

FORM NO. 4  
(See Rule 49)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
ORIGINATE

1. CIVIL JUDGMENT APPLICATION No: 1/2009  
 2. Trial Order Application No: 1/2009 in O.A. No. \_\_\_\_\_  
 3. Misc. Petition No: 1/2009 in O.A. No. \_\_\_\_\_  
 4. Contempt Petition No: 1/2009 in O.A. No. \_\_\_\_\_  
 5. Review Application No: 6/2010 /2009 in O.A. No. 227/2009  
 6. Revision Petition No: 1/2009 in O.A. No. \_\_\_\_\_

Applicant (S): Sri J. P. Rathore  
 Respondent (S): Union of India v. o/s  
 Advocate for the (Applicant (S)): Mr. P. J. Saikia  
 Advocate for the (Respondent (S))

Notice of the Hearing

Date

Order of the Tribunal

1.6.2010

This Review Application has been filed by the Applicant through his L/Advocate for reviewing the judgment and order dated 30.4.2010 passed in OA No. 227/2009 by this Hon'ble Tribunal.

Laid before the Hon'ble Court for favours of orders.

07.06.2010

Applicant by present R.A. seeks review and re-call of order dated 30.04.2010 in O.A.227/2009. Vide paras 4 and 6, he has made certain serious, sarcastic, baseless allegations. We put the following questions to the applicant to which he has answered as under:-

Ques:- Mr.Rathore, vide para 4 of the application you have mentioned, "the applicant apprehends serious threat to his life, from Mr.K.V.Sachidanandan and his coterie". Please explain the basis of this apprehension. Whether you have got any threat to your life from Mr.K.V.Sachidanandan and his coterie?

Ans: This is my apprehension.

Ques:- Will you please explain in what context you have used the term 'coterie'?

Contd...

*PN*  
*4/6/10*  
Section Officer (S).

*1/6/2010*

R.A.6/2010 (O.A.227/09)

Contd.  
07.06.2010

Ans:- Person of the same group.

Ques:- Will you please name the persons?

Ans: At present I am not in a position to tell the names.

Ques:- Vide para 4, you have said, "applicant shall be an easy victim in the hands of these hoodlums". Who are those hoodlums?

Ans:- Those who are bent upon to finish my life. I am not in a position to disclose the names.

Ques:- Unless you disclose the names, how the Court can take action?

Ans:- This is my submission only. I have not prayed any action against them.

Ques:- These imputations suggest grave charges against very senior officer of this Tribunal. How those could be taken as mere submissions?

To this question, Applicant maintains stoic silence.

Ques:- Vide para 6, you have attributed malice on the part of erstwhile Vice-Chairman (J) and his friends sitting in Principal Bench. Will you please name those friends?

Ans: Those who, despite vacancy available in Principal Bench at the relevant time, had not posted me at Principal Bench. I am not in a position to disclose their names.

Contd.  
07.06.2010

We intend to initiate criminal proceedings against the applicant for making false statement before this Bench of the Tribunal. Hence show cause notice be issued as to why criminal proceedings under the provisions of Cr.P.C. read with IPC as well as Contempt of Courts Act are not drawn against him. Applicant, present in court accepting show cause notice seeks one month time, which is unusual in such circumstance. Hence, he is granted two weeks time to make appropriate reaction.

At this stage, Mr.P.J.Saikia, learned counsel appearing for applicant seeks to withdraw from present R.A. Learned counsel is permitted to withdraw himself from the case.

List on 21.06.2010.

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

/bb/

21.06.2010      Applicant, appearing in person tenders oral apology, which cannot be accepted as it is seen that applicant has habit of making scurrilous remarks repeatedly in one form or the other since this matter pertains to Division list on 29.06.2010.

 (Mukesh Kumar Gupta  
Member (J)

/bb/

29.06.2010      Applicant is absent despite second call. List on 14.07.2010.

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

/bb/

47  
R.A.6/2010 (O.A.227/2009)

14.07.2010 None for the applicant.  
List on 05.08.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/pg/

129  
05.08.2010 None for the applicant despite second  
call. List on 03.09.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/bb/

28-9-2010 03.09.2010 None for applicant. List on 17.09.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/bb/

Flag 'A' is received  
from the Hon'ble High  
Court Guwahati W.P.(C)  
No- 3920/2010 filed by  
Sri J.P. Rathore against  
the O.A. 227/2009,  
placed before the  
Hon'ble Court for  
perusal.

17.09.2010 None for the applicant despite second  
call. List on 29.10.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/bb/

29.09.2010 None for the applicant despite  
second call.

List on 29.10.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)

Member (A)

Member (J)

/pg/

R.A.No.6/2010 (O.A.No.227/2009)

29.10.2010 -> None appears for applicant despite second call. In the interest of justice, adjourned to 10.01.2011.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

10.01.2011 None appears either for applicant or for respondents. In the interest of justice, adjourned to 03.03.2011.

(Madan Kumar Chaturvedi)  
Member (A)

/b b/

03.03.2011

03.03.2011

0102.93 80

None appears for the Applicant. The R.A. has been filed by the applicant for reviewing of the order passed by Hon'ble Mr. M.K. Gupta, Judicial Member in O.A. 227/2009.

Post the matter before the next available  
on Bench.

On oversight in R.D.  
was not placed since large  
Hence placed before the  
cont'd orders. IPB/

(Madan Kumar Chaturvedi)  
Member (A)

(Bharati Ray)  
Member (J)

The applicant - appears  
at office troublous art. not  
in person.

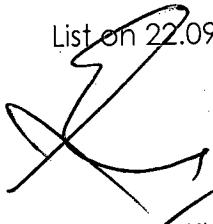
€105,90,-

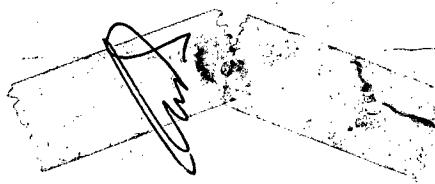
W/0007-N/0001/Gp/0004/01 - W/0007-K/0001/Gp/0004/01

12.08.2014

None present on behalf of the applicant. From the records it appears that on earlier occasions 29.6.2010, 14.7.2010, 5.8.2010, 3.9.2010, 17.9.2010, 29.9.2010, 29.10.2010, 10.1.2011 and 3.3.2011 neither the applicant nor his counsel was present. Today also none present. However, in the interest of justice further four weeks time is allowed to file reply, if any. It is made clear that no further time shall be granted. Registry is directed to send notice to the applicant forthwith.

*and to represent the case.*  
List on 22.09.2014.

  
(Mohd Haleem Khan )  
Administrative Member

  
(Manjula Das)  
Judicial Member

/pg/

26.11.2014

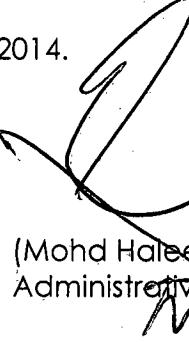
Service deposit  
completed

Reply may kindly  
be seen to order  
dt. 23.8.2014

22.09.2014

None present for the parties. However, for the interest of justice another opportunity is being given.

List on 27.11.2014.

  
(Mohd Haleem Khan )  
Administrative Member

/pg/

27.11.2014 None appeared in the present Review Application. The matter is continuing from 2010 i.e. since 07.06.2010.

From records, it appears that on earlier several occasions i.e. on 29.06.2010, 14.07.2010, 05.08.2010, 03.09.2010, 17.09.2010, 29.09.2010, 29.10.2010, 10.01.2011, 03.03.2011, 12.08.2014 and 22.09.2014 thereafter, lastly on 27.11.2014 i.e. today, neither the petitioner nor the counsel was present.

On 22.09.2014, when the matter was listed, the Bench observed here as under:

"None present for the parties. However, for the interest of justice another opportunity is being give. List on 27.11.2014."

09/12/14

Order dated 27/11/14  
Copy Complied  
Communicated all  
The Resp't, &  
Applicant.  
Vide D/NB \_\_\_\_\_  
dated \_\_\_\_\_

Today also, none appeared on behalf of the petitioner. In view of that, it is presumed that petitioner is not interested to proceed with the matter. Accordingly, dismissed for default.



(Mohammad Haleem Khan)  
Administrative Member



(Manjula Das)  
Judicial Member

PB

2000  
09/12/14

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR; TRIPURA  
MIZORAM AND ARUNACHAL PRADESH)

W.P.(C) NO.3920/2010

Sri Jai Prakash Rathore ..... Petitioner.  
-Vs-  
The Union of India & Ors. ..... Respondents.

P R E S E N T

THE HON'BLE THE CHIEF JUSTICE MR. MADAN B LOKUR  
THE HON'BLE MR. JUSTICE HRISHIKESH ROY.

For the Petitioner :::: Mr. PJ Saikia, Advocate.  
For the Respondents :::: SC, Asstt. S.G.I.

O R D E R

10.08.2010

Heard Mr. PJ Saikia, learned counsel for the petitioner and Mr. UK Nair, learned counsel for the respondents.

The petitioner has already preferred a Review Application before the Central Administrative Tribunal.

This fact has not been disclosed in the writ petition.

In any case, since the petitioner has preferred a Review Application before the Tribunal, we are not inclined to entertain this writ petition.

The writ petition is dismissed. The Tribunal may consider the Review Application on its own merits.

Sd/- HRISHIKESH ROY  
JUDGE

Sd/- MADAN B LOKUR  
CHIEF JUSTICE

Memo No. HC. XXI.....19, 469 - 71.....R.M. Dtd.....21/9/2010

Copy forwarded for information and necessary action to :-

1. The Union of India, represented by the Secretary, Govt. of India, Ministry of Personnel, PG & Pensions Department of Personnel and Training, AT Division, North Block, New Delhi-110001.
2. The Central Administrative Tribunal, Principal Bench, Copernicus Marg, New Delhi, through the Principal Registrar, CAT, New Delhi-110001.
3. The Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-5, through the Registrar, CAT, Guwahati.

By Order

R Kell

Deputy Registrar,  
Guwahati High Court, Guwahati.

W 19/8/10

To,

Hon'ble Member (J) / (A)

Central Administrative Tribunal  
Guwahati Bench, Guwahati

Subject :- Non-Supply of the copy of order dated  
7-6-2010 passed in RA-06/2010 (Arising  
out of OA-227/2009). J. P. Rathore - 1/s-COI 403.

Respected Sir,

In the past when the contempt proceedings  
were initiated against me in OA-227/2009 and the  
copy of the previous date's order was not supplied  
to me till the next date of hearing. Likewise  
the copy of the order dated 7-6-2010 passed in  
RA-06/2010 initiating contempt proceedings/  
proceedings under IPC, CrPC etc, has not been  
supplied to me till date, so that I could  
have decided further course of action. I am  
completely depressed, absolutely upset and  
perhaps may collapse at any time due to  
neurological break-down, because of the  
atrocities I am facing for the last more than  
three years.

Therefore kindly supply me the copy  
of the order dated 7-6-2010 in RA-06/2010 at the  
earliest. I am visiting Judicial Section every  
day and I am being informed that the  
file has not come to the Judicial Section.

With kind regards. Yours faithfully,

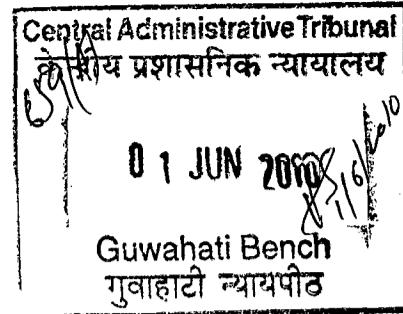
~~Deputy Registrar~~  
11/6/2010

(J. P. Rathore)  
Deputy Registrar

Date: 11-06-2010

To, Registrar

Place: J. P. Rathore  
Date: 11/6/2010



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

**GUWAHATI BENCH, GUWAHATI**

**REVIEW APPLICATION NO.....6...../2010**

**Arising out of O. A. No –227/2009**

**J.P.Rathore .....Applicant**

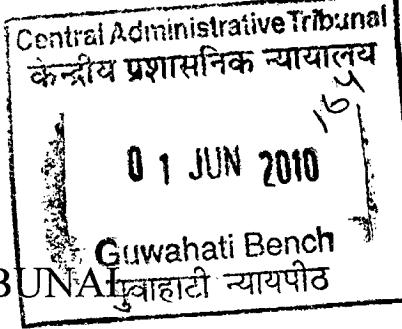
**- V / S -**

**U.O.I. & Others.....Respondents**

**INDEX**

<b>Sl No</b>	<b>Particulars of documents</b>	<b>Page No</b>
1.	Review Application	1 to 6
2.	Annexure-1	5 to 15
3.	Annexure-2	16 to 16
4.	Annexure-3	17 to 19

  
**Signature of Review Applicant**



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

REVIEW APPLICATION NO...../ 2010

Arising out of O. A. No -227/2009

J.P.Rathore .....Applicant

- V / S -

U.O.I. & Others.....Respondents

Filed by J.P. Rathore  
in person  
Applied for  
J.P. Rathore  
28/5/2010  
(J.P. Rathore)

In the Matter of

An Application for Review under the Provisions of Administrative Tribunals Act 1985 read with CAT ( Procedure ) Rules 1987 framed under the Administrative Tribunals Act 1985

AND

In the Matter of

J.P.Rathore , Deputy Registrar , Central Administrative Tribunal  
Guwahati Bench , Rajgarh Road , Bhangagarh , Guwahati-781005  
Review Applicant / Applicant in O.A-227/2009

AND

1. Union of India through the Secretary to Government of India  
Ministry of Personnel , P.G.& Pensions , Department of Personnel & Training  
( AT Division ) , North Block , New Delhi-110001
2. Principal Registrar , Central Administrative Tribunal , Copernicus Marg  
New Delhi-110001
3. Registrar , Central Administrative Tribunal , Rajgarh Road , Bhangagarh  
Guwahati-781005

Respondents in Review Application / O.A-227/2009

**Most Respectfully States:-**

(Annexure -1)

1. That vide judgment and order dated 30-04-2010 passed in O.A-227/2009, this Hon'ble Tribunal has passed the following order in para 12( c ), relating to the posting of the applicant after revocation of suspension , material portion for which review is being sought , is depicted below within bracket and underlined:-  
“ The applicant is entitled to reinstatement { but not in Guwahati Bench of the Central Administrative Tribunal }”

*Dr. Leitho*

Contd...2

01 JUN 2010

Guwahati Bench  
गुवाहाटी न्यायालय

2. In this connection it is humbly submitted that this Hon'ble Tribunal has exceeded the mandate as it is not within the power of this Hon'ble Tribunal to order for posting of a person from one Bench to another. Besides , there was neither any such prayer from the applicant nor the respondents in the O.A.nor it was ever argued orally before the Hon'ble Bench.

3. It is therefore humbly prayed that the above direction given by the Hon'ble Tribunal , which is beyond its jurisdiction , may be deleted from the operative part of the judgment.

4. It is further submitted that the interest of the applicant in the false criminal case maliciously instituted against the applicant with ulterior motive , which he is facing at Guwahati Courts, shall be seriously jeopardized if he is posted outside Guwahati after revocation of suspension . Applicant shall be handicapped to travel frequently to Guwahati from an outside station , stay at Guwahati for days and weeks together while the trial will be going on . Over and above , the applicant apprehends serious threat to his life from Mr K.V.Sachidanandan and his coterie , as the applicant shall be an easy victim in the hands of these hoodlums , who are bent upon to finish the life of the applicant . It is therefore very essential for the applicant's stay at Guwahati with his family members / relatives for the security reasons and it is hoped that this Hon'ble Court will give all such protections as is needed to defend the criminal case maliciously instituted against him and not to put him to disadvantage knowing fully well the above plight of the applicant.

5. That the trial of the criminal case has already begun and the applicant had been staying at Guwahati for long more than three years after filing of FIR and therefore at this crucial stage to order to post him outside Guwahati shall seriously amount to putting the applicant to disadvantageous position and which will ultimately result in serious harm to the defense of the applicant.

6. It is further pointed out that the applicant was posted at Guwahati by certain officers working in the Principal Bench who were / are having serious prejudice against the applicant and the applicant though a very senior officer in the hierarchy , was posted to Guwahati ; instead of a junior officer. Soon thereafter the applicant was selected as Registrar in the Debts Recovery Tribunal at Nagpur on deputation basis which is on records of the office of Respondent No2 and 3 and a copy of the same is annexed herewith as Annexure-2 , but he was not relieved for the reasons of ill will and malice on the part of Mr K.V.Sachidanandan and his friends sitting in the Principal Bench , New Delhi and now by pushing the applicant out of Guwahati shall amount to double injustice i.e when he got opportunity to go out of Guwahati on a higher post , was denied to him but now when he is very necessarily needed at Guwahati to defend criminal case against him , the Hon'ble Court and the respondents are pushing him out of Guwahati.

7. That after the applicant was compelled to serve at Guwahati for long five years , this Hon'ble Court should preclude itself from passing such ex-parte orders which are going to harm the defense of the applicant in the false criminal case and not to put the security of life of the applicant in danger while the applicant shall have to travel to Guwahati which will absolutely be a strange place for the applicant.

8. That 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 records in the office of Respondent No 3 and copies of few prescriptions are annexed herewith as Annexure-3 . The doctor has advised not to undertake any journey and if posted outside Guwahati, it will

Contd...3

Mehta

01 JUN 2010

Guwahati Bench 166

hamper the effective defense of the applicant , if he has to travel frequently in the case or the applicant will die if he travels against the medical advice and I may state here that the Respondents and this Hon'ble Court shall be responsible for putting me to such a grave danger and my destitute wife shall take legal recourse if any such untoward incident takes place. Therefore the stay of the applicant at Guwahati is absolutely necessary on medical grounds so that the applicant gets continuous treatment from Guwahati Medical College while defending his case in the criminal courts. This Hon'ble Tribunal has no right to deprive the applicant his legal right to get available best medical treatment from Guwahati Medical College , stay at peace at Guwahati so that the applicant is mentally and physically fit to defend his case at Guwahati station.

9. That there is no reason why this Hon'ble Tribunal should take upon itself to adjudicate an issue which is not before it , which is beyond its jurisdiction and which is absolutely prejudicial to the interest of the applicant , and the Higher Courts shall also not approve such actions.

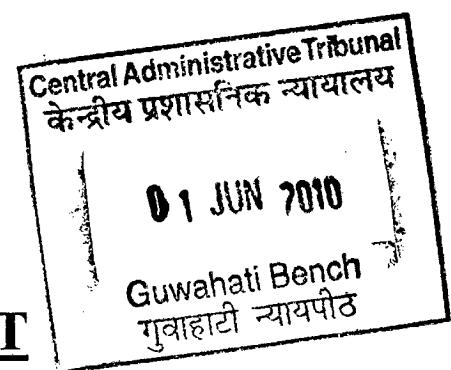
10. That the Govt instructions envisages that an employee who has only two years of service in his retirement cannot be transferred because it will cause extreme hardship to him. The applicant has got only 7 months ( seven months ) service left in his retirement , therefore it will be violation of Govt instructions.

11. It is humbly submitted that the Hon'ble Tribunal should not have entertained and introduced extraneous considerations which have never been pleaded before the Hon'ble Tribunal by either party as it is going to harm the life and the interest of the applicant before the criminal court as the applicant shall be totally handicapped in his case by traveling to Guwahati from far off places in India.

12. That the averments of the Hon'ble Court in para 10 of the judgment & order dated 30-04-2010 to that the , “ applicant on reinstatement in the same Bench will have an access to all the documents and materials and would be in a commanding position to influence the witnesses likely to depose against him” are absolutely imaginary and based on non-existent facts / no records as the criminal case against the applicant is totally un-connected with the official functions and hence no office documents / materials are at any stage involved in the case . Moreover after filing of the FIR the applicant has stayed at Guwahati and had been attending the office daily for the last more than three years after filing of FIR , but there is not even a single complaint to the Police , to the Court , to the Registrar Guwahati Bench , to the Principal Bench or to any other authority during the last these long more than three years that the applicant has ever tried to influence / has influenced any of the witnesses Therefore now it is figment of imagination that the applicant shall do any such thing now during the remaining very short tenure of 7 months ( seven months ) . Now when only 7 months of service are remaining how the applicant is going to influence the witnesses. It is a mere imagination based on no facts and records and having no basis at all.

13. It is therefore humbly prayed that only a relevant portion of the judgment and order dated 30-04-2010 in OA-227/2009 in Para 12 (c ) of the order quoted as , “ { but not in Guwahati Bench of the Central Administrative Tribunal } ” , as mentioned in Para 1 above within the bracket and underlined , may be expunged from the judgment.

  
Review Applicant



## A F I D A V I T

I , J.P.Rathore , s/o Late Shri B.P.Rathore , aged about 59 years , employed as Deputy Registrar , Central Administrative Tribunal Guwahati , residing at Guwahati do hereby swear in the name of God / solemnly affirm and state as follows:-

1. That I am the applicant in the instant Review Application and as such conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the statements made in the affidavit and Para 1 to 13 of this Review Application are true to my personal knowledge and wherever being legal based on legal advice received are believed to be true and are my humble submissions before this Hon'ble Tribunal . I have not suppressed any material fact.

Place: Guwahati

Signature of Review Applicant

Date: 28-05-2010

Name : J. P . RATHORE

Identified By

Advocate

Sworn and solemnly affirmed before me on this .....day  
of May 2010.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 227 of 2009

Date of Decision: This, the 30<sup>th</sup> 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

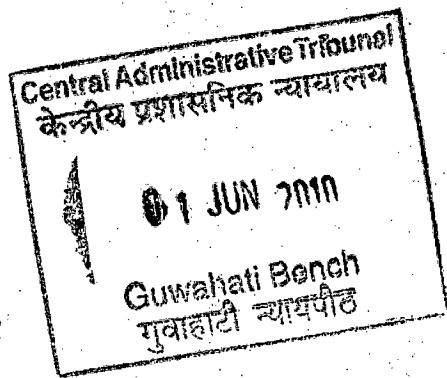
.. Respondents

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



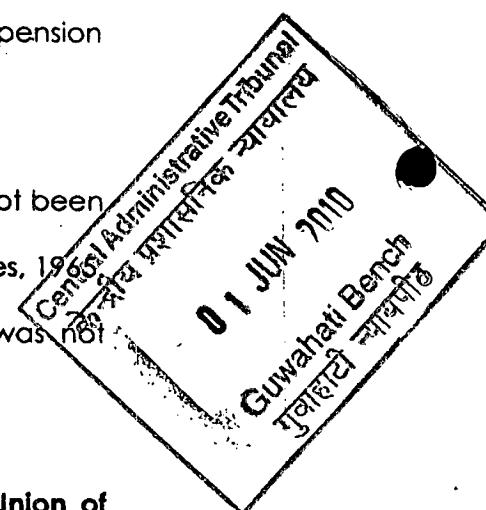
1. Respondents to revoke said order, treating the entire period of suspension as on duty with all consequential benefits as well as to post him at Guwahati itself till the decision of the criminal case initiated against him.

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. 0.05.2007, 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, 1961. 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.



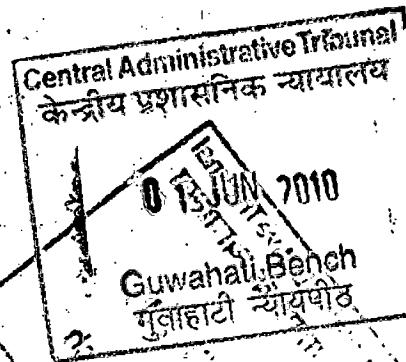
6. Mr. U Das, learned counsel for the respondents forcefully contended that applicant was placed under suspension on account of criminal investigation. Criminal proceedings are pending against him. Charges leveled against him are grave. Any leniency shown would cause serious prejudice to the department; 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 counsels 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 nature 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.

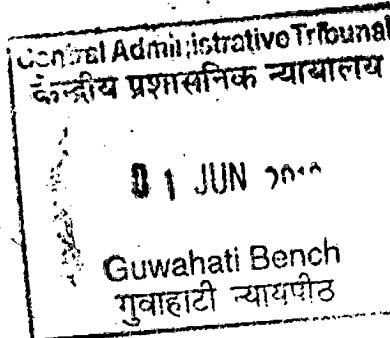
(7) An order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

(9)

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 Mall 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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

01 JUN 2010

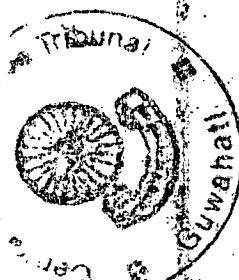
Guwahati Bench  
गुवाहाटी न्यायपालिका



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)

**Dipak Mall** 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 CGS (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."

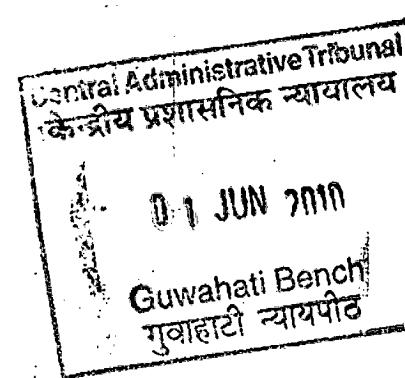
Admittedly, the first review in present case had not been undertaken "before expiry of 90 days from the effective date of suspension". Law laid down in Dipak Mall (supra) that subsequent review and extension could

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.

Page 9 of 11



14  
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 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.

O.A.227/2009

128

(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.



Sd/- M.K.Gupta  
Member (J)  
Sd/- M.K.Chaturvedi  
Member (A)

TRUE COPY

प्रतिलिपि

01/06/2010

अनुभवी अधिकारी  
Section Officer (Judi)  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench  
परामर्शदाता/गुरुवा 2010

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

01 JUN 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

F.No A-12026/1/2005-DRT  
 Government of India  
 Ministry of Finance  
 Department of Economic Affairs  
 (Banking Division)

SPEED POST

"Jeevan Deep" Building,  
 Sansad Marg, New Delhi.  
 Dated 9<sup>th</sup> November, 2005

To,

Deputy Registrar (I),  
 Central Administrative Tribunal,  
 Principal Bench,  
 61/35, Copernicus Marg,  
 New Delhi-110001.

Subject: Appointment to the post of Registrar in the Debt Recovery Tribunal, Nagpur on deputation basis.

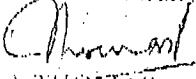
Sir,

I am directed to refer to your letter No 21/14/2005/Estt.II/7302/A1 dated 29/7/05 on the subject mentioned above, and to say that Shri J.P. Rathore, Dy. Registrar, Central Administrative Tribunal, Guwahati has been selected for appointment as Registrar in the pay scale of Rs 12750-16500 in the Debt Recovery Tribunal, Nagpur on deputation basis for a period of three years from the date he assumes charge of the post or until further orders, whichever is earlier.

2. It is requested that Shri. J.P. Rathore may please be relieved by 22<sup>nd</sup> November, 2005 with instructions to report to the Presiding Officer, Debt recovery Tribunal, Nagpur for joining the post of Registrar.
3. The pay and other terms and conditions of deputation in respect of Shri. J.P. Rathore in the DRT will be regulated in accordance with the Department of Personnel & Training's G.O.M.R. No. 2/29/91-Estt.(Pay-II) dated 5<sup>th</sup> January 1994 as amended from time to time.
4. A copy of the office order relieving Shri. J.P. Rathore may please be endorsed to this Ministry.

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

01 JUN 2010

Yours faithfully  
  
 (A. THOMAS)

UnderSecretary to Govt of India

Guwahati Bench  
 गुवाहाटी न्यायपीठ

Copy to:-

- (i) The Presiding Officer, Debt Recovery Tribunal, Nagpur. It is requested that a copy of the joining report of Shri. J.P. Rathore may please be forwarded to this Ministry at an early date.
- (ii) Shri. J.P. Rathore, Dy. Registrar, Central Administrative Tribunal, Guwahati Bench

OUT - PATIENT DEPARTMENT (M. R. D.)  
ADVICE SLIP

Annexure 3

Registration Fees Rs. 5.00  
 Hospital No. : 36044/09 S. & U. : NEURO  
 Name : J P Rathore  
 Age : 58y Sex : M  
 Guardian's Name : Dtp. Reg. Central Administrative  
 Village/Town : Rajgarh Road  
 Local Address :  
 Victim of : Religion : H

Dept. Regd. No.: 1089/09  
 Date : 24/11/2008  
 Caste : General  
 P.O./T.O. : Central Administrative Tribunal  
 P.S. : Chandman  
 District : Kamrup  
 State : ASSAM  
 Occupation :  
 01 JUN 2009

24.11.09  
R

Guwahati Bench  
গুৱাহাটী ন্যায়ালয়

① Tab ZEN RETARD 400 mg ————— 500 mg after food continue  
 ② Tab FRISIUM (10 mg) 1 ————— 1 after food continue  
 ③ Tab PANTOCID (40 mg), 1 tab daily before breakfast on empty stomach continue  
 ④ Tab ECOSPRIN (75 mg) 1 tab daily after breakfast on empty stomach continue  
 ↓ ⑤ Tab STEMETIL-5 1 ————— 1 continue  
 ⑥ Tab ZEUGRT-24 1 ————— 1 continue  
 ⑦ Tab SIBELIUM 10 mg 1 ————— 1 continue  
 ⑧ Tab DERIPHYLLING RETARD (300 mg) 1 tab daily at 7:00 pm to continue  
 ⑨ OTRIVIN NASAL DROP 2 drops in each nostril thrice daily to continue  
 Adv Check up after 3 months (SOS)

24.11.09  
R

14.12.09  
R

Mild Seizure 2-3 / month.  
wt 62 kg

↑ ① Tab ZEN RETARD 400 mg ————— 600 mg after food continue  
 Adv, To continue Tab FRISIUM (10 mg) Tab DERIPHYLLING RETARD (300 mg)  
 Tab PANTOCID (40 mg) OTRIVIN NASAL DROP  
 Tab ECOSPRIN (75 mg)  
 Tab STEMETIL-5 mg  
 Tab ZEUGRT-24  
 Tab SIBELIUM 10 mg  
 ' Check up after 1 month (SOS) (P.T.O.)

14.12.09  
R

(18)

Adv To take medicine for 1 (one) month  
w.e.f. 15.12.2009

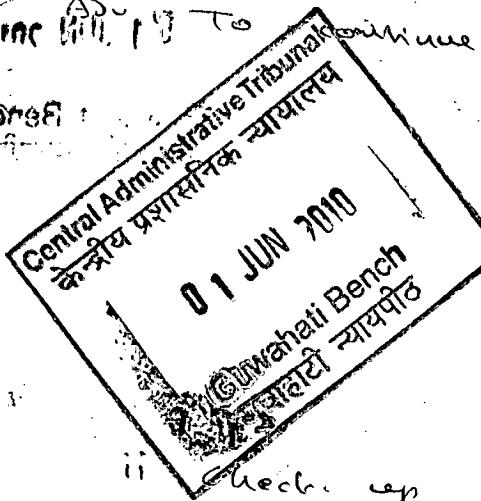
*Prescribed*  
15.12.09

COR. MUNINDRA GUWALAMI

Doings well P. 746m BP 120/80

Adv. To

Notes:



Tab ZEN RETARD 400 mg — 600 mg  
Tab FRISIUM (10 mg)  
Tab PANTOCID (40 mg)  
Tab ECOSPRIN (75 mg)  
Tab STEMETIL (5 mg)  
Tab ZEUGERT 24 mg  
Tab SIBELIUM (10 mg)  
Tab DERIPHYLLING RETARD (300 mg)  
OTRIVIN NASAL DROP

ii Check up after 1 month

9.3.2010  
130

Recurrence +ve 23.1.2010  
P 746m Miron Sejani 2 (month) LA on 19.3.201  
BP 120/80 wt 62.0 kg

- ① Tab ZEN RETARD 400 mg — 600 mg after food & continue
- ② Tab FRISIUM (10 mg) 1 —  $\frac{1}{2}$  1 after food & continue
- ③ Tab PANTOCID (40 mg) 1 —  $\times$  before food & continue
- ④ Tab ECOSPRIN (75 mg) 1 —  $\times$  after food & continue
- ⑤ Tab STEMETIL (5 mg) 1 —  $\times$  " "  $\times$  continue
- ⑥ Tab ZEUGERT 24 1 —  $\times$  " "  $\times$  continue
- ⑦ Tab SIBELIUM 10 mg  $\times$  1 —  $\times$  " "  $\times$  continue
- ⑧ Tab DERIPHYLLING RETARD 300 mg 1 —  $\times$  " "  $\times$  continue
- ⑨ OTRIVIN NASAL DROP 2 drops in each nostril twice daily  $\times$  continue

Adv Check up after 1 month (SOS)

*Prescribed*  
19.3.2010

COR. MUNINDRA GUWALAMI



# GAUHATI MEDICAL COLLEGE & HOSPITAL

Bhangagarh, Guwahati - 781 032

## OUT - PATIENT DEPARTMENT (M. R. D.) ADVICE SLIP

Registration Fees Rs. 3.00

Hospital No. : 38044/09 S. & U. NEURO  
Name : J P Rathore  
Age : 58y Sex : M  
Guardian's Name : Dtp. Reg. Central Administrative  
Village/Town : Rajgarh Road  
Local Address :  
Victim of : Religion : H

Dept. Regd. No. : 04/05/2010 4446/6  
Date : General  
Caste :  
P.O./T.O. :  
P.S. : Chandman  
District : Kamrup  
State : ASSAM  
Occupation : UNI

WL 600 key.

282

1. Tab ZEN RETARD 600 mg — 600 mg after food & course

2. Tab FRISIOM 10 mg 1 — 1 — 1 x course

3. Tab PANTOCID 60 mg 1 — x — x before food & course

4. Tab ECOSPRIN (75 mg) 1 — x — x after food & course

5. Tab STEMETIL 5 1 — x — x .. .. x course

6. Tab ZENERT 24 x — x — 1 .. .. x course

7. Tab SIBELIUM 10 mg x — x — 1 .. .. x course

8. Tab DERIPHYLLINE RETARD 300 mg 1 — x — 1 x course

9. OTRIVIN NASAL DROP. 2 drops in each nostril twice daily x course

10. Nasal strip after 1 week / so

*Patna*  
4.5.2010

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

01 JUN 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

20  
183  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

REVIEW APPLICATION NO.....6/2010

Arising out of O. A. No -227/2009

J.P.Rathore .....Applicant

- V / S -

U.O.I. & Others.....Respondents

INDEX

<u>Sl No</u>	<u>Particulars of documents</u>	<u>Page No</u>
1.	Additional grounds in support of the Review Application in the O.A.-227/2009 filed in the above O.A. on 28-05-2010	1 to 2
2.	Affidavit	3 to 3
3.	Annexure -1	4 to 4

  
Signature of Review Applicant

21

154

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

REVIEW APPLICATION NO...../ 2010

Arising out of O. A. No -227/2009

01 JUN 2010

Guwahati Bench  
জুৱাহাটী স্বায়পৰ্য় কেন্দ্ৰীয় প্ৰশাসনিক ব্যৱহাৰ

J.P.Rathore .....Applicant

- V / S -

U.O.I. & Others.....Respondents

In the Matter of

Additional grounds in support of Review Application in O.A.-227/2009 filed in the above O.A. on 28-05-2010.

AND

In the Matter of

J.P.Rathore , Deputy Registrar , Central Administrative Tribunal  
Guwahati Bench , Rajgarh Road , Bhangagarh , Guwahati-781005

Review Applicant / Applicant in O.A-227/2009

AND

1. Union of India through the Secretary to Government of India  
Ministry of Personnel , P.G.& Pensions , Department of Personnel & Training  
( AT Division ) , North Block , New Delhi-110001
2. Principal Registrar , Central Administrative Tribunal , Copernicus Marg  
New Delhi-110001
3. Registrar , Central Administrative Tribunal , Rajgarh Road , Bhangagarh  
Guwahati-781005

Respondents in Review Application / O.A-227/2009

Most Respectfully Submits:-

That the following additional grounds may be taken into consideration by this Hon'ble Tribunal while deciding the Review Application dated 28-05-2010 filed in the above mentioned O.A.: -

1. That since a serious prejudicial order has been passed which has been assailed in the Review Application , the material portion of which has been shown in the bracket and underlined in the Review Application and which is reiterated here also viz , “{ but not in Guwahati Bench of the Central Administrative Tribunal }”
2. That it is submitted that there has been serious violation of principles of natural justice i.e. audi-alterim-partem , while passing the above order , the applicant has been condemned unheard and no opportunity was given to the applicant to argue on the above point , who is now going to be effected very seriously and adversely by the impugned portion of the judgment.
3. That the applicant humbly submits that during the year 2006-2007 , Mr K.V.Sachidanandan , the then Head of the Department , had completely isolated the applicant from the entire office work and posted him in Judicial Section and the work of

Contd....2

Filed by J-P Rathore  
Applicant in person  
Rathore  
31.5.2010

01 JUN 2010

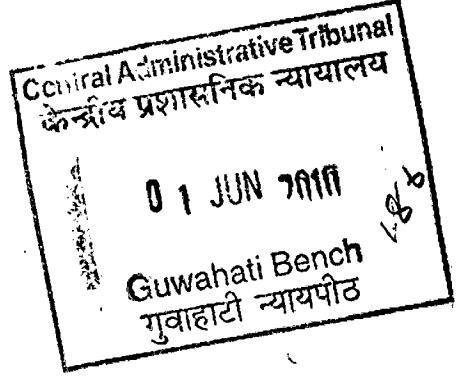
Guwahati Bench  
गुवाहाटी न्यायपीठ

all other Sections was taken away from the applicant. Even the power of the Head of Office was conferred upon a petty Section Officer , vide office-order dated 24-07-2006 and the applicant had not made any grouse of it. A copy of the said order dated 24-07-2006 is annexed herewith as Annexure-1.

4. That the applicant humbly submits that the same arrangement can be made for the remaining 7 months of service of the applicant. The applicant is ready and willing to work only in Judicial Section like in the past besides giving him other works of Library which is in the state of complete neglect in CAT Guwahati Bench and long pending proposal of construction of CAT Building for which some head work has been done by the former Registrar CAT Guwahati Bench. The applicant can negotiate during these 7 months with the CPWD , local authorities , with the PB and with the F.A. & CAO , CAT New Delhi etc for procuring funds etc for construction of CAT office building and in the direction of preparation of building plan , drawings , estimate of expenditure etc. In this way the applicant shall remain out of office for major part of his 7 months service , and thus shall have no access to any other Section / record of the Registry . In the order of isolating the applicant for two years was ensured by Mr K.V.Sachidanandan , now the sky will not come down if the same arrangement is made now and the applicant is given the work of Judicial Section , Library and other sundry works stated above , alone , like in the past , for the remaining 7 months of his service and retire thereafter .
5. That the cogent reasons shall have to be given by the respondents and all concerned who may be intending to cause mere harassment to the applicant even after successfully obtaining a favorable judgment from the Court of law.
6. That had there been only one office of the applicant located at Guwahati without any other Branch or Bench anywhere in India , in that situation respondents and this Hon'ble Court was bound to order revocation / reinstatement in Guwahati office. Thus in the similar way treating that there is no other Branch or Bench of the office of the applicant anywhere in India , he may be reinstated at Guwahati Bench. My emphasis is that it is not that or Rules nowhere provide that the person howsoever dangerous he may be , he cannot be reinstated at the place wherefrom he was suspended . At the most the respondents can adopt the alternative, the applicant has suggested above . I again submit that the respondents and this Hon'ble Court may kindly give reasons and speaking order as to what would happen to the reinstatement of the applicant under the direction of the Hon'ble Court if there would have been only one and a single office of the applicant only at one station in the entire country.
7. That the Hon'ble Bench has used the term , ' grave charges' against the applicant in Para 10 of the judgment and order dated 30-04-2010.In this connection it is submitted that the FSL report in the criminal case has clearly established that the letter in question has not been written by the applicant. Thus the Hon'ble Court shall certainly refrain from passing such controversial and unfounded remarks against the applicant in the judgment and such unsubstantiated and controverted by FSL assert , should not find place in the judgment of Your Lordship , as these remarks have no basis , as pointed out above .

  
Review Applicant

## A F I D A V I T



I, J.P.Rathore, s/o Late Shri B.P.Rathore, aged about 59 years, employed as Deputy Registrar, Central Administrative Tribunal Guwahati, residing at Guwahati do hereby swear in the name of God / solemnly affirm and state as follows:-

1. That I am the applicant in the instant Review Application and as such conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the statements made in the affidavit and Para 1 to 7 of the additional grounds of this Review Application are true to my personal knowledge and wherever being legal based on legal advice received are believed to be true and are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

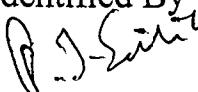
Place: Guwahati

  
Signature of Review Applicant

Date: 31-05-2010

Name: J. P. RATHORE

Identified By

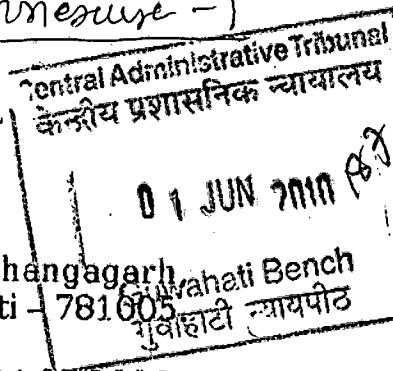
  
Advocate

Sworn and solemnly affirmed before me on this .....day  
of May 2010.

- 4 - 24 -

Annexure - 1

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH



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.