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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

5

O.A/T.A No...181/2000

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-181/2000 .....Pg. 1 .....to. 4 .....
2. Judgment/Order dtd. 03/04/2001 .....Pg. 1 .....to. 3 Dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 181/2000 .....Pg. 1 .....to. 38 .....
5. E.P/M.P. NIL .....Pg. ....to. ....
6. R.A/C.P. NIL .....Pg. ....to. ....
7.  W.S. ....Pg. 1 .....to. 14 .....
8. Rejoinder.....Pg. ....to. ....
9. Reply.....Pg. ....to. ....
10. Any other Papers.....Pg. ....to. ....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 181/2000 OF 199

Applicant(s) *Sree Krishna Mangil Das*

Respondent(s) *Union of India and Ors.*

Advocate for Applicant(s) *Mr. B.K. Sharma.*

*Mr. S. Sarma.*

Advocate for Respondent(s) *Mr. U.K. Nair*

*C.G.S.C.*

| Notes of the Registry   | Date          | Order of the Tribunal   |
|---|---------------|---|
| <p>This application is in form and within time. C.F. of Rs 50/- deposited vide IPO/BI No. 4924/00 Dated 10.5.2000</p> <p><i>2-1-2000.</i></p> <p><i>Service of copy set filed.</i></p> <p><i>B.K.S.</i></p> | <p>5.6.00</p> | <p>Present : Hon'ble Shri D.C. Verma, Member(J).</p> <p>Mr. B.K.Sharma, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>Issue notice to the respondents as to why the application shall not be admitted. Notice returnable by two weeks. Reply to be filed within two weeks. Meanwhile respondents are directed not to repatriate the applicant to his parent department. Pendency shall not be a bar for the respondents to consider the absorption of the applicant in case if any process is taken up.</p> <p>List on 6.7.2000 for consideration of admission.</p> |

*[Signature]*  
Member(J)

*trd*  
*5/20/2000*

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

6-6-2000  
 Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A/D.

13/6/00

D/No 1561 to 1566 dtd. 12/6/00

① Service report are still awaited.

5.7.2000

7/7/00

Order dtd. 6/7/00 Communicate to respondents vide D/No 1804 w/1809 dtd 10/7/00 to Sri L.K. Nair & Mr. B.S. Basumatary, Addl. C.G.S.C.

Notice duly served on Respondent No 4

14/5/00

Notice duly served on Respondent No 1, 3 & 6.

Order dtd. 5/7/00 sent to Resdnt. No.1. Returned with remarks that full particulars of the case. But do already sent to him vide order dtd 6/6/00 - 24-11-2000

18/9/2000 No. W/Statement has not filed by the resps. Boro

6.7.00

Present: Hon'ble Mr. S. Biswas, Administrative Member.

At the request of Mr. U.K. Nair, learned counsel for the applicant case is adjourned and posted on 8.8.00 for Admission.

Interim order shall continue till the next date.

S. Biswas  
 Member(A)

Im

21/7/2000

8.8.00

There is no Bench. Ad. Bench to 11.9.00.

11.9.00

No Bench. To be listed on 27.10.00.

27.10.00

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

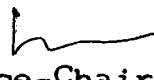
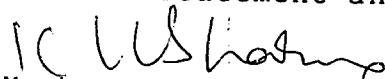
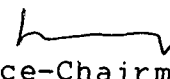
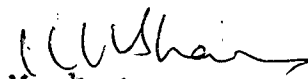



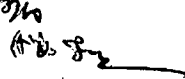
No written statement so far has been filed. Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents seeks for further time. Mr. B.K. Sharma, learned counsel for the applicant states that like matters have been admitted namely, O.A.392/99 and O.A.139/2000.

This application is accordingly admitted. Call for the records.

No fresh notice be issued. The respondents may file written statement within four weeks from today.

List on 27.11.00 for orders. The interim order dated 5.6.00 shall continue.

Vice-Chairman

| Notes of the Registry   | Date            | Order of the Tribunal   |
|---|-----------------|---|
| <p>No. written statement has been filed.</p> <p><u>320</u><br/>12.1.2001</p>  | <p>27.11.00</p> | <p>Further two weeks time is allowed to the respondents to file written statement on the prayer of Mr B.C.Pathak, learned Addl.C.G.S.C.</p> <p>List before the next available Division alongwith O.A.137/2000.</p> <p><br/>Vice-Chairman</p>   |
| <p>No. Wfs has been filed.</p> <p><u>320</u><br/>16.1.2001</p> <p>No. written statement has been filed.</p> <p><u>324</u><br/>14.2.01</p> | <p>17.1.01</p>  | <p>List it after four weeks to enable the respondents to file written statement.</p> <p>Fix it on 15.2.2001 for written statement and further orders.</p> <p><br/>Member</p> <p><br/>Vice-Chairman</p> |
| <p><u>20.2.2001</u></p> <p>Wfs has been filed by the respondents No. 1 to 4.</p>  | <p>15.2.01</p>  | <p>Written statement has been filed. List on 2.3.01 for hearing. In the meantime the applicant may file rejoinder.</p> <p><br/>Member</p> <p><br/>Vice-Chairman</p>                                    |
| <p>No. Rejoinder has been filed.</p> <p><u>320</u><br/>13.01</p>  | <p>2.3.01</p>   | <p>On the prayer of the learned counsel for the applicant the case is adjourned to 2.4.01.</p> <p><br/>Member</p> <p><br/>Vice-Chairman.</p>   |
| <p><u>320</u><br/>13.01</p>   | <p>2.4.01</p>   | <p>List tomorrow:<br/>13/1<br/><br/>2.4.01</p>  |

| Notes of the Registry   | Date                       | Order of the Tribunal  |
|---|----------------------------|--|
| <p>15.5, 2001</p> <p><u>Copy of the Judgment</u></p> <p>has been sent to the Office for issuing the same to the applicant as well as to the Govt. Adv. for the Respondent</p> <p>AS</p> | <p>3.4.2001</p> <p>nkm</p> | <p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p><i>K. Ushara</i><br/>Member</p> <p><i>[Signature]</i><br/>Vice-Chairman</p> |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.392 of 1999

With

Original Application No.181 of 2000

Date of decision: This the 3rd day of April 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member.

O.A.No.392/1999

Shri Ajit Kumar Deb,  
Public Prosecutor,  
Office of the Central Bureau of Investigation,  
Guwahati Branch,  
Guwahati, Assam.

O.A.No.181/2000

Shri Krishna Mangal Das,  
Inspector of Central Bureau of Investigation,  
Office of the Superintendent of Police, CBI,  
Guwahati Branch,  
Guwahati.

.....Applicants

By Advocates Mr B.K. Sharma, Mr S. Sarma and  
Mr U.K. Nair.

- versus -

1. The Union of India, represented by  
The Secretary to the Government of India,  
Ministry of Home Affairs,  
New Delhi.
2. The Director,  
Central Bureau of Investigation,  
New Delhi.
3. The Deputy Inspector General of Police,  
Central Bureau of Investigation,  
Guwahati.
4. The Superintendent of Police,  
Central Bureau of Investigation,  
Guwahati.
5. The State of Arunachal Pradesh, represented by  
The Secretary to the Government of Arunachal Pradesh,  
Department of Home, Itanagar.
6. The Inspector General of Police,  
Arunachal Pradesh,  
Itanagar.

.....Respondents

By Advocates Mr B.C. Pathak, Addl. C.G.S.C. and  
Mr B.S. Basumatary, Addl. C.G.S.C.

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O R D E R (ORAL)

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CHOWDHURY.J. (V.C.)

Both the cases were taken up together for consideration since matters are similar in nature, pertaining to repatriation of deputationist.

2. The applicant in O.A.No.392/1999 is holding a substantive post of Prosecuting Inspector in the Arunachal Pradesh Police. He was sent on deputation as a Public Prosecutor with the Central Bureau of Investigation (CBI for short) and he joined the post on 23.2.1994. According to the applicant option was sought for, for permanent option in the CBI. While things rested at this stage, the applicant coming to know about his repatriation from the CBI, moved the High Court for his protection, by way of an application under Article 226. The application was subsequently withdrawn from the High Court with a view to refile the same before this Tribunal. After disposal of the application by the High Court on 17.11.1999, the applicant moved this Tribunal assailing the order of repatriation. The applicant also, amongst others, sought for permanent absorption in the CBI. In his application, the applicant stated about the quality of his service and the concerned authority being impressed, not only extended his period of deputation, but also strongly recommended for absorption of the applicant. The applicant referred to the communication of the concerned Superintendent of Police, CBI, Guwahati addressed to the Deputy Inspector General of Police, CBI, N.E. Region dated 1.6.1998 recommending the case of the applicant for permanent absorption.

3. The respondents submitted their written statement denying and disputing the claim of the applicant. The respondents stated that the applicant was appointed in the CBI on deputation. After expiry of the deputation period the applicant was repatriated to his permanent post. The applicant was appointed in the CBI as Public Prosecutor on deputation basis on 23.2.1994 for a period of four years from Government of Arunachal Pradesh. His deputation period was extended for one year

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96

beyond 22.2.1998, i.e. upto 22.2.1999 on his request with the consent of his parent department. The parent department clarified that no further extension of deputation period could be given to the applicant. Meanwhile the applicant while functioning as Public Prosecutor in the CBI, Guwahati Branch on deputation basis applied for the post of Sr Public Prosecutor in the CBI on transfer basis vide his application dated 15.10.1998, which was forwarded to the UPSC, who did not find him suitable for the post.

4. The applicant in O.A.No.181/2000 was holding a substantive post of Sub Inspector in the Arunachal Pradesh Police. He was sent on deputation to the CBI as an Inspector and he was posted in the CBI as Inspector. In 1996 option was called for permanent absorption in the CBI. The applicant exercised his option for absorption in the CBI in the year 1996. While things rested at that stage, the applicant moved the Court against his threatened repatriation. Initially, the applicant moved the High Court and subsequently the application was withdrawn from the High Court and the applicant moved an independent application before this Tribunal by way of the present O.A. The applicant submitted that he has continuously served in the CBI for more than 10 years and he performed his duties to the satisfaction of all concerned. The applicant stated and contended that the respondents allowed the applicant to remain on deputation for long ten years and by his continuance in the post he has attained the status of a permanent employee. Therefore, according to the applicant, the question of repatriating him to his parent department did not arise.

5. The respondents contested the claim of the applicant and submitted their written statement. In the written statement it was stated that the applicant joined the CBI on 7.5.1990 as Inspector of Police on deputation from the State of Arunachal Pradesh. His posting as Inspector in the CBI was made by giving one step promotion from his original post of Sub Inspector in his parent department. On completion of his deputation, the matter of repatriation was taken up with the competent authority and the competent authority vide communication dated 30.12.1998 approved the repatriation of the applicant. According

to.....

to the respondents the applicant was relieved on 7.1.1999, but in view of the order of the High Court he was allowed to continue. The respondents stated about the extension of the deputation period for one year from 31.12.1993 to 31.12.1994. The respondents also stated about the process of absorption of Inspector in the department from time to time. The case of the applicant could not be considered as he did not come within the zone of consideration. According to the respondents an essential qualification for absorption in the CBI as Inspector is Bachelor Degree from a recognised University. Since the applicant was not a graduate his case was not considered.

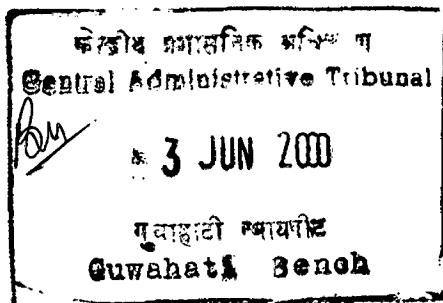
6. In both the applications the issue pertains to the legitimacy of the order of repatriation. Both the applicants are, admittedly, deputationists and they hold substantive posts in the parent department. A person while holding the post on deputation, he holds the post outside the parent department. As a matter of law, legally, a deputationist has no right to continue or claim absorption in the borrowing department unless his absorption is covered by any statutory rules. A deputationist is liable to be repatriated to his parent department on the expiry of the deputation period. Long and uninterrupted continuance of the deputation period cannot be a ground for resisting repatriation. The legal position is enunciated by the Supreme Court in Ratilal B. Soni and others vs. State of Gujarat and others, reported in 1990 (Supp) SCC 243, State of Punjab and others vs. Inder Singh and others, reported in (1997) 8 SCC 372 and Kunal Nanda vs. Union of India and another, reported in (2000) 5 SCC 362.

7. For the foregoing reasons we do not find any merit in this application. The application is accordingly dismissed and the interim orders dated 30.11.1999 in O.A.No.392/1999 and 5.6.2000 in O.A. No.181/2000 stand vacated. The dismissal of the applications shall, however, not preclude the respondents from considering the case of the applicants for their absorption as per law, if not already considered.

No order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)



10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : OA No. 181/2000

BETWEEN

Shri Krishna Mangal Das  
... Applicant

- versus -

Union of India & Ors.  
... Respondents

I N D E X

| SL. No. | Particulars of the documents | Page No. |
|---------|------------------------------|----------|
| 1.      | Application ...              | 1 to 19  |
| 2.      | Verification ...             | 20       |
| 3.      | Annexure-1 ...               | 21       |
| 4.      | Annexure-2 ...               | 22       |
| 5.      | Annexure-3 ...               | 23-24    |
| 6.      | Annexure-4 ...               | 25       |
| 7.      | Annexure-5 ...               | 26       |
| 8.      | Annexure-5A ...              | 27       |
| 9.      | Annexure-6 Series ...        | 28-30    |
| 10.     | Annexure-7 ...               | 31       |
| 11.     | Annexure-8 ...               | -        |
| 12.     | Annexure-8A, 8B ...          | 32-33    |
| 13.     | Annexure-9 ...               | 34       |
| 14.     | Annexure-10 ...              | 35-36    |
| 15.     | Annexure-11 ...              | 37       |
| 16.     | Annexure-12 ...              | 38       |

Filed by : U.K. Nair

Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH  
GUWAHATI

O.A. No. 181 of 2000

FILED BY:

The Applicant =

Through's

U.K. Nair, Advocate.

BETWEEN

Shri Krishna Mangal Das, Inspector of  
CBI, ACB, Office of the Supdt. of  
Police, CBI, Guwahati Branch, Sundarpur,  
Guwahati.

- AND -

... Applicant

1. The Union of India, represented by  
the Secretary to the Government of  
India, Ministry of Home Affairs. New  
Delhi-1.
2. The Director, Central Bureau of  
Investigation, Block No. 3, CGO  
Complex, New Delhi-3
3. Deputy Inspector General of Police,  
CBI, ACB, Sundarpur, Guwahati.
4. The Supdt. of Police, CBI, ACB,  
Sundarpur, Guwahati.
5. The State of Arunachal Pradesh,  
represented by the Secretary to the  
Government of Arunachal Pradesh,  
Department of Home, Itanagar.
6. The Inspector of General Police,  
Arunachal Pradesh, Itanagar.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE :

This application is not directed against any particular order but has been filed against the imminent threat of releasing the Applicant from CBI, without considering the case of the Applicant for absorption for which option has already been taken.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India.

4.2 That the Applicant while working in the state of Arunachal Pradesh in the department of Police as Sub-Inspector, on being selected, the Applicant was appointed in the CBI on deputation to the post of Inspector way back in 1990. By now he has completed about 10 years of service in the CBI. In 1996 option was called for, for permanent absorption in CBI laying down certain conditions such as All India transfer liability, no claim of seniority etc. The Applicant

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accepted all the conditions and exercised his option for permanent absorption in CBI by filing up the form of application supplied to him. This exercise was carried out in the year 1996. The Applicant while was expecting order of his permanent absorption, now he is under imminent threat of being released from the CBI. It is under these circumstance, the Applicant has come under the protective hands of this Hon'ble Tribunal.

4.3 That the Applicant joined the services of the Arunachal Pradesh Police in the year 1978. By dint of his hard work and sincerity, he earned his promotion to the rank of Sub-Inspector in the year 1983. In the year 1990 he was selected by the CBI for the post of Inspector, a higher grade than that of the Sub-Inspector. The State of Arunachal Pradesh without reserving anything released the Applicant enabling him to join the post of Inspector in the CBI. To that effect release order dated 26.4.90 was issued from the office of the IGP, Itanagar. The term of deputation was stated to be for a period of three years.

A copy of the release order dated 26.4.90 is annexed as Annexure-1.

4.4 That according to the said term of deputation, the period of deputation was to come to an end in April 1993. However, his term of deputation was further extended by canceling the release order issued under No. 78 dated 7.6.93. Eversince such order of cancellation the Applicant has been continuing with the CBI. By a letter dated 5.11.93 issued under No.

*[Handwritten signature]*

A.35018/24/93-AD.I by the CBI, the need to fill up the vacancies in the rank of Inspectors was emphasised and to that effect it was advised to keep a panel of suitable officers in readiness to be appointed in the CBI.

A copy of the letter dated 5.11.93 is annexed as Annexure-2.

4.5 That the Deputy Inspector General of Police, CBI, NER, Shillong vide his DO No. 1446/E/36 dated 20.12.93 addressed to the Joint Director, CBI, New Delhi had spelt out as to how the services of the Applicant was indispensable. By the said letter a request was made for further extension of the services of the Applicant on ground of otherwise losing the services of an experienced officer.

A copy of the said letter dated 20.12.93 is annexed Annexure-3.

4.6 That by another letter No. A.20014/1221/90-AD.I dated 8.2.94, the Asstt. Director (E), CBI, New Delhi made a request to the State of Arunachal Pradesh for extension of services of the Applicant pointing out the grounds on which his services were indispensable.

A copy of the said letter dated 8.2.94 is annexed as Annexure-4.

4.7 That in the year 1995, the Applicant on being asked as to whether he would be interested to be adsorbed in the CBI, he by his letter dated 30.6.95 intimated about his willingness to be absorbed in the

CBI. It will be pertinent to mention here that in the year 1996, asking for his option to be absorbed in the CBI, he was directed to exercise the same by way of filing a application form supplied by the CBI. Certain conditions were also imposed for permanent absorption in the CBI, such as acceptance of All India Transfer Liability, Curtailment of seniority etc. The Applicant exercising his option agreeing to the conditions laid down by the CBI and to that effect he filled in the application form and submitted the same to the CBI. This exercise was carried out in the year 1996.

A copy of the letter dated 30.6.95 is annexed hereto as Annexure-5.

4.8 That in response to the said exercise for his permanent absorption in the CBI, the DIG and SP, CBI recommended such absorption of the Applicant vide letter No. E/1/1/98/1690 dated 26.3.98 addressed to the Joint Director, CBI, East Zone, Calcutta. Such a recommendation was further given vide letter No. 1/1/2246 dated 24.3.96 issued by the Supdt. of Police CBI, ACB, Guwahati and sent to CBI, New Delhi. In this connection the authorities in the CBI by its letter No. A 21021/15/95-AD.I dated June '97 issued to the local authorities, interalia, asking for the particulars mentioned therein for the purpose of absorption of the incumbents mentioned in the said letter. the name of the Applicant appears at Sl. No. 3 of the said letter.

The Applicant is not possession of the above two

letters and accordingly direction may be issued to the Respondents to produce the same at the time of hearing of this application. However, a copy of the letter dated June '97 is annexed hereto as Annexure-5/A.

4.9 That the Applicant states that again in the recent past (May, 2000) the CBI authorities have issued a circular asking for option from the officials on deputation to CBI and those who have completed minimum 5 years of service on deputation in CBI. In response to the said circular the Applicant could have exercised his option, although no such fresh option is called for, in view of his earlier option. The Applicant could not respond to the said circular which came from the Head Office as the local authorities did not circulate the same. The Applicant has come to know about the said circular belatedly. However, inspite of request being made same has not been available to him stating that the last date for submission of option has already expired. However, the Applicant has been assured of consideration in view of his earlier option.

The Applicant is not possession of the said circular which has been issued from the Head Quarter and received in the local office. Since the OA has been filed urgently the Applicant craves leave of this Hon'ble Tribunal for a direction to the Respondents for production of the same at the time of hearing of this application.

4.10 That the Applicant states that during his tenure with the CBI he has earned commendations for his works

this is precisely the reason as to why the CBI is interested in his permanent absorption.

Some of the certificates of commendations are annexed as Annexure-6 Series.

4.11 That although the process have already been initiated for permanent absorption of the Applicant in the CBI, more particularly, in view of the fact that he has been appointed in the CBI pursuant to his selection in a promotional post and by now he has completed ten years of service in the promotional post and in the event of his repatriation to the State of Arunachal Pradesh, he will have to occupy a lower category post, the delay in doing so will tell upon the service career of the Applicant and now a stage has come in which he is under imminent threat of being repatriated to the State of Arunachal Pradesh. In this connection, the State of Arunachal Pradesh has written letters either for absorption or immediate release of the Applicant in view of the fact that the post against the Applicant can neither be filled up nor can be kept under animated suspension. To the best of the knowledge of the Applicant the State of Arunachal Pradesh in the Office of the Inspector General of Police by the letter dated 17.3.98(a copy of which is not in the possession of the Applicant) has made a request to the CBI either to release the Applicant or to permanently absorb him. In response to the said letter, the CBI after maintaining a long silence has now proposed to release the Applicant from CBI. If this is allowed to be



materialised, same will seriously tell upon the service career of the Applicant. The CBI is now estopped from taking such a course of action in view of its promise made out to the Applicant and in response to which the Applicant has also exercised his option.

4.12 That the Applicant states that as Inspector of CBI many investigation are on under him. In this connection, it is stated that presently, the Applicant apart from other cases is engaged in the investigation in connection with the following Hon'ble High Courts cases viz, i) Case No. PE.14(A)/97-Shg. Civil Rule No. (HC) 58/96 dated 10.2.96. This case is regarding missing of one Biplab Gohain purportedly picked up by army on 9.10.96/10.10.96 from Dibrugarh, Naliapul area and (ii) Case No. RC 6(S)/97-Shg. This case relates to murder of Sri A.K. Singh, IPS the then SP, Tinsukia. Investigation in the case is in progress and the accused persons have been identified and now the efforts are being made to book them.

In the above context, it would be pertinent to mention here as per CBI's letter No. 21/1/98-PD(R) dated 12.2.98 referring to a judgment of the Apex Court, it has been emphasised not to make any change of investigating officers involved in investigation of a particular case.

A copy of the said letter dated 12.2.98 is annexed as Annexure-7.



4.13 That the Applicant states that earn leave was sanctioned to him with effect from 11.1.98 to 9.2.99 by an office order No. 3 dated 5.1.99 issued by the Respondent No. 4. Prior to that he was on medical leave with effect from 7.1.99 as he has been suffering from responsibilities.

Copies of the documents pertaining to medial treatment and the leave sanctioning letter dated 5.1.99 are annexed as Annexures-8, 8A, 8B and 9 respectively.

4.14 That the Applicant states that when his option was taken for his permanent absorption in the CBI laying down certain condition and the Applicant having acted upon such option, it was legitimate expectation that the order of his permanent absorption would be a mere formality and the same would come in due course. However, it is being whispered in the office that the Applicant would be repatriated and he would be released immediately. This position the Applicant has come to know from the office. In fact, he has been told that his repatriation order and release order may come at any moment. It is under these circumstances, the present application has been filed seeking appropriate relief. Balance of convenience lies in favour of the Applicant. The CBI once having asked for the option from the Applicant and the Applicant having acted upon such option, the CBI cannot now resile back from their own promise. It is a fit case for passing an appropriate interim order as has been prayed for. The Applicant is still continuing in the CBI and he has not

been served with any copy of any release order and/or repatriation order.

4.15 That the Applicant states that by now he has completed ten years of service in the CBI and that to in a promotional post and now in such a distant date, if he is repatriated to his parent organisation, he will suffer irreparable loss and injury, inasmuch as, he would be put in a lower post in the parent organisation. The CBI having asked for option for his permanent absorption and the process for such absorption having been initiated, the CBI cannot now send back the Applicant to the State of Arunachal Pradesh, more so when State of Arunachal Pradesh has time and again requested the CBI for permanent absorption of the Applicant.

4.16 That the Applicant states that as against the normal tenure of deputation for three years, the Applicant having been allowed to remain on deputation for long ten years, the very status deputationists has lost its force and the Applicant has attained the status of a permanent employee of the CBI, the exercise of permanent absorption of the Applicant was a mere formality and the CBI ought to have carried out the said formality without any delay. Now it does not lie in the mouth of the CBI to say that the Applicant is a deputationist and that he would be a repatriated to his parent organisation. In that view of the matter, the impugned action on the part of the CBI is legally not sustainable. In this connection, it is stated that the

21

State of Arunachal Pradesh is sympathetic towards the Applicant and this was precisely why it had written letters to the CBI for permanent absorption of the Applicant who is on deputation for long ten years and considering the hardships that would be fall on the Applicant upon his repatriation.

4.17 That the Applicant states that in the past many officers of the State of Arunachal Pradesh were send on deputation to other organisation and they have since been absorbed in the said organisation and to which the State of Arunachal Pradesh has not raised any objection, the present case is similar to that of the earlier cases. The CBI having asked for the option from the Applicant for permanent absorption and the Applicant having exercised the same accepting the terms and conditions thereof, cannot now turn round the same and repatriate the Applicant without being asked for the same by the State of AP.

4.18 That the Applicant submits that it was his legitimate expectation that he would be absorbed in the CBI pursuant to the option exercised by him. However, now a stage has come in which the CBI turning a volte face to their own promise has sought to repatriate the Applicant to his parent organisation which is perse illegal and accordingly such action on the part of the CBI is liable to be set aside and quashed.

4.19 That the Applicant submits the CBI till date has not issued any notice to him indicating anything about his proposed repatriation but everything has been

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sought to be done in a hush hush manner and that to when the Applicant was on leave granted to him by the authorities. This has resulted in violation of Article 14 of the constitution of India and also the principles of natural justice.

4.20 That the Applicant submits that he having rendered long ten years of service in the CBI, he can no longer be branded as a deputationist and for all practical purposes, he has become a regular employee of the CBI. The CBI after utilising his services for long ten years, being full of praise for his services, cannot now resile back from their own promise and treat the Applicant with a step motherly attitude. The proposed action on the part of the CBI to repatriate the Applicant and release him without considering the option for permanent absorption in the CBI which the Applicant had exercised in response to the call given by the CBI is grossly illegal, arbitrary and tainted with malafide.

4.21 That the Applicant submits that it is a fit case for passing an interim order as already indicated above. The repatriation and release orders would be issued to Applicant at any moment, this information has been gathered by the Applicant from the office and his colleagues,. The Applicant as on date is on the roll of CBI and he has not been served with any order of repatriation and release. If the stay order as has been prayed if not granted, the Applicant will suffer irreparable loss and injury.

4.22 That the Applicant in the above situation had no alternative than to approach the Court of Law and accordingly he filed a writ petition being WP(c) No. 367 of 1999 making a prayer for setting aside the proposed action of the CBI to repatriate and release the Applicant. He also made a prayer for his permanent absorption in the CBI. An interim order was also prayed for not to repatriate and release the Applicant and to allow him to continue in the in the CBI. The Hon'ble Court while admitting the writ petition was pleased to pass and interim order on 8.2.99 granting the interim prayer on the basis of which the Applicant is continuing with the CBI.

4.23 That the Respondents in the said writ petition took a plea that the writ petition is not maintainable and the prayer being for absorption/appointment in the CBI, the subject matter comes within the jurisdiction of this Hon'ble Tribunal. In response to the said plea the Hon'ble Court has since disposed of the writ petition by order dated 22.5.2000 allowing the Applicant to withdraw the same and to approach this Hon'ble Tribunal within 15 days. The Hon'ble Court has further ordered that for this period of 15 days the interim order will continue to operate. Be it stated here that under similar circumstances, another writ petition being WP(c) No. 877/99 filed by one Sri Ajit Kr. Deb who is also on deputation to CBI was disposed of by the said Hon'ble Court by an order dated 17.11.99 giving liberty to the Petitioner to approach this Hon'ble Tribunal.

A copy of the order dated 22.5.2000 is annexed hereto as Annexure-10.

The Applicant craves leave of this Hon'ble Tribunal to produce the copy of the order dated 17.11.99 if and when required.

4.24 That the CBI authorities immediately after having come to know about the disposal of WP(c) 367/99 have once again threatened the Applicant that he would be released from the CBI on expiry of 15 days as stipulated in the Annexure-10 order dated 22.5.2000. Same was the case with Sri A.K. Deb who was the writ Petitioner in WP(c) 877/99. Said Sri Deb after disposal of his writ Petition had approached this Hon'ble Tribunal by filing OA No. 392/99 and this Hon'ble Tribunal while admitting the OA vide its order dated 30.11.99 has protected the interest of the Applicant by way of passing an interim order not to repatriate the Applicant. Be it stated here that under similar circumstances another officer of the CBI who is also on deputation has approach this Hon'ble Tribunal by filing OA No. 338/99 and in his case also this Hon'ble Tribunal has granted interim protection by order dated 15.10.99

Copies of the order dated 15.10.99 and 30.11.99 are annexed as Annexures-11 and 12 respectively.

4.25 That the Applicant states that it has come to his knowledge that the Government of Arunachal Pradeshin

reference to CBI's letter dated 9.2.98 asking for no objection towards permanent absorption of the deputationists including this Applicant has already furnished its no objection by its letter No. HMB(A)-48/98 dated 3.2.2000.

The Applicant has come to know about the above position in the office but is not in possession of the said letter and accordingly direction may be issued to the Respondents to produce the copy of the said letter.

7 4.26 That the Applicant states, that as already stated about, further action towards absorption of the deputationists has been initiated by the CBI by issuing letter in May 2000, but it is whispered in the office that the case of the Applicant will not be considered in view of the fact that he has approached the court and now this Hon'ble Tribunal says that since the matter was/is subjudice. Such a stand on the part of the authorities is grossly arbitrary, unjust and unfair. The case of the Applicant having been already taken up for permanent absorption, his case cannot be left aside merely because he has approached the court of law under extra-ordinary situation in which inspite of the fact that his case was under consideration for permanent absorption in CBI, some group with vested interest was active to see the repatriation of the Applicant.

4.27 That the Applicant has now filed this OA seeking urgent and immediate relief the circumstances explained above having forced him to do so.

4.28 That there is no other alternative or efficacious

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remedy and the remedy prayed for, if granted would be just, adequate and complete.

4.29 That this application has been made bonafide to secure the ends of justice.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the Respondents once having taken the option from the Applicant for his absorption in the CBI and there by holding a promise to the Applicant cannot now resile back from that situation.

5.2 For that the parent department of the Applicant cannot insist upon for his release after having deprived the Applicant on a number of occasions for consideration of his absorption.

5.3 For that it being a admitted position that in the CBI there is dearth of officers and vacancies are in abundance, there is no earthly reason as to why the case of the Applicant for his permanent absorption could not be considered.

5.4 For that the Applicant having made it known his intention before his appointment in the CBI that he was interested in his permanent absorption. The Respondents ought to have considered the same instead of insisting for his repatriation.

5.5 For that the Applicant if repatriated even after his selection in a higher post, he will have to join in

a lower post in the parent department which will seriously tell upon his service career.

5.6 For that the action on the part of the Respondents is perse illegal, arbitrary and smacks malafide on the face of it.

5.7 For that there has been violation of Article 14 and 16 of the Constitution of India and also principles of natural justice.

5.8 For that the Apex Court has clearly laid down that investigating officers involved in the investigation of a particular case is not to be changed. The CBI authorities have also incorporated this principle laid down by the Apex court vide Annexure-7 letter dated 12.2.98. As such the proposed repatriation of the Applicant being in clear violation of the said principle laid down by the Apex court the same is liable to be set aside and quashed.

5.9 For that there has been clear violation of Articles 14 and 16 of the Constitution of India and so also of the principles of natural justice.

5.10 For that in any view of the matter the impugned action on the part of the Respondents is not sustainable in the eye of law.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

28

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

The Applicant further states that he had initially approached the Hon'ble Gauhati High Court by way of a writ application being WP(c) No. 367/99 and the same has since been disposed of vide order dated 22.11.99 with liberty to the Applicant to approach this Hon'ble Tribunal.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to take action towards

permanent absorption of the Applicant in the CBI with retrospective effect and with all consequential benefits. ||

8.2 To set aside and quash the proposed action of the Respondents towards repatriation and released of the Applicant from CBI.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is entitled to in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the Applicant further prays that pending disposal of this application Your Lordships would be pleased to pass an interim order directing the Respondents not to repatriate and release the Applicant from CBI and allow him to continue in the present post of Inspector CBI, Guwahati.

10. ....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 06 497440
- ii) Date : 10.5.2000
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

*fin*

291

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

I, Shri Krishna Mangal Das, aged about 49 years, son of Late P.R. Das, at present working as Inspector of CBI, ACB, Office of the Supdt of Police, CBI, Guwahati Branch, Sundarpur, Guwahati, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4, 4.2, 4.4, 4.7, 4.9, 4.11, 4.13 to 4.22, 4.25, 4.29 and 5 to 12 are true to my knowledge ; those made in paragraphs 4.3, 4.5, 4.6, 8, 12 (Partly) / 4.23 and 4.24 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 1st th day of June, 2000.

*Krishna Mangal Das.*

21-

ANNEXURE-1

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE INSPECTOR GENERAL OF POLICE  
ITANAGAR

NO. IH. (R) 167/A/03/PI-III

Itanagar the 21<sup>st</sup> April '90

OFFICIAL ORDER

On being selected for the post of Inspector vide letter No. letter No.A.35019/3/03-20.1 dt 19/1/90 on deputation to CBI, Sub-Inspector K.M.Das of Arunachal Pradesh Police is hereby released from this organisation for a period of three years w.e.f. 26/4/90 (A.S.)

Sub-Inspector K.M.Das is directed to report to the Supt. of Police CBI, Shillong for duty.

Certified that he could have continued to hold the post of Sub-Inspector but for his deputation.

Sd/- S.P. DARR  
INSPECTOR GENERAL OF POLICE  
A.S. : ITANAGAR

Memo No. PNC(R) 167/A/03/PI-III

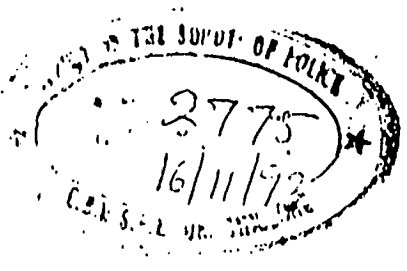
Itanagar the 21<sup>st</sup> April '90

Copy to:-

1. The Asstt. Director (S) CBI, Kendriya Karyalaya Periar Block-3 4th Floor Lodi Road N/Colli-110002 with ref to your letter No.A.35019/3/03 dt 19/1/90.
2. The Supt. of Police, CBI Shillong for information and necessary action.
3. The Accounts Officer, CBI, IAC in respect of SI K.M. Das may be sent to S.P. CBI Shillong.
4. Copy to file No. IH. (R) 167/A/03-PI-III.
5. B.O. Copy.
6. Office Copy.
7. Spare Copy.

8 Copy S.I. K.M. Das P.H. Itanagar for information.

for  
Sd/-  
Sub-Inspector General of Police  
Arunachal Pradesh  
ITANAGAR



No. A. 35018/24/93-AD.I  
Central Bureau of Investigation,  
Government of India,  
Block No.3, 4th Floor,  
CCO Complex, Lodhi Road,  
New Delhi - 110 003.

Dated :  
- 5 NOV 1993

To

1. All DIsG/CBI.
2. All SsP/CBI(Shri S.K.Saikia, Shillong).

Vacancies in the rank of Inspectors under the deputation quota have reached alarming proportions. As on date there are 97 vacancies and 132 more are likely after 564 posts under the reorganisation scheme are sanctioned.

2. The C.B.I. is primarily a deputationist organisation and 60% of the vacancies in rank of Inspector are to be filled from the State Police Forces. Over the years it has been found that fewer officers are willing to join CBI due to a number of reasons, foremost among them being the unattractive terms of deputation and also monetary loss being incurred while on deputation to CBI.

3. Serious efforts are afoot to improve the deputation terms and conditions and to make a deputation to the CBI more attractive. It is necessary on the part of the DIsG and SsP of the Regions and Branches to motivate and attract SIs of the State Police Forces to join the CBI by personal efforts. Direct recruited SIs who have held charge of a P.S. with total 5 years of service are the best material to be taken on deputation as also Inspectors who have put in 5 years service. Such category can be taken straightaway on one-step promotion.

.....2/-

Handwritten notes and signatures on the left margin, including 'HE 76/157' and '15/11'.

4. The Branches and Regional Offices should start a special drive for getting SIs and Inspectors to the CBI on deputation and suitable publicity should be given about the career prospects in the CBI, the challenging nature of the job and also the pride of being a member of the premier investigating agency of the country apart from the attractive terms that are likely to be given shortly.

5. DIsG and SsP should also identify and permanently keep a panel of names of Inspectors and SIs found suitable/ready so that they could be inducted at short notice as and when vacancies arise. This panel of names should be constantly up-dated.

6. I expect that SsP and DIsG of the Regional Offices and Branches will make special efforts to motivate and attract SIs and Inspectors of the local State Police Forces to the CBI. Progress made by them will be reviewed by me in the first week of December.

*K. Vijaya Ram RAO*  
5/11/93  
(K. VIJAYA RAM, RAO)  
DIRECTOR/CBI/NEW DELHI

Copy forwarded for information to :-

1. Addl. Directors/CBI.
2. All Joint Directors/CBI.

केन्द्रीय अन्वेषण ब्यूरो

भारत सरकार

शिल्लोंग - ७६३००१

DO No. 1466.../E/30

CENTRAL BUREAU OF INVESTIGATION  
GOVERNMENT OF INDIA  
SHILLONG-793001

ANNEXURE - 3

Dated 20/12/93

Kindly refer to H.O Signal No.35018/10/93-AD.I(Pt.1) dated 10.12.93 regarding repatriation of Shri K.M.Das, Inspector, CBI, Shillong,

2. Shri K.M.Das, Inspector Jointed the CBI, Shillong Branch on deputation from Arunachal Pradesh Police on 7/5/1990 for a period of 3 years and on expiry of his deputation period Ho vide D.O. No.A.A 20014/1221/90-AD .I dated 18/8/93 had agreed for extension of his deputation till 31/12/93.

3. There are vacancies in Shillong Branch and we are finding it extremely difficult to fill these on deputation basis. Two Officers, who had earlier agreed to join CBI on deputation are not willing to be posted in Shillong. They are now being persuaded to joint at Delhi etc. Inspite of the efforts made we are finding very few volunteers for posting in Shillong Branch. In these conditions, it may not be possible to relieve Shri K.M.Das on 31/12/93 since he is engaged in the investigation of some important cases of the Branch. He has also given his option to continue in CBI for one more year after 31/12/93. In fact, he had represented regarding this to the JD(TC), who had also recommended his retension for one more year after 31/12/93.

4. Shri K.M.Das has now gathered sufficient experience of CBI work and his contribution to the Branch towards collection of intelligence and investigation of cases during the current year has been quiet appreciable. It will certainly be a loss for the Branch and the CBI if this experienced officer is allowed to repatriate when he is willing to serve one more year in the Organisation.

I shall, therefore, be grateful, if you kindly approve extension of deputation period of Shri K.M.Das, Inspector for one more year beyond 31/12/93. In anticipation of the H.O. Orders, I am allowing Shri K.M.Das to continue in the Shillong Branch.

Yours

SHRI P.J.P. NAMPOOTHIRI,  
Jt. Director ( Admn. )  
CBI, NEW DELHI.

(R . N . KAUL)

-24-

95

Endat. No. \_\_\_\_\_/E/36.

Dt: -

Copy for information to JD(Spl.) with the request to kindly take up the matter with the JD(A).

22/12/83

( R.N. Kaul )

Dy. Inspector General of Police  
CBI, N.E.R, Shillong.

a/c

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ANNEXURE 4

KENDRIYA KARYALAYA PARISAR,  
BLOCK NO.3, 4th FLOOR  
LODHI ROAD, NEW DELHI-110003

26  
- 01 FEB 1994

To

The Asstt. Inspector General of Police,  
Arunachal Pradesh,  
ITANAGAR.

Sub:- Extension in the deputation period of Sh.K.M.Das,  
S.I. of Arunachal Pradesh as Inspr. in CBI.

Sir,

Please refer to your Wireless Message No. PHQ(R)167-  
A/83 dated 7.7.93 on the subject mentioned above.

2. The deputation period of Shri K.M. Das, Inspector  
of Police, CBI, Shillong has expired on 31/12/1993.

3. The exigencies for the continuance of his services still  
exist in the CBI and it is difficult for us to relieve him at  
present. It is, therefore, requested that necessary sanction  
extending the period of his deputation for one year more i.e.  
upto 31.12.94 on the existing terms and conditions may kindly  
be accorded and conveyed to this office at an early date.

4. Written consent of Shri K.M. Das is enclosed.

Yours faithfully,

(P.V. KRISHNAMURTHY)  
for ASSTT. DIRECTOR (E)/C.B.I.,  
NEW DELHI.

Encls:- As above.

Copy forwarded for information to :-

1. SP/CBI/Shillong w.r.t. his Wireless Message No. E-44/40  
dated 3/1/1994.
2. DIG/CBI/Shillong w.r.t. his DO No. 1467/E/36 dated  
20/12/1993.

*P.V. Krishna*  
(P.V. KRISHNAMURTHY)  
for ASSTT. DIRECTOR (E)/C.B.I.,  
NEW DELHI.

-26-

ANNEXURE 5 5X

To

The Dy. Inspector General of Police,  
CBI, N.E. Region, Guwahati.

( THROUGH PROPER CHANNEL )

Sub:- PERMANENT ABSORPTION IN CBI.

Sir,

I have the honour to state that I joined in CBI on deputation from Arunachal Pradesh Police on one step promotion as Inspector.

I have completed 5 years sincere service in CBI and willing to get absorbed as Inspector in CBI.

It is, therefore, requested that I may kindly be absorbed in CBI at an early date.

Yours faithfully,

( KRISHNA MANGAL DAS )

Inspector of Police, CBI/ACB,  
Shillong Branch at Guwahati.

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Confidential

Central Bureau of Investigation  
Ad.I Section

Sub:- Absorption of Inspr. in CBI - re

The following deputationists Inspr. presently posted in the Branches indicated against their names, are proposed to be being/considered for absorption as Inspr. in CBI :

| S.No. | Name of the Inspr.  | Branch where presently posted : |
|-------|---------------------|---------------------------------|
|       | S/Sh.               |                                 |
| 1.    | J.K. Mehta          | SIC.I Delhi                     |
| 2.    | Biplab Kumar Bagchi | SCB Calcutta                    |
| 3.    | K.M. Das            | ACB Guwahati                    |
| 4.    | D.A. Vazirase       | ACB Mumbai                      |
| 5.    | S.R. Mohapatra      | Bhubaneswar                     |
| 6.    | Hepal Singh         | S.II.X Delhi                    |
| 7.    | Mohd. Javed Khan    | ACB Lucknow                     |
| 8.    | M.L. Sharma         | ACB Calcutta                    |

It is requested that the Integrity Clearance certificate in respect of the above named Officers may please be furnished to H.O. alongwith a certificate that no DE/FE is either pending or contemplated against them.

Please treat it as URGENT.

(DR. TARSEM GUPTA)  
ADMINISTRATIVE OFFICER (E)  
H.O.

/CBI North Block New Delhi,  
No.A.21021/15/95-AD.I. DATED: 5-1-97

For/CBI/SIC.I/SCB Calcutta/ACB Guwahati/ACB Mumbai/  
ar/S.II.X Delhi/ACB Lucknow/ACB Calcutta. for immed.  
action.

28

6 (series)

99

CENTRAL BUREAU OF INVESTIGATION  
GOVT. OF INDIA,  
OFFICE OF THE SUPDT. OF POLICE,  
Guwahati:-20.

COMMENDATION CERTIFICATE

Sh. K.M. Das, Inspr, CBI/ACB/Guwahati Branch is highly commended for his good work done in case No. Rc. 13(A)/96-SHG.

*12/11/96*  
SUPERINTENDENT OF POLICE,  
CBI/ACB/Guwahati

6 (series)

CENTRAL BUREAU OF INVESTIGATION  
GOVT. OF INDIA  
OFFICE OF THE SUPDT. OF POLICE  
GUWAHATI- 20

COMMENDATION CERTIFICATE

Shri K.M. Das, Inspr. CBI, ACB, Guwahati Branch is highly commended for his good work done in case No. Rc. 11(A)/96-SHG.

*12/11/96*  
Superintendent of Police,  
CBI:ACB:Guwahati.

CENTRAL BUREAU OF INVESTIGATION,  
GOVT. OF INDIA,  
OFFICE OF THE SUPERINTENDENT OF POLICE,  
ANTI-CORRUPTION BRANCH, GUWAHATI: 20

COMMENDATION CERTIFICATE

Sh. K. M. Das, Insp. CBI, ACB, GUWAHATI BRANCH  
IS HIGHLY COMMENDED FOR HIS GOOD WORK DONE IN  
CASE NO. SC. 19(A)/96-SHG.

*[Signature]*  
5/3/96  
SUPERINTENDENT OF POLICE,  
CBI/ACB/GUWAHATI.

6 (series)

CENTRAL BUREAU OF INVESTIGATION,  
GOVT. OF INDIA, O/O SP/  
ANTI-CORRUPTION BRANCH, GUWAHATI: -20.

COMMENDATION CERTIFICATE

Sh. K. M. Das Insp. CBI/ACB, GUWAHATI BRANCH  
IS HIGHLY COMMENDED FOR HIS GOOD WORK DONE IN  
CASE NO. P.E. 7(A)/96-SHG.

*[Signature]*  
5/3/96  
SUPERINTENDENT OF POLICE,  
CBI/ACB, Guwahati.

30 -  
- 25

11

**ANNEXURE (Series)**

6 Series

CENTRAL BUREAU OF INVESTIGATION  
OFFICE OF THE SUPDT. OF POLICE,  
A.C.B. : GUWAHATI :-5.

COMMENDATION CERTIFICATE

SH.K.M.DAS, INCPECTOR, CBI/ACB/GUWAHATI IS  
HIGHLY COMMENDED FOR HIS GOOD WORK DONE IN  
CASE NO.RC.28(A)|96-SHG.

*[Handwritten Signature]*

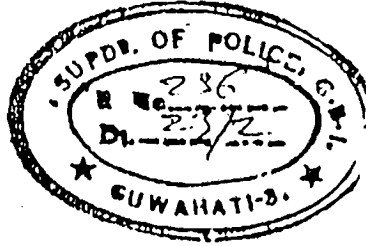
SUPERINTENDENT OF POLICE,  
CBI/ACB/GUWAHATI.

ANNEXURE-7  
CONFIDENTIAL

= 31-

No. 21/1/98-PD...

Central Bureau of Investigation,  
Government of India,  
Policy & Coordination Division,  
North Block, New Delhi.



Dated:- 12/12/98.

To

All Dy. Inspr. Genl. of Police,  
All Supdt. of Police,  
CBI Branches/Region/Zones.

Sub:- Change in the Head of the Investigating team - regarding.

In certain cases, teams may sometimes be constituted for the investigation and Head of the team may be nominated by the Director, CBI. It is instructed that in these cases, if any change in the Head of the investigating team is required to be made, that should be for cogent reasons and for improvement in investigation. The reasons for the change may be recorded and approval of the Director, CBI should be obtained.

2. Hon'ble Supreme Court of India in the PIL writ petition No. 340-343 of 1993 (Vineet Narain & others Vs. Union of India & others) has pronounced that the Director, CBI shall have full freedom for allocation of work within the agency as also for constituting teams for investigations. Any change made by the Director, CBI in the Head of an investigative team should be for cogent reasons and for improvement in investigation, the reasons being recorded.

3. In view of above judgment, all concerned are requested to adhere to the instructions of the Hon'ble Supreme Court of India scrupulously.

(MUKESH SAINI)  
ASSTT. INSPR. GENL. OF POLICE (P)  
CBI : NEW DELHI

Endst No. 4/1/98-SHG/1637

Dtd :- 19.3.98

Copy to all I.O.s of branch as well as unit office for information & n/a action.

Sh-KM Das, Insp. CBI, Guw

Supdt. of Police,  
CBI : ACB : Guwahati.

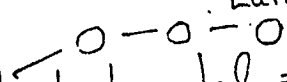

32-43

Dr. Rajesh K. Sharma, MBBS, MS.  
Regd. No. : AMC-7895  
Tel. No. (0361) 541155

CHAMBER :  
Assam Pharmacy  
Chandmari  
Date : 2-12-98

K. M. Day

40 M

- Ry x-ray AP lateral view  
Lumbosacral spine
- ①  Lobak tab = (9)  
 ↓ 1 tab thrice daily after diet
- ② <sup>Mydaxin</sup> Supralesic oin - 1 tub  
 ↓ apply locally thrice daily
- ③  Neurobion tab = (20)  
 ↓ 1 tab twice daily

Advice

- ① Avoid massage of the part
- ② Rest x 1 week
- ③ Report for 2 days

*[Signature]*  
2-12-98

Please bring this prescription on your next visit.

To WHOM IT MAY CONCERN

33 -

This is to certify that  
 Sri R. M Das is under medical  
 treatment vide OPD regd no 1367  
 from 7-1-99. He is suffering from  
 'Lumbar Spinalitis',  
 He is advised rest for  
 two weeks with effect from  
 4-0-99

*[Signature]*  
 7/1/98

Public Health Officer  
 103 West Churchill St. Durgam

34-25

Govt. of India  
Central Bureau of Investigation  
Office of the Supdt. of Police  
Anti Corruption Branch : Bhubaneswar :

Office Order No. 37Date : 5/1/99

The following staff of CBI/ACP/Bhubaneswar Branch have been granted Earned Leave as detailed below :-

| Sl. No. | Name & Design.           | Period From-To       | No. of days | Kind of leave | purpose of leave | Date of return |
|---------|--------------------------|----------------------|-------------|---------------|------------------|----------------|
| 1.      | S. D. Patra, Inspr.      | 4-1-99 -<br>22-1-99  | 18          | FL            | Private Affairs. | 25/1/99        |
| 2.      | Sh. L. Mangshing, Inspr. | 11-1-99 -<br>19-2-99 | 33          | FL            | -Do-             | 15/2/99        |
| 3.      | Sh. K. M. Das, Inspr.    | 11-1-99 -<br>9-2-99  | 30          | FL            | -Do-             | 19/2/99        |
| 4.      | Sh. K. L. Ghosh, LDC     | 4-1-99 -<br>2-1-99   | 5           | FL            | -Do-             | 11/1/99        |

Certified that the officials of Sl. No. 1 to 4 is likely to return to the same post and place of posting but for proceeding/proceeded on leave.

( P. H. Mishra )  
Supdt. of Police  
CBI, ACP, Bhubaneswar.

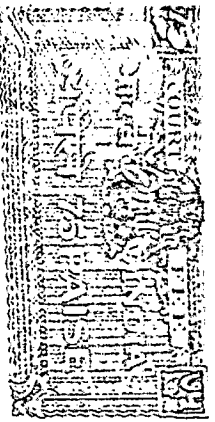
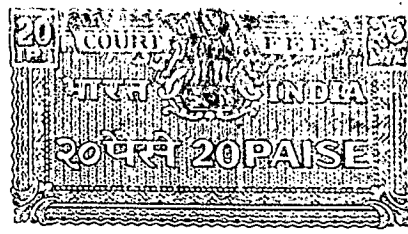
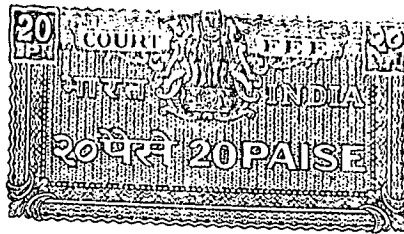
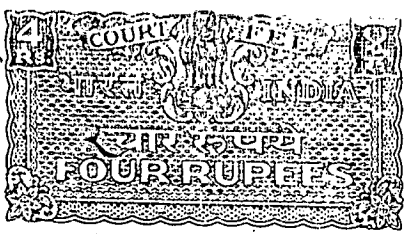
Memo No. F/11/ 5711/99  
Copy to :-

Dated : 5-1-99

- The Accounts Section in duplicate for r/a.
- Person concerned.

Supdt. of Police  
CBI, ACP, Bhubaneswar.

*[Signature]*  
5711/99



- 35 -

ANNEXURE-1046

| Date of application for im copy. | Date fixed for notifying im requisite number of stamps and talia. | Date of delivery of im requisite stamps and talia. | Date on which copy was ready for delivery. | Date of making over im copy to im applicant. |
|----------------------------------|---|--|--|--|
| 25/5/2000                        | 25/5/2000   | 25/5/2000  | 26/5/2000                                  | 26/5/2000                                    |

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM NAGALAND MEGHALAYA MANIPUR TRIPURA  
MIZORAM & ARUNACHAL PRADESH )

W.P.(C) NO. 367/99

Shri Krishna Mangal Das, Inspector  
of CBI, ACB, Office of the Supdt. of  
Police, CBI, Guwahati Branch,  
Sundarpur, Guwahati.

... PETITIONER.

-VERSUS-

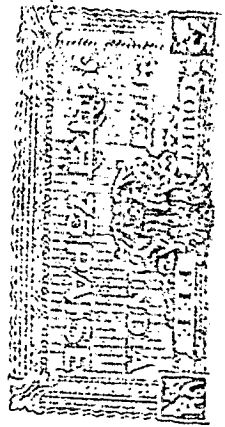
1. The Union of India, represented by the Secretary to the Government of India, Ministry of Personnel, New Delhi.
2. The Director, Central Bureau of Investigation, Block No. 3, C30 Complex, New Delhi- 110003.
3. The Deputy Inspector General of Police, CBI, Gauhati.
4. The Superintendent of Police, CBI, ACB, Sundarpur, Guwahati.
5. The State of Arunachal Pradesh, represented by the Secretary to the Government of Arunachal Pradesh, Department of Home, Itanagar.
6. The Inspector General of Police, Arunachal Pradesh, Itanagar.

... RESPONDENTS

Contd...2.

- 36 -

2.



PRESENT.

THE HON'BLE MR JUSTICE AK PATNAIK

FOR THE PETITIONER : Mr. JM Choudhury,  
Mr. BK Sharma  
Mr. UK Nair, Advocates.

FOR THE RESPONDENTS : GA. Arunachal Pradesh,  
S.C. CBI.  
Mr. DK Das, R.Nos. 2, 3 and 4  
Mr. H. Roy, for R.Nos. 5, 6.

DATED.

ORDER

22.5.2K.

Heard Mr. UK Nair, learned counsel for the petitioner, and Mr. DK Das, learned Standing Counsel, CBI.

Mr. Das submitted that this is a matter which should have been filed before the Central Administrative Tribunal in the first instance, and cited the order of this court in W.P. (C) 877/99 in which this court passed an order on 17.11.99 to the effect that the case has to be filed before the CAT at the first instance.

Mr Nair does not dispute the aforesaid position of law.

The writ petition is allowed to be withdrawn to be filed before the CAT within 15 days during which the petitioner will move the CAT for interim order. Till then the interim order passed by this court will continue to operate.

The writ petition is dismissed as withdrawn.

Sd/-AK PATNAIK  
JUDGE.

*W. S. S. S.*  
TYPED BY *26/5/2020*  
READ BY *26/5/2020*  
COMPARED BY *26/5/2020*

Certified to be true Copy  
*Dinal Ch. Goswami*  
Superintendent (Copying)  
GAUHATI HIGH COURT 26/5/2020  
Authorized U.S. 76 Act of 1970  
*W. S. S. S.*

**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

WB

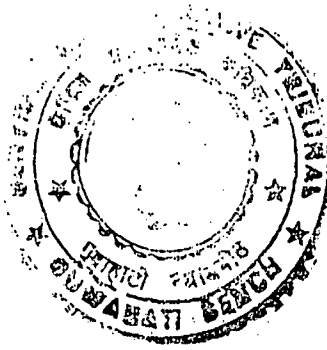
ORDER SHEET  
APPLICATION NO. 392/99 OF 199

Applicant(s) *Sree Asit Kumar Deb.*

Respondent(s) *Mica & India and ors.*

Advocate for Applicant(s) *M. H. H. Sharma*  
*M. S. Sarma M. U. K. Goswami*

Advocate for Respondent(s) *C. J. S. C.*

| Notes of the Registry   | Date     | Order of the Tribunal   |
|---|----------|---|
|  | 30.11.99 | <p>Present : Hon'ble Mr Justice D.N.Baruah,<br/>Vice-Chairman<br/>Hon'ble Mr G.L.Sanglyine,<br/>Administrative Member.</p> <p>Application is admitted. Mr B.C. Pathak, learned Addl.C.G.S.C has entered appearance on behalf of all the respondents. No formal notice need be sent. List on 6.1.2000 for written statement and further orders.</p> <p>Mr B.K.Sharma, learned Sr.counsel for the applicant prays for an interim order directing the respondents not to repatriate and release the applicant from CBI. Mr Pathak submits that he has no instruction.</p> <p>Issue notice to show cause as to why the order of repatriation shall not be suspended pending disposal of this application. Notice is returnable by</p> |

contd..

| Notes of the Registry | Date     | Order of the Tribunal  |
|-----------------------|----------|--|
|                       | 30.11.99 | four weeks. Meanwhile the respondents are directed not to repatriate and release the applicant from CBI and allow him to continue in the present post. |



Sd/-VICECHAIRMAN  
Sd/MEMBER (A)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

*My name*  
Deputy Registrar (D)  
Central Administrative Tribunal  
Guwahati Bench  
*HP*  
*1/12/99*

In The Central Administrative Tribunal  
GUWAHATI BENCH : GUWAHATI


ORDER SHEET  
APPLICATION NO. 338/99 OF 199

Applicant(s) *Suresh Pal Singh Yadav.*

Respondent(s) *Union of India & Ors.*

Advocate for Applicant(s) *Mr. J.M. Choudhury*  
*Mr. R.K. Sharma* *Mr. S. Sarma.*

Advocate for Respondent(s) *C.J.S.C.*

| Notes of the Registry  | Date     | Order of the Tribunal   |
|--|----------|---|
|  | 15.10.99 | <p>Present : Hon'ble Mr Justice D.N.Baruah,<br/>Vice-Chairman and<br/>Hon'ble Mr G.L.Sanglyine,<br/>Administrative Member.</p> <p>Application is admitted. &amp; Mr B.C. Pathak, learned Addl.C.G.S.C has entered appearance on behalf of all the respondents. No formal notice need be sent.</p> <p>List on 18.11.99 for written statement and further orders.</p> <p>Mr J.M.Choudhury, learned counsel for the applicant prays for an interim order of stay of the impugned order of repatriation. Mr Pathak submits that he has not received any instruction. Issue notice to show cause as to why the order of repatriation shall not be suspended pending disposal of this application. Notice is returnable by four weeks. Meanwhile the repatriation order shall</p> |

contd.

57

Notes of the Registry

Date

Order of the Tribunal

15.10.99

remain suspended. Mr Choudhury submits that he has not received the impugned order and therefore he could not annexed with the application. He makes a prayer for a direction to the respondents to supply a copy of the repatriation order. Respondents shall supply a copy of the order to the applicant.



SD/- VICE-CHAIRMAN

SD/- MEMBER (A)

Certified to be true Copy

प्रमाणित प्रतिलिपि

*[Signature]*  
22/10/99

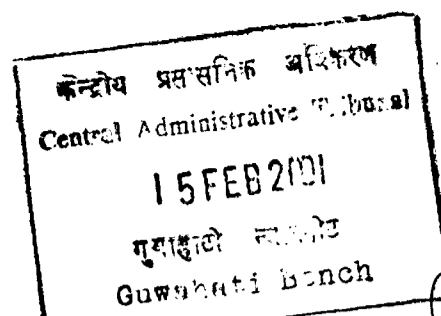
Section Officer (J)

अनुसंग अधिकारी (न्यायिक शाखा)  
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण

Guwahati Bench, Guwahati-8

गुवाहाटी : बायबीड, गुवाहाटी-8



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI**

**O.A. NO. 181 OF 2000**

**Shri K.M.Das**

..... **Applicant.**

**Vs.**

**Union of India and Others**

..... **Respondents.**

**( Written Statements filed by the respondents No. 1 to 4 )**

**The written statements of the respondents above named  
are as follows :**

1. That the copy of the O.A.No.181/2000 (referred to as "application") has been served on the respondents. The respondents have gone through the said application and understood the contents thereof. The interest of all the respondents being common and similar, a common written statements is being filed for all of them.
2. That the statements which are not specifically admitted by the respondents are hereby denied.
3. That before traversing the various statements made in the application, the respondents begs to give a brief history of the case as under :

The applicant joined on 7.5.1990 as Inspector of Police on deputation from the State of Arunachal Pradesh. His posting as Inspector in CBI was made by giving one step promotion from his original post of S.I. in his parent department. On completion of the deputation period, the matter of repatriation of the applicant was

Filed by

(B. E. Pathak)

15/2/2001

Adl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

52

-39-

taken up with the competent authority vide letter no.833/CA/ GEN/ DO/25/GHY dtd. 24/12/98 on receipt of the said letter, the competent authority communicated vide its letter no.A.20014/1221 /90 dtd. 30/12/98 and approved the repatriation of the applicant. Accordingly the applicant was released vide order no.04 dated 7/1/99.

**The copy of the order dated 30/12/98 and 07/01/99 are annexed as Annexure - R1 & R2.**

The applicant filed a Writ Petition vide W.P.(c) No.367/99 praying for setting aside and quashing the repatriation and relieving order and to allow him to continue in the CBI, Guwahati. The Hon'ble Guwahati High Court vide its order dated 8/2/99 directed the respondent not to repatriate and to released the applicant to his parent department and to allow the petitioner to continue in CBI. The Hon'ble High Court however, vide its order dated 22/05/2000 allowed the petitioner/applicant to withdraw the writ petition and to file it before the Hon'ble Central administrative Tribunal at Guwahati within fifteen days and accordingly the said writ petition was dismissed as withdrawn. The interim order passed by the Hon'ble High Court was to continue till such time. Hence , this present application.

4. That with regard to the statements made in para 1 of the application the respondents state that the applicant was released by the respondents on 7/1/99. The applicant was absent from office from the said very date i.e. 7/1/99 and as a result the relieving order sent to his residence through special messenger, but was returned undelivered as the petitioner was not available at his residence. The family members of the applicant also refused to accept the said order. It is a fact that the applicant exercised his option for permanent absorption in the year 1996. But the applicant could not be absorbed for the grounds as stated above and also as per rules.
5. That with regard to the statement made in para 2 of the application the respondents have no comment to offer.

6. That with regard to statement made in para 3 of the application, the answering respondents state that present application is barred by limitation.
7. That with regard to the statements made in para 4.1, 4.2 and 4.3 of the application, the answering respondents have no comment to offer.
8. That with regard to the statements made in para 4.4 of the application, the answering respondents state that the applicant was released on repatriation on 7/1/99 but by virtue of the Hon'ble Guwahati High Court interim order he is still continuing in the Department. The respondents also state that the Department brought out a circular vide no.A.21021/15/95-AD-1 dated 17/12/97 relating to the absorption of Inspector on deputation. But the provisions of the said circular does not apply to the applicant. One of the criteria that is required for absorption as on essential qualification is that he must be a Bachelor Degree Holder from a recognised University. The applicant herein is not a graduate to fulfil this criteria.

**A copy of the said circular dated 17/12/97 is annexed as Annexure - R3.**

9. That with regard to the statements made in para 4.5 and 4.6 of the application, the answering respondents deny the correctness of the said statement. However it is a fact that the deputation of the applicant was extended for one year from 31/12/93 to 31/12/94 only. Due permission for extension was also sought for from the parent department vide letter no.A.20014/1221/90-81 dtd. 8/2/94 & No. A.20014/1221/90-AD.I dtd. 5/8/94 issued by Asstt. Director(E)/CBI/New Delhi. (C. Annexure - R5 and R6)
10. That with regard to the statements made in para 4.7 and 4.8 of the application, the answering respondents state that as stated herein above the applicant does not fulfil the required criteria for absorption in the borrowing department as he does not possess the essential qualification for such absorption as contained in circular dated 17/12/97.

11. That with regard to the statement made in para 4.9 of the application, the answering respondents state that the case of the applicant was not considered as he does not fulfil the required criteria for such absorption. ✓

12. That with regard to the statements made in para 4.10 and 4.11 of the application, the respondents state that although there had been some process for absorption of Inspectors in the department from time to time, the case of the applicant could not be considered as his case could not come within the zone of consideration. In this regard the respondents also state that in order to protect the interest of deputationist, such employees are taken on deputation by giving them one step promotion from the existing grade in the parent department. The applicant was S.I. in the Arunachal Pradesh Police Service was taken on deputation by giving him a promotion as Inspector to protect his monetary and promotional interest. The parent department vide their letter no.PHQ/Estt.B/167/Deput/93/Vol-ii dated 17/03/98 intimated to the respondents and directed to repatriate and to release the applicant to the parent department.

The copies of the said letter dated 17/03/98 is annexed as Annexure - 4.

13. That with regard to the statements made in para 4.12 of the application, the respondents state that there is nothing extraordinary in discharging the normal official duties which the applicant has cited.

14. That with regard to the statement made in para 4.13 of the application, the respondents state that the applicant being repatriated with effect from 7/1/99 the leave granted to him was cancelled by the competent authority for the reason of repatriation. Moreover granting of leave is not a matter of right .

15. That with regard to the statements made in para 4.14 of the application the respondents reiterate and reassert forgoing statements and therefore deny the correctness of the statement made by the petitioner in this paragraph.

16. *That with regard to the statements made in para 4.15, 4.16 and 4.17 of the application, the respondents state that the applicant is continuing in the department by virtue of the Court's Order. The repatriation order of the applicant was passed well ahead of his completion of 10 years service i.e. on 7/1/99. Moreover, ten years service on deputation is not the criteria for permanent absorption.*
17. *That with regard to the statements made in para 4.18 of the application, the respondents state that there was nothing legitimate to show that the borrowing department had ever made any commitment/promise or acted in any such manner by which the applicant would have expected as a matter of right to get his absorption. Therefore it is denied that the doctrine of legitimate expectation is attracted in this case.*
18. *That with regard to the statement made in para 4.19 of the application, the respondents denies the correctness of the statement. it is a fact that the applicant having come to know about his repatriation with effect from 7/1/99 he immediately applied for leave and remained absent with effect from the very date i.e. 7/1/99. The order of repatriation has already been annexed in Annexure R2 in the written statement. In view of the above facts and circumstances there is nothing to show that action of the respondents in any way violated any right as under Article 14 of the Constitution of India.*
19. *That with regard to the statements made in para 4.20 and 4.21 of the application, the respondents reiterate and reassert the foregoing statement in this written statement.*
20. *That with regard to the statements made in para 4.22, 4.23 and 4.24 of the application, the respondents have nothing to comment as this are matter of record and being subjudice.*
21. *That with regard to the statements made in para 4.25 of the application, the respondents deny the correctness of the statements as they did not receive any such letter from any such authority as alleged by the applicant.*

22. *That with regard to the statements made in para 4.26, 4.27 and 4.29 of the application, the respondents state that a circular dated 26/04/2000 was issued inviting proposals from deputationists in April, 2000. But the said proposal has not yet been finalised. As stated herein above the case of the applicant has not been considered as he is not coming within the zone of consideration.*
23. *That with regard to the statements made in para 5.1 to 5.10 of the application, the respondents state that as stated herein above in this written statement under the provisions of circular and rules of the respondents and also the settled provisions of law, the grounds as shown by the applicant in the said para are no grounds at all in the eye of law. Hence the claim of the applicant cannot sustain in law. Moreover it is a settled law that a deputationist has no right to claim absorption. Therefore the application is liable to be dismissed with cost being devoid of any merit.*
24. *That with regard to the statements made in para 6 & 7 of the application the respondents have no comments to offer.*
25. *That with regard to the statements made in para 8.1 to 8.4 and also 9 of the application, the respondents state that under the facts and circumstances, provisions of rules and law the applicant is not entitled to any relief whatsoever as prayed for and therefore the application is liable to be dismissed with cost. The interim order passed by this Hon'ble Tribunal on 5/6/2000 in OA No.181/2000 directing the respondents not to repatriate the applicant to his parent department is also liable to be vacated.*

*In the premises aforesaid it is therefore, prayed that Your Lordships would be pleased to hear the parties peruse the record and after hearing the parties and perusal of the record shall further be pleased to dismiss the application with cost.*


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|

## Verification

I, Shri Om Prakash, SP, CBI, Guwahati being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statement made in para 1, 2, 4, 5, 6, 7, 11, 13, 15, 17, 21 & 22 are true to my knowledge and belief, those made in para 3, 4, 8, 9, 10, 12, 14, 16, & 18 being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not concealed/suppressed any material fact.

And I sign this verification on this 14th Day of February, 2001 at Guwahati.

/nc.

  
Deponent. 14/2/01  
Supdt. of Police,  
C.B.I. : A.C.B. : Guwahati.

*Ally Guwahati*

8

21

204

46

Annexure 2

**MOST IMMEDIATE**  
**CONFIDENTIAL**

DPADI-1998 20734 A.20014/12221/90  
**CENTRAL BUREAU OF INVESTIGATION**  
Government of India  
Block No. 3, 4th Floor,  
CGO Complex, Lodhi Road,  
New Delhi - 110003

Dated:-

30 DEC 1998

To  
Dy. Insp. General of Police,  
Central Bureau of Investigation,  
Calcutta.

Sub:- Repatriation of S/Shri K.M.Das & D.Dutta, Inspectors.

Sir,

Please refer to Fax No. 833/CA/GEN/DO/25/GHY dated 24.12.98 of SP/CBI/ACB/Guwahati on the subject noted above.

The repatriation of S/Shri K.M.Das & D.Dutta, Insprs. CBI/Guwahati has already been approved by the competent authority and they may be relieved on repatriation immediately under intimation to Head Office. The self contained note about their misdeeds may also be sent to their parent departments for further necessary action.

Yours faithfully,

*mm 28/11/98*  
(N.R.WASAN)  
DEPUTY DIRECTOR (A)  
CBI/NEW DELHI

Copy to :-

1. JD(East), CBI, Calcutta.
2. SP.CBI, ACB, Guwahati, self contained note about their misdeed be sent to Head Office for perusal.

*mm 29/11/98*  
(N.R.WASAN)  
DEPUTY DIRECTOR (A)  
CBI/NEW DELHI

*mm*  
*14/12/98*  
*HA*  
Dy. Insp. of Police,  
**C.B.I. : A.C.B. : Guwahati.**

9

R-2

E/44/99

47

Annexure R 2

OFFICE ORDER NO. 11

Dated: 1/11/99

Sri. K. H. Das, Insp. on deputation to CBI/14/1  
 Guwahati from Arunachal Pradesh. Itanagar is being re-  
 lieved of his duties from this organization w.e.f.  
 07/01/99 (EM) on his reversion to his parent organization  
 with a direction to report for duty to police at Itanagar  
 Arunachal Pradesh. The 30 days E.L. granted to him w.e.f.  
 11/01/99 to 09/02/99 is also cancelled.

Superintendent of Police,  
 CBI (ACB) Guwahati

Order No. 11/44  
 Copy to :-

Dated: 7/11/99

1. The S.O. (P) CBI New Delhi.
2. The Asst. Insp. Genl. of Police (P) Arunachal Pradesh, Itanagar.
3. The Joint Director (P) CBI Calcutta.
4. The DIO/CBI (P) Guwahati, Camp Calcutta.
5. The DIO/CBI (P) Guwahati.
6. The I/c Section in duplicate for n/a.
7. Sri. K. H. Das, Insp. CBI/14/1 Guwahati. He is directed to hand over all the Govt. properties available with him such as I. Card, official case etc. to the office.
8. I/Crime Section for information and n/a.
9. Legal Section
10. Kalthana I/c for information and n/a.
11. D.O. Section for I
12. Personal file.
13. File no. 3/33/

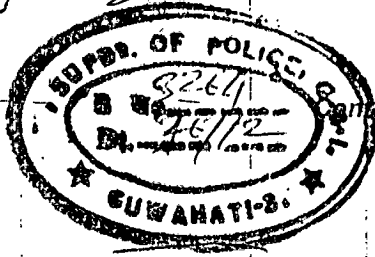
By Special Messenger

*[Signature]*  
 7/11/99

Superintendent of Police,  
 CBI (ACB) Guwahati.

*[Signature]*  
 14/12  
 Supdt. of Police,  
 CBI : A.C.B. : Guwahati.

10  
HA 16/26/12



- 48-485  
Annexure R 6  
3

No.A-21021/15/95-AD-I  
Central Bureau of Investigation,  
Government of India,  
Block No.3, 4th floor  
CGO Complex Lodhi Road,  
NEW DELHI -110 003.

December' 1997

197 DEC 1997

CIRCULAR

The matter of deputation of Inspector and their absorption in CBI has been examined in the Head Office and following instructions are issued in order to streamline the procedure.

1. Inspectors, who come on deputation, do not have any inherent right of absorption and the discretion to absorb rests solely with the CBI.
2. The Inspectors can be taken on deputation in CBI under the "deputation quota", which is 50% of the total posts for a period of 5 years extendable upto a maximum period of 10 years. Under the Recruitment Rules, there is no provision for extension of the deputation period after ten years. In case an Inspector is not absorbed before completion of his deputation period, he/she must be repatriated to the parent organization on expiry of his deputation period. No request for any extension would be entertained by the Head Office in this regard.
3. However, in case of Inspectors, who have completed maximum deputation period of 10 years, it has been decided that those, who are not considered suitable for absorption, should be repatriated. The Inspectors, who came on deputation in the year 1987 or earlier should be repatriated by April'1998 positively.
4. Henceforth SsP of CBI are required to consider the request from Inspectors after they have served in CBI for at least five years as per criteria mentioned in the subsequent paragraphs. They would forward their names of suitable Inspectors in the prescribed proforma with their willingness (enclosed) to the Head Office along with the recommendations of the respective DIG and JD. The recommendations should reach the Head Office by 31st December 1997 so that the entire process can be completed by 31st March 1998. The SsP will certify that Inspectors recommended for absorption possess the prescribed qualification and fulfill other laid down criteria.

Scheme of Examination :

5. An examination will be held for selecting Inspectors for absorption which will consists of 2 papers containing objective type and descriptive type questions i.e. (1) General Knowledge, (2) Law - IPC, Cr. PC and Evidence Act), Prevention of Corruption Act.

Pages1/4

Supdt. of Police,  
C.B.I. : A.C.B. : Guwahati.

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6. Candidates equal to twice the number of vacancies to be filled up for absorption will be interviewed by a Committee consisting of 1 JD, 2 DIsG and 1 SP. The Committee shall make recommendations taking into account of the results of written examinations (85% weightage) and interviews (15% weightage) conducted by them which will be approved by DCBI through JD(A).
7. The following basic minimum qualifications are necessary for recommending the cases of Inspectors for absorption :-

Essential Qualifications

- a) Bachelor Degree from a recognised University or equivalent standard. ✓ |
- b) A minimum experience of 5 years serving in CBI. ✓
- c) No Objection Certificate from the parent Organisation/Department.
- d) Certificate of no punishment during deputation tenure in CBI.
- e) An undertaking from the Inspector for accepting the liability of transfer to any Branch of CBI, as a condition of service. (Specimen enclosed)

**Note:** Preference will be given to Inspectors having proficiency in basic data operation and working on operating systems like DOS/Windows as Windows NT, RDAMS either ORACLE and applications Software like Lotus Approach, Freelance, Word Pro, 123 or MS Word, MS Excel, MS Power Point, MS Access.

Director, CBI will be the final authority for deciding absorption/non-absorption of any Inspector in CBI and may relax any of the prescribed conditions for absorption as Inspector in CBI.

This issues with the approval of DCBI.

*N.R. Wasani*  
(N.R. WASANI)  
16/12/19  
Dy. Director (Admn.),  
CBI/HO/New Delhi.

**Copy to:-**

1. PS to Director, CBI.
2. PS to SDCBI, New Delhi.
3. PS to ADCBI, New Delhi.
4. Sr. PAs to all Joint Directors, CBI.
5. All DIG. CBI, DD/Co.
6. All SsP, CBI.
7. AIG (P)/AD (Interpol), CBI, New Delhi.
8. AO (E), SP (Hqrs.), CBI, New Delhi.

Pages 2/4

*G. O. N.*  
14/12  
Supdt. of Police,  
C.B.I. : A.C.B. : Guwahati.



Dr. K.K. Paul, IPS

PHO/Estt-B/167/DEPUT/93/Vol-II  
INSPECTOR GENERAL OF POLICE

ARUNACHAL PRADESH  
ITANAGAR - 791113  
Telo No: 212576  
Fax No: 211433

March 17, 1998

Dear Shri Mishra,

This is in continuation of my D.O. of even no. dated September 29, 1997 regarding relief of AFP Officers on completion of their deputations to C.B.I. It may be mentioned that at present 8 officers, who were initially sent on deputation to C.B.I. for a period of 3-5 years, as per the terms and conditions laid down by the CBI, are still continuing beyond the normal period of deputation, without the approval of Government of Arunachal Pradesh.

2. In this connection the matter has been taken up with the C.B.I. vide our letter of even number dated 17.1.94, 10.11.94, 13.6.95, 14.6.95, 23.6.95, 31.8.95, 13.9.95, 10.1.96, 14.2.96, 17.6.96, 12.11.96, 2.2.97, 3.5.97, 19.5.97, 30.5.97, 8.7.97 & 29.9.97, but the response is still awaited.

3. We had also suggested to Addl. Director C.B.I. New Delhi to either release our officers or absorb them in C.B.I. permanently, so that we could recruit officers in their vacancy. But so far no response has been received from C.B.I.

4. I would, therefore, again request you to kindly issue directions to the concerned officers to relieve all the officers of Arunachal Pradesh Police, who have completed their tenure, after which fresh candidates can be considered for selection for deputation to C.B.I.

With warm regards.

Yours sincerely,

*(Signature)*  
(Dr. K.K. Paul)

Shri T.N. Mishra, IPS  
Special Director,  
Central Bureau of Investigation,  
Block No.3, CGO Complex,  
New Delhi - 110003

*(Signature)*  
Super. cop. lice,  
C.B.I. : A.C.B. : Guwahati

*(Circular Stamp)*  
MAR 23 1998  
INSPECTOR GENERAL OF POLICE  
ARUNACHAL PRADESH  
ITANAGAR

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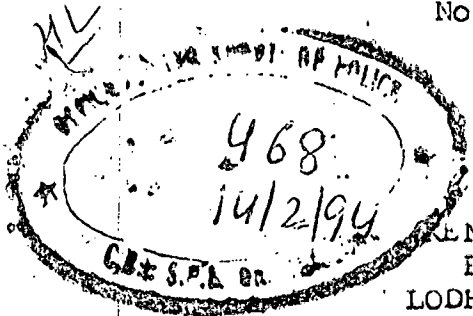
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Please  
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AD/BA

Asst. Dir.  
3/3/98



INDRIYA KARYALAYA PARISAR  
BLOCK NO.3, 4th FLOOR  
LODHI ROAD, NEW DELHI-110003

Annexure R S

64  
- 8 FEB 1994

To

The Asstt. Inspector General of Police,  
Arunachal Pradesh,  
ITANAGAR.

Sub:- Extension in the deputation period of Sh.K.M.Das,  
S.I. of Arunachal Pradesh as Inspr. in CBI.

Sir,

Please refer to your Wireless Message No.PHQ(R)167-  
A/83 dated 7.7.93 on the subject mentioned above.

2. The deputation period of Shri K.M. Das, Inspector of Police, CBI, Shillong has expired on 31/12/1993.
3. The exigencies for the continuance of his services still exist in the CBI and it is difficult for us to relieve him at present. It is, therefore, requested that necessary sanction extending the period of his deputation for one year more i.e. upto 31.12.94 on the existing terms and conditions may kindly be accorded and conveyed to this office at an early date.
4. Written consent of Shri K.M. Das is enclosed.

Yours faithfully,

(P.V.KRISHNAMURTHY)  
for ASSTT.DIRECTOR(E)/C.B.I.,  
NEW DELHI.

Encls:- As above.

Copy forwarded for information to :-

1. SP/CBI/Shillong w.r.t. his Wireless Message No.E-44/46 dated 3/1/1994.
2. DIG/CBI/Shillong w.r.t. his DO No. 1467/E/36 dated 20/12/1993.

(P.V.KRISHNAMURTHY)  
for ASSTT.DIRECTOR(E)/C.B.I.,  
NEW DELHI.

14/2  
Supdt. of Police,  
CBI : A.C.B. : Guwahati

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11/8/94

KENDRIYA KARYALAYA PARISAR  
BLOCK NO.3,4th FLOOR  
LODHI ROAD, NEW DELHI-110003

Annexure R<sub>6</sub>

5 AUG 1994

To

The Asstt. Inspector General of Police,  
Arunachal Pradesh,  
ITANAGAR.

Sub:- Extension of deputation period of Shri K.M. Das, S.I. of  
Arunachal Pradesh as Inspector in CBI/Shillong.

Sir,

Please refer to your office letter No. PHQ(R)167/A/83  
dated 6.7.94 regarding repatriation of Shri K.M. Das, Sub-  
Inspector of Arunachal Pradesh.

2. In this connection kind attention is invited to this  
office letter of even number dated 8.2.94 (copy enclosed)  
wherein extension of deputation in respect of Shri Das was  
requested upto 31.12.94, but no reply has so far been received  
in the matter.

3. Since the exigencies of his services still exist in the  
CBI, it is requested that necessary sanction extending the  
deputation period of Shri K.M. Das upto 31.12.94 may kindly be  
accorded and conveyed to this office at an early date.

Yours faithfully,

*P.V. Krishnamurthy*

(P.V. KRISHNAMURTHY)  
for ASSTT. DIRECTOR (F)/C.B.I.,  
NEW DELHI.

Encls:- As above.

Copy to SP, CBI, Shillong alongwith copy of PHQ,  
Arunachal Pradesh letter dated 6.7.1994 for necessary action.

*P.V. Krishnamurthy*

(P.V. KRISHNAMURTHY)  
for ASSTT. DIRECTOR (F)/C.B.I.,  
NEW DELHI.

Supdt. of Police,  
C.B.I. : A.C.B. : Guwahati.

*If approved this may be filed  
action will be taken in due course*

*14/12*

*11/8*  
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*11/8*