

X

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

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

13/12/16
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FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. Original Application No : ----- 227 ----- / 2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : ----- in O.A. No.-----
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : ----- Sri J.P. Rathore -----

Respondent (S) : ----- M. C. I 902 -----

Advocate for the : ----- In person -----
{Applicant (S)}

Advocate for the : ----- C.G.S.C -----
{Respondent (S)}

Notes of the Registry

Date

Order of the Tribunal

05.11.2009

Applicant appearing in person contends that order of suspension issued on 08.06.2007 (Annexure-1) had not been served on him. On the record we find a communication emanating from the Principal Bench of CAT dated 05.12.2008 (Annexure-13) whereby at paragraph 1 (f) it is stated that, "the suspension order issued by DoPT has already been handed over to you in person"

We would like Applicant to point out with reference to record whether he has made an averment that such statement is false and contrary to records. Applicant who is appearing in person is afforded another opportunity to point out to this aspect.

List on 06.11.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

this application is in form
is filed/... 20/-
deposited ... P.BD

No. 396/437355

Dated 28.10.09

[Signature]
By Registrar

petition's copy for
issue notices are received
with envelopes. Copy
served.

[Signature]
21/11/09

S.O.E.J

06.11.2009

Applicant appearing in person states that he will file appropriate application deleting Respondent No.3 from the array of parties. His request is allowed. Let an application on aforesaid aspect be placed on record.

On the request of Applicant in person, list on 24.11.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

24.11.2009

Applicant appears in person. When we directed him to erase the personal allegations made in the body of the O.A., he responded stating that he be granted some time "to consider the same".

In the circumstances, list on 18.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

18.12.2009

Call this matter on 28.01.2010 alongwith M.P.No.141/2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

28.01.2010

Applicant appearing in person seeks one week time. List on 04.02.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

10.11.09

This Misc case has been filed. The applicant in person submits some particulars of documents and he prays by the annexure - 2 to delete/strike out the name of the Respondent No.3 from the list of the Respondents. The Respondent may be directed before the Bench for favour of orders.

Secy. (J) 10/11/09
10/11/09

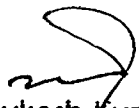
4.2.2010 Mr. P.J.Saikia, learned counsel for Applicant has entered appearance and states he has filed 'Vokatnama' in Registry to-day.

He states that he has been engaged by Applicant only to-day and needs some time to go through the brief. We may notice that vide order dated 18.12.2009, this Tribunal directed that notice be issued to him to show cause why suo motu criminal contempt proceedings be not initiated against him. On his request the matter was adjourned on 28.1.2008. We may note that instead of filing reply to said proceedings, he preferred M.P. No. 9 of 2010 making certain unwarranted averments. No apology was tendered what to talk of unconditional apology at the earliest, as required by law. It appears that Applicant is not concerned for the proceedings in question. Law on the said subject is well settled that unless unconditional apology is rendered at the earliest occasion, subsequent apology may not be considered and acted upon.

In view of above request, case is adjourned to 19.2.2010. Said date has been granted on the request of learned counsel for the Applicant.

List the matter on 19.2.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

lm

19.02.2010 List it on 26.03.2010 alongwith Suo Motu Contempt No.1/2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

26.03.2010

Place it before the Division Bench on
1st April 2010.

(Madan Kr. Chaturvedi)
Member (A)

/pb/

01.04.2010

Applicant appeared in person and
prays for adjournment.

List the matter on 06th April 2010.

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

/pb/

06.04.2010

Shri J.P. Rathore, applicant, is
present. Alongwith Mr P.J. Saikia, learned
counsel, who states that he has instructions
from applicant to make a statement that
personal allegations made in body of O.A.
are not pressed. The same may also not be
taken into consideration while deciding the
issue raised in present O.A.

His grievance is that suspension
order dated 08.06.2007 (Annexure-1) has
not been reviewed within the time limit
prescribed under Rule 10 (6) of the CCS
(CCA) Rules, 1965 and, therefore,
subsequent review undertaken will not
validate continuation of said suspensin
order. In view of above, notice to
respondents.

Ms U. Das, learned Addl. C.G.S.C.,
present in court, on advance notice, accepts
notice on behalf of the respondents. Thus

Copy Received
On behalf of
Mr. U.K. Nair

Senior Counsel
in O.A. No. 227/09

(G. Z. Ahmed)

(X) Documents received -

1) O.A. 2) W.S. of R.No. 1 to 3

3) M.P. 119/09 with order sheet

4) M.P. 141/09 5) M.P. 09/10

6) M.P. 60/10 7) All order sheets

By [Signature]

1.4.2010

W/S filed
by the Respondent
No. 1 to 3 on
17.2.2010.

18/4/2010

O.A. No. 227/2009

06.04.2010

Shri J.P. Rathore, applicant, is present alongwith Mr P.J. Saikia, learned counsel, who states that he has instructions from applicant to make a statement that personal allegations made in body of O.A. are not pressed. The same may also not be taken into consideration while deciding the issue raised in present O.A.

His grievance is that suspension order dated 08.06.2007 (Annexure-1) has not been reviewed within the time limit prescribed under Rule 10 (6) of the CCS (CCA) Rules, 1965 and, therefore, subsequent review undertaken will not validate continuation of said suspension order. In view of above, notice to respondents.

Ms (U. Das, learned Addl. C.G.S.C., present in court, on advance notice, accepts notice on behalf of the respondents. Thus service is complete. No formal notice need to be issued. Learned counsel seeks and allowed two days time to file reply. Rejoinder, if any, be filed within three days thereafter.

List for hearing on 20.04.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nikrr

12.4.2010

Rejoinder has been
filed by the Applicant.
A copy of the same
sent on Ms. U. Das,
Addl. C.G.S.C.

12/4/2010

20.04.2010

Rejoinder has been filed by the applicant. Ms U. Das, Learned Addl. C.G.S.C for the respondents seeks adjournment by two weeks to obtain proper instruction, which has been opposed by Mr P.J.Saikia, learned counsel for the applicant. In the interest of justice we grant only one week time to take necessary steps.

List on 27.4.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

27.04.2010

Heard Mr.P.J.Saikia and Ms.U.Das, learned counsel for applicant and respondents respectively.

Reserved for orders.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

30.4.2010

Judgment pronounced in open Court. O.A. is allowed to the extent indicated in the order passed separately.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

lm

Received copy of
order dt 30.04.2010
30/4/2010

Copy of the Judgment
issued to the Respondents
vide despatch no.
1040, 1041 and 1068 dated
30.4.2010 and sent by
PAX on 04.05.2010
to the principal Bench,
New Delhi.
15/5/2010.

This Review Application⁸ is
filed by The Applicant Phri J.P.R.
The original Applicant in OA No. 2
for reviewing The judgment and order
dated 30.4.2010 passed in OA in Para
12(c) of the order quoted as "but not
in Ghawhati Bench of the Central Admini-
strative Tribunal".

This R.A. has been registered before
circulation and The matter may be
circulated before The Hon'ble Member (J)
and Hon'ble Member (A) for their Lord-
ships' kind perusal and order.

Submitted for favour of Circulation

H.S. 28/5/2010

H.M.
28/5/2010

SO(J).

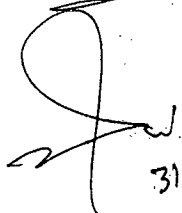
Laid before The Hon'ble Member
and Hon'ble Member (A) for
Lordships' kind perusal and order.

H.M.
28/5/2010

Hon'ble Member (J)

Discussed with Hon'ble M(A).

pl. list it on 7th June 2010


31/5/2010

SO(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 227 of 2009

DATE OF DECISION: 30.04.2010

Shri J.P.Rathore

.....Applicant/s.

Mr.P.J.Saikia

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Ms.U.Das, Addl. C.G.S.C

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether Reporters of local newspapers may be allowed to see the Judgment?
2. Whether to be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?

Yes/No

Yes/No

Yes/No

Judgment delivered by

Hon'ble Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 227 of 2009

Date of Decision: This, the 30th day of April, 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Shri J.P.Rathore
Deputy Registrar (under suspension)
Central Administrative Tribunal
Guwahati Bench
Rajgarh Road, Bhangagarh
Guwahati-781 005.

...Applicant

By Advocate: Shri P.J.Saikia

-Versus-

1. The Union of India represented by
Secretary to the Government of India
Ministry of Personnel, P.G. & Pension
Department of Personnel & Training
(AT Division), North Block
New Delhi – 110 001.
2. Central Administrative Tribunal
Principal Bench
Copernicus Marg
New Delhi – 110 001
Through its Principal Registrar.
3. Central Administrative Tribunal
Guwahati Bench
Rajgarh Road, Bhangagarh
Guwahati-781 005
Through its Registrar

.. Respondents

By Advocate : Ms. U.Das, Addl. C.G.S.C.

ORDER

MUKESH KUMAR GUPTA, MEMBER (J) :-

Validity of suspension order dated 08.06.2007 (Annexure-1) is questioned in the present proceedings. Applicant seeks direction to the

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respondents to revoke said order, treating the entire period of suspension as on duty with all consequential benefits as well as to post him at Guwahati itself till the decision of the criminal case initiated against him.

2. Admitted facts are Shri J.P.Rathore, Deputy Registrar of this Bench was placed under suspension vide order dated 08.06.2007 as a criminal offence was under investigation. He was under detention w.e.f. 10.05.2007, and therefore, he was placed under deemed suspension w.e.f. said date. He was released on bail in terms of order dated 18.05.2007 in Bail Application No.1638/2007 passed by the Hon'ble Gauhati High Court. Various representations were preferred seeking revocation of said suspension order, but to of no avail. Said suspension had been reviewed from time to time.

3. His basic grievance is that said suspension order has not been reviewed in terms of the mandate of Rule 10(6) of CCS (CCA) Rules, 1965. Though review of suspension had been done subsequently, it was not done within the time limit prescribed under aforesaid rules.

4. Strong reliance was placed on **2010 AIR SCW 158 Union of India vs. Dipak Mali** as well as **2005 (3) SLJ Delhi 345 N.K.Sethi vs. India Trade Promotion Organization**. Lastly reliance was placed on Full Bench judgment of this Tribunal (Principal Bench) in **Ved Prakash Garg vs. Government of NCT of Delhi dated 04.07.2008 (O.A.2621/2006)**.

5. By filing reply, respondents contested the matter stating that no harassment was caused and he has been paid the subsistence allowance as provided under the rules.

6. Ms. U.Das, learned counsel for the respondents forcefully contended that applicant was placed under suspension on account of criminal investigation. Criminal proceedings are pending against him. Charges leveled against him are grave. Any leniency shown would cause serious prejudice to the department; he would have access to the documents and materials, and therefore, would be in a commanding position to influence the witnesses, jeopardizing the criminal trial pending against him. Learned counsel contended that the Tribunal should devise ways and means to ensure that a person facing criminal charges is not reinstated till he is cleared of said very grave charges. In other words, it was suggested that distinction should be drawn between suspension of ordinary nature and suspension based on criminal investigation and trial.

In the above backdrop, learned counsel for the respondents, forcefully contended that he is not entitled to any relief, as prayed for.

7. On the other hand, Mr.P.J.Saikia, learned counsel appearing for applicant, contended that none of the 17 witnesses listed in said trial have been examined till date. Moreover, he has filed Criminal Petition No.401/2009 under Section 482 Cr.P.C. before the Hon'ble Gauhati High Court challenging said trial, which is pending consideration.

8. We have heard learned counsel for the parties at length and perused the materials placed before us, besides the judgments cited.

9. At the cost of repetition we may note that applicant was initially suspended vide order dated 08.06.2007, which was deemed suspension order from 10.05.2007. Said suspension had been reviewed by

the review committee from time to time and based on its recommendations, said suspension continues till date. In order to appreciate the ambit and scope of Rule 10 of CCS (CCA) Rules, 1965, it would be expedient to notice the language employed therein. Relevant excerpts of said rule reads as follows:-

" (5)(a) Subject to the provisions contained in sub-rule (7), any order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension, before expiry of ninety days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) An order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the Government servant continues to be under detention at the time of completion of ninety days of suspension and the ninety days' period for review in such case will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later."

(emphasis supplied)

As per sub-Rule (1) of said rules, the appointing authority or authority to whom the official is subordinate can place a Govt. servant under suspension under 3 eventualities, namely, (i) where, a disciplinary proceeding is either contemplated or pending; (ii) where, the official concerned has engaged himself in activities prejudicial to the interest of the security of the State; (iii) where a criminal offence is under investigation, enquiry or trial. Under Sub-Rule (2), a Govt. servant is deemed to have been placed under suspension (a) w.e.f. the date of detention if he is detained in custody for a period exceeding 48 hours; (b) w.e.f. the date of his conviction. It is not in dispute that he was placed under suspension as a case for criminal offence was under investigation. It is further not in dispute that criminal trial is pending against him. A cumulative reading of the Rule 10, relevant excerpts of which have been extracted hereinabove, would reveal that under Sub-Rule 6 it is mandatory that the authority concerned "shall" review such suspension **"before expiry of 90 days"**, from the effective date of his suspension. The facts, noticed hereinabove, would make it abundantly clear that said suspension had not been extended before 90 days, as no review committee had been constituted before expiry of said 90 days. Full Bench

of this Tribunal (Principal Bench) in **Ved Prakash Garg** (supra) observed as follows:-

"10. We are unable to accept the contention of the learned counsel for Shri Ved Prakash Garg. We have no doubt whatsoever that there is no scope for any ambiguity in the interpretation of sub rules 6 and 7 of Rule 10 of CCS (CCA) Rules, 1965. We are not persuaded by the example given in the written submission of the learned counsel for Shri Ved Prakash Garg, which does not seem to be relevant in so far as the issue under consideration is concerned.

11. The above reference is, therefore, answered as follows:-

"The order of suspension of a civil servant under Rule 10 of the CCS (CCA) Rules, 1965 would remain valid for a period of 90 days from the date of original order of suspension. If the order of suspension is not reviewed within 90 days, then only the period of suspension beyond 90 days would become invalid. The original order of suspension would remain valid for a period of 90 days.

The OA is remanded to the Division Bench for deciding the case according to merits."

(emphasis supplied)

Facts, as noticed vide para 5 thereof reveal that Ved Prakash Garg was placed under suspension by an order dated 21.02.2004, which was reviewed on 02.11.2004. The amendment of Rule 10 of CCS (CCA) Rules, 1965 became effective from 02.06.2004. In such situation, question arose as to whether said suspension had been reviewed "within 90 days" from the date when said amendment in the rule came into force or not. Similarly, in **Dipak Mali** (supra) he was placed under suspension on 10.08.2002. He had filed O.A. challenging said suspension before Jabalpur Bench of this Tribunal for declaration that said suspension became invalid on the expiry of 90 days in terms of Rule 10(6) & (7) came into force and

said suspension had not been reviewed by the review committee. O.A. was allowed vide order dated 29.03.2005. Challenging said order before the Hon'ble High Court, it was contended that Sub-Rule (6) & (7) of Rule 10 came into force only on 02.06.2004, the application has been moved prematurely in July, 2004 even before expiry of 3 months. It was further contended that as the matter was sub-judice on account of pendency of O.A. filed by Dipak Mali before the expiry of 90 days from 02.06.2004, the department was unable to review his case. Facts remain that said suspension had been reviewed and extended only on 20.10.2004, beyond the period envisaged under Sub-Rule (6) thereof. As such, writ petition was dismissed vide order dated 01.09.2005. In such circumstances matter reached before the Hon'ble Supreme Court, wherein it was held as follows:-

"10. Having carefully considered the submissions made on behalf of the parties and having also to suspension of the Respondent and when the Petitioner's case came up for review on 20th October, 2004, **we are inclined to agree with the views expressed by the Central Administrative Tribunal**, as confirmed by the High Court, that having regard to the amended provisions of Sub-rules (6) and (7) of Rule 10, the review for modification or revocation of the order of suspension was required to be done **before the expiry of 90 days from the date of order of suspension** and as categorically provided under sub-rule (7), the order of suspension made or deemed would not be valid after a period of 90 days unless it was extended after review for a further period of 90 days.

11. The case sought to be made out on behalf of the petitioner, Union of India as to the cause of delay in reviewing the Respondent's case, is not very convincing. Section 19(4) of the Administrative Tribunals Act, 1985, speaks of abatement of proceedings once an original application under the said Act was admitted. In this case, what is important is that by operation of Sub-rule (6) of Rule 10 of the 1965 Rules, the order of suspension would not

survive after the period of 90 days unless it was extended after review. Since admittedly the review had not been conducted within 90 days from the date of suspension, it became invalid after 90 days, since neither was there any review nor extension within the said period of 90 days. Subsequent review and extension, in our view, could not revive the order which had already become invalid after the expiry of 90 days from the date of suspension."

(emphasis supplied)

In **N.K.Sethi** (supra), petitioner was placed under suspension on 27.10.2003 as relative of petitioner was caught red handed while demanding and accepting bribe on his behalf. Disciplinary proceedings were contemplated. Said suspension order had not been reviewed. The first review by the review committee was held on 21.05.2004 and second review was held on 29.10.2004. Contention raised had been that the first review committee was not constituted within the time stipulated and as provided in terms of Sub-Rule (6) of Rule 10. The short question, which arose, as noticed vide para 13 thereof, was whether the notification amending Rule 10 of CCS (CCA) Rules was applicable to the employees of Indian Trade Promotion Organization and whether review committee was constituted within the stipulated time frame. It was concluded that the respondents had failed to review N.K.Sethi's case for suspension and the same was liable to be revoked. Said judgment further observed that:-

"Nothing stated herein before shall be taken as an expression of opinion on the merits of the petitioner's case and/or as curtailing the respondent's power of suspension, as permissible under the Rules."

Admittedly, the first review in present case, had not been undertaken **"before expiry of 90 days from the effective date of suspension"**. Law laid down in **Dipak Mali** (supra) that subsequent review and extension could

not revive the order which has already become invalid after expiry of 90 days from the date of suspension is squarely attracted and applicable in the facts and circumstances of the case. Since review had not been carried out within 90 days from the date of suspension, operation of said order became invalid after 90 days. In this view of the matter, we have no hesitation to accept the contention raised by the applicant that his continued suspension beyond 90 days from the effective date of suspension is not justified and not in accordance with the rules.

10. Another aspect remains to be considered as to whether applicant's reinstatement would be in public interest or not. It is undisputed fact that applicant is facing criminal trial involving grave charges. On reinstatement in the same Bench, he would have an access to all the documents and materials, and would further be in a commanding position to influence the witnesses likely to depose against him. In such circumstances, we are of the opinion that respondent no.2 be directed not to reinstate him in Guwahati Bench of this Tribunal. Rather, he should be reinstated in some other Bench preferably nearby.

11. Respondents' contention that there is a difference between suspension based on normal circumstances and for criminal offence is based on hypothesis. Rule 10 makes no difference and provides no category of suspension. Rather, it applies to all types of suspension. In our considered view, the language employed under Rule 10 is clear and unambiguous. There is no scope for any ambiguity in the interpretation of said rule. It is further well settled that Court/Tribunal cannot read something in between the lines of the statute, which are not provided for.


Therefore, we do not find any substance and justification in said contention. After amendment carried out under Sub-Rule (7) of Rule 10 vide GSR No.105 dated 06.06.2007 published in Gazette of India, dated 16.06.2007 inserting a proviso below Sub-Rule (7), review of suspension is not necessary in the case of deemed suspension under Sub-Rule (2), if the Govt. servant continues to be under "**detention**" at the time of completion of 90 days of suspension. In other words, the Legislature/rule ⁷ making authority in their wisdom, have provided an exception in the form of proviso inserted under Sub-Rule (7), as noticed hereinabove, which is not applicable in present case, as the applicant is not under detention at the time of completion of 90 days of suspension.

12. Taking a cumulative view, in the matter our considered conclusions are as follows:-

- (a) Applicant's continued suspension beyond the period of 90 days from the date of suspension is not sustainable in the eyes of law.
- (b) Subsequent review and extension would not revive the order, which has already become invalid after expiry of 90 days from the date of suspension.
- (c) Applicant's suspension beyond afore-noted period, being unsustainable, is quashed and set aside. He will be entitled to reinstatement, but not in the Guwahati Bench of Central Administrative Tribunal.

- (d) Nothing stated herein before shall be taken as an expression of opinion on the merits of the applicant's case and/or as curtailing the respondent's power of suspension, as permissible under the Rules.

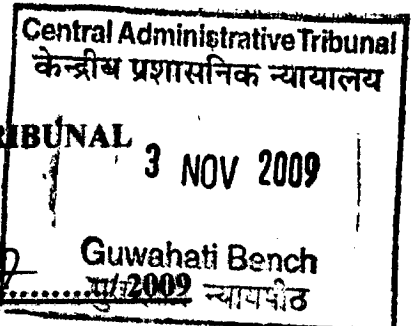
13. O.A. stands allowed to the afore-noted extent. No costs.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)

/BB/


(MUKESH KUMAR GUPTA)
MEMBER (J)

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**



Original Application No. 227

J.P. Rathore – V/s – U.O.I. & others

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5.	Annexure A -4	21.. to 21
6.	Annexure A -5	22.. to 22
7.	Annexure A -6	23.. to 23
8.	Annexure A -7	24 to 25
9.	Annexure A -8	26.. to 27
10.	Annexure A -9	28.. to 28
11.	Annexure A -10	29.. to 31
12.	Annexure A -11	32.. to 32
13.	Annexure A -12	33.. to 34
14.	Annexure A -13	35.. to 35
15.	Annexure A -14.	36.. to 38
16.	Annexure A -15	39.. to 39
17.	Annexure A -16	40.. to 40
18.	Annexure A -17	41.. to 41
19.	Annexure A -18	42.. to 49
20.	Annexure A -19	50.. to 62
21.	Annexure A -20	63.. to 66
22.	Annexure A -21	67.. to 69
23.	Annexure A -22	70.. to 70
24.	Annexure A -23	71.. to 72
25.	Annexure A -24	73.. to 73
26.	Annexure A -25	74.. to 74
27.	Annexure A -26	75.. to 76
28.	Annexure A -27	77.. to 82
29.	Annexure A -28	83.. to 85
30.	Annexure A -29	86.. to 88
31.	Annexure A-30	89.. to 96
		97 – 100

32. W/S –
33. Refinder

— 101-103 J.P. Rathore
(Signature of the Applicant)

22

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO. 227/2009

J.P. RATHORE - V/S - U.O.I. & OTHERS

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2009
Guwahati Bench गुवाहाटी न्यायपीठ

SYNOPSIS OF THE CASE

The applicant was placed under suspension with effect from 10-05-2007 by an order of Respondent -1. Copy of the order was not served upon to the applicant. The applicant informed certain facts to Respondent -2 vide his application dated 24-05-2007. Applicant was not paid subsistence allowance till July 2007. The applicant submitted applications to Respondent -2 on 04-06-2007, 02-07-2007 and 04-07-2007 in this regard. Applicant preferred an appeal to Respondent -1 vide is application dated 27/12/2007 under Rule 23 of CCS (CCA) Rules followed by another application dated 31-12-2007 in continuation. The applicant submitted subsequent appeal to Respondent -1 vide Application dated 29-02-2008 but no communication has been received till date. The applicant submitted an application on 25-02-2008 to Respondent -2 in the matter. Applicant asked certain information under RTI Act from the office of Respondent -2 vide application dated 21-01-2008 which was replied vide letter dated 12-02-2008 from the office of Respondent -2 indicating that no review of suspension was done till 12-02-2008. The applicant has asked certain information in the matter under RTI Act from the office of Respondent -1 vide application dated 07-10-2009 but no communication has been received till date. The suspension is still continuing even after the lapse of about two and half years without review / communication.

In the meantime Shri J.N. Sharma, Section officer, CAT Guwahati Branch was posted as Deputy Registrar CAT Guwahati Bench purely on adhoc basis as a stop-gap arrangement for a period of one year from the date of taking over the charge of the post at Guwahati Bench CAT or till the suspension of Shri J.P. Rathore Deputy Registrar, CAT Guwahati Bench is revoked, whichever is earlier, vide CAT Principal Bench New Delhi Office -Order No. PB/1/8/2004 Estt-I (Part) dated 17/23-09-2008 (Annexure A-15.), Shri J.N. Sharma, Section Officer took over as Deputy Registrar adhoc on 23-09-2008 and the period of one year has already expired on 22-09-2009 and no extention has been received till date. Hence he is no more Deputy Registrar w.e.f. 23-09-2009 and the post of Deputy Registrar is lying vacant w.e.f. 23-09-2009 itself.

Subeetha

ORIGINAL APPLICATION NO. 227 /2009
J.P. RATHORE – VERSUS-U.I.O & OTHERS

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

3 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

	Dates of Events in Chronological Order
01-04-2001	Applicant was appointed as Deputy Register, Central Administrative Tribunal by an order dt 27 th September 2002 issued by the Ministry of Personnel, PG & Pension New Delhi (Annexure A-2)
10-05-2007	Applicant was placed under suspension by an order of R-1 (Annexure A-1)
24-05-2007	Applicant informed R-2, by FAX about detention and release on bail vide application dt 24-05-2007 (Annexure A-3)
04-06-2007	The applicant submitted a representation to R-2 by FAX regarding non-payments of the subsistence allowance (Annexure A-6)
04-06-2007	Applicant submitted a representation to R-2 by FAX stating that since he has been released on bail, he may be allowed to join duty. (Annexure A-7)
02-07-2007	Applicant submitted a representation to R-2 by FAX regarding non-payment of subsistence allowance (Annexure A-5)
27-12-2007	Applicant submitted an appeal to R-1 under Rule 23 of CCS (CCA) Rules regarding revocation of suspension and treating the period of suspension as duty, through proper channel, sending advance copy to R-1 by speed post /FAX (Annexure A-8)
31-12-2007	Applicant submitted an application is continuation to R-1 through proper channel sending advance copy of the same to R-1 by FAX/Sped post. (Annexure A-9)
21-01-2008	The Applicant asked certain information under RTI Act from R-2 regarding suspension / review of suspension. (Annexure A-12)
12-02-2008	Office of R-2 informed certain facts vide their letter dt 12-02-2008, which indicates that the review of the suspension was not done even after the expiry of about 270 days (Annexure A-13)
25-02-2008	The applicant submitted a representation to R-2 by FAX regarding consideration of revocation of suspension (Annexure A-11)
29-02-2008	The applicant submitted another appeal to R-1 through proper
	channel, advance copy of which was sent to R-1 by the speed post (Annexure A-10)
07-10-2009	The applicant has asked certain information under RTI Act regarding suspension case but no information has been supplied till date. (Annexure A-14)

Subeetha

24

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO. 227/2009

BETWEEN

**Shri J.P. Rathore Deputy Registrar (U.S)
Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781005**

..... Applicant

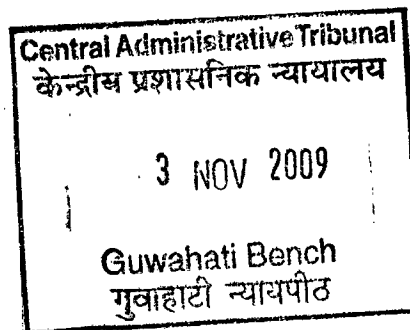
AND

**(1) Union of India represented by
Secretary to Govt. of India
Ministry of Personnel, P.G. & Pension
Department of Personnel & Training
(AT Division)
North Block, New Delhi-110001**

**(2) Central Administrative Tribunal
Principal Bench, Copernicus Marg
New Delhi-110001 Through its
Principal Registrar**

**(3) Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781005
Through its Registrar**

..... Respondents



Filed by Sh. J.P. Rathore
Applicant.
J.P. Rathore

PARTICULARS OR ORDER AGAINST WHICH THIS APPLICATION IS MADE

The applicant by way of this application has challenged / assailed the order of suspension of the applicant issued by respondent no 1 vide order No. A -26011/06/07 -AT dated June 8, 2007 (Annexure A-1)

2. JURISDICTION:

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

3. LIMITATION:

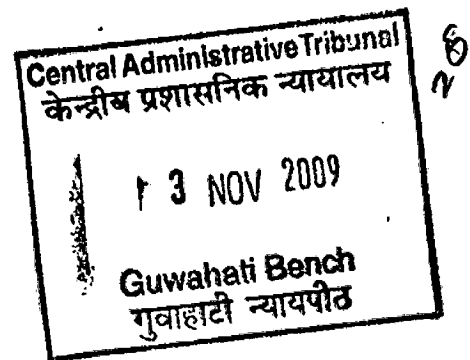
The applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal's Act, 1985.

J.P. Rathore

Contd - - - -

4. FACTS OF THE CASE:

- 4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protections guaranteed under the Constitution of India and the laws framed thereunder.
- 4.2. That the applicant was appointed as Deputy Registrar in the Central Administrative Tribunal by the President of India vide Govt. of India Ministry of Personnel, P.G.& Pension, Department of Personnel & Training New Delhi order no. A-12013/4/2002- AT dated 27th September 2002, a copy which is annexed herewith as Annexure A -2
- 4.3. That the applicant had completed about 36 years of unblemished service under the Govt. of India including the Central Administrative Tribunal, before having been placed under suspension, which is based on totally false and baseless allegations. It is further submitted that the applicant is likely to retire within the next one year and two months approximately.
- 4.4. That the applicant is presently under suspension w.e.f. 10-05-2007 vide Ministry of Personnel P.G. & Pension, Department of Personnel & Training order No. A-26011/6/07 -AT dated June 8, 2007 a copy of which is annexed herewith as Annexure A-1.
- 4.5. That the copy of the suspension order was not served upon to the applicant thus depriving the applicant from making any appeal against the said order in time.



[3]

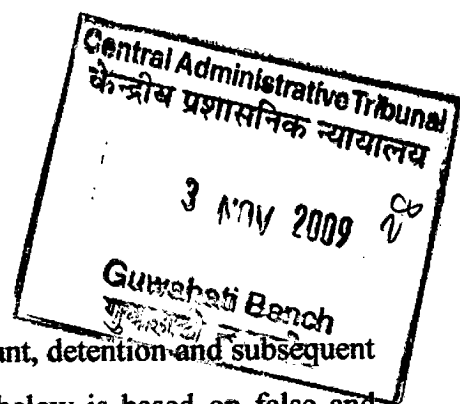
- 4.6 That the applicant had informed the respondent No 2 about detention and release on bail on 18-05-2007 granted by Hon'ble Guwahati High Court, vide application dated 24.05.2007 by Fax, a copy of which is annexed herewith as Annexure A -3 .
- 4.7 That the applicant was put to unwarranted harassment by the then head of the Department by not paying the subsistence allowance to the applicant till July 2007, which was paid only when the applicant approached the office of respondent No.2 vide application dated 2-7-07 sent by Fax and another application dated 4-7-07 sent by fax, copies of which are annexed herewith as annexure A - 4 and A - 5, Before this the applicant has submitted an application to R-2 by Fax on 4-6-2007 in this matter a copy of which is annexed herewith as Annexure - A - 6 .
- 4.8 That the applicant had submitted a representation to R-2 by Fax vide application dated 4-6-2007 intimating that since he has been released on bail, he may be allowed to join duty in view of the legal position mentioned in detailed ⁱⁿ the representation, a copy of which is annexed herewith as annexure A -7.
- 4.9 That the applicant vide his application dated 27-12-2007 preferred an appeal to respondent No. 1 through proper channel, under Rule 23 of CCS (CCA) Rules for revocation of suspension and treating the period of the suspension as duty, advance copy of which was sent to R-1 by Fax / speed post also but no communication in this regard has been received till date, A copy of the appeal dated 27-12-2007 is annexed herewith as Annexure A - 8.
- 4.10 That the applicant vide his application dated 31-12-2007 intimated certain facts to R-1 through proper channel, in continuation of the appeal dated 27-12-2007, advance copy of which was sent to R-1 by Fax / Speed post also, A copy of the application dated 31-12-2007 is annexed herewith as Annexure A-9
- 4.11 That the applicant vide his application dated 29-2-2008 preferred another appeal / representation under Rule 23 of CCS (CCA) Rules for revocation of suspension and treating the period of suspension as duty, through proper channel as well as sending the advance copy of the same to R-1 by speed post also, but no communication has been received till date. A copy of the said appeal / representation after dated 29-02-2008 is annexed herewith as Annexure A - 10.

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- 4.12 That the applicant vide his application dated 25-02-2008 submitted a representation by Fax to the office of Respondent -2 regarding consideration of revocation of suspension but no communication has been received till date. A copy of the representation dated 25-02-2008 is annexed herewith as Annexure A -11
- 4.13 That the applicant vide his application dated 21-01-2008 had asked certain information under RTI Act from the office of the respondent No. 2 regarding review of suspension a copy of which is annexed herewith as Annexure A-12. In reply the office of the respondent No. 2 supplied certain information vide their letter No. PB/MISC/RTI/2006-JA (VOL-1) dated 12.02.2008 which clearly shows that the review of suspension was not done till 12-02-2008, A copy of the said letter dated 12-02-2008 is annexed herewith as Annexure A-13.
- 4.14 That the applicant vide his application dated 07-10-2009 has asked office of Respondent -1 certain information under RTI Act regarding his suspension but no information has been communicated till date. A copy of the said application dated 07-10-2009 is annexed herewith as Annexure A-14.





4.15 That the entire episode of lodging FIR against the applicant, detention and subsequent suspension in the given situation mentioned in details below is based on false and vexatious charges maliciously attributed against the applicant hereby sully his character, injuring his reputation and exposing him to social ridicule with a view to spite him on account of same personal rancor, predilections and past prejudices and the criminal proceedings are manifestly attended with malafides and has been instituted with ulterior motive for wrecking vengeance on the applicant with a view to spite him to private and personal grudge as per details mentioned below is also clear from the letter No. 11-08/06 Accts / 730 dated 15/10/2007 sent by the office of Respondent -3 to the office of Respondent -2. (Annexure A-18), letter dated 26-3-2008 (Annexure A-19) and letter dt 12-6-2008 (Annexure A-20)

(a) That the applicant while functioning as Deputy Registrar / Head of the office had raised an objection to the purchase of mineral water which was actually being used at the residence of the then Head of Department Mr. K.V. Sachidanandan and the bills for the same were being paid from the office funds / Govt. funds. In this connection copy of P-4/N, 5/N and 6/N of the mineral water file which the applicant obtained from the office of Respondent -3 clearly established misappropriation of Govt. money irrespective of the amount involved as there is no rule / Govt. orders under which mineral Water can be purchased for private use at the residence of officers at Govt. expenses. A copy of the said office note of mineral water file is annexed herewith as Annexure A-21

(b) That being annoyed by this objection regarding purchase of mineral water, the then Head of Department had withdrawn the power of the Head of the office from the Deputy Registrar and entrusted the same to a subordinate / junior Mr. J.N. Sharma section officer, who does not know anything about the rules regulations procedure etc. and can neither write nor speak even a single sentence correctly in English and was aspiring to become Deputy Registrar and was ready to do all illegal things and toe the desires of the then VC Mr. K.V. Sachidanandan, vide office order dated 24-7-2006 (Annexure A-22)

(c) That on 20-11-2006, the applicant submitted an application to the office of Respondent -3 addressed to Respondent regarding deputation to the post of Joint Director in STQC Directorate which when put up to HOD in file was straightaway rejected threatening for disciplinary action against the applicant.

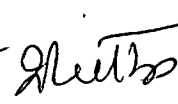
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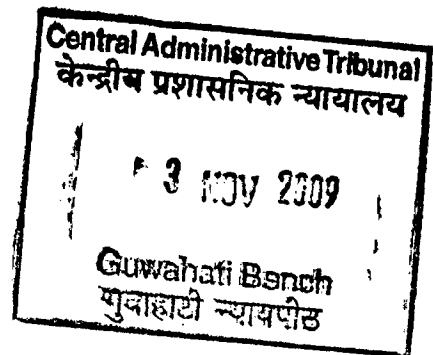
[6]

A copy of the said application date 20-11-06 along with the copy of the office note is annexed herewith as Annexure A-23. In this connection it is submitted that the power to reject or forward such application rests with the office of R-2 only. Since the application was addressed to R-2, the office of R-3 was required to forward the same to R-2. This also shows biasness/ prejudiceness of the then HOD towards the applicant.

- d. That on 18-09-06, the applicant submitted an application regarding availing of special casual leave and LTC as admissible under rules which when put up to HOD, the applicant was again threatened for disciplinary action which indicates that the then HOD had made up a preconceived mind for disciplinary action against the applicant. A copy the said application date 18-09-2006 with the rote of HOD on it is placed at Annexure A-24. A-24
- e. That the application for 5 days casual leave of the applicant was also rejected by the then HOD vide letter date 02-04-2007 with a threatening to face the consequences. A copy of the said letter date 02-04-2007 is annexed as Annexure A-25. A-25
- f. That the application dated 12-06-2007 for GPF Advanced submitted by the applicant to the office of the respondent No. 3 for the purpose to meet out the expenses on the medical treatment of his ailing son and wife and to meet out the expenses in connection with criminal proceedings; was also rejected by the then Head of Department which clearly indicates the biasness/ prejudiceness of the then HOD towards the applicant. A copy of the said application dated 12-06-2007 is placed at Annexure A-26. A-26
- g. That the then HOD Mr. K.V. Sachidanandan VC while functioning as VC CAT Guwahati Bench, had misappropriated Govt. money worth several lakhs of rupees by availing LTCS in respect of his son who then was and is a practicing lawyer of Kerala High Court, thus not dependent, and also availing LTC for self and wife via longer route via Delhi, staying at Delhi for few days, while the shortest route to his home town Kochi is Via Kolkata- Bangalore only. /

There are certain other irregularities/illegality done by the then HOD Mr. K.V. Sachidanandan, VC which are mentioned in detail in the letter no. 11-08/06 Acts/730 dated 15-10-2007 written by the office of R-3 to the office of R-2 (Annexure A-18). /

A-18 2 
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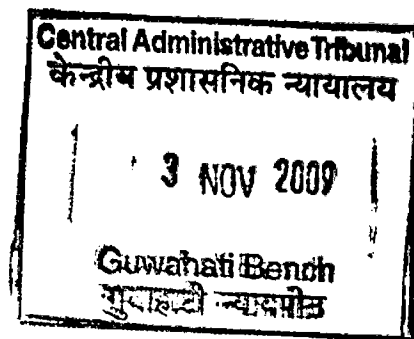


[7]

In view of these facts every prudent/sensible person can come to the conclusion that the entire episode was a well planned conspiracy against the applicant in order to take revenge. Since the matter is subjudice, no comments can be offered at this stage.

- h. Since the misappropriation of Govt. money by Mr. K.V. Sachidanandan, VC as mentioned in the foregoing paragraphs is self proved on records, respondent no. 1 and 2 are requested to take necessary action (Departmental action/Departmental enquiry and other actions) against Mr. K.V. Sachidanandan, VC in accordance with the procedure laid down in the Rules framed vide G.I. Dept of Pers & Training Notification No. A-11013/98-AT dated 7th February 2000, in the public interest and in the larger interest of justice. There is catena of judgments of Hon'ble Supreme court deciding that in the case of misappropriation of Govt money, sanction for prosecution is not at all required. Moreover in the case, Laxman singh solanki V/S Lt Governor NCT Delhi, Hon'ble supreme court have decided that a judicial officer holds an office of public trust and even private life of a judicial officer must adhere to high standard of probity and propriety than those deemed applicable to others.
- i. That the applicant vide his applications dated 10-06-2009 and 12-06-2009 has requested to supply certain information under the RTI Act on the above mentioned matters from the office of R-2 but no information has been supplied to the applicant till date which is an utter violation of the RTI Act by the officers concerned of the office of R-2. Copies of the said applications dated 10-06-2009 are annexed herewith as Annexure A-27, A-28.
- 4.16 That according to the provisions contained in Rule 10(6) and 10(7) of CCS (CCA) Rules (copy placed at Annexure A-39) the suspension was mandatorily required to be reviewed before the expiry of 90 days i.e. before 07-08-2007 but it was not reviewed till 12-02-2008 which is clear from Annexure A-13.
- 4.27 That Rule 10(6) and 10(7) of CCS (CCA) Rules are reproduced below :

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[8]

10 (6) An order of suspension made or deemed to have been made under this Rule shall be received by the authority which is competent to modify or revoke the suspension, before the expiry of 90 days from the effective date of suspension, on the recommendations of the Review committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent review shall be made before the expiry of the extended period of the suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

10 (7) – Notwithstanding anything contained in Sub Rule (5) (a), an order of suspension made or deemed to have been made under sub Rule (1) and (2) of this Rule shall not be valid after a period of ninety days unless it is extended after review for a further period before the expiry of ninety days.”

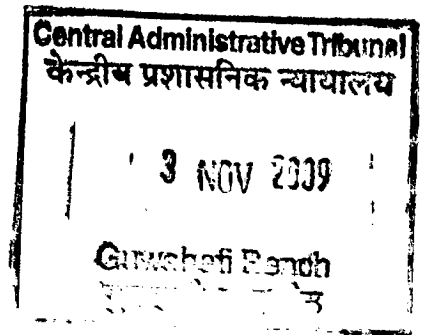
These Rules 10(6) and 10 (7) of C & S (CCA) Rules have been inserted vide G.I. Dept of Pers & Trg Notification No. 11012/4/2003 Estt (A) dated 23rd December 2003, take effect from 2nd June 2004 vide Notification of even no dated 2nd April 2004. Copies of these Rules are placed at Annexure A. ~~28~~ A-29

4.18 That since the suspension of the applicant was not reviewed before the expiry of 90 days in terms of Rule 10 (6) and 10 (7) of CSS (CCA) Rules and no order was passed on ninetieth day or before, the period of suspension has become inoperative, illegal & invalid / void ab-initio.

4.19 That the period of suspension of 180 days had expired on 05-11-2007 and no order was passed on 180th day or before and the suspension is still continuing even after the expiry of about ~~180~~ 18 months and half years, the entire period of suspension has become totally inoperative, illegal and invalid /void ab- initio in terms of catena of judgements of Hon'ble High Courts/Supreme Court as well as CAT Benches and the applicant is to be treated on duty w.e.f 10-05-2007 itself, with all consequential benefits.

4.20 That the Hon'ble Full Bench of the CAT Principal Bench New Delhi in OA-2621/2006 Ved Prakash Gorg V/S Govt of NCT Delhi (Annexure A - 30) decided that, “ The order of suspension of a civil servant under Rule 10 of CCS (CCA) Rules 1965 would remain valid for a period of 90 days from the date of original order of suspension. If the order of suspension is not reviewed within 90 days, then only period of suspension beyond 90 days would become invalid. The original order of suspension would remain valid for a period of 90 days.”

Shree
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[9]

In view of this ruling, in the instant case of the applicant, perhaps the concerned officers in the principal Bench have committed gravest contempt of court of judgment delivered by the Full Bench of the PB in OA-2621/2006 dated 4th July 2008 Ved Prakash Garg V/S Goof of NCT New Delhi (Annexure A – 33) and they all are liable to be prosecuted for contempt of court of their own judgment. Hon'ble supreme court in the case-Rama Rao & others V/S. M.G. Maheshwar Rao & others, their Lordships have held, "one who made judicial decision should follow natural justice for its application in administrative capacity."

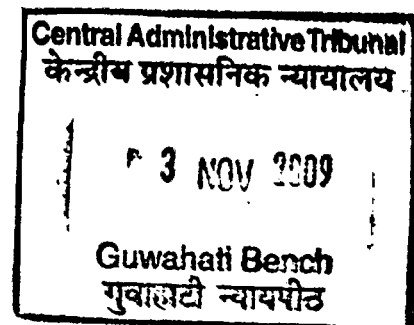
Perhaps the concerned officers of the office of respondent No. 1 & 2, or other officers who at any stage are involved in dealing with the suspension case of the applicant including review of suspension, are also liable to be prosecuted for contempt of court for not complying with the judgments of Hon'ble Courts.

- 4.21. That it is strange that a person (SL. J.N. Sharma, Section officer) who does not know anything about the Rules Regulation and procedure and who can neither write nor speak even a single sentence correctly in English, has been promoted as Deputy Register on adhoc basis in CAT Guwahati Bench. He knows putting signatures only. This fact may be got examined by a committee of independent high level officers. What public interest is being served in promoting such a totally incompetent person as Deputy Registrar on adhoc basis, is not known. Was it absolutely necessary. If so, then why a highly qualified, competent senior Deputy Registrar has been kept away from duties, illegally keeping him under suspension for unduly long time beyond the limits prescribed under Rules and the judgments of Hon'ble courts.

5. **GROUHDS OF THE APPLICATION :**

- 5.1. Because it is a fact that no preliminary enquiry in the matter was made before lodging the complaint against the applicant which is totally baseless and malafide and the matter is not relating to an offence or conduct involving moral turpitude or corruption or emlezzlement or misappropriating of Govt. money etc where suspension may be desirable. The guiding principles for placing a Govt. servant under suspension provide that competent authority should consider whether the purpose cannot be served by transferring the official and the power of suspension is to be sparingly exercised and only for valid reasons and not for extraneous consideration.

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Muthu

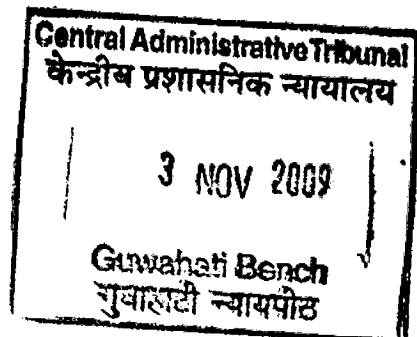


[10]

Suspension should not be resorted to for petty offenses unrelated to morality or the official duties of the Govt. servant. In case where an official is deemed to have been placed under suspension under Rule 10(2) of CCS (CCA) Rules, as soon as the official is released from custody the competent authority should consider whether continuance of the official under suspension is absolutely necessary or not.

- 5.2. Because it is a fact that Rule 10(6) and 10(7) of CCA (CCA) Rules provides mandatory review of suspension before the expiry of 90 days. Due to non-adherence/non-compliance of these rules, suspension is liable to be quashed as the total period of suspension should not exceed 180 days at a time as has been decided by Hon'ble Delhi High court in the case NK Sethi V/S I.T.P.O .
- 5.3 Because it is a fact that no preliminary enquiry was conducted against the applicant before lodging the complaint which is baseless and malafide and the entire action being vitiated by malice. The complaint/FIR was lodged on absolutely non existent facts at the instance of the ^{then} Head of the Department on malice against the applicant which are on record, in order to take revenge.
- 5.4 Because the office of the Respondents has erred in law while issuing the impugned order and not reviewing / revoking the suspension as per Rules, guidelines and the judgments of Hon'ble Courts in this regard as well as on facts.
- 5.5 Because the action of the respondents is illegal/arbitrary ~~reviewed~~ in view of the fact that the suspension was not renewed as per new rules and the period of suspension has exceeded much more than the prescribed limits under rules.
- 5.6 Because it is a fact that there is a catena of judgments of Hon'ble High Courts/Supreme Court as well as CAT Benches whereby the suspension not reviewed as per new rules has been quashed by the Hon'ble Courts, A few cases are cited below :
 - (a) Hon'ble Delhi High Court in the case N.K. Sethi V/S ITPC have decided that "Suspension not renewed as per new Rules - Rules 10 (6), 10 (7) of CCS (CA) Rules, quashed the suspension.

Contd.....



[12]

- (b) Hon'ble Chandigarh Bench of CAT in the case M.S. Malik V/S UOI, have decided "suspension must be reviewed before the expiry of 90 days. Retrospective review is not valid suspension quashed.
- (c) Hon'ble CAT Patna Bench in the Case R.A. Choudhury V/S. UOI have decided "deemed suspension loses its effect when bail is granted".
- (d) Hon'ble Calcutta High Court in the case Suman Roy Choudhury V/S state of West Bengal have decided "Employer has no right to impose suspension, once the employee is released on bail. Allegation against the employee were not with regard to any offence in connection with his duty. There was no scope of keeping him under suspension when he was released on bail. Suspension not in conformity with Rules suspension stayed."
- (e) Hon'ble CAT Bombay Bench is the case "Dieepak Pandey V/S Govt. of Maharastra" have decided "Suspension not renewed within 90 days stands revoked automatically if no charge is issued within 90 days.
- (f) Hon'ble Supreme Court in the case "N.T.C. (M.P.) Ltd. V/S M.R. Jadhav" have decided "Suspension –communication of- held is necessary except when the case goes out of control of the appropriate authority.
- (g) Hon'ble Calcutta High Court is the case "Basudev Mallik V/S state of W.B. have decided "The moment he is released from detention by the competent criminal court, deemed suspension will come to an end and the petitioner should be permitted to join duty subject to the final decision in criminal case".
- (h) Hon'ble CAT Ahmedabad Bench in the case "D.K. Mishra V/S UOI" have decided "Review Of suspension within 90 days is mandatory and further review before 180 days. No. extension beyond 180 days".
- (i) Hon'ble CAT Principal Bench in the case Jitender Singh V/S Govt. of NCT Delhi, decided in the months of May or June, 2009 (as gathered from the newspaper) ~~have~~ quashed the suspension because it was not renewed within 90 days as per new Rules – Rule 10 (6) and 10 (7) of CCS (CCA) Rules.

Shree

Contd.....

5.7 (a)

Because it is a fact that the applicant has to defend the criminal case maliciously instituted against the applicant with malafides / past prejudices as mentioned in details in para 4.15 above, humble applicant prays this Hon'ble Court to direct the respondents post the applicant at Guwahati itself to defend the criminal case and to appear before the criminal court frequently and to meet his advocate for frequent consultation otherwise it will amount to denying the justice to the applicant as the respondents will further try to harass the applicant by transferring him out of Guwahati so that he will not be able to travel to Guwahati from far off places to defend his criminal case.

(b)

Because it is a fact that the Post of Deputy Registrar, CAT, Guwahati Bench is lying vacant since 23-09-2009 because Shri J.N. Sharma Section officer, CAT Guwahati Branch was posted as Deputy Registrar CAT Guwahati Bench purely on adhoc basis as a stop-gap arrangement for a period of one year from the date of taking over the charge of the post at Guwahati Bench CAT or till the suspension of Shri J.P. Rathore Deputy Registrar, CAT Guwahati Bench is revoked, whichever is earlier, vide CAT Principal Bench New Delhi Office -Order No. PB/1/8/2004 Estt-I (Part) dated 17/23-09-2008 (Annexure A-5.), Shri J.N. Sharma, Section Officer took over as Deputy Registrar adhoc on 23-09-2008 and the period of one year has already expired on 22-09-2009 and no extention has been received till date. Hence he is no more Deputy Registrar w.e.f. 23-09-2009 and the post of Deputy Registrar is lying vacant w.e.f. 23-09-2009 itself.

Contd....

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has availed all the departmental remedies as available to him under the facts and circumstances of the case and also as per the service rules.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that no other application, writ petition or suit regarding the subject matter of the instant application is filed before any other court, authority, any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

This Hon'ble Tribunal may be pleased:

- (1) To quash and set aside the impugned order of suspension dated June, 8, 2007 (Annexure A-1) with all consequential benefits.
- (2) To direct the respondent No. 1 to pass necessary order revoking the suspension with immediate effect, treating the entire period of suspension as duty with all consequential benefits and to direct the respondents to post the applicant at Guwahati itself only till the decision of the Criminal case against the applicant, otherwise it will amount to denying the justice to the applicant in view of the facts mentioned in detail in para 5.7 above.
- (3) To award the cost of litigation.
- (4) To pass such other and further order which the Hon'ble Tribunal may deem fit and proper in the interest of justice.

9. INTERIM RELIEF SOUGHT FOR:

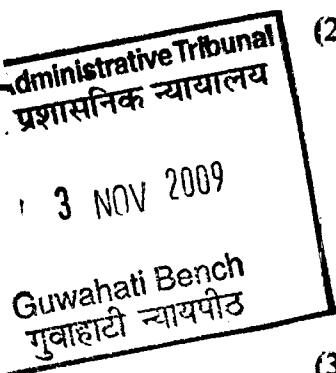
Pending final disposal of the OA this Hon'ble Tribunal may be pleased:

- (1) To stay the operation of the impugned order of suspension (Annexure A-1) issued by respondent No. 1 as the same has become totally inoperative losing its effect in toto, and to direct the respondents to post the applicant at Guwahati itself only till the decision of the Criminal case against the applicant, otherwise it will amount to denying the justice to the applicant in view of the facts mentioned in detail in para 5.7 above.
- (2) To direct the respondent No. 1 to pass necessary order revoking the suspension with immediate effect and taking the applicant on duty with immediate effect.
- (3) To declare the period of suspension as illegal, direct the respondent no. -1 to pass necessary order treating the entire period of suspension as duty with all consequential benefits.
- (4) To award the cost of litigation.
- (5) To pass such other and further order which the Hon'ble Tribunal may deem fit and proper in the interest of justice.

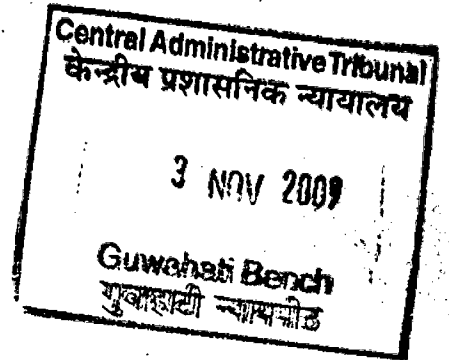
[Signature]

10. N.A.

Contd....




[14]



11. Particulars of the Postal Order :
IPO No. : 39G 437355
Date of IPO : 28-10-2009
Amount of IPO : Rs. 50/-
Issuing Post Office : G.P.O Guwahati
Payable at Guwahati.

12. **ENCLOSURES :**

As per Index.
Place : Guwahati.
Date : 11-2009.


Signature of the Applicant

VERIFICATION

I, J.P. Rathore, son of Late B.P. Rathore, aged about 59 years do hereby verify that the contents of Para 1 to 4 and 6 to 12 of the above O.A. are true and correct to my personal knowledge and the contents of Para 5 being legal based on legal advice received are believed to be true. I have not suppressed any material fact.

Date : 11 - 2009.

Place : Guwahati.


Signature of the Applicant.

[Rule 10(2) of CCS(CCA) Rules, 1965]

No. A-26011/ 6 /07-AT
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi the June 8, 2007


ORDER

WHEREAS a case against Shri J.P. Rathore, Deputy Registrar, Central Administrative Tribunal, Guwahati Bench in respect of a criminal offence is under investigation.

AND WHEREAS the said Shri Rathore was detained in custody on 10.5.2007 for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri J.P. Rathore is deemed to have been suspended, with effect from the date of detention, i.e., the 10.5.2007 in terms of sub-rule (2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, and shall remain under suspension until further orders.

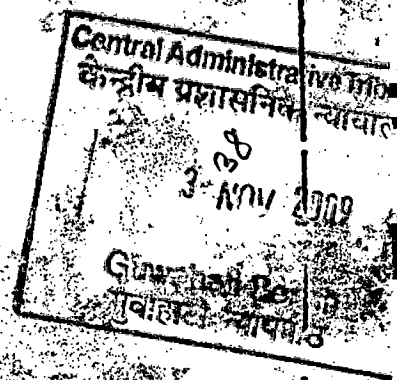
*Certified to be True Copy
Shri*


(R. Ramanujam)
Joint Secretary to the Government of India

Annexure A-1

P-250/Lm

15



Annexure A-2
(16)

No.A-12013/4/2002-AT
Bharat Sarkar/Government of India
Karmik, Lok Shikayat Tatha Pension Mantralay
Ministry of Personnel, Public Grievances and Pensions
Karmik aur Prashikshan Vibhag
Department of Personnel and Training

New Delhi, the 27th September, 2002

ORDER

The President is pleased to appoint the following 12 Section Officers/Court Officers/Private Secretaries to the post of Deputy Registrar on promotion against the year-wise select panels in the Central Administrative Tribunal in the order of merit from the dates indicated against each of them:-

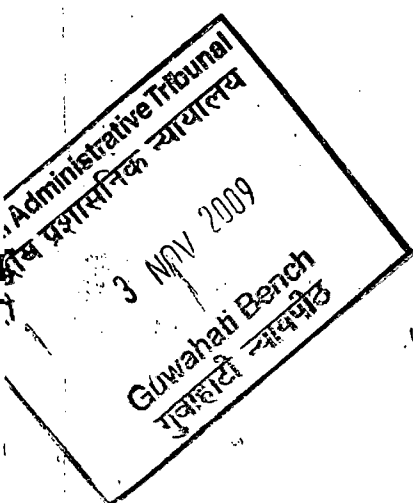
Sl.No.	Name	Panel year	Effective Date of promotion
1.	Smt. Manjula Murlisharan	1996	01.01.1996
2.	Shri P.Ulganathan	1996	01.05.1996
3.	Smt Padma T.	2000	01.04.2000
4.	Shri A.Tata Rao	2000	01.04.2000
5.	Shri Anil Srivastava	2000	01.04.2000
6.	Shri R.K. Mishra	2000	01.04.2000
7.	Shri Prem Singh (SC)*	2000	01.04.2000
8.	Shri J.P. Rathore	2001	01.04.2001
9.	Shri S.K. Ghosh	2001	01.04.2001
10.	Shri R.K. Jain	2001	01.04.2001
11.	Shri S.A. Deshpande	2001	01.04.2001
12.	Shri B.R. Dogra	2001	01.04.2001

* To be adjusted against point No.15 earmarked for SC in the reservation roster.

2. The promotions shall be on notional basis and no monetary benefits will accrue due to promotion from a retrospective date in a particular panel year. The monetary benefit shall be admissible only from the date they take over the charge of the post of Deputy Registrar. These promotions are subject to outcome of the O.A.No.2581/2000 filed by Shri R.K. Jain in the Principal Bench of the Central Administrative Tribunal assailing the seniority list of SO/CO/PS issued on 04.04.2000 or any other case pending in any tribunal/court of law.

B.S.A.
(B.S.A. Padmanabha)
Under Secretary to the Govt. of India
Tel. No 3094142

Certified to be true copy
2/10/02



To,

The Principal Registrar,
Central Administrative Tribunal,
Principal Bench, New Delhi.

Subject : Complaint letter dated 09-05-2007 by P.S. to V.C., CAT,
Guwahati Bench, as directed to O/C C.I.D., Police
Station Ulubari, Guwahati and arrest of the applicant.

Sir,

With due respect, I beg to submit that on 10-05-2007, I was arrested by C.I.D. Police of Guwahati on the basis of a complaint lodged by P.S. to V.C. on direction and remained in custody till 18-05-2007.

A copy of complaint letter dated 09-05-2007 ^(two pages) is annexed herewith.

Be it stated here that no preliminary inquiry was conducted against me, before lodging the above complaint against me which is baseless and malafide.

Alleged offence committed, all are bailable and Hon'ble Guwahati High Court vide order dated 18-05-2007 in bail application No. 1638/2007, directed to set me at liberty by granting bail.

A copy of the Hon'ble High Court of Guwahati order dated 18-05-2007 (two pages) is attached herewith.

As I have suffered serious attack of epilepsy and high blood pressure after release from judicial custody, I was totally imbalanced and upset and hence I am informing these facts to Your Honour now. The delay caused in this regard, if any, may kindly be condoned on humanitarian grounds.

This is for your kind information please.

Dated : 24-05-2007
Enclosures :- As above.

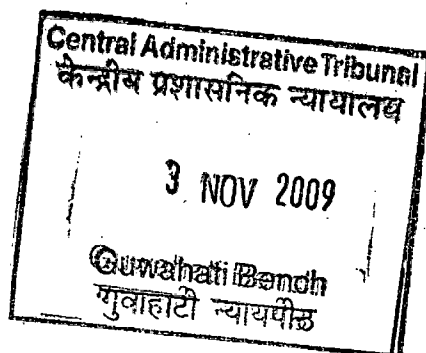
Yours faithfully,

J.P. Rathore

(J.P. Rathore)

Deputy Registrar

Central Administrative Tribunal,
Guwahati Bench, Guwahati - 5





18
40

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court Of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Page 1 of 2

CASE NO : Bail Appln. 1638/2007

Category : 10267 (Anticipatory bail Application Under Section 438 Cr. P. C) District : Kamrup

SRI JAI PRAKASH RATHORE
SON OF LATE LT BHABANI RATHORE
DEPUTY REGISTER
CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)
RAJGARH ROAD , BHANGAGARH , GUWAHATI , PO &
PS- GUWAHATI , DIST-- KAMRUP (ASSAM)

Petitioner/appellant/applicant

Versus

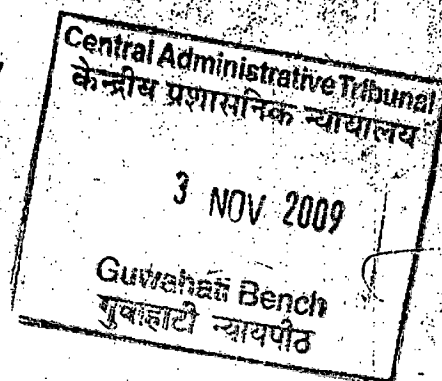
THE STATE OF ASSAM

Advocates for Petitioner/appellant

1. I AHMED
2. J ZAMAN
3. P DAS

Advocates for Respondents
PP, ASSAM

Respondent/Opp. Party



Summary Of Case And Prayer In Brief

CERTIFIED COPY OF JUDGEMENT / ORDER

DATE OF FILING APPLICATION
18/05/2007

DATE WHEN COPY WAS READY
18/05/2007

DATE OF DELIVERY
18/05/2007

BEFORE
THE HON'BLE MR JUSTICE AFTAB H. SAIKIA

DATE OF ORDER : 18/05/2007

Heard learned counsel for the parties including the learned P.P, Assam. It appears on the face of the allegation made in the F.I.R. as well as in the forwarding report that the petitioner was arrested on 10.5.2007 in connection with CID P.S.Case No.15/07 under Section 469/473/506 IPC which are bailable offences. However, no reasons whatsoever have been rendered by the learned Magistrate at the time of rejection of bail petition of the petitioner vide order dated 14.5.2007.

Having meticulously scanned the allegation made in the FIR as well as upon hearing learned counsel for the parties, this court is of the considered view that since the offences are bailable the petitioner is entitled to get bail at a matter of right

Consequently, it is ordered that the accused/petitioner namely Sri Jai

Prakash Rathore be released on bail in connection with the above P.S. Case on furnishing of a bail bond of Rs 1,000/- with one local surety of the like amount to the satisfaction of the C.J.M., Kamrup. Bail Application stands disposed of.

*Self A. H. Saikia
Judge*

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

SI-75255

11/5/07

Prakash

CERTIFIED TO BE TRUE COPY
— *Prakash Rathore* —
Date: *11/5/07*
Superintendent (Criminal Section)
Guwahati Bench
Authorized Officer, 11/5/07

11/5/07

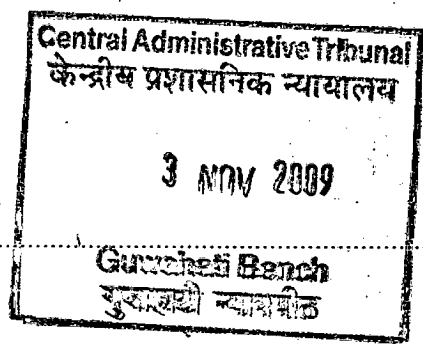
A-3/20
WV

TRANSACTION REPORT

24-MAY-2007 15:33
FOR: JONALI.PCO.GHY-1 91 0361 2609552

SEND

DATE	START	RECEIVER	PAGES	TIME	NOTE
24-MAY	15:30	01123387713	3	2'59"	JAM



TRANSACTION REPORT

24-MAY-2007 15:36
FOR: JONALI.PCO.GHY-1 91 0361 2609552

SEND

DATE	START	RECEIVER	PAGES	TIME	NOTE
24-MAY	15:34	01123387713	2	1'53"	OK

Heets

By FAX

Annexure A-4

(21)

To,
Hon'ble Chairman
Central Administrative Tribunal
Principal Bench, New Delhi

Subject:- Non-payment of Subsistence allowance for the month of May 2007
and June 2007 by Vice Chairman, CAT Guwahati Bench.

Respected My Lord,

I have come to know that I am under deemed suspension w.e.f 10-05-2007, though the copy of the said order has not been served to me till date.

I have not yet been paid subsistence allowance for the months of May 2007 and June 2007. Despite of the clear rules on the subject being available, the matter was referred to the PB by the VC CAT Guwahati, to cause undue delay and harassment to me and despite of clarifactory letter received from PB by FAX on 28-6-2007 itself, the payment of subsistence allowance has not been made to me till date, thus causing maximum harassment and mental torture to me by the VC CAT Guwahati Bench, leaving my family not to survive anymore.

Other details regarding harassment and mental torture to me by VC CAT Guwahati will be sent separately by post, as my all payments have been held up by him in the most arbitrary manner adopting most vindictive attitude to create maximum harassment, humiliation and mental torture to me.

In the morning today, I requested the Vice Chairman through PS to ^{order to} make payment of subsistence allowance (file is pending with VC since 28.6.2007), I was informed by his PS that VC will make the payment of subsistence allowance only on the condition, if I withdraw applications submitted under RTI Act, asking certain informations pertaining to VC CAT Guwahati Bench.

I therefore most humbly pray Your Lordship, kindly to issue necessary instructions to CAT Guwahati Bench to make payment of subsistence allowance to me for the months of May 2007 and June 2007 immediately, at the earliest, so that I can survive with my family.
With profound regards.

Date: 2-7-2007

Copy to

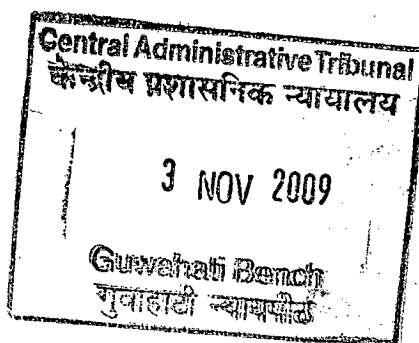
- ① Secretary DOPT New Delhi
- ② Registrar CAT Guwahati
for kind information.

Yours Most Obediently

27/7/2007

(J.P. Rathore)
Deputy Registrar
CAT Guwahati Bench

27/7/2007



To,

Hon'ble Chairman
Central Administrative Tribunal
Principal Bench, New Delhi

Subject: - Compelled to leave the headquarters due to non-payment of subsistence allowance for the last two months.

Respected my Lord,

I am under suspension w.e.f 10-5-2007 although no orders served on me till date.

No subsistence allowance has been paid to me for the last two months. I am at the starvation point. My ailing wife is living without food and medicines and her condition is deteriorating day by day in the absence of life saving drugs.

Therefore I have no option but to leave the station to drop my ailing wife to my native place/ close relatives so that she is atleast able to get 2 square meals to me and the medicines. I shall also have to beg and borrow some funds to pay for my survival to pay rent, for food and the fees of the advocates contesting my case, as my all payments have been held up.

Date: 04-07-2007

Yours Most obediently,

J.P. Rathore
4.7.2007

(J.P. Rathore)

Deputy Registrar

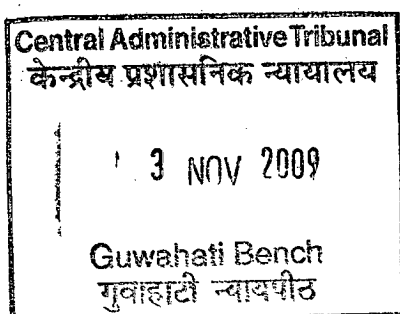
CAT Guwahati Bench

Copy to: -

① Secretary, DOPT, New Delhi

② Registrar, CAT Guwahati Bench

J.P. Rathore



To,

The Principal Registrar
CAT Principal Bench
New DelhiSubject:- Non-payment of Salary / Subsistence allowance for the
months of May 2007.

Respected Sir,

It is respectfully submitted that I have not been paid salary for the months of May 2007. My duty pay for 9 day w.e.f. 1-5-2007 to 9-5-2007 only, has been drawn amounting to Rs 10,000/- approximately and from that amount too, an amount of Rs 1995/- has been recovered illegally, towards telephone call charges of the office chamber telephone no 2529294 for the monthly telephone bill of October 2006 to Nov 2006, without any grounds / criteria / justification / rules or Govt orders, leaving the net amount to Rs 8000/- only approx. Nothing has been drawn for the remaining period i.e. for the period from 10-5-2007 to 31-5-2007.

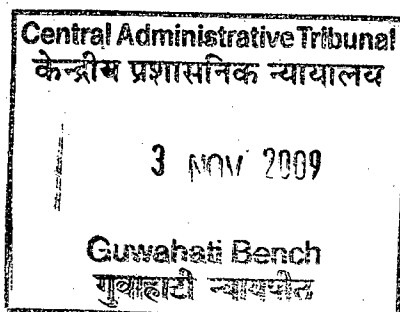
Now how with this meagre amount of Rs 8000/- only I shall be able to survive with my family here! Any justified recovery may however be made from the salary of the remaining major portion of the month i.e. from the salary for the period from 10-5-2007 to 31-5-2007, or from the salary of subsequent month / months.

I therefore most humbly pray Your Honour, kindly to issue suitable instructions to the concerned authorities of Guwahati Bench, not to make any recovery from the salary of 9 days period from 1-5-2007 to 9-5-2007 and pay me full salary of 9 days, so as to enable me to survive with my family with the meagre salary of 9 days only.

Thanks.

Date 4.6.2007

J. P. Rathore

Yours faithfully
J. P. Rathore
4/6/07
(J. P. Rathore)
Deputy Registrar
CAT Guwahati Bench

To,

The Principal Registrar
CAT Principal Bench
New Delhi

Subject:- Complaint letter dated 9-5-2007 by PS to VC CAT Guwahati Bench as directed, to O/c CID Police Station Ulubari Guwahati. Arrest and release of the applicant, joining duty etc.

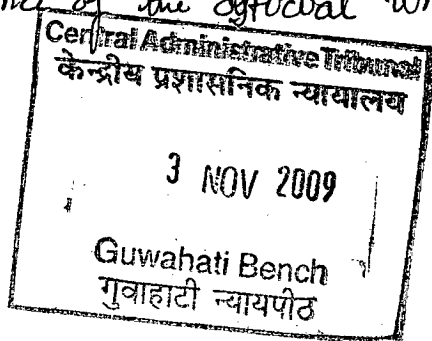
Respected Sir,

In continuation to my previous representation dated 24.5-2007 sent by FAX alongwith the enclosures i.e. copy of order dated 18.5-2007 of Hon'ble Guwahati High Court granting bail to the applicant and also copy of FIR.

In this connection it is respectfully submitted that I am regularly attending the office daily since 21.5-2007 (Monday), after having been released on bail from JC on 18.5-2007 (19.5.07 and 20.5.07 being Saturday and Sunday) as per order dt 18.5-07 of Hon'ble Guwahati High Court, but I found that my office chamber/room was locked without any authority/order of the competent authority and I was not allowed to join duty to do the office work without the orders of the competent authority.

As already mentioned in my representation dated 24.5-2007, no preliminary inquiry was conducted against me before lodging the above mentioned complaint against me, which is totally baseless and malafide. The matter is not relating to an offence or conduct involving moral turpitude or corruption or embezzlement or misappropriation of Govt money etc where suspension may be desirable. The guiding principles for placing an official under suspension provide that the competent authority should consider whether the purpose cannot be served by transferring the official and the power of suspension is to be sparingly exercised and only for valid reasons and not for extraneous considerations. Suspension should not be resorted to for petty offences unrelated to morality or the official duties of the Govt servant.

In case where an official is deemed to have been placed under suspension under Rule 10(2) of CCS(CCA) Rules, as soon as the official is released from police custody, the competent authority should consider the case to decide whether continuance of the official under suspension is absolutely necessary or not.



Attest

(K.T.O) --- 2

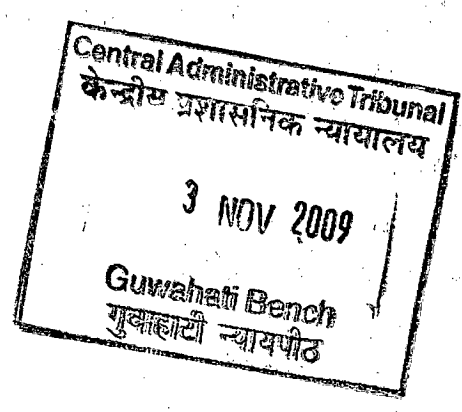
In the light of the legal position explained above, my suspension period, if any decided, may kindly be considered accordingly. The whole matter may kindly be placed before / referred to the competent authority for appropriate directions / orders.

Date: 4-6-2007

Yours Faithfully,
J. P. Rathore

(J. P. Rathore)
Deputy Registrar
Central Administrative Tribunal
Guwahati Bench, Guwahati

Sheet



Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण

27 DEC 2007

Guwahati Bench.
गुवाहाटी न्यायापीठ

To

The Secretary,
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training (AT Division)
North Block, New Delhi - 110 001.

Through : Proper channel i.e. through Central Administrative Tribunal, Guwahati.

Sub : An appeal under Rule 23 of C.C.S.(CCA) Rules 1965 for revocation of suspension and treating the period of suspension as duty - regarding.

Respected Sir,

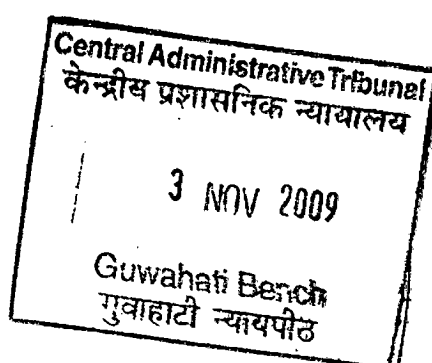
I am under deemed suspension w.e.f. 10-05-2007 under Rule 10(2) of CCS(CCA) Rules 1965, vide your Order No. A-26011/6/07-AT dated June, 8, 2007 though the copy of this suspension order has not yet been served upon me till date, as I was arrested and detained in custody for more than 48 hours in connection with CID PS Case No. 15/07 U/S 469, 473, and 506. The F.I.R. was lodged on absolutely non-existent facts at the instance of the then V.C. Sri K.V. Sachidanandan's actions on malice against me, the reasons of which are on record.

2. That Rules 10(6) and 10(7) of CCS(CCA) Rules inserted vide G.I.Deptt. of Pers & Trg Notification No. 11012/4/2003-Estt(A), dated 23rd December 2003 as GSR No.2 in the Gazette of India dated 3rd January 2004 read with corrigendum dated 29th March 2004 published as GSR No. 113 in the Gazette of India dated the 4th April 2004, takes effect from 2nd June 2004 vide Notification of even no dated 2nd April 2004 published as GSR No. 249(E) in the Gazette of India Extraordinary dated 2nd April 2004, envisages as under :-

3. Rule 10(6) - "An order of suspension made or deemed to have been made under this Rule shall be reviewed by the authority which is competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension on the recommendations of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent review shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time."

Rules 10(7) - "Notwithstanding anything contained in sub-Rule(5)(a), an order of suspension made or deemed to have been made under sub-Rule (1) or (2) of this Rule shall not be valid after a period of

Contd...



27-12-07

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ninety days unless it is extended after review for a further period, before the expiry of ninety days."

4. Further according to G.I. Dept. of Pers & Trg OM No. 11012/4/2003-Estt(A) dated 7th January 2004. "Rule 10(Suspension) of CCS(CCA) Rules 1965 is being amended to provide that an order of suspension made or deemed to have been made under this Rule shall be reviewed by the competent authority on recommendation of Review Committee constituted for the purpose. It is also being provide in the Rules that an order of suspension made or deemed to have been made under sub-Rule (1) or (2) of Rule 10 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. It is further being provided that the extension of suspension shall not be for a period exceeding 180 days at a time.

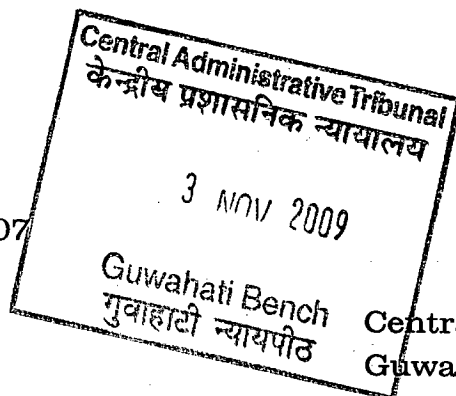
5. Period of 90 days expired on 07-08-2007 but no review was done and the period of 180 days expired on 05-11-2007 but no order has been passed till date. Further more the entire action being vitiated by malice as stated above the suspension order is liable to be recalled.

6. In view of the legal position explained above the suspension has become totally inoperative in terms of catena of judgements of Hon'ble Supreme Court and Hon'ble High Courts in the matter, and I am to be treated on duty w.e.f. 10-05-2007, (the date of suspension) itself with all consequential benefits

I therefore most humbly pray your honour kindly to pass necessary order at the earliest revoking the suspension and treating the entire period of suspension from 10-05-2007 till the date of revokation as duty for all purposes with all consquential benefits.

Thanks.

Date : 27-12-2007



Yours faithfully

J.P. Rathore
(J.P. RATHORE)

Deputy Registrar,

Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781005

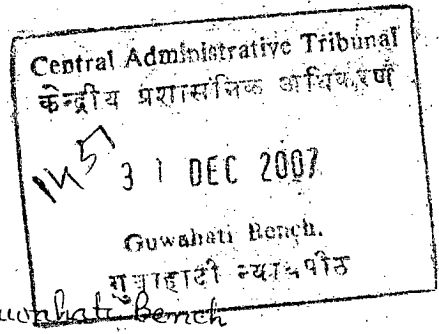
Advance copy to :-

1. The Secretary, DOPT, New Delhi by FAX/Speed Post.
2. Principal Registrar, CAT PB New Delhi.

J.P. Rathore
(J.P. RATHORE)

To

The Secretary
Ministry of Personnel, P.G. & Pension
Department of Personnel & Training (A.T. Division)
North Block, New Delhi - 110 001.



Through: — Proper channel i.e. through CAT Guwahati Bench

and treating the period of suspension as duty-regarding.

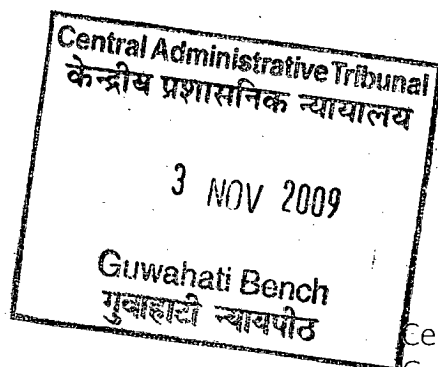
Respected Sir,

In continuation of my previous application dated 27-12-2007 on the above mentioned subject, advance copy of which was sent by FAX/Speed Post, it is further submitted that though I was got arrested and detained in custody for more than 48 hours due to the reasons mentioned therein, since all alleged offences are bailable, Hon'ble Guwahati High Court vide judgement dated 18-05-2007 in bail application no. 1638/2007, directed to set me at liberty by granting bail and accordingly I was released on bail on 18-05-2007 i.e. within 10 days of arrest/detention. This fact I had already intimated to Principal Registrar C.A.T. Principal Bench, New Delhi vide my application dated 24-05-2007 by FAX sending therewith a copy of judgement dated 18-05-2007 of Hon'ble Guwahati High Court also.

In view of the legal position mentioned in detailed in my previous application dated 27-12-2007 I once again most humbly pray your Honour kindly to pass necessary order at the earliest, revoking the suspension and treating the entire period of suspension from 10-05-2007 till the date of revocation, as duty for all purposes with all consequential benefits.

Thanks.

Date : 31-12-2007



Yours faithfully,

(Signature)

(J.P. RATHORE)

Deputy Registrar

Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781005

Advance copy to :

1. The Secretary, Deptt. of Personnel & Training, New Delhi alongwith the copy of judgement dated 18-05-2007 of Hon'ble Guwahati High Court (two pages), by FAX/Speed Post.
2. Principal Registrar, C.A.T. Principal Bench, New Delhi.

for kind information and necessary action.

(Signature)

(J.P. RATHORE)

To,

The Secretary
Ministry of Personnel, P.G. & Pension
Department of Personnel & Training
North Block, New Delhi-110001

Annexure A-10

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय135
3 MAR 2008Guwahati Bench.
गुवाहाटी न्यायापीठ

Kind attention :- J.S. (AT Division)

Through :- Proper channel

Subject :- Appeal / representation under Rule 23(i) of
CCS (CCA) Rules for immediate revocation
of suspension.

Sir,

I have been put under suspension with effect from 10-05-2007 vide DORT order no A-26011/6/07-AT dated June 8, 2007. As per Rule 10(6) and 10(7) of CCS (CCA) Rules, decision regarding further extension of suspension beyond 90 days and in any case beyond 180 days was positively to be taken before 7-8-2007 (i.e. before expiry of 90 days) and in any case before 5-11-2007 (i.e. before expiry of 180 days). Any review after the expiry of the above two dates has been held invalid as per provisions contained in Rule 10(6) and 10(7) of CCS (CCA) Rules, as well as the decisions of Hon'ble Courts. Material portion of which reads as under:-

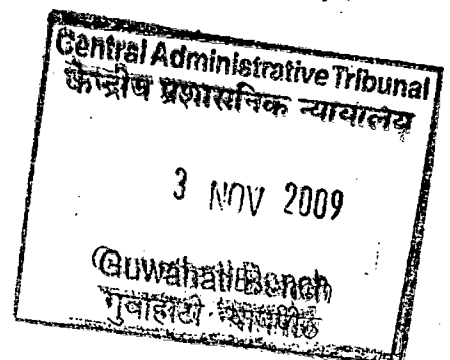
"..... order of suspension shall not be valid after a period of 90 days, unless it is extended after review"

Relevant judgement of Hon'ble Delhi High Court

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MHB



pet on this subject is reported as (2005) 3 SLJ-Delhi-345. N.K. Sethi v/s I.T.P.O & relevant portion of the same is quoted below :-

" Rule 10 - Suspension - Review - O.M. dated 23-12-2003, and 7-1-2004. Review not done as per O.Ms - Held - violation of Rules and thus quashed the suspension." photocopy of the judgement is enclosed.

The above mentioned Rules 10(6) & 10(7) of CCS(CCA) Rules have been inserted vide G.I. Dept of Pers & Trng O.M. No 11012/4/2003-Estt (A) dated 23-12-2003 read with corrigendum dated 7-1-2004 and 29th March 2004.

In my case Dept of Pers & Training and CAT are not adhering to their own Rules as well as Court's judgements and my suspension is being prolonged even beyond the expiry of 300 days, although it should have been revoked immediately after the expiry of 90 days i.e. wef 8-8-2007 itself or atleast after the expiry of 180 days i.e. wef 6-11-2007.

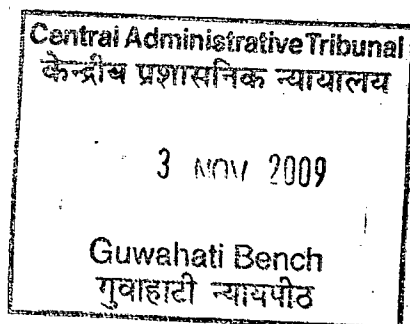
Now Review Committee has given its report or not given any report it is immaterial as well as order passed or to be passed regarding extension of suspension after 90 days i.e. beyond 7-8-2007 are invalid.

I therefore most humbly submit to your honour to direct all the concerned to respect the spirit of Rule 10(6) and 10(7) of CCS(CCA) Rules and the judgement of Honible Delhi High Court ibid,

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fully supporting the above mentioned Rules.

It is therefore most humbly requested that the orders regarding revocation of my suspension may kindly be issued with immediate effect.

With profound regards.

Yours Faithfully,
[Signature]
(J. P. Rathore)

Enclosures:
As Above

Date: 29-02-2008

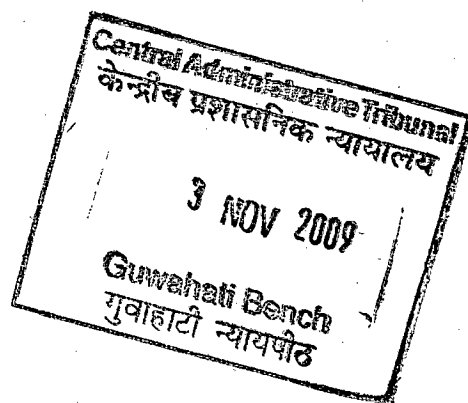
Deputy Registrar
Central Administrative Tribunal
Rajgarh Road, Bhangagarh
Guwahati - 781005

Advance copy to:—

The Secretary, Department of Personnel & Training
(AT Division), North Block, New Delhi - 110001
for kind information and immediate
necessary action regarding issue of orders
for revocation of suspension in view of the Rule
position/legal position mentioned above.

[Signature]
(J. P. Rathore)

[Signature]



To,

By FAX
Annexure A-11

(32)

Hon'ble Chairman
Central Administrative Tribunal
Principal Bench, New Delhi

Respected My Lord,

Respectfully it is submitted that while considering my case for revocation of suspension order it is brought to Your Lordship's kind notice the mandate of Rule 10(6) and 10(7) of CCS(CCA) Rules and Hon'ble Delhi High Court's judgement in N.K. Sethi vs ITPO (2005) 3 SLJ Delhi-345 which clearly declare that any review of suspension after 90 days and subsequent review after 180 days of suspension is invalid and hence liable to be struck-down by the Courts as done in N.K. Sethi's case (supra)

With profound regards.

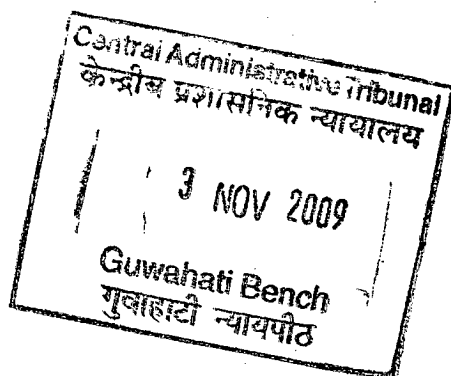
Date: 25-2-2008

Yours faithfully,
Subeet 25/2/08

(J. P. Rathore)
Deputy Registrar

Central Administrative
Tribunal, Guwahati-5

Subeet



To, The Assistant Public Information Officer ^{Speed Post}
Central Administrative Tribunal ⁽³³⁾
Principal Bench, New Delhi ^{Annexure A-12}

- x -
Subject: — Information under RTI Act 2005.

Sir,
Kindly arrange to supply me the following information under RTI Act, at the earliest: —

1 (a) I am under deemed suspension w.e.f. 10-05-2007 vide Govt of India, Ministry of Personnel, P.G. & Pensions, Deptt of Pers & Training order no A-26011/6/07-AT dated 8th June 2007, copy of which has not been served upon me till date. According to Rule 10(7) of CCS (CCA) Rules, an order of suspension made or deemed to have been made under Sub Rule (1) or (2) of this Rule shall not be valid after a period of 90 days unless it is extended after review for a further period, before the expiry of 90 days.

(b) Kindly inform in yes or no, if any order was passed on 90th day i.e. on 7-8-2007, or before.

(c) If yes, a copy of the said order may kindly be supplied to me at the earliest.

(d) The period of suspension after 90 days has become invalid/illegal ab initio in terms of Rule quoted above. A copy of the said invalid/illegal order extending the period of suspension beyond 90 days illegally, may also kindly be supplied to me at the earliest.

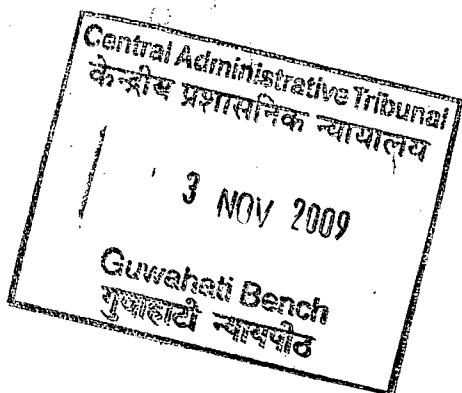
(e) Kindly inform the reasons as to why the copies of these orders in terms of Rule quoted above have not been supplied to me till date.

(f) Reasons for not serving upon me the copy of the suspension order till date may also kindly be informed to me at the earliest.

2 (a) According to Rule 10(6) of CCS (CCA) Rules

Shelley

2/11/07 ----- 2



an order of suspension made or deemed to have been made under this Rule shall be reviewed by the authority which is competent to modify or revoke the suspension, before expiry of 90 days from the effective date of suspension on the recommendations of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent review shall be made before the expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding 180 (one hundred eighty) days at a time.

(b) Kindly inform in yes or no, if any order was passed on 96th/180th day or on 7-8-2007/5-11-2007 or before.

(c) If yes, copies of the said orders may please be supplied to me at the earliest.

(d) Kindly inform the reasons as to why the copies of these orders as per Rule quoted above have not been supplied to me till date.

I am enclosing a demand draft no 653317 dated 21-1-2008 for Rs 10/- for the purpose drawn in favour of Accounts Officer CAT New Delhi as per provisions of RTI Act 2005.

The information requested above may kindly be supplied to me at the earliest.

Thanks.

Date: 21-01-2008

Enclosures: -
Demand Draft
for Rs 10/- as above

Yours Faithfully,

Subeet

(J.P. Rathore)

Deputy Registrar

Central Administrative Tribunal
Rajgarh Road, Bhengarh
Guwahati - 781005

Sheet 5

<p>VALID ONLY IF COMPUTER PRINTED VALID FOR SIX MONTHS ONLY</p> <p>जारी करने वाली इकाई GUWHATTI MEDICAL COLLEGE</p> <p>ISSUING BRANCH Tel No.: 2529306 KEY : QIFHEZ 0 07700</p>		<p>INSTRUMENT FOR RS. 50,000/- एवं अधिक के निमित्त दो अधिकारियों द्वारा हस्ताक्षरित होने पर ही वैध है।</p> <p>INSTRUMENT FOR RS. 50,000/- AND OVER IS VALID ONLY WHEN SIGNED BY TWO OFFICERS</p>					
<p>मार्ग जानेपर ON DEMAND PAY ACCOUNTS OFFICER CAT NEW DELHI *****</p> <p>***** ACCOUNTS OFFICER CAT NEW DELHI *****</p>		<p>DATE 21/01/2008</p>					
<p>रुपये RUPEES</p> <table border="1"> <tr> <td>ONE</td> <td>ZERO</td> </tr> <tr> <td>TENS</td> <td>UNITS</td> </tr> </table> <p>PAISE ZERO ONLY</p> <p>Sr. No.: 259762</p> <p>KEY : QIFHEZ</p>		ONE	ZERO	TENS	UNITS	<p>या उनके आदेश पर OR ORDER</p> <p>Rs. 10 Ps00</p> <p>AMOUNT BELOW 11 (1/2)</p> <p>अदा करें। मूल प्राप्त VALUE RECEIVED</p>	
ONE	ZERO						
TENS	UNITS						
<p>भारतीय स्टेट बैंक</p> <p>STATE BANK OF INDIA</p> <p>1220 SERVICE BRANCH, NEW DELHI</p> <p>अदाकारी शाखा / DRAWEE BRANCH 0 07687</p>		<p>प्रधिकृत हस्ताक्षरकर्ता AUTHORIZED SIGNATORY</p> <p>(हस्ताक्षर नमूना क्र० / S.S. NO. 1220653317)</p> <p>शाखा प्रबंधक / BRANCH MANAGER</p> <p>(हस्ताक्षर नमूना क्र० / S.S. NO. Pradip Kumar Roy B.-7233)</p>					
<p>⑈ 653317 ⑈ 000002000⑈ 001220 ⑈ 16</p>							

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Annexure A-13

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

Dated 05.02.2008

12

To

Shri J.P. Rathore,
Deputy Registrar,
Central Administrative Tribunal,
Rajgarh Road, Bhangagarh,
GUWAHATI - 781 005.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2008
Guwahati Bench
गुवाहाटी न्यायपीठ

Sub: - Information under the Right to Information Act, 2005- regarding.

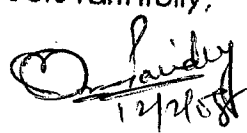
Sir,

I am to refer to your application-dated 21.01.2008 on the above noted subject and to furnish the para-wise reply as under:-

- (1) (a) The original suspension order dated 08.06.2007 issued by DoPT was sent to Guwahati Bench under letter-dated 13.06.2007 and Guwahati Bench vide their letter dated 31.07.2007 has informed that the suspension order was handed over in person. Regarding review of suspension order within 90 days, the Tribunal was waiting the progress of the criminal case pending at Guwahati, so that a Review Committee could be constituted and apprise about the latest position of the case but till today the same is awaited. However, on the basis of available records, a review committee has been constituted and Guwahati Bench under letter-dated 17.01.2008 has been informed to take urgent steps under intimation to this office.
- (b) No.
- (c) As the answer to (b) above is no, no reply is required.
- (d) As the answer to (b) above is no, no reply is required.
- (e) As the answer to (b) above is no, no reply is required.
- (f) As per the Guwahati Bench's letter No. CAT/GHY/07-08/543 dated 31.07.2007, the suspension order issued by DoPT has already been handed over to you in person. However, a copy of the same is again forwarded to Guwahati Bench and you may collect it from the Bench after depositing an amount of Rs.2/- as prescribed under RTI (Regulation of fee & cost) Rules, 2005.
- (2) (a) As it is only a submission, no reply is required.
- (b) No.
- (c) As the answer to (b) above is no, no reply is required.
- (d) As the answer to (b) above is no, no reply is required.

Certified to be true copy
J.P. Rathore

Yours faithfully,



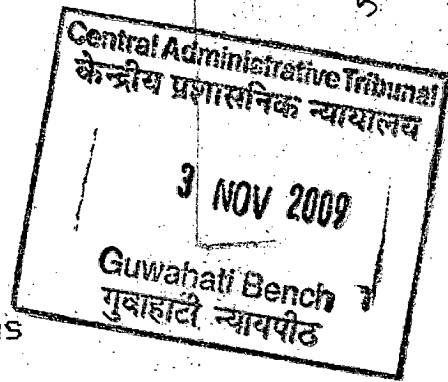
(M. M. PANDEY)

Deputy Registrar (JA)/PIO

Copy to :

The Registrar, CAT, Guwahati Bench, Guwahati - with the request to furnish the copy of the DoPT order dated 08.06.2007 (copy enclosed) to Shri J.P. Rathore, Deputy Registrar after remitting the fee prescribed under the RTI Act, under intimation to the Principal Bench.

By Speed Post Annexure A-19 (36)



To,
The Central Public Information Officer
Department of Personnel & Training (AT Division)
Ministry of Personnel , Public Grievances & Pensions
North Block , New Delhi - 110001.

Subject : - Information under R.T.I.Act.

Sir,

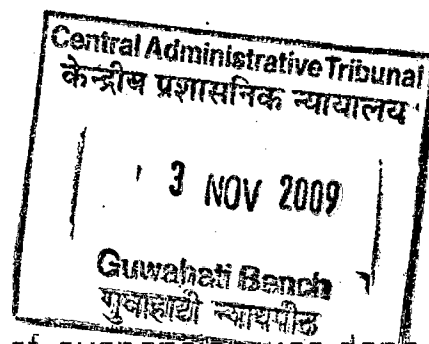
I am under suspension with effect from 10-05-2007 vide D.O.P & T order No 26011/07-AT dated 08-0-2007. In this matter kindly arrange to supply the following information under R.T.I.Act at the earliest:-

1. On which date / dates the first review of suspension was required to be done and the necessary order was required to be passed under the provisions of Rule 10 (6) and 10 (7) of C.C.S. (CCA) Rules 1965. Specific date / dates / period may kindly be mentioned.
2. On which date / dates subsequent review / reviews, if any, were required to be done and necessary orders were required to be passed under Rule 10 (6) and 10 (7) of C.C.S. (CCA) Rules 1965. Specific date / dates / period may kindly be mentioned.
3. If not reviewed in time in terms of Rule 10 (6) and 10 (7) ibid, how the period of suspension beyond 90 days is to be treated. Whether it will become invalid after 90 days or not. Specific reply with reasons may kindly be mentioned.
4. Whether the pendency of criminal case has got any relevance with the review of suspension as required under Rule 10 (6) and 10 (7) of C.C.S. (CCA) Rules 1965.
5. Whether the suspension will remain in force during the pendency of the criminal case even if the criminal case remains pending for several years. Specific reply with Rules in support of the same may kindly be mentioned.
6. If the answer to the para 5 above is yes, then what is the sanctity of Rules 10 (6) and 10 (7) of CCS (CCA) Rules. Specific reply with reasons may kindly be mentioned.

Inspected

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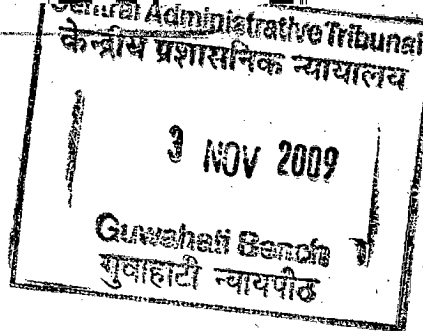
Inspected



7. On which date the first review of suspension was done in my case. Specific date may kindly be mentioned. A copy of the recommendations of the First Review Committee may also kindly be supplied to me.
8. On which date / dates, subsequent review / reviews of my suspension was done. Specific date / dates may kindly be intimated. Copies of all the recommendations of all such Review Committees may kindly be supplied to me.
9. What is the total duration of suspension at a time in continuation under Rule 10(6) and 10 (7) of CCS (CCA) Rules 1965.
10. Please intimate the disposal of my appeal / representation dated 27-12-2007 submitted under Rule 23 of CCS (CCA) Rules 1965, which was addressed to The Secretary DOPT, Ministry of Personnel, New Delhi sent through proper channel, sending advance copy of the same to the Ministry also by speed post. Copies of the complete file notings and correspondence with the CAT Principal Bench, if any, may also kindly be supplied to me.
11. Please intimate me the disposal of my subsequent appeal / representation dated 29-02-2008 under Rule 23 of CCS (CCA) Rules 1965 sent through proper channel, which was also addressed to The Secretary, DOPT, Ministry of Personnel, New Delhi, sending the advance copy of the same to the Ministry also by speed post. Copies of the complete file notings and the correspondence with the CAT Principal Bench, if any, may also kindly be supplied to me.
12. Whether the total period of suspension is limited to a maximum of 180 days at a time in terms of Rule 10 (6) and 10 (7) of CCS (CCA) Rules 1965, as pronounced in a number of cases by the Hon,ble High Courts / CAT Benches, stating, " No extension beyond 180 days."
13. Then why this Rule of law has not been followed in my case of suspension and my suspension is still continuing even after the lapse of about two and half years. Specific reply with detailed reasons may kindly be intimated. Is it not the violation of Rule 10 (6) and 10 (7) of CCS (CCA) Rules framed by DOPT itself. Specific reply with reasons may kindly be intimated.

After

Disputed
- - - 3



38

- 3 -

14. Kindly intimate whether any preliminary enquiry into the matter was made before lodging the F.I.R. with the CID against me, as required under the provisions of the relevant Rules / Law. If so, please arrange to supply me a copy of the same. If not, the reasons for deviation from the provisions of the Rules / Law may kindly be intimated.
15. Whether the permission of the competent authority was obtained before lodging the F.I.R. in the matter against me. If so, a copy of the same may kindly be supplied to me. If not, the reasons for the same may kindly be intimated to me quoting the relevant provisions of Rules / Law etc.
16. What is the implication and what steps were taken for implementation of the judgement and order dated 4th July 2008 of the Hon'ble Full Bench of the CAT Principal Bench New Delhi in the case V.P.Garg v/s Govt of NCT New Delhi and in the case Jitender Singh v/s Govt of NCT New Delhi of CAT Principal Bench New Delhi pronounced in the month of May/June 2009, in my case of suspension.
17. Please intimate me the name, designation and complete address of the authority to whom the appeal will lie against your order / decision.
18. Please intimate me the name, designation and complete address of the appellate authority of the Central Information Commission to whom the appeal will lie further.

I am enclosing an Indian Postal Order for Rs 10/- as initial fee for the purpose as required under the RTI Act.

Thanks,

Enclosure:- IPO for Rs 10/-

Date: 07 - 10 - 2009

Yours Faithfully,

(J . P . Rathore)

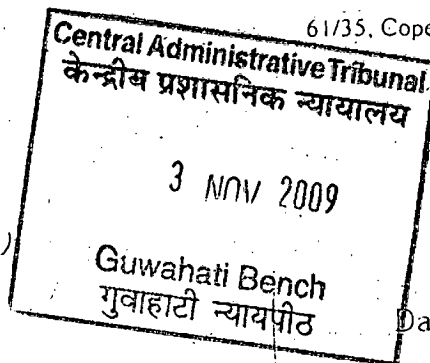
Deputy Registrar (U.S.)

Central Administrative Tribunal
Ragah Road, Bhangagarh,
Guwahati - 781005



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

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



PB/1/8/2004/Estt-I(Part)

Dated-17-09-2008

23

OFFICE- ORDER

The Hon'ble Chairman, Central Administrative Tribunal is pleased to appoint Sh. J.N. Sharma, SO/CO of the Central Administrative Tribunal, Guwahati Bench, as Deputy Registrar, Guwahati Bench purely on ad hoc basis in the pre-revised scale of pay of Rs.10,000-325-15200 as a stop-gap arrangement for a period of one year from the date of his taking over the charge of the post at Guwahati Bench of CAT or till the suspension of Sh. J.P. Rathore, Deputy Registrar, CAT, Guwahati Bench is revoked, whichever earlier.

2. The said appointment will not bestow on him any right of regular promotion and the period of service rendered on adhoc basis will not count for the purpose of seniority or eligibility for consideration for promotion/appointment to the next higher grade. This promotion is subject to outcome of court case(s) pending if any in any court of law.

(N.Ramamurthy)
Registrar

Copy to: -

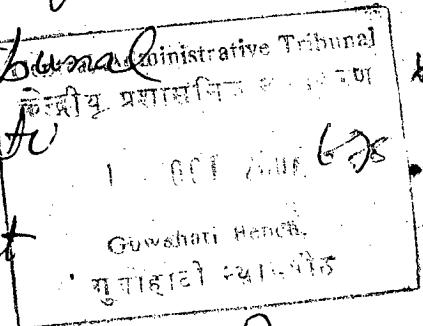
1. Hon'ble Vice Chairmen, all outlying Benches of CAT.
2. Registrar, CAT, Guwahati Bench Guwahati
3. Senior PPS to the Hon'ble Chairman, CAT, P.B., New Delhi.
4. Office of the FA and CAO, CAT, P.B., New Delhi.
5. Sh. J.N. Sharma, SO/CO, CAT, Guwahati Bench, Guwahati
6. The PAO, CAT, P.B., New Delhi.
7. Guard File.

Certified to be True Copy
Sharma

To, The Central Public Information Officer ^{Annexure A-167} (40)

Central Administrative Tribunal
Guwahati Bench, Guwahati

Sub: - Information under RTI Act



Sir, Under the provisions of the RTI Act, I am seeking the following informations as well as request your honour to supply me the copies of the records mentioned below: -

1. What is the stage of my more than one year old medical bills. Why these are not being passed and payment being made to me.

2. If Guwahati Bench is unable to pass my bills why my bills have not been sent to the PB. I request that the same may be forwarded to the PB.

3. If any reference has been made to PB, copies of such reference/letter may also be supplied.

I am enclosing an Indian Postal Order no 645 311423 for Rs 10/- for the purpose.

Thanks.

Enclosures: - As Above

Date 16-10-2007

Yours Faithfully

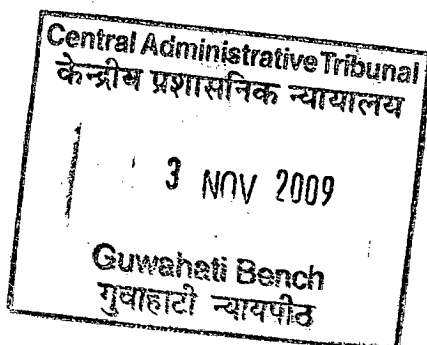
Dheetha 16-10-2007

(J.P. Rathore)

Dy Registrar (Under Secy)

CAT Guwahati

2/11/07





केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Annexure A-17

41

Phone No. : 0361-2529294

Fax No. : 0361-2529056

Rajgarh Road, Bhangagarh,
Guwahati-781 005

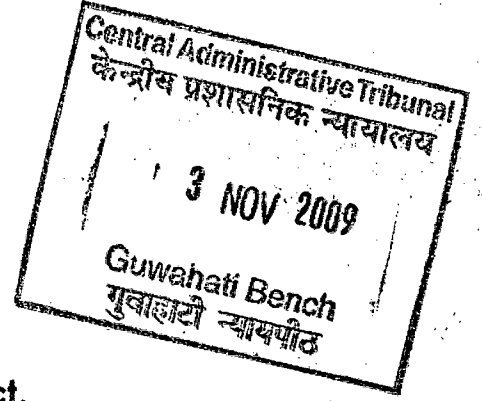
सं०/No.

4-14/06-Estt/ 739

दिनांक / Date : 18.10.2007

To

Shri J.P.Rathore
Deputy Registrar (under suspension)
Central Administrative Tribunal
Guwahati Bench
Rajgarh Road, Bhangagarh
Guwahati -781 005.



Ref: Your application dated 16.10.2007 under R.T.I. Act.

Sir,

The requisite information as sought by you in your above application is furnished as under:-

1. Your medical bills have not yet been passed as the matter has been referred to the Principal Bench.
2. As desired by you, reference has already been made to the Principal Bench.
3. The requisite information sought by you is enclosed.

Encl: As above

Yours faithfully,

(DIWAKAR KUKRETI)

Central Public Information Officer

Certified to be true
J. K. S.



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Phone No. : 0361-2529294

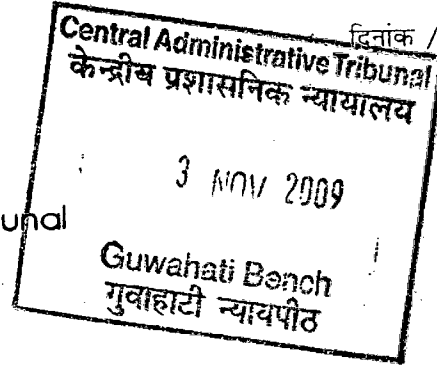
Fax No. : 0361-2529056

Rajgarh Road, Bhangagarh,
Guwahati-781 005

सं/No. 11-8/06-Acctts/ 730

To

The Principal Registrar
Central Administrative Tribunal
Principal Bench
61/35, Copernicus Marg
New Delhi - 110 001.



Sub: **Medical Bills of Mr.J.P.Rathore, Deputy Registrar (under suspension)**

Sir,

Very unwillingly I am writing this letter because the former Vice-Chairman Sri K.V.Sachidanandan has recorded a note right at the last hour of the day when he was supposed to demit the charge of the office and that too, when a little earlier on that very date, I also had proceeded to board the plane as I was going on casual leave. (A copy of the note is enclosed.)

The note relates to the medical reimbursement bills of Sri J.P.Rathore, Deputy Registrar (under suspension) for his ailing wife, his son who is mentally retarded child and self. Some of the bills are more than one year old. However, Hon'ble the Vice-Chairman instead of taking action on these bills has recorded a direction that, "the matter may be referred to the Vigilance/concerned Police Department, Guwahati for further investigations and reporting the same if necessary to take appropriate criminal action."

At the very outset, it is pointed out that if any criminal action was required to be taken against Sri Rathore on these bills, it should have been taken during the past more than one year when these bills had come in the custody of the former Vice-Chairman Sri K.V.Sachidanandan. As a Registrar, I personally feel that the note of the Hon'ble Vice-Chairman is tainted with vengeance, and if at all, any criminal action was required to be taken, it should have been taken by the Vice-Chairman himself or it should have been taken at least during his regime in Guwahati Bench. I have enquired from Sri J. P. Rathore and also directed him to file an Affidavit to show whether these bills are genuine or

*Certified to be
True copy
[Signature]*

fictitious and forged one. Sri Rathore has given Affidavit (copy enclosed) in unambiguous terms that these bills are genuine, the attestation thereon by the concerned doctor is genuine and if at any stage it is found that these bills have been forged by him, signatures and seal of the doctor have been forged by him, he will be liable to be sent to Jail for a criminal action. For my purpose, as a Registrar, the Affidavit is sufficient and unless some one proves that the bills are forged, fictitious, these bills have to be taken as genuine on their face value, more particularly, in view of the Affidavit filed by Sri Rathore. However, the matter is being sent to the Principal Bench for information and these bills shall be processed by this Registry in due course of time.

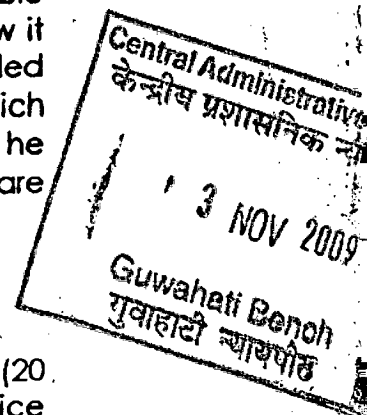
In this connection, I consider it worthwhile to bring to the notice of the Principal Bench that the genesis of all these acrimony and animosity between the former Vice-Chairman Sri K.V.Sachidanandan and Sri J.P.Rathore, Deputy Registrar (under suspension) is something very deep rooted than what it appears on the papers. Hon'ble Sri K.V.Sachidanandan and Sri J.P.Rathore belong to the two different parts of the country. They both were just new at their place of posting at Guwahati. Sri Rathore had already worked very peacefully with Hon'ble Mr.Justice G.Sivarajan, the predecessor of Sri K.V.Sachidanandan. Now it is borne out from the record that Sri Rathore objected to certain uncalled for demands of the former Vice-Chairman Sri K.V.Sachidanandan which led to such a confrontation that Sri J.P.Rathore was sent to Jail till he secured bail from Guwahati High Court. A few of such demands are mentioned below:-

1. Drinking Water

Sri K.V.Sachidanandan wanted that branded Bisleri bottle water (20 litres) be supplied to his residence free of cost from the office expenses after every 2/3 days which was consumed by Sri K.V.Sachidanandan from the beginning till he left this Bench and the expenses were borne by the office. Sri Rathore seems to have objected to this supply by saying it is financial irregularity.

2. Fridge and other items

A fridge was purchased by the CAT, Guwahati Bench for use at the residence of Sri K.V.Sachidanandan for which he was not entitled at all as he was taking full amount of around Rs.12,000/- p.m. as house rent, and therefore, he was not entitled to any furniture, furnishing, electrical, electronic items for his residence. Hon'ble Vice-Chairman Sri K.V.Sachidanandan still purchased the fridge and used it at his residence till the date of his departure. Payment of the fridge has not been made to the seller till date. A reference has been made to the Principal Bench in this regard. It is admitted that at the repeated requests of Sri Sachidanandan the Registrar has tried to maneuver to solve the problem of irregular purchase of the fridge by showing that the fridge has been purchased for the office. Besides, more than 30 items (list enclosed) e.g. Aqua Guard, Dinner Set, Tiffin Carrier etc. were also obtained by him from the office. Sri Rathore objected to this.



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(44) 5

3. Air Conditioner

It is found that one air conditioner meant for office was taken by the former Vice-Chairman Sri K.V.Sachidanandan to his residence and used by him till the date he left Guwahati Bench. Sri Rathore objected to this also, which offended the Vice-Chairman.

4. LTC

Hon'ble Sri K.V.Sachidanandan (being a fresh appointee as Vice-Chairman in Guwahati Bench nor a transferred Vice-Chairman) was entitled to 4 LTCs in a span of two years by shortest route to visit his destination. However, he availed 5 LTCs and almost always travelled via Delhi. His family members also traveled via Delhi on LTC. Sri Rathore was against this misuse of LTC which has caused loss to the tune of many lakhs of Rupees. Only a transferred Vice-Chairman (Judge) is entitled for 3 LTCs in a year. Since he had retired as Member, CAT, his previous LTC cannot be carried forward.

5. Hon'ble Sri Sachidanandan has availed LTC for his son who is practicing Lawyer and Sri Rathore was always against it. This was also a cause of enmity between Sri Sachidanandan and Sri Rathore.

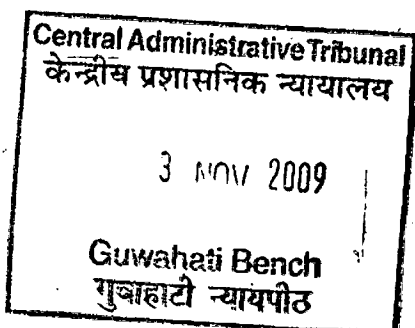
6. Sri Rathore had also objected to reimbursement of certain Ayurvedic bills of Private Hospitals and excess telephonic bills in respect of Sri Sachidanandan.

7. Washing dirty linen

I personally feel that what is being written in this letter, if made public, is nothing but washing dirty linen in the open. If Sri Rathore is pitted against the wall, he will ensure that Sri K.V.Sachidanandan is also made to stand in the witness box and all these above allegations shall be put to him one by one to reply either in affirmative or negative. Since the above allegations appear to be proved charges, during trial Rathore shall ensure that the media highlights the charges in the press and the newspapers shall be read by all legal luminaries and Judges besides public. That will be the day when dirty linen will be actually washed in the public. Therefore, through this letter I submit that the evil may be nipped in the bud by reconsidering whether the criminal case should be at all allowed to proceed or not. Since Sri Rathore shall be drowning, therefore, he shall ensure that all are at least placed in the dock to stand as a witness and perhaps I may also be one of them. However, I am making it very clear that I will always speak as per my conscience.

8. Conduct and attitude

Sri Rathore has revealed that he is in possession of evidence which shows that Sri Sachidanandan is such type of person who has not spared even the children of his own parents. His real brothers after having been tortured by him to the hilt have filed cases against Sri



Auto

Sachidanandan and one of such cases is O.S. No.628/2006 K.V.H. Math vs. K.V.Sachidanandan pending in the Court of Additional Sub-Judge, Palakkad, Kerala. Sri Rathore has not even spared his own brothers and sister what fairness can be expected from him and he will be asked this question in the Court as a witness.

9. Comparison

If the two offences, one committed by Sri Rathore i.e., writing pseudomonas letter containing all the above misdeeds is treated as serious criminal offence, what is the penalty called for, for the offences described above. Both deserve to be dealt with even handed justice.

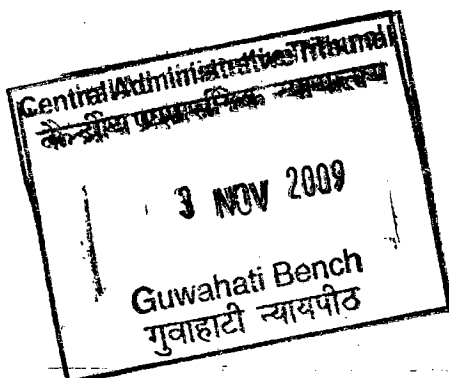
10. Submission

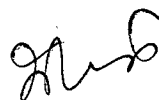
- (i) It is, therefore, requested that decision on the note of Sri K.V.Sachidanandan, former Vice-Chairman of this Bench dated 21.09.2007 (enclosed) regarding medical bills of Sri J.P.Rathore, Deputy Registrar (under suspension) and particularly regarding his '... may be referred to the Vigilance/concerned Police Department, Guwahati for further investigations and reporting the same if necessary to take appropriate criminal action' may be conveyed by the Principal Bench keeping in view what have been stated above.
- (ii) Future action in respect of Sri J.P.Rathore (a suspended officer) if deemed appropriate, may be taken after taking all these facts into consideration, particularly while reviewing his case.
- (iii) It is my submission that it may be considered will it not be appropriate to withdraw the criminal case against Sri Rathore and hold a departmental enquiry against him and punish him departmentally for the omissions and commissions on his part.
- (iv) This letter may not be termed as a complaint of Sri K.V.Sachidanandan, former Vice-Chairman at all. I have only highlighted the reasons for the enmity between the two officers. I consider it my duty to bring all such facts to the notice of Principal Bench. Hence, this letter.

Encl: As stated above

Yours faithfully,


(DIWAKAR KUKRETI)
REGISTRAR





File No 11-8/06-ACHS

25

46

These are the medical claims of Shri J.P. Rathore, Deputy Registrar (under suspension) for self, wife and his children.

These medical claims are supported by certain medical cards and receipts issued from Jaipur. The treatment is said to have been taken at Jaipur and such cards and receipts/bills are produced. It is pertinent to note that the applicant is now under suspension. The charges against him are under Section 469/473/506 IPC and the CID Wing of Assam Police has in fact recovered fictitious letter pads and seals from his residence (rented) during investigation, which have been produced before the Court. It is also pertinent to note that the seals by which the aforesaid medical cards are signed are the ones, which have been recovered by police and therefore it appears that these claims are not genuine. Incidentally, an order dated 24.08.2006 was placed on the file issued by the Debts Recovery Tribunal III, New Delhi where the applicant was working on deputation basis and such identical claims have been rejected by the said organisation where he had served before joining as Deputy Registrar in the Guwahati Bench of the Central Administrative Tribunal. The same set of reasons stated in the said letter is visibly seen in these records. A copy of the said letter is enclosed.

Therefore, since the documents are very suspicious and similar claims have already been rejected by the Debts Recovery Tribunal III, New Delhi, a Central Government Organisation, where he had served earlier, the present medical claims of the applicant are not sustainable and therefore rejected.

It is further made clear that if the employee makes any further representation on the rejection of his medical claims the matter may be referred to the Vigilance/concerned Police Department, Guwahati for further investigations and reporting the same and if necessary take appropriate action.

Dated: 21.09.2007

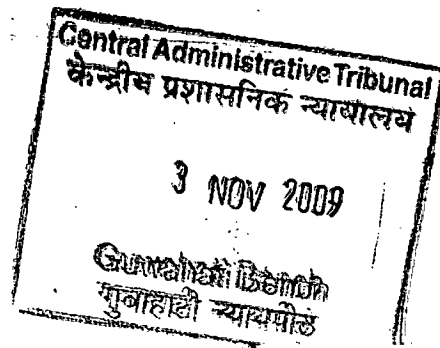
Vice-Chairman

The Registrar is on leave. As directed by Hon'ble Vice-Chairman, medical bills of Shri J.P. Rathore, Deputy Registrar (under suspension) may be placed before the new Vice-Chairman, who is joining on 24.10.07.

50 (B) [Signature]

CIT file
DPI
21.9.07

11
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[Signature]



(47)

68

Sd/- K. V. Sachdev

**LIST OF THE OFFICE FURNITURE/UTENSILS PROVIDED AT THE
RESIDENCE AND IN THE OFFICE CHAMBER AT THE RESIDENCE
OF HON'BLE VICE CHAIRMAN.**

<u>Sl.No.</u>	<u>Items</u>	<u>Nos.</u>
1.	Sofa Set	1
2.	Steel Table	1
3.	Revolving Chair	1
4.	Steel Chair	3 4+1
5.	Dinner Set	1 (38 Pcs.)
a)	Big Plates	6 Pcs..
b)	Very Big Plate	1 Pcs..
c)	Small Plates	6 Pcs..
d)	Bowls (Soup)	6 Pcs.. 5 Pcs. one broken
e)	Spoons with soap Bowls	6 Pcs.
f)	Small Bowls	6 Pcs 2 broken
g)	Dish (Curry Plate)	1 Pc.
h)	Dishes Bag Covered	2 Pcs..
i)	Slat & Pepper Containers	2 Pcs.
j)	Big Spoons (different sizes) Steel	2 Pcs.
Total		38 Pcs.

6.	Tiffin Carrier	1
7.	Wall Clock	1
8.	Glass Cover for Table	1
9.	Sofa Set Cover	1
X 10.	Cushion for Executive Chair	1
11.	Towel (Big)	1
12.	Centre Table	1
13.	Shelf for keeping files, paper etc.	2 1
14.	Telephone Stand	1
X 15.	Sloping File Rest	1
16.	Aqua Guard	1
17.	Cup-Plate 'O' shaped	6
18.	Emergency Light	1
19.	Basket	1 + 2
20.	Umbrella	1
X 21.	Freeze	1
22.	Heater (Lexus)	1

23 to 33

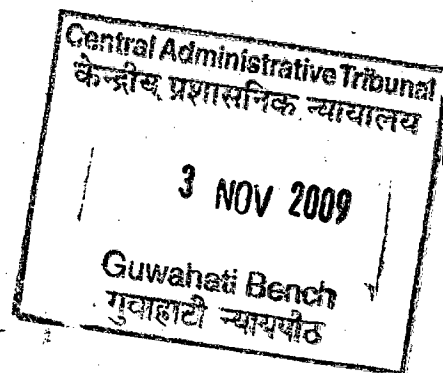
P.T.O.

P.T.O.

P.T.O.

Section Officer (GA)

Certified to be true
Sd/-





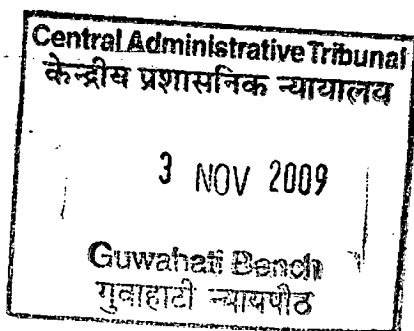
AFFIDAVIT

I J.P. Rathore (Jai Prakash Rathore) s/o Late Shri
B.P. Rathore (Bhawani Prasad Rathore) aged about
57 years, do hereby solemnly affirm and declare
as under :-

This affidavit is being filed by me in
pursuance of my interrogation done by the Registrar
Central Administrative Tribunal Guwahati Bench.

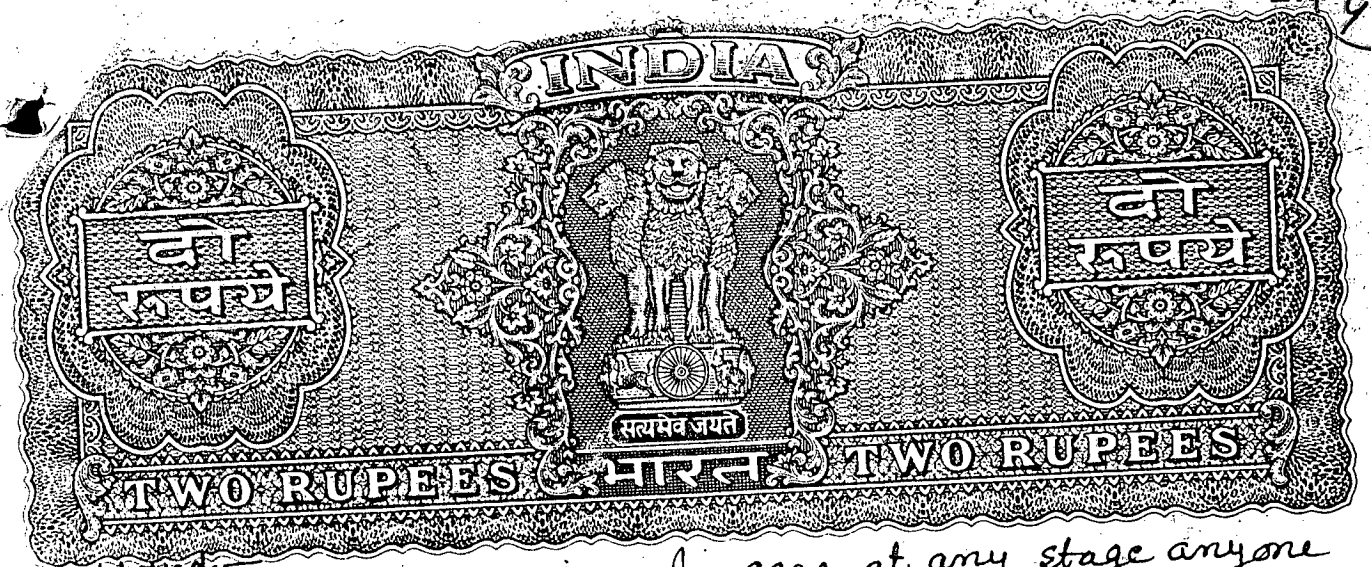
That today worthy Registrar, Central Administrative
Tribunal Guwahati Bench questioned me on the
genuineness of my medical bills pertaining to the
ailment of my son Shailendra Singh Rathore, who
is mentally retarded, my wife Smt Krishna Rathore
and myself and told me that the signatures and
seal and prescription of the doctor are forged and
fictitious.

In this connection I state that all my above
medical bills are genuine. The medicines have been
prescribed by Govt doctors and their seal and signatures



Handwritten signature

Vertical handwritten text: Jai Prakash Rathore



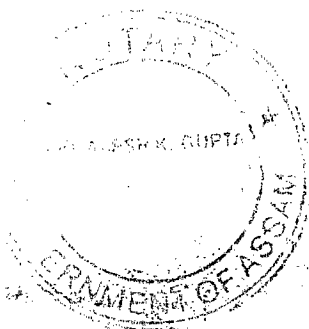
Continued
are original and genuine. In case at any stage anyone is able to establish that the prescription, seal and signature of the doctor are not genuine but forged, I shall be liable to be prosecuted for the criminal offence and shall be liable to be sent to jail, besides being liable for departmental action as well.

Sd/-
Jai Prakash Rathore
Deponent

Verified that the contents of my above affidavit are true to the best of my personal knowledge. No part of it is false and nothing material has been concealed.

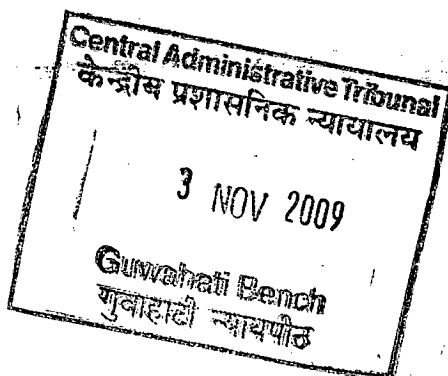
Sd/-
Jai Prakash Rathore
Deponent.

IDENTIFIED BY ME
Nisha Choudhury
11.10.07
ADVOCATE, GUWAHATI



Sd/-

Sd/-
NO FAKY
Kamrup District, Assam
Regd. No: KAM. 05





NO. 11-S/3-Actt/

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Phone No. : 0361-2529294

Fax No. : 0361-2529056

Rajgarh Road, Bhangagarh,
Guwahati-781-005

दिनांक / Date :

26.03.2008

दिवाकर दत्त कुकरेती

DIWAKAR DUTT KUKRETI

रजिस्टार

REGISTRAR

To

The Principal Registrar
Central Administrative Tribunal
Principal Bench
61/35, Copernicus Marg
New Delhi - 110 001.

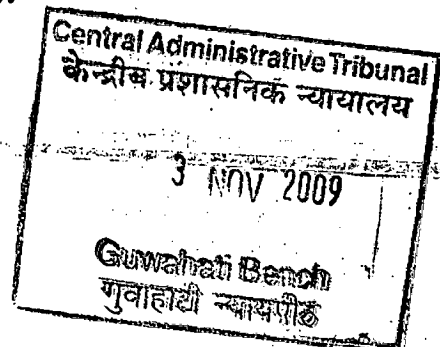
Sub: Medical reimbursement bills of Shri J.P. Rathore, Deputy Registrar (under suspension).

Sir,

Medical reimbursement bills in respect of ailing son and wife of Shri J.P. Rathore and his own bills were submitted by him during the years 2006, 2007 and 2008. The matter was brought to the notice of Hon'ble Vice-Chairman who has clarified that the bills submitted by Shri Rathore prior to 21.09.2007 stand rejected by the previous Vice-Chairman Hon'ble Shri K.V. Sachidanandan. In respect of bills submitted by Shri Rathore after 21.09.2007 the same are still pending which are 26 in number. It was suggested to Hon'ble Vice-Chairman that keeping in view the submission of Shri Rathore that his medical reimbursement bills either may be passed or in case of doubt the same may be handed over to the police for verifying the genuineness and authenticity of these bills. Accordingly, 26 nos. of bills are being sent to the Deputy Registrar, CAT, Jaipur Bench for getting the same verified and authenticated from the doctors who have written the prescription slips and signed and affixed their stamps while verifying the reimbursement bills. After doing the needful Deputy Registrar, CAT, Jaipur Bench has been requested to return the bills along with the verification certificate issued by the doctors. The details of the bills along with original Bills are being sent to the Deputy Registrar, CAT, Jaipur Bench. He has been further requested to take assistance of SP, Jaipur in case he finds any difficulty in getting the bills verified/authenticated. Copies of letters addressed to the Deputy Registrar, CAT, Jaipur Bench and SP, Jaipur are enclosed.

Certified to be T.C.
Shri...

Contd...



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Three sample bills were sent earlier to the CMO, Govt. Hospital, Jaipur for verification and authenticity whether the prescription slips and the signatures and seal on these 3 reimbursement bills are genuine or not and the CMO, Govt. Hospital and the concerned doctors have informed that the prescription slips and the signature and seal on the reimbursement bills are genuine and the medicines were prescribed by the Govt. doctors.

This letter is being sent to the Principal Registrar for information.

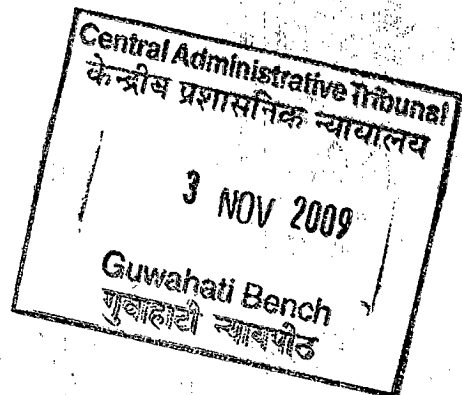
This issues with the approval of Hon'ble Vice-Chairman.

Yours faithfully,

- Encl: 1. Letter addressed to Dy. Registrar
CAT, Jaipur
2. Letter addressed to SP, Jaipur
3. Three certificates of CMO &
Doctors

(DIWAKAR KUKRETI)
REGISTRAR

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17/3



No.11-8/03-Acctt/173

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Phone No. : 0361-2529294

Fax No. : 0361-2529056

Rajgarh Road, Bhangagarh,
Guwahati-781 005

दिनांक / Date : 26.03.2008

दिवाकर दत्त कुकरेती

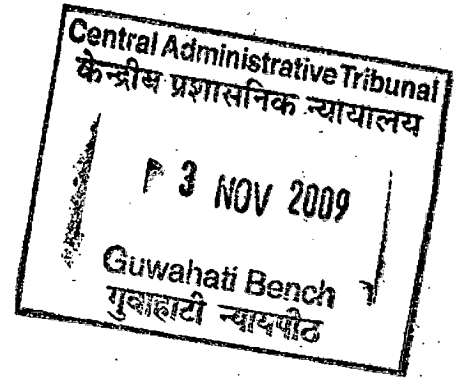
DIWAKAR DUTT KUKRETI

रजिस्टार

REGISTRAR

To

The Deputy Registrar
Central Administrative Tribunal
Jaipur Bench
Sahkar Marg
Jaipur- 302 001.



Sir,

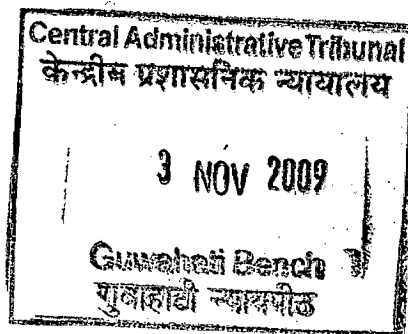
Kindly find enclosed herewith 26 Nos. of medical reimbursement bills (3 bunches) submitted by Shri J.P.Rathore, Deputy Registrar (under suspension) of this Bench. The treatment in these medical bills was taken by Shri Rathore and his family members from Jaipur doctors and in Jaipur hospitals as is clear from the bills. A doubt has been raised about the authenticity of these bills. Therefore, Hon'ble Vice-Chairman of this Bench has directed to send all these medical bills to you with a request to get each bill duly verified from the concerned doctor who prescribed the medicines in that bills and also to verify whether signatures, seals on the prescription slips as well as reimbursement bills are genuine or not. To facilitate your work a schedule has been placed at the top of these bills relating to one particular doctor. At the bottom of the schedule, is a certificate which reads as under :

'On verification it is certified that the signatures and seal on the prescription slip, Cash Memos and the bills mentioned above are genuine.

Signature &
Seal'

Your duty is to obtain signature and seal of the concerned Doctor/CMO/Authority on each schedule (3 in number) placed at the top of each bunch. After doing the needful you kindly return the bills and the schedule of bills

Contd...



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with the verification certificate duly signed and sealed by the concerned Doctor/CMO/Authority to this Bench at the earliest. If necessary you may seek the help of S.P., Jaipur for whom a letter has been enclosed herewith duly signed by me.

Yours faithfully,

- Encl: 1. Medical reimbursement bills
26 in number, total pages 109
2. Letter addressed to SP, Jaipur

(DIWAKAR KUKRETI)
REGISTRAR

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17/3

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17/3



No. 11-8/03-Actt/ 174

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Phone No. : 0361-2529294
Fax No. : 0361-2529056
Rajgarh Road, Bhangagarh,
Guwahati-781 005

दिनांक / Date : 26.03.2008

दिवाकर दत्त कुकरेती

DIWAKAR DUTT KUKRETI

रजिस्टार

REGISTRAR

To

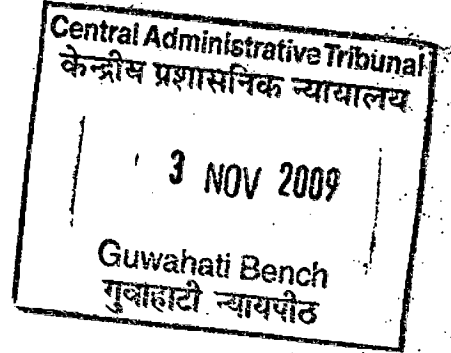
The Superintendent of Police

Jaipur

Rajasthan.

Thy W DRCAT

Sir,



Kindly find enclosed herewith 26 Nos. of medical reimbursement bills (3 bunches) submitted by Shri J.P.Rathore, Deputy Registrar (under suspension) of this Bench being sent to you through our Deputy Registrar, CAT Jaipur Bench. The treatment in these medical bills was taken by Shri Rathore and his family members from Jaipur doctors and in Jaipur hospitals as is clear from the bills. A doubt has been raised about the authenticity of these bills. Therefore, Hon'ble Vice-Chairman of this Bench has directed to send all these medical bills to you with a request to get each bill duly verified through some responsible officer working under you from the concerned doctor who prescribed the medicines in that bills and also to verify whether signatures, seals on the prescription slips as well as reimbursement bills are genuine or not. To facilitate the work a schedule has been placed at the top of these bills relating to one particular doctor. At the bottom of the schedule, is a certificate which reads as under:

'On verification it is certified that the signatures and seal on the prescription slip, Cash Memos and the bills mentioned above are genuine.

Signature &
Seal'

The duty of the police officer so deputed by you is to obtain signature and seal of the concerned Doctor/CMO/Authority on each schedule (3 in number) placed at the top of each bunch. After doing the needful kindly return the bills and

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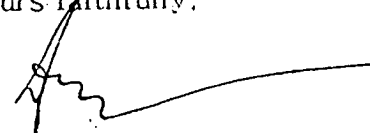
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the schedule of bills with the verification certificate duly signed and sealed by the concerned Doctor/CMO/Authority to this Bench at the earliest or hand it over to our Deputy Registrar, CAT, Jaipur Bench for doing the needful.

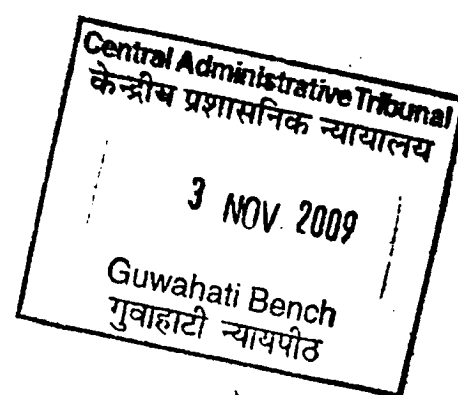
Yours faithfully,



(DIWAKAR KUKRETI)
REGISTRAR

Encl: As above

MSB



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17/3

Perused the note of the Registrar at pages 227 and 228/N of the file; pertaining to medical reimbursement claims (MRC) of suspended Deputy Registrar Shri J.P. Rathore.

2. Whatever medical reimbursement claims (MRC) submitted, prior to 21.09.2007, by the suspended Deputy Registrar (Shri J.P. Rathore) of this Bench, were rejected by the former VC/CAT/Guwahati (Hon'ble Shri K.V. Sachidanandan) in his order dated 21.09.2007 (available at page 20/N of Part II File No.11-8/06-Accts.) for the reasons recorded therein. While rejecting the claims, on 21.09.2007, the then VC/CAT/Guwahati noted that, in the event any representation is submitted against the said rejection, then the matter need be handed over to Police.

3. Registrar of this Bench directly wrote a letter to CAT/Principal Bench on 15.10.2007 covering the point in issue. The PB/CAT/New Delhi wrote back on 16.01.2008 to the effect that when the Vice-Chairman rejected the claims, there was no necessity to refer the matter to the Principal Bench. Thus the rejection order dated 21.09.2007 (pertaining to the medical reimbursement claims, those were of pre 21.09.2007) has, virtually, stood confirmed by the PB/CAT.

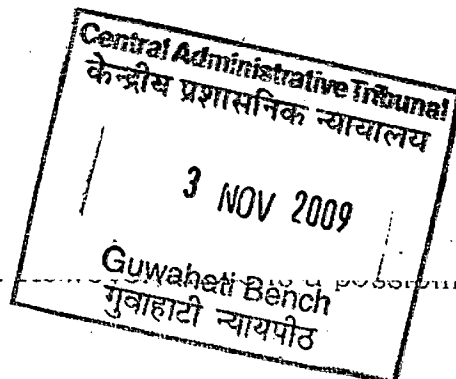
4. Now, the subsequent claims (post 21.09.2007) in respect of the members of the family of Shri J.P. Rathore, need only be examined; for which the Registry need send the same (the claims submitted only after 21.09.2007) to appropriate authorities (as suggested by the Registrar) for proper verification and report/confirmation. That should be done under intimation to the Principal Bench.

5. Registrar to do needful for proper verification of the Bills submitted by Shri Rathore after 21.09.2007.

[Signature]
25/03/08
Vice-Chairman

Registrar

*certified to be TC
[Signature]*



As per the note of the Hon'ble Vice-Chairman dated 25.03.2008 on the previous page (231/N) at least now I have come to know that medical reimbursement bills submitted by Shri J.P.Rathore prior to 21.09.2007 stand rejected by Shri Sachidanandan and the Principal Bench has also written back on 16.01.2008 to the effect that when the Hon'ble Vice-Chairman has rejected the claims there was no necessity to refer the matter to the Principal Bench (These files and papers are not with me). These facts were not to my knowledge till yesterday i.e., 25.03.2008. That is the reason that in my note dated 14.03.2008 (Page 227-228N) I have mentioned that all the bills of Shri Rathore are still pending.

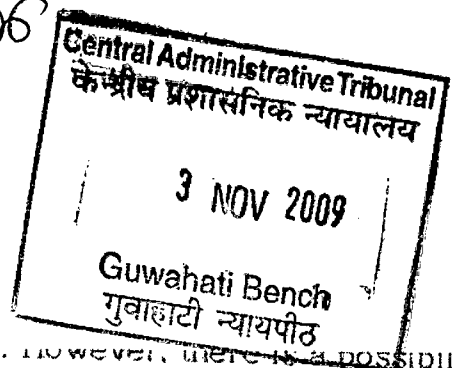
As per direction of Hon'ble Vice-Chairman now a modified letter to the Principal Registrar, CAT, Principal Bench is being sent bringing to his notice that the bills submitted by Shri J.P.Rathore after 21.09.2007 which are still pending are being sent to the Deputy Registrar, CAT, Jaipur Bench for getting the same verified/authenticated from the concerned doctor as to whether the prescription slips and the signatures and seals of the doctors on the reimbursement bills are genuine or not. He is further being requested to take the help of SP., Jaipur if he finds any difficulty in this matter. A letter to the SP., Jaipur is also being sent to the Deputy Registrar, CAT, Jaipur Bench for use if need so arises.

Let the letters to Deputy Registrar, CAT, Jaipur Bench and SP., Jaipur through Deputy Registrar, CAT, Jaipur Bench along with 3 bundles of Bills & letter to Principal Registrar, CAT, Principal Bench be issued today positively.

26/3/08
REGISTRAR

Mrs. Deori

*Certified to be true
26/3/08*



However, there is a possibility

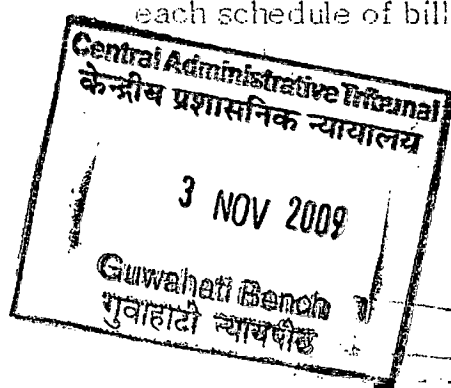
58
14.03.2008
12

As Shri-J.P. Rathore, Deputy Registrar (under suspension) is pressing very hard for clearance of his medical bills and when I pointed out this fact to Hon'ble Vice-Chairman orally, the matter was discussed with him at length. At the outset I want to make it very clear that these bills are pending for the last perhaps more than two years. Either these bills should be rejected or passed. The patient in the bill in question has not committed any offence (his father may have committed but for father's mistake should the family also suffer?) We are denying his medical treatment because of someone's ipse dixit that the Medical reimbursement bills are 'fictitious and not genuine'. That authority who declares these bills as 'fictitious and not genuine' should have had the courage to lodge the FIR. It is horrifying that bills submitted by Shri Rathore on 01.05.2006, 16.05.2006 and 25.05.2006 i.e., more than one year prior to filing FIR and suspension (i.e. perhaps 9th or 10th May 2007) were not cleared, still have not been cleared and the same are still pending. How the authorities could think of 'fictitious and forged seals' one year prior to filing of FIR is shrouded in mystery.

Three sample bills relating to the ailing son and wife of Shri Rathore were sent to the CMO and the doctor concerned at Jaipur for verification whether the signature and seal affixed on the prescription slips and bills are genuine or not. that the signatures and seals affixed on the bills are of the concerned doctor and signature and seals are genuine. Photocopies of the certificates (3 in number) are attached.

Shri Sachidanandan has recorded at different places that similar medical reimbursement bills in respect of his ailing son stand rejected by the DRT being forged and fictitious. I confronted Shri Rathore whether the above fact is correct. He has flunked a recent letter dated 15.02.2008 at my face written by the Registrar, DRT to Shri Rathore that his bills are under consideration of the MG-II Section, Room No.469-A, Dte. General of Health Services, New Delhi. Thus, the contention of Shri Sachidanandan stands falsified. A copy of the above letter is placed in the file.

Still however, as suggested we may send the remaining 59 pending bills also along with details of each bill with verification certificate duly typed at the end of each schedule of bills by us to the doctors at Jaipur. However, there is a possibility



Copy to be TC
H. K.

that there being rush of work and negligence all round in the Govt. hospitals, the bills being sent by us being voluminous with around 600 pages, may be lost here or there. The doctors may also not understand the purpose for asking such a certificate as it is unusual and they cannot be forced to spare time from their busy schedule. We do not have any control over Jaipur hospitals and we cannot force them to send the bills to us early. They may delay it for months or years. The biggest danger is that some one interested may destroy the bills. The reason being that Rathore has filed an affidavit that he is ready to go to Jail if these bills are found forged, fictitious and not genuine. He is repeatedly requesting to send these bills to DGP or SP, Jaipur for verification, but we are sitting over these bills. Now, if something happens to the ailing child (God forbid) then we should (one or a few) to be ready to pay damages for such harassment. At least now I am not going to sit over these bills any more. In that situation we will be at great difficulty.

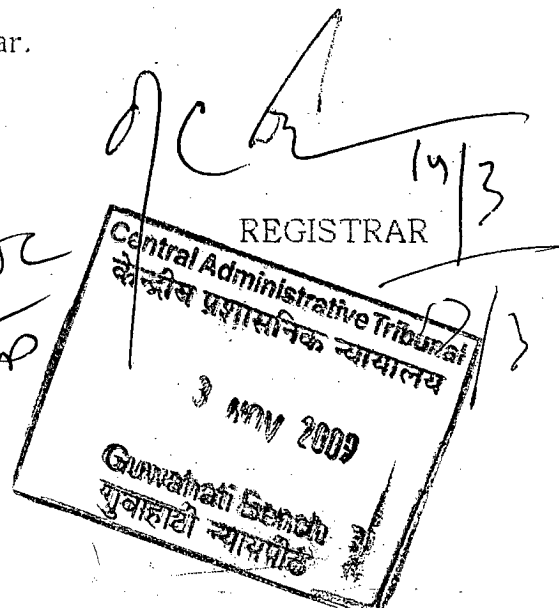
Therefore, it is further suggested that we may send all the bills to our Deputy Registrar, CAT, Jaipur Bench (through Principal Bench) to take the bills personally to the C.M.O. and other authorities and get the bills authenticity verified. After doctors have perused the signatures, seals affixed on the bills, prescription slips a verification sheet in respect of each bill (that we have placed on these bills) shall be got signed and sealed by the Deputy Registrar from the concerned CMO or the doctor or any other authority and return all these bills to us. Or we may send these bills to the SP Jaipur or Deputy Registrar, CAT Jaipur shall get his help if he needs any. In this way possibility of these bills getting lost with other hospital record shall be minimized and early return of the bills shall also be ensured.

It is, therefore, submitted that the proposal may be approved and the bills placed below along with schedule of bills I to III may be sent to Deputy Registrar, CAT, Jaipur Bench or SP Jaipur (through Principal Bench). Draft letters to the Deputy Registrar, CAT, Jaipur Bench, SP, Jaipur and Principal Registrar, PB are enclosed. A copy of this note be also sent to them to comprehend as to what we mean what duty is being given to Deputy Registrar, CAT, Jaipur Bench or SP Jaipur. This note makes the entire position clear.

Submitted please.

HON'BLE VICE-CHAIRMAN

*Certified to be true
H. C. B. J.*



प्रमुख प्रमुख चिकित्सा अधिकारी, हरिवंश कांठिया
राजकीय जिला चिकित्सालय, शारंगी नगर
पुनः कांठिया/सां.प्र./०३/३०० दिनांक २५/१२/०८

श्री डिवाइडर कुपरेली
रजिस्ट्रार
केन्द्रीय प्रशासनिक आधिकारण
गुवाहाटी न्यायपीठ
राजगढ़ रोड, बाला ५६
गुवाहाटी

विषय: मरीज शेलेन्दु सिंह एवं श्रीमती
कृष्णा राहों के चिकित्सा किलो के
प्रमाणिक के सम्बन्ध में

प्राप्त आपका पत्रांक ११-८/०६/१९८८-
७२ दिनांक १२/१२/०८

विषयार्थगत प्रमाणिक पत्र के साथ
मरीज शेलेन्दु सिंह एवं श्रीमती कृष्णा राहों
के पास चिकित्सा किलो का अप्रमाणिक काट
यह पाया गया कि उक्त मरीजों का उपचार
इस चिकित्सालय के चिकित्सक डा. जी. ए. ए. ए.
गुवाहाटी (मेडीकल) द्वारा उपचार निदान
किया गया के अनुसार मूल चिकित्सा किलो
अप चला गया प्रमाण पत्र संलग्न कर
मिलवाया जा रहा है

संलग्न उपचार निदान पत्र
① मूल चिकित्सा किलो
② प्रमाण पत्र

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
१३ NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

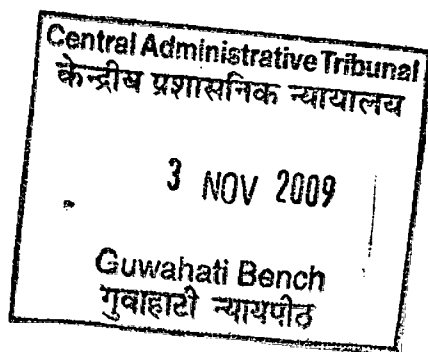
certified to be true
[Signature]

प्रमुख चिकित्सा अधिकारी
हरिवंश कांठिया राजकीय
जिला चिकित्सालय
शारंगी नगर, जयपुर

Signature of Medical Officer
[Signature]
Med. Officer
[Signature]

Verified and it is certified that the prescription slip in favour of patients Sailendra Singh and Smt Krishna Rathore have been given by Doctor P.L. Gupta, Consulting Physician of this Hospital and medical reimbursement bills have also been signed and seal affixed thereon by

P. L. Gupta



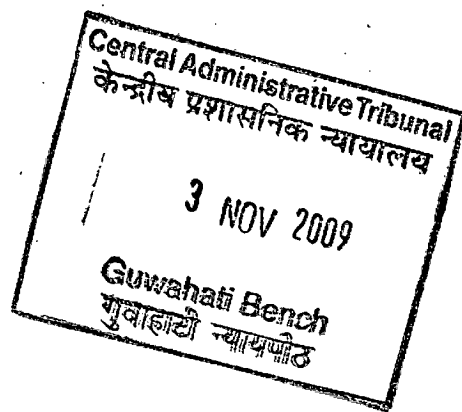
On the leaves of prescription
and signed by Dr. P. L. Gupta
15-2-11

प्रमुख चिकित्सा अधिकारी
हरिवंश कांयटिया राजकीय
जिला चिकित्सालय
शास्त्री नगर, जयपुर
(Signature & Seal)

certified to be TC
Sharma

Signature of Hospital
Med. Officer

Verified and it is certified that the prescription slip in favour of patient Sailendra Singh has been given by me and the medical reimbursement bill has also been signed and seal affixed thereon by me.



(Signature & Seal)

Dr. ANJAY JAIN
Associate Professor (Anatomy)
S. M. S. Medical College Hospital
P. O. Box 10, C. E. B. by Guwahati
Guwahati - 781 005

Dr. ANJAY JAIN
Associate Professor (Anatomy)
S. M. S. Medical College Hospital
P. O. Box 10, C. E. B. by Guwahati
Guwahati - 781 005

Certified to be TC
H. K. S.



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench, Guwahati-5

Phone No. : 0361-2529294

Fax No. : 0361-2529056

Rajgarh Road, Bhangagarh,
Guwahati-781 005

12/06/2008

दिनांक / Date :

दिवाकर दत्त कुक्रेती

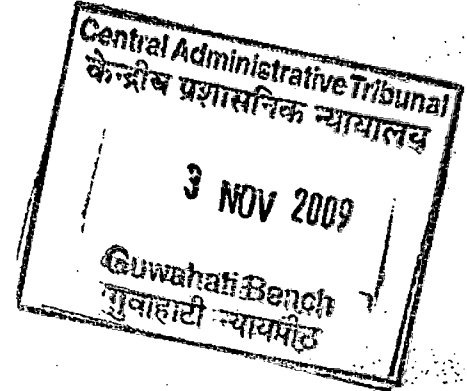
DIWAKAR DUTT KUKRETI

रजिस्टार

REGISTRAR

To

The Principal Registrar
Central Administrative Tribunal
Principal Bench
61/35, Copernicus Marg
New Delhi - 110 001.



Sub: Forwarding of 27 nos. of fresh Medical claims of Shri J.P.Rathore,
Deputy Registrar (under suspension).

Sir,

Enclosed please find herewith 27 number of pending medical reimbursement bills submitted by Shri J.P.Rathore, Deputy Registrar (under suspension) in respect of treatment taken by his family members i.e., ailing son and wife. I need not mention that during suspension family members of the suspended officer are entitled for certain benefits and medical treatment and reimbursement is one such benefit.

Former Vice-Chairman had stopped processing of medical reimbursement bills of Shri J.P.Rathore one year before the arrest, detention and suspension of Shri Rathore. Shri Rathore was arrested, detained and suspended from 9th of May, 2007 but the medical reimbursement bills submitted by Shri Rathore one year before the date of suspension i.e., during the month of May 2006 and onwards were not even processed by the former Vice-Chairman and finally rejected the same after one and a half year on the date of his departure from Guwahati Bench on the ground that the bills are very suspicious and the Hon'ble Vice-Chairman further directed that if the employee makes any further representation on the rejection of his medical claims, the matter may be referred to the Vigilance/concerned Police Department, Guwahati for further investigation and for taking appropriate criminal action. Regarding compliance of last part of above order, the bills and order of V.C. was sent to Principal Bench.

Contd...

*Certified to be true
Shri*

Rejected earlier are genuine bills and must be allowed to be passed for payment. In this connection, an application dated 05.06.2008 submitted by Shri J.P.Rathore is also being enclosed and the relevant portions of that application are reproduced as under:-

Contd...

In reply to our letter dated 15.10.2007 the Principal Bench vide their letter in F.No.PB/17/02/2007/Estt-I/676/A dated 16.01.2007 informed Registrar, CAT, Guwahati Bench that despite clear order/directions dated 21.09.2007 of the then Hon'ble Vice-Chairman for rejection of the medical claim in question and to take further action if the employee makes any further representation on the rejection of his medical claims, was there any necessity to refer the matter to Principal Bench. In view of this reply the matter ended there.

However, thereafter, around 50 more bills have been submitted by Shri J.P.Rathore regarding treatment of his ailing wife and son. Keeping in view the affidavit filed by Shri Rathore that his bills are genuine, the signature and seal of the doctors thereon are genuine and in case the same are found to be forged he shall be liable to be sent to jail, besides being liable for departmental action, the Registry submitted one lot of 27 (24+3) bills for order before the present Vice-Chairman as to how the fresh bills submitted by Shri Rathore should be dealt with. Hon'ble Vice-Chairman directed that the subsequent pending claims (post 21.09.2007) in respect of the matters of the family of Shri J.P.Rathore, need only be examined; for which the Registry need send the same (the claims submitted only after 21.09.2007) for appropriate authorities (as suggested by the Registrar) for proper verification and report/confirmation and that should be done under intimation to the Principal Bench.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

3 NOV 2009

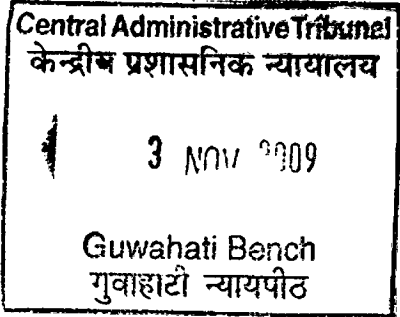
Guwahati Bench
गुवाहाटी न्यायपीठ

Accordingly, as per direction of the present Hon'ble Vice-Chairman 24 bills were sent to the Deputy Registrar, CAT, Jaipur Bench to get each bill duly verified from the concerned doctors who prescribed the medicines in these bills and also to verify whether the signatures, seal on the prescription slips as well as reimbursement bills are genuine or not. A letter to the Registrar and he was directed that if necessary he may seek help of Superintendent of Police, Jaipur for getting the bills verified. Copies of these letters were also duly forwarded to the Principal Bench vide our office letter No.11-8/3-Actt/172 dated 26.03.2008.

The Deputy Registrar, CAT, Jaipur Bench has returned the bills duly verified by the concerned doctors with certificates that the signatures and seals on the prescription slips, cash memos and bills are genuine. 3 bills were sent directly to the Medical Superintendent, Govt. Hospital, Jaipur and the same have also come back duly verified that the bills have been signed and seals affixed thereon by the concerned doctors of that hospital and the bills are genuine. Keeping in view the earlier letter of Principal Bench all these 27 bills are now sent to the Principal Bench as to whether these bills should be passed for payment or not. As a Registrar of this Bench I strongly recommend that all the bills, the present lot of 27 bills as well as bills rejected earlier are genuine bills and must be allowed to be passed for payment. In this connection, an application dated 05.06.2008 submitted by Shri J.P.Rathore is also being enclosed and the relevant portions of that application are reproduced as under:-

[Handwritten signature]

Contd...



"The then VC Mr K.V.Sachidanandan had rejected my genuine medical claims submitted during the period right from May 2006 to the month of Sept 2007, just on the date of relinquishing his charge on 21.09.2007, on totally baseless grounds that the bills are forged, fictitious and dishonest, though there was no material before Mr.K.V.Sachidanandan ... I throw a challenge that I may be prosecuted or departmental action be initiated against me immediately for submitting forged bills as falsely alleged by Mr.K.V.Sachidanandan, VC or my bills may be passed and paid. There is no third option except the two above. I therefore, most humbly pray your honour kindly to pay me all my pending medical claims, at the earliest, failing which I shall have no alternative except to sit on indefinite hunger strike till death or even I may commit self immolation, as my son who is a psychiatric patient, is without medicines and if something mis-happens to them, Registrar, CAT, Guwahati Bench and other senior officers of CAT will be solely responsible for the same."

Keeping in view what has been stated above and particularly when the bills now again have been verified by the doctors of Govt. Hospital, Jaipur through Deputy Registrar, CAT, Jaipur Bench that the bills are genuine, the medical claims of Shri J.P.Rathore may be allowed to be passed for reimbursement. In this connection, it is also pointed out that since I being Registrar of this Bench have been right from the beginning stating on verification that the bills submitted by Shri Rathore are genuine and recommending strongly for making payment, to the claimant which stand is now fully vindicated and supported by the doctors of Govt. Hospital, Jaipur, therefore, now I shall not be responsible in any way if something happens to the ailing family members of the suspended Deputy Registrar, Shri Rathore. I again submit that I am fully convinced that there is no material on record to suggest that these bills submitted by Shri Rathore are in any way suspicious, forged or fictitious.

Reasons and elaborate speaking order shall have to be given to declare these bills suspicious particularly when as many as half a dozen doctors namely Dr Dhiraj Verma, Dr.R.C.Gupta, Dr.P.L.Gupta, Dr.Sunil Sharma, Dr. Geeta Joshi and few other doctors of Govt. Hospital, Jaipur have again certified that the bills, seals and signatures on the bills are genuine. Verification done by these doctors is enclosed. Ipsi-dixi of someone shall not suffice. What was the material or what was the cause to view the bills as suspicious exactly one year before the arrest and detention of the Govt. Servant? The question is staring at our face. Let them reply who are not passing these bills. First 3 rejected bills pertain to May, 2006. Shri Rathore was arrested in May, 2007. How and on what basis, the bills pertaining to may/June/July/August, 2006 can be withheld and finally declared suspicious on the basis of events that took place in 2007 (arrest and detention in May 2007). Rathore has asked this question under RTI Act. Let someone reply. Rathore is holding Registrar, Guwahati Bench responsible for all these misadventures and for the huge amount being asked to his ailing family members. I declare openly I am not responsible at all. Hence this detailed letter.

Contd..

Therefore, following submissions are made with a request to kindly give reply on each submission:-

1. Whether the present lot of 27 bills of the family members of Shri J.P.Rathore which have been certified to be genuine and correct bills by half a dozen doctors of the Govt. Hospital should be passed for payment or not? If not, on what grounds these bills should be rejected?
2. Whether another lot of 15 bills which have been submitted after these 27 bills of Shri Rathore should also be passed because the seals and signatures on these bills are also almost of the same doctors who had certified the earlier bills as genuine? We have no material or basis to make his bills suspicious.
3. How the bills rejected by former Vice-Chairman should be dealt with, whether those bills should also be passed for payment or not? Shri Rathore has filed an application under RTI Act and has asked for reasons for rejection of the bills by former Vice-Chairman. Therefore, reasons to be communicated to Shri Rathore may also be conveyed to this Bench as I am convinced that none of the bills of Shri Rathore can be treated to be suspicious in view of the certificate of the half of dozen doctors and the affidavit filed by Shri Rathore. I do not find any material on record to declare his medical bills for May/June/July, 2006 or subsequent ones suspicious. He was arrested and detained only on 09.05.2007. Principal Bench may be able to say or having some material/proof or evidence to declare his bills for the year 2006 suspicious one year before his arrest and detention. Shri Rathore is asking for that material/proof/evidence under RTI Act. Please supply the same if any. At least send the material for reply of RTI application. Shri Rathore's application under RTI Act is sent herewith.
4. In the alternative, I submit that all his bills may be allowed to be passed for payment and thus, his RTI application shall become infructuous and we will give Shri Rathore a reply that since all his bills have been passed for payment, we need not give any reason to him.

An early reply is requested.

Encl: As above.

ms



Yours faithfully,

(Diwakar Kukreti)
Registrar

As per verbal order of Hon'ble Vice Chairman
Mineral Development Water Board Guwahati
Land Office Chamber and that the
Supplying by M/s A.P. Associates Guwahati, on the
month of May-2006, 11 Nos Jar Supplying by M/s
A.P. Associates and submitting a bill No. 2286
Dated 31/5/06 for Rs/- 770.00 (Rupees Seven hundred
Seventy) only, which may kindly be sanctioned
Now the file is put up King sanction of Rs/ 770.00

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

S/O (GA)

Note, above, may kindly be seen

An amount of Rs. 770/- (Rupees Seven
hundred Seventy) only, for payment
to M/s A P Associates, Guwahati being
the cost of 20 litres of drinking
water for uses of Hon'ble Vice
Chairman for office chamber
submitted for favour of King Sanction.

~~22/6/06~~

~~A.O.~~

As stated above, sanction of Rs. 770.00
only may kindly be accorded for payment
to M/s A.P. Associates, Guwahati - being the cost
of 11 No. Packaged Drinking water.
Fund is available.
Submitted F.F.O. please

By Registrar

21/6/06

Till now the following expenditure has been incurred
on purchase of mineral water for Hon'ble VC's Chamber:-

Certified by
M/s

1. Rs 210
2. Rs 420
3. Rs 210

Page 1/M
Page 2/M
Page 3/M

5/11

Continued—

The present bill is for Rs 770/- which is on the higher side. We are having two aqua-guard purifiers in this Bench, one is installed in the office and the other is installed at the residence of Hon VC. Accounts officer is requested to examine the matter with reference to the provision of the rules; if there is any specific rule ^{Govt instructions} regarding providing of mineral water in the office when aqua-guard purifiers are already installed in the office.

Accounts officer

Dileetha
9.6.06

In view of the note above it is submitted that there is no such specific rule or Govt. instructions regarding providing of mineral water in office since aqua-guard purifiers are in working condition.

However we may pay the above mentioned bill ^{as a special case} and after payment we may refer the matter to the P.O for necessary clarifications.

Submitted for kind sanction of Rs. 770.00 only and for orders on reference to P.O. please. Fund is available.

Prat Administrative Tribunal
प्रति प्रशासनिक न्यायालय
3 NOV 2009
Pratihati Bench
प्राति न्यायपीठ

Dy. Registrar

'A' for kind approval of

'B' for kind approval & sanction of

Hon VC

12/6/06

2/11

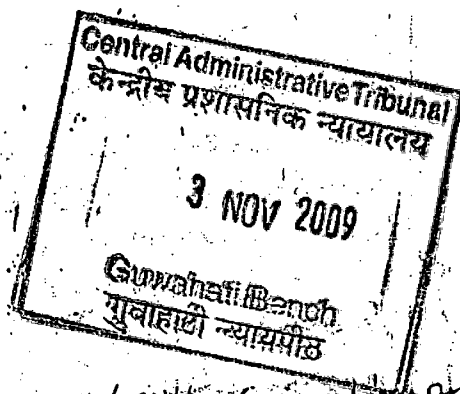
Aqua Guard Purifier, are always in repair and the water supplied is good. The former V.C. Mr. S. S. Srinivasan and family suffered from stomach problems. Hence the V.C. has taken

a decision for Municipal water for Drinking purposes. No decision has been taken by Mr. V.C. within his powers. Therefore it had not be referred to Mr. P.B. hence something be paid for the Bill.

However ~~stating~~ that it could be restricted to 3 bottles of 20 liters each per month henceforth.

Sanctioned Rs. 770/- only pay the same

Ve - 13/6/06
AD
20 (GA)



As per notes may create above sanction amounting to Rs. 770/- per month properly any put up being signature

13/6/06

So (as) ~~DR~~
13/6/06
S/O (GA)
Mud

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Rajgarh Road, Bhangagarh,
Guwahati - 781005.

No. Office Order/VC-HOD/1/7/06/ 523

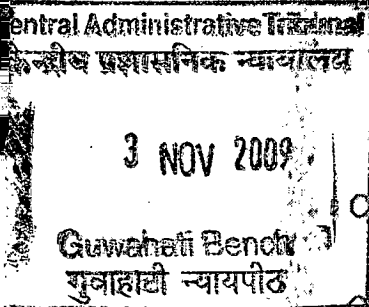
Dated: 24.07.2006

OFFICE ORDER

On administrative reasons Shri J.P. Rathore, Deputy Registrar is hereby directed to attend the Judicial Section alone and all administrative functions of the Tribunal will be attended to by Shri S.K. Das, Section Officer (GA) and Shri J.C. Mahan, Section Officer (Accounts) henceforth. The power of Head of Office is withdrawn from the Deputy Registrar and the same is authorized to be discharged by Shri J.N. Sharma, senior most Section Officer, in addition to his present duties (including D.D.O.). However, the Deputy Registrar will attend to such matters that will be directed by the Vice-Chairman/ Head of the Department.

This order will come into effect forthwith, i.e. from 24.07.2006.

This order has been issued in public interest and administrative convenience and also for smooth functioning of the Bench.



Vice-Chairman
(Head of the Department)

Copy to :

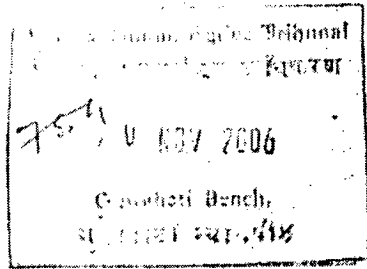
1. The Deputy Registrar/All Section Officers/Court Officer/P.S. to Vice-Chairman/P.S. to Member.
2. The Principal Registrar, Central Administrative Tribunal, 61/35, Copernicus Marg, New Delhi-110 001 for information and necessary action.

*Certified to be T.C.
Shukla*

Annexure A-23

71

92



To,
The Principal Registrar
Central Administrative Tribunal
Principal Bench, Copernicus Marg
New Delhi-110001

Through :- Proper channel

Subject :- Application for the post Joint Director in the Department of Information Technology, STQC Directorate on deputation basis.

Sir,

I am enclosing an application on the prescribed format for the post of Joint Director in the Department of Information Technology, STQC Directorate on deputation Basis in response to their advertisement No 1/2006-2(5)/2006-PA(TB) in the Employment News dated 21 - 27 October 2006 (photocopy enclosed for ready reference).

It is requested that the same may kindly be forwarded to the Deputy Director ((Shri Satvir Singh), STQC Directorate , Ministry of Communication and Information Technology , Department of Information Technology , Electronics Niketan , 6-CGO Complex , New Delhi -110003 alongwith the attested copies of up to date ACRs for the last five years etc , so as to reach them on or before the prescribed date.

It is respectfully submitted that I shall be attaining the age of 56 years on 31-12-2006 and hence this will be last chance for me to apply for the deputation post. Keeping in view this aspect , I most respectfully request your good offices kindly to Consider forwarding of my application to the concerned Department as stated above . At your earliest convenience.

Thanks

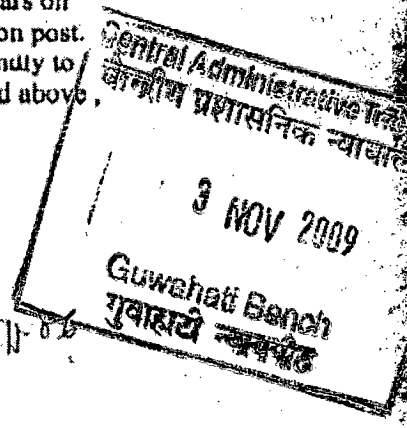
Enclosures:- As Above

Yours Faithfully,

(J.P. Rathore)
(J.P. Rathore)
Deputy Registrar

Date: 20 - 11 - 2006

Central Administrative Tribunal
Guwahati Bench, Guwahati-781005



Advance copy to :

The Deputy Director (Shri Satvir Singh) , STQC Directorate, Ministry of Communications & Information Technology , Department of Information Technology, Electronics Niketan , 6- CGO Complex ,New Delhi-110003 , alongwith the copy of the application , for kind information and necessary action.

(J. P. Rathore)
Deputy Registrar

Auto

1/N

The application submitted by Sri J.P. Rathore
 Deputy Registrar of this Bench for the post of Joint
 Director in the Department of Information Technology
 STGE Directorate on deputation basis.
 It appeared to may forwarded to the Principal
 Registrar, CAT, PB. New Delhi for further necessary action.
 FFO - at flag A

21/11/06

SOCE

As stated in the foregoing document
 the file is submitted for kind per-
 usal and approval of the application
 dt. 20.11.06 submitted by Sri J.P. Rathore
 Deputy Registrar for onward transmission to
 P.O. please.

21/11/06
 S.C. (5)

(Signed)
 21/11/06

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 3 NOV 2009
 Guwahati Bench
 गुवाहाटी न्यायपीठ

Hon'ble J.C.

Request rejected.

It appears that the employee has
 no interest to continue and do his
 job of this Tribunal. Numerous
 applications are being sent by him
 for employment in this Department. The PB
 has rather severely warned that
 he should not indulge in such
 applications. It is further made clear
 that if he attempts any further,
 it will give a cause of action for
 disciplinary proceedings. Request

Rejected

VC 21/11/06

2 may 2010
 11:00 AM
 21/11/06

Seen 21/11/06
 21-11-06

copy to be TC
 Shirs

Annexure A-24

73

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

65th 18 SEP 2006

Guwahati Bench
गुवाहाटी न्यायापीठ

To,

Hon'ble Vice Chairman

CAT Guwahati Bench

Sir,

It is respectfully submitted that I shall be availing special casual leave/vacation with effect from 25-09-2006 as sanctioned to me, alongwith permission to leave the headquarters with effect from the afternoon of 22-09-2006. I shall avail hometown LTC during this period of vacation as admissible to me under the rules.

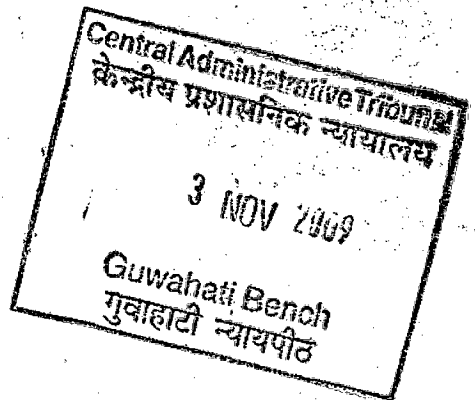
This is for your kind information please

Thanks

Yours Faithfully

Date 18-09-2006

J.P. Rathore
J.P. Rathore
Deputy Registrar



submitted for your kind approval.

Note

Henve

18.9.06

LTC And be availed if it is permitted and on production of original reports and on a monthly basis. If the employee is not joining on the designated date, matter be sent for disciplinary action.

T.C. 20/9/06

*Copy to be TC
Hans*

20/9/06

DR



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench, Guwahati-5

Phone No. : 0361-2529201

Fax No. : 2529056

Rajgarh Road, Bhangagarh,
Guwahati-781 005

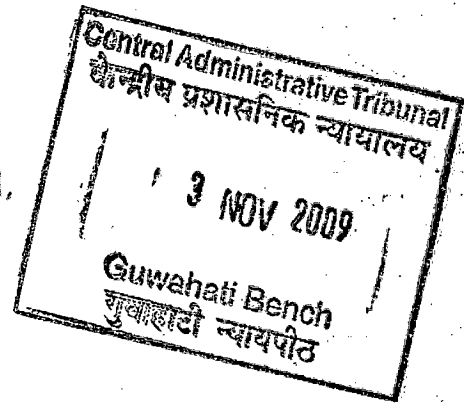
सं / No. :

CAT/GHY/07-08/ 274

02.04.2007

To

Shri J.P. Rathore,
Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Guwahati-5.



Sir,

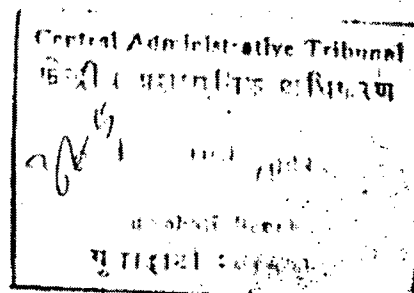
I am directed to say that your application for 5(five) days casual leave with effect from 09.04.2007 to 13.04.2007 and also station leave permission has been rejected by the Hon'ble Vice-Chairman.

I am further directed to make it clear that if you disobey the said orders consequences will follow.

Yours faithfully,

(Signature)
(J. N. Sharma)
Section Officer (J)

Crossed to be TC
Shree

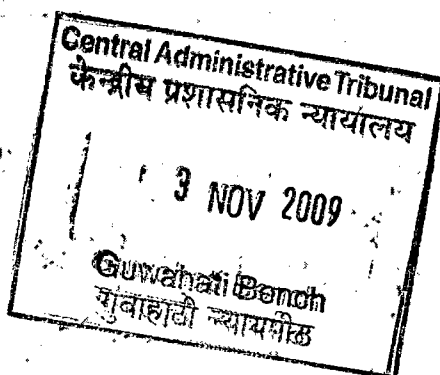


APPLICATION FOR ADVANCE FROM GPF FUND

1. Name of the subscriber : J.P. Rathore
2. Accounts Number : CAT/GAU/66
3. Designation : Dy Registrar
4. Pay : Rs 11950/-
5. Balance at credit of the subscriber on the date of application as below :

a) Closing balance as per statement for the year 2008-09	Rs 56107 = 00
b) Credit from March 2009 to April 2009 subscription	35000 = 00
c) Refund of advance/advances : Rs 1512	
d) Withdrawals during the period from March 2009 to April 2009	624764 = 00
e) Net balance credit Rs.	15381
6. Amount of advance/advances outstanding : 118581
 Amount of Advance taken on date of sanction : Balance outstanding as on date : Rs 112711/-
7. Amount of advance required Rs. 88824 (Rupees 88824)
8. a) Purpose of which the advance is required : Medical treatment of son/wife and to pursue criminal case
 b) Rules under which the request is made : 12(1) read with 12(2) of the
 c) If advance is sought for House Building etc. for the cost of the legal proceedings
 d) Location & measurement of the plot :
 e) Whether plot is free hold or lease :
 f) Plan for construction :
 g) If the plot or plot being purchased is from a R.B. Society, the name of the society, the location & measurement etc :
 h) Cost of construction :
 i) If the purchase of plot is from RDA or any, Housing Board etc, the location dimension etc. may be given :
 j) Name of the son/daughter :
 k) Class & Institution/College where studying :
 l) Whether a day scholar or a hosteler :
 m) If advance is required for treatment of ailing family members following details may be given :

Contd.



M. K.

- n) Name of the patient & relationship: *Shailendra - Son of patient*
o) Name of the hospital/clinic/doctor where the patient is under going treatment: *Govt Hospital - Several ailments*
p) Whether outdoor/indoor patient: *Indoor*
q) Whether reimbursement available or not: *Reimbursement available but claims have not been reimbursed for the last one year and they are without medicines for the last one year*
In case of insurance under 30 days of date of discharge of patient, the claim will be reimbursed.

9. Amount of the consolidated instalment: *Rs. 6 & 7* and in part of the monthly instalment in which the consolidated instalment is made is *Rs. 26* instalments of *Rs. 5600* per month. *6 instalments after revocation of suspension*

10. Full particulars of the person's income and other sources of income justifying application for the grant of pension: *He is a retired officer in the Indian Police Service. He is entitled to a pension of Rs. 10,000 per month. He is also entitled to a gratuity of Rs. 1,00,000.*

I certify that the above details are correct and complete to the best of my knowledge and that nothing has been cancelled by me.

Date: *12.6.2007*

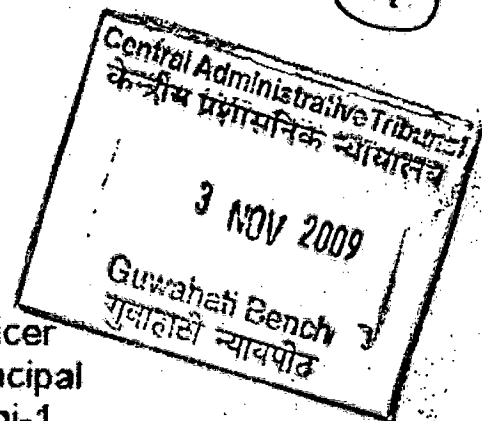
Signature of the applicant
Shailendra

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
3 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Annexure A-270
Speed Post -

77

28



To,

The Assistant Public Information Officer
Central Administrative Tribunal, Principal
Bench, Copernicus Marg, New Delhi-1

Subject :- Information under RTI Act 2005.

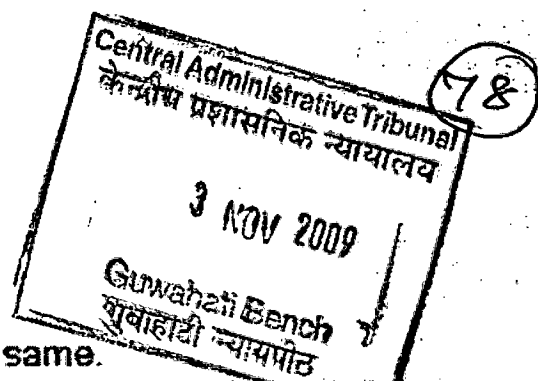
Sir,

Please arrange to supply the following information under the RTI Act :-

1. Mr K.V. Sachidanandan while functioning as VC CAT Guwahati Bench had availed LTCs in respect of his son who then was and is a practicing lawyer of the Kerala High Court showing him dependent and for self and wife also he has mostly traveled to his home-town Kochi via Delhi while shortest route to Kochi is via Kolkata - Bangalore only. Please inform under RTI Act :-
 - (a) Whether his practicing lawyer son, whether married or unmarried, who is earning his livelihood independently can be shown dependent for availing LTC. Please answer in yes or no.
 - (b) If yes, please intimate the relevant provisions of Rules / Law regarding the same and supply copies of the same to me also.
 - (c) If no, is it not the misappropriation of Govt money which he has misappropriated worth several lakhs of rupees from Govt funds. Please answer in yes or no.
 - (d) If yes, please intimate, what action has been taken by the Principal Bench against Mr K.V. Sachidanandan in view of Registrar CAT Guwahati Bench letter no 11-8/06-Acccts/730 dated 15-10-2007, which I have obtained under RTI Act. Please supply me the copies of the entire file notings and correspondence in this regard.
 - (e) Similarly by traveling via longer route i.e. via Delhi almost everytime he has claimed and has taken excess amount in several lakhs of rupees. Is it not the misappropriation of Govt money. Please answer in yes or no.
 - (f) If answer is yes, please intimate what action has been taken by the Principal Bench against Mr K.V. Sachidanandan in this matter in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Copies of the complete file notings and correspondence in this regard may please be supplied to me.
 - (g) If no, the detailed reasons for the same may please be intimated quoting Rules / provisions of the law in support thereof.

Shirs

Shirs



supplying me the copies of the same.

(h) Law of the land is, "One cannot be a judge in his own case." But Mr K.V. Sachidanandan himself has sanctioned and passed his own irregular / illegal LTC claims. Please intimate under what provisions of law he is competent to pass his own irregular / illegal LTC claims. A copy of the same may please be supplied to me also.

2 Mr K.V. Sachidanandan while functioning as VC CAT Guwahati Bench had been making huge number of calls from his residence phone and mobile phone officially provided to him much in excess of the prescribed limits and had not deposited the excess amount towards excess calls in excess of the prescribed limits. Please inform under RTI Act:-

(a) Is it not the misappropriation of Govt money. Please answer in yes or no.

(b) If yes, please intimate what action has been taken against Mr K.V. Sachidanandan in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondence in this regard.

(c) If not, under what provisions of Rules / Law. Please supply me the copies of the same.

3. Mr K.V. Sachidanandan while functioning as VC CAT Guwahati Bench, he had been purchasing mineral water worth several hundreds of rupees per month from the Govt funds for personal / private use at his residence taking the bills for the same in the name of the office and passing and sanctioning the same himself on the plea that as Head of the Department he is entitled for the same. He had got one aqua-guard water purifier installed in his rented house taking the same from the office. The mineral water is said to have been purchased for office chamber of VC, when two aqua-guard water purifier are installed in the office. Please inform under RTI Act:-

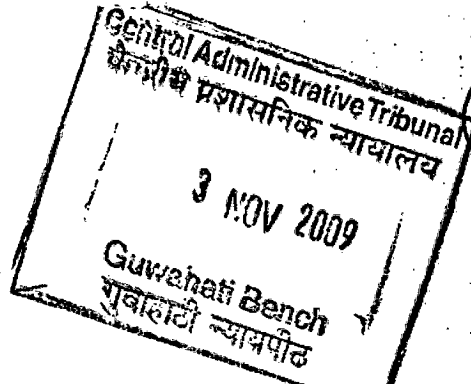
(a) Whether a VC as Head of the Department is entitled to purchase mineral water from Govt funds for his personal / private use at his residence. Please answer in yes or no.

(b) If yes, under what provisions of Rules / Law. Copies of the same may please be supplied to me.

(c) If not, is it not the misappropriation of Govt money. Please answer in yes or no.

(d) If yes, what action has been taken against Mr K.V. Sachidanandan in view of Registrar CAT Guwahati Bench letter

Micro



dated 15-10-2007. Please supply the copies of the complete file notings and correspondance in this regard.

(e) If not the detailed reasons for the same may please be intimated with supporting Rules / provisions of law , if asny supplying me the copies of the same.

(f) Whether a VC residing in a rented house is entitled to install aqua - guard water purifier at Govt expenses in his rented house. Please answer in yes or no.

(g) If yes , please intimate under what provisions of Rules / Law Please supply me the copies of the same to me.

(h) If not , is it not the misuse/ abuse of administrative power. Please answer in yes or no.

(i) If yes , what action has been taken against Mr K.V.Sachidanandan in this matter in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondance in this regard.

(j) If not , the detailed reasons for the same may please be intimated.

(k) Even if it is said that the mineral water was purchased for the office chamber of Mr K V Sachidanandan , VC whether he is entitled for the same when two aqua - guard water purifiers were already installed in the office. Please answer in yes or no.

(l) If yes please intimate the provisions of Rules /Law under which he is entitled for the same , supplying me the copies of the same.

(m) If not , what action has been taken against Mr K.V.Sachidanandan in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondance in this regard.

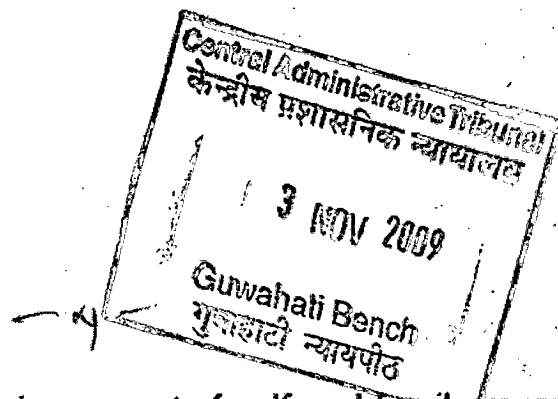
(n) The law of the land is , " One cannot be a judge in his own case ." Please intimate whether Mr K.V.Sachidanandan , VC is competent to sanction expenditure for mineral water for himself for personal / private use at his residence. Please answer in yes or no .

(o) If yes , please intimate under what provisions of Rules / Law and supply me the copies of the same.

(p) If no , what action has been taken against Mr K.V.Sachidanandan in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondance in this regard.

4. Mr K.V.Sachidanandan while functioning as VC CAT Guwahati Bench had been submitting medical claims for huge

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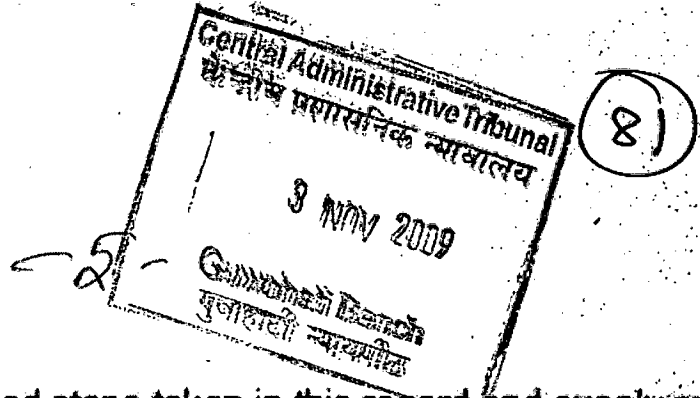
80

amounts per month in respect of self and family members of Private Ayurvedic doctor of private ayurvedic clinic which included huge charges towards body massaj , every month , sanctioning the same himself while Govt Ayurvedic Hospital is very well available at Guwahati. Besides this , he was having CGHS Card also throughout. Please supply the following information under RTI Act -

- (a) Whether the medical claims of Private Ayurvedic doctor of private clinic are admissible under Rules when Govt Ayurvedic Hospital is very well available at Guwahati. Please answer in yes or no .
- (b) If yes under what provisions of Rules / Law . Please supply me the copies of the same.
- (c) Whether the charges for body massaj are also admissible under Rules . Please answer in yes or no .
- (d) If yes , under what provisions of Rules / Law Please supply me the copies of the same.
- (e) He was purchasing the Ayurvedic medicines from the private shops while for Ayurvedic treatment the medicines are to be purchased from authorised ayurvedic shops only which are available in Guwahati . Moreover being CGHS Card holder , he had to purchase the medicines through CGHS only being CGHS Card holder. Is it not the irregularity / illegality. Please answer in yes or no.
- (f) If no , under what provisions of Rules / Law. Please supply me the copies of the same.
- (g) If yes , what action has been taken against Mr K.V.Sachidanandan for such irregularities / illegalities in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondence in this regard.
- (h) Having full knowledge of irregularities / illegalities in getting passing his own irregular / illegal bogus medical claims for huge amounts per month , while the law of the land is , " One cannot be a judge in his own case." Whether he is authorised to pass his own irregular / illegal bogus medical claims of private ayurvedic clinic. Please answer in yes or no .
- (i) If yes , under what provisions of Rules / Law . Please supply me the copies of the same .
- (j) If no , what action has been taken against him in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please

[Signature]

[Signature]



intimate me the detailed steps taken in this regard and supply me the copies of the complete file notings and correspondance in this regard.

5. As per Rules and Govt orders, the use of staff cars for non-duty purposes is completely banned but Mr K.V. Sachidanandan, VC had been taking his own staff car allotted to him (Staff Car No AS-01 P 1683) as well as the other staff car also (Staff Car No AS-01 G-0045) to make personal / private pleasure trips to Kaziranga, Shillong, Cherapunjee, Sibsagar, Tezpur etc taking his relatives / friends in both the staff cars, using huge quantity of petrol from Govt funds in both the staff cars sanctioning the same himself.. Please supply the following information under the RTI Act:-

(a) Whether a VC / Member is entitled to take staff car allotted to him for official use in Guwahati from residence to office and office to residence and other duty purposes only, outside Guwahati to visit Kaziranga, Shillong, Cherapunjee, Sibsagar, Tezpur etc for personal / private pleasure trips for his relatives / friends. Please answer in yes or no..

(b) If yes, please intimate the relevent provisions of Rules/ Law and supply me the copies of the same.

(c) Whether a VC / Member is entitled to take the other staff car also which is not allotted to him, to take outside Guwahati to visit the above mentioned places for personal / private pleasure trips of his relatives / friends, using huge quantity of petrol from Govt funds, sanctioning the same himself. Please answer in yes or no.

(d) If yes, please intimate the relevent provisions of Rules / Law, supplying me the copies of the same.

(e) If no, is it not the misappropriation of Govt money and misuse of administrative power. Please answer in yes or no.

6. Mr K.V. Sachidanandan while functioning as VC CAT Guwahati Bench had purchased one single door refrigerator from Govt funds for his personal use at his residence in a rented house, without obtaining financial concurrence from the FA & CAO CAT New Delhi, the cost price being more than Rs 8000/- Please supply the following information in this matter under the RTI Act :-

(a) Whether a VC residing in a rented house is entitled for refrigerator for personal use at his residence in a rented house. Please answer in yes or no.

(b) If yes, under what provisions of Rules. Please supply me the copies of the same.

(c) If not, is it not the misappropriation of Govt money and misuse

[Handwritten signatures]

of power by Mr K.V.Sachidanandan , VC for his personal gain . Please answer in yes or no .

(d) If yes , please intimate the details steps taken against Mr K.V.Sachinandan for the same in view of Registrar CAT Guwahati Bench letter dated 15-10-2007. Please supply me the copies of the complete file notings and correspondence in this regard.

(e) If not , the reasons in detail may please be intimated mentioning Rules / provisions of the Law in support thereof , supplying the copies of the same to me.

I am enclosing an Indian Postal Order for Rs 10/- for the purpose.

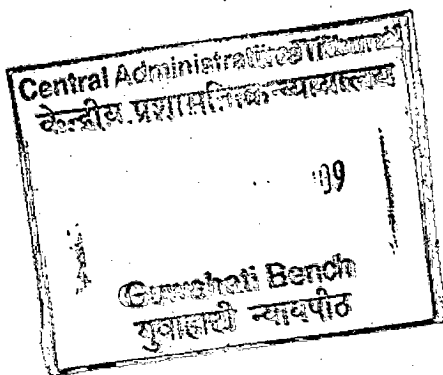
Enclosures: IPO for Rs10/-

IPOM 69E 999809

Thanks

Date : 10 -06 -2009

Yours Faithfully,



[Signature]
(J . P . Rathore)
Deputy Registrar (U.S.)
Central Administrative Tribunal
Guwahati Bench , Guwahati - 781005

[Signature]

GUWAHATI GPO <751001>
SEES502575014IN
Converter No:6, CP-Code:PDWS
To:ASSTI P.B. INF. OFFIC,
New Delhi, PIN:110
From:J P RATHORE, GNY
Wt:200grams,
Apt:68.00, 15/06/2009 13:11



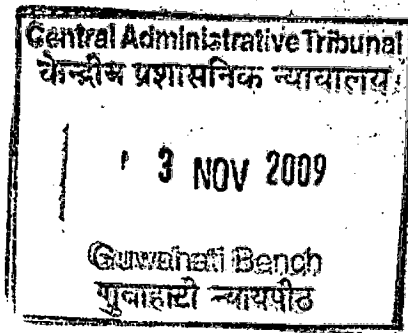
Speed Post
Annexure A-28

83

104

To,

The ASSTI Public Information Officer
Central Administrative Tribunal
Principal Bench, New Delhi-110001

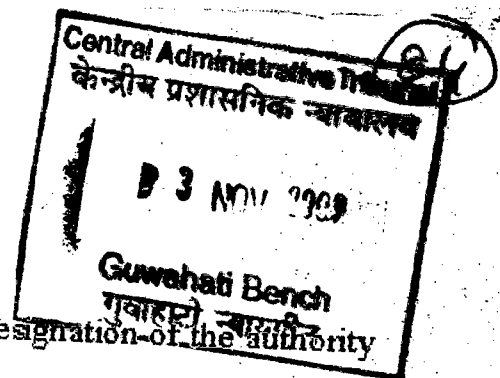


Subject:- Information under R.T.I Act

Sir, Kindly arrange to supply the following information to me under the RTI Act at the earliest. This information relates to Guwahati Bench of the Central Administrative Tribunal, hence if it is not possible or practicable to supply this information at your end, you are requested to take action under sub section (3) of Section 6 of R.T.I. Act:-

1. Copies of all the LTC claims submitted by and sanctioned and paid to Mr K.V.Sachidanandan, VC availed by him during the period from 16-01-2006 to 24-09-2007 as VC CAT Guwahati Bench in respect of self and all his family members, alongwith the copies of all the note sheets, processing and sanctioning the same with calculation portion and countersigned portion having seals and signatures etc i.e. complete in all respect. The name and designation of the sanctioning authority, who has sanctioned and countersigned these LTC claims may also kindly be intimated..
2. Copies of all telephone bills in respect of residential telephone no 2664824 of Mr K.V.Sachidanandan, VC for the period from 16-01-2006 to 24-09-2007 along with copies of all the relevant note sheets processing and sanctioning the same, complete in all respect.
3. Copies of all mobile phone bills in respect of mobile phone no 9435118355 officially provided to Mr K.V.Sachidanandan, VC for the period from 16-01-2006 to 24-09-2007 along with copies of all the relevant note sheets, processing and sanctioning the same, complete in all respect.
4. Copy of DOPT letter No 11013/34/98-AT dated 7th November 2000 regarding refixation of ceiling for free calls for the residential telephones of Vice Chairman and Members alongwith a copy of CAT PB New Delhi letter No 8/3/94-GA/12039/A dated 21-11-2000 conveying the same to all the outlying Benches.
5. Account showing total amount paid to / drawn by Mr K.V.Sachidanandan, VC during the period from 16-01-2006 to 24-09-2007 towards purchase of mineral water including those paid from the imprest, alongwith the copies of all these bills / vouchers, as the mineral water was actually used by Mr K.V.Sachidanandan, VC at his residence for his personal-private use and the Powewrs. Kindly arrange to supply me all the relevant note sheets processing

Handwritten signatures



2

and sanctioning these bills and also the name and designation of the authority who sanctioned the payment of these bills

6. A copy of DO P&T letter / order fixing the ceiling limit on Mobile phones of VC / Members of CAT may also please be supplied to me.

7. Kindly intimate whether any amount towards excess calls in excess of permissible limits in respect of official residence phone no 2664824 and official mobile no 9435118355 had ever been deposited by Mr K.V.Sachidanandan, VC during his tenure from 16-01-2006 to 24-09-2007 at Guwahati. If so, complete details of the same may please be intimated. *alongwith copies of relevant note sheets / file notings.* *Authr*

8. A copy of the handwritten office-note of the then Dy Registrar in the mineral water file raising objections regarding admissibility of the same, which was actually being used by Mr K.V.Sachidanandan, VC at his residence for his personal / private use and the bills were being used from the Office funds.

9. A copy of the handwritten office-note of the then Dy Registrar in the telephone matter file raising a recovery of about Rs 15,500/- in respect of residential phone no 2664824, being in excess of the prescribed limits vide DOP&T letter / order dated 7th November 2000.

10. A copy of the handwritten office-note dated 24-07-2006 of the then Dy Registrar in the medical claims file of Mr K.V.Sachidanandan, VC raising objections regarding admissibility of private Ayurvedic medical claims for huge amounts, quoting Rules / Govt orders, while Govt Ayurvedic Hospital is very well available at Guwahati.

11. Copies of all medical claims submitted by and paid to Mr K.V.Sachidanandan, VC in respect of self & family members of private Ayurvedic doctors, during the period from 16-01-2006 to 24-09-2007 alongwith the copies of all the relevant note sheets processing and sanctioning the same. Name & designation of the sanctioning authority may also please be intimated.

12. Copy of the bill towards purchase of spare parts of the car at Kochin for his personal car by Mr K.V.Sachidanandan, VC, obtaining the bill in the name of CAT Guwahati Bench which was sanctioned by him himself and payment of the same was taken by him from the Office funds in the beginning of the year 2006.

13. Mr K.V.Sachidanandan, VC had misused the office staff car no AS-01 G 0045 (other than the staff car officially provided to him.) several times during his tenure at Guwahati from 16-01-2006 to 24-09-2007 to make personal visits to Kaziranga, Shillong, Cherapunji, Sibsagar, Tezpur etc and also several places within Guwahati city, using petrol from Govt / Office funds, thus cheating the Govt funds. Details of all such journeys alongwith the copies

Authr *Authr*

of the relevant pages of the log book may also kindly be supplied with details of petrol used and copies of all the relevant note sheets sanctioning these petrol bills

These documents / information asked above are public documents and relate to the allegations of corruption / misappropriation of Govt money by Mr K.V.Sachidanandan , VC , these are mandatory required to be supplied as per provisions of the RTI Act . There is nothing confidential or secret in the CAT.

I am enclosing an Indian Postal Order for Rs 10/- as fee for the purpose as per RTI Act.

Thanks

Enclosures: IPO for Rs 10/-

18012069E999811

Date: 12 - 11 - 2009

Yours Faithfully

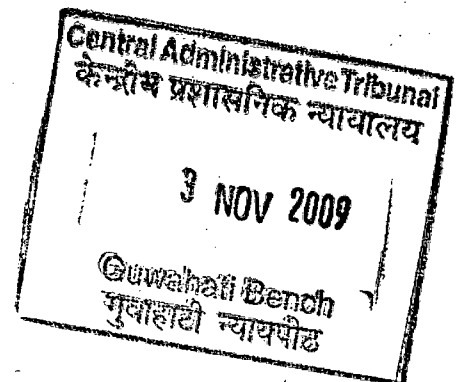
J. P. Rathore
(J . P . Rathore)

Deputy Registrar (U.S.)

Central Administrative Tribunal

Rajgarh Road , Bhangagarh, Guwahati - 781005

J. P. Rathore



9. Appointments to other Services and Posts

(1) All appointments to the Central Civil Services (other than the General Central Service) Class II, Class III and Class IV shall be made by the authorities specified in this behalf in the Schedule:

¹ Provided that in respect of Class III and Class IV, Civilian Services, or civilian posts in the Defence Services appointments may be made by officers empowered in this behalf by the aforesaid authorities.

(2) All appointments to Central Civil Posts, Class II, Class III and Class IV, included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President, or where no such order has been made, by the authorities, specified in this behalf in the Schedule.

PART - IV SUSPENSION

10. Suspension

(1) The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension—

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- ²(aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that, except in case of an order of suspension made by the Comptroller and Auditor-General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant-General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than the Appointing Authority, such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

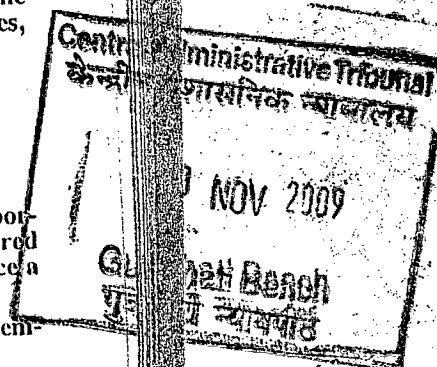
(2) A Government servant shall be deemed to have been placed under suspension by an order of Appointing Authority—

- (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

1. Inserted vide G.I., M.H.A., Notification No. 7/9/66-Ests. (A), dated the 1st July, 1966.

2. Inserted vide G.I., M.H.A., Notification No. 7/1/67-Ests. (A), dated the 29th February, 1968.

*Cost to be TC
Hans*



- (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION.—The period of forty-eight hours referred to in Clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force, on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the Disciplinary Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

¹ Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

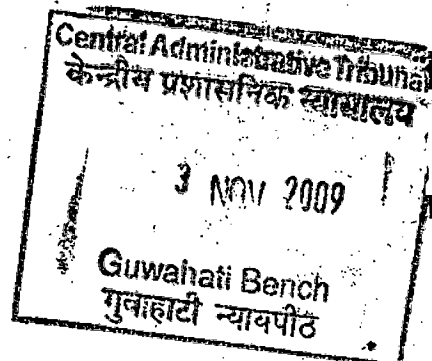
(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

¹ Inserted by G.I., M.H.A., Notification No. 35012/2/80-Ests. (A), dated the 7th September, 1981.

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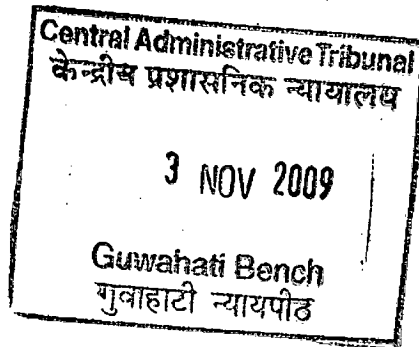
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(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the date of order of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) Notwithstanding anything contained in sub-rule (5) (a), an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.]

For Government of India's Instructions on suspension and allied matters, see separate chapters.



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1. Sub-rules (6) and (7) inserted vide G.I., Dept. of Per. & Trg., Notification No. 11012/4/2003-Entt. (A), dated the 23rd December, 2003, published as GSR No. 2 in the Gazette of India, dated the 3rd January, 2004 read with Corrigendum, dated the 29th March, 2004, published as GSR No. 113 in the Gazette of India, dated the 4th April, 2004. Takes effect from the 2nd June, 2004 vide Notification of even number, dated the 2nd April, 2004, published as GSR No. 249 (B) in the Gazette of India Extraordinary, dated the 2nd April, 2004.

CCA-3

C. S. J. B. B. S.
21/11/09

47-2 w/ves
Annexure A-30
(89)
V/D

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2621/2006

M.A. No.2322/2006

M.A. No.6/2007

New Delhi, this the 4th day of July, 2008

HON'BLE MR. JUSTICE V.K. BALI, CHAIRMAN
HON'BLE MR. L.K.JOSHI, VICE CHAIRMAN (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Ved Prakash Garg,
Dy. Suptd (Under Suspension)
Central Jail, Tihar,
New Delhi-110064

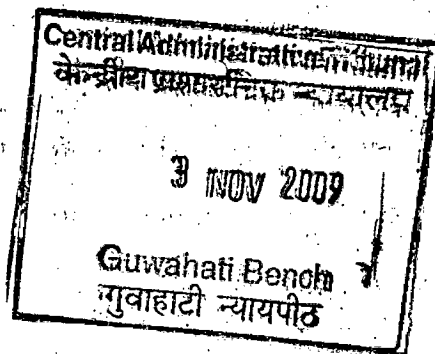
....Applicant

(By Advocate: Shri S.C. Luthra)

Versus

Government of NCT of Delhi through its,

1. Chief Secretary,
Govt. of NCT of Delhi,
Naya Sachivalaya, I.P. Estate,
Delhi-2
2. Secretary (Services),
Govt. of NCT of Delhi,
Naya Sachivalaya, I.P. Estate,
Delhi-2



....Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER

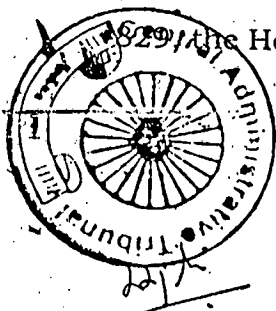
Mr. L.K.Joshi, Vice Chairman (A)

It is the golden rule of interpretation of statutes that the words of statute must *prima facie* be given their ordinary meaning.

In **Navin Chandra v. Commissioner of Income Tax**, (1955) 1 SCR

829/11 Administrative Tribunal
The Honourable Supreme Court observed :

"The cardinal rule of interpretation, however, is that words should be read in their ordinary, natural and grammatical meaning subject to this rider that in construing words in a constitutional enactment conferring legislative power the most liberal construction should be put upon the words so that the same may have effect in their widest amplitude."



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This was reiterated in *Jugalkishore v. Raw Cotton Co. Ltd.*, AIR 1955 SC 376 in which it was observed by the Apex Court thus :

"The cardinal rule of construction of statutes is to read the statute literally, that is by giving to the words used by the Legislature their ordinary, natural and grammatical meaning."

In *Amar Singhji v. State of Rajasthan*, AIR 1955 SC 504, their Lordships of the Supreme Court again observed that recourse to rules of construction would be necessary only when a statute is capable of two interpretations. Where the language is clear and the meaning plain, effect must be given to it.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [hereinafter CCS (CCA) Rules, 1965], which is made under Article 309 of the Constitution of India, Rule 10 provides for suspension of a civil servant under various conditions, which are as follows :

"10. Suspension

(1) The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension -

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial".

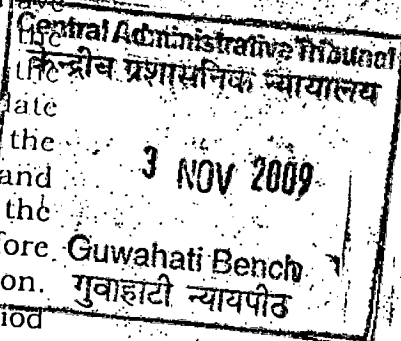
3. Till the amendment of this Rule in the year 2004, an order of suspension made under this Rule continued to remain in force until it was modified or revoked by the authority competent to do so, under Rule 10 (5) (a). The amendments by way of sub-rule 6



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and sub-rule 7 in Rule 10 of CCS (CCA) Rules, 1965 were introduced in 2004 and it became effective from 2.06.2004. The amended Rule provided for review of the order of suspension to modify or to revoke it before the expiry of 90 days from the date of the order of suspension. Such decision to modify or revoke the suspension would be taken on the recommendations of the duly constituted Review Committee. Sub-rules 6 and 7 have been extracted below :

"[(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the date of order of suspension on the recommendations of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before the expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.]



(7) Notwithstanding anything contained in sub-rule (5) (a), an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.]

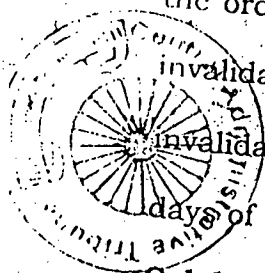
Rule 10 (5) (a) is reproduced below:-

"An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so."

4. A question arose in OA No.2621/2006, **Ved Prakash Garg v. Government of NCT of Delhi**, whether the effect of not reviewing

the order of suspension before the expiry of 90 days would be to invalidate the original order of suspension or it would only invalidate the period of suspension continued after the expiry of 90 days of the original date of suspension. In OA No.2359/2006 (Sh.

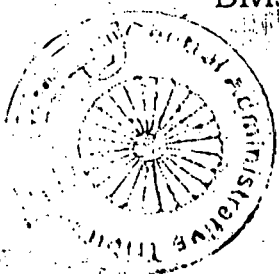
Gabdul Meena v. the Union of India and others) decided on



17.09.2007, a learned Division Bench of this Tribunal held that the order of suspension would become non est from the date of original order of suspension, if it is not reviewed under Rule 10 (6) of CCS (CCA) Rules, 1965. Based on the above judicial precedent, the question is raised regarding revocation of suspension of Ved Prakash Garg the Applicant herein from the original date of suspension because there had been no review within 90 days from 2.06.2004 when amendment became effective.

5. Shri Ved Prakash Garg, Deputy Superintendent, Central Jail was placed under suspension by order dated 21.02.2004 of the competent authority. By virtue of the amendment in Rule 10 of CCS (CCA) Rules, 1965 effective from 2.06.2004, the order placing Shri Ved Prakash Garg under suspension should have been reviewed within 90 days from 2.06.2004 i.e. by 30.08.2004. The order of suspension was reviewed on 2.11.2004. This was challenged in OA No.1798/2005, Shri V.P. Garg v. Lt. Governor of Delhi and others decided on 17.05.2006. The Tribunal quashed the order of suspension beyond 30.08.2004. Pursuant to this, the Chief Secretary, Government of NCT of Delhi passed an order on 31.08.2006 by revoking the suspension of Shri Ved Prakash Garg with effect from 30.08.2004. This was challenged in OA No.2621/2006 on the ground that the order of suspension against Shri V.P. Garg, the Applicant therein should have been quashed with effect from the original date of suspension i.e. 21.02.2004. As mentioned in the preceding paragraph, reliance was placed on the judgement of this Tribunal in Gabdulal Mecna case (cited supra). Disagreeing with the above view, the Division Bench made the following reference to the Full Bench:

"If the order of suspension is reviewed by the Review Committee under Rule 10 (6) read with Rule 10 (7) beyond the period of 90 days from the date of original suspension,



would it invalidate even the original order of suspension or would it invalidate only the period of suspension beyond the period of 90 days from the date of original suspension."

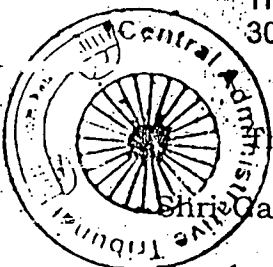
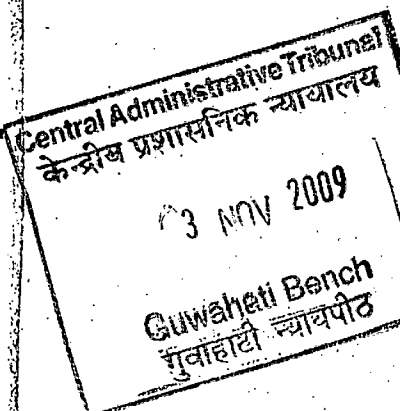
6. The Division Bench which made the above reference, has observed as follows in paragraph 5 of the judgement :

"5. Sub Rules 6 and 7 of Rule 10 of the CCS (CCA) Rules, 1965 have been quoted in paragraph 1 above. Rule 10 (7) clearly states that the order of suspension shall not be valid after a period of ninety days unless it is extended after review, before the expiry of ninety days. This admits of no ambiguity. It is clear beyond any doubt that an order of suspension shall be valid for ninety days from the date of suspension. It is only after ninety days, it would not be valid, if it were not extended beyond that period within ninety days. It can be extended for a period of upto 180 days on the 89th day, but not on the 91st day. In fact in OA number 1798 of 2005, this was the contention of the Applicant. It has been observed in paragraph 4 of the judgement as follows

"4. Mr. S.C. Luthra, learned counsel appearing for the applicant has submitted with all vehemence that since the review committee did not convene its meeting within 90 days as per the notification as enshrined under sub-rule (5) to Rule 10 of CCS (CCA) Rules, 1965, therefore, such suspension should be declared as illegal and any suspension beyond 90 days from the date of the notification should be held as unlawful. In support of his submission, he has relied upon the Judgement of this Tribunal passed in OA No.3011/2004 dated 18.1.2005 in which extensive discussions have been made on the basis of the Judgement of the Hon'ble Supreme Court in the case of Union of India vs. Rajiv Kumar, 2003 SCC (L&S) 928. From the ratio of the aforesaid judgement as well as the order passed in OA No.3011/2004, it became crystal clear that under sub rules (6) and (7) of the added provisions to Rule 10 of the CCS (CCA) Rules, 1965, notwithstanding anything contained in sub-rule 5 (a), an order of suspension made or deemed to have been made under sub-rules (1) or (2) of Rule 10 shall not be valid after a period of 90 days unless it is extended after review for a further period before the expiry of 90 days" (emphasis supplied)

We have quoted paragraph 6 of the aforesaid judgement also in paragraph 1 above. There is no doubt that the suspension beyond the period of 90 days from 2.06.2004 i.e. from 30.08.2004 is invalid. The order of suspension has been correctly revoked from 30.08.2004. Conversely, it is valid up to 30.08.2004."

The reference was necessitated because of a differing view in Shri Abdul Meena (cited supra) in which a learned Coordinate Bench of the Tribunal has held as follows :



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"It is no more res-integra after hearing as it is a trite law which is established from the provisions of sub-rules (6) & (7) of Rule 10 of CCS (CCA) Rules, 1965 that any suspension which is not reviewed within 90 days would be invalidated and subsequently review of it would not validate the same. This Tribunal in OA-3011/2004 (Dharam Pal Vs. UOI & Ors.) decided on 18.01.2006 held accordingly, which is reiterated in OA-1798/2005 (V.P. Garg Vs. Lt. Governor of Delhi & Ors.) decided on 17.05.2006.

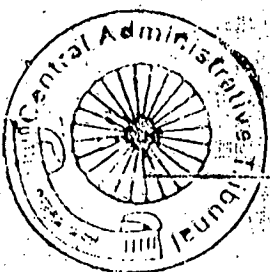
2. From the reply filed on behalf of respondents, we find that the review has been done by the Committee only on 23.12.2004 and once the review has not been done within 90 days from the date of suspension, even if we take it as per the respondents' counsel the order of suspension effectiveness from 27.07.2004, *subsequent review not within stipulated time has rendered the original suspension invalidated.* Accordingly, O.A. is allowed. Impugned orders are set aside. *Applicant is directed to be reinstated from the original date of suspension.* Consequences to follow. If any grievance still subsists, applicant is at liberty to take appropriate proceedings, if so advised, in accordance with law. No costs." (emphasis supplied)

Judicial propriety demanded that the matter should be referred to a Full Bench, since the Bench dealing with Ved Prakash Garg case (cited supra) had a different opinion about it.

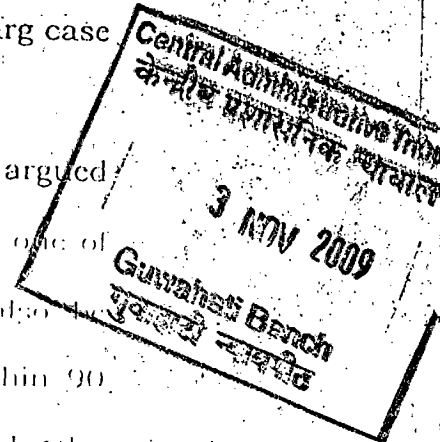
8. The learned counsel for Shri Ved Prakash Garg has argued that two interpretations of sub-rules 6 and 7 are possible, one of which is that the original order of suspension would also be invalidated if the order of suspension is not reviewed within 90 days of passing such an order. In written submission made by the learned counsel, the argument has been elucidated as follows:

"7. It is a well settled principle of law that if two interpretations are possible then one which is more liberal & beneficial would be preferred over the one which is more stringent & narrow. The time limit of 90 days is like a cooling period & is only for the purpose that it is sacrosanct or untouchable for that period alone & no court or higher authority will normally adjudicate the correctness or otherwise of the suspension order. If no review is undertaken within 90 days, the original order of suspension will become invalid. The applicant would like to amplify it with a concrete example.

A, who is the competent authority has to settle scores with an employee B with whom he is at logger heads



Signature



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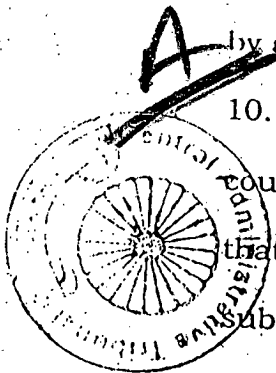
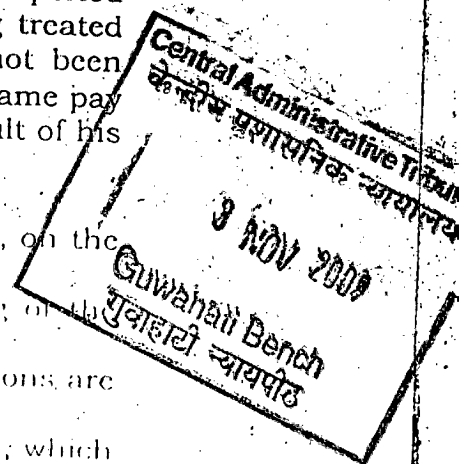
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suspends 'B' on flimsy grounds. Since A knows that the suspension order will not pass the scrutiny of the review committee after 90 days, he takes no steps whatsoever to place his case before the committee, with the result that the suspension automatically lapses. If it is to be construed that B is to be reinstated from a date beyond 90 days of the original suspension then it will come as a handy whip to intimidate, humiliate & torture the employee. What will become of those 90 days for which the employee has been kept away from his job & paid only 50% of the salary. Since A is confident that he is immune from any action for the wrong suspension of B for this period, he will be emboldened to repeat his feat. With all humility the applicant would submit that it could not be the intention of the legislature.

The applicant would further apply this yard stick to his case. His suspension dtd. 21.2.04 was quashed on 17.5.06 but he was not reinstated forth with. The orders were passed on 30.8.06 i.e. after 3 months of the judgment. The Disciplinary Authority in order to harass & humiliate the applicant suspended him from 31.8.06. The applicant ought to have been reinstated w.e.f. 21.2.04 but he was reinstated w.e.f. 30.8.06. An anomalous situation has arisen as the period intervening of more then six months is being treated as suspension with the result that he has not been given annual increments & he is drawing the same pay which he was drawing on 21.2.2004 for no fault of his own."

9. The learned counsel for Government of NCT of Delhi, on the other hand, has forcefully argued that the plain meaning of the words in sub rules 6 and 7 is so clear that two interpretations are not possible. He would contend that the only interpretation, which is possible is that the suspension beyond 90 days of the passing of the original order of suspension would be invalid if it is not reviewed within 90 days of the passing of the order of suspension by a valid Review Committee.

10. We are unable to accept the contention of the learned counsel for Shri Ved Prakash Garg. We have no doubt whatsoever that there is no scope for any ambiguity in the interpretation of sub rules 6 and 7 of Rule 10 of CCS (CCA) Rules, 1965. We are not persuaded by the example given in the written submission of



the learned counsel for Shri Ved Prakash Gupta, which does not seem to be relevant in so far as the issue under consideration is concerned.

11. The above reference is, therefore, answered as follows :

"The order of suspension of a civil servant under Rule 10 of the CCS (CCA) Rules, 1965 would remain valid for a period of 90 days from the date of original order of suspension. If the order of suspension is not reviewed within 90 days, then only the period of suspension beyond 90 days would become invalid.

The original order of suspension would remain valid for a period of 90 days."

The OA is remanded to the Division Bench for deciding the case according to merits.

(Meera Chhibber)
Member (J)

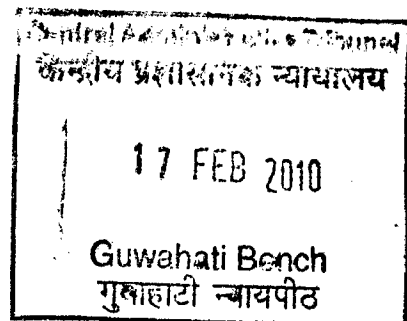
(L.K. Joshi)
Vice Chairman (A)

(V.K. Bali)
Chairman

/dkm/



True Copy (R/R 22 of C.A.T.)
(Procedure Rules)
प्रमाणित सत्यतथ्या
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दिनांक/Dated: _____
अनुभाग अधिकारी (च्यौ-11)
Section Officer (J-II)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायाधीश, नई दिल्ली.
Principal Bench, New Delhi



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO 227/09

Shri J. P. Rathore

.....Applicant

-VERSUS-

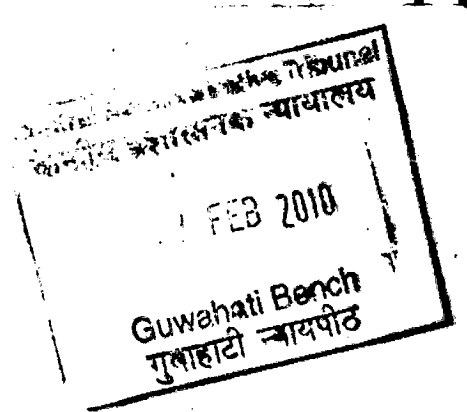
UNION OF INDIA & ORS

... Respondents

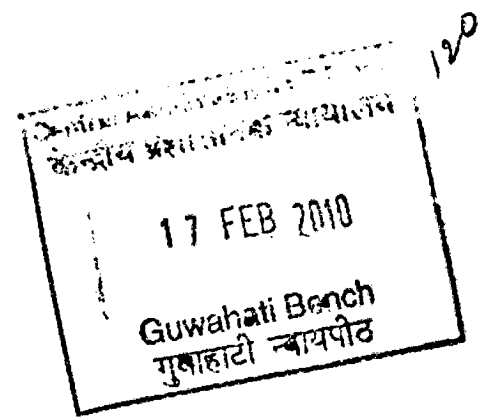
Filed by
the Respondent No. 1, 2 & 3
Through
Usha Das
Addl. Secy
17/10/2010

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS No. 1 to 3

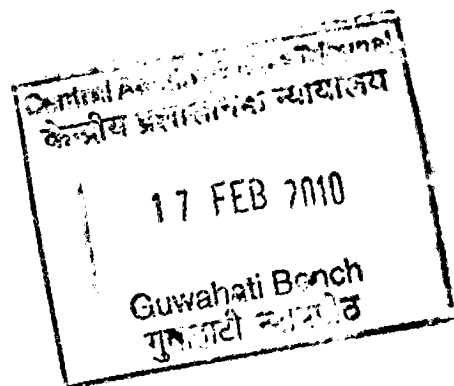
- 1) That I, Shri Jiban Chandra Mahan at present working as Section Officer (F), H.O.O. and respondent No. 3 in the above case and I have gone through the copy of the application served on me and have gone understood the contents thereof. Save and except the statements, which are specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof. I am authorized to sign the and file the Written Statement on behalf of the respondents No. 1 to 3 hence I am competent to file the same.
- 2) That with regard to the statement made in paragraphs 1 to 3 of the OA, the answering respondents do not offer any comment, as these are being matter of records.
- 3) That with regard to the statement made in paragraphs 4.1 to 4.4 of the OA, the answering respondents beg to state that the applicant was appointed Deputy Registrar vide DOP&T order No. A-12013/4/2002-AT dated 27.9.2002. The applicant is currently under suspension w.e.f. 10.5.2007 vide letter dated 08.6.2007.



- 4) That with regard to the statement made in paragraph 5 of the OA the answering respondents beg to state that the copy of the suspension order was not served upon the applicant is denied as it is on record of communication emanating from the PB of CAT dated 05.12.2008(Annexure-13 of the OA) wherein it is stated that the suspension order was handed over in person.
- 5) That with regard to the statement made in paragraph 4.6 of the OA, the answering respondents offer no comment, as those are being matter of record.
- 6) That with regard to the statement made in paragraph 4.7 of the OA the answering respondents beg to state that harassment to the applicant by the then HOD is denied and he was duly paid the subsistence allowance under clear receipt.
- 7) That with regard to the statement made in paragraphs 4.8 to 4.11 of the OA, the answering respondents beg to offer no comment.
- 8) That with regard to the statement made in paragraphs 4.12 to 4.14 of the OA, the answering respondents have no comment to offer and waiting for the Review Committee recommendation.
- 9) That with regard to the statement made in paragraph 4.15 of the OA the answering respondents are of the view that these are baseless allegations required no comment.
- 10) That with regard to the statement made in paragraphs 4.16 to 4.21 of the OA, the answering respondents beg to offer no comment, as it is matter of records.



- 11) That with regard to the statement made in paragraphs 5.1 to 5.6 of the OA, the answering respondents beg to state that the answering respondents do not offer any comment. These are being matter of records.
- 12) That with regard to the statement made in paragraph 5.7 (a) of the OA, the answering respondents beg to state that the respondents will go by the orders of the Hon'ble Tribunal.
- 13) That with regard to the statement made in paragraph 5.7 (b) of the OA, the answering respondents do not offer any comment as Shri J. N. Sharma is an experienced officer who is retiring in February, 2010.
- 14) That with regard to the statement made in paragraphs 8 and 9 of the OA, the answering respondents do not offer any comment.
- 15) That the OA is devoid of merit and deserve to be dismissed with costs.



VERIFICATION

I, Shri. Sibam Chandra Mahan, aged
about 58 years at present working as
Section Officer (Estt.), H.O.

....., who is one of the respondents and taking steps in this case, being
duly authorized by the Competent authority and competent to sign this
verification for all respondents, do hereby solemnly affirm and state that the
statement made in paragraph
4.1 to 4.4, 5, 4.7, 4.8-4.11, 4.12-4.14, 4.15, 5.7(a), 5.7(b), 8 & 9 are true
to my knowledge and belief, those made in paragraph
1 to 3, 4.6, 4.16 to 4.21, 5.1 to 5.6, being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 17th day of February 2010 at 12'30 Hrs.

(Signature)
DEPONENT 17/02/2010

Section Officer (E) & H.O.O.
Section Officer (Establishment)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

Notice

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Date - 17/2/2010

From,

Usha Das...

Addl CHS C

CAT, Guwahati

To,

Mr. J. P. Rathore

Applicant

Sub: OA No. 227/09. filed by
Sri J. P. Rathore

Sir,

Kindly acknowledge the
receipt of Written Statement
being filed today.

Thanking You.

Sincerely Yours

Usha Das.

Addl CHS C.

Receind. copy

(J. P. Rathore)

Applicant.

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
ORIGINAL APPLICATION NO - 227/2009
J.P. RATHORE - V/S - U.O.I. & Others.**

IN THE MATTER OF:-

**REJOINDER SUBMITTED BY THE APPLICANT IN REPLY TO THE
WRITTEN STATEMENT FILED BY THE RESPONDENTS:-**

That the applicant named hereinabove most humbly and respectfully submits as under:-

1. That the applicant has gone through the written statement (W.S.) filed by the respondents and has understood the contents thereof. The applicant denies all the averments made therein save and except which are borne out of records.
2. That since the respondents have admitted the averments made in para 1 to 3 of the OA, the humble applicant dose not have any comments to offer to the statements made in this para of W.S.
3. That since the respondents have admitted the averments made in para 4.1 to 4.4 of the OA, the humble applicant dose not have any comments to offer to the statements made in this para of W.S.
4. That the statements made in this para of WS are strongly opposed because it is a fact that no person has ever handed over the copy of the suspension order to the applicant. The applicant has obtained the same under RTI Act which is on record. The position was clarified by the applicant in para (2) of MA No 119/2009, citing a judgment of Hon'ble Supreme Court titled, 'National Textile Corporation (M.P.) Ltd. - V/s- M.R. Jadhav' reported as (2008) 7 SCC - 29 - E read with para 24 which reads as, "Suspension - Communication of - held - is necessary except when the case goes out of control of the appropriate authority. **Internal noting dose not constitute communication.**"
5. That since the averments made in para 4.6 of the OA have been admitted by the respondents, the humble applicant dose not have any comments to offer to the statements made in this para of W.S
6. That the statements made in this para of W.S. are strongly opposed because there was clear harassment to the applicant in payment of the subsistence allowance . The applicant was placed under suspension w.e.f 10-05-2007 but the subsistence allowance was not paid till 4-7-2007. The same was paid only when the applicant submitted two applications to R-2 by FAX on 2-7-2007 and 4-7-2007, which are on record.
7. That since the respondents have admitted the averments made in para 4.8 to 4.11 of the OA, the humble applicant dose not have any comments to offer to the statements made in this para of W.S
8. That since the respondents have offered no comments to the averments made in para 4.12 to para 4.14 of the OA, the averments made in these paras may be treated as having been conceded.

Filed by the applicant
through Mr. J. Saikia,
Advocate P. D. Surin, & Associates

12-4-2010


Subeetor ---2

Received
Usha Das
Addl chse
12/4/10

9. That the statements made in this para of W.S. are ~~strongly opposed~~, since well established allegations as fully authenticated by the Registrar CAT Guwahati Bench have not been rebutted with supporting record. Therefore the averments as contained in the letter dated 15-10-2007 (Annexure A-18 of the OA) of the Registrar CAT Guwahati Bench and as reiterated by the applicant, stand established. Since the respondents have offered no comments to the averments made in para 4.15 of the OA, the averments made in this para may be treated as having been conceded.
10. That the averments made in para 4.16 to 4.21 of the OA have not been rebutted by showing any contrary Rule position and the decisions of the Hon'ble Courts, therefore the averments made by the applicant in the OA from para 4.16 to 4.21 stand fully established. In this connection, in the latest judgment of the Hon'ble Supreme Court in the case, 'Union of India - V / S - Deepak Mali', their Lordship have held, "Suspension that has expired after 90 days cannot be reviewed by subsequent review." In this case Hon'ble CAT had quashed the suspension on the ground that it was not reviewed within 90 days and Hon'ble High Court had upheld the decision of Hon'ble CAT. Hon'ble Supreme Court, in the appeal, had declined to interfere with the order of Hon'ble High Court.
11. That the averments made in para 5.1 to 5.6 of the OA have not been rebutted by showing any contrary Rule position and the decisions of the Hon'ble Courts, therefore the averments made by the applicant in the OA from para 5.1 to 5.6 stand fully established. In this connection, in the latest judgment of the Hon'ble Supreme Court in the case, 'Union of India - V / S - Deepak Mali', their Lordship have held, "Suspension that has expired after 90 days cannot be reviewed by subsequent review." In this case Hon'ble CAT had quashed the suspension on the ground that it was not reviewed within 90 days and Hon'ble High Court had upheld the decision of Hon'ble CAT. Hon'ble Supreme Court, in the appeal, had declined to interfere with the order of Hon'ble High Court.
- Similarly Hon'ble Delhi High Court in the case, 'N.K.Sethi - v/s - I.T.P.O' have quashed the suspension on the grounds that it was not reviewed within 90 days as per new Rules i.e Rule 10(6) and 10(7) of CCS (CCA) Rules.
12. That in view of the statements made in this para of W.S., the respondents have no objection to the posting of the applicant at Guwahati Bench of the CAT and have left it to the Hon'ble Bench hearing the case. In this connection it is pointed out that the charge-sheet has been filed in the criminal case and further police investigation has been closed and the trial of the case has begun, therefore there is no harm to anyone in the posting of the applicant at CAT Guwahati Bench after revocation of suspension. It is further pointed out that the Govt shall have to incur necessary expenditure on TA/DA expenses of the applicant to travel to Guwahati frequently in connection with the court case, as and when the date is fixed by the court in the case, since such TA/DA is admissible to the applicant under Rules. The applicant who is otherwise not well because of neurological disorder and is undergoing treatment of an Associate Professor (Neurology) of Guwahati Medical College, which is on record. The doctor has advised not to undertake any journey, and if posted outside Guwahati, it will hamper his effective defence in the case. The applicant has only 8 months service left and will retire on 31-12-2010.



13. That the statements made by the respondents in this para of the W.S. are strongly opposed as these are the facts on record, which have not been rebutted.
14. That since the respondents have offered no comments to the averments made in para 8 and 9 of the OA, the averments made in these paras may be treated as having been conceded.
15. That the applicant categorically denies the statements made in this para of W.S. and begs to state that the OA has got cent percent merit and has been filed bonafide and deserves to be allowed with exemplary costs. Hence in view of the submissions made above and the submissions made in the OA, it is humbly prayed that the OA may be allowed with exemplary costs which may be recovered from the delinquent officers who failed to bring the correct position of Rules and the Court's judgments, to the notice of the competent authorities of the office of R-1 and R-2. It is further prayed that the arrears of salary / subsistence allowance may be directed to be paid to the applicant at 24 % compound interest as allowed by the Hon'ble Courts in such matters of delayed payments.


Signatures of the Applicant

Through the

R. J. Sarma

Counsel

V E R I F I C A T I O N

I J. P. Rathore s/o Late Shri B.P. Rathore , aged about 59 years, do hereby verify that the contents of para 1 to 15 of the above rejoinder are true and correct to my personal knowledge and I have not suppressed any material fact .

Date: 12-04-2010


Signature of the Applicant

Place: Guwahati

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In re: Suo Motu Criminal Contempt No.1 of 2010
Court's on its own vs. Shri J.P.Rathore

Date of order: 19.02.2010

Applicant appears alongwith Mr P. J. Saikia, learned counsel. He states that he does not wish to file any affidavit to show cause notice dated 18.12.2009.

2. In the above circumstance, we are left with no option but to frame the charge.

3. Central Administrative Tribunal, Guwahati Bench, hereby charges you [J.P. Rathore, Deputy Registrar (under suspension)] that you, on or about, 03.11.2009, 30.11.2009, 21.01.2010 at the time of filing O.A. No.227/2009, M.P. No.141/2009 & M.P. No.9/2010 respectively & therein made serious aspersions on the Vice-Chairman (J) (Shri K.V. Sachidanandan) as well as one of us namely, Mukesh Kumar Gupta, Member (J), besides made scurrilous & derogatory remarks and also made other written allegations, which scandalizes as well as has lowered & tend to lower the authority of this Tribunal. Though the subject matter of O.A.No.227 of 2009 had been as to whether his suspension was reviewed in accordance with provisions of CCS (CCA) Rules, but vide paras 4.15 (g & h) of O.A. made written representation making allegations against the then Vice-Chairman (J) without any reason & justification.

4. Similarly, vide M.P.No.141/2009 filed on 30.11.2009, vide paras 1-4 you not only repeated the allegations against the Vice-Chairman (J) but also made derogatory remarks against one of us [Mukesh Kumar Gupta, Member (J)]. Similarly, vide para 4 of M.P.No.9/2010 filed on 21.01.2010 he once again attacked one of us. Said allegations were reiterated during the course of oral hearing of O.A. & M.P.s.

5. Ex facie it appears that you are not interested to prosecute main O.A. as the same has never been pressed. As you are attaining the

f

age of superannuation on 31.12.2010, basic aim appears to be to drag on proceedings initiated vide O.A. No.227/2009 so that you, if reinstated, are not compelled to discharge normal duties to the post attached.

6. Cumulative reading of aforesaid paras, which are not repeated herein for the sake of brevity, would establish that the acts noticed therein amounts to scandalizing as well as lowering the dignity and authority of this Tribunal.

7. You are hereby directed to be tried by this Tribunal for the aforesaid charge.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

The charge was read over and explained to the alleged contemner and his plea was recorded as under:

(1) Do you plead guilty to the charge?

Answer: No

(2) Do you have anything else to say?

Answer: Give me time to file an affidavit and adjourn it till 23.03.2010

Accordingly, list it on 26.03.2010.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

Suo Motu Criminal Contempt No. 1 of 2010

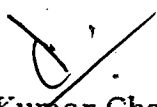
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01.04.2010

Registry to furnish and supply a copy of statement of facts as well as the order dated 19th February 2010 framing charge against Shri J.P. Rathore. He seeks time to argue the matter.

List on 06th April 2010.

Earlier we had appointed Mr. M.K. Boro, as amicus curiae to assist the Tribunal in present suo motu criminal contempt proceedings. Since learned counsel has not come forward thereafter, we are constrained to appoint Mr. U.K. Nair, learned counsel present in court as amicus curiae to assist this Tribunal.


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

/pb/

06.04.2010

In peculiar facts and circumstances of present case, we direct that hearing of this matter be held in camera.

After arguing for some time, a written unconditional apology has been tendered by Shri J.P. Rathore withdrawing all allegations made in O.A. as well as various M.P.s. listed, which reads as follows:

"In Suo-Motu Cr. Contempt No.1 in O.A.227/2009 - J.P. Rathore - V/s- U.O.I.

On this day of 6th April 2010, in the above mentioned matter, I hereby tender unconditional apology and withdraw all the allegations made in the O.A. and M.A.s.

Sd/- 6/4/2010

(J.P. Rathore)

Applicant"

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1.4.2010
Shri J.P. Rathore
Collects the certified
copy of order dated
19.2.2010 passed
in suo Motu Cr.
Contempt No 1/2010
and copy of the
statement as
per Court's order
dated 1.4.2010.
1/4/2010.

in which the defendant has been found guilty of contempt of court. The court has taken into consideration the facts and circumstances of the case and has found that the defendant's conduct was wilful and deliberate. The court has therefore imposed a fine of Rs. 10,000 on the defendant for contempt of court.

Order of the Court dated 10.01.2010

The court has also directed the defendant to pay the costs of the proceedings. The court has further directed that the defendant's appeal against the order of the court be dismissed. The court has also directed that the defendant's application for a stay of execution of the order of the court be refused. The court has finally directed that the defendant's application for a writ of habeas corpus be refused.

Accepting said apology, suo motu contempt proceedings are dropped.

The valuable assistance rendered by Mr U.K. Nair, learned Amicus Curiae, is highly appreciated.

In view of above, present proceedings stands closed.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

(Mukesh Kumar Gupta)
Member (J)

STATEMENT OF FACTS

Date: 18.02.2010

Initially, an application was filed on 03.11.2009 by Shri J.P. Rathore, which was registered as O.A.No.227 of 2009 and listed for admission on 05.11.2009. As he was required to answer some queries, it was adjourned to 06.11.2009. On 06.11.2009, matter was adjourned on his request to 24.11.2009. On the said date, when he was required to delete certain personal allegations in the body of O.A., vide para 4.15 (g&h) in specific and other general allegations which have no concern to the basic issue raised in the O.A., against the officials concerned, who were not even impleaded as parties, he prayed for time "to consider the same". Contents of Para 4.15 (g&h) read as under:

"(g) That the then HOD Mr K.V. Sachidanandan VC while functioning as VC CAT Guwahati Bench, had misappropriated Govt. money worth several lakhs of rupees by availing LTCS in respect of his son who then was and is a practicing lawyer of Kerala High Court, thus not dependent, and also availing LTC for self and wife via longer route via Delhi, staying at Delhi for few days, while the shortest route to his home town Kochi is Via Kolkata-Bangalore only.

There are certain other irregularities/illegalities done by the then HOD K.V.Sachidanandan, VC which are mentioned in detail in the letter no.11-08/06 Acts/730 dated 15-10-2007 written by the office of R-3 to the office of R-2. (A-1B).

In view of these facts every prudent/sensible person can come to the conclusion that the entire episode was a well planned conspiracy against the applicant in order to take revenge. Since the matter is subjudice, no comments can be offered at this stage.

(h) Since the misappropriation of Govt. money by Mr K.V.Sachidanandan, VC as mentioned in the foregoing paragraphs is self proved on records, respondent no.1 and 2 are requested to take necessary action (Departmental action/Departmental enquiry and other actions) against Mr K.V.Sachidanandan, VC in accordance with the procedure laid down in the Rules framed vide G.I. Dept. of Pers & Trading Notification No.A-11013/98-AT dated 7th February 2000, in the public interest and in the larger interest of justice. There is catena of judgments of Hon'ble Supreme court deciding that in the case of misappropriation of Govt.

money, sanction for prosecution is not all required. Moreover, in the case, Laxman singh solanki V/S Lt Governor NCT, Delhi, Hon'ble supreme court have decided that the judicial officer holds an office of public trust and even private life of a judicial officer must adhere to high standard of probity and propriety than those deemed applicable to others."

2. Thereafter, he preferred Misc. Petition on 30.11.2009, which was registered as M.P.No.141 of 2009. Vide para 1 of said M.P. he made allegations and quoting certain observations of the Bench. Vide para 2 thereof, he stated that he would not withdraw any of the allegations made in the O.A. as the same are "hundred percent correct against the corrupt officers". He went on stating that Judicial Officer of this Tribunal "had swallowed several lakhs of Rupees from Govt funds". He also made certain other unwarranted, unjust, baseless and derogatory remarks against the Judicial Officer of this Tribunal. He also stated that he is impleading VC (J) of this Tribunal besides, an official of the Registry as parties in the said O.A. Contents of Para 1, 2 & 4 of M.P.No.141/2009 reads as under:

"1. "..... Hon'ble Member (Judicial) had categorically stated in the open court that, "we shall hear this OA only after all the personal allegations made in the OA (against Mr K.V. Sachidanandan, VC and others) are withdrawn."

"2. In this connection it is submitted that the applicant will not withdraw any of the allegations made in the OA (against Mr K.V. Sachidanandan, VC and others) because these allegations are hundred percent correct against the corrupt officers. I further state that Mr. K.V. Sachidanandan while functioning as VC CAT Guwahati Bench had swallowed several lakhs of rupees from Govt. funds."

"4. Therefore keeping in view the above submission, Mr. K.V. Sachidanandan and Mr. J.N. Sharma are being arrayed as party respondents in the O.A.-227/2009. A copy of the amended cause title is placed at Annexure-3. I shall submit the extra sets of the OA at the time of issue of notice to the respondents as per amended cause title."

2. The matter had been listed before the Hon'ble Bench on 18.12.2009 and noticing the aforesaid scandalous remarks made against the Judicial Officers, the Bench issued show cause notice why Criminal Contempt Proceedings be not initiated. The matter was adjourned to 28.01.2010 and thereafter to 04.02.2010. He filed another Misc. Petition, which was registered and numbered as M.P.No.9 of 2010, whereby vide paras 4, 8 and 13 he made further allegations against the Vice Chairman (J) as he then was. Allegations made therein are scandalous in nature, tend to lower the dignity and authority of this Tribunal. Contents thereof reads as under:

"1. That vide order dated 24.11.2009 the applicant was directed by the Hon'ble Bench of the Tribunal to withdraw all the personal allegations made in the body of the O.A., in compliance to which the applicant filed M.A. - 141/2009 stating that the applicant will not withdraw any of the allegations made in the body of the O.A. as these are hundred percent. Perhaps this annoyed the Senior Member of the Bench i.e. Hon'ble Member (J) and consequently he ordered Suo-Motu Contempt Proceedings against the applicant out of the annoyance, vide order dated 18.12.2009....."

"2 The then Registrar CAT Guwahati Bench, who wrote the official letter date 15.10.2007 highlighting corruption by Mr K.V. Sachidanandan, has been rated throughout his service career as most outstanding, brilliant and upright honest officer, by not one but twenty Hon'ble Chief Justices of the High Court/Hon'ble Chairman CAT during his service career. Only such bold officer like the then Registrar CAT Guwahati Bench, could have eradicated corruption from Govt. Offices like CAT but his official letter have also been kept under carpet nor even he was called upon to explain."

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"3 From the manner of taking up the O.A. and the proceedings in the O.A. till date, it appears that the Hon'ble Bench is more inclined to prosecute the applicant (to defend Mr K.V. Sachidanandan) rather than to decide the main issue of suspension raised in the O.A"

3. It is submitted for necessary action.

(J. C. Mahan)
(J. C. Mahan) 18/02/2010
Section Officer (E)/ H.O.O.

To
The Hon'ble Bench