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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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O.A./T.A No. OA 201/2007

R.A./C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Sahita
06.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
ORDERS SHEET

1. Original Application No. 201/07
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Preadip Kr. Das -VS- Union of India & Ors

Advocate for the Applicants:- J. Roy; P.C. Das, R.B. Deka, M. Sankar

Advocate for the Respondants:- CASE.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C F. for Rs. 50/- deposited vide P/B No. <u>346.655907</u> Dated <u>26.7.07</u>	<u>30.7.07.</u>	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of: No costs.

Registred

lm

Vice-Chairman

Petitioner's copy for issuing
notices are received
with envelopes.

Bm

9/8/07

C. copy of the order
collected by Mr. L/Adv.
for the applicant on 3.8.07
and a copy of the same
handed over to the L/Adv.
for Rly.

HS

B
For Rly

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A. No 201 of 2007)

DATE OF DECISION 30.7.2007.

Mr. Pradip Kumar Das

APPLICANT/S

Mr J.Roy, R.C.Das, R.D. Deka, M.Sarkar.,
ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Dr J.L.Sarkar, Railway counsel

**ADVOCATE FOR THE
RESPONDENT(S)**

CORAM

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

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches?
4. Whether their Lordships wish to see the fair copy of the Judgment?

Judgment delivered by Hon'ble Vice-Chairman

1/8/07

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.201 of 2007

Date of Order: This, the 30th Day of July, 2007.

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

Sri Pradip Kumar Das,
Son of Late Katia Das,
R/O. Rly.Qtr. No.117L/Type-II
NGC Bamunimaidan,
Guwahati-23, Kamrup, Assam.

.....Applicant

By Advocates Mr.J.Roy, R.C.Das, Mr.R.B.Deka, Mr.M.Sarkar

- Versus-

1. The Union of India,
Represented by the Secretary,
Railway Board, Ministry of Railway,
New Delhi-110001.

2. General Manager, N.F.Railway,
Maligaon, Guwahati-11.
Kamrup, Assam

3. CAM/GHY (Chief Area Manager)
N.F.Railway, Guwahati.

4. DPO/GHY (Divisional Personal Officer)
N.F.Railway, Guwahati

5. Senior Coaching Depot Officer/GHY,
N.F.Railway, Guwahati.

...Respondents

By Advocate Dr.J.L.Sarkar, Railway counsel

ORDER (ORAL)

K.V.SACHIDANANDAN, V.C:

The applicant is working in the post of CF/Gr. I under SSE/C&W/NGC, N.F.Railway at administration NGC, Guwahati-23. The applicant is residing in Railway quarter bearing No.117L/Type-II at Bamunimaidam. According to the applicant, he is residing in the said quarter with effect from 26.12.2000. The applicant has received an office Memorandum dated 09.05.2007 issued by the Divisional Personal

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Officer, whereby it was intimated that the applicant is in unauthorized occupation of the quarter since the quarter allotted to him was found subletted and directed for recovery of damaged rent from regular salary from May, 2007. The applicant stated that vide order dated 02.09.2005 (Annexure A) the Respondent informed him that staff quarter, allotted to him and shown in the list as per survey Committee's report, has been handed over to private party in violation of provisions of Rule 3.1 (III) and 15(A) of Railway Service (Conduct) Rules, 1966. The applicant has submitted representation dated 05.09.2005 (Annexure C) before the respondent No.5. But no action was taken by the respondents to dispose of the representation. Being aggrieved the applicant has filed this O.A. seeking the following reliefs.

- (1) to set aside and quashed the cancellation of Rly ,Qtr. Allotment order dated 02.09.2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) Annexure A.
- (2) To set aside and quashed the office memorandum date 09.05.2007 issued by the Divisional Personal Office, Guwahati) Annexure-D."

2. I have heard Mr. R. C. Das, learned counsel for the applicant and Dr.J.L.Sarkar learned Standing Railway counsel for the respondents. When the matter came up for consideration, learned counsel for the applicant submitted that the Respondents have passed the impugned orders in total violation of principles of natural justice. He further submitted that neither any notice was issued to him at any point of time nor any opportunity was given to him to explain his case. He further submitted that he will be satisfied if direction is given to the Respondents to consider and dispose of his representation within the time frame. Counsel for the Respondents has submitted that he has no objection if

such direction is given. Accordingly, the interest of justice, this Court directs the applicant to make a comprehensive representation to the 2nd respondent within two weeks from the date of receipt of this order and on receipt of such representation, the said authority or any other competent authority shall consider and dispose of the same alongwith the earlier representation and pass appropriate orders on merit communicating the same to the applicant within a period of three months thereafter. If requested, applicant shall be given a personal hearing. However, till disposal of the representation, Respondents are directed to keep the impugned order dated 09.05.2007 (Annexure- C) in abeyance.

The Original Application is disposed of as above at the admission stage itself. There shall, however, be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

OA (in 2+5 sets) 27/7/07 1002 Envelopes filed & today by Sh. R.C. Das, Advocate. Total posted on 30.7.07

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 JUL 2007
गुवाहाटी बेंच
Guwahati Bench

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATION TRIBUNAL
GAUHAATI BENCH, GUWAHATI**

(An application U/S.19 of the Administration Tribunal Act, 1985)

O.A. No. 201 /2007

SRI PRADIP KUMAR DAS

.....APPLICANT

- VERSUS -

THE UNION OF INDIA & ORS.

.....RESPONDENTS

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Filed By -

Advocate

Contd.../-

27 JUL 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATION TRIBUNAL
GAUHATI BENCH, GUWAHATI**

(An application U/S.19 of the Administration Tribunal
Act, 1985)

O.A. No. 201 /2007

SRI PRADIP KUMAR DAS

.....PETITIONER

-VERSUS-

THE UNION OF INDIA & ORS.

.....RESPONDENTS

SYNOPSIS

The applicant is an employee under the N.F. Railway, as a post of CF/Gr.I under SSE/C&W/NGC, at administration NGC, Guwahati-23. The applicant is residing Railway quarter bearing No.117L/Type-II at Bamunimaidan, along with family since on 26-12-2000. The gross pay of the applicant is Rs.10,993/-, however after deduction, the applicant receives a net pay of Rs.7,078/- per month. The applicant was shocked to receive a copy of the Memorandum on 09-05-2007 issued by Divisional Personal Officer (Respondent No.4) whereby it was intimated that he is in unauthorized occupation of the quarter since the allotted him has been found subletted and directed for recovery of damaged rent from regular salary bill from the month of May 2007 along with arrear and cancelled the allotment of the applicant and termed the same as unauthorised occupation.

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It is stated that the respondent authorities vide cancellation Qtr. allotment order dated 02-09-2005 informed the applicant that staff quarter allotted to him and shown in the list as per survey committee's report the same has been handed over to private party in violation of provision of Rule 3.1(III) and 15(A) of Railway Service (conduct) Rules, 1966. Against the said office order, the applicant filed a representation dated 05-09-2005 before the Respondent No.5 (Annexure-C). Stating the actual facts that the quarter was never sublet to any person or individual and required the authorities to enquire the matter again. However, till 09-05-2007 no action was taken to dispose of the representation nor any further committee was made till the receipt of Memorandum on 09-05-2007. As such the instant original application seeking for appropriate relief.

Hence this instant application.

Filed by -



Advocate

Contd.../-

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATION TRIBUNAL
GAUHATI BENCH, GUWAHATI**

(An application U/S.19 of the Administration Tribunal
Act, 1985)

O.A. No. 201 /2007

SRI PRADIP KUMAR DAS

.....PETITIONER

- VERSUS -

THE UNION OF INDIA & ORS.

.....RESPONDENTS

LIST OF DATES

1	02-09-2005	The applicant received the cancellation Order, which one issued by Respondent No.5.
2	09-05-2007	Office Memorandum issued by Respondent No.4.
3	05-09-2005	A representation filed by the applicant to the Respondent No.5.
4	25-08-2005	Suspension Order dated 25-08-2005 to 07-09-2005.
5	26-12-2000	Allotted the Railway Quarter.
6	09-05-2007	Damaged rent.
7	30-04-2007 & 30-05-2007	Last month slip in the month of April-May/2007.
8	June / July, 2007	Current Pay Slip in the Month of June, July, 2007.
9	14-06-2007	Order passed by Hon'ble Mr. K.V. SACHIDANANDAN Vice Chairman, of this Hon'ble C.A.T., Guwahati Bench.

Filed By -

Advocate

Contd.../-

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATION TRIBUNAL
GAUHATI BENCH, GUWAHATI**

(An application U/S.19 of the Administration Tribunal
Act, 1985)

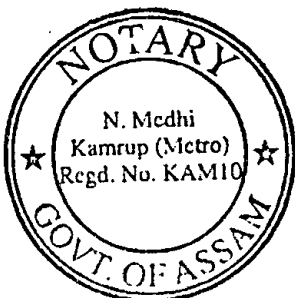
O.A. No. /2007

I. PARTICULARS OF THE APPLICANT: -

Sri Pradip Kumar Das,
Son of Late Katia Das,
R/O. Rly. Qtr. No.117L/ Type-II NGC Bamunimaidan,
Guwahati-23, Kamrup, Assam.

II. PARTICULARS OF RESPONDENTS: -

1. The Union of India,
Represented by the Secretary,
Railway Board, Ministry of Railway,
New Delhi-110001.
2. General Manager, N.F. Railway,
Maligaon, Guwahati-11, Kamrup, Assam. ✓
3. CAM / GHY (Chief Area Manager),
N.F. Railway, Guwahati.
4. DPO/GHY (Divisional Personal Officer) N.F.
Railway, Guwahati.
5. Senior Coaching Depot Officer/GHY,
N.F. Railway, Guwahati.



N. Medhi
26-7-07
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Advocate / Notary

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Filed by the applicant -
Pradip K. Das
Through. R.C. Das. Advocates
26/7/07

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

The application is presented against the impugned cancellation of Rly. Qtr. allotment order No.GHY/CDO/Qrs/C&W dated 02-09-2005, issued by Respondent No.5 as (Sr. Coaching Dept. Officer, Guwahati.

- AND -

Impugned Memorandum dated 09-05-2007, issued by Divisional Personal Officer (Respondent No.4).

IV. **JURISDICTION OF THE TRIBUNAL: -**

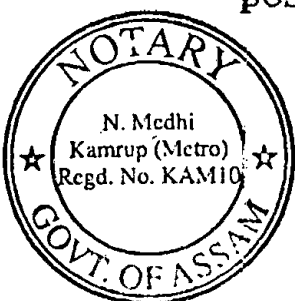
The applicant declares that the subject matter of the present application is within the jurisdiction of this Hon'ble Tribunal.

V. **LIMITATION: -**

The application declares that the application is within the period of Limitation under Section 21 of the Administration Tribunal, 1985.

VI. **FACTS OF THE CASE: -**

1. That the applicant is a Citizen of India and a resident of abovementioned locality, in the district of Kamrup, Assam and as such the applicant is entitled to all rights, privileges and liberties guaranteed to the Citizen under the Part-III of the Constitution of India and laws framed there under.
2. That the applicant is an employee engaged with the Deptt. of N.F. Railway, as a post of CF/Grade-I under SSE/C&W/NGC. The applicant is presently posted at Administration/NGC, and as such he is



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Advocate / Notary

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residing in the official allotted Railway quarter, located at New Guwahati Railway Colony. Since the date w.e.f. 26-12-2000.

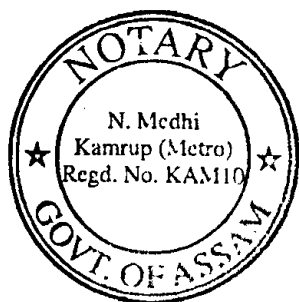
Pradip Kr. Das -
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3. That it is stated that before issue of Memorandum dated 09-05-2007 the respondent No.5, issued cancellation order No.GHY/CDO/GEN/Qrs/C & W dated 02-09-2005 under Rule 3.1(III) and 15 A of Railway Service (Conduct) Rule 1966, thereby issuing a direction for cancellation of the allotment order of the Rly. Qrs. But the applicant has been staying since the said allotted Rly. Qtr. till today with all family members.

A copy of the cancellation of Rly. Allotment order No.GHY/CDO/GEN/Qrs/C & W dated 02-09-2005 issued by the Respondent No.5 is annexed and herewith marked as ANNEXURE - A.

4. That your humble applicant was suspension w.e.f. 25-08-2005 to 07-09-2005, due to sublated the Rly. Qtr. But it is pertinent to state that the applicant never sublated the said Rly. Qtr. to any private person. The authority uttered in provide to Rule 5 of the RS (D&S) Rules, 1968, in exercise of the powers conferred by Rule 4/provide to Rule(51) of the (D&A) Rules, 1968, hereby places the said Sri Pradip Kr. Das (Applicant) (CF/Gr.1) under suspension w.e.f. 25-08-2005 whereas only 13 days suspension and had deduct from the regular salary near about sum of Rs.4,000/- plus in the months of July/August, 2005.

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Advocate / Notary

A photocopy of the suspension order w.e.f. 25-08-2005 is annexed herewith and marked as ANNEXURE - B.

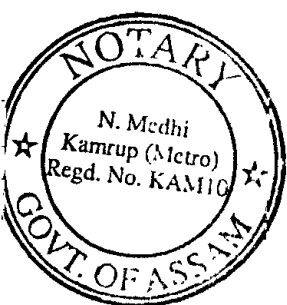
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5. That your humble applicant immediately thereafter in response to the cancellation of Rly. Allotment Qtr. order dated 02-09-2005, furnished a representation before the Respondent No.5 for revocation of the quarter cancellation order dated 02-09-2005. Further a request was also made to conduct an enquiry as to the veracity of the survey committee report, whereupon, it was alleged that quarter allotted in the name of the applicant was subletted. The said representation was duly received by the Respondent No.5 under office seal on 05-09-2005.

A photocopy of the representation furnished by the applicant to the Respondent No.5, is annexed and marked as ANNEXURE - C.

6. That it is stated that on 09-05-2007 to the utter surprise of the applicant, your applicant received a copy of the official memorandum bearing No.E/APO/I/Survey of Qrs./GHY, issued by Respondent No.4 with the approval of Respondent No.3, whereby a direction was issued for recovery of the Qrs. Damage rent at the prescribed rate to be fixed by the Rly. Board from the regular Salary Bill of the petitioner w.e.f. May, 2007. In this connection it is stated that the said memorandum was issued alleging inter-alia that during survey of quarter

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Advocate / Notary

by the Survey Committee constituted by the administration, some quarters including that of the petitioner as shown in the attached statement enclosed in the memorandum dated 09-05-2007 were found subletted and as such the allotment order of the quarter which stood in the name of the applicant and other similarly situated persons were cancelled by the allotting authority.

A photocopy of the office memorandum No.E/APO/1/Survey of Qrs/GHY dated 09-05-2007 issued by Respondent No.4 is annexed herewith and marked as ANNEXURE - D.

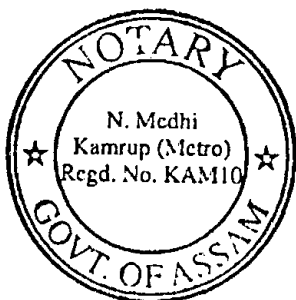
7. That the applicant has allotted N.F. railway Quater vide bearing No.117L/Type-II at NGC, Bamunimaidan, Guwahati-23, on vacant by Sri M.S. Basumatary, dated 26-12-2000. The applicant has been residing the same quarter since from the date of allotment till today.

A copy of the Quater allotment order dated 26-12-2000 is annexed herewith and marked as ANNEXURE - E.

8. That the applicant states that the total damaged rent has been calculated at Rs.1,71,015/- which has been proposed to recover from the applicant from the month of May, 2007.

A copy of the office calculated quarter damaged rent is annexed herewith and marked as ANNEXURE - F.

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Advocate / Notary

Pradip kr. Das
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9. That the applicant submits that the petitioner is a bonafide service holder engaged with the Deptt. Of Railway, N.F. section in the post of CF/Gr-I, it is stated that the Gross pay of the applicant is Rs.10,993/-, after, other deduction the applicant receives a net pay of Rs.7,078/- per month. The applicant craves leave of this Hon'ble Court to produce copies of the pay slip of the applicant in support of the statements made in the instant paragraph at the time of hearing of the instant case for a fair adjudication of the instant matter.

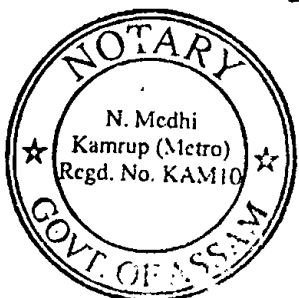
A copy of the last month pay slip is annexed herewith and marked as ANNEXURE - G.

10. That the applicant begs to submits that the the respondent authorities has already deduct the sum of Rs.5,828/- due to damage rent of Rly. Qtr. of the applicant. And the applicant now withdraw the net pay on sum of Rs.1,368/-. It is unnecessary harassment to the applicant, where the applicant never sublet his Rly. Qtr. to any private person.

A copy of the current pay slip in the month of June, July 2007 is annexed herewith and marked as ANNEXURE - H.

11. That your humble applicant respectfully submitted that a similar order passed from this Hon'ble Tribunal on 14th June 2007 and the mention original Application No.151/2007 (Sri Jogeswar Das - VS -

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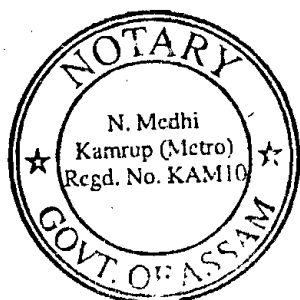


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N. MEDHI
Advocate / Notary

The Union of India & Ors) and serial No.92 of office records probably at Central Administrative Tribunal, Guwahati Bench, Guwahati-05.

A photocopy of similar order passed by Hon'ble Mr. K.V. SACHIDANANDAN, Vice Chairman, of this Hon'ble C.A.T., Guwahati Bench, dated 14-06-2007, the vide O.A.No.151/07 (Sri Jogeswar Das - VS - The Union of India & Ors) is annexed herewith and marked as ANNEXURE - I.

12. That the applicant respectfully states that he has been residing in railway allotted quarter since the date of his allotment i.e. w.e.f. 26-12-2002 to till date. The applicant states that on the day of survey, the applicant was discharging his official obligation, whereas his mother, wife and children was away in the Native Land in Nagaon for a occasion due to "Marriage Function" and no member left in the applicant said railway quarter, whereas the applicant was duty in harness, so the applicant said railway quarter was locked at that point of time. When the survey committee's or respondent authorities was visit the said railway quarter, which resulted the instant impugned action on the part of the railway authorities. As such the Survey Committee in a most mechanical manner and with a total non application of mind, submitted their report so far the applicant is concerned that the quarter in question was subletted without even considering it proper to enquire about the actual



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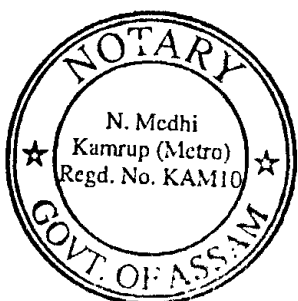
Yogeshwar Das
17

facts from the petitioner, or from neighbour by waiting them or by calling them. The survey committee should asked to the neighbour people of railway quarter, why the quarter was locked. So the survey committee was submitted wrong information to the respondent authorities or railway department.

13. That it is respectfully submitted that the petitioner is residing in the quarter with mother, wife and 2 children who an school going and as such, if the impugned action is given into effect, then great prejudice will be caused to the petitioner.

VII. GROUND FOR RELIEF WITH LEGAL PROVISION: -

1. For that the cancellation of Rly. Qtr. allotment order No.GHY/CDO/GEN/Qrs/C & W dated 02-09-2005 issued by Respondent No.5 (Senior Coaching Dept. Officer) Guwahati and the Office Memorandum No.E/APO/1/Survey of Qrs/GHY dated 09-05-2007 issued by Respondent No.4 (Divisional personal Officer) N.F. Railway, Guwahati, is violative of the natural justice.
2. For that the applicant states that the impugned office order / memorandum passed by the authorities is violative of applicants fundamental right as envisaged under Article 14 and 19 of the Constitution of India.
3. For that the applicant states that after filing of representation dated 05-09-2005 the applicant was under bonafide belief that the respondent



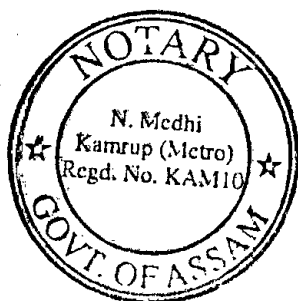
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authorities will consider his case and will pass appropriate orders. However he was shocked and surprised to received memorandum dated 09-05-2007, in this regard it is stated that inspite of representation and request the applicant was not informed as to whether any action was taken until he received memorandum dated 09-05-2007.

4. For that the entire action of the respondents being violative of the equity and administration fair-play of the applicant.
5. For that the impugned action of the respondents in issuing memorandum dated 09-05-2007 and cancellation of Rly. Qtr. allotted order dated 02-09-2005 without following the proper procedure is arbitrary and unjustified. Therefore, the impugned action of the respondent authority is liable to be interfered with under its writ original application.
6. That under the facts and circumstances as have been narrated above, Your Petitioner has a strong prima facie case in his favour. Further, the petitioner shall suffer irreparable loss and injury if reasonable opportunity is not given to the applicant to place his case. Therefore, it is a fit case wherein this Hon'ble Tribunal may be pleased to issue appropriate interim directions to protect the interest of the applicant thereby setting aside the order dated 02-09-2005, 09-05-2007. (Annexure - A & D) respectively.



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Advocate / Notary

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7. For that the applicant craves leaves to urge such further grounds in support of the present applicant at the time of hearing which may be considered relevant and necessary.
8. For that in any view of the matter, the impugned order is wholly untenable in law as well as on facts and the same is as such liable to be appropriately interfered with by this Hon'ble Tribunal.

VIII. **DETAILS OF THE REMEDIES EXHAUSTED:** -

The applicant declares that he has exhausted all the remedies available to him and there is no other alternative remedy available to him.

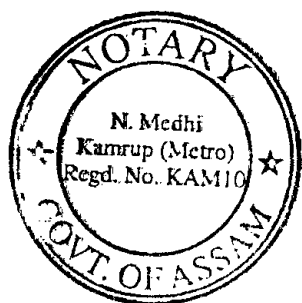
IX. **MATTER NOT PENDING WITH ANY OTHER COURT:** -


The applicant declares that there is no case pending before any other Court / Tribunal.

X. **RELIEF SOUGHT:** -

Under the circumstances, the applicant therefore prays for the following reliefs: -

- (1) to set aside and quashed the cancellation of Rly. Qtr. allotment order dated 02-09-2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) ANNEXURE - A.
- (2) to set aside and quashed the office memorandum dated 09-05-2007 issued by Divisional Personal Officer, Guwahati) ANNEXURE - D.




N. MEDHI
Advocate / Notary

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Pradip K. Das - 20

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(3) pass any such order/orders as may deemed fit and proper.

XI. INTERIM ORDER PRAYER FOR: -

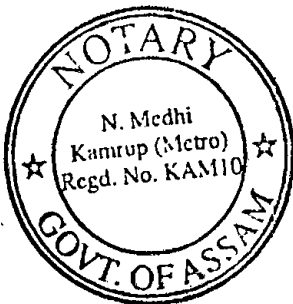
There is no interim prayer of the applicant.

XII. PARTICULARS OF THE POSTAL ORDER: -

Indian Postal Order No.: 346 655907
Date : 26.7.07
Issuing Office : G.P.O.
Payable at : A.P.O.

XIII. LIST OF ENCLOSURES: -

As index showing the particulars of documents is enclosed.



N
N MEDHI
Advocate / Notary

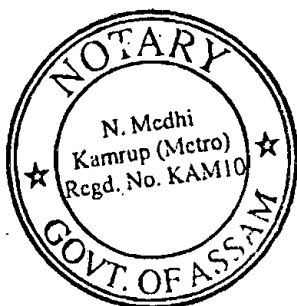
Contd.../-

Proclip for Das -
21

VERIFICATION

I, Sri Pradip Kr. Das, Son of Late Katia Das, aged about 54 years, R/O. Rly. Qtr. No.117L/ Type-II NGC Bamunimaidan, Guwahati-23, Kamrup, Assam, do hereby solemnly affirm and my knowledge and belief I verify the above statement made there of and sign it at Guwahati.

Verified on 26th day of July' 2007 at Guwahati.



N. Medhi
26-7-07
N MEDHI
Advocate / Notary

Pradip Kr. Das

26/7/07

Contd.../-



-13-

Annexure A
7881336

N.E. RAILWAY.

Office of the
Sr. Coaching Depot Officer,
Guwahati, Dt. 02.09./2005

No. GHY/CDO/GEN/Qrs/C&W

To
✓ Sri Pradip Kr. Das
Tech/Gr-I
Under SSE/C&W/NGC.
Through ADME/NGC.

Sub-Cancellation of allotment order of Qrs. No. 117/L Type-II at NGC.

Ref- Survey Committee's report endorsed by APO/GHY vide his letter
No. E/1/ APO/GHY/Survey of Qrs dated 19.08.05

Railway quarters No. . 117/L Type-II at NGC. was allotted in favour of you for your residential purpose. But during survey by the survey committee it has been found that instead of residing yourself in the quarters you have subletted the quarters to a private party. Thus you have committed a serious misconduct violating the provision of Rule.3.1 (iii) and 15 A of Railway Service (Conduct) Rule.1966.

Hence your allotment of the Quarters No. . 117/L Type-II at NGC is being cancelled with immediate effect

You are advised to vacate the quarters and handed over the quarters to the new allottee immediately. Further allotment order of this quarters is to be followed.


Sr. CDO/GHY

Copy to :-

1. CAM/GHY for kind information.
2. DGM/G/MLG- For information please.
3. APO/GHY -for information and necessary action please.
4. ADME/NGC - for information and necessary action please.
5. SSE/Works/NGC - For information and necessary action
6. SSE/Elec/NGC- for information and necessary action.
7. SSE/C&W/NGC- for information and necessary action.


Sr. CDO/GHY

Noted to be true Copy



निलम्बन आदेश का मानक फार्म
Standard form of order of suspension

(रे. क. (अनु. ए. व. अ.) नियम 1968 का नियम 5 (1)
(Rule 5 (1) of the RS (D & A) Rules 1968)

सं./No. AME/NGC/DA/11-11/3

(रेल प्रशासन का नाम)

(Name of Railway Administration) N.F. Rly.

(जारी करने का स्थान)

दिनांक

(Place of issue) ADME/NGC Date 25/08/05

आदेश
ORDER

चूंकि श्री/श्रीमती

(रेल कर्मचारी का नाम तथा पदनाम) के विरुद्ध अनुशासनिक कार्यवाई
अपेक्षित/विचाराधीन है।

Whereas a disciplinary proceeding against

Shri/Smt. Pradip K. Das CF 6-I

(Name and designation of the Railway servant) is
contemplated/pending.

चूंकि श्री/श्रीमती

(रेल कर्मचारी का नाम तथा पदनाम) के विरुद्ध फौजदारी अपराध की
छानबीन, जांच आ रही है/मुकदमा चल रहा है।

Whereas a case against Shri/Smt.

(Name and designation of the
Railway servant) in respect of a criminal offence is under
investigation inquiry/trial.

अतः अब रेल कर्मचारी (अनुशासन एवं अपील) नियम, 1968 के नियम 4/(51) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
राष्ट्रपति/रेलवे बोर्ड/अधी-हस्ताक्षरी के (रेल कर्मचारी अनुशासन एवं अपील नियम, 1968 के साथ संलग्न I, II, III अनुसूचियों के अनुसार रेल
कर्मचारी को निलम्बित कर सकने वाला सक्षम प्राधिकारी)/रेल कर्मचारी (अनुशासन एवं अपील) नियम 1968 के नियम 5 के परन्तुक में
उल्लिखित किसी प्राधिकारी द्वारा, उपर्युक्त श्री/श्रीमती (.....) को एतद्वारा
दिनांक (.....) से तात्कालिक प्रभाव से निलम्बित किया जाता है।

Now, therefore the President/the Railway Board/the undersigned the authority competent to place the Railway servant
under suspension in terms of the Schedules I, II and III appended to RS (D & A) Rules, 1968)/an authority mentioned
in proviso to Rule 5 of the RS (D & S) Rules 1968, in exercise of the powers conferred by rule 4/proviso to rule (51)
of the (D & A) Rules, 1968, hereby places the said Shri/Smt. Pradip K. Das CF 6-I under
suspension with immediate effect from 25/08/05

13 days

25/8/05

certified to be true



आम्र यह भी आदेश दिया जाता है कि इस आदेश के लागू रहने के दौरान उपर्युक्त श्री/श्रीमती
प्रधिकारी की पूर्व-अनुमति प्राप्त किये बिना मुख्यालय से बाहर नहीं जायेगा/जायगी।
It is further ordered that during the period this order shall remain in force, the said Shri/Smt. Pradi p. k. r. Das
Under SSL(csw)/MCC shall not leave the head quarters without obtaining the previous permission of the
competent authority.

*(राष्ट्रपति के आदेश द्वारा उनके और उनके नाम में)
*(By order and in the name of the President)
(हस्ताक्षर/Signature).....
(नाम/Name)..... B. Bhattacharya
निलम्बित करने वाले प्राधिकारी का पदनाम
(Designation of the suspending authority)
(सचिव, रेलवे बोर्ड; जहाँ रेलवे बोर्ड की निलम्बित प्राधिकारी हो)
(Secretary, Railway Board, New Guwahati, where Railway Board is the
suspending authority).
(जहाँ राष्ट्रपति निलम्बित प्राधिकारी हो, वहाँ राष्ट्रपति की ओर से प्रमाणीकरण
हेतु संविधान के अनुच्छेद 77 (2) के अधीन प्राधिकृत अधिकारी का पदनाम)
(Designation of the officer authorised under article 77 (2) of the
constitution to authenticate order on behalf of the President,
where the President is the suspending authority).

प्रतिलिपि प्रेषित / Copy to :-

श्री/श्रीमती (निलम्बित रेल कर्मचारी का नाम तथा
पदनाम) निलम्बित के दौरान देय निर्वाह भरी से संबंधित आदेश अलग से जारी किये जायेंगे।
Shri/Smt. Pradi p. k. r. Das (Name and designation of the suspended Railway servant).
Order regarding subsistence allowance admissible to him during the period of suspension will issue separately.

जहाँ आदेश स्पष्ट: राष्ट्रपति के नाम से ही दिया जाता है।
Where the order is expressed to be made in the name of President.

C/- DRN(P)/LMG
Sd/- DM/LMG
APD/GMY
VSE(csw)/MCC

ANNEXURE - ♠ e

To,
The A.D.M.E.,
N.F. Rly./NGC,

Dated: 05-09-2005

Sub: Written Statement (WS) of defence.

Ref: Your letter No.AMF/NGC/OA/7-Pt-II/3 dated 29-08-2005.

Respected Sir,

Most humbly I beg to state the following in references to your letter no cited above.

1. That Sir, I am Sri Pradip Kr. Das working as CF/Gr-I/NGC under SSE (C&W) NGC.
2. That Sir, I have been allotted Rly. Qtr. No.117/L Type-II/NGC.
3. That Sir, vide your letter no. cited above a false allegation has been brought against me that I am subletted the Rly. Qtr. to Sri Padma Shyam, AIR (a Private Party on rent) which is concocted and baseless.
4. That Sir, in the Rly. Qtr.117 L/ Type-II, NGC, I am residing with my family.
5. That Sir, I have not sublet the Rly. Qtr. or any part thereof to any body and the charge brought against me is concocted, baseless and not based upon facts and truths.
6. That Sir, I have not violated any Rule of Railway Service (conduct) Rules 1966.
7. That Sir, I do not know any body named Sri Padma Shyam.

I therefore, request your kind Honour to exonerate me from the charge brought against me on the following grounds -

- (a) I have not sublet Rly. Qtr. or any rent thereof.
- (b) I have not violated any rule of Railway Service (conduct) Rules 1966.
- (c) The charge brought against me is concocted and baseless.

And for this act of your kindness, I shall remain grateful to you.

Thanking you Sir,

Yours Sincerely,

(Pradip Kr. Das)
CF/Gr-I (C&W)
NF Rly./NGC

Certified to be true
Advocate

Contd.../-

To, The ADME,

Dated 05-09-05.

N. F. Ry / MLC

Sub: Written Statement (WS) of defence.

Ref: your W NO. AMB/NR/DA/2-PT II/3

dt: 29.08.05.

Respected Sir,

Most humbly I beg to state the following in reference to your letter no cited above.

1. That sir, I am Sri Pradip Kr. Das working as CF (Gr-I/MLC under SS & Ctr) MLC.
2. That sir, I have been allotted Ry. Qtr. No. 117/L, type II / MLC.
3. That sir, vide your letter no. cited above a ~~false~~ allegation has been brought against me that I am subletting the Ry. Qtr. to Sri Padma Shyam, AIR (a private party on rent) which is concocted and baseless.
4. That sir, ~~it~~ is the Ry. Qtr. 117/L, type II, MLC I am residing with my family.
5. That sir, I have not sublet the Ry. Qtr. or any part thereof to any body and the charge brought against me is concocted, baseless and not based upon facts and truths.
6. That sir, I have not violated any Rule of Railway Service (Conduct) Rules-1966.
7. That sir, I do not know any body named Sri Padma Shyam.

I, therefore, request your kind honor to exonerate me from the charge brought against me on the following grounds-

Received

13/9

13/9

5/9/05

16(A)

① I have not violated any rule or any part thereof.

② I have not violated any rule of Railway Service (Conduct) Rules - 1966.

③ The charge brought against me is concocted and baseless.

And for this act of your kindness, I shall remain grateful to you.

Thanking you Sir,

Yours sincerely,

(Pradip K. Das)

CF/CT (Cm)

CF/Ry./Cm

- 17 -
N.F. Railway

Office of the
Divl: Personnel Officer
Station Road, Guwahati

Annexure - D
29

9/5/07

MEMORANDUM

During the survey of quarters by the survey committee constituted by the administration the quarter shown in the attached statement were found subletted and accordingly the allotment order of the quarters were cancelled by the allotting authority.

Since the quarters have been found subletted and allotment cancelled the same treated as unauthorized occupation.

Due to unauthorized occupation of the quarters damage rent at the prescribed rate fixed by Railway Board, have been calculated and to be recovered from regular salary bill from May/07 current rate of damage rent along with arrear from the date of survey of the quarter.

This issues with the approval of CAM/GHY.

(G.K.KAKATI)
DPO/GHY

No-E/APO/1/Survey of Qrs./GHY

Dated: 9/5/2007

Copy forwarded for information and necessary action to:-

1. CAM/GHY,
2. Sr.CDO/GHY,
3. DRM (P)/LMG,
4. DFM/LMG,
5. Staff concerned,
6. Ch.OS (P)/Bill/GHY,
7. Concerned bill Clerk/E,

Sri Pradip Kr Das

9/5
DPO/GHY

certified to be true copy

Advocate

OFFICE ORDER/2000

Office of the,
Coaching Depot Officer(JAG)
N.F. Railway, Guwahati

Date:- 26-12-2000.

1. Rly. Qrs. No. 117(L), type-II at NGC which was allotted to Sri M.S. Basumatary, C/Fitter of SSE(C&W)/NGC as per priority vide this O.O.No. M-260 /GHY/Qrs.(C&W)/1 dt 5.12.2000, item No. 6 is hereby cancelled and realoted to Sri Pradip Kr. Das, CF under SSE(C&W)/NGC as per priority.
2. Rly. Qrs. No. 505(E), type-II at NGC will be vacated by Shri Sita-Ram Yadav, S/Attendant of SSE(C)/GHY due to his retirement from service w.e.f:-31.12.2000 is hereby allotted to Shri Mazin Thakuria, C/Fitter of SSE(C)/GHY as per could not occupy basis and cancels the item No.4 of this O.O.No. M-260/Qrs/GHY/C&W/1 dt.01.5.2000
3. Rly. Qrs. No. 122(B).type-II at NGC will be vacated by Shri Bhaba-Kanta Das, JE/II of SSE(C)/GHY is allotted to Shri Durgeswar Boro, C/Fitter, Gr.II of SSE(C)/GHY as per better type priority in line of his existing Qrs. No. 626(J), type-I at NGC.
4. Rly. Qrs. No. 626(J), type-I at NGC on vacation by Shri Durgeswar-Boro, CF/GHY is allotted to Shri Babul Day, C/Khalasi Helper of SSE(C)/GHY as per priority.
5. Rly. Qrs. No. 624(E), type-I at NGC will be vacated by Smt. T.J. - Laksmi W/O Late T.Nag Raju, ex.C/Fitter of SSE(C)/GHY is allotted to Shri Bachhu Hari, C/Fitter of SSE(C)/GHY as per could not occupy basis and cancels this O.O. M-260/GHY/Qrs.(C&W)/1 dt. 6.5.99 and 15.3.2000.

Staff concerned are advised to hand over and take over the Qrs. accordingly within 7 days with information to concerning offices .

No-M-260/GHY/Qrs.(C&W)/1

Dt. 26-12-2000.

Coaching Depot Officer
(JAG)

N.F. Railway, Guwahati

Copy for information and necessary action to:-

1. DRM(P)/LMG, 2. APO/GHY, 3. SSE(W)/NGC, 4. SSE(P)/NGC, 5. SSE(C)/NGC,
6. SSE(C&W)/NGC, 7. NFRMU/GHY&NGC, 8. NFREU/GHY&NGC, 9. AT SCTRE/GHY& NGC
10. Staff Concerned.

Sri Pradip Kr. Das,
CF/NGC

हिंग म० अ०
पू० सी० रे०, गुवाहाटी
Coaching Depot Officer (JAG)
N.F. Ry., Guwahati.

Certified to be true Copy
[Signature]
Advocate

Sl. No.	Name of staff	Design	B.U.No	Quarter No	Location	Dt. Of Survey	Damage rent	
							Plinth area	Rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
01.	Sri Chankala Basfere,	CF/Gr.III	456	706 N/Type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
02.	Sri Sudhi Ram Hira,	Sr.Tech/CF	456	125L/Type-II	NGC	05-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
03.	Sri Pradip Kr.Das,	CF/Gr.I	456	117L/Type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
04.	Sri Hamid Ali	-do-	456	117I/Type-II	NGC	03-08-05	58.87Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
05.	Sri Prakash Bose,	-do-	456	603A/Type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
06.	Sri Abhoy Kr.Das	ALP/NGC	456	611J/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
07.	Sri Harpati Deka,	CF	456	708D/type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
08.	Sri Hiten Barua	S Clerk	456	117H/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
09.	Sri Khargeswar Bora,	CF/I	456	117G/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
10.	Sri D.N. Das,	CF/II	456	704B/type-I	NGC	04-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
11.	Sri Ramesh Hira,	OS/II	456	244C/type-III	NGC		65.68 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 28242.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 162558.00 190800.00
12.	Sri Jogeswar Doloi,	CF/I	456	702C/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 Psqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00

Certified to be true
Advocate

Contd-2

Annexure G.

Am-@

IT Centre/LMS *Pay-in-Slip* May-2007/Jun-2007 GU:30014 BU:44457 Duty: 31 LWP: 0 PAY 31 SN-18
 Bank :00090-Canara Bank,Chariali/Maligaon A/C No.:4857
 Alocn:06211 PAY ALLOWANCES--->Rs RLY RECOVERIES--->Rs 3-1 NRS RECOVERIES--->Rs 2-1
 Name :FRADIP KR DAS Basic Pay * 5300 PF-Subsc. * 663 P.Ts:-Ded * 140
 F/M Name:LT. KATIA DAS D.P. * 2650 CGIS-C * 30 LIC/MLG * 453
 EmpNo :08102820 D.A. * 2783 Rent-Nominal* 118 COOP NEG * 555
 Design. :SRCH PP-PP * 65 Water Charge* 15 CCSShare CAL* 100
 Accumulated LAP:40 LHAP:10 SCA * 120 Durga. FA * 150 3 CCSShare CAL * 1591
 Transport/G * 75
 Scale:05000-08000 R/Pay:5750 Gross Pay Rs.10993 Deductn. Rs.3915 NETPAY Rs.7078.00
 Next Increment :01-Apr-2008 Retd. Dt.:30-Nov-2015 Bank Payment

Certified to be true
 Advocate

IT Centre/LMG *Pay-in-Slip* Jun-2007/Jul-2007 GU:30014 RU:44457 Duty: 30 LMP: 0 BIR:GHY SN- 185


Bank: 00050-Canara Bank,Chariali/Maligaon A/C No.:4857

Alocn:06211 PAY_ALLOWANCES--->Rs RLY_RECOVERIES--->Rs B_1 NRB_RECOVERIES--->Rs D_1

Name : PRADIP KR DAS	Basic Pay	*	5300	PF-Subsc.	*	663	P Tax-Asses	*	140
F/H_Name: LT. KATIA DAS	D.P.	*	2650	CGIS-C	*	30	LIC/MLG	*	452
EmpNo : 08102820	D.A.	*	2783	Water Charge*		15	CCCP NEC	*	555 8
Design. : SRTCH	PP-FP	*	65	Dmg Rent	*	5828	CCSShare CAL*		100
Accumulated LAP:40, LHAP:10	SCA	*	120	Durga. FA	*	150	CCSLoan-CAL *		1691 40
	Transport/G	*	75						

Scale:05000-08000 R/Pay:5750 Gross Pay Rs.10993 Deductn. Rs.9625 NETPAY Rs.1368.00

Next Increment :01-Apr-2008 Retd. Dt.:30-Nov-2015 Bank Payment

Certified to be true

 Advocate

- 22 Annexure - I
SL.No. 92 34

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 151 of 2007.

Date of Order: This, the 14th day of June, 2007.

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

Sri Jogeswar Das
Son of Late Bogadhar Das
No.SNC/40A at Tringular Collony/PNO
Pandu, Guwahati-12
Kamrup, Assam.

...Applicant.

By Advocates S/Shri J.Roy, R.C.Das & O. Pada.

- Versus -

1. The Union of India represented by the
Secretary, Railway Board
Ministry of Railway
New Delhi-110001.



The General Manager
N.F.Railway, Maligaon
Guwahati-11
Kamrup, Assam. ✓

3. CAM/GHY (Chief Area Manager)
N.F.Railway, Guwahati.
4. DPO/GHY (Divisional Personal Officer)
N.F.Railway, Guwahati.
5. Senior Coaching Depot Officer/GHY
N.F.Railway, Guwahati.

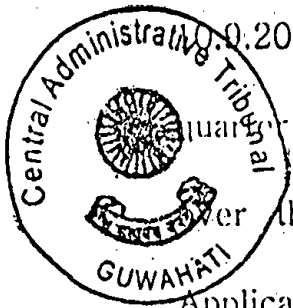
... Respondents.

By Dr. J.L.Sarkar, Railway Standing Counsel.

Certified to be true Copy
Advocate

ORDER (ORAL)SACHIDANANDAN. K.V.,(V.C.):

The Applicant is presently working as MCM under N.F.Railway and is posted under Divisional Officer, Trangular Colony, Pandu. He is residing in the Railway quarter bearing No.140(A), Type-II along with his family since 5.12.2000. His gross pay is Rs.15,573/- and after deduction he is drawing Rs.10,048/- per month. Vide Annexure-A order dated



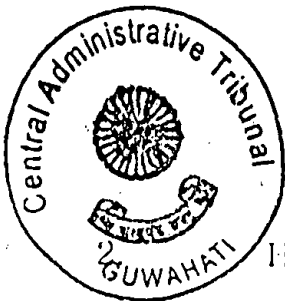
0.9.2005 his allotment was cancelled alleging that the said quarter was subletted to third party and he was advised to hand over the said quarter to the next allottee against which Applicant submitted representation dated 17.9.2005-(Annexure-

B) before the fifth Respondent stating that he never subletted the quarter to any third party and requested the authority to enquire the matter fresh. However, his representation is not disposed of nor further committee was made to enquire the matter afresh. But much to his surprise, the impugned memorandum has been issued by the Respondent No.4 declaring the Applicant as unauthorized occupant and directed to recover damage rent at the prescribed rate from the regular salary of the Applicant w.e.f. May, 2007 alongwith arrears

without issuing any prior notice to the Applicant. Aggrieved by the action of the Respondents he has filed this O.A. seeking the following main reliefs:-

"(1) to set aside and quash the office order dated 10-09-2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) ANNEXURE-A.

(2) to set aside and quash the office memorandum dated 09-05-2007 issued by Divisional Personal Officer, Guwahati) ANNEXURE-C."



Heard Mr.J.Roy, learned counsel for the Applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways.

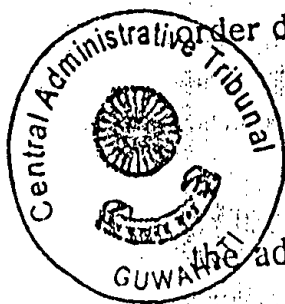
When the matter came up for consideration, learned counsel for the Applicant submitted that the impugned orders have been passed by the Respondents in total violation of principle of natural justice. He further submitted that neither any notice was issued to him at any point of time nor an opportunity was given to him to explain his case. His representation dated 17.09.2005 also has not been attended to. Therefore, the impugned orders are not in conformity with the Railway Rules. However, he submitted that he would be satisfied if a direction is given to the Respondents to consider and dispose of his representation (Annexure-B) within a time frame. Dr.J.L.Sarkar submits that

✓

Respondents have no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Court directs the Respondent No.5 or any other competent authority shall consider and dispose of this Annexure-B representation dated 17.09.2005 giving an opportunity to the Applicant to explain his case and pass appropriate orders on merit communicating the same to the Applicant within a period of three months time from today. If requested, Applicant shall be given a personal hearing. However, till disposal of the representation, Respondents are directed to keep the impugned

order dated 09.05.2007 (Annexure-C) in abeyance.



The Original Application is disposed of as above at the admission stage itself. There shall, however, be no order as to costs.

54/ VICE CHAIRMAN

/BB/

Date of Application : 15.6.07
Date on which copy is ready : 15.6.07
Date on which copy is delivered : 15.6.07
Certified to be true copy

[Signature]
Section Officer (Adm)
C. A. T. Guwahati Bench
Guwahati-5.

15/9/07

Certified to be true copy
[Signature]