

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No 04.07/2007

R.A/C.P No.....

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

1. Orders Sheet..... O.A Pg..... to.....
2. Judgment/Order dtd. 24/07/2007 Pg..... to. 3.8/10.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 97/2007 Pg..... to. 14.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

**SECTION OFFICER (Judl.)**

Mahita  
26/09/17

CENTRAL APPELLATE DIVISION  
QUALIFIED JUDGES

ORDERS SHEET

1. Original Application No. 9E/07

2. Mise Petition No. \_\_\_\_\_

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

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

Applicant(S) Bimalendu Gupta vs. Union of India & Ors

Advocate for the Applicant(s) Mr. A. Bhattacharya

Mrs. K. Talukdar.....

Advocate for the Respondent(s) C.A.S.C......

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed on 26.3.2007 deposit Rs. 10/- No. 3466.6231.26 Dated 26.3.07	24.4.2007	Present: The Hon'ble Mr. G. Shanthappa, Member (J) The Hon'ble Mr. G. Ray, Member (A) Heard learned counsel for the parties. Order passed, kept in separate sheets. The O.A. is disposed of at the admission stage itself in terms of the order. No costs.

Shanthappa  
Member (A)

G. Ray  
Member (J)

166/

Received  
application copy simple  
Bimalendu Gupta  
26/04/2007

Received  
application copy simple  
Bimalendu Gupta  
27.04.07

1 letter dated 27.3.07  
regarding Compliance.

2 the Judgement & order dated

4.5.06 in O.492/06

Received by Post on 8.6.07.

and Compliance letter kept  
in record.

Ans.  
28/6/07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.97 of 2007

DATE OF DECISION:24.04.2007

Shri Bimalendu Gupta ..... Applicant/s  
Mr. A.Bhattacharya ..... Advocate for the  
..... Applicant/s.

- Versus -

U.O.I. & Ors ..... Respondent/s

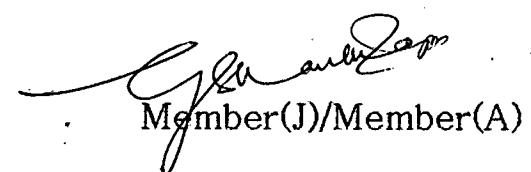
Mr.G.Baishya Sr. C.G.S.C. ..... Advocate for the  
..... Respondents

CORAM

THE HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER

THE HON'BLE MR.G.RAY, ADMINISTRATIVE MEMBER

5. Whether reporters of local newspapers may be allowed to see the Judgment?	Yes/No
6. Whether to be referred to the Reporter or not?	Yes/No
7. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ?	Yes/No
8. Whether their Lordships wish to see the fair copy of the Judgment?	Yes/No

  
Member(J)/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 97 of 2007.

Date of Order: This, the 24th day of April, 2007.

THE HON'BLE SHRI G. SHANTHAPPA, JUDICIAL MEMBER  
THE HON'BLE SHRI GAUTAM RAY, ADMINISTRATIVE MEMBER

Shri Bimalendu Gupta  
Son of Late Biswanath Gupta  
Senior Accountant  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29. ....Applicant.

By Advocates Mr. A. Bhattacharya & Mrs. K. Talukdar.

- Versus -

1. The Union of India represented by the Secretary to the Govt. of India  
Ministry of Home Affairs (Department of Personnel and Administrative Reforms)  
North Block, New Delhi-1.
2. The Comptroller and Auditor General of India  
Bahadur Shah Zafar Marg, Indraprastha HPO  
Post Bag No.7, New Delhi - 2.
3. The Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.
4. Senior Deputy Accountant General (Admn)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.
5. Shri Tarini Mohan Roy, IA & AS  
Senior Deputy Accountant General  
(P&F, Pension & Fund)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.  
Holder of duel charge of Sr. Deputy Accountant General (Admn).  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29. .... Respondents.

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

O R D E R (ORAL)

SHANTHAPPA, G, MEMBER (J):

This Application has been filed by the Applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 11.4.2007 (Annexure-2) on the ground that no reason has been assigned in the impugned order for his suspension. Subsequent to the order of suspension, the Applicant has submitted a representation dated 12.04.2007 which is pending for considering with the third Respondent i.e., Accountant General, (A&E), Assam, Beltola, Guwahati-29. The reliefs as prayed in the O.A. are as follows:-

"In the premises aforesaid the humble applicant humbly prays that the Hon'ble Tribunal may be pleased to admit this application and called for the records related suspension order dated 11.4.2007 Annexure-2 and after hearing both the parties quashed and set aside the above impugned order alongwith directions to the Respondents to count the periods of absence from duty as duty for all purposes."

2. We have heard Mr. A. Bhattacharya, learned counsel for the Applicant and Mr.G.Baishya, learned Sr. C.G.S.C. for the Respondents. Since the Applicant's representation is pending with the Respondents, learned counsel for the Applicant submitted that Applicant will be satisfied if a direction is given to the fourth Respondent i.e., the Senior Deputy Accountant



General (Admn), Office of the Accountant General (A&E), Assam to decide the representation. Learned counsel for the Respondents submitted that justice would be met if such a direction is issued to the Respondents.

3. We have considered the request made by both sides. Accordingly, we direct the Respondent No. 3 to transmit the representation dated 12.04.2007 filed by the Applicant to the Respondent No.4. Without observing on merits of the case we direct the Respondent No.4 to consider the aforesaid representation dated 12.04.2007 (Annexure-3) and also averment made in the O.A. and pass appropriate, considered and reasoned order in accordance with Rules within a period of one month from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above at the admission stage itself. Liberty is given to the Applicant to approach this Tribunal, if necessary. There will be no order as to costs.

  
(GAUTAM RAY)  
ADMINISTRATIVE MEMBER

  
(G.SHANTHAPPA)  
JUDICIAL MEMBER

/BB/

20 APR 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

(An application under Section 19 of the Central  
Administrative Tribunal Act, 1985)

OA No. 97 /2007

Shri Bimalendu Gupta ... Applicant

- versus -

Union of India and Others ... Respondents

SYNOPSIS OF THE CASE

In 1998 the Respondent No.(iv) issued an order against the applicant on 4.12.98 which was challenged in this Hon'ble Central Administrative Tribunal in OA No.245/2001. After hearing both the parties the Hon'ble Tribunal set aside the impugn order dated 4.12.98 but the Respondent No.(iii) (iv) declined to pay the due salary to the applicant and retain the same <sup>vide</sup> order dated 4.12.98 without taking any action on the applicant applications ~~name~~ and the applicant filed the OA No.8/2007 in this Hon'ble Tribunal which is pending before this Tribunal. After receiving the notice the Respondent No.(v) deliberately stopped payment of Salary of the applicant from January, 2007 onwards without assigning any reason. Hence the Second OA No.86/2007 was filed by the applicant. After the Hon'ble Tribunal express concern over the facts of the case and directed the Respondent No.(v) to issue the instruction to the SGSC on or before 10.4.2007 regarding stopping pay. The Respondent No.(iii) and particular Respondent No.(v) deliberately ignored the Hon'ble C.A.T. order dated 2.4.07 and put the applicant under suspension under contemplation of proceeding <sup>vide</sup> order dated 11.4.2007 which was delivered by the Respondent No.(v) to the wife of the applicant at Sarumotoria Residence by involving two messenger resulted health condition of the applicant wife is aggravated. The suspension order dated 11.4.2007 Annexure-2 issued when the salary of the applicant already stopped from January, 2007 and the Respondents kept inaction on the appeal of the applicant and hence this application is filed by the humble applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

(An application under Section 19 of the Central  
Administrative Tribunal Act, 1985)

O.A. No. 97 /2007

Shri Bimalendu Gupta ... Applicant  
-versus-  
Union of India and Others ... Respondents

I N D E X

Sl No.	Particulars	Y	page
		6	
1.	Application	1	to 8
2.	Verification	9	
3.	Annexure - I	10-11	
4.	Annexure- 2	12	12
5.	Annexure-3	13-14	

Bimalendu Gupta

through to  
K. Talukdar  
Advocate  
30/4/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH  
GUWAHATI

BETWEEN: Shri Bimalendu Gupta ... Applicant

- Versus -

Union of India represented by  
the Secretary to the Govt. of  
India, Ministry of Home Affairs  
(Department of Personal and  
Administrative Reforms)  
North Block, New-Delhi-1, The  
Comptroller and Auditor General  
of India, Bahadur shah Zafar Marg,  
Indraprastha HPO, New-Delhi-2 and  
Others

... Respondents

PARTICULARS OF THE APPLICANT:

- i) Name of the Applicant : Shri Bimalendu Gupta
- ii) Name of Father : late Biswanath Gupta
- iii) Designation and office  
in which employed : Senior Accountant  
O/o the Accountant General  
(A&E) Assam, Maidamgaon, Beltola  
Guwahati-29.
- iv) Office Address : O/o the Accountant General (A&E)  
Assam, Maidamgaon, Beltola  
Guwahati-29.
- v) Address for service of:  
Notice : O/o the Accountant General (A&E)  
Assam, Maidamgaon, Beltola  
Guwahati or through the Advocate.

PARTICULARS OF RESPONDENTS:

- i) The Union of India represented by the  
Secretary to the Govt. of India,  
Ministry of Home Affairs (Department  
of personal and Administrative Reforms)  
North Block, New-Delhi-1.
- ii) The Comptroller and Auditor General of India,  
Bahadur shah Zafar Marg, Indraprastha HPO  
Post Bag No.7, New-Delhi-2.
- iii) The Accountant General (A&E) Assam,  
Maidamgaon, Beltola, Guwahati-29.
- iv) Senior Deputy Accountant General (Admn.)  
O/o the Accountant General (A&E) Assam,  
Maidamgaon, Beltola, Guwahati-29.

v) Shri Tarini Mohan Roy, IA & AS  
Senior Deputy Accountant General (P & F, Pension and Fund)  
O/o the Accountant General (A&E) Assam,  
Maidamgaon, Beltola Guwahati-29.  
Holder of dual charge of Sr. Deputy Accountant  
General (Admn.) O/o the Accountant General (A&E)  
Assam, Maidamgaon, Beltola Guwahati-29.

I. PARTICULARS OF ORDER/ORDERS AGAINST WHICH THE APPLICATION IS MADE:

The application is made against the order No. Sr. DAG(A)/Admn./PC/BG/194 dated 11.4.2007 issued by Shri Tarini Mohan Roy, IA&AS, Sr. Deputy Accountant General (Admn) O/o the Accountant General (A&E) Assam, Beltola Guwahati-29, Respondent No.(v) and delivered at residence of the applicant.

II. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction of the Tribunal.

III. LIMITATION

The humble applicant begs to state that the application is within the limitation periods prescribed in the Central Administrative Tribunal Act, 1985.

IV. FACTS OF THE CASE:

That the applicant begs to state that the applicant is a citizen of India belongs to the General category and his rights and privileges are guaranteed by the Constitution of India.

2. That the applicant begs to state that the applicant is a Senior Accountant in the office of the Respondent No.(iii) and posted in CA-4 section. The applicant is completed the services in the department about 29 years sixmonth after joining in November, 1977. As an employee he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and entitled right to life under Art.21 of the Constitution of India.

3. That the applicant is a married one having only daughter. The wife of the applicant is an employee of the Govt. of Assam. The lone child of the applicant was appeared in the Higher Secondary final Examination, 2007. The family members of the applicant is entitled to all benefits from the department of the Respondent No.(iii) under the provision of the Rules as and when applicable according to needs.

4. That the humble applicant begs to state that the applicant and the members of his family are passing a simple and honest life in the State of Assam and there is no record about the activities of the family including applicant ~~xx~~ is prejudicial to the interest of the security of the State, neither <sup>involved</sup> ~~involvement~~ with criminal offence or linked to or the offence is under investigation, inquiry or trial.

5. That the applicant begs to state that it is the habit of the Respondents (ii) to (v) to create the plots of harassment to the applicant in every way of his service life and family life. In 1998 the Respondent No.(iv) vide letter No. DAG(A)/PC/BG/151 dated 4.12.98 declare the periods of service of the applicant w.e.f. 29.9.98 to 12.11.98 as "dies non" on the plea that ~~xxx~~ he ~~xxxxxx~~(the applicant) did not do his job except putting his initial in the attendance Register and leaving office without permission of the superiors". Accordingly the matter of "dies non" dated 4.12.98 was chellange in this Hon'ble C.A.T. by the applicant by filing OA No./245/2001 when the Respondents declined to consider the applications of the applicant. The Hon'ble C.A.T. after hearing both the parties "set a-side" the impugn order dated 4.12.98 on 28.11.2001. The Respondents No.(ii) to (v) deliberately disobey the order of the Hon'ble Central Administrative Tribunal dated 28.11.2001 and retain the "dies non" under order dated 4.12.1998 without applying the mind on the spirit of the Hon'ble Central Administrative Tribunal order.~~xx~~ ~~xxx~~ and held up the part payment of the salary of the applicant under order dated 28.11.2001 and stop annual increment due on 1st of January every year. The applicant is again compelled to file the application before this Hon'ble Tribunal being No. OA 8/2007 for justice which is pending before this Hon'ble Tribunal.

*Ramakanta Ray*

6. That the humble applicant begs to state that on receipt of the above case notice the Respondents No.(v) deliberately stopped payment of the salary of the applicant from the month of January,2007 onwards without assigning any reasons or prior information to the applicant. Thus the Respondents and particular Respondent No.(v) violated the fundamental rights of the applicant as well as Right to information. Despite repeated applications, Reminders the Respondents kept mum. Where as the salary for the month of January and February,2007 has been considered as income of the applicant for assessment of income Tax 2007-08. Having no other alternative and keeping inaction on the part of the Respondents No(iii)(iv)(v) compelled the applicant to file the OA No.86/2007 before this Hon'ble Tribunal which is heard on 2.4.2007. This Hon'ble Tribunal expressed surprise hearing the application and order was passed directin the Respondents to instruct their councel on or before 10.4.07 regarding non-payment of salaries.

Copy of the order dated 2.4.2007 is  
annexed herewith and marked as  
Annexure-1.

7. That the humble applicant begs to state that the Respondents authorities No.(iii)(iv)(v) getting knowledge of the said OA No.86/2007 and OA No.8/2007 which is pending before this Hon'ble Tribunal for order/decision. That your humble applicant was expected that the Respondents No.(v) (iv) and (iii) would send their instruction to the conncl on or before 10.4.2007 for decision of the Hon'ble C.A.T on payment of salary, but instead of sending the instructions, and completely ignoring the Hon'ble Central Administrative Tribunal orders the Respondent No.(v) have issued an order vide No.Sr.DAG(A)/Admn/PC/BG/194 dated 11.4.2007 informing the applicant that your humble applicant was Suspended on 11.4.2007 with immediate effect. The action of the Respondent No.(v) who is also holding the charge of Respondent No.(iv) is arbitrary and desparate attitude to this Hon'ble C.A.T. and has estqblished that they are not to carry out the orders of this Hon'ble Central Administrative Tribunal.

8. Copy of the order dated 11.4.2007  
is enclosed herewith and marked as  
Annexure-2.



8. That it is humbly stated that the Respondent No. (v) ought to have handed over the impugn order to the applicant himself during the office hour, despite sending the same to his ailing wife who was highly shocked on receiving the undesirable and unexpected information from the Respondent No. (v). This action in the part of the said Respondent No. (v) aggravated her health condition and the applicant was forced to take her wife to the GMCH on very next day i.e. on 12.4.2007. The attending doctor of the GMCH advised to the applicant to take her to the treating doctor of the Apollo Hospital New-Delhi immediately for follow up as advised by the treating doctor of Apollo Hospital Delhi to avoid further deterioration etc of her condition.

9. That the applicant begs to state that the particular Respondent No. (v) and other Respondents are fully aware about the prolong aillness of the applicant's wife and the matter of delay in treatment and deliberately handed over the letter of suspension of the applicant to the ailing wife of the applicant through his messengers on 11.4.2007 at 5-30 p.m. when the applicant is not available at Home.

10. That the humble applicant begs to submit that the particular Respondent No. (v) Shri Tarini Mohan Roy, IA&AS Sr. Deputy Accountant General (P&F) and i/c of Administration failed to apply his mind to issue the order dated 11.4.2007 Annexure-2 to the applicant to placed under Suspension merely because enquiry is contemplated and abstained the applicant to enter the office premises by misuse of power and wrongly application of subrule (1) of Rule 10 of the Central Civil service (Classification, control and Appeal) Rules, 1965 is bad in the ~~xx~~ eye of law and malice just to damage the academic carrier of the lone girl child of the applicant as well as to damage the life saving treatment of the applicant wife as such the impugn order No. Sr. DAG (A)/Admn/PC/BG/194 dated 11.4.2007 Annexure-2 is liable to be set aside and quashed.

11. That the humble applicant begs to submit that the particular Respondent No. (v) ought not to have acted in such a hasty manner in issuing the impugn order dated 11.4.2007 Annexure-2 <sup>suspending</sup> suspending the applicant from the service without assigning any reasons and on the ground of contemplation, and as such the act in the particular Respondent No. (v) is capricious, arbitrary, illegal and running contrary to the provision of principle of Natural justice and as such needs interference of this Tribunal to quash and set aside the order.

*Ramendra Singh*

12. That the humble applicant begs to submit that the very fact the particular Respondent No.(v) already stopped payment of Salary of the applicant from January, 2007 onwards without assigning any reasons and the matter is pending before this Hon'ble Tribunal and also imposed major punishment on contemplation and without giving any reasons as the basis of such contemplation indicates, this indicates the arbitrary, vindictive attitude and conspiracy of the Respondent No.(v) towards the applicant and the family members thereof. It is further necessary to mention here that the humble applicant put his sincere service to the office during the last 29 years and rewarded by "honorarium" as cash reward for extra works in addition to the allotted normal works of the applicant. Further it is also submitted here that the humble applicant was never engaged in any activity prejudicial to the interest of the security of the state nor any criminal enquiry, investigation or trial is pending against the applicant and as such the contemplation to put the applicant under suspension as stated against the applicant by the Respondent No.(v) in his order dated 11.4.2007 (Annexure-2) the same being arbitrary, capricious, bias, devoid of administrative fare play is liable to be set aside and quashed by this Hon'ble Tribunal.

13. That the humble applicant begs to submit that the Respondent No.(v) have knowledge about the residential address of the applicant at Guwahati, Assam, accordingly the suspension order of the applicant dated 11.4.2007 was handed to the wife of the applicant at Residence in Guwahati, hence the question of furnishing residential address of Guwahati as stated in the Suspension order dated 11.4.2007 (Annexure-2) issued by the Respondent No.(v) is just called for to delay the payment of salary process. Further the applicant is already authorised the department under Ministry of Finance, Department of Expenditure guide lines to deposit the salary of the applicant directly to his Saving Bank A/c of the S.B.I. Dispur Branch. Hence the question of residential address of applicant is does not arise and the charges on residential address is bias, and illegal and liable to set aside alongwith the suspension order dated 11.4.2007.

*Ramabrahm Singh*

14. That the humble applicant begs to submit that the act of the particular Respondent No.(v) who is incharge of the Respondent No.(iv) in issuing the order dated 11.4.2007 Annexure-2 without application of mind and without reflecting the basis of the contemplation in the said impugn order must be constituted to be capricious, arbitrary, illegal running counter to the provision of Art. 14, 19 and 21 of the Constitution of India and as such the interference of this Hon'ble Tribunal by way of quashing and set aside the impugn order dated 11.4.2007 Annexure-2.

**V. GROUND FOR RELIEF WITH LEGAL PROVISION**

The humble applicant urges the following grounds:

- i) That the Respondent No.(v) issued the suspension order dated 11.4.2007 Annexure-2 on the basis of merely contemplated without application of mind and with malice is ~~bad~~ in the eye of law and violation of the fundamental right of the applicant.
- ii) That the humble applicant begs to submit that the inaction of the Respondents has deprived the petitioner from the fundamental right guranteed to him by stopping salary from January, 2007 onwards and simultaneously putting the applicant under Suspension and cause unnecessary break of service period in the verge of his retirement in near future.
- iii) That the applicant begs to submit that irreparable financial loss and loss of prestige has been caused by the Respondent No.(v) by issuance of suspension order dated 11.4.2007 Annexure-2 resulted miscarriage of justice due to no fault of the applicant.

**VI. DETAILS OF REMADIES EXHAUSTED:**

After having received the Suspension order dated 11.4.2007 the applicant was cut to the quick and submitted the applications to the Respondents No.(ii)(iii)(iv) and (v) on 12.04.2007 by post to withdraw the Suspension order dated 11.4.2007 is illegal but they did nothing till date, hence the applicant declare that the applicant availed of all the ~~remedies available to him under the Rules. A copy of representation is annexed herewith and marked as Annexure-3.~~

**VII. MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT**

*Ramchandra Upde*  
The applicant further declare that the two OA No. 8/2007 and OA No.86/2007 filed before this Hon'ble Tribunal and is pending before this Hon'ble Tribunal and the instant application is not pending before any other court of competent jurisdiction.

VIII. RELIEF SOUGHT FOR:

In view of the facts stated above, the applicant prays for the following relief :

In the premises aforesaid the humble applicant humbly prays that the Hon'ble Tribunal may be pleased to admit this application and called for the records related suspension order dated 11.4.2007 Annexure-2 and after hearing both the parties quashed and set aside the above impugned order alongwith directions to the Respondents to count the periods of absence from duty as duty for all purposes.

IX. INTERIM ORDER:

Pending final decision of the application the applicant prays for issuance of the following interim order.

i) Pending disposal of the application this Hon'ble Tribunal may be pleased to stayed the effect on the operation of the impugn order dated 11.4.2007 Annexure-2 and allow the applicant with direction to the Respondent No. (iii) (iv) to continue his service in the office of the Respondent No. (iii) to avoid starvation and hardship.

THE PARTICULARS OF IPO IN RESPECT OF APPLICATION FEES:

1. Number of IPO(s) for Rs. 50/- 1 (one 34G 653136
2. Name of issuing post office : Guwahati GPO
3. Date of issue : 19.04.2007
4. Post office at which payable : Guwahati

LIST OF PARTICULARS:

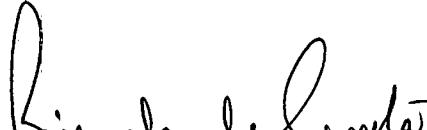
As stated in the Index

*Ranmikendu Gopal*

VERIFICATION

I, Shri Bimalendu Gupta son of late Biswanath Gupta age about fifty five years by caste Hindu by profession Central Govt. service, resident of Sarumotoria, Sahid Dilip Huzuri Path (Arunudoi Residency) Dispur, Guwahati-6, Assam do, hereby verify that the statement made in 1, 2, 3, 4, 5, 8 to 14 paragraphs of this application are true to my knowledge and those made in paragraph 6 and 7 are based on records which I believe to be true ~~xxxx~~ and the rest are my humble submission before this Hon'ble Tribunal.

AND I sign this verification this 20th day of April, 2007 at Guwahati.

  
Signature of the applicant,

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

## DRAFT SHEET

1. Original Application No. 86/07  
 2. Misc Petition No. /  
 3. Contempt Petition No. /  
 4. Review Application No. /

Applicant(s) Bimalendu Gupta vs Union of India & OrsAdvocate for the Applicant(s) A. BhattacharyyaK. Tahuk DekaAdvocate for the Respondent(s) CSE

Entered in the Registry Date Order of the Tribunal

2.4.2007

The Applicant is working as Sr. Accountant in the office of the Accountant General (A&E), Assam. He claimed that salary for the months of January, February & March, 2007 has not been disbursed to him. In the impugned order dated 13.2.2007 at Annexure-5 it is stated that Applicant's salary for the month of January, 2007 has been stopped on the basis of order dated 12.01.2007 issued by the Sr. Deputy Accountant General (A/C). The case of the Applicant is that despite his request vide letter dated 28.02.2007 a copy of the aforesaid order dated 12.01.2007 was not been furnished to him.

Contd...

*Certified to be true*  
 copy  
 A. Bhattacharyya  
 Advocate

Contd.  
2.4.2007

If the salary of the Applicant is stopped without any reason, as claimed by the counsel for the Applicant Mrs. K.Talukdar, it is a serious matter. Therefore, Mr.G.Baishya, learned Sr.C.G.S.C. appearing for the Respondents is specifically directed to obtain instruction as to why Applicant's salary has been stopped within one week from today.

Post on 10.04.2007.

S/ VICE CHAIRMAN

RECORDED COPY

*[Signature]*  
3.4.07  
Original Copy

Copy to be sent to [redacted]

Copy to be sent to [redacted]

*[Signature]*  
Certified to be true  
copy  
B. Bhattacharya  
Advocate

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM, GUWAHATI

No. Sr. DAG(A)/Admn/PC/BG/ 194

Dated 11/4/2007

11 APR 2007

ORDER

Whereas a disciplinary proceeding against Shri Bimalendu Gupta, Senior Accountant of CA 4 Section of this Office is contemplated, and whereas his continuance in office will prejudice investigation and interest of the Department, and subvert discipline in the Office.

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

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Bimalendu Gupta, Senior Accountant shall be Guwahati and the said Shri Gupta, Sr. Accountant shall not leave the headquarters without obtaining the previous permission of the undersigned. It is further directed that Shri Gupta shall not, during the period that this order shall remain in force, enter the office premises save and except he has obtained written permission from the undersigned after applying therefor in writing.



Senior Deputy Accountant General (Admn.)

✓ Copy to Shri Bimalendu Gupta, Senior Accountant, CA 4 Section. He is informed that orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately, and directed to furnish his residential address in Guwahati for communication.

*Certified to be true  
copy  
B. Bhattacharya  
Advocate*

2  
MOST URGENT, BY POST

~~P/c~~  
TO

The Accountant General (A&E) Assam  
Maidamgaon, Beltola Guwahati-29.

Sub: Appeal for payment of Salaries from January, 2007 and withdrawal/Cancellation of the suspension order No. Sr. DAG(A)/Admn/PC/BG/197 dated 11.4.2007 issued by Shri Tarini Mohan Roy, IA&AS Sr. Deputy Accountant General(P&F) i/c Admn.

Sir,

With reference to the subject, I beg to state that I am surprised to received the letter No. Sr. DAG(A)/Admn/PC/BG/197 dated 11.4.2007 issued by Sr. Deputy Accountant General (P & F) i/c administration and handed over the same to my wife at my residence by the messangers on 11.4.2007 at 6 p.m. when I was absent at residence.

That sir, I have repeatedly submitted applications to the administration for payment of due medical claims which has recovered from my salary arbitrarily against medical advises and wrong application of the CS(MA)Rules and refused to provide follow up life saving treatment to my wife despite clear instructions of the treating physician of Apollo Hospital Delhi. Due necessity of the follow up and deliberate/ ignorance of the Admn <sup>not</sup> to provide required treatment cost and conveyance, I have <sup>been</sup> compelled to take loan from Bank to meet the treatment in Aug'05 and accordingly the final claim received by the Admn-2 on 7.11.05 and not <sup>yet</sup> paid/reimbursed the claims. As such I have been compelled to appeal repeatedly for my right claims for continuation of treatment which has ignored.

That sir, suddenly from January, 2007 my salary has been stopped arbitrarily without assigning any reason nor information issued in this regard and the payment of salary under C.A.T. order dated 28.11.2001 was also held up. Accordingly I have filed the applications in OA No.8/2007 and OA No.86/2007 to the Hon'ble CAT for my right salary. After receiving the C.A.T. direction dated 2.4.2007 the administration deliberately disobey the C.A.T to comply on or before 10.4.2007 and arbitrarily issued the Suspension order against me on 11.4.2007 as stated above by wrong application of sub-rule (1) of Rule 10 CCS(CCA)Rules 1965 which is illegal, motivated, arbitrary and not tenable in law may kindly review and dropped the charges and withdraw/cancell the order dated 11.4.2007 forthwith and allow me to continue/join in the service.

Due to restriction imposed on me by the Senior Deputy Accountant General(P & F) i/c Administration to entry in office arbitrarily I have been compelled to send my application to you by post.

In view of the above I beg to request you to examine the matter personally and withdraw/cancell the order of suspension dated 11.4.2007 which is framed/ issued on contemplation and arrange to disburse the all pending salary forthwith from January, 2007 and allow me to resume in duties. For this act of your kindness I shall ever pray.

Dated, Guwahati  
the April 12, 2007

Yours faithfully

*Bimalendu*  
( Bimalendu Gupta) *12/4/07*  
Senior Accountant

Copy submitted by post to :

1. Shri Tarini Mohan Roy, IA&AS, Sr. Deputy Accountant General(P&F) i/c Administration o/o the AG(A&E) Assam, (1st Floor) Maidamgaon, Beltola Guwahati-29 with a request to cancell the order dated 11.4.2007 which is wrong,illegal, motivated and intentional and beyond the purview of the rules and allow me to continue in the service forthwith and arrange to release the stopped salary.
2. The Comptroller and Auditor General of India, Bahadur shah Zafar Marg, Indraprasth HPO, Post Bag No.7 New-Delhi-2. He is requested to examine the matter on priority to pay the all due claims of medical reimbursement which has arbitrarily and wrongly recovered from my pay by the AG(A&E) Assam against Govt. direction and orders and arrange to disburse the salary from January, 2007 onwards and cancell/withdraw the Suspension order dated 11.4.2007 which is not based with material facts and motivated.

*Bimalendu*  
( Bimalendu Gupta) *12/4/07*  
Senior Accountant