

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 473/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Application No. 473 /2001

Applicant(s) :- S. K. Saxena

Respondent(s) :- H. O. I. Govt

Advocate for the Applicant :- Dr. M. Pathak, D. Boruah

Advocate for the Respondent: ACCAS C. A. K. Choudhury

Notes of the Registry	Date.	Order of the Tribunal
This is application in form C. F. for Rs. 50/- deposit vide IP No 1/166, F. 10232 Dated 28.11.2001 Dy. Reg. Strat B2	19.12.01	Heard learned counsel for the parties. Application is admitted. Call for records. Issue notice on the respondents to show cause as to why the interim order shall not be granted as prayed for. Returnable by 4 weeks. Mr. A. K. Choudhury, learned Addl. C.G.S.C. accepted notice on behalf of the Respondents. List on 16.1.02 for orders. In the meantime, the respondent are directed not to make any recovery of the amount of Rs. 14,900/- in pursuance to the impugned orders dated 23-5-2001 (Annexure 14), dated 29.6.2001 (Annexure 15), dated 13-11-2001 (Annexure 16).
Notice forwarded to Regd. No. 233 along with order dated 19/12/01 vide D/No 586 dated 31/12/01.	16.1.02	List on 13.2.02 to enable the respondents to file written statement In the meantime, the interim order dated 19.12.01 shall continue until further orders.
Order dated 18/12/01 communicated at the parties concerned Dated 28.12.01 B2/2002 22/1	1m	Vice-Chairman
No written statement has been filed 22/1 12.2.02	1m	Vice-Chairman

2

Order dtd 13/2/02  
Communicated to the  
parties Conn  
  
*hr  
15/2*

13.2.02 Mr. A.K. Choudhury, Addl. C.G.S.C.  
prays for time to file written state-  
ment. Prayer is accepted. List on  
13.3.02 for orders. Meanwhile, the  
interim order dated 19.12.2001 shall  
continue.

*CCU*

Member

lm

13.3.02 Heard Mr. A. Barua learned counsel  
for the applicant and Mr. A.K. Choudhury,  
learned Addl. C.G.S.C. for the Respon-  
dents. At the request of Mr. A.K. Choudhury,  
Addl. C.G.S.C four weeks time is allowed  
for filing of written statement. List  
on 10.4.02 for orders. In the meantime,  
the interim order dated 19.12.01 shall  
continue.

*CCU*

Member

lm

10.4.02 Written statement has been filed.  
The case may now be listed for hearing  
on 3.5.02. The applicant may file  
rejoinder if any, within 2 weeks.

*Vice-Chairman*

lm

*16.4.2002*  
*W.P. 2 submitted*  
Any the Respondent not  
2 and 3  
  
*Prayer is accepted.*

3.5.2002 Request is made for short adjourn-  
ment on behalf of Mr. M. Pathak, learned  
counsel for the applicant. Mr. A.K. Chau-  
dhury, learned Addl. C.G.S.C has no object-  
ion.

Prayer is accepted. List the case  
again for hearing on 22.5.2002.

*CCU*

Member

bb

24.5.02

On the prayer of Mr. A.K. Choudhury,  
learned Addl. C.G.S.C. for the Respondents,  
the case is adjourned. List on 28.5.2002  
for hearing.

mb

*Vice-Chairman*

Notes of the Registry	Date	Order of the Tribunal
	28.5.02	Prayer has been made by Mr. D. Barua, learned counsel appearing on behalf of Dr. (Mrs.) M. Pathak, learned counsel for the applicant for adjournment. Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents has no objection for adjournment. List again on 7.6.2002 for hearing.
		<i>[Signature]</i> Vice-Chairman
	07.06.02	Hard Dr. M. Pathak, learned counsel for the applicant, Mr. A.K. Choudhury Addl. C.G.S.C. appearing for the respondent. Hearing concluded, judgment regar.
Judgment del. 14-6-02 Communicated to the parties counsels and the applicant J 19/6/02	14.6.02	Homible Member/ Judgment delivered in open Court. Kept in separate sheets. Application is Dismissed. No costs.
	1m	<i>[Signature]</i> Member

Notes of the Registry	Date	Order of the Tribunal
1. 20/8/37	20/8/37	Order No. 1
2. 21/8/37	21/8/37	Order No. 2
3. 22/8/37	22/8/37	Order No. 3
4. 23/8/37	23/8/37	Order No. 4
5. 24/8/37	24/8/37	Order No. 5
6. 25/8/37	25/8/37	Order No. 6
7. 26/8/37	26/8/37	Order No. 7
8. 27/8/37	27/8/37	Order No. 8
9. 28/8/37	28/8/37	Order No. 9
10. 29/8/37	29/8/37	Order No. 10
11. 30/8/37	30/8/37	Order No. 11
12. 31/8/37	31/8/37	Order No. 12
13. 1/9/37	1/9/37	Order No. 13
14. 2/9/37	2/9/37	Order No. 14
15. 3/9/37	3/9/37	Order No. 15
16. 4/9/37	4/9/37	Order No. 16
17. 5/9/37	5/9/37	Order No. 17
18. 6/9/37	6/9/37	Order No. 18
19. 7/9/37	7/9/37	Order No. 19
20. 8/9/37	8/9/37	Order No. 20
21. 9/9/37	9/9/37	Order No. 21
22. 10/9/37	10/9/37	Order No. 22
23. 11/9/37	11/9/37	Order No. 23
24. 12/9/37	12/9/37	Order No. 24
25. 13/9/37	13/9/37	Order No. 25
26. 14/9/37	14/9/37	Order No. 26
27. 15/9/37	15/9/37	Order No. 27
28. 16/9/37	16/9/37	Order No. 28
29. 17/9/37	17/9/37	Order No. 29
30. 18/9/37	18/9/37	Order No. 30
31. 19/9/37	19/9/37	Order No. 31
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34. 22/9/37	22/9/37	Order No. 34
35. 23/9/37	23/9/37	Order No. 35
36. 24/9/37	24/9/37	Order No. 36
37. 25/9/37	25/9/37	Order No. 37
38. 26/9/37	26/9/37	Order No. 38
39. 27/9/37	27/9/37	Order No. 39
40. 28/9/37	28/9/37	Order No. 40
41. 29/9/37	29/9/37	Order No. 41
42. 30/9/37	30/9/37	Order No. 42
43. 1/10/37	1/10/37	Order No. 43
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45. 3/10/37	3/10/37	Order No. 45
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66. 24/10/37	24/10/37	Order No. 66
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72. 30/10/37	30/10/37	Order No. 72
73. 31/10/37	31/10/37	Order No. 73
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75. 2/11/37	2/11/37	Order No. 75
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80. 7/11/37	7/11/37	Order No. 80
81. 8/11/37	8/11/37	Order No. 81
82. 9/11/37	9/11/37	Order No. 82
83. 10/11/37	10/11/37	Order No. 83
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86. 13/11/37	13/11/37	Order No. 86
87. 14/11/37	14/11/37	Order No. 87
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225. 30/3/38	30/3/38	Order No. 225
226. 31/3/38	31/3/38	Order No. 226
227. 1/4/38	1/4/38	Order No. 227
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229. 3/4/38	3/4/38	Order No. 229
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231. 5/4/38	5/4/38	Order No. 231
232. 6/4/38	6/4/38	Order No. 232
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235. 9/4/38	9/4/38	Order No. 235
236. 10/4/38	10/4/38	Order No. 236
237. 11/4/38	11/4/38	Order No. 237
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243. 17/4/38	17/4/38	Order No. 243
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245. 19/4/38	19/4/38	Order No. 245
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247. 21/4/38	21/4/38	Order No. 247
248. 22/4/38	22/4/38	Order No. 248
249. 23/4/38	23/4/38	Order No. 249
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253. 27/4/38	27/4/38	Order No. 253
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255. 29/4/38	29/4/38	Order No. 255
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257. 1/5/38	1/5/38	Order No. 257
258. 2/5/38	2/5/38	Order No. 258
259. 3/5/38	3/5/38	Order No. 259
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261. 5		

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

O.A. /R.A. No. 473 of 2001 of

14.6.2002  
DATE OF DECISION.....

**Shri Suresh Kumar Saxena**

APPLICANT(S)

**Dr. M. Pathak, Mr. D. Baruah**

ADVOCATE FOR THE APPLICANT(S)

**VERSUS -**

**Union of India & Ors.**

RESPONDENT(S)

**Mr. A. K. Choudhury, Addl. C. G. S. C.**

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 **MEMBER(ADMN)**

*U. Usha*

7

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.473 of 2001

Date of order: This the 14th Day of June, 2002.

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

1. Shri Suresh Kumar Saxena,  
S/O Late Mohanlal Saxena,  
Vill-Nansuna, P.O. Murgunj  
Dist- Barily, Uttar Pradesh  
Presently working as Agronomist at  
Biswanath Chariali in North East Region, Farm  
Machinery Training & Testing Institute, Assam.

... Applicant .

By Advocate Mr. M.Pathak, Mr.D.Barua

-Vs-

1. Union of India,  
Represented by Secretary Agriculture Deptt,  
of Agriculture & Co-operation, Ministry of Agriculture  
Krishi Bhawan, New Delhi-110001.
2. Shri S.C.Jain,  
Director, Central Farm Machinery Training & Testing  
Institute, Budni-466445, Madhya Pradesh.
3. Director, North Eastern Farm Machinery Training &  
Testing Institute, Biswanath Chariali, Sonitpur  
Assam .

---Respondents.

By Advocate Mr.A.K.Choudhury, Addl.C.G.S.C.

O R D E R.

K.K.SHARMA MEMBER(ADMN) :

The application is made by the applicant against the order No.1-2-/97 dated 23.5.01 for recovery of License fee. The applicant joined service on 12.7.81 as Senior Technical Asst. at Directorate of Cotton Development, Bombay. He was promoted as Agronomist and he joined on 31.3.97 at Central Farm Machinery Training and Testing Institute, Budni, Madhya Pradesh. It has been stated that on 9.1.2001 at about 8 P.M. the applicant got telephonic information that his mother was seriously ill and he

*LCW/Usman*

contd/-

should go to home town. Accordingly, the applicant submitted leave application on 10.1.2001 seeking casual leave for 3(three) days with effect from 10.1.2001 to 12.1.2001 and he left for his home town. The applicant informed the respondents through telegram on 15.1.2001 and sought for earned leave with effect from 10.1.2001 to 9.2.2001 including the 3 days casual leave converted to earned leave. Thereafter, the applicant fell sick and he was bed-ridden till 20.2.2001. The applicant applied for extension of leave from 10.2.2001 to 9.2.2001 vide his letter dated 9.2.2001 and also sought for extension of leave from 19.2.2001 to 20.3.2001. The application was supported by medical Certificate. The applicant in the meanwhile went to Delhi and came to know that he had been transferred from Budni to Biswanath Chariali, Assam and the transfer order was effective from 5.1.2001. The applicant resumed duty at Biswanath Chariali on 22.3.2001. It is stated that in the meanwhile, the Government of Assam vide circular dated 27.2.2001 prohibited the grant of leave to any officer of the Government on account of elections. The Circular was also made effective in the case of applicant also by circular dated 1.5.2001 which was issued by the Respondents No.3. In view of this the applicant after joining in Assam could not proceed to Budni to hand over his formal charge and vacate his official quarter. The applicant applied for earned leave with effect from 21.5.2001 to 4.6.2001 to go to Budni to vacate the official quarter on 25.5.2001. The Respondent No.2 by letter dated 23.5.2001(Annexure 14) has shown Rs. 14654/- as outstanding as Licence Fee and some other dues. The Respondent No.3 thereafter issued memorandum dated 29.6.2001 and dated 13.11.2001 demanding the deposit of Rs. 14,490/- by five installments @ Rs. 2898/- per month with effect from November

IC U Shary

2001. It is stated that an Officer can retain a quarter for two months if he is transferred to a place outside the station. Such Officer can also retain a quarter for four months if he is on leave. The Respondents ignored the provisions of law and imposed damages while the applicant was sanctioned earned leave and the applicant was under compulsion to remain in the office at Biswanath Chariali, Assam. It is stated that the Respondent No.2 developed some ill feeling against the applicant and he was trying to find faults with the applicant and also trying to interfere with private life of the applicant, in Budni where the applicant kept a cow for his own use. It is alleged that at the instance of Respondent No.2 the applicant had been transferred and also ordered the recovery for damages.

2. Dr.M.Pathak learned counsel appearing on behalf of the applicant argued that as per rules the applicant can keep accommodation for 120 days of leave. During this period the applicant had been granted leave as follows:-

From 10.1.2001 to 18.2.2001	- 40 days Earned Leave
on 21.5.2001 to 4.6.2001	- 15 days Earned Leave
on 19.2.2001 to 18.3.2001	- 28 days commuted leave

In between the applicant had joined at Biswanath Chariali from 22.3.2001. The applicant was granted earned leave with effect from 21.5.2001 to 4.6.2001 after the completion of election process. Dr.Pathak also stated that during the concessional period of 120 days of leave no damage can be recovered for Licence Fee of the quarter.

3. The respondents have filed their written statement. Mr.A.K.Choudhury, learned Addl.C.G.S.C. appeared on behalf of the respondents. In the written statement it is stated

*KUShwah*

contd/-4.

that in order to avoid service of the transfer order the applicant, by creating a fictitious reasons of illness of his mother, left the institute by putting in an application <sup>(U) why</sup> through some one on 10.1.2001. It is stated that as to the applicant went to Delhi to know about his leave from the Ministry when he sent the leave application to Budni. It is stated that when the applicant could go to join at Assam, Institute nothing barred him from going to Budni and properly handing over charge and for vacation of the quarter. The transfer order of the applicant was received on the afternoon of 9.1.2001, it was not a confidential order. The transfer was known to the applicant and to avoid the service of the transfer order he left Budni in the early hours of the next day. The applicant was keeping milching cow and calf at his quarter. Before joining at Assam the applicant could have visited Budni and handed over the entire charge including allotted official accommodation. The room of Type 5 quarter allotted to him was filled by cattle feed(chaff) and he had engaged a labour to look after the cow and calf. The family of the applicant was staying at Bareilly. The applicant was not entitled for the concession of 4 months to retain a residential accommodation at the original station on posting as he did not keep his family in the campus at Budni. It is denied that the respondents have ill-feeling against the applicant. Mr.A.K.Choudhury submitted that the transfer order was received on 9.1.2001. The applicant was absconding from the station and he was not in any way on leave. The applicant was not entitled for retention of accommodation for the period beyond two months that a Government servant is entitled while on transfer. The applicant was granted leave by the Respondent No.3, such granting of leave has <sup>(U) A V</sup>

*U U Sharmas*

contd/-5

no merit to make him entitled for retention of Government accommodation beyond the permissible period. The applicant had no claim for retention of the accommodation at Budni.

4. I have heard the learned counsel for the parties at length and also perused the records. The applicant is a class I Officer and he had been allotted Type V accommodation. The applicant left the place of posting on 10.1.2001 and he joined at Biswanath Chariali on 22.3.2001. He handed over the charge and also vacated the official quarter at Budni on 25.5.2001. I am unable to accept the contention made by the learned counsel for the applicant that the applicant could not further proceed to Budni and to hand over the formal charge and also vacating his official quarter earlier than 26.5.2001. The applicant was aware of the transfer order dated 10.1.2001. He should have made arrangements to vacate the accommodation within two months period for which the retention of accommodation is permissible at normal Licence Fee. It is seen from the relevant rules that 2 months period is allowed to retain a residential accommodation at the original station on transfer. The applicant did not keep his family at Budni. From the materials on record it is observed that the family of the applicant was at Bareilly. There was no genuine reason to retain the accommodation beyond a period of 2 months at Budni. Even the reason for not vacating quarter due to impending elections in Assam is not convincing. In special circumstances the leave can be granted even during elections. The impugned orders are in no way arbitrary or malafide.

5. I do not find any merit in the application. Accordingly the same is dismissed. The interim order heard on 19.12.01 stands dismissed. There shall however, no order as to costs.

K. K. Sharma  
(K.K. SHARMA)  
ADMINISTRATIVE MEMBER

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  

 केंद्रीय नियन्त्रित न्यायालय  
 Central Administrative Tribunal  
 नागरिक न्यायालय  
 Guwahati Bench, GUWAHATI

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

Original Application No. 173 of 2001.

Shri Suresh Kumar Saxena  
.....Applicant.

-Vs-

Union of India & Others  
.....Respondents.

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Date of filing or date

Filed by:

of receipt by post:

*Dilip Baruah.*

Requisition No.

Advocate

Signature of the Registrar:

Date: 24-12-2001.

*Suresh Kumar Saxena*

Central Administrative Tribunal  
Court of the Central Administrative Tribunal  
14 DEC 2001  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI**

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

Original Application No. 473 of 2001.

BETWEEN:

Shri Suresh Kumar Saxena,  
S/o. Late Mohanlal Saxena,  
Vill- Nansuna, P.O.- Murgunj,  
Dist- Barily, Uttar Pradesh.

Presently working as Agronomist at Biswanath Chariali in  
North East Region, Farm Machinery Training & Testing  
Institute, Assam.

.....*Applicant.*

-And-

1. Union of India,

Represented by Secretary Agriculture Deptt. Of Agriculture &  
Co-operation, Ministry of Agriculture, Krishi Bhawan,  
New Delhi- 110001.

2. Shri S.C. Jain,

Director, Central Farm Machinery Training & Testing Institute,  
Budni- 466445, Madhya Pradesh.

3. Director, North Eastern Farm Machinery Training & Testing  
Institute, Biswanath Chariali, Sonitpur, Assam.

.....*Respondents.*

Suresh Kumar Saxena

Filed by  
Shri Suresh Kumar Saxena  
-Applicant

Through  
Divip Basumatary  
Advocate # 12-12-2001

**DETAILS OF THE APPLICATION:**

4/PF

**1. Particulars of orders against which this application is made:**

This instant application is for seeking a direction from this Hon'ble Tribunal to the Respondents to declare the action as illegal and arbitrary as carried out vide Order No 1-2/97 dt 23.5.01 for recovery of Rs. 15,853 as license fee and cost of stores and also to stay the operation and quash the said impugned order dated 23.5.01.

**2. Jurisdiction of the Tribunal:**

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

**3. Limitation:**

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

**4. Facts of the case:**

*The facts of the case in brief are given below:*

4.1. That the 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 begs to state that he joined in service on 13.7.81 as Senior Technical Asst. at Directorate of Cotton Development, Bombay. Subsequently, he was selected by the UPSC for the post of Farm Superintendent and he joined as Farm Superintendent at Southern Region Farm Machinery Training and Testing Institute, Garla Dinne, District- Anantapur, Andhra Pradesh. Then the applicant was promoted as Agronomist and he joined on 31.3.97 at Central Farm Machinery Training and Testing Institute, Budni, Madhya Pradesh and was discharging his duties without any blemish. On 9.1.2001 at about 8 PM he got telephonic information that his mother was seriously ill and he should rush to his native village. Accordingly, he submitted a leave application on 10.1.2001, seeking casual leave for 3 days w.e.f. 10.1.2001 to 12.1.2001, and he left for his home.

*Copy of the leave application in Hindi is annexed as Annexure A,*

4.3. That the petitioner immediately started medical treatment of his mother and had to be outside his residence constantly with his mother. The attending doctor had

informed the petitioner the treatment would require some longer time, which warranted his constant presence with his mother. The applicant informed the respondents through his telegram on 15.1.2001 and also sought for grant of earned leave with effect from 10.1.2001 to 9.2.2001 (31 days – including the 3 days casual leave converted to earned leave). The said leave application dated 26.1.2001 was sent through registered post to the respondent No. 2 along with medical certificate dated 9.1.2001 of his mother.

*The copy of the leave application dated 26.1.2001 is annexed hereto as Annexure A<sub>2</sub>*

4.4 That the applicant, due to excessive strain and tension caused by the treatment and illness of his mother and the traveling done, himself fell sick and had to undergo treatment from 19.2.2001 onwards. As he was bed-ridden till 20.2.2001, he failed to inform the respondents about his illness. However, the applicant applied for extension of leave from 10.2.2001 to 19.2.2001 (vide his letter dated 9.2.2001) and also sought for extension of leave from 19.2.2001 to 20.3.2001 vide registered A/D letter dated 20.2.2001 addressed to the respondent No. 2. His application was supported with medical certificate and the copy of the said leave application was given to respondent No.1.

*The copy of the leave application dated 19.2.2001 and 20.2.2001 are annexed hereto as Annexure A<sub>3</sub> and A<sub>4</sub> respectively.*

4.5 That thereafter the applicant came back to know from his neighbour at his native place that some registered letter was taken by the postman to deliver to him but due to his absence at his residence in native place, the same could not be delivered to him. The applicant then thought it necessary to go to Delhi, which is near his native place and enquire about the position of his leave and if there was any registered letter sent to him. From the respondent No.1 the applicant has come to know that he has been transferred from Budni to Bisanatha Chariali, Assam alongwith his post and the said transfer had taken effect from 5.1.2001. The said order was issued vide order No. 1-2/2000-MY(A) dated 5.1.2001. The respondent No. 2 on the basis of the aforesaid letter of the Ministry directed the applicant to report for duty to the respondent No.3 and it was shown that the applicant stood relieved from his duties from the afternoon of 10.1.2001. This order was issued vide No. 1-2/97-Estb dated 10.1.2001. On receipt of the said two letters from the

16, 17

Ministry, the applicant could not comply with the order as he was still undergoing treatment and his attending doctor did not certify him to be fit to resume his normal duty.

*A copy of the Ministry letter dated 5.1.2001 and 10.1.2001 are annexed hereto as Annexure A<sub>5</sub> and A<sub>6</sub> respectively.*

4.6 That immediately on recovery from his illness and when the attending doctor declared him to be fit to resume his duty, the applicant headed back to Assam and resume his duty in his new place of posting on 22.3.2001. As the applicant was already struck-off from the strength of the respondent No.2 and as he was transferred and relieved of the post w.e.f. 10.1.2001, he had no opportunity to go and join in Bundi under the respondent No.2 and to hand over the formal charges and also vacating his official quarter.

*The copy of the forwarding letter dated 24.3.2001 enclosing the joining report dated 22.3.01 (FN) are annexed hereto as Annexure A<sub>7</sub> and A<sub>8</sub> respectively.*

4.7 That in the mean time, the Government of Assam brought out a circular vide BNE. 30/97/P7/250 dated 27.2.2001 as "election urgent", thereby prohibiting the grant of leave to any officer of staff of the government. The circular also made effective was issued to the respondent No.3. In view of the above circular of the Government of Assam, the respondent No.3 issued a circular vide No. 14-12/98/Misc dated 1.5.2001 and thereby brought it to the notice of the applicant along with others that no leave of any kind shall be granted to any officer/ officials till the completion of the election process and leave already granted for the election period may be cancelled. In view of the above fact, and the situation in the state of Assam, the applicant after joining in Assam was stranded by the above two Government circulars and direction and he could not proceed to Budni (respondent No.2) to hand over his formal charge and vacate his official quarter.

*The copy of the circular dated 27.2.2001 and 1.5.2001 are annexed hereto as Annexure A<sub>9</sub> and A<sub>10</sub> respectively.*

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4.8 At when the election process in the state of Assam was complete, the applicant applied for earned leave w.e.f. 21.5.2001 to 4.6.2001 and came to Budni (Respondent No.2) on 24.5.2001 and formally handed over charge and also vacated the official quarter at Budni on 25.5.2001. On arrival of the applicant at Budni, the respondent No.2 gave a direction to the applicant vide letter No. 1-2/97-Estt dated 24.5.2001 to prepare a list regarding the inventory alongwith handing over report. But in the said letter there was no whisper regarding the vacation of the official quarter. Accordingly, the applicant prepared the inventory list and handing over report. In the said handing over report, the applicant also made a request to release his LPC, service book and salary etc.

*Leave regularization from 13-29*

*The copies of the letter dated and the handing over of charge and vacation of quarter alongwith list of inventory are annexed hereto as Annexure A<sub>11</sub> and A<sub>12</sub> respectively.*

4.9 That the respondent No.3 ultimately granted his leave from 10.1.2001 to 18.3.2001 and also from 21.5.2001 to 4.6.2001 vide their office order No. 3-1/2001-Estt. Dated 4.6.2001.

*To - 2 monthly*

*The copy of the said office order dated 26.6.2001 is annexed hereto as Annexure A<sub>13</sub>.*

4.10. That the respondent No.2 vide his letter No. 1-2/97-Estt dated 23.5.2001 showed an amount of Rs. 14,654 as outstanding under the head as license fees and as charges, in addition to some other alleged dues. Thereafter the respondent number 3 has issued the memorandum No 3-1/2001 – P.F dated 29.6.2001 and also a note vide No. 3-1/2001-P.F. dated 13.11.2001 thereby demanding the deposit of Rs. 14,490 by the applicant for remitting the said amount to respondent No.2; and accordingly the respondent No.3 decided to recover the amount of Rs.14,490 by five installments @ Rs. 2898/- per month w.e.f. November 2001.

*The letter dated 23.5.2001 and the Memo dated 29.6.2001 and note dated 13.11.2001 are annexed hereto as Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> respectively.*

4.11. That the respondents were not quite aware about the provisions of rules pertaining to the retention of residential quarters by an officer under certain circumstances as a concession for a given period. An officer can retain a quarter for two months if he is transferred to a place outside the station. Such officer can also retain a quarter for four months if he is on leave (other than leave preparatory to retirement, medical leave, maternity leave or study leave) and also for the full period of leave if the leave is on medical grounds. But the respondents deliberately and willfully ignored the said provisions of law and imposed damages charges while the applicant was granted earned leave and medical leave during the period (Annexure A<sub>13</sub>). Moreover, the applicant was under compulsion to remain in the office at Biswanath Chariali, Assam and he was prevented from availing any kind of leave due when he reported for duty on 22.3.2001 at Biswanath Chariali, Assam due to the declaration of election process and also the subsequent general election. However, considering the acute urgency and at his personal request to with regard to handing over of formal charges and vacating of residential quarters at Budni and as well as to get the LPC clearance as the applicant was not getting salaries and allowances for his long leave period, the applicant was granted earned leave w.e.f. 21.5.2001 to 4.6.2001 even during the banned period. Therefore, the applicant was in no way liable for any panel action like damages charges etc. under these circumstances.

*The copy of the relevant portion of the rules relating to concessional period for further retention of residence published in Swami's — Complete Manual on Establishment and Administration — in page 1089 to 1091 are annexed hereto as Annexure A<sub>17</sub>*

4.12. That according to the aforesaid concession for retention of residential quarter and also the provisions of the Government Circular imposing ban on granting of leave of any kind during the general Assembly Election (as in Annexure A<sub>9</sub> and A<sub>10</sub>) the applicant is entitled to get the benefit of normal charges of 10% license fees and not liable for any kind of damages charges as demanded by the respondent as in the impugned order as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> respectively. For better clarity, the applicant gives an account as under: —

Sl. No.	Particulars of concession period	No of days for which concession is allowed	No. of days availed by the applicant
A	For the period 10.1.2011 to 18.2.2001 for earned leave granted vide memo dated 26.6.2001	4 months (120 days)	40 days
B	Earned leave granted w.e.f. 21.5.2001 to 4.6.2001	4 months (120 days)	15 days
C	Commututed leave granted on medical ground w.e.f. 19.2.3001 to 18.3.2001	Whole period of medical leave	28 days
D	Prevented from going to Budni as Assemble Elections in Assam started as in Annexure A <sub>9</sub> and A <sub>10</sub> ; i.e. w.e.f. 22.3.2001 to 20.5.2001.	As per circular as in Annexure A <sub>9</sub> and A <sub>10</sub>	62 days
E	From 19.3.2001 to 21.3.2001	Joining time as per transfer and posting order as in Annexure A <sub>5</sub> and A <sub>6</sub>	3 days

As indicated above, under no provisions of law the applicant is liable to pay any damages charges therefore the impugned order as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> are illegal, arbitrary and liable to be set aside and quashed.

4.13 That the respondent No.2, Sri S.C. Jain, developed some ill feeling against the applicant and for quite a long time he was trying to find faults with the applicant. The said respondent even tried to interfere with the private life of the applicant in Budni where he kept a cow for his own use. On a few occasions when the milk was more than requirement of the applicant, he used to give the neighbouring colleagues milk free of cost. This fact was twisted by the respondent no.2 and he alleged the applicant as doing business by selling milk. He even has made the allegation that the applicant had misused the residential quarter at Budni by keeping therein 'chaff' - cow fodder. All these was nothing but malafide actions of the said respondent to fulfill his grudge and ultimately he could convince the ministry to get the applicant transferred permanently with the post from Budni, M.P to Biswanath Chariali, Assam. It is the said respondent only on whose instance the order of recovery for damages charges in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> has been ordered whereas, as stated above, the applicant could not formally hand over the charges and also vacate the quarter as he was already relieved with the post and he had no opportunity to take out his family belongings, furniture, utensils etc. from the quarter for no fault of his own.

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4.14 That the respondents have made all arrangements to start recovery of Rs.14,490 @ Rs. 2898/- per month beginning from November 2001 and to give effect to the said impugned order as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> of this application. The applicant has not yet received the salary for the month of November 2001. If the impugned order as in Annexure- A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> are not stayed, set aside and quashed, the applicant would suffer irreparable loss and injuries. Moreover the impugned orders are issued without any notice or chance to the applicant.

4.15 That the petition has been made bonafide and for the ends of justice.

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

5.1 For that the respondents have issued the impugned orders as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub>, most illegally and arbitrarily and the said impugned orders cannot sustain in law.

5.2 For that the respondents acted whimsically and malafide and issued the said impugned orders in contravention with the legal provisions for the grant of concession to retain residential Govt. quarter in case of transfer and posting outside the station; on leave, medical leave, joining time and also the Govt. orders banning leave during Assembly elections in a state.

5.3 For that the respondent No.2 acted malafide to fulfill his personal grudge against the applicant and acted on trifles like keeping a cow and cow fodder in the residential Govt. quarter, allegations of selling milk and ultimately could convince the higher authorities to get the transfer of the applicant along with the post from Budni to Biswanath Chariali as a punitive measure.

5.4 For that the impugned orders are issued dehors rules knowingly at the instance of the respondent No.2 and hence cannot sustain in law and are liable to be set aside and quashed.

5.5 For that the impugned orders are issued without any notice or opportunity given to the applicant, therefore such action of the respondents is hit by the principles of natural justice.

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5.6 For that the respondents cannot deduct and recover any amount from the monthly salary of the applicant if it is not provided by law; hence the action of the respondents are directly violates of the provisions of Art. 21 of the Constitution of India and the impugned orders as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> of this application are liable to be set aside and quashed.

5.7 For that the transfer and posting order dated 5.1.2001 and 10.1.2001 as in Annexure A<sub>5</sub> and A<sub>6</sub> respectively were issued behind the back, the day the applicant proceeded on leave, and that too with the post. The said transfer orders are clearly malafide as explicit on the face of the contents itself, as the applicant stood relieved with the post on that very day when the applicant proceeded on leave. While the leave was granted to the applicant, the said impugned orders imposing damages charges cannot sustain and operate in law and are liable to be set aside and quashed.

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

The applicant states that he has exhausted all the remedies available to him and the final order has been issued on 13.11.2001 against which this application has been preferred.

**7. Matter not pending before any other Court; etc.**

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

**8. Prayer:**

It is therefore prayed that your Lordship would be pleased to admit this application, call for the entire records and after hearing the parties, be pleased to pass the following order or direction:

8.1 To declare the impugned orders as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> in this application as illegal, arbitrary and malafide and also set aside and quash the said impugned orders;

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8.2 To direct the respondents to charge normal license fees for retaining the quarter at Budni for the period by the rule of concession and to modify the orders as in Annexure A<sub>14</sub>, A<sub>15</sub> and A<sub>16</sub> and not to charge any damages charges;

8.3 For cost of this application;

8.4 For passing any such further or other order or orders that your Lordship may deem fit and proper.

9. **Interim orders prayed for:**

It is further prayed that pending disposal of this application the respondents may kindly be directed not to deduct and recover Rs.14,490/- per month from the salary of the applicant from the month of November, 2001. And in case a sum of Rs. 2898/- has already been deducted (as the salary is not yet received by the applicant for the month of November, 2001) also be directed to refund the same to the applicant.

10. **Not Applicable**

11. **Particulars of the Postal order in respect of the application fee:**

- (i) No. Of IPO : 6G 790232
- (ii) Date : 28.11.2001
- (iii) Payable at : Guwahati

12. **List of enclosures:**

As stated in the index.

## VERIFICATION

25

I, Shri Suresh Kumar Saxena, S/O- Late Mohanlal Saxena, aged about 48 years, resident of village- Nansen, PO- Murgunj, District- Bariy, UP, at present working as Agronomist at Biswanath Cahriali, District- Sonitpur, in NE Region, Farm Machinery Training and Testing Institute, Assam, do hereby solemnly affirm that the statements made in the accompanying application in paragraphs 1, 2, 3, 4, 4, 1, 4, 15, 5, 5, 1 to 5, 7, 6, 7, 8, 8, 1 to 8, 4 and 9 are true to my knowledge and those made in paragraphs 4, 2, to 4, 14, 11 and 12 are true as per legal records and advice. I have not suppressed any material facts.

12<sup>th</sup>  
And I sign this verification on the ~~3<sup>rd</sup>~~ 12<sup>th</sup> day of December, 2001.

*Suresh Kumar Saxena*

SIGNATURE OF THE APPLICANT.

PLACE:

DATE:

To,

The Registrar, CAT,  
Guwahati Bench.

120-10.1.2001

सोला गां

निवेशन

के ० कुछ गां छां रम्प गां-दोनों गां  
बुद्धी

महादा

कल दिनांक १२ जानवरी की शाम मे-वारार  
गां दुलाखतेव २७.३ से ४.०० के बीच शीसिट  
साइट प्रांत (E) के गां बुद्धी से दोनों गां  
मास्टर गिला के गां (मेदर) की बालों  
विविध से कोने तुकड़े तुकड़े उल्लास की तर  
मे लियी गिरियां मो तो बालों के बीच  
बार गा रहा है लेकिन यीराने की रो निवेश  
है जैसा दिन की शी.०२०८ दिनांक १०.१.  
मास्टर १२ जानवरी के गां रम्प गां बुद्धी  
गां की बालों को

सो. दंगतां

भावी

दि. १२ १०.१२.२००१

शाम ८ AM

Rajendra

10.1.2001

( गां के बालों की )

सोला गां

Attested  
Dilip Barnam  
Advocate

13

A. M. SAXENA

## Registers/ A.D

5

To

The Director  
C.G.M.T & T.I.  
Court of Wards  
BUDHNA (MP)

Dt. 26.1.2001  
6 Shri Gagan Singh  
Premnagar, BARBILLY (UP)

Sub: Request for extension P.L. from  
10th Jan to 9th Feb 2001 for 31 days.

Sir

With reference of my leave  
application dated 10th Jan 2001  
and subsequent telegram  
dated the  
15th Jan 2001  
I am enclosing herewith my  
request to say that my mother  
is under constant care and  
treatment. My wife is also an  
orthopedic patient. Under this situation  
my presence here for the treatment  
and care of my ailing mother is  
unavoidable and necessary. The  
certificate in this regard has been  
obtained from the concerned  
doctor and a copy of which is  
enclosed herewith for evidence  
and record. I therefore,  
humbly request at present to  
your good self to grant me  
31 days P.L. i.e. from 10th Jan  
to 9th Feb, 2001. The inconvenience  
(if any) is highly regretted.

Thanking you  
Ericta-a.

Yours faithfully  
S. K. SAXENA  
(S. K. SAXENA)  
26.01.2001

(S. K. SAXENA)  
Advocate

## By Registers/ A.D

Copy alongwith a copy of C.L. application  
on 10th Jan 2001 & certificate is forwarded  
for forward of said information to the  
Joint Secretary (Mys) Court of Wards, Deptt of Regi  
& Co-op, 1, Nehru Bhawan, 1st Delhi 110011

Witnessed  
S. K. SAXENA  
Advocate

14

Dr. Suresh Chandra Gupta

M.B.B.S. (Lko)  
Regd. No. 12623

②:

Civil Lines, Budaun (U.P.)  
Pin 243601

Date ..... 9/1/2001

## MEDICAL CERTIFICATE

Certified that Sri/Smt./Km ..... is suffering from.....

Sri M.L. Gupta, M.B.B.S. (Lko)

..... is suffering from.....

..... He/She is under my treatment as an out

door/Attendant. He/She is advised rest w.e.f. 9/1/2001

to ..... 20.2.2001 ..... for complete treatment and recovery

from the illness.

Signature / L.T.I. / R.T.I.  
of the person concerned

attested

Dr. Suresh Chandra Gupta

M.B.B.S. (Lko.)

Private Medical Practitioner

Dr. Suresh Chandra Gupta

M.B.B.S. (Lko.)

Private Medical Practitioner

Suresh Chandra Gupta  
Advocate  
Bilal Bawali

By FAX  
on 07564-34743

To,

The Director,  
Central Farm Machinery Training and Testing Institute,  
Government of India, Budni, Bhopal.

Sub: Request for extension of Earned Leave from 10th Feb.2001 to 19th Feb.2001.

Sir,

With due respect, I am to state that my ailing mother is still under constant care and treatment. Therefore in continuation of my earlier leave application dated 26th Jan 2001 with medical certificate sent therewith, I humbly request you to extend my E/L from 10th Feb.2001 to 19th Feb. 2001.

Thanking you in anticipation,

Yours faithfully,

  
09.02.01

(S.K.Saxena),  
Agronomist,  
6, Shiv Sagar Awas Colony,  
Prem Nagar, Bareilly-243005.

Dated: 9th Feb. 2001.

Copy with due respect is forwarded for favour of kind information to the Joint Secretary (MY), Government of India, Ministry of Agriculture (Department of Agriculture), Krishi Bhavan, New Delhi-110001.

  
(S.K.Saxena)

  
S.K. Saxena  
Agronomist  
Shiv Sagar Awas Colony  
Prem Nagar, Bareilly-243005

Annexure-A 4

To Dr. (E.M.)

Central Bureau of Microbiology Training &  
Testing Unit, Bhopal

• Loyola (M.P.)

Sub-Request for a copy of letter from I.G.I.B.,  
2000 to 20.03.2001

Cus.

With due respect I am to state that due to excess strain and tension prevail ) on account of my continuous ailment, I have fallen sick and now demand treatment from 19.02.2001 onwards. The concerned doctor has advised me to remain home without for 30 days from the above date (Copy of the certificate is enclosed). I am in continuation of my earlier leave application dated 20.01.2001 (Copy enclosed), which was issued on 07564-34743, I now humbly request that I may please be granted ) medical leave for 30 days i.e. from 19.02.2001 to 20.03.2001.

Thanking you in anticipation

Yours, faithfully

Date 20.02.2001

Durgana

20.02.2001

( S.K. SAXENA )

Agronomist

C. Shri Cages Award Colony  
Punjab, Bareilly (U.P.)Registration A.O

Copy enclosed " the copy of the medical certificate is also enclosed ) for payment of this information to the Agent Secretary (my), Govt. of India Ministry of Agriculture (M.O.U. of Agri-co-op) Krishnagar, N.W.H. Dist. 110001

Durgana

20.02.2001

( S.K. SAXENA )

Wusses  
Srip. Baru  
Barcine

No.1-2/2000-MY(A)  
Government of India  
Ministry of Agriculture  
Department of Agriculture & Cooperation

100

The Director,  
Central Farm Machinery Training &  
Testing Institute  
Budni (MP)

SUB: Transfer of Shri S.K. Saxena, Agronomist to NEFMTTI, Assam.  
Sir,

I am directed to convey the approval of the competent authority to the transfer of  
Shri S.K. Saxena, Agronomist CFMTTI, Budni to NEFMTTI, Assam with immediate  
effect alongwith the post until further orders.

Shri S.K. Sexena may be relieved of his duties immediately and directed to join duties at NERFMTI, Assam after availing usual joining time etc. He will be entitled to transfer T.A. etc. as applicable under the rules.

(S.V. SINGH)  
Director(Machinery)

Copy to :-  
Director, NEFTTI, Assam.

~~Vanuatu  
Dip. Water  
Advocate~~

GOVERNMENT OF INDIA  
NORTH EASTERN REGION FARM MACHINERY TRAINING & TESTING INSTITUTE  
TALUK: TUR NAGAR P.O., RUDNIPUR (M.P.) 466 415

No. 1-2/97-258

18  
10/01/2001

A 6

ORDER

The post of Agronomist (Group 'A' Gazetted) on pay scale of Rs. 10,000-325/- p.m. at Central Farm Machinery Training & Testing Institute, Budni (M.P.) alongwith the incumbent Shri S.K. Soren has been transferred to North Eastern Region Farm Machinery Training & Testing Institute, Biswanath Chariali, Distt. Sonitpur Assam vide G.O. Order No. 1-2/2000-My(A) dated 5-1-2001 with immediate effect (copy enclosed).

Now, therefore, it is ordered that Shri S.K. Soren, Agronomist shall leave his duties at this Institute on the afternoon of 10th January, 2001.

He is hereby directed to report for duty to the Director, North Eastern Region Farm Machinery Training & Testing Institute, Biswanath Chariali, Distt. Sonitpur, entitled for usual joining time and transfer TA etc. as applicable under G.O.

(S)

D.

S. M. Suresh  
Dilip Baruah  
Advocate

Telegram : TRAKCENTRE  
CHARIALI  
Box No. : (03715) 22094  
Telex No. : (03715) 22094  
(03715) 22942



50  
50

भारत सरकार

उत्तरी पुर्वी क्षेत्र कृषि यन्त्र प्रशिक्षण एवं परीक्षण संस्थान

कृषि मंत्रालय (कृषि एवं सहकारिता विभाग)

विश्वनाथ चारिअली : 784 176

जिला : शोणितपुर (অসম)

GOVERNMENT OF INDIA

NORTH EASTERN REGION FARM MACHINERY TRAINING & TESTING INSTITUTE

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

BISWANATH CHARIALI - 784 176

DISTT. - SONITPUR (ASSAM)

Dated

on the 24th March, 2001

Mr. Major Secretary (D.G. to the  
Ministry of India  
Secretary, Govt. of India  
Ministry of Agriculture  
Dept. of Agri. & Cooper.  
Dated 24th March  
2001 (S.M.T) 110 801

Mr. Chiragh Assumption report in respect of Shri S.K. Saxena,  
Agronomist, PFTIIT, Biswanath, Chariali (Assam)  
regarding.

Kindly,

I am in receipt of Ministry's letter No. 1-2/2000-IV (Adm)  
dated 3.1.2001 regarding transfer of Shri S.K. Saxena,  
Agronomist, PFTIIT, Please be this to this Institute alongwith post and  
let me have herewith the transfer assumption report, in duplicate,  
in respect of Shri S.K. Saxena, Agronomist at this Institute. The  
IITI has assumed the charge of the post of Agronomist at this  
Institute on the 24th March, 2001.

This is for information of the Ministry and for further  
action in the matter.

Yours faithfully,

Sd/-

P.D. KALSI  
DIRECTOR

~~1. Assistant  
2. Dist. Division  
3. Warcen~~

The Addl. Commissioner (Ag.), Government of India, Ministry of Agriculture, C. Deptt. of Agri., & Cooper. I, Krishibhawan, New Delhi-110 001 for information.

The Director, Central Farm Machinery Training & Testing Institute, P.O. Tractor Nagar, Budni (H.P.) with reference to his letter (No. 1-2/97-Estt) dated 10.1.2001 for information. It is requested that the Service book and LFC in respect of Shri S.K. Saxena, Agronomist, may please be sent to this Institute as early as possible.

The Pay & Accounts Officer, Ministry of Agriculture, C. Deptt. of Agri., 3, Esplanade, 234/2, N.P. Chambers, Acharya J.C. Bose Road, Kolkata-700020.

Shri S.K. Saxena, Agronomist.

*Sanjiv*  
DIRECTOR

*Sanjiv  
H.K.P. Verma  
10/12/2001*



GOVT. OF ASSAM.  
OF THE SUB-DIVISIONAL OFFICER (CIVIL).: BISWANATH  
SUB-DIVISION: BISWANATH CHARIALI  
(ELECTION BRANCH)

D.N.E. 30/97/DT/25

S.C. 705  
Dated the 22nd Feb/2001.

The Sub-Divisional Officer - North Farakha  
Design Farm Machinery

Sub :- Particulars of Officers and Staff

N.E.R.P.M.  
District Farakha  
Diary No. 12/30  
Date 12/30/01

You are aware that the forthcoming General Election to the State Legislative Assembly is scheduled to be held very shortly. For smooth functioning of the Election works, we will require services of large number of officers and staff. I would therefore, request you to furnish us with the detailed particulars of officers and staff under your control including that of yours as per the prescribed format sent herewith. While furnishing the information, you are requested to fill up all the columns to avoid further correspondences in the matter.

Your personal attention is drawn to the following important points to be observed carefully while furnishing the particulars of the officers and staff as per the format furnished.

- 1) If any officer/staff under your control suffering from Cancer/Tuberculosis/Leprosy etc./Physically handicapped it should be mentioned in the remarks column. However, you are to ensure that such officers/staff is to be certified by the authority competent to certify as such.
- 2) If any officer/staff whose particulars furnished by you is/are affiliated to any political inclination you are requested to make it a point in the proper column against his/her name.
- 3) As you are aware that Govt. servant can claim leave as matter of right, you are requested to ensure that no officer and staff under your control is allowed leave unless circumstances beyond one's control to warrant grant of such leave in special nature of circumstances.

Yours  
S. L. D. S.  
Sub-Divisional Officer

17/2/01

23( 2 ) 23

- 4) A certificate to the effect that no name of officers/staff under your control including that of yours is left out to incorporate in the statement is to be furnished in the bottom of the statement.
- 5) The detailed particulars of officers and staff should invariably reach the undersigned on or before 15th March 2001 without fail.

This may, please be treated ad. Election Urgent.

Encl :- As stated :

Format = 1 (one) sheet.

Yours faithfully,

*[Signature]* 27/2/2001  
Sub-Divisional Officer (Civil)  
and  
District Election Officer  
Biswanath Chariali

Memo No BNE-30/97/PT/250(A)

Dated the 27th Feb/2001

Copy for kind information to :-

1. The Deputy Commissioner, Sonitpur, Tezpur.
2. The Addl. Deputy Commissioner, Sonitpur and In-Charge, Gohpur Sub-Division, Gohpur.

Copy for information and necessary action to :-

1. The Inspector of Schools, Sonitpur, Tezpur. He is requested to furnish the list of all High Schools/ Higher Secondary Schools with its location under Biswanath & Gohpur Sub-Division including Sootea Mouza also urgently.
2. The Deputy Inspector of Schools, Biswanath.
3. The Block Elementary Education Officer, Biswanath/ Behali & Choiduar. They are requested to furnish the particulars of all teachers of all Schools under their control.
4. The Block Elementary Education Officer, Naduar Elementary Education Block. He is requested to furnish particulars of all teachers of all schools of Sootea Mouza under his control.

*[Signature]*  
Sub-Divisional Officer (Civil)  
and  
District Election Officer  
Biswanath

*[Signature]* 27/2/2001  
Sub-Divisional Officer (Civil)  
and  
District Election Officer  
Biswanath

24

No. P.A.G. (92)-1/2001/48

Government of India

N.G. Farm Machinery Training &amp; Test Centre

Bhavnagar (Karanji) (A.D.A.M.Y.)

A  
10

Date 15-3-2002

CIR CIRCLE

The Sub-Divisional Office, District Bhavnagar (A.D.A.M.Y.)  
 Pusnarki (Karanji) (A.D.A.M.Y.) has conveyed via  
 No. P.A.G. (92)-1/2001/48 dated 9-2-4-2001  
 Secretary to the Govt. of Gujarat, in accordance  
 instruction of the elected community, that

"No leave of any kind shall be granted  
 Officers / officials till the completion of election  
 and any leave already granted by the elected officials  
 may be cancelled."

aff concerned are directed  
 forward immediately

DISTRIBUTION

1. Government
2. Senior Officers
3. Agricultural Engineers (A)
4. Office Superintendent

Yours sincerely  
 Jitendra  
 Varshney

25

No. 1-2197-ESTT

Government of India  
Central Farm Machinery  
Training & Testing Institute  
Tractor Nagar, BUONI (M.P.) 466445

Dated the 24th May, 2001

Subject: List of inventory of Farm Section.

These are number of pump sets, irrigation pipe fittings, sprinkler sets, electrical motors etc. available in the farm section. Therefore a list of such inventory items may please be sent alongwith the handingover report/inventory register for record in office.

(T.K.Ashok Kumar)  
Administrative Officer  
for Director

Shri S.K. Saxena,  
Ex-Agronomist  
Camp-CFMT&TI, Budni (M.P.)

1. ~~Vanished~~  
2. ~~Shipwreck~~  
3. ~~Visceral~~

A/2

Annexure-A 12

A/2

To

Div. (Div.)  
CBMT 87-5  
BUDN: (M.P.)

Dt 25-5-01

Re:

With respectfull regards to  
Sri Shri. I. M. V. Venkatesh, an amateur  
in field of Geology, I request  
that : Central Boffice may kindly  
in deposit of its take over the  
possesion of quartz Type-I  
in form of 25th May, 2001.

Thank you

Yours faithfully

S. K. Laxmi

25/5/01

(S. K. Laxmi)

Aglo NBR Amravati

Camp CBMT

Budn

~~Vanessa~~  
S. K. Laxmi  
Budn

27/5/01

27/5/01  
C.F.M.T. ST. I  
BUDNI (MP)

At 27.5.01

Sir, Sub-List of inventory of farm  
estate - regarding.

Kindly inform your office letter  
NO 1-2/97 Ext. date 10th May 2001  
2001 and to submit the same with a  
charge banding order, respect of  
the following items of farm inventory  
Required of the farm for your people  
and office use.

Kindly arrange to send on  
1st week of June and 2nd week  
on permanent office N.F.M.T. ST. I  
Budni (Bihar) after the earliest  
possible as I am facing some  
financial hardship for any help  
from you for the above items.

Family expenses and other  
domestic requirement etc.

Thanking you, my regards faithfully

Encl. - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10  
(Challan No. 27/5/01  
Report) (S.K. LAXENA)

As per order  
N.F.M.T. ST. I  
Budni (Bihar)

(Copy - C.F.M.T. ST. I  
Budni (Bihar))

Sanjay  
Dip Ram  
Agarwal

Handingover/Takingover Report of Farm Section between to Shri H.L.Yadav, A.E. (T) & S.K.Saxena, Ex-Agronomist and Shri H.L.Yadav, A.E. (T) Preparation on 26/5/01

Sl. No.	Description	Qty.	Cost	Date	Location	receipt
1.	Electrical Motor 25hp, S.I. No. 6332-III-26 1400RPM 420 Volt 3 Phase 50 cycle make Kirloskar	1 No.	Rs. 1695	5-5-64	Side stream of G.Nala	
2.	Kirloskar 4UP2 Centrifugal pump Make Kirloskar	1 No.	Rs. 1572/-	5-5-64	-do-	
3.	Electrical Motor 40HP, 1460 RPM, 415V, 3Phase, 50cycle, S.I. No. 2790302-1 make Kirloskar	1 No.	Rs. 1890/-	7-9-79	Main Stream G.Nala	
4.	Centrifugal Pump SUP3M size 150x150mm S.I. No. 5378022	1 No.	Rs. 7916/-	7-9-79	dismantal conditions kept in farm store	
5.	Electrical Motor 40HP Crompton Greaves S.I. No. N20-480	1 No.	Rs. 4755/-	28-6-74	Kept in Farm store	
6.	Centrifugal pump SUP3 make- Kirloskar 5"x6"	1 No.	Rs. 2716.90	28-2-61	Main Stream in G.Nala	
7.	S.U. Submersible Pump 5hp S.I. No. 402	1 No.	-	-	Plot No. 10	
8.	MS. Pipe 6"	2900ft	Rs. 2900.00	18-8-75 30-B-74	Kept in Farm	
9.	Seed dressing Drum manually operated	1 No.	-	-	Kept at front of godown	
10.	SU Submersible Pump with Cable 6.5hp S.I. No. 12321 600L/M 400/440 Volt 4.85Kw delivery Head-29 meter 4 stage 50cycle RPM-2900	1 No.	Rs. 10819.07	-5/84	treated in open well plot No. 6	
11.	Electrical Motor 3Phase 50 cycles rpm-1440 2hp, S.I. No. K-3140073	1 No.	Rs. 1900.00	4-1-82		
12.	Winnower Machine	1 No.	Rs. 440/-	12-2-88	Kept in front of Godown	
13.	Drip Irrigation System	-	Rs. 14429.60	-	fitted in lemon of PH	
14.	Seed-Cum-Fertilizer drill Make Anil-Bina	1 No.	Rs. 12500/-	10-3-95	Kept in front of seed godown	
15.	Auto Transfamer for 25hp	1 No.	Rs. 21300/-	19-2-98	Kept in Farm store	
16.	Auto Transfamer for 40hp	1 No.	Rs. 22110/-	19-2-98	-do-	
17.	Water Sprinkler Equip. = 51 Nos. (1) 75 mm x 6mts Allum. Pipe and (2) 50 mm x 6mts Allum. Pipe and Other accessories	-	22.2.95	As best quantity of pipe & pipe valves by Sprinkler x part) to be Tanked over by off. acaben		
Handedover by						
S.K.Saxena (S.K.Saxena) 26.5.2001 Ex-Agronomist						
Camp. CFMT RT-5						
H.L.Yadav (H.L.Yadav) 26/5/01 Asstt.Engineer (T)						

Handed over by  
S.K.Saxena  
Ex-Agronomist

S.K.Saxena  
(S.K.Saxena) 26.5.2001  
Ex-Agronomist  
Camp. CFMT RT-5

H.L.Yadav  
(H.L.Yadav) 26/5/01  
Asstt.Engineer (T)

संकेत: ३-१/८२००-१-८८८८०

३८८ अप्रैल १९८० दिन का कुल अंतर ५१२-१८७ (२३) अप्रैल सोमवार  
१९८० का अप्रैल का दिन २३, सोमवार (३८८)

174-1165 2001

17. 7. 1957 21:45

1. बांसीर शिवाजी 10.1.2001 से 18.2.2001 तक 40 रुपये
2. जायकुल शिवाजी 17.2.2001 से 18.3.2001 तक 28 रुपये  
(ब्रह्मांडीता ने राशि 6. रुपये)
3. बांसीर शिवाजी 21.3.2001 से 4.6.2001 तक 15 रुपये

31/88 1997 द्वारा 31/88 1997 की तिथि पर्याप्त है।

26-<sup>मेरा</sup> दृष्टियांशु (असम)  
महाप्रशंसनीय दृष्टियांशु (असम)  
दृष्टियांशु (असम)  
दृष्टियांशु (असम)

1951

1. ~~Left~~ ~~Right~~ ~~Left~~ ~~Right~~ ~~Left~~ ~~Right~~ ~~Left~~ ~~Right~~

~~Vanished~~  
Philip Morris  
Vice President

Gram : TRAKCENTRE

Phone: 07564-34729

Fax: 07564-34743

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GOVERNMENT OF INDIA  
CENTRAL FARM MACHINERY TRAINING & TESTING INSTITUTE  
MIN. OF AGRI., (DEPTT. OF AGRI. AND CO-OPN.)  
TRACTOR NAGAR P.O., BUDNI (M.P.) 466 445

No. 1-2/97-Estt.

Dated : 23-05-2001

Subject: Outstanding dues in respect of Shri S.K. Saxena, Ex-Agronomist,  
CFMTTI, Budni (M.P.)

The following are outstanding against Shri S.K. Saxena, Ex-Agronomist,  
CFMTTI, Budni (M.P.)

I. LICENCE FEE:

		Licence Fee	Water Charges	Elect. Charges
i)	February, 2001	Normal	Rs.351/-	
ii)	March, 2001 (1.3.01 to 10.3.01)	Normal	Rs.113/-	Rs.4/-
iii)	March, 2001 (11.3.01 to 31.3.01)	Damages charges @Rs.50/- per Sq.m for 106 sq.m (Rs.5300/-)	Rs.3500/-	Rs.4/-
iv)	April, 2001	- do -	Rs.5300/-	
v)	May, 2001	- do -	Rs.5300/-	Rs.576/- (for 300 Units)
		Total Rs.	14,654/-	Rs.16/-

II. COST OF STORES:

i)	Cost of Calculator (Testing Section)	Rs.319-00
ii)	Cost of Book	270-00
iii)	Cost of Stores of Main Store	18-00
iv)	NDC from Estate Section is yet to be received.	TOTAL: Rs.607-00

Grand Total : Rs.15246/- + Rs.607/- = Rs.15,853/-

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30  
(T.K. ASHOK-KUMAR )  
ADMINISTRATIVE OFFICER  
for Director

Shri S.K. Saxena, Ex. Agronomist, Camp, CFMTTI, Budni (M.P.)  
Copy to: 1. Accounts Section  
2. Caretaker

for Director

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30  
V.M. 15/5  
J. S. P. M.  
Saxena

31

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Annexure B

NO. 1-3-1/2001-PF,  
The Director,  
North Eastern Region Farm Machinery  
Training & Testing Institute,  
Biswanath Chariali,  
Sonitpur (Assam)

Dated the 29th June, 2001

A15

MEMORANDUM

Kindly refer to the Letter No. 1-2/97-Estt. dated 1.6.2001, from Budni Institute regarding No demand Certificate in his favour.

In this Connection, it is Stated that as per above Letter a Sum of Rs. 14,490'00 only, are outstanding against his name and the same are to be deposited with this Office, so that the same may be remitted to Budni Institute by Demand draft.

He is requested to Please arrange to deposit the aforesaid amount of Rs. 14,490'00 only, with this Office, so that the same may be Sent to Budni Institute.

Shri S.K.Saxna,  
Agronomist

R.M.Tiwari  
29-6-2001  
( R.M.Tiwari )  
Asstt. Engineer (W)  
for Director

Copy to the Director, Central Farm Machinery Training  
Testing Institute, PC. Tractor Nagar, Budni(M.P.) - 466445  
with Referance to their Letter No. 1-2/97-Estt. dated 11.6.2001,  
forwarding Service book and LPG in respect of Shri S.K.Saxna,  
Agronomist, for information.

for Director

*Sanjiv  
Bijip Baruah  
Agronomist*

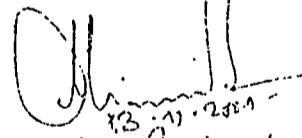
Mr. S. K. Sankar  
Government of India  
NER Baruipur Mercury Smelting & Refining Institute  
(Bharat Heavy Chemicals Limited)

Received the Bill No. 1001, 2001

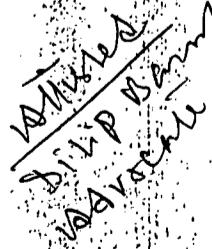
NOTE

In response to his application exhibit 296  
regarding changing of damage charges for type 6/1 glass  
by the Refining Institute, it is informed that the Refining  
Institute has suggested their revision vide their letter  
No. 1-3/97-834 dated 19/10/2001 to recover the  
amount of Rs. 10,490-00 only in 5 instalments.

In view of the above, it has been decided  
by the Comptroller Ministry of the Institute to recover  
the referred amount in 5 equal instalments of  
Rs. 2,098-00 p.m. from the month of November, 2001.

  
13.11.2001  
Sankar Sankar  
Dr. Director

S. K. Sankar,  
Administrator

  
S. K. Sankar  
Administrator

## GOVERNMENT RESIDENTIAL QUARTERS

1089

**Cancellation of allotment.**— The authority competent to allot residential accommodation may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation by the officer if the residence in occupation by the officer is required to be vacated.

[ SR 317-B-7 (2). ]

**Period for which allotment subsists.**— An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until—

- (a) the expiry of concessional period as given in the succeeding paragraph after the officer ceases to be on duty in an eligible office in the same station;
- (b) it is cancelled by the competent authority or is deemed to have been cancelled under any provision of the relevant rules;
- (c) it is surrendered by officer, or
- (d) the officer ceases to occupy the residence.

[ SR 317-B-11. ]

**Concessional period for further retention of residence.**— A residence allotted to an officer may be retained on the happening of any of the events specified in Column (1) of the Table below for the period specified in the corresponding entry in Column (2) thereto, if that residence is required for the bona fide use of the officer or members of his family.

TABLE

Events (1)	Permissible period for retention of the residence (2)
(i) Resignation, dismissal, removal or termination of service or unauthorized absence without permission	1 month.
(ii) Retirement or terminal leave	... 2 months on the normal licence fee and another 2 months on double the normal licence fee.
(iii) Death of the allottee	... 12 months. Additional period of 12 months on payment of normal licence fee if the deceased officer or his/her dependent does not own a house at the place of posting.

## Events

Permissible period for retention  
of the residence  
(2)

(1)

(iv) Transfer to an ineligible office at the station	2 months.
• (v) Transfer to a place outside the station	2 months.
(vi) On proceeding on foreign service in India	2 months.
(vii) Temporary transfer in India or transfer to a place outside India	4 months.
• (viii) Leave (other than leave preparatory to retirement, medical leave, maternity leave or study leave)	4 months.
(ix) Maternity leave	... For the period of maternity leave <i>plus</i> the leave granted in continuation subject to a maximum of five months.
(x) Leave preparatory to retirement or Earned Leave granted to Government servant who retired under FR 56 (f)	For the full period of leave on full pay subject to a maximum of 180 days in the case of leave preparatory to retirement and four months in other cases, inclusive of the period permissible in the case of retirement.
(xi) Study leave in or outside India	... For the period of leave but not exceeding six months, if he is in occupation of entitled type.
	For the entire period of leave, if he is in occupation of accommodation below his entitlement.
(xii) Deputation outside India	... For the period of deputation but not exceeding six months.
• (xiii) Leave on medical grounds	For the full period of leave.
(xiv) On proceeding on training	... For the full period of training.

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 Swamy's Establishment and Administration

**EXPLANATION.**— Where an officer on transfer or foreign service in India is sanctioned leave and avails of it before joining duty at the new office, he may be permitted to retain the residence for the period mentioned against items (iv), (v), (vi) and (vii) or for the period of leave, whichever is more.

Where a residence is retained under the above provision, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in an eligible office at the station.

An Officer who has retained the residence by virtue of the concession under item (i) to item (ii) of the above Table shall, on re-employment in an eligible office within the period specified in the said Table be entitled to retain that residence and he shall also be eligible for any further allotment of residence. But if the emoluments of the officer on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence.

[ SR 317-B-11 (2). ]

**Government servants working as United Nations Volunteers can retain Government accommodation for one year.**— It has now been decided that Government servants assigned to work in foreign countries as United Nations Volunteers may be allowed to retain Government accommodation for a maximum period of one year on payment of normal licence fee, provided the residential accommodation at his usual place of posting is required for *bona fide* use of his immediate family.

[ G.I., Dir. of Estates, O.M. No. 12035/12/95-Pol. II, dated the 18th November, 1997. ]

**Further retention of residence beyond the concessional period in special cases.**— An Officer, who was paying licence fee under FR 45-A may, in special cases, except in case of death, be allowed by the Directorate of Estates, to retain a residence for a period not exceeding six months beyond the period permitted under SR 317-B-11 (2).

[ SR 317-B-22 proviso. ]

**Recovery of licence fee during the concessional period and also during the further period permitted under SR 317-B-22.**— During the concessional period of retention under SR 317-B-11 (2), the licence fee shall be recovered at the normal rate at which the same was recovered before. In the cases of retention permitted under proviso to SR 317-B-22, as a special case, beyond the normal permissible period, licence fee may be recovered at twice the standard licence fee under FR 45-A or twice the pooled standard licence fee under FR 45-A, whichever is higher but not exceeding 30% of the emoluments (as defined in FR 45-C) last drawn by the officer. In case of an officer who was not paying licence fee under FR 45-A, he may be allowed to retain a residence for the same period on payment of twice the standard licence fee under FR 45-A or twice the pooled standard licence fee under FR 45-A, or twice the licence fee that he was paying, whichever is higher.

[ SR 317-B-22 proviso. ]

*Attested  
S. N. P. K. M.  
B. S. V. S. M.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

IN THE MATTER OF:

O.A. No. 473 of 2001.

Suresh Kumar Saxena.  
S/o Late Shri Mohan Lal Saxena  
Agronomist,  
North Eastern Region Farm  
Machinery Training & Testing  
Institute, Biswanath Chariali, Distt.  
Sonitpur, Assam

....Applicant

Vs.

1. Union of India, ...Respondents  
Represented by Secretary  
Agriculture, Deptt. of Agri. &  
Coop., Ministry of  
Agriculture, Krishi Bhawan,  
New Delhi

2. Shri S.C. Jain, Director,  
Central Farm Machinery  
Training & Testing Institute,  
Tractor Nagar, Budni(M.P.)

3. Director,  
North Eastern Region Farm  
Machinery Training &  
Testing Institute,  
Biswanath Chariali,  
Distt. Sonitpur, Assam

To Order Dtd. 9.1.01

23.3.01 - joined at ASSA  
retained upto last week of May -  
Family was in Bareilly  
11th March to May - Deval sent by Deval charged  
I, S.C. Jain, Director, Central Farm Machinery Training & Testing  
Institute, Tractor Nagar, Budni (Madhya Pradesh) do hereby solemnly  
affirm and say as follows:

1. That I am the Director, Central Farm Machinery Training & Testing  
Institute, Tractor Nagar, Budni (Madhya Pradesh), and as such fully  
acquainted with the facts and circumstances of the case. I have gone

Union of India & ors  
through -  
Suresh Kumar Choudhury  
9.4.02.

Adv. Control Govt.  
Suresh Kumar Choudhury

through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement, the other contentions and statements may be deemed to have been denied. I am competent and authorized to file this written statement on behalf of all the respondents.

2. That with regard to the statements made in para-1 of the application, the respondents beg to state that the order for recovery of Rs. 15,853/- vide No 1-2/97-Estt. Dated 23-5-2001 was revised vide No. 1-2/97-Estt. Dated 1-6-2001 and the amount thereby required to be recovered has been fixed at Rs. 14,490/- Therefore, the figure mentioned in the application by the applicant is incorrect . Hence, the petitioner is not legally entitled to any of the relief asked for in the para of O.A.
3. In reply to para 2, 3 and 4.1 of the O.A. it is submitted that the applicant has got no cause of action, therefore , question of limitation does not arise.
4. That with regard to the statements made in para 4.2 of the application, the respondents beg to state that the applicant was appointed as Agronomist at Central Farm Machinery Training & Testing Institute, Budni (M.P.) on 31-3-1997. He has a blemished career records at the Institute. Shri Saxena's activities turned to such an extent that made him unworthy of Government Official. The Annexure marked as R-1 and R-2 are some of the documents that supports the fact that the applicant had blemished career records at Central Farm Machinery Training & Testing Institute, Budni (M.P.) It will be pertinent to submit here that the said

Shri Saxena was transferred to the sister organization at Biswanath Chariali vide Govt . order No. 1-2/2000-My (Admn) dated 5-1-2001, with post. The answering respondents have reason to believe that it must be in the applicant's knowledge that he was transferred and to avoid service of the transfer order the applicant by creating a fictitious reason of illness of his mother, left the Institute by putting in an application through some one on 10-1-2001. Therefore, the averments made in para 4.2 are not admitted as correct, except that which has been stated herein above.

5. That the respondents have no comments to the statements made in para 4.3 of the application.

6. That with regard to the statements made in para 4.4 of the application, the respondents beg to state that the contention of the applicant is wrong and denied. The respondent have knowledge that the applicant was moving in the corridors of the Ministry seeking to get his transfer order cancelled by higher authorities. Para No.5 of the Annexure-R-2 may kindly be perused.

7. That with regard to the statements made in para 4.5 of the application, the respondents beg to state that the same are concocted and denied, The applicant's leave applications bear the address of his native place and the native postman had made markings on the envelope that was returned by the post office that " the addressee not found inspite of repeated attempts and indirectly refused". This is a circumstantial evidence that supports the view elucidated in the herein above mentioned para that the applicant was trying to contact higher authorities in the

Ministry during this period. Further more, when the applicant has sent the leave application to Budni, the question of enquiring about the leave sanctioning matters from the Ministry never arises. This statement itself construes that he had prior knowledge about his transfer and to avoid serving of the order he played the whole drama. The averment in this para, therefore, lacks merit and accordingly unsustainable in the eye of law. The Annexure- R-3 and R-3(a) proves that Shri Saxena manipulated to avoid receipt of communication addressed to him from the Institute sent by post.

8. That with regard to the statements made in para 4.6 of the application, the respondents beg to state that the applicant is a permanent Government servant and even though joined the Assam Institute nothing bars him from going to Budni and properly hand over his charge of stock and stores and other logistics held by him. The statements are incorrect and not sustainable in the eye of law, hence the same are denied.

9. That with regard to the statements made in para 4.7 of the application, the respondents beg to state that handing over charge held by an officer is not a private function and therefore, there was no question of availing leave. On a few days tour he could have very well visited Budni and handed over the charge which he failed to do. The averment made in this para is an after thought. Therefore, the contention in this para is devoid of merit, and denied.

This amount is due from Saxena to the Government which has been calculated perfectly in accordance with the rules.

13. That with regard to the statements made in para 4.11, of the application, the respondents beg to state that the applicant has exceeded his brief in alleging that the respondents are not aware of the provisions of rules. All relevant facts and rules were taken into consideration by the answering respondents while ordering the recovery from the applicant. An enquiry against the applicant was contemplated in the Ministry and as a first step he was transferred with post to Assam Institute. This was in full knowledge of the applicant. The transfer order of Shri Saxena was received in this office on the afternoon of 9-1-2001 and the information was spread in the office as it was not a confidential information. This fact must have very well come to the knowledge of the applicant and to avoid service of the transfer order, in the early hours of the next day i.e. 10-1-2001 after giving an application to some other officer in the campus he went on alleged leave. The answering respondent has information that the applicant was very well available at Hoshangabad, a near by town till the afternoon of 10-1-2001. Such desertion of one's post has the effect of absconding from duties. Therefore, for all practical purposes, the applicant was absconding from the station and he was in no way on leave. Thus, Shri Saxena is not entitled for retention of accommodation for the period that a Government servant is entitled while on leave. The sickness and further application for extension all are wrong and denied. Further, as already averred ibedem for handing over charge, there was no need of availing any leave from the work place. Shri Saxena could have arrived at Budni on duty for the purpose. The applicant was maintaining a milching cow with its calf and

10. That with regard to the statements made in para 4.8, of the application, the respondents beg to state that before proceeding to Assam from his native place, the applicant should have visited Budni and handed over the entire charges and logistics held by him and got himself cleared. In all probability the applicant must have been in the hope of getting his transfer cancelled and when the same did not take place, eventually he came to Budni in the last week of May, 2001 and handed over the charges including the official residence held by him.

11. That with regard to the statements made in para 4.9, of the application, the respondents beg to state that the communication last received from the applicant in the office of the answering Respondent No.2 dates back to 20-2-2001. Thereafter, the respondents had no knowledge of the whereabouts of the applicant till he physically joined Assam Institute on 22<sup>nd</sup> March, 2001. In order to regularize his services and to save break in his service career the Respondent NO.3 found it humane to grant the leave.

12. That with regard to the statements made in para 4.10, of the application, the respondents beg to state that an amount of Rs. 14,490/- was ordered to be recovered from the applicant as hereunder:-

i)	Licence fee and water charges (from Feb . to 10th March,2001)	Rs. 472/-
ii)	Damage charges for over stayl (from 11 <sup>th</sup> March to 25 <sup>th</sup> May,2001)	Rs. 13,164/-
iii)	Water charges for April & May, 2001	Rs. 8/-
iv)	Electricity charges from January to 25 <sup>th</sup> May, 2001	Rs. 576/-
v)	Cost of Library book lost	Rs. 270/-
<b>TOTAL</b>		<b>Rs. 14,490/-</b>

one of the rooms of the Type-V quarter allotted to him was filled with cattle feed chaff (Bhusa) (Photographs of the room where Bhusa was kept (Annexure R-4). He had milk business and for the purpose used to engage a labourer, the quarter alongwith the cow and calf was left in the care of the said labourer when he absented from the campus on 10<sup>th</sup> January, 2001 till his arrival in Budni in the last week of May, 2001. It may also kindly be stated here that the family of Shri Saxena was stationed already at his home town in Bareilly (U.P.). Therefore, the answering respondents have reason to believe that the applicant retained the residential accommodation allotted to him purposely with dishonest intention. The averments in this para therefore cannot be sustained in the eye of law and are not admitted as correct.

14. That with regard to the statements made in para 4.12, of the application, the respondents beg to state that the applicant has erroneously and wrongly interpreted the provisions of relevant rules. He is not entitled for the concession of 4 months to retain a residential accommodation at the original station on transfer as he did not keep his family in the campus at Budni. This facility is given to those who are on temporary transfer whereas the applicant was transferred with post, it was in no way temporary. Further, the applicant was not on leave. He absconded from Budni on the morning of 10-1-2001 after somehow gaining information about the transfer order that was received in the office on the afternoon of the previous day (i.e. 9-1-2001), in order to avoid service of the said order. As already averred in the herein above mentioned para, an enquiry against the applicant was in motion in the Ministry about which he must have obtained information and he must have thought it to be out and created the entire episode of sickness of his

mother and of self in order to escape from the consequences. The said applicant was transferred with post and relieved of his duties at Budni on 10<sup>th</sup> January, 2001 and was not on the rolls of Budni Institute effective from 10-1-2001. The controlling officer of Shri Saxena was Director, NERFMTTI, Biswanath Cheriali, Assam and the leave matters were to be dealt with by that Institute. On a purely humanitarian consideration in order to save his service career and avoid break in service, Shri Saxena was granted leave by the Respondent No. 3. Such granting of leave has no merit to make him entitled for retention of Government accommodation beyond the permissible period. The applicant, therefore, had no claim for retention of the accommodation at Budni. Further more, by maintaining prior knowledge of the transfer the entire facts stated by him are wrong and denied except which are specifically admitted herein above. The narration in this para, therefore, warrants no merit and not legally tenable.

15. That with regard to the statements made in para 4.13 of the application, the respondents beg to state that the respondent No.2 did not act in his personal capacity as alleged. The allegation of Shri Saxena that the respondent No.2 developed ill-feeling against the applicant is a baseless, false and totally wild charge. The charge is absolutely wrong and therefore, denied. Relevant provisions of Central Civil Services (Conduct) Rules, 1964 as amended from time to time stipulates that no public servant shall engage in any kind of trade or business. The applicant was running a milk business in his official residence. An Under Secretary from the Ministry of Agriculture conducted an enquiry against the applicant by personally visiting the Institute. Milk trade by the said Shri Saxena was, inter alia, a charge that was probed into. The enquiry

officer from the Ministry proved the said charges. The applicant suppressed material facts and furnished wrong information before this Hon'ble Tribunal, in as much as the point that neighbouring colleagues were distributed extra milk free of cost. This theme of distributing milk free of cost is an after thought of the applicant to escape from consequences. The contention is wrong and denied. Further, the applicant converted one of the rooms of his official residence, a beautiful bungalow type Type-V quarter, a Chaff-cow fodder store. At the time of personal examination of the site by the enquiry officer, a photograph of the room showing "Bhusa" was also taken. A scanned computer print of the same is enclosed herewith as Annexure R-4. The respondent No. 2 in his capacity as Director and Head of the Department, who is also the controlling officer of Shri Saxena had acted in good faith and perfectly in accordance with rules, administrative ethics and managerial decorum. Such petty behaviour from an officer of the rank of a Group 'A' level like Shri Saxena is hardly expected. No ill-will, grudge or malice was shown against the applicant by the Respondent No. 2. The narration of Shri Saxena is, therefore, absolutely denied and cannot be sustained, in the eye of law.

16. That with regard to the statements made in para 4.14, of the application, the respondents beg to state that once a recovery is ordered that has to be implemented and accordingly arrangements are to be made to effect the same. Therefore, it was decided to commence the recovery @ Rs. 2,898/- starting from the month of November, 2001 from his salary. Nobody has stopped Shri Saxena from drawing the salary of November, 2001 who intentionally, voluntarily and willfully refused to accept the salary for which the Respondents should not be made responsible. It is

incorrect to say that the applicant was not given any notice or opportunity to explain his stand. The Respondent No. 3 issued a memorandum to the said effect vide No. 3-1/2001-PF dated 29<sup>th</sup> June, 2001 which the applicant did not respond. A copy of the said memorandum is enclosed herewith as Anneuxre R-5. The applicant's allegation to this effect is therefore, wrong and denied.

17. That with regard to the statements made in para 4.15, of the application, the respondents beg to state that the Govt. dues have to be paid by the concerned employee. Therefore, the submission in the para of O.A. is not sustainable, and the same is denied.

18. That with regard to the statements made in para 5.1, of the application, the respondents beg to state that the recovery order was issued in all bonafides, rightly in accordance with Govt. rules and therefore, it is not illegal or arbitrary and is sustainable in law. So the contention of the applicant is wrong and denied.

19. That with regard to the statements made in para 5.2, of the application, the respondents beg to state that the respondents have not taken any action whimsically or malafide. The recovery order was issued after considering all aspects of the relevant rules and provisions and it is legal. The contention of the applicant is wrong and denied.

20. That with regard to the statements made in para 5.3, of the application, the respondents beg to state that the Respondents No. 2 in the capacity of Director of the Institute acted bonafide and there is no personal grudge or ill-will against the applicant. Running private trade or

business by a Govt. servant, in the instant case by a Group 'A' service officer, is in contravention to the relevant provisions of the Conduct Rules and administrative action had to be taken in wider public interest. No officer can be allowed to convert the residential quarters into a cattle shed. The activities of the said applicant reached to such an extent that it was absolutely unbecoming of a Govt. Officer. A detailed observation and findings against Shri Saxena's work and conduct was already submitted to the Administrative Ministry which is narrated in Annexure-R-1. The Adverse CR communication by the competent authority vide Govt. letter No. 8-18/2000-My(Admn.) dated 14.11.2000 is a crystal clear proof against the said Saxena's work and conduct. Therefore, transferring the applicant with the post to Biswanth Cheriali was a mild administrative action taken by the competent authority. A copy of the adverse communication of CR is annexed as Annexure – R-6. The allegation levelled by the applicant are wrong and denied.

21. That with regard to the statements made in para 5.4 of the application, the respondents beg to state that the recovery order was issued in accordance with the provisions of the relevant rules and in wider public interest. Therefore, it sustains in law. The contention of the applicant is wrong and denied.

22. That with regard to the statements made in para 5.5, of the application, the respondents beg to state that the narration in this para is denied. Shri Saxena was given sufficient time as evident from Annexure – R-5. Therefore, no principles of natural justice is violated.

25. That the respondents state in reply in para 6 and 7 that the applicant did not exhaust the departmental remedies, the O.A. is liable to be dismissed on this score too.

26. That with regard to the statements made in para 8 of the application, the respondents beg to state that in view of the facts and circumstances explained and evidence adduced through annexures, the O.A. deserves to be dismissed. The applicant is not entitled to any of the reliefs prayed for by him.

27. That with regard to the statements made in para 9, of the application, the respondents beg to state that the applicant is not entitled to any interim relief. It is prayed before the Tribunal that the interim stay order against the commencement of the recovery may kindly be vacated so that the Govt. revenue could be recovered from the defaulter.

28. That the applicant is not entitled to any relief sought for on the application and is liable to be dismissed with costs.

23. That with regard to the statements made in para 5.6 of the application, the respondents beg to state that the Government dues can be rightly recovered from any employee from his monthly salary in accordance with the rules. In the case of Shri Saxena, this was applied bonafide. No provisions of Article 21 of the Constitution of India is violated. The order very well sustainable in law.

24. That with regard to the statements made in para 5.7, of the application, the respondents beg to state that as already submitted in one of the herein above mentioned paras the applicant's work conduct and behaviour turned out to be unbecoming of a Govt. servant, rather he proved himself to be a persona non-grata and the Govt. as a first step taken only a mild action in transferring Shri Saxena from Budni to Biswanath Chariali. There is nothing malafide in it. As already averred ibidem Shri Saxena had prior knowledge about his leaving the station after putting in a leave application through someone to the office on 10<sup>th</sup> January, 2001 and further over stay in his home town was all a manufactured episode. The imposition of damage charges for retention of the Govt. residence in his custody beyond permissible period is rightly in accordance with relevant provisions of the rules. His narration in this para, therefore, does not stand legal scrutiny and accordingly unsustainable in law and denied.

## VERIFICATION

I, S.C. Jain, Director, Central Farm Machinery Training & Testing Institute, (Ministry of Agriculture, (Dept. of Agriculture & Co-opn.), Tractor Nagar, Budni(M.P.) being authorised and competent to sign the verification do hereby solemnly affirm and state that the statements made in paragraphs 1 to 28 are true to my knowledge and belief, those made in paragraphs 1 to 28 being matters of records are true to my information derived there from and the rests are humble submissions before the Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this the 2<sup>nd</sup> day of April, 2002 at Guwahati.



Deponent

S.C. Jain  
Director  
Central Farm Machinery Training & Testing Institute  
Tractor Nagar  
Budni (M.P.)

Krishi Bhavan, New Delhi.  
Dated the 24th October, 2000.

Memorandum

The functioning of Agriculture Section in the Central Farm Machinery Training and Testing institute, Budni has been reviewed and the following has been brought to the notice of this Department:-

- (i) Shri S.K.Saxena, Agronomist in the aforesaid Institute failed to ensure the sowing of gram and wheat at the farm of the aforesaid Institute, during November-December, 1999, in spite of the fact that all the facilities required for timely and proper sowing were available at the Institute. The delay caused in sowing resulted in poor yield, thereby causing financial loss to the Institute.
- (ii) The aforesaid Shri Saxena failed to supervise, effectively, harvesting of paddy at the farms of the Institute as a result of which two different varieties of seeds got mixed up. The lapse in mixing up of different varieties of seeds resulted in rejection of the consignment by the National Seeds Corporation which again caused financial loss to the Institute.
- (iii) The aforesaid Shri Saxena also failed to take necessary remedial measures for treatment of disease-affected fruit trees at the campus of the Institute and refused to comply with the instructions for planting trees alongside the newly constructed road at the farm of the Institute and for undertaking cultivation of paddy at the farm of the Institute.
- (iv) The aforesaid Shri Saxena engaged casual workers for periods exceeding six months without observing the prescribed procedure regarding verification of employment exchange registration cards, etc. The services of some of the casual workers were utilized by Shri Saxena for personal purposes and he also obtained illegal financial gratification from such casual workers for releasing their wages.
- (v) The aforesaid Shri Saxena has been misappropriating the wheat and fertilizers available at the farm of the Institute for personal purposes and he has been carrying on private trade of milk distribution while being in the services of the Institute.
- (vi) In submitting his replies to the communications addressed to him by the Director of the Institute, the aforesaid Shri Saxena has used intemperate and offensive language.

Shri S.K. Saxena, Agronomist is required to furnish his version on the points mentioned above. The reply of Shri Saxena should reach the undersigned within 15 days of the receipt of this memorandum, failing which it would be presumed that he has nothing to say in this regard and necessary further action shall be taken accordingly.

Sd:

(S.V. Singh)  
Director (My)

Shri S.K.Saxena,  
Agronomist,  
Central Farm Machinery Training and Testing Institute,  
Budni (M.P.)

→ Copy to the Director, Central Farm Machinery Training & Testing Institute, Tractor Nagar, P.O. BUDNI (M.P.)- 466 445 for information.

S.V. Singh  
( S.V. SINGH )  
Director ( Machinery )

Attended  
S.V. Singh

Phone: 07564-34729

Fax: 07564-34743

GOVERNMENT OF INDIA  
CENTRAL FARM MACHINERY TRAINING & TESTING INSTITUTE  
TRACTOR NAGAR (P.O.), BUDNI (M.P.) 466-445

No. 1-2/97-Estt

Dated: 26-7-2001

Shri Y. Tsering,  
Director (Machinery)  
Ministry of Agriculture,  
(Dept. of Agri. & Co-opn)  
Krishi Bhawan,  
**NEW DELHI- 110001**

**Subject: Representation dated 27-4-2001 of Shri S.K.Saxena, Agronomist, FMTTI, Assam**

Sir,

Reference is invited to your letter No.1-2/2000-My(Admn) dated 9<sup>th</sup>/10<sup>th</sup> July,2001 enclosing therewith a representation of Shri S.K.Saxena, Agronomist of Assam Institute for comments. My views are as under:

1. Owing to some complaints lodged by a casual labour to Agriculture Minister and others against Shri S.K.Saxena, the then Agronomist of this Institute, an enquiry was conducted by the Ministry and Shri R.Tiwari, Deputy Commissioner(Machinery) was sent on 26<sup>th</sup> June,2000 for the enquiry. Again for verification of few more charges against Shri Saxena another officer from the Ministry Smt. Renu Jain, Under Secretary(Machinery) also visited this Institute and conducted an enquiry on 26-12-2000.
2. During the preliminary enquiry the charges levied against Shri S.K.Saxena, were established and therefore it was decided by the Ministry to transfer him immediately. Since Shri Saxena was trying to influence the witnesses at the Institute, the then Director(Machinery) informed the undersigned on telephone that as soon as the transfer order of Shri Saxena is received by the Institute, he should immediately be relieved. The transfer order of Shri S.K.Saxena was received at this Institute in the afternoon of 9<sup>th</sup> January,2001 and accordingly it was decided to relieve him on 10<sup>th</sup> January,2001(FN). In the mean time, Shri S.K.Saxena also came to know through his own resources that he is being relieved on 10<sup>th</sup> January,2001(FN), therefore he planned to leave the Institute on 10-1-2001 morning leaving behind an application for 3 days Casual leave on the ground of sickness of his mother. Though, Shri Saxena left the premises of the Institute in the early morning of 10<sup>th</sup> January,2001, but he was seen in the Budni Town and Hoshangabad upto 4.00 PM on the same day. As per information available at the Institute he boarded the G.T. Express train at 4.30 PM on 10-1-2001 from Hoshangabad Railway Station.
3. Since Shri Saxena deliberately ran away from the Institute there was no go but to issue relieving order in his absence. Accordingly he was relieved on 10<sup>th</sup> January,2001 and the transfer order was sent to his home Address at Bareilly (UP) by registered post. The registered cover

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received back un-delivered with the following remarks by the post office that "they have tried for 3 days but the addressee refused to accept it".

Shri Saxena did not turn up to this Institute and sent a fax message indicating that his leave may be extended upto 19<sup>th</sup> February,2001. On receipt of his fax, through a registered letter addressed to his home address he was informed that he has already been transferred to Assam Institute and his leave application may be sent to Assam Institute. The said letter also received back un-delivered by this Institute on 12<sup>th</sup> March,2001 with the remark from the post office that "continuously for 4 days they have tried at different timings but the addressee is not available".

4. His allegations that he joined on 22<sup>nd</sup> March,2001 at Assam Institute after availing leave and his salary was not released till date of dispatch of appeal ( dated 22-4-2001) is also half truth, because as per rule before joining at Assam Institute it was necessary for him to hand over the charges at Budni and clear all the dues. For the reason best known to Shri Saxena he preferred not to follow the said procedure of the Government.

However, this is for your kind information that Shri Saxena came to this Institute on 26<sup>th</sup> May,2001 and handed over his charge and there after his LPC was released. Now he has already received his salary.

5. From the details given it is apparent that he has intentionally given wrong information to the Ministry. It is also not out of place to mention that during the period when he remained absent on the ground of illness of his mother, he has contacted the Additional Commissioner(Machinery) and other Senior Officers in the Ministry, to get his transfer order cancelled.

6. It is also not out of place to mention that Shri Saxena was using the quarter for the purpose other than the residence. Documentary evidence of photographs and witnesses established that he stored huge stock of chaff in the living rooms of the quarter and therefore till it has not been disposed off, he has not vacated the quarter, which is nothing but against the allotment rules. Therefore as per norms on the subject he was charged the damage charges for the quarter occupied by him beyond the normal permissible period.

In the light of above it is clear that there is nothing objectionable and malafide intention behind his transfer or withholding his LPC, Service Book, damage charges for the Govt. quarter etc.

Yours faithfully,

  
(S.C. JAIN)  
DIRECTOR

Sc

Y.S.N.  
26/3/01

Regd. - P

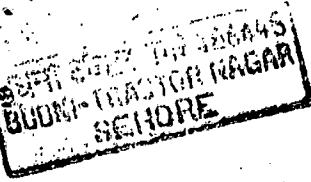
ANEXURE - R-3

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To

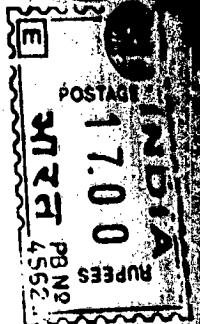
Shri. S. K. Saxena

No. 6, Shiv Sagar Flats Colony  
Udaipur Khagri (Poem Nagar)  
BAGETTLY (U.P.)



भारत सरकार  
स्वास्थ्य लूपि मालिका  
विकापन एवं संरक्षण संस्था  
क्रमांक १०८ सर्वेक्षण संस्था

Attested  
P.M. Chawla

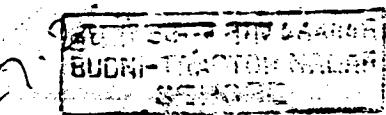


Mr  
S/1/C  
G/1/C  
10/1/62  
Andhra Pradesh  
Budhna

Regd AD -

ANNEXURE - R-3(a)

Shri S. K. Sarker,  
6, Shiv Sagar Awas Colony  
Prem Nagar,  
Bareilly (U.P.) 243005

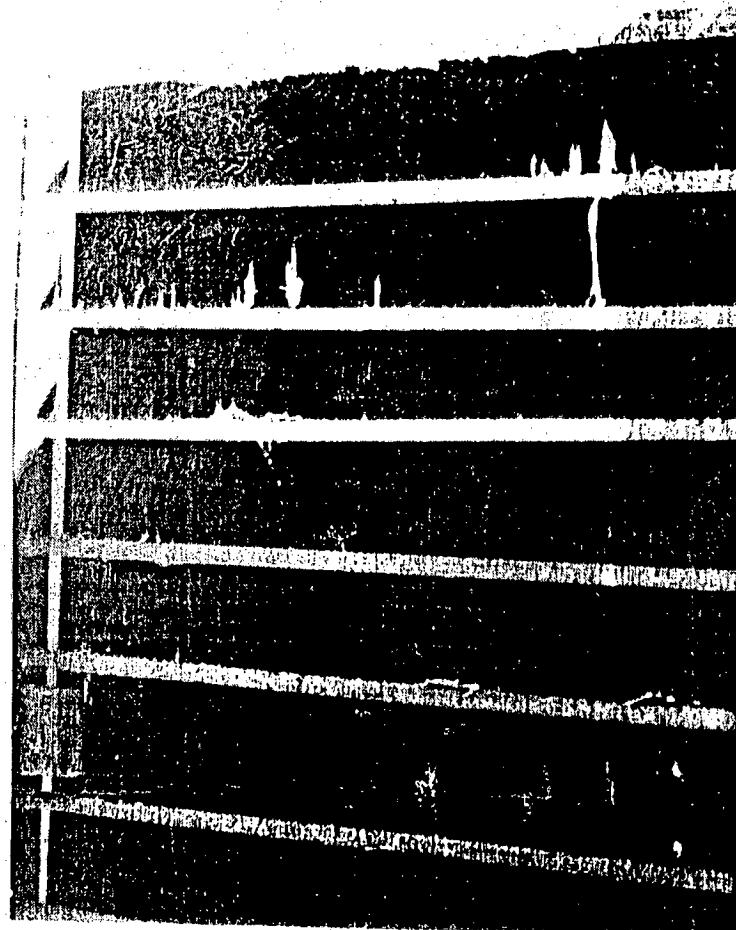


प्रादृश्य विभाग  
मुख्यमंत्री का लियोनरी  
प्रादृश्य एवं उद्योग विभाग  
प्रधानमंत्री का लियोनरी



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Annexure B. A.  
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DRAWING ROOM OF Mr. S.K. SAXENA, EX-AGRONOMIST,  
CFMT&TI, BUDNI  
(Photo taken on 30<sup>th</sup> April, 2001)

Abheek  
S.K. Chark

NO. 3-1/2001- PF.

The Director,

North Eastern Region Farm Machinery  
Training & Testing Institute,  
Biswanath Chariali,  
Sonitpur (Assam)

28-8-2001

Ref. No. 348

AO

27.8.

Dated the 29 June, 2001

MEMORANDUM

Kindly refer to the Letter No. 1-2/97-Estt. dated 1.6.2001, from Budni Institute regarding No demand Certificate in his favour.

In this Connection, it is Stated that as per above Letter a Sum of Rs. 14,490'00 only, are outstanding against his name and the same are to be deposited with this Office, so that the same may be remitted to Budni Institute by Demand draft.

He is requested to Please arrange to deposit the aforesaid amount of Rs. 14,490'00 only, with this Office, so that the same may be Sent to Budni Institute.

Shri S.K.Saxna,  
Agronomist

( R.M.Tiwari )  
Asstt. Engineer (W)  
for Director

✓ Copy to the Director, Central Farm Machinery Training & Testing Institute, PO. Tractor Nagar, Budni(M.P.) - 466445 with Reference to their Letter No. 1-2/97-Estt. dated 11.6.2001, forwarding Service book and LPC in respect of Shri S.K.Saxna, Agronomist, for Information.

29-6-2001  
for Director

Attested  
J. K. Chakraborty

BY REGISTERED POST

CONFIDENTIAL

ट्रॉफो/Phone : 3382011

3388911

टेलेक्स/Telex : 31-65054 AGRI IN

फैक्स सॉ/Fax No.:

Telegram : अग्रीइंडिया "ए"

AGRINDIA "A"

भारत सरकार  
 GOVERNMENT OF INDIA  
 कृषि मंत्रालय  
 MINISTRY OF AGRICULTURE  
 कृषि एवं सहकारिता विभाग  
 DEPARTMENT OF AGRICULTURE & COOPERATION

कृषि भवन, डॉ. राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110001  
 KRISHI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI-110001

रिकार्ड/Dated : 15.11.2000

No. 8-18/2000-My. (Admn.)

Dated the 14th November, 2000.

MEMORANDUM

Subject:- Communication of Adverse remarks in the Confidential Report of Shri - S.K. Saxena, Agronomist at Budni Institute for the period from 1.4.1999 to 31.3.2000.

The substance of the remarks recorded in the Annual Confidential Report for the period from 1.4.1999 to 31.3.2000 on the performance of Shri S.K. Saxena, Agronomist, is hereby communicated to him for information and guidance.

Nature and quality of work.

"Though he has described his duties as planning of farm activities in scientific manner but the output shown in Part II-2, clearly speaks that he has failed to achieve the targets, specifically in Rabi season and orchard. His total farm expenditure are more than two times the revenue received".

Quality of output.

"The quality of work is far below the satisfaction. Yield is very poor due to late sowing of wheat and gram. Has not made any effort to recommission defunct tubewells which ultimately got recommissioned by others. The old mango trees in the campus got dried due to negligence."

Knowledge of sphere of work

"The output of the crop is an indication that he is not perfect in his job. Repeatedly the output figures of last 3 years confirms my observation. He may be suitable for any other job but not as Agronomist for Budni Institute."

Temperament

"He is in habit of getting provoked even during normal working conditions."

Technical competence

"Has limited knowledge. Makes no efforts to use new techniques, new crop cycles etc. Ability to formulate projects and draw up schemes."

Ability to monitor the progress of projects and ensure timely implementation, promptness in disposal of work.

"Negatively charged and shows no intention to complete the job in time, resulting into loss to Government."

Readiness to Assume responsibility.

"Has no interest to take higher responsibility."

Relationship with colleagues.

"Except a few, he does not have good relations with his colleagues & subordinates."

Commitment to the task assigned.

"cannot be trusted."

Devotion to duty

"Purposely does not show interest."

Intellectual honesty :

"He may be able to deliver in right spirit but does not show any sign due to reasons best known to him. The result is except the routine work, that too, belated, no other new work or idea has been observed."

Overall assessment of performance of qualities

"An average officer, who does not take the advice of his seniors in the right spirit and correct himself. Due to his inept handling of the Farm, the production has come down."

3. These remarks are communicated to Shri S.K. Saxena, Agronomist in the hope that he will take them in the correct and proper perspective. However, if he has anything to say in this regard, he may submit his representation, if any, within 30 days of the receipt of this Memorandum, failing which, it will be assumed that he has nothing to say in the matter.

25/8/2022  
( S.V. SINGH )  
Director ( Machinery )

Attested  
S.V. SINGH