of the intimation sent earlier to her to resume duty immediately as her earlier leave from 28.04.92 to 02.05.92 is not sanctioned which is unbecoming of a Government Servant.

- : 05 :-

ARTICLE-III

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong at present GMTD, Shillong, has submitted her leave application for period 28.04.92 to 02.05.92 (HPL) and from 03.05.92 to 01.06.92 (EOL) on medical grounds without proper medical certificate only on 28.05.92.

ARTICLE-IV

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong at present GMTD, Shillong remained absent in spite of letter QC-50/14 dated-16.07.92 informing that the period of leave is treated as Dies Non thereby disobeying the instructions of her superiors which is unbecoming of a Government Servant.

ARTICLE-V

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM, Shillong, at present GMTD, Shillong has submitted medical certificate for extending leave from 01.08.92 for a period of 2 months and from 01.10.92 for a period of 3 months without indicating the illness in the medical certificate which is unbecoming of a Government Servant.

ARTICLE-VI

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong, at present GMTD, Shillong has submitted her leave application for the period from 01.08.92 to 30.09.92 and from 01.10.92 to 01.01.93 only on 04.01.93 ie. After expiry8 of leave which is unbecoming of a Government Servant.

ARTICLE-VII

That the said Smt. Tinku Chakravorty while functioning as TOA(G) in the office of TDM Shillong at present GMTD, Shillong has continued to remain absent unauthorisedly since 28.04.92 to till date in spite of letter No.

- : 06 : -

50/18 dated-20.03.93 except submitting a representation dated 11th July 97 enclosing fitness certificate issued by Dr. Madhusudan Saha on 20.06.97 declaring her fit for joining duty from 21.07.97 but no joining report is submitted which is unbecoming of a Government Servant.

DISCUSSION

The charge against Smt. Tinku Chakravorty is that she while functioning as TOA(G) in the O/o the then TDM, Shillong remained absent from duty w.e.f 28.04.1992 without proper sanction of leave and left Head Quarter without permission, sent a telegram on 12.05.92 for extension of her leave instead the intimation sent earlier to her to resume duty immediately as her leave was not sanctioned. She did not resume duty and submitted M/C on 04.01.93 for extension of leave for a period of two months w.e.f 01.08.93 and for the period of three months w.e.f 01.10.92 without mentioning illness in M/C. further she continued to remain absent unauthorized since 28.04.92 to till date except submitting a representation dated-11.07.97 with M/C declaring her fit for joining duty w.e.f 21.06.97 but no joining report was submitted by her which establishes lack of her devotion to duty as well as unbecoming of Government Servant.

To arrive at the truth the witnesses & documents were scrutinized as under:-

Sri R.L. Kar the then SDOP Shillong was examined as S.W. 01. His relevancy with the charges appears limited to the fact that he instructed SDE(Admin) on 27.08.98 (S.Ext. 13) to put up the leave application of the SPS regarding regularization of her leave. During cross-examination he admitted that he was neither dealing with the leave case of the SPS nor having any knowledge about it. As such the inquiry did not get anything specific from him for or against the charges leveled.

Sri S. Sen the then SDE(Admin) was examined as S.W. 02. During examination in chief he stated that after going through the representation dated-11.07.97 he instructed the dealing assistant on 01.09.98 to put up the case file but he could not recollect about the progress of the case. This witness also could not depose anything regarding the charges.

Smt. A.A. Warjari the then TOA(G) dealing with the leave case of the SPS while examined as S.W. 03 deposed that the SPS vide her leave

Application dated-28.05.1992(S.Ext. 06) sought HPLw.e.f 28.04.92 to 02.05.92 and EOL.w.e.f 03.05.92 to 01.06.92. On perusal of S.Ext. 09 she deposed that the SR-I was submitted without date, without indicating type of illness, the doctor signature on the M/C was without date and also was signed as 'for'. Further on perusal of S.Ext. 10 she added that SR-I submitted by the SPS was without date and the M/C enclosed bearing Doctor's signature was also without date and without indicating type of illness. This contention of the S.W was not refuted by the defence during cross examination. In reply to the cross question on behalf of SPS she told that the omissions noticed in SR-I and the enclosed M/C appearing as S.Ext. 09 was not communicated in writing to the SPS.

Sri G.C. Paul the then AO(A&P) in the O/o the TDM Shillong was examined as S.W. 04. In his examination-in-chief he confirmed the contents of the letter under S.Ext. 11 addressed to the SPS in respect to her leave application which was without date, without any leave address, intimating the official for not granted leave and for joining duty immediately else vigorous action would be taken against her. Sri Paul further added that up to April 1994 no record was seen to have put up to him in regard to the joining of the charged official. The events after this was not known to him. In reply to cross question no. 10 he stated that the fitness certificate is to be produced while joining after expiry of M/C. As the SPS had did not submit application for extension of leave on M/C, she was directed to join immediately which automatically employees that she should join with Medical fitness certificate only. In reply to cross question no. 11 he added that the duration of time for which M/C was submitted was already over and no extension applied for. As such the SPS was asked to join duty else she should apply for extension of leave on M/C which she did not.

Sri K.S. Sundaram Murthy the then AO(A&P) under TDM Shillong was examined as S.W. 05. In his examination-in-chief he confirmed that the remarks in S.Ext. 04 & 05 were made by him and the S.Ext. 07 & 08 were issued under his signature. During cross examination in reply to cross question no. 03 he deposed that as per S.Ext. 04 the causal leave application dated-29.04.92, applying for leave from 28.04.92 to 02.0.92 without M/C & permission to leave station, was received at this office on 30.04.92 so the leave was refused at that time. On S.Ext. 05 he recorded that the official had left head quarter without prior permission & the C/L applied for has already been refused and hence the leave applied afterwards was without M/C and hence not recommended. On perusal of S.Ext. 07 he told that the M/C received with the application was not in the prescribed form as per CCS leave

ies. In reply to specific question no. 04 of the defence he added that as per CCS leave rule, official went on leave on M/C can not be recalled for duty but can be directed for second medical opinion which he did not find that it was done. In the instant case as per Ext. 04, 05, 07 & 08 the medical certificate did not come in the picture. The M/C given by the official as enclosure of the S.Ext. 07 was not in the prescribed form; as such the question of official (SPS) went on leave on M/C did not arise.

The P.O did not prefer to call & examine any additional witness on its behalf under rule-14(15) as such no opportunity under this rule was availed by the SPS. The defence however submitted a list of six defence documents on his own behalf which were admittedly not to be treated as any additional documents. He pleaded that those documents were essential for his defence & as such they might be taken on record. The I.O sincerely scrutinized each and every sheet of the bunch of papers/documents supplied to him by the defence and observed that the papers under serial 01 contained the complete leave chart of the SPS right from 28.04.92 to 20.06.97 along with forty nine enclosures. In the leave chart contained as enclosures, some of the SR-I & M/Cs were already included in Annexure-III as the listed documents of the charge sheet but were carrying with some extra entries as in dates column which were not available in the original listed documents already marked as S.Exts. Some SR-I covering the period after 01.01.1993 to 20.06.1997 were available in the bunch shown as duplicate one. These duplicate documents were not known about their sources of discovery (not procured from official custody of the department). I find no base for treating them as official record for giving any cognizance. The letter dated-21.03.2000 of the SPS appearing at serial 02, the letter dated-22.03.98 appearing at serial 03 and the submission of the SPS dated-07.03.2003 were found as official documents and as such they were taken on record and marked as D.Ext. 01, 02 & 03 respectively. The submission of the SPS dated-11.07.97 appearing at serial 05 of the list was already a listed document under S.Exts. The letter appearing at serial 06 dated-19.11.2001 was a letter addressed to the SPS by the DE O/o the GMTD, Shillong. It was taken on record & marked as D.Ext. 04.

The SPS in reply to I.O's question under CCS (CCA) rule-14(18), explained the circumstances which she faced after her marriage in the year 1992 and she applied for C/L & left the head quarter without permission and stated that she maintained contact with the office from Mumbai by sending M/Cs with forwarding letter to the office by post of course might have been some delay in sending the M/Cs. In her reply she appealed that her problem

:09:-

... be humanly appreciated instead of taking a mechanical and hyper technical view of her case.

The P.O in his brief has pleaded that in the representation of the SPS dated-11.07.1997 (S.Ext. 13), she has already confessed that she remained herself unable to come to Shillong to join her duty w.e.f 28.04.92 to 11.07.1997 due to her various health problems. This admittedly leaves her continuous absence from duty for more than five years. It is thus established that the SPS remained absent continuously for more than five years and as per the standing rule under FR-12, a Government Servant remained continuously absent from duty for more than five years ceases to be a Government servant & accordingly the SPS ceased to be a Government Servant on the date she remained absent continuously for more than five years i.e w.e.f 28.04.1992. Thus the charges of lack of devotion to duty & unbecoming of Government Servant are conclusively proved.

This is
not
correct

Evaluation of evidences

From S.Ext. 04 it clearly establishes that the SPS applied for C/L for five days from 28.04.92 to 02.05.92 with request for permission to leave H.Q.

S.Ext. 01 proves that the SPS was informed that she had left head quarter without permission and was asked to resume duty immediately with warning that further extension of leave would not be allowed. In her representation dated-28.05.1992 S.Ext. 02 he stated that she had left station without permission to avail five days C/L on the plea that she was novice. She also had beg for apology. In her application marked as S.Ext. 02 she had mentioned that she was submitting M/C in support of her illness. The said certificate is however neither shown as an enclosure to her application nor actually enclosed with it. I am therefore not inclined to hold that any M/C was actually submitted by her with her representation dated-28.07.92. It is however seen that there is no mention of submission of any application for leave in prescribed form SR-I in her application dated-28.05.92. She submitted a prescribed form in SR-I on 28.05.92 it self for leave for the period from 28.04.92 to 01.06.92 vide S.Ext. 06. The M/C of illness submitted by her with SR-I dated-28.05.92 is for the period from 03.05.92 for thirty days only.

S.Ext. 05 is a telegram received from the SPS on 12.05.92 requesting for extension of leave on the ground of illness shows that the period of extension of leave is not entered therein nor it is mentioned in it that the M/C

: 10 :-

certificate would follow. Extension of her leave was not granted vide S.Ext. 11 dated-15.05.92 & the SPS was directed to resume duty immediately. As she did not resume duty till 15.05.1992 nor any application for extension of leave beyond 01.06.92 was received from the SPS, she was addressed by the accounts officer on 16.07.1992 as to why her entire absence from 28.04.92 should not be treated as 'Dies-non'. In reply to the letter of A.O dated-16.07.1992 (S.Ext. 07), the SPS in her application dated-28.07.92 (S.Ext. 03) requested for grant of HPL w.e.f 28.04.92 to 02.05.92 & EOL w.e.f 03.05.92 to 01.06.92 and again from 02.06.92 to 01.08.92 but she did not submit any application for leave in form SR-I for the period from 02.06.92 to 01.08.92 nor she submitted any M/C for this period. Although she has mentioned in her application dated-28.07.92 that she had enclosed revised M/C for the period from 02.06.92 to 01.06.92. It is also not mentioned as her enclosure to her application.

From S.Ext. 08 which is of dated-28.08.92 it is clear that the entire period of the absence of the SPS from 28.04.92 to 31.07.92 was treated as 'Dies-non' and she was directed to resume duty immediately. An application for EOL from 01.08.92 to 30.09.92 in form SR-I was submitted by the SPS vide S.Ext. 09 which does not appear to have date of her submission but S.Ext. 08 shows that it was received on 04.08.92. The M/C submitted with the said leave application appears to have been signed 'for' chief Hospital Superintendent Central Railway Byculla, Bombay but the name of disease from which the SPS was suffering is wanting in it and the date of its issue is also not there. Therefore the genuineness of the said M/C is suspected. Further extension of leave from 01.10.92 to 01.01.93 also appears to have been received on 01.10.92 vide S.Ext. 10 in which the date of its submission is not mentioned, the M/C submitted with it does not show the name of the disease and date of its issue. There appears to be over writing in the period of leave recommended and the certificate appears to have been granted by a person 'for' Chief Hospital Superintendent Central Railway Bombay without any date. Thus the two M/Cs submitted by the SPS for the period from 01.08.92 to 31.12.92 do not appear to be genuine.

In this connection the SPS has produced three documents marked as D.Ext. 01, 02 and 03. D.Ext. 03 is a photo copy of the application dated-07.03.2003 to the GMTD, Shillong submitting therewith a rectified M/C dated-10.07.2002 regarding two M/Cs submitted with S.Ext. 09 and 10. The so called rectified certificate is not a M/C. It is actually photo copy of a certificate by which the SPS has tried to show that the nature of illness and the date of issue of the certificates were omitted in the two M/Cs due to mistake

This has
not been
alleged in
the charge
sheet nor
has been
alleged by
P.O. The P.O.
is not the
prosecution
authority.
The allegation
shows that
it is Q.C. who
is summing
up the case
and the P.O.
is not the
prosecution
authority.

the Doctor. This certificate is a photo copy not attested by any gazetted officer. More over the same person has signed it as consulting cardiology & physician in place of Chief Hospital Superintendent Central Railway Hospital Byculla, Bombay. Besides this it has been submitted after more than ten years. Even if it was obtained by the SPS on 10.07.2002 it is also delayed by her in submission by about ten months. The Doctor who has issued the same on 10.07.2002 has neither been requisitioned nor examined as a defence witness. Therefore the photo copy of the certificated dated-10.07.2002 issued by the so called Doctor can not be taken as genuine.

S.Ext. 11 is a letter addressed to the SPS on 20.03.93 from CAO Telecom District Shillong which shows that his application for the period from 01.08.92 to 01.01.1993 was received on 04.01.93 i.e after availing this leave without proper sanction. The discrepancies in the M/C submitted by the SPS were also pointed out in the said letter to the SPS.

From S.Ext. 13, it is however established that the SPS submitted an application to the TDM Shillong dated-11.07.97 through one Sri M.R. Biswas on 27.08.98. This also proves that the SPS remained absence for more than five years continuously which according to FR-12 establishes that she had ceased to be a government servant.

D.Ext. 01 & 02 submitted by the SPS I find that they are not related to her absence with permission to avail leave or about timely submission of her application for leave from time to time on which the allegation in the charge sheet is based.

I may add here that a documentary evidence has more force than an oral evidence. In this proceedings the entire allegation and charges are established mostly by documentary evidences and by oral evidences of the state witnesses. The SPS has not produced any defence witness and the only document D.Ext. 03 submitted by her does not appear to be genuine.

In her written defence brief submitted on 08.05.2003 under Rule-14(19) of CCS(CCA) Rule 1965, the SPS has under para 08 submitted a list of entire leave periods availed by him from 28.04.92 to 20.06.97 with which he has enclosed the revised copies of leave application in form SR-I in some cases supported by the M/Cs as already been submitted by her. In respect of the leave application and M/C for the period 02.01.93 to 21.06.97 I find that they are duplicate copies which were neither produced during the inquiry through her own oral evidence nor through any defence witness as such I do not

Consider them as a part of evidences to the inquiry conducted as well as reliable:

I need hardly mention that in departmental proceedings, it is not the direct or indirect evidence which counts but it is preponderance of probability which matters. Here in this case the evidences emerged at the inquiry evidently goes against the SPS and accordingly I hold rather strongly, that all the seven articles of charges under Annexure-I & II stands substantiated against the SPS. In other words the charge of violating Rule 3 (1) (ii) (iii) of CCS (conduct) Rule 1964 and Rule 25 (2) of CCS(Leave) Rules 1972 stands PROVED.


(R.B. SHARAN)
INQUIRING AUTHORITY
Tel. No. 2225622(O) Fax-221004

Dated, Shillong
The 25th March, 2004.

To

The Deputy General Manager Telecom,
Office of the General Manager Telecom District,
Meghalaya,
Shillong.

Sub: Non-consideration of the defence arguments of the charged official made in her written defence brief dated 08.5.2003 by the Inquiry Officer and of his giving a wholly one-sided finding in his Inquiry Report dated 21st August, 2003 - representation against.

Ref.: Your letter No.QC-50/Pt.III/03-04 dated the 9th February, 2004.

Respected Sir

In continuation of my application dated the 17th February, 2004 and with reference to your letter mentioned here-in-above, I submit below my representation against the Inquiry Report dated the 21st August, 2003 of the Inquiry Officer prefacing it with an apologetic submission.

1. The apologetic submission

The universal practice in paragraphing official communications, reports and documents is to put number against each paragraph to facilitate pinpointing of the cross references. During the inquiry, despite repeated requests to the Inquiry Officer (IO) by my Defence Assistant (DA) to number the paragraphs of the Inquiry proceedings and his Daily Order Sheets (DOS), the IO refused to oblige. This put the defence side to avoidable constraint in making pointed references to the Inquiry proceedings and the IO's Daily Order Sheets, in writing the written defence brief. In his Inquiry Report under reference, the IO has persisted in paragraphing his report without numbering the paragraphs. It has accordingly become an impossible job for the defence to pin point the paragraphs of the IO's Inquiry Report against which the defence submissions are made. Under the given constraints, reference could be made only by pointing to the page number of the IO's Inquiry Report (IR) leaving it to the authority to whom this representation is made to pains takingly link the numbered paragraph of this representation to the un-numbered paragraphs of the IO's Inquiry Report.

2. Return of defence documents by the IO without taking them on record and without assigning any recorded reason

In terms of Rule 14(17) of the CCS(CC&A) Rules 1965, I submitted in the Inquiry on 10.03.2003, a set of 6(six) defence documents to the IO as mentioned below:-

1. A complete leave chart of the leave taken by me during the period from 28.4.1992 to 20.6.1997 supported by copies (the originals having been submitted to the office) of all Medical Certificates that I have submitted to the

Attested
Signed
Advocate

office including the received copy of the corrected medical certificate dated 10.7.2002 submitted by me to the office with my letter dated 7.3.2003.

2. My letter dated 21.3.2000 to the Chief General Manager, Department of Telecom, Shillong.
3. My letter dated 22.3.1998 to the General Manager, Telecom District, Shillong.
4. My letter dated 07.3.2003 to the General Manager, Telecom District, Shillong.
5. My letter dated 11.07.1997 along-with copies of 29 medical certificates (originals having been submitted to the office) and supporting medical prescriptions, reports etc., and a "facts in brief" sheet.
6. Letter No.QC-50/Pl.II/9 dated 19.11.2001 of the office to me placing me on an indefinite wait-on position.

2.2: Of the above-mentioned defence documents, the documents at serial No.(1) and serial No.(5) were returned by the IO without taking them on record in the inquiry proceedings. Where the IO acted in such an arbitrary way, I could only lament in my heart but no other way out was open to me. These two documents were fundamental and vital to my defence. The IO could sense the importance of these documents for my defence and scuttled my defence by returning them, without keeping the fact of his returning them, on record.

2.3: It is stressed that under Rule 14(17) of the CCS (CC&A) Rules 1965, a charged official (CO) is entitled to produce defence documents on his/her behalf. Rule 14 of the said CCS (CC&A) Rules 1965 under which the inquiry was held, nowhere vests the IO with authority to return the defence documents adduced by the CO without bringing them to record.

2.4: It is further stressed that the return of the two key defence documents by the IO without sanction of any rule has denied me of the opportunity of self defence as guaranteed under Article 311(2) of the Constitution of India and the principles of natural justice while exposing the subjectivity of the IO and his prejudice against me.

2.5: On page 03 of his Inquiry Report, the IO has suppressed the truth that I submitted 6(six) defence documents. Instead, he has stated that the defence adduced only 4 (four) documents which he has mentioned on that page. The fact that the IO suppressed the truth will be found to have been evidenced by the IO's own admission, ostensibly on unawareness, in the subsequent pages of his Inquiry Report. In the second para of his report on page 08, the IO has said, "defence, however, submitted a list of six defence documents on his own behalf". That the IO persuaded himself to resort to untruth stands exposed by what he stated on page 03 of his Report and what he stated on page 08 of his own Report. The IO, thus showed his pre-determination to prove the charge against the CO even by resort to untruth.

2.6: The fact of return of my two most vital defence documents by the IO without the authority of rule and to my worst detriment of defence, was assailed by me in para 08 of my written defence brief dated 08.5.2003 under the heading "Production of evidence on behalf of the Government Servant". Significantly, of all my defence arguments in my written brief dated 08.5.2003, the IO has dealt with only this paragraph and has completely blacked out the whole lot of all other defence arguments. In the last para on page (11) of his Report, the IO only in a ritualistic way, made mention of paragraph 08 of my defence brief and stated that I submitted a list of "entire leave periods availed by him from 28.4.92 to 20.6.97

with which has enclosed the revised copies of leave application in Form SR-I in some cases supported by the M/Cs for the period 02.01.93 to 21.06.97". He has rejected the list of entire leave period and copies of M/Cs on the ground that "they are duplicate copies which were neither produced during the inquiry through her own oral evidence nor through any defence witness as such I do not consider them a part of evidences to the inquiry conducted as well as reliable". It is pointed out here that a complete leave chart supported by copies of all Medical Certificates was submitted by me during the oral inquiry on 10.03.2003 and was returned by the IO. In this connection, IO's own admission on page 08(second para) of his Report may be referred to. The original M/Cs were submitted to the office and it requires less than common sense that I could submit only the copies. The office has never doubted reliability of the M/Cs submitted by me and it reflects most uncharitably on the sense of responsibility of the IO without indicating what made him doubt the reliability of the M/Cs and that too at the back of the charged official. The point at issue is not whether copies of M/Cs are reliable or not; the core issue is whether it was within the jurisdiction of the IO to return the defence documents which the IO has not answered and hence my defence argument in para 08 of my written brief dated 08th May, 2003 stood firmly sustained.

3. Frightening bias of the IO against the charged official:

3.1 : The IO knew that my absence from duty on leave was on grounds of my illness supported by medical certificates for the whole period of my leave upto 20.6.1997. The fact of my illness supported by medical certificates from beginning to end has made my case completely invulnerable. In his pre-determination to prove the charges against me, he from the beginning to end, evinced zeal like of which none in the prosecution side did. To achieve his end, he made conscious efforts from day one of the inquiry and having not been successful enough, finally tried to invalidate the medical certificates submitted by me. Petty defects of purely hyper technical types discovered in some isolated medical certificates after strenuous exercises but not communicated to me in any stage vide deposition of the prosecution witness No.SW-3 Srimati A A Warjri (page 7 of the Report), were not sufficient for his purpose since the pivotal fact of illness, as certified, could not be nullified. In order to achieve his end, the IO in desperation resorted to the ploy of suspicion. In the second para on page 10 of his report, he unabashedly expressed suspicion as to the genuineness of the M/Cs submitted by me. In the last line of 5th paragraph on page 11 of his Report, the IO threw off all qualms and has clearly said that the medical certificate D Ext.03 did not appear to be genuine. That was possibly the farthest intemperance to which an IO, in his Inquiry Report could have on the basis, purely on subjective suspicion, obviously oblivious of the fact he was far overstepping and even more than this, was assuming unto himself the job of a super prosecutor which, however, he was not in his capacity as an Inquiry Officer. In his heightened zeal he seemed to have forgotten the elementary legal postulate that "suspicion cannot take place of proof". The IO has fully exposed his granite bias against me and it is at all surprising that his findings have gone against me. In the concluding para on page 12 of his Inquiry Report, the IO while stating that the evidences in the inquiry have gone against me emphasized his contention by saying. "I (the IO) hold rather strongly that all the seven articles of charges under

Annexure-I & II stands substantiated against the SPS". His emphasizing words "I hold rather strongly" unfolded his intent in well expressed language and needs no elaboration.

3.2: My office administration never doubted the genuineness of the medical certificates submitted by me. Neither the Presenting Officer ever did so. There is no allegation in any of the articles of charges against me of submitting medical certificates which were not genuine. The allegation is, therefore one brought by the Inquiry Officer of his own and by doing so, he has displaced the Disciplinary Authority and has usurped the authority of the latter. Rejecting of the medical certificates submitted by me by alleging that they were not genuine was well beyond the competence and jurisdiction of the IO, I submit. The IO came to his finding on the basis of his personal suspicion which no officer having least sense of responsibility would have indulged in. Enough could be said to have been enough for the Inquiry Officer to have suspect the genuineness of the medical certificates submitted by me no matter the administration itself has not done so. Kind attention of the Disciplinary Authority is respectfully invited to the height and depth of prejudice of the IO against me and hence there is no surprise that his findings have gone against me. It is firmly hoped that the Disciplinary authority would take serious note of the IO's attitude towards me.

4. Facts misconstrued :

'Not only that the IO has sought to invalidate the medical certificates furnished by me on the basis of his personal 'suspicion' in the after-inquiry stage, he has also sought to pass on an inquiry proceedings as my written brief. In the 3rd para on page 04 of his Inquiry Report, he has stated that my defence brief was dated 10.03.2003 which was received by him on 13.03.2003. I never submitted my written 'defence brief' on 10.3.2003 when the oral inquiry was on its mid way. After the oral inquiry was over, on 13.03.2003, I submitted my written defence brief on 08th May, 2003 in terms of the IO's order in his Daily Order Sheet bearing Memo No. DE(DI)(PT)/61/2002 dated 13.03.2003. The purpose behind this misconstruction of facts appears to be to create the impression that nothing beyond what have been recorded in the inquiry proceedings of 10.03.2003 of the inquiry hearing was filed by me as my written defence brief. From the facts stated in para 2.6 of this representation, it would be seen that the IO has altogether omitted discussions and consideration of my defence arguments made in my written defence brief dated 08th May, 2003 and he required a contrived handle to carpet down the momentous shelving of my written defence brief of 08 May 2003.

5. On FR-12

5.1: The Presenting Officer in his written prosecution brief bearing his Memo No.QC-50/Pt.III/8 dated the 17th April, 2003 filed with the IO has contended that under provision of FR-12, a Government servant who remains absent from duty on leave for more than five years ceases to be in service and accordingly, he said that I have ceased to be in service by provision of FR-12. It is understandable that the Presenting Officer, having found no other handle to sustain the prosecution case, has to fall back on FR-12 as the last straw to catch hold of. Below is quoted FR-12:

"12. Maximum amount of continuous leave:

"Unless the President, in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years".

It could be seen that FR-12 nowhere says that a Government servant who remains on leave for a continuous period exceeding five years automatically ceases to be in service. On the contrary, FR-12 recognizes that there may be "exceptional circumstances" in which it may be compulsive for a Government servant to remain on leave for more than five years and that, in that case, the President may grant the leave.

5.2 : Apart from the actual position in FR-12, none of the seven articles of charges against me alleges violation of FR-12. It was not open to the Presenting Officer to bring a charge of his own; his was the job to present the case on behalf of the Disciplinary authority keeping within the limits of what have been alleged in the articles of charges. This apart, the PO did not refer to FR-12 at any stage of oral hearings and having not done so, it was well beyond his bound to come up with this charge in the post inquiry briefing stage.

5.3 : The new charge of violating FR-12 could not have been brought after the close of the inquiry.

5.4 : No intimation was ever given to me that I have ceased to remain in service by provisions of FR-12 and the fact that I am still in service belies the contention of the PO.

5.5 : There is nothing like automatic cessation of service of a Government servant. The cessation of service of a Government servant must be preceded by formal notice.

5.6 : Since in none of the seven articles of charges against me, violation of FR-12 has been alleged, the contention of the PO is altogether out of place.

5.7 : Detailed defence arguments were made on FR-12 in para 5.5 of my written defence brief dated 08 May, 2003 which the IO has, along-with all other defence arguments, willfully avoided to deal with.

6. Leave, Medical Certificates and Fitness Certificate :

6.1 : In terms of Rule 19 and 19(3) read with Rule 24(3) (a) of the CCS (Leave) Rules, 1972, an employee on leave on ground of illness supported by medical Certificate cannot be recalled or return to duty until declared fit to do so by a medical certificate of fitness. Depositing as the top prosecution witness Shri K S Sundaram Murthy (SW 05) the then AO (A&P) has admitted that an official on leave on medical ground cannot be recalled for duty but can be directed for a second medical opinion but in my case he found nothing on record that it was done (top of page 08 of the IO's Inquiry Report). The whole period of my leave from 28.4.1992 to 20.6.1997 was on ground of illness supported by medical certificates and hence neither my leave could be refused nor could I been recalled to duty until declared fit to do so by a medical certificate of fitness.

6.2 : The Central Administrative Tribunal, Bangalore, in the case of B. Sreenivasaiah Versus Officer-in-Charge and Assistant Provident Fund Commissioner, Mysore and others (OA No.135 of 1996) has ruled that "when an employee is medically unfit, the employer has no option but to grant him leave as is available to the

employee till he is found medically fit". (Reference : Swamys news of October 1999, pages 94-95). This CAT ruling has settled the law on the captioned heading and my case ought to be regulated accordingly.

6.3 : It has not been alleged in any of the seven articles of charges against me that I did not furnish medical certificates of illness. On the contrary, Article-III of the charges acknowledges submission of M/Cs by me while Article-VII of the charges confirms submission of fitness certificate by me issued by Dr. Madhusudan Saha on 20.6.1997.

7. On para 2 at page 08 of the Inquiry Report :

1. In this para, the IO has admitted that the defence submitted a list of six documents on her own behalf. This contradicts the number of documents furnished by the defence as mentioned by the IO on the last para at page 03 of his report in which he has mentioned only 4 documents and confirms the fact that the IO returned two of the six documents submitted by the defence. The IO has also mentioned that the two omitted documents were "essential" for my defence and my request for taking them on record. While, however, the law allows the IO to evaluate the defence document, no law allows him to return the defence documents without taking them on record. The justification now given by the IO for non-consideration of the returned defence document is an after thought and it does not stand in view of the fact return of defence documents without taking them to record is not provided by any provision in Rule 14 of the CCS (CC&A) Rules 1965.
2. In para 2.1 of this representation, I have mentioned at serial No.(1) the specific defence documents which were returned by the IO without taking them on record and in serial No. (5) some other defence documents which too were returned without taking them on record. The core point is whether provisions in Rule 14 of the CCS (CC&A) Rules 1965, vests an IO with the authority to return defence documents submitted by a charged official without taking them into records and whether the unauthorized return of two vital defence documents has not denied me reasonable opportunity of self defence as guaranteed by Article 311(2) of the Constitution of India and the principles of natural justice and the IO was within the bounds of law to return defence documents without taking them on record.
3. The copies of documents submitted by me were bound to be duplicates as the originals were submitted to office. The IO has sought to reject them raising "doubt on their sources of discovery". It is not the job of any IO to suo motto go to the sources of recovery by substituting the PO and the Disciplinary authority. The documents mentioned both in the serial no. (1) and (5) were submitted in the oral inquiry on 10.03.2003 and if the IO had anything to know about the "sources of discovery" of these documents, it was incumbent on him to have his point clarified from me or even from the PO. The after-inquiry rejection by return, two of most essential defence documents at my back has exposed the IO's prejudice against me.
8. Focus to an unethical act in furnishing copy of prosecution exhibit No.S.Ex-13 :
This purports to be the copy of my letter dated 11.7.1997 to the office containing 29 enclosures, mentioned at the bottom of this letter. While furnishing copy to me being a prosecution document as per serial no.13 of the list of documents mentioned in the charge sheet, the bottom portion of my letter dated 11.7.1997 which contained mention of the 29 documents, was torn off at the unknown level of the prosecution

side to hide the fact of submission of 29 copies of documents by me. The manipulation can be verified even now. I have the received copy of my letter dated 11.7.1997 with me, it is submitted, and I am ready to produce it even at this stage, if called-upon.

9. Whole sale non-consideration of the written defence brief dated 08 May, 2003 of the charged official by the Inquiry Officer in his Inquiry Report and of giving his one-sided finding to the worst prejudice of the charged official :

9.1 : My defence written brief dated 08 May 2003 spread over 19 typed pages, contained 21 numbered paragraphs each containing distinct and specific defence points. That the IO received the said written brief dated 08 May 2003 would be seen from its mention in the last paragraph on page 11 of his Inquiry Report, although in para 3 on page 04 of his Inquiry Report, the IO resorted to a tactical misconstruction saying, in that para, that my defence brief was dated 10.03.2003 and that it was received by him on 13.03.2003. The IO, It is reasonable to presume, willfully resorted to this misconstruction to create an impression that there was no other written defence brief than the one dated 10.03.2003, submitted by me.

9.2 Even on cursory perusal of the IO's Inquiry Report would show that the IO has not dealt with and has not considered even a single paragraph of my 21-paragraphed defence brief dated 08 May 2003. He has not, it is extremely significant, recorded any reason for the whole sale non-consideration of my defence brief and maintain a stoic silence. In the circumstances, if I am permitted to submit what is my reading of the IO's silence and his whole sale non consideration of my written brief in his Inquiry Report, I would submit with due respect to the IO, that he has found my defence brief wholly impregnable, defeative of his purpose to prove the case against me and well beyond his bound to deal with. But very materially, the non consideration of my defence brief has resulted in the denial of defence to me, lock, stock and barrel, by utter contravention of Article 311(2) of the Constitution of India and the rules of natural justice.

9.3 : As brought out in more than one paragraphs of this representation, the IO has acted as though he was the Prosecutor and his job was to prove the case against me at any cost. In the case of S.Krishnan Nair Versus Divisional Superintendent, Southern Railways, the Court has ruled as follows :

"The Inquiry Officer is not the prosecutor. It is not his duty to somehow prove the charge. It is not for him to assume that the delinquent officer is guilty and try to bring out admissions from the delinquent officer so that the charges against him may be proved. Such an approach would apparently indicate bias on the part of the Inquiry Officer and so must be avoided. It has been noticed time and again by Courts that when the officer holding the inquiry takes a role different from that of a person who is to adjudicate on the dispute impartially and without bias, he becomes disqualifed and it could no longer be said that the result of Inquiry is fair".

(1973 S.L.T 46 : 1973) 2 S.L.R. 353)

(Source Reference : "Swamy's Manual on Disciplinary Proceedings for Central Government servants", Fifth edition 1993, pages 328-329).

9.4 : On the ground that the IO has not dealt with, and has not considered any of my defence points made in my written defence brief dated 08th May 2003, his

findings have been one-sided, unfair, and vitiated by his bias against me. The IO has taken the role "different from that of a person who is to adjudicate on the dispute impartially and without bias". The IO has thus disqualified himself and his Report could no longer be said to have been "fair" in terms of the Court judgement mentioned here-in-above.

10. Submission and prayer :

10.1. On the ground that –

(1) The IO has left the whole of my defence brief out of consideration, and
(2) Has shown manifest bias against me.
His report is one-sided, solely tailored to prove the case against me somehow and hence discriminatory, unfair, unjust, prejudiced and wholly devoid of judicial unenviability. His finding could, therefore no longer be said to have been fair and free of bias. The Disciplinary authority should accordingly, it is most respectfully prayed, "disagree" with the finding of the Inquiry Officer under prerogative conferred on him by the provisions of Rule 15(2) of the CCS (CC&A) Rules 1965 and give his "own findings" on the articles of charges based on the (1) evidence on record and (2) the defence points in my written brief dated 08 May 2003 a copy of which is annexed here-to for ready reference.

10.2. In this connection, attention of the Disciplinary authority is respectfully invited to the 4th line of the last paragraph on page 12 of the Inquiry Report in which the Inquiry Officer has said, "I hold rather strongly, that all the seven articles of charges ... stand sustained against the SPS ...". The words underlined carry his entrenched bias against me as would be seen from his own recorded words. –

11. I was declared medically fit to resume duties by medical certificate of fitness dated 20.6.1997 of Dr. Madhusudan Saha. The period from 21.6.1997 to 24.6.1997 was taken by me for journey from my residence at Shyamnagar (West Bengal) to Shillong; I reported to office on 25.6.1997 but instead of being allowed to join was placed on the 'wait-on' position until further orders. The period of my absence on leave is thus divided into two periods, namely –
(1) From 28.4.1992 to 20.6.1996 on account of my illness supported by medical Certificates (excluding the period from 21.6.1997 to 24.6.1997 taken for journey from Shyamnagar to Shillong), and
(2) From 25.6.1997 till I was allowed to join duties on 30-6-2003 following conclusion of departmental inquiry against me. During this period, I was placed on the 'wait-on' position by the office for which responsibility did not rest on me.

12. It is prayed that the submissions made in paragraphs 1 to 11 here-in-above may be taken as my representation against the Inquiry Report of the Inquiry Officer.

13. Submission of defence document to the Disciplinary authority for coming to his own findings.

Since the Inquiry Officer has not dealt with and has not considered any of my defence points contained in my written brief dated 08th May 2003 (which he received on 17.5.2003), it has now devolved, by fact thereof on the Disciplinary authority to consider my defence points and to come to his "own findings" on the articles of charges against me as per the rule laid down in Rule 15(2) of the CCS(CC&A) Rules

1965. In order to avoid surfluous addition to the volume of this representation by mere typed reproduction of my written brief dated the 08th May 2003, I have humbly annexed a copy of it hereto for his kind consideration, decision and order. I may be gracefully allowed this indulgence. He may kindly take my written brief dated 08th May 2003 into consideration and come to his "own finding".

14. By this time, I have put in more than 8 months of most self-effacing service after being allowed to join service by ending the 'wait-on' period when it was apparent that the articles of charges against me were hyper-technical objection only, since, the whole period of my leave from 28.4.1992 to 20.6.1997 was on ground of my illness supported by medical certificates and could not have been treated as unauthorized absence and violative of any conduct rule in view of the provisions of Rule 24(3)(a) read with Rule 19(3) of the CCS(Leave) Rule 1972. Reference is also most humbly invited to the rule laid down by judgement of the Central Administrative Tribunal (CAT), Bangalore Bench in the case B. Sreenivasaiah versus the Officer-in-charge and Assistant Provident Commissioner, Mysore and others(Bangalore OA No.135 of 1998, date of judgement 7.1.1999) in which the Hon'ble CAT has ruled that "when an employee is medically unfit, the employer has no option but to grant him leave till he is found medically fit".

(Source reference: Swamy's news, October 1999, pages 94-95).

With deep and most respectful regards,

Yours faithfully,

Tinku Chakraborty

(Srimati Tinku Chakraborty)

TOA (G)

O/O GMTD, Shillong.

Enclosure:
Written brief dated
08th May 2003 of
Srimati Tinku Chakraborty
in 19 typed pages.

Received 25/3/04

f *Deputy General Manager*
O/o General Manager Telecom
Shillong- 793001

Dtd 8/11/06

TO
THE CHIEF GENERAL MANAGER TELECOM
N. E. CIRCLE II, B S N L,
SHILLONG, MEGHALAYA.

(For his personal attention)

SUB : Representation of Smti Tinku Chakravarty, Telecom Office Assistant (General), o/o GMTD Shillong against delay by the Disciplinary Authority in finalizing the Disciplinary Proceedings, due to which

- (a) my pay has not been fixed in two revised pay scale
- (b) I was only receiving fixed emolument of Rs. 1920 only since 30.6.2003 till date
- (c) I was not getting my legitimate DA and other allowances as admissible from time to time since 30.06.2006
- (d) my annual increment has not been release for last 4 years.

SIR,

16 years back on 02.04.1990 I was appointed as Telecom Office Assistant (General) in Shillong, NE Circle, after falling seriously ill on acute heart ailment followed by surgery I reported for duty on 24.06.1997 with certificate of fitness by AMA. I was then asked to wait further till order from higher authority comes, all verbally. After running from pillar to post at different dates, I was not allowed to join my duty until 15.11.2001 when I was charge sheeted and again on 19.11.2001 vide letter no. QC/50/11 department informed me to wait further till decision from higher authority comes. Enquiry report on DA proceedings was submitted to the Disciplinary Authority on 21.08.03 whose verdict is still pending.

After repeated request on 13.03.03, 29.04.03, 04.05.03 & 31.05.03 I was finally asked to join duty vide letter no.QC50/Pt.11/9 dated 24.06.03 and I joined my duty on 30.06.2003 with a perpetually fixed emolument of Rs.1920 consolidated and till date I am getting the same emolument per month.

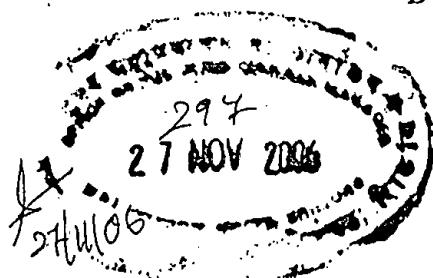
Despite representation to all authorities of NE Circle, BSNL over my pay related issues, I have been left uncared for, as I am a lady and a lower level employee. Although under Central Civil Services (Classification, Control and Appeal) Rules 1965 time limit prescribed for passing final decision on the Enquiry Report is within a period of three months at the most, but in my case 39 months has already been lapsed.

I am making this correspondence as a matter of loyalty and allegiance to my department towards redressal of my grievances on subject matter and specifically seeking the final decision of the Disciplinary Proceedings and resolve the pay related issues which are hanging for last 9 (nine) long years. My agony and sufferings knows no bound. I pray and beg of you to kindly be considerate enough to understand and pay heed to this immense suffering of mine and bring some respite to my condition within fortnight.

With deep and respectful regards.

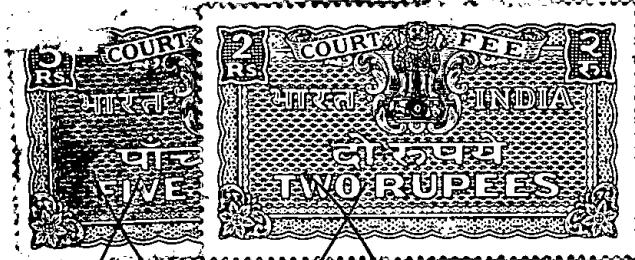
Yours faithfully,

T. Chakravarty
Smt Tinku Chakravarty
Telecom Office Assistant (General)
O/O General Manager, Telecom District
B S N L, Shillong, Meghalaya



SL. No. 50458

DISTRICT:



IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM
AND ARUNACHAL PRADESH]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

C.A. NO. OF 2017

Tinku Chakraverty

APPELLANT
PETITIONER

VERSUS

Union of India

RESPONDENT
OPPOSITE-PARTY

Know all men by these presents that the above named Applicant
do hereby nominate, constitute and appoint Sri/Smti M. D. T. G. Sarma

Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 20th Day of July 2017

N. M. LAHIRI (Sr. Adv.)	K. R. PATHAK (Sr. Adv.)	MS. BINOYA DUTTA	S.C. BISWAS
B. M. GOSWAMI (Sr. Adv.)	BHUBANESWAR KALITA (I) (Sr. Adv.)	BHABATOSH BANERJEE	P. C. RAYMEDHI
J. P. BHATTACHARJEE (Sr. Adv.)	B. R. DAS (Sr. Adv.)	R. K. JAIN	UTPAL DAS (I)
D. C. SHARMA	S. P. DEKA	G. K. BHATTACHARYYA (Sr. Adv.)	DR S. S. HARLALKA
B. K. GOSWAMI (Sr. Adv.)	D. R. GUHA	PRANABANANDA PATHAK (Sr. Adv.)	D. R. GOGOI
A. M. MAZUMDAR (Sr. Adv.)	SAUKAT ALI (Sr. Adv.)	DR H. N. DAS (Sr. Adv.)	KAIRUL BASAR
P. K. BARUA (Sr. Adv.)	B. K. ACHARYYA	B. C. MALAKAR	A. S. CHOWDHURY (Sr. Adv.)
S. N. BHUYAN (Sr. Adv.)	MS. USHA BARUAH	SAMSUL HUDA	DINDAYAL AGARWALA
J. K. BARUAH (Sr. Adv.)	N. C. DAS (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
ANIL SARMA (Sr. Adv.)	A. K. BHATTACHARYYA (Sr. Adv.)	N. N. SARMA	MD. SAMNUR ALI
B. K. DAS (Sr. Adv.)	A. B. CHOUDHURY (Sr. Adv.)	JANARDAN DAS	JOYDEV CH. DAS
M. A. LASKAR (Sr. Adv.)	T. S. DEKA (Sr. Adv.)	CHAITANYA BARUAH (Sr. Adv.)	V. K. BHATRA
DR S. N. CHETIA	K. P. SARMA (Sr. Adv.)	A. C. SARMA	A. C. BORBORA (Sr. Adv.)
A. S. BHATTACHARJEE (Sr. Adv.)	B. P. BORAH (Sr. Adv.)	N. Z. AHMED	P. K. KALITA
A. R. BANERJEE (Sr. Adv.)	H. K. SARMA	N. C. PHUKAN	SAILEN MEDHI
D. K. HAZARIKA (Sr. Adv.)	PRABIN BARTHAKUR (Sr. Adv.)	MUNIN (GAUTOM) SARMA	MRS. M. B. DUTTA CHOWDHURY
N. N. SAIKIA (Sr. Adv.)	M. C. BARTHAKUR	FAIZNUR ALI	P. C. GOSWAMI
J. M. CHOWDHURY (Sr. Adv.)	P. C. GAYAN	D. K. KAKATI	APURBA SARMA (I)
P. K. GOSWAMI (Sr. Adv.)	C. K. SHARMA BARUA (Sr. Adv.)	G. N. SAHEWALLA (Sr. Adv.)	K. H. (SALIM) CHOWDHURY (Sr. Adv.)
P. G. BARUAH (Sr. Adv.)	ANUP KR. DAS	G. K. JOSHI (Sr. Adv.)	A. K. PURKAYASTHA
C. R. DE (Sr. Adv.)	DR Y. K. PHUKAN (Sr. Adv.)	A. A. MIR	ASHIS DAS GUPTA
D. K. BHATTACHARYYA (Sr. Adv.)	DIBAKAR GOSWAMI	MS. REKHA CHAKRAVORTTY	L. P. SHARMA
D. K. TALUKDAR (Sr. Adv.)	BIJON CH. DAS (Sr. Adv.)	MRS. JHARANA BORAH	VIJAY HANSARIA
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BHARGAV CHOWDHARY	B. K. GHOSE (Sr. Adv.)	A. K. BARPUJARI	M. SAHEWALLA
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A. K. CHAUDHURI	DR N. K. SINGHA	S. P. ROY	MRS. RUMA BORDOLOI
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TAUHIDUL ISLAM	RAHMAN ALI	ANUP JYOTI SARMA	PARITOSH BANIK
R.D. LAL	DHIRENDRA KR. DAS	S.C. CHAKRABORTY	ARUNABH CHOUDHURY
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SYED I. RAHMAN	PRIYATOSH BHATTACHARJEE	Y.S. MANNAN	S.S. DUTTA
PARAMANANDA BORAH	PARITOSH PURKAYASTHA	RAJ SEKHAR	AKHTAR PARVEZ
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ARINDAM BARTHAKUR	GAUTAM SOREN	BISWAMBHAR SHARMA	DILIP BARUAH (II)
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J. P. DAS	ARUPANANDA CHOWDHURY	PADMADHAR UPADHYAY	HRISHIKESH DAS
HIRALAL MAURYA	NILADRI BHATTACHARYYA	MISS. PEACE LAHKAR	PRABIN DAS
KAMALAKSHYA DAS	MS. I. KRISHNATRIAYA	IKBAL H. SAIKIA	ANKUR BHUYAN
MS. IPSITA GOHAIN	MS. PAHARI SAIKIA	DIBYAJYOTI BORAH	MRS. SHAHNAZ BEGUM
MS. DIPASHREE SINHA	N. K. BARKAKATI	MISS. HASINA YESMIN	DEVA KR. DAS (II)
MS. NIRUPAMA BARUAH	ASHIM KR. CHOUDHURY	MRS. JURI D. BARMAN	MS. ROUSHANARA CHOUDHURY
MS. PAPIA CHAKRABORTY	MS. S. HAZARIKA	MISS. ASMINA BEGUM	RABINDRA CH. PAUL
HAREKRISHNA DEKA	RUPJIT DE	MRS. RAKHEE B DEB	MS. M. BHATTACHARJEE
SAJID RAHMAN	R.K. NATH	MRINMOY DUTTA	MS. NAVANITA BARUAH
MS. APARNA AJITSARIA	D. J. DUTTA	MISS. SANTANA SARMA	UJJAL KR. GOSWAMI
G.B. DAS	R.K. SARMA	BIMAL SARMAH	MRINAL KT. NATH
DEBAJEET THAOSEN	DINAMANI SARMAH	AMBAR BARKAKATI	DURGA P. MANDAL
S.K. MEDHI (II)	PARTHA CHOUDHURY	MISS. NIZIFA KHANAM	MISS. NAMITA CHOUDHURY
BEGUM R. A. SULTANA	B.P. SINHA	MS. BARNALI MAHANTA	DILIP KR. JAIN
ALOK DEB	ROFIQUDDINAHMED	MIZAZUR R. BARBHUOYA	MISS. IJUMONI THAKURIA
MS. B. CHAKRABARTTY	AISWARYYA SARMA	SANJAY ROY	ARUNDEV CHOUDHURY
MS. INDRANI CHETIA	MS. A. BARUA	IMTI LONGJEM	NAKUL KALITA
MS. ANUPAMA DEVI	MD. NIZAMUDDIN SEIKH	MISS. BIPASHA SARKAR	MS. MUNMUN B. SARMA
SIDDHARTH BARUAH	DIGANTA GOGOI	MISS. RINI SHARMA	MISS. RANJUMONI NEWAR
S.R. RAJBONGSHI	SANJIB ROY	SHAMIMA JAHAN	MOIRANGTHEM G. SINGH
K.K. BHATTACHARYYA	MS. KALPANA GOGOI (SARMAH)	NILOUTPAL RAJKHOWA	SANDIP BHATTACHARJEE
MS. MANJULIKA BAROOAH	ANIRBAN DAS	R.K. DEV CHOUDHURY	DEBASHISH SAIKIA
MS. MANJUSHA JHA	MRS. INDRANI CHOWDHURY	SONIT KR. SAIKIA	NANDAN SARKAR
MD. KHORSHED ALI	ANAN KR. BHUYAN	MISS. SEWALI KEOT	SOFIQUR RAHMAN
ZAHANGIR HUSSAIN	PALASH DAS	MS. MITALI MAHANTA	UDAY J. SAIKIA
S. N. DEV PUZARI	MS. BIPAAKKHI BORTHAKUR	GAUTAM KR. SARMA	PANKAJ KR. DEKA
DIGANTA KR. MISRA	DIPAK KR. DEY.	SHAHAB UD. MAZUMDAR	IMRAN H. LASKAR
MD. AFTAB HUSSIAN	PARTHA P. BARUAH	ABDUL MANNAF	MS. BANASHREE GOGOI
MRS. N. S. AHMED ISLAM	AJIT KR. DUTTA	RAGHUNATH PD. ROY	MISS. HIRAMONI DEKA
MS. G.R. MAHILARY	MD. BAHARUL ISLAM (I)	NURMOHAMMAD SARKAR	ISWAR CH. GOGOI
M.K. MODI	MD. TARIQUL ISLAM	SANTOSH JAIN	MISS. BIJOYA SINHA
I.A. HAZARIKA	ABU SAYED	SUNIL KR. JAIN	
SHAJAHAN ALI	BHASKAR BARMAN		
DHIMAN TALUKDAR	MS. BIJOYA BAIRAGI		

MD. KURBAN ALI	MS. JAGRITI RAJKUMARI	MISS. ANOWARA MAZUMDAR	NUR ISLAM
SAHIDUL H. SARKAR	KUSH RAM BORA	MISS. MADHUSMITA BAISHYA	BABUL DEKA
GAUTAM SHARMA	MS. DEEPALEI KALITA	ABHIJIT DAS	AJOY KR. PHUKAN
MISS. ADITI BHATTACJARJEE	DEEPAK BORA	BIJOY KR. DAS	ATAL TEWARI
DHRUBA BANIA	DIPANKAR PD. BORAH	JAHURUL ISLAM	MISS WAHEEDA REHMAN
GAUTAM CHAUDHURY	RAJESH KR. AGARWAL	MISS. GITUMANI DEKA	N. UNNI K. NAIR
SATYABRAT DEV SARMA	MRS. SACHITRA BORA	MS. HIRANYAMAYEE BARUA	NABADIP BAROOAH
MRS. NIRADA SEAL	SUJOY GOSWAMI	MD. JEHIRUL I. AHMED	J. A. HASSAN
NARAYAN D. BHUYAN	RINKU MAHANTA	MS. PRTIBHA DEKA	MISS SANGEETA SARKAR
KULAJIT DAS	JAIDEEP PURKAYASTHA	MRS. S. BORPATRA GOHAIN	ANJAN KR. DAS
MD. ASLAM KH/1 (II)	ZAKIRUL AHSAN	MRS. MANASI DAS.	MISS JAYA CHANDA
SAMIUL MUNIR	MISS. RINKI BISWAS	SYED S. FAROOQUE	NITESH BHATRA
SANTANU GOSWAMI	MISS. SHABNAM CHETTRY	PARANGAM N. GOSWAMI	MISS DOROTHY ROY
NARAYAN SHARMA	MISS. MANASHI CHOURDHURY	ANOWAR HUSSAIN	MS. ARPANA BORAH PHUKAN
MS. PANCHALI BRAHMA	SANTANU RAJ GOGOI	ADITYA HAZARIKA	MISS LIPICA TALUKDAR
MANISH NATH	MISS. SHARMILA DAS	SHIMANTA NEOGI	MISS MEGHALI DEHINGIA
MISS. REHNA BEGUM (II)	MRS. RUPREKHA DAS	RUPAK DHAR	MISS RIMLY BARUAH
MS. RAJU CHETRI	MS. ARPITA PAUL	TAPAS DHAR	MS. BIPASHA DAS
KISHOR KR. BHANSALI	JOY DAS	RAJA JOY PHOOKAN	MS. PRANITA DAS
DIBAKAR BORA	DHRUPAD KASHYAP DAS	MANOJ KR. SHARMA (I)	ABHIJEET KR. BARUAH
NARESH MARKANDA	MS. SARMISTHA BARUA	ROUSHAN LAL	SULTAN AHMED
MRS. MAITREYEE BORA	MRS. PRANITA PATHAK	MD. ROFIQUL ALOM	MISS BARNALI BARUAH
JAYANTA KR. PARAJULI	MS. MOUSHUMI DAS	MISS. PRANATI DAS	MRS. M. MAZUMDER DEB
BAPAN CHOWDHURY	MS. BULIE SARMAH	RATUL DAS	MS. PANKAJA UPADHYAY
UTPAL KR. KALITA	MS. NANDINI MUKHARJEE	MISS. BAGMITA SARMA	THANESWAR SARMA
MS. APARAJITA SAIKIA	NEERAJ ANAND	MISS. P. R. MAHANTA	ASHIM TALUKDAR
MRS. MEERA H. BORA	GITARTHA PATHAK	SANTANU BORTHAKUR	ABID ALI
DEBABRATA SAHA	SANKAR P. BHATTACHARJEE	MISS. MITALI BHUYAN	MS. SIMA GUPTA
MS. ANIMITA GOSWAMI	MD. KOHINOOR ISLAM	MISS. SABINA YASMIN	D. N. BHATTACHARYYA
MS. MANOSHI SHARMA	SYED MUSFIQUR RAHMAN	KISHORE KR. HAZARIKA	MISS SUDAKSHINA KHANIKAR
MISS. SATYAWATEE KONWAR	PUSPENDRA KR. MEDHI	MOYNUL H. CHOURDHURY (2)	ASHIMANTA GOSWAMI
MD. JAKIR H. KHAN	SANJIB KR. SINGHA	JONAB ALI AHMED	ANIL SHARMA BHATRA
BIJAN KR. MAHAJAN	MISS. NILAKSHI GOSWAMI	BHASKAR NATH	K. R. PATGIRI
ABHIJIT BHATTACHARJEE (II)	MISS. MANISHA SHARMA	ALIN SARMA	DEBENDRA SAHARIA
ARSHAD CHAUDHURY	GAUTAM RAHUL	KULA PD. GOGOI	RAJIB SARMA
PRANAB KR. DAS	MS. ANITA VERMA	H. M. A. MANNAN LASKAR	MUSTAFA JAMAL QUADIR
MS. MITALEE LAHKAR	TONGPOK PONGENER	BIBHASH PATHAK	MISS MANASKANTA BARUAH
KHANINDRA LAHKAR	ANIL GOHAIN	MD. JYOTSHNA ALI	MISS KAVITA K. JAIN
MS. MANJU BORDOLOI	MISS. ANUJITA BORA	JITU BORA	TAPAN RANJAN DAS
SUSHANTA S. BAROOAH	SANJAY KR. SINGH	MISS BABITA DAS (II)	TRIDIB KALITA
MS. S. HAZARIKA (BORA)	SANJIB BARUAH	MISS RUNMANI DEKA	MS. MAMONI ROY
MD. ASLAM	MISS. SOBHANA SAIKIA	MISS MURCHANNA SARMA	SAIDUL ISLAM
PRANJAL DAS	MISS. MOON BARUAH	ASHOK KR. BORA	MS. SHAMIMA BEGUM
MS. PANNA SHARMA	BRIJESH SHARMA	RANJAN KR. BHARALI	DIPANKAR BAGCHI
MS. MONALISA KONWAR	MISS. RAKHI PATHAK	BIJAY KRISHNA SEN	SHYAMAL AICH
SANDI K. DEORI	RATAN CH. DAS	MISS MEDHA LILA GOPE	MS. KANika SINGHA
MS. M. CHAKRABORTY	NABAJIT NARZARY	DR N.G. GOSWAMI	JAGADISH CH. GOGOI
DEBOJIT SENAPATI	SAFIQUL HUSSAIN	KASHEM BHUYAN	MISS SWARNALI S. CHOURDHURY
RAJKUMAR T. SINGH	NASIR UDDIN	MISS LIYANA RAHMAN	HARIBRATA CHANDA
MS. B. GHOSH (SEN)	MS. N. M. BORDOLOI (BORA)	M. U. MONDAL	MUKUT CH. BHATTA
MS. TASFIA HUSSAIN	PRAKASH KR. BOTHRA	MISS PARUL DAS	SUJIT KR. ROY
MRS. MEHBOOBA BEGUM	BIJOY CHETIA	JAYABRATA SINHA	RAJU GOSWAMI
JAI KISHAN BAJAJ	SUBHAJIT BANIK	MISS BIJAYA HAZARIKA	NANI G. KUNDU
MS. JAYATI PURKAYASTHA	SAHADEV DAS	MISS SUMITA CHOURDHURY	SHEKHAR CHAKRABORTY
MS. PAREE GOGOI	DR K. UDDIN AHMED	DEBAJIT BARUAH	OM P. AGARWAL
A. M. BARBHOIYA	MD. A. Q. AKANDA	MISS DIPANJANA NANDI	RANABRATA BANERJEE
MISS. ARJUMANDA BHANU	PRADIP KR. AGARWALA	ABDUL KASHIM TALUKDAR	MS. SUMITRA SARMA
MS. KANGKI BORKATAKI	MD. FARID U. BARBHOIYA	BIKASH SARAF	MRS. BANDANA DEKA
BINOY PATHAK	MISS. NIYATI KALITA	MS. AMVALIKA MEDHI	TARUN BORA
NITYANANDA UPADHYAYA	MRS. SADHANA KALITA	BABUL KUMAR DAIMARI	MOTI RAJ ADHIKARI
SANJIT SHIL	ARUP GOSWAMI (II)	MISS IVALINA DEKA	MISS SABBINA YASMIN
MS. JULIE MAHANTA	MS. ARUNDHATI BORA	SANJIB GOSWAMI	BISWAJIT BURAGOHAIN
MRS. MADHABI SAIKIA	MS. RITAMANI GOSWAMI	SABYASACHI P. CHOURDHURY	MRS. BOBY G. BURAGOHAIN
MISS. BABITA RANI DAS	SHUROT ZAMAL SHEIKH	DEBA KUMAR BORDOLOI	MISS SANGEETA BURAGOHAIN
SANTANU KR. DAS	SUMAN CHETIA	MANINDRA CHANDRA DAS	NEEL KAMAL DEV NATH
MISS. DOLORINA PATHAK	ALAKESH DEV SARMAH	MUL HOQUE AHMED	MISS DIPANNITA CHAKRABORTY
SUBHRANGSU DHAR	RANJIT KR. GOSWAMI	BATU KRISHNA BORA	NAZMUL I. MAZARBHUIYA
PARAMA KUMAR GOGOI	JAKIR HUSSAIN SAIKIA	MISS BANDITA DEY	PRASANTA HAZARIKA
MISS. GOPA SUTRADHAR	BHUPENCH. PEGU	MISS JULI GOGOI	MS. NAZNEEN AHMED
IKBAL AHMED	KUNTAL SHARMA PATHAK	MS. V. N. LASKAR	RIYA JUDDIN ANSARI
SANJIB GOGOI	DEEPAK KEJRIVAL	MISS RANJITA VERMA	SOURAV SHARMA
ABHIJIT BHATTACHARYA (III)	MISS. AMI SAIKIA	HARINARAYAN SARMA	MS. SIMA RANI DEY
SUDIPTO BHATTACHARJEE	MRS. RUBI G. GOHAIN BARUAH	MISS DIPANJALI DEKA	MS. SWARNALATA GOSWAMI
PRAHLAD KR. BRAHMA	MISS. JOYATI PAUL	MD. ALAM GEER	MAINUL H. BARBHOIYA

MUKTI RAM LASKAR	MS. ONTIMA SHARMA	MISS KALPANA TALUKDAR	MS. TINKU SOM
MISS BINITA BARUAH	TAPAN ROY	BHUPEN KUMAR	MD. IMRUL HASSAN
RAFICUL ISLAM (II)	MOINUL HOQUE ANSARY	MS. MITALI GOGOI	MS. APARAJITA BHUYAN
MISS KAMALA SINGHA	MD. RAHMAT ALI (II)	MISS RULI BARUAH	BHUPEN SARMA
MISS ANUPAMA ROY	MISS MARY GOGOI	DIGBIJOY MANDAL	BISHWAJYOTI PATHAK
BISWAJIT CHAKRABORTY	IDRISH CHOWDHURY	SANTANU PARASHAR	AZIM H. LASKAR
MD. RAFIKUL ISLAM (III)	MS. MINAKSHI BHATTACHARJEE	MS. MRINALEE BHUYAN	MRS. SUNITA M. CHOWDHURY
BINODAN TALUKDAR	JYOTIRMOY PATOWARY	SWAPAN KUMAR DAS	RANJAN KR. SAIKIA
MISS MINERVA BARTHAKUR	SHEELADITYA	MS. ALPANA SAIKIA	MS. ANJU AGARWAL
MISS NITU HAWELIA	MADHURYA MAHANTA	MISS NASHREEN AHMED	MS. JULIE BEGUM
RAHUL BEZBARUAH	MISS SHEHNAZ RASUL	MISS NILAKSHI BARMAN	RUPAM SARMA
ABU NASERUDDIN AHMED	RASIDUL HUSSAIN	SAIKH MD. A. PAHLAVI	K. ENATOLI SEMA
SUMIT DAS	MISS ANJANA SINGHA	SHAH NEWAJ AHMED	JASHADHIR DAS
SANACHOWBA SINGHA	MD. ABUBAKKAR SIDDIQUE	MRS. ABHINANDITA CHAKRABARTY	KAJIMUL H. BARUAH
YUNUSH AHMED	ABDUL AWAL	MRS. NIBEDITA SARMAH	MRS. DAISY B. GOGOI
MISS RITA DEVI	SOHEL ALIM	MANASH HALOI	UJJWAL KR. DAS
N. ANIX SINGH	JAHID M. A. CHOWDHURY	MISS SUSMITA KANUNGOE	DIGANTA SARMA
BANDAN KR. KAR	MISS JULFIYA BEGUM	MS. TEENA SHARMA	PARTHIV K. GOSWAMI
BIKRAM MALAKAR	MD. HOSNUL HOQUE	MS. MANISHA SARMAH	MS. PRITI REKHA BARUAH
LALIT KR. MINDA	TRIDIB BAIDYA	MISS BIJU RANI KALITA	MRS. CHINOO ROY SARKAR
MD. FAJLEY K.R. AHMED	SANTANU KR. SARKAR	MISS BARASHA DAS	MS. USHA DAS
AMZAD HUSSAIN	PRASANTA S. DEKA	SAMUDRAGUPTA DUTTA	MS. BIJITA SARMA
PHANINDRA KALITA	MS. BINITA SWARGIARY	MISS KABITA GOSWAMI	MD. SHAFIQUE KHAN
JITEN PAYENG	MISS SNIGDHA DAS	RAJEEB KALITA	SAMEER AHMED
MS. KABERI DEKA	ATANU GANGULY	TRIDEEP BARUAH	BIKASH JAIN
PRADIP KR. KALITA (II)	BHARGAV SARMA	MS. AFSANA IRFAN	MS. QUEEN DUTTA
SANTANU BORA	TALAT H. HAZARIKA	MRS. DIKSHA H. BAROWA	AJIT BORGOHAIN
KARABI KALITA	DIPAYAN DUTTA	MS. TRIPTI PATOWARY	MS. PRITI BORDOLOI HAZARIKA
MISS MANIKA CHOWDHURY	GHANASHYAM DAS	KRISHNA KT. DAS	GOBINDA CH. NATH
MISS RUMA DAS	NAYANJYOTI MEDHI	NAYAN MONI HAZARIKA	MD. SURAJ UDDIN AHMED
RAFIQUL ISLAM (IV)	MS. MOON MOON LASKAR	ZAKIR HUSSAIN (II)	BABUL KUMAR BATTACHARJEE
MASTER SHELIM	DILIP DEY	ABDUS S. AKAND	ASHINA DEVI KALITA
MRS. SUNITI KALITA	MANOJ KR. SARMA (II)	MRS. SABINA YESMIN (II)	UDITA BARMAN MANDAL
MD. NEKIBUDDIN AHMED	MRS. JENNIFER ZAMAN	MRIDUL MAHANTA	RAMA SHANKAR THAKUR
RAJIB BORPUJARI	GURVINDER SINGH SODHI	MRS. SONGITA MAHANTA	RUPJYOTI BARUAH
DIGANTA BARMAN	MD. GIASH UDDIN	ABDUL GONI	PANKAJ SARMA
SAMIR DA	MS. JULIANA RAHMAN	TILAK R. SARMA	MILAN KUMAR NEOG
ABDUL HASHEM KHANDAKER	MUSTAKIM RAHMAN	MD. BAHARUL ISLAM (II)	MS. LUCY LAGACHU
DR. TILOK DASGUPTA	PRANJAL BORTHAKUR	MOHENDRA DEKA	MS. PANKHI BORAH
ASHIM KUAMR BARUAH	BIPUL KR. DAS	MRS. B. DAS SARKAR	DIBYAJYOTI HAZARIKA
SANJAY SINGH	ASHOK KR. BORAH (2)	JONE KR. SENAPATI	SAMRAT SAHA ROY
PRATIM KR. CHAKRABORTY	MISS PALLAVI TALUKDAR	IFTIQUER RAFIQUE	DILIP BASUMATARY
MOHD. INAM UDDIN	INDRAJEET SHARMA	I. A. SHEIKH	SYED ABDUL MUSSABIR
NEELOTPAL DEKA	SUKUMAR SARMA	MISS ELAKSHI DEKA	LAL MAHMUDUR RAHMAN
MS. RUBINA SULTANA	NAYAN JT. SARMA	MD. ABDUL A. ALAMGIR	BIKAS PRASAD
PARSWAJYOTI DAS NAIR	RITE BARNA DEKA	KAMAL K. GOSWAMI	MS. PALLAVI SHARMA
MS. AYESHA SIDDIKA	MS. MOMITA BARAH	BHASKAR JT. DAS	PRANAB BORAH (II)
MS. BHARATI MUKHERJEE	MISS LIPIKA DEVI	BIBEKA NANDA GOGOI	MANAS PRATIM HAZARIKA
MS. MALABIKA P. GOGOI	RITURAJ BISWAS	DHRUBOJYOTI CHAKRABORTY	MS. MONA MALLIK
SRAVAN KR. TALUKDAR	MISS SEEMA CHAKRAVORTY	MS. ARUNDHUTI BARUAH	RAJASRSHI MALLA DEKA
HIFZUL I. CHOWDHURY	SATYAJIT K. S. THAKUR	ARUNANGSHU DHAR	MRS. NIKITA BAROOAH
SUSHANTA DAS	DR. MATIUR RAHMAN	MS. SHABANA A. CHOWDHURY	BIDHAN DAS
AMIT JALLAN	MRS. P. DUTTA BUJARBARUAH	TAPAN RANJAN DEURI	MANORANJAN DEKA
ISTIAQUE ALAM	AMAL KALITA	MANOJ KR. SARMA (III)	KAUSIK PATHAK
RAJIB CHAKRAVORTY	MS. MANJU AGARWALA	MRIDUPAWAN GOSWAMI	RANJAN SARMA
LASHMI N. DIHINGIA	MOBARQUE HUSSAIN	AMLAN SARMA	SANTANU PRASAD DAS
RAKESH DUBEY	PURBADRI BANERJEE	MS. MADHURIMA DUTTA	GAURAV KHANDELIA
DEVJYOTI CHOWDHURY	MRS. C. BARUAH TALUKDAR	AMIT GOYAL	MISS AMRITA RAKHRA
PRIYANKU SUNDI	ZAKIR HUSSAIN	DEBASISH SINGHA	MS. ANZITA SAIKIA
SUBRATA NATH (II)	MAZHARUL ISLAM	YADAV P. DAS	ABHIJIT SAIKIA
MISS GITY KALITA	MRIDUL KR. BORAH	JAGAT CH. BORAH	DIBYAJYOTI BARUAH
ROSHAN MALOO (JAIN)	MRS. NANDITA NATH	ANGSHUMAN SARMA	

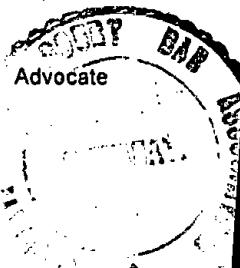
Received from the executant,
satisfied and accepted

Monmy De
Advocate

Mr/Ms..... will lead
me/us in the case

Guramani Sarma
Advocate

And Accepted



And Accepted

And Accepted

Advocate

25/7/07

To

The Central Govt Standing Council
CAT, Guwahati

Su:- OA 107 Trilok Chakraborty vs. Union of India

Sir

Please find enclosed a copy of the original application.

The receipt may kindly be acknowledged.

Thanking you

RECEIVED Copy

Amman-Singh
Lily

Trilok Chakraborty
24.07.07

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MEMORANDUM OF APPEARANCE

Date : 1/8/07.....

To,

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

IN THE MATTER OF

O.A. No. 199 of 2007

Tinku Chakravorty

----- 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. 1 in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.

1/8/07

(Motin Uddin Ahmed)
Addl. C.G.S.C.



0075

0075
Sl. No.
• District:-
Deray G. N. Manager (P.S.A)
OIC General Manager Telecom
BSNL
0075

51

0075

Sl. No.

• District:-

VAKALATNAMA IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,
MIZORAM AND ARUNACHAL PRADESH)

OA No. 199 of 2007

Smti Tinku Chakraborty

Appellant
Petitioner

Versus

Union of India & others Respondent
Opposite party

Know all men by these presents that above named Smti D. Giri, DGM, BSNL do hereby nominate, constitute and appoint Shri/ Smti R. Debnath and Smti Shashma Thakuri Advocate Advocate and such of the under mentioned Advocate/ Advocates as shall this accept Vakalatnama to be my/our true and lawful Advocate to appear and act/ plead for me/us in the matter noted above and in all Miscellaneous and interlocutory matters in connection therewith including review and execution of decree or order, if any, and compromise and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deed of composition etc. for me/ us and on my/ours behalf and I/we agree to ratify and confirm all acts so done by the said Advocate/Advocates as mine/ours to all intents and purposes. In case of non payment of the stipulated fee in full, no Advocate/Advocates as mine/ours to all intents and purposes. In case of non payment of the stipulated fee in full, no Advocate will be bound to appear or act or to do such act for which he is so authorised.

In witness where I/We here unto set my/our hand this 31st day of August 2007

1. Shri. G. S. Massar (Sr. Adv)
2. Shri. S. R. Sen (Sr. Adv)
3. Shri K. S. Kynjing (Sr. Adv)
4. Shri V. K. Jindal (Sr. Adv)
5. Shri B. N. Dutta (Sr. Adv)
6. Shri B. P. Dutta (Sr. Adv)
7. Shri R. P. Sharma (Sr. Adv)
8. Shri A. K. Phookan (Sr. Adv)
9. Shri B. B. Nazary (Sr. Adv)
10. Shri Anil Sharma (Sr. Adv)
11. Shri Nilayanda Dutta (Sr. Adv)
12. Shri S. P. Mahanta
13. Shri Ranjit Kar
14. Smti Tshering Yangi Bhotiani
15. Smti Minati Sarma
16. Shri H. S. Thangkhiew
17. Shri Themis T. Diengdoh
18. Smti Anuradha Paul
19. Shri Subhasis Chakravarty
20. Shri Abdul Samad Siddiqui
21. Shri Heletson Nongkhaw
22. Smti P. D. B. Baruah
23. Shri Chandra Prasad Upadhyaya
24. Shri Krishna Sunar
25. Shri Lohit Ranjan Das
26. Shri Subash Chandra Shyam
27. Shri Biswadeep Bhattacharjee
28. Shri Dilip Kumar Thapa
29. Shri Ranabir Chowdhury
30. Shri B. K. Deb Roy
31. Shri W. H. D. Syngkon
32. Shri Paritosh Dey
33. Shri Tabris Jalal Ahmed
34. Shri Noor Muhammad Mansuri
35. Md. Khalid Khan
36. Smti Deeya Singh Rathore
37. Ms Debjani Das Purkayastha
38. Shri Chandramani Adhikari
39. Shri Subir Sen
40. Shri N. Diles Chullai
41. Shri Raghvendra Jha
42. Shri Anil Kumar Agarwal
43. Smti Mona Wahlang
44. Shri P. K. Borah
45. Shri Rakhal Deb Nath
46. Shri Kordor Marbaniang
47. Shri Sandeep Kumar Jindal
48. Shri Biru Bir Mizar
49. Shri Hridesh Ranjan Nath
50. Miss Dil Nasin Rahman

51. Shri Thomas Diengdoh
52. Shri S. K. Deb Purkayastha
53. Shri Subhrangshu S. Das
54. Shri Kaustav Paul
55. Shri Sentilong Changkija
56. Shri H. Abraham
57. Shri Lesley Khyriem
58. Smti Sima Bhattacherjee
59. Smti Rita Choudhury (Dey)
60. Shri T. B. Chetri
61. Smti B. M. Joshi
62. Smti Ritu Limbu
63. Miss Sujata Chamaria
64. Smti Anindita Yadav Sarki
65. Shri Edmund C. Suja
66. Shri A. H. Hazarika
67. Dr. B. Datta Ray
68. Shri S. S. Dey
69. Shri Hubert Kharmih
70. Shri Pyllang Nongbri
71. Md. Aftab Alam Khan
72. Shri David Ch. Sangma
73. Shri Shiv Prasad Sharma
74. Shri M. F. Qureshi
75. Shri Lemondee Lyngdoh
76. Shri Ehboklang Kharumnuid
77. Shri Projend D. Sangma
78. Shri J. I. Borbuiya
79. Shri kesav Ch. Gautam
80. Shri Arun Mukherjee
81. Smti Manisha Jha
82. Smti Evalarisha Rynjah
83. Shri Raj Bahadur Pradhan
84. Shri Sunday Morning Suna
85. Smti Sujata Gurung
86. Shri Rabi Gurung
87. Shri Nitesh Mozika
88. Dr. Tiloc Das Gupta
89. Smti Sarita Jha
90. Smti Lahun Lyngkhoi
91. Shri Kiron Barua
92. Smti Lalmaun Kimi Khiangte
93. Shri Diganta Das
94. Smti Sumitra Sarma
95. Shri H. Moonlight Dkhar
96. Ms Kerpa Meida Lyngdoh
97. Shri Thongam Rakesh Singh
98. Shri Pangachow Luikham
99. Smti Bathsheba G. Pyngrope
100. Shri S. Tipsngi Laso
101. Shri Noor Ain Khan
102. Smti Sanchita A. Pandit
103. Shri Sibasis Sen
104. Ms Nellysa F. Kharshiing
105. Smti Ranee M. Kharsyntiew
106. Smti Rebina Subba
107. Smti Swapna G. Momin
108. Miss Sunita Sinha
109. Miss Binupama Rajkhowa
110. Shri V. K. Kynta
111. Smti J. B. Kharbhih
112. Shri Mohon Massar Diergdoch
113. Miss Nakilin Giri Shylla
114. Smti Badonnam Hynniewta
115. Shri Biplab Kumar Das
116. Miss Satrupa Bhattacharjee
117. Smti Chancymai Syngkon
118. Shri Shngain Lang Wahlang
119. Shri Synroplang Syngkon
120. Miss Moumita Das
121. Shri A. N. Diengdoh
122. Miss Gardenia Shallam
123. Shri N. R. Laitphlang
124. Shri Kamal Kumar Gupta
125. Shri Parikshit Paul
126. Smti Natalie lone Dkhar
127. Smti Praveen Ahmed
128. Smti Bratati Deb Roy
129. Smti Pynhunlang Wanshnong
130. Shri Diwan Nongrum.

131. Smti Sushma Thakuri

Received from the excutant.
Satisfied and accepted.

Shri/Smti will lead
Me/us in the case.

And Accepted

2) S. Jhamui

Advocate

Advocate

Advocate