

07/00

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 2.12.1/2003

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SECTION OFFICER (Judl.)

*Abul*  
20/10/17

FORM NO.4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDERSHEET

Original Application : 212/03 ~~212/03~~

Mise Petition No. :

Contempt Petition No. :

Review Application No. :

Applicants:- Amuktul Ch. Dutta

Respondents:- H.O.I. Town

Advocate for the Applicants:- M. Chanda, G.N. Chakraborty  
S. Naik

Advocate for the Respondents!- case

Notes of the Registry	Date	Order of the Tribunal
APPLICATION NO. 212/03 in but not in time indication Petition is filed / not filed or Rs. 50/- or more vide IPO/BP No 96159329 dated 22.8.03  <i>Deb Roy</i> <i>Regd</i>	23.9.2003	Heard Mr M. Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. The application is admitted. Issue notice, returnable by four weeks.  List for orders on 24.10.03.

Steps taken alongwith  
envelope. Excess Rs 5/-  
is not deposit for Rs 6/- 24.10.03  
There is no Bench today.  
Adjourned to 5.11.03.

Pl. comply order dated  
23/9/03  
25/9/03  
Notice and order dt. 23/9/03,  
Sent to D/Section for  
issuing to respondents. 27.11.03 no Bench.  
Adjourned to 17.12.03.  
D/No-2143 to 2147  
Dt. 20/11/03

17.12.2003 List the matter on 23.1.2004  
for orders.

*KR Basak*  
Member (A)

mb

16.2.2004 List the matter for hearing on  
5.3.2004. In the meantime the respondents  
may file written statement.

*KR Basak*  
Member

bb

19.2.04

16.3.2004

Judgment pronounced in open Court,  
kept in separate sheets. The applica-  
tion is allowed in terms of the order.  
No costs.

*(P.D.)*

*KR Basak*  
Member (A)

bb

3.3.04

Report submitted  
by the applicant.

*(P.D.)*

18.3.04

Copy of the order  
has been sent to the  
D/secy. for sending  
the same to the applicant  
as well as to the D, GSOA,  
for the records.

KL Aug 2003

DUC →

Memo No. HC XXI. 18, 285-90 / R.M. 3  
dated 11.5.07 received from the Ass't.  
Registration (Fwdt), Gauhati High Court

The judgment and order dated 29.03.07  
passed in W.P.(C) No. 8914 of 2004 may  
certainly be seen at the DUC.

The Union of India or as has filed  
the above mentioned W.P.(C) against the  
judgment and order dated 22.9.04 passed in  
O.A. No. 145/2003 by this Hon'ble Tribunal,  
and which was allowed by in favour  
of A.C.H. Dutta applicant of the O.A.  
The Hon'ble High Court was pleased to  
dismiss the above mentioned W.P.(C) filed  
by the Union of India or  
submitted for favour of kind perusal.

18/5/07

Naresh  
18.5.07  
80(3)

21/5/07  
Hon'ble  
H.C.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A. No. 111 212 of 2003.

DATE OF DECISION 16.03.2004.

Sri A.C. Dutta

.....APPLICANT(S).

Mr. M. Chanda, Mr. G.N. Chakrabarty

.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

Union of India & Ors.

.....RESPONDENT(S)

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

.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.  
THE HON'BLE

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

Judgment delivered by Hon'ble Member (A).

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CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH

Original Application No. 212 of 2003

Date of Order : This the 16th day of March, 2004.

THE HON'BLE SHIR K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Anukul Chandra Dutta  
Son of Late Amylya Mohan Dutta  
Lane No. 15, Link Road  
P.O. Silchar - 799 006  
District Cachar, Assam

... . . . Applicant.

By Advocates Mr. M. Chanda, Mr. G.N. Chakrabarty &  
Mr. S. Nath.

- VERSUS -

1. The Union of India,  
Represented by the Secretary to the  
Ministry of Communication,  
Department of Posts,  
Government of India,  
New Delhi.

2. The Chief Post Master General  
Department of Posts,  
N.E. Circle, Shillong.

3. The Chief Postmaster General,  
Assam Circle,  
Meghdoott Bhawan,  
Guwahati - 781 001.

4. Director of Accounts (Postal),  
Department of Posts,  
Kolkata.

5. The Sr. Supdt. of Post Offices  
Cachar Division  
Silchar - 788 001.

6. The Post Master  
Diphu Head Post Office  
Diphu  
District - Karbi Anglong,  
Assam.

... . . . Respondents.

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

O R D E R

K.V. PRAHLADAN, MEMBER (A) :

The petitioner was appointed as LDC on 01.04.1965  
at Jorhat Head Post Office, promoted as UDC on 28.02.1997,  
promoted to Lower Selection Grade (LSG) on 01.08.1991 and to  
Higher Selection Grade (HSG) on 01.10.1991 under the

lwd

contd...2

Biennial Cadre Review (BCR) on completion of 26 years in service. The applicant submitted three representations dated 09.03.1995, 12.02.1996 and 23.07.1996 to Respondent No. 6 to fix his pay at par with the pay of Shri Nunia. The applicant was promoted to HSG on 01.10.1991 and Shri Nunia as HSG on 01.07.1992. The respondent No. 6 thereafter re-fixed pay of the applicant w.e.f. 01.07.1992 and arrears of Rs. 894/- were also paid to him. On retirement of the applicant on 31.08.2002 his DCRG calculated at Rs.1,67,178/- was reduced by an amount of Rs.56,938/- by Memo No. C2-763/2002 dated 19.10.2002. His last pay was also reduced from Rs.7100/- P.M. to Rs.6800/- P.M.

2. The Respondents claim that the fixation of pay of the applicant under the BCR Scheme on 01.10.1991 was made taking into consideration wrongly drawn pay in the OTBP Scheme. The Respondents also say that Shri Nunia was promoted as UDC in 02.07.1974 much before the applicant's promotion and was thus senior to the applicant. The counsel for the applicant says that seniority is only with regard to the effective date of promotion to HSG where the applicant was promoted on 01.10.1991 and Shri Nunia on 01.07.1992.

3. Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. From the materials produced it is not possible to make a comparative study on the pay scales drawn by both the applicant and Shri Nunia at various stages of their career. it is also not known as to the basis on which DA(P), Calcutta ordered the recovery and re-fixation of applicant's pay and allowances. However, the crux of the matter is whether the respondents can deduct over payments supposedly made to the applicant w.e.f. 1996 on retirement on 31.08.2002 without prior notice and an opportunity to the applicant. In K.K. Dubey Vs. U.O.I. and Ors. in O.A. No. 676 of 2000 decided on 27.02.2003 by Jabalpur Bench of the Tribunal, and the Judgment says "It was only after the retirement of the applicant the respondents

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reduced his pay from Rs. 7100/- to Rs. 6400/-, that too without giving him any show cause notice, therefore, the said action of the respondents is not sustainable in law as the law is well settled that incase any pay is fixed by the respondents themselves without any misrepresentation by the applicant and even though it was found to be fixed wrongly later on the same cannot be changed to the disadvantage of the employee without putting him on notice. In the instant case, admittedly, as per the statement made by the respondent's counsel no show cause notice was given to the applicant, nor reversion order served upon the applicant, therefore it is clear that he continued to draw at Rs.7100/- as basic pay till his due of voluntary retirement and since pensionary benefits had to be calculated on the basis of the last 10 months pay, the respondents could not have either reduced his pay arbitrarily or recovered the said amount from settlement dues of the applicant. Accordingly, the action of the respondents in recovering the amount from the settlement dues of the applicant held to be illegal. Therefore the respondents are directed to refund the amount already recovered from the settlement dues of the applicant on account of having paid excess payment to the applicant and calculate the amounts at Rs.7100/- basic pay and pay arrears if due to him after recalculation within a period of 3 months from the date of receipt of his copy."

4. In Kedar Nath Verma Vs. BSEB in CWJC No. 3282 of 2003 decided on 25.06.2003 the Patna High Court has said "the action of the authority concerned in making recovery much after retirement of the petitioner cannot be held to be fair and justified especially when it is not their case that it was on account of representation, misrepresentation or fraud committed by the petitioner that he was paid the alleged excess amount." In BSEB and Another Vs. Bijay Bahadur and Another in CA No. 6913 of 1999 with 6914 of 1999 decided on 01.12.1999 the Apex Court referring to Sohib Ram Case (1955 Supp (1) SCC, 18, 1995 SCC (L&S) 248) said that "since payments have been made without

any representation or a misrepresentation, the appellant Board could not possibly be granted any liberty to deduct or recover the excess amount paid by way of increments at an early point of time. The act or acts of the Board cannot under any circumstances be said to be in consonance with equity, good conscience and justice. The concept of fairness has been given a go by. As such the actions initiated for recovery cannot be sustained under any circumstances."

5. In the case under consideration the respondents have reduced the pay of the applicant after his retirement with retrospective effect from Rs. 7100/- to Rs. 6800/- and deducted Rs.56,138/- from his DCRG. In the Civil Appeal No. 5447 decided on 05.08.1994 (Bhagawan Shukla Vs. U.O.I. and Ors.), the Apex Court has stated that "The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There has, thus, been a flagrant violation of the principle of natural justice and the appellant has been made to suffer huge financial loss without being heard. Therefore, the impugned order by which the pay of the appellant fixed on his promotion as Guard-C from the post of Trains Cleck was sought to be reduced is not sustainable." The department has reduced the <sup>Applicant's</sup> pay with retrospective effect and cut his DCRG by Rs.56,938/-. These cannot, especially after a period of many years, be justified. The various rulings of Tribunals and finally of the Apex Court supports this view. The applicant, without being offered an opportunity was presented with a fait accompli. The respondents are therefore, directed to restore his pay as it stood before reduction and refund the withheld DCRG. The O.A. is therefore allowed. No costs.

  
( K.V. PRAHLADAN )

ADMINISTRATIVE MEMBER

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

W.P.C. No. 8914 of 2004

Appellant

Petitioner

The Union of India

Versus

Smt. Aspinia Devi

Respondent

Opposite Party

Appellant

For

Petitioner

M. G. P. Chowdhury  
Adv. C.G.S.C.

Respondent

For

Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature.
1	2	3	4

Noting by Officer or Advocate	Serial No.	Date	Officer notes, reports, orders or proceedings with signature
1	2	3	4

W.P. (C) No.8914 of 2004

**BEFORE**

**HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTG.)  
THE HON'BLE MR. JUSTICE H.N. SARMA**

29/03/2007

This writ petition is directed against the order dated 22<sup>nd</sup> September, 2004 passed by the learned Central Administrative Tribunal in O.A. No.145/2003.

We have heard Mr. DC Chakraborty, learned counsel for the petitioner and also Mr. S. Sarma, learned counsel for the respondents.

It appears that the respondent who was working as Extra-Departmental Branch Post Master at Banglaghat was removed from service in violation of the principles of natural justice. The order of termination was set aside by the Director Postal Service by the order dated 15.4.1999 allowing the appeal filed by the respondent. However, it appears that the respondent was not allowed to join the post on reinstatement till 8.10.1999. Dispute arose with regard to the payment of pay and allowances for the period he was kept out of service. The learned Tribunal considering that the termination of the services of the respondent was made arbitrarily without following the principles of natural justice, directed payment of full back wages for the period between 2.6.1998 and 8.10.1999 with all consequential benefits admissible for the period respondent was kept out of service.

BY SPECIAL MESSENGER

URGENT ✓

Nothing by Officer or  
Advocate

Serial  
No.

Date

Office notes, reports, orders or proceeding  
with signature

Mr. Chakraborty, learned counsel for the petitioners submit that the back wages has already been paid to the respondents subject to result of this petition. Mr. Sarma admitted that the judgment delivered by the learned Tribunal has been fully complied with.

After going through the reasons recorded by the learned Tribunal, we are also convinced that the respondent ought not to have been terminated from service in an unjust and improper way. Therefore, it would not be proper and just to deprive him of the pay and allowances for the aforesaid period when he was not allowed to work. We do not find any compelling reason available on record for interference with the judgment and order passed by the learned Tribunal.

We, therefore, dismiss this petition. The parties are directed to bear their respective costs incurred in the proceedings before the learned Tribunal as well as before this Court.

Mr. Sarma  
S. 17.5.07  
SD/- H.N. Sarma,  
JUDGE.

SD/- D. Biswas,  
CHIEF JUSTICE (ACTING)

Memo No. HC.XXI.

18, 285 - 9.0

F.M. Dtd. 11/5/07

Copy forwarded for information and necessary action:-

1. The Union of India Represented by Secretary to the Government of India Ministry of Communication Deptt. of Posts, New Delhi.
2. The Chief Post Master General, Meghdoott Bhawan, Guwahati - 781001.
3. The Senior Superintendent of Post Offices Cachar Division, Silchar - 788001.
4. The Senior Post Master Silchar, Head Office, Silchar, Assam.
5. Sri Ashim Kumar Deb, S/o Late Anil Ch. Deb resident of Vill. Bhangaghar P.O. Bangleghat (Silchar) Cachar, Assam.
6. The I/C Deputy Registrar, Central Administrative Tribunal, Guwahati Bench Rajgarh road, Bhangaghar, Guwahati - 781005. He is requested to acknowledge the receipt of the following records. This has a reference to his letter No. CAT/GHY/68/2001/ Judl/254 Dtd. 06.04.2005.

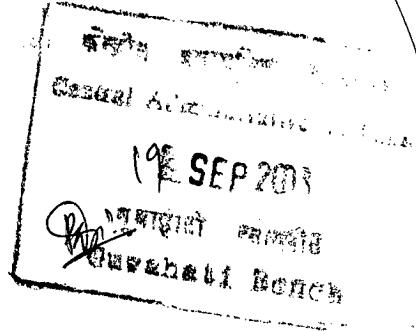
Enclosure:-

1. O.A. 212/03 Part 'A' with Org. Judgement.

By order

Asstt. Registrar (Judl.)  
Guwahati High Court, Guwahati.

10/5/07



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 212/2003

Sri Anukul Chandra Dutta

-vs-

Union of India & Ors.

**DATES AND SYNOPSIS OF PARTICULARS IN THIS APPLICATION**

<u>Date</u>	<u>Synopsis of Particulars</u>
01.04.1965	Applicant initially appointed as LDC in the Respondent Department.
28.02.1977	Applicant promoted to the post of U.D.C.
01.08.1991	Promoted to the cadre of Lower Selection Grade (LSG)
01.10.1991	Promoted to the cadre of HSG-II under Biennial Cadre Review (BCR) Scheme on completion of 26 years of Service.
1.10.1992	Basic pay of applicant fixed at Rs. 1800/- in the pre-revised scale. Thereafter his pay was fixed at Rs. 1850/- on 1.10.1993 and Rs. 1900/- on 1.10.1994.
01.10.1996	The pay scale of applicant was revised from Rs. 1600-2660 to Rs. 5000-8000/- following recommendations of Fifth Central Pay Commission. Accordingly his pay as on 01.10.1996 was fixed at Rs. 6200/- in the revised scale.
12.2.1996	Applicant submitted representations to the respondents agitating against some anomalies in the fixation of his pay in the pre-revised scale which he had been representing from 09.03.1995. Applicants pay was less than that of one Sri Hari Narayan Nunia who was junior to the applicant.
23.07.1996	

His representations were considered by the Respondent No.6 and his pay was advanced and made at par with that of his junior with effect from 01.07.1992 as per F.R. - 27 and accordingly an arrear of Rs. 894/- was also paid to the applicant. Necessary entries were recorded in the Service Book of the applicant. Accordingly his last pay drawn was Rs. 7100/- in the revised scale.

31.8.2002 Applicant retired on superannuation.

19.10.2002 Respondents issued impugned letter under Memo No. C2-763/2002 dated 10.10.2002 instructing to recover an amount of Rs. 56,938/- from the DCRG payable to the applicant on the ground of overdrawal of pay. Accordingly his pension amount was also reduced.

Applicant demanded his service book and from the Service Book it was revealed that the pay of applicant was re-fixed by the respondents and the pay was reduced retrospectively in each stage and his last pay was fixed at Rs. 6800/- as against Rs. 7100/- drawn by the applicant. Accordingly his DCRG, Pensionery benefit was reduced on the basis of reduced pay and hence such recover, which was done without any prior notice or providing any opportunity to the applicant.

Hence this application.

#### PRAYER

- 8.1 That the reduction of pay of the applicant retrospectively and the reduction of last pay from Rs. 7100/- to Rs. 6800/- be declared as illegal.
- 8.2 That recovery of Rs. 56,938/- from DCRG payable to the applicant be refunded back to the applicant.
- 8.3 That pensionery benefit be fixed on the basic pay of Rs. 7100/- as last pay drawn and not on the reduced pay of Rs. 6800/-.
- 8.4 Costs of the application.
- 8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

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filed by the applicant  
Subrata Nath  
Advocate  
19.09.03

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

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

Title of the case : O. A. No. 212 /2003

Sri Anukul Chandra Dutta : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

*Subrata Nath*

Advocate

Date 19.09.03

*Anukul Chandra Dutta*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 213 /2003

**BETWEEN**

...Applicant

Shri Anukul Chandra Dutta  
Son of Late Amylyya Mohan Dutta  
Lane No. 15, Link Road  
P.O. Silchar-799 006  
District Cachar, Assam

-AND-

...Respondents.

1. The Union of India,  
Represented by the Secretary to the  
Ministry of Communication,  
Department of Posts,  
Government of India,  
New Delhi.
2. The Chief Post Master General  
Department of Posts,  
N.E.Circle, Shillong.
3. The Chief Postmaster General,  
Assam Circle,  
Meghdoot Bhawan,  
Guwahati-781001

*Anukul Chandra Dutta*

4. Director of Accounts (Postal),  
Department of Posts,  
Kolkata
5. The Sr. Supdt. of Post Offices  
Cachar Division  
Silchar-788001
6. The Post Master  
Diphu Head Post Office  
Diphu  
District Karbi Anglong,  
Assam

... Respondents.

#### DETAILS OF THE APPLICATION

##### 1. Particulars of order(s) against which this application is made.

This application is made against the impugned Memo No. C2-763/2002 dated 19.10.2002 issued by the Respondent No.5 for recovery of an amount of Rs. 56,938/- from the DORG payments of the applicant on the ground of excess drawal and also against reduction of pay of the applicant and his pensionery benefits without any Notice and providing any reasonable opportunity to the applicant.

*Amukul Chandra Datta*

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

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

4.2 That your applicant was initially appointed as L.D.C., S.B.C.O. (Savings Bank Control Organisation) on 01.04.1965 and joined at Jorhat Head Post Office of the respondent department. He was then promoted to the post of Upper Division Clerk (U.D.C.) on 28.02.1997 and further promoted to the cadre of Lower Selection Grade (LSG) on 01.08.1991. Eventually he was promoted to the cadre of HSG-II on 01.10.1991 under the Biennial Cadre Review (BCR) Scheme following completion of his 26 years of service on 01.10.1991 as provided under the Scheme. The applicant retired from service on superannuation with effect from 31.08.2002.

*Anukul Chandra Datta*

4.3 That consequent upon the promotion of the applicant to the cadre of HSG - II in the scale of Rs. 1600-2660/- his basic pay was fixed at Rs. 1800/- on 01.10.1992 and subsequent pay at Rs. 1850/- on 01.10.1993 and Rs. 1900/- on 01.10.1994. Eventually, the scale of Rs. 1600-2660/- was revised to Rs. 5000-8000/- with effect from 01.01.1996 following the recommendations of the Fifth Central Pay Commission.

4.4 That pursuant to the revision of scale in terms of the Fifth CPC's recommendations, the pay of the applicant was revised to Rs. 5000-8000/- and his basic pay was fixed at Rs. 6200/- as on 01.01.1996 and was granted the subsequent annual increments thereto. Accordingly, the basic pay of the applicant came to Rs. 7100/- at the time of his retirement and the applicant drew Rs. 7100/- as his last pay on the date of his retirement on 31.8.2002 as evident from the pay slip No. 61 for the month of August, 2002.

Pay slip for August 2002 is annexed hereto as  
**Annexure-I.**

4.5 That one Shri Hari-Narayan Nunia also joined in the respondent department on 31.05.1966 i.e. later than the applicant and got his promotions in the similar fashion like that of the applicant and was ultimately promoted to the cadre of HSG-II on 01.07.1992. The fixation of comparative pay of the applicant and Sri Nunia in the pre-revised scale stage by stage are shown hereunder :

*Anukul Chandra Datta*

Stages of fixation of pay(Amount)	Date of fixation of the applicant	Date of fixation of Shri H.N.Nunia
Rs.1800/-	01.10.1992	01.07.1992
Rs.1850/-	01.10.1993	01.07.1993
Rs.1900/-	01.10.1994	01.07.1994

Further, there is a difference of pay of the applicant in the cadre of HSG II in respect of increment w.e.f. 01.10.1991 in comparison to that of Sri Nunia.

From the facts stated above, it is evident that Shri H.N.Nunia joined in the department after about 14 months of the joining of the applicant since the applicant joined on 01.04.1965 and Shri Nunia joined on 31.05.1966 and as such Shri Nunia was junior to the applicant. Accordingly the applicant was promoted to the cadre of HSG-II on 01.10.1991 and Shri Nunia was promoted to the cadre of HSG-II on 01.07.1992. As such Shri Nunia was junior to the applicant on all counts.

4.6 That while Shri Nunia was junior to the applicant as shown above, surprisingly, the fixation of pay was wrongly done as shown in para 4.5 above, from the initial stage of their promotion to HSG-II, thus granting higher pay to Shri Nunia by three months in each stage which was granted to the applicant three months after the same was granted to Shri Nunia in each stage.

4.6 That being aggrieved at this disparity, the applicant submitted representation to the Respondent No.6 on 09.03.1995 and submitted further representations on 12.02.1996 and 23.07.1996 praying for re-fixation of his pay as per rule in order to remove the anomalies and bring his pay at least at par with that of his junior Shri nunia, if not higher.

Copies of representations dated 9.3.1995, 12.2.1996 and 23.7.1996 are annexed hereto as Annexure-II, III and IV respectively.

4.8 That following his representations, the Respondent No.6 (Post Master, Diphu Head Post Office) examined the case with relevant records and having been satisfied that the claim of the applicant was bona fide, was pleased to advance the pay of the applicant by three months with reference to that of Shri Nunia with effect from 01.07.1992 and onward in each stage as per F.R.27, thus making it at par with that of Shri Nunia and the arrear dues in this respect amounting to Rs. 894/- had also been paid to him. Necessary entries in this regard had been recorded at Page No.7 of Part-IV of the Service Book.

Copy of the relevant pages of Service Book Part IV is annexed hereto as Annexure-V.

4.9 That on the eve of the retirement of the applicant, the amount of DCRG payable to the applicant was calculated

*Anukul Chandra Datta*

✓  
by the Respondents and sanction was accorded for payment of Rs. 1,67,178/- (Rupees one lakh sixty seven thousand one hundred seventy eight) only to the applicant vide Memo No. 8073 dated 16.08.2002.

Copy of the Memo dated 16.8.2002 is annexed hereto as Annexure-VI.

4.10 That surprisingly after the retirement of the applicant, the Respondent No.5 vide his impugned Memo No. C2-763/2002 dated 19.10.2002 instructed to recover an amount of Rs. 56,938/- (Rupees Fifty Six Thousand Nine Hundred Thirty Eight) only from the DCRG amount payable to the applicant on the ground of over drawal of pay and the said amount has been recovered accordingly.

Copy of impugned Memo dated 19.10.2002 is annexed hereto as Annexure-VII.

4.11 That having come to know this, the applicant submitted representation after his retirement asking for a copy of the Service Book. On receipt of the copy of the Service Book, it could be seen that the pay of the applicant was re-fixed and reduced retrospectively in each stage, finally fixing his last pay at Rs. 6800/- in place of Rs. 7100/- and his pensionary benefit was also granted on the reduced pay of Rs. 6800/- instead of on Rs. 7100/- in an arbitrary manner, without giving any prior notice or any opportunity to the applicant.

Reduction of pay is evident from page 8 of Part IV of the Service Book as annexed above.

4.12 That the applicant begs to state that it is a settled position of law as laid down by the Apex Court that reduction of pay cannot be made without giving prior Notice to the concerned employee and providing reasonable opportunity thereafter. But in the instant case, the Respondents reduced the pay of the applicant at the back of the applicant in any arbitrary, unjust, capricious and unfair manner and in utter violation of the principles of natural justice, keeping the applicant in the dark even till his retirement.

4.13 That the applicant most humbly submits that due to the arbitrary and illegal action of the respondents, the applicant has been met with civil consequences leading to huge financial losses in terms of his retrial benefits including the DCRG, Pensionery benefits etc. and finding no other alternative, the applicant is now approaching this Hon'ble Tribunal for protection of his rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant as prayed for in this application.

4.14 That this application is made bona fide and for the cause of justice.

*Amukul Chandra Datta*

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant is senior to Sri H.N. Nunia in all counts.

5.2 For that the pay fixed for the applicant in the grade of HSG-II was lower than that of his junior Shri H.N. Nunia in a wrong and discriminatory manner.

5.3 For that, the fixation of pay of the applicant was made in a discriminatory manner violating the provisions of F.R.-27 and Article 14 of the Constitution of India.

5.4 For that, the Respondent No.6 examined the case and advanced the pay of the applicant and removed the anomalies by bringing the same at par with that of his junior Shri H.N.Nunia.

5.5 For that, the Respondents subsequently reduced the pay of the applicant retrospectively in each stage finally fixing his last pay at Rs. 6800, in an illegal manner, without giving any prior notice or any opportunity to the applicant.

5.6 For that, as laid down by the Apex Court, reduction of pay cannot be done without giving prior notice or reasonable opportunity to the concerned employee.

5.7 For that the respondents acted in flagrant violation of the rules laid down by the Apex Court, the procedure established by law and so also the principles of natural justice.

5.8 For that the applicant drew Rs. 7100/- as his last pay at the time of his retirement but the Respondents, after his retirement reduced his pay retrospectively in each stage, finally fixing his last pay at Rs. 6800/- at the back of the applicant and keeping him in the dark.

5.9 For that, such illegal, mala fide and clandestine action of the respondents has led to huge financial loss to the applicant in terms of his retrial benefits including the DCRG, pensionery benefits etc.

5.10 For that, the Respondents recovered an amount of Rs. 56,938/- from the DCRG of the applicant and reduced his pensionery benefit after his retirement in violation of all rules and procedures known to service jurisprudence.

**6. Details of remedies exhausted.**

That the applicant states that he has no other alternative and efficacious remedy than to file this application. The applicant has been met with serious civil consequences due to illegal reduction in his retrial benefits.

**7. Matters not previously filed or pending with any other Court.**

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of

*Anurad Chandon Deo*

26

this application nor any such application, Writ Petition or Suit is pending before any of them.

**8. Relief(s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the reduction of pay of the applicant retrospectively and the reduction of last pay from Rs. 7100/- to Rs. 6800/- be declared as illegal.
- 8.2 That recovery of Rs. 56,938/- from DCRG payable to the applicant be refunded back to the applicant.
- 8.3 That pensionary benefit be fixed on the basic pay of Rs. 7100/- as last pay drawn and not on the reduced pay of Rs. 6800/-.
- 8.4 Costs of the application.
- 8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

*Anukul Chandra Datta*

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay the pensionary benefit currently on the basis of last pay actually drawn by the applicant i.e. Rs. 7100/- till the case is disposed of.

10. ....

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No. : 9G 159329 .  
ii) Date of Issue : 22. 8. 2003 .  
iii) Issued from : G. P.O. Guwahati .  
iv) Payable at : G. P.O. Guwahati .

12. List of enclosures.

As given in the index.

Amritlal Chandra Debnath

**VERIFICATION**

I, Shri Anukul Chandra Dutta, S/o late Amulya Mohan Dutta, aged about 61 years, resident of Lane No.15, Link Road, P.O. Silchar-788 006, District Cachar, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 14<sup>th</sup> day of September, 2003.

*Anukul Chandra Dutta*

Department of Post

Pay Slip No : 61

For the month of August 2002

Employee Name : ANUKUL CHANDRA DUTTA

Office SILCHAR HPO

Designation & Pay Scale : HSG POSTAL ASSIST(5000-150-8000)

Working as : PA[SRCO]

GPF Number : C - 71781

Drawals

Deductions

Out Of Account

B.P.	7100 PT	110
D.A.	3479 CGEGIS	30
H.R.A.	533 FA	150
T.A.	75	
SCA	160	

Totals :	11347	290
----------	-------	-----

0

Net Pay : Rs11057/-

( Rupees Eleven Thousand Fifty Seven Only )

Take Home Pay : Rs11057/-

( Rupees Eleven Thousand Fifty Seven Only )

Out Standing Recoveries :

NIL

Attached  
Frank  
Revertate  
18/9/03

ANNEXURE-II

To  
The Postmaster, Diphlu V.T.O.

Dated at Diphlu the 9th March '95

Sub:- Fixation of pay with reference to my  
junior Sri H.N. Neria, PA/HSG-II/SBCO  
Diphlu.

Respected Sir,

I beg to state that my date of  
appointment is 1.4.65 and I have been promoted  
to PA/HSG-II/SBCO n.e.f. 1.10.91 and working in  
Diphlu V.T.O. and drawing my pay on 1.10.92 as  
Rupees 1,800/- only. And Rs. 1,850/- as on 1.10.93 and  
1,900/- on 1.10.94.

But Sri H.N. Neria PA/HSG-II/SBCO  
whose date of entry in the department on 31.5.66 and  
he has been promoted as PA/HSG-II/SBCO on 1.7.92 and  
pay has been fixed as Rs. 1,800/- and 1,850/- and 1,900/-  
as on 1.7.94. Hence my junior H.N. Neria he  
is drawing more pay by three months n.e.f 1.7.92.

Therefore as per rules junior may  
not be drawing more pay than a senior officials  
as per F.R. S.R. 27.

Therefore I pray that would be kind  
enough to regularise my pay with my senior  
official and oblige.

yours faithfully.

Prakash Ch. Adutha  
PA/HSG-II/SBCO. 9.3.95  
Diphlu V.T.O.

Attested  
Santosh  
Advocate  
18.9.95

To the Postmaster, Diphlu H.P.O.  
Dated at Diphlu the 12th Feb '96.

Sub:- Drawal of Increment with effect  
from 1.8.92 as per Sri H.N. Nurnia  
D/c, SBCO who is junior to me.

Sir, I beg to state that I have been promoted to  
HSG-II/SBCO w.e.f. 1.10.91 and drawing my pay  
equal to Sri H.N. Nurnia Incharge/SBCO who has  
been promoted to HSG-II w.e.f. 1.8.92. Hence my  
junior Sri Nurnia drawing more pay than me.

Therefore, I requested to you that as per  
Rules senior may not draw more pay than a  
senior official under F.R. 27 and you would  
be kind enough to regularise my pay with  
my junior official w.e.f. 1.8.92 and oblige.

yours faithfully

Jankal Chandra Datta  
PA/HSG-II/SBCO  
Diphlu H.O.

Attest  
Saty  
Advocate  
18.9.03

To  
The Postmaster, Diphlu H.P.O.

Dated at Diphlu the 23rd. July' 96.

Sub:- Drawal of Increment with effect  
from 1.10.91 instead of 1.8.92 as per  
Sri H.N.Nuria, I/c SBCO who is senior  
to me.

Sir, I beg to state that I have been promoted to  
HSB-II/SBCO N.C.f. 1.10.91 and drawing less pay  
from my senior Sri H.N.Nuria I/c SBCO who has  
been promoted to HSB-IV N.C.f. 1.8.92. But  
subsequently his date of promotion has been fixed  
n.e.f. 1.10.91.

Therefore I requested to you that as per Rules  
my pay will be equal to senior's pay and pay  
may kindly be fixed under FR-27 and you  
would be kind enough to regularise my pay  
w.e.f. 1.10.91 instead of 1.8.92 and  
oblige.

yours faithfully.

Amukul Chandra Datta.

23/7/96

PA/HSB-IV/SBCO.

Diphlu H.O.

Affed  
Sabol  
Akhola  
18.9.03

PTC-71781-3

श्री / श्रीमती / कुमारी

की

स्वामी-पंजी  
SERVICE BOOK -V

OF

Shri / Smt / Kumari

Aniket Chandras, Deut

TPA 51360





(a) Previous quaffing service

(a) Domestic serv  
 (b) Foreign serv

क्रम सं० S. No.	अवधि- Period		पद, घोटनगान तथा घोर्यासाय (स्थान सहित) Post, scale of pay and office (with station)	घोटन Pay	
	से From	तक To		मूल Substantive	स्थानापन्न Officiating
1	2	3	4	5	6
	9/3/75	30/6/76	PA SBCO, Diphu	1900	Leave
	1/7/75	18/12/75	PA SBCO (HSG II) Diphu Commutual leave on MC for 51 days granted Volo SP Regd. no. B-2/1. Duttar date 18/2/77	(1950) 2000	Leave 10.8.75
	8/2/76	30/9/76	PA SBCO (HSG II) Diphu	5900 (1950) 5000	Leave 1.5.76
	10/6/76	15/7/76	PA (HSG II) SBCO Diphu	2050	Leave
	16/2/77	3/3/77	EL for 30 days granted Volo SP Regd. no. B-2/1.C Duttar date 26/3/77	(2050)	Leave 1.5
	19/3/77	10/6/77	PA (HSG II) SBCO Diphu	(2050)	Leave
	11/5/77	25/6/77	EL for 15 days granted Volo SP Regd. no. B-2/1.C Duttar date 19-6-77	(2050)	Leave
	26/6/77	5/9/77	Extension of 10 days EL granted Volo SP Regd. no. B-2 Duttar date 15-7-77	(2050)	Leave
	7/7/77	9/9/77	PA (HSG II) SBCO Diphu V.O Trainer	(2050)	Trainer

Affected  
Leave  
Advocate  
18.9.77

## VERIFICATION OF SERVICE

खाना ४-६ को प्रभावित करने याली पटाना (देखिए अनुदेश १०) Event affecting cols. 4-6 (vide instruction 10)	राज्यपाल अधिकारी के हस्ताक्षर तथा पदनाम (तारीख रहित) Signature and designation of attesting officer (with date)	राज्यपाल अधिकारी के हस्ताक्षर तथा पदनाम (तारीख रहित) Signature and designation of verifying officer (with date)	सरकारी कर्मचारी के हस्ताक्षर Signature of the Government servant	अधिकृतिया Remarks
7	8	9	10	11
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	F.L. 3/11/1954 16.1.35 S.C. verified vide P.2/A. 11/1954 Adm 27.1.1954
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	F.L. 17-1-55 Adm 8-3-55 Received vide S.C.N. 1/1 17.1.55 /A.C. A.M. 29.3.55
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Received from the a 17.1.55 F.L. 17-1-55 17.1.55 /A.C. A.M. 29.3.55
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Received from the a 17.1.55 F.L. 17-1-55 17.1.55 /A.C. A.M. 29.3.55
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Received from the a 17.1.55 F.L. 17-1-55 17.1.55 /A.C. A.M. 29.3.55
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Received from the a 17.1.55 F.L. 17-1-55 17.1.55 /A.C. A.M. 29.3.55
Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Postmaster Diphu-782460	Received from the a 17.1.55 F.L. 17-1-55 17.1.55 /A.C. A.M. 29.3.55

After  
Sakal  
Advocate  
18.9.1954

Diphu-782460

संख्या S.No.	अवधि Period		पद, योगामान तथा यात्रालिय (राजनीतिक) Post, scale of pay and office (with station)	ग्रेड Pay
	मौजूदा From	तक To		
1	2	3	4	5
10/97	10/97	Teamst. Competitor	(2050)	6500
11/97	16/97	Training at C.O. S.R.Y.	(2050)	6500
12/97	12/97	Teamst.	(2050)	6500
13/97	30/97	PA (11SG II) SACO Depru Mto- PA (11SG II) SBCO Depru Mto-	(2050) Revised Proj. k. Incentive.	6500
1/98	31/97	PA (11SG II) SBCO Depru Mto	(6500)	6500
1/98	10/98	Teamst. S.	(6500)	6500
Sunday	11/1/98	PA SBCO Sitchan Mto	(6500)	6500
12/98	31/98	PA SBCO Sitchan Mto	(6500)	6500
1/98	21/99	PA SBCO Sitchan Mto General Committee & Exam for (6) Dept. min. 50/100 11/1/98 at 2.0 B. 1.75 on rule	(6500)	6500
2/99	29/99	PA SBCO Sitchan Mto Ex. 1. 50/100 for (6) Dept. min. 50/100 11/1/99	(6500)	6500
3/99	1/99	PA SBCO Sitchan Mto	(6500)	6500
19	31/99	PA SBCO Sitchan Mto	(6500)	6500
1/99	26/2000	PA SBCO Sitchan Mto	(6800)	6800
21/00	27/00	Teamst.	(6800)	6800

Revised  
Scale  
private  
18.9.03

उत्तरां सर्वायण

## VERIFICATION OF SERVICE

प्रभाव ४-६ वाले प्रभावित गठों याची प्रभाव (विवर अनुसार १०) Event affecting cols. 4-6 (vide instruction 10)	प्रभावित अधिकारी के नाम तथा पदाधिकारी (दिनांक तिथि) Signature and designation of attesting officer (with date)	प्रभावित अधिकारी के नाम तथा पदाधिकारी (दिनांक तिथि) Signature and designation of verifying officer (with date)	राजार्थी के नाम तथा पदाधिकारी Signature of the Government servant	अधिकारी के नाम तथा पदाधिकारी Signature of the Government servant	Remarks
8	9	10	11		
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Sri A. Mukund Achari Postmaster Dhaka-182469	F/1/S/220	With Co. 220, pr. 10-10-51	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Sri K. Bhikhu Pradhan Postmaster Dhaka-182469	F/1/S/102 21-16/92 P.D. 17-12-93 and	Rs. 1750/- as on 1-10-93	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 Rs. 1800/- and 0/-	1-10-92 Rs. 1800/- and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Sri Hari Narayan Nune, junior to Sri A. Dutta Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Sri K. Bhikhu Pradhan Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Sri K. Bhikhu Pradhan Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	
Postmaster Dhaka-182469	Postmaster Dhaka-182469	Colonel D.N.G. Postmaster Dhaka-182469	F/1/S/102 1-10-92 and 0/-	1-10-92 and 0/-	

After  
Recd  
18.9.83  
A. Mukund Achari

ग्रन्थ सं. No.	अधिकारी Period		पद, वेतनगात तथा कार्यालय (राजा राहित) Post, scale of pay and office (with station)	पैसा Pay
	से From	तक To		
1	2	3	4	5
28/01	29/01		CTC Grand Bazaar	650/- (6800)
30/01	30/01		DA Grand Bazaar	6800/- (6800)
1/02	32/02		PA SB Co. Kitchen H.O.	6800/- (6950) 6650/-
1/02	1/02		PA SB Co. Kitchen H.O.	6750/- 6650/-
19/02	22/02		Commission Dues for (30) days unless issued to CST/SB Co./A.C. Delhi till 20.3.01	(6950)
23/01	24/01		Commission Dues for (10) days unless issued to CST/SB Co./A.C. Delhi till 22.2.01	(6950)
25/01	3/01		PA SB Co. Kitchen H.O.	6650/- (6950)
1/01	30/01		PA SB Co. Kitchen H.O.	6800/- (7100)
1/01	25/01		PA SB Co. Kitchen H.O.	6800/- (7100)
26/01	27/01		Commission Dues for (1) days unless issued to CST/SB Co./A.C. Delhi till 1.2.01	6800/- (7100)
1/02	5/02		PA SB Co. Kitchen H.O.	6800/- (7100)
1/02	22/02		Commission Dues for (14) days unless issued to CST/SB Co./A.C. Delhi till 27.2.02	6800/- (7100)
23/02	11/02		PA SB Co. Kitchen H.O.	7100/-

Attested  
S. S. S.  
Advocate  
18/9/02

३४६ सत्यापन

VERIFICATION OF SERVICE

खुला ४-६ घो प्रभावित करने वाली घटना (अनुदर्श १०) Event affecting cols. 4-6 (vide instruction 10)	राज्यपाल अधिकारी के हस्ताक्षर तथा पदनाम (तारीख रखित) Signature and designation of attesting officer (with date)	राज्यपाल अधिकारी के हस्ताक्षर तथा पदनाम (तारीख रखित) Signature and designation of verifying officer (with date)	राज्यपाल कार्यालयी के हस्ताक्षर Signature of the Government servant	अधिकारियों Remarks
7	8	9	10	11
End-7-93	Ass'tt. Postmaster (Actu) SII. CHAR	9	Sri A. K. Dube P.D./SII. CHAR	work presented to Head. P.D.
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	8	Ref. 1-10-93 Vld. C. M. G. H. S. II SII. CHAR 1-12-93	Sri Harish Chander Ramu
Tact S. tr. ke:	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	work presented to Head. P.D.
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Extr	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Dly	Ass'tt. Postmaster (Actu) SII. CHAR	17/12/93	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR
Kam	Ass'tt. Postmaster (Actu) SII. CHAR	9	SII. CHAR 1-12-93 SII. CHAR	SII. CHAR 1-12-93 SII. CHAR

3  
Afterbld  
Gerb.  
Perwinkle  
18.9.63

Affected  
Sarah  
Associate  
18.9.03

Affected  
Sam. Advocate  
18-9-03

## VERIFICATION OF SERVICE

અનુદાન પત્ર માટે પ્રાણી પાલે યાણ ઘર (દેખાય અનુદાન 10) Event affecting cols. 4-6 (vide instruction 10)	રાયોગન કાફિતાર ના હસ્તાક્ષર પણ પદ્ધતિ (સ્વીકારક) Signature and designation of arresting officer (with date)	રાયોગન કાફિતાર ના હસ્તાક્ષર પણ પદ્ધતિ (સ્વીકારક) Signature and designation of verifying officer (with date)	રાયોગન કાફિતાર ના હસ્તાક્ષર પણ પદ્ધતિ Signature of the Government servant	Remarks
7	8	9	10	11-B 9610 U.P.M.O. 18012001 Dtd. 11.8.97 S.C. S. Premia 16/8/97 U.P.M.O. Position 102460
		S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460
		S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460
	C.I.D. 1. Date of S. 2. Account to Charged Officer/Asstt. of the Party	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460
	C.I.D. 1. Date of S. 2. Account to Charged Officer/Asstt. of the Party	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460	S.C. S. Premia 16/8/97 U.P.M.O. Position 102460

Attested  
Sect. <sup>Associate</sup> 18.9.03

Alfred  
Sarkis  
18.9.03

VERIFICATION OF SERVICE

राज्योकाल अधिकारी के हस्ताक्षर तथा पदनाम (तारीख राखिए) Signature and designation of attesting officer (with date)	सत्यापन अधिकारी के हस्ताक्षर तथा पदनाम (तारीख राखिए) Signature and designation of verifying officer (with date)	सरकारी कार्यालय ग्रंथालय Signature of the Government servant	अधिकारी का विवर Remarks
7	8	9	10
11			
Borrowers..... 1/1/2002	Lm 31.8.02	Pay	of the office of P.S.
Verbal statement.....	P. O.	been received @	Rs. 6200/- as
		on 1-1-96 Under	CCS(RP) Rules/
		1997 in the Accr. of Rs. 5000/-	
		- 150-800/- with D.R. on 1-10-96	
		@ Rs. 6350/- and on 1-10-97	
		@ Rs. 6500/-	
		1/1/96 to 31/12/97	allowance from
		amount Rs. 18,553/- out of which	same total
		Rs. 678/- kept to be paid	and 2nd. instalment paid
		and 2nd. instalment paid	Rs. 11,876/- during rev. period
		in Diphu J/C B- 37/10/97	
		(W.M) 3/1/98	
		1/1/98-2001	Postmaster (ISG+1) 10/97
		Diphu 1998-2001	Diphu ISG+1 10/97
		1/1/98-2001	
		1/1/98-2001	
		1/1/98-2001	
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		1/1/98-2001	

Asstt. Postmaster,  
(Aosta). BILLIARD.

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) : KOLKATA :

No. Pen-I/DCRG Int./ 819/02-03  
176/ASB/2001-02

P-

Dtd:

To

The

S. S. S. S. S.

Carthar. No.

Section 104

D/R -> M. R. 2602 (A/M)

D/D

Sub:- Intimation of DCRG in favour of

Sri/Smt. Arunlal Chaudhury  
holder of PPO NO CA 119887 will draw/  
drawing pension from

under

Section 104

Ref:- Yr. No. C2-763/week dr 29.1.2002

A sum of Rs. 1,67,178/- (Rupees One Lakh Sixty Seven  
Thousand One hundred Seventy eight) only being the  
amount of DCRG in favour of Sri/Smt. Arunlal Chaudhury

Ariffa may please be drawn and disbursed  
in accordance with Rule 65(2) of the CCS(Pen) Rules 1972 as amended  
read with Rule 68 ibid after adjusting the Govt. dues (including  
Immediate Relief) and Provl. Gratuity sanctioned and paid if any,  
referred to in Rule 71 and Rule 68 ibid.

The outstanding dues if any recovered may please be credited  
through UCR with appropriate details to facilitate proper  
classification of Accounts.

The amount of DCRG is debit to MU-3201-A7 Pension(104)  
DCRG voted.

The payee is also being intorded suitable.

The observations in the C&R made in this case may kindly be  
kept in view before acting upon this information.

The receipt of this letter may kindly be acknowledged.

SD/-

Sr. Accounts Officer

Pension I. Section.

No. Pen 819/03 dt 16/9/2002

Copy forwarded to Shri/Smt. Arunlal Chaudhury

Ariffa He/She is requested to contact the D.P.S.  
addressed to Carthar. No. in this regard.

Address:

1, New No. 15, Lekhali Road,  
Calcutta - 700016

Attested  
Scam  
Advocate  
18.9.03

18.9.03  
9.02

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPT. OF POST OFFICES: CACHAR BN: SILCHAR-78801

U8

Memo No. C2-763/02

Dated at Silchar the ... 19/10/02

6-8075. In pursuance of DA (P) Kolkata memo No. P. 1/1/2002. dated 11-10-02  
sanction of the undersigned is hereby accorded to the payment of Rs. 1,67,178/- (Rs. one lakh six thousand seven hundred and seventeen/-) to Shri Anukul Chandra Sutla, Ex-DA, S.I.P.O. Silchar, 11-10-02.  
With due credit to his account No. 61107 dated 21-8-02 (P.M.D.) due to him.  
The following amount is to be recovered from the amount of PCRG.

1. Outstanding amount of TA advance	= Rs.
2. " " of overdrawal of pay	= Rs. 56,940/-
3. " " of flood advance	= Rs.
4. " " of Festival advance	= Rs.
5. " " of LTC advance	= Rs.
6. " " of Cycle advance	= Rs.
7. " " of H.B.A	= Rs.
8. Amount due to retention of neptl. post Qr.	= Rs.
Total = (1,67,178/-) - 56,940/-	Rs. 56,938/-

The amount is debit to the Head of Accounts 355-1(A) voted and payable from Silchar, 11-10.

SD/

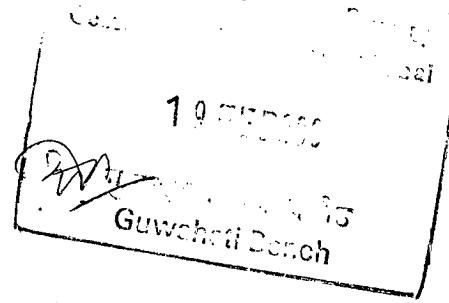
Sr. Supdt of Post Offices  
Cachar BN. Silchar-788001

Copy to:-

1. The Sr. Postmaster, Silchar/Postmaster, Karimganj/Hailakandi H.O. He will please effect the payment. He will please also recover the amount of Govt. dues as mentioned above, guard against double payment and intimate date of payment.
2. The DA(P) Calcutta (through the Sr. Postmaster, Silchar).
3. The SPM.
4. Shri Anukul Chandra Ex-DA, S.I.P.O. Silchar, 10, Lakhimpur, S.I.P.O. Silchar-6.
5. Spare.

Sr. Supdt of Post Offices  
Cachar BN. Silchar-788001

Attested  
Frank  
Advocate  
18/9/03



Filed by  
S. C. C.

19/10/2003  
(A. DEB ROY)  
S. C. C.  
C. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 212 OF 2003

Shri Anukul Ch. Dutta

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

In the matter of :

Written Statement submitted  
by the respondents.

The humble respondents beg to submit the  
para wise written statement as follows :-

1. That with regard to paras 1, 2, 3, 4.1 & 4.2, of the application the respondents beg to offer no comments.

2. That with regard to the statement made in paras 4.3 & 4.4, of the application the respondents beg to state that the fixation of pay under BCR promotion w.e.f. 01.10.91 made with respect to wrongly drawn pay in TBOP scheme.

3. That with regard to the statement made in paras 4.5, 4.6 to 4.8, of the application, the respondents beg to state that pay of the official wrongly stopped up

Contd.....

-2-

on 01.10.91 with respect to Sri H.N. Nunia to the stage of Rs. 1,800/- taking into account the date of appointment, while Sri Nunia got his promotion in U.D.Cadre on 2.7.74 i.e. long before the promotion of Sri Dutta in that Cadre. So, the pay of Sri Dutta cannot be stepped up with respect to the pay of Sri H.N. Nunia as he was senior to Mr. Dutta in U.D. Cadre.

4. That with regard to the statement made in paras 4.9 & 4.10, of the application the respondents beg to state that the above noted anomaly in fixation is detected by the D.A.(P) Kolkata and accepted by this office.

5. That with regard to paras 4.11 to 4.14, of the application the respondents beg to offer no comments.

6. That with regard to paras 5.1 to 5.7 and 5.8 to 5.10, of the application the respondents beg to state that same as Sl. No. 3 above.

7. That with regard to the statement made in para 6, of the application the respondents beg to state that anomaly in fixation is detected by the D.A.(P) Kolkata as per Govt. Rules.

8. That with regard to paras 7, 8.1 to 8.5 and 9.1, of the application the respondents beg to offer no comments.

Verification.....

21/10/03

86-

51

-3-

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

I, Sri Prashanta Kr. Ray Inspector  
of Posts (P.L) / Bilkhar, being authorised  
do hereby solemnly affirm and declare that the statements made  
in this written statement are true to my knowledge and infor-  
mation and I have not suppressed any material fact.

And I sign this verification on this      th day  
of December, 2003.

Prashanta Kr. Ray

Inspector of Posts.  
Compt. & Public Grievances  
Bilkhar-788001.

3 MARCH 4

Guwahati  
Govt.

+2  
Filed by the Applicant  
through  
Sugit Chakraborty  
Advocate  
on 3.3.2009

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

**O.A. No. 212/2003**

**Sri Anukul Chandra Dutta**

-vs-

**Union of India & Ors.**

-AND-

**In the matter of:**

Rejoinder submitted by the applicant in reply to the written statement submitted by the respondents.

The applicant above named most humbly and respectfully state as under: -

- That your applicant categorically denies the statements made in paragraphs 2,3 and 6 of the Written Statement and begs to submit that the anomalies in fixation of pay in respect of the applicant occurred w.e.f 01.10.1991 only when the applicant was in the grade of HSG-II. The applicant was senior to Shri Nunia in the grade of HSG-II since the applicant was promoted to the grade of HSG-II on 01.10.1991 whereas Shri Nunia was promoted on 01.07.1992 only and as such the pay of the applicant ought to have been fixed at Rs. 1800/- on 01.10.1991 itself and not on 01.10.1992 as has been wrongly done. This was subsequently examined by the respondent no.6 with relevant records and rules thereof

Anukul Chandra Dutta

and having been satisfied about the erroneous fixation, the respondent no.6 advanced the pay of the applicant by three months and refixed his pay at Rs.1800/- w.e.f 01.07.1992 instead of from 01.10.1992 and thereafter in each stage as per F.R-27 and brought at par with that of Shri Nunia. Consequent upon the said correction, an arrear of Rs.894/- was also paid to the applicant on that account and necessary entries in this regard had been recorded in his Service book.

2. That the applicant denies the statements made in paragraphs 4 and 7 and begs to submit that the respondents erred in reviewing the pay of the applicant in the grade of HSG-II and acted in violation of the provisions of the F.R and the basic rules of seniority and reduced the pay of the applicant retrospectively at different stages of fitments and eventually bringing down his last pay from Rs. 7100 to Rs. 6800/- and making recovery thereof without providing any opportunity to the applicant in an arbitrary and illegal manner. Such action of the respondents are liable to be set aside and quashed and the Hon'ble Tribunal be pleased to grant the relief's prayed for in the application with cost.
3. That in the facts and circumstances of the case stated above, the applicant is entitled to the relief's prayed for and the DA deserves to be allowed with cost.

**VERIFICATION**

I, Shri Anukul Chandra Dutta, S/o Late Amulya Mohan Dutta, aged about 61 years, resident of Lane No.15, Link Road, P.O. Silchar-788 006, District Cachar, Assam, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the \_\_\_\_\_ day of March, 2004.

*Anukul Chandra Dutta*