

50
6
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 132/2007

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

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

1. Orders Sheet..... *OA* Pg. 1..... to 5.....
2. Judgment/Order dtd. *27.03.2008* Pg. 10..... to *10. Judgment and 20. Infractions*
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... *132/2007* Pg. 1..... to 21.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Sahiba
03.10.17

CHAPTER 10. THE CONFEDERATE ARMY

OPPERSSHEEI

1. Original Application No. 132-107

2. Mise Petition No. _____

Applicant(s) Dilip Nath vs. Union of India & Ors

Advocate for the Applicant(s) S.C.Binwas, A.K.Roy
M.S.Roy, M.Ghosh, T.Das

Advocate for the Respondent(s).....

Notes of the Registry Date Order of the Tribunal

762007

Order of the Tribunal

This application is filed in form 50/-

post
349654129

Dated.....26-5-07.....

7 Nov 1950
29.5.01
istray

The O.A. has been filed by the Applicant for non-payment of salary for the month of January, 2005 and for non-regularisation of his certain period of service for alleged absence. According to the Applicant his salary for the month of January, 2005 is withheld without assigning any reason.

Heard Mr.A.K.Roy, learned counsel for the Applicant. Ms.U.Das, learned Addl. C.G.S.C. appearing on behalf of the Respondents submitted that notice should be issued to the Respondents.

Issue notice to the Respondents.
Post the case after four weeks i.e., on
9.7.2007.

Notice & order Sent
to D/section for
issuing to R-1 to 4
Very regards AID post.

Class 19/6/07. D/Mo-59/60
D/L 592
21/6/07. /bb/

Vice-Chairman

9.7.07. Post the matter on 1.8.07 alongwith O.A.

① Service report
awarded.

Vice-Chairman

lm

23
7.7.07.

9.7.07.

Post the matter on 1.8.07 alongwith O.A.

Vice-Chairman

lm

9.7.07. Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 2.8.07.

Vice-Chairman

lm

W.L.S. not bailed.

23
1.8.07.

2.8.2007

At the request of Ms.U.Das, learned Addl.C.G.S.C. four weeks further time is granted to the Respondents to file reply statement.

Post the matter on 3.9.2007.

C

Vice-Chairman

/bb/

12.9.07.

Four weeks further time is granted to the learned counsel for the Respondents to file written statement. Let the case be listed on 4.10.07.

Vice-Chairman

lm

23
3.10.07.

W.L.S. not bailed.

04.10.07

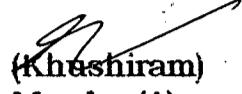
Ms. Usha Das, learned counsel for the Respondents applicant states that some more time may be granted on behalf of the Respondents.

Call this matter on 30.11.07.

W/S not filed.

29/11/07

lm


(Khushiram)
Member(A)


Monoranjan Mahanty
Vice-Chairman

30.11.2007

Mr.M.Ghosh, learned counsel for the Applicant is present. Ms. U.Das, learned Addl. Standing counsel for the Union of India, requests for four weeks time to file written statement. Four weeks time is granted to the Respondents, as a last chance, to file written statement, failing which the case shall be proceeded with the materials available on record.

Call this matter on 03.01.2008 awaiting written statement from the Respondents.

Send copies of the order to all the Respondents in the address given in the Original Application.

Khushiram
30.11.07

(Khushiram)
Member (A)

/bb/

03.01.2008

Despite several adjournments given to the Respondents, no written statement has yet been filed in this case.

Subject to legal pleas to be examined at the final hearing, this case is admitted and set for hearing on 14.02.2008.

Liberty is, hereby, granted to the Respondents to file reply, if any, by 7th February, 2008.

order dt. 30/11/07
sent to D/Section
for issuing to
respondents No- 1 to 4-
by post.
D/N0-1714 to 1717

On
5/12/07- Dt= 5/12/07.

W/S not filed.

21.1.08

Contd....

15/9 -

O.A.132/2007

Contd.
03.01.2008

Dt. 3.1.08.

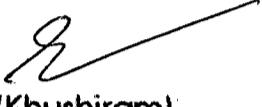
Pl. send copies of the order to all the Respondents.

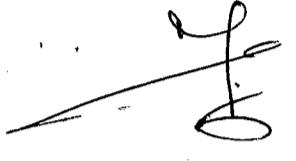
Five free copies of this order be handed over to Ms.U.Das, Addl. CSC

✓ M.R.M.

Send copies of this order to all the Respondents in the addresses given in the Original Application and five free copies of this order be also handed over to Ms.U.Das, learned Addl. Standing counsel appearing for the Union of India. She undertakes to file her appearance memo in this case in course of the day.




(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

14.02.2008

None appears for the Applicant. No written statement has been filed as yet by the Respondents.

Call this matter on 27.03.2008, awaiting written statement from the Respondents.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

Lm

W/S not bfiled.

3/2
13.2.08.

W/S not bfiled.

2/2
26.3.08.

27.03.2008

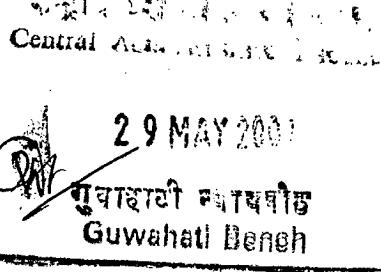
Mr.A.K.Roy, learned counsel appearing for the Applicant has filed memo disclosing therein that, during pendency of this case, the Applicant has received the desired relief. Therefore, they are not willing to prosecute the case. This case is accordingly, disposed of, for having become infructuous.

Send copies of this order to the Applicant and to the Respondents and free copies of this order be handed over to Mr.A.K.Roy, learned counsel appearing for the Applicant and to Ms.Usha Das, learned Addl.Standing Counsel appearing for the Respondents.


(M.R. Mohanty)
Vice-Chairman

lm

10.4.08
Copy of the
order send to
the office for
posting the same
to the parties
alongwith the
copy to the L/As
for the parties.



Filed by the applicant
through
Janmehee Das
29/5/07 (Advocate)

DISTRICT: SONITPUR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

[An application u/s. 19 of the Central Administrative
Tribunal Act, 1985]

ORIGINAL APPLICATION NO. 132 /2007

SRI. DILIP NATH.

----- PETITIONER.

-VERSUS-

THE UNION OF INDIA AND OTHERS.

----- RESPONDENTS.

I N D E X

<u>PARTICULARS</u>	<u>PAGE NO</u>
1) ORIGINAL APPLICATION - - - - -	1 TO 10
2) VERIFICATION - - - - -	11
3) ANNEXURE - I - - - - -	12
4) ANNEXURE - II - - - - -	13
5) ANNEXURE - III - - - - -	14
6) ANNEXURE - IV - - - - -	15
7) ANNEXURE - V - - - - -	16 - 17
8) ANNEXURE - VI - - - - -	18 - 19
9) ANNEXURE - VII	20 - 21
<u>FILED ON</u>	<u>MAY' 2007</u>

FOR OFFICE USE:

FILED BY:

Janmehee Das

SIGNATURE

ADVOCATE

6

LIST OF DATES -

1) 09.02.2004: The Petitioner for his eye ailment took granted medical leave on 09.02.04 and again joined on 17.03.04 and thereafter regularly attended his duties.

2) 01.02.2005: The Petitioner could not report to his duty due to accident and death of his sister-in-law and on 2nd and 3rd February' 2005, also he could not report to his duty on account of religious riots arising out of the death of his sister-in-law. Thereafter on 4th February' 2005 at 7:50 A.M. the applicant reported to his duty and submitted an application for granting his leaves for the aforesaid three days.

3) 29.01.2005: The copy of the movement order where the applicant was directed to join at Lakhimpur where he was transferred for 30 days and report on 6.2.2005 at 1500 hours.

[ANNEXURE - I].

4) 07.02.2005: The copy of the representation of the applicant explaining the reason for his period of absence for three days w.e.f. 1.2.2005 to 3.2.2005.

[ANNEXURE - II].

5) 28.3.2005
and
29.3.2005: The copy of the letters in which the applicant was directed to show caused to explain the reasons as to why he did not reported on 6.2.2005 vide letter Dated: 28.3.2005 and Vide letter Dated: 29.3.2005 was directed to explain

for alleged wilful absence on 29.3.2005.

[ANNEXURE - III and ANNEXURE - IV].

6) 02.04.2005: The copy of the explanation to the authority explaining the reason why he was not able to move on 5.2.2005 and report on 6.2.2005 which was due to non-payment of his salary for the month of January' 2005 and prayed for excusing the fault which was due to compelling circumstances.

[ANNEXURE - V].

7) 30.03.2005: The copy of the Order under Para 3(d) of the Presiding Officer, it has been clearly admitted that the applicant has not received salary for the month of January' 2005.

[ANNEXURE - VI].

8) 07.05.2005: The copy of the explanation of the applicant in response to the aforesaid show cause letters Dated: 28.3.2005 and 29.3.2005.

[ANNEXURE - VII].

FILED BY:

Hanshree Lal

ADVOCATE.

DISTRICT: SONITPUR

Filed by the applicant
through
Yamunadeep Das
29/5/07 (Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

[An application U/s. 19 of the Central Administrative
Tribunal Act, 1985]

ORIGINAL APPLICATION NO. 132/2007

1) Particulars of: M.E.S./233934,
the Applicant. SRI. DILIP NATH,
S/o. Late. Adiram Nath,
R/o. Village: Bata bari,
P.O. Ghoramari,
District: Sonitpur, Assam.
----- APPLICANT.

2) Particulars of : 1) THE UNION OF INDIA, through
the Respondents The Secretary, to the Govt.
of India, Ministry of Defence,
New Delhi.
2) THE AIR MARSHALL,
Indian Air Force,
New Delhi.
3) THE GARRISON ENGINEER,
(Air Force), Tezpur,
Village and P.O.. Saloni bari,
District: Sonitpur, Assam.
4) THE ASSISTANT GARRISON
ENGINEER, B & R (AIR FORCE)
Tezpur, P.O. Saloni bari,
District: Sonitpur, (Assam).
----- RESPONDENTS.

Dilip Nath

3) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE -

This application is made for non-payment of salary of the applicant for the month of January' 2005 and for non-payment of salary of the applicant for the month of January' 2005 and for non-regularisation of his service for the alleged period of absence from 01.02.2005 to 09.02.2005 and from 18.03.2004 to 30.03.2004.

4) JURISDICTION OF THE TRIBUNAL -

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

5) LIMITATION -

The applicant further declares that the present application is within the period of limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6) FACTS OF THE CASE -

A) The Applicant is the Citizen of India and resident of the above mentioned addresses, and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India and the laws framed there under.

Contd...

Dilip Kr. Nath

B) That the applicant states that, for his eye ailment he took granted medical leave on 09.02.2004 and again joined on 17.03.2004 and thereafter regularly attended his duties but although he was present in the office, the authority for reason best known to them, marked the applicant absent from duties with effect from 18.03.2004 to 30.03.2004 (13 days) and thereafter again marked him present for the subsequent period. It is interesting to state herein that the aforesaid period of alleged unauthorised absence of the applicant was informed to the applicant after a prolonged period and moreover no departmental proceedings was initiated against the applicant for the alleged period of absence. The aforesaid act of the authorities reflect foul play.

C) That the applicant states that, on 1st February' 2005 he could not report to his duty due to accident and death of his sister-in-law and on 2nd and 3rd February' 2005, also he could not report to his duty on account of religious riots arising out of the death of his sister-in-law. Thereafter on 4th February' 2005 at 7:50 A.M. the applicant reported to his duty and submitted an application for granting his leaves for the aforesaid three days. But Captain Binod Kumar, the then Assistant Garrison Engineer, Air Force,

Contd...

Dilip Ver Nath

Tezpur, directed the concerned S/o Sri. Santosh Kumar Ghosh not to accept the leave application of the applicant and to mark absent in his service record for the said period and also on 4.2.2005. By the movement Order Dated: 29.1.2005, the applicant was directed to join at Lakhimpur where he was transferred for 30 days and report on 6.2.2005 at 1500 hours. The applicant repeatedly went to the Respondent No. 4 for release of his withheld salary for the month of January' 2005 but he directed to meet the Garrison Engineer, Air Force, Tezpur, who in return directed the applicant to meet the Assistant Garrison Engineer, Air Force, Tezpur. For want of money, the applicant could not move on 5.2.2005. Accordingly, the applicant moved on 9.2.2005 and reported on 11.2.2005 and completed his duration of stay of 30 days and again returned and rejoined at Tezpur on 8.3.2005. For his movement to Lakhimpur, the applicant was also paid T.A./D.A.

The copy of the movement Order Dated: 29.1.2005 is annexed here with and marked as ANNEXURE - I.

D) That the applicant states that, he was not paid his salary for the months of January' 2005

Contd...

Dilip Kr Nath

and to explain his period of absence for the aforesaid period. The applicant accordingly submitted a representation on 7.2.2005 explaining the reason for his period of absence for three days w.e.f. 1.2.2005 to 3.2.2005, stated that he went to join on 4.2.2005 along with the application for granting his leave for the aforesaid three days and prayed inter-alia for release of his withheld salary for the month of January' 2005 amounting about Rs. 6000/-.

The copy of the representation
Dated: 7.2.2005 is annexed herewith
and marked as ANNEXURE - II.

E) That, thereafter the applicant was directed to show caused to explain the reasons as to why he did not reported on 6.2.2005 vide letter Dated: 28.3.2005 and Vide letter Dated: 29.3.2005 was directed to explain for alleged wilful absence on 29.3.2005.

The copy of the letters Dated:
28.3.2005 and 29.3.2005 are
annexed herewith and marked as
ANNEXURE - III and ANNEXURE - IV.

F) That, as directed the applicant immediately submitted his explanation/statement on 2.4.2005

Contd...

Dilip Kr Nath

duly received by the authority explaining the reason why he was not able to move on 5.2.2005 and report on 6.2.2005 which was due to non-payment of his salary for the month of January' 2005 and prayed for excusing the fault which was due to compelling circumstances.

The copy of the explanation
Dated: 02.04.2005 is annexed here
with and marked as ANNEXURE - V.

G) That the applicant states that, in Order dated: 30.3.2005 under Para 3(d) of the Presiding Officer, it has been clearly admitted that the applicant has not received salary for the month of January' 2005.

The copy of the Order Dated:
30.3.2005 is annexed herewith and
marked as ANNEXURE - VI.

H) That the applicant states that, he again submitted his statement/explanation on 7.5.2005 in response to the aforesaid show cause letters Dated: 28.3.2005 and 29.3.2005.

The copy of the explanation
Dated: 7.5.2005 is annexed here
with and marked as ANNEXURE - VII

Contd...

Dilip Ver Walk

I) That the applicant states that, the Respondent authorities have not yet paid him his due salary for the month of January' 2005 and illegally and arbitrary showed and marked him absence for the period from 1.2.2005 to 9.2.2005. Apart from this he was also marked absence for 13 days with effect from 18.3.2004 to 30.3.2004 although he has attended and performed duties for the said period.

J) That the applicant states that, he has repeatedly approached the Respondent authorities and also submitted representation for release of his withheld salary for the month of January' 2005 and for regularising his aforesaid alleged period of absence as in service but the Respondent authorities have not yet considered the same. Hence, this application before this Hon'ble Tribunal for redressal of the grievances of the applicant.

Be it stated herein that applicant is continuing in service till date and no disciplinary action has yet been taken against him for his alleged period of absence.

7) G R O U N D S -

i) For that, the applicant is entitled to get his due salary for the month of January' 2005 which has been

Contd...

Dilip Kr. Nath

unnecessarily withheld by the Respondent authorities inasmuch as the applicant has performed his duties for the aforesaid period and is also entitled to be in service for the alleged period of wilful absence inasmuch as the applicant has to remain absent under compelling circumstances and also as he has submitted his leave application for granting him leave (casual) by explaining the reasons thereof which are genuine and bonafide.

ii) For that, the applicant has been unnecessarily victimised and given undue harassment at the instance of Captain Vinod Kumar, Assistant Garrison Engineer, Air force, Tezpur, out of previous grudge and biasness and consequently has not been paid his arrear salary for the month of January' 2-5 and his services for the alleged period of absence been not regularised till date although his alleged period of absence was not proved by a disciplinary proceeding as provided under the law.

iii) For that, the aforesaid action of the Respondent authorities in not yet making payment of the arrear one month salary and not regularising his alleged period of absence is absolutely illegal, arbitrary and bad in law and the same has caused irreparable loss and injuries to the applicant and has highly prejudiced him.

Contd...

Dileep Ver Nath

iv) For that the aforesaid illegal action of the Respondent authorities in not making payment of his arrear salary and marking him absent for the alleged period without establishing him the same by initiating a disciplinary proceeding as provided under the law is violation of the provisions of C.C.S. (C.C.A) Rules, 1965.

8) DETAILS OF THE REMEDIES EXHAUSTED -

The applicant submitted representations before the authorities in this regard but the same were not considered.

9) MATTER NOT PREVIOUSLY FILED OR NOT PENDING IN ANY OTHER COURT -

The applicant has not filed any other case/application in any other Court/Tribunal regarding the present subject matter.

10) RELIEF SOUGHT -

Under the above facts and circumstances, the applicant prays for the following reliefs -

- I) To direct the Respondents to immediately release and make payment of the arrear salary for the month of January' 2005 to the applicant.
- II) To direct the Respondents to regularise the alleged periods of absence of the applicant i.e.

Dilip Kr Nath

Contd...

from 1.2.2005 to 9.2.2005 and from 18.3.2004 to 30.3.2004 as in service.

III) To pass such further appropriate order/orders or direction as the Hon'ble Tribunal may deem fit and proper.

IV) Cost of the proceedings.

11) INTERIM ORDER PRAYED FOR -

Pending disposal of the application, the applicant prays for an interim direction to the respondents to pay the applicant his arrear salary for the month of January' 2005 and/or pass such interim order/orders or direction as may be deemed fit and proper.

12) PARTICULARS OF THE POSTAL ORDER -

Postal Order - 346 654129

Date -

Issuing Office - Guwahati G.P.O.

Payable at - Guwahati G.P.O.

13) LIST OF ENCLOSURES -

An index showing particulars of the document enclosed.

Contd...

Dilip Kumar Nath

VERIFICATION

I, Sri. Dilip Nath, S/o. Late. Adiram Nath, aged about 39 years, Resident of: Bata Bari, P.O. Ghoramari, in the District of: Sonitpur, Assam, do hereby verify that I am the applicant in the accompanying application. I am acquainted with the facts and circumstances of the case. I hereby verify that the statements made in Paragraphs I to VIII are true to my knowledge and that I have not suppressed any material facts.

And, I set my hand on this verification today the 26th May' 2007 at Guwahati.

Dilip Nath

APPLICANT.

Contd...

MOVEMENT ORDER

1. MES No., Name and Designation:

1. MES/23394 Shri P.K. Gogoi, Mate
2. MES/233525 Shri Dipujan Bheribar, Mate
3. MES/235094 Shri N.C. Nath, Mate
4. MES/233934 Shri Dilip Kr. Nath, Maz.
5. MES/265862 Shri Naba Kanta Das, Maz.
6. MES/234035 Shri Jay Nath Neog, Maz.

2. MoveFrom: GE / Air Force Tezpur

To: GM Range and Back

3. Date of commencement of move: 05 Feb 2005 (FN)/(AN)

4. Date of completion of move: 07 Mar 2005 (FN)/(AN)

5. Mode of conveyance: By road / own arrangement

6. Duration of stay: 30 Days

7. Purpose of move: Maintenance of Target of DM Range

8. Authority: As for 76 Pers - 91

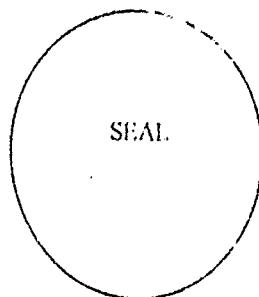
1008/AF/149/EIG

Garrison Engineer
(Air Force) Tezpur
Post: Salonibari.
Dist: Sonitpur - 784104

29 Jan 2005

S.G. Chakraborty
A S G
for Garrison Engineer

Reported to DMR on
6 Feb 05 at 15:00 Hrs
Sd/-
Rahman
Sgt.



Distribution:

1. Inst concerned
2. A A O GE (AF) Tezpur
3. GA 2 AF (____). C/C 99, APO
4. AGE B/R (Maint)(AF) Tezpur
5. Office Copy

Routed back to Tezpur on
07 Mar 05 at 08.00 Hrs

Sd/-
G.Bishan
Two Incharge
2 AFRIJ DETT
Dullang Mukh Range.

Attested by


Advocate 29/5/07

To,

The Garrison Engineer,
 (Air Force) Tezpur,
 Post Office: Salanibari,
 Dist-Sonitpur, Assam.
 Through proper channel.

Dated 7th February 2005

Subject :- Application for release of withheld salary.

Respected Sir,

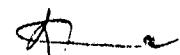
With due respect and honour I would like to lay the following few lines for your kind information and necessary actions:

That Sir, on the 1st day of February, 2005 I could not report to my duty due to accidental death of my sister-in-law. Also on account of religious rites I could not go to duty for the next 2 (two days). Thereafter on 5th Feb, 2005 at 7-50 I reported to my duty and submitted an application for leave for 3 days of my absent, but Captain Vinod Kumar asked the concerned S/o Shri Santosh Kumar Ghosh not to accept the application and to mark absent against my name on that day also. He also ordered me to leave the place. On the other hand I was handed over the movement order requiring me to go on TD to DM Range. But without any reason, my salary for the month of January, 2005 withheld, so I have been unable to go to my TD as required on 5th Feb, 2005 leaving my family without money.

I, therefore, request your pleasure to intercede with the matter and take necessary action for release of my withheld salary so that I can move to my TD without tension.

Thanking you.

Yours faithfully,



(MES/233934

Shri Dilip Kumar Nath

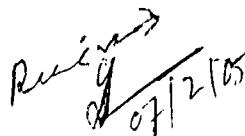
(Maz) AGF B/R (AF) : Tezpur.

Attested by



27/2/07
Advocate.

22/2



27/2/07

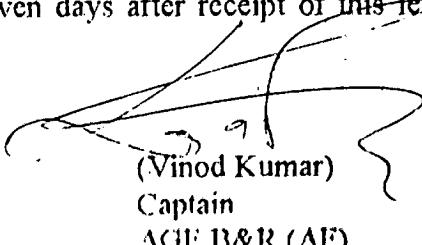
CONFIDENTIALAsst Garrison Engr B&R (AF)
Tezpur, Post- Salonibari

C-1 30 E1C

28 Mar 2005

MES/233934 Shri Dilip Kumar Nath,
MazdoorDISCIPLINE

1. You have been ordered to proceed on temp duty at DM Range vide GE (AF) Tezpur movement order No 1008/AF/149/E1G dated 29 Jan 2005 with date of move on 05 Feb 2005 (F/N) but you did not move on due date and reported at DM Range on 11 Feb 2005 1600hrs at your own accord. However your date of reporting has erroneously been interchanged with MES/265862 Shri Naba Kt Das, Mazdoor, detailed for temp duty at DM Range with you as 06 Feb 2005 1600hrs instead of 11 Feb 2005 (1600 hrs) by the I/C DM Range while endorsing remarks on movement orders as reporting in/out.
2. You have been asked to deposit your movement order verbally and in writing vide this office letter NO 120/35/E1 dt 15 Mar 2005 and 120/36/E1 dated 23 Mar 2005 but you did not deposit copy of movement order immediately on receipt of letter and deposited on 28 Mar 05 even after expiry of 14 days at your own accord.
3. You have been asked by the Supervisory staff to receive movement order on 31 Jan 2005 but you refused to receive movement order and willful absented yourself from duties wef 01 Feb 2005 onwards with out prior permission or sanction of leave and reported to DM Range on 11 Feb 2005 1600hrs hrs instead of 06 Feb 2005 after willful absence at your own accord.
4. In view of the above you are hereby show caused to explain reasons as to why disciplinary action should not be initiated against you for the following lapses :-
 - (a) Why did you not report to undersigned regarding wrong endorsement on your movement order i.e. date of reporting in as 06 Feb 05 1600hrs instead of 11 Feb 2005 1600hrs.
 - (b) Why did you not deposit your movement order immediately on receipt of 1st letter from office.
 - (c) Why did you refused to receive the movement order and why did not applied for leave and made willful absence. Why did not report for temp duty at DM Range on due date i.e 06 Feb 2005 and reported on 11 Feb 05 1600 hrs at your own accord.
5. Your reply should reach undersigned within seven days after receipt of this letter, failing which disciplinary action will be initiated against you.


 (Vinod Kumar)
 Captain
 ACE B&R (AF)
Copy to :-

GE (AF) Tezpur for info please.

CONFIDENTIAL

Attested by



Advocate.

CONFIDENTIAL~~Annexure IV~~

Asst Garrison Engr B&R (AF)
 Tezpur, Post- Salonibari
 Distt- Sonitpur (Assam) 04

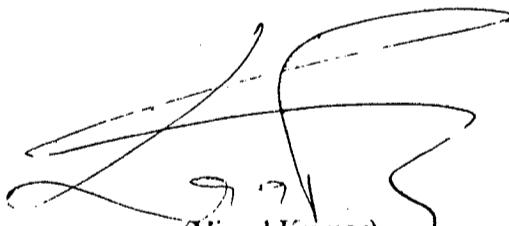
C-1/ 31 /E1C

29 Mar 2005

MES/233934 Shri Dilip Kumar Nath
 Mazdoor

ABSENT FROM DUTY

1. You have been detailed with MES/234013 Shri Sidananda Nath, Mazdoor as helper to attend complaint today. Shri Sidananda Nath deposited the job card to supervisory staff after attending the complaint at 1230hrs but you did not report in the sub division and willful absented yourself wef 1300hrs onwards after lunch break i.e. 1230hrs to 1300hrs.
2. You are habitual of making yourself willful absence and you have also been warned earlier to refrain from making such trends. But you did not shown any improvements in your negative attitude.
3. Your above acts have been viewed seriously by the undersigned and you are hereby show caused to explain reasons as to why disciplinary action should not be initiated against you for your above willful absence on 29 Mar 2005 1300hrs onwards.
4. Your reply should reach undersigned with in Seven days after receipt of this letter, failing which strict disciplinary action will be initiated against you.



(Vinod Kumar)
 Captain
 Asst Garrison Engineer

Copy to :-

GE (AF) Tezpur - for info and necessary action please.

CONFIDENTIAL

Attested by
 Sae
 27/3/07
 Advocate.

To

Asst. Garrison Engineer B/R (AF)
Tezpur, Post-Salonibari
Dist-Sonitpur (Assam)

Sub: STATEMENTS

Sir,

I have the honour to submit the following few lines as statements against the letter No C-1/30/EIC 28 March 05 and 29 March 05.

I was detailed to proceed on T/D to DM range vide order No.1008/AF/149/EIG dated 29 Jan 05 which was handed over to me at 1620 Hrs on 31 Jan 05 by SO Mr. S K Ghosh. On 28 Jan 05 this talks and discussion was made with AGE B/R(M) about me and shows my domestic problem that I will be happy to go on the same T/D the very next month. My honorable AGE sahab agreed with me at that time. That is why, I did not wish to takeover the order from Mr. S.K Ghosh straight way and informed him that I will have to make discussion with AGE again. I was waiting at AGE's office up to 1730 Hrs on that day but AGE Sahab did not turn to office. At the end, I went back to my residence on 1st Feb 05 at 0500 Hrs unfortunately my sister-in-law died all of a sudden. As per our east tradition and custom I was bound to attend the ritual performance of my sister-in-law's death ceremony and reported on 4th Feb 05 in my section and submitted an application for 3 days leave on the absent days as this way leave was also agreeable usually at our office. But my application was not accepted by Mr. SK Ghosh, instead he handed over me the movement order to go on T/D to DM Range with T/D advance. As on 1st Feb 05 I could not attend the pay parade and did not take my monthly salary, I requested my honourable AGE to give my salary. AGE refused to give me my salary, then I went to honourable GE. GE Sahab has called AGE and instructed him to pay my salary

Attested by
27/5/07
Advocate.

Contd on 2

when I was on the verandah of GE's office. When I went to AGE for the monthly salary AGE did not put any will to give my salary. He called me next day. Next day morning itself I approached him but still he did not give me my salary. My mind was so much upset by thinking the monetary problem that at least some amount I was badly requiring to handover to my wife who has to manage household expenditure with children during my absence. Again and again I went to GE but GE sent me to AGE. Like that I was made to and from upto 9th Feb 05. At the end without salary I was compelled to proceed on T/D and reported at T/D point on 10 Feb at 1500 Hrs. My date of reporting has erroneously been interchanged with Naba Kr. Das, Mazdoor was not at all my mistake. By mistakenly it was done by i/c DM Range.

2.3. Please ref. Statement No. 1

4. (a) As I am not much educated and working on Mazdoor post, I did not understand that my date of reporting has erroneously interchanged with N.K. Das, as 6th Feb 05 instead 11 Feb 05. It was i/c DM Range's duty.

- (b) Pl. ref. St. No. 1.
- (c) Pl. ref. St. No. 1.

Here I would like to request your honour to excuse the fault which was done by me unknowingly.

Yours faithfully,



MES/233934

(D.K. Nath)

Mazdoor.

Attested by

27/5/07
Advocate.

CLC
22/4/05
12410h

CONFIDENTIAL

Office of the AGE B/M (P) AF
Tezpur Post- Salenibari

Tele : AF/-.

PF/100/NKA/ /E1

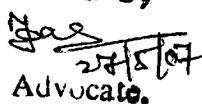
30 Mar 2005

AGE B/M (M) AF (02 Copies)
Tezpur

ORDER

1. Reference letter No. PF/100/NKA/08/E1 dt 23 Mar 2005.
2. The inquiry was held in the office of AGE B/M (P) AF Tezpur on 29th Mar'05 as per above letter. The following persons of your sub-division attended the inquiry :-
 - (i) Hav/Cik Dinesh Kumar, SDC
 - (ii) MK Sujit Kumar, SK
 - (iii) Shri S. K Ghosh, S/O
 - (iv) Shri Dilip Kumar Nath, Mazdeer
3. The inquiry proceedings could not be finalised due to following reasons as no proper reply/documents in support of the charges were produced which are as under :-
 - (a) Para 2(a)(i) of Terms of Reference : Frequent absence from duty
Please forward details in support of frequent absence from leave i.e. Absent Report tallying with and alongwith Attendance Register, Part II Orders showing EOL during last one year for the absent period as per Rule 32(a), action taken on absent reports, details of recovery from pay bills for absent period to prove the charge.
 - (b) Para 2(a)(ii) of Terms Reference : Misbehaviour with supervisory staff
No supervisory staff other than as mentioned in Para 2(i) to (iii) of your sub division attended the inquiry. Please depute concerned supervisory staff for giving his statement and answer to questions if any raised during inquiry.
 - (c) Para 2(a)(iii) of Terms of Reference : Disobedience of orders
Please forward photocopy of all letters/correspondence made by your sub division alongwith reply of the individual if any.
 - (d) Para 2 (b) of Terms of Reference : Please intimate the rule/authority under which the payment of the individual for the month of Jan'05 was withheld and subsequently deposited in the Bank, the reasons for not giving the payment to the individual, alongwith date of depositing the pay in the Pay Treasury, date of rejoining duties by the individual, alongwith requested by him in writing-vide his application dt 07 Feb'05, the authority/reasons for making Hand Receipt in the 3rd week of Mar'05 for the payment of Pay and Allowances for the month of Jan'05 alongwith requests of individual, if any. No proper reply in this regards was given by any of the above staff as mentioned in Para 2(i) to (iii). Please depute & depute the concerned staff/officer responsible for claiming and subsequently refusing to make the payment to the individual and who can explain/give reply to queries regarding non payment charge of the individual.

Attested by


28/3/05
Advocate.

Contd....2/-

- 2 -

4. The next date and time of inquiry is 05 Apr'05 at 1500 Hrs in the office of ACE B/R(P) AF Sub division. All persons as mentioned in Para 2(1) to (iv) and 3(d) be directed to attend the inquiry alongwith their statements and documents as mentioned above and also confirm that no other staff of your sub division supervisor/executive staff is involved to prove the charge of misbehaviour. This letter be handed over to the individual and acknowledgement obtained and forwarded and forwarded to the undersigned.

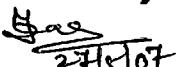

(N R Arora)
Presiding Officer
ACE B/R(P) AF Tezpur

Copy to :-

1. GE (AF) Tezpur : for information please.
2. MES/233934 Shri Dilli Kumar Nath, Maz (Through ACE B/R(M)) AF Tezpur : To attend the inquiry on 05 Apr'05 at 1500 hrs in the office of ACE B/R(P) AF Tezpur alongwith your statement and correspondence regarding the subject inquiry.
3. MES/232966 Shri P J Nath, UDC : wrt GE (AF) Tezpur letter No. C/110/895/EIC dated 29 Mar'05. To attend the inquiry on 05 Apr'05 at 1500 hrs in the office of ACE B/R(P) AF Tezpur.

CONFIDENTIAL

Attested by


27/3/07
Advocate

MES/233934
DILIP Kr. Nath
Mazdoor.
7th May 2005

To,
Asstt. Garrison Engr, B/R (AF)
Tezpur, Post – Salonibari
Dist. – Sonitpur (Assam)

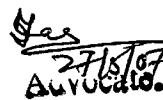
Sub: - **STATEMENTS**

Sir,

I have the honour to submit the following few lines as statements against the Letter No.C-1/30/EIC 28th March 2005 and 29th March 2005.

1. I was detailed to proceed on T/D to DM Range vide Order No. 1008/AF/149/EIG dated 29th January 2005 which was handed over to me at 16:20 Hrs on 31st January 2005 by SO Mr. S.K.Ghosh. On 28th January 2005, this talks and discussion was made with AGE B/R (M) about me and shows my domestic problem that I will be happy to go on the same T/D the very next month. My honourable AGE sahab agreed with me at that time. That is why, I did not wish to takeover the order from Mr. S.K.Ghosh straight way and informed him that I will have to make discussion with AGE again. I was waiting at AGE's office up to 17:30 Hrs on that day but AGE sahab did not turn to office. At the end, I went back to my residence on 1st February 2005 at 05:00 Hrs unfortunately my sister – in – law died all of a sudden. As per our east tradition and custom I was bound to attend the ritual performance of my sister – in – law's death ceremony and reported on 4th February 2005 in my section and submitted an application for 3days leave on the absent days as this way was also agreeable usually at our office. But my application was not accepted by Mr. S.K. Ghosh, instead he handed over me the movement order to go on T/D to DM Range with T/D advance. As on 1st February 2005 I could not attend the pay parade and did not take my monthly salary, I

Attested by


27/5/05
Advocate.

requested my honourable AGE to give my salary. AGE refused to give me my salary, then I went to honourable GE. GE sahab has called AGE and instructed him to pay my salary when I was on the verandah of GE's office. When I went to AGE for the monthly salary AGE did not put any will to give my salary. He called me next day. Next day morning itself I approached him but still he did not give me my salary. My mind was so much upset by thinking the monetary problem that at least some amount I was badly requiring to handover to my wife who has to manage household expenditure with children during my absence. Again and again I went to GE but GE sent me to AGE. Like that I was made to and from up to 9th February 2005. At the end without salary I was compelled to proceed on T/D and reported at T/D point on 10th February at 15:00 Hrs. My date of reporting has erroneously been interchanged with Naba Kr. Das, Mazdoor was not at all my mistake. By mistakenly it was done by i/c DM Range.

2.3. Please ref. Statement No.1

4. (a) As I am not much educated and working on Mazdoor post, I did not understand that my date of reporting has erroneously interchanged with N.K.Das, as 6th February 2005 instead 11th February 2005, it was i/c DM Range's duty.

(b) Pl. ref. St. No. 1.
(c) Pl. ref. St. No. 1.

Here I would like to request your honour to excuse the fault which was done by me unknowingly.

Yours Faithfully
Sd/-
MES/233934
(D.K.Nath)
Mazdoor.

Attested by
28/07/07
Anup Singh