

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO. 171/2009
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22/07/2015
SECTION OFFICER (JUDL.)

FORM NO. 1
(See Rule 10(1))
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDER OF COURT

1. ORIGINAL APPLICATION No. 171 / 2009

2. Transfer Application No. ----- in O.A. No. -----
3. Misc. Petition No. ----- in O.A. No. -----
4. Contempt Petition No. ----- in O.A. No. -----
5. Review Application No. ----- in O.A. No. -----
6. Execution Petition No. ----- in O.A. No. -----

Applicant (S) : Sri Sumen Mal

Respondent (S) : Union of India on behalf of

Advocate for the : Mr. B. Chakraborty
(Applicant (S)) Mr. T.R. Sarmah & Mr. L. Gogoi

Advocate for the : C9SC
(Respondent (S))

Notes of the Registry	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>396 42/442</u> Dated <u>26. 8. 2009</u></p> <p><i>Notified 1.9.09 Dy. Registrar d/s 31/8/09</i></p>	<p>02.09.2009 Heard Mr. B. Chakraborty, learned counsel for the Applicant and Mrs. Usha Das, learned Addl. Standing Counsel for the Government of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.</p> <p>Issue notice to the Respondents requiring them to file their written statement by 15th October 2009.</p> <p>Call this matter on 15.10.2009 for hearing awaiting w/s</p> <p><i>✓</i></p> <p>(M.K. Chaturvedi) Member(A)</p> <p><i>✓</i></p> <p>(M.R. Mohanty) Vice-Chairman</p> <p>1/ln</p> <p><i>31.8.09 4 (Four) copies of application with envelope received for issue notices to the Respondents No 4 to 6. The Application is not in proper form. Copy returned.</i></p> <p><i>31.8.09 Please file defects</i></p> <p><i>K. Dev Issue notice to the Respondents. Date 29/8/09</i></p>

O.A. 171-09

Copies of notices
along with order
dated 21/9/2009
send to D/Sec-
for issuing to
respective regd.
AID post.

D/No 1151-1154

9/9/09 dt 10/9/09

9/10/09

Memo of appearance
filed by Ms. Usha Das,
Addl. CGSC.

~~Soon~~
9/10/09

15.10.2009

No written statement has yet been filed by the Respondents in this case. Ms.Usha Das, learned Addl. Standing counsel for the Union of India states that possibly this case ^{being} is not maintainable against the Respondent Organization. She wants to examine the matter with reference to a Bombay Bench judgment of this Tribunal.

On her prayer, call this matter on 06.11.2009 for admission.

~~(M.K.Chaturvedi)~~
Member (A)

~~(M.R.Mohanty)~~
Vice-Chairman

/bb/

06.11.2009

Mr.T.R.Sarma, learned counsel for Applicant seeks one week time to examine as to whether this Tribunal has jurisdiction over the subject matter of this case. Request is allowed.

List on 25.11.2009.

~~(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)~~
Member (A) Member (J)

/bb/

25.11.2009

Ms.U.Das, learned Addl. C.G.S.C. for Respondents states that in terms of Hon'ble Supreme Court judgment dated 09.01.1998 in SLP (C) No.8096/1995, Union of India & Another vs. Smt. Vidyawati, members of General Reserve Engineering Force is not within the jurisdiction of this Tribunal as held by it on earlier occasion in R. Viswah & Ors. vs. Union of India & Ors. AIR 1983 SC 658.

Ex-facie Applicant is not a member of the General Reserve Engineering Force, as he is only civilian. Therefore, ratio of the said judgment would be inapplicable. Respondents to file reply on merits within four weeks.

~~List on 23.12.2009.~~

Service notice R.No.1

~~08/12/09~~

-3-

3

O.A.171 of 2009

25.11.2009 Ms.U.Das, learned Addl. C.G.S.C. for Respondents states that in terms of Hon'ble Supreme Court judgment dated 09.01.1998 in SLP (C) No.8096/1995, Union of India & Another vs. Smt. Vidyawati, members of General Reserve Engineering Force is not within the jurisdiction of this Tribunal as held by it on earlier occasion in R. Viswah & Ors. vs. Union of India & Ors., AIR 1983 SC 658.

Ex-facie Applicant is not a member of the General Reserve Engineering Force, as he is only civilian. Therefore, ratio of the said judgment would be inapplicable. Respondents to file reply on merits within four weeks.

List on 23.12.2009.

 (Madan Kumar Chaturvedi) Member (A)  (Mukesh Kumar Gupta) Member (J)

/bb/

23.12.2009 Learned Standing counsel for Respondents seeks four weeks time to file written statement.

 List the matter on 25th January, 2010.

 (Madan Kr. Chaturvedi) Member (A)

/pb/

25.01.2010 Ms.U.Das, learned Addl. C.G.S.C. seeks four weeks time to file written statement.

 List the matter on 25.02.2010.

 (Madan Kumar Chaturvedi) Member (A)

/bb/

O.A.171 of 2009

25.02.2010

Virtually five months time have gone by and no reply has been filed. Ms.U.Das, learned Addl. C.G.S.C. seeks further time to file reply. Last and final opportunity of three weeks is allowed to Respondents to take appropriate steps and to file reply, failing which application will proceed based on documents available on record.

No WTS filed.
22.3.2010

List on 23.03.2010.


(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

23.03.2010 Ms. U. Das, learned Addl. CGSC for Respondents seeks further two days time to file reply.

List the matter on 26th March 2010.


(Madan Kumar Chaturvedi)
Member (A)

/pb/

26.03.2010

Ms. U. Das, learned Addl. CGSC for Respondents states that written statement has already been filed. Mr. B. Chakrabarty, learned counsel for Applicant present in court and prayed for three weeks time to file rejoinder.

List on 22.04.2011.


(Madan Kr. Chaturvedi),
Member (A)

/pb/

O.A. No.171 of 2009

22.04.2010 Mr. T.R. Sarma, learned counsel for Applicant seeks to withdraw the present application stating that Respondents have assured him to consider his grievance appropriately.

In the circumstance, noticing the aforesaid, O.A. is dismissed as withdrawn. Ms. U. Das, learned Addl. CGSC for Respondents is present.

~~Chaturvedi~~ (Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

Before the Central Administrative Tribunal

Guwahati Bench: Guwahati

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

O.A No. 171 /2009

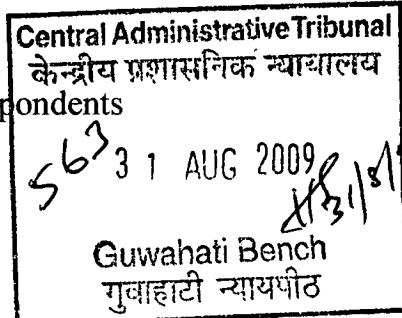
Sri Sumer Mal

---Applicant

-Versus-

Union of India and others

—Respondents



SYNOPSIS

The applicant joined the services of GREF in 1986 as an Overseer and in course of time he was duly promoted to the rank of B/R Grade-II and then to the rank of B/R Grade-I and is presently posted under Respondent No.4.

There had been some problems at the native place of the applicant and his wife was having some ailment. Moreover, at his place of service the applicant was facing undue harassments at the hands of the respondent no.4. Therefore the applicant on 29.8.2008, having completed more than 20 years of required service, applied for voluntary retirement from service before the respondent no.3. However, the application was returned by an officer subordinate to respondent no.3 unauthorisedly, on same flimsy ground. Subsequently, he filed another application on 19.1.09 for voluntary retirement, pursuant to which the respondents was intimated that his Voluntary Retirement was granted from 1.7.09.

In view of the serious domestic problems, the applicant applied for leave for 80 days which was approved by order dated 16.1.09 subject to completion of certain works. However, till April, 2009, the applicant was not allowed to leave station by the respondent no.4 maliciously on the pretext that the work of bridge construction in which the applicant was engaged, was not completed. After the applicant completed the work, the respondent no.4 asked the applicant to complete other works which would have taken another month. Since the applicant was hard pressed for his problems at home, he proceeded on leave from 14.4.09 completing the formalities of leave. Surprisingly, at his native place he came to know that he was declared a Deserter on 15.4.09 itself. The applicant cut short his leave and resumed duty on

Filed by the Applicant
Through
Kohit Gopei, Advocate, 31/8/09

31 AUG 2009

11.6.09 and on his joining the respondent no.4 maliciously issued numerous call letters to find lapses of the applicant and also held Court of Enquiry unauthorisedly. The voluntary retirement of the applicant which was sanctioned with effect from 1.7.09 was nearing and maliciously by order dated 25.6.09 the voluntary retirement was deferred by two months and by order dated 26.6.09 the voluntary retirement was deferred by one month, instead of two month. Finally after three days i.e on 29.6.09 the order of voluntary retirement of the applicant was cancelled just before one day of his due date of retirement and all these orders were passed without affording any opportunity to the applicant of being heard.

In the mean time the wife of the applicant has become more sick and has been advised for immediate operation. The respondent no-4 has also started causing all sorts of harassments to the applicant and the applicant has became a psychiatric patient out of anxiety and frustration.

The present application by the applicant is seeking a remedy against the illegal, arbitrary and malicious action of the authorities in preventing the applicant from going on voluntary retirement malafide and on extraneous considerations and he is seeking appropriate relief before the Hon'ble Tribunal.

LIST OF DATES

17.3.1986-	The applicant was appointed as an overseer in the General Reserve Engineering Force (GREF)
August, 1989-	That applicant was promoted to the rank of BR- Grade-II.
July, 2004-	The applicant was promoted to the rank of BR- Grade-I
June, 2007-	The applicant joined 1444BCC under Respondent no.4.
In the mean time the wife of the applicant fell sick and there were some other house hold problems. The respondent no.4, since his joining, caused undue harassment to the applicant and for all such reasons the applicant decided to go on voluntary retirement.	
29.8.08-	The applicant submitted application before the respondent no-3 for voluntary retirement as he completed more than 20 years of regular services (Annexure-1).

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Guwahati Bench
गुवाहाटी न्यायपीठ

16.10.08- The application for voluntary retirement was returned by an officer subordinate to respondent no.3 unauthorisedly and on flimsy ground.. (Annexure-2).

10.1.09- Applicant submitted application praying for 80 days leave to attend his house hold problems.

16.1.09- Respondent no-4 sanctioned leave but asked the applicant to complete the collection of Hydraulic Data for 4 Bridges to be constructed. (Annexure-6)

However the applicant was not released till April,2004 from construction site of Masai Bridge, so that he could collect the Hydraulic Data of 4 Bridges.

19.1.09- The applicant again filed an application for voluntary retirement before the respondent no-3 for allowing him to go on retirement from 1.5.09 (Annexure-5)

19.1.09- The applicant received a letter issued by the office of the respondent no-4 intimating that the applicant had to go on voluntary retirement after 30.6.09.(Annexure-7)

19.3.09- Respondent no-3 issued an order allowing the applicant to go on voluntary retirement with effect from 1.7.09 (Annexure-8)

26.3.09- The task of BCC in respect of Masai Bridge had been completed but the applicant was not released by respondent no.4 to avail his leave which was sanctioned on 16.1.09.

29.3.09- Signal No- A.1076/E1 was issued from the Office of the Respondent No.4 stating that the applicant to go on leave only after collection of Hydraulic Data of 5 Bridges (Annexure-10)

14.4.09- Applicant proceeded on leave after obtaining Leave Clearance Certificates from various sections but could not complete all formalities as the respondent no.4 did not want applicant go on leave and the applicant left an application for the respondent no-4 who was on leave, intimating the urgency of the applicant for proceeding on leave. (Annexure-11)..

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Jawahar Bench
Sect. 13(2)(b)

15.4.09 The respondent no.4 declared the applicant Deserter and while a native place the applicant received the notice belatedly. (Annexue-12).

11.6.09- The applicant joined his duties at is unit cutting short his leave of 80 days.

12.6.09- Respondent no-4 issued three explanation call letter to the applicant on unfounded allegations to which the applicant submitted his reply

15.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

16.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

20.6.09 Explanation letters issued to the applicant by the respondent no 4

22.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

22.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

27.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

29.6.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

1.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

3.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

11.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

15.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

16.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

25.7.09 Explanation letters issued to the applicant by the respondent no 4 and duly replied by the applicant.

(Annexure- 13 series)

25.6.09- The voluntary retirement of the applicant had been deferred by two months. (Annexure-15)

26.6.09- The Letter issued intimating that the voluntary retirement of the applicant had been deferred by one month instead of two months. (Annexure -16)

26.6.09- Order issued by the respondent no-4 holding Court of Enquiry on the applicant to be scheduled on 2.7.09, though he is not the disciplinary authority of the applicant. (Annexure-14)

29.6.09- Respondent No-3 issued order whereby the voluntary retirement of the applicant by order dated 19.3.09 had been cancelled (Annexure-17)

2.7.09- The applicant appeared before the Court of Enquiry and replied the questions asked to him.
Due to the undue harassment, caused to the applicant by the respondent no.4, he lost his mental balance and had his check up at GREF hospital at Hylong and at Civil Hospital, Namasi, wherefrom the applicant was referred to the Assam Medical College and Hospital, Dibrugarh.
Applicant applied for leave and he was granted two days leave of 17 -18th August, 2009.

14.8.09- Applicant left his station as 14 to 16th August, 2009, were holidays and had his check up at Assam Medical College and Hospital, Dibrugarh and the doctor prescribed Psychiatric medication for long time and to take rest.



Filed By

Lohit Gogoi
Advocate, Guwahati

Before the Central Administrative Tribunal

Guwahati Bench: Guwahati

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

O.A No. 171 /2009

Sri Sumer Mal ---Applicant
-Versus-
Union of India and others — Respondents

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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W/ S

Filed By
Lohit Deka
Advocate, Guwahati.

64-75

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH, GUWAHATI

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

O.A. No. 171/2007

Sri Sumer Mal,

Son of Late Pratapa Ram,

Resident of near Godiji
Temple,

Rampura Colony, Jinger Basti
Jalore,

District- Jalore, Rajasthan,

PIN- 343001

.... Applicant

-Versus-

1. Union of India,

Represented by its Secretary,

Ministry of Transport,
Government of

India, New Delhi-110001

2. Director General of
Border Roads, Seema Sadak
Bhawan, Ring Road, Delhi
Cantt., New Delhi-110010.

3. Chief Engineer,

Project Udayak,

C/O 99 APO

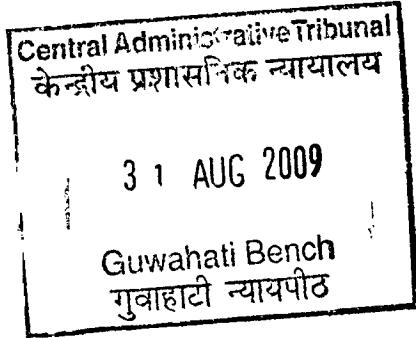
Doomdoma, Tinsukia, Assam.

Pin- 786151

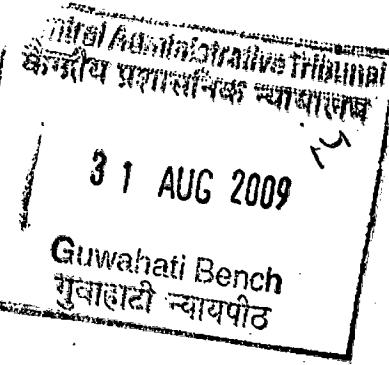
4. Shri S.C. Shrivastav

Officer Commanding,

Filed by the Applicant
through
Lokhit Jogen, Advocate,
S.R./09



(Sumer Mal)
(Signature)



1444 Bridge Const.

Coy (BCC),

C/O 99 APO,

Zenthu, (Namsai)

Dist:- Lohit, Arunachal
Pradesh - 792103

.... Respondents.

1. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE: -

I. Office order issued vide No.10274/Retire/90/E1B dated 29.6.09 issued by the Respondent No.3 cancelling the order of voluntary retirement of the Applicant dated 19.3.09.

II. Illegal and arbitrary action of the Authorities in denying the Applicant of his right to go on voluntary retirement for which he is entitled after completion of more than 20 years of service.

2. JURISDICTION OF THE HONB'LE TRIBUNAL: -

The applicant declares that the subject matter of the order against which redressal is sought for is within the jurisdiction of the Honb'le Tribunal.

3. LIMITATION: -

*(Original)
(Summarial)*

31 AUG 2008

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

The applicant declare that the subject matter of the order against which redrassal is sought for, is within the period of limitation.

4. **FACTS OF THE CASE:**

I. That the Applicant is a citizen of India and a permanent resident of Jalore District of Rajasthan. The applicant is a diploma holder Civil Engineer.

II. That on 17.3.1986 the applicant was duly appointed as an Overseer in General Reserve Engineering Force (GREF for short) and in due course he was promoted to the rank of BR Grade -II in the month of August, 1989 and thereafter he was promoted to the rank of BR-I in July/2004. The Applicant is presently posted in 1444 BCC under the Respondent No.4 where he joined in the month of June/2007.

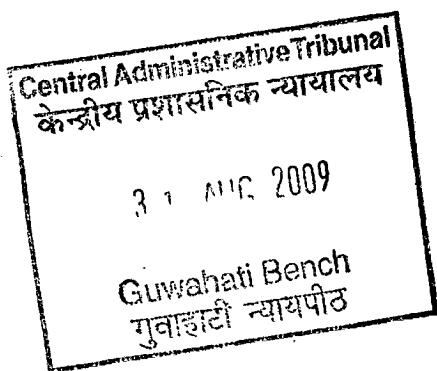
III. That since his joining at his present place of posting the Applicant had been duly continuing in his service and discharging his duties and it is a matter of record that the Applicant put his hard work in accomplishing the tasks assigned to him. The Applicant states that the Respondent No.4 joined his present place of posting in the month of June/2008 and from the time of his joining, the Applicant and many other subordinate Officers and Staff under the Respondent No. 4 have been facing a untold harassments without any cogent reasons. Since the Respondent No.4 joined, he has taken administrative actions on many staff and created a terror situation. Since the Applicant was under his control, he tried his best to comply and cope-up with all such deeds

(Signature)
(S. M. M. A. L.)

and action of the Respondent No.4. However the Applicant was exhausted and faced real embracement working under Respondent No.4 which also injured his self esteem.

IV. That apart from above, there had arisen a number of household problems to the applicant like sickness of his wife who was to be operated and there had been some problems in connection with the properties of the family.

V. That the Applicant states that he had completed more than 20 years of service by 2008 and he was entitled to seek for voluntary retirement from service under the Rules governing his service condition. In view of the problems faced by him above mentioned he took a considered decision to go on voluntary retirement from service and on 29.8.08 he submitted an application before the Respondent No.3 praying for allowing him to go on voluntary retirement for domestic reasons.



Copy of the letter dated 29.8.08 is annexed herewith and marked as **ANNEXURE-1.**

VI. That as stated above the Applicant was entitled to seek for voluntary retirement. All through he maintained an unblemish service record and there had not been any occasion when anything adverse was communicated to him. The Applicant was therefore hopeful that his prayer for voluntary retirement would be granted but he was surprised when by

(Signature)
(Sumerunay)

communication dated 16.10.08 vide No. CE/163461N/SM/47/E5 his application for voluntary retirement was returned in view of two office communications dated 13.10.08 and 30.9.08 which were enclosed and the Applicant was asked to withdraw his application for voluntary retirement and submit a fresh one after his pay fixation under 6th Pay Commission. From the letter dated 13.10.08 and 30.9.08 it appeared that application of another incumbent for voluntary retirement had been returned for the interest of the incumbent himself, on the ground that he might be deprived of the benefits under the 7th Pay Commission Report accepted by the Government. The Applicant states that respondent no.3 was the appropriate authority to consider his application for Voluntary Retirement and without the application being considered by him, it was returned unauthorisely by a subordinate officer. Therefore the applicant was entitled to go on voluntary retirement from 1.1.09, as prayed for.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AHC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

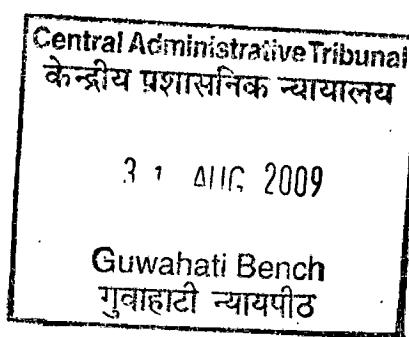
Copies of the letters dated 16.10.08, 13.10.08 and 30.9.08 are annexed herewith and marked as ANNEXURE-2, 3 and 4 respectively.

VII. That as stated above the Applicant was facing real difficulties and his wife got very sick and the Applicant yet again filed an application on 19.1.09 through proper Channel before the Respondent No.3 making a prayer to allow him to go on voluntary retirement with effect from 1.5.09 giving 3 months prior notice.

Copy of the application dated 19.1.09 is annexed herewith and marked as ANNEXURE-5

(Signature)
(Summary)

VIII. That the Applicant also submitted a leave application on 10.1.09 before the Respondent No.4 seeking leave for 80 days (Earn leave for 60 days and Half Pay leave for 20 days) for attending the aforesaid problems at home. The Respondent No.4 sanctioned the leave application of the Applicant on 16.1.2009 but he was asked to complete the collection of Hydrolyic data for 4 bridges to be constructed. It may be relevant to mention that it would have taken about one month time to collect the Hydrolyic data of the 4 bridges. Respondent No.4, though sanctioned his leave that the Applicant was entitled for, it was made conditional so as to delay the leave of the Applicant.



Copy of the leave application and sanction letter dated 10.1.09 is annexed herewith and marked as ANNEXURE-6.

IX. That the Applicant states that at that point of time when the leave was sanctioned he was working at the site of construction of a suspension bridge at Masai. However the Applicant was not even released from the site of Masai bridge so that he could have collected the Hydrolyic data of four other bridges and proceed for leave.

X. That in the meantime the Applicant received a response through letter dated 19.1.09 from the Office of the Respondent No.4 vide letter No.CF/163461N/SM/27/E1 dated 19.1.09 intimating that he had to go on voluntary retirement after 30.6.09 and the necessary format for application had been

(Sumermal)
(Sumermal)

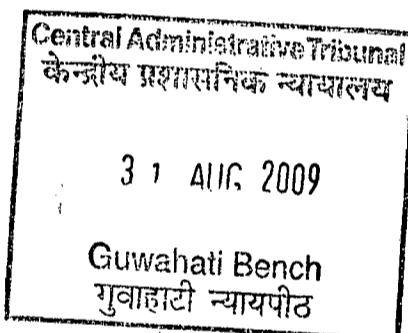
enclosed for signing by the applicant which was duly signed and submitted by the applicant.

Copy of the letter dated 19.1.09 along with enclosure are annexed herewith and marked as **ANNEXURE-7.**

XI. That pursuant to above the Applicant received order vide No.10274/retire/79/E1B dated 19.3.09 issued by the Respondent No.3 whereby the prayer for voluntary retirement of the Applicant had been allowed with effect from 1.7.09.

Copy of the order dated 19.3.09 along with an English translation of the order is annexed herewith and marked as **ANNEXURE-8.**

XII. That the Applicant states that though his leave had been sanctioned way back in 16.1.09, he was detained at the site of Masai bridge and he was not released to go on leave. However the Applicant continued to work understanding that the construction of the bridge had a lot of strategic importance and the Applicant was assured by the Respondent No.4 and the Officer in-charge of the bridge that the Applicant would be released to proceed on leave after completion of the task of Masai Bridge.



(Signature)
(Signature)

XIII. That the Applicant states that the task of BCC in respect of Masai Bridge had been completed on 26.3.09 but even then the Applicant was not released and the authorities were further pressing him to collect the hydrolytic data of the bridges which would have taken another about a month. The Applicant on number of occasion appraised the Respondent No.4 and the Officer in-charge that the health of his wife had deteriorated and he was required to go home urgently and a signal vide No.0-2197/E2 dated 25.3.09 had also been send by the Officer in-charge to the Respondent No.4 requesting intimation as regards charge of stores to be given in the absence of the Applicant.

Copy of the signal dated 25.3.09 is annexed herewith and marked as **ANNEXURE-9.**

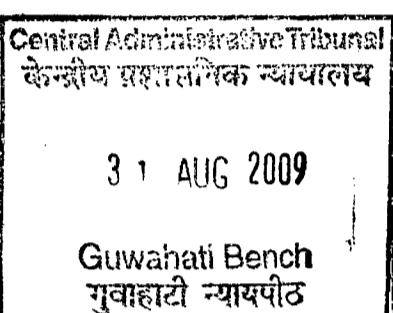
XIV. That in response to the above Signal No.A-1076/E1 dated 29.3.09 was issued by the office of the Respondent No.4 mentioning that the Applicant could proceed on leave only after collection of Hydrolyic data of 5 bridges.

Copy of the signal is annexed herewith and marked as **ANNEXURE-10.**

XV. That as stated above, the voluntary retirement of the Applicant had been sanctioned from 1.7.09 and the Applicant was hard pressed to proceed on leave for his serious domestic problems. The Applicant with a view to proceed on leave, started

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(Gumeram)

taking clearance certificate from all the Sections. However at the behest of Respondent No.4, the Applicant was not given clearance certificate from **E-3** (stores) sections and also the leave certificate was not given from the office of the Head clerk, who remains in over all charge of E-1, E-1C, E-5 sections.



A copy of the clearance certificate for proceeding on leave w.e.f 14.4.09 is enclosed herewith and marked as **ANNEXURE-11**.

XVI. That the Applicant thereafter proceeded on leave on 14.4.09 and he left an application addressing the Respondent No.4 for intimating the urgency of the Applicant for proceeding on leave. The application was handed over to Leading Hand Jamit Rai working in Administrative Section and he also intimated this fact to the Officer in-charge of the Masai Bridge namely Sri L.R Kausal, as the Respondent No.4 was on leave.

XVII. That however, while the applicant was at his native place, he belatedly received a communication dated 15.4.09 issued from the office of the Respondent No.4 to the wife of the applicant, whereby the Applicant had been declared as a deserter.

Copy of the desertion notice dated 15.4.09 is enclosed herewith and marked as **ANNEXURE-12**

XVIII. That as stated above, the applicant had been facing a number of domestic problems and his wife was

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(SUMMARY)

having serious Gynecological problem and she was advised for an operation. The applicant understood the seriousness of the malicious action of the Respondent No-4 in declaring him as a deserter, more so, when his prayer for voluntary retirement had already been granted from 1.7.09 and though his leave was sanctioned for 80 days, he cut short his leave and joined duties on 11.6.09 at his unit.

XIX. That after he joined his duties, the Respondent No-4 started to show his vindictive attitude towards the applicant and on 12.6.09 itself he issued 3. (three) communications to the Applicant, asking for explanation for various unfounded allegations and the applicant submitted his reply to the same. Thereafter, the Respondent No-4 started issuing numerous explanation call letters to the applicant on 15.6.09, 18.6.09, 20.6.09, 22.6.09, 23.6.09, 27.6.09, 29.6.09, 01.7.09, 03.7.09, 11.7.09, 15.7.09, 16.7.09, 16.7.09, 25.7.09. The applicant states that, the explanations called by the office of the Respondent No-4 had all been immediately replied by the applicant, explaining that there had not been any lapse on his part in discharging his duties.

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Copies of the above mentioned explanation call letter are enclosed herewith and marked as ANNEXURE- 13(series)

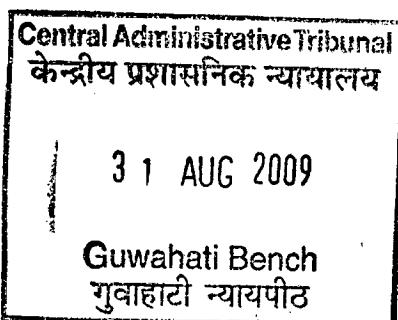
XX. That the Respondent No-4, though he is not disciplinary authority of the applicant, also passed an order on 26.6.09 holding a Court of Enquiry on the applicant, which was scheduled for 02.7.09. On the scheduled date, the applicant appeared before the

*Sumemal
(Sumemal)*

Court of Enquiry and he was asked question, which had been replied by him.

Copy of the order of Court of Enquiry dated 26.6.09 is enclosed herewith and marked as ANNEXURE-14.

XXI. That as stated above by communication dated 19.3.09 the voluntary retirement of the applicant had been sanctioned with effect from 1.7.09 and the applicant received another latter vide No- CF/163461N/SM/32/E1 dated 25.6.09 whereby it was informed that the date of voluntary retirement of the applicant had been deferred by 2 months. Immediately thereafter the applicant received another communication vide no- CF/163461N/SM/33/E1 dated 26.6.09 whereby it was intimated that the date of voluntary retirement of the applicant had been deferred by one month and the earlier later dated 25.6.09 stood canceled.

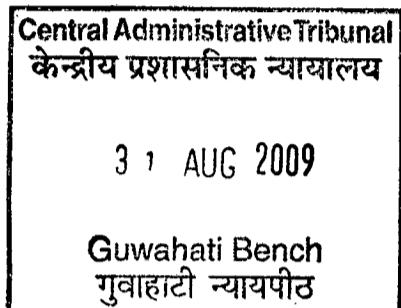


Copies of the communications dated 25.6.09 and 26.6.09 are enclosed herewith and marked as ANNEXURE- 15 and 16 respectively.

XXII. That the applicant states that the Respondent no-4 particularly was acting arbitrarily and maliciously in issuing several explanation letters with the idea that somehow the applicant may be entangled in some allegations so as to cancel the voluntary retirement of the applicant already sanctioned and involve him in some disciplinary case.

Copy Annex
(SUMMARY)

XXIII. That thereafter to the utter shock and surprise of the applicant, he received order dated 29.6.09 issued by the respondent no-3 whereby the sanction of voluntary retirement of the applicant by order dated 19.3.09 by the respondent no-3 had been cancelled.



Copy of the order dated 29.6.09 is enclosed herewith and marked as ANNEXURE-17.

XXIV. That the wife of the applicant became very sick as she was having some gynecological problems. The wife of the applicant had been advised to go for immediate operation by advise slip dated 15.7.09 after going through a series of tests. However till date the operation has not been possible in the absence of the applicant.

Copy of the medical prescription is enclosed herewith and marked as ANNEXURE-18

XXV. That the applicant states that due to all sort of atrocities caused on him and also due to the feeling of helplessness for being unable to go for his wife's treatment, the applicant lost his mental balance and he virtually became a sick person due to hypertension, anxiety and frustration. The applicant needed psychiatric treatment and he had a check up in GREF Hospital at Hylong wherefrom he was referred to Assam Medical College and Hospital, Dibrugarh. The applicant was also referred and checked up at Civil Hospital situated at Namsai, wherefrom also the applicant was referred to Assam Medical College and Hospital, Dibrugarh. The applicant thereafter applied

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for leave for treatment and the authorities granted him two days leave of 17-18th August, 2009. However before the applicant proceeded on leave it was made a condition that he must sign some papers showing some discrepancy in the stores. The mental condition of the applicant was such that he could not have a second thought and in compelling circumstances he put his signature in one paper and left his station on 14.8.09 in as much as 14 to 16th August, 2009 were holidays. On 14.8.09 the applicant had a check up in Assam Medical College and Hospital, Dibrugarh, at Psychiatric OPD and he was prescribed some treatment and was advised for certain tests including city Scan of Brain and for a review after two weeks. The applicant states that he was advised medication for a long duration and for rest for some time. The applicant therefore proceeded for his home and

intended to go on medical leave for some days.

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Copy of the prescription dated 14.8.09 is enclosed herewith and marked as ANNEXURE- 19.

XXVI. That the applicant states that on completion of 20 years of regular services the applicant was entitled for voluntary retirement which he applied for way back in 29.8.08 and he was entitled for voluntary retirement from December, 2008 on completion of 3 months time of notice. However the authorities returned the application dated 16.12.2008 (Annexure-2) without any reasonable cause. The applicant states that the authorities had deferred the voluntary retirement of the applicant unauthorisedly and subsequently his voluntary retirement was granted from a belated time i.e with effect from his from 1.7.09 on his second application. In the mean time the applicant, in view of his

(S. J. Mehm)
S. J. Mehm
(Guvernlly)

domestic problems and illness of his wife, prayed for leave for 80 days which was due and was also sanctioned by respondent no-4 but an unreasonable condition had been put and the applicant was not released from his work which virtually compelled the applicant to leave for his home without completing all required formalities. The action of the authorities had been atrocious and arbitrary and the respondent no-4 was waiting for the lapse which the applicant committed in not completing the official formalities wholly and he was immediately declared a Deserter. The applicant was compelled to resume his duties cutting short his leave period and thereafter numerous explanation call letters had been issued to him in a vindictive manner by respondent no-4 and respondent no-4 ultimately succeeded to cancel the sanction of voluntary retirement of the applicant and the applicant now can very well understand that some disciplinary action are going to be taken against him shortly.

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5. GROUND

5.1 For that under the Rule the applicant was entitled to go on voluntary retirement on completion of 20 years of regular services unless there was some cogent reason for not allowing him to go on voluntary retirement. The applicant had a vested right to take retirement voluntarily and the action of the applicant is arbitrary as well as malicious in obstructing the applicant in illegal manner which is not maintainable in law.

5.2 For that in view of the application of the applicant dated 29.8.08 (Annexure-1) the applicant

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31 AUG 2009

Guwahati Bench
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was entitled for voluntary retirement from services on completion of 3 months since the applicant satisfied all the requirements of law in this regard and there had been nothing adverse to his entire career and the action of the authorities in turning down his application on some flimsy grounds, is highly unreasonable and unfair and the same is not maintainable in law.

5.3. For that the applicant states that the order dated 16.10.08 (Annexure-2) turning down the application of the applicant for voluntary retirement on the basis of earlier communication dated 30.9.08 and 13.10.08 are illegal ad not permissible in law in as much as right exercised by an incumbent in accordance with law could not have been denied on such ground. It is further submitted that the applicant addressed the application to the respondent no-3 seeking voluntary retirement who was the authority to consider the prayer of the applicant in accordance with law and therefore the action of the officer below the rank of respondent No. 4 had no jurisdiction to return the application of the applicant and as such the order dated 16.10.08 is bad in law and is liable to be set aside.

5.4. For that in view of the fact that the applicant was entitled for due leave he made application for leave on 10.1.09 and the action of the respondent no-4 in putting unreasonable condition while sanctioning the leave by order dated 16.11.09 and also detaining the applicant till April/09 was malicious on the face of the record and is liable to be interferred by this Hon'ble Tribunal.

(Sumeran M)

(Sumeran M)

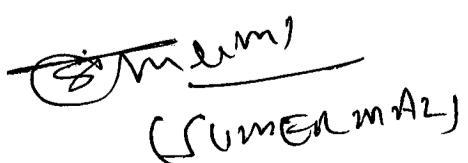
31 AUG 2009

Guwahati Bench
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5.5 For that the respondent no-4 acted maliciously in detaining the applicant for a long time even after his leave was sanctioned long back and when the applicant proceeded on leave in accordance with law but due to arbitrariness of the respondent no-4, the entire formality could not be completed and therefore the action of the respondent no-4 in issuing desertion notice on the very next day of leaving the applicant, was simply malicious and motivated to cause a prejudice to the applicant and as such the action of the respondent no-4 in particular was malicious, unreasonable and arbitrary and are not sustainable in law.

5.6 For that the action of the respondent no-4 in issuing explanation call letters (Annexure-13 series) after the applicant joined his duties on 11.6.09 and in unauthorisedly holding Court of Enquiry (Annexure-14) on the applicant in a predefined manner, was atrocious on the face of the record which were only directed to somehow entangle the applicant with some charges and therefore the action of the respondent no-4 was highly arbitrary and unreasonable and is liable to be set aside.

5.7. For that the action of the respondent no-4 in issuing the numerous explanation call letters only on joining of the applicant smacks malicious intention and amounted to colourable exercise of power devoid of any administrative exigencies and as a whole it amounts to abuse of power which would fail the security of law and is liable to be set aside.



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31 AUG 2009

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5.8. For that the action of the Respondent No. 4 in trying to somehow entangle the applicant in some charge and thus issuing the order dated 25.6.09 (Annexure-15), 26.6.09 (Annexure-16) and thereby deferring the voluntary retirement of the applicant, were illegal and arbitrary and the same were liable to be quashed and set aside.

5.9 For that the action of the authorities amounted to abuse of power vested in law in acting maliciously while issuing numerous explanation letters to the applicant within a very short time and ultimately issuing the order dated 29.6.09 (Annexure-17) canceling the sanction of the voluntary retirement of the applicant dated 19.3.09 and as such the order dated 29.6.09 is not maintainable in law and is liable to be set aside and the applicant is entitled to go on voluntary retirement with effect from 1.7.09.

5.10 For that the applicant went on leave atleast after completing some formalities and after getting the desertion notice he joined his services which was also duly allowed and he is continuing in service. Therefore the action of the authorities in canceling the order of Voluntary Retirement dated 19.3.09 on the pretext that the applicant suddenly deserted his office, was illegal and arbitrary and as the impugned order dated 29.6.09 is not maintainable in law and is liable to be set aside.

5.11. For that the applicant respectfully submits that the action of the authorities in issuing

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(Summons A 4)

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the explanation call letters were malicious and arbitrary on the face of record and all those communications and the other action which might have been taken or initiated against him, are to be held honest in law for all purposes and the applicant is entitled to go on voluntary retirement in accordance with law.

5.12. For that it is on record that since joining in the service of the GREF the applicant maintained a clear and unblemished service record and he had never been communicated anything adverse and therefore it is an inconceivable fact that all of a sudden when the voluntary retirement of the applicant had already been sanctioned, his services became so much questionable, compelling the applicant in issuing numerous explanation call and as such the action of the applicant in seeking to cause and prejudice to the applicant is highly illegal and arbitrary and are liable to be set aside.

5.13. For that the applicant sought for due leave to attain domestic problems including sickness of his wife, which had been sought to be frustrated in an intentional manner. The wife of the applicant had been advised for an operation which has not been made possible due to cancellation of voluntary retirement of the applicant and due to the present action of the respondent no-4 in particular, in issuing the explanation call letters, the applicant has become a psychiatric patient. The applicant submits that all these action of the authorities are not only arbitrary but the same amount to inhuman treatment in violation of the Article 21 of the

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(Signature)

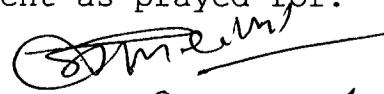
Constitution of India which amounts to violation of Human Rights of the applicants and as such the impugned action and orders of the authorities are liable to be interfered with and the applicant is entitled for voluntary retirement from service.

5.14. For that the action of the authorities in canceling the order of his voluntary retirement by order dated 29.6.09 without giving an opportunity to the applicant of being heard is violation of the Principles of Natural Justice and is liable to be set aside.

5.15. For that as per the application of the applicant dated 29.8.08, he was entitled to go on voluntary retirement on completion of notice period in as much as letter dated 16.10.08 was without Jurisdiction and non-est in law and as such all subsequent events were non-est. for the purpose of voluntary retirement.

6. PRAYER

In the premises aforesaid, it is, therefore, prayed that the Hon'ble Tribunal may be pleased to admit this application, issue notices to the respondent to show cause as to why the impugned orders dated 16.10.08 (Annexure-2) order dated 29.1.09 (Annexure-7), 15.4.09 (Annexure-12) explanation call letters (Annexure-13 series), order dated 26.6.09 (Annexure-16) and order dated 29.6.09 (Annexure-17) shall not be quashed and set aside and as to why a direction shall not be issued to allow the applicant to go on voluntary retirement as per his application dated 29.8.08 (Annexure-1) or as ordered by order dated 19.3.09 (Annexure-8) and as to why all subsequent events shall not be declared as non-est, call for the entire record of the case and after hearing the parties, be pleased to allow the application setting aside the impugned orders dated 16.10.08 (Annexure-2) order dated 29.1.09 (Annexure-7), 15.4.09 (Annexure-12) explanation call letter (Annexure-13 series), order dated 26.6.09 (Annexure-16) and order dated 29.6.09 (Annexure-17) and allow the applicant to go on voluntary retirement as prayed for.


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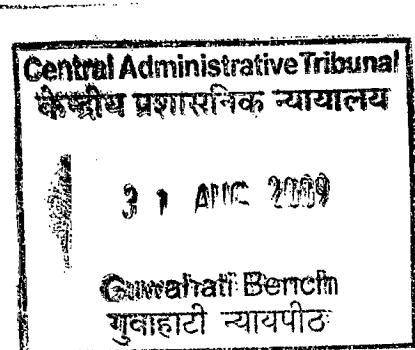
7. INTERIM PRAYER

It is further prayed that pending disposal of the case Your Honour may be pleased to issue direction to the authorities to sanction leave without any undue conditions, if the applicant applies for the same.

8. Particulars of Bank Draft/Postal Order in respect of the application fee:-

I. P. O. No. 394 421447, Dated 26/8/09
P. O. - Meghdoot Bhawan, (Guwahati - G.P.O.)

9. List of enclosure:- As above.



(Signature)
(S. M. M)

-20 (a) -

VERIFICATION

I, Sri Sumer Mal, son of Late Pratapa Ram, aged about 47years, Resident of Godiji Temple, near Rampura Colony, Jinger Basti Jalore, District- Jalore, Rajasthan, do hereby verify that the contents of the paragraphs 1,2,3,4(I),4(II),4(III), 4(IV), 4(V), 4(VI), 4(VII), 4(VIII), 4(IX), 4(X), 4(XI), 4(XII), 4(XIII), 4(XIV), 4(XV), 4(XVI), 4(XVII), 4(XVIII), 4(XIX), 4(XXI), 4(XXII), 4(XXIII), 4(XXIV), 4(XXV) and 4(XXVI) are true to my personal knowledge and the paragraphs.5(1), 5(1), 5(2), 5(3), 5(4), 5(5), 5(6), 5(7), 5(8), 5(9), 5(10), 5(11), 5(12), 5(13), 5(14) and 5(15) are believed to be true on legal advice and that I have not suppressed any material facts.

Date- 15/8/09

Place- Guwahati.

Sumem

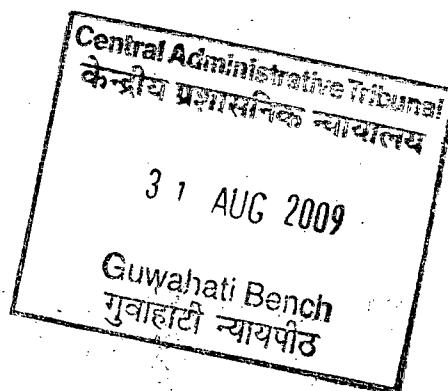
(Guwahati)

Deposant

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
31 AUG 2009
Guwahati Bench गुवाहाटी- न्यायघीठ

From : GS-163461N Supdt BR-I
Sumermal
1501 BSC Care 1444 BCC (GREF)
C/o 99 APO

To : The Chief Engineer
HQ CE (P) Udayak
C/o 99 APO
(Through proper Channel)



SUB : REQUEST FOR VOLUNTARY RETIREMENT

Respected Sir,

1. I submit a few lines for your kind consideration and favourable action please,
2. I wish to state that I was appointed in BRO on 17 Mar 1986 and I have completed 22 years of service.
3. I would like proceed on voluntary retirement due to my domestic problems after on completion of 22 years service in BRO.
4. In view of the above, I may kindly be permitted to proceed on voluntary retirement wef 01 Jan 2009 (FN) and obliged please.
5. This application be treated as a three month notice.
6. I shall be highly thankful to you for this act of kindness.

Thanking you sir,

Yours faithfully,

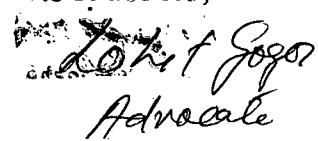
Station : C/o 99 APO



Date : 29 Aug 2008

(GS-163461N Supdt BR-I Sumermal)

Certified to be true copy


Advocate


(SUMER MAL)

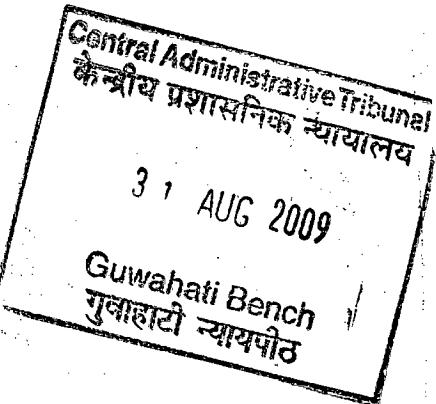
1501 Bridge Supervision Call (GREF)
Care 1444 Bridge Constr Coy (GREF)
PIN : 931444
C/O 99 APO

16 Oct 2008

CF/163461N/SMV 4P /E5

CS 463461N Supdt BR-1
SUMER MAI
Delt Kibin

(SJS)



VOLUNTARY RETIREMENT: GREF PERS

1. Reference your application dated 01 Oct 2008.
2. In this connection, it is intimated that your application for voluntary retirement is turned down by HQ 48 BRTF vide their letter No. 14121/27/E1P dated 13 Oct 2008 (Copy enclosed). A copy of HQ CE (P) letter No. 10274/61/E1B dated 30 Sep 2008 is also enclosed for your information please.
4. In view of above, withdraw your application on subject matter and forward fresh application for voluntary retirement after pay fixation and getting arrears of Pay & allowances.

(SJS)

(PKIP SINGH)
AEF (CIV)
2nd In-Command
for Officer Commanding

Ends: Two Sheets

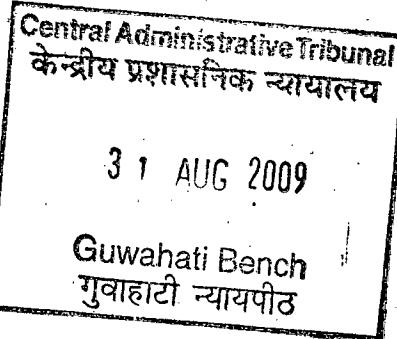
Certified to be true copy

Lohit Gogoi
Advocate

(Sumer Mai)

(SUMER MAI)

/COPY/



1412/27/E1

1444 BCC (GREF)
Pin : 931444
C/O 99 APO

Headquarters
48 Border Roads Task Force
PIN : 930048
C/O 99 APO

13 Oct 2008

VOLUNTARY RETIREMENT : GREF PERB (GREF)

1. Reference your letter No. CF/163461/SM/E1 dated 08 Oct 2008.
2. Complete set of service documents in r/o GS-163461N BR-1. Sumer Mal received under your fwd letter is returned herewith. In this connection please refer para 3 of HQ CE (P) Udayak letter No. 10274/61/E1B dated 30 Sep 2008 forwarded vide our letter No. 1412/25/E1P dated 06 Oct 2008.
3. Please re-submit the case after fixation of pay under 6th CPC to avoid any representation for non payment of Arrears of P & A and pensionary benefits from the individual.

Encds : (One set of s/docs)

Sd/- x x x
(Vikram Singh)
Capt
Offy Sr Adm Offr
For Commander

/COPY/

Certified to be true copy

Dohit Gogoi
focale

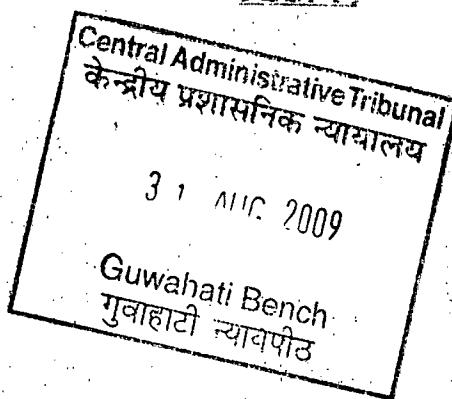
(Sumer Mal)

(Sumer Mal)

ANNEXURE - A

-24-

(COPY)



10274/ 61/EIP

RHQ 48 BRTE
C/O 99 APO

Registered/SDS

Headquarters

Chief Engineer

Project Udayak

PIN 783175

C/O 99 APO

30 Sep 2008

VOLUNTARY RETIREMENT (GREF PERS)

1. Ref your letter No. 1412/16/EIP dated 23 Sep 2008.
2. Application dated 17 Sep 2008 submitted by GS-163046M BR-1 George PP of 1444 BCC (GREF) requesting for voluntary retirement is returned herewith unactioned alongwith connected papers & S/docs of the individual with following remarks:-
 - (a) Since the 6th Pay Commission has been finalized and declared recently, the pay fixation of the individual is required to be completed which may take some more times and same will have to complete before proceeding the individual on retirement to avoid any complication in fixation of pay at later stage.
 - (b) Pay Commission so declared is carrying maximum financial benefits to the central Govt employees and arrears on a/c of pay and allowances to be paid in two installments by Apr 2009.
3. In view of the above, please apprise the Supvr accordingly and advise him to withdraw his application for voluntary retirement and fresh application be submitted after pay fixation and getting arrears of Pay & allowances.

Sd/- x x x

(Jivendra Singh)
Adm Officer
Offg SO-1 (Pers)
For Chief Engineer

Enclos : As above.

(COPY)

Certified to be true copy

Kohit Gogoi
Advocate

(S. Mehm)
(S. Mehm)
(S. Mehm)

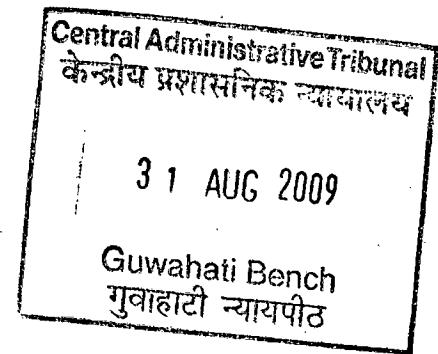
(S. Mehm)

TYPED COPY

From: GS-163461N Supdt B/R-I
Sumermal
1501 BSC Case 1444 BCC (GREF)
C/O-99APO

ANNEXURE-5

To: The Chief Engineer
HQ CE(P) Udayak
C/o-99APO
(Through Proper Channel)



Sub:- REQUEST FOR VOLUNTARY RETIREMENT.

Respected Sir,

1. I Submit a few lines for your kind considerations and favourable action please.
2. I wish to state that I was appointed in 320 on 17 March 1986 and I have completed 23 year of service.
3. I would like proceed on voluntary retirement due to my domestic problems after on completion of 23 years service in BRO.
4. In view of the above, I may kindly be permitted to proceed on voluntary retirement w.e.f 01 May,2009(FN)and obliged please.
5. This application be treated as a three month notice.
6. I shall be highly thankful to you for this act of kindness.

Thanking you sir,

Yours Faithfully

Station:- C/O- 99 APO
Date:- 19 Jan 2009

GJ-163461 N Supdt B/R-I
(Sumermal)

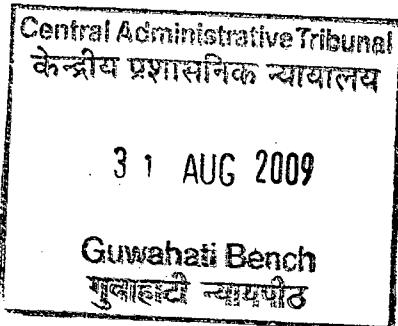
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(Sumermal)

Confirmed to be true copy

*Kohit Gogoi
Advocate*

From : GS - 163461 N Supdt B/R - I
Sumermal
1501 BSC Case 1444 BCC (G REF)
C/10 99 APO

To : The chief Engineer
HQ CE (P) Golaghat
C/10 99 APO
(Through proper channel)



SUB: REQUEST FOR VOLUNTARY RETIREMENT

Respected sir,

1. I submit a few lines for your kind consideration and favourable action please.
2. I wish to state that I was appointed in BRO on 17 May 1986 and I have completed 23 year of service.
3. I would like proceed on voluntary retirement due to my domestic problems after on completion of 23 years service in BRO.
4. In view of the above, I may kindly be permitted to proceed on voluntary retirement wif of my own (F.N.) and obliged please.
5. This application be treated as a three month notice.
6. I shall be highly thankful to you for this act of kindness.

Thanking you sir,

yours faithfully



Station: C/10 99 APO

Date : 19 Jan 2009

GS - 163461 N Supdt B/R - I
(Sumermal)



(Sumermal)

Central Admin. Trib. Copy

Robit Sagar
Advocate

LEAVE APPLICATION : GREF PERS

1. GS No, Rank & Name : 163461N B/R/1 SUMER MAL
 2. Unit : 1501 BSC
 3. Nature of leave applied for and date from which leave is required : 20 days HPL and 60 days EL wef 16 Aug 2008
 4. Ground/Reason on which leave is applied for : Home affair
 5. Whether LTC required or not, if yes, give name of NRS : Yes, N.R. - JALORE
 6. Basic Pay : 2818108 CL + HPL 30 Days
 7. Leave address : N.C.C. Goceliji temple, Ramnagar Colony, Jinger Bazar, Jalore
 House No./Name : Smt SHANTI DEVI
 NOK Name : JALORE
 Village : JALORE
 Post Office : JALORE
 District : RAJASTHAN
 State : 343001
 Pin Code : No 02973-222195
 Tele No.

8. Whether Pay Advance Reqd/Not, ✓

Dated : 05 Jan 2008

Sumemal
(Signature of Applicant)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2008

Guwahati Bench
गुवाहाटी न्यायालय

FOR OFFICE USE

This is certify that following leave are in the credit of the individual upto Jun 2008. 2008
 EL : 110 days, HPL : 100 days, CL : 12 days RH : 02 days

LTC for the Year/Block Year 2008 Entitled/Not Entitled

9. NRS as per service documents : Roerke JALORE

10. Last leave availed : 41 Days : From 18 Jul '08 to 27 Aug '08

Dated : 10 Jan 2008

Q.D.C.
(Signature of dealing Clerk)

11. Recommendation of I/C or OIC P/2IC

RECOMMENDED/NOT RECOMMENDED

✓

Dated : 2008

12. Orders of Sanctioning Authority

SANCTIONED/NOT SANCTIONED

'S' after completion of bridge collection
of hydraulic data for bridges 4-Hus.

Officer Commanding
116 RCC (GREF)

16/01

Dated : 2008

Sumemal
(Signature)

Central Admin. Tribunal copy

Dolit Jego
Advocate

ANNEXURE-7

TYPED COPY

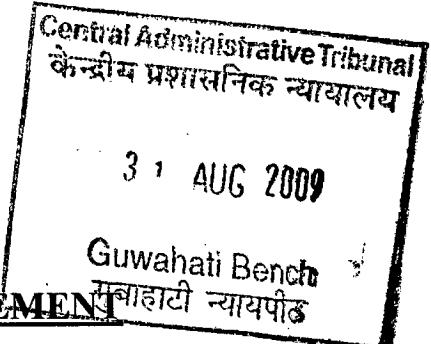
ANNEXURE-7

1501 Bridge Supervision Cell(GREF)
Care 1444 Brige Constr Coy (GREF)
Pin- 931444
C/o- 99 APO

CF/163461N/SM/27/E1

29th Jan, 2009

GS-1634611N SUPDT BR-1
SUMER MAL
DETT MOMPANI



NOTICE FOR VOLUNTARY RETIREMENT

1. Ref your application dated 19 Jan 2009
2. In this connection, it is intimated that as per instructions issued by higher authority, pension papers to be initiated four months in advance before proceeding on Voluntary Retirement. But you have applied for Voluntary Retirement w.e.f 01 May ,2009 which is very earlier and pension papers can not be processed/initiated well in time.
3. In view of above, you are advised that you may plan for voluntary retirement after 30 Jun 2009(AN). Notice for voluntary retirement alongwith undertaking certificate is enclosed for your signature and erly returned to this HQ.

(Naveen Kumar Lodhi)
Capt
2nd in Command
For Office Commanding

Enclosed : As above

Sumemal
(SUMER MAL)

Certified to be true copy

Lohit Gogoi
Advocate

From : GS-163461N SUPDT BR-1
SUMER MAL
1501 BSC (GREF)
Care 1444 BCC (GREF)
C/O 99 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

To : The Chief Engineer,
HQ CE (P) Udayak,
C/O 99 APO
(Through proper channel)

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub : **REQUEST FOR VOLUNTARY RETIREMENT**

Respected Sir,

1. Reference Govt of India, Min of Home Affairs' Deptt of Pers and AR letter No. 25013/7/77-Estt (A) dated 26 Aug 77, incorporated in Rule 48 A CCS (Pension) Rules, 1972.

2. I have completed 20 years qualifying service on 31 Jan 2008 as verified vide AO 48 BRTF letter No. A/48 TF/394/VOL-XXIX dated 12 Feb 2008 (enclosed in original).

3. I hereby give three months' notice of voluntary retirement commencing from 01 APR 2009 to 30 JUN 2009.

3(A) I, however, request to relax the retirement of three months notice and accept my retirement at the earliest due to

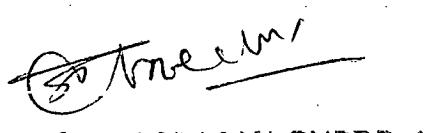
3(B) In the event of my voluntary retirement being accepted under relaxed condition, I shall not apply for commutation of a part of my pension before the expiry of period of 90 days notice.

4. I am aware that notice of voluntary retirement given by me under Rule 48 of CCS (Pension) Rules is subject to acceptance by the competent Appointing Authority.

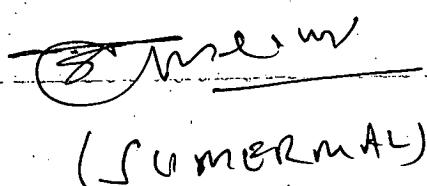
5. I am also aware that the notice as given by me can be deemed effective only if it is found in order and if not, I will have to give a fresh notice.

Yours faithfully,

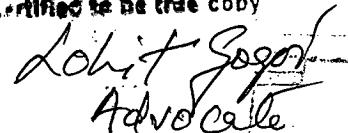
Station : C/O 99 APO


(GS-163461N SUPBR-1
SUMER MAL)

Dated : 06 Feb 2009


(Sumer Mal)

Certified to be true copy


Dohit Sengupta
Advocate

TRANSLATED COPY

ANNEXURE-8

OFFICE NOTE

GS-163461N Supdt. Building/Roads-1 of 1501 BSC/1444 BCC

Voluntary Retirement of Sumer Bal on completion of 20 years of regular services

1. In reference to the Head Quarter 48 Boarder Roads Task Force latter No- 1412/38/E1P dated 27th February, 2009

2. I have received the application from GS-163461N Supdt. Building/Roads-1 Sumer Mal of 1501 BSC/1444 BCC under Rule 48 of CCS(Pension) Rules, 1972, for Voluntary Retirement from GREF Services. Accordingly the above named employee is to be released from the GREF services on 1st July, 2009 (am) after completion of notice period to Voluntary Retirement, provided no unwanted happenings come to my knowledge during the period from the date of issuance of notice for voluntary retirement to the date of voluntary retirement.

3. Before releasing him from services all dues shall be recovered from him.

4. Copy of ----- part-2 published in this connection to be sent to the Head Quarter immediately.

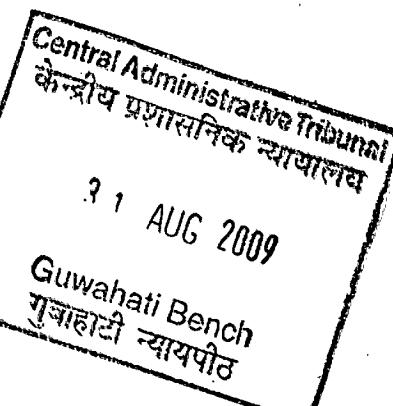
10274/Retire/79/E1B

Sd/- Anil Kumar
(Anil Kumar)
Chief Engineer
Udayak Project
19th March, 2009.

Head Quarter
Chief Engineer
Udayak Project
PIN- 931715
C/O- 99 Army Post Office

Commander
48 Boarder Roads Task Force
PIN- 930048
C/O- 99 Army Post Office

Retirement Register Serial
No- Udayan/01/2009



Confidential No topo copy

Lohit Gogoi
Advocate

(Sumer Bal)
(Sumer Bal)

सेवानिवृत्ति संदर्भ

1501 दीएसी/1444 दीएसी के दीएस-163461एव अधी अस्त सुल-1
सुलेट तत्त्व द्वारा 20 वर्ष की अवधि सेवा पूर्ण करने सेवानिवृत्ति

1. सुन्दरालय 48 सीला सड़क घृतिक बल के दिनांक 27 फरवरी 2009 के प्रांक 1412/38/ईपी के संदर्भ में।

2. सी ही एस (प्रिंस) विधम 1972 के विधम 48 के तत्त्व 1501 दीएस.सी/1444 दी. सी.सी के जीएस-163461एव अधी अवधि सुलेट मत की देख सेवा से स्वैच्छिक सेवा निवृत्ति का अवेदन ने द्वारा स्वीकार किया जाता है। तबुसार उपर्युक्त कार्यिक के नोटिस अवधि समाप्त होने पर दिनांक 01 जुलाई 2009 (पूर्वाह्न) से स्वैच्छिक सेवानिवृत्ति पर देख सेवा से कार्यसुलत कर दिया जाए, दस्तै नोटिस देने की तिथि से लेकर स्वैच्छिक सेवानिवृत्ति की तिथि की अवधि के दोगने कोई अवाधित घटना, जो सेवानिवृत्ति ने दाष्ठक हो, नेरी जानकारी हो आए।

3. उसके अतिन दबों का निस्तारण करने से पूर्व सभी दक्षया देवताओं की वस्तुती उक्त कार्यिक से कर ली जाय।

4. इस बारे से प्रकाशित है.आ.भाग-2 की एक प्रति शीघ्रतिरीक्षा इस सुन्दरालय के भेजी जाए।

उमिन कुमार

(अधिक सुन्दरालय
मुख्य अधिकारी
उद्यक परियोजना

19, मार्च 2009

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
3, April 2009
Guwahati Bench गुवाहाटी न्यायालय

10274/सेवानिवृत्ति/ भृप. दी. 1 दी

सुन्दरालय
मुख्य अधिकारी
उद्यक परियोजना
पिब फ्लैट 931 715
द्वारा 99 सेवा बाब्लर

फ्लाउर
48 सीला सड़क घृतिक बल
पिब 930046
द्वारा 99 सेवा बाब्लर

सेवानिवृत्ति पंचिक चलांक
संचया उद्यक/ 01/2009

Certified to be true copy

*Lotit Gogoi
Advocate*

341/212 शब्द

(Signature)

(SUMERNAL)

3
-32-

ANNEXURE - 9

TYPED COPY

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

ANNEXURE - 9

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

DTG
25

FROM:- Dett Karoti

U/C
0-2197/E2

TO: - 1444 BCC

Leave Gref Pers(.) GS/163461 N B/R-1 SUMER MAL of 1501 BSC while to proceeding on leave from 01 April,2009 due to domestic as leave was already sanctioned from Jan 16(.) request intimate disposal/ dispatch of stores held in my charge so that leave may not hamper as my presence at home is essential (.) treat urgent.

Sri LR Kaushal AEE (E&M) OIC Massai Bridge.

25th March, 2009

OIC

Certified to be true copy

Sumem
(SUMER MAL)

Lohit Jyoti
Advocate

— 33 —

ANNEXURE-10

TYPED COPYANNEXURE-10DTG
29

FROM:- 1444 BCC

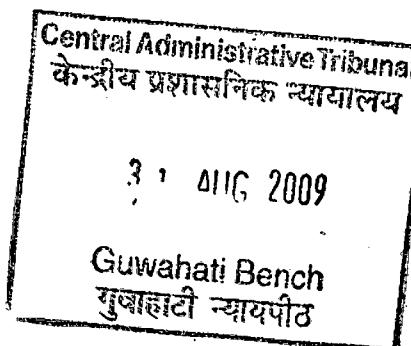
U/C
A-1076/E1

TO: - Karoti

Leave Gref Pers(.) your O-2197/E2 March 25 (.) in this connection refer our A-1054/E, Jan 17 (.) leave in respect of GS -163461 N B/R-I Sumermal was sanctioned with condition that supervisor can proceed on leave only after completion of collection of Hydrolic Data for 5 Bridges (.) in formation supervisor accordingly.

29th March, 2009

OIC



Sumermal
(SUMERMAL)

Certified to be true copy

Lohit Jyoti
Advocate

CLEARANCE CERTIFICATE

Certified that there is nothing outstanding against GS 163461 N
Trade B/L Name SUMERMAL of 1444 BCC/1501 BS/1455 SIS/1452 SIS/425 RMPL/448 RMPL (GREF) C/O 99 APO while proceeding on leave/TD/Prvt Posting/Retirement wef 13/04/2009 (AN)

E1 Sec

E1C Sec

E2 Sec JK

E3 Sec

E4 Sec MS

E5 Sec

E6 Regt^l JK

E6 Sec JK

E8 Sec JK

CHM JK

Adm Supvr JK

CSD JK

Wet Canteen JK

STD/PCO JK

Mess Secy JK

QM Store JK

P/Fund JK

Head Clerk

Sec I/C
Regt cutting fm

July 08 - Marches : M. 335/-

GPAIS 08-09 = M. 701/-

205

COUNTER SIGNED

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Sumermal

(Sumermal)

Certified to be true copy

Lohit Gogoi
Advocate

REGISTERED/AD

1501 Bridge Supervision Cell (GREF)
Care 1444 Bridge Constr Coy (GREF)
C/O 99 APO
Pin : 931444

No. 116/1501/ OJ /E1

15 Apr 2009

The District Collector/Deputy Commissioner,
District: JALORE
(Rajasthan)

The Superintendent of Police,
District: JALORE
(Rajasthan)

The Officer-In-Charge,
Police Station: Jinger Bazar, JALORE
District : JALORE,
(Rajasthan)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

DESTITUTION : GREF PERSONNEL

Sir:

I am directed to inform you that the under mentioned individual whose particulars are given below is a deserter with effect from 14 Apr 2009 (FN):-

(a) No., Trade & Name	:	GS-163461N SUPDT BR-1 SUMER MAL
(b) Unit	:	1501 BSC/1444 BCC (GREF) PIN : 931444 C/O 99 APO
(c) Class	:	Group "B Non-Gazetted"
(d) (i) Home address:- Village PO Telegraph Office District State	:	Near Godiji Temple, Rampura Colony, Jinger Bazar Jalore Jalore Rajasthan
(ii) Father's Name	:	SHRI PARTAPA RAM
(e) Date and address of app'tt	:	17 Mar 1986, GREF Centre, Dighi Camp Pune - 15
(f) Name and address of the sponsor	:	Not Known
(g) Age, description and distinguishing marks.	:	46 Years (DOB-25 Jul 1962) (a) A raised mole near by the (Rt) eye. (b) A black mole on the back of neck.
(h) Date of return from last leave	:	26 Aug 2008 (FN).
(i) Date of absence	:	14 Apr 2009 (FN), deserted from unit line.
(k) With or without arms	:	Without arms

Chancery P.D.

Certified to be true copy

Sh. Sumer Mal

(Sumer Mal)

Lohit Jego
Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG. 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

(l) Full description of incident
(especially in possession of Arms
nature and registered No and arms
to be stated)

(m) Any other information which will
contribute to the apprehension of
the deserter e.g. Any plan in connection
with his desertion which he may
have communicated to his associates

(n) Opinion of The Commanding Officer:
as to be cause desertion.

(o) Name and place of desertion.

The individual is deserted from duty
Station.

From 1444 BCC (GREF), C/O 99 APO
on 14 Apr 2009 at about 1130 hrs.

2. Please take early steps to apprehend the above individual immediately, on his apprehension/surrender place and inform the OC, 1444 BCC (GREF), PIN : 931444, C/O 99 APO, telegraphically who will arrange to collect the deserter. The deserter is not to be handed over to any regular Army Centre/Units and be retained by the Police authorities in custody until he is collected by our escort. A completed copy of the apprehension/surrender certificate (IAFD-910) a blank copy which is enclosed will be prepared by the Police authorities and handed over to the escort at the time of collection of deserter.

3. Claim for any expenditure incurred on TA/DA by the Police authorities may be prepared to the following :-

ACCOUNT OFFICER
48-BRTF (GREF)
PIN : 930048
C/O 99 APO

4. Please acknowledge receipt.

Yours faithfully,
[Signature]

Copy to:
2nd Lt.
For W.M.C. (Commanding)
1444 BCC (GREF)

Ends : Three sheets.

Copy to:-

REGISTERED/SRS

The Commandant,
GREF Centre,
Dighi Camp, Pune - 18

Record Office (GREF)
Dighi Camp, Pune - 18

HQ 48 BRTF (GREF)
PIN : 930048
C/O 99 APO

AO 48 BRTF (GREF)
PIN : 930048
C/O 99 APO

Smt. SHANTI DEVI (WOK of above named individual) above mentioned address.

Service book in respect of the individual concerned.

Office copy.

CONFIDENTIAL

Certified to be true copy

(Signature)
(Sumantra)

*Lohit Gogoi
Advocate*

PART-I ORDER

BY

SHRI S C SRIVASTAVA, EE (CIV) SG, OFFR COMMANDING, 1444 BCC (GREF)

STATION : C/O 99 APO

DATED : 12 JUN 2009

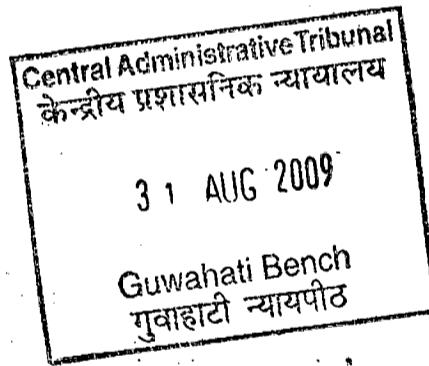
1009/2009

DUTIES : B/R STAFF

1. GS-163461N Supdt B/R-1 Sumermal is directed to submit following details related with construction of civil works at Messai bridge :-

- Details of quantity of diff items provisioned in Adm Approval vis-a-vis booked in MPR and variations in the quantities and the costed progress.
- Completion drawing of all structures constructed at Messai BSB location.
- List of stores held/received/handed over including bridging stores along with supporting documents.

2. The above mentioned details should be submitted to the undersigned by 15 Jun 2009
(Ans.)

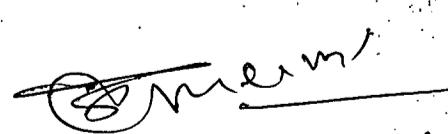



(S C Srivastava)
EE (Civ)
Officer Commanding

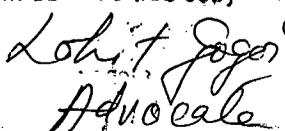
Distribution :-

- Shri Sumer Mal, SUPBR-1 ✓
- I/C Messai Bridge
- E2 Section
- E3 Section
- Office copy

RESTRICTED


(Sumer Mal)

Certified as true copy


Lohit Joga
Advocate

CONFIDENTIAL

ANNEXURE- 13(b) 6

1444 BCC (GREF)
PIN : 931444
C/O 99 APO

1006/GEN/ FR¹ /EIC

12 Jun 2009

GS-163461N Supdt BR-I
Sumer Mal
1501 BSC/1444 BCC (GREF)
C/O 99 APO

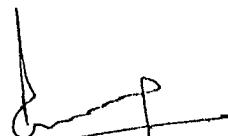
EXPLANATION

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

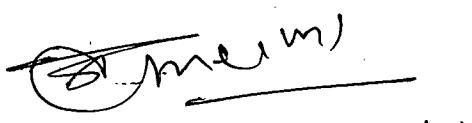
31 AUG 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

1. You have reported to the unit voluntarily on 11 Jun 2009 after absenting yourself from the unit on 14 Apr 2009 but neither you have reported to the Officer Commanding nor any Govt duty was performed by you on the same day. You were found absent from the office between 1145-1200 hrs and again at 1600 hrs when checked by the officials of the unit. This shows your casual attitude and negligence of Govt duty and reflects your unbecoming conduct.
2. Please explain reasons for this unbecoming conduct by a responsible supervisor for deciding further course of action by the undersigned.
3. Your replies should reach to the undersigned by 15 June, 2009
4. Please ack.


(Sumer Mal)
EIC (CIV), SG
Officer Commanding

CONFIDENTIAL


(Sumer Mal)

Certified to be true copy


Dohit Gogoi
Advocate

CONFIDENTIAL

ANNEXURE- 13(6)

1444 BCC (GREF)
PIN : 951444
C/O 99 APO

1003/PCK/E1C

12 Jun 2009

GS-163461N Supdt B/R-I
Sumermal
1501 BSC/1444 BCC (GREF)
C/O 99 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

EXPLANATION: NEGLIGENCE OF DUTY AND UNBECOMING CONDUCT

1. It has been noticed by the undersigned that despite of repeated verbal instructions many times, you have not improve your performance while discharging Govt duty and following serious lapses which amount to unbecoming conduct of Supvr have been noticed by the undersigned :-

(a) You were deployed for construction of civil work at Messai for BSB and due to your casual attitude and negligence in performance of the duty assigned to you. Major construction fault occurred in Messai bridge. The completion of the work also got delayed due to improper performance of the duty assigned to you.

(b) You were directed by the undersigned to complete the collection of hydraulic data for 04 Nos of bridges in Changwanti-Wallong-Namiti Road before proceeding on leave, but you did not submit hydraulic data for any bridge and absented yourself from duty wef 14 Apr 2009 and reported voluntarily on 11 Jun 2009.

(c) You did not submit following details related with construction of civil works at Messai bridge location before absenting yourself from the duty from 14 Apr 2009 to 10 Jun 2009, due to which details could not be submitted to higher HQs for reconciling the variation in costed progress and official work has suffered badly :-

(i) Details of qty of diff items provisioned in Adm Approval vis-a-vis booked in MPR and variations in the quantities and the costed progress.

(ii) Completion drawing of all structures constructed at messai BSB location.

(iii) List of stores held/received/handed over including bridging stores along with supporting documents

Contd . . . P/2

Sumermal
(SUMERAL)

Certified to be true copy
Ranjit Gogoi
Advocate

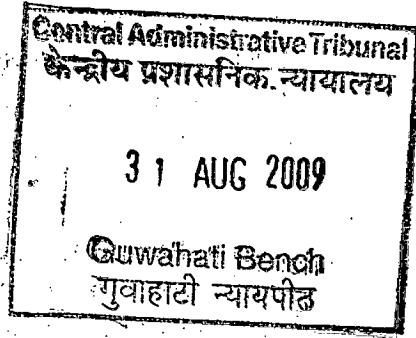
53
-40-

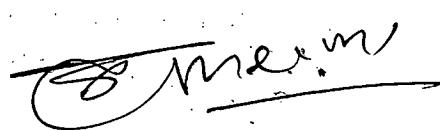
: 2 :

2. All the above lapses show your negligence towards the duty assigned to you and unbecoming conduct as a Supvr.
3. Please explain the reasons for above serious lapses in performance of the duty.
4. Your reply should reach to the undersigned by 15 Jun 2009 for deciding further course of action.
5. Please ack receipt of this letter.


(SC Srivastava)
EE (CIV) SG
Officer Commanding

CONFIDENTIAL




(Sumer Mal)

Qualified to be true copy


Lohit Dgor
Advocate

1444 Bridge Constr Coy (GREF)
C/O 99 APO
PIN : 631 444

30011 7/2 /E3

GS - 103461N, Supdt BR-I
Sumer Mal
I/C Dett Messhai/Karoti

18 Jun, 2009
Guwahati Administrative Tribunal
গুৱাহাটী প্রশাসনিক ন্যায়ালয়

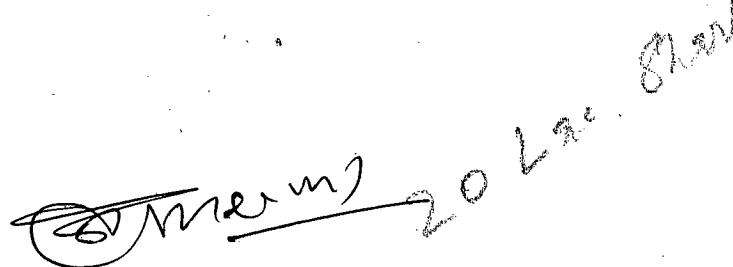
31 AUG 2009

Guwahati Bench
গুৱাহাটী ন্যায়পাঠ

EXPLANATION

1. It has been noticed with concerned by the undersigned that the handing / taking over notes and MCS report submitted by you are not tallied with this HQ. Details list for issue/transfer of shuttering/staging items are enclosed herewith as per Appendix "A" and "B" for your ready reference.
2. You are instructed to explain the reasons regarding discrepancies occurred in the report by 18 Jun, 2009. Failing which a disciplinary action will be taken against you.
3. Please acknowledge receipt of this letter.


(HO Saxena)
AE (Civ)
Second-in-Command
For Officer Commanding


(Sumer Mal)

Certified to be true copy


Lohit Gogoi
Advocate.

CONFIDENTIAL

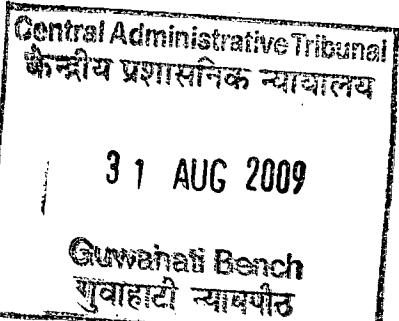
Annexure-13(c)

1444 Bridge Constr Coy (GREF)
Pin : 931444
C/o 99 APO

1003/PC/1444/0/EL

18 Jun 2009

GS-163461N
Supdt BR-I Sumermal
1501 BSC
Care 1444 BCC (GREF)
C/o 99 APO



EXPLANATION AGAINST FALSE ALLEGATIONS

1. With reference to your explanation letter dated 15 Jun 2009, you are hereby directed to explain the following:-

(i) In response to your signal No.O-2159/E2 dated 25 Mar 2009, this Office has intimated vide signal No.A-1076/E1 dated 28 Mar 2009 that your leave is sanctioned only after collection of hydraulic data for 05 bridges. The work of Hassai Bridge was completed on 26 Mar 2009 but you did not complete collection of hydraulic data even for one bridge before absenting yourself from the duty on 14 April 2009. Please explain the reasons for not collecting hydraulic data even for one bridge and what Govt duty was performed by you between 27 Mar 2009 to 14 Apr 2009.

(ii) You have submitted required number of copies of notice of voluntary retirement alongwith the necessary undertaking certificate for non withdrawal of the notice, only on 06 Feb 2009. As per SOP on the subject, any case for voluntary retirement is to be initiated by the unit atleast 04 months in advance and accordingly your case was forwarded to Competent Authority for accepting your vol retirement wef 01 July 2009 (FN). In your application, you have also mentioned same date for proceeding on voluntary retirement. Therefore you are hereby directed to explain the reasons for making false allegation against the Superior Officer that the date of your voluntary retirement was extended by the undersigned by two months and why disciplinary action may not be initiated against you for making false allegation against Superior Officer.

Your reply should be submitted to the undersigned
2. By 21 July 2009.

(SC Srivastava)

EE(Civ)SG

Officer Commanding

CONFIDENTIAL

Certified to be true copy

(Signature)

(Sumermal)

Lohit Gogoi
Advocate

1444 Bridge Constr Coy (GREF)

C/O 99 APO

PIN : 931444

2 Jun, 2009

3001/ 209/E3

GS - 193461N, Supdt BR-I
Sumer Mal
I/C Delt Messhai/Karoti

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

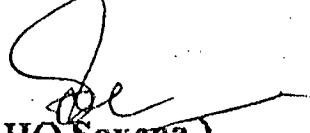
31 AUG 2009

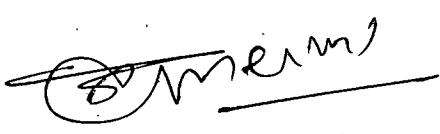
Guwahati Bench
गुवाहाटी न्यायपीठ

EXPLANATION

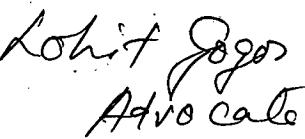
1. Ref. unit letter No. 3001/202/E3 dated 15 June 2009.

2. Reply of details of stores shown with above mentioned letter required to be submitted by 18th Jun, 2009. But you have not submitted on due date. You are once again directed to settle the issue before proceeding on retirement without fail.


(HO Saxena)
AE (Civ)
Second-in-Command
For Officer Commanding


(Sumer Mal)

Certified to be true copy

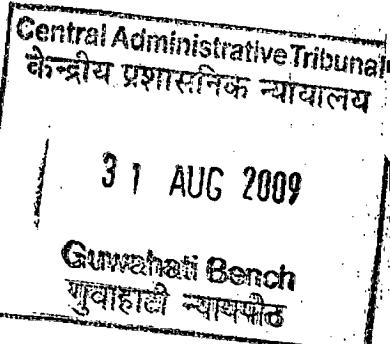

Lohit Jogaon
Advocate

CONFIDENTIAL

1444 BCC (GREF)
PIN-931444
C/O 99 APO

22 Jun 2009

1003/PC/ /E1C
GS-163461N
Supdt B/R-I
Sumer mal
1501 BSC/1444 BCC (GREF)



EXPLANATION: DIS-OBEDIENCE OF THE ORDERS OF SUPERIOR AUTHORITY

1. Please refer 1444 BCC Part I Order No.109/2009, and letter No 1003/PC/FRI/EIC both dated 12 June 2009.

2. You were asked, vide above letters, to submit details related with construction of civil works of messai bridge to the undersigned by 15 June 2009 but despite of lapse of 7 days from the due date of submission, you have not yet submitted the following details to the undersigned whereas you are not performing any other Govt duty except submitting above details:-

- (i) Reason for variation in quantity of different items provisioned in Adm Approval vis-à-vis booked in MPR and reason for booking of excess major constructional stores in respect to the Adm Approval quantity.
- (ii) Completion drawing of all structures constructed at Messai BSB loc.
- (iii) List of stores held/received/handed over including bridging stores duly vetted by 2IC/ I/C E3 section of this HQ.

3. You were asked by the undersigned on 18 June 2009 to submit following details, which were not submitted by you before absenting yourself from the duty wef 14 April 2009 :-

- (i) Steel reinforcement register clearly mentioning No and length of each type of bar.
- (ii) Stage passing register.

contd---2

Qualified to be true copy

Lolit Joga
Advocate

Sumer mal

(Sumer mal)

(iii) Baby ledgers of MCS stores and POL items.

(iv) RMR of contract material.

But none of the above documents has been submitted/shown to the undersigned by you..

4. You are therefore once again directed to submit documents, as mentioned in para 2 and 3 above, to the undersigned by 25 June 2009 explaining reasons for the delay in submission of the above details.


(SC Srivastava)
EE(Civ)S.G
Officer Commanding

Copy to:

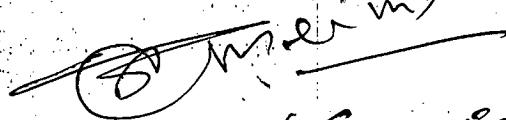
HQ 48 BTF : - for info please.
PIN-937048
C/O 90 APO

CONFIDENTIAL

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ


(Sumit Kumar Majumdar)

Certified to be true copy

Lohit Deka
Advocate

CONFIDENTIAL

1444 Bridge Constr Coy (GREF)
PIN: 931444
C/O 99 APO

23 Jun 2009

No 1003/14 /EIC

GS-163461IN Supdt B/R-I
SUMER MAI
1501 BSC/1444 BCC (GREF)
C/O 99 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपाल

EXPLANATION FOR SHORTAGE OF STORES

1. Please refer HQ 1444 BCC (GREF) letter No. 3001/209/E3 dated 20 Jun 2009 and your letter dated 22 Jun 2009 (Copy enclosed along with Appx-'A').
2. You have not submitted supporting documents for arriving at Qty held with you on 21-02-09. Please submit details of qty held in your charge when you took over as I/C Dett and subsequent receipts from HQ BCC and other Dett's.
3. It can be seen from the Appx 'A' that you have not mention any reason for shortage of stores in r/o sri No. 1,3,6,9,12,15 and 16.
4. It can also be seen that total sum of issued/deposited items in r/o sri No. 2,4,5,10,13,17,18 and 19 are more then the holding shown by you.
5. It is evident from the contents of para 2 and 3 above that proper attention has not been paid by you while preparing the list and it shows your negligent and casual attitude in performance of the Govt duty.
6. Please take an immediate action to deposit short items of stores by 27 Jun 2009 failing which it shall be not possible to relieve you for proceeding on voluntary retirement w.e.f 01 July 2000 (P.R.).
7. Please acknowledge receipt of the letter.

(SC Srivastava)
EE (Civ) SG
Officer Commanding

Encls: 03 Sheets
Copy to:

The Commanding
48 BRTF
PIN 930048
C/O 99 APO

For my signature

Certified to be true copy

Rohit Jager
Advocate

CONFIDENTIAL

(Sumer Mai)

(Sumer Mai)

CONFIDENTIAL

Annexure-13(i)

1501 Bridge Supervision Cell
 1444 Bridge Constr Coy (GREF)
 PIN : 931444
 C/O 99 APO

27 Jun 2009

1803/12C/123 /EI

GS-16346IN Supdt B/R-I

SUMER MAL

1501 BSC/1444 BCC (GREF)

C/O 99 APO

EXPLANATION DIS-OBEDIENCE OF THE ORDER OF SUPERIOR AUTHORITY

1. Please refer your letter dated 25 Jun 2009.
2. The contents of the reply submitted by you, vide your letter under reference, is not based on fact and lacks substance. It once again proves your casual and negligent attitude in performance of Govt duties assigned to you. Rather than submitting details of stores held in your charge and documents related with construction of civil works of Messai BSB, you have indulged in un-necessary and un-called false allegation against your superior officers.
3. The additional work in Messai BSB, after 10 Jun 2009, was necessitated due to your casual and negligent attitude in performance of Govt duty which led to serious constructional defect in Messai BSB and with lot of efforts by superior officers, this serious defect could be rectified.
4. No superior officer has ever instructed you to carry out transaction of any store with any unit/detl without convey note/documentary proof.
5. Whenever I had visited Messai bridge sites, I gave repeated instruction to you to open stage passing register, steel reinforcement register including other important ledgers. Otherwise also, you have already put in more than 20 years of service and with so many years of service, the superior officers need not to issue you repeated instruction to open important ledger/register/documents etc pertaining to execution of works.
6. You are once again instructed to submit details of stores held in your charge and documents pertaining to construction of Messai BSB civil works on top priority in order to enable us to relieve you for proceeding on voluntary retirement of the earliest.
7. Please ask receipt of the letter.

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	
31 AUG 2009	(SC Srivastava) EE (Civ) SC Officer Commanding
Guwahati Bench गुवाहाटी न्यायालय	

COPY to:
 The Commander/
 48 BRTF (GREF)
 Pin- 930048
 C/O 99 APO

- for info plz

CONFIDENTIAL

(Sumer Mal)

Certified to be true copy

Lohit Bora
Advocate

1444 Bridge Constr Coy (GREF)

PIN: 931444

C/O 99 APO

No 1003/ 27 /EIC

29 Jun 2009

65-163461N Supdt B/R-I

SUMER MAL

1501 BSC/1444 BCC (GREF)

C/O 99 APO

PERFORMANCE OF GOVT DUTY

1. Please submit details of date wise daily Govt duty performed by you since 11 June 2009.
2. Your reply should be submitted by 01 Jul 2009 for submitting to OC unit.

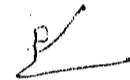
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
31 AUG 2009
Guwahati Bench गुवाहाटी न्यायपीठ


(HO Saxena)

AE (Civ)

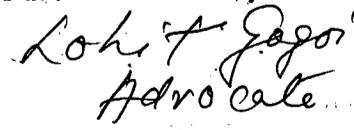
2IC

For Officer Commanding




(Sumer Mal)

Certified to be true copy


Lohit Jego
Advocate

—49—

Annexure - 13(k)

1444 Bridge Constr Coy (GREF)
PIN-931444
C/O 99 APO

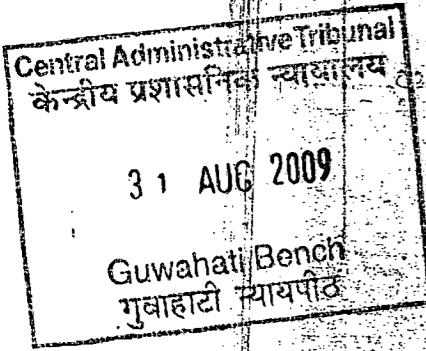
1003/PC/ 29 /E1C

01 Jul 2009

④ GS-163461N Supdt B/R-I
Sumer mal
1501 BSC/1444 BCC (GREF)
C/o 99 APO

PERFORMANCE OF GOVT DUTY

1. Ref your letter No. Nil dated 01 Jul 2009.
2. You are hereby directed to maintain a record of daily duty performed by you and submit it to the undersigned by 1700 hrs in the evening daily.



Copy to

(SG Srivastava)
EE (C) SG
Officer Commanding

AS M/SW
(Sumer mal)

Certified to be true copy

Lok J. Gogoi
Advocate

-50-

1444 Bridge Constr Coy (GREF)
Pin-931444
/o 99 APO

Annexure-13(4) 3

2010/BSB/ 123 /E2

03 July 2009

✓ GS-163461N
Supdt B/R-I Sumer Mal
1501 BSC / 1444 BCC (GREF)
C/o 99 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

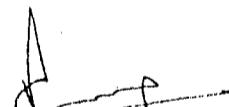
Guwahati Bench
गुवाहाटी न्यायपीठ

**CONSTR OF 400 FT BSB CUM 100 FT TSBB AT
MESHAI OVER LOHIT RIVER (JOB NO 801/483)**

1. Refer Completion drawing, reinforcement register and stage passing register submitted by you on 27 Jun 2009. On scrutiny of your documents following observed:-

- (a) Reinforcement of pier-Horizontal Bar for vertical shaft provided bottom to top of pier cap where as it is only for after top of tapered portion to bottom of cap. As per your remark instruction provided by OC unit at site for provide steel through out vertical height. Same not mentioned in your site order book.
- (b) Please intimate authority for booking 10% steel against wastage and laps whereas it should be not more than 5%.
- (c) Please explain reason for booking extra steel over and above Adm approval provision as no remarks has been given either in site order book or in reinforcement register.

2. Please offer your comments at the earliest.


(SC Srivastava)
EE (Civ) SG
Officer Commanding

Copy to:-

Shri L.H. Kaushal,
AEE (E & M)

Please explain why completion drawing, steel register stage passing register were not submitted timely after completion of work. Please offer your comments on above observation. Your reply should reach to the undersigned by 06 July 2009.

Certified to be true copy

Lohit Jyoti
Advocate

(Sumer Mal)

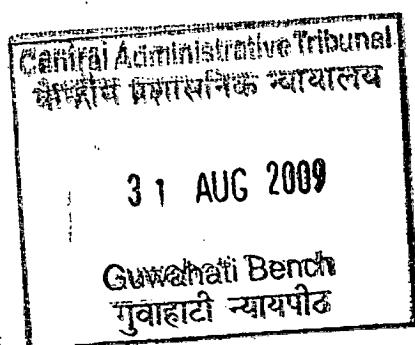
(Sumer Mal)

HQ 1444 BCC (GREF) 16
Pin- 931444
C/O 99 APO

3001/ 233/E3

11 Jul 2009

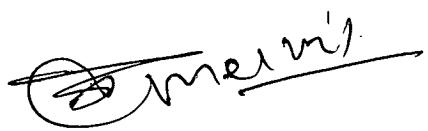
GS : 163461N Supdt BR-I
Sumer Mal
I/C Dett Messai/Karoti

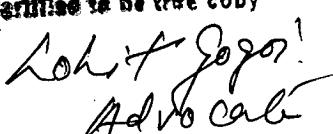


DISCREPANCY OF STORES

1. Ref your letter No. Nil dated 18th Jun 2009 and 22 Jun 2009.
2. The discrepancy of stores pertaining to Dett Messai/Karoti which was under your charge duly scrutinized and enclosed as per appendix "A" and "B" for your further necessary action at the earliest.
3. Please acknowledge the receipt of this letter.


(HO Saxena)
AE(Civ)
Second-In-Command
For Officer Commanding


(Sumer Mal)

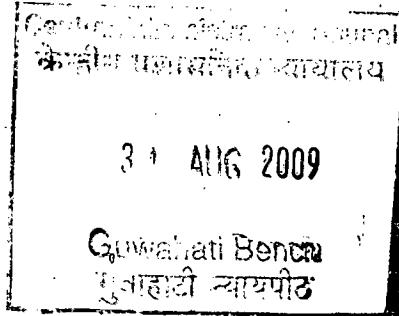

Certified to be true copy
Lohit Jego
Advocate

- S2 -

HQ 1444 BCC (GREF)
Pin- 931444
C/O 99 APO

3001/234/E3

GS : 163461N Supdt BR-I
Sumer Mal
I/C Dett Messai/Karoti



15 Jul 2009

Annexure-13(a)

DISCREPANCY OF STORES

1. Ref unit letter No. 3001/233/E3 dated 11 Jul 2009

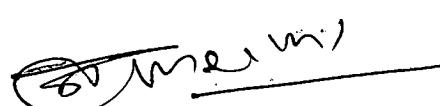
2. The discrepancy of stores pertaining to Dett Messai/Karoti which was under your charge duly scrutinized and deficient items are as below:

S/NO	Name of Item	A/U	Qty	Remarks
01	RA Coupler	Nos	529	
02	Swivel Coupler	Nos	471	
03	MS Pipe, 6 Mtr Long	Nos	99	
04	Shuttering plate, 1x0.30 Mtr	Nos	01	
05	Base Plate	Nos	03	
06	Adjustable Stirrup Head	Nos	55	
07	Curve Shuttering	Nos	01	
08	Pan Mortar	Nos	12	
09	Hammer M/Breaking	Nos	20	
10	Hammer, 2 Kg.	Nos	20	

3. You are hereby directed to deposit /sort out the deficient items on or before 20th July 2009 without fail.

4. Please acknowledge receipt of this letter.


(HQ SAXENA)
AE (CIV)
Second-In-Command
For Officer Commanding


(Sumer Mal)

Certified to be true copy

Lohit Gojoi
Advocate

- 53 - 1444 Bridge Constr Coy (GREF)

PIN: 931444

C/O 99 APO

16 Jul 2009

Annexure-13(0)

No 1003/14/EIC

GS-163461N Supdt B/R-I

SUMER MAL

1501 BSC/1444 BCC (GREF) ✓

C/O 99 APO

EXPLANATION FOR DIRECT CORRESPONDENCE WITH HIGHER FORMATIONS

1. Reference your application dated 09 Jul 2009 regarding leave.
2. It has been observed by the undersigned that rather than submitting letters to higher HQs through proper channel, you have made the following correspondence directly with the higher formations which is in violation of Rule 20 of CCS Conduct Rule 1965 :-
 - (a) Letter dated 24 Jun 2009 in reply to HQ 1444 BCC letter No. 1003/14/EIC dated 23 Jun 2009. 49
 - (b) Letter dated 25 Jun 2009 in reply to HQ 1444 letter No. 1003/PC/10/EIC dated 22 Jun 2009. 42
 - (c) Letter dated 01 Jul 2009 in reply to HQ 1444 BCC letter No. 1003/27/EIC dated 29 Jun 2009. 60
 - (d) Letter dated 02 Jul 2009 in reply to HQ 1444 BCC letter No. 1003/PC/29/EIC dt 01 Jul 2009. 62
 - (e) Application for leave dated 09 Jul 2009 73
3. Please explain reasons as why disciplinary action should not be initiated against you for violation of Rule 20 of CCS conduct Rule 1965.
4. Your reply should be submitted to the undersigned by 17 Jul 2009.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AIFC 2009

(SC Srivastava)
EE (CIV) SG
Officer Commanding

Copy to :-

The Commander
48 BRTF
PIN 930048
C/O 99 APO

Guwahati Bench
गुवाहाटी न्यायालय

For info please.

Mr. M

(Sumer Mal)

Lohit Joga
Advocate

1444 Bridge Constr Coy (GREF)

Pin 931444

C/O 99 APO

25 July 2009

3001/Gen/ 308/E3

TO

GS No-163464N BRI,
Sumer Mai
1444 BCC (GREF)
C/O 99 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

DISCREPANCY OF STORES

- Reference our letter no-3001/234/E3 dated : 15 July 2009 and your letter No. Nil dated: 20 July 2009.
- 400 nos Coupler and 50 nos Adjustable Stirrup Heads were issued to Dett KM 48 by Dett Mashai on 06 Jun 2008. The same regularized and deducted from the Net deficiency.
 - MS Pipe 6 mtr long 99 nos deficient regularized from 283 nos of MS Pipe 4 Mtr long shown as surplus. Hence Net deficiency of MS Pipe 6 Mtr long treated as Nil
 - One nos shuttering plate 1 m x 0.30 mtr and One nos Curve Plate adjusted from items shown as surplus of shuttering plate.
 - Now the Net Deficiency of items still stands as under :

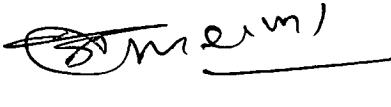
NET DISCREPANCY

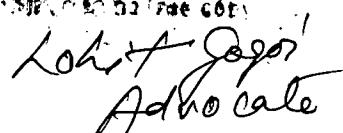
S/NO	Name of Item	A/U	Qty	Remarks
01	RA Coupler	Nos	129	
02	Swivel Coupler	Nos	471	
03	Base Plate	Nos	03	
04	Adjustable Stirrup Head	Nos	05	
05	Paff Mortar	Nos	12	
06	Hammer M/Breaking	Nos	20	
07	Hammer, 2 Kg	Nos	20	

- For the remaining deficient items, you are once again instructed to sort out before 30 Jul 2009, so as to enable you to proceed on voluntary retirement.

- Please acknowledge receipt of this letter.


 (Hari Om Saxena)
 AE (Civ)
 Second in Command
 For Officer Commanding


 (Sumer Mai)


 Lohit Deka
 Advocate

ANNEXURE - 14

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

RESTRICTED
PART - I ORDER
BY

31 AUG 2009

Guwahati Bench

SHRI S C SIVASTAVA, FFC/CIVL/SS OFFER COMMANDER (गवर्नर चैम्बर डिपार्टमेंट)
(GREF)

STATION: C/O 99 ARD

DATED: 26 JUN 2009

119/2009

COURT OF INQUIRY

1. A Court of Inquiry composed as under will assemble at place, date and time to be fixed by Presiding Officer to investigate the circumstances under which GS-163461N Supdt B/R-T SUMER MAI of 1501 BSC/1444 BCC (GREF) had absented him self from duty wef 14-04-2009 to 10-06-2009 without leave, without handing/taking over of stores and documents held on the charge with him for construction of Messai bridge etc :-

Presiding Officers : Capt Naveen Kumar Lodhi
OIC 448 RMPL/1444 BCC (GREF)

Members 1 : Shri PK Radhakrishnan SS-I
HQ 48 BRTF (GREF)

2 : Shri Prakash Chandra, UDC
HQ 1444 BCC (GREF)

2. The terms of the reference for C of I shall be as under :-

(i) Circumstances under which the Supervisor wilfully absented him self without sanction of leave wef 14-04-2009 to 10-06-2009

(ii) Whether all the stores were properly accounted for and handing/taking over of all stores held in his charge was submitted to 63 section before his wilfull absence from the duty wef 14-05-2009. List of item deficient/surplus to brought out.

(iii) Whether all the important documents like steel reinforcement register, stage passing register, Completion drawings of all structures constructed at Messai bridge, reasons for variation in quantity and MCS provisioned in Adm Approval/TS and quantity booked, Work diary, RMR etc where submitted by the supervisor before his wilful absence from the duty.

(iv) Any other relevant facts.

(v) Remedial measures to avoid recurrence of such incidents in future.

Contd ... P/2

Summary

(Summary)

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Lohit Jgor
Advocate

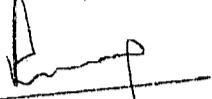
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

2 :

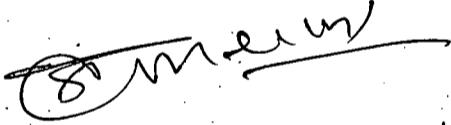
3. The Proceedings of court of inquiry in all respect will be submitted to this unit in septuplicate, along with all supporting documents and with manuscript copy by 01 July 2009.


(SC SRIVASTAVA)
EE (CIV) SG
Officer Commanding

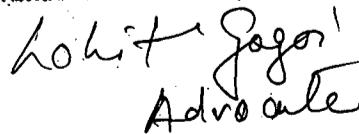
Distribution:-

1. Capt MK Lodhi ✓
2. Shri PK Radhakrishnan, SSI
3. Shri Prakash Chandra, UDC
4. 48 TF
5. Case File
6. Office Copy

RESTRICTED


(Sumedh)

Certified to be true copy

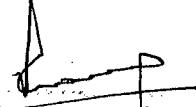

Rohit Jogaon
Advocate

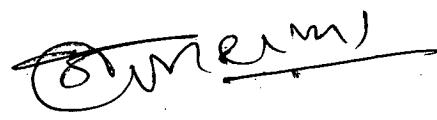
CF/163461N/SM/ 37/E1
GS-163461N Supdt B/R-I
SUMER MAAL
1501 BSC/1444 BCC (GREF)
2/0 99 APO

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	PIN - 931444 99 APO
31 AUG 2009	25 Jun 2009
Guwahati Bench গুৱাহাটী ন্যায়পীঠ	

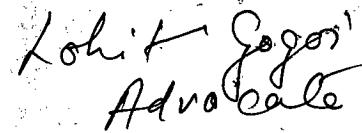
DEFERMENT OF VOLUNTARY RETIREMENT

- It is to inform you that your date of voluntary retirement has been deferred for two months by the HQ CE (P) Udayak as intimated by HQ 48 BRTF vide their signal No A-1221/EID dt 24 Jun 2009.
- This is for your information please.


(SC Srivastava)
EE (Civ) SG
Officer Commanding


(Sumer Maal)

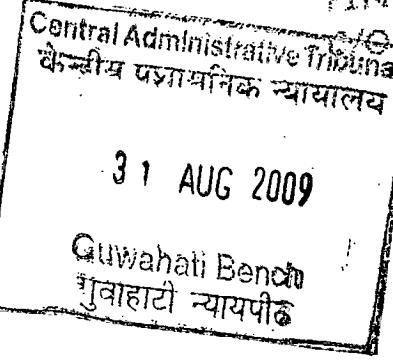
Certified to be true copy


Lohit Jego
Advocate

ANNEXURE-16

1501 Bridge Supervision Cell
1444 Bridge Constr Coy (GREF)
PIN: 931444

CF/163461N/SM/ 32/E1
GS-163461N Supdt B/R-I
SUMER MAL
1501 BSC/1444 BCC (GREF)
C/O 99 APO



99 APO
26 Jun 2009

DEFERMENT OF VOLUNTARY RETIREMENT

1. Now it has been intimated by Competent Authority that your date of voluntary retirement has been deferred for one month only and therefore HQ 144 BCC letter No. FF/163461N/SM/32/E1 dated 25 Jun 2009 stands cancelled.
2. This is for your information please.

(SC Srivastava)
EE (Civ) SG
Officer Commanding

(SUMER MAL)

Certified to be true copy

Lohit Gogoi
Advocate

TRANSLAED COPY

ANNEXURE-17

OFFICE NOTE

GS-163461N Supdt. Building/Roads-1 of 1501 BSC/1444 BCC

Voluntary Retirement of Sumer Mal on completion of 20 years of regular services

1. In reference to the Head Quarter 48 Boarder Roads Task Force latter No- 1412/60/E1P dated 4th June, 2009
2. Because of sudden desertion of GS 163461N Supdt. Building/Roads-1 Sumer Mal of BSC/1444/BCC from his unit, the order for voluntary retirement on completion of 20 years of regular services issued by Office Note dated 19th March, 2009 and Order No- 10274/Retire/79/E1B is hereby cancelled.

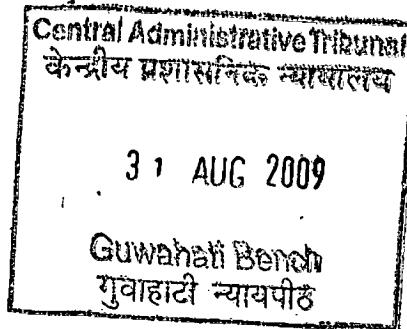
10274/Retire/90/E1B

Sd/- Anil Kumar
(Anil Kumar)
Chief Engineer
Udayak Project
29th June, 2009.

Head Quarter
Chief Engineer
Udayak Project
PIN- 931715
C/O- 99 Army Post Office

Commander
48 Boarder Roads Task Force
PIN- 930048
C/O- 99 Army Post Office

Retirement Register Serial
No- Udayak/06/2009



Certified to be true copy

Lohit Gogoi
Advocate

(Signature)

(Sumer Mal)

कार्यालय द्वारा प्रदत्त

ANNEXURE-17(4)

1371 बी.ए.सो/1444, बी.ए.सो के लिए-16346। एवं अधी अधिक ग्रहण-1
सुनेट ग्रहण द्वारा 20 वर्ष की अर्द्ध सेवा पूरी तरह स्वैच्छिक सेवा विस्तृति

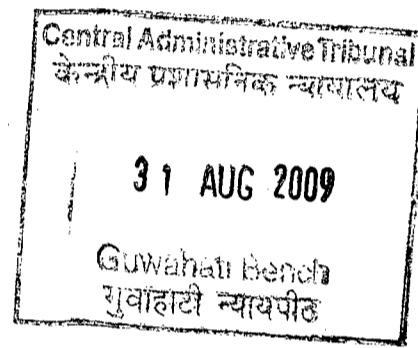
- मुख्यालय 48 सीमा सहक कृतिक यस के लिए ०२ लाख २००० के लिए १५१२७६०/इंपी के सदमें रु।
- १०८१ बी.ए.सो/४४२ बी.ए.सो के लिए-16346। एवं अधी अधिक ग्रहण के अलालय अधीनी इकाई द्वारा द्वारा की गतिशीलता के द्वारा द्वारा कार्यालय द्वारा दिवांक 19 मार्च 2009 के आदेश संख्या 10274/सेवाविवृति/७९/इंपी जिसके अवधारणा २० वर्ष की अर्द्ध सेवा पूरी करने स्वैच्छिक सेवा विस्तृति के आदेश जारी किये गये थे, के विरहत दिया जाता है।

10274/सेवाविवृति/ ७९/इंपी

मुख्यालय
मुख्य अधिकारी
उद्योग परियोजना
पिंज फोड ९३१ ७१५
द्वारा ७७ सेवा दाकधर

कर्तव्यालय
४८ सीमा सहक कृतिक उत्तर
पिंज ९३००४८
द्वारा ७७ सेवा दाकधर

सेवाविवृति पंजीकरण क्रमांक
संख्या उद्योग/ ०६ /२००९



द्वारा द्वारा
(अधिकारी कुमार)
मुख्य अधिकारी
उद्योग परियोजना

२९ लाख २००९
२९

१९
३०/६

१९
३०/६

१९
३०/६

Certified to be true copy

Abhijit Gogoi
Advocate

(Sumer m)
(Sumer m)



Shantidevi

15th flr

lx

→ Tab. Yiprax

10

0 — 1 — 0

→ Cap. Bebezine

10

0 — 1 — 0

→ Cap. Autrin

10

0 — 1 — 0

Dr. Raman Patel

MD, DGO

Director, IVF Specialist

(M) : + 91 98250 26610

P to

Dr. R. G. Patel

MD, Gynaec

Director, IVF Specialist

Endoscopic Surgeon

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Dr. Shweta Saxena

MD, (Gynaec)

Obstetrician & Gynaecologist

(M) : + 91 94265 83570

Dr. Reitu Patel

MBBS Msc (UK)

Clinical Embryologist

(M) : + 91 98790 13300

Dr. Rujul Patel

MD Dip. Endoscopy (Germany)

Consultant Endoscopic Surgeon

(M) : + 91 99790 79000

Rudra Arcade, Drive in Road, Near Manavmandir, Memnagar, Ahmedabad - 380 052. (INDIA)

Phone : +91-79-2741 0080, 2741 0090, Fax : +91-79-2741 0020

E-mail : info@sunflowerhospital.in, web : www.sunflowerhospital.in

Certified to be true copy

Lohit Jogi
Advocate

Summarized

(Summary)

→ Clingen 3
for vaginal insertion

Ref- 221409.

21st operation

→ Tab. Dulcolar

30 gm. 20 ml. 30 ml.

QJ

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Adv : Vaginal hysterectomy

3 days stays.

Sumem

(Sumemal)

Certified to be true copy

Lohit Jgor
Advocate

ASSAM MEDICAL COLLEGE & HOSPITAL
DIBRUGARH
OUT-PATIENT DEPARTMENT

Hospital No. 58687 Date 14/08/09
Name Seiner Mol. Age 67 Sex m
Service *PM*

R

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

31 AUG 2009

Guwahati Bench
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① Tab Pexep CR (12.5mg)

Sig:- 1 tab. to be taken daily at bed
time x 2mgs.

② Tab Zapi D (0.5mg)

Sig:- 1 tab to be taken daily at bed time
x 2mgs.

Please Review in psychiatry oppnigts 2mgs
and estimation of -

• T₃, T₄, TSH estimation
• CT scan of brain.

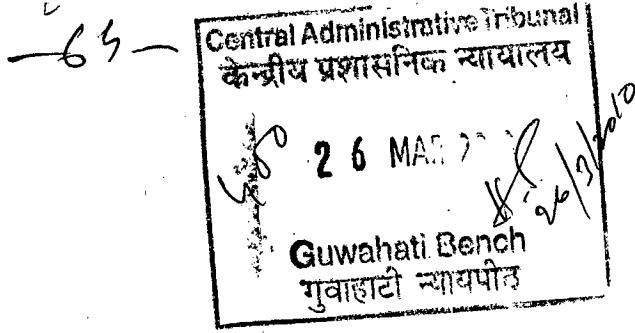
Dr. S. D. D.
14/08/09

Dr. M. M. M.

(Sumer Mal)

Certified to be true copy

*Lohit Jyoti
Advocate*



Filed by
 Sunil Chandra Srivastava
 Advocate,
 Lata Das, Advocate
 Ad. Case No. 26/3/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

OA No. 171/09

BETWEEN

Sri Sumer Mal.

APPLICANT

-Versus-

Union of India & Others

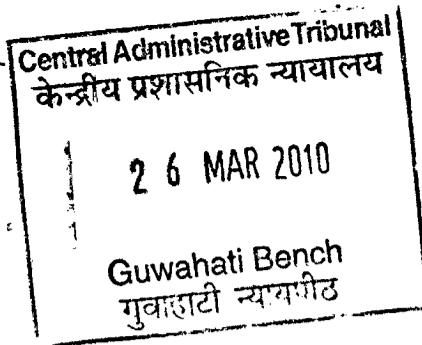
RESPONDENTS

WRITTEN STATEMENT FILED ON BEHALF OF RESPONDENT No. 1 to 4

*Copy Received
T.R. Lahiri,
Advocate, Mys*

I, SUNIL CHANDRA SRIVASTAVA, s/o Late Shri JAI KRISHNA LAL, aged about 44 years, Resident of 1444 BCC (GREY) 40 99 NPO, presently working as OC, 1444 BCC and respondent No. 4 in the above case do hereby solemnly affirm and state as follows:

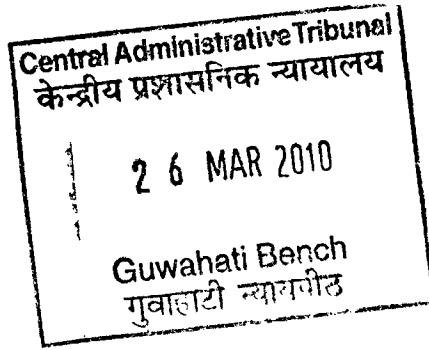
1. That a copy of original application has been served upon the respondents and the respondents have gone through the same and understood the contents thereof. The statements which are specifically admitted herein below other statements made in the original application are categorically denied and the applicant is put to the strictest proof thereof.
2. That with regard to the statements made in Para 1(I) of the original application the deponent while denying the contentions made therein begs to state that the submitted application for voluntary retirement w.e.f. 1st July' 2009 and the same has been accepted by the Competent Authority vide HQ CE (P) Udayak Letter No-10274/Rectt/79/EI B dated 19



Mar 2009. In the meantime, the applicant absented himself without leave from the duty station w.e.f. 14th April' 2009 without proper Handing /Taking over of stores items and without submitting important document pertaining to the works executed by him. However, on 11.06.09 the applicant reported back to his duty i.e. 1444 BCC voluntarily. It is pertinent to mention here that after the applicant absented from duty on scrutiny of office records it was found that many stores items were deficient which were under the deep and pervasive supervision of the applicant and accordingly instructions were issued from the office to sort out the discrepancies. However, in spite of repeated instructions issued by this office to sort out the deficiency of the stores items, the applicant did not make any sincere effort to sort out the deficiency. Therefore, having no other alternative to trace out the principal offender responsible for loss of store items and make good the loss caused to the Government of India which were under the deep supervision of the applicant, and also keeping in view the disciplinary action to be taken against the applicant the Chief Engineer, Project Udayak vide their Office memorandum No. 10274/Retire/90/EIB dated 23 Jun 2009 has cancelled his previous order regarding acceptance of voluntarily retirement w.e.f 01 July 2009.

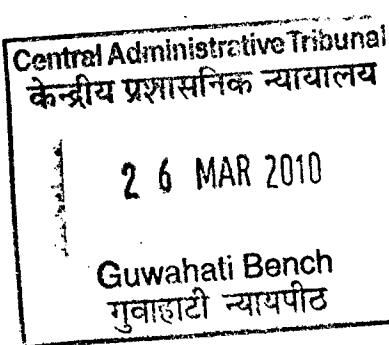
3. That with regard to the statements made in Para 1(II) of the original application the deponent while denying the contentions made therein begs to state that no illegal and arbitrary action has been taken against the applicant by Competent Authority and allegation made in this Para are baseless and lacks substance.

4. That with regard to the statements made in Para 2 of the original application the deponent begs to state that as per Hon'ble Supreme Court order, the Hon'ble C.A.T. has not jurisdiction on service matter of GREF employees.



Cyril Chomchom
Advocate

5. That with regard to the statements made in Para 4.I & 4.II of the original application the deponent does not admit anything contrary to the relevant records of the case.
6. That with regard to the statements made in Para 4.III of the original application the deponent while denying the contentions made therein begs to state that there is no bar in taking administrative action against the persons who failed to perform the Govt. duties but allegation made by the applicant that untold harassment had been faced by the Staff is baseless. It is noteworthy to mention here that the applicant had shown careless and negligent attitude in performance of the Govt. duties which has been assigned to him and he is habitual of making false allegations against his superiors and corresponding directly with very senior Officers in clear violation of the Rules holding the field.
7. That with regard to the statements made in Para 4.IV of the original application the deponent while denying the contentions made therein begs to state that at no point of time any intimation was made to the respondents and any proof was submitted of the said facts. Hence, the statements made by the applicant are misleading and vague.
8. That with regard to the statements made in Para 4.V of the original application the deponent does not admit anything contrary to the relevant records of the case.
9. That with regard to the statements made in Para 4.VI of the original application the deponent while denying the contentions made therein begs to state that as per instruction issued by HQ 48 BRTF (GREF) vide their letter No.1412/27/E1 dated 13.10.2008, this office on bonafide has intimated the same to the applicant vide letter No.CF/163461N/sm/47/E5 dated 16.10.2008 to withdraw his application in order to get timely payment of arrears and fixation of pay. Therefore, the said letter was issued to the



applicant for his benefit and suggesting him to availing the benefits of 6th CPC.

10. That with regard to the statements made in Para 4.VII of the original application the deponent begs to state that the applicant did not submit required number of copies of application and necessary undertaking along with his application dated 19.1.2009 and submitted necessary undertakings on 06.02.2009 only. It is stated that as per Standing Order Procedure on the subject any case for voluntary retirement is to be initiated by the unit at least 04 months in advance. Therefore, application submitted by the applicant dated 06.02.2009 was forwarded to the Competent Authority for accepting Voluntary retirement w.e.f. 01.07.2009. It is state that the applicant has also mentioned same date in his application dated 06.02.2009.

11. That with regard to the statements made in Para 4.VIII & 4.IX of the original application the deponent begs to state that the applicant was directed by the leave sanctioning authority (Respondent No.4) to complete the collection of hydraulic data for 04 Nos. of bridges in Changwanti- Wallong-Namti Road. The Leave sanctioning Authority has also mentioned in leave application that he can proceed on leave only after completion of collection of Hydraulic data for 04 bridges. However, the applicant failed to make any sincere efforts to complete his task work, whereas the task was to be completed by him in a time bound manner. The allegation made by the applicant is baseless and bears no fact.

12. That with regard to the statements made in Para 4.III of the original application the deponent does not admit anything contrary to the relevant records of the case.

13. That with regard to the statements made in Para 4.XI of the original application the deponent begs to state that as per SOP the case of the applicant for voluntary retirement w.e.f. 1st July 2009 (FN) has been sent to Competent

26 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

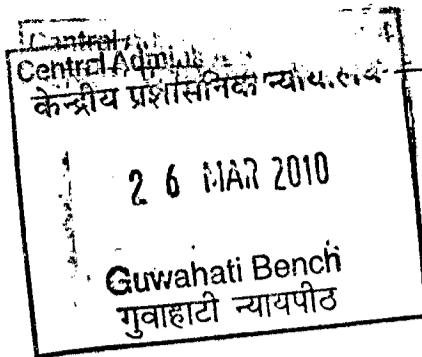
Authority and the same has been accepted by Competent Authority vide HQ CE (P) Udayak letter No-10274/RETIRE/79/EIB dated 19-03-2009 with the condition clearly mentioned in the order that no untoward incident to come to the knowledge of Competent Authority during the period from the date of issuance of notice for voluntary retirement to the date of voluntary retirement.

14. That with regard to the statements made in Para 4.XIII of the original application the deponent while denying the contentions made therein begs to state that the applicant never apprised respondent No.4 about ill health of his wife nor he ever produced any documentary proof. The applicant himself is admitting that the construction work of Messai Bridge was completed on 26 Mar 2009 but he did not collect hydraulic data even for a single bridge between 26th March'2009 till 14th April'2009 when he absented himself from the duty whereas it was made clear to the applicant vide 1444 BCC Signal No.A-1076/E1 dated 29.03.09 that he can proceed on leave after collection of hydraulic data. It is stated that the applicant did not perform duties assigned to him even between 26.03.09 till 14.04.09 for the reasons best known to him only, whereas he could have collected hydraulic data at least for 3 bridges.

15. That with regard to the statements made in Para 4.XIV of the original application the deponent while begs to state that the Sanctioning Authority had mentioned in leave application of the applicant that he can proceed on leave only after completion of collection of Hydraulic data for 4 bridges. This message has been intimated to the applicant again by this unit sig No.A-1076/E1 dated 29.03.09 but the applicant did not make any effort to collect hydraulic data even for one bridge whereas he was not assigned any other Govt duty after 25 Mar 2009 except for collection of hydraulic data for bridges.

16. That with regard to the statements made in Para 4.XV of the original application the deponent while begs to

Sumit Chandra Sivastava 81



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63

Suril Chandra Ghosh
Suril Chandra Ghosh

state that on scrutiny of office records, it is found that many store items are deficient which were held with the applicant. It is also submitted that leave in respect of the applicant was sanctioned by Competent Authority only after collection of hydraulic data of bridges but since the Supervisor did not complete the assigned Govt. duties, there is no question of giving him clearance certificate against no dues. The respondent No.4 was on leave during the above period and therefore the allegation made by applicant that the clearance was not given by E3 section is baseless and bears no fact.

17. That with regard to the statements made in Para 4.XVI of the original application the deponent while begs to state that the applicant absented himself without leave without Handing/Taking over of stores and documents held on the charges with him for construction of Messai bridge. Neither any intimation nor any document given by the applicant about his AWL. However, Leading Hand Jimet Rai denied in his statement the fact of receiving any application from the applicant.

A copy of the statement of L/Hand Jimet Rai is annexed herewith and marked as **ANNEXURE- R/1.**

18. That with regard to the statements made in Para 4.XVII of the original application the deponent begs to state that the applicant absented himself without leave from the duty station on 14.04.2009. Accordingly necessary absent without leave/ desertion/ apprehension roll was issued to concerned civil authority and copy amongst to all concerned vide 1501 BSC letter No-118/1501/01/EI dated 15.04. 2009 as per laid down procedure on the subject.

19. That with regard to the statements made in Para 4.XVIII of the original application the deponent while denying the contentions made therein begs to state that in the response

26 MAR 2010

Guwahati Bench
গুৱাহাটী চৰকাৰী

of action stated in above the applicant has reported back to 1444 BCC (GREF) voluntarily on 11.06.2009 (FN) and intimation to this effect had been given to all concerned. The Supervisor had neither ever apprised respondent No.4 about gynecological problem of his wife nor ever produced any medical documents to that effect.

20. That with regard to the statements made in Para 4.XIX of the original application the deponent while denying the contentions made therein begs to state that the allegations made in this para are baseless and false. The applicant acted in violated Govt. Rules and Regulations and hence it was very necessary to initiate disciplinary action against him. Further more the respondents regularly advising the applicant since the day of his voluntarily reporting back to this unit on 11.06.2009, to make up the deficiency in Govt. stores so that he can be relieved for proceeding on voluntary retirement but till date but he did not make any effort to sort out the deficiency in Govt. stores whereas no Govt. duties is being performed by him since 11.06.2009 to till date except sorting out deficiency in Govt. stores held with him. All the actions done by respondent no. 4 are in conformity with laid down Govt. rules and regulations.

21. That with regard to the statements made in Para 4.XX of the original application the deponent while denying the contentions made therein begs to state that a Court of Inquiry which is a 'fact finding Inquiry' was convened by the respondent No.4 to investigate the circumstances under which GS-163461N Supdt BR-I Sumer Mal of 1501 BSC/1444 BCC (GREF) had absented himself from duty station w.e.f. 14-04-2009 to 10-06-2009 without leave, without handing/taking over the stores and documents held on the charge with him for construction of Messai bridge and respondent No.4 is competent authority to convene this 'Court of Inquiry'.

22. That with regard to the statements made in Para 4.XXI of the original application the deponent begs to state that the

Sumit chandrapratim sri verma

26 MAR 2010

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গুৱাহাটী ন্যায়পীঠ

letters issued to the applicant were in conformity with the order received from the higher authorities.

23. That with regard to the statements made in Para 4.XIV of the original application the deponent while denying the contentions made therein begs to state that the allegation made in application dated 02.09.2009 is baseless, false and does not bear any fact. It can be seen from the contents of the letter that all the explanation letters, issued to him, were in conformity with the laid down rules and regulations. The applicant was frequently being reminded to make up the deficiency of stores so that he can be relieved for proceeding on voluntary retirement. Whenever the applicant has made any representation/request letter to the higher authority it is timely being forwarded to the concerned authorities. Besides this all the opportunities are being given to the applicant to meet Commander 48 BRTF and Chief Engineer Project Udayak. All sort of co-operation is being given to the applicant by all section of this HQ so that he can proceed on voluntary retirement at the earliest.

24. That with regard to the statements made in Para 4.XXIII of the original application the deponent begs to state that due to Court of Inquiry held against the applicant and pending disciplinary action his voluntary retirement has been cancelled vide HQ CE (P) udayak office memorandum No- 10274/Sevanivrti/90/EIB date 29Jun 2009.

25. That with regard to the statements made in Para 4.XIV of the original application the deponent while denying the contentions made therein begs to state that the contents as mentioned in Para about the problems, had never been informed by applicant to the higher authorities nor any medical documents shown by him. Hence the statements made in the instant Para are misleading and an after thought.

Sumit Chandra Grivastava

26 NOV 2009

Alleged Ranch

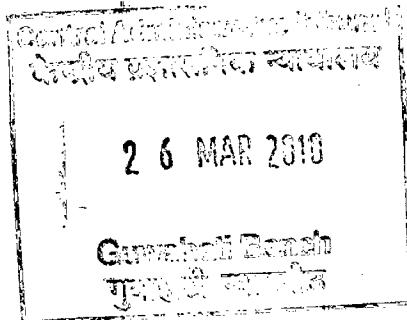
26 NOV 2009

26. That with regard to the statements made in Para 4.XIV & 4.XXXV of the original application the deponent while denying the contentions made therein begs to state that the allegation made by the applicant that "all sorts of atrocities were caused to him" is baseless, false and bears no fact. When the applicant approached respondent No.4 on 14.08.2009 asking for leave for his medical check up, he was not only granted leave immediately but a N/Asstt L/NK Suryanarayana along with one special vehicle was detailed for his medical checkup but Supervisor proceeded to his home town without sanction of leave and even without intimating Nursing Assistant accompanying him or any body else of this unit.

27. That with regard to the statements made in Para 4.XIV of the original application the deponent while denying the contentions made therein begs to state that all the actions taken by respondent No.3 and 4 were in conformity with laid down Govt procedures/rules and regulation and the allegation made by the applicant, that "the action of the authorities had been atrocious and arbitrary", is baseless, false and does not bear any fact.

28. That with regard to the statements made in Para 4.XIV of the original application the deponent begs to state that the application of the applicant may not be admitted in view of the facts brought out in replies to the Para 4 (facts of the case) of the OA.

29. That in view of the aforesaid facts and circumstances of the case the present original application deserves to be dismissed with cost.



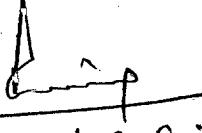
-73-

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VERIFICATION

I, Sri S. C. Srivastava, Son of
late Sri Jai Krishnalal, aged about 44 years,
at present working as Officer Commanding, do
hereby solemnly affirm and verify that the statements made in
the written statement in paragraphs
1, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25, 27 to 29 are true to
my knowledge, those made in paragraphs
2, 9, 10, 13, 14, 15, 17, 18 to 23, 24, 26 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 23rd day of
December, 2009 at Guwahati.


Sumil Chandra Srivastava
DEPONENT

26 MAR 2009

11

Guwahati Bench
गुवाहाटी न्यायपीठ

Witness no. 4

-76-

B/S

Annexure - 1

I.GS No. 128378 4/H Hav Jemai Rai, 1444 BCC having been duly warned states that :

I was performing the duty of Adm Hav. On 09 April '09 BR-I Sumermal reported from Messai dett to HQ 1444 BCC. On 14 April '09 BR-I Sumermal absented himself from the unit lines. I came to know about his absence during roll call.

I reflected the same in daily parade slate book. He returned back from absence to HQ 1444 BCC on 11 June '09 at 1000 hrs. I didn't instruct him for anything.

Questions asked by the court :

Ques 1: Did BR-I Sumermal forwarded any leave certificate / Application to you before proceeding on 14 April '09

Ans : No, nothing was given to me.

Ques 2: When did you come to know that BR-I Sumermal has absented himself.

Ans : On 14 April '09 during roll call I came to know about his absence.

Ques 3: Did he reported to you before absenting himself?

Ans : No, he didn't come to me.

The above statement, question and answers have been read to me in the language I understand and I sign it as correct.

Sgn : G/0 99 APC

Date : 30 June '09

CGS-128378 4/H Jemai Rai

contd - P/18