#### 7/100

## CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

#### INDEX

O.A/T.A No. 2.4.6.1.2.00.0.... R.A/C.P No..... E.P/M.A No.....

Orders Sheet $\circ$ $\wedge$	Pg	to3	• • • • · · · · · · · · · · · · · · · ·
Orders Sheet	ρρ. <b>D</b> ~ ./	to No. Se day	atronder 2/0
2. Judgment/Order dtd.231404.200	Pgx		
3. Judgment & Order dtd	Received from	H.C/Supreme Cou	irt :
4. O.A246/2000	Pg(	to.2-9	••••
5. E.P/M.P			
6. R.A/C.P	Pg	to	•••••
7. W.S	Pg	to	•••••
8. Rejoinder	Pg	to	•••••
9. Reply			*
10. Any other Papers	Pg	to	•••••
11. Memo of Appearance			•••••
12. Additional Affidavit			•••••
13. Written Arguments			•••••
14. Amendement Reply by Responde	ents		••••••
15. Amendment Reply filed by the A	applicant	<b>\</b>	•••••
16. Counter Reply	•		•••••

SECTION OFFICER (Judl.)

211/2/17

#### In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET APPLICATION NO.

346 OF 199 2000

Applicant(s) Shi G. C. Chauley

Respondent(s) Union of India + Ois.

Advocate for Applicant(s) Mr. B. R. Sharma, D. Sharma An M. Pathale

Advocate for Respondent(s) C\_G. S. C

Date Order of the Tribunal Notes of the Registry D.N. 23.10.2000 Present: Hon'ble Mr Justice Chowdhury, Vice-Chairman

i us application is in-The issue relates to posting of form but not is time Condonation Petition is working as filed / not filed C F. for Rs. 50/ deposited vide IPO/B No. 5.0.3745 Dated 21/10/2000 to Guwahati transferred

an officer. The applicant is presently Superintendent, Archaeologist under the respondent Nos.1, 2 and 3. By Office Order dated 3.4.1998, Annexure A/2, the applicant was Circle Superintendent, Archaeologist from New Delhi where he was posted as Project Director, Konarak and Officer on Special Duty. On completion of his tenure in the North Eastern Region, the applicant made representation to No.2 requesting for his respondent transfer and posting in any of his choice stations, namely Bhubaneshwar, Calcutta, Patna or Hyderabad in terms of the Government of India policy laid down in O.M.No.20014/3/83-E.IV dated 14.12.1983. To this effect the



Notes of the Registry

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Date

Order of the Tribunal

23.10.200

applicant submitted representations dated 21.6.2000 and 27.9.2000. While things rested a such, the impugned order dated 25.9.2000, Annexure A/7, was issued by the Director (Administration) posting the respondent No.4, Shri Syed Jamal Hasan as Superintendent, Archaeologist, Guwahati Circle vice the applicant who is transferred and posted in the same capacity in the Office of the S.A., A.S.I., Excavation Branch, Nagpur against a vacant post. Hence the present application.

Mr J.L. Sarkar, learned counsel for the applicant submitted that the O.M. dated 14.12.1983 its own meaning and has completion of his tenure in the North Eastern Region it was incumbent on the part of the respondents to consider the case of applicant for posting him in any of stations of his choice. The learned counsel submitted that the respondents acted in a most arbitrary and discriminatory manner by posting him in Nagpur overlooking his genuine grievance.

Mr B.S. Basumatary, learned Addl. C.G.C.S., on the other hand, has submitted that the guidelines issued by the Government of India are there for the respondents to act as far as practicable and the Department always emphasises on giving effect to the quidelines as' far as practicable. Basumatary also submitted that the guidelines are only guidelines and have no statutory force. The guidelines reflect the policy of the authority which are meant to be adhered to and on good and sufficient reason there may be some departure therefrom. The materials placed before the Tribunal did not show any such consideration.

Considering all the aspects of the matter, I am of the view that the ends of justice would be met if a direction is issued

Notes	of the Registry	Date	
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o the applicant to make fresh representation to the respondent authority narrating his prievances and also claiming the benefit of

Order of the Tribunal

the O.M. dated 14.12.1983. Accordingly the applicant is directed to make such representation within three weeks from today before the Director, Archaeological Survey of India. If such representation is made within

the time specified the respondents shall consider the same as per law and pass a

reasoned order thereof.

Till the aforesaid exercise is completed the operation of the impugned order dated 25.9.2000, Annexure A/7, shall remain suspended so far the post held by the applicant is concerned.

With the above direction the application is disposed of.

Vice-Chairman

Order of the Tribunal

#### IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH, GUWAHATI

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

केन्द्रीय प्रशासिक अधिकरण dministrative Tribunal

Priginal Application No. 346...of 2000.

Shri G.C.Chauley

..... Applicant.

-Vs-

The Union of India & Others

......Respondents.

#### **INDEX**

			·
	Sl.no	Particulars	Page no.
	1.	Application	1-9
	2.	Verification	10
	3.	Annexure A <sub>1</sub>	1)-12
	4.	Annexure A <sub>2</sub>	13-14
	5.	Annexure A <sub>3</sub>	15
	6.	Annexure A <sub>4</sub>	16-20
	7.	Annexure A <sub>5</sub>	21
	8.	Annexure A <sub>6</sub>	22
	9.	Annexure A <sub>7</sub>	23
15 m	10.	Annexure A <sub>8</sub>	24
	11.	Annexure A <sub>9</sub>	25-29

Date of filing or date

of receipt by post:

Requisition No.

Filed by:

M. Pathak

(Dr. M. Pathak)

Advocate

Signature of the Registrar:

Date: 21, 10.2000

G. C. Chauley

केन्द्रीय प्रशासनिक अधिकाम Control Administrative Tribunal

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH, GUWAHATI

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

Original Application No......of 2000.

#### **BETWEEN:**

Shri Gopal Chandra Chauley,
S/o- Late Dasarathi Chouley,
aged about 55 years, resident of village Chandrapur, P.O.
Bagnan, District- Howrah (West Bengal), now residing at
Panjabari, Guwahati- 781037.

.....Applicant.

-And-

- Union of India,
   Represented by the Secretary to the Govt. of India,
   Department of Culture,
   Ministry of Cultural Affairs and Youth Services,
   Shastri Bhawan, New Delhi-1.
- Director General,
   Archeological Survey of India,
   Janpath, New Delhi-110011.
- Shri Satya Pal,
   Director (Administration),
   Office of the Director General,
   Archeological Survey of India,
   Janpath, New Delhi-11.
- Shri Syed Jamal Hasan,
   Office of the Superintending Archeologist,
   Archeological Survey of India,
   Lucknow Circle.
   Lucknow-226018.

Sg.c. charley

Shri L.S.Rao,
 Office of the Superintending Archeologist,
 Archeological Survey of India,
 Bhubaneshwar Circle,
 Bhubaneshwar.

.....Respondents.

#### DETAILS OF THE APPLICATION:

#### 1. Particulars of orders against which this application is made:

This application is made against the impugned office order No.191/2000-ADM.I issued under F.No. 2-5/98 – Adm.I dated 25.9.2000 thereby transferring the applicant from Guwahati to Nagpur, while his representation dated 21.6.2000 and reminder dated 27.9.2000 were pending disposal by the respondents. The applicant has a right to get his transfer to one of his choice stations under the Office Memo. No. 20014/3/83-E.IV dated 14.12.83 issued by the Government of India, Ministry of Finance, Department of Expenditure.

#### 2. Jurisdiction of the Tribunal:

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

#### 3. Limitation:

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

#### 4. Facts of the case:

4.1 That your applicant is a citizen of India being permanent resident of Village Chandrapur, P.O. Bagnan, District Howrah, West Bengal, and presently residing at Panjabari, Guwahati 781037. Your applicant is working as the Superintending archeologist at Guwahati under the Respondent No.1, 2 and 3. Therefore, the applicant is entitled to all protection under the Constitution of India and any other law, rules framed thereunder.

Ly. C. Chauley

- That the Respondents No. 1 to 3 are the State and the authorities and the Respondent no. 4 and 5 are the private respondents. The respondent No. 4 has been ordered to be promoted and posted at Guwahati in place of the applicant while the Respondent No. 5 has been promoted and posted at the same station at Bhubaneshwar. It is to be mentioned here that the applicant had acquired a right to be posted at Bhubaneshwar as he opted for his posting at Bhubaneshwar.
- That the applicant was promoted and posted as Superintending Archeologist 4.3 with effect from 16.8.85 at Bhubaneshwar, where he worked upto 29.8.97. Thereafter, he was transferred and posted at New Delhi as Project Director, Konarak, and Officer on Special Duty (OSD). This was done vide Office Order No. F.3-12/97-Adm.I dated 1.8.97. The applicant worked at New Delhi from 1.9.97 to 16.4.98, when he was again transferred to Guwahati Circle at Guwahati as Superintending Archeologist where he joined with effect from 17.4.98. This was done Vide Office Order No. F.3-12/97-Adm.I dated 3.4.98. After his joining aft Guwahati, the Applicant had to face serious threat to his life and property, from the antisocial elements and extremists. Inspite of such hostile situation, the applicant could manage to complete his various project works successfully and submitted his reports to the respondents No.1,2 and 3. Considering the sincere services and experience of the applicant, the Respondent No.3 had issued a certificate of appreciation vide D.O. letter No. PA/D(Adm)/Misc/98 dated 10.7.98. The applicant has completed 31 years of service in the department.

The copy of the said Office Order dated 1.8.97, 3.4.98 and certificate dated 10.7.98 are annexed hereto as Annexure A<sub>1</sub>, A<sub>2</sub> and A<sub>3</sub> respectively.

4.4 That the Government of India, Ministry of Finance (department of Expenditure) vide Office Memo No. 20014/3/83-E-IV dated 14.12.83 made some special provisions applicable to civilian employees posted in the States and Union Territories of North Eastern Region as a measure for improvement of conditions of service. This was done with the objective to attract and retain the services of competent Officers for service in the North East, the area being inaccessible and difficult terrain. This Office Memorandum is a Presidential order having the force of law. Amongst other, the said Office Memorandum has provided for fixed tenure posting. The said provisions are quoted below:

G. C. Chauley

4.2

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"There will be a fixed tenure of posting of three years at a time for officers with service of ten years or less and of two years at a time for Officers with more then ten years of service. Period of leave, training etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers on completion of fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible."

In addition to posting to choice station, such Officers who completed the tenure in the North Eastern region are also given some extra weightage like Central Deputation, training abroad, promotion in cadre post and a special entry in the C.R. This applicant has been working continuously at Guwahati since 17.4.98 and has completed about 2 years and 6 months in the North Eastern region. Hence, he is entitled to be posted at a station of his choice as a matter of right.

The copy of the said Office Memo. dated 14.12.83 is annexed as Annexed as Annexure A<sub>4</sub>.

4.5 That the applicant on completion of his tenure of 2 years in tee North Eastern region, made a representation to the competent authority, Respondent No.2, on 21.6.2000 and thereby requested to transfer and post him in any of his choice stations, namely: Bhubaneshwar, Calcutta, Patna or Hyderabad. The said representation was sent to the Respondents No.2 vide forwarding letter No. SA/ASI/GC-2000-751 dated 21.6.2000. but the Respondent No. 2 and 3 did not take any step nor gave any reply to the said representation and the same is still pending disposal.

As the Respondent No.2 and 3 maintained silence over the 21.6.2000 representation submitted by the applicant, the applicant once again, submitted another representation on 27.9.2000 addressed to the respondent No.2 through speed post. Moreover, to ensure receipt of the said representation, the applicant again sent the copies of the representations dated 27.9.2000 and 21.6.2000 through fax on 30.9.2000. By the representation dated 27.9.2000, the applicant again reasserted the fact that he has completed the tenure posting in the North Eastern region and now he is entitled to be transferred and posted anywhere in his places of choice, namely: Calcutta, Patna, Hyderabad or Bhubaneshwar. The applicant also asserted that his wife being an acute patient of diabetes and connected heat ailment, for which his care and attention is very much necessary for her.

The copies of the representations dated 21.6.2000 and 27.9.2000 are annexed as Annexure  $A_5$  and  $A_6$  respectively.

J. C. Charley

That while the representations were pending consideration and disposal, the respondent No.3 has issued the impugned transfer order vide Office order No.191/2000-Adm.I and communicated vide letter F.No.2-5/98-Adm.I dated 25.9.2000 (which was received by the applicant on 30.9.2000 in the evening). According to the said impugned order, the applicant has been transferred to Nagpur and the Respondent No. 4 has been posted by transfer on promotion in place of the applicant. On the other hand, the applicant applied for his posting in a station of choice as a right accrued on him and exercised options, amongst other places to Bhubaneshwar also. But the Respondent No.2 and 3, in complete disregard to his pending representation and request have transferred him to a far distant place (Nagpur), whereas they have promoted and posted the respondent No.5 in the same station at Bhubaneshwar.

Moreover it is surprising to note that the transfer order of the applicant is very much ill-intended and vitiated with malafide as his transfer is made 'with immediate effect in public interest' and that too with a direction to hand over charge to his subordinate officer. Apparently, the impugned order is nothing but an order of promotion and posting of the Respondent No. 4 and 5, where as the applicant, who is a very senior officer in the rank of Superintending Archeologist, instead of being considered favorably under the provisions of the O.M. dated 14.12.83, has been transferred to another station with complete disregard to his request and right accrued under the said O.M. dated 14.12.83.

The copy of the impugned transfer order dated 25.9.2000 (received on 31.9.2000) is annexed as Annexure A<sub>7</sub>.

That the impugned transfer order is also bad for affecting it in the mid academic session. The youngest son of the applicant is pursuing studies in diploma course of computer application at Guwahati. The session has started from September 2000 for six months and is scheduled to be over by the end of February 200. The daughter of the applicant is also doing her M.A. course in the Utkal University in Orrisa.

The copy of the money receipt issued by the National Institute of Computer Management, Guwahati is annexed as Annexure A<sub>8</sub>.

Je Charley

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- 4.8 That it is also well known to the Respondent No. 2 and 3 that this applicant is also a diabetic patent and he is also suffering from piles for which he underwent surgerical operation. Under these circumstances, if he is transferred to a far distant place like Nagpur, his life would be miserable and it would be very difficult to manage his family at 3/4 places with so much of bad health for himself and his wife. The applicant craves the leave of this Hon'ble Court to allow him to rely upon and produce such documents relating to ailment of his wife and for himself during the course of the hearing of the case.
- 4.9 That a writ petition was filed in this Hon'ble High Court as there was no Bench available of the Central Administrative Tribunal, Guwahati Bench since 29.9.2000 upto 17.10.2000 due to long vacation. The Hon'ble Gauhati High Court was pleased to pass an interim order and on the said writ petition, vide W.P.(c) No. 5716/2000 on 3.10.2000 and suspended the impugned order dated 25.9.2000 for a period of three weeks and also transferred the said writ petition to this Hon'ble Tribunal. Accordingly, this application has been made in this Hon'ble Tribunal for proper adjudication in the matter.
- That the applicant is still working as the Superintending Archeologist in the Guwahati Circle uptill now and he is entitled to continue by virtue of the order of suspension of the impugned transfer order dated 25.9.2000 upto 24.10.2000. If the said impugned order is not further stayed/ suspended, the applicant would be relieved of his duties from Guwahati and be forced to join at Nagpur, which is not his station of choice as applied for. If it is allowed to happen, the applicant will suffer irreparable loss and injury. Therefore, the applicant prays that till his representations are disposed of and or his transfer order is modified to transfer the applicant to any of his choice stations, the impugned transfer order may be suspended or stayed. Moreover, even if the impugned transfer order is modified and the applicant is transferred to his station of choice, the applicant may be allowed to continue at Guwahati, upto February 2001, when the academic session of his son would be over.

A copy of the said order dated 3.10.2000 is annexed as Annexure A<sub>9</sub>.

#### 5. Grounds for relief with legal provisions:

G. C. Chanley

- 5.1 For that the denial of benefit under the Government of India Office Memo. No. 20014/3/83-E.IV dated 14.12.83 to the applicant and non-consideration and non-disposal of the representations dated 21.6.2000 and 27.9.2000 is prima facie illegal and arbitrary and hence the impugned transfer order dated 25.9.2000 to the extent of the transfer of the applicant is liable to be set aside and quashed.
- For that the law relating to transfer is well settled by the Apex Court; as no 5.2 Court or Tribunal shall interfere with such transfer order unless such order id vitiated with malafide, violation of statutory rules. All matters regarding personal difficulties/problems are to be taken up with the departmental authorities for consideration. But in the instant case, the impugned transfer order has been issued with clear malafide action of the respondent No.2 and 3, particularly the Respondent No.3 who knows well about the applicant when the representations were pending with him, more so on the face of the Office Memo. dated 14.12.83. Therefore, the impinged order is vitiated as it is intentionally made to be with immediate effect and with directions to hand over charge to a subordinate officer, although there is no such urgency or exigency apparent on the face of the order. Moreover, the Respondent No.3 has issued the order in contravention of the terms and conditions of the Office Memo. dated 14.12.83, which has the force of law. The applicant acquired a right to get his transfer to a place of choice and accordingly submitted representation naming the stations of choice but the respondent No.2 and 3 has denied the same right to the applicant. Hence it is a fit case in which this Hon'ble High Court would be pleased to exercise its jurisdiction.
- 5.3 For that the reliever of the applicant, namely Sri. K. Lorduswamy, Deputy S.A., who is on leave and is expected to resume duty by 3.10.2000 is very likely to demand handing over of charge from the applicant and the applicant apprehends to be relived to by 3.10.2000 itself.
- 5.4 For that the applicant has a right to get his transfer to the station of his choice in terms of the aforesaid Office Memo. dated 14.12.83 and on the basis of his representations dated 21.6.2000 and 27.9.2000. Under such circumstances, while the said representations are pending, the impugned order dated 25.9.2000 is illegal, arbitrary and vitiated with malafide. The impugned order being issued without disposal of then representations amounts to violation of principles of natural justice and administrative fairplay. The applicant also has the right of legitimate expectation, which has been denied to him. The

J. C. Charley

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applicant deserves reward under Office Memo. dated 14.12.83 but instead got punishment in the form of transfer to Nagpur.

- 5.5 For that the applicant demanded justice that has been denied to him.
- 5.6 For that the applicant states that there is no other alternative and efficacious remedy available and the relief prayed for, if granted, shall be just, proper and adequate.
- 5.7 For that this petition has been made bonafide and for the ends of justice.

#### 6. Details of the remedies exhausted:

The applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

#### Matter not pending before any other Court; etc.

The applicant declares that he as petitioner had filed a writ petition in the Hon'ble Gauhati High Court, vide W.P.(c) No. 5716/2000 and the said writ petition was disposed of and transferred to this Hon'ble Tribunal by an order passed on 3.10.2000. The applicant further declares that he has not filed previously any application, writ petition (other than W.P.(c) No. 5716/2000) or suit regarding the grievances in respect of which this application is made before any other Court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them. It is further stated that the applicant has submitted his representations on 21.6.2000 and 27.9.2000, seeking his transfer to his choice station under the provisions of O.M. dated 14.12.83 and the same are pending, whereas, the impugned order dated 25.9.2000 has been issued without disposal of those representations.

#### 8. Relief sought for:

Under the facts and circumstances stated above, the applicant most respectfully prays that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to grant the following relief's to the applicant:

lg.c. Charley

- 8.1 To direct the respondent No. 1, 2 and 3 to cancel or modify the impugned transfer order dated 25.9.2000 (Annexure A<sub>7</sub>) only to the extent of transfer of the applicant from Guwahati to Nagpur;
- 8.2 To dispose of the representations dated 21.6.2000 and 27.9.2000 submitted by the applicant under the provisions of the Office Memo dated 14.12.83 (Annexure A<sub>4</sub>) and transfer him to any of the stations of choice, namely, (i) Bhubaneshwar, (ii) Calcutta, (iii) Patna or (iv) Hydarabad;
- 8.3 To allow the applicant to continue at Guwahati upto the month of February, 2001, when the academic session of his son at Guwahati will be over; in case the applicant's request to transfer him to his station of choice is considered favorably by the respondents;
- 8.4 Cost of the application;
- 8.5 Any other relief/ reliefs to which the applicant is entitled to under then facts and circumstances and the law and as deem fit and proper.

#### 9. Interim orders prayed for:

Pending disposal of this application, the applicant prays for an interim order to stay or suspend the operation of the impugned transfer order dated 25.9.2000 (Annexure  $A_7$ ) and to allow the applicant to continue at Guwahati during the pendency of the case.

#### 10. Particulars of Bank/ Postal order in respect of the application fees:

- (i) No. of IPO: 26, 503745
- (ii) Name of the issuing Post Office: Head Post Office, Guwahati
- (iii) Date of issue of IPO: 21.10、2000
- (iv) Post Office at which payable: guwallah'

#### 11. Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

Gr. Charley

#### **VERIFICATION**

I Shri Gopal Chandra Chauley, S/o. Late Dasarathi Chauley, aged about 55 years, at present working as the Superintending Archeologist, Guwahati Circle, Guwahati, do hereby verify and state that the statements made in paragraphs? 683+8529 are true to my knowledge and belief and those made in Paragraphs! 3,4(41.1641),5(51.1657)-7,8(811.1681) 1021) Being matters of records are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this . 23.7th day of October, 2000 at Guwahati.

J. C. Charley

SIGNATURE OF THE APPLICANT.

PLACE:

DATE:

To,

The Registrar, CAT,

Guwahati Bench.

Jr-C. Chanley

1/0

110 ar .3-12/97-4.dr .I Govt. of India ARCHAECLOGICAL SURVEY OF HIDIA 1 AUG 1997

Jennath Hen Delhi-11, the 1 August 1997

#### OFFICE OIDER 110.243/97-ADI .I

The following postings/transfers of Superintending Archaeologists are hereby ordered, in the public interest, with immediate effect and until further orders:-

Sr. Hene of the Officer

(1) Shri C. Dorje

Office of the Director General, .4.3.I., II Dollid

O/o Sali, L.S.I., Ageinst Srinagar Cirole, a vecant ಇಂ ೧ ರ Jammu

(2) Dr. G.C. Chauley

0/0 S.A., A & .I., Dhubensower Odrolo, Bhubaneowar

Vice Shri Office of Director General, G. Donja, Las at a, ii Delhi

(3) Shui K.M. Rememberthy O/o S.A. (Chatom),

A.S.I., Tharuvarantijanuren

0/o S des, les oI., Vice Dr. Bhubenesver Odr G.O. Chauloy. ole, Bhubaneswar 3 1.0

Consequent upon the above transfers :-

- Dr . (Km.) Arandhati Benerjee, Deputy Superintending Archaeologist (Publication) will take over the charge of the post of Superintending Archaeologist (Publication) from Shri C. Dorje, Superintending Archeeologiet, enabling him to join at his new place of posting immodiatoly;
- Shri L.S. Reo, Deputy Superintending Archaeologist, Thrisour Circle, Thricour, will tele over the charge from Shri K.K. Ramamurthy, Superintending Archaeologict, rron whri R.M. Rememberty, Superintending Archecologist, immediately enabling him to join duties at Office of Superintending Archecologist, A.S.T., Ehubeneswer Circle, Ehubeneswer. Shri L.S. Reo, Deputy Superintending Archecologist, will, in addition to his own duties, hold the charge of the O/o Superintending Archecologist (Customs), A.S.I., Thiravenenthapmen, with immediate effect and until further orders; and

Afterter andrue uting

contc. . . .

(3) Shri T.J. Alone, Deputy Superintending Archaeologist, Bhubanesuar Circle will take over the charge of the Ehubanesuar Circle office from Dr. G.C. Chauley, S.A., immediately enabling him to report for duty at the Office of Director General, A.S.I., Januath, New Delhi. Simi T.J. Alone, Deputy Superintending Archaeologist, will, in addition to his duties, hold the charge of oursent duties of Superintending Aromaeologist and will also sot as Read of Office and Drawing & Disbursing Officer in respect of the O/o Superintending Archaeclogist, A.S.I., Bhubanesvar Circle, Bhubanesvar, till joinining duties by Superintending Archaeologist on till further orders, whichever is earlier.

Mindi version will follow.

Raman ...( SATYA PAL (Achiama etheniaon) Director

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A.J.I., Egrs. Office, H.Delhi.
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A.J.I., Hers. Cffice, H.Delhi.

Dr. 3.C. Chauley, S.A., A.C.J., Bhitbeneover Circle, Shubencover. Simil To Adjone, Dy. S. d. ., L. S. . I.,

Shubaneswar Circle, Bhubaneswar .

Shri K.K. Rememberthy, GA (Quotoms), 1.3.I., Thir uven sa the purem.
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7. Director (Pub.); A.S.I., Egrs. Office (2 copies), with the request to kindly enqure proper handing/taking ever of charge before cotuel roller of Simi C. Dorte, S. M. C/o S.A., L.S.T., Bhubeneswer Circle, Bhubaneswer (2 copies). C/o S.A. (Customs), A.S.T., Thrivenenthepuren (2 copies). Pay & Accounts Office, A.S.T., H.Delhi/Hydersbed (2 copies and

11. P.J. /P. d. . to D. 7. / A. D. G. (Adm.) /Dir. (Adm.) /D D. (Ac)

12. Lil Cificors & Sections at Equa. Cifice. 13 . Adm. II/Cash Section, Hers. Office (6 coules each) .

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18. Dy Dimeotor (C.L.), Eqrs. Office, for hinds vorsion pl.

Attended of a colomby

Gimi C. Dorje, C.A., Pub. Branch,

They are requested to take Ly enoure proper hending/

15. No F. 3-5/65 Act .I / Guard file / Crisics Order file.
15. All dealing Assistants in Adm.I Section. 17. Seoretza General (Propident, A.I. & A., Bangaloro/Agre.

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#### He F.3-12/97-Adm.I Sort. of India ARCHAECLOSISAL CHYVEY OF HUDIA

Hen Delhi-110011, the 2 APRIL 1998.

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#### CFTIDE OFDE: HC .77/9C\_/DI .I

The following postings/transfers of Superintending Archaeologicts are hereby ordered, in the public interect, with immediate effect and until further orders:

	On . Hame of Officer		New place of posting	Rements
	(1) Dr. K.P. Poonsoha	Bangelore Circle, Be-ngalore	C/o D.G., ASI, New Delhi	Against a vacant cost
	(2) Dr. P.K. Lichra	Chendigarh Oirole, Chandigarh	Bhopal Circle, Bhopal	Vice Shri AK Sinhe, GA
•	(3) Sh. A.M. Sinha	Shopal Circle, Blopal	C/o D.G., ASI, New Delhi	Against a vecent post
•	(4) Sh. F.W. Triwedi	Temple Survey Project Bhopal.	C/o D.G., ASI, New Delhi	Ageinst a
	S de . ( col-lic c )	· ·	Tample Survey Project, Bhopal	PR Trivoca
	(6) Sh. C. Dorjet	Srineger Cirole, Jameu	Ohendigerh Cir olo, Chandigerh	PR Milabra, 44
شكرا	(7) Dr. G.C. Chauley	C/o D.G., A.S.T., New Dallid	Guwahati Cirole Guwahati	J.Dac, Dat.
	(8) Dr. E.R. Mania	Excevation Branch, New Dollar	Jemmu	Dorge, was
	(9) Dr. D. Jitonera Das	Guwehati Circle,	Bengelore Cir- ole, Bengalore	Vice DR . TO Poonceir, OA
	(10) Km. Kadhu Bela	C/o D.G., L.S.T., New Delhi	Excevation Br., New Delhi	Vice Dr. Ell. Kani, C.A.

Consequent upon the above postings/transfors:-

4. All the Superintending Archeeologicts, so transferred, will hand over the complete there of his/their office to his/ her/junior Deputy Superintending Archeeologict, who will, in addition to his own duties, hold the charge of current duties of Superintending Archeeologist and will act as Head of Office and Drawing & Disbursing Officer/Choque Drawing Officer, till a regular Superintending Archeeologist joins duty or until further orders, whichever is earlier. Dr. P.K. Trivedi, S.L.,

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Cuta ved to be Jour Paro cale Alester ordunders eg. e. charles

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will hand over the charge of his office to Chui Harayan Vyes, Deputy Superintending Iroheeologist, 0/o S.M., 1. 3. I., Phopel Circle, Bhopel, who will, in addition to his own duties, hold the charge of the C/o B A., L B.I., Temple Gurvey Project, Bhopel and will act as its Head of Office and D D.C./C D.C., till Shri K.K. Rememurthy, S A., Joins Guty.

- 2. Shri T. Llone, Deputy Superintending Archaeologict, in add-Ation to his own duties, will hold the charge of the comment duties of the post of Quperintending Archiecologist and will act as Moad of Office and D.D. C. /O.D. C. in mespect of the 0/o 3 d., L.S.I., Bhubenequer Otrole, Bhubenequer, with immediate effect and until further orders.
- 3. Km. Wedhu Bele, Superintending Archaeologist, in addition to her duties, will hold the additional charge of the Kalibergan Section of the O/o Pirector General, A.S.I., Now Delhi, till furthem orders.
- 4. All the concerned Supprintending Archaeologists will hand over the complete charge of their emisting posting by 13.4.1990 positively and flumith compliance report by Pax.

"Mindi version will follow."

(SITIL PLL)

Director X4dministration

#### Distribution :-

1. All Officers concerned (Para 1, Col.2 & 3). BY SPEED 7/2. All Offices concerned (Para 1, Col.3 & 4). RECD. POST 3. PLO, LSI, II Delhi/Hydorabad(2 topies cach). 4. P.S./P.J. to D.G./L.D.G./Dir.(Lan.)/D.D.(L/c).
5. All Officers end Sections at Horo. Office.

Inst. of Archy./C.d. Albrery/C.d. & Section, New Delhi.

All Archaeological Chrices.

All dealing Assistants in Adm, I Gestion.

10.

Secretary General/Precident, L.I.L.S.L., Bengeloro/Agra.

General Secretary/President, L.I.L.C.L., New Delhi/Rangalous.

11. Office Order file / Guard file.

12. File No.3-12/98-Ldm.I.

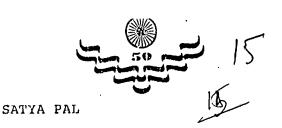
13. Ldm.II / Cash Weetlen, Hems. Office, New Delhi (2 copies each).

14. Dy. Director (C.L.), Hems. Office, N. Delhi, for hindi version pl. 13.

Plan to Secretary (Culture) /Jt Georgtery (M), Shaotri Bhavan, How Doiled .

Attested at me





D. O. No. PA/D(Adm)/Misc./98 निदेशक (प्रशासन) DIRECTOR (ADMINISTRATION) भारतीय पुरातत्व सर्वेधण ARCHAEOLOGICAL SURVEY OF INDIA जनपथ/Janpath.

नई दिल्ली-110011, तारीख------19 New Delhi-110011, the......10.2.7.-1998

#### TO WHOMSOEVER IT MAY CONCERN

ÂNNEXURE-

This is to certify that Dr.G.C.Chauley, M.A. Ph.D., Diploma in Archaeology and Diploma in Museology, presently working as Superintending Archaeologist, Guwahati Circle joined the Survey as Curator in 1970 and worked in Archaeological Museum, Helebid Nalanda and Bodhgaya and in Karnataka, Archaeological Museum has undertaken re-organistional works there. He joined the Group 'A' service in the Archaeological Survey of India as Dy Superintending Archaeologist in January 1978 and was posted in Bangalore Circle where he remained upto 14 July, 1980.

He was posted to Velha Goa as Dy.SA Museums, Western Region, Velha Goa as Head of the western region Museums Branch w..e.f. July 15, 1980 and continued up to August 1985.

He has organised Archaeological Museum Old Goa and Lothal in was selected by Subsequently he Guiarat. Suptdy.Archaeologist and posted in Bhubaneshwar as S.A. and Head of Office of the Circle w.e.f. 16 August, 1985 to August, 1997.

He has total 13 years of experience in the Museums Branch of ASI and has experiences in organising Museums and exhibitions, excavations and explorations, and conservation of monuments. He was responsible for deplastering and conservation of Lord Jaganuath Temple at Puri and successfully completed the project.

He was Project Director for Konark also from August 1997 to April 1998.

He has conducted excavations at Lalitagiri and brought to light the relic casket and monastic complexes etc. In the 28 years of service, he has gained 15 years of archaeological and administrative experience in responsible capacities and 13 years of experience in Museums which is more than the prescribed experience by the UPSC for the post of Director General, National Museum.

He has published over 40 research articles. One book on Early Buddhist Art of India and his book on Art & Architecture of Nalanda is in the Press.

I wish him all success in his future.

azinana ( Satya Pal )

(SATTA PAL)

Digester (Admn.) Archaeological Survey of India

Rate on the don't

Ne.20414/3/83-E.IV Covernment of India Ministry of Finance Department of Expenditure

New Delhi, the 14th Decompane 1983.

#### OFFICE NEMORAYOUN

Allewandes and fedilities for divilian employees of the Contral Obvernment serving in the States and Union Territories of Mrrch-Bastern Region - improvements thereof.

The newd fer attracting and retaining the services of dempetent efficies and bervice in the North-Enstern Regions comprising the States of Assam, Maghalays, Maripur Nageland and Tripura and the Union Territories of Arundohal Pracesh and Mimeram has been engaging the ettention of the Government for mome time. The Government had appointed a Committee under the Cheirmonship of Accretary, Department of Personnel & Administra-tive Account to Forthw the existing allowances and facilities admissible to the various categories of civilian Central Covernment ampleyees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been derefully considered by the Government and the President is new plansed to decide as fellows.

#### (i) Tenure of posting/nepitotion:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, an completion of the fixed tenure of service mentioned above. above, may be considered for posting to a station of their chaice as far as pensible,

The period of deputation of the Central Gavernment employees to the States/Union Territories of the North Eastern Region Will denerally be for 3 years Which can be extended in exceptional chart in exigencias, of public service as well as when the amployable denderned is prepared to stay longer. The admissiblo deputation allewance will also continue to be paid during the period of cepitation so extended.

weightage for Central deputation/training abread and appoint mention in confidential Records.

debisfratory (performance of duties for the

Acreted Altober, changed

prescribed tenure in the North East shall be given due recognition in the case of eligible efficers in the matter of -

- (a) premotion in dadre pests;
- (b) deputation to Control tenure poster and
- (c) mourses of training abread.

in a cadre post between two Central tenure deputations may also be relexed to two years in deserving cases of meritorieus serm

A appointed entry shall be made in the C.R. of all employmes who rendered a full tenure of service in the North Eastern vice in the North East. Region to that effect.

## (111) Sprois (Ducy) Allowance :

Central Government civilian employees who have all India transfer liability will be granted a Special (buty) Allewance it transfer liability will be granted a subject to a ceiling at the rate of 25 per dent of basic pay subject to a ceiling at the rate of 25 per dent of basic pay statution in the North Radon per month on posting to any statution in the North Radon. Such of those employees who are exempt from Eastern Radion. Such of those employees who are exempt from payment of income tax will, hewever, not be eligible for this payment of income tox will, herever, not be eligible for this special (Duty) Allowance. Special (Duty) Allowance will be in prediction to any special pay and/or Deputation (Duty) Allowance addition to any special pay and/or Deputation that the total of already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/Deputation (Duty) allowances are special (Duty) Allowances of the Construction of the Special Commonstruction (Demonstruction ( 11ke Spoutel Campensatery (Remote Locality) Allewance, Construction and Allewance Property (Section 1) clon Vilewouds and Broledt Vilewouds Aill be drawn soborately.

## Brigial Compansatory Allewance

The rate of the allowance will be 5% of basic pay Anoun and Haghalaya subject to a maximum of Rs.58/~ p.m. admissible to all employees without any pay limit. The abeve allevance will be admissible with affort from 1.7.1982 in the case of Assam

The rate of allowence will be as follows for the . nanipur whole of Manipur 1.

Pay upes Ro. 840/-Pay above Rs.260/-

ns.49/- p.m. 15% of basic pay subject to maximum of Rs.150/- p.m.

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The rates; of the allowance will be as follows:-

pleffoult Arean .

25% of pay subject to a minimum of um of Rc.50/- p.M.

other Areas. (d)

pay upto Rs.260/- Rs.40/- P.m.

Pay obeve Rs. 260/- 15% of basic pay subject to a maximum of Rs. 150/- P. M.

There will be no change in the existing rates of Special Compensatory Allewances admissible in Arunachai Predeshy Magaland and Miscross and the existing rate of Disturbance allewance and Migorna and the existing rate of Disturbance allewance admissible in specified areas of Misonam.

## (v) Travelling Allawance on first appointment :

In relaxation of the present rules (8.R.105) that travelling ellowance is not admissible for journeys undertaken in connection with the initial appointment, in case of journeys in connection with the initial appointment to a post in the North-Rastern for takeing up initial appointment to a post in the North-Rastern region, travelling allowance limited to ordinary bus fare/second region, travalling allowands limited to ordinary bus tare/second class rail fare for road/rail journey in excepts of first 400 kms. for the Government servant himself and his family will be admissible. admissible. 5

## Trayalling Allowance for journey on transfer

In relaxation of orders below B.R.116, if on transfer to & Spation in the North-Eastern ragion, the family of the to a station in the North-Esstern region, the family of the Covernment serOsvernment servant does not accompany him, the Covernment servent will be paid travelling allowance on tour for self enly for 
transit period to join the post and will be parautted to darry 
personal officers upts 1/3rd of his entitlement at Gevernment cost 
personal officers upts 1/3rd of his entitlement of his entitlement 
or have a cash aquivaliant of marrying 1/3rd of his accumor the difference in weight of the personal effects he is sound 
or the difference in weight of his antitlement as the case may be 
ally currying and 1/3rd of his antitlement as the case may be 
in lieu of the cost of transportation of beggage. In case the in lieu of the cost of transportation of baggage. family accompanies the Government servant on transfer, the camily accompanies the Gevernment servant on transfer, the Gevernment satisfies the entitled to the existing admissible transpertation of the transpertation of the transpertation of the admissible weight of personal affects according to the grade to admissible weight of personal affects according to the weight of the which the officer belongs, irrespective of the weight of the which the officer belongs, irrespective of the weight also apply which the officer belongs, irrespective of the weight also apply the course of the section that the worth the section of the sectio Beggage actually carried. The above previsions will alse apply for the return journey on transfer back from the Worth Bastern nugton.

Affection of the colors

## (vii) Road mileage for transportation of personal effect

In relaxation of orders below, S.R. 116, for transpor-tation of personal effects on transite between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the notual expenditure incurred by the Gevernment servant will be admissible.

## (viii) Joining Time with leave &

In dase of Government servents proceeding on leave from a place of posting in North-Eastern Region, the period of travel in excess of two days from the station of posting to out side that ragion will be treated as joining time. The same denceación will be admissible en return frem lenve.

### (ix) Leave Travel Concession :

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowence for the family will have the entian to sunil of the eximination leave travel can. ly will have the option to avail of the exinting leave travel concession of journey to home town once in a block poriod of 2 years, or in link thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the family in for the station of posting in the North East to his family as the children only) also to travel once a year to visit the amployed of the station of posting in the North Eastern Region. In case: the option is for the interralive, the cost of travel for the initial distance (400 kms./160 kms.) will not be berne by the officeri'

families, i.e., spouse and two dependent children (upte 18 years for beys and 24 years for girls). Will be allowed air travel between imphal/sileher/Agertain and Calcutta and vice-wersa, while performing journeys mentioned in the preceding paragraph.

## children Education Allewance /Hontel Subsidy:

Where the children de not accompany the Government mervant to the North-Eastern Region, Children Education Allewance upto class XII will be admissible in respect of children studying at the last station of posting of the employees donucrned or any other station where the children reside, without any restriction of pay drawn by the Covernment servant. If Children studying in schools are put in hestels at the last station of posting or any other strains the Government servent concerned will be given hosel subsidy without other restrictions.

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The above orders except in sub-pern (1v) will alon mutatin mutandia apply to Contral Government employees posted

These erderd will take effect from 1st November, 1983 to Andaman and Nicabor Islands. oud will nemain in tondo ter a herioù et rimeo Adara abro 31 ar

All existing special allevances, fecilities and ourments of the Central Government to their swe smalleyes in the North-Easter's medion will be bitherson from the Aste of affects October, 1906. North-Easters weglon will an withdrown from the date of effect of the crears of main of the Office Hemorandum.

Roparate erders will be immed in respect of other recommendations of the Committee referred to in paragraph 1 as and where decisions are taken on them by the Covernment.

and Accounts Department ore cancerned, those erders issue after consultation with the Comptroller and Auditor Conumnt of India.

JUINT BECRETARY TO THE GOVERNMENT OF INDIA. ( S.O. MANALIK!)

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Copy (with approx morpion) to Cab A.G., U.P.S.C.

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The Director General Archaeological Survey of India Janpath, New Dolhi.

Amnexine - A5

Subs- Choicest Place of Posting as per 0.M. 20014/283 E IV dt. 14/12/1983- reg.

Madam,

I have completed my Two Years Tenure in Guwahati Circle on 16 th April & achived record progress in Conservation (report submitted to you 1999-2000) inspite of provaling unrest & extortion etc.

As per above O.M. of 14/12/1983 I am ontitled to be get posting in place of my choice in case I am considered for transfer from Guwahati. I beg to submit following place of my choice viz. (i) Bhubneshwar Circle (ii) Calcutta Circle (111)Patna Circle or Hyderabad Circle.

This is for your kind information and hosessary acti

Yours faithfully

( G. C. Chauley

Alkertae of Journey

NO. 6 A/A-SI/46-2020-

Government of India Archaeological Survey of India Guwahati Circle Ambari, Guwahati - 1

27/9/2000

To,

The Director General, Archaeological Survey of India Janpath, New Delhi - 11

Subj: Request for Transfer to place of choice asper O.M.No. 20014/283 - E IV Dated., 14-12-1983.

Madam,

I have the honour to inform you that I was transfered from New Delhi to Guwahati vide order No. F-3-12/97-Adm - I office order No. 77/98 Adm - I. Dt. 3rd April and joined at Guwahati being an obedient & dutiful public servant on 17-4-1998. After my resumption of duty at Guwahati I am .discharging my duties with all sincerity and devotion inspite of the adversities and the local conditions apart from the difficult conditions as emphasised in the office memo dt. 14-12-1983.

That Madam I have already completed 2 years 6 months service of my tenure posting in the North-East Region and I am now entitled to be posted at a station of my choice. It may also be noted that I have not availed any such leave or training more than 15 days at a stretch during my tenure in the North-East Except my E.L. for about a month from 26th june to 25th July 2000.

Be it also mentioned here that my wife is a serious patient of Diabet & acqute heart patient, my presence is very much necessary for her proper care & treatment also.

Therefore I being the senior most S.A. with 31 years service in my credit, place this application for your kind consideration for effecting my transfer to the place of my choice as given below.

(1) Calcutta circle, (2) Patna Circle (3) Hyderabad Circle, (4) Bhubaneshwar Circle. For kind & sympathetic consideration of my case I shall remain ever grateful to you.

With profound regards.

N.B. My representation sent to for vide this other ac Ruter NO BA/A .S.9/G.C-2000-751

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起。自己,是中国,学自由人的历史是 Government of India Archaeological Survey of India

Janpath, New Delhi-110011. Dated: 25-09.2000

#### OFFICE ORDER NO.191/2000-ADM.I

On the recommendation of Departmental Promotion Committee Group' A' Gazetted), the president is pleased to appoint the following Deputy Superintending Archaeologist (General Central Service Group's Gazetted) in the pay scale of Rs.8000-13,500/- to the post of Superintending Archaeologist in the pay scale of Rs. 10,000-15,200/in the Archaeological Survey of India on promotion basis in order of seniority with immediate effect from the date of their actual assumption of charge of the post. They are posted at the places shown against their name on promotion, until further orders :-

•		Place of posts	•	7.
Sl.No.	Name	Present	on Promotion	Remarks
	L.S. Rao	S.A. (I/c), Bhubaneswar Circle	Bhubaneswar Circle	Against vacant post.
2. Shri	Syed Jamal Hasan	O/o S.A., Lucknow Circle	O/o S.A., Guwahati Circle.	Vice Si G.C.Chalay, Sawho is transfeed as

In case the Promotion is acceptable, to the concerned offici they should convey their unconditional acceptance to the directorate with in one week from the date of issue of this order failing which it will be presumed that they are not interested in their promotion and as such their case of promotion to the post in question will no be considered during the next one year.

Shri G.C. Chaulay, Superintending Archaeologist, A.S.T. 5 Guwahati Circle is hereby posted to the O/o S.A., A.S.I., Excavation Branch, Nagpur against a vacant post with immediate effect in publiinterest.

'Hindi version will follow

Satya Pal Director(Administration)

1. Shri L.S.Rao, S.A.(I/c), Bhubaneswar Circle.
2. Shri Syed Jamal Hasan, Deputy S.A., Luckhow Circle.
3. Shri G.C. Chaulay, S.A., Guwahati Circle is directed to hand over the charge of Shri K. Loardu Swamy, Dy. S.A., and proceed to Nagroto take charge of the O/o S.A., Excavation Branch, Nagpur.
4. S.A., A.S.I., Lucknow Circle is requested to relieve Shri Syed

Jamal Hasan.

5. P\$/.PA to DG/ADG/Dir(Adm)/All Directors/Dy.Dir.(A/c).

6. PS/PA to Secretary(Culture)/JS(M), Deptt. of Culture, Shastri Bhawan, New Delhi.

7. Pay and Accounts Office, A.S.I., New Delhi/Hyderabad.

8. All Officers/Sections at Hars. Office, New Delhi.

9. All Archaeological Offices.
10.Dy.Dir.(OL), Hars. Office, for hindi version pleased 11. Office Order file/Guard file.

24

#### MONEY RECEIPT

## NATIONAL INSTITUTE OF COMPUTER & MANAGEMENT

Govt. Regd. Educational Society under Societies Registration Act. XXI of 1860 ( Regd.No.732 ).

Also Regd. under H.R.D (N.Y.K), Govt. of India

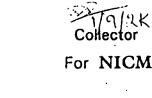
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(): 91-0361-332147, E-Mail : nican@indya.

0361-332147. E-Mail: nicon@indyn ⑤ の(1 か^^) イ か

Affect of the colonier

9/15/ ANN'EXURE-A IN THE GAUHATE HIGH COURT (High Court of Assont Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arenackul Prajesh)

Mizoram & Arenackul Prajesh)

To the first one of the State of the ar of the water arm as the vice of the arms Civil Rule No 5.76. of # 2000 Som Bopal ch-Chamley Petitioner Versus The runion of India Respondent. Appellane C.G.B.C Serial Date

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#### IN THE MATTER OF:

Shri Gopal Chandra Chauley, S/o- Late Dasarathi, Chouley, aged about 55 years, resident of village Chandçapur, P.O. Bagnan, District- Howrah (West Bengal), now residing at Panjabari, Guwahati-781037.

.....Petitioner

- 1. Union of India, Represented by the Secretary to the Govt. of India, Department of Culture, Ministry of Cultural Affairs and Youth Services, Shastri Bhawan, New Delhi-1.
- 2. Director General, Archeological Survey of India, Janpath, New Delhi-110011.
- 3. Shri Satya Pal, Director (Administration), Office of the Director General, Archeological Survey of India, Janpath, New Delhi-11.
- 4. Shri Syed Jamal Hasan, Office of the Superintending Archeologist,

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Archeological Survey of India, Lucknow Circle. Lucknow-226018.

5. Shri L.S.Rao, Office of the Superintending Archeologist, Archeological Survey of India, Bhubaneshwar Circle, Bhubaneshwar.

.....Respondents.

Alleria on the diane

3.10.2000

BEFORE

THE HON'BLE MR.JUSTICE JN SARMA.

Heard Mr.RP Sharma, learned

counsel for petitioner.

Let the records be called for.

Let a rule issue calling upon
the respondents to show cause as to cause
as to why a writ should not be issued
as prayed for, and/or why such further
or other orders should not be passed as
to this court may seem fit and proper.

Mr. KK-MAHANIA, LBarnedl CCSC

accepts notice on behalf of respondents

Are of consult

Is.

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Noting by Office of No.

Serial 5 No.

No.

Office notes, reports, orders of proceedings with signalures

This matter is taken up in view of the fact

that as on today the Tribunal is not available inasmuch as the vice Chairman is on leave. This matter shall stand transferred to Tribunal at Guvahati. For a period of 3 weeks from today, the order dated 25.9.2000 shall stand suspended.

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Remerk in affron 3. [10 | 2021

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