

50/100
**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 228/2000

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 228/2000 OF 199

Applicant(s) Sri Bokokon Pegu.

Respondent(s) Union of India and others.

Advocate for Applicant(s) In Person.

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
11.7.2000 IPO BPL 496389 Filed 3.5.2000 Bok 9/7/00	11.7.2000	Present : Hon'ble Mr.S.Biswas, Administrative Member. The applicant in person and Mr.A. Deb Roy, learned Sr.C.G.S.C. for the respondents are present. Heard The applicant argued his case himself. He had already filed O.A. 157 of 2000 on the same subject praying for various reliefs like permission to join at Jorhat Central Excise Division and disbursement of arrear pay and allowances. The present application is virtually repetition of the same prayer. His projection is limited to a demand that he should first be permitted to join at Jorhat in terms of the Commissioner's transfer order dated 5.5.2000 and thereafter subsequent deployment of the applicant to Numaligarh should be effected by relieving him from there.

contd ...

Notes of the Registry	Date	Order of the Tribunal
<p><u>13/7/2000</u></p> <p>Copy of the order has been sent to the D/Rec. for issuing the same to the applicant as well as to the Sr. C or S.C. for the Resdr.</p> <p>KL</p>	<p>11.7.00 contd</p> <p>mk</p>	<p>Consequently, the Assistant Commissioner, Central Excise, Jorhat shall accept his joining report at Jorhat but there would be no objection whatsoever to relieve him on the same day for going and joining at Numaligarh. His other dues should be disbursed within four weeks after he joins at Numaligarh.</p> <p>at administration O.A. is disposed of with the above direction. No costs.</p> <p>S. Dinesh Member (A)</p>

493 10 JUL 2000

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI
BENCH :: GUWAHATI

(In application U/S 19 of the Administrative Tribunal
Act, 1985).

O.A. No. 228 /2000

Sfi Boloram Pegu

-Vs-

Union of India

I N D E X

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Central Administrative Tribunal Guwahati B~~2~~hch,
Guwahati.

O.A. No. 228 /2000.

Between

Sri Boloram Pegu,
Inspector, Central Excise, Kamolaboria,
Na-Ali, Jorhat,
P.O. Jorhat, Assam applicant.

A N D

1. Union of India through the Secretary
Govt. of India, Deptt of Revenue, Ministry of
Finance, New-Delhi.
2. The Commissioner,
Central Excise, Shillong, Meghalaya.
3. The Assistant Commissioner, Central Excise,
Jorhat, Dist-Jorhat,
Assam Respondents

Details of the application.

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

The application is made against non-acceptance of joining Report as per the order dated 15/5/2000 passed by the Asstt. Commissioner, central Excise, Jorhat in view of the order dated 5/5/2000 passed by the Hon'ble Commissioner, Central Excise, Shillong non-payment of salary for the month of May/2000 and June/2000 and non-allowing for withdrawal of G.P.F. advance and illegal and un-constitutional interference towards the applicant in future by the Assistant Commissioner, Central Excise, Jorhat.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 The applicant is a citizen of India and as such he is entitled to the right protection and privileges as granted under the constitution of India.

4.2 That the applicant was appointed as inspector w.e.f. 18.11.83 and posted at Dibrugarh then Agartala in the year 1984 then Jorhat in 1987 then Sibsagar in 1997 and now transfer and posting at Jorhat Division Office and N.R.L.

Range
B/S
B/S

Range respectively.

4.3 That the Asstt. Commissioner Central Excise, Jorhat had been specifically directed to allow applicant to join back at Jorhat, Central Excise Division by the Hon'ble Commissioner, Central Excise, Shillong vide his order dated 5/5/2000.

4.4. That the Asstt. Commissioner, Central Excise, Jorhat passed ~~an~~ order dated 15/5/2000 in view of the order dated 5/5/2000 passed by the Hon'ble Commissioner, Central Excise, Shillong wherein the applicant was allowed to join Jorhat Division and Posted to Numaligarh Range.

Photocopy is enclosed as

Annexure - A -

4.5 That the applicant submitted his joining report on 12/6/2000 at office of the Assistant Commissioner, Central Excise, Jorhat.

Photocopy is enclosed as

Annexure - B -

4.6 That the joining report had been returned to the applicant on 14/2/2000 alongwith covering letter dated 13-6-2000 with autobiography remarks "This joining report can not be entertained here as he has already been transferred and posted to N.R.L. Range."

Photocopy is enclosed as

Annexure - C -

4.7 That the Administrative Officer, Central Excise, Jorhat issued a letter dated 5-6-2000 to submit E/L application w.e.f. 18-2-2000 to 16-5-2000

Ran
B/S
P/S

Photocopy is enclosed as Annexure - D -

4.8. That the Administrative Officer Central Excise, Jorhat issued a letter dated 14.06.2000 to submit E/L application w.e.f. 18.02.2000 to 16.05.2000.

Photocopy is enclosed as Annexure - E -

4.9. That the Administrative Officer, Central Excise, Jorhat issued a letter dated 22.06.2000 to submit E/L application w.e.f. 19.02.2000 to 16.05.2000.

Photocopy is enclosed as Annexure - F -

4.10 That the applicant submitted the reply dated 12.06.2000 against letter dated 5.06.2000 on 12.06.2000.

Photocopy is enclosed as Annexure - G -

4.11 That the applicant submitted the reply dated 26.06.2000 to the Administrative Officer, Central Excise, Jorhat on 26.06.2000 against letter dated 22.06.2000.

Photocopy is enclosed as Annexure - H -

4.12 That the applicant submitted an application dated 2.06.2000 through proper channel to the Hon'ble Commissioner Central Excise, Shillong for non payment of salary for the month of May/2000.

(Photocopy is enclosed as Annexure - I)

4.13. That the applicant submitted an application dated 14.06.2000 through proper channel to the Hon'ble Commissioner Central Excise, Shillong for non acceptance of joining report dated 12/06/2000.

Photocopy is enclosed as Annexure - J -

4.14. That the applicant submitted an application dated 23.6.2000 through proper channel to the Hon'ble Commissioner, Central Excise, Shillong non allowing for withdrawal of G.P.F. advance.

Photocopy is enclosed as Annexure - K -

4.15. That the applicant submitted an application dated 3-7-2000 through proper channel to the Hon'ble Commissioner, Central Excise, Shillong for non-payment of salary for the month of June/2000.

Photocopy is enclosed as Annexure - L -

4.16 That the applicant attended at Central Excise Range, Sibsagar w.e.f. 19/2/2000 to 3/3/2000.

4.17 That the applicant submitted E/L application, w.e.f. ~~4/3/2000~~ to 2/4/2000

Photocopy is enclosed as Annexure - M -

4.18 That the applicant submitted E/L application w.e.f. 17/5/2000 to 31/5/2000.

Photocopy is enclosed as Annexure - N -

4.19. That the applicant submitted E/L application w.e.f. 1/6/2000 to 11/6/2000.

Photocopy is enclosed as Annexure - O -

4.20. That the applicant attended office w.e.f. 19/2/2000 to 3/3/2000 as per the order dated 11/2/2000 passed by the Hon'ble Joint Commissioner (P & V), customs & Central Excise, Shillong.

Photocopy is enclosed as Annexure - P -

4.21. That the applicant was remained absent from duty w.e.f. 3/4/2000 to 16/5/2000 as per the direction of the superintendent, Central Excise, Range, Sibsagar vide his letter, dated 27/3/2000 despatched dated 3/4/2000.

11
P.O.
Recd/15/2000
D/P

Photocopy is enclosed as Annexure -Q-

4.22. That the applicant submitted E/L application w.e.f. 17/5/2000 to 11/6/2000.

4.23. That the applicant has not been attending Official duty w.e.f. 12/6/2000 to till date due to non-acceptance of joining report.

4.24. That the applicant begs to state that the applicant may be allowed to join Jorhat Division first then the applicant may be relieved to N.R.L. Range at any time as the order dated 15/5/2000 passed by the Asstt. Commissioner Central Excise, Jorhat it self speaks to do so in view of the order dated 5/5/2000 passed by the Hon'ble Commissioner, Central Excise, Shillong wherein the applicant was allowed to join at Jorhat Central Excise Division.

4.25. That the applicant begs to state that the Assistant Commissioner has violated his own order dated 15/5/2000 by refusing to accept the ~~Rs~~ joining report dated 12/6/2000 of the applicant.

4.26. That the applicant begs to state that the salary for the month of May/2000 and June/2000 has been ~~held~~ held up by the Assistant Commissioner, Central Excise, Jorhat un-necessarily in the same of regularisation of applicant E/L w.e.f. 19/2/2000 to 16/5/2000.

4.27. That the applicant begs to state that the applicant had already submitted E/L w.e.f. 4/3/2000 to 2/4/2000 and 17/5/2000 to 31/5/2000 and 1/6/2000 to 11/6/2000. So, submission of E/L application for other period i.e. 19/2/2000 to 3/3/2000 and 3/4/2000 to 16/5/2000 and 12/6/2000 to till date is not necessary from the part of applicant as the applicant was remained absent only due to non allowing for attending office duty by the Asstt. Commissions, Central Excise, Jorhat.

4.28. That the applicant begs to state that the applicant had already informed to the Asstt. Commissioner, Central Excise, Jorhat regarding submission and non-submission of E/L application w.e.f. 19/2/2000 to 16/5/2000 vide the applicants letters dated 12/6/2000 ^{and} ~~to~~ 26/6/2000 respectively. So, non payment of salary for the month of May/2000 and June/2000 is not only illegal also depriving of rights as granted by constitution.

4.29. That the applicant begs to state that the applicant has been deprived from withdrawal of G.P.F. advance illegally by the Assistant Commissioner, Central Excise, Jorhat intentionally in the name of enquiry. The applicant applied for G.P.F. advance ~~in~~ ^{amounting} to Rs. 10,000/- only for treatment of ailing mother whose age is now over 90 years old.

So, enquiry ⁱⁿ ~~the~~ respect of my mother ^{is} ~~is~~ nothing but only ~~to~~ ^{to} delay the sanction of the same and to harass the applicant and his family.

4.30. That the Assistant Commissioner Central Excise, Jorhat is enjoying ^{like anything} ~~letter any time~~ by observing the acute financial position faced by the applicant.

4.31. That the applicant ~~is~~ begs to state that the dictatorship nature of the Assistant Commissioner, Central Excise, Jorhat against the applicant had already been expressed in respect of O.A. case No. 157/2000 dated 4/5/2000 wherein the Assistant Commissioner, Central Excise, Jorhat confessed ^{by the} ~~bypassing~~ ⁱⁿ the superior order in written reply submitted on 8/6/2000 this Hon'ble C.A.T.

4.32. That the applicant begs to state that the applicant had intimated the matters to the Hon'ble Commissioner, Central Excise, Shillong for taking necessary action. But no any action is initiated so far for the matters as cited above,

GROUND AND LEGAL PROVISION

5.1. That the applicant had been directed to join Jorhat Division and posted to N.R.L. Range vide the order dated 15/5/2000 passed by the Asstt. Commissioner, Central Excise, Jorhat in view of the order dated 5/5/2000 passed by the Hon'ble Commissioner, Central Excise, Shillong wherein the Asstt. Commissioner, Central Excise, Jorhat had been directed to allow the applicant to join back at Jorhat Central Excise Division.

5.2. That the Assistant Commissioner, Central Excise, Jorhat has violated his own order dated 15/5/2000 by refusing to accept the joining report dated 12/6/2000 of the applicant. As the applicant may be relieved by the Asstt. Commissioner, Central Excise, Jorhat at any time to N.R.L. Range after acceptance of joining report of the applicant at Jorhat Division Office.

5.3. That the applicant is ready to join at N.R.L. Range only after acceptance of joining report at Jorhat Division first and relieving from Jorhat Division. As it is the legal right of the applicant as per the order dated 15/5/2000 passed by the Asstt. Commissioner, Central Excise, Jorhat.

5.4. That the Asstt. Commissioner, Central Excise, Jorhat has no legal right to hold up the salary for the month of May/2000 and June/2000 of the applicant. As the applicant was ~~xx~~ remained absent from duty w.e.f. 3/4/2000 to 16/5/2000 as per his direction and 12/6/2000 ^{to} till date for non acceptance of joining report by the Asstt. Commissioner, Central Excise, Jorhat. Moreover, it ^{was} requested to the Asstt. Commissioner, Central Excise, Jorhat that under what leave rules an employee is compelled to submit his E/L for the period for which he was directed not to attend office by his controlling officer. But no reply has been received so far.

5.5. That the Assistant Commissioner has no legal right to delay the sanction of G.P.F. advance in the name of enquiry. As it is clearly indicated in G.P.F. advance application form that no documents is necessary to attach alongwith the ~~messsaxxx~~ above said form for sanctioning G.P.F. advance in that respect. The amount accumulated in G.P.F. account is purely contribution of that employee.

5.6 That the Assistant Commissioner, Central Excise, Jorhat had openly shown his un-constitutional activities against the applicant to harrars, deprive and ~~future~~ mentally. As a result the salary ~~not~~ for the month of May/2000 and Jun/2000 has been held up and the applicant has been deprived from attending official ~~date~~ since 12/6/2000 to till date. Similarly, the applicant was harrassed and deprived from drawing of salary for the month of Mar/2000 and April/2000 for about $1\frac{1}{2}$ months. The ~~sarge~~ had been released to the applicant after filing a petition to ~~the~~ Hon'ble ~~Court~~ ^{same} ~~Court~~ only.

6. DETAILS OF REMEDIES EXHAUSTED

That there is no other alternative and officious ~~name~~ remedy available to the applicant except invoking the jurisdiction of this Hon'ble tribunal under section 19 of the Administrative Tribunal Act, 1985.

7. MATTER NOT PENDING AT ANY COURT

That the applicant declares that ^{no} any application pending before any other court.

8. RELIEF SOUGHT FOR.

Under the facts and circumstances explained above the applicant prays for the following reliefs.

8.1 . That the applicant be allowed to join at Jorhat Central Excise Division first as ^{Per} ~~for~~ the order dated 15/5/2000 passed by the Asstt. Commissioner, Central Excise, Jorhat in view of the order dated 5/5/2000 passed by the Hon'ble Commissioner, Central Excise, Shillong then the applicant be relieved to N.R.L. Range.

8.2. That the applicant be permitted to draw the salary for the month of May/2000 and June/2000.

8.3. That the applicant be safe-guarded from illegal and un-constitutional interference in future by the Asstt. Commissioner, Central Excise, Jorhat.

8.4. That the applicant be permitted to withdraw G.P.F. advance amounting to Rs. 10,000/-.

8.5. The cost of the cage.

9. INTERIM RELIEF PRAYED FOR :

That the applicant be allowed to join at Jorhat Central Excise Division Office, Jorhat first and to draw salary for the month of May/2000 and June/2000 and to withdraw the G.P.F. advance.

The above interim relief is prayed for on the grounds explained above.

10. APPLICATION IS FILLED THROUGH SELF.

11. Particulars of IPO.

IPO No. OG 496389

Date of issue : 3-5-2000

Issued from Gauhati

Payable at Gauhati

12. List of enclosures

As stated above.

VERIFICATION

I, Boloram pegu, 42 Years age working as Inspector in the Office of Ecntral Excise, Jorhat resident of Jorhat do hereby verify that the contents of paras 1 to 12^{except 2&3} are true to my personal knowledge and paras....2....to...3.. believed to be true on legal advice and that I have not suppressed any material fact.

10/7/2000

Dated:

Boloram pegu.
Signature of applican

OFFICE OF THE ASSISTANT COMMISSIONER,
CENTRAL EXCISE DIVISION::JORHAT.

157/2000
8/6/00

O R D E R

Dated, Jorhat the 10th May/2000.

As per Commissioner, Central Excise, Shillong's Order communicated under C.No.II(3)5/ET-III/99/8063 dated 5.5.2000, Sri B.R. Pegu, Inspector, Central Excise is hereby allowed to Join this Division and posted to Numaligarh Range with immediate effect.

Sd/-
(J.N.BURAGOHAIN),
Assistant Commissioner,
Central Excise, Jorhat.

C.No.II/4/1/ET/2000/ 719

Dated:- 15/5/2000

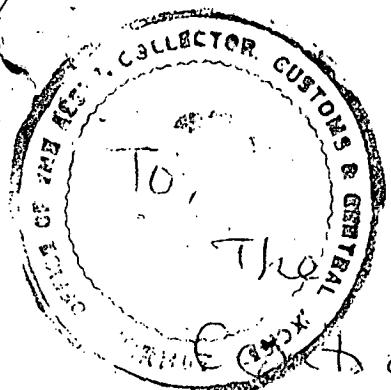
Copy forwarded to:-

1. Sri B.R. Pegu, Inspector, Central Excise, Habichuck, Jorhat for compliance.
2. The Superintendent, Central Excise, Numaligarh Range for information and necessary action.
3. The Commissioner, Central Excise, Shillong for favour of information.
4. The Bill/Cash/Store Branch, Central Excise, Jorhat.

15/5/2000
(J.N.BURAGOHAIN),
Assistant Commissioner,
Central Excise, Jorhat.

B/126/1
Annexure - B -
His joining report
cannot be entertained
as he has already been
posted to
Assistant Collector Ranger

P/15



To, The Assistant Commissioner,
Central Excise Division,
Jabalpur.

Sir,

Subject:- Joining Report

In response to the Hon'ble
Commissioner, Central Excise,
Jabalpur's order Commissioneral
Letter C No 11(3) S/LET-11(99)
2063, dated 5/5/2000 to the
Asstt. Commissioner, Central Excise,
Jabalpur and the subsequent
order of the Asstt. Commissioner,
Central Excise, Jabalpur dated
15/5/2000 I would like to
inform you for joining in
Jabalpur Central Excise Division
w.e.f. 13/6/2000 (T. N.).

This is for favour of your
information and necessary
action.

Yours faithfully

(Signature)

Asstt. Ex. Jstl.

Annexure - e

16

OFFICE OF THE ASSISTANT COMMISSIONER,
CENTRAL EXCISE, JORHAT.

19

C.NO. I/ET/J.R./ACJ/96/ 111/1

Dated :: 14/6/2000

To,

Shri B.R. Pegu, Inspector,
Habichtuk, Na Ali,
Jorhat.

Sub :- Joining report of Shri B.R. Pegu, Inspector.

Please refer to your ~~dated~~ Joining Report
dated 12.6.2000 on the above subject.

In this connection, the autographic remark of
the Assistant Commissioner, Central Excise, Jorhat
is furnished below.

"His Joining report can not be entertained here
as he has already been transferred and posted to NRL
Range."

Hence the Joining report is ~~referred~~ herewith.

Enclo : As above.

13.6.00
(S.N. DAS),
ADMINISTRATIVE OFFICER,
CENTRAL EXCISE, JORHAT.

Annexure -D -

17

OFFICE OF THE ASSISTANT COMMISSIONER,
CENTRAL EXCISE, JORHAT.

C.NO. II(29)13/ET/PL/87/ 100

Dated :: 3-6-2000

To,

Shri B.R. Pegu, Inspector,
Central Excise,
Habechuk (Na-ali)
Jorhat.

Sub :- Submitted ~~the~~ the E/L application for the period
from 18.2.2000 to 16.5.2000.

You are directed to submit E/L application w.e.f.
18.2.2000 to 16.5.2000 for regularization of your leave
period etc. early.

Parasuram S N Das

(S.N. DAS),
ADMINISTRATIVE OFFICER,
CENTRAL EXCISE, JORHAT.

18
Annexure -E -

CENTRAL EXCISE :: JORHAT

C.NO.II(29)13/ET/PL/87/ 1156

Dated:- 14/6/2000

To

Shri. B.R. Pegu, Inspector,
Central Excise, Habechuk (Na-Ali)
Jorhat.

Sub:- Submission of E/L application for the period from 18.2.2000 to 16.5.2000.

Please refer to this Office letter C.No. 1060 dated 5.6.2000 ^{on the} ~~as~~ above subject.

You are hereby directed to submit E/L application with effect from the 18th
Feb 2000 to 16th may 2000 for regularization of your leave period etc. early, to enable
this office to finalize your case.

Please treat this as most Urgent.

Par. 14.6.2000
(S.N. DAS)
A.O. Central Excise,
Jorhat.

Annexure - F -

22/6/19

OFFICE OF THE ASSISTANT COMMISSIONER
CENTRAL EXCISE :: JORHAT.

C.NO.II(29)13/ET/PL/87 1296

Dated:- 22/6/2000

To

Sri B.R.Pegu, Inspector,
Central Excise
Habichuk (Na-Ali)
Jorhat.

Sub:-Submission of E/L application for the period 19.02.2000 to 16.05.2000.

Please refer to this office letter C.NO.1060 dated 05.06.2000 and C.NO.1156 dated 14.06.2000 on the above subject.

The autographic order of the Assistant Commissioner Central Excise Jorhat is re-produced below for your information and necessary action.

“Sri B.R. Pegu, Inspector, may be informed to apply E/L w.e.f. 19.02.2000 to 16.05.2000, so that, his pay for the month of May/2000 may be released”

*8/6/2000
22/6/2000*
(S.N. DAS)
ADMINISTRATIVE OFFICER,
CENTRAL EXCISE :: JORHAT.

To,

The Administrative Officers,
Central Excise, Jorhat.

Sub:- Submission of E/L
application for the
Period from 18/2/2000
to 16/5/2000.

Sirs,

Please refer to your
letter c. no 11(29)13/ET/PL/87/1060
dated 5/6/2000 on the subject
cited above.

In this connection, I would
like to inform you that I
had attended at Central
Excise Range, Silchar w.e.f.
18/2/2000 to 31/3/2000. Then I
applied for E/L w.e.f. 6/3/2000
to 31/4/2000 with break
Saturday and Sunday i.e. on
4/3/2000 and 5/3/2000 and
break again Saturday
and Sunday on 11/4/2000 and
21/4/2000 respectively. After that
I informed to the Central Excise
Range office, Silchar on 3/4/2000

Central. P/2

P/24

for joining. (The Photo copy is enclosed herewith). But, I was not allowed to join at Central Excise, Silsagar by the Input, Central Excise Range, Silsagar ad per direction of the Assistant Commissioner, Central Excise, Jorhat. (The Photo copy of letter dated 3/4/2000 is enclosed herewith) on 3/4/2000. → Submitted my representation to the Commissioner, Central Excise, Shillong regarding this matter. In, in this regard, I would like to clarify that neither → concerned office nor applied ETL for the period from 3/4/2000 to 15/4/2000 as per direction of the Assistant Commissioner, Central Excise, Jorhat. I am at all → responsible for the said period. Again, → Submitted my ETL application on 20.4.2000. 16/5/2000 to 16/6/2000, however, it can be informed that I can joining - today on 17/6/2000 i.e., before 16/6/2000 as of applied ETL upto 16/6/2000.

Thanks. i/s

Besides, you also requested to inform me in writing under what circumstances my salary for the month of May 12000 has not been released till today at an early date.

Ends, As
above

yours faithfully
Ranbir Singh

(Balosan 1050)

Dep. Cm. Jodha

To,

The Administrative Officer,
Central Excise Division,
Johat.

Sub:- Submission of E/L application
for the period 19.02.2000 to 16.05.2000

Six,

Please refer to your letters C.Nos-
1060 dated 5.6.2000, 1156 dated 14.6.2000
and 1296 dated 27.6.2000 on the Subject
referred above.

In this connection, I am to inform
you that I had already replied in
response to your letter dated 5.6.
2000 on 13/6/2000 wherein I clearly
explained regarding my E/L W.O.F.
19/2/2000 to 16/5/2000. I declared at
Central Excise Range, Sihsgarh W.O.F.
dated 19/2/2000 to 3/3/2000 as per the order
of Joint Commissioners (P&V), Customs &
Excise, Sihsgarh. Then I applied
for E/L 4/3/2000 to 2/4/2000 with
Sundays and Bank Holidays, Saturdays and
2/4. After that I referred to Central
Excise Range, Sihsgarh on 3/4/2000
and submitted my fitting report. But,
R.O. as per the direction of the Ass'tt.
Commissioner, C.E. Johat. (The photocopy
submitted to you on 13/6/2000).

Contd... page 2

However, you are requested to inform me under what rule an employee is bound/compelled to submit his E/L when he will be directed by the controlling officer not to attend office without reasonable ground. As I attended office w.e.f. 19/1/2000 to 3/3/2000 as per the order dated 11/2/2000 which has been detailed above. Then I applied E/L as above. It is to be clarified that the Assistant Commissioner, Central Excise, Jorhat had directed (i.e. R/o not to allow me to attend office at Central Excise Range, Silsagar after 19/1/2000 which was not only illegal also mis-use of his official power. As the Assistant Commissioner, Central Excise, Jorhat had categorically conferred ~~on~~ 8/1/2000 in the H.O. CAT, Gauhati that he had received an order from S.I.A. Shilling ~~that~~ wherein all Asstt. Commissioner, Central Excise Division were directed not to believe the concerned officers. W.e.f. 11.1.2000, so, I was absent from duty as per direction of the Assistant Commissioner, Central Excise, Jorhat for the period from 3/4/2000 to 16/5/2000.

I was not intentionally absent for my duty for the above said period but I was compelled to remain absent from official duty by the ASSTT. Commissioner, Central Excise, Jodhpur. So, I am not in a position to submit E/L from 19/2/2000 to 3/3/2000 and 3/4/2000 to 16/5/2000 respectively. If any leave rules permits me to do so (under the circumstances) as mentioned above then only I will submit my E/L application. Under the above, you are requested to release my salary for the month of May 2000 without further delay.

Yours faithfully,

(Signature) 07616/00
(Bhawan 1026)

Jaspreet Singh, C.E.

Jodhpur

To,

The Commissioner,
Central Excise,
Shillong.

(Through Proper Channel)

Sir,

Sub : Non payment of salary for
the month of May/2000.

Most humbly and respectfully, I
beg to state once that my salary
for the month of May/2000 has not
been released by the Assistant
Commissioner, Central Excise, Jorhat
though I was on E/L u.e.f.
16/5/2000 to 31/5/2000. The reason
is not known to me.

That sir, it has been observed
that the Assistant Commissioner, Central
Excise Division, Jorhat has been treating
me as foreign national for which
he has been depriving me from
drawing my salary since March
2000 to May 2000 without any reason
also for rendering 2110 from carrying out
of orders dated 11/2/2000 and 15/5/2000
Personnel by the Honorable Commissioner, Central
Excise, Shillong.

Contd. -- P2

Annexure - I

(2)

30 27

The Salary for the month of March/2000 and April/2000 has been released on 16/5/2000 only. Again my salary for the month of May (2000) has been held up.

Under the above facts and circumstances, I am requested to look into the matter at an early date.

Yours faithfully

X/Par, 16/5/2000

(Bholanath Pogre)

Inspector, C.E.C. Jodhpur



Contd. --- Ph

Annexure - I -

To,
The Commissioner,
Central Excise,
Shillong

(Through proper Channel)

Sir,

Sub:- Non acceptance of joining report of Sri Balaram Page, Inspector by the Assistant Commissioner Central Excise Tashat on non payment of laundry for the month of May (Lak)

Most humbly and respectfully,
I beg to state that I submitted my joining report at Central Excise Division, Tashat on 12/5/20 (P.N) and send its copies to the orders dated 15/5/2008 of the Assistant Commissioner Central Excise, Tashat, But, neither been forwarded to me by the dealing of division nor pass the direction of the Assistant Commissioner Central Excise, Tashat, Again, I submitted my joining report to my post on 13/5/2008. In response to my joining report, the Assistant Commissioner, Central Excise, Jorhat has forwarded it to said dealing to post written on 16/5/2008.

"His joining report can not be counterchecked here as he has already been released transferred and posted to N.R.L Range, which has been communicated by the Administrative Officer, e.g. Jorhat on 14/6/2020.

In this connection, I would like to bring your kind notice that your kind Order dated 5/5/2020 I was allocated to join at Jorhat Central Excise Division. Accordingly, the Assistant Commissioner, Central Excise Division, Jorhat passed an order dated 15/5/2020 where in I had been directed/ allowed to join Jorhat Division and posted to Nenzigarch. That is, as per his Order dated 5/5/2020, I joined this division. But, it has been reiterated to without reasonable ground. I will carry out the order ~~dated 15/5/2020~~ ^{as per the present} by the Assistant Commissioner Central Excise, Jorhat. According to his order I must join at Jorhat Division first and then I may be transferred to N.R.L Range at any time.

Control. - P/H

On the other hand, the salary for the month of May/2000 has not been released to me till date though I submitted my ESL ~~on 16-5-2000~~ to 31-5-2000 and subsequently extended i.e. I submitted the same i.e. the day of receipt of the order dated 15/5/2000 as aforesaid. In this regard, I had already intimated to your honour through hopes, channel and in advance through 'Fax'.

Under the above, you are earnestly requested to look into the matter so that I can carry out the Hon'ble C.A.T's order dated 8/6/2000 and yourself order dated 5/5/2000 and decree my salary for the month of May/2000 at an early date.

Enclo:- As above

Yours faithfully

X/5/2000

(Biswanath Das)

Inspector, C.T.

Division, Jhansi

The Commissioners,
Central Excise,
Shillong.

(Through Proper channel).

Sir,

Sub:- Non payment of Salary
for the month of May 2000
and non acceptance of
joining report and non
allowing of drawing of
G.P.F Advance by the
Assistant Commissioner, C.E.
Jorhat.

Kindly refer to my letters dated
21/6/2000, 24/6/2000 and 20/6/2000 on
the subject concerned.

Yours Sir, Commissioner, I would like
to request you to look into the matter
at an early date. Further I am to
add that the Assistant Commissioner, Jorhat
has not sanctioned my G.P.F. advance
through the G.P.F. Advances of other
officers had already been sanctioned
who submitted their applications later
on. That Sir, it has been observed that
how the Assistant Commissioner, Jorhat has been
exercising official power for taking
personal revenge against me. As a
result the Assistant Commissioner, Jorhat
does not care to bypass the orders
of your jurisdiction which had been
categorically admitted in the Hon'ble C.A.T.
Guwahati Bench on 8/6/2000. I had
been directed by the Hon'ble C.A.T. to
follow the Assistant Commissioner's order
dated 15/5/2000 in the light of your
gracious order dated 25/5/2000.

Comptd. - P/2

According to the Assistant Commissioner's order dated 15/5/2000 I have been allowed to join at Jorhat Division and posted to N.R.L Range in view of your kind order dated 15/5/2000. But, it is surprised me to think why my joining report has not been accepted. That Sir, I may be relieved at any time from Jorhat Divisional Office to N.R.L Range. That Sir, it is now crystal clear that the Ass'tt. Commissioner, Jorhat has exercised such powers against me which are not permitted by law and also not tolerable to me.

Under the above situations, I earnestly requested you to direct me to be followed the guideline as I am not allowed to follow the ~~order~~ to your goodself which had already been mentioned above.

Thanking you.

yours faithfully
Ranjan
1305am 28/5/2000
Inspector, CEx, Jorhat

Ans. No. 1

The Commissioner,
Central Excise,
Shillong.

(Through proper channel)

Sir,

Sub:- Non payment of salary for the month of May 2000, non acceptance of joining report and non allowing of withdrawal of GPF advance by the Ass'tt.

Commissioner, Central Excise,
J. Shill.

Kindly refer to my letters dated 2/6/2000, 4/6/2000, 20/6/2000 and 23/6/2000 on the subject cited above.

In this connection, I would like to remind your goodself to look into the matter at an early date as I am facing a serious financial position to maintain my family. Further, it also to be added that my salary for the month of June 2000 is also held up by the Ass'tt. Commissioner, Central Excise, J. Shill.

This is for favour of your kind information and necessary action.

Yours faithfully,
H. B. J. Shill

(Pancharatna Bagchi)
Inspector, Central
Excise, J. Shill.

Annexure - M.

34

S/C

File No. 876/2000
A. DEB ROY
S. C. S. C.
Central Bench
C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWALIJI BENCH

D.A. No. 157/2000

Sohri Industries Poco

..... Petitioners
-vs-
Union of India & Ors.

..... Respondents

IN THE MATTER OF :

Show Cause reply submitted by the
respondents

The respondents beg to submit show cause reply
as follows :-

1. That the applicant has been transferred on 23.1.2000 from the Central Excise to Customs.
2. That the applicant has been relieved w.e.f. 10.2.2000 by order dated 7.2.2000.
3. That the Commissioner, R. Customs kept in abeyance the transfer order dated 23.1.2000 by its order dated 10.2.2000 and in view of order dated 10.2.2000, the Asstt. Commissioner (P & V), Customs and Central Excise, Shillong issued order dated 11.2.2000 directing all the Asstt. Commissioners not to relieve the transferred officers.

...2/-

-2-

4. That the Commissioner, Central Excise, Shillong by its order dated 5.5.2000 directed the Asstt. Commissioner, Central Excise, Jorhat Division to allow the applicant to join back at Jorhat Central Excise Division and to pay his outstanding salary for the months of March and April, 2000 and accordingly the Asstt. Commissioner, Central Excise, Jorhat Division issued an order dated 10.5.2000 directing the applicant to join at Numaligarh under Jorhat Division and also paid his pay for the month of March and April, 2000. He received the order dated 10.5.2000 on 16.5.2000.

✓ 5. That the applicant has not joined his place of posting under Jorhat Division till date.

6. That the applicant has applied for earned leave from 4.3.2000 to 2.4.2000 and again from 17.5.2000 to 31.5.2000. But he did not submit leave petition from 3.4.2000 to 16.5.2000, when he remained absent without any intimation to the office. He was directed on 5.6.2000 to submit earned leave application w.e.f. 18.2.2000 to 16.5.2000 for regularization of his leave.

... 3/-

Annexure - M.

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-3-

VERIFICATION

I, Md. Joyal Abedin, Superintendent (Technical)

Central Police, Dohar, being authorized do hereby
declare that the statements made in the show cause
reply are true to my knowledge and believe.

And I sign this verification on this the
day of June, 2000.

DECLARANT

1. Received the EL application
dated 16/5/2020 of Sd/
B.R. Page, Inspector, CEX.
2. Fisher.



Annexe - A -

38
u1

To,

The Assistant Commissioner,
Central Excise Division,
Jorhat.

Sir,

Sub:- Extension of E/L
upto 16/6/2000.

I have the honour to inform
you that my E/L may kindly
be extended upto 16/6/2000
with sufficing Saturday and
Sunday i.e. 17/6/2000 and 18/6/2000

This is for information and
necessary action.



Yours faithfully

Prakash Regu
(Prakash Regu)

Inspector, C.E., Jorhat

(P.C.)

Fund Rules (India), 1962, governing grant of advances from Provident Fund for the various specified purposes to subscribers, the sanctioning authorities have sometimes been insisting upon the production of documentary evidence in support of the claims, to satisfy themselves the advance is required for a genuine purpose by the subscriber although the rules do not stipulate such a condition. The Staff Side of the National Council of the JCM has represented that requirement of documentary proof and the certificates asked for by the sanctioning authority prior to the sanctioning of the advance from Provident Fund account, causes undue hardship to the subscribers and therefore, these should be dispensed with. The matter was considered in the meeting of the National Council of JCM held on 20th August, 1983 and it was felt that it would suffice if the employees give sufficient details at the time of illness, higher education, house building and marriage of children of the subscriber. It was, therefore, decided that the Form of Application for grant of advances from Provident Fund may be modified. Accordingly, a revised form has been drawn up in consultation with Staff Side of the National Council. This form may be adopted by all concerned.

[G.I., D.P. & A.R., O.M. No. 20 (S)-Pen/83, dated the 17th February, 1984.]

(5) Courses of study for which advances/withdrawals may be given.—
The courses detailed below should be treated as technical in nature—

- (a) Diploma course in the various fields of Engineering and Technology, e.g., Civil Engineering, Mechanical Engineering, Electrical Engineering, Telecommunication/Radio Engineering, Metallurgy, Automobile Engineering, Textile Technology, Leather Technology, Printing Technology, Chemical Technology, etc. etc., conducted by recognised technical institutions.
- (b) Degree courses in the various fields of Engineering and Technology, e.g., Civil Engineering, Mechanical Engineering, Electrical Engineering, Tele-Electrical Communication Engineering and Electronics, Mining Engineering, Metallurgy, Aeronautical Engineering, Chemical Engineering, Chemical Technology, Textile Technology, Leather Technology, Pharmacy, Ceramics, etc. etc., conducted by Universities and recognised technical institutions.
- (c) Post-Graduate courses in the various fields of Engineering and Technology conducted by the Universities and recognised institutions.
- (d) Degree and Diploma courses in Architecture, Town Planning and allied fields conducted by recognised institutions.
- (e) Diploma and Certificate courses in Commerce conducted by recognised institutions.
- (f) Diploma courses in Management conducted by recognised institutions.

3. During the period of a Central Government employee's deputation on foreign service, the competent authority in his parent department only can sanction advances/withdrawals to him from his Provident Fund Account.

4. In case of a person on deputation to a Central Government department from a State Government/Autonomous Body, the concerned State Government/Autonomous Body only can grant advances/withdrawals to such deputationists, unless the concerned State Government/Autonomous Body have delegated such powers to the Central Government department for grant of advances/withdrawals from Provident Fund to such deputationists. Information as to whether a certain State Government/Autonomous Body have delegated such powers to the Central Government departments should be ascertained by the concerned Central Government department by writing to the concerned State Government/Autonomous Body. The Ministry of Finance have no information in this matter. It should, however, be noted that even if such powers have been delegated by a State Government/Autonomous Body to Central Government departments, the Provident Fund Rules of the concerned State Government/Autonomous Body should be followed in granting advances/withdrawals to such deputationists from their Provident Fund accounts.

[G.I., M.F., O.M. No. F. 9 (1)-E. V (B)/77, dated the 29th January, 1979.]

(2) **Grant of temporary advance for Sradh Ceremony.**—Temporary advances from GPF should not be allowed for meeting expenditure in connection with the annual 'Sradh Ceremony' of a person who, prior to his/her death was a member of the subscriber's family or was dependent upon him or was one of his close relatives. An advance under this rule may, however, be granted for meeting expenditure in connection with the *first annual Sradh Ceremony* of such a person provided the sanctioning authority is satisfied that it is obligatory on the part of the subscriber to incur expenditure on such a ceremony and that the expenditure involved is substantial and that it cannot be met out of his normal resources.

[G.I., M.F., O.M. No. F. 22 (13)-E. V (B)/64, dated the 23rd January, 1965.]

(3) **Advance may be granted for first Sradh Ceremony performed within a month from date of death.**—Since in West Bengal the first Sradh ceremony as distinct from "first annual Sradh Ceremony" is performed within a month from the date of death, it has been decided in consultation with the Ministry of Finance, that there is no objection to the grant of an advance from GPF/CPF subject to the condition that no advance will be sanctioned on the first annual Sradh Ceremony and subject to the fulfilment of other conditions laid down in the relevant rules.

[D.G., P. & T., New Delhi, Letter No. 29/17/1/68-Pen, dated the 14th August, 1968 to G.M., P. & T. Workshops, Calcutta, in reply to his Letter No. G.M.N./A-100/Vol. V (99), dated the 4th May, 1968.]

(4) **Production of documentary evidence for drawal of advance not to be insisted.**—In accordance with Rule 12 of the General Provident Fund (Central Services) Rules, 1960 and Rule 13 of the Contributory Provident