

FORM NO. 7
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : -----/ 2009

2. Transfer Application No : -----/2009 in O.A. No.-----

3. Misc. Petition No : -----/2009 in O.A. No.-----

4. Contempt Petition No : 4 2010 /2009 in O.A. No. 125/2009.

29 Review Application No : -----/2009 in O.A. No.-----

Copy of order made on : -----/2009 in O.A. No.-----

Applicant (S) Shri Brajesh Ch Das
Respondent (S) Vijay Sharma & two others
Advocate for the :
Applicant (S) Mr. S. Dutta
Respondent (S) Mr. S. N. Tamuli
vide No - Ms. P. K. Zannet

Advocate for the :
{Respondent (S)}

Notes of the Registry

Date

Order of the Tribunal

4.3.2010

05.03.2010

This Contempt Petition has been filed by the Applicant through his Advocate u/s 17 of the Administrative Tribunal Act, 1985 with a prayer for initiation of a Contempt Proceedings for non-compliance of order dated 30.6.09, passed in OA No. 125/09. Laid before the Hon'ble Court for forwarding of orders.

4/3/10
Section Officer (3),
4/3/2010

/bb/

Non-compliance of directions issued vide order dated 30.06.2009 in O.A.125/2009 is grievance of the applicant. It is contended by Mr.S.Dutta, learned counsel for applicant that directions issued vide aforesaid order have not been complied with willfully and no Review Committee has been constituted for considering his induction into IFS till date.

Prima facie contempt is made out. Notice to respondent nos. 2 & 3, returnable on 09.04.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Copies of notices
along with order
dated 5/3/2010
send to D/Sec.
for issuing to
the R-2 and 3
by speed post, A/D.

Co
9/3/2010. D/No-506 V507
Dt- 09-3-2010

Notice duly served
on R-No. 2

24/3/2010

NO reply filed.

8/4/2010

21.5.2010

Records indicate that no necessary steps with regard to Respondent No.2. have been taken by Applicant as observed vide order dated 9.4.2010. Mr.S.N.Tamuli, learned counsel for Applicant states that he has taken steps, but no such application/memo is placed on record. In the circumstances, case is adjourned to 3rd June 2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

03.06.2010

Present C.P. was preferred alleging willful disobedience of direction contained vide order dated 30.06.2009 in O.A.125/2009, wherein the respondents were directed to "act promptly to consider the case of the Applicant for his promotion to IFS from the dates (starting from 26.09.1996) his juniors (in State Govt's service) received promotion to IFS; by detailing a Review Committee headed by UPSC and to grant necessary relief, if due and admissible under the Rules, by way of passing a reasoned and speaking order."

UPSC and State of Arunachal Pradesh (respondent nos. 5 & 3 respectively in O.A.125/2009) have filed their affidavits stating in specific that pursuant to afore noted direction of this Tribunal, a Review Selection Committee was held on 01.02.2010 and Minutes of committee were forwarded to the State of Arunachal Pradesh on 07.04.2010. The Chief Secretary of Arunachal Pradesh has communicated his view by letter dated 16.04.2010, and therefore, matter is pending with the Ministry of Environment and Forests for necessary action.

Contd...

09.04.2010

Sri R.K. Deb Choudhury, learned counsel for Respondent No.2 states that Mr. D.V. Negi, is not holding the office of Principal Secretary to the Government of Arunachal Pradesh, Department of Environment and Forests. Therefore, appropriate amendment is required to be carried out in the cause title.

Mr. S.N. Tamuli, learned counsel for Applicant seeks some to take necessary steps.

If necessary steps are taken by Applicant with regard to Respondent No.2 within a period of four weeks, notice be issued to said Respondent.

Mrs. M. Das, Sr. CGSC for Respondent No.3 is present.

List on 10th May 2010.

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

10.05.2010

Mr. S.N. Tamuli, learned counsel for Applicant seeks two weeks time to take necessary steps. Mrs. M. Das, learned Sr. CGSC for Respondents, submits that, reply on behalf of Respondent No. 3 has already been filed.

In the circumstances, list the matter on 21st May 2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

09.04.2010
29-4-2010
Copy of notice along with
order dated 29-4-2010
prepared and sent to the
Despatch Section for issuing
to Respondent No.2 by
Regd Post with A/D
vide No. 1058
dated 03-5-2010

① Service report
awaited.

7.5.2010

10.3.2010

Affidavit
has been filed
by the Respondent
No.3. Copy served.
10/3/2010

-6-

149

C.P.4/2010 (O.A.125/2009)

Contd.
03.06.2010

Since basic direction was to the effect to consider the applicant, the order has been substantially complied with. We may also note that UPSC has stated in specific that there is no willful disregard on the part of said respondent with regard to order passed by this Tribunal dated 30.06.2009.

In this view of above, contempt proceedings are dropped. Respondent No.1, Ministry of Environment and Forests is required to pass a reasoned and speaking order within a period of three weeks from the date of receipt of this order.

C.P. stands disposed of. Notices are discharged.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

17-6-2010

Final order dt
3/6/2010 prepared

and sent to the
J/ Secy for issuing
to applicant/respondents
by post

vide NO -1322 to 1325
dated 18-6-2010

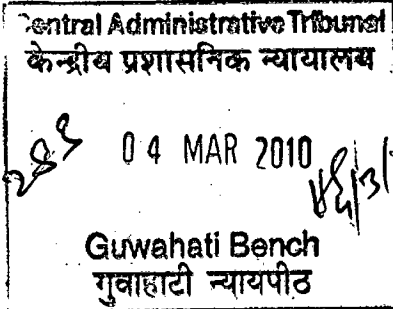
Received Copy

27/07/2010
for Regd. - 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

CONTEMPT PETITION no. 4/2010

[Arising out of Original Application No. 125 of 2009]



Sri Brajesh Chandra Das

-Vs-

Sri Vijay Sharma & two others

IN THE MATTER OF: -

An application under Section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a Contempt Proceeding for non-compliance of the Order dated 30.06.09 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. no. 125/09 (Sri Brajesh Chandra Das -Vs- Union of India & others)

-AND-

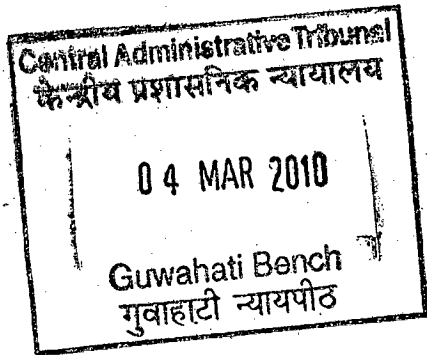
IN THE MATTER OF: -

Wilful disobedience and non-compliance of the Order dated 30.06.09 passed by this Hon'ble Tribunal in O. A. NO. 125/09 directing the respondents to consider the petitioner for promotion to IFS from the date (i.e. 26.09.96) his juniors (in State Govt. service) received promotion to IFS, by conducting a Review Committee headed by UPSC and to grant him necessary consequential relief as due and admissible to him under Rules by way of passing a reasoned order

FIELD BY THE...
THROUGH...
ADVOCATE DATE...

04/03/2010

Brajesh Chandra Das



within 120 days from the date of receipt of a copy of the Order dated 30.06.2009.

-AND-

IN THE MATTER OF:

Sri Brajesh Chandra Das
Son of Late Ram Gopal Das,
Geruapar, P.O. Sarupeta,
District- Barpeta, Assam
Pin-781318

..... Petitioner

- Versus -

1. Sri Vijay Sharma,
Secretary to the Government of
India, Ministry of Environment &
Forest, Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

2. Sri D. V. Negi, IFS,
Principal Secretary to the
Government of Arunachal Pradesh,
Environment and Forest Department,
Itanagar-791111.

3. Sri Alok Rawat,
Secretary, Union Public Service
Commission, Dholpur House,
New Delhi-110069

.... Contemnors/Respondents

The humble Petitioners above named

Most Respectfully States: -

157
Brajesh Chandra Das

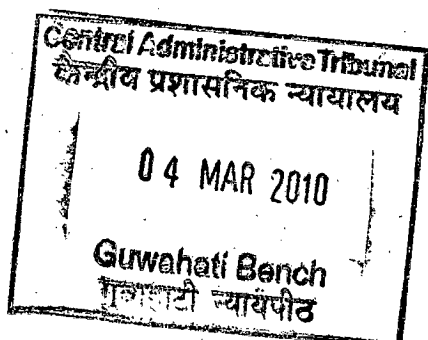
Dor
Chand
Brajesh

1. That this petition arises out of wilful disobedience and non-compliance of the Order dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. NO. 125 of 2009 filed by the petitioner wherein the Contemnors, amongst others, were directed to consider the petitioner for promotion to IFS from the date (i.e. 26.09.96) his juniors (in State Govt. service) were promoted to IFS, by conducting a Review Committee headed by UPSC and to grant him necessary consequential relief, as due and admissible to him, by way of passing a reasoned order within 120 days from the date of receipt of a copy of the Order dated 30.06.2009.

2. That the petitioner had filed the aforesaid original application challenging, amongst others, the inaction of the respondents in considering his case for induction/appointment to the Indian Forest Service (Arunachal Goa Mizoram and Union Territories Cadre) [in short, IFS (AGMUT Cadre)] with effect from the date 26.09.1996 i.e., the date when his juniors were so inducted/appointed and also the inaction of the respondents in not considering payment of such consequential benefits to the applicant as would flow to him because of his such antedated induction/appointment.

3. That this Hon'ble Tribunal, after hearing the parties and considering the materials on record, had been pleased to dispose of the aforesaid application vide Order dated 30.06.2009 and directed the respondents (therein) to consider the case of the petitioner for promotion to IFS from the date (i.e. 26.09.96) his juniors (in State Govt. service) received promotion to IFS, by conducting a Review Committee headed by UPSC and to grant him necessary consequential relief, as due and admissible to him, by way of passing a reasoned order within 120 days from the date of receipt of a copy of the Order dated 30.06.2009.

A copy of the order-dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. No. 125 of 2009 is annexed herewith as Annexure-1.



Brajesh Chandra Day

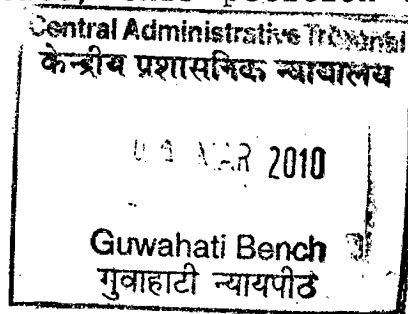
4. That in terms of the direction contained in the aforesaid order in O. A. No. 125 of 2009, the Contemnors are required to take consequential steps/action and pass necessary orders to promote the petitioner to IFS from the date (i.e 26.09.96) his juniors were promoted and to pay him the necessary consequential relief(s) as due and admissible to him under Rules. But, the Contemnors have not yet complied with the direction of this Hon'ble Tribunal as stated above.

5. That the petitioner state that on enquiry he has learnt that the Registry of this Hon'ble Tribunal had duly communicated to the respondents/contemnors the aforesaid Order dated 30.06.2009 and the contemnors had also received them. Moreover, the petitioner had also approached the contemnors by submitting representation dated 15.12.09 and requested implementation of the Order dated 30.06.09 passed by this Hon'ble Tribunal. But the Contemnors have been acting contrary to the direction of this Hon'ble Tribunal and have not yet implemented the Order.

A copy of the said representation dated 15.12.09 is annexed herewith as Annexure-2.

6. That the petitioner state that despite due communication, the Contemnors have not complied with the directions contained in the order of this Hon'ble Tribunal dated 30.06.2009. The above action of the Contemnors amount to wilful disobedience to the Hon'ble Tribunal's direction and the same has been committed deliberately and intentionally and thus, they have made themselves liable to be punished for violating the order of this Hon'ble Tribunal.

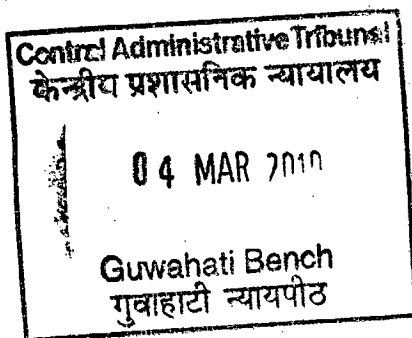
7. That the petitioner state that the Contemnors are still acting arbitrarily and capriciously in their own design and this has resulted in substantial interference with the due course of justice. Hence, this petition for appropriate order under the law.



8. That the petitioner submit that the Contemnors have wilfully not taken any action to comply with the order dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. No. 125 of 2009 and have deliberately defied the order of this Hon'ble Tribunal which amounts to contempt of Court. Therefore, they are liable to be proceeded against and punished according to law.

9. That this is a fit case for the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of the order dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. No. 125 of 2009.

10. That the petitioners file this petition bona fide and in the interest of justice.



Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to admit this petition and issue notice on the Contemnors to show cause as to why a contempt proceeding should not be drawn up against them and to show cause further as to why they should not be punished for wilful disobedience and non-compliance of the order dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. No. 125 of 2009;

- And -

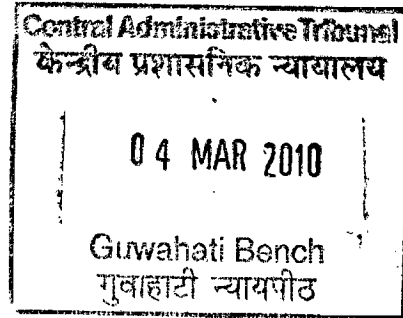
Cause or causes being shown and upon hearing the parties be pleased to punish the Contemnors in accordance with law and be further pleased to pass any such other order or orders as deemed fit and proper by the Hon'ble Tribunal.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

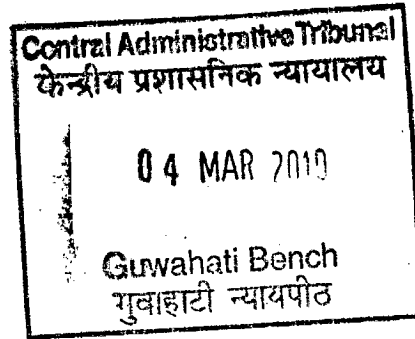
Braj Chandra Das

DRAFT CHARGES

The Contemnors despite due communication of the order dated 30.06.2009 passed by this Hon'ble Tribunal in O. A. No. 125 of 2009 (Sri Brajesh Chandra Das -Vs- Union of India & others) wilfully, deliberately and intentionally have not complied with the directions contained in the order of this Hon'ble Tribunal dated 30.06.2009. The above action of the Contemnors amount to wilful disobedience to the Hon'ble Tribunal's direction and as such the Contemnors defied the order of this Hon'ble Tribunal which amounts to contempt of Court. Therefore, they are liable to be proceeded against and punished according to law.



Brajesh Chandra Das



AFFIDAVIT

I, Sri Brajesh Ch Das , S/o Late Ramgopal Das, aged about 65 years, resident of Sarupeta, Geruapar, P.O-Sarupeta, P.S. Patacharkuchi , Dist- Barpeta , Pin-781318, Assam do hereby solemnly affirm and state as follows:

1. That I am the petitioner in this instant case and well conversant with the facts and circumstances of the case, thus competent to swear this affidavit.

2. That the statements made in this affidavit and in paragraphs 7 are true to my knowledge and those made in paragraphs 1 to 6 are being matters of records of the case derived therefrom which I believed to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this 2nd day of ... March 2010 at Guwahati.

Identified by:-
f. k. Zaveri
Advocate.

Brajesh Chandra Das
DEPONENT

ANNEXURE 1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::: GUWAHATI

Original Application No.125 of 2009

Date of Order: This, the 30th day of June, 2009.

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

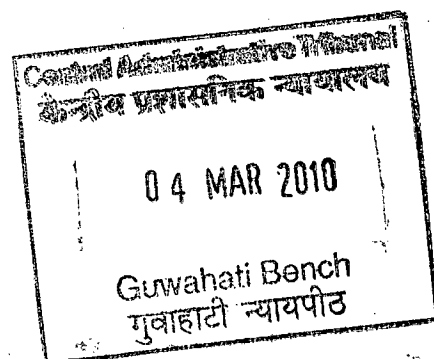
Shri Brajesh Chandra Das
Son of Late Ram Gopal Das
Gerupar, P.O. Sarupeta
District : Barpeta, Assam
PIN- 781 318.

.....Applicant

By Advocates: Mr. S. Dutta, Mrs.U.Dutta, Ms.Pahmida K. Zannat,
Ms.Nimshim Vashum & Mr. Chanakya Shankar Hazarika.

-Versus-

1. The Union of India
Represented by Secretary
to the Government of India
Ministry of Environment and Forest
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi- 110 003.
2. The Director (IFS Division)
Ministry of Environment and Forest
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi - 110 003.
3. The State of Arunachal Pradesh
Through the Principal Secretary to the
Government of Arunachal Pradesh
Environment and Forest Department
Itanagar- 791 111.
4. The Principal Chief Conservator of Forests
Arunachal Pradesh, Itanagar- 791 111.
5. Union Public Service Commission
Through its Secretary
Dholpur House
New Delhi- 110 069.



.....Respondents

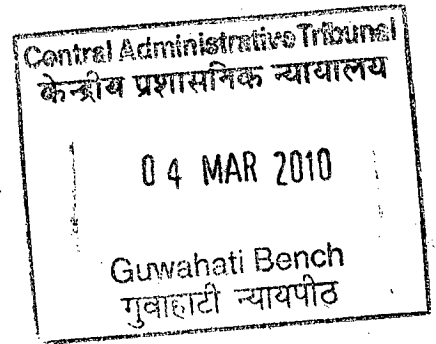
By Advocates: Mr. G. Baishya, Sr. C.G.S.C. for Govt. of India &
Mr. R. K. Dev Choudhury, for Govt. Arunachal Pradesh.

Attested

Advocate

- 9 -

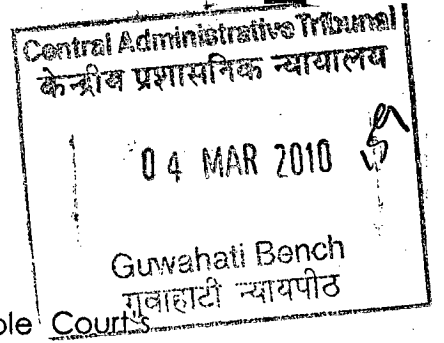
ORAL ORDER
Dated 30.06.2009
O.A. No.125/2009



MANORANJAN MOHANTY, (VICE-CHAIRMAN):-

Applicant (who was appointed as Forest Ranger in NEFA/Arunachal Pradesh on 01.04.1970) was promoted as ACF during 1980. One of his junior named S.J. Jongsam (who became ACF during 1981, by direct recruitment to State Service) superseded him, during 1988, by obtaining promotion as DCF in State Govt. Service. During 1992, some others were also granted promotion as DCF. Applicant, having not been given promotion, approached the Hon'ble Gauhati High Court by way of filing CR No. 455/1993; which was, virtually allowed, on 18.05.1998, with direction to promote the Applicant w.e.f. 28.11.1992 with all service benefits including seniority. Accordingly by an order Dated 24.06.1999, the State Govt. brought the Applicant to DCF post by creating temporary post of DCF with effect from 28.11.1992 i.e. the date on which his juniors received the promotion as DCF. Later, the Writ Appeal No. 36/2000 (challenging the order dated 18.05.1998 passed in CR No. 455/1993) was dismissed, as infructuous, by the Division Bench of the Hon'ble Gauhati High Court on 28.06.2006.

2. While the grievances of the Applicant were pending before the Hon'ble High Court, as aforesaid, some officers from Arunachal Pradesh Forest Services were nominated (by the State Govt. of Arunachal Pradesh) for promotion to IFS and four persons (some of whom were juniors to the Applicant) were granted promotion (to IFS) on 26.09.1996. Applicant was not nominated by the State Govt.; apparently because he was superseded by his juniors, by that time, by the action of the State Govt.



3. However, after succeeding (with aid of the Hon'ble Courts order as aforesaid) to get DCF post in State Govt. Service, the Applicant was granted promotion to IFS on 18.08.2000. His representation to antedate his promotion (to IFS) to 26.09.1996 (i.e. the date when his juniors were promoted to IFS) was forwarded by the State Govt. (of Arunachal Pradesh) to the Govt. of India on 22.08.2005. He filed another representation on 18.08.2006; which was forwarded (by the State Govt.) to Govt. of India on 07.09.2006. On 04.07.2007, the State Govt. of Arunachal Pradesh issued an order placing the name of the Applicant above the name of aforesaid Shri S.J. Jongsam in the Seniority/Gradation list dated 03.07.1993 of DCF in State Govt. Service by treating him (Applicant) to be in the Cadre of DCF w.e.f. 28.11.1992. Applicant, thereafter submitted representations to the Govt. of India, on 19.07.2007 and 25.11.2007 seeking to antedate his promotion to IFS.

4. In response to his letter dated 25.11.2007, the State Govt. of Arunachal Pradesh informed the Applicant (in their Communication dated 10.10.2008) that his (Applicant) representation dated 10.08.2006 (claiming induction to IFS w.e.f. 26.09.1996 in accordance with the judgment dated 28.06.2006 in W.A. No. 36/2000 against judgment dated 18.05.1998 in Civil Rule No. 455/1993) was forwarded to Govt. of India on 07.09.2006 and that the Govt. of India has also been requested, on 24.07.2007, to refer to the representations dated 24.02.2006 & 27.10.2006 of the Applicant and that no decision has so far been received from Govt. of India. Finally, it was disclosed in the said letter dated 10.10.2008 of the State of Govt. as under:-

"Your promotion to IFS cadre from the State Cadre with retrospective effect can be done by the Union of India only in accordance with IFS (Appointment by Promotion) Regulations, 1966. The Service benefits as admissible to you under rules will be

considered on receipt of the Decision from the Govt. of India."

5. Finally, the Applicant (who has already retired from services on 31.07.2005) submitted a representation to the Govt. of India on 03.02.2009 (which was forwarded to Govt. of India, by the State Govt. of Arunachal Pradesh, on 24.03.2009) before filing the present Original Application (on 29.06.2009) under section 19 of the Administrative Tribunals Act, 1985; wherein he has prayed as under :-

- "8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold review DPC so as to consider induction/appointment of the applicant to the IFS (AGMUT Cadre) with effect from 26.09.1996 i.e., the date when his junior Sri SJ Jongsam was inducted/appointed to the said cadre.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider grant of the benefit of Junior Administrative Grade and Selection Grade with effect from the year 2001 and 2005 respectively, or the dates when Sri S J Jongsam, the immediate junior of the applicant was granted the said benefits.
- 8.3 That the Communiqué dated 10.10.2008 be set aside and quashed.
- 8.4 Costs of the application.
- 8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

6. Heard Mr. S. Dutta, learned counsel appearing for the Applicant; Mr. Gautam Baishya, learned Sr. Standing Counsel for the Union of India and Mr. R. K. Dev Choudhury, learned Counsel for the State of Arunachal Pradesh (to whom copies of this O.A. have already been supplied) and perused the materials placed on record



04 MAR 2010

Guwahati Bench
गुवाहाटी न्यायापीठ

7. By order dated 18.05.1998 of the Hon'ble High Court rendered in CR No. 455/1993, the Applicant was to be given promotion retrospectively w.e.f. 28.11.1992 with all service benefits; which includes the right to be considered for promotion at appropriate stage (at least when his juniors received consideration for promotion) and, accordingly, the State Govt. (of Arunachal Pradesh) and the Govt. of India ought to have acted promptly to consider the case of the Applicant for nomination (for promotion to IFS) at least with effect from the date his juniors were nominated/promoted to IFS, by detailing a Review Committee. Since the State Govt. (of Arunachal Pradesh) has, by now, repeatedly written to the Govt. of India (to consider the case/representation of the Applicant to antedate his promotion to IFS), it is now for the Govt. of India, UPSC & the State Govt. of Arunachal Pradesh to detail a Review Committee to examine, retrospectively, as to whether the Applicant could have been nominated at the time (26.09.1996) when his juniors in State Govt. Service were nominated/appointed to IFS and act accordingly and, if required, by creating a temporary post (in IFS) from a retrospective date and, as now claimed by the Applicant, also consider his case for conferment of 'Junior Administrative Grade' and Selection Grade w.e.f. 2001 & 2005 respectively; as his un-disputed Junior (in State Service) Shri S. J. Jongsam got the said benefits during 2001 & 2005.

8. It has been alleged by the Applicant that instead of acting promptly, the Respondents are only satisfied by transmitting & sitting over the repeated representations of the Applicant for years. It is the positive case of the Applicant that no final orders have yet been passed by the Central Govt. on his (Applicant) repeated representations. Copies of the letter dated 10.10.2008 and 24.03.2009 (filed as Annexure-11 & Annexure- 13 to this

O.A.) of the State Govt. goes to show that Govt. of India has not reacted on the prayers of the Applicant (to antedate his promotion, to IFS, to a date on which his juniors got the promotion) till 10.10.2008/24.03.2009.

9. In the above said premises, without any waste of time, this matter is remitted to the Respondents (Govt. of India, UPSC & State Govt. of Arunachal Pradesh) who should act promptly to consider the case of the Applicant for his promotion to IFS from the dates (starting from 26.09.1996) his juniors (in State Govt. Service) received promotion to IFS, by detailing a Review Committee headed by UPSC and to grant him necessary relief, as due and admissible under the Rules, by way of passing a reasoned order within 120 days from the date of receipt of copy of this order.

10. Subject to above observations and directions, this case is disposed of.

11. Send copies of this order to the Applicant and (to all the Respondents (along with the copies of the Original Application) by Registered Post and free copies of this order be also supplied to the Advocates appearing for the parties.

Sd/-
MANORANJAN MCHANTY
VICE CHAIRMAN.

TRUE CO

22/3/10

Session Judge

Guwahati Bench

10.10.2008

24.03.2009

01.04.2009

Attested

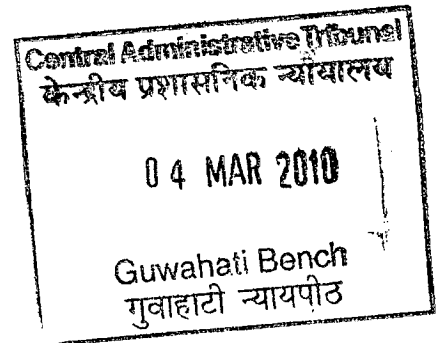
Advocate

TYPE COPY OF THE REPRESENTATION DATED 15.12.09

To

Regd.A/D

The Secretary
Govt. of India
Ministry of Environment and Forest
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi 110003.



Sub:- Implementation of CAT Guwahati Bench's O.A. 125
of 2009.

Sir,

Please refer to the CAT Guwahati Bench's O.A.No 125
of 2009 issued under Memo No 3867 dt 22.7.09 and implement
the order as per directive of clause 9 of the said O.A.
within the stipulated days else I shall approach the CAT
Guwahati Bench for further action. Please treat this as
most urgent.

Yours Faithfully

Sd/-

15.12.09

(Brajesh Chandra Das)

Copy to:- The Principal Secretary, Govt Of
Arunachal Pradesh, Environment and Forest
Department, Itanagar for similar necessary
action.

Attested

Advocate

Regd. A/D.

To
The Secretary
Govt. of India
Ministry of Environment and Forests
Parayavaran Bhavan, CGO Complex
Lodhi Road, New Delhi 110003.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

04 MAR 2010

Guwahati Bench
गुवाहाटी न्यायापीठ

Sub: - Implementation of CAT Guwahati Bench's
OA NO 125 of 2009.

Sir,

Please refer to the CAT Guwahati Bench's
OA NO 125 of 2009 issued under Memo NO. 386F
dt 22.7.09 and implement the order as per
directive of clause 9 of the said OA. within the
stipulated days else I shall approach the CAT
Guwahati Bench for further action. Please treat
this as most urgent.

Yours faithfully,



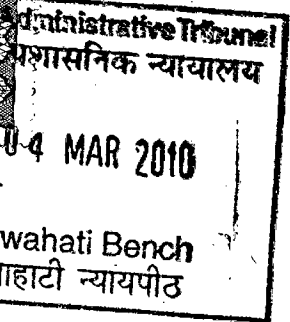
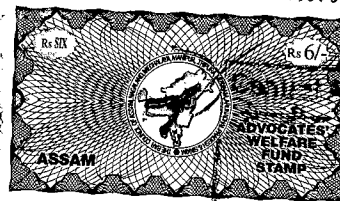
(Brajesh Choudhary) 18/12/09

Copy to - The Principal Secretary, Govt of Assam
Pradesh, Environment & Forest Department
Dunagan for similar necessary action.

कमाक/No	101
Amount of Stamps affixed	25
एक रुपय का स्टाम्प	25
Insured for Rs (in figures)	25
Insured for Rs	25
Name and address of sender	
डाकघर निर्देशिका में दो गई शर्तों के अधीन जारी की गई	डाकघर निर्देशिका में दो गई शर्तों के अधीन जारी की गई
Issued subject to terms and conditions in P.O. guide	Issued subject to terms and conditions in P.O. guide

Attested

Advocate



VAKALATNAMA

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI**

OA/RA/CP/MA/PT/NO..... of 2010

SRI BRAJESH CHANDRA DAS

.....Applicant/Petitioner

Vs.

SRI VIJAY SHARMA & TWO OTHERS

.....Respondents/Opposite Parties

I, Sri Brajesh Chandra Das, the Applicant in the above application do hereby appoint and retain Sri Surajit Dutta, Sri S.N. Tamuli, Mr. P.K. Zannat, Advocate/s to appear, plead and act for me in the above application and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petitions and Review Applications arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place: Guwahati

Date: 19/2/2010

Brajesh Chandra Das

Signature of the Party

"Accepted"

And Accepted

Advocate

(Name of the Advocate)

Name and address of the S.N. Tamuli

Advocate for Service: C/o Nanda Kanan
House No 86

Executed in my presence: Uubani
ASEB Road
Guwahati - 7

***Signature with date**
(Name and Designation)

① Surajit Dutta
Advocate
② Lahmiche K. Zannat, Advocate
③ S.N. Tamuli
(Advocate)

***The following certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate:**

The contents of the Vakalath were truly and audibly read over/translated into.....language known to be party executing the Vakalath and he seems to have understood the same.

Signature with date
(Name and Designation)

- 16 -
- 01 -

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI**

Contempt Petition No. 04 of 2010

IN

O.A. No. 125/2009

IN THE MATTER OF:

BRAJESH CHANDRA DAS

...

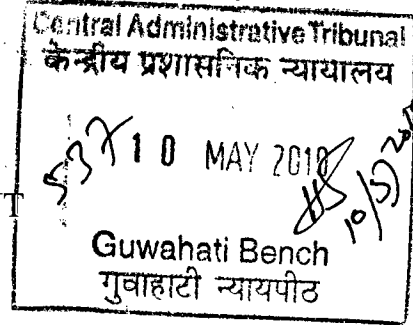
APPLICANT

VERSUS

VIJAY SHARMA & TWO OTHERS

...

RESPONDENTS



AFFIDAVIT OF RESPONDENT No. 3

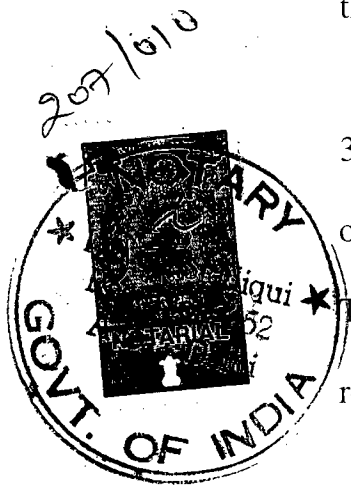
I, Alok Rawat, Son of Shri B.S. Rawat, [Date of birth 15.07.1955], do hereby solemnly affirm and respectfully state as under:-

2. I submit that I am working as the Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi since 17.03.2008.

I am well acquainted with the facts of the case gathered from the records of the Commission.

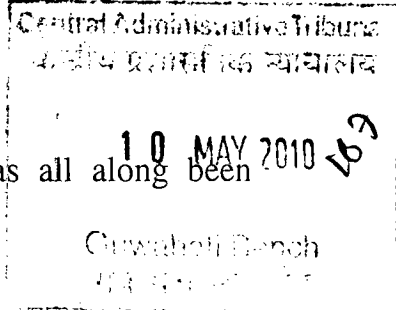
3. I am filing this Affidavit in the Contempt Case No. 04/2010 arising out of O.A. No. 125/2009 to intimate this Hon'ble Central Administrative Tribunal of the further developments in respect of the Respondent No.3 regarding implementation of the order dated 30.06.2009.

4. It is respectfully submitted that the Deponent has the highest respect for this Hon'ble Central Administrative Tribunal and its orders and as the submission in the following paragraphs would show, it has never been the intention of the Deponent to wilfully disobey the orders of the Hon'ble



R
10/5/2010

(अलोक रावत)
(ALOK RAWAT)
सचिव/Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi-62



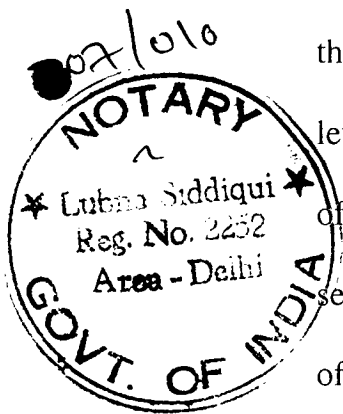
Tribunal. It is humbly submitted that this Deponent has all along been complying with the various orders of the Hon'ble Tribunal.

5.1 It is humbly submitted that this Hon'ble Tribunal vide order dated 30th June 2009 in O.A. No. 125/2009 passed the following orders:-

'9. In the above said premises, without any waste of time, this matter is remitted to the Respondents (Govt. of India, UPSC and State Govt. of Arunachal Pradesh) who should act promptly to consider the case of the Applicant for his promotion to IFS from the dates (starting from 26.09.1996) his juniors (in State Govt. Service) received promotion to IFS by detailing a Review Committee headed by UPSC and to grant him necessary relief, as due and admissible under the Rules, by way of passing a reasoned order within 120 days from the date of receipt of copy of this order.'

5.2 It is humbly submitted that a copy of the aforesaid order of the Hon'ble Tribunal was received in this office on 31.07.2009. As the Review Selection Committee Meeting was required to be convened as per revised seniority of the Petitioner, the Commission requested the Govt. of Arunachal Pradesh vide letter dated 28.08.2009 to take a decision on the implementation of the orders of the Hon'ble Tribunal and if they take a decision to implement the same, a self contained proposal was to be forwarded to the Commission by the Govt. of Arunachal Pradesh to convene a Review Selection Committee Meeting to consider the name of Shri Brajesh Chandra Das in the Select List of 1995-96.

5.3 It is further submitted that a proposal to convene the Selection Committee Meeting to review the case of Shri Brajesh Chandra Das was

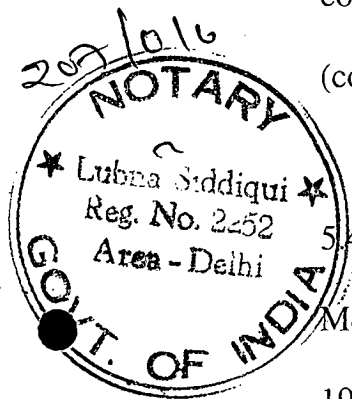


(अलोक रायत)
(ALOK RAJAT)
सचिव/Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi-110054

-18-

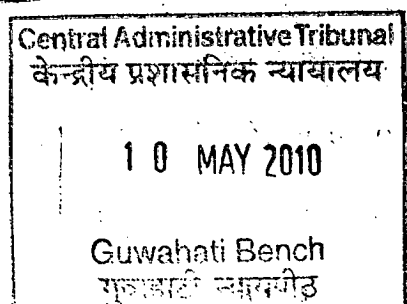
168

received in the Commission on 01.10.2009. As the proposal was not complete, the State Govt. was requested to furnish the deficient documents/information vide Commission's letter dated 23.10.2009. The State Govt. were again reminded on 08.12.2009 to furnish the deficient documents/information and to seek suitable extension of time also to implement the directions of the Hon'ble Tribunal. The deficient documents/information called for were furnished by the State Govt. vide their letter dated 27.11.2009. After the proposal was found to be complete, the Commission fixed the meeting of the Review Selection Committee on 1st February, 2010 and the State Government were informed about the date of Review Meeting vide letter dated 19.01.2010. Simultaneously, the State Govt. were requested vide letter dated 19.01.2010 to seek suitable extension of time to implement the directions of the Hon'ble Tribunal as the time limit to comply with the directions of the Hon'ble Tribunal had already been over (copy at Annexure R-I).



5.4 The deponent most respectfully submits that the Selection Committee Meeting to review the case of Shri Brajesh Chandra Das for the Select List of 1995-96 has been held on 01.02.2010 and the minutes of the said Review Selection Committee Meeting have been sent to the Govt. of India, Ministry of Environment & Forests vide letter dated 09.02.2010 to furnish the comments of the Joint Cadre Authority as well as the Central Govt. as required under Reg.6 of the Promotion Regulations. The Govt. of India have again been reminded vide letter dated 08.03.2010 to furnish the required information (copy at Annexure R-II). However, the same is still awaited. The

(अलोक राय)
(ALOK RAJ) Sd/-
सचिव/Secretary
संघ लोक सेवा
Union Public Service
नई दिल्ली/New Delhi-35



recommendations of the Review Selection Committee which met on 01.02.2010 have not been approved by the Commission as required under Reg. 7 of Promotion Regulations so far, as the comments of the Joint Cadre Authority and the Central Govt. have not yet been received.

6. From the submissions made hereinabove, the Hon'ble Tribunal may kindly observe that there is no wilful disobedience on the part of the answering Respondent with regard to the order of this Hon'ble Tribunal dated 30.06.2009.

7. In view of the facts and circumstances as submitted above, it is humbly prayed that this Hon'ble Central Administrative Tribunal may be pleased to dismiss the Contempt Proceedings so far as it concerns the answering Respondent.






DEPONENT

(अलोक रावत)
(ALOK RAWAT)
सचिव/Secy
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

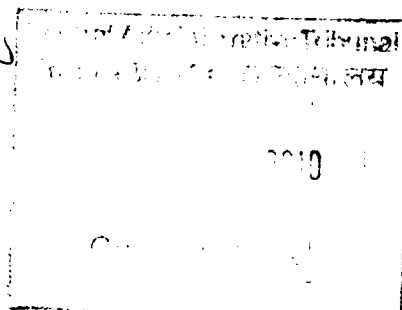
VERIFICATION

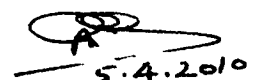
I, the Deponent named above, do hereby verify that the facts stated in the preceding paragraphs are true to my information derived from the records of the Commission. I have not suppressed any material facts from this Hon'ble Tribunal.

Sworn and signed at New Delhi on 5th day of April 2010.

ATTESTED

NOTARY PUBLIC, DELHI
918, PATIALA HOUSE
NEW DELHI

5.4.2010




5.4.2010

DEPONENT

(अलोक रावत)
(ALOK RAWAT)
सचिव/Secy
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Email: upsc@vsnl.net
FAX: 011-23782049 / 23385345

- 2 -
Annexure - R-I
Issued
170

No. 10/22/2009-AIS
UNION PUBLIC SERVICE COMMISSION
Dholpur House, Shahjahan Road,
NEW DELHI - 110 069.

January 19, 2010

To

The Chief Secretary,
Govt. of Arunachal Pradesh,
Deptt. of Environment & Forests,
Itanagar.

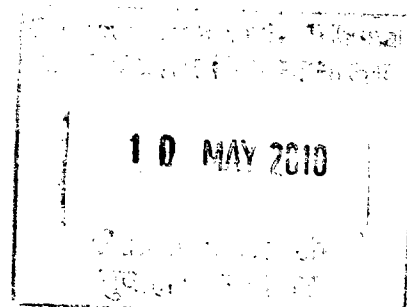
[Attention: Shri T. Gopak, Joint Secretary (E&F)]

Subject : IFS-Review Selection Committee Meeting to consider the case of Shri Brajesh Chandra Das for inclusion in the Select List of 1995-96 in compliance with the Order dated 30.06.2009 of the Hon'ble CAT, Guwahati Bench in OA No.125/2009 filed by Shri Brajesh Chandra Das Vs. UOI & Others -reg.

Sir,

I am directed to refer to your letter No.FOR./236/E.2/93/Pt./466 dated 27.11.2009 on the above subject and to say that the proposal of the State Government is under consideration of the Commission to convene the meeting of the Review Selection Committee at the earliest.

2. In this connection, your attention is drawn to Commission's letter dated 8.12.2009 (copy enclosed) requesting the State Govt to seek extension to time for implementing the directions of the Hon'ble Tribunal. It is stated that the Hon'ble CAT, Guwahati Bench in their order dated 30.06.2009 in OA No. 125/2009 filed by Sh. B.C. Das have directed to convene the meeting of the Review Selection Committee to consider the case of the applicant for promotion to IFS and to grant him necessary relief, as due and admissible under the rules, by way of passing a reasoned order within 120 days from the date of receipt of the copy of the order. As the time limit to comply with the directions of the Hon'ble Tribunal is already over, you are again requested to seek extension of time for three months for convening the meeting of the Review Selection Committee and the follow-up action in compliance with the directions of the Hon'ble Tribunal.



3. The Commission may be informed of the action taken in the matter by the State Government.

Yours faithfully,

(Manjit Kumar)

Under Secretary (AIS)

Tele.No.2338 2724

Copy to:-

1. The Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi (Attn: Sh. Kamal Kishore, Under Secretary) for information and necessary action.
2. File No. 11/120/2009-AIS

(Manjit Kumar)

Under Secretary (AIS)

