

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO....45.....2019  
R.A./CP/NO.....2015  
E.P./M.P./NO.....2019

1. Order Sheets.....1.....page.....1 / to....α.....
2. Judgment/ order dtd 25.03.2009 page.....1 / to....2 /
3. Judgment & Order dtd.....received from H.C. / Supreme Court.
4. O.A. ....A5/2009.....page.....1 .....to....2 / / .....
5. E.P/M.P. .... / .....page.....to.....
6. R.A./C.P. .... / .....page.....to.....
7. W.S. .... / .....Page.....to.....
8. Rejoinder..... / .....page.....to.....
9. Reply ..... / .....page.....to.....
10. Any other papers ..... / .....page.....to.....

28/03/2015  
SECTION OFFICER (JUDL.)

FROM NO. 4  
 ( See Rule 42 )  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 45 /2009

2. Misc Petition No /

3. Contempt Petition No /

4. Review Application No /

Applicant(s) Mani Ram Nath

Respondent(s) M. O. I. Gora

Advocate for the Applicant(s): B. Ramchary,

D.C.Talukdar, D. Barman

Advocate for the Respondent(s): Advocate for Central SIK Board

Notes of the Registry	Date	Order of the Tribunal
Application is in form F. 17/3/09 Recd. No. 39 39 Gc 403457 15.3.09  Dy. Registrar 17/3/09	23.03.2009	On the prayer of Mr. D. Barman, learned counsel appearing for the Applicant, call this matter on 25.03.2009 for admission before the Divisional Bench.
Step taken with envelope Copy served  17/3/09 Received copy of order dated 25/3/09 by one D. Barman Advocate GWT 24/3/09 Run Received 6/4/09	25.03.2009  /db/	For the reasons recorded separately this O.A. stands disposed of.  (Khushiram) Member (A)  (A.K.Gaur) Member (J)

28.4.09

Copy of the  
order alongwith  
copy of the Appendix  
Send to the Dfsee.  
for issue the same  
to the Regdars and  
a copy of the order  
to the Apphdar.

H.S.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.45 of 2009

DATE OF DECISION: 25.03.2009

Shri Mani Ram Nath

.....Applicant/s.

Mr.D.Barman

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.B.C.Pathak, Standing counsel for Central Silk Board.

..... Advocate for the  
Respondents

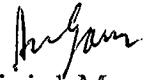
CORAM

THE HON'BLE MR.A.K.GAUR, JUDICIAL MEMBER

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

- |  |        |
|--|--------|
| 4. Whether Reporters of local newspapers may be allowed to see the Judgment? | Yes/No |
| 5. Whether to be referred to the Reporter or not?                            | Yes/No |
| 6. Whether their Lordships wish to see the fair copy of the Judgment?        | Yes/No |

Judgment delivered by

  
Judicial Member

5

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.45 of 2009.

Date of Order : This, the 25<sup>th</sup> day of March, 2009.

**THE HON'BLE MR. A.K.GAUR, JUDICIAL MEMBER  
THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER**

Shri Mani Ram Nath  
S/o Late Hashi Ram Nath  
Vill: Dakhin Bordol, P.O: Bordol  
P.S: Rangiya, working as TSFW, Grade-IV  
in the office of the Director (NE)  
Central Silk Board, Guwahati  
presently residing at Dhyan Singh Mansion  
R.G.Barua Road, near Assam State Zoo  
Guwahati-781 005, District: Kamrup  
Assam.

...Applicant.

By Advocates: Mr.B.Ramchiary, Mr.D.C.Talukdar & Mr.D.Barman

- Versus -

1. The Union of India represented by the  
by the Secretary to the Govt. of India  
Ministry of Textiles, New Delhi  
PIN: 110 001.
2. The Member Secretary  
Central Silk Board  
Bangalore  
PIN: 560 068.
3. The Director (North East)  
Central Silk Board  
Zoo Road, Guwahati  
PIN: 781 024.

... Respondents.

By Mr.B.C.Pathak, Standing counsel for the Central Silk Board

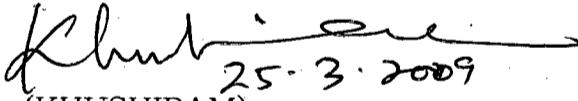
\*\*\*\*\*

ORDER (ORAL)A.K.GAUR, MEMBER (J) :

We have heard Mr.D.Barman, learned counsel for the Applicant and Mr.B.C.Pathak, learned Standing counsel for the Central Silk Board.

2. We are satisfied that justice will be met if the Applicant is directed to prefer a representation along with the order passed by the Hon'ble High Court before the Respondents. If such a representation is submitted by the Applicant to the Respondents along with the order of the Hon'ble High Court within ten days from the date of receipt of this order, the Respondents are directed to consider the grievance of the Applicant and dispose of the same by passing a speaking order thereon within a period of three months thereafter. Be it noted here that we have not passed any order on the merits of the case.

3. The O.A. is disposed of as above.

  
25-3-2009  
(KHUSHIRAM)  
ADMINISTRATIVE MEMBER

  
(A.K.GAUR)  
JUDICIAL MEMBER

/BB/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO.

45 /2009

Shri Mani Ram Nath .....Petitioner.

- Vs -

Union of India and others.....Respondents.

SYNOPSIS

1. The particulars against which this application is made:

The applicant is a Central Government employee working as TSFW, Grade- IV staff in the Office of the Director (N.E.), Central Silk Board, Ministry of Textiles, Govt. of India, Guwahati. The applicant has been kept away from attending his Office duties by the Respondent authorities due to criminal case pending against the applicant. The competent authorities, vide - No. CSB-2(6) /93 Labour, dated 07.05.1997 issued by the Asstt Secretary (Law), Central Silk Board, Ministry of Textiles, Govt. of India, Bangalore, directed the Director (NE), Central Board, Guwahti to convey approval of the competent authority to suspend the applicant pending inquiry from the date mentioned in the order and to keep away from work by paying Subsistence Allowance as per Rule, 50% of the wages which the workmen is entitled to immediately preceding the date of suspension for the first 90 days of suspension and 75% of such wages for the remaining period of suspension proceedings. But inspite of the authorities direction mentioned above, the Respondents have not issued any written suspension order nor paid the subsistence allowance in compliance of the said direction till date. Hence, this application has been filed seeking justice.

Relief sought for:

For an appropriate direction to the Respondents to pay the subsistence allowance in compliance of the authority's said direction and as admissible under the provisions of Rules FR 53.

Filed by  
Dipen Ch. Talukdar  
Advocate, G.H.C.

Received  
Alsha Das  
Addl Cuse  
16/3/09  
For Sr. Ch.b.e  
CAT/Guwahati

17 MAR 2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO 45/2009

Shri Mani Ram Nath .....Petitioner.

- Vs -

Union of India and others.....Respondents.

LIST OF PARTICULARS OF THE CASE:

<u>Date:</u>	<u>Particulars</u>	<u>Page No.</u>
11/14.3.1988-	: Initial engagement as daily wage basis:-	Annexure- I.
14.10.1993	: Converted/appointed as TSFW, Grade IV	Annexure- II.
07.05.1997	: Direction for suspension and payment of subsistence allowance to the petitioner-	Annexure-III.
13.09.1999	: Hon'ble High Court's Judgments	Annexure- IV & V
27.09.1999	: Petitioner's representation,	Annexure- VI.
08.08.2001	: Respondents correspondence letter,	Annexure- VII.
20.02.2007	: Respondents correspondence letter,	Annexure-VIII.
20.10.2008	: Respondents correspondence letter,	Annexure-IX.
22.12.2008	: Medical fitness certificate	Annexure-X.

Filed by

Dipen Ch. Talukdar  
Advocate, G.H.C.

Date:- 16/3/09

Central Administrative Tribunal  
17 MAR 2009  
Guwahati Bench  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
AT GUWAHATI.

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. 45 /2009

Shri Mani Ram Nath .....Applicant.

- Vs -

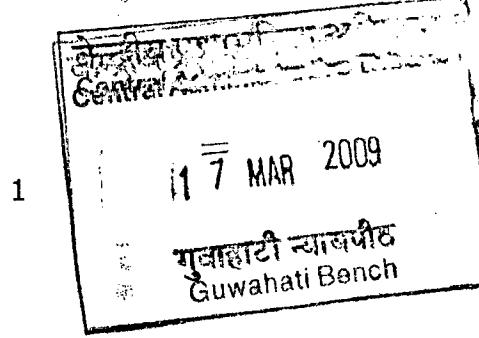
Union of India and others.....Respondents.

I N D E X

Sl.	Particulars	Page No.
1.	Body of application:	1-8
2.	Affidavit/Verification	9
3.	Annexure - I	10
4.	Annexure - II	11
5.	Annexure - III	12-13
6.	Annexure - IV	14-16
7.	Annexure - V	17-18
8.	Annexure - VI	19
9.	Annexure - VII	20
10.	Annexure - VIII	21
11.	Annexure - IX	22
12.	Annexure - X	23 - 24

Filed by

Swapan Ch. Talukdar  
Advocate, G.H.C.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, AT GUWAHATI  
(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. 45/2009

B e t w e e n -

Shri Mani Ram Nath, S/o Late Hashi Ram Nath,  
Service by profession, vill- Dakhin Bordol,  
P.O.- Bordol, P.S.- Rangiya, working as TSWF,  
Grade-IV in the Office of Director (NE), Central  
Silk Board, Guwahati, presently residing at  
Dhyan Singh Mansion, R.G. Barua Road near  
Assam State Zoo, Guwahati-781005, in the  
District of Kamrup, Assam.

.....Applicant.

Vs -

1. The Union of India represented by the Secretary to the Govt. of India, Ministry of Textiles, New Delhi, PIN- 110001 ✓
2. The Member Secretary, Central Silk Board, Bangalore, PIN- 560068.✓
3. The Director (North East), Central Silk Board, Zoo Road Guwahati, PIN- 781024.✓

.....Respondents.

DETAILS OF APPLICATION

1. The particulars against which this application is made:

This is an application under section 19 of the Central Administrative Tribunal, Act, 1985 before this Tribunal for a direction to the Respondent authorities to pay the subsistence allowance to the applicant during his under suspension period w. e. f. 10/06/1996 onwards as per admissible under F.R. 53 of the Fundamental Rules and Supplementary Rules in

Contd. to..p/2

Sri Mani Ram Nath  
through  
Adv. Tarkeshwar Ch. 16/3/09

1 7 MAR 2009

2

## गुवाहाटी न्यायपीठ Guwahati Bench

compliance with the direction of the competent authorities, vide - No. CSB-2(6) /93 Labour, dated 07.05.1997 issued by the Asstt Secretary (Law), Central Silk Board, Ministry of Textiles, Govt. of India, Bangalore. The applicant is a Grade IV staff working as time Scale Farm Worker (TSFW) in the office of the Director(N E), Central Silk Board, Guwahati, now he is under suspension due to his arrest by the police on 10.06.1996 in connection with All Women police P.S. Case No. 16/96 U/S 498(A), I.P.C on complaint lodged by his wife with the All Women Police Station, Panbazar, Guwahati. Inspite of the direction of the competent authority for payment of subsistence allowance to the applicant, the Respondents have not paid the subsistence allowance till date inspite of repeated approach to the Respondent authorities for payment of his subsistence allowance. Hence, this application has been filed before this Hon'ble Tribunal seeking justice.

## 2 Limitation:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

### **3 Jurisdiction :**

The applicant further declares that the subject matter of the case is within the jurisdiction of this Hon'ble Administrative Tribunal.

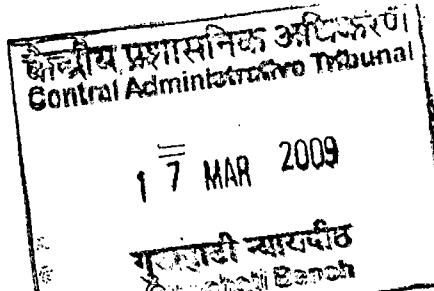
**4. Facts of the case:**

4.1. That the applicant is a citizen of India and a permanent resident of Assam, presently residing at the above mentioned location and as such the applicant is entitled to all rights, privileges and protections guaranteed under the Constitution of India and other statutory laws of the land in force for the time being.

4.2. That the petitioner begs to state that the petitioner is hailing from a very poor family, due to poor condition of the family the petitioner could read only up to High School level education and he was compelled to leave his study and was in search of a job to support in maintaining his family as well as his livelihood.

4.3. That the applicant respectfully begs to state that the applicant was engaged by the Respondent authorities on his application initially as casual Labourer on daily wage basis under the Officer in Charge Reeling and

Contd. to..p/3



Weaving and Cold Storage Unit at Sibsagar, Vide- No. CSB/D (NORTH EAST)/II-32/87-88/16165, dated 11/14.03.1988. Subsequently, the applicant was converted/appointed as Time Scale Labourer w.e.f.18.03.1993 in the Office of the Director (N E), Central Silk Board, Ministry of Textiles, Govt. of India, Guwahati, vide letter No. CSB/MSDP/2/38/92-93/ACCTS/TSLS/3093, dated 14.10.93 issued by the Director (NE), Central Silk Board , Ministry of Textiles, Govt. of India, Guwahati. Pursuant to the said order the applicant joined and since then he has been working as Grade IV staff in the office of the , Director, Central Silk Board, Guwahati till date.

Copies of letters dated 11/14.03.88 and dated 14.10.1993 are annexed herewith as Annexure I & II respectively.

4.4 That the applicant respectfully begs to state that during his service period, in the year 1995, the applicant married to a daughter of a well to do family, namely- Smt. Anjali Devi. Due to the difference of status of living condition between the applicant and his newly married wife, Smti Anjali Devi, sometimes there were family discord between the husband and wife. The parents of his wife and other members of their family being working in the Police Department, they were always trying to dominate by interfering the family life of the applicant. At one time, the family discords reached up to the extreme point and at the behest/instigation of the parents, the wife of the applicant, Smti Anjali Devi lodged an Ejahar against the applicant before the All Women Police Station, Guwahati involving him with domestic violence/ demand of dowry etc. allegedly stating with fabricated / concocted stories. On the basis of said complaint, a case was registered by the Police as Ali Women Police P.S. Case No.16/96 U/S 498(A), I.P.C. and on accusation of criminal offence the petitioner was arrested by the police on 10.06.1996. The applicant was kept in jail for a period of more than two months for which the authority, vide- No. CSB-2(6)/93-Labour, dated 07.05.97 issued by the Asstt. Secretary (Law), Central Silk Board, Ministry of Textiles, Govt. of India. Bangalore, directed the Director (NE), Central Silk Board, Guwahti to convey approval of the competent authority to suspend the applicant, Shri Maniram Nath, TSFW, MSDP, Guwahati, pending inquiry from the date mentioned in the order and to keep away from work by paying subsistence allowance as per Rule, 50% of the wages which the workmen is entitled to immediately preceding he date of

Contd. to..p/4

117 MAR 2009

Tatyasaheb  
Gowabati Beach

suspension for the first 90 days of suspension and 75% of such wages for the remaining period of suspension proceedings. But inspite of the authorities said direction, the Respondents have not issued any written suspension order nor paid the subsistence allowance to the applicant till date.

A copy of letter dated 7.05.1997 is annexed herewith as Annexure III.

4.5. That the applicant respectfully begs to state that the applicant after his release from jail on bail, while he went to resume his duty the applicant was kept away from his duty by the Respondents as per direction of the authorities, due to criminal case pending against him. But the Respondent have not issued any notice of suspension order in written to the applicant nor he has been paid his subsistence allowance during his under suspension period from the date of his arrest on 10.06.1996 till date. Now, due to non-payment of subsistence allowance, the applicant has been facing untolerable acute financial hardship for maintaining his family. Even the applicant was compelled to work as labour on daily wage basis on the road side portable Tea Stall just to maintain his livelihood. Inspite of repeated approach to the Respondents for payment of his due subsistence allowance, the Respondent authorities have not paid his due subsistence allowance as admissible under FR 53 till date.

4.6. That the applicant begs to state that for non payment of his due subsistence allowance by the Respondent authorities inspite of the clear direction of the competent authorities, as admissible under the provisions of Rules F.R.53 of the Fundamental Rules and Supplementary Rules, the applicant had to file a Writ petition before this Hon'ble Court, vide - C. R. No. 417/97 praying for his reinstatement in service or to pay his subsistence allowance. However, as the reinstatement is not permissible under the provision of law, the petitioner was verbally instructed by the Respondents to withdraw his said Writ petition giving hope of paying subsistence allowance as per provisions of law. Accordingly, with the hope of getting subsistence allowance from the Respondents, the applicant filed a Misc. case for withdrawal of the said writ petition, vide - Misc. Case No.1008/99 and on the basis of said Misc. case the Writ petition C.R. No. 417/97 was dismissed on withdrawal, vide Judgment/ order dated 13.09.99 passed in Misc. Case No. 1008/99 and CR No.417/97.

Contd. to..p/5

Sri Mani Ram Nath

17 MAR 2009

Guwahati Bench

Copies of judgment/ order dated 13.09.99 are annexed herewith as Annexure IV & V respectively.

4.7. That the applicant respectfully begs to state that inspite of withdrawal of the writ petition C.R. No. 417/97, the Respondents authorities have not taken action to pay the due subsistence allowance to the applicant as admissible under the provision of Rules F.R. 53 of the Fundamental Rules and Supplementary Rules till date. The applicant has been approaching the Respondent authorities repeatedly on different occasions from time to time by submitting representations to the Respondent authorities to pay his due subsistence allowance. The Respondents authorities advised the applicant to submit the present position of the Criminal Case No. 16/96 U/S 498(A), I.P.C. in details indicating date-wise events supported by the documents to consider the proposal for reinstatement, vide- No. CSB/MSSO/ 1/1/193/93/ES/PF-MRN/8023, dated 21.02.2007 and also advised to submit the copy of judgment passed by this Hon'ble High Court in Misc. Case No. 1008/99. The highest competent authority of the Department also directed the Deputy Director (A & A), Muga Silk Worm Seed Organization, Central Silk Board, Guwahati, to furnish the present position of the Criminal Case No. 16/96 U/S 498-A I.P.C. pending against the applicant, Shri Mani Ram Nath, TSFW, if the said case has been found disposed off, vide No. CSB-2(11)/97-Labour (Law) dated 15.12.2008. In response to the direction of the Respondents as advised, the petitioner had already submitted the copies of Judgment passed in Misc. Case No. 1008/99 and C.R. No.417/97 to the Respondents. However, it is to be stated that the said Criminal case No. 16/96 U/S 498(A), I.P.C. registered as G.R. No.2271/96, is pending before the learned Court of the Chief Judicial Magistrate, Kamrup Guwahati till date. Since , the Criminal Case is still pending against the applicant, the applicant is not entitled to be reinstated in his service under the provisions of law however, the subsistence allowance could have been paid to the applicant by the Respondent authorities as admissible under FR-53. The applicant approached the respondent authorities praying for payment of his due subsistence allowance from time to time in compliance of the competent authorities standing direction as well as admissible under the provisions of the Rules F.R. 53 but the Respondent authorities have been denying the claim of the applicant to pay the subsistence allowance.

Copies of letters dated 27.09.99, 08.08.2001, 21.02.2007 and 20.10.2008 are annexed herewith as Annexure VI, VII, VIII and IX respectively.

Contd. to..p/6

17 MAR 2009

Guwahati Bench

4.8. That the applicant respectfully begs to state that during the time process of trial of the said criminal case, G.R. No.2271/96 in the Court of Chief Judicial Magistrate, Kamrup, Guwahati in connection with All Women Police P. S. Case No.16/96 U/S 498(A), I.P.C., the applicant, due to suffering from financial hardship and working hard labour daily labourer just to maintain his family and his livelihood, his health was deteriorated day by day as a result he was suffering from serious illness, Koch's (T.B) for which he had to undergo for medical treatment under a Registered Medical practitioner for a period of about more than 1 1/2 years. In this regard, the Doctor issued a Medical Certificate in favour of the applicant, vide- dated 22.12.2008 (copy enclosed). But due to the absence of the petitioner in appearing before the trial Court in connection with the aforesaid Criminal case, while the petitioner was under treatment due to his suffering from Koch's T. B, a non-bailable warrant was issued against the applicant for default of his appearing in the trial court as learnt from the reliable sources of the applicant did not receive any notice/warrant of NBW from the Court nor informed by the counsel/Advocate of the applicant till date. However, the applicant has engaged an Advocate newly to take step and to complete the process of trial of the said criminal case and on enquiry by his engaged Advocate/Counsel, it was found that the said case has not been listed from the last date 21.5.2007 till date and no records of the said case could be traced out. There is no certainty when the said case shall be finally disposed off and the applicant shall have been remained under suspension till finally disposed of the said criminal case to be reinstated in his Service and as such, the applicant prays before this Hon'ble Tribunal for a direction to pay his subsistence allowance as admissible under the provision of Rules FR 53 pursuant to the aforesaid direction of the authority, vide- No. CSB-2(6)/93-Labour, dated 07.05.97 ( Annexure C)

A copy of medical fitness certificate dated 22.12.2008 is annexed herewith as Annexure-X.

4.9. That the applicant most respectfully begs to submits that it is apprehended that the Criminal Case GR No.2271/96 in connection with All Women Police P.S. Case No. 16/96 U/S 498(A), I.P.C., now pending against the applicant in the Court of the learned Chief Judicial Magistrate, Kamrup, Guwahati, may be delayed in disposal and as such this Hon'ble Tribunal in exercise of power conferred, may be pleased to direct the Respondent

Contd. to..p/7

Sri Mam Ram Nath

17 MAR 2009

গুৱাহাটী স্বাক্ষৰ

authorities to pay the due subsistence allowance to Guwahati applicant as admissible under the provisions of Rules, FR 53 in compliance of the said letter No. CSB-2(6)/93-Labour, dated 07.05.97

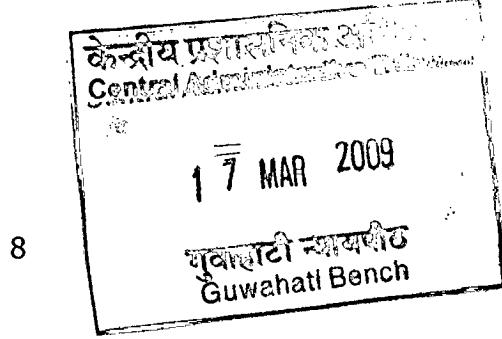
5. Grounds for relief with legal provisions:

5.1 For that the respondent authorities have violated the provisions of Rules, FR 53 and in not complying with the letter No. CSB-2(6)/93-Labour, dtd 07.05.97 issued by the Asstt. Secretary(Law), Central Silk Board, Ministry of Textiles, Govt. of India, Bangalore.

5.2 For that there is a strong suspicion of manipulation of records of the applicant most respectfully begs to submits that it is apprehended that the Criminal Case GR No.2271/96 in connection with All Women Police P.S. Case No. 16/96 U/S 498(A), I.P.C., now pending against the applicant in the Court of the learned Chief Judicial Magistrate, Kamrup, Guwahati, may be delayed in disposal and as such this Hon'ble Tribunal Court in exercise of power conferred, may be pleased to direct the Respondent authorities to pay the due subsistence allowance to the applicant as admissible under the provisions of Rules, FR 53 in compliance of the said letter No. CSB-2(6)/93-Labour, dated 07.05.97.

6. Matter not previously filed or pending in any other court:

The applicant further declares that for non-payment of his due subsistence allowance by the Respondent authorities inspite of the clear direction of the competent authorities, as admissible under the provisions of Rules F.R.53 of the Fundamental Rules and Supplementary Rules, the applicant had to file a Writ petition before this Hon'ble Court, vide - C. R. No. 417/97 praying for his reinstatement in service or to pay his subsistence allowance. However, as the reinstatement is not permissible under the provision of law, the applicant was verbally instructed by the Respondents to withdraw his said Writ petition giving hope of paying subsistence allowance as per provisions of law. Accordingly, with the hope of getting subsistence allowance from the Respondents, the applicant filed a Misc. case for withdrawal of the said writ petition , vide - Misc. Case No.1008/99 and on the basis of said Misc. case the Writ petition C.R. No. 417/97 was dismissed on withdrawal, vide Judgment/ order dated 13.09.99 passed in Misc. Case No. 1008/99 and CR No.417/97. Further, the applicant filed another Writ petition before the Hon'ble Gauhati High Court , W.P.(C) No.889/2009 praying for payment of



8

subsistence allowance as the aforesaid criminal case is still pending. However, the Hon'ble Gauhati High court has disposed of the said writ petition with a direction to the applicant to approach this Hon'ble Tribunal on 9.03.2009 and now there is no writ petition pending before any court except this one.

7. Relief Sought for:

It is, therefore, prayed that your honour Tribunal Court would graciously be pleased to issue notice / Rule, call for records, calling upon the respondents to show cause as to why the Respondents should not be directed to pay the subsistence allowances to the applicant during his under suspension period under the provision of Rules F.R.53 in compliance with letter No. CSB-2(6)/93-Labour, dated 07.05.1997 (Annexure-C) and after hearing both the parties, pass such other order, or orders as your Lordship may deem fit and proper.

8. Interim Order prayed for:

The applicant have not prayed for any interim order in this application.

9. Particulars of IPO:

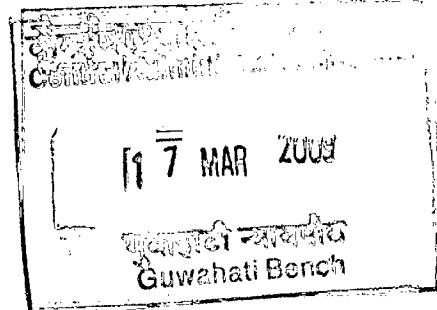
- (a). I.P. O. No. 396403457 of Rs.50.00 dated 16.03.2009 ,
- (b) Date : 16/03/2009
- (c) Payable at : G.P.O., Guwahati- 1.

10. List of enclosure:

As stated in the index.

(Verification.)

Son Manni Ram Nath



VERIFICATION

I, Shri Mani Ram Nath, S/o Late Hashi Ram Nath, aged about 39 years, Service by profession, a resident of Dakhin Bordol, P.O.- Bordol, P.S.- Rangiya, in the District of Kamrup, working as TSFW, Grade-IV in the Office of Director (NE), Central Silk Board, Guwahati, presently residing at Dhyan Singh Mansion, R.G. Barua Road near Assam State Zoo, Guwahati-5, in the District of Kamrup, Assam, do hereby verify that the contents of paragraphs .....1.....to .....10 ...believed to be true and that I have not suppressed any material facts.

AND, I sign this verification on this 16th day of March, 2009 at Guwahati

*Sri Mani Ram Nath*

Signature of applicant

OFFICE OF THE DIRECTOR (NORTH-EAST)  
CENTRAL SILK BOARD

MINISTRY OF TEXTILES : GOVT. OF INDIA

Regd/Phone: 83168 (OII)

Mr. N. K. Deka, M.A.

Gram: SILK BOARD, GUWAHATI

Regd/Phone: 83168 (OII)

N.O. CSB/D (NORTH-EAST) / I.I-32/87-88/ 16/6

केन्द्रीय प्रशासनिक अधिकारण  
(S.E.) Adminstrative Tribunal  
of India  
सुनारेंगी, रोड, 1  
410 010, नारांगी, गुवाहाटी  
ZOO NARANGI, GUWAHATI  
P.O. BARNIWAH, MAIDAN  
प. 781021  
स. 781021  
[स. 781021/3/80]

ORDER

Sub:- Engagement of Casual Labourer on daily wage  
Name - Dug.

D.O.T:- His application dt. 27.2.80.

With reference to the above, Shri Mani Ram Nath,  
is hereby engaged as casual labourer on daily wage basis  
@ Rs 15/- per day at Jagduar State Muga Farm, under Officer-in-  
charge Reeling & Weaving and Cold Storage Unit, Sibsagar with  
immediate effect.

To,  
Shri Mani Ram Nath  
Kahilipara  
Guwahati-19

CJCR (HC)

Certified to be true (S.P.)  
Advocate, Mym.

यदि आप अपना पत्र हिन्दी में लिखेंगे तो उतनी ही बात ही  
जवाब मिलेगा। इस गेजी में लिखने रो मिलता है।

HO/CSB/MSDP/2/38/92-99/ACCTS/TSLG/3093

Dated: 12-10-99

MEMORANDUM

Sub: Conversion of Casual Labourers in to  
Time Scale Labourers, regarding.

117 MAR 2009

As per C.O. letter No.CSB-63(19)/92-ES-(III) Dated:  
15-10-92 Shri Moni Ram Nath, Casual Labourer  
MSDP, P3/P4 Unit Indriybari, T.S.L.G. is hereby con-  
verted and appointed as Time Scale Labourer w.e.f. 18-03-93  
in the pay scale of Rs.500-10-700 PM.

Besides pay he/she is entitled for the following  
facilities.

1. 62% Dearness Allowance on basic pay at par with  
Central Govt. employees.
2. Medical allowances at a uniform rate of Rs.30/- per  
month and H.R.A. will also be Rs.30/- per month.
3. 1(one) day E.L. with wages will be allowed for each  
completed 22 days of continuous service.
4. 10 days sick leave will be granted with permission of  
the appointing authority with wages in a year.
5. Women TSLs will also be allowed 12 weeks maternity  
leave with wages on production of Medical Certificate.

To, Shri Moni Ram Nath, M/S/L, T.S.L.G.  
MSDP, P3/P4 Unit Indriybari,  
(Through Preparer Chowdhury)

*S/1*  
DIRECTOR (N.E.).

Copy to :

1. The Member Secretary,CSB,Bangalore for his kind infor-  
mation. This has reference to C.O.letter No.CSB-63(19)/92-ES(III)  
Dated 15-10-92.
2. The SRO/OIC of MSLP,P3/P4 Units Indriybari, T.S.L.G.  
for information & necessary action. It is requested to issue the  
enclosed original Memorandum to the concerned labourers. A formal  
joining report showing date of joining as TSLs w.e.f. the date of  
conversion may be obtained from the concerned labourers & forwarded  
the same to this office for record. The salary of TSLs of his unit  
being prepared and remitted from MSLP(HQ),Guwahati w.e.f. 01-11-93  
onwards. Therefore, the wage bills of labourers who have been con-  
verted to TSLs may not be prepared at his/her unit w.e.f. 01-11-93  
onwards. The monthly absentee statements of the TSLs from 15-02-93  
onwards may be submitted to this office regularly.
3. Pay bill section for information & necessary action.
4. MSLP, P3/P4 unit Indriybari
5. Establishment Section-I for information with advice to  
open Service books of the Time Scale Labourers.

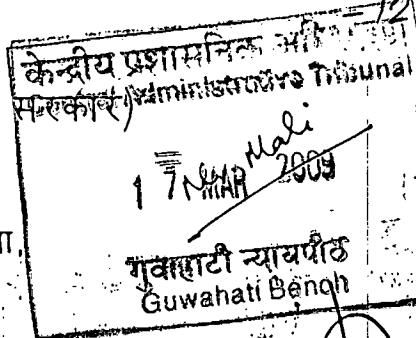
*W. Choudhury*  
DIRECTOR (N.E.).

*Certified to be true copy*  
*Advocate, Ghy.*

## CENTRAL SILK BOARD

Ministry of Textiles - Govt. of India

शाम बोर्ड

व्रालय - भारत (सरकार)  
यो. क. लवका.  
श्री. एम. लेओउट, मडिवाला,  
गंगलूर - 560 068.

No. CSB-2(6)/93-Labour.

The Director [N.E.]  
Central Silk Board,  
G.S. Road, OPP: Kamrup Flour Mills,  
P.O. Dispur,  
Guwahati - 781 005.

Sir,

Sub: Arrest of Shri. Moniram Nath, Time Scale Farm Worker, MSDP, GUWAHATI - regarding

I am directed to refer to your letter No. CSB/MSDP/1/1/193/93/ES/PF-MRN/1207 dated 08.07.1998 on the subject cited above and to convey approval of the Competent Authority to suspend Shri. Moniram Nath, TSFW, MSDP, Guwahati, pending enquiry from the date mentioned in the order [only prospectively] & to keep away from work by paying Subsistence Allowance as per Rule as indicated below. The Order of suspension may indicate the reasons for suspension.

a] When a workman is suspended by an employer pending investigation or inquiry the employer has to pay to such workman the subsistence allowance at the rate of 50% of the wages which the workman is entitled to immediately preceding the date of suspension for the first 90 days of suspension; and

b] At the rate of 75% of such wages for the remaining period of suspension, if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman. However if the inquiry is prolonged beyond 90 days for the reasons directly attributable to the worker the subsistence allowance shall be 1/4 of the wages for the period thereafter. The said position holds good in case of criminal proceedings also.

The reasons for delay at each stage may be reviewed from time to time by following up the pending Court Cases and Subsistence allowance at the above rates may accordingly be paid.

Further to state that the said Worker may be informed to remain in the Headquarters and that he should not leave the Headquarters without permission of the Officer-in-charge and also should be asked to produce non-employment Certificate claiming subsistence allowance.

612, 6681513, 6681514, 6680841, फैक्स : 6681511 टेलम : 6681511 द्वारा सेन्ट्रोसिल 2 पो.वा. 6825  
6051, 6688667, 6680851, 6680704, 6680706, फैक्स : 6681511 टेलम : 6681511 रेपोर्ट, CENTRE, P.B. NO. 2

Certified to be true copy  
Signature: Advocate, G.W.

- 13 -

## केंद्रीय प्रशासनिक अधिकारी Central Administrative Officer

17 MAR 2009

## গুৱাহাটী ন্যায়পৌঠ Guwahati Bench

In continuation to this Office letter No.CSB-2(11)/97-Labour[Law] dated 21.04.1997, it is stated that Shri.Moniram Nath vide para 5 of W.P.No.4417/97 has alleged that he is a Govt. servant. In this connection, it may be made clear to the Advocate that Shri.Moniram Nath is not a Govt. Servant and is only a Labourer to whom the Government of India's Central Civil Service [Classification, Control & Appeal], 1965 will not apply.

Action taken as above, may be intimated to Central Office from time to time.

Yours faithfully,

[K.N. MEENAKSHI]  
ASSISTANT SECRETARY [LAW]

Certified to be true Copy  
B Advocate, G.W.

प्राप्तिकर्ता के नाम, शोधन की तारीख Date of application for the copy	स्टाप और लोकियों की अपेक्षित राशि अंगठी कार्ड की लिखित Date fixed and notifying sum and letter number of the requisition stamp and file no.	अपेक्षित स्टाप और लोकियों की तारीख Date of delivery of the stamp and file no.	तारीख, अवधि: दोस्रे में सिए प्राप्तिकर्ता के लिए Date on which the copy was ready for delivery.	प्राप्तिकर्ता को प्राप्तिकर्ता के द्वारा दिलाया गया तारीख Date of making over the copy to the applicant.
19/11/08	19/11/08	19/11/08	20/11/08	20/11/2008

## IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram &amp; Arunachal Pradesh)

## CIVIL APPELLATE SIDE

काशीकाम अधिकारी अधिकारी  
General Administration Officer

17 MAR 2009

गवाहाटी न्यायालय  
Gauhati Bench

Appeal from

Civil Rule

Civil Case No 1008 of 1999 in Cr. No. 417/97.

No. ....

Appellant

Petitioner

Versus

Union of India &amp; ors

Respondent

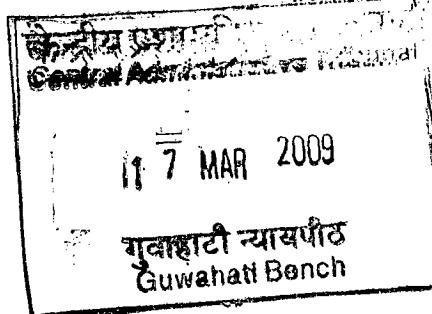
Opposite-Party

Appellant  
For  
PetitionerRespondent  
For  
Opposite-Party

Noting by Officer/Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

Certified to be true Copy

B  
Advocate, Ghy.



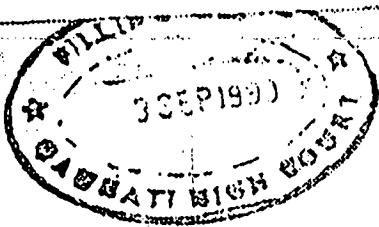
IN THE MATTER OF :

Civil Rule No. 417/97

Shri Moni Ram Nath ... Petitioner

- VS -

Union of India & Ors. ... Respondents



13.9.99

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

BEFORE गুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

117 MAR 2009

THE HON'BLE MR. JUDGE MR. PATELKAR

Board Mr. N.K. Choudhury, learned counsel  
for the petitioner.

This Misc Case has been filed to withdraw  
CR No. 417/97.

Misc Case is allowed and Civil Rule No  
417/97 is dismissed on withdrawal.

Call A.W. 1/2009  
JULY

CERTIFIED TO BE TRUE COPY

Nic. No. 101108  
Date: 25.11.08  
Superintendent (Copying Section)  
Gauhati High Court  
Authorised U/S 76, Act 1, 1872

CLERK  
2009

Copy No. 101108  
Date 25.11.08

Certified to be true copy

Advocate, Gauhati



date of application Mr. the Copy	date tized Mr notifying repi's rehder summons	date as delivry in the year not's summons and 11/3	date on which the copy was rec'd for delivry	date of delivry on the copy to the copy. Act.
14.9.99	21.9.99	22.9.99	22.9.99	23.9.99

IN THE GAUHATI HIGHCOURT  
(THE HIGH COURT OF ASSAM:NAGALAND:MEGHAYA:MANIPUR:TRIPURA:  
MIZORAM & ARUNACHAL PRADESH )  
CIVIL RULE NO.417/97.

Mani Ram Nath,  
resident of Dakhin Bordol,  
P.S. Rangia, District-Kamrup.

..... Petition.

- Vs -

1. The Union of India,  
represented by the Secretary to the  
Government of India, Ministry of  
Textile, New-Delhi-1.

2. The Member Secretary,  
Central Silk Board, Bangalore.

3. The Director (North East),  
Central Silk Board,  
Zoo Res Road, Guwahati-24.

..... Respondents.

PRESENT :

THE HON'BLE MR.JUSTICE A.K.PATNAIK.

For the Petitioner :: Mr. B.K. Sharma,  
Mr. M.K. Choudhury,  
Mr. P.C. Kalita.

Certified to be true copy

Advocate, Guv.

17 MAR 2009

गुवाहाटी न्यायालय  
Guwahati Bench

-2-

For the Respondent :: C.G.S.C.

Dr. (Ms) S. Rahman, Advocate.

DATE

13.9.99.

ORDER

Heard Mr. MK. Choudhury, learned counsel for the petitioner.

In view of the order passed in Misc Case No. 1008/99, this writ petition stands dismissed on withdrawal.

Sd/-A.K. PATNAIK

JUDGE.

P. S. S.

22.7.99

VERIFIED BY.....	10/10/99
READ BY.....	10/10/99
COMPARED BY.....	23/9/99

Certified to be true Copy

D. A. MUKHERJEE (In 405) J. M. D. 1  
B. P. DAS (Copyist)  
GUWAHATI BENCH COURT.  
Authorised U/B 76 Act 1 of 1973

23/9/99  
23/9/99

Certified to be true Copy

Advocate, Ghy.

TO,

The Director(North-East)  
Central Silk Board,  
Ministry of Textiles, Govt. of India,  
R.G.Beruah Road(Near State Zoo),  
Guwahati-5.

Central Admin. Tribunals  
Central Administrative Tribunal

17 MAR 2009

Sub:- Dismissal of my writ petition NO.417/97.  
Prayer for reengagement in CSB thereof-reg.

Guwahati Bench

I have the honour to inform you that the writ petition under Civil Rule vide NO.417/97 filed by me has been withdrawn and dismissed by the Guwahati High Court on 23.09.99. A Copy of the Honourable High Court order dated 23.09.99 is enclosed herewith for your kind perusal and reference.

Further, it is stated that quite a long time I have been suffering from mental tension and agony due to unavoidable family dispute for which I remained absent from my duties.

In this respect, I am to assure that I shall not repeat such mistake in future and abide by all rules & regulations of the Central Silk Board, which may kindly be excused.

That Sir, I am hailing from a very poor family and there is no income source in my family.

I, therefore, request your honour to kindly consider my case sympathetically and allowing me to continue as T.S.F.W in MSBP, Guwahati for which I shall remain ever grateful to you.

Thanking you.

Yours faithfully,

Mani Ram Nath

( MANI RAM NATH )  
T.S.F.W.  
CSB, MSBP, HQ, GUWAHATI-5.

Enclos: An above.

44th.

Certified to be true copy

(R)

Advocate, Ghy.

-20-

(Ms) Shahnaz Rahmaan  
Advocate.  
GAUHATI HIGH COURT  
GUWAHATI  
M. A., LL. B., Ph. D.

F. A. ROAD  
MACHIKHOWA  
GUWAHATI - 781 009  
PHONE: 621360 • 617255  
CHAMBER: 611874

To

The Director,  
Central Sikh Board,  
D.S. Monsions, 11 Floor,  
R.G. Barooah Road,  
Guwahati - 781 005.

Date - 08 / 08 / 2001.

17 MAR 2001

Certified copy  
Guwahati Bench

Ref: - Your letter No.CSB/MSDP/1/1/193/93/ES/PF-MRN.  
Dated - 20.6.2001.

Sub: - W.P. No. 417/97 (Moniram Nath - Vs - Union of India &amp; ors.)

With reference to your letter mentioned above dated 20.6.2001, on the aforesaid subject matter, I would like to inform you that I had already given my legal opinion on the reinstatement of Shri Maniram Nath a TSFW. Shri Nath had filed a Writ Petition in the Hon'ble High Court numbered as W.P. 417/97 for the reinstatement in service as well as for payment of his salary. Now that Shri Nath had withdrawn his case in the Hon'ble Court and vide order dated 13.9.99 passed in Misc. Case No. 1008/99 the W.P. No. 417/97 has been dismissed. On withdrawal therefore, the case of Shri Nath may be taken into consideration for his reinstatement in service, subject to the applicability of the rules of Central Sikh Board.

Thanking you,

Yours faithfully,

( DR.(MS) SHAHNAZ RAHMAAN  
ADVOCATE.

Certified to be true Copy  
(S)  
Advocate, G.W.

MUGA SILKWORM SEED ORGANIZATION  
**CENTRAL SILK BOARD**  
Ministry of Textiles : Govt. of India

Reg : 2203468(O)

Fax : 2200168

Email : [csbghy@sify.com](mailto:csbghy@sify.com)

NO.CSB/MSSO/1/193/93/ES/PF-MRN/ 8093



D.S. Mansion II Floor  
R.G. Baruah Road  
Guwahati 781 005.

Date. 21.02.2007.

केन्द्रीय प्रायोगिक अधिकारी  
General Administrator TFW  
Guwahati Bench

OFFICE NOTE

17 MAR 2008 Sub: W.P. No. 417/97 filed by Shri Maniram Nath, TFW against Union of India and others before the Hon'ble High Court of Guwahati regarding.

With reference to the subject cited above, Shri Maniram Nath, is hereby advised to furnish the detailed disposal of the case indicating the date-wise events supported by the documents to consider the proposal for re-instatement order passed by Hon'ble High Court to this office immediately for taking follow-up action.

Onwards  
(A. G. Singh) 21.02.07  
Asst. Director (A & A).

To  
Shri Maniram Nath  
Village:-Dakhin Biegel  
P.O.:Bordal  
Kamrup, Assam.

Minath

Certified to be true copy  
R  
Advocate, Ghy.



केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

17 MAR 2009

गुवाहाटी न्यायपीठ

No.CSD/MSSO/H/193/ES/1/MRNTS-638

मीठा रोपठा Muga Silkworm Seed Organization  
केन्द्रीय रेखा बोर्ड, मुख्य मंत्रालय, भारत शासन  
Central Silk Board, Ministry of Textiles, GOI  
31 पुस्त कारापाल, D.S. Mansions, 11 Floor  
असम शासन पथ R.G.Burrah Road  
गुवाहाटी Guwahati - 781005

Date 20.10.2008.

### MEMORANDUM

Sub: Submission of a copy of Judgement passed High Court of Guwahati  
in Misc. Case No.1008/99-reg.

Shri Mani Ram Nath, TSFW is advised to submit a copy of Judgement  
passed by the Hon'ble High Court of Guwahati in Misc. Case No.1008/99 at the earliest.

Dy. Director (A&A)

Shri Mani Ram Nath, TSFW  
Guwahati-5.

SN (0301) 220009310001, 200.01.2008

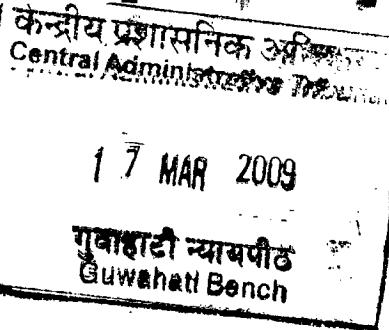
SN (0301) 220009310001, 200.01.2008

snprintmsdp2004@centy.com

Certified to be true copy

Advocate, Ghy.

- 23 -



ANNEXURE- X

(TYPED COPY)

Dr. A.K. Choudhury M.D.

Visiting Hrs. Morning 7 a.m. to 8 a.m.  
Evening 5 p.m. to 8 p.m.

Sr. Medical & Health Officer (AHS)

Sunday Morning 8 a.m. to 9 a.m.  
Ph: 2471844

People's Relief Centre

Jyotikuchi, Guwahati-34

Regd. No. 7817 (AMC)

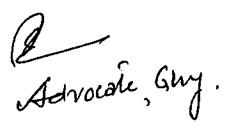
Date: 22-12-08

Rx

TO WHOM IT MAY CONCERN

Certify that Sri Maniram NATH, S/o Lati Hashi Ram Nath was under my treatment since 21st May 2007 due to his illness. He was suffering from Koch's (T.B.) abdomen, clinically, subsequently he develops Ascites and was advised rest till 20th Nov. 2008. This period of rest was essential for restoration of his normal health. Subsequently he gets relief from his ailment and is fit for doing normal day to day activity.

Certified to be true (Copy)

  
Advocate, G.W.

Sd/- Illigible

22/12/08

(seal)

Dr. A. K. Chowdhury M.D.  
Sr. Medical & Health Officer (AHS)  
People's Relief Centre  
Jyotikuchi, Guwahati - 34  
Regd. No. - 7817 (AMC)

Visiting Hrs  
Sunday  
Morning 7 a.m. to 8 a.m.  
Evening 5 p.m. to 8 p.m.  
Morning 8 a.m. to 9 a.m.  
Ph: 2471844

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

Date 22-12-08

17-MAR-2009

गुवाहाटी न्यायालय  
Guwahati Bench

R To whom it may concern

Certify that- Sri Manikarn  
Nath S/o Kali Hashi Ram Nath  
was under my treatment since  
21st May 2007 due to his illness  
He was suffering from Koch's (T.B)  
abdomen, clinically. Subsequently  
he develops Ascites and was  
admit test till 30th Nov 2008  
This period of test was essential  
for restoration of his normal health  
Subsequently he gets relief from  
his ailment and is fit for  
doing normal days to days activity.

B. K. Chowdhury  
Date: 22/12/08  
S. B. O. C. L. C. L.  
RASB

Certified to be true copy

Advocate, Ghy.