

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

4

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 390/02

R.A/C.P No.

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SECTION OFFICER (Judl.)

Bahla
4/12/17

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 390/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s): J. R. Chakraborty

- Vs. -

Respondent(s): H. O. I. Ram

Advocate for the Applicant(s): R. P. Sarma, B. Chakraborty

Advocate for the Respondent(s): H. Das
M. A. Deb Roy, C. O. Se.

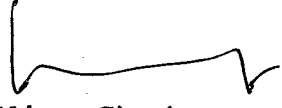
Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Contention Petition is filed / not filed C F. for Rs. 50/ deposited vide IPO/BD No 76.606573. Dated 7.12.02.</p> <p>pg</p> <p>7.1.2003</p> <p>7.1.2003</p> <p>8 Lips taken</p> <p>12/12/02</p> <p>Endors not received. Notice prepared and sent to D/s for filing the Respondent No 1404 by Regd. AD.</p> <p>DINo 80.1583</p> <p>Dtd 20/1/03</p>		<p>There is no representation. List again on 7.1.2003.</p> <p>Vice-Chairman</p> <p>Heard Mr. U. Das, learned counsel for the applicant. Referring to the Annexure-C to the application the learned counsel for the applicant pointed out that the Apex Court by order dated 5.2.1997 has observed that the applicant should be absorbed in the department and would be entitled to monetary benefits.</p> <p>Issue notice to show cause as to why interim order as prayed for shall not be granted.</p> <p>List on 14.2.2003 for admission and interim order.</p> <p>Member</p>

14.2.2003 Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

The application is admitted.
Call for the records.

No fresh notice need to be issued. The respondents may file written statement within four weeks from today.

List the matter on 21.3.2003 for further orders.


Vice-Chairman

mb

No written statement
has been filed

21.3.2003

Put up again on 25.4.2003 enabling the respondents to file written statement.


Vice-Chairman

bb

25.4.2003

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

Heard Mr. B. Chakraborty, learned counsel appearing for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C.

The issue relates to payment of, retirement benefits. The applicant retired from service on 31.5.1998. In view of the inordinate delay in releasing the retirement benefits, the applicant has made this application praying for an appropriate direction on the respondents.

In the written statement also the respondents stated that administrative decision was taken by S.S.B. to process the pension and other retirement benefits admissible to the applicant. Accordingly directions were issued to Divisional Organiser, Shillong to submit the pension papers of the applicant to P.A.O., S.S.B., M.H.A. for immediate release of post retirement benefits to the applicant.

Contd.

Contd.

25.4.2003

Mr. B. Chakraborty, learned counsel for the applicant has placed before me an order No. E.1/9-2/SD/03/1174-77 dated 10.2.2003 which reads as follows:-

"With reference to the DG SSB's Memo No. 14/SSB/A2/2000(19)407-08 dated 23.1.2003, the pension papers alongwith relevant documents in respect of Sh. J. R. Chakraborty, ex-SAO who has retired from service wef 31.5.1998 Afternoon are enclosed herewith for favour of further action at your end please."

DG SSB vide above referred memo. No. 407-08 dated 23.1.03 has intimated that the pension case of Sh Chakraborty ex-SAO has already been decided by the Government and it is being released shortly."

Since the authority, after much delay had taken up the issue and passed appropriate order, it would not be appropriate to pass any order at the stage. The authority has already taken steps for releasing the retiral benefits to the applicant. It is expected that the respondents authority shall release the retiral benefits with utmost expedition without any further delay.

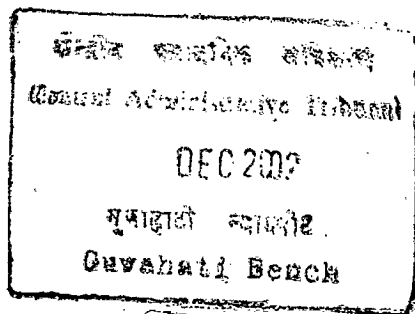
Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.


Vice-Chairman

bb

25.5.2003

Copy of the order has been sent to the office for issuing the order to the applicant as well as to the Dr. G. S. C.
J.S.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench.

O.A No.390 of 2002

Between

Sri Joshoda Ranjan Chakravarty

.....Applicant

-And-

Union of India & Ors.

....Respondents.

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Filed By :

B. Chakravarty -
Advocate. 9/12/02

.....

DISTRICT-KARIMGANJ.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati Bench.

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

For use in Tribunal's Office

Signature Date

O.A. No. - 390 /2002

Between

Sri Joshada Ranjan Chakravarty

Resident of "Susoma" Longai Road,

Karimganj, P.O. & dist-Karimganj, Assam.

....Applicant.

And

1. Union of India,
Through the Secretary, Ministry of
Home Affairs, New Delhi-.
2. The Director General, Security,
South Block, New Delhi.
3. The Director, SSB
Block-V (East), R.K. Puram, New-Delhi.
4. State of Assam, through the
Commissioner-Secretary, Education
Department, Dispur, Guwahat-6

Respondents.

.....Contd.

8
Filed by the applicant -
Joshada Ranjan Chakravarty -
Karimganj
Register Chakravarty -
Admission -
Dul -
9/12/02

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

- 1) The applicant through this application assails the arbitrary and illegal act on the part of the Respondents in not paying pension and other retirement benefits even after serving blemish free for the last 32 years.

2. **Jurisdiction of the Tribunal :-**

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

3. **Limitation :**

The applicant also declares that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. **Facts of the case :-**

1. That the applicant is a citizen of India and a permanent resident of Longai Road, Karimganj, P.O. & district-Karimganj, Assam. Being a citizen of India, the applicant as such, is entitled to the rights and privileges as guaranteed under the Constitution and the relevant rules framed thereunder.
2. That the applicant, who is a graduate in Arts with Honours in Philosophy, initially joined as Assistant Teacher on

.....Contd.

25.11.59 at Govt. High School, Hailakandi. In the year 1965, the applicant was transferred to Karimganj at same capacity and was posted at the Karimganj H.S. School.

3. That vide an order dated 15.6.66 issued by the Additional Director of Public Instruction, Assam, the service of the applicant was placed at the disposal of the Prime Minsiter's Secretariat for working on deputation at the SSB which was then under the control of the Prime Minsiter's Secretariat.

A copy of the said order dated 15.6.66 is annexed herewith as **ANNEXURE-A**.

4. That having placed his service on deputation at the SSB, the applicant on 15.7.66 joined at Karimganj as Circle Organiser. During this period, the applicant underwent successfully acquiring laurel in various courses such as, General Officer's Course; Air Reception Course; Intelligence Course; Refreshers Course etc at Panchgauni (Maharashtra), Shivpuri (M.P.), Goidal (U.P.), Delhi etc. The applicant during his tenure of service was posted at Karimganj, Kalaigaon, Bihali, Sootea, Tura, Jowai, Patharkandi and Kailasahar etc which are few of the places where the applicant was posted during this period.

5. That in the year 1974, the authority of the SSB called for option from the person serving at the SSB for permanent

.....Contd.

absorption. The applicant responding to the same exercised his option for absorption in the SSB. The authority in this process absorbed the persons who exercised option and the applicant was under reasonable believe that he too will be absorbed. But to his utter dismay, the applicant was shocked to receive an order issued vide dated 22.4.81 by the Area Organiser, Cachar, who controls the district where the applicant was posted, that the applicant has been repatriated to the parent department, though similar persons were absorbed in the SSB.

6. That the applicant immediately filed his reply stating therein that he has applied for his absorption in the SSB exercising option and having served the department for the last 15 years it will be too late to go to the Education Department wherein he will lost all his seniority and other benefits. Finding that no suitable action followed from the SSB authority, the applicant vide writ petition, Civil Rule 488/81 approached the Hon'ble Gauhati High Court which was later transferred to this Hon'ble Tribunal and upon transfer was registered as G.C. NO. 314/86.
7. That the said application was finally heard and was allowed by this Hon'ble Tribunal vide judgement and order dated 11.2.87 allowing the application and setting aside the impugned order of repatriation dated 22.4.81. This Hon'ble

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Tribunal further directed for absorption of the applicant in the SSB.

A copy of the said judgement and order dated 11.2.87 passed in G.C. NO. 314/86 is annexed herewith as **ANNEXURE-B**.

8. That the Union of India thereafter preferred an appeal before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide judgement and order dated 5.2.97 uphold the order so passed by this Hon'ble Tribunal dismissing the appeal but modifying the order to the extent that the applicant will be allowed to complete his tenure at the SSB and he at the SSB will be entitled to all the monetary benefits and will also be entitled for promotion.

A copy of the said order dated 5.2.97 passed in Civil Appeal No. 1877/88 is annexed herewith as **ANNEXURE-C**.

9. That on 5.8.97, the applicant submitted an application before the Respondent No.3 seeking clarification with regards to his submission of pension papers as he was deemed to retire next year. The Assistant Director (EA) accordingly vide his official letter dated 20.8.97 clarified that since the applicant was allowed to continue at the SSB till his superannuation, he is to submit his pension papers before the Director of Accounts, Cabinet Secretariat, New Delhi.

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A copy of the said official letter dated 20.8.97 is annexed herewith as **ANNEXURE-D**.

10. That lastly, after serving the SSB for 31 years, the applicant was promoted in the month of September, 1997 as Sub-Area Organiser but was posted at hostile terrain at Tripura. In the mean time the Director of Accounts Cabinet Secretariat express his inability to pay pension in absence of absorption order.

11. That finding that the Director of Accounts, Cabinet Secretariat (hereinafter referred as DACS) was not accepting his pension papers, the applicant approached the Respondent No.3 vide his representation dated 3.11.97. The Assistant Director (EA) of the office of the Director General of Security accordingly wrote to the Senior Assistant Director of Accounts, Cabinet Secretariat to accept the pension papers of the applicant as the Hon'ble Apex Court ordered to extend the monetary benefits and decide the case as per Govt. instructions.

A copy of the said official letter dated 5.12.97 is annexed herewith as **ANNEXURE-E**

12. That during January/February, 1998, the applicant submitted his pension papers before the Divisional Organiser, SSB, Shillong for onward transmission to DACS, New Delhi. The applicant in the mean time retired on 31.5.98. After his

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retirement, the Divisional Organiser SSB, Shillong forwarded the pension paper of the applicant which was submitted before them, to the DPI, Assam putting the responsibility upon the Govt. of Assam to pay pension.

A copy of the said letter of the SSB, Shillong dated 25.6.98 is annexed herewith as ANNEXURE- F.

13. That after his retirement when nothing was done to pay the pension and other retirement benefit to the applicant, finding no alternative, the applicant again approached the Hon'ble Central Administrative Tribunal vide O.A. No. 137/98 and this Hon'ble Tribunal vide judgement and order dated 16.11.99 dispose of the same without going to the merit of the case directing the applicant to file representation before the "competent authority" who are to pass speaking order within a month.
14. That accordingly on 29.12.99, the applicant submitted his representation which was disposed of by the Director General of Security, Office of the Director, SSB, New-Delhi vide order dated 31.01.2000 stating therein that the authority have paid what ever monetary benefit as prescribed by the Hon'ble Supreme Court and for his pension, the applicant should liaise with the parent department, i.e. the Govt. of Assam.

.....Contd.

A copy of the said order dated 31.01.2000 passed by the Respondent No.3 is annexed herewith as **ANNEXURE-G**.

15. That the applicant who in the mean time exhausted all his savings finding no way, submitted a representation before the Govt. of Assam for necessary action so that he can get his pension. In pursuance to his representation dated 2.01.2001, the Govt. vide a communication dated 4.5.2001 asked the Director of Secondary Education, Assam to inform the applicant to approach the SSB who are responsible to pay pension as per Govt. of India's instructions as contained in O.M. No. 14(5)/86/TA/1029, Ministry of Finance, Department of Expenditure Control, General.

The copy of the said representation dated 2.01.2001 and the reply of the Govt. of Assam dated 4.5.2001 are annexed herewith as **ANNEXURE-H-H-1**.

16. That interestingly though the SSB vide their letter dated 31.1.2000 has taken a stand that they are not liable to pay the pension and the applicant was asked to approach the Govt. of Assam, yet vide a letter dated 2.11.2001 issued from the SSB Headquarter, the applicant was asked to submit all the relevant papers so that those may be process for early release of his pension from the said Directorate.

.....Contd.

A copy of the said letter dated 2.11.2001 issued from the SSB Directorate is annexed herewith as **ANNEXURE-H**.

17. That it appears that though the SSB are asking the applicant to submit the papers so that those can be process to pay his pension, yet they in actual did no take any steps in doing the needful. In the men time the applicant did receive an official letter from the Govt. of Assam where in the Govt. of Assam requested the SSB to pay the pension as the applicant before retirement did not served under the Govt. of Assam.

A copy of the said letter dated 13.12.2001 is annexed herewith as **ANNEXURE-J**.

18. That it appears that the Govt. of Assam take up the matter and made necessary enquiry which is apparent from the letter from the Director of Secondary Education Assam. Further when no result came up, the Jt. Director of Secondary Education, Assam again issued a letter on 11.6.2002 making a request therein to the SSB to pay the pension and thereby returned the related documents back to SSB.

The copy of the said letter dated 5.2.2002 and 11.6.2002 issued from the office of Director of Secondary Education, Asam are

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annexed herewith as **ANNEXURE-K & K -1** respectively.

19. That thereafter the SSB vide a communication dated 5.7.2002 again sent back the file along with the papers to the Director of Secondary Education putting the responsibility upon them to pay the pension.

A copy of the said letter dated 5.7.2002 is annexed herewith as **ANNEXURE- L.**

20. That having retired from the SSB after serving the department for the last 32 years with nothing adverse known against him, it is legitimately expected that the SSB are liable to pay the pension and other retirement benefit to the applicant when the matter has been settled for once and all by this Hon'ble Tribunal and upheld by the Hon'ble Supreme Court. The action of the Respondents here depict a total callous and inhuman attitude shown to an employee who have dedicated his life serving at the remotest places under hostile terrain which is the hot bed of insurgency.

21. That the applicant begs to state that pension is not a bounty which the authority can withheld. It is legitimate claim of an employee for the service he has rendered relentlessly for the last several years. It is not understood how the SSB can ask the applicant to approach the Govt. of Assam when the Hon'ble Supreme Court has

.....Contd.

stated in the order dated 5.2.97 to advance all the monetary benefits which suggest and includes pension too. Admitting as such, the SSB therefore asked the applicant vide their letter dated 20.8.97 to submit the papers. This fact was further strengthened by the subsequent letters from the SSB dated 4.12.97 and reiterated by letter dated 2.11.2001.

22. That the applicant begs to state that in various letter and correspondences made between the Govt. of Assam and the SSB goes to reflect that the matter will be decided for once and all but to his unfortunate, the applicant found that the hope and the assurance that was generated was in vain. It is apparent that the both the Govt. of Assam and the SSB mentioned about Govt. of India O.M. NO. 14(5)/86/TA/1029 of Ministry of Finance, Department of Expenditure Control-General putting the responsibility on the SSB for the pension. The SSB too admitted the same and mentioned about said letter quoting the same in their several correspondences. From this fact it is apparent that the Respondents are liable to pay pension to the applicant over which he has a legitimate claim. The applicant therefore prays that a direction is necessary asking the Respondents to produce a copy of the said notification before this Hon'ble Tribunal. The pension and the retirement benefits are withheld though there is no proceeding pending against the applicant.

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23. That the applicant begs to state that at present the applicant who is about 63 years of age is a patient of hypertension, high blood pressure, diabetic and vision problem and for this he was also hospitalised on few occasions. Further the wife of the applicant is severe anemic patient. Now as the applicant has exhausted all his money, he is unable to provide any treatment to himself as well as his wife. Because of such malnutrition, the health of applicant as well as his wife deteriorated day by day.

Be it stated here that the applicant took a loan of RS. 1,10,000/- from the SBI Home Finance but because of his pathetic financial condition, he was unable to repay the loan and the bank are now pressing hard to pay him and has also threatened of initiating proceeding. This also has lowered the reputation of the applicant.

The copies of the medical certificate and the SBI Home notices are annexed herewith as **ANNEXURE- M SERIES & N-SERIES** respectively.

24. That as already stated above the applicant because of exhausting all his savings and because of non payment of pension was left without any source of income as no other member of his family are being employed. The applicant was unable to provide the basic medicine and treatment to himself and his wife. Further his daughter who have a

.....Contd.

brilliant academic career was also unable to fulfil her dream of studies in MBBS course although she stood first Class 7th in the Final B.Sc. Examination.

25. That the applicant begs to state that the applicant always receive step mother treatment from the Respondents. Though he served the department for the last 32 years, he was given only one promotion and that too after the Hon'ble Apex Court gave direction in this regard. The applicant though was entitled to be absorb as permanent employee in the SSB was not given the benefit though others similarly situated have been absorbed. Applicant was unable to reap the benefit of schools service nor the service in SSB with regards to seniority. The applicant was further given the pay scale of Assistant Teacher till 1978 and only thereafter his salary was revised. The Respondents even did not pay the applicant the Special Duty Allowance to which he is entitled during his service at the remotest places and the reason for denial are without any justification. Further when the Govt. of India raised the age of retirement to 60 years on 13.5.98, the applicant was made to retire on 31.5.98 at the age of 58 years. All this facts goes to show the treatment meted upon the applicant during the length of service.
26. That it is stated here that the applicant could not approach the earliest opportunity as he was left without

.....Contd.

penny and the matter was pending between the two Govt. The applicant was unable to accumulate the legal expenses earlier and his health condition also did not permit to travel and met his lawyer. After managing money from known sources, the applicant has therefore approach before this Hon'ble Tribunal to ventilate his genuine grievances.

27. That it is stated that the applicant has been make to move like a shuttle cock once before the SSB and the Govt. of Assam and none is ready to shoulder the burden of paying retirement and pensionary benefit to the applicant which depicts the lackadaisical attitude of the Respondents.

5. **Grounds for present application.**

- a. For that the entire action of the Respondents in denying the applicant his legitimate pension and other benefits are arbitrary, illegal and without any justifiable grounds..
- b. For the Respondents without any reasonable excuse has unduly withheld and denied the applicant his pension which is in violation of the establish norms and procedure. The entire action is arbitrary, illegal and irrational.
- c. For that the action of the Respondents in the instant case besides being arbitrary, illegal, malafide and biased is also violative of Article 16, 19 and 21 of the Constitution of India.

.....Contd.

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- d. For that the action of the Respondents in the instant case is patently malafide and perverted based on irrelevant and extraneous consideration. The entire purported action is therefore liable to be quashed and set aside.
 - e. For that the impugned action besides being arbitrary , illegal and malafide is also liable to be condemned and set aside as the same has denied the applicant from his source of livelihood as prescribed under Article 21 of the Constitution of India.
 - f. For that the order so assailed and the entire exercise of power has been performed in violation of the principle of natural justice and administrative fair play. The action as such is liable to be quashed and set aside.
 - g. For that the pension is not a bounty which the Respondents can withhold. The applicant has a genuine claim over the pension and for all this 32 years of meritorious service, the Respondent cannot make the applicant to run like a shuttle cock from here to there to get his pension.
 - h. For that due to the arbitrary and illegal action of the Respondents, the applicant has been deprived of his right to life and decent standard of living thereby making the life meaningful enjoyment. The action being in contrary to

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the provision of Article 21 of the Constitution of India, is therefore liable to be quashed and set aside.

1. For that in any view of the matter the impugned action is bad in law as well as in fact and as such the same is liable to be quashed and set aside.

6. **Details of Remedies exhausted :-**

The applicant declares that he has no other alternative efficacious remedy other than to approach this Hon'ble Tribunal for getting redressal. The applicant at present has no mean to survive and to provide the bare necessity to his family, as such the applicant also deserves interim order directing the Respondents to pay provisional pension during the pendency of this application or else he will suffer irreparable loss and injury.

7. **Whether Any Appeal or Suit is Pending In any Court With Regard To The**

Subject Matter In Agitation:

That the applicant further declares that there is no suits, application or writ petition pending before any court or tribunal with regards to the matter as agitated in this petition.

8. **Details of Relief Sought for:-**

Under the facts and circumstances stated above, the applicant humbly prays that this Hon'ble Tribunal may be

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pleased to admit this application , call for the records and after hearing the parties may be pleased to pass an order directing the concern Respondents to pay pension, holding them specifically responsible to pay the pension and other retirement benefits, gratuity, leave encashment benefit etc. and further be pleased to issue direction upon the Respondents to pay the applicant all his service benefits as accrued upon including Special Duty Allowances and/or pass such order/orders to which the applicant is entitled as per law and equity including the cost of the proceedings.

9. Interim reliefs if any :-

Under the present facts and circumstances, the applicant prays that the Respondent may be directed to pay provisional pension in the mean time .

10. Particulars of I.P.O :

I.P.O. No.	dated	for	Rs.
50.00 (Rupees Fifty		only)	is enclosed.

.....Contd.

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VERIFICATION

I ,Sri Joshoda Ranjan Chakravarty, s/o lt. Jogesh Chandra Chakravarty, aged about 63 years, resident of Longai Road, P.O & district- Karimganj, Assam as the applicant in the instant application do hereby verify that the statements made in this instant 1,2,3,5,6, 7, 8, 9 ~~and 10~~ and 4 (partly) paragraphs are true to my knowledge and belief and those in paragraphs 4(4,7,9,9,11,15 & 19 and 23) are being matters of information derived from records which I believe to be true and the rest are my humble submission before this Hon,ble Tribunal.

I sign this verification on this 9th day of December, 2002 at Guwahati.

Joshoda Ranjan Chakravarty
Deponent.

ASSAM SCHOOL SERVICE

NO.235

Dtd. Shillong the 15th June/86.

I pursuance of Edn. Depptt's letter No.ESS.79/65/258 dtd 16-5-66 the service of the following the Asstt Teachers in Class-II ASS are placed at the disposal of the Prime Minister's Sectt. on Circle Organisers with effect from the date of their joining.

1. Shri Joshoda Ranjan Chakraborty,
Asstt. Teacher, Govt. Higher Secondary
School, Karimganj.
2. Sri Ranjit Kumar Biswas
Asstt. Teacher, Govt. High School.
Hailakandi.

Sd/- G.C.S. Buroos
Addl. Director of Public Instn.
Assam.

Memo No.AAP/AD/7/65/25 dt. Shillong the 15th June '66.

Copy to :

1. The Secretary to the Govt. of Assam Edn. Deptt. with reference to their letter No.ESS.79/63/263= dtd. 16-5-66 As regard release of Shri S.Kanti Dutta, Librarian, Dist. Library, Shillong for further communication will follow.
2. The Divisional Organiser, SSB, SA Div. Silchar the Teacher may be reported to this office.
3. The Inspector of School, SAC, Silchar.
4. The Principal, Govt. Secondary School, Karimganj.
5. The Head Master, Govt. High School, Hailakandi.
6. Sri J.R. Chakraborty, Asstt. Teacher, Govt. Higher ~~Secondary~~ Secondary School, Karimganj.
7. Shri Ranjit Kumar Biswas, Asstt. Teacher, Govt. High School. Hailakandi.

They should report to the Divisional Organiser, SSB, SA. Divn. Silchar immediately. They will get their own grade pay plus and special pay of Rs.100/- P.M during the period of this deputation.

Sd/- G.C.S. Brror.
Addl. Director of Public Admn.
Assam.

Verified to be true Copy
RS
Advocate

- 20 -

- 21 -

Amexall-B-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

G.C. NO. 314 of 1986
C.R. NO. 488 of 1981

Joshada Ranjan Chakravarty .. Petitioner
Vrs.

Union of India and others .. Respondents

PRESENT:

The Hon'ble Justice Shri D. Pathak, Vice-Chairman.

The Hon'ble Shri S.P. Hazarika, Member.

For the petitioner: Mr. S.K. Hom-choudhury, Advocate.

For the respondents: Mr. S. Ali, Standing Counsel
Central Government.

Date of Judgment & Order: The 11th day of Feb. 1987

JUDGMENT & ORDER

Writ Petition registered as Civil Rule
No. 488 of 1981 in the Gauhati High Court comes
before us under the provision of section 29
of the Administrative Tribunals Act, 1985.

The petitioner, Joshada Ranjan Chakraborty,
impugns an order made by the Area Organiser,
S.S.B., Cachar, on 22.4.1981, repatriating him
to his parent Department under the state of
Assam, which he left in 1966.

2. The petitioner after passing the B.A.
Examination with Honours in Philosophy of the
Gauhati University in the year 1959 was
appointed in Class II of Assam School Service and

...2/-

Writ Petition in the true copy
[Signature]

- 2 -

was posted as Assistant Teacher in the
Hailakandi Government V.M. High School on
25.11.1959 and that while working as such the
petitioner was transferred and posted as
Assistant Teacher in the Government Higher
Secondary School, Karimganj in November 1965.
While the petitioner was working in the post of
Assistant Teacher, on being selected by the
Education Department, Government of Assam for
appointment in the S.S.B. initially on deputation,
the Director of Public Instructions, Assam,
by Memo No. 235-A dated 15.6.66, placed the
services of the petitioner at the disposal of
the Prime Minister Secretariat as Circle
Organiser, S.S.B., with effect from the date
of joining the post. The petitioner joined the
post of Circle Organiser, S.S.B., on 15.7.66
and has been continuing to hold the said post
uptil now. After joining the post of Circle
Organiser, the petitioner had to undergo different
course of training in 1966, 1968, 1969, 1976, 1978, 1
1980 and the petitioner completed all the training
courses successfully save and except the second
term of training in 1980, when he received the leg
injury in the course of the training.

It is stated that although the petitioner

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services along with those of a number of employees of the Government of Assam were placed at the disposal of the S.S.B. on deputation but for all intents and purposes the petitioner and others were employed in S.S.B. on regular basis, inasmuch as, the statutory Rules governing the appointment on deputation, such as (i) terms of deputation, (ii) period of deputation, (iii) permission of parent Department for retention after expiry of statutory period of deputation etc. were never followed. Besides, the petitioner alongwith others similarly appointed were imparted regular course of training during all these years. It is stated that on the eve of making the S.S.B. ^{a permanent department, the off-spring authority of the S.S.B.} in or about 1974, asked the petitioner to exercise his option for permanent appointment in S.S.B. and the petitioner exercised his option in the affirmative. After the S.S.B. was made a permanent Department in S.S.B. Class II S.S.B. (Junior Executive) service was formed and the President of India, in the exercise of the powers conferred by the proviso to Article 309 of the Constitution made the Rules regulating the methods of recruitment to Class II posts in the S.S.B. (Junior Executive) Service, called as the S.S.B.

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(Junior Executive) Service Rules, 1976, hereinafter referred to as the Rules. The Rules ^{was} published on 30.6.76, issued by the Government of India, Cabinet Secretariat, Department of Cabinet Affairs, wherein the posts of Sub-Area Organiser in the scale of Rs. 650-1200/- and that of Circle Organiser in the scale of Rs. 550-900/- constitute the Class II S.S.B. (Junior Executive) Service. A typed copy of the said Rules is annexed to the petition as Annexure 2. It is stated that Rule 6 of the Rules confers on the petitioner a statutory right to be eligible for permanent appointment in the service at least to the post of Circle Organiser at the initial constitution of the service. It is contended by the petitioner that during the entire period of his service he not only successfully completed all the training course, but also discharged his duties and responsibilities to the entire satisfaction of his superiors and there was no occasion for communicating any adverse comment in respect of his Annual Confidential Report, and as such there could be no impediment for appointing him permanently in the service at its initial constitution. It is stated that although under rule 6 of the

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ANNEXURE - I (contd.)

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Rules constitution of a Screening Committee for adjudging the eligible incumbents employed in S.S.B. for permanent appointment in the service at its initial constitution is mandatory, no such Committee was constituted by the Controlling Authority and that in total violation of the provision of the Statutory Rules, the petitioner's case for permanent absorption in the service at its initial constitution was not at all considered. In paragraph 10 of the petition it is stated that the respondents in total disregard to the mandatory provisions of the Rules, has arbitrarily been absorbing persons in the service who were initially appointed in S.S.B. on deputation as the petitioner was and that in the same arbitrary process has recently absorbed in the service, (i) R.K. Biswas, (ii) K. Barua, (iii) B.R. Nath, (iv) H.C. Borbora, (v) B.R. Boro, whose services were similarly placed under S.S.B. on deputation from the service of the Government of Assam as the petitioner was. However, the petitioner's case for absorption in the service has not been considered at all. It is stated that although the petitioner has rendered about 15 years continuous unblemished services in the post of Circle Organiser in the S.S.B. and has successfully

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undergone various training courses from time to time upto 1980 and under the mandatory provisions of the Rules he is entitled to be absorbed permanently in the service at its initial constitution. The respondent No. 3, by the impugned order, has ordered immediate repatriation of the petitioner to the parent Department. It is stated that the petitioner has put in about 15 years continuous devoted service in the S.S.B. at the time of passing the impugned order in 1981, the nature of work which is quite different from the work of School Teacher. Besides, he has lost benefit of seniority and experience in former service. It is also stated that his records of service in the S.S.B. for the long 15 years being unblemished there can be no rationale or intelligible differential for not absorbing the petitioner in the service in S.S.B. at its constitution to which the petitioner under the mandatory provisions of the Rules is entitled. It is stated that after rendering about 15 years continuous unblemished service and undergoing successful training courses from time to time, for all intents and purposes he has become a regular employee of S.S.B. and the impugned order dated 22.4.81, purporting to repatriate

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him is tantamount to an removing him from service without giving him any opportunity whatsoever to show cause. It is contended that the impugned order to repatriate has been passed arbitrarily and in violation of the statutory rights of the petitioner as provided under rule 6 of the Rules and as such illegal and liable to be set aside and quashed. It is submitted that the impugned order is arbitrary, illegal and discriminatory and is violative of the petitioner's fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India as well as his statutory rights provided under the Rules. It is further submitted that he has been denied equality before law and equality of opportunity in the matter of employment under the State in not absorbing in the service in its initial constitution, whereas persons whose service were similarly placed on deputation as that of the petitioner, have been absorbed in the service permanently and such denial is discriminatory and violative of the petitioner's fundamental rights guaranteed under Articles 14 and 16 of the Constitution. The petitioner has prayed that the impugned order be quashed and he be absorbed in the services of the S.S.B. as provided under the Rules.

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3. The respondent No. 4 has filed affidavit in opposition on behalf of respondents 1 to 5. In paragraph 4 of the affidavit in opposition, it has been stated that the S.S.B. is a highly specialised security organisation of the Government of India and the officers joining this Department, whether on direct recruitment or on deputation are provided with intensive training at Government expense to acquire them the necessary professional expertise, so as to enable them to successfully discharge their duties as long as they work in the S.S.B. To the scheme of this training the petitioner was no exception and he had to undergo the training. In paragraph 5, it has been stated that the performance of the petitioner was extreme poor in the General Officers Course. The petitioner along with others has been working on deputation basis in the S.S.B. as per orders of the parent Department dated 15.6.66. No specific period of deputation was laid down in these orders. The terms and conditions of the Officers of the S.S.B. on deputation have been laid down by the Government of India, vide Ministry of External Affairs letter No. EA/SE-7/63 dated 27.5.63. The petitioner joined the S.S.B. on deputation and continues to be such

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till to-date, as he was never been made a regular S.S.B. employee so far. As regards his period of deputation, the Divisional Organiser, North Assam Division has moved the Government of Assam and the Director, Elementary Education, Government of Assam, Gauhati, vide his letter Memo No. 1/25(1)/Estt/80/7511 dated 8.9.1980 for extension of deputation period of officers who are already on deputation with S.S.B. from the Education Department of the Government of Assam, including the petitioner. No reply has been received so far in this regard. In another paragraph which is also numbered as 5 of the same affidavit-in-opposition it is stated that Rules of S.S.B. (Junior Executive) Service, in which the post of Circle Organisers are included, were notified by the Cabinet Secretariat vide their Notification No. EA/SE-164/74 dated 30.6.76. This rule provided for the initial constitution of the cadre on the basis of screening of eligible candidates by the duly constituted Screening Committee. The question of obtaining any option prior to the Notification of this Rule in June 1976 and the validity of any such option that might have been given at such point of time, therefore, does not arise. In paragraph 6, it has been stated that the Screening Committee has not recommended the name of the

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petitioner for permanent absorption in the S.S.B. Service. In paragraph 7, it has been stated that the petitioner besides some others were not considered suitable for permanent absorption and as such could not be absorbed. Sharvashri R.K. Biswas, K. Barua, B.R. Nath, H.C. Borbora, B.R. Bora mentioned by the petitioner, were also deputationists and were duly considered by the appropriate Screening Committee but were found suitable for permanent absorption in the S.S.B. (Junior Executive) Service. In paragraph 8 of the affidavit, it has been stated that a large number of officers like the petitioner, who were on deputation in the service of the S.S.B. have been repatriated to their parent Departments as they were not considered suitable by the appropriate Screening Committee for permanent absorption. In paragraph 9 of the affidavit, it has been stated that merely continuing in the service of the S.S.B. on deputation for a long period of time cannot be a ground for permanent absorption, unless other conditions are fulfilled. It is submitted that the case of the petitioner was duly considered along with other eligible officers by the appropriate Screening Committee for permanent absorption in the S.S.B. strictly in accordance with Rule 6 of the S.S.B (Junior

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Executive) Service but he was not considered suitable for permanent absorption in the S.S.B. and thus still continues as a deputationist in the S.S.B.

4. After receipt of the affidavit-in-opposition, the petitioner has filed a reply. In his reply, he has rebutted the statement made by the respondents in paragraph 5 of the affidavit-in-opposition and says that the petitioner duly qualified in the training course. He has stated in paragraph 4 of the reply that although the performance in the General Officer's Course, was not graded as good/very good and/or outstanding, his performance in all the subsequent training course had all along been satisfactory and sometimes outstanding, inasmuch as, (i) in the A.R.C. training course held in 1968 his performance was graded outstanding in which he secured 92% marks, (ii) in the General Officers' Refresher Training Course held in 1969, his performance was graded as 'very good, (iii) in the C.I. Training Course held in 1976 his performance was graded as 'good' in which he secured above 60% mark, (iv) in the Second General Officers' Course held in 1978, his performance was graded as 'good' in which he secured about 70% marks and (v) in the intelligence

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- 12 -

course held in 1980, his performance was graded 'A' (outstanding) in which he secured 71% marks. He has denied in paragraph 6, the correctness of the statements made in paragraph 6 and 7 of the affidavit-in-opposition. He has stated in his paragraph that had the Screening Committee considered his case in accordance with law, there could not be any rationale or reasonable ground for not absorbing him permanently in the S.S.B. inasmuch as he has already completed all the genuine training course and his confidential report has all along been good and (there is no occasion for any communication of adverse comments in respect of his confidential report. It is stated that it is mandatory under the provisions of sub-rule 5 of Rule 6 of the Rules which clearly stipulates that the deputationists are to be absorbed in their respective posts in the S.S.B. unless the performance is wholly unsatisfactory for permanent absorption in the post which they held. In paragraph 10 of the reply, it has been stated that the contention of the respondents that his performance in the initial G.O.C. training were not upto the mark and thereby meant that for that he was not found suitable for permanent absorption in S.S.B. He has stated in this paragraph that he did not fail in the

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said examination and only remark was fair minus. However, he has recently come to know that Shri D.D. Kankpal, now working as Area Organiser, Almora after two promotions, Shri D.D. Lama, Commandant (since retired), although failed in the initial G.O.C. training course, were, however, absorbed permanently in S.S.B. in its initial constitution and they got series of promotions thereafter. In paragraph 11 of the reply, it has been stated that the petitioner has been allowed to draw his salary in the pay scale of the Assistant Teacher plus one hundred rupees as Special Pay per month. However, on and from 22.10.1978, he has been paid monthly salary in the prescribed pay scale of Circle Organiser, S.S.B., namely, Rs 550-25-750-EB-30-900/- per month. It is stated that in consideration of his efficient discharge of duties and responsibilities, he has been allowed to cross the efficiency bar in the pay scale ranging from Rs 750/- to Rs 780/- per month with effect from 1.1.85 by order No. E/SSB/AS/85(2) dated 6.2.86 issued by the S.S.B. Directorate. In paragraph 12, it has been stated that the petitioner has been awarded honorarium of Rs 500/- for translating English Book "Strategies of Revolutionary Warfare" in Bengali language by order No. 25/SSB/G/82(4) dated 25.9.86 passed

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by the S.S.B. Directorate. In paragraphs 14, it has been stated that after spending so many years in the S.S.B. he cannot now be arbitrarily repatriated to work as Assistant Teacher in the School which will neither serve the interest of the public nor that of the petitioner inasmuch as the nature of duties and responsibilities in the S.S.B. which he has been discharging for more than 20 years is altogether different than that of a School teacher.

5. It is found that the aforesaid statement made in the reply by the petitioner goes unrebutted.

6. It is noticed that while admitting the writ petition by the Gauhati High Court on 26.5.1981, passed an order of ad-interim stay of the impugned order. On 21.8.1981, the High Court passed the following orders:

"Mr. Chetia, the learned counsel appearing for respondents No. 1 to 5 states that the petitioner would not be repatriated till the disposal of this rule, but these respondents may be allowed to have correspondence with the State Government about posting of the petitioner under the State. Mr. Hom-Choudhury, the counsel, for the petitioner has no objection to this prayer. Accordingly the stay order passed earlier is modified to this extent."

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The factual position now is that the petitioner is still continuing in the S.S.B. till to-day.

7. The order of initial appointment reads as under which is annexed as Annexure 1 to the petition:

"ASSAM SCHOOL SERVICE
No. 235-A dated Shillong 15.6.66."

In pursuance of Edn. Deptt's letter No. ESS/79/63/253 dated 16.5.66, the services of the following two Asst. Teachers in class II A.S.S., are placed at the disposal of the Prime Minister's Secretariat as Circle Organisers with effect from the date of joining.

1. Shri J.R. Chakraborty
2. Shri K.K. Biswas.

Sd/-F.C.S. Borooa,
Addl. D.P.I. Assam, Pal. 15.6.66

.....
The impugned order which is annexed as Annexure 3 of the petition reads as under:

"No. ACC.1/1/Est/81/730-33
Directorate General of Security,
Office of the Area Organiser: SSB. Cachar.

Dated - 22.4.81

Memorandum

The Divisional Organiser, Haflong has intimated vide signal No. HD-2942 dt. 29.4.81 that SSB. Dte. has ordered your immediate repatriation to parent Department.

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ANNEXURE-
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The Director of Public Instruction, Assam, Gauhati is being requested to issue necessary posting order in your case.

This is for your information and necessary action.

Sd/- Illegible

22.4.81

for Area Organiser, SSB
Cachar

Shri J.R. Chakraborty,
Circle Organiser, SSB.,
Patherkandi.

....."

8. On a perusal of the letter of initial appointment we do not find whisper about the fact that the petitioner has been sent on deputation. The terms and conditions of the deputation have also not indicated therein. In reply, the petitioner has stated that at the time of joining the S.S.B. he was allowed to draw his salary in the pay scale of the Assistant Teacher plus Rs 100/- as special pay per month. However, on and from 22.10.1978, he has been paid monthly salary in the prescribed pay scale of Circle Organiser, S.S.B., namely, Rs 500-25-750-EB-30-900/- per month. He has also stated that by an order dated 6.2.86 he has been allowed to cross the efficiency bar in the pay scale, raising his pay from Rs 750/- to Rs 780/- per month with effect from 1.1.1985. This statement has been made by the petitioner in paragraph 11 of the reply, which is not disputed by the respondents.

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9. The State of Assam (through the Secretary to the Government of Assam) and Director of Public Institutions, Assam, were respondents in this case, but they did not take any steps.

10. The short point for determination in this case is whether the applicant continues to be on deputation and the latter has a right to send him back to the State Government of Assam and replace his services at their disposal.

If not, whether he is deemed to be a permanent employee in the S.S.B.

11. Neither the applicant nor the respondents have filed any document to show under what terms and conditions the applicant was initially taken to the S.S.B. Organisation. Whether it was a case of deputation from the Government of Assam or it was a direct recruitment by the S.S.B. is not clear from the documents produced. > We have noticed the initial notification of appointment of the petitioner to the the S.S.B. which makes no reference to deputation at all and it reads more like a direct recruitment. In the absence of any document relating to deputation of the applicant from the Government of Assam to the Central Government standard terms of deputation of

officers from the Central Government to the State Government, Public Sector Under-taking etc. as prescribed in the Appendix v Pt.

IV of the Fundamental Rules. It reads as under.

"Standard terms of deputation for officers deputed from Central to the State Government, Public Sector Undertakings, etc.

In the absence of any specific delegation and standard terms, cases of deputation of officers from the Central to the State and vice versa are being referred to the Ministry of Finance for concurrence at present. The decisions enumerated in the following paragraphs have been taken *in this regard*.

2. The system of filling of posts on deputation basis being an expensive one should be restored to only in exceptional cases and with discretion. Normally, there should be no cases of deputation of ministerial (except in the case of employees of the Accounts Department) and Class IV Government servants. The period of deputation should not ordinarily exceed one year at a time and should not normally be extended beyond three years.

3. The fixation of pay of Government servants transferred on 'deputation' in the public interest will be governed by the terms of any

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general or special orders issued. In the case of transfers which are not in the public interest, the pay of the officer will be fixed in the scale of the deputation post under the operation of the normal rules. In such cases, if the minimum of the deputation post is substantially higher than the emoluments admissible to him in his parent Department/State, Administrative authorities are expected to invoke the provisions of F.R.35 and to restrict the pay of the officer suitably and the pay so fixed should be indicated in item 2(ii) of the enclosure (Annexure).

4. The standard terms as given in the Annexure to the decision should normally be allowed to officers deputed from the Centre to the State Government.

5. The services of State Government employees may also be obtained for employment under the Central Government on the pattern of similar terms to be mutually settled in consultation with the State Government concerned.

6. The President is further pleased to decide that the power of deputation in respect of non-gazetted Government servants may be exercised by the Heads of Departments and that in respect of Gazetted Government servants by the

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Ministries of the Government of India subject to the condition that the transfer would be on the standard terms as given in the Annexure to this office Memorandum as referred to above. Cases in which any departure is involved will be required to be referred to the Ministry of Finance.

7. These orders will not apply to officers who are either holding supertime-scale posts. In such cases, the deputation terms will be settled in consultation with the Ministry of Finance in each case. These orders will not also effect the cases of deputation of Central Government employees to the States and vice versa where some special orders are already in existence.

(G.I., M.F.O.M.No.F.1(6)-E.IV(A)/62, dated the 7th December, 1962; O.M.No.F.1(6)E.IV(A)/62. III dated the 7th April, 1964; F.1(6)-E.IV(A)/62-E₃III(B) dated the 16th July, 1984; and F.2(21)-E.II(B)/68 dated 15th November, 1968).

ANNEXURE

(1) Period of deputationyears,
from.....(date to be given).

(2) Pay: (i) (If the transfer is in the public interest)

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ANNEXURE-
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During the period of deputation, Shri will have the option either to get his pay fixed in the deputation post under the operation of the normal rules or to draw pay of the post held by him in his parent department plus a deputation (duty) allowance in accordance with and subject to the conditions as modified from time to time and such other general or special orders issued by the Ministry of Finance.

(ii) (If the transfer is not in the public interest)

During the period of deputation Shri..... will be entitled to pay in the scale of the post of Rs..... due under the operation of the normal rules. "

12. The petitioner's contention is that no Screening Committee was constituted to assess the suitability of the petitioner in terms of the Rules which were notified on 30.6.1976. Rule 6 relating to the initial constitution of the service reads as below:

"INITIAL CONSTITUTION:

(1) All persons holding as on the appointed day, any one of the categories or posts specified in Rule 4, whether in a permanent or temporary or officiating capacity

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or on deputation basis, shall be eligible for appointment to the service at the initial constitution thereof.

(2) The controlling authority shall constitute a Screening Committee in respect of each grade for adjudging the suitability of persons, who, being eligible to be appointed to the service under sub-rule (1), where serving in any grade immediately before the initial constitution cadre, for permanent appointment therein and every committee so constituted shall, subject to such general or special instructions as the controlling authority may give and after following such procedure as the Committee may deem fit, prepare lists of persons considered suitable for such appointment in each grade, with the names of such persons arranged in the order of seniority based on the date of continuous appointment in the grade which they are to be absorbed or in an equivalent grade;

Provided that in relating to each grade separate list shall be prepared for each Division;

Provided further that if the controlling authority deems it necessary so to do, the same committee may be constituted to function in relation to two or more grades or different committees may be constituted to function in

to one or more grades in each Division.

(3) An intimation shall be sent to every person considered suitable for appointment on a permanent basis to a post in any grade giving him an opportunity to express, within thirty days of receipt of intimation by him, his willingness to be so appointed on a permanent basis and the option once exercised shall be final.

(4) Persons who are willing to be appointed on a permanent basis shall be so appointed in the order of seniority against permanent posts available as on the appointed day.

(5) Notwithstanding anything contained in sub-rule (2) to (4), every person holding, as on the appointed day, a permanent post in any one of the categories specified in rule 4 in the SSB shall without prejudice to his being considered for appointment to a permanent post in the higher grade or to his continuance in such higher grade in an officiating or temporary capacity, be absorbed in his respective substantive grade against the permanent post available as on the appointed day.

(6) The Screening Committee may recommend for permanent appointment in a lower grade any person who is serving in a higher grade

irrespective of whether he is a deputationist or a direct recruit and every appointment made on such recommendation shall be without prejudice to his continuing to serve in the higher grade.

(7) Persons holding posts, as on the appointed day, in any grade of the service, who are not found suitable for permanent appointment under sub-rules (2) to (6), may be continued in post in the same grade of the service in a temporary or officiating capacity, as the case may be. "

13. It is not brought to our notice as to when the Screening Committee was constituted for assessing the suitability of the petitioner. There is a clear denial of the petitioner that there was any Screening Committee constituted for the purpose of assessing the suitability of the petitioner. Nothing has been produced before us to controvert the stand taken by the petitioner.

14. The performance of the applicant along with the records of performance giving different dates have been stated by the petitioner himself. He has stated that his A.C.R. for all the years were good. In some cases he has also been graded as 'outstanding'. In the

A.C.R. of 1968 his performance was graded 'outstanding'. In 1969 in the General Officers' Refresher Training Course he has been graded as 'very good.' In 1976 in the C.I. Training Course his performance was graded as 'good', in the Second General Officers' Refreshers Course held in 1978 his performance was graded as 'good' and in the intelligence course held in 1980 his performance was graded as 'outstanding'.

15. As we notice there is nothing in the record to show that his performance was unsatisfactory. It is only desirable that if at all a person is not to be ultimately absorbed in the organisation on its being made permanent those who are not considered suitable are sent back at the earliest opportunity so that they do not become a complete misfit in the parent Department. This is particularly necessary where the duties under the borrowing authority are of a different nature and have no bearing with his normal duties under the lending authority. The applicant was an Assistant School Teacher and in the S.S.B. organisation, he had to be consistently engaged in handling the gun and training to the local volunteers in guerrilla tactics. This kind of

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of handling of arms and guerrilla tactics is entirely unconnected with his work as Assistant School teacher or any other higher post in that Department. The petitioner has, by now, put in about 21 years of service and after such a period of service in the S.S.B. there could be hardly any justification for calling upon the person to go back to his parent Department if he does not want to go back of his own and the parent Department is also not willing to take him back. Indeed it might be a serious problem for the parent Department to absorb him appropriately if it becomes incumbent on them to take him back.

At this stage we may mention that at no point of time prior to the issue of the impugned order, the authority made any approach to the parent Department to repatriate the petitioner for his unsuitability or otherwise. Rather, it is seen from the record that as late as on 12.3.80, the Staff Officer vide his letter No. 1/25(I)/Estt/79/80/2248-64, addressed a letter to the Education Secretary of Assam on the subject of sanction for deputation and extension of officers working in S.S.B. the name of the petitioner figures as "Sl.No. 4" to the list of names given there. Thereafter on 8.9.80,

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another Memo-randum by the Staff Officer, Administration, North Assam Division, Tezpur, regarding sanction for deputation and extension of term of deputation, in which in "serial No. 4" the name of the petitioner figures. A copy of this memorandum was sent to the Director of Elementary Education, Assam, Gauhati, for favour of necessary action.

It is however not to the credit of the Elementary Education Department not to respond to those correspondence but that is entirely a different matter. When the S.S.B. Directorate had failed to secure any reply from the Elementary Education Department the appropriate measure for the S.S.B. or the Central Government Department was to take up the matter at the appropriate levels between the Central Government and the State Government so as to finalise the matter at the appropriate time. This having not been done, to us there is nothing which would justify the reversion of the applicant to the Education Department of the State of Assam even if the Education Department is capable of absorbing him. ✓

16. If an officer becomes unfit to hold an assignment at the appropriate place in

in his parent Department. The respondents have failed to establish that the applicant was taken on deputation from the Government of Assam and that his deputation was extended from time to time. That the terms and conditions for deputation were not followed in the case stands fully established. In the circumstances they cannot in all fairness unilaterally make an order to the effect that the applicant stands reverted to the State Government of Assam.

17. We have already noticed that the petitioner's grading in his performance was 'good', 'very good' and 'outstanding'. He was also allowed to cross efficiency bar in the next higher grade. Though at a later stage this would also justify his permanent retention and there would be hardly any justification to hold that the applicant is unfit to be retained permanently in the service. Assuming that the applicant was on deputation, the vacancy consequent upon his deputation had long been filled and a reversion would cause serious dislocation to the administration of the Education Department after such a long lapse. If there is any fault in the present state of affairs the blame is squarely on the S.S.B. Directorate itself that they had continued to avail the services of the

applicant but totally failed to give any consideration at any time for his future. The petitioner was retained for such a long time and on him made heavy investment for his training in the different courses and as such there is no justification in the interest of Administration also to revert him to a post where he will be a total misfit more particularly when the Annual Confidential Report from his performance shows that he has been rendering fairly good services from 1968 onwards.

N. Deka
We may also mention here that in a recent decision of this Bench in Guwahati Case No. 73 of 1986 - Shri Taranath Deka vs. Union of India and others, disposed of on 19.11.1986, on almost identical facts, we expressed similar view.

18. In the circumstances without entering into the intricacies of the rules and regulations and the rival contentions on rights, in all fairness, the applicant should be permanently absorbed in the service.

19. In the result, the application must be allowed. Accordingly, we quash and set aside the order of repatriation passed on 22.4.1981 by the Area Organiser, S.S.B., Cachar and direct

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and direct the respondents that the
applicant be immediately absorbed in the
Department. In the facts and circumstances
of the case, we pass no order as to costs.

Sd/-
MEMBER

Sd/-
VICE-CHAIRMAN

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Amers - C - 6
14/2/97
Office Secy

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1877/88

155087

U.O.I. and ors.

..Appellants

vs.

Joshada Ranjan Chakravarty

..Respondent

O R D E R

We heard counsel.

In the peculiar facts and circumstances of the case, we are not inclined to go into the details of the matter.

The respondent was sent on deputation to S.S.B. as early as on 15.6.66. He has been continuing in the said "Department" since then. The Screening Committee was formed only in 1976 and it was decided on 7.3.1977 that the respondent should be repatriated to the parent Department. The repatriation was stayed by court's order from time to time. Finally, the Central Administrative Tribunal, Gauhati Bench, by order dated 11.2.87, passed an order quashing the order of repatriation and directed the appellants to absorb the respondent in the "Department" with immediate effect.

Order of the Court
[Signature]
[Signature]

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-:2:-

The respondent has got only a year or a little more to retire. In the peculiar facts of this case, we are of the view that the respondent should be permitted to continue in the 'Department' - S.S.B. till his retirement. The order of the Tribunal that the respondent should be absorbed in the Department will apply only insofar as monetary benefits to the respondent are concerned. With regard to promotion, the case of the respondent will be considered by the Promotion Committee and only if he is found fit and suitable by the Committee, he will be entitled to the benefits relating thereto. Subject to this modification, the appeal shall stand dismissed with no order as to costs. We make it clear that this decision shall not be a precedent in other cases.

S

.....J.
[K.S. PARIPOORNAN]

L

.....J.
[S.P. KURDUKAR]

N. Delhi,
February 5, 1997

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ANNEXURE-9(2000) 0 4

No.4/SSB/SA/66(74)II/2323
Directorate General of Security,
office of the Director, SSB
East Block-V, R.K. Puram,
New Delhi.110066.

Dated the 20th August, 1997.

MEMORANDUM

Reference Shri J.R. Chakraborty, Circle Organiser,
Patharkandi, Shillong Divn. Letter No.PS(I)/PF/97/249
dated 5-8-97 seeking clarification whether he will get
pension from the Central Govt. or from his present deptt.

2. In this connection it is intimated that Sri j.R.
Chakraborty has been allowed to continue in SSB till his
superannuation i.e. 31-5-98 vide order No.17/SSB/A2/83(2)
Vol.IV dated 16-7-97. Therefore, he is to submit his
pension papers to Director of Accounts, Cab.Sectt. New Delhi
He may please be informed accordingly. Shri J.R. Chakraborty
C.O. may also please be advised to make his applications only
through proper channel.

Sd/- Karan Singh
Assistant Director (EA)

To
Divisional Organiser,
Shillong Divn.

Copy to :
Director of Accounts, Cab. Sectt. East Block IX,
R.K. Puram, New Delhi-66.

Memo No.E.1/9-2/SD/16370 dtd. 16-9-97.

Copy to :
The Area Organiser SSB, Kashipur, Cachar, for
information and necessary action please.

Sd/- N.R. Goswami,
Section Officer, SSB,
Shillong Division, Shillong.

No.2080-81

Dated the 27th Sept./97.

1. Copy forwarded to Shri J.R. Chakraborty, Sub-Area
Organiser, SSB, Kailashar, Tripura, North.
2. The Area Organiser, SSB, Tripura, Agartala-799001
for information please.

Sd/-
Area Organiser, SSB
Cachar: Kashipur.

Ad to be true Copy

Ad 7-9-97

- 53 -

A

Annexure-~~Sample~~ E

NO.4/SSB/A2/66(74)-II-3553
Directorate General of Security
Office of the Director, SSB
East Block-V, R.K. Puram,
New Delhi-110066.

Dated the 5th Dec./1997.

To

The Sr. Assistant Director of Accounts,
Cabinet Secretariat, Block-IX (East.)
R.K. Puram, New Delhi-110066.

Sir,

Sri J.R. Chakraborty, SAO who is due to retire on his superannuation w.e.f. 31-5-98, has intimated that he has refused to accept his pension papers (copy of his letter dated 3-11-97 is enclosed).

2. In this connection it is intimated that Shri Chakraborty has been allowed by Hon'ble Supreme Court of India vide order dated 5-2-97 to continue in SSB till his superannuation for monetary benefits and necessary order have been issued vide SSB Directorate Order No. 17/SSB/A2/83(2)-Vol.IV dated 16-7-97 (copy enclosed).

3. In view of Hon'ble Supreme Court judgment dated 5-2-97 (copy enclosed) DACS are requested to accept the papers and decide the pension case ~~xxx~~ as per GOI M.F.C. OM No.14(5)/86/TA/1029 dated 9-10-86 as already requested vide this Directorate letter of even number dated 27-10-97 which may please be referred to .

Yours faithfully,

(KARAN SINGH)

Assistant Director (SA)

Enclo : As above.

Copy to Divisional Originator, Shillong for information.

Sd/- Karan Singh
4-12-97

Assistant Director SA

Memo No.E.I/9-2/SD/9622 dtd. 22-12-95
Copy to :

The Area Organiser, SSB, Agartala, Tripura for information and necessary action please. He is requested to inform Shri J.R. Chakraborty Kailasahar accordingly.

Sd/-

Area Organiser (Admn)
Shillong Divn., Shillong.

Not to be used Copy
[Signature]
Admn

REGD. WITH A/D

No.E.1/9-2/SD/8912-17
 Directorate Gneral of Security,
 Q/O the Divisional Organiser, SSB,
 Shillong Divn. Shillong, A.P. Sectt.
 Building, Ground Floor, Shillong-793001,
 Meghalaya.

Dated the 25-6-98.

To

The Director of Public Instructions,
 Secondary Education De/artment,
 Kahilipara, Gauhati-19.
 Assam.

Sub :- Grant of Pension on supernnuation to Sri J.R.
 Chakraborty, Ex.SAO who retired from service
 on 31-5-98 after noon.

Sir,

I am to invite a reference to SSB Directorate's
 Confidential Order No.4/SSB/A2/66(74)2709 dtd. 11-6-98
 (copy enclosed), the forlllloing documents are enclosed
 herewith for favour of granting pension to Sri J.R.
 Chakraborty, teacher of Govt. Assam who was on deputation
 in SSB. Govt. of India and retired from service on 31-5-98
 due to superannuation.

1. Original Service Card/Service statement in respect of Sri J.R. Chakraborty, Ex. SAO, received from Director of Accounts, Cabinet Sectt. East Block IX, Level 7, R.K. Puram, New Delhi-110066. - 3 sheets.
2. 3 copies of Joint photographs in r/8 Sh. Chakraborty with his wife. - 3 "
3. Specimen signature of Shri Chakraborty. - 3 "
4. Identification marks - 3 "
5. Form I (Being commutation pension without medical examination). - 3 "
6. Form III (Family details) - 3 "
7. Form 4 (application of family pension- 3 "
8. Form 5 (Personal particulars before retiring by Govt. servant). - 3 "
9. Descriptive Roll - 3 "
10. Form 7 (application of Pension and Gratuity) - 3 "

- 55 - 60

You are therefore, requested kindly to arrange grant of pension to Shri Chakraborty at an early date. In case any further information is required, the same may be obtained from Shri J.R. Chakraborty as per address given as under :-

Shri J.R. Chakraborty,
SUSHAMA
Longai Road, P.O. & Dist. Karimganj, Assam.

An early confirmation will be highly appreciated.

Please acknowledge receipt.

Yours faithfully,

Enclo: 40(forty) sheets.

Area Organiser (Admn)
Shillong Division, Shillong.

Copy to :

1. The Director of Accounts, Cabinet Sectt.,
East Block No. IX, Level 7, R.K. Puram, New
Delhi-110066 for information please.
2. The Joint Deputy Director (EA), SSB, Dto.,
East Block No. V, R.K. Puram, New Delhi-110066
for information please w.r.t. their letter
No. 4/SSB/A2/66(74)II-2776 dtd 18-6-98.
3. The Area Organiser, SSB Agartala, Tripura.
4. Accounts Officer, SSB Shillong.
5. Shri J.R. Chakraborty, Ex-SAO, SUSHAMA,
Longai Road, P.O. & Dist. Karimganj, Assam
Pin-788712.

Sd/- Illegible
25-6-98
Area Organiser (Admn)
Shillong Division, Shillong.

- 56 - *Amur G-*

REGISTERED

NO. 4/SSB/A2/66(74)Pt. - 427
DIRECTORATE GENERAL OF SECURITY
OFFICE OF THE DIRECTOR, SSB
EAST BLOCK-V, R.K. PURAM,
NEW DELHI - 110066.

DATED THE, 31-1-2000.

O R D E R

In compliance to the order dated 16/11/99 of the Hon'ble Central Administrative Tribunal, Guwahati Bench in OA No.137/98 titled Joshada Ranjan Chakraborty Vs Union of India, the applicant Shri Joshada Ranjan Chakraborty submitted his representation dated, 29/12/99 addressed to the Director, Special Service Bureau which was received on 04/01/2000. The undersigned, has carefully considered the representation.

2. The applicant has raised the following points for consideration :-

a) That the Hon'ble Supreme Court order dated 05/02/97 upheld the judgement dated, 11/02/87 of Central Administrative Tribunal, Guwahati Bench for his permanent absorption in Special Service Bureau in respect of monetary benefits, therefore, he is entitled to the following :-

- i) Special Duty Allowance. (SDA)
- ii) Transport Allowance.
- iii) Compensation in lieu of Quarters. (CILQ)
- iv) Pay fixation arrear.

b) That, he was directed to submit the pension papers to Director of Accounts, Cabinet Secretariat vide Special Service Bureau Directorate Memorandum dated 20/08/97 and 05/12/97 for granting equal monetary benefits. He had submitted the pension papers through Sub Area Organiser, Kailashar on 07/04/98, but his pension papers were diverted to State Government of Assam for giving him pension.

c) That during 32 years of service, he was given only one promotion on the direction of the Hon'ble Supreme Court, but he has not been given the usual monetary benefits for his promotion from the rank of Circle Organiser to Sub Area Organiser. The promotion was given to him on the recommendation of the Departmental Promotion Committee and accordingly, he was given higher responsibility without monetary benefits.

to be true Copy

NS
Advocate

d) That the Hon'ble Supreme Court judgement dated, 05/02/97, allowed him to serve in Special Service Bureau till retirement. The Government enhanced the age of retirement from 58 to 60 years on 13/05/98 but the benefits of Vth Central Pay Commission regarding enhancement of the retirement age has not been given to him.

3. The undersigned in compliance to the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench perused official records, judgement of the Apex Court modifying the earlier judgement of Central Administrative Tribunal, Guwahati and after careful consideration of the points raised above by the applicant observes point wise as under :-

a) Shri J.R.Chakraborty, Assistant Teacher of Education Department of Government of Assam joined the Special Service Bureau (SSB) on 15/07/1966 as Circle Organiser on deputation basis. On notification of the SSB (Junior Executive) Service Rules in 1976 vide Cabinet Secretariat Notification No.EA/SE-164/74 dated 30/06/1976 the case of Shri Chakraborty alongwith others was considered by the Screening Committee for permanent absorption as per the above Rules. He was however not found fit for permanent absorption at the initial constitution of the service. All those deputationists who were not approved for permanent absorption were to be repatriated to their parent department. Accordingly, Shri Chakraborty was also ordered for repatriation to his parent department vide Memorandum No.AOC-1/1/Est/81 dated 22/04/1981. He however filed a writ petition and his repatriation was stayed by the Court and he continued in the Special Service Bureau. His status continued to be that of a deputationist. A deputationist has no claim for promotion in the borrowing Department.

b) The Hon'ble Supreme Court vide its order dated, 05/02/97, had partially modified the order of Central Administrative Tribunal, Guwahati dated 11/02/87 and had held that "in the peculiar facts of this case we are of the view that the respondent should be permitted to continue in the department, till his retirement. The order of the Tribunal dated 11/02/87 that the respondent should be absorbed in the Department will apply in so far as monetary benefits to the respondent are concerned. With regard to promotion, the case of respondent will be considered by the Promotion Committee and only if, he is found fit and suitable by the Committee, he will be entitled to the benefits relating thereto. Subject to this modification....."

- 58 - 63

c) Accordingly, the applicant was given all the monetary benefits and he has already been given the pay and allowances on account of his promotion as Sub Area Organiser and also of the revised pay scale of Circle Organiser w.e.f. 01/01/96 in pay scale of Rs.6500-200-10,500/- and Sub Area Organiser w.e.f. 30/09/97 in the pay scale of Rs.6500-200-10,500/- after the Vth Central Pay Commission recommendations. However, now the pay scale of the Sub Area Organiser has again been upgraded to Rs.8,000-275-13,500/- vide Cabinet Sectt. Office Memorandum No.50(40)/97/IC-11 dated 06/01/99 and accordingly the pay of Shri Chakraborty has been refixed with effect from 30/09/97 in the revised scale of Sub Area Organiser mentioned above and payment of arrears on this account has already been made to him by the Director of Accounts, Cabinet Secretariat. In pursuance of the Hon'ble Supreme Court's judgement he was promoted as Sub Area Organiser vide this Directorate Order No.17/SSB/A2/83(2)/Vol-IV dated 03/09/97. The applicant has been authorised transport allowance as admissible. He is however, not entitled to draw compensation in lieu of quarters as per Cabinet Secretariat order No.17011/10/89-EA-11 dated, 09/02/90 as grant of compensation in lieu of quarters on conferee basis is not admissible to him. As regards payment of Special Duty Allowance, the same is also not admissible to Shri Chakraborty as he is a deputationist from North Eastern Region and as such as per provision laid down in the Cabinet Secretariat letter No.7/47/P4/EA-1 dated 28/09/84 the Officer is not entitled for the same. Even during the period of his deputation, Shri Chakraborty was never posted out of North-east.

✓d) That the orders of the Hon'ble Supreme Court are very clear that he be allowed to continue in the Department to avoid his repatriation to his parent department at the lag end of his career. He was not a permanent employee of the Special Service Bureau. He was allowed to continue in Special Service Bureau till his superannuation and all the monetary benefits were given to him accordingly. As he was on deputation, the post retirement benefits after superannuation are to be given by his parent department where the retirement age is 58 years i.e. the Education Department of Assam Government. Therefore, his post-retirement benefits/pension is to be paid by the State Government of Assam.

e) That the applicant was working on deputation in Special Service Bureau and he was allowed to continue in the Department to avoid his repatriation. His case for promotion was examined by the Departmental Promotion Committee and he was appointed to the next

-59-

higher post of Sub Area Organiser on deputation basis vide this Directorate order No.17/SSB/A2/ 83(2)Vol-IV dated 03/09/97. On his appointment as Sub Area Organiser, he was allowed the pay scale of Sub Area Organiser i.e. Rs.2000-3500/- (pre-revised) now Rs.8000-275-13500/- as recommended by the Vth Central Pay Commission w.e.f. 30/09/97. He has already been paid an amount of Rs.29,678/- on account of arrears of pay and allowances due for the period from 01/01/96 to 31/05/98 on account of revision of pay scales as per recommendations of Vth Central Pay Commission. Further, an amount of Rs.5,385/- as confirmed from Director of Accounts, Cabinet Secretariat is being paid to the Applicant on account of authorisation of Pay & Allowances/House Rent Allowance/Transport Allowance/Special Compensatory Allowance w.e.f. 30/09/97 to 31/05/98.

f) As per the judgement dated, 05/02/97, of the Hon'ble Supreme Court, he was allowed to continue in Special Service Bureau till his retirement. The age of retirement of Central Government Civilian employees was raised from 58 years to 60 years vide Ministry of Personnel, Public Grievances and Pension Office Memorandum No.25012/2/97 dated 13/05/98. As Shri J.R.Chakraborty, was on deputation from State Government of Assam and the age of retirement has not been enhanced by his parent Department (Assam Government) for their employees, the applicant has therefore rightly been superannuated on completion of 58 years which is the age of retirement applicable to Assam Government employees.

4. In view of the foregoing, it is amply clear that Shri Chakraborty has been given all the monetary and other benefits that were authorised to him in due compliance of the orders dated 05/02/97 of the Hon'ble Supreme Court. The Applicant should liaise with his parent department viz., Education Department of the Government of Assam and get his pension and other retirement benefits expedited.

5. With this order, the application dated 29/12/99 submitted by Shri Joshada Ranjan Chakraborty stands disposed off.


(R.P.KUREEL)
DIRECTOR, SSB

To

✓ Shri Joshada Ranjan Chakraborty,
Sushma Longai Road,
PO/Distt. Karimganj,
Assam - 788712.

Copy to : 1. The Divisional Organiser, SSB, Shillong | for in-
| formati-
2. The Divisional Organiser, N.A.Division | on.

DIRECTOR, SSB

From. Joshada Ranjan Chakravarty.
Retd. Sub-Area Organiser, S.S.B.
(on deputation from Assam School Service.)

To. The Commissioner
Education Department, Govt. of Assam.
Dispur, Guwahati-6

Sub. Prayer for grant of pension on
superannuation

Sir,
Most respectfully I beg to lay before you the following
few lines for your benign consideration and propitious orders

That Sir, I joined Assam School Service as asstt. teacher
on 25.11.1959 and served for about seven years in the Govt.
V.M. High School, Hailakandi and Karimganj Govt. H.S. School.
I was confirmed in the service W.E.F. 28.3.67. (D.P.I. Assam's
Memo. No. 218, dated 24.7.1970.....Annexure-1)

That Sir, I was sent out on deputation to S.S.B. under
Cabinet Sectt. Govt. of India. by the D.P.I. Assam, under
order no. 235 dated 15.6.1966. (Annexure-2) in pursuance of
Assam Education Department letter no. ESS.79/63/253. dt. 16.5.66.

That Sir, in obedience to the above order, I joined as
Circle Organiser, S.S.B. on 15.7.1966, and retired from there
on superannuation w.e.f. 31.5.1998. During this period of 32
years, I was not called back by my Parent Department, rather
periodical extension was granted, presumably as sought for by
the borrowing govt. without my knowledge. No further terms and
conditions were spelt out except those appearing in the order
of the D.P.I. Assam mentioned above. I could not obtain anything more
in this regard from either Government, despite best effort.

That Sir, On my retirement on superannuation, my pension
papers were sent by S.S.B. Department under their letter
no. E.1/9-2/SD/6912-17 dated 25.6.98 (Annexure-3) and were duly
received at the Directorate of Secondary Education Assam.

That Sir, The Directorate of Secondary Education, Assam,
in their turn, have sought for your kind orders to grant me
pension, in their letter no. APP/PEN/15/98/11. dated 26.7.2000
(annexure-4)

That Sir, it is now learnt that the borrowing Deptt.
S.S.B. did not remit the pension contribution, leave salary
contribution etc. as per Rule, for my 32 long years of unblemished
service with the borrowing government.

That Sir, for the last two years and a half, since my
retirement, I did not receive anything towards pension and have
been absolutely without any income. I have now been living a
pauper's life, although I held a class-1 gazetted post during
my retirement. My small house is also under mortgage and I have
been receiving threats for legal action for my failure to pay
the monthly instalments.

Contd - P/2

Certified to be true Copy
[Signature]
Advocate

2

- 6/-

66

That Sir, I have, by now, exhausted all my savings and have, now, been fathoms under debt. A further delay in receiving my pension will entail total collapse of my family. The insults meted out to by the creditors and the constant tension, have made me a patient of diabetes and high blood pressure.

I am, therefore, to pray you to kindly consider my case with a clement eye and issue your propitious orders in favour of my pension/provisional pension, to save a retired person from impending collapse. I am also to pray you to kindly pass such orders as might be necessary to obtain the pensionary contributions from the borrowing department-S.S.B. (under Cabinet Secretariat, Govt. of India.

For these acts of your great kindness, I shall ever pray.

DATED?
January 2, 2001.

Yours faithfully
Joshada Rn. Chakravarty 2/1/2001.
(Joshada Rn. Chakravarty)
LONGAI ROAD: KARIMGANJ. ASSAM.

- 62 - Annex H-1

67

GOVERNMENT OF ASSAM
EDUCATION (SECONDARY) DEPARTMENT
E*E*E

NO.B(3)S-14/2001/10

Dated Dispur, the 4th May/2001.

From : Shri D.K.Choudhury, ACS.,
Deputy Secretary to the Govt. of Assam,
Education Department.

✓ To : The Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

Sub : Grant of Pension on Superannuation to
Shri Jashada Ranjan Chakraborty, Ex-S.A.O.

Ref : Your letter No.AAP/Pen/15/98/11,
dated 26-7-2000 .

Sir,

With reference to your letter cited above on the subject, I am directed to say that according to Govt. of India's O.M.No.14(5)/86/TA/1029 (Ministry of Finance, Department of Expenditure Controll General) dated 9-10-86, the liability for pension including gratuity will be borne in full by the Central Deptt. to which the Govt. servant permanently belongs at the time of retirement . No recovery of proportionate pension will be made from State Govt. under whom he had served .

You are, therefore, requested to inform the concerned authority to settle the pension case of Shri Jashada Ranjan Chakraborty, Retd. Sub-Area Organiser, SSB in the light of the above mentioned Govt. of India's O.M.

Yours faithfully,



Deputy Secretary to the Govt. of Assam
Education Department.

250
4/5/2001

RLT.

Not to be true Copy

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ADVOCATE

63 - Amer - I
No. 14/SSB/A2/2001/(19) 2938
Government of India
Ministry of Home Affairs,
O/O the Director General SSB,
East Block-V, R.K. Puram,
New Delhi-110066.

To

Dated the, 2-11-2001

Shri J.R.Chakravarty,
Retd. Sub Area Organiser
Sushama Longoi Road,
P.O./Dist. Karimganj-788712,
Assam.

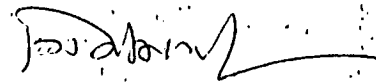
Subject:- Settlement of pension case.

Sir,

Please refer to your application dated 29.8.2001
on the above mentioned subject.

2. It is requested that a copy of your representation
dated 25.6.2001 relating to settlement of your pension
case may please be sent to SSB Hqs. as the same does
not appear to have been received by this Directorate,
so that your case could be processed immediately and
necessary action could also be taken by the appropriate
authorities.

Yours faithfully,


(G.C. JOSHI)
Assistant Director (EA) II

Noted to be true Copy


28/11/01

-64- *Amk = J.*

GOVT. OF ASSAM,
OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI-19.

69

No. AAP/Pen/15/98/22

Dtd. Kahilipara, the 13th Dec/2001

From : Smti Anjali Bora, M.A., B.T., A.B.S.
Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

To : The Divisional Organiser, S.S.B. Shillong, Division,
Shillong, A.P. Sectt. Building,
Ground Floor.
Shillong - 793001, Meghalaya.

Sub. : Grant of pension on superannuation to Sri Joshada
Ranjan Chakraborty, Retd. S.A.O.

Ref. : Your letter No. P-I/9-2/SD/14435-36 dtd. 7-12-98.

Sir,

In inviting a reference to your letter on the subject cited above, I am directed to state that the services of Sri Joshada Ranjan Chakraborty Asstt. teacher Govt. H.S. School, Karimganj was placed at the disposal of the Priministers Secretariat as circle organiser vide this office order No. AAP/AD/7/65/25 dt. 15-6-66 as per instruction of Govt. of Assam Education Department vide Govt. letter No. ESS/79/65/253 dt. 16-5-66. He had retired from his services on superannuation on 31-5-98 from your establishment.

As per existing rule he should joined to his parent establishment i.e. to the office of the undersigned before his retirement. But he did not do that for which the matter has been referred to the Govt. for necessary order. But Govt. have regretted his prayer for granting pension, gratuity etc. and instructed undersigned vide Govt. letter No. B(3)S-14/2001/10 dt. 4-5-2001 (Copy enclosed) to request you to settled the pension case of Sri J.R. Chakraborty retired Sub-Area Organiser S.S.B. in the light of Govt. of India's O.M. number 14 (5)/86/TA/1029 (Ministry of finance Deptt. of expenditure controle general) dt. 9-10-86.

It is therefore requested to take necessary action for granting pension and gratuity in respect of Sri Joshada Ranjan Chakraborty from your end.

Yours faithfully,

Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

Memo No. AAP/Pen/15/98/22-A Dtd. Kahilipara, the 13th Dec/2001

Copy to :-

1. The Secretary to the Govt. of Assam, Education Deptt., Dispur, Guwahati-6 for information.
2. Sri Joshada Ranjan Chakraborty, Retd. Sub Area Organiser, (S.S.B.) Sushama longai Road.
P.O. & Distt. Karimganj Pin : 788712, Assam.

12/12/01

Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

Original is the true Copy

GOVT. OF ASSAM
OFFICE OF THE DIRECTOR OF SEDONDARY EDUCATION
ASSAM : KAHILIPARA: GAUHATI-19.

No.APP/Pen/15/98/23

Dated Kahilipara the 5th Feb/2002

From : Dr. H.C. Das ,
Director of Secondary Education, Assam,
Kahilipara, Gauhati-19.

To

The Commissioner & Secretary to the Govt.
of Assam, Kahilipara, Edu. Dept, Dispur, Gauhati-6.

Sub :- Grant of Pension on supernuation to Sri J.R.
Chakraborty, Ex-S.A.O.

Ref :- Govt. letter No.B(2)S.14/2001/29 dtd. 26-12-2001
and No.B(3)S.14/2001/10 dtd. 4-5-2001.

Sir,

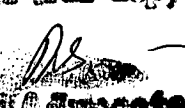
In inviting a reference to the Govt. letter on
the subject cited above, I have the honour to state that
the action in pursuance of Govt. letter No.B(3)S.14/2001/10
dated 4-5-2001 has already been taken vide this office letter
No.AAP/Pen/15/98/22 dtd 13-12-2001(Copy enclosed)

This is for favour of information and necessary
action from Govt.

Yours faithfully,

Sd/-

Director of Secondary Education,
Assam, Kahilipara, Gauhati-19.

in the true copy

Advocate

- 66 - Amro - K-1

GOVT. OF ASSAM,
OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI-19.

No. AAP/Pen/15/98/22

Dtd. Kahilipara, the 11th June/2002.

From : Smti Anjali Bora,
Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

To : The Divisional Organiser,
S.S.B. Shillong Division, Shillong
A.P. Sectt. Building, Ground Floor
Shillong 793001, Meghalaya.

Sub. : Grant of pension on superannuation to
Sri Joshada Ranjan Chakravorty, Retd. S.A.O.
in SSB.

Ref. : Your letter No. E.1/9-2/SD/2621-22 dt. 11-3-2002.

Sir,

With reference to your letter under reference,
I am directed to state that Sri Joshada Ranjan Chakravorty served
in the Govt. H.S. School, Hailakandi as Asstt. teacher in class II
since 25-11-59 and was released from this department on 15 th June
in 1966 under your department on deputation vide this office letter
No. AAP/AD/7/65/25 dt. 15-6-66 (copy enclosed).

In this regards I am to state that his service had
been confirmed vide this office letter No. AAP/C/2/69/7 dt. 24-7-70
(Copy enclosed). After releasing from this office no correspondence
were made with this office till to his retirement.

Now the relevant documents alongwith original
pension documents in respect of J.R. Chakravorty is hereby returned
herewith for favour of your necessary action.

Yours faithfully,

Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

Memo No. AAP/Pen/15/98/22
Copy to :-

Dtd. Kahilipara, the 11th June/2002

1. Sri Joshada Ranjan Chakravorty, Retd. Sub Area
Organiser (S.S.B.) Sushama Longai Road,
P.O. & Dist : Karimganj Pin. 788712, Assam
for information.

Not to be true Copy

Jt. Director of Secondary Education, Assam,
Kahilipara, Guwahati-19.

- 67 -
Government of India.
Ministry of Home Affairs,
Office of the Divisional Organiser, SSB,
Shillong Division, Shillong-793001.

No. E.I/9-2/SD/2251-52

DATED:- 05TH JULY -2002

To,
The, Director of Secondary Education,
Assam, Kalulipara, Guwahati-19.

Sub:- Grant of pension to SH. Jasuda.Ranjan Chakraborty (Retd. SAO) EX-
Asst. Teacher on Deputation in SSB

Ref:- Government Of Assam, Educational Department Ltr. No. .
AAP/PEN/15/98/22 DATED 11.6.02 AND NO. AAP/PEN/15/98/22
DATED 13.12.2001

SIR,

Please refer to your letter No. cited above in connection with Grant of Pension to SH. J.R.Chakraborty ,(retired Sub Area Organiser, SSB) Ex. Assistant Teacher of Education Department , Government Of Assam.

It is to mention here that SH. J.R.Chokroborty Ex SAO could not be released from SSB before his retirement due to the order of Honb'le Supreme Court Vide order No- 155087 dated 05-02-1997.. Departmental Promotion Committee also considered his promotion to the rank of Sub-Area -Organiser before his retirement, as per the direction of Honb'le Supreme Court. Accordingly SH. J.R.Chokroborty continued to serve in SSB till his superannuation as on 31-05-1998(AN) on attaining the age of 58 years (fifty eight Years)
The order No- 17/SSB/A2/83(2) VOL-IV/2057 DATED 16TH JULY 1997 vide which SH. J.R.Chokroborty Ex -SAO ,SSB was allowed to continue in SSB up to the age of his superannuation i.e. 31-05-1998 copy of which was also endorsed to you.(copy enclosed).

SH. J.R.Chokroborty ex-assistant teacher, Education department ,Government Of Assam, on deputation to SSB joined in the organization on 15th july 1966 as Circle Organiser .He was relieved of his duties on superannuation from Government service on the afternoon of 31st May 1998 after attaining the age of 58 years. (copy of the order enclosed).

As per order contained in the Ministry Of Finance O.M. No-14(5)/86/TA/1029 dated 09-10-1986, the liability of the pension including the gratuity should be borne in full by the Central /state Government to which the Government servant permanently belongs at the time of retirement. The service of SH. J.R.Chokroborty was confirmed as a teacher Vide Directorate Of Secondary Education, Govt. Of Assam, Letter No-AAF/C/2/69/7 Dated 24-07-1970 . SH. J.R.Chokroborty Assistant Teacher was released from the educational department, Government Of Assam ,on deputation to SSB Vide Director Of Secondary education , Govt. Of Assam, letter No-AAP/AD/7/65/25 Dated 15-06-1966.

Contd:- pg-2

Noted to be true Copy

AA/2002

It is therefore requested for arranging payment of pensionary benefits to the officer in the light of above. Service Book along with Supreme Court Order and Pension Papers with all relevant documents and orders are enclosed herewith for further necessary action please. X3

Your's faithfully

(B.K.Chakraborty)
Area Organiser(ADM)
Shillong Division.

Encls:- (Total 66 Pages.)

1. Service Book.(Three pages)
2. Pension Papers.
3. Copy of the Honb'le Supreme Court Order No-155087 and 187580 Dated-05-02-1997.
4. Copy of release order on superannuation of SH. J.R.Chakraborty Ex- SAO, SSB.

Copy to,

1. Joint Deputy Director (EA-I), SSB Dte. New Delhi for information please.
2. SH. J.R. Chakraborty Ex- SAO, SSB Longai Road Karimganj for information.

B.K.Chakraborty
05/07/02
(B.K.Chakraborty)
Area Organiser(ADM)
Shillong Division.

-69-
DISCHARGE SLIP

+ KARIMGANJ CIVIL HOSPITAL +

Amma - M-Series

1. Indoor No : 1131 Bed No : 10/11 Unit/Ward : MCH
2. Name of Patient : Jasula Ranjan Choudhary
3. Age : 62 yrs Sex : M Religion : H
4. Father's Name/Husband's Name : Late Jogula Choudhary
5. Address : Longa R.P.O. : Karimganj P.S. : Karimganj Dt : Karimganj
6. Date of Admission : 14/12/2001
7. Date of Discharge : 16/12/2001
8. Disease : Type II DM & PVD for investigation
Result : Refd to S.M.C.H.
Referred to :
9. Babynote :
Sex :
Date of Delivery :
Time of Delivery :
Wegist :

16/12/2001

Singature of M/O

and to be true Copy

AGV

NIGHTINGALE HOSPITAL & RESEARCH CENTRE

Meherpur, Silchar-788 015, Phone : 30626

DISCHARGE CERTIFICATE

NAME OF THE PATIENT Sh. Jashoda Ku -
Chakraborty, S/o Lt J. Ch. Chakraborty
 Age 61 Yrs / M / A
 Address Longai Road, KMJ.
 Date of Admission 16/12/2001
 Date of Discharge 21/12/2001
 Attending Doctor Dr. G. Kar (MD)

Diagnosis :- 1. Pneumonitis
UTI, DM & Nephropathy,
Anaemia.
 Investigation done :-

Enclosed.

Treatment given :-

Treatment Advise :

- X ① Tab Glaxim/Glaxidox 400mg.
 1 tab daily before food x
 5 days more.
- ② Tab Zinctar 150mg (60)
 1 tab twice daily before
 food x 1 month
- ③ Cap Beplex Forte (30)
 1 Cap once daily after food
 x 1 month.
- ④ Tab Lasix
 1/2 tab daily in the morning to
 continue.
- ⑤ Cap FF+12
 1 Cap daily after food x 1 month.
- ⑥ Tab Semigynase 2.5mg
 1 tab daily before breakfast and before
 dinner.
- ⑦ Tab P103 15.
 1 tab daily with breakfast to continue

Adv :- Urine sugar monitoring
Review when necessary.

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Amur -

Mr. Sankar

20/10/00

REGISTERED

SBI HOME FINANCE LIMITED
SETHI TRUST BUILDING -I, G.S. ROAD
BHANGAGARH, GUWAHATI-781005
PH:529947, 527125 , FAX:(0361) 529688

ROG/SPL/10/571

DATE : 20/10/00

JOSHADA RANJAN CHAKRAVARTY
SUSHMA
LONGAI ROAD
P.O. & DIST. KARIMGANJPIN. 788712.
PIN : 0

Dear Sir/Madam,

IRREGULAR REPAYMENT OF MONTHLY INSTALMENT
FILE NO.: G/1640

The last instalment paid by you on 19/05/00 has been adjusted against the EMI for the month of Feb.'99 . The instalments from the month of March'99 are still lying as overdue in your loan account. Please deposit the amount at an early date to avoid additional interest. We also request you to deposit your monthly loan instalment which is due for payment on the last day of every month within the said month itself.

2. In this connection, we would like to inform you that the default in repayment of the monthly loan instalments (EMIs) more than six months will categorise your loan account as NON PERFORMING ASSET (NPA) account as per the rules of Reserve Bank of India. It is a matter of concern that your loan account has been rated as NPA at present and we shall be compelled to take corrective measures if this condition persists further. We, therefore, request you to regularise your loan account immediately

If you have already paid the amount in the meantime, please ignore this letter.

Thanking you,

Yours faithfully,

Authorised Signatory

(Signature)

(Signature)
Advocate



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- N -

SBI Home Finance Limited

Sethi Trust Building, 6th Floor,
G. S. Road, Bhangagarh, Guwahati - 781 005
Tel : 529947, 527125, Fax : (0361) 529688
Email : gwh.sbihf@gncal.global.net.in
Website : www.sbihomes.com

REGISTERED

ROG/SR/12/883

February 21, 2001

Mr. Joshada Ranjan Chakraborty,
" SUSHMA "
Longai Road,
P.O & Dist - Karimganj,
Pin - 788 712.

Dear Sir,

DEFAULT IN REPAYMENT OF HOUSING LOAN
FILE NO. G/1640 (SL.NO.1337)

It is indeed most unfortunate that no attempts are being made by you to regularise your loan account despite our several reminders sent to you. The last instalment paid by you on 24.10.2000 have been adjusted for the month of March '99 to December '99. As such as many as 14 numbers of monthly loan instalments amounting to Rs.19642/- and additional interest amounting to Rs.2554/- are lying as overdues in your loan account as on date. Since more than 6(six) nos. of monthly loan instalments are lying as overdues in your loan account, your loan account has been marked as NPA (Non Performing Asset) as per the latest guideline of Reserve Bank of India. We have been asked by the competent authority to take drastic steps for all NPA accounts.

You are, therefore, requested to regularise your loan account with immediate effect so that your loan account can be deleted from the list of NPA accounts.

Your co-operation in this matter will be highly appreciated.

Please treat this as **EXTREMELY URGENT**.

Thanking you,

Yours faithfully,

MANAGER (OPS)

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-N-
70
REGISTERED

SBI HOME FINANCE LIMITED
SETHI TRUST BUILDING -I, G.S. ROAD
BHANGAGARH, GUWAHATI-781005
PH:529947, 527125, FAX:(0361) 529688

ROG/SPL/12/884

DATE : 21/12/00

JOSHADA RANJAN CHAKRAVARTY
SUSHMA
LONGAI ROAD
P.O. & DIST. KARIMGANJ PIN. 788712.

Dear Sir/Madam,

IRREGULAR REPAYMENT OF MONTHLY INSTALMENT
FILE NO.: G/1640


The last instalment paid by you on 24/10/00 has been adjusted against the EMI for the month of Dec'99. The instalments from the month of Jan'00 are still lying as overdue in your loan account. Please deposit the amount at an early date to avoid additional interest. We also request you to deposit your monthly loan instalment which is due for payment on the last day of every month within the said month itself.

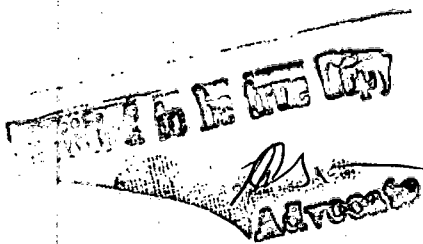
2. In this connection, we would like to inform you that the default in repayment of the monthly loan instalments (EMIs) more than six months will categorise your loan account as NON PERFORMING ASSET (NPA) account as per the rules of Reserve Bank of India. It is a matter of concern that your loan account has been rated as NPA at present and we shall be compelled to take corrective measures if this condition persists further. We, therefore, request you to regularise your loan account immediately

If you have already paid the amount in the meantime, please ignore this letter.

Thanking you,

Yours faithfully,


Authorised Signatory

Stamp: 
Advocate