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4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 2.12/2003

R.A/C.P No.

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SECTION OFFICER (Judl.)

Shilpi
20.11.17

FORM NO.4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

Original Application : 212/03 212/03

Misc Petition No. : _____

Contempt Petition No : _____

Review Application No: _____

Applicants:- Anukul ch. Dutta

Respondents:- h.o.i. Foms

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

Advocate for the Respondents:- case

Notes of the Registry	Date	Order of the Tribunal
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Application is in
in but not in time
admission Petition is
ad / not
or Rs. 50/-
vide IPO/B/ No 96159329
Dated 22.8.03

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.

[Signature]
Dr. Registrar

[Signature]
Member

Steps taken alongwith
envelops. Excess Rs 5/-
is not deposit for R-6.

nkm

24.10.03

There is no Bench today.
Adjourned to 5.11.03.

15/10
1a

Pl. comply order dated
23/9/03.

[Signature]
25/9/03

5.11.03

No Bench today.
Adjourned to 27.11.03.

15/10
1a

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.

15/10
1a

[Signature]
16/10/03

D/No-2143 to 2147
Dt. 20/10/03

(2)

d

17.12.2003 List the matter on 23.1.2004 for orders.

K. P. B. B. B.
Member (A)

mb

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

K. P. B. B. B.
Member

bb

19.2.04

W/s submitted by the Respondents.

16.3.2004 Judgment pronounced in open Court, kept in separate sheets. The application is allowed in terms of the order. No costs.

P.D.

K. P. B. B. B.
Member (A)

bb

3.3.04

Response submitted by the applicant.

P.D.

18.3.04

Copy of the order has been sent to the Dy Sec. for receipt the file to the applicant as well as to the Dy. Sec. for the records.

Wf 25/3

PUC →

Memo No. HC XXI. 18, 285-70/R.M. 3
dated 11.5.07 received from the Asstt.
Registrar (Sd), Gauhati High Court

The judgment and order dtd 29.03.07
passed in WP(C) No. 8914 of 2004 may
kindly be seen at the PUC.

The Union of Ind's on 05 has filed
the above mentioned WP(C) against the
judgment and order dated 22.9.04 passed in
OA No. 145/2003 by this Hon'ble Tribunal.
and which was allowed in favour
of A.C. Dutta applicant of the O.A.

The Hon'ble High Court was pleased to
dismiss the above mentioned WP(C) filed
by the Union of Ind's on 05.

submitted for favour of kind perusal.

18/5/07

18.5.07
So(S)

21/5/07
Hon'ble

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 1111 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(s).

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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,
Meghdoot 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

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

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 Sohieb 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 Clerk was sought to be reduced is not sustainable." The department has reduced the ^{Applicant's} ~~the~~ 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

NPC/

No. 8914 of 2004

Appellant

Petitioner

The Union of India

Versus

State of Assam vs. Deb.

Respondent

Opposite Party

Appellant

For

Petitioner

Mr. 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	Office notes, reports, orders or proceedings with signature
1	2	3	4

W. (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

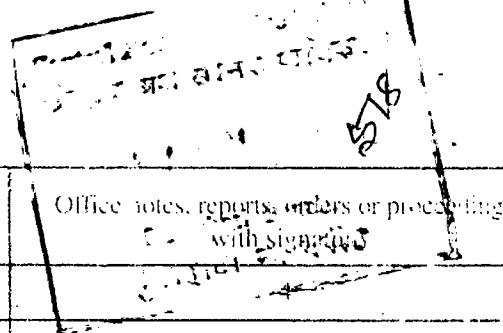
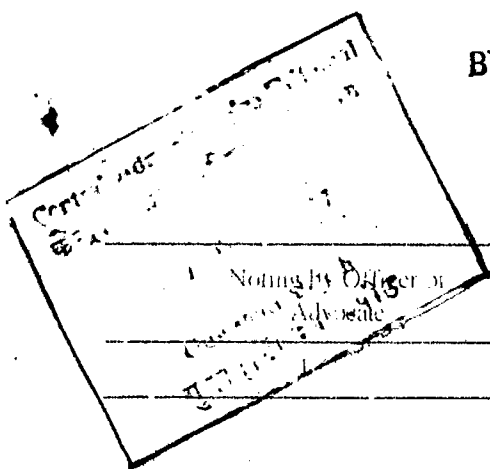
This writ petition is directed against the order dated 22nd September, 2004 passed by the learned Central Administrative Tribunal in O.A. No.145/2003.

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



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

15.5.08

Sd/- H.N. Sarma,
JUDGE.

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

Memo No. HC.XXI.

18, 285-90

F.M. Dtd. 11/5/08

Copy forwarded for information and necessary action to:-

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, Meghdoot 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. Banglaghar P.O. Banglaghat (Silchar) Cachar, Assam.
 6. The I/C Deputy Registrar, Central Administrative Tribunal, Guwahati Bench Rajgarh Road, Bhangagarh, 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.

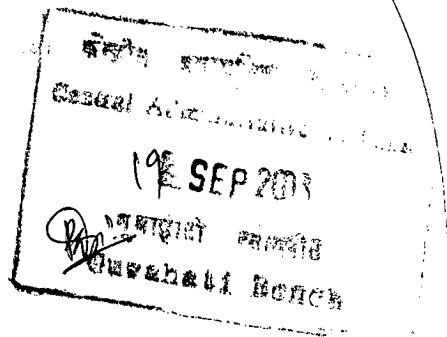
Encls:-

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
23.07.1996	some anomalies in the fixation of his pay in the pre-revised scale which he had been representing from 09.03.1995. Applicant's pay was less than that of one Sri Hari Narayan Nunia who was junior to the applicant.

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

3.108.2002 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, Pensionary 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 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.

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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04.	II	Copy of Representation dated 9.3.95	-15-
05.	III	Copy of Representation dated 12.2.96	-16-
06.	IV	Copy of Representation dated 23.7.96	-17-
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08.	VI	Copy of The memo dated 16.08.2002	-32-
09.08.	VII	Copy of impugned Memo dated 19.10.2002	-33

Filed by

Subrata Nath
Advocate

Date 19.09.03

Anukul Chandra Dutta

15
Filed by the applicant
through:
Subrata Nath,
Advocate
19.09.03

**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 Amylya 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 DCRG payments of the applicant on the ground of excess drawal and also against reduction of pay of the applicant and his pensionary benefits without any Notice and providing any reasonable opportunity to the applicant.

Anukul 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.

Amukul 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 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.

Anurag Chandra Datta

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 16.8.202 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.

Anukul Chandra Datta

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 retrieval benefits including the DCRG, Pensionary 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.

Anukul 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.

Anekal Chandra Datta

- 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, pensionary benefits etc.
- 5.10 For that, the Respondents recovered an amount of Rs. 56,938/- from the DCRG of the applicant and reduced his pensionary 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

Arunkul Chandra Datta

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.

Amukul 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. | : | 94 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.

Arunal Chandan Debn

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 14th 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

29

	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

Attestd
 Sr. Asstt.
 18.9.03

ANNEXURE-II

To
The Postmaster, Diphu H.O.

Dated at Diphu the 9th March '95

Sub:- Fixation of pay with reference to my
Junior Sxi H.N. Nuxia, PA/HSB-II/SACO
Diphu.

Respected Sir,

I beg to state that my date of appointment is 1.4.65 and I have been promoted to PA/HSB-II/SACO w.e.f. 1.10.91 and working in Diphu H.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 Sxi H.N. Nuxia PA/HSB-II/SACO whose date of entry in the department on 31.5.66 and he has been promoted as PA/HSB-II/SACO 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. Nuxia he is drawing more pay by three months w.e.f. 1.7.92. //

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

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

yours faithfully.

Prakul Ch. Dutta
PA/HSB-II/SACO. 9.3.95
Diphu H.O.

Affected
Sri. Advocate
18.9.03

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

Sub:- Drawal of Increment with effect
from 1.8.92 as per Sxi H.N. Nunia
J/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 Sxi H.N. Nunia Incharge/SBCO who has
been promoted to HSG-II w.e.f. 1.8.92. Hence my
junior Sxi Nunia drawing more pay than me.

Therefore, I requested to you that as per
Rules junior 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.

Frankal Chandra Datta.
PA/HSG-II/SBCO.
Diphu H.O.

Attested
Sub.
Advocate
18.9.03

To
The Postmaster, Diphu H.P.O.

Dated at Diphu the 23rd. July '96.

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

Sir, I beg to state that I have been promoted to
HSG-II/SBCO N.C.F. 1.10.91 and drawing less pay
from my junior Sri H.N. Nunia D/c SBCO who has
been promoted to HSG-II N.C.F. 1.8.92. But
Subsequently his date of promotion has been fixed
N.C.F. 1.10.91.

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

yours faithfully.

Amekul Chandra Datta.

23/7/96

PA/HSG-II/SBCO.

Diphu H.O.

Affected
Smt. Advaita
18.9.03

PTE-71781-37

श्री / श्रीमती / कुमारी

की

सेवा-पंजी

SERVICE BOOK -IV

OF

Shri / Smt. / Kumari

Anukul Chandra Dutt

PA BCC



PART I

1. इस भाग में प्रविष्टियाँ सरकारी कर्मचारी की प्रथम नियुक्ति के समय की जाएँगी और इनमें साक्ष्योक्त कार्यालय के अध्यक्ष या इस संबंध में प्राधिकृत अन्य किसी अधिकारी द्वारा किया जाएगा। इस भाग में होने वाले परिवर्तन तथा परिवर्तनका साक्ष्योक्त भी उरी प्रकार किया जाएगा।

Entries in this part will be made at the time of first appointment of the Government servant and attested by the head of office or any other officer duly authorised in this behalf. Additions and alterations in this part will also be similarly attested.

2. संबंधित सरकारी कर्मचारी के हस्ताक्षर अथवा बाएँ हाथ के अंगूठे का निशान कार्यालय अध्यक्ष अथवा प्राधिकृत अधिकारी की उपस्थिति में लिया जाएगा।

Signature or left hand thumb impression of the Government servant concerned will be obtained in the presence of the head of office or authorised officer.

PART II

3. पहले सात प्रमाण-पत्रों को सरकारी कर्मचारी की प्राथमिक नियुक्ति के समय और शेष तीन प्रमाण-पत्रों को उपयुक्त अवस्थाओं में दर्ज किया जाएगा। विशेषतया गोपनीयता के संघर्ष के संबंध में पद संख्या 4 को प्रमाणित करते समय कार्यालय अध्यक्ष यह सुनिश्चित करेंगे कि सरकारी गोपनीयता अधिनियम तथा केन्द्रीय सेवा (आचारण) नियमावली को एक-एक प्रति संबंधित सरकारी कर्मचारी को औपचारिक रूप से उनकी नियम-युक्त नोट करने के लिए उपलब्ध कराई जा चुकी है।

The first seven certificates will be recorded at the time of initial appointment of the Government servant and the remaining three, at the appropriate stages. In particular before certifying item 4 regarding the oath of secrecy, the head of office will ensure that a copy each of Official Secrets Act and Central Services (Conduct) Rules are made available to Government servant concerned for formally noting their contents.

4. इस भाग के खाली स्थान का प्रयोग जब कभी आवश्यक होगा, सेवा संबंधी मामलों में शिकायतों को अपनाने और विभागीय तथा भाग परीक्षाओं पास करने से संबंधित अन्य प्रमाण-पत्र दर्ज करने के लिए किया जाएगा।

The blank space in this part may be utilised for recording other certificates like those concerning exercise of options in service matters and passing of departmental and language tests, if and when necessary.

5. घोषणा-पत्रों, नामांकनों और सामान्य भविष्य निधि, मृत्यु तथा निवृत्ति उपदान और परिवार पेंशन के लिए नामांकन में होने वाली तथ्यावली से संबंधित नोटियों, इस भाग में उल्लिखित अथवा विश्वसनीय माने गये शंका पत्रों और अन्य दस्तावेजों को एक फोल्डर में रख दिया जाएगा जिस पर "..... की सेवा-पंजी का खंड II" लिखा होगा और इसे कार्यालय अध्यक्ष को सुरक्षा में रखा जाएगा।

The declarations, nominations and related notices like change in nomination for G.P.F., DCR Gratuity and Family Pension, testimonials and other documents referred to or relied upon in this part will be placed in a folder titled "Volume II of service book of" to be kept by the head of office in safe custody.

PART III-A

6. इस भाग में प्रविष्टियाँ केवल तब की जाएँगी, जब पिछली सेवा के संबंध में सेवा-पंजी उपलब्ध नहीं है और जिसे सांभाधिक साक्ष्य के आधार पर स्वीकार किया जाता है।

This part will be posted only where no service book is available in respect of the past service which has to be admitted on the basis, say, of collateral evidence.

6. (क) इस खाने में की गई प्रविष्टियों को कार्यालय के अध्यक्ष अथवा इस संबंध में विधिवत प्राधिकृत अन्य किसी अधिकारी द्वारा साक्ष्योक्त किया जाना चाहिए।

(a) Entries made in this column should be attested by the head of office or any other officer duly authorised in his behalf.

6. (ख) जिस प्रयोजन अर्थात् रिटायर, पेंशन, पेंशन आदि के लिए पिछली सेवा को 'अधिकारी' स्वीकार किया गया है उसका विशेष रूप से उल्लेख किया जाना चाहिए।

(b) The purpose for which the previous service has been accepted as 'qualifying' should be specified, e.g., leave, pay, pension etc.

PART III-B

7. खाना 1, 3 और 4 में प्रविष्टियाँ बाह्य विभाग सेवा नियोजन से यह सूचना प्राप्त होने पर कि सरकारी कर्मचारी ने उससे प्राप्त कार्यभार ग्रहण कर लिया है, की जाएँगी।

Columns 1, 3 and 4 will be posted after receipt of an intimation from the foreign employer about the Government servant having reported to him for duty.

8. खाना 2 सरकारी कर्मचारी के बाह्य विभाग सेवा से प्रत्यावर्तन होने के पश्चात् भर जाएगा।

Column 2 will be filled after the reversion of the Government servant from foreign service.

9. खाना 4 की प्रविष्टि संक्षिप्त होगी अर्थात् बाह्य विभाग सेवा नियोजन अथवा सरकारी कर्मचारी, जैसा भी उपयुक्त हो।

Entry in Column 4 will be brief, i.e., 'foreign employer' or 'Government servant', as may be appropriate.

PART IV

10. इस भाग में प्रविष्टियाँ प्राथमिक नियुक्ति के समय और उसके बाद पद, कार्यालय स्थान, वेतनमान, अथवा नियुक्ति की क्रिया की तथ्यावली जैसी घटनाओं के होने पर की जाएँगी। ऐसी घटनाओं में नियुक्ति, पदोन्नति, प्रत्यावर्तन, प्रतिनियुक्ति, स्थानांतरण (बाह्य विभाग सेवा में स्थानांतरण सहित), वेतन-सुधार, रिटायर और निवृत्ति भी सम्मिलित हैं।

Entries in this part will be made at the time of initial appointment and thereafter, on the occurrence of events involving a change in the post, office, station, scale of pay, or nature of appointment. Such events will include: appointment, promotion, reversion, deputation, transfer (including transfer on foreign service), increment, leave and suspension.

Accepted
18.9.76

(a) Previous qualifying service

[illegible]

(14) *अथर्वशिखरं तम*

(b) foreign service

[illegible]

क्रम सं० S. No.	अवधि Period		पद, घेतनमान तथा कार्यालय (स्थान सहित) Post, scale of pay and office (with station)	वेतन 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	Increment
	1 ⁷ / ₉₅	18 ¹² / ₉₅	PA SBCO (1156 II) Diphu	1900	
	19 ¹² / ₇₅	2 ² / ₇₆	Committed leave on MC for 51 days granted Vile SP Ngg no B2/A.C Dullu attd 18.2.77	(1950) Leave	1000 Def 1.8.75
	2 ² / ₇₆	30 ⁷ / ₇₆	PA SBCO (1156 II) Diphu	1950	1.5 Def 1.8.75
	1 ¹⁰ / ₇₆	15 ³ / ₇₇	PA (1156 II) SBCO Diphu	6050	(2050) Leave
	16 ² / ₇₇	18 ³ / ₇₇	EL for 30 days granted Vile SP Ngg no B2/A.C Dullu attd 20.3.77	(2050)	1.5
	19 ⁶ / ₇₇	10 ⁶ / ₇₇	PA (1156 II) SBCO Diphu	(2050)	Leave
	11 ⁶ / ₇₇	25 ⁶ / ₇₇	EL for 15 days granted Vile SP Ngg no B2/A.C Dullu attd 15.6.77	(2050)	1.5
	26 ⁶ / ₇₇	5 ⁷ / ₇₇	Extension of 10 days EL granted Vile SP Ngg no B2/A.C Dullu attd 15.7.77	(2050)	1.5
	7 ⁷ / ₇₇	9 ⁸ / ₇₇	PA (1156 II) SBCO Diphu	(2050)	Trainee

Affected
Kash
Advocate
15.9.73

क्रम No. S. No.	अवधि Period		पद, वेतनमान तथा कार्यालय (स्थान सहित) Post, scale of pay and office (with station)	वेतन Pay	
	से From	तक To		मूल Substantive	स्थानापन Officiating
1	2	3	4	5	6
	10 ⁵ / ₉₇	10 ⁸ / ₉₇	Transit	(2050)	
	11 ⁸ / ₉₇	16 ⁵ / ₉₇	Computer Training at C.O. Gky	(2050)	
	17 ⁸ / ₉₇	17 ⁸ / ₉₇	Transit	(2050)	
	18 ⁸ / ₉₇	30 ⁹ / ₉₇	PA (HSG II) SACO Depru Ho-	(2050)	Revised Pay & Increment
	1 ¹⁰ / ₉₇	31 ¹² / ₉₇	PA (HSG II) SACO Depru Ho	(6500)	
Sundr	1 ¹ / ₉₈	10 ¹ / ₉₈	Transit	(6500)	only
	11 ¹ / ₉₈	31 ⁷ / ₉₈	PA SBCO Silchar Ho	(6500)	only
	1 ¹⁸ / ₉₈	31 ³ / ₉₉	PA SBCO Silchar Ho	(6650)	Increment
	22 ³ / ₉₉	31 ³ / ₉₉	General Comm. & Comm. for (6) days under SSI/Sec. at 2000.00 on rule	(6650)	only
	1 ³ / ₉₉	31 ³ / ₉₉	PA SBCO Silchar Ho	(6650)	Leave
	1 ³ / ₉₉	1 ³ / ₉₉	El. Gen. for (6) days under SSI/Sec. at 2000.00 on rule	(6650)	only
	1 ¹ / ₉₉	31 ³ / ₉₉	PA SBCO Silchar Ho	(6650)	only
	1 ¹² / ₉₉	26 ³ / ₂₀₀	PA SBCO Silchar Ho	(6800)	Comp. inv.
	21 ⁸ / ₀₀	27 ⁶ / ₀₀	Transit	(6800)	Trg

Attested
Sr. Asst. Secy
18-9-03

VERIFICATION OF SERVICE

[illegible]

1. Acacia: GILLIGIA

Alfred
Rab. Advocate
18.9.03

क्रम सं० S. No.	अवधि Period		पद, वेतनमान तथा कार्यालय. (स्थान सहित) Post, scale of pay and office (with station)	वेतन Pay	
	से From	तक To		मूल Substantive	स्थानापन्न Officiating
1	2	3	4		6
	28 $\frac{8}{00}$	29 $\frac{8}{00}$	C.T.C. General.	6500 (6800)	
	30 $\frac{8}{00}$	30 $\frac{8}{00}$	Ja. H. H. H.	(6800)	
	1 $\frac{9}{00}$	30 $\frac{9}{00}$	PA S.B. Co. Silekh. H.	(6800)	
	1 $\frac{11}{00}$	4 $\frac{12}{00}$	Pay cut.	(6950)	6650-
	5 $\frac{12}{00}$	16 $\frac{12}{00}$	PA S.B. Co. Silekh. H.	(6950)	6650
	17 $\frac{12}{00}$	22 $\frac{12}{00}$	PA S.B. Co. Silekh. H.	(6950)	
	23 $\frac{2}{01}$	24 $\frac{2}{01}$	Controlled Leave for (30) days. w/le S.B. Co. Silekh. H. H. H.	(6950)	
	25 $\frac{2}{01}$	3 $\frac{4}{01}$	Controlled Leave for (10) days. w/le S.B. Co. Silekh. H. H. H.	(6950)	
	4 $\frac{11}{01}$	30 $\frac{7}{01}$	PA S.B. Co. Silekh. H. H.	6650 - (6950)	
	1 $\frac{10}{01}$	25 $\frac{11}{01}$	PA S.B. Co. Silekh. H. H.	6800 (7100)	
	26 $\frac{11}{01}$	27 $\frac{11}{01}$	Controlled Leave for (1) days. w/le S.B. Co. Silekh. H. H. H.	6800 (7100)	
	1 $\frac{12}{01}$	5 $\frac{5}{02}$	PA S.B. Co. Silekh. H. H.	6800 (7100)	
	9 $\frac{5}{02}$	22 $\frac{5}{02}$	Controlled Leave for (14) days. w/le S.B. Co. Silekh. H. H. H.	6800 (7100)	
	23 $\frac{5}{02}$	14 $\frac{5}{02}$	PA S.B. Co. Silekh. H. H.	6800 (7100)	

Attested
by
Advocate
18-9-07

2

2000 2458

3
Affected
Law. Advocate
18.9.03

क्रम सं० S. No.	अवधि Period		पद, रेशनमान तथा कार्यालय (स्थान सहित) Post, scale of pay and office (with station)	वेतन Pay	
	से From	तक To		मूल Substantive	स्थानापन्न Officiating
1	2	3	4		6
	15/02	24/02	Grants for (10) days with SSP/Sc no 131/SBCO/A-c-24/02	5800 (7100)	
	25/02	5/03	Grants for (12) days with SSP/Sc no 131/SBCO/A-c-24/02	5800 (7100)	
	6/02	31/02	PA SBCO Silchar H.O.	6800 (7100)	
<p>CGE is bill for Rs 165/18/- only for 10/02. Sir Binkur on 24/02. Ex 1A 6750 was paid on 3.3.03 at Silchar H.O. with DA (20%) 10051/- each. 1/02 /PA XIII/ 4215. At 18/2/03. d SSP/Sc no C-763/02. At 16.12.02.</p> <p>Asst Postmaster, (Accts). SILCHAR.</p> <p>CGE's Premium Amount to Rs 70/- for the P.C. from 1/94 to 31/12/02. C. 20/02. C. 20/02. C. 20/02. C. 20/02. at Silchar H.O. on 11.3.03. C. 20/02. C. 20/02. C. 20/02. C. 20/02.</p> <p>Asst Postmaster, (Accts). SILCHAR.</p>					

Attested
Sd/-
A. H. H.
18.9.03

43

खाना ४-६ को प्रभावित करने वाली घटना (देखिए अनुदेश १०) Event affecting cols. 4-6 (vide instruction 10)	राज्यीकृत अधिकारी का हस्ताक्षर तथा पदनाम (ताम्र छाप सहित) Signature and designation of attesting officer (with date)	राज्यीकृत अधिकारी का हस्ताक्षर तथा पदनाम (ताम्र छाप सहित) Signature and designation of verifying officer (with date)	राज्यीकृत अधिकारी का हस्ताक्षर Signature of the Government servant	अभिलेखित टिप्पणी Remarks
7	8	9	10	11
<p>Retired on Super Assistant Master, (A0018), BILUHAR.</p> <p>Vide SSPOS Cachere Division No. C-763/2002 dt. 16.12.02</p> <p>CGEGIS Bill for Rs. 16,516/- (Rupees Sixteen thousand five hundred and sixteen only) on 31.7.92.</p> <p>Sri Anukul Chandra Datta En. P.A./S.A.O. Sil. Ho. Dhule and on 31.7.92 has duly been presented for payment signing and valid this office from Sil. Ho. Dhule on 12/2/03.</p> <p>12/2/03</p> <p>Accounts Officer (Posal) Kolkata</p> <p>12/2/03</p>	<p>has been promoted to 11547 Cadre of Numa 1/2 Sri D.H. to 1-10-91 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>While the date of promotion of Sri Anukul Chandra Datta En. P.A./S.A.O. Sil. Ho. Dhule and on 31.7.92 has been modified to 1-8-92 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>House there is a anomalies in x/o Sri Datta and in x/o Sri Datta, Senior pay than Sri Numa (both of them) dated 1.10.91.</p> <p>To remove anomalies Sri Datta is re. Biscool 17/10/91 with D.N. on 1-10-91 with Rs 1850/-.</p> <p>The difference of pay & D.N. 31.7.92 amounting Rs. 840/- is shown and overpaid.</p> <p>amount of pay & D.N. for 8/92, 49/92 amounting (Rs 105/- plus D.N. Rs 84/-) Rs 189/- is also recovered in Dep. H.O.</p> <p>CT Bill no B-17/96</p>	<p>Sri Anukul Ch. promoted to 11547 Cadre of Numa 1/2 Sri D.H. to 1-10-91 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>While the date of promotion of Sri Anukul Chandra Datta En. P.A./S.A.O. Sil. Ho. Dhule and on 31.7.92 has been modified to 1-8-92 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>House there is a anomalies in x/o Sri Datta and in x/o Sri Datta, Senior pay than Sri Numa (both of them) dated 1.10.91.</p> <p>To remove anomalies Sri Datta is re. Biscool 17/10/91 with D.N. on 1-10-91 with Rs 1850/-.</p> <p>The difference of pay & D.N. 31.7.92 amounting Rs. 840/- is shown and overpaid.</p> <p>amount of pay & D.N. for 8/92, 49/92 amounting (Rs 105/- plus D.N. Rs 84/-) Rs 189/- is also recovered in Dep. H.O.</p> <p>CT Bill no B-17/96</p>	<p>Sri Anukul Ch. promoted to 11547 Cadre of Numa 1/2 Sri D.H. to 1-10-91 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>While the date of promotion of Sri Anukul Chandra Datta En. P.A./S.A.O. Sil. Ho. Dhule and on 31.7.92 has been modified to 1-8-92 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>House there is a anomalies in x/o Sri Datta and in x/o Sri Datta, Senior pay than Sri Numa (both of them) dated 1.10.91.</p> <p>To remove anomalies Sri Datta is re. Biscool 17/10/91 with D.N. on 1-10-91 with Rs 1850/-.</p> <p>The difference of pay & D.N. 31.7.92 amounting Rs. 840/- is shown and overpaid.</p> <p>amount of pay & D.N. for 8/92, 49/92 amounting (Rs 105/- plus D.N. Rs 84/-) Rs 189/- is also recovered in Dep. H.O.</p> <p>CT Bill no B-17/96</p>	<p>Datta M S ACO was fixed with D.N. on 1-10-91.</p> <p>While the date of promotion of Sri Anukul Chandra Datta En. P.A./S.A.O. Sil. Ho. Dhule and on 31.7.92 has been modified to 1-8-92 and his pay has been fixed @ Rs 1800/- on 1-10-91 with D.N. on 1-10-91.</p> <p>House there is a anomalies in x/o Sri Datta and in x/o Sri Datta, Senior pay than Sri Numa (both of them) dated 1.10.91.</p> <p>To remove anomalies Sri Datta is re. Biscool 17/10/91 with D.N. on 1-10-91 with Rs 1850/-.</p> <p>The difference of pay & D.N. 31.7.92 amounting Rs. 840/- is shown and overpaid.</p> <p>amount of pay & D.N. for 8/92, 49/92 amounting (Rs 105/- plus D.N. Rs 84/-) Rs 189/- is also recovered in Dep. H.O.</p> <p>CT Bill no B-17/96</p>

Affected
S.A. Advocate
18.9.03

ठसक सत्यापन

VERIFICATION OF SERVICE

[illegible]

Affekt
 Sark.
 Adwoche
 18.9.03

IV-HISTORY:AND

45

[illegible]

Alfred
Ramp
18.9.03

CALESTRA

VERIFICATION OF SERVICE

घाना ४-६ को प्रभावित करने वाली घटना (देखिए अनुदेश १०) Event affecting cols. 4-6 (vide instruction 10)	साक्ष्यात्मक अधिकारी के हस्ताक्षर तथा पदनाम (तारीख सहित) Signature and designation of attesting officer (with date)	सत्यापन अधिकारी के हस्ताक्षर तथा पदनाम (तारीख सहित) Signature and designation of verifying officer (with date)	सरकारी कर्मचारी के हस्ताक्षर Signature of the Government servant	अध्यापिका Remarks
7	8	9	10	11

Services from 1/1-2002 to 31-8-02
Verified from the A. B. of Service
H. O.

Pay of the official has been fixed @ Rs. 6200/- as per 1-1-96 Under CCS(RP) Rules/1997 in the scale of Rs. 5000/- to Rs. 8000/- with D.O. on 1-10-96 @ Rs. 6350/- and on 1-10-97 @ Rs. 6500/-

Amount payable & allowances from 1-1-96 to 31-12-97 same total amount Rs. 18,553/- out of which Rs. 6777/- kept to be paid as 2nd instalment and Rs. 11,776/- drawn and paid on Diphu J/O B= 37/10/97

W. 13/1/98
Postmaster (HISO-I) 10/10/97
पुष्प गान बाकुर Diphu H/O
5.1 Diphu 782460

Availed LTC for block yr. 1998-2001 for self & wife, for the journey to Delhi & back journey in the month of Aug. 02. on 3-8-02. LTC bill passed under SSF/Sec No. 02-101/4/101 dt 19-8-02.

"Pay-ent" for the period 5-12-00 to 18-12-00 due for participation in strike.

Asstt. Postmaster,
(Aoots) BILCHAB.

Asstt. Postmaster
(Aoots) BILCHAB.

Service from 1-1-98 to 31-12-2001
Verified from the A. B. of Service
H. O.

Asstt. Postmaster
Bilchab

Asstt. Postmaster
18-9-03

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

No. Pen-I/DCRG Int./ 819/02-03

P-

P. 176/ASD/2001-02

Dtd:

To
TheSd/-Postmaster Genl.Salt Lake

D/R -

D/D

31.8.2002 (1/10)

Sub:- Intimation of DCRG in favour of

Sri/Smt. Asutosh Chandra Duttaholder of PPO NO CA 149887 will draw/

drawing pension from

under

Salt Lake Ho.Ref:- Yr. No. C2-768/2002 dt. 28.1.2002A sum of Rs. 1,67,178/- (Rupees One Lakh Sixty SevenThousand One hundred Seventy eight only being theamount of DCRG in favour of Sri/Smt. Asutosh ChandraDutta

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 debitable to MH-3201-A7 Pension(104) DCRG voted.

The payee is also being informed 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. 8073 dt. 16/8/2002Copy forwarded to Shri/Smt. Asutosh ChandraDuttaSalt Lake

He/She is requested to contact the P.O.S.

in this regard.

Address:

House No. 15, Link Road,Salt Lake, KolkataAccepted
Sd/-
18.9.03Sd/-
18.9.02

48

19/12/02

~~P-8072~~ In pursuance of SA (P) Kolkata memo No. ~~SA/P/KOL/16-8-79~~ dated ~~16-8-79~~,
A sanction of the undersigned is hereby accorded to the payment of Rs. 100/- towards the salary of Mr. [Name] for the month of August 1979.

W. L. ... due to him.

The following amount is to be recovered from the

- | | | |
|----|----------------------------------|--------------|
| 1. | Outstanding amount of TA advance | = Rs. |
| 2. | " " of overdrawal of pay | = Rs. 56,840 |
| 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 reptl. post Qr. = Rs. _____

8. Amount due to retention of reptil. post 01. = 0.00
 9. Amount due to retention of reptil. post 01. = 0.00
 Total = (Rs. 56,938.00)

The amount is debitable to the Head of Accounts
355-1(A) voted and payable from *File No. 110*.

3D/

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 *Dr. Bhabhroff, dated 11.*

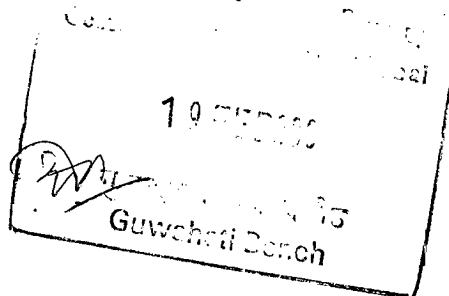
- ### 3. The SPM,

4. Shri Harkel, Ch.ulla Vastan, Co. ...
 5. Spare.

5. Spare.

Sr. Suptd of Post Offices
Cachar Dn., Silchar-728001

Attested
Saml. Advertiser
18.9.13



Filed by 49
19/2/03
(A. DEBROY)
Sr. C. S. C.
C. A. T. Guwahati Bench

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

O.A. NO. 212 OF 2003

Shri Anukul Ch. Dutta

- Vs - Applicant.

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.....

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

-3-

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

I, Sri Prushanta Kr. Ray Inspector
of Posts (P.O.)/Silchar.

, 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.

Prushanta Kr. Ray

~~Inspector~~
Deputy Inspr.
Compt. & Public Grievances
Silchar-788001.

13 MAR 4

Guv

42
Filed by the Applicant
Through Sr. Advocate
on 3.3.2004

**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: -

1. 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 OA deserves to be allowed with cost.

Amukul Chandra Datta

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