

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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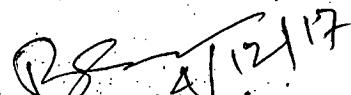
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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 32/2001

S.P. Singh Yadav . . . . . Applicant.

VERSUS

Union of India & Ors . . . . . Respondents.

For the Applicant(s) B.K. Sharma

P.K. Tiwari

U.K. Goswami

Mr. B.C. Pathak

For the Respondents. Ady. C.S.S.C. ....

NOTES OF THE REGISTRY

DATE

ORDER

7.2.01

Present: Hon'ble Mr. Justice D.N.

Choudhury, Vice-Chairman.

Heard learned counsel for the applicant. Application is admitted.

Call for records. Returnable by 4 weeks.

List on 8.3.01 for orders.

This application is in form  
brought before the  
Court as original filed under  
M.T. No. C.R.  
for Rs. 10/- deposited under  
IPO/B/2001 No. 56421053  
Dated 4.1.2001.

*Dy. Registrar*  
Dy. Registrar

Vice-Chairman

lm

8.3. No s. m. Adjourned to 21.3.2001.

*By  
A.K.Jay*  
8.3

21.3.01 List after four weeks for enabling the  
respondents for filing of written statement.

Fix it on 16.5.2001 for written statement and  
further orders.

Vice-Chairman

① Service report are  
still awaited.

trd

16.5.01 List on 22.6.01 to enable the  
respondents to file written statement.

*My  
20.3.01*

Vice-Chairman

② Notice duly served  
on R.No. 4, other  
respondents are still  
awaited.

③ No. Wts has been filed.

*My  
21.6.01*

(2)

22.6.01

Heard learned counsel for the parties at length, and also Mr. S. P. Singh Yadav who is present in the Court to-day. Mr. B. C. Pathak learned Addl. C. G. S. C. submitted that he is yet to receive instructions, he prays for adjournment. Prayer is allowed. List on 27.7.01 for orders. ~~on 22x7x01~~ and written statement.

No written statement has been filed.

26  
26.7.01

Vice-Chairman

~~22x7x01~~

Written statement has not been filed.  
~~List on 21x8x01 for hearing.~~

No. of weeks has been filed.

27.7.01

Written statement has not been filed. Four weeks time is allowed for filing of written statement. List on 31.8.01 for hearing.

30  
30.8.01

Member

lm

31.8. The case is adjourned to 6.9.2001.

M/s  
A/B/2  
31.8

6.9.01

Mr. B. C. Pathak, learned Addl. C. G. S. C. appearing for the respondents, seeks adjournment on the ground that he is yet to get clarifications from the concerned department. Prayer is accepted.

List on 3/10/01 for hearing.

No written statement has been filed.

27  
27.11.01

Member

3.10.01

Written statement are yet to be filed. List on 28.11.01 for hearing.

lm

ICC Usha  
Vice-Chairman

Notes of the Registry Date Order of the Tribunal

28.11.01

On the prayer of Mr P.K.Tiwari, learned counsel for the applicant the case is adjourned to 10.12.01. Mr B.C. Pathak, learned Addl.C.G.S.C has no objection.

written statement  
has been filed.

*2/12/01*

pg

*10/12*

WLS has been filed.

*2/12/01*

*10.1.02*

11.1.02

List on 13.2.02 for hearing.

lm

13.2.02

Mr. S.arma learned counsel for the applicant prays for adjournment on the ground that he has received the written statement recently. Mr.B.C.Pathak, Addl. C.G.S.C. has no objection to the adjournment. Prayer is accepted. List on 20.3.02 for hearing.

*Vice-Chairman*

*UCLU*  
Member

lm

20.3.02

Mr. S.arma learned counsel for the applicant prays for adjournment. Mr.B.C. Pathak, Addl.C.G.S.C. has no objection. Prayer is allowed. List on 3.4.02 for hearing.

*UCLU*  
Member

lm

Notes of the Registry Date Order of the Tribunal

24.4.2002

3.4.02

Report filed submitted  
by the applicant in  
reply to W.P.

pd

Heard Mr. P.K.Tiwari, learned counsel  
for the applicant and also Mr. B.C.Pathak,  
learned Addl. C.G.S.C. for the Respondents.

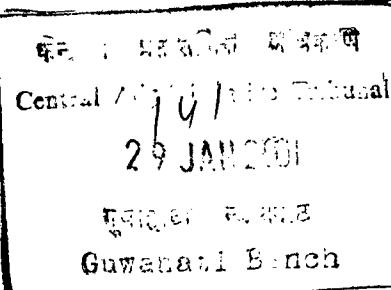
Mr. P.K.Tiwari, learned counsel for the  
applicant submits that the Respondents has  
already granted the relief claimed by the  
applicant and he does not want to pursue the  
application. The application is disposed of  
at not pursued. There shall, however, be no  
order as to costs.

10.4.2002

Copy of the order  
has been sent to the  
Office for filing at  
once to the L/Bdys  
in the applicant.

mb

I C U Shrivastava  
Member



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

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

Title of the Case : O.A. No. 32 of 2001

Suresh Pal Singh Yadav ... Applicant

- Versus -

Union of India & Ors. ... Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing : 25-1-2001  
Registration No: 32/2001

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

D.A. No. 32 of 2001

BETWEEN

Shri Suresh Pal Singh Yadav, Inspector (Under Suspension), Central Bureau of Investigation, office of the Supdt. of Police, Central Bureau of Investigation, R.G. Baruah Road, Sundarpur, Guwahati-781005.

AND

... Applicant

1. Union of India through the Secretary to the Government of India, Ministry of Personnel & Training, New Delhi, 2. North Block.
2. The Director, Central Bureau of Investigation, CGO Complex, Lodi Road, New Delhi.
3. The Deputy Inspector General, Central Bureau of Investigation, Chenikuthi, Nabagraha Hillside, Guwahati-781003.
4. The Superintendent of Police, Central Bureau of Investigation, Anti Corruption Branch, R.G. Baruah Road, Sundarpur, Guwahati-781005.
5. The Administrative Officer (E), Central Bureau of Investigation, Government of India, Administrative Division, Block No. III, CGO Complex, Lodi Road, New Delhi-110003.

... Respondents

DETAILS OF APPLICATION

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

The present application is not against any specified order, but the same is against inadequate payment of Deputation (Duty) Allowance in violation of the amount required to be paid as per office memorandum dated 11.3.98.

2  
File by  
the Applicant  
through  
Vijay Lengowar  
Advocate  
25/11/2001

22c

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application for which he wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the grievance of which the redressal is being sought is in the nature of continuous wrong. Hence the present application fulfills the requirement of limitation as envisaged 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 he joined as Inspector, Central Bureau of Investigation, Anti Corruption Branch, Shillong on 24.9.93 after being sent on deputation by the UP Police. In 1995, the office of the Supdt. of Police was shifted from Shillong to Guwahati and the Applicant accordingly was also shifted to Guwahati and since then he has been working in the said capacity.

4.2 That in CBI, the Applicant was granted Deputation (Duty) Allowance at the rate of 20% of basic pay subject to the maximum of Rs.500/- per month as was admissible in pre-revised pay scale. The Applicant was being disbursed the Deputation (Duty) Allowance at the rate of maximum Rs.500/- per month as his basic salary

2/2w.

was above Rs.2500/- per month in pre-revised pay scale. It is stated that the same amount is being paid to the Applicant even now and herein lies the grievance of the Applicant.

4.3 That following adoption of the recommendation of the 5th Central Pay Commission in toto by the State of Uttar Pradesh, the salary of the Applicant was fixed as Rs.7500, Rs.7700/-, Rs.7,900/-, Rs.8,100/- with effect from 1.9.96, 1.9.97, 1.9.98, 1.9.99 respectively vide corresponding office orders issued by SP/CBI/ACB, Guwahati in this regard.

4.4 That vide circular dated 4.5.98, the Administrative Officer (E), CBI, the office memorandum of the Government of India, Ministry of Personal, Public Grievance and Pension dated 11.3.98 was circulated to all the officers of the Central Bureau of Investigation. Pursuant to the aforesaid office memorandum, the rates of Deputation Duty Allowance were revised with effect from 1.8.97 and fixed at the rate of 10% of the employee's basic pay subject to the maximum of Rs.1,000/- per month.

Copy of the circular dated 4.5.98 enclosing office memorandum dated 11.3.98 is annexed as ANNEXURE-A/1.

4.5 That in view of the above, the Applicant was to be paid Deputation (Duty) Allowance of Rs.750/-, Rs. 770/-, Rs.790/-, Rs.810/- per month with effect from 1.8.97, 1.9.97, 1.9.98 and 1.9.99 respectively. However, the Applicant till date is being paid as per provision of

22W

corresponding memo in respect of pre-revised pay scales i.e. at the rate of 20% of basic pay subject to the maximum of Rs.500/- per month and as such, the Applicant is recurringly being deprived and subjected to financial loss of Rs.250/-, Rs.270/-, Rs.290/-, Rs.310/- per month with effect from 1.8.97, 1.9.97., 1.9.98 and 1.9.99 respectively.

4.6 That other officers similarly situated like that of this Applicant viz. Shri N.R. Dey, Inspector/CBI and Shri K. Barman, Inspector/CBI who are also deputationists are being granted and disbursed Deputation (Duty) Allowance as per provision of revised rates stated above whereas the Applicant is being discriminated and deprived of the benefit admissible to him. The Respondents therefore are acting in violation of Article 14 of the Constitution of India without any intelligible differential and reasonable and objective criteria.

4.7 That when the initial request of the Applicant were not paid any attention, the Applicant vide his representation dated 3.2.99 brought to the notice of SP, CBI, ACB, Guwahati, his grievance in regard to inadequate payment of Deputation (Duty) Allowance in violation of the office memorandum of the Government of India dated 11.3.98. In his representation, the Applicant stated that though his basic salary in revised pay scale is Rs.7,900/- and as per the office memorandum dated 11.3.98, he is entitled to 15% of Deputation (Duty) Allowance subject to maximum of

*22w*

Rs.1,000/- with effect from 1.8.97, but he is being paid the Deputation (Duty) Allowance at the old rate and thereby is continuously being denied the adequate payment. The Applicant in his representation also gave the examples of the persons similarly situated like him, but who are being given the Deputation (Duty) Allowance in conformity with the office memorandum dated 11.3.98.

The representation of the Applicant dated 3.2.99 is annexed as ANNEXURE-A/2.

4.8 That the Applicant agitated his grievance in regard to inadequate payment of Deputation (Duty) Allowance in O.A. No. 137/2000, but this Hon'ble Tribunal vide its order dated 18.4.2000 directed the Applicant to file a separate application agitating the said grievance. However, thereafter the Applicant wrote yet another representation dated 21.7.2000 to the Addl. Director, CBI/East Zone/Calcutta and elaborately explained his grievance. Unfortunately, even the said representation failed to get any adequate response from the CBI authorities.

Copy of the representation dated 21.7.2000 is annexed as ANNEXURE-A/3

4.9 That the Applicant demanded justice, but the same was denied, hence the Applicant files this application bonafide for securing the ends of justice.

2/2/2011

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because in terms of the office memorandum dated 11.3.98, the Applicant is entitled to Deputation (Duty) Allowance at the rate of 15% of the basic pay subject to a maximum of Rs.1,000/- per month. However, the Respondents have acted in violation of this memorandum and denied Applicant the payment of Deputation (Duty) Allowance as per the said memorandum. The Respondents are bound by law to follow their office memorandum both in letter and spirit.

5.2 Because the Respondents have paid the adequate amount of Deputation (Duty) Allowance to other deputationists similarly situated like the present Applicant. However, they have denied the adequate payment of Deputation (Duty) Allowance to the Applicant without any just and sufficient reason. The Respondents therefore have discriminated against the Applicant without any intelligible differentia and rationale and objective criteria.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant preferred representations but the same are not disposed of by the Respondents. The Applicant states that he has no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

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

2/2

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.

8. RELIEFS SOUGHT FOR :

8.1 Direct the Respondents to grant the Applicant the Deputation (Duty) Allowance as per provisions of the office memorandum dated 11.3.98 of the Government of India, Ministry of Personnel, Public Grievances and Pension.

8.2 Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, the Applicant does not pray for interim relief. However, he prays for early disposal of the present application.

10. .....

The Application is filed through Advocate

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

(i) I.P.O. No. : 56 421053  
(ii) Date : 4/1/2001  
(iii) Payable at : Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

2/2001

VERIFICATION

I, Suresh Pal Singh Yadav, Son of Late Netra Pal Singh Yadav, aged about 47 years, presently working as Inspector, Central Bureau of Investigation, Anti Corruption Branch, R.G. Baruah Road, Guwahati and residing at Dorothy Apartment, 4th Bye Lane, ABC, Tarun Nagar, Guwahati-781005, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 4.1 to 4.3, 4.5 to 4.9

\_\_\_\_\_ are true to my knowledge ; those made in paragraphs 4.4 \_\_\_\_\_ are true to my information being based on records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts of the case.

*1998 circular*  
*Patha 6*  
And I sign this verification on this the 25th day of January 2001 at Guwahati.

*prior to 1.1.99 - old govt*  
*1.1.99 - 31.3.2001 - drawn @ Suresh Pal Singh Yadav*  
*10'1 or 10'00 - not disturbed - P.H.W.S*

Annexure A/1

No. 5/9/97-IWSU  
Central Bureau of Investigation  
(Administration Division)  
Block No. 3, CGO Complex,  
Lodhi Road,  
New Delhi-110003.

Dated: 4-5-98

ENDORSEMENT

A copy of the undermentioned paper is forwarded for information and necessary action to:-

1. All DisG, CBI.
2. DD(Co.), CBI, New Delhi.
3. Director, CFSL (CBI), New Delhi.
4. All Supdls. of Police, CBI (Local and Outside).
5. AO, P&AO, CBI, New Delhi.
6. PS to DCBI.
7. PSs to Spl. Directors & Addl. Directors, CBI.
8. Sr. PAs to all JDs, CBI.
9. All Sections, Divisions, Zones, CBI.

(Dr. Tarsem Chand)  
Admn. Officer(E)/CBI.

Paper forwarded:-

1. Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training OM No. 2/8/97-Estt.(PAY II) dated 11th March, 1998.  
Sub:- Grant of Deputation (Duty) Allowance - Recommendations of the Fifth Central Pay Commission -

A. H. Sankar  
P. U. T. I. W. A. I.

NO. 2/8/97-Estt. (PAY II)

GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, the 11th March, 1998

OFFICE MEMORANDUM

Subject - Grant of Deputation(Duty)Allowance  
Recommendations of the Fifth Central  
Pay Commission -

The undersigned is directed to say that at present the amount of Deputation ( Duty ) Allowance is regulated by the provisions contained in paras 4.1 and 6.1 of this Department's OM No. 2/29/91-Estt. (Pay II) dated 5th January, 1991. The question of revising the amount of Deputation ( Duty ) Allowance on the basis of the recommendations made by the Fifth Central Pay Commission in Chapter XI of their Report was under consideration of the Government. Consequent upon the decision taken by Government on these recommendations, the President in partial modification of the above referred provisions is pleased to decide the following rates of Deputation ( Duty ) allowance -

(a) 5% of the employee's basic pay subject to a maximum of Rs. 600/- per month when the transfer is within the same station; and

(b) 10% of the employee's basic pay subject to a maximum of Rs. 1000/- per month in all other cases.

2. The Deputation ( Duty ) Allowance shall be further restricted as under:-

(i) Pay + Deputation ( Duty ) Allowance shall not exceed the maximum of the scale of pay of ex-cadre post; and

(ii) Pay + Deputation ( Duty ) Allowance shall at no time exceed Rs. 22,400/- p.m.

3. The President is also pleased to decide that the restriction under FR 35 mentioned in paragraph 2 of this Department OM No.

Attnks  
P. & A.

--2--

6/30/86-Estt. (Pay II) dated the 9th ~~Sec.~~, 1986  
will now be as under :-

(a) For employees in receipt of basic pay upto Rs.8000/- p.m. 15% of the basic pay subject to a maximum of Rs.1000/- p.m.

(b) For employees in receipt of basic pay above Rs. 8000/- p.m. 12 1/2% of the basic pay subject to a maximum of Rs. 1000/-

4. Other provisions laid down in this Department's OM dated 5.1.1994, referred to above, would remain unchanged.

5. In so far as persons serving in the Indian Audit & Accounts Department are concerned these orders issue after consultation with the Comptroller & Auditor General of India.

6. These orders shall take effect from 1st August, 1997. The cases of deputations prior to this date shall be governed by the orders dated 8th January, 1994, referred to in para 1 above.

Hindi version will follow.

Encl 11.3.98

DEPUTY SECRETARY TO THE GOVT. OF INDIA  
(J. WILSON)

To

All Ministries/Departments  
as per standard list attached

To

The Superintendent of Police,  
CBI/A-B,  
Guwahati.

Sub: DEPUTATION ALLOWANCE.

104 32.65

Sir,

Kindly ref Circular/INC No. 5/9/97 IWSU dt 4/5/98 of Administrative Officer (E)/CBI alongwith Office Memorandum No.2/8/97. ESTT (PAY II) dt 11/3/98 regarding grant of Deputation (Duty) Allowance - Recommendation of the Fifth Central Pay Commission.

The undersigned is a deputationist from Uttar Pradesh Police and is getting Rs.500/- only as Deputation Allowance presently @ Re. 20% of basic pay subject to the maximum of Rs.500 as was admissible in the pre-revised Pay scale.

However, the undersigned whose present basic salary in revised Pay scale is Rs.7900/- and who as per aforesaid circular is entitled for 15% of Deputation Allowance subject to maximum of Rs.1000/- w.e.f. 1.8.1997, is erroneously continued to be paid the said Allowance at the old rate of and limit and thereby is recurrently being deprived of Deputation Allowance @ Rs.500/- p.m. than the said Allowance being monthly Paid now.

Attested  
P. V. J. C.

-2-

It is also very surprising that Sri N.R. Dey, who is also a deputationist is being granted Rs.730/- per month on account of Deputation Allowance @ Rs.10% of basic Pay subject of the maximum Rs.1000/- p.m. while the undersigned is being paid the said Allowance subject to the limit of Rs.500/- only.

In view of the aforesaid it is requested that the undersigned may also be granted Deputation Allowance as per aforesaid memo and the arrears w.e.f. 1.8.1997 may also please be disbursed soon.

Yours faithfully,

(SURESH PAL SINGH)  
INSPR/CBI/ACB  
GUWAHATI-5.

To

The Additional Director  
CBI/East Zone/Calcutta.

Through : The Supdt. of Police  
CBI/ACB/SPE  
Guwahati.

Sub : Grant of Deputation (Duty) Allowance as per recommendations of the Fifth Central Pay Commission, communicated Vide O.M. No. 2/8/97-ESTT(PAY II) Govt. of India/Ministry of DP&T dtd. the 11th March 1998, effected from 1.8.1997/Appeal thereof.

Ref : Petition dtd. 3/2/98 earlier in this regard to SP/CBI/GHY for grant and disbursement of Deputation (Duty) Allowance as per subject office Memo.

Sir,

In reference to the above, I hereby humbly submit the following for your kind consideration and necessary action :-

1. That I joined as Inspector CBI/ACB in the office of SP/CBI Shillong branch on 24/9/93 on being sent on the deputation by the U.P. Police.
2. That I was granted deputation (Duty) allowance @ 20% of basic pay subject to the maximum of Rs. 500/- P.M. as was admissible in pre-revised Pay Scale, which I was being disbursed @ maximum Rs. 500/- P.M. as my basic salary being above Rs. 2500/- P.M. in pre-revised pay scale and the same amount is continued to be paid even now.
3. That following adoption of the recommendation of Fifth Central Pay Commission in toto by the state of UTTAR PRADESH also, my salary were fixed as Rs. 7500/-, Rs. 7700/-, Rs. 7900/-, Rs. 8100/-, w.e.f 1/9/96, 1/9/97, 1/9/98 & 1/9/99 respectively vide corresponding office orders issued by SP/CBI/ACB Guwahati in this regard.
4. That vide circular No. 5/9/97 - IWSU dtd. 4/5/98 of

Abhik  
P.M. Dutt

Administrative Officer(E)/CBI r/w memo no. 2/8/97-ESTT(PAY II) Govt. of India, Ministry of D.P. & T dtd. 11/3/98 the rates of deputation (Duty) allowance were revised w.e.f. 1/8/97 and fixed @ 10% of the employee's basic pay subject to the maximum of Rs. 1000/- per month. (Copy of the said circular enclosed as Annexure-A).

5. That in view of above, I was to be paid deputation (duty) Allowance of Rs. 750/-, Rs. 770/-, Rs. 790/-, Rs. 810/- P.M. w.e.f. 1/8/97, 1/9/97, 1/9/98 and 1/9/99 respectively. However I am being paid even as of now as per provision of corresponding memo in respect of pre-revised pay scales, i.e. @ 20% of basic pay subject to the maximum of Rs. 500/- P.M., and as such I am recurringly being deprived and subjected to Financial injury of Rs. 250/-, Rs. 270/-, Rs. 290/-, Rs. 310/- P.M. w.e.f. 1/8/97, 1/9/97, 1/9/98 & 1/9/99 respectively.
6. That it is very surprising that Sri N.R. Dey Insp/CBI and Sri K. Barman Insp/CBI who are also deputationist's, are being granted and disbursed deputation (Duty) allowance as per provision of revised rates stated afore, while I am being discriminated and deprived of the benefit as aforesaid admissible to me for the reasons best known to the concerned.
7. That the aforesaid deprivation and deliberate discrimination was brought to the notice of SP/CBI/ACB/Ghy vide my petition dtd. 3/2/98 (Copy enclosed as Annexure-B), and also subsequently apprised the fact to the concerned in person, but without being informed of any cogent reason for the said discrimination and deprivation.

I, therefore most humbly solicit the indulgence of your benign self to examine the matter and render justice

— (6) —

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by passing the order for disbursement of Deputation (Duty) Allowance as per provision of the revised office memo referred hereinabove.

Enclosure : As above.

Yours faithfully,

20/2/24

(SURESH PAL SINGH YADAV)  
Insp/CBI/ACB  
O/o The SP/CBI/SPE  
Bye Lane No. 2  
R.G. Barua Road,  
Sundarpur, Guwahati-5

Copy to : Director CBI, for information.

Attested  
Pulwar

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

**O.A.NO.32/2001**

**SHRI S.P. Singh Yadav**

.....

**Applicant**

**Vs.**

**Union Of India & Others**

..... **Respondents**

**( Written Statements on behalf of the Respondents )**

The written Statements of the respondents are as follows :

1. That a copy of the O.A.No. 32/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, the respondents have filed their written statements as common for all of them.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, the respondents give a brief resume of the case as under :
  - (a) The contention of the applicant that he was paid Deputation Duty Allowance at the rate of 20% of basic pay subject to Rs.500/- per month as was admissible in pre-revised pay scale is not correct, since he was paid Rs.225/- per month up to 30/04/94 as per circular no.203/1/80-AVD II dtd.24/12/85 of Ministry of PP G&P (**Annexure-R-1**). Thereafter i.e. from 1/5/94 he was paid @ 20% of the basic pay subject to maximum Rs.500/-as per circular no.203/6/90-AVD.II dtd. 25/04/94 (**Annexure- R-2**).

17  
7 NOV 2001  
Recd. by \_\_\_\_\_  
Dated: 7 NOV 2001  
( B. C. Pathak )  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench: Guwahati

(b) Shri S.P.Singh Yadav came on deputation from UP State Police on 13/09/93 to CBI and posted in the O/o the SP/ CBI/ Shillong Branch on rationalised terms of deputation which is applicable to the officers who come from State Police to CBI on deputation. The standard terms of deputation is applicable to the officers who come from Central Police Organisations to CBI. As per rationalised terms of deputation the officers on deputation will be paid a deputation duty allowances @ 20% of the basic pay or subject to maximum Rs.500/- as per the Circular no.203/6/90- AVD.II dtd. 25/04/94 of Ministry of PPG&P w.e.f 1/5/94 issued in supersession of earlier Circular (**Annexure-R-2**). Accordingly the applicant was paid Rs.500/- per month towards the Deputation Duty Allowances.

(c) The Circular No.2/8/97-Estt(PAY.II), Government of India, Ministry of PPG&P, Department of Personnel and Training, New Delhi dtd. 11/03/98 is not applicable to the applicant since he came on deputation from state police on rationalised terms and conditions in support of which OM No.2/29/91-Estt.(PAY.II) dtd. 5th January,94 of Government of India Ministry of PPG&P which is enclosed as (Annexure R-3).

(d) The Government of India, Ministry of PPG&P in supersession of all previous orders issued on Circular no.DPWSU 1999 00705/5/5/86-IWSU dtd. 30/09/99 (Annexure- R-4) formulated guidelines of payment of Deputation Duty Allowances to the officers on deputation to CBI. Vide the said Circular both the officers on rationalised terms of deputation and the standard terms of deputation have been directed to be paid deputation allowances on par @ 10% of the basic pay subject to maximum of Rs.1,000/- per month w.e.f. 1/1/99 subject to the condition that the person on deputation prior to 1/1/99 and whose term of deputation has not expired on 1/1/99 will be allowed to avail the terms of deputation as already settled in their case till the expiry of normal terms of deputation. Thereafter , they will have an option either to be governed by general orders or to revert back to their cadres , if it does not suit them. **Such an option has to be exercised before the expiry of the normal term or six months from the date of issue of this letter whichever is**

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earlier. The applicant has not followed the guidelines as stated above and he has not submitted his option before the expiry of the normal term or six months from the date of issue of the aforesaid circular. On the other hand he is insisting on payment of deputation allowances as per Circular no.2/8/97-Estt(PAY.II), Ministry of PPG&P, Department of Personnel and Training dtd. 11/03/98 which is not applicable to him.

(e) The contention of Shri S.P.Singh Yadav is also not correct that Shri N.R.Dey and Shri K. Barman were paid deputation allowances as per OM No. referred above as they came on deputation from SSB and Customs & Central Excise respectively for whom standard terms of deputation was applicable. The applicant was not at all discriminated on payment of deputation allowances in comparison to other Deputationist Officers.

(f) Shri S.P.Singh Yadav was paid deputation duty allowance at the rate of 20% of basic pay subject to maximum of Rs.500/- per month on rationalised terms of deputation applicable to state police officers on deputation to CBI as referred in para 2 above .

(g) The deputation duty allowance at the rate of 10% subject to maximum of Rs.1000/- per month w.e.f 1/1/99 applicable vide Circular No. DPWSU 1999 00 705/5/5/86-IWSU dtd. 30/09/99 (R-4) formulated guidelines of payment of deputation allowance to both the officers on rationalised terms of deputation and standard terms of deputation. But for deputationist officers from State Police towards payment of deputation duty allowance certain guidelines were formulated such as the person as on 1/1/99 had to give an option within six month from the date of issue of the order whichever is earlier. But Shri S.P.Singh Yadav, Inspector failed to exercise his option within specified period as such he was paid deputation duty allowance at the rate of 20% with maximum Rs.500/- per month as applicable to the State Police officials vide Circular dtd. 25/04/94 ( R-2).

(h) However for payment of 10% of deputation duty allowance with maximum Rs.1000/- per month w.r.t his representation dtd. 3/2/99 taken up with CBI/HQ for clarification with regard to allowing him the same even if he has not exercised his option within the stipulated period of six months.

(i) CBI/HQ after thorough examination clarified the position vide FAX No. DPAD 12001/1135/A 20014/1609/93(PART-II) dtd. 22/03/2001 clarifying that since the rationalised terms have been abolished w.e.f. 1/1/99, the officers on deputation to CBI from State Police are entitled for deputation allowance at the standard terms/rates i.e. 10% of basic pay maximum Rs.1000/- per month (R-5) w.e.f. 1/1/99.

(j) In view of CBI/HQ clarification referred above, Shri S.P.Singh Yadav, Inspector has been allowed deputation duty allowance at the rate of 10% of basic pay maximum of Rs. 1,000/- per month and accordingly arrears at the rate of 10% has been drawn and amount lying undisbursed inspite of written intimation sent to him vide this office letter no. DPSHL 2001/01427/E36/I dtd. 23/04/2001(R-6).

4. That with regard to the statements made in para 1, of the application, the respondents re-assorts the foregoing statements made herein above.

5. That with regard to the statements made in para 2, 3 and 4.1 of the application , the respondents have no comments to offer.

6. That with regard to statements made in para 4.2, the respondents state that he was paid Deputation duty Allowance at the rate of 20% of basic pay subject to Rs.500/- per month as was admissible in pre-revised pay scale is not totally correct, since he was paid Rs.225/- per month up to 30/04/94 as per circular no.203/1/80-AVD II dated 24/12/85 of Ministry of PPG&P (Annexure R-1). Thereafter i.e. from 1/5/94 he was paid @ 20 % of the basic pay subject to maximum Rs.500/- as per circular no.203/6/90-AVD.II dated 25/04/94 (Annexure R.2).

7. That with regard to the statements made in para 4.3 and 4.4 the respondents have no comments to offer.

8. That with regard to the statements made in para 4.5, the respondents state that Shri S.P. Singh Yadav came on deputation from UP State Police on 13/09/93 to CBI and posted at O/o the SP/CBI/Shillong Branch on rationalised terms of deputation which is applicable to the officers who come from State Police to CBI on deputation. The standard terms of deputation is applicable to the officers who come from Central Police organisation to CBI. As per rationalised terms of deputation the officers on deputation will be paid a deputation duty allowances @ 20% of the basic pay or subject to maximum Rs.500/- as per the circular no.203/6/90-AVD.II dtd. 25/04/94 of Ministry of PPG&P w.e.f.1/5/94 issued in supersession of earlier Circular (Annexure R-2). Accordingly the applicant was paid Rs.500/- per month towards the Deputation duty Allowances.

The Circular No.2/8/97-Estt(Pay.II) Government of India, Ministry of PPG&P,Department of Personnel and Training, New Delhi dated 11/03/98 is not applicable to the applicant since he came on deputation from state police on rationalised terms and conditions in support of which OM No.2/29/91-Estt(PAY.II) dated 5th January,94 of Government of India Ministry of PPG&P which is enclosed as (Annexure R-3).

The Government of India, Ministry of PPG&P in supersession of all previous orders issued on Circular No.DPWSU 1999 00705/5/86-IWSU dated 30/09/99 (Annexure R-4) formulated guidelines of payment of Deputation duty Allowances to the officers on deputation to CBI. Vide the said circular both the officers on rationalised terms of deputation and the standard terms of deputation have been directed to be paid deputation allowances on par @ 10% of the basic pay subject to maximum of Rs.1,000/- per month w.e.f. 1/1/99 subject to the condition that the person on deputation prior to 1/1/99 and whose term of deputation has not expired on 1/1/99 will be allowed to avail the terms of deputation as already settled in their case till the expiry of normal terms of deputation. Thereafter, they will have an option either to be governed by general orders or to revert back to their cadres, if it does not suit them. Such an option has to be exercised before the expiry of the normal terms or six months from

the date of issue of this letter which ever is earlier. The applicant has not followed the guidelines as stated above and he has not submitted his option before the expiry of the normal term or six months from the date of issue of the aforesaid circular. on the other hand he is insisting on payment of deputation allowances as per Circular no.2/8/97/Estt(PAY.II),Ministry of PPG&P, Department of Personnel and Training dated 11/03/98 which is not applicable to him.

9. That with regard to the statements made in para 4.6, the respondents state that the averment made in this paragraph is not correct to the extent that Shri N.R. Dey and Shri K. Barman were paid deputation allowances as per OM No. referred above as they came on deputation from SSB and Customs & central Excise respectively for whom standard terms of deputation was applicable. The applicant was not at all discriminated on payment of deputation allowances in comparison to other deputationist officers.
10. That with regard to the statements made in para 4.7 the respondents state that the representation of the applicant dated 3/2/99 was duly examined and it was decided by SP on 7/4/99 to pay him deputation allowances as per existing terms and conditions of deputation in respect of state police officers .

Copy of extract of note sheet of the concerned file (N/s 72 No. N/s.77) which is marked as Annexure R-5.

11. That the respondents have no comments to offer to the para 4.8 and 4.9 of the application.
12. That with regard to the statements made in para 5.1 and 5.2 , the respondents state that in view of the facts of the case and the provisions of law, the grounds shown can not sustain in law. Hence the application is liable to be dismissed with cost as devoid of any merit.
13. That the respondents have no comments to offer to para 6 & 7.

14. That with regard to the statements made in para 8.1, 8.2 and 9 of the application, the respondents state that under the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief whatsoever as prayed for and hence the application is liable to be dismissed with cost.

In the premises aforesaid, it is prayed that Your Lordships would be pleased to hear the parties peruse the records and after hearing the parties, perusing the records shall also be pleased to dismiss the case with cost.

#### VERIFICATION

I..... Naveyan Jha....., presently working as Subdt. of Police CBI (AO) Guwahati....., being competent and duly authorised to sign this verification do hereby solemnly affirm and state that the statements made in para 1,2,4 to 9, 11 to 14..... are true to my knowledge and belief, those made in para 3,10..... 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 suppressed any material facts.

And I sign this verification on this .....16.....th day of October,2001 at Guwahati.

Naveyan Jha  
Deponent.

Superintendent of Police  
Central Bureau of Investigation  
(A.O.B. Divn.) Guwahati

ANNEXURE-2

No. 203/1/80-AVD.II

Government of India

Ministry of Personnel

Public Grievances and Pensions

(Department of Personnel &amp; Training)

To

New Delhi, dated 24th Dec., 1985.

The Director,  
Central Bureau of Investigation,  
New Delhi.

Subject:-

Deputation allowance to Police Officers on  
deputation in the Central Bureau of Investigation - ad-hoc increase of

Sir,

I am directed to refer to the Ministry of Home Affairs letters No. 7/10/60-P.III dated the 18th February, 1961 and No. 7/31/61-P.III dated the 10th May, 1961 and this Department's letter No. 203/1/75-AVD.II dated the 25th April, 1975 regarding consolidated deputation allowance payable to the State Police Officers on deputation to the C.B.I. in the rank of Inspectors and below, and letter No. 203/1/75-AVD.II dated the 20th Nov., 1975 regarding consolidated deputation allowance payable to the State Police Officers on deputation to the C.B.I. in the rank of Deputy Supdt. of Police and to say that the question of revising the present rates of deputation allowance has been under the consideration of the Government for quite sometime and it has now been decided to revise the present rates on ad-hoc basis and as an interim measure to be adjusted against the final recommendations of the Fourth Pay Commission, as may be accepted by the Govt. The revised rates of deputation allowance for the State Police Officers on deputation to the CBI would be as under w.e.f. 1st January, 1986:-

Rank

Revised rates of deputation allowance

1. Deputy Supdts. of Police
2. Inspectors
3. Sub-Inspectors
4. Assistant SIs
5. Head Constables
6. Constables

Rs. 225/- p.m.  
Rs. 225/- p.m. ✓  
Rs. 150/- p.m.  
Rs. 120/- p.m.  
Rs. 90/- p.m.  
Rs. 75/- p.m.

- 2) This issues with the concurrence of the Integrated

....2/-.

Upd  
16.10.2001  
Commissioner of Police,  
Central Bureau of Investigation  
(C.B.I.) Gwalior

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Finance Division of the Ministry of Home Affairs (Fin. I) <sup>Ex-12</sup>  
vide their U.O. No. S-972/FA(H) dated 20.12.1985.

Yours faithfully,

Sd/-

(M.S. Prasad)

Under Secretary to the Govt. of India

No. 203/1/85-AVD.II New Delhi, dated 24th December, 1985.

Copy forwarded to:-

1. The Pay & Accounts Officer, P&AO, CBI, AGCR Building, New Delhi.
2. Ministry of Home Affairs, Integrated Finance Division (Fin. I).
3. Department of Personnel & Training (Pay Unit), N. Delhi.
4. Budget Unit, Cash Section, D.P&T.
5. Guard File of A.V.D. II Section.
6. 30 spare copies for section.

Sd/-

(M.S. Prasad)

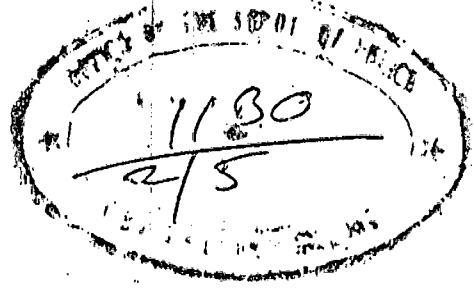
Under Secretary to the Govt. of India.

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ANNEXURE-2-2 (23)

25-4-1994-2

No. 203/6/90-AVD.II  
Government of India,  
Ministry of Personnel, P.G. & Pension  
Dept. of Personnel & Trg.,



New Delhi  
Dated: 25-4-1994.

To

The Director,  
Central Bureau of Investigation,  
New Delhi.

Sub:

Deputation allowance to Police officers on  
deputation to the Central Bureau of  
Investigation.

Sir,

I am directed to refer to the marginally noted orders of the Government regarding rationalisation of terms of deputation for Police Officers in the Central Bureau of Investigation and to convey the sanction of the President to the grant of a consolidated Deputation Allowance to Officers of the rank of Dy. Supdt. of Police and below on deputation to the Central Bureau of Investigation at the rate of 20% of the basic pay subject to a maximum of Rs. 500/- per month.

The deputation allowance at the revised rates will be payable w.e.f. 1.5.1994.

This issues with the concurrence of the Ministry of Finance (Dept. of Expenditure) vide their U.O. No. 880/84-Fin.II dated 22.4.94.

iv) DP&AR No.

203/1/75-AVD.

II dt. 25.4.75

v) DP&AR No.

203/1/75

AVD.II dt.

28.11.75

Yours faithfully,

Sd/-

(R. S. BISHT)

Under Secretary to the Govt.  
of India.

16.10.2001  
Sub-Div. Superintendent of Police,  
Central Bureau of Investigation  
(M.C.B. Div.) New Delhi

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(CHAPTER I, SECTION II, para 14.)

ANNEXURE-3

No. 7/10/60-P.III /  
Government of India  
Ministry of Home Affairs

FROM

Shri P.K.Dave,  
Deputy Secretary to the Govt. of India.

To

(1) The Director, Intelligence Bureau, New Delhi.  
(2) The Inspector General,  
Special Police Establishment,  
New Delhi.

Dated the 18th February, 1961.

Sub: Rationalisation of pay scales and Allowances for  
deputationists Police Officers in the Intelligence  
Bureau/Special Police Establishment.

Sir,

In supersession of all previous orders on the subject, I am directed to convey the sanction of the President to the grant of the following scales of pay and allowances to the Deputationist Police Officers in the Intelligence Bureau/Special Police Establishment, with effect from the 1st March, 1961, subject to the condition that staff already on deputation with these organisations on the date of issue of this letter, shall have the option to remain on the existing terms and conditions:-

1. Pay and Dearness Allowance.

The scales of pay and actual pay shall be those admissible in the parent state/Administration. For persons who come on promotion or are promoted while serving with the Government of India, the presumptive pay in the equivalent post, in the parent cadre, according to the parent State/Administration rules will be admissible. In other case no special pay that may be admissible in certain branches of the State Police will be allowed in addition. Dearness allowance will be calculated at rates prescribed by the rules of the State/Administration corresponding to the basic pay as fixed above. The equivalent posts for the purpose of this paragraph in the State/Administration will be as follows:-

Contd....81

16.10.2001

Ministry of Home Affairs  
Intelligence Bureau of India  
New Delhi

<u>I.B.</u>	<u>S.P.E.</u>	<u>State/Admn.</u>
Assistant Central Intelligence Officer (Grade-I)	Inspector/Assistant Public Prosecutor (Grade-I)	Inspector.
Assistant Central Intelligence Officer (Grade-II)	Sub-Inspector Assistant Public Prosecutor (Grade-II)	Sub-Inspector.
Junior Intelligence Officer	Assistant Sub-Inspector.	Assistant Sub-Inspector
Assistant Sub-Inspector.		
Junior Intelligence Officer (Head Constable)	Head Constable	Head Constable
Constable	Constable	Constable

## 2. Deputation Allowance:

A consolidated deputation allowance will be paid at the following rates:-

Assistant Central Intelligence Officer (Grade-I) Inspector	Rs. 150/- p.m. ✓
Assistant Central Intelligence Officer(Grade-II)/Sub-Inspector	Rs. 100/- p.m.
Junior Intelligence Officer Assistant Sub-Inspector/ Assistant Sub-Inspector	Rs. 80/- p.m.
Junior Intelligence Officer (Head Constable)/ Head Constable	Rs. 60/- p.m.
Constable	Rs. 50/- p.m.**

**\*\* N.B.** Rates of deputation allowance admissible from 1.1.73 have been indicated above. A consolidated statement is enclosed vi Annexure No.11 showing the rates of special pay/deputation allowance admissible to various categories of officers

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16.10.2001  
Department of Police  
Central Bureau of Investigation  
402, Duleh, Gowalkot

-13-16-

(28) (4) 5

3) SPECIAL PAY:

In view of the onerous and difficult nature of duties a special pay, to be treated as duty allowance under Article 23-C, Civil service Regulations for purposes of pension under Article 486 CSR, will be paid as follows:-

Assistant Central Intelligence Officer (Grade-I)/Inspector	Rs. 75/- P. M.
Assistant Central Intelligence Officer (Grade-II)/Sub-Inspector	Rs. 50/- P. M.
Junior Intelligence Officer (Assistant Sub-Inspector)/ Assistant Sub-Inspector.	Rs. 30/- P.M.
Junior Intelligence Officer (Head Constable)/Head Constable	Rs. 20/- P.M.
Constable	Rs. 15/- P.M.

4) UNIFORM CLOTHING ALLOWANCE:

In view of the fact that Police Officers on deputation in the Intelligence Bureau/Special Police Establishment are required to maintain their uniform and may be called upon to wear it at short notice, a consolidated uniform allowance will be paid at the following rates, except for Head Constable and Constables in the Special Police Establishment, who will continue to get free uniform as at present:-

Assistant Central Intelligence Officer (Grade-I)/Inspector	Rs. 100/- per annum
Assistant Central Intelligence Officer (Grade-II)/Sub-Inspector	Rs. 75/- -do-
Junior Intelligence Officer (Asstt. Sub-Inspector)/ Assistant Sub-Inspector)	Rs. 50/- -do-
Junior Intelligence Officer (Head Constable)/Head Constable	Rs. 40/- -do-
Constable	Rs. 30/- -do-

For period less than a year, the allowance will be paid on a pro-rata basis for completed months of service only.

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16.10.2007  
Central Bureau of Investigation  
Central Bureau of Investigation

5) HOUSE RENT ALLOWANCE:

Free unfurnished accommodation will be admissible to all deputationist staff of the above ranks at scales prescribed for equivalent CID/SB/IB staff of the State/Administration, posted at the same place. Where such accommodation is not available, house-rent allowance will be paid at rates admissible to CID/SB/IB staff of equivalent ranks of the State/Admn, posted at the same place.

6) CONVEYANCE ALLOWANCE:

Conveyance allowance will be fixed in accordance with the rationalised scheme for this allowance which is at present under consideration of the Ministry of Finance. Till such time as this scheme is finalised and its provisions implemented for Intelligence Bureau/ Special Police Establishment, the existing rates of the allowance will be continued, as fixed above.

7) OTHER ALLOWANCES.

All other allowances will be at Central Government rates but no Central Dearness Allowance or Central House Rent Allowance will be payable. Wherever special local allowances, such as frontier allowance, remote locality allowance, winter allowance, heating concession, special compensatory allowance, etc. are sanctioned for the Central Government Servants, they will be automatically made applicable to deputationist Asstt. Central Intelligence Officer/ Inspector of Police (Special Police Establishment) etc. as well.

8) None of the allowance other than Dearness Allowance and house rent allowance to which the officers would have been entitled under their parent Government but for their deputation, will be payable while on deputation. While changes in the rates of pay, dearness allowance, effected by the State Government/Administration will be automatically made applicable from the date on which they occur, changes in the rates of other allowances effected by the State Governments/Administration or the grant of fresh allowances by the State Government/Administration will not effect the terms of deputation. Changes in the rates of allowances (other than dearness allowance and house rent allowances (other-than-dearness-allowances-and-house-rent allowance) effected by the Central Government, will be automatically made applicable from the date on which they occur.

Yours faithfully,

Sd/-

I. N. Tandon  
Under Secy. to the Govt.  
of India.

Contd... 84

16.10.2008  
Chairman of Police  
Central Bureau of Investigation  
(A.O. Dte.) Govt.

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(Chapter I, Section II, Para 14)

ANNEXURE-1

No. F.7/31/61.P.III  
Government of India  
Ministry of Home Affairs

FROM

Shri N.N.Tandon,  
Under Secretary to the Government of India.

TO

- (i) The Director,  
Intelligence Bureau, New Delhi.
- (ii) The Inspector General,  
Special Police Establishment,  
New Delhi.

New Delhi-11, the 10th May, 1961.

Sub: Deputationists Dy.Central Intelligence Officers  
in the Intelligence Bureau/Dy.Superintendent of  
Police in the Special Police Establishment-  
Rationalisation of Pay scales and allowances.

Sir,

In supersession of all previous orders on the subject, I am directed to convey the sanction of the President to the grant of the following scale of pay and allowances to the Deputationist (i) Dy.Central Intelligence Officers in the Intelligence Bureau and (ii) Dy.Superintendent of Police in the Special Police Establishment, with effect from the 1st May, 1961, subject to the condition that the officers already on deputation with the Intelligence Bureau/ Special Police Establishment, on the date of issue of this letter, shall have the option to remain on the existing terms and conditions except in regard to House Rent Allowance which shall invariably be governed by sub para (5) below:

2. 1) PAY AND DEARNESS ALLOWANCE:

The scales of pay and actual pay shall be those admissible in the parent State/Administration. For persons who come on promotion or are promoted while serving with the Government of India, the presumptive pay in the equivalent post, in the parent cadre, according to the parent State/Admin. rules will be admissible. In either case no special pay that may be admissible in certain branches of the State Police will be allowed in addition.

Udo  
16.10.2001  
Deputy Superintendent of Police,  
Central Bureau of Investigation  
(A.C.R. Divn.) Guwahati

Contd...7

Dearness allowance will be calculated at rates prescribed by the rules of the State/Admn. corresponding to the basic pay as fixed above. The equivalent posts, for the purpose of this letter, in the State/Admn. will be as follows:-

<u>INTELLIGENCE BUREAU</u>	<u>SPE</u>	<u>STATE/ADMINISTRATION</u>
Dy. Central Intelligence Officer.	Deputy Supdt. of Police.	Asstt. Commissioner of Police (Special Branch) at Calcutta.
		Superintendent of Bombay (Special Branch) city Police, at Bombay.
		Deputy Supdt. of Police of the CID/SB/IB at other places.

2. DEPUTATION ALLOWANCE:

A consolidated deputation allowance at the rate of Rs. 150/-\* per month, will be paid.

3. SPECIAL PAY

In view of the onerous and difficult nature of duties, a special pay of Rs. 100/-\*\* per month, to be treated as duty allowance under Article 23-C, Civil Service Regulations for purposes of pension under Article 486 CSR will be paid.

4. CLOTHING ALLOWANCE/UNIFORM GRANT:

In view of the fact that Police Officers on deputation in the Intelligence Bureau/Special Police Establishment are required to maintain their uniform and may be called upon to wear it at short notice, a consolidated uniform allowance will be paid at the rate of Rs. 125/- per annum. For periods less than a year, the allowance will be paid on pro rata basis for completed months of service.

5. HOUSE RENT ALLOWANCE:

Free unfurnished accommodation at scales prescribed for equivalent CID/SB/IE Officer of the State/Administration, posted at the same place, or if no such officer is posted at the place, at the scale that would have been prescribed by the State Govt./Administration concerned if such officer was to be posted. Where such accommodation is not available, House rent allowance will be paid at the rates admissible.

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16.10.2001  
Superintendent of Police  
Central Bureau of Investigation  
(A.C.I. Divn.) Guwahati

to CID/SB/IB Officers of equivalent rank of the State/Administration, posted at the same place, or if no such officer is posted at the place, at the scales that would have been prescribed by the State Government/Administration concerned if such officer was to be posted.

6. CONVEYANCE ALLOWANCE:

Conveyance allowance will be fixed in accordance with the rationalised scheme for this allowance which is at present under consideration of the Ministry of Finance. Till such time this scheme is finalised and its provisions implemented for Intelligence Bureau/Special Police Establishment, the existing rates of the allowance will be continued. (Since modified vide S.R. 25).

7. OTHER ALLOWANCES:

All other allowances will be at Central Government rates but no Central Dearness Allowance or Central House Rent Allowance will be payable, wherever special local allowances, such as frontier allowance, remote locality allowance, winter allowance, heating concession, special compensatory allowance, etc. are sanctioned for the Central Government servants, they will be automatically made applicable to deputationists Dy. Central Intelligence Officers/Dy. Superintendent of Police (Special Police Establishment) as well.

8. None of the allowances other than Dearness Allowance and house rent allowance to which the officers would have been entitled under their parent Government but for their deputation, will be payable while on deputation. While changes in the rates of pay, dearness allowance and house rent allowance, effected by the State Government/Administration will be automatically made applicable from the date on which they occur, changes in the rates of other allowances effected by the State Government/Administration or the grant of fresh allowances by the State Government/Administration will not affect the terms of deputation. Changes in the rates of allowances (other than dearness allowance and house rent allowance) effected by the Central Government will, however, be automatically made applicable from the date on which they occur.

Yours faithfully,

Sd/- N.N. TANDON  
Under Secretary to the Govt. of India.

Uts  
16.10.2001  
Superintendent of Police  
Central Bureau of Investigation  
(A.O.B. Divn.) Government

Consd...79

ANNEXURE-6

No. 203/1/75-AVD.II

Government of India /Bharat Sarkar

Cabinet Secretariat/Mantriamandal Sachivilaya

Department of Personnel and Administrative Reforms  
(Karmik aur Prashasanik Sudhar Vibhag)

New Delhi dated 25th April, 75.

To

The Director,  
Central Bureau of Investigation,  
New Delhi.

Sub: Deputation allowance to Police Officers on deputation  
in the Central Bureau of Investigation.

Sir,

In partial modification of the Ministry of Home Affairs letter NO. 7/10/60-P.III dated the 18th February, 61, and NO. 7/31/61-P.III, dated 10.5.61, regarding rationalisation of pay and scale and allowance for deputationists police officers in the Central Bureau of Investigation, I am directed to convey the sanction of the President to the grant of the following revised rates of consolidated deputation allowance to the State Police Officers of the rank of Inspector of Police and below on deputation in the Central Bureau of Investigation as recommended by the Third Pay Commission in paras 12 & 56 of chapter 29 of the volume II of its report:-

RANK	Rate of deputation allowance.
1. Inspector of Police	Rs. 150/- p.m.
2. Sub-Inspector of Police	Rs. 100/- p.m.
3. Asstt. Sub-Inspr. of Police	Rs. 80/- p.m.
4. Head Constable	Rs. 60/- p.m.
5. Constable	Rs. 50/- p.m.

2. The deputation allowance at the revised rates mentioned above will be payable with effect from 1.7.74.

3. This issues with the concurrence of the Ministry of Finance (Department of Expenditure) vide their UO NO. 3032-HF/75, dated 7.4.75.

Yours faithfully,  
Sd/- B.C.Vanjani  
Under Secy. to the Govt. of India

(N.B.) Deputation allowance at the rate of Rs. 150/- p.m.  
to Dy.SPs w.e.f. 1.8.75 vide DP&AR letter  
NO. 203/1/75-AVD.II dated 28.11.75 (Annexure -7)

Contd...87

U.O.  
16-10-2001

ANNEXURE-7

No. A-39011/4/75-AD.V  
Cabinet Secretariat  
Department of Personnel and Admin. Reforms  
Central Bureau of Investigation  
Sardar Patel Bhavan, New Delhi.

Dated the 12th December, 1975

MEMORANDUM

A copy of undermentioned paper is forwarded to all Supdts. of Police, Central Bureau of Investigation Branches for further necessary action.

Sd/-  
( K.L.Chugh)  
For Administrative Officer (E)  
CBI

Paper forwarded:

A copy of DP&AR (AVD.II) letter NO. 203/1/75-AVD.II dated 28.11.75.

Sub: Deputation allowance to Police Officers on deputation to Central Bureau of Investigation.

In partial modification of the Ministry of Home Affairs letter NO. F.7/91/61-P.III, dated the 10th May, 1961, regarding rationalisation of pay scale and allowances for Deputationist Deputy Superintendent of Police in the Special Police Establishment, I am directed to convey the sanction of the President to the grant of deputation allowance at enhanced rate of Rs. 150/- per month to officers of the rank of Dy. Superintendent of Police in the Central Bureau of Investigation as recommended by the Third Pay Commission vide para 12 of Chapter 29 of their report.

2. The deputation allowance at the revised rates mentioned above will be payable with effect from 1st August, 1975.

3. This issues with the concurrence of the Ministry of Finance vide their UO NO. 9804-HF/75 dated the 21st October, 1975.

Yours faithfully,

Sd/- B.C.Vanjani  
Under Secy. to the Government of India.

Contd...88

16.10.2011  
Cabinet Secretariat  
Central Bureau of Investigation  
(A.C.B. Divn.) (New Delhi)

-23-

ANNEXURE - B-3 (35)

2/29/91 - O.M. (Pay. II)

MANUFACTORY OF PERSONNEL & TRAINING  
(Department of Personnel & Training)

New Delhi, the 5th Jan, 1994.

OFFICE MEMORANDUM

Subject:-

Transfer on deputation/foreign service of Central Govt. employees to ex-cadre posts under the Central Govt./State Govts./Public Sector Undertakings/Autonomous Bodies/Universities/UT Administration, Local Bodies etc. and Vice-versa- Regulation of pay, deputation(duty) allowance, tenure of deputation/foreign service and other terms and conditions-regarding.

A need has been felt for some time past to consolidate at one place the various instructions/orders that have been issued from time to time and are still in force on the above mentioned subject. It was also felt necessary to review the entire matter and bring about rationalization and uniformity in the instructions/orders. Accordingly it has been decided to bring out a self-contained O.M. on the subject incorporating the provisions of various orders quoted in the margin, with suitable modification, where necessary. The Ministry of Finance etc. are requested to bring to the notice of all administrative Ministries concerned the contents of this O.M. for information, guidance and compliance.

2. APPLICATION

2.1 These orders will apply to all Central Govt. employees who are regularly appointed on deputation/foreign service in accordance with Recruitment Rules of the ex-cadre posts under the same or some other Departments of Central Govt. or under the State Governments/Union Territories Administration/Local Bodies or Under Central/State PSUs/Autonomous Bodies etc. (where such foreign service has been permitted in relaxation of appointment on immediate absorption conditions). These orders will also cover the cases of regular appointment as per Recruitment Rules in the Central Government on deputation/foreign service of employees of State Governments/Central/State PSUs/Autonomous bodies, Local Bodies etc. However, the following cases shall not be covered under these orders for whom separate orders exist:-

(a) Members of the All India Services and those deputed to posts whose terms are regulated under specific statutory rules or orders;

Officers appointed on deputation to posts in the Central Secretariat such as Under Secretary, Deputy Secretary, Director, Joint Secretary, Additional Secretary, Secretary etc. for whom separate orders as issued from time to time will continue to apply;

*U.P.*  
16.10.2001

Examination of Police  
General Bureau of Investigation  
(A.C.R. Divn) Guwahati

## 1. APPOINTMENT ON DEPUTATION/FOREIGN SERVICE

Appointment of a specific category of employees to a specific class of posts where special orders are already in existence, such as appointments made in the personalities of Ministers, etc. to the extent the persons concerned therein are at a variance with these orders;

2. Pointing out the nature and deemed deputation or otherwise of ex-cadre posts made in emergencies of service, with a specific condition that no deputation (cute) shall hence be admissible e.g.

3. Inter-appointments in the event of conversion of a Governmental organisation or a portion thereof into an autonomous body, etc. vice versa; and (ii) conversion of the same post in another cadre.

4. Deputation/foreign service restricted to creating an appointment as a deputation/foreign service.

5. Deputation/foreign service will cover only deputation made by transfer on a temporary basis if transfer is outside the normal field of public interest.

6. Test on whether the transfer will provide the service which is the service or post from which the appointment is being made.

7. Appointment of existing employees made either by promotion or by open market candidates whether in the organisation vice versa.

8. Appointment made by transfer will also not be deputation/foreign service.

9. Appointment made on the basis of personal service vice versa.

10. Appointments in the Central Govt. on deputation/foreign service and in those cases where the pay and dearness allowance in the parent cadre post are similar, a person in a higher scale shall not be appointed on deputation to a post in a lower cadre.

11. Case of appointment on deputation/foreign service in Central Govt. to public sector Undertaking and in two cases the pay scale and DA of the parent cadre post and service shall be similar, the appointment on deputation shall be made by raising the grade, pay by

one increment plus dearness allowance(s) including interim  
allowance, if any, admissible to a person in parent cadre post  
except the emoluments comprising pay plus dearness allowance  
including interim relief, if any at the maximum of the  
ex-cadre post.

#### 4. Exercise of option

4.1 An employee appointed on deputation/foreign service  
may elect to draw either the pay in the scale of pay of  
deputation/foreign service post or his basic pay in the  
parent cadre plus deputation (duty) allowance thereon plus  
personal pay, if any.

4.2 The borrowing authority should obtain the option  
of the employee within one month from the date of joining  
the ex-cadre post unless the employee has himself furnished  
the option.

4.3 The option once exercised shall be final. However,  
the employees may revise the option under the following  
circumstances which will be effective from the date of  
occurrence of the same.

- (a) when he receives proforma promotion or is  
appointed to non-functional selection grade in  
his parent cadre.
- (b) when he is reverted to a lower grade in his  
parent cadre;
- (c) when the scale of pay of the parent post on the  
basis of which his emoluments are regulated  
during deputation/foreign service or of the  
ex-cadre post held by the employees on deputation/  
foreign service is revised either prospectively or  
from a retrospective date.
- (d) Based on the revised/same option of the employees,  
in the event of proforma promotion/appointment  
to non-functional Selection Grade revision of  
scales of pay in the parent cadre, the pay of  
deputationists will be refixed with reference  
to the revised entitlement of pay in the  
parent cadre. However, if the initial option was  
for the pay scale of the deputation post and no  
change in option already exercised is envisaged  
the pay already drawn in deputation post will be  
protected if the pay refixed is less.

Note: Revision in the rates of DA, HRA or  
other allowance either in the parent or borrowing  
organisation shall not be an occasion for  
revision of the earlier option.

16.10.2007

5.3 In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions the employees should have opted to draw pay in the scales of pay attached to the ex-cadre posts.

Note:1. The term parent post basic pay means the post held on regular basis in the parent organisation and pay drawn/admissible in such a post respectively.

2. An officer who may be holding a higher post on adhoc basis in the cadre at the time of proceeding on deputation/foreign service would be considered to have vacated the post held on adhoc basis and proceeded on deputation/foreign service from his regular post. During his deputation/foreign service, he shall earn notional increments, in his regular post only. On his reversion if he is re-appointed to the higher post on regular or ad-hoc basis his pay will get fixed with reference to the pay admissible in the lower post as on date of promotion. In such cases, if his pay gets fixed at a stage lower than that of his junior(s) who continued to serve in the cadre, no stepping up will be admissible as per extant rules in so far as Central Govt. employees are concerned. However, if the pay so fixed is less than the pay drawn earlier while holding the post on adhoc basis the pay earlier drawn will be protected. Therefore, those Central Government employees who are already holding a higher post on ad-hoc basis or expecting it shortly in the parent cadre may weigh all relevant considerations before opting for deputation/foreign service. This note of caution will be applicable to employees of other organisations wishing to apply for posts on deputation in Central Govt. if governed by similar rules in parent organisation.

Note:3. Pay of officer appointed on deputation/foreign service on adhoc basis pending selection of a regular incumbent may also be regulated in accordance with provisions of Para 5.1 & 6.1 of this O.M. subject to the condition that if the said officer does not fulfil the eligibility conditions laid down in the Recruitment Rules of the ex-cadre post, his pay in the scale of the ex-cadre post, if so opted, shall be subject to the restrictions under FP 35. Where the Recruitment Rules of the post have not been notified, such restrictions may be enforced if he is ineligible to hold a post in equivalent/anal-

24/8/

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gous grade in his own cadre. This will also cover appointments in personal staff of dignitaries and when Ministers who have been allowed to make appointments of their personal staff at their discretion.

Note: 4. The provisions of this Rule as well as Rule 6 will not apply to appointments on personal staff of Ministers. Such appointments will be regulated by separate specific orders issued by the Govt. in that behalf.

6.

#### Deputation(duty) Allowance

6.1 The deputation(duty) allowance admissible shall be at the following rates:

(a) 5% of the employee's basic pay subject to a maximum of Rs. 250/- p.m. when the transfer is within the same station;

(b) 10% of the employee's basic pay subject to a maximum of Rs. 500/- p.m. in all other cases;

The deputation(duty) allowance as above shall be further restricted as under:-

(i) Pay Plus Deputation(Duty) Allowance does not exceed the maximum of scale of pay of ex-cadre post,

(ii) In the cases where pay scales are dissimilar than pay plus deputation(duty) allowance plus DA/ADA of ex-cadre post plus DA & IR etc. thereon.

(iii) Pay plus deputation(duty) allowance as above shall at no time exceed Rs. 730/- p.m.

Note: 1

The term 'same station' for this purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.

Note: 2

When there is no change in the headquarters with reference to the last post held, the transfer should be treated as with in the same station and when there is change in headquarters it would be treated as not in the same station. So far as places falling within the same urban agglomeration of the old headquarters are concerned, they would be treated as transfer within the same station.

Contd....7/-

6.2 Special rates of deputation(duty) allowance may be admissible under separate orders in any particular area on account of the condition of living there being particularly arduous, or unattractive. Where special rate is more favourable than that under para 6.1 above employees deputed to the area will be given the benefit of the special rate.

6.3 Whenever extension of the period of deputation for the fifth year or the second year in excess of the period prescribed in the Recruitment Rules is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation(duty) allowance. The officers who opted to draw pay in the scale of the ex-cadre Post shall however continue to draw pay in that scale during the extended tenure also.

6.4 If an employee with the permission of the competent authority proceeds on deputation/foreign service from one ex-cadre Post to another ex-cadre post in the same or another organisation without reverting to his parent cadre, and if the second ex-cadre post is at the same station as the first ex-cadre post, then the rate of deputation(duty) allowance would remain unchanged.

6.5 In cases where a person on deputation/foreign service is transferred by the borrowing authority from one station to another without any change in the post held by him, the rate of deputation(duty) allowance will remain the same as was decided at the time of initial posting and will not undergo any change.

Eligibility of other pay allowances & benefits while on deputation/foreign service.

7.1 Any project allowance admissible in a project area in the borrowing organisation may be drawn in addition to deputation(duty) allowance.

7.2 Any special pay granted to an employee in the parent department under FR 9(25) or a corresponding rule of parent organisation should not be allowed in addition to deputation (duty) allowance. However, the borrowing department may allow in addition to deputation(duty) allowance under special circumstances any special pay attached to the post held by the employee in his/her Parent Department, by suitably restricting the deputation (duty) allowance. This will require the specific and prior approval of Department of Personnel.

7.3 In case special pay is attached to the scale of pay of the ex-cadre post and the employee has opted to draw pay also in that scale, in addition to his pay in that scale, he will also be entitled to draw such special pay. However, special pay will not be admissible if he has opted to take plus deputation allowance.

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16/10/2001  
1. The conditions of posting  
2. The terms of remuneration  
3. The conditions of service  
4. The conditions of promotion

Contd... 6/-

26/29

7.4 Personal pay, if any, drawn by an employee in his parent department will continue to be admissible on deputation/foreign service, if he opts to draw grade pay plus deputation allowance. No deputation allowance on this personal pay will however, be admissible.

7.5 Increments:- The employee will draw increment in the parent grade or in the grade attached to the deputation post as the case may be, depending on whether he has opted for his own grade pay plus deputation (duty) allowance or the time scale of the deputation post. If he has opted for time scale of the deputation post, notional increment shall also continue to accrue to him in the post held on regular basis in parent cadre/organisation for the purpose of regulation of pay on reversion back to parent post at the end of tenure.

7.6 Admissibility of allowances and benefits while on deputation/foreign service.

(a) Such allowances as are not admissible to regular employees of corresponding status in the borrowing organisation, shall not be admissible to the officer on deputation/foreign service, even if they were admissible in the parent organisation.

(b) Following allowance will be regulated with mutual consent of the lending and borrowing organisation:

- (i) H.R./C.C.
- (ii) Joining Time and Joining Time Pay.
- (iii) Travelling Allowance and Transfer, T.A.
- (iv) Children Education Allowance.
- (v) N.L.C.

(c) Following Allowance/Facilities will be regulated in accordance with the rules as explained against each.

(i) Dearness Allowance- The employee shall be entitled to dearness allowance at the rates prevailing in the borrowing organisation or in the lending organisation depending on whether he has opted for to draw pay in the time scale of the ex-cadre post or his own grade pay plus deputation (duty) allowance.

(ii) Medical Facilities- This will be regulated in accordance with the rules of borrowing organisation.

(iii) Leave- An officer on deputation/foreign service shall be regulated by the leave Rules of the parent organisation. If however an employee

Contd... 3/-

proceeds from vacation department to non-vacation department, or vice-versa, he shall be governed by leave rules of the borrowing organisation. At the time of reversion from the deputation post to the parent cadre, the borrowing organisation may allow him/her leave not exceeding two months. The employee should apply for further leave to his cadre controlling authority.

#### Leave Salary and Pension Contribution

As at present allocation of leave salary and pension contribution between different Ministries/Departments of Central Govt. and between Central and State Govt. has been dispensed with. In such cases of deputation from Central Govt. to State Govt. and vice-versa, liability for bearing leave salary vests with the department from which the officer proceeds on leave or which sanctions leave and no contributions are payable to the lending organisation. Liability for pension/employee's contribution to GPF will be borne by the parent department, to which the officer permanently belongs at the time of retirement and no proportionate contribution will be recovered.

(ii) In case of deputation of Central Govt. employees on foreign services to Central Public Sector Undertakings/ State Public Sector Undertakings and Autonomous Bodies etc., leave salary contribution (except for the period of leave availed on foreign service) and pension contribution/ employer's share contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Govt.

(iii) In cases of reverse deputation from Central Public Sector Undertakings/ State Public Sector Undertakings, Autonomous Bodies to Central Govt. the question regarding leave salary and pension contribution will be decided by mutual consent.

#### Tenure of deputation/foreign service.

1. The period of deputation/foreign service shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment Rules.

2. The Administrative Ministry/borrowing organisation may grant extension beyond this limit upto one year, after obtaining orders of their Secretary (in the Central Govt. and Chief Secretary in the State Govt.). Equivalent level can be fixed in other cases where such extension is considered necessary in public interest.

16.10.2011  
Ministry of Finance  
Central Board of Investigation  
CBI

Contd... 1C/-

8.3 The borrowing Ministries/Departments/Organisation may extend the period of deputation for the fifth year or for the second year in excess of the period prescribed in Recruitment Rules where absolutely necessary, subject to the following conditions:

- (i) while according for the fifth year, or the second year in excess of the period prescribed in the Recruitment Rules the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances such extension should be granted.
- (ii) The extension should be strictly in public interest and with the specific prior approval of the concerned Minister of the borrowing Ministry/Department and in respect of other organisation, with the approval of the Minister of Ministry/Department with which they are administratively attached.
- (iii) Where such extension is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.
- (iv) The extension would be subject to the prior approval of the lending organisation, the officer on deputation, and wherever necessary, the UPSC/State Public Service Commission and Appointments Committee of the Cabinet (ACC).
- (v) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action as above for seeking concurrence of lending organisation, individual concerned etc. 6 months before the date of expiry of tenure. In this case it should retain concurrence of lending organisation has been received.
- (vi) For extension of foreign service of Central Government officers to public Sector Undertakings beyond 3 years, approval of ACC would be necessary in terms of instructions of Department of Public Enterprises on the subject.
- (vii) In cases where extension is beyond the fifth year or second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the approval of the Department of Personnel and Training whether Central Govt. is the lending organisation or the borrowing organisation, proposal in this regard should reach this Department with the approval of the Minister of the borrowing Department at least three months before the date of the extended tenure with full particulars. A checklist for such particulars is annexed.

8.5 When extension of period of deputation/foreign service for the first and the second year in excess of period prescribed in the Recruitment Rules is considered by the borrowing organisation under powers delegated to them, the period for extension may be so decided upon, so as to ensure that officer concerned is allowed to continue on deputation till the completion of academic year in cases where the officer has school/college going children.

No proposal for further extension beyond the second year in excess of period prescribed in the RRs shall be forwarded to this Department, the consideration that the officer has school/college going children. Extension beyond this period will be considered only if it is strictly in public interest.

8.6 For computing the total period of deputation/foreign service in another ex-cadre post(s) held preceding the current appointment without a break in the same or some other organisation shall also be taken into account.

8.7 If during the period of deputation/foreign service the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation/foreign service of the employee should be restricted to a maximum period of six months from the date on which his pay exceeds such maximum and he should be reverted to his parent department within the said period.

8.8 If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule, the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he may be allowed to complete to the normal tenure of deputation, subject to 8.7 above, but no further extension of the period of deputation should be allowed in such cases.

#### Premature reversion of deputationist to parent cadre

Normally, when an employee is appointed on deputation/foreign service, his services are placed at the disposal of the parent Ministry/Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving advance intimation of reasonable period to the lending Ministry/Department and the employee concerned.

16.10.2011

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10. Relaxation of Conditions

Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel & Training.

11. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consultation with the Comptroller and Auditor General of India.

12. These orders take effect from the date of issue. In case of persons already on deputation/foreign service, if the modifications incorporated in these orders are not beneficial, he/she may be opt to retain the earlier term(s).

(Hindi version will follow).

Sd/-

(Smt. Revathy Iyer)

To  
Deputy Secretary to the Govt. of India.

All Ministries/Departments of the Govt.  
of India etc.

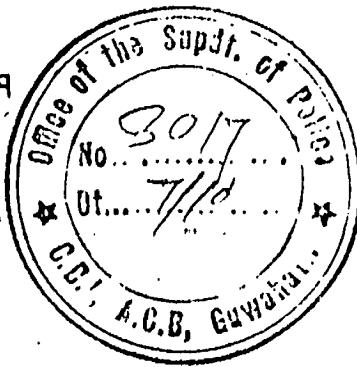
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ANNEXURE-R-4

No.DPWSU1999/5/5/86-IWSU  
Central Bureau of Investigation  
(Administration Division)  
Block No.3, C GO Complex,  
Lodhi Road.  
New Delhi-110003.

Dated: 20.9.99



To

All Superintendent of Police,  
Central Bureau of Investigation,  
(Locally and Outside).

**Sub:- Deputation (Duty) Allowance to CBI Personnel.**

Sir

In supersession of all previous orders on the above subject, DP&T vide their letter No.207/1/98-AVD.II dated 13.1.1999 (copy enclosed) has conveyed sanction of the President for extending the provisions of the general orders issued by Department of Personnel & Training vide their OM No. 2/8/97-Estt. (Pay.II) dated 11.3.1998 (copy enclosed) regarding Deputation (Duty) Allowance to CBI Personnel. Accordingly, it is clarified that :-

(i) the deputationists police officers who are governed by Rationalised Terms of Deputation or Standard Terms of Deputation, as the case may be, will be given Deputation (Duty) Allowance with effect from 1.1.1999 as per DP&T letter dated 13.1.1999 referred to above.

(ii) the persons on deputation prior to 1.1.99 and whose term of deputation has not expired on 1.1.99 will be allowed to avail the terms of deputation as already settled in their case till the expiry of normal term of deputation. Thereafter, they will have an option either to be governed by general orders or to revert back to their cadres, if it does not suit them. Such an option has to be exercised before the expiry of the normal term or six months from the date of issue of this letter whichever is earlier.

16.10.2008  
Central Bureau of Investigation  
M.C.R. 11/2008

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(iii) the persons who are on extended deputation as on 1.1.99 will be allowed to exercise an option either to switch over the general terms of deputation or to revert back to their cadres, if it does not suit them. Such an option has to be exercised before the expiry of the normal term or six months from the date of issue of this letter, whichever is earlier.

(iv) the personnel appointed on or after 1.1.99 will be governed by the general orders contained in DP&T OM dated 5.1.94 read with their OM dated 11.3.1998.

(v) the Special Pay to deputationist State Police Officers appointed in CBI prior to 1.1.1999 under Rationalised Terms of Deputation and whose existing term of deputation has not expired so far, will be allowed till the expiry of the existing term. Thereafter, the Special Pay will not be admissible to such officers.

2. All SsP of CBI Branches are accordingly requested to regulate the Deputation (Duty) Allowance and Special Pay to the deputationists officers who have been working on deputation in CBI.

3. This issues with the approval of Joint Director(N+A)/CBI.

Yours faithfully,

(DR. TARSEM CHAND)  
ADMINISTRATIVE OFFICER(E)/CBI.

Copy to:-

1. PS to Director, CBI.
2. PS to Addl. Directors, CBI, New Delhi.
3. Sr. PAs to all JDs/CBI.
4. All DIsG/CBI.
5. AO, P&AO, CBI, New Delhi.
6. DIG(HQ), AO(A), AO(E), CBI, HO, New Delhi.
7. Office Supdts; Ad.I, Ad.II, Ad.III, Ad.V, DPC, JAO/Ad.IV, CBI(HO).
8. Guard File.

Encl. As above.

-36-33-

Office of the CGO Commissioner  
Central Bureau of Investigation  
Delhi

34 TDA 1999-02-155

14/1/99

NO. 207/1/98-AVD. II  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, P.G. & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

DYER.C 1999 02/180  
Dated.../6/99

NEW DELHI, DATED : 6.1.1999

To

13 JAN 1999

The Director,  
Central Bureau of Investigation,  
NEW DELHI.

(KIND ATTN: DR. TARSEM CHAND, AO(A),

SUBJECT: DEPUTATION (DUTY) ALLOWANCE TO CBI PERSONNEL

Sir,

In supersession of all previous orders on the above subject, I am directed to convey the sanction of the President for extending the provisions of the general orders regarding deputation (duty) allowance issued by Department of Personnel & Training from time to time, to regulate the deputation of police officers to CBI. This will be applicable with effect from 1.01.99.

2. This issues with the concurrence of Department of Personnel & Training vide their UO No. 861/98-P.II dated 31.7.98 and IFD vide their Dy. No. 4127/98 Fin.II dated 6.11.1998.

Yours faithfully,

*[Signature]*  
13/1/99

(I.S.CHATURVEDI)  
DEPUTY SECRETARY TO THE GOVT. OF INDIA

16/10/2008 ADWJSV  
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16/10/2008 ADWJSV  
01043  
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SP. No. 1 (R)

No. 2/8/97-Estt. (PAY II)  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, the 11th March, 1998

OFFICE MEMORANDUM

Subject - Grant of Deputation (Duty) Allowance  
Recommendations of the Fifth Central  
Pay Commission -

The undersigned is directed to say that at present the amount of Deputation (Duty) Allowance is regulated by the provisions contained in paras 4.1 and 6.1 of this Department's OM No. 2/29/91-Estt. (Pay II) dated 5th January, 1994. The question of revising the amount of Deputation (Duty) Allowance on the basis of the recommendations made by the Fifth Central Pay Commission in Chapter 110 of their Report was under consideration of the Government. Consequent upon the decision taken by Government on those recommendations, the President in partial modification of the above referred provisions is pleased to decide the following rates of Deputation (Duty) allowance -

(a) 5% of the employee's basic pay subject to a maximum of Rs. 500/- per month when the transfer is within the same station; and

(b) 10% of the employee's basic pay subject to a maximum of Rs. 1000/- per month in all other cases.

2. The Deputation (Duty) Allowance shall be further restricted as under:-

(i) Pay + Deputation (Duty) Allowance shall not exceed the maximum of the scale of pay of ex-cadre post; and

(ii) Pay + Deputation (Duty) Allowance shall at no time exceed Rs. 22,400/- p.m.

3. The President is also pleased to decide that the restriction under FR 35 mentioned in paragraph 2 of this Department OM No.

16.10.2011  
Intendant of Police  
Central Bureau of Investigations  
New Delhi, New Delhi

6/30/86-Estt. (Pay II) dated the 9th Dec., 1986  
will now be as under :-

(a) For employees in receipt of basic pay upto Rs. 8000/- p.m. 15% of the basic pay subject to a maximum of Rs. 1000/- p.m.

(b) For employees in receipt of basic pay above Rs. 8000/- p.m. 12 1/2% of the basic pay subject to a maximum of Rs. 1000/-

4. Other provisions laid down in this Department's OM dated 5.1.1994, referred to above, would remain unchanged.

5. In so far as persons serving in the Indian Audit & Accounts Department are concerned these orders issue after consultation with the Comptroller & Auditor General of India.

6. These orders shall take effect from 1st August, 1997. The cases of deputations prior to this date shall be governed by the orders dated 5th January, 1994, referred to in para 1 above.

Hindi version will follow.

Encl 11.3.98

(J. WILSON)  
DEPUTY SECRETARY TO THE GOVT. OF INDIA

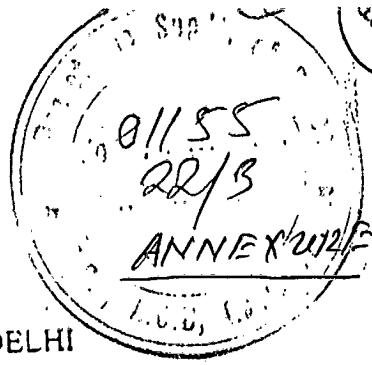
To

All Ministries/Departments  
as per standard list attached

FAX MESSAGE

-39-36-

TO : DIG/CBI/NER/GUWAHATI.  
INFO : SP/CBI/ACB/GUWAHATI.  
FROM : ADMINISTRATIVE OFFICER (E)/CBI/NEW DELHI



NO. DPAD12001/1135/A.20014/1609/93

DATED :

REFER YOUR FAX MESSAGE NO. DPSHL2001/01320/E/36/1 DATED 26.2.2001  
GRANT OF DEPUTATION ALLOWANCE TO SH. S.P.S.YADAV, INSPR.  
CBI/ACB/GUWAHATI(.) IT IS CLEARLY MENTIONED IN HO CIRCULAR DATED  
30.9.99 REGARDING DEPUTATION (DUTY) ALLOWANCE TO CBI PERSONNEL,  
THAT OFFICERS WHO ARE ON DEPUTATION TO CBI FROM STATE POLICE  
FORCES, WERE EARLIER BEEN GOVERNED BY THE RATIONALIZED TERMS OF  
DEPUTATION(.) SINCE RATIONALIZED TERMS HAVE BEEN ABOLISHED W.E.F  
1.1.99 THEY ARE ENTITLED FOR DEPUTATION ALLOWANCE AT THE STANDARD  
TERMS/RATES(.) OFFICERS WHO HAVE FAILED TO EXERCISE OPTION EITHER  
TO SWITCH OVER TO STANDARD TERMS OF DEPUTATION OR TO PROCEED ON  
REPATRIATION MAY BE TREATED AS TO HAVE ACCEPTED THE STANDARD  
TERMS OF DEPUTATION AND ACCORDINGLY DEPUTATION ALLOWANCE CAN  
BE REGULATED(.) ACTION MAY BE TAKEN ACCORDINGLY(.)

DA  
16/10/2001  
S.D.BAIJAL  
(S.D.BAIJAL)  
ADMINISTRATIVE OFFICER (E)  
CBI/NEW DELHI

Copy by post in confirmation to:-

- 1 SP/CBI/ACB/Guwaahati.
- 2 DIG/CBI/NER/Guwaahati.

(72) Put up representation submitted by Sh. S.P. Singh Yadav Engr. regarding deputation allowance for payment of Deputation allowance @ 15% of Basic pay as per circular/ memorandum etc. 2/8/97 Estt. (Pay-II) dt. 11/3/98. The above circular/ office memorandum is placed below for perusal and order whether Sh. S.P. Singh Yadav Engr. is entitled for the DPA @ 15% of Basic pay or otherwise.

Submitted for order please.

Ans

(73) H.A. Ho. had replied in this 8/3/99

matter ~~that~~ of L. Govt. representations for giving L. Govt. allowances of State Govt. like deputation is granted by the Govt. of deputation. If approved, he may be informed accordingly. It is also placed in file.

As regards, the particular deputation otherwise, it is meant for deputation for L. Govt. to C. Govt. deputation for L. Govt. to State Govt. & not for State Govt. to C. Govt. P.L. may like to furnish order. Here we have not a memorandum. Kindly for order pl. 11/3

Appd. I, however, we may inform L. Govt. para 1. and for para 2. they may be put up to regular S.A for order.

H.A.

Aug 13/8/99  
S/P

(74) Refer the above para No. 75, the same is put up for order pl. 11/3

Ans  
6/4/1999  
J.S.

16-10-2004 H.A.  
Central Bureau of Investigation  
A.C. & Div. I.C. 1999

WY

W- DII  
6/4

-38

(21)

Annex (46)

80

(77)

It will be based on the claim &  
enclosed statement of expenses  
from State Police before him.

HA

Ind

TH

(78)

~~16/10/2005 Please refer para No. 71, if approve prepare  
bill for payment accordingly  
statement is placed below for Sign Pl.~~

1. Statement Pl.

2. for B.P.

40-39

ANNEXURE-R  
P.M.9

Rp  
47  
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No.DPSHL2001/91427/E/36/I

Government of India  
Central Bureau of Investigation  
Office of the Supdt.of Police

ACB:: Guwahati.

dd : 23/4/01

To

Sh.S.P.Singh Yadav, Inspector(U/S),  
CBI, ACB, Guwahati.

**Sub: Drawal of Deputation(Duty) Allowance w.e.f. 01.01.99 to  
31.03.2001 at the Standar Term rate.**

\*\*\*\*\*

In pursuance of H.O. clarification  
No.DPAD12001/1135/a.20014/1609/93 dated 22.03.2001, the arrears  
of Deputation(Duty) Allowance w.e.f. 01.01.99 to 31.03.2001 has been  
drawn as admissible to you.

You are therefore advised to receive the the amount so drawn  
from the Cashier.

You are also advised to receive the amount of cash compensation  
drawn for you at the earliest which has not been received by you as  
yet inspite of letter dated 19.02.2001 else the amount will be deposited  
in bank.

Superintendent of Police,  
CBI:ACB:Guwahati.

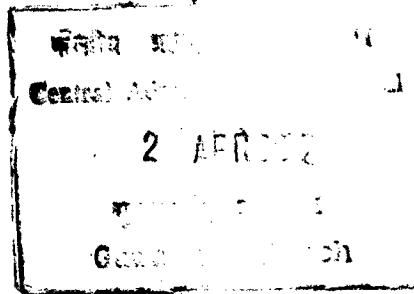
16-10-2001  
Superintendent of Police  
Central Bureau of Investigation  
ACB, Rm. 9, Guwahati

NO E/36/1/ 01427 & OF 23/3/01  
NO E/48/1/2/ 01428

To "Shri S. P. Singh Jader JWS PR  
CB1/ Guwahati"

Received  
22/10/2001  
Benton  
07032(K.B) A2B  
SNT

Class 1  
16.10.2001  
Sub-Commissioner of Police  
Central Bureau of Investigations  
(W.C.B. Divn) Guwahati



Filed by 6<sup>th</sup>  
Lokendra Deka  
Advocate  
24/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 32/2001

Suresh Pal Singh Yadav.

..... Applicant.

Versus

Union of India & Ors.

..... Respondents.

REJOINDER BY THE APPLICANT AGAINST THE WRITTEN STATEMENT.

FILED BY THE RESPONDENTS 1 TO 5.

1. That the applicant has received the copy of the written statement filed by the respondents 1 to 5 only on 13.2.2002 and understood the contents thereof. The respondents have filed this statement with all the said arguments, i.e. the basis for denying him deputation duty allowance as per Annexure A/2, thus changing the whole complexion of the cause in original application. However, remaining silent on the representation in this regard dated 3.2.99 (Annexure-A/2), knowledge of the same cause in OA No.137/99 filed in the Tribunal but dropped subsequently in view of the joinder of various causes, and also vide representation dated 21.7.2000 (Annexure-A/3) until the applicant was compelled to file instant OA No.32/2001 in Guwahati Bench of Central Administrative Tribunal which was admitted in the month of Feb.2001. It is pertinent to mention here that respondents remained silent despite express instruction of the Govt. of India, Ministry of Home Affairs, OM No.25/34/68 ESTT (A) dated 20.12.68. To the effect that the representation/complaints regarding payments of Salary/Allowance or other dues if not addressed to by

controlling <sup>authority</sup> A within a month of submission than applicant could address or ask for an interview with the next higher authority for redressal of grievances and such officer should send for the papers and take such action as may be called for without delay. Aforesaid, therefore necessitated filing of this rejoinder. (Copy of the OM enclosed here as Annexure-A/4).

Be that as it may save and except the statements specifically admitted herein below, all other statements made in the aforesaid written statement are denied. Instead of giving parawise reply to the written statement, the applicant craves leave of this Hon'ble Court to make submission regarding the basic contention of the WS.

2. The basic contention of the respondents seem to be that :

(i) The applicant, a police officer from state, is governed by rationalised terms of deputation unlike other Central Govt. Civilian Employees including Police Officer from Central Police Organisations, who ~~are~~ governed by standard terms <sup>as such</sup> of deputation and ~~have~~ the applicant is entitled to be paid deputation (duty) allowance @20% of basic pay <sup>as</sup> subject to a maximum of Rs.500/- per month as per the circular dated 1.9.94 (Annexure-R/2) in old pay scale, and @10% of basic pay subject to maximum Rs.1000/- w.e.f. 1.1.99 as per Annexure (R/4) and not as per Annexure-A/1 w.e.f. 1.8.97 being claimed by the applicant.

(ii) That vide Annexure R/4, CBI formulated

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guidelines for the payment of deputation duty allowance @ 10% of the basic pay subject to maximum of Rs.1000/- to both kind of officers/personnels brought in CBI on rationalised terms of deputation as well as standard terms of deputation, and the officer on deputation will have option either to be governed by general order and return to their cadres if it does not suit them and such option has to be exercised within six months of the maximum.

(iii) That applicant did not followed the guidelines as stated in Annexure-R/4 and had not submitted his option as per stipulation in (R/4) before being paid deputation duty allowance @10% subject to maximum Rs.1000/-pm w.e.f. 1.1.99 and because of the failure on the part of the applicant to exercise his option within specified period of six months as such he was continued to be paid said allowance @20% subject to maximum of Rs.500/-pm as applicable to the state police officers on deputation as per Annexure-R/2 and not as per even guidelines contained in Annexure-R/4 leave aside as per Annexure-A/1 which is not applicable on him being deputationist from state police.

(iv) That the guidelines formulated in Annexure R/4, filed by respondents with their written statement, are applicable on state police officers on deputation to CBI only and not other civilian employees and police officers of CPO's on

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deputation to CBI, who are governed by provisions contained in Annexure A/1 for payment of said allowance w.e.f. 1.8.1997.

(v) That the applicant failed to exercise and submit option as per guidelines contained in Annexure-(R/4) dated 30.9.99 for being paid said allowance @10% subject to maximum Rs.1000/- w.e.f 1.1.99, and therefore matter was taken up with CBI HQ with respect to his representation dated 3.2.99 for clarification. As he had not exercised his option and CBI HQ office through examination of the matter vide FAX dated 22.3.2001 clarified that in view of abolition of rationalised terms, the applicant is entitled for said allowance at the standard terms, i.e. @10% of basic subject to maximum of Rs.1000/-pm vide Annexure R/5 w.e.f 1.1.99 and accordingly arrears were drawn and amount lying undischarged inspite of written intimation dated 23.4.2001 and acknowledgement of information dated 24.4.2001. (R/6).

3. The contentions presented as aforesaid are false baseless, erroneous and deliberate misleading. The fact however in this regards are as follows:-

(i) As per para 21, page 12 of Central Bureau of Investigation Manual (Administration) Third Edition 1988 under heading "Deputation", it has been provided that deputation is one of the methods of recruitment of various types of post in CBI. The terms and conditions under which police/non-police officers can be brought on deputation to the CBI

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are as shown in Annexure No.1 & 3. As regards the police officers/personnels brought on deputation to the CBI provisions of rationalised terms of deputation apply. For non police officer brought on deputation to CBI, the terms and conditions as contained in the Ministry of Finance OM No.F 18 (246)/E-III/60 dated 4th May, 1961, as amended from time to time apply (vide Annexure-10).

(b) State Govt. Officers who are taken on deputation to CBI and appointed as Senior Public prosecutor etc. i.e. non-police post are entitled to the fixation of their pay in the pay scale prescribed for the post of their grade or their basic pay plus deputation (duty) allowance in accordance with the Ministry of Finance OM dated 4.5.61 which even in more advantageous. All allowance will be payable at Central Govt. rates.

It is thus obvious that all the police officer brought on deputation in CBI on police post irrespective of their source as state police or central police organisation, are governed by "Rationalised Terms of Deputation" and the non-police officers are governed by the "Standard Terms of Deputation". Therefore it is erroneous that applicant being a Police Officer on deputation from state police is governed by rationalised terms of deputation for payment of deputation allowance as per Annexure-R/2 or Annexure-R/4 of written statement of respondents, while Shri N.R.Dey Insp/CBI and Kailash Barman Insp/CBI both Police Officer brought in CBI from SSB, a central police

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organisation and Dept. of Custom & Central Excise respectively, are governed by "Standard Terms of Deputation" for being paid deputation duty Allowance as per Annexure-A/1 of Original Application.

Since these deputationist police officer of CBI were being paid deputation duty allowance as per Annexure-A/1 of the original application; the applicant too being a deputationist Police Officer should not be discriminated, vis-a-vis his brother police officer as regards payment of said allowance, for the simple reason and fact that he is subjected to the same nature of job and terms of service condition etc as his aforesaid brother police officer drawn from CPO's or other Central Govt. Department.

C.M.P. SINGH VS UOI AIR 1987 SC.485:(1987)/SSC 592.

" No distinction can be made between the direct recruits and deputationists in payment of Special Pay] and deputation duty allowance being special pay under fundamental Rules"-

[ UOI Vs. General Secretary Karnataka Central Excise & Customs Executive officers association Bangalore 1999 SCC (L&S) 1161].

" Inspector of Central Excise department on deputation with customs department discharging duties on ships on high seas rightly held by CAT to be entitled to the rummaging allowance for the period and to the extent of such duties at the rate admissible to customs officers engaged in similar duties- rummaging allowance-

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Deputation/Deputationists if entitled to parity in allowance with employees in the borrowing department performing similar duties"- (para-2).

(ii) All such guidelines formulated by CBI vide Annexure-R/4 for payment of deputation allowance to officer on deputation from State Police being governed by so called "rationalised terms of deputation" at par with the officer on said Standard terms of deputation as per Annexure-A/1, but with effect from 1.1.99 instead of 1.8.97 contained in Annexure-A/1, are not only inconsistent in view of sub para (i) aforesaid but are also discriminatory and arbitrary for the fact that department i.e. CBI made their own guidelines vide Annexure-R/4 for deputation duty allowance without any power and competency as also in violation of Govt.of India Ministry of Personnel guidelines vide Annexure-A/1, which in the circumstances must prevail.

(iii) That be as that may perusal of Annexure R/5 shows that applicant was not even informed anything as regards the order of the concerned on his original petition dated 3.2.99 as per Annexure-A/2 despite PP Notings of Incharge/Regular SP at para 75 & 77. Further even said circular vide Annexure-R/4 was not shown to this applicant, Nor his said option was even asked for submission. However, the respondents are now deliberately misleading the Hon'ble Court by accusing the applicant of his

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failure for submitting option as per R/4. The fact however is that said option was never asked for. Now the said circular was even shown to the applicant. The ~~Opposed~~ leave of this Hon'ble Tribunal is craved to direct respondents produce whole file in original for inspection to ascertain if even the applicant was asked to submit his option, which he would have positively done for the obvious reason that this circular contained better monetary benefit in view of the revised pay scale. Therefore no question arises as to deliberate failure on applicants part to submit required option. Contrary to the accusation of respondents in their written statement, they with malafide deliberately did not show the said circular dated 30.9.99, ~~nor took~~ any action thereon as per guidelines contained therein, even in the wake of the fact that applicant's petition dated 3.2.99 vide Annexure-A/2 and subsequently dated 21.7.2000 vide Annexure-A/3 were pending before them. However, applicant exhausted to the precipice when ultimately filed this application in Central Administrative Tribunal in January 2001 and admitted by it on ..... the respondents took out/manufactured the circular giving effect to the so called guidelines and ~~cocking~~ up the story that applicant failed to exercise his option. It is also significant that the matter was also included in the OA No.137/2000 and the respondents were also aware of the grievance of the applicant. Though the matter was dropped on account of joinder of

multiple cause in OA. However the respondents did not took any action in this regard until 23.4.2001 vide Annexure-R/6, where the instant application was already filed but in CAT respondents now alleging applicant for his failure to submit option, which was obviously natural under this circumstances if asked ever.

(iv) That the careful perusal of the Annexure R/4 filed by respondents with their written statement shows that all police officers in CBI brought on deputation on whatever terms are to be paid deputation duty allowance as per the guidelines contained in Annexure R/4 i.e. w.e.f 1.1.99. This is not only arbitrary and inconsistent with the original office memo of Ministry of Personnel vide Annexure-A/1 providing for payment of said allowance w.e.f. 1.8.97, but as said earlier is also discriminatory to the applicant for the fact that his other brother police officer namely Shri N.R.Dey Insp. and Shri Kailash Barman Insp. were being paid said allowance as per Annexure-A/1 w.e.f 1.8.1997. Leave of Hon'ble Tribunal's therefore craved to direct the respondents produce ~~the~~ Acquaintance Role of CBI/ACB/Ghy Branch for the relevant period for inspection in order to confirm said payment w.e.f. 1.8.97.

(v) The statement made by the respondents are false and misleading in as much as the representation dated 3.2.99 (Annexure-A/2) aws

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already disposed by SP/Incharge & Regular SP vide PP Notings No.75 dated 13.3.99 & 77 dated 7.4.99 vide Annexure-R/5 page 37 & 38 of written statement, however the matter was not informed to the applicant despite their clear cut orders.

Further applicant was ~~not~~ even shown said circular dated 30.9.99, nor any option was asked for as alleged by respondents therefore question does not arise for sending representation dated 3.2.99 Annexure-A/2 to CBI HQ for clarification in the light of guidelines of circular dated 30.7.99 (Annexure-R/4) and this statement of the respondent is misleading or cooked up to that extent in order to defend their inordinate delay. It is also surprising that CBI HQ also kept on sleeping for about two years despite my subsequent representation dated 21.7.2000 (Annexure-A/3) to both DCB/ New Delhi & AOCB/E2/Kolkata through proper channel; and clarified the matter vide FAX dated 22.3.2001 only after the applicant filed the application in Tribunal.

That this statement of respondents are deliberate attempt to mislead the Hon'ble Tribunal could be ~~confirmed~~ confirmed from the perusal of Annexure-R/5 page 36, which clearly speak that said instruction from CBI HQ were given in response to the FAX message dated 26.2.2001 of SP/CBI/ACB/Ghy only when the instant OA was already filed, and not with respect to representation dated 3.2.99. Besides when the circular dated 30.9.99, Annexure-R/4, was already available in SP/CBI/Ghy Office than ~~was~~

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prevented him from giving it effect as per guidelines contained therein for more than two years, until 23/4/2001, vide Annexure-R/6 SP/CBI/Ghy informing the applicant his payment of deputation allowance @10% subject to maximum Rs.1000/- pm albeit w.e.f. 1.1.99. When the applicant exhausted and harassed of the inaction of the respondents filed this application in this Tribunal. It also shows that had applicant not filed this present OA in Tribunal the respondent <sup>even</sup> would not have given effect to the provisions of circular dated 30.9.99 (Annexure-R/4).

3. That in view of the aforesaid facts and circumstances it is clear that the respondents has got an ulterior motive to deprive the legitimate claim of the applicant. That apart the respondents knowing fully well about the existence of the representation did not act on it and have made an attempt to shift their burden by saying that he did not place his option. If option is not placed by the applicant how the respondents have made the payment now. The respondents could have taken into consideration the representation filed by the applicant as his option or direction could have been issued to him to place his option. The duty of making all payment <sup>is</sup> cast on the respondents and for that each one need not be made to suffer like the present applicant.

In view of the aforesaid the applicant prays before this Hon'ble Tribunal for a direction towards the respondents to pay the cost of the application and/or any other relief/reliefs as may be deemed fit and proper.

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VERIFICATION.

I Shri S.P.Singh Yadav, aged about, 48 years, son of Late L.P.Singh Yadav, applicant in O.A No 32/01, do hereby solemnly affirm and verify that the statements made in paragraphs .....<sup>3</sup>..... are true to my knowledge and those made in paragraphs 1 and 2..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2<sup>nd</sup> day of APRIL of 2002.

Signature.

Suresh Paul Singh Yadav  
2/4/2002

Estt. (A) dated 20.12.68 (copy enclosed) time limits for disposal of various types of representations have been prescribed. If it is anticipated that an appeal or petition cannot be disposed of within a month of its submission, an acknowledgement or interim reply should be sent to the individual within a month.

4. Thus adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned. As such submission of representations directly to higher authorities bypassing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions as it can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1)(iii) of the CCS (Conduct) Rules, 1964.

5. It is requested that these instructions may be brought to the notice of all Government servants and appropriate disciplinary action may be taken against those who violate these instructions.

ENCLosure (I)

Copy of O.M. No. 2534/68-Estt. (A), dated 20.12.1968, Government of India, Ministry of Home Affairs.

Subject: Representations from Government Employees on service matters—Treatment of.

The undersigned is directed to refer to the Ministry of Home Affairs Office Memorandum No. 118/52-Ests. dated the 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference). It has been brought to the notice of the Ministry of Home Affairs that undue delay occurs very often in the disposal of representations from Government servants in regard to matters connected with the service rights or conditions which causes hardship to the individuals concerned.

2. The representations from Government servants on service matters may be broadly classified as follows :

- (1) Representations/complaints regarding non-payment of salary/allowances or other dues;
- (2) Representations on other service matters;
- (3) Representations against the orders of the immediate superior authority; and
- (4) Appeals and petitions under statutory rules and orders (e.g. Classification Control and Appeal Rules and the petition Instructions).

3. In regard to representations of the type mentioned at (1) and (2) above, if the individual has not received a reply thereto within a month of its submission, he could address, or apply for an interview with the next higher officer for redress of his grievances. Such superior officer should immediately send for the papers and take such action as may be called for without delay.

4. Representations of the type mentioned at (3) above, should be made generally only in cases where there is no provision under the statutory rules or orders for making appeals or petitions. Such representations also should be dealt with as expeditiously as possible. The provisions of the preceding paragraph would apply to such representations also, but not later representations made by the same Government servant on the same subject after earlier representation has been disposed of appropriately.

5. In regard to the representations of the type mentioned at (4) above, although the relevant rules or orders do not prescribe a time limit for disposing of appeals and petitions by the competent authority, it should be ensured that all such appeals and petitions receive prompt attention and are disposed within a reasonable time. If it is anticipated that an appeal or a petition cannot be disposed of within a month of its submission, an acknowledgement or an interim reply should be sent to the individual within a month.

6. The instructions contained in paragraph 2 of this Ministry's Office Memorandum No. 118/52-Ests. dated the 30th April, 1952, will stand modified to the extent indicated in the paragraphs 3, 4 and 5 above.

ENCLOSURE (II)

Copy of O.M. No. 118/52-Ests. dated 30.4.1952, Government of India, Ministry of Home Affairs.

Subject: Representations from Government Employees on service matters—Advance copies.

Reference are frequently received in this Ministry enquiring whether the submission of advance copies of representations to higher authorities is permissible and as to the treatment that should be accorded to such copies. The matter has been carefully considered and the following instructions are issued for the guidance of all concerned.

2. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refusal or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (e.g. those addressed to the President of the Government or to Hon. Ministers) must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). There will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

3. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles :

- (a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the Government servant. If the Government servant persists in this prematurely addressing the higher authorities, suitable disciplinary action should be taken against him.
- (b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts as stated some grounds for interference or for further consideration appear, *prima facie* to exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.
- (c) Even where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time, to forward the original representation, with its report and comments on the points urged. There is ordinarily no justification for the passing of any

Attested  
Esha Das  
Advocate