

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 337/2001

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FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO.

337, 2001

Applicant(s) Sri V. P. Devkumar

* Respondant(s) 4.0.2.2018

Advocate for the Applicant: Mr. A. Ahmed

Advocate for the Respondant: Mr. A. Deb Roy, Esq.
C.G.S.C.

✓
Resolution No. 1. Notice
Unserved due to incorrect
address.
15/10/01

2
O.A. 337 of 2001

No written statement
has been filed.

21.11.01 Four weeks time is allowed to enable the respondents for filing of written statement.

List the matter on 19.12.2001 for written statement and further orders.

Vice-Chairman

22/11/01

trd.

19.12.01

25.12.01 ~~Let this case be listed for hearing on 25.12.01. The applicant has filed the rejoinder if any within~~

Vice-Chairman

10.12.2001

W/S submitted
by the Respondents.

19.12.01

Written statement has been filed.

Let this case be listed for hearing on 25.1.02. The applicant has filed the rejoinder if any within

19.12.01

Written statement has been filed.
Let this case be listed for hearing on 25.1.02. The applicant has filed the rejoinder.

Vice-Chairman

lm

25.1.2002

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

for the respondents makes a prayer for short adjournment. Mr.A.Ahmed, learned counsel for the applicant has no objection.

Prayer accepted. List the case for hearing on 1.3.2002.

10/1/02
Member

20.12.2001
Rejoinder submitted
by the applicant against
the W/S submitted by
the Respondents.

bb

1.3.2002

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

Vice-Chairman

copy to the learned
counsel for the
applicant, etc
24.1.02

26.1.02
copy to the learned
counsel for the
applicant, etc
24.1.02

nk m

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 337 of 2001

Date of Decision. 1.3.2002

Shri Ved Prakash Devrani

Petitioner(s)

Mr A. Ahmed

Advocate for the
Petitioner(s)

- Versus -

The Union of India and others

Respondent(s)

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

Advocate for the
Respondent(s)

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

THE HON'BLE

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

Judgment delivered by Hon'ble : Vice-Chairman

No

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.337 of 2001

Date of decision: This the 1st day of March 2002

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

Shri Ved Prakash Devrani,
Office Assistant,
Office of the Centre Incharge,
Central Institute of Hindi,
Guwahati.

.....Applicant

By Advocate Mr A. Ahmed

- versus -

1. The Union of India, represented by the
Secretary,
Ministry of Human Resources and Development,
New Delhi.

2. The Director,
Central Institute of Hindi,
Agra, Uttar Pradesh.

3. The Centre Incharge,
Central Institute of Hindi,
Guwahati.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking for a direction for posting at the place of choice on completion of the tenure in the light of the Government Scheme.

2. The applicant was first appointed as Upper Division Clerk in the Kendriya Hindi Sangathan on 13.2.1984. He was promoted to the post of Office Assistant vide Memorandum dated 6.9.1993 and posted at the Guwahati Centre, where he joined on 23.2.1994. The

applicant after completion of his tenure sought for his posting at Delhi, more so in view of the health condition of his wife. It was mentioned that the applicant's wife was undergoing treatment in the out patient department, Surgical III of All India Institute of Medical Science. The applicant also stated that his sons and daughters are studying under the Delhi University and also under the CBSE. In the interest of his family he was to be posted at the choice posting as per the policy. The applicant further places his claim for posting at Delhi on the basis of the policy initiated by the respondents for choice posting.

3. The respondents contested the claim and submitted their written statement. In the written statement the respondents have stated that the applicant could not be transferred to Delhi Centre for want of vacancy at Delhi. In Delhi Centre there is only one vacancy against which one Smt Pushpa Nangia ~~was~~ working. It is also stated that spouse posting can only be made when both husband and wife are working in the same Department.

4. We have heard Mr A. Ahmed, learned counsel for the applicant and also Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Ahmed referred to a number of communications sent by the Under Secretary, Ministry of Human Resources as well as the communication sent by the Director (L) of the Ministry of Human Resources. The learned counsel referring to the policy decision submitted that posting of husband and wife in the same station is a professed policy of the Government. He further submitted that the respondents are nursing under a wrong impression that the spouse posting is applicable only for posting within the same department.

5. Mr A. Deb Roy countering the argument of the learned counsel for the applicant submitted that the department is not averse to post the applicant at Delhi, but since there is only one post of Assistant in Delhi, the applicant cannot be transferred immediately

for.....

for want of vacancy. The applicant can, however, be accommodated subject to availability of vacancy near Delhi provided the applicant wants any such station. Mr Deb Roy also submitted that the applicant has been insisting for posting at Delhi since long time, but for want of vacancy he could not be accommodated in Delhi.

6. I have given my anxious consideration in the matter. The policy of spouse posting is equally applicable to the applicant. At least the wife of the applicant is working under the Delhi Government. The policy of spouse posting is not confined only to the persons in the same department. The case of the applicant is also governed by the policy decision. The applicant has worked in the North Eastern Region since February 1994 and he has completed about 8 years service in the North Eastern Region. Therefore, this is a fit case in which the respondents are required to consider the case of the applicant for his posting in Delhi as per the policy decision, more so in view of the ailment of his wife.

7. In the circumstances, considering all the aspects of the matter and for the ends of justice I am of the view that this is a fit case in which the authority, namely the respondents need to reconsider the matter afresh in the light of the vacancy position. If the authority for any reason, despite best effort cannot accommodate him in Delhi they may explore the possibility of posting the applicant at a place near to Delhi so that he can look after the family interest.

8. Subject to the observations made above the application is disposed of. No order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.
(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
27 AUG 2001
गुवाहाटी न्यायालय
Guwahati Bench

ORIGINAL APPLICATION NO. 337 OF 2001.

Sri Ved Prakash Devrani -Applicant.

-Versus-

The Union of India & Ors. -Respondents.

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Filled by
Advocate:
(Abul AHMED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

केन्द्रीय हिन्दी संस्कृत अधिकार
Central Institute of Hindi
27 AUG 2001
पुस्तकालय
Guwahati Bench

ORIGINAL APPLICATION NO. 337 OF 2001.

B E T W E E N

Sri Ved Prakash Devrani,
Office Assistant,
Office of the Centre Incharge,
Central Institute of Hindi, R. G.
Baruah Road, Ganeshguri,
Guwahati-6.

-Applicant.

-AND-

1) The Union of India, represented
by the Secretary, Ministry of
Human Resource and Development
Department, New Delhi.

2) The Director, Central Institute
of Hindi, Sansthan Marg, Agra,
P.O.-Agra, Uttar Pradesh,
PIN-282005.

3) The Centre Incharge, Central
Institute of Hindi, R. G. Baruah
Road, Ganeshguri, Guwahati-6.

-Respondents.

Filed by
Shri Ved Prakash Devrani
Applicant
through Jyoti
(Adv. Ahmed)
Advocate

DETAILS OF THE APPLICATION:

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

This application is not made against any specific order but it is made for seeking a direction from this Hon'ble Tribunal directing the Respondents to consider the representation filed by the applicant to transfer him in his choice place of posting in New Delhi after completion of tenure of posting in the North-Eastern Region as per Office Memorandum vide No. 20014/3/83-D-IV dated 14-12-1983 issued by the Government of India, Ministry of Expenditure, New Delhi.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

Facts of the case in brief are given below:

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

4.2. That your applicant was appointed as U.D.C. in Kendriya Hindi Sangathan on 13-02-1984. He was promoted to the post of the Office Assistant vide Office Memorandum No. FDPC-35/93-94/4395 dated 06-09-1993 and he joined at the Guwahati Centre on 23-02-1994. ✓

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4.3. That your applicant begs to state that he has already served in the North Eastern Region more than his fixed tenure as per Office Memorandum of the Government of India vide No. 20014/3/83-D-IV dated 14-12-1983 issued by the Ministry of Expenditure. Now your applicant is entitled for his choice place of posting.

It is pertinent to mention here that as per Government of India, Ministry of Finance and Department of Expenditure, New Delhi vide Office Memorandum No. 20014/3/83 D/IV dated 14-12-1983 it has been stated "there will be a fixed tenure of posting at any place of North Eastern Region is three years and 2 years respectively as per their length service and after completion of fixed

tenure of service the Central Government Officers/employees may be considered for posting to station of their choice as far as possible."

Annexure-A is the photocopy of Office Memorandum of the Government of India vide No. 20014/3/83-D-IV dated 14-12-1983.

4.4 That your applicant begs to state that his wife, Mrs. Sheela Devrani is also working under the Government of Delhi and she is suffering from Breast Tumor. She is under Treatment of AIIMS Hospital, New Delhi. His two sons and daughters are studying under the Delhi University and also under CBSC, New Delhi. His son is appearing Class-XII final examination on March, 2002. Your applicant is also entitled to be posted in New Delhi as per Government of India Memorandum dated 12-06-1997 regarding posting of husband and wife at the same station.

It may be stated that under the Government of India Office Memorandum No. 28034/2/97 Estt(A) dated 12-06-1997 issued by the Department of Personnel and Training, it has been stated that the husband and wife may invariably be posted together in order to enable them to lead a normal family life.

Annexure-B to B4 are the photocopies of Medical Prescriptions issued by the AIIMS Hospitals, New Delhi.

Annexure-C is the photocopy of Govt. of India Office Memo. No. 28034/2/97 Estt(A) dated 12-06-1997.

4.5 That the applicant begs to state that he has filed representations before the Respondents since 30-01-1996 for his choice place of posting after completion of his fixed tenure in the North Eastern Region. In these representations he has also stated about his domestic problems at Delhi and also about his wife's prolonged illness. But the Respondents, particularly, the Respondent No. 2 did not transfer the applicant to New Delhi as per his choice place of posting in spite of the Respondent No. 1, Ministry Human Resource and Development's strong recommendations in this regard.

Annexures-D to D1 are the photocopies of the such recommendations made by the Office of the Respondent No. 1.

4.6] That your applicant begs to state that respondent No. 2 did not take steps for transfer of the applicant to New Delhi ignoring the representations and recommendations of the Respondent No. 1. and the Respondent No. 2 have also violated Government

of India Circular regarding postings and transfers of Officers and employees who have completed fixed tenure in the North Eastern Region.

4.6 That your applicant begs to state that the Respondents have violated the Government Circular and orders. Now your applicant apprehend he may not get justice from the Respondent No. 2 in spite of strong recommendations by the Office of the Respondent No. 2 and hence he has filed this Original Application before this Hon'ble Tribunal for seeking justice.

4.7 That your applicant begs to state that ever since his entry to the service of this department he has been rendering his devotional and sincere service to all the concerned higher authorities with ought most satisfaction. He all along carried out his transfer order without any protest and now he wants to settle his life at New Delhi but the Respondents intentionally deprived his legitimate claim of choice place of posting at New Delhi. Although there are sufficient vacancies available at New Delhi and his wife and his family members are staying at New Delhi. Due to illness of his wife the studies of his sons and daughters are also hampering. There is nobody to look after them, they are helpless at New Delhi. He is also entitled for posting of Husband and Wife at the same station as per

Government of India Office Memorandum dated 12-06-1997.

4.8 That your applicant submits that the Respondents have resorting a colorable exercise of power to accommodate their interested person in New Delhi.

4.9 That your applicant further submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.10 That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the applicant and his family members.

4.11 That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, due to the above reasons narrated in detail's the actions of the Respondents is in *prima facie* illegal, mala fide, arbitrary and without jurisdiction and hence the same is liable to be set aside and quashed.

5.2 For that, the action of the Respondents is highly illegal, arbitrary and also violative of the Government Policy regarding

transfer of Government Officer and employee who have served in this North Eastern Region.

5.3 For that, denial of benefit of choice posting of the applicant is in total violation of the Articles 14, 16 and 21 of the Constitution of India in as much other similarly situated employees have been granted the said benefit.

5.4 For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the said benefits.

5.5 For that, the applicant having been denied the said benefit without any reasonable excuse by the Respondents and as such, proper reliefs are required to be granted to the applicant.

5.6 For that, the action of the Respondents is arbitrary, mala fide and discriminatory with an ill motive.

5.7 For the, in any view of the matter the action of the respondents are not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondent as to why the relief and reliefs sought for by the applicant may not be granted and after hearing the parties and the cause or causes that may be shown your Lordship may be pleased to direct the Respondents to give the following reliefs.

8.1 That the Respondents, particularly, the Respondent No. 2 may be directed by the Hon'ble Tribunal to transfer the applicant to New Delhi as per Office Memo. And Government Circulars mentioned above in the instant application.

8.2 Cost of the application.

8.3 To pass any other relief or reliefs to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

At this stage the applicant do not seek any interim order but the Hon'ble Tribunal may pass order or orders as deem fit and proper.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 7G548742

Date Of Issue 18.8.2001

Issued from Guwahati

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

VERIFICATION

I, Sri Ved Prakash Devrani, Office Assistant, Office of the Center In-charge, Central Institute of Hindi, R G Baruah Road, Ganeshguri, Guwahati-6 do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.6, 4.7 are true to my knowledge those made in paragraphs 4.3, 4.4, 4.5

____ are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this
the 27th day of August 2001 at Guwahati.

Veel prokastly
Declarant.

No. 20014/3/83-D-IV
Government of India
Ministry of Expenditure

New Delhi, the 14th Dec. '83

Copy of Min. of Def. O.M- No.4 (19)/83/D Civ-I
dt. 11.1.83

OFFICE MEMORANDUM

Subject: Allowance and Facilities for civilian
employees of the Central Govt. servants
in the states and Union Territories of
the North Eastern Region - improvement
thereon-

The need for attracting and retaining the
services of competent officers for service in the
North Eastern Region comprising the States of Assam,
Meghalaya, Manipur, Nagaland and Tripura and the
Union Territories of Arunachal Pradesh and Mizoram
has been engaging the attention of the Govt. for
some time. The Govt. had appointed a committee
under the Chairmanship of Secretary, Department of Per-
sonnel and Administrative Reforms, to review the

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Att'd
1st *Done 6*

existing allowances and facilities admissible to the various categories, of civilian Central Govt. Employees serving in this region and to suggest suitable improvement. The recommendations of the committee have been carefully considered by the Govt. and the president is now pleased to decide as follows:

(i) Tenure of posting/deputations:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at the time for officers with more than 10 yrs. of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to station of their choice as far as possible.

The period of deputation of the Central Govt. employees to the states/Union Territories of the North Eastern Region will generally be for 3 years

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John *Amato*

which can be extended in exceptional cases in
of public services as well as when
when the employees concerned is prepared to stay
longs. The admissible deputation allowances will
also be continue and be paid during the period
of deputation of extended.

(ii)

Weightage for Central deputation/training
abroad and special mention in confidential
records.

Satisfactory performances of duties for the
prescribed tenure in the North Eastern shall
be given due recognition in the case of eligible
officers in the

(a)

Promotion in cadre posts.

(b)

Deputation to central tenure posts, and

(c)

Courses of training abroad.

The general requirement of at least three
years services in a cadre post between two Central

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Attended
J.S. *Attended*
Service

tenure deputation may be released to two years in deserving cases of metitotrious x services in the North East.

A specific entry shall be made in CR of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) allowances:

Central Govt. civilian employees who have All India transfer liability will be granted a special (duty) allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this special (Duty) Allowances.

Special (Duty) allowances will be in addition to any special pay and/or deputation (duty) allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) Allowances

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After
JL
Done

construction allowances and project allowances will be drawn separately.

(iv) Special Compensatory Allowances
Assam and Meghalaya.

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs.50/- p.m. admissible to all employees without pay any pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of Assam.

2. Manipur

The rates of allowances will be as follows for the whole of Manipur :-

Pay upto Rs.20/- Rs.40 P.M.

Pay upto Rs. 20/- Rs.15% of basic pay subject to maximum of Rs.150/- p.m.

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*After 17
Admete*

Tripura

The rates if the allowance will be
admissible as follows:-

a) Difficult areas 25% of pay subject
to a minimum of
50/- and a maximum
of 150/- p.m.

b) Other areas:

Pay upto Rs.20/- Rs.40/- p.m.

Pay above Rs.20/- 15% of basic pay
subject to a maximum
of Rs.150/- p.m.

There will be no change in the existing rates
of special compensatory allowances admissible in
Arunachal pradesh, Nagaland and Mizoram and the
existing rate of Disturbance allowances admissible
in specified areas of Mizoram.

(iv)

Travelling allowances on first appointment

The relaxation of the present rules (BR-103)
that the existing allowance is not admissible for

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68-69
As per
As per

- 19 -

journeys enlisted connection with initial
 appointment, in case of journeys for initial
 appointment to a post in the North Eastern Region
 for travelling allowances limited to by bus
 fare/second class rail fare for road/mailing
 in case of first 400 Kms. for the Govt.
 servant himself will be available.

(iv) travelling allowances for journey on transfer.

In relaxation of orders below SR-11, on transfer to a station in the North-Eastern Region, the family of the Govt. servant does not accompany him, the Government servant will be paid travelling allowances on tour for self only for transit period to join the post and will be permitted to carry personnel effects upto 1/3 of his entitlement at Govt. cost or have a equivalent of carrying 1/3rd or his entitlement of the difference in weight of the personnel effects actually carrying and 1/3rd of his entitlement as the case may be in lieu of the cost of transportation of baggage. In case the family accompanies the

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Attest
 J. D. Ashwani

27

Govt. servant on transfer, the Govt. servant will be entitled to the existing admissible travelling allowances including the cost of transportation as charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road mileage for transportation of personnel effects

In the relaxation of orders below SR 110 for transportation of the personnel effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt. servant will be admissible.

(viii) Joining time with leave

In the case of Govt. servants proceeding on leave from a place of posting in North Eastern Region, the period of travelling excess of two days

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for
Ans. to

from the station of posting to outside that region will be treated as joining time. The outside will be admissible on return from leave.

(ix) Leave travel concession

A Govt. servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from the station of posting in the north eastern region to his hometown or place where the family is residing and in case of facility for the family (restricted to his dependents children only) also to travel once a year to the place of posting of the employee at the station of posting in the north eastern region. In case the

the cost of travel for the initial stage (400 Kms will not be borne by the officer.

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Officers drawing pay of Rs.2250/- or above and their families i.e. spouse and two dependent children (to 18 yrs for boys and 24 yrs. for girls), will be allowed to travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the proceeding paragraphs.

(x)

Children Education Allowances/Postal Subsidy)

Where the children do not accompany the Govt. servant to the North Eastern Region, children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned. Of any other station where the children reside without any restriction of pay drawn by the Govt. servant, If children studying in schools are put in hostels at the last station of posting or any other station, the Govt. servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except those in para (iv) will also be mutatis mutandis apply to Central Govt. employees posted to Andaman and Nicobar Islands.

.....11

*Atted
S. J. Apte*

23-23-147
11.11.82

3. These orders will take effect from 1st Nov. '93 and will remain in force for a period of three years upto 31st Oct. 1986.

4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt. to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office memorandum.

5. Separate orders will be issued in respect of other recommendation of the committee referred to in paragraph 1 as and when decisions are taken by them by the Govt.

6. In so far as persons serving in the India Audit & Accounts Deptt. are concerned, these orders issue after consultation with Comptroller and Auditor General of India.

sd/-
(S.C. Mahalik)
St. Socy. to the Govt. of India

Akter
Abdul
Shanto



- 24 -

Encl. No. 13.

हस्पताल के अन्दर धूमपान मना है।
SMOKING PROHIBITED IN HOSPITAL PREMISES

(24-32)

24

अ० भा० आ० वि० ज० हस्पताल
A.I.I.M.S. HOSPITAL

50

3

संस्थापन वर्ष पर्वतायनम्

ब० रो० वि० अभिलेखा
Out Patient Department

OPR=6

एकक
Unit

धूमपान प्रतिवेदन

धूमपान प्रदूषण नियन्त्रण

विभाग
Dept.

S. O. P. D.

80

ब० रो० वि० पंजीकृत सं०
O.P.D. Regd. No.

पता/Address

निदान
Diagnosis

दिनांक
Date

3 MAY 1999

उपचार
Treatment



Attended
S. S. S.
Savele



हस्पताल के अन्दर धूम्रपान मना है।
SMOKING PROHIBITED IN HOSPITAL PREMISES

अ० भा० आ० वि० स० हस्पताल

A.I.I.M.S. HOSPITAL

व० रो० वि० अग्निलेखा

Out Patient Department

50

OPA-6

एकक
Unit

निम्न ३

विभाग
Dept.

स्टेट्यूट दुर्जन, दिल्ली

३

व० रो० वि० पंजीकृत स०
O.P.D. Regd. No.

172457

99

नाम/Name	पिता/पुत्र/पत्नी/पति/पुत्री F/S/N/H/D/O/I	लिंग Sex	वायु Age	वास/Address
SHEELA DEVRANI	V. P. DEVRANI	F	38	Sec. 7 (71), R.K. Puran, N. Delhi - 110022

निदान
Diagnosis

दिनांक
Date 13 AUG 1999

उपचार
Treatment



No breast lump excision & Gr.

1 year ago

Ex & Fibroadenoma

Recurrent nodule x 1 week

8.99, al. 10 AM p. syringe 10 ml (2) Needle 23 (3)	Small & ill-defined mobile lump at 9 o'clock position (2) breast (1)
--	---

After 1st
Exante



हस्पताल के अन्दर धूम्रपान मना है।
SMOKING PROHIBITED IN HOSPITAL PREMISES

अ० भा० आ० वि० सं० हस्पताल

A.I.I.M.S. HOSPITAL

ब० रो० वि० अभिलेखा
Out Patient Department

50

6/15/99

OPR-6

एकाक
Unit

विभाग
Dept.

Sup 10

(3)

व० रो० वि० पंजीकृत सं०
O.P.D. Regd. No.

17245/99

नाम/Name	पिता/पुत्र/पत्नी/पति/पुत्री F/S/W/H/D/of	लिंग Sex	आयु Age	पता/Address
Sheela Devrani	V.P. Devrani	F	28	

नियान
Diagnosis

दिनांक
Date

उपचार
Treatment

6/00

Lump 1cm in size

Ash
Rpt FNAc

Review

20/10/99 at. 10am

Disp - Syr 10ml (2) Disp only
Needle 23G (2)

3 NOV 1999

65151673
19/11/99

Attended
Adm to



हस्पताल के अन्दर धूम्रपान मना है।
SMOKING PROHIBITED IN HOSPITAL PREMISES

गोप्य छतु पर्वतम्

अ० भा० आ० वि० रां० हरयताल

A.I.I.M.S. HOSPITAL

A.I.I.M.S. HOSPITAL

Ref. 1

D. he-II

यो रोग विभाग अभिलेखा Out Patient Department

7

50

OPR-6

66935)
150

नाम/Name	पिता/पुत्र/पत्नी/पति/पुत्री F/S/W/H/D/of	लिंग Sex	आयु Age	पता/Address
Shreya		f	33	

ନିଲମ୍ବ

Diagnosis

दिनांक Date	उपचार Treatment
5 DEC 1999	
	For \oplus R fibroadenoma breast excised in Feb
	Now \oplus of pain in the R axillary region
	adu.
	<u>Shoulder exercise (R 15)</u>
	To do
	ws

~~At 9:00~~
88
Fried



गोप्यताम् एतु पर्याप्तम्

हस्पताल के अन्दर धूम्रपान मना है।
SMOKING PROHIBITED IN HOSPITAL PREMISES

अ० भा० आ० वि० स० हस्पताल

A.I.I.M.S. HOSPITAL

ब० रो० वि० अभिलेखा

Out Patient Department



50

6/11/99

OPR-6

17/11/99

एकक
Unit

विभाग
Dept.

Sup 11

(3)

ब० रो० वि० पंजीकृत सं०
O.P.D. Regd. No.

नाम/Name	पिता/पुत्र/पत्नी/पति/पुत्री F/S/W/H/D/of	लिंग Sex	आयु Age	पता/Address
Sheela Devrani	V.P. Devrani	F	38	

निदान
Diagnosis

दिनांक
Date

उपचार
Treatment

6/11/99

Lump 1cm in size

Ab

Rpt PRAC

Review

20/10/99 ab. 10cm

Disp - Syrpo 10ml (2) Disp only
Needle 23G (2)

3 NOV 1999

U.S.A.S/1473
19/11/99

Ab
Review

Copy of Office Memorandum No. 28034/2/97-Estt.(A) dated 12th June, 1997 received from Ministry of Personnel, Public Grievances & Pensions (DOPP).

SUBJECT: Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide O.M.No.28034/7/86-Estt. (A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M.No.28034/7/86-Estt. (A) dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

5. A copy of this Department's O.M. No.28034/7/86-Estt. (A) dated 3.4.86 is enclosed for ready reference and guidance.

sd/-

(HARI DER SINGH)
JOINT SECRETARY TO THE GOVT. OF INDIA
Tel. No. 301 1276

Attn: G
Attn: G

No. F.6-56/96-DII(L)
Govt. of India
Ministry of Human Resource Development
Department of Education
Languages Division

New Delhi, the 8th January, 1999.

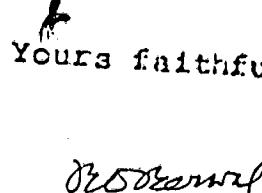
To,


The Director,
Kendriya Hindi Sansthan,
Hindi Sansthan Marg,
Agra - 282005.
11-1-99

Sub:- Request of Smt. Sheela Devrani for transfer of her husband Shri Ved Prakash Devrani, Office Assistant from Guwahati to Delhi.

Sir,

I am directed to refer to your letter No. V-15/111/98-99/3821 dated 3.11.98 on the subject mentioned above and to request you to clarify what your decision, viz., "The transfer of Shri Ved Prakash Devrani will be made on priority basis alongwith other Office Assistants", means. Please confirm whether or not Shri Devrani will be transferred to Delhi shortly. If yes, by when?


Yours faithfully,


(B.D. BERWAL)
UNDER SECRETARY

t/c


Anand
JL
Anand

ANNEXURE-D

No. F. 6-56/96-DH(L)
Govt. of India
Ministry of Human Resource Development
Department of Education
Languages Division

New Delhi, the 18th March, 1999

To,

The Director,
Kendriya Hindi Sansthan,
Hindi Sansthan Marg,
Agra - 282005.

Sub: Request of Smt. Sheela Devrani for transfer of her husband Shri Ved Prakash Devrani, Office Assistant from Guwahati to Delhi.

Sir,

I am directed to refer to your letter No. F. V-15/98-99/6263 dated 3.2.99 on the subject mentioned above that your plea that since he was sent to Guwahati Centre on promotion and hence his posting to Guwahati Centre cannot be treated as transfer, cannot hold good after five years.

As per rules some concessions are admissible to the officers transfer to North-Eastern Regions. Inter-alia a six tenure of 2 years has been fixed for staff with more than 10 years of service. It has also been mentioned that after completion of fixed tenure, officers may be considered for posting to a station of their choice as far as possible. Shri Devrani has completed five years at Guwahati/Shillong Centres and he can be transferred to Delhi Centre since his wife is also working in Delhi. It is requested that necessary action in this regard may please be taken immediately and action taken report be sent to this Ministry at an early date, so that a suitable reply may be sent to Shri Rajendra Agnihotri, M.P. (Lok Sabha).

Yours faithfully,

B.D. Berwal
(B.D. BERWAL)
UNDER SECRETARY

Pl. issue
BDBS
18.3.99

Attacted
Pl. file

Received
BDBS
19/2

10 DEC 2001

পুনর্গত প্রতিক্রিয়া

IN THE CENTRAL ADMINISTRATIVE BENCH TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 337 OF 2001

Shri V.P. Devrani

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statements submitted by the
respondents

The Written Statements of the abovenoted respondents
are as follows :

1. That with regard to the statements made in para 1, the respondents beg to state that according to Kendriya Hindi Sansthan's Transfer Guide lines Sri Ved Prakash Devrani was not transferred to Guwahati Centre but he was posted there on promotion. (Annexure - 1).
2. That with regard to the statements made in para 2, 3, 4.1 and 4.2, the respondents beg to offer no comments.
3. That with regard to the statements made in para 4.3, the respondents beg to state that the interest of Sansthan and in view of administrative provisions Sri Ved Prakash Devrani will be transferred in course of time.

-2-

4. That with regard to the statements made in para 4.4, the respondents beg to state that Govt. of India's O.M. No. G-30017/9/97 C.D.W. Para -4, dated 23.6.1997, it is clearly written -

"These instructions would be applicable only to posts within same Department (enclosure-2)."

"Sri Ved Prakash Devrani is working in Kendriya Hindi Sansthan but his wife is working in Delhi Govt. Department in which husband and wife are working are not same."

5. That with regard to the statements made in para 4.5, the respondents beg to state that Sri Ved Prakash Devrani wanted himself to be transferred to Delhi Centre but at the moment there is no Post vacant at Delhi Centre.

6. That with regard to the statements made in para 4.6, the respondents beg to state that looking into the interest of Sansthan respondents are trying their best to transfer Sri Ved Prakash Devrani according to his choice.

7. That with regard to the statements made in para 4.7, the respondents beg to state that Sri Ved Prakash Devrani is not transferred but it is his posting. It is not correct that there are enough vacancies in the Delhi Centre. In Delhi Centre one Single Office Assistant Post is existing on which Smt. Pushpa - Nangia is working. This rule is applicable when the both husband and wife are working in the same Department. It is not possible to implement when they are working in different Departments.

8. That with regard to the statements made in para 4.8, the respondents beg to state that Sri Devrani has not placed any fact. His allegations are illogical and baseless.

9. That with regard to the statements made in para 4.9, the respondents beg to state that it is not correct to say that Sansthan has gone against the Govt. of India 's order. Nor it has done any illegal, improper in the matter .

10. That with regard to the statements made in para 4.10 and 4.11, the respondents beg to offer no comments.

11. That with regard to the statements made in para 5.1, the respondents beg to state that it is not correct and against the law. Sansthan has not done anything illegal nor working with a malafide intention.

12. That with regard to the statements made in para 5.2, the respondents beg to state that in full manner the policies of Govt. are being followed. Therefore it is not illegal and not arbitrary.

13. That with regard to the statements made in para 5.3, the respondents beg to state that in accordance to the provisions under Indian Constitution ~~xxx~~ the respondents are trying our best to post Sri Ved Prakash Devrani at his choice Centre, Delhi.

14. That with regard to the statements made in para 5.4, the respondents beg to state that it is incorrect. Shri Ratan-Babu at Shillong Centre and Shri Gulab Singh Rawat at Hyderabad Centre are working since long time. Due to non availability

of post they also had not been transferred.

15. That with regard to the statements made in para 5.5, the respondents beg to state that whenever if there is any post available in Delhi Centre, Sri Ved - Prakash Devrani will be transferred there.

16. That with regard to the statements made in para 5.6, the respondents beg to state that it is not correct to say that respondents functioning is mala fide and discriminatory.

17. That with regard to the statements made in para 5.7 and 6 to 8, the respondents beg to offer no comments.

It is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

Verification.....

VERIFICATION

I, Dr. Susheela Thomas, Centre Incharge,
Central Institute of Hindi, ~~as have~~ 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 7th day
of December, 2001,

Susheela Thomas
Declarant.

(Dr. Susheela Thomas)

ENCLOSURE-I

Translated in English from Hindi

Kendriya Hindi Sansthan Agra.

F.No. V-15/96-97/

Dated: 14.1.1997.

Sub: Regarding Transfer of Sri Ved Prakash Devrani,
Office Assistant from Guwahati Centre to Delhi
Centre.

Kind attentions is invited -

Joint Secretary (Languages), Education Deptt.,
Ministry of Human Resource Development, Govt. of India,
New Delhi.

Ministry with its vide letter No. 6-10/86 D-II dated 5.7.1996
has send a photocopy of Sri Ved Prakash Devrani's letter dated
10.6.1996 in which Sri Ved Prakash Devrani demanded his transfer
from Guwahati to Delhi Centre.

According to the rule and on his own consent Sri Ved-
Prakash Devrani was promoted from Upper Division Clerk and was
posted at Guwahati Centre.

It is not a transfer. In his letter he has mentioned
the rule regarding the employee's who are working in North-East
Region. This rule does not apply in this matter.

Two Upper Division Clerks of Kendriya Hindi Sansthan,
were promoted to the post of Office Assistant and were posted
at Hyderabad and Mysore Centre Simultaneously. Both the employees
had taken their duty charge before Sri Ved Prakash Devrani. They
are also demanding their transfer to Agra.

Here it is noteworthy that in transfer rules passed by the Ministry for the Teachers, Officers and employees of the Sansthan, it is clearly mentioned that posting through promotion can not be acceded as transfer.

In any circumstances if any decision regarding transfer of Office Assistant is being taken, the transfer will be done according to the seniority.

No post of Office Assistant is vacant. Neither in Delhi
Centre nor in Sansthan's Head Quarter.

In reference to the above mentioned facts it is not possible to transfer Sri Ved Prakash Devrani according to his demand.

(K. Laxminarayana)
Acting Registrar.

Director

The above comment is self explanatory. Sri Ved Prakash Devrani was not transferred to Guwahati but was given posting through promotion. Therefore according to the rule it is not possible to consider his representation. Submitted to Hon'ble Chairman, Kendriya Hindi Shikshan Mandal for information and orders.

Joint Secretary (Lang's)
Ministry of Human Resource Development
Govt. of India, Deptt. of Education
Shastry Bhavan, New Delhi.

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Filed by
Shri Ved Prakash Devrani
Advocate
for the applicant
Ved Prakash Devrani
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

O. A. NO. 337 OF 2001.

Shri Ved Prakash Devrani,

-Applicant.

-Versus-

The Union of India & Ors.

-Respondents

IN THE MATTER OF:

Rejoinder submitted by the applicant against written statement filed by the Respondents.

1) That with regard to statements made in Paragraph 1 of the Written statement the applicant begs to state that he has been transferred on Promotion and posted at Guwahati Center as Office Assistant from New Delhi Vide Shri Hukum Singh, Office Assistant Guwahati Center, who was transferred to Agra Center. Hence the statement made in Paragraph 1 of the written statements are not correct and also misleading to the Hon'ble Tribunal.

2) That with regard to statement made in paragraph 2 of the written statement the applicant has no comment.

3) That with regard to statement made in paragraph 3 of the written statement the applicant begs to state that he has joined at the Guwahati Center on 23-02-1994. His tenure has already been completed. According to Government of India Memorandum there will be fixed tenure of posting at any place of North Eastern Region is 3(three) years and 2(two) years respectively as per there length of service and after completion of fixed tenure of service the Central Government Officer/employees may be considered for posting to station of their choice as far as possible. Moreover the Ministry of Human Resources Development Director (L) Vide his letter dated 03-05-1999 has requested the respondent No.2 to transfer the applicant to New Delhi Center. As such the statement made by the Respondents in paragraph 3 of the written statement are not correct also trying to suppressed the real fact of the case.

Annexure-E is the photocopy of letter dated 03-05-1999.

4) That with regard to statement made in paragraph 4 of the written statement, the applicant begs to state that the Respondents are trying to mislead the Hon'ble Tribunal by

Veel Prakash

not producing full text of the O.M. dated 23-06-1997 issued by the Government of India regarding posting of Husband & Wife. In the said O.M. in paragraph VII it has been clearly written:-

Where one Spouse is employed in the Central Government and the other spouse is employed under the State Government. The Spouse employed under the Central Government may apply to the competent authority, and the competent authority may post the said officer to the station. Hence the statement made in paragraph 4 of the written statement are not correct.

5) That with regard to statement made in paragraphs No. 5,6,7 and 8 of the written applicant begs to state that same are not correct and hence denied. In the Delhi Center one Smt. Pushpa Nangia Office Assistant is working since 01-03-1973 without being transferred. Is that post the applicant can be easily transferred. The rule regarding Husband and Wife posting at same station when they are working in different Department has been fully elaborate in this paragraph 4 of this rejoinder.

6) That with regard to statement made in paragraph 9 of the written statement the

Neelankush

applicant begs to state that the same are not correct and false. The Respondents have gone against the Government of India various Circular orders and also Memorandums issued time to time.

7) That with regard to statement made in paragraph 10 of the written statement the applicant has no comment.

8) That with regard to statement made in paragraphs 11, 12 and 13 of the written statements. The applicant begs to state that the same are not correct and false.

9) That with regard to statement made in paragraph 14 of the written statement the applicant begs to state that one Sri Ratan Babu at Shillong Center is working since 10th January 2000 not since long time as mentioned by the Respondents. Hence the statement made in the written statement by the Respondents is misleading and also false.

10) That with regard to statement made in paragraphs 15 and 16 of the written statement the applicant begs to state the same are not correct. The Respondents hence not taken any steps to transfer the applicant to New Delhi Center in-spite of clear cut recommendation given by the Ministry of Human Resources Department New Delhi.

Ved Prakash

11] That with regard to statement made in paragraph 17 of the written statement the applicant begs to offer no comment.

In view of the above, the written statement submitted by the Respondents are not correct and also misleading to the Hon'ble Tribunal. The Respondents, particularly the Respondent N.2 may be directed by the Hon'ble Tribunal to transfer the applicant to New Delhi as per choice of posting. In the above Circumstances, the Respondents cannot deny the benefit choice place of posting to the applicant without any valid reason.

-VERIFICATION.

Veet Prakash

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VERIFICATION

I, Sri Ved Prakash Devrani, Office Assistant, Office of the Center Incharge, Central Institute of Hindi, R.G. Baruah Road GaneshGuri, Guwahati-6, do hereby solemnly verify that the statement made in the rejoinder are true to my knowledge belief and information and no material facts has been suppressed.

And I signed this Verification today on this 19th day of December 2001 at Guwahati.

Ved Prakash Devrani
Declarant

Regd. Post

-7-

S.W.O. 27 (I)

16

45

SAMAY SINGH
DIRECTOR (L)

Tel. No. 3384682

D.O. No. F. 6-56/96-D.II(L)

ANNEXURE - E

Dated 3.5.99

Dear Dr. Jain,

Please refer to the Sansthan's letter No.B-15/99-2000/875 dated 19.4.99 which is in response to this Ministry's letter of even number dated 18.3.99. The Ministry's letter dated 18.3.99 explains the desirability of transfer of Shri Ved Prakash Devrani, Office Assistant from Guwahati to Delhi which is in consonance with the letter and spirit of Annexure-2 of this Ministry's letter No.F.6-56/94-D.II(L), i.e. guidelines for transfer of the employees of the Sansthan. The Guideline Nos. 5,9 and 12 may please be observed. In Guideline No.9, a placement (posting) of an employee at Guwahati, Shillong, Mysore and Hyderabad has been given a different meaning in order to enforce such a placement (posting) of an employee at the moment of his promotion in the exigencies of work at these Centres. However, such a placement (posting) has the same ingredients as the transfer has, i.e., displacement from one place to another and facilities available under the Guideline No.7. None of these Guidelines debar him from being transferred to another Centre.

2. The geographical/climatic conditions at Guwahati and Shillong are different from those at Mysore and Hyderabad. However, when other employees, who are transferred to Shillong and Guwahati can be retained there for 2 years, no logic appears to be justified to retain Shri Devrani at Guwahati and Shillong for unlimited period solely on one ground that he was placed (posted) there on his promotion. Therefore, your repeated plea that since he was sent to Guwahati Centre on promotion and, hence, his posting to Guwahati Centre cannot be treated as transfer, cannot hold good after five years. As stated earlier in this Ministry's letter of even number dated 18.3.99 and as laid down in Guideline No.5, since Shri Devrani's wife is working in Delhi, he can be transferred to the Delhi Centre. On the basis of these factors, a reasonable presumption is made that the position of Shri Devrani is different from those Office Assistants who are posted at the Mysore and Hyderabad Centres. They may also be transferred from there on the basis of the reasonableness of their grounds of request and the exigencies of work at Agra and other places. But simply because they could not be transferred from there and will not be transferred from there in near future for the reasons best known to you, your plea of not transferring Shri Devrani from Guwahati even after a lapse of more than 5 years service there, does not hold good.

3. Therefore, I would request you to look into this matter

...2/-

Adarsh
Advocate

(107)

AGS

portionally and settle this long pending issue at an early date.
Please also send your action taken report to this Ministry
immediately.

With regards,

Yours sincerely,

S. S.
(SAMAY SINGH)

Dr. Mahavir Saran Jain,
Director,
Kendriya Hindi Sansthan,
Hindi Sansthan Marg,
AGRA- 28200

9/c

Please

0258
3-5-99

✓
S. S. Jain

Attested
S. S. Jain
Amrit

Informed
S. S. Jain
4/5