

GUWAHATI BENCH
GUWAHATI-05

5

(DESTRUCTION OF RECORD RULES, 1990)

E.P-02/2008 order sheet pg-1 to 6
Judgment Copy pg-1 to 3

INDEX

Disposed date-20/02/09
C.P-08/2009 order sheet pg-1 to 4
Disposed date-06/11/2009

O.A/T.A No...133/2001.....
R.A/C.P No. 08/2009.....
E.P/M.A No. 02/2008.....

1. Orders Sheet. O.A.-133/2001.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 01/03/2002.....Pg. 1.....to 6.....allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....133/2001.....Pg. 1.....to 37.....
5. E.P/M.P. 02/2008.....Pg. 1.....to 28.....
6. R.A/C.P. 08/2009.....Pg. 1.....to 20.....
7. W.S. submitted by the Respondents.....Pg. 1.....to 9.....
8. Rejoinder submitted by the applicant.....Pg. 1.....to 12.....
9. Reply Affidavit in E.P-02/08.....Pg. 1.....to 18.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance. Memorandum submitted in C.P-8/09. Pg-1 to 18
12. Additional Affidavit. Reply Respondents No. 2 in C.P-8/09. Pg-1 to 10
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

Verification Report in E.P-02/08
Pg-1 to 7

SECTION OFFICER (Judl.)

C.P-08/09 Judgment Copy
Pg-1 to 5

FORM NO.4
(See Rule 42)

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

ORDER SHEET

Original APPLICATION NO133.....OF 2001.

Applicant (S) Sri Utpal Sutradhar

Respondent (S) V.O.I Gov

Advocate for Applicants (s) Mr. Sankari Das

Advocate for Respondent (s) C.B.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time Coordination Petition is filed not filed vide M. P. No. C. F. for Rs. 50/- deposited vide IPO/BD No. H653165000028000 Dated.....15.3.2001.....</p> <p><i>Dr. Registrar.</i></p>	23.5.01	<p>Admit. Issue notice. Call for the records. Notice returnable on 27.6.2001.</p> <p>List on 27.6.01 for further orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Required not yet filed. Hence notice not issued to the Respondent.</p> <p><i>12/6/01</i></p>	27.6.01	<p>List on 3.8.01 for filing of written statement and further orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Copy of the application received and issue.</p> <p><i>NS 14/8/2001</i></p>	3.8.01	<p>Office to inform the party/learned counsel for filing the requisites. List on 31.8.2001 for further orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>

23.5.01

Admit. Issue notice. Call for the records. Notice returnable on 27.6.2001.

List on 27.6.01 for further orders.

[Signature]
Vice-Chairman

trd

NS 24/5/2001

List on 3.8.01 for filing of written statement and further orders.

[Signature]
Vice-Chairman

lm

3.8.01

Office to inform the party/learned counsel for filing the requisites. List on 31.8.2001 for further orders.

[Signature]
Vice-Chairman

Notice prepared and sent to D/S for Govt the Respondent trd

No 1704 by Regd ALO vide D/No 3067 to 3050 dtd 16/8/01

14/8/01

31.8.01

List on 3.10.2001 to enable the respondents for filing of written statement

bb

Vice-Chairman
By Order

A. K. S.
21/8

3.10.01

List again on 21.11.2001 to enable the respondents to file written statement.

No. written statement
has been filed

By
20.11.01

[Signature]
Vice-Chairman

bb

21.11.01

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

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

[Signature]
Vice-Chairman

29. 11. 2001

W/s submitted
by the respondents. trd

19.12.01

Written statement has been filed.

Let this case be listed for hearing on 25.1.01. The applicant may file rejoinder if any, within 3 weeks from to-day.

[Signature]
Vice-Chairman

Rejoinder has been
filed by post from
Agartala at P-47
to 58. ^{1m}

25.1.2002

Mr. A. Deb Roy, learned Sr. C.G.S.C. mentions that he received a call from Ms. Sankari Das, learned counsel for the applicant informing about her inability to be present today. Accordingly, Mr. Roy requests for adjournment on behalf of Ms. Das.

Prayer is accepted. List the case for hearing on 1.3.2002.

[Signature]
Member

Copy of the respondents
are kept in 'C' file.

NS
17/01/02

The case is ready
for hearing.

bb

By
24.1.02.

O.A. No. 133/2001.

Notes of the Registry	Date	Order of the Tribunal
<div>Received copy for the applicant 26/3/02</div> <div>26.3.2002</div> <div>Copy of the Judgment handed over to the applicant as well as to the Dr. CSSE. for the Registrar 27/3</div>	1.3.02	<div>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.</div> <div>Vice-Chairman</div>

mb

4

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 133 of 2001.

Date of Decision. 1-3-2002...

Sri Utpal Sutradhar

Petitioner(S)

Miss Sankari Das

Advocate for the
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

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

Advocate for the
Respondent(s)

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

THE HON'BLE

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

Judgment delivered by Hon'ble : Vice-Chairman.

/

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 133 of 2001.

Date of Order : This the 1st Day of March, 2002.

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

Sri Utpal Sutradhar,
Carpenter,
Weaver's Service Centre,
Ministry of Textiles,
Agartala.

. . . Applicant

By Advocate Miss Sankari Das.

- Versus -

1. Union of India,
represented by the Development Commissioner
for Handloom, Ministry of Textile,
Govt. of India (Udyog Bhavan),
New Delhi-11.

2. Director, Weaver's Service Centre,
Ministry of Textiles,
I.I.H.T. Campus, Jawahar Nagar,
Khanapara, Guwahati-22.

3. Deputy Director,
Weaver's Service Centre,
Gurkhabasti, Agartala-6.

4. Assistant Director,
Office of the Development Commissioner
for Handlooms, Govt. of India,
Ministry of Textiles,
Udyog Bhavan,
New Delhi-11.

. . . Respondents.

By Sri A. Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

The controversy raised in this application relates to the regularisation of the period spent in study and also legality of the order dated 28.2.2001 refixing the date of substantive date of appointment of the applicant in the following circumstances.

The applicant was appointed as a Carpenter, a Group C post in the pay scale of Rs.950-1500/- in the Weaver's Service Centre, Indian Institute of Handloom

Technology, Agartala against the quota earmarked for physically handicapped vide order dated 8.1.88 with effect from 7.12.87. By order dated 6.6.95 eight persons working in the Weavers Service Centre, Indian Institute of Handloom Technology under the Eastern Zone were appointed in substantive capacity in the post with effect from the date shown against each. The name of the applicant appeared at serial No.7 to the post of Carpenter and the date of substantive appointment was shown as 1.4.88. While the applicant serving as such he applied for admission to 3 years DHT course in the Indian Institute of Handloom Technology at Varanasi on non stipendiary basis. His application was forwarded by the department and accordingly office order No.J-11011/1/91.WSC/E-II dated 26.7.91 was issued. granting permission to the applicant to take admission on non stipendiary basis in the first year of 3 years diploma course of DHT during the academic year 1991-92. The applicant accordingly left for Varanasi to the knowledge of the authority and joined in the Institute. The applicant by his application dated 12.8.91 wrote to the officer in charge Weavers Service Centre, Agartala to issue a no objection certificate as was insisted by the authority and also issue a formal relieving order with effect from 9.8.91 from the Weaver's Service Centre, Agartala. In this application he mentioned about his application dated 9.8.91 for granting study leave and joining his course. The applicant completed his course in due time and came back to Agartala where he was also directed to impart training to the trainees weavers under Hill Area Project and Project packages scheme in addition to his normal duties until further orders. The applicant completed his course and obtained diplome in Handloom Technology from the Indian Institute of Handloom Technology, Varanasi. In the meantime the respondents authority by order dated 15.7.92 ^{turned} came down

his application for granting study leave on the ground that he did not complete 5 years of service and he had also not completed the period of probation. The applicant is getting his salary without any increments and by the impugned order dated 28.2.2001 the applicant's substantive appointment as a Carpenter was refixed from 7.6.90 by cancelling the order dated 6.6.95 wherein the date of substantive appointment of the applicant was shown as 1.4.88. In this application the applicant has sought for a direction on the /authority for regularising the period spent in study and release his arrears which was not paid during the study period and also prayed for quashing the order No. WSC/GAU/AGT/15(1)/2001/947 dated 28.2.2001.

2. The respondents submitted its written statement and contested the claim. According to the respondents the applicant was appointed as Carpenter, a Group C post of Weaver's Service Centre in a temporary capacity against physically handicapped quota. It was also admitted that by order dated 6.6.95 the applicant was made regular but the same order was issued through oversight and when the matter came to the notice of the authority the same was corrected by another order dated 2.3.2001 in the form of corrigendum. It was also stated that the applicant was allowed to take admission into the diploma course at his own risk and interest and DHT course has no relation with the nature of duty of the applicant in any way. No study leave was granted to the applicant by the competent authority vide order dated 15/16.7.92 and as per leave rules the applicant was not entitled to such leave as he did not complete 5 years of regular service. The respondents also stated that no doubt the applicant applied for relieving order and no objection certificate but no such order/certificate was issued in favour of

the applicant. In the written statement the respondents mentioned that 18 days leave was granted to the applicant with effect from 12.8.91 to 29.8.91 and again 42 days leave without pay was also granted to the applicant from 30.8.91 to 10.10.91. After availing 60 days leave worked in the office from 11.10.91 to 8.11.91 and then left for Varanasi on 10.11.91. Thereafter he again joined on duty on 5.5.92 after availing 178 days EOL (without pay) with effect from 9.11.91 to 4.5.92. The applicant worked in the office from 5.5.92 to 21.7.92. The applicant again left for Varanasi and rejoined the office in 1994. During the period for which the applicant worked and the period for which E.L was granted he was paid salaries. For the period between 21.7.92 to 1994 no leave was granted to the applicant and from 5.5.92 to 5.5.94 no increment was also granted to him.

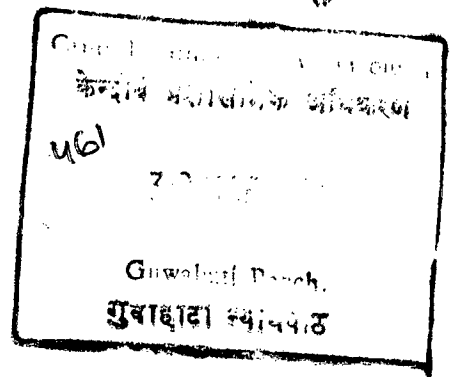
3. I have heard Miss Sankari Das, learned counsel for the applicant at length and also Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents. Miss Das, learned counsel for the applicant submitted that the respondents acted in a most illegal fashion overlooking the relevant considerations. Miss Das submitted that the for undergoing the diploma course in Handloom technology the applicant applied through proper channel. His application was forwarded and in due course the applicant was recommended for granting admission on a non stipendiary basis as per the order of the respondents and also issued in the public interest. There is no justification for not giving him the study leave as admissible. Mr Deb Roy, learned Sr.C.G.S.C on the other hand submitted that the respondents rightly rejected the study leave of the applicant as he did not complete the 5 years regular service

and the period of probation and referred to the rules relating to the conditions for grant of study leave. Chapter VI of the Central Civil Services (Leave) Rules 1972 provides conditions for grant of study leave. Rule 52 of the said rules pertains to application for study leave. Rule 53 relates to sanction of study leave. Admittedly the application of the applicant was processed and thereafter the competent authority including the respondents, the Government of India, Ministry of Textiles recommended the applicant for taking admission on non stipendiary basis. Naturally when order was issued the applicant joined the course with the knowledge of the respondents. Under sub-rule 5 of Rule 50(i) study leave may be granted to the Government servant who has satisfactorily completed the period of probation and has rendered not less than five years regular service including the period of probation under the Government. The applicant was appointed earlier in a substantive capacity vide order 6.6.95 and he was assigned with higher responsibility. Legal policies are laid down in the rules. In the circumstances the respondents instead of taking a sententious view ought to have looked into the substance of the rule and necessarily grant him the study leave. Mr Deb Roy, learned Sr.C.G.S.C submitted that study leave has also a prescribed limit which ordinarily be for 12 months at a time and when it is a fit case for extending the benefit. The applicant by now has already completed the course and there was not justification for not regularising the period of absence. The respondents are accordingly directed to regularise his leave period by granting him study leave as admissible, or in aid of the provision of the leave rules. The applicant cannot be denied with increments and the

due salary only on the ground mentioned. The higher education itself is an asset to the department and the department can use and take benefit from his skill and educational qualification. I also do not find any justification for changing the date of substantive appointment of the applicant from 1.4.88 to 7.6.90. The substantive appointment was fixed on 1.4.88 and no reason assigned as to how it was again changed without taking the applicant into confidence. In the circumstances the impugned communication dated 28.2.2001 refixing the date of substantive appointment of the applicant as 7.6.90 in place of 1.4.88 is set aside and quashed. The respondents are directed to regularise the period of absence during his training with all benefits of pay and allowances.

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


(D.N.CHOWDHURY)
VICE CHAIRMAN



To,
The Registrar,
Central Administrative Tribunal
Gauhati Bench.
Assam.

Sub: Application in Form No.1 of the Central Administrative Tribunal
(Procedure) Rules, 1987.

Shri Utpal Sutradhar.....133..... Applicant.

-VERSUS-

Union of India and others..... Respondents

Sir,

An application in form No.1 of Central Administrative Tribunal (Procedure) Rules, 1987, is sent herewith by registered post for presentation before the Hon'ble Tribunal.

The applicant is not getting salary since September last and the matter is being very urgent the application may kindly be placed before the Bench with due intimation to the applicant as to the date of admission and hearing.

It is relevant to mention here that my advocate on record shall remain out of station till 5-4-2001 and date of admission and hearing may kindly be fixed thereafter.

Yours faithfully
Utpal Sutradhar.

(UTPAL SUTRADHAR)
West Pratapgarh, post office
Arundhutinagar, West
Tripura, Agartala-799003,
Tripura.

Received by
post 3 copies
with Bank draft
Rs. 50/-
WS
29/3/01

Title of the Case :-

INDEX

Sl.Nos.	Description of documents relied upon	Page No.
1.	Application	1- 8
2.	Xerox copy of Appointment order - <u>Annexure-A1</u>	9
3.	Xerox copy of Orthopaedically Handicapped Certificate issued by the Special Medical Board - <u>Annexure-A2</u>	10
4.	Xerox copy of appointment in substantive capacity w.e.f. 01/04/88 - <u>Annexure-A3</u>	11
5.	Xerox copy of Office memorandum regarding Grant of admission in I.I.H.T. - <u>Annexure-A4</u>	12
6.	Xerox copy of a letter dt.09/08/91 in response to the letter dt.27/07/91 - <u>Annexure-A5</u>	13
7.	Xerox copy of a prayer for a No Objection Certificate from the Agartala Office by the applicant - <u>Annexure-A6</u>	14
8.	Xerox copy of a letter dt.31/10/91 by the applicant reference to the letter No.WSC/GAU/AGT/15(1) /91/1188 dt.23/10/91 - <u>Annexure-A7</u>	15
9.	Letter dated 31.10.91 in response to annexure 7. - <u>Annexure-A8</u>	16
10.	Xerox copy of joining report dt. 05.05.92. - <u>Annexure-A9</u>	18
11.	Xerox copy of prayer for granting of G.P.F. advance dt.05/06/92 - <u>Annexure-A10</u>	19
12.	Xerox copy of sanction order(G.P.F.) No.WSC/AGT/P-61/92/1575 dt.03/08/92 - <u>Annexure-A11</u>	20
13.	Xerox copy of a letter No.J-11011/5/88 /E.II/DCH dt. 15/07/92 regarding the non-granting of study leave - <u>Annexure-A12</u>	21
14.	Xerox copy of a certificate of Diploma in Handloom Technology issued by IIHT - <u>Annexure-A13</u>	22
15.	Xerox copy of office order No.WSC/AGT /Esdttts.-1(22)/95/248 dt.08/02/95 - <u>Annexure-A13(I)</u>	23

15

Sl.Nos.	Description of documents relied upon	Page No.
16.	Xerox copy of representation to the Development Commissioner for Handloom dt.02/08/96 - <u>Annexure-A14</u>	24
17.	Xerox copy of a representation dt.16/05/99 - <u>Annexure-A15</u>	26
18.	Xerox copy of a memorandum No. WSC/AGT./Accts-3(1)/2000/389 dt.07/03/2000 - <u>Annexure-A16</u>	28
19.	Xerox copy of a letter dt.13/03/2000 reference to memorandum No.WSC/AGT./Accts-3(1)/2000/389 dt.07/03/2000 - <u>Annexure-A17</u>	29
20.	Xerox copy of a memorandum No.WSC/AGT./P-61/2000/1741 dt.29/11/2000 - <u>Annexure-A18</u>	30
21.	Xerox copy of a letter dt.01/12/2000 reference to memorandum No.WSC/AGT./P-61/2000/1741 dt.29/11/2000 - <u>Annexure-A19</u>	31
22.	Xerox copy of a memorandum No.WSC/AGT./15(1)/99/62 dt.03/01/2001 - <u>Annexure-A20</u>	32
23.	Xerox copy of a memorandum No.WSC/GAU/Agt-15(1)/2001/566 dt.07/02/2001 - <u>Annexure-A21</u>	33
24.	Xerox copy of a letter dt.21/02/2001 reference to memorandum No.WSC/GAU/Agt-15(1)/2001/566 dt.08/02/2001 - <u>Annexure-A22</u>	34
25.	Xerox copy of a reminder dt.27/02/2001 - <u>Annexure-A23</u>	35
26.	Xerox copy of a Invitation card of marriage - <u>Annexure-A24</u>	36
27.	Xerox copy of corrigendum No. No.WSC/GAU/AGT-15(1)/2001/947 dt.02/03/2001 - <u>Annexure-A25</u>	37
28.	Vkalatnama	

Utpal Sutradhar.

For use in Tribunal's Office	Signature of the applicant
Date of filing 4.4.2001 or Date of receipt by post 2.4.2001 Registration No. O.A. 133/2001	Signature of the Registrar

utpal sutradhar
by
Sanjay Das.
Advocate
26.3.2001

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUAHATI BENCH**

Sri Utpal Sutradhar

S/O Lt. Dinabandhu Sutradhar

Of West Pratapgarh, P.S. West Agartala

P.O. Arundhutinagar, Agartala

West Tripura; now working as Carpenter under the Deputy

Director, Weaver's Service Center, Ministry of Textiles,

Indranagar, Agartala - 6

..... Applicant

Vs.

1. Union of India
Represented by the Development Commissioner for Handloom;
Ministry of Textile, Govt. of India (Udyog Bhavan);
New Delhi-110011.
2. Director, Ministry of Textiles, Weaver's Service Center, I.I.H.T. Campus,
Jawahar Nagar, Khanapara, Guwahati-22
3. Deputy Director, Weaver's Service Center,
Gurkhabasti, Agartala-799006.
4. Assistant Director, Office of the Development Commissioner for
Hand looms; Govt. of India, Ministry of Textiles.
Udyog Bhavan, New Delhi - 110011.

..... Respondents

DETAILS OF APPLICATION

A. Jurisdiction of the Tribunal :

The applicant is serving as a Carpenter at Weaver's Service Center, Indranagar, Agartala, under the Ministry of Textiles & as such Hon'ble Tribunal has jurisdiction to entertain the case.

B. Limitation :

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

C. Facts of the Case :

The applicant most humbly and respectfully begs to SHEWETH as under :-

- 1) That the applicant was appointed Carpenter, a Group-C post in a temporary capacity against physically handicapped quota in the pay scale of Rs.950-20-1150-EB-25-1500 w.e.f. 07.12.87(F.N.) at Weaver's Service Centre(WSC), Indranagar,Agartala, under the Ministry of Textiles,Govt. of India vide appointment order No.WSC/GAU/Admn-1(23)/87/124 dt.8/1/88.

The copies of the appointment order and physically handicapped certificate are annexed herewith and are marked as Annexure-A1 & A2.

The applicant was appointed in a substantive capacity in the same post w.e.f. 01/04/88 i.e. within 4(four) months his service was made regular vide order No.WSC/GAU/DMN/1(27)/Part-III/94/1252 dt.06.06.95 under sl.no.7.

The copy of the said order is annexed herewith and marked as Annexure-A3.

- 2) That the applicant in 1991 applied for admission in 3(three) year Diploma in Hand Loom Technology course(DHT),a technical education after passing of which further education in this domain is only available in Manchester(the UK) and unquestionably this course is directly and closely connected with the sphere of his duty. And for this DHT course the applicant through proper channel applied to the Indian Institute of Hand Loom Technology(IIHT),Varanasi, a pioneer one not only in India but also in Asia.

Subsequently he was recommended by his department for public interest and was granted admission on Non-Stipendiary basis in the 3(three) year DHT course by the Deputy Development Commissioner for Handlooms vide office Memorandum No.J-11011/1/91-DCM/E-II dt.26/07/91.

The copy of the said office memorandum is annexed herewith and marked as Annexure-A4.

- 3) That in response to the letter dt.27/07/91(Annexure-A4) of the Deputy Development Commissioner the applicant applied for Study leave to the Deputy Director WSC,Indranagar,Agartala for prosecuting studies.

by
 Sanjay Das.
 Advocate
 26.3.2001
 W.P. Subrahman.

The copy of the letter is annexed herewith and marked as

Annexure-A5.

- 4) That the applicant got himself admitted in I.I.H.T., Varanasi, on 12/08/91 and was continuing his studies there. I.I.H.T. required a 'No Objection' Certificate from his department for regularisation of his admission and also required the issuance of formal release orders w.e.f. 09.08.91(AN) from Weaver's Service Centre, Agartala. Accordingly, the applicant applied for, to the officer-in-charge, WSC, Agartala.

The copy of the aforesaid prayer is annexed herewith and marked as Annexure-A6.

- 5) In the meantime being forced by financial constraints and also as the institution as well as the mess was suddenly closed for an indefinite period the applicant coming back to Agartala joined his parent office. Then he was asked by the Director, Department of Textiles vide letter No.WSC/GAU/AGT/15(1)/91/4188 DT.23/10/91 to explain under what circumstances the applicant left Varanasi without the permission of the Director, I.I.H.T., Varanasi.

The copy of the aforesaid letter is annexed herewith and marked as Annexure-A7.

In response to the aforesaid letter the applicant elucidated the entire situation which forced him to come back and join the parent office vide letter dt.31.10.91(Annexure-A8).

Again on 5.5.92 because of the closure of the institution following the completion of annual examination he came back and joined at his parent office.

The copy of the joining report dt.5.5.92 is annexed herewith and marked as Annexure-A9.

- 6) Being a poor salaried employee for prosecuting the 3(three)-year D.H.T. course he first applied for G.P.F. advance on 7.8.91 but unfortunately it was not favoured with. Again on 5.6.92 he applied for G.P.F. advance amounting to Rs.4200/- (Rupees four thousand two hundred only).

Fortunately on 3.8.92 a temp. G.P.F. advance of Rs.4400/- was granted.

It was particularly stated in the sanction order No.WSC/AGT./P-61/92/1575 dt.3.8.92 that "to enable to defray expenses in connection with the higher education for 3(three) year diploma course" - this advance was granted.

The copy of the prayer by the applicant for the sanction of the G.P.F. advance and the aforesaid sanction order are enclosed herewith and marked as Annexure-A10 &A11.

- 7) That surprisingly on 15/07/92 the applicant was informed of the non-sanctioning of study leave on the ground that he did not complete 5(five) years service and also did not satisfactorily complete the period of provision.

The copy of the letter dt.15/07/92 by Assistant Director is annexed herewith and marked as Annexure-A12.

- 8) That instead of non-sanctioning of study leave the applicant was prosecuting 3(three) years DHT course because when he was informed of non-sanctioning of study leave instead of the recommendation of his own department, one year already lapsed by.

In 1994 he completed his course successfully. And on return he reported the same in detail to his department.

The copy of the D.H.T. certificate issued by the I.I.H.T. is annexed herewith and marked as Annexure-A13.

- 9) That following the successful completion of D.H.T. course launched by I.I.H.T. by the applicant, the Deputy Director asked the applicant to impart training to the trainees weaver's under the Hill Area Project & Project Packages Scheme in addition to the normal duties of applicant to which the D.H.T. degree which the applicant has successfully completed is a prerequisite for worthy of being considered for imparting training to the trainee weavers as aforesaid. And accordingly the applicant has been performing the aforesaid duty in addition to his normal duty till today.

The copy of the office order No.WSC/AGT./Esstts. - 1(12)/95/248 dt.8/2/95 is annexed herewith and marked as Annexure-A13(i).

- 10) That instead of making several representations regarding the sanction of study leave the apathy and inertia of the authority towards the applicant remains the same. Moreover, his four increments from the year 1991 to 1995 were stopped which seems penal in disguise. As a result of which his current salary is fallen short and is not at par with the other employees entered the same post at the same time.

20
 upad Subrahmanya
 by
 Sanjay Das
 Advocate
 26.3.2001

The copies of the representations dt.02/08/96 and 16/05/99 are annexed herewith and marked as Annexure-A14 & A15.

- 11) That when the applicant found that all his efforts were futile he to protest silently stopped taking salary for the month of Feb.2000. But when a memorandum dt.07/03/2000 No.WSC/AGT./Accts.-3(1)/2000/389 dt.07/03/2000 was issued in the name of the applicant he received the salary for the month of Feb.2000.

The copy of the aforesaid memorandum and the copy of the letter dt.13/0/2000 in response to the aforesaid memorandum are annexed herewith and marked as Annexure-A16 & A17.

- 12) That still department did not take any step to mitigate the applicant's grievances. Again to protest silently he stopped taking salary for the months of Sept.2000 & Oct.2000 and for that again another memorandum was issued No.WSC/AGT./P-61/2000/1741 dt.29/11/2000(Annexure-A18) in addition to that one illegal opinion was passed, that "it seems to be he has source of income other than salary".

Perhaps to camouflage the authority's own fault and failure to sanction the applicant's increments in proper manner they passed such illegal comment. In response to the said memorandum the applicant wrote one letter dt.01/12/2000 addressed to the Deputy Director, WSC(Annexure-A19).

- 13) That on 03/01/2001 another memorandum No.WSC/GAU/AGT-15(1)/99/62 (Annexure-A20) was issued regarding the non-acceptance of salary for the month of Sept. & Oct.2000.

On receipt of the said memorandum and due to acute financial stringency the applicant informed the deptt. that he is willing to receive the salary. But unfortunately he was not given his salary yet, for which he already rendered services.

Again on 07/02/2001 he got another memorandum No.WSC/GAU/Agt.-15(1)/2001/566 dt.07/02/2001(Annexure-A21) regarding the same matter. Again he vide letter dt.21/02/2001(Annexure-A22) informed the authority that he is agreeable to receive the salary from September last.

It is very unfortunate for a poor salaried employee like the applicant who is running his family being half fed and clad is not getting salary as yet for which he has been rendering services.

- 14) That in the mean time the marriage of one of the applicant's younger sisters who is fully dependent on him, was fixed on 16/02/2001. So on 11/01/2001 he applied for G.P.F. advance. But unfortunately from the other end no response came. So he was bound to defer

the date of the marriage and it is fixed in the month of March 2001. Again on 27/02/2001 he gave one reminder regarding the same. Still no response came.

The copy of the reminder dt.27/02/2001 and an invitation card of the marriage card are enclosed herewith and are marked as Annexure-A23 & A24.

- 15) That the respondents remain always indifferent to the applicant and acting in a non-challant way is evident from the fact that the respondents have once declared the applicant to be in employment in substantive capacity w.e.f. 01/04/88 by a letter dt.06/06/95(Annexure-A3) and subsequently made departure by declaring the applicant to be in employment in substantive capacity w.e.f.07/06/90 by a letter dt.02/03/2001(Annexure-A25). All such acts of the respondents unequivocally speak that the respondent has been acting at their caprices and whims. In this away the respondents are acting in contradiction and utter violation of the law of approbation and reprobation.

D. Grounds for relief with legal provision :-

From the facts narrated herein above, it is obvious that gross injustice has been done to the applicant for no fault of himself regarding non-sanctioning of study leave, non-sanctioning of G.P.F. advance at the time of genuine urgency and stoppage of giving salary. Natural justice demands that the study leave be regularised soon and the G.P.F. advance be sanctioned urgently and his monthly salary be disbursed expeditiously.

It is admitted that the applicant was appointed in a substantive capacity in the post of Carpenter w.e.f. 1.4.88 by an order of respondent no.2 ; No.WSC/GAU /DMN/1 (27)/Part-III/94/1252 dt. 06/06/95 (Annexure-A3), thereafter respondent no.2 without any reason issued a corrigendum No.WSC/GAU/AGT/15(1)/2001/947 dt.02/03/2001 in Annexure-A25 modifying the Annexure-A3 showing the substantive appointment of the applicant w.e.f. 07/06/90.

When the respondent no.2 appointed the applicant in substantive capacity by Annexure-A3 w.e.f. 01/04/88 thereafter respondent no.2 has no right or authority to modify the earlier order in Annexure-A3 by issuing corrigendum in Annexure-A25 after the lapse of 6(six) years reducing the length of regular service without assigning any reason and without giving the applicant an opportunity of being heard. And as such Annexure-A25 is unconstitutional, violative of the principle of equality guaranteed by Art.14 of the constitution, violative of the principle of natural justice and as such Annexure-A25 is void ab initio and liable to be quashed.

E. Details of the remedies exhausted :-

The applicant declares that he has availed of all the remedies available to him. He submitted several representations regarding his all grievances from time to time including reminders other

than persistent oral submissions to the authority concerned. Such prayers, representations, reminders etc. are annexed herewith and marked as annexures-A14,A15,A17,A19. And the outcome is hopelessly negative.

F. Matters not previously filed or pending with any other court :-

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

G. Relief sought :-

In view of the facts mentioned above the applicant prays for the following reliefs :-

- Rule 10
- i) To pass order regularising the period spent for study and to release the arrears pay which has not been paid as yet with all other consequential benefits.
 - ii) To pass order asking the respondent to allow him to draw the monthly salary as usual with back wages w.e.f September 2000. ✓
 - iii) To pass order asking the respondent to release the G.P.F. amount claimed by him for the purpose of marriage ceremony of his sister vide his application dated 27/02/2001. ✓ ~~not~~
 - iv) To pass order quashing corrigendum No.WSC/GAU/AGT/15(1)/ 2001/947 dt.28/02/2001 and declared it void ab initio. (Ans 25 p37)

AND

To pass any such further or other order as the Hon'ble tribunal may deem fit and proper for the ends of justice.

H. Interim order :-

The respondent may be asked to release the monthly salary of the applicant as usual with back arrears of salary from September 2000 which he had been drawing before the said month.

AND

23

Utpal Sutradhara

by

Sankar Das
Advocate
26.3.2001

Also the respondent may be asked to release his G.P.F. amount as claimed by the applicant vide the petition dt.27/02/2001.

I. List of enclosures :-

- i) Annexures A1 to A25.
- ii) Bank Draft No.MOT/H 653165 000028000 dt.15/03/2001
- iii) Vokatnama
- iv) Self addressed envelop-1(one).
- v) File sized envelopes with addresses of the respondents no.1 to 5
-5(five) nos.

VERIFICATION

I, Sri Utpal Sutradhara S/o Lt. Dinabandhu Sutradhara
aged about 36 years working as Carpenter in the office of Weaver's Service Centre,
Indranagar, Agartala resident of West Pratapgarh, P.S. West Agartala, P.O. Arundhutinagar, Agartala,
West Tripura do here by verify that the contents of paras 1 to 15 are true to my personal knowledge and
that I have not suppressed any material fact.

Date: 26-03-2001

Place: Agartala

Utpal Sutradhara

Signature of the applicant

INDEX

Sl.Nos.	Description of documents relied upon	Page No.
1.	Application	1- 8
2.	Xerox copy of Appointment order - <u>Annexure-A1</u>	9
3.	Xerox copy of Orthopaedically Handicapped Certificate issued by the Special Medical Board - <u>Annexure-A2</u>	10
4.	Xerox copy of appointment in substantive capacity w.e.f. 01/04/88 - <u>Annexure-A3</u>	11
5.	Xerox copy of Office memorandum regarding Grant of admission in I.I.H.T. - <u>Annexure-A4</u>	12
6.	Xerox copy of a letter dt.09/08/91 in response to the letter dt.27/07/91 - <u>Annexure-A5</u>	13
7.	Xerox copy of a prayer for a No Objection Certificate from the Agartala Office by the applicant - <u>Annexure-A6</u>	14
8.	Xerox copy of a letter dt.31/10/91 by the applicant reference to the letter No.WSC/GAU/AGT/15(1)/91/1188 dt.23/10/91 - <u>Annexure-A7</u>	15
9.	Letter dated 31.10.91 in response to annexure 7. - <u>Annexure-A8</u>	16
10.	Xerox copy of joining report dt. 05.05.92. - <u>Annexure-A9</u>	18
11.	Xerox copy of prayer for granting of G.P.F. advance dt.05/06/92 - <u>Annexure-A10</u>	19
12.	Xerox copy of sanction order(G.P.F.) No.WSC/AGT/P-61/92/1575 dt.03/08/92 - <u>Annexure-A11</u>	20
13.	Xerox copy of a letter No.J-11011/5/88 /E.II/DCH dt. 15/07/92 regarding the non-granting of study leave - <u>Annexure-A12</u>	21
14.	Xerox copy of a certificate of Diploma in Handloom Technology issued by IIHT - <u>Annexure-A13</u>	22
15.	Xerox copy of office order No.WSC/AGT /Esdtt.-1(22)/95/248 dt.08/02/95 - <u>Annexure-A13(I)</u>	23

Sl.Nos.	Description of documents relied upon	Page No.
16.	Xerox copy of representation to the Development Commissioner for Handloom dt.02/08/96 - <u>Annexure-A14</u>	24
17.	Xerox copy of a representation dt.16/05/99 - <u>Annexure-A15</u>	26
18.	Xerox copy of a memorandum No. WSC/AGT./Accts-3(1)/2000/389 dt.07/03/2000 - <u>Annexure-A16</u>	28
19.	Xerox copy of a letter dt.13/03/2000 reference to memorandum No.WSC/ AGT./Accts-3(1)/2000/389 dt.07/03/2000 - <u>Annexure-A17</u>	29
20.	Xerox copy of a memorandum No.WSC/ AGT./P-61/2000/1741 dt.29/11/2000 - <u>Annexure-A18</u>	30
21.	Xerox copy of a letter dt.01/12/2000 reference to memorandum No.WSC/ AGT./P-61/2000/1741 dt.29/11/2000 - <u>Annexure-A19</u>	31
22.	Xerox copy of a memorandum No.WSC/ AGT./15(1)/99/62 dt.03/01/2001 - <u>Annexure-A20</u>	32
23.	Xerox copy of a memorandum No.WSC/ GAU/Agt-15(1)/2001/566 dt.07/02/2001 - <u>Annexure-A21</u>	33
24.	Xerox copy of a letter dt.21/02/2001 reference to memorandum No.WSC/ GAU/Agt-15(1)/2001/566 dt.08/02/2001 - <u>Annexure-A22</u>	34
25.	Xerox copy of a reminder dt.27/02/2001 - <u>Annexure-A23</u>	35
26.	Xerox copy of a Invitation card of marriage - <u>Annexure-A24</u>	36
27.	Xerox copy of corrigendum No. No.WSC/ GAU/AGT-15(1)/2001/947 dt.02/03/2001 - <u>Annexure-A25</u>	37
28.	Vkalatnama	

Utpal Sutradhar.

For use in Tribunal's Office	Signature of the applicant
Date of filing or Date of receipt by post Registration No.	Signature of the Registrar

28
utpal sutradhar
by
Sankari Das
Advocate
26.3.2001

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUAHATI BENCH**

Sri Utpal Sutradhar
S/O Lt. Dinabandhu Sutradhar
Of West Pratapgarh, P.S. West Agartala
P.O. Arundhutinagar, Agartala
West Tripura; now working as Carpenter under the Deputy
Director, Weaver's Service Center, Ministry of Textiles,
Indranagar, Agartala

..... Applicant

Vs.

1. Union of India
Represented by the Development Commissioner for Handloom;
Ministry of Textile, Govt. of India (Udyog Bhavan);
New Delhi-1100011.
2. Director, Ministry of Textiles, Weaver's Service Center, I.I.H.T. Campus,
Jawahar Nagar, Khanapara, Guwahati-22
3. Deputy Director, Weaver's Service Center,
Gurkhabasti, Agartala-799006.
4. Assistant Director, Office of the Development Commissioner for
Hand looms; Govt. of India, Ministry of Textiles.
Udyog Bhavan, New Delhi - 110011.

..... Respondents

DETAILS OF APPLICATION

A. Jurisdiction of the Tribunal :

The applicant is serving as a Carpenter at Weaver's Service Center, Indranagar, Agartala, under the Ministry of Textiles & as such Hon'ble Tribunal has jurisdiction to entertain the case.

B. Limitation :

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

C. Facts of the Case :

The applicant most humbly and respectfully begs to SHEWETH as under :-

- 1) That the applicant was appointed Carpenter, a Group-C post in a temporary capacity against physically handicapped quota in the pay scale of Rs.950-20-1150-EB-25-1500 w.e.f. 07.12.87(F.N.) at Weaver's Service Centre(WSC), Indranagar, Agartala, under the Ministry of Textiles, Govt. of India vide appointment order No.WSC/GAU/Admn-1(23)/87/124 dt.8/1/88.

The copies of the appointment order and physically handicapped certificate are annexed herewith and are marked as Annexure-A1 & A2.

The applicant was appointed in a substantive capacity in the same post w.e.f. 01/04/88 i.e. within 4(four) months his service was made regular vide order No.WSC/GAU/DMN/1(27)/Part-III/94/1252 dt.06.06.95 under sl.no.7.

The copy of the said order is annexed herewith and marked as Annexure-A3.

- 2) That the applicant in 1991 applied for admission in 3(three) year Diploma in Hand Loom Technology course(DHT), a technical education after passing of which further education in this domain is only available in Manchester(the UK) and unquestionably this course is directly and closely connected with the sphere of his duty. And for this DHT course the applicant through proper channel applied to the Indian Institute of Hand Loom Technology(IHT), Varanasi, a pioneer one not only in India but also in Asia.

Subsequently he was recommended by his department for public interest and was granted admission on Non-Stipendiary basis in the 3(three) year DHT course by the Deputy Development Commissioner for Handlooms vide office Memorandum No.J-11011/1/91-DCM/E-II dt.26/07/91.

The copy of the said office memorandum is annexed herewith and marked as Annexure-A4.

- 3) That in response to the letter dt.27/07/91(Annexure-A4) of the Deputy Development Commissioner the applicant applied for Study leave to the Deputy Director WSC, Indranagar, Agartala for prosecuting studies.

The copy of the letter is annexed herewith and marked as Annexure-A5.

- 4) That the applicant got himself admitted in I.I.H.T., Varanasi, on 12/08/91 and was continuing his studies there. I.I.H.T. required a 'No Objection Certificate' from his department for regularisation of his admission and also required the issuance of formal release orders w.e.f. 09.08.91(AN) from Weaver's Service Centre, Agartala. Accordingly, the applicant applied for, to the officer-in-charge, WSC, Agartala.

The copy of the aforesaid prayer is annexed herewith and marked as Annexure-A6.

- 5) In the meantime being forced by financial constraints and also as the institution as well as the mess was suddenly closed for an indefinite period the applicant coming back to Agartala joined his parent office. Then he was asked by the Director, Department of Textiles vide letter No.WSC/GAU/AGT/15(1)/91/4188 DT.23/10/91 to explain under what circumstances the applicant left Varanasi without the permission of the Director, I.I.S.T., Varanasi.

The copy of the aforesaid letter is annexed herewith and marked as Annexure-A7.

In response to the aforesaid letter the applicant elucidated the entire situation which forced him to come back and join the parent office vide letter dt.31.10.91(Annexure-A8).

Again on 5.5.92 because of the closure of the institution following the completion of annual examination he came back and joined at his parent office.

The copy of the joining report dt.5.5.92 is annexed herewith and marked as Annexure-A9.

- 6) Being a poor salaried employee for prosecuting the 3(three)-year D.H.T. course he first applied for G.P.F. advance on 7.8.91 but unfortunately it was not favoured with. Again on 5.6.92 he applied for G.P.F. advance amounting to Rs.4200/- (Rupees four thousand two hundred only).

Fortunately on 3.8.92 a temp. G.P.F. advance of Rs.4400/- was granted.

It was particularly stated in the sanction order No.WSC/AGT./P-61/92/1575 dt.3.8.92 that "to enable to defray expenses in connection with the higher education for 3(three) year diploma course" - this advance was granted.

The copy of the prayer by the applicant for the sanction of the G.P.F. advance and the aforesaid sanction order are enclosed herewith and marked as Annexure-A10 &A11.

- 7) That, surprisingly on 15/07/92 the applicant was informed of the non-sanctioning of study leave on the ground that he did not complete 5(five) years service and also did not satisfactorily complete the period of provision.

The copy of the letter dt.15/07/92 by Assistant Director is annexed herewith and marked as Annexure-A12.

- 8) That instead of non-sanctioning of study leave the applicant was prosecuting 3(three) years DHT course because when he was informed of non-sanctioning of study leave instead of the recommendation of his own department, one year already lapsed by.

In 1994 he completed his course successfully. And on return he reported the same in detail to his department.

The copy of the D.H.T. certificate issued by the I.I.H.T. is annexed herewith and marked as Annexure-A13.

- 9) That following the successful completion of D.H.T. course launched by I.I.H.T. by the applicant, the Deputy Director asked the applicant to impart training to the trainees weaver's under the Hill Area Project & Project Packages Scheme in addition to the normal duties of applicant to which the D.H.T. degree which the applicant has successfully completed is a prerequisite for worthy of being considered for imparting training to the trainee weavers as aforesaid. And accordingly the applicant has been performing the aforesaid duty in addition to his normal duty till today.

The copy of the office order No.WSC/AGT./Esstts. - 1(12)/95/248 dt.8/2/95 is annexed herewith and marked as Annexure-A13(i).

- 10) That instead of making several representations regarding the sanction of study leave the apathy and inertia of the authority towards the applicant remains the same. Moreover, his four increments from the year 1991 to 1995 were stopped which seems penal in disguise. As a result of which his current salary is fallen short and is not at par with the other employees entered the same post at the same time.

ufal Sutradhar
by 30
Sankari Das
Advocate
26.3.2001

The copies of the representations dt.02/08/96 and 16/05/99 are annexed herewith and marked as Annexure-A14 & A15.

- 11) That when the applicant found that all his efforts were futile he to protest silently stopped taking salary for the month of Feb.2000. But when a memorandum dt.07/03/2000 No.WSC/AGT./Accts.-3(1)/2000/389 dt.07/03/2000 was issued in the name of the applicant he received the salary for the month of Feb.2000.

The copy of the aforesaid memorandum and the copy of the letter dt.13/0/2000 in response to the aforesaid memorandum are annexed herewith and marked as Annexure-A16 & A17.

- 12) That still department did not take any step to mitigate the applicant's grievances. Again to protest silently he stopped taking salary for the months of Sept.2000 & Oct.2000 and for that again another memorandum was issued No.WSC/AGT./P-61/2000/1741 dt.29/11/2000(Annexure-A18) in addition to that one illegal opinion was passed, that "it seems to be he has source of income other than salary".

Perhaps to camouflage the authority's own fault and failure to sanction the applicant's increments in proper manner they passed such illegal comment. In response to the said memorandum the applicant wrote one letter dt.01/12/2000 addressed to the Deputy Director, WSC(Annexure-A19).

- 13) That on 03/01/2001 another memorandum No.WSC/GAU/AGT-15(1)/99/62 (Annexure-A20) was issued regarding the non-acceptance of salary for the month of Sept. & Oct.2000.

On receipt of the said memorandum and due to acute financial stringency the applicant informed the deptt. that he is willing to receive the salary. But unfortunately he was not given his salary yet, for which he already rendered services.

Again on 07/02/2001 he got another memorandum No.WSC/GAU/Agt.-15(1)/2001/566 dt.07/02/2001(Annexure-A21) regarding the same matter. Again he vide letter dt.21/02/2001(Annexure-A22) informed the authority that he is agreeable to receive the salary from September last.

It is very unfortunate for a poor salaried employee like the applicant who is running his family being half fed and clad is not getting salary as yet for which he has been rendering services.

- 14) That in the mean time the marriage of one of the applicant's younger sisters who is fully dependent on him, was fixed on 16/02/2001. So on 11/01/2001 he applied for G.P.F. advance. But unfortunately from the other end no response came. So he was bound to defer

Utpal Subrahman
by
Sankar Das.
Advocate
26.8.2001

the date of the marriage and it is fixed in the month of March 2001. Again on 27/02/2001 he gave one reminder regarding the same. Still no response came.

The copy of the reminder dt.27/02/2001 and an invitation card of the marriage card are enclosed herewith and are marked as Annexure-A23 & A24.

- 15) That the respondents remain always indifferent to the applicant and acting in a non-challant way is evident from the fact that the respondents have once declared the applicant to be in employment in substantive capacity w.e.f. 01/04/88 by a letter dt.06/06/95(Annexure-A3) and subsequently made departure by declaring the applicant to be in employment in substantive capacity w.e.f.07/06/90 by a letter dt.02/03/2001(Annexure-A25). All such acts of the respondents unequivocally speak that the respondent has been acting at their caprices and whims. In this away the respondents are acting in contradiction and utter violation of the law of approbation and reprobation.

D. Grounds for relief with legal provision :-

From the facts narrated herein above, it is obvious that gross injustice has been done to the applicant for no fault of himself regarding non-sanctioning of study leave, non-sanctioning of G.P.F. advance at the time of genuine urgency and stoppage of giving salary. Natural justice demands that the study leave be regularised soon and the G.P.F. advance be sanctioned urgently and his monthly salary be disbursed expeditiously.

It is admitted that the applicant was appointed in a substantive capacity in the post of Carpenter w.e.f. 1.4.88 by an order of respondent no.2 ; No.WSC/GAU /DMN/1 (27)/Part-III/94/1252 dt. 06/06/95 (Annexure-A3), thereafter respondent no.2 without any reason issued a corrigendum No.WSC/GAU/AGT/15(1)/2001/947 dt.02/03/2001 in Annexure-A25 modifying the Annexure-A3 showing the substantive appointment of the applicant w.e.f. 07/06/90.

When the respondent no.2 appointed the applicant in substantive capacity by Annexure-A3 w.e.f. 01/04/88 thereafter respondent no.2 has no right or authority to modify the earlier order in Annexure-A3 by issuing corrigendum in Annexure-A25 after the lapse of 6(six) years reducing the length of regular service without assigning any reason and without giving the applicant an opportunity of being heard. And as such Annexure-A25 is unconstitutional, violative of the principle of equality guaranteed by Art.14 of the constitution, violative of the principle of natural justice and as such Annexure-A25 is void ab initio and liable to be quashed.

E. Details of the remedies exhausted :-

The applicant declares that he has availed of all the remedies available to him. He submitted several representations regarding his all grievances from time to time including reminders other

than persistent oral submissions to the authority concerned. Such prayers, representations, reminders etc. are annexed herewith and marked as annexures-A14,A15,A17,A19. And the outcome is hopelessly negative.

F. Matters not previously filed or pending with any other court :-

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

G. Relief sought :-

In view of the facts mentioned above the applicant prays for the following reliefs :-

- i) To pass order regularising the period spent for study and to release the arrears pay which has not been paid as yet with all other consequential benefits.
- ii) To pass order asking the respondent to allow him to draw the monthly salary as usual with back wages w.e.f September 2000.
- iii) To pass order asking the respondent to release the G.P.F. amount claimed by him for the purpose of marriage ceremony of his sister vide his application dated 27/02/2001.
- iv) To pass order quashing corrigendum No.WSC/GAU/AGT/15(1)/ 2001/947 dt.28/02/2001 and declared it void ab initio.

AND

To pass any such further or other order as the Hon'ble tribunal may deem fit and proper for the ends of justice.

H. Interim order :-

The respondent may be asked to release the monthly salary of the applicant as usual with back arrears of salary from September 2000 which he had been drawing before the said month.

AND

Utpal Sutradhar
by 13
Sankar Das
Advocate
26.3.2001

Also the respondent may be asked to release his G.P.F. amount as claimed by the applicant vide the petition dt.27/02/2001.

I. List of enclosures :-

- i) Annexures A1 to A25.
- ii) Bank Draft No.MOT/H 653165 000028000 dt.15/03/2001
- iii) Vokatnama
- iv) Self addressed envelop-1(one).
- v) File sized envelopes with addresses of the respondents no.1 to 5
-5(five) nos.

VERIFICATION

I, Sri Utpal Sutradhar S/o Lt. Dinabandhu Sutradhar
aged about 36 years working as Carpenter in the office of Weaver's Service Centre, Indranagar, Agartala resident of West Pratapgarh, P.S. West Agartala, P.O. Arundhutinagar, Agartala, West Tripura do hereby verify that the contents of paras 1 to 15 are true to my personal knowledge and that I have not suppressed any material fact.

Date: 26-03-2001

Place: Agartala

Utpal Sutradhar

Signature of the applicant

Dated, the 2/1/88

APPOINTMENT ORDER

A.C.131087.

Utpal Subradhan

Annexure 12

35

FOR THE SPECIAL REGISTRATION AS A ORTHOPAEDICALLY HANDICAPPED A
CERTIFICATE IS TO BE OBTAINED FROM THE SPECIAL MEDICAL BOARD IN
THE PRESCRIBED FORM AS APPENDED BELOW.

This is to certify that Sree/Smt. Utpal Subradhan . .

..... S/D. Pinabandhu. Subradhan

of Atalgarh. P.O. A.D. Nagar is Orthopaedically Handicapped

entitled for registration with the 'SPECIAL EMPLOYMENT EXCHANGE FOR THE
PHYSICALLY HANDICAPPED' as job-seekers as he/she falls in one of the

following categories :-

(R) Sided Scoliosis Cerv-Spine

1. (a). Nature of disability :

(Tick relevant from following list)
POST-POLIO PARALYSIS, HEMIPLEGIA .
QUADRAPLEGIA, MALUNITED FRACTURE NERVE
PARALYSIS, UPPER EXTREMITY, LOWER EXTREMITY,
LIMP, PAINFUL, SHORTENING, DEFORMITY, CONGENITAL,
ACQUIRED, ABOVE KNEE, BELOW KNEE, HIP, HEMIPELVECTOMY,
SPICES, CHEOPARTS, WRIST, FINGERS, BELOW ELBOW,
ABOVE ELBOW, SHOULDERS, FORE QUARTER, UNILATERAL,
BILATERAL.

(b). Extent of disability :

Estimate in percentage (Mc. Bride Scale).
(PATIENTS ASSESSMENT, EXAMINERS ASSESSMENT)
ECGICAL BASIS MENTION, AS PERCENTAGES.
(BELOW - 25, 25-75, 75-90 TOTAL DISABILITY)

(c). Use of appliance (Tick relevant from following list)

CALLIER, CRUTCH, ABOVE KNEE, BELOW KNEE PROSTHESIS,
CANE, UNILATERAL, BILATERAL, ABOVE ELBOW, BELOW ELBOW,
HEMIPELVECTOMY, SHOULDER, DISARTICULATION.

(d). ANY OPERATION DONE OR INDICATED.

(e). PHOTOGRAPH (ATTACHED).

(To show if possible the nature of disability and any
appliance if used).

2. any other particulars to clarify the nature and extent of disability
that the surgeon might like to point out.

Convenor

Member

Special Medical Board for
Physically Handicapped persons

Special Medical Board for
Physically Handicapped persons

Special Medical Board for
Physically Handicapped persons

1391903.

M.B.S.S. M.S. (Orth.) D.P.M. &
INCHARGE.
Sgt. of Orthopaedic & Rehab. Centre
G. B. Hospital, Agartala.

(Dr. H. S. Roy Choudhury)
Head of the Dept. of Surgery
E. N. L. B. CHING
G. B. Hospital, Agartala

[2-11]

Amendment 3

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES,
WEAVERS' SERVICE CENTRES,
PUNES OFFICE,
GUWAHATI-781001.

No. WSC/GAU/IMP/1(27)/Part-111/94, 125-2

Dated: 6/6/95

ORDER

The following officials working in the Weavers' Service Centres/Indian Institute of Handloom Technology under the Eastern Zone in the Organisation of the Development Commissioner for Handlooms are appointed in substantive capacity in the post and w.e.f. the date shown against each:-

Sl.No.	Name	Post held at present.	Post in which appointed substantively.	Date of substantive appointment.	Office where working.	Remarks
1.	Sh. P. Mener,	Art Designer	Art Designer	17.8.90	WSC/BBSR	-
2.	Sh. B.K.Khangl,	Art Designer	Art Designer	7.9.90	WSC/GAU	-
3.	Smt. S.Borkotoky,	Art Designer	Art Designer	8.2.91	WSC/GAU	-
4.	Sh. T.K.Deb Barma,	Art Designer	Art Designer	20.9.91	WSC/AGT ST	-
5.	Sh. M.Ibohal Singh,	P.M.C.D.	P.M.C.D.	10.2.94	WSC/IMP SC	-
6.	Sh. S.K.Dey,	L.D.Clerk	L.D.Clerk	19.4.93	WSC/AGT	-
7.	Sh. Utpal Sutradhar,	Carpenter	Carpenter	1.4.88	WSC/AGT PH	-
8.	Sh. G.Sarkar,	Sweeper	Sweeper	17.10.92	WSC/AGT SC	-

Attention of re-employed pensioners is drawn to the provisions of Rule 18 and Rule 19 of the Central Civil Service (Pension) Rules, 1972, according to which they are required to exercise an option for counting the pre-retirement service or Military service as qualifying for pension. This option has to be exercised within a period of three months from the date of issue of this office order.

To,
The Individuals

(S.K.Das)
Director

- Copy to :
1. The Officer-In-Charge,
Weavers' Service Centres/Indian Institute of Handloom Technology, Guwahati, Imphal, Agartala, Bhagalpur, Bhubaneswar and Calcutta.
 2. The Accounts Officer,
Pay & Accounts Office (Textiles), Calcutta.
 3. The Development Commissioner for Handlooms,
New Delhi.
 4. Personnel files.
 5. The Zonal Director,
Weavers' Service Centre,
North Zone, South Zone & West Zone.

(S.K.Das)
Director

NO: J-11011/1/C.D. E-II
Government of India
Ministry of Textiles.

Office of the Development Commissioner for Handlooms

Udyog Bhavan
New Delhi, the

OFFICE MEMORANDUM

Sub:- Grant of admission on Non-Stipendiary basis
in the 1st Year of 3-years DHT Course in the
Indian Institute of Handloom Technology at
Varanasi/Salem/Guwahati during the academic
session 1991-92 - regarding.

The undersigned is directed to state that the
application of Shri/Kumari Utpal Sutradhar
Son/Daughter of Shri Dinabandhu Sutradhar has
been recommended for grant of admission on Non-Stipendiary
basis in the first year of 3-years Diploma Course in
Handloom Technology in the Indian Institute of Handloom
Technology at Varanasi subject to the following
conditions:-

1. Production of an undertaking to the effect that
he/she (the applicant) will not ask for transfer
of his/her admission under the Stipendiary
Scheme during the entire 3-years Course.
2. Production of original Certificates/testimonials
in respect of educational qualifications, age etc.
3. Production of original certificates issued by
the Competent Authority regarding candidate's
claim to belong to SC/ST, wherever applicable.
4. Production of satisfactory evidence regarding
candidate's claim to belong to Weavers Community,
wherever applicable.
5. Production of an undertaking to the effect that
he/she (the applicant) will not ask for his
transfer from one Institute to another Institute
during the entire 3-years Course.

Contd....2/-

He/She may contact Director(Institute), Indian Institute of Handloom Technology, Varanasi for finalisation of his/her admission by or before 14/8/91. He/she may also carry with him/her original certificates (alongwith attested photostat copies) mentioned on page one and other certificates indicated in the prescribed Application Form, for scrutiny and verification by the Director of the Institute.

In case he/she fails to report to the Director, IIHT Varanasi by the stipulated date i.e. by or before 14/8/91 or fails to produce original certificates in respect of his/her educational qualifications or age or any other condition stipulated in the Application Form or prescribed by the Institute or fails to establish satisfactorily his/her claim to belong to SC/ST/Weavers Community, his/her application for admission under Non-Stipendiary Scheme is likely to be summarily rejected. As such he/she must ensure compliance of all the formalities, indicated above by the stipulated date.

(B.R. Gupta)
Deputy Development Commissioner
for Handlooms

To
Shri Uttal Sutradhar
Son/Daughter of Sh. Dinabandhu Sutradhar
Address Carpenter, Weavers' Service Centre
Indranagar, Agartala - 797 003

Copy to:-

1. The Director(Institute),
Indian Institute of Handloom Technology
Varanasi for information and necessary action.

(B.R. Gupta)
Deputy Development Commissioner
for Handlooms.

' O P '

To
The Dy. Director
Weavers' Service Centre
Ministry of Textiles
Govt. of India
Indranagar
Agartala.

Sub: Grant of admission on non-stipendiary basis in the 1st year of 3 years DHT Course in the Indian Institute of Handloom Technology at Varanasi during the academic session 1991-92.

Sir,

Enclosed kindly find a photocopy of letter dt. 26.7.91 of the Dy. Development Commissioner for Handlooms addressed to me which is self-explanatory. I like to take admission in the Indian Institute of Handloom Technology at Varanasi. For prosecuting this study I require study leave. I may, therefore, kindly be allowed study leave for prosecuting studies, so that, I may take full advantage of the opportunity extended to me by the Development Commissioner for Handlooms.

It may further be stated that I require to start for Varanasi on 10.8.91 and accordingly, I am trying to book ~~air~~ air ticket for the purpose. This is for your kind information and necessary action.

Yours faithfully,

Utpal Sutradhar

(Utpal Sutradhar)
Carpenter
Weavers' Service Centre
Indranagar, Agartala.

copy to:

The Director (Institute)
Indian Institute of Handloom Technology,
Varanasi, U.P.

Utpal Sutradhar

(Utpal Sutradhar)
Carpenter.

9.9.91

The Officer-in-Charge,
Weavers' Service Centre,
Agartala,
Tripura.

Sub:- Admission of Non-Stipendary Course
in 1st yr. Dip. in Handloom Tech.,
in I.I.T., Chowkaghat, Varansi, during
the session 1991-92.

Sir,

As you are kindly aware that I have been selected for the admission on the above mentioned course of study by the Development Commissioner for Handlooms, New Delhi, vide his letter No. J-110011/1/91/DCH/Est-II dt, 26.7.91. I submitted my application on dt, 9.8.91 addressed to the Development Commissioner for Handlooms, New Delhi for granting study leave and joining my course through you.

I have got admitted in I.I.H.T., Varanasi, on 12.8.91 and now continuing my studies here. This office requires a "NO OBJECTION CERTIFICATE" from Agartala office for regularising the case of my admission.

Therefore I request you to kindly issue me a "NO OBJECTION CERTIFICATE" for this case, and also issue me my formal relieving order v.e.f. 9.8.91 (IN) from Weavers' Service Centre, Agartala, as well as to pursue the case with Development Commissioner for Handlooms, New Delhi, for granting of study leave.

Thanking you.

Yours faithfully

Utpal Sutradhan

(UTPAL SUTRADHAN)

Carpenter on
Study Leave at I.I.H.T.,
Chowkaghat, Varanasi.

Dated 10-VIII-91

Copy to :

1. The Director, (East Zone), W.S.C., Guwahati.
2. Dy. Development Commissioner for Handlooms, Ministry of Textile, Udyog Bhavan, New Delhi.
3. Director, I.I.H.T., Varanasi.

Utpal Sutradhan

(UTPAL SUTRADHAN)

Carpenter on
Study Leave at I.I.H.T.,
Varanasi.

not to be
closed on 4-10-91
for indefinite period
for information of respective
he. Published in
Paper

NO.WC/GAU/AGT/15(1)/91/ 4188

Dated 23/9/91

The Dy. Development Commissioner
for Handloom,
Udyog Bhavan,
New Delhi.

Sub:- Joining of Shri U. Sutradhar,
Carpenter, WC, Agartala.

Sir,

Please find enclosed herewith a photocopy of letter received from WC, Agartala alongwith the application dated 11.10.91 submitted by Shri U. Sutradhar, Carpenter on the subject cited above.

Shri Sutradhar has applied for study leave for prosecuting studies in I.I.H.T., Varanasi. The above matter is under process and the decision is yet to receive from your end on this office letter No. WC/GAU/AGT/15(1)/91/3479-3480 dated 30.8.91.

Mean time Shri Sutradhar has submitted his joining report after availing of 60 days leave from 12.8.91 to 10.10.91 as no classes of I.I.H.T. course is going on at present. He has also seek the permission to attend the classes when it will start. Once he has been admitted for 3 years Diploma Course in I.I.H.T., Varanasi vide your office letter No. J-11011/I/91-DCH/E.II dated 26.7.91 it may kindly be clarified whether he can join his duties in such a way where there is no indication that he has taken permission to leave I.I.H.T., Varanasi so far admissibility of rule in this connection is permitted to join his old Head Quarter.

You are therefore, requested to convey the decision of competent authority on the above mentioned letter from this office dated 30.8.91 and advise us on the course of action to be taken for his leaving Varanasi under above circumstances on his seeking admission in I.I.H.T., Varanasi for 3 years study period in progress and such type of joining as per his application, in question.

Yours faithfully,

Encl: As above.

Sd/-
(Y. M. Senkusaley)
Director

Copy to:-

1. The Officer-in-charge, Weavers' Service Centre, Agartala for his information and necessary action to inform position directly to C.C.H. Office under intimation to this office please. Shri Sutradhar should be asked to join I.I.H.T., Varanasi immediately.

2. Shri U. Sutradhar, Carpenter, he is asked to explain under what circumstances he left Varanasi without the permission of the Director IIHT, Varanasi.

3. The Director, Indian Institute of Handloom Technology, Varanasi for information and necessary action please.

Y. M. Senkusaley
Director
23/9/91

To,
The Director(Zonal),
Weavers' Service Centre,
Pub.Sarania Road.,
(Near Manipur Bhavan),
Guwahati-781003.

Sub:- Joining of Shri U.Sutradhar, Carpenter,
Weavers' Service Centre, Agartala.

Sir,
Refs:- Your letter No.WSC/GAU/AGT/15(1)/91/1188
dated 23-10-91.

Sir,

Kindly refer to your letter under reference. In the
aforementioned letter your kindness directed me to explain under
what circumstances I left Varanasi etc. In fact, the Institute declared
closed suddenly on 4-10-91 for indefinite period. The date of
re-opening of the said Institute is yet not known to me. Before departure
I enquired about the re-opening, while I was given to understand
that the date of re-opening will be published in newspaper. Moreover,
the mess was also closed & following the closer of the Institute
on and from 4-10-91. Under such circumstances all the trainees left
Varanasi and I also left Varanasi after submitting a prayer for
sation leave permission. Since the sanction of study leave has
not yet been communicated to me, I joined my parent office at
Agartala, as otherwise, as I thought, there might be a question as
to what I did during vacation period. However, on information of
re-opening of the Institute in question, I shall go back to Varanasi
immediately.

Contd.....p/2.

Contd.....P/2.

In connection to my aforesaid study in I.I.H.T., I would pray to your honour to be gracious enough to communicate sanction of study leave at the earliest and thus oblige.

With regards,

Yours faithfully,

Utpal Sutradhar

(U. Sutradhar)
Carpenter
W. S. C. Agartala

Date: 31-10-81

Copy to:

- 1) Officer-in-Charge, Weavers' Service Centre, Agartala.
- 2) The Director, Indian Institute of Handloom Technology, Varanasi, U.P.

Utpal Sutradhar

(U. Sutradhar)
Carpenter

To
The Deputy Director,
Weavers' Service Centre,
Agartala.

Subject :- Joining Report.

Sir,

The I.I.H.T. of Varanasi has been closed on and from 1st May '92, consequent upon completion of Annual Examination. The Institute will remain closed till publication of the result of the Examination. In view of the above, I have come back to Agartala and reported myself for resuming in my duties, to-day the 5th May '92 (F.N.).

In connection to above, it may be stated that I joined the I.I.H.T. of Varanasi for 3 (three) years Diploma Course in Handloom Technology as sanctioned by the Dy. Development Commissioner for Handlooms, vide his Office Memo No. J-11011/1/91-DCH/E-11 Dt. 26-7-91.

With regards.

Dated, 5/5/92.

Yours faithfully,
Utpal Sutradhar
(UTPAL SUTRADHAR)
CARPENTER,
Weavers' Service Centre,
Agartala.

To
The Officer-in-charge,
Weavers' Service Centre,
Agartala.

Subject :- Prayer for granting of G.P.F.Loan.

Sir,

I have the honour to state that I have
~~I have~~ applied for a G.P.Fund Loan on 7-8-91. But
unfortunately till the date I am not favoured with
the same.

It is to be mentioned here that I have
join in Diploma Course study at I.I.H.T. at Varanasi
(U.P) and as I am not favoured with any stipend or any
other financial benefit from the Government, I am
facing financial crisis to continue my study.

So I would request your honour to kindly
favour me with the necessary arrangement with granting
of G.P.F. loan amounting to Rs. 4200/- (Rupees Four-
Thousand Two Hundred only) at an early date & oblige
thereby.

Dated, Agartala, the 5th -
June '92.

Yours faithfully,

Sd/-
(UTPAL SUTRADHAR)
CARPENTER,
Weavers' Service Centre,
Agartala.

Copy to :-

- 1). The Director(Zonal), Weavers' Service Centre,
Guwahati, for information.
- 2). The Development Commissioner for Handlooms,
New Delhi, for information & kindly necessary
action.

Utpal Sutradhar
(UTPAL SUTRADHAR)
CARPENTER,
Weavers' Service Centre,
Agartala.

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVING SERVICE CENTRE
CHORABAGAN, AGARTALA
WEST BENGAL
781 001

46
Annexure-11

No.WSC/AGT./P-61/92/1375

Dt. 3/8/92.

S_A_N_C_T_I_O_N_O_R_D_E_R

Sanction of the undersigned is hereby accorded under rule 12(1)(6)(ii) read with 12(2) of G.P.F.(CS) Rules, 1960 for the grant of a Temp. G.P.F. advance of Rs.4400/- (Rupees Four Thousand Four Hundred only) to Shri U.Sutradhar, Carpenter, of this office from his G.P.F.A/c. No.PAQ/Tex./Cal/WSC/324, to enable him to defray expenses in connection with the higher education for 3 years Diploma Course.

The advance will be recovered in 25 instalments @Rs.176/- each commencing from the next month of the drawal of the advance.

The ~~xxxxxxx~~ balance at the credit of Shri Sutradhar, Carpenter as on date.

1). Balance as per G.P.F.Account slip for 1990-91. Rs. 5,544.00
2). Credit from 3/91 to 7/91 @Rs.200/- p.m. Rs. 1,000.00
3). Refund. Rs. Nil.
4). Withdrawal if any. Rs. Nil.
5). Balance as on date. Rs. 6,544/-

This has with ref. to letter No.D-26023/25/1992/- 92/DCH/E-II dt. 10/7/92 issued from the Office of the Development Commissioner for Handlooms, New Delhi.

To
The Accounts Officer,
Pay & Accounts Office(Tex.),
Calcutta.

(K.K.SHARMA)
DEPUTY DIRECTOR.

Copy to :-

1). Bill Section, W.S.C., Agartala.

2). Shri U.Sutradhar, Carpenter.

(K.K.SHARMA)
DEPUTY DIRECTOR.

(SKN)

P-21
No. J-11011/E/88/E.II/DCH

Government of India
Ministry of Textiles

Office of the Development Commissioner for Handlooms

Annex-12 47

.....

Udyog Bhawan, New Delhi

Dated : 15.7.1992.

76

Shri K.K. Sharma,
Dy. Director Incharge,
Weavers' Service Centre,
AGARTALA.

Sub: Grant of Study Leave to Shri Utpal Sutradhar,
Carpenter, W.S.C. Agartala.

Sir,

I am directed to refer to the correspondence resting with your letter No. WSC/AGT/P-61/92/1106 dated 2.6.92 and to state that as per provision contained in Rule 50 of CCS (Leave) Rule 1972 Study leave can be granted ONLY if the Government Servant satisfactorily completed the period of probation and has rendered not less than 5 years regular continuous service including the period of probation. Sh. Sutradhar has applied for grant of Study leave w.e.f. 11.8.91. As per the papers received from your office he has not completed 5 years service. It also appears that he has not yet satisfactorily completed the period of probation.

Under the facts & circumstances enumerated above Shri Sutradhar is not eligible for consideration for grant of Study leave. He may be informed accordingly.

Yours faithfully,

(G.S. Aggarwal)
Assistant Director (Gr.I)

Copy to:

1. Shri Utpal Sutradhar, Carpenter, WSC, Agartala
Through Officer Incharge, WSC, Calcutta.

(G.S. Aggarwal)
Assistant Director (Gr.I)

Roll No. 132

Serial No. - 7



GOVERNMENT OF INDIA

MINISTRY OF TEXTILES

INDIAN INSTITUTE OF HANDLOOM TECHNOLOGY

GUWAHATI/SALEM/VARANASI

Diploma in Handloom Technology

This is to certify that

Shri/Kumari Utpal SutradharS/o or D/o Shri Dinabandhu Sutradharhaving completed the prescribed Course in Handloom Technology
at the

Indian Institute of Handloom Technology

Guwahati/Salem/Varanasihas been certified by duly appointed examiners to be qualified to receive
the Diploma after having been examined at the examination held in the
month of November in the year one thousand nine hundred
and Ninety FourHe was placed in Pass Class

in testimony whereof

Indian Institute of Handloom Technology

awards this

Diploma

on this the 6th day of June 1995

[Signature]
Director
(Dr. B. P. Berker)

Director
Indian Institute of Handloom Technology
Chowmahal Varanasi-2



[Signature]
Vijay Mallik
Chairman
Governing Body

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
HILL AREA PROJECT
ACAPATA
PIN-700004

AN- 19(1) 49

No.WSC/AGT./Esstts.-1(12)/95/248,


Dt. 7/2/95.

8/2/95

OFFICE ORDER

Shri U.Sutradhar, Carpenter of this office is hereby instructed to impart the training to the trainees weavers under Hill Area project & Project packages scheme in addition to his normal duties until further orders.

To
Shri U.Sutradhar,
Carpenter,
Weavers' Service Centre,
ACAPATA.


(K.K.SHARMA)
DEPUTY DIRECTOR. 8/2/95

Copy to :-

Personal File of Shri U.Sutradhar,
Carpenter, of this office.

(K.K.SHARMA)
DEPUTY DIRECTOR.

To
The Development Commissioner for Handloom,
Udyog Bhavan,
New Delhi-110011.

Sub:- Sanction of study leave during the period
from 12.8.91 to 5.8.94 in favour of Sri Utpal
Sutradhar, Carpenter for his prosecuting
3 years Diploma Course in Handloom Technology
in the Indian Institute of Handloom Technology
at Varanasi.

Sir,

I was recommended for prosecuting studies
in the 3 years Diploma Course in Handloom Technology
in the Indian Institute of Handloom Technology at
Varanasi vide Office Memorandum of the Development
Commissioner in Handloom, Ministry of Textiles, Govt.
of India, New Delhi vide No.J-11011/1/91-DCH/E-11
dated 26.7.91. In pursuance to the same I joined the
course in the Indian Institute of Handloom Technology
at Varanasi and completed the course successfully. In
aforesaid prosecution of studies the period from
12.8.91 to 5.5.94 was to be regularised by sanctioning
study leave and also by making payment against the
said study leave as per rule. But unfortunately the said
period has not been regularised as yet and not to
speak of payment of salary for the period.

During the aforesaid period of study, while
the Institute remain closed I joined the office for
certain periods. Salaries for such periods were paid
to me only excepting for such a period from 10.8.91
to 31.8.91 (for 21 days).

During the aforesaid period of my study,
I was not sanctioned my legitimate increments. The said
increments need also be sanctioned immediately.

Under the above facts and circumstances your
honour may graciously be pleased to take an effective
steps for regularising my period of study by granting
study leave in my favour and also by granting legitimate
increments for the period with arrangement for payment

- 2 -

for the period with arrear pays for arrear increments at an early date, for which act of kindness I as in duty bound shall ever pray.

With regards,

Yours faithfully,

Utpal Sutradhar

(Utpal Sutradhar)

Carpenter,

Weaving Service Centre,

Agartala.

Dated, Agartala,
the 2/8/ 1966

Copy to:

1. The Director (Zonal),
Weavers Service Centre,
Guwahati.
2. The Development Commissioner Handlooms,
Udyog Bhavan, Govt. of India,
Ministry of Textiles, New Delhi.

Utpal Sutradhar

(Utpal Sutradhar)

Carpenter.

To
The Zonal Director,
Wevers Service Centre,
Pub Sariniy Road,
Guwahaty.

Subject:- Sanction of study leave during the period from 12.8.91 to 5.5.94 in favour of Sri Utpal Sutradhar, Carpenter for his prosecuting 2 years diploma Course in Handloom Technology in the Indian Institute of Handloom Technology at Varanasi.

Sir,

I was recommended for prosecuting studies in the 2 years Diploma Course in Handloom Technology in the Indian Institute of Handloom Technology at Varanasi vide Officer Memorandum of the Development Commissioner in Handloom, Ministry of Textiles, Govt. of India, New Delhi vide No.J.-11011/1/91-DCH/E-11 dated 26-7-91. In pursuance to the same I joined the course in the Indian Institute of Handloom Technology at Varanasi and completed the course successfully. In aforesaid prosecution of studies the period from 12.8.91 to 5.5.94 was to be regularised by sanctioning study leave and also by making payment against the said study leave as per rule. But unfortunately the said period has not been regularised as yet and not to speak of payment of salary for the period.

During the aforesaid period of study, while the Institute remained closed I joined the Office for certain periods. Salaries for such periods were paid to me only excepting for such a period from 10.8.91 to 21.8.91 (for 21 days).

During the aforesaid period of my study, I was not sanctioned my legitimate increments. The said increments need also be sanctioned immediately.

Under the above facts and circumstances your honour may graciously be pleased to take an effective steps for regularising my period of study by granting study leave in my favour and also by granting legitimate increments for the period with arrangement for payment for the period with arrears pays for arrears increments at an

Contd. ...P /2.

--- 2 ---

early date, for which act of kindness I as in duty bound shall ever pray.

With regards.

Yours faithfully,

Dated, Agartala,

the 16th may 1999.

Utpal Sutradhar.

(UTPAL SUTRADHAR)
Carpenter,
Weaving Service Centre,
Agartala.

Copy to :-

1. The Director (Zonal),
Weavers Service Centre,
Guwahati.
2. The Development Commissioner Handlooms,
Udyog Bhavan, Govt. of India,
Ministry of Textiles,
New Delhi.

(UTPAL SUTRADHAR)
Carpenter.

P-28

गठन कर्तव्य
GOVERNMENT OF INDIA
कपड़ा मंत्रालय
MINISTRY OF TEXTILES
वुवर्स सेवा केन्द्र
WEAVERS' SERVICE CENTRE
गोरखा बास्ती, अगर्ताला
Gorkhabasti, Agartala
PIN-799006

Annexure-16

64

WBC/AGT./Accts.-3(1)/2000/389

Dated :-07/03/2000

MEMORANDUM

It is seen that Shri U. Sutradhar, Carpenter, of this centre has not received his salary for the month of Feb., 2000, without stating any reason thereof. He is, therefore, advised to receive the salary immediately.

In case of his failure to do so his salary will be refunded to Govt. & this office will not be responsible for any consequences.

To
Shri U. Sutradhar,
Carpenter,
Weavers' Service Centre,
AGARTALA.

Asm. 07/03/00
(A.R. BORA)
ASSISTANT DIRECTOR(I/C).

To
The Assistant Director,
Weavers Service Centre,
Gurkhabasti, Agartala-6.

Ref. : Your memorandum No. WSC/AGT/Acctts - 3(1)/2000-389
and dated 07-03-2000./-----

Sir,

In response to your letter cited above, I am to inform you that I shall draw the salary for the month of Feb/2000. The salary may therefore, be disbursed to me.

It was seen that salary bill prepared for payment to me is a shorter bill atleast by Rs. 200/- in basic and consequential other payments. This may kindly be seen and arrange payment of remaining part as early as possible of this instant.

Dated, Agartala,
the 13th March, 2000.

Yours faithfully,

Utpal Sutradhar

(UTPAL SUTRADHAR)
Carpenter,
W. S. C.
Agartala -6.

No.WSC/AGT/P-61/2000/1741

Dated:- 29/11/2000

MEMORANDUM.

It is observed from the Acquittance Roll that Shri U. Sutradhar, Carpenter of this office has not drawn his salary from the month of Sept., 2000 and Oct., 2000 without any information as he is contineousty present on duty. It is also learnt from the P.B.R. he has deposited entire amount of salary in the different head of deduction(except meager amount), it seems to be he has source of income other than salary.

As such he has been advised to draw his salary for the month of Sept. 2000 and Oct. 2000 immediately failing which his all claims including salary will be heldup till suitable instruction received from the head quarter.

Yours faithfully,

(Signature) 29/11/2000
(K.K.BAVISKAR)
DEPUTY DIRECTOR (I/C).

✓ To
Shri U.Sutradhar,
Carpenter,
Weavers' Service Centre,
Agartala,

Copy to :-

1. The Development Commissioner-
for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
New Delhi-110 011, for information & necessary
action please
2. The Director (Zonal),
Weavers' Service Centre,
Guwahati, for information & necessary action please

(K.K.BAVISKAR)
DEPUTY DIRECTOR (I/C).

To
The Deputy Director (I/C),
Weavers' Service Centre,
Ministry of Textiles,
Government of India,
Gorkhabasti, Agartala.

Ref:- Your Memorandum No.WSC/AGT/P-61/2000/1741
dated 29.11.2000.

Sir,

Kindly refer to your memorandum cited above. The contents of the memorandum is absolutely surprising and bewildering.

In connection to above I am to state that increments for a period from '91 till '94 has not been sanctioned in my favour, although increments as fallen due thereafter have been passed. The reason for withheld of the aforesaid 4 nos. increment have not been intimated as yet and as such continuously you paid me short emoluments. For the same I represented the matter on number of occasions in addition to my personal contacts also on number of occasions. During such personal contacts you intimated that the matter be settled soon etc. but in fact nothing done.

Due to the aforesaid illegal stoppage of my increments I have been paid short salaries as stated above which resulted very adversely to run my family. This was also intimated to you on number of occasions. In connection to above it was also intimated you that if my previous fallen increments are not sanctioned and accordingly my pay bill is prepared it would be difficult on my part to draw the salary since with such short salaries I am unable to run my family in proper manner.

It is further painful to note that in the memorandum itself you passed illegal opinion that "it seems to be he has source of income other than salary". Such comments, so far I feel is nothing but to camouflage your own fault and failure to sanction my increments in proper manner, otherwise you know well that my family has faced starvation due to non-sanction of proper increments and non-payment of consequential arrears for the same.

An immediate action in the matter is earnestly solicited.

Yours faithfully,

Utpal Sutradhar

(U. Sutradhar)

Carponent

W. S. C. Agartala.

Dated, Agartala,
the 1st Dec. 2000.

No. WSC/GAU/AGT-15(1)/99/62- Dated Jan. 3, 2001

MEMORANDUM

It has been reported by Officer-in-Charge, WSC., Agartala that Sri U. Sutradhar, Carpenter has not accepted his salary for the month of Sept' & October'2000 without assigning any reason. His act of non acceptance of salary seems to be an 'Unbecoming of a Govt. servant'.

As such, he is asked to explain why he did not accept his salary for the month of Sept. & October'2000 within 10 days from the date of receipt of the Memorandum through Officer-in-Charge, WSC., Agarta-la failing which necessary disciplinary action will be initiated against him under CCS. (Conduct Rules)

L. Narain
(L. NARAIN)

Asstt. Director (Admn)

To,
Sri U. Sutradhar,
Carpenter, WSC.,
Agartala

Copy to,

The Officer-in-Charge, WSC., Agartala with reference to his letter No. WSC/AGT/P-61/2000/1743 dt. 29/11/2000. He is requested to send the reply as submitted by the incumbent for necessary action at this end.

(L. NARAIN)

Asstt. Director (Admn)

P-33
P-33. 59
No. WSC/GAU/Agt-5k 15(1)/2001/ 566 Dated February 7, 2001
8

MEMORANDUM

In continuation of this office Memorandum of even No. dated 3/1/2001, Sri Utpal Sutradhar, Carpenter of WSC., Agartala is once again advised to submit his explanation as to why he is refusing to draw his monthly salary since September 2000 last. His non compliance of order of this office shows his gross negligence in receiving his salary and his act has been treated as 'Unbecoming of a Govt. Servant' which also attracts disciplinary proceedings against him under Rules 30(ii) of LCS (Conduct) Rules 1964.

He is, therefore, directed to submit his explanation within 10 (ten) days from the date of receipt of this 2nd Memorandum or receive his salary forthwith, failing which necessary disciplinary action shall be taken against him and his non accepted salary shall be deposited with PAO, Calcutta.

His explanation should reach at the OIC., WSC., Agartala within the stipulated time.

L. Narain
(L. NARAIN)
Asstt. Director (Admin)

To,
Sri Utpal Sutradhar,
Carpenter, WSC., Agartala

Copy to,

1. The Officer-in-Charge, WSC., Agartala. With reference to this office Memo dat. 3/1/2001, he is requested to forward the explanation of Sri Sutradhar to this office with his comments for initiation necessary action in this regard, If at all, no communication is received, he is requested to deposit his total salary with PAO, Calcutta which is lying more than 3 months.

(L. NARAIN)
Asstt. Director (Admin)

To
The Assistant Director (Admin),
Weaver's Service Centre,
P.I.H.T. Campus,
Jawahar Nagar, Khanapara,
Gowhatia-781002.

Through Proper Channel.

Ref. : Office memorandum No. WSC/GAU/AGT-Sr 15(1)/2001/
566 dated 08-02-2001./-----

Subject: Explanation.

Sir,

In response to the office memorandum under reference I beg to submit that I am agreeable to receive the salary as directed without prejudice to my right to approach the appropriate forum or competent court of law to have my grievance redressed.

In the event of the above conditions being agreed to, Officer in charge, Agartala may be directed to make payment to the salary to me.

Yours faithfully,

Utpal Sutraadhare

Carpenter.

W.S.C. Agartala - 6

Dated, Agartala,
the 21st Feb 2001.

The Assistant Director (Admin)
Weaver's Service Centre,
I.I.H.E. Campus,
Chaudhary Nagar, Kharapara,
Mumbai-400002.

Through Proper Channel.

Ref. : Circular No. WSC/GAU/AGE-SF 15(1)/2001/
566 dated 08-02-2001./-----

Subject: Application.

Sir,

I request to the official memorandum under
reference to submit that I am agreeable to re-
ceive the salary as directed without prejudice to my
right to approach the appropriate forum or competent
court of law to have my grievance redressed.

In the event of the above conditions being
approved, Officer in charge, Agartala may be directed
to discontinue the salary to me.

Yours faithfully,

Utpal Sutradhare

Carpenter.

W.S.C. Agartala-6

Dated, Agartala,
The 14th Feb 2001.

ADVANCE COPY

P-35

P-35-61

To
The Development Commissioner for Handlooms,
New Delhi, Udyog Vhaban,
PIN 110011.

Through Proper Channel.

Reminder : My earlier application dated 11-01-2001.

Sir,

With due respect and humble submission I beg to state that I am the only Govt. employee in my family consisting of my mother and two sisters who are wholly dependent on me.

Fortunately, my sister's marriage was fixed on 16-02-2001. So, I was in urgent need of money. I didn't have any other alternative but to withdraw money from my G.P.F. as advance and accordingly I applied on 11-01-2001 for the same. But unfortunately, I did not get any response from your side. Then I was compelled to defer the date of marriage on 11-03-2001 due to paucity of fund (Invitation Card enclosed)

So, I pray to your honour to be kind enough to sanction me ninety nine thousand seven hundred ninety two only towards advance from my G.P.F. immediately. So that I can complete my sister's fixed on 11-03-2001.

The photo-copy of my G.P.F. return is enclosed herewith.

The matter may kindly be treated as most urgent.

Yours faithfully,

Utpal Sulradhara

Dated, Agartala,
the 27th Feb. 2001.

Carpenter.
W. S. C. Agartala.

Y-37
Government of India
No. WSC/GAU/AGT/15(1)/2001/94/7 Dated February 28, 2001
373

C O R R I G E N D U M

In partial modification of this office order
No. WSC/GAU/ADMN/1(27)/Part-III/94/1241- 67 dt. 6/6/95,
following may be substituted against Sl. No. 7.

Sl. No.	Name	Post held at present	Post in which appointed substanti- vely	Date of Substan- tive app- ointment	Office where working	Remarks
1.	Sh. Utpal Sutradhar,	Carpenter	Carpenter	07-06-1990	W.S.C., Agartala	r.H.

There is no change in terms of other particulars
contained in the above order.

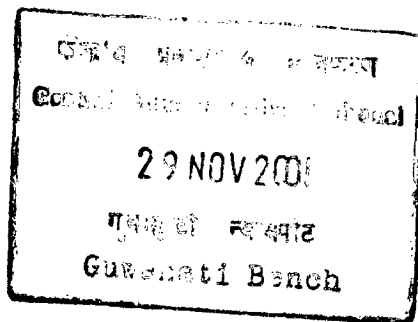
(S.C. JAIN)
Director

To,
Shri Utpal Sutradhar,
Carpenter, WSL.,
Agartala

Copy to,

1. The Officer-in-Charge, WSL, Agartala with reference
to his letter No. WSC/AGT/R-61/2001/2009 dt. 12/1/2001
for necessary action at his end.
2. The Accounts Officer, PAO, Calcutta
3. Personal file of the concerned.
4. File No. WSC/GAU/Admn-1(27)/2001/

(S.C. JAIN)
Director



-38-

27/11/01
64
Filed by
C.A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 133 OF 2001.

Shri Utpal Sutradhar

- Vs -

Union of India and others.

- And -

In the matter of :

Written Statements submitted by
the respondents

The Written Statements of the above noted
respondents are as follows :

1. That, the application of the applicant in this Hon'ble Tribunal is not maintainable in its present form and nature.
2. That, the said application of the applicant is barred by the Principle of estoppel, waiver and acquiescence.
3. That, with regard to para 1 to 5, of the application the respondents beg to state that the applicant was appointed as Carpenter a Group 'C' post of the Weaver Service Centre in a temporary capacity against physically handicapped quota. It is further submitted that out of mistake an Office Order No. WSC/GAU/ADMN/1(27)/Part-III/94/1263 dated 6.6.1995 was issued making the applicant regular and such order was issued through oversight and due to bonafide mistake in issuing

- 39 -

such order for another person. When the matter came to the notice of the Authority such order dated 6. 6.1995 was corrected by issuing a subsequent order vide corrigendum No. WSC/GAU/AGT/15(1)/2001/950 dated 2.3.2001. It is further submitted that the application of the applicant for admission in three years DHT course was simply forwarded to the Development Commissioner for Handlooms, New Delhi and the applicant was granted permission for admission into such course at IHR, ~~Maxx~~ Varanasi on non stipendiary basis for academic session at his own interest and risk although DHT course has no relation with the nature of duty of the applicant in any way. I deny that any recommendation ever made for public interest in favour of the applicant. I further submit that the application of the applicant was simply forwarded with no recommendation to the Development Commissioner for Handlooms, New Delhi. I say that the applicant applied for study leave but study leave was not granted by the Competent Authority vide Order No. J/11011/5/88/E-II/DCA dated 15/16-7-1992 and as per Leave Rule the applicant was not entitled to such leave as he did not complete five years regular service on 9.8.91 when he applied for such leave. It is submitted that the applicant joined in the organisation on 7.12.1987 and thus it is clear that he did not complete five years service on 9.8.91 and as such the Authority rightly declined to grant study leave in favour of the applicant. It is also true that the applicant had applied for No Objection Certificate and for formal release order but no release order was issued in favour of the applicant, No Objection Certificate was also not issued in favour of the applicant for the above reason. It is also

true that the applicant was asked by the Zonal Director, WHC, Guwahati to explain in what ~~an~~ circumstances he left IIHT, Varanasi without permission of Director of that Institute. From record it would reveal that he sought for leave for several days and K.L. from 12.8.1991 to 29.8.1991 i.e. 18 days was granted. For the period from 30.8.91 to 10.10.1991 (without pay) EOL for 42 days was also granted in favour of the applicant and thus 60 days leave were granted. I further submit that the applicant after availing 60 days leave worked in the Office from 11.10.1991 to 8.11.1991 and then left for IIHT, Varanasi on 10.11.1991. Thereafter the applicant again joined on duty on 5.5.1992 after availing 178 days EOL (without pay) with effect from 9.11.1991 to 4.5.1992. The applicant worked in Office at Agartala from 5.5.1992 to 21.7.1992. The period for which the applicant worked and the period for which E.L. was granted, the applicant was given salaries. I further submit that on 22.7.1992 the applicant left for Varanasi and case thereafter and joined in the work in Office in 1994 but in between no E.L. was granted in favour of the applicant for the period from 5.5.92 to 5.5.94 and no increment was also granted in favour of the applicant. Thus the applicant is liable to face consequence of his break of service.

A copy of said order No. WSC/GAU/ADMN/1(27)/Part-III/94/1263 dated 6.6.1993 is annexed herewith and marked as Annexure - R-1.

A copy of said corrigendum No. WSC/GAU/AGT/15(1)/2000/350 dated 2.3.2001 is annexed herewith and marked as Annexure -R-II.

A copy of order No. J/11011/5/88/E-II/DCH dated 15/16-7-1992 aforesaid is annexed herewith and marked as Annexure - R-III.

4. That with regard to paras 6 to 12, of the application the respondents beg to state that the applicant applied for G.P.F. advance on 7.8.1991 for an amount of Rs. 4,200/- and I further deny that the applicant again applied on 5.6.1992 for G.P.F. Advance for an amount of Rs. 4,200/- and therefore such application dated 5.6.1992 cannot be treated as fresh application for G.P.F. advance. However the G.P.F. advance was sanctioned for the reasons otherwise then the applicant has meant to say.

Regarding the averments of non-sanction of study leave, I submit that study leave is granted to a Government Servant (whether Gazetted or non-Gazetted) who has satisfactorily completed the period of probation and has rendered not less than five years regular continuous service. In view of the same, the applicant who joined on the forenoon of 7th December, 1987 and went for study w.e.f. 12.8.1991, did not completed five years regular service, was not granted such leave in terms of exiting Rule and Regulation.

It is true that in 1994, the applicant reported his completion of course to the Department and the same was conveyed to the concerned authority. I submit that subsequently, the salaries paid to the applicant for the period

he worked during vacation or otherwise whenever he came back from IIHT, Varanasi was made a matter of objection by the Audit. I submit that although an Office Order No. WSC/AGT/Esstt-1(12)/95/258 dated 08.02.95 was issued but subsequently the applicant was called back on 21.3.95 with instruction to perform his own duty.

Increments of the applicant was stopped due to non-regularisation of absence of the applicant from 5.5.92 to 5.5.94. The applicant is required to apply for grant of leave of the kind due and admissible under the CCS(Leave Rules), 1972 for regularisation of his absence from duty from 5.5.92 to 5.5.94. His increment case can be considered only after the period of absence mentioned above is regularised.

I submit further that the applicant denied to take salary for the month of February, 2000 showing reason that there is short fall of Rs. 200/- in his basic pay. Infact there was no short fall in his salary for the month of February, 2000. A memorandum No. WSC/AGT/Acetts. 3(1)/2000/392, dated 7.3.2000 was issued and served upon the applicant and thereafter the applicant has drawn his salary for the month of February, 2000. Thereafter, the applicant stopped drawing salary from the month of September, 2000 and onwards. In this connection a memo was issued to the applicant by the office of Weavers' Service Centre, Agartala vide memo. No. WSC/AGT/P-61/2000/1741 dated 29.11.2000 showing details of Gross and Net P Amount admissible, as under :-

DETAILS OF SALARY FOR THE MONTH OF SEPT. 2000

<u>AMOUNT DUE</u>		<u>DEDUCTIONS</u>	
Pay	Rs. 3,500.00	C.G.E.G.I.S.	Rs. 30.00
S.O.A.	Rs. 300.00	GPF Contd.	Rs. 2,500.00
H.R.A.	Rs. 263.00	Recov. of G.P.F. Adv.	Rs. 2,500.00
D.A.	Rs. 1,330.00	Fes. Adv.	Rs. 150.00
Tr. Allowance	Rs. 75.00	Prof. Tax	Rs. 66.00
Gross Amount= <u>Rs. 5,468.00</u>		<u>Rs. 5,246.00</u>	

Net amount : (Rs. 5,468.00 - Rs. 5,246.00) = Rs. 222.00

A copy of said Memo No. WSC/AGT/ACCTS/3(1)/2000/392 dated 7.3.2000 is annexed herewith and marked as Annexure - R-IV.

A copy of said memo No. WSC/AGT/P-61/2000/1741 dated 29.11.2000 is annexed herewith and marked as Annexure -R-V.

5. That with regard to paras 13 to 15, of the application the respondents beg to state that the applicant was not drawing his salaries from September, 2000 a Memorandum No. WSC/AGT/P-61/2000/1741 to 1743 dated 29.11.2000 was issued advising the applicant to draw his salary immediately failing which his all salary will be held up till suitable instruction is received from Hqs. Thereafter another Memorandum No. WSC/GAU/AGT-15(1)/99/63 dated 3.1.2001 was issued asking the applicant to explain as to why he did not accept his salary within the date specified therein failing which necessary

disciplinary action will be initiated against the applicant under C.G.S. (Conduct Rules). Similar Memo dated 8.2.2001 was also issued. The applicant thereafter filed a reply to the said Memo. dated 03.01.2001 which is not found to be satisfactory and the reasons for non-adding of increment was duly informed to the applicant. However, salary for the period of September '2000 onwards has since been received by the applicant.

It is further submitted that the G.P.F. advance bill was not forwarded in time due to non-receipt of regular salary by the applicant since September, 2000. I further submit that regarding G.P.F. advance, sanction was sought for from the Higher Authority and the GPF advance amounting to Rs. 90,000.00 has since been paid to the applicant on 31.5.2001.

Save and except whatever specifically admitted herein above, the other averments of the applicant are disputed and denied.

A copy of said Memo. No. WSC/GAU/AGT-15(1) // 99/63, dated 03/01/2001 is annexed herewith and marked as Annexure - R-VI.

A copy of said memo dated 08/02/2001 is annexed herewith and marked as Annexure -R-VII.

6. That, save and except whatever specifically admitted herein above the other averments of the applicant made in the said application are categorically denied and disputed.

7. That, I crave leave to raise any other point of Law and facts and to produce any paper/document at the time of hearing.

8. That, I pray that this Hon'ble Tribunal may kindly be pleased to consider the above facts and circumstances and be pleased to reject the said application of the applicant and dismiss the case in favour of the Respondents.

Verification.....

-2-

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

I, S. C. Jain, Director

Ministry of Textile, Weavers Service Centre, IIBT Campus,
Jawaharnagar, Khamapara, Guwahati-22 being authorised do
hereby solemnly affirm and declare that the statements
made in paragraphs 1 and 2 are true to my knowledge and
those made in paragraphs 3, 4 and 5 are true to my infor-
mation derived from records and the rests are my humble
submissions before this Hon'ble Tribunal and I have not
suppressed any material facts.

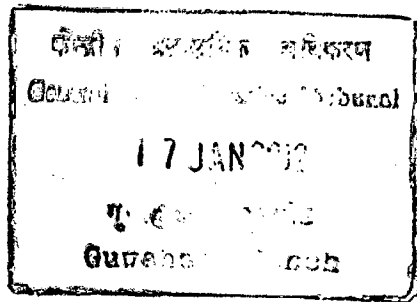
And I sign this verification on this 26th
day of ^{November} ~~September~~, 2001, at Guwahati.

Deponent.

(S.C. JAIN)

DIRECTOR (E.Z.)

WEAVERS SERVICE CENTRE
GUWAHATI



-47-

Utpal Sutradhar

by

Sankar Das.
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH :: GAUHATI

O.A. No. 133 of 2001

Sri Utpal Sutradhar

.....Applicant.

V/S

Union of India and Others

.....Respondents.

A N D

In the matter of :

A rejoinder submitted by the applicant
Sri Utpal Sutradhar against the written
statement submitted by the respondents.

The applicant most humbly and respectfully begs
to state as follows :-

- 1) That Para 1 & 2 of the written statement are
highly untenable and hence denied and
disputed.

Revised
rejoinder

22/1/02

Contd....P/2.

-48-

Utpal Subudhar 24
by Sankar Das.
Advocate

[2]

- 2) That the averments made in para-3 other than those already admitted by the applicant are quite astonishing and highly untenable. Because it is stated in para-3 of the written statement that the Office order No.WSC/GAU/ADMN/1(27)/Part III/94/1263 Dt. 06.06.1995 which was issued making the applicant regular was issued through oversight and due to bonafide mistake. And surprisingly this alleged mistake was managed to have been detected by the authority after a long lapse of nearly 6 years. The authority took long 6 Years to issue the corrigendum No. WSC/GAU/AGT/15(1)/2001/950 dt. 02.03.01 which lessened the length of regular service of the applicant. All these actions by the respondent go to show ^{that} the respondents have not only acted carelessly, negligently arbitrarily without applying proper mind but also create serious irregularity in the service rules of the Deptt. of the Authority. If the respondents are allowed to act in the manner as they have shown by their averments as above it will be nothing but to give a clear excuse for the respondents to act by their sweetwill without Caring for the rules and code of the service jurisprudence. Admission of such mistake at such belated stage may not be

Contd.....P/3.

accepted as this will also cause irreparable injury to the service carrier of the applicant.

It is also submitted in para-3 of the written statement that - 'the application of the applicant was simply forwarded with no recommendation to the Development Commissioner for Handlooms, New Delhi.'

This is nothing but misstatement of fact. Because office memorandum dt. 26.07.1991 which is already marked as annexure A-4 in the O.A., it is clearly stated that -

'The undersigned is directed to state that the application of Sri Utpal Sutradhar S/O Sri Dinabandhu Sutradhar has been recommended for grant of admission on Non-stipendiary basis in the first year of 3 years Diploma Course in Handloom Technology in the Indian Institute of Handloom Technology at Varanasi. Subject to following conditions.....'

So, it is crystal clear from the office memorandum dt. 26.07.1991 that the applicant was recommended by the authority and he was granted admission by the Dy. Development Commissioner for Handlooms, i.e. the Dy. Development Commissioner of his own Department.

Utpal Sutradhar

by
Sankar Day
Advocate

Hence the averment that the application of the applicant was simple forwarded with no recommendation to the Dy. Development Commissioner for handloom is untenable and strongly and stoutly denied by the applicant

The respondents did not adduce an iota of evidence which shows that the applicant went I.I.H.T. at his own interest and risk. In fact the applicant was sent by the authority for public interest to undergo D.H.T. Course. Actually in view of the exigencies of his Department he was sent to I.I.H.T. even after 3 years of his service instead of 5 years. The applicant has been working against the post of a Carpenter and Diploma in Handloom Technology - this course is directly and substantially related to the jobs he performs. Moreover, on completion of D.H.T. Course when he came back and joined in his own Department he was assigned with additional duties of providing Training to the Trainees weavers under Hill Area Project & Project Packages Scheme for which D.H.T. Degree is a must.

In this way the authority has been utilizing the skill & expertise knowledge of the applicant which he derived by his perseverance & strong labour given by him at the time of taking D.H.T. Course.

[5]

But as ill-luck would have it while the applicant approach before the authority with clean hands for extending a little benefit which he is entitled to per law the authority retracted their hands and made a intentional malafide depature to extend such benefit without assigning any cogent reason rather the authority undolating by making statement this and that to deprive the bona fide claim of the applicant which the authority ought to have extended to the applicant immediately the applicant obtained his degree.

Moreover, being highly satisfied the then Assistant Director (WVG), Mr. A.R. Bora issued a certificate No. WSC/AGT/Tech-5(1)/Vol.V/95/1734 dt. 29.09.95 in his favour certifying that the applicant has fairly good knowledge of making point paper designs, jacquard card punching etc. It is pertinent to mention that for making point paper design & jacquard card punching D.H.T. is a must.

Again Mr. K.K. Sharma, Dy. Director issued another certificate No.WSC/AGT/P-61/95/640 dt. 17.04.1995 in favour of the applicant which clearly shows that the applicant has attended work in weaving & Processing section of this Office in addition to his normal

Utpal Sutradhar
by
Sankar Das
Advocate

duties. So, unquestionably it is true that the D.H.T. Course which the applicant completed is directly and substantially connected with the jobs he performs.

- 3) That the rest of averments made in Para-3 are matters of record.

Copies of the certificates No. WSC/AGT/Tech-5(1)/Vol.V/95/1734 dt. 29.09.1995 & the certificate No.WSC/AGT/P-61/95/640 dt. 17.04.95 are annexed herewith and marked as annexure ...1.... & ...2..... respectively.

- 4) That it is a fact that the applicant for G.P.F. advance on 07.08.1991 for an amount of Rs.4,200/- applied to the Authority, again on 05.06.1992 the applicant applied for Rs.4,200 to prosecute study. Then G.P.F. Advance was sanctioned Vide Sanction Order No.WSC/AGT/P-61/92/1575 Dt.03.08.1992 and it was clearly stated in the sanction order that the G.P.F. Advance was sanctioned to enable the applicant to defray expenses in connection with the Higher Education for 3 Years Diploma Course.The operative portion of the Sanction order which is already marked as Annexure A-II in the O.A. is as under-

Utpal Sutrachar
by
Sankar Das,
Advocate

[7]

"Sanctioned of the undersigned is hereby accorded under rule 12 (i) 6(ii) read with 12 (2) of G.P.F. (CS) Rules, 1960 for the grant of a Temp. G.P.F. Advance of Rs.4,400/- (Rupees four thousand four hundred) only to Sri U. Sutrachar, Carpenter, of this office from his G.P.F. A/c. No.PAO/Tax/Cal/WSC/324, to enable him to defray expenses in connection with Higher Education for three years Diploma Course". So, the statement made in para-4 that - 'However the G.P.F. advance was sanctioned for the reasons otherwise than the applicant has meant to say', is lacking veracity hence denied and disputed.

The averments made in sub-par-2 of para 4 is highly disputable as the authority gives a self- contradictory view by forwarding the application of the applicant with recommendation in view of the exigencies of the department in one hand and simultaneously now stating that the person who has not completed five years regular service may not be eligible for granting study leave on the other. The respondents ought to have thought about the

Contd....P/8.

matter once, twice or thrice or as many times as it requires before recommending the case of the applicant for under going D.H.T. Course and even subsequently such recommendation in the opinion of the respondents found illegal/irregular. The respondents could have rescinded such recommendations at proper time but the present case the authority has taken the steps stating that the recommendation of the applicant was not proper in the light of the sub- Para-2 of para -4 above, it is too and highly belated such kind of action of the authority smacks of malafide intention and is violative of the principles of equity which states that he who comes into equity must come with a clean hand. In the case in hand the respondent has not approached this Court which is a court of equity with clean hands as respondents while mentioned in the written statement that the application of the applicant for under-going D.H.T. course has been forwarded simpliciter but delving of facts go to show that the respondents not only forwarded the application but did the same with a recommendation & now when the applicant finding nothing alternative and /or finding himself that he was landed in a place where there is only deprivation the respondents did not care to make departure and changed their stand without any hesitation stating

Utpal Sathachary

by

Sankar Das,
Advocate

that the respondents have forwarded the application simplicitor. Such kind of stand taken by the respondents is neither desirable ~~not~~ tenable when the applicant has approached the court.

In fact, being a poor salaried employee and sole earning member of his family, had he not been recommended by the authority for public Interest he would not have undergone D.H.T. Course at least before the completion of 5 years of service.

5) That the averments made in sub-paras 3,4,5 of para 4 and para-5 are the matters of record.

6) That Save & except whatever specifically admitted hereinabove the other averments of the written statement are categorically denied and disputed.

7) That I seek leave to raise anyother point of law and facts and to produce any paper/document at the time of herering.

In the premises the applicant most humbly and respectfully prays that Hon'ble Tribunal may kindly be pleased to consider the above facts & circumstances and pleased to pass and order rgularising the period spent for study and to release the arrears

Contd...P/10.

Utpal Sutradhar.

✓
Sankar Das,
Advocate.

pay which has not been paid as yet with all other consequential benefits and to pass order quashing corrigendum No.WSC/GAU/AGT/15(1)/2001/947 dt.28.02.01 and declared it void abinitio.

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

I, Sri Utpal Sutradhar S/O Lt. Dinabandhu Sutradhar aged about 36 years working as a carpenter in the office of weavers service centre Gurkhabasti, Agartala, Resident of west Pratapgarh, P.S. West Agartala P.O.-Lundhutinagar, Agartala, West Tripura do hereby verify that the contents of paras 1 to 7..... are to my personal knowledge..... and that I have not suppressed any material fact.

Date : Agartala
Place:)

Utpal Sutradhar.

✓ Signature of the applicant

GRAM : SEVAKENDRA

PHONE : 225255



भारत सरकार
वाणिज्य मन्त्रालय
वस्त्र विभाग
बुनकर सेवाकेन्द्र
आगरतला—७६६००१

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE
DEPARTMENT OF TEXTILES
WEAVERS' SERVICE CENTRE
AGARTALA : 799001

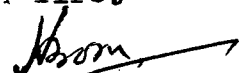
No. WSC/AGT./Tech.-5(1)/Vol.V/95/1734

Dt. 29/9/95.

C E R T I F I C A T E

This is to certify that Shri Utpal-Sutradhar, Carpenter of this centre has fairly good knowledge of making point paper designs, dobby-fitting and pegging, jacquard card punching etc. He has knowledge of Jala making also. He is a hard working youth.

I wish him success in life.


(A.R. BORA)
ASSISTANT DIRECTOR (WVG.)

Attested
[Signature]
25/12/01
(K. R. BAVISKAR)
Deputy Director (Design)
Weavers' Service Centre,
Agartala.

GRAM : SEVAKENDRA
PHONE : 5214



भारत सरकार
वस्त्र मन्त्रालय
हथकरघा विकास आयुक्त कार्यालय
बुनकर सेवा केन्द्र
इन्द्रनगर
आगरतला - ७९६००६

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
O/O THE DEV. COMM. FOR HANDLOOMS
WEAVERS' SERVICE CENTRE
INDRANAGAR
AGARTALA : 799006. TRIPURA (W).

No. WSC/AGT/P-61/95/640.
Dated :- 17/04/95.

CERTIFICATE

This is to certify that Shri U. Sutradhar, Carpenter of this office has attended work in Weaving and Processing Section of this office, in addition to his normal duty.

Shri Sutradhar is an industrious employee in this centre. He bears a good moral character.

I wish him all success in life.


(K.K. SHARMA)
DEPUTY DIRECTOR.


M. B. BAVISAR
Deputy Director (Design)
Weavers' Service Centre,
Agartala.