

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 270 2009 - ~~2009~~
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

1. Order Sheets..... 3 pg..... 01 to 206 ✓
2. Judgment/ order dtd. 26.8.2009 pg..... 01 to 04 ✓
3. Judgment & Order dtd..... ✓ received from H.C. /Supreme Court.
4. O.A. 270/2009 page..... 01 to 44 ✓
5. E.P/M.P. ✓ page..... to.....
6. R.A./C.P. ✓ page..... to.....
7. W.S. Filed by the R-No 2-4 Page..... 01 to 32 ✓
8. Rejoinder. Filed by the Appn page..... 01 to 13 ✓
to the W.S. of the R-No 2 to 4
9. Reply page..... to.....
10. Any other papers page..... to.....

SECTION OFFICER (JUDL.)

15.07.2015

17/7/2015

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

1. ORIGINAL APPLICATION No : 270 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No.-----
3. Misc. Petition No : ----- / 2009 in O.A. No.-----
4. Contempt Petition No : ----- / 2009 in O.A. No.-----
5. Review Application No : ----- / 2009 in O.A. No.-----
6. Execution Petition No : ----- / 2009 in O.A. No.-----

Applicant (S) : Shri Alamgir Hussain Laskar

Respondent (S) : Union of India & nops.

Advocate for the : Mr. J.L. Sarkar
{Applicant (S)} Mr. S.N. Tannuli

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

Notes of the Registry

Date

Order of the Tribunal

This application is in form
is filed in Form No. 30/-
dated 18/12/09, DD
No. 396 402640
Dated 6.6.09

21.12.2009

Dr.J.L.Sarkar, learned counsel for the Applicant, submitted that Applicant is handicapped. Due to illness he could not attend duty with effect from 31st March 2004. On 8.12.2009, when he was declared medically fit, he wanted to resume duty but he was not permitted for that. It was prayed that Applicant be allowed to resume duty and justice be done.

Let notice be issued to the Respondents requiring them to file their replies to this case by 5.2.2010.

(Madan Kumar Chaturvedi)
Member (A)

18/12/09

GA. filed with undertaking
to serve a copy of the
application to the H/O. of
the BSNL.
Steps not taken.

18/12/09

K. Das
Issue notice to the
Respondents early.

/lm/

22/12/09

Copies of notices along with
order dt. 21/12/09 send to D/Sec.
for issuing to the respondents
by regd. A/D post. D/NO-107 to 110
dt. 05-11-2010

O.A.270-09

05.02.2010

Mr.B.C.Pathak, learned counsel enters appearance for Respondents and seeks two weeks time to obtain instruction and to apprise the Bench on what basis Applicant had not been permitted to join duties. Though prayer for adjournment is opposed by Dr.J.L.Sarkar, learned counsel for Applicant, in the interest of justice since the matter is coming for the first time, we deem it fit to grant two weeks time for ~~getting~~^{obtaining} instruction.

List on 19.02.2010. Copy of this order be supplied to Mr.B.C.Pathak to report compliance.

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

/bb/

19.02.2010

Mr B.C.Pathak, learned counsel for the respondents seeks further time to file reply. It is stated by him that applicant is facing some criminal proceeding and avoided to appear before ~~inquiry~~^{investigative} Officer. He appeared before the ~~inquiry~~^{investigative} Officer only ~~in~~^{Nov} 2009 and prior to same date some disciplinary proceeding had been initiated for unauthorized absence. On our query it was pointed out that no suspension order prior or subsequent to initiation of disciplinary proceeding had been passed. It was stated that in such circumstances applicant's request for joining duty had not been accepted. Furthermore, it was pointed out that though he had applied for medical leave, ailment was related to his mother and not of himself. Be that as it may, since no suspension order has been issued till date, respondents ex-facie are not justified to prevent the applicant from joining duty. As far as initiation of disciplinary proceeding is concerned it is

No W/S filed.

7
4.2.2010

Copy served against receipt in file 'B'

7
8.2.10

No W/S filed.

7
18.2.2010

- 3 -
08/270/09

19.2.2010

well within the domain of appointing authority to take appropriate action. As such we direct the respondents to allow the applicant to join duty forthwith, subject to compliance of rules, respondents should abide by the aforesaid order. Reply be filed within 3 weeks.

List on 11.3.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

11.3.2010.

W/S has been
filed by the Res-
pondents No. 2 to 4.
Copy served.
11/3/2010.

Notice duly served
OTR No. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168

01.04.2010 With the filing rejoinder, pleadings are complete. Admit. Subject to legal pleas, if any, list for hearing on 30th April 2010.

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

/pb/

30.04.2010 Letter of absence has been received from Dr J.L. Sarkar, learned counsel for applicant, praying for adjournment of his case. Mr B.C. Pathak, learned counsel for the respondents is present.

List it on 12.05.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

12.05.2010 Being Division Bench matter, list the matter on 24th June 2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

24.06.2010 Learned proxy counsel for the respondents submits a written request of Mr B.C. Pathak for adjourning the case as he is unwell.

List on 01.07.2010.

(Mukesh Kumar Gupta)
Member (J)

nkm

The case is ready
for hearing.

33
29.4.2010

The case is ready
for hearing.

33
11.5.2010

The case is ready
for hearing.

33
23.6.2010

O.A. No. 270 of 2009

01.07.2010

Mr. S.N. Tamuli, learned counsel for Applicant prays for adjournment stating that his Senior Dr. J.L. Sarkar, who was to argue the matter is unwell. Mr. B.C. Pathak, learned counsel for Respondents is present and states that he is also unwell.

List on 20th July 2010.

(Madan Kumar Chaturvedi)
Member (A)

Mukesh Kumar Gupta
Member (J)

/pb/

20.07.2010

None for the applicant. Mr. B.C. Pathak, learned counsel appearing for the respondents states that Dr. J.L. Sarkar, learned counsel for the applicant has telephoned him ^{to the effect} that he is not attending the court today. In the circumstances, adjourned to 04.08.2010.

(Mukesh Kumar Gupta)
Member (J)

/bb/

04.08.2010

Dr. J.L. Sarkar, learned counsel for the applicant prays for adjournment. It has been noticed that repeatedly matter has been adjourned on his request. However, as a matter of indulgence, case is adjourned as a last and final chance. On his request, adjourned to 26.08.2010.

It is made clear that no further adjournment to either side, would be granted.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

The case is ready
for hearing.

19.7.2010

The case is ready
for hearing.

3.8.2010

The case is ready
for hearing.

25.8.2010

O.A.No.270/2009

26.08.2010

Heard learned counsel for parties.

For the reasons recorded separately, O.A. is disposed of. No costs.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

(Mukesh Kumar Gupta)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Original Application Nos.270 of 2009,

DATE OF DECISION: 26.08.2010

Shri Alamgir Hussain Laskar

.....Applicant(s)

Dr J.L. Sarkar

Advocate(s) for the
Applicant (s)

- Versus -

Union of India and others

Respondent(s)

Mr B.C. Pathak for BSNL

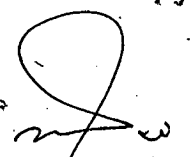
Advocate(s) for the
Respondent(s)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No


Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.270 of 2009

Date of Order: This the 26th day of August 2010

The Hon'ble Sri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Shri Alamgir Hussain Laskar,
S/o Late Abdul Matin Laskar,
Stenographer Gr.II,
Office of the General Manager (Telecom),
Nagaon Telecom District,
Nagaon (Assam).

..... Applicant.

By Advocate Dr J.L. Sarkar

- versus -

1. Union of India, represented by the
Chief General Manager, Telecom,
BSNL, Guwahati.
2. Chief General Manager, Telecom
Bharat Sanchar Nigam Limited,
Guwahati.
3. General Manager, Telecom
Bharat Sanchar Nigam Limited,
Nagaon Telecom District,
Nagaon, Assam.
4. Sub-Divisional Engineer (HRD)
Office of the General Manager, Telecom,
Bharat Sanchar Nigam Ltd.,
Nagaon, Assam.

..... Respondents

By Advocate Mr B.C. Pathak for BSNL

.....

ORDER (ORAL)**MUKESH KUMAR GUPTA, JUDICIAL MEMBER**

By present O.A. relief claimed by Alamgir Hussain Laskar, Stenographer Grade-II, reads as follows:

- i) The applicant be allowed to resume duty and his date of joining to be taken from 8.12.2009 treating the period after 8.12.2009 as on duty.
- ii) The applicant be paid salary regularly to enable him subsistence and defending the allegations in the departmental proceeding adequately.
- iii) The applicant be paid salary w.e.f. 8.12.2009.
- iv) Any other relief the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- v) Cost of the case."

2. Present O.A. was instituted on 18.12.2009 and notices were issued vide order dated 21.12.2009. Upon hearing both sides on 19.02.2010, it was observed that in absence of any suspension order passed till that date, respondents' action in not permitting applicant to join duties was ex facie not justified and, therefore, they were required to allow him to join duties forthwith.

3. In reply filed, the respondents have made following averments:

"That with regard to the statements made in para 1, 2 and 3 of the application, the answering respondents state that the applicant allegedly submitted his joining report on 8.11.2009 and also his letter dated 8.12.2009 including SR I Form dated 8.12.2009 supported by two medical

certificates is not correct. In fact the said documents were sent by post to the BSNL by the applicant and the same was received on 11.12.2009. As the person was not physically present and his joining report was not supported by fitness certificate issued by the attending doctor, the applicant could not be allowed to join in service as provided under Rule 24 (3)(a) of CCS (Leave) Rules, 1972. The fact remains behind is that on 10.12.2009 at about 3:00 PM he came to the office of the GM, Nagaon to attend the hearing of disciplinary proceeding as charged official, but submitted no joining report and he left the office after attending the disciplinary proceeding."

3. Bare reading of above would show that applicant had not controverted the fact as projected by the respondents that he had not submitted his joining physically. Rather, letter dated 08.12.2009 had been sent by post, which was received by the respondents on 11.12.2009. As he was not physically present and had not submitted fitness medical certificate issued by competent doctor, he was not allowed to join under Rule 24 (3) (a) of CCS (Leave) Rules, 1972.

4. It was submitted by Mr B.C. Pathak, learned counsel for the respondents that pursuant to order of this Tribunal dated 19.02.2010, he was allowed to join on 18.03.2010 and since then he has been paid his due pay and allowances. It was further admitted by both sides that alleged absence, which is termed as 'unauthorized' by the respondents is that subject matter of disciplinary proceeding pending as on date.

5. Be that as it may, substantial part of the relief claimed has been granted by the respondent and as the disciplinary proceeding is pending, the period of absence certainly, on conclusion of said proceedings, would have to be regularised or dealt with in accordance with rules prescribed on the subject.

5. With aforesaid observations, O.A. is disposed of. No costs.

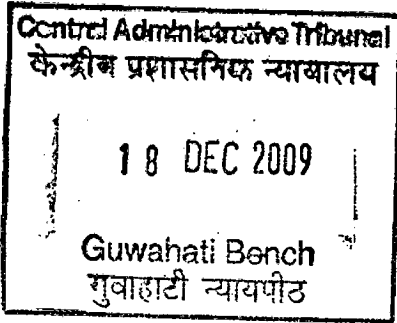

(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

nkmm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BRANCH

GUWAHATI.



O.A. NO. 270/2009

Shri. Alamgir Hussain Laskar

Vs.

Union of India

SYNOPSIS

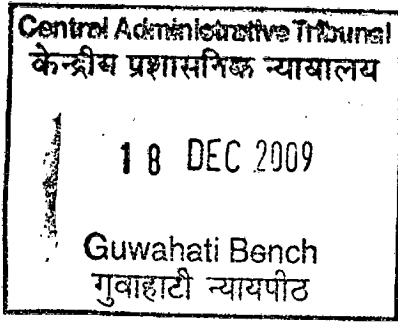
The applicant has been working w.e.f 22.11.1996 as a stenographer in the office of G.M, BSNL, Nagaon. He is physically (orthopedic) handicapped, 40% both bilateral flat feet. He become very sick and on 01.04.2004. He was taken to G.D. Hospital and Research Centre, Haibargaon, Nagaon, Assam, in OPD from 01.04.2004 and admitted as indoor patient on 05-04-2004, released from the hospital w.e.f. 11.04.2004, condition having deteriorated, with advice for further treatment with advice to Neurological Surgeon. His well wishers shifted him to his home, Katigorah, C achar, Assam. He informed to office by letter dated 05-04-2004 and 12-04-2004, praying for formal station leave permission. He did not receive any communication from office, and by letter dated 20.08-2004 from SDE(HRD), BSNL, Nagaon, he was asked to explain as to why he left H.Q without permission, to which he submitted his reply explaining the factual position, and praying for salary for April'2004, May'2004 and June'2004. The office was sympathetic and paid leave salary for the said three months. He was asked to join duty by letter dated 28-09-2004. The applicant due his sickness was not in a position to join as such could not join duty. By his application dated 28-11-2004 the applicant prayed for sanction of leave and submitted formal SR-I (application for leave) with medical certificates. A memorandum dated 05-04-2007 was issued for removal from service, which was withdrawn without prejudice to take further action, vide memorandum dated 24-11-2008. Fresh memorandum of charges has been issued on 10-12-2008. The applicant submitted his written statement of defence, by reply dated 23-01-2009 and has engaged defence assistance. Inquiry Officer has been appointed and proceedings has started w.e.f 08-12-2009. The applicant has been in a position to resume duty and submitted joining report on 08-12-2009 which was not accepted by office due to pendency of the memorandum of charges. He submitted an application to the G.M., BSNL, Nagaon by Regd. Post dated 08-12-2009(send by regd. Post on 10-12-2009). He has not received any communication, and personally went to office but has not been given permission to join. There is no impediment, against his joining and there is no suspension order against the applicant. The applicant is in a bad financial condition with his own ailments and ailment of his old aged mother. In absence of finance for subsistence due to refusal to join duty the applicant is handicapped and prejudiced to defend the allegations in the departmental proceedings which is already commenced.


Advocate

I undertake
to serve a copy of
this petition to
to Shri B. C. Pathak,
BSNL, Guwahati.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BRANCH

GUWAHATI.



O.A. NO. 270/2009

Shri. Alamgir Hussain Laskar

Vs.

Union of India

INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page</u>
1.	Application		
2.	Verification		
3.	Application dated 4.4.2004 (with medical certificates)	A	
4.	Hospital Discharge Certificates	B	
5.	Telegram dated 02.08.2008	C	
6.	Telegram dated 8.8.04	D	
7.	Letter dated 20-08-2004	E	
8.	Reply to the letter dated 20-08-04	F	
9.	Letter dated 28-09-2004	G	
10.	Letter dated 01-11-04	H	
11.	Application dated 28-11-04	I	
12.	Memorandum dated 05-04-07	J	
13.	Memorandum dated 24-11-08	K	
14.	Memorandum of charges Dated 10-12-08	L	
15.	Written statement of defence Dated 23-01-2009	M	

16. W/S by R.N. 2 to 4

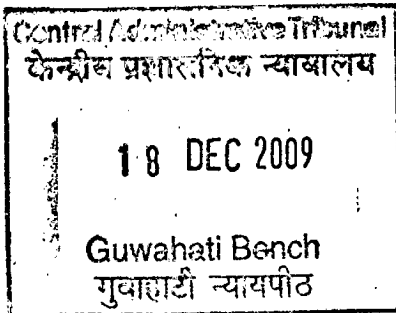
17. Refinder -

- 45-76
77-89

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI.

(An application under Section 19 of the Administrative
Tribunal Act, 1985)



O. A. No. 270/2009

Shri Alamgir Hussain Laskar
S/O Late Abdul Matin Laskar
Stenographer Gr. II,
Office of the General Manager
(Telecom)
Nagaon Telecom District,
Nagaon (Assam)

- Applicant

Vs.

1. Union of India(Represented
by the Chief General Manager,
Telecom, BSNL, Guwahati)

2. Chief General Manager, Telecom
Bharat Sanchar Nigam Limited
Guwahati.

3. General Manager, Telecom
Bharat Sanchar Nigam Limited
Nagaon Telecom District
Nagaon, Assam.

Filed by the Applicant
Through S. N. Tumuli
Advocate Date 18/12/09

Contd.....2

Alamgir Hussain Laskar

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-: 2 :-

4. Sub-Divisional Engineer(HRD)
Office of the General Manager,
Telecom,
Bharat Sanchar Nigam Ltd.
Nagaon, Assam.

Details of the application.

1. Particulars for which the application is made.

The application is made for allowing the applicant to resume duty and receive salary, for his subsistence and adequately defending the charges and allegations in memorandum dated 10.12.2008 which is in progress at Nagaon, and the applicant has been participating.

2. Jurisdiction :- The application is within the jurisdiction of this Hon'ble Tribunal,

3. Limitation :- Applicant declares that the application is within the period of limitation under Section 21 of the A. T. Act, 1984.

Facts of the case.

4. That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India. He is physically handicapped, 40% both bilateral flat feet.

Contd.....3

Atangire Hussain Askar

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-: 3 :-

4.1 That after passing H.S. Examination from the Higher Secondary Board of Assam, in 1992 he obtained qualification for stenography from ITI, Srikona, Cachar, Assam. He was duly recruited as stenographer Gr. III w.e.f. 22.11.2996 under Telecom District Engineer, Nagaon, Assam, in the Department of Telecommunications, Government of India. After formation of Bharat Saachar Nigom Ltd. (for short BSNL), he has been absorbed in BSNL w.e.f. 16.01.2002, and has been promoted as stenographer Grade-II w.e.f. 19.7.2002.

4.2 That the applicant is very unfortunate that he is physically handicapped (Orthopaedic), The Department has been sympathetic towards his suffering as a handicapped employee and has also been kind enough to grant the privileges for such suffering. In the year 2004 while working in Nagaon, his problem of orthopaedic troubles increased and he was not in a position to continue with his works efficiently. He was feeling guilty for not being able to render adequate and efficient assistance to the officers with whom he was attached for official works. He became crippled by general ailment with severe weakness.

4.3 That his condition of health deteriorated and on 1.4.2004 he was taken to G.D. Hospital and Research Centre Haibargaon, Nagaon Assam, because general physicians advised specialised treatment for his nature of ailment. The doctors in the said hospital examined him very carefully and taking and rendering medical care in the out patient's department upto 4.4.2004, he was advised for admission as an indoor patient for thorough investigation and treatment, and he was admitted as indoor patient in the said hospital w.e.f. 5.4.04. He

Contd.....4

Atamgise Hussain Daskar

--: 6 :--

Continued to receive treatment. But unfortunately his ailment aggravated and the doctors advised him to contact Neurological surgeon and discharged him from hospital on 12.4.2004. His well wishers shifted him to his residence at Katigarh, Cachar Assam, where he stated taking treatment. That in the circumstances, the applicant could not obtain formal permission to leave Nagaon and proceed to his home at Cachar for treatment. he applied to GM, TD, Nagaon by letter dated 5/4/04 and also From his sick bed ^A he contacted his colleagues and requested ~~for~~ for informing the factual position and fact of his residing at home at Katigarh, Cachar and was told that the same has been informed and office has taken record of the same applicant continued to be in bed rest.

Copy of the letter dated 5.4 2004 with medical certificate is enclosed as Annexure-A. In the original letter date was written as 5.4.03 instead of 5.4.04 in advertently)

Copy of the Discharge certificate dated 11.04.2004 is enclosed as Annexure-B.

4.5 That in this connection it is stated that the doctors of Nagaon advised the applicant to attend Dispur Polyclinic for treatment, but on financial constraint the applicant had to proceed to Katigarah.

Contd.....6

Atangir Hussain Laskar

-: 5 :-

By his application 5.4.2004 he applied to GMTD, Nagaon informing his sickness w.e.f. 1.4.2004, and that he was admitted in the Hospital, and prayed for allowing him to avail medical leave and for approval of the medical treatment. Copies of the medical certificate from the said Hospital was enclosed. It is stated that the aforesaid letter application dated 5.4.2004 was sent through Shri Iqbal Hussain, a registered vehicle contractor of BSNL, who confirmed him (applicant) that the same was delivered in office in the despatch of GM, BSNL office Nagaon on same day i.e. 5.4.2004. The applicant did not received any communication from office and he submitted another application to office on 12.4.2004 praying for formal station leave permission which was also delivered in office by the same contractor Shri Iqbal Hussain. The applicant humbly states that he has misplaced copy of the said application dated 12.4.2004, nor he has any acknowledgement receipt from office.

4.4 That the applicant did not receive any communication from office in the matter of his treatment or advice for any formal treatment/certificate from doctors of Department, but on 3.8.2004 received a Telegram advising to report duty immediately. The applicant in his sick bed felt a relief and ease that his office has been kind and asked him to join. He was, however, not in a position to move for his orthopaedic problems and pain. His mother was also seriously ill. He sent a reply by telegram dated 8.8.2004 requesting for extension of medical leave for one month.

Copies of the telegram dated 2.8.2004 and reply telegram dated 8.8.04, are enclosed as Annexure 'C' and 'D' respectively.

Contd.....5

Atamgiri Hussain Sarkar

4.6 That by letter dated 20.8.2004 from SDE/HRD, BSNL, Nagaon the applicant was asked asto why he left H.Q. without applying for leave and without obtaining station leave permission as per norms. Applicant submitted his reply to the said letter dated 20.8.04 explaining the factual position, and requesting to allow medical leave with station leave permission. He further prayed for another one month Medical leave with station leave permission. He also stated that he had sent three A.C.G-17 formate for salary, and requested to allow salary for April, 2004, May 2004, and June 2004. The authorities were kind and sympathetic and appreciative of the factual position and he was given salaries for the aforesaid three months viz. April, May, and June, 2004.

Copy of the letter, dated 20.8.2004 and reply thereto are enclosed as Annexure-'E' and 'F' respectively.

4.7 That pursuant to his prayer for allowing medical leave and salary for April, May and June, 2004, he was paid leave salary for the above three months which enabled him to mitigate his financial difficulties to some extent for which he remains grateful to the authorities of the department. But most unfortunately he remained orthopaedically crippled with inability to resume duty, and his mother also was seriously ill.

4.8 That by a letter dated 28.9.2004 from the S.D.E. (HRD) BSNL, Nagaon it has been told that his absence without permission w.e.f. 1.4.2004 was irregular and unauthorised

Contd....7

Atamjit Kumar Datta

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-: 7 :-

and he was asked to report for duty on or before 5.10.04 failing which disciplinary proceeding would be initiated against him. The applicant was very sick and was not in a position to move and join duty. In his anxiety he informed office over telephone of his position, with reference to his letter dt. 5.4.2004^{ne} informing his sickness, and explained his inability to join due to sickness. The office of the GM, Telecom District, BSNL, Nagaon was kind enough to connect applicant's letter dated 5.4.2004 (wrongly written by applicant as dated 5.4.2003) and asked him to explain within 7 (seven) days as to why disciplinary action would not be taken against him.

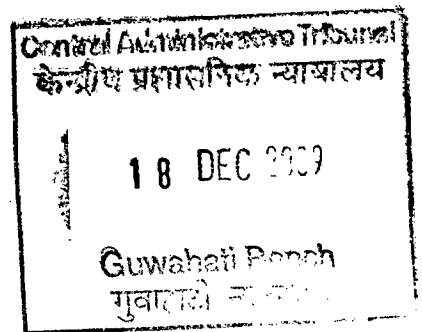
The applicant submitted letter dated 28.11.2004 praying for sanction of leave and submitted formal SR-1 (Application for leave), with Medical certificates. He prayed for sympathetic consideration and explained that the occasion (medical case) happened for the first time in his 8(eight) years of service.

Copy of letter dated 28.9.04 and 1.11.2004 are enclosed as Annexure- 'G' and 'H' respectively.

Copy of the letter dated 28.11.2004 (with SR-I, and medical certificates) is enclosed as Annexure-'I'.

Contd.8

Alangre Hussain Laskar



-: 8 :-

4.9 That the applicant's condition did not improve and his old mother also did not recover from her serious illness. He therefore, could not join duty. Under memorandum dated 5.4.2007 he was issued charge sheet for removal from service with allegation of absence from office from 31.3.2004. The respondents by memorandum dated 24.11.2008 inform that the memorandum dated 5.4.07 was withdrawn without prejudice to take further action. The applicant continued to be under medical treatment, his mother also was under treatment and he could not resume duties.

Copy of the memorandum dated 5.4.2007 with enclosures is enclosed as Annexure-'J'.

Copy of the memorandum dated 24.11.2008 is enclosed as Annexure-'K'.

4.10 That a fresh memorandum of charges dated 10.12.08 with the same charges of absence from 31.3.2004 without intimation or leave. The applicant submitted his written statement of defence by reply dated 23.1.2009.

Copy of the memorandum dated 10.12.2008 with enclosures is enclosed as Annexure-'L'

Copy of written statement of defence is enclosed as Annexure-'M'.

Contd.....9

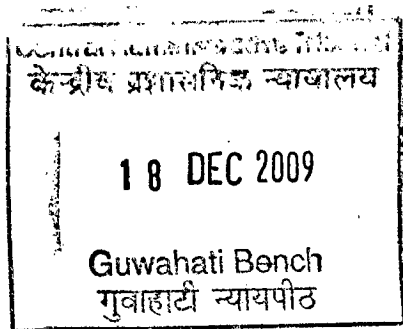
Atangir Hurnain Karkas

4.11 That the departmental proceeding under the memorandum dated 10.12.2008 is in progress and the applicant is grateful that the respondents have given him opportunity to explain under process of Rule. The said disciplinary proceeding is not the subject matter of this application. The applicant as a disciplined employee under the respondents is hopeful that he would be able to satisfy the authorities about his difficulties and defend his case in the allegations in the said memorandum, at Nagaon.

4.12 That the doctors treating the applicant asked him that he may join duty, and accordingly he submitted joining report to the S.D.E.(HRD), office of the GM/BSNL, Nagaon, on 8.12.2009 (wrongly dated as 8.11.2009 with SR-I i.e. application for leave, and medical certificates (2 copies). But office was in confusion and told that as the charge sheet under memorandum dated 10.12.2008 is pending, he could not be allowed to resume duty. He (Applicant) stated he has already participated in the departmental proceeding and presented him before the Enquiry Officer, and has also nominated his Defence Assistance and if given due scope under law, as given by the process for which he is grateful, he would be able to prove his innocence. The office heard him with all sympathies but his joining report was not accepted. He approached DE(Admn.) for his joining but his joining report was not accepted.

Contd....10

Atangie Humaim Laskar



-: 10 :-

Copy of the joining report
at forenoon of 8.12.2009 with
enclosures is enclosed as
Annexure-'N'.

4.13 That in the circumstances explained above the
applicant, sent letter dated 8.12.2009, by registered
post to the General Manager/BSNL, Nagaon, praying for
accepting the joining report, same documents of the
original joining report were also enclosed. He has not
yet received any reply.

Copy of the letter dated
8.12.2009 to GM/BSNL/Nagaon
is enclosed as Annexure-'O'
(Enclosures are same as in
Annexure-'N' and hence not
enclosed to avoid repetition).

4.14 That the applicant humbly states that, if he is
not allowed to join, it would cause him irreparable loss
including financial loss. This will very adversely affect his
treatment ^{and treatment} of his old mother, and also their subsistence.

It is stated that without salary it would be
very difficult for him to adequately defend the departmental
proceeding against him. If he is not allowed to join it
would be impossible for him to stay at Nagaon to adequately
participate in the departmental proceeding. His subsistence
would be at stake. It is stated that there is no impediment

Contd.....11

Alamgir Hussain Kaskar

-: 11 :-

against his joining duty and there is also no order of suspension against him.

5. Grounds and legal provisions.

5.1 For that the applicant ^{having} ~~nowing~~ been under medical treatment for self, and mother's sickness, being found fit by doctors have joined duty w.e.f. 8.12.2009, but has not been allowed to resume duty, without any reason, and without any communication. Such action is arbitrary and not covered by any process of law.

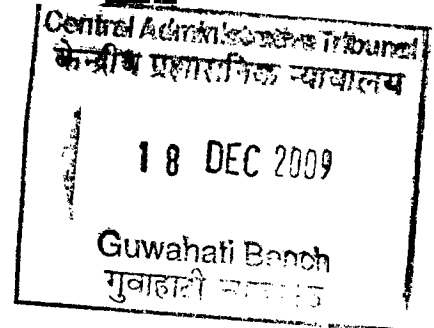
5.2 For that departmental proceeding against the applicant under memorandum ^(dated 10.12.2008 has commenced) at Nagaon, and the applicant has been participating engaging defence assistance. If he is compelled to stay at his home at Katigorah, Cachar by not allowing to join at Nagaon, it would cause hurdle to adequately defend his case.

5.3 For that if he is not allowed to receive salary by perform ^{ing} duty, he with his members of family including old ailing mother shall be near starvation, and bitter relations shall develop with those from whom he took refundable financial assistance.

5.4 For that it is the common principle of law that with empty stomach one cannot adequately defend his case in the departmental proceeding. Refusing to allow to resume duty is as such violative of Articles 14, 16 and 21 of the Constitution of India.

Contd.....12

Mamgire Hussain Laskar



5.5 For that the respondents are refusing to allow joining of the applicant with preconceived motion that he has been/shall be removed from service.

5.6 For that taking decision to punish/remove from service, and thereafter holding departmental proceeding is violation of due process of law.

5.7 For that there was no order from any competent authority that the applicant should be refused joining of duty, nor there is any order of suspension.

6. Details of Remedies exhausted.

The applicant declares that he has submitted applications to the competent authorities without any result, and there is no remedy under any rule.

7. That the applicant declares that he has not filed any case/application before any other Court/Tribunal and no such application is pending before any other Court/Tribunal.

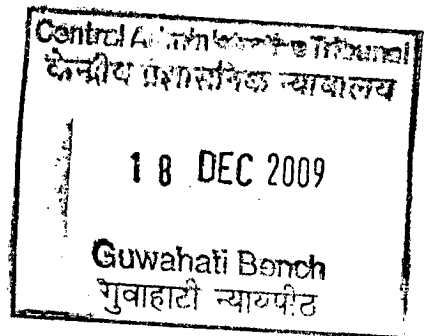
9. Reliefs sought for.

The applicant prays for the following reliefs :

i) The applicant be allowed to resume duty and his date of joining be taken from 8.12.2009 treating the period after 8.12.2009 as on duty.

ii) The applicant be paid salary regularly to enable him subsistence and defending the

*allowed
ref 18/12/09*



-: 13 :-

allegations in the departmental proceeding adequately.

iii) The applicant be paid salary w.e.f. 8.12.2009.

iv) Any other relief the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

v) Cost of the case.

The above reliefs are prayed for on the grounds stated in para 5 above.

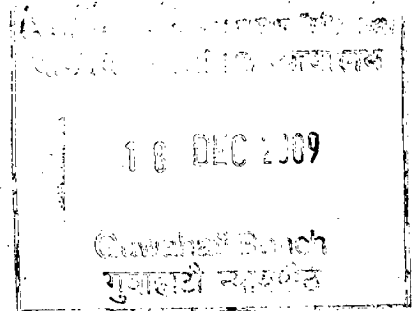
9. Interim relief prayed for :

During the pendency of the O.A. the applicant prays for the following relief :

The applicant be allowed to join duty, receive salary, and adequately defend and explain on the allegations in the memorandum dated 10.12.2008.

Contd.....14

Alamgir Hussain Daskar



The above relief is prayed for on the ground stated in para 5 above.

10. The application is filed through Advocate.

11. Particulars of Postal Order :

IPO No. of P.O. : 396 402640

Date - : 6/6/09

Place of issue : G.P.O Guwahati

12. Details of enclosures:

As per index.

Contd..... 15

Alamgir Hussain Karker

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

18 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

I, Shri Alamgir Hussain Laskar, aged about 38 years, son of Late Abdul Motin Laskar, resident of Katigarah, Cachar, Assam, do hereby verify that the statements in paragraphs 1, 4, 6 to 12 are true to my knowledge, and those made in paras 2.3 and 5 are true as per legal advice, and that I have not suppressed any material facts.

I sign this verification this 18th day of December, 2009, at Guwahati.

Alamgir Hussain Laskar
Signature.

-16-

(18c)

ANNEXURE A

To

The G.M.T.D., Nagaon.

Dated - 5.4.03

6/4
SDE (HRD)

Sub: { Prayer for Medical leave along with approval for indoor treatment. }

Sir,

With reference to above, it is intimated that I am under o.p treatment in B.D. Hospital, Nagaon H. E. F. 01.04.2004. On the advise of Doctors I am admitted today at Hospital Room No. 203 for orthopedic and other treatment.

Therefore, most humbly it is requested kindly to allow me avail Medical leave and approval may kindly be given for medical treatment, please.

Thanking you,

Yours faithfully

(A. H. Lashin)
P.A

To G.M.T.D./Nagaon

SDE (Admin)

SS
Bisly

Redn
Gf/Adm

ATTESTED
TRUE COPY

Attested
Advocate

Sub-Divisional Engineer (HRD)
Office G.M.T.D.
B.S.N.L. Nagaon (Assam)

Central Adm
केन्द्रीय प्रशा
18/4/2004
Guwahati
गुवाहाटी

ANNEXURE .. B

Ph. No. : (03672) 223351/223352

ডি. ডি. হস্পিটাল এণ্ড রিসার্চ সেন্টার
G.D.HOSPITAL & RESEARCH CENTRE

NH 37, Halbargaon, Nagaon-782002 (Assam)

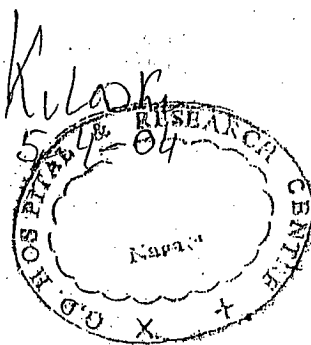
K.C. Laskare
MBBS
GDH&RC
Regn. No. 4506

Patient's Name: Md. A.H. Laskare
Age: 31 yrs Sex: M Date: 5-4-04

Certified that Md. A.H. Laskare an employee of BSNL, Nagaon has been presently undergoing medical treatment at G.D. Hospital & Research Center, Halbargaon, Nagaon as an indoor patient vide reg no 0033/04 bed no 203 from 5-4-04 on account of his suffering from Orthopaedic problem associated with general weakness. The incumbent requires few days treatment for redressal of his ailments.

ATTESTED
TRUE COPY

উপ-বিভাগীয় অভিযন্তা (এস.আর.ডি.)
Sub-Divisional Engineer (HRD)
কার্যনিষ্ঠ মহাপ্রকল্পক, নগাঁও
O/o the G.M.I.D.
মহাপ্রকল্পক, নগাঁও (অসম)
B.S.N.L., Nagaon (Assam)



Control / অধ্যক্ষ
কেন্দ্রীয় প্রশাসনিক ন্যায
18 DEC 2009
Guwahati Bench
গুৱাহাটী ন্যাযপীঠ

Attested
Advocate

Advocate



G.D. HOSPITAL & RESEARCH CENTRE
N. H. 37, HAIBARGAON,
NAGAON (ASSAM)

☎ : (03672) 220111

DISCHARGE CERTIFICATE

Patient's Name : Mr A.H. Laskar
Age / Sex : 31 yr M Bed No. : 203 Regn No. : 33/04
Date of Admission : 05-04-04 Research Index No. :
Date of Operation :
Date of Discharge : 11-4-04
Consulting Doctor : Dr S.R. More M.D.
Diagnosis : Congenital weakness, atrophy, both the legs, headache & sleepless ness
Treatment : e

RESULT: CURED / IMPROVED / UNCHANGED / DIAGNOSIS ONLY / WORSE.

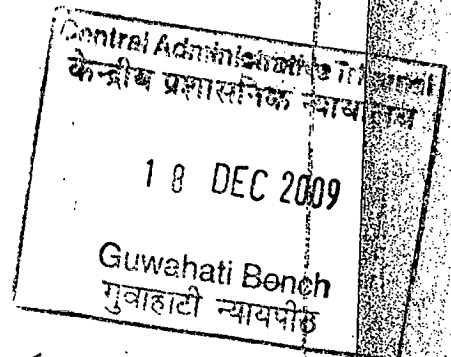
INVESTIGATION : Enclosed

Refd to Dispwe Polyclinic Nursing Home for C.T. Scan
hospitalised consultation with Orthopaedic / Neurosurgical consultation

Sd/- D.K. Barua
11/04/04.

**ATTESTED
TRUE COPY**

उप-प्रमुख अभियंता (रुग्ण आर. डि.)
Sub-Divisional Engineer (HRD)
कार्यालय प्रशासक-प्रक. नगाव
O/o the G.M.T.D.
भारत नगर निगम लिमिटेड, नगाव (असम)
B.S.N.L., Nagaon (Assam)



Attested

Advocate

Sign. of Medical Officer

N.B.: Duplicate Copy will not be issued under any circumstances.

ZCZC ESCSCA0142

PPP ESCSCA

10 DEC 2007

XT 1900/24

MD A H LASKAR

S/DATE ABDUL MOTIN LASKARVILL KHELMA VILL VII PO GUMRABAZAR

PSA KAT—

—IGORAH—

DIST CACHAR (ASSAM)

= NO QL/0/07/05/22 AAA SECOND REMINDER AAA YHOUR PRESENCE OFR

DUTY IS URGENTLY REQUIRED AAA REPORT DUTY IMMEDIATELY AAA

=SDE (HRD) Q/OP THE GMTD NAGAON

=COL XT 1900/24

Attested

Advocate

ANNEXURE

D.D.

1190 A/H Kalam D9.

4

3/28

C1/10

23/c

To

SDE / HRD

also G.M.T.D. Nagaon

Received one telegrams on 03/10/04 Mother's serious
my self also suffering Heart Pain not recovered
Please extend medical leave for one month

A. H. Castan.

2BP
12/10

SSS
03/10/04

ATTESTED
TRUE COPY

Signature
13/8

Sub-Divisional Engineer (HRD)
Nagaon
O/o the G.M.T.D.
Nagaon (Assam)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
18 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Signature
1.0
8/12

Attested
Signature
Advocate

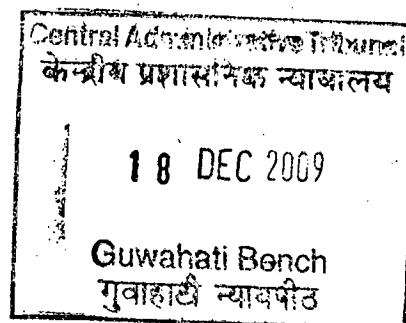
BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM
BSNL, NAGAON-782001

No.QL-O/07/04-05/24

Dated at Nagaon the 20th August/2004

✓ To
Md.A.H.Laskar
S/O Late Abdul Motin Laskar
Vill- Khelma VII, PO- Gumrabazar
P.S- Katigarh, District-Cachar(Assam).

Sub- Leave without departmental process.
Ref- Your telegram dated 4-8-2004.



The undersigned is directed to ask why you have left H.Q. without applying for leave and without obtaining leave permission as per norms.

Shane
Sub-Divisional Engineer(HRD)
BSNL, o/o the GMTD/Nagaon.

Attested
[Signature]
Advocate

25/4

TO The Sub-Divisional Engineer (HRD)
Office of the General Manager, Telecom
BSNL, Nagaon--

Sub :- Medical Leave / Extension of Medical Leave
with Station Leave Permission . /

Ref :- Your Letter NO QL-O/07/04-05 /24 dtd. 20-8-04.

Respected Sir,

With reference to your above mentioned letter I would like to bring your kind notice that after having realise from G.D. Hospital Nagaon on 12-4/04 with a reference to attend before Neurological surgeon, I leave my station . Sir, as along person I could not submit my Station Leave Permission at that time .

Sir , as I have been suffering by serious disease, I do hereby kindly request your honour kindly to allow my Medical Leave with station Leave permission submitted earlier please .

Sir, till date I am suffering by same disease. However , a little improvment is exercise by me . Sir, as informed earlier my aged mother is lying in bed till date . Therefore, I again request your honour kindly to allow me another ^{one} month Medical Leave with station Leave Permission .

Sir, I already sent three Nos. 8. A.C.G. -17 to your Office & I think it has been reached to your Office , so , kindly arrange and allow me to take my Salary for the month of April, May & June '2004 . in my Critical Economic conditions please .

All the Medical Certificates and necessary Relevent documents ^{will be submitted} in the time of Joining

Date :-

Your's Faithfully,

Amangir Hussain Laskar
(A.H. LASKAR)
Steno -II, Vill-Khelma -
P.O. Gumra Bazar, Cach

Attested

Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

18-DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

ATTESTED
TRUE COPY

Sub-Divisional Engineer (HRD)
Office of the G.M.T.D.
B.S.N.L., Nagaon (Assam)

Rec'd

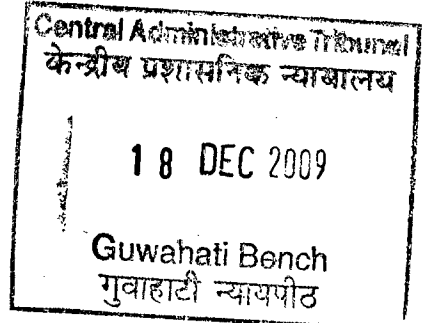
BHARAT SANCHAR NIGAM LIMITED
 (A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM DISTRICT
BSNL, NAGAON-782001

No. QL-O/07/04-05/26

Dated at Nagaon the 28th September/2004

To

✓ Md. A.H. Laskar
 S/O Late Abdul Motin Laskar
 Vill- Khelma VII, PO- Gumrabazar
 P.S- Katigarh, District-Cachar(Assam).



Sub- Leave without departmental process.

Ref- This office telegram dated:- 24/07/2004 and reminder letter of even no.
 Dated 28/08/2004.

Third Reminder letter.

A letter dated nil has been received by this office from you on 25/09/2004. In the context of the letter you have mentioned for grant of leave and station leave permission. In this connection this office hereby intimate you that you had left the H.Q. without taking leave and station leave permission w.e.f 1-4-2004 which is very much irregular and unauthorised. Your salary can not be released until your leave cases are settled. You are hereby ordered to report for duty on or before 05-10-2004 failing which disciplinary action will be initiated against you as per prevailing rules..

[Signature]
 Sub-Divisional Engineer(HRD)
 BSNL, O/o the GMTD/Nagaon.

Copy to the Sr.Accounts Officer(Cash),BSNL,
 o/o the GMTD/Nagaon. He is requested
 not to release salary against the official
 who had been left H.Q. to Katigarh
 Cachar district without taking station leave
 permission w.e.f -1/4/2004.

[Signature]
 Sub-Divisional Engineer(HRD)
 BSNL, O/o the GMTD/Nagaon

Attested

[Signature]
Advocate

BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM DISTRICT
BSNL, NAGAON-782001

No. QL-O/07/04-05/29

Dated at Nagaon the 1st November/2004MEMO

To

Md. A.L. Laskar
S/O Late Abdul Motin Laskar
Vill- Khelma VII, PO- Gumarabazar,
P.S- Katigach, District-Cachar (Assam).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub- Absent from duty without prior approval from competent authority- Reg.

You have been absent from duty since 31/03/2004 and left the HQ without permission. You have neither taken leave nor submitted SR-I for leave. In your letter dated 5-4-2003 for a prayer for medical leave. You have mentioned that you were admitted in the G.D. Hospital, Haibargaon, Nagaon w.e.f. 05-04-2004 but you have not intimated the date of discharge from hospital. It is also not known on what circumstances you could not take station leave permission although you stayed at Nagaon from 1-4-2004 to 5-4-2004 and beyond. Hence you are hereby asked to explain why disciplinary action would not be taken against you for your above mentioned lapses. Your explanation should reach this office within 7 days from the date of receipt of the memo.

ATTESTED
TRUE COPY

Sub-Divisional Engineer (HRD)
BSNL, O/o the G.M.T.D.
Nagaon (Assam)

Sub-Divisional Engineer (HRD)
BSNL, O/o the G.M.T.D./Nagaon.

Attested

Advocate

1.0
8/12

छुट्टी की अर्जी का फार्म
FORM OF APPLICATION FOR LEAVE

एस. आर. 1

S R. 1

(अनुपूरक नियम 216 देखिये / See supplementary Rule 216)

टिप्पणी:— यद सं 1 से 11 प्रत्येक प्रार्थी को भरनी चाहिए, चाहे वह राजपत्रित हो या अराजपत्रित।

Note:— Items 1 to 11 must be filled in by all applicants whether gazetted or non-gazetted.

1. प्रार्थी का नाम/Name of Applicant. ALAMGIR HUSSAIN
2. लागू होने वाली छुट्टी नियमावली Leave rules applicables LASKAR
3. पद/Post held Medical
4. विभाग कार्यालय और अनुभाग Department, Office and Section Stone-II
5. वेतन/Pay o/o GMTD, BSNL, NGS
6. वर्तमान पद पर मिलने वाला मकान किराया भता, मंजारी भता या अन्य प्रतिकर भत्ते। Rs. 7300/- + Allowance
- House rent allowance, conveyance allowance or other compensatory allowances drawn in the present post. As applicable
7. मांगी गयी छुट्टी की किसिम अवधि और उसके शुरू होने की तारीख/Nature and period of leave Medical leave 4.11.04 applied for and date from which required. 01.04.2004 to 27.12.04
8. रविवार और छुट्टी के दिन, यदि कोई हों, जिन्हें छुट्टी से पहले/बाद में जोड़ना चाहते हैं। Sundays and holidays. If any proposed to be prefixed/suffixed/to leave. Yes. prefix to & suffix will arise.
9. छुट्टी का कारण। Ground on which leave is applied for Medical
10. पिछली छुट्टी से लौटने की तारीख और उस छुट्टी की किसिम तथा अवधि। Date of return from last leave, and the nature and period of that leave. Does not arise

11. मेरा विचार आगामी छुट्टी में.....के खण्ड वर्षों के लिए छुट्टी यात्रा की कंफियत लेने का है/नहीं है / I propose/do not propose to avail myself of leave travel concession in the block years..... during the ensuing leave. Does not arise

12. का मैं वचन देता हूँ कि औसत वेतन छुट्टी/परिवर्तित छुट्टी की अवधि में लिखित गए छुट्टी वेतन और आधे औसत वेतन/आधे वेतन की छुट्टी से मिलने वाले वेतन का उस रकम को वापस कर दूंगा जो छुट्टी की समाप्ति पर अथवा उसके दौरान मेरे सेवा निवृत्त होने की स्थिति में मूल नियम 81 (ख) (II)/संशोधित छुट्टी नियमावली 1933 के नियम 1 (ग) (III) के लागू न होने पर अनमत्त न होती।

I undertake to refund the difference between the leave salary drawn during leave on average pay/commuted leave and that admissible during leave on half average pay/half pay leave, which would not have been admissible had the proviso to F. R. 81 (b) (ii) /rule II (c) (iii) of the Revised Leave Rules, 1933, not been applied in the event of my retirement from service at the end or during the currency of the leave.

ATTESTED
TRUE COPY

उप-सहायक अभियन्ता (सड़क और सि.)
Sub-Divisional Engineer (HRD)
कार्यालय महाराष्ट्र न्यायिक, नगाव
O/o the G.M.T.D.
महाराष्ट्र न्यायिक, नगाव (असम)
B.S.N.L. Nagaon (Assam)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

Advocate

Dr. B. Das, M.B.B.S., A.H.S.

Senior Medical & Health Officer

Kalain C.H.C.

Experienced in General Medicine,

Maternity, Gynaecology, Family Planning etc.

Regd. No. 7470 (AMC)

STD - 03845

Hello - 283025

Date..... 9/12/09

Clinical Notes :

R_x

Certified that. Md. Alamgir Hossain
has been 31 yrs old. At A mother
of 11 children 10.
gynaecological. At present, he
has been suffering from various
ailments in peripheral nerves
complicated with history of
Alcohol consumption. Since 01/2009
till date. He is still under
my treatment and supervision.

Md. Alamgir Hossain
Biswas
9/12/09

Dr. B. Das, M.B.B.S., A.H.S.
Kalain C.H.C.

ATTESTED
TRUE COPY

[Signature]

Sub-Divisional Engineer (HRD)
O/o the G.M.T.D.
B.S.M.L. Nagpur (M.S.)

Dr. B. Das, M.B.B.S., A.H.S.
Kalain C.H.C.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
18 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

10/12/09

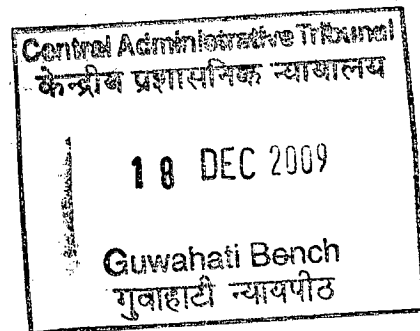
Attested
[Signature]
Advocate

Reced,
on 4.12.04

Recd+AD

To

The SDE(HRD)
O/O the GMTD,
BSNL, Nagaon.



Dated- 28.11.2004

Sub : Prayer for grant of Medical Leave with station leave permission.

Ref : My earlier representation & your letter No. QL-0/07/04-05/84 dtd. 20.08.2004.

Sir,

With reference to the above subject I do hereby attached SR-I along with Medical certificate.

That Sir, as this Medical case happens in Ist time in my 8 years service life, I am aware about Medical rules, and therefore, it requested my case may kindly be considered sympathetically.

That Sir, as per doctors' advice I am on bed rest up to 27.12.2004, and I expect to join on my duty by 29th Dec'2004 positively with fitness certificate.

Thanking you,

Yours faithfully,

Sd/- Alamgir Hussain Laskar

Enclo: 1. SR-I
2. Medical certificate.

(A. H. LASKAR)

O/O GMTD, Nagaon.

Attested

Alamgir Hussain Laskar
Alamgir Hussain Laskar

Recd on 4/12/04

Regd + AD

33/c

To

The SDE(HRD)

% the G.M.T.D.,

BSNL, Nagaon

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
18 DEC 2004
Guwahati Bench गुवाहाटी न्यायपीठ

Dated - 28/11/2004

Sub: Prayer for grant of Medical Leave with
sick leave permission.

Ref: My earlier representation & your letter No.
AL-C/07/04-05/24 dt. 20/08/2004.

Sir,

I, hereby attached SR-I along with Medical Certificate
for file. That Sir, as this Medical Case happens in
last time in my 8 years service life, I am
aware about medical rules, and therefore, I
requested my case may kindly be considered
sympathetically.

That Sir, as per doctors' advice I am on
bed rest up to 27/12/2004, and I expect to join
on my duty by 29th Dec 2004 positively with
fitness certificate.

Encl: 1) SR-I

2) Medical Certificate.

ATTESTED
TRUE COPY

[Signature]

उप-प्रमुख अभियन्ता (एडव. प्र. वि.)
Sub-Divisional Engineer (HRD)
कार्यालय महाप्रबन्धक, नागव
O/o the G.M.T.D.
नगर निगम लिमिटेड, नागव (असम)
Nagaon (Assam)

Yours faithfully,

Alamgir Hussain Jaska
(A. A. - LASKAR)

Stand - II

O/o G.M.T.D., Nagaon

Attested

Advocate

N.B.: Duplicate copy.

[Signature]

Registered & A/D

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय**Bharat Sanchar Nigam Ltd.**

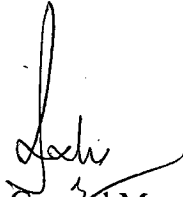
(A Govt. of India Enterprise)

Office of the General Manager Telecom District
Nagaon-782001, Assam

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

1. The Divisional Engineer (P&A), O/o the GMTD Nagaon proposed to hold an inquiry against Sri A. H. Laskar, (Stenographer) to Deputy General Manager, Nagaon the then TDM, Nagaon, for removal from service Under **rule 33(B) sub-rule (i) of BSNL Conduct, Discipline and Appeal Rules 2006**. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II and IV).
2. Sri A. H. Laskar, (Stenographer) is directed to submit within 15 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny of each article of charge.
4. Sri A. H. Laskar, (Stenographer) is further informed that if he does not submit his written statement of defence on or before the specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of **rule 33(B) sub-rule (i) of BSNL Conduct, Discipline and Appeal Rules 2006**, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him *ex parte*.
5. The receipt of the memorandum may be acknowledged.


Deputy General Manager
O/o the GMTD, Nagaon

To,

Sri A. H. Laskar, (Stenographer)

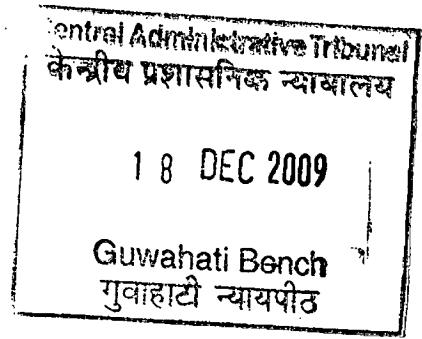
No. QL-O/06-07/07/52

Dated at Nagaon the 05th April 2007

✓ To, Sri A. H. Laskar (Stenographer)
S/o Late Abdul Matin Laskar
Vill - Khelma VII, PO - Gumrabazar
P.S. - Katigarh Dist - Cachar (Assam).

Attested


Advocate



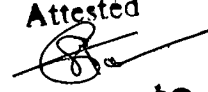
ANNEXURE-I

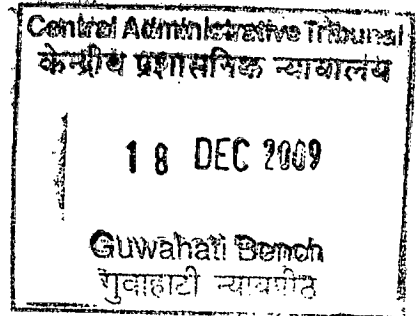
Statement of articles of charge framed against Sri A. H. Laskar, (Stenographer)

Article-I

That Sri A. H. Laskar, while functioning as (Stenographer), to DGM, under Deputy General Mangaer, Nagaon during the period from 31.03.2004 to till date it is found that he is absent from duty without intimation or leave from 31.03.2004.

Attested


Advocate



ANNEXURE-II

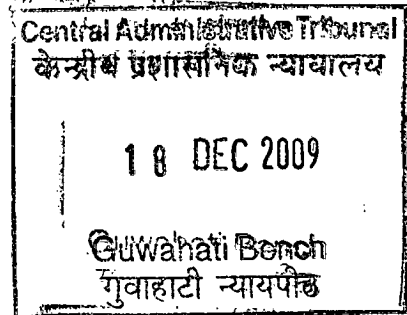
Statement of imputation of misconduct or misbehaviour insupport of articles of charge framed against Sri A. H. Laskar, (Stenographer)

Article-I

That Sri A. H. Laskar, while functioning as (Stenographer) to the then TDM, Nagaon, under Deputy General Manager the then TDM, Nagaon during the period from 31.03.2004 to till date it is found that he is absent from duty without intimation or leave from 31.03.2004 and hence it is a misconduct on his part under rule 5 sub-rule (6) of BSNL Conduct, Discipline and Appeal Rules 2006.

Attested

Advocate

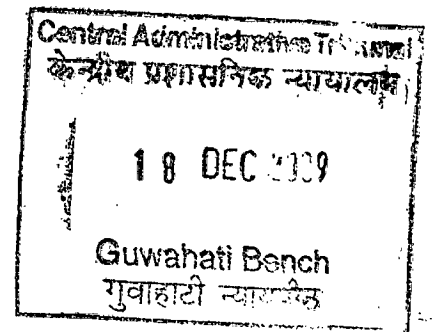
ANNEXURE-III

List of documents by which the articles of charge framed against Sri A. H. Laskar, (Stenographer), are proposed to be sustained.

S/L	From	To	No of days	EL/ Absent	EL submit ion Date	EL Sanction Date	Ground of Leave	Remarks
1	31.03.04	Till date	1091	Absent	-	-	-	-

Attested

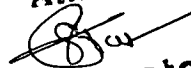
Advocate



ANNEXURE-IV

List of witness by whom the articles of charge framed against Sri A. H. Laskar, (Stenographer), are proposed to be sustained.

1. Sub Divisional Engineer (HRD)
O/O the GMTD, Nagaon

Attested

Advocate

— 34 —

ANNEXURE... K...

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
Nagaon (Assam)- 782001.

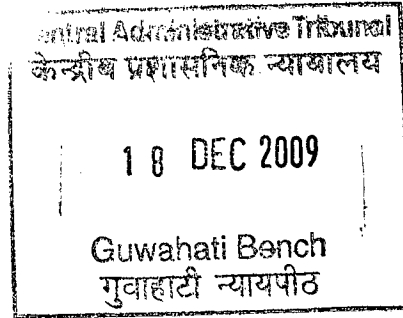
No. VIG-22/GMTD/NGG/08-09/01

Dated at Nagaon the 24th Nov/2008.

Md. A.H. Laskar, Steno, O/o the GMTD/Nagaon is hereby informed that the Memorandum No.QL-0/06-07/52 dated at 5th April/2007 issued by the D.E.(P&A) O/o the GMTD/Nagaon is hereby withdrawn without prejudice to take further action which may be considered in the circumstances of the case and with the intention of issuing fresh charge sheet on the same charges by the competent authority.

To,

Md. A.H. Laskar, Steno
O/o the GMTD/Nagaon.



24/11/08
Divisional Engineer(P&A)
O/o the GMTD/Nagaon.

Attested
[Signature]
Advocate

Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)
O/o the General Manager Telecom District
Nagaon-782001 (Assam).

Control Administration
केन्द्रीय प्रशासनिक न्यायालय

18 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

No. VIG-22/GMTD/NGG/08-09/02

Dated at Nagaon the 10th Dec/2008.

MEMORANDUM.

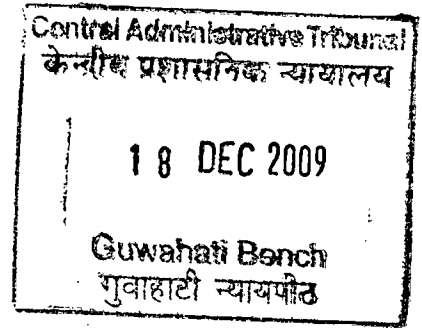
1. The Divisional Engineer (P&A) O/o the GMTD, Nagaon proposed to hold an inquiry against Md. A.H. Laskar, Steno O/o the GMTD/Nagaon under **Rule-36 of BSNL Conduct Discipline and Appeal Rules-2006**. The substance of the imputations of misconduct and misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III&IV)
2. Md. A.H. Laskar, Steno directed to submit within 15 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny of each articles of charge.
4. Md. A.H. Laskar, Steno is further informed that if he does not submit his written statement of defence on or before the specified time in para-2. above or does not appear in person before the Inquiry Authority or other wise fails or refuses to comply with the provisions of **Rule-36 of BSNL Conduct, Disciplinary and Appeal Rules-2006** or the order/directions issued in pursuance of the said Rule, the Inquiry Authority may hold inquiry against him *ex-parte*.
5. Attention of Md. A.H. Laskar, Steno is invited to **Rule-22 of BSNL Conduct, Disciplinary and Appeal Rules-2006** under which no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service in the company. If any representation is received on his behalf from another person in respect of any matter dealt with in this proceedings, it will be presumed that Md. A.H. Laskar, Steno is aware of such representation and that it has been made at his instance and action will be taken against him for violation of **Rule-22 of the BSNL Conduct, Disciplinary and Appeal Rules-2006**.
6. The receipt of this Memorandum may be acknowledged.

Divisional Engineer(P&A)
O/o the GMTD/Nagaon.

To,
Md. A.H. Laskar, Steno.
O/o the GMTD/Nagaon.

Attested
Advocate

2001-1361-



ANNEXURE-I

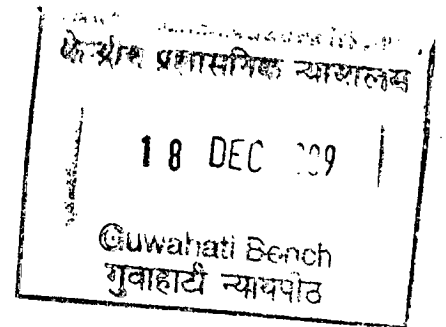
Statement of articles of charge framed against Sri A. H. Laskar, (Stenographer).

Article-I

That Sri A. H. Laskar, while functioning as (Stenographer), to DGM, under Deputy General Manager, Nagaon, during the period from 31.03.2004 to till date it is found that he is absent from duty without intimation or leave from 31.03.2004.

Attested

Advocate,

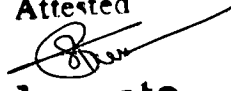


ANNEXURE-II

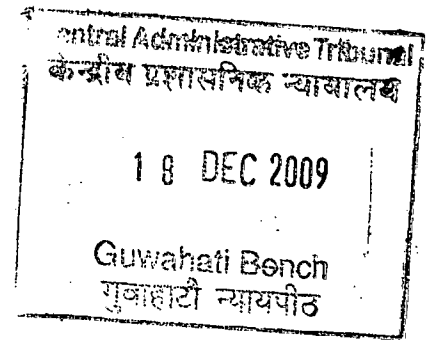
Statement of imputation of misconduct or misbehavior in support of articles of charge framed against Sri A. H. Laskar, (Stenographer).

Articles-I.

That Sri A.H. Laskar, while functioning as (Stenographer) to the DGM, Nagaon, under Deputy General Manager the then DGM, Nagaon during the period from 31-03-2004 to till date it is found he is absent from duty without intimation or leave from 31-03-04 and hence it is a misconduct on his part under Rule 5 sub-rule (6) of BSNL, CDA Rules-2006.

Attested

Advocate

2000
— 38 :-



ANNEXURE-III

List of documents by which the articles of charge framed against Sri A. H. Laskar, (Stenographer), are proposed to be sustained.

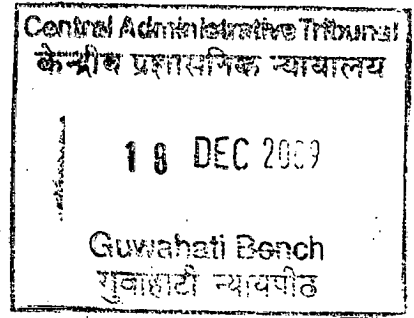
S/L	From	To	No of days	EL/ Absent	EL submit ion Date	EL Sanction Date	Ground of Leave	Remarks
1	31.03.04	Till date	1091	Absent	-	-	-	-

Attested


Advocate

2008

39:-



ANNEXURE-IV

List of witness by whom the articles of charge framed against Sri A. H. Laskar, (Stenographer), are proposed to be sustained.

1. Sub Divisional Engineer (HRD)
O/O the GMTD, Nagaon

Attested

Advocate

- : 40 :-

ANNEXURE M

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
18 DEC 2009
Guwahati Bench गुवाहाटी न्यायपीठ

To: The Divisional Engineer(P&A)
O/o the GMTD/Nagaon

Dated at Kalain, the 23.01.2009

Sub: Written statement of defence.

Ref: Memorandum No. Vig-22/GMTD/NGG/08-09/02 dated 10-12-2008

Sir,

Most humbly I beg to state that I was admitted to G.D. Nursing Home, Nagaon on 26-03-2004 with intimation to Sri. J. L. Gautam, the then DGM(BSNL), Nagaon and I have sent one leave application in plain paper to him through messenger.

That Sir, I was seriously ill at that time and lying in the hospital bed when some unknown youth came to my room and threatened me with dire consequences if I did not left Nagaon immediately in presence of Mr. A. M. Khandakar, Sr. TOA, O/o the GMTD/Nagaon and Md Khairul Islam of Haibargaon a friend.

That Sir, those youth who had threatened me were very notorious and dangerous which I came to know later and for that I did not dare to inform police and as soon as I slightly recovered I left Nagaon.

That Sir, it took very long time to recover and for that I prayed to sanction leave up to 27-12-2004 in plain paper which was sent by registered post.

That Sir, before I fully recovered my mother fell ill due to old age and I am the only person to look after my mother and for that I was unable to concentrate in other work and forgot to send SR-I as per rule.

That Sir, I am a handicapped person and my native is in the district of Cachar in Assam. I have requested since long for my transfer to Silchar SSA as I could not bring my mother to Nagaon at this stage. Moreover I was afraid of coming to Nowgong because of physical assault as explained above.

In the circumstances, I beg to request you most cordially to relieve me from the charges framed in the memorandum. Necessary SR-I dully filled up is sent herewith for your kind consideration

Thanking you,

Yours faithfully,

Akongjo Hussain Kalai
(A. H. LASKAR)
Stenographer - II
Vil-Khelma-VII
P.O. Gumra Bazar
Dist-Cachar(Assam)

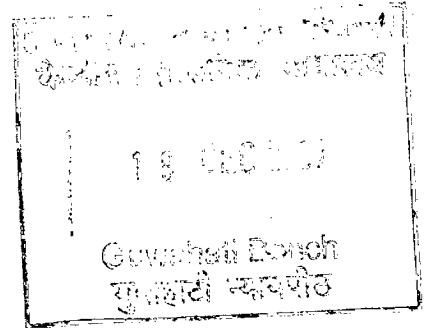
Attested

[Signature]
Advocate

(Typed Copy)

To

The SDE(HRD)
O/O the G.M, BSNL
Nagaoh.



Dated at Nagaon, the 8.11.09

Sub :- Joining Report.

Sir,

I do hereby reported to join on my duty at
forenoon of 08.12.09.

Thanking you,

Yours faithfully,

Enclo:

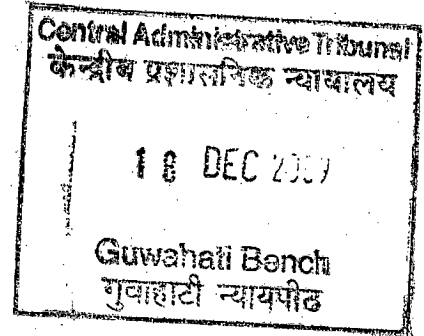
- (1) SR-I
- (2) Medical certificate
- 2 copies.

Sd/- Alamgir Hussain Laskar
Steno-II, O/O the GM/BSNL,
Nagaon.

Alamgir Hussain Laskar

Attested

Advocate



✓ To

The SDE (HRD)
O/o the G.M, BSNL
Nagarn

Dated at Nagarn, the 8/11/09

Sub: Joining Report.

Sir,

I do hereby reported to join
on my duty at for noon of 08/12/09.

Thanking you,

Encl:-

- ① SR-I
- ② Medical Certificate
- 2 copies.

Yours faithfully,

Alamgir Hussain Xaske
Steno-II, O/o the G.M
BSNL, Nagarn.

Attested

Advocate

To
The General Manager, BSNL
Nagaon.

Dated at Nagaon, the 08.12.09

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
18 DEC 2009
Guwahati Bench गुवाहाटी न्यायपीठ

Sub :- Request to receive joining report.

Sir,

Most respectfully I beg to submit that I was on prolong leave due to my physical illness and subsequently my mother fell ill and because of that I could not join my duties. I also beg to inform you that I am a physically handicapped person.

That Sir, to-day I wanted to join my duties as any mother's condition is stable. But when I have submitted my joining report to the SDE(HRD) O/O the GM, BSNL, Nagaon he has refused to accept my joining. I have also approached to the DE(Admn) to accepting my joining who has also refused to accept.

In the circumstances I beg to request your goodself to issue necessary instruction to accept my joining to uphold natural justice.

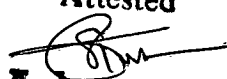
Thanking you,

Yours faithfully,

Enclo: 1. Joining Application.
2. SR-I
3. Medical certificate
(2 copies)

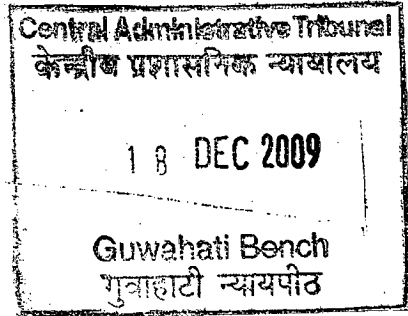
Sd/- Alamgir Hussain Laskar
Steno-II, O/O the GM/BSNL
Nagaon.

Alamgir Hussain Laskar

Attested

Advocate



-44:-



To,

The General Manager, BSNL
Nagarn.

Dated at Nagarn, the 18-12-09

Sub: { Request to receive joining report }

Sir,

Most respectfully I beg to submit that I was on prolong leave due to my physical illness and subsequently my mother fell ill and because of that I could not join my duties. I also beg to inform you that I am a physically handicapped person.

That Sir, today I wanted to join my duties as my mother's condition is stable. But when I have submitted my joining report to the SDE(HRD) of the GM, BSNL, Nagarn he has refused to accept my joining. I have also approached to the DE(Admin) to accepting my joining who has also refused to accept.

In the circumstances I beg to request your goodness to issue necessary instruction to accept my joining to uphold natural justice.

Thanking you,

Encl (1) Joining Application.

(2) SR-I

(3) Medical Certificate.
(2 copies).

Yours faithfully,

Amrinderjit Kaur Arora
Steno-II, of the GM, BSNL
Nagarn.

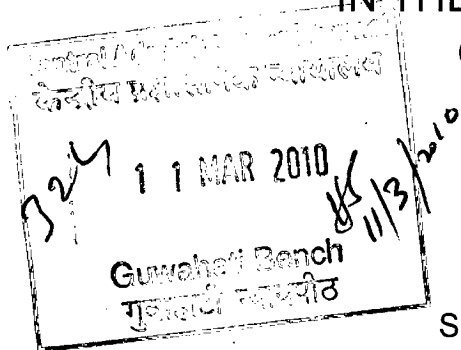
~~Not presented~~

Attested

Advocate

Filed by Respondent
No. 2 to 4
Through - PC Falgout
Advocate 11/3/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: AT GUWAHATI



O.A. No.270/2009

Shri Alamgir Hussain Laskar

...Applicant

-vs-

Bharat Sanchar Nigam Ltd. & others

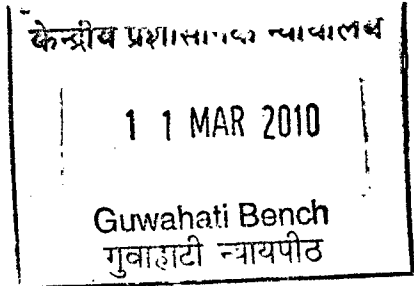
...Respondents

(Written statements filed by the respondent No. 2 to 4)

The written statements of the above noted respondents are as follows:

1. That the copies of the O.A. No.270/2009 (hereinafter referred to as the "application") have been served on the answering respondents. The respondents have gone through the same and understood the contents thereof. The interest of the respondent No.2, 3 and 4 are same. Hence this written statements has been filed as a common to all of them.
2. That the statements made in the application, which are not specifically admitted, the same are hereby denied by the respondents.
3. That before traversing the various statements made in different paragraphs of the application, the respondents feel it expedient and necessary to bring in the following facts and the information to the notice of all concerned for proper adjudication of the matter:
 - A. That the Government of India pursuant to the New Telecom Policy, 1999, decided to set up a company under the name and style as Bharat Sanchar Nigam Limited (hereinafter referred to as the 'BSNL'). The said BSNL has been registered and incorporated under the Companies Act, 1956 on 15.9.2000. The date of Certificate of Incorporation of the said BSNL and the commencement of business is 15.9.2000. The said BSNL is a Govt. Company under Section 617 of the Companies Act, 1956 and is a body corporate. The BSNL is a State within the meaning of Article 12 of the Constitution of India as the Central

Sri Mukesh Chandra
S.D.E. (Legal)
उप-मंडल अधिवक्ता (वैधानिक)
Office of the G.M.T.D.
कार्यालय दूर-संचार महानिगम
B.S.N.L., Nagaon
बि. एस. एन. एल. नागाँव



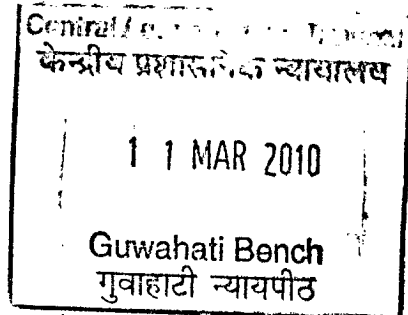
Government has its deep and pervasive control in the affairs of the said company. The Govt. of India as a matter of policy has transferred all the assets and liabilities of the Telecom Services and the telecom operations to the BSNL with effect from 1.10.2000.

- B. That the applicant habitually started to remain absent from office / duty very off and on without any prior intimation particularly when the General Manager is out of station. Considering his habit, the authority of BSNL asked him to submit explanation as to why he remained absent on 2.7.2003 vide letter No.QL-03-04/14 dated 2.7.2007. But the employee did not bother to respond to the said notice. Similarly the employee again remained absent without any intimation to the office from 15.12.2003 onwards. This time also a notice was given to him directing him to report for duty vide letter QL-0/07/03-04/15 dated 23.12.2003. Thereafter the applicant again remained absent from duty since 31.3.2004 without any leave or intimation to the office. Therefore, he was served with a telegram vide No.XT/1600/17-4-2004 dated 17.4.2004 and thereby he was asked to report for duty. In spite of all these notices, the employee remained absent from duty without any intimation or leave and for which the Department issued another message vide No.XT/1400/24-7-2004 as a Second Remainder directing him to report for duty. Another letter was also issued to the applicant vide No.QL-0/07/04-05/24 dated 20.8.2004. Thereafter another communication has been made to the employee vide letter No.QL-0/07/04-05/26 dated 28.9.2004 thereby asking him to report for duty for settlement of leave and also release of salary. Similar communication has been made vide No.QL-0/07/04-05/26 dated 12.10.2004 thereby asking him to report for duty. All these communications were made in the given address of the employee.

The copies of the said communications dated 2.7.2003, 23.12.2003, 17.4.2004, 24.7.2004, 20.8.2004, 28.9.2004 and 12.10.2004 are annexed as **ANNEXURE: R1, R2, R3, R4, R5, R6 and R7** respectively.

- C. That considering the incorrigible conduct of the applicant, another letter was issued to him vide No.QL-0-07/04-05/29 dated 1.11.2004 and he was thereby asked to explain as to why disciplinary action would not be taken against him for his lapses. But the applicant failed to respond to the said notice. Thereafter the competent authority of BSNL issued the notice vide No.QL-0/7/2005-

S. Mukherjee ch. Regu.
S.D.E. (Legal)
उप-मंडल अभियन्ता (वैधानिक)
Office of the G.M.T.D.
का.पी.न्याय दूर-संसार महाप्रबन्धक
B.S.N.L Nagaon
बि.एस.एन.एल. नगाँव



2006/38 dated 30.4.2005 and thereby asked the employee as to why he is absent from duty from 1.4.2004 should not be treated as "DIES-NON WITH BREAK IN SERVICE". The said letter was sent under registered AD post. But there was no response again from the applicant.

The copies of the said communications dated 1.11.2004 and 30.4.2005 are annexed as ANNEXURE: R8 & R9 respectively.

- D. That as an alternative measure, the competent authority of BSNL took up the matter with the Superintendent of Police, Cachar and Nagaon districts with a request find out the whereabouts of the applicant. The competent authority of BSNL ultimately issued the order of DIES-NON with break in service of the applicant vide letter No.QL-0/07/2005-2006/41, which was duly received on behalf of the applicant. The public notice was also issued and published in the ASSAM TRIBUNE dated 6.11.2006 by the BSNL. By the said public notice it was published for all concerned that the applicant was absconding from 31.3.2004. The said notice was said to be the final notice.

The copies of the said letter dated 28.6.2006, letter duly served on 22.8.2005 and the public notice dated 6.11.2006 are annexed as ANNEXURE: R10^{R11} and R12 respectively

- E. That in the meantime, the BSNL office, Nagaon received a summons under Section 68 of the Cr.P.C. issued by the learned Court of SDJM, Hojai, Sankarnagar in connection with Case No. C.R.463/04 under Section 138 NI Act read with Section 142 of the NI Act and Section 420 IPC thereby directing the applicant to appear and surrender before the court on 8.2.2006. By the said summons the learned Criminal Court also directed the DGM, Nagaon Telecom Division to cause the service of the said summons and for return of service early. But due to non-availability of whereabouts of the applicant the said summons could not be served on the accused / applicant employee. The BSNL authority also was served with the copies of order passed by the learned said criminal court in connection with the said criminal case on 9.12.2004 and 6.1.2006. Copy of another summon in connection with the above noted case was again served on the BSNL thereby fixing the matter for appearance by the accused / applicant on 27.3.2006. From those documentary evidences relating

S.D.E. (Legal)

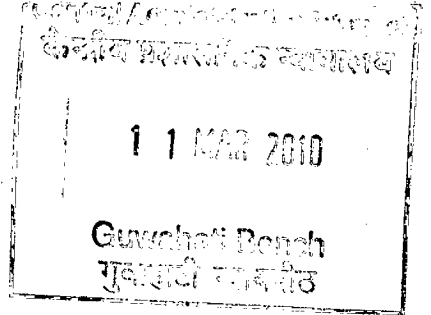
उप-मंडल अभियन्ता (बैधानिक)

Office of the G.M.T.D.

कार्यालय दूर-संचार महाप्रबन्धक

B.S.N.L., Nagaon

बि. एस. एन. एल. नगाँव



to ongoing criminal proceedings, it is very much clear that the delinquent employee / applicant is absconding and not attending his duties in order to evade arrest by police or by the criminal court in connection with the aforesaid criminal case. Therefore, he is playing the tricks by choosing a path to avoid arrest by police and conviction by criminal court and at the same time to save his service in the name of illness without sufficient proof and even not asking for grant of leave in a manner as required under the law.

The copies of the said summons dated 6.1.2006, order dated 9.12.2004 and 6.1.2006 and summon dated 21.3.2006 are annexed as **ANNEXURE: R12, R13, R14, R15 and R16** respectively.

- F. That a disciplinary action was proposed to be taken against the applicant and a memo was issued vide No.QL-0/06-07/07/52 dated 5.4.2007 for the charges as annexed thereto. But the said memo was withdrawn without prejudice to take further action vide memo No.VIG-22/GMTD/NGG/08-09/01 dated 24.11.2008. The applicant at this stage came to know well about his conduct and the steps being taken by the authorities of BSNL to bring him to book through the provisions of law. As a matter of precaution, the applicant again played another game and thereby submitted his joining report through the dispatch section on 8.11.2009 showing therein to have annexed the leave application Form in SR I and two copies of medical certificates. By another communication dated 8.12.2009 he has shown to have report for duty and to accept the joining report showing to have enclosed the joining application, SR I Form and medical certificates two copies. These documents are annexed to the application at page 41, 42, 43 and 44. But the applicant has played another game by not enclosing any such copy of SR I and medical certificates as shown to have annexed to those documents. In fact the BSNL received those documents along with the SR I Form and two medical certificates through post only on 11.12.2009. In the SR I Form, application for leave, he has shown the period of leave from 28.12.2004 to 8.12.2009 whereas he has been all along on leave w.e.f. 1.4.2004 onwards. He has also indicated the date of return from last leave as "Does not arise". The two medical certificates allegedly issued by the Silchar Medical College Hospital and by another attending doctor are dated 4.12.2009 and 30.11.2009 pertaining to treatment of one Bilatun Nessa and not

Sd/- Mukund Ch. Pagn.

S.D.E. (Legal)

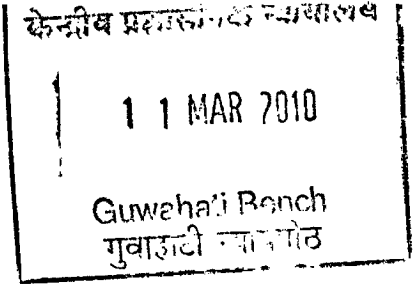
उप-मंडल अभियन्ता (वैधानिक)

Office of the G.M.T.D.

समस्यालय दूर-संचार महाप्रबन्धक

B.S.N.L., Nagaon

बि. एस. एन. एल. नागाँव



for the applicant. So it is a clear camouflaging of the entire issue of grounds for leave and also falsification of evidence.

The copies of the said letter dated 11.12.2009, 8.11.2009, SR I Form and the two medical certificates including the photocopy of the postal envelope are annexed as **ANNEXURE: R16, R17, R18, R19 and R20** ^{R21, R22} respectively.

G. That the competent authority of BSNL therefore having no other alternative decided to hold an enquiry to take disciplinary action against the applicant as provided under the "BSNL Conduct, Discipline & Appeal Rules, 2006" (hereinafter referred to as the 'CDA Rules'). Accordingly the competent authority vide memo No.VIG-22/GMTD/NGG/08-09/02 dated 10.12.2008 informed the applicant that the disciplinary authority has proposed to hold an enquiry against the applicant under Rule 36 of the CDA Rules for the Article of Charges as in Annexure I and Imputation of Misconduct and Misbehaviour in support of Article of Charges as in Annexure II and the list of documents and witnesses as in Annexure III and IV appended thereto. Under the Clause 5 of the said memo it was also specifically mentioned that the applicant would not bring or attempt to bring any political or outside influence in respect of matter pertaining to his service. On receipt of the said memo dated 10.12.2008, the delinquent employee submitted his written statements of defence on 23.1.2009. In his defence the delinquent employee gave a different picture other than his physical ailment and seemingly the main cause of his abstention from duty is a threat received by him from the local unknown youth. The other reason of his absence from duty has been given as his mother's illness. Regarding the application for grant of leave, he has given a very unclear statement without any proof or any supporting evidence annexed to the said defence written statements.

H. That contrary to the provisions of law, the applicant indulged in to put pressure by political influence on the authorities of the BSNL and as a matter of fact, the employee could manage in writing letters from the Central Cabinet Minister, Sri Santosh Mohan Deb strongly worded to do favour to the applicant. In two occasions, once on 23.8.2006 and the other dated 10.2.2009. In reply to the said letters the highest authority of Assam Telecom Circle was pleased to give the reply to the said Union Cabinet Minister vide DO letter dated 17.3.2009. By

Sd/- Mukund Ch. Pigeon
S.D.E. (Legal)
उप-मंडल अभियन्ता (तैधानिक)
Office of the G.M.T.D.
कार्यालय दूर संचार महाप्रबन्धक
B.S.N.L., Nagaon
बि. एस. एन. एल. नगाँव

the said letter dated 17.3.2009, the said authority of BSNL clarified the stand of the BSNL and rejected the request of the Cabinet Minister. The contents of the said letter is very clear and speaking, which may be allowed to be referred and relied upon at the time of hearing.

The copy of the said reply dated 17.3.2009 is annexed hereto as ANNEXURE: R23

PARAWISE REPLY

4. That with regard to the statements made in para 1, 2 and 3 of the application, the answering respondents state that the applicant allegedly submitted his joining report on 8.11.2009 and also his letter dated 8.12.2009 including SR I Form dated 8.12.2009 supported by two medical certificates is not correct. In fact the said documents were sent by post to the BSNL by the applicant and the same was received on 11.12.2009. As the person was not physically present and his joining report was not supported by fitness certificate issued by the attending doctor, the applicant could not be allowed to join in service as provided under Rule 24(3)(a) of CCS (Leave) Rules, 1972. The fact remains behind is that on 10.12.2009 at about 3:00 PM he came to the office of the GM, Nagaon to attend the hearing of disciplinary proceeding as charged official, but submitted no joining report and he left the office after attending the disciplinary proceeding.

5. That with regard to the statements made in para 4, 4.1, 4.2, 4.3 and 4.4 the respondents state that these are all matters not connected with the matter of unauthorized absence from duty. If the applicant states that he is medically unfit or unfit to render any further service due to physical incapacity, in that case it would be a case for him for compulsory retirement on medical ground. From the records and the statement of the applicant, it is found that the same are contradictory and inconsistent. According to the applicant, he was under treatment from 1.4.2004 to 4.4.2004, whereas medical certificates show that it was from 5.4.2004. The applicant was released from G.D. Hospital on 11.4.2004 with advice to report for Dispur Polyclinic, but he defied the advice of the doctor and went to his residence. The respondents also state that if the applicant submitted any leave application with Station Leave permission through any third party as alleged, the same was never received by the BSNL

S.D.E. (Legal)

उप-मंडल अभियन्ता (वैधानिक)

Office of the G.M.T.D.

कार्यालय दूर-संचार महाप्रबन्धक

B.S.N.L., Nagaon

बि. एस. एन. एल. नागाँव

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

office. The so called application dated 5.4.2004 for grant of medical leave was nothing but an application on plain paper without any medical certificate attached thereto as in Annexure A1. The alleged second application dated 12.4.2004 was also not received by the office of the respondents and what was that is also not known.

6. That with regard to the statements made in **para 4.4 as in page 5**, (should be 4.5), **4.6, 4.7 and 4.8** of the application, the answering respondents reiterate the foregoing the statements and state that no telegram was issued on 3.8.2004 as stated by the applicant. In fact telegram was issued on 2.8.2004 asking him to join in duty. In this connection the respondent state that nothing is admitted which is not borne on records or contrary to records. The applicant is trying to suppress his default and trying to show something else without any proof or evidence.
7. That with regard to the statements made in **para 4.9, 4.10, 4.11, 4.12, 4.13 and 4.14** of the application, the answering respondents reiterate and reassert the foregoing statements and state that the leave application as alleged to have been submitted is itself defective and not covering the entire period for grant of leave on medical ground. Moreover, as a legal requirement, the applicant failed to submit the fitness certificate on his own behalf, rather he submitted two medical certificates relating to somebody else as stated hereinabove. Therefore, the applicant could not be allowed to join in duty for non-compliance of requirement of law. Moreover, the applicant is on leave for more than five years and his leave cannot be granted by the authority of the Nagaon SSA or the Circle Office, Assam as the power is vested with somebody else as provided under Rule 12 of the CCS (Leave) Rules, 1972. It is admitted by the applicant in a very tacit manner and tactfully that he sent the joining report by post as in para 4.13 of the application. Under the above facts and circumstances and as admitted by the applicant, unless the matter of granting of leave is settled, the respondents cannot release any pay to the applicant. In this connection, the answering respondents also feel it to be pertinent to state here that this Hon'ble Tribunal vide order dated 19.2.2010 directed the respondents to allow the applicant to join in service provided by following the provisions of Rules. The applicant after getting the said order, came to the office of the GM, Nagaon and dropped the joining report very stealthily to the Dispatch Section and by dropping it there left the office and not to return or to remain in office and

S.D.E. (Legal)

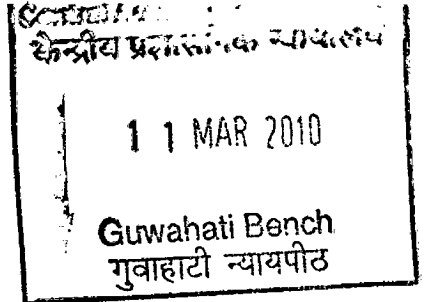
उप-मंडल अधिकारी (वैधानिक)

Office of the G.M.T.D.

कार्यालय दूर-संगम महाप्रबंधक

B.S.N.L., Nagaon

बि. एस. एन. एल. नगाँव



up till now his whereabouts is again not known. The authority of the BSNL therefore are constrained to go for issuing another show cause notice to him as to why he has left the office after submitting the joining report at least through the Dispatch Section. This fact itself is enough to speak about the conduct of the applicant. The main reason as it is understood, is his fear to face the police and to get arrested for the criminal case as stated above.

8. That with regard to the statements made in **para 5.1 to 5.7** the answering respondents state that the grounds apparently attempted to be set up by the applicant are no grounds at all in the eye of law as nothing is supported by any law, rules or any cogent and irrefutable facts and evidence. Hence the application is filed without any legally sustainable ground and the same is therefore liable to be dismissed with cost as devoid of any merit.
9. That with regard to the statements made in **para 6 and 7** of the application, the answering respondents state that the applicant is all along trying to keep away from availing the requirement of law in connection with granting of his leave and he is suppressing many material facts and evidence to cover up his own misconduct. He never came out with clean hands to justify his claim for grant of leave on medical ground, instead he has been keeping away from the control and authority of the respondents.
10. That with regard to the statements made in **para 9(i) to 9(v)** at page 12 [which should have been 8(i) to 8(v)] and **9** at page 13 of the application, the answering respondents respectfully submit that under the facts and circumstances of the case, relevant laws and rules and the evidence on records and the statements made hereinabove answering the various allegations made by the applicant and rebutting the grounds, the applicant is not entitled to any relief whatsoever and the relief sought for being untenable in the eye of law; the application is liable to be dismissed with cost by holding it as devoid of any merit. The answering respondents also respectfully submit that the interim order dated 19.2.2010 passed by this Hon'ble Tribunal directing the respondents to allow the applicant to join in service may also be vacated / modified or altered as the applicant himself again has played foul with the respondents under the cover of the said order by dropping a joining report through the Dispatch Section and once again leaving the office without attending the office / duty immediately thereafter and not returning to report for duty up till now.

S.D.E. (Legal)

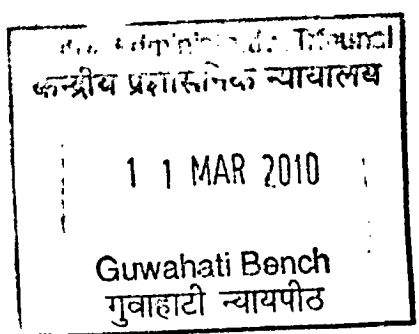
उप-मंडल अभियन्ता (बैधानिक)

Office of the G.M.T.D.

कार्यालय दूर-संचार महाप्रबन्धक

B.S.N.L., Nagaon

बि. एस. एन. एल. नागाँव



11. That this written statements has been filed bonafide and for the ends of justice.

In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall also be pleased to dismiss the application with cost.

Verification

I, Shri Mukul Ch. Pegu, Son of Shri. Gorakhia Pegu, aged about 48 years, resident of BSNL IB, Nagaon at present working as the S.D.E. (Legal) in the office of the G.M.T.D. Nagaon, being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 3A, 3G, 4 to 11 are true to my knowledge and belief, those made in para 3B, 3C, 3D, 3E, 3F & 3H being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 11th day of March, 2010 at Guwahati.

Shri. Mukul Ch. Pegu.

DEPONENT

S.D.E. (Legal)

उप-मंडल अधिक्यन्ता (वैधानिक)

Office of the G.M.T.D.

कार्यालय दूर-संचार महाप्रबन्धक

B.S.N.L., Nagaon

बि. एस. एन. एल. नगाँव

10

- 54 -

ANNEXURE R1

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
Office of the Telecom District Manager
NAGAON::ASSAM.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

No. QL-/03-04/14

Dated at Nagaon the 2nd July/2003

To,

Sri A.H.Laskar
Steno Gr-III
PA to TDM/Nagaon.
C/O Md. Giasuddin Sarkar
Kacharipatty, Baramasjid, Barbazar
Nagaon.

Sub: Absence from duty without prior intimation.

It has come to the notice of the authority that you are in a regular habit of remaining absent from duty without prior intimation whenever the TDM is out of station. You have been absent from duty on to-day the 2nd July/2003. You have neither taken any leave nor have intimated to this office about the absence. You are therefore directed to submit an explanation as to why an action should not be initiated against you.

Your reply should be reached to the u/s within 48 hrs of receipt of this memo.

June
Sub-Divisional Engineer(HRD)
O/O the TDM/Nagaon.

Je

Certified to be true Copy.

Advocate
Advocate

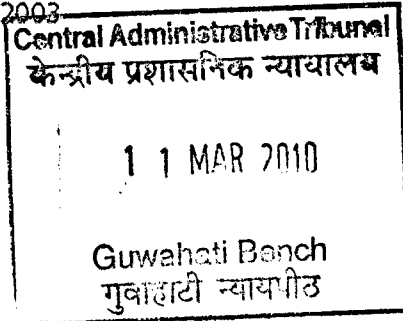
BHARAT SANCHAR NIGAM LIMITED
(A Govt of India Enterprise)
Office of the Telecom District Manager
NAGAON::ASSAM.

No.QL-0/07/03-04/15

Dated at Nagaon the 23rd Dec/2003

To

Md. A.H.Laskar.
Steno Gr-III
PA to TDM/Nagaon
C/O Md.Glasuddin Sarkar
Kacharipatty,Baramasjid
Barabazar,Nagaon.



Sub:- Absence from duty without prior intimation.

You have been absent from duty since 15/12/2003. You have neither taken any leave nor have intimated to this office. Report to duty immediately.

SDE(HRD)

O/o the TDM/Nagaon.

Copy for information and necy action to :-

The Sr.Accounts Officer(Cash),BSNL,o/o the TDM/Nagaon.

SDE(HRD)

O/o the TDM/Nagaon.

Certified to be true Copy.

Advocate

O/o the TDM/Nagaon

BHARAT SANCHAR NIGAM LIMITED
(A Govt of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
NAGAON: ASSAM.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

— : TELEGRAM : —

O/c

XT/1600/17-4-2004

To
Md.A.H.Laskar
S/o Late Abdul Motin Laskar
VIII:-Khelma VII, PO:-Gumra Bazar
PS:-Katigarh, Dist:-Cachar, Assam.

=No.QL-0/07/04-05/17 aaa You have been absent from duty since 31/03/2004. aaa You have neither taken any leave nor have intimated to this office aaa Report to duty immediately aaa Copy to the Sr.AO for information & necessary action aaa GMTD/Nagaon for kind information aaa

=SDE(HRD)
o/o the GMTD/Nagaon

=N.T.T.
Dy General Manager Telecom
Nagaon SSA

O/c
Sub-Divisional Engineer (Admin.)
BSNL, O/o the T.D.M., Nagaon

Certified to be true Copy.

Parthasarathy
Advocate

$S(v)$

11 MAR 2019

Guwahati Bandh
গুৱাহাটী বান্ধ

BHARAT SANCHAR NIGAM LIMITED
 (A Govt. of India Enterprise)
 OFFICE OF THE GENERAL MANAGER, TELECOM
 NAGAOH-782001(Aizawl)

AS 1,2

XT/1612/24-04-2004

Mr. A. H. Lankar
34 Lane Abdul Muthi Lankar
Vill. Khelma Vill. PO Guwahati
124-35 atiparty, Dist. Cachar (Assam).

Mr. A. J. Parker, Sioux Falls
P. O. 1234567890.
Came to the attention of the
Kearney County, Nebraska
Barabazur, Kansas (Assess.)

SINCE 07/07/04 USE FOR SECOND REMINDER AND YOUR PRESENCE IS REQUIRED
IF CURRENTLY REQUIRED AND REPORT DUTY IMMEDIATELY

RECEIVED BY THE CHIEF OF POLICE.

he telegraphed

1. Exemption from the 1980 (FSA)
 2. Exemption from the 1980 (FSA)

Sub-Divisional Engineer (Civil)
O/o the G.M.T.O.
U.S.N.L. Nagpur (A.C.S.)

(Confidential Regd. with A/D) posted vide HPO/Nagaon RL No. 4405 dt. 16-08-2006

Enolo:-

(J. L. GAUTAM)
The General Manager D. A. A.

Certified to be true Copy.

Boalha
Advogado

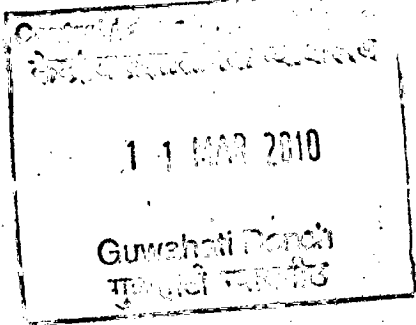
14

-58-

ANNEXURE R-5

5(VI)

BIHAR SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM
BSNL, NAGAOON-782001



No. QL-O/07/ML-05/24

Dated at Nagaon the 20th August/2004

To

Md. A. H. Laskar
H/O Late Abdul Motin Laskar
VIII- Kholma VII, PO- Guwahatibazar
P.S. Kaligaon, District-Cachar (Assam).

Sub- Leave without departmental process.
Ref- Your telegram dated 4-8-2004.

The undersigned is directed to ask why you have left F.C.Q. without applying for leave and without obtaining leave permission as per norms.

Jane
Sub-Divisional Engineer (HRO)
BSNL, o/o the GM/D/Nagaon.

9c

Certified to be true Copy.

Advocate
Advocate

03-03-2005 and Order issued vide NO. QL-O/07/2005-2006/41 dt. 08-08-2005
(Confidential Regd. with A/D) posted vide HPO/Nagaon RL No. 4400 dt. 16-08-2006.

15

-59-

ANNEXURE : R6

5(vii)

P. 001

BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM DISTRICT
BSNL NAGAON-782001

No. QL-0/07/04-05/26

Dated at Nagaon the 28th September/2004

To

Md. A.J.L. Laskar
S/O Late Abdul Motia Laskar
Vill- Kholma VII, PO- Gunmabazar
P.S- Katigarth, District- Cachar (Assam).

Sub- Leave without departmental process.

Ref- This office telegram dated:- 24/07/2004 and reminder letter of even no.
Dated 28/08/2004.

Third Reminder letter.

A letter dated nil has been received by this office from you on 25/09/2004. In the context of the letter you have mentioned for grant of leave and station leave permission. In this connection this office hereby intimate you that you had left the H.Q. without taking leave and station leave permission w.e.f 1-4-2004 which is very much irregular and unauthorized. Your salary can not be released until your leave cases are settled. You are hereby ordered to report for duty on or before 05-10-2004 failing which disciplinary action will be initiated against you as per prevailing rules.

Sub-Divisional Engineer (H&T)
BSNL, O/o the GM/DT/Nagaon.

Copy to the Sr. Accounts Officer (Cash), BSNL,
o/o the GM/DT/Nagaon. He is requested
not to release salary against the official
who had been left H.Q. to Katigarth
Cachar district without taking station leave
permission w.e.f -1/4/2004.

Sub-Divisional Engineer (H&T)
BSNL, O/o the GM/DT/Nagaon

Certified to be true Copy.
Advocate

03-05-2005 and Order issued vide No. QL-0/07/2005-2006/41 dt. 08-08-2006
(Confidential Regd. with A/D) posted vide HPO/Nagaon RL No. 4400 dt. 16-08-2006.

(J. L. GAUTAM)

16

-66-

ANNEXURE: R7

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM DISTRICT
BSNL NAGAON-782001

No. QL-O/07/04-05/26

Dated at Nagaon the 12 th October/2004

✓ To
Md. A.H. Laskar
S/O Late Abdul Motin Laskar
Vill- Khelma VII, PO- Gumrabazar
P.S- Katigarh, District-Cachar (Assam).

Sub- Absent from duty without prior approval from competent authority- Reg.

Ref- 1) This office telegram dated:- 24/07/2004 and reminder letter of even no.
Dated 20/8/2004 and Dated 28/8/2004.

2) Your application for transfer letter dated 17/5/2004 A/To the CGMT/GH.

With reference to above cited subject the undersigned is hereby request you to intimate the following:

- 1) The reasons for your absence from duty to the undersigned with expected date of your joining in duty.
- 2) In case of medical problem and under medical treatment you must submit medical certificate for absence period and the place where you are taking treatment.
- 3) As per office record no treatment is being taken from recognize hospital under Nagaon SSA.
- 4) Address during treatment address mentioned in application - Vill: Khelma P.O: Gumrabazar, Dist: Cachar (Assam).
- 5) No doctor advice has been submitted for illness.

Submit above information with necessary documents to the undersigned immediately to avoid further Departmental action against for unauthorised absent from duty. Salary can be released only after sanction of leave by competent authority.

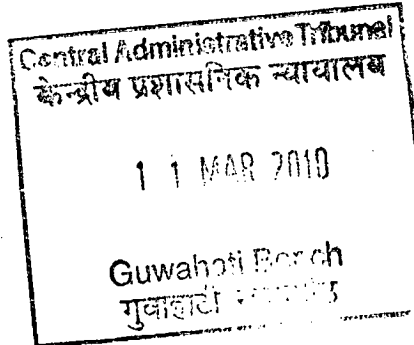
As you know that Nagaon SSA is headed by GMTD and it is very difficult to run office without Steno/PA. Steno/PA is utmost necessary for smooth functioning of the office. Due to your absence from duty it causing very difficult to run the office properly. Your services as Steno/PA in o/o the GMTD is very essential. Therefore once again you are requested please join duty immediately in the interest of the department, BSNL.

This treated as most urgent.

Sub-Divisional Engineer(HRD)
BSNL, O/o the GMTD/Nagaon.

Certified to be true Copy.

[Signature]
Advocate



17

- 61 -

ANNEXURE: R8

5 (VIII)

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER, TELECOM DISTRICT
BSNL, NAGAON-782001

No. QL-0/07/04-05/27

Dated at Nagaon the 1st November 2004

MEMO

To

Md. A.H. Lankar
S/O Late Abdul Motin Lankar
Vill- Kholma VII, P.O. - Gunrabazar,
P.S. - Katigochi, District - Cachar (Assam).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub- Absent from duty without prior approval from competent authority- Reg.

You have been absent from duty since 31/03/2004 and left the HQ without permission. You have neither taken leave nor submitted SR-I for leave. In your letter dated 5-4-2004 for a prayer for medical leave. You have mentioned that you were admitted in the C.I.D. Hospital, Haibargaon, Nagaon w.e.f. 05-04-2004 but you have not intimated the date of discharge from hospital. It is also not known on what circumstances you could not take station leave permission although you stayed at Nagaon from 1-4-2004 to 5-4-2004 and beyond. Hence you are hereby asked to explain why disciplinary action would not be taken against you for your above mentioned lapses. Your explanation should reach this office within 7 days from the date of receipt of the memo.

Sub-Divisional Engineer (ER & E)
BSNL, O/o the GMTD/Nagaon.

o/c

Certified to be true Copy
Advocate

05-05-2005 and Order issued vide No. QL-0/07/2005-2006/41 dt. 08-08-2005
(Confidential Regd. with A/D) posted vide HPO/Nagaon RL No. 4400 dt. 16-08-2006.

18

-62-

Index

in A/D

ANNEXURE R9

Confidential.

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
NAGAON TELECOM DISTRICT :: NAGAON(ASSAM).

No.QI-O/7/2005-2006/38

Dated at Nagaon, the 30th April 2005.**NOTICE**

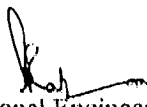
This notice is served to Shri A. H. Laskar S/o late Abdul Matin Laskar, Vill. Khelma VII, P.O. Gumrabazar P.S. Katigarh in the district of Cachar (Assam), a Steno Gr. III P.A., O/o the GM TD, Nagaon. The official has been absent from his duty since 31-03-2004.

That Shri A. H. Laskar submitted leave SR-1 application form for the periods from 01-04-2004 to 27-12-2004 only on 04-12-2004 and that without any recommendation or sanction by the Competent Authority. Further, Shri A. H. Laskar is continuously absent till date.

Several intimations through letters, telegrams and savingrams have been issued to his Local address at Nagaon as well as his permanent home address at Khelma VII, P.O. Gumrabazar, P.S. Katigarh in the district of Cachar (Assam) to join his duty but the official has not turned -- up.

THEREFORE, the Competent Authority issued this notice to Shri A. H. Laskar, Steno Gr. III PA directing him to send his reply within 10 (ten) days as to why his unauthorised absence period from 01-04-2004 to date should not be treated as "DIES-NON WITH BREAK IN SERVICE" under Rule 17-A of Fundamental Rules.

The receipt of this notice shall be acknowledged by Shri A. H. Laskar, Steno Gr. III PA.


Divisional Engineer(P&A)
O/o the GM TD, Nagaon.

To

Shri A. H. Laskar,
Steno Grade III PA to DGM
O/o the GM TD, Nagaon.

Now Home address

Shri A. H. Laskar,
S/o Late Abdul Matin Laskar
Vill. Khelma VII, P.O. Gumrabazar
P.S. Katigarh, Dist. Cachar(assam).

Certified to be true Copy.


Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

CONFIDENTIAL
Regd.

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
NAGAON TELECOM DISTRICT: NAGAON (ASSAM)

No. QL/07/2006-2007/46

Dated at Nagaon, the 28th June 2006

To

The Supdt. of Police,
Silchar, Dist. Cachar
(Assam).

Sub:- To locate whereabouts in respect of Sri Alamgir Hussain Laskar, Steno Gr.-II PA.

Sir,

Sri Alamgir Hussain Laskar, Steno Gr.II PA to the Dy. General Manager, O/o the General Manager Telecom District, BSNL, Nagaon has been unauthorisely absent from his duty since 31-03-2004. Several letters, Telegrams and Savingsgrams issued to his local address at Nagaon and his permanent home address at Khelma-VII under Cachar District to join his duty but the official does not turned-up.

You are therefore requested kindly to make necessary arrangement to locate the whereabouts of Sri Alamgir Hussain Laskar, Steno Gr.II PA and intimate to the undersigned for taking future necessary action at this end.

Your kind co-operation in this regard is highly appreciated.

Yours Faithfully

PRESENT HOME ADDRESS.

Sri Alamgir Hussain Laskar,
S/o Lato Abdul Matin Laskar
Vill.- Khelma VII, P.O.- Gumrabazar
P.S.- Katigarh, Dist.- Cachar (Assam).

(SRI S. RAHMAN)
Divisional Engineer (P&A),
O/o the GM TD, BSNL, Nagaon

Copy to :-

The Supdt. of Police, Nagaon, Dist. Nagaon (Assam) for information. He is requested kindly to make necessary arrangement to locate the whereabouts of Sri Alamgir Hussain Laskar, Steno Gr.II PA and intimate to the undersigned for taking future necessary action at this end.

LOCAL ADDRESS.

Sri Alamgir Hussain Laskar,
C/o Giasuddin Sarkar,
Kacharipatty, Baramasjid,
Barabazar, Nagaon (Assam).

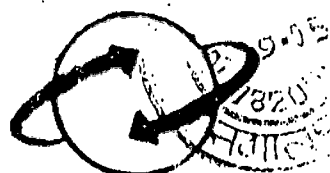
(SRI S. RAHMAN)
Divisional Engineer (P&A)
O/o the GM TD, BSNL, Nagaon.

Sub-Divisional Engineer (H&D)
O/o the G.M.T.D.
Nagaon

Certified to be true Copy.
Advocate

BHAJ
(A)
OFFICE OF
NAGAON TEL

No.QL-0/07/2005-2006/41



B.S.N.L.

SHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
O/o The G.M.T.D.
Nagaon Telecom District
Nagaon - 782 001



S. Rahman

For. A. H. Laskar
22/08/05

Sri A. H. Laskar, Steno Gr.III PA to the Dy. General Manager, O/o the GM TD, Nagaon has been unauthorzcdly absent from his duties since 31-03-2004. Several letters, Telegrams and Savingsrams issued to his local address at Nagaon and his permanent home address at Khelma, Dist Cachar to join duty, but the official has not turned -up.

The Competent Authority therefore, decides to issue "DIES-NON WITH BREAK IN SERVICE" to Sri A. H. Laskar under FR. 17-A and a notice has been issued to Sri A. H. Laskar vide letter No.QL-0/7/2005-2006/38 dated 30-04-2005 for submitting his representation. But the official did not acknowledge this notice and failed to submit his representation or appeared in person.

NOW THEREFORE, the Competent Authority issues this order "DIES-NON WITH BREAK IN SERVICE" to Sri A. H. Laskar, Steno Gr.III PA with effect from 01-04-2004 under Rule 17-A of Fundamental Rules. The order will not effect the pension benefit of the qualifying service of Sri A. H. Laskar before 01-04-2004.

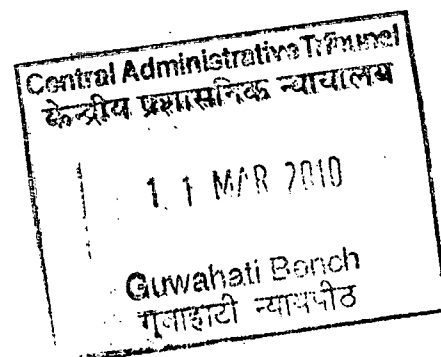
The receipt of this order shall be acknowledged by Sri A. H. Laskar, Steno, Gr.III, PA.

To
Sri A. H. Laskar
Steno. Gr.III, PA to DGM
O/o the GM TD, Nagaon.

NOW HOME ADDRESS:-

Sri A. H. Laskar
S/o Late Abdul Matin Laskar
Vill.-Khelma, P.O.- Gumrabazar
R.S.-Katigari, Dist.-Cachar(Assam).

(S. Rahman)
Divisional Engineer(P&A)
O/o the GM TD, BSNL,
Nagaon - 782001



Certified to be true Copy.

[Signature]
Advocate

...from Nagaland, 1st runner-up from Manipal, Marak from Meghalaya, crowned Miss Jorhat North East 2006 and first and second runners-up respectively during the pageant held at Imphal on Friday. Thirteen contestants vied for the coveted title. UB Photos

ONGC to take 50.5 pc stake in Tripura project

NEW DELHI, Nov 25 - Oil and Natural Gas Corp (ONGC) will take 50.5 per cent stake in the company that will set up the Rs 2,000 crore Tripura power project and the associated transmission lines. We have changed the format of the 740 MW project. While earlier it was proposed that ONGC would set up the power plant and a separate company would implement the transmission link for evacuation of power from the plant, now we propose to do both the jobs through just one company, an official said.

ONGC would take 50.5 per cent stake in the company that will set up the power plant and the associated transmission lines, while IL&FS would take 26 per cent.

The project is estimated to cost around Rs. 2087.60 crore and would be implemented by

the earlier proposal of separate companies for the generation and transmission arms - the generation project was meant to be on the balance sheet of ONGC whereas the transmission division was to be an independent company - the two entities would now be integrated under one company.

The power plant is ONGC's first mega 'Gas-to-Wire' project to monetize significant idle and stranded gas in the State. It will initially produce four million standard cubic meters per day and increase it to five mmscmd by ongoing exploration.

The official said earlier ONGC was to implement the mega 2x370 MW advanced class combined cycle power plant at Palatana, and a special purpose vehicle (SPV) was to implement the transmission project.

Bower Grid Corp of India Ltd.

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)
O/o The General Manager Telecom District,
Nagaon - 782001(Assam)

NOTICE

Md. Alamgir Hussain Laskar, Steno, O/o the GMTD, BSNL, Nagaon, S/o Late Abdul Matin Laskar, Vill.-Khelma VII, P.O.-Gumrabazar, P.S.-Kalighat, Dist. Cachar (Assam) is absconding from 31.03.2004.

Md. Alamgir Hussain Laskar / relative of Md. Alamgir Hussain Laskar, if any / O/G PS Kalighat Dist. Cachar are requested to inform this office about his present address. The official is not responding to any letter issued from this office.

This is a final notice to Md. A. Laskar

Divisional Engineer(P&A)



ASSAM FINANCIAL CORPORATION

Md. Shah Road, Paltanbazar, Guwahati-8.

APPEAL

Assam Financial Corporation has been working hard to fulfill its role of promoting SSI units in the States of Assam, Meghalaya, Manipur and Tripura by extending financial assistance aggregating Rs. 115.37 crore to 6192 units in its 52 years of existence. Unfortunately, a large number of borrowers have not repaid the loans as per commitment. In many cases where the borrower was not able to repay on genuine grounds AFC made many concessions under OTS and Rehabilitation packages. In spite of these efforts, many borrowers are not making any payment jeopardizing the process of extending fresh loans to new industrial units. To enable AFC to continue to play its role in the development of the State, it is requested that the borrowers who have not repaid the loans should contact the AFC immediately.

Certified to be true Copy.

[Signature]
Advocate

Central Administration Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
গুৱাহাটী বেঞ্চ

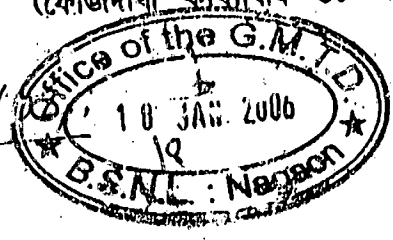
In the Court of S.D. J. M. Hojar, S/Nagar.

SUMMONS TO AN ACCUSED PERSON

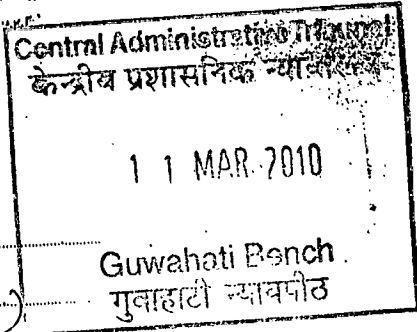
(No. Schedule V. Act. V 1898)
(Section 68 of the Code of Criminal Procedure)

আচাৰীৰ প্ৰতি চমন

(কোজদাৰী কাৰ্য্যবিধি ৬৮ ধাৰা)



In the court of
Sub-Divisional Judicial Officer
Nagar, Sankardev Nagar.



সোন নং CR-463/
D/F 8/2/06

শ্ৰী আচাৰীৰ প্ৰতি চমন
শ্ৰী আচাৰীৰ প্ৰতি চমন (বকৰা চাৰী)
শ্ৰী আচাৰীৰ প্ৰতি চমন (বকৰা চাৰী)
শ্ৰী আচাৰীৰ প্ৰতি চমন (বকৰা চাৰী)

যিহেতু আপোনাৰ বিৰুদ্ধে নিম্ন স্বাক্ষৰকাৰীৰ আদালতত দীক্ষিত প্ৰতিপক্ষৰ অভিযোগ

নং আঃ বিঃ আইন 138 N.I. Act. r/w Sec 142 of the N.I. Act. as amended up to date & Sec. 480.9.P.C.

যিহেতু উক্ত অভিযোগ/গোচৰ সম্পৰ্কে উপযুক্ত জবাব দৰ্শাবলৈ আপোনাৰ উপস্থিতি মোৰ আদালতত

প্ৰয়োজন S. D. J. M. Hojar, Sankardev Nagar.

এজেক্ট আপোনাৰ প্ৰতি আজ্ঞা কৰা হৈছে যে আপুনি/আপোনালোকে অহা ইং ৬/২/২০০৬
অৰ্থাৎ পূৰ্বা ১০ বছৰৰ সময়ত মোৰ আদালতত থাকিব হৈ (আৱশ্যক বোধে আগিনদাৰ সহ) গোচৰত বিচাৰৰ বাবে
উপস্থিত হ'ব। ইয়াৰ অন্যথা আইনগত বিহিত ব্যৱস্থা লোৱা হ'ব।

আজি ইং ৬/২/২০০৬ তাৰিখে মোৰ চহী আৰু আদালতৰ মোহৰ সাৰি দিয়া হ'ল।

Forwarded to D. G. M. Nagar T.L. Com.
Given for favour of Cashier
Service and Return early.

মেজিষ্ট্ৰেট

Certified to be true Copy.

[Signature]
Advocate

Copy of order dtd. 9.12.04 passed by S.D.J.M., Hojai,
Sankardev Nagar, in conn. with Case No.-C.R.-463/04.

Md. Rejak Ali

Vs

Alangir Hussain Laskar

U/S-420/138/142 N.I. Act.
I.P.C.

O R D E R

9.12.04 Complainant present. He is examined u/s 200
Cr.P.C. Prima facie going through the documents
and the evidence, I find materials to proceed against
accused Alangir Hussain Laskar.

Issue summons. Complainant will take steps.

Fix 21.1.05 for app.

Sd/ M.R. Sarmah,
Sub-Divisional Magistrate,
Hojai, Sankardev Nagar,
Nagaon & Assam.

Certified to be true Copy.

[Signature]
Advocate

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
1.1. MAR 2010
Guwahati Bench गुवाहाटी न्यायालय

Order (Legal)

In the presence of
Sub-Divisional Judicial Magistrate
Hojai, Sankardev Nagar.

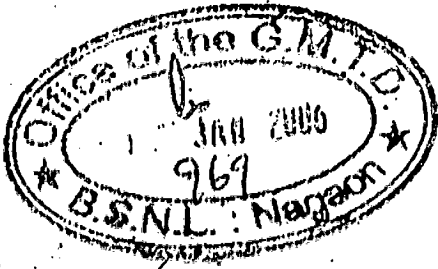
Copy of order dtd. 6.1.06 passed by S.D.J.M., Hojai,
Sankardev Nagar, in conn. with Case No. C.R.-463/04.

Mr. Rejak Ali

Vs.

Alamgir Hussain Laskar

u/s.420 I.P.C. and 133/142 N.I.Act.



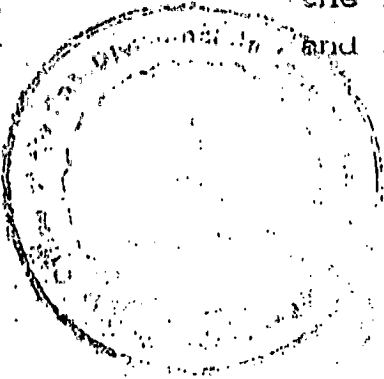
O R D E R

6.1.06 Complainant present. Perused the record. Heard
Ld. Council. The notice sent through regd. post
returned non-served for want of time

Issue fresh notice to the accused by regd. post.

Also, send a copy of the order dtd. 9.12.04 to
the Employer of accused to take action officially
and send report of compliance.

Fix-8.2.06 for report.



Sd/- M.R. Sarma,

Sub-Divisional Judicial Magistrate

Hojai, Sankardev Nagar,

Nagaon : Assam.

Memo No. SDJM/TSN 18

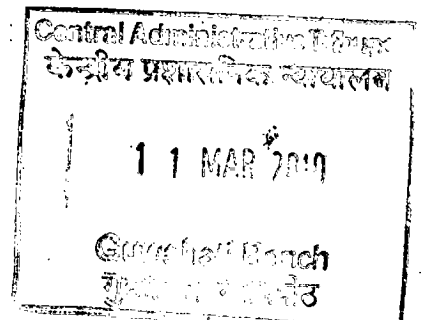
Date 7 1.06

✓ Copy to :- The D.C.M., Nagaon Telecom Division, for information
and necessary action.

M.R. Sarma
Sub-Divisional Judicial Magistrate
Hojai, Sankardev Nagar,
Nagaon : Assam.

Certified to be true Copy.

Advocate
Advocate



SUMMONS TO AN ACCUSED PERSON

(180, Schedule V, Act. V-1898)

(Section 90 of the Code of Criminal Procedure)

আজ্ঞাদায়ক আদালত

(প্রদেয়ক) আদালতের আদালত

To: N. G. N. (Nagarm)

Md. Zahangir Alam Lasker @ Alangir Alam Lasker
(P.A. to the T.D.A.)

Add: - Department of Telecommunication, District Telecom Office
P.S. Nagarm, (Nagarm) Dist. Nagarm, Assam.
মি জাহাঙ্গীর আলম লস্কর মিস্টার আলম লস্কর

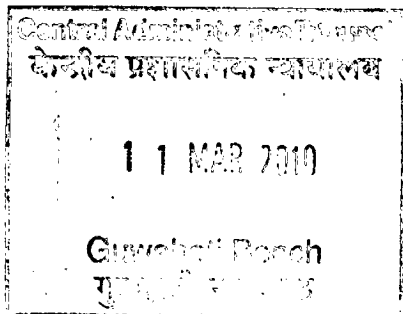
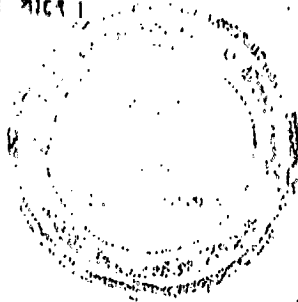
Ref: 142/138 of N.T. Act.

কমিউনিকেশন ডিবি

১৪/৫/০৬

সংক্রান্ত মোবাইল ফোন নম্বর ১৪২/১৩৮ নং আদেশের আওতাধীন
অধিকারীকে জানান হইবে যে তিনি আদেশের আওতাধীন

মি. জাহাঙ্গীর আলম লস্কর



১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

D. Borka J.M.F.C.

আজ্ঞাদায়ক আদালত

ইমান সমাজিক ন্যায়

১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

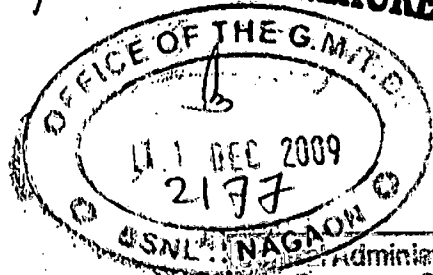
১৪/৫/০৬

১৪/৫/০৬

১৪/৫/০৬

Certified to be true Copy.

[Signature]
Advocate



To,
The General Manager, BSNL
Nagam.

Dated at Nagam, the 08-12-09

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub: { Request to receive joining report }

Sir,

Most respectfully I beg to submit that I was on prolong leave due to my physical illness and subsequently my mother fell ill and because of that I could not join my duties. I also beg to inform you that I am a physically handicapped person.

That Sir, today I wanted to join my duties as my mother's condition is stable. But when I have submitted my joining report to the SDE (HR) of the GM, BSNL, Nagam he has refused to accept my joining. I have also approached to the DE (Admin) to accepting my joining who has also refused to accept.

In the circumstances I beg to request your goodness to issue necessary instruction to accept my joining to uphold natural justice.

Thanking you,

Yours faithfully,

Amrinderjit Singh Arora
Steno-II, of the GM, BSNL
Nagam.

~~Not enclosed~~

Certified to be true Copy.

[Signature]
Adm. Secy

SS

Pl keep it pending
19/12

SDE (HR)

Keep it pending
file the order

of disciplinary
case of Mr. Arora
② SR-I
③ Medical Certificate
(2 copies).

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय 11 MAR 2010 Guwahati Bench गुवाहाटी न्यायपीठ

✓ To
 The SDE (HRD)
 Of the G.M., BSNL
 Nagaon

Dated at Nagaon, the 8/11/09

Sub: Joining Report.

Sir,

I do hereby reported to join
 on my duty at for noon of 08/12/09.

Thanking you,

Encl:-

- ① SR-I
- ② Medical Certificate
- 2 copies.

Yours faithfully,

Alamgir Hussain Daska
 Steno-II, of the G.M.
 BSNL, Nagaon.

Certified to be true Copy.

[Signature]
 Advocate

APPLICATION FOR LEAVE

Note:— Items 1 to 11 must be filled in by all applications whether Gazetted or Non-Gazetted.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायालय

1. Name of applicant:— Alamgir Hussain Karker
2. Leave Rules applicable:— Medical
3. Post held:— Steno (III)
4. Department, Office & section:— G.M., BSNL, Nagpur
5. Pay:— 7300 + Allowances
6. House rent allowance, conveyance allowance;—
or other compensatory allowances, drawn As applicable
in the present post.
7. Nature & period of leave applied for:— Medical w. e. f 28.12.09
& date from which required. to 8.12.09
8. Sunday & Holidays, if any proposed to be prefixed/suffixed to leave. Yes, if arise.
Medical
9. Ground on which leave and the nature:— Not arise
10. Date of return from last leave and the nature and period of that leave. Not arise
11. I propose / don't propose to avail myself of:—
leave travel concession for the block year.
_____ during the ensuring leave.
12. (a) I undertake the refund the difference between:—
the leave salary during leave on average pay / commuted
leave and that admissible during leave on half average
pay / half pay leave which would not have been admissible had
the provision FR 81 (b) (ii) / rule II (iii) of the revised
Leave Rules 1933 not been applied in the even of my retirement
from service at the end of or due in the current of leave.
(b) I undertake to refund the leave salary drawn during "leave not due"
which would not have been admissible had FR-81 (c) Rule II (d) of the
revised leave Rule 1933 not been applied in the even of my voluntary
retirement from service at the end or during the currency of the leave.
(c) Full address while on leave. Alamgir Hussain Karker, P. St. Nagar, Nagpur
8.12.2009
Signature of applicant (with date)
13. Remarks and / or recommendation of the controlling Officer.

Signature (with date).

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

(By Accountant General in case of Gazetted Officer)

14. Certified that _____ for _____
days from _____ to _____ admissible _____
under Rule _____ of the _____ Rules.
15. * Orders of the sanctioning authority.

SIGNATURE & DESIGNATION.

In the applicant is drawing any compensatory allowance sanctioning authority should state whether on the expiry of leave he is likely to be recommended to the same post or the another post carrying a similar allowance.

Certified to be true Copy.

Advocate

MEDICAL CERTIFICATE

ANNEXURE : R20

Department of S.M.H.
SILCHAR MEDICAL COLLEGE HOSPITAL

Ref. No.

Hospital No. 27586

Date 04-12-09

M. R. D. No. 519489

This to certify that Sri / Smtt. Bilatun Nasa
aged 55 yrs is was treated as outdoor indoor patient under medical
College Hospital from 28-10-06 to 28-10-06
for Pleural Effusion C.H.P.U.S.

He / She was advised rest / light duty for a period of under treatment
of 8 m days / weeks / months W.E.F 28-10-06

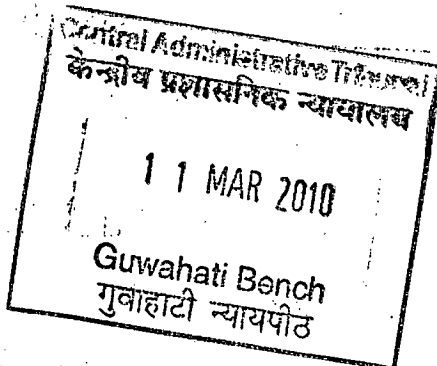
He / She is fit not fit to resume duty.

Signature [Signature]

Department of S.M.H.
Silchar Medical College Hospital

Superintendent
Silchar Medical College Hospital

Seal



Certified to be true Copy.

[Signature]
Admin

UNITY HEALTH CENTRE

Main, Dist- Cachar (Assam)



NATIONAL RURAL HEALTH MISSION

Emergency No.

Name.....

Age..... Sex M/F..... Date..... 20/11/2009

CLINICAL NOTE

Certified Mr. Bui. Belong
Ness Bui who is husband
mother of village Khetim VII
PO. Bhumrah PS. Kohagora
of Cachar had been
suffering from pleural
effusion complicated
since 01/01/2005 to
27/10/2009. During the
period he was under
my treatment.

Beenu
30/11/2009
Kailash S.H.O.
Kailash, Cachar.

হাসপাতালের সফর্য বজায় রাখুন।

Central Administrative Tribunal
গ্ৰীষ প্রশাসনিক ন্যায়ালয়
11 MAR 2010
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Certified to be true Copy.

Poc...
Advocate

31

-75-

ANNEXURE : R22

Regd + 40

To,

The General Manager
B. & N. L., North India
Nagpur, (Assam)

From,

A. S. Laskar,
Sd/-,
Nagpur

Sp. B. G. Barbhuiya
Sd/-, Khutukhotia
Nagpur

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
11 MAR 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

Certified to be true Copy.

Doi Karat
Advocate

Chief General Manager Telecom,
Assam Telecom Circle
Admin Bldg. 4th floor, PANBAZAR
GUWAHATI - 781 001, ASSAM



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)

No. : CGMASM/COMPLT-Staff

Dated : 17th March, 2009.

To :

Sri Sontosh Mohan Dev,
Hon'ble Minister
Heavy Industries & Public Enterprises.
Govt. of India,
Room No. 155, 1st floor,
Udyog Bhavan,
New Delhi - 110011.

Central Administration
केन्द्रीय प्रशासनिक न्यायपीठ

11 MAR 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub : Your recommendation for transfer of Md. Alamgir
Hussain Laskar, Steno -from Nagaon to Silchar.

Ref : Your D.O. letter No. 183 M(HI&PE)/2009 dated
10-02-2009.

Respected Sir,

Kindly refer to your letter cited above.

In this context I would like to bring to your kind attention that Md. Alamgir Hussain Laskar, Steno-II (at that time), o/o. GM TD, Nagaon has been absconding from his duties since 31st Mar-2008 without any stated reason, without any application of leave etc.

In the mean time none of the communications addressed to him by BSNL have been replied by the Official. You will agree, this tantamount to gross dereliction of duty on the part of the Official which should justify his termination of service.

In fact, till date the official has not reported for duty with BSNL but he is apparently in touch with you to pressurize BSNL in seeing his personal goals are served.

In view of the above facts, I regret to inform you that the transfer of Md. Alamgir Hussain Laskar recommended by you, cannot be considered at this stage.

With Regards,

Yours Sincerely,

(N. N. BANERJEE)

[CGMT Assam Telecom Circle]

Tel : 0361-254-0040

FAX : 0361-254-0111

Copy to :

1. GM (Admin), Assam Telecom Circle
2. GM (Silchar), Assam Telecom Circle
3. GM (Nagaon), Assam Telecom Circle

India Broadband
www.bsnl.co.in

Regd. & Corporate Office : Statesman House, B-148, Barakhamba Road, New Delhi-110 001 Website:

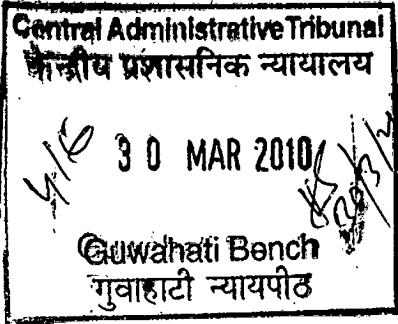
Cmplt-Alamgir Hussain-SM Deb-1.doc

Page - 1 / 1

Certified to be true Copy.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

GUWAHATI, ASSAM



O.A.No 270/09

Shri Alamgir Hussain Laskar.

.....Applicant.

-versus-

Union of India & Others.

.....Respondents.

Rejoinder filed by the Applicant to the written statement of the Respondent No 2 to 4.

The Applicant Most respectfully beg to state as under:-

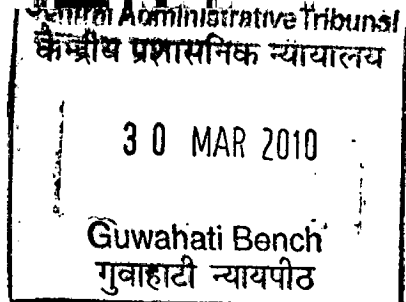
1. That the Applicant has filed the O.A. praying for the reliefs therein. The Applicant has stated in the O.A. that a Charge Sheet has been issued against him by the Respondents, he is participating in the Departmental Preceding which is separate and the charge is unauthorised absence. The respondents have filed the written statement narrating alligations of unauthorised absence. The Applicant very humbly submits that in maintaining judicial process it, the Applicant honestly believes that it would not be proper for him to enter into contradiction over the matter over which the Respondents themselves have appointed Inquiry Officer and statements made about the allegations are likely to prejudice the cause of the departmental proceedings. The Applicant humbly submits that the statements in the written statement demonstrate that the Respondents are working with closed mind.

2. That the alligations of 'habitually started to remain absent' in para 2B is categorically denied. The statements in para 2B, 2C, 2D are relating to the subject matter of pending departmental proceeding. As explained in para 1 above the applicant does not say any thing, and does not admit anything not supported by record, those which are not admitted specifically are deemed to be denied.

Alamgir Hussain Laskar

Filed by the applicant
through S.N. Tamuli
Advocate. 30/3/2010.

I undertake
to serve a
copy of this
Rejoinder
to the counsel
for the opposite
party.
30/3/2010



3. That in reply to the statements in para 2E it is humbly stated that the alligations as regards criminal cases are made out by the Respondents for purposes best known to them, to make an attempt to malign the applicant and prejudice before the Hon'ble Tribunal. It is stated that the cases are falsely made, and dismissed as such. It appears that some officials have nexus with the false cases.

The statements in para 2E demonstrates that there are officers in the Respondent's Office who want to dispense justice with administrative fairness and as such the Charge Sheet dated 5.4.2007, but another section of officials with hostility against the Applicant are working, fresh Charge Sheet issued, and makes statements about criminal cases not relevant and dismissed. In reply to the statements in para 2F, the Applicant humbly states that the Respondents have already decided to 'bring him to book', meaning the applicant. The Applicant as 'played another game'; 'has played another game'. The Applicant as an employee under his employers humbly denies playing any game, and submits that the words used speaks of animosity against the Applicant. The Respondents are working with predetermined conclusion against the applicant.

In reply to the statements in para 2G and H of the Written Statement it is stated that the disciplinary proceeding is in progress. The alligation of putting political pressure is denied. The Applicant as a citizen has approached Union Cabinet Minister and it is humbly submitted that the phrases 'could manage in writing letters from the Central Cabinet Minister' etc. are not befilling on the part of Instrumentality of State. It is humbly submitted that to approach Cabinet Minister does not connote politics or political pressure.

A
4. That in reply to the statements in para 4 and 5 of the Written Statement the Applicant reiterates the statements in the O.A., the alligation of the un authorise absence is now the subject matter of the disciplinary proceeding which is pending.

A
Alamgir Hussain Qasbi

5. That in reply to the statements made in para 6 of the written statement, it is correct that it is para 4.5 and not para 4.4 (regarding telegram). The applicant respectfully states that the respondents are wrongly trying to project the applicant as a person giving wrong/ incorrect position. In para 4.5 of the O.A. the applicant has written '... but on 3.8.2004 received a telegram...'. He has never written that the telegram was issued on 2.8.2004. It was also written that the copy of the telegram was enclosed.

6 That in reply to the statements made in para 7 of the written statement the applicant reiterates the statements in the o.A. The respondents knew that the applicant was on leave. The respondents are making contradictory statements as regards leave salary. Respondents have released leave salary for April 2004, May 2004 and June 2004. It is denied that the applicant was on leave for more than five years. In an attempt to make the period of absence as more than 5 years the respondents have not allowed him to join duty earlier, and even after the order of the Hon'ble Tribunal dated 19.02.2010. It is stated that the Respondents are making vague statements as if they do not know the competent authorities, 'power is vested with some body else' demonstrates the same. The alligation of submitting joining report 'stealthily' is very hostile and unworthy. This alligation is denied. On 23.02.2010 the Applicant met Sri A.K.Srivastava, Dy General Manager and Sri Tulsi Bordoloi, DE(Marketing) who told that G.M. BSNL, Nagaon was out of station and advised the applicant to come on the next day. Accordingly on 24.02.2010 the GM came and the applicant met him in person and the GM told the applicant that the permission of the Circle Office would be necessary and asked him to wait for few days more. But thereafter no order of his resumption was issued.

7. That the alligations in para 8.9 and 10 are denied. The in the above paragraphs and in the O.A. are reiterated. Applicant is shocked to see the alligation that he 'played foul'. This alligation is denied. After the order dated 11.03.2010 of this Hon'ble Tribunal the applicant again went to the office of the G.M, BSNL, Nagaon and reported for duty and submitted his joining report. But he was not allowed to resume duty and was

Alamgir Hussain Ansari

30 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

informed that such power is vested in the Circle Office. In this connection it is stated that while he went to report for duty as above, in view of the hostile alligations against him as dropping 'stealthily' and 'foul play' applicant was advised by his well wishers and friends to be accompanied with an advocate. Accordingly applicant was accompanied by Sri Girish Chandra Bora, Advocate, Nagaon Bar Association to his office. But even than the applicant was not allowed to resume duty and was again told that such power is vested with the Circle Office only. The said learned advocate Mr. Bora advised the applicant that since the matter relates to an order of judiciary the applicant should file an FIR before the Nagaon Sadar Police Station. Applicant accordingly files an FIR before the police and the same was numbered as GDE No 508 dated 12.03.2010. An affidavit dated 12.03.2010 was also sworn testifying attending before the G.M., BSNL, Nagaon. The police has also made an report dated 27.03.2010.

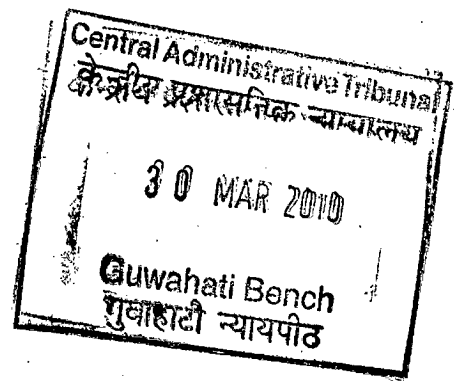
Copies of the affidavit dated 12.03.2010, FIR dated 12.03.2010, and Police Report dated 27.03.2010 are enclosed as Annexure N, O & P respectively.

8. That an office order dated 20.03.2010 has been issued from the office of the G.M. Telecom, BSNL, Nagaon, citing the interim order dated 19.02.2010 of this Hon'ble Tribunal in O.A. No 270/09 and Circle Office letter dated 18.03.2010, whereby the applicant has been permitted to join duty w.e.f. 18.03.2010 until further order. In the aforesaid order applicant was also directed to report to D.E. (Admin), GMTD's office at Nagaon. The applicant has accordingly reported for duty and submitted his joining report but no further posting order has been issued. The applicant is daily attending office but as no further posting order has been issued he has not been allowed to sign attendance register.

Copy of the office order dated 20.03.2010 is enclosed as Annexure Q.

9. That in the circumstances explained above the O.A. deserves to be allowed.

Alamgir Hussain Ansari



VERIFICATION

I, Alamgir Hussain Laskar, S/o Late Abdul Motin Laskar aged about 36 years, presently residing at All India Radio Campus, Nagaon do hereby verify that I am the applicant in the present O.A. and as such I am fully conversant with the facts and circumstances of the case. I do hereby verify that the statements made in Paras 1 to 8 of this rejoinder are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this 28 th. day of March, 2010 at Nagaon.

Place: Nagaon

Alamgir Hussain Laskar
Signature



অসম ASSAM

04AA 673350

S/A & declared before
me by the deponent who
is identified by

Affidavit

12 MAR 2010

Miss A. Kalita

Advocate, Nagaon

I, Mr. Alamgir Hussain Laskar, aged about

36 yrs., the employee (Grade-II, Stenographer) under

General Manager, BSNL, Nagaon and the son of Late Abdul

Motin, do hereby solemnly affirm and declare as follows:

1. That I am a citizen of India by birth. This is true.
2. That I am an employee under General Manager, BSNL, Nagaon . This is true.
3. That on today i.e., on 12.3.10 I attend before General Manager, BSNL, Nagaon for joining in my service but concerning Officer has not allow me to join in the service as the concerning Officer has not received the copy of the

identified by
ie.

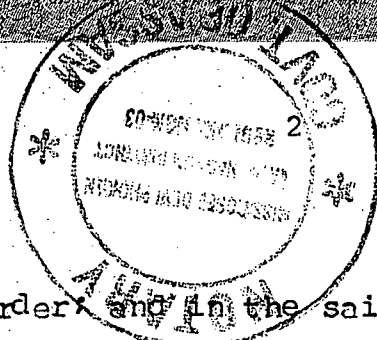
Advocate, Nagaon

PTO



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02AA 915384



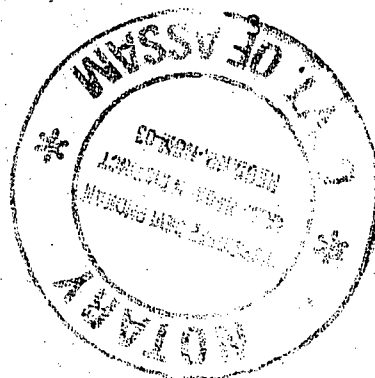
courts order, and in the said moment I was accompanied by one Mr. Girish Ch. Bora, Advocate, Nagaon Bar Association, Nagaon, Assam. This is true to the best of my knowledge, belief and information.

NOTARY
PUBLIC
Nagaon District
Area Nagaon

4. That I swearing this affidavit to declare the facts that on 12/03/2010 I approached to the General Manager, BSNL, Nagaon for my joining but he has not allow me to join in my service today and in this regard this affidavit shall used as a piece of evidence. This is true to the best of my knowledge, belief and information.

Manoj Kumar
Hussain

Alamgir Hussain Laskar



Verification

I, Md. Alamgir Hussain Laskar, the deponent, do hereby solemnly affirm and declare that the statements made in this affidavit are true to the best of my knowledge and belief and as such, I have signed this verification on the 12th March/2010 at Nagaon court premises.

Notary Public,
Nagaon
Nagaon District
State of Assam

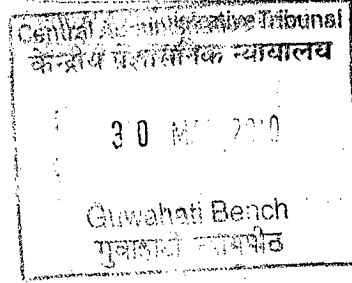
Attested
(Advocate)

Alamgir Hussain Laskar
Deponent

To,

The O/C
Nagaon Sadar Police Station
Nagaon

Date - 12-03-2010



Sub: F.I.R

Sir,

Respectfully I beg to state that I am a BSNL employee of Nagaon BSNL, Division. After medical leave I attended the office on 08-12-2009 for joining on duty, but the authority refuses my joining. Then I sent my joining report through registered post and approached Hon'ble CAT, Guwahati for natural justice, The Hon'ble CAT, Guwahati satisfy to issue an interim order to allow me to join on duty immediately. Then I came to my office along with relevant documents for joining. I met my DE(P&A) CAO, DGM(PLG) and finally on 24-02-2010 GM, BSNL, Nagaon. I was told that I would be allowed to join after hearing from Chief General Manager, BSNL, Guwahati. Then I was waiting and waiting at Nagaon for my joining and duty. On 10.03.2010 I again submitted another joining report and went to Guwahati on 11-03-2010 morning by train for attending Hon'ble CAT on 11-03-2010. That Sir, I again come today to submit my joining report as per direction of Hon'ble CAT, Guwahati. Therefore, it is earnestly requested your honour kindly to make necessary inquiry in this regard as the matter is under jurisdiction of Hon'ble CAT, Guwahati and thus oblige.

Thanking you.

Yours faithfully,

-Sd-

ALAMGIR HUSSAIN LASKAR

Steno-Gr-II, O/o the GM, BSNL

Nagaon

Altered
(Advocate)

Present Stay Address ::

Alamgir Hssain Laskar

C/o. B. U. Barbhuyia

All India Radio Campus

Khutikotia, Haibargaon

Nagaon

Encl: i. Order copy of the Hon'ble CAT, Guwahati

ii. Joining reports

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
30
Guwahati Bench গুৱাহাটী বেঞ্চ

To
The O.P.,
Nagaon Police Sadar Police Station
Nagaon.

Date: 12.03.2010

Sub: F.I.R.

Sir, Respectfully I beg to state that I am a BSNL employee of Nagaon BSNL Division. After medical leave I attended the Office on 08.12.2009 for joining on duty, but the authority refuses my joining. Then I sent my joining report through registered by post and approached Hon'ble CAT, Guwahati for natural justice. The Hon'ble CAT, Guwahati satisfied to issue an interim order to allow me to join on duty immediately. Then I came to my office along with relevant documents for joining. I met my DE(FRA), C&P, GSM(PH) and finally on 24.02.2010 GM, BSNL, Nagaon, I was told that I would be allowed to join after hearing from chief General Manager, BSNL, Guwahati. Then I was waiting and waiting at Nagaon for my joining and duty. On 10.03.2010 I again submitted another joining report and went to Guwahati on 11.03.2010 morning by train for attending Hon'ble CAT, Guwahati on 11.3.2010. That Sir, I again come today to submit my joining report as per direction of Hon'ble CAT, Guwahati. Therefore, it is earnestly requested your honour kindly to make necessary inquiry in this regard as the matter is under jurisdiction of Hon'ble CAT, Guwahati and thus oblige.

Thanking you,

- Encl: i) Order copy of the
Hon'ble CAT, Guwahati
ii) Joining Reports

Attached
(Advocate)

Yours faithfully,

Alangir Hussain Karkar
Steno - Gr-II, of the GM, BSNL
Nagaon.

Present stay address:-
Alangir Hussain Karkar
C/o B. V. Barshuiya, All India
Radio Campus, Khutikhola
Hailabargaon, Nagaon.

- 11 -
8

- 87 -

Annexure P

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

Typed COPY OF POLICE REPORT DATED 27.3.2010. 30

Police Report.

Guwahati Bench
गुवाहाटी बेंच

This is to certify that Md. Alamgir Hussain Laskar, Grade II Stenographer of B.S.N.L. Nagaon P.S. Nagaon Dist Nagaon was attended G.M. office Nagaon on 8.12.2009 for joining duty. But the authority refuses his joining. Then he sent it through registered post & approached Hon'ble CAT Guwahati. On 23.2.2010 he again attended his office with Hon'ble CAT's interim order dated 19.02.2010. but the authority refused his joining and told him that he would be allowed to join after hearing from cChief General Manager, Guwahati on 10.03.2010 he submitted another joining report to G.M.B.S.N.L., Nagaon and again his joining refused by the authority. Then on 11.03.2010 he went to Guwahati for attending Hon'ble CAT's hearing on inquiry at this end it is found he was remaining at Nagaon w.e.f. 8.12.2009 except holidays and hearing date of the Hon'ble CAT Guwahati. In this ref Nagaon P.S. GDE No 508 dt 12-03-2010.

Sd/-

OFFICER IN CHARGE
NAGAON P.S.

Date 27.3.2010

Altered
(Advocate)

30 MAR 2010
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

STATION
Date.....
MAGAN (ASSAM)

Police Report

This is to certify that Md Alamgir Hussain, Grade II stenographer of B.S.M.L. Magan P.S. Magan Dist- Nagaon was attended G.M. office Nagaon on 8-12-2009 for joining duty. But the authority refuses his joining. Then he sent it through registered post & approached Hon'ble CAT Guwahati. On 23-2-2010 he again attended his office with Hon'ble CAT's interim order dated 19-02-2010. but the authority refused his joining and told him that he would be allowed to join after hearing from chief General Manager Guwahati. On 10-03-2010 he submitted another joining report to G.M. B.S.M.L. Magan and again his joining refused by the authority. Then on 11-03-2010 he went to Guwahati for attending Hon'ble CAT's hearing. on inquiry at this end it is found he was remain at Nagaon w.e.f. 8-12-2009 except holidays and hearing date of Hon'ble CAT Guwahati on this ref. Magan P.S. G.D.E No 508 dt 12-03-2010

Affected
(Advocate)

OFFICE OF THE
NAGAN P.S. 12/3/2010
DATE.....

OFFICE OF THE DIVISIONAL ENGINEER (Admn),
NAGAON TELECOM DISTRICT :: NAGAON (ASSAM).

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
30 M
गुवाहाटी न्यायपीठ

No. QL-0/07/09-10/63

Dated at Nagaon the 20th March, 2010

OFFICE ORDER

Subject : - Interim order dtd. 19/02/2010 of Hon'ble CAT/Gauhati in OA No. 270/2009 in respect of Sri Alamgir Hussain Laskar, Steno.

In accordance with Hon'ble CAT Gauhati interim order dtd. 19.02.2010 in OA No. 270/2009 and Circle Office letter No. STES-21/696/Legal/11 dtd. 18-03-10, Sri Alamgir Hussain Laskar, Stenographer is hereby permitted to join his duty w.e.f. 18/03/2010 until further order. He will report for duty to DE(Admn), O/O the GMTD, Nagaon for further posting.

Sd/-

Divisional Engineer (Admn)
O/O the GMTD, Nagaon

Copy for information and necessary action to :

- (1) The A.G.M. (Admn), O/O the CGMT, Assam Telecom Circle, Panbazar, Guwahati-781001.
- (2) The CAO/IFA, Nagaon,
- (3) Sr. A.O. (Cash), BSNL, Nagaon,
- ✓ (4) Sri Alamgir Hussain Laskar, Steno,
- (5) The SSS, Accounts Sec & Staff Sec.
- (6) Personal file and Service Book,
- (7) Guard file,
- (8) O/C

Sd/- 20/3/10
Divisional Engineer (Admn)
O/O the GMTD, Nagaon

Attested
[Signature]
Advocate

Transfer Posting