

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

OA No. 10/2009
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P.D. 14.7.2015
SECTION OFFICER (JUDL.)

FROM NO. 4
(See Rule 42)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

ORDERSHEET

1. Original Application No: 101 /2009

2.1 Mise Petition No _____

3.1 Contempt Petition No. _____

Applicant(s) Shri Biswajit Bhuyan

Respondant(s) Union of India's Name

Advocate for the Applicant(s): Mr. A. Sarm
Mr. J. P. Chauhan

Advocate for the Respondant(s): 6 C 95 C

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide J.P.C. 2009 No. 396, 409008 Dated.....27.5.09.....		
<i>N. J. Singh</i> 29/5/09 Dy. Registrar		
<i>29/5/09</i>		
2 copies of Application in envelope received Issue notice to the Respondents Nos. 1 & 2. Served.	09.06.2009	Issue notice to the Respondents by speed post (at the
7/5/09		

O.A. 101/09

09.06.2009

Issue notice to the Respondents by speed post (at the cost of the Applicant) requiring them to file their reply by 29th June 2009. Till then there shall be an interim stay of the impugned orders under Annexure-F dated 08.05.2009 and Annexure-G dated 08.05.2009. Since the Applicant has reported back to duty, after his sickness, his application for leave for the entire period from 24th April 2009, till his resuming duty should receive a fresh consideration of the Respondent No.2 with reference to the Medical Certificates issued in favour of the Applicant.

Call this matter on 29th June 2009.

Send copies of this order
(along with notices) to the Respondents and free copies of this order be sent to the Applicant in the address given in the O.A. and be supplied to the learned counsel appearing for both the parties.

Mr. K. K. Das, learned Addl. Standing Counsel appearing for the Union of India (to whom a copy of this O.A. has already been supplied) should obtain instructions from the Respondents.

(M.R. Mohanty)
Vice-Chairman

Copies of notices along with order dt. 9/6/09 send to D/Sec. for issuing to respondents by speed post, A/D at the cost of applicant vide No- 3182 and 3183 dt. 15.6.09.

Free copies of this order issuing to applicant and 1/counsel for both the parties.

l.e.g. D/No- 3138 to 3140

10.6.09

Send copies of this order to the Respondents and to the Applicant urgently.

10.6.09

11.6.09
As per order dt.
Vide receipt
No. 2906 the L/Adv.
for the Applicant
deposited the cost
of speed post for
issue the notice
to the Respondents
to the Respondents
1012. Total:
Cost of Rs 110/-
deposited to-day.
8/5/6/09

11.6.09

O.A. dt. 9.6.09

29.06.2009 Heard learned counsel for the parties.

No W/S filed.

3
26.6.09.

For the reasons recorded separately, this O.A. stands disposed of.


(M.R. Mohanty)
Vice-Chairman

Copy of order dtd. /lm/

29-06-2009 prepared and send to D. Section for issuing of the both parties (by Regd. post) also issued counsel for the parties.

Vide D. No: 3669 to 3672
Dtd - 1/7/2009

26
1-07-2009

Notice duly served
on R-10. 2.


26/6/2009

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 101 of 2009

Date of Decision : 29.06.2009

Sri Biswajit Bhuyan

..... Applicant/s

Mr.A.Sarma, Mr.J.P.Chouhan

..... Advocate for the
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

Mr.K.K.Das, Addl. C.G.S.C.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

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



Vice-Chairman

b

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 101 of 2009
Date of Order: This the 29th Day of June 2009.

HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN

Shri Biswajit Bhuyan,
Son of Sri A.C. Bhuyan,
Canteen Manager,
Departmental Canteen (Wet Canteen),
North Eastern Police Academy,
Umsaw-793125, Barapani,
Shillong. Meghalaya

Applicant

By Advocate Mr.A.Sarma, Mr.J.P.Chouhan

-Versus-

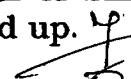
1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The Director
North Eastern Police Academy,
Uium, Barapani,
Meghalaya,
Umsaw-793125

By Advocate Mr.K.K.Das,
Addl. Standing Counsel

Respondents

O.A.101 of 2009
ORDER(ORAL)
29.06.2009

Mr. A. Sarma, and Mr.J.P.Chouhan learned counsels appearing for the Applicant are present. Mr.K.K.Das, learned Addl. Standing Counsel representing the Government of India is also present. He produces a copy of the order No.NEPA/PC/2/90/Vol-II/2927-32 dated 19th June 2009 of Director of NEPA/Meghalaya. The text of which reads as under:-

"Considering the previous bad records and absent without permission and intimation, paye of Shri B.Bhuyan, from 21/4/2009 to 1/5/2009 was held up." 

Consequently, the period of unauthorized absence from duty for above mentioned date(s) was treated as Dies-Non; because he did not performed any duty in this period. However, pursuant upon the direction of the Hon'ble CAT, Guwahati Bench, Guwahati, the whole period has been examined afresh. Taking a generous view, the period of unauthorized absence from 21.4.2009 to 1.5.2009 (Dies-Non) and from 3.5.2009 to 10.5.2009 (pay held up) has been regularised by granting 11 days E/L from 21.4.2009 to 1.5.2009 and granted 1(one) day E/L for 3.5.2009, rest 7 days i.e. from 4.5.2009 to 10.5.2009 has been regularized by granting E.O.L. on M/C, as he has no other leave to his credit upto June 2009.

Sh. B.Bhuyan is hereby also warned that he should inform about his sickness and apply for leave in time and should not absent without prior permission of the competent authority, henceforth, else shall be dealt with strictly according to rules."

2. In the above premises, with instructions from his client, Mr.A.Sarma, learned counsel appearing for the Applicant has filed a memorandum not to press the present Original Application/this case, in view of the relief granted in the order dated 19.06.2009 of the Director of NEPA.
3. Having heard the learned counsel for both the parties, this case is hereby disposed of in terms of the prayer of the learned counsel for the Applicant.
4. Send copies of this order (by Registered Post) to the Applicant and to all the Respondents in the address given in the O.A.
5. Free copies of this order be also supplied to the learned counsel appearing for both the parties.

Manoranjan Mohanty
29/06/09
(MANORANJAN MOHANTY)
VICE-CHAIRMAN

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 101 OF 2009

Sri Biswajit Bhuyan

..... Applicant.

-VERSUS-

The Union of India & Ors.

.... Respondents.

SYNOPSIS

This original application is directed against the impugned orders dated 8/05/09 whereby the Director, North Eastern Police Academy (NEPA), Umsaw has brought "Dies-Non" for the period of 11 days, which was a period of leave taken on the Medical ground by the applicant and also withheld the pay of the applicant with effect from 3/05/09.

The applicant is a canteen Manager of Wet Canteen at North Eastern Police Academy (NEPA) area at Umsaw.

The applicant assails the above two orders (Annexure-F & G) dated 8/05/09 on the ground that those penalties are inflicted upon him without any disciplinary proceedings to that effect and in gross violation of Article 14 of the Constitution of India and principles of natural justice and administrative fair play.

Hence this original application.

Filed by

Amulya Jana
27/05/09
Advocate

29 MAY 2009

ગુવાહાટી ન્યાયાલાય
Guwahati Bench

IN THE CENTRAL ADMINISTRATION TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

(An application under section 19 of the Administrative Tribunals Act, 1985)

ORIGINAL APPLICATION NO. 101 of 2009

Sri Biswajit Bhuyan

..... Applicant.

-VERSUS-

The Union Of India & Ors.

..... Respondents.

LIST OF DATES

<u>DATE</u>	<u>PARTICULARS</u>
1/08/1990	Applicant appointed in the NEPA as Canteen Manager, Annexure- A, Page No. - 12
25/03/2009	Applicant was appointed as 1st Polling Officer in connection with the conduct of General Election to the Lok Sabha 2009. Annexure- B, Page No. - 13
21/04/2009	Applicant had fallen ill and the departmental Doctor referred him to Civil Hospital Shillong. Annexure- C, Page No. - 14
21/04/09	Applicant was advised rest for recovery. Annexure- C, Page No. - 15
05/05/2009	Show cause notice given to the applicant by the Director. Annexure- D, Page No. - 16
7/05/09	Applicant has filed reply of the show cause dated 05/05/2009. Annexure- E, Page No. - 17
08/05/2009	Impugned orders given to the applicant. Annexure- F & G, Page No. - 18 & 19
9/05/09	Fitness certificate of the applicant to resume in duty. Annexure- H, Page No. - 20

Filed by

*Biswajit Bhuyan
Advocate
27/05/09*

129 MAY 2009

গুৱাহাটী ন্যায়বোৰ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 101 OF 2009

Sri Biswajit Bhuyan

..... Applicant.

-VERSUS-

The Union of India & Ors.

.... Respondents.

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5	Applicant had fallen ill and the departmental Doctor referred him to Civil Hospital Shillong.	C	14
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File by

Omwaraj Dasm
Advocate 27/05/09

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

(Application Under Section 19 of the Administration Tribunal Act, 1983)

ORIGINAL APPLICATION NO. 101 of 2009

Shri Biswajit Bhuyan,
Son of Sri A.C. Bhuyan,
Canteen Manager,
Departmental Canteen (Wet Canteen),
North Eastern Police Academy,
Umsaw - 793125, Barapani, Shillong,
Meghalaya.

.....Applicant.

-VERSUS-

1. The Union of India, represented
by the Secretary to the
Government of India, Ministry
of Home Affairs, North Block,
New Delhi-110001. ✓

2. The Director
North Eastern Police Academy,
Umium, Barapani, Meghalaya,
Umsaw -793125. ✓

.....Respondents.

DETAILS OF APPLICATION

1. **Particulars of the order against which the application is made ;**

The applicant in this Original Application assails the orders issued under Memo No. NEPA/PF(c)/2/90/Vol. II/1159-61 dated 8/05/09 and order issued under Memo No. NEPA/PF/(c)2/90/Vol.II/1156-58 dated 8/05/09

ETC
Shri Biswajit Bhuyan, Adhoc
through Amarnath Saha, Adhoc
29/05/09

29 MAY 2009

गवाहाटी न्यायपीठ

passed by the Respondent No. 2, Director of North Eastern Police Academy (In short NEPA) by which the applicant's pay and allowances were held up from 03/05/09 and treating "Dies-Non" the period of 11 days from 21/4/09 to 01/05/09 of allegedly unauthorised absence from duty as per Rule-11 read with Rule-6 of the CCS (Classification, Conduct and Appeal) Rules 1965.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redress is within the jurisdiction of the Tribunal.

3. Limitation :

The applicant further declares that the application is within the Limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case :

4.1. That the applicant is a citizen of India and the resident of Umsaw, Barapani, Shillong, Meghalaya and as such he is entitled to all the rights and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2. That the applicant was appointed as Canteen Manager in the Departmental Canteen (Wet Canteen) in the North Eastern Police Academy, Barapani vide order issued under No. 11012/86-Estt.6989-93 dated 01/08/90 in the scale of the pay of Rs. 950-20-1150-EG-25-1500 p.m. plus other allowances as admissible from time to time with effect from the forenoon of 1st August'90 until further order.

A copy of the order dated 1/08/09 is filed hereto and marked as ANNEXURE-A.

4.3. That the applicant has an unblemished and spotless service career of more than 18 years and has received the appreciation of his superior

Shri Biju Dayal Bhupur
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29 MAY 2009

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Guwahati Bench

authorities for his sincere and dutious nature. Till date he has worked with attentively and nothing against him was reported before his superior authorities derogatory to his ability and the fashion of work.

4.4. That the applicant begs to state that in course of his service tenure whenever General Election came election duty used to be mounted on him by his superior authority and to abide that he has to carry out the directives of his authority in toto. During the General Election of 2009 he was given duty as First Polling Officer from 30th March'09 to 16/04/09 vide Memo No. DCRB/EL-22/2009 dated 25th March/2009. Accordingly in compliance of the order of his authority he went for election duty and after completion of the duty he rejoined on 20/4/09.

A copy of the order dated 25/3/2009 is filed hereto and marked as **ANNEXURE-B.**

4.5 That the applicant begs to state that after the general elections duty, due to the hazard involved in that he fallen ill on 21/4/09. As the ailment become severe he went to see the departmental Doctor who referred him to Civil Hospital, Shillong. The applicant was suffering from sudden block out with head injury and consequent to which the attending doctor advised him to take rest from 21/4/09 to 30/04/09 and then again from 01/05/09 to 10/05/09. The applicant however had given information about his sickness to the Respondent along with medical report.

A copy of the referral order and a copy of the medical report is filed hereto and marked as **ANNEXURE-C (Series).**

4.6. That in the meantime the Respondent No. 2 had issued a letter under Memo No. NEPA/DIRECTOR/2009/A dated 05/05/2009. The applicant was served with a show cause notice contending inter alia as follows :

Shri Biju Dutt Bhuyan

29 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

1. On 04/05/09, I wanted to discuss some official matters with you, but I was told that, you were not in the canteen, when I checked the Attendance Register of the Canteen, you are absent from 21/04/09.

2. Earlier also, I have inspected the Departmental canteen at 14:30 hrs. on 10/4/09 and you absent. When I checked the Attendance Register, I found that you have not signed on 08/04/09. As per the Attendance Register, you have signed for 10th April, 2009 FN and AN; and 11th April, 2009 FN on 10/04/09 itself vide letter No. NEPA/Director/2009/262-64 dated 10/4/09. You were asked to explain the reasons for not taking disciplinary action against you, to which you have not replied till date.

3. Today, I called for your personal file and on security you are absenting from duty without authority /permission. I have also observed in the file that he is regularly committing some acts or the others, which are prejudicial to the work atmosphere in the canteen as well as in the Academy.

4. In the above back drop you are hereby asked to explain the reasons for not placing you under suspension, pending disciplinary action, for sending an application of illness, without supporting documents and absenting willfully without authority or permission, your reply should be undersigned by 07/05/09 positively.

A copy of the show cause notice dated 05/05/2009 is filed hereto and marked as ANNEXURE-D.

4. That the applicant begs to state that after receipt of the aforesaid letter dated 05/05/09 the applicant filed a reply explaining his position on 07/05/09 to the effect that he was not present in the canteen as he was suffering from sudden block out with head injury and the attending doctor has advised to take rest from 21/04/09 to 30/04/09 and then again 1/05/2009 to 10/05/2009, regarding which he had informed the department along with the copy of medical report. Further he humbly stated that he had never committed any

Shri Biswajit Bheege
15

29 MAY 2009

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Guwahati Bench

negligence of duty and the question of placing his suspension pending disciplinary action does not arise at all and hence, he may be exonerated from all the alleged charges so levelled against him.

A copy of the reply dated 7/05/09 is filed hereto and marked as **ANNEXURE-E.**

4.8 That the applicant begs to state that after filing of the show cause dated 7/05/09 the application was served with the order issued under No. NEPA/PF/(c)/2/90/Vol.II/1156-58 dated 08/05/09 by the Respondent No. 2 contending inter alia that on the CCS (Classification, Conduct and Appeal) Rules 1965, it read with 6, unauthorised absence from duty for 11 days, i.e. from 21/04/09 to 01/05/09 in respect of the applicant is hereby treated as "Dies-Non".

A copy of the order dated 8/05/090 is filed hereto and marked as **ANNEXURE-F.**

4.10 That the applicant begs to state that he was served with another letter issued under No. NEPA/PF(c)/2/90/Vol.II/1159-61 dated 8/5/09, by the Respondent No. 2 containing that the pay and allowances in respect of the applicant would be held up from 03/05/2009 until further order.

A copy of the order dated 8/05/2009 filed herewith and marked as **ANNEXURE-G**

4.10 That the applicant begs to state that he has rendered more than 18 years of services without any blemish and so after receiving the order dated 8/5/90 he was shocked and surprised as in view of the facts and circumstances under which he could not make himself available on duty was beyond his control as he was ailing with sudden Block out and head injury and the attending Doctor has advised him to take rest for the period for which "Dies-Non" was brought into effect.

Shri Bhimwati Bhagpu

29 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

4.12 That the applicant begs to state that the clause "Dies-Non" was brought into effect without any departmental proceeding and without any fact finding inquiry. In that view of the matter the impugned orders of "Dies-Non" and with holding of pay and allowances w.e.f. 3/05/09 is violative of the principles of natural justices and administrative fair play.

4.13 That the applicant begs to state that he after gaining recovery and duty fit certificate from the Doctor concerned resumed his duties w.e.f. 10/05/09.

A copy of the duty fit certificate dated 9/05/09 is filed hereto and marked as **ANNEXURE-H.**

4.14 That the applicant begs to submit that the impugned orders of the Respondent No. 2 dated 08/05/09 are perverse and not tenable in the eye of law and runs counter to the cardinal test of loss of confidence upon the applicant. In that view of the matter both the impugned orders are liable to be set aside and quashed.

4.14 That the applicant begs to submit that as both order were passed on the back of the petitioner without affording him a reasonable opportunity to defend i.e. without any disciplinary proceeding the orders are illegal and arbitrary in nature and runs a front to concept of equality imbibed under Article 14 of the Constitution of India.

4.15 That the applicant begs to state that the impugned orders are violative of the principles of value, power and reasonableness in as much as they run against the concept of equity, equitable remedy, administrative justice and the doctrine of jobs security envisaged under Article 41 of the Constitution of India. The orders are also violative of the principles of "Double Jeopardy". Hence this application.

Shri Biswajit Bhowmik
15

29 MAY 2009

ग्राहकी स्वाप्नांक
कानूनी व्यापार

5.

G R O U N D S

5.1. For that both the impugned orders dated 8/5/09 are brought into effect at the back of the petitioner without any disciplinary proceedings to that effect and hence the orders are not tenable in the eye of law and are liable to be set aside and quashed.

5.2 For that the impugned orders run counter to the concept of Article 14 of the Constitution of India and also runs a front to the principles of natural justices and administrative fair play.

5.3. For that the period for which "Dies-Non" has been brought into effect during that period, the applicant was suffering from sudden Block out with head injury and the departmental Doctor referred him to Civil Hospital, Shillong for treatment where the Doctor concerned has advised to take rest from 21/04/09 to 30/04/09 and then again 1/05/09 to 10/05/09. In that view of the matter both the orders so passed by the Respondent No.2 are perverse and suffer from non application of mind to the facts and circumstances leading to the absence of the applicants from duty. In that view of the matter the impugned orders are liable to be set aside and quashed.

5.4 For that the impugned orders dated 8/5/09 inflict double punishment upon the applicant viz.(i) Dies-Non and (2) withholding of salary, w.e.f. 3/5/09 and hence the orders are violative of the doctrine of "Double Jeopardy".

5.5. For that that impugned orders are violative of the principles of value, reasonableness and power in as much as violative of the principles of equity, equitable remedy and administrative fair play.

5.6 For that the impugned orders are violative of the two cardinal principles of natural justices viz.

Shri Ravi Jagit Bhagat

29 MAY 2009

- a) Nemo Judex Causa Sua non mean
- b) Audi Alteram Partem

And also violative of the Doctrine limits of the Doctrine of loss of confidence.

5.7 For that in any view of the matter the impugned orders dated 8/5/09 are liable to be set aside and quashed.

6. Details of the remedies exhausted :-

The applicant declares that he has availed of all the remedies available to him under the relevant services rules.

7. Matters not previously filed or pending with any other court.

The applicant declares that he had not previously filed any application, writ petition or suit, regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought :

In the premises aforesaid, it is most respectfully prayed that Your Lordships may be graciously pleased to admit this application issue necessary notices call for the records of the case and after hearing the cause/causes being shown and upon perusal of the records, Yours Lordships may -

- i. set aside and quash both the impugned orders dated 08/05/09 (Annexure F & G)

Ch. Birway & Bhagwan
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केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी अदायकी
Guwahati Bench

- i. set aside and quash both the impugned orders dated 08/05/09 (Annexure F & G)
- ii) direct the Respondents to give all the benefits so accrued to the petitioner till date w.e.f. his service to the department.
- iii) Cost of the application.
- iv) grant any other relief to which the applicant is entitled under the facts and circumstances of the case.

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

9. Interim order, if any prayed for:

Pending disposal of the application the applicant prays for the following interim relief.

The operation of the impugned orders dated 8/5/09 (Annexure F & G) may be stayed and the Respondents may be directed to not withhold the pay and allowances of the petitioner.

10. Particulars of Bank Draft/Postal order.

- i) IPO No. - 39G 409 008
- ii) Date of issue - 27-05-09
- iii) Issued from - G.P.O. Guwahati
- iv) Payable at - Guwahati

11. List of enclosures : As stated in the index/List of Date.

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-10-

VERIFICATION

I, Shri Biswajit Bhuyan, Son of Sri A.C. Bhuyan, Canteen Manager, Departmental Canteen (Wet Canteen), aged about years, resident of North Eastern Police Academy, Umsan - 793125, Barapani, Shillong, Meghalaya, do hereby verify that the contents of the accompanying application are true to my knowledge and I have not suppressed any material fact.

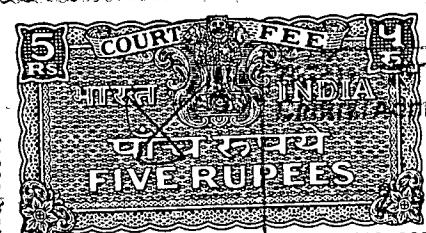
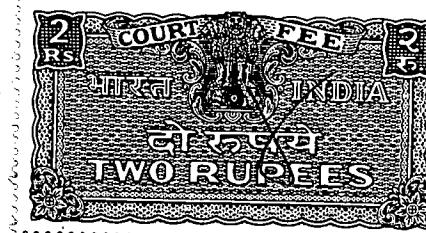
And I sign this verification on this ...^{29th}... day of may 2009

Date : 29th May '09

Place : Guwahati

Shri Biswajit Bhuyan

Signature of the Applicant.



-11-

मानक अधिकारी
Administrative Tribunal

MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

FORM NO. 12

(See Rule 67)

FORM OF VAKALATHNAMA

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

ORIGINAL APPLICATION NO. 101 OF 2009



Sri Biswajit Bhuyan

..... Applicant

-VERSUS-

The Union of India & Ors.

..... Respondents.

I, Shri Biswajit Bhuyan, Applicant in the above application do hereby appoint and retain Shri A. Sarma and J.P. Chauhan, Advocates to appear, plead and act for me in the above application and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petition and Review Applications arising therefrom and application for return of documents, enter into compromise and to draw any money payable to me in the said proceeding.

Place: Guwahati

Date:

Shri Biswajit Bhuyan
Signature of the Party 27-05-09

Executed in my presence

Accepted
Jay Prakash Chauhan
Signature with date
(Name of the Advocate)

Signature with date

(Name and Designation)

(Name of the Advocate)

Name and Address of the

Advocate for Service

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

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

Signature with date

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी न्यायघरेठ
Guwahati Bench

Government of India
North Eastern Police Academy
Umsoaw : Barapani
Shillong - 793 125

No. B. 11012/1/86-Estt.

Dt. _____ '90.

O_R_D_E_R

Shri Biswajit Bhuyan son of Shri A.C. Bhuyan is hereby temporarily appointed as Canteen Manager in the Departmental Canteen (Wet Canteen) in the North Eastern Police Academy, Barapani, in the Scale of pay of Rs. 950- 20-1150-EG- 25-1500/-P.M. plus other allowances as admissible from time to time with effect from the forenoon of 1st Aug '90 until further order.

The above appointment is purely temporary and his services may be terminated any time, without giving any notice.

sd/-
G.C. Haiger
Director

No. B. 11012/1/86-Estt. 6989-93

Dt. 1/8/ '90.

Copy to :-

- 1) The MPAO (IB), Shillong - 3.
- 2) The Canteen - In-Charge, NEPA, Barapani.
- 3) The Accounts Section (Legal).
- 4) Shri Biswajit Bhuyan, Canteen Manager (Wet Canteen), NEPA, Barapani.
- 5) Personal file.

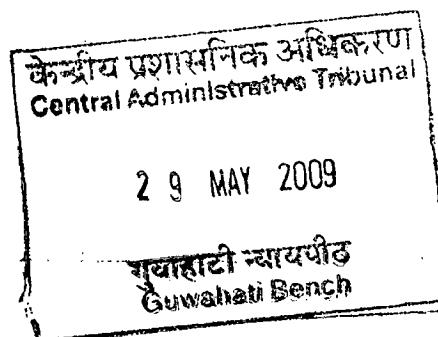
Certified to be
true Copy

A. Sam

Advocate

27/05/09

andrew j
(N. Sengajumder)
Administrative Officer,
UMSAW . Barapani
NEPA



GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER (EL)
RI BHOI DISTRICT:: NONGPOH.

DCRB / EL-22/2009/2,

Dated Nongpoh, the 25th March 2009.

**General Election to the Lok Sabha-2009
Preliminary Appointment Order for 1ST Polling Officer.**

[Under Sub-Section (1) of Section 26 of the Representation of People Act.1963 (43 of 1951) the following Officers & Staffs are
eby appointed as 1ST POLLING OFFICERS in connection with the conduct of General Election to the Lok Sabha 2009.

GROUP - I

Sl No	Name of Officer/ Staff	Designation	Name of Office
1	SHRI. MRIDUL KALITA	PHARMACIST	NEPA, UMSAW
2	SHRI. TIKARAM TINSINA	UDC	NEPA, UMSAW
3 ✓	SHRI. B. BHUYAN	CANTEEN MANAGER	NEPA, UMSAW

re: NO.DCRB / EL-22/2009/
py to: -

Deputy Commissioner,
Ri Bhoi District, Nongpoh.
Dated Nongpoh, the 25th March 2009.

1. Officer/ Staff concerned for information. He/She is directed to report on 30.3.2009 at Science Hall from 10:00 AM onwards. He/She is directed to bring along the Electoral Photo Identity Card (EPIC) on the day of reporting.

Deputy Commissioner,
Ri Bhoi District, Nongpoh.

1. No request for exemption will be entertained except in extremely exceptional cases.
2. Final Appointment Order reflecting the Polling Station to which the Presiding/1st Polling Officers/2nd & 3rd Polling Officers is appointed, will be issued on the last day of Training.
3. This Appointment is purely provisional and subject to the final list generated through the Randomization Software and approved by the Election Observers. Thus, any Presiding Officer (so provisionally appointed) may finally be appointed as 1st Polling Officer or vice-versa same case with the 2nd & 3rd Polling Officers.
4. The Officer/Staff appointed for election duty will attend to their normal duties in their own Office on days when they are not engaged in Election Duty.

Certified to be
true copy

Alam
Advocate
27/05/09

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

N.E.P.A. DISPENSARY
O.P.D. TICKET

Regd. No. 206 Date 20/4/09

Name Asst. B. Bhuyan Rank C-Manager

Age 61 yrs Sex M

C/C M/o sudden blackout with
head injury on 16/4/09 (afternoon)

Date	Treatment
16/4/09	1) inj. Tetanus zonal 1 amp IM stat
17/4/09	2) Cap. LAA - ① sig: - 160 PC x 5 days
18/4/09	3) Zab-Dacrol 900 - ① sig: - 160 PC x 3 days
19/4/09	4) Zab-Zinetac 190 - ① sig: - 160 PC x 3 days
20/4/09	5) Viadine 600 - (99) sig: - Zab 1/4 each inj 8 hourly + 3 days
21/4/09	6) Bals-glycerine locally over lesions in tongue 8 hourly + 3 days
22/4/09	Adv - to attend CMG for review & needful - Copy to file

Certified to be true

Copy

Partha

Advocate

27/05/09

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

FORM 4
(SEE RULE 19)

**MEDICAL CERTIFICATE FOR LEAVE EXTENSION OF LEAVE OF
COMMUTATION OF LEAVE**

Signature of the Government servant

Dr J. R. Dass

Dr. Dass

..... after careful personal

examination of the case hereby certify that Shri/Shrimati/Kumari B. B. Lucy an

..... C. Dass whose signature is given above, is
suffering from Organic Hall & Neurosis and I consider that a
period of absence from duty of

..... w.e.f. 21/4/09

..... to 10/5/9 is absolutely necessary for the restoration
of his/her health.

Dr. Dass

Authorised Medical Attendant

Psychiatrist

Civil Hospital/Dispensary
Or other Registered Medical Practitioner.

Dated:

Certified to be
true copy
A. Dass
Advocate
27/05/09

29 MAY 2009

गुवाहाटी ब्रॉन्च
Guwahati Branch

North Eastern Police Academy
Govt of India
Ministry of Home Affairs
P O Umsaw, Meghalaya

No. NEPA/DIRECTOR/2009/ A

Dated, Umsaw, the 29/5/2009.

To

Shri B Bhuyan
Departmental Wet Canteen Manager
NEPA, Umsaw

1) On 04/05/09, I wanted to discuss some official matters with you; but I was told that, you were not in the Canteen. When I checked the Attendance Register of the Canteen, you are absent from 21/04/09.

2) Earlier also, I have inspected the Deptt Canteen at 1430 hrs on 10/04/09 and you absent. When I checked the Attendance Register, I found that you have not signed on 08/04/09. As per the Attendance Register, you have signed for 10th April 2009 FN and AN; and 11th April 2009 FN, on 10/04/09 itself. Vide letter No. NEPA/Director/2009/262-64 Dated 10/4/09, you were asked to explain the reasons for not taking disciplinary action against you, to which you have not replied, till date.

3) Today, I called for your Personal File and on scrutiny, you are absenting from duty without authority / permission. I have also observed in the file that he is regularly committing some acts or the other, which are prejudicial to the work atmosphere in the Canteen as well as in the Academy.

4) In the above back-drop, you are hereby asked to explain the reasons for not placing you under suspension, pending disciplinary action, for sending an application of illness, without supporting documents, and absenting wilfully without authority or permission. Your reply should be undersigned by 07/05/09 positively.

Rajiv
(R R Verma)
Director

Copy to :

Mr Ramesh Chandra
Officer Incharge
Dept'l Wet Canteen, NEPA

- He is directed to submit his comments for not informing the authority about the absence of W/C Manager.

Office Supdt

Rajiv
(R R Verma)
Director

Certified to be
true copy -

Abin
Associate

27/05/09

To,

The Director,
North Eastern Police Academy,
Umsaw, Ri Bhoi District, Meghalaya.
(Through Proper Channel)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub:- Reply on the Explanation.Ref :- Your letter No. NEPA / Director/2009/A, dated, Umsaw the 5/05/09
Sir,

With reference to the subject cited above, I have the honour to place you before you the following few lines for your kind consideration and favourable order please :-

1. That with regard to para No.1 of your aforesaid Letter, I would like to submit that I was not present in the Canteen as I was suffering from sudden blockout with head injury and the attending doctor had advised me to take rest from 21/04/09 to 30/04/09 and then again from 1-5-09 to 10.5.09. Moreover, I had also given information about my sickness to the Department alongwith the Medical Report. (Copy of Medical Report is enclosed herewith for your kind perusal).
2. That, Sir, with regard to para No.2 of your abovementioned letter, I would like to state that the question of absent does not arise at all, as I was advised by the doctor to take rest for 10 (ten) days with effect from 01/05/09. Moreover, on dated 11/04/2009, I was in Election Duty. (Copy of Election Duty is enclosed herewith for your kind perusal).
3. That Sir, with regard to para No.3 of your letter, I would like to state and say that the allegations are the matters of the past and I don't exactly remember as to what happened at the relevant time. Further, I fully remember that there had been very cordial atmosphere in the canteen as well as in the Academy.

In view of the above, I have never committed any negligence of duty and the question of placing me under suspension pending disciplinary action does not arise at all. All relevant documents pertaining to your allegations are enclosed herewith for your kind perusal.

Submitted for favour of your kind information and dropping of all allegation levelled against me.

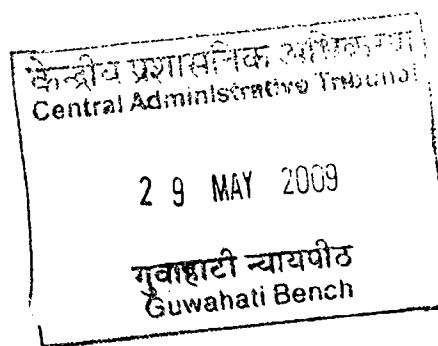
Dated at NEPA, Umsaw
the 7/05/09.

Yours faithfully
Biswajit Bhuyan
(Biswajit Bhuyan)
C/Manager
N.E.P.A.

Certified to be
true Copy.

Qam
Ansarbe
22/05/09

-18-



North Eastern police Academy
 Ministry of Home Affairs
 Government of India
 Umsaw, 793 123, Umiam

NO.NEPA/PF/C/2/90/Vol.II

Dtd, Umsaw the ___th May'2009

O R D E R

Under CCS (Classification, Conduct & Appeal) Rules 1965, 11 read with 6, unauthorized absence from duty for 11 days i.e. from 21/4/2009 to 1/5/2009 in respect of Sh Biswajit Bhuyan, C/Manager is hereby treated as "Dies-Non".

These days does not construe break in service, but only the days treated as "Dies-Non" are not counted as duty.

Sd/-

(R. R. Verma, IPS)

Director

NO. NEPA/PF/C/2/90/Vol.II / 1156 - 58

Dtd, Umsaw the 8th May'2009

Copy to :

- The individual concerned.
- 2 Officer In-charge Wet Canteen, for information.
- 3 The Account Section, NEPA, Umsaw.

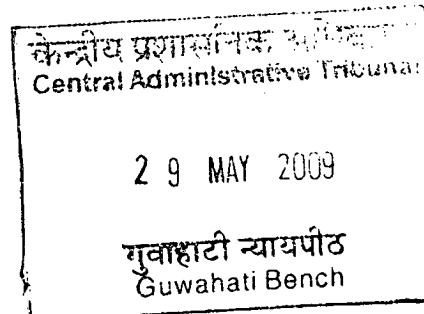


(P R S Vijay Raj)

Jt. Director



Certified to be
 true copy
 P. S. Verma
 Admin. Canteen
 27/05/09



Government of India
 Ministry of Home Affairs
 North Eastern Police Academy
 Umsaw, 793 123, Umiam, Meghalaya

No. NEPA/PF (C)/2/90/Vol.II/

Dt. Umsaw, the _____ May'09.

ORDER

Pay & Allowances in respect of Shri Biswajit Bhuyan, C/Manager NEPA is held up from 3/5/2009 until further order.

Sd/-
 (R. R. Verma, IPS)
 Director

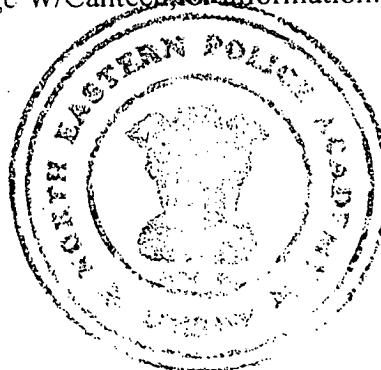
No. NEPA/PF (C)/2/90/Vol.II/ 1159 - 61 Dt. Umsaw, the 4 May'09.

Copy to :

- 1. Accounts Branch, NEPA for strict compliance.
- 2. Shri. Biswajit Bhuyan, C/Manager, NEPA
- 3. Officer Incharge W/Canteen for information.



(P R S Vijay Raj)
 Jt. Director



&&&

Certified to be
 true copy

Adarsh
 Adarsh
 27/05/09

-20-

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

29 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

FORM 5
(SEE RULE 24 (3))

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of the Government servant

I, Dr. J. K. Das

H. Parag

do hereby certify that

I have carefully examined Shri/Shrimati/Kumari B. B. Lucyam
C. Bhawna whose signature is given below, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Das
01/05/09

Authorised Medical Attendant

Dated:

..... Hospital/Dispensary
Or other Registered Medical Practitioner.
Psychiatrist
Hospital
Dispensary

Certified to be
true copy
Paras
Parasuram
27/05/09