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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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396/02

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FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO.

396/2001

Applicant (s) Clement Shangma

Respondent(s) h. o. I 90M

Advocate for the Applicant: Abil Shone

Advocate for the Respondant: CAF

Notes of the Registry	Date	Order of the Tribunal
his application is in form but not in the correct format Petition filed vide N.P. No. C.F. for Rs 50/- deposited vide IPO/B/ No 76548540 Dated 11/10/01 Dy. Registrar 1/10/01	1.10.01	Heard counsel for the parties. The application is admitted. Call for the records. Mr. B.C.Pathak, learned Addl. C.G.S.C. and Mrs. B.Dutta, learned Sr. Advocate for the Govt. of Meghalaya, accepts notice on behalf of respondent Nos. 1 and 3 respectively. Returnable by 4 weeks. Rm. List the matter on 20/11/01 for further order.
Pl. comply order dated 1.10.01	1.10.01	
1/10/01	20.11.01	List on 20/12/01 to enable the respondents to file written statement.
Notice served and sent to X/s for respondent No 1 to 3 by Regd A.D. 8/10/01	mb	1.11.01 Member Vice-Chairman
DINo 393280 3934		
Dtd 12/10/01		

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396/2001
O.A. 309 OF 2001

① Service report are
still awaited.

20.12.01 List on 22.1.02 to enable the
respondents to file written statement.

Zy
19.12.01

No. written statement
has been filed.

mb

Vice-Chairman

Zy
19.12.01

22.1.02

List on 19.2.2002 on the prayer of
Sri B.C. Pathak, learned Addl. C.G.S.C. to
enable him to submit the written statement.
State may also file written statement within
that period.

No. written statement
has been filed.

Zy
21.1.02

mb

Vice-Chairman

No. WTS has been
filed.

Zy
19.3.02

19.2.02

No written statement has so far filed.
Mr. B.C. Pathak, learned Addl. C.G.S.C. for
the respondents prayed for four weeks time
to file written statement. Respondents are
allowed further four weeks time to file
written statement as a last chance.

List on 20.3.2002 for order.

Zy
Member

Vice-Chairman

mb

20.3.02

Heard Mr.A.Ahmed learned counsel for
the applicant and Mr.B.C.Pathak, learned
Addl.C.G.S.C. for the Respondents.

It appears that the applicant joined
Nehru Yuva Kendra, Tura in 1973 and supera-
nnuated on 31st December 1990. Prior to his
joining as Nehru Yuva Kendra the applicant
was working as Inspector, Passport/Jail,
Meghalaya. Mr.A.Ahmed stated that though
the applicant was retired on 1990 he was
not paid the Pensionary benefit. Mr.B.C.
Pathak, learned Addl.C.G.S.C has made
communication to the respondents No.1 & 2
but not getting any reply from the Respon-
dents. He also stated that the records of
his past service relating to Government of
Meghalaya has not been submitted to the

contd/-

(3)

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Notes of the Registry	Date	Order of the Tribunal
Order add 20/3/02 Commended to the respondents and Commt.	20.3.02	<p>Government of India for settlement of his pensionary claim. He also stated that the local authority Nehru Yuva Kendra Tura, will also make a necessary party. Mr. Ahmed submits that he will add the Nehru Yuva Kendra, Tura as a necessary party of the Respondents' List on 24.4.02 for filing of written statement.</p> <p>Meanwhile, the Respondents may consider to give the provisional pension to the applicant, since the matter is pertaining to retirement in the year 1990.</p>
No written statement has been filed.	23.4.02	<p>Order of the Chairman Member</p> <p>lm</p> <p>No written statement so far filed though opportunity was given to the respondents. On the prayer made by Mr. B.C. Pathak, learned Addl. C.G.S.C. further four weeks time is granted to the respondents to submit written statement.</p> <p>List the case on 24.5.2002 for order.</p>
No written statement has been filed.	24.5.02	<p>Vice-Chairman</p> <p>bb</p> <p>No written statement so far filed. The Respondents may file written statement within four weeks from today. List on 21.6.2002 for orders.</p>
Notes of the Registry	Date	<p>Vice-Chairman</p> <p>mb</p>

O.A. 396 of 2001

21.6.02

No written statement
has been filed.

18.7.02.

Order of the Trial Judge

1m
Date

19.7.02

Written statement has not
been filed. The case may now
be listed for hearing on 19.7.02.
In the meantime, the respondent
may file written statement before
the date of hearing.

K C Shah
Member

Order of the Trial Judge

Mr. A. Ahmed learned counsel
for the applicant prays for
adjournment. Mr. B. C. Pathak,
learned Addl. C.G.S.C. has no
objection. Prayer is accepted.
List on 16.8.02 for hearing.

K C Shah
Member

1m
16.8.2002

Heard counsel for the
parties. Judgment delivered in
Open Court, kept in separate sheet.

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

K C Shah
Member

Order of the Trial Judge

Order of the Trial Judge

bb

b6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /XXX. NO. 396/ 2001

DATE OF DECISION 16.8.2002

Clement Shangma

APPLICANT(S)

Mr. A. Ahmed.

ADVOCATE FOR THE APPLICANT

VERSUS

Union of India & Others

RESPONDENT(S)

Mr. B. C. Pathak, Addl. C. G. SC.

ADVOCATE FOR THE
RESPONDENT(S)

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

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 Administrative Member.

USh

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.396/2001.

Date of Order : This the 16th Day of August, 2002.

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

Shri Clement Shangma
Retd. Youth Coordinator
Nehru Yuba Kendra, Tura
West Garo Hills
Meghalaya - 794 002.

..... Applicant.

By Advocate Mr. Adil Ahmed.

- Versus -

1. The Union of India represented by
the Secretary to the Government of India
Ministry of Human Resources Development
(Department of Youth Affairs & Sports)
New Delhi.

2. The Director General
Nehru Yuba Kendra Sangathan
Department of Youth Affairs & Sports
Ministry of Human Resource Development
Government of India
J.N. Stadium, New Delhi.

3. The Government of Meghalaya
Represented by the the Chief Secretary
Government of Meghalaya
Shillong.

4. Nehru Yuba Kendra, Tura Respondents.

O R D E R

SHARMA K.K. (ADMN. MEMBER) :

This is an application under section 19 of the
Administrative Tribunals Act, 1985 praying for ~~non~~-payment
of pensionary benefits due to the applicant w.e.f. 31.12.
1990. The applicant has claimed interest @ 18% on the
amount due to him.

1. The applicant joined as Assistant Relief Reha-
bilitation Officer under the Government of Meghalaya in
the pay scale of Rs.225-600/- on 22.5.1971. After closing
down ^{of} this office in November, 1972, the applicant was re-
appointed as Inspector of Border Trade on 3.11.1972 under
the Department of Home and Passport, Government of Megha-
laya. He served there till 30.5.1973. On 23.5.1973 the

applicant was appointed as Youth Coordinator, Nehru Yuva Kendra, Tura, Garo Hills, Meghalaya which comes under the control of Human Resources Development, Department of Youth Affairs & Sports, Govt. of India. The applicant had been rendering continuous service under Nehru Yuva Kendra Tura, Garo Hills w.e.f. 1.6.1973. The Welfare Association of the Youth Coordinator of the Nehru Yuva Kendra approached the Principal Bench of C.A.T., New Delhi for permanent absorption of their services as Central Govt. employees. The Union of India filed an S.L.P. against the order of Principal Bench. The said S.L.P. was ultimately dismissed. The applicant took retirement from Govt. of India service on 31.12.1990. The applicant applied for pensionary benefits due to him. The applicant has not been paid the pensionary benefits on the ground that his service with Meghalaya Govt. remained unverified. Hence this application.

2. Heard Mr.A.Ahmed, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents. Though numerous opportunities were given to the respondents, no written statement was filed either by respondent No.2 i.e. The Director General, Nehru Yuva Kendra Sangathan, Deptt. of Youth Affairs & Sports, Ministry of Human Resources Development, Govt. of India, New Delhi and respondent No.4 i.e. Nehru Yuva Kendra, Tura and also respondent No.3 i.e. Government of Meghalaya. Mr.B.C.Pathak, Addl.C.G.S.C. submitted that he had made attempts to obtain instruction from the respondents. In this regard, he referred to his letter dated 15.11.2001 to the Secretary, Govt. of India, Ministry of Human Resources Development, Deptt. of Youth Affairs & Sports, New Delhi and his letter dated 22.3.2002 to the Nehru Yuva Kendra, Tura, West Garo Hills, Tura - 794 002, Meghalaya. However, he has not got any response in the matter.

C.U.Shaurya

3. I have perused the application as well as the documents filed with the application. The undisputed fact is that the applicant was an employee of the Nehru Yuva Kendra Sangathan who retired on 31.12.1990. The applicant has not been paid even provisional pension even though directed by the Tribunal ^U ~~by~~ order dated 20.3.2002. The applicant was Central Govt. employee and the post held by him was pensionable. As the respondents have not filed the written statement, it is difficult to dispose of the application on merit. At the same time the fact that the applicant retired on 31.12.1990 and has not been paid pensionary benefits so far cannot be ignored. It would be in the interest of justice, if a direction is issued to the respondents to dispose of the pension matter of the applicant. Accordingly the respondents are directed to dispose of the pension matter of the applicant as per law within a period of two months from the date of receipt of the order. A copy of the Original Application filed by the applicant may also be sent to the respondents along with the order. The respondents are also directed to pay interest as per applicable rate to the applicant as per rules on the amount from the due date of pensionary benefits.

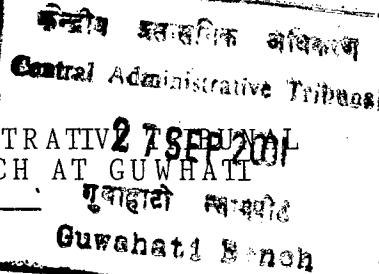
The application is treated as allowed.

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

K. K. Sharma

(K. K. SHARMA)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI



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

ORIGINAL APPLICATION NO. 396 OF 2001

Shri Clement Shangma

.....Applicant

- versus -

Union of India and others

.....Respondents

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Filed by:

Advocate

(Anil Ahmed)

Clement Shangma

Central Administrative Tribunal
Guwahati Bench At Guwahati
2 SEP 2001

In the Central Administrative Tribunal
Guwahati Bench At Guwahati

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

ORIGINAL APPLICATION NO. 396 OF 2001

B E T W E E N

Shri Clement Shangma
Retd. Youth Coordinator
• Nehru Yuba Kendra, Tura,
West Garo Hills,
Meghalaya - 794002

.....Applicant

- versus -

1. The Union of India represented by
The Secretary to the Government of India,
Ministry fo Human Resources Development,
(Department of Youth Affairs & Sports),
New Delhi.
2. The Director General,
Nehru Yuva Kendra Sangathan,
Department of Youth Affairs & Sports,
Ministry of Human Resource Development,
Government of India,
J.N. Stadium, New Delhi.
3. The Government of Meghalaya, represented by
The Chief Secretary,
Government of Meghalaya,
Shillong. Respondents

Contd/-.....

X 4. Nehru Yava Kendra, Tura
as respondent No 4 as per S1
Order dtd 24/5/02 in MP.
74/2002.

Shangma

File of Shri Clement Shangma
Advocate
Almora
Advocate

DETAILS OF THE APPLICATION

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

This instant application is made against Non-payment of Pension, Leave Salary, Gratuity and other pensionary benefits to the applicant who was retired from service of the Respondent No.1 w.e.f. 31.12.1990 and with a prayer for payment of pension and other pensionary benefits with 18% interest from the date of his retirement from service.

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 application is within limitation period prescribed under Section 21 of the Administrative Tribunals 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 and protection granted by the Constitution of India. He is now aged about 69 years.

4.2 That your applicant begs to state that he was appointed as Assistant Relief and Rehabilitation Officer on 22.5.1971 under

Contd/-.....

Changra

the Government of Meghalaya in the Pay Scale of Rs.225-600 p.m. plus other allowances as admissible under the Rules. He served as Assistant Relief and Rehabilitation Officer, West Garo Hills from May 1971 to November 1972. After closing down of all Relief Camps of Bangladesh in India, your applicant was reappointed as Inspector of Border Trade on 3.11.1972 under the Department of Home and Passport, Government of Meghalaya. He served there till 30.5.1973. Then he was again selected as Youth Coordinator on 23.5.1973 on deputation from State Government to the Central Government. He was appointed as Youth Coordinator of Nehru Yuvak Kendra, Tura, Garo Hills, Meghalaya. Accordingly he was released by the Meghalaya Government on 1.6.1973 to join in his post under the Central Government.

Annexure-A is the photocopy of the appointment letter of the applicant as Assistant Relief and Rehabilitation Officer dated 22.5.1971.

Annexure-B is the photocopy of the appointment letter of the applicant as Inspector of Border Trade dated 3.11.1972.

Annexure-C is the photocopy of the appointment letter dated 23.5.1973 of the applicant as Youth Coordinator, Nehru Yuvak Kendra at Tura under the Central Government on deputation.

Annexure-D is the photocopy of the release order of the applicant from Meghalaya Government by the Deputy Commissioner, Garo Hills, Tura.

4.3 That your applicant begs to state that the President of India vide his Notification No.F.4-37/72-YSII(3) dated 7th July 1973 appointed him as Youth Coordinator in Nehru Yuvak Kendra,

Contd/-.....

Champak

Tura w.e.f. 1.6.1973 under the Ministry of Education and Social Welfare, Government of India.

Annexure-E is the photocopy of the Notification No.F.4-37/72-YSII(3) dated 7th July 1973.

4.4. That your applicant begs to state that the Respondent No.1 extended the service of the applicant as Youth Coordinator of the Nehru Yuva Kendra upto 30.6.1987 vide their letter No.A 11011/13/83-N.S.Y.I/Y.S.I dated 24.3.1987.

Annexure-F is the photocopy of the letter No.A 11011/13/83-N.S.Y.I/Y.S.I. dated 24.3.1987.

4.5. That your applicant begs to state that the post of Border Trade Inspector under the Government of Meghalaya was abolished vide their letter No.H.P.T.93/72/109 dated Shillong 3rd September 1973.

Annexure-G is the photocopy of the letter No.H.P.T.93/72/109 dated Shillong the 3rd September 1973.

4.6. That your applicant begs to state that the Welfare Association of the Youth Coordinator of the Nehru Yauva Kendra filed an Original Application before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi for permanent absorption of their services as Central Government employees. After hearing the case the Hon'ble Tribunal directed the respondents that all the Youth Coordinator of Nehru Yuva Kendra who have served on deputation for five years or more, must be absorbed as Central Government Employees with all benefits of Central Pay and Allowances and Retirement benefits. However, the Union of India filed an appeal before the Hon'ble Supreme

Contd/-.....

Chhengma

Court of India vide SLP No.9401-07/1989 dated 10.7.1989. In the meantime your applicant superannuated from his service as Youth Coordinator, Nehru Yuva Kendra, Tura, Meghalaya w.e.f. 31.12.1990 (A.N) vide letter No.A 19011/66/79-NSY-1 dated 31.12.1990 issued by the Office of the Respondent No.1. In this letter it has been mentioned by the Respondent No.1 that the Pension and Pensionary benefits of your applicant will be subject to the outcome of the SLP No.9401-07/1989 dated 10.7.1989 pending before the Supreme Court.

Annexure-H is the photocopy of the letter No.19011/66/79-NSY-1 dated 31.12.1990.

4.7. That your applicant begs to state that the Hon'ble Supreme Court upheld the judgment of passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi. After that the Respondent No.1 vide their letter No.F.No.A.19011/66/79-YS.1 dated 15th April 1996 forwarded a set of forms for claiming pension etc. to the applicant. In this letter it has also been stated that the Service Book of the applicant is not available before the Respondent No.1 as such your applicant was requested to arrange the Service Book from his Parent Department and to be sent to the Respondent No.1. Accordingly, your applicant requested before the Respondent No.3 the Government of Meghalaya to send his Service Book to Respondent No.1. In the meantime, the Nehru Yuva Kendra Sangathan vice their Ref. No.NYKS/Admn/97/657 dated 18.3.1997 informed the applicant that unless the Service Book of the applicant is not received by them, it would not be possible for them to process the pension documents of the applicant. The Parent Department of the

Contd/-.....

John John

applicant, i.e. Government of Meghalaya (Border Trade) informed him vide their letter dated 9.5.1997 that they are not dealing with any establishment matter, its function is only to issue No Objection Certificate to local Exporters and other Allied Subject. The Commissioner and Secretary, Border Areas Development (Government of Meghalaya) vide his personal letter addressed to the Additional Chief Secretary I/c Home (Passport and Jail) Department, Meghalaya, Shillong also requested for early settlement of the applicant's case. But, till today the Government of Meghalaya did not forward the relevant documents to the Respondent No.1 for early settlement of the applicant's Pensionary Benefits.

Annexure-I is the photocopy of the letter dated 15.4.1996 issued by the Office of the Respondent No.1 to the applicant.

Annexure-J is the photocopy of Ref:NYKS/Admn./97/ 657 dated 18.3.1997.

Annexure-K is the photocopy of the letter dated 9.5.1997.

Annexure-L is the photocopy of the letter dated 12.7.1999.

4.8. That your applicant begs to state that till today the Respondents have not taken any steps for payment of pension and gratuity and other pensionary benefits to the applicant. The family members of the applicant are suffering from acute financial hardships. The applicant is suffering from old age ailments and he is a very poor person to afford the medical expenses. Neither he has any other source of income nor

Contd/-.....

Changma

cultivable agricultural land to support his family.

4.9. That your applicant begs to state that for the last 10 (ten) years he has taken loans from his relatives and friends to survive his family members. Now the situation has been further deteriorated due to non-payment of earlier loans by the applicant no-body wants to give him further monetary help. Day by day, it is becoming very difficult for the applicant and his family members to survive in this world due to acute financial hardships. As such finding no other alternative he has been compelled to approach this Hon'ble Tribunal for seeking justice in this matter and also for early and immediate payment of pension with 18% interest from the due date.

4.10. That your applicant submits that he is running from pillar to post for getting his legitimate pensionary benefits but till today the respondents have not taken any sympathetic view in this matter.

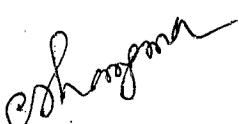
4.11. That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to save the entire family members of the applicant from starvation.

4.12. That this application is filed bonafide and for the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1. For that, the action of the Respondents for not paying the pension to the applicant is illegal, arbitrary, malafide

Contd/-.....



and violative of the principles of natural justice.

5.2. For that, the Respondents have deprived the applicant from his legitimate claim of pension and as such the act of the Respondents is not maintainable in the eye of law.

5.3. For that, the Respondents have violated the fundamental rights of the applicant and as such the action of the Respondents is illegal, malafide with an ulterior motive behind.

5.4. For that, the applicant's case is a genuine and also need a sympathetic consideration of the matter by the Respondents and the Respondents cannot deny it.

5.5. For that, 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 applicant except invoking the jurisdiction of the Hon'ble Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

Contd/-.....



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

That the applicant further declares that he has 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 circumstance stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this application and may call for the records of the case, issue rule calling upon the Respondents to show cause as to why the relief should not be given to the applicant and after hearing the parties on the cause or causes that may be shown and on perusal of records Your Lordship may be pleased to grant the following reliefs to the applicant:

- 8.1. To direct the Respondents to issue pension and other pensionary benefits to the applicant immediately without any further delay.
- 8.2. To direct the Respondents to pay 18% interest on the pension from due date till today to the applicant.
- 8.3. Cost fo the application.
- 8.4. To pass any other relief or reliefs to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

Contd/-.....

John Joseph

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant most respectfully prays for an interim order directing the Respondents to pay Provisional Pension to the applicant till his regular Family Pension is issued by the Respondents.

10. Application is filed through Advocate.

11. Particulars of I.P.O.

I.P.O. No. 76548540

Date of issue: 11.8.2001

Issued from: G.P.O.

Payable At:

12. LIST OF ENCLOSURES:

As stated above.

.....Verification

Chhaya

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

I, Shri Clement Shangma, Retired Youth Coordinator, Nehru Yuva Kendra, Tura, West Garo Hills, Meghalaya - 794002 do hereby solemnly verify that the statements made in paragraphs ~~4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 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OFFICE OF THE RELIEF & REHABILITATION COMMISSIONER,
MEGHALAYA.

— 19 —

ANNEXURE-A

O R D E R

Dated Camp Tura, the 22nd May, 1971

The following persons may be appointed as Assistant Relief and Rehabilitation Officers temporarily in Garo Hills in the scale of Rs. 225-600 P.M. plus other allowances as admissible under the rules. The appointment will be purely temporary and may be terminated without notice and without assigning any reason therefor.

1. Shri. Trapish Marak
2. " " Biju, M. M.
3. " Bloomfield Marak
- ✓ 4. " Clement Sangma
5. " Michael Momin
6. " Rohindra Pradhan
7. " Hastings Momin
8. " Cornesh B. Marak
9. " John J. Tojo.

Relief & Rehabilitation
Commissioner, Meghalaya.

Memo. No. CR. 5/71/23
Date - 22.5.71.

Copy forwarded to:-

- 1). The D.C. Garo Hills, Tura for necessary action.
- 2). The Secretary, Relief & Rehabilitation, Govt. of Meghalaya. He is requested to issue formal appointment order with signature etc. to the above persons early. The names have been approved by the Chief Minister. Because of the urgency of the matter I am asking D.C., Garo Hills to ask the persons involved to join immediately and proceed to the Camp site as and when required.

Relief & Rehabilitation Commissioner,
Meghalaya.

Attn: CL
Private

GOVERNMENT OF MEGHALAYA
HOME DEPARTMENT : : : PASSPORT BRANCH.
Dated Shillong, the 3rd November, 1972.

ANNEXURE B

NOTIFICATION

Subject to discharge without notice and without assigning any reasons thereof, the following persons are appointed temporarily and until further orders as Inspector of Border Trade under regulation 3(f) of the Meghalaya Public Service Commission (Limitations of Functions) Regulations, 1972 in the scale of pay of Rs. 225-15-285, ER-15-360-(EB)-20-600/- plus usual allowances as admissible under the rules with effect from the date of taking over charge and posted to the District Office as indicated below :-

Sl. No.	Name	Designation of the post to which appointed	Office where posted
1.	Shri Clement Shangma	Inspector of Border Trade	Office of D.C. Garo Hills, Tura.
2.	Shri Throbish Marak	"	"
3.	Shri Mitra Sangma	"	"
4.	Shri Carnesh Marak	"	"
5.	Shri Gurudayal Koch	"	"
6.	Shri John Tojo	"	"

T. CAJEE.

Addl. Secretary to the Govt. of Meghalaya
Home Department, Passport Branch.

Original 5/4/73
Enclosed
Ans. to
Ans. to
Ans. to

Abel
Ans. to
Ans. to

Memo. No. HPT.93/72/35. (A), Dated Shillong the 3rd November, 1972.

Copy forwarded to :-

- (1.) The Superintendent, Government Press, Shillong, for publication of the notification in the next issue of the Meghalaya Gazette and also to furnish this Department with 20 copies of the notification.
- (2.) The Accountant General, Assam Meghalaya and Nagaland, Shillong, for necessary action. The above named persons have been appointed against the post of Inspector of Border Trade sanctioned in this Department letter No. HPT.86/72/9, dated 9.8.72, for a period of 3 months only with effect ~~of~~ from the date of engagement (i.e. from the date of joining of the Officer). Necessary pay slip may please be issued to the Officer on receipt of their charge reports and for a period stipulated in the sanctioning order.
- (3.) The Chairman, Meghalaya P.S.C., Shillong, for information and necessary action. The above named persons have been appointed as Inspector of Border Trade are liable to be discharged from Service after ~~of~~ expiry of three months. The posts are not likely to continue beyond three months.
- (4.) The Deputy Commissioner, Euro Hills, Tura, for necessary action. He is requested to submit the detailed list showing the names in the border under whose Inspector of Border Trade has been placed incharge.
- (5.) The Secretary to the Govt. of Meghalaya, Relief and Rehabilitation Department, for information.
- (6.) To the persons concerned for information.

By Order etc.,

Addl. Secretary to the Govt. of
Meghalaya, Home Department,
Passport Branch.

Attn:

J.S. Adm'te

GOVERNMENT OF MEGHALAYA
EDUCATION :: DEPARTMENT

Ref. No/ 6931/73/EDN/1002 Dated Shillong, the 23rd May, 1973.

To : Shri V.Kohli, I.A.S.,
Deputy Secretary to the Govt. of Meghalaya,
Education Department.

The Inspector of Schools,
Garo Hills, Tura.

Subject : Appointment of Youth Coordinator at Tura.

Ref. : G/T's Letter, M.S. & S.W. (Dept. of EDN.)
W.F.4.37/72, YB II(3) dt. 8.5.73.

With reference to the Govt. of India letter above,
I am directed to inform you that the final selection for appointment
to the post of Youth Co-ordinator has been made and Shri
Clement Sungma has been appointed on deputation for one year with
effect from the date he joins his duty at the Nehru Yuva Kendra,
Tura.

Copy of the terms and conditions regulating his
appointment as Youth Co-ordinator is also telegraphically direct
to the Govt. of India along with the date of his joining under
instruction to this Department.

Yours faithfully,

Sd/- V.Kohli,
Deputy Secretary to the Govt. of Meghalaya,
Education Department.

MEGHALAYA GOVERNMENT

Ref. No/ 6931/73/6931-32 Dated Tura, the 31st May, 1973.
Copy together with copy of terms of deputation
action.

2. The Deputy Commissioner, Garo Hills, Tura.

Shri Clement Sungma.

3/5/73
Inspector of Schools,
Garo Hills, Tura.

Attest
Amote

GOVERNMENT OF MEGHALAYA.

OFFICE OF THE DEPUTY COMMISSIONER, GARO HILLS, TURA

ANNEXURE - D

ORDER.

NO. TDR. 1/205/73/15

Shri Clement Sangma, Border Trade

Inspector is hereby released with effect from 1-6-73
(forenoon) so as to enable him to join to his new post of
appointment.

Sd/- T. Anek
Deputy Commissioner,
Garo Hills, Tura.

Memo No. TDR. 1/205/73/15-A Dated Tura, the 1st June, 1973.

Copy to:-

1. The Chief Secretary to the Govt. of Meghalaya, Shillong
2. The Secretary to the Govt. of Meghalaya, Personnel
Department, Shillong for favour of approval.
3. The Accountant General, Assam, Meghalaya etc, Shillong.
4. The Treasury Officer, Tura.
5. The Superintendent of Police, Garo Hills, Tura.
6. Shri Clement Sangma, I.B.S. Jyv. June.
7. The Assistant Marketing Officer, Garo Hills, Tura.
8. The District Agricultural Officer, Garo Hills, Tura.
9. The Deputy Commissioner (General Branch), Tura.

Forwarded By

Ass'tt. to the Deputy Commissioner,
1/10/73 Garo Hills, Tura.

Sd/- T. Anek
Deputy Commissioner,
Garo Hills, Tura.

D.K.B./

After
JL
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as published in Gazette of India Part I Section 11)

Ministry of Education & S.W.
Government of India
Shastri Bhavan.

New Delhi: the 7th July, 1973.

NOTIFICATION

F.4-37/72-YEIT(3) The President is pleased to appoint the following persons to officiate as Youth Coordinators in the Nehru Yuva Kendras on deputation purely on adhoc basis with effect from the dates shown against each.

S.No.	Name	Previous designation office.	Date of appointment as Youth Coordinator.	Name of Nehru Yuva Kendra.
1.	Shri Clement Shangma	Inspector of Border Towns	1.6.1973 (FN)	TURA (Gangotri)

(Signature)
(V.N. BAHADUR)
UNDER SECRETARY.

To

The Manager,
Government of India Press,
Faridabad.

Copy forwarded for information so:- A copy of the charge assumption report of the persons mentioned above is enclosed.

1. A.G. concerned.
2. Treasury Officer concerned.
3. K.G.C.R., New Delhi.
4. Persons concerned.
5. Deputy Programme Adviser.
6. Sr./Jr. Camp Commandant.
7. Personal files concerned.

(Signature)
(V.N. BAHADUR)
UNDER SECRETARY.

*Attnd
Attnd
Attnd*

- 18 -

8

How Delhi dated the 24th March, 1987.

To

The Accounts Officer,
Pay and Accounts Officer
(Education and Sports),
Shastri Bhawan,
New Delhi.

Subject:- Nehru Yuva Kendras - Extension in the period
of deputation of Youth Coordinators.

Sir,

I am directed to convey the sanction of the
President to the extension in the period of
deputation in respect of all the existing Youth
Coordinators of the Nehru Yuva Kendras upto 30-6-1987
on the existing terms and conditions of deputation.
The deputation can be terminated even before 30-6-1987
without assigning any reasons in public interest.
The extension in deputation is further subject to
their parent departments agreeing to the extension
in the period of deputation. No deputation allowance
will be admissible beyond the date on which they
completed four years of deputation.

This issues with the approval of Secretary,
Department of Youth Affairs and Sports.

Yours faithfully,

K. K. Kirby

(K. K. Kirby)
Under Secretary to the Govt. of India

Copy for information and necessary action to:-

1. Director General, NYK Sangathan, (Room No. 1019)
J.L. Nehru Stadium, New Delhi.

2. All deputationist Youth Coordinators of the Nehru
Yuva Kendras. They should take up the matter with
their parent departments to convey their approval to
this Department immediately. This must be given
priority as otherwise further extension to them may
not be permitted.

..... 2/

Atfield
Advocate

3. All Controlling Officers with the request that approval from the parent department of the concerned officers may kindly be obtained and communicated to this Department.
4. All State Govt. files.
5. Personal files of all deputationist Youth Coordinators.
6. Guard file.

K.K.Kirty
(K.K.Kirty)
Under Secretary to the Govt. of India

Attest
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GOVERNMENT OF MEGHALAYA.

NOTIFICATION

Dated Shillong, the 3rd September,

No. HPT. 93/72/109 - The Services of the following Border Trade Inspectors are terminated with effect from 30.6.73 Afternoon.

1. Shri G.A. Cajee	Border Trade Inspector, Khasi Hills.
2. Shri J. Pala	-----do-----
3. Shri Hamonlang Kharkongor	-----do-----
4. Shri John Gilbert Soanes	-----do-----
5. Shri Elphon Syiem	-----do-----
6. Shri Festont Shillai	-----do-----
7. Shri R.B. Phillip	-----do-----
8. Shri Crynden S. Sangma	Border Trade Inspector, Garo Hills.
9. Shri Mitru Sangma	-----do-----
10. Shri Carnoch Matak	-----do-----
11. Shri Gumi Dayan Koch	-----do-----
12. Shri Donkupar Dkhar	Border Trade Inspector, Jaintia Hills.
13. Shri Philip Walter Khongwir	-----do-----
14. Shri Paul J. Savio	-----do-----

My 3.9.73

Under Secretary to the Govt. of Meghalaya,
Passport & Jails Deptt.

Memo. No. HPT. 93/72/109(A), dated Shillong, the 3rd September, 1973.
Copy forwarded to :-

1. Superintendent, Govt. Press, Meghalaya, Shillong for publication of the above notification in the next issue of the Meghalaya Gazette. 15 spare copies of the notification may please be supplied to this Deptt. at an early date.
2. The Accountant General, Assam, Nagaland & Meghalaya, Shillong for information. This has the reference to his letter No. MG/834, dt. 26.7.73. Sanction to the retention of the posts from 1.7.73 onwards does not arise now.
3. The Deputy Commissioner, Khasi Hills/Jaintia Hills, Jowai/Garo Hills, Tura for information. This is in continuation of this Deptt.'s Message No. HPT. 93/72/94, dt. 29.6.73.
4. The Chairman, Meghalaya Public Service Commission for information.
5. The Secretary to the Govt. of Meghalaya, Welfare & Rehabilitation Deptt. for information.
6. To the persons concerned for information.

By order etc.

My 3.9.73
Under Secretary to the Govt. of Meghalaya,
Passport & Jails Deptt.

3/9

Attested
J. J. A. S.

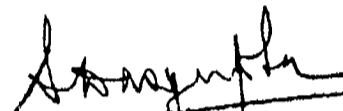
NO. A 10011/66/79-NBY-T
GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Youth Affairs & Sports)

NEW DELHI, the 31st December, 1990.

OFFICE ORDER No. 132/90

On attaining the age of superannuation on 31-12-1990
Shri CLEMENT SHANGMA, Youth Coordinator, NYK, Tura (Meghalaya)
who has been on deputation to this Department from Government
of Meghalaya is permitted to retire from Govt. service
w.e.f. 31-12-1990 (AN).

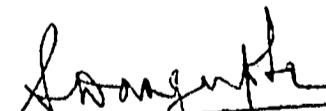
2. The pension & pensionary benefits of Shri Clement
Shingma will be subject to the outcome of the SLP No. 9401-07/1989
dated 10-7-1989 pending in the Supreme Court.



(SOMIT DASGUPTA)
UNDER SECRETARY TO THE GOVT. OF INDIA.

Copy to :

1. Shri Clement Shangma, Youth Coordinator, NYK, Tura
Meghalaya.
2. Pay and Accounts Office (Dept. of SPORTS), Shastri
Bhavan, New Delhi.
3. Directorate of SPORTS & YOUTH AFFAIRS, Govt. of
Meghalaya, Shillong.
4. DG, NYK Sangathan, J.N. Stadium, New Delhi.
5. Youth Coordinator, Nehru Yuva Kendri, Tura,
Meghalaya.
6. Distt. Magistrate/Collector, Tura, Meghalaya.



(SOMIT DASGUPTA)
UNDER SECRETARY TO THE GOVT. OF INDIA.

Abhilash
Advocate

S. No. 22 -

ANNEXURE - II

F.N.O.A.19011/66/79-YS.I
GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF YOUTH AFFAIRS & SPORTS

NEW DELHI, THE 15TH APRIL, 1996.

10

Shri Clement Shangma,
Ex- Youth Co-ordinator,
Nehru Yuva Kendra,
Tura,
C/O Nehru Yuva Kendra, Tura,
West Garo Hills,
MEGHALAYA : 794 002.

SUBJECT : Settlement of Pension

SIR,

* * *

I am directed to refer to your letter
NO.NYK/A-I/96-3, dated 15th January, 1996 on
the subject mentioned above and to forward a set
of forms for claiming pension etc. which may
kindly be forward through Nehru Yuva Kendra,
Tura to the undersigned duly completed for
further necessary action.

2. From the records available in the Deptt., it is observed that your Service Book might be available in your Parent Department. You are, therefore, requested to arrange to forward the same to this Department at an early date.

Yours faithfully,

(SANDEEP DUBEY)
UNDER SECRETARY TO THE GOVT. OF INDIA.

Attica
S.S. Answer to

नेहरु युवा केन्द्र संगठन

NEHRU YUVA KENDRA SANGATHAN

स्वायत्तंत्री संस्था
युवा कार्यक्रम एवं खेल विभाग
मानव संसाधन विकास गंभीर
भारत सरकार

an Autonomous Body under the
Department of Youth Affairs & Sports
Ministry of Human Resource Development
Government of India

Ref. : NYKS/Admn./97/657

March 18, 1997

Shri Clement Shangma,
Ex- Youth Coordinator,
Nehru Yuva Kendra, Tura,
C/o NYK-Tura,
West Garo Hills,
Meghalaya : 794 002.

Subject : Settlement of pension.

Sir,

I am directed to refer to the office order issued by Deptt. of Youth Affairs & Sports no. F.No.9-3/89-YS.I dated 28th February, 1997 whereby your services as Youth Coordinator in Nehru Yuva Kendra on deputation basis from the State Govt. have been regularised and placed at the disposal of NYKS w.e.f. 01.04.1987. Since you have already been superannuated from the service of the Govt. on 31.12.90, the pension matter needs to be decided. I would, therefore, like to draw your attention to the letter of Department no.F.No.A.19011/66/79-YS.I dated 15th April, 1996 (copy enclosed) with which a set of forms for claiming pension etc. have been forwarded to you for submission. You are, therefore, requested kindly to submit the duly filled documents as well as the service book. As per Para II of the above letter, your service book might be available with your parent deptt. You may please note that unless the service book is received, we would not be in a position to process the pension documents.

Yours faithfully,

Umesh Sahni
Section Officer (Pens.)

C. C. : *Umesh Sahni*
Y.C. : *Umesh Sahni*

ईस्ट प्लाज़ा, इंदिरा गांधी इण्डोर स्टेडियम, नई दिल्ली-110002. दूरभाष: 3379703, 3379904. फैक्स: 91-11-3379886. ग्राम: युवा शक्ति
t Plaza, Indira Gandhi Indoor Stadium, New Delhi-110 002. Tel. : 3379703, 3379904. Fax 91-11-3379886. Gram: Yuva Shakti.
email: nyks@giasd101.vsnl.net.in

Visit our Internet web site at <http://www.Indiaconnect.com/nyks.htm>

Attn: Sh. Umesh Sahni

I.D.NO. TRADE.6/93/170

Dated Shillong, the 9th May, 1997.

HOME (PASSPORT) DEPARTMENT I.D.

Subj : Placement of parent Department Post etc.

Enclosed please find herewith a copy U.O.No.PS/F/E/
BAD(PER) 2/96-97/25 dated 11.4.97 from Parliamentary Secretary,
Incharge Finance etc. along with the Representation dated 8.4.97
from Shri Clement Sangma, Retired Youth Co-ordinator, Nehru Yuva
Kendra, Tura and its enclosures in original for necessary action
at your end, as the incumbent was originally appointed by your
Department.

This Department is not dealing with any establishment matter, its function is only to issue No Objection Certificate to Local Exporters and other allied subjects.

Enclosed : As above.

Under Secretary to the Govt. of Meghalaya,
Trade (Including Border Trade) Department.

Memo No. TRADE.6/93/170-A Dt. Shillong, the 9th May, 1997.
Copy for information to : -

The Clement Sangma, Retired Youth Co-ordinator, Nehru
Yuva Kendra, Tura West Garo Hills, Meghalaya, 794002.

By order etc.

(11/4/97)

Under Secretary to the Govt. of Meghalaya,
Trade (Including Border Trade) Department.

(11/4/97)

(11/5/97)

....

Attn:
JL
Amrit

Development

10/73/Part/259

12th July, 1999.

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I would like to draw your kind attention to the representation of Shri Clement Sangma, who served as Youth Coordinator, Nehru Yuvak Kendra, Tura and retired from service on 31.12.1990. A copy of his representation is enclosed herewith for your kind information.

Unfortunately, till today Shri Clement Sangma has not received his pension & pensionary benefits due to some problems related with initial pay fixation.

Shri Clement Sangma is to get his pension and pensionary benefits from the Ministry of Human Resource Development, Department of Youth Affairs & Sports in view of Supreme Court Judgement, 1995 upholding the decree given by CAT against the Department of Youth Affairs & Sports in SLP No. C.A.O/1/07/1989 dated 10.7.89.

The Ministry of HRD, Youth Affairs & Sports vide their letter No. F.No.A.19011/66/79-YS.I dated the 15th April, 1996. (A copy of which is enclosed) have requested the petitioner to submit necessary documents for settlement of his pension.

From records, it is clear that Shri Clement Sangma was initially appointed as Inspector of Border Trade in the Grade of pay of Rs.225-15-285-EB-20-600/- vide NO.HPT.93/72/35 dated the 3rd November, 1972 of Home (Passport & Jails) Department. A copy of the order is enclosed. Later, in 1973, on deputation he was appointed as Youth Coordinator, NYK, Tura and served in that post till he reached the age of superannuation on 31.12.1990

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ATT'D
JULY 1999
A/C

Since then he has been struggling for his pension and pensionary benefits in vain. It has been ascertained from him that, his pay fixation in the post where he was initially appointed is to be intimated to Government of India. There will be no financial implication for the State Government as his pension and pensionary benefits are to be given by Ministry of Human Resource Development Department of Youth Affairs & Sports.

I would, therefore, request you to kindly use your good offices to solve Clement Sangma's problem & intimate his initial pay fixation.

With regards,

Yours

Tc

S. Chatterjee

Shri J. Tayeng, IAS.,
Addl. Chief Secretary,
1/6 Memo (Passport & Jails).
Department.
Shillong.

Attn
JL
Attn