

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CP. No. 6/197 (O.A. 142/95)

..... Mrs. L.R. Mithun Applicant (S)

-Versus-

..... Sri. Amit Ch. Dey Respondant (S)

..... Mr. S. Ali Advocate for Applicant (S)

..... Advocate for Respondant (S)

Office Notes	Date	Courts' Orders
This Contempt petition is filed by Mr. S. Ali, Advocate, on behalf of the applicant, for wilful violation of judgement & order dated - 12-1-96 passed in O.A. 142/95 by me, S/B of Hon'ble Member (A).	2.5.97	Issue notice to the alleged contemner to show cause as to why contempt proceeding shall not be drawn up against him. Notice is returnable by 4 weeks. Petitioner to take steps for service of notice by registered post within 2 days. List on 2.6.97 for show cause and further orders.
This is in order and may be placed before the Hon'ble Court.	pg 2.6.97	6 Member Mr. M. Chanda, learned counsel has entered appearance on behalf of the alleged contemners and he prays 10 days time to submit reply to the show cause notice. List on 16.6.97 for further orders.
Xmas 1-5-97 Deputy Registrar (a/c) Central Administrative Tribunal Guwahati	5.5.97	6 Member Vice-Chairman
Steps has been received on 5.5.97 and issued in the registered cover and file D. No. 2382-2385 date 15-7-97.	pg JN 3/b	6 Member Vice-Chairman
Am No show cause has been filed.	on 30/5	

2

16-6-97

C.P. 6/97 (O.A. 142/95)

1) No. Show Cause reply
has been filed.
2) No appearance has been
filed by Mr. M. Chanda A.A.

Mr. S. Ali, Sr. C.G.S.C for the
applicant/respondent, Mr. S. Dutta
prays for short adjournment on
behalf of Mr. M. Chanda counsel for
the alleged contemner. Prayer is
allowed.

List for order on 24th June
1997.

60
Member

12-6-97

Vakalatnama filed
by Mr. M. Chanda
and Mrs N. D. Goswami Ad.
Advocate ~~for the~~
applicant.

1m

10/10

10.6.97

On the prayer of Mr. S. Ali, learned
Sr. C.G.S.C. the case is adjourned till
1.7.1997.

List on 1.9.1997.

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Member


Vice-Chairman

18-6-97
Reply filed by the
alleged Contemner/
Respondent at page
21 to 60.

trd

20

17.97 Passover to be in day.

By order.

2.7.97

This contempt petition has been filed
alleging non-compliance of Department's transfer
order.

The case of the petitioner is that this
Tribunal by order dated 12.1.1996 in O.A.No.142/95
gave a direction to the respondent No.1 (petitioner
in this Contempt Petition) to issue a fresh order
on merit regarding transfer. Pursuant to the order
of the Tribunal the respondents considered the
case and passed order posting the applicant at
Audit Branch (Headquarter), Shillong, and this
order was communicated to the applicant (alleged
contemner in this Contempt Petition) directing
him to join at Headquarter, Shillong. However,
the applicant did not join. Hence the present

2.7.97

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application.

We have heard Mr S. Ali, learned counsel for the petitioner/respondent and Mr B.K. Sharma, learned counsel for the opposite party (applicant in the original application). Mr Ali submits that opposite party did not comply with the direction given by the petitioner and thereby he committed contempt of this Tribunal. Mr B.K. Sharma submits that there was no intention of the original applicant not to obey the order of this Tribunal. But, even if not joining in the post at Shillong amounts to non-compliance it does not amount to contempt, inasmuch as the Tribunal did not give any direction to the original applicant in that regard.

On hearing the counsel for the parties and on perusal of the records we find that the order passed by the petitioner/respondent directing the opposite party/applicant to join at Headquarter, Shillong does not give rise to contempt. Accordingly we are not inclined to initiate contempt proceeding.

The Contempt Petition is closed.

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Member


Vice-Chairman

nkm

317

16.7.97
Copy of the order
has been sent to
the D/Sec for issue
in issue to the L/Sec
of the parties and parties



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:GUWAHATI.

Central Administrative Tribunal
Guwahati Bench

636
29 APR 1997
Guwahati Bench
Guwahati

C. P. NO. 6 OF 1997.

(O.A. No. 142/95)

IN THE MATTER OF:

A Contempt Petition under Section 27
of the Central Administrative Tribunal
Act read with Section 12 of the Contemp
of Court's Act.

- AND -

IN THE MATTER OF:

Violation of Judgment & Order dated
12-01-1996 passed by the Hon'ble
Tribunal in O.A. No. 142/95 .

- AND -

IN THE MATTER OF:

An Order dated 31 May , 1996 passed
by the Superintendent (Head quarter) ,

(Contd.)

Filed by
Shreekrishna
Advocate
Date

Received

29/4/97

Customs & Excise as per Direction
of the Commissioner of Central
Excise, Shillong.

- AND -

IN THE MATTER OF:

Mrs. L. R. Mithran,
Commissioner of Central Excise,
Shillong.

... Petitioner

- Versus -

Sri Amil Chandra Dey, Havildar
working in the Office of the
Commissioner of Customs (Preventive),
Shillong.

... Contemner
Applicant.

The humble Petition of the
above-named Petitioner :

MOST RESPECTFULLY SHEWEIH:

- 1) That, the Contemner filed O.A. No. 142/95 before the Hon'ble Tribunal praying for cancellation of his Transfer Order from Dowki to Audit Section of the office of the Commissioner of Central Excise, Shillong.

(Contd.)

2) That, the case was contested by the Respondents and after hearing the counsels on both sides the Hon'ble Tribunal vide its Judgment & Order dated 12-01-1996 set aside the Transfer Order of the Contemner and directed the Respondent No.1, the Present Petitioner to issue a fresh order on merit after taking ^{into} ~~into~~ consideration not only of the alleged objection of the group ~~of~~ Officer's Association but also on the grounds put forward by the applicant in his representation and the order was to be issued within one month from the receipt of the Order by the Respondent No.1. The applicant shall be continued in the Custom Office (Prevention Wing) under the Commissioner of Custom (preventive), Shillong, till such order is issued. Thereafter, if the order is not in his favour he shall be allowed to proceed to the Audit Branch incompliance with the Order dated 21-7-95 passed by the Commissioner of Central Excise, Shillong.

Annexure- 1 is the Photo copy of Judgment & Order dated 12-01-96 passed by the Hon'ble Tribunal in O.A. No. 142/95 .

3) That, incompliance of the Hon'ble Tribunal's order the petitioner posted the Contemner again at the Audit Branch (Head quarter) at Shillong untill further order incompliance with the Hon'ble Tribunal's Judgment & order dated 12-01-96.

Annexure- 2 is the photo copy of the order dated 29-2-96 passed and issued by the Additional Commissioner (P & V) Custom & Central Excise, Shillong.

4) That, on receipt of Annexure- 2 the Contemner did not join in the Audit Branch (Head quarter) , Shillong and thereby he violated the Hon'ble Tribunal's Order . Thereafter, on receipt of his representation submitted by the contemner to the Commissioner of Central Excise, Shillong posted the Contemner at Shillong and directed to report his duties to the Superintendent, (training) (HQ) , Custom & Excise, Shillong within 3 days.

Annexure- 3 is the photo copy of the Order dated 31st May ,1996 passed by the Superintendent (HQ) ,Custom & Excise, Shillong.

5) That, on receipt of Annexure- 3 the Contemner did not join in his duty and consequently the Petitioner brought a disciplinary proceeding against the Contemner for mis-conduct, mis-behaviour and unbecoming of a Government Servant . The Disciplinary Proceeding is still going on but as the Contemner is going on retirement on superannuation with effect from 30-04-97 so it has been brought to the notice of the Hon'ble Tribunal for violation of Hon'ble

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Tribunal's Order dated 12-01-96 passed in O.A. No. 142/95 for punishing the Contemner for violation of Hon'ble Tribunal's Order .

6) . That, your petitioner begs to submit that, it is a fit case for punishing the Contemner under the provisions of Contempts of Court's Act for deliberately violating the Hon'ble Tribunal's Order dated 12-01-96 by not joining to the Training Centre as per Order of the Commissioner .

7) That, your humble petitioner begs to submit that, in ^{my} view of the offence deliberately committed by the Contemner, it is a fit case for punishing the Contemner under the provisions of Contempt of Court's Act .

It is , therefore, respectfully prayed that, your the Hon'ble Tribunal may be pleased to issue a show cause notice for initiation of Contempt Proceeding against the Contemner for wilful violation of the Hon'ble Tribunal's order dated 12-01-96.

For which act of kindness your petitioner as in duty bound shall ever pray .

.. Verification

VERIFICATION

I, Sri Jayanta Pratap Goswami,
Assistant Commissioner, Central Excise,
Guwahati being authorised do hereby solemnly
declare that the statements made in paragraphs
1, 5 are true to my knowledge
those made in paragraphs 2, 3, 4 of the
Contempt Petition are true to my information
and those made in the rest are my humble
submissions before this Hon'ble Tribunal.

And I sign this verification today
on 29th April, 1997 at Guwahati.

Sri Jayanta Pratap Goswami
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

6(1)

DRAFT CHARGE

Laid down this, before the Hon'ble Tribunal for non compliance of the order dt. 12.1.96 of the Hon'ble Tribunal passed in OA No. 142/95 by the original applicant by not complying the transfer order made as per direction of the Hon'ble Tribunal and therefore liable for contempt proceeding and the Hon'ble Tribunal be pleased to initiate the contempt proceeding against the contemner/orginal applicants and further be pleased to impose punishment upon him in accordance with Law.

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A F F I D A V I T

I, Sri Jayanta Pratap Goswami, Son of Sriman Prafulla Goswami, aged about 46 years, resident of Ambari, Guwahati-1, by profession Government Service do hereby solemnly affirm and state as follows :-

1. That, I am the Assistant Commissioner of Central Excise, Guwahati Division, Bhangagar, G.S. Road, Guwahati-5 and as such I am fully acquainted with the facts and circumstances of the case.

2. That with regard to the statements made in paragraphs 1, 5 are true to my knowledge and the statements made in paragraphs 2, 3, 4 of the above contempt petition are true to my information and those made in the rest are my humble submissions before this Hon'ble Tribunal.

And I put my hand here unto this Affidavit today on 29th April, 1997 at Guwahati.

Adil Ahmed
Assistant Commissioner
C. E. DECLARANT
GUWAHATI DIVISION

The declarant is identified by me

Adil Ahmed
Adil Ahmed, (ADIL AHMED)
Advocate

Solemnly affirm and declared before me who is identified by ADIL AHMED, Advocate, Guwahati.



Adil Ahmed
29/4/97
MAGISTRATE
1ST CLASS GUWAHATI
EXECUTIVE MAGISTRATE
KAMRUP, GUWAHATI

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.142 of 1995.

Date of Order : This the 12th Day of January, 1996.

Shri G.L.Sanglyine, Member (Administrative).

Shri Anil Chandra Dey
Havildar under the Shillong Customs
Headquarter(Prev.)
Office of the Commissioner of Customs,
Preventive, North Eastern Region,
Shillong. Applicant.

By Advocate Shri M. Chanda.

- Versus -

1. The Commissioner,
Central Excise,
Moralo Compound,
Shillong-793001.
2. The Commissioner,
Customs (Preventive)
North Eastern Region,
Shillong-793001.
3. The Deputy Commissioner (P&V)
Customs and Central Excise,
Moralo Compound,
Shillong-793001.
4. Union of India through Secretary,
Govt. of India, Ministry of Finance,
Department of Revenue, New Delhi. Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, MEMBER (A)

The applicant was working as Havildar in the Preventive Unit, Customs and Central Excise, Shillong. He submitted a representation dated 4.5.1993 addressed to the Additional Collector (P&V) Customs and Central Excise, Shillong seeking a transfer to Dawki Customs Station. Since there was no response from the authority concerned, he submitted another representation dated 17.7.95 addressed to the Commissioner, Customs Preventive Collectorate, NER Shillong reiterating his request for a transfer to Dawki.



Attested
21/1/96
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

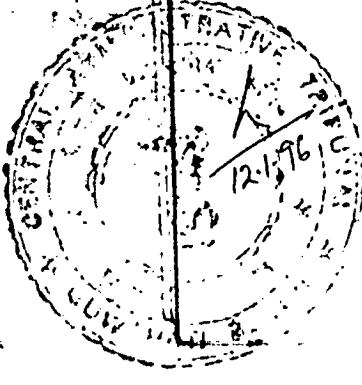
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This representation was forwarded by the Superintendent CCP Cell, Shillong on the same date to the Deputy Commissioner (P&V) with an intimation that the Commissioner of Customs (Preventive) is pleased to consider his representation and directed to request you to kindly issue an order for transfer of Sri Anil Chandra Dey, Havildar from Hqrs. Customs Preventive to Dawki L.C. Station. Consequently, Establishment Order No.223/1995 dated 18.7.1995 was issued by the Deputy Commissioner (P&V), Respondent No.3, transferring the applicant from Hqrs. office, Shillong to Dawki L.C.S. Shillong Customs Division. The Commissioner of Central Excise, Shillong, Respondent No.1, after a meeting with a contingent of Group D officers, directed vide Note dated 18.7.1995 that the aforesaid Establishment order be cancelled. The applicant submitted a representation dated 19.7.95 to the Respondent No.1 urging for immediate implementation of the transfer order dated 18.7.1995. On 21.7.1995 the applicant was relieved from his duty in CCP's office and was directed to attend duty in the office of the Additional Commissioner, Central Excise, (Audit), Shillong vide order dated 21.7.95 issued by the Superintendent (Hqrs), Customs and Central Excise, Shillong. This order was objected to by the office of the Commissioner of Customs (Preventive), NER, Shillong. The applicant had submitted this Original Application on 27.7.1995 praying to set aside and quash the aforesaid Note dated 18.7.1995 and order dated 21.7.1995 and to direct the respondents to implement his transfer order dated 18.7.95 and to transfer and post him at Dawki.

2. The applicant has contended that the Establishment Order No.223/1995 dated 18.7.95 was ordered to be cancelled after the illegal threat of Group 'D' Officers Association to the Commissioner of Central Excise, Shillong and secondly,

Attested
Anil
27/8/95
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

that the aforesaid transfer and posting order dated 21.7.95 was issued with an ulterior motive to frustrate his claim for posting at Dawki. In respect of the Note dated 18.7.95 the learned counsel, Mr M.Chanda, appearing for the applicant had submitted that it was issued without application of mind and with malafide intention. Respondent No.1 had yielded to the objection of the Group D Officers Association without giving any opportunity to the applicant to explain his case. The applicant is not a member of the Group D Officers Association and that Association could not therefore have objected to his transfer to Dawki. Moreover, the objection was raised only in respect of the applicant because he was not a member of the Association but not in the case of Shri Jagadish Chandra Dab who was posted to a border Station by the same order of transfer alongwith the applicant. The applicant had made a request for his posting at Dawki on ground of his health. The other ground given by him in his representation for posting at Dawki is that he was in the verge of retirement. According to the learned counsel since the applicant was about to retire he has a right to be considered for posting at a place of his choice. The representation of the applicant was considered and accepted by the authorities concerned. But his order of transfer to Dawki was ordered to be cancelled on the same day of its issue by the authority without application of mind. Simply on account of the objection raised by the Group D Officers Association. According to the learned counsel the please given by the respondents in their written statement have no force in the facts and circumstances relevant to the applicant. He pointed out that one of the reasons given by the respondents in their written statement seems to be that the applicant would gain by Rs.20/-p.m. by



Attested
J. M. A.
21/1/96

by means of a special pay if he is posted at Dawki but they had not taken into consideration that the applicant would be receiving lesser amount of House Rent Allowance. He also pointed out that the transfer guidelines annexed by the respondents to the written statement do not stipulate any option to be made for postings of staff in border areas. As regards the order dated 21.7.95, the learned counsel submitted that it was issued simply to placate the Group D Officers Association.

3. The respondents have contested this application submitted by the applicant. They have contended that the administration always have the right to correct any order issued inadvertently without taking all relevant factors into consideration and that the case of the applicant is no exception. Thus, in other words, it is their contention that the order of transfer dated 18.7.1995 was issued without taking into consideration all relevant factors and that the order had to be ordered to be cancelled by the impugned Note dated 18.7.95. According to them this order of transfer of the applicant to Dawki had been issued as per direction of the Commissioner of Customs (Preventive), Shillong and had to be ordered to be cancelled by the Commissioner of Central Excise, Shillong, the cadre controlling authority, after finding enough ground in the objections raised by the Group D Officers Association to the transfer of the applicant to Dawki and after taking into consideration all genuine claims of all concerned. It is also their contention that posting of the applicant at Dawki would give him much advantage in terms of special pay applicable to border postings as he had earlier been posted in border areas and, in fact, he had completed two tenures in Dawki itself. They

Attested
John
27/11/1996
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

have also disputed the claim of the applicant that he intended to settle down in Dawki after retirement and as such, he should be posted in Dawki. As regards the transfer order dated 21.7.1995 they have stated that it was issued by the Superintendent(Hgrs) who is the competent authority to issue rotation transfer orders. The learned Addl.C.I.G.S.C Mr G. Sarma, supported the contentions made by the respondents in their written statement. He further submitted that transfers are administrative matters and are not to be interfered with as it may create dislocation in administration. He also submitted that the Employees Association had not issued any threat to the administration but, on the other hand in this particular case of the applicant it had cooperated with the administration in running the administration smoothly. He contend that it was only after taking the view of the Group D Officers' Association into consideration that the order to cancell the order of transfer of the applicant to Dawki was issued by the competent authority. He said that there is no malafide or ulterior motive in ordering that transfer order was to be cancelled but only administrative policy was observed.

4. The plea that the order of transfer of the applicant to Dawki was issued as per the direction of Respondent No.2, Commissioner of Customs(Preventive), Shillong and that the order of transfer dated 18.7.95 was ordered to be cancelled by the Commissioner of Central Excise, Shillong, Respondent No.1, after consultation with Respondent No.2 are not convincing. The office of Respondent No.2 had written to the office of Respondent No.1 with a request to issue transfer order of the applicant to Dawki and the order dated 18.7.95 was issued by the office of Respondent No.1. The order issued must necessarily have been issued only with the approval of

Attested
J. B.
Asstt. Commr.
CENTRAL EXCISE
JUNAHATI DIVISION

that the
Respondent No.1. The Note dated 18.7.95 does not disclose
order directing
/that the order of transfer dated 18.7.95 should be cancelled
was issued by Respondent No.1 in consultation with Respondent
No.2. In his representation requesting for his transfer to
Dawki the applicant had given his personal reasons, namely.
(1) he was suffering from Sciatica for the last few years.
(2) the suffering aggravates in a cold place like Shillong.
(3) on these grounds he would prefer a posting in a warmer
place nearby his home town that is Shillong where his family
resides, (4) in particular he preferred Dawki being the nearest
place from his home and (5) he had only two years of service
left. These therefore are the grounds for compassionate
consideration. It is true that the transfer guidelines dated
30.6.1994 enclosed as Annexure R-3 to the written statement
do not contain any instruction regarding transfer on compas-
sionate grounds. This does not however necessarily mean that
the administration is bereft of compassionate consideration
of the cases of the employees. In fact, such compassionate
consideration was taken by the Respondent No.2 under whom
the applicant was working and the case was placed before
Respondent No.1 consequent to which the order of transfer
dated 18.7.95 was issued by the Respondent No.3 whose office
it is understood is part and parcel of the office of
Respondent No.1, transferring the applicant from Shillong to
Dawki. The Respondents were aware of the norms of transfer
at the time they decided that the grounds put forward by the
applicant for his transfer to Dawki were valid and that they
merited sympathetic consideration. The Note dated 18.7.95
however discloses that respondent No.1 was concerned only
with the objections of the Group D officers Association and
the norms of transfer. There is no indication in the Note

Attested
Jen
27/4/11
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

to the effect that the above grounds given by the applicant were considered by the Respondent No.1 while issuing the Note or that the earlier decision based on the above grounds was considered to be wrong. It may be mentioned that, if the earlier decision to transfer the applicant was on compassionate ground based on the above request of the applicant, the norms of transfer perhaps were not applicable to that decision. In the circumstances, the claim of the Respondents that all genuine claims of all concerned were considered in this particular case is not acceptable in the absence of anything expressed in the impugned Note that the grounds given by the applicant in his representations were considered by Respondent No.1 while issuing the Note dated 18.7.1995. The applicant has therefore justifying reasons to feel aggrieved with the Note issued by Respondent No.1.

5. The applicant served a copy of this original application on the learned Addl.C.G.S.C Mr G.Sarma, on 27.7.95 and the application was placed for consideration of admission on 28.7.95. On that day interim order staying the operation of the Note dated 18.7.1995 and the transfer order dated 21.7.95 till consideration of admission of the application was passed after hearing the counsel of both sides in their presence. Show cause for admission was listed on 11.8.95. During the course of final hearing of this application the learned counsel, Mr M.Chanda submitted a copy of Establishment Order No.238/95 dated 31.7.1995 cancelling the Establishment order No.223/95 dated 18.7.95, that is the transfer order of the applicant to Dawki, issued by the Respondent No.3. According to him this action on the part of the Respondents clearly establishes their malafide even to the extent of violating the order of this Tribunal in order to deny the applicant his transfer to Dawki. His contention is not

contd. 8...

12/9/1996
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Central Excise
Commissioner
COURT
CALCUTTA DIVISION

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acceptable as no malafide in issuing the impugned order contained in the Note dated 18.7.1995 can be inferred from the action of the respondents on 31.7.1995. Another aspect by which the learned counsel had wanted to attribute malafide to the Respondent No.1 is that the Note dated 18.7.95 was issued at the dictates of the Group D Officers Association. No finding of malafide can however be ordered in this regard as the Association is not made a respondent in this Original Application submitted by the applicant. Further, the learned counsel had wanted to attribute malafide because of the order of transfer dated 21.7.1995, which was issued immediately after the transfer order dated 18.7.1995. On the face of this circumstance his contention seems to have some force but as will be discussed further hereinbelow, this order also does not establish malafide in the issuance of the Note dated 18.7.95 in the absence of any evidence that the competent authority, the Superintendent(Hqrs),

Customs and Central Excise, Shillong had issued the order dated 21.7.1995 under the influence of Respondent No.1.

6. It is the contention of the applicant that he was shifted from the Customs Preventive Wing to the Audit Branch of Customs and Central Excise vide transfer order dated 21.7.95 in order to frustrate his transfer to Dawki. This order came out soon after the meeting Respondent No.1 had with the members of Group D Officers' Association on 18.7.95 and before the cancellation order dated 31.7.95. The applicant cannot therefore be blamed for entertaining such apprehension. The respondents have stated in their written statement dated 16.11.1995 submitted in this O.A that the Superintendent(Hqrs) was the competent authority to issue Rotation transfer orders as empowered by the office council meeting held on 6.6.1993. They have not spelled out but it can be inferred that, according to them, this Rotation transfer order dated 21.7.1995 transferring the applicant



Attest
JL
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

in the Headquarters itself has no connection with the matter of his transfer to Dawki and, even perhaps, that it is outside the consideration in this application as the Superintendent (Hqrs) in the office of Respondent No.1 is not a party to this application. Whatever may be, this order does not necessarily prevent the applicant from being transferred and posted to Dawki for he is still an employee of the Customs and Central Excise Department in Shillong and, as such, if his facts and circumstances justify his transfer and posting to Dawki it is open to Respondent No.1 to order applicant's transfer to that place even after the applicant had been shifted to Audit Branch.

7. The Respondents have acted inexplicably in this O.A. A copy of the application was served by the counsel of the applicant on their counsel on 27.7.1995. The application came up for consideration of admission on 28.7.1995. Show cause was ordered to be issued as to why the application should not be admitted and interim order restraining them from implementing the order contained in the impugned Note dated 18.7.95 was passed in the presence of their counsel on 28.7.1995. It however transpires that they had issued the Establishment order No.238/95 dated 31.7.95 implementing the order contained in the Note dated 18.7.95. They did not submit the show cause and the application had to be admitted on 22.9.95 without their show cause having been submitted in the presence of their counsel. In the absence of any details or information from the respondents, interim order was issued staying the operation of the Note dated 18.7.95 and transfer order dated 21.7.95 till disposal of this O.A. Having implemented the order contained in the Note dated 18.7.95 by issuing the cancellation Establishment Order No.238/95 dated 31.7.1995 yet in para 24 of the affidavit



Attested
John W. K.
Commissioner
Central Excise
Guwahati

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dated 16.11.95 (written statement) they speak of great difficulties caused by the interim order to their day to day administrative official work and contended therein that the interim order is liable to be vacated. This affidavit was affirmed and declared by one Sri P.R.Ghosh, Superintendent (Law), Central Excise, Guwahati who also stated therein that he was authorised by the respondents to file the written statement on their behalf. Not only that but one Sri P.K.Das, Superintendent (Law), Central Excise, Guwahati Division, who is not one of the respondents in this O.A., had affirmed and declared an affidavit on 13.9.1995 seeking vacation of the earlier interim order dated 28.7.1995 on the ground that the respondents were in great difficulty in the day to day administration in their official work due to stay granted by the interim order. But they had already implemented the Note dated 18.7.95 on 31.7.95 as mentioned above. Moreover, nowhere in this affidavit Sri P.K.Das had stated that he was authorised by the respondents to affirm and declare the affidavit or that he had submitted the prayer on behalf of the respondents. Further with regard to the Rotation Transfer order dated 21.7.95, the applicant had not complied with the order and after 28.7.95 he was justified in doing so in view of the interim order dated 28.7.95 restraining the respondents from implementing the transfer order. This interim was extended by interim order dated 22.9.95. But the respondents in para 7 of the affidavit dated 16.11.1995 not only indirectly expressed their desire to violate the interim order but also wanted the applicant to do so when they stated that till date (16.11.95) the applicant had not obeyed the transfer order dated 21.7.1995.

contd. 11..

Attested
for
Assistant
Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

8. In the light of the discussion in para 4 above, it is hereby held that the Respondent No.1 had issued the order contained in the impugned Note dated 18.7.95 (Annexure-5) directing that the order of transfer of the applicant to Dawki should be cancelled without taking into consideration the grounds furnished by the applicant in his representations dated 4.5.1993 and 17.7.1995 in support of his request for his transfer to Dawki. The Note dated 18.7.95 insofar as it relates to the order directing cancellation of the order of transfer of the applicant to Dawki is accordingly set aside. The respondent No.1 is directed to issue a fresh order on merit after taking into consideration not only the alleged objections of the Group D Officers Association but the grounds put forward by the applicant in his aforesaid representations. The order is to be issued within 1(one) month from the date of receipt of this order by Respondent No.1. The applicant shall be continued in the Customs Preventive Wing till such order is issued. Thereafter, if the order is not in his favour, he shall be allowed to proceed to Audit Branch in compliance with the order dated 21.7.1995 (Annexure-7).

9. The application is disposed of as above. No order as to costs.

Sd/- MEMBER (ADMN)

Certified to be true Copy

প্রাপ্তির প্রতিলিপি

Abhijit
30/1/96
Section Officer (J)

সামাজিক প্রতিকারী (সাধিক শাস্তি)
Central Administrative Tribunal

গুৱাহাটী প্রদানিক উদ্যোগ
Gauhati Bench, Guwahati-5

গুৱাহাটী, ম. ১২৩৫, গুৱাহাটী-৫

Attested
Mr
21/11/96
Section Officer
Central Administrative Tribunal
Gauhati Bench, Guwahati-5

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
S H I L L O N G

ESTABLISHMENT ORDER NO. 47/1996
DATED SHILLONG THE 29th FEB. 1996.

Subject : Transfer and posting in the
grade of Havildar - O/Reg.

Shri Anil Ch. Dey, Havildar who is under order
of transfer to Dawki LCS under Shillong Customs Divn. vide
Estt. Order No. 223/95 dated 18-7-95 is hereby ordered to be
retained at Hqrs. Office Shillong until further orders.

This order is issued in compliance with CAT
Guwahati Bench's verdict whereby Estt. Order No. 238/95
dated 31-7-95 has been set aside.

Sd/-

(J.L. NGILNEIA)
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

1. MAR 1996

C.NO.II(3)1/ET.III/92/ 5090 r 95 Dated : 1-3-1996

COPY forwarded for information & necessary action to :

1. The Commissioner of Customs (Prev.), NER, Shillong.
2. The Assistant Commissioner of Customs (Prev.) Divn., Shillong.
3. Shri Anil Ch. Dey, Havildar for compliance.
4. The A.C.A.O. (Accts.)/P.A.O., Hqrs. Office, Shillong.
5. The Superintendent, Dawki L.C.S.

6. The Superintendent (Hqrs.), Cus. & Cen. Ex., Shillong.
According to CAT Guwahati Bench's verdict Shri A.C. Dey
should be allowed to proceed to Audit Branch in compliance
with order dated 21-7-95.

Attached
Jan
29/1/96

Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

(J.L. NGILNEIA)
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
SHILLONG. Annexure 3, 4 (50)
1651

ORDER

Dated Shillong
31st May 1996.

In pursuance of this Office order
dated 21st July 1995 communicated under C.I.W.O.
I (23) 8/93/14608-12 (A) dated 21 July 1995 Sri
Amil Ch. Dey, Havildar, at present posted in the
Office of the Commissioner of Customs (Preventive)
at P/36 N.E.R. Shillong hereby directed to report for
duty to the Superintendent (Training), Central
Excise, Laitumkhira Building within 3 (Three)
days of receipt of this order.

dc 3/5
(P.K. Sinha Choudhury
Superintendent (Training)
Custom & Central Excise
Shillong)

CC: NO. VIII (2) / CUS / Pao-218rs / 88 / Part / 21 in
1202 31 MAY 1996

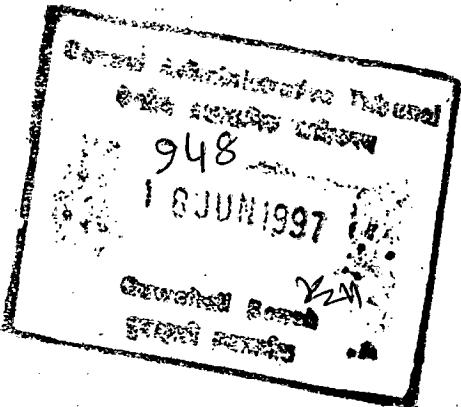
Copy forwarded to :-

- ① The Superintendent (Hr Preventive), O/o the
Commissioner of Customs Preventive N.E.R.
Shillong.
- ② The Superintendent (Training), Central Excise,
Laitumkhira H.S. Building.
- ③ The A.P.R.O., Central Excise, Laitumkhira
H.S. Building.
- ④ Sri Amil Ch. Dey, Havildar, for compliance.

Attested
By
21/5/96
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

dc 3/5
(P.K. Sinha Choudhury
Superintendent (Training)
Custom & Central Excise
Shillong)

21
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



Contempt Petition No. 6 of 1997

in

Original Application No. 142/95/1599

Mrs. L.R.Mithran

.....Petitioner

-versus-

Sri Anil Chandra Dey

....Contemner/Respondent.

-And-

In the matter of :-

Reply submitted by the alleged contemner
Respondent.

The humble reply of the above named alleged
Contemner/Respondent Most Respectfully Sheweth ;

1. That the respondent craves leave of the Hon'ble Tribunal to submit that he has not violated the Judgement and Order dated 12.01.1996 passed by the Hon'ble Tribunal in O.A. No. 142/95 as would be evident from the facts submitted hereunder and no contempt lies against him.
2. That the Hon'ble Tribunal on 12th January, 1996 passed the following order in Original Application No. 142 of 1995. The operative portion of the Judgement and Order is quoted below :

Contd.....

Filed by the advocate
for a Negligent
Judge
15/6/97

"8. In the light of the discussion in para 4 above, it is hereby held that the Respondent No. 1 had issued the order contained in the impugned Note dated 18.7.95. (Annexure-5) directing that the order of the transfer of the applicant to Dawki should be cancelled without taking into consideration the grounds furnished by the applicant in his representations dated 4.5.1993, and 17.7.1995 in support of his request for his transfer to Dawki. The Note dated 18.7.95 in so far as it relates to the order directing cancellation of the order of transfer of the applicant to Dawki is accordingly set aside. The respondent No. 1 is directed to issue a fresh order on merit after taking into consideration not only the alleged objections of the Group D officers Association but the grounds put forward by the applicant in his aforesaid representations. The order is to be issued within one month from the date of receipt of this order by Respondent No. 1. The applicant shall be continued in the Customs Preventive Wing till such is issued. Thereafter, if the order is not in his favour, he shall be allowed to proceed to Audit Branch in compliance with the order dated 21.7.95 (Annexure-7)."

Copy of the Hon'ble Central Administrative Tribunal Order dated 12.1.1996 is annexed hereto and the same is marked as Annexure-1.

3. That the alleged contemner categorically denied correctness of the statement made in paragraph 3 of the

Contempt Petition and further begs to state that rather the Contempt ~~Rekkixomxha~~ Petitioner has deliberately and wilfully violated the Hon'ble Tribunal's direction contained in Judgement and Order dated 12.1.1996 without issuing a fresh order on merit taking into consideration the objections of the Group D officers Association and the grounds put forwarded by the applicant in his representation dated 4.5.1993 and 17.7.1995 in support of his request for his transfer to Dawki, therefore it is abundantly clear and beyond all doubts that the Contempt Petitioner did not pass any order on merit as per the direction of the Hon'ble Tribunal's Judgement and Order dated 12.1.1996. The alleged contemner/respondent craves leave of the Hon'ble Tribunal to submit that the Order dated 12.1.1996 passed by the Hon'ble Tribunal as mentioned herein above contained four directions :-

- " (i) That, the Tribunal set aside the Note dated 18.7.95, in so far as it relates to the order directing cancellation of the order of the transfer to Dawki.
- (ii) That, the respondent No. 1 was directed to issue a fresh order on merit after taking into consideration not only the alleged objections of the Group D Officers Association but the grounds put forwarded by the applicant in his aforesaid representations. The order is to be issued within one month.
- (iii) That, the applicant shall be continued in the Customs Preventive Wing till such order is issued.

(iv) That, thereafter, if the order is not in his favour, he shall be allowed to proceed to Audit Branch in compliance with the order dated 21.7.95.

4. That, all the directions were to the Commissioner of Central Excise, Shillong, Respondent No. 1 (Here petitioner ~~exhibition~~ in the Contempt Petition), therefore, the petitioner of this petition was liable to comply with the order of the Hon'ble Tribunal passed in O.A. No. 142 of 1995 on 12.1.1996. Instead, the contempt petitioner made responsible the alleged contemner/respondent for its compliance. In this connection mention has to be made that all directions were meant for the Commissioner of Central Excise, Shillong i.e. to the Respondent No. 1 in the Original Application No. 142 of 1995.

5. That, the Commissioner of Customs and Central Excise, Shillong, the respondent No.1 in the Original Application No. 142 of 1995 was directed by the Hon'ble Tribunal vide its order dated 12.1.1996 (Annexure-1) to issue a fresh order on merit but the Commissioner of Central Excise, Shillong, the respondent No. 1 in Original Application No. 142 of 1995, instead of complying with the Hon'ble Tribunal's direction to issue a fresh order on merit, issued an arbitrary and non-speaking order No. 47/1996 dated 29.2.1996, in wilful and deliberate violation of the directives given by the Hon'ble Tribunal. The relevant portion of the said order is quoted below :

"Office of the Commissioner of Central Excise,
Shillong.

Subject : Transfer and posting in the grade of
Havildar - O/Reg.

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Shri Anil Chandra Dey, Havildar who is under order of transfer to Dawki LCs under Shillong Customs Division vide Estt. Order No. 223/95 dated 18.7.95 is hereby ordered to be retained at Hqrs. Office Shillong until further orders.

This order is issued in compliance with CAT Guwahati Bench's verdict whereby Estt. Order No. 238/95 dated 31.7.95 has been set aside."

Copy of the order dated 29.2.1996 is annexed hereto and the same is marked as Annexure-2.

6. That your alleged contemner begs to state that the above order, interalia, to the Superintendent (Hqrs.), Customs and Central Excise, Shillong. According to Hon'ble Tribunal's order the contemner should be allowed to proceed to Audit Branch in compliance with the order dated 21.7.95.
7. That your alleged contemner begs to state that the aforesaid order was passed from the office of the Commissioner of Central Excise, Shillong in wilful and deliberate violation of the Hon'ble Tribunal's direction as the order of the Commissioner of Central Excise, Shillong was not passed on merit rather it was passed with vindictive attitude and in wilful disobedience of the Hon'ble Tribunal's direction passed in Original Application No. 142 of 1995 on 12.1.1996.
8. That your alleged contemner begs to state that notwithstanding the illegality of the aforesaid order passed in total disregard and wilful violation of the Hon'ble Tribunal's direction. The present contemner further

begs to state that the contemner was never relieved and directed to proceed to Audit Branch by the Contempt Petitioner i.e. respondent No. 2 in the Original Application. Therefore, when a person was not relieved from this duty i.e. at Headquarter (Preventive) Customs, Shillong, how the contemners could join Audit Branch, Central Excise, Mention has to be made here that the respondent No.2 in Original Application No. 142 of 1995 did not pass any order on merit and did not relieve him to join to Audit Branch, with an ulterior motive to harass the present contemner. Subsequently the Contempt Petitioner for his non-joining in Audit Branch, to file a contempt petition against him reeks of vehement and vindictive attitude of the administration to the lowest rung of an employee with sole objective to make him sufferer mentally and financially.

9. ^{to State} That the present contemner begs that the alleged contemner/respondent categorically denies the correctness of the statement made in paragraphs 4,6 and 7 of the Contempt Petition and further begs to state that from the Office of the Commissioner of Central Excise, Shillong, an order dated 31st May, 1996 was issued by Shri P.K.Sinha Choudhury, Superintendent (Hqrs), superseding the order dated 21.7.1995. The relevant portion of the order dated 31.5.96 is quoted below :

"Office of the Commissioner of Central Excise,
Shillong

ORDER

Dated, Shillong
31st May, 1996

In supersession of this office order dated 21st July, 1995 communicated under C.No.I(23)8/93/ 14608-12A dated 21.7.95 Shri Anil Chandra Dey,

Contd....

Havildar, at present posted in the office of the Commissioner of Customs (Preventive), N.E.R. Shillong hereby directed to report for duty to the Superintendent (Training), Central Excise, Laitumkhrah Building within three days of redeipt of this order."

Copy of the order dated 31.5.96 and order dated 21.7.95 are annexed hereto and the same are marked as Annexure 3 & 4 respectively.

10. That your present contemner begs to state that when the order dated 21.7.95 had already been superseded by the order dated 31.5.96 as submitted hereinbefore, there is no question arises of non-compliance on the part of the contemner in respect of a revoked order dated 21.7.1995.

11. That the alleged contemner had never been relieved from Hqr. Customs (Preventive) unit to join Audit Branch and when the order dated 21.7.95 was revoked on 31.5.96 how the present contemner can be charged for contempt for not joining Audit Branch when the order dated 21.7.95 had been revoked by the Administration (Annexure-3).

12. That your alleged contemner begs to state that he craves leave of the Hon'ble Tribunal to submit that the Petitioner has filed this Contempt Petition after 16 months from the date of Judgement and Order passed by the Hon'ble Tribunal on 12.1.1996 being fully aware that the respondents had revoked the order dated 21.7.95 on 31.5.96 and the Contempt Petition is liable to be dismissed as time barred.

13. ^{alleged} That the contemner begs to state that the filing of the instant Contempt Petition by the Respondent No. 2 in Original Application No. 142/95 for non-compliance to a revoked order, namely order dated 21.7.95, is solely with an ulterior motive to harass the present contemner and intimidate all other employees from seeking statutory remedies from the Hon'ble Tribunal.

14. That your contemner begs to state that all directions was passed to the Department as submitted hereinabove, therefore, for wilful disobedience with ulterior motive to harass a very low paid employee of the lowest rung, a suo-motto contempt lies against the ^{Mrs. L. R. Mithran.} Commissioner of Central Excise, and the Superintendent (Hqrs.) revoking the order dated 21.7.95 before passing an order on merit for wilful disregard and disobedience of the direction of the Hon'ble Tribunal.

15. That your alleged contemner begs to state that he craves leave of the Hon'ble Tribunal to submit how he had been harassed by the respondents and still being harassed even after his retirement on superannuation on 30th April, 1997, particularly by the Commissioner, respondent No. 2 in Original Application and her office.

16. That the alleged contemner, begs to state that he was posted in the Commissionerate of Customs (Preventive) North Western Region, Shillong. The head of the Customs Commissionerate is the Commissioner of Customs, Shillong.

17. That your alleged contemner begs to state that the Commissioner of Customs (Preventive), North Eastern Region, Shillong's autographic observation - 'Please inform

Superintendent Hqrs., not to transfer any sepoy posted to Customs without taking approval of C.C.P. was communicated to the office of the Commissioner of Central Excise, Shillong.

Copy of the said letter dated 2.5.1995 is annexed hereto and the same is marked as Annexure-5.

18. That your alleged contemner begs to state that despite the Commissioner of Customs (Preventive)'s above direction not to transfer any sepoy from Customs without his approval, the order dated 21.7.95 (Annexure-4) was issued by the Superintendent (Hqrs.), Customs and Central Excise, Shillong transferring the alleged contemner from Customs to Central Excise.

19. That your present contemner begs to state that as the order dated 21.7.95 was issued by the Superintendent (Hqrs.), Customs and Central Excise, Shillong in disobedience of the direction of an officer much senior in rank than him, namely in disobedience of the Commissioner of Custom (Preventive)'s order, therefore the present contemner was not relieved from Customs to Central Excise.

Copy of the correspondence dated 21.7.95 is annexed hereto and the same is marked as Annexure-6.

20. That your present contemner begs to state that the Superintendent (Hqrs.) Customs and Central Excise, Shillong again in disobedience of the Commissioner of Customs (Preventive)'s above direction issued order dated 31.5.96 (Annexure-3).

21. That the alleged contemner begs to state that he was not relieved from Customs to Central Excise as there was no approval from the Commissioner of Customs (Preventive).

The Commissioner of Customs (Preventive) had already observed that no sepoy should be relieved from Customs without his approval.

22. ^{alleged} That your contemner begs to state that the office of the Commissioner of Central Excise being all along vindictive to the present contemner, issued Memorandum C.No. II(8)18//CON/96/1189 dated 24.7.96 calling his explanation why disciplinary action under clause (ii) of sub rule (1) of C.C.S. (Conduct) Rules 1964 should not be taken against him for non-compliance to ~~Superintendent~~ Superintendent (Hqrs.), Customs and ~~XXXX~~ Central Excise, Shillong's order dated 31.5.96.

23. ^{alleged} That your present contemner begs to state that the aforesaid Memorandum was issued with an evil intention to harass the contemner as it was issued fully knowing the facts ^{alleged} that the contemner had not been relieved by the Commissioner of Customs (Preventive) to join Central Excise.

Copy of the Memorandum dated 24.7.96 is annexed hereto and the same is marked as Annexure-7 and reply dated 24.7.96 is also annexed as Annexure-8.

24. That your present contemner begs to state that the office of the Commissioner of Central Excise, Shillong still continued its revenge by issuing Memorandum of Charge dated 19.9.96 proposing action against the present contemner under rule 16 of CCS (CCA) Rules, 1965 despite being well aware of the fact that the contemner had not been relieved from Customs to join Training Cell in Central Excise.

Copy of Memorandum dated 19.9.96 is annexed hereto and the same is marked as Annexure-9.

25. That your contemner begs to state that the Central Excise, Administration was so blind with vengeance that in spite of the Inquiry Officer's findings that the contemner was not at fault, the Disciplinary Authority imposed major penalty on him by ordering reduction by 5 stages of pay in the time scale. The order was served deliberately on the date of his retirement on 30 April, 1997 to cause humiliation and mental torture to him on the day of his farewell from the Department.

Copy of the order No. 4/97/401-05 dated 28.4.97 is C.No.11(10)A/2/CON/96 is annexed hereto and the same is marked as Annexure-10.

26. That your contemner begs to state that the Commissioner of Central Excise, Shillong passed the above order in complete defiance of the rules and records as the contemner had been commended for his sincere service rendered as well as he had received number of rewards during that period. Further, the Central Excise Administration's stand that as per minutes of the OCM held on 6.6.95 all members had agreed that the Superintendent (Hqr.) would be responsible for rotation/duty distribution of all the Group D staff has not bearing in the case of the contemner as he was not a member of the Group D Association.

Copy of the commendation letter and rewarded orders are annexed hereto and the same are marked as Annexures 11 and 11A respectively.

27. ^{alleged} That your contemner begs to state that he has not committed any wilful disobedience and the Commissioner of Central Excise, Shillong has subjected him to mental torture and huge monetary loss by ordering reduction of pay

Contd...

as well as by filing this frivolous Contempt Petition.

The alleged contemner humbly submits that he has not committed any contempt of the direction by the Hon'ble Tribunal passed in O.A. No. 142 of 1995 dated 12.1.1996.

28. That your contemner further begs to state that the non-joining to the Training Cell despite order dated 31.5.96 does not amount to contempt as Hon'ble Tribunal did not give any direction to the Contemner. Further non-compliance of the order dated 31.5.96 was not ordered by the ^{Hon'ble} Central Administrative Tribunal, therefore there is no wilful or deliberate violation of Hon'ble Tribunal's order by the alleged contemner.

29. That the contemner humbly submits that the Hon'ble Tribunal may be pleased to dismiss the Contempt Petition and pass necessary order directing the Commissioner of Central Excise, Shillong to pay exemplary cost to the contemner for causing both mental torture and monetary loss to the ^{alleged contemner,} ~~app~~ and further be pleased to drop the Contempt Proceeding.

Contd...

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

I, Shri Anil Chandra Dey, son of late Abhay Charan Dey, aged about 61 years, resident of Umpling, Shillong-6, alleged contemner in the Contempt Petition No. 6 of 1997 do hereby declare and verify that the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 19, 20, 25, 26 are derived from records and 5, 6, 12, 13, 14, 15, 16, 18, 21, 22, 23 and 24 are true to my knowledge and I have not suppressed any material facts.

Place : Gauhati

Anil Dey

Signature

Date : 16/6/97

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.142 of 1995.

Date of Order : This the 12th Day of January, 1996.

Shri G.L.Sanglyine, Member (Administrative).

Shri Anil Chandra Dey
 Havildar under the Shillong Customs
 Headquarter(Prev.)
 Office of the Commissioner of Customs,
 Preventive, North Eastern Region,
 Shillong.

... Applicant.

By Advocate Shri M. Chanda.

- Versus -

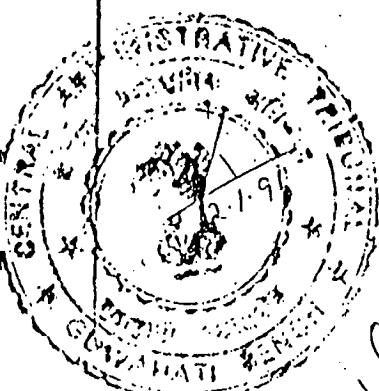
1. The Commissioner,
 Central Excise,
 Moralo Compound,
 Shillong-793001.
2. The Commissioner,
 Customs (Preventive)
 North Eastern Region,
 Shillong-793001.
3. The Deputy Commissioner (P&V)
 Customs and Central Excise,
 Moralo Compound,
 Shillong-793001.
4. Union of India through Secretary,
 Govt. of India, Ministry of Finance,
 Department of Revenue, New Delhi. Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, MEMBER (A)

The applicant was working as Havildar in the Preventive Unit, Customs and Central Excise, Shillong. He submitted a representation dated 4.5.1993 addressed to the Additional Collector (P&V) Customs and Central Excise, Shillong seeking a transfer to Dawki Customs Station. Since there was no response from the authority concerned, he submitted another representation dated 17.7.95 addressed to the Commissioner, Customs Preventive Collectorate, NER Shillong reiterating his request for a transfer to Dawki.



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This representation was forwarded by the Superintendent CCP Cell, Shillong on the same date to the Deputy Commissioner (P&V) with an intimation that the Commissioner of Customs (Preventive) is pleased to consider his representation and directed to request you to kindly issue an order for transfer of Sri Anil Chandra Dey, Havildar from Hqrs., Customs Preventive to Dawki L.C. Station. Consequently, Establishment Order No.223/1995 dated 18.7.1995 was issued by the Deputy Commissioner (P&V), Respondent No.3, transferring the applicant from Hqrs. office, Shillong to Dawki L.C.S. Shillong Customs Division. The Commissioner of Central Excise, Shillong, Respondent No.1, after a meeting with a contingent of Group D officers, directed vide Note dated 18.7.1995 that the aforesaid Establishment order be cancelled. The applicant submitted a representation dated 19.7.95 to the Respondent No.1 urging for immediate implementation of the transfer order dated 18.7.1995. On 21.7.1995 the applicant was relieved from his duty in CCP's office and was directed to attend duty in the office of the Additional Commissioner, Central Excise, (Audit), Shillong vide order dated 21.7.95 issued by the Superintendent (Hqrs.), Customs and Central Excise, Shillong. This order was objected to by the office of the Commissioner of Customs (Preventive), NER, Shillong. The applicant had submitted this Original Application on 27.7.1995 praying to set aside and quash the aforesaid Note dated 18.7.1995 and order dated 21.7.1995 and to direct the respondents to implement his transfer order dated 18.7.95 and to transfer and post him at Dawki.

2. The applicant has contended that the Establishment Order No.223/1995 dated 18.7.95 was ordered to be cancelled after the illegal threat of Group 'D' Officers Association to the Commissioner of Central Excise, Shillong and secondly,

*Attested
Shri Jay
12.1.96*

that the aforesaid transfer and posting order dated 21.7.95 was issued with an ulterior motive to frustrate his claim for posting at Dawki. In respect of the Note dated 18.7.95 the learned counsel, Mr M.Chanda, appearing for the applicant had submitted that it was issued without application of mind and with malafide intention. Respondent No.1 had yielded to the objection of the Group D Officers Association without giving any opportunity to the applicant to explain his case. The applicant is not a member of the Group D Officers Association and that Association could not therefore have objected to his transfer to Dawki. Moreover, the objection was raised only in respect of the applicant because he was not a member of the Association but not in the case of Shri Jagadish Chandra Deb who was posted to a border Station by the same order of transfer alongwith the applicant. The applicant had made a request for his posting at Dawki on ground of his health. The other ground given by him in his representation for posting at Dawki is that he was in the verge of retirement. According to the learned counsel since the applicant was about to retire he has a right to be considered for posting at a place of his choice. The representation of the applicant was considered and accepted by the authorities concerned. But his order of transfer to Dawki was ordered to be cancelled on the same day of its issue by the authority without application of mind. Simply on account of the objection raised by the Group D Officers Association. According to the learned counsel the ~~please~~ given by the respondents in their written statement have no force in the facts and circumstances relevant to the applicant. He pointed out that one of the reasons given by the respondents in their written statement seems to be that the applicant would gain by Rs.20/-p.m. by

12.1.96

Attest
John
Pawar

by means of a special pay if he is posted at Dawki but they had not taken into consideration that the applicant would be receiving lesser amount of House Rent Allowance. He also pointed out that the transfer guidelines annexed by the respondents to the written statement do not stipulate any option to be made for postings of staff in border areas. As regards the order dated 21.7.95, the learned counsel submitted that it was issued simply to placate the Group D Officers Association.

3. The respondents have contested this application submitted by the applicant. They have contended that the administration always have the right to correct any order issued inadvertently without taking all relevant factors into consideration and that the case of the applicant is no exception. Thus, in other words, it is their contention that the order of transfer dated 18.7.1995 was issued without taking into consideration all relevant factors and that the order had to be ordered to be cancelled by the impugned Note dated 18.7.95. According to them this order of transfer of the applicant to Dawki had been issued as per direction of the Commissioner of Customs (Preventive), Shillong and had to be ordered to be cancelled by the Commissioner of Central Excise, Shillong, the cadre controlling authority, after finding enough ground in the objections raised by the Group D Officers Association to the transfer of the applicant to Dawki and after taking into consideration all genuine claims of all concerned. It is also their contention that posting of the applicant at Dawki would give him much advantage in terms of special pay applicable to border postings as he had earlier been posted in border areas and, in fact, he had completed two tenures in Dawki itself. They

Attested
S. S. S.

have also disputed the claim of the applicant that he intended to settle down in Dawki after retirement and as such, he should be posted in Dawki. As regards the transfer order dated 21.7.1995 they have stated that it was issued by the Superintendent (Hqrs) who is the competent authority to issue rotation transfer orders. The learned Addl.CIG.S.C Mr G. Sarma, supported the contentions made by the respondents in their written statement. He further submitted that transfers are administrative matters and are not to be interfered with as it may create dislocation in administration. He also submitted that the Employees Association had not issued any threat to the administration but, on the other hand in this particular case of the applicant it had cooperated with the administration in running the administration smoothly. He contended that it was only after taking the view of the Group D Officers' Association into consideration that the order to cancel the order of transfer of the applicant to Dawki was issued by the competent authority. He said that there is no malafide or ulterior motive in ordering that transfer order was to be cancelled but only administrative policy was observed.

4. The plea that the order of transfer of the applicant to Dawki was issued as per the direction of Respondent No.2, Commissioner of Customs (Preventive), Shillong and that the order of transfer dated 18.7.95 was ordered to be cancelled by the Commissioner of Central Excise, Shillong, Respondent No.1, after consultation with Respondent No.2 are not convincing. The office of Respondent No.2 had written to the office of Respondent No.1 with a request to issue transfer order of the applicant to Dawki and the order dated 18.7.95 was issued by the office of Respondent No.1. The order issued must necessarily have been issued only with the approval of

12.1.96

Attest
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Gaur

that the

Respondent No.1. The Note dated 18.7.95 does not disclose /
 order directing
 that the order of transfer dated 18.7.95 should be cancelled
 was issued by Respondent No.1 in consultation with Respondent
 No.2. In his representation requesting for his transfer to
 Dawki the applicant had given his personal reasons, namely,
 (1) he was suffering from Sciatica for the last few years,
 (2) the suffering aggravates in a cold place like Shillong,
 (3) on these grounds he would prefer an posting in a warmer
 place nearby his home town that is Shillong where his family
 resides, (4) in particular he preferred Dawki being the nearest
 place from his home and (5) he had only two years of service
 left. These therefore are the grounds for compassionate
 consideration. It is true that the transfer guidelines dated
 30.6.1994 enclosed as Annexure R-3 to the written statement
 do not contain any instruction regarding transfer on compas-
 sionate grounds. This does not however necessarily mean that
 the administration is bereft of compassionate consideration
 of the cases of the employees. In fact, such compassionate
 consideration was taken by the Respondent No.2 under whom
 the applicant was working and the case was placed before
 Respondent No.1 consequent to which the order of transfer
 dated 18.7.95 was issued by the Respondent No.3 whose office
 it is understood is part and parcel of the office of
 Respondent No.1, transferring the applicant from Shillong to
 Dawki. The Respondents were aware of the norms of transfer
 at the time they decided that the grounds put forward by the
 applicant for his transfer to Dawki were valid and that they
 merited sympathetic consideration. The Note dated 18.7.95
 however discloses that respondent No.1 was concerned only
 with the objections of the Group D Officers Association and
 the norms of transfer. There is no indication in the Note

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to the effect that the above grounds given by the applicant were considered by the Respondent No.1 while issuing the Note or that the earlier decision based on the above grounds was after their reevaluation. It may be mentioned that if the earlier decision to transfer the applicant was on compassionate ground based on the above request of the applicant, the norms of transfer perhaps were not applicable to that decision. In the circumstances, the claim of the Respondents that all genuine claims of all concerned were considered in this particular case is not acceptable in the absence of anything expressed in the impugned Note that the grounds given by the applicant in his representations were considered by Respondent No.1 while issuing the Note dated 18.7.1995. The applicant has therefore justifying reasons to feel aggrieved with the Note issued by Respondent No.1.

5. The applicant served a copy of this original application on the learned Addl.C.G.S.C Mr G.Sarma, on 27.7.95 and the application was placed for consideration of admission on 28.7.95. On that day interim order staying the operation of the Note dated 18.7.1995 and the transfer order dated 21.7.95 till consideration of admission of the application was passed after hearing the counsel of both sides in their presence. Show cause for admission was listed on 11.8.95. During the course of final hearing of this application the learned counsel, Mr M.Chanda submitted a copy of Establishment Order No.238/95 dated 31.7.1995 cancelling the Establishment order No.223/95 dated 18.7.95, that is the transfer order of the applicant to Dawki, issued by the Respondent No.3. According to him this action on the part of the Respondents clearly establishes their malafide even to the extent of violating the order of this Tribunal in order to deny the applicant his transfer to Dawki. His contention is not

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acceptable as no malafide in issuing the impugned order contained in the Note dated 18.7.1995 can be inferred from the action of the respondents on 31.7.1995. Another aspect by which the learned counsel had wanted to attribute malafide to the Respondent No.1 is that the Note dated 18.7.95 was issued at the dictates of the Group D Officers Association. No finding of malafide can however be made in this regard as the Association is not made a respondent in this original Application submitted by the applicant. Further, the learned counsel had wanted to attribute malafide because of the order of transfer dated 21.7.1995, which was issued immediately after the transfer order dated 18.7.1995. On the face of this circumstance his contention seems to have some force but as will be discussed further hereinbelow, this order also does not establish malafide in the issuance of the Note dated 18.7.95 in the absence of any evidence that the competent authority, the Superintendent(Hqrs), Customs and Central Excise, Shillong had issued the order dated 21.7.1995 under the influence of Respondent No.1.

6. It is the contention of the applicant that he was shifted from the Customs Preventive Wing to the Audit Branch of Customs and Central Excise vide transfer order dated 21.7.95 in order to frustrate his transfer to Dawki. This order came out soon after the meeting Respondent No.1 had with the members of Group D Officers' Association on 18.7.95 and before the cancellation order dated 31.7.95. The applicant cannot therefore be blamed for entertaining such apprehension. The respondents have stated in their written statement dated 16.11.1995 submitted in this O.A that the Superintendent(Hqrs) was the competent authority to issue Rotation transfer orders as empowered by the office council meeting held on 6.6.1993. They have not spelled out but it can be inferred that, according to them, this Rotation transfer order dated 21.7.1995 transferring the applicant

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1 in the Headquarters itself has no connection with the matter of his transfer to Dawki and, even perhaps, that it is outside the consideration in this application as the Superintendent (Hqrs), in the office of Respondent No.1 is not a party to this application. Whatever may be, this order does not necessarily prevent the applicant from being transferred and posted to Dawki for he is still an employee of the Customs and Central Excise Department in Millang and, as such, if his facts and circumstances justify his transfer and posting to Dawki it is open to Respondent No.1 to order applicant's transfer to that place even after the applicant had been shifted to Audit Branch.

7. The Respondents have acted inexplicably in this O.A. A copy of the application was served by the counsel of the applicant on their counsel on 27.7.1995. The application came up for consideration of admission on 28.7.1995. Show cause was ordered to be issued as to why the application should not be admitted and interim order restraining them from implementing the order contained in the impugned Note dated 18.7.95 was passed in the presence of their counsel on 28.7.1995. It however transpires that they had issued the Establishment order No.238/95-dated-31.7.95, implementing the order contained in the Note dated 18.7.95. They did not submit the show cause and the application had to be admitted on 22.9.95 without their show cause having been submitted in the presence of their counsel. In the absence of any details or information from the respondents, interim order was issued staying the operation of the Note dated 18.7.95 and transfer order dated 21.7.95 till disposal of this O.A. Having implemented the order contained in the Note dated 18.7.95 by issuing the cancellation Establishment Order No.238/95 dated 31.7.1995 yet in para 24 of the affidavit

Actual fact
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dated 16.11.95 (written statement) they speak of great difficulties caused by the interim order to their day to day administrative official work and contended therein that the interim order is liable to be vacated. This affidavit was affirmed and declared by one Sri P.R.Ghosh, Superintendent (Law), Central Excise, Guwahati who also stated therein that he was authorised by the respondents to file the written statement on their behalf. Not only that but one Sri P.K.Das, Superintendent (Law), Central Excise, Guwahati Division, who is not one of the respondents in this O.A., had affirmed and declared an affidavit on 13.9.1995 seeking vacation of the earlier interim order dated 28.7.1995 on the ground that the respondents were in great difficulty in the day to day administration in their official work due to stay granted by the interim order. But they had already implemented the Note dated 18.7.95 on 31.7.95 as mentioned above. Moreover, nowhere in this affidavit Sri P.K.Das had stated that he was authorised by the respondents to affirm and declare the affidavit or that he had submitted the prayer on behalf of the respondents. Further with regard to the Rotation Transfer order dated [redacted] 95, the applicant had not complied with the order and after 28.7.95 he was justified in doing so in view of the interim order dated [redacted] 95 restraining the respondents from implementing the transfer order. This interim was extended by interim order dated 22.9.95. But the respondents in para 7 of the affidavit dated 16.11.1995 not only indirectly expressed their desire to violate the interim order but also wanted the applicant to do so when they stated that till date (16.11.95) the applicant had not obeyed the transfer order dated 21.7.1995.

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8. In the light of the discussion in para 4 above, it is hereby held that the Respondent No.1 had issued the order contained in the impugned Note dated 18.7.95 (Annexure-5) directing that the order of transfer of the applicant to Dawki should be cancelled without taking into consideration the grounds furnished by the applicant in his representations dated 4.5.1993 and 17.7.1995 in support of his request for his transfer to Dawki. The Note dated 18.7.95 insofar as it relates to the order directing cancellation of the order of transfer of the applicant to Dawki is accordingly set aside. The Respondent No.1 is directed to issue a fresh order on ~~merit after taking into consideration not only the alleged objections of the Group D Officers Association but the grounds put forward by the applicant in his aforesaid representations.~~ The order is to be issued within 1(one) month from the date of receipt of this order by Respondent No.1. The applicant shall be continued in the Customs Preventive Wing till such order is issued. Thereafter, if the order is not in his favour, he shall be allowed to proceed to Audit Branch in compliance with the order dated 21.7.1995 (Annexure-7).

9. The application is disposed of as above. No order as to costs.

Sd/- MEMBER (ADMIN)

Certified to be true Copy

प्राप्तिक्रिया प्रतिलिपि

30/1/96
Section Officer (J)
राजकीय अधिकारी (संचालक अधीक्षा)
Central Administrative Tribunal
संचालक अधीक्षा अधिकारी
Audit Branch, Gurukul-5
गुरुकुल-5 रोड, गुरुकुल-5

Attested
A. K. Patel

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
S H I L L O N G

ESTABLISHMENT ORDER NO. 47/1996
 DATED SHILLONG THE 29th FEB. '96

Subject : Transfer and posting in the
 grade of Havildar - O/Reg.

.....

Shri Anil Ch. Dey, Havildar who is under order
 of transfer to Dawki LCS under Shillong Customs Divn. vide
 Estt. Order No.223/95 dated 18-7-95 is hereby ordered to be
 retained at Hqrs. Office Shillong until further orders.

This order is issued in compliance with CAT
 Guwahati Bench's verdict whereby Estt. Order No.238/95
 dated 31-7-95 has been set aside.

5a/-
 (J.L. NGILNEIA)
 ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

C.NO.II(3)1/ET.III/92/ 5090-96 Dated : 1-3-96

1 MAR 1996

Copy forwarded for information & necessary action to :

1. The Commissioner of Customs (Prev.), NER, Shillong.
2. The Assistant Commissioner of Customs (Prev.) Divn., Shillong.

3. Shri Anil Ch. Dey, Havildar for compliance.

4. The A.C.A.O. (Accts.)/P.A.O., Hqrs. Office, Shillong.

5. The Superintendent, Dawki L.C.S.

6. The Superintendent (Hqrs.), Cus. & Cen. Ex., Shillong.
 According to CAT Guwahati Bench's verdict Shri A.C. Dey
 should be allowed to proceed to Audit Branch in compliance
 with order dated 21-7-95.

Acted for
 Adm
 J.S.

R. Ghosh
 (J.L. NGILNEIA)
 ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

Shillong.

4/

~~E 30~~ORDERDated Shillong
31st May '96.

In supersession of this Office order dated 21st July 1995 communicated under C.No I (23)8/93/14608-12(A) dated 21 July 1995 Sri Amit Ch. Dey, Havildar, at present posted in the Office of the Commissioner of Customs (Preventive) N.E.R. Shillong hereby directed to report for duty to the Superintendent (Training), Central Excise, Laitumukhra Building within 3 (Three) days of receipt of this order.

Sd/ (P.K. Sinha Choudhury)
Superintendent (Hqrs)
Custom & Central Excise
Shillong

C.No. VII(2)/Cus/Pre-Hqrs/88/Part/ 12021-111116

Copy forwarded to :-

1 The Superintendent (Hqrs Preventive), Office of the Commissioner of Customs Preventive N.E.R. Shillong.

2 The Superintendent (Training), Central Excise, Laitumukhra M.S. Building.

3 The A.P.R.O. Central Excise, Laitumukhra M.S. Building.

4 Sri Amit Ch. Dey, Havildar, for compliance.

25/5/96

S OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, SHILLONG

42

ORDER

Dated Shillong 31st May 1996

In supersession of this office order dated 21st July 1995 communicated under C.No I (23)/8/93/14608-12(A) dated 21 July 1995 Sri Anil Ch.Day, Havilder, at presentx post in the office of the commissioner of Customs (Preventive) N.E.R.Shillong hereby directed to report for duty to the superintendent (Training) Central Excise, Laitumukhra Building within 3(three) days of receipt of this order.

Sd/
(Seal)

C.No. VIII (2)/CUS/PRO-HQrs/88/Pant/12021-14111

Copy forwarded to:-

1. The Superintendent (HQr Preventive), O/O the Commissioner of Customs Preventive N.E.R.Shillong.
2. The Superintendent (Training), Central Excise, Laitumukhra M.S. Building.
3. The A.P.R.O., Central Excise, Laitumukhra, M.S. Building.
4. Sri Anil Ch.Day, Havilder for compliance.

*Not checked
S.K.S*

Sd/-

(P.K.Sinha choudhury)
31.5.96
Superintendent (HQr)
Customs & Central Excis
Shillong.

26 Annexure 4
Circular Letter No. 1001
Dated Shillong -
21st July '95

(43) ↗

(Open)

Dated Shillong -
21st July '95

It is hereby ordered that Sri Srinath De
Mandalan at present posted in the office
of the Commissioner of Customs Preventive
N.E.R. Shillong is hereby directed to attend
duty with the ^{attached to} Additional Commissioner, Central
Excise, (Audit) i.e. at Laitumkhrah Customs
Central Excise Audit branch. This order is
issued in supersession of the order dated
10.06.95. He is hereby relieved from duty ^{from P.C.E. office} on the 21st July '95 with instructions to report to P.R.
Laitumkhrah C.E. office.

S/ C P. S. Srinath De

Superintendent (Hqrs),
Customs & Central Excise
Shillong

Class 1 (23) 8/93/ 14608-12M DT
Copy forwarded to the

① Sri P.R. Commissioner of Customs Preventive
N.E.R. Shillong.
② Deputy Commissioner of C & C Shillong
③ P.A. to the Additional Commissioner of Central
Excise (Audit)
④ P.R.C. auditor of Central Excise, Laitumkhrah
H.S. building.
⑤ Sri Anil Choudhury - Petitioner for Compliance

Attested
S. De

(44)

CUSTOMS AND CENTRAL EXCISES, SHILLONG.

ORDER

Dated, Shillong 21st July'95.

It is hereby order that Sri Anil Ch. Day, Havilder at present posted in the office of the Commissioner of Customs preventive, N.E.R. Shillong is hereby directed to attend duty with / attached to Additional Commissioner Central Excise, (Audit) i.e at Laitumukhra Customs & Central Excise Audit branch. This order is issued in supersession of this office order dated 1st May is hereby released from duty from C.C.P's office on the often now of 21st July'95 with direction to report to PRO, Laitumukhra Central Excise office.

Sd/-

Iligible

P. K. Sina Choudhary
Supdt. (HQs)
Customs & Central Excise.
Shillong.

C.No.1(23) S/93/ 14608-1253

Dated 21.7.95.

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COLLECTORATE OF CUSTOMS (PREV) :: NORTH EASTERN REGION
H.Q.R. PREVENTIVE UNIT :: SHILLONG.

Annexure-5

C.NO.II/2/HQR.PREV/ET/CUS/SH/94/PT.I/

Dated :

To

The Superintendent (Hqrs.),
Customs and Central Excise,
Shillong.

45

Sub : Transfer of Sri Anil Ch. Dey, Havildar.

Please refer to your order under C.No.1(23)8/93/9005-10(A) dated 1st May, 1995 regarding transfer of Sri Anil Ch. Dey, Havildar.

In this connection, Autographic observations of the Collector of Customs (Prev), N.E.R, Shillong is re-produced below for your necessary action and cancellation of the said order.

"Please inform Superintendent, Hqrs. not to transfer any Sepoy posted to Customs without taking approval of C.C.P. and his order dated 1.5.95 should be cancelled."

Sd/-

(G. NONGBET)
ASSISTANT COLLECTOR(PREV.)

C.NO.II/2/HQR.PREV/ET/CUS/SH/94/PT.I/ 171

Dated : 2/5/95

Copy to Sri Anil Ch. Dey, Havildar, Collectorate of Customs (Prev.), N.E.R., Shillong for his information.

(G. NONGBET)
ASSISTANT COLLECTOR (PREV.)
COLLECTORATE OF CUSTOMS (PREV.)
SHILLONG.

Attested
Shri
per

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HEAD OF THE GOVERNMENT OF INDIA'S PREVENTIVE
HQRS. PREVENTIVE UNIT :: SHILLONG-793001.

C.RO. II/2/HQR.PREV/ET/CUS/SH/94/PT.I/

Dated : *26/6/95*

To

The Superintendent, (Hqrs.),
Customs and Central Excise,
Shillong.

Sub : Transfer of Sri Anil Ch. Dey, Havildar.

Please refer to your order dated 21st July, 1995 issued under C.No.1(23)8/93/14608-12 (A) regarding transfer of Sri Anil Ch. Dey, Havildar.

In this connection, I am to draw your attention of the order of the Commissioner of Customs (Prev.) that no Sepoy from the Customs should be withdrawn without consent of him and this was duly communicated to you.

Secondly, service records of Sri Anil Ch. Dey such as attendance, leave etc. are maintained in this Unit, as such he cannot be withdrawn in the manner you asked to.

I however, request you to take C.C.P's order into confidence and wait till he comes back. Further he is at the moment required for some preventive operations.

Enclo : As above.

Sd/-

P. SIKDAR)
SUPERINTENDENT (HQRS.PREV.)
O/O THE COMMISSIONER OF CUSTOMS(PREV)
N.E.R. :: SHILLONG.

C.NO. II/2/HQR.PREV/ET/CUS/SH/94/PT.I/430

Dated : 21-7-95

Copy to :-

1) ~~Copy~~ Sri Anil Ch. Dey, Havildar. He will attend Hqrs. Preventive Unit till he is relieved.

2) The Deputy Commissioner (P&V), Customs & Central Excise, Shillong for favour of information.

21/7/95
(P. SIKDAR)

SUPERINTENDENT (HQRS.PREV.)
O/O THE COMMISSIONER OF CUSTOMS(PREV.)
N.E.R. :: SHILLONG.

Att. Col. S. K. S. Dey

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CONFIDENTIAL
BY PEON BOOK

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE: SHILLONG:

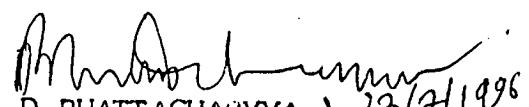
M E M O R A N D U M
C.NO.II(8)187CON/96/1189.

Dated Shillong the 24.7.96.

Whereas it appears that Shri Anil Chandra Dey, Havildar presently posted in the office of C.C.P, Shillong, was transferred and directed to report for duty to the Superintendent Training Cell, Laitumkhrah vide order dated 31.5.96 of the Superintendent (Hqrs.), Customs and Central Excise, Shillong within the three days of the receipt of this order. But till date he has not reported for duty - amounts misconduct on the part of Shri Dey, Havildar.

This act on the part of Shri Dey is in contravention of clause (ii) of sub rule (1) of Rule 3 of C.C.S (Conduct) Rules 1964 and he is hereby called upon to explain why disciplinary action should not be taken against him for violation of the above mentioned rule.

His reply, if any, may be submitted to the undersigned within seven days of the receipt of this memorandum failing which decision will be taken in the matter, ex parte.


(D. BHATTACHARYYA) 23/7/1996
ASSISTANT COMMISSIONER (HQRS.)

To
Shri A.C.Dey,
Havildar,
C.C.P's Office, Shillong

*Attest
Shri
Dey*

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To

The Assistant Commissioner (Hqrs.),
 Customs and Central Excise,
Shillong.

SK

Sir,

Sub : Memorandum C. No. II(8)18/CON/96/1189 Dtd. 24.7.96.

Please refer to your memorandum mentioned above.

1) In this regard I have to state that no contravention of Clause (ii) of Sub-Rule (i) of Rule 3 of C.C.S (Conduct) Rules 1964 was committed by me.

2) That, on receipt of the said posting order, I had brought it to the notice of my superior officers, i.e. Superintendent (Hqrs. Prev.) and Deputy Commissioner (Customs). But as I have not yet been relieved from the Hqrs. Preventive Unit. It was not possible for me to join at any other place as I am duty bound to obtain prior permission from my superior officers (mentioned above) before leaving my present place of posting where I have regularly been attending office till date.

3) Besides attending duties at Hqrs. Preventive Unit, I have also been deputed by the Deputy Commissioner (Customs) and Superintendent (CCP Bell) with additional charge of controlling and maintaining of attendance of all Sepoys and Contingent paid staffs posted at Commissionate of Customs Office.

4) In view of the above, I reiterate once again that I have not in any way violated any of the above mentioned rules nor defied any orders.

Yours faithfully,

Acid Chanda Dey

(A.C. DEY)
 Havildar

Hqrs. (Cus.) Preventive Unit
 Commissionate of Customs (Prev.)
 N.E.R. :: SHILLONG.

*Detested
 John
 Dey*

13/2/97

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AB

CONFIDENTIALOFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
SHILLONG.M E M O R A N D U MC.NO.11(10)A/2/96/1526 dated 17.9.96
Dated Shillong, the 17th Sept. '96

Shri Anil Ch. Dey, Havildar, is hereby informed that it is proposed to take action against him under Rule 16 of CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri Anil Ch. Dey, Havildar is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Anil Ch. Dey, Havildar fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Anil Ch. Dey, Havildar, ex parte.

4. The receipt of this Memorandum should be acknowledged.

Encl- As above

To

Shri Anil Ch. Dey,
Havildar, Office of the
Commissioner Customs Prev.
N.E.R., Shillong.

D. Bhattacharyya, 17/9/96.
(D. BHATTACHARYYA, 17/9/96.
ASSISTANT COMMISSIONER(HQRS.)

*Attested
D.B.
per*

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
SHILLONG:

ORDER NO. 4/97/401-05

C.NO.11(10)A/2/CON796

Dated Shillong the 28th April, '97

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1. An appeal against this order alongwith a copy of this order lies to the appellate authority (Commissioner, Central Excise, Shillong) within a period of forty five (45) days from the date on which a copy of the order appealed against was delivered to the Appellant.
2. A copy of the appeal should be forwarded by the Appellant to the Authority which made the order appealed against and the fact of having done so should be clearly indicated in the appeal itself.

Whereas disciplinary proceedings were instituted against Shri Anil Ch. Dey, Havildar under Rule 16 of the C.C.S (C.C.A) Rules 1965 vide charge memorandum C.No.11(10)A/2/Con/ 96/1526 dated 17th Sept. '96 on the following articles of charge.

Article -I

That Shri A.C.Dey, Havildar while functioning as Havildar in Hqrs. office, Shillong is alledged to have failed to perform the duty allotted to him. He has not joined his duty in the Training Cell as per Superintendent's Hars order dated 31st May, 1996.

Article -II

That during the aforesaid period he failed to maintain absolute integrity, devotion to duty and acted in such a way which is unbecoming to a Government servant.

Article-III

That Shri A.C.Dey, while functioning as Havildar in the Hqrs. office, Shillone was reported to disobey the orders of Superintendent (Hqrs.) regarding rotation/ duty distribution for Gr. 'D' staff. XXX That Shri A.C.

Contd.. P2---

Attested
Shri
A.C.Dey

ANNEXURE - I

Statement of article of charge framed against Shri A.C. Dey, Havildar of Customs and Central Excise, Shillong.

Article-1

That the said Shri A.C.Dey, Havildar while functioning as Havildar in Hqrs. office, Shillong is alleged to have failed to perform the duty allotted to him. He has not joined his duty in the Training Cell as per Superintendent Hqrs.'s order dated 31.5.96.

ANNEXURE - II

Statement of imputations of misconduct and misbehaviour in support of article of charges framed against Shri A.C.Dey, Havildar of Customs and Central Excise, Shillong.

Article-1

That Shri A.C.Dey, while functioning as Havildar in the Hqrs. office, Shillong was reported to disobey the order of Superintendent Hqrs. regarding rotation/duty distribution for Group 'D' staff. That Shri A.C.Dey was transferred and directed to report for duty at Training Cell, Laitum-khrah, Customs and Central Excise, Shillong, vide order dated 31.5.96 of Superintendent (Hqrs.), Shillong. But he has not joined there till date. A memo was issued to him on 24.7.96 directing him to join there immediately. The reply of the memo was received by this office on 5.8.96 which was not accepted; on the ground that, as per minutes of the O.C.M held on 6.6.95 all members had agreed that the Superintendent(Hqrs.) would be responsible for rotation/duty distribution of all the Group 'D' staff in the Hqrs. office. Therefore, question of relieve order does not arise in this case.

In view of the above, Shri A.C.Dey, Havildar has failed to maintain devotion to duty and acted in a manner which is unbecoming of a Government Servant and thereby violated the provisions of clauses (ii) and (iii) of sub-rul (1) of Rule 3 of CCS(Conduct) Rules, 1964.

.....

*Alleged fact
Dr
Dr*

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Dey, was transferred and directed to report for duty at Training Cell Laitumkhrah, Customs & Central Excise, Shillong vide order dated 31.5.96 of Superintendent(HQ), Shillong. But he has not joined there till date. A memo was issued to him on 24.7.96 directing him to join there immediately. The reply of the memo was received by this office on 5.8.96 which was not accepted on the ground that, as per minutes of the OCM held on 6.6.95 all members had agreed that the Superintendent(Hqrs.) would be responsible for rotation/duty distribution of all the Gr. 'D' staff in the Hqrs. office. Therefore, question of relieve order does not arise in this case.

By the above acts, Shri A.C.Dey, Havildar failed to maintain absolute integrity, devotion to duty and acted in such a way which is unbecoming of a Government servant and thereby violated the provisions of clauses (ii) and (iii) of sub-Rule (1) of Rule 3 of CCS (Conduct) Rules 1964.

In his reply to the charge memorandum dated 17.9.96 which was received in this office on 4.4.97, he had denied all the charges alledged against him. For such denial an enquiry is mandatory for which Shri A.Swamy Superintendent (CII-VIG) was appointed as Inquiry officer.

Findings of the Inquiry officer :-

The inquiry officer on his findings stated that the case is an outcome of the mis-understanding/tussle between the then Superintendent Hqrs. and Group 'B' officer of Customs Preventive and that Shri A.C.Dey Havildar was not at fault.

Findings of the Disciplinary authority :-

I have gone through the case records and I found that Shri Anil Ch. Dey was posted outside Headquarters for about 27 years approximately. It was during his last posting to Dawki that the Commissioner Central Excise cancelled the Transfer ordered for which he appealed to CAT. But as per CAT'S verdict of Gauhati Bench fresh order was issued vide order No.47/96 dt. 29.2.96 Shri A.C.Dey was once again retained at HQ Shillong. Where CAT Gauhati Branch directed him to report to Audit Branch Hqrs. office. He refused to join Audit Branch stating that he could not climb up to the fifth floor

Alleged
Anil
Dey

Contd.. P/3...

On account of his age and health for which he submitted representation. Where accordingly he was again directed to report to Training Cell for which he does not complied till date. As per minutes of the O.C.M. all members had agreed that Superintendent Hqrs. would be responsible for rotation/duty distribution of all group 'D' staff. Hence his reply that he was not relieved by the Controlling Authority does not arise. It was not known why he was interested for Dawki or Border posting only.

If such behaviour is allowed all the staff of this Commissioner will adopt the same technique if and when posting/transfer order is issued especially sensitive postings. Choice posting could not be allowed to all staff of various cadre.

ORDER

Havina regard to the fact and circumstances of the case, I ordered reduction by 5 stages of pay in the time scale.

Viz. assah 28/4/77
 (R.B. PASSAH)
 ASSISTANT COMMISSIONER(HQRS.)
 CUSTOMS AND CENTRAL EXCISE:
SHILLONG.

To
 Shri Anil Ch. Dey, Havildar
 Hqrs. (Customs) Preventive Unit,
 Commissionerate of Customs Preventive.
 N.E.R., Shillong.

*Attended
 Dr. Dey*



SRI LALLUNGHNENA,
COMMISSIONER OF CUSTOMS
(PREVENTIVE)

D. O. C. No.
ली० ओ० री० रां०

भारत राज्यकार
सीमाशुल्क आयुक्तालय
महात्मा गांधी रोड (नर्थ ब्रुक रोड)
शिलांग - 793001
मेघालय

GOVERNMENT OF INDIA
COMMISSIONERATE OF CUSTOMS
(Preventive)
NORTH EASTERN REGION
M.G. ROAD (North Brook Road)
Shillong - 793 001
Meghalaya

67

दिनांक.....

5th September, 1996
Dated

My dear Dey,

I take pleasure in commending your excellent effort and service in effecting seizure of " Heroin " (Narcotic Drugs) vide case no. 3/NAC/CL/Parv/Prev/SII/96 dated 1.9.96 and arrest of 7 (seven) persons. The way you implemented the information and effected the seizure in a continuous process and worked hard for eradication of Narcotic Drugs menace from the country deserves appreciation. In recognition of this excellent piece of work, a copy of this commendation letter is being placed in your ACR for record.

I hope you will continue to maintain this tempo of detection in the coming months too and wish you success in life.

With best wishes,

Yours sincerely

Lallunghnena (679)
(Lallunghnena)

Shri Anil Dey,
Havildar,
O/O Commissioner of Customs(Prev),
North Eastern Region,
Shillong.

*Detested
Anil Dey*

OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION
SHILLONG

REWARD ORDER NO. 21\CUS\96

DATED SHILLONG THE 9TH DECEMBER, 1996.

The Commissioner of Customs Preventive, N.E.R., Shillong has been pleased to sanction final reward to the following officers/informers responsible for the detection of Case No. 8\CLV\IMP\CUS\Hqrs. Prev. \SH\95 dated 04-04-95 involving seizure of two Nos of gold Biscuits (Primary) weighing 233.03 gms worth Rs. 1,10,000\/-

SL.NO.	NAME AND DESIGNATION	AMOUNT SANCTIONED
1.	Shri P. Sikdar, Supdt.	Rs. 600\/-
2.	Shri G. Ghosh, Insp..	Rs. 1,100\/-
3.	Shri G. Das, Insp.	Rs. 500\/-
4.	Shri B. Kar, Insp.	Rs. 500\/-
5.	Shri P.K. Phukan, Insp.	Rs. 500\/-
6.	Shri C. Shullai, Supdt.	Rs. 500\/-
7.	Shri V. Thapa, Insp.	Rs. 500\/-
8.	Shri D. Banerjee, Insp.	Rs. 500\/-
9.	Shri P. Kumar. Insp. . .	Rs. 500\/-
10.	Shri A. Dey, Insp.	Rs. 500\/-
11.	Shri S.S. Nongbet, Insp.	Rs. 500\/-
12.	Smt. S. Lanong, Insp.	Rs. 500\/-
13.	Shri A.C. Dey, Havildar	Rs. 300\/-
14.	Shri O. Warjari, Sepoy	Rs. 250\/-
15.	Shri C. Nongrum, Sepoy	Rs. 250\/-
16.	Shri J. Mochahari, L.D.C.	Rs. 300\/-
17.	Shri B. Kharkongor, Driver	Rs. 300\/-
18.	INFORMER	Rs. 8,000\/-

		Rs. 16,100\/-

(Rupees Sixteen thousand one hundred only)

The reward may please be made from within the sanction budget grant of Hqrs. for the year 1996-97.

sd/-

(P. SIKDAR)
SUPERINTENDEDNT (CUS. TECH)
CUSTOMS PREVENTIVE
N.E.R., SHILLONG.

*P. Sikdar
Shillong
1996*

contd... p/2

5 C.NO. VIII(26)16\CUS\96 114464-86. Dated:- 10/12/96

Copy forwarded for information and necessary action to:

1. The Superintendent(Hqrs.Prev), Customs Preventive, Shillong.
The reward may please be made after observing other required formalities with an intimation to this office.
2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The P.A.O.\C.A.O., Customs and Central Excise, Shillong.
4. Smt\Shri.....
5. The Budget section of O\O ACAO, Customs & Central Excise, Shillong.

✓ 10/12/96
(P.SIKDAR)
SUPERINTENDEDNT (CUS.TECH)
CUSTOMS PREVENTIVE
N.E.R., SHILLONG.

*Selected
Shri
Daw*

OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION :: SHILLONG.

REWARD ORDER NO.4/97
 DATED, SHILLONG THE 22ND MARCH, 1997.

The Commissioner of Customs Preventive, N.E.R., Shillong has been pleased to sanction Final Reward to the following Officers/Informers responsible for detection of Case No.13/CL/IMP/CUS/HQR.PREV/SH/95 dated 3.6.95 involving seizure of "Photochromatic Optical Lenses" 60,450 pairs valued at Rs.15,11,250/-

Sl. No.	Name and Designation	Amount sanctioned
1	2	3
1.	S/Shri G. Nongbet, A.C(Retd.)	Rs. 3,000/-
2.	" P. Sikdar, Superintendent	Rs. 3,000/-
3.	" C. Shullai, Superintendent	Rs. 7,000/-
4.	" G. Das, Inspector	Rs. 7,000/-
5.	" B. Kar, Inspector	Rs. 7,000/-
6.	" P. Kumar, Inspector	Rs. 1,000/-
7.	" A. Dey, Inspector	Rs. 1,000/-
8.	" G. Ghosh, Inspector	Rs. 1,000/-
9.	" V. Thapa, Inspector	Rs. 1,000/-
10.	" P.K. Phukan, Inspector	Rs. 1,000/-
11.	" S.S. Nongbet, Inspector	Rs. 1,000/-
12.	Smti S. Lanong, Inspector	Rs. 1,000/-
13.	Shri B. Kharkongor, Driver	Rs. 500/-
14.	" O. Warjri, Sepoy	Rs. 500/-
15.	" A.C. Dey, Havildar	Rs. 500/-
16.	" Nokhi Roy, Havildar	Rs. 500/-
17.	" C. Nongrum, Sepoy	Rs. 500/-
18.	" J. Mochahari, L.D.C.	Rs. 500/-
19.	INFORMER	Rs. 30,000/-
		Total = Rs.67,000/-

(Rupees Sixty Seven thousand only)

The Reward may please be made from within the sanctioned budget grant of Hqrs. for the year 1996-97.

*Attested
Shri
P. Sikdar*

S. C. J.
 (P. SIKDAR)
 SUPERINTENDENT (CUS.TECH)
 COMMISSIONERATE OF CUSTOMS (PREV.)
N.E.R. :: SHILLONG.

C.NO. VIII(26)11/CUS/97/350¹⁵

Dated : 26/2/97

Copy forwarded for information and necessary action to :-

1. The Superintendent (AS), Hqrs. (Cus.) Preventive Unit, Shillong. The Reward may please be made after observing other required formalities with an intimation to this office.
2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The P.A.O/C.A.O, Customs and Central Excise, Shillong.
4. Shri/Smti Shikdar
5. The Budget Section of O/O, A.C.A.O, Customs and Central Excise, Shillong.

(P. SIKDAR)
 SUPERINTENDENT (CUS.TECH)
 COMMISSIONERATE OF CUSTOMS (PREV.)
N.E.R. :: SHILLONG.

OFFICE OF THE COMMISSIONER OF CUSTOMS(PREVENTIVE)
NORTH EASTERN REGION: SHILLONG

REWARD ORDER NO. 19/CUS/96
 DATED SHILLONG THE 4TH OCTOBER, 1996.

The Commissioner Of Customs Preventive, N.E.R., Shillong, has been pleased to Sanction final reward to the following Officers/Informers responsible for the detection of case No. 9/CL/IMP/CUS/HQRS.PREV/SH/94 dated 18.4.94 involving seizure of 5 Nos. of gold bars(primary) weighing 583.3 gms. worth Rs. 2,70,000/-

S1.No.	Name & Designation	Amount Sactioned
1	2	3
1.	Shri A. Bhattacharjee, Supdt.	Rs. 5,000/-
2.	Shri P. Sikdar, Supdt.	Rs. 5,000/-
3.	Shri B. Kar, Inspector	Rs. 1,000/-
4.	Shri G. Das, Inspector	Rs. 1,000/-
5.	Shri S.S. Nongbet, Inspector	Rs. 1,000/-
6.	Shri D. Banarjee, Inspector	Rs. 1,000/-
7.	Shri P. Phukan, Inspector	Rs. 1,000/-
8.	Shri G. Ghosh, Inspector	Rs. 1,000/-
9.	Santi S. Lanong, Inspector	Rs. 1,000/-
10.	Shri A.C. Dey, Havildar	Rs. 500/-
11.	Shri O. Warjari, Sepoy	Rs. 500/-
12.	Shri H.L. Chetri, Sepoy	Rs. 500/-
13.	Shri C. Nongrum, Sepoy	Rs. 500/-
14.	Shri J. Mochahari, LDC	Rs. 500/-
15.	INFORMER	Rs. 20,000/-
		=====
Total		Rs. 39,500/-
		=====

(RUPEES THIRTY NINE THOUSAND FIVE HUNDRED ONLY)

The reward may please be made from within the sanctioned budget grant of Hqrs. for the year 1996-97.

sd/-
 (P. SIKDAR)
 SUPDT. CUSTOMS(TECH/ADJ)
 O/O THE COMMISSIONER OF CUSTOMS
 (PREVENTIVE)
 N.E.R. SHILLONG

C.NO.VIII(26)15/CUS/96/1286/- 8c Dated:- 08/10/96

Copy forwarded for information and necessary action to:

1. The Superintendent, Hqrs. Prev. N.E.R. Shillong. The reward may please be made after observing other required formalities with an

*Attested
Sh. Sikdar*

intimation to this office.

2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The P.A.O./C.A.O., Customs and Central Excise, Shillong.
4. Shri
5. Budget section of the o/o A.C.A.O., C & CE, Shillong.

7/10/96

(P. SIKDAR)
SUPDT. CUSTOMS(TECH/ADJ)
O/O THE COMMISSIONER OF CUSTOMS
PREVENTIVE
N.E.R.: SHILLONG

Letter to
P. S. Sikdar

OFFICE OF THE COMMISSIONER OF CUSTOMS(PREVENTIVE)
NORTH EASTERN REGION
SHILLONG.

REWARD ORDER NO.9/CUS/96

DATED SHILLONG, THE 29th MARCH, 1996.

W. The Commissioner of Customs(Preventive), North Eastern Region, Shillong has been please to sanction Final Reward to the following officers/Informer responsible for detection of Case No.15/CL/NTT/CUS/H.R.S.P.H.W./SH/94 dated 22.07.94 involving seizure of 10 Nos. of Primary gold bars weighing 1166.5 gms. valued at Rs.5,50,034.50/-.

Sl. No. Name & Designation. Amount sanctioned.

1.	2.	3.
1.	Shri G.Nongbet, ASST. COM.I.R. (Retd.).	Rs. 4,000/-
2.	Shri P.Sikdar, Supdt.	Rs. 8,000/-
3.	Shri G. Das, Inspector	Rs. 8,000/-
4.	Shri G. Ghosh - do -	Rs. 3,000/-
5.	Shri P.R.Fulutan - do -	Rs. 3,000/-
6.	Shri B. Kar - do -	Rs. 3,000/-
7.	Shri S.S.Nongbet - do -	Rs. 3,000/-
8.	Shri D.Banerjee - do -	Rs. 3,000/-
9.	Miss.S.Lanong - do -	Rs. 3,000/-
10.	Shri H.L.Chetri Sepoy-	Rs. 1,000/-
11.	Shri C.Werjri - do -	Rs. 1,000/-
12.	Shri A.C.Dey Havildar,	Rs. 1,000/-
13.	Shri P.Kharkongar, Driver	Rs. 1,000/-
14.	Shri J.Hochghari, L.D.C.	Rs. 1,000/-
15.	Shri C.Nongrum, Sepoy	Rs. 1,000/-
16.	INFORMER =	Rs.40,000/-

TOTAL Rs.84,000/-

(Rupees Eighty four thousand only).

The Reward amount Rupees may please be made from within the sanctioned Budget grant of H.Qrs. Division for the years 1996-97.

(P. SIKDAR)
SUPERINTENDENT (CUS. ADJ.)
N.E.R.: SHILLONG.

Contd... P/2.

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C.No.VIII/26/5/CUS/96/ 8626/UR

Dated:-

19/04/96

Copy forwarded for information and necessary action to :-

1. The Deputy Commissioner of Customs(Preventive), N.E.R., Shillong, with reference to his office letter C.No.VIII (25)4/Reward/Cus/Hqrs.prev./Sh/91/Ft.I/69 dated 19.3.96. The reward may please be made after observing other required formalities with an intimation to this office copy meant for officers enclosed for distribution.
2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The PAC/SAC, Customs and Central Excise, Shillong.
4. Shri/Smti. A. C. Sikdar
5. The Budget Section of A.C.A.O., Customs and Central Excise, Shillong.

(P. SIKDAR)
SUPERINTENDENT(CUS. ADJ.)
N.E.R.:SHILLONG.

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Sikdar

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OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION :: SHILLONG.

REWARD ORDER NO. 7/97
DATED, SHILLONG THE 22ND MARCH, 1997.

The Commissioner of Customs Preventive, N.E.R., Shillong has been pleased to sanction Final Reward to the following Officers/Informers responsible for detection of Case No.12/CL/IMP/CUS/HQR.PREV/SH/93 dated 2.11.93 involving seizure of 5(five) Nos. of Gold bars of foreign origin weighing 583.25 gms. valued at Rs.2,91,625/-

Sl.No.	Name and Designation	Amount sanctioned
1	2	3
1.	S/Shri G. Nongbet, A.C. (Retd)	Rs. 2,000/-
2.	" P. Sikdar, Superintendent	Rs. 2,000/-
3.	" B. Kar, Inspector	Rs. 5,000/-
4.	" S. Das, Inspector	Rs. 600/-
5.	" P.K. Sen, Inspector	Rs. 600/-
6.	" P.K. Phukan, Inspector	Rs. 600/-
7.	" G. Das, Inspector	Rs. 500/-
8.	" R.M. Chyne, Inspector	Rs. 500/-
9.	" A.C. Dey, Havildar	Rs. 300/-
10.	" O. Warjri, Sepoy	Rs. 200/-
11.	" C. Lalmuanawma, Sepoy	Rs. 200/-
12.	" E. Kharkongor, Driver	Rs. 200/-
13.	" J. Mochahari, L.D.C.	Rs. 300/-
14.	INFORMER	Rs.10,000/-
Total =		Rs.23,000/-

(Rupees Twenty Three thousand only)

The Reward may please be made from within the sanctioned budget grant from Hqrs. for the Year 1996-97.

*Acted for
Sh. Sikdar*

S. C/F
 (P. SIKDAR)
 SUPERINTENDENT (CUS.TECH)
 COMMISSIONERATE OF CUSTOMS (PREV.)
N.E.R. :: SHILLONG.

3, C.NO.VIII(26)17/CUS/97/2588-GCZ

Dated : 26-3-98

Copy forwarded for information and necessary action to :-

1. The Superintendent (AS), Hqrs. (Cus.) Preventive Unit, Shillong. The Reward may please be made after observing other required formalities with an intimation to this office.
2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The P.A.O/C.A.O., Customs and Central Excise, Shillong.
4. Shri *P. SIKDAR*
5. The Budget Section of O/O. A.C.A.O., Customs and Central Excise, Shillong.

*Referred
San
Date*

(P. SIKDAR)
SUPERINTENDENT (CUS.TECH)
COMMISSIONERATE OF CUSTOMS (PREV.)
N.E.R. :: SHILLONG.

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OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION :: SHILLONG.

Annex - 11A
68

REWARD ORDER NO. 3/CUS/97
DATED SHILLONG THE 22ND MARCH, 1997.

The Commissioner of Customs Preventive, N.E.R., Shillong has been pleased to sanction Final Reward to the following Officers/Informers responsible for detection of Case No. 5/CL/IMP/CUS/HQR.PREV/SH/94 dated 21.3.94 involving seizure of 12(twelve) Nos. of Gold biscuits of foreign origin weighing 1399.800 gms. valued at Rs. 6,71,904/-

Sl. No.	Name and Designation	Amount sanctioned
1	2	3
1.	S/Shri G. Nongbet, A.C(Rtd)	Rs. 4,000/-
2.	" P. Sikdar, Superintendent	Rs. 8,000/-
3.	" A. Bhattacharjee, Superintendent	Rs. 6,000/-
4.	" D. Banerjee, Inspector	Rs. 4,000/-
5.	" G. Das, Inspector	Rs. 3,000/-
6.	" B. Kar, Inspector	Rs. 3,000/-
7.	" S.S. Nongbet, Inspector	Rs. 3,000/-
8.	" G. Ghosh, Inspector	Rs. 3,000/-
9.	" P.K. Phukan, Inspector	Rs. 3,000/-
10.	Smti S. Lanong, Inspector	Rs. 3,000/-
11.	Shri P.K. Sen, Inspector	Rs. 2,000/-
12.	" O. Warjri, Sepoy	Rs. 2,000/-
13.	" A.C. Dey, Havildar	Rs. 1,000/-
14.	" C. Lalmuuanawma, Sepoy	Rs. 1,000/-
15.	" C. Nongrum, Sepoy	Rs. 1,000/-
16.	" J. Mochahari, L.D.C.	Rs. 1,000/-
17.	INFORMER	Rs. 15,000/-
		Total = Rs. 63,000/-

(Rupees Sixty Three thousand only)

The reward may please be made from within the sanctioned budget grant of Rs. for the year 1996-97.

Acting Asst. Commr.
(P. SIKDAR)
SUPERINTENDENT (CUS.TECH)
COMMISSIONERATE OF CUSTOMS (PREV.)
N.E.R. :: SHILLONG.

C.NO. VIII(26)28/CUS/94/ 3632 - 703

Dated: 26/3/94

Copy forwarded for information and necessary action to :-

1. The Superintendent(AS), Hqrs, (Cus.) Preventive Unit, Shillong. The Reward may please be made after observing other required formalities with an intimation to this office.
2. The Principal Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi.
3. The P.A.O/C.A.O, Customs and Central Excise, Shillong.
4. Shri/Smti ... A.C. Dey, Havildar, (H.M. Prey.)
5. The Budget Section of O/O, A.C.A.O, Customs and Central Excise, Shillong.

(P. SIKDAR)
 SUPERINTENDENT (CUS.TECH)
 COMMISSIONERATE OF CUSTOMS (PREV.)
 N.E.R. :: SHILLONG.

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