

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 171/2000

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SECTION OFFICER (Judl.)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

**ORDER SHEET**

APPLICATION NO. 171/2000

OF 199

Applicant(s)

Dr. Prem Saran.

Respondent(s)

Union of India and or.

Advocate for Applicant(s)

Mr. B.K. Das Mr. S.K. Chakraborty.

Mr. P.K. Ray

Advocate for Respondent(s)

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Form and within 10 C.F. of Rs. 500 deposited vide IPO No. 492235 Dated 1.5.2000</p> <p>IN 19/5/00 R</p> <p>23-5-2000</p> <p>Notice prepared and sent to D. Section for issuing of The same to the respondents through Registered post with A.D. vide D.No.</p> <p>Ex 1427 &amp; 1428 Dtd-24.5.2000</p>	<p>19.5.00</p> <p>pg NS 22/5/2000</p> <p>3.7.00</p> <p>1m</p>	<p>Heard Mr B.K.Das, learned counsel for the applicant and considered the O.A.</p> <p>Issue notice to the respondents to show cause as to why this application shall not be admitted.</p> <p>List on 3.7.2000 for show cause and consideration of admission.</p> <p>2m Member(J)</p> <p>On the prayer of Mr.Y.K.Phukan, learned Government Advocate, Assam case is adjourned and posted for Admission on 10.7.00.</p> <p>S B Member(A)</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>7-7-00</u> No cause to be shown.</p> <p>No. Cause has been shown.</p> <p><u>28.10.2000.</u></p>	10.7.00	<p>Present: Hon'ble Mr.S.Biswas, Administrative Member.</p> <p>The learned counsel for the applicant. Already two adjournment, have been taken. I am inclined to <sup>believe</sup> give that the applicant counsel, are not prepared to pursue the petition. However, as a last chance for admission, case is posted on 24.10.00. If any one of the learned counsel <sup>for applicant</sup> <del>is</del> absent the case <del>will</del> <sup>is</sup> likely to be <sup>taken up</sup> <del>dismissed</del> on the next date. List on 24.10.00 for hearing.</p> <p><u>S. Biswas</u> Member(A)</p>
<p>① Service report are still awaited.</p> <p>② No. Show cause has been filed.</p> <p><u>30.11.2000</u></p>	24.10.00	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr P.K.Roy, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents.</p> <p>Notice of motion was issued as far back as 19.5.2000. No return so far filed. Six weeks further time allowed to the respondents to file reply to the show cause.</p> <p>List on 1.12.2000 for show cause and admission.</p> <p><u>Vice-Chairman</u></p>
<p>① Service report are still. awaited.</p> <p>② No. wfs has been filed.</p> <p><u>3.11.2000</u></p>	1.12.00	<p>Mr. P.K.Roy, learned counsel for the applicant and Mrs. M.Das, learned for the Govt. or Assam. Mr. A. Deb Roy, learned SR. C.G.S.C. is present on behalf of the respondent No.2. The respondents are allowed four weeks time to file written statement.</p> <p>List on 4.1.2001 for further orders.</p> <p><u>Vice-Chairman</u></p>
<p>① Service report are still awaited.</p> <p>② No. wfs. has been filed.</p> <p><u>10.1.2001</u></p>		<p>There was a reference. List on 4.1.2001.</p>

Notes of the Registry	Date	Order of the Tribunal
	11.1.01	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr K.K.Sharma, A.M.</p> <p>Heard Mr P.K.Roy, learned counsel for the applicant, Mr A.Deb Roy, learned Sr. C.G.S.C and Mrs M.Das, learned Government Advocate, Assam for the respondents.</p> <p>Application is admitted. No written statement so far filed. No further notice need be issued. The respondents are allowed 6 weeks time to file written statement.</p> <p>List on 23.2.2001 for written statement and further orders.</p> <p><i>Member</i> <i>Vice-Chairman</i></p>
<p>Order dtd. 11/01/01 Communicated to the parties (Courtse)</p> <p>18/01/01</p> <p>No written statement has been filed.</p> <p>22.2.01</p>	23.2.01	<p>Mr.M.Das learned counsel for State of Assam has submitted that the respondents <sup>have yet to file their</sup> <del>are filed the</del> affidavits for that purpose sometime is required. Prayer is allowed. List on 13.3.01 for orders and W.S.</p> <p><i>Member</i> <i>Vice-Chairman</i></p>
	13.3.01	<p>Dr.Y.K.Phukan learned counsel for State Government. Assam, submits that written statement has been filed so far the State Government is concerned. Mr.A.Deb Roy, for Union of India has prayed for further extension of time to file written statement. Prayer is allowed. List on 3.4.01 for orders and written statement.</p> <p><i>Member</i> <i>Vice-Chairman</i></p>
<p>12.3.2001</p> <p>W/S has been filed on behalf of Respondent No. 1 (State of Assam)</p> <p>No written statement filed by the R.No. 2</p> <p>2.4.01</p>		

Notes of the Registry	Date	Order of the Tribunal
<p>① written statement filed on behalf of R.No-1, respondent No. 2 not yet filed.</p> <p><u>20.4.01</u></p> <p><u>30.4.2001</u></p> <p>A rejoinder to the W/S filed by the Respondent No. 1 has been submitted by the applicant.</p> <p><u>PR</u></p> <p>No. written statement filed by the respondent No-2.</p> <p><u>30</u> <u>5.7.01</u></p>	<p>3.4.01</p> <p>lm</p> <p>1.5.01</p> <p>bb</p> <p>1.6.01</p> <p>bb</p> <p>6.7.01</p> <p>bb</p>	<p>List on 1.5.01 to enable the respondents to file written statement.</p> <p><u>K.C. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>List on 1.6.2001 to enable the respondents to file written statement.</p> <p><u>K.C. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>Written statement has already been filed by the Respondent No.1 and rejoinder has also been filed by the applicant..The Respondent No.2 has not yet filed written statement though time was granted earlier.</p> <p>On the prayer of Mr.B.C.Pathak, learned Addl.C.G.S.C. further four weeks time is allowed to the respondents as a last chance for filing of written statement.</p> <p>List the case on 6-7-2001 for orders.</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>The respondent No.1 has already filed his written statement. Mr.A.Deb Roy learned Sr.C.G.S.C. for the respondents has submitted that Union of India is not submitting any written statement.</p> <p>The case is ready as regards pleadings. Accordingly, the case may <sup>now</sup> be posted for hearing.</p> <p>List for hearing on 21-8-2001.</p> <p><u>K.C. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>

Order of the Tribunal

Notes of the Registry

O.A. No. 171 of 2000

Notes of the Registry

Date

Order of the Tribunal

21.8.01

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is partly allowed. No order as to costs.

Member

Vice-Chairman

trd

14.9.2001

Copy of the Judgement has been sent to the Office for Security of the Court as well as to the Govt Adv. Assn.

Order of the Tribunal

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
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Notes of the Registry	Date	Order of the Tribunal
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CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. No. 171 of. 2000. of

DATE OF DECISION 21.8.2001 .....

Dr. Prem Saran ..... APPLICANT(S)

Mr. B.K.Das with Mr. P.K.Roy. .... ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. .... RESPONDENT(S)

Mrs. M. Das, Govt. Advocate, Assam. .... ADVOCATE FOR THE  
RESPONDENTS.


THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble Vice-Chairman.





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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 171 of 2000.

Date of order : this the 21st day of August, 2001.

Hon'ble Mr. Justice D.N.CHOWDHURY, VICE-CHAIRMAN.

Hon'ble Mr. K.K.Sharma, Member (A).

Dr. Prem Saran  
Son of Sri Parameswar Saran  
Secretary,  
Administrative Reforms & Training  
Department, Government of Assam,  
Dispur

...Applicant

By Advocates Mr. B.K.Das, and Mr. P.K.Roy.

-versus-

1. State of Assam,  
represented by the Chief Secretary  
to the Government of Assam,  
Assam Secretariat, Dispur.
2. Union of India  
represented by the Secretary to  
the Government of India,  
Ministry of Personnel, P.G &  
Pensions, Career Management Division,  
New Delhi

....Respondents

O R D E R (ORAL)

CHOWDHURY J.(V.C.)

This application under section 19 of the Administrative Tribunals Act 1985 has arisen and is directed against the action of the Respondents in not considering the case of the applicant for appointment to the Selection Grade of IAS as well as to the Super Time Scale of IAS though his batch mates were appointed. The applicant also sought for a direction from this Tribunal for setting aside and quashing the decision vide letter dated 4.6.1999 whereby the Screening Committee kept its decision asis the conferment of the Supertime SScale to the applicant under sealed cover procedure. Basic facts requiring for the purpose of enquiry are summed up below :

The applicant is a member of the Indian Administrative Service (for short IAS) who was directly

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recruited in the year 1978. He was allotted to the Assam-Meghalaya Joint Cadre and served in different capacities in the cadre. The applicant went on Study Leave to United States of America from 1985 to 1987, on return and on assumption of charge he held the post of Joint Secretary, Additional Secretary, and Managing Director, Assam Textile Corporation during the year 1987 to 1990. During the year 1991 according to the applicant he was appointed for a short period as Secretary of the Veterinary Department and later on as Secretary of the Revenue Department. He was again allowed to go on Study Leave for higher studies to United States of America in the year 1991 and the leave was sanctioned upto 13.9.1994. He was subsequently called back from leave to present himself before the Competent Authority in India in connection with a departmental inquiry. The applicant in this application has contended that his batchmates were promoted to the Selection Grade and thereafter to the Super Time Scale during his absence of Study Leave without considering his case. As per the provision of sub rule 2 of Rule 6-A of the IAS (Recruitment) Rles, 1954 the applicant was entitled to for consideration of Selection Grade. the concerned authority considered the case of his batchmates in time overlooking his case in a most illegal fashion. Similarly his batchmates were also bestowed with super time scale in 1993-94 overlooking his case. He moved the authorities for consideration of his case which was also turned down vide By letter dated 4.6.1999 the applicant was informed that Screening committee in its meeting held on 13.5.1999 considered the case of the applciant for Supertime scale and kept its dcision under Sealed Cover. Hence this application assailing the legitimacy of the aforesaid action of the respondents.

2. The respondents in its written statement stated that selection of the applicant alongwith the other officers of his

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batchmates for promotion to selection grade was made in time but his case could not be disposed of as he was on leave. As regards for granting the Supertime Scale the respondents stated in the written statement that Screening Committee considered his case for promotion and the same was placed under sealed cover as per rule. Mr. B.K.Das, learned Sr. counsel for the applicant assisted by Mr. P.K.Roy submitted that as per rule the applicant was entitled for consideration of Selection Grade as well as Supertime Scale in time. Mr. B.K.Das, contended that by refusing to consider the case of the applicant for awarding the Selection Grade as well as Supertime Scale the respondents have denied the right of the applicant guaranteed under Article 14 and 16 of the Constitution. Mr. B.K.Das, lastly submitted that reasons assigned by the respondents for not considering the case of the applicant for promotion to Selection Grade and Supertime Scale was fully arbitrary, therefore a direction was required to be issued from the Tribunal for granting the benefit to Selection Grade and supertime Scale to the applicant with retrospective effect. Mrs. M. Das, learned Government Advocate, Assam, appearing for the respondent no.1. referring to the written statement as well as other materials on record submitted that the respondents acted lawfully and since there was no illegality in the action of the respondents question of interference by the Tribunal did not arise.

3. The only reason cited by the respondents for not considering the case of the applicant for promotion to Selection grade was due to his absence from the station. Absence of an officer from the station in our view could not be a reason for not considering the promotion of an officer as per law. The decision of the respondents for not considering the case of promotion in time for selection grade in the

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circumstance is difficult to sustain. The respondents however in its written statement had stated that the case of the applicant was considered by the Screening Committee in its meeting held on 13.5.1999 but the decision is kept under Sealed cover in view of the fact that the pendency of the Criminal Proceeding, for which the Central Government accorded sanction under Section 19(1) of the Prevention of Corruption Act, 1988 for prosecution of the applicant along with other persons. Mr. B.K.Das, learned Sr. counsel appearing for the applicant referred two decisions rendered by the Supreme Court (i) Union of India Vs. K.V. Jankiraman (1991) 4 SCC 109 (ii) Union of India Vs. R.S. Sharma, AIR 2000 SC 2337. Mr. B.K.Das, the learned Sr. counsel submitted that respondents were not justified in resorting sealed cover procedure in the matter of granting Supertime scale. Mr. B.K.Das further contended that the Supertime Scale was also granted to his batchmates in time that was in the year 1993-94. During the aforementioned period neither any criminal case was pending against the applicant nor any sanction was accorded. The learned Senior counsel contended that in the circumstances the respondents erred in relying the sealed cover procedure on the basis of O.M. dated 1.12.1980. As per paragraph 2 of the O.M. the sealed cover procedure is to be adhered to by the DPC in the case of Government Servant under suspension; Government Servants in respect of whom disciplinary proceeding are pending or a decision has been taken to initiate disciplinary proceedings; Government Servants in respect of whom prosecution for a criminal charge is pending or sanction for prosecution has been issued or a decision has been taken to accord sanction for prosecution as well as Government servants against whom investigation on serious allegations of corruption, bribery or similar grave misconduct is in progress either by the CBI or any agency, departmental or otherwise.

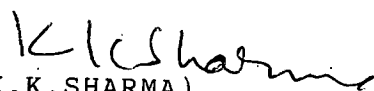
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4. In the instant case materials on record clearly indicate that there was some investigation or enquiry against the applicant was also under progress entailing to grave financial irregularities. The applicant at for some point of time was Secretary of the department. . One man enquiry committee at the relevant time was constituted to go into the allegations. The presence of the applicant was called for and finally the Government of Assam accorded sanction for prosecution under Section 197 of the Code of Criminal Procedure, 1973 and the Central Government accorded sanction for prosecution under section 19(i) of the Prevention of Corruption Act, 1988 on 27.8.1997.

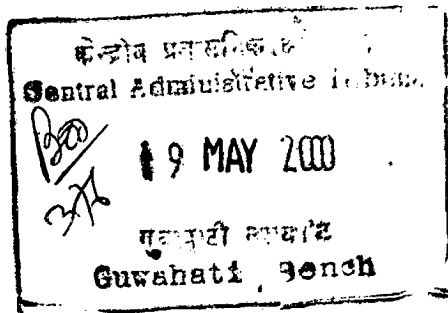
5. In the circumstances the decision of the Screening Committee communicated through letter dated 4.6.1999 cannot be said to be unlawful.

6. As mentioned earlier, we did not find any valid reasons for not considering the case of the applicant for the Selection Grade in the year 1991 when no such enquiry or proceeding was pending. Accordingly respondents are directed to consider the case of the applicant for awarding Selection Grade to IAS. The respondents shall complete the above exercise preferably within a period of three months from the date of receipt of a certified copy of this order.

7. The application is partly allowed. There shall however be no order as to costs.

  
(K.K.SHARMA)  
Member(A)

  
(D.N.CHOWDHURY)  
Vice-Chairman



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Filed by  
the Applicant  
through Sanyal K. Chakraborty  
Advocate  
17/5/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH,  
GUWAHATI.

O.A. No. /7/ of 2000.

Between -

Dr. Prem Saran.

..... Applicant.

-Versus-

State of Assam & others.

..... Respondents.

I N D E X.

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Annexures</u>	<u>Pages.</u>
1.	O.A.	-	1 to 27.
2.	Verification.	-	28.
3.	Notification dt. 18.7.91.	A	29.
4.	Notification dt. 12.12.95.	B	30.
5.	Application dt. 3.6.96.	C	31.
6.	dt. 13.1.97.	D	32 to 32A.
7.	dt. 4.8.97	E	33.
8.	dt. 21.8.97.	F	34.
9.	dt. 5.8.97.	G	35 to 37.
10.	Gradation list. dt. 1.4.98.	H	38 to 49.
11.	Application dt. 19.8.99.	I	44 to 45.
12.	dt. 15.5.99.	J	46 to 47.
13.	Notification dt. 9.2.2000.	K.	48.
14.	Govt. Letter dt. 4.6.99.	L	49.
15.	Application dt. 7.2.2000.	M	50.

Filed by - S.K. Chakraborty  
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

BETWEEN -

Dr. Prem Saram.

..... Applicant.

AND

State of Assam & Ors.

..... Respondents.

Details of Application.

1. Particulars of the Applicant.

- i) Name of the Applicant - Dr. Prem Saram.
- ii) Name of the father - Shri Parameswar Saram.
- iii) Age of the Applicant - 48 years.
- iv) Designation :- Secretary, Administrative  
Reforms & Training Department  
Govt. of Assam, Dispur.
- v) Office Address : -db-
- vi) Address for service  
of Notice. -db-

2. Particulars of the respondents.

- i. State of Assam,  
represented by the Chief Secretary,  
to the Govt. of Assam,  
Assam Secretary, Dispur.

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2. Union of India,  
represented by the Secretary  
to the Govt. of India, Ministry  
of Personnel, P.G. & Pensions,  
Career Management Division,  
New Delhi. ✓

3. Particulars of the order  
against which application  
is made and subject in brief.

- (i) The application is made against non-consideration of the case of the applicant for appointment to the Selection Grade and Supertime Scale of of IAS while considering the scale of other similarly situated officers.
- (ii) The application is also made against letter No. AAT. 18/97/80 dated 4.6.99 intimating consideration of the applicant's case for promotion to Supertime Scale by adopting sealed cover procedure.

4. Jurisdiction of - The applicant declares that the  
the Tribunal. subject matter of the instant  
applicant is within the jurisdiction  
of this Tribunal.

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5. Limitation : The applicant further declare that the application is whether the period of limitation prescribed under section 2i of the Administrative Tribunal Act, 1985.

6. Facts of the case :-

- i) That the applicant is a member of the Indian Administrative Service (IAS), of the Assam-Meghalaya Joint Cadre, appointed by direct recruitment in the year 1983. He obtained B. E. Degree in chemical engineering and also obtained M. B. A. from the Indian Institution of Management, Calcutta. After joining the IAS, the applicant continued his studies and obtained M. A in Indology from the University of Pennsylvania, U. S. A. and also M. A. and Ph. D in Anthropology from the University of California, U. S. A.
- ii) That, after completion of the Probationary period in the I. A. S., the applicant was initially posted as the Sub-Divisional Officer, Sub-Divisional Officer, Sibsagar, in the year 1980 and in the year 1981 he was transferred and posted as the Under Secretary to the Govt. of Assam, Industries Department where he worked till 1983. In 1983 itself, the applicant joined as the Director of Evaluation

and.....

and Monitoring, Govt. of Assam, Dispur. Later in 1984 he was posted as the Deputy Commissioner of Darrang. From 1985 to 1987, the applicant went on study leave to the U.S.A. and obtained M.A. in Indology from the University of Pennsylvania. During 1987 to 1990, he held charge of the post of Joint Secretary, Additional Secretary and Managing Director of the Assam Textile Corporation, all under the Industries Department of the Govt. of Assam. In 1991 he was posted for a short period as the Secretary of the Veterinary Department and later as the Secretary of the Revenue Department. In 1991 the applicant again went on study leave to the U.S.A. where he did his M.A. and Ph.D. in Anthropology. He came back from the U.S.A. in 1995 and on his return he was posted as the Secretary to the Govt. of Assam in the Administrative Reforms and Training Department, in which capacity he is still working. The applicant has an unblemished service career.

iii) That the applicant states that the condition of service with regard to entitlement of the scales of pay as a member of the I.A.S. and the post to be held by him in a Grade carrying a particular scale of pay are governed by the Indian Administrative Service (Pay) Rules, 1954 (in short pay rules) and the Schedules thereunder. Rule 3 of the pay rules effective from 1.1.86 provided as under :

3. Time.....

3. Time scale of pay - (i) The scales of pay admissible to a Member of the Services of the States with effect from which these said scales shall be deemed to have come into force, shall be as follows :-

Junior scale Rs. 2200-~~35~~ 75-2800-EB-100-4000

w.e.f. 1st day of January, 1986.

Senior scale -

- (i) Time scale Rs. 3200 (4 5th year & 6th year) - 100-3700-125-4700 w.e.f. 1st day of January, 1986.
- (ii) Junior Administrative Grade - Rs. 3950-125-4700-150-5000 (non-functional) w.e.f. the 1st of January, 1986.

Provided that a member of the service shall be appointed to the service scale on his completing 4 years of service, subject to the provision of sub-rule 2 of Rule 6-A of the Indian Administrative Service (Recruitment) Rules, 1954 and to the Junior Administrative Grade on completing 9 years of service.

NOTE :- The four years and nine years of service in this rule shall be calculated from the year of allotment assigned to him under Regulation 3 of the Indian Administrative Service (Regulation of seniority) Rule 1954.

(iii).....

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(iii) Selection Grade - Rs. 4800-150-5700 w.e.f. the 1st day of January, 1986.

Supertime Scale - Rs. 5900-200-6700 w.e.f. 1st day of January, 1986.

Above Supertime Scale - (1) Rs. 7300-100-7600.

(ii) Rs. 8000 (fixed) w.e.f. the 1st day of January, 1986.

iv) That the above rule with regard to the admissibility of scale of pay etc. has been amended with effect from 1.1.96 under the Indian Administrative Service (Pay) Fifth Amendment Rules, 1997 and the scales of pay provided in various grade under rule 3 has been substituted as under :

Junior Scale Rs. 8000 - 275-13500 (w.e.f. 1st day of January, 1996).

(i) Time Scale - Rs. 10650-325-15850 (w.e.f. 1st day of January, 1996).

(ii) Junior Administrative Grade Rs. 12750-375-16500 (non-functional) w.e.f. 1st day of January, 1996.

✓ (iii) Selection Grade Rs. 15100-400-18300 (w.e.f. 1st day of January, 1996.

Supertime.....

Supertime scale - Rs. 18400-500-22400 (w.e.f.  
1st day of January, 1996).

Above Supertime Scales - (i) Rs. 22400 -525-24500.

(i) Rs. 26000 (fixed).

(ii) Rs. 30,000 (Fixed).

(w.e.f. 1st day of January, 1996).

v) That the applicant states that Rule (2A) of the  
pay Rules provides as follows :-

(2A) Appointment to the Selection Grade and to  
the posts carrying pay above the time scale of pay  
in the Indian Administrative Service shall be made  
by selection on merit with due regard to seniority.

Provided that no member of the service shall  
be eligible for appointment to the selection Grade  
unless he has entered the fourteenth year of service  
calculated from the year of allotment assigned to him  
under rule 3 of the Indian Administrative Service  
(Regulation of seniority) Rules, 1954, or under  
regulation 3 of the Indian Administrative Service  
(seniority of Special Recruits) Regulation 1960,  
as the case may be.

vi) .....

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vi) That the applicant states that Schedule III - A and B provides the posts carrying pay above the time scale and in the <sup>senior</sup> service time scale & in the Indian Administrative Service under the different State Governments and the posts under the ~~time~~ Assam Cadre above the time scale are as follows :

A - Posts carrying pay above the time scale.

- ASSAM.
- 1) Chief Secretary to Government.
  - 2) Finance Commissioner.
  - 3) Commissioner for Planning and Development.
  - 4) Commissioner for Agriculture Production and Rural Development and Special Secretary to Govt.
  - 5) Commissioner of Division.
  - 6) Chairman, Board of Revenue.
  - ~~7) Chairman, Board of Revenue.~~
  - 7) Commissioner and Secretary to Govt.
  - 8) Chief Electoral Officer and Ex-officio Commissioner and Secretary to Government.

B.- Post carrying pay in the senior time-scale etc.

- ASSAM.
- 1) Member, Board of Revenue.
  - 2) Secretary to Govt.
  - 3) Deputy Commissioner.
  - 4) Additional Secretary/Joint Secretary/  
Deputy Secretary to Govt.

5) ....

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- 5) Secretary to Governor.
- 6) Secretary to Chief Minister.
- 7) Commissioner of Transport.
- 8) Director of Industries.
- 9) Registrar of Co-operative Societies.
- 10) Director of Land Records.
- 11) Commissioner of Excise.
- 12) Commissioner of Taxes.
- 13) Director of Rural Development.
- 14) Director of Training and Principal,  
Assam Administrative Staff College.
- 15) State Enquiry Officer, ~~Gook~~ for Department  
proceedings.
- 16) Project Director, IRDA/IIDP/Additional  
Deputy Commissioner (Development).
- 17) Additional Deputy Commissioner.
- 18) Settlement Officer.

1991 ✓  
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vii) That the applicant states that in view of the  
aforesaid rule position, he was eligible and was entitled  
for consideration for appointment to the Selection Grade  
of IAS in the year 1991 when he entered fourteenth year of  
service calculated from 1978 which is the year of  
allotment assigned to him. But the authority though  
considered the cases of other similarly situated officers

and.....

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and promoted them to the Selection Grade of IAS with effect from 1.7.91, did not consider the case of the applicant in a most illegal and arbitrary manner. The following are some of the officers of 1978 batch of IAS officers of Assam Cadre who were promoted to Selection Grade as per the details given below :

1. Shri S.K. Srivastava, Allowed  
IAS, (RR-1978) Proforma offi-  
ciating promo- Notifications  
tion in the No. AAI.44/  
Selection Grade 88/68 dated  
of IAS in the scale 6.5.92.  
of pay of Rs.480-  
150-5700 PM. with  
effect from  
1.7.91.
2. Shri Pradip Singh IAS, -cd- Vide Govt.  
(RR-1978). Notification  
No. AAI-44/88/  
68-A dated  
6.5.92.
3. Shri H.M. Cairae, IPS, -cd- Vide Govt.  
(RR-1978). notification  
No. AA 1.44/88/  
68-B, dated  
6.5.92.

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4. Shri P.P. Verma, IAS - (b) - Vide Govt. Notification No. AA 1.44/88/66 dt. 6.5.92.  
(RR-1978).
5. Shri Bireswar Barua, IAS, - (b) - Vide Govt. notification No. AA 1-44/88/66-A dated 6.5.92.  
(RR ACS-1978).

viii) That the applicant states that for obtaining M.A. and Ph. D. from the University of California, Santa Barbara, U.S.A., he was on various leave granted by the Govt. during the period from 1991 to 1995 and the Govt. while granting the leave duly certified that he would have continued to hold the post but for his proceeding on leave and that there is every expectation of his returning to the post from which he proceeded on leave or to a similar post, thereby confirming that the applicant had lien in the post he was holding and that he is entitled to all the right and privileges as admissible as a member of the I.A.S. The applicant ultimately on expiry of his leave joined as Secretary to the Govt. of Assam, Administrative Reforms & Training Department in January, 1996 as per Govt. Notification Govt. No. AAA.9/92/58 dated 12.12.95.

A copy of the order dated 18.7.91 sanctioning various leave to the applicant and a copy of order dated 12.12.95 by which he was posted as Secretary, Administrative Reforms etc. are annexed as Annexure "A" and "B" to this application.

ix) .....

ix) That after joining back to his duties on return from U.S.A., the applicant was shocked to learn that many of his batch-mates (1978 - RR) and even some of his junior officers in the cadre were & not only appointed to the Selection Grade, but were also appointed to the supertime scale of I.A.S. without considering his case for such appointment. The applicant therefore being highly aggrieved submitted a number of representation to the Govt. of Assam, for consideration of his case retrospectively, and since the Govt. on each occasion held out hope that his case would be duly considered, the applicant hoping for a favourable action did & not approach any legal forum but filed a representation to the Govt. of India on 5.8.97 annexing a copy of the representation dated 4.8.97 filed before the Govt. of Assam for favourable urgent action. But for reason best known to the Govt. no action was taken on the said representation.

Copies of the representations submitted by the applicant before the Govt. of Assam, on 3.6.96, 13.1.97, 4.8.97, 21.8.97 and before the Govt. of India on 5.8.97 are annexed as Annexure - " C ", " D ", " E ", " F ", and " G " to this application.

x) That the applicant states that the following are the name of officers who were appointed to the supertime

scale, .....

scale, who are either the applicants batch-mate or juniors in the I.A.S. cadre.

<u>Sl. Name of IAS Officers.</u>	<u>Year of Allotment in IAS.</u>	<u>Govt. notification No. with date of appointment to the Supertime Scale.</u>
1. Sri Pradip Singh, IAS.	RR-1978.	NO. AA. 44/88/104. dated 13.7.93.
2. Sri P.P. Verma, IAS,	RR-1978.	No. AAA/93/3 dated 24.5.94.
3. Sri H.M. Chinnai, IAS.	RR-1978.	No. AAI.44/88/126 dated 26.11.93.
4. Sri O.P. Agarwal, IAS.	RR-1979.	No. AA 1-44/88/Pt.11/K II dated 7.10.98 w.e.f. 13.7.93.
5. Sri Jitesh Khosla, IAS IAS.	RR-1979.	No. AA 1.44/88/124 dated 12.11.93.
6. Sri A.K. Thakur, IAS.	-RR-1979.	No. AAI.44/88/104-C dated 13.7.93.
7. Smti. Emily Das Choudhury, IAS.	(RR-1979).	No. AAI.44/88/121 dated 15.10.93.
8. Sri Promod Kr. Choudhury, IAS,	(RR-1979).	No. AAA.6/94/Pt/50-A dated 25.10.95.
9. Sri R.T.L. Barua, IAS. (SCS-1979).		No. AAI.44/88/104-E dated 13.7.93.
10. Sri K.D. Tripathi, IAS. (RR-1980)		No. AAI.44/88/196 dated 24.10.94.

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11. Shri Bhaskar (RR-1980). No. AAl.44/88/179  
Mushahary, IAS. dated Aug./94.
12. Shri Subhash Ch. Das, IAS. (RR-1980). No. AAA.10/94/Pt/22  
dated 8.3.95.
13. Shri B.V.P. Rao, IAS. (RR-1982) AAl.44/88/298,  
dated 22.8.95.
14. Shri Jai Priya (RR-1982) No. AAl.44/88/Pt.11/5  
Prakash, IAS. dated 11.3.96.
15. Shri J. S. L. Vasava, IAS (RR-1982) No. AAl.44/88/298-A  
dated 22.8.95.
16. Dr. R.K. Barua, IAS. (SCS-1982) No. AAl.44/88/298-B,  
dated 22.8.95.
17. Shri K.K. Mittal, IPS (RR-1983) No. AAl.40/92/Pt/89-A  
dated 12.11.98.
18. Shri A.K. Sachan, IAS. (RR-1983) No. AAl.44/88/Pt.111/14  
dated 18.2.98.
- 19~~20~~. Shri B.V. Pyarelal, IAS. (RR-1983). No. AAl.44/88/Pt.111/  
14-A, dated 18.2.98.
20. Shri J.P. Meena, IAS. (RR-1983) No. AAl.44/88/Pt.111/  
14-B. dated 18.2.98.
21. Shri Neeraj Ch. Barooah. (SCS-1983) No. AAl.44/88/Pt.111/  
dated 18.2.98.
22. Shri D.S. Chetri, IAS. (SCS-1983). No. AAl.44/88/Pt.111/  
14-C dated 18.2.98.
- 23~~24~~. Dr. S.B. Mechi, IAS. (SCS.1983) No. AAl.44/88/Pt.111/  
140 dated 18.2.98.
- 24~~25~~. Shri Harish Sonowal, IAS. (RR-1981) No. AAA.10/94/Pt/  
22A dated 8.3.95.
25. Shri Arun Kumar, IAS. (RR-1983). No. AAS.10/94/Pt/  
22A dated 8.3.95.

A copy.....

A copy of the Gradation list of IAS officers of Assam Cadre as on 1.8.98 prepared and published by the authority as is annexed as Annexure - "H" to this application.

xi) That the applicant states that during 1991 when he was posted for a short period as the Secretary to the Govt. of Assam, Veterinary Deptt., he had to deal with and perform various routine administrative functions on behalf of the Govt. of Assam under the Rules of Business of the Govt. The duties included various approvals and sanctions to the allotment of funds under Letter of credit (LOC) system to the Drawing and Disbursing Officers under the veterinary Department. Later when he came back to India after doing his M.A. and Ph.D. from the USA, and joined as Secretary, Administrative Reforms and Training, he could learn that some officers under the veterinary Department were alleged involved in manipulations of fund allotment under the LOC system. This case evoked much uproar in the Assembly and widely published in the press. To tackle the situation somehow to satisfy the vibrant press and/or to shield some of the subordinate erring officials, his name was dragged by the State ACB into the said LOC case, though there is no ground and/or iota of evidence

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at all against the applicants and to fasten him somehow along with others, the police (CDI) upon transfer of the case to it, has submitted a charge sheet on 21.11.97, in R.C. No. 5(A)/94-ACU (i) -CHI. However the criminal case against the applicant is yet to be opened and no charge is yet framed against him till to-day.

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xii) That the applicant states that the registration of police case against the applicant gave the Govt. an opportunity to justify their illegal denial of appointment to the applicant first in the selection grade in 1991, when it was due to him and when his junior IAS officers were appointed and then in 1993 when his batch-mates and Juniors were appointed to the supertime scale which is manifestly a mala fide use of power.

xiii) That without prejudice to the rights and contentions made hereinabove and fully relying on the same the applicant states that the criminal case and/or submission of charge sheet on it on 21.11.97, even assuming but not admitting that the same has any basis requiring trial, cannot in any way come in the way to appoint the applicant to the selection Grade in 1991 and to the supertime scale in 1993. It would be pertinent

to mention.....

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to mention here that the Govt. having not found any misconduct and/or remiss against the applicant, did not proceed departmentally and in view of above denial of appointment to the higher scale which should have come as a matter of course as per the provision of IAS (Pay) Rules, 1954, is quite illegal denial of right in breach of law and based on irrelevant and extraneous materials which amounts of a misuse of power in bad faith.

xiv) That the applicant states that, since there was no legal bar for giving due benefits to the applicant admissible under the Indian Police Service (Pay) Rules, 1954, the applicant by citing a decision of the Apex Court, submitted a representation on 19.3.99 with a request to grant due benefit of appointment to the post of Commissioner.

A copy of the said representation dated 19.3.99 is annexed as Annexure - " I " to the application.

xv) That the applicant in the meantime could learn that on 13.5.99 the Govt. took a decision on his representation and therefore by his letter dated 15.5.99, the applicant wanted to know the decision that was taken in this regard.

A copy of the letter dated 15.5.99 is annexed as Annexure - " J " to this application.

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xvi) That on 9.2.2000 again, the Govt. of Assam passed yet another order by which Shri Dinesh Ch. Barman, IAS, (SCS-1984) who was holding the post of Secretary, Education Deptt. Dispur, was appointed to the Supertime Scale of IAS, in disregard of the legitimate claim of the applicant. The order was passed vide Govt. notification No. AAI.18/97/104 dated 9.2.2000.

A copy of the said notification dated 9.2.2000 is annexed as Annexure - " K " to this application.

xvii). That although appointment of the applicant in the Selection Grade and in the Supertime Scale was due in 1991 and 1993 respectively under the pay rule as aforesaid the Govt. vide their letter dated 4.6.99 intimated that the Scrutiny Committee in its meeting held on 13.5.99 considered the case of the applicant for promotion to Supertime Scale and kept its decision under sealed cover as per provision of rule.

A copy of the letter dated 4.6.99 is annexed as Annexure - " L " to this application.

xviii) That the applicant being highly aggrieved by the process by which the Govt. decided to keep the matter

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of appointment to the Supertime Scale under sealed cover, though it is not at all applicable in the case for consideration of the applicant's appointment to the Selection Grade and supertime scale as referred to above, wrote to the Govt. vide letter dated 7.2.2000 to furnish him with a copy of the proceedings of the said Screening Committee meeting held on 13.5.99 so as to enable him to know the reasons for such unwarranted decision. But the Govt. till to-day neither furnished him the said copy, nor intimated the reasons for such action and as such the applicant is left with no other alternative, but to approach this Hon'ble Court for appropriate direction.

A copy of the letter dated 7.2.2000 is annexed herewith as Annexure - 'M' to this application.

ix) That the applicant states that upon some positive indication from the Govt. the applicant initially was under the bona fide impression that the Govt. might be oblivious of the claims of the applicant for his appointment to the Selection Grade and to the Supertime Scale since the applicant went out of India on prolonged leave for his higher studies during 1991 to 1995. When the applicant returned ~~studies~~ during 1991 to 1995. When the applicant returned to India and joined his duties, he submitted representation to the Govt., but the Govt. only held out hope that his case would be duly considered. The applicant thought it to be a procedural delay for meeting requirement

of.....

of sanction of various levels. But the impugned order dated 4.6.99 passed in breach of law has made it clear that the process by which the Govt. decided to deny due appointment to the applicant to the selection Grade and Supertime Scale totally lacks bona fide and is based on irrelevant and extraneous consideration. Non-consideration of the case of the applicant for appointment to the higher scale as referred to above gives a continuous cause of action and the applicant has a legally subsisting enforceable right which being denied to him illegally.

xx) That the applicant states that the appointment to the selection Grade under the Pay Rules, is time bound subject to fitness on merit, regard being had to the seniority of a member of the service. When the applicant completed 14th year of service in 1991 and when his batch mates & were also promoted with effect from 1.7.91, there was no earthly reason for non-consideration of his case along with the other similarly situated persons. The Govt. allowed proforma officiating appointment of the selection Grade w.e.f. 1.7.91 to Shri S.K. Srivastava IAS, Shri Pradip Singh and Sri H.M. Cairae all of 1978 batch, the Govt. should have also considered proforma officiating appointment to the selection Grade to the applicant by the same

notification.....

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notification No. AAI.44/88/68 dated 6.5.92, denial of which has rendered the whole action of the Govt. as arbitrary, unfair and unreasonable and violative of the provision of Article 14 and 16 of the Constitution of India.

xx1) That the applicant states that his batch-mates and juniors were also appointed to the Supertime scale in 1993 without considering his case along with them. The Govt. granted him due leave admissible to him under the All India Services (Leave) Rules, 1955, regularising the period he was on leave in the U.S.A. for higher studies. There is no adverse entries in his ACR. There was neither any departmental proceeding nor any criminal case pending against him in 1991 and 1993 when his batch-mates and juniors were appointed to the Selection Grade and granted proforma appointment to his batch-mates with effect from 1.9.91 and as such there can be no valid reason for denying the same benefit to the applicant along with similarly placed officers. When the applicant joined back to his duties on return from U.S.A. he has been making representation and on each occasion the applicant was given to understand that his case would be considered in due course. But ultimately by their letter dated 4.6.99 intimated that the screening committee

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in its meeting dated 13.5.99 considered the case of the applicant for promotion to Supertime Scale and kept its decision ~~xxxxx~~ under Sealed Cover as per provision of Rule without specifying as to what rule the Govt. have taken resort to.

xxii) That the applicant states that even assuming that pendency of a criminal case against any Govt. servant can in a given case bar appointment/promotion to a post carrying higher scale, the applicant's appointment to the Selection Grade and Supertime Scale being due in 1991 and 1993 respectively, cannot be withheld on the plea of pendency of the criminal case in which charge sheet was submitted by the C.B.I. as on 21.11.97 and the same would be contrary to the Full Bench Judgement of the CAT reported in 1987 (2) SOJ (CAT) 115 (FB) (K.Ch. Venkata Reddy & ors. -vs- Union of India & ors).

xxiii) That the applicant states that the law laid down K.Ch. VEkata Reddy and others -vs- Union of India & others 1987 (2) SLJ (CAT) 115 (FB) after interpreting various guidelines issued by the Govt. of India from time to time with regard to "Sealed Cover procedure" also provides

that....

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that consideration of promotion, Selection Grade, crossing the efficiency bar on higher scale of pay cannot be withheld merely on the ground of pendency of a disciplinary or criminal proceedings against the official and therefore even assuming but not admitting that there is any criminal case against the applicant requiring trial. The same cannot be a bar for appointment of the applicant to the higher scale of pay as admissible to him and even the Govt. guidelines in this regard provides for review of the cases when the criminal cases takes an unusually long period of time causing serious prejudice to the officer concerned and in such case appropriate order for promotion should be passed.

xxiv) That the applicant states that IAS (Pay) Rules, 1954, is framed under the provision of All India Service Act, 1951 and the purpose of Rule 3 of the pay rule is to ensure timely appointment of the members of the service to the higher scales of pay and the said rule does not provide any power to the concerned Govt. to withhold such benefit. The manner of giving benefit of higher scale is provided in the pay rules itself. The Govt. therefore under no circumstances can depart from the manner prescribed under the rule. The benefits prescribed under the pay rules under Rule 3 are of appointment to the higher scale

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in its true perspective and not promotion so that it can be brought within the scope and ambit of the 'sealed Over Procedure'.

7) GROUNDS.

i) For that when the pay rules provides for time bound appointment to the Selection Grade to the members of the I. A. S. and when the Govt. appointed other similarly situated persons, non-consideration of the case of the applicant along with other in 1991, is unfair and unreasonable and violative of the provisions of Rule 3 of the Pay Rules and the provision of Article 14 and 16 of the Constitution of India.

ii) For that there has been no departmental or criminal case pending against the applicant when his appointment to the higher scales were due and the applicant's excellent merit having not been in dispute at any point of time, the could not have denied the applicant his due appointment to the Selection Grade ~~Scale~~ 1991 and to the Supertime Scale in 1993 when his batch-mates and juniors were appointed.

iii) For that the applicant's appointment to the Supertime Scale being due in 1993 when no charge sheet was submitted by the police in any criminal

case,.....

case, the decision to take resort to a sealed cover procedure by the impugned letter dated 4.6.99 is wholly unwarranted and against the settled law that sealed cover procedure can be taken resort to only after a charge memo. is served on the concerned official or the charge sheet filed before the criminal court and not before that.

iv) For that even the guidelines issued by the Govt. from time to time and the law laid down by the Full Bench judgement in K. Ch. Venkata Reddy and Ors. -vs- Union of India & Ors (1987(2) SLJ(CAT) 115 (FB) provides that consideration of promotion, selection Grade, crossing of efficiency bar or higher scale of pay cannot be withheld merely on the ground of pendency of disciplinary or criminal proceedings against an official and promotion can be given pending result of the case and therefore in no case the Govt. could have denied appointment of the applicant to the higher scales taking resort to sealed cover procedure.

v) For that the procedure for appointment of a member of IAS is provided in the IAS (Pay) Rules, 1954, and the Govt. could not have adopted any manner other than the manner prescribed. When a manner is

prescribed.....

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prescribed to do certain thing in certain way, that should be done in the same manner prescribed or not at all. Hence adopting sealed cover procedure and withholding promotion of the applicant is arbitrary and violative of the provision of the pay rules in the equality ~~xxx~~ clause of the Constitution of India.

- vi) For that the action of the respondents in denying appointment to the applicant to the Selection Grade in 1991 and to the supertime scale in 1993 is unfair, unreasonable, irrational and is violative of the provision of Article 14, 16 and 21 of the Constitution of India as well as the provision of the IPS (Pay) Rules, 1954.
- vii) For in any view of the matter the decision to deny appointment of the applicant to the higher scale is illegal and unsustainable.

8. Details of the remedies exhausted

That the applicant declares that he has availed of all the ~~xxxxxi~~ remedies available to him under the relevant service rules.

9. Matters not previously filed or pending with any other Court

The applicant further declares that he has not

contd...



26 A.

previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other bench of the Tribunal nor any application, writ petition or suit is pending before any of them.

10. Relief sought

In the premises aforesaid, it most humbly prayed that Your Lordships may be graciously pleased to admit this application, call for the records, issue notice on the respondents and after hearing the parties

i) Direct the respondents to promote the applicant to the selection Grade of IAS with effect from 1991 when his batch-mates were appointed,

ii) Direct the respondents to promote the applicant to the supertime scale of I.A. s with effect from 1993, when his batch-mates were appointed.

iii) Set aside the letter dated 4.6.99 (Annexure- L ) after declaring that sealed cover procedure is not applicable in the case of the applicant for appointment to the Selection grade, with effect from 1991

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and to the supertime scale with effect from 1993.

- iv) Pass such other or further order/prders as to the Hon'ble C Tribunal may deem fit and proper.

11. Interim order if any prayed for

In the facts and circumstances of the case the applicant does not pray for any interim order but the Hon'ble Tribunal may be pleased to pass an order that pendency of the original application may not be a bar for the respondents to consider the relief sought for in the instant case.

12. Particulars of the I.P.O. in respect of the application.

- 1. Name of the Post office - G.P.O. Guwahati.
- 2. Number of I.P.O. - OG 497235
- 3. Date of I.P.O. - 15.5.2000
- 4. Post office at which payable - G.P.O. Guwahati.

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

I, Dr. Prem Saran, son of Sri Parameswar Saran, aged about 48 years, Secretary to the Govt. of Assam, Administrative Reforms and Training Department, Dispur, Guwahati - 6, do hereby verify and state that the statements made in paragraphs /to 5, 6-I to 6-VII, 6X, 6XI, 6XII, 6XIII, 6-IX, 6-XX, 6-XXI, 6-XXII, 6-XXIII, 6XXIV are true to my knowledge and those made in paragraphs 6-VIII, 6-IX, 6-XIX, 6-XY, 6-XYIII are true to my information derived from the record and the rest are my humble submission before the Tribunal and I sign this Verification to-day the 19 day of May 2000 at Guwahati.

Date - 19.5.2000

Prem Saran  
Signature.

Place - Guwahati

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-6.

29  
Annexure A

ORDERS BY THE GOVERNOR

NOTIFICATION.

Dated Dispur, the 18th July '91.

NO.AAI. 32/79/246 : Shri Prem Saran, IAS Secretary Revenue Department, Assam is allowed under Rule 11/ 12/ 15 of the All India Service (Leave) Rules, 1955 as amended, earned leave for 178 days with effect from 15-9-91 to 10.3.92, Half pay leave for 225 days with effect from 11.3.92 to 21.10.92 and extra ordinary leave for 692 days with effect from 22.10.92 to 13.9.94 on private affairs (Admission for Ph.D. in U.S.A.).

The officer would have continued to hold the post but for his proceeding on leave and that there is every expectation of his returning to the post from which he proceeded on leave or to a similar post.

Sd/- P. K. BARUAH,  
Deputy Secretary to the Govt. of Assam.

Memo No. AAI. 32/79/246-A : Dated Dispur, the 18th July, 1991.  
Copy to :-

1. The Accountant General (Accounts), Assam, Shillong.
2. The Chairman, Assam Administrative Tribunal, Guwahati.
3. The Chairman, Assam Board of Revenue, Guwahati.
4. All Commissioners & Secys/ Spl. Secys/ Secys to the Govt. of Assam.
5. All Commissioners of Divisions, Assam.
6. The Chief Secretary to the Govt. of Meghalaya, Shillong.
7. The Under Secretary to the Govt. of India, Ministry Personnel & Training, A.R., Public Grievances and Pensions (Deptt. of Personnel & Training), New Delhi.
8. The Under Secretary to the Govt. of India, Ministry of Personnel & Training, A.R., P.G. and Pensions (Career Management Divn). New Delhi.
9. Resident Representative, Govt. of Assam, Assam House, New Delhi.
10. The Secretary to the Governor of Assam, Dispur.
11. The Superintendent, Assam Govt. Press, Guwahati-21, for publication in the Assam Gazetted.
12. The Under Secretary, S.A.(A) Department, Dispur.
13. The P.S. to Minister, Revenue, Assam.
14. The P.S. to Chief Secretary, Assam, Dispur.
15. The P.S. to Addl. Chief Secretary, Assam, Dispur.
16. Shri Prem Saran, IAS, Secretary Revenue Department, Assam, Dispur.
17. Personal file of officer.

By Order, etc.....

P. K. BARUAH

(P. K. BARUAH) 18/7/91  
Deputy Secretary to the Govt. of Assam,  
Personnel (A) Department.

Attended  
S.K. Chakraborty  
Kerouk  
16/5/2000

ASS

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL ( PERSONNEL :::A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-781006

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ORDERS BY THE GOVERNOR  
NOTIFICATION

Dated Dispur, the 12th December, 1995.

NO. AAA 9/94/58 : On return from leave, Shri Prem Saran, IAS(RR-1978) is posted as Secretary to the Government of Assam, Administrative Reforms & Training Department.

Sd/- D. SAIKIA  
Joint Secretary to the Govt. of Assam

Memo No: AAA 9/94/58-A. :: Dated Dispur, the 12th December, 1995.

- Copy to :
1. The Accountant General (A&E)/(Audit), Meghalaya, Shillong.
  2. The Accountant General (A&E), Assam, Bhangagarh, Guwahati-5.
  3. The Chairman, Assam Administrative Tribunal, Guwahati.
  4. The Chairman, Assam Board of Revenue, Guwahati.
  5. The Chairman, Assam State Electricity Board, Guwahati.
  6. All Principal Secretaries/ Commissioners & Secretaries/ Secretaries to the Govt. of Assam.
  7. The Chief Electoral Officer, Assam, Dispur.
  8. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi.
  9. The Agricultural Production Commissioner, Assam, Dispur.
  10. The Commissioner & Secretary to the Governor of Assam, Dispur.
  11. All Commissioners of Divisions, Assam.
  12. The Chief Secretary to the Govt. of Meghalaya, Shillong.
  13. The Under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions, Deptt. of Personnel & Training, New Delhi.
  14. The Under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions, Career Management Division, New Delhi.
  15. The Secretary to Chief Minister, Assam, Dispur.
  16. The OSD to Chief Minister, Assam, Dispur.
  17. The Principal Secretary, Bodoland Autonomous Council, Kokrajhar.
  18. The Principal Secretary, N.C.Hills District Council, Haflong.
  19. The Principal Secretary, Karbi Anglong District Council, Diphu.
  20. The Principal Secretary, Lalung Autonomous Council, Marigaon.
  21. The Principal Secretary, Mising Autonomous Council, Gogamukh.
  22. The Secretary, Rabha Hasong Autonomous Council, Dudhnoi.
  23. The Secretary, State Election Commission, Housefed Complex, Dispur.
  24. All Deputy Commissioners/ Sub-Divisional Officers.
  25. The Secretary-cum-Registrar, Office of the Lokayukta, Nabinagar, Ghy.
  26. All Heads of Deptts/ All Deptts of Assam Secretariat.
  27. The Special Officer to Chief Minister, Assam, Dispur.
  28. The PS to Chief Secretary/ Addl. Chief Secretaries, Assam, Dispur.
  29. All PS to Ministers/ Ministers of State.
  30. The PS to Member, State Planning Board, Dispur.
  31. Shri Prem Saran, IAS
  32. A.R. & Training Department, Dispur.
  33. Personal file of the officer.

By order *[Signature]*

( D. SAIKIA )  
Joint Secretary to the Govt. of Assam

*[Handwritten signature]*  
S.K. Raskaraboddy  
Advocate  
16/5/2000

May 27, 1996

Mr. T.K. Kamilla, IAS  
 Chief Secretary, Assam  
 Disputes Settlement Commission  
 Assam, Disputes.

To

Mr. T.K. Kamilla, IAS  
 Chief Secretary, Assam

I wish to place before the Hon. Chief Minister, Sir, a plea for justice, and to request him to direct my due appointment as Commissioner in the Government of Assam with

I wish to place before you this plea for justice, and to request you to direct my due appointment as Commissioner in the Government of Assam with retrospective effect, as indicated below. The facts of my case are as follows -

1. In December 1985, on my return from four years of leave in the USA, on completion of my Ph.D. there, I was to have been appointed as Commissioner. This would have been with retrospective effect, from the date that the IAS officer immediately junior to me in the gradation list was so appointed as Commissioner. To my utter surprise, I was posted as Secretary to the Government, without assigning any reason thereof.

2. I represented a number of times to the previous Chief Secretary, to no avail.

3. In the absence of any official communication to me, indicating any reason for such a whimsical act, I am driven to conclude that I have been victimised for personal reasons by the previous administration. (How else does one explain such a callous and arbitrary flouting of all principles of natural justice, especially as enunciated in relevant judicial pronouncements?)

I am, therefore, submitting this petition to you and I request you to kindly give me justice, and thus bring to an end the mental agony to which I have been put by the above grave wrong that has been perpetrated on me.

Thank you,

Yours faithfully,

*M. Prem Saran*

(Dr. Prem Saran) finally.

From: Dr. Prem Saran, B.E. (Chem), MBA (IIMC), M.A. (Perm), MA (Calif), Ph.D (Calif); IAS (Dr. Prem Saran)

Deptt. of Administrative Reforms & Training, Assam

From: Dr. Prem Saran, B.E. (Chem), MBA (IIMC), M.A. (Perm), MA (Calif), Ph.D (Calif); IAS (Dr. Prem Saran)

Deptt. of Administrative Reforms & Training, Assam

From: Dr. Prem Saran, B.E. (Chem), MBA (IIMC), M.A. (Perm), MA (Calif), Ph.D (Calif); IAS (Dr. Prem Saran)

Deptt. of Administrative Reforms & Training, Assam

*Attested  
 S.K. Chakraborty  
 Advocate  
 16/5/2000*

Dr. Prem Saran, B.E (Chem.), MBA (IIMC),  
MA (Penn), MA (Calif), Ph.D (Calif)

GOVERNMENT OF ASSAM

Phone | 561304 (O)  
| 561398 (R)

D.O. No. ....

Dtd. 13/1/97.

Dear Sir,

Some months hence, when I become eligible for it on the completion of twenty years of service, I plan to avail of the provisions regarding Voluntary Retirement. The main reason is that, as a glance at my letterhead above will indicate, I am overqualified for the Indian Administrative Service. In addition, another very important reason is that, despite many representations and in disregard of the principles of natural justice, I have been denied my promotion as Commissioner. This was due when I had returned after completing my Ph.D. at the University of California over a year back, and its denial has obviously caused unnecessary humiliation and mental agony, both to my family and to me.

Kindly do therefore take urgent action to give me my promotion as Commissioner, with due retrospective effect, so that I can get my proper pension and other benefits, when I do take Voluntary Retirement.

Thank you very much,

With regards,

Sincerely,

*M. Saran*

Mr. T.K. Kamilla, IAS,  
Chief Secretary, Assam.

*Attestd  
S.K. Chakraborty  
16/5/2000*

(32A)

Dr. Prem Saran, B.E (Chem.), MBA (IIMC),  
MA (Penn), MA (Calif), Ph.D (Calif)

GOVERNMENT OF ASSAM

Phone | 561304 (O)  
| 561398 (R)

D.O. No. ....

Dtd. 13/1/97.

Copy to:-

Mr. C.K. Das, IAS, Commissioner & Secretary, CM's Secretariat.

He is requested to place this before the CM for his kind,  
urgent remedial action.

*M. Saran*  
(Dr. Prem Saran)

Secy, A.R. & Training Dept.

*Attestd.  
S.K. Chakraborty  
14/5/2000*





33

Secretary, Administration  
Reforms & Training Dept.

GOVERNMENT OF ASSAM

Phone 561301 (O)  
561398 (R)

ANNEXURE - E

Dtd. 4/8/97

Dr. Prem Sarma,

BE (Chem), MBA (IIMC),  
MA (Penn), MA (Calif), Ph.D (Calif), IAS.

To  
Shri T K Kamilla, IAS.  
Chief Secretary,  
Govt. of Assam, Dispur.

Sir,

This is another reminder in connection with my representation that the Government of Assam should give me my due promotion as Commissioner, with retrospective effect as entitled. You will recall that when I rejoined duty on January 20, 1997, on completion of my Ph.D in the U.S.A, I was unjustly posted as Secretary, instead of as Commissioner.

Since you are well aware that justice delayed is tantamount to justice denied, I am sure you will kindly take immediate steps to give me my due promotion. You will appreciate the frustration I have been undergoing for the last one and a half years, due to the humiliation of being superseded by four batches of IAS Officers junior to me, as well as the financial loss so caused to me.

Thank you.

Yours faithfully,

Prem Sarma

RH skg  
S.O.K. Chakraborty  
Advocate  
16/5/2000

Secretary, Administrative  
Reforms & Training Dept.

GOVERNMENT OF ASSAM

Phone 561304 (O)

561398 (R)

ANNEXURE - F

Dtd. 21/8/97.

34

Dr. Prem Saran,

BE (Chem), MBA (IIMC),

MA (Penn), MA (Calif), Ph.D (Calif), IAS.

To Mr. V.S. Jafa, IAS,  
Chief Secretary,  
Government of Assam, Dispur.

Sir,

I am writing this to claim my overdue promotion as Commissioner, with retrospective effect. This had been denied to me by the Government when I rejoined duty after doing my Ph.D at the University of California, USA, on 20/1/96. This was apparently done because I had extended my Extraordinary Leave without prior approval, in order to complete my studies.

Since then I have submitted a number of representations to the Government. I am enclosing the last of these (dated 4.8.97), along with the one previous to that (dated 13/1/97). In the latter, I have out of sheer frustration expressed my intention to take Voluntary Retirement, when I became eligible for it. In addition, I am also attaching a copy of my representation to the Secretary, Dept. of Personnel, Govt. of India, which I was compelled to send recently.

Since I belong to the 1978 batch, I have had the privilege of being trained by you at the National Academy of Administration, Mussoorie. Knowing thus your sense of justice and fair play, I am sure that you will appreciate the mental agony that my family and I have been made to undergo for the last 19 months, especially due to the humiliation of being superseded by four batches of IAS Officers junior to me.

Anticipating therefore your kind redressal of the grievance of a junior colleague,

Yours faithfully,

Prem Saran

Attested  
S.K. Chakraborty  
Advt. Secy  
16/5/2000



35

Secretary, Administrative  
Reforms & Training Dept.

GOVERNMENT OF ASSAM

Phone

561304 (O)

561398 (R)

ANNEXURE G

Dtd. 5/8/97

Dr. Prem Saran,

BE (Chem), MBA (IIMC),

MA (Penn), MA (Calif), Ph.D (Calif), IAS.

To

Shri T K Kamilla, IAS,

Chief Secretary,

Govt. of Assam, Dispur.

Sir,

I am attaching herewith a letter that I am sending to the Secretary, Ministry of Personnel, etc., Govt. of India. In anticipation of your kind approval, I am sending an advance copy to him.

Thank you,

Yours faithfully,

KH 2/1/97  
S.K. Chakraborty  
16/5/2000

Prem Saran



Dr. Prem Saran, IAS

BE (Chem), MBA (IIMC),

MA (Penn), MA (Calif), Ph.D (Calif); IAS.

ADVANCE COPY

Secretary, Administrative  
Reforms & Training Dept.

GOVERNMENT OF ASSAM

✓ Phone | 561304 (O)  
561398 (R)

ANNEXURE - G1

D.O. No. ....

Dtd. 5/8/97.

To Shri Arvind Varma, IAS,  
Secretary, Dept. of Personnel,  
Ministry of Personnel Public Grievances &  
Pensions, New Delhi-110001.

( Through Shri T K Kamilla, IAS,  
Chief Secretary,  
Govt. of Assam, Dispur )

Sir,

As you will kindly see from the copy of my C.V. enclosed herewith, I am probably one of the most highly qualified IAS Officers in the country. After doing my Bachelor's degree in Chemical Engineering and my MBA from the Indian Institute of Management Calcutta, I joined the IAS in 1978. I did this purely out of a spirit of idealism and public service, foregoing a lucrative career in the private sector.

In 1991, I went to the University of California to do a Ph.D. in Anthropology, on scholarship from that University. On completing my studies, when I returned to rejoin duty in the Government of Assam in January 1996, I was shocked to be denied my due promotion as Commissioner in the State Government. Apparently this was because I had extended my Extraordinary Leave to complete my Ph.D, without the prior approval of the State Govt.

Thereafter, I have sent repeated reminders to the Govt. of Assam, of the last of which I am also enclosing a copy. Unfortunately, I have not even received a reply from the State Govt. ! Further, since I had exhausted all my savings in pursuit of my higher studies, I have regrettably not been able to afford to seek legal remedy.

Contd. P/2.

*Handwritten:*  
H/estd &  
S.K. Chakraborty  
Advocate  
16/5/2006

37

Dtd. 5/8/97.

Prem Saran

S.K. Advocate  
16/5/2000

GRADATION LIST OF IAS OFFICERS AS ON 01-04-98

Sl. No.	Name of officers	Year of allotment	Date of birth	Date of retirement
1	2	3	4	5
1.	Shri Bhaskar Barua, IAS	RR-1963	27.2.41	28.2.2001
2.	Shri M.P.Bezbaruah, IAS	RR-1964	1.12.41	30.11.2001
3.	Shri N.N.Mukherjee, IAS	RR-1964	7.12.40	31.12.2000
4.	Shri B.P.Singh, IAS	RR-1964	1.1.42	31.12.2001
5.	Shri Prabir Sengupta, IAS	RR-1965	5.1.42	31.1.2002
6.	Shri V.S.Jafa, IAS	RR-1965	5.3.42	31.3.2002
7.	Shri S.K.Agnihotri, IAS	RR-1965	30.1.42	31.1.2002
8.	Shri R.P.Singh, IAS	RR-1965	26.10.41	31.10.2001
9.	Shri Rangan Dutta, IAS	RR-1966	11.3.42	31.3.2002
10.	Shri T.K.Kamilla, IAS	RR-1966	2.2.42	29.2.2002
11.	Shri C.P.Misra, IAS	RR-1966	1.11.41	31.10.2001
12.	Shri Vinay Kohli, IAS	RR-1966	11.1.44	31.1.2004
13.	Shri P.K.Bora, IAS	RR-1966	1.8.42	31.7.2002
14.	Shri J.P.Singh, IAS	RR-1966	1.5.42	30.4.2002
15.	Shri M.S.Pangtey, IAS	EC/SSC-1966	6.6.43	30.6.2003
16.	Shri C.N.S.Nair, IAS	RR-1967	18.10.43	31.10.2003
17.	Shri P.K.Dutta, IAS	RR-1967	1.8.43	31.7.2003
18.	Shri H.W.T.Syiem, IAS	RR-1967	31.7.42	31.7.2002
19.	Shri B.K.Misra, IAS	RR-1967	20.10.42	31.10.2002
20.	Dr. C.R.Samadder, IAS	RR-1967	1.8.40	31.7.2000
21.	Shri J.P.Rajkhowa, IAS	RR-1968	1.11.44	31.10.2004
22.	Shri Joming Tayeng, IAS	RR-1968	1.2.44	31.1.2004
23.	Shri S.K.Purkayastha, IAS	RR-1969	18.11.44	30.11.2004
24.	Shri Agya Pal Singh, IAS	EC/SSC-1970	1.12.46	30.11.2003
25.	Shri Ashok Saikia, IAS	RR-1971	31.12.47	31.12.2007
26.	Dr. Dhruvananda Das, IAS	RR-1971	22.3.49	31.3.2009
27.	Shri Rana Banerjee, IAS	RR-1972	17.10.49	31.10.2009
28.	Shri S. Kabilan, IAS	RR-1972	8.11.47	30.11.2007
29.	Shri C. Babu Rajeev, IAS	RR-1973	18.5.47	31.5.2007
30.	Shri Peter James Bazeley, IAS	RR-1973	22.2.46	28.2.2006
31.	Shri S.K.Tewari, IAS	RR-1973	1.4.47	31.3.2007
32.	Shri Alok Jain, IAS	RR-1974	13.11.49	30.11.2009
33.	Shri A.K.Arora, IAS	RR-1974	10.1.48	31.1.2008
34.	Shri L. Rynjah, IAS	RR-1974	1.3.50	28.2.2010
35.	Shri P.C.Sharma, IAS	RR-1975	31.3.50	31.3.2010

Contd.....

H.O. &  
 S.K. Agnihotri  
 16/5/2000

1	2	3	4	5
36.	Shri S. Manoharan, IAS	RR-1975	29.5.50	31.5.2011
37.	Shri C.K.Das, IAS	RR-1975	1.1.49	31.12.2011
38.	Kumari Parul Devi Das, IAS	RR-1975	2.4.50	31.3.2011
39.	Shri S. Chatterjee, IAS	RR-1976	10.11.50	30.11.2011
40.	Shri A. Bhatnagar, IAS	RR-1976	15.4.50	30.4.2011
41.	Shri Ranjan Chatterjee, IAS	RR-1976	9.10.52	31.10.2012
42.	Shri Samarendra Chatterjee, IAS	RR-1976	8.8.52	31.8.2012
43.	Shri Naba Kumar Das, IAS	RR-1976	15.12.52	31.12.2012
44.	Dr. S. Mitra, IAS	RR-1977	15.8.52	31.8.2012
45.	Shri J.M.Muskar, IAS	RR-1977	9.10.51	31.10.2011
46.	Shri Alok Perti, IAS	RR-1977	15.5.52	31.5.2012
47.	Shri Sharad Gupta, IAS	RR-1977	31.10.52	31.10.2012
48.	Shri W.M.S.Pariot, IAS	RR-1977	28.12.53	31.12.2013
49.	Shri S.K.Srivastava, IAS	RR-1978	20.10.54	31.10.2014
50.	Shri Pradip Singh, IAS	RR-1978	13.5.52	31.5.2012
51.	Shri N. Prasad, IAS	RR-1978	15.12.55	31.12.2015
52.	Shri P.P.Verma, IAS	RR-1978	28.9.53	30.9.2013
53.	Shri H.M.Cairae, IAS	RR-1978	17.4.56	31.7.2016
54.	Shri G.P.Wallong, IAS	RR-1978	1.1.47	31.12.2006
55.	Shri Prem Saran, IAS	RR-1978	17.1.52	31.1.2012
56.	Shri H. Chinkhenthian, IAS	RR-1978	1.12.46	31.12.2005
57.	Shri O.P.Agarwal, IAS	RR-1979	19.12.53	31.12.2013
58.	Shri Jitesh Khosla, IAS	RR-1979	29.5.55	31.5.2015
59.	Shri A.K.Thakur, IAS	RR-1979	20.2.55	28.2.2015
60.	Shri V.S.Oberoi, IAS	RR-1979	18.2.57	28.2.2017
61.	Smti. Emily Das Choudhury, IAS	RR-79	28.10.53	31.10.2013
62.	Shri B.K.Dev Verma, IAS	RR-1979	2.2.55	28.2.2015
63.	Shri Pramod Kumar Chaudhury, IAS	RR-1979	16.1.53	31.1.2013
64.	Shri V.K.Pipersenia, IAS	RR-1980	5.8.57	31.8.2017
65.	Kumari J.J.Sawian, IAS	RR-1980	12.6.52	30.6.2012
66.	Shri Mukesh Chawla, IAS	RR-1980	15.11.56	30.11.2016
67.	Shri K.D.Tripathi, IAS	RR-1980	15.11.58	30.11.2018
68.	Shri Bhaskar Mushahary, IAS	RR-1980	12.3.56	31.3.2016
69.	Shri Subhash Ch. Das, IAS	RR-1981	25.12.55	31.12.2015
70.	Shri S. Mandiratta, IAS	RR-1981	20.12.52	31.12.2012
71.	Shri S.C.Panda, IAS	RR-1981	6.2.55	28.2.2015
72.	Shri Rajiv Yadav, IAS	RR-1981	21.1.58	31.1.2018

Contd.....

*Attested  
S.K. Chakraborty  
Adm. Secy  
16/5/2000*

1	2	3	4	5
73.	Shri A.K.Srivastava, IAS	RR-1981	11.8.58	31.8.2018
74.	Shri Harish Sonowal, IAS	RR-1981	1.3.50	29.2.2010
75.	Smti. Smita Sabhlok, IAS	RR-1982	1.4.57	31.3.2017
76.	Shri Siva Sankar Gupta, IAS	RR-1982	8.1.55	31.1.2015
77.	Shri B.V.P.Rao, IAS	RR-1982	14.6.54	30.6.2014
78.	Shri Jai Priye Prakash, IAS	RR-1982	17.5.59	31.5.2019
79.	Shri Himangshu Sekhar Das, IAS	RR-1982	20.9.55	30.9.2015
80.	Shri Kuljit S. Kropcha, IAS	RR-1982	19.12.57	31.12.2017
81.	Shri J.S.L.Vasava, IAS	RR-1982	1.6.52	31.5.2012
82.	Shri Sanjeev Sabhlok, IAS	RR-1982	13.11.59	30.11.2019
83.	Shri H.K.Mazhari, IAS	Non-SCS-1982	22.9.43	30.9.2003
84.	Smti. T.Y.Das, IAS	RR-1982	13.8.58	31.8.2018
85.	Shri Arun Kumar, IAS	RR-1983	19.3.58	31.3.2018
86.	Shri K.K.Mittal, IAS	RR-1983	16.4.58	30.4.2018
87.	Shri R.T.Jindal, IAS	RR-1983	15.3.56	31.8.2016
88.	Shri J.B.Singh, IAS	RR-1983	12.12.57	31.12.2017
89.	Shri A.K.Sachan, IAS	RR-1983	8.10.59	31.10.2019
90.	Shri V.B.Pyarelal, IAS	RR-1983	9.2.50	28.2.2019
91.	Shri J.P.Meena, IAS	RR-1983	10.8.58	31.8.2018
92.	Shri Yeshi Tsering, IAS	RR-1983	13.3.59	31.3.2019
93.	Shri Neeraj Ch. Barooah, IAS	SCS-1983	1.6.41	31.5.2001
94.	Shri Ajay Kumar Bhalla, IAS	RR-1984	26.11.60	30.11.2020
95.	Shri Alok Kumar, IAS	RR-1984	1.1.60	31.12.2019
96.	Shri Prasant Naik, IAS	RR-1984	31.1.56	31.1.2016
97.	Shri K.V.Eapen, IAS	RR-1984	9.9.59	30.9.2019
98.	Shri Shyam Lal Mewara, IAS	RR-1984	2.2.57	28.2.2017
99.	Shri Davinder Kumar, IAS	RR-1984	2.12.55	31.12.2015
100.	Shri C.D.Kynjing, IAS	RR-1984	22.12.52	31.12.2012
101.	Shri P.S.Thangkhiew, IAS	RR-1984	1.12.59	30.11.2019
102.	Shri Dinesh Ch. Barman, IAS	SCS-1984	1.3.41	28.2.2001
103.	Shri Rajiv Kumar Bora, IAS	RR-1985	8.6.60	30.6.2020
104.	Shri V.S.Bhaskar, IAS	RR-1985	28.7.61	31.7.2021
105.	Shri Sailesh, IAS	RR-1985	28.9.61	30.9.2021
106.	Shri Saraswati Prasad, IAS	RR-1985	24.12.60	31.12.2020
107.	Shri Shree Ranjari, IAS	RR-1985	19.8.57	31.8.2017
108.	Shri Sumeet Jerath, IAS	RR-1985	18.8.61	31.8.2021
109.	Shri M.G.V.K.Bhanu, IAS	RR-1985	15.7.58	31.7.2018
110.	Kumar Sanjoy Krishna, IAS	RR-1985	26.10.60	31.10.2020

Contd.....

H.K. Chakraborty  
 G.K. Chakraborty  
 16/5/2000



1	2	3	4	5
111.	Shri Hactor Marwein, IAS	RR-1985	3.8.60	31.8.2020
112.	Shri J.P.Saikia, IAS	Non-SCS-1985	1.12.45	30.11.2005
113.	Shri Sanjeeva Kumar, IAS	RR-1986	14.9.61	30.9.2021
114.	Shri N.S.Samant, IAS	RR-1986	14.8.59	31.8.2019
115.	Shri Ravi Kapoor, IAS	RR-1986	23.12.60	31.12.2020
116.	Shri Atul Chaturvedi, IAS	RR-1986	17.7.62	31.7.2022
117.	Shri Dhirvir Jhingran, IAS	RR-1986	17.12.61	31.12.2021
118.	Shri Peter W. Ingty, IAS	RR-1986	11.5.59	31.5.2019
119.	Dr. B.K.Gohain, IAS	SCS-1986	1.3.46	28.2.2006
120.	Shri Ajoy Kumar Roy, IAS	SCS-1986	1.2.41	31.1.2001
121.	Shri P.C.Chakraborty, IAS	SCS-1986	1.12.43	30.11.2003
122.	Shri G.J.Shadap, IAS	SCS-1986	1.12.44	30.11.2004
123.	Shri Mrinal Kr. Barooah, IAS	SCS-1986	7.11.47	30.11.2007
124.	Shri T.R.Dey, IAS	SCS-1986	1.2.45	31.1.2005
125.	Shri C.K.Sharma, IAS	SCS-1986	1.3.46	28.2.2006
126.	Dr. Ajoy Kumar Singh, IAS	RR-1987	6.1.59	31.1.2019
127.	Shri M.C.Jauhari, IAS	RR-1987	2.8.62	31.8.2022
128.	Shri K. Narayan Kumar, IAS	RR-1987	8.1.61	31.1.2021
129.	Shri M.Srinivas Rao, IAS	RR-1987	27.9.61	30.9.2021
130.	Shri Ram Mohan Misra, IAS	RR-1987	5.6.61	30.6.2021
131.	Shri P. Kharkongor, IAS	RR-1987	25.11.55	30.11.2015
132.	Shri Pradip Hazarika, IAS	SCS-1987	23.1.48	31.1.2008
133.	Shri Biren Dutta, IAS	SCS-1987	20.3.49	31.3.2009
134.	Shri N.G.Barooah, IAS	SCS-1987	1.3.43	28.2.2003
135.	Shri Romesh Chyne, IAS	SCS-1987	1.9.42	30.9.2002
136.	Ms. A. Malngiang, IAS	SCS-1987	4.2.41	28.2.2001
137.	Shri P.K.Srivastava, IAS	RR-1988	7.1.62	30.1.2022
138.	Shri Jishnu Baruah, IAS	RR-1988	1.9.62	31.8.2022
139.	Shri Jiban Ch. Pegu, IAS	SCS-1988	1.2.45	31.1.2005
140.	Dr. Sasadhar Nath, IAS	SCS-1988	1.5.48	30.4.2008
141.	Shri Ashutosh Sengupta, IAS	SCS-1988	1.6.44	31.5.2004
142.	Shri Bir Bhadra Hagjer, IAS	SCS-1988	18.2.51	28.2.2011
143.	Shri Patreswar Basumatary, IAS	SCS-1988	1.4.41	31.3.2001
144.	Shri Hassan Ali, IAS	SCS-1988	27.2.45	28.2.2005
145.	Shri Manoranjan Das, IAS	SCS-1988	1.7.46	30.6.2006
146.	Shri Aftab Uddin Ahmed, IAS	SCS-1988	1.9.45	31.8.2005

Contd.....

*Shri P.K. Chakraborty*  
*S.K. Barooah*  
*14/5/2000*

1	2	3	4	5
147. Shri Pranab Kumar Khound, IAS	SCS-1988	28.2.47	28.2.2007	
148. Shri Sameer Kumar Khare, IAS	RR-1989	9.11.63	30.11.2023	
149. Shri Maninder Singh, IAS	RR-1989	28.7.63	31.7.2023	
150. Smti. Rebecca Vanessa Suchiang, IAS	RR-1989	27.7.62	31.7.2022	
151. Shri G. Lamin, IAS	SCS-1989	15.12.43	31.12.2003	
152. Shri Paramesh Dutta, IAS	Non-SCS- 89	1.3.46	28.2.2006	
153. Shri Badal Mitra Mazumdar, IAS	Non-SCS-1989	1.4.45	30.4.2005	
154. Shri Santanu Mukherjee, IAS	RR-1990	12.8.64	31.8.2024	
155. Shri Pankaj Jain, IAS	RR-1990	28.12.65	31.12.2025	
156. Shri Ravi Sankar Prasad, IAS	RR-1990	23.8.64	31.8.2024	
157. Shri Syedain Abbasi, IAS	RR-1990	29.1.67	31.1.2027	
158. Shri Hemanta Narzary, IAS	RR-1990	18.5.59	31.5.2019	
159. Smti. Gayatri Baruah, IAS	SCS-1990	27.6.52	30.6.2012	
160. Shri Santanu Bhattacharjee, IAS	SCS-1990	1.3.46	28.2.2006	
161. Smti. Sunanda Sengupta, IAS	SCS-1990	11.12.47	31.12.2007	
162. Shri Bhudev Basumatary, IAS	SCS-1990	1.12.50	31.12.2010	
163. Shri A.K. Daolagupu, IAS	SCS-1990	31.1.52	31.1.2012	
164. Shri Dibakar Saikia, IAS	SCS-1990	2.5.45	31.5.2005	
165. Shri Mickey Diengdoh, IAS	SCS-1990	1.10.43	31.10.2003	
166. Shri Wanpli Star Mawlong, IAS	SCS-1990	1.1.43	31.12.2003	
167. Shri Arindam Som, IAS	SCS-1990	24.5.51	31.5.2011	
168. Shri Matahir Ali Borbhuyan, IAS	SCS-1990	30.12.40	31.12.2000	
169. Shri Ananta Kumar Malakar, IAS	SCS-1990	1.7.47	31.7.2007	
170. Shri Kamal Krishna Hazarika, IAS	SCS-1990	1.1.48	31.12.2008	
171. Shri Jones Ingti Kathar, IAS	SCS-1990	2.2.51	28.2.2011	
172. Shri Ritendra Nath Sarma, IAS	SCS-1990	17.1.52	31.1.2012	
173. Shri Laxmi Nath Tamuli, IAS	SCS-1990	6.5.50	31.5.2010	
174. Shri Lall Chand Singhi, IAS	SCS-1990	20.12.51	31.12.2011	
175. Shri Pramod Kumar Tiwari, IAS	RR-1991	30.10.65	31.10.2025	
176. Shri Vijayendra, IAS	RR-1991	17.3.66	31.3.2026	
177. Shri Ashish Kumar Bhutani, IAS	RR-1992	21.9.67	30.9.2027	
178. Shri Alok Khare, IAS	RR-1992	1.1.68	31.12.2027	
179. Shri Biswaranjan Samal, IAS	RR-1992	20.7.68	31.7.2028	
180. Shri Sandip Verma, IAS	RR-1993	12.3.70	31.3.2030	
181. Shri Ravi Kota, IAS	RR-1993	12.4.66	31.4.2026	
182. Shri Ajay Shankar Tewari, IAS	RR-1993	5.9.70	31.9.2030	
Shri Donald Phillip Wallang, IAS	RR-1993	4.9.65	30.9.2025	

Contd....

Approved  
Sd/- P. K. Chakraborty  
16/7/2000

51

1	2	3	4	5
184.	Shri Kailash Chand Samaria, IAS	RR-1993	13.11.69	30.10.2001
185.	Shri Sanjay Lohiya, IAS	RR-1994	30.8.69	31.8.2001
186.	Shri Samir Kumar Sinha, IAS	RR-1994	16.11.69	30.11.2001
187.	Shri Joshi Avinash Purushottam, IAS	RR-1994	25.6.68	30.6.2002
188.	Shri Rajeev Chandra Joshi, IAS	RR-1994	25.9.70	30.9.2000
189.	Shri Niraj Verma, IAS	RR-1994	6.7.69	31.7.2009
190.	Ms. L.S. Changsan, IAS	RR-1994	27.6.71	30.6.2031
191.	Miss Archana Verma, IAS	RR-1995	16.2.70	28.2.2030
192.	Shri M.A. Ariz Ahammed, IAS	RR-1995	14.8.68	31.8.2028
193.	Shri Prateek Hajela, IAS	RR-1995	21.4.69	30.11.2029
194.	Shri Rajesh Prasad, IAS	RR-1995	8.11.70	30.11.2030
195.	Shri Shakil P. Ahmed, IAS	RR-1995	12.11.66	30.11.2026
196.	Shri B.Kalyan Chakravarthy, IAS	RR-1995	6.7.67	31.7.2027
197.	Shri John Berchman Ekka, IAS	RR-1995	29.3.68	28.3.2028
198.	Shri Anurag Goel, IAS	RR-1996	24.8.72	31.8.2031
199.	Ms. Caralyne Edna Khongwar, IAS	RR-1996	5.4.70	30.4.2030
200.	Shri Krishna Kumar Dwivedi, IAS	RR-1996	1.1.69	30.1.2029
201.	Shri Mukesh C. Sahu, IAS	RR-1996	3.3.73	30.9.2033
202.	Shri Pamu Sampath Kumar, IAS	RR-1997	2.5.73	31.5.2030
203.	Shri Jamjam Syamala Rao, IAS	RR-1997	22.5.67	31.5.2027
204.	Shri Syam Jagannathan, IAS	RR-1997	10.8.73	31.8.2033
205.	Shri Lambha Roy, IAS	SCS-1997	11.5.50	31.5.2010
206.	Shri D.N. Saikia, IAS	SCS-	31.1.47	31.1.2007

Shri P.K. Barthakur, IAS (RR-1989) belongs to Nagaland Cadre.

Handwritten signature and date: 16/5/2000

Dr. Prem Saran, BE (Chem), MBA (IIMC), MA (Penn),  
MA (Calif), Ph.D. (Calif); IAS.

Administrative Reforms  
and Training Department.

GOVERNMENT OF ASSAM

Phone - 561304 (O)  
561398 (R)

D.O. No. 12.03.99

To

Mr. P.P. Verma, IAS,  
Commr. & Secy. to the Chief Minister of  
Assam, Dispur, Guwahati-6.

Sir,

This is to request you to place the following before  
the Hon'ble Chief Minister, so that he will redress the gross  
injustice done to me.

1. During my absence on leave in the U.S.A. to do my Ph.D.,  
my batchmates were promoted as Commissioner. My promotion was  
overlooked by the DPC, even though there was no case against me  
at the time. Thus, merely due to prejudice, my due service bene-  
fits have been denied to me ever since that date.
2. Notwithstanding that a chargesheet has since been filed  
against me, the materials adduced against me are subject to judi-  
cial scrutiny at the time of trial. This is very clear from a  
recent judgement of the Hon'ble Supreme Court, in the case of  
the State of Gujarat and another Vs. Suryakant Chunilal Shah,  
decided on December 3, 1998. A copy of that judgement is atta-  
ched herewith.
3. In the above case, the Supreme Court noted that the  
respondent was involved in two criminal cases, in one of which  
a final report was submitted, while in the other a chargesheet  
was filed. The Court also noted that although there was no entry  
in his character roll that the respondent's integrity was doubt-  
ful, the Government formed the opinion that the respondent was  
a person of doubtful integrity, probably on the basis of the  
FIRS filed against him.

*Handwritten:*  
S.K. Chakraborty  
16/5/2000

Contd.....2..



Dr. Prem Saran, BE (Chem), MBA (IIMC), MA (Penn),  
MA (Calif), Ph.D. (Calif); IAS.

Administrative Reforms  
and Training Department.

GOVERNMENT OF ASSAM

Phone - 561304 (O)  
561398 (R)

D.O. No. ....

:: 2 ::

4. In its judgement in the said case, the Hon'ble Supreme Court ruled, "The involvement of a person in a criminal case does not mean that he is guilty. He is still to be tried in a court of law and the truth has to be found out ultimately by the court where the prosecution is ultimately conducted. But before that stage is reached, it would be highly improper to deprive a person of his livelihood merely on the basis of his involvement." Further, the court also ruled, "inasmuch as there were no adverse remarks in the character roll entries, the integrity was not doubted at any time", and so the Government "could not come to the conclusion that the respondent was a man of doubtful integrity."

5. In view of the above judgement of the apex Court that a person cannot be denied his livelihood merely on the basis of his involvement in a criminal case, and also since there are no adverse remarks in my character rolls and thus no grounds to deny me my due, the Hon'ble Chief Minister may kindly pass necessary orders forthwith to promote me as Commissioner, with due retrospective effect.

Yours faithfully,

*Prem Saran*

( Dr. Prem Saran, IAS, )

Secretary, Deptt. of AR and Training,  
Govt. of Assam, dispur.

*Noted  
S.K. Dasgupta  
16/5/2000*

BE (Clem), MBA (HMC), MA (Penn),  
MA (Calif), Ph. D. (Calif); IAS.



ANNEXURE - J

Secretary,  
Administrative Reforms and  
Training Department,  
Government of Assam  
Phone - 561304 (O)  
561398 (R)

Dtd. 15/5/99.

To Mr. P. K. Bora, IAS,  
Chief Secretary to the Govt. of Assam,  
Dispur.

Sir,

This is regarding my repeated representations for my promotion as Commissioner, with due retrospective effect. You may recall that, during my absence on leave to do my Ph.D. in the USA, my batchmates had been promoted as Commissioner. At that time the Government should have promoted me also, under sealed cover, since there was nothing adverse in my A.C. thereafter, on my return from USA, I should have been promoted with due retrospective effect, when I rejoined duty in November 1995.

Due to the above grave act of omission, which has been compounded by the gross injustice of denying me my due promotion ever since, I have now been superseded by five batches of my junior officers. In this connection, please refer accordingly to my last petition dated 19th March 1999, addressed to the Commissioner & Secretary to the Chief Minister.

I now understand that subsequently, a meeting of the Departmental Promotion Committee was held in Dispur on 13th May 1999, and that a decision was taken therein on my representation.

You are therefore requested to kindly let me know the decision that was taken in the said DPC.

Yours faithfully,

( Dr. Prem Saran )

Secy, AR &amp; Training Dept.

*Handwritten:*  
S.K. Akrobarty  
16/5/2000

(2)

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Saran, BE (Chem), MBA (IIMC), MA (Penn),  
MA (Calif), Ph. D. (Calif); IAS.



Secretary,  
Administrative Reforms and  
Training Department,  
Government of Assam  
Phone - 561301 (C)  
561308 (R)

Dtd. 15/5/99

Copy to :

- 1) Mr. P.P. Verma, IAS, Commissioner & Secretary to  
Chief Minister, Assam, Dispur.
- 2) Mr. J.P. Meena, IAS, Commissioner & Secretary to  
the Government of Assam, Personnel Dept., Dispur.

( Dr. Prem Saran )

Secy. AR & Training Dept.

Handwritten notes:  
H.K. Adv. 16/5/2000  
S.K. Adv. 16/5/2000

(48)

ANNEXURE - K

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL II: A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI- 781006  
00000

ORDERS BY THE GOVERNOR  
NOTIFICATION

Dated Dispur, the 9th February, 2000

NO. AAI. 18/97/104: In the interest of public service, Shri Dinesh Ch. Barman, IAS (SCS-1984), Secretary to the Govt. of Assam, Education (Ele. & Sec.) Department, Dispur is promoted to officiate in the Super-time Scale of IAS, viz. Rs. 18,400 - 22,400/- P.M. with effect from the date of taking over charge and posted as Commissioner & Secretary to the Govt. of Assam, Education (Elementary & Secondary) Department.

Sd/- H.N. JARMA  
Under Secretary to the Govt. of Assam

Memo No. AAI. 18/97/104-A :: Dated Dispur, the 9th February, 2000  
Copy to :-

1. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-28.
2. The Chairman, Assam Administrative Tribunal, Guwahati.
3. The Chairman, Assam Board of Revenue, Guwahati.
4. The Chairman, Assam State Electricity Board, Guwahati.
5. All Principal Secretaries/Commissioners & Secretaries/Secretaries to the Govt. of Assam.
6. The Chief Electoral Officer, Assam, Dispur.
7. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi.
8. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
9. All Commissioners of Divisions, Assam.
10. The Agriculture Production Commissioner, Assam, Dispur.
11. The Chief Secretary to the Govt. of Meghalaya, Shillong.
12. The Under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions, Deptt. of Personnel & Training, New Delhi.
13. The Under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions, Career Management Division, New Delhi.
14. The Secretary to the Governor of Assam, Dispur.
15. The Secretary, Assam Legislative Assembly, Dispur.
16. The FPS to Chief Minister, Assam, Dispur.
17. All Principal Secretaries of the Autonomous Councils.
18. The Secretary, State Election Commission, Housefed Complex, Dispur.
19. All Deputy Commissioner/ Sub-Divisional Officers.
20. The PS to Chief Secretary, Assam, Dispur.
21. The PS to Addl. Chief Secretary, Assam, Dispur.
22. All PS to Ministers/ Ministers of State.
23. Shri Dinesh Ch. Barman, IAS, Secretary to the Govt. of Assam, Education (Elementary) Department, Dispur.
24. Education (Elementary) Department, Dispur.

By order etc.,

H.N. JARMA  
9/2/2000.

( H.N. JARMA )

Under Secretary to the Govt. of Assam

*Noted  
S.K. Chakraborty  
Advt. Secy  
16/5/2000*



(49)

ANNEXURE - L

NO.AAI. 18/97/80  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL::A)  
ASSAM SECRETARIAT (CIVIL)DISPUR  
GUWAHATI-781006

2000

Dated Dispur, the 4th June, 1999

To

Dr. Prem Saran, IAS  
Secretary to the Govt. of Assam,  
A.R. & Training Department,  
Dispur.

Sub :- Promotion to Supertime scale.

Ref :- His letter dated 15.5.99.

Sir,

In inviting a reference to your letter cited above, I am directed to say that Screening Committee in its meeting held on 13.5.99 considered the case of your promotion to Supertime Scale and kept its decision under Sealed Cover as per provision of Rule.

Yours faithfully,

( B. GOGOI )  
Joint Secretary to the Govt. of Assam

22/4/99

...

P. R. M. K. S.

21/6/99

S. K. Advocate  
16/5/2000

Dr. Prem Saran, BE (Chem), MBA (IIMC), MA (Penn),  
MA (Calif), Ph. D (Calif), IAS.



ANNEXURE M

Secretary,  
Administrative Reforms and  
Training Department,  
Government of Assam  
Phone - 561304 (O)  
561398 (R)

Dtd. 7/2/2000.

To : Mr. P. K. Bora, IAS  
Chief Secretary to the Govt. of Assam,  
Dispur.

Sub : Promotion to Supertime Scale.

Ref : Letter no. AAI. 18/97/80, dt. 4/6/99, from  
Joint Secretary, Personnel (A) Dept.

Sir,

With reference to the above (copy attached for ready reference), kindly do have the proceedings of the said Screening Committee Meeting, held on 13/5/99, sent to me at the earliest, for further necessary action at my end.

( Dr. Prem Saran )

Dr. Prem Saran  
14/5/2000

7/2



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BRANCH.

O.A. NO. 171/2000

In the matter of  
O.A. NO. 171/2000

Dr. Prem Saran, Applicant

- Vs -

Union of India and Others  
Respondents

- and -

In the Matter of :-

Written statement on behalf of  
the State of Assam (Respondent  
No.1) to the application filed  
by the applicant.

(Written statement on behalf of Respondent No.1 (State of  
Assam))

I, Shri Hirendra Nath Sarma, Under Secretary  
to the Government of Assam, Personnel (A) Department,  
Dispur, Guwahati-6, do hereby solemnly affirm and state  
as follows :-

1. That I am the Under Secretary to the Govt. of  
Assam, Personnel (A) Department. A copy of the application  
of the above case has been served upon the Respondent  
No.1. I perused the same and understood the contents  
thereof. I am competent as being authorised to file this  
written statement. I do not admit any of the allegations/  
averments which are not supported by records. All  
allegations/averments which are not specifically admitted  
hereinafter are to be deemed as denied.

2. That in regard to the statements made in  
paragraphs 6(i) and 6(ii) of the application, the  
answering respondent has no comment to make. The answering  
Respondent, however, does not admit anything which is  
not borne by records.

Contd....P/2.

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The State of Assam  
Respondent No.1  
Dr. Prem Saran  
12/3/01

7/3  
GUWAHATI

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3. That in regard to the statement made in paragraphs 6(iii) to 6(vi) of the application, the answering respondent has no comment to make, as they are the rules of the Indian administrative Service (pay) Rules, 1954.

4. That in regard to the statements made in paragraph 6(vii) of the application it is stated that, the applicant availed admissible period of study leave in 1985-87. As further study leave was not admissible he was sanctioned earned leave/Half pay leave/extra ordinary leave with effect from 15-9-91 to 13-9-1994 for prosecuting higher study in U.S.A. vide notifications No.AAI.32/79/246 dated 18-7-1991 (Annexure-A) to the application). The selection of the applicant along with the other officers of his batch for promotion to selection Grade was made in time. His case could not be disposed of as he was on leave as stated above. ✓✓✓

5. That in regard to the statements made in paragraph 6(viii) of the application, the answering respondent begs to state that the applicant was called back from U.S.A. vide letter No.AAP.81/94/37, dated 5-7-1994, requesting him to return to the State immediately to appear before the One Man Enquiry Committee constituted for holding an enquiry into the anomalies in respect of drawal of large amount of money fraudulently in different treasuries in Assam through LOC system in Animal Husbandery and Veterinary Department during the applicant's tenure as Secretary to the Department. Further the Govt. of India, Ministry of External Affairs was requested by the Govt. of Assam vide letter No.AAP.81/94/38 dated 5-7-1994 to transmit the letter No.AAP.81/94/37 dated 5-7-94 to Shri Prem Saran, IAS (Applicant).

Contd.....P/3.

Sub-Divisional Magistrate  
GUWAHATI

Further, the Consulate General of India, Sanfrancisco, vide letter No.Sanf/Cons/551/1/94 dated 13-6-1994, intimated the decision taken by the Govt.of Assam to call applicant back from leave which was sanctioned till 13-9-94 for prosecution of study in U.S.A. Further he was informed to be present himself before the competent authority in connection with a departmental enquiry.

The applicant did not comply with the request of the State Govt. rather applied in January, 1995 for extension of leave for another 2/3 months. Govt. on consideration of his prayer allowed extension of time upto 30-4-1995. But thereafter also the applicant did not come. Subsequently he was asked vide letter No.AAI.32/79/280 dated 22-6-1995 to come back and resume his duties. But then also he did not come rather submitted another application for allowing him extension of time upto 15-10-1995. However in that case the Government regretted to allow further extension of leave and to issue N.O.C. for renewal of his passport. Subsequently, however, the Govt. issues NOC for renewal of the applicant's passport upto 30-10-1995.

Thereafter the applicant returned and reported his joining vide charge dated 20-11-1995.

The period of the applicant's overstay with effect from 14-9-1994 till the preceding date of his joining under Govt.is yet to be regularised.

Photocopies of the letter dated 5-7-1994 under No.AAP.81/94/57 and letter dated 5-7-1994 under No.AAP.81/94/38, letter dated 13-6-1994 and letter dated 20-7-1995 mentioned above are annexed herewith and marked as Annexure-I,II,III and IV.

Contd.....P/4.

W 273  
Sub-Divisional Magistrate  
GUWAHATI

6. That in regard to the statements made in paragraphs 6(ix) to 6(x), it is stated that although the batch mates of the applicant and some of the juniors have been promoted to selection Grade and supertime, it is not possible to dispose of his case of promotion because the period of his overstay beyond expiry of leave has not yet been regularised.

Further in connection with the said LOC Scam, State Government vide order No.AAP.15/97/222, dated 17-5-1997 and Govt. of India vide order No.107/5/97 - ADV.I, dated 27-8-97 accorded sanction U/S 197 of the code of criminal procedure 1973 read with section 19(I) of the P.C.Act, 1988 for prosecution of Shri Prem Saran, IAS, the applicant for the said offence.

The applicant has also been charge-sheeted in criminal case filed by C.B.I. in the court of Special Judge, Guwahati.

The personal file of the applicant was also taken by C.B.I. and it is still with them.

Photocopies of the order dated 17-5-1997 and 27-8-1997 are annexured herewith and marked as Annexure-V & VI.

7. That in regard to the statements made in paragraph 6(xi) of the application it is stated that as mentioned above, the applicant has already been charge-sheeted in a criminal case filled by C.B.I. and that is still pending. So, non-involvement of the applicant's in the said scam cannot be admitted at this stage.

8. That in regard to the statements made in paragraph 6(xii) to 6(xv) of the application it is stated that the case of the applicant for promotion to selection grade/Supertime scale cannot be disposed of before finalisation of the C.B.I. case pending before the court of Special Judge at Guwahati.

SD- Divisional Magistrate  
GUWAHATI

9. That in regard to the statements made in paragraph 6(xvii) the answering respondent has no comment to make thereon as they are being matters of records.

10. That in regard to the statement made in paragraph 6(xviii) of the application, the humble deponent begs to state that there is no provision in the rules to furnish the concerned person/applicant with a copy of proceeding of the committee on the case of promotion

11. That in regard to the statements made in paragraphs 6(xix) of the application it is stated that the case for appointment of the applicant to the higher scale could not be considered due to the non finalisation of the C.B.I. case pending before the Special Judge, Guwahati.

12. That in regard to the statement made in paragraphs 6(xx) to 6(xxiv) of the application to the humble deponent begs to state that the period of the applicant's overstay beyond expiry of leave (E.D.H.P. and E.O.I.) has not yet been regularised. Further a criminal case is pending before the Special Judge, Guwahati where the applicant was chargsheeted. Thus, therefore, the promotion case of the applicant could not be disposed of.

13. That the answering, respondent respectfully submit that none of the grounds mentioned in the application is a valid ground and there is no merit at all in the instant application and hence shall be dismissed.

---

Sub-Divisional Magistrate  
GUWAHATI

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b

VERIFICATION.

I, Shri Hirendra Nath Sarma, Under  
Secretary to the Govt. of Assam, Personnel (A)  
Department, hereby state that the statements made  
in paragraphs 1 to 4, 6 to 10 and 12- are  
true to my knowledge and those made in paragraphs  
5 are true to my  
information as derived there from which I believe to be  
true and the rests are humble submission before this  
Hon'ble Tribunal.

I have not suppressed any material fact.  
I have signed this verification on this 7th day  
of March, 2001.

Hirendra Nath Sarma  
Signature.

Signed and sworn before me on  
his 7th day of March 2001 by the  
deponent who is known to me.

\_\_\_\_\_

Sub 7/3/2001





Annexure II

CONFIDENTIAL

NO. AAP. 81/94/57  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL : A)  
ASSAM / DISPUR (CIVIL) DISPUR  
GUWAHATI-781006.  
833722

Dated Dispur, the 5th July, 1994.

Sri. From Saran, IAS  
727 Kneoben Walk # 201  
Colyton, CA 93117, U. S. A.

Subject: Anomalies in drawal of money in Animal Husbandry & Veterinary Department.

Sir,

I am directed to say that there were serious anomalies in respect of drawal of large amount of money fraudulently in different Treasuries in Assam through LOC system in Animal Husbandry & Veterinary Department, during your tenure as Secretary of the Department. In order to find out the actual facts about fraudulent drawal of money from Treasuries, a One Man Enquiry Committee headed by the Addl. Chief Secretary to the Government of Assam was constituted for making an enquiry into the anomalies. The One Man Enquiry Committee has since submitted its report to the State Government and the same has also been accepted by the Government.

In the report of the One Man Enquiry Committee, it is found that various serious irregularities cropped up in the Animal Husbandry & Veterinary Department, during your tenure as Secretary of the Department. But the action on the report of the One Man Enquiry Committee could not be taken without your presence in the State as some most vital information are required from you.

I am accordingly, therefore, request you kindly to return to the State immediately.

Yours faithfully,

(NIRAJAN CHOSE)

Secretary to the Government of Assam

Memo No. AAP. 81/94/57-A, dated Dispur, the 5th July, 1994  
Copy to :-

1. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Deptt. of Personnel & Training, North Block, New Delhi- 110001 for information and necessary action.
2. The Secretary to the Govt. of India, Ministry of External Affairs, New Delhi- 110011 for information and necessary action.
3. The Special Secretary to the Chief Minister, Assam, Dispur for information.

By order etc..

(NIRAJAN CHOSE)

Secretary to the Government of Assam

Annexure II

Annexure III

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CONFIDENTIAL/REGISTERED

NO. AAP. 81/94/38  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL ( PERSONNEL :::A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-781006.  
GPO

Dated Dispur, the 5th July, 1994.

Shri P. P. Siroar,  
The Under Secretary to the Govt. of India,  
Ministry of External Affairs,  
New Delhi- 110011.

Sub: Disciplinary action against Shri Prem Saran, IAS  
(RL-1978) now on higher studies abroad.  
Ref: This State Government's letter No. AAP.81/94/22  
dated 7.5.1994 and your letter No. WII/441/1/94  
dated 18.5.1994.

Sir,

With reference to above, I am directed to send herewith a letter No. AAP. 81/94/37 dated 5.7.1994 addressed to Shri Prem Saran, IAS, now on leave for prosecuting higher studies in U. S. A. under sealed cover for favour of onward transmission of the same to the India's Mission in San Francisco for delivery to Shri Saran as desired by you vide your letter under reference.

Yours faithfully,

(NIRANJAN GHOSH)

Secretary to the Government of Assam

Memo No. AAP. 81/94/38-A  
Copy to:-  
Dated Dispur, the 5th July, 1994.

1. The Secretary to the Government of India, Ministry of Personnel, Public Grievances & Pensions, Deptt. of Personnel & Training, North Block, New Delhi- 1 for information and necessary action.
2. The Special Secretary to the Chief Minister of Assam, Dispur for information.

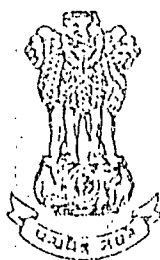
By order etc.,

(NIRANJAN GHOSH)

Secretary to the Government of Assam

5/7/94

TELEPHONE: (415) 668-0562  
(415) 668-0683  
CABLE ADDRESS: CCGENINDIA



CONSULATE GENERAL OF INDIA

No. Sanf/cons/551/1/94

To,

Mr. Prem Saran, IAS,  
727 Krocker Walk, #201,  
GOLETA,  
CA-93117.

Sir,

We have been approached by the Chief Secy. to the Govt. of Assam, vide his letter No. AAP.81/94/22, dated 7th May, 1994 to inform you, that, it has been decided to call you back from leave that was sanctioned to you till 13.9.94 for prosecuting higher studies at the University of California, Santa Barbara.

We have been further informed, that, you are required to present yourself before the competent authorities in India, in connection with a departmental enquiry.

You are required to acknowledge the receipt of this letter. You may also intimate the Chief Secy. Govt. of Assam, Department of Personnel (Personnel ::A), Assam Sectt., Civil, Dispur, Guwahati-6 as to the likely date by which you can present yourself before him, with reference to his letter quoted above, without any delay.

(B.K. Gupta)

Deputy Consul General

Copy to: The Chief Secy., Govt. of Assam, Deptt. of Personnel (Personnel ::A), Assam Sectt., Civil, Dispur, Guwahati-6, w.r.t. his letter quoted above.

y/ Sbm P.P. Sircar,  
USCAMS).

MEA, New Delhi

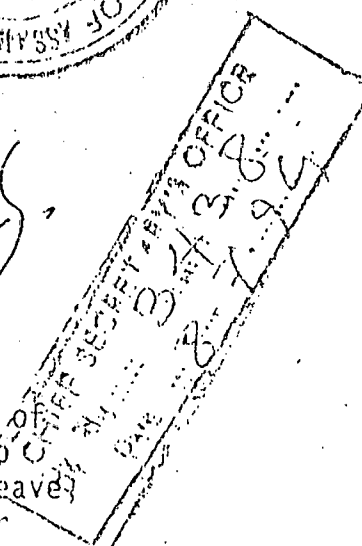
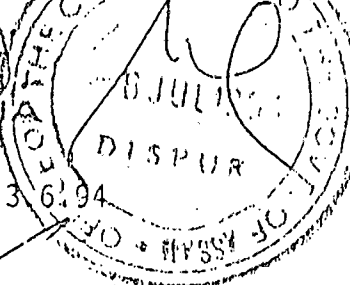
IMPORTANT  
11/7/94

8.9.88  
11/7/94

Assam

391 59

540 ARCELLO BOULEVARD  
SAN FRANCISCO  
CALIFORNIA 94110



CONFIDENTIAL

40 60

NO. AAP. 81/94/Pt/40  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL IIA)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI- 781006.

00000

Dated Dispur, the 20th July, 1995.

To

Mr. From Sam, IAS  
20 American Avenue,  
Santa Barbara,  
Calif. 93105, U.S.A.

Sub :- Extension of time and No Objection Certificate  
for renewal of passport.

Sir,

I am directed to say that you were requested to come back to this State immediately vide Government letter No. AAP. 81/94/37 dated 5.7.1994. But instead of complying with the request of the State Government, you applied during January, 1995 for extension of time for another 2/3 months for completion of your Ph.D.

Government, on consideration of your prayer, allowed extension of time upto 30.4.1995 vide letter No. AAI. 32/79/279 dated 19.4.1995 with the direction to submit formal application for granting Extra Ordinary Leave for the period from 14.9.1994 to 30.4.1995. Subsequently, you were asked vide letter No. AAI. 32/79/280 dated 22.6.1995 to come back and resume your duty as your extension of time had already expired on 30.4.1995. But you did not come back and resume your duties, rather, you submitted another application for allowing you extension of time upto 15.10.1995 with effect from 1.5.1995.

State Government, after consideration of all aspects, have decided not to allow any further time beyond 30.4.1995 and desire that you must return to State and resume your duties immediately.

State Government, on consideration of your application for issuing 'No Objection' Certificate for renewal of your Passport, have also decided not to issue any 'No Objection' Certificate as you have failed to return to the State and resume duties even after expiry of extended time upto 30.4.1995.

Yours faithfully,

(NIRANJAN CHOSE)  
20/7/95

Secretary to the Government of Assam  
Personnel (A) Department, Dispur

20/7/95

Contd.....

*Amal*  
No. AAP. 15/97/222

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL : PERSONNEL (A)  
ASSAM SECRETARIAT : DISPUR  
GUWAHATI - 781006

ORDERS BY THE GOVERNOR

Dated Dispur the 17th May, 1997

Whereas it is alleged that Shri Prem Saran, IAS, while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department during the period 1990-92, he entered into a criminal conspiracy at Guwahati and Barpeta with S/Sh. J. Ahmed, Deputy Secretary to the Government of Assam, Animal Husbandry & Veterinary Department, T.B. Dutta, Director of Veterinary, Assam, J.C. Saikia, Director of Veterinary, Assam, R.M. Shome, Director of Veterinary, Assam, Deba Brata Dutta, Senior Finance & Accounts Officer, B.N. Sharma, Senior Finance & Accounts Officer, Prafulla Sharma, Upper Division Assistant, K.K. Das, District Veterinary Officer, Bhawani Hazarika, District Veterinary Officer, Rohini Sharma, Sub-Divisional Veterinary Officer, Suresh Chandra Das, Accountant, Sujeet Kumar Sarkar, Storekeeper, Sukhendra Ghosh, Veterinary Field Assistant, Office of the District Veterinary Officer, Barpeta, Mahendra Nath, Treasury Officer, Janardan Mishra, Treasury Officer, Jeevan Chandra Das, Accountant, Treasury Office, Barpeta and private persons i.e. S/Sh. U.N. Gogoi, Kamlesh Deka of G & B Enterprises, Pallabh Bardoloi and Mukul Patwari for the purpose of cheating the Government of Assam and in furtherance of the said criminal conspiracy, they cheated the Government of Assam to the tune of Rs. 2,96,51,677.52 (Rupees two crores ninety six lakhs fifty one thousand six hundred seventy seven and paise fifty two only) on the basis of false Letter of Credits (LOCs), sanction orders, supply orders, supplier bills, pertaining to purchase of

*KK Gogoi*

17/5/97

240

62

Annexure

28

No.107/5/97-AVD.I  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
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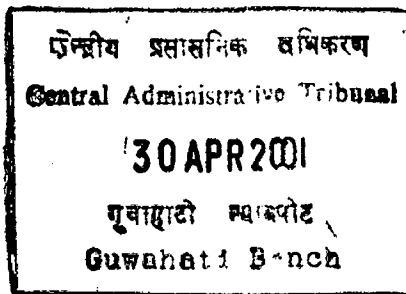
New Delhi, the 27th August, 1997

ORDER

Whereas it is alleged that Shri Prem Saran, IAS (AM:1978) while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department during the period from 1990 to 1992, entered into a criminal conspiracy with S/Shri Ziauddin Ahmed, Deputy Secretary to the Government of Assam, Animal Husbandry & Veterinary Department, T.B. Dutta, Director of Veterinary, Assam, J.C. Saikia, Director of Veterinary, Assam, R.M. Shome, Director of Veterinary, Assam, Deb Brat Dutta, Senior Finance & Accounts Officer, B.N. Sharma, Senior Finance & Accounts Officer, Prafulla Sharma, Upper Division Assistant, K.K. Das, District Veterinary Officer, Bhawani Hazarika, District Veterinary Officer, Rohini Sharma, Sub-Divisional Veterinary Officer, Suresh Chandra Das, Accountant, Sujeet Kumar Sarkar, Storekeeper, Sukhlendra Ghosh, Veterinary Field Assistant, Office of the District Veterinary Officer, Barpeta, Mahendra Nath, Treasury Officer, Janardan Mishra, Treasury Officer, Jeevan Chandra Das, Accountant, Treasury Office, Barpeta & private persons i.e. S/Shri U.N. Gogoi, Kamlesh Deka of G&B Enterprises, Pallabh Bardoloi and Mukul Patwari for the purpose of cheating the Government of Assam and in furtherance of the said criminal conspiracy, they cheated the Government of Assam to the tune of Rs.2,96,51,677.52 (Rupees Two crores ninety six lakhs fifty one thousand six hundred seventy seven and paise fifty two only) on the basis of false Letter of Credits (LOCs) sanction orders, supply orders, supplier bills, pertaining to purchase of Veterinary medicines, RCC Bills and falsified stock-books, Cash-books etc. and he (Shri Prem Saran) thereby misused his official position as such public servant to obtain undue pecuniary advantage for himself or for others.

2. Whereas it is further alleged:-

- i. That the procedure for issue of LOC and allotment of funds is that a proposal regarding issue of LOC with respect to certain amount is received in the office of the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department from the office of Director of Veterinary of the Government of Assam month-wise. On the basis of said proposal, the matter is referred by the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department to the Finance Department of the State Government for allotment of funds. After receipt of the allotment of funds from the Finance



Filed by the applicant  
through  
P. K. Ray  
Advocate  
30.4.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI.

O.A. No. 171 of 2000.

In the matter of -

A rejoinder to the written statement filed  
by the Respondent No.1.

-And-

In the matter of -

O.A. No. 171/2000.

Dr. Prem Sarm, I.A.S.,

..... Applicant.

-Versus-

Union of India & Ors.

..... Respondents.

REJOINDER BY THE APPLICANT TO THE WRITTEN  
STATEMENT FILED BY THE RESPONDENT NO. 1.

I, Dr. Prem Sarm, I.A.S., the applicant in O.A.  
No. 171 of 2000, do hereby solemnly affirm and state  
as follows :-

- 2 -

1. That a written statement filed on behalf of the Respondent No.1, the State of Assam, has been served on me through my duly engaged counsel. I have gone through the same and understood the contents thereof. Save and except what are specifically admitted in this rejoinder, other statements made in the written statement be deemed to have been denied. Statements which are not borne on records are also denied and disputed.

2. That with regard to the statements made in paragraphs 4, 5 of the Affidavit-in-opposition I deny and dispute the statements made therein save and except those which are borne by the records. I say that I went to the U. S. A. after obtaining leave and with proper authority from the Govt. for my higher studies. Though coming back from the U. S. A. when I was doing my studies and research work there, had put me in much inconveniences, yet in September, 1993, I came back to India to appear before the 'Rao Committee' at great cost. I admit that I prayed for extension of my leave on various occasions and the Govt. granted the same. But I say that while granting my leave, the Govt. granted me more extraordinary leave for some period when sufficient half-pay leave was at my credit. The Accountant General Assam, therefore by a letter issued by the senior Accounts Officer on 10.6.96 requested the Secretary to the Govt. of Assam, Personnel-A

Deptt.....



81

Deptt. Dispur, ~~the~~ to revise the leave granting notification keeping in view of different leave at my credit. On receipt of a copy of the said letter dated 10.6.96 issued by the A. G., Assam, I by my representation dated 5.9.97 also requested the Govt. to regularise the leave for the period for which I was absent necessitated for the completion of my Ph.D. in the U. S. A. I, however, say that regularisation or non-regularisation of the above period of leave beyond April, 1995, has no relevance in the context of consideration of my case for promotion to the selection Grade in the year 1992 and to the supertime scale in the year 1993 when the cases of other similarly situated officers were considered. The Respondent No. 1 has stated in paragraph 4 that my case for promotion to the Selection Grade was considered in time, but surprisingly has not given the date when it was considered.

Copies of the letter dated 10.6.96 issued by the A. G. Assam, my representation dated 5.9.97 are annexed as Annexure 1 to this rejoinder.

3. That with regard to the statements made in paragraph 6 of the written statement, I deny the statements made therein. I say that since the Govt. has already granted me leave till October, 1995, and the charge sheet on certain imaginary ground in the alleged criminal case

has been.....

has been submitted on 21.11.97 when my promotions were due in the year 1992 and 1993, neither the non-regularisation of my leave for the subsequent period nor the initiation of criminal case by filing charge sheet by the C.B.I. on 21.11.97 can come in the way for consideration of my promotion which were due much before that. The statement of the Respondents that my personal file was also taken by the C.B.I. cannot be a ground to deny me the promotion due to me, since the Govt. vide their letter dated 4.6.99 (Annexure - 'L& to the O.A.') has stated that the Screening Committee in its meeting held on 13.5.99 considered my case for promotion to the Supertime Scale and kept its decision under sealed cover. It would be curious to note that the Govt. without passing any order for promoting me to the Selection Grade, has considered for my promotion to the Supertime Scale. Therefore the above action of the Govt. manifestly shows that the Govt. for all practical purposes considered me to be promoted to the Selection Grade except for granting pay and allowance for the said Grade.

4. That with regard to the statements made in paragraph 7 to 13 of the written statements, I deny each and every allegation made therein save and except those

which are.....

which are borne by the records. I say that so long as the charge brought against me are not proved by the court of law, it cannot be said that I was involved in the criminal case filed by the C.B.I. I reiterate that I am in no way connected and/or involved in the alleged L.O.C. case and I was falsely implicated in the case by some interested persons who were directly involved in the case. However, the pendency of the above criminal case, could not have been a bar for promoting me to the Selection Grade scale which was due in 1992 and to the Supertime Scale which was due in the year 1993. I say that the only requirement for consideration of promotion in the Selection Grade under the IAS (Pay) Rules, 1954 was completion of 13 years of service (entering into the fourteenth year of service) and since completed year of service under the All India Service (Leave) Rules 1955 includes the periods spent on duty as well as on leave including extra-ordinary leave, non-consideration of my case for promotion to the Selection Grade in the year 1992 and to the Supertime scale in the year 1993 is illegal and arbitrary and therefore the decision of the Govt. of Assam communicated vide their letter dated 4.6.99 (Annexure - 'L') cannot be sustained.

Verification.....

VERIFICATION.

I, Dr. Prem Saran, I.A.S, son of Shri Parmeswar Saran, aged about 49 years, the Secretary to the Govt. of Assam, Administration Reforms & Training Department, Dispur, do hereby verify and state that the statements made in paragraphs 1, 3 and 4 are true to my knowledge and those made in paragraphs 2 are true to my information derived from the record and the rest are my humble submission before the Hon'ble Tribunal and I sign the verification today the 16<sup>th</sup> day of April 2001, at Guwahati.

Date - 16.4.2001

Place - Guwahati

Moran  
Signature.

~~ANNEXURE I~~ 57  
CONFIDENTIAL

NO. AAP. 81/94/57  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL : : : A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-781006.  
02009

Dated Dispur, the 17th October, 1994.

To

The Secretary to the Govt. of India,  
Ministry of Personnel, Public Grievances  
& Pensions, Department of Personnel & Training,  
North Block, New Delhi- 110001.

Sub :-

Permission under Rule 6(1)(b) of the D.C.R.R. Rules, 1958 to initiate disciplinary action against a retired IAS officer.

Ref:-

-This State Government's letter No. AAP. 81/94/21 dated 7.5.1994.

Sir,

I am directed to refer to the letter quoted on the subject cited above and to say that necessary permission for initiating disciplinary action against Shri R.K. Baruah, IAS already retired from service as called for vide letter under reference has not been conveyed uptill now.

I am, therefore, to request you to kindly accord necessary sanction under Rule 6(1)(b)(1) of the All India Services (DCRB) Rules, 1958 for initiating disciplinary action against Shri R.K. Baruah, P.S (Retd) for his alleged involvement in fraudulent drawal of Govt. money through LOC system in the Animal Husbandry & Veterinary Department at the earliest.

Yours faithfully,

*(Signature)*  
( NIRANJAN CHOSE ) 17/10/94

Secretary to the Government of Assam

28.  
17/10/94

...

o/c

1 P.P. 21

NO.AAL.32/79/280  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL:::A)  
ASSAM SECRETARIAT (CIVIL):::DISPUR  
GUWAHATI-6.

2806  
32  
86  
8

Dated Dispur, the 22nd June'95.

To,

Shri Prem Saxon, IAS,  
20 American Avenue,  
Santa Barbara,  
CA - 93105, U.S.A.

Sir,

In inviting a reference to this Department's letter NO.AAL.32/79/279, dated 19th April, 1995, I am directed to say that you were allowed extension of time upto 30th April, 1995 to Complete Ph.D. in U.S.A.

You are, therefore, requested to come back and resume your duty immediately as the extension of time has already expired on 30th April, 1995.

Yours faithfully,

( D. SAIKIA )  
Joint Secretary to the Govt. of Assam  
Personnel (A) Department.

Home NO.AAL.32/79/280-A::: Dated Dispur, the 22nd the June'95.

Copy forwarded for information and necessary action to :-

1. The Under Secretary to the Govt. of India, Ministry of External Affairs, New Delhi-110011.
2. The Under Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, New Delhi-1.
3. The Resident Commissioner, Assam Bhawan, SP. Marg, New Delhi-110021.

By Order Etc.:::

( D. SAIKIA )  
Joint Secretary to the Govt. of Assam  
Personnel (A) Department.

Spore Copy  
H/Secy

68

~~Annexure~~  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL: I & II)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-6.

ORDERS BY THE GOVERNOR  
NOTIFICATION.

Dated Dispur, the 18th July '91.

NO. AAL. 32/79/246 : Shri Prem Saran, IAS Secretary Revenue Department, Assam is allowed under Rule 11/ 12/ 15 of the All India Service (Leave) Rules, 1955 as amended, earned leave for 178 days with effect from 15-9-91 to 10.3.92, Half pay leave for 225 days with effect from 11.3.92 to 21.10.92 and extra ordinary leave for 692 days with effect from 22.10.92 to 13.9.94 on private affairs (Admission for Ph.D. in U.S.A.).

The officer would have continued to hold the post but for his proceeding on leave and that there is every expectation of his returning to the post from which he proceeded on leave or to a similar post.

Sd/- P. K. BARUAH,  
Deputy Secretary to the Govt. of Assam.

Memo No. AAL. 32/79/246-A :: Dated Dispur, the 18th July, 1991.  
Copy to :-

1. The Accountant General (Accounts), Assam, Shillong.
2. The Chairman, Assam Administrative Tribunal, Guwahati.
3. The Chairman, Assam Board of Revenue, Guwahati.
4. All Commissioners & Secys/ Spl. Secys/ Secys to the Govt. of Assam.
5. All Commissioners of Divisions, Assam.
6. The Chief Secretary to the Govt. of Meghalaya, Shillong.
7. The Under Secretary to the Govt. of India, Ministry Personnel & Training, A.R., Public Grievances and Pensions (Deptt. of Personnel & Training), New Delhi.
8. The Under Secretary to the Govt. of India, Ministry of Personnel & Training, A.R., P.G. and Pensions (Career Management Divn), New Delhi.
9. Resident Representative, Govt. of Assam, Assam House, New Delhi.
10. The Secretary to the Governor of Assam, Dispur.
11. The Superintendent, Assam Govt. Press, Guwahati-21, for publication in the Assam Gazetted.
12. The Under Secretary, S.A.(A) Department, Dispur.
13. The P.S. to Minister, Revenue Assam.
14. The P.S. to Chief Secretary, Assam, Dispur.
15. The P.S. to Addl. Chief Secretary, Assam, Dispur.
16. Shri Prem Saran, IAS, Secretary Revenue Department, Assam, Dispur.
17. Personal file of officer.

By Order etc.....

(P. K. BARUAH) 18/7/91  
Deputy Secretary to the Govt. of Assam,  
Personnel (I) Department.

Annexure II

37/88

CONFIDENTIAL

NO. AAP. 51/94/57  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL : :A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-781006.  
00000

Dated Dispur, the 5th July, 1994.

To

Shri Prem Saran, IAS  
727 Knobber Walk # 201  
Colgate, CA 95117, U. S. A.

Sub :-

Anomalies in drawal of money in Animal Husbandry  
& Veterinary Department.

Sir,

I am directed to say that there were serious anomalies in respect of drawal of large amount of money fraudulently in different Treasuries in Assam through LOC system in Animal Husbandry & Veterinary Department, during your tenure as Secretary of the Department. In order to find out the actual facts about fraudulent drawal of money from Treasuries, a One Man Enquiry Committee headed by the Addl. Chief Secretary to the Government of Assam was constituted for holding an enquiry into the anomalies. The One Man Enquiry Committee has since submitted its report to the State Government and the same has also been accepted by the Government.

In the report of the One Man Enquiry Committee, it is found that various serious irregularities cropped up in the Animal Husbandry & Veterinary Department, during your tenure as Secretary of the Department. But the action on the report of the One Man Enquiry Committee could not be taken without your presence in the State as some most vital information are required from you.

I am accordingly, therefore, request you kindly to return to the State immediately.

Yours faithfully,

(NIRANJAN GHOSE)

Secretary to the Government of Assam

Memo No. AAP. 51/94/37-A  
Copy to :-

1. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Deptt. of Personnel & Training, North Block, New Delhi- 110001 for information and necessary action.
2. The Secretary to the Govt. of India, Ministry of External Affairs, New Delhi- 1100 for information and necessary action.
3. The Special Secretary to the Chief Minister, Assam, Dispur for information.

By order etc.,

(NIRANJAN GHOSE)

Secretary to the Government of Assam



CONFIDENTIAL/REGISTERED

NO. AAP. 81/94/38

GOVERNMENT OF ASSAM

DEPARTMENT OF PERSONNEL (PERSONNEL : : : A)

ASSAM SECRETARIAT (CIVIL) DISPUR

GUWAHATI-781006.

0000

Dated Dispur, the 5th July, 1994.

To

Shri P. P. Sircar,

The Under Secretary to the Govt. of India,

Ministry of External Affairs,

New Delhi- 110011.

Sir,

I have been

Disciplinary action against Shri Prem Saran, IAS

(RE-1978) now on higher studies abroad.

Ref :-

This State Government's letter No. AAP.81/94/22

dated 7.5.1994 and your letter No. WII/441/1/94

dated 18.5.1994.

With reference to above, I am directed to send here-

with a letter No. AAP. 81/94/37 dated 5.7.1994 addressed to Shri

Prem Saran, IAS, now on leave for prosecuting higher studies in U. S. A.

under sealed cover for favour of onward transmission of the same to

the India's Mission in San Francisco for delivery to Shri Saran as

desired by you vide your letter under reference.

Yours faithfully,

(NIRANJAN GHOSH)

Secretary to the Government of Assam

Memo No. AAP. 81/94/38-A

Copy to :-

1. The Secretary to the Government of India, Ministry of Personnel, Public Grievances & Pensions, Deptt. of Personnel & Training, North Block, New Delhi- 1 for information and necessary action.
2. The Special Secretary to the Chief Minister of Assam, Dispur for information.

By order etc.,

(NIRANJAN GHOSH)

Secretary to the Government of Assam

5/7/94

TELEPHONE: (415) 668-0562  
(415) 668-0683  
CABLE ADDRESS: CONGENDIA



CONSULATE GENERAL OF INDIA

No.Sanf/cons/551/1/94

To,

Mr. Prem Saran, IAS,  
727 Krocker Walk, #201,  
GOLETA,  
CA-93117.

Sir,

We have been approached by the Chief Secy. to the Govt. of Assam, vide his letter No.AAP.81/94/22, dated 7th May, 1994 to inform you, that, it has been decided to call you back from leave that was sanctioned to you till 13.9.94 for prosecuting higher studies at the University of California, Santa Barbara.

We have been further informed, that, you are required to present yourself before the competent authorities in India, in connection with a departmental enquiry.

You are required to acknowledge the receipt of this letter. You may also intimate the Chief Secy. Govt. of Assam, Department of Personnel (Personnel ::A), Assam Sectt., Civil, Dispur, Guwahati-6 as to the likely date by which you can present yourself before him, with reference to his letter quoted above, without any delay.

*B.K. Gupta*  
(B.K. Gupta)  
Deputy Consul General

Copy to: The Chief Secy., Govt. of Assam, Deptt. of Personnel (Personnel ::A), Assam Sectt., Civil, Dispur, Guwahati-6, w.r.t. his letter quoted above.

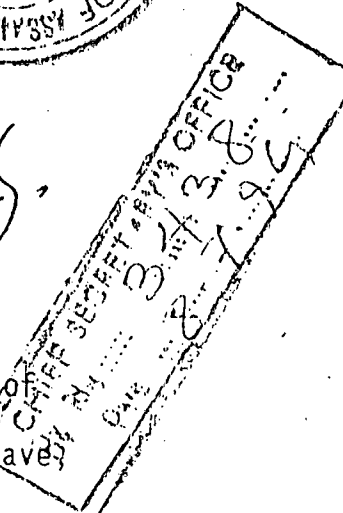
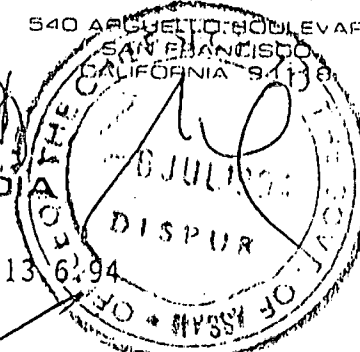
2/ Sbm P.P.Sircar,  
USCAMS).

MEA, New Delhi

IMPORTANT  
24  
11/7

8.9.88  
11/7/97

540 ARBUZZELLO BOULEVARD  
SAN FRANCISCO  
CALIFORNIA 94134



NO. AAP. 81/94/Pt/40  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL & A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI- 781006.

Dated Dispur, the 20th July, 1995.

To

Sri. Prem Saran, IAS  
20 American Avenue,  
Santa Barbara,  
Calif. C.A. 93105, U.S.A.

Sub :- Extension of time and No Objection Certificate  
for renewal of passport.

Sir,

I am directed to say that you were requested to come back to this State immediately vide Government letter No. AAP. 81/94/37 dated 5.7.1994. But instead of complying with the request of the State Government, you applied during January, 1995 for extension of time for another 2/3 months for completion of your Ph.D.

Government, on consideration of your prayer, allowed extension of time upto 30.4.1995 vide letter No. AAI. 32/79/279 dated 19.4.1995 with the direction to submit formal application for granting Extra Ordinary Leave for the period from 14.9.1994 to 30.4.1995. Subsequently, you were asked vide letter No. AAI. 32/79/280 dated 22.6.1995 to come back and resume your duty as your extension of time had already expired on 30.4.1995. But you did not come back and resume your duties, rather, you submitted another application for allowing you extension of time upto 15.10.1995 with effect from 1.5.1995.

State Government, after consideration of all aspects, have decided not to allow any further time beyond 30.4.1995 and desire that you must return to State and resume your duties immediately.

State Government, on consideration of your application for issuing 'No Objection' Certificate for renewal of your Passport, have also decided not to issue any 'No Objection' Certificate as you have failed to return to the State and resume duties even after expiry of extended time upto 30.4.1995.

Yours faithfully,

(NIRANJAN CHOSE)

Secretary to the Government of Assam  
Personnel (A) Department, Dispur

20/7/95

Contd.....

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Memo No. AAP-81/94/Pt/40-A : Dated Dispur, the 20th July, 1995.  
Copy to :-

1. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, North Block, New Delhi- 110 001.
2. The Secretary to the Govt. of India, Ministry of External Affairs, New Delhi- 110011.
3. The Secretary to the Chief Minister, Assam, Dispur.

By order etc.,

*Kanu 20/7/95*  
( NIRANJAN CHOSE )

Secretary to the Government of Assam  
Personnel (A) Department, Dispur

OK  
20/7/95

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Memo No. AAP-81/94/Pt/40-A : Dated Dispur, the 20th July, 1995.  
Copy to :-

1. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, North Block, New Delhi- 110 001.
2. The Secretary to the Chief Minister, Assam, Dispur.

By order etc.,

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CONFIDENTIAL

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NO. AAP. 81/94/Pt/60  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL : : : A)  
ASSAM SECRETARIAT (CIVIL) DISPUR  
GUWAHATI-781006  
Dated Dispur, the 26th September, 1995.

This is to certify that the Government

To : Assam have no objection in getting the passport  
held by Shri Prem Saran, IAS  
6671 Berkshire Terrace, Apt. 10  
Goleta, CA 93117, U.S.A.  
limited passport for his return to Assam (India).

Sub :-

No Objection Certificate for the purpose  
of renewal of passport holding by Shri  
Prem Saran, IAS.

Sir,

In inviting a reference to your letter  
dated 16.8.1995 on the subject cited above, I am  
directed to furnish herewith a "No Objection Certificate"  
in favour of you for renewal of your passport for the  
purpose of your return to this State.

Yours faithfully,

( D. SAIKIA )  
Joint Secretary to the Govt. of Assam

NOO  
Memo No. AAP. 81/94/Pt/60-A. : Dated Dispur, the 26th Sept/95.  
Copy to :-

1. Shri P.P. Sircar, Under Secretary to the Govt. of India (AMS), Ministry of External Affairs, New Delhi-110011 for favour of information and necessary action.
2. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, New Delhi-110001 for favour of information and necessary action.
3. The Secretary to the Chief Minister, Assam, Dispur.

By order etc.,

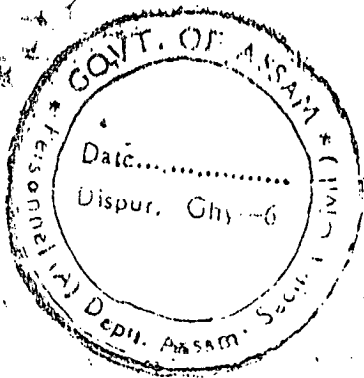
( D. SAIKIA )  
Joint Secretary to the Govt. of Assam

26/9/95

O/c

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NO OBJECTION CERTIFICATE

This is to certify that the Government of Assam have no objection in getting the passport held by Shri Prem Saran, IAS for renewal for the limited purpose for his return to Assam (India).

This will remain valid upto 30.10.1995.

*26/9/95*

(NIRANJAN GHOSE)  
Secretary to the Government of Assam  
Personnel(A) Department, Dispur

Secy to the Govt. of Assam  
Personnel (Personnel-A)  
Dispur, Ghy-6-741 600.

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Assam ~~Am~~ 17/11/81

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Assam Schedule III (Sec. I) form No. 81  
CERTIFICATE OF TRANSFER OF CHARGE.

No. \_\_\_\_\_

Date \_\_\_\_\_

To

- 1| The Chief Secretary, Assam
- 2| Secy, Revenue (A), Assam
- 3| The Accountant General, Assam and Nagaland Shillong.
- 4| The Treasury Officer, Dispur
- 5| S.D.O. (A), Dispur
- 6| \_\_\_\_\_

Sir,

///ith reference to rule 145 the Assam Financial Rules, I /we undersigned have the honour to report the I/we have this pay of 20 November 1981 at O'clock in the forenoon non received and hander over charge of the officer of the \_\_\_\_\_ in the District as per orders issued vide Notification No. \_\_\_\_\_ dated by \_\_\_\_\_.

I have occupied the official residence allotted me with effect from \_\_\_\_\_ 199

Relieving officer,

Name (in block letter) PREM SAHA

\_\_\_\_\_ and with reference to rules 82(a)(vii) of Assam Financial rule I (the relieving officer) acknowlage to have received \_\_\_\_\_ Rs. \_\_\_\_\_ of the permanent advance and that the full amount such is due from and to be accounted for by me.

Signature M. Saha

Relieving Officer,

Designation \_\_\_\_\_

District.

Dated \_\_\_\_\_

\* The signature should be legibly written as, when they connect I deciphered, grant deal of delly atises in dealing with these certificate.

S/c  
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~~Amaym VIII~~

No. AAP. 15/97/222  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL : PERSONNEL (A)  
ASSAM SECRETARIAT :: DISPUR  
GUWAHATI - 781006

16

ORDERS BY THE GOVERNOR  
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Dated Dispur the 17th May, 1997

Whereas it is alleged that Shri Prem Saran, IAS, while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department during the period 1990-92, he entered into a criminal conspiracy at Guwahati and Barpeta with S/Shr J. Ahmed, Deputy Secretary to the Government of Assam, Animal Husbandry & Veterinary Department, T.B. Dutta, Director of Veterinary, Assam, J.C. Saikia, Director of Veterinary, Assam, R.M. Shome, Director of Veterinary, Assam, Deba Brata Dutta, Senior Finance & Accounts Officer, B.N. Sharma, Senior Finance & Accounts Officer, Prafulla Sharma, Upper Division Assistant, K.K. Das, District Veterinary Officer, Bhawani Hazarika, District Veterinary Officer, Rohini Sharma, Sub-Divisional Veterinary Officer, Suresh Chandra Das, Accountant, Sujeet Kumar Sarkar, Storekeeper, Sukhendra Ghosh, Veterinary Field Assistant, Office of the District Veterinary Officer, Barpeta, Mahendra Nath, Treasury Officer, Janardan Mishra, Treasury Officer, Jeevan Chandra Das, Accountant, Treasury Office, Barpeta and private persons i.e. S/Sh. U.N. Gogoi, Kamlesh Deka of G & B Enterprises, Pallabh Bardoloi and Mukul Patwari for the purpose of cheating the Government of Assam and in furtherance of the said criminal conspiracy, they cheated the Government of Assam to the tune of Rs. 2,96,51,677.52 (Rupees two crores ninety six lakhs fifty one thousand six hundred seventy seven and paise fifty two only) on the basis of false Letter of Credits (LOCs), sanction orders, supply orders, supplier bills, pertaining to purchase of

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*JK Kamilla*

17/5/97



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veterinary medicines, RCC Bills and falsified stock-books, Cash-books, etc. and he (Shri Prem Saran) thereby mis-used his official position as such public servant to obtain undue pecuniary advantage for himself or for others.

Whereas it is further alleged :-

That the procedure for issue of LOC and allotment of funds is that a proposal regarding issue of LOC with respect to certain amount is received in the office of the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department from the office of Director of Veterinary, Assam month-wise. On the basis of said proposal, the matter is referred by the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department to the Finance Department of the State Government for allotment of funds. After receipt of the allotment of funds from the Finance Department, the Letter of Credits (LOCs) are issued from the Animal Husbandry & Veterinary Department in the Secretariat. The LOC is signed by Under Secretary/Deputy Secretary and Senior Financial Adviser/Financial Adviser, Government of Assam, Animal Husbandry & Veterinary Department. It is prepared in four copies. One copy is retained in the Animal Husbandry & Veterinary Department in the Secretariat and it is mentioned in the LOC Register, maintained there and other three copies are sent to the office of the Director of Veterinary, Assam for distribution to the concerned offices. Out of three, one copy is retained in the office of the Director of Veterinary, Assam, second copy is sent to the District Veterinary Officer, who is Drawing & Disbursing Officer (DDO) and the third copy is sent to the Treasury Office. The copy of Treasury Office contains the signature of the Deputy Secretary/Under Secretary to the Government of Assam, Animal

*S. K. Kamilla*

*12/9/77*

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Husbandry & Veterinary Department as well as Senior FA/FA of the Department. If the signature of Sr. FA/FA is absent in the LOC, the voucher can not be passed for payment by the Treasury Officer against the LOC.

ii. Shri Prem Saran, IAS was working as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department during the period 1991-92. It was his duty to submit a consolidated indent of budget for release of funds to the Finance Department and after obtaining the release of funds from the Finance Department, he was required to issue orders for the distribution of the funds D.D.O.-wise through LOC. He was not competent to release funds on his own without the concurrence of the Finance Department..

iii. Sh. Prem Saran dishonestly in connivance with Sh. U.N. Gogoi, Proprietor of G & B Enterprises, Guwahati and other accused persons issued directions to release funds for G&B Enterprises and other firms without getting concurrence from the Finance Department. Sh. Prem Saran ordered release of funds exceeding the funds allotted by the Finance Department to the tune of Rs.42.15 lakhs in the month of March 1991 in favour of various firms.

iv. That Sh. Prem Saran, while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department accepted illegal gratification of Rs.6.20 lakhs (Rupees six lakhs and twenty thousand only) other than legal remuneration as motive or reward from Sh. U.N.Gogoi, Proprietor of M/S G & B Enterprises, Guwahati for doing official act, i.e. issue of LOC for clearing his pending medicine- bills in the months of August and September, 1991.

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17/5/92

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That the said Sh. U.N. Gogoi, paid a sum of Rs. 6.20 lakhs (Rupees six lakhs and twenty thousand only) to Prem Saran by issuing four cheques in favour of Smt. Krishnamma, mother of the said Prem Saran. The details of cheques issued are as under:-

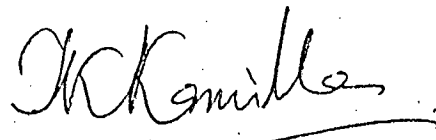
- a. 047721 Dt. 19-9-91 for Rs. 1.20 lakh.
- b. 044944 dt. 24.8.91 for Rs. 2 lakhs.
- c. 044943 dt. 24.8.91 for Rs. 1 lakh.
- d. 044942 dt. 24.8.91 for Rs. 2 lakhs.

vi. All the aforesaid cheques have been issued and signed by Sh. U.N. Gogoi and pertain to the current account No. 1159 of M/S G&B Enterprises maintained in the Central Bank of India, Fancy Bazar, Guwahati.

vii. That when the LOC case was registered, the said Sh. Prem Saran in connivance with Sh. U.N. Gogoi, dishonestly prepared a false receipt dt. 27-4-94 showing therein the return of said money to Sh. U.N. Gogoi, Although he had not returned the said amount to Sh. U.N. Gogoi, he, in connivance with Sh. U.N. Gogoi prepared false receipt dt. 27-4-94.

viii. That accused J. Ahmed issued false LOCs amounting to Rs. 1,04,41,170/- (Rupees One crore four lakhs forty one thousand and one hundred seventy only) without getting any fund from the Finance Department and without getting any proposal from the office of the Director of Veterinary, Assam.

ix. That 12 false sanction orders were issued by S/Sh. T.B. Dutta, the then Director of Veterinary, R.M. Shome, the then Director of Veterinary, Jugal Saikia, the then Director of Veterinary, B.N. Sharma, the then Sr. FAO, Deba Brata Dutta, the then Sr. FAO, without receiving any proposal from the Office of the District Veterinary Officer, Barpeta regarding purchase of medicines/materials and without having any allocation of the funds.

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That no medicines were purchased in the Office of the District Veterinary Officer, Barpeta during the year 1991-92 from G&B Enterprises, Jyoti Pharma and Egmont Chemicals but false medicine bills were procured by S/Sh. K.K. Das, the then District Veterinary Officer, Bhawani Hazarika, the then District Veterinary Officer, Rohini Sharma, the then Sub-Divisional Veterinary Officer, Sujeet Kumar Sarkar, the then Storekeeper, Sukhendra Ghosh, the then Veterinary Field Assistant, Suresh Chandra Das, the then Accountant from the said three firms and gave false certificates on the supplier's bills regarding receipt of veterinary medicines in the Store, giving false number of store books, their pages, etc., therein, although they had not received any medicine in the store from the said firms. They also prepared false RCC Bills and passed them dishonestly for payment.

xi. That 16 false RCC bills were received in the Treasury Office along with the split bills of suppliers and the same were processed in the Treasury Office against the false LOCs and sanction orders and all the 16 RCC bills were dishonestly passed by the Treasury Officers. After passing the said RCC bills, the same were sent to the State Bank of India and their payment was made to the Treasury Peon, who brought total amount of Rs.2,96,51,677.52 (Rupees two crores ninty six lakhs fifty one thousand six hundred seventy seven and paise fitty two only) against the said 16 RCC bills to the Office of the District Veterinary Officer, Barpeta.

xii. That the said amount brought to the office of the District Veterinary Officer, Barpeta by the Treasury peon were hand over by him to the accountant Sh. Suresh Chandra Das, who entered the same in the cash book and falsely shown payment to the said accused firms, although they divided entire amount among themselves.

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*17/5/97*

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3. And whereas the aforesaid facts constitute the commission of offences punishable Under Sections 120-B, 420, 467, 471, 477 A, and 193 of the Indian Penal Code and Under Sections 7, 12 and 13 (1) (d) of the prevention of corruption Act, 1988.

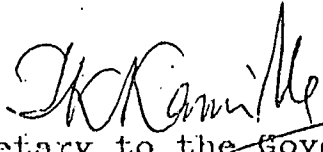
4. And whereas the Government of Assam, after fully and carefully examining the materials before it in regard to the said allegations and the circumstances of the case consider that the said Sh. Prem Saran, IAS, the then Secretary to the Government of Assam, Animal Husbandry & Veterinary Department should be prosecuted in the Court of Law for the aforesaid offences.

Now, therefore, the Government of Assam do hereby accord sanction Under Section 197 of the Code of Criminal procedure, 1973 for prosecution of Sh. Prem Saran, IAS, for the said offences and any other offence punishable under other provisions of laws in respect of acts aforesaid and for taking of cognizance of the said offence by a Court of competent jurisdiction.

BY ORDER AND IN THE NAME  
OF THE GOVERNOR OF ASSAM

Dispur, Guwahati

17-5-87

  
Chief Secretary to the Government of Assam.

Chief Secretary  
GOVT. OF ASSAM.

Annexure I

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No.107/5/97-AVD.I  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
-----

New Delhi, the 27th August, 1997

ORDER

Whereas it is alleged that Shri Prem Saran, IAS (AM:1978) while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary Department during the period from 1990 to 1992, entered into a criminal conspiracy with S/Shri Ziauddin Ahmed, Deputy Secretary to the Government of Assam, Animal Husbandry & Veterinary Department, T.B. Dutta, Director of Veterinary, Assam, J.C. Saikia, Director of Veterinary, Assam, R.M. Shome, Director of Veterinary, Assam, Deb Brat Dutta, Senior Finance & Accounts Officer, B.N. Sharma, Senior Finance & Accounts Officer, Prafulla Sharma, Upper Division Assistant, K.K. Das, District Veterinary Officer, Bhawani Hazarika, District Veterinary Officer, Rohini Sharma, Sub-Divisional Veterinary Officer, Suresh Chandra Das, Accountant, Sujeet Kumar Sarkar, Storekeeper, Sukhlendra Ghosh, Veterinary Field Assistant, Office of the District Veterinary Officer, Barpeta, Mahendra Nath, Treasury Officer, Janardan Mishra, Treasury Officer, Jeevan Chandra Das, Accountant, Treasury Office, Barpeta & private persons i.e. S/Shri U.N. Gogoi, Kamlesh Deka of G&B Enterprises, Pallabh Bardoloi and Mukul Patwari for the purpose of cheating the Government of Assam and in furtherance of the said criminal conspiracy, they cheated the Government of Assam to the tune of Rs.2,96,51,677.52 (Rupees Two crores ninety six lakhs fifty one thousand six hundred seventy seven and paise fifty two only) on the basis of false Letter of Credits (LOCs) sanction orders, supply orders, supplier bills, pertaining to purchase of Veterinary medicines, RCC Bills and falsified stock-books, Cash-books etc. and he (Shri Prem Saran) thereby misused his official position as such public servant to obtain undue pecuniary advantage for himself or for others.

2. Whereas it is further alleged:-

1. That the procedure for issue of LOC and allotment of funds is that a proposal regarding issue of LOC with respect to certain amount is received in the office of the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department from the office of Director of Veterinary of the Government of Assam month-wise. On the basis of said proposal, the matter is referred by the Secretary to the Government of Assam, Animal Husbandry & Veterinary Department to the Finance Department of the State Government for allotment of funds. After receipt of the allotment of funds from the Finance

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Department, the Letter of Credits (LOCs) are issued from the Animal Husbandry & Veterinary Department in the Secretariat. The LOC is signed by Under Secretary/Deputy Secretary and Senior Financial Adviser/Financial Adviser, Government of Assam, Animal Husbandry & Veterinary Department. It is prepared in 4 (Four) copies. One copy is retained in the Animal Husbandry & Veterinary Department in the Secretariat and it is mentioned in the LOC Register maintained there and the other three copies are sent to the Office of Director of Veterinary, Assam for distribution to the concerned offices. Out of three, one copy is retained in the office of the Director of Veterinary, Assam, second copy is sent to the District Veterinary Officer, who is Drawing & Disbursing Officer (DDO) and third copy is sent to the Treasury Office. The copy of Treasury Office, contains the signature of the Deputy Secretary of the Animal Husbandry & Veterinary Department as well as Senior Financial Adviser/Financial Adviser. If the signature of Senior Financial Adviser/Financial Adviser is absent in the LOC, the voucher cannot be passed by the Treasury Officer against that LOC.

- ii) That Shri Prem Saran, IAS was working as Secretary to the Government of Assam Animal Husbandry and Veterinary Department during the period 1991-92. It was his duty to submit a consolidated indent of budget for release of funds to the Finance Department and after receiving the funds from the Finance Department, he was required to issue orders for the distribution of the funds Drawing & Disbursing Officer-wise through LOC. He was not competent to release funds on his own without the concurrence of the Finance Department.
- iii) That Shri Prem Saran dishonestly, in connivance with Shri U.N.Gogoi, Proprietor of G&B Enterprises, Guwahati and other accused persons issued directions to release funds for G&B Enterprises and other firms without getting concurrence from the Finance Department. Shri Prem Saran ordered release of funds exceeding the funds allotted by the Finance Department to the tune of Rs.42.15 lakhs in the month of March, 1991 in favour of various firms.
- iv) That Shri Prem Saran, while functioning as Secretary to the Government of Assam, Animal Husbandry & Veterinary

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Department, accepted illegal gratification of Rs.6.20 lakhs other than legal remuneration as motive or reward from Shri U.N.Gogoi, Proprietor of M/s G&B Enterprises, Guwahati for doing official act, i.e. issue of LOC for clearing his pending medicine-bills in the months of August and September, 1991.

- v. That the said Shri U.N.Gogoi paid a sum of Rs.6.20 lakhs (Rupees six lakhs and twenty thousand only) to Shri Prem Saran by issuing four cheques in favour of Smt. Krishnamma, mother of the said Shri Prem Saran. The details of cheques issued are as under:-
- a. 047721 dt. 19.9.91 for Rs. 1.20 lakhs.
  - b. 044944 dt. 24.8.91 for Rs. 2 lakhs.
  - c. 044943 dt.24.8.91 for Rs. 1 lakh.
  - d. 044942 dt. 24.8.91 for Rs. 2 lakhs.
- vi. That all the aforesaid cheques have been issued and signed by Shri U.N.Gogoi and pertain to the current account No.1159 of M/s G&B Enterprises maintained in the Central Bank of India, Fancy Bazar, Guwahati.
- vii. That, when the LOC case was registered, the said Shri Prem Saran in connivance with Shri U.N.Gogoi, dishonestly prepared a false receipt dt.27.4.94, showing therein the return of said money to Sh. U.N. Gogoi. Although the said Shri Prem Saran had not returned the said amount to Shri U.N.Gogoi, yet he in connivance with Shri U.N.Gogoi prepared false receipt dt.27.4.94.
- viii. That accused Shri Ziauddin Ahmed issued false LOCs amounting to Rs.1,04,41,170/- (Rs. One crore four lakhs forty one thousand one hundred and seventy only) without getting any funds from the Finance Department and without getting any proposal from the Office of the Director of Veterinary, Assam.
- ix. That 12 false sanction orders were issued by S/Shri T.B. Dutta, the then Director of Veterinary, R.M. Shome, the then Director of Veterinary, Jugal Saikia, the then Director of Veterinary, B.N. Sharma, the then Senior Finance & Accounts Officer, Deb Brat Dutta, the then Senior Finance & Accounts Officer, without receiving any proposal from the office of the District Veterinary officer, Barpeta,



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regarding purchase of medicines/materials and without having any allocation of the funds.

- x.. That no medicines were purchased in the Office of the District Veterinary Officer, Barpeta during the year 1991-92 from M/S G&B Enterprises, Jyoti Pharma & Egmont Chemicals but false medicine bills were procured by S/Shri K.K. Das, the then District Veterinary Officer, Bhawani Hazarika, the then District Veterinary Officer, Rohini Sharma, the then Sub-Divisional Veterinary Officer, Sujeet Kumar Sarkar, the then Store-keeper, Sukhlendra Ghosh, the then Veterinary Field Assistant and Suresh Chandra Das, the then Accountant from the said three firms and false certificates were given on the supplier's bills regarding receipts of Veterinary medicines in the Store giving false number of store books, their pages, etc., therein, although they had not received any medicines in the store from the said firms. They also prepared false RCC Bills and passed them dishonestly for payment.
- xi. That 16 false RCC Bills were received in the Treasury Office, alongwith the split bills of suppliers and the same were processed in the Treasury Office against the false LOCs and sanction orders and all the 16 RCC bills were dishonestly passed for payment by the Treasury Officers. After passing the said RCC bills, the same were sent to the State Bank of India and their payment was made to the Treasury Peon, who brought the total amount of Rs.2,96,51,677.52 (Rupees Two crores ninety six lakhs fifty one thousand six hundred seventy seven and paise fifty two only) against the said 16 RCC bills to the Office of the District Veterinary Officer, Barpeta.
- xii. That the said amount brought to the office of District Veterinary Officer, Barpeta by the Treasury Peon was handed over by him to the Accountant, Shri Suresh Chandra Das, who entered the same in the Cash Book and had falsely shown the payment having been made to the said accused firms, although they divided the entire amount among themselves.

3. And whereas, the aforesaid acts constitute the commission of offences punishable under Sections 120-B, 420, 467, 471, 477-A, 193 of the Indian Penal Code, 1973 and under Sections 7, 12 & 13 (1)(d) of the Prevention of Corruption Act, 1988.

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4. And whereas, the Central Government after fully and carefully examining the material before it in regard to the said allegations and the circumstances of the case, considers that the said Shri Prem Saran, the then Secretary to the Government of Assam, Animal Husbandry & Veterinary Department, should be prosecuted in the Court of Law, for the aforesaid offences.

5. Now, therefore, the Central Government doth hereby accord sanction under Section 19 (1) of the Prevention of Corruption Act, 1988 for prosecution of the said Shri Prem Saran for the said offences and any other offence punishable under other provisions of laws in respect of acts aforesaid and for taking of cognizance of the said offences by a Court of competent jurisdiction.

By order and in the name of the President.

*Wander*  
( D.K. Samantaray )  
Director (Vigilance) 28/9

Place: New Delhi.

Dated: 27-8-97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O A No. 171 of 2000

Dr. Prem Saran I.A.S

Vs.

State of Assam & Anr.

- 1978 The applicant joined the Indian Administrative Service (IAS) in the Assam Meghalaya Joint Cadre by direct recruitment.
- 1985 The applicant went on study leave to the USA and obtained MA in Indology from the University of Pennsylvania.
- 1987 After coming back to India he joined as Joint Secretary and later as Additional Secretary (Industries Department) in the Assam Secretariat and then as the Managing Director of Assam Textile Corporation where he worked till 1992.
- 1991 The applicant was posted for a short period as Secretary in the veterinary Department and later transferred as Secretary in the Revenue Department.

In 1991 itself, the applicant again went on study leave to the USA, where he did his MA and Ph. D in Anthropology and came back to India 1995.

contd...

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Filed by  
P.K. Roy  
Ad. Secy.  
24.8.2001

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- 2 -

- 6.5.1992 While the applicant was in study leave in the USA, the Govt. of Assam vide Notification No. AAI.44/88/68 dated 6.5.92, allowed proforma officiating promotion in the Selection Grade of IAS with effect from 1.7.91, to 4(four) of his batch mates viz; Shri S.K. Srivastava IAS, Shri Prodip Singh, IAS, Shri H.N. Cairae, IAS, Shri M.N. P.P. Verma, IAS and also to Shri Bireshwar Baruah, IAS (SCS) without considering his case, though he was also entitled for consideration for promotion in the Selection Grade on his entering into the fourteenth year of service calculated from 1978.
- 13.7.93 The Govt. of Assam on various dates during  
to 1993 to 1995 promoted not only his batch mates  
08.5.95 but also many of his juniors to the Super time Scale in the grade of Commissioner without considering his case.
- 12.12.95 On his return to India, the applicant was posted as Secretary to the Govt. of Assam in the Administrative Reform and Training Department, where he is working till date.

... Annexure B / Page 30

contd...

29/109

- 3 -

3.6.96 , The applicant made various representations  
13.7.97 , before the Govt. of Assam and the Govt. of  
4.8.97 , India for consideration of his case but no  
21.8.97 : action was taken.  
5.8.97 :

21.11.97 The applicant was illegally dragged into a police  
case where the CBI has submitted a charge sheet  
on 21.11.97, implicating him into a criminal  
vide RC No. 5(A)/94-ACU(i) - CBI . But no charge  
has been framed by the Court against the applicant  
in the said case as yet. ✓

19.3.99 By referring to a decision of the Hon'ble Supreme &  
Court ( State of Gujrat & another Vs. Surya Kant  
Sunilal Shal ) decided in December 3, 1998 , the  
applicant submitted a representation to the  
Govt. to consider his case.

... Annexure - I / 44

15.5.99 After having learnt that the Govt had taken  
a decision on his representation dated 13.3.99,  
the applicant by submitting fresh representation  
on 15.5.99, wanted to know the decision taken by  
the Govt. into her case.

... Annexure - J/46

contd...

4.6.99 In response to his representation dated 15.5.99, the Govt. by letter dated 4.6.99, intimated to the applicant that the Screening Committee in its meeting held on 13.5.99, considered the case of the applicant for promotion to the Super time & scale and kept its decision under sealed cover as per provision of Rule.

Annexure - L /49.

7.2.2000 The applicant by filing a representation wanted a copy of the said screening Committee meeting held on 13.5.99. But the applicant got no response of the said letter.

Annexure - M /50

SUBMISSIONS :

- (1) The applicant, under the provision of Sub-Rule (2A) of Rule 3 of the Indian Administrative Service (Pay) Rules 1954, was entitled for consideration for promotion to the Selection grade Scale of pay on and from 1.7.91 on his entering the fourteenth year of service, in the IAS. The Govt. quite unreasonably, ignored the case of the applicant while considering the case of his batch mates.

contd....

- (2) The Govt. also considered the cases of his batch mates and many his juniors and promoted them to the super time scale from 1993 to 1995, but did not considered applicant's case for promotion to the Super time scale along with them.
- (3) The charge sheet falsely implicating him into the CBI Case, being R C No. 5(A)/94- ACU(i) , was submitted by the CBI on 21.11.97. Even assuming, but not admitting that the applicant was involved in the said case in any manner, since the applicant's case for consideration for promotion was due much before the submission of the charge sheet as aforesaid, denial of promotion on and from 1992 ( selection grade) and 1993 (Super time Scale) or for that matter keeping his case in seal cover in 1999 was a uncalled-for and illegal.
- (4) Even submission of charge sheet or institution of a criminal case cannot be bar for consideration of the case of the applicant to the higher grade, as per Govt. Circular which provides for periodical review of such cases.
- (5) The applicant's going abroad on study leave could not also have been a bar for consideration of his case for promotion.

contd..

AUTHORITY RELIED ON

- 1.
- 2.
- 3.

CASE OF THE RESPONDENTS

- (1) The Respondent No. 1, filed their written statement and in paragraph 4, they have stated that the selection of the applicant along with other officers of his batch for promotion to selection grade was made in time. His case could not be disposed of as he was on leave.
- (2) In paragraph 6 of the written statement the respondent No. 1 have stated that it was not possible to dispose of his case for promotion to the Selection Grade, since his period of leave is not regularised.
- (3) In the said paragraph the respondent No. 1 have also stated that the Govt. of Assam vide order No. AAP. 15/97/222 dated 17.5.97 and Govt. of India vide order No. 107/5/97- ADV. 1 dated 27.8.97, accorded sanction under Section 197

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197 Cr.P.C. read with Section 19(I) of PC 1988, for prosecution of the applicant. It was further stated that since applicant has also been chargesheeted, the personal file of the applicant was also taken by CBI and it is still with them.

(4) In paragraph 8 and 11 ~~the~~ of the written statement the respondent No. 1 stated that the case of the applicant for promotion to the selection grade/ super time scale cannot be disposed of before finalisation of the CBI Case, pending before the Court of special Judge at Gauhati.

(5) The applicant submitted a rejoinder and stated that

(a) in september 1993, he came to India and appeared before the 'Rao Committee' at great cost when he was in the midst of his studies in the USA.

(b) While granting the leave for his study in the USA, the Govt. granted the applicant more Extra-ordinary leave for some period when sufficient half pay leave was at his credit. The AG, Assam therefore by a letter dated 10.6.96, requested the Secretary to the Govt. of Assam personal - A Department to revise the leave granting notification. Pursuant to that

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- 8 -

the applicant submitted representation on 5.9.97 and requested the Govt. to regularise the leave for the period remained absent for completion of his Ph. D.

(c)

Regularisation or non-regularisation of the applicant's leave beyond April, 1995 has no relevance in the context of consideration of his case for promotion to selection Grade in 1992 and super time scale in 1993 when the cases of other similarly selected Officers were considered.

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