

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

(DESTRUCTION OF RECORD RULES, 1990)

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*P. J. 27/6/17*  
SECTION OFFICER (Judl.)

*27/6/17*

( See Rule 42 )  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: (T) 28 / 2009
2. Misc Petition No \_\_\_\_\_
3. Contempt Petition No \_\_\_\_\_
4. Review Application No \_\_\_\_\_

Applicant(s) Sri Jatin Sarma QORS

Respondant(s) M. O. I QORS (BSNL)

Advocate for the Applicant(s): H.K. Sarma ~~(Jatin Sarma)~~

Advocate for the Respondant(s): 6 BSNL Advocate  
B. C. Pathak

Notes of the Registry	Date	Order of the Tribunal
<p>The Title Suit No. 43/08 (Jatin Sarma QORS - vs - BSNL) alongwith Misc (J) Case No. 61/08 received from Md. N.K. Ahmed, Munsiff Tezpur on 22.1.09 by post. The Munsiff Court has no jurisdiction to hear the suit which is connected with the service matter, hence the Title Suit alongwith Misc (J) Case No. 61/08 has been transferred to the Central Administrative Tribunal and the same is registered as Original Application (Transfer) No. 28/09. Laid before the Honble Court for further orders.</p>	<p>04.2009</p>	<p>Records of the Title Suit No.43 of 08 in the Court of Munsiff, Tezpur has come on transfer and has been registered as Transfer Application No.28 of 2009.</p> <p>Issue notice to the Plaintiff and Defendants in the address given in the cause title of T.S.No.43 of 2008 requiring them to appear on 29<sup>th</sup> May, 2009.</p> <p>Parties shall remain free to file their additional pleadings and the documents in support of their case by the next date/29.05.2009.</p>

  
 (M.R. Mohanty)  
 Vice- Chairman

25.2.09  
 Registrar  
 Section Officer (J)

Copies of order dated 8/4/09 send to D/Sec. for issuing to plaintiffs and defendants by post.

D/No-2140 to 2143  
Dt = 5.5.2009  
22/4/09

Memo of appearance filed by Mr. B.C. Pathak for BSNL. 20.07.2009

24.4.09

① Service report awaited.

28.5.09

Kank Das/Devi  
Send copies of this order to the Applicant and to Respondent. This case is received from stenographer on 7.7.09.

7.7.09

Copies of order dt 29.5.09 send to D/Sec for issue to same to the Applicant. vide No-3760 to 3765 dt. 7.7.09

K. Das

Send copies of this order to the Applicant and also a copy to Mr. H.K. Sarma and his...

9.05.2009

This has come on transfer from Civil Court/Tezpur. Despite notice from this Tribunal none has yet entered appearance (none is present in Court to-day as Plaintiff). However, Mr. B.C. Pathak, learned counsel for BSNL/Defendant is present.

Call this matter on 20.07.2009.

Send copies of this order to the Plaintiff /Applicant in the address given in the O.A.

(N.D. Dayal)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

Title Suit No.43 of 2008 in the Court of Munsiff at Tezpur has come on transfer to this Tribunal and has been registered as O.A.(T.A.) No.28 of 2009.

Mr. B.C. Pathak, learned counsel for the Respondents' Department is present.

None has entered appearance on behalf of the Plaintiffs/Applicants.

In the aforesaid premises, notices be issued to all the Plaintiffs/Applicants requiring them to appear by 07.09.2009.

Call this matter on 07.09.2009.

Send copies of this order to each of the Plaintiffs/Applicants in the address given in the plaint of the Title Suit/Transferred Application. A copy of this order be also sent to Mr. H.K. Sarma, Advocate Tezpur. A copy of this order be also handed over to Mr. B.C. Pathak, learned counsel for the BSNL.

(M.K. Chaturvedi)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

Copies of order dated 20/7/2009 send to D/Sec. for issuing to all the applicants and all the resp. by post.

Free copies of the same send to D/Sec. for issuing to learned counsel for applicants, Mr. H.K. Sarma and Mr. B.C. Pathak & counsel for BSNL.

Copies D/No-3875 to 3885  
22/7/09 Dt= 22/7/09

No W/s filed.

33  
4.8.09

No W/s filed.

33  
4.11.09

6.11.09

Mr. B.S. Basumatary, Ms. J. Wary filed Vakalatnama on behalfs of the Applicants at flag A. and Mrs. M. Das, Sr. CGSC. also filed Memo- of appearance on behalfs of R. No-1.

6/11/09 No W/s filed.

33  
8.12.09

07.09.2009

Mr. Bhaben Singh Basumatary, Advocate undertakes to appear on behalf of the plaintiff/petitioner of this case which has come on transfer from the Tezpur Civil Court. He undertakes to file vakalatnama from the plaintiff within seven days.

In the aforesaid premises, call this matter on 05.11.2009.

(M.K. Chaturvedi)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

/bb/

05.11.2009

Ms. Jayashree Wary, Advocate enters appearance on behalf of Respondents and states that her senior Mr. B.S. Basumatary is not able to appear today for some personal difficulty.

Therefore, case is adjourned to 09.12.2009.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

09.12.2009

None appears for the applicant. The present proceeding was initially instituted before the court of Munsiff at Tezpur and transferred to this Tribunal on conferment of jurisdiction over the BSNL. Pleadings are otherwise complete.

List on 21.1.2010.

(Mukesh Kr. Gupta)  
Member (J)

pg

O.A. 28/09

No w/s filed.  
20.1.2010

21.01.2010

On the written request of Mr B.C.Pathak, learned counsel for the respondents adjourned to 18.2.2010.

(Madan Kr. Chaturvedi)  
Member (A)

(Mukesh Kr. Gupta)  
Member (J)

/pg/

18.02.2010

Mr. B.S. Basumatary, learned counsel for applicant prays for adjournment which is not opposed by Mr. B.C. Pathak, learned Advocate for BSNL.

In the circumstances, list the matter on 25<sup>th</sup> February 2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/lm/

25.02.2010

Mr.B.S.Basumatary, learned counsel for the Applicants, in this transferred application seeks to withdraw the present T.A. with liberty to take appropriate steps as available under the rules and law in vogue.

Prayer is allowed in aforesaid terms. M.A.24/2010 as well as O.A.28/2009(T) are allowed to be withdrawn.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

Written order  
for B.C. Pathak,  
BSNL, counsel.  
8/3/2010

C.A 28/09 (T)

Schedule VII, Form No. - 408

High Court Form No. (M) 12

LETTER TO ACCOMPANY RECORD

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
80  
22 JAN 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

From :- Md. N. U. Ahmed.  
Munsiff no. I, Tezpur.

MEMO NO MS (T) 11  
9.1.09

To

The chairmen  
Central Administrative Tribunal  
Guwahati Bench, Guwahati



I have the honour to forward / ~~return~~ herewith the Original record of the case noted in margin called for / ~~received~~ with your memo No.

20

T. S. NO. 43/2008

Sri Jatin Barman and ors.  
-vs-

BSNL

(File A) along with Misc (J) Case no. 61/08

  
Munsiff  
Tezpur  
Yours faithfully,

Sri H. K. Sarma - Adv. for Pltff.  
Sri B. C. Palhau - Adv. for Defat.

30.8.08

26.9.08

15.11.08

20.12.08

23.12.09

Noted

(152 days)

The Suit is transferred  
to the Central Administrative  
Tribunal Gauhati Bench, Gauhati.

Sd/-

N. V. Ahmed.

Munshib

23.12.08

File - A

J. S. NO. 43/2008

Sri Jatin Sarma and Ors.

-VS-

B S N L.

( See Rule 42 )  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH:

ORDERSHEET

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Respondant(s) M. O. I QORS (BSNL)

Advocate for the Applicant(s): H.K. Sarma ~~(Jatin Sarma)~~

Advocate for the Respondant(s): 6 BSNL Advocate  
B. C. Pathak

Notes of the Registry	Date	Order of the Tribunal
<p>The Title Suit No. 43/08 (Jatin Sarma QORS - vs - BSNL) alongwith Misc (T) Case No. 61/08 received from Md. N.K. Ahmed, Munsiff Tezpur on 22.1.09 by post. The Munsiff Court has no jurisdiction to hear the suit which is connected with the service matter, hence the Title Suit alongwith Misc (T) Case No. 61/08 has been transferred to the Central Administrative Tribunal and the same is registered as Original Application (Transfer) No. 28/09. Laid before the Honble Court for further orders.</p>	<p>04.2009</p>	<p>Records of the Title Suit No.43 of 08 in the Court of Munsiff, Tezpur has come on transfer and has been registered as Transfer Application No.28 of 2009.</p> <p>Issue notice to the Plaintiff and Defendants in the address given in the cause title of T.S.No.43 of 2008 requiring them to appear on 29<sup>th</sup> May, 2009.</p> <p>Parties shall remain free to file their additional pleadings and the documents in support of their case by the next date/29.05.2009.</p>

  
 (M.R. Mohanty)  
 Vice- Chairman

25.2.09  
 Registrar  
 Section Officer (T)  
 23.02.09

Copies of order dated 8/4/09 send to D/Sec. for issuing to plaintiffs and defendants by post.

D/No-2140 to 2143  
22/4/09 DT = 5.5.2009

Memo of appearance filed by Mr. B.C. Pathak for BSNL. 20.07.2009

24.4.09

① Service report awaited.

28.5.09

Kank Das/Devi  
Send copies of this order to the Applicant and to Respondent. This case is received from stenographer on 7.7.09.

7.7.09

Copies of order dt 29.5.09 send to D/Sec for issue to same to the Applicant. vide No-3760 to 3765 dt. 7.7.09

K. Das

Send copy of this order to the Applicant and also a copy to Mr. H.K. Sarma and his...

9.05.2009

This has come on transfer from Civil Court/Tezpur. Despite notice from this Tribunal none has yet entered appearance (none is present in Court to-day as Plaintiff). However, Mr. B.C. Pathak, learned counsel for BSNL/Defendant is present.

Call this matter on 20.07.2009.

Send copies of this order to the Plaintiff /Applicant in the address given in the O.A.

(N.D. Dayal)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

Title Suit No.43 of 2008 in the Court of Munsiff at Tezpur has come on transfer to this Tribunal and has been registered as O.A.(T.A.) No.28 of 2009.

Mr. B.C. Pathak, learned counsel for the Respondents' Department is present.

None has entered appearance on behalf of the Plaintiffs/Applicants.

In the aforesaid premises, notices be issued to all the Plaintiffs/Applicants requiring them to appear by 07.09.2009.

Call this matter on 07.09.2009.

Send copies of this order to each of the Plaintiffs/Applicants in the address given in the plaint of the Title Suit/Transferred Application. A copy of this order be <sup>also</sup> sent to Mr. H.K. Sarma, Advocate Tezpur. A copy of this order be also handed over to Mr. B.C. Pathak, learned counsel for the BSNL.

(M.K. Chaturvedi)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

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Copies D/No-3875 to 3885  
22/7/09 Dt= 22/7/09

No W/s filed.

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4.8.09

No W/s filed.

33  
4.11.09

6.11.09

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6/11/09 No W/s filed.

33  
8.12.09

07.09.2009

Mr. Bhaben Singh Basumatary, Advocate undertakes to appear on behalf of the plaintiff/petitioner of this case which has come on transfer from the Tezpur Civil Court. He undertakes to file vakalatnama from the plaintiff within seven days.

In the aforesaid premises, call this matter on 05.11.2009.

(M.K. Chaturvedi)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

/bb/

05.11.2009

Ms. Jayashree Wary, Advocate enters appearance on behalf of Respondents and states that her senior Mr. B.S. Basumatary is not able to appear today for some personal difficulty.

Therefore, case is adjourned to 09.12.2009.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

09.12.2009

None appears for the applicant. The present proceeding was initially instituted before the court of Munsiff at Tezpur and transferred to this Tribunal on conferment of jurisdiction over the BSNL. Pleadings are otherwise complete.

List on 21.1.2010.

(Mukesh Kr. Gupta)  
Member (J)

pg

O.A. 28/09

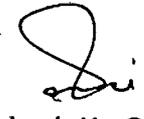
No w/s filed.

20.1.2010

21.01.2010

On the written request of Mr B.C.Pathak, learned counsel for the respondents adjourned to 18.2.2010.

  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

/pg/

18.02.2010 Mr. B.S. Basumatary, learned counsel for applicant prays for adjournment which is not opposed by Mr. B.C. Pathak, learned Advocate for BSNL.

In the circumstances, list the matter on 25<sup>th</sup> February 2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

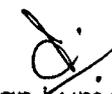
  
(Mukesh Kumar Gupta)  
Member (J)

/lm/

25.02.2010

Mr.B.S.Basumatary, learned counsel for the Applicants, in this transferred application seeks to withdraw the present T.A. with liberty to take appropriate steps as available under the rules and law in vague.

Prayer is allowed in aforesaid terms. M.A.24/2010 as well as O.A.28/2009(T) are allowed to be withdrawn.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/bb/

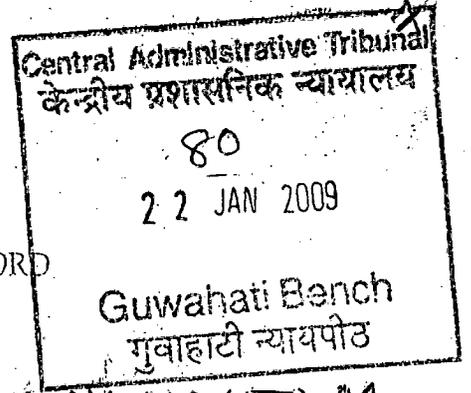
Written order  
for B.C. Pathak,  
BSNL, counsel.  
8/3/2010

C.A 28/09 (T)

Schedule VII, Form No. - 408

High Court Form No. (M) 12

LETTER TO ACCOMPANY RECORD



From :- Md. N. U. Ahmed.  
Munsiff no. I, Tezpur.

MEMO NO MS (T) 11

9. 1. 09

To

The Chairman  
Central Administrative Tribunal  
Guwahati Bench, Guwahati



I have the honour to forward / ~~return~~ herewith the Original record of the case noted in margin called for / ~~received~~ with your memo No.

20

T. S. NO. 43/2008

Sri Jatin Barman and ors.  
-vs-

BSNL

(File A) along with Misc (J) Case no. 61/08

  
Munsiff  
Tezpur  
Yours faithfully,

Sri H. K. Sarma - Adv. for Pltff.  
Sri B. C. Palhau - Adv. for Defat.

30.8.08  
26.9.08  
15.11.08  
20.12.08  
23.12.09

Noted

152 days

8

The suit is transferred  
to the Central Administrative  
Tribunal Gauhati Bench, Guwahati.

Sd/-  
N. V. Ahmed.

Munseiff  
23.12.08

File - A

J S. NO. 43/2008

Sri Jatin Sarma and Ors.

-VS-

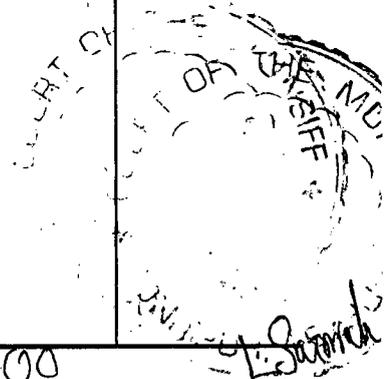
B S N L.

TABLE OF CONTENTS

Sonitpur District & Muniff Court, Tezpur.  
 Title ~~State~~ Suit Case No. 43 of 08  
 Name of plaintiff or applicant Jatin Sarma  
 Name of Defendant or Opp. party BSNL  
 Class..... File A

Sl. No.	Sheet	Description	Value of Court Fee Stamps	Remarks
1	2	3	4	5
1-5	5	Order Sheet.		
6	1	Registered Address		
7-13	7	Pleint.	22.00	
14-15	2	Petition	3.00	
16-22	7	Photocopy pleint.		
23-105	83	Description of document.		
106	1	Power	2.00	
107	1	P. F.	4.00	
108-113	6	Petition	3.00	
114-119	6	Photo copy document.	2.00	
120	1	Petition		
121-124	4	Photocopy document.		
125-126	2	Petition	2.00	
127	1	Hazira	4.00	
128-130	3	Petition		
131-162	32	Photocopy document.		
163-166	4	Hazira		
167	1	Notice		
168	1	Hazira		
169-170	2	Petition	2.00	
171-203	32	Photocopy document.		
203-206	4	Hazira		

44.00





Present - N. U. Ahmed

- order -

20-07-06 (2006) (U: ar: 0: 60(2) ) ବିବାହ 20 । ମାମଲାର ସାମ୍ୟ

ବିବାହ କରାଯାଇ ସମ୍ପତ୍ତି ବିଭାଜନ କରାଯାଇ  
ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2)  
ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2) )  
ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2) )

(U: ar: 0: 60(2) ) ବିବାହ କରାଯାଇ ଏବଂ  
ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2) )

ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2) )

2006 ।

ଅନୁପାଳନ କରାଯାଇ ଏବଂ (U: ar: 0: 60(2) )



Munsiff  
TEZPUR

14.08.08: - Plaintiff's side is represented by  
the learned Counsel.

Defendants are appear by  
engaging Advocate file written  
statement along with copy to  
the plaintiff side. Copy be  
furnish to the plaintiff side.  
Defend side also file some  
photostatic copies of documents  
with list.

- cont -

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**

DISTRICTS

IN THE COURT OF

T.S.

No.

43

of 2008

of

Versus

Serial No. of Orders	Date	Order	Signature
	12-08-08	<p>Defendant side also file petition no. 3316/08, UO XIV, Rule-2 of the C.P.C. for framing preliminary issue as to jurisdiction of the Court and decide the issue before settling the other copy of petition to Plaintiff side.</p> <p>Heard both sides learned Counsel. Seen the petition as well as the pleading of parties. Learned Counsel for the Plaintiff fairly submitted that he has no objection to frame preliminary as to jurisdiction of the Court. Considered all aspect one preliminary issue as follows.</p> <p>C.A</p>	

NOTE - This form should be written up in English whenever possible (Sec. Vol. I, Chapter-III, Rule 22).

Present - N. U. Ahmed

- Order -

Cert  
 17/08-08: "Whether the Court has jurisdiction to try the suit";  
 Plaintiff side vide petition no. 3322/08, of the same date. Seen in petition. <sup>particulars</sup>  
 Filed - 20-8-08 for hearing on preliminary issue.

Present - N. U. Ahmed

*[Signature]*  
 Munsiff  
 TEZPUR

20-08-08: Plaintiff side is ruled by learned court.  
 Debit side vide petition no. 3498/08, sent/referred to accept some amount which will not be a cost. Seen in petition. It is said that plaintiff side has no objection to allow this petition. Only all correct papers is allowed.

Debit side also vide petition no. 3495/08, sent/referred to the court. Seen in petition. It is out of station. Seen in petition. <sup>particulars</sup> is allowed.  
 From 26-09-08 for hearing on preliminary issue.

*[Signature]*  
 Munsiff  
 TEZPUR

(3)

25.9.08

Both the parties filed  
hazira.

P.O. is on C.L.

Put up 15.11.08 for n/o.

By order  
P. Meek  
Sheriff  
MUNICIPAL  
Scriber, Tezpur

Present - N. U. Ahmed

15.11.08:-

Case record put up to-day.  
Both sides had case  
file hazira.

Fixed 29.11.08 for hearing  
on preliminary issue.

~~M. Meek~~  
TEZPUR

29.11.08:-

Both the sides represented by  
the learned Counsel.  
~~Plaintiff~~ <sup>Defendant</sup> side vide petition  
no. 4055/08, file some documents  
(Photostatic copies) with a request  
to accept the same. Seen the  
petition. Copy of petition also  
furnished to the Plaintiff side.  
Heard both the sides learned  
Counsel. Defendant side file  
some documents on the ground of  
- evl -

Present - N. U. Ahmed

Case  
29.11.08 / Order  
Subsequent development of some law. Debit side file documents relating to law matter. Here only all aspect paper is all. Keep in debit side in case record.

Law used for in plaintiff submit -> That as in debit side file some document, he require some time to go through those documents and verbally submit time for hearing. Here case is adjourned to day.

Frms - 20-12-08 for hearing on preliminary issue.

*Ahs.*  
Munsiff  
TEZPUR

Present - N. U. Ahmed

20.12.08:- Both the sides represented by the learned counsel.  
Heard both the sides learned counsel.

Frms. 23.12.08 for order.

*Ahs.*  
Munsiff  
TEZPUR

Sl. no.	Date	Order	Signature
	23.12.08.	<p>Plaintiff side is represented by the learned Counsel.</p> <p>This order arose out of hearing on preliminary issue as to whether this Court has jurisdiction to try the suit.</p> <p>I have already heard both the sides learned Counsel.</p> <p>Learned Counsel for the defendant submitted that the Government of India has issued the notification under Section 14(2) of the Administrative Tribunal Act, 1985 and thereby transferring the jurisdiction of "Service matter" of the employee of Bharat Sanchar Nigam Ltd. to the Central Administrative Tribunal under Section 14(3) of said Act. Learned Counsel further submitted that the notification issued on 11.10.2008 specifying 10.11.2008 as the date on and from which date the jurisdiction will come into operation excluding the BSNL at serial no. 154. Learned Counsel also submitted that in view of the notification the case should transfer to the Central Administrative Tribunal as per provision of Section 29(a) of the Administrative Tribunal Act, 1985. Learned Counsel filed the</p> <p style="text-align: center;">- contd -</p>	

Sl. no.	Date	Order	Sign
	23.12.08	<p>Photostatic copy of the notification dated 10.11.2008 issued by Govt. of India.</p> <p>Learner Counsel for the plaintiffs conceded with the submission of learner Counsel of the defendant.</p> <p>Seen the photostatic copy of the notification of Government of India dated 10.11.2008 and it appears that the BSNL has been empanelled at Sl. no. 154 thereof.</p> <p>Plaintiffs filed this suit regarding declaration of the part of Scale and the plaintiffs are employee of the BSNL. Hence the matter of the present suit is "service matter" as per definition of Section 3(9) of the Administrative Tribunal Act, 1985. As per mandate of Section 29(1) of the Administrative Tribunal Act, 1985 the Court shall stand transferred the case to the Tribunal.</p> <p>From the discussion made above I find that this Court has no jurisdiction to try the suit. Hence in view of the provision of Section 29(1) of the Administrative Tribunal Act, this proceeding along with the proceeding of No. (57) case no. 61/2008 stand transferred to the Central Administrative Tribunal.</p> <p style="text-align: center;">Cord</p>	Seen

Form of Order Sheet

DISTRICT - Sonitpur.

COURT OF The Munsiff no. 1 at Tezpur

Present :- N. U. Ahmed

Title SUIT / CASE No. 43 OF 2008

Versus

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Sl. No.	Date	Date of Order or Proceeding	Order or other Proceeding Present - N. U. Ahmed	Signature Court	Office action taken on order with date and dated signature of pleaders or parties when necessary
1	2	3	4	5	6
		23.12.08	Gourahati Bench, Gourahati. Send the record according.	 <b>Munsiff</b> TEZPUR	

23 JUL 2008  
SONITPUR

In the court of the Munsiff at Tezpur, Sonitpur, Assam.

Registered address of parties.

6

Title suit No. 43 of 2008

- Plaintiffs:-
1. Sri Jatin Sharma son of Sri Lalit Chandra Sharma
  2. Sri Sarat Hazarika s/o late Chandra Kanta Hazarika
  3. Sri Medeni Kumar Borah s/o late Nityananda Borah.
  4. Sri Hemanta Kumar Borah s/o late Someswar Borah.
  5. Sri Achwin Bijoy Dutta s/o late Hrishikesh Bijoy Dutta.

All residents of Tezpur Town, Mouza Mahabhairab  
District Sonitpur, Assam.

6. Sri Pradip Chandra Dowara s/o late Nageswar Dowara  
resident of Janakinagar, Ward No. 4, Dhemaji, District  
Dhemaji, Assam.

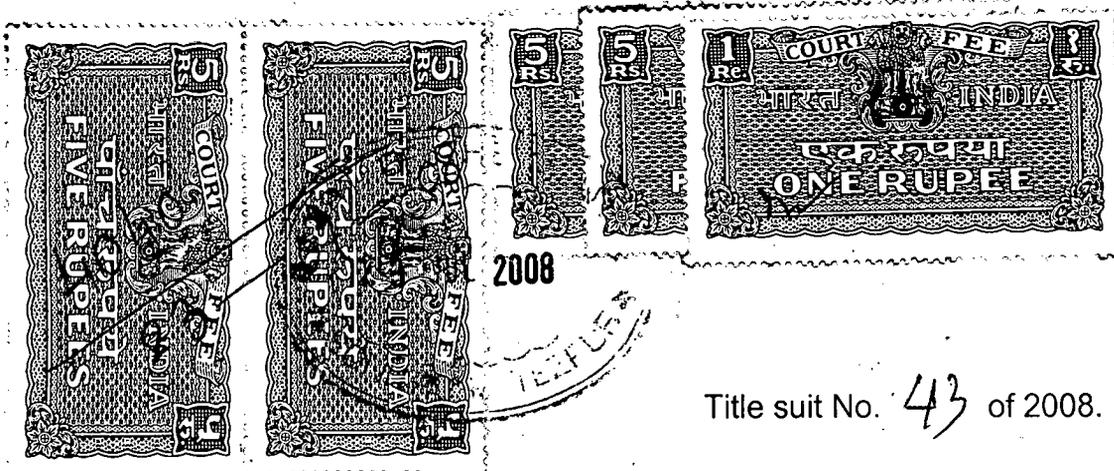
V E R S U S

- Defendants:-
1. Bharat Sanchar Nigam Limited, a company incorporated  
under the Companies Act 1956 with its Registered and  
Corporate office at Harish Chandra Mathur Lane, Janpath  
New Delhi--110 001, represented by its Chairman and  
managing Director with his office at Harish Chandra  
Mathur Lane, Janpath, New Delhi-110 001.
  2. The General Manager, Telecom District, Tezpur, Bharat  
Sanchar Nigam Ltd, Tezpur-1.
  3. The Divisional Engineer(P & A), Office of the GMTD,  
Tezpur, Bharat Sanchar Nigam Limited, Tezpur-1.

filed by:-

C. S. Saha  
23.7.08  
Advocate.

IN THE COURT OF THE MUNSIF AT TEZPUR, SONITPUR, ASSAM.



Title suit No. 43 of 2008.

Plaintiffs:-

1. Sri Jatin Sharma, S/O Sri Lalit Ch. Sharma.
2. Sri Sarat Hazarika, S/O Late Chandra Kanta Hazarika.
3. Sri Medini Kumar Borah son of Late Nityananda Borah.
4. Sri Hemanta Kumar Borah son of Late Someswar Borah
5. Sri Ashim Bijay Dutta son of Late Jitesh Ch. Dutta

All residents of Tezpur Town, Mouza Mahabhairab,  
District Sonitpur, Assam.

6. Sri Pradip Chandra Dowarah son of Late Nageswar Dowarah.

Resident of Janakinagar, Ward No. 4, Dhemaji, District Dhemaji,  
Assam.

Defendants:-

1. BHARAT SANCHAR NIGAM LTD, A company incorporated under the Companies Act 1956 with its Registered Office and Corporate office at Harish Chandra Mathur Lane, Janpath, New Delhi - 110001 represented by its Chairman and Managing Director with his office at Harish Chandra Mathur Lane, Janpath, New Delhi - 110001.
2. General Manager, Tezpur Telecom District, Bharat Sanchar Nigam Ltd. Tezpur - 784001.
3. Divisional Engineer (P & A), Office of the GMTD, Tezpur Bharat Sanchar Nigam Ltd, Tezpur - 784001.

Cause of action arose on 28-06-2008,

: Suit for declaration and

03-07-2008, and thereafter.

: Injunction

1) Sri Pradip Ch Dowarah

2) Ashim Bijoy Dutta.

3) Hemanta Kumar Borah.

4) Medini K. Borah.

5) Sarad Hazarika

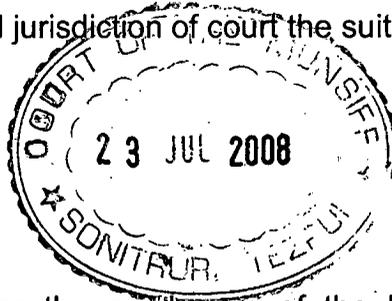
6) Jatin

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23.7.08

Total C.F. 21 / Paid  
C.F. 11 / Paid  
Access C.F. 10 / Paid  
checked and verified  
PMU  
25-7-08

For the purpose of court fees and jurisdiction of court the suit is valued at Rs. 100/- only.



The plaintiffs beg to submit: -

1. That all the plaintiffs were the employees of the Post and Telegraph Department of the Government of India under the Ministry of Communication and are now the employees of the defendant No. 1, the Bharat Sanchar Nigam Ltd.
2. That to give effect to the NEW TELECOM POLICY 1999 of the Government of India, the Government of India formed a company known as the BHARAT SANCHAR NIGAM LTD in October, 2000 under the Companies Act 1956 with its Registered and Corporate Office at Harish Chandra Mathur Lane, Janpath, New Delhi – 110001 and on such formation the Government of India decided to give option to the employees of the Post and Telegraph Department serving as DTS/DTO either to retain their status as government servant or to opt for absorption in Bharat Sanchar Nigam Ltd. with effect from 01-10-2000 and accordingly the concerned officials invited for such option from such employees including the plaintiffs and the plaintiffs having opted for absorption in BSNL by filling up prescribed forms, the plaintiffs were absorbed in BSNL by the competent authority with effect from 01-10-2000 and their pay was fixed in the IDA (Industrial DA) pay scale with effect from 01-10-2000 and all arrears of pay and other financial benefits as fixed from time to time have been paid to them till the month of May 2008 except that the PLI in IDA scale of pay was not given to the plaintiffs in October 2007 and on representation being made the plaintiffs were paid the PLI in CDA rate though their pay was given in IDA scale of pay.
3. That on merger of 50% of IDA with basic pay with effect from 01-01-2007 the plaintiffs were denied the merger and arrears in the month of June 2008 and on representation being made to the GM the plaintiffs have been reverted to the CDA scale of pay with effect from 01-02-2008 without any information and communication to the plaintiffs, about such reversion which is very illegal and untenable.
4. That it may be mentioned here that the pay slip in CDA scale for the month of June was drawn on 28-06-2008.

1) Shri Poojit Ch. Chatterjee  
 2) Ashim Bijoy Datta  
 3) Hemanta Ch. Borah  
 4) Medini K. Borah  
 5) Sarad Huja  
 6) Jatin Huja



5. That ultimately the defendants No. 3 served show cause notice No. Legal/CDA-IDA/Tz/08-09/27 dated at Tezpur the 28-06-08 on plaintiff No. 2 on 03-07-2008 along with a recovery statement for recovery of Rs. 1,51,112/- to show cause within 15 days from the date of receipt of the said notice why the pay scale of the plaintiff No. 2 should not be converted from IDA pay scale to CDA scale and an amount of Rs. 1,51,112/- (Rupees One Lac fifty one thousand and twelve) only should not be recovered from the plaintiff No. 2 for reasons given in the said show cause notice. It may be stated here that similar notices have also been served to the other plaintiffs on or about the said date.
6. That the reason given in the said Show Cause notice is that the disciplinary proceedings initiated against the plaintiff No. 2 vide charge sheet No. X-2003/vig/SH/02-03/1 dated 22-08-2002 has yet been completed and his case for permanent absorption in BSNL has not yet been accepted. It may be mentioned here that similar reasons have been given in the show cause notices of the other plaintiffs.
7. That it may be mentioned here that the said charge sheet mentioned in plaintiff paragraph No. 6 above was served on the plaintiff No.2 for alleged violation of Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of the Central Civil Services (Conduct) Rules 1964 under Rule-14 of Central Civil Services (Classification, Control and Appeal) Rules,1965 on the ground that the plaintiff No.2 had given certificate to some casual labourers as having served as casual labourers in the department though as a matter of fact the said labourers have not served in the department as casual labourers. Similar was the allegation against the other plaintiffs also on whom also such charge sheet was served.
8. That it is pertinent to mention here that paragraph No. 3 of Page No.2 of the said show cause notice dated 28-06-2008 reads as "Whereas the BSNL Corporate Office vide letter No. BSNLL/4SR/2000 dated 16-05-2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal/removal/compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 01-10-2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however be liable to refund the ad-hoc payment of Rs. 1,000/- along with the arrears paid, if any w.e.f. 01-10-

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1) Smti Poulip Ch. Dhomoch  
2) Ashim Bijoy Dutta  
3) Hemanta K. Borah  
4) Medini K. Borah  
5) Sarat Hazarika  
6) Jatin Sharma



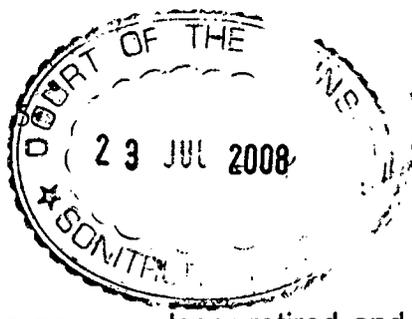
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2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding”.

9. That it may be stated here that the proceedings referred to in paragraph No. 7 herein above was started against plaintiff No. 1 on 11-02-2002 plaintiff No.2 on 22-08-2002, plaintiff No.3 on 28-08-2002, plaintiff No. 4 on 22-08-2002 and plaintiff No.5 on 22-08-2002, plaintiff No. 6 on 03-10-2002 and though relevant rules of BSNL/P & T department the said proceedings should be completed within a period of 9 months from the date of initiation of the proceedings but the said proceedings have been kept pending for all these years. Anyway, unless the said proceedings are completed and the plaintiffs are found guilty and their services are terminated by dismissal/removal or compulsory retirement, the defendants can not take any action against the plaintiffs as per the directive of the BSNL/P & T department mentioned in paragraph No. 8 herein above and as such the proposed proceedings sought to be initiated against the plaintiff No.2 vide show cause notice No. Legal/CDA-IDA/Tz/08-09/27 dated 28-06-2008 against plaintiff No. 1 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.3 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No. 4 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No. 5 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 and against plaintiff No. 6 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 all illegal, void and inoperative in law and the defendants can not take any action on the basis of the said show cause notices against the plaintiffs either to convert the pay scale of the plaintiffs from IDA to CDA pay scale or to make recovery of the amounts as sought to be done till disposal of the disciplinary proceedings started against them as stated in paragraph No. 7 herein above but as the defendants are now trying to do this illegal act by the show cause notices mentioned herein above, it has become necessary and essential to declare the proposed proceedings mentioned herein above as illegal, void and inoperative in law till disposal of the proceedings initiated against the plaintiffs as stated in paragraph No.7 herein above under Rule-14 of CCS (CCA) Rules, 1965 and the plaintiffs are either

- 1) Shri Pradip Ch. Datta
- 2) Ashim Bijoy Dutta
- 3) Ananta K. Borah
- 4) Medini R. Borah
- 5) Sarat Huzarina

6) Jatin Kumar



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dismissed/ removed from service or compulsory retired and also to issue an injunction against the defendants, their servants, subordinates and workman from converting the pay scale of the plaintiffs from IDA to CDA pay scale and also from recovering any amount from the plaintiffs. Under the facts and circumstances the plaintiffs are entitled to all such relief.

10. That the plaintiffs, in spite of best efforts, could not manage to get any material to know whether Bharat Sanchar Nigam Limited is a department of the Govt. of India or an autonomous body. Available materials only show that Bharat Sanchar Nigam Limited is a company formed under the Companies Act 1956 and is a Central Government Enterprise and as such the Plaintiffs are not in a position to know whether a notice under section 80 C.P.C. is necessary to be served on the defendants before institution of the suit. That even if a notice is required to be served under section 80 (1) C.P.C. before institution of the suit, the plaintiff being in need of urgent and immediate relief by way of injunction has filed this suit without complying with the provisions of section 80 (1) C.P.C. otherwise the defendants shall pay lesser amounts of pay to the plaintiffs and shall also realise amounts by way of recovery as threatened making it impossible for the plaintiffs and their family members to meet both ends in the prevailing inflationary market and has made a separate petition herewith praying for leave of the court to institute this suit without complying the provisions of section 80 (1) C.P.C.

11. That the cause of action for this suit has arisen under the facts and circumstances stated herein above on 28-06-2008, 03-07-2008 and thereafter within the jurisdiction of this court.

12. That for the purpose of court fees and jurisdiction of court the suit is valued at Rs. 100/- only.

The plaintiffs, therefore pray :-

- i) That the court be pleased to pass a decree declaring that the proceedings sought to be initiated against the plaintiff No. 1 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.2 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.3 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27

1) Sri Prachin ch. Gowda  
2) Ashim Bijoy Dutta  
3) Hemant K. B. B. B.  
4) Medini K. B. B. B.  
5) Sarat H. B. B. B.

b) Jatin Kumar



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dated 28-06-2008, against plaintiff No.4 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.5 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 and against plaintiff No.6 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 are illegal, void and unenforcible in law till disposal of the proceedings initiated against the plaintiffs under Rule 14 of the Central Civil Services(CCA) Rules 1965 and awarding punishment to the plaintiffs either by dismissal/removal or compulsory retirement.

- ii) That an injunction be issued against the defendants their subordinate and officers from converting the pay scale of the plaintiffs from IDA to CDA scales of pay or also from making any recovery from the amounts paid to the plaintiffs till May 2008 by way of salary or other benefits and continue to pay the plaintiffs pay and other benefits as per IDA pay scale from the month of June and continue to pay as per the said pay scale till disposal of the proceedings against them under Rule 14 of the Central Civil Services (CCA) Rules 1965 awarding punishment to them by dismissal/ removal and/or compulsory retirement from service.
- iii) That all costs of the suit be decrees against the defendants.
- iv) Any other relief or reliefs to which the plaintiffs are entitled to in law and equity may also be decreed against the defendants.

#### VERIFICATION

We the plaintiffs herein do hereby solemnly affirm that the statements made the plaint are true to our knowledge, information and belief and we sign this verification on this the 24<sup>th</sup> day of July 2008 at Tezpur.

- 1) Sri Pradip Ch Dowarah
- 2) Ashim Bijoy Dutta
- 3) Hemanta Kr Borah
- 4) Medini Kr Borah
- 5) Sarat Hazarika

6) Jatin Suman

- 1) Sri Pradip Ch Dowarah
- 2) Ashim Bijoy Dutta
- 3) Hemanta Kr Borah
- 4) Medini Kr Borah
- 5) Sarat Hazarika
- 6) Jatin Suman



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A F F I D A V I T

I Sri Jatin Sharma son of Sri Lalit Ch. Sarmah aged about 49 years resident of Tezpur Town, Mouza Bhairabpada, District Sonitpur, Assam do hereby solemnly affirm as follows :-

1. That I am one of the plaintiff in this suit and as I am fully conversant with the facts and circumstances of the case. This is true to my knowledge.
2. That the statements made in paragraphs No. 1 to 12 of the plaint are true to my knowledge and I believe the same to be true and the rests are submissions to the hon'ble court. This is true to my knowledge.
3. That this affidavit shall be used in support of the plaint. This is true to my knowledge.

And I sign and swear this affidavit on this the 24<sup>th</sup> day of July 2008 at Tezpur. The deponent is identified by me.

*Sarma*  
23.7.08  
Advocate.

Signature of the deponent.

*Jatin Sharma*

শপত গ্রহণকাৰীয়ে শোণিতপুৰ জিলাৰ দেৱানী নগৰাধীশ  
 তেজপুৰ আদালতত ২০০৮ চনৰ ২৪ জুলাই মাহৰ  
 তাৰিখে দিনৰ ২২:৪০ বজাত নিজ স্বাক্ষৰে আৰু মোৰ  
 সন্মুখত শপত লয় যাৰ এটা কপি মোৰ হাতত  
 অক্ষয়িত / স্বাক্ষৰীত স্বাক্ষৰ কৰি মোৰ হাতত  
 ইয়াৰ জীয়াৰ সন্মুখত কামৰে / স্বাক্ষৰ কৰি মোৰ হাতত  
 নকমা কৰি মোৰ হাতত  
 দিয়ে শপত লয় যাৰ এটা কপি মোৰ হাতত  
 মোৰ চিনাক্ত কৰি দিয়ে

চিন্ত দাৰ ২৩/৭/০৮  
 সদৰ, নগৰাধীশ  
 শোণিতপুৰ, তেজপুৰ  
*Jatin Sharma*

In the court of the Munsiff at Tezpur, Sonitpur, Assam.



Title suit No. \_\_\_\_\_ of 2008.

Plaintiffs: - Sri Jatin Sharma & Ors.

Vs

Defendants: - Bharat Sanchar Nigam Ltd. & Ors.

1) Shri Pradipta Ch. Jomonahy  
2) Ashim Bijoy Dutta  
3) Akmalah kr Borah  
4) Medini kr Borah  
5) Sarat Hugarika

In the matter of: -

A petition under section 80

(2) CPC.

The plaintiffs beg to submit:-

Det. NO. 3026/08

23.07.08

1. That the plaintiffs have instituted this suit against the Bharat Sanchar Nigam Ltd. and others, for urgent and immediate relief of injunction.
2. That the plaintiffs in spite of best efforts could not manage to get any material to know whether Bharat Sanchar Nigam Ltd. is a department of the Central Govt. or an autonomous body. Available materials only show that it is a company and a Central Govt. Enterprise and as such the plaintiffs are not in a position to know whether a notice under section 80 CPC is necessary to be served on the defendants or not.
3. That even if a notice under section 80 CPC is required to be served on the defendants before institution of the suit the plaintiffs being in urgent and immediate relief of injunction has filed this suit without complying the provisions of law contained in section 80 (1) CPC otherwise the defendants shall make lesser amounts of pay to the plaintiffs and also make recovery as threatened making it impossible for the plaintiffs and their family members to meet both ends in the prevailing inflammatory market, and as it has become necessary for the plaintiffs to seek permission of the court to institute this suit without complying with the provision of law contained in section 80 (1) CPC
4. That this petition is made as an abundant caution and bonafied for ends of justice.

6) Jatin Sharma  
23.7.08

It is therefore prayed that the court be pleased to grant permission to the plaintiffs to institute this suit without complying with the provisions of law contained in section 80 (1) CPC for ends of justice.



A F F I D A V I T

I Sri Jatin Sharma son of Sri Lalit Ch. Sharma aged 49 years resident of Tezpur Town, Mouza Bhairabpada, District Sonitpur, Assam do on oath and solemn affirmation declare as follows: -

1. That I am one of the plaintiffs in this suit and as such I am fully conversant with the facts and circumstances of the case. This is true to my knowledge.
2. That the statement made in the above petition are true to my knowledge and I believe the same to be true. This is true to my knowledge.
3. That the statement made in the above petition are true to my knowledge and I believe the same to be true. This is true to my knowledge.
4. That this affidavit shall be used in respect of the above petition. This is true to my knowledge.

And I sign and swear this affidavit on this the 24<sup>th</sup> day of July 2008 at Tezpur.

*Lalita*  
23-7-08.  
Advocate

*Jatin Sharma*  
The deponent - is identified  
by me - C. Sarma

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1) Sri Praclit Ch. Dantora  
2) Ashim Bijoy Dutta  
3) Hemanta Ch. Borah  
4) Medini Pr. Borah  
5) Sarad Das Ch. Borah

*Jatin Sharma*



IN THE COURT OF THE MUNSIFF AT TEZPUR, SONITPUR, ASSAM.

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Title suit No. 43 of 2008.

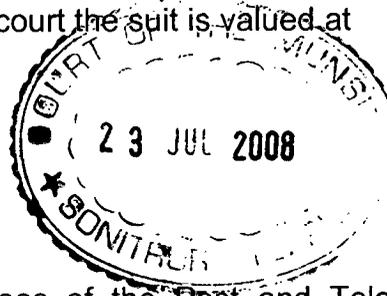
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Copy for Court*

- Plaintiffs:-
1. Sri Jatin Sharma, S/O Sri Lalit Ch. Sharma.
  2. Sri Sarat Hazarika, S/O Late Chandra Kanta Hazarika.
  3. Sri Medini Kumar Borah son of Late Nityananda Borah.
  4. Sri Hemanta Kumar Borah son of Late Someswar Borah
  5. Sri Ashim Bijay Dutta son of Late Jitesh Ch. Dutta  
All residents of Tezpur Town, Mouza Mahabhairab,  
District Sonitpur, Assam.
  6. Sri Pradip Chandra Dowarah son of Late Nageswar Dowarah.  
Resident of Janakinagar, Ward No. 4, Dhemaji, District Dhemaji,  
Assam.

- Defendants:-
1. BHARAT SANCHAR NIGAM LTD, A company incorporated under the Companies Act 1956 with its Registered Office and Corporate office at Harish Chandra Mathur Lane, Janpath, New Delhi – 110001 represented by its Chairman and Managing Director with his office at Harish Chandra Mathur Lane, Janpath, New Delhi – 110001.
  2. General Manager, Tezpur Telecom District, Bharat Sanchar Nigam Ltd. Tezpur – 784001.
  3. Divisional Engineer (P & A), Office of the GMTD, Tezpur Bharat Sanchar Nigam Ltd, Tezpur – 784001.

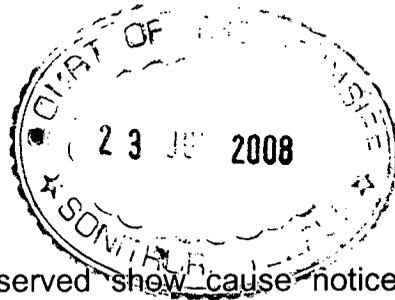
Cause of action arose on 28-06-2008, : Suit for declaration and  
03-07-2008, and thereafter. : Injunction

For the purpose of court fees and jurisdiction of court the suit is valued at Rs. 100/- only.



The plaintiffs beg to submit: -

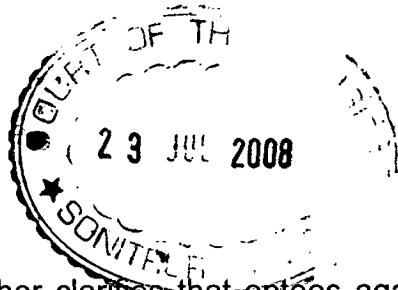
1. That all the plaintiffs were the employees of the Post and Telegraph Department of the Government of India under the Ministry of Communication and are now the employees of the defendant No. 1, the Bharat Sanchar Nigam Ltd.
2. That to give effect to the NEW TELECOM POLICY 1999 of the Government of India, the Government of India formed a company known as the BHARAT SANCHAR NIGAM LTD in October, 2000 under the Companies Act 1956 with its Registered and Corporate Office at Harish Chandra Mathur Lane, Janpath, New Delhi – 110001 and on such formation the Government of India decided to give option to the employees of the Post and Telegraph Department serving as DTS/DTO either to retain their status as government servant or to opt for absorption in Bharat Sanchar Nigam Ltd. with effect from 01-10-2000 and accordingly the concerned officials invited for such option from such employees including the plaintiffs and the plaintiffs having opted for absorption in BSNL by filling up prescribed forms, the plaintiffs were absorbed in BSNL by the competent authority with effect from 01-10-2000 and their pay was fixed in the IDA (Industrial DA) pay scale with effect from 01-10-2000 and all arrears of pay and other financial benefits as fixed from time to time have been paid to them till the month of May 2008 except that the PLI in IDA scale of pay was not given to the plaintiffs in October 2007 and on representation being made the plaintiffs were paid the PLI in CDA rate though their pay was given in IDA scale of pay.
3. That on merger of 50% of IDA with basic pay with effect from 01-01-2007 the plaintiffs were denied the merger and arrears in the month of June 2008 and on representation being made to the GM the plaintiffs have been reverted to the CDA scale of pay with effect from 01-02-2008 without any information and communication to the plaintiffs, about such reversion which is very illegal and untenable.
4. That it may be mentioned here that the pay slip in CDA scale for the month of June was drawn on 28-06-2008.



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(18)

5. That ultimately the defendants No. 3 served show cause notice No. Legal/CDA-IDA/Tz/08-09/27 dated at Tezpur the 28-06-08 on plaintiff No. 2 on 03-07-2008 along with a recovery statement for recovery of Rs. 1,51,112/- to show cause within 15 days from the date of receipt of the said notice why the pay scale of the plaintiff No. 2 should not be converted from IDA pay scale to CDA scale and an amount of Rs. 1,51,112/- (Rupees One Lac fifty one thousand and twelve) only should not be recovered from the plaintiff No. 2 for reasons given in the said show cause notice. It may be stated here that similar notices have also been served to the other plaintiffs on or about the said date.
6. That the reason given in the said Show Cause notice is that the disciplinary proceedings initiated against the plaintiff No. 2 vide charge sheet No. X-2003/vig/SH/02-03/1 dated 22-08-2002 has yet been completed and his case for permanent absorption in BSNL has not yet been accepted. It may be mentioned here that similar reasons have been given in the show cause notices of the other plaintiffs.
7. That it may be mentioned here that the said charge sheet mentioned in plaintiff paragraph No. 6 above was served on the plaintiff No.2 for alleged violation of Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of the Central Civil Services (Conduct) Rules 1964 under Rule-14 of Central Civil Services (Classification, Control and Appeal) Rules,1965 on the ground that the plaintiff No.2 had given certificate to some casual labourers as having served as casual labourers in the department though as a matter of fact the said labourers have not served in the department as casual labourers. Similar was the allegation against the other plaintiffs also on whom also such charge sheet was served.
8. That it is pertinent to mention here that paragraph No. 3 of Page No.2 of the said show cause notice dated 28-06-2008 reads as "Whereas the BSNL Corporate Office vide letter No. BSNLL/4SR/2000 dated 16-05-2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal/removal/compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 01-10-2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however be liable to refund the ad-hoc payment of Rs. 1,000/- along with the arrears paid, if any w.e.f. 01-10-

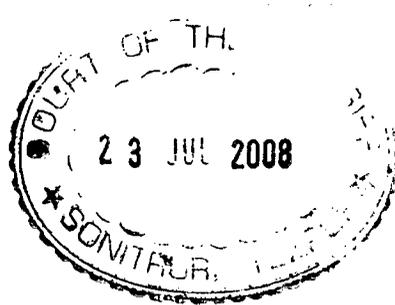


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(19)

2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding”.

9. That it may be stated here that the proceedings referred to in paragraph No. 7 herein above was started against plaintiff No. 1 on 11-02-2002 plaintiff No.2 on 22-08-2002, plaintiff No.3 on 28-08-2002, plaintiff No. 4 on 22-08-2002 and plaintiff No.5 on 22-08-2002, plaintiff No. 6 on 03-10-2002 and though relevant rules of BSNL/P & T department the said proceedings should be completed within a period of 9 months from the date of initiation of the proceedings but the said proceedings have been kept pending for all these years. Anyway, unless the said proceedings are completed and the plaintiffs are found guilty and their services are terminated by dismissal/removal or compulsory retirement, the defendants can not take any action against the plaintiffs as per the directive of the BSNL/P & T department mentioned in paragraph No. 8 herein above and as such the proposed proceedings sought to be initiated against the plaintiff No.2 vide show cause notice No. Legal/CDA-IDA/Tz/08-09/27 dated 28-06-2008 against plaintiff No. 1 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.3 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No. 4 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No. 5 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 and against plaintiff No. 6 vide show cause notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 all illegal, void and inoperative in law and the defendants can not take any action on the basis of the said show cause notices against the plaintiffs either to convert the pay scale of the plaintiffs from IDA to CDA pay scale or to make recovery of the amounts as sought to be done till disposal of the disciplinary proceedings started against them as stated in paragraph No. 7 herein above but as the defendants are now trying to do this illegal act by the show cause notices mentioned herein above, it has become necessary and essential to declare the proposed proceedings mentioned herein above as illegal, void and inoperative in law till disposal of the proceedings initiated against the plaintiffs as stated in paragraph No.7 herein above under Rule-14 of CCS (CCA) Rules, 1965 and the plaintiffs are either



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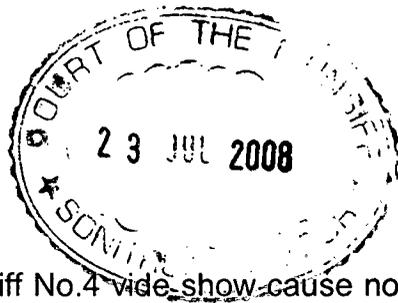
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dismissed/ removed from service or compulsory retired and also to issue an injunction against the defendants, their servants, subordinates and workman from converting the pay scale of the plaintiffs from IDA to CDA pay scale and also from recovering any amount from the plaintiffs. Under the facts and circumstances the plaintiffs are entitled to all such relief.

10. That the plaintiffs, in spite of best efforts, could not manage to get any material to know whether Bharat Sanchar Nigam Limited is a department of the Govt. of India or an autonomous body. Available materials only show that Bharat Sanchar Nigam Limited is a company formed under the Companies Act 1956 and is a Central Government Enterprise and as such the Plaintiffs are not in a position to know whether a notice under section 80 C.P.C. is necessary to be served on the defendants before institution of the suit. That even if a notice is required to be served under section 80 (1) C.P.C. before institution of the suit, the plaintiff being in need of urgent and immediate relief by way of injunction has filed this suit without complying with the provisions of section 80 (1) C.P.C. otherwise the defendants shall pay lesser amounts of pay to the plaintiffs and shall also realise amounts by way of recovery as threatened making it impossible for the plaintiffs and their family members to meet both ends in the prevailing inflationary market and has made a separate petition herewith praying for leave of the court to institute this suit without complying the provisions of section 80 (1) C.P.C.
11. That the cause of action for this suit has arisen under the facts and circumstances stated herein above on 28-06-2008, 03-07-2008 and thereafter within the jurisdiction of this court.
12. That for the purpose of court fees and jurisdiction of court the suit is valued at Rs. 100/- only.

The plaintiffs, therefore pray : -

- i) That the court be pleased to pass a decree declaring that the proceedings sought to be initiated against the plaintiff No. 1 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.2 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.3 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27



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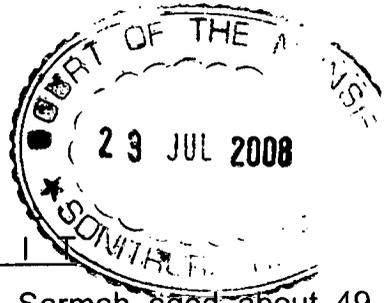
(21)

dated 28-06-2008, against plaintiff No.4 ~~vide show cause notice~~ No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008, against plaintiff No.5 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 and against plaintiff No.6 vide show cause Notice No. Legal/CDA-IDA/TZ/08-09/27 dated 28-06-2008 are illegal, void and unenforcible in law till disposal of the proceedings initiated against the plaintiffs under Rule 14 of the Central Civil Services(CCA) Rules 1965 and awarding punishment to the plaintiffs either by dismissal/removal or compulsory retirement.

- ii) That an injunction be issued against the defendants their subordinate and officers from converting the pay scale of the plaintiffs from IDA to CDA scales of pay or also from making any recovery from the amounts paid to the plaintiffs till May 2008 by way of salary or other benefits and continue to pay the plaintiffs pay and other benefits as per IDA pay scale from the month of June and continue to pay as per the said pay scale till disposal of the proceedings against them under Rule 14 of the Central Civil Services (CCA) Rules 1965 awarding punishment to them by dismissal/ removal and/or compulsory retirement from service.
- iii) That all costs of the suit be decrees against the defendants.
- iv) Any other relief or reliefs to which the plaintiffs are entitled to in law and equity may also be decreed against the defendants.

#### VERIFICATION

We the plaintiffs herein do hereby solemnly affirm that the statements made the plaint are true to our knowledge, information and belief and we sign this verification on this the 24<sup>th</sup> day of July 2008 at Tezpur.



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A F F I D A V I T

I Sri Jatin Sharma son of Sri Lalit Ch. Sarmah aged about 49 years resident of Tezpur Town, Mouza Bhairabpada, District Sonitpur, Assam do hereby solemnly affirm as follows :-

1. That I am one of the plaintiff in this suit and as I am fully conversant with the facts and circumstances of the case. This is true to my knowledge.
2. That the statements made in paragraphs No. 1 to 12 of the plaint are true to my knowledge and I believe the same to be true and the rests are submissions to the hon'ble court. This is true to my knowledge.
3. That this affidavit shall be used in support of the plaint. This is true to my knowledge.

And I sign and swear this affidavit on this the 24<sup>th</sup> day of July 2008 at Tezpur.  
The deponent is identified by me.

Advocate.

Signature of the deponent.

List of documents filed



Misc Case No. .... /2008

T.S. .... /2008

Petitioner / Plaintiff :- Sri Jatin Sharma and others

-VS-

Opp. Party / Defendants Bharat Sanchar Nigam Limited  
And others.

The Plaintiff begs to file herewith photostate copies of the following documents :-

**Description of Documents Filed :-**

- ✓ 1. Option Letter of Ashim Bijoy Dutta
- ✓ 2. Option Letter of Jatin Sharma
- ✓ 3. Option Letter of Hemanta Kumar Borah
- ✓ 4. Option Letter of Pradip Duwarah
- ✓ 5. Pay Fixation memo of A.B. Dutta from October 2000-02
- ✓ 6. Option Letter of Pradip Duwarah
- ✓ 7. Option Letter of M.K. Borah
- ✓ 8. Option Letter of Jatin Sharma
- ✓ 9. Option Letter of Sharat Hazarika
- ✓ 10. Option Letter of H. Borah
- ✓ 11. Show Cause Notice served on Jatin Sharmah dtd. 11/02/02
- ✓ 12. Show Cause Notice served on Sharat Hazarika dtd. 22/08/02
- ✓ 13. Show Cause Notice served on Hemanta Kr. Borah dtd. 22/08/02.
- ✓ 14. Show Cause Notice served on Madinin Borah dtd. 22/08/02.
- ✓ 15. Show Cause Notice served on A.B. Dutta dtd 22/08/02.
- ✓ 16. Show Cause Notice served on Pradip Duwarah dtd 13/06/02.
- ✓ 17. Show Cause Notice served on Pradip Duwarah dtd 28/06/2008.



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29  
2

- ✓ 18. Show Cause Notice served on Jatin Sharma
- ✓ 19. Show Cause Notice served on Sharat Hazarika
- ✓ 20. Show Cause Notice served on Hemanta Borah
- ✓ 21. Show Cause Notice served on A.B. Dutta
- ✓ 22. Pay slip for May, 08 of Jatin Sharma
- ✓ 23. Pay slip for June of P. Duwarah
- ✓ 24. Schedule of time limits in conducting investigations and departmental enquiries.
- ✓ 25. Office Memorandum dated 16/02/04. Ministry of Personal P.G and pensions of Government of India.

Date : 23/07/08

The Secretary to the Government of India,  
Ministry of Communications,  
Department of Telecom., New Delhi.



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25

THROUGH PROPER CHANNEL

SUB: OPTION FORM FOR ABSORPTION IN BSNL / RETENTION OF GOVERNMENT STATUS

(TO BE FILLED IN TRIPLICATE)  
(FOR DTS / DTO / DOT STAFF INCLUDING DIRECTORATE STAFF)

In accordance with the Government decision to convert the DTS / DTO into BSNL w.e.f 01.10.2000, as communicated under DTS Memo. No. 2-29/2000-Restg. dated 30.9.2000 I give my decision as under:

- ✓ 1. I hereby agree to absorbed in BSNL w.e.f. 01.10.2000.  
OR  
I do not agree for absorb in BSNL and want to revert back to Government service.  
(Strike out whichever is not applicable)
- 2. I understand that the option exercised by me is final.
- 3. I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.
- 4. In case of my option for Government service, I understand that I would be redeployed through the Surplus Cell of the Government.

CD/TEZ/Gr-C/PI/0004

SIGNATURE ASHIM BIJOY DUTTA T/1

NAME OF THE EMPLOYEE ASHIM BIJOY DUTTA  
(IN BLOCK LETTERS)

STAFF NUMBER 30306

PLACE OF POSTING S. D. PHONES (ONE) TEZPUR

FOR OFFICE USE

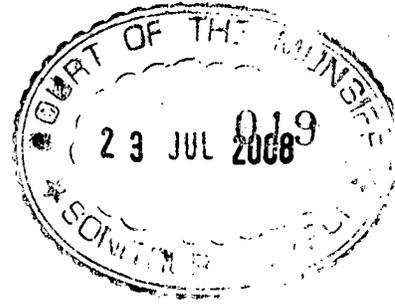
ACCEPTED BY (SIGNATURE) [Signature]

NAME & DESIGNATION OF THE OFFICER (Sri J. M. Das)  
Divisional Engineer, BSNL  
Office: S. D. Phones (One) Tezpur-784001

OPTEE	<input checked="" type="checkbox"/>
NON-OPTEE	<input type="checkbox"/>

(Strike out whichever is not applicable)

To  
The Secretary to the Government of India,  
Ministry of Communications,  
Department of Telecom., New Delhi.



THROUGH PROPER CHANNEL

SUB: OPTION FORM FOR ABSORPTION IN BSNL / RETENTION OF GOVERNMENT STATUS

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1.  I hereby agree to absorbed in BSNL w.e.f. 01.10.2000.  
OR  
~~I do not agree for absorb in BSNL and want to revert back to Government service.~~  
(Strike out whichever is not applicable)
2.  I understand that the option exercised by me is final.
3.  I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.
4.  In case of my option for Government service, I understand that I would be redeployed through the Surplus Cell of the Government.

SIGNATURE Jatin Sharma 31-01-01

NAME OF THE EMPLOYEE JATIN SHARMA ; JCO  
(IN BLOCK LETTERS)

STAFF NUMBER \_\_\_\_\_

PLACE OF POSTING O/O TDM, Tezpur

ASM/TB- (S.C - JSO/0153)

FOR OFFICE USE

ACCEPTED BY (SIGNATURE) [Signature] 16-02-01

NAME & DESIGNATION OF THE OFFICER (Sd/ J. N. Doshi)  
Divisional Engineer (P&A), BSNL  
O/O the T,D,M./Tezpur-784001

OPTEE <input checked="" type="checkbox"/>
NON-OPTEE <input type="checkbox"/>

(Strike out whichever is not applicable)

To  
The Secretary to the Government of India,  
Ministry of Communications,  
Department of Telecom., New Delhi.



THROUGH PROPER CHANNEL

SUB: OPTION FORM FOR ABSORPTION IN BSNL / RETENTION OF GOVERNMENT STATUS

(TO BE FILLED IN TRIPLICATE)  
(FOR DTS / DTO / DOT STAFF INCLUDING DIRECTORATE STAFF)

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1. I hereby agree to absorbed in BSNL w.e.f. 01.10.2000.  
OR  
~~I do not agree for absorb in BSNL and want to revert back to Government service.~~  
(Strike out whichever is not applicable)
2. I understand that the option exercised by me is final.
3. I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.
4. In case of my option for Government service, I understand that I would be redeployed through the Surplus Cell of the Government

SIGNATURE Sri Hemanta Kumar Kura  
NAME OF THE EMPLOYEE HEMANTA KUMAR KURA  
(IN BLOCK LETTERS)  
STAFF NUMBER \_\_\_\_\_  
PLACE OF POSTING Under S.D.P.-II, Bhubaneswar

FOR OFFICE USE

ACCEPTED BY (SIGNATURE) [Signature]

NAME & DESIGNATION OF THE OFFICER (Sri J. N. Deori)  
Divisional [Signature] BSNL  
C/O. [Signature] / [Signature]

OPTEE <u>[Signature]</u>
NON-OPTEE <u>[Signature]</u>

(Strike out whichever is not applicable)



**BHARAT SANCHAR NIGAM LIMITED**  
(A Government of India Enterprise)



BHARAT SANCHAR NIGAM LIMITED, O/D THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR 'C' AND 'D' EMPLOYEES 10/00 TO

**PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL**  
-----

1) Name of the Employee : A B DUTTA 30305  
2) Designation as on 01/10/2000 : PHONE INSPECTOR (OTBP)  
3) Existing scale of pay (CDA) : Rs.5000-150-8000  
4) Revised scale of pay (IDA) : Rs.7100-200-10100  
5) Basic Pay in CDA Scale : Rs.5,900  
6) No. of increments Earned in CDA Scale as on 01/10/2000 : 6  
7) Pay Fixed in IDA Scale : Rs.8,300  
8) Date of Increment : 01/07/2001  
(due after 01/10/2000)

ACCOUNTS OFFICER (CASH), BSNL  
O/D THE T.D.M. TEZPUR.

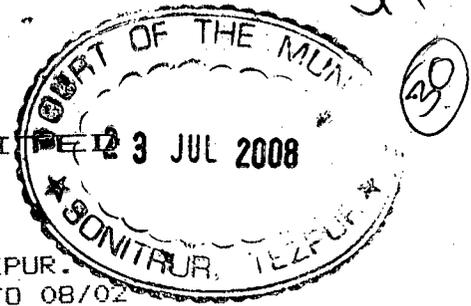
Cop to:

1. Mr/Smt. A B DUTTA, PHONE INSPECTOR (OTBP).

2. Service Book.

3. Personal File.

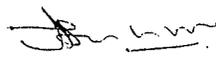
**BHARAT SANCHAR NIGAM LIMITED**  
(A Government of India Enterprise)



BHARAT SANCHAR NIGAM LIMITED, O/O THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR 'C' AND 'D' EMPLOYEES 10/00, TO 08/02

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

- |   |                          |
|---|--------------------------|
| 1) Name of the Employee                                   | : PRADIP CH DUARAH 40582 |
| 2) Designation as on 01/10/2000                           | : PHONE MECHANIC (26YRS) |
| 3) Existing scale of pay (CDA)                            | : Rs.4500-125-7000       |
| 4) Revised scale of pay (IDA)                             | : Rs.6550-185-9325       |
| 5) Basic Pay in CDA Scale                                 | : Rs.4,625               |
| 6) No. of increments Earned in CDA Scale as on 01/10/2000 | : 1                      |
| 7) Pay Fixed in IDA Scale                                 | : Rs.6,735               |
| 8) Date of Increment (due after 01/10/2000)               | : 01/12/2000             |

  
ACCOUNTS OFFICER (CASH), BSNL  
O/O THE T.D.M. TEZPUR.

Copy to:

1. Sri/Smt. PRADIP CH DUARAH, PHONE MECHANIC (26YRS).
2. Service Book.
3. Personal File.

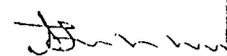
BHARAT SANCHAR NIGAM LIMITED  
(A Government of India Enterprise)

BHARAT SANCHAR NIGAM LIMITED, O/O THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GRIC' AND 'D' EMPLOYEES 10/00 TO 08/02

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN



1) Name of the Employee	: M K BORAH 31803
2) Designation as on 01/10/2000	: TELE TECH ASST (16YRS)
3) Existing scale of pay (CDA)	: Rs.5000-150-8000
4) Revised scale of pay (IDA)	: Rs.7100-200-10100
5) Basic Pay in CDA Scale	: Rs.5,900
6) No. of increments Earned in CDA Scale as on 01/10/2000	: 6.
7) Pay Fixed in IDA Scale	: Rs.8,300
8) Date of Increment (due after 01/10/2000)	: 01/03/2001

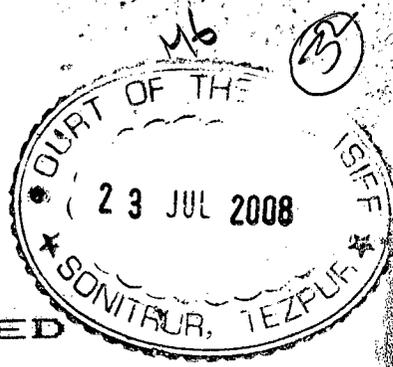
  
ACCOUNTS OFFICER (CASH), BSNL  
O/O THE T.D.M. TEZPUR.

Copy to:

1. Sri/Smt. M K BORAH, TELE TECH ASST (16YRS).

2. Service Book.

3. Personal File.



**BHARAT SANCHAR NIGAM LIMITED**  
(A Government of India Enterprise)

BHARAT SANCHAR NIGAM LIMITED, O/D THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR 'C' AND 'D' EMPLOYEES 10/00 TO 08/02

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

Name of the Employee : JATIN SARMAH 31468  
Designation as on 01/10/2000 : SR TELE OPRG. ASST(16YRS)  
Existing scale of pay (CDA) : Rs.5000-150-8000  
Revised scale of pay (IDA) : Rs.7100-200-10100  
Basic Pay in CDA Scale : Rs.5,450  
No. of increments Earned in CDA Scale as on 01/10/2000 : 3  
Pay Fixed in IDA Scale : Rs.7,700  
Date of Increment : 01/08/2001  
(due after 01/10/2000)

✓ ACCOUNTS OFFICER (CASH), BSNL  
O/D THE T.D.M. TEZPUR.

py to: Sri/Smt. JATIN SARMAH, SR TELE OPRG. ASST(16YRS).  
Service Book.  
Personal File.

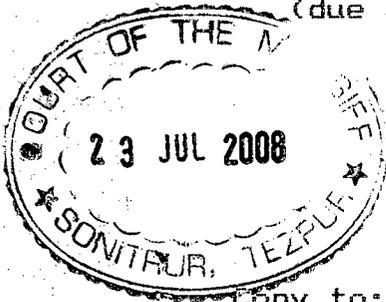
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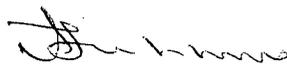
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BHARAT SANCHAR NIGAM LIMITED, O/O THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR'C' AND 'D' EMPLOYEES 10/00 TO 08/02

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

1) Name of the Employee : SARAT HAZARIKA 30911  
2) Designation as on 01/10/2000 : SR TELE OPRG. ASST(26YRS)  
3) Existing scale of pay (CDA) : Rs.5500-175-9000  
4) Revised scale of pay (IDA) : Rs.7800-225-11175  
5) Basic Pay in CDA Scale : Rs.6,375  
6) No. of increments Earned in CDA Scale as on 01/10/2000 : 5  
7) pay Fixed in IDA Scale : Rs.8,925  
8) Date of Increment : 01/07/2001  
(due after 01/10/2000)



  
ACCOUNTS OFFICER (CASH), BS  
O/O THE T.D.M. TEZPUR

- Copy to:
1. Sri/Smt.SARAT HAZARIKA, SR TELE OPRG. ASST(26YRS).
  2. Service Book.
  3. Personal File.



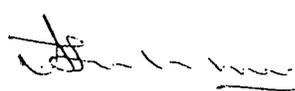
to

BHARAT Sanchar Nigam Limited, Government of India  
(A Government of India Enterprise)

BHARAT SANCHAR NIGAM LIMITED, O/D THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR'D AND 'D' EMPLOYEES 10/00 TO 08/02

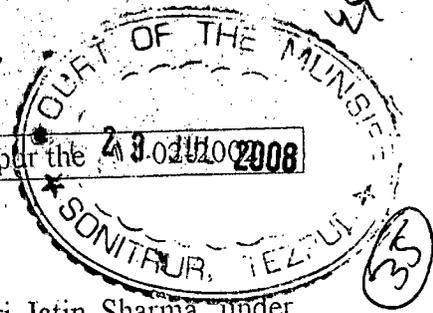
PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

1) Name of the Employee : HEMANTA KUMAR BORAH 31810  
2) Designation as on 01/10/2000 : TELE TECH ASST (16YRS)  
3) Existing scale of pay (CDA) : Rs.5000-150-5000  
4) Revised scale of pay (IDA) : Rs.7100-200-10100  
5) Basic Pay in CDA Scale : Rs.5,900  
6) No. of increments Earned in CDA Scale as on 01/10/2000. : 6  
7) Pay Fixed in IDA Scale : Rs.8,300  
8) Date of Increment : 01/04/2001  
(due after 01/10/2000)

  
ACCOUNTS OFFICER (CASH), BSNL  
O/D THE T.D.M. TEZPUR.

Copy to:

1. Sri/Smt. HEMANTA KUMAR BORAH, TELE TECH ASST (16YRS).
2. Service Book.
3. Personal File.



MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Jatin Sharma, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Shri Jatin Sharma is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Jatin Sharma is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte.*

5. Attention of Shri Jatin Sharma is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings it will be presumed that, Shri Jatin Sharma is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

To,  
Shri Jatin Sharma,  
JSO, O/O TDM/Tezpur.

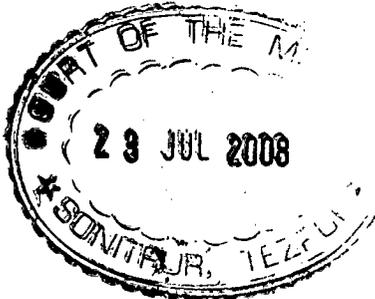
*M.K. Patel*  
( M. K. PATEL )  
Telecom District Manager, Tezpur.

*12/02/08*

'ANNEXURE-I'

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST **SHRI JATIN SHARMA**, THE THEN JSO, IN THE OFFICE OF THE SDE(COMPUTER), TEZPUR, AND PRESENTLY WORKING AS JSO IN THE OFFICE OF THE TDM, TEZPUR.

It is alleged that **Shri Jatin Sharma**, while posted and functioning as J.S.O. in the office of the SDE(Comp), Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in an unbecoming manner inasmuch as he filled up forged experience certificates of 7 (seven) Casual Labourers and got them appointed as Temporary Status Mazdoor in the office of the SDE(Computer), Tezpur, in Tezpur Division and thereby contravened provisions of rule 3(1) (i), 3(1)(ii) and 3(1)(iii) of CCS(CCA) Conduct Rules, 1964.



'ANNEXURE-II'

STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SHRI. JATIN SHARMA, THE THEN J.S.O., IN THE OFFICE OF THE SDE(COMPUTER), TEZPUR. 2008

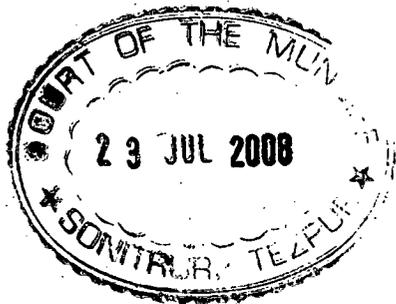
It is alleged that Shri Jatin Sharma, while posted and functioning as J.S.O. in the office of the SDE(Comp), Tezpur during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in an unbecoming manner inasmuch as he filled up 7 (seven) forged experience certificates of casual labourers and got them appointed as Temporary Status Mazdoor in the office of the SDE(Comp), Tezpur under Tezpur Division in the context of following facts and circumstances.

1. Whereas it is alleged that Shri Jatin Sharma was posted as J.S.O. in the office of the SDE(Comp), Tezpur during 1996.
2. Whereas, it is alleged that TSM Scheme was introduced by the Department of Telecom to regularize Casual Labourers engaged between 30-03-85 and 15-06-88 and it was circulated to different circles vide letter No. 296/4/93-STN dated 17-12-93. As per the scheme, a Casual Labourer should complete at least 240 days when engaged in field work or 206 days when engaged in office and he should not absent from his duties for last 365 days from the date of issuance of the circular. The casual labourers should also be engaged on Muster Roll basis.
3. Whereas, it is alleged that Shri Jatin Sharma filled up the experience certificates of the casual labourers. These casual labourers are S/Shri Naba Kr. Sarma, Dharani Swargiary, Rajib Gogoi, Dandadhar Das, Arani Ch. Talukdar, Nagen Saikia and Mridul Kr. Das. He knew that he did not have any permanent records to check the veracity of the experience certificates. He also did not call for any records, before filling up the number of days in the certificates either from the SDE office or the TDE office. Thus he prepared the forged experience certificates in which the number of working days of a casual labourer in corresponding years from 1988 to 1996 were filled up by him by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as Lineman, Line-Inspector, Sub- Inspector, Phone-Inspector.
4. Whereas, it is alleged that the names of 7(seven) Casual Labourers whose experience certificates were filled up by Shri Jatin Sharma were forwarded by Md. Bazlur Rahman, the then SDE(Comp), Tezpur to Shri M.K.Gogoi, the then TDE, Tezpur. It is further alleged that Shri M.K.Gogoi, the then TDE, Tezpur appointed these 7 (seven) persons as Temporary Status Mazdoor (TSM) on the basis of the recommendations of the members of the Departmental Promotion Committee (DPC) viz. S/Shri D. Payeng, the then SDE(P), Tezpur, P. Das, the then SDO(P), Tezpur, A. K. Sarkar, the then SDO(HRD), U. Swargiary, the then AO(Cash). The order to this effect was passed by Shri M. K. Gogoi, the then TDE, Tezpur vide order No. X-1/CMPT/96-97/ CON-7 dated 27-05-96 on the basis of recommendation of the 4 member DPC constituted by him.
5. Whereas, it is alleged that Shri K. Balasubramaniam, TDE, Tezpur has submitted a report through his letter No. E-38/CMPT/VOL-II/123 dated 7-12-93 stating that no casual labourer was recruited in Tezpur Division after 31-03-85. A similar 'NIL' reply was sent to Telecom Commission, Head Quarter, New Delhi by Shri D. Payeng, the then SDO, i/c of office of the TDE, Tezpur vide letter No. E-38/CMPT/VOL-II/167 dated 08-12-94.

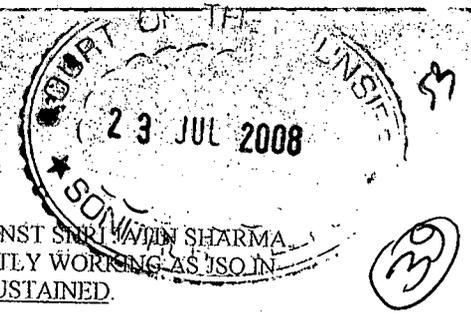
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(B)

6. Whereas it is alleged that the Casual Labourers can be engaged by SDO/SDE office on Muster Roll basis as per rule 150-170 given in Post and Telegraph Financial Hand Book-III, Part-I. However, the engagement on Muster Roll basis was stopped from 30-03-85 and the Muster Roll were stored permanently in the office of the TDE. The casual labourer can also be engaged on the basis of ACG-17, payment vouchers. No attendance register is maintained in this case. The ACG-17 payment vouchers are forwarded to the TDE office and only a broad ACE-2 account is maintained in the office of SDE. Thus, no permanent records regarding the no. of working days against particular orders for the casual labourers are available in the office of the SDE/SDO or with the field staff such as Lineman, Line-Inspector, Sub - Inspector and Phone- Inspector.

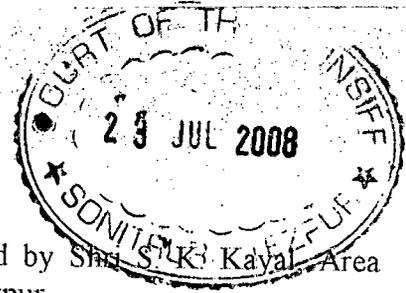


ANNEXURE-III



LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI NAGEN SAIKIA, S/O SHRI CHANDRA KT. SAIKIA, THE THEN J.S.O. IN THE OFFICE OF THE SDE(COMP), TEZPUR AND PRESENTLY WORKING AS JSO IN THE OFFICE OF THE TDM, TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Certificate issued in favour of Shri Nagen Saikia, S/o Shri Chandra Kt. Saikia by Shri Sarat Ch. Nath, the then L.I. office of the SDE(Comp), Tezpur.
2. Certificate issued in favour of Shri Mridul Kr. Das, S/o Manik Das by Shri Sarat Ch. Nath, L.I. office of SDE(Comp), Tezpur.
3. Certificate issued in favour of Shri Dandadhar Das, S/O Late Mahendra Nath Das by Shri H.N.Haloi, the then Cable Splicer, office of the SDE(Comp), Tezpur.
4. Certificate issued in favour of Shri Naba Kr. Sharma, S/o Late Dharani Sharma by Shri Sukan Ray, the then S.I. office of the SDE(Comp), Tezpur.
5. Certificate issued in favour of Shri Dharani Swargiary by Shri Sukan Ray, the then S.I. office of the SDE(Comp), Tezpur.
6. Certificate issued in favour of Shri Arani Ch. Talukdar, S/o Shri Upen Ch. Talukdar regarding engagement for line maintenance by Shri Mohan Pd. Ray, the then S.I. office of the SDE(Comp), Tezpur.
7. Certificate issued in favour of Shri Rajib Gogoi, S/o Shri Nila Kt. Gogoi by Shri Sukan Ray, the then S.I. office of the SDE(Comp), Tezpur.
8. Letter No E-8/Casual/95-96/1 dtd. 12-3-96 addressed to TDE, Tezpur.
9. Recommendation sheets of selection committee in favour of 6 nos. of Casual Labourers (two sheet).
10. Proforma of 7 casual labourers submitted by Shri B. Rahman, the then SDE (Computer), Tezpur.
11. Forwarding letter No. E-8/CL/96-97/1 dtd. 10-05-96 by Shri B. Rahman, the then SDE (Computer), Tezpur addressed to TDE, Tezpur.
12. Draft gradation list of 7 nos. of casual labourers submitted / duly recommended by selection committee.
13. Letter No. E-8/CMPT/94-95/168 dtd. 17-02-95 issued by Shri M. K. Gogoi, TDE, Tezpur to ADT(E&R).
14. Letter No. E-38/CMPT/VOL-II/167 dtd. 8-12-94 issued by Shri D. Payeng, SDO(P), i/c office of the TDE, Tezpur.



15. Letter No. AMT-GH/Corr/96 dtd. 28-06-96 issued by Shri S. K. Kayal, Area Director Telecom, Guwahati to Shri M. K. Gogoi, TDE, Tezpur.
16. Letter No. X-1/CMPT/96-97/21 dtd. 07-07-96 issued by Shri M. K. Gogoi, TDE, Tezpur to Shri S. K. Kayal, Area Director Telecom, Guwahati.
17. Letter No. X-1/CMPT/TZ/95-96/Confdl./ dtd. 25-03-96 issued by Shri M. K. Gogoi, TDE, Tezpur.
18. Minutes of the meeting of RJCM item No. 38.
19. Letter No. E-38/CMPT/VOL-II/123 dtd. 09-12-93 issued by Shri K. Balasubramaniam, TDE, Tezpur addressed to Shri S.C. Choudhury, ADT, o/o CGMT, Guwahati.
20. Letter No. 269-4/95-STN-II dtd. 17-12-95 of ADG(STN), New Delhi.
21. Attested copy of letter No. 270/6/84-STN, New Delhi dtd. 30-03-85 of Shri Krishan, Director (STN) P & T.
22. Joining reports of the casual labourers.
23. Post and Telegraph Financial Hand Book-III, Part-I.
24. Letter No. ESTT-9/12 dtd. 30-06-2000 issued by Shri A. K. Challeng, AGM (Admn), O/o CGMT, Guwahati to Dy.SP/CBI/SHG.
25. Any other document, if required.

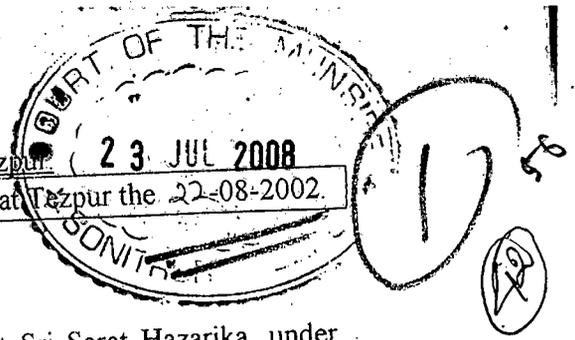
'ANNEXURE-IV'



LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FORMED AGAINST SHRI JAIN SHARMA, THE THEN J.S.O. IN THE OFFICE OF THE SDE(COMP), TEZPUR AND PRESENTLY WORKING AS JSO IN THE OFFICE OF THE TDM, TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Shri A. K. Challeng, AGM(Admn), O/o the C.G.M.T., Guwahati.
2. Shri Dilip Kr. Ray Barman, AO(Cash), O/o the TDM, Tezpur.
3. Shri Rajiv Yadav, formerly TDM, Tezpur.
4. Shri M.K.Bhattacharjee, SDE, O/O The TDM, Tezpur (presently Commercial Officer, o/o the TDM, Tezpur.)
5. Shri Bishnu Kr. Paul, AAO, O/o the TDM, Tezpur (presently AO, CFO, Guwahati).
6. Shri Sarbeshwar Nath, JSO, O/O the SDE(FRS), Tezpur.
7. Shri Biren Ch. Das, TOA, O/o the SDE(FRS), Tezpur.
8. Md. Islam Mansoorie, Sr.TOA(O), O/O the SDE(FRS), Tezpur.
9. Shri S. K. Kayal, Area Manager, Howrah, Kolkata Telephones.
10. Shri K. Barman, Inspector, CBI.
11. Shri D. Dutta, Inspector, CBI.
12. Shri Vaibhav Agashe, DSP, CBI, Shillong.

Bharat Sanchar Nigam Limited.  
O/o The Telecom District Manager, Tezpur.



No. X-2003/VIG/SH/02-03/1

Dated at Tezpur the 22-08-2002.

MEMORANDUM

The undersigned proposes to hold an inquiry against Sri Sarat Hazarika, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Sri Sarat Hazarika, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri Sarat Hazarika, is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte.*

5. Attention of Sri Sarat Hazarika, is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings it will be presumed that, Sri Sarat Hazarika, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

To,

Sri Sarat Hazarika,  
S.S.S.  
O/O SDE(Intl)/Tezpur.

*M.K. Patel*  
(M. K. PATEL)  
Telecom District Manager, Tezpur.

'ANNEXURE-I'

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI SARAT HAZARIKA, THE THEN SS(O), IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING AS SSS UNDER SDE (INTERNAL), TEZPUR.

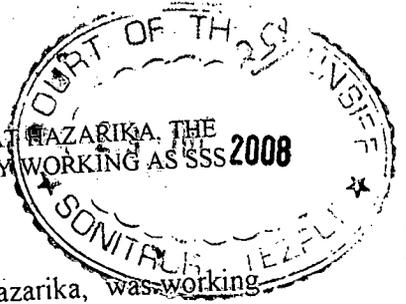
It is alleged that Sri Sarat Hazarika, while working as SS(O), under Sri P. Das, SDE(P), Tezpur, failed to maintain absolute integrity and acted in a manner unbecoming of his position by issuing 1(one) no. false certificate regarding attendance of 1 (one) no. of lady falsely showing her as having worked in the Telecom Department as Casual Labour under his control, for clerical and cleaning works etc. on ACG-17 and showed her attendance during 1988 to 1996, without any basis knowingly and/having reasons to believe that the information and certificate furnished by him as aforesaid in respect of the lady were false for facilitating her appointment as TSM and thereby contravened Rule 3(1)(i), (ii) & (iii) of CCS (Conduct) Rule 1964.

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'ANNEXURE-II'

STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SRI SARAT HAZARIKA, THE THEN SS(O), IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING AS SSS 2008 UNDER SDE(INTERNAL), TEZPUR.



It is alleged that Sri Sarat Hazarika, S/O Late Chandra Kt. Hazarika, was working as SS(O), under SDE(Phones), Tezpur during 1996.

2. That said Sri Sarat Hazarika, SS(O), issued certificate in favour of the following person stating that the person worked under him for Clerical and Cleaning works etc. without verifying the facts, stated in the certificate or causing the same verified, with malafide intention, for favouring the person, for her regularisation as TSM by abusing his official position knowingly or having reasons to believe that the certificate was false.

3. The following certificate was issued by said Sri Sarat Hazarika, SSS.

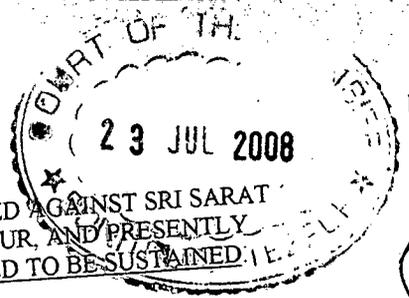
<u>Sl. No.</u>	<u>Name of Casual Labourers.</u>	<u>Period of certificate</u>	<u>Period of work Experience.</u>
1.	Smt. Reshmi Acharjee,	1990 to 1996	

4. That due to the above acts of gross negligence done with obvious fraudulent / malafide intention the Telecom Deptt. suffered huge financial loss by paying salaries to the aforesaid person.

5. That the mentioned certificate issued by said Sri Sarat Hazarika, SS(O), were countersigned and the case recommended for regularisation as TSM finally resulting in her appointment and regularisation in the rank of TSMs.

That due to aforesaid gross misconduct, done by Sri Sarat Hazarika, SS(O), the Telecom Deptt. suffered huge financial loss by paying salary to the person who otherwise would not have been appointed to those post.

6. That said Sri Sarat Hazarika, SS(O), in the manner aforesaid contravened rule 3(1)(i)(ii) & (iii) of CCS conduct Rules, 1964.



'ANNEXURE-III'

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI SARAT HAZARIKA, THE THEN SS(O), IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING AS SSS UNDER SDE (INTERNAL), TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Certificate issued in favour of Smt. Reshmi Acharjee, D/O Sushil Acharjee, by Sri Sarat Hazarika, the then SS(O), for 1990 to 1996.
2. Recommendation sheet of selection committee, in respect of casual labourers.
3. Letter No. E-27/DRM/95-96/9 dtd. 1-3-96, of Sri Prantosh Das, SDE(P), Tezpur with his recommendation of 21 nos. daily rated Mazdoors.
4. Letter No. E-27/CM/96-97/2 dtd. 13-05-96 of P. Das, SDE(P), Tezpur addressed to TDE / Tezpur in r/o conferring of TSM to casual / Part time labourers.
5. Gradation list of 22 nos. casual labourers duly recommended by Selection Committee.
6. Proforma of 22 nos. casual labourers submitted by P. Das, SDE(P), Tezpur.
7. Joining report of Smt. Reshmi Acharjee dtd. 30-05-1996 as TSM.
8. Letter No. X-1/CMPT/96-97/Con-7 dated 27/5/96 of TDE, Tezpur in r/o order for regularisation of casual labourers under SDE(P), Tezpur as TSM.
9. Promotion / posting order of Sri Sarat Hazarika, w.e.f. 20-4-1988 vide order No. E-148/OTBP/90-91/45, Dt. 25-09-1990 of TDE, Tezpur.
10. Acquittance Roll in r/o TSM under SDE(P), Tezpur for June, July and August, 1996.
11. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in respect of Tezpur Telephone TK Exge.
12. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Feb'98 in r/o Tezpur Telephone Exge.
13. Attendance register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in r/o O/O SDE(P), Tezpur.
14. Letter No. E-38/CMPT/Vol-III/96-97/15 datd 30-8-96 of TDE, Tezpur addressed to Dy. GM(Admn), O/O CGMT, Guwahati, regarding engagement of causal labourers.
15. Letter No. X-1/CMPT/TZ/95-96/confdl/1 dated 25-3-96 of TDE, Tezpur in r/o constitution of selection committee for conferring casual labourers to TSM.

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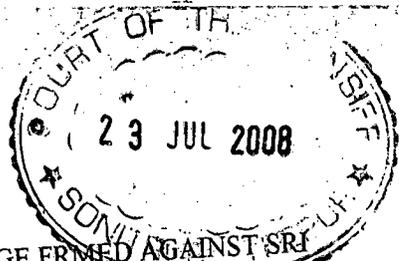


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16. Letter No. E-38/CMPT/94-95/168 dtd. 17-2-95 of TDE, Tezpur addressed to ADT(E&R), O/O CGMT, Guwahati in r/o "NIL" report of casual labours w.e.f. 31-12-93 onwards.
17. Letter No. E-38/CMPT/Vol-II/123 dtd. 7-12-93 of TDE, Tezpur addressed to ADT(E&R), o/o The CGMT, Guwahati in r/o "NIL" report of recruitment of casual labour after 31-3-85.
18. Letter No. 269-14/93-STN.II dtd. 17-12-93 of ADG(STN), NGO-Delhi in r/o regularisation of casual labourers engaged in circles after 30-3-85 and upto 22-6-88.
19. Letter No. 289-8/93-STN dtd. 29-7-93 of ADG(STN), New Delhi.
20. Letter No. Rectt-3/10/Part-III/3 dtd. 26-8-93 of ADT(E&R), O/O CGMT, Guwahati addressed to TDE, Tezpur.
21. Letter No. TDM/Tez/1005/CBI dtd. 11-8-98 of Sh B. K. Goswami, TDM, Tezpur in r/o non availability of payment documents ACG-17.
22. Letter No. 270/6/84-STN, New Delhi dtd. 30-03-1985 of Sh S. Krishnan, Director (STN), Posts & Telegraph in r/o banning of engagement of casual labourers.
23. Any other documents, if required

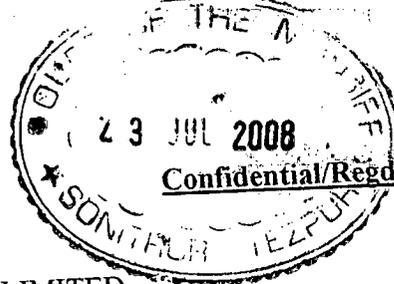
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'ANNEXURE-IV'



LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRMED AGAINST SRI SARAT HAZARIKA, THE THEN SS(O), IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING AS SSS UNDER SDE(INTERNAL), TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Shri Islam Ahmed, CAO, O/o the TDM, Nagaon.
2. Shri B. K. Goswami, the then TDM, Tezpur.
3. Shri B. C. Pal, ADT(Estt), O/O the CGMT, Guwahati.
4. Shri Babul Ch. Nath, Sr. TOA(G), O/O TDM, Tezpur.
5. Shri Badal Saha, SS(O), O/o The TDM, Tezpur.
6. Sri Maheswar Bhuyan, SDOP-I, Tezpur.
7. Sri K. Barman, I.O. of the case.
8. Sri H. S. Debnath, AO, O/O PMG, Dibrugarh.
9. Any other witnesses, if required.



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**BHARAT SANCHAR NIGAM LIMITED**  
**( A GOVT. OF INDIA ENTERPRISE )**  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT, TEZPUR**

No. X-2003/VIG/SH/03-04/11 Dated at Tezpur the 10/11/2003

**O R D E R**

**WHEREAS** an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Sri Sarat Hazarika, SSS, attached to the SDE(General), Tezpur.

**AND WHEREAS** the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against Sri Sarat Hazarika, SSS, attached to the SDE(General), Tezpur.

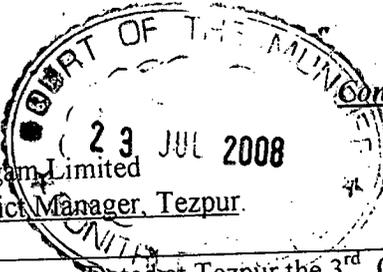
**NOW, THEREFORE,** the undersigned, in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Sri N. N. Sonowal, ASP(Dn), O/O Superintendent of Post Office, Darrang Division, Tezpur, as the Inquiry Authority to inquire into the charges framed against Sri Sarat Hazarika, SSS.

Sd/-  
( B. K. NAYAK )  
DGM, Tezpur-1.

- Copy to:-
1. Sri N. N. Sonowal, ASP(Dn), O/o Superintendent of Post Office, Darrang Division, Tezpur (Inquiry Officer). | This is in
  2. Sri A. H. Laskar, SDOP, Mangaldoi, (Presenting Officer). | cancellation
  3. Sri Sarat Hazarika, SSS. %GMTD/Tezpur. | of earlier order No
  4. The V.O.o/o CGMT, Guwahati. | DE(DI)/Disc Cases/
  5. Office copy. | Return/02-03 Dated 05-05-2003.

*B. K. NAYAK*  
10/11/03  
( B. K. NAYAK )  
DGM, Tezpur-1

Bharat Sanchar Nigam Limited  
Office of the Telecom District Manager, Tezpur.



Confidential

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No. X-2003/VIG/SH/02-03/6

Dated at Tezpur the 3<sup>rd</sup> Oct., 2002

## ORDER

**WHEREAS** an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Sri Sarat Hazarika, SSS, attached to the O/o the SDE(Intl), Tezpur and presently deputed under AE(Civil), Tezpur.

**AND WHEREAS** the undersigned considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

**NOW, THEREFORE**, the undersigned, in exercise of the powers conferred by sub-rule (5) (c) of Rule-14 of the said rules, hereby appoints Shri A. H. Laskar, SDOT, Mangaldoi, as the Presenting Officer.

SJL

(M. K. PATEL)  
TDM, Tezpur-1

Copy to :-

1. Sri A. H. Laskar, SDOT, Mangaldoi, (Presenting Officer)
2. Sri B. Pegu, DE(DI), O/o CGMT, Guwahati, (Inquiry Officer)
3. Sri Sarat Hazarika, SSS, O/o AE(Civil), Tezpur.
4. The V.O., O/o CGMT, Guwahati.
5. Office copy.

M. K. Patel  
(M. K. PATEL)  
TDM, Tezpur-1

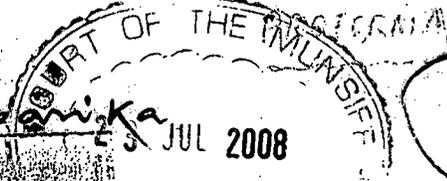
To Shri

Sarat Hazarika

SS (A)

O/O SDE P. I. No. / Tezpur - 784001

NO - X - 1 / Cow / 98 - 99 / 8 dt 30/11/98



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It is on record that you have issued a certificate in your signature to the effect that Shri persons listed in Annex - XV is working as a casual Mazdoor from 1988 to Feb'1966.

The said certificate was examined with reference to available records and it transpires that :-

1) The contents of the certificate is wholly false in as much as Shri persons listed in Annex - XV did not work in the deptt. during the relevant period.

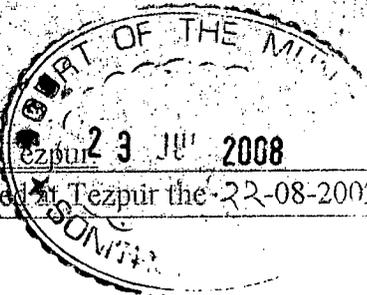
2) The certificate was issued without competence as you are not authorised by any general or special order to issue such certificate.

3) Please bear in mind that since you have issued the certificate in your signature it is entirely your responsibility to establish the correctness of the certificate.

You are called upon to explain in writing as to why Disciplinary proceedings should not be initiated against you for the above act of misconduct. Your written reply should reach the undersigned within 7 days from the date of issue of this letter. If no reply is received within the stipulated period it will be assumed that you do not have any explanation to offer and the appropriate Disc. proceedings will be drawn against you.

Encl - Annex - XV

Bhattacharya  
30/11/98  
Sub-Divisional Engineer (Photos)  
Tezpur - 784001



No. X-2003/VIG/HKB/02-03/1

Dated at Tezpur the 22-08-2002.

MEMORANDUM

The undersigned proposes to hold an inquiry against Sri Hemanta Kr. Borah, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Sri Hemanta Kr. Borah, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

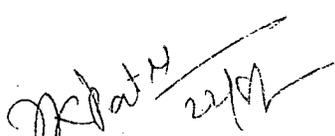
4. Sri Hemanta Kr. Borah, is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte*.

5. Attention of Sri Hemanta Kr. Borah, is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings it will be presumed that, Sri Hemanta Kr. Borah, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

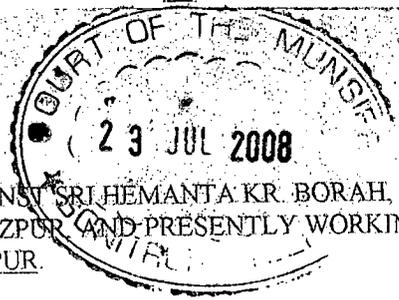
To,

Sri Hemanta Kr. Borah,  
T.T.A.  
O/O SDOP-II/Tezpur

  
(M. K. PATEL)

Telecom District Manager, Tezpur.

'ANNEXURE-I'

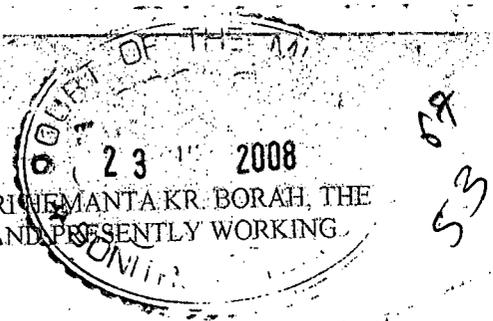


STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI HEMANTA KR. BORAH, THE THEN T.T.A.(PRX), IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDOP-II, TEZPUR.

It is alleged that Sri Hemanta Kr. Borah, while working as TTA(PRX), under Sri P. Das, SDE(P), Tezpur, failed to maintain absolute integrity and acted in a manner unbecoming of his position by issuing 5 nos. false certificates regarding attendance of 5 nos. of persons falsely showing them as having worked in the Telecom Department as Casual Labours under his control, for Line and technical works etc. on ACG-17 and showed their attendance during 1988 to 1996, without any basis knowingly and/having reasons to believe that the information and certificates furnished by him as aforesaid in respect of these persons were false for facilitating their appointments as TSM and thereby contravened Rule 3(1)(i), (ii) & (iii) of CCS (Conduct) Rule 1964.

'ANNEXURE-II'

STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SRI HEMANTA KR. BORAH, THE THEN TTA(PRX), IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDOP-II, TEZPUR.



It is alleged that Sri Hemanta Kr. Borah, S/O Sumeswar Borah, was working as TTA(PRX), under SDE(Phones), Tezpur during 1996.

2. That said Sri Hemanta Kr. Borah, TTA(PRX), issued certificates in favour of the following persons stating that those persons worked under him for line and technical works etc. without verifying the facts, stated in the certificate or causing the same verified, with malafide intention, for favouring those persons, for their regularisation as TSMs by abusing his official position knowingly or having reasons to believe that those certificates were false.

3. The following certificates were issued by said Sri Hemanta Kr. Borah, TTA/Prx.

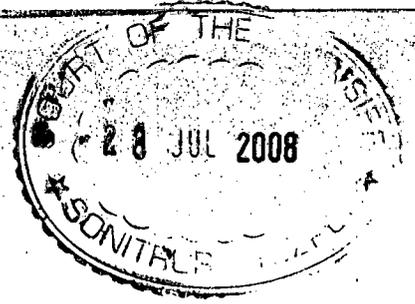
<u>Sl. No.</u>	<u>Name of Casual Labourers.</u>	<u>Period of certificate</u>	<u>Period of work Experience.</u>
1.	Sri. Debasish Das,	1993 to 1996.	
2.	Sri Swadesh Shil.	1992 to 1996	
3.	Sri Abdul Karim,	1991 to 1996	
4.	Sri Mahesh Baroi,	1992 to 1996	
5.	Sri Anil Kr. Das,	1991 to 1996	

4. That due to the above acts of gross negligence done with obvious fraudulent / malafide intention the Telecom Deptt. suffered huge financial loss by paying salaries to the aforesaid persons.

5. That the mentioned certificate issued by said Sri Hemanta Kr. Borah, TTA(PRX), were countersigned and their cases recommended for regularisation as TSM finally resulting in their appointment and regularisation in the rank of TSMs.

That due to aforesaid gross misconduct, done by Sri Hemanta Kr. Borah, TTA, the Telecom Deptt. suffered huge financial loss by paying salary to these persons who otherwise would not have been appointed to those posts.

6. That said Sri Hemanta Kr. Borah, TTA, in the manner aforesaid contravened rule 3(1)(i)(ii) & (iii) of CCS conduct Rules, 1964.



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'ANNEXURE-III'

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI HEMANTA KR. BORAH, THE THEN TTA(PRX), IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING UNDER SDOP-II, TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Certificate issued in favour of Sri Debasish Das, S/O Sri A. K. Das, by Sri Hemanta Kr. Borah, the then TTA(PRX), for 1993 to 1996.
2. Certificate issued in favour of Sri Swadesh Shil, S/O Lt. Paresh Shil, by Sri Hemanta Kr. Borah, the then TTA(PRX), for 1992 to 1996.
3. Certificate issued in favour of Abdul Karim, S/O Lt. Eusuf Ali, by Sri Hemanta Kr. Borah, the then TTA(PRX), for 1991 to 1996.
4. Certificate issued in favour of Sri Mahesh Baroi, S/O Lt. Manindra Baroi, by Sri Hemanta Kr. Borah, the then TTA(PRX), for 1992 to 1996.
5. Certificate issued in favour of Sri Anil Kr. Das, S/O Kanak Ch. Das, by Sri Hemanta Kr. Borah, the then TTA(PRX), for 1991 to 1996.
6. Recommendation sheet of selection committee, in respect of casual labourers.
7. Letter No. E-27/DRM/95-96/9 dtd. 1-3-96, of Sri Prantosh Das, SDE(P), Tezpur with his recommendation of 21 nos. daily rated Mazdoors.
8. Letter No. E-27/CM/96-97/2 dtd. 13-05-96 of P. Das, SDE(P), Tezpur addressed to TDE / Tezpur in r/o conferring of TSM to casual / Part time labourers.
9. Gradation list of 22 nos. casual labourers duly recommended by Selection Committee.
10. Proforma of 22 nos. casual labourers submitted by P. Das, SDE(P), Tezpur.
11. Joining report dtd. 17-07-1996 of Sri Hemanta Kr. Borah as TTA(PRX), Tezpur.
12. Letter No. X-1/CMPT/96-97/Con-7 dated 27/5/96 of TDE, Tezpur in r/o order for regularisation of casual labourers under SDE(P), Tezpur as TSM.
13. Joining report of Sri Swadesh Shil, dtd. 30-5-96 as TSM.
14. Joining report of Sri Debasish Das, dt. 30-05-1996 as TSM.
15. Joining report of Sri Mahesh Baroi, dt. 30-05-1996 as TSM.
16. Joining report of Abdul Karim, dt. 30-05-1996 as TSM.

Contd...P/2..

DEPARTMENT OF THE MINISTERS  
23 JUL 2008  
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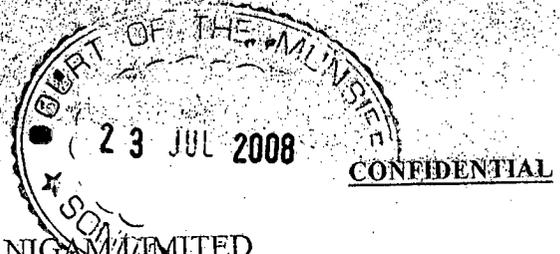
17. Joining report of Sri Anil Kr. Das, dt. 30-05-1996 as TSM.
18. Acquittance Roll in r/o TSM under SDE(P), Tezpur for June, July and August, 1996.
19. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in respect of Tezpur Telephone TK Exge.
20. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Feb'98 in r/o Tezpur Telephone Exge.
21. Attendance register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in r/o O/O SDE(P), Tezpur.
22. Letter No. E-38/CMPT/Vol-III/96-97/15 datd 30-8-96 of TDE, Tezpur addressed to Dy. GM(Admn), O/O CGMT, Guwahati, regarding engagement of casual labourers.
23. Letter No. X-1/CMPT/TZ/95-96/confdl/1 dated 25-3-96 of TDE, Tezpur in r/o constitution of selection committee for conferring casual labourers to TSM.
24. Letter No. E-38/CMPT/94-95/168 dtd. 17-2-95 of TDE, Tezpur addressed to ADT(E&R), O/O CGMT, Guwahati in r/o "NIL" report of casual labours w.e.f. 31-12-93 onwards.
25. Letter No. E-38/CMPT/Vol-II/123 dtd. 7-12-93 of TDE, Tezpur addressed to ADT(E&R), o/o The CGMT, Guwahati in r/o "NIL" report of recruitment of casual labour after 31-3-85.
26. Letter No. 269-14/93-STN.II dtd. 17-12-93 of ADG(STN), NGO-Delhi in r/o regularisation of casual labourers engaged in circles after 30-3-85 and upto 22-6-88.
27. Letter No. 289-8/93-STN dtd. 29-7-93 of ADG(STN), New Delhi.
28. Letter No. Rectt-3/10/Part-III/3 dtd. 26-8-93 of ADT(E&R), O/O CGMT, Guwahati addressed to TDE, Tezpur.
29. Letter No. TDM/Tez/1005/CBI dtd. 11-8-98 of Sh B. K. Goswami, TDM, Tezpur in r/o non availability of payment documents ACG-17.
30. Letter No. 270/6/84-STN, New Delhi dtd. 30-03-1985 of Sh S. Krishnan, Director (STN), Posts & Telegraph in r/o banning of engagement of casual labourers.
31. Any other documents, if required



'ANNEXURE-IV'

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRMED AGAINST SRI HAMENTA KR. BORAH, THE THEN TTA(PRX), IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDOP-I I/ TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Shri Islam Ahmed, CAO, O/o the TDM, Nagaon.
2. Shri B. K. Goswami, the then TDM, Tezpur.
3. Shri B. C. Pal, ADT(Estt), O/O the CGMT, Guwahati.
- ✓4. Shri Babul Ch. Nath, Sr. TOA(G), O/O TDM, Tezpur.
5. Shri Badal Saha, SS(O), O/o The TDM, Tezpur.
- ✓6. Sri Maheswar Bhuyan, SDOP-I, Tezpur.
7. Sri K. Barman, I.O. of the case.
8. Sri H. S. Debnath, AO, O/O PMG, Dibrugarh.
9. Any other witnesses, if required.



BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER, TEZPUR

No.X-2003/VIG/MKB/02-03/2

Dated at Tezpur the 22-08-2002

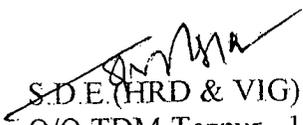
To,

Sri S. K. Nath,  
SDE(FRS), Tezpur.

Sub :- Serving of charge-sheet in respect of Sri Medini Kr. Borah, TTA - reg.

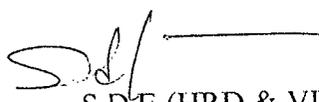
Please find enclosed herewith the charge-sheet memo no. X-2003/VIG/MKB/02-03/1 dated 22-08-2002, issued by TDM, Tezpur in respect of Sri Medini Kr. Borah, TTA. In this connection you are requested to hand over the memorandum to Sri Medini Kr. Borah, TTA, immediately with an acknowledgement, the same acknowledgement may please be sent to this office for record.

Encl :-As above.

  
S.D.E.(HRD & VIG)  
O/O TDM, Tezpur -1.

Copy to:-

The Vigilance Officer, O/O The C.G.M.T., Assam Circle, Guwahati, with a copy of the charge-sheet enclosed for kind information please.

  
S.D.E.(HRD & VIG)  
O/O TDM, Tezpur -1.



MEMORANDUM

The undersigned proposes to hold an inquiry against Sri Medini Kr. Borah, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Sri Medini Kr. Borah, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

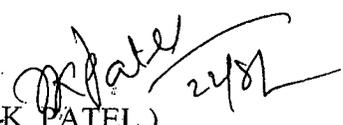
4. Sri Medini Kr. Borah, is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte.*

5. Attention of Sri Medini Kr. Borah, is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings it will be presumed that, Sri Medini Kr. Borah, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

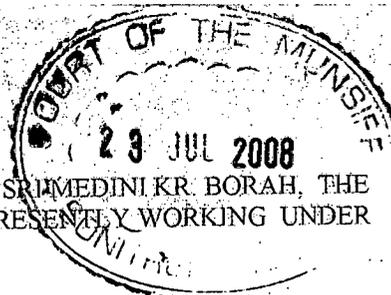
To,

Sri Medini Kr. Borah,  
T.T.A.  
O/O SDE(FRS)/Tezpur.

  
(M.K. PATEL)  
Telecom District Manager, Tezpur.

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI MEDINI KR. BORAH, THE THEN TTA, IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING UNDER SDE(FRS), TEZPUR.



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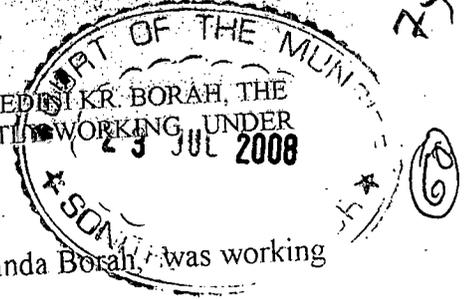
(5)

It is alleged that Sri Medini Kr. Borah, while working as TTA, under Sri P. Das, SDE(P), Tezpur, failed to maintain absolute integrity and acted in a manner unbecoming of his position by issuing 2 nos. false certificates regarding attendance of 2 nos. of person falsely showing them as having worked in the Telecom Department as Casual Labours under his control, for line and technical works etc. on ACG-17 and showed their attendance during 1988 to 1996, without any basis knowingly and/having reasons to believe that the information and certificates furnished by him as aforesaid in respect of these persons were false for facilitating their appointments as TSM and thereby contravened Rule 3(1)(i), (ii) & (iii) of CCS (Conduct) Rule 1964.

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ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SRI MEDINI KR. BORAH, THE THEN TTA, IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDE(FRS), TEZPUR.



It is alleged that Sri Medini Kr. Borah, S/O Late Nityananda Borah, was working as TTA, under SDE(Phones), Tezpur during 1996.

2. That said Sri Medini Kr. Borah, T.T.A., issued certificate in favour of the following persons stating that those persons worked under him for line and technical works etc. without verifying the facts, stated in the certificate or causing the same verified, with malafide intention, for favouring those persons, for their regularisation as TSMs by abusing his official position knowingly or having reasons to believe that those certificates were false.

3. The following certificates were issued by said Sri Medini Kr. Borah, TTA.

Sl. No.	Name of Casual Labourers.	Period of certificate	Period of work Experience.
1.	Smt. Nanki Devi,	1988 to 1996	2049 days
2.	Sri Ranjan Adhikari,	1989 to 1996	

4. That due to the above acts of gross negligence done with obvious fraudulent / malafide intention the Telecom Deptt. suffered huge financial loss by paying salaries to the aforesaid person.

5. That the mentioned certificate issued by said Sri Medini Kr. Borah, TTA, were countersigned and their cases recommended for regularisation as TSM finally resulting in their appointment and regularisation in the rank of TSMs.

That due to aforesaid gross misconduct, done by Sri Medini Kr. Borah, TTA, the Telecom Deptt. suffered huge financial loss by paying salary to the persons who otherwise would not have been appointed to those posts.

6. That said Sri Medini Kr. Borah, TTA, in the manner aforesaid contravened rule 3(1)(i)(ii) & (iii) of CCS conduct Rules, 1964.



'ANNEXURE-III'

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI MEDINI KR. BORAH, THE THEN TTA, IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING UNDER SDE(FRS), TEZPUR, ARE PROPOSED TO BE SUSTAINED.

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- ✓ 1. Certificate issued in favour of Nanki Devi, D/O Bharat Ray, by Sri Medini Kr. Borah, TTA.
- ✓ 2. Certificate issued in favour of Ranjan Adhikary, S/O C. Adhikary, by Sri Medini Kr. Borah, TTA.
- ✓ 3. Recommendation sheet of selection committee, in respect of casual labourers.
- ✓ 4. Letter No. E-27/DRM/95-96/9 dtd. 1-3-96, of Sri Prantosh Das, SDE(P), Tezpur with his recommendation of 21 nos. daily rated Mazdoors.
- ✓ 5. Letter No. E-27/CM/96-97/2 dtd. 13-05-96 of P. Das, SDE(P), Tezpur addressed to TDE / Tezpur in r/o conferring of TSM to casual / Part time labourers.
- ✓ 6. Gradation list of 22 nos. casual labourers duly recommended by Selection Committee.
- ✗ 7. Proforma of 22 nos. casual labourers submitted by P. Das, SDE(P), Tezpur.
- ✓ 8. Joining report of Nanki Devi, dtd. 30-05-1996 as TSM.
- ✓ 9. Joining report of Ranjan Adhikary, dtd. 30-05-1996 as TSM.
- ✓ 10. Letter No. X-1/CMPT/96-97/Con-7 dated. 27/5/96 of TDE, Tezpur in r/o order for regularisation of casual labourers under SDE(P), Tezpur as TSM.
- ✓ 11. Acquittance Roll in r/o TSM under SDE(P), Tezpur for June, July and August, 1996.
- ✓ 12. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in respect of Tezpur Telephone TK Exge.
- ✗ 13. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Feb'98 in r/o Tezpur Telephone Exge.
- ✗ 14. Attendance register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in r/o O/O SDE(P), Tezpur.

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15. Letter No. E-38/CMPT/Vol-III/96-97/15 dated 30-8-96 of TDE, Tezpur addressed to Dy. GM(Admn), O/O CGMT, Guwahati, regarding engagement of casual labourers.

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16. Letter No. X-1/CMPT/TZ/95-96/confdl/1 dated 25-3-96 of TDE, Tezpur in r/o constitution of selection committee for conferring casual labourers to TSM.

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17. Letter No. E-38/CMPT/94-95/168 dtd. 17-2-95 of TDE, Tezpur addressed to ADT(E&R), O/O CGMT, Guwahati in r/o "NIL" report of casual labours w.e.f. 31-12-93 onwards.

18. Letter No. E-38/CMPT/Vol-II/123 dtd. 7-12-93 of TDE, Tezpur addressed to ADT(E&R), o/o The CGMT, Guwahati in r/o "NIL" report of recruitment of casual labour after 31-3-85.

19. Letter No. 269-14/93-STN.II dtd. 17-12-93 of ADG(STN), NGO-Delhi in r/o regularisation of casual labourers engaged in circles after 30-3-85 and upto 22-6-88.

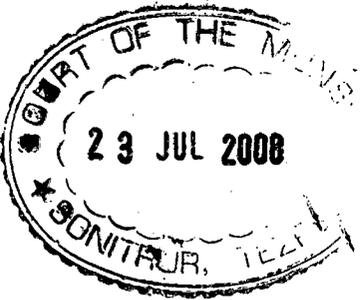
20. Letter No. 289-8/93-STN dtd. 29-7-93 of ADG(STN), New Delhi.

21. Letter No. Rectt-3/10/Part-III/3 dtd. 26-8-93 of ADT(E&R), O/O CGMT, Guwahati addressed to TDE, Tezpur.

22. Letter No. TDM/Tez/1005/CBI dtd. 11-8-98 of Sh B. K. Goswami, TDM, Tezpur in r/o non availability of payment documents ACG-17.

23. Letter No. 270/6/84-STN, New Delhi dtd. 30-03-1985 of Sh S. Krishnan, Director (STN), Posts & Telegraph in r/o banning of engagement of casual labourers.

24. Any other documents, if required

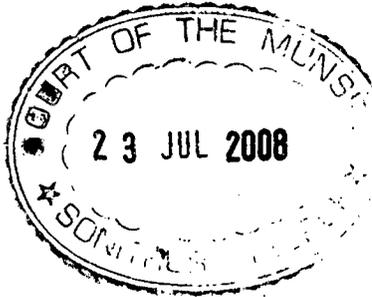


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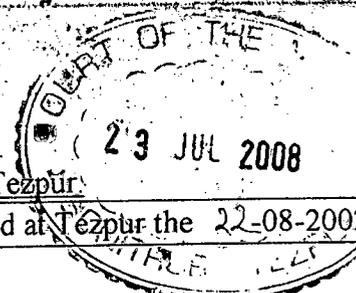
'ANNEXURE-IV'

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRMED AGAINST SRI MEDINI KR. BORAH, THE THEN TTA, IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDE(FRS), TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Shri Islam Ahmed, CAO, O/o the TDM, Nagaon.
2. Shri B. K. Goswami, the then TDM, Tezpur.
3. Shri B. C. Pal, ADT(Estt), O/O the CGMT, Guwahati.
4. Shri Babul Ch. Nath, Sr. TOA(G), O/O TDM, Tezpur.
5. Shri Badal Saha, SS(O),O/o The TDM, Tezpur.
6. Sri Maheswar Bhuyan, SDOP-I, Tezpur.
7. Sri K. Barman, I.O. of the case.
8. Sri H. S. Debnath, AO, O/O PMG, Dibrugarh.
9. Any other witnesses, if required.



Bharat Sanchar Nigam Limited.  
O/o The Telecom District Manager, Tezpur.



No. X-2003/VIG/ABD/02-03/1

Dated at Tezpur the 22-08-2002.

' MEMORANDUM '

The undersigned proposes to hold an inquiry against Sri Ashim Bijay Dutta, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Sri Ashim Bijay Dutta, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri Ashim Bijay Dutta, is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte.*

5. Attention of Sri Ashim Bijay Dutta, is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings it will be presumed that, Sri Ashim Bijay Dutta, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

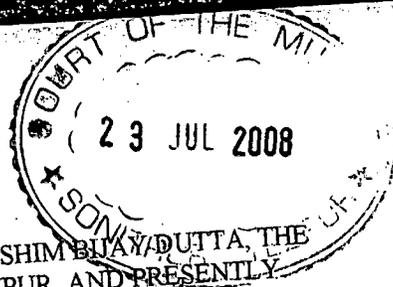
To,

Sri Ashim Bijay Dutta,  
Phone Inspector.  
O/O SDOP-I/Tezpur.

( M. K. PATEL )

Tezpur  
Telecom District Manager, Tezpur.

*True copy attached*  
*19/7/08*  
Sub-Divisional Engineer (Vigilance)  
Office of the GM/D BSNL  
Tezpur - 784001



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'ANNEXURE-I'

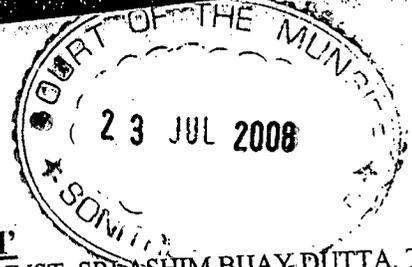
STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI ASHIM BIJAY DUTTA, THE THEN PHONE INSPECTOR, IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING UNDER SDOP-I, TEZPUR.

It is alleged that Sri Ashim Bijay Dutta, while working as Phone Inspector, under Sri P. Das, SDE(P), Tezpur, failed to maintain absolute integrity and acted in a manner unbecoming of his position by issuing 9 nos. false certificates regarding attendance of 9 nos. of persons falsely showing them as having worked in the Telecom Department as Casual Labours under his control, for Line and technical works etc. on ACG-17 and showed their attendance during 1988 to 1996, without any basis knowingly and/having reasons to believe that the information and certificates furnished by him as aforesaid in respect of these persons were false for facilitating their appointments as TSM and thereby contravened Rule 3(1)(i), (ii) & (iii) of CCS (Conduct) Rule 1964.

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*True copy attached  
AM 19/7/08*

Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001  
Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001



**'ANNEXURE-II'**

STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SRI ASHIM BIJAY DUTTA, THE THEN PHONE INSPECTOR, IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDOP-I, TEZPUR.

It is alleged that Sri Ashim Bijay Dutta, S/O Jitesh Ch. Dutta, was working as Phone Inspector, under SDE(Phones), Tezpur during 1996.

2. That said Sri Ashim Bijay Dutta, Phone Inspector, issued certificates in favour of the following persons stating that those persons worked under him for line and technical works etc. without verifying the facts, stated in the certificate or causing the same verified, with malafide intention, for favouring those persons, for their regularisation as TSMs by abusing his official position knowingly or having reasons to believe that those certificates were false.

3. The following certificates were issued by said Sri Ashim Bijay Dutta, P.I.

<u>Sl. No.</u>	<u>Name of Casual Labourers.</u>	<u>Period of certificate</u>	<u>Period of work Experience.</u>
1.	Smt. Chintamani Bora,	1988 to 1996(Jan)	2045 days.
2.	Sri Ranjan Adhikari,	1988 to 1989	
3.	Sri Shiv Jyoti Mazumdar,	1988 to 1991	
4.	Sri Dipak Deka,	1988 to 1991	
5.	Sri Abdul Karim,	1988 to 1991	
6.	Sri Mahesh Baroi,	1988 to 1992	
7.	Smti. Reshmi Acharjee,	1988 to 1989	
8.	Sri Anil Kr. Das,	1988 to 1991	
9.	Sri Shiv Prasad Sarmah, (Late)	1988 to 1996	2482 days.

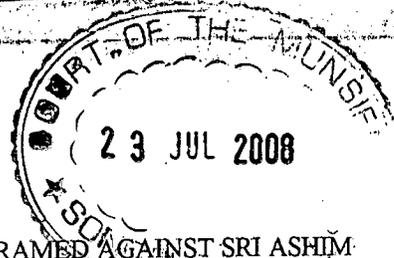
4. That due to the above acts of gross negligence done with obvious fraudulent / malafide intention the Telecom Deptt. suffered huge financial loss by paying salaries to the aforesaid persons.

5. That the mentioned certificate issued by said Sri Ashim Bijay Dutta, Phone Inspector, were countersigned and their cases recommended for regularisation as TSI finally resulting in their appointment and regularisation in the rank of TSMs.

That due to aforesaid gross misconduct, done by Sri Ashim Bijay Dutta, P.I., the Telecom Deptt. suffered huge financial loss by paying salary to these persons who otherwise would not have been appointed to those posts.

6. That said Sri Ashim Bijay Dutta, Phone Inspector, in the manner aforesaid contravened rule 3(1)(i)(ii) & (iii) of CCS conduct Rules, 1964.

*Handwritten:* added  
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18/10/08  
Engineer (Vigilance)  
The GMTD BSNL  
Sur - 784001



'ANNEXURE-III'

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI ASHIM BIJAY DUTTA, THE THEN PHONE INSPECTOR, IN THE OFFICE OF THE SDE(P), TEZPUR, AND PRESENTLY WORKING UNDER SDOP-I, TEZPUR, ARE PROPOSED TO BE SUSTAINED.

- ✓1. Certificate issued in favour of Smt. Chintamani Bora, D/O Purna Bora, by Shri A.B. Dutta, P.I.
- ✓2. Certificate issued in favour of Ranjan Adhikary, S/O C. Adhikary by Sri A.B. Dutta, P.I. for 1988, 1989.
- ✓3. Certificate issued in favour of Shivjyoti Mazumdar, S/O Lt. Arun Kr. Mazumdar by Sri A. B. Dutta, P.I. for 1988 to 1991.
- ✓4. Certificate issued in favour of Dipak Deka, S/O Rup Kanta Deka by Sri A. B. Dutta, P.I. for 1988 to 1991.
- ✓5. Certificate issued in favour of Abdul Karim, S/O Lt. Eusuf Ali by Sri A. B. Dutta, P.I. for 1988 to 1991
- ✓6. Certificate issued in favour of Mahesh Baroi, S/O Lt. Manindra Baroi by Sri A. B. Dutta, P.I. for 1988 to 1992.
- ✓7. Certificate issued in favour of Reshmi Acharjee, D/O Sushil Acharjee by Sri A. B. Dutta, P.I. for 1988 and 1989.
- ✓8. Certificate issued in favour of Anil Kr. Das, S/O Kanak Ch. Das by Sri A. B. Dutta, P.I. for 1988 to 1991.
- ✓9. Certificate issued in favour of Shiva Prasad Sharma, S/O Lt. Hari Prasad Sharma by Sri A. B. Dutta, P.I. for 1988 to 1996.
- ✚10. Recommendation sheet of selection committee, in respect of casual labourers.
- ✓11. Letter No. E-27/DRM/95-96/9 dtd. 1-3-96, of Sri Prantosh Das, SDE(P), Tezpur with his recommendation of 21 nos. daily rated Mazdoors.
- ✓12. Request letter of Sri Siba Prasad Sharma for temporary status mazdoor with no. of days he worked yearwise from 1988 to 1996, duly certified and recommended by Sh. Prantosh Das, SDE(P), Tezpur.
- ✓13. Letter No. E-27/CM/96-97/2 dtd. 13-05-96 of P. Das, SDE(P), Tezpur addressed to TDE / Tezpur in r/o conferring of TSM to casual / Part time labourers.
- ✓14. Gradation list of 22 nos. casual labourers duly recommended by Selection Committee.
- ✓15. Proforma of 22 nos. casual labourers submitted by P. Das, SDE(P), Tezpur.

Time copy  
attached  
M 19/8/08  
Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001

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- ✓ 16. ADMIT Card to H.S.L.C.Exam. – 1995 of Miss Chintamani Bora of SEBA No. 62573. ✓
- ✓ 17. Posting order No. E-4/PI/TFR/83-84/218 Dt. 30-7-83 of DET, Tezpur in r/o posting of Shri Ashim Bijay Dutta as Phone Inspector (P.I.) w.e.f. 9-7-83. ✓
- ✓ 18. Joining report dtd. 9-7-83 of Shri Ashim Bijay Dutta, as P.I. ✓
- ✓ 19. Letter No. X-1/CMPT/96-97/Con-7 dated 27/5/96 of TDE, Tezpur in r/o order for regularisation of casual labourers under SDE(P), Tezpur as TSM. ✓
- ✓ 20. Joining report of Sri Shivjyoti Mazumdar dtd. 30-5-96 as TSM. ✓
- ✓ 21. Joining report of Anil Kr. Das, dt. 30-05-1996 as TSM. ✓
- ✓ 22. Joining report of Reshmi Acharjee, dt. 30-05-1996 as TSM. ✓
- ✓ 23. Joining report of Miss Chintamani Bora, dt. 30-05-1996 as TSM. ✓
- ✓ 24. Joining report of Ranjan Adhikary, dt. 30-05-1996 as TSM. ✓
- ✓ 25. Joining report of Abdul Karim, dt. 30-05-1996 as TSM. ✓
- ✓ 26. Joining report of Dipak Deka, dt. 30-05-1996 as TSM. ✓
- ✓ 27. Joining report of Mahesh Baroi, dt. 30-05-1996 as TSM. ✓
- ✓ 28. Acquittance Roll in r/o TSM under SDE(P), Tezpur for June, July and August, 1996. ✓
- ✓ 29. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in respect of Tezpur Telephone TK Exge. ✓
- ✓ 30. Attendance Register of TSM under SDE(P), Tezpur for June'96 to Feb'98 in r/o Tezpur Telephone Exge. ✓
- ✓ 31. Attendance register of TSM under SDE(P), Tezpur for June'96 to Nov'97 in r/o O/O SDE(P), Tezpur. ✓
- ✓ 32. Letter No. E-38/CMPT/Vol-III/96-97/15 datd 30-8-96 of TDE, Tezpur addressed to Dy. GM(Admn), O/O CGMT, Guwahati, regarding engagement of causal labourers. ✓

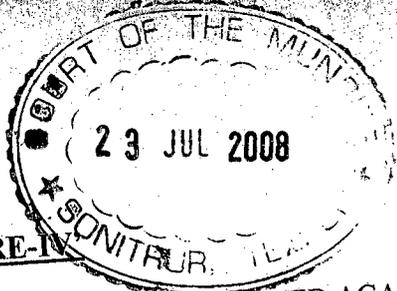
*True copy attached*  
*M*  
*19/8/08*  
Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001

Contd...P/3..

- ✓ 33. Letter No. X-1/CMPT/TZ/95-96/confdl/1 dated 25-3-96 of TDE, Tezpur in r/o constitution of selection committee for conferring casual labourers to TSM.
- ✗ 34. Letter No. E-38/CMPT/94-95/168 dtd. 17-2-95 of TDE, Tezpur addressed to ADT(E&R), O/O CGMT, Guwahati in r/o "NIL" report of casual labours w.e.f. 31-12-93 onwards.
- ✗ 35. Letter No. E-38/CMPT/Vol-II/123 dtd. 7-12-93 of TDE, Tezpur addressed to ADT(E&R), o/o The CGMT, Guwahati in r/o "NIL" report of recruitment of casual labour after 31-3-85.
- ✓ 36. Letter No. 269-14/93-STN.II dtd. 17-12-93 of ADG(STN), NGO-Delhi in r/o regularisation of casual labourers engaged in circles after 30-3-85 and upto 22-6-88.
- ✗ 37. Letter No. 289-8/93-STN dtd. 29-7-93 of ADG(STN), New Delhi.
- ✗ 38. Letter No. Rectt-3/10/Part-III/3 dtd. 26-8-93 of ADT(E&R), O/O CGMT, Guwahati addressed to TDE, Tezpur.
- ✓ 39. Letter No. TDM/Tez/1005/CBI dtd. 11-8-98 of Sh B. K. Goswami, TDM, Tezpur in r/o non availability of payment documents ACG-17.
- ✗ 40. Letter No. 270/6/84-STN, New Delhi dtd. 30-03-1985 of Sh S. Krishnan, Director (STN), Posts & Telegraph in r/o banning of engagement of casual labourers.
- ✗ 41. Any other documents, if required

True copy attached  
MM 19/07/08

Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001



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'ANNEXURE-I'

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRMED AGAINST SRI ASHIM BIJAY DUTTA, THE THEN PHONE INSPECTOR, IN THE OFFICE OF THE SDE(P), TEZPUR AND PRESENTLY WORKING UNDER SDOP-I / TEZPUR, ARE PROPOSED TO BE SUSTAINED.

1. Shri Islam Ahmed, CAO, O/o the TDM, Nagaon.
2. Shri B. K. Goswami, the then TDM, Tezpur.
3. Shri B. C. Pal, ADT(Estt), O/O the CGMT, Guwahati.
4. Shri Babul Ch. Nath, Sr. TOA(G), O/O TDM, Tezpur.
5. Shri Badal Saha, SS(O), O/o The TDM, Tezpur.
6. Sri Maheswar Bhuyan, SDOP-I, Tezpur.
7. Sri K. Barman, I.O. of the case.
8. Sri H. S. Debnath, AO, O/O PMG, Dibrugarh.
9. Any other witnesses, if required.

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*Tone copy attached*  
*M*  
*19/7/08*  
Sub-Divisional Engineer (Vigilance)  
Office of the CMD BSNL  
Tezpur - 781001



To  
The Telecom District Manager , Tezpur .  
Through proper channel .

Dated at Tezpur the 03/09/2002 .

Sub: Statement of defence .  
Ref. Your Memo No. X-2003/ABD/JCB/02-03/1 dated 22/08/2002.

Sir ,

Respectfully I am to lay the following few lines as a statement of defence in regard of the allegations brought against me vide memo under ref.

i) It is true that I worked as Phone Inspector under SDE(P), Tezpur during 1996.

ii) It is true that I have issued certificates to

a) Sri Chintumoni Bora, b) Sri Ranjan Adhikari, c) Sri Shiv Jyoti Mazumdar, d) Sri Dipak Deka, e) Sri Abdul Karim, f) Sri Mahesh Baroi, g) Smt. Reshmi Acharjee, h) Sri Anil Kr. Das, i) Sri Shiv Prasad Sarmah

I certifying that they had worked in the department during and for the stated period. But no where I had recommended that they should get job in the department on the basis of the certificates issued by me.

The veracity of the certificates can easily be verified from the ACE-2 Accounts submitted by SDE(P), Tezpur for the period(s) which should be available in the O/O, TDM, Tezpur rather I believe before serving this memo to me the ACE-2 accounts should have been verified and if ACE-2 accounts are not available in the O/O, TDM, Tezpur I am helpless to think that I am being harassed for speaking the truth and my dedicated service to the department.

Verification from other sources just does not arise as because labours were paid vide ACG-17 monthly by the SDE(P) and we were witness to the payments.

Sir, I had not favoured any body by issuing the certificates and I had never got the certificates verified by any authority and as I had earlier I had never recommended anybody for getting job in the department and therefore I never abused my official position knowingly or unknowingly for anybody's favour.

iii) In regard of allegations under para 4 & 5 I am noway related in paying salaries & appointing somebody in the department and hence I deny the charges.

Sir, In view of aforesaid submissions, I never contravened any rule of CCS(Conduct Rules 1964 and request your honour to drop the charges against me and if unfortunately for me charges are not dropped against me I would like to be heard in person.

Thanking you sir,

Yours faithfully,

Ashim Bijoy Dutta.

(Ashim Bijoy Dutta) P.I.  
O/O, SDOP-I, Tezpur

*True copy attached*  
*19/7/08*  
Sub-Divisional Engineer (Vigilance)  
Office of the GMTD BSNL  
Tezpur - 784001

Bharat Sanchar Nigam Limited.  
O/o The Telecom District Manager, Tezpur.

No. X-2003/VIG/PCD/01-02/1

Dated at Tezpur the 13-04-2002.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Pradip Ch. Dowarah, under Rule 14 of the Central Civil Services ( Classification, Control and Appeal ) Rules, 1965. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Shri P. C. Dowarah, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri P. C. Dowarah, is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him. *Ex parte.*

5. Attention of Shri P. C. Dowarah is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority, to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf, from another person in respect of any matter dealt with in these proceedings, it will be presumed that, Shri P. C. Dowarah is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (conduct) Rules, 1964.

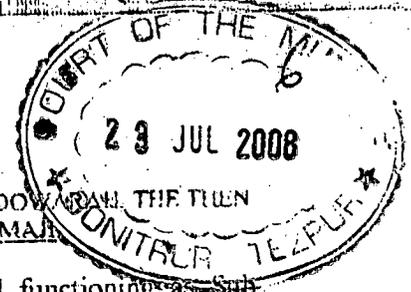
6. The receipt of the Memorandum may be acknowledged.

To,

Shri Pradip Ch. Dowarah,  
Telecom Mechanic,  
O/O SDEP/Dhemaji.

*M. K. Patel*  
( M. K. PATEL )

Telecom District Manager, Tezpur.

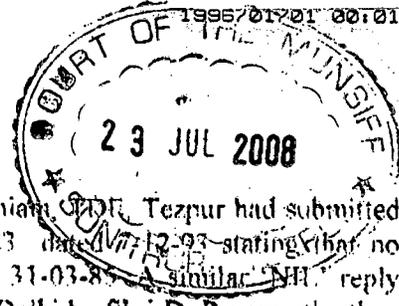
**'ANNEXURE-II'**

**STATEMENT OF IMPUTATION OF MISCONDUCT AGAINST SHRI P. C. DOWARAH, THE THEN  
SUB-INSPECTOR, IN THE OFFICE OF THE SDE(P), DHEMAJI**

It is alleged that Shri P. C. Dowarah, while posted and functioning as Sub-Inspector in the office of the SDE(P), Dhemaji, during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in an unbecoming manner inasmuch as he issued forged experience certificates to 7 casual labourers and got them appointed as Temporary Status Mazdoor in Dhemaji Sub Division in Tezpur Division in the context of following facts and circumstances.

1. Whereas it is alleged that Shri P. C. Dowarah was posted as Sub Inspector in the office of the SDE(P), Dhemaji during 1996
2. Whereas, it is alleged that TSM Scheme was introduced by the Department of Telecom to regularize Casual Labourers engaged between 30-03-85 and 22-06-88 and it was circulated to different circles vide letter No. 296/4/93-STN dated 17-12-93. As per the scheme, a Casual Labourer should complete at least 240 days when engaged in field work or 206 days when engaged in office and he should not absent from his duties for last 365 days from the date of issuance of the circular. The casual labourers should also be engaged on Muster Roll basis.
3. Whereas, it is alleged that Shri P. C. Dowarah, issued false and fabricated experience certificate to following 7 casual labourers. These casual labourers are S/Shri Jayanta Phukan, Sunanda Sonowal, Ananda Sonowal, Mohan Sonowal, Nabin Sonowal, Lalit Sonowal and Kamal Chandra Nath. Shri P. C. Dowarah filled up the number of working days against respective years from 1988 to 1996 on these experience certificates though he did not have any records for the same.
4. Whereas, it is alleged that Sh. P. C. Dowarah knew that he did not have any permanent records to check the veracity of the experience certificates. He also did not call for any records before signing the certificates either from the SDE office or the TDE office. Thus he issued forged experience certificates in which the number of working days of a Casual Labourers in corresponding years from 1988 to 1996 were filled up by him by sheer imagination. He knew that none of the field staff have records to support the certificates given by them as no records are available with the field staff such as Lineman, Line-Inspector, Sub-Inspector, Phone-Inspector.
5. Whereas, it is alleged that the names of 22(twenty two) Casual Labourers including the said 7 (seven) Casual Labourers, whose experience certificates were issued by Shri P. C. Dowarah were forwarded by Sri M. N. Pegu, the then SDE(P), Dhemaji and Sri B. D. Pegu, the then SDO(P), Dhemaji to Shri M. K. Gogoi, the then TDE, Tezpur. It is further alleged that Shri M. K. Gogoi, the then TDE, Tezpur appointed 22 persons including the said 7 (seven) persons as Temporary Status Mazdoor (TSM) on the basis of the recommendations of the members of the Departmental Promotion Committee (DPC) viz. S/Shri D. Payeng, the then SDE(P), Tezpur, P. Das, the then SDO(P), Tezpur, A. K. Sarkar, the then SDO(HRD), U. Swargiary, the then AO(Cash). The order to this effect was passed by Shri M. K. Gogoi, the then TDE, Tezpur vide order No. X-1/CMPT/96-97/CON-7 dated 27-05-96.

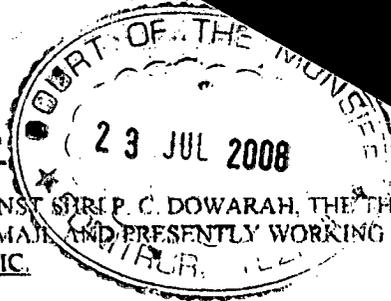
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6. Whereas it is alleged that Shri K. Balasubramaniam, TDE, Tezpur had submitted a report through his letter No. F-38/CMPT/VOL-II/123 dated 17-12-93 stating that no casual labourer was recruited in Tezpur Division after 31-03-85. A similar "NH" reply was sent to Telecom Commission, Head Quarter, New Delhi by Shri D. Payeng, the then SDO, i/c of office of the TDE, Tezpur vide letter No. F-38/CMPT/VOL-II/167 dated 08-12-94.

7. Whereas it is alleged that the Casual Labourers can be engaged by SDO/SDE office on Muster Roll basis as per rule 150-170 given in Post and Telegraph Financial Hand Book-III, Part-I. However, the engagement on Muster Roll basis was stopped from 30-03-85. The Muster Roll stored permanently in the office of the TDE. The casual labourer can also be engaged on the basis of ACG-17, payment vouchers. No attendance register is maintained in this case. The ACG-17 payment vouchers are forwarded to the TDE office and only a broad ACF-2 account is maintained in the office of SDE. Thus, no permanent records regarding the no. of working days against particular orders for the casual labourers are available in the office of the SDE/SDO or with the field staff such as Lineman, Line-Inspector, Sub-Inspector and Phone-Inspector.

ANNEXURE-I



STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SHRI P. C. DOWARAH, THE THEN SUB-INSPECTOR, IN THE OFFICE OF THE SDE(P), DHEMAJI AND PRESENTLY WORKING AS TELECOM MECHANIC.

It is alleged that Shri P. C. Dowarah, while posted and functioning as Sub Inspector in the office of the SDE(P), Dhemaji during 1996 failed to maintain absolute integrity and utmost devotion to duty and acted in an unbecoming manner inasmuch as he issued forged experience certificates to seven Casual Labourers and got them appointed as Temporary Status Mazdoor in Dhemaji Sub Division under Tezpur Division and thereby contravened provisions of Rules of 3(1)(i), (ii) & (iii) of CCS (Conduct) Rule 1964.

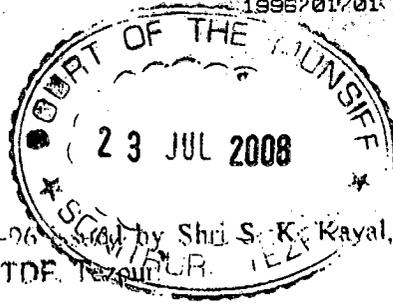
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'ANNEXURE-III'

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI P. C. DOWARAH, THE THEN SUB INSPECTOR, IN THE OFFICE OF THE S.I. DHEMAJI AND PRESENTLY WORKING AS THE ECOMMECHANIC, ARE PROPOSED TO BE SUSTAINED.

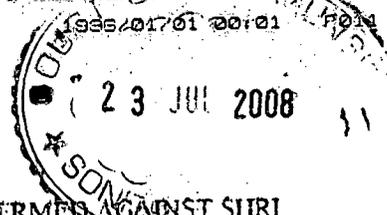
- 1 Certificate issued in favour of Shri Ananda Sonowal, S/o Roheswar Sonowal, by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji
- 2 Certificate issued in favour of Shri Ananda Sonowal, S/o Lt. Dimbeswar Sonowal by Shri P. C. Dowarah the then S.I. office of SDE(P), Dhemaji.
- 3 Certificate issued in favour of Shri Mohan Sonowal, S/O Late Lila Sonowal by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji.
- 4 Certificate issued in favour of Shri Nabin Sonowal, S/o Rajani Sonowal by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji.
- 5 Certificate issued in favour of Shri Lalit Sonowal, S/O Dayaram Sonowal by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji.
- 6 Certificate issued in favour of Shri Jayanta Phukan, S/o Shri Gangadhar Phukan, by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji.
- 7 Certificate issued in favour of Shri Kamal Ch. Nath, S/o Shri Pelan Ch. Nath by Shri P. C. Dowarah, the then S.I. office of the SDE(P), Dhemaji.
- 8 Letter No. A-21/95-96/06 dtd 24-1-96, written by Sri M. N. Pegu, SDEP, Dhemaji in respect of forwarding the documents
- 9 Proforma of selection and rejected candidates prepared and signed by DPC members.
- 10 Letter No. X-1/CMPT/96-97/CON 7 Dtd 27-5-96 issued by TDE, Sri M. K. Gogoi, regarding TSM status to 221 Casual Labourers.
- 11 Forwarding letter No. X-1/DMI/06-97, DMI dtd 14-05-97 by Shri B. D. Pegu, SDE (P), Dhemaji to TDE, Tezpur
- 12 Letter No. Rectt-3/10/PLV Dtd 25-7-97 written by Sri K. Padinanabhan, CGMT, Assam Circle to Sri G. D. Ganha, Dy DG(Tel).
- 13 Letter No. F-8/CMPT/94-95/168 dtd 17-02-95 issued by Shri M. K. Gogoi, TDE, Tezpur to ADT(E&R).
- 14 Letter No. F-38/CMPT VOL-11/167 dtd 8-12-94 issued by Shri D. Payeng, SDO(P), i/c office of the TDE, Tezpur

- 2 -



- 15 Letter No. AMT-GH/Corr/96 dtd 28-06-96 issued by Shri S. K. Kayal, Area Director Telecom, Guwahati to Shri M. K. Gogoi, TDE, Tezpur.
- 16 Letter No. X-1/CMPT/96-97/21 dtd 07-07-96 issued by Shri M. K. Gogoi, TDE, Tezpur to Shri S. K. Kayal, Area Director Telecom, Guwahati.
- 17 Letter No. X-1/CMPT/TEZ/95-96/Conf/11 dtd 25-03-96 issued by Shri M. K. Gogoi, TDE, Tezpur.
- 18 Minutes of the meeting of RCM item No. 38.
- 19 Letter No. E-35/CMPT/VOI-II/123 dtd 09-12-93 issued by Shri K. Balasubramaniam, TDE, Tezpur addressed to Shri S. C. Choudhury, ADT, o/o CGMT, Guwahati.
- 20 Letter No. 269-4/95-STN II dtd 17-12-93 of ADG(STN), New Delhi
- 21 Attested copy of letter No. 770/6/84 STN, New Delhi dtd. 30-03-85 of Shri Krishan, Director (STN) P & T.
- 22 Letter No. ESTT-9/12 dtd 20-06-2000 issued by Shri A. K. Chelleng, AGM (Admin), O/o CGMT, Guwahati to Dy SP/CBI/SHG.
- 23 Any other document, if required.

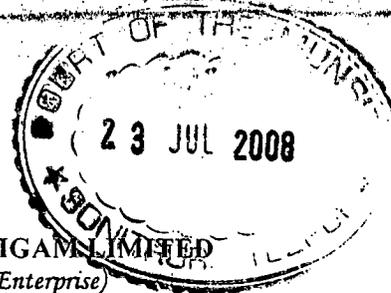
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'ANNEXURE-IV'

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRMED AGAINST SHRI  
 C. DOWARALL THE THEN SUB INSPECTOR IN THE OFFICE OF THE SDE(P)  
 DHEMAJI, ARE PROPOSED TO BE SUSTAINED.

- 1 Shri A. K. Chelleng, AGM(Admin), O/o the C G M T., Guwahati.
- 2 Shri Dilip Kr. Ray Barman, AO(Cash), O/o the TDM, Tezpur.
- 3 Shri Rajiv Yadav, formerly TDM, Tezpur.
- 4 Shri M.K. Bhattacharjee, SDI, O/O The TDM, Tezpur (presently Commercial Officer, o/o the TDM, Tezpur.)
- 5 Shri Bishnu Kr. Paul, AAO, O/o the TDM, Tezpur (presently AO, CTO, Guwahati).
- 6 Shri Debalal Lahon, SS, O/O the SDE(P), Dhemaji.
- 7 Shri Lakshminath Saikia, TOA, O/o the SDE(P), Dhemaji.
- 8 Shri S. K. Nayal, Area Manager, Howrah, Kolkata Telephones.
- 9 Shri Vaibhav Agashe, DSP, CBI, Shillong.

5/7/08



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BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
TEZPUR-784001

No. Legal/CDA-IDA/TZ/08-09/27 Dated at Tezpur the 28-06-2008.

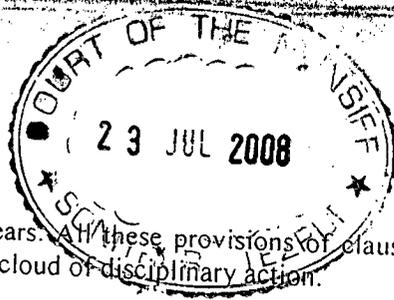
Show Cause Notice

To,

Sri. Pradip Ch. Dvarah, TM, BSNL  
of the SDE, Dhemaji  
Sub: - CDA - IDA Pay Scales.

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by



the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

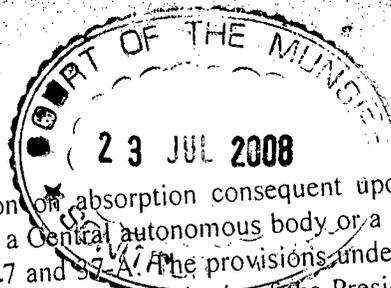
Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or



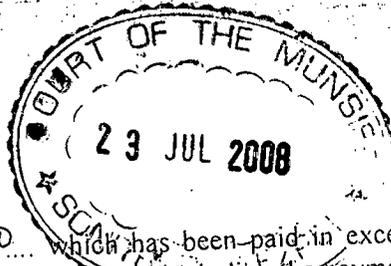
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Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or to seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding initiated against you vide Memo / Charge sheet No. ~~2002/V19/PCD/01-02/1~~..... ~~dt. 13.06.02~~ is still pending against you. In view of the pendency of the said disciplinary proceeding your case of permanent absorption has not been accepted uptill now and as a result you have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas you have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to you vide order No..... dated..... for Rs..... [you have also retired from service on attaining the age of superannuating on..... and you have been granted the pension on the basis of calculation made on IDA pay scale and you are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, you are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale. Such benefit has been granted to you inadvertently and illegally and the same is required to be recovered as per direction of the competent authority.

You are, therefore, hereby directed to show cause as to why your pay scale should not be converted from the IDA pay scale to CDA Govt. pay scale and on such conversion



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the difference of amount of Rs. 14,53,09.00 which has been paid in excess inadvertently and illegally as the same is not admissible to you including the payment of Rs.1000/- per month as ad-hoc payment till such conversion from CDA scale to IDA scale, should not be recovered from your salary in ..... installments [from your pension, which has been granted to you inadvertently and illegally and without authority of law (in case of those who have retired)]. Your reply to show cause in writing should be submitted to the undersigned within a period of 15 days from the date of receipt of this notice, failing which it would be presumed that you have no objection in reverting your pay scale from the IDA scale to CDA scales recovering the said excess amount of Rs. 14,53,09.00 from your salary / pension. Please take notice that such process of recovery would be initiated without any further notice to you in this regard.

*[Signature]*  
28.6.08  
Signature and Designation  
of the competent authority  
**Divisional Engineer (P&A)**  
**O/o GMTD, BSNL**  
**Tezpur-784001**



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**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

No. Legal/CDA-IDA/TZ/08-09/97 Dated at Tezpur the 28-06-2008.

Show Cause Notice

To,  
Sri. Jatin Sarmah, Sr. POA (P), BSNL  
o/o the AO (TR) & Computer, Tezpur.  
OEB Complex.  
Sub: - CDA - IDA Pay Scales.

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule.37-A of the CCS (Pension) Rules, 1972.

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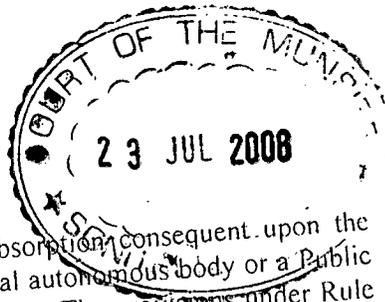
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Whereas you have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to you vide order No. .... dated ..... for Rs. .... [you have also retired from service on attaining the age of superannuating on ..... and you have been granted the pension on the basis of calculation made on IDA pay scale and you are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, you are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale. Such benefit has been granted to you inadvertently and illegally and the same is required to be recovered as per direction of the competent authority.

You are, therefore, hereby directed to show cause as to why your pay scale should not be converted from the IDA pay scale to CDA Govt. pay scale and on such conversion

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the difference of amount of Rs. 131028.00 which has been paid in excess inadvertently and illegally as the same is not admissible to you including the payment of Rs.1000/- per month as ad-hoc payment till such conversion from CDA scale to IDA scale, should not be recovered from your salary in ..... installments [~~from your pension, which has been granted to you inadvertently and illegally and without authority of law (in case of those who have retired)~~]. Your reply to show cause in writing should be submitted to the undersigned within a period of 15 days from the date of receipt of this notice, failing which it would be presumed that you have no objection in reverting your pay scale from the IDA scale to CDA scales recovering the said excess amount of Rs. 131028.00 from your salary / pension. Please take notice that such process of recovery would be initiated without any further notice to you in this regard.

*P. D. Saini*

Signature and Designation  
of the competent authority

*22.6.08*  
Divisional Engineer (P&A)  
O/o GMTD, BSNL  
Tezpur-784001



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BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
TEZPUR-784001

No. Legal/CDA-IDA/TZ/08-09/27 Dated at Tezpur the 28-06-2008

show cause notice

To,

Sri. Sarat Hazarika, SR. TOA (G), BSNL  
8/0 The GMTD, Tezpur.

Sub: - CDA - IDA Pay Scales.

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

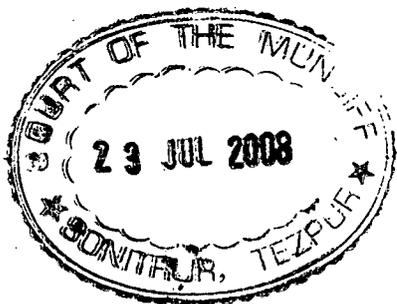
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Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain provisions relating to pension on absorption in or under a Corporation, Company

103 (49)

Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Government servant an option to revert back to the Govt. or to seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Government service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension family pension under these Rules as may be in force at the time of his retirement in the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding initiated against you vide Memo / Charge sheet No. ~~22-08-02~~ <sup>X-2003/V.19/SH/02-</sup> ~~is still pending against you.~~ In view of the pendency of the disciplinary proceeding your case of permanent absorption has not been accepted upto now and as a result you have not been permanently absorbed in BSNL. Such Presidential Order has been issued as required by law as stated hereinabove.

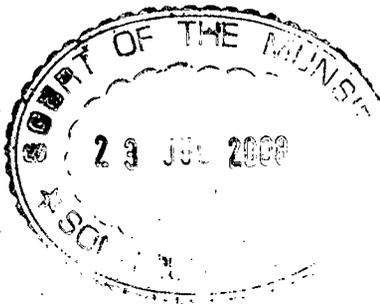
Whereas you have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid vide order No. .... dated ..... for Rs. .... [you also retired from service on attaining the age of superannuating on ... and you have been granted the pension on the basis of calculation made on IDA scale and you are getting the pension at a higher rate than the CDA pay scale required for those who have retired from service)]. But as per provisions hereinabove, you are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale. Such benefit granted to you inadvertently and illegally and the same is required to be retracted per direction of the competent authority.

You are, therefore, hereby directed to show cause as to why your pay scale be converted from the IDA pay scale to CDA Govt. pay scale and on such



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the difference of amount of Rs. 15112.00 which has been paid in excess inadvertently and illegally as the same is not admissible to you including the payment of Rs.1000/- per month as ad-hoc payment till such conversion from CDA scale to IDA scale, should not be recovered from your salary in ..... installments [~~from your pension, which has been granted to you inadvertently and illegally and without authority of law (in case of those who have retired)~~]. Your reply to show cause in writing should be submitted to the undersigned within a period of 15 days from the date of receipt of this notice, failing which it would be presumed that you have no objection in reverting your pay scale from the IDA scale to CDA scales recovering the said excess amount of Rs. 15112.00 from your salary / pension. Please take notice that such process of recovery would be initiated without any further notice to you in this regard.



*P. S. S. S. S.*  
Signature and Designation  
of the competent authority  
**Divisional Engineer (P&A)**  
O/o GMTD, BSNL  
Tezpur-784001

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BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
TEZPUR-784001

No. Legal/CDA-IDA/TZ/08-09/27 Dated at Tezpur the 28-06-2008

Slow Cause Notice

To,

Sri. Hemanta Kc. Borah, TTA, BSNL  
o/o the SDOP-II, Tezpur.  
Sub: - CDA - IDA Pay Scales.



Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMI, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees, against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL, vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by

the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or

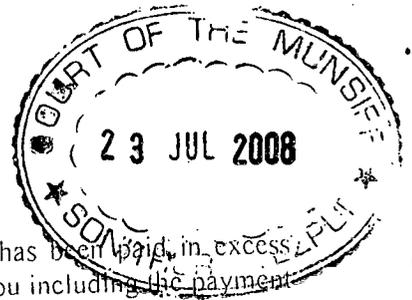


Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or to seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

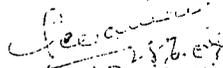
Whereas from the records of the BSNL it is found that the disciplinary proceeding initiated against you vide Memo / Charge sheet No ~~X-2003/V19/HKB/02-03/1~~ ~~dd: 22-08-02~~ is still pending against you. In view of the pendency of the said disciplinary proceeding your case of permanent absorption has not been accepted uptill now and as a result you have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas you have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to you vide order No.....dated.....for Rs.....[you have also retired from service on attaining the age of superannuating on.....and you have been granted the pension on the basis of calculation made on IDA pay scale and you are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, you are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale. Such benefit has been granted to you inadvertently and illegally and the same is required to be recovered as per direction of the competent authority.

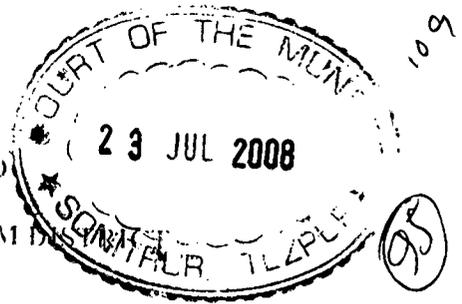
You are, therefore, hereby directed to show cause as to why your pay scale should not be converted from the IDA pay scale to CDA Govt. pay scale and on such conversion



the difference of amount of Rs. 144082.00 which has been paid in excess inadvertently and illegally as the same is not admissible to you including the payment of Rs.1000/- per month as ad-hoc payment till such conversion from CDA scale to IDA scale, should not be recovered from your salary in ..... installments ~~from your pension, which has been granted to you inadvertently and illegally and without authority of law (in case of those who have retired)~~. Your reply to show cause in writing should be submitted to the undersigned within a period of 15 days from the date of receipt of this notice, failing which it would be presumed that you have no objection in reverting your pay scale from the IDA scale to CDA scales recovering the said excess amount of Rs. 144082.00 from your salary / pension. Please take notice that such process of recovery would be initiated without any further notice to you in this regard.

  
Signature and Designation  
of the competent authority  
Divisional Engineer (P&S)  
O/o GMTD, BSKL  
Tezpur-784001

BHARAT SANCHARNIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
TEZPUR-784001



No. Legal/CDA-IDA/17/08-09/27 Dated at Tezpur the 23-06-2008.

Show Cause Notice

To.

Sri. Ashim Bijoy Dutta, P.9. BSNL  
o/o the SDOP-I, Tezpur.

Sub:- CDA - IDA Pay scales.

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL 4 SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SP/2000 dated 3rd January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by



the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

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Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

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SECRET  
23 JUL 2008  
OFFICE OF THE SECRETARY  
GOVT. OF INDIA

Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia provide that the Central Government servant shall be absorbed in the Public sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or to seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL, it is found that the disciplinary proceeding initiated against you vide Memo / Charge sheet No. ~~2003/V19/ABD/02-03/1~~ ~~22-08-02~~ is still pending against you. In view of the pendency of the said disciplinary proceeding your case of permanent absorption has not been accepted uptill now and as a result you have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

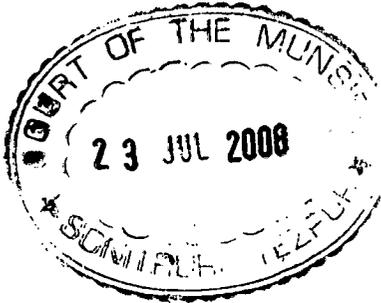
Whereas you have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to you vide order No. .... dated ..... for Rs. .... ~~[you have also retired from service on attaining the age of superannuation on ..... and you have been granted the pension on the basis of calculation made on IDA pay scale and you are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)].~~ But as per provisions as stated hereinabove, you are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale. Such benefit has been granted to you inadvertently and illegally and the same is required to be recovered as per direction of the competent authority.

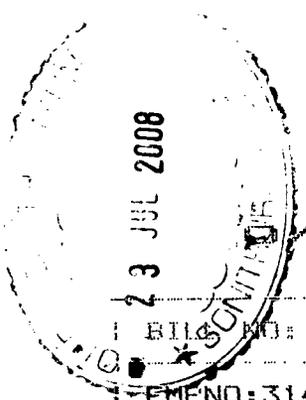
You are, therefore, hereby directed to show cause as to why your pay scale should not be converted from the IDA pay scale to CDA Govt. pay scale and on such conversion

the difference of amount of Rs. 143397.00 which has been paid in excess inadvertently and illegally as the same is not admissible to you including the payment of Rs.1000/- per month as ad-hoc payment till such conversion from CDA scale to IDA scale, should not be recovered from your salary in ..... installments [~~from your pension, which has been granted to you inadvertently and illegally and without authority of law (in case of those who have retired)~~]. Your reply to show cause in writing should be submitted to the undersigned within a period of 15 days from the date of receipt of this notice, failing which it would be presumed that you have no objection in reverting your pay scale from the IDA scale to CDA scales recovering the said excess amount of Rs. 143397.00 from your salary / pension. Please take notice that such process of recovery would be initiated without any further notice to you in this regard.

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98

*(Signature)*  
Signature and Designation  
of the competent authority  
Divisional Engineer (P&A),  
O/o GMTD, BSNL,  
Tezpur-784001





23 JUL 2008

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BHARAT SANCHAR NIGAM LIMITED  
 S.M. TELECOM DISTRICT, TEZPUR  
 PAY SLIP FOR THE MONTH OF ~~JULY~~ 2008.

BILL NO: 1 SECTION: T.D.M/TZ GPF.NO: TC/ASM-11213  
 EMPNO:31468 - JATIN SHARMA, J.S(O) , TEZPUR. GROUP:C

DRAWINGS				TOTAL
BASIC	9100	PPAY	185	18989
DA	7298	SCA	160	
HRA	683	SDiat	225	
		Tr.All.	200	1138
		SDA		

DEPARTMENTAL DEDUCTIONS				TOTAL
GPF	1500	HDA	2000	3605
GS I	105			NETPAY
				15384

OUT OF A/C DEDUCTIONS				TOTAL
P.TAX	140			T.H.PAY
Sec T7	2740	misc_2	15	
UNION	500	LIC	436	11553

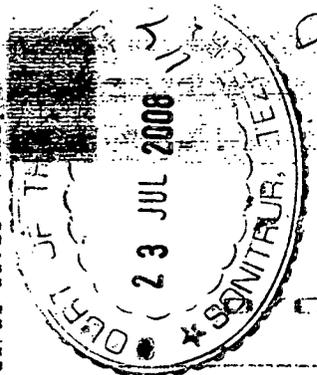
Pl. quote Yr. Emp.No: in every applicaton addressed to Sr.AO  
 Advances Outstanding (Excluding Interest If Any):

AO(Cash)

1995/01/01 00:01 P019

TEL-NO.:

NAME:



001

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BHARAT SANCHAR NIGAM LIMITED  
 G.M. TELECOM DISTRICT, TEZPUR  
 PAY SLIP FOR THE MONTH OF JUNE 2008

BILL NO: 9	SECTION: S.D.E.P(G)/DMJ	GPF.NO: TC/ASM-11229
EMPNO: 40592 - F.C. DUARAH, T/M, DHEMAJI. GROUP: C		
DRAWINGS		TOTAL
BASIC	9438	17187
DA	3966	
HRA	422	
DEPARTMENTAL DEDUCTIONS		TOTAL
GPF	5000	5538
FESADV	506	
OUT OF A/C DEDUCTIONS		TOTAL
P. TAX	125	384
LIC	259	
		T.H. PAY
		11273
Pl. quote Yr. Emp.No: in every application addressed to Sr.AO		
Advances Outstanding (Excluding Interest If Any):		
AO (Cash)		

ADG(V&A) 25/01/08  
9/6

No.000/VGL/18  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*



13/6/2000-219-2 115  
9/6

D (4/1)  
All circulars  
9/6

Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 23<sup>rd</sup> May 2000

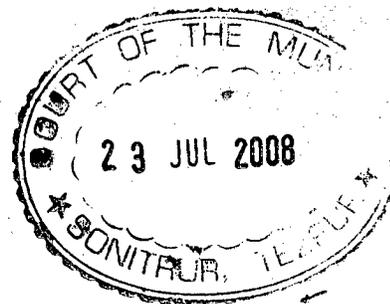
(Via Telex)  
1628  
13/6/2000

The CVOs of Ministries/Departments, autonomous organisations and Societies etc.

Subject: Schedule of time limits in conducting investigations and departmental inquiries.

Delays in disposal of disciplinary cases are a matter of serious concern to the Commission. Such delays also affect the morale of the suspected/charged employees and officers in the organisation. The Commission has issued instructions, vide its communication No. 8(1)(g)/99(3) dated 03.03.1999, that departmental inquiries should be completed within a period of six months from the date of appointment of Inquiry Officers. Regarding other aspects of investigation/inquiry, the time-schedule, as under, has been laid down in the Special Chapters on Vigilance Management in Public Sector Banks/Enterprises, which are applicable to the employees of public sector banks / enterprises. The Commission desires that these time-limits should also be adhered to by the Ministry/Departments of Government of India, autonomous organisations and other Cooperative Societies, in respect of their employees, so as to ensure that the disciplinary cases are disposed of quickly.

S.No	State of Investigation or inquiry	Time Limit
1.	Decision as to whether the complaint involves a vigilance angle.	One month <sup>3</sup> from receipt of the complaint.
2.	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action.	-do-
3.	Conducting investigation and submission of report.	Three months.
4.	Department's comments on the CBI reports in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO/Disciplinary Authority.
5.	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6.	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.



102 116

7.	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report
8.	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9.	Consideration of defence statement.	15 (Fifteen) days.
10.	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11.	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.
12.	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO.
13.	Sending a copy of the IO's report to the Charged Officer for his representation.	i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved; ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated
14.	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.
15.	Issuance of orders on the Inquiry report.	i) One month from the date of Commission's advice. ii) Two months from the date of receipt of IO's report if Commission's advice was not required.

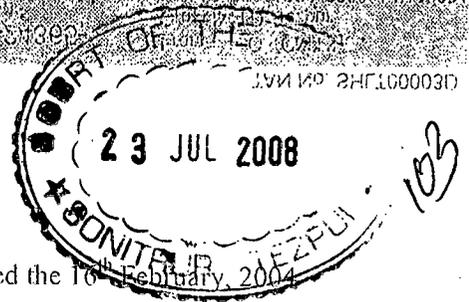
Yours faithfully,

(K.L. Anuja)

Officer on Special Duty

117  
103  
No. 11013/2/2004-Est.(A)

Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)



New Delhi, dated the 16<sup>th</sup> February, 2004

### OFFICE MEMORANDUM

Sub:- Accountability for delay in decision making.

A Core Group on Administrative Reforms (CGAR) has been constituted under the chairmanship of Cabinet Secretary in February, 2003 to formulate specific changes in the systems and procedures in consultation with the ministries/departments concerned and to advise strategies for changing attitudes. The Core Group has decided that the existing provisions about accountability mechanism should be reiterated with a view to bring to everyone's notice that these provisions are adequate for initiating disciplinary proceedings when an officer adopts a dilatory attitude leading to delay in decision-making and/or harassment of the public.

2. In view of the above, the following provisions of CCS (Conduct) Rules, 1964 are brought to the notice of all Ministries/Departments for information and necessary action:-

#### Rule 3. General

- (1) Every Government servant shall at all times:-
  - (i) maintain absolute integrity;
  - (ii) maintain devotion to duty; and
  - (iii) do nothing which is unbecoming of a Government servant.
  
- (2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;
  
- (ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

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Explanation I:- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause(ii) of sub-rule (1).

Explanation II:- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such

instructions are not necessary under the scheme of distribution of powers and responsibilities.

**Rule 3A. Promptness and Courtesy**

No Government servant shall

- (a) in the performance of his official duties, act in a discourteous manner;
- (b) in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.

3. Rule 11 of the CCS (CCA) Rules, 1965 provides that the penalties (ranging from 'censure' to 'dismissal') mentioned therein may be imposed on a Government servant 'for good and sufficient reasons'. Thus any Government servants violating the provisions of Conduct Rules can be proceeded against as it will form 'good and sufficient reasons' for imposing the penalties prescribed in Rule 11. In other words, disciplinary proceedings could be initiated if an officer adopts a dilatory attitude, leading to delay in decisions making and/or harassment of the public.

4. Ministries/Departments are also requested to bring the above cited provisions of the Conduct Rules and CCA Rules to the notice of all the officers and officials in the Ministries/Departments (proper) and in the organizations/offices under their administrative control to clarify that if they are found responsible for willful delay in disposal of the various types of cases dealt with them, finally leading to delay in decisions making, they shall be liable for disciplinary action in terms of the relevant provisions referred to in para 2 and 3 of this OM.

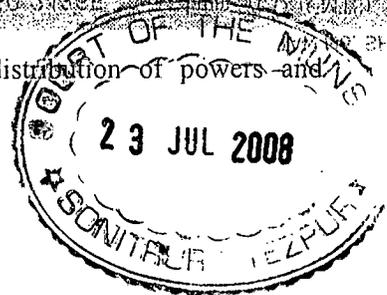
Sd-  
(Mrs. Pratibha Mohan)  
Director

To  
All Ministries/Departments of the Government of India.

Copy to:

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All officers and sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd-  
(Smt. Pratibha Mohan)  
Director(E-II)



No. 000/VGL/18  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*



Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110023  
Date the 10<sup>th</sup> August, 2004

**Office Order No.51/08/2004**

**Subject:- Adherence to time-limits in processing of disciplinary cases.**

It has been observed that the schedule of time limits in conducting investigations and departmental inquiries laid down in Commission's letter of even number dated the 23<sup>rd</sup> May 2000 are not being strictly adhered to. In this context, attention is invited to Department of personnel & Training O.M. No. 11013/2/2004-Estt.(A) dated the 16<sup>th</sup> February 2004 regarding accountability for delay in decision making ( copy enclose for ready reference).

2. Delay in decision-making by authorities in processing of vigilance cases would also be construed as misconduct under the relevant Conduct Rules and would be liable to attract penal action. All administrative authorities are requested to take not and strictly adhere to the prescribed schedule of time-limits in dealing with disciplinary cases.

sd/-

(Anjana Dube)  
Deputy Secretary

Encl:- As above

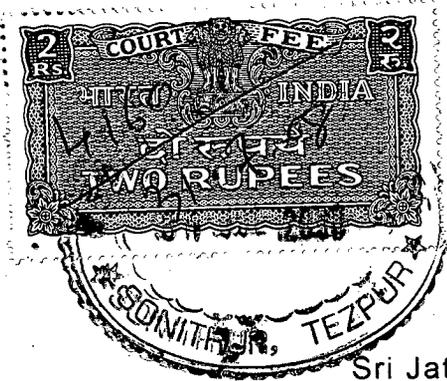
To,

All Secretaries to the Government of India,  
All Chief Vigilance Officers of Ministries/Departments of Government of India.

Copy to:-

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Bureau of Investigation, New Delhi.
4. All Union Territory Administrations.
5. Lok Sabha/Rajya Sabha Secretariat.

Filed by <sup>1/20</sup> OP  
Through Hemanta Kr. Goswami  
Advocate  
31/7/08



**IN THE COURT OF THE MUNSIFF,  
AT TEZPUR, SONITPUR, ASSAM**

Misc.(J) Case No. /2008  
In T. S. No. 43/2008

Sri Jatin Sharma & 5 others ----- Plaintiffs / Petitioners  
-Versus-  
Bharat Sanchar Nigam Ltd. & others -----Defendants /Opposite Parties

IN THE MATTER OF:

An application filed under Section 21 of the Code of Civil Procedure, 1908 regarding objection to jurisdiction at the first instance before taking any steps in T.S No. 43/2008 and connected Misc. (J) Case No. 61/2008.

Pet. NO. 3106/08  
31.07.08

The humble petition of the above named defendants / opposite parties:

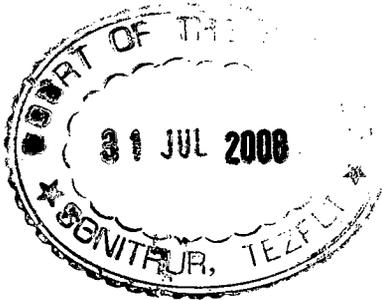
MOST RESPECTFULLY SHEWETH:

1. That the above named plaintiffs have instituted the above noted Title Suit No.43/2008 (hereinafter referred to as the 'suit') along with a connected Misc.(J) case No. 61/2008 (hereinafter referred to as the 'petition') in this Hon'ble Court. The plaintiffs / petitioners have been served with the copies of the plaint of said suit and the petition.

Put up on the date fixed.  
Adv.  
31/07/08  
MUNSIFF  
TEZPUR

This petition is not pressed  
by the  
14/8/08  
Advocate for the defendants.

2. That on receipt of the said notices dated 25.7.2008 along with the copies of the plaint of the suit and the petition, the defendants have gone through the same and understood the contents thereof. The defendants found that no document of any kind has been annexed / enclosed to the said plaint of the suit or the petition.
3. That the opposite parties as plaintiffs / petitioners have already filed their written statements in the suit and affidavit-in-opposition in the petition for injunction. In the said written statements and also in affidavit, the opposite parties have stated all about the facts and circumstances and the background of the case supported by documents. The opposite parties, therefore, crave the leave of this Hon'ble court to allow them to refer and rely upon the various statements made in the said written statements and the affidavit along with the documents filed therewith. This prayer is made for the sake of brevity and to avoid repetition.
4. That the subject matter in the suit relates to show cause notices issued by the opposite parties to the petitioners thereby directing them to show cause as to why the monetary benefits, illegally granted to them, should not be recovered from them. The said subject matter does not come / fall within the meaning of any moveable or immovable property or for compensation for wrongs to person. Rather such matters are classified as service matters within the meaning of Section 3 (q) of the Administrative Tribunal Act, 1985, which confers different jurisdictions of different judicial authorities.
5. That after 1.10.2000, when the personnel of the erstwhile DOT got absorbed in BSNL, such absorbed employees were debarred from approaching the Central Administrative Tribunal to implicate BSNL as a



party respondent as there has been no notification as required under Section 14(2) of the Administrative Tribunal Act, 1985 to bring the BSNL within the jurisdiction of the said Hon'ble Tribunal. There are a plethora of decisions of the Central Administrative Tribunals and High Courts by which it has been held that the Central Administrative Tribunal has no jurisdiction over the BSNL as there is no notification so far issued by the Govt. of India in this regard as required under Section 14(2) of the Administrative Tribunal Act, 1985. But as explicit from the above facts and circumstances as elaborated in the written statements, the plaintiffs are not absorbed in BSNL and they are still remaining as the employees of the DOT, the Government of India. Hence, for any dispute relating to service matters and matter relating to conditions of service lies exclusively within the jurisdiction of Central Administrative Tribunal established under the Administrative Tribunals Act, 1985 as a court of first instance. The provisions of Section 28 of the Administrative Tribunal Act, 1985 read with Section 3 (q) and Section 14 (2) of the said Act have totally excluded the jurisdiction of not only the civil court under Code of Civil Procedure, 1908 but also all other courts except the Hon'ble Supreme Court. Therefore the instant suit filed by the plaintiffs in this Hon'ble Court has been filed without jurisdiction and the same is liable to be dismissed / rejected or returned.

6. That If there is no such right accrued to the plaintiffs / petitioners, there is absolutely no cause of action for filing the suit or for any injunction. In the instant suit there is, therefore, no cause of action to justify the filing of the suit and petition for injunction. In any rate, the suit and the petition for injunction cannot sustain and cannot be tried for want of jurisdiction.
7. That the defendants respectfully submit that this petition which has been filed at the earliest opportunity in this Hon'ble Court raising the preliminary objection on the point of want of jurisdiction may kindly be considered at the first



instance before proceeding with the matter in the suit and the petition for injunction.

8. That this petition raising the preliminary objection for want of jurisdiction has been filed bonafide and for the ends of justice.

In the premises aforesaid, it is, therefore, respectfully prayed that this Hon'ble Court would be pleased to hear the parties on this point of preliminary objection of want of jurisdiction and after hearing the parties and perusing the records including the objection, if any, may also further be pleased to dismiss the suit along with the Misc. petition filed under Order 39, Rule 1 & 2 of the Code of Civil Procedure and / or pass such further or other order that this Hon'ble Court may deem fit and proper.



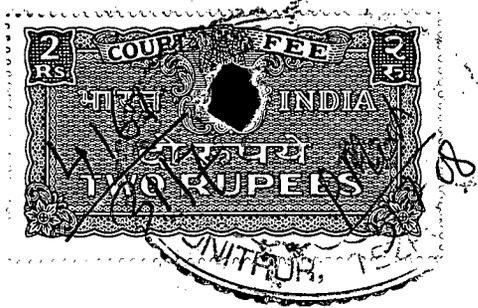


VERIFICATION

I, Pradip Chandra Daimari, son of Late Bhagirath Daimari, aged about 57 years, resident of BSNL Colony, Kachari Gaon, Tezpur – 1, in the District of Sonitpur (Assam) do hereby solemnly declare and state that the statements made in para..... 4 to 8 .....in the petition are true to my knowledge and belief, those made in para..... — .....being matter of records are true to my information derived therefrom and the rest are my humble submission and statements as per legal advice.

And I sign this verification on this 31<sup>st</sup> day of July, 2008 at Tezpur.

Pradip chandra Daimari  
Deponent

AFFIDAVIT

I, Pradip Chandra Daimari, son of Late Bhagirath Daimari, aged about 57 years, resident of BSNL Colony, Kachari Gaon, Tezpur - 1, in the District of Sonitpur (Assam) do hereby solemnly affirm and state as follows:

1. That at present I am working as Divisional Engineer (P&A) in the Office of the General Manager, Telecom District, Tezpur, Bharat Sanchar Nigam Ltd., Tezpur - 1, a duly constituted and registered Government company under the Companies Act, 1956, having its offices through out India and including the Circle Offices and I am duly authorized and competent to sign, execute, sworn in and file this affidavit in this Hon'ble court for myself and on behalf of the petitioner/defendant No.1 and 2. This is true to my knowledge and belief.
2. That I have been implicated as defendant No.3 in the suit and as such I am fully acquainted with the facts and circumstances of the case. This is true to my knowledge and belief.
3. That the statements made in para 1 to 8 of this petition are true to my knowledge and belief, those made in para \_\_\_\_\_ being matter of records, are true to my information derived therefrom and the rest are my humble submission and statements made as per legal advice. I have not suppressed or concealed any material fact.

And I sign this affidavit on this 31<sup>st</sup> day of July, 2008 at Tezpur.

Identified by me

Pradip chandra Daimari  
Deponent

Hemanta Kr. Gogoi

Advocate

31.7.08



IN THE COURT OF THE MUNSIFF,  
AT TEZPUR, SONITPUR, ASSAM

Misc.(J) Case No. \_\_\_\_\_ /2008  
In T. S. No. 43/2008

Filed by

Advocate / 122  
81/7/08

114

Sri Jatin Sharma & 5 others ----- Plaintiffs / Petitioners

-Versus-

Bharat Sanchar Nigam Ltd. & others -----Defendants /Opposite  
Parties

IN THE MATTER OF:

An application filed under Section 21 of the Code of Civil Procedure, 1908 regarding objection to jurisdiction at the first instance before taking any steps in T.S No. 43/2008 and connected Misc. (J) Case No. 61/2008.

The humble petition of the above named defendants / opposite parties:

MOST RESPECTFULLY SHEWETH:

1. That the above named plaintiffs have instituted the above noted Title Suit No.43/2008 (hereinafter referred to as the 'suit') along with a connected Misc.(J) case No. 61/2008 (hereinafter referred to as the 'petition') in this Hon'ble Court. The plaintiffs / petitioners have been served with the copies of the plaint of said suit and the petition.

2. That on receipt of the said notices dated 25.7.2008 along with the copies of the plaint of the suit and the petition, the defendants have gone through the same and understood the contents thereof. The defendants found that no document of any kind has been annexed / enclosed to the said plaint of the suit or the petition.
3. That the opposite parties as plaintiffs / petitioners have already filed their written statements in the suit and affidavit-in-opposition in the petition for injunction. In the said written statements and also in affidavit, the opposite parties have stated all about the facts and circumstances and the background of the case supported by documents. The opposite parties, therefore, crave the leave of this Hon'ble court to allow them to refer and rely upon the various statements made in the said written statements and the affidavit along with the documents filed therewith. This prayer is made for the sake of brevity and to avoid repetition.
4. That the subject matter in the suit relates to show cause notices issued by the opposite parties to the petitioners thereby directing them to show cause as to why the monetary benefits, illegally granted to them, should not be recovered from them. The said subject matter does not come / fall within the meaning of any moveable or immovable property or for compensation for wrongs to person. Rather such matters are classified as service matters within the meaning of Section 3 (q) of the Administrative Tribunal Act, 1985, which confers different jurisdictions of different judicial authorities.
5. That after 1.10.2000, when the personnel of the erstwhile DOT got absorbed in BSNL, such absorbed employees were debarred from approaching the Central Administrative Tribunal to implicate BSNL as a

115

party respondent as there has been no notification as required under Section 14(2) of the Administrative Tribunal Act, 1985 to bring the BSNL within the jurisdiction of the said Hon'ble Tribunal. There are a plethora of decisions of the Central Administrative Tribunals and High Courts by which it has been held that the Central Administrative Tribunal has no jurisdiction over the BSNL as there is no notification so far issued by the Govt. of India in this regard as required under Section 14(2) of the Administrative Tribunal Act, 1985. But as explicit from the above facts and circumstances as elaborated in the written statements, the plaintiffs are not absorbed in BSNL and they are still remaining as the employees of the DOT, the Government of India. Hence, for any dispute relating to service matters and matter relating to conditions of service lies exclusively within the jurisdiction of Central Administrative Tribunal established under the Administrative Tribunals Act, 1985 as a court of first instance. The provisions of Section 28 of the Administrative Tribunal Act, 1985 read with Section 3 (q) and Section 14 (2) of the said Act have totally excluded the jurisdiction of not only the civil court under Code of Civil Procedure, 1908 but also all other courts except the Hon'ble Supreme Court. Therefore the instant suit filed by the plaintiffs in this Hon'ble Court has been filed without jurisdiction and the same is liable to be dismissed / rejected or returned.

6. That If there is no such right accrued to the plaintiffs / petitioners, there is absolutely no cause of action for filing the suit or for any injunction. In the instant suit there is, therefore, no cause of action to justify the filing of the suit and petition for injunction. In any rate, the suit and the petition for injunction cannot sustain and cannot be tried for want of jurisdiction.
7. That the defendants respectfully submit that this petition which has been filed at the earliest opportunity in this Hon'ble Court raising the preliminary objection on the point of want of jurisdiction may kindly be considered at the first

117/130

instance before proceeding with the matter in the suit and the petition for injunction.

8. That this petition raising the preliminary objection for want of jurisdiction has been filed bonafide and for the ends of justice.

In the premises aforesaid, it is, therefore, respectfully prayed that this Hon'ble Court would be pleased to hear the parties on this point of preliminary objection of want of jurisdiction and after hearing the parties and perusing the records including the objection, if any, may also further be pleased to dismiss the suit along with the Misc. petition filed under Order 39, Rule 1&2 of the Code of Civil Procedure and / or pass such further or other order that this Hon'ble Court may deem fit and proper.



131  
118

VERIFICATION

I, Pradip Chandra Daimari, son of Late Bhagirath Daimari, aged about 57 years, resident of BSNL Colony, Kachari Gaon, Tezpur – 1, in the District of Sonitpur (Assam) do hereby solemnly declare and state that the statements made in para.....in the petition are true to my knowledge and belief, those made in para.....being matter of records are true to my information derived therefrom and the rest are my humble submission and statements as per legal advice.

And I sign this verification on this 31<sup>st</sup> day of July, 2008 at Tezpur.

Deponent

1332  
119AFFIDAVIT

I, Pradip Chandra Daimari, son of Late Bhagirath Daimari, aged about 57 years, resident of BSNL Colony, Kachari Gaon, Tezpur – 1, in the District of Sonitpur (Assam) do hereby solemnly affirm and state as follows:

1. That at present I am working as Divisional Engineer (P&A) in the Office of the General Manager, Telecom District, Tezpur, Bharat Sanchar Nigam Ltd., Tezpur - 1, a duly constituted and registered Government company under the Companies Act, 1956, having its offices through out India and including the Circle Offices and I am duly authorized and competent to sign, execute, sworn in and file this affidavit in this Hon'ble court for myself and on behalf of the petitioner/defendant No.1 and 2. This is true to my knowledge and belief.
2. That I have been implicated as defendant No.3 in the suit and as such I am fully acquainted with the facts and circumstances of the case. This is true to my knowledge and belief.
3. That the statements made in para ..... of this petition are true to my knowledge and belief, those made in para ..... being matter of records, are true to my information derived therefrom and the rest are my humble submission and statements made as per legal advice. I have not suppressed or concealed any material fact.

And I sign this affidavit on this 31<sup>st</sup> day of July, 2008 at Tezpur.

Identified by me

**Deponent**

Advocate

In the court of the munsiff at Tezpur.



Surat Hazarika 14.8.08  
14.8.08

T.S. 43/08

Plaintiff - Jatin Sharma

- vs -

Defendant - BSNL and others.

Peta. NO. 3322/08

14.08.08

It is submitted on behalf of the plaintiff,

that though inadvertently certain documents could not be filed along with the plaint which is very important for a decision of the case. Plaintiff has filed today photostatic copies of the said documents in this case.

V.S.  
14/8/08

It is therefore prayed that the said documents be accepted for the ends of justice.

VERIFICATION

I Sri Surat Hazarika, plaintiff no 2 in this case do hereby solemnly affirm that the statements made above are true to my knowledge, belief and information and I sign this verification on this the 14th day of August 2008 at Tezpur.

Description of Documents filed

1. Photostatic copy of ~~affidavit~~ affidavit form dated 20.2.01 of N.K. Borah.
2. Pay fixation memo in IDA scale of assertion in BSNL from Oct 2000 to August 2002.
3. Photostatic copy of option form dated 2.2.01 of Surat Hazarika.
4. Pay fixation memo in IDA scale or assertion on BSNL from Oct 2000 to Aug 2002.

Surat Hazarika

Date 14.8.08.

THROUGH PROPER CHANNEL

SUB: OPTION FORM FOR ABSORPTION IN BSNL / RETENTION OF GOVERNMENT STATUS

(TO BE FILLED IN TRIPLICATE)  
(FOR DTS / DTO / DOT STAFF INCLUDING DIRECTORATE STAFF)

In accordance with the Government decision to convert the DTS / DTO into BSNL w.e.f 01.10.2000, as communicated under DTS Memo. No. 2-29/2000-Resig. dated 30.9.2000, I give my decision as under:

1. I hereby agree to be absorbed in BSNL w.e.f. 01.10.2000.

OR

~~I do not agree for absorption in BSNL and want to revert back to Government service.  
(Strike out whichever is not applicable)~~

2. I understand that the option exercised by me is final.

3. I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.

4. In case of my option for Government service, I understand that I would be redeployed through the Surplus Cell of the Government.

ASM/TR2/ Gv. C-855/0017

SIGNATURE \_\_\_\_\_

*[Signature]*  
2/2/2001  
SSSCO

NAME OF THE EMPLOYEE SARAT HAZARIKA  
(IN BLOCK LETTERS)

STAFF NUMBER \_\_\_\_\_

PLACE OF POSTING TEZPUR.

FOR OFFICE USE

ACCEPTED BY (SIGNATURE) \_\_\_\_\_

*[Signature]*

NAME & DESIGNATION OF THE OFFICER \_\_\_\_\_

(Sri J. N. Peori)  
Divisional Engineer (T) BSNL  
O/O the T.O.M., Tezpur-784001

OPTEE

~~NON-OPTEE~~

(Strike out whichever is not applicable)

*[Signature]*  
Accounts Officer (Cash)  
O/O GM TD, Tezpur  
Tezpur-784001

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BHARAT SANCHAR NIGAM LIMITED, O/O THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR 'C' AND 'D' EMPLOYEES 10/00 TO 08/02

136  
2

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

14 AUG 2008

- |   |                             |
|---|-----------------------------|
| 1) Name of the Employee                                   | : SARAT HAZARIKA 30911      |
| 2) Designation as on 01/10/2000                           | : SR TELE OPRG. ASST(26YRS) |
| 3) Existing scale of pay (CDA)                            | : Rs.5500-175-9000          |
| 4) Revised scale of pay (IDA)                             | : Rs.7800-225-11175         |
| 5) Basic Pay in CDA Scale                                 | : Rs.6,375                  |
| 6) No. of increments Earned in CDA Scale as on 01/10/2000 | : 5                         |
| 7) pay Fixed in IDA Scale                                 | : Rs.8,925                  |
| 8) Date of Increment (due after 01/10/2000)               | : 01/07/2001                |

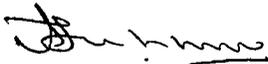
TAL  
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TAL  
043

TPAY  
564

TAL  
370

PAY  
94

  
ACCOUNTS OFFICER (Cash), BSNL  
O/O THE T.D.M. TEZPUR.

13048  
M.T.D.  
pur-784

- Copy to:
1. Sri/Smt.SARAT HAZARIKA, SR TELE OPRG. ASST(26YRS).
  2. Service Book.
  3. Personal File.

  
Accounts Officer (Cash)  
- O/O GMTD. Tezpur  
Tezpur-784001

To  
The Secretary to the Government of India,  
Ministry of Communications,  
Department of Telecom., New Delhi.



THROUGH PROPER CHANNEL

SUB: OPTION FORM FOR ABSORPTION IN BSNL / RETENTION OF GOVERNMENT STATUS

(TO BE FILLED IN TRIPLICATE)  
(FOR DTS / DTO / DOT STAFF INCLUDING DIRECTORATE STAFF)

In accordance with the Government decision to convert the DTS / DTO into BSNL w.e.f 01.10.2000, as communicated under DTS Memo. No. 2-29/2000-Resg. dated 30.9.2000, I give my decision as under:

1. I hereby agree to absorbed in BSNL w.e.f. 01.10.2000.

OR

I do not agree for absorb in BSNL and want to revert back to Government service.  
(Strike out whichever is not applicable)

2. I understand that the option exercised by me is final.

3. I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.

4. In case of my option for Government service, I understand that I would be redeployed through the Surplus Cell of the Government.

SIGNATURE M. K. Borah. T.T.A.

NAME OF THE EMPLOYEE MEDINI KUMAR  
(IN BLOCK LETTERS)

STAFF NUMBER BOORAH

PLACE OF POSTING Tezpur

ASM/TR2/GR-C-77A/0193

FOR OFFICE USE

ACCEPTED BY (SIGNATURE) [Signature]

NAME & DESIGNATION OF THE OFFICER (Sri J. N. Deori)

Divisional Post (P&A), BSNL  
O/O the I.D.O./Tezpur-784001

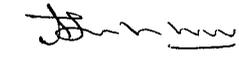
OPTEE	<input checked="" type="checkbox"/>
NON-OPTEE	<input type="checkbox"/>

(Strike out whichever is not applicable)

BHARAT SANCHAR NIGAM LIMITED, O/D THE T.D.M., TEZPUR.  
IDA PAY ARREAR FOR GR'C' AND 'D' EMPLOYEES 10/00 TO 08/02

PAY FIXATION MEMO IN IDA SCALE ON ABSORPTION IN BSNL

1) Name of the Employee : M K BORAH 31803  
2) Designation as on 01/10/2000 : TELE TECH ASST (16YRS)  
3) Existing scale of pay (CDA) : Rs.5000-150-8000  
4) Revised scale of pay (IDA) : Rs.7100-200-10100  
5) Basic Pay in CDA Scale : Rs.5,900  
6) No. of increments Earned in CDA Scale as on 01/10/2000 : 6  
7) Pay Fixed in IDA Scale : Rs.8,300  
8) Date of Increment (due after 01/10/2000) : 01/03/2001



ACCOUNTS OFFICER (CASH), BSNL  
O/D THE T.D.M. TEZPUR.

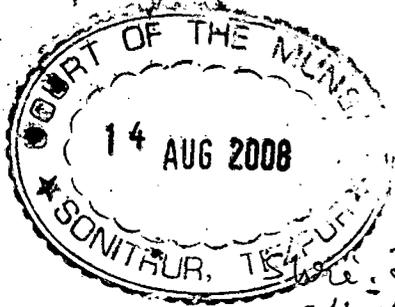
Copy to:

1. Sri/Smt. M K BORAH, TELE TECH ASST (16YRS).
2. Service Book.
3. Personal File.

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In the Court of Munsiff at Tezpur, Sonitpur,  
Assam.



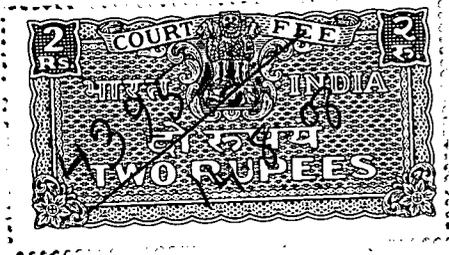
T.S. No. 43/08

Filed by:-  
B.C. Pathak  
Advocate  
14.8.2008

Shri. Jatin Sharma & ... plaintiffs  
others

- vs -

B.S.N. & others ... Defendants.



In the matter of:-  
A petition under Order XIV  
Rule 2 of the CPC.

The humble petition of the abovenamed  
defendants -

Most Respectfully Sheweth:-

Petr. NO. 3316/08

14.08.08

(1) That the defendants have filed an application  
regd as Petition No. 3106/08 raising preliminary  
objection of bar of jurisdiction as provided  
under S.9 of the CPC.

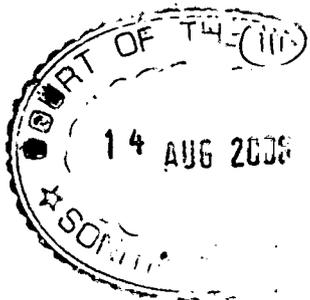
(2) That the defendants have also raised the  
same issue in their written statements in  
para 2 and 6(I). Similar objection has also been  
raised in para 4 and 4(I) of the Affidavit-in-opposition  
filed against the Misc (C) Case No. 62/08. Therefore, it  
is necessary to frame preliminary issues on the  
point of bar of jurisdiction as asserted by the  
plaintiff in the suit/plaint and as objected by  
the defendants as stated above.

(3) That the following preliminary issues may kindly  
be framed to be heard as preliminary issues:

(i) Whether the plaintiffs are Central Govt. Employees  
of the Department of Telecommunications Ministry  
of Communication, Govt. of India or employee of  
Bharat Sanchar Nigam Ltd?

(ii) If they are Central Govt. Employees and subject

matter raised in the suit relates to service matter in that case, whether the jurisdiction of Civil Court is barred by the provisions of S. 3(g) and S. 28 of the Administrative Tribunal Act, 1985?



whether the plaintiffs are entitled to any relief in the suit or the suit be dismissed with cost or the plaint be rejected or returned?

(4) That unless the above issues are framed and heard on these issues, there may not be any further proceeding in the suit and also the misc.(5) case no. 61/08.

(5) That this petition has been made bonafide and for the ends of justice.

It is, therefore, respectfully prayed that this Hon'ble Court would be pleased to frame the preliminary issues at the 1st instance as indicated in para. 3 of the petition and fix a date for hearing and/or for such other orders or orders that this Hon'ble Court may deem fit and proper.

14.8.2008

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the court of the magistrate - Tezpur.



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127  
14.8.08.  
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T.S. 43/08

Plaintiff - Jatin Sharma

-vs-

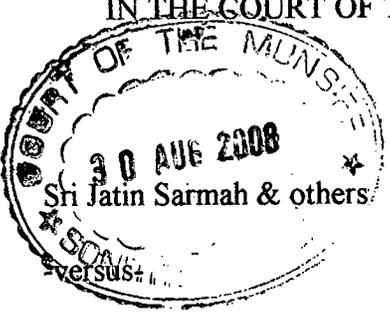
Defendant - BSNL and others.

The advocate for the plaintiff is present in the court.



IN THE COURT OF THE MUNSIFF AT TEZPUR, SONITPUR, ASSAM

T.S. No. 43/2008



Sri Jatin Sarmah & others ... Plaintiffs

Bharat Sanchar Nigam Limited & others ... Defendants

128  
Filed by: 14/  
Hemanti K. Gogoi  
Advocate  
30.8.2008

Pet. NO. 3497/08 The humble petition of the Defendants abovenamed:

30.8.08 MOST RESPECTFULLY SHEWETH:

1. That today is the date fixed for hearing of preliminary issue as to "Whether the court has jurisdiction to try the suit".
2. That Sri B.C. Pathak, who is the counsel appearing on behalf of the defendants, could not present himself as he had to leave for New Delhi to arrange travel documents of his daughter, who is going to America for her Post Doctoral research work in New York State University for one year, by the midnight of 4.9.2008. Therefore the defendants would require some time for hearing of the matter.
3. That the matter may kindly be fixed for hearing sometimes after about one month.
4. That this petition has been made bonafide and for the ends of justice.

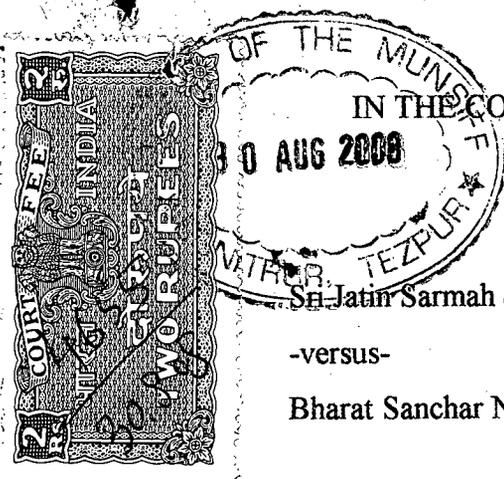
Yes  
A  
30/8/08  
Munsiff  
TEZPUR

It is therefore prayed that this Hon'ble court may be pleased to adjourn the case and fix another date for haring of the preliminary issue.

VERIFICATION 30.8.2008

I Sri Pradip Chandra Daimari  
deponent no. 3 in this case do hereby  
solely affirm and declare that the  
statements made hereinabove <sup>in this petition</sup> are true to the  
best of my knowledge belief and  
information. And I sign this verification on the  
30th day of August, 2008 at Tezpur.

Pradip chandra Daimari



IN THE COURT OF THE MUNSIF AT TEZPUR: SONITPUR: ASSAM

In T.S. No. 43/2008

129  
 142  
 Filed by:  
 Hemanta Kr. Gogoi  
 Advocate  
 30.8.2008

Sri Jatin Sarmah & others ... Plaintiffs

-versus-

Bharat Sanchar Nigam Limited & others ... Defendants

In the matter of:  
Filing of some documents in the Suit.

The humble petition of the Defendants abovenamed:

MOST RESPECTFULLY SHEWETH:

Petr. NO. 3498/08

30.8.08

1. That the defendants have filed Written Statements (WS) in this case on 31.7.2008.
2. That due to inadvertence the defendants could not submit the show cause notices issued to some of the officers along with the WS, which are essential as evidence for fair and just adjudication of the case as pleaded in para 6 (F) of the WS. Copies of the said show cause notices have been filed herewith as DOCUMENT No. 19, 20, 21, 22, 23, 24 and 25 respectively.
3. That this petition has been made bonafide and for the ends of justice.

It is therefore that prayed that this Hon'ble Court would be kind enough to accept the documents for the ends of justice.

30.8.2008

VERIFICATION

I, Sri Pradip Chandra Daimari, defendant No. 3 in this case do hereby solemnly affirm and declare that the statements made hereinabove in the petition are true to the best of my knowledge, belief and information. And I sign this Verification on this 30<sup>th</sup> August, 2008 at Tezpur.

Pradip Chandra Daimari

✓  
 30/8/08  
 Munsif  
 TEZPUR

30.8.2008

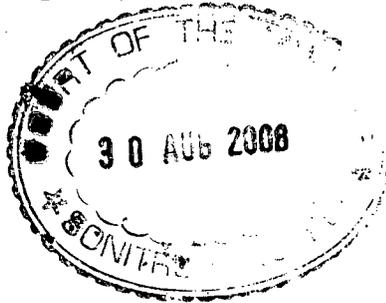


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**DESCRIPTION OF DOCUMENTS**

1. Show cause notice dated 28.6.2008 issued to Sri A. Thulukanam, the then AO (Cash), Tezpur, BSNL, STP Circle, BSNL Chennai, Tamilnadu
2. Show cause notice dated 28.6.2008 issued to Sri S. Chakraborty, the then SDE (HRD), BSNL.
3. Show cause notice dated 28.6.2008 issued to Sri U. Swargiary, CAO/IFA, BSNL, O/o The GMTD, Tezpur - 784001.
4. Show cause notice dated 28.6.2008 issued to Sri P.D. Borah, the then AO (Cash) IV, AO Civil Division, Jorhat, BSNL, Near ASTC Bus Station, Jorhat.
5. Show cause notice dated 28.6.2008 issued to Sri J.N. Deori, DE, Sonitpur [the then DE (P&A)], BSNL, Old Telephone Exchange Complex, Tezpur - 784001.
6. Show cause notice dated 28.6.2008 issued to Sri K.D. Purkayastha, Ex-Senior TOA (G), Tezpur, BSNL, Near Mahavairab Temple, PO - Tezpur - 784001.
7. Show cause notice dated 28.6.2008 issued to Sri M.R. Nath, Ex Senior Accountant, Tezpur, BSNL, Nabapur, Near B.Ed. College, Tezpur - 784001.

30.8.2008



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**BHARAT SANCHAR NIGAM LIMITED**  
 (A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

No. Legal/CDA-IDA/TZ/08-09/26

Dated the 28-6-2008.

Show Cause Notice

To,

Sri A. Thulukanam, The then AO (Com) Person, BSNL  
STP Circle, BSNL, Chennai, Tamil Nadu.

**Sub: CDA-IDA SCALE OF PAY of Gr C & D.**

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This



provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

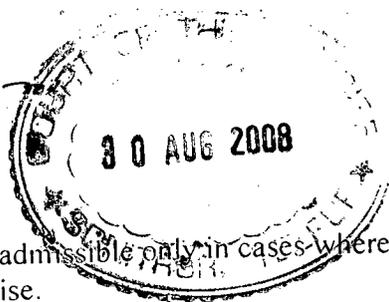
Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale

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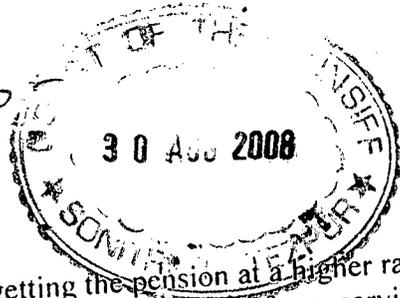
and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or the seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding/court case were initiated against the employees as shown in the Annexure-1 annexed hereto and these proceedings are still pending / or while the proceedings were pending some of those have already retired on attaining the age of superannuating as indicated in the said Annexure. In view of the pendency of the said disciplinary proceedings / court cases, their cases of permanent absorption have not been accepted uptill now and as a result they have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas they have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to them vide order No. *STES-1/120/02-03/04 dated 26-08-2002*, *ESTT/BSNL-ASM/1-5/7 dated 29-05-2001* and *BSNL/4/SR/2000 dated 16-05-2001* for Rs. \*...\*... [they have also retired from service on attaining the age of superannuating as shown in the said Annexure-1 and they have been granted the pension on the basis of calculation

\* \* Rs 2706191.00 against 20 (twenty) nos serving employees + 11 (eleven) nos retired/expired employees, amount to be ascertained separately. 15



made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of an officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

Encl: Annexure-1 in details.

  
Signature and Designation  
of the competent authority

**Dy. General Manager**  
O/O the G.M.T.D. BSNL  
Tezpur-784001



**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

No. Legal/CDA-IDA/TZ/08-09/26

Dated the 28 -6 -2008.

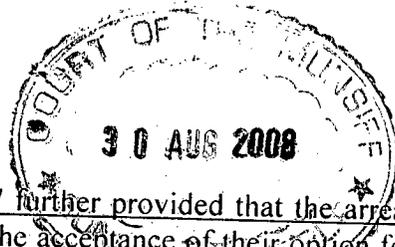
Show Cause Notice

To,

Sri S. Chakraborty, The then SDB (HR), BSNL**Sub: CDA-IDA SCALE OF PAY of Gr C & D.**

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This



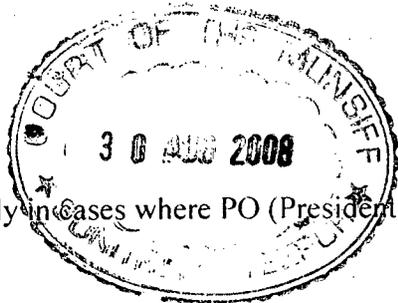
provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

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Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale



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and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or the seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding/court case were initiated against the employees as shown in the Annexure-1 annexed hereto and these proceedings are still pending / or while the proceedings were pending some of those have already retired on attaining the age of superannuating as indicated in the said Annexure. In view of the pendency of the said disciplinary proceedings / court cases, their cases of permanent absorption have not been accepted uptill now and as a result they have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas they have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to them vide order No. *STES-1/120/02-03/04 dated 26-08-2002*, *ESTT/BSNL-ASM/1-5/7 dated 29-05-2001* and *BSNL/4/SR/2000 dated 16-05-2001* for Rs. \* \* \* \* . [they have also retired from service on attaining the age of superannuating as shown in the said Annexure-1 and they have been granted the pension on the basis of calculation

\* \* Rs 2706191.00 against 20 (twenty) non serving employees  
+ 11 (eleven) was retired/expired employees, amount  
to be ascertained separately.

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made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of a officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

Encl: Annexure-1 in details.

 28/6/08  
Signature and Designation  
of the competent authority  
**Dy General Manager**  
O/O the G.M.T.D. BSNL  
Tel:pur-784001

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**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

No. Legal/CDA-IDA/TZ/08-09/26

Dated the 28-6-2008.

Show Cause Notice

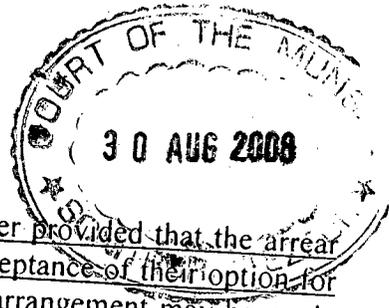
To,

Sri U. Swargiani, CAO/IFA, BSNL  
Of the GMTD, Tezpur-784001

**Sub: CDA-IDA SCALE OF PAY of Gr C & D.**

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This



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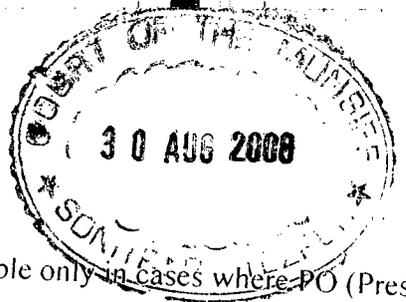
provision has been given in clause 6, while clause 7 further provided that the arrears should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale



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and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or the seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding/court case were initiated against the employees as shown in the Annexure-1 annexed hereto and these proceedings are still pending / or while the proceedings were pending some of those have already retired on attaining the age of superannuating as indicated in the said Annexure. In view of the pendency of the said disciplinary proceedings / court cases, their cases of permanent absorption have not been accepted uptill now and as a result they have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas they have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to them vide order No. STES-1/120/02-03/04 dated 26-08-2002, ESTT/BSNL-ASM/1-5/7 dated 29-05-2001 and BSNL/4/SR/2000 dated 16-05-2001 for Rs. \*.\*.... [they have also retired from service on attaining the age of superannuating as shown in the said Annexure-1 and they have been granted the pension on the basis of calculation

\*\* Rs 2706191.00 against 20 (twenty) NOS serving employees + 11 (eleven) NOS retired/expired employees, amount to be ascertained separately.

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made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of a officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

Encl: Annexure-I in details.

Signature and Designation  
of the competent authority

(M F Ansari)  
General Manager BSNL  
Telecom District Tezpur  
Tezpur-784001



Whereas from the records of the DOT/BSNL it is found that the Disciplinary Proceedings/Court Cases were initiated against the employees as shown in the ANNEXURE-1,annexed hereto and these proceeding are still pending /or while the proceeding were pending some of these have already gone on retirement as indicated in the ANNEXURE-1.

ANNEXURE-1

Sl. No.	Name of the Employee	Design.	In-service/ Retired	Proceeding drawn Vide Memo No	Difference Of amount
1	Medini.Kumar Borah	TTA	Serving	No.X-2003/Vig/MKB/02-03/1 dtd 22-08-2002.	Rs.146160.00
2	Ashim Bijoy Dutta	Phone Inspector	Serving	No.X-2003/Vig/ABD/02-03/1 dtd.22-08-2002.	Rs.143397.00
3	Jatin Sarmah	Sr.TOA (P)	Serving	No.X-2003/Vig/JJ/01-02/1 dtd11-02-2002	Rs.131028.00
4	Hemanta Kr. Borah	TTA	Serving	No.X-2003/VIG/HKB/02-03/1 dtd.22-08-2002	Rs.144082.00
5	Harendra Nath Haloi	TM	Serving	No.X-2003/VIG/HNH/0102/1 dtd.11-02-2002	Rs.125575.00
6	Sarat Hazarika	Sr.TOA (G)	Serving	No.X-2003/VIG/SH/0203/1 dtd.22-08-02	Rs.151112.00
7	Guneswar Das	TM	Serving	No.X-2003/VIG/GD/02-03/1 dtd.12-08-02	Rs.145074.00
8	Maheswar Ray	TM	Serving	No.X-2003/VIG/MR/02-03/1 dtd.12-08-02.	Rs.140587.00
9	Rajendra Ray	TM	Serving	Court Case	Rs.141529.00
10	Mohan Pd.Ray	LM	Serving	No.X-2003/VIG/MPR 01-02/ dtd.05-02-2002	Rs.125343.00
11	Lambodhar Jha	LM	Serving	Court Case	Rs.119998.00
12	Indreswar Barua	LM	Serving	No.Disc/I Barua/DMJ/04-05/01 dtd.27-09-04	Rs.113587.00
13	Lankeswar Rabha	TM	Serving	No.E-32/Disc.Proceeding/03-04/7 dtd.29-12-2003	Rs.147936.00
14	Sakal Deo Singh	TM	Serving	Court Case	Rs.177372.00
15	Sankar Bhattarcharjee	LM	Serving	No.E-32/Disc.Proceeding/03-04/8 dtd.29-12-2003	Rs.110079.00
16	Narayan Ch.Boro	LM	Serving	1.No.X-2003/VIG/NCB/01-02/1 dtd.01-08-2002 2.No.X-10/GENL/NCB/1 Dtd.16-04-2004	Rs.135236.00
17	Jogen Ch.Baruah	TM	Serving	No.X-2003/VIG/JCB/02-03/1 Dtd.22-08-2002.	Rs.143434.00
18	Pradip Ch.Duarah	TM	Serving	No.X-2003/VIG/PCD/01-02/1 Dtd.13-06-2002.	Rs.145309.00
19	Jiten Baruah	TM	Serving	No.X-2003/VIG/JB/02-03/1 Dtd.22-08-2002.	Rs.95928.00
20	Deo Nath Ray	LM	Serving	Court Case	Rs.123425.00

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Sl.No.	Name of the Employee	Design.	In-service/ Retired	Proceeding drawn Vide Memo No
21	Late Gopal Singh	Ex.SI	Expired	Rule 14 Case
22	Radha Ram Deka	Ex.SI	Retired	Court Case
23	Md.Abdul Aziz	Ex.SI	Retired	Court Case
24	Md.Taslim	Ex.TM	Retired	Rule 14 Case
25	Sarat Ch. Nath	Ex.SI	Retired	Rule 14 Case
26	Krishna Bahadur Chetri	Ex.SI	Retired	Rule 14 Case
27	Sukan Roy	Ex.SI	Retired	Rule 14 Case
28	M.R. Nath	Ex.SA	Retired	Rule 14 Case
29	Baiju Roy	Ex.SI	Retired	Rule 14 Case
30	Ram Bilash Roy	Ex.TM	Retired	Court Case
31	Prem Shankar Prasad	Ex.PI	Retired	Rule 14 Case



BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
TEZPUR-784001

No. Legal/CDA-IDA/TZ/08-09/26

Dated the 28 - 6 - 2008.

Show Cause Notice

To,

Sri P.D. Borah, The then AO (C&D) in  
A.O. Civil Division, Jorhat, BSNL.  
Near ASTC Bus Station, Jorhat.

Sub: CDA-IDA SCALE OF PAY of Gr C &amp; D.

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.e.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.e.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This



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provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

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and clarified that the IDA pay scale is admissible only in cases where (Presidential Order) has been issued and not otherwise.

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\* \* Rs 2706191.00 against 20 (twenty) nos serving employees + 11 (eleven) nos retired/expired employees, amount to be ascertained separately. 15



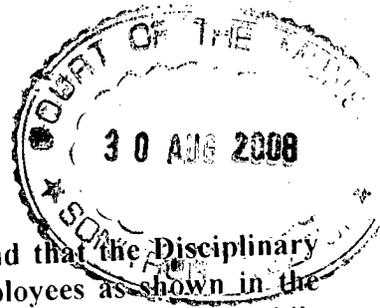
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You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

  
Signature and Designation  
of the competent authority

**Dy General Manager**  
O/O the G.M.T.D. BSNL  
Tezpur-784001

Encl: Annexure-1 in details.



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Whereas from the records of the DOT/BSNL it is found that the Disciplinary Proceedings/Court Cases were initiated against the employees as shown in the ANNEXURE-1, annexed hereto and these proceeding are still pending /or while the proceeding were pending some of these have already gone on retirement as indicated in the ANNEXURE-1.

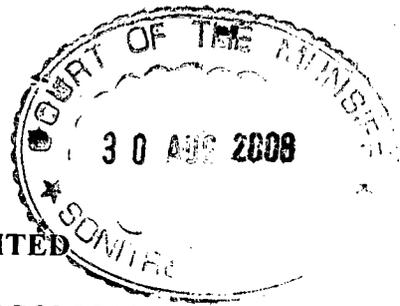
## ANNEXURE-1

Sl. No.	Name of the Employee	Design.	In-service/ Retired	Proceeding drawn Vide Memo No	Difference Of amount
1	Medini.Kumar Borah	TTA	Serving	No.X-2003/Vig/MKB/02-03/1 dtd 22-08-2002.	Rs.146160.00
2	Ashim Bijoy Dutta	Phone Inspector	Serving	No.X-2003/Vig/ABD/02-03/1 dtd.22-08-2002.	Rs.143397.00
3	Jatin Sarmah	Sr.TOA (P)	Serving	No.X-2003/Vig/JJ/01-02/1 dtd11-02-2002	Rs.131028.00
4	Hemanta Kr. Borah	TTA	Serving	No.X-2003/VIG/HKB/02-03/1 dtd.22-08-2002	Rs.144082.00
5	Harendra Nath Haloi	TM	Serving	No.X-2003/VIG/HNH/0102/1 dtd.11-02-2002	Rs.125575.00
6	Sarat Hazarika	Sr.TOA (G)	Serving	No.X-2003/VIG/SH/0203/1 dtd.22-08-02	Rs.151112.00
7	Guneswar Das	TM	Serving	No.X-2003/VIG/GD/ 02-03/1 dtd.12-08-02	Rs.145074.00
8	Maheswar Ray	TM	Serving	No.X-2003/VIG/MR/02-03/1 dtd.12-08-02.	Rs.140587.00
9	Rajendra Ray	TM	Serving	Court Case	Rs.141529.00
10	Mohan Pd.Ray	LM	Serving	No.X-2003/VIG/MPR 01-02/ dtd.05-02-2002	Rs.125343.00
11	Lambodhar Jha	LM	Serving	Court Case	Rs.119998.00
12	Indreswar Barua	LM	Serving	No.Disc/1 Barua/DMJ/04- 05/01 dtd.27-09-04	Rs.113587.00
13	Lankeswar Rabha	TM	Serving	No.E-32/Disc.Proceeding/ 03-04/7 dtd.29-12-2003	Rs.147936.00
14	Sakal Deo Singh	TM	Serving	Court Case	Rs.177372.00
15	Sankar Bhattarcharjee	LM	Serving	No.E-32/Disc.Proceeding/ 03-04/8 dtd.29-12-2003	Rs.110079.00
16	Narayan Ch.Boro	LM	Serving	1.No.X-2003/VIG/NCB/01- 02/1 dtd.01-08-2002 2.No.X-10/GENL/NCB/1 Dtd.16-04-2004	Rs.135236.00
17	Jogen Ch.Baruah	TM	Serving	No.X-2003/VIG/JCB/02-03/1 Dtd.22-08-2002.	Rs.143434.00
18	Pradip Ch.Duarah	TM	Serving	No.X-2003/VIG/PCD/01-02/1 Dtd.13-06-2002.	Rs.145309.00
19	Jiten Baruah	TM	Serving	No.X-2003/VIG/JB/02-03/1 Dtd.22-08-2002.	Rs.95928.00
20	Deo Nath Ray	LM	Serving	Court Case	Rs.123425.00



Sl.No.	Name of the Employee	Design.	In-service/ Retired	Proceeding drawn Vide Memo No
21	Late Gopal Singh	Ex.SI	Expired	Rule 14 Case
22	Radha Ram Deka	Ex.SI	Retired	Court Case
23	Md.Abdul Aziz	Ex.SI	Retired	Court Case
24	Md.Taslim	Ex.TM	Retired	Rule 14 Case
25	Sarat Ch. Nath	Ex.SI	Retired	Rule 14 Case
26	Krishna Bahadur Chetri	Ex.SI	Retired	Rule 14 Case
27	Sukan Roy	Ex.SI	Retired	Rule 14 Case
28	M.R. Nath	Ex.SA	Retired	Rule 14 Case
29	Baiju Roy	Ex.SI	Retired	Rule 14 Case
30	Ram Bilash Roy	Ex.TM	Retired	Court Case
31	Prem Shankar Prasad	Ex.PI	Retired	Rule 14 Case

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**BHARAT SANCHAR NIGAM LIMITED**  
 (A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
 TEZPUR-784001

**No. Legal/CDA-IDA/TZ/08-09/26** **Dated the 28-6-2008.**

Show Cause Notice

To,

Sri J. N. Deoni DB, Sonitpur [The item DB (P4A)], BSNL  
Old Telephone Exch Complex, Tezpur-784001

**Sub: CDA-IDA SCALE OF PAY of Gr C & D.**

Whereas the assets and liabilities of the erstwhile Department of Telecommunications (DOT) were transferred to the Bharat Sanchar Nigam Limited (BSNL) with effect from 1.10.2000 as a matter of policy decision by the Government of India. After such transfer, the first document regarding the case of absorption of Group - C & D employees in BSNL came into existence on the Records of Discussions held on 2.1.2001 in the meeting with the three Federations which was presided by CMD, BSNL regarding terms and conditions for absorption of Group - C & D employees in BSNL. This was communicated vide No. BSNL/4/SR/2000 dated 2.1.2001. By the said record the question of absorption was discussed and in Clause 5 it was resolved that the employees against whom disciplinary cases were pending could also be permitted to opt for absorption but their absorption would be subject to the outcome of the vigilance cases. The pending vigilance cases would be expedited on a fast track mode by DOT. The appeal / petition of such cases would also be decided by DOT authorities. In clause 7 of the said Records of Discussions it was further agreed the terms and conditions for changeover to IDA pay scales from CDA Government scales. Pending such change-over ad-hoc payment of Rs.1000/- per month w.c.f. 1.10.2000 was also agreed subject to adjustment of the said ad-hoc payment on fixation of pay under IDA scales. This condition was relating to normal cases and was not related to employees under ongoing disciplinary cases against them. In clause 9 of the said Records of Discussions it was further agreed that the absorption would be governed by Rule 37-A of the CCS (Pension) Rules, 1972.

Whereas immediately thereafter a circular was issued by the BSNL vide DO letter No. BSNL/4/SR/2000 dated 3/4 January, 2001 thereby issuing instructions for taking step for absorption of Group - C & D employees latest by 15.1.2001 and to be completed by 28.2.2001. By the said DO letter it was conveyed that officials who opt for absorption in BSNL may be paid Rs.1000/- per month as ad-hoc payment w.c.f. 1.10.2000 and to be adjusted against IDA emoluments on finalization of the IDA scales w.e.f. 1.10.2000 after taking necessary undertakings from the employees. This

COURT OF THE JUDGE  
30 AUG 2008

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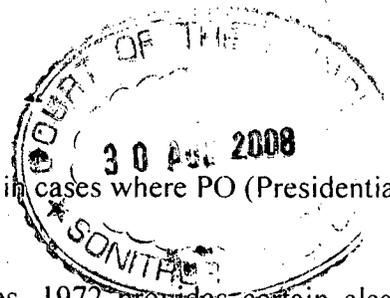
provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale



153 188

and clarified that the IDA pay scale is admissible only in cases where PO (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or the seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding/court case were initiated against the employees as shown in the Annexure-1 annexed hereto and these proceedings are still pending / or while the proceedings were pending some of those have already retired on attaining the age of superannuating as indicated in the said Annexure. In view of the pendency of the said disciplinary proceedings / court cases, their cases of permanent absorption have not been accepted uptill now and as a result they have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas they have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to them vide order No. STES-1/120/02-03/04 dated 26-08-2002, ESTT/BSNL-ASM/1-5/7 dated 29-05-2001 and BSNL/4/SR/2000 dated 16-05-2001 for Rs. \* \* \* [they have also retired from service on attaining the age of superannuating as shown in the said Annexure-1 and they have been granted the pension on the basis of calculation

\* \* Rs 2706191.00 against 20 (twenty) nos serving employees + 11 (eleven) nos retired/expired employees, amount to be ascertained separately.



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made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service). But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of an officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

*[Handwritten Signature]* 28/6/08

Signature and Designation  
of the competent authority  
**Dy General Manager**  
O/O the G.M.T.D., BSNL  
Tezpur-784001

Encl: Annexure-1 in details.



**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

No. Legal/CDA-IDA/TZ/08-09/27

Dated the 28-6-2008.

Show Cause Notice

To,

Sri K. J. Prakashastha ex Sr T00(4), Tezpur, BSNL  
Near Mahavairab Temple, P.O. Tezpur-784001.

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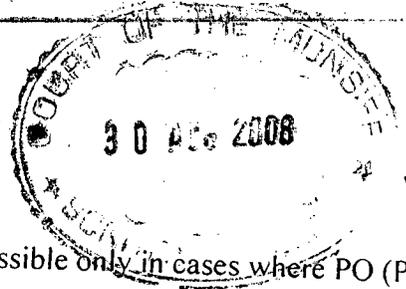
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\* \* Rs 2706191.00 against 20 (twenty) nos serving employees + 11 (eleven) nos retired/expired employees, amount to be ascertained separately. 15



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made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of a officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

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Encl: Annexure-1 in details.

*J. Prasad*  
 Signature and Designation  
 of the competent authority  
 Divisional Engineer (P&A)  
 O/o GMTD, BSNL  
 Tezpur-784001

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150



**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT**  
**TEZPUR-784001**

**No. Legal/CDA-IDA/TZ/08-09/27** **Dated the 28 - 6 - 2008.**

Show Cause Notice

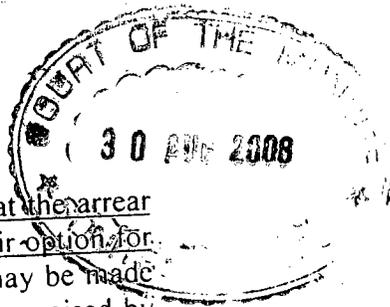
To,

Sri MR NATH Ex Sr Acctt. Tezpm, BSNL  
Nabapur, Near B Ed. College, Tezpm-784001

**Sub: CDA-IDA SCALE OF PAY of Gr C & D.**

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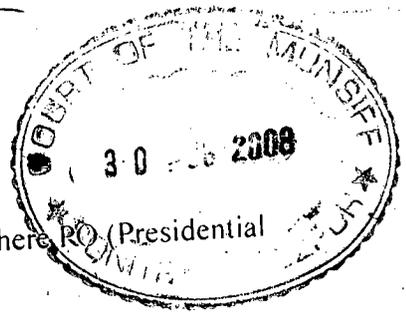
provision has been given in clause 6, while clause 7 further provided that the arrear should be paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. It was further provided that suitable arrangement may be made to ensure that there was no undue delay in acceptance of the options so exercised by the optees and ad-hoc payment along with arrears. All these provisions of clause 6 and 7 relate to employees who are not under the cloud of disciplinary action.

Whereas the BSNL Corporate Office vide their letter No. BSNL/4/SR-2000 dated 5.3.2001 issued certain clarifications to the establishment of all the Chief General Managers clarifying certain issues. In answer to the query regarding issue No. 3 as to whether the employees retired either voluntarily or on superannuating after 1.10.2000 are to be considered in the process of exercising option, it was clarified that such employees retired drawing pay scale as per Government's CDA scale, they are to be given benefit of IDA scale. In answer to the query in issue No. 4, as to whether options are to be taken from the employees against whom disciplinary cases are pending, it was further clarified that as per Records of Discussions signed by the BSNL management with the three staff Federations on 2.1.2001, options were to be taken from the employees against whom disciplinary cases are pending. However, their absorption would be subject to the outcome of the vigilance cases.

Whereas the BSNL Corporate office vide letter No. BSNL/4/SR/2000 dated 16.5.2001 further communicated and clarified that except in cases of imposition of the penalty of dismissal / removal / compulsory retirement etc. the charged officials who have opted for absorption will be eligible for absorption in BSNL from 1.10.2000 and entitled to IDA pay scales. The charged employees on whom penalty of dismissal, removal or compulsory retirement has been inflicted, would however, be liable to refund the ad-hoc payment of Rs.1000/- along with the arrears paid, if any, w.e.f. 1.10.2000. The clause 2 of the said letter further clarifies that optees against whom disciplinary cases are pending will not be absorbed during the pendency of disciplinary cases and during the currency of penalty imposed, if any, on conclusion of the disciplinary proceeding.

Whereas the office of the DOT, New Delhi vide their letter No. 27-1/2001-SNG dated 13.11.2001 issued the draft proforma for issue of Presidential Order (PO) with the direction to complete the process of issue of PO by 19.2.2002. By the said draft PO the provisions of Rule 37-A read with Rule 54 of CCS (Pension) Rules, 1972 have been included in the said PO. The BSNL Corporate Office vide Office Order No. BSNL/26/SR/2002 dated 7.8.2002 issued certain instructions for introduction of IDA pay scales w.e.f. 1.10.2000 replacing the CDA pay scale to the Group C & D employees absorbed in BSNL. By the clause 9(d) of the said office order it has been further provided that errors and omissions occurred while calculating the arrears are subject to rectification and correction. Over payment made, if any, shall be recovered from any amount that may become payable due to the employee concerned. The provisions of the said Circular is not concerned with the cases of employees who are/were under cloud of disciplinary action except the said clause 9(d).

Whereas the Corporate Office of BSNL vide their letter No. 15-3/07-PAT (BSNL) dated 10.5.2007 issued further clarification on the admissibility of Perks & IDA scale



and clarified that the IDA pay scale is admissible only in cases where (Presidential Order) has been issued and not otherwise.

Whereas on the other hand the CCS (Pension) Rules, 1972 provides certain clear provisions relating to pension on absorption in or under a Corporation, Company or Body and conditions for payment of pension on absorption consequent upon the conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking as provided under Rule 37 and 37-A. The provisions under Rule 37-A of the CCS (Pension) Rules, 1972 are the regulating criteria of the Presidential Order effecting permanent absorption in BSNL. The provisions of CCS (Pension) Rules, 1972 are statutory rules having full force of law and the same are strictly binding on the Government Departments as well as the Government employees now in BSNL by virtue of the said PO. The said Rules, inter alia, provide that the Central Government servant shall be absorbed in the Public Sector Undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government and the Central Government shall allow the transferred Govt. servant an option to revert back to the Govt. or the seek permanent absorption in the Public Sector Undertaking or autonomous body as the case may be. The Rules further provide that the permanent absorption of the Govt. servant as employee of the Public Sector Undertaking shall take effect from the date on which their options are accepted by the Govt. and on and from such date of such acceptance such employee shall cease to be Government servant and they shall be deemed to have retired from Govt. service. The Rules also provide that the employees including quasi-permanent and temporary employees but excluding casual labourers, who opt for permanent absorption in the Public Sector Undertaking shall on and from the date of absorption be governed by the Rules and Regulations or bye-laws of the Public Sector Undertaking. It also provides that a permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking shall be eligible for pension benefits on the basis of combined service rendered by him in the Govt. and in the Public Sector Undertaking in accordance with the formula for calculation of pension / family pension under these Rules as may be in force at the time of his retirement from the Public Sector Undertaking.

Whereas from the records of the BSNL it is found that the disciplinary proceeding/court case were initiated against the employees as shown in the Annexure-1 annexed hereto and these proceedings are still pending / or while the proceedings were pending some of those have already retired on attaining the age of superannuating as indicated in the said Annexure. In view of the pendency of the said disciplinary proceedings / court cases, their cases of permanent absorption have not been accepted uptill now and as a result they have not been permanently absorbed in BSNL and no such Presidential Order has been issued as required by law as stated hereinabove.

Whereas they have been granted the benefit of ad-hoc payment of Rs.1000/- per month to be adjusted against the benefit to be given in fixation of pay under IDA pay scale against the CDA pay scale and all the benefit of arrears have also been paid to them vide order No. STES-1/120/02-03/04 dated 26-08-2002, ESTT/BSNL-ASM/1-5/7 dated 29-05-2001 and BSNL/4/SR/2000 dated 16-05-2001 for Rs. \* \* \* [they have also retired from service on attaining the age of superannuating as shown in the said Annexure-1 and they have been granted the pension on the basis of calculation

\* \* Rs 2706191.00 against 20 (twenty) NOS serving employees + 11 (eleven) NOS retired/expired employees, amount to be ascertained separately.

- 34 -



162-175

made on IDA pay scale and they are getting the pension at a higher rate than the CDA pay scale (this is required for those who have retired from service)]. But as per provisions as stated hereinabove, they are not entitled to the benefit of ad-hoc payment of Rs.1000/- per month and also the benefit of pay scales as per IDA scale or the pension calculated as per IDA scale. Such benefit has been granted to them illegally and the same is required to be recovered as per direction of the competent authority. You have allowed the said benefit to those employees most illegally and without authority and without any application of mind which is unbecoming of an officer of your status and such action violates the provisions of the CCS (Conduct) Rule, 1964 as provided under Rule 3(i),3(ii) and 3(iii) of the said Rules/Rule 4 of BSNL CDA Rules 2006.

You are, therefore, hereby directed to show cause as to under what provisions of law and authority, you have approved and granted the benefit of IDA scales of pay from CDA scale of pay to the aforesaid employees although the said benefits were not admissible to them under any of the aforesaid provisions of the office orders, circulars or provisions of law and as to why the said amount paid to those ineligible employees in excess should not be recovered from your salary / service benefit. Your written reply should reach the undersigned within 15 days from the date of receipt of this notice. Failing which necessary action would be initiated without any further communications to you in this regard.

Encl: Annexure-1 in details.

*Pravin*  
 Signature and Designation  
 of the Competent Authority  
 Divisional Engineer (P&A)  
 O/o GM D, BSNL  
 Tezpur-784001

In the Court of the Munsiff, Tezpur.



30.8.08/6 M  
178

T.S. 43/08

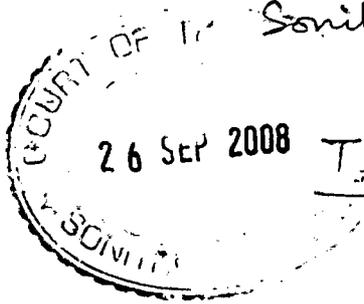
Plaintiff — Jalia Sharma

— vs —

Defendant — BSNL & other.

The advocate for the Plaintiff is present  
in the Court.

In the Court of Munsiff at Tezpur  
Sonitpur (Assam).



TS. NO. 43/2008

Filed by:-

P.C. Barua

Advocate

169 26/9/2008 179

Shri. Jatin Sarmah & others ... plaintiff

- vs -

Bharat Sanchar Nigam Ltd & ors ... Defendants.

The advocate on behalf of the above named  
defendants are present today in the  
Court.

26/9/2008

165/178

In the Court of the Magistrate, Tezpur.



26/9/19  
Jatin Sharma

T.S. 43/06

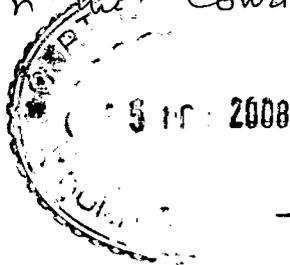
Plaintiff — Jatin Sharma.

- vs -

Defendant — BSNL

The advocate for the plaintiff is present in the court.

In the Court of Munsiff at Tezpur, Sonitpur  
(Assam).



TS No. 43/2008

Shri. Jatin Sarmah & ors ... plaintiff

- vs -

Bharat Sanchar Nigam Ltd & ors ... Defendants,

The representative of the defendants, BSNL  
is present today in the court.

15.11.2008

166 Filed by 179  
Sri. B. C. Kalita  
Advocate

Through  
Divisional Engineer (Legal)  
C/O the U.O., BSNL, Tezpur-1  
15.11.2008

FORM NO. 2  
SUMMON FOR SETTLEMENT OF ISSUES  
(ORDER 5 RULE 1 AND 5 C.P.C.)

*Handwritten:*  
25.8.08  
30.8.08

In the court of the Munsiff at Tezpur, Sonitpur, Assam.

*Handwritten:*  
167

Title Suit No. 43 2008.

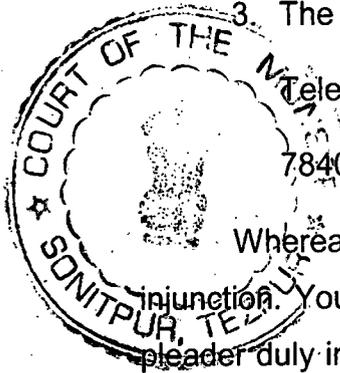
Plaintiff :- Sri Jatin Sharma &

-VS-

Defendants :- Bharat Sanchar Nigam Ltd. & Ors

To,

1. The Chairman and Managing Director, Bharat Sanchar Nigam Limited.  
Harish Chandra Mathur Lane, Janpath, New Delhi – 110001.
2. The General Manager Telecom District, Tezpur, Bharat Sanchar  
Nigam Limited, Tezpur – 784001.
3. The Divisional Engineer (P & A), Office of the General Manager  
Telecom District Tezpur, Bharat Sanchar Nigam Limited, Tezpur –  
784001.



Whereas the plaintiffs have instituted a suit against you for declaration & injunction. You are hereby summoned to appear in this court in person or by a pleader duly instructed and able to answer all materials questions relating to the suit or who shall be accompanied by some person able to answer all such questions on the 14th day of August 2008 at 10'O clock in the fore noon to answer the claim and further you are directed to file on that day a written statement of your defence and to produce on the said day all documents in your possession or power upon which you base your defence or claim for setoff or counter claim and where you rely on any other document whether in your possession or power or not as evidence in support of your defence or claim for setoff or counter claim you shall enter all such documents in a list to be annexed with the written statement.

Given under my hand and the seal of the court this the 25th day of July 2008.

*By order*  
*P. Meek*  
Sh. *P. Meek*  
MUNSIFF  
Munsiff, Tezpur  
Sonitpur, Tezpur

Sonitpur, Tezpur, Assam.



In the court of the munsiff, Tezpur.



7.5.43/08

Plaintiff - Jatin Sharma

- vs -

Defendant - B.S.N.L.

The advocate for the plaintiff is present in the court.

181  
168  
11.11.51  
A



IN THE COURT OF MUNSIFF AT TEZPUR

Title Suit No. 43/2008

Shri Jatin Sharma & others ..... Plaintiffs

-vs-

Bharat Sanchar Nigam Ltd. & others ..... Defendants

182  
Filed by  
Hemanta Kr. Baggi  
Advocate  
29.11.08

169

Today is the date fixed for preliminary hearing on the preliminary issue as to whether this Hon'ble Court has jurisdiction to try this suit or not.

Petr. No. 4055/08

29.11.08

It is submitted on behalf of the defendants that during the pendency of the instant suit and hearing of the preliminary issue in this Hon'ble Court, there has been some development by which the Government of India has issued the notification under Section 14(2) of the Administrative Tribunal Act, 1985 and thereby conferring the jurisdiction of 'service matter' of the employees of Bharat Sanchar Nigam Ltd. to the Central Administrative Tribunal for exercising jurisdiction under Section 14(3) of the said Act. The notification has been issued on 11.10.2008 specifying 10.11.2008 as the date on and from which date the jurisdiction will come into operation including the BSNL at serial No.154. The said notification has been circulated by the Central Administrative Tribunal, Principal Bench, New Delhi vide letter dated 7.11.2008. The said documents 11.10.2008 and 7.11.2008 could not be filed in the instant case as it has occurred as subsequent development.

Prior to such notification dated 11.10.2008, the Government of India had issued another such notification on 22.4.2008 thereby conferring jurisdiction to the Central Administrative Tribunal for several establishments in the similar manner. The pending cases of such matter in other courts were transferred to the Central Administrative Tribunal as provided under Section 28 and 29 of the Administrative Tribunal Act, 1985. The Hon'ble High Court in three such cases as in WPC No.6303/2006, 6271/2006 and 3251/2006 has passed order thereby issuing directions

V.S.  
29/11/08  
Munsiff  
TEZPUR

to the Registry to transfer the matters to the Central Administrative Tribunal,  
Guwahati Bench.

It is therefore prayed that in the instant case all these above notifications  
and the order of the Hon'ble High Court would be very vital for deciding  
the matter and for the ends of justice and proper adjudication and as such  
the said documents may kindly be accepted as a matter pertaining to law.

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**VERIFICATION**

I, Sri Pradip Chandra Daimari, son of Late Bhagirath Daimari, aged about 57 years,  
resident of BSNL Colony, Kachari Gaon, Tezpur - 1, in the District of Sonitpur  
(Assam) do hereby solemnly declare and state that the statements made hereinabove  
are true to my knowledge, belief and information. I have not suppressed any material  
fact. And I sign this verification on this 29<sup>th</sup> day of November, 2008 at Tezpur.

*Pradip Chandra Daimari*  
29. 11. 2008

**Description of documents filed:**

1. Govt. of India Notification dated 11.10.2008
2. Letter dated 7.11.2008 issued by the Principal Bench, Central Administrative Tribunal, New Delhi.
3. Govt. of India Notification dated 22.4.2008
4. Letter dated 7.5.2008 issued by the Principal Bench, Central Administrative Tribunal, New Delhi
5. Order dated 24.9.2008 passed by the Hon'ble Gauhati High Court in MC No. 2713/2008 (in WPC No.6271/2006)
6. Order dated 24.9.2008 passed by the Hon'ble Gauhati High Court in MC No. 2711/2008 (in WPC No.6303/2006)
7. Order dated 26.9.2008 passed by the Hon'ble Gauhati High Court in MC No. 2712/2008 (in WPC No.3251/2006).

29.11.2008

Recd. by post pl. 06.10.08  
25th Bench  
Rg/11/08

171

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (ii)

GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(DEPARTMENT OF PERSONNEL AND TRAINING)

New Delhi dated the 31 October 2008

NOTIFICATION

5.0 (1) In exercise of the powers conferred by sub-section (2) of section 14 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby specifies the 10<sup>th</sup> day of November, 2008 as the date on and from which the provisions of sub-section (3) of section 14 of the said Act shall apply to the organisations mentioned below, being the societies and statutory organisations owned or controlled by the Government and makes the following amendments in the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number G.S.R. 730(E), dated the 2<sup>nd</sup> day of May, 1986, namely:-

In the Schedule to the said notification, after serial number 137 and the entries relating thereto, the following serial numbers and entries shall respectively be added, namely:

S.No. (1)	Name of the Corporation, Society, Officer Authority (2)	State (3)
138	National Center for Antarctic and Ocean Research	Autonomous Society registered under the society's registration Act under the Ministry of Earth Sciences
139	National Institute of Ocean Technology	Society registered under the society's registration Act under the Ministry of Earth Science
140	Indian Institute of Tropical Meteorology	Autonomous body under the Ministry of Earth Sciences
141	Indian National Centre for Ocean Information Services	Autonomous body under the Ministry of Earth Sciences
142	The National Oilseeds And Vegetable Oils Development Board	Statutory Autonomous body under the Ministry of Agriculture (Department of Agriculture and Cooperation)
143	Delhi Urban Art Commission	Statutory body under the Delhi Urban Art Commission Act, under Ministry of Urban Development
144	National Institute of Urban Affairs	Autonomous body under the Ministry of Urban Development
145	National Capital Region Planning Board	Statutory body under the Ministry of Urban Development

OP  
24/11/08  
(on leave)  
06/11/08

(Signature)

US 50/P.R.  
4/11/08

(Signature)  
R.S.

172 185

- 146 Rajghat Samadhi Committee. Autonomous body under the Ministry of Urban Development
- 147 National Institute of Mental Health and Neuro Sciences, Bangalore Autonomous body registered under the Karnataka Societies Registration Act 1960 under the Ministry of Health and Family Welfare
- 148 Postgraduate Institute of Medical Education & Research, Chandigarh Statutory body under the Ministry of Health and Family Welfare
- 149 Institute of Pesticides Formulation Technology Autonomous body under the Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals)
- 150 National Minorities Development and Finance Corporation, New Delhi Registered under Companies Act, 1956 under the Ministry of Minorities Affairs
- 151 Nehru Yuva Kendra Sangathan (NYKSO) Autonomous body under the Ministry of Youth Affairs & Sports
- 152 Lakshmbai National Institute of Physical Education, Gwalior Autonomous body under the Ministry of Youth Affairs & Sports
- 153 Mahanagar Telephone Nigam Limited Central Public Sector Enterprise under the Ministry of Communications and Information Technology (Department of Telecommunication)
- 154 Bharat Sanchar Nigam Limited Central Public Sector undertaking, under the Ministry of Communications and Information Technology (Department of Telecommunication)
- 155 All India Institute of Medical Sciences, New Delhi Autonomous Body under the Ministry of Health and Family Welfare

{F. No. P-13030/5 /2008-AT}

(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

Note: The Principal notification was published in the Gazette of India vide number GSR 730(F), dated the 2<sup>nd</sup> day of May, 1986 and subsequently amended vide the following notifications numbers -

- (1) G.S.R. 1172(F), dated the 31<sup>st</sup> day of October, 1986,
- (2) G.S.R. 84(F), dated the 6<sup>th</sup> day of February, 1987,
- (3) G.S.R. 409(F), dated the 20<sup>th</sup> day of April, 1987,
- (4) G.S.R. 542 (F), dated the 11<sup>th</sup> day of July, 1995,
- (5) G.S.R. 748(F), dated the 17<sup>th</sup> day of December 1998,
- (6) G.S.R. 8(F), dated the 4<sup>th</sup> day of January, 2002,
- (7) G.S.R. 499(F), dated the 23<sup>rd</sup> day of August 2006
- (8) S.O.1228(F), dated the 25<sup>th</sup> day of July, 2007
- (9) S.O. 1823(F) dated 25<sup>th</sup> day of October, 2007
- (10) S.O.906(E) dated 22<sup>nd</sup> day of April, 2008

(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

To  
The Manager,  
Government of India Press,  
Mayapuri, New Delhi

Copy forwarded to

1. All Ministries/Departments of the Government of India
2. President's Secretariat
3. Vice President's Secretariat
4. Prime Minister's Office
5. Cabinet Secretariat
6. Ministry of Earth Sciences, Mahatma Bhawan, Block 12, CGO Complex, Lodhi Road, New Delhi
7. Ministry of Agriculture (Department of Agriculture & Cooperation), Krishi Bhawan, New Delhi.
8. Ministry of Urban Development, Nirman Bhawan, New Delhi
9. Ministry of Health & Family Welfare (Department of Health & Family Welfare), Nirman Bhawan, New Delhi.
10. Ministry of Chemicals & Fertilizers (Department of Chemicals & Petrochemicals), Shastri Bhavan, New Delhi
11. Ministry of Minority Affairs, 11th floor, Parvathan Bhawan, CGO Complex, Lodhi Road, New Delhi.
12. Ministry of Youth Affairs & Sports, Shastri Bhavan, New Delhi
13. Ministry of Communication & Information Technology (Department of Telecommunications), Sanchar Bhawan, New Delhi.
14. The Principal Registrar, Central Administrative Tribunal, 61/35 Copernicus Marg, New Delhi.
15. Registrar, Supreme Court of India, New Delhi
16. Registrars of all High Courts.
17. Union Public Service Commission, Mahatma Road, New Delhi
18. Chief Secretaries to all State Governments/Union Territories
19. Chief Secretary, Government of National Capital Territory, IP Estate, New Delhi.
20. All attached and subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and the Ministry of Home Affairs.
21. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions and the Ministry of Home Affairs.

(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

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File No. 17/2/MI-1A / 17077/1A  
 केन्द्रीय प्रशासनिक अधिकरण  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 प्रधान न्यायपीठ, नई दिल्ली  
 Principal Bench, New Delhi

**BY SPEED POST  
 OUT TODAY**

61/35, Copernicus Marg, New Delhi-110 001

Dated : 07.11.2008

To

The Registrar/Deputy Registrar  
 Central Administrative Tribunal  
 All Outlying Benches

I am directed to forward herewith a copy of Department of Personnel & Training's Notification No. 11-1/2008/2008-AT dated 31.10.2008 concerning notification 18 autonomous bodies/statutory bodies/other authorities (from Sl.No. 138 to 155) within the jurisdiction of Central Administrative Tribunal under Section 14 (2) of the Administrative Tribunals Act, 1985, for information and record.

Yours faithfully,

*(Signature)*

(M.M. PANDEY)  
 Deputy Registrar (JA)

Encls : As above.

*Transm*  
~~11/11/08~~  
 copy to

*Regd*  
 Let us keep one in file  
 Circulate it in  
 Jant. Section  
 To the Bar Assn  
 Notice  
 11/11/08

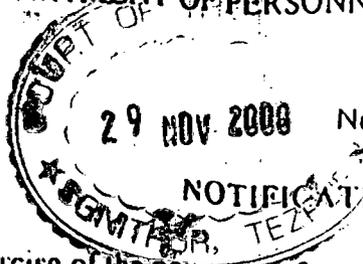
- So. (5)  
 N. Singh  
 12.11.08.  
 Dy Regr.
- (1) Resider/Secy CAT BAR Assn.
  - (2) Notice board
  - (3) All S.O.
- 11/11/2008

179

188  
(189)  
175

GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(DEPARTMENT OF PERSONNEL AND TRAINING)

Secretary  
Hon. Chairman (Date)  
P. Sridhar Copies to Hqs, Govt,  
Bar President, PE  
Members, DRS & O to copies to  
all Bdes  
K  
29/11/08



New Delhi dated the April 22, 2008

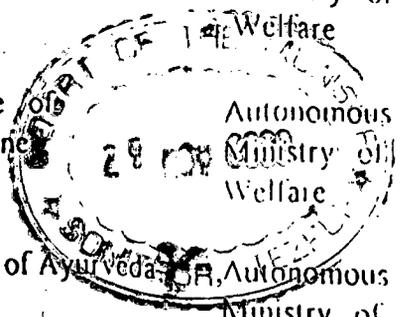
S.O (E) - In exercise of the powers conferred by sub-section (2) of section 14 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby specifies the 1<sup>st</sup> day of May, 2008 as the date on and from which the provisions of sub-section (3) of section 14 of the said Act shall apply to the organisations mentioned below, being the societies and statutory organisations owned or controlled by the Government and makes the following amendments in the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number G.S.R. 730(E), dated the 2<sup>nd</sup> May, 1986, namely:-

JR.

In the Schedule to the said notification, after serial number 103 and the entries relating thereto, the following serial numbers and entries shall be added, namely:-

S.No. (1)	Name of the Corporation /Society/ Other Authority (2)	Status (3)
104	Central Council for Research in Ayurveda and Siddha	Autonomous body constituted under Societies Registration Act under the Ministry of Health and Family Welfare
105	Central Council for Research in Homeopathy	Autonomous body under the Ministry of Health and Family Welfare
106	Central Council for Research in Yoga and Naturopathy	Autonomous body under the Ministry of Health and Family Welfare
107	Central Council for Research in Unani Medicine.	Autonomous body under the Ministry of Health and Family Welfare.
108	Central Council of Indian Medicine	Autonomous body under the Ministry of Health and Family Welfare.
109	Central Council of Homeopathy	Statutory body under the Ministry of Health and Family Welfare.
110	Rashtriya Ayurved Vidyapeeth	Autonomous body under the Ministry of Health and Family Welfare.

	Morari Das National Institute of Yoga, New Delhi	Autonomous Ministry of Welfare	body under the Health and Family
112	National Institute of Naturopathy, Pune	Autonomous Ministry of Welfare	body under the Health and Family
113	National Institute of Ayurveda, Jaipur	Autonomous Ministry of Welfare	body under the Health and Family
114	National Institute of Unani Medicine, Bangalore	Autonomous Ministry of Welfare	body under the Health and Family
115	National Institute of Homeopathy, Kolkata.	Autonomous Ministry of Welfare	body under the Health and Family
116	National Institute of Siddha, Chennai.	Autonomous Ministry of Welfare	body under the Health and Family
117	Indira Gandhi Rashtriya Udaan Academy, Rae Bareilly.	Autonomous	body under the Ministry of Civil Aviation
118	National Institute of Fashion Technology.	Autonomous	body under the Ministry of Textiles
119	Central Wool Development Board	Autonomous	body under the Ministry of Textiles
120	National Centre for Jute Diversification (NCJD)	Autonomous	body under the Ministry of Textiles
121	Central Silk Board	Statutory	body under the Ministry of Textiles
122	Office of Commissioner of Payments, New Delhi	Quasi Judicial	body under the Ministry of Textiles
123	Textiles Committee	Autonomous Statutory	body under the Ministry of Textiles
124	Jute Manufacturers Development Council	Statutory	body under the Ministry of Textiles
125	National Institute of Design, Ahmedabad	Autonomous	body under the Ministry of Commerce and Industry
126	National Council for Cement and Building Materials, Ballabgarh	Autonomous	body



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- 127 Indian Rubber Manufacturers Research Association, Thane, Registered under the Societies Registration Act under the Ministry of Commerce and Industry
- 128 Central Pulp and Paper Research Institute, Saharanpur Autonomous Organisation under the Ministry of Commerce and Industry
- 129 National Productivity Council, New Delhi Autonomous body under the Ministry of Commerce and Industry
- 130 Quality Council of India Autonomous body under the Ministry of Commerce and Industry
- 131 National Institute of Public Cooperation and Child Development Autonomous body under the Ministry of Women and Child Development
- 132 Central Adoption Resource Authority Autonomous body under the Ministry of Women and Child Development
- 133 Indian Council for Cultural Relations (ICCR) Autonomous body under the Ministry of External Affairs
- 134 Indian Institute of Mass communication Autonomous body under the Ministry of Information and Broadcasting
- 135 Press Council of India Statutory authority under the Ministry of Information and Broadcasting
- 136 Children's Film Society of India Autonomous body under the Ministry of Information and Broadcasting
- 137 National Institute of Financial Management Autonomous body under the Ministry of Information and Broadcasting



(F. No. P-13030/2 /2008-AT)

*(Signature)*  
(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

Note The Principal notification was published in the Gazette of India vide number GSR 730(E), dated the 2<sup>nd</sup> May, 1986 and subsequently amended vide the following notifications numbers -

- (1) G S R 1173(E), dated the 31<sup>st</sup> October, 1986.
- (2) G S R 84(E), dated the 6<sup>th</sup> February, 1987.
- (3) G S R 409(E), dated the 20<sup>th</sup> April, 1987.
- (4) G S R 543 (E), dated the 11<sup>th</sup> July, 1985.
- (5) G S R 1000(E), dated the 11<sup>th</sup> October, 1986.

- (8) S.O 1228(F) dated the 25<sup>th</sup> July, 2007  
(9) S.O 1823(F) dated 25<sup>th</sup> October, 2007

(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

To

The Manager,  
Government of India Press,  
Mayapuri, NEW DELHI.



No. P-13030/2/2008-AT

New Delhi dated the April 29, 2008.

Copy forwarded to

1. All Ministries/Departments of the Government of India
2. President's Secretariat
3. Vice President's Secretariat
4. Prime Minister's Office
5. Cabinet Secretariat
6. Ministry of Health and Family Welfare, Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (Ayush), Red Cross Building, New Delhi
7. Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safadarjung Airport, New Delhi
8. Ministry of Women & Child Development, Shastri Bhavan, N. Delhi
9. Ministry of External Affairs, South Block, New Delhi.
10. Ministry of Information & Broadcasting, Shastri Bhavan, New Delhi.
11. Ministry of Textiles, Udyog Bhavan, New Delhi
12. Ministry of Law & Justice, Legislative Department, Shastri Bhavan, New Delhi
13. The Principal Registrar, Central Administrative Tribunal, 61/35 Copernicus Marg, New Delhi.
14. Registrar, Supreme Court of India, New Delhi.
15. Registrars of all High Courts,
16. Union Public Service Commission, Shahjahan Road, New Delhi.
17. Chief Secretaries to all State Governments/Union Territories.
18. Chief Secretary, Government of National Capital Territory, I.P. Estate, New Delhi.
19. All attached and subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions
20. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions

(Dr. S.K. Sarkar)

Joint Secretary to the Government of India

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F.No.17/2190-JA (Vol.1)

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केन्द्रीय प्रशासनिक अधिकरण  
CENTRAL ADMINISTRATIVE TRIBUNAL  
प्रधान न्यायपीठ, नई दिल्ली  
Principal Bench, New Delhi

S.No. 67

61/35, Copernicus Marg, New Delhi-110 001

Dated 07.05.2008

170

To

The Registrar/Deputy Registrar,  
Central Administrative Tribunal,  
All Outlying Benches.



Sir,

I am directed to forward herewith a copy of Department of Personnel and Training's Notification No. P- 13030/2/2008-AT dated 22.04.2008 bringing the Corporation/Society/Other Authorities within the jurisdiction of Central Administrative Tribunal, under section 14(2) of the Administrative Tribunal Act, 1985. for information and record.

Yours faithfully,

Encl. As above.

  
(Sanjay Sharma)  
Deputy Registrar

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71 copy copies to  
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प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोटो को की अपेक्षित संख्या प्रेषित करने की तिथि Date when the requisite number of stamps and photos are to be submitted	अपेक्षित स्टाम्प और फोटो देने की तिथि Date of deposit of the requisite stamps and photos	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
30/9/08	30/9/08	30/9/08	7/11/08	7/11/08

**IN THE GAUHATI HIGH COURT**  
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)  
**CIVIL APPELLATE SIDE**



Appeal from M.C.  
Civil Rule. in WP(C). No. 6271/06

No. 2713 of 2008

*Central Silk Board and ors.*

Appellant  
Petitioner

*Naren Gogoi* Versus

Respondent  
Opposite Party

Appellant  
For Mr. B. C. Pathak  
Petitioner Mr. B. Pathak,  
Mr. H. K. Gogoi.

Respondent  
For Mr. C. Baruah.  
Opposite Party

*AD*

*Edetta*

Noting by Officer or Advocate	Serial No	Date	Office notes, reports orders or proceedings with signature
1	2	3	4



- 2 -

In the matter of:

1. Union of India, Ministry of Textiles  
Govt. of India, New Delhi
2. Central Silk Board, Ministry of Textiles,  
Govt. of India, CSB Complex, BTM Layout,  
Madivala, P.B. No. 6825, Bangalore -  
560068, duly represented by its CEO &  
Member Secretary
3. The Deputy Director, National Sericulture  
Project, Central Silk Board, Ministry of  
Textiles, Govt. of India, Jorhat, Assam
4. The Asstt. Director  
P2 Farm, National Sericulture Project,  
Jorhat
5. The Director,  
Central Muga Eri Research & Training  
Institute, Central Silk Board, P.B. No. 131,  
Charali, Po - Lahdoigarh, Jorhat
6. Joint Director,  
Regional Sericulture Research Station,  
Central Silk Board, Rowriah, Jorhat - 5.

-----Petitioners / Respondents-----

-Vs-

*Adulla*



1. Sri Noren Gogoi  
S/o - Late Lakeswar Gogoi  
Vill - Jamuguri Gaon, PO - Air Field  
(Rowriah), Dist - Jorhat, Assam
2. Sri Khagen Gogoi  
S/o - Late Jugeswar Gogoi  
Vill - Jamuguri Gaon, PO - Air Field  
(Rowriah), Dist - Jorhat, Assam
3. Sri Makhana Saikia  
S/o - Late Toyei Saikia,  
Vill - Jamuguri Gaon, PO - Air Field  
(Rowriah), Dist - Jorhat, Assam
4. Sri Bimal Gogoi  
S/o - Late Khogen Gogoi  
Vill - Jamuguri Gaon, PO - Air Field  
(Rowriah), Dist - Jorhat, Assam
5. Sri Tita Ram Gogoi  
S/o - Late Chandra Gogoi  
Vill - Jamuguri Gaon, PO - Air Field  
(Rowriah), Dist - Jorhat, Assam
6. Sri Bipin Sensowa  
S/o - Sri Dhalai Sensowa  
Vill - Timtimia Gaon, PO - Kowari Pukhuri,  
PS - Jorhat, Dist - Jorhat, Assam

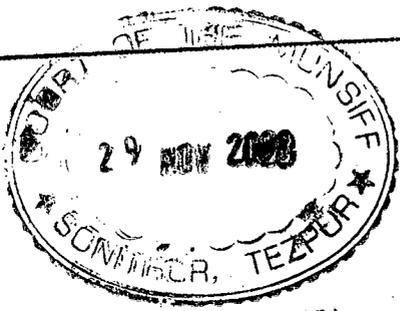
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*S. S. H.*

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183

2-4



Provisions contained in sub Section (2) and (3) of Section 14 read with sub Section (2) of Section 29 of the Administrative Tribunal Act, 1985.

-AND-

In the matter of:

WP(C) No. 6271/2006

Sri Noren Gogoi & 5 others

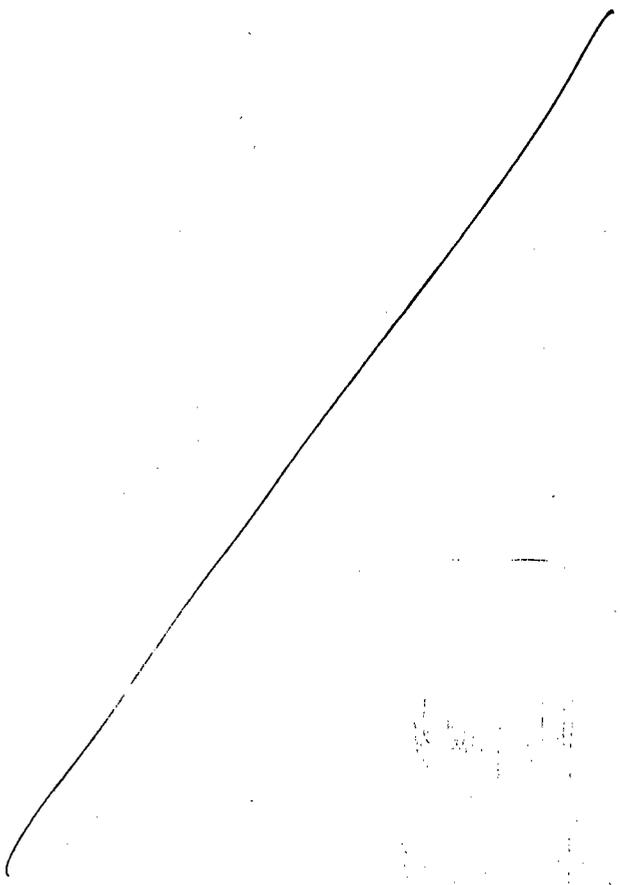
..... Petitioners

- Vs -

Union of India & others

..... Respondents

*Deben-Hr.*





Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

**M.C. 2713/2008 in  
WP(C) 6271/2006**

**BEFORE**

**THE HON'BLE MR. JUSTICE AMITAVA ROY**

24/9/2008

By this application, the Central Silk Board, Ministry of Textiles, Government of India (hereafter referred to as the Board) and others {respondents in the accompanying WP(C) 6303/2006} have brought on record a notification dated 22/4/2008 issued under section 14(2) of the Administrative Tribunal Act, 1985 (hereafter referred to as the Act) drawing the Corporations/Society, Authorities referred to therein within the purview of section 14(3) thereof. The Board has been empanelled at Sl. No. 121 thereof. The applicants thereof contend that in terms of Section 29(2) of the Act, the accompanying writ petition would stand transferred to the Central Administrative Tribunal, Guwahati Bench, Guwahati.

Heard the learned Counsels for the parties.

The issue involved in the writ petition as referred to herein above pertains to pay/wages of the petitioners and therefore, would amply be within the ambit of the expression "service matters"

*MD*

*Adithi*

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

137

as referred to in section 3(q) of the Act. In view of the above, pursuant to the mandate of section 29 of the Act, the instant proceeding, in the face of the notification as referred to herein above this proceeding stands transferred to the Central Administrative Tribunal, Guwahati Bench, Guwahati. The Registry would do the needful.

Misc. case stands allowed.

Sd/- Amitava Das  
Judge

SL. 105779  
Df. 30-9-08

CERTIFIED TO BE TRUE COPY  
 Nrijaen Barman  
 Date: 7.11.08  
 Superintendent (Copying Section)  
 Gauhati High Court  
 Authorised U/S 76, Act 1, 1872

Aduttu  
7.11.08

प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोटो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and photos.	अपेक्षित स्टाम्प और फोटो देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
30/9/08	30/9/08	30/9/08	07/11/08	07/11/08

IN THE GAUHATI HIGH COURT  
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)  
CIVIL APPELLATE SIDE



Appeal from M.P.  
Civil Rule in W.P.(c) No. 6303/06

No. 2711 of 2008

Central Silk Board  
and ors.  
Versus

Appellant  
Petitioner

Thunooam Gogoi

Respondent  
Opposite Party

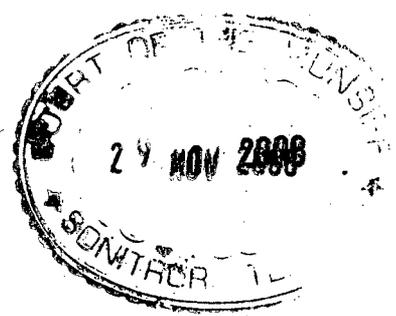
Appellant  
For Mr. B.C. Pathak,  
Petitioner Mr. B. Patai,  
Mr. H. K. Gogoi.

Respondent  
For Mr. C. Baruah.  
Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

200

187



-2-

In the matter of:

1. Union of India, Ministry of Textiles  
Govt. of India, New Delhi
  
2. Central Silk Board, Ministry of Textiles,  
Govt. of India, CSB Complex, BTM Layout,  
Madivala, P.B. No.6825,  
Bangalore – 560068, duly represented  
by its CEO & Member Secretary
  
3. The Deputy Director,  
National Sericulture Project, Central Silk  
Board, Ministry of Textiles, Govt. of  
India, Jorhat, Assam
  
4. The Asstt. Director  
P2 Farm, National Sericulture Project,  
Jorhat
  
5. The Director,  
Central Muga Eri Research & Training  
Institute, Central Silk Board, P.B. No. 131,  
Charali, Po – Lahdoigarh, Jorhat
  
6. Joint Director,  
Regional Sericulture Research Station,  
Central Silk Board, Rowriah, Jorhat – 5.

.....Petitioners / Respondents

2/

10/

-3-

-Vs-



1. Sri Thanuram Gogoi  
S/o - Late Kumbha Gogoi  
Vill - Uttar Hatichungi Gaon  
P.O. - Na-Ali Dhekiajuli  
P.S. - Lichubari  
Dist - Jorhat, 785009
2. Sri Ajoy Sarmah  
S/o - Late Deben Sarmah  
Vill - Charai Bahi Bamun Gaon  
P.O. - Bozaloni, P.S Rowrioh  
Dist- Jorhat-09
3. Sri Probin Dutta  
S/o Late Mukta Nath Dutta  
Vill-Niz Baligaon P.O. Gorokhiya Dol  
P.S. Jorhat, Dist. Jorhat.
4. Sri Bijoi Das  
S/o Sri Suren Das  
Vil-Jankhana Gaon P.O- Kalioni,  
P.S.- Jorhat.
5. Sri Pulin Ch. Hazarika  
S/o- Sri Sikon Hazarika  
Vill- Dhekihowa, P.O. Dhekihowa  
P.S. Lahdoigarh Dist. Jorhat.
6. Mrs. Anjali Gogoi  
W/o Sri Bipin Gogoi

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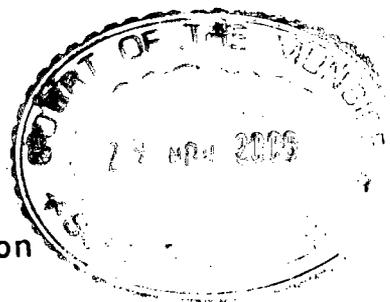


VIII Chamtoli Gaon. P.O.Khatichona  
P.S. Deberapar, Dist. Jorhat

7. Sri Purnanda Boruah  
S/o. Sri Sureswar Boruah  
VIII - Chipahikbuta (Gajpuria)  
P.O. Lahdoigarh  
P.S. Lahdoigarh, Dist. Jorhat
8. Sri Romesh Saikia  
S/o. Sri Kolia Saikia  
VIII. & P.O. Dhekiakhowa  
P.S. Lahdoigarh, Dist. Jorhat
9. Sri Bogadhar Taye  
S/o. Late Bogai Taye  
VIII- Jogdual Mising Gaon  
P.O. Jogduar P.S. Teok  
Dist. Jorhat
10. Sri Dilip Gogoi  
S/O. Sri Kamal Gogoi  
VIII - Jakhlapar, P.O. Chinamara  
PS - Lichubari, Dist - Jorhat
11. Sri Jogen Gogoi  
S/o - Late Deben Gogoi  
VIII - Jakhlapar, PO - Chinamara  
PS - Lichubari, Dist - Jorhat
12. Sri Dillp Gogoi  
S/o - Late Khagendra Gogoi

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2009

Vill - Uttar Hatichungi Gaon  
P.O. - Na-Ali Dhekiajuli  
PS - Lichubari, Dist - Jorhat - 9

13. Sri Tilak Gogoi  
S/o - Late P. Gogoi  
Vill - Baghchung Gaon,  
P.O. - Kowari Pukhuri  
PS - Lichubari, Dist - Jorhat
  
14. Sri Hiteswar Borgohain  
S/o - Late Nondeswar Borgohain  
Vill - Holonghat Gohain Gaon  
PO - Kuporadhara  
PS - Lahdoigarh, Dist - Jorhat
  
15. Sri Babul Ch. Saikia  
S/o - late Padma Saikia  
Vill - Meleng Bokolia Gaon  
P.O. - Borkhelia  
PS - Lahdoigarh, Dist - Jorhat
  
16. Sri Bharlal Balmiki  
S/o - Late Montu Ram Balmiki  
Vill - Kalyanpur  
PO & PS - Engineering College  
Dist - Jorhat
  
17. Sri Atul Chandra Borah  
S/o Late Rongal Borah  
Vill - Meleng Doloi Gaon  
PO - Meleng, PS - Teok, Dist - Jorhat

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18. Sri Bolin Duarah  
S/o – Late Nilkanta Duarah  
Vill – Charing Duarah Par  
PO – Charing  
PS – Gourisagar, Dist - Sivsagar
19. Sri Nirod Chandra Borpatra  
S/o – Late Rukheswar Borpatra  
Vill – Holougapara Gohain Gaon  
PO – Kaparadhara  
PS – Lahdoigarh, Dist – Jorhat
20. Sri Hem Borpatra  
S/o – Sri Jibeswar Borpatra  
Vill – Holongpara Gohain Gaon,  
PO – Kaparadhara,  
PS – Lahdoigarh, Dist – Jorhat
21. Sri Deben Gogoi  
S/o – Late Rupeswar Gogoi  
Vill – Likhak Gaon, PO – Nakachari  
PS – Mariani, Dist – Jorhat
22. Smt. Dipanjali Handique  
W/o – Sri Saujal Phukan  
Vill – Nazira Town Award  
PO – Nazira, Dist – Sivsagar
23. Sri Ananda Phukan  
S/o – Late Manika Phukan  
Vill – Bonsai Gor Chuk

PO

PS

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7-  
PO - Bonsai, PS - Teok  
Dist - Jorhat

24. Sri Horen Borah  
S/o. Let Manik Ch. Borah  
Vill- Purona Gozparia Gaon  
P.O. - Ballung, P.S. Lahdoigarh  
Dist - Jorhat
25. Sri Makhan Dutta  
S/o - Hemo Ram Dutta  
Vill - Maleng Borkhalia Gaon  
P.O. - Borkhalia, PS - Teok  
Dist - Jorhat
26. Sri Premadhar Bora  
So - Late Rupeswar Borah  
Vill - Hatigarh Metali Gaon  
PO - Chenijan, PS - Lahdoigarh  
Dist - Jorhat
27. Sri Romen Borah  
So - Late Numal Borah  
Vill - Jogduar Gayan gaon  
PO - Bonai, PS - Teok  
Dist - Jorhat
28. Sri Soshi Dhar Saikia  
S/o - Sri Hemoram Saikia  
Vill - Dhekiani Borolua  
Po - Modoljan Tini Ali  
PS - Teok, Dist - Jorhat

P

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29. Sri Jyotish Baishya  
S/o - Late Poroma Nanda Baishya  
Vill - Teok Berinda Khet  
PO - Teok, PS - Lahdoigarh  
Dist - Jorhat
30. Sri Munin Barua  
S/o - Late Someswar Barua  
Vill - Dulia Gaon, PO - Dhakuakhana  
PS - Dhakuakhana, Dist - Lakhimpur
31. Sri Raghunath Dutta  
S/o - Late Lakhi Dutta  
Vill - Bam Dhekiakhowa  
PO - Dhekiakhowa, PS - Lahdoigarh  
Dist - Jorhat

..... Respondents / Petitioners



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-9-

Provisions contained in sub-Section (2) and (3) of Section 14 read with sub Section (2) of Section 29 of the Administrative Tribunal Act, 1985.

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-AND-

In the matter of:

WP(C) No. 6303/2006

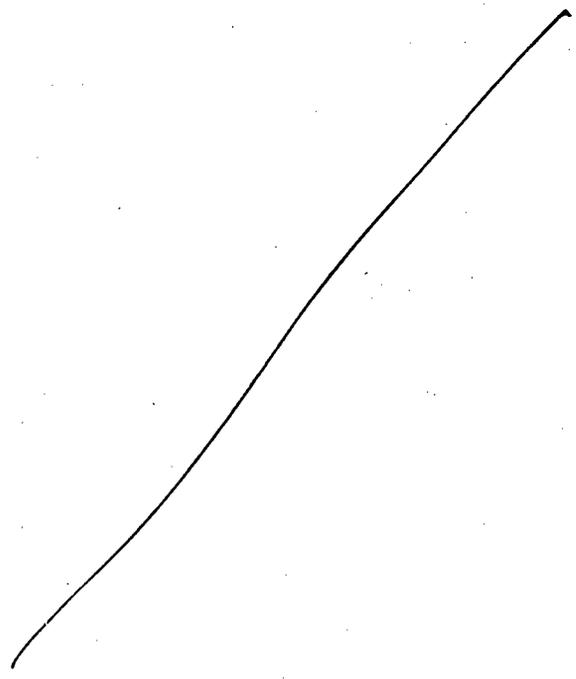
Sri Thanuram Gogoi & 30 others

..... Petitioners

- Vs -

Union of India & others

..... Respondents



2009  
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-10-

Nouning by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

**M.C. 2711/2008 in**  
**WP(C) 6303/2006**

**BEFORE**

THE HON'BLE MR. JUSTICE AMITAVA ROY

24/9/2008

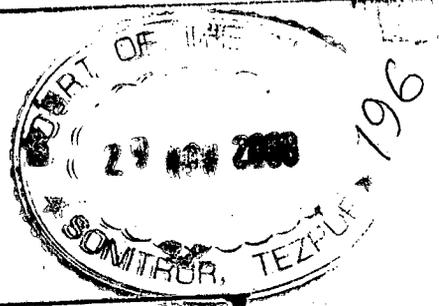
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By this application, the Central Silk Board, Ministry of Textiles, Government of India (hereafter referred to as the Board) and others {respondents in the accompanying WP(C) 6303/2006} have brought on record a notification dated 22/4/2008 issued under section 14(2) of the Administrative Tribunal Act, 1985 (hereafter referred to as the Act) drawing the Corporations/Society/ Authorities referred to therein within the purview of section 14(3) thereof. The Board has been empanelled at Sl. No. 121 thereof. The applicants thereof contend that in terms of Section 29(2) of the Act, the accompanying writ petition would stand transferred to the Central Administrative Tribunal, Guwahati Bench, Guwahati.

Heard the learned Counsels for the parties.

The Issue involved in the writ petition as referred to herein above pertains to pay/wages of the petitioners and therefore, would amply be within the ambit of the expression "service matters"



Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<p>30/1</p>			<p>as referred to in section 3(q) of the Act. In view of the above, pursuant to the mandate of section 29 of the Act, the instant proceeding, in the face of the notification as referred to herein above this proceeding stands transferred to the Central Administrative Tribunal, Guwahati Bench, Guwahati. The Registry would do the needful.</p> <p>Misc. case stands allowed.</p>

Sd/ Amitara Roy  
Judge

✓  
SLno-105805  
Dtd 30/1/08

CERTIFIED TO BE TRUE COPY  
*[Signature]*  
 Date: 7/11/08  
 Superintendent (Copying Section)  
 Gauhati High Court  
 Authorised U/S 76, Act 1, 1872  
*[Signature]*  
 07/11/08

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प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोटो की अपेक्षित रकम सुनिश्चित करने की तिथि Date fixed for notifying the rec. site number of and folios.	अपेक्षित स्टाम्प और फोटो देने की तारीख Date of deliver, of the requis'n stamps and files	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
30/9/08	30/9/08	30/9/08	7/11/08	7/11/08

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE



Appeal from Misc Case  
Civil Rule: in W.P.(C) NO. 3251/06

No. 2712 of 2008

Central Silk Board & others Appellant  
Petitioner

vs  
Respondent

Jayamta Ghose

Respondent  
Opposite Party

Appellant  
For Mr. B. B. Pathak  
Petitioner Mr. B. Pathak  
Mr. H. K. Gogoi

Respondent  
For Mr. M. Chanda  
Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notices, reports orders or proceedings with signature
	2	3	4



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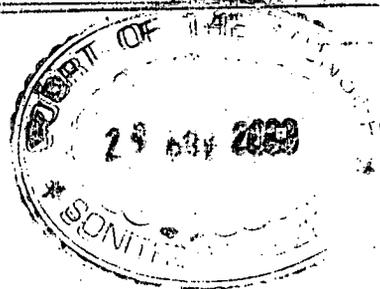
- 2 -

In the matter of:

1. The Union of India  
Represented by the Secretary to the  
Government of India, Ministry of Textiles,  
Govt. of India, New Delhi - 110011
2. Secretary to Govt. of India, Ministry of  
Finance, Department of Expenditure,  
Govt. of India, New Delhi - 110011
3. Central Silk Board,  
Represented by its Chairman (Ministry of  
Textiles, Govt. of India), CSB Complex,  
BTM Layout, Madivala, Bangalore -  
560068
4. The Chairman, Central Silk Board, CSB  
Complex, BTM Layout, Madivala,  
Bangalore - 560068
5. The Chief Executive Officer & Member  
Secretary, Central Silk Board, BTM  
Layout, CSB Complex, Hosure Road,  
Bangalore - 560068
6. The Director, Ministry of Textiles, Govt.  
of India, New Delhi - 110011
7. The Director, Central Muga Eri Research  
& Training Institute, Lahdoigarh, Dist -  
Jorhat, Assam

MD

Ed. H.



- 3 -  
..... Petitioners / Respondents

-versus-

1. Sri Jayanta Ghose  
S/o Late Gouranga Ch. Ghose  
Senior Research Officer (R&S)  
Central Muga Eri Research & Training  
Institute, Lahdoigarh, Dist. - Jorhat,  
Assam
2. Sri Shankar Prasad Kowar.  
Assistant Director (OL).  
Central Muga Eri Research & Training  
Institute, Lahdoigarh, Dist. - Jorhat,  
Assam
3. Sri Dipendra Nath Duarah  
Deputy Director, Central Muga Eri  
Research & Training Institute, Lahdoigarh,  
Dist. - Jorhat, Assam
4. Sri Manoranjan Das.  
Assistant Director (Admn. & Acctt.).  
Central Muga Eri Research & Training  
Institute, Lahdoigarh, Dist. - Jorhat,  
Assam
5. Sri Okram Nabakumar Singh.  
Superintendent (Admn). Central Muga Eri  
Research & Training Institute, Lahdoigarh,  
Dist. - Jorhat, Assam

*MD*

*L. de. H.*

213



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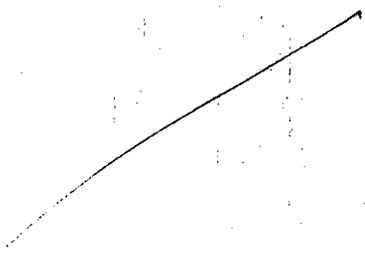
-4-

- 6. Sri Sanjay Kumar Das,  
Assistant Superintendent, Central Muga  
Eri Research & Training Institute,  
Lahdoigarh, Dist. - Jorhat, Assam
- 7. Sri Nawab Mukibur Rohman,  
Assistant Superintendent, Central Muga  
Eri Research & Training Institute,  
Lahdoigarh, Dist. - Jorhat, Assam
- 8. Sri Panindra Nath Saikia  
Senior Technical Assistant, Central Muga  
Eri Research & Training Institute,  
Lahdoigarh, Dist. - Jorhat, Assam
- 9. Sri Keshab Kalita,  
Reporter, Central Muga Eri Research &  
Training Institute, Lahdoigarh, Dist. -  
Jorhat, Assam
- 10. Sri Nawab Soriful Goney  
Senior Technical Assistant, Central Muga  
Eri Research & Training Institute,  
Lahdoigarh, Dist. - Jorhat, Assam
- 11. Sri Mohan Chandra Payeng  
Superintendent (Admn), Regional Muga  
Research Station, Boko, Dist - Kamrup,  
Assam.

MD  
1

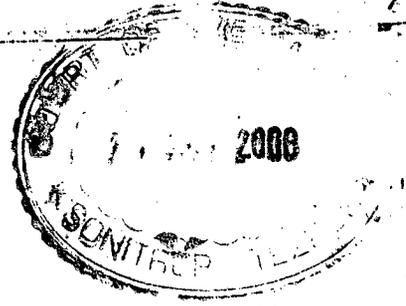
Lch. Hs

..... Respondents / Petitioners



201  
223

2-5-



Provisions contained in sub Section (2) and (3) of Section 14 read with sub Section (2) of Section 29 of the Administrative Tribunal Act, 1985.

AD

-AND-

In the matter of:

WP(C) No. 3251/2006

Sri Jayanta Ghose & 10 others

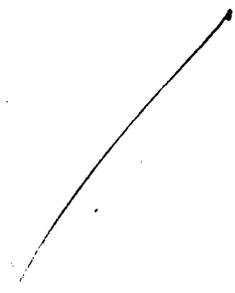
..... Petitioners

- Vs -

Union of India & others

..... Respondents

Ed.H.





Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	MC NO. 2712/2008 IN 4 W.P.(C) NO. 3251/2006	<p style="text-align: center;"><u>BEFORE</u> <u>THE HON'BLE MR. JUSTICE AMITAVA ROY</u></p> <p><u>26.09.2008</u></p> <p>Heard Mr. SK Ghosh, learned counsel for the applicant and Mr. B Pathak, learned counsel for respondents.</p> <p>By this application, the applicants have brought on record the notification No. P-13030/2/2008-AT dated 22.04.2008 of the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel &amp; Training, bringing the Central Silk Board within the purview of section 14 (2) of the Administrative Tribunals Act, 1985 (hereafter for short referred to as the 'Act').</p> <p>In that view of the matter, having regard to the issue involved in the instant proceeding and in terms of section 29 (2) of the Act, the instant proceeding stands transferred to the Central Administrative Tribunal, Guwahati Branch, Guwahati.</p> <p>Miscellaneous application stands allowed.</p>

*201 Amitava Roy  
Judge*

*SL-105799  
dt. 30.9.08*

CERTIFIED TO BE TRUE COPY  
Date: 7.11.08  
Superintendent (Copying Section)  
Gauhati High Court  
Authorised U/S 76, Act 1, 1872

*[Signature]*



of the court of the plaintiff, Tezpur.

204 217



20.12.08  
204 217

T. S. 40/08

Plaintiff - Jatin Sharma

- vs -

Defendant - BSNL.

The advocate for the plaintiff is present in the court.

218

205

In the court of the magistrate, Pimpri.



23.12.08

T.S: 43/08

Plaintiff - Jatin Sharma

- vs -

Defendant - BSNL.

The advocate for the plaintiff is present  
in the court.

In the court of the magistrate, Tezpur

219  
206



Mis (S) 61/08

Petitioner - Jatin Sharma

- vs -

Defendant - BSNL

The advocate for the Petitioner is present in the court.

File in Court on 8/4/09

Court Officer.

CENTRAL ADMINISTRATIVE TRIBUNAL

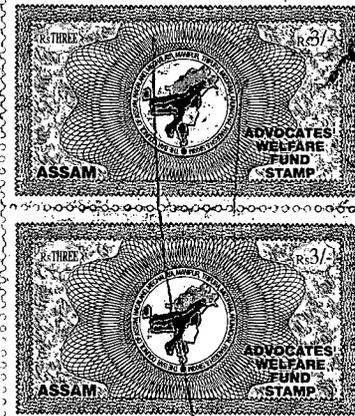
GUWAHATI BENCH

OA/MPRA/CP NO. 28 /2009

Sri. Jatin Sharma & others --- Applicants

- vs -  
Bharat Sanchar Nigam Ltd & ors - Respondents

MEMO OF APPEARANCE



I, B.C.Pathak, having been authorized by the Central /State Government / Government servant / Bharat Sanchar Nigam Ltd authority / corporation / society notified under section 14 of the Administrative Tribunal Act, 1985, hereby appear for Applicant No. .... / Respondent No. 1 to 3 and undertake to plead and act for them in all matters in the aforesaid case.

Place: Guwahati

Date: 8/4/2009

B.C. Pathak  
C.B.C. PATHAK)

Signature and Designation of the Counsel

Address of the Counsel for service :

B.C.Pathak

Standing Counsel of BSNL

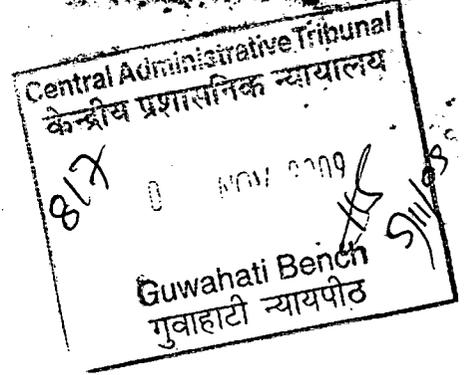
147-Udayan, Ganeshguri, RGB Road  
Guwahati-781005.

Phone: 0361-2202222[Landline]

94350-48080[Mobile]



FORM NO. II  
(SEE Rule 62)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH, GUWAHATI

O.A./R.A./C.P./M.A./P.T./T.A O.A /No. 28 of 200 9

*John Sarman Das*

.....Applicant (s)

-Vs-

.....Respondent(s)

MEMO OF APPEARANCE

I, Smt. Manjula Das, Senior Central Government Standing Counsel, having been authorized by the Joint Secretary to the Government of India, Ministry of Law to appear and conduct the Central Government's cases before the Hon'ble Central Administrative Tribunal, Guwahati Bench, hereby appear for the Respondent Nos. 1 and undertake to plead and act for them in all matters in the aforesaid case.

Mrs. Manjula Das,  
Senior CGSC, U.O.I.,  
CAT, Guwahati Bench.

Place: *Guwahati*

Date: *5/11/09*