

UP  
MP  
RA

✓ CP No. 22/96 - 113/96

Sr. M. S. Singh

Sr. K. J. Singh & Anwar

Mr. M. B. Sarm...Advocate for the Applicant.

Mr. A Deb Roy & C.S.C. ...Advocate for the Respondent.

Office of the

Sr.

Office of the

This CP is filed  
by Mr. M. B. Sarm, Advocate  
on behalf of the Applicant  
for non-compliance of  
the CAT order of 2.7.96  
passed on 2.7.96 at NO.  
113/96. No 2nd charge & fee.

23.7.96

Learned counsel Mr M.B. Sarm  
for the contempt petitioner.

The contempt petitioner  
an applicant in O.A.No.113/96 which  
was disposed of with directions on 2.7.96.  
This contempt petition has been submitted  
on the alleged violation of the order  
dated 2.7.1996 made by  
by the alleged cont.

Issue notice by  
most on the alleged contempt  
cause as to why contempt proceedings  
should not be initiated against the  
for wilful disobedience of the order  
of this Tribunal passed on 2.7.96 in  
O.A.No.113/96. Returnable on 29.8.96.

List for further orders  
29.8.96.

68  
Mem

nkm

2.8.96

Notice issued to the  
respondents vide D.No.2312  
dt 26.7.96.

Rev

28.8.96

Show cause reply on  
4/9. A. No. 2, A. No. 2312  
dt 14.10.96 - 23.1.97  
V.A. - 11/97  
Mr. S. M. S. Case 170 C.A. & P.

② ~~CA 113/96~~  
✓ C.D. 22/96

✓  
Service Reports are  
still awaited.

2) Show Cause Reply  
on Report no 2 has  
been b/w.

28/8

29-8-96

29.8.96

Mr M.B.Sarma for the contempt  
petitioner. Mr S.Ali, Sr.C.G.S.C for the  
alleged contemnners. 1 and 2

Show cause has been submitted for  
alleged contemnners 1 and 2 and copy  
thereof has been served on Mr Sarma today

List for order on 30.8.96.

Member

pg

Show cause reply  
2 Report no 1 filed

30.8.96

Mr M.B.Sarma for the contempt  
petitioner. Mr S.Ali, Sr.C.G.S.C appears  
for the alleged contemner No.1 and 2 who  
have duly executed Vakalatnama in his  
behalf favour. Heard rival contentions.

Mr S.Ali, is directed to produce the  
File No.E-13/IPT/96-97 of the office of  
the Sr.S.D.E.Telegraphs, Imphal before this  
Tribunal on 10.10.96 for perusal.

List on 10.10.96 for further orders.

Member

pg  
m  
30/8

10.10.96

Learned counsel Mr M.B. Sarma for the contempt petitioner. Mr S. Ali, learned Sr. C.G.S.C. for the alleged contemnors. Mr Ali submits file No.E.13/1/IPT/92-93 containing 32 pages with 2 Note Sheets of <sup>2</sup>/<sub>4</sub> pages in support of his contention that Annexure-A/3 of the contempt petition was issued on 3.7.96.

Mr M.B. Sarma objects to the statement made by the alleged contemner in para 10 of the show cause of the alleged contemner No.1 regarding the statement that the application dated 15.7.96 submitted by the applicant was without his signature and the said application has not yet been brought to the notice of the respondents. Mr M.B. Sarma submits that the respondents could not have relied on the photocopy of Annexure-4 of the contempt petition which had been submitted by the alleged contemner No.1 as Annexure-2 to his show cause. This according to Mr M.B. Sarma is only to mislead this Tribunal. Mr Ali submits file No.QS-225 containing 34 pages with 2 Note Sheets in support of the statement of the alleged No.1 to show that the application had not been brought to the notice of the contemnors as on 24.8.1996 the date of pronouncement of the show cause reply.

Both the files have been produced for the perusal of this Tribunal and they are retained for perusal and will be returned after disposal of the contempt petition. They should be kept under the personal custody of the Court Officer till they are returned.

List for further orders on 28.11.96.

Copy of the order may be furnished to the counsel for the parties.

60  
Member

10.10.96

Copy of order issued  
to the counsel of  
parties.

Service Reports are still available.  
I shall send copies to you  
soon.

11/11

10.10.96

Notice duly served  
on Respondent No. 2. nkm

10/11

C.P. No. 22 of 1996 (O.A. No. 113/96)

28.11.96

None present.

To be listed for order on 18.12.96.

Copy of order to be sent to the counsel  
of both sides.

*Pl. comply*

*M 28/11*

*trd.*

*M 28/11*

*Da*  
Member

10.10.96

— Learned counsel Mr M.B. Sarma for the contempt petitioner. Mr S. All, learned Sr. C.G.S.C. for the alleged contemnors. Mr All submits file No.E.13/1/IPT/92-93 containing 32 pages with 2 Note Sheets of 4 pages in support of his contention that Annexure-A/3 of the contempt petition was issued on 3.7.96.

Mr M.B. Sarma objects to the statement made by the alleged contemner in para 10 of the show cause of the alleged contemner No.1 regarding the statement that the application dated 15.7.96 submitted by the applicant was without his signature and the said application has not yet been brought to the notice of the respondents. Mr M.B. Sarma submits that the respondents could not have relied on the photocopy of Annexure-4 of the contempt petition which had been submitted by the alleged contemner No.1 as Annexure-2 to his show cause. This according to Mr M.B. Sarma is only to mislead this Tribunal. Mr All submits file No.QS-225 containing 34 pages with 2 Note Sheets of 4 pages in support of the statement of the alleged contemner No.2 to show that the application dated 15.7.1996 had not been brought to the notice of the alleged contemnors as on 24.8.1996 the date of verification of the show cause reply.

Both the files have been produced for the perusal of this Tribunal and they are retained for perusal and will be returned after disposal of the contempt petition. They should be kept under the personal custody of the Court Officer till they are returned.

List for further orders on 28.11.96.

— Copy of the order may be furnished to the counsel for the parties.

Member

nkM

10.10.96  
Copy of order issued  
to the Counsel of  
parties.

Adv

C.P. No. 22 of 1996 (O.A. No. 113/96)

28.11.96

None present.

To be listed for order on 18.12.96.

Copy of order to be sent to the counsel  
of both sides.

29.11.96

Copy of order dtd.  
28.11.96 issued  
to the Counsel trd  
of petitioner  
29.11.96

Member

18.12.96

Learned Sr. C.G.S.C. Mr S. Ali and  
learned Addl. C.G.S.C. are present.

Seen the petition dated 16.12.1996 from  
Mr M.B. Sharma, counsel for the petitioner. In  
view of his personal difficulty, the C.P. is  
adjourned for orders on 17.1.1997.

Inform Counsel of the applicant.

Member

The Advocate has applied  
for adjournment. Refused.  
19.12.96.

nkm

W

19/12

17.1.97

Mr. S. Ali, Sr. C.G.S.C. for the alleged  
Contemners (Respondents in O.A.).

None for the Contempt Petitioner  
(Applicant in O.A.).

Adjourned for order on 14.2.1997. Inform  
the applicant in his address - Shri  
M. Samarendra Singh, Junior Telecom Officer,  
Loktak, Manipur, Department of  
Telecommunication.

Member

subl. compliance  
order dtd 18/12/96.  
W  
19/12

19.12.97

Copy of order dtd  
18.12.96 issued  
to the Co-accused  
applicant Advocate

trd

W

17/1

14.2.97

The petitioner is from Manipur.

Let it be listed along with other cases.

Date will be notified later.

Vice-Chairman

has come Reply by him  
by Respt. no. 1.

subl. compliance order trd

17.1.97

20.1.97

Copy of order dtd. 17.1.97  
17/1/97 - issued to the applicant  
in his address on 20.1.97.

CP. 22/96 (OA 113/96)

5

N

Notes of the Registry

Date

Order of the Tribunal

24-03-2000

25.4.00

List for hearing on 24.5.00.

Inform the petitioner in his address.

This contempt petition  
was not listed.

Laid before Hon'ble  
Court for orders.

VS  
24/3/2000.

nkm

VS  
5/4/2000

4-4-00

show cause Reply  
has been filed on  
R. Nos 1 & 2.

24-5-00

There is no Bench today  
Adjourn to 5-6.00.

B/O  
for.

10-4-2000

Copy of the order  
Dtd- 5-4-2000 prepared  
and sent to D. Section  
for issuing of the  
same to the petitioner.

5.6.00

None for the petitioner. Mr A. Deb  
Roy, learned Sr. C.G.S.C. is present. This is  
a contempt petition which can be heard and  
disposed of by a Division Bench only. Let the  
case be listed on 2.8.00.

Member(J)

nkm

2.8.00

There is no Bench today  
Adjourn to 8-9.00.

B/O  
for.

8.9.00

No Bench to be listed on  
30.10.00.

B/O  
for.

30.10.00

Present : Hon'ble Mr. Justice D.N.  
Chowdhury, Vice-Chairman.

List this case before appropriate  
Bench for hearing on 8.1.2001 (D B)

Vice-Chairman

mk

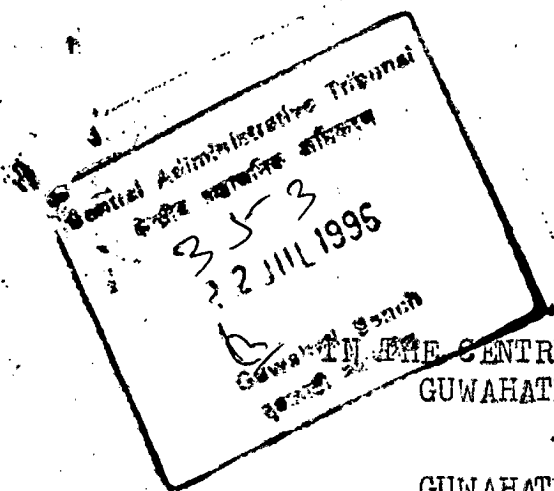
The case is ready  
for hearing as per  
show cause reply.

VS  
27/10/2000

Notes of the Registry	Date	Order of the Tribunal
	8.1.01	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. Hon'ble Sri K.K.Sharma, Member(A).</p> <p>This proceeding for contempt of court for alleged violation of the order dated 2.7.1996 is pending before this Tribunal since 1996. None appears for the applicant. The respondents have filed its reply. It is stated that the concerned officer received the order of this Tribunal dated 2.7.96 on 23.7.96 and as per direction of the Tribunal representation stood disposed of. From the paper book it also indicated that as per order dated 14.8.96 the transfer order dated 10.6.96 was kept in abeyance. Mr. A. Deb Roy, appearing on behalf of the alleged contemner has submitted that the representation is also stood disposed of. In these circumstances we do not find any merit to continue with the proceeding. Accordingly the contempt proceeding is closed.</p> <p><i>K.C. Sharma</i> Member(A)</p> <p><i>K. K. Sharma</i> Vice-Chairman</p>

trd





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH : GUWAHATI :

GUWAHATI CIVIL ORIGINAL

(CONTEMPT) NO. 22 of 1996 in O.A. 113/96

Shri M. Samarendra Singh

... Petitioner

Vrs.

Shri Ksh. Gopal Singh  
and another

... Respondent

I N D E X

Sr. No.	Description of documents relied upon	Page No.
1.	Petition for Contempt	1 - 5
2.	Affidavit	6 - -
3.	Annexure A/1 (Order dt. 2.7.96 of the CAT Guwahati Bench passed in O.A. 113/96)	7 - 8
4.	Annexure A/2 (Continuing representation dt. 5-7-96)	9 - B1
5.	Annexure A/3 (Release Order of the Respondent No. 1 alleged to be have been issued on 3-7-96)	12 - -
6.	Annexure A/3(1) Registered enveloped of Annexure A/3	13 - -
7.	Annexure A/4 (Representation dt. 15-7-1996)	14 - 15

By: [Signature]  
Advocate

Signature of the Petitioner

[Signature]

Presented on 22-7-96  
By: Gopal Singh  
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH : GUWAHATI :

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GUWAHATI CIVIL ORIGINAL  
(CONTEMPT) NO. OF 1996 in O.A. NO. 113/96

IN THE MATTER OF -

An Application under section 12 of the  
Contempt of Courts Act, 1971 for wilful  
disobedience of the order and direction  
of this Hon'ble Tribunal dated 2-7-96  
passed in O.A. No. 113 of 1996;  
(Annexure A-1);

AND

IN THE MATTER OF -

Rule 4 of the Central Administrative  
Tribunal (Contempt of Courts) Rules, 1986;

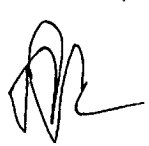
AND

IN THE MATTER OF -

Shri Moirangthem Samarendra Singh, son of  
late M. Megho Singh, resident of Khangabok  
Awang Leikai, Part -I, Thoubai District,  
Manipur State, at present working as Junior  
Telecom Officer, Loktak, Bishunpur District,  
Manipur, Telecommunication Department.

.... PETITIONER

.... VERSUS -



-(2):-

& VERSUS -

1. Shri Kshetrimayum Gopal Singh,  
son of late Ksh. Achou Singh, resident  
of Kshetrilekai Singjamei Wangma, P.O.  
& P.S. Singjamei, Imphal, at present  
working as Senior Sub Divisional Engineer  
2x (Sub Divisional Officer, Telegraph),  
Department of Telecommunications, Govt.  
of India, Imphal, Manipur Division.

✓ 2. Shri A.K. Srivastava (Ashok Kumar  
Srivastava), now serving and posted as  
R.(b) Telecom District Manager, Imphal, Manipur  
Division, P.O. & P.S. Imphal.

.... RESPONDENTS

Most respectfully Sheweth :  
m

1. That under a petition filed by the named  
above Petitioner against the respondents specially the  
respondent No. 2, this Hon'ble Court has been pleased to  
pass an order directing the Respondent to dispose of the  
representation of the petitioner dated 14-6-1996 within  
one month from the date of receipt of the order by the  
respondent No. 1 in the said O.A. 113/96. Pending disposal  
of the representation dated 14-6-1996 by the respondents  
the operation of the impugned order No. EST/JTO/TFR/96-97/39

... dated 10-6-

NR

12

-:(3):-

dated 10-6-1996 (Annexure A/15 of the said application) is stayed.

Annexure A/1 is the copy of the said order dated 2-7-96 passed in O.S. 113/96.

2. That the Petitioner communicated the said order in Annexure A/1 to the Respondents of the said O.A. 113/96 and the present respondent No. 2 through proper channel (through the present Respondent No. 1) on 5-7-1996 along with a continuation of Representation dated 14-6-1996 and the same was received by the Respondent No. 1 on 5-7-1996 under R.R. No. 411.


Annexure A/2 is the copy of the said continuing representation dated 5-7-1996.

3. That the respondent No. 1 acknowledged the receipt of the said continuation of representation and also the order passed by this Hon'ble Tribunal (Annexure A/1) and he carefully perused the Annexure A/1 and the petition along with the Annexures of the O.A. 113/96 and talked with the Petitioner at his office chamber/room and had tea with him.

4. That utmost surprise to the petitioner, he received a letter which is registered under bearing No. 5847 dated 9/7/1996 containing the Released Order of the Petitioner alleging to be signed and issued on 3-7-1996. The Petitioner received the said letter only on 15-7-1996.

Annexure A/3 is the copy of the said Released order alleging to be signed on 3-7-1996 and Annexure A/3(1) is the copy of the envelop copy of Annexure A/3.

5. That



13

--:(4):--

5. That on the same day of the receipt of the said release order, the petitioner made a representation to the Respondent No. 1 which was received by his office under R.R. No. 448 dated 15-7-1996 ~~for~~ immediate cancellation of the Annexure A/3 on the ground that the Released order was made after 5-7-1996 with a mala-fide intention after thought, he never mentioned or stated while the petitioner and the Respondent were talking with tea at the later's office, and it is purely a contempt of the Tribunal and it could not be passed when the petitioner was availing leave etc.

Annexure A/4 is the said representation dated 15-7-1996 and it speaks the details.

6. That whatever it may be the case, Annexure A/1<sub>2</sub> was with office of the Respondent No. 1 till 9-7-96 even assuming but not admitting that the Annexure A/1<sub>2</sub> was actually signed on 3-7-1996 and as such the Respondent No. 1 could have stop from issuing the same. Moreover, the petitioner made a representation dated 15-7-1996 to cancel the Annexure A/3. In spite of these facts, the Respondents are in adamant and in spite of knowing that a Contempt proceeding shall be taken up if the directive or the order of this Hon'ble Tribunal is violated or disobeyed, the Respondent has/have not yet cancelled the Annexure A/3 rather the Respondent No. 1, who in charge of overall and doing all these acts under his directives, insisting to hand over the charges and leave Manipur Division for Nagaland Division and as such it is humbly submitted that the

... Respondents spe-  
2

N/2

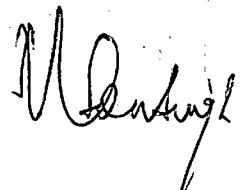
14

--(5):--

Respondents wilfully disobey the direction of order  
of this Hon'ble Tribunal passed on 2-7-1996 in O.S.  
No. 113 of 1996. The Respondent No. 1 issued the  
order Annexure A/3 under the directives of the  
Respondent No. 2 and hence, the Respondents have  
committed Contempt of Court punishable under section  
12 of the Contempt of Courts Act, 1971.

7. Under such circumstances stated above  
the Petitioner prays that the Hon'ble  
Tribunal be pleased :-
- (a) to admit this petition ;
  - (b) to direct the respondents to be present  
in person before this Hon'ble ~~Court~~  
Tribunal;
  - (c) to punish the respondents for Contempt  
of Court;
- or otherwise
- (d) to pass any other such order or  
directive which the Hon'ble Tribunal  
may deem fit so that the petitioner  
may get his relief in the interest  
of justice.

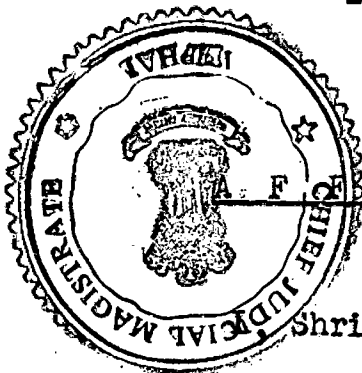
Signature of the Petitioner



... AFFIDAVIT

16 JUL

-(6):-



A F F I D A V I T

7801/96/Dep/1087  
16-7-96  
v.s. a

Shri Moirangthem Samarendra Singh,  
aged about 42 years, son of late Moirangthem Megho Singh,  
occupation employee of Telecommunication Department,  
resident of Khangabok Awang Leikai, Part - I, P.S.  
Thoubal, Manipur, do hereby solemnly affirm and say as  
follows :

1. That I am the petitioner in the  
accompanying petition and as such I am  
fully acquainted myself with the facts  
of the case. This is true to my knowledge.
2. That the statements in paragraph Nos. 1  
to 7 except the legal points are true  
to my knowledge and true to the records  
and the legal points are my humble submissions.
3. That the Annexure A-1 to A-4 are from my  
personnel records and official records  
received in my official capacity and also  
from my official records. This is true to  
my knowledge.

Verified that the contents of para No. 1  
to 3 above are true to my knowledge and believe and  
humble submissions.

Imphal, the  
16th July, 1996

By : *[Signature]*

Signature of the deponent

*[Signature]*

Signature of the identifier

*[Signature]*

Advocate

Solemnly affirmed before me on  
16-7-96 at 11.30 am

In the court premises by the declarant  
who is identified by *[Signature]*  
The declarant seems to understand the  
the contents fully well on thier being  
read over and explained to him;

*[Signature]*  
16/7/96  
Chief Judicial Magistrate  
Imphal, Manipur.

-7-

Annexure A/1/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

Guwahati Case O.A. No. 113 of 1996

Shri M. Samarendra Singh, JTO Loktak/Bishnupur,  
Manipur.

..... Applicant

-Vrs.

The Union of India and others

..... Respondents

2.7.96

Learned counsel Mr M. Bimal  
Sarma for the applicant. Learned Sr.  
C.G.S.C., Mr S. Ali, for the respondents.

In this application the applicant  
has contested the transfer order  
No. EST/JTO/TFR/96-97/39 dated 10.6.1996  
(Annexure-A/15) transferring him from  
JTO, Loktak, Manipur to Wakha, Nagaland,  
as being in contravention of the terms  
of the order of the Chief General Manager  
Telecommunications, N.E. Circle, Shillong  
letter No. STB/ES-3/Tenure/11 dated  
25.8.1995 (Annexure-13) and No. STB/ES-  
3/Tenure/258 dated 31.5.1996 (Annexure-  
A/14). It is found that the applicant  
had submitted a representation dated  
14.6.1996 (Annexure-A/18) to respondent  
Nos. 1 and 2. This representation has  
not been disposed of by the respondents.  
This O.A. is, therefore, disposed of  
with a direction to the respondents  
to dispose of the representation of the  
applicant dated 14.6.1996 aforesaid within  
one month from the date of receipt  
of this order by respondent No. 1.

Pending disposal of the represent-  
ation dated 14.6.1996 by the respondents,  
the operation of the impugned order  
No. EST/JTO/TFR/96-97/39 dated 10.6.1996  
(Annexure-A/15) is stayed and this interim

*MB*



O.A.No.113/96

2.7.96

direction will stand vacated automatically on disposal of the aforesaid representation dated 14.6.1996.

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

Copy of the order may be furnished to the counsel for the parties.

Sd/- MEMBER (ADMN)

myb

To

1. The Chief General Manager,  
N.E. CIRCLE, Shillong.
2. The Telecom District Manager,  
Imphal.

Imphal, the 5th July, 1996

THROUGH PROPER CHANNEL

Sub : Continuation of Representation dated 14-6-96 in respect of transfer of M. Samarendra Singh J.T.O. Loktak, Manipur to Wakha, Nagaland.

Representationist : Shri M. Samarendra Singh, J.T.O., Bishnupur/Loktak, Manipur, resident of Khangabok Awang, Part - I, Thoubal District, Manipur.

Sir(s),

In continuation of my representation dated 14-6-1996 for cancelling or revoking my transfer order from JTO Loktak/Bishnupur, Manipur Division to JTO Wakha, Nagaland Division, I am submitting my further some important facts so that it will favourably dispose off my representation.

1. That as my representation was not disposed off, I prefer a case before the Hon'ble Central Administrative Tribunal, Guwahati Bench at Guwahati which is registered as O.S. (Original Application) 113/96. The Hon'ble Tribunal directed the CGMT, Shillong and TDM, Imphal to dispose off my representation within one month from the date of receipt of the order to be sent by the

.... Hon'ble Tribunal

411  
5/7/96

OK 5/7/96

My/2

-10-

67

(2):-

Hon'ble Tribunal by the CGMT, Shillong. Pending disposal of my representation, my transfer order is ~~STAYED~~. A xeroxed copy of the certified copy of of the said order is enclosed herewith for your kind perusal.

2. That at the time of disposing of my representation the following submissions may also be considered as part of my earlier representation dated 14-6-1996 and it will help to dispose off my representation easily.

That so far I have acquired the seniormost serving JTO in Manipur Division and my time-bound promotion to the 'TES' Group 'B' is overdue as the practice of the said promotion is only five years a service as JTO in the Division is required. There is also no departmental examination and whereas I have been completing 11 (eleven) years in October, 1996. It is well known fact there are about 4 (four) posts of TES Group 'B' are still lying vacant in Manipur Division like Churachandpur, Senapati, Imphal etc. after officiating promotion was given to Shri P.B. Singh.

That if at the present stage, I am to be transferred from Manipur Division to another Division like Nagaland Division, my prospect of promotion is bleak and hence it is purely a mala-fide intention denying my promotion.

.... 3. That

MB

— 11 —

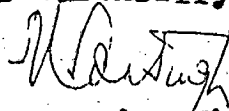
20

-:(3):-

3. That another point may also be considered that JTO A(I) Union has already submitted that one Shri Jasobanta Singh JTO posted at Nagaland Division who held from Manipur State may be treated as reliever of Md. Rashi Ahmed Shah in whose place I have been transferring as reliever.

Under such circumstances stated above you would kindly be disposed off my representation cancelling or revoking my transfer order in the interest of all concerned.

Yours faithfully,

  
(M. Samarendra Singh)  
JTO Loktak/Bishnupur,  
Manipur Division.

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GOVERNMENT OF INDIA  
DEPARTMENT OF TELE COMMUNICATIONS  
OFFICE OF THE SR.S.D.E. TELEGRAPHS: IMPHAL 795001.

\*\*\*\*\*

No.B-13/IPT/96-97/12. Dtd, the 6<sup>th</sup> July 1996.

Subj- Release Order.

In pursuance of TDM, Imphal letter No. EST/JTO/TFR/96-97/50 dt 10/6/96, Shri N. Sanarandara Singh, JTO is hereby released from the strength of this Sub-division with immediate effect with order to report for duty under TDM, Dimapur.

Necessary TA/DA may be applied if required.

( K. S. Singh )  
Sr.SDE Telegraphs, Imphal.

Copy to:-

1. The TDM, Imphal. 0 for BSR
2. The TDM, Dimapur. 0 information
3. The A.G.(Cash) o/e TDM, Imphal. 0 & necessary
4. The official concerned. He is requested to hand over the necessary documents if there be to the JTO/Churachandpur.
5. The JTO, Churachandpur to take over the charge of JTO/Loktak in addition to his normal charge temporarily without any extra remuneration.

( K. S. Singh )  
Sr.SDE, Telegraphs, Imphal.

Must  
+ BSR  
(M. S. Singh)  
D. 10/7/96

ms

MS

REGISTERED

लेबल-54 (बोटा)  
Lab-54 (Small)

ON TELECOM SERVICE

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

E-18/1P/796-97/12 Dt-8/7/96.

5847  
9/7/96



सेवा में/To

J.T.O. (Loktak)  
Loktak Tel. - X9x

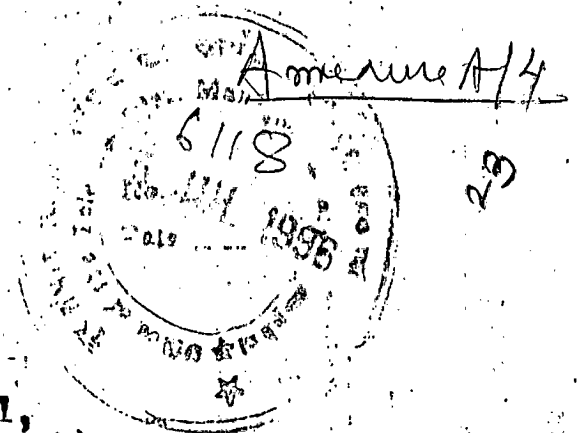
SUB-DIVISION ~~From~~ TELEGRAMS  
IMPHAL - 795001

उप संचार अधिकारी कार्यालय, इम्फाल

-13-

Amesur #13(1)

22



To  
The Sr. SDE Telegraphs, Imphal,  
(Sub Divisional Officer, Telegraph)  
Department of Telecommunications,  
Government of India.

Imphal, 15 July, 1996

Sub : Request for immediate  
cancellation or suspension  
of the released order :

Representationist : Shri M. Samarendra Singh,  
J.T.O., Loktak, Manipur.

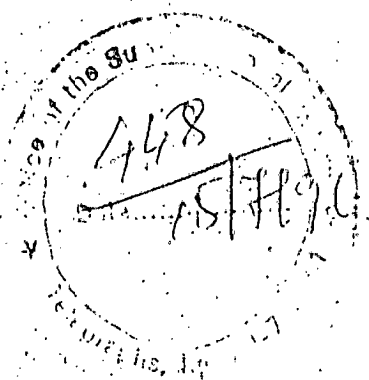
Sir,

With reference to your Release Order No.

E-13/IPT/96-97/12 alleged to have been signed on 3rd July, 1996, I humbly submit that I was on leave and I joined on 4th July, 1996 and my leave was <sup>to be</sup> sanctioned by the T.D.M. on your recommendation and as such you have fully aware that I was on leave when the Release Order alleged to have been issued. Under such circumstances Release Order cannot be issued during leave period, even if it was actually issued on 3rd July, 1996.

On 5th July, 1996 I submitted a continuing representation dated 14-6-1996 to you for onward transmission to the Chief General Manager, N.E. Circle, Shillong and the Telecom District Manager, Imphal and the same was received by your office under R.R. No. 411 dt. 5/7/96. I was sitting with you and talked about my case filed before the Hon'ble Central Administrative Tribunal and enclosed a copy of the Stay Order with a directives of disposing my representation dated 14-6-1996 and you had also perused the said continuing representation, the order of the Hon'ble

.... Tribunal



*MS*

-15-

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-:(2):-

✓ Tribunal dated 2-7-1996 passed in its Guwahati O.A. (Original Application) No. 113 of 1996 and my petition of the said application along with the annexures and I had tea with you while you were perusing the said documents.. You never mentioned about my released order issued by you and as such I doubt that the Released Order was issued after 5-7-1996 after thought and from the Release Order itself it clearly shows that the Dtd. appearing as '3rd' ~~xxxxxxxxxxxxxx~~ overwritten in place of '9th'. Moreover, the Release Order was sent through Registered Post on 9-7-96 under registration No. 5847, dated 9/7/96 and as such it clearly shows that the Release Order was issued only 9-7-1996.

Even it was actually issued on 3rd July, 1996, presuming not admitting, the same order was lying in your office till 9-7-1996, hence, you could have suspended the Release Order in view of the directives of the Hon'ble Tribunal, Guwahati Bench, otherwise such act is purely a mala-fide act as well as is purely a Contempt of the Tribunal/Court which is done knowingly and intentionally.

Under such circumstances stated above you would be pleased to suspend the Released Order alleging to have been issued and signed on <sup>immediately</sup> 3rd July, 1996/in the interest of all concerned.

Yours faithfully,

(M. Samarendra Singh)  
JTO/Voktak, Manipur.

Copy to :

The T.D.M., Manipur Division, Imphal for information and necessary action.

(M. Samarendra Singh)



Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
528  
28 AUG 1996  
Guwahati Bench  
গুৱাহাটী শাখা

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BRANCH: GUWAHATI.

Filed by:

25  
MD. SHAUKAT ALI, 28/8/96  
Jr. Central Govt. Secy. (Adm.)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

IN THE MATTER OF:

Contempt Petition No. 22/96  
(in O.A. No. 113/96)

Sri M. Samarendra Singh

-Versus-

K. G. Singh & another

-AND-

IN THE MATTER OF:

Show cause reply submitted by the  
Respondent No.2 , A.K. Srivastava.

SHOW CAUSE REPLY

The humble Respondent No.2 submits  
his show cause reply as follows :

- 1) That the Respondent begs to state  
that the contempt petition is premature on each and every account,  
the same has been filed before completion of stipu-  
lated time granted by the Hon'ble Tribunal to dis-  
posed of the representation dated 14-6-96 sub-  
mitted by the petitioner and as such, the petition  
is liable to be dismissed .

(Contd.)

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2)

That the Respondent begs to state that he has no intention to disregard , disobey and disrespect the Hon'ble Tribunal's order . He has full respect and regard to the Hon'ble Tribunal.

3)

That the Respondent begs to state that the Hon'ble Tribunal vide Order dated 2-7-96 passed in U.A. No. 113/96 directed the Respondent No.1, the Chief ~~Manager~~, General Manager, ~~xxxxxx~~ Telecom , Shillong to disposed of the representation dated 14-6-96 within one month from the date of receipt of the order. The C.G.M.T. has received the said order on <sup>23.7.96</sup> ~~26-7-96~~ vide Memo No. 2176 dated 18-7-96 as he comes to know from Mr. Som, Assistant Director, Vigilance in the office of the C.G.M.T. , N.E. Circle. As per direction of the Hon'ble Tribunal the C.G.M.T. has to disposed of the representation on or before ~~22-8-96~~ . <sup>22-8-96</sup> ~~22-8-96~~.

4)

That the ~~order~~ your Respondent begs to state that the contempt petition has been filed by the petitioner in a haste and hurry , just to malign the respondent for ~~there is~~ no valid reason and as such, the same is liable to be dismissed

5)

That the Respondent No.2 received the representation dated 14-6-96 submitted by the petitioner on 18-6-96 in the office from the Respondent No. <sup>I</sup> ~~2~~ but the said representation was put up before him on 19-6-96 due to clerical staff transfer. When the representation was brought to notice of the Respondent No.2 on 19-7-96, the Respondent <sup>2</sup> ~~he~~ immediately took action and the same ~~is~~ was forwarded

(Contd.)

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*Circle.*

*Case* to the C.G.M.T., N.E., Shillong on 26-7-96 vide letter No. EST/JTO-2/TFR/1 dated 26-7-96 for consideration alongwith comments on the representation before receiving the Hon'ble Tribunal's order dtd. 2-7-96. It may be mentioned in this connection that the Hon'ble Tribunal's order dated 2-7-96 passed in O.A. No. 113/96 was received by the Respondent No.2 on 30-7-96 .

A photo copy of letter dated 26-7-96 written /issued by the Respondent to the C.G.M.T. is annexed as Annexure- 1 .

6) That the Respondent No.2 vide his letter No. EST/JTO-2/TFR/3 dated 26-7-96 informed the petitioner that his representation has been forwarded to the Circle Office vide his letter No. EST/JTO-2/TFR/1 dated 26-7-96. By the said Order the Respondent No.1 has been directed to keep the transfer order non-operational till further order and keep Sri Samarendra Singh on duty.

Annexure- 2 is the Photo copy of the letter dated 26-7-96 intimated to the petitioner <sup>/8</sup> is annexed ~~axxaxxx~~ here with.

7) That on receipt of the Hon'ble Tribunal's order the Respondent No. 2 kept the transfer order inobeyance untill further order vide letter No. EST/JTO-2/TFR/96-97/1 dated 14-8-96.

*Case*

Annexure- 2(1) is the photo copy of such letter dated 14-8-96 (Contd.)

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8) That the Respondent No. 2 wrote <sup>to</sup> the Hon'ble Tribunal vide EST/JT0-2/TFR-2/99 dated 26-7-96 informing that the representation dated 14-6-96 has already been forwarded to the Circle Office, Shillong. The comments on the representation has also been furnished to the Hon'ble Tribunal.

Annexure- 3 is the photo copy of letter No. EST/JT0-2/TFR-2/99 dated 26-6-99 .

9) That the Respondent No. 2e has informed the <sup>Hon'ble</sup> Tribunal vide letter No. EST/JT0-2/TFR/2 dated 1-8-96 intimating the receipt of Memo No. 2176 dtd. 18-7-96 along with the copy of the order dated 2-7-96 on 30-7-96 and the action thereon is already in xx progress.

<sup>4</sup>  
~~for~~ Annexure-5 is the photo copy of the letter No. EST/JT0-2/TFR/2 dated 1-8-96 issued by the Respondent No. 2.

10) That with regard to the statements made in paras 1 & 2 of the contempt petition the Respondent has no comments the same being matter of record.

11) That with regard to the statements made in paras 4 to 6 of the contempt petition the Respondent has no comments the same relates to the Respondent No.1 . He has already given adquate reply in his show cause reply submitted before the Hon'ble Tribunal.

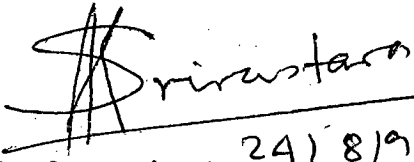
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12) That the Respondent begs to submit that in view of the facts and circumstances narrated<sup>above</sup>, no<sup>Cher</sup> contempt has been committed by the Respondents and as such, the contempt petition is liable to be dismissed .

VERIFICATION

I, Sri Ashok Kumar Srivastava, T.D.M., Imphal , Manipur, Respondent No.2 do hereby solemnly declare that the statements are true to my knowledge, belief & information .

And I sign this verification on this 24 th day of August, 1996 at Guwahati .

  
Declarant. 24/8/96

24/8/96  
District Manager, Imphal

\*\*\*\*\*

No. EST/JTO-2/TFR./1  
Dt. Imphal, the 26-7-'96.

To

The Chief General Manager,  
N. E. Telecom Circle,  
Shillong-793001.

Sub. :- Representation of Shri M. Samarendra Singh,  
J.T.O., Bishenpur/Loktak, Manipur to cancel  
his transfer order from Manipur SSA to  
Wokha, Nagaland.

Please find enclosed herewith a representation  
received from Shri M. Samarendra Singh, J.T.O., Bishenpur  
dated 14-6-'96 and another representation on the same  
subject dated 5-7-'96. The parawise comments for letters/  
representations is as follows :-

A) Parawise comments for letter dated 14-6-'96.

Para 1 & 2. : In these paras, the official has  
mentioned about his various transfers from the beginning of  
his career upto date. These transfers are all normal  
transfers and postings on promotions in North East Circle  
which is as per the service condition of the official and  
there is nothing uncommon in these transfers. -

Para 3 : The official has made a reference  
of Para 37-A of P&T Manual Vol. IV citing that transfers  
should generally be made in the April. In this connection  
it is to mention that these are only guidelines and actual  
transfer/posting is done as per the administrative convenience  
and in the interest of service. Normally, target work keeps  
everybody very busy till May and hence, the transfer was  
done in the month of June (10-6-'96) which is not too much late  
with respect to the normal recommended month of April.  
Regarding childrens education, the childrens are very small  
studying in Class I and Nursery for which adequate facilities  
are available in Wokha (where posting order has been issued).  
Admission in the month of June was not very difficult, had the  
official joined immediately after availing normal joining time.

Para 4 : The official mentions that CGMT's  
letter No. STB/ES-3/Tenure/258 dated the 31st May, 1996  
states for relieving longest stay J.T.O. in Imphal for  
relieving Shri Rashid Ahmed Shah, J.T.O., Wokha. In this  
connection it is to inform that the convention is that whenever  
any transfer (tenure) is done from one SSA to another SSA,  
the seniormost person of the SSA is released. and in essence  
the statement of CGMT's letter mentioning longest stay J.T.O.  
in Imphal means seniormost in Manipur SSA and not Imphal  
station as interpreted by the official. This has been clarified  
on 7-6-'96 with D.G.M. (Adm.), O/O CGMT, Shillong telephonically  
before issuance of the order No. EST/JTO/TFR/96-97/39 dated  
10-6-'96 transferring the official to Wokha in response to the  
Circle Office letter Nos. STB/ES-3/Tenure/258 dated 31-5-'96  
and No. STB/ES-3/Tenure/XI dated 6-6-'96 vide which the Circle  
Office directed us to relieve positively by 10-6-'96.

Para 5 : This has been clarified in Para 4.

Para 6 : Implementation of the transfer order is done as per the administrative convenience as normally there is a heavy rush of work upto May for achieving various targets. Hence, it was possible to issue transfer order only in the month of June '96.

Para 7 : No comments.

Para 8 : The official mentions the Ministry of Home Affairs Memo Nos. 75/55 Ests(A) dt. 24-3-'65. mentioning only willing persons should be posted at different stations and not unwilling persons and distant transfers disturbed the family. Points mentioned herein as mentioned above are only guidelines and the persons are accommodated to the maximum possible but it is not always possible to post a willing person to his choice posting always. The posting of the official at Wokha is as per the policy decision taken for tenure transfer and it also cannot be said at a very far off place because the liability of the transfer of the official extends in any of the six states ( Manipur, Nagaland, Mizoram, Tripura, Arunachal Pradesh and Meghalaya ) and posting at Nagaland appears to be comparatively nearer as compared to other distant states like Arunachal Pradesh and Meghalaya.

B. Parawise comments for letter dated 5-7-'96.

Para 1 : The representation of the official is being disposed off vide above.

Para 2 : The official claims that he is likely to get TES Group 'B' officiating as there are vacancies in Manipur Division like Churachandpur, Senapathi, Imphal etc. In this connection it is to mention that it is not necessary that the official has to be considered only for Manipur on promotion/officiating as he may be posted anywhere in the Circle wherever the Group 'B' post is vacant.

Para 3 : The official mentions that J.T.O. A(I) Union has recommended to the Circle Office for relieving Md. Rashid Ahmed Shah by Shri Jasabanta Singh, J.T.O. posted at Nagaland Division. No such order has been issued by Circle Office, hence the official ( Shri M. Samarendra Singh, J.T.O. ) has to relieve Shri Rashid Ahmed Shah, JTO, Wokha (Nagaland).

In view of above, it is not possible to change the Order No. EST/JTO/96-97/39 dt. 10-6-'96 vide which Shri M. Samarendra Singh, J.T.O., Bishenpur has been posted to Wokha (Nagaland) to relieve Shri Rashid Ahmed Shah, J.T.O., Wokha.

Asst. Director Telecom  
O/o the Telecom District Manager  
Imphal - 795001

( A. K. SRIVASTAVA ) 26/7/96  
Telecom District Manager,  
Manipur, Imphal-1.

D.E. (SBP)/A.D.T./O/O T.D.M., } for information.  
Imphal.

8 (45 B) Annexure 2  
23

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Manipur, Imphal-1.

No. EST/JTO-2/TFR/1. 3

Dt. at Imphal, the 26-7-'96.

To

Shri M. Samarendra Singh,  
J.T.O.  
Bishenpur.

Sub. :- Your representation dated 14-6-'96 and  
5-7-'96.

Your representation as mentioned above has been  
forwarded to Circle Office vide our letter No. EST/JTO-2/TFR/1  
dated 26-7-'96. Soon after receipt of communication from Circle  
Office, the same will be informed to you.

26/7/96

( A. K. SRIVASTAVA )  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

S.D.O.T., Imphal - for information.

Not in original.

Copy to :-

- Ho
- 1) S.D.O.T.-/may please keep his transfer order  
non-operational till further orders and Shri  
Samarendra Singh be kept on duty when ~~will~~ we  
will receive formal original communications from  
Hon'ble CAT and after examining the same formal  
order in respect of transfer will be issued.
  - 2) Accounts Officer (Cash), O/O TDM, Imphal - for  
necessary action please.

26/7/96

( A. K. SRIVASTAVA )  
Telecom District Manager,  
Manipur, Imphal.



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Annexure - 2(1)

24


Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

\*\*\*\*\*

No. EST/JTO/TFR/96-97/1.


Dated at Imphal, the 14-8-'96.

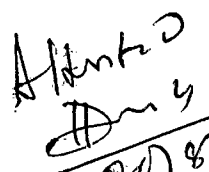
In pursuance of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati Memo No. 2176 dated 18-7-'96, the transfer order issued vide our letter No. EST/JTO/TFR/96-97/39 dated 10-6-'96 in respect of Shri M. Samarendra Singh, J.T.O., Loktak, is kept in abeyance till further orders.

  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

- 1) Hon'ble Member (A), Hon'ble CAT, Guwahati Bench, Guwahati - for kind information please.
- 2) The Chief General Manager Telecom., N.E. Telecom Circle, Shillong-793001 - for kind information please.
- 3) The Telecom District Manager, Nagaland Divn., Dimapur.
- 4) The S.D.O.T., Imphal - He is requested to inform the official accordingly.
- 5) The A.O.(TA), O/O CGMT., N.E.T.C., Shillong.
- 6) A.O. (Cash), O/O TDM., Imphal.
- 7) Shri M. Samarendra Singh, JTO., Loktak.
- 8) The Circle Secy., JTOA (I), MIS Section, O/O TDM., Shillong.
- 9) P/F of the official.
- 10) Spare.

  
Telecom District Manager,  
Manipur, Imphal.

  
Asst. Director Telecom  
Office of the Telecom District Manager  
Imphal - 795001

臺灣省立教育會

Dt. at Imphal, the 26-7-'96

**To**

The Hon'ble Member (Admn.),  
Hon'ble Central Administrative Tribunal,  
Guwahati Bench,  
Guwahati-5.

Sub. :- Transfer of Shri M. Samarendra Singh, J.T.O.,  
Bishenpur to Wokha, Nagaland.

Ref. :- Case No. QA No. 113/96.

Sir,

No. OA No. 113/96, an order has been passed to dispose off the representation dated 14-6-'96 of Shri M. Samarendra Singh, J.T.O., the case has already been forwarded to the Circle Office, Shillong. After receipt of reply from them the official (Shri Samarendra Singh, J.T.O) will be informed accordingly.

This is for your kind information please.

Encls.:- Letter No.  
EST/JTO-2/TFR/1  
dt. 26-7-'96 forwarding  
the representation to  
role Office.  
copy thereof)

Yours faithfully,

( A. K. SRIVASTAVA )  
Telecom District Manager,  
Manipur, Imphal-1.

to :-

Shri Shoukat Ali,  
Sr. Central Govt. Standing Counsel,  
Guwahati - 5.

Dispatched vide R/L NO 5949  
dt 31/7/96 H.P.O. Mophal  
to Hon'ble members

01/7/96  
to Hank  
2  
vide R/L 5950 dt 31.7.96  
to Sr Govt C. Council, Gwaha Hkts

Admitted  
 $\frac{2789}{96}$

Assts. Director Telecom  
O/o the Telecom District Manager  
Imphal - 795001

11  
Annex me - 4

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

\*\*\*\*\*

No. EST/J.T.O. 2/TFR/2.

Dt. at Imphal, the 1-8-'96.

To,

The Hon'ble Member (Admn.),  
Hon'ble Central Administrative Tribunal  
Guwahati Bench,  
Guwahati Bench-5.

Sub. :- Transfer of Shri M. Samarendra Singh, J.T.O.,  
Bishenpur to Wokha, Nagaland.

Ref. :- Your Memo No. 2176 dt. 18-7-'96.

Respected Sir,

Kindly refer to your letter cited above.  
In this connection, it is intimated to your kind honour  
that undersigned in receipt of your letter referred above  
on 30-7-'96 and action is already in progress. In this  
connection, kindly refer to our letter No. EST/J.T.O.-2/  
TFR/2 dated 26-7-'96 also.

Yours faithfully,

201  
( A. K. SRIVASTAVA )  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

1) The Chief General Manager Telecom., N.E. Telecom  
Circle, Bhillong-793001 - for information please.

2) Shri Shaukat Ali, Sr. Central Govt. Standing  
Counsel, Guwahati Bench, Guwahati.

( A. K. SRIVASTAVA ) 1/8/96  
Telecom District Manager,  
Manipur, Imphal-1.

Affixed  
Date 9

28/8/96  
Asstt. Director Telecom  
Office of the Telecom District Manager  
Imphal - 795001

Filed in Court  
on 29-8-96.....  
Kishore Chandra  
Court Master

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :  
GUWAHATI BENCH: GUWAHATI.

IN THE MATTER OF:

Contempt Petition No. 22/96

(in O.A. No. 113/96)

Shri M. Samarendra Singh

-Versus-

Shri K.G. Singh & others.

- AND -

IN THE MATTER OF:

Show cause reply submitted by  
the Respondent No. 1.

SHOW CAUSE REPLY

The humble Respondent No. 1 submits that his  
Show Cause Reply as follows:

- 1) That the Respondent begs to state that he has no intention to disregard, disobey and disrespect the Hon'ble Tribunal's order. He has got full respect with the Hon'ble Tribunal .
- 2) That the Respondent begs to state that the contempt petition is premature and as such the

(Contd.)

Filed by:

*Manu Chandra*

(MD. SHAUKAT ALI) 29/8/96

Central Govt. Standing Counsel

Central Administrative Tribunal

Guwahati Bench, Guwahati

same is liable to be dismissed .

3) That the Respondent begs to state that the Hon'ble Tribunal vide order dated 2-7-96 passed in U.A. No. 113/96 directed the Respondent No. 1 , the Chief General Manager, Telecom, N.E. Circle, in U.A. 113/96 to dispose of the representation dated 14-6-96 within one month from the date of receipt of the order. The C.G.M.T. , N.E. Circle has received the afore said order on 23-7-96 vide Memo No. 2176 dated 18-7-96 as he comes to know in the evening on 22-8-96 from Shillong Office over phone. As per direction, the C.G.M.T. is to dispose of the representation on or before 22-8-96

4) That your Respondent begs to state that the contempt petition has been filed by the petitioner in a haste and hurry just to malign the Respondent for no valid reason and as such the same is liable to be dismissed with costs to the Respondents.

5) That the contempt Petition is presented one and as such the same is liable to be dismissed with costs.

6) That on 5-7-96, the petitioner furnished copy of the order dated 2-7-96, passed by the Hon'ble Tribunal in U.A. No. 113/96 and orally requested the Respondent No.1 forward his representation dated 14-6-96 to the C.G.M.T. , N.E. Circle,

(Contd.)

Shillong. The Respondent No.1 forwarded the said representation to the Respondent No.2 T.D.M. Manipur, Imphal, vide his letter No. Q 3/225/96-97 dated 17-6-96 for onward transmission to the C.G.M.T. N.E. videx, Circle, before receipt of the order dated 2-7-96 on 5-7-96 and question of disobeying the order of the Hon'ble Tribunal does not arise. The petitioner has deliberately involved the Respondent No.1 in this contempt petition just to harass ~~the~~ him and malign him, and as such the contempt petition is liable to be dismissed .

Annexure-1 is the phot copy of letter No. Q 3/225/96-97 dtd. 17-6-96 issued by the Respondent No.1 to Respondent No.2 forwarding the representation dated 14-6-96.

- 7) That with regard to statements made in paragraphs 1 & 2 of the contempt petition , the Respondent has no comments the same being matters of record.
- 8) That with regard to the statements made in paragraph 3 of the petition, the Respondents has no comments.
- 9) That with regard to statements made in paragraph 4 of the petition the Respondents/ begs to state that, it is a fact that the Respondent has signed the Annexure-A/3 annexed to the petition on 3-7-96, but he was not aware when the said

(Contd.)

letter was sent by registered post by the office. In fact the Respondent has signed the Annexure-A/3 before receipt of the order dated 2-7-96 passed by the Hon'ble Central Administrative Tribunal in O.A. No. 113/96. The allegation brought by the petitioner that the Respondent has not signed the released order on 3-7-96 is not correct and brought the allegation against the Respondent to malign him. The petitioner has joined in his duty on 4-7-96 after expiry of his leave. He continued in his post without any hindrance and he also drew his full salary for the month of July, 1996. In fact though the release order was signed on 3-7-96 after receipt of the order dated 2-7-96. On 5-7-96, he kept the release order inoperated and subsequently cancelled the release order on 14-8-96 vide letter No. E-13/IPT/96-97/13 dated 14-8-96.

Annexure - 1 (1) is the photo copy of letter No. E-13/IPT/96-97/13 dated 14-8-96.

10) That with regard to statements made in para 5 of the petition the Respondent begs to state that the same is not correct, and hence denied. The Respondent has not signed the release order after <sup>as</sup> 5-7-96 alleged but signed on 3-7-96. The petitioner alleged to have filed an application dated 15-7-96 in the office of the Respondent without his signature and the said application has not yet been brought to the notice of the Respondent.

(Contd.)

340  
Annexure- 2 is the application dated 15-7-96 submitted by the petitioner in the office of the Respondent No.1 without signature.

11) That with regard to statements made in para 6 of the petition, as stated earlier, though the release order was signed on 3-7-96, that was not acted upon by the Respondent No.1, after receipt of the order dated 2-7-96 on 5-7-96 and accordingly the petitioner has been allowed to continue in his duty.

12) That, in view of the facts and circumstances narrated above no contempt has been committed by the Respondent and as such the contempt petition is liable to be dismissed.

VERIFICATION

I, Sri K.G. Singh, Respondent No.1 do hereby solemnly declare that the statements made above are true to my knowledge, believe and information.

And I sign this verification on this 24<sup>th</sup> day of August, 1996 at Guwahati.

*As. Singh*  
24/8/96  
Declarant,  
Sr. S.D.E. Telecom,  
Imphal, Manipur.



सूत्र-संयवहार-22  
Cott-22

5528

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

15 June 1996

प्रेषक  
From

S. D. O. Telegraphs, Imphal.

उत्तर देते समय कृपया

निम्न संदर्भ दे

In reply

Please quote

सेवा में  
To

The T. D. M. Imphal

दिनांक

Dated at Imphal the 17th June 1996

क्रम संख्या

No. 25-225/96-97/1

विषय  
SUBJECT

Application from M. Samarendra Singh, J.T.O.  
Kendras Singh, J.T.O.

Kindly find enclosed herewith applications received from Shri M. Samarendra Singh, J.T.O (Kok) regarding his transfer addressed to ① The C.G.M.T./SH ② T.D.M./IP for favour of further necessary action.

Enclosed: - 2 (two) only

ADT  
part to

~~DDM/Imphal~~

~~RE Sec.~~

M. Singh

18/6/96

35 (SPE)

put in file  
to Mr. Division  
19/6/96

Sub-Divisional Officer Telegraphs  
Manipur Telegraphs Sub-Div.  
Imphal-795001

8

Annex me - 2 (1)

Government of India,  
Department of the Telecommunications,  
Office of the Sr. S.D.E. Telegraphs, Imphal-795001.

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No. E-13/IPT/96-97/13. Dated at Imphal, the 14-8-'96.

Subject :- Cancellation of Release Order.

As Shri M. Samarendra Singh, J.T.O., Loktak is already on duty, the release order issued vide this office letter No. E-13/IPT/96-97 dated 3-7-'96 may be treated as cancelled.

( K. G. SINGH )

Sr. S.D.E. Telegraphs,  
Imphal-1.

Copy to :-

- 1) The Hon'ble Member (A), Hon'ble CAT, Guwahati Bench, Guwahati - for kind information please.
- 2) The Chief General Manager Telecom., N.E. Telecom Circle, Shillong-793001 - for kind information please.
- 3) The Telecom District Manager, Imphal.
- 4) Accounts Officer (Cash), O/O T.D.M., Imphal.
- ✓ 5) Shri M. Samarendra Singh, J.T.O., Loktak - for information.
- 6) Shri Kenneth Chingkhram, J.T.O., Churachandpur - for information.
- 7) P/F of the official.
- 8) Spare.

( K. G. SINGH )

Sr. S. D. E. Telegraphs,  
Imphal-1.

Asst. Director Telecom

O/o the Telecom District Manager

Imphal - 795001

Received  
17/8/96  
Signature

14-  
To

The Sr. SDE Telegraphs, Imphal,  
(Sub Divisional Officer, Telegraph)  
Department of Telecommunications,  
Government of India.

Imphal, 15 July, 1996

Sub : Request for immediate  
cancellation or suspension  
of the released order :

Representationist : Shri M. Samarandra Singh,  
J.T.O., Loktak, Manipur.

Sir,

With reference to your Release Order No.

E-13/IPT/96-97/12 alleged to have been signed on 3rd July, 1996, I humbly submit that I was on leave and I joined on 4th July, 1996 and my leave was <sup>to be</sup> sanctioned <sup>ed</sup> by the T.D.M. on your recommendation and as such you have fully aware that I was on leave when the Release Order alleged to have been issued. Under such circumstances Release Order cannot be issued during leave period, even if it was actually issued on 3rd July, 1996.

On 5th July, 1996 I submitted a continuing representation dated 14-6-1996 to you for onward transmission to the Chief General Manager, N.E. Circle, Shillong and the Telecom District Manager, Imphal and the same was received by your office under R.R. No. 411 dt. 5/7/96. I was sitting with you and talked about my case filed before the Hon'ble Central Administrative Tribunal and enclosed a copy of the Stay Order with a directives of disposing my representation dated 14-6-1996 and you had also perused the said continuing representation, the order of the Hon'ble

.... Tribunal

-15- 35 41  
-1P  
-(2)-

Tribunal dated 2-7-1996 passed in its Guwahati O.A. (Original Application) No. 113 of 1996 and my petition of the said application along with the Annexures and I had tea with you while you were perusing the said documents.. You never mentioned about my released order issued by you and as such I doubt that the Released Order was issued after 5-7-1996 after thought and from the Release Order itself it clearly shows that the Dtd. appearing as '3rd' ~~XXXXXXXXXXXX~~ overwritten in place of '9th'. Moreover, the Release Order was sent through Registered Post on 9-7-96 under registration No. 5847, dated 9/7/96 and as such it clearly shows that the Release Order was issued only 9-7-1996.

Even it was actually issued on 3rd July, 1996, presuming not admitting, the same order was lying in your office till 9-7-1996, hence, you could have suspended the Release Order in view of the directives of the Hon'ble Tribunal, Guwahati Bench, otherwise such act is purely a mala-fide act as well as is purely a Contempt of the Tribunal/Court which is done knowingly and intentionally.

Under such circumstances stated above you would be pleased to suspend the Released Order alleging to have been issued and signed on 3rd July, 1996 <sup>immediately</sup> in the interest of all concerned.

Yours faithfully,

(M. Samarendra Singh)  
JTO/roktak, Manipur.

Copy to :

The T.D.M., Manipur Division, Imphal for  
information and necessary action.

(M. Samarendra Singh)

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45

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE SR.S.D.E. TELEGRAPHS, IMPHAL: 795001.

No. R-13/IPT/96-97/12 Dtd. the 02 July 1996.

Sub:- Release Order.

In pursuance of TDM, Imphal letter No. EST/JTO/TFR/96-97/39 dt 10/6/96, Shri H. Samarendra Singh, JTO is heroby released from the strength of this sub-division with immediate effect with order to report for duty under TDM, Dimapur.

Necessary TA/DA may be applied if required.

( K. S. Singh )  
Sr. SDE Telegraphs, Imphal.

Copy to:-

1. The TDM, Imphal. 0 for kind
2. The TDM, Dimapur. 0 information
3. The A.C. (Cash) o/o TDM, Imphal. 0 & necessary
4. The official concerned. He is requested to hand 0 action.
5. The JTO, Chirachandpur to take over the charge of JTO/Loktak in addition to his normal charge temporarily without any extra remuneration.

( K. S. Singh )  
Sr. SDE, Telegraphs, Imphal.

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46

The Senior Sub-Divisional Engineer,  
Telecom.  
Imphal

408  
5/7/96

Sub: Joining report

I have the honor to request you  
that I am fit and from my illness  
I am joining to my duty today on  
completion of the period leave you  
were on medical ground.

Thanking you for your kind attention  
patron

Dated Loktak  
11th July, '96

Enc. A medical  
fellow's certificate.

Yours faithfully,

M. G. Singh

(M. Samarindra Singh)  
J. D. O Loktak.

Joining report

Sub Divisional Officer  
Telegraphs, Imphal

Attested

20/8/96  
Asst. Director Telecom  
O/o the Telecom District Manager  
Imphal - 795001

कोर 7 Corr: 7

दूर संचार विभाग

Department of Telecommunications

कार्यालय Office of the

S.D.O. Telegraphs Imphal

No. 85-225/1PT/96-97/3

Date 05-7-96

To: The T.D.M. Imphal

*S/Sgt*  
Sub: — Representation of Shri  
M. Samendra Singh J.T.O. (Lk)

Kindly find enclosed herewith the  
representations received from J.T.O. (Lk)  
addressed to C.S.M.T/54.4 TDM/Imphal  
for favour of further necessary action  
at your end.

Enclosed: — 2 (two) copies only

उप-वर्तमान अधिकारी तार  
इम्फाल  
Sub Divisional Officer  
Telegraphs, Imphal

11 24 48

ROLL FOR JULY  
A/ROLL 1000T-8

EMPLOYEE NAME and DESIGNATION	EMPLOYMENT FUND A/C NO.	BASIC PAY	OTHER ALLOWANCES	GRAND SALARY	DEDUCTIONS	TOTAL	NET PAY
<b>KENNETH DUNSTON</b> JTO DNI - 11		1948.00	Spl. Pay 2.00 Pers. Pay 0.00 DA 1771.00 Comp. HCA 225.00 Oid/HRA 194.00 Wash. Alm. 0.00 HRA 100.00 Misc.1 0.00 CEA 100.00 Misc.2 0.00 SEA 243.00	5073.00	EPF Cont. 1500.00 Sct Adv. 0.00 HC Adv. 0.00 HRR 0.00 EPF Adv. 1000.00 Sct/Int. 0.00 WC/Int. 0.00 Old/HRR 0.00 PLI 0.00 Car Adv. 0.00 Fest/Adv. 0.00 W/Tax 50.00 CGEGIS 30.00 Car/Int. 0.00 OP/PLA 0.00 Ele/Chr. 0.00 GIS 0.00 HBA ADV. 0.00 LTC/Rec. 0.00 Misc.1 0.00 CGHS 0.00 HBA/Int. 0.00 PAY Adv. 0.00 Misc.2 0.00 Cycle Adv. 0.00 Fan Adv. 0.00 TA Adv. 0.00 Cycle/Int. 0.00 Fan/Int. 0.00 Inc/Tax 0.00	2525.00	3037.00
<b>M DEBA SINGH</b> JTO DNI - 11		2060.00	Spl. Pay 0.00 Pers. Pay 30.00 DA 3049.00 Comp. HCA 300.00 Oid/HRA 205.00 Wash. Alm. 0.00 HRA 220.00 Misc.1 0.00 CEA 100.00 Misc.2 0.00 SEA 255.00	6223.00	EPF Cont. 400.00 Sct Adv. 0.00 HC Adv. 0.00 HRR 0.00 EPF Adv. 600.00 Sct/Int. 0.00 WC/Int. 0.00 Old/HRR 0.00 PLI 0.00 Car Adv. 0.00 Fest/Adv. 0.00 W/Tax 74.00 CGEGIS 30.00 Car/Int. 0.00 OP/PLA 0.00 Ele/Chr. 0.00 GIS 0.00 HBA ADV. 0.00 LTC/Rec. 0.00 Misc.1 0.00 CGHS 0.00 HBA/Int. 0.00 PAY Adv. 0.00 Misc.2 0.00 Cycle Adv. 0.00 Fan Adv. 0.00 TA Adv. 0.00 Cycle/Int. 0.00 Fan/Int. 0.00 Inc/Tax 0.00	1104.00	5119.00
<b>M SAMARENDRA SINGH</b> JTO DNI - 11		2300.00	Spl. Pay 0.00 Pers. Pay 0.00 DA 3404.00 Comp. HCA 300.00 Oid/HRA 230.00 Wash. Alm. 0.00 HRA 100.00 Misc.1 0.00 CEA 100.00 Misc.2 0.00 SEA 260.00	6722.00	EPF Cont. 600.00 Sct Adv. 0.00 HC Adv. 0.00 HRR 0.00 EPF Adv. 1100.00 Sct/Int. 0.00 WC/Int. 0.00 Old/HRR 0.00 PLI 0.00 Car Adv. 0.00 Fest/Adv. 0.00 W/Tax 74.00 CGEGIS 30.00 Car/Int. 0.00 OP/PLA 0.00 Ele/Chr. 0.00 GIS 0.00 HBA ADV. 0.00 LTC/Rec. 0.00 Misc.1 0.00 CGHS 0.00 HBA/Int. 0.00 PAY Adv. 0.00 Misc.2 0.00 Cycle Adv. 0.00 Fan Adv. 0.00 TA Adv. 0.00 Cycle/Int. 0.00 Fan/Int. 0.00 Inc/Tax 0.00	1004.00	4718.00
<b>O JURESHWAR SINGH</b> JTO DNI - 11		2000.00	Spl. Pay 0.00 Pers. Pay 0.00 DA 2950.00 Comp. HCA 300.00 Oid/HRA 200.00 Wash. Alm. 0.00 HRA 100.00 Misc.1 0.00 CEA 100.00 Misc.2 0.00 SEA 250.00	5510.00	EPF Cont. 500.00 Sct Adv. 0.00 HC Adv. 0.00 HRR 0.00 EPF Adv. 530.00 Sct/Int. 0.00 WC/Int. 0.00 Old/HRR 0.00 PLI 0.00 Car Adv. 0.00 Fest/Adv. 0.00 W/Tax 56.00 CGEGIS 30.00 Car/Int. 0.00 OP/PLA 0.00 Ele/Chr. 0.00 GIS 0.00 HBA ADV. 0.00 LTC/Rec. 0.00 Misc.1 0.00 CGHS 0.00 HBA/Int. 0.00 PAY Adv. 0.00 Misc.2 0.00 Cycle Adv. 0.00 Fan Adv. 0.00 TA Adv. 0.00 Cycle/Int. 0.00 Fan/Int. 0.00 Inc/Tax 0.00	1116.00	4794.00
<b>S SAMARENDRA SINGH</b> JTO DNI - 11		2000.00	Spl. Pay 0.00 Pers. Pay 0.00 DA 2950.00 Comp. HCA 300.00 Oid/HRA 200.00 Wash. Alm. 0.00 HRA 100.00 Misc.1 0.00 CEA 100.00 Misc.2 0.00 SEA 250.00	6030.00	EPF Cont. 300.00 Sct Adv. 0.00 HC Adv. 0.00 HRR 0.00 EPF Adv. 520.00 Sct/Int. 0.00 WC/Int. 0.00 Old/HRR 0.00 PLI 0.00 Car Adv. 0.00 Fest/Adv. 0.00 W/Tax 56.00 CGEGIS 30.00 Car/Int. 0.00 OP/PLA 0.00 Ele/Chr. 0.00 GIS 0.00 HBA ADV. 0.00 LTC/Rec. 0.00 Misc.1 0.00 CGHS 0.00 HBA/Int. 0.00 PAY Adv. 0.00 Misc.2 0.00 Cycle Adv. 0.00 Fan Adv. 0.00 TA Adv. 0.00 Cycle/Int. 0.00 Fan/Int. 0.00 Inc/Tax 0.00	665.00	5144.00

(-) 476 = 0  
(-) 564 = 0  
(-) 709 = 0  
3045 = 0

(-) 322 = 0  
(-) 213 = 0  
(-) 59 = 0  
4550 = 0

Accounts Officer. 19/7/96  
T.D.M. Imphal



Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

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No. EST/J.T.O. 2/TFR/2.

Dt. at Imphal, the 1-8-'96.

To,

The Hon'ble Member (Admn.),  
Hon'ble Central Administrative Tribunal  
Guwahati Bench,  
Guwahati Bench-5.

Sub. :- Transfer of Shri M. Samarendra Singh, J.T.O.,  
Bishenpur to Wokha, Nagaland.

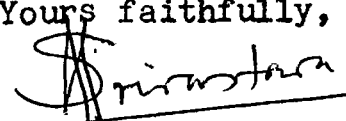
Ref. :- Your Memo No. 2176 dt. 18-7-'96.

OA No. 113/96

Respected Sir,

Kindly refer to your letter cited above.  
In this connection, it is intimated to your kind honour  
that undersigned in receipt of your letter referred above  
on 30-7-'96 and action is already in progress. In this  
connection, kindly refer to our letter No. EST/J.T.O.-2/  
TFR/2 dated 26-7-'96 also.

Yours faithfully,

  
(A. K. SRIVASTAVA) 1/8/96  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

- 1) The Chief General Manager Telecom., N.E. Telecom  
Circle, Shillong-793001 - for information please.
- 2) Shri Shaukat Ali, Sr. Central Govt. Standing  
Counsel, Guwahati Bench, Guwahati.

Sd/-

(A. K. SRIVASTAVA)  
Telecom District Manager,  
Manipur, Imphal-1.

Mr. Bano  
Pl. note in the  
proceeding sheet  
for 8/8/96

14  
Ryd  
5

12/8/96

lost

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

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No. EST/JTO-2/TFR/2.

Dt. at Imphal, the 26-7-'96

To

2000  
2  
13/8/96

✓ The Hon'ble Member (Admn.),  
Hon'ble Central Administrative Tribunal,  
Guwahati Bench,  
Guwahati-5.

Sub. :- Transfer of Shri M. Samarendra Singh, J.T.O.,  
Bishenpur to Wokha, Nagaland.

Re. :- Case No. QA No. 113/96.

Sir,

With reference to your above mentioned case  
No. OA No. 113/96, an order has been passed to dispose off  
the representation dated 14-6-'96 of Shri M. Samarendra  
Singh, J.T.O., the case has already been forwarded to the  
Circle Office, Shillong. After receipt of reply from them  
the official (Shri Samarendra Singh, J.T.O) will be informed  
accordingly.

This is for your kind information please.

Enclo.:- Letter No.  
EST/JTO-2/TFR/1  
dt. 26-7-'96 forwarding  
the representation to  
Circle Office.  
(copy thereof)

Yours faithfully,

*A. K. Srivastava*  
( A. K. SRIVASTAVA ) 26/7/96  
Telecom District Manager,  
Manipur, Imphal-1.

Indl.

Department of Telecommunications,  
Office of the Telecom District Manager, Manipur,  
Imphal-795001.

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No. EST/JTO-2/TFR./1

Dt. Imphal, the 26-7-'96.

To

The Chief General Manager,  
N. E. Telecom Circle,  
Shillong-793001.

Sub. :- Representation of Shri M. Samarendra Singh,  
J.T.O., Bishenpur/Loktak, Manipur to cancel  
his transfer order from Manipur SSA to  
Wokha, Nagaland.

Please find enclosed herewith a representation  
received from Shri M. Samarendra Singh, J.T.O., Bishenpur  
dated 14-6-'96 and another representation on the same  
subject dated 5-7-'96. The parawise comments for letters/  
representations is as follows :-

A) Parawise comments for letter dated 14-6-'96.

Para 1 & 2. : In these paras, the official has  
mentioned about his various transfers from the begining of  
his career uptil date. These transfers are all normal  
transfers and postings on promotions in North East Circle  
which is as per the service condition of the official and  
there is nothing uncommon in these transfers. -

Para 3 : The official has made a reference  
of Para 37-A of P&T Manual Vol. IV citing that transfers  
should generally be made in the April. In this connection  
it is to mention that these are only guidelines and actual  
transfer/posting is done as per the administrative convenience  
and in the interest of service. Normally, target work keeps  
everybody very buisy till May and hence, the transfer was  
done in the month of June (10-6-'96) which is not too much late  
with respect to the normal recommended month of April.  
Regarding childrens education, the childrens are very small  
studying in Class I and Nursery for which adequate facilities  
are available in Wokha (where posting order has been issued).  
Admission in the month of June was not very difficult, had the  
official joined immediately after availing normal joining time.

Para 4 : The official mentions that CGMT's  
letter No. STB/ES-3/Tenure/258 dated the 31st May, 1996  
states for relieving longest stay J.T.O. in Imphal for  
relieving Shri Rashid Ahmed Shah, J.T.O., Wokha. In this  
connection it is inform that the convention is that whenever  
any transfer (tenure) is done from one SSA to another SSA,  
the seniormost person of the SSA is released. and in essence  
the statement of CGMT's letter mentioning longest stay J.T.O.  
in Imphal means seniormost in Manipur SSA and not Imphal  
station as interpreted by the official. This has been clarified  
on 7-6-'96 with D.G.M. (Admn.), O/O CGMT, Shillong telephonically  
before issuance of the Order No. EST/JTO/TFR/96-97/39 dated  
10-6-'96 transferring the official to Wokha in response to the  
Circle Office letter Nos. STB/ES-3/Tenure/258 dated 31-5-'96  
and No. STB/ES-3/Tenure/XI dated 6-6-'96 in which the Circle  
Office directed us to relieve positively by 10-6-'96.

Contd...../2

Para 5 : This has been clarified in Para 4.

Para 6 : Implementation of the transfer order is done as per the administrative convenience as normally there is a heavy rush of work upto May for achieving various targets. Hence, it was possible to issue transfer order only in the month of June '96.

Para 7 : No comments.

Para 8 : The official mentions the Ministry of Home Affairs Memo Nos. 75/55 Ests(A) dt. 24-3-'65. mentioning only willing persons should be posted at different stations and not unwilling persons and distant transfers disturb the family. Points mentioned herein as mentioned above are only guidelines and the persons are accommodated to the maximum possible but it is not always possible to post a willing person to his choice posting always. The posting of the official at Wokha is as per the policy decision taken for tenure transfer and it also cannot be said at a very far off place because the liability of the transfer of the official extends in any of the six states ( Manipur, Nagaland, Mizoram, Tripura, Arunachal Pradesh and Meghalaya ) and posting at Nagaland appears to be comparatively nearer as compared to other distant states like Arunachal Pradesh and Meghalaya.

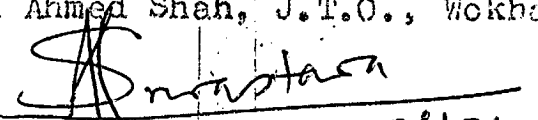
B. Parawise comments for letter dated 5-7-'96.

Para 1 : The representation of the official is being disposed of vide above.

Para 2 : The official claims that he is likely to get TES Group 'B' officiating as there are vacancies in Manipur Division like Churachandpur, Senapathi, Imphal etc. In this connection it is to mention that it is not necessary that the official has to be considered only for Manipur on promotion/officiating as he may be posted anywhere in the Circle wherever the Group 'B' post is vacant.

Para 3 : The official mentions that J.T.O. A(I) Union has recommended to the Circle Office for relieving Md. Rashid Ahmed Shah by Shri Jasabanta Singh, J.T.O. posted at Nagaland Division. No such order has been issued by Circle Office, hence the official ( Shri M. Samarendra Singh, J.T.O. ) has to relieve Shri Rashid Ahmed Shah, J.T.O., Wokha (Nagaland).

In view of above, it is not possible to change the Order No. EST/JTO/96-97/39 dt. 10-6-'96 vide which Shri M. Samarendra Singh, J.T.O., Bishenpur has been posted to Wokha (Nagaland) to relieve Shri Rashid Ahmed Shah, J.T.O., Wokha.

  
( A. K. SRIVASTAVA ) 26/7/96  
Telecom District Manager,  
Manipur, Imphal-1.

Copy to :-

D.E. (SBP)/A.D.T., O/O T.D.M., } for information,  
Imphal.