

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-138/2001 Pg-1

INDEX

allowed date-30/7/2001

O.A.T.A No. 197/2001

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

ORDER SHEET

original APPLICATION NO197.....OF 2001.

Applicant (S) Smt. Jyotana Das (Debnath)

Respondent (S) Union of India & Ors

Advocate for Applicants (s) Sankari Das

Advocate for Respondent (s) case.

Notes of the Registry

Date

Order of the Tribunal

This application is in form
but not in time Condonation
Petition is filed vide
M. P. No. C. F.
for Rs. 50/- Condonation vide
IPO/BD No. H-653929.0000.28000
Dated 18.5.2001

30.7.01

Heard Ms. Sankari Das, learned
counsel for the applicant.

The application is admitted,
call for the records, returnable by
four weeks.

List on 5.9.2001 for order.

Vice-Chairman

bb

5.9.01

On the request of Mr. A. Deb Roy, learned
Sr. C.G.S.C., 4 weeks time is allowed to file
written statement.

List on 5/10/01 for order.

Member

mb

5.20.01

At the request of Mr. B. C. Pathak
Addl. C.G.S.C. four weeks time is
allowed for filing of written state-
ment. List on 23.11.01 for orders.

Member

lm

Dr. Registrar

Requests has been filed.

5/9/01

Slhs not taken
by 8/9/01

Notice prepared and sent to
D/S for Annis the Respondents
No 1 to 6 by Regd A.D. vide
D/No 3037/42 dated 16/8/07

13/8/07

No. written statement has
been filed.

20/9/01

O.A. 197 of 2001

No. written statement
has been filed

21
22.11.01

23.11.01

List on 21.12.01 to enable
the respondents to file written state-
ment.

lm

Vice-Chairman

19.12.01

List on 25.1.02 to enable the
respondents to file written statement.

Vice-Chairman

lm

21. 1. 2002

25.1.2002

Written statement has been filed.
List the case for hearing on 1.3.2002
alongwith O.A.133 of 2001.

w/s submitted
by the Respondents.

bb

Member

1.3.2002

Heard counsel for the parties.
Hearing concluded, judgment delivered in
open Court, kept in separate sheets.

The application is disposed of in
terms of the order. No order as to costs.

Vice-Chairman

26.3.2002

Copy of the Judgment
handed over to the
applicant as well as
to the Sr. CGSC. for the
records.

bb

27/3/02

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.197 of 2001.

Date of Decision.1.3.2002:....

----- Smt. Jyotsna Das (Debnath) ----- Petitioner(S)

----- Ms. Sankari Das ----- Advocate for the
Petitioner(s)

-Versus-

----- Union of India & Others. ----- Respondent(s)

----- Mr. A. Deb Roy, Sr. C.G.S.C. ----- Advocate for the
Respondent(s)

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

THE HON'BLE

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 ?
- } No
h

Judgment delivered by Hon'ble : Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.197 of 2001.

Date of Order : This the 1st Day of March, 2002.

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

Smt. Jyotsna Das (Debnath)
W/o Sri Subha Das
Resident of Indranagar, Agartala
P.S:-East Agartala, Dist:-West Tripura
Occupational Attendent (Weaving)
At present attached to the
"Weaver's Service Centre", Indranagar
Agartala. . . . Applicant.

By Advocate Ms.Sankari Das.

- Versus -

1. Union of India
Represented by the "Development Commissioner"
for Handloom, Ministry of Textile
Govt. of India, (Udyog Bhawan)
New Delhi-110011.
2. Director
Weavers Service Centre
Pub-Sarania Road, Guwahati-781003, Assam.
3. Zonal Director
Weaver's Service Centre
Pub-Sarania Road, Guwahati-781003, Assam.
4. Deputy Director
Weaver's Service Centre
Agartala-799006.
5. Asstt. Director for Handloom
Weaver's Service Centre
Gorkhabasti, Agartala-799006.
6. Officer-In-Charge
Weaver's Service Centre
Indranagar, Agartala. . . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

Contd..2

O R D E R

CHOWDHURY J.(V.C.) :

The grant of conveyance/transport allowance to physically handicapped employees in terms Government policy is the subject matter of controversy raised in this application.

1. The question of granting assistance to disabled persons, namely, blind employees and orthopaedically handicapped employees who generally require assistance for joining the place of work was taken note by the appropriate authority and a policy guideline was issued. In terms of the policy the Office Memorandum No.19029/1/78-E.IV (B) dated 31.8.78 was also issued. In terms of the O.M. allowance is admissible to an orthopaedically handicapped employee if he or she has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together. For the purpose of estimation of disability, the standards prescribed in the Manual for Orthopaedic Surgeon in evaluating permanent physical impairment was brought out. Conveyance allowance is admissible to the Orthopaedically handicapped employees on the recommendation of the Head of Orthopaedics Department of a Government Civil Hospital. By the said memo all Heads of the Departments are authorised to sanction conveyance allowance in terms of the order. The concerned Govt. servants would apply for the grant of conveyance

allowance.

2. The applicant was appointed as Occupational Attendant at Weaver's Service Centre, Agartala under the Ministry of Textile. The post of Occupational Attendant (weaving) is a Group - D post in the pay scale of Rs.210-4-226-EB-4-EB-5-290/- which was subsequently revised. She was appointed in a substantive capacity in the post w.e.f. 1.4.88 vide order dated 5.5.93. The applicant was appointed from the beginning against the physically handicapped quota. The applicant prayed for before the authority for awarding her the conveyance allowance admissible under the rule. She made representation in writing on 25.6.92 to the respondent No.4 claiming her conveyance allowance. The respondent No.4 asked the applicant to furnish the following information/document vide communication dated 18.8.92 :

"1. Original copy of the certificate issued by the Special Board with their specific recommendation for grant of conveyance allowance to her as per Ministry of Finance (Deptt. of RXP) order No.19029(1)/78E.IV(B) dated 31.8.78 and 3.12.79."

In terms of the said communication, the applicant on 11.5.93 submitted the original physical handicapped certificate dated 7.1.93 duly certified by the Special Medical Board constituted for the purpose. The said certificate Sl.No.16/93 mentioned that the applicant was physically 40% handicapped. The Deputy Director, Weaver's Service Centre vide his communication dated

8/11.6.93 forwarded the materials to the Deputy Development Commissioner for Handlooms, office of the Development Commissioner for Handlooms, Ministry of Textiles, New Delhi ^{necessary} for ^{initiative} action. Despite the said/the applicant was not provided with the allowance. Failing to get appropriate remedy from the respondents the applicant moved this Tribunal for conferring her the benefits under the law. When the matter was pending before this Tribunal the respondents vide order dated 30.8.2001 granted conveyance/transport allowance to the applicant w.e.f.22.8.94. Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents submitted that the payment of arrears accrued on grant of relief retrospectively w.e.f.22.8.94, amounting to Rs.9399/-, as admissible under under the rules, was made to her on 10.9.2001. Mr.Deb Roy ⁱⁿ the context submitted that the application has become infructuous and is accordingly liable to be dismissed.

3. Miss Sankari Das, learned counsel for the applicant, on the otherhand, submitted that the respondents fell into obvious error in giving her the allowance in question on and from 22.8.94. Ms.Das submitted that the applicant was working in the Department from 30.7.82 and she was substantively appointed in the post on and from 1.4.98. The applicant was engaged against the quota earmarked for physically handicapped and she did not become physically

handicapped on and from 22.8.94. Special Medical Board itself certified her to be physically handicapped on 7.1.93. Therefore, she is entitled for the conveyance/transport allowance on and from her date of joining duty in terms of the Government policy. Mr. A. Deb Roy, learned Sr.C.G.S.C., on the other hand, submitted that the allowance as per the terms can be granted only after the recommendation of the Head of Orthopaedics Department and not prior to that.

4. The transport allowance is a measure provided to those, who are physically handicapped. The applicant is a physically handicapped person, therefore, as per the policy the respondents ought to have been considered her case for giving the benefit on and from joining in her duty in 1982, submitted by Ms. Das. Since the issue is not directly raised I am not making any further comment on it, at this stage. Instead I direct the applicant to make a fresh representation before the authority claiming the benefit of allowance with retrospective effect within six weeks from the date of receipt of the order. If such representation is made, the respondents shall consider the same and pass a reasoned order as per law as early as possible preferably within a period of three months thereafter.

The application accordingly stands disposed of.

There shall, however, be no order as to costs.


(D.N.CHOWDHURY)
VICE CHAIRMAN

Title of the Case :

C.A 197/2001

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केन्द्रीय प्रशासनिक न्यायाधिकरण
Central Administrative Tribunal

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For use in Tribunal's Office

Signature of the Applicant

Date of Filing 25.5.2001
or

Date of receipt by post

Register No. OA-197/2001

Signature of the Registrar

Jayendra Das
by
Sankari Das, Advocate
21.5.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUAHATI BENCH

Smt. Jyotsna Das (Debnath)
W/o Sri Subhas Das.
Resident of Indranagar, Agartala,
P.S - East Agartala, Dist - West Tripura
occupational Attendent (Weaving)
At present attached to the " Weaver's Service Centre", Indranagar
Agartala
..... Applicant

BA 197/2001.

Jyotsna Das 12
by
Sankari Das.
Advocate 21.5.01

Vs

1. Union of India
Represented by the " Development Commissioner " for Handloom,
Ministry of Textile, Govt. of India, (Udyog Bhavan), New Delhi 110011.
 2. Director
Weavers service Centre
Pub - Sarani Road, Guwahati, 781003, Assam.
 3. Zonal Director
Weavers service Centre
Pub - Sarani Road, Guwahati, 781003, Assam.
 4. Deputy Director,
Weaver's Service Centre,
Indranagar, Agartala, 799006
 5. Asst. Director for Handloom,
Weaver's Service Centre,
Gorkhabasti, Agartala, 799006
 6. Officer - In - charge
Weaver's Service Centre,
Indranagar, Agartala.
- Respondents.

DETAILS OF APPLICATION

A. Jurisdiction of the Tribunal

The applicant is serving as Occupational Attendent (O.A) at Weaver's Service Centre, Indranagar, Agartala under the Ministry of Textiles & as such Hon'ble Tribunal has jurisdiction to entertain the case.

B. Limitation

The applicant declares that a prayer for condonation of delay is annexed herewith.

C. Facts of the Case

The applicant most humbly and respectfully begs to SHWETH as under :

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 Jayasingh Das
 Sankari Das.
 Advocate, 21.5.0

1. The applicant was appointed Occupational Attendant (~~weaving~~), a group 'D' post in a temporary capacity on Rs.210 plus allowances in the pay scale of Rs. 210-4-226-EB-4-250-EB-5-290/- w.e.f 30-7-1982 (F.N). Vide an order of appointment WSC (AGT-2(3)/1447-51 dt.12th Aug. 1982 under the Ministry of Commerce & Textiles and was posted at Weaver's Service Centre, Indranagar, Agartala.

Copy of the appointment order is annexure hereto and marked as **Annexure A1.**

2. That the applicant was appointed in a substantive capacity in the post w.e.f. 1-4-1998 Vide an order No. WSC / GAU / ADM / 1(27) / Part III / 92-93 / 1370 dt. 5-5-93 issued by respondent No.2.

✓

The Copy of the said order is annexure hereto & marked as **Annexure A2.**

3. That the applicant is an Orthopaedically handicapped lady and against the quota of handicapped person she was appointed in the post. So, as per rule she is entitled to conveyance allowances and she said conveyance allowances are to be paid to her from her date of appointment in the department i.e from 30-7-82.

✓

4. That for granting conveyance allowances she made number of correspondences with the authorities in addition to her personal contacts and requested different officers of the department but unfortunately no fruitful result was had.

5. That in course of her such written representations she made representation dt. 25-6-92 to the respondent no.4 wherein she claimed her due allowances and also it was brought to the notice of the authorities that being a class IV handicapped employee she was facing tremendous hardship for not having her due allowances for such a long period.

The copy of the representation dt. 25-6-92 is annexed herewith and marked as **Annexure A3.**

6. That in response the respondent no.4 informed the applicant Vide memorandum No. WSC / AGT / P-26 / 92 / 1665 dt. 18-8-92 to furnish the necessary information / documents to this office for further necessary action.

The copy of the memorandum No. WSE / AGT / P-26 / 92 / 1665 dt. 18-8-92 is annexed herewith and marked as **Annexure A4.**

Accordingly the applicant submitted her original Physically Handicapped certificate issued by the "Special Medical Board".

The copy of the letter dt. 11-5-93 through which she submitted her original Physically Handicapped certificate & the Physically Handicapped Certificate itself are annexed herewith and marked as **Annexure A5 & A6** respectively.

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 Jyotsna Das
 by
 Sanjay Das
 Advocate, 21-5-01

7. That the respondent No. 4 informed the respondent No. 1 Vide letter No. WSC / AGT / P-26 / 93 / 2111 dt. 8/11-6-93 that as per his (res-1) instruction the required information and documents are furnished and also requested to return the original certificate of Physically Handicapped to this office after work done.

The copy of the said letter is annexed herewith and marked as **Annexure A5**

8. That near about one year passed by, but no action was taken by the authority even the original certificate of Physically Handicapped was not return to her. Then she wrote a letter dt. 13-5-94 to respondent No. 6 seeking the return of her original Physically Handicapped certificate.

The copy of the aforesaid letter dt. 13-5-94 is annexed here with and a marked as **Annexure A8**.

9. That after receiving the aforesaid letter (A9) the applicant got surprised because on many occasions like, at the time of interview, appointment, joining etc. she submitted the certificate of her Physically Handicapped. Again the original certificate issued by "Special Medical Board" was collected from the applicant and was forwarded to the respondent No. 1, New Delhi Vide letter No. WSC / AGT / P-26 / 93 / 211 dt. 8/11-6-93 yet she made future representation to respondent no. 4 informing all these grievances and also for granting conveyance allowances for which she is entitled to.

The Copy of the said representation is annexed herewith & marked as **Annexure A10**.

10. That the respondent no. 4 Vide memorandum No. WSC / AGT / P-26/94 / 1340 dt. 27/29-7-94 communicated that

"The Medical certificate issued by the Special Medical Board received with your letter referred to above has been specifically issued for the purpose of registration of the applicant in special Employment Exchange - for Physically Handicapped. The conveyance allowance can be sanctioned only on the recommendations of the head of Orthopaedic Department of a Government Civil Hospital. It is the responsibility of the Head of the Department concern to refer the cases of the concern employees to the appropriate Medical authorities for obtaining their recommendation for the grant of the conveyance allowances. You may, therefore, refer the case to the appropriate medical authority. The case may be sent to Head Office for consideration on receipt of the prescribed Medical Certificate"

The Copy of the said memorandum No. WSC / AGT / P-26 / 94 / 1340 dt. 27/29-7-94 is annexed herewith with & marked as **Annexure A11**.

11. That accordingly respondent No.4 directed the applicant Vide memorandum No. WSC / AGT / P-26 / 94 / 1419 dt. 11/12-8-94 to attend the room no 101 at G.B. Hospital, Agartala with Prescribed form and Passport size photo graph showing the disability portion on any Saturday for issuance of certificate regarding disability percentage towards sanctioning of conveyance allowances for Physically Handicapped employee.

Accordingly the applicant attended G.B.Hospital for this purpose and in responses to the same the applicant was supply with orthopaedically and Handicapped certificate showing 40% disability.

On receipt of the aforesaid certificate the applicant submitted the said certificate to the respondent No.6 on 22-8-94 with a prayer for something allowances as per rule w.e.f. The date of joining in the deptt. But unfortunately nothing is had yet.

The Copy of the said memorandum is annexed herewith with & marked as **Annexure A12.**

12. That for a long period the authority was silent. Then in 1998 the applicant served a demand notice to the respondents more over she shought the original copy of Physically Handicapped certificate back. In response to her application dt.20-7-98 respondent No.5 informed Vide memorendum No. WSC / AGT / P-26 / 94 / 1092 that the certificate in question was forwarded to the office of the respondent No.1. Perhaps, it is gathering dust.

The copy of the demand notice & the aforesaid memorandum is annexed herewith & marked as annexure A13 & A14 respectively.

D. Grounds for relief with legal provision :

From the facts narrated herein above, it is obvious that gross injustice has been done to the applicant for no fault of herself regarding non-sanction of conveyance allowances whereas she is legally entitled to as per Ministry of Finance (Deptt. Of RXP) order No. 19029(1)/78 E.12(B) dt. 31-8-78 and 3-12-19.....

E. Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to her she submitted several representations regarding her all grievances from time to time other than persistent oral submissions to the authority concerned.

F. Matters note previously failed or pending with any other code:

The applicant further declares that she had no previously file any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application / writ petition or suit is pending before any of them.

G. Relief sought :

In view of the facts mentioned above the applicant prays for the following reliefs :

- i) Directing the respondent to grant the applicants conveyance allowances on an from the date the applicatant is entitled to.
- ii) Diecting the respondents to pay all arrears accrued in favour of the applicant and to release the same forthwith .

Sent to the Advocate, 21.5.01

- 5
- iii) Directing the respondent to effectuate time bound payment of the conveyance allowances as also her arrears if any accrued failing which interest may be allowed @18% or the accrued amount till realisation

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Joytsna Das
by
Sankari Das
Advocate, 21.5.01

AND

To pass any such further or other orders as the Hon'ble Tribunal may deem fit and proper for the ends of justice.

Interim Order if any: Nil

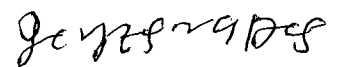
H. List of enclosures :

- i) Annexures A1 to A14.
- ii) Bank draft No MOT / H 653929 000028000.
- iii) Vokatnama.
- iv) Self addressed envelop 01(one).

VERIFICATION

I, Smt. Joytsna Das (Debnath), W / o Sri, Subhash Das aged about 42 years working as Operational Attendent in the office of Weaver's Service Centre, Indranagar, Agartala do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and that I have not suppressed any material fact.

Date :
Place :


Signature of the applicant

7-6-
A-1

GOVT. OF INDIA.
MINISTRY (F C) COMMERCE
DEPTT OF TEXTILES
WEAVERS' SERVICE CENTRE.
689, NETAJI SUBH SIKH, 1st. Floor
(NORTH SIDE OF MAHAJAN BAZAR)
AGARTALA-799001.

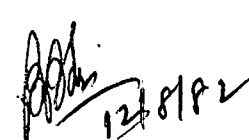
No. WSC/AGT-2(3)/11447-51

Dated, Agartala,
the 12th August, '82.

APPOINTMENT ORDER

Smti Jyotsna Debnath is appointed as Occupational Attendant(Weaving), a group-'D' post in a temporary capacity on Rs.210/-plus allowances in the pay scale of Rs.210-4-226-EB-4-250-EB-5-290/- with effect from 30.7.82(F.N) and posted at Weavers' Service Centre, Agartala until further orders.

She will be on probation for a period of two years and drawal of pay beyond the stage of Rs.250/- will be subject to passing the prescribed Trade Test.


(B. Bhar)
Deputy Director.

To
✓ Smti Jyotsna Debnath,
Occupational Attendant(Weaving),
Weavers' Service Centre,
Agartala.

- Copy to :-
- 1). The Employment Officer, District Employment Exchange, Agartala with reference to his letter No. O/C.No. PH/114/81/163 dated 15.2.82 for kind information.
 - 2).The Director(Co-ordination), Weavers' Service Centre, 15A-Mama Paramanand Marg, Bombay-400004. This is with reference to his approval communicated vide letter No. WSC/BOM/E-178/5275 dated 14.7.82.
 - 3). The Accounts Officer, Pay & Accounts Office (Textiles) , Calcutta.
 - 4). Personal file of Smti Debnath.

/-
(B. Bhar)
Deputy Director.

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GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
PUB-SATANIA ROAD
GUWAHATI-3

No. WSC/GAU/ADM/1(27)/Part-III/92-93/1340

Dated: 5/5/93

O R D E R

The following Officials working in the Weavers' Service Centres/ Indian Institute of Handloom Technology under the Eastern Zone in the Organisation of the Development Commissioner for Handlooms are appointed in a substantive capacity in the post and w.e. from the date shown against each :-

Sl. No.	Name	Post held at present	Post in which appointed substantively	Date of substantive appointment	Office where working	Remarks
1.	2.	3.	4.	5.	6.	7.
1.	Sri Ph.G.G.Sharma	Wvg.Asstt. (Ad-hoc)	Warper	1-4-88	WSC, Guwahati	--
2.	Sri H.P.Modi	-do-	Warper	1-4-88	WSC, Guwahati	--
3.	Sri K.C.Bidyanta	-do-	Warper	1-4-88	WSC, Calcutta	--
4.	Sri M.Chunihara	-do-	Warper	1-4-88	WSC, Bhagalpur	SC
5.	Sri B. Tanti	-do-	Warper	1-4-88	WSC, Agartala	--
6.	Kum. Ningkhangai	Warper	Warper	1-4-88	WSC, Imphal	ST
7.	Smt. Usha Bose	Warper	Warper	1-4-88	WSC, Calcutta	--
8.	Sri S.N.Roy	Warper	Warper	1-4-88	WSC, Bhagalpur	--
9.	Smt. A.K.Dhaneswari Devi	Sizer	Sizer	1-4-88	WSC, Imphal	--
10.	Sri B.B.Mondal	Sizer	Sizer	1-4-88	WSC, Calcutta	--
11.	Sri B. Tanti	Sizer	Sizer	1-4-88	WSC, Bhagalpur	--
12.	Sri M.M.Dutta	Sizer	Sizer	1-4-88	WSC, Bhubaneswar	--
13.	Sri L.K.Pramanik	Wvg.Asstt. (Ad-hoc)	Sizer	1-4-88	WSC, Bhubaneswar	SC
14.	Sri N. Debnath	Sizer	Sizer	1-4-88	WSC, Agartala	--
15.	Smt. Roba Pramanik	Warper (Ad-hoc)	Occupational Attendant(W)	1-4-88	WSC, Calcutta	--
16.	Sri S. Das	O.A.(Wvg)	- do -	1-4-88	WSC, Bhubaneswar	SC
17.	Smt. Nemzakim	O.A.(Wvg)	- do -	1-4-88	WSC, Imphal	ST
18.	Sri M. Rajak	Warper (Ad-hoc)	- do -	1-4-88	WSC, Agartala	SC
19.	Km. C. Roni	- do -	- do -	1-4-88	WSC, Guwahati	ST
20.	Smt. J. Devi	Sizer(Adhoc)	- do -	1-4-88	WSC, Guwahati	--
21.	Smt. R. Begum	O.A.(Wvg)	- do -	1-4-88	WSC, Guwahati	--
22.	Sri A.K.Mahapatra	- do -	- do -	1-4-88	WSC, Bhubaneswar	--
23.	Sri B.C.Saha	- do -	- do -	1-4-88	WSC, Calcutta	--
24.	Sri S.P.Bidyanta	- do -	- do -	1-4-88	WSC, Calcutta	--

Contd ... 2

1.	2.	3.	4.	5.	6.	7.
25.	Sri Y.P.Sah	O.A.(Wvg)	Occupational Attendant (Wvg)	1-4-88	WSC, Agartala	--
26.	Sri P.K.Das	- do -	- do -	1-4-88	WSC, Bhagalpur	--
27.	Sri S.N.Yadav	- do -	- do -	1-4-88	WSC, Bhagalpur	--
28.	Sri S.K.Dutta	- do -	- do -	1-4-88	WSC, Calcutta	--
29.	Smt. J. Debnath	- do -	- do -	1-4-88	WSC, Agartala	PH
30.	Sri B.Behara	O.A.(Dyg.)	Occupational Attendant (Dyg)	1-4-88	WSC, Bhubaneswar	SC
31.	Smt. C.B.Mallick	- do -	- do -	1-4-88	WSC, Bhubaneswar	SC
32.	Sri P.C.Das	- do -	- do -	1-4-88	WSC, Guwahati	--
33.	Sri P.K.Mukherjee	- do -	- do -	1-4-88	WSC, Calcutta	--
34.	Md. F. Ali	- do -	- do -	1-4-88	WSC, Bhagalpur	--
35.	Md. R.Khan	- do -	- do -	1-4-88	WSC, Bhagalpur	--
36.	Sri R.P.Paswan	- do -	- do -	1-4-88	WSC, Calcutta	SC
37.	Sri A.N.Singh	- do -	- do -	1-4-88	WSC, Imphal	--
38.	Sri Th.N.K.Singh	- do -	- do -	1-4-88	WSC, Imphal	--
39.	Sri B.C.Sutradhar	- do -	- do -	1-4-88	WSC, Guwahati	SC

Attention of re-employed pensioners is drawn to the provisions of Rule 18 and Rule 19 of the Central Civil Service (Pension) Rules, 1972 according to which they are required to exercise an option for counting the pre-retirement service or Military service as qualifying for pension. This option has to be exercised within a period of three months from the date of issue of this Office Order.

Y. M. Sonkusale
(Y. M. SONKUSALEY)
DIRECTOR

To
The Individuals

Copy to :-

1. The Officer-Incharge
Weavers' Service Centres/
Indian Institute of Handloom Technology
Guwahati/Imphal/Agartala/Bhagalpur/
Bhubaneswar & Calcutta.
2. The Accounts Officer, P.A. (Tex.), Calcutta.
3. The Development Commissioner for Handlooms
New Delhi.
4. Personal Files
5. The Zonal Directors
Weavers' Service Centres
North Zone/South Zone & West Zone
6. Guard File

Saj
(Y. M. SONKUSALEY)
DIRECTOR

9-8-

A-3

120

To
The Deputy Director,
Ministry of Textiles,
Weaver's Service Centre,
Indranagar, Agartala.

Sub:- Grant of Conveyance allowance to Smti. Joytsna
Das, Occupation Attendant (Weaving).

Sir,

I am an orthopaedically handicaped person and as such a certificate was also obtained from the Special Medical Board wherein it was certified that my percentage of handicapedness was 40%. The said certificate was also submitted in the office in the year 1981 but unfortunately the allowance of 5% of my basic salary was not paid to me. I was again asked to obtain a fresh certificate from the special Medical Board and the said certificate was also obtained and submitted in the office in the month of May'86. But even then the said allowance has not yet been sanctioned in my favour. For your kind reference I am submitting a photo-copy of the certificate which was obtained from the special Medical Board in the month of May'86. I am a Class-IV employee and non-sanction of the conveyance allowance as granted by the Central Govt. has caused enormous financial difficulty. I may, therefore, kindly be sanctioned the said conveyance allowance with effect from my joining in the Deptt. and thus arrange to pay my arrear dues respecting to the said allowance and also to pay the said allowance always along with my monthly salary.

An early action in the matter is earnestly prayed for.

With regards,

Enclo: As stated.

Yours faithfully,

Joytsna Das
(Joytsna Das)
Occupation Attendant
(Weaving)
Weaver's Service Centre
Indranagar, Agartala.

Date: 25.6.92.

10-9-
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
AGARTALA, AGARTALA
WEST TRIPURA
MILITARY

A4

27

No. NSC/AGT./P-26/92/1665


Dt. 18/08/92.

M E M O R A N D U M.

With reference to Development Commissioner
for Handlooms office letter no. G-14021/1/85/DCH/E-II
Dt. 29/7/92, regarding furnishing the information/
documents for conveyance allowance. Smt. J. Das, O.A(W)
is hereby informed that she should furnish the following
information/documents to this office for further necessary
action.

1. Original copy of the certificate issued
by the Special Board with their specific
recommendation for grant of conveyance
allowance to her as per Ministry of Finance
(Deptt. of RXP) order No. 19029(1)/73E.IV(B)
dated, 31.8.78 and 3.12.79.

✓
To
Smt. J. Das,
O.A(Wweaving),
Weavers' Service Centre,
AGARTALA.


(K.R. SHARMA)
DEPUTY DIRECTOR.

(SKD).

11
-10- A-5

To,
The Deputy Director,
Weavers' Service Centre,
Indranagar, Agartala.

22

Sub:- Submit my original Physical Handicapped
Certificated.

Venerable Sir,

At first my best respect to you .Few days back
I received a letter Ref.No.WSC/AGT/P-26/92/1665/on dated 18.8.92 of
this office.

Therefore herewith enclosed my original Certi-
ficated.

I hope that in view of my urgency and difficulty
your good self will be kind enough to do needful at the earliest
possible dated.

Thanking you, I am .

Yours faithfully,
Jayenadas
Smt.J.Das, O.A.(Weaving)
Weavers' Service Centre.

Place:-

Date:- 11.5.93

Sl.No. 16/93
Date :- 7-1-93

AS A ORTHOPAEDICALLY HANDICAPPED, A CERTIFICATE IS TO BE OBTAINED FROM THE "SPECIAL MEDICAL BOARD" IN THE PRESCRIBED FORM AS APPENDED BELOW :-

Signature of patient :- *Jayaram Das*

This is to certify that Sri/Smt.

Jayaram Das Son/Daughter of
Sri/Smt. Sri. S. S. Das

of *Indranagar*

P.O. *Indranagar*, *Agartala* (West/South/
North) District is orthopaedically

handicapped and entitled for registration with Special Employment Exchange for the physically Handicapped as job-seekers as he/she falls in one of the following categories:-



1. (a) Nature of disability :-
(Tick relevant from following list)

POST-POLIO PARALYSIS, HEMIPLEGIA, QUADRAP, LEGIA, MALUNITED FRACTURE, NERVE PARALYSIS, UPPER EXTREMITY, LIMB, PAINFUL, SHORTENING, DEFORMITY, CONGENITAL, ACQUIRED ABOVE KNEE, BELOW KNEE, HIP, HEMIPELVECTOMY, SYMECT, CHEOCT, WRIST, FINGERS, BELOW ELBOW, ABOVE ELBOW, SHOULDERS, FORE QUARTER, UNILATERAL, BILATERAL, LOWER EXTREMITY.

Extent of Disability :-

(Estimate in percentage MC, Prude Scale)
(Patient's Assessment Examiner's Assessment)

ECONOMICAL BASIS MENTION AS PERCENTAGES.

(BELOW : 25, 25-39, 40% or Above total Disability).

Use of appliance (Tick relevant from following list :-

CALGLIDER, CRUTCH, ABOVE KNEE, Below KNEE, PRESTHESIS, CANE ONICATERAL, PILATERAL, ABOVE ELBOW, BELOW ELBOW, HEMIPELVECTOMY, SHOULDER, DISARTICULATION.

(b) Any operation Done or Indicated.

(c) Photograph (attested). (To show if possible) the nature of disability and any appliance if used).

2. Any other particulars to clarify the nature and extent of disability that the surgeon might like to point-out.

Jayaram Das
Member,
Special Medical Board
for Handicapped persons.

Jayaram Das
Member,
Special Medical Board
for Handicapped persons.

Employment Officer (Specia.
Directorate of Employment Services
B. Das/
26.2.92. Manpower Planning
Ministry, Agartala

Jayaram Das
Member,
Special Medical Board
for Handicapped persons.
Chargé of Ortho. & Rehab.
G. B. Hospital, Agartala

13
सरकार भारत
GOVERNMENT OF INDIA,
कपड़ा मंत्रालय
MINISTRY OF TEXTILES
बुनकर सेवा केंद्र
WEAVERS' SERVICE CENTRE
इन्दनगर, अगरतला
AGARTALA, AGARTALA
PIN-789004

A-7 speed
By Regd. Post.

No.WSC/AGT./P-26/93/2111

Dated : 8/6/93.
11

To
The Dy.Development Commissioner-
for Handlooms,
Office of the Development-
Commissioner for Handlooms,
Ministry of Textiles,
NEW DELHI-110 011.

Subject :- Grant of conveyance allowance to
Smt. J.Das, O.A(W), of this office.

Sir,

Please refer to your letter: No.G-14021/1/85/-
DCH/E-II Dated, 29th July, 1992 on the subject cited above.

In this connection I am to furnish herewith
the following information/documents as per your instruction.

1. The original copy of the certificate issued by
special Medical Board is enclosed. ✓
2. Smt. J.Das, O.A(W), her date of birth is 4-1-1959
(verified from service record~~ing~~) and date of
appointment is 30.7.82 verivied from service records.

Therefore, you are requested to kindly take the
necessary action at the earliest . The original certificate
of Physically Handicapped may please be returned to this
office after work done.

Enclo :- As above.

Yours faithfully,

(K.K.SHARMA)
DEPUTY DIRECTOR.

Copy to :-

(SKD) .

Smt. J.Das, O.A(W), W.S.C., Agartala. The origi-
nal certificate is sent to Dy.Development Commi-
ssioner for Handlooms office, New Delhi, for
necessary action.

K.K. Sharma
(K.K.SHARMA)
DEPUTY DIRECTOR. 9/6/93

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-13-

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To
The officer-in-charge,
Weavers' Service Centre
Indraprastha, Agartala.

A-8

Subject: Application for return of
my P/H Certificate and
payment of my conveyance
allowance.

Sir,
With due respect I beg to state that
in need of my original P/H Certificate which was
submitted on: 11/5/93 as per your letter No.: WSC/ABT,
P-26/92/1665 dated 18/8/92.

As you are fully aware that I am a
physically Handicapped person I had applied
for conveyance allowance, but till today, I get
no response from your kind self in this regard.

I hope that in view of my urgency
and difficulty, your good self will be kind
enough to do needful at the earliest possible.
Thanking you,

Date: 13/5/94
Agartala.

Yours faithfully.

Jayendra Das
O.A. Weaving

Weavers' Service Centre
Agartala.

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-14-
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76
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
AGARTALA
WEST BENGAL

No.WSC/AGT./P-26/94/ 1178,

Dt.12/07/94.

To
The Head of Department of
Orthopaedic,
G.B.Hospital,
AGARTALA.

Subject :- Issue of certificate regarding disability percentage and recommendation of Smti-Jyotsna Das, O.A(W), of Weavers' Service-Centre, Agartala, for sanctioned the conveyance allowance.

Sir,

I am ~~to~~ to inform you that Smti Jyotsna Das, O.A(W), of this office, being an orthopaedically handicapped Central Govt. Employee has prayed for grant of conveyance allowance.

It is in this reference, I would like to request you to kindly assess the percentage of her disability, and recommend the case. So that further necessary action may be taken in this regard. Please intimate us the date on which she may appear to the hospital for necessary medical examination.


An early action would be highly appreciated.

Yours faithfully,

(K.K.SHARMA)
DEPUTY DIRECTOR.

Copy to :-

✓ Smti. J.Das, O.A(W). She is advise to contract the authorities of G.B.Hospital, Agartala for necessary examination. This is required as per direction record from Development Commissioner-for Handlooms, New Delhi. The original certificate has already sent to Development Commissioner-for Handlooms, New Delhi.


(K.K.SHARMA)
DEPUTY DIRECTOR.

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- 15 -
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To
The Deputy Director,
Weavers Service Centre,
Indranagar, Agartala.

Sub:- Payment of conveyance allowance payable to the
Physically Handicapped employees.

Ref:- Your No.WSC/AGT/P-26/94/11,781 dt. 12.7.94
addressed to G.B.Hospital, Agartala with copy
to me.

Sir,

Kindly refer to your letter under reference. It is absolutely surprising that the matter of payment of conveyance allowance is still pending and even after my service in your office from 30.7.82 till today. If you kindly examine my service records it would be evident that I was provided with a job from the quota for physically handicapped persons. During the interview and appointment I produced the certificate issued by the Medical authority on the basis of which I was appointed in the Deptt. and allowed to continue in the post of Occupation Attendant (Weaving).

In view of my physically handicappedness, I was entitled conveyance allowance from the date of my joining in the department, but unfortunately I have been deprived of the said allowance since my joining on 30.7.82 and it is more unfortunate that even after completion of 12 years service in your office, request is being made to the G.B. Hospital in the letter mentioned under reference.

The certificate of my physically handicappedness was submitted at the time of interview/appointment and joining. Then after on many occasions I requested the authority for sanction of the said legitimate conveyance allowance but the same has not been granted to me and not to speak of payment. The original certificate issued by the special medical board, was also collected from me and forwarded to the Dy. Development Commissioner, New Delhi vide your No.WSC/AGT/P-26/93/211 dt. 8/11.6.93. In view of the above further request for the said certificate vide your letter under reference is absolutely surprising.

Contd..P/2.

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- 16 -

28

- 2 -

Sir, I am a very poor employee. I should immediately be sanctioned conveyance allowance and very kindly take an effective steps so that the same may be paid to me with its all arrears at a very early date.

The original certificate collected from me may kindly be returned to me when done with.

With regards,

Yours faithfully,

Smt. Jyotsna Das
(Smt. Jyotsna Das)
O.A. (W)

Weavers Service Centre
Agartala.

Dated, Agartala,
the 25 July '94.

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A 11
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NO.WSC/AGT./P-26/94/1340.

Dated :- 27/07/94.

M E M O R A N D U M .

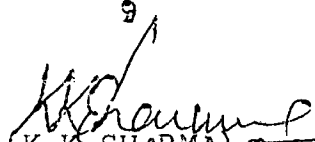
With reference to her letter dated, 25/7/94, regarding information for the payment of conveyance allowance of Physically Handicapped, Smti. J.Das, O.A(W), of this office is hereby informed that this office has received a reply of the same from Development-Commissioner for Handlooms, New Delhi, vide their letter No.G-14021/-1/85-DCH/E-II, Dated, 30/6/94, the content of the letter are given below which is self explanatory. As per D.C.H's letter this office has informed to Civil Hospital and increment.

" The Medical certificate issued by the special Medical Board received with your letter referred to above has been specifically issued for the purpose of registration of the applicant in special Employment Exchange- for Physically Handicapped. The conveyance allowance can be sanctioned only on the recommendations of the Head of Orthopaedic Department of a Government Civil Hospital. It is the responsibility of the Head of the Department concerned to refer the cases of the concerned employees to the appropriate Medical Authorities for obtaining their recommendations for the grant of the conveyance allowance. You may, therefore, refer the case to the appropriate medical authority. The case may be sent to Head Office for consideration on receipt of the prescribed Medical certificate" .

So it must clear to the official that action of this office by referring her case to G.B.Hospital is as per the direction of Headquarter and a right step which must not be taken otherwise for interpretation.

The original certificate has been sent by this office to Office of the Development Commissioner for Handlooms, New-Delhi and this will be returned after the action will be completed.

✓ To
Smti J.Das,
O.A(Weaving),
Weavers' Service Centre,
AGARTALA.

9

(K.K.SHARMA)
DEPUTY DIRECTOR 28/7/94

(SKD) .

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A-12

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS SERVICE CENTRE
AGARTALA, AGARTALA
WEST TRIPURA
781 001


NO.WSC/AGT/P-26/94/1419,

Dtd. 11/08/94
12,

MEMORANDUM

Smt. Jyotsna Das, O.A.(W) of this office is hereby directed to attend the room no.101 at G.B.-Hospital, Agartala with prescribed form and passport-sized photograph showing the disability portion on any Saturday for issuance of certificate regarding disability percentage to-wards sanctioning of conveyance allowance for physically handicapped employee.

This is with reference to letter No.F-2)15)/Med/Gen/94/8463 dtd, 25/07/94 issued from office of the Medical Superintendent, G.B. Hospital, Agartala copy enclosed for ready reference.


(K.K. SHARMA)
DEPUTY DIRECTOR

✓
To
Smt. Jyotsna Das,
O.A.(W),
Weavers Service Centre,
Agartala.

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31

M. N. Indu
M. Com, LL.B.
ADVOCATE
High Court Bar Association
Agartala, Tripura.
Pin-799001.

0/4

Residence :
☎ : 22-6655
10, EAST THANA ROAD,
Ganaraj Chowmuhani.
AGARTALA, TRIPURA.
Pin-799001

REGD. WITH A/D

Date 8-98

To:

1. The Union of India,
Represented by the
Development Commissioner
for Handloom,
Ministry of Textile,
Govt. of India,
Udyog Bhavan,
New Delhi-110011.
2. The Zonal Director,
Weavers' Service Centre,
Pub Sarania Road,
Guwahati-781003.
3. The Assistant Director for
Handloom,
Weavers' Service Centre,
Gurkhabasti, Agartala.

.. Notice Receivers.

DEMAND NOTICE

Dear Sir(s)

Under instruction of my client Smti. Jyostana Das,
W/o- Sri Subhas Das of Indranagar, Agartala, West Tripura,
presently working as O.A.(W) in the office of the Weavers'
Service Centre located at Gurkhabasti, Agartala, I serve
this notice upon you demanding relief in the following
matters:-

1. That, my client entered into the Central Govt.
Service as O.A.(W) on 30.7.82.
2. That, my client is an Orthopaedically Handicapped

Contd..P/2.

-: 2 :-

lady and against the quota of handicapped person she was appointed and as such she has been serving with entire satisfaction of all concerned.

3. That, as per rule my client was entitled Conveyance allowance being so orthopaedically handicapped and the said allowances were to be paid to her from her appointment in the department i.e. from 30.7.82.

4. That, for having her legitimate allowance, she made number of correspondances with the authorities in addition to her personal contacts and requests to the different officers of the Department but unfortunately no tangible result could be made available.

5. That, in course of her such written representation she made a representation dated 25.7.94 wherein she detailed suitably claiming her due allowance and also it was brought to the notice of the authorities that being a Class-IV employee of the Govt. she was facing tremendous difficulties for not having her due allowances for such long period.

6. That, the Deputy Director of Weavers' Service Centre, Agartala vide his memorandum bearing No.WSC/AGP/P-26/94/1340 dated 27/29.7-94 communicated that

" The Medical certificate issued by the special Medical Board received with your letter referred to above has been specifically issued for the

- 3 -

purpose of registration of the applicant in special-
@ Employment Exchange - for Physically Handicapped. The
conveyance allowance can be sanctioned only on the
recommendation of the Head of Orthopaedic Department
of a Government Civil Hospital. It is the responsibility
of the Head of the Department concerned to refer the
cases of the concerned employees to the appropriate
Medical Authorities for obtaining their recommendations
for the grant of the conveyance allowance. You may,
therefore, refer the case to the appropriate medical
authority. The case may be sent to Head office for
consideration on receipt of the prescribed Medical
certificate".

7. That, in pursuance to above my client was
directed to attend G.B.Hospital, Agartala with
prescribed form and passport size photograph showing
the disability portion for issuance of certificate
regarding disability percentage towards sanctioning
of conveyance allowance for physically handicapped
employee by the Deputy Director of Weavers' Service
Centre, Agartala vide his No.WSC/AGF/P-26/94/1419 dated
11/12-8-94. Accordingly my client attended G.B.
Hospital for the purpose and in response to the same
my client was supplied with orthopaedically handicapped
certificate showing 40% disability.

8. That, on receipt of the aforesaid certificate
my client submitted the said certificate to the

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-: 4 :-

Officer-in-Charge, Weavers' Service Centre,

Indranagar, Agartala on 22.8.94 with a prayer for sanction of conveyance allowance as per rule with effect from the date of joining in the department etc. but unfortunately nothing heard as yet and not to speak of sanction of the conveyance allowance.

9. That, it is now demanded that my client should be sanctioned conveyance allowance with effect from 30.7.82 as per rule and to pay the same to her with interest at the rate 17% per annum counting the same ^{from 30-7-82} till payment.

10. That, the natural justice apart from law demand that this be done for doing justice to my client immediately.

The Notice Receivers are requested to take notice that in the event of their failure to provide relief to my client as demanded above immediately preferably within a period of one month time of receipt of this notice under such painful circumstances my client would be compelled to take the matter to the Court of Law having competent jurisdiction and under such eventuality the case be filed at the risk and responsibility of the Notice Receivers.

Thanking you,

Yours faithfully,

(M.N.Indu)
Advocate

भारत सरकार
GOVERNMENT OF INDIA.
वस्त्र मंत्रालय
MINISTRY OF TEXTILES
विश्व व्यापार केंद्र
WIA CENTRE
गोर्खाबाग, अगर्ताला
PIN-799006

No. WSC/AGT./P-26/98/ 1092

Dated: 27/08/98

MEMORANDUM

Smti J. Das, in response to her application dt.20/7/98 to return her "Physically handicapped" Certificate, is hereby informed that the Certificate in question was forwarded to Office of the Development Commissioner for Handlooms, New Delhi. The Certificate is yet to be received back from that office. A reminder has been sent to Office of the DCH to this effect and the Certificate will be returned to you as and when received from Office of Development Commissioner for Handloom, New Delhi.

To
Mrs. J. Das,
O.A(W),
Weavers' Service Centre,
Agartala.

Yours faithfully,

(A.R.BORA)
ASSISTANT DIRECTOR(I/C)

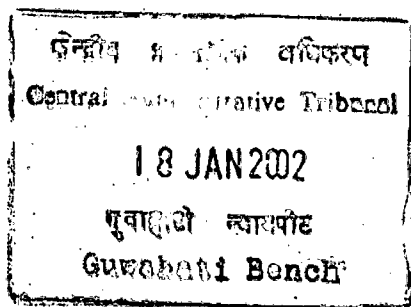
Copy to:-

The Development Commissioner for Handloom,
Udyog Bhavan, New Delhi for information.
This has reference to this office letter
dt.24/8/98 on the same subject and his
kind early action is requested.

(A.R.BORA)
ASSISTANT DIRECTOR(I/C)

NS/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI



O.A.No.197 OF 2001

Smt.J.Das

-vs-

Union of India & Others

-And-

In the matter of :

Written Statements submitted by the
respondents

Filed by

36
V. 781/022
(A. DEBROY)
Sr. C. S. C.
C. A. T., Guwahati Bench

The respondents beg to submit the written statement as follows :

1. That with regard to the statements made in para 1 and 2, the respondents beg to offer no comments.
2. That with regard to the statements made in para 3 to 7, the respondents beg to state that Smt.Jyotsana Das had been appointed as Occupational Attendant (Weaving) but not against the quota of Handicapped person. It is further submitted that the applicant made baseless allegations against the department that she had made a number of correspondence regarding grant of conveyance allowance. After receiving her application dated 25.06.92 for grant of conveyance allowance, she was asked to submit the original copy of the certificate issued by the Special Medical Board with recommendation for grant of conveyance allowance to her as per Ministry of Finance (Deptt.of Exp.) O.M. No.19029(1)/78.E.IV (B) dated 31.08.78 vide this office letter No.WSC/AGT/P-26/92/1665 dated 18.08.92.

A true copy of the letter dated 31.08.78 is annexed herewith and marked as Annexure-I.
A true copy of the letter dated 18.08.92 is annexed herewith and marked as Annexure-II.

In response to the said letter she had submitted a medical certificate on 11.05.93, which was specifically issued for

contd....

- 2 -

the purpose of registration of the applicant in Special Employment Exchange for physically handicapped. The conditions laid down in G.I.;M.F. O.M. dated 31.03.78 regarding grant of Conveyance/Transport Allowance to Orthopaedically Handicapped employees stipulates that Conveyance/Transport allowance can be granted to an Orthopaedically handicapped employee,

- (i) If he or she has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together and who generally require physical assistance for going to and coming from the place of their duty ;
- (ii) The conveyance allowance will be admissible to the orthopaedically handicapped employees on the recommendation of the Head of Orthopaedics Department of a Government Civil Hospital ; and
- (iii) The allowance may be granted with effect from the date the recommendation of the concerned medical authority is received by the Head of the Department.

Therefore, we had requested the Head of Department of Orthopaedics, G.B.Hospital, Agartala for medical examination of Smt.Das and issuing a medical certificate indicating her disability percentage and recommendation for sanctioning the conveyance allowance in respect of Smt.Das. A copy of this letter was also endorsed to her vide this office letter No.WSC/AGT/P-26/94/1177-1178 dated 12.07.94 which is annexed herewith and marked as Annexure-III.

It is further stated that in response to the endorsement dated 12.07.94, Smt.Das had submitted a representation on 25.07.94, stating that she had already submitted medical certificate for granting the conveyance allowance. However, on the basis of said medical certificate, which was meant for recruitment purpose specifically for Handicapped person, the department could not grant the conveyance allowance to her.

3. That with regard to the statements made in paras 8 to 12,

contd.....

- 3 -


the respondents beg to submit that as per the advice of the Medical Superintendent, G.B.Hospital, Agartala vide his letter No.F-2(15)-Med/Gen/94/8463 dated 25.07.94 (which was received by the department on 10.08.94), Smt.Das was instructed vide Memorandum No.WSC/AGT/P-26/94/1419 dated 12.08.94 to appear before the Special Medical Board (Room No.101) of G.B.Hospital, Agartala for examination of her physical disability and issuance of necessary certificate thereof.

The copies of the letter dated 25.07.94 and 12.08.94 are annexed herewith and marked as Annexure-IV & V.

Accordingly, she submitted the medical certificate on 22.08.94. The department has granted Conveyance/Transport allowance to Smt.J.Das with retrospective effect from 22.08.94 (from the date of submission of the medical certificate) vide 'Order' No.C-18014/7/2001/DCH/E.II dated 30th August, 2001. Also the arrears payment of Conveyance/Transport allowance for the period 22.08.94 to 31.08.2001, worked out to be Rs.9,399/- only, has already been disbursed to her on 10.09.2001.

Copies of the applicant's letter dated 22.08.94 regarding submission of medical certificate, and sanction 'Order' dated 30.08.2001 are annexed herewith and marked as Annexures VI & VII.

It is stated that the question of payment of conveyance allowance from the date of her joining does not arise. It is admissible only from the date the recommendation of the Special Medical Board, as per the provisions contained in GOI;M.F.O.M.dated 31.08.1978 referred to in para 2 above.


S. C. Jain
(Respondents)
Through Counsel

VERIFICATION

I, Shri S.C. Jain, being authorised, do hereby

contd.....

- 4 -

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solemnly affirm and declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this verification on this 15th day of January 2002, at Guwahati. on behalf of Respondent No-1 to 6.

S. C. Jain.

(Director,
Respondent)

Through Counsel

Government Of India

Ministry Of Textiles

Weaves Service Centre

P. Campus

Lawahar Nagar, Khanapara

Guwahati-22

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4. These orders shall take effect from 1-1-1978.

5. In their application to the employees serving in the Indian Audit and Accounts Department, these orders issue in consultation with the Comptroller and Auditor-General of India.

6. These orders shall also apply to the civilian employees paid from the Defence Services Estimates and expenditure will be chargeable to the relevant Head of the Defence Services Estimates. In regard to Armed Forces Personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Ministry of Railways, respectively.

G.O.M. No. 21 (1/97/E. II (B), dated the 3rd October, 1997.]

Transport Allowance to Blind or Orthopaedically handicapped employees (See Para. 3 (vi) of Order 1 above)

G.O.M. No. 19029/1/78-E. IV (B), dated the 31st August, 1978
as amended from time to time

(1) Conditions for grant of allowance.—

(i) An orthopaedically handicapped employee if he or she has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together. For purposes of estimation of disability, the standards as contained in the Manual for Orthopaedic Surgeon in Evaluating Permanent Physical Impairment brought out by the American Academy of Orthopaedic Surgeons, USA, and published on their behalf by Artificial Limbs Manufacturing Corporation of India, G.T. Road, Kanpur, shall apply.

(ii) The conveyance allowance will be admissible to the orthopaedically handicapped employees on the recommendation of the Head of Orthopaedics Department of a Government Civil Hospital.

(iii) In the case of a blind employee, the allowance will be admissible on the recommendation of the Head of Ophthalmological Department of a Government Civil Hospital. Government servants having vision less than 3/60 or field vision less than 10 in both eyes, will also be eligible for grant of the allowance in terms of the above orders. For those who develop the disability at a future date, the relevant date of eligibility will be the date of receipt of the recommendations of the competent Medical Authority by the Head of the Department.

(iv) The allowance will not be admissible during leave (except casual leave), joining time or suspension.

(2) Sanctioning authority.—All Heads of Departments are authorized to sanction conveyance allowance in terms of these orders. The Government servants concerned shall accordingly apply for the grant of conveyance allowance to the Heads of their Departments. It shall be the responsibility of

APPX. 5]

TRANSPORT ALLOWANCE

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the Head of the Department concerned to refer the cases of the concerned employees to the appropriate medical authorities for obtaining their recommendations for the grant of the conveyance allowance. The allowance may be granted with effect from the date the recommendation of the concerned medical authority is received by the Head of the Department.

[G.I., M.F., O.M. No. 19029/1/78-E. IV (B), dated the 31st August, 1978.]

(3) Travelling allowance and medical examination fee concessions.—It has also been decided that in cases where handicapped employees are referred by Heads of Departments concerned to Government Civil Hospitals located at stations outside their headquarters for getting recommendations for grant of conveyance allowance, they may be reimbursed the actual travelling expenses subject to a maximum of travelling allowance admissible for a journey on tour without any daily allowance for the period of journey and for halts. The period spent on journeys, as also at the hospital, shall, however, be treated as duty. It has also been decided that no fee shall be charged by the Central Government/Union Territories Hospitals from the handicapped employees when they are referred to such hospitals by the Heads of Departments for making recommendations regarding grant of conveyance allowance. However, the fee charged by the State Government hospitals, if any, shall be reimbursed to the employees concerned. These orders shall have effect from the date of issue.

[G.I., M.F., O.M. No. 19029/1/78-E. IV (B), dated the 3rd December, 1979.]

Clarifications.—(1) Admissible only to those satisfying the prescribed conditions.—It is clarified that the concession referred to above will be admissible only to those who satisfy the prescribed conditions and are recommended conveyance allowance by the competent medical authority and not to others.

[G.I., M.F., O.M. No. 19029/1/78-E. IV (B), dated the 26th August, 1981.]

(2) Ad hoc employees.—It is clarified that such ad hoc Central Government employees who are borne on regular establishment on regular pay scales can be granted conveyance allowance provided they fulfil conditions prescribed.

[G.I., M.F., O.M. No. 19029/1/78-E. IV (B), dated the 31st December, 1981.]

(3) Not admissible to one-eyed employees.—It is clarified in consultation with the Ministry of Finance that conveyance assistance is not admissible to the one-eyed (partially blind) employees under the orders of the Ministry of Finance.

[D.G., P. & T.'s Letter No. 34/2/80-PAT, dated the 17th June, 1980.]

(4) One-eyed person not to be compared with orthopaedically handicapped having deformity in one limb.—A doubt has been raised regarding the admissibility of conveyance allowance granted to the blind and orthopaedically handicapped Central Government employees, if the

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
AGARTALA, GUARDA
WEST BENGAL

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PS/C 41
Amexure-II

No.WSC/AGT./P-26/92/16655

Dt.18/08/92.

M E M O R A N D U M .

With reference to Development Commissioner for Handlooms office letter No.G-14021/1/85/DCH/E-II Dt.29/7/92, regarding furnishing the information/documents for conveyance allowance. Smt. J.Das, O.A(W) is hereby informed that she should furnish the following information/documents to this office for further necessary action.

- 1.Original copy of the certificate issued by the Special Board with their specific recommendation for grant of conveyance allowance to her as per Ministry of Finance (Deptt. of RXP) order No.19029(1)/78S.IV(B) dated, 31.8.78 and 3.12.79.

To
Smt. J.Das,
O.A(Wweaving),
Weavers' Service Centre,
AGARTALA.

(K.K.SHARMA)
DEPUTY DIRECTOR.

C/F
18/8/92

(SKD).

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
CENTRAL GOVT. EMPLOYEES' SERVICE
COMMISSION
AGARTALA

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Annexure-III

No.WSC/AGT./P-26/94/1177-1178

Dt.12/07/94.

To
The Head of Department of
Orthopaedic,
G.B.Hospital,
AGARTALA.

Subject :- Issue of certificate regarding disability
percentage and recommendation of Smti.
Jyotsna Das, O.A(W), of Weavers' Service-
Centre, Agartala, for sanctioned the
conveyance allowance.

Sir,

I am to inform you that Smti Jyotsna Das,
O.A(W), of this office, being an orthopaedically handi-
capped Central Govt. Employee has prayed for grant of
conveyance allowance.

It is in this reference, I would like to request
you to kindly assess the percentage of her disability,
and recommend the case. So that further necessary action
may be taken in this regard. Please intimate us the date
on which she may appear to the hospital for necessary
medical examination.

An early action would be highly appreciated.

Yours faithfully,

(K.K.SHARMA)
DEPUTY DIRECTOR.

Copy to :-

Smti. J.Das, O.A(W). She is advise to contract
the authorities of G.B.Hospital, Agartala for
necessary examination. This is required as per
direction record from Development Commissioner-
for Handlooms, New Delhi. The original certificate
has already sent to Development Commissioner-
for Handlooms, New Delhi.

(K.K.SHARMA)
DEPUTY DIRECTOR.

(8) 101 (131)
No. F.2(15)-Med, Gen/94 /84 G3
Government of Tripura
Office of the Medical Superintendent
G.B. Hospital, Agartala.

Page 43
Annexure-IV

8
Dated, Agartala, the
25th July, 1994.

To
The Deputy Director,
Ministry of Textile,
Weavers' Services Centre,
Agartala, Tripura (west).

Dr. C. C. AGARTALA
Receipt No. 1832
File No. P/F
Date 16/8/94

Subject:- Issue of certificate regarding disability percentage and recommendation of Smt. Jyotsna Das, O.A.(W) of Weavers' Services Centre, Agartala for sanctioned the conveyance allowance.

Ref:- Your letter No. WSC/AGT/P-26/94/1177 dtd. 12-07-94.

Sir,

With reference to your above letter, I am to request you to instruct Smt. Jyotsna Das, O.A.(W) to attend the room No. 101 of G.B. Hospital with prescribed form and pass-port size photograph showing the disability portion if possible possible on any Saturday for consideration her case.

Yours faithfully,

Medical Superintendent
G.B. Hospital, Agartala.

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
WEAVERS' SERVICE CENTRE
AGARTALA
WEST BENGAL

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1/8/94

Annexure - I

the
actual the
prescribed
disability
percentage
Sanctioning
and capped

for No. F-2 (15)
in office of the
file copy

(K.S.)
to

NO. WSC/AGT/P-26/94/1419.

Dtd. 11/08/94
TZ

MEMORANDUM

Smt. Jyotsna Das, O.A.(W) of this office is hereby directed to attend the room no.101 at G.B. Hospital, Agartala with prescribed form and passport-size photograph and the disability portion on any Saturday for issuance of certificate regarding disability percentage to-wards sanctioning of conveyance allowance for physically handicapped employee.

This is with reference to letter No.F-2(15)/Med/Gen/94/8463 dtd, 25/07/94 issued from office of the Medical Superintendent, G.B. Hospital, Agartala copy enclosed for ready reference.

K.K. Sharma
(K.K. SHARMA)
DEPUTY DIRECTOR

To
Smt. Jyotsna Das,
O.A.(W),
Weavers' Service Centre,
Agartala.

CP
Rohini
11/8/94

Municipal person & Chairman, W.S.C. Agartala.
G.B. Hospital Agartala, for
information.

The Officer in Charge
Weavers' Service Centre
Indranagar Agartala.

Date: 22-8-91

W. C. AGARTALA

Account No. 1920

File No. P/E

22/8/91

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10 Annexure VI

Subject: Submit my original ~~physically Handicapped~~
Certificate.

Dear Sir,

With due respect, I would like to
inform you that few days back I was submitted my
above the mentioned of Certificate as per your letter
Ref NO. W.S.C./N.G.T/P-26/92/1665 on dated 18-8-92
but till today I have been not found my Certificate

Further you has been issued a letter Ref. NO. WSC/NAT/
P-26/92 dated 11/8/91

As per your order I required of Certificate
S.L. NO 582/91 dated 18-8-91 and O.S.C. 1637
here with enclosed my original Certificate

Therefore, you are requested to kindly take the
necessary action at the earliest. The original certificate
of Physically Handicapped may please be returned to
to this office. after work done

Thanking you.

Yours faithfully.

Copy to:

Special Medical Board for
Handicapped person & Chairman,
G.B. Hospital Agartala, for
information.

Indranagar Agartala
O.N. (Weaving)
W.S.C. Agartala.

11 By Speed Post ^{up}
Annexure VII

No.C-18014/7/2001/DCH/E.II
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE DEVELOPMENT COMMISSIONER (HANDLOOMS)

Udyog Bhawan, New Delhi
Dated the 30th August, 2001

ORDER

Sub: Grant of 'Conveyance/Transport Allowance' to Smt. Jyotsna Das Debnath, Occupational Attendent (Wvg.) an Orthopaedically Handicapped employee of Weavers' Service Centre, Agartala - regarding.

Ex-post sanction of the Development Commissioner for Handlooms, Ministry of Textiles is hereby conveyed for the grant of 'Conveyance/Transport Allowance' to Smt. Jyotsna Das, Occupational Attendent (Weaving) of Weavers Service Centre, Agartala, in terms of Ministry of Finance O.M.Nos.19029/1/78-E.IV(B) dated 31.8.1978 and 21(1)/97/E.II(B) dated the 3.10.1997, as amended from time to time, as under :-

- (1) Conveyance allowance @ 5% of her basic pay, subject to maximum of Rs.100/- per month from 22.8.1994 to 31.7.1997. The payment will be regulated in accordance with the provisions of Ministry of Finance O.M.19029/1/78-.IV(B) dated 31.8.1978, as amended from time to time.
- (2) Transport allowance (In lieu of Conveyance allowance) at double the normal rates i.e. @ Rs.150/-per month from 1/8/1997 onwards. Payment of Transport allowance will be regulated in accordance with the provisions of O.M.No.21(1)/97/E.II(B) dated the 3.10.1997, as amended from time to time.

2. The grant of aforesaid allowance from 22.8.1994 onwards, is further subject to the following conditions :-

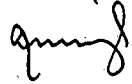
- a) The allowance shall not be admissible if she is provided with Govt. accommodation within a distance of one Kilometre or within a campus housing the place of work and residence.
- b) In case she has opted to draw pay in the pre-revised scale of pay, the transport allowance shall be regulated in accordance with the revised scales of pay to which she would have been entitled to, had she opted to come over to revised scales.
- c) The allowance shall not be admissible in case she have been provided with the facility of Government transport.

(2)

C.F. No. C-18014/7/2001 (DCH/E.I.) 47

- d) The Conveyance allowance from 22.8.94 to 31.7.97 will not be admissible during leave (except casual leave), joining time or suspension.
- e) The transport allowance from 1.8.97 will not be admissible during absence from duty exceeding 30 days due to leave, training, tour, etc.

3. The expenditure involved will be met under the sub-head Salaries (Non-Plan) from the budget grant in respect of Weavers Service Centre, Agartala.



(AMIYA CHANDRA)

JT.DEVELOPMENT COMMISSIONER (HANDLOOMS)

Copy to:-

1. The Accounts Officer, Pay & Accounts Office (Textiles), Ministry of Textiles, Calcutta.
2. The Zonal Director (East Zone), Weavers Service Centre, Guwahati.
3. The Officer Incharge, Weavers Service Centre, Agartala.

He is requested to immediately draw & disburse the arrears accrued on account of grant of Conveyance/Transport allowance from 22.8.1994, to Smt.Jyotsna Das, under intimation to this office.

4. Bill Section, WSC, Agartala.
5. Smt.Jyotsna Das, OA(Wvg.), WSC, Agartala.
6. Personal file of Smt.J.Das, OA(Wvg). A copy of this order may also be pasted in the service book.
7. F.No.4/1/2001/DCH/E.II
8. Guard file.



(G.S.AGGARWAL)
ASSTT.DIRECTOR(GR.I)