

ORDERS SHEET

1. Original Application No. _____/

2. Misc Petition No. _____/

3. Contempt Petition No. _____ 12/07 in O.A 26/07

4. Review Application No. _____/

Applicant(S) Md. Mahibul Islam VS Union of India & Ors

Advocate for the Applicant(S) Adil Ahmed

Ms. S. Bhattacharya

Advocate for the Respondant(S) Case G. Baishya

Notes of the Registry	Date	Order of the Tribunal
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This Contempt

6.7.2007

Heard Mr.A.Ahmed, learned counsel for the Applicant.

Issue simple notice to the alleged contemnners/respondents to explain whether orders of this Tribunal have been complied with or not.

Post the matter on 31.7.2007

Vice-Chairman

petition has been filed by the Applicant w/s 17 of the CAT Act 1985 praying for punishment of the contemnners/Respondents for non-compliance of Judgment and order dated 6.2.07 passed by this Hon'ble Tribunal in O.A 26/07.

/bb/

Laid before the Hon'ble Court for further orders

31.7.2007

The alleged contemnners/ Respondents entered appearance through Mr.G.Baishya, learned Sr. C.G.S.C. and prayed for some more time.

Post the matter on 30.08.2007.

Vice-Chairman

/bb/

For
Section Officer

Notice & order Sent to D/Section for issuing to resp. nos. 1 to 4 by regd. A/D post.

16/7/07. D/NO-715 to 718
17/7/07. D/- 17/7/07-

2-
CP.12/07(OA. 26/07)

Service report
awaited.

M
30.7.07.

Notice duly served

on R-24.

la
30/7/07.

29-8-07

No affidavit filed. /bb/
04.10.07

No affidavit filed.

M
3.10.07.

30.8.2007

Mr.G.Baishya, learned Sr.C.G.S.C.
appearing for the Respondents submitted
that Respondents have decided to comply
with the order and requested for some
time. Four weeks time is granted for that
purpose.

Post on 4.10.2007.

Vice-Chairman

Reply has been filed by the
Dr.J.L.Sarkar, learned Standing counsel
appearing for the Railway in Court to-day;
after serving copy on Mr.A.R.Sikdar,
learned counsel appearing for the
applicant; he seeks adjournment in this
matter to obtain instructions from the
applicant. Prayer is allowed.

Call this matter 28.11.2007.

(Khushiram)
Member(A)

Monoranjan Mahanty)
Vice-Chairman

lm

04.10.07

None appears for the applicant,
nor the applicant is present. However,
Mr.G.Baishya, learned Sr. Standing
Counsel, appearing for the Central
Government, is present. Call this matter on
29.11.07.

Affidavit ~~to~~ not filed.

M
28.11.07.

(Khushiram)
Member(A)

Monoranjan Mahanty)
Vice-Chairman

lm

- 3 -
C.P. No.12/2007

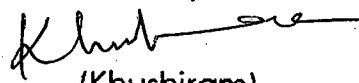
29.11.2007

No one is present for the Petitioner. Mr.G.Baishya, learned Sr. C.G.S.C. for the Respondents, sought permission to file compliance report. Permission is granted. The compliance report may be kept on record. In the absence of the learned counsel for the Applicant copy of the compliance report could not be furnished to the Applicant side.

30.11-07

A. Compliance report has been submitted by the Sr. C.S.C. and the same kept in record. Compliance report not submitted to the Applicant.
As,

Call this matter on 04.01.2008.


(Khushiram)
Member (A)

/bb/

Compliance report
filed

205
3.1.08

04.01.2008

O.A.No.26 of 2007 was disposed of on 06.02.2007 by granting liberty to the Applicant to represent his case to the authorities for redressal of his grievances pertaining to his promotion/non promotion. Non compliance of the said order dated 06.02.2007 is the subject matter of the present Contempt Proceeding. During the pendency of the Contempt Proceedings the Respondents passed an order on 26.9.2007, cancelling the previous D.P.C, with a direction for convening the Review DPC, on the basis of revised Gradation List. As it appears ^{from the written instructions of} ~~to the representation~~, dated 03.01.2008 (from the Assistant Director) to the learned Sr.Standing Counsel appearing for the Respondents, ~~states~~ that on the basis of the Review DPC, the promotion of

contd/-

4
-4-
C.P. 12/07

04.01.2008

the Applicant has already been granted, to the post of Diesel Technician by order dated 02.01.2008.

In the aforesaid premises the Contempt Petition is closed, dropped.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

10/1/08

Copy of the order sent to the D/Sec for issuing the order to the applicant as well as to the Dr. CG-SC.

lm

18.3.08

order issued vide S/Was 194 on 195 dt 16.1.08

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

5 JUL 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

FILED BY S

Md. Mahibul Islam
... Petitioner

Through- Smita Bhattacharjee
(Advocate)

CONTEMPT PETITION NO. 12 OF 2007

IN

ORIGINAL APPLICATION NO. 26 OF 2007

IN THE MATTER OF:

A Petition under Section 17 of the
Administrative Tribunals Act, 1985
praying for punishment of the
Contemnors/ Respondents for non-
compliance of Judgment and Order
passed by the Hon'ble Tribunal in O. A.
No.26 of 2007 dated 06-02-2007.

- AND -

IN THE MATTER OF:

Md. Mahibul Islam
... Applicant

-VERSUS-

The Union of India & Ors.

... Respondents

-AND-

IN THE MATTER OF

Md. Mahibul Islam
Son of Late Ataur Rahman
Diseal Engine Driver
Office of the Superintending Engineer,
(HPT) All India Radio,
Guwahati-781 014.

... Petitioner

Mahibul Islam

26/11/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. _____ OF 2007

IN

ORIGINAL APPLICATION NO. 26 OF 2007

IN THE MATTER OF

A Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnor Respondent for non-compliance of judgment and Order passed by the Hon'ble Tribunal in O. A. No 26 of 2007 dated 06-02-2007

- AND -

IN THE MATTER OF

Md. Mahidul Islam
Applicant

-VERSUS-

The Union of India & Ors.
Respondents

-AND-

IN THE MATTER OF

Md. Mahidul Islam
Son of Late Awar Rahman
Diesel Engine Driver
Office of the Superintending Engineer,
(HPT) All India Radio,
Guwahati-781 014.
Petitioner

-VERSUS -

1. Shri B.S. Lalli
Director General
All India Radio,
Sansad Marg
New Delhi-110001.
2. Shri Dinesh Das
Station Director,
All India Radio,
Guwahati- 781003
3. Shri S.R. Deb Barman
Station Director
All India Radio,
Post Office- Itanagar,
Arunachal Pradesh.
4. Shri Vidya Sagar
Chief Engineer (NEZ),
All India Radio & Doordarshan
Dr. P Kakoti Building
Near Ganeshguri Flyover
Ganeshguri, Guwahati-781006.

... Respondents/
Contemnors

The humble petition of the above named
petitioner :

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner had filed the Original Application No. 26 of 2007 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, against the discriminatory treatment made by the Respondents to the Petitioner by not promoting him to the post of Diesel Technician whereas junior persons were promoted to the post of Diesel

Mahibul Islam

-VERSUS-

1. Shri B.S. Lalli
Director General
All India Radio
Sanskari Marg
New Delhi-110001
2. Shri Dinesh Das
Station Director
All India Radio
Gurukul-781003
3. Shri S.R. Deb Barman
Station Director
All India Radio
Post Office-Itanagar,
Arunachal Pradesh
4. Shri Vidya Sagar
(Chief Engineer (VEE))
All India Radio & Doordarshan
Dr. P. Kakoti Building
Near Ganeshpuri Flyover
Ganeshpuri, Gurukul-781006

Respondents/
Complainants

The humble petition of the above named
petitioner:

MOST RESPECTFULLY SUBMITTED:

1. That your humble petitioner had filed the Original Application No. 26 of 2007 before the Hon'ble Central Administrative Tribunal, Gurukul Bench, Gurukul against the discriminatory treatment made by the Respondents to the petitioner by not promoting him to the post of Diesel Technician whereas junior persons were promoted to the post of Diesel

Technicians and also praying for a direction from this Hon'ble Tribunal to the Respondents to consider his case for promotion to the post of Diesel Technician. This Hon'ble Tribunal after hearing both the parties on 06.02.2007 and was pleased to dispose off the Original Application at the Admission stage itself with a direction to the Petitioner to file a Comprehensive Representation before the 2nd Respondent within one month from the date of passing of this order. It was further directed that if such Representation is filed the Respondent No. 2 shall consider and dispose of the same within three months and pass appropriate orders thereon.

A photocopy of the Judgment and Order dated 06.02.2007 passed in O.A. No.26 of 2007 is annexed herewith and marked as ANNEXURE - A.

2. That your petitioner begs to state that accordingly he filed a Comprehensive Representation before the Respondent No. 2 i.e. the Director General All India Radio, on 12-02-2007 praying for consideration of his case for promotion to the post of Diesel Technician. However, more than three months have already elapsed the Respondents have not considered the case or dispose off the said Representation with an appropriate order. As such finding no other alternative your Petitioner is compelled to file this Contempt Petition before this Hon'ble Tribunal to initiate contempt proceedings under the Contempt of Court Act. against the alleged Contemnor/Respondents.

A photocopy of the Comprehensive Representation filed by the Applicant before the Respondent No. 2 i.e. the Director General, All India Radio, dated 12-02-2007 is Annexed herewith and marked as ANNEXURE- B.

3. That your applicant begs to state that the Respondents/Contemnors have willfully and deliberately with a motive behind not complied the Hon'ble Tribunal's Judgment and Order dated 06.02.2007 passed in O.A. No. 26 of 2007. The Respondents/Contemnors have shown disrespect,

Mahimel Selam

disregard and disobedience to this Hon'ble Tribunal. As such, the Respondents/ Contemnors deserve punishment from this Hon'ble Tribunal. It is a fit case, where the Respondents/Contemnors may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

4. That this Petition is filed bonafide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such appropriate order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 06.02.2007 passed in O. A. No.26 of 2007 the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the Contempt of Court Act.

And for this act of kindness your Petitioner as in duty bound shall ever pray.

....Draft Charge

Mahesh Ghosh

DRAFT CHARGE

The Petitioner aggrieved for non-compliance of Judgment and Order dated 06.02.2007 passed by this Hon'ble Tribunal in O.A No.26 of 2007. The Contemnors/Respondents have willfully and deliberately violated the Judgment and Order dated 06.02.2007 passed by this Hon'ble Tribunal. Accordingly, the Respondents/Contemnors are liable for Contempt of Court proceedings and severe punishment thereof as provided. Further, the Contemnors / Respondents may be directed by this Hon'ble Tribunal to appear in person and reply to the charges leveled against them before this Hon'ble Tribunal.

Mohiul Belon

AFFIDAVIT

I, Md. Mohibul Islam, Son of Late Ataur Rahman, aged about 42 years, working as Diesel Engine Driver, Office of the Superintending Engineer (HPT), All India Radio, Guwahati-14 do hereby solemnly affirm and state as follows:

1. That I am the Applicant of O. A. No.26 of 2007 and also petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs — 3 and 4 — of the Contempt Petition are true to my knowledge, those made in paragraphs — 1 and 2 — of the petition being matters of records are true to my information, which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I put my hand hereunto this affidavit on this 5th day of July, 2007 at Guwahati.

Identified by

Advocate (to a brown)

Mohibul Islam

DEPONENT

Bhalla
(Advocate)

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Original Application No. 26 of 2007.

Date of Order: This the 6th Day of February, 2007.

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

Md. Mahibul Islam
Son of Late Ataur Rahman
Diesel Engine Driver
Office of the Superintending Engineer,
(HIT), All India Radio, Guwahati-14.

By Advocate Mr. A. Ahmed.

-Versus-

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Information & Broadcasting
A-Wing, Shastri Bhawan
New Delhi-1.
2. The Director General
All India Radio, Sansad Marg
New Delhi-110001.
- The Station Director
All India Radio
Guwahati-3.
4. The station Director
All India Radio,
Itanagar,
Post Office-Itanagar,
Arunachal Pradesh
5. The Chief Engineer (NEZ)
All India Radio & Doordarshan
Dr. P. Kakoti Building
Near Ganeshguri Flyover
Ganeshguri, Guwahati-6
6. Shri M. Zirdo
Diesel Technician,
Office of the Station Director,
All India Radio, Itanagar,
Post Office Itanagar
Arunachal Pradesh
7. Shri K.N. Das,
All India Radio,
Kokrajhar, Post Office-Kokrajhar, Assam

6/2/07

ATTESTED

Bhatta
ADVOCATE

8. Shri B. Borah
Diesel Technician,
Office of the Station Director
All India Radio, Itanagar,
Post Office-Itanagar,
Arunachal Pradesh

9. Shri Tomi Riba,
Diesel Technician
Office of the Station Director,
All India Radio, Itanagar,
Post Office-Itanagar,
Arunachal Pradesh

Respondents

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

ORDER(ORAL)

K.V.SACHIDANANDAN,V.C.

The applicant was appointed to the post of Helper in the All India Radio in the year 1984. Thereafter, the applicant was promoted as Diesel Engine Driver in the Office of the Superintendent Engineer (HPT), All India Radio, Guwahati. The next promotion from Diesel Engine Driver is Diesel Technician. The posts of Diesel Technicians are filled up through 100% promotion on seniority/fitness basis ending which by direct recruitment. The Diesel Engine Drivers with three years service experience are eligible for promotion to the post of Diesel Technician. The Respondent No.5 informed all the Heads of All India Radio Stations Tawang, Tura, Agartala, Dibrugarh, Shillong, Guwahati, Gangtok, Kohima Imphal, Passighat, Silchar, Aizwal and the Chief Engineer East zone,(AIR & TV) Calcutta about filling up the two posts of Diesel Technicians at All India Radio, Itanagar. But the Respondents No.6, 7,8 and 9 were promoted to the said post at Itanagar although they are junior to the applicant.

I have heard Mr.A.Ahmed, learned counsel for the applicant and Mr. G. Baishya, Sr.C.G.S.C. for the Respondents. When the matter came up for consideration, the learned counsel for the applicant has

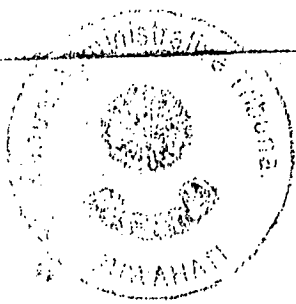
ATTESTED

S. Shetty
ADVOCATE

submitted that he will be satisfied if direction is given to the Respondent No.2 to consider the applicant and promote him to the post of Diesel Technician either at All India Radio, Guwahati, Kohima, Tawang and Aizwal where the aforesaid posts are lying vacant. The learned counsel for the respondents has submitted that he has no objection if such direction is given to the respondent.

Considering the facts and circumstances of this case, this Court directs the applicant to file comprehensive representation before the 2nd respondent within one month from to-day. If such representation is filed by the applicant, the Respondent No.2 shall consider and dispose of the same within three months and pass appropriate orders thereon.

O.A. is accordingly, disposed of. There shall be no order as to costs.



LM

Sd/ VICE CHAIRMAN

TRUE COPY

Handwritten signature and date: 9/2/07

Cont.

ATTESTED

Handwritten signature: Bhatta
ADVOCATE

To

Date : 12.02.07

The Director General
All India Radio
Sansad Marg
New Delhi-110001.

(Through proper channel)

Subject : Representation for promotion to the post of Diesel Technician from the post of Diesel Engine Driver in All India Radio as per direction of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati.

Reference: Original Application No.26 of 2007.

Md. Mahibul Islam -Vs- The Union of India & Ors.

Sir,

Most respectfully I beg to state that I was appointed to the post of Helper in All India Radio at Guwahati vide Order No. 21(6)/84-S dated 23/24 April 1984 w.e.f. 17-4-1984 and I was appointed as Diesel Engine Driver vide Order No. 1(11)/90-S/2495 dated 12/ 15.09.1990. Since then I am working as Diesel Engine Driver. Now I am working as Diesel Engine Driver in the Office of the Superintendent Engineer (HPT), All India Radio, Guwahati-14, Assam.

1. That Sir, my next promotion from Diesel Engine Driver is Diesel Technician. The Diesel Technician is a Group 'C' post (Non-Gazetted) Non-Ministerial post. The posts of Diesel Technicians are filled through 100 % promotion on seniority / fitness basis failing which by direct recruitment. The Diesel Engine Drivers with three years service experience are eligible for promotion to the post of Diesel Technician.

2. That Sir, Shri M. Zirido was appointed as Diesel Engine Driver in All India Radio on 29-9-1994, Shri K.N. Das was appointed as Diesel Engine Driver in All India Radio on 29-4-1994. Shri B. Borah was appointed as Diesel Engine Driver in All India Radio on 19-10-1994 and Shri Tomi Riba was appointed as Diesel Engine Driver in All India Radio on 15-2-1995. It is to be stated that I am the senior most in the post of Diesel Engine Driver among the aforesaid persons.

ATTESTED

S. Shatta

ADVOCATE

3. That Sir, I got an information in the last part of December 1999 that two vacant posts of Diesel Technicians are going to be filled up through Departmental candidate at All India Radio, Itanagar and I offered myself as a candidate to the post of Diesel Technician at AIR, Itanagar through my willingness letter dated 13-12-1999 before the Chief Engineer All India Radio East Zone Calcutta. The Office of the Chief Engineer (NEZ), All India Radio vide their Circular No. Ita-1 (9)/2000-S/4126 dated 9-2-2000 informed all the Heads of All India Radio Stations Tawang, Tura, Agartala, Dibrugarh, Shillong, Guwahati, Gangtok, Kohima, Imphal, Pasighat, Silchar, Aizwal and the Chief Engineer East Zone (AIR & T.V.) Calcutta, about filling up of two vacant posts of Diesel Technicians at All India Radio, Itanagar.

4. That Sir, even though my submission of willingness letter dated 13-12-1999 for consideration of my case to the post of Diesel Technician in All India Radio at Itanagar, however, the concerned Authority had selected two persons namely, Shri Shri M. Zirdo and Shri Khagen Das to the post of Diesel Technician, who were juniors to me. Being aggrieved by this injustice I filed Representations dated 22-05-2000 and 20-06-2000 before the Chief Engineer (East Zone), Kolkata.

5. That Sir, the Deputy Director of (Admn.) All India Radio vide his letter No. 4/1/2001-S-IV (A) 216 dated 26-3-2001, requested the Chief Engineer to apprise the latest position of the case. Accordingly, the Deputy Director Engineering, for Chief Engineer (East Zone) vide his letter No. 1(35)/2001-S(D-Tech) dated 1-5-2001 has appraised you that my case for promotion to the post of Diesel Technician could not be considered, because the Diesel Engine Driver and Diesel Technicians are of local cadre and promotion from Diesel Engine Driver to Diesel Technicians is dealt at Station level. Accordingly, the Assistant Station Director on behalf of the Station Director vide his memorandum dated 29/31-05-2001 informed me that I am not eligible for promotion to the post of Diesel Technician at All India Radio, Itanagar. It is worth to mention here that the other related Group 'C' Cadre promotions in All India Radio are made on Zonal Seniority basis by the concerned Authority.

ATTESTED

Abhatta

ADVOCATE

6. That Sir, Shri B. Borah and Shri Tomi Riba were also promoted to the post of Diesel Technician from Diesel Engine Driver in the year 2001 without issuing any Office Memorandum or Circular by the concerned Authority.

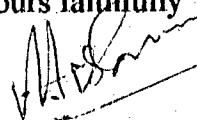
7. That Sir, being aggrieved by the action of the concerned Authority I filed an Original Application No.26 of 2006 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for seeking a direction to the concerned Authority to consider my case for promotion to the post of Diesel Technician either at All India Radio, Guwahati, Kohima, Tawang and Aizwal where the aforesaid posts are lying vacant.

8. That Sir, the Hon'ble Tribunal vide its order dated 06.02.2007 passed in O.A.No.26 of 2007 directed me to file a Comprehensive Representation before you for consideration of my case of promotion to the post of Diesel Technician.

Therefore, I most humbly filed this Representation before you for your kind and sympathetic consideration in this matter as my junior has already been promoted to the post of Diesel Technician by superseding me.

Thanking you in anticipation.

Yours faithfully



(Md. Mahibul Islam)
Son of Late Ataur Rahman,
Diesel Engine Driver,
Office of the Superintending Engineer (HPT)
All India Radio,
Guwahati-14, Assam.

ATTESTED



ADVOCATE

File in C.A. No. 2711 of 2007
Court Officer.

केन्द्रीय प्रशासनिक अपील
Central Administrative Tribunal
7 NOV 2007
गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

M.P. No. _____ of 2007

in O.A. No. 26 OF 2007

IN THE MATTER OF:

C.P. NO. 12 OF 2007

Mohibul Islam

... Petitioner

-Versus-

Union of India & Ors.

.... Respondents

-AND-

IN THE MATTER OF:

Sri Dinesh Das

... Petitioner

-Versus-

Mohibul Islam

.... Respondent

-AND-

IN THE MATTER OF:

Compliance reporting of the order dated 6.2.2007 passed in OA No. 26 of 2007 by this Hon'ble Tribunal.

The humble petition on behalf of the petitioners and for and on behalf of Union of India & Ors. above named-

Contd...P/-

Filed by

12
Dinesh Chandra Das
Through Advocate
29.11.07

MOST RESPECTFULLY SHEWETH:

1. That the applicant/petitioner approached this Hon'ble Tribunal for his promotion from Diesel Engine Driver to Diesel Technician. After hearing both the parties of the case being OA No. 26 of 2007 the Hon'ble Tribunal vide order dated 6.2.2007 allowed the application of the applicant. It was further directed by this Hon'ble Tribunal that the applicant shall file a comprehensive representation before me respondents and the Respondent No.2 shall consider and dispose the same within three months and pass appropriate orders thereon.

2. That the petitioner begs to state that the petitioner in compliance of the order dated 6.2.2007 passed by this Hon'ble Tribunal in OA No. 26 of 2007 tried to promote the applicant and for the same the petitioner respondents has initiated steps and process has been going on. In pursuance and in compliance with the Hon'ble Court order the Directorate General of All India Radio has passed the order dated 26.9.07 and cancelled the earlier DPC and process has been initiated to hold a review DPC.

A copy of the order dtd. 26.9.07 is annexed herewith as Annexure - I.

Amrith Chandra

Contd...P/-

3. That the petitioner begs to state that your petitioner vide order dated 28.11.2007 disposed of the representation of the applicant and appraised the applicant regarding the order dated 26.9.07 and assurance has been given to the applicant that the review DPC will be held shortly to consider the promotion of the applicant. The said order was passed in compliance of the order dated 6.2.2007 passed by this Hon'ble Tribunal in OA 26/2007.

A copy of the said order dtd. 28.11.2007 is annexed herewith as Annexure - II.

4. That the petitioner respondents beg to state that the respondents have in no any circumvented the order of this Hon'ble High Court. There is no wilful violence or disrespect on the part of the respondents against the order and direction of this Hon'ble Tribunal. The respondents in compliance with the directions of the order dated 6.2.2007 passed in OA 26 of 2007 has passed the order dated 28.10.2007 and the same has been communicate to the applicant. ^{GP}

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

Amish Chandra

Contd...P/-

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[4]

In the premises aforesaid it is therefore prayed that your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties may also be pleased to accept this Miso petition supported by affidavit as compliance report of the order dtd. 6.2.2007 passed by this Hon'ble Tribunal in OA No.26 of 2007 and/or pass any other order or orders that this Hon'ble Tribunal may deem fit and proper.

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

...Affidavit...

Amish Chandra Das

AFFIDAVIT

I, Shri *Kim L Chandra Sen* s/o *Late Annalal Sen*
aged about 54 years, R/o *All India Radio Campus*
Guwahati in the District of Kamrup, Assam do hereby
solemnly affirm and state as follows:

1. That I am the *Station Director, AIR Guwahati* .
in the instant petition and as such, I am well
acquainted with the facts and circumstances of the case
and authorised to swear this affidavit on behalf of the
petitioner.

2. The statement made in this affidavit and in
paras *1, 4, 5* are true to my knowledge and those made
in paras *2 & 3* being matters of record are true to my
information derived therefrom which I believe to be true
and the rests are my humble submission before this
Hon'ble Tribunal.

And I sign this affidavit on this *29* th day
of *November* 2007 at Guwahati.

Kim L Chandra Sen
DEPONENT

Identified by :

Gautam Baidya

Advocate

The deponent above named solemnly
affirms before me who is identified
by *Sri Gautam Baidya*, Advocate on
this the *29* th November 2007.

Subrata Debbar
29/11/07
Advocate

Annexer - 1

- 6 -

S.No. 14 (B)

FAX
MOST IMMEDIATE

109

PRASAR BHARTI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL: ALL INDIA RADIO
AKASHWANI BHAWAN NEW DELHI-1

F.NO. 4/13/2006-SIV(A)

Dated : 26th -Sept-07

Subject : Regarding promotion of Diesel Engine Driver to the post of Diesel Technician in North East Zone.

Reference CE (NEZ)'s letter No. CE (NEZ)/1(36)2007-S/DED/9993, dated 21.05.2007 on the above mentioned subject.

CE(NEZ) is requested to initiate the process for review DPC to rectify the mistake and do justice to the eligible candidates by following the instructions approved by CEO as given below:-

- (a) Cancel the DPCs held earlier whose action has resulted in injustice.
- (b) Hold a review DPC to consider the cases on zonal basis vide this Directorate's letter No.4/1/2001-S-IV(A) dated 8.01.2001 (copy enclosed) to give promotion to the eligible candidates.

Encl: As above.

Signature

(S.K.GARG)

Dy. Director of Admn.(P)
For Director General.

Chief Engineer(NEZ)
(Kind attn: Sh. Mahesh Chandra, DE),
AIR & TV, P, Kakoti Building,
Ganeshguri Flyover,
G.S.Road, Dispur,
Guwahati-781006.

True copy
Bees

**URGENT
COURT CASE
FAX/ SPEED POST**

**PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO
AKASHVANI BHAWAN, NEW DELHI**

No.08/12/2007-SIV(A) 536

Dated 01.10.2007

**Subject: Contempt case, CP No.12/2007 in O.A. No. 26/2007
filed by Md. Islam, DED, AIR, Guwahati Vs Sh.
B.S. Lall DG/ AIR & New Delhi & others.**

With reference to above mentioned case, it is mentioned that since an affidavit may be filed before the Hon'ble CAT, Guwahati indicating that the DG:AIR have directed the O/o CE(NEZ) to hold review DPC in the light of the extant rules on the subject and, inter-alia, consider the case of Mohd. Islam for promotion if otherwise found eligible and suitable according to revised seniority and the rules for Review DPC.

Further action may be taken accordingly.

[Signature]
(S.P.PANT)
Dy. Director of Admn. (E),
For Director General.

**Chief Engineer(NEZ)
(Kind attn: Sh. Mahesh Chandra, DE),
AIR & TV, P, Kakoti Building,
Ganeshguri Flyover,
G.S.Road, Dispur,
Guwahati-781006.**



True
com
Devesh

No.14 (6)/2007-S (Court Case)/MI/

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO:GUWAHATI

Chandmari, Guwahati-781 003
Dated the November 27, 2007

Mr. Gautam Baishya,
Sr.CGSC,
CAT, Guwahati bench,
Guwahati.

Sub: Contempt Case, CP No.12/2007 in OA No.26/2007 filed by Md. Mohibul Islam, DED, AIR, Guwahati Vs Sh B.S.Lali, DG, AIE, New Delhi & Others.

Ref: CE(NEZ), AIR&TV, Guwahati's letter No.CE(NEZ)/14 (3)/2007-S/4144 dated 27/11/2007.

Sir,

This is to inform that Chief Engineer (NEZ), AIR&TV, Guwahati has conveyed Directorate's instruction to file an affidavit before Hon'ble CAT, Guwahati bench indicating that The Director General, AIR, New Delhi vide letter No.08/12/2007-SIV(A)/536 dated 01/10/2007 (copy enclosed) have directed the O/o Chief Engineer (NEZ), AIR&TV, Guwahati to hold a review DPC in the light of extant rules to consider the case of Md. Mohibul Islam, DED for promotion, if otherwise found eligible and suitable according to revised seniority and rules for the review DPC.

You are therefore requested to prepare an affidavit accordingly for filing before the Hon'ble CAT, Guwahati bench on or before 29/11/2007.

Yours faithfully,

Enclosed: As above


(Dinesh Ch Das)
Station Director

Copy to:

1. Directorate General, {Kind Attn.: Sh S.P.Pant, DDA(E)}, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi-110 001 for kind information.
2. Chief Engineer (NEZ), (Kind Attn.: Sh Mahadev Sarmah, DDA), AIR&TV, Dr. P. Kakoti's Building, Near Ganeshguri flyover, G.S.Road, Guwahati-781 006 for kind information.


Station Director

Annex - 2

- 9 -

MOST IMMEDIATE

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL : ALL INDIA RADIO

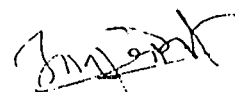
No.8/12/07-SIV(A)/

Dated the 28.11.2007

Sub: Disposal of representation of Md. Mohibul Islam, DED, AIR, Guwahati as per the direction of the Hon'ble CAT, Guwahati bench, Guwahati in OA No.26/2007 dated 06/02/2007.

It is stated that in accordance with the Hon'ble CAT, Guwahati bench's order dated 06/02/2007 in OA No.26/2007 your representation dated 12/02/2007 was considered at DG:AIR (i.e., Respondent No.2) and directions were given to O/o Chief Engineer (NEZ), AIR&TV, Guwahati to prepare the seniority list of DED on zonal basis and consider your case accordingly in the light of the extend rules on the subject, for the promotion to the post of Diesel Technician, if otherwise found eligible.

Md. Mahibul Islam,
DED, AIR, Guwahati.


(Anand Joshi)
Section Officer
for Director General

(Camp Guwahati)

Copy to:-

1. Chief Engineer (NEZ), AIR&TV, Dr. P. Kakoti's Building, Near Ganeshguri flyover, G.S.Road, Guwahati-781 006.
2. Station Director, All India Radio, Chandmari, Guwahati-781 003.

True
6/11/07
Raj