

30/10.0

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 320/01

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SECTION OFFICER (Judl.)

kahts  
8.12.17

FORM NO. 4

( See Rule 42 )

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

ORDER SHEET

APPLICATION NO. 320 OF 200 1

APPLICANT (S) A.R. Singh, IPS.

RESPONDENT (S) UOI & Mrs. T. Nandakumar Singh, Sr. Adv.

ADVOCATE FOR APPLICANT(S) Mr. A. B. Bimal, A. Mohan

Mr. T. Rajendra & P.K. Roy

ADVOCATE FOR RESPONDENT(S)

Case B.C. Pathak for Regd. No. 1

Notes of the Registry

dated

Order of the Tribunal

17.8.01

This application is in form  
but not in time Coordination  
Petition is filed not filed vide  
M. P. No. C.F.  
for Rs. 50/- deposited vide  
IPO/BD No. 8/5530, 31, 33 7031  
Dated 16.8.2001 432

Ldy. Registrar, 17/8/01

Notice prepared and sent to  
DLB for under the respondent  
No 1 to 5 by Regd A.D. vide  
DINo 3166 & 70 dtd 22/8/01

20/8/01

No. show cause has been  
filed.

30  
3.8.01

30.8.2001

show cause up to  
on behalf of Regd. 2, 3 and 4  
has been submitted.

Heard Mr. T. Nanda Krag Singh, learned Sr.  
counsel for applicant along with Mr. A.  
Bimal Singh.

Admit. Call for the records.

Mr. T. Nanda <sup>Kr.</sup> Singh, learned counsel for  
the applicant, is prayed for interim order.  
Considering the facts and circumstances of the  
case, we feel it expedient to issue notice.  
Issue notice as to why the interim order  
suspending the direction contained in orders  
dated 10.8.01 and 13.8.01 shall not be  
suspended during the pendency of this applic-  
ation. Returnable by 2 weeks.

List on 4/9/01 for further order.

In the meantime, the ~~off~~ operation of the  
aforesaid order shall remain suspended till the  
returnable day.

Mr. B.C. Pathak, learned Addl. C.G.S.C.  
accepts notice on behalf of respondent no. 1.

B. C. Pathak  
Member

[Signature]  
Vice-Chairman

mb

4.9.01

Heard Mr. T.N.K. Singh, Sr. Advocate and Mr. A. Bimal Singh, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for respondent No. 1 and Mr. Shahiwala, learned counsel for respondents Nos. 2 to 5.

3.9.2001

Rejoinder submitted by the applicant reply to show cause filed by the Respondent No. 2, 3 and 4.

Mr. T.N.K. Singh, learned counsel for the applicant, requests for early hearing. List on 18/9/01 for hearing.

In the meanwhile, interim order dated 17.8.01 suspending the operation of the ~~App~~ orders dated 10.8.01 and 13.8.01 shall continue.

Respondents shall be considered for giving the facilities as per his status immediately in pursuance of the earlier interim order dated 17.8.01.

List on 18/9/01 for hearing.

Copy of order communicated to the Bar Council.

vide D/No \_\_\_\_\_

dt \_\_\_\_\_

6/9/07

mb

18.9.2001

Mr. B.C. Pathak, learned Addl. C.G.S.C., has stated that he is yet to obtain necessary instructions for filing of written statement. Filing of written statement is essential in this case. In the circumstances the respondents are allowed four weeks time to submit their written statement. Instead of posting the matter for hearing let the case be listed on 16.10.01 for written statement, if any. In the meantime the interim order passed earlier shall continue until further orders.

Member

Vice-Chairman

nk m

16.10.01

Mr. B.C. Pathak, learned Addl. C.G.S.C. has informed that he has received a letter from Director, Judicial, Ministry of Home Affairs dated 12.9.2001 informing him that they have not received the papers regarding this O.A. Office record shows that copy of the application has been sent on 28.8.2001.

On the request made by Mr. B.C. Pathak learned Addl. C.G.S.C. three weeks time is granted to the respondents to file written statement. List on 13.11.2001 for order.

bb

Member

Notes of the Registry      Date      Order of the Tribunal

13.11.2001

Heard Mr.T.N.Singh, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. Mr.Roy has stated that he is ~~a~~ awaiting instruction from the respondents to submit written statement.

Considering the facts and circumstances, the respondent No.1 is allowed further four weeks time to file written statement.

List on 14.12.2001 for further order.

*IC Usha*  
Member

*[Signature]*  
Vice-Chairman

bb  
14.12.01

Respondent No. 1 has filed the written statement. Sri P.Bora, learned counsel informed that State of Manipur, respondent Nos. 2 to 4 <sup>has</sup> also filed written statement. Copies of the written statement <sup>may be</sup> served to the applicant. Office to <sup>place</sup> the written statement on record.

List on 16.1.02 for hearing. The other respondents may file written statement, if any, before the date of hearing. The applicant may also file rejoinder, if any, before the date of hearing.

*IC Usha*  
Member

mb  
15.1.02

Pass over for the day. List on 17.1.02 for hearing.

*IC Usha*  
Member

*[Signature]*  
Vice-Chairman

mb

17.1.

Hearing on Contumacious.  
Lost again on 21/1/2002 for further hearing.

*Mr. A.K. Jena*  
17.1.

6.12.2001.  
Written Statement  
has been filed by  
the Respondent No.  
1 at page 35-44.

*NS*  
*6/12/2001*

Reply to the  
W/S of the Respondent  
No.1 has been filed  
at 95-107.

*NS*  
*7/10/02*

Notes of the Registry

Date

Order of the Tribunal

21.1.02

Hearing is concluded on 17.1.2002. However, at the absence of Sri A.Deb Roy, learned Sr. C.G.S.C. time is granted to Union of India to make further argument on the matter. Mr. M.Chanda, learned counsel informed that Sri A.Deb Roy, is sick and he is not in a position to argue. (We have heard the matter extensively.

<sup>again</sup> List on 22.1.2002 for further hearing. Heard also Mr. A.Khan, learned counsel for the applicant.

*ICU Sharma*

Member

*[Signature]*

Vice-Chairman

mb

22.1.2002

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

*ICU Sharma*

Member

*[Signature]*

Vice-Chairman

nk m

30.1.2002

Copy of the Judgment handed over to the L/Advocate for the parties.

HS

*Am 5/2/02*  
*Talwar CS*  
*20/1/02*  
*and*  
*30/1/02*

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A. ~~W.A.~~ No. . . . 320 . . . . of 2001

DATE OF DECISION 22.1.2002

Shri A. Romenkumar Singh, IPS

PETITIONER(S)

Mr T. Nanda Kumar Singh, Mr A. Bimal,

Mr A. Mahendra, Mr T. Rajundra and Mr P.K. Roy ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.D. and

Mr G.N. Sahewalla.

ADVOCATE FOR THE  
RESPONDENTS

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

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman

Yes

*[Handwritten signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.320 of 2001

Date of decision: This the 22nd day of January 2002

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

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

Shri A. Romenkumar Singh, IPS,  
Resident of Kolshamthong Ahanthem Leikai,  
P.O. and P.S. - Imphal, Manipur,  
last employed as Inspector General of Police (Crime),  
Manipur, Imphal.

.....Applicant

By Advocates Mr T. Nanda Kumar Singh, Mr A. Bimal,  
Mr A. Mahendra, Mr T. Rajundra and Mr P.K. Roy.

- versus -

1. The Union of India, through the  
Home Secretary to the Government of India,  
Ministry of Home Affairs,  
New Delhi.
2. The State of Manipur, through the  
Principal Secretary (Home),  
Government of Manipur,  
Imphal, Manipur.
3. The Commissioner (DP),  
Government of Manipur,  
Secretariat, Imphal, Manipur.
4. The Director General of Police,  
Manipur, Imphal.
5. Shri M.K. Das, IPS,  
Inspector General of Police (Int.),  
Manipur, Imphal.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C. and  
Mr G.N. Sahewalla.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The applicant is a promotee officer in the Indian Police Service. In conformity with the Indian Police Service (Recruitment) Rules, 1954 and the Indian Police Service (Appointment by Promotion) Regulations, 1955 he was appointed in the Indian Police Service (IPS for short) in the Manipur - Tripura Cadre. The applicant was appointed in the supertime scale of Rs.18,400-22,400 with effect from 1.3.1999 and posted as Inspector General of Police (Intelligence), Manipur. He was thereafter transferred and posted as Inspector General of Police (Law and Order). The respondents

took umbrage in the matter of promotion of the IPS officers by the State in breach of the directions of the Central Government in no uncertain terms. By a communication addressed to the Chief Secretary, Government of Manipur, the Ministry of Home Affairs brought the attention of the Government of Manipur to the guidelines issued vide letter No.45020/11/97-IPS-II dated 15.1.1999 wherein it was mentioned that the IPS officers who had completed 14, 18, 26 and 30 years of service were eligible for consideration for promotion to the grades of DIGP, IGP, Addl. DGP and DGP respectively, depending upon the availability of posts. The said communication also conveyed that it was noticed that the IPS officers of 1975 and 1982 batch were promoted to the ranks of Addl. DGP and IGP respectively in the State of Manipur. Those officers, so far, did not complete the minimum stipulated years of service as prescribed under the guidelines and therefore, action of the State Government in promoting those officers amounted to violation of rules. The Government of India took a serious view of the that and the State Government was accordingly directed to revert the officers who were not eligible for promotion to various grades as per Government of India's guidelines dated 15.1.1999. By communication dated 28.6.1999 the State Government informed that the vacancy of IGP arose when the old rules were in operation and prior to coming into force of the new rules dated 15.1.1999. As per the norms issued by the Government of India dated 28.12.1990 the minimum years of service required was seventeen years. Accordingly two officers including the applicant were eligible for promotion to the post of IGP as on 1.1.1999 when the vacancies in the post of IGP were available, although formal appointment orders were issued only on 1.3.1999. Similarly, the State Government also mentioned about the facts and circumstances for appointing the Addl. DGP. It also referred to the norms of relaxation in the N.E. States. While things rested at this stage the Government of India advised the State Government for Central deputation of the applicant vide communication dated 9.1.2001 followed by a Fax message dated 12.1.2001. The State Government by

its.....



its communication dated 22.1.2001 stated that the State Government had already proposed the name of Shri N. Shyamananda Singh, IPS for consideration of central deputation. The State Government also expressed its inability to dispense with the services of the applicant at that stage. By an order of the Government of India dated 8.6.2001, the applicant was posted as IGP (Crime). When things rested at this stage the impugned Fax message was issued whereby the Central Government approved the appointment of the applicant as DIGP in the Border Security Force (BSF for short) in the pay scale of Rs.16,400-20,000 on deputation basis for a period of five years from the date of assumption of charge of the post or until further orders whichever event takes place earlier. By the same Fax message the State Government of Manipur was requested to relieve the applicant immediately in order to enable him to take up his new assignment. By order dated 13.8.2001 the State Government duly complied with the said Fax message and the applicant was released with immediate effect to enable him to join as DIG, BSF on Central deputation with BSF for a period of five years or until further orders whichever event takes place earlier. He was accordingly directed to report to the Director General, BSF, New Delhi for further orders. The legitimacy of the said action of the respondents is being challenged in this application as arbitrary and discriminatory.

2. The Union of India as well as the State of Manipur, the Commissioner (Department of Personnel), Government of Manipur and the Director General of Police, Manipur filed their written statements contesting the claim of the applicant. The Union of India in their written statement, supporting the order of appointment of the applicant on deputation, mentioned Rule 6 of the IPS (Cadre) Rules, 1954 empowering the Central Government to take IPS officers from State cadres for filling up various posts under the Central Government with the concurrence of the State Government concerned. It was averred that the said rules also provided that in case of any disagreement between the State and the Centre, the matter was to be decided by the Central Government and

the.....

the State Government shall give effect to the decision of the Central Government. The services of the applicant were offered by the State Government for posting under the Central Government organisations vide Fax message dated 23.2.2001. It was also stated that the Union of India was also in possession of the information that continuation of the applicant in the State was not in the public interest. The applicant's suitability for Central deputation was accordingly considered by the Central Government and he was found suitable for being posted as DIG, BSF at the Centre in terms of Rule 6 of the IPS Cadre Rules. In the written statement the Central Government denying the allegations made in para 5.b of the application stated that F.R.15(a) of the FRSR was not attracted. The applicant was taken on Central deputation under Rule 6 of the IPS (Cadre) Rules, 1954. The respondents further stated that the DGP, Tripura and DG/ADG, Meghalaya were taken on deputation as IG in the BSF and also stated that all India seniority was maintained in the matter of promotion at the Centre whereas State seniority was maintained in the State. The pay of the applicant which he was getting as IGP in the State would be protected on deputation as DIG, BSF and therefore, the applicant would not suffer financially. It was also mentioned that no IPS officer senior to the applicant was appointed as IGP at the Centre and even IPS officers of 1979, 1980 and 1981 batches were posted as DIG at the Centre. Therefore, there was no violation of article 311(2) of the Constitution of India, nor the said deputation can be termed as a measure of penalty. The respondent Nos.2, 3 and 4 while disputing the claim of the applicant stated that the applicant alongwith four other IPS officers were considered for promotion to the Supertime Scale posts of IGP by the Screening Committee's meeting held on 22.2.1999. Out of five IPS officers, one belonged to the 1981 batch and the others belonged to the 1982 batch. Out of the said four persons of the 1982 batch, the seniority of the applicant was at serial No.3. At the relevant time when the aforesaid consideration took place, some officers of the 1981 batch and above were on deputation to the Central Government and as such, their cases were not considered. It was mentioned that if the cases of 1981 batch.....

batch and above were considered then the applicant would not have been appointed in the Supertime Scale of IGP. It was also asserted that the Government of India objected to the promotion of the applicant in the rank of IGP without completing the minimum stipulated period of 18 years of service as prescribed by the Government Notification dated 15.1.1999, which would reveal that on 22.2.1999 when the Screening Committee Meeting was held the applicant did not possess the minimum qualifying service. It also mentioned about the letter of the State Government dated 28.6.1999. It was also stated that in view of the Notification dated 13.5.1999 the notification on the subject issued on 28.12.1990 by necessary implication did not hold the field.

3. Challenging the impugned action of the respondents in appointing the applicant as DIG, BSF on deputation vide Fax message dated 12.1.2001 and the consequent release order of the State Government dated 22.1.2001, Mr T. Nanda Kumar Singh, learned Sr. Counsel appearing on behalf of the applicant, submitted that the aforesaid action of the respondents is contrary to Rule 9 of the IPS (Pay) Rules, 1954 and also in violation of F.R. 15(a) read with F.R.49 of the FRSR. The learned Sr. counsel submitted that the impugned action of the respondents also suffers from the vices of malafide exercise of power on extraneous consideration. Lastly, he submitted that it amounted to reduction of rank in violation of Article 311(2) of the Constitution.

4. Mr A. Deb Roy, learned Sr. C.G.S.C. and Mr G.N. Sahewalla, learned Sr. Counsel appearing on behalf of respondent Nos.2 and 4, refuting the contention of the applicant pointed out to the process of selection that was held on 22.2.1999. Both the counsel submitted that, admittedly, as on 22.2.1999 the applicant was not eligible for being appointed on promotion as IGP. As mentioned in the written statement the cases of IPS officers of 1981 batch and above, who were eligible to be considered, if considered the applicant could not have been appointed as such. Therefore, the said appointment to the rank of IGP did not confer any vested right on the applicant. Mr Sahewalla, learned Sr. Counsel for the State respondents also referred to Rule 6 of the IPS (Cadre) Rules, 1954,

which.....

and contended that no consent, as such, was required for sending an IPS Cadre officer to Central deputation. Mr A. Deb Roy, learned Sr. C.G.S.C., referring to the IPS (Pay) Rules, 1954 contended that a member of the service can be appointed to a post mentioned in Schedule III. The post of DIG in the BSF is mentioned in Schedule III, and therefore, the applicant was rightly placed in his cadre.

5. We have given our anxious consideration in the matter. Whether for sending on deputation of a Cadre officer to the Central Government further consent of the incumbent under F.R.15 is necessary or not is the question focussed by the learned Sr. counsel for the applicant. According to the learned Sr. counsel for the applicant such consent is essential in conformity with F.R.15(a) and for that purpose he referred to a number of decisions of the Supreme Court, namely Amar Nath Bhatia Vs. Union of India and others, reported in 1987 (1) SLR 10, State of Punjab and others Vs. Inder Singh and others, reported in (1997) 8 SCC 372 and Umapati Choudhary Vs. State of Bihar and others, reported in (1994) 4 SCC 659 and a number of like cases. The learned counsel for the respondents, on the other hand, submitted that the requirement of consent is done away with in view of the Scheme mentioned in Rule 6 of the IPS Cadre Rules. Since, the application can be disposed of on the other issues, we are not inclined to go into that issue and leave matter here. In our opinion, however, as per the Scheme of IPS Pay Rules read with the IAS Cadre Rules, a member of the Service cannot be appointed to a post inferior to the status and responsibility occupied by him. This protection is guaranteed by the IPS Pay Rules. The whole object of the rules is to provide an effective insulation against arbitrary, unjust and unequal treatment. Admittedly, on the own showing of the respondents, the applicant was given a Supertime Scale and he was appointed to the post of IGP, a post higher in status and responsibility to that of a DIG of BSF. If the appointment was unlawful there were other measures for taking care of the situation, not by way of sending someone on deputation, that too, to a post of inferior status. As mentioned, the respondents in the written statement realising the situation pointed out that the pay of the applicant.....

applicant would be protected as DIG, BSF on deputation and that the applicant would not suffer financially. Pay of a Cadre officer is not the sole criteria. A Cadre officer can be posted to a post which is a post equivalent in status and responsibility to the post that was occupied by such person. The core question is status and responsibility. If, despite giving the scale of pay, if in truth and reality the post deputed to is inferior in status and responsibility to that occupied by a person, it would, undoubtedly, violative of Article 311 as well as Article 14 and 16 of the Constitution of India. Article 14 as well as Article 16 speaks of equality and inhibits discrimination. Equality is a dynamic concept of different manifestation. It is antithetic to arbitrariness. A public authority while acting in public field its action must be based on valid relevant principles applicable to all similarly situated. Its action is to guided by just, reasonable and lawful considerations. At any rate it cannot be guided by irrelevant and extraneous considerations. Where reasonings are not legitimate and relevant, but is outside the provisions of the rule it would also amount to malafide exercise of power.

6. Pay Rules, Cadre Rules were also made to define and protect the status of the Cadre officers of the All India Services. Rule 9 of the IPS (Pay) Rules, 1954 reads as follows:

"9. Pay of members of the Service appointed to posts not included in Schedule III.- (1) No member of the Service shall be appointed to a post other than a post specified in Schedule III, unless the State Government concerned in respect of posts under its control, or the Central Government in respect of posts under its control, as the case may be, makes a declaration that the said post is equivalent in status and responsibility to a post specified in the said Schedule.

(2) The pay of a member of the Service on appointment to a post other than a past specified in Schedule III shall be the same as he would have been entitled to, had he been pointed to the post to which the said post to declared equivalent.

(3) .....

(4) Notwithstanding anything cotained in this rule, the State Government concerned in respect of any post under its oontrol, or the Central Government in respect of any post under its control, may for sufficient reasons to be recorded in writing, where equation is not possible, appoint any member of the Service to any post without making a declaration that the said post is equivalent in status and responsibility to a post-specified in Schedule III.

(5) .....

14

(6) A member of the Service on appointment to a post referred to in sub-rule (4) in respect of which any pay or scale of pay has been prescribed shall draw where the pay has been prescribed, the prescribed pay and where scale of pay has been prescribed such rate of pay not exceeding the maximum of the scale as may be fixed in this behalf by the State Government or as the case may be, the Central Government.

Provided that the pay allowed to an officer under the sub-rule (4) and sub-rule (5) shall not at any time be less than what he would have drawn had he not been appointed to a post referred to in sub-rule (4).

(7) ....."


The rule is intended to protect and preserve the Status of a member of the IPS. An officer appointed and posted in a post can be shifted to an equivalent or higher post and not below it. Rules are made to eschew any subterfuge of any form. The rule provides that no member of the IPS shall be appointed to a non-cadre post unless Government makes a declaration to the effect that such non-cadre post is "equivalent in status and responsibility". The real object is to safeguard such officer from subtle diminution of their status and responsibility. If he is in fact brought down to a lower post, he will be entitled to safeguard his right guaranteed under Article 311 as well as Articles 14 and 16 of the Constitution of India. The Rule ensures that a member of the Service is not to be relegated to a post inferior in status and responsibility than that he occupied. In the case in hand, admittedly, the applicant was promoted and appointed as IGP. The post of DIG in BSF, where the applicant is deputed, is inferior to the post of IGP. In the guise of deputation, he was posted to a lower post inferior in status and responsibility than that of IGP (Law and Order) in the State of Manipur without following the procedure prescribed by law. The purported action of the respondents to shift the applicant from the post of IGP to the post of DIG, BSF also appears to be punitive in view of the stand taken by the respondents that the applicant's continuance in the State was against the public interest.

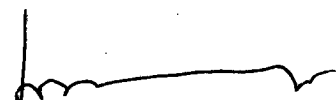
7. In the context of the communication dated 13.5.1999 sent by the Ministry of Home Affairs, on survey of the perspectives and for,

all.....

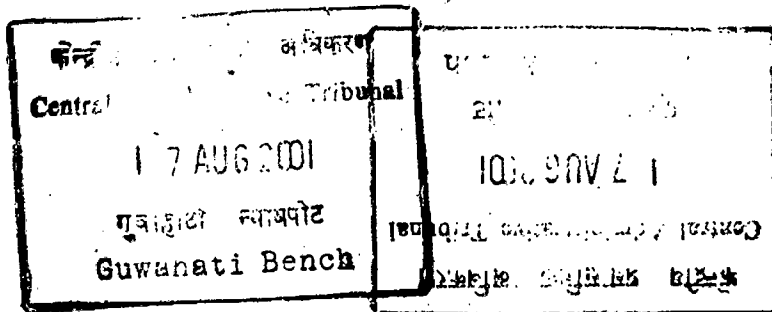
all the reasons cited above, in our view the impugned action of the respondents posting the applicant as Deputy Inspector General in Border Security Force on deputation communicated vide Fax message dated 10.8.2001 is unsustainable in law and thus is liable to be set aside. The said action of the respondents deputing the applicant as a Deputy Inspector General in BSF in the circumstances is set aside and quashed.

8. The application is accordingly allowed to the extent indicated. There shall, however, be no order as to costs.

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN

nk m



# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH

**ORIGINAL APPLICATION NO. 320 OF 2001.**

**Shri A. Romenkumar Singh, IPS of Keishamthong Ahanthem  
Leikai Imphal, Manipur.**

**Applicant.**

**- Versus -**

**1. The Union of India and 4 others.**

**Respondents**

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*A. Romen Kumar Singh*  
Signature of the Applicant  
(A. ROMENKUMAR SINGH).

For use in Tribunal's office.

Date of filing :

Registration No. :



**ORIGINAL APPLICATION NO. OF 2001.**

Shri A. Romenkumar Singh, IPS, aged about 52 years, S/o Late A. Ibomcha Singh, resident of Kelshamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, last employed as I.G.P. (Crime), Manipur at Imphal, Manipur.

— Applicant.

- Versus -

1. The Union of India through the Home Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi – 110001.
2. The State of Manipur through the Principal Secretary (Home) to the Government of Manipur, Secretariat, Imphal, Manipur.
3. The Commissioner (DP), Government of Manipur, Secretariat, Imphal, Manipur.
4. The Director General of Police, Manipur, Imphal.
5. Shri M.K. Das, IPS, I.G.P. (Int.), Manipur, Imphal.

— Respondents

**Details of Application :-**

1. **Particulars of the order against which the application is made :**

Central Government Order conveyed in Fax Message No.1-21016/15/2001-IPS.III dated 10-08-2001 from Home, New Delhi to the Chief Secretary, Government of Manipur, Imphal appointing the Applicant as D.I.G. in BSF in the pay scale of Rs.16,400-20,000/- on deputation basis for a period of 5 (five) years from the date of assumption of charge of the post or until further orders, whichever event takes place earlier,

And orders by Governor of Manipur No.4/62/76/IPS/DP(Pt.) dated 13-08-2001 in pursuance of above noted Fax message from Government of India purporting to release the Applicant.

*[Signature]*  
16-8-2001  
Oath Commissioner  
Manipur

*[Signature]*  
16/8

Shri A. Romankumar Singh, IPS, aged about 52 years, S/o Late A. Bomcha Singh, resident of Keshavnagar, Aizawl, Imphal, P.O. and P.S. Imphal, Manipur, last employed as I.G.P. (Crime), Manipur at Imphal, Manipur.

Applicant

Versus -

1. The Union of India through the Home Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.

2. The State of Manipur through the Principal Secretary (Home) to the Government of Manipur, Secretariat, Imphal, Manipur.

3. The Commissioner (D.P.), Government of Manipur, Secretariat, Imphal, Manipur.

4. The Director General of Police, Manipur, Imphal.

5. Shri M.K. Das, IPS, I.G.P. (Int), Manipur, Imphal.

Respondents

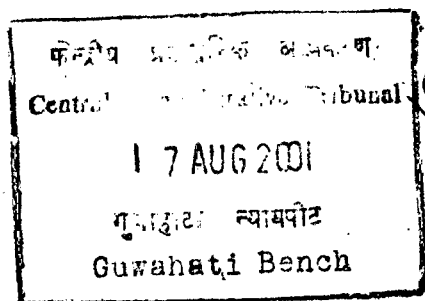
Details of Application -

Particulars of the order against which the application is

made :

Central Government Order conveyed in Fax Message No. 1-2101/2001-IP-III dated 10-08-2001 from Home, New Delhi to the Chief Secretary, Government of Manipur, Imphal appointing the Applicant as D.I.G. in BSE in the pay scale of Rs.18,400-20,000/- on deputation basis for a period of 5 (five) years from the date of assumption of charge of the post or until further orders, whichever event takes place earlier.

And orders by Governor of Manipur No. 462/76IP-2(DP) dated 13-08-2001 in pursuance of above noted Fax message from Government of India purporting to release the Applicant.



## 2. Jurisdiction of Tribunal :

The Applicant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

## 3. Limitation :

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

## 4. Facts of the Case :

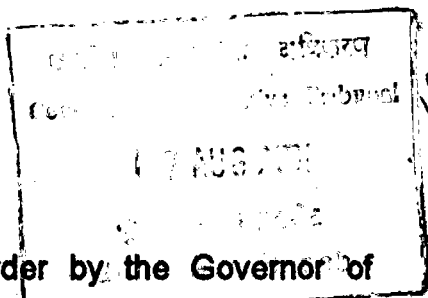
(1) The Applicant, who is the holder of Bachelor's Degree in Science as well as in Law, first entered in the service of Manipur Government in 1975 on the selection by the Manipur Public Service Commission on his appointment as Deputy Superintendent of Police in Manipur Police Service. The Applicant was promoted to the Indian Police Service by giving him year of allotment of 1982 in the Manipur – Tripura Cadre. He was serving in different capacities in the rank of Superintendent of Police, Commandant and Assistant Inspector General of Police, from 1983 onwards. While serving in the rank of Dy. S.P./ S.P./C.O. he was awarded 4 (four) President's Police Medal for Gallantry, 3 (three) Chief Minister's Police Medal for Gallantry, 1 (one) Chief Minister's Police Medal for Outstanding Service, 1 (one) President's Police Medal for Meritorious Service, 2 (two) Gold Medals from Associated Manipur Chamber of Commerce, 1 (one) Gold Medal by the Public from Churachandpur District and other Cash Rewards. He was also given 13 (thirteen) Years' Advanced Increment during the period of 10 (ten) years of his service. He also received commendation from the Governor of Manipur on 22-12-1994 and a large number of appreciations from his superior/senior officers in appreciation of his commendable service.

(2) He was promoted to the next higher grade/post of Deputy Inspector General of Police in the Indian Police Service supertime scale in the joint Manipur – Tripura Cadre, vide orders of the Governor of Manipur being No.3/7/90-IPS/DP dated 17-01-1996.

(3) The Applicant was appointed to the supertime scale of Rs.18,400-22,400/- of Inspector General of Police with immediate effect and transferred and posted as Inspector General of Police (Intelligence), Manipur vide order of the Governor of Manipur being No.3/5/97-IPS/DP dated 01-03-1999.

*[Signature]*  
16-8-2001  
Oath Commissioner  
Manipur

*[Signature]*



A true copy of the order by the Governor of Manipur dated 01-03-1999 appointing the Applicant to the supertime scale and transferring and posting him as I.G.P. (Int.) is attached hereto as Annexure A-1.

- (4) Within a short period of about 2 (two) months of his transfer and posting as I.G.P. (Int.), the Applicant was transferred and posted as I.G.P. (Law and Order), Manipur, vide orders by the Governor of Manipur being No.3/5/97-IPS/DP dated 04-05-1999.

A true copy of the orders by the Governor of Manipur dated 04-05-1999 for transfer and posting of the Applicant as I.G.P. (L & O), Manipur, is attached hereto as Annexure A-2.

The Government of India took exception to the promotion of the Applicant in the rank of I.G.P. on the alleged ground of his not completing the minimum stipulated years of service and directed the State Government to revert the Applicant and others of his rank who are alleged to be not eligible for promotion as per guidance of the Government of India dated 15-01-1999 vide D.O. No.1-28015/1/99-IPS-IV dated 13-05-1999 from the Joint Secretary to the Government of India, Ministry of Home Affairs, addressed to the Chief Secretary, Government of Manipur.

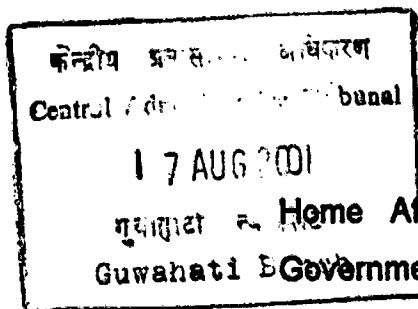
The Government of Manipur gave a befitting reply to the aforementioned D.O. Letter of the Joint Secretary, Government of India, pointing out, inter-alia, that the Applicant was eligible for promotion to the post of I.G.P. as on 01-01-1999 when the vacancy was available in accordance with the Central Government's Guidelines dated 28-12-1990 vide letter No.3/5/97-IPS/DP dated 28-06-1999 from the Government of Manipur, to the Joint Secretary, Government of India, Ministry of Home Affairs and Guidelines dated 28-12-1990 issued by the Government of India, Ministry of Home Affairs, to the Chief Secretaries of all States.

A true copy of D.O. Letter dated 13-05-1999 from Government of India to the Chief Secretary, Manipur, is attached hereto as Annexure A-3.

A true copy of Manipur Government's letter dated 28-06-1999 to the Government of India, Ministry of

*Signature*  
16/8/2001  
Oath Commissioner  
Manipur

*Signature*



attached hereto as Annexure A-4.

- (5) The Government of India asked the State Government for Central deputation of the Applicant by addressing a D.O. letter No.8/41/2000-NEI dated 09-01-2001 and also Ministry of Home Affairs Fax Message No.1-21016/1/2001-IPS/II dated 12-01-2001 with the object of dislocating the Applicant's posting in Manipur. The Government of Manipur informed the Central Government that the Applicant was holding the key post of I.G.P. (L&O), Manipur and the State Government was unable to dispense with his services at that stage, vide letter No.4/50/76-IPS/DP dated 22-01-2001.

A true copy of letter dated 22-01-2001 from the Manipur Government to the Government of India, Ministry of Home Affairs is attached hereto as Annexure A-5.

Later on, the Chief Minister of Manipur wrote a letter bearing D.O. No.MB/1/CM/2001 dated 04-05-2001 addressed to the Union Home Minister in the Government of India requesting the latter to review the case of Central deputation of the Applicant as his services as the highly decorated Police Officer who had proved his mettle in the counter-insurgency operations in Manipur were needed on the ground that withdrawal of the services of senior officers like the Applicant would not only cause avoidable setback in the counter-insurgency operations in Manipur but would also create a vacuum at the strategic level of the Police hierarchy.

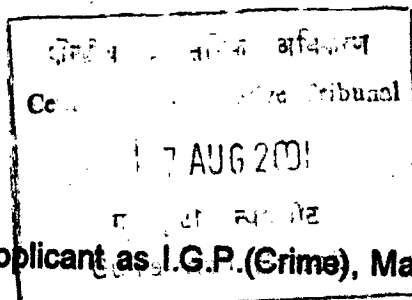
A true copy of the D.O. letter dated 04-05-2001 from the then Chief Minister of Manipur to the Union Home Minister in the Government of India is attached hereto as Annexure A-6.

- (6) Soon after the then popular ministry in Manipur was voted down on the floor of the Legislative Assembly on 02-06-2001 and the President's Rule was installed, the Applicant was transferred and posted as I.G.P. (Crime), Manipur, vide orders by the Governor of Manipur being No.3/9/86-IPS/DP(Pt.-III) dated 08-06-2001.

A true copy of the order by the Governor of Manipur dated 08-06-2001 transferring and

*[Signature]*  
16-8-2001  
Oath Commissioner  
Manipur

*[Signature]*  
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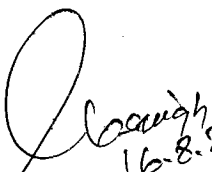
posting the Applicant as I.G.P.(Crime), Manipur is attached hereto as Annexure A-7.

- (7) Due to sudden respiratory problem the Applicant has been under medical treatment since 02-06-2001, and the Doctor attending on him advised him for complete rest for some days. The Applicant made his application for earned leave of 30 (thirty) days with effect from 14-08-2001 with permission to prefix the three preceding general holidays on medical grounds, vide letter No.1/PF/2001-IG(Crime)/ dated 10-08-2001 addressed to the Chief Secretary, Government of Manipur through the D.G.P., Manipur, with an application for leave and medical certificates.

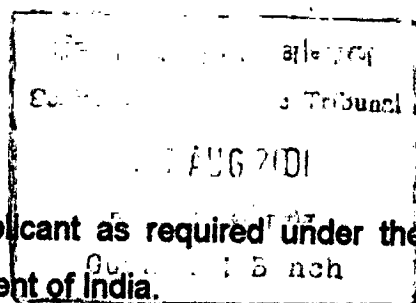
A true copy of letter dated 10-08-2001 from the Applicant to the Chief Secretary to the Government of Manipur with medical certificate dated 09-08-2001 and record of diagnosis dated 09-08-2001 is attached hereto as Annexure A-8 (Colly).

- (8) Like a bolt from the blue, a copy of order by the Governor of Manipur bearing No.4/62/76/IPS/DP(Pt.) dated 13-08-2001 was delivered to the Applicant on 13-08-2001 which was a general holiday in Manipur on account of Manipur Patriots' Day which was usually celebrated with due pomp and grandeur. The said copy of the orders by the Governor of Manipur was forwarded to the Applicant under Police Department Endst. No.E/16/13/86-PHQ(Adm.)/4519 dated 13-08-2001. The said Governor's order purported to release the Applicant so as to enable him to join as D.I.G. in the BSF on Central deputation with BSF, in pursuance of Ministry of Home Affairs, Government of India's Fax No.1-21016/15/2001-IPS.III dated 10-08-2001.

In the evening of 13-08-2001, a copy of message bearing No.1/PF/MKD/2000-INT dated 13-08-2001 issued by the Respondent No.5 for his allegedly taking over the charge of I.G.P. (Crime) with effect from 13-08-2001 (A.N.) was delivered to the Applicant, although the Applicant has never handed over the charge of his office as I.G.P. (Crime) to the Respondent No.5 or to any other officer till now. Nor is there any State Government's order or direction authorising/allowing the Respondent No.5 to take over

  
16.8.2001  
Oath Commissioner  
Manipur





the charge unilaterally from the Applicant as required under the rules and instructions of the Government of India.

Since the Applicant was in the dark about the appropriate orders of the Central Government appointing him as D.I.G. in the BSF, he requested the Respondent No.4 for furnishing a copy of the order made by the President of India in consequence of which the order of the State Government dated 13-08-2001 was issued as well as the unauthorised taking over of the charge of I.G.P. (Crime) was alleged by the Respondent No.5, vide letter of the Applicant bearing No.1/PF/2001-IG(Crime)/98 dated 14-08-2001. In response to the Applicant's letter, the Respondent No.4 sent a message bearing No.E/35/16/93/82/PHQ(Adm.)/4580 dated 14-08-2001 addressed to the Applicant stating that since the Applicant had been released to join as D.I.G., BSF, clarification etc., if any, might be obtained from the D.G./BSF after joining at the new place.

The Applicant, however, managed to obtain on 14-08-2001 a copy of the Fax message from the Desk Officer in the Ministry of Home Affairs, Government of India bearing No.1-21016/15/2001-IPS.III dated 10-08-2001 addressed to the Chief Secretary, Manipur Government, by way of Fax message. In the said message, it has been stated that the Central Government approved the appointment of the Applicant as D.I.G. in BSF in the pay scale of Rs.16,400-20,000/- on deputation basis for a period of 5 (five) years from the date of assumption of charge of the post or until further orders, whichever event takes place earlier and requesting that the Applicant may be relieved immediately in order to enable him to take up his new assignment.

A true copy of the Fax message dated 10-08-2001 from the Ministry of Home Affairs to the Chief Secretary, Government of Manipur, appointing the Applicant as D.I.G. in the BSF is attached hereto as Annexure A-9.

A true copy of the orders by the Governor of Manipur dated 13-08-2001 under cover of Endorsement dated 13-08-2001 of the D.G.P., Manipur, is attached hereto as Annexure A-10.

Oath Commissioner  
Manipur

A true copy of message dated 13-08-2001 from the Respondent No.5 for allegedly taking over charge of I.G.P. (Crime) is attached hereto as Annexure A-11.

A true copy of letter of the Applicant to the Respondent No.4 for furnishing a copy of the President's order for appointing him as D.I.G., BSF is attached hereto as Annexure A-12.


A true copy of reply message from the Respondent No.4 to the Applicant for obtaining clarification from D.G./BSF after joining the new place is attached hereto as Annexure A-13.

- (9) The post of I.G. in the IPS is equivalent to the post I.G. in the BSF. The two posts carry the same scale of pay, whereas the post of D.I.G. in the IPS and that in the BSF carry also the same scale of pay. The post of I.G. in the IPS as well as in the BSF at present carries the pay scale of Rs.18,400-500-22,400/- whereas the post of D.I.G. in both the Police Organisations carries at present the pay scale of Rs.16,400-450-20,000/- . The Applicant has never given his consent for Central deputation in the BSF, much less to his appointment as D.I.G. in BSF on lower pay scale.

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

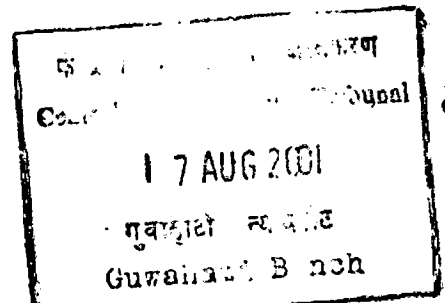
- (a) Under Rule 9 of the Indian Police Service (Pay) Rules 1954, it is provided that no member of the Service shall be appointed to a post other than a post specified in Schedule-III unless a declaration is made by the State Government or Central Government that the said post is equivalent in status and responsibility to a post specified in the said Schedule, and that pay of a member of the Service on appointment to a post other than a post specified in Schedule-III shall be the same as he would have been entitled to, had he been appointed to the post to which the said post is declared equivalent.

The appointment of the Applicant as D.I.G. in BSF affects the career prospects of the Applicant causing detriment to him in violation of the statutory rules above mentioned.

  
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Oath Commissioner  
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(b) Under F.R. 15(a) of the Financial Rules and Supplementary Rules,

it is provided that the President may transfer a Government servant from one post to another ; provided that except (1) on ground of inefficiency or misbehaviour, or (2) on his written request, a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14. The Petitioner never made any written request for his transfer or deputation to the BSF, and there was no disciplinary proceeding against him for his inefficiency or misbehaviour revealed in the impugned orders as a ground for his transfer or deputation. He is appointed to officiate in the post of D.I.G./BSF carrying less pay than the pay of I.G./IPS which is a permanent post on which he holds a lien. Accordingly, the impugned orders are in violation of specific statutory provisions.

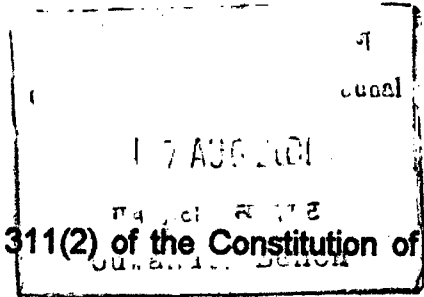
(c) The impugned orders were passed malafide and arbitrarily with the evil object of reverting the Applicant to the lower post of D.I.G. after he had been appointed as I.G.P. on regular basis and allowed to serve as I.G.P. for nearly 2½ years, as will be evident from the chain of correspondence between the Central Government and the State Government. The impugned orders transferring the Applicant on deputation were made on extraneous consideration by way of punishment to or victimisation of the Applicant and not in public interest.

(d) The Applicant was transferred successively for 3 times within a span of about 2½ years ending on his demotion from the post of I.G. in the IPS to the lower post of D.I.G. in the BSF which posts are evidently not equivalent in status, responsibility and pay. The frequent transfer without reasons disclosed in the impugned orders coupled with attendant circumstances revealed in the chain of correspondences between the Central Government and the State Government speaks volumes about the malafides and arbitrariness in issuing the impugned orders.

(e) The impugned order has occasioned a reduction in rank of the Appellant without holding any inquiry and accordingly it

*[Signature]*  
16-8-2001  
Deputy Commissioner  
Manipur

*[Signature]*



contravenes the provisions of Article 311(2) of the Constitution of India.

- (f) The impugned order at **ANNEXURE A-9** was not issued in the name of the President as required under Article 77 of the Constitution of India and F.R. 15(a) of the Fundamental Rules and Supplementary Rules. Further, the impugned order was not conveyed or authenticated as specified in Rules made by the President.
- (g) The orders at **ANNEXURE A-10** is consequential to the orders at **ANNEXURE A-9**; further the message at **ANNEXURE A-11** is also consequential to the orders at **ANNEXURES A-9** and **A-10**.
- (h) The Applicant has not yet been relieved from his post of I.G.P. (Crime). There is no order or permission of the State Government or of the Central Government allowing the Respondent No.5 to take unilateral charge of the office. The Applicant is still holding the charge of I.G.P. (Crime), Manipur, and is posted as such. The cause of action has arisen in part at Imphal, Manipur, within the local limits of the jurisdiction of the Guwahati Bench.
- (i) The Applicant has got strong prima facie case to succeed in his application. The balance of convenience is in his favour in granting a temporary injunction in the form of stay of the impugned orders during the pendency of the application. The Applicant shall suffer an irretrievable injury and irreparable loss unless interim relief in the nature of temporary injunction or stay of the impugned orders be not issued during the pendency of the application. Further, the application shall become infructuous in case the impugned orders are not stayed during the pendency of the application.

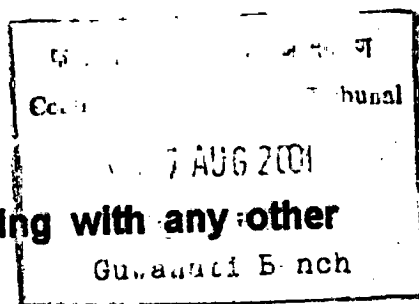
Moreover, in case the Applicant be constrained to serve as D.I.G. in BSF, he will suffer disgrace and humiliation consequent upon his demotion and degradation in his status, responsibility and pay besides reduction in rank.

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

The Applicant declares that there is no remedy available to him or provided under the relevant Service Rules, except by way of the present application.

*[Signature]*  
16-8-2001  
Oath Commissioner  
Manipur

*[Signature]*



7. **Matters not previously filed or pending with any other Court :**

The Applicant further declares that he had not previously filed any application, writ-petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Branch of the Tribunal nor any such application, writ-petition or suit is pending before any of them.

8. **Reliefs sought :**

In view of the facts mentioned in para. 6 above the Applicant prays for the following reliefs :-

- (a) the impugned order at ANNEXURE A-9 be set aside or quashed as having been made in violation of Rule 9(1)&(2) of the I.P.S. (Pay Rules 1954) and F.R.15(a) of the F.Rs. & S.Rs. and also since the impugned order contravenes the mandatory provisions of Article 311(2) of the Constitution of India as set out in grounds (a), (b) and (e) of para. 5 above. Further, the said order is made malafide and arbitrary as explained in the grounds (c) and (d) of para.5 above ,
- (b) The impugned order at ANNEXURE A-10 and the impugned message at ANNEXURE A-11 be also set aside or quashed as being consequential upon the order at ANNEXURE A-9,
- (c) Any such other reliefs as considered just, expedient and equitable be also granted.

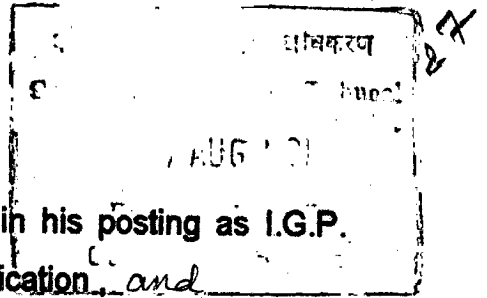
9. **Interim order, if any, prayed for :**

Pending final decision of the application, the Applicant seeks the following interim reliefs :-

- (a) The operation of the impugned order at ANNEXURE A-9 and consequential order at ANNEXURE A-10 and message at ANNEXURE A-11 be suspended/stayed during the pendency of the application,
- (b) The Respondents be restrained from giving effect to the impugned orders at ANNEXURE A-9 and ANNEXURE A-10 and message at ANNEXURE A-11 till the disposal of the application ,

*[Signature]*  
16-8-2001  
Oath Commissioner  
Manipur

*[Signature]*



(c) The Applicant be allowed to continue in his posting as I.G.P. (Crime) during the pendency of the application and

(d) Any such other interim reliefs/orders as may be deemed appropriate, just and equitable, be also granted/issued.

*A. Roman Kumar Singh*  
Signature of the Applicant.  
(A. ROMENKUMAR SINGH)

10. The application is being submitted by hand through the Applicant's duly appointed counsel.

11. Particulars of Postal Orders filed in respect of the application fee :

1. 2 Cross I.P.Os. of Rs. 20/- each bearing No. J4F 815530 and J4F 815531 dt. 16-8-2001,
2. 2 Cross I.P.Os. of Rs. 5/- each bearing No. J4C 337031 and J4C 337032 dt. 16-8-2001,
- all issued by Imphal Post Office in favour of Registrar, C.A.T., Guwahati Bench, Guwahati.

12. List of enclosures :

(1) Application in triplicate,

(2) Affidavit

(3) Postal Order No. dated 16-08-2001

In favour of the payee, the Registrar, CAT, Guwahati Branch, Guwahati,

(4) 5 extra copies of the application for 5 Respondents,

(5) 8 copies of ANNEXURE A-1 to ANNEXURE A-13,

(6) Index in Form-1,

(7) Receipt Slip,

(8) Vakalatnama.

*16-8-2001*  
Oath Commissioner  
Manipur

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## VERIFICATION

I, A. Romenkumar Singh, IPS, son of Late A. Ibomcha Singh, aged about 52 years, working as I.G. P. (Crime) in the office of Manipur Police Department, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, do hereby verify that the contents of paragraphs 1,2,3,4,6,7,8,9,10,11 and 12 are true to personal knowledge and para 5 are believed to be true on legal advice and that I have not suppressed any material facts.

Dated/Imphal,

The 16<sup>th</sup> August, 2001.

Place : Imphal.

Drafted & settled by

*A. Romen Kumar Singh*

Advocate

*A. Romen Kumar Singh*  
Signature of the Applicant.  
(A. ROMENKUMAR SINGH)

To

The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati.

*[Signature]*  
16.8.2001  
Dist Commissioner  
Manipur



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

**ORIGINAL APPLICATION NO. \_\_\_\_\_ OF 2001.**

Shri A. Romenkumar Singh, IPS of Keishamthong Ahanthem  
Leikai Imphal, Manipur.

\_\_\_\_ Applicant.

- Versus -

1. The Union of India and 4 others.

\_\_\_\_ Respondents

**AFFIDAVIT**

I, A. Romenkumar Singh, IPS, aged about 52 years, son of Late A. Ibomcha Singh working as I.G. P. (Crime) in the office of Manipur Police Department, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such I am well conversant with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. These are true to my knowledge.

2. That, the statements made in the foregoing paragraphs-1,2,3,4,6,7,8,9,10,11 and 12 are within my personal knowledge ; and those statements made in the above paragraph 5 are based on the information received by me from my counsel which I believe the same to be true.

*A. Romen Kumar Singh*  
(A. ROMENKUMAR SINGH)

DEPONENT.

Dated/Imphal,

The 16<sup>th</sup> August, 2001.

Drawn up by :- *N. Binod Singh*  
Advocate.

<p>Solemnly affirm before me on <u>16.8.2001</u> at <u>10 AM</u> at the Court premises by the <u>deponent</u> who is identified by <u>T. Rajendra Singh, Advocate.</u> I do hereby solemnly affirm and state as follows :- the contents fully well on the being read over and explained to him.</p>	<p><i>[Signature]</i> 16.8.2001 Oath Commissioner Manipur</p>
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GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR, MANIPUR

Imphal, the 1<sup>st</sup> March, 1999.

No. 3/5/97-IPS/DP: The Governor of Manipur is pleased to appoint Shri Ratanakar Baral, IPS (MT-1982) and Shri A. Romen Kumar Singh IPS (MT-1982) to the super time scale of Rs. 18400-22400/- of IGP with immediate effect.

2. On their appointment to the super time scale of IGP, the Governor of Manipur is pleased to transfer and post Shri A. Romen Kumar Singh IPS, DIG/Range I & II as IGP(Intelligent) and to order further that Shri R..Baral IPS will continue as IG(Prisons) in his grade pay until further orders.

2. Further, Shri N.Shyamananda Singh IPS (MT-1984) DIG(Range III & OPS-I) will hold the additional charge of DIG (Range I & II) until further orders.

By order & in the name of Governor,

(S. Jerol)

Special Secretary (DP), Govt. of Manipur.

Copy to:-

1. The Secretary to the Governor, Raj Bhavan, Imphal.
2. The Secretary to Chief Minister, Manipur.
3. The P.S. to Dy. Chief Minister, Manipur.
4. All P.S. to Ministers/MOS/Dy. Chairman(SPB).
5. P.S. to Chief Secretary.
6. P.S. to Principal Secretary, Govt. of Manipur.
7. The Secretary Govt. of India MHA, New Delhi.
8. The Chief Secretary, Govt. of Tripura.
9. The DGP, Manipur.
10. The A.G., Manipur.
11. All Commissioners/Secretaries/Spl. Secretaries, Govt. of Manipur.
12. The Officers concerned.
13. All Treasury Officers, Govt. of Manipur.
14. The Director, Printing & Stationary, Manipur for publication in Manipur Gazette.
15. Guard file/Order Book.

NO *involving*  
*consent & necessary*

This ANNEXURE A-1 is the true copy of the original document

(A. Bimol Singh)  
Advocate

dt. 16.8.2001

*[Signature]*  
16.8.2001  
Oath Commissioner  
Manipur

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, the 4th May, 1999

No. 3/5/97-IPS/DP: The Governor of Manipur is pleased to order the transfer and posting of the following IPS Officers with immediate effect and until further orders in public interest:-

SL.NO.	Name of the Officer	New place of posting
1.	Shri V. Zathang, IPS, DIG(OPs-II)	As DIG(OPs-I & II)
2.	Shri N. Shyamananda Singh, IPS, DIG(OPs-I) & Range-I, II, III in addition.	As DIG(Head Quarter & Trg/ Welfare/Human rights/ Social justice).
3.	Shri A. Pradeep Singh, IPS, IG(Law & orders)	As IGP(Intelligence)
4.	Shri A. Romenkumar Singh, IPS, IGP(Intelligence).	As IGP(Law & Orders) ✓
5.	Shri R. Baral, IPS, IG(Prisons)	As IG(OPs/Training/Communi- cation)
6.	Shri T. Thangthuam, IPS, IG(Communication/Moderni- zation/Planning)	As IGP(Communication/Moderni- zation/Planning).

-----  
No. joining time is allowed in public interest.

By orders & in the name of the  
Governor,

( Kh. Raghupati Singh )

Deputy Secretary(DP), Govt. of Manipur.

Copy to:-

- 1) The Secretary to Governor, Manipur Raj Bhavan, Imphal.
- 2) The Secretary to Chief Minister, Manipur.
- 3) The P.S. to Deputy Chief Minister, Manipur
- 4) All PSS to Ministers, Manipur.
- 5) The P.S. to Chief Secretary/Principal Secretaries,  
Govt. of Manipur.
- 6) The Chief Secretary, Govt. of Tripura, Agartala.
- 7) The Secretary to the Govt. of India, Ministry of Home  
Affairs, New Delhi.
- 8) The Director General of Police, Manipur.
- 9) All Commissioners/Secretaries, Govt. of Manipur.
- 10) The Accountant General, Manipur, Imphal
- 11) All IsGP/DISG/COs/SJP in Manipur Police Deptt.
- 12) The Special Secretary(Home), Govt. of Manipur
- 13) All Heads of Deptt./Offices in Manipur.
- 14) All Treasuries/Sub-Treasuries Officers in Manipur
- 15) Officers concerned.
- 16) Guard File/Order Book.

*16.8.2001*  
**Off. Commissioner  
Manipur**

This ANNEXURE A-2 is the true copy of the  
original document

(A. Binod Singh) (Advocate)

dt. 16.8.2001





O.P. ARYA

महानगर सचिव  
JOINT SECRETARY  
(Tel. 3014927)

CONFIDENTIAL

भारत सरकार  
GOVERNMENT OF INDIA  
भरत सरकार  
MINISTRY OF HOME AFFAIRS  
NORTH BLOCK  
NEW DELHI-110 001

D.O. No. I-28015/1/99-IPS-IV

Dear Sir,

13/11 May 1999

According to this Ministry's guidelines issued vide letter No. 45020/11/97-IPS-II dated 15.1.99, IPS officers who have completed 14, 18, 26 and 30 years of service are eligible for consideration for promotion to the grades of DIGP, IGP, Addl. DIGP and DGP respectively, depending upon the availability of posts. These guidelines have been laid down in order to ensure uniformity in the matter of promotion, etc., in all State cadres. It was also desired in the said letter to strictly adhere to these guidelines.

2. It has been noticed that IPS officers of 1975 and 1982 batch have been promoted to the ranks of Addl. DIGP and IGP respectively in your State. These officers have so far not completed the minimum stipulated years of services as prescribed under the guidelines and, therefore, action of State Government in promoting them constitutes a violation thereof. The Government of India has taken a serious note of it.

3. In view of the above, I have been desired to request you to revert the officers who are not eligible for promotion to various grades as per GOI's guidelines dated 15.1.99. The action taken in the matter may please be intimated to this Ministry very urgently.

With regards,

Yours sincerely,

(O.P. ARYA)

Shri H. Jelshyam  
Chief Secretary  
Govt. of Manipur  
Imphal

This ANNEXURE A-3 is the true copy of the original document.

(A. Binod Singh)

Advocate

16-8-2001  
Oath Commissioner  
Manipur

dt-16-8-2001

No.3/5/97-IPS/DP  
GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

Imphal, the 28th June, 1999

To

Shri O.P.Arya,  
The Joint Secretary,  
Government of India,  
Ministry of Home Affairs,  
NEW DELHI.

Subject:- Appointment of IPS(MT) Officers  
to Super Time Scale Posts of I.G.P.  
and above Super Time Scale post of  
Addl.D.G.P.

Sir,

I am directed to refer to your D.O. letter No.  
1-28015/1/99IFS-IV dated 13-5-'99 on the above subject  
and to state that the matter has drawn the attention of  
this Government and have decided to furnish the  
following clarifications :-

" Under the rules, a vacancy has to be filled  
in accordance with the provision of R/R in  
force at the time of vacancy."

(A) I.G.P.:

In the old rule i.e. before 15-1-'99 i.e.  
Guideline of MHA, Govt. of India of dt.28.12.90  
it has been prescribed that for promotion to  
I.G.P. the minimum years of service required is  
17 years. As such the IPS(MT-82) Officers  
S/Shri R. Baral and A.Romen Kumar Singh were  
eligible for promotion to I.G.P's as on 1.1.99  
when vacancies of I.G.P's were available,  
although formal appointment orders were issued  
only on 1.3.'99.

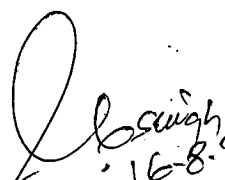
(B) Addl.D.G.P.:

Before 15.1.99, there was no any specific  
Guideline governing the appointment to the  
post of Addl.D.G.P., as the post of Addl.D.G.P.  
became a Cadre post on the recommendation of  
the 5<sup>th</sup> Pay Commission and only on 20.4.98.  
Earlier also, before Addl.D.G.P. became a Cadre

This ANNEXURE A-4  
is the true copy of the  
original document.

(A. Binod Singh)  
Advocate

Dt. 16-8-2001

  
16-8-2001  
Oath Commissioner  
Manipur

Contd... 2/-

post, Ex-Cadre post of Addl.D.G.P.'s were created not only in our State but also in other States. In the absence of any specific Guidelines from MHA, Govt. of India, the State Govt. considering the need to fill the post of Addl.D.G.P. particularly in the context of prevailing law and order having multiple dimensions, had filled up one of the posts of Addl.D.G.P. This is also justified by the fact also that the senior IPS Officers of Shri C. Peter did not opt for returning to the Cadre in order to avail the promotion facility available in the parent Cadre. Ngahanyui, IPS the only Officer available in the State was given promotion to Addl.D.G.P. much before the new/revised Guidelines for promotion to I.G.P./ Addl.D.G.P. and D.G.P. was issued by MHA, Govt. of India.

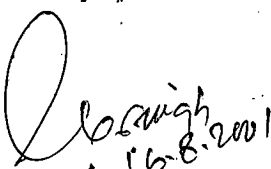
~~Here~~, it may be relevant to point out that in the North Eastern States, normally, relaxation upto a period of 3 years may be extended in favour of All India Service Officers for promotion the next higher posts taking into consideration the difficult law and order situation in the States.

It may also be pointed out that Shri K.T.D. Singh, IPS(MT-74) was given promotion to the post of D.G.P. by the Govt. of Tripura vide their Order No.F-35(2)-GA-97 dated April 16, 1999, even though he has not fulfilled 30 years of qualifying service as prescribed by the Guidelines for promotion to D.G.P. issued by MHA, Govt. of India on 15-1-1999.

Therefore, it would be in the fitness of things and appreciated that MHA, Govt. of India may review their decision so that already promoted Officers namely Shri C. Peter Ngahanyui, R. Baral and A. Romenkumar Singh may not be reverted considering the specific problems of the State and rule position explained above.

Yours faithfully,

( Kh. Raghunath Singh )  
Deputy Secretary (DP), to the Govt. of  
Manipur

  
16.8.2001  
Oath Commissioner  
Manipur

Phone: 301-2514

10/01/91

—19—

To

The Chief Secretaries of all States.

Subject: Indian Police Service - Promotion to Super Time Scale - Guidelines regarding.

Sir,

I am directed to refer to this Ministry's letter No. 16011/1/89-IPS.11 dated 4th September, 1989 enclosing therewith a copy of guidelines for the promotion of IPS officers to the different grades of the service. In order to ensure uniformity in the promotional prospects of IPS officers as compared to other services, it has been decided that the existing guidelines would be modified as hereinafter:-

- (i) For promotion to the - Grade of DIG - The minimum prescribed years of service would now be 14 years instead of 16 years as indicated earlier.
- (ii) For promotion to the - Grade of IGP - The minimum prescribed years of service would now be 17 years instead of 21 years as indicated earlier.

2. It is requested that these revised guidelines may please be followed in future while considering the promotion of IPS officers.

3. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

(H.K. Singh)

Joint Secretary to the Government of India

*[Signature]*  
16-8-2001  
Dist Commissioner  
Manipur

No. 4/50/76-IPS/DP  
GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
( PERSONNEL DIVISION )

Imphal, the 22<sup>nd</sup> January, 2001.

To

Shri G.K.Pillai,  
Joint Secretary (North East),  
Ministry of Home Affairs,  
Government of India,  
North Block,  
New Delhi.

Sub:- Central deputation of 2 (two) IPS officers.

Sir,

I am directed to invite a reference to your D.O. letter No. 8/41/2000-NEI dated 9-1-2001 and also MHA's Fax message No. 1-21016/1/2001-IPS/II dated 12-1-2001 and to state that the State Government has already proposed the name of Shri N. Shyamananda Singh, IPS for consideration of central deputation. As regards, Shri A.Romenkumar Singh, IPS, he is at present holding the key post of IGP(Law & Order) and the State Government is unable to leave his service at this stage.

Yours faithfully,

Sd/-  
( P. Bharat Singh )  
Commissioner (DP)  
Government of Manipur.

*This ANNEXURE A-5  
is the true copy of the original  
document.*  
*(A. Bomo Singh)*  
*Advocate*  
*Dt - 16.8.2001*

*P. Bharat Singh*  
*16.8.2001*  
Oath Commissioner  
Manipur



D.O.No. MB/1/CM/2001

Camp: New Delhi  
May 04, 2001

CHIEF MINISTER  
MANIPUR

*Respected Shri L. K. Advani,*

In my letters of 10 and 18 April, 2001, I had solicited your kind intervention and support towards establishing an effective state-wide security grid in Manipur with the help of the Army and Central Para Military Forces. To reiterate, it will be difficult to fully achieve the objective of Counter-insurgency Operations in the State unless the pre-Kargil strength of the Army and CPMF units is restored.

While awaiting re-induction of the Army and CPMFs in Manipur, I would like to seek your kind indulgence in the matter of deployment of Army, Assam Rifles and BSF in Manipur for containing the anti-social and subversive activities of the NSCN(IM), Kuki and other militant groups, especially along the National Highway 39 (between Mao Gate and Imphal) and in the highly sensitive areas of Senapati and Chandel districts. In fact, resurgence of inter-tribal conflict in the Sadar Hills (Senapati District), free movement of armed militants in combat uniforms in Chandel District and frequent attacks on vehicles carrying POL products and other essential commodities have become matters of grave public concern, as ultimately it is the people who bear the brunt.

As intimated earlier, I took a meeting of leaders representing various communities and interest groups on 1 May, 2001 in order to mobilise public support to the peace and development initiatives of the Government. I am happy to inform you that the response was good and positive.

The revised Counter-insurgency Operations Plan was reviewed in a high level security related meeting taken by me on 2 May, 2001 at Imphal where senior Ministers namely, Col. H. Bhupon Singh, S/Shri O. Joy Singh and M. Hemanta Singh and senior officials and police officers of the State were present. The review has reaffirmed our assessment that the State Government is facing difficulties in strengthening the Police Administration, inter alia, due to non-repatriation of senior IPS officers to the State after completion of Central deputation terms and ever declining rate of induction of direct recruit IPS and Manipur Police Service officers during the last decade. We have requested the MHA for immediate repatriation of three IPS officers to Manipur. ✓

In the meanwhile, replacement of the present Director General of Police, Manipur, is underway. I wish the new incumbent will assume office in high spirit and discharge responsibility with great sense of concern. In this context, I would request you kindly to review the case for Central deputation of Shri A. Romenkumar Singh, IPS who is a highly decorated Police Officer and has proved his mettle in the counter-insurgency operations in Manipur, as we need his services in Manipur. Since the DGP (designate) will take some time to get himself

P.T.O.

*L. K. Advani*  
16-8-2001  
Oath Commissioner  
Manipur

*This ANNEXURE A-6 is the  
true copy of the original document.  
(A. Romenkumar Singh)  
Advocate  
At 16-8-2001.*



CHIEF MINISTER  
MANIPUR

- 2 -

familiarised with the State's difficult law and order situation and in view of the gaps in the police hierarchy resulting from overstaying by the officers after completion of their tenure on Central deputation, withdrawal of the services of senior officers like Mr. Romenkumar Singh will not only cause avoidable setback in the Counter-insurgency Operations in Manipur but will also create a vacuum at the strategic level of the police hierarchy thereby leaving room for resurgence militant activities in the State. On the other hand, the officer's active involvement in the CIOs over the years has made him and his family vulnerable, and in the eventuality of his posting outside Manipur, the family members will become soft targets.

I sincerely hope we will continue to receive your kind guidance and support.

*With profound regards*

Yours sincerely,

(Radhabinod Koijam)

Shri L.K. Advani,  
Hon'ble Union Home Minister  
North Block  
New Delhi.

*L. Singh*  
16.8.2001  
Oath Commissioner  
Manipur

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR.  
Imphal, the 8<sup>th</sup> June, 2001.

No.3/9/86-IPS/DP(Pt-III)(E): The Governor of Manipur is pleased to order transfer and posting of the following IPS Officers as detailed below, with immediate effect and until further orders, in the public interest:-

<u>Sl. No.</u>	<u>Name</u>	<u>New posting/Assignment</u>
1.	Shri C. Peter Ngahanyui Addl. DGP (Intelligence)	as Addl. DGP (Ops/Armed Police/ Trng/Human Rights)
2.	Shri T. Thangthuam, IGP(Human Rights/Training)	as IGP (Admn/Welfare)
3.	Shri A. Pradeep Singh, IGP (Ops/Armed Police)	as IGP (Law & Order-II)
4.	Shri R. Baral IGP (Admn)	as IGP (Law&Order-I)
5.	Shri A. Romenkumar Singh IGP (Law & Oder)	as IGP (Crime)
6.	Shri D. Mishra, DIG (Ops-II)	as DIG (Range-IV)

*No joining time is allowed in public interest.*

By order and in the name of the  
Governor,

*[Signature]*  
8/6/2001

(Kh. Raghumani Singh)  
Deputy Secretary (DP), Govt. of Manipur.

Copy to:

1. The Secretary to the Governor, Raj Bhavan, Imphal, Manipur.
2. The PPSs to Advisors to the Governor of Manipur.
3. The Secretary to the Government of India, Ministry of Home Affairs, New Delhi
4. The Secretary to the Government of India, Department of Personnel & Training, New Delhi.
5. The P.S. to Chief Secretary, Govt. of Manipur.
6. P.S. Director General of Police, Manipur.
7. All P.S. to Addl. Chief Secretaries, Govt. of Manipur.
8. The Chief Secretary to Govt. of Tripura, Agartala.
9. All Principal Secretaries, Govt. of Manipur.
10. All Commissioners/Secretaries, Govt. of Manipur.
11. The Accountant General, Manipur. Imphal.
12. All Heads of Department, Govt. of Manipur.
13. All D.Cs., Manipur.
14. The Treasury officers concerned, Manipur.
15. Guard File.

*[Signature]*  
16.8.2001  
**Oath Commissioner**  
**Manipur**

*This ANNEXURE A-7 is the original true copy  
of the original document.*

*[Signature]*  
(A. Binol Singh)  
Advocate

16.8.2001.



No. 1/PF/2001-IG(Crime)/  
GOVERNMENT OF MANIPUR  
POLICE DEPARTMENT

Imphal, the 10th August, 2001.

Shri Rakhesh, IAS  
Chief Secretary,  
Govt. of Manipur.

Through the Director General of Police,  
Manipur, Imphal.

Sub:- Earned Leave for 30 days w.e.f. 14/8/2001  
with permission to prefix 11th, 12th & 13th  
being general holidays on medical ground.

Sir,

I have been under medical treatment since 2/6/2001  
due to sudden respiratory problem. On 9/8/2001, there was  
sudden break down in my respiratory problem. The Doctor  
advised me for complete rest for number of days. Medical  
certificate is enclosed.

It is, therefore, requested that I may kindly be  
allowed to avail Earned Leave for 30 days w.e.f. 14/8/2001  
to 12/9/2001 with permission to prefix 11th, 12th & 13th  
being general holidays on medical ground.

Yours faithfully,

( A. Romenkumar Singh )  
Inspector General of Police(Crime),  
Manipur, Imphal.

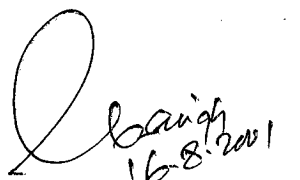
Endst. No:- 1/PF/2001-IG(Crime) Imphal, the 10th Aug, 2001.  
Copy to:-

Shri P. Bharat Singh, IAS  
Commissioner(DP),  
Govt. of Manipur.

( A. Romenkumar Singh )  
Inspector General of Police(Crime),  
Manipur, Imphal.

This ANNEXURE A-8 is the true Copy of the  
original document.

(A. Binod Singh)  
Advocate

  
16.8.2001  
Oath Commissioner  
Manipur

dt. 16-8-2001

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE.

1. Name of applicant : A. Romenkumar Singh, IPS
2. Deptt. office & Section. : Police Department.
3. Pay : Rs. 19,400/-
4. Post held : IGP(Crime), Manipur.
5. House rent and other compensatory allowance drawn in the present post. : SCA- Rs. 750/-  
HRA- Rs. 450/-
6. Nature and period of leave applied for and date from which required. : E/L for 30 days w.e.f. 14/8/2001 to 12/9/2001.
7. Sundays, holidays, if any proposed to be prefixed/suffixed to leave. : Prefix 11th, 12 & 13th being general holidays.
8. Ground on which leave is required. : Medical ground.
9. Date of return from last leave and the nature of that leave. : Earned leave from 18/6/2001 to 7/7/2001
10. I propose/do not propose to avail myself leave travel concession for the block year \_\_\_\_\_ during the ensuing leave. : -
11. Address during leave period : 1st Bn. Manipur Rifles Family Line, Imphal.

Signature of applicant (with date)

12. Remarks and/or recommendation of officer concerned.

Signature with date.

CERTIFICATE OF ADMISSIBILITY OF LEAVE.

13. Certified that . . . . . nature of leave for . . . . . from..  
. . . . . to . . . . . is admissible under rule . . . . . of  
the Central Civil Services Leave Rules, 1972.

Signature with date.

14. Order of the authority competent to grant leave.

Signature with date.

  
16.8.2001  
**Oath Commissioner**  
**Manipur**

MEDICAL CERTIFICATE FOR LEAVE OR  
EXTENSION OF LEAVE OR COMMUTATION OF LEAVE ON MEDICAL  
GROUND:

Signature of Govt. servant. *[Signature]*

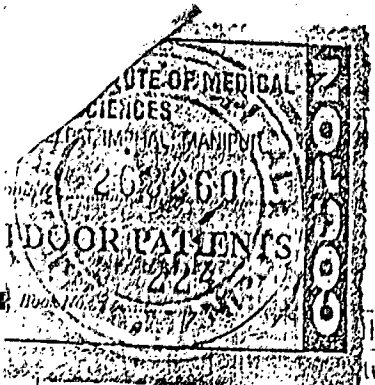
I Dr. *Lh. Bhimo Singh* after careful personal examination of the case in the RIMS Hospital (Hospital Number, *13561*) hereby certify that Shri Smt/Km. *A. Romenkumar* whose signature is given above is suffering from *Acute P.T.D.* I consider that a period of *fifteen (15) days* of absence from duty with effect from *09/08/01* is absolutely necessary for restoration of his/her health.

Dated, Imphal,  
the *09/08/01*

*[Signature]*  
Authorised Medical Attendant,  
RIMS Hospital,  
Regional Institute of Health Sciences,  
Imphal, Manipur

*[Signature]*  
16.8.2001  
Oath Commissioner  
Manipur

Manipur, Imphal.



**INSTITUTE OF MEDICAL SCIENCES HOSPITAL**  
LAMPHEL, IMPHAL.

**OUT - PATIENT RECORD**

Hospital No.  
13 45 61

Name	Sex	Age	Address
Ahamthem	Male	50/11	House No. Street
Occupation	State	City	P.O./Taluk/District
1st. M.R. Complex	Occupation	Dr.	Father's/Husband's Name
Referred by (Name of Doctor)	Department	Department	Department
If RIMS Staff	Student	Semester	

**Record of Diagnosis**

No.	Date	Diagnosis	Code No.
09/08/10	01-10	Sudden Sinking sensation inside chest (second) attack	

**History, Examination, Treatment & Progress Record**

Service	Date	Signature of Doctor	Fees	Investigation Order
09/08	01/08	Dr. Ahamthem	110	I.H.D
		Pulse = 92/min, 90		Adv
		RS - clear		ECG
		CVS - S <sub>1</sub> S <sub>2</sub> (n)		long LII
		1) Tab Vortin (8mg)		
		1 tab twice a day x 10 days		
		2) Alacorn (0.5g)		
		1 tab twice a day x 10 days		
		3) Tab Angispan T (2.5mg)		
		1 Cap twice a day x 10 days		

Rest for 15 days w.r.f 09/8/10, Bham  
09.8.10

*[Signature]*  
16.8.2011  
**Oath Commissioner**  
Manipur

**Inspector General of Police (Crime),**  
Manipur, Imphal.

28

ANNEXURE A-9 44

FAX MESSAGE

FROM : HOME NEW DELHI  
TO : CHIEFSEC, MANIPUR, IMPHAL.  
INFO : CHIEFSEC, TRIPURA, AGARATALA.  
INFO : DGP, MANIPUR, IMPHAL

NO. I-21016/15/2001-IPS.III

DATED : 10.8.2001

CENTRAL GOVERNMENT HAS APPROVED THE APPOINTMENT OF SHRI A. ROMANKUMAR SINGH, IPS(MT;SP8:82) AS DEPUTY INSPECTOR GENERAL IN THE BORDER SECURITY FORCE IN THE PAY SCALE OF RS. 16,400-20,000/ ON DEPUTATION BASIS FOR A PERIOD OF FIVE YEARS FROM THE DATE OF ASSUMPTION OF CHARGE OF THE POST OR UNTIL FURTHER ORDERS, WHICHEVER EVENT TAKES PLACE EARLIER (.) IT IS REQUESTED THAT SHRI SINGH MAY PLEASE BE RELIEVED IMMEDIATELY IN ORDER TO ENABLE HIM TO TAKE UP HIS NEW ASSIGNMENT (.) THE DATE OF HIS RELIEF MAY PLEASE BE INTIMATED TO THIS MINISTRY (.)

*we are*

*Unlabeled*

(V.K. GUPTA)  
DESK OFFICER  
TEL.NO.3014038

FAX NO: 0385-220573

*This ANNEXURE A-9 is the true copy of the original document.*

*16.8.2001*  
Oath Commissioner  
Manipur

*Beind*  
(A. Binet Singh)  
Advocate

16.8-2001

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

Orders by Governor of Manipur  
Imphal, the 13<sup>th</sup> August, 2001.

✓✓

No. 462/76/IPS/DP(P): In pursuance of Ministry of Home Affairs, Govt. of India's Fax No. 1-21016/15/2001-IPS. III dt. 10-8-2001, the Governor of Manipur is pleased to release Shri A. Romenkumar Singh, IPS (MTSPS-82) with immediate effect so as to enable him to join as DIG in the Border Security Force on Central deputation with BSF for a period of five years or until further orders whichever event takes place earlier. He shall report to the Director General, BSF, C.G.O. Complex, Lodi Road, New Delhi for further orders.

By Orders & in the name of the Governor

Sd/-  
( P. Bharat Singh )  
Commissioner, Deptt. of Personnel,  
Government of Manipur.

GOVERNMENT OF MANIPUR  
POLICE DEPARTMENT

Endst. No. 1E/16/13/86-PIHQ(Adm)/ 4519  
Copy to:-

Imphal, the 13<sup>th</sup> August, 2001.

- 1) The Addl. DGP, Manipur.
- 2) All IsGP in Manipur.
- 3) All DisGP in Manipur
- 4) The Director (MPR)/All SsP/COs/Principal MPTS/  
Addl. Director, ESL.
- ✓ 5) Shri A. Romenkumar Singh, IPS, for information and necessary action.
- 6) Shri M.K. Das, IPS, IGP(Int), Manipur. He will hold the charge of IGP(Crime) with immediate effect till further orders.
- 7) Personal file of the Officers.
- 8) File concerned.

N 83-8-2001

Dy. I.G. of Police (Hqs),  
for Director General of Police,  
Manipur.

*This ANNEXURE A-10 is the true copy of the original document.*

*16.8.2001*  
**Oath Commissioner**  
**Manipur**

*(A. Binod Singh)*  
**Advocate**

14.8.2001.

IN LIEU OF MSG. FORM

MOST IMMEDIATE

TO : DGP, MANIPUR (.)

INFO : (1) PRINCIPAL SECY(HOME), MANIPUR  
(2) COMMISSIONER(DP), MANIPUR  
(3) IGP(ADM), MANIPUR  
(4) SHRI A. ROMENKUMAR SINGH, IPS  
IGP(CRIME), MANIPUR  
(5) SP/CID(CRIME BRANCH), MANIPUR  
(6) I/C AD, FSL, MANIPUR (.)

FM : IGP(INT), MANIPUR (.)

NO. 1/PF/MKD/2000-INT/

DT, 13/8/2001

= WITH REFERENCE TO PHQ ENDORSEMENT NO. E/16/13/86-PHQ(ADM)  
DATED 13/8/2001 I HAVE TAKEN OVER THE CHARGE OF IGP(CRIME) IN  
ADDITION TO MY NORMAL DUTIES WITH EFFECT FROM 13/8/2001(AFTERNOON)  
(.) FOR KIND INFO PSE (.) = ~

*M.K.D.S.*  
( M.K. DAS )  
INSPECTOR GENERAL OF POLICE(INT),  
MANIPUR, IMPHAL

I. G. P. (Intelligence);  
Manipur.

*This ANNEXURE A-11 is the true copy of the  
original document.*

*Received*  
(A. Binod Singh)  
Advocate

*dt 16-8-2001.*

*[Signature]*  
16.8.2001.  
Oath Commissioner  
Manipur

No. 1/PF/2001-IG(Crime)/78  
GOVERNMENT OF MANIPUR  
POLICE DEPARTMENT

Imphal, the 14th August, 2001.

To


The Director General of Police,  
Manipur, Imphal.

Sub:- Release order.

Sir,

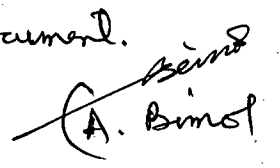
With reference to Endst.No. E/16/13/86-PHQ  
(Adm)/4519 dt. 13/8/2001, I am to submit that in order  
to enable me to act further, the order of the President  
of India under Article 77 of the Constitution of India  
read with F.R. 15 transferring me from Manipur to BSF  
may kindly be furnished at an early date.

Yours faithfully,

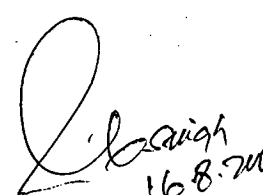
  
( A. Romenkumar Singh )  
Inspector General of Police(Crime),  
Manipur, Imphal.

67/c

This ANNEXURE A-12 is the true copy of the  
original document.

  
(A. Binol Singh)  
Advocate

Dt. 16.8.2001

  
16.8.2001  
Oath Commissioner  
Manipur



IN LIEU OF MSG. FORM

To : Shri A. Romenkumar Singh, IPS (.)

Fm : DGP, MANIPUR (.)

NO. E/35/16/93/82/PHQ(Adm) / 4580

DATE : 14/8/2001

= Pse refer to your letter dated 13.8.2001 (.) Vide Endst. No. E/60/13/86-PHQ(adm)/451 dated 13.8.2001 you have been released to join as DIG/BSF on central deputation (.) Therefore, clarifications etc. if any, may pse be obtained from DG/BSF after joining at new place (.) Using of the designation of IGP/Crime after your release is unauthorized. ✓

Most Immdt.

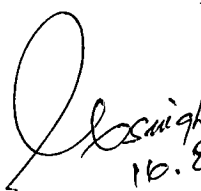
194-8  
for Director General of Police,  
Manipur, Imphal.

This ANNEXURE A/13 is the true copy  
of the original document.

(A. Binod Singh)

Advocate

dt. 16.8.2001.

  
16.8.2001  
Oath Commissioner  
Manipur

-33- 49

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH**

**ORIGINAL APPLICATION NO. OF 2001. DA 320/2001**

Shri A. Romenkumar Singh, IPS of Keishamthong Ahanthem Leikai  
Imphal, Manipur. \_\_\_ Applicant.

- Versus -

1. The Union of India and 4 others. \_\_\_ Respondents

Imphal, the 16<sup>th</sup> August, 2001.

To

1. The Central Government Standing Counsel,  
Counsel for Respondent No.1.
2. The Government Advocate, Manipur,  
Counsel for Respondents No. 2 - 5.

**Subject :- Notice for filing an application in the Central Administrative Tribunal, Guwahati Bench, Guwahati, and motion thereof.**

Dear Sirs,

I, the undersigned one of the counsel of the above named Applicant, hereby give you this notice about his filing an application in the Central Administrative Tribunal, Guwahati Bench, Guwahati, to-day and the same will be moved on the next day or so soon as the business and convenience of the Tribunal permits. A true copy of this notice and also a true copy of the said application with all Annexures are furnished to you herewith for your use and ready reference.

2. Kindly acknowledge the receipt of a copy of this notice and also a copy of the said application with Annexures by signing in the space provided therefor hereunder and return this notice to me in original so that the same can be presented to the Tribunal along with the original application to-day.

Received a copy of this notice  
and also a copy of the said application  
with Annexures,

Yours faithfully,

*A. Bimol Singh*

(A. Bimol Singh)

Advocate for the Applicant

1. *B. S. S. S.*  
Central Govt. Standing Counsel,

2. Government Advocate, Manipur.

*I undertake to furnish the*

*C. G. S. S. S.*  
*[Signature]*  
*A. Bimol Singh*

30 AUG 2001

गुवाहाटी न्यायपीठ  
Guwahati Bench

34-  
Filed by: 10  
Respondent No. 2, 3  
through  
Biswanath  
Adhikari  
28.8.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

IN THE MATTER OF :-

Original Application No.320/2001

Shri A. Ramen Kumar Singh

-Versus-

Union of India & ors,

AND

IN THE MATTER OF :-

A show cause reply on behalf of  
Respondents No.2, 3 and 4.

I, Shri P. Bharat Singh, son of Late P. Nipamacha Singh, aged about 51 years, permanent resident of Kongbakhe-trileikai, Imphal, functioning as Commissioner, Department of Personnel, Government of Manipur, Imphal, do hereby solemnly affirm and state as follows :-

1. That the deponent has been impleaded as Respondent No.3 in the original application. I have been conversant with the facts and circumstances of the case and being authorised, the deponent files this show cause reply for and on behalf of Respondents No.2, 3 and 4 as well.

2. That a copy of the original application has been served on me and I having gone through the same, have understood the contents thereof.

3. That all statements of fact which are not specifically admitted hereinbelow and which are contrary to records, shall be deemed to have been denied by me.

4. That with reference to the statements made in paragraphs 4(1) and (2), the same being basically matters of record, I deny and dispute the correctness of the averments which are not borne out of records.

5. That with reference to the statements made in paragraph 4(3) and (4), I say that the applicant along with four other IPS Officers were considered for appointment to the Supertime Scale posts of IGP by the Screening, Committee's meeting held on 22.2.1999. Out of the 5 IPS officers aforesaid, one belong to the 1981 Batch and others belong to 1982 Batch. Out of the said four persons of 1982 batch, the seniority of the applicant was at Serial No.3. It is also relevant to state that at the relevant point of time when the aforesaid consideration was taken place, quite a few officers of 1981 batch and above were on deputation to the Central Government and, as such, their cases were not considered. If the cases of IPS Officer of 1981 batch and above were considered, then the applicant would not have been

appointed to the Supertime Scale of IGP.

6. That with reference to the statements made in paragraph 4(4) of the application, it is stated that the Government of India objected to the promotion of the applicant in the rank of IGP for not completing the minimum stipulated 18 years of service as prescribed by the Government of India's notification No.45020/11/97-IPS-2 dated 15.1.99 and, as such, it would appear that on 22.2.99 the applicant did not possess the requisite minimum qualifying service. By letter dated 28th June, 1999 issued by the State Government in the department of Personnel and Administrative Reforms (Personnel Division) addressed to the Joint Secretary to the Government of India, Ministry of Home Affairs requested that in view of the decision to revert the officers in question including the applicant in view of the prevailing law and order in the North Eastern States, rules are normally relaxed for a period of 3 years and, as such, relaxation was done in view of previous cases. It may, however, be stated that in view of the notification dated 13.5.99, the notification on the subject issued on 28.12.90 by a necessary implication did not hold the field.

7. That with reference to the statements made in paragraph 4(5), it is stated that the same are matters of record. In this connection it is stated that in response to the fax message of the Ministry of Home Affairs dated 12.1.2001, the Government of Manipur had taken a decision to

place the services of the applicant at the disposal of the Government of India for post on Central deputation against any suitable post and accordingly fax message No.4/62/76-IPS(PT) dated 23.2.2001 was issued by the Respondent No.3 to the Joint Secretary, North East, Ministry of Home Affairs. The Chief Minister had accorded approval for central deputation of the applicant and only, thereafter, the fax message dated 23.2.2001 was issued. However, subsequently without making any reference to the earlier decision taken with regard to the central deputation of the applicant, the Hon'ble Chief Minister choose to address the D.O. Letter No.MD/1/CM/2001 to the Hon'ble Home Minister while he happened to be camping at New Delhi on 4.5.2001. It is a point to ponder how such a D.O. letter comes to the possession of the applicant and it is not difficult to hazard a guess.

A copy of the fax message dated 23.2.2001 is annexed herewith and marked as Annexure - A.

8. That with reference to the statements made in paragraph 4(6), I say that the same are matters of record.

9. That with reference to the statements made in paragraph 4(7), it is stated that the applicant stood relieved from the Police Department vide Government of Manipur order No.4/62/76/IPS/DP(Pt) dated 13.8.2001. The Deputy Inspector General of Police, Headquarters addressed a letter No.E/35(93) 82-PHQ(ADM) dated 16.8.2001 to the appli-

-37- 54

cant expressing inability to take any action on his letter dated 14.8.2001 requesting for 30 days' earned leave with effect from 14.8.2001. By the said letter, the applicant was further informed to make further correspondence regarding leave with the Director General, BSF. Why the applicant stood relieved on 13.8.2001, would be explained in the subsequent paragraphs.

A copy of the letter dated 16.8.2001 is annexed herewith as Annexure - B.

10. That with reference to the statements made in paragraph 4(8), it is stated that in pursuance of Ministry of Home Affairs, Government of India's fax message No.1-21016/15/2001-IPS-III dated 10.8.2001, the applicant was released by order dated 13.8.2001. A copy of the said order was duly served on the applicant. By the said order dated 13.8.2001, it was indicated that the Respondent No.5 would hold the charge of IGP-Crime with immediate effect till further orders and accordingly on the strength of the said order dated 13.8.2001, the Respondent No.5 took over the charge as IGP-Crime. Since the applicant was released by the order dated 13.8.2001 to enable him to join as DIG in the Border Security Force on Central deputation with BSF for a period of 5 years, there was no question of the applicant handing over charge. It is further stated that in view of the direction contained in order dated 13.8.2001, there was no necessity of issuing any further direction to the respon-

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5

dent No.5 to take over charge unilaterally. It is further stated that it is not correct as stated that the Respondent No.5 had taken over charge unauthorisedly.

11. That with reference to the statements made in paragraph 4(9), it is stated that consent for central deputation is not necessary and there is no obligation under any rule to take consent of the officer concerned before an officer is sent on deputation. There is also no infirmity in the applicant having been asked to join as DIG in the Border Security Force on central deputation even though the pay scale of DIG-BSF carries a pay scale which is lower than that of IGP. It is further stated that Shri Y.Joy Kumar Singh, IPS of 1976 batch who also belongs to the Manipur-Tripura Cadre, is the Inspector General of Border Security Force. Rule 6 of the IPS (Cadre) Rules, 1954 authorises that an officer with the concurrence of the State Government and the Central Government be deputed for service under the Central Government or another State Government or under a Company, Association or body of individual whether incorporated or not, which is wholly and substantially controlled and owned by the Central Government or any other State Government. It is further relevant to state that the Government of India in the Ministry of Personnel (PG and Pensions) in the Department of Personnel and Training had issued a notification dated 11th April, 2001 on the subject "IAS (Pay) Rules, 1954 and fixing the pay of IAS Officers appointed as Directors/ Joint Secretaries or equivalent-re-



garding". The instruction contained in the said letter dated 11th April, 2001 was also made applicable in cases of members of the Indian Police Service and Indian Forests Services. The said notification had taken care of the fixation of pay of officers sent on deputation to Central Government.

A copy of the said notification dated 11th April, 2001 is annexed herewith and marked as Annexure - C.

12. That with reference to the statements made in paragraph 5(A), it is stated that the contention raised is not correct and it is further stated that the deputation of the applicant cannot be said to be detrimental to the career prospective of the applicant under any circumstances. The contention raised in paragraph 5(A) that the orders are violative of specific orders on the subject of deputation and are in violation of the fundamental rules 15(A) of the Financial Rules and Supplementary Rules (sic) are misconceived and not tenable in law.

13. That the statements made in paragraph 5(b) and (c), it is denied that the impugned orders were passed malafide and arbitrarily with the evil object of reverting the applicant to the lower post of DIG after he had been appointed as IGP on regular basis. I say that the allegations are absolutely without any foundation and it is not correct as contended that there is reversion of the applicant to a lower post. It is also denied that the impugned orders

placing the services of the applicant on deputation was made on extraneous consideration by way of punishment or victimisation of the applicant and not in public interest. I say that the said statements are made for illegal gain and wrongful bargain solely for the purpose of this case.

14. That the allegations made in paragraph 5(d) are not correct. It is stated that it is not a case of transfer but a case on deputation and there is no question of demotion as alleged and it is reiterated that there is no illegalities in placing the services of the applicant on deputation to the Central government to enable the applicant to join as DIG-BSF and the same is absolutely valid. There is no malafide and/or arbitrariness in the issuance of the impugned orders and I state that such vague and bold allegations are without any substance whatsoever.

15. That with reference to the statements made in paragraph 5(e) and (f), it is stated that the contention raised therein are wholly erroneous and not tenable in law.

16. That the statements made in paragraph 5(h) are not correct and the same are hereby denied. The applicant stood released with effect from 13.8.2001 and the Respondent No.5 had taken over charge as IGP-Crime. The statements that the applicant is still holding the charge of IGP-Crime, Manipur and is posted as such is misleading and the same are hereby denied. It is further denied that he had not been relieved

from the post of IGP-Crime.

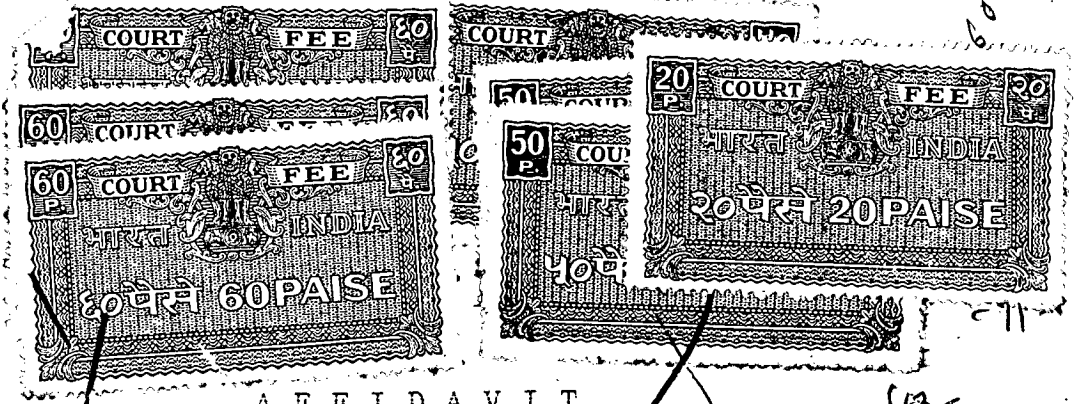
17. That the statements made in paragraph 5(i) are not correct and the same are hereby denied. I say that no case has been made out for grant of interim relief and, as such, the prayer for interim relief be not considered favourably. It is further stated that there is no question of the applicant suffering any disgrace or humiliation as contended in as much as there is no demotion and degradation and that the impugned orders are perfectly permissible under the law. It is further stated that there is no merit in the application in as much as that the impugned orders are valid and legal orders and, as such, the application is liable to be dismissed.

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

I, Shri P. Bharat Singh, son of Late P. Nipamacha Singh, aged about 54 years, permanent resident of Kongbakhe-trileikai, Imphal, functioning as Commissioner, Department of Personnel, Government of Manipur, Imphal, do hereby verify and state that the statements made in paragraphs 1 to 6, 8, 10 and 12 to 17 are true to my knowledge and those made in paragraphs 7, 9 and 11 being matter or record.

And I sign this verification on this the 27<sup>th</sup> day of August, 2001 at Guwahati.

P. Bharat Singh



A F F I D A V I T

-43-

I, Shri P. Bharat Singh, son of Late P. Nipamacha Singh, aged about 54 years, permanent resident of Kongbakhe-trileikai, Imphal, functioning as Commissioner, Department of Personnel, Government of Manipur, Imphal, do hereby solemnly affirm and state as follows :-

1. That I am the Respondent no.3 in the instant case and as such am acquainted with facts and circumstances of the case.
2. That the statements made in this affidavit and those made in paragraphs 1 to 6, 8, 10 and 12 to 17 of the accompanying show cause are true to my knowledge, those made in paragraphs 7, 9 & 11 being matters of record and true to my information derived therefrom which I believe to be true and rest are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 27<sup>th</sup> day of August, 2001 at Guwahati.

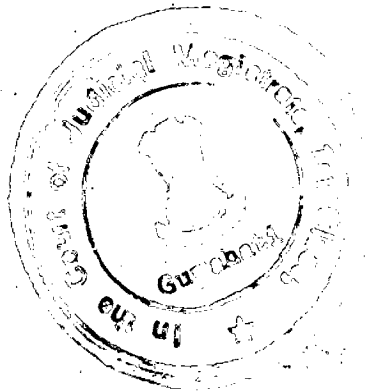
*P. Bharat Singh*  
Deponent

Solemnly affirmed before me by  
the deponent who is identified by  
Biswambhar Sharma, Advocate.

Identified by:-

*Biswambhar Sharma*  
Advocate

Guwahati



*27/8/01*  
MAGISTRATE

ANNEXURE A - 4 - 12 -

FAX MESSAGE

6

- 44 -

TO HOME NEW DELHI

INFO SHRI. G K PILLAI, JOINT SECRETARY (NE),  
MHA, NEW DELHI.


FROM COMMISSIONER (DP & AR)  
GOVT. OF MANIPUR, IMPHAL

NO. 4 / 62 / 76 - IPS (PT)

IMPHAL : 23 - 02 - 2001

REFER YOUR FAX MESSAGE NO. 1 - 21016 / 1 / 2001 - IPS - III DT. 12 - 01 -  
2001 REG. THE PLACEMENT OF THE SERVICES OF SHRI. ROMENKUMAR  
SINGH, IPS (MT: 82) WITH THE CENTRAL GOVT. ON DEPUTATION.  
IN SUPERSESSION OF OUR EARLIAR MESSAGES THE GOVT. OF  
MANIPUR HEREBY PLACES THE SERVICES OF SHRI. ROMENKUMAR  
SINGH, IPS (MT : 82) AT THE DISPOSAL OF THE GOVT. OF INDIA FOR  
POSTING ON CENTRAL DEPUTATION AGAINST ANY SUITABLE POST.

✓✓

  
( P. BHARAT SINGH )

COMMISSIONER ( DP & AR )

GOVT. OF MANIPUR

Certified to be true Copy  
B. Shanne  
Advocate

ANNEXURE - B

Chief Secy's Office  
F. P. No. ....  
D. No. ....

No.E/35(93)/82-PHQ(Adm)/  
Government of Manipur  
Police Department

14-13  
ANNEXURE  
- 45-

Imphal, the 16th August, 2001.

To

Shri A. Romenkumar Singh, IPS  
Quarters No. ....  
1st Bn. M.R. Complex, Imphal.

Please refer to your letter no. 1/PF/2001-IG(Crime)-97(A) dated 10-8-2001 which was received by this office on 14-8-2001, requesting for 30 days' E.L. w.e.f. 14-8-2001 etc.

Since you have already been relieved from the Police Department on 13-8-2001 vide Government of Manipur Order No. 4/62/76/IPS/DP(Pt) dated 13-8-2001, which was endorsed by the PHQ vide no. E/16/13/86-PHQ(Adm)/4519 dated 13-8-2001 this office is not in a position to take any action on your application. Any further correspondence regarding your leave may be made with/through DG, BSF. Your letter referred to above along with all its enclosures are returned herewith in original.

Encl:- As above.

Dy. IG of Police(HQs)..  
for Director General of Police,  
Manipur, Imphal.

Endst.No.E/35(93)/82-PHQ(Adm)/4630 Imphal, the 16th August, 2001.  
Copy to:-

- 1) The Chief Secretary,  
Government of Manipur, Imphal.
- 2) The Director General, BSF,  
CGO Complex, New Delhi -110001.  
(Lodhi Road)
- 3) The Principal Secretary(Home),  
Government of Manipur, Imphal.
- 4) The Commissioner(DP),  
Government of Manipur, Imphal.

*Roll*  
*17.8.2001*  
*for (20)*  
*Ustob*  
*17/8/2001*

*17.8.2001*  
Dy. IG of Police(HQs)..  
for Director General of Police,  
Manipur, Imphal.

Certified to be true Copy  
Bhanu  
Advocate

3710492

3014633

Attn: Shri N. The / Sh. Pritam Singh

F.No. 11030/17/93-AIS(II)  
 Government of India  
 Ministry of Personnel, P.G. & Pensions  
 Department of Personnel & Training

New Delhi, the 11<sup>th</sup> April, 2001.

To

The Chief Secretaries of all the State Governments  
 and Union Territories,

All Ministries and Department of Government of India.

Subject : IAS(Pay) Rules 1954 - fixation of pay of IAS officers  
 appointed as Directors/Joint Secretaries or equivalent in the  
 Central Government - regarding.

Sir,

I am directed to refer to this Department's letter No.14021/5/97-AIS(II) dated 19<sup>th</sup> December, 1997 whereby IAS officers appointed as Directors or equivalent in the Central Government subsequent to their promotions in the Supertime Scale in their cadres are allowed to draw maximum of the Selection Grade of the IAS (Rs.15100-400-18300) i.e. Rs.18300/-. Further, the Central (Deputation on Tenure) Allowance is also admissible to such IAS officers. Instructions have also been issued vide this Department's letter no. 11030/3/98-AIS(II) dated 13<sup>th</sup> May 1998 whereunder IAS officers appointed as Joint Secretaries or equivalent at the Centre subsequent to their promotion in the scale of Rs.22400-525-24500 in their cadres are ... allowed to draw the maximum of the Supertime Scale of Rs.18400-500-22400, i.e. Rs.22400/-. with the prior approval of this Department. In both the above type of cases, only those officers are allowed the said benefit who had actually started drawing pay in the higher grades in their cadres. In other cases where the officers were not promoted in the respective higher grades in the cadres prior to or at the time of their coming on Central deputation, their pay at the Centre is fixed on the basis of their grade pay in the cadre.

2. Instances have been brought to notice where a senior officer comes to hold a post in the rank of Director/Joint Secretary in the Central Government without being promoted in the respective higher grade in his cadre. As per the above explained position, in such cases, his pay at the center is fixed at the same stage of the grade in which he has been drawing pay in his cadre. Subsequently, another officer junior to him in the cadre happens to get promoted in the next higher grade (when his senior already at the Centre is also cleared for promotion) and is then deputed to the Central Government at the same level in which he was serving in his cadre prior to his promotion. In such a case, under the provisions contained in our letters dated 19.12.97 and 31.5.98 referred to above, his pay is fixed at

3383011

Kind Attention: Shri A.P. Singhania,  
 PS to Min. (Personnel)

Certified to be true Copy  
 B. Sharma.  
 Advocate



15-  
642  
-47-

the maximum of the grade in which he is so appointed at the Centre. This leads to a situation when the junior officer who had been promoted in the next higher grade in his cadre starts getting more pay than his senior who has already been holding a post at the same level in the Central Government, even though he had also been cleared for promotion in the next higher grade in his cadre in his absence. The seniors in such cases cannot get the benefit of maximum of the grade in which they are appointed at the center for the reason that they had not actually drawn pay in the higher grade in their cadres. This leads to an anomalous position whereby the senior officers keep getting lesser pay than their juniors so long as they remain in the Central Government and do not revert to their cadres to get the notional benefits of their proforma promotion.

3. The 5<sup>th</sup> Central Pay Commission had recommended *inter-alia* that: (i) Instead of restricting the CDTA only to those appointed to posts of Director and below, the allowance may also be extended to those officers appointed to posts of Joint Secretary and above; and (ii) such of those officers appointed as Joint Secretary and above but are in receipt of pay in a higher pay scale in their parent organization may be permitted to exercise an option to draw either their grade pay in their parent organization without any restriction or the grade pay of the deputation post along with the CDTA.

4. Government has carefully considered these recommendations and has decided not to accept the recommendation relating to CDTA to officers appointed to posts of Joint Secretary and above. It has also been decided not to accept the recommendation relating to protection of pay admissible in parent cadres on proforma promotion while on Central deputation as this would result in officers becoming entitled to the pay of a higher post while discharging the duties of a lower post and would be contrary to the well-recognised principle that no officer should be allowed the pay of a post, the specified duties and responsibilities of which are not actually discharged by him. However, in order to rectify the anomalies as pointed out at para 2 above, it has been decided that IAS officers who are approved for proforma promotion to the Super time scale and above Super time scale in their State cadres while on Central deputation may be permitted to draw their pay at the maximum of the scale applicable for the lower deputation post with effect from the date on which they are granted proforma promotion to higher scales of pay in their parent cadre. In other words, the pay of officers appointed to posts of Director and equivalent in the Central Government shall be fixed at the stage of Rs. 18,300/- in the pay scale of Rs. 15100-400-18300 on their proforma promotion to the Super time scale in their parent cadres. Similarly, the pay of officers appointed to posts of Joint Secretary and equivalent shall be fixed at the stage of Rs. 22400/- in the pay scale of Rs. 18400-500-22400 on proforma promotion to the Above Super time Scale in their parent cadres. Upon such pay fixation, officers appointed to posts of Joint Secretary and equivalent shall also be entitled to stagnation increments as per the conditions prescribed in Para 2 of this Department's orders of 13-5-98, cited above.

4-15  
-48-

5. Fixation of pay at the maximum of the applicable scale of pay shall be subject to the following conditions:

- a) Pay scale of the central deputation posts should be lower than the scale of pay in the parent cadre to which the officer had been promoted on proforma basis under the 'Next Below Rule'.
- b) The proforma promotion in the parent cadre should have been approved strictly in accordance with the relevant rules and instructions.
- c) The officer concerned should have been promoted in his cadre only after having fulfilled the eligibility criteria for promotion to the higher grade as prescribed in the relevant AIS rules and instructions.

6. These orders shall be effective from the date of issue. However, in cases of officers who are already on central deputation on the date of issue of these orders, the benefit of pay fixation at the maximum of the pay scale of the lower deputation post may be extended from the date of the grant of proforma promotion to the higher scales of pay in their State cadres. Past cases where the central deputation has already ended and the officers have since reverted to their cadres, would not be covered by this dispensation. The other conditions as contained in this Department's orders dated 19-12-97 and 13-5-98, as referred to at Para 1 above, shall also remain valid.

7. These instructions would equally apply in the cases of members of the Indian Police Service and Indian Forest Service with suitable modifications in the light of our letter no.16017/1/98-AIS(II) dated 17<sup>th</sup> July 2000 relating to their pay fixation on their central appointments at the Director level.

8. It is requested that the contents of this letter may be brought to the notice of all concerned.

*Hindi version will follow.*

Yours faithfully,

*(Y.P. Dhingra)*

Under Secretary to Government of India

Copies also to :-

1. Ministry of Home Affairs, UTS (with 10 spare copies)
2. Ministry of Home Affairs, IPS-II (With 20 spare copies)
3. Ministry of Environment and Forest, IFS-II (with 20 spare copies)
4. Spare copies - 200

*(Y.P. Dhingra)*

Under Secretary to Government of India

- 50 -  
67

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.**

**ORIGINAL APPLICATION NO.320 OF 2001.**

**IN THE MATTER OF - -**

Shri A. Romenkumar Singh, IPS, aged about 52 years, S/o Late A. Ibomcha Singh, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, last employed as I.G.P. (Crime), Manipur at Imphal, Manipur.

\_\_\_\_ Applicant.

- Versus -

1. The Union of India through the Home Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.
- 2 The State of Manipur through the Principal Secretary (Home) to the Government of Manipur, Secretariat, Imphal, Manipur.
3. The Commissioner (DP), Government of Manipur, Secretariat, Imphal, Manipur.
4. The Director General of Police, Manipur, Imphal.
5. Shri M.K. Das, IPS, I.G.P. (Int.), Manipur, Imphal.

\_\_\_\_ Respondents

**AND IN THE MATTER OF - -**

**Rejoinder-affidavit of the Applicant to the show cause reply dated 28-08-2001 filed on behalf of the Respondent Nos.2, 3 and 4 :**

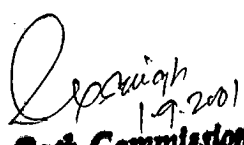
I, A. Romenkumar Singh, IPS, aged about 52 years, son of late A. Ibomcha Singh, working as IGP (Crime) in the Manipur Police Department, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I (Applicant) have carefully perused the show cause reply dated 28-08-2001 filed on behalf of the Respondent Nos.2, 3 and 4 and its

*A. Romenkumar Singh*  
Oath Committed  
Manipur

Annexures and fully understood the contents thereof. I am also well conversant with the facts and circumstances of the present case.

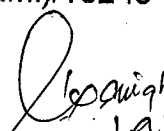
2. That, save and except those allegations and contentions which are specifically admitted to be true hereunder, I categorically deny all the allegations and assertions of the Respondent Nos. 2, 3 and 4 in their show cause reply.
3. That, with regard to paragraphs 1, 2, 3 and 4 of the said show cause reply, I beg to submit that the deponent should be put to strict proof of the contents therein.
4. That, with regard to paragraph 5 of the said show cause reply, I beg to submit that before holding the Screening Committee meeting on 22-02-1999 for my promotion to the Supertime Scale post of I.G.P., the Government of Manipur sought for the willingness of S/Shri Khinia Ram, IPS (MT-81) and S.B. Negi, IPS (MT-81) who were on deputation so as to consider their case for promotion to Supertime Scale post of I.G.P. But they opted to continue in their central deputation. Such being the case, as stated in paragraph 5 of the said show cause reply, their cases were not considered by the Screening Committee in its meeting held on 22-09-1999. That being so, on the recommendation of the Screening Committee meeting held on 22-09-1999, I was regularly appointed to Supertime Scale post of I.G.P.
5. That, with regard to paragraph 6 of the said show cause reply, I beg to submit that I have completed more than 19 years of service as IPS Officer as on to-day. The Government of Manipur had already furnished the clarifications under its letter dated 28-06-1999 (Annexure A-4 to the O.A.) to the Government of India regarding their request for action mentioned in the D.O. letter of the Joint Secretary, Ministry of Home Affairs dated 13-05-1999 (Annexure A-3 to O.A.). The Government of India, Ministry of Home Affairs, after taking into consideration of the said clarification of the Government of Manipur, did not further pursue the matter. Therefore, it is now a closed matter. But I deny the submission of the Respondents that "it may, however, be stated that in view of the Notification dated 13-05-1999, Notification on the subject issued on 28-12-1990 by a necessary implication did not hold the field".

  
19.2.2001  
**Oath Commissioner**  
Manipur

6. with regard to paragraph 7 of the said show cause reply, I beg to submit that Rule 6 of the IPS (Cadre) Rules 1954 cannot be read in isolation of Rule 9 of the IPS (Pay) Rules, 1954 and the accepted principles of service laws for sending an officer on deputation for the purpose of sending an I.P.S. Officer on deputation for service under the Central Government or another State Government. I also beg to submit that according to the principles of harmonious construction, an attempt should be made to avoid conflict of the relevant provisions of IPS (Cadre) Rules 1954 and IPS (Pay) Rules 1954 and an effort should be made to reconcile them for avoiding absurdity and anomalous result.

According to the established principles of service laws deputation can be effected by a tripartite agreement between the employer, the employee and the third party, i.e. borrowing department/borrowing Government. Therefore, there cannot be deputation without the consent of the person to be deputed and he would be entitled to know his rights and privileges in the deputation post so as to give his consent to the deputation.

Rule 6 of the IPS (Cadre) Rules 1954 neither speaks about obtaining the consent of the IPS Officer to be sent on deputation for service under the Central Government nor does it say that the consent of the IPS Officer is not required to be obtained before sending him on deputation for service under the Central Government. Therefore, the accepted principles of deputation under which the consent of the employee is required to be obtained before sending him on deputation should be taken into consideration while sending the IPS Officer on deputation for service under the Central Government. Accordingly, the Government of India accepting settled principles and the law for deputation sent Fax Message No.1-21023/40/2000-IPS III dated 22-01-2001 of the Ministry of Home Affairs, New Delhi to the Chief Secretaries of States including the Chief Secretary of Manipur to intimate the names of suitable and willing IPS Officers of 1981-82 batches for filling up the posts of Chief Vigilance Officer in the National Project Construction Co-operation Ltd., New Delhi and the State Governments are further requested to send the nomination of willing IPS Officers for DIG level posts. The said message of the Home Department dated 22-01-2001 was circulated by D.G.P., Manipur, to all the IPS Officers of 1981 to 1986 batches of the MT Cadre serving in the Manipur Police Department under his Endt. No.E/16/14/99 PHQ (Adm.)/10240 dated 30-01-2001. Therefore, the consent of the IPS Officers

  
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Oath Commissioner  
Manipur

were obtained by the Central Government, Ministry of Home Affairs before sending them on deputation. In the instant case also Ministry of Home Affairs, Government of India, sent the Fax Message No.1-21016/40/2000-IPS III dated 29-01-2001 to all the Chief Secretaries including the Chief Secretary of Manipur to sponsor the names of the IPS Officers of 1981 to 1986 batches who are willing to be considered for appointment to the post of Deputy Inspector General in the Border Security Force on deputation basis. The said Fax Message of the Ministry of Home Affairs, Government of India, dated 29-01-2001 was circulated by the D.G.P., Manipur, to all the IPS Officers of 1981 to 1986 batches of the MT Cadre including myself under his Endorsement No.E/16/14/99-PHQ (Adm.)/10383 dated 01-02-2001. It is an undeniable fact that the Government of India by accepting principles and the law of deputation that the consent of the officers is required before sending them on deputation and also by interpreting Rule No.6 of IPS (Cadre) Rules 1954 in such manner had been asking the IPS Officers of the MT Cadre before sending them on deputation for service even under the Central Government. As the clearest example in the present case, the Ministry of Home Affairs, Government of India, under its Fax Message dated 29-01-2001 requested the Government of Manipur to sponsor only the names of the willing IPS Officers for appointment to the post of DIG in the B.S.F. on deputation. It is also an admitted fact that on receipt of the Fax Message of the Ministry of Home Affairs, Government of India, dated 22-01-2001 and dated 29-01-2001 which had been endorsed to me by the D.G.P., Manipur, under his said Endorsement dated 30-01-2001 and dated 01-02-2001, I never gave/give my consent and willingness to be considered for appointment to the aforesaid posts.

True copies of the said message of the D.G.P., Manipur, dated 30-01-2001 and message dated 01-02-2001 of the D.G.P., Manipur, are attached hereto as ANNEXURES A-22 and A-23 respectively.

From the above accepted facts and practice of the Government of India as well as of the Government of Manipur, it is crystal clear that the Government of Manipur as well as the Government of India has been interpreting Rule 6 of IPS (Cadre) Rules 1954 and also the accepted principle of deputation that even for deputing IPS Officers for service under the Central

*Signature*  
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Oath Commissioner  
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It is also pertinent to mention that the Government of Manipur after consideration of the requirement of my service in the State of Manipur had turned down the request of the Government of India under the Fax Message of the Ministry of Home Affairs dated 12-01-2001 to make available my service on deputation under the Central Government vide letter of the Commissioner (DP), Government of Manipur being No.4/50/76-IPS/DP, Imphal, the 22<sup>nd</sup> January, 2001 to Shri G.K. Pillai, Joint Secretary (North East) Ministry of Home Affairs, Government of India, North Block, New Delhi.

It has been seen very clearly that the Central Government for the best reasons known to them had been pressurising the Government of Manipur to make my service available for deputation by singling out my case from all the IPS Officers of the MT Cadre serving in the Police Department of the State of Manipur. The Government of Manipur wrote the said letter dated 22-01-2001 (Annexure A-25) after taking decision of the Government of Manipur not to spare my service from the State of Manipur with reference to the said message of the Government of India under the said Fax Message of the Ministry of Home Affairs, Government of India dated 12-01-2001. The Government of Manipur while taking the decision for not making my service available for deputation for service under the Central Government also considered my denial to give consent for such deputation. Till date, I have

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not yet given my consent for deputation for service under the Central Government. It is most surprising and shocking to me that under what compelling circumstances the Government of Manipur had to change its earlier decision intimated to the Central Government under the letter of the Government of Manipur dated 22-01-2001 (Annexure A-25) and took the decision for making my service available for deputation completely contrary to the earlier precedent and practice under the law for taking consent of the IPS Officers before making them available for deputation under the Central Government. Therefore, the Fax Message of the Government of Manipur dated 23-02-2001 (Annexure - A to the said show cause reply) is malafide, arbitrary and illegal. The then Chief Minister of Manipur, Shri Radhabinod Koijam after realising the inconsistency, incongruity, illegality and factual mistake committed by the Government of Manipur for making my service available for deputation in the Central Government under the said Fax Message of the Government of Manipur dated 23-02-2001 (at Annexure A to the show cause reply), wrote a D.O. No.MB/1/CM/2001, May 04, 2001 (at Annexure A-6 to the present O.A.) to Shri L.K. Advani, Union Home Minister, North Block, New Delhi to review my case for central deputation in consideration of exigency of my service in the counter insurgency operation in the State of Manipur. The last para of the said D.O. letter of the C.M., Manipur dated 04-05-2001 (Annexure A-6 to the present O.A.) shows that as I had all along been combating insurgent activities of the underground extremists of Manipur, the members of my family would be the soft target of the extremists in case of my deputation outside the State.

In the light of my above submissions, I categorically deny the allegations and assertions of the Respondents in para 7 of the said show cause reply.

7. That, with regard to paragraph 8 of the said show cause reply, I have no comments.

8. That, with regard to paragraphs 9, 10 and 11 of the said show cause reply, I beg to submit that under Rule 9 of the IPS (Pay) Rules 1954, it is a mandatory requirement which must be followed by the Central Government that declaration should be made that non-cadre post of DIG, BSF is equivalent in rank, status and responsibility to the Supertime Scale post of I.G.P. at present held by me and in the absence of such declaration I cannot

*Devi Singh*  
1-9-2001  
Oath Committment  
Manipur



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be sent on deputation to the non cadre post of DIG in BSF which is never equivalent in rank, status and responsibility to the post of I.G.P. The declaration of non-cadre post of DIG in BSF is equal in rank, status and responsibility to the Supertime Scale post of IGP held by me is a sine qua non for the exercise of the power under sub-rule (1) of Rule 9 of IPS (Pay) Rules 1954. Further, under sub-rule (2) of Rule 9 of IPS (Pay) Rules 1954, it is laid down that the pay of the IPS on appointment to a post other than a post specified in Schedule III shall be the same as he would have been entitled to, had he been appointed, to the post to which the said post is declared equivalent. As earlier stated, the pay of D.I.G. in BSF is much lower than the pay of I.G.P. in I.P.S. It is an admitted fact that the post of DIG in BSF is not equivalent in rank, status and responsibility to the Supertime Scale post of IGP of IPS and as such the Central Government could not comply with the mandatory requirement of declaration under the Rule 9 (1) of the IPS (Pay) Rules 1954 before sending me on deputation by appointing me to the post of DIG in BSF, vide Fax Message No.1-21016/15/2001-IPS III dated 10-08-2001 ( at Annexure A-9 of the O.A. ).

It is also an accepted principle of law that an employee cannot be sent on deputation to a post which is inferior in rank, status and responsibility to the post held by the employee in the parent department inasmuch as deputation of an employee to the inferior post will amount to reduction in rank and violation of Article 311(2) of the Constitution of India. The present case of sending me on deputation by appointing me to the inferior post of DIG in BSF is the clearest example for violating Article 311(2) of the Constitution of India.

It is also an accepted fact that pay scale of the post of DIG in BSF carries pay scale less than that of the Supertime Scale post of IGP of IPS. As such my appointment to the post of DIG in BSF on deputation basis even though my pay may be protected will amount to violation of Article 311(2) of the Constitution of India.

Under Rules 7 and 11 of the IPS (Cadre) Rules 1954, all the posting of the IPS Officers to the cadre posts in the case of State cadre shall be made by the State Government and in the case of joint cadre by the State Government concerned. Further, for the purpose of filling up leave vacancy or for making temporary arrangement, the State Government may, delegate to the Head of Department, its power of making appointment to the cadre posts.

*Joseph*  
1.9.2001  
Oath Commissioner  
Muziris

It is an admitted fact that such power of the State Government was never delegated to the DGP, Manipur. As such, DGP, Manipur, who has not been delegated the power for posting of IPS Officers or/appointment of the IPS Officers to the cadre posts in the joint cadre of MT in exercise of the provisos to Rules 7 and 11 of the IPS (Cadre) Rules 1954, cannot issue order for allowing or for posting any IPS Officer to the cadre posts. As such, in the event of vacancy in the posts of DIG (Ops -1), Manipur, on the release of Shri N. Shyamananda Singh, IPS, to enable him to join his duties as DIG in the C.R.P.F., the Government of Manipur issued order No.4/62/76-IPS/DP, Imphal, dated 15-03-2001 for allowing one Shri D. Mishra, IPS, to hold the charge of DIG (Ops-I), Manipur. It is crystal clear that in the event of any vacancy in the cadre post of IPS under the State of Manipur, it is the State Government of Manipur and not the D.G.P., Manipur, to issue order for handing over and taking over of charge of the said post by any IPS Officers. As such, even for temporary/leave vacancies in the cadre posts of IPS, the Government of Manipur issued orders for postings or appointing an IPS Officer to hold or to look after the said vacancies in the posts of IPS. For example, the Government of Manipur issued order dated 20-02-1996 for allowing Shri C. Peter, IPS to look after the charge of DIG (Adm.), during the absence of Shri A. Romenkumar Singh, IPS, DIG (Adm.), order dated 03-12-1996 for allowing Shri R. Baral, IPS, to look after the work of IGP (L&O) on the deputation of Shri A. Romenkumar Singh (myself) to New Delhi on 23-12-1999 for verifying certain information, order dated 15-03-2001 for allowing Shri D. Mishra, IPS to hold the charge of DIG (Ops-I) consequent upon the release of Shri N. Shyamananda Singh, IPS, so as to enable him to join the post of DIG in C.R.P.F. on deputation and order dated 04-07-2001 for allowing Shri R. Baral, IPS, to look after the work of IGP (Crime), Manipur, in my absence on taking <sup>ed</sup>earn leave. It is crystal clear that DGP, Manipur, who has not yet been delegated the power under Rules 7 and 11 of the IPS (Cadre) Rules 1954 has no power to issue order for posting of any IPS Officers. As such, DGP, Manipur, has no power for posting or/allowing the Respondent No.5, M.K. Das, IPS, to hold the charge of IGP (Crime) on my release so as to enable me to join as DIG in the BSF on Central Deputation, vide Endorsement of the DGP, Manipur, being No.E/16/13/86-PHQ(Adm.)/4591, Imphal, the 13<sup>th</sup> August, 2001 (at Annexure A-10 of the O.A.).

*Shri Singh*  
1.9.2001  
Joint Commissioner,  
Manipur

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True copies of the said orders of the Government of Manipur dated 20-02-1996, 03-12-1999, 15-03-2001, 12-06-2001 and 04-07-2001 are attached hereto as ANNEXURES A-26, A-27, A-28, A-29 and A-30 respectively.

But most surprisingly and also quite contrary to earlier practice so far followed by the Government of Manipur for posting/allowing IPS Officers to hold any charge of IPS cadre post in the event of release of incumbent for allowing him to join new post on deputation or in the event of granting leave to the IPS Officer holding the concerned post, the Government of Manipur issued orders dated 13-08-2001 (at Annexure A-10 to the present O.A.) on the State Holiday without indicating the name of the IPS Officer to whom I have to hand over the charge of the cadre post of IGP (Crime), Manipur. Over and above, the DGP, Manipur has no power and jurisdiction for allowing the Respondent No.5, Shri A.K. Das, IPS to take over the charge of IGP (Crime), Manipur with immediate effect until further orders under his Endorsement dated 13-08-2001 (at Annexure A-11 to the present O.A.). It may here also be mentioned that in all the cases for handing over and taking over of the charge on the transfer of IPS Officers both the Relieved Officers and Relieving Officers signed on the TR-1 Form by making themselves available at the headquarter of the said concerned post. But in the present case, I have never been informed by the Government of Manipur<sup>as</sup> to whom the charge of the office of IGP (Crime), Manipur is to be handed over and there is no order of the Government of Manipur for allowing any particular IPS Officer to take over the charge or hold the post of IGP (Crime), Manipur. Surprisingly, in the present case, the Respondent No.5, Shri M.K. Das claimed to have taken unilateral charge of the post of IGP (Crime), Manipur on 13-08-2001 which is a State Holiday even before receiving the order of the Government of Manipur dated 13-08-2001 for releasing me with immediate effect so as to enable me to join as DIG in BSF on Central Deputation. The Government of Manipur was so prompt enough<sup>as</sup> to issue the order dated 13-08-2001 (at Annexure A-10 to the present O.A.) on the State Holiday because the 13<sup>th</sup> of August of every year is declared as a State Holiday as the 13<sup>th</sup> August is treated as Patriots' Day of Manipur. It would be evident from the message dated 13-08-2001 (at Annexure A-11 to the present O.A.) that the Respondent No.5, Shri M.K. Das claimed to have taken unilateral charge without/before receiving the said

*Deaugh*  
19.8.2001  
Oath Commissioner  
Manipur

order of the Government of Manipur dated 13-08-2001 (at Annexure A-10 to the present O.A.) under the Endorsement No.E/16/13/86-PHQ (Adm.)/4519, Imphal, the 13<sup>th</sup> August, 2001. The alleged taking over of the charge of IGP (Crime), Manipur by the Respondent No.5, Shri M.K. Das without valid order of the Government of Manipur will be of no consequence. It is a general rule that after handing over and taking over the charge is complete the A.G. office and the Treasury office shall issue last pay slips and last pay certificate in the case of transfer outside the State of Manipur. But in my case, I have not yet handed over the charge of the office of IGP (Crime), Manipur and the Government of Manipur has not issued any order for handing over my charge of the office of IGP (Crime), Manipur to any IPS Officer. Over and above, there is no order of the Government of Manipur for allowing any IPS Officers to take unilateral charge of the office of IGP (Crime) on my release under the order of the Government of Manipur 13-08-2001 (at Annexure A-10 to the present O.A.)

I also beg to submit that the said instruction of the Government of India, Ministry of Personnel, PG & Pensions, Department of Personnel and Training dated 10-04-2001 (at Annexure-C of the present show cause reply) has no relevancy in the present case and as stated above mere protection of pay scale will not amount to mandatory compliance of Rule 9 of the IPS (Pay) Rules 1954 and provisions of Article 311(2) of the Constitution of India in the case of sending of an IPS Officer on deputation to inferior post.

True copies of some of the TR Forms for handing over and for taking over of the charge by the Relieved and Relieving Officer dated 17-01-1996, 09-03-1998, 01-03-1999 and -5-05-1999 are attached hereto as ANNEXURES A-31, A-32, A-33 AND A-34 respectively.

I also beg to submit that under the CCS (Joining Time) Rules, in the interest of the public as well as the Government servant, joining time shall be granted to the Government servant on transfer for enabling him to join the new post either in the same State or a new State. Joining time admissible in the case of the distance between the old Headquarter and the new Head Quarter is more than 2000 Kms. would be 15 days. Under Rule 7 of the CCS

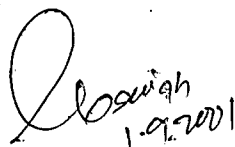
*Devaigh*  
1.9.2001  
Oath Commissioner  
Manipur

(Joining Time) Rules, a Government servant on joining time shall be regarded as on duty during that period.

Under FR 17 of the FR & SR an officer shall begin to draw the pay and allowance attached to his tenure of a post w.e.f. the date when he assumes the duty of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

In my case also, the D.G.P., Manipur after considering the provisions of the CCS (Joining Time) Rules as well as FR 17 of the FR & SR issued wireless message being No.PR-17/16/2001-PHQ/4605 dated 16/08/2001 to me for allowing to use the 3 vehicles mentioned therein till the expiry of my joining time i.e. 25-08-2001. It may also here be mentioned that the police Headquarter maintained despatch register in which all the messages sent from Headquarter to different authorities/officers are recorded by mentioning the particular entry number, date, serial number and page number for all those messages.

In the present O.A., Hon'ble Tribunal passed an interim order dated 17-08-2001 for suspending the direction contained in order dated 10-08-2001 (at Annexure A-9 to the O.A.) and order dated 13-08-2001 (at Annexure A-10 to the O.A.) The passing of the said interim order dated 17-08-2001 was published as news item in the leading local dailies widely circulated in the State of Manipur, namely Poknapham, Sanaleibak and Free Press published on 18-08-2001. The D.G.P., Manipur, after coming to know about the existence of the said interim order dated 17-08-2001 through the aforesaid leading local dailies, issued the back dated wireless message being No.PR-17/16/2001-PHQ dated 16-08-2001 to me for withdrawing the vehicles mentioned above immediately. The said back dated wireless message dated 16-08-2001 was furnished to me through one Shri N. Deben Singh, Havildar, only on 18-08-2001 while he came to my quarter for withdrawing the said vehicles on 18-08-2001. On the very day i.e. 18-08-2001, I also obtained an acknowledgement from the said Havildar, Shri N. Deben Singh for receiving a copy of the said interim order dated 17-08-2001. The fact of the back dating of the said wireless message dated 16-08-2001 for withdrawing the said vehicles will be clear from the entry No.4684 dated 18-08-2001 of the page 115 of the said despatch register of the police Headquarter.



**Oath Commissioner**  
**Manipur**

True copies of the said wireless message dated 16-08-2001, back dated wireless message dated 16-08-2001, acknowledgement receipt dated 18-08-2001 received by the said Havildar, Shri N. Deben Singh and an extract copy of page No.115 of the despatch register of the police Headquarter are attached hereto as ANNEXURES A-35, A-436, A-37 and A-38 respectively.

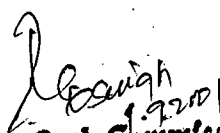
From the above facts, it is clear beyond reasonable doubt that the D.G.P., Manipur, in collusion with the State Government of Manipur, for reasons best known to them <sup>has</sup> have been acting with malafide and bias against me for the purpose of sending me on deputation by appointing me to an inferior post of D.I.G. in B.S.F. by hook or by crook.

In the light of my above submissions, I categorically deny the allegations and assertions made in paragraphs 9, 10 and 11 of the said show cause reply.

9. That, with regard to paragraphs 12, 13, 14, 15, 16 and 17 of the said show cause reply, I categorically deny the allegations and assertions. I also beg to submit that "Transfer means the movement of a Government servant from one post to another and deputation is nothing but a transfer from a post to a post outside the parent department or outside the parent cadre". As stated above, following the principles of harmonious construction, Rule 6 of IPS (Cadre) Rules 1954 is to be interpreted harmoniously with FR No.15 of the FR & SR in the case of transfer of a Government servant from one post to another.

In the light of my above submissions, I beg to submit that the Respondents should be put to strict proof of the allegations and assertions made in paragraphs 12 to 17 of the said show cause reply.

10. That, I beg to submit that the allegations and assertions of the Respondents in their present show cause reply are capricious, malafide, devoid of merit and not tenable under the law.

  
Oath Commissioner  
Manipur.

A. Roman Kumar Singh.  
Applicant.



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VERIFICATION

I, A. Romenkumar Singh, IPS, son of Late A. Ibomcha Singh, aged about 52 years, working as I.G. P. (Crime) in the office of Manipur Police Department, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, do hereby verify that the contents of paragraphs 1,2,3,4,5, last part of paragraph 6, last part of paragraph 8 are true to personal knowledge and remaining part of paragraph 6, 7, remaining part of paragraph 8 ~~and~~ <sup>and 10</sup> ~~or~~ 9 are believed to be true on legal advice and that I have not suppressed any material facts.

Dated/Imphal,

The 1<sup>st</sup> September, 2001.

Place : Imphal.

Drawn up by :-

*A. Binod Singh*  
Advocate

*A. Romenkumar Singh*  
(A. Romenkumar Singh)

Applicant.

Solemnly affirm before me on... *1.9.2001*  
at... *10 AM* ...at the Court premises  
by the Deponent who is identified  
by... *A. Romenkumar Singh* ...  
The Deponent seems to understand  
the contents fully well on their  
being read over and explained to him.

*[Signature]*  
*1.9.2001*  
Oath Commissioner,  
Manipur

IN LIEU OF MEG. FORM.

-63-

- TO 1) Shri J.B. Negi, IPS, (MT-81) T.G. (Prison), Manipur.  
2) Shri R. Baral, IPS (MT-81) I.G.P. (Adm), Manipur.  
3) Shri A. Romenkumar Singh (MT-82) I.G.P. (L&O), Manipur.  
4) Shri N.K. Mukhopadaya, IPS, (MT-82) Project Director, MDS.  
5) Shri V. Zathang, IPS (MT-83) DIGP (R-II), Manipur.  
6) Shri P.M. Goud, IPS (MT-84) DIGP (HQ), Manipur.  
7) Shri M. Shyamananda Singh, IPS (MT-84) DIG (OPS-I), Manipur.  
8) Shri D. Mishra, IPS (MT-84) DIGP (OPS-I), Manipur.  
9) Shri L.M. Khouite, IPS (MT-85) DIGP (R-I), Manipur.  
10) Shri M.A. Rahaman, IPS (MT-85) DIGP (R-III), Manipur.  
11) Shri Anand Prakash, IPS (MT-96) SP-UKHRUL.

From : DGP, Manipur.()

NO. : E/16/14/99-PHQ(Adm)/10240

DATE 30/1/2001.

= COPY OF FAX MSG. NO. 1021023/40/2000-IPS.III DT.22.1.2001 FROM HOME NEW DELHI ADDRESSED TO CHIEF SECRETARIES INFO TO THE DsGP OF ALL STATE GOVT. IS FOLLOWS (.) QUOTE (.) THE NAMES OF SUITABLE AND FILLING IPS OFFICERS OF 1981 TO 1986 BATCHES ARE INVITED FOR WILLING UP THE POST OF CHIEF VIGILANCE OFFICER IN THE NATIONAL PROJECTS CONSTRUCTION CORPORATION LIMITED, NEW DELHI (.) THE STATE GOVERNMENTS ARE REQUESTED TO SEND THE NOMINATIONS OF WILLING IPS OFFICERS OF DIG LEVEL, WHO ARE CLEAR FROM VIGILANCE ANGLE, TO THIS MINISTRY AT THE EARLIEST (.) THE BASIC PAY OF THE OFFICERS MAY ALSO BE INDICATED (.) UNQUOTE (.) KINDLY FORWARD THE NAME OF THE WILLING OFFICERS ON OR BEFORE 15.2.2001 (.)

M/IMMDT.

Sd/-  
FOR DGP MANIPUR

Annexure A-22 is the true copy of the original document.

*Bimal*  
1-9-2001  
(A. Bimal Singh)  
Advocate for Applicant.

*Bimal Singh*  
1-9-2001  
Oath Commissioner.  
Manipur



IN LIEU OF MSG. FORM.

-64-

To

- : SHRI J. B. NEGTE, IPS, (MT-81) I. G. (PRISON), MANIPUR (.)
- : SHRI R. BARAL, IPS (MT-82) I.G.P. (Adm), MANIPUR. (.)
- : SHRI A. ROMENKUMAR SINGH (MT-82) I.G.P (L&O), MANIPUR.
- : SHRI N. K. MUKHOPADAYAYA (MT-82) PROJECT DIRECTOR, MDS.
- : SHRI V. ZATHANG, IPS (MT-83) DIGP (R-II), MANIPUR
- : SHRI P. M. GOUD, IPS (MT-84) DIGP (HQ), MANIPUR
- : SHRI M. SHYAMANANDA SINGH, IPS (MT-84) DIG (OPS-I), MANIPUR
- : SHRI D. MISHRA, IPS (MT-84) DIGP (OPS-II), MANIPUR
- : SHRI L. M. KHOUTE, IPS (MT-85) DIGP (R-I), MANIPUR
- : SHRI M. A. RAHAMAN, IPS (MT-85) DIGP(R-II), MANIPUR
- : SHRI ANAND PRAKASH, IPS (MT-86) SP-UKHRUL.

FM : DGP, MANIPUR.(.)

NO. : E/16/14/99-PHQ (Adm)/10383

DATE 1/2/2001

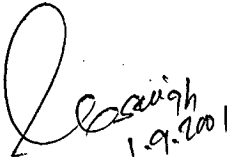
COPY OF FAX MSG. NO. 1-21016/40/2000-IPS.III DT.29/1/2001 FROM HOME NEW DELHI ADDRESSED TO CHIEF SECRETARIES INFO TO THE DsGP OF ALL STATE GOVT. IS FOLLOWS (.) QUOTE (.) THE POST OF DEPUTY INSPECTOR GENERAL FOR IPS OFFICERS IN THE BORDER SECURITY FORCE ON DEPUTATION BASIS ACCORDINGLY TO BE AVAILABLE IN JAMMU & KASHMIR, PUNJAB, GUJARAT, WEST BENGAL, ASSAM AND TRIPURA DURING THE NEXT SIX MONTHS(.) STATE GOVERNMENT ARE REQUESTED TO SPONSOR THE NAMES OF THE IPS OFFICERS OF 1981 TO 1986 BATCHES, WHO ARE EMPANELLED TO HOLD DIG LEVEL POSTS AT THE CENTRE AND WILLING TO BE CONSIDERED FOR THE SAID DEPUTATION (.) THE NOMINATED OFFICERS SHOULD BE CLEAR FROM VAGILANCE ANGLE (.) MATTER MOST URGENT (.) UNQUOTE (.) KINDLY FORWARD THE NAME OF THE WILLING OFFICERS ON OR BEFORE 15/2/2001(.)

M/IMMDT.

Sd/

FOR DGP, MANIPUR

(.)

  
1.9.2001  
Oath Commissioner.  
Manipur

Annexure A-23 is the true copy of  
the original document  
— Bind  
1-9-2001  
(A. Binul Singh)  
Advocate.

-16-

ANNEXURE

A/24

FAX MESSAGE

FROM : HOME, NEW DELHI

TO : ✓ THE CHIEF SECRETARY, MANIPUR, IMPHAL

R NO. 106 | TFX | CS-2001  
12-01-2001

NO. I-21016/1/2001-IPS.III

DATED: 12<sup>TH</sup> JANUARY, 2001

SHRI A. ROMEN KUMAR, IPS (MT:82) IS BEING CONSIDERED FOR  
CENTRAL DEPUTATION (.) STATE GOVERNMENT IS REQUESTED TO  
CONFIRM HIS AVAILABILITY FOR THE STATE DEPUTATION (.) IT MAY  
PLEASE BE CONFIRMED THAT NO VIGILANCE/DISCIPLINARY ENQUIRY  
IS EITHER PENDING OR CONTEMPLATED AGAINST THE OFFICER (.)  
MATTER MOST URGENT (.)

V.K. Gupta

(V. K. GUPTA)  
DESK OFFICER  
TEL NO. 3014030

B. Singh  
1.9.2001  
Oath Commissioner,  
Manipur

Annexure A-24 is the true copy  
of the original document

B. Singh  
1-9-2001  
(A. Binol Singh)  
Advocate.

*82*  
*66-*

No. 4/50/76-IPS/DP  
GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
( PERSONNEL DIVISION )

Imphal, the 22<sup>nd</sup> January, 2001.

To

Shri G.K.Pillai,  
Joint Secretary (North East),  
Ministry of Home Affairs,  
Government of India,  
North Block,  
New Delhi.

Sub:- Central deputation of 2 (two) IPS officers.

Sir,

I am directed to invite a reference to your D.O. letter No. 8/41/2000-NEI dated 9-1-2001 and also MHA's Fax message No. 1-21016/1/2001-IPS/II dated 12-1-2001 and to state that the State Government has already proposed the name of Shri N. Shyamananda Singh, IPS for consideration of central deputation. As regards, Shri A.Romenkumar Singh, IPS, he is at present holding the key post of IGP(Law & Order) and the State Government is unable to leave his service at this stage.

Yours faithfully,

Sd/-  
( P. Bharat Singh )  
Commissioner (DP)  
Government of Manipur.

*P. Bharat Singh*  
*19-2001*  
Oath Commissioner,  
Manipur

Annexure A-25 is the true copy  
of the original document.

*Sd/-*  
*1-9-2001*  
( A. Binod Singh )  
Advocate.

POLICE HEADQUARTERS  
 IMPHAL, MANIPUR  
 RECEIVED - 6-22-96 - HQ  
 DATE - 2-23-96

**ANNEXURE A/26**

1654-D  
 23/2/96 84  
 -67-

GOVERNMENT OF MANIPUR  
 DEPARTMENT OF PERSONNEL & ADMN. REFORMS  
 ( PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR  
 Imphal, the 20th February, 1996.

No.4/50/96-IPS/DP: Under All India Services (Leave) Rules, 1955, the Governor of Manipur is pleased to accord sanction to the grant of earned leave for 15 days with effect from 13-2-96 to 27-2-96 to Shri A. Romenkumar Singh, IPS, DIG(Admn), Manipur on private affairs subject to leave admissibility report from the Accountant General(A&E), Manipur.

During the absence of Shri A. Romenkumar Singh, IPS on leave Shri C. Peter Ngahanyui, IPS, IGP(Admn), Manipur will look after the charge of DIG(Admn) in addition to his normal duties.

By orders & in the name of  
 Governor,

( Binod Kispotta )  
 Addl. Secretary(DP), Govt. of  
 Manipur.

Copy to:-

1. The Director General of Police, Manipur.
2. The Accountant General(A&E), Manipur.
3. Shri C. Peter Ngahanyui, IPS, IGP(Admn), Manipur.
4. Shri A. Romenkumar Singh, IPS, DIG(Admn), Manipur.
5. The Sub-Treasury Officer, Imphal.

Annexure A-26 is the true copy  
 of the original document

1-9-2001  
 (A. Binod Singh)  
 Advocate

*[Signature]*  
 Oath Commissioner,  
 Manipur

*[Handwritten notes and signatures on the left margin]*  
 A-14(HO-)  
 23/2-  
 121  
 12/2

GOVERNMENT OF MANIPUR  
SECRETARIAT, HOME DEPARTMENT

ORDERS  
Imphal, the 3rd December 1999

No. 7/13(14)/85-H; The Governor of Manipur is pleased to accord sanction to the deputation of Shri A. Romankumar Singh IPS, Inspector General of Police (L&O), Govt. of Manipur to Delhi on 23/12/99 so as to enable him to verify certain information.

2. Certified that the journey from Imphal to Delhi and stay at Delhi shall be treated as on duty.

3. Certified also that he is entitled to Air Journey from Imphal to Delhi and back.

4. During the period of journey to Delhi Shri R. Baral, IPS Inspector General of Police (Ops), Govt. of Manipur will look after the works of IP (L&O) in addition to his normal work.

By Orders etc.

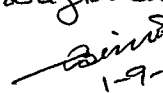
(S. Dinokumar Singh)  
Special Secretary (Home), Govt. of Manipur

Copy to:-

1. The Director General of Police, Manipur
2. The Accountant General, Manipur, Imphal.
3. Shri A. Romankumar Singh IPS, IGP (L&O), Manipur
4. Shri R. Baral, IPS, IGP (Ops), Manipur
5. The Under Secretary (DP), Govt. of Manipur
6. The Sub-Treasury Officer, Imphal
7. Order Book.
8. Guard file.

...

  
1.9.2001  
Oath Commissioner,  
Manipur

Annexure A-27 is the true copy  
of the original document  
  
1.9.2001  
(A. Binod Singh)  
Advocate

DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR  
Imphal, the 15th March, 2001.

No. 4/62/76-IPS/DP: In pursuance of the Government of India, Ministry of Home Affairs, New Delhi FAX message No. I-21016/9/2001-IPS.III dated 28-2-2001, the Governor of Manipur is pleased to release Shri H. Shyamananda Singh, IPS(MT-SPS/84), DIC(Ops-I), Manipur with immediate effect so as to enable him to join his duty as Deputy Inspector General in the Central Reserve Police Force in the pay scale of Rs. 16,400 - 20,000/- on Central Deputation for a period of 5(five) years from the date of assumption of charge of the post or until further orders which ever is earlier.

2. Shri N. Shyamananda Singh, IPS shall report to the Directorate General, CRPF, Block No. 1, CGO Complex, Lodhi Road, New Delhi for further posting.

3. Consequent upon the release of Shri N. Shyamananda Singh, IPS, Shri D. Mishra, IPS, DIC(Ops-II) will hold the charge of DIC(Ops-I) in addition to his normal duties until further arrangement is made in this regard.

By orders & in the name of the  
Governor,

(H. Gyan Prakash)  
Deputy Secretary(DP), Govt. of  
Manipur.

Copy to:-

1. The Secretary to Governor, Raj Bhavan, Imphal.
2. The Secretary to Chief Minister, Manipur.
3. The Secretary to Government of India, Ministry of Home Affairs, New Delhi.
4. The P.S. to Chief Secretary, Govt. of Manipur.
5. The Chief Secretary, Tripura, Agartala.
6. The Pr. Secretary(Hom), Govt. of Manipur.
7. The Director General, CRPF, New Delhi.
8. The Director General of Police, Manipur.
9. The Accountant General, Manipur.
10. The Addl. DGP, Manipur.
11. The Officer concerned.
12. The Treasury Officer concerned.
13. Guard file/records etc.

*Ganish*  
1.9.2001  
Oath Commissioner,  
Manipur

--:(BK):--

Annexure A-28 is the true copy  
of the original document

*Ganish*  
1.9.2001  
CA: Binod Singh  
Advocate

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR  
IMPHAL, THE 12th JUNE, 2001

No. 4/50/76-IPS/DP: Under All India Services (Leave) Rules, 1955, the Government of Manipur is pleased to accord sanction to the grant of Earned Leave for 10(ten) days w.e.f. 18-6-2001 to 27-6-2001 with permission to prefix 17-6-2001 being Sunday to Shri A. Romenkumar Singh, IPS, I.G.P./Crime on private affairs (medical treatment of his wife) subject to leave admissibility report from the Accountant General, Manipur.

2. During the absence of Shri A. Romenkumar Singh, IPS on leave Shri R. Baral, IPS, IGP/LO-I shall look after the works of IGP/Crime in addition to his normal duties.

By order & in the name of Governor,

Sd/-

(Kh. Raghumani Singh)  
Deputy Secretary(DP), Govt. of Manipur.

copy to :-

1. The Director General of Police, Manipur.
2. The Accountant General, Manipur.
3. The Principal Secretary (Home), Govt. of Manipur.
4. Shri A. Romenkumar Singh, IPS, I.G.P.(Crime), Manipur.
5. Shri R. Baral, IPS, I.G.P.(LO-I), Manipur.
6. The Treasury Officer, Imphal..
7. Guard file/order book

  
1.9.2001  
Oath Commissioner,  
Manipur

Annexure A-29 is the true copy  
of the original document  
Sent  
1-9-2001  
(A. Binol Singh)  
Advocate

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR  
IMPHAL, THE 4<sup>TH</sup> JULY, 2001

- No.4/50/76-IPS/DP In continuation of this Government order of even number dt. 12-6-2001 and under All India Services (Leave) Rules, 1955, the Government of Manipur is pleased to accord sanction to the extension of earned leave for 10 days with effect from 28-6-2001 to 7-7-2001 with permission to suffix 8-7-2001 being Sunday to Shri A. Romenkumar Singh, IPS, I.G.P.(Crime), Manipur on private affair (medical treatment of his wife) subject to leave admissibility report from the Accountant General, Manipur.
2. During the aforesaid absence of Shri A. Romenkumar Singh, IPS on leave, Shri R. Baral, IPS, I.G.P.(LO-I), Manipur shall look after the work of the I.G.P.(Crime), Manipur in addition to his normal works.

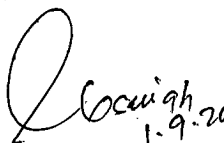
By order & in the name of Governor,

Sd/-

(Th. Dhananjoy Singh )  
Under Secretary(DP), Govt. of Manipur.

copy to :-

1. The secretary to the Governor, Raj Bhavan, Manipur.
2. The P. S. to the Adviser ( R), Govt. of Manipur.
3. The P. S. to the Chief Secretary, Govt. of Manipur.
4. The Director General of Police, Manipur.
5. The Accountant General, Manipur.
6. The Principal Secretary (Home), Govt. of Manipur.
7. Shri A. Romenkumar Singh, IPS, I.G.P.(Crime), Manipur.
8. Shri R. Baral, IPS, I.G.P.(LO-I), Manipur.
9. The Treasury Officer, Imphal.
10. Guard file/order book.

  
1.9.2001  
Oath Commissioner,  
Manipur

Annexure A-30 is the true copy  
of the original document  
1-9-2001  
(A. Binol Singh)  
Advocate



T.R 1  
(Treasury Rule 44)

CERTIFICATE OF TRANSFER OF CHARGE:

Certified that we have on the fore/after-noon of this day respectively made over and received charge of the Office of DIGP (ADM) Vide Govt. Order No.3/7/90-IPS/DP dt. 17.1.96.

Station Imphal.  
Date 17.1.96

(A. Pradeep Singh)  
Signature of Relieved Officer  
Designation: DIGP (Adm) Manipur.

(A. Romen Kumar Singh)  
Signature of Relieving Officer  
Designation: DIGP (Adm) Manipur.

Memo of balance for which responsibility is accepted by Officer receiving charge

Treasury balance- Permanent advances -

Cash

Opium

Stamps and match excise Bandorols

DETAILS OF TREASURY BALANCES:

DESCRIPTION	Under double locks	With Treasuries	Sub Total	Total
Rs. 10,000				
" 1,000				
" 500				
" 100				
" 50				
" 10				
" 5				
" 2				
" 1				
Whole rupees				
Half				
Quarter				
Six-Eight				
ever uncurr-				
ent coins.				

The Total of the Cash balances reported in the most daily sheets received from Sub-Treasuries without any details notes of coins, etc. used on be shown in this column.

(Signature)  
Oath Commissioner,  
Manipur

(Cont inued overleaf)  
Annexure A-31 is the true copy of the original document  
(A. Bimo Singh) Advocate

The total of the cash balance reported in the latest daily sheets received from Sub-Treasuries without any details of notes of coin, etc., need only be shown in this column.

11. List of the copies of the report received in the  
at 11:00 AM received from the following persons:  
The name of the person who received the report in this  
case is shown as follows:

( 100 Provs. bound )

26  
L. B. Smith  
1920

**Oath Commissioner,**  
**Manipur**

Memo No. 478 - DIG (V/R) 98  
10/3/98

ANNEXURE A-32

- 74 -

T. R. 1  
(Treasury Rule 44)

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the fore/after-noon of this day respectively made over and received charge of the office of DIG (Valley Range) vide Govt. order No. 3/22/90-IPS/DP(Pt. I) Dt. 6.3.98.

Station Imphal.  
9.3.1998.

Signature of Relieving Officer  
Designation (A. Pradeep Singh)  
D.I.G (Valley Range)

Signature of Relieving Officer  
Designation (A. Romenkumar Singh)  
D.I.G (Hill Range)  
D.I.G. of Police Range (Hills)  
Permanent advance—

Memo of balance for which responsibility is accepted by the officer receiving charge.  
Treasury balances—  
Cash  
Opium  
Stamps and Match Excise underols

Details of Treasury Balances

Description	Under double lock	With Treasurer	In Sub-Treasuries	Total
at Rs. 10,000				
" 1,000				
" 500				
" 100				
" 50				
" 10				
" 5				
" 2				
" 1				
Wighth ruppes				
Half				
Quarter				
Highth				
Uncurrent-coins				
Silver				

The total of the cash balances reported in the latest daily sheets received from Sub-treasuries without any details of notes or coins etc., need only shown in this column.

Continued overleaf

Annexure A-32 is the true copy of the original document  
Signed  
1.9.2001  
(A. Binul Singh)  
Advocate

*[Signature]*  
1.9.2001  
Bath Commissioner,  
Manipur

Description		Under double locks	With Treasurer	In Sub- Treasuries	Total
(Nickel)	Whole rupees				
	Half "				
	Quarter "				
	Highth "				
	One anna pieces				
(Cupro-Nickel)	10 paise				
	5 "				
	2 "				
(Copper and Bronze)	Double piece				
	Single "				
	One paise				
Stamps and Match Excise Banderols					
Government securities held in safe custody					
Balance at credit of depositors, Rs. —					
Opium mounds — — — —					
Reserve Bank Draft Forms, act. (No. )					
Cheque Forms (No. ) — — —					

Station Imphal.

Date 9.3. 19 98.

Relieved Officer (A. Pradeep Singh),  
Relieving Officer (A. Romenkumar Singh)

Forwarded to

- 1) The Chief Secy, Govt. of Manipur
- 2) The DGP, Manipur
- 3) The Addl. DGP (I/O), Manipur
- 4) The Commissioner (DP)
- 5) The Spl. Secy (Home)
- 6) The Accountant General, Imphal
- 7) The Sub-Treasury Officer, Imphal
- 8) Persons concerned. DIG (VIA)

The total of the cash balances reported in the latest daily sheets received from Sub-treasuries without any details of notes or coin, etc., need only be shown in this column.

D/P&S - No. 2574/29-10-97 - Sty. & Ptg. 5,000-C 3 11-97.

*[Signature]*  
1.9.2001  
Oath Commissioner,  
Manipur

T.R. 1  
(Treasury Rule 44)

CERTIFICATE OF TRANSFER OF CHARGE

Inspector General of Police(Int), Manipur vide order No. 3/5/97-IPS/DP Dt. 1.3.99.

Station : Imphal.

Dated : 1.3.99

Memo of balance for which responsibility is accepted by the officer receiving charge.

Treasury balances -

Cash  
Opium  
Stamps and Match Excise  
Reserve Bank Draft Forms (No.)  
Cheque Forms (No.)

Details of Treasury Balances

Description	Amount	Total
Whole rupees	500	
Half "	100	
Quarter "	50	
Eighth "	10	
Uncurrent coins		
Silver		

The total of the cash balances reported in the latest daily sheets received from Sub-treasuries without any details of notes or coins etc. need only shown in this column.

*[Signature]*  
19.2.2001  
Bath Commissioner,  
Manipur

Annexure A-33 is the true copy of the original document  
19.2.2001  
(A. Binol Singh)  
Advocate.

Contd. overleaf

- 77 -

**Oath Commissioner,  
Manipur**

Memo No. 822-19(40)99  
5/5/99

-29-

ANNEXURE

734 05

-78-

T.R.1

(Treasury Rule 44)

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the fore/after-noon of this day respectively made over/and received charge of the office of IGP(Law and Orders) vide Govt.order No.3/5/97-IPS/DP dated 4.5.99

Station : Imphal.

Date : 5.5.99

( A. Pradeep Singh ), IGP(L/O)  
Signature of Relieved  
Officer, Designation.

Inspector General of Police (L/O)  
Manipur, Imphal

( A. Pomenkumar Singh ), IGP(Int)  
Signature of Relieving  
Officer, Designation.  
Manipur, Imphal.

Memo of balance for which responsibility is accepted by the officer receiving charge Treasury balance.

Cash

Permanent advance

Opium.

Stamps and March Exercise enderols.

Details of Treasury Balance				
Description	Under double	With	In	Total
£££	locks.	Treasurer	Treasurers	
at Rs. 10,000	--	--	--	--
" 1,000	--	--	--	--
" 500	--	--	--	--
" 100	--	--	--	--
" 50	--	--	--	--
" 20	--	--	--	--
" 10	--	--	--	--
" 5	--	--	--	--
" 2	--	--	--	--
" 1	--	--	--	--
Shole Rs.	--	--	--	--
Half Rs.	--	--	--	--
Quarter Rs.	--	--	--	--
Uncurrent Rs.	--	--	--	--
Coins. Rs.	--	--	--	--

The total of the cash balance reported in the latest daily sheets received from Sub-Treasuries without any details of notes or coins etc., need only shown in this column.

*[Signature]*  
1.9.2001  
Oath Commissioner,  
Manipur

Continued overleaf,  
Annexure A-34 is the true copy  
of the original document  
*[Signature]*  
1.9.2001  
(A. Binod Singh)  
Advocate.

Description	Under dou- ble lock	With Treasurer	In Sub- Treasurer	Total
Shole rupees - - - -				
Half " - - - -				
Nickel Qrt - - - -				
Highth - - - -				
One ann places - - -				
Copper Double place and single - - - -				
Bronze one Paise - -				
Stamps and match excise Banderols.				
Government securities held in State custody balance at credit of depositors				
.....				
Reserve Bank Draft Forms act (No.....)				
.....				
Cheque Forms No.....				

Station : Imphal.

Dated 5.5.99

( A. Pradeep Singh )  
Inspected Officer (I/O)

*132*  
( A. Romenkumar Singh )  
Relieving Officer Police (I/O)

Forwarded to 1) Chief Secretary, Govt. of Manipur, 2) Commissioner (DP),  
3) Accountant General, Manipur, 4) DGP, Manipur, 5) Addl. Secy. (Home),  
6) Sub-Treasury Officer, Imphal and 7) Person concerned.

The total of the cash balance reported in the lasted daily sheets received from Treasuries without any details of notes or coin, etc., need only be shown in this column.

*1 GP (220)*

*1.9.2001*  
Bath Commissioner,  
Manipur



In lieu of msg form

- 80 -

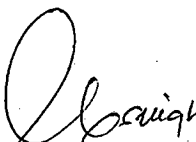
To : Shri A. Romenkumar Singh, IPS {.:}  
 Info : DG Pump in/charge, LMR, Imp {.:}  
 Fm : EGP, Manipur, Imphal {.:}  
 NO. : PR-17/16/2001-PHQ / 4605 Dt. 16/8/2001

The following vehicles will continue to be attached with you till the expiry of joining time (25-8-2001) or your departure to the new place of posting whichever is earlier (.) Thereafter, the vehicles will be kept in the D.G. Pool for further deployment (.) One (.) MN-IA/9410 Ambassador Car (.) Two (.) MN-IA/7232 Gypsy (.) Three (.) MN-IA/1019 Gypsy (.) For DGP Pump in-charge LMR only (.) Pse issue 3(three) litres of petrol to the vehicles being used and attached to Shri A. Romenkumar Singh, IPS. / till 25.8.2001 only (.) For information and necy. action (.)

196-8  
 for Director General of Police,  
 Manipur, Imphal (.)

Annexure A-35 is the true copy  
 of the original document

Signed  
 1-9-2001  
 (A. Binod Singh)  
 Advocate

  
 1-9-2001  
 Oath Commissioner,  
 Manipur

In lieu of msg form

(73)

-81-

To : C/IMR, Imp (y/111)  
Info : IGP (I/O-II), Manipur (y/111)  
From : IGP, Manipur  
No. : PR-17/16/2001-PHQ/ Dt. 16/8/2001

Vehicle Nos. MN-IA/9410 Ambassador car, Gypsy  
MN-IA/7232 and Gypsy MN-IA/1019 are withdrawn from  
Shri A. Romenkumar Singh with immediate effect (.)  
The vehicles shall report to the officers etc. as below (.)  
Ambassador car MN-IA/9410 to IGP (I/O-II), Manipur (.)  
Ambassador car MN-IA/7007 to DIG/IMR, Manipur (.) Gypsy  
MN-IA/7232 to DGER/IMR (.) Gypsy MN-IA/1019 to DGER/IMR (.)  
The two gypsies mentioned above shall not be deployed  
without any specific orders from PHQ (.)

Most Immdt.

for Director General of Police,  
Manipur, Imphal (.)

GOVERNMENT OF MANIPUR  
POLICE DEPARTMENT

Endst. No. PR-17/16/2001-PHQ/4684 Imphal, the 16th Aug/2001.

Copy to :- Shri A. Romenkumar Singh, IPS,  
This is issued in supersession  
of message of even No. of date.

Dy. I. O. of Police (IP),  
Manipur, Imphal


*[Signature]*  
1-9-2001  
Dy. I. O. of Police,  
Manipur

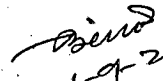
Annexure A-36 is the true copy  
of the original document  
1-9-2001  
(A. Binol Singh)  
Advocate

Received a copy of <sup>my</sup> Order dtd. 17.8.2001  
 of CAT, Guwahati of Application No. 320  
 of 2001 suspending in order of 10.8.2001  
 of the central Govt. Transferring Shri Ramesh  
 to DM/BSF and State Govt. Order No. 13.8.2001  
 releasing Shri Ramesh Singh to enable him  
 to join BSF as B16 while coming to  
 base in order of DGP vide No. PR-17/16/2001  
 PHQ/4684 dtd. 16.8.2001 signed by Secy  
 P.M. Gouda, DM/49 on 15/8/2001 with reference  
 Ambassador's case No. MN/A 9410, Gypsy No.  
 MN/A/7232 and MN/A 1019

M. Datta Singh,  
 Hav. No. 60227 MR.  
 MT/Hawildar Major MR.  
 Dt. 18-8-2001

Annexure A-37 is the true  
 copy of the original  
 document

  
 Singh  
 1.9.2001  
 Oath Commissioner,  
 Manipur

  
 1.9.2001  
 (A. Binod Singh)  
 Advocate

**EXTRACT OF DESPATCH REGISTER OF PHQ DTD. 18.8.2001**

<u>4682</u> 18.8.2001	RI To DGP	Os C KPI/MOREH JSM- CCP-UKL	Sub-Collection of DGP Photo	<u>IC/9/156/2001</u> 18.8.2001
<u>4683</u> do	SP/Imphal(w)- (RI To DGP)		Sub- Complain against O.C. Lamshang P.S	<u>IC/4/45/2000</u> 18.8.2001
<u>4684</u> do	<u>DGP</u> DIG(HQ)	A.Romenkumar Singh, IPS 1 <sup>st</sup> MR Campus	Sub- Withdrawal of Vehicle	<u>PR/17/16/2001-PHQ</u> 18.8.2001
<u>4685</u> do	<u>DGP</u> DIG(HQ)	COs 2/6/7 SP/Imphal (w) info—SP/CMTW	Req. Attachment Orders of MR/Police of CMTW	<u>PR/17/27/17/PHQ</u> 18.8.2001
<u>4686</u> do	RI-DGP	SP/CID/SB	Req. Police Commemoration Day	<u>IC/25/5-PHQ</u> 18.8.2001

*[Signature]*  
1.9.2001  
Oath Commissioner,  
Manipur

Annexure A-38 is the true  
copy of the original document  
*[Signature]*  
1-9-2001  
(A. Binod Singh)  
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 320 OF 2001.

Shri A. Romenkumar Singh, IPS of Keishamthong Ahanthem Leikai

Imphal, Manipur.

\_\_\_\_ Applicant.

- Versus -

1. The Union of India and 4 others.

\_\_\_\_ Respondents

Imphal, the 3<sup>rd</sup> September, 2001.

To

1. The Central Government Standing Counsel,  
Counsel for Respondent No.1.
2. Shri M.D. Aslam, Advocate,  
Counsel for Respondents No. 2 - 4.

Subject :- Notice for filing rejoinder-affidavit in the Central  
Administrative Tribunal, Guwahati Bench, Guwahati.

Dear Sirs,

I, the undersigned one of the counsel of the above named Applicant, hereby give you this notice about his filing rejoinder-affidavit in the Central Administrative Tribunal, Guwahati Bench, Guwahati, to-day. A true copy of this notice and also a true copy of the said rejoinder-affidavit with all Annexures are furnished to you herewith for your use and ready reference.

2. Kindly acknowledge the receipt of a copy of this notice and also a copy of the said rejoinder-affidavit with Annexures by signing in the space provided therefor hereunder and return this notice to me in original so that the same can be presented to the Tribunal along with the original rejoinder-affidavit to-day.

Received a copy of this notice  
and also a copy of the said rejoinder-affidavit  
with Annexures,

Yours faithfully,

*A. Bimol Singh*

( A. Bimol Singh )

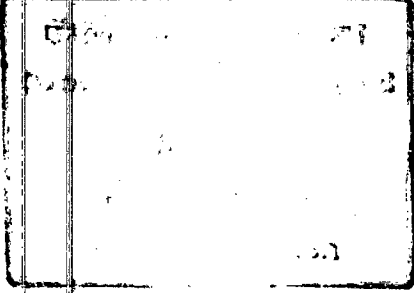
Advocate for the Applicant

1. *any 3/9/01*  
Central Govt. Standing Counsel,

2. *Aslam*  
Advocate for Respondent Nos.2-4.

2.9.01

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



O.A. NO. 320 OF 2001

Filed by

By S. M. 01.10.02  
(A DEBROY)  
Sr. C. G. S. C.  
T. Guwahati Bench

Shri A. Romenkumar Singh

-Vs-

Union of India & Ors.

-AND-

In the matter of :

Written statement submitted by


The Respondent No.1

The respondent begs to submit brief background of the case,  
before submitting para-wise written statements, which may  
be treated as part of the written statement.

( BACK GROUND OF THE CASE )

The applicant, Shri A. Romenkumar Singh, IPS (MT:82) is  
an All India Service officer belonging to Joint Manipur-  
Tripura cadre.

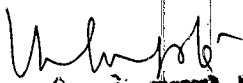
All India Services have been created under Article 312  
of the Constitution and a Member of the Service is  
liable to serve any where in India either for the affairs  
of State cadre or for the affairs of Union of India. ✓

  
(वी. क. गुप्ता)  
(V. K. GUPTA)  
द्वारा अधिकारी  
Desk Officer  
गृह मंत्रालय  
Ministry of Home Affairs

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Rule 6 of IPS (Cadre) Rules, 1954, provides for deputation of IPS officers under the Central Government or another State Government or autonomous body wholly or substantially owned or controlled by the Central Government or by another State Government or international organization, etc. For this purpose, every State cadre of the service, provides 40% of their Senior Duty Posts for Central deputation quota which in turn requires additional recruitment to be made to the service to provide for trained and experienced members to serve on posts in the Central Government. The cardinal principle being that IPS officers who are so borrowed will serve the Central Police Organisations and other organisations/departments of the Central Government for a stipulated tenure of deputation and thereafter return to their parent cadres. The two way movement of officers from State to Centre and back, is of mutual benefit to the States and the Government of India on the one hand and to the officer concerned on the other.

Rule 6 of IPS (Cadre) Rules, empowers the Central Government to take IPS officers from State cadres for filling up various posts under the Central Government with the concurrence of the State Government concerned. The said rules also provide that in case of any disagreement between the State and the Centre in this regard, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government.

  
(वी. के. गुप्ता)  
(V. K. GUPTA)  
डेस्क अधिकारी  
Desk Officer  
गृह मंत्रालय  
Ministry of Home Affairs

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The services of the applicant were offered by the State Government for posting under the Central Government organisations vide their Fax message dated 23/02/2001 (Annexure R-1). Union of India is in possession of information that continuation of the applicant in the state is not in the public interest. His suitability for Central deputation was accordingly considered by the Central Govt. and he has been found suitable for posting as Deputy Inspector General, Border Security Force at the Centre and accordingly in terms of powers conferred by Rule 6 of IPS (Cadre) Rules, the Central Govt. vide fax message No.I-21016/15/2001-IPS.III dated 10.8.2001 have requested the State Government to relieve the applicant with instructions to take up his new assignment at the Centre.

#### PARAWISE COMMENTS

1. That with regard to the statements made in para 1 of the application, the respondent begs to state that the request made to the State Govt. vide fax message No.I-21016/15/2001-IPS.III dated 10.8.2001 to relieve the applicant for posting as DIG in BSF on Central deputation is perfectly in order and the same has been issued in exercise of powers conferred under Rule 6 of IPS (Cadre) Rules, 1954 in the Central Government.
2. That with regard to the statements made in para 2 and 3 of the application, the respondent begs to offer no comments.
3. That with regard to statements made in para 4(1) to 4 (3) of the application, the respondent begs to state that they are matter of record and offer no comments.

(वी. क. गुप्ता)  
(V. K. GUPTA)

अधिकारी

Ask Officer

गृह मन्त्रालय

Ministry of Home Affairs



4. That with regard to the statements made in para 4.4 of the application, the respondent begs to state that it is submitted that since the promotion and appointment of the applicant as IGP in the State was not in accordance with promotion guidelines prescribed by the Central Government vide letter No.I-45020/11/97-IPS II dated 15.1.99, this respondent being the Cadre Controlling Authority rightly took up the matter with the State Government. However it is stated that this has no relevance with the present case of applicant relating to his deputation to BSF and the applicant has referred to the issue totally out of context.

5. That with regard to the statement made in para 4.5, of the application, the respondent begs to state that they are denied. As Rule 6(1) of IPS Cadre Rules, provide for concurrence of the State Govt. to take an IPS officer on Central deputation, thus respondent Vide fax message No.I-21016/1/2001-IPS.III dated 12.1.2001, had then checked the availability of the applicant for his Central deputation from the State Govt.

6. That with regard to the statement made in para 4.6, of the application, the respondent begs to state that the same concerns the State Government and therefore necessary submissions is required to be made by the State Government in this regard.

7. That with regard to the statements made in para 4.7 of the application, the respondent begs to state that it has no knowledge and therefore, is unable to offer any comments in the matter.

8. That with regard to the statements made in para 4.8, of the application, the respondent begs to state that the suitability of the applicant was considered for Central

deputation and he was found fit for deputation to BSF as DIG and accordingly this

(श्री. क. गुप्ता)  
(V. K. GUPTA)

डेस्क अधिकारी  
Desk Officer

गृह मंत्रालय

Ministry of Home Affairs

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respondent vide fax message No.I-21016/15/2001-IPS.III dated 10.8.2001 requested the State Government to relieve the officer with instructions to report for duties to DG, BSF.

9. That with regard to the statements made in para 4.9 of the application, the respondent begs to state that the prior consent of the All India Service officer for Central deputation is not required. As submitted in preceding paras All India Service officers are liable to serve any where in India for the affairs of the State cadres as well as for the affairs of the Central Government.

10. That with regard to the statements made in para 5.a, of the application, the respondent begs to state that the post of DIG in BSF is already included in Schedule III of IPS (Pay) Rules, 1954 and, therefore, no further declaration of any kind is required to be made. The appointment of the applicant as DIG in the BSF does not affect the career prospects of the applicant. As the applicant is an All India Service officer, beside his seniority in the cadre to which he belongs, he also has an all India seniority. A good number of IPS officers much senior to the applicant i.e. belonging to 1979, 1980 and 1981 batches are still serving as DIG at the Centre. As and when 1982 batch is considered for IG level appointment at the Centre, the applicant would also be considered for the said rank.

11. That with regard to the statements made in para 5.b, of the application, the respondent begs to state that F.R. 15(a) of the Financial Rules and Supplementary Rules is not attracted in the matter. The applicant has been taken on Central deputation under Rule 6 of IPS (Cadre) Rules 1954. Proviso to Rule 6(2) of IPS (Cadre) Rules, 1954 inter-

alia provide as under:-

(वी. के. गुप्ता)  
(V. K. GUPTA)

डेस्क अधिकारी  
Desk Officer

गृह मन्त्रालय

Ministry of Home Affairs

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"Provided that no Cadre Officer shall be deputed under sub-rule(1) or sub rule(2) to a post (other than a post under the Central Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government) carrying a prescribed pay which is less than, or a pay scale the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation."

The deputation of application as DIG in BSF is strictly in accordance with the above said statutory provisions. In the past also, Shri K.T.D. Singh, IPS(MT:74) who was DGP, Tripura has been taken on Central deputation as IGP, CRPF. Shri B.K. Dey, IPS (AM:73) DG/ADG, Meghalaya has been taken on deputation as IG in the BSF. There are umpteen number of precedents of this nature. All India seniority is maintained in the matter of promotion at the Centre whereas State seniority is maintained in the State. The pay of the applicant which he is getting as IG in the state shall however be protected on deputation as DIG in BSF. He will, therefore, not suffer financially.

12. That with regard to the statements made in para 5.c to 5.e of the application, the respondent begs to state that necessary submissions have already been made in the preceding paras. The applicant has been taken on deputation under Rule 6 of the IPS (Cadre) Rules, 1954. Proviso to Rule 6(2) of IPS (Cadre) Rules, 1954 enables the Central Government to take an IPS officer on Central deputation under the Central Government, carrying a prescribed pay which is less than or a pay scale the maximum of which is less than the basic pay he would have drawn in the cadre post but for his deputation. No IPS officer of applicant's seniority has yet been appointed as Inspector General at the Centre. Even IPS officers of 1979, 1980 and 1981 batches are posted as DIG at the Centre. Such a deputation does not amount to reduction in rank as a punishment. Therefore, it does not

(वी. के. गुप्ता) :

(V. K. GUPTA) Contravene the provisions of Article 311 (2) of the Constitution of India.

डेस्क अधिकारी  
Desk Officer

गृह मंत्रालय

Ministry of Home Affairs

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13. That with regard to the statements made in para 5 (f) and 5 (g) of the application, the respondent begs to state that the necessary orders appointing him as DIG in BSF in the name of the President would be issued only on his joining the post of DIG in BSF on deputation. So far only the Government of Manipur has been requested to relieve the officer for taking up his new assignment, as DIG in BSF vide this Ministry's fax message No. I-21016/15/2001-IPS.III dated 10.8.2001. The deputation of the applicant has been approved by the Central Government as would be seen from Annexure A-9 (page 28).

14. That with regard to the statements made in para 5 (h) of the application, the respondent begs to state that this concerns the State Government and necessary submission in this regard is required to be made by the State Government. However, it is stated that Central Government and the State Government have already passed orders about deputation of applicant vide Annexure A-9 and A-10 respectively.

15. That with regard to the statements made in para 5.i, of the application, the respondent begs to state that they are devoid of merit. The applicant has been taken on Central deputation under Rule 6 of IPS (Cadre) Rules, 1954, which provide for Central deputation of IPS officers. The applicant being a member of All India Service is liable to serve all over India and as such his prayer for staying orders of his deputation are devoid of merit and deserves to be rejected. It is further submitted that the post of DIG in BSF is very prestigious and it will not in any way make the applicant suffer from disgrace and humiliation. The deputation does not amount to demotion and degradation or reduction in rank. In no way this can be termed as punishment. An AIS officer can be punished

only in accordance with the procedure laid down under AIS (D&A) Rules, which

(वी. क. गुप्ता)

(V. K. GUPTA) provides for opportunity to be given to such delinquent officer to defend himself. This is

डेस्क अधिकारी

Desk Officer

गृह मंत्रालय

Ministry of Home Affairs

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not so in the applicant's case. He is making hypothetical presumptions, which does not deserve any consideration.

16. That with regard to the statements made in para 6 of the application, the respondent begs to state that the applicant has filed the present O.A. without exhausting the administrative remedies available to him by way of making a representation to the Central Government through Government of Manipur. As such, the OA is liable to be dismissed on this ground alone.


17. That with regard to the statements made in para 7, of the application, the respondent begs to offer no comments.

18. That with regard to the statements made in 8 & 9, of the application, the respondent beg to state the relief and the interim relief sought by the applicant are devoid of merit and deserve to be rejected.

19. That with regard to the statements made in para 10 to 12 of the application, the respondent begs to offer no comments.

20. That with regard to the statements made by the respondent in the preceding paras, the O.A. filed by the applicant is totally devoid of merit and deserve to be rejected.

Hon'ble CAT is accordingly requested to dismiss the same with cost.

  
(वी. क. गुप्ता)  
(V. K. GUPTA)  
रजक अधिकारी  
Desk Officer  
मुख्य न्यायालय  
Ministry of Home Affairs

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**VERIFICATION**

I, V.K. GUPTA, Desk Officer, Ministry of Home Affairs, New Delhi being authorised do hereby solemnly affirm and declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact. ✓✓

And I sign this verification on this 29th day of November, 2001, at Delhi.

*Unhinged*

**DEPONENT**

(वी. के. गुप्ता) ।  
(V. K. GUPTA)

डेस्क अधिकारी

Desk Officer

गृह मंत्रालय

Ministry of Home Affairs

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F A X M E S S A G E

---

TO HOME NEW DELHI


INFO SHRI. G K PILLAI, JOINT SECRETARY (NE),  
MHA, NEW DELHI.

FROM COMMISSIONER (DP & AR)  
GOVT. OF MANIPUR, IMPHAL

NO. 4/62/76 - IPS (PT)

IMPHAL : 23 - 02 - 2001

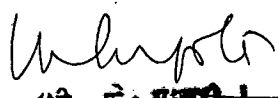
REFER YOUR FAX MESSAGE NO. 1 - 21016 / 1 / 2001 - IPS - III DT. 12 - 01 -  
2001 REG. THE PLACEMENT OF THE SERVICES OF SHRI. ROMENKUMAR  
SINGH, IPS (MT: 82) WITH THE CENTRAL GOVT. ON DEPUTATION.  
IN SUPERSESSION OF OUR EARLIAR MESSAGES THE GOVT. OF  
MANIPUR HEREBY PLACES THE SERVICES OF SHRI. ROMENKUMAR  
SINGH, IPS (MT : 82) AT THE DISPOSAL OF THE GOVT. OF INDIA FOR  
POSTING ON CENTRAL DEPUTATION AGAINST ANY SUITABLE POST.

  
( P. BHARAT SINGH )

COMMISSIONER (DP & AR)

GOVT. OF MANIPUR

*Attest*

  
(V. K. GUPTA)

उप-अधिकारी

Deputy Officer

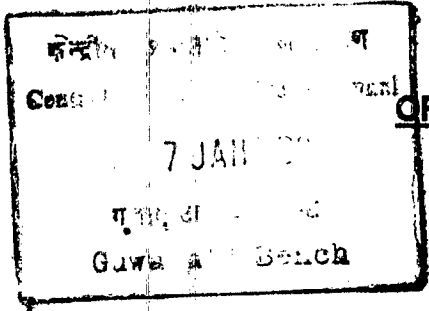
मुख्य-मंत्रालय

Ministry of Home Affairs

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Presented By  
Sr. Bimol Singh  
112 Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.



ORIGINAL APPLICATION NO.320 OF 2001.

Shri A. Romenkumar Singh, IPS. ... Applicant

- Versus -

The Union of India and 4 others. ... Respondents.

INDEX OF DOCUMENTS FILED BY THE APPLICANT :-

Sl. No.	Nomenclature of documents	Description of the documents	Pages	
			From	To
1.	Rejoinder-affidavit	Rejoinder-affidavit filed on behalf of the Applicant.	1	10
2.	<u>ANNEXURE-A-39</u> Dtd. 31-10-2001.	Copy of the pay slip in respect of the Applicant.	11	
3.	<u>Notice</u>	Notice given to counsel of the Respondents about filing of the Rejoinder-affidavit.		

Enclo.:- Above mentioned documents.

Dated, Imphal,

The 2<sup>nd</sup> January, 2002.

*A. Bimol Singh*  
( A. Bimol Singh )  
Advocate for Applicant



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Presented By  
Dr. Binod Singh  
113  
Advocate

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.**

**ORIGINAL APPLICATION NO.320 OF 2001.**

**IN THE MATTER OF --**

Shri A. Romenkumar Singh, IPS, aged about 52 years, S/o Late A. Ibomcha Singh, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, last employed as I.G.P. (Crime), Manipur at Imphal, Manipur.

**APPLICANT.**

- Versus -

1. The Union of India through the Home Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.
- 2 The State of Manipur through the Principal Secretary (Home) to the Government of Manipur, Secretariat, Imphal, Manipur.
3. The Commissioner (DP), Government of Manipur, Secretariat, Imphal, Manipur.
4. The Director General of Police, Manipur, Imphal.
5. Shri M.K. Das, IPS, I.G.P. (Int.), Manipur, Imphal.

**Respondents**

**AND IN THE MATTER OF --**

**Further Rejoinder-affidavit of the Applicant**

**In reply to the Written Statement of the Respondent  
No.1 dated 29-11-2001 :**

I, A. Romenkumar Singh, IPS, aged about 52 years, now working as IGP (Crime) in the Manipur Police Department, resident of Keishamthong Ahanthem Leikai, P.O. and P.S. Imphal, Manipur, do hereby solemnly affirm and state as under :-

1. That, I am the Applicant in the above-noted Original Application, and I am well conversant with the facts and circumstances of the case. I have perused the Written Statement submitted on behalf of the Respondent No.1 and the Annexure thereof which is said to be a fax message dated 23-02-

*Subscribed: 2/01/2002*  
**Deputy Commissioner (C. & W.)**  
**Manipur.**

2001. I do not admit the correctness of the pleadings of the Respondent No.1 made in the said Written Statement, save and except those which are specifically admitted herein below to be true or correct and which are not contradictory to or inconsistent with my pleadings in my application dated 16-08-2001 as well as in my Rejoinder-Affidavit dated 01-09-2001 in reply to the show cause reply of the Respondents No.2 - 4.

2. That, with reference to 'Background of the case', shown in the Written Statement of the Respondent No.1, it is not admitted that a Member of the All India Services particularly in the case of a joint cadre like the Applicant is liable to serve any where in India for the affairs of the Union of India unconditionally or without complying with the provisions of the relevant rules or in contravention of the law including the Constitution of India.

2.1. That, it is true that 40% of the State cadre Officers in the Senior Duty Posts are for Central deputation quota. At present there are 37 senior posts under the Government of Manipur, as provided under the IPS(Fixation of Cadre Strength) 14<sup>th</sup> Amendment Regulations 1998 as per notification of the Govt. of India, Ministry of Personnel, PGP&P,(DPT), vide GSR No.194E dated 20-04-1998.

Out of the 37 Officers holding the 37 Senior Posts of IPS under the Manipur Govt., there are 16 of them on Central deputation. These 16 officers constitute more than 40% of the total cadre strength of Manipur. Their names are given below :-

- 1) Shri Anup Kumar Parasar.
- 2) Shri Ashok Raj Maheepathi.
- 3) Shri Rajendra Kumar.
- 4) Shri A.B. Mathur.
- 5) Shri J.C. Dabas.
- 6) Shri Khinla Ram.
- 7) Shri K. Kanan.
- 8) Shri Shambhu Nath.
- 9) Shri Santosh Macherla.
- 10) Shri Rahul Rasgotra.
- 11) Shri Arvind Kumar.
- 12) Shri Anish Dayal.

*Jugendra*, 2/01/2002  
Oath Commissioner (P.W.)  
Manipur.

- 13) Shri Y. Joykumar Singh.
- 14) Shri N. Shyamananda Singh.
- 15) Shri Shaheed Ahamad.
- 16) Shri Pramod Asthana.

Over and above the above-named 16 Officers who are still on Central deputation with their prior consent, 4 other officers holding Senior Posts under the Manipur Government have given their consent for Central deputation, and their deputation is learnt to be now on the pipeline. Their names are given below :-

1. Shri C. Peter Nganhanyui.
2. Shri P.M. Goud.
3. Shri L.m. Khaute.
4. Shri Anand Prakash.

2.2. That, it is submitted that Rule 6 of the IPS(Cadre) Rules 1954 is to be read with Rule 9 of the IPS(Pay) Rules 1954 and not in isolation. The concept of deputation is, now, well settled and no more res integra. Rule 6 of the IPS (Cadre) Rules 1954 is silent about the consent of the IPS Officers to be sent on deputation under Sub-rule (1) and Sub-rule (2)(i). The Hon'ble Supreme Court has held that the law laid down by the Supreme court is deemed to have been incorporated in the statutes in absence of any contrary statutory provision. As pointed out by the Apex Court of the country, "the concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer ; it also involves the consent of the employee to go on deputation or not". Admittedly in all the cases of deputation of the IPS officers serving under the Government of Manipur, the Government of India sought their consent before sending them on deputation ; some instances have already been annexed as ANNEXURES-A/22 and A/23 to the Rejoinder-Affidavit to show cause reply on behalf of the respondents No.2, 3 and 4. In the present case, there is admittedly no consent of the Applicant as the employee in his Central deputation.

2.3. That, with specific reference to the latter part of the last paragraph of the said 'Back Ground of the Case', it is stated that there is no Disciplinary proceedings or Departmental Enquiry made against the Applicant or known so far to have been contemplated against the Applicant so as to justify or support any alleged 'information that continuation of the Applicant in the State is not in the public interest'.

*Jugadev: 2/02/2002*  
Oath Commissioner (C.W.)  
Manipur.

2.4. That, had any such alleged information been given to the Union of India adversely against and maligning the Applicant it would not be wrong to infer that it must have been manufactured and manipulated out of jealousy, hatred or animosity by those who are inimical to the Applicant for his enviable service career very briefly narrated in paragraphs 4(1),(2) and (3) of the Application and also reflected in the D.O. letter of the former Chief Minister of Manipur dated 04-05-2001 (at ANNEXURE A-6 of the Application) and the Manipur Government letter dated 22-01-2001 addressed to the Joint Secretary (NE) in the Ministry of Home Affairs, Government of India (at ANNEXURE A-5 of the Application). It is unfortunate that the Applicant has been found by the Central Government suitable for posting as DIG of BSF, which post is not equivalent in status, responsibility and rank to that of IGP of IPS.

3. That, with reference to paragraph 1 of the Para-wise comments in the said Written Statement, it is not admitted that the request made in the fax message dated 10-08-2001 is perfectly in order and that it has been issued in accordance with the provisions of all relevant rules as well as with the guidelines/ principles laid down by the Apex Court.

4. That, with reference to paragraph 4 of the Para-wise comments in the said Written Statement, it is denied that the promotion of the Applicant as IGP in the State was not in accordance with the promotion guidelines and that the Respondent No.1 as the cadre Controlling Authority rightly took up the matter with the State Government.

It is also denied that the statements of the Applicant in paragraph 4(4) of the Application have no relevance with the present case and that the Applicant has referred to the issue totally out of context.

It is submitted that those statements of the Applicant are quite relevant for showing the malafides on the part of the Respondent No.1 vitiating its impugned orders.

5. That, with reference to paragraph 5 of the Para-wise comments in the said Written Statement, it will bear to reiterate here that the State Government communicated to the Central Government about the former's inability to

*Jugadeh* 2/01/2002  
Oath Commissioner  
Manipur.

spare the Applicant's service at that stage, vide the former's letter dated 22-01-2001 (at ANNEXURE A-5 of the Application) and the mincing words of the former Chief Minister of Manipur in his D.O. letter dated 04-05-2001 (at ANNEXURE A-6 of the Application).

6. That, with reference to paragraph 8 of the Para-wise comments in the said Written Statement, it is denied once again that the Applicant was found fit for deputation to BSF as DIG when such deputation results in reduction in his rank and compelling him to hold the post carrying lower scale of pay over and above the loss of his status and responsibilities as IGP in the IPS.

7. That, with reference to paragraph 9 of the Para-wise comments in the said Written Statement, it is denied that the prior consent of the All India Service Officer holding the Senior Posts under the State Government for service under the Central Government (or for Central deputation) is not required. The further submission of the Respondent No.1 in this behalf will be subject to the provisions of all relevant service rules and of the guidelines/principles laid down by the Apex Court.

8. That, with reference to paragraph 10 of the Para-wise comments in the said Written Statement, it is denied that no further declaration of any kind under IPS (Pay) Rules 1954 is required to be made merely because the post of DIG in BSF is already included in Schedule III of those rules, and that the appointment of the Applicant as DIG in the BSF does not affect the career prospects of the Applicant.

To the best of the Applicant's knowledge, there is no all-India Combined Seniority list in which he also has an all-India Seniority. Under Rule 3(2A) of the IPS (Pay) Rules 1954, "appointment to the selection grade and post carrying pay above the time-scale of pay in the IPS shall be made by selection on merit with due regard to seniority". It may be that a number of IPS Officers senior to the Applicant are still serving as DIG at the Centre as those IPS officers senior to the Applicant may not be having the necessary merit to be promoted as IGP by selection, while the Applicant by dint of his merit was selected and recommended by the Screening Committee for regular appointment to the Super-time Scale Post of IGP, as stated in paragraph 4 of the Applicant's rejoinder-affidavit dated 01-09-2001 in reply to the show-cause reply of the Respondents 2-4. He was promoted on regular

*Jugedn. 2/01/2002*  
*Gath Commissioner (P.W.)*  
*Manipur.*

basis to the post of IGP, and his regular appointment as IGP is reflected also in his pay-slip issued by the office of the Sr.DAG(A&E), Manipur.

It is submitted that no question of the Central Government considering the Applicant for I.G. level appointment at the Centre would arise when Rule 7 of the IPS (Cadre) Rules 1954 clearly provides that "*All appointments to cadre posts shall be made in the case of a State cadre or a joint cadre by the State Government concerned*", and that no such power has been conferred to the Central Government or its officer.

A true copy of the pay slip No.177 dated 31-10-2001 in respect of the Applicant is attached as ANNEXURE A-39.

Both the IPS (Pay) Rules 1954 and IPS (Cadre) Rules 1954 are framed by the Central Government in exercise of its power under Section 3 of the All India Services Act, 1951 to regulate the recruitment and conditions of service of the members of the All India Service. Therefore if and when necessary, one set of rules may be read so as to supplement the other set of rules. If there be any apparent conflict between two rules, the principle of harmonious construction should be invoked for avoiding absurdity and anomalous result. An employee cannot be sent on deputation to the inferior post except as a punishment after complying with the procedure prescribed in the Article 311(2) of the Constitution of India. Therefore, for sending IPS Officers to a non-Scheduled post, i.e., post not included in Schedule III of IPS (Pay) Rules 1954, a declaration is required under Rule 9 of the IPS(Pay) Rules 1954 for the posts not mentioned in the Schedule III; and without such declaration, it may not be possible to know the equivalent posts. As such, declaration under Rule 9 of the IPS (Pay) Rules, 1954 is for the purpose of determining the post equivalent to the post held by the IPS Officer in his parent cadre/parent State before sending him on deputation. The IGP/IPS cannot be sent on deputation to the post of DIG in BSF on the ground that the post of DIG in BSF is already included in Schedule III of IPS (Pay) Rules 1954 inasmuch as law/statute/Rule cannot be interpreted in a manner which shall counter the provisions of the Article 311(2) of Constitution of India and also inasmuch as the post of DIG/BSF can never be said to be equivalent to the post of IGP/IPS.

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Joint Commissioner  
Manipur.

No doubt, an IPS Officer can be sent on deputation to a lower post on his own Volition subject to the conditions mentioned in 2<sup>nd</sup> proviso to sub-rules(1) and (2) of Rule 6 of IPS (Cadre) Rules 1954. In such a case, there is no question of punishment ; and hence provision of Article 311(2) of the Constitution of India is not attracted. Therefore 2<sup>nd</sup> proviso to sub-rules (1) and (2) of Rule 6 cannot be interpreted that an IPS Officer without his consent can be sent on deputation to the inferior post carrying less scale of pay without following the procedure prescribed in the Article 311(2) of the Constitution of India.

9. That, with reference to paragraph 11 of the Para-wise comments in the said Written Statement, it is denied that FR 15(a) of the Fundamental Rules (not 'Financial Rules' ?) and Supplementary Rules is not attracted in the matter, and that the deputation of the Applicant as DIG in BSF is strictly in accordance with the proviso to Rule 6(2) of IPS (Cadre) Rules 1954 reproduced in the aforesaid paragraph 11. As stated hereinabove as well as in the Application, the said Cadre Rules are to be read with the Pay Rules, and under Rule 9 of the Pay Rules the post of IG of BSF which is specified in Schedule-III of the said Pay Rules is equivalent to the IGP of IPS not only in status and responsibilities but also in rank and time scale of pay as shown in the Application, which fact has not been denied by the Respondent No.1 in its Written Statement now under reply.

Since no relevant documents are produced, it cannot be affirmed whether Shri K.T.D. Singh and Shri B.K. Dey have been taken on Central deputation to hold posts lower in time scale of pay, rank, status and responsibilities with their consent or on their request. Over and above, Shri K.T.D. Singh, IPS (M.T.74) who was said to be DGP, Tripura and Shri B.K. Dey, IPS (A.M. 73) DG/ADG, Meghalaya have not yet completed 30 years of service for promotion to the Grade of DGP. It appears and it is apparently possible that their deputation was with their consent. Such cases of Central deputation with the consent or on the request of the IPS Officers would not serve as precedents to compel an unwilling IPS officer to follow suit at the cost of deprivation of his present rank, status, responsibilities and scale of pay enjoyed by him while holding his State cadre post in the IPS. It is accordingly denied that the Applicant will not suffer in those aforesaid matters, although may not be financially, by the impugned Central deputation.

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Manipur.

10. That, with reference to paragraph 12 of the Para-wise comments in the said Written Statement, the reply to the allegations/contentions of the Respondent No.1 has been given hereinabove as well as in the Application. It is, however, denied that the Central deputation of the Applicant now impugned does not amount to reduction in rank and that such a deputation entailing reduction in rank does not contravene the provisions of Article 311(2) of the Constitution.

The expression "rank" in 'reduction in rank' has, for purpose of Article 311(2) of the Constitution, an obvious reference to the stratification of the posts or grades or categories in the official hierarchy. It does not refer to the mere seniority of the Government servant in the same class or grade or category. Hence serving IPS Officers of 1979, 1980 and 1981 batches as DIG at the Centre have no relevance with the present case for reduction in rank from I.G.P. to D.I.G.. It is an accepted fact that D.I.G. in BSF is inferior in status, responsibility, rank and pay to the IGP/IPS and therefore a deputation of IGP/IPS to the inferior post of DIG in BSF shall deprive the Applicant of his constitutional protection afforded to a Government servant under Article 311(2) in relation to three major penalties of "dismissal", "removal" and "reduction" in rank."

It cannot be gainsaid that the Central deputation of the Applicant involves or entails the reduction in his rank in contravention of the aforesaid provisions of the Constitution. It is also submitted that any rules made under the law enacted according to the provisions of the Constitution cannot override the very provisions of the Constitution.

11. That, with reference to paragraph 13 of the Para-wise comments in the said Written Statement, it is denied that any order appointing the Applicant as DIG in BSF in the name of the President could appropriately and legally be issued only on his joining the said post on deputation, by way of putting the cart before the horse. It is submitted that the question of joining the post for duty would arise only after the necessary order of appointment to the post has been issued.

12. That, with reference to paragraph 15 of the Para-wise comments in the said Written Statement, it is denied that the statements made in paragraph 5(i) of the application are devoid of merit and that a member of All India

*Swagata* - 2/01/2002  
Oath Commissioner (P.W.)  
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Service is liable to serve all over India even in contravention of the relevant rules and law including the Constitutional provisions. It is further denied that the post of DIG in BSF is more prestigious than the post of IGP in IPS and his Central deputation involving reduction in his rank, etc., will not in any way cause disgrace and humiliation to him, that the impugned deputation does not amount to demotion and degradation or reduction in rank, that in no way it can be termed as punishment, and that the Applicant is making hypothetical or undeserved presumptions.

By way of an instance to demonstrate the likelihood of the Applicant suffering from disgrace and humiliation, it is stated that while the Applicant was working as the IGP (Law & Order) from May 1999, Shri Kuwar Bhopender Singh was in command of 6 Bns. of BSF as DIG/BSF, Manipur Range. Shri K.B. Singh, DIG/BSF was then intimately associating with the Applicant in the counter-insurgency operations in Manipur from June 1999 to October 2000, and he then was showing to the Applicant the due respect of being his senior officer as the IGP(L&O). Shri K. B. Singh was promoted to the rank of IGP/BSF in October, 2000 and he was transferred and posted as IGP(Admn)/BSF HQ in New Delhi. In case the Applicant is to accept the Central deputation as DIG in BSF, he is bound to work under the said IG/BSF who was for more than a year working as DIG/BSF while the Applicant was the IGP of IPS in Manipur.

It is accordingly submitted that nothing is more humiliating, disgracing and demoralising for the Applicant (as also for other conscientious officers in the disciplined forces) than the down-grading of his uniform, changing the badge from the higher to the lower, reducing his rank and status, and constraining him to work under a junior who was earlier working as mentioned above.

13. That, with reference to paragraph 16 of the Para-wise comments in the said Written Statement, it is denied that any administrative remedies, which are as efficacious, appropriate and speedy as the reliefs sought for in the Application, are available to the Applicant by making a representation to the Central Government through the Government of Manipur. It is accordingly denied that any such remedies are available to the Applicant under the relevant service rules by way of his making such a representation, and that the Original Application is liable to be dismissed on this ground alone.

*Jugender 2/01/2002*  
Oath Commissioner (1/12)  
Manipur.

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14. That, with reference to paragraphs 18 and 20 of the Para-wise comments in the said Written Statement, it is denied that the reliefs claimed by the Applicant as well as the Original Application are devoid of merit and deserves to be rejected.

15. That, the Applicant submits that pleadings of the Respondent NO.1 in the said Written Statement do not deserve any indulgence and consideration of the Hon'ble Tribunal since the averments made in the said Written Statement are not verified in accordance with the provisions of Rule 12(2) of the CAT (Procedure) Rules 1987 read with Order VI Rule 15 of the Code of Civil Procedure, 1908.

Dated, Imphal,  
The 2<sup>nd</sup> January, 2002.

A. Romen Kumar Singh  
(A. Romenkumar Singh)

APPLICANT.

### VERIFICATION

The statements made in the forgoing paragraphs 1, 2.1, 2.3, 5, 8(1<sup>st</sup> and 2<sup>nd</sup> sub-para), 12 (except last sub-para), 13 and 14 are true to my personal knowledge and those in the above foregoing paragraphs 2, 2.2, 2.4, 3, 4, 6, 7, 8(3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> sub-para), 9, 10, 11, 12 (last sub-para) and 15 are believed by me to be true on legal advice, and that I have not suppressed any material fact.

The ANNEXURE A-39 attached hereto is the true copy of the corresponding Original.

Dated, Imphal,  
The 2<sup>nd</sup> January, 2002.

Drawn up by :-

S. Bimal Singh

Advocate.

A. Romen Kumar Singh  
(A. Romenkumar Singh)

APPLICANT.

Solemnly, signed and sworn before me on 2 <sup>nd</sup> Jan, 2002 at 10.30 AM by the person who is identified by S. Bimal Singh, Advocate...
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Jugadur 2/01/2002  
Oath Commissioner  
Manipur.

**OFFICE OF THE SP. D.A. (AGE)**  
**MANIPUR - IMPHAL**

**(PROVISIONAL PAY / LEAVE / SALARY SLIP)**

Sl.No.(File No.) : 177  
Employee Name : A.ROMENKUMAR SINGH  
Dept/Office : POLICE DEPTT.      IPS      Design: IGP, CRIME.  
Date of issue: 31/10/2001

He/She is entitled to draw pay/leave salary and allowances at the rates shown below from the dates specified, less already drawn.

**BIO. DATA**

**PAY/SALARY**

FROM  
01/07/2001

FROM  
/ /

1. Date of Birth	: 01/03/1949	1. J. time pay	: 0.00	0.00
2. Date of Initial Appt.	: 31/03/1975	2. Subs. pay	: 19400.00	0.00
3. Initial Appt. (Adh/Off/Reg)	: REG.	3. Offl. pay	: 0.00	0.00
4. Date of Confirmation	: 11/07/1987	4. Special pay1	: 0.00	0.00
5. Present Post	: IGP	5. Special pay2	: 0.00	0.00
6. Post (Adhoc/Off/Regular)	: REG.	6. Personal pay	: 0.00	0.00
7. Date of App. in prsent Post	: 01/03/1999	7. Leave salary	: 0.00	0.00
8. Pay Scale (Current)	: 18400-22400	8. D. Allow.	: 8342.00	0.00
9. Audit No	: IPS-11(A)	9. Hou R. All	: 0.00	0.00
10. G.P.F. A/C No.	: M/AIS/178	10. Spl. C. All	: 750.00	0.00
11. Date of Superannuation	: 28/02/2009	11. City C. All	: 0.00	0.00
12. Date of Next Increment	: MARCH	12. Spl. Duty All	: 2425.00	0.00
13. M.C.A. Amount	: 0	13. Interim Relif	: 0.00	0.00
14. M.C.A Date	: / /	14. Kit Main	: 150.00	0.00
15. M.C.A Recovery	: *****	15. Galantary Aw	: 0.00	0.00
16. M.C.A Instalment No	: 0	16. P.G.A	: 750.00	0.00
17. H.B.A Amount	: 0	17. B.H.A	: 450.00	0.00
18. H.B.A Date	: / /	18. D.A.A	: 450.00	0.00
19. H.B.A Recovery	: *****	19. P.M.A	: 0.00	0.00
20. H.B.A Instalment No	: 0	20. N.P.A	: 450.00	0.00
		21. Misc	: 0.00	0.00

22. Total      Rs: 33167.00      0.00

Stop payment on : 01/03/2002

**Notes:-**

1. All allowances as admissible on percentage or slabs basis of pay from time to time.
2. Annual increment is allowed under rules on or after the date indicated in the last column on which the officer is on duty.

Sr. Accounts Officer

No. GOE/PS/398

Copy to : 1. Dept/Office      2. T.O. Imphal

2. Treasury Officer, T.O. Imphal

3. Person concerned      Shri A. Romenkumar

IGP (Crime)

**True Copy**

*X. Bind Singh*

2-1-2001

**Advocate.**

*Jugesh 2/01/2002*  
Deputy Commissioner  
Manipur.

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.**

**ORIGINAL APPLICATION NO.320 OF 2001.**

Shri A. Romenkumar Singh, IPS. ... **Applicant**

- Versus -

The Union of India and 4 others. ... **Respondents.**

Guwahati, the January, 2002.

To

1. The Central Government Standing Counsel,  
Counsel for Respondent No.1.
2. Shri Shahiwala,  
Counsel for Respondents No. 2 - 4.

**Subject :- Notice for filing rejoinder-affidavit on behalf of the Applicant in answer to Respondent No.1's written statement.**

Dear Sirs,

I, the undersigned one of the counsel of the above named Applicant, hereby give you this notice about his filing rejoinder-affidavit in answer to the written statement filed by the Respondent No.1. A true copy of this notice and also a true copy of the said rejoinder-affidavit with Annexure are furnished to you herewith for your use and ready reference.

2. Kindly acknowledge the receipt of a copy of this notice and also a copy of the said rejoinder-affidavit with Annexure by signing in the space provided therefor hereunder and return this notice to me in original so that the same can be presented to the Tribunal along with the original rejoinder-affidavit to-day.

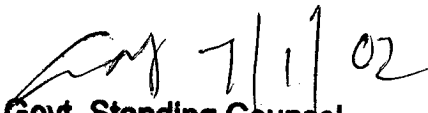
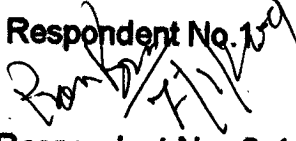
Received a copy of this notice  
and also a copy of the said rejoinder-affidavit  
with Annexure,

Yours faithfully,

*A. Bimol Singh*

( A. Bimol Singh )

Advocate for the Applicant

1.  7/1/02  
Central Govt. Standing Counsel,  
Counsel for Respondent No.1
2.  7/1/02  
Counsel for Respondent Nos.2-4.