

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH;

1. Original Application No. _____ /
2. Misc Petition No. _____ /
3. Contempt Petition No. 13 / 08 in O.A 57 / 07
4. Review Application No. _____ /

Applicant(S) Himangshu Ranjan Saha - VS - Union Of India & Ors

Advocate for the Applicant(S) S. Saxena, Mr. B. Devi, H.K. Das

Advocate for the Respondent(S) Secy Secy G. Baishya

Notes of the Registry	Date	Orders of the Tribunal
<p><u>This Contempt petition</u> has been filed by the counsel for the petitioner w/s 17 of the CAT Act, 1985 for drawing up contempt proceeding against the contemners for their wilful and deliberate violation of the judgement and order dated 12.03.07 passed in O.A No. 57/07 by this Honble Tribunal.</p> <p>Laid before the Honble Court for further orders.</p> <p><u>Section Officer</u></p> <p><u>27/9/08</u> Dt. 22.9.08</p> <p>Pl. issue notices to the respondents requiring them to file their reply by 21.11.08</p> <p>Notices along with order send to Secy for issuing to respondents by regd. A/D post.</p>	<p>22.09.2008</p>	<p>Heard Mr. H. K. Das, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India.</p> <p>Issue notice to the opposite parties requiring them to file their reply by 21.11.2008.</p> <p>Call this matter on 21.11.2008.</p> <p><u>(S.N. Shukla)</u> Member(A)</p> <p><u>(M.R. Mohanty)</u> Vice-Chairman</p>

Vide D.No - 4/20 to
4/22

Dtd - 29-9-2008.

M
20.11.08

① Service report
awaited.

M
20.11.08

No show cause
reply filed by
the opposite parties.

M
17.12.08.

18.12.08

Reply filed by
Respondents. Copy
served.

D.S.
19/12/08

Notice duly served
on R-3

M
12/1/09

Reply filed.

M
24.2.09.

21.11.2008 Mr.G.Baishya, learned Sr.Standing Counsel for the Railways has entered appearance in this case for the opposite parties by way of filing the 'Vokatnama', executed on 17.11.2008. He prays for time to file show cause in this case.

Accordingly, time till 18.12.2008 is hereby granted to the opposite parties to file show cause.

Call this matter on 18.12.2008.

(S.N.Shukla)
Member(A)

lm

(M.R.Mohanty)
Vice-Chairman

18.12.2008 Mr. G. Baishya, learned counsel appearing for the Respondents undertakes to file show cause in course of the day.

Call this matter on 22.01.2009 for orders.

(S.N.Shukla)
Member(A)

lm

(M.R.Mohanty)
Vice-Chairman

22.1.09 Bench is not available.
List on 16.2.09.

M

16.2.09 Bench is not available.
List on 25.2.09.

M

C.P.13-08 (O.A.57/2007)

10.06.2009

Mr.H.K.Das, learned counsel appearing for the Applicant is present. Mr.G.Baishya, learned Sr. Standing counsel for the opposite parties is represented by Advocate Ms.D.Kour.

On the prayer of Mr.H.K.Das, learned counsel appearing for the Applicant, call this matter on 18.06.2009.

(M.R.Mohanty)
Vice-Chairman

/bb/

18.06.2009

Mr. H. K. Das, learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing for the Government of India is also present.

Non compliance of order dated 12th March 2007, rendered in O.A. No.57 of 2007 is the subject matter of this Contempt Proceedings. By order dated 12th March 2007 of this Tribunal, rendered in O.A.No.57 of 2007, liberty was granted to the Applicant to make a comprehensive representation and the Respondents were asked to dispose of the same with a speaking order.

It appears from the materials placed on record that no speaking order has yet been ~~made~~^{passed} by the Respondents and, in the said premises, Mr.G.Baishya, learned Sr.Standing Counsel appearing for the Government of India prays for four weeks time to come ready for hearing of this case.

Call this matter on 21st July 2009. Send copies to O.Ps.

(M.R.Mohanty)
Vice-Chairman

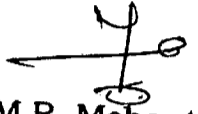
*w/s and rejoinder
filed by the parties.*

20.7.09.

C.P.13 of 2008(O.A.57 of 07)

25.02.2009 Mr. H. K. Das, learned counsel appearing for the Applicant prays for time (in presence of Mr. G. Baishya, learned Sr. Standing Counsel for the Respondents) to file Rejoinder. Prayer is allowed.

Call this matter on 3rd April, 2009.


(M.R. Mohanty)
Vice- Chairman

lm

Rejoinder next filed.

3
2.4.09

Rejoinder filed by filed by the petitioner against the Reply filed by the respondents,

03.04.2009

In this case a reply and rejoinder thereto has already been filed by the parties. Mr G. Baishya, learned Sr. Standing counsel wants to take instruction from the Respondents on the rejoinder filed by the Applicant.

Call this matter on 06.05.2009.

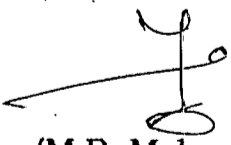

(M.R. Mohanty)
Vice-Chairman

Rejoinder filed.

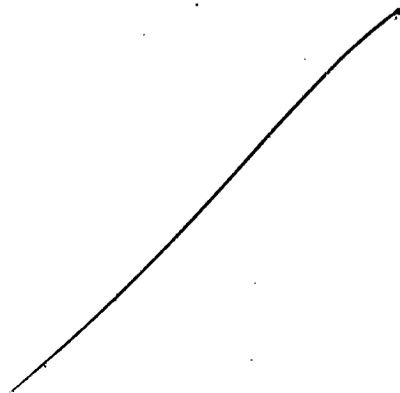
m
5.5.09

pg

06.05.2009 On the prayer of Mr. G. Baishya, learned Sr. Standing Counsel representing the Respondents, call this matter on 10.06.2009.


(M.R. Mohanty)
Vice-Chairman

lm



- 6 - C.P. 13/08 v

C.P. 13-08

27.10.2009

Mr.H.K.Das, learned counsel for Applicant states that in compliance of directions issued by this Tribunal on 12.03.2007 passed in O.A. No.57/2007 Respondents have belatedly complied with said directions by passing a reasoned and speaking order on 16.07.2009.

In view of the above, we hold that as on today, no contempt has been committed by Respondents.

Thus, C.P. is disposed of. Notices are discharged. It is needless to mention that in case Applicant is still aggrieved by the said order, he is at liberty to take appropriate steps as per law and rules.

5/11/2009

Copy of order dtd 27/10/2009 has been prepared and send to the Applicant & Respects ~~by post~~ by post & to the side standing Counsel by hand.

/bb/

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

D/No. 12538 to ¹²⁵⁴² 5/11/09
Dtd. 11-11-2009

7

21.07.2009

Mr. H.K. Das, learned counsel appearing for the Applicant is present.

Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents is represented.

Call this matter on 2nd September 2009 awaiting speaking order from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A./C.P.

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

02.09.2009

On behalf of the opposite parties a written submission is filed in Court.

A copy of the same is supplied to Mr. H.K. Das, learned counsel for the Applicant.

Call this matter on 14.10.2009.

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

/lm

14.10.2009

Mr. H. K. Das, learned counsel for the Applicant is present. Mrs. M. Das, learned Sr. Standing Counsel representing the Government of India is also present.

On the request of learned counsel for both the parties, call this matter on 27.10.2009.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/lm/

Devi on leave

~~22.7.09~~

Khaitanl.

order dt. 18.6.09

not send to the Respondents

O.P. Name, along with the

order dt. 21.7.09 send

to the Respondents in the

address given in the O.A./C.P.

urgently.

22/7/09

23-7-2009

Copy of the order

18.6.09 and 21.7.09

has prepared and

send to D. Section

for issuing to the

respondents.

Vide D.No:- 3908

Date:- 24/7/09

23/7/09

2.9.09

Reply has been filed by the Respond through their Advocate in the court.

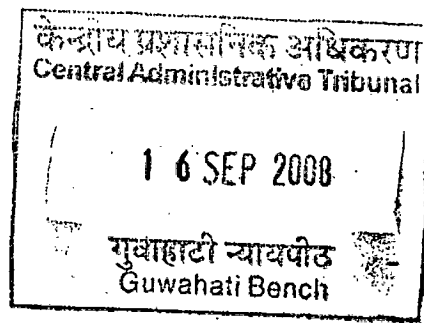
2/9/09

W/s and rejoinders filed by the parties.

13.10.09

W/s and rejoinders filed by the parties.

26.10.09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

C.P. No. 13 of 2008

Himangshu Ranjan Saha ...PETITIONER

- Vs -

Union of India & Ors. ...CONTEMNERS

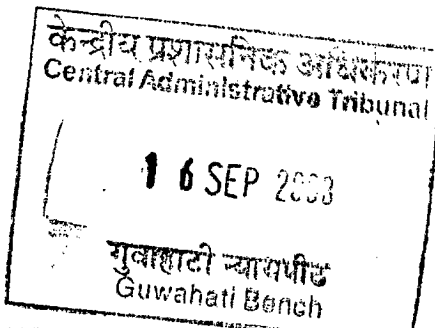
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Filed by



Hridip Kr. Das
Advocate



filed by:

the Petitioner

through

Hridip Kr. Das.

Advocate

16.9.08

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

CP NO. 13...../08

IN OA NO. 57/07

Himangshu Ranjan Saha.

-vs-

Union of India & Ors.

IN THE MATTER OF

An application under Sec.17 of The Central Administrative Tribunal Act 1985 for drawing up contempt proceeding against the contemners for their willful and deliberate violation of the judgment and order dated 12.03.2007 passed in OA NO 57/07 by this Hon'ble Tribunal.

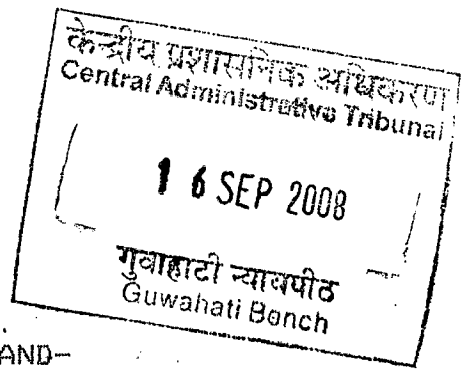
-AND-

IN THE MATTER OF

An application praying for appropriate execution of the judgment and order dated 12.03.2007 passed in OA NO. 57/07 by the Hon'ble Tribunal invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987.

Himangshu Ranjan Saha.

- 2 -



-AND-

IN THE MATTER OF

Sri Himangshu Ranjan Saha.
Asstt. Commissioner,
Central Excise and Service Tax
Ranga Ghora Road (Durga Bari),
P.O & Dist: Tinsukia,
Pin:- 786125.

.....Petitioner

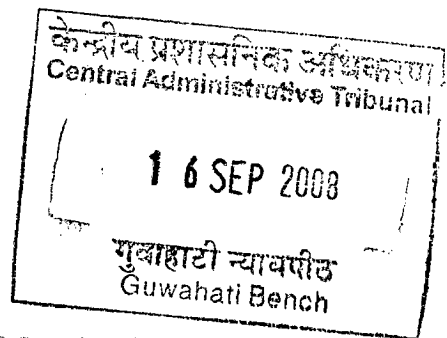
-Vs-

1. Sri P.B. Bhide,
Secretary Revenue to the Govt. of
India, Ministry of Finance,
North Block
New Delhi-110001.

2. Sri Hrishikesh Sharan,
Chief Commissioner,
Customs and Central Excise,
N.E.Region, Shillong, M.G. Road,
Meghalaya. Pin- 793001.

3. Ms Eva Ema Hynniewta,
Commissioner of Central Excise,
Milan Nagar, 'F' Lane,
Central Revenue Building,
Dibrugarh- 786003.

.....Contemners/ Respondents



The humble application on behalf of the petitioners above named.

MOST RESPECTFULLY SHEWETH

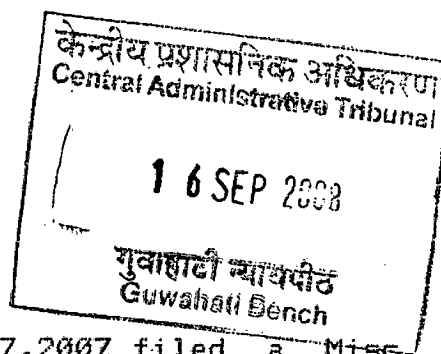
1. That the petitioner/applicant had approached the Hon'ble Tribunal against the action of the respondents in non regularisation of period of leave and non payment of salary thereof by filling DA No.57/2007. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said Original Application with a direction to the respondents more particularly the Respondent No. 3 (Contemner no. 3 in the C.P) to dispose of the representation within two months which will be submitted by the applicant within a period of two weeks from the date of passing of the order.

A copy of the judgment and order dated 12.03.2007 passed in DA NO. 57/07 is annexed herewith and marked as Annexure- 1.

2. That the petitioner immediately on receipt of the copy of the judgment, preferred representation dated 26.3.2007 enclosing the copy of the said judgment to the respondent No. 3 praying for implementation of the same but the respondent authorities have not implemented the Hon'ble Tribunal's order till date.

A copy of the representation dated 26.3.2007 is annexed herewith and marked as ANNEXURE- 2.

Heinanglu Ranjan Lal



3. That the respondents on 18.7.2007 filed a Misc. Case No. 65/2007 seeking six months time from 12.3.2007 for implementation of the judgment and order passed by the Hon'ble Tribunal in O.A. No. 57/2007. The Hon'ble Tribunal after hearing the parties to the proceeding on 18.7.2007 was pleased to give one month time for implementation of the order passed by the Hon'ble Tribunal.

A copy of the order dated 18.7.2007 passed in M.P. No. 65/2007 is annexed herewith and marked as Annexure- 3.

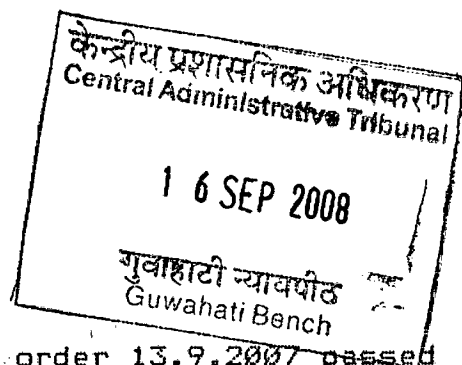
4. That the respondents having full knowledge of the direction passed by the Hon'ble Tribunal failed to comply with the order dated 12.3.2007 within the aforesaid stipulated period. Thereafter, the petitioner made a communication dated 20.8.2007 with a request to comply the order passed by the Hon'ble Tribunal and to release his salary for the month of March, 2005. However, the respondents acting in a most contemptuous manner did not comply with the order passed by the Hon'ble Tribunal within that stipulated period.

A copy of the communication dated 20.8.2007 is annexed herewith and marked as Annexure- 4.

5. That the respondents again filed another Misc. Petition No. 98/2007 seeking two months time from 18.8.2007 to comply with the direction passed by the Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to give one months time as a last chance to implement the order dated 12.3.2007.

Himangshu Rayan Saha.

-5-



A copy of the order 13.9.2007 passed in M.P No. 98/2007 is annexed herewith and marked as Annexure- 5.

6. That within that aforesaid period also the respondents failed to comply with the order passed by the Hon'ble Tribunal showing willful and deliberate negligence on their part. Thereafter on 4.9.2007 the petitioner having found no other alternative served a legal notice demanding implementation of the order passed by the Hon'ble Tribunal. But surprisingly enough the respondents did not implement the order dated 12.3.2007.

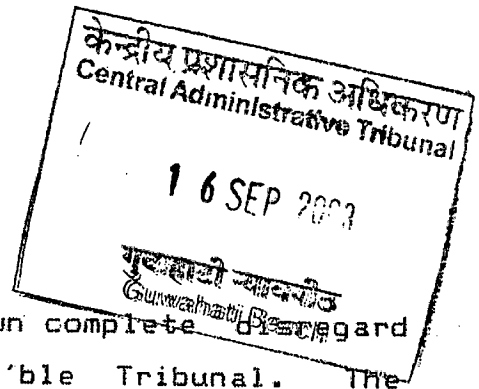
A copy of the legal notice dated 4.9.2007 is annexed herewith and marked as Annexure- 6.

7. That on 30.10.2007 the petitioner served another legal notice demanding his salary for the month of March, 2005 and implementation of the judgment of the Hon'ble Tribunal and till date nothing has been communicated to the petitioner indicating implementation of the order passed by the Hon'ble Tribunal. Hence, it is apparent that the respondents have shown clear disregard to the order passed by the Hon'ble Tribunal and are liable to be punished under the Contempt of Courts Act.

A copy of the legal notice dated 30.10.2007 is annexed herewith and marked as Annexure- 7.

8. That the petitioner beg to state that the respondents/contemners have full knowledge about the direction passed by the said judgment and order dated 12.3.2007 passed in OA NO.57/2007 but inspite of this the respondents have acted in a contemptuous manner. The

Hemangshu Rajan Saha,



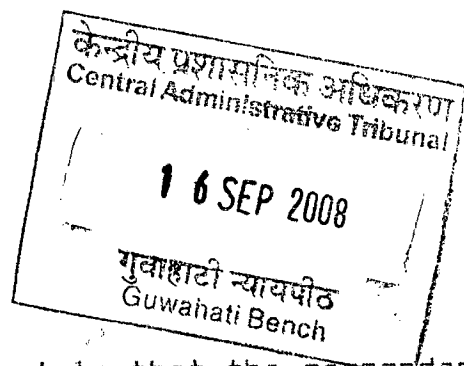
respondents by such inaction have shown complete disregard to the directive given by the Hon'ble Tribunal. The respondents for such inaction and willful and deliberate violation of the said judgment and order dated 12.03.2007 made themselves liable to be punished under Contempt of Courts Act.

9. That the petitioner beg to state that the contemners have acted in violation of the judgment (Annexure-1) in not regularizing the period of leave and not making payment thereof. Hence, they are liable to be punished severely for their such action invoking the power under Section 17 of the Administrative Tribunal Act, 1985 read with provision under the Central Administrative Tribunal (Contempt of Court's) Rule, 1992 as well as the provisions contained in the Contempt of Court's Act 1971.

5. The respondents/contemners have received the copy of the said representation along with the legal notices but as on date nothing has been communicated to the petitioners.

6. That the petitioner begs to state that the respondents/ contemners have willfully and deliberately violated the judgment and order dated 12.3.07 passed by this Hon'ble Tribunal and as such they are liable to be punished for committing contempt of Court's order and accordingly they are required to be punished severely in accordance with law.

Hemangshu Ranjan Saha



7. That the petitioner begs to state that the respondents/ contemners have not yet filed any Writ Petition against the judgment and order dated 12.3.07 and as such same has attained its finality. It is therefore, the respondents are bound to follow the said judgment and order dated 12.3.07 passed by the Hon'ble Tribunal in its true spirit. In case of any deviation from the said judgment it will amount to committing contempt of Court's order and for the same the contemners are liable to be punished in accordance with law.

8. That the petitioner has filed this application bonafide and secure ends of justice.

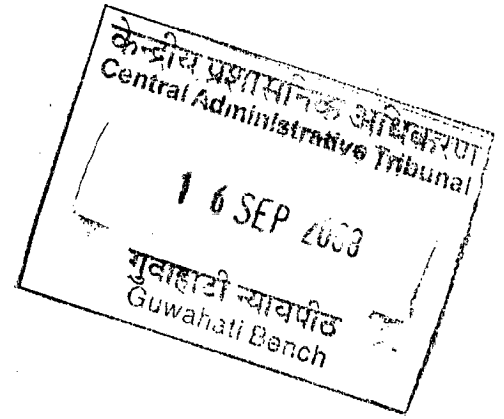
In the premises aforesaid it is most respectfully prayed that Yours lordships would graciously be pleased to admit this petition, call for the records of the case and issue notices to the contemners calling upon them to show cause as to why appropriate contempt proceeding shall not be drawn up against them and punish them severely and after perusal of records and after hearing the parties on the cause or causes that may be shown, be further pleased to draw up appropriate contempt proceeding against each of the contemners and to punish them severely for their willful and deliberate violation of the judgment and order dated 12.3.07 with a further direction to comply and implement the said judgment forthwith without further delay and/or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

Himanshu Ranjan Laha



DRAFT CHARGE.

Whereas 1. Sri P.E. Baide, Secretary Revenue to the Govt. of India, Ministry of Finance, New Delhi-110001, 2. Sri Hrikesh Sharan, Chief Commissioner, Customs and Central Excise, N.E.Region, Shillong, M.G. Road, Meghalaya, Pin- 793001, 3. Shri Eva Ema Hynniewta, Commissioner of Central Excise, Milan Nagar, 'F' Lane, Central Revenue Building, Dibrugarh- 786003, have willfully and deliberately violated the judgment and order dated 12.3.07 passed in O.A No. 57/07, by this Hon'ble Tribunal and as such they are liable to be punished severely for committing contempt of court's order.



AFFIDAVIT.

I, Sri Himangshu Ranjan Saha, son of late Hema Ranajan Saha, aged about 56 years, at present resident of Tinsukia (Assam) do hereby solemnly affirm and state as follows:

1. That I am the petitioner in the instant case and as such I am well acquainted with the facts and circumstances of the case.

2. That the statements made in the affidavit and in the accompanying petition in the paragraphs 8, 9, 10, 11 & 12... are true to my knowledge and those made in paragraphs 1, 2, 3, 4, 5, 6 & 7... are matters of records are true to my information derived therefrom and the rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign on this affidavit on this the 12th day of September, 2008.

Himangshu Ranjan Saha.
Applicant.

Identified by.

Dutta
12/09/08

Advocate.

Solemnly affirm and state by the applicant who is identified by .
Hridip Kr. Das..... Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

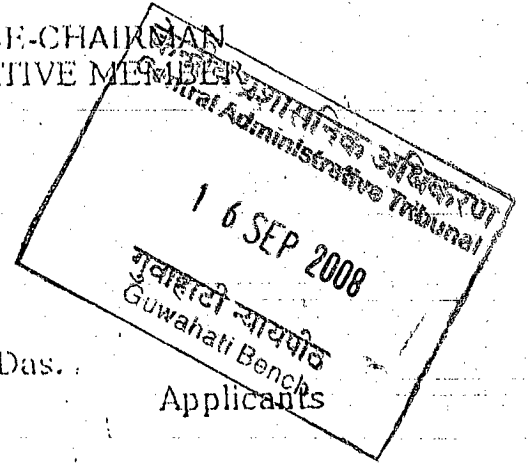
Original Application No. 57 of 2007

Date of Order: This the 12th Day of March, 2007.

HON'BLE MR. K.V. SACHIDANANDAN, VICE-CHAIRMAN
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

Sri Himangshu Ranjan Saha
Asstt. Commissioner,
Central Excise and Service Tax
Ranga Ghora Road (Durga Bari),
P.O. & Dist: Tinsukia,
Pin: 786125

By Advocate Mr. S. Sarma, Ms. B. Devi, Mr. H. K. Das.



-Versus-

1. Union of India represented by
Secretary Revenue to the Govt. of India,
Ministry of Finance,
New Delhi-110001.
2. The Chief Commissioner
Customs and Central Excise
N.E. Region, Shillong, M.G. Road,,
Meghalaya.
3. The commissioner of Central Excise
Dibrugarh, Milan Nagar, C. R. Building
Dibrugarh-786003. Respondents

By Advocate Mr. M. U. Ahmed, Addl. C.G.S.C.

ORDER (ORAL)

SACHIDANANDAN, V.C.:

The applicant is presently working as Asstt. Commissioner, Central Excise and Service Tax at Tinsukia. The applicant vide his application dated 31.1.05 applied for earned leave w.e.f. 02.03.05 to 25.3.05. Thereafter the applicant submitted a revised leave application praying for grant of earned leave from 1.3.05 to 24.3.05 on medical ground. During his such leave period he received a communication dated 11.3.05 issued by the Addl.

Ahmed

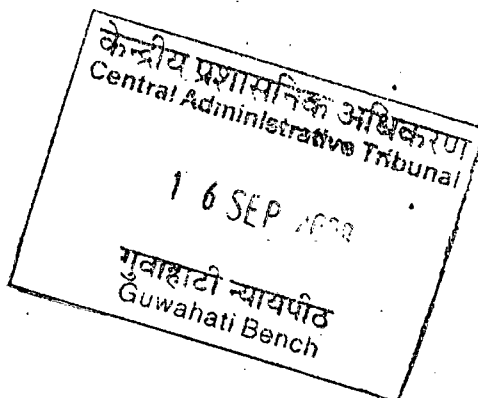
Asstt.

Advocate

Commissioner (P&V) Dibrugarh directing him to resume duty. The applicant immediately submitted a representation dated 16.3.05 (Annexure- E) requesting the authority to sanction his leave. The applicant subsequently received a communication dated 30.3.05 issued by the joint Commissioner, Central Excise indicating that his revised leave application dated 28.2.05 has not been sanctioned and the applicant has failed to comply with the office order dated 28.2.05. The applicant again submitted an application dated 31.3.05 indicating the necessity. But the respondents did not regularise the period of leave of the applicant nor he was paid salary for that period. The applicant requesting payment of his salary for the month of March 2005 made several representations to the concerned authority but he failed to get any positive reply from the respondents. But the respondents by letter dated 28.7.05 (Annexure-M) informed the applicant that the matter is under consideration by the competent authority and it will be communicated to him in due course of time. The operative portion of the letter dated 28.7.2005 is quoted below:-

"The matter is under consideration by the authority and as soon as it is decided, You will be informed."

Being aggrieved the applicant has filed this O.A seeking the following reliefs: -



8.1. To direct the respondents to regularise the period of services of the applicant and to pay him the salary for the said period.

8.2. To direct the respondents to release the TA bills for the period 01.08.03 to 16.11.03 and 16.12.04 to 24.12.04, alongwith an interest @ 21 % pa."

2. We have heard Mr.S.Sarma learned counsel for the applicant and Mr.M.U.Ahmed learned Addl. C.G.S.C. for the respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that he will be satisfied if a direction is given to the applicant to make a comprehensive representation before the 3rd Respondent narrating all his grievances and the 3rd respondent may be directed to dispose of the same within a time frame. The counsel for the respondents has submitted that he has no objection if such direction is given. In the interest of justice this Court directs the applicant to make a comprehensive representation within two weeks from to-day with relevant document before the 3rd respondent and on receipt of such representation the 3rd respondent or any other competent authority shall dispose of the same with a speaking order within a time frame of two months thereafter.

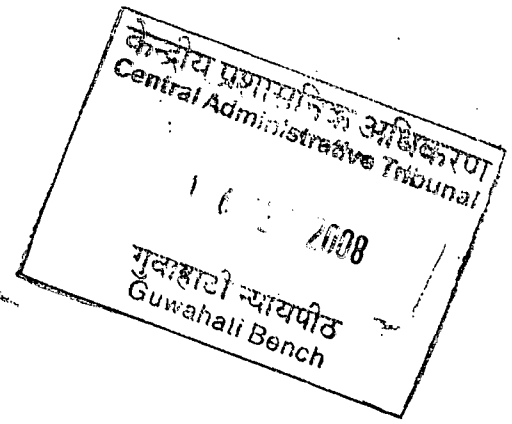
3. The O.A. is disposed of accordingly. There will be no order as to costs.



TRUE COPY
 20.3.08

Handwritten signature and date: 25/3/08

S2/VICL CHAIRMAN
 S2/REGISTRAR (A)



OFFICE OF THE ASSISTANT COMMISSIONER
CENTRAL EXCISE & SERVICE TAX :: TINSUKIA DIVISION

C.No. 11(29)04/PL/ET/05/Pt-II/

Dated, 26/03/2007

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
16 SEP 2008
गुवाहाटी ब्याचपीठ
Guwahati Bench

To
The Commissioner,
Central Excise Commissionerate,
Dibrugarh.

Sub: - Non receipt of Salary for the month of March 2005 & T.A Bill for the period from 01/08/2003 on wards- Corrs. Reg.

Madam,

In pursuance of the Direction of the Hon'ble Central Administrative Tribunal, Guwahati bench in O/A No. 57/07 dated, 12/03/2007 (copy enclosed for ready reference) I am again requesting you kindly to pass necessary order for release of my pay for the month of March 2005 and regularize my Earned Leave as per order.

You are also requested to instruct the dealing unit to clear my T.A bills pending since 01/08/2003 as per order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati dated, 12/03/2007(Copy enclosed).

Encl:- Three pages of the Order dt. 12/03/2007.

Yours faithfully,

[Handwritten Signature]

(H.R.SAHA)

ASSISTANT COMMISSIONER

C.No.11(29)04/PL/ET/05/Pt-II/ 11800 -11801

Dated, 26/03/2007.

Copy to:-

The Assistant Chief Accounts Officer, Central Excise, Dibrugarh for information & to persue the matter.

Encl: Three pages of the Order dated, 12/03/2007

[Handwritten Signature]

(H.R.SAHA)

ASSISTANT COMMISSIONER

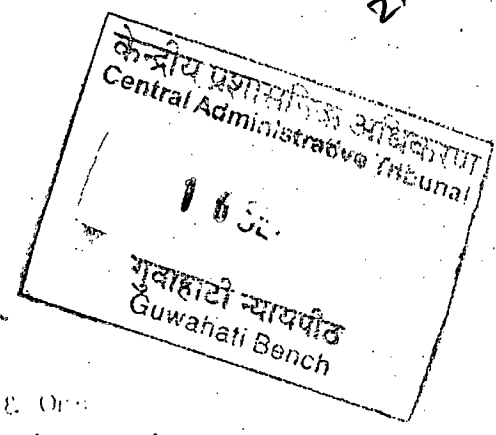
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Advocate

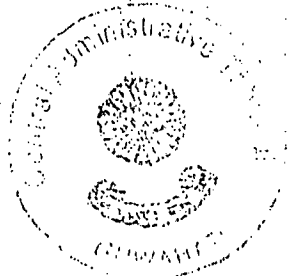
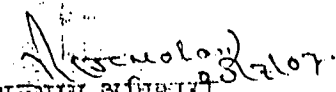
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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
ORDERS SHEET



- 1. Original Application No. _____
- 2. Misc Petition No. 65/07 under A 57/07
- 3. Contempt Petition No. _____
- 4. Review Application No. _____

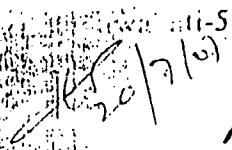
Applicant(s) VS- Union of India & Ors
 Advocate for the Applicants:- G. Baishya, Et. Case
 Advocate for the Respondants:- S. Sarma, B. Das, H.K. Das

Notes of the Registry	Date	Order of the Tribunal
 TRUE COPY प्रतिलिपि  Section Officer (Jail)	18.7.2007	<p>This Misc Petition has been filed praying for <u>one month</u> extension in implementing the order passed in O.A.57/2007.</p> <p>Heard Mr.G.Baishya, learned J.C.G.S.C. for the Misc. Petitioners and Mr.H.K.Das, learned counsel for the opposite party.</p> <p>Considering the averment and the argument advanced by the counsel for the Misc. Petitioner I am of the view that extension of <u>one month</u> time will suffice to comply with the orders of this Tribunal.</p> <p>Therefore, one month extension is granted for implementation of the orders of this Tribunal.</p> <p>The M.P. is allowed accordingly:</p>

SE/ VICE CHAIRMAN

Attested

 Advocate


 20/7/07

OFFICE OF THE ASSISTANT COMMISSIONER,
CENTRAL EXCISE & SERVICE TAX::: TINSUKIA DIVISION

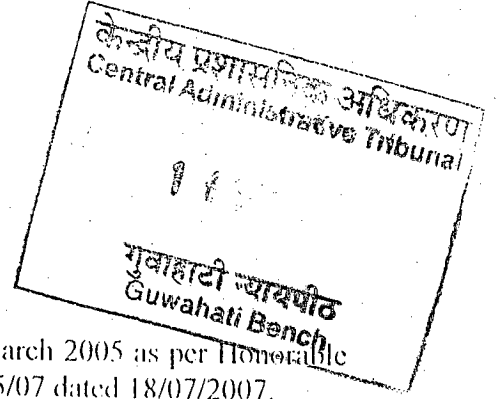
C.No. II(29)04/PL/ET/CON/05/Pt-II/ 1998

Dated, 20/08/2007.

To
The Commissioner,
Central Excise & Service Commissionerate,
Dibrugarh.

Sir,

Sub: _ Request for drawal of my pay for the month of March 2005 as per Honorable
C.A.T, Guwahati. Orders vide O.A No. 57/2007 & M.P No 65/07 dated 18/07/2007.



Kindly refer to my letter even no. 11807 dated 26/03/2007 & verbal discussion & request to you in different times in the matter. As per Departmental Misc. petition filed before the Hon'ble C.A.T, Guwahati for implementing the order vide O.A No 57/2007 dt. 12/03/2007 & the order of the Hon'ble C.A.T, has already passed one month.

In view of the above, I request you kindly to order for drawal of pay for 1st march to 24 th March 2005 of self.

Hope you will take necessary early action in the matter.

Thanking you,

Encl: I (one) sheet.

Yours faithfully,

(H.R.SAHA)
ASSISTANT COMMISSIONER

Asses-ee

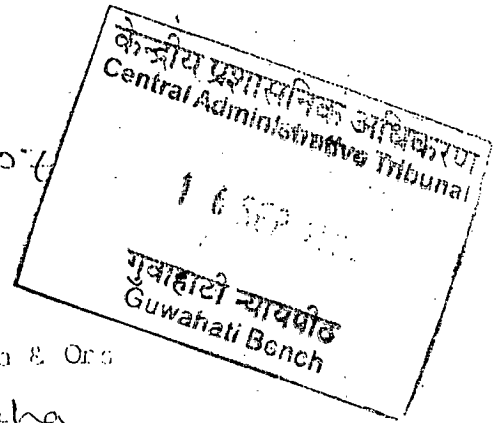
H. S.

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O R D E R S S H E E T

- 1. Original Application No. _____
- 2. Misc Petition No. 98/07 in O.A.S-1/07
- 3. Contempt Petition No. _____
- 4. Review Application No. _____



Applicant(S) Himanshu Rajan Saha VS- Union of India & Ors

Advocate for the Applicants:- G. Braishny, H.R. Saha
in. C.A.S.C.

Advocate for the Respondents:- S. Sarma, B. Devi, A.K. Das

Notes of the Registry	Date	Order of the Tribunal
12.9.07	13.9.07	<p>This is an application filed by the petitioner/respondents for extension of one month time to implement the order. When the matter came up the counsel for the petitioner submitted that they have decided to implement the order. This court has already granted one month time on the earlier M.P. filed by the petitioner. But they have failed to implement the order. By this petition further one month time is sought for to implement the order. Counsel for the applicant submitted that as per his instruction the order has already been complied with. However, one month further time is granted to the petitioner as a last chance to implement the order, if it is not already complied with.</p>
		<p>Misc. Petition allowed and disposed of.</p>



Amrita

Har

Advocate

SA/ VICE CHAIRMAN

6.7.0

Sri Siddhartha Sarma.

Advocate.

Gauhati High Court, Guwahati.

-17-

ANNEXURE - 8

M.A.Road, Rehabari

Guwahati-781008

Ph:0361-2515995, 9864092629

24

Ref:

Date: 04.09.2007.

To,

The Commissioner,
Central Excise & Service Commissionerate,
Dibrugarh.

Sub : - Legal Notice.

Sir,

Upon authority and as per instruction of my client, Mr. Himangshu Rajan Saha, Assistant Commissioner, Central Excise and Service Tax, Ranga Ghora Road (Durga Bari), P.O. & Dist: Tinsukia, Pin: 786125, I give you this NOTICE as follows;

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
16 SEP
गुवाहाटी न्यायाधीश
Guwahati Bench

That my clients aforesaid as indicated above being aggrieved by the action/ inaction on the part of the administration preferred O.A No. 57/2007 ventilation of his grievances. The Hon'ble Tribunal after hearing the parties to the proceeding at length was pleased to dispose of the OA No. 57/2007 on 12.03.2007 with a direction towards the respondent no. 3 i.e. The Commissioner, Central Excise & Service Commissionerate, Dibrugarh to pass a speaking order ventilating the grievance of my client aforesaid within a period of 2 (two) months. According my client aforesaid submitted representation dated 26.03.2007.

That the time limit given by the Hon'ble Tribunal for passing a speaking order expired on 26.05.2007. But there is no sign on your part for implementation of the order of the Hon'ble Tribunal. After lapse of about another 2 (two) months the administration moved a Misc. Case No. 65/2007 with a prayer for extension of time for compliance of order of this Hon'ble Tribunal. The Hon'ble Tribunal vide order dated 18.07.2007 allowed the Misc. Case and granted 1 months time for implementation of the order passed in OA 57/2007. The further time given by the Hon'ble Tribunal expired on 18.08.2007 and no speaking order has been passed for redressal of the grievances of my client aforesaid as on date.

That my client aforesaid has made several correspondences for implementation of the judgment and order dated 12.03.2007 passed in OA No. 57/2007 but same yielded no result in positive. Therefore it reveals and establishes a clear willful and deliberate violation of the order of the Hon'ble Tribunal.

In view of the above I give you this notice making a demand for compliance of the judgment and order dated 12.03.2007 passed in OA No. 57/2007 within a period of 15 days from the date of receipt of this notice failing which the instruction of my is to initiate contempt proceeding before the Hon'ble Court.

I hope and trust that there would be no occasion for any further litigation in respect this issue dragging you unnecessarily into it.

Thanking You,

Sincerely Yours,

S.Sarma

A. H. Sarma

H. S. Sarma

Advocate

Sri Siddhartha Sarma.

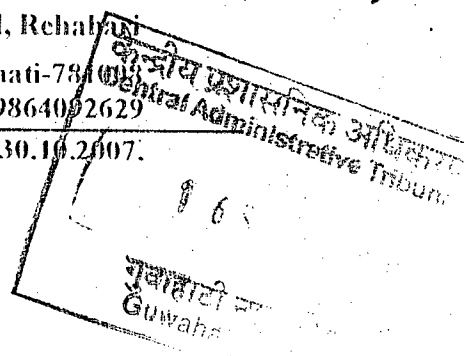
Advocate.
Guwahati High Court, Guwahati.

M.A.Road, Rehahati

Guwahati-781008

Ph:0361-2515995, 9864092629

Date: 30.10.2007.



Ref:
To,
The Commissioner,
Central Excise & Service Commissionerate,
Dibrugarh.
Sub : - Legal Notice.
Sir,

Upon authority and as per instruction of my client, Mr. Himangshu Ranjan Saha, Assistant Commissioner, Central Excise and Service Tax, Ranga Ghora Road (Durga Bari), P.O. & Dist: Tinsukia, Pin: 786125, I give you this NOTICE as follows;

That my clients aforesaid as indicated above being aggrieved by the action/ inaction on the part of the administration preferred O.A No. 57/2007 ventilation of his grievances. The Hon'ble Tribunal after hearing the parties to the proceeding at length was pleased to dispose of the OA No. 57/2007 on 12.03.2007 with a direction towards the respondent no. 3 i.e. The Commissioner, Central Excise & Service Commissionerate, Dibrugarh to pass a speaking order ventilating the grievance of my client aforesaid within a period of 2 (two) months. According my client aforesaid submitted representation dated 26.03.2007.

That the time limit given by the Hon'ble Tribunal for passing a speaking order expired on 26.05.2007. But there is no sign on your part for implementation of the order of the Hon'ble Tribunal. After lapse of about another 2 (two) months the administration moved a Misc. Case No. 65/2007 with a prayer for extension of time for compliance of order of this Hon'ble Tribunal. The Hon'ble Tribunal vide order dated 18.07.2007 allowed the Misc. Case and granted 1 months time for implementation of the order passed in OA 57/2007. The further time given by the Hon'ble Tribunal expired on 18.08.2007 and you failed to comply with the judgment passed in OA 57/2007 within the aforesaid period. Being aggrieved my client aforesaid served a legal notice dated 4.9.07 for implementation of the judgment. Again on 13.9.2007 the administration moved another Misc. Case registered and numbered as 98/2007 seeking further time to comply with the judgment passed in OA 57/2007 and the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to grant another 1(one) month time from 13.9.2007 to comply with the judgment as a last and final chance to implement the order dated 12.03.2007. The time granted by the Hon'ble Tribunal expired on 13.10.2007 and there is no sign on your part to comply with the judgment and no speaking order has been passed for redressal of the grievances of my client aforesaid as on date.

That my client aforesaid has made several correspondences for implementation of the judgment and order dated 12.03.2007 passed in OA No. 57/2007 but same yielded no result in positive. Therefore it reveals and establishes a clear willful and deliberate violation of the order of the Hon'ble Tribunal.

In view of the above I give you this notice making a demand for compliance of the judgment and order dated 12.03.2007 passed in OA No. 57/2007 within a period of 10 days from the date of receipt of this notice failing which the instruction of my is to initiate contempt proceeding before the Hon'ble Court.

I hope and trust that there would be no occasion for any further litigation in respect this issue dragging you unnecessarily into it.

Thanking You,

Sincerely Yours,
Siddhartha Sarma
S.Sarma

Attested

H.S.

Advocate

18/12/08
Court Officer.

28

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

C.P. NO. 13/2008

IN O.A. NO. 57 OF 2007

Sri H.R. Saha

...Petitioner

-Versus-

Union of India & Ors.

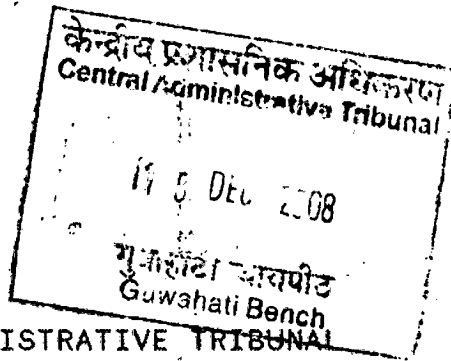
....Respondents

INDEX OF THE REPLY TO THE CONTEMPT PETITION

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
1.	Reply to the Contempt petition	1 - 6
2.	Verification	7
3.	Annexure-I (Copy of the communication dtd. 13.6.08)	8 - 9
4.	Annexure-II (Copy of the letter dt.19.6.08)	10
5.	Annexure-III (Copy of the communication dtd. 25.7.08)	11
6.	Annexure-IV (Copy of the communication dtd. 14.8.08)	12
7.	Annexure-V (Copy of the communication dtd. 4.9.08)	13
8.	Annexure-VI (Copy of the communication dtd. 13.10.08)	14 - 15

Received on behalf of
Mitra
18.12.08
H.K. Das

Filed by
Gautam Mishra
Subsc
18.12.08



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI.

Contempt Petition No.13/08

in OA No. 57 of 2007

Shri Himangshu Ranjan Saha
Assistant Commissioner,
Central Excise & Service Tax.

...Applicant

-Versus-

1. Shri P.B. Bhide,
Secretary Revenue to the Govt. of
India, Ministry of Finance,
New Delhi-110001.

2. Sri Hrishikesh Sharan
Chief Commissioner,
Customs & Central Excise,
Shillong-793001

3. Ms. Eva M.R. Hynniewta
Commissioner of Central Excise
Dibrugarh-786003.

....Respondents ,

Reply to the contempt petition filed
by the contemnners/respondents above
named-

REPLY OF THE CONTEMPT PETITION

Contd...P/-

Filed by

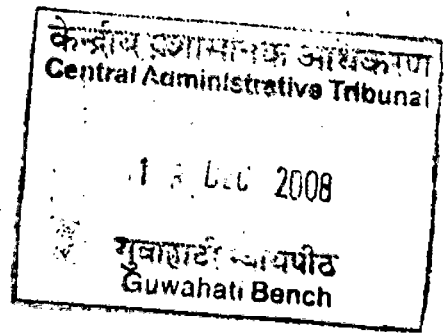
27
Shri Himangshu Ranjan Saha

Commissioner

Central Excise, Dibrugarh

18.12.08

18.12.08



MOST RESPECTFULLY SHEWETH:

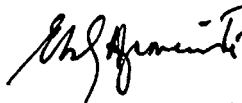
1. That a copy of the contempt petition filed in the above noted case has been served upon the respondents and the respondents after going through the same has understood the contempt thereof.

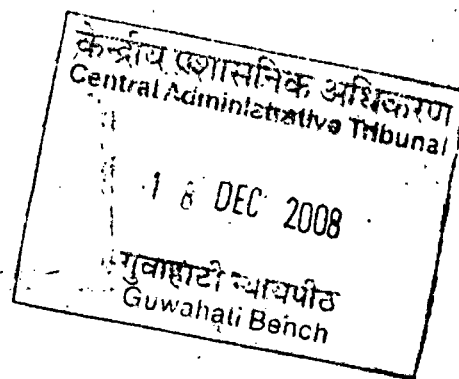
2. That the respondents further beg to state that the statements which are not specifically admitted by the respondents are deemed to be denied by them.

3. That with regard to the statements made in paragraphs 1 & 2 of the instant petition are matter of record and the respondents have no comments. However, it is submitted that the order dated 12.3.2007 passed by the Hon'ble CAT was already implemented by releasing the salary to the applicant.

4. That with regard to the statements made in paragraph 3 of the instant petition is a matter of record. The respondents have no comments.

5. That with regard to the statements made in paragraph 4 of the instant petition the respondents beg to state that on receipt of the Hon'ble CAT's order dated 12.3.2007 the department filed a prayer before the Hon'ble CAT seeking six months time to implement the Hon'ble CAT's order.

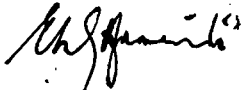

Commissioner Contd...P/-
Central Excise, Dibrugarh



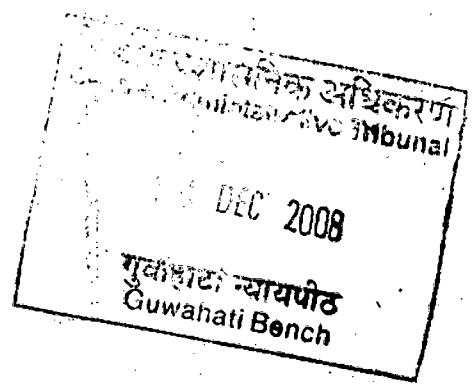
6. That with regard to the statements made in paragraph 5 of the instant petition are matter of record. The respondents have no comments.

7. That with regard to the statements made in paragraphs 6, 7 & 8 of the instant petition the respondents beg to state that the department was sincere enough to implement the order of the Hon'ble CAT but due to delay in receipt of the decision of the Ministry, the release of the salary to the applicant got delayed which was unintentional.

8. That with regard to the statements made in paragraph 9 of the instant petition and the respondents beg to submit that the Ministry has decided to initiate disciplinary proceeding against the applicant for his unauthorised absence and defying the Union Budget instructions, the decision regarding regularisation of period of leave will be taken while the order in the proposed disciplinary proceedings are prepared by the concerned authority. However, the Ministry had already released the salary for the month of March, 2005. Accordingly, on receipt of the order from the Ministry of Finance under F. No. C-11015/43/2006-Ad.V/2980 dated 13.6.2008. The Respondent No.3 i.e. the Commissioner, Central Excise, Dibrugarh took immediate step and directed the Assistant Chief Account Officer to release the

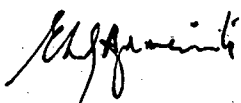

Commissioner
Central Excise, Dibrugarh

Contd...P/-

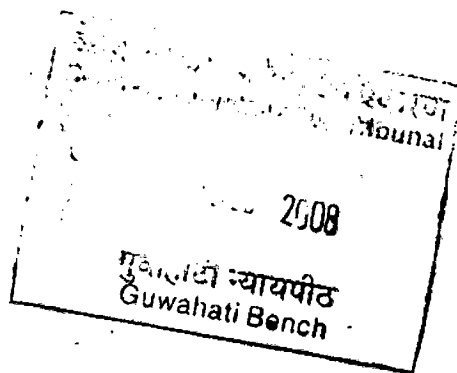


pay of Sri H.R. Saha for the period from 01.03.2005 to 24.3.2005 and send it to the Central Excise Commissioner, Ranchi where Shri Saha is presently posted. The Assistant Chief Accounts Officer sent a demand draft No. 438640 dated 22.7.2008 for Rs.15,700/- (Rupees fifteen thousand seven hundred) only under C. No. III(20)1/CASH/COMMR/2007/5388 dated 25.7.2008 to the Chief Accounts Officer, O/O the Commissioner of Central Excise & Service Tax, Central Revenue Building, 5 Main Road, Ranchi-834001 (Jarkhand). On receipt of the said draft the CAO, Ranchi sent a communication to the ACAO, Dibrugarh that the draft was not drawn properly. Accordingly, another demand draft No. 441051 dated 2.9.2008 for Rs.15,700/- (Rupees fifteen thousand seven hundred) only was sent to the Chief Accounts Officer, Ranchi under C.No. III(20)1/CASH/COMMR/2007/7094 dated 4.9.2008. Thereafter the ACAO Central Excise Hqrs. Ranchi informed vide his letter C. No.III(14)-Misc./Com.R/03-04/1029 dated 13.10.2008 that the demand draft for Rs.15,700/- (Rupees fifteen thousand seven hundred) only was forwarded to Shri H.R. Saha which was received by him on 20.9.2008 and Acquittance Slip signed by the applicant i.e. Shri H.R. Saha as a token of receipt was sent along with the aforesaid letter.

A copy of the communication dtd. 13.6.08 is annexed herewith and marked as Annexure - I.


Commissioner
Central Excise, Dibrugarh

Contd...P/-



A copy of the letter dtd. 19.6.08 directing the ACAO to release the pay by the Commissioner is annexed herewith and marked as Annexure - II.

A copy of the communication dtd. 25.7.08 is annexed herewith and marked as Annexure -III.

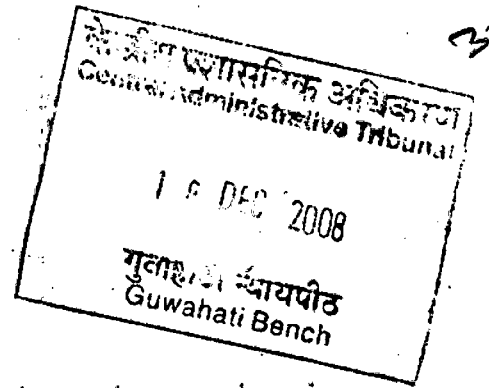
A copy of the communication dtd. 14.8.08 is annexed herewith and marked as Annexure -IV.

A copy of the communication dtd. 4.9.08 is annexed herewith and marked as Annexure - V.

A copy of the communication dtd. 13.10.08 is annexed herewith and marked as Annexure -VI.


9. That with regard to the statements made in paragraph 5 & 6 (the paragraph numbers as written in the petition at page number 6 of the instant petition) the respondents beg to submit and denied all the allegations levelled against the Respondents. The department was always sincere to implement the order of the Hon'ble CAT. The due process of implementation was started immediately on receipt of the order from the Hon'ble CAT by intimating the order to the Ministry. The salary of the applicant was released immediately on receipt of the decision of the Ministry.

[Signature]
 Commissioner
 Central Excise, Dibrugarh
 Contd...P/-



10. That with regard to the statements made in paragraph 7 (the paragraph number as written in the petition at page number 7 of the instant petition) the respondents beg to state that after receipt of the Order dated 12.3.2007 it was the intention of the Department to release the salary and as a result it was never contemplated at any stage to file appeal/writ petition against the order of the Hon'ble CAT. The salary of the applicant was released as soon as the decision of the Ministry was received as the Ministry being the final authority in this matter.

11. That with regard to the statements made in paragraph 8 (the paragraph number as written in the petition at page number 7 of the instant petition) the respondents submit that the instant petition has no merit and as such it is liable to be dismissed.


Commissioner
Control Excise, Dibrugarh

29

Administrative Tribunal
10 FEB 2008
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

[7]

VERIFICATION

I, Ms. Eva M.R. Hynniewta Di. Late. RIDON TOKIN RYMBAI
aged about 54 years, R/o Shillong working as Commissioner CE
District Shillong do hereby verify that the statement
made in paras 1-7, 9-11 are true to my knowledge
and those made in paras - e - are true to my
information derived from the records
and I have not suppressed any material
facts.

And I sign this verification on this 24 th day
of November 2008 at Guwahati.

Signature

Commissioner
Central Excise, Dibrugarh

- 8 -

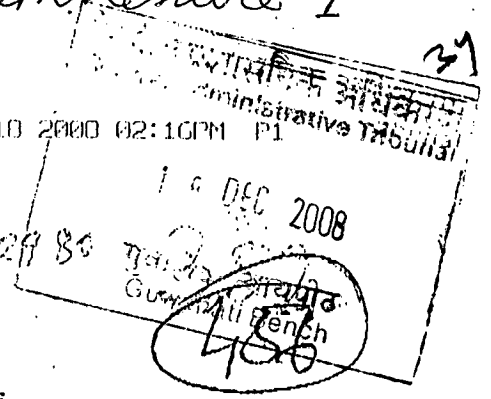
Annexure 1

FAX NO. : 03732314002

Nov. 10 2000 02:10PM P1

ANNEXURE - I

F.No. C-11015/43/2006- Ad.V / 27 86
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs



Room No. 613, 6th Floor, Hudco Vishala Building,
Bhikaji Cama Place,
New Delhi the, 13th June, 2008.

To

Shri T. Haokip
Commissioner of Central Excise (Dibrugarh)
Lane F, West Milan Nagar,
Dibrugarh 786 003 (Assam)

Subject: OA No. 57/2007 before the Hon'ble CAT, Guwahati Bench -
proposal for initiation of disciplinary proceedings against
Shri H.R.Saha, the then Assistant Commissioner, Central Excise,
Dibrugarh on his unauthorized absence from duty in March,
2005- Regarding.

Sir,

I am directed to refer to your letter
C.No.II(9)7/VIG/COMMR/DIB/05/15732 dated 28.2.2008 and to enclose
herewith a copy of Ad.II's letter F.No. PF-2001/2002- Ad.II dated 19th
October, 2007 which is self explanatory. You may take further necessary
action in the matter.

Yours faithfully,

(S.P.Roy)

Under Secretary to the Government of India
Tel. 26173372

Attested.

19/11/08

एन. के. बैश्य
N.K. Baishya
अधीक्षक, अधीक्षक
केन्द्रीय इन्डियन एक्साइज
विभाग (कानून),
Law Officer (I)
डिब्रुगढ़ मुख्यालय/Dibrugarh Hqrs.

ANNEXURE I (a)

Administrative
Most Immediate
CAT Case
Guwahati Bench
154

F.No. PF-2001/2002-Ad.II
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise & Customs)

New Delhi, the 24th June, 2008.

Subject:- Proposal for initiation of disciplinary proceedings against Shri
S.R. Saha, Assistant Commissioner, Central Excise, Dibrugarh
on his unauthorized absence from duty in March, 2005 - reg.

Reference Ad.V Section's OM F.No. C-14011/43/2006-Ad.V/3179
dated 8th August, 2007 and this Section's letter of even number dated 19th
October, 2007 on the subject cited above.

2. Commissioner of Central Excise, Dibrugarh has now informed that
he has not received any reply from the Board regarding release of pay of Sri
H.R. Saha and also for initiation of disciplinary proceeding against the
officer for unauthorized absence from duty in March, 2005 (copy enclosed).

3. Since decision of the Board on the issue has already been conveyed
to Ad.V Section vide letter of even number dated 19th October, 2007 (copy
enclosed), it is requested that necessary action in the matter may please be
taken on top priority basis under intimation to this Section.

(Alok Agarwal)
Under Secretary to the Government of India
Tel.No. 23092327

Shri V.K. Sharma,
Director (Ad.V Sec.)

Copy to Shri T. Haokip, Commissionier of Central Excise, Dibrugarh
with reference to his letter C.No. II(9)7/VIG/COMMR/DIB/05/15732 dated
28.2.2008. It is requested that in future all correspondence on this issue
may be made directly with Ad.V Section of the Board.

(Alok Agarwal)
Under Secretary to the Government of India
Tel.No. 23092327

Attested
19/11/08
N.K. Baishya
अधीक्षक (अ. व. वि.)
केन्द्रीय उद्योग विभाग, कानून एवं
दंड विभाग, (अ. व. वि.)
दिल्ली
दिब्रुगढ़ मुख्यालय, Dibrugarh Hqrs.

7-62/c
7-108-113/c
7-113

12/11/08
9/11/08

JAGSIT

19/06/08
Copy with file
R. Dey
27/07/08

ANNEXURE I (b)

F.NO. FC-2001/2002-AD.II
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise & Customs)

26/10/08
378
2008
452

New Delhi, the 19 October, 2007

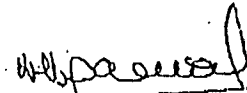
Subject:- Proposal from the Chief Commissioner, NER, Shillong for initiation of disciplinary proceedings against Shri H.R. Saha, Assistant Commissioner, Central Excise, Dibrugarh on his unauthorized absence from duty in March, 2005 - Reference from Ad.V Section.

Reference Ad.V Section's O.M. F.No. C-14011/43/2006-Ad.V/3179 dated 8th August, 2007 on the subject cited above.

2. The matter has been examined. The observation of Chairman (E&C) in the case is reproduced below:-

"I find in this case that the orders of the CAT is to release the officers' pay for the month of March, 2005 within two months. I fail to understand as to the adverse impact which acceptance of the CAT's order would have over the possibility of disciplinary proceedings being initiated against the officer. I suggest that we may go ahead for implementing the CAT's order without prejudice to the action which may be taken against the officer as a result of the disciplinary proceedings which are being initiated against him for unauthorized absence and defying Budget instructions. A view could also be taken subsequently as to the manner in which the period is required to be treated. This can be decided ^{when} under the orders in the proposed disc. Proceedings are passed."

3. In view of the above, Ad.V Section is requested to initiate necessary action in the matter and also inform the concerned Commissioner/Chief Commissioner accordingly.


(ALOK AGARWAL)
Under Secretary to the Government of India
Tel.No. 23092327

Shri S.P. Roy,
Under Secretary (Ad.V)

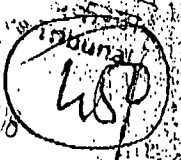
Attested.
19/11/08
एन. के. बैश्य
N.K. Baishya
अधीक्षक (अधीक्षक) (अधीक्षक)
केन्द्रीय इकाई (अधीक्षक) (अधीक्षक)
लि. (अधीक्षक) (अधीक्षक)
Laxmi (अधीक्षक) (अधीक्षक)
दिब्रुगढ़ मुख्यालय, Dibrugarh Hqrs.

FROM :

FAX NO. : 03732314082

Nov: 18 2008 02:19PM P1

ANNEXURE - II



विद्युत
संचालन विभाग
राजधानी बंध

CENTRAL EXCISE COMMISSIONERATE :: DIBRUGARH

Lane F, West Milan Nagar, Dibrugarh-786003, Assam

Ph: 0373-2314082; Fax: 0373-2315257, E-mail: commdbr@sanchamet.in

C.No. II(9)7/VIG/COMMR/DIB/05/ 3814

Date: 19/06/2008

To
The Assistant Chief Accounts Officer,
Central Excise & Service Tax Hqrs.,
Dibrugarh - 786003

*Subject:- Non receipt of salary for the period from 01-03-2005 to 24-03-2005
in respect of Sri H.R. Saha, Assistant Commissioner*

Please refer to the letter C.No. II(29)63/COMMR/DIB/2003/4197 dated 30-03-2005 on the subject cited above.

As per the Hon'ble CAT's Order dated 13-09-2007 and subsequent Board's letter under F.No. C-11015/43/2006-Ad.V dated 13-06-2008 you are directed to release the pay of Sri H.R. Saha, the then Assistant Commissioner, Central Excise Division, Dibrugarh for the period from 01-03-2005 to 24-03-2005 and send his salary to his present place of posting i.e. Central Excise Commissionerate, Ranchi with intimation to the Headquarter, Vigilance Unit.

Attested.

[Signature] 19/06/08

एन. के. वैश्य
N.K. Baishya
अधीक्षक (अनुसंधान) / Assistant
केन्द्रीय उद्योग विभाग (अनुसंधान) / Excise
Law (Investigation) (अनुसंधान)
दिब्रुगढ़ मुख्यालय/Dibrugarh Hqrs.

[Signature]
(T. Haokip)
Commissioner 19/06/08

ANNEXURE - III



Govt. of India.

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE

LANE-F, WEST MILAN NAGAR, P.O. C.R. BUILDING, DIBRUGARH-786003 (ASSAM)

Ph: 0373-2314080/81, FAX: 0373-2315257,2314079.

Email: commdbr@sancharnet.in.

Speed Post.

C.No. III(20)1/CASH/COMMR/2007/5388

To,

Dated:-

25/11/08

The Chief Accounts Officer,
O/O the Commissioner of
Central Excise & Service Tax.
Central Revenue Building, 5 Main Road,
Ranchi- 834 001
Jarkhand.

Sir,

Sub:- Forwarding of Demand Draft. No. 438640 dated 22.07.08.

I have to forward herewith the Demand Draft No. 438640 dated 22.07.08 for of Rs. 15,700/- (Rupees Fifteen thousand Seven hundred) only being Salary for the month of March'2005 (w. e. f. 01.03.05 to 24.03.2005 for 24 days) drawn vide Bill No. 220/Supplementary /Pay/G/08-09, dated 08.07.2008 for payment to Shri H.R. Saha, Assistant Commissioner at present posted under your establishment.

Necessary entries in this regard may please be made in the relevant records.

Acquittance receipt may please be sent to this office for record.

Enclo: - 1(one)

Yours faithfully

(J.B. Purkayastha)

Asstt. Chief Accounts Officer,
Central Excise::Dibrugarh.

ofc

Assesed.

25/11/08

एन. के. वैश्य

N.K. Baishya

अधीक्षक, अतिरिक्त सहायक
केन्द्रीय उपायुक्त, अतिरिक्त
लि. (अतिरिक्त) (अतिरिक्त)
Law Dept. (अतिरिक्त)
डिब्रुगढ़ मुख्यालय/Dibrugarh Hqrs.

Cash
21/10/08
The Commissioner

ANNEXURE-IV 08

GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER, CENTRAL EXCISE,
6TH ANNEXE BUILDING, 5, MAIN ROAD, RANCHI - 834 001.

C.No.III(14)1-Misc./Com.R/03-027

7996

Dated 14.08.2008

446

18
शासनिक अधिकारी
Administrative Tribunal
DEC 2008
गुवाहाटी बेंच
Guwahati Bench

To -
Shri J.B. Purkayastha
Asstt. Chief Accounts Officer
Central Excise,
Dibrugarh.

Sub : Forwarding of Bank Demand Draft No.438640 dated 22.07.08 amounting to Rs.15,700.00 - reg.

Please refer to your letter C.No.III(20)1/Cash/Commr./2007/5388 dated 25.07.2008 forwarding therewith a Demand Draft No.438640 dated 22.07.2008 amounting to Rs.15,700.00 only being salary of Shri H.R. Saha, Assistant Commissioner.

The above draft is being returned herewith with request to issue the Demand Draft in favour of A.O., Central Excise (Hqrs.), Ranchi who is the DDO of this Commissionerate.

Encl.: As above.

[Signature]
Chief Accounts Officer
Central Excise (Hqrs.), Ranchi.

C.No III (20) 3/Misc/DCETS/CASH/DIB/Commr/2005/

27/11/08

Draft forwarded to the P.O. at Dibrugarh for cancellation and requested to issue fresh one in favour of A.O. Central Excise (Hqrs), Ranchi.

Attnd.
19/11/08
एन. के. वैश्य
N.K. Baishya
अधीक्षक, प्रमुख, केंद्रीय
केन्द्रीय प्रमुख, केंद्रीय
Law Officer (D.I. 141)
द्वितीय मुख्य अधिकारी/Dibrugarh Hqrs.

Kalita Deb Purkayastha
27.09.08.
अधीक्षक, प्रमुख, केंद्रीय
केन्द्रीय प्रमुख, केंद्रीय
Law Officer (D.I. 141)
द्वितीय मुख्य अधिकारी/Dibrugarh Hqrs.

ANNEXURE - V

40



Govt. of India.

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE

LANE-F, WEST MILAN NAGAR, P.O. C.R. BUILDING, DIBRUGARH-786003 (ASSAM)

Ph: 0373-2314080/81, FAX: 0373-2315257,2314079.

Email: commdbr@sancharnet.in.

C.No.III(20)1/CASH/COMMR./2003/7094

Dated:- 4/9/08

To

The Chief Accounts Officer,
O/O the Commissioner of
Central Excise & Service Tax,
Central Revenue Building, 5 Main Road,
Ranchi - 834001,
Jarkhand.

Sir,

Sub:- Forwarding of Demand Draft .

Please refer to your letter C./No.III(14)1-Misc/COMM.R/03-04/7996 dated 18.08.2008 on the cited above.

I have to forward herewith the Demand Draft No.441051 dated 02.09.2008 for Rs. 15,700/- (Rupees Fifteen thousand Seven hundred) only being Salary for the month of March'2005 (w.e.f 01.03.05 to 24.03.05) for 24 days) drawn vide Bill No. 220/Supplementary /Pay/G/08-09 dated 08.07.2008 for payment to Shri H.R.Saha, Assistant Commissioner at present posted under your establishment after necessary rectification.

Necessary entries in this regard may please be made in the relevant records.

Acquittance receipt may please be sent to this office for records.

Encl : 1 (one)

Attested
[Signature]

19/11/08

एन.के. बैश्य
N.K. Baishya

Independent

अधीक्षक, केंद्रीय उद्योग एवं सेवा कर (सी) विभाग (कानूनी) डिब्रुगढ़ मुख्यालय/Dibrugarh Hqrs.

Yours faithfully

[Signature]

(K.D. Purkayastha)

Assistant Chief Accounts Officer

ANNEXURE - VI

(11)

FROM :

FAX NO. : 03732314082

Nov. 18 2008 02:23PM P1

41

*Accts
22/11/08*

ANNEXURE-VI

(442)

**GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER, CENTRAL EXCISE,
CENTRAL REVENUE BUILDING, 5-MAIN ROAD, RANCHI - 834 001.**

C.No.III(14)-Misc./Com.R/03-04/ 1029

Dated 2008

13/11/08

To
The Asstt. Chief Accounts Officer,
O/o the Commissioner
Central Excise, Lane-F
West Milan Nagar,
P.O. C.R. Building,
Dibrugarh-786003 (Asham)

13/11/08
04/ 2008
श्री. आर. साहा
Ranchi

Sir,

Subject : Acquaintance of Shri H.R. Saha, Asstt. Commissioner,
Central Excise, Ranchi.

Referred to your letter C.No.III(20)I/Cash/Commr. /2003/7094 dated
04.09.2008 through which Demand Draft No. 441051 dated 02.09.08 amounting to
Rs.15,700/- was forwarded to this office for payment to Shri H.R. Saha, Asstt.
Commissioner, Central Excise, Ranchi. Acquaintance Slip is enclosed herewith for
necessary action at your end.

Encl. : As above.

Yours faithfully,
[Signature]
13/11/08
Asstt. Chief Accounts Officer
Central Excise (Hqrs.), Ranchi.

Attsted.
[Signature]
19/11/08
एन. के. वैश्य
N.K. Baishya
अधीक्षक, प्रमुख, केंद्रीय
केन्द्रीय उद्योग, केंद्रीय
विभाग (आयुक्त, प्रमुख)
Law Office (Hqrs.)
डिब्रुगढ़ मुख्यालय, Dibrugarh Hqrs.

FROM :

FAX NO. : 03732314092

Nov. 18 2008 02:23PM P2

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ANNEXURE VI (a)

460

ACQUAINTANCE SLIP

04 08
आवपीठ
Rahati Bench

RECEIVED Rs.15,700/- (rupees fifteen thousand seven hundred) only through Asstt. Chief Accounts Officer, Central Excise (Hq), Ranchi on account of my Pay & Allowances for the month of March 2005 (w.e.f. 01.03.05 to 24.03.05) drawn vide Bill No.220/Supplementary/Pay/G/08-09 dated 08.07.2008 of the O/o the Commissioner of Central Excise, Lane-F West Milan Nagar, P.O. C.R. Building, Dibrugarh-786003 (Assam) send vide letter C.No.III(20)1/Cash/Commr./2003/7094 dated 04.09.2008.

(H.R. SAHA)
Assistant Commissioner
Central Excise, Ranchi

Attested.
N.K. Baishya
N.K. Baishya
Assistant Commissioner
Central Excise
Dibrugarh Hqrs.

02 APR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

Filed by:
The Applicant/Petitioner,
through
Hrishi K. Das,
Advocate
2.4.09

CONTEMPT PETITION NO. 13/2008

In Original Application no. 57/2007

BETWEEN

Sri Himangshu Ranjan Saha.
Assistant Commissioner, Central
Excise & Service Tax.

PETITIONER

-Versus-

1. Sri P.B. Bhide, Secretary
Revenue to the Government of
Assam, Ministry of Finance, New
Delhi- 110001.

2. Sri Hrishikesh Sharan, Chief
Commissioner, Customs and Central
Excise, Shillong- 793001.

3. Ms. Eva M.R. Hynniewta,
Commissioner of Central Excise,
Dibrugarh- 786003.

CONTEMNORS/RESPONDENTS

REJOINDER TO THE REPLY OF CONTEMNORS

1. That a copy of reply of the contemnors in the aforesaid contempt petition has been served upon the petitioner through the Sr. CGSC, Central Administrative Tribunal, Guwahati Bench. The petitioner has gone through the same and understood the contents thereof.

2. That the statements which are specifically admitted herein below and other statements made in the reply are

Himangshu R. Saha.

Received
G. Das
03.04.09

02 APR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

44

specifically denied and the contemnors/respondents are put to the strictest proof thereof.

3. That with regard to the statements made in Para 1 of the reply the deponent while denying the contentions made therein begs to state that the order of the Hon'ble Tribunal dated 12.03.07 has not been implemented till date. The direction of the Hon'ble Tribunal dated 12.03.07 was very clear that the applicant will submit comprehensive representation within 14 days from the date of passing of the order and the respondent no. 3 or any competent authority shall dispose of the said representation by a speaking order within 2(two) months. It is stated that till date the contemnors have not passed any speaking order disposing of the representation submitted by the applicant on 26.03.07 pursuant to the direction of this Hon'ble Tribunal. Hence, it is clear case of contempt on the part of the contemnors because they have willfully and deliberately violated the order and are liable to be punished in accordance with law.

4. That with regard to the statements made in Para 5,6 of the reply the deponent begs to state that the contemnors have admitted the fact that they made prayer before the Hon'ble Tribunal for extension of time to implement the order dated 12.03.07 and accordingly the Hon'ble Tribunal granted them time. Time and again the contemnors have approached the Hon'ble Tribunal for extension of time for implementation of the order of the Hon'ble Tribunal dated 12.03.07. However, after that also till date no speaking order has been passed towards implementation of the order of the Hon'ble Tribunal dated 12.03.07 which is clearly an abuse of the process of the Court and clear case of contempt.

5. That with regard to state that statements made in Para 7 of the reply the deponent begs to state that the contemnors have willfully and deliberately violated the order dated 12.03.07 of the Hon'ble Tribunal. However, in

Himangshu Pr. Sahe

02 APR 2009

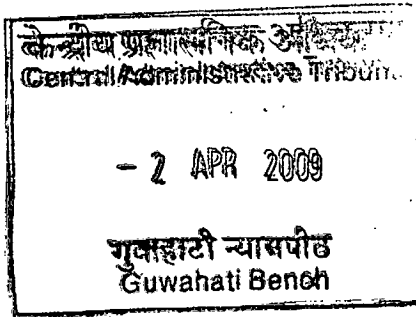
गुवाहाटी न्यायपीठ
Guwahati Bench

stead of implementing the order the contemnors have initiated departmental proceeding against the applicant. It is stated that the statement of the contemnors that they have implemented the order of the Hon'ble Tribunal is categorically denied because till date no speaking order has been passed by the contemnors as directed by the Hon'ble Tribunal vide order dated 12.03.07.

6. That with regard to the statements made in Para 8, 9, 10 and 11 of the reply the deponent begs to state that order of the Hon'ble Tribunal dated 12.03.07 was not for release of the salary of the applicant for the month of March, 2005. It was a clear cut direction to the respondents to pass speaking order within a period of 2 (two) months from the date of receipt of the representation. However, from the statements made in Para-9 it is clear that the respondents have full knowledge of the order passed by the Hon'ble Tribunal and consequences of non implementation. Moreover, the respondents have not regularized the period of leave of the petitioner and initiated departmental proceeding against him. Hence, there is clear willful and deliberate violation of the order dated 12.03.07 passed in O.A No. 57/07 and for which they are liable to be punished severely in accordance with law.

7. In view of the circumstances above the instant contempt petition deserve to be allowed punishing the contemnors for their willful and deliberate violation of the order dated 12.03.07 passed in O.A. 57/07 in accordance with law.

Himanshu Sr. Saha



VERIFICATION

I, Sri Himangshu Ranjan Saha, Son of Late Hema Ranjan Saha, Assistant Commissioner, Central Excise and Service Tax, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1, 2 5 and 7 are true to my knowledge, those made in paragraphs 3, 4, and 6 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 2nd day of April, 2009 at Guwahati.

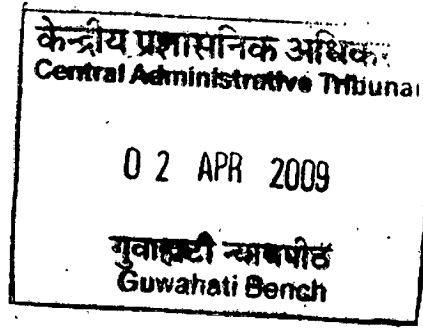
Himangshu Ranjan Saha

SIGNATURE

NOTICE

47

From,
H.K. Das,
Advocate



To,
Mr. G. Baishya,
Sr. CGSC, CAT

Sub: Contempt Case No. 13/08
in O.A. No. 54/07
(Himangshu Ranjan Saha -vs- P.B. Bhidea & Ors.)

Sir,

Please find enclosed herewith a copy
of rejoinder to the reply being filed
today.

Kindly acknowledge the receipt
of the same.

Thanking you.

Received copy.
I hereby under take to
send copy under the respondents
H.K. Das
2.4.09.

Advocate

Sincerely yours.
H.K. Das
2.4.09

File in Court on.....29/9/09.....
Court Officer.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
588
- 2 SEP 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ
48
29/9/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

C.P.NO. 13/2008

in O.A. No.57 OF 2007

Sri H.R. Saha

...Applicant

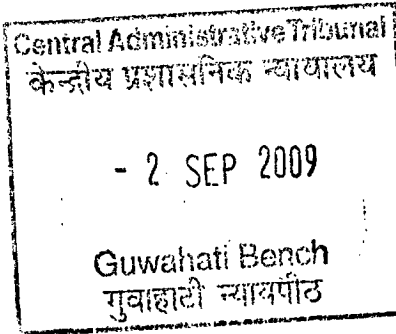
-Versus-

Sri P.B. Bhide & Ors.

....Respondents

INDEX

SL.NO.	PARTICULARS	PAGE NOS.
1.	Petition	1-4
2.	Verification	5
3.	Annexure-A Letter to the counsel & compliance report.	6-8



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

File/bp

[Handwritten signature]

Commissioner
Central Excise, Dibrugarh

[Handwritten signature]
Through
Sd/-

C.P.NO. 13/2008

in O.A. No.57 OF 2007

Sri H.R. Saha,

Assistant Commissioner.

Central Excise & Service Tax.

...Applicant

-Versus-

1. Sri P.B. Bhide.

Secretary. Revenue to the
Govt. of India, Ministry of
Finance, New Delhi-110001.

2. Sri Hrishikesh Sharma.

Chief Commissioner.
Customs & Central Excise.
Shillong-793001.

3. Ms. Eva M.R. Hynniewta.

Commissioner of Central Excise,
Dibrugarh-786003.

....Respondents

IN THE MATTER OF:

An application on behalf of the
contemners/respondents reporting the
compliance of the order dated
12.3.07 passed in OA No. 57/07 by
this Hon'ble Tribunal.

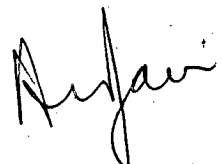
The contemnners/respondents in the
above noted contempt petition-

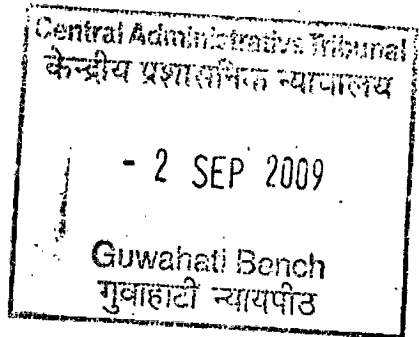
MOST RESPECTFULLY SHEWETH:

1. That the Respondents beg to state that the applicant had approached this Hon'ble Tribunal by filing OA 57/07 against the respondents alleging non regularisation of period of leave and non payment of salary thereof. The Hon'ble Tribunal after hearing the parties was pleased to allow the said original application with a direction to the Respondent to dispose of the representation within two months which will be submitted by the applicant within a period of two weeks from the date of passing the order.

2. That the respondent begs to state that on receipt of the order dated 12.3.07 passed by the this Hon'ble Tribunal the department filed a prayer before this Hon'ble Tribunal seeking 6 months time for implementing the said order.

3. That the Respondent begs to state that the applicant had filed the contempt petition No. 13/2008 in OA No. 57/07 alleging contempt of the respondent authorities in not implementing the order dated 12.3.07 passed by the Hon'ble Tribunal.


Commissioner
Central Excise, Dibrugarh



[3]

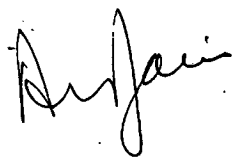
4. That the respondent begs to state that the department in compliance of the order dated 12.3.2007 has already paid the salary of the applicant/petitioner as per the direction of the Hon'ble court and Respondent further begs to state that they have duly filed the reply stating the delay in implementing the said order of this Hon'ble Tribunal and there was no delay or laches on their part.

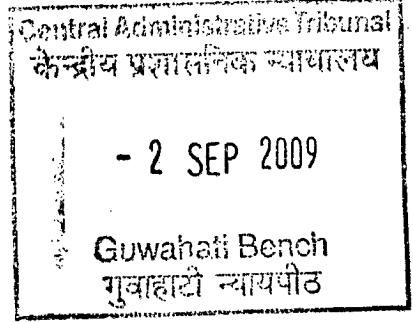
5. That the respondent begs to state that the authorities on 16.7.09 had passed a speaking order in compliance to the direction given by this Hon'ble Tribunal.

Copy of the letter to counsel and the compliance report has been annexed herewith as Annexure - A.

6. That the respondent begs to state that there is no intentional delay or lapses on the part of the respondent in implementing the order of this Hon'ble Tribunal and the department as stated above has already paid the salary of the applicant/petitioner as per the direction of this Hon'ble Tribunal.

7. That the respondent begs to state that this petition has been made for reporting the compliance of the order dated 12.3.07.


Commissioner
Central Excise, Dibrugarh

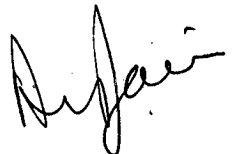


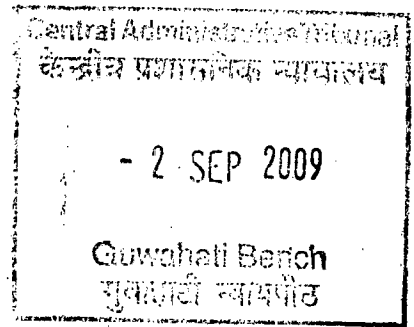
[4]

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

Under the circumstances it is prayed that your Lordships may be pleased to record the payment of the salary of the applicant/petitioner in compliance of the order dated 12.3.07 passed by this Hon'ble Tribunal and/or passed such order/orders as your Lordships may deem fit and proper.

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


Commissioner
Central Excise, Dibrugarh



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VERIFICATION

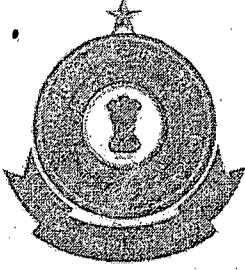
I. A.K. JAIN s/o. Sh. TILAK CHAND
 aged about years. R/o Guwahati
 District Guwahati and working as Commissioner and
Dibrugarh
 has been authorised by the Respondent to verify the
 statement on their behalf. I. do hereby verify that the
 statement made in paras 1, 2, 3, 4, 6-8

are true to my knowledge and
 those made in paras 5
 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 have not suppressed any material facts.

And I sign this verification on this 24th day
 of August 2009 at Guwahati.

Signature

**Commissioner
 Central Excise, Dibrugarh**



Govt. of India

**OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
DIBRUGARH**

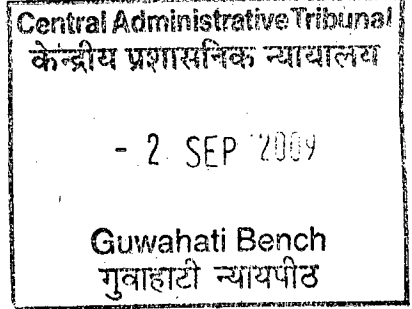
Milan Nagar, Lane 'F', P. O.: C. R. Building, Dibrugarh - 786 003
Tel.: 0373-23145259, Fax: 0373-2315265/57,
E-mail: commissioner@cexdibrugarh.gov.in

C.No.II(9)7/VIG/COMMR/DIB/2008(PT-I)

Date:- 17.07.09

To,

Sri Gautam Baishya,
Sr. Central Govt. Standing Counsel,
Central Administrative Tribunal,
Guwahati.



Dear Sir,

Sub: Hon'ble CAT's Order Dated- 12.03.2007 in O.A No. 57/2007 and
Contempt Petition No. 13/2008 - reg.

Please refer to your letter dated-01.07.2009 on the subject cited above.

The speaking order was passed by the Commissioner, Central Excise, Dibrugarh on 16.07.09 in compliance to the direction given by the Hon'ble CAT, Guwahati bench, Guwahati under its order dated-12.03.07. A copy of the said order is enclosed herewith.

You are, therefore, requested to appraise the Hon'ble CAT regarding passing of the speaking order on or before 21.07.09 to avoid contempt.

Encl- As above.

Yours faithfully,

Commissioner
Central Excise, Dibrugarh

(Sudhir Kumar)
Additional Commissioner.

17/7/09



OFFICE OF THE COMMISSIONER
CENTRAL EXCISE & SERVICE TAX
DIBRUGARH

Milan Nagar, Lane 'F', P.O:- C.R. Building, Dibrugarh - 786003
Tel. : 0373-2314081/82, Fax: 0373-2315257/65,
E-mail: commissioner@cexdibrugarh.gov.in

ORDER

Dated Dibrugarh 16th July, 2009.

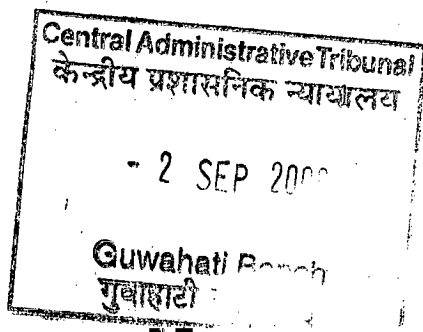
The pay of Sri H.R.Saha, Assistant Commissioner while posted at Dibrugarh Central Excise Division was held up for unauthorized absence from duty during the period from 01.03.2005 to 24.03.2005 for defying the order of the Commissioner, Central Excise, Dibrugarh during the budget period. The Central Board of Excise & Customs, New Delhi under their letter F No.C-14011/43/2006-AdV-A/3963 dated-03.08.2006 has proposed for initiation of disciplinary proceedings against Sri Saha in the matter of his unauthorized absence.


Sri Saha, Assistant Commissioner filed O.A No.57/2007 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati to direct the Central Excise Department to regularize the leave period from 01.03.2005 to 24.03.2005 and release TA bill from 01.08.2003.

The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati under its order dated-12.03.2007 has directed the applicant to make a representation to the Department and on receipt of the same the Department shall dispose the same with speaking order within two months of time.

Accordingly Sri Saha made a representation under his letter dated- 26.03.2007 addressed to the Commissioner, Central Excise, Dibrugarh with a request to release of his pay for the month of March,2005 and payment of TA Bill from 01.08.2003 in pursuant to Hon'ble CAT's order.

The Department sought extension of time in implementing the order. One month time was granted on 18.07.2007 by the Hon'ble CAT. The Department sought further extension in this case. The Hon'ble CAT has granted further extension of time vide its order dated-13.09.2007 but also categorically mentioned that no further extension in this case will be given. As per the directions of the Hon'ble CAT, the Department took immediate steps and released the pay of Sri Saha for the period from 01.03.2005 to 24.03.2005 under demand draft No.441051 dated- 02.09.2008 for Rs.15700.00 which was received by Sri Saha on 20.09.2008. The TA bill w.e.f 01.08.2003 has already been paid to Sri Saha.




Commissioner
Central Excise, Dibrugarh

The Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi has initiated disciplinary proceeding under Memo No.39/2008 dated -15.09.2008 against Sri Saha for unauthorized absence and defying the instruction of the Department during the Union Budget 2005 and accordingly regularization of period of leave will be taken up after decision on the disciplinary proceedings by the proper authority.

The salary of Sri H.R. Saha, Assistant Commissioner for the period from 01.03.2005 to 24.03.2005 was already released in compliance to the Hon'ble CAT's order dated-12.03.2007.

This order is issued in compliance to the direction given by the Hon'ble Central Administrative Tribunal, Guwahati bench, Guwahati under its order dated-12.03.2007.

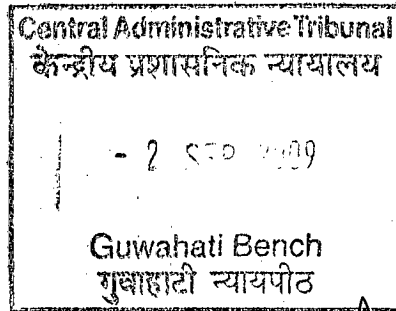
Sd/-
(A. K. Jain)
Commissioner.

C.No.II (9)7/ VIG/COMM/DIB/2005(PT-I) 4493

Date: 17-07-2009

Copy to :-

1. Sri H.R.Saha, Assistant Commissioner, Central Excise, Guwahati Commissionerate, Guwahati-781005



Sd/-
(A. K. Jain)
Commissioner. 16/7/09

Sd/-
Commissioner
Central Excise, Dibrugarh