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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No...234/2003...

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet OA-234/2003 Pg.....1.....to.....2.....
2. Judgment/Order dtd. 27/06/2004 Pg.....1.....to.....3..... disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....234/2003.....Pg.....1.....to.....2.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. Respondents Nos. 1, 2, 3 & 4.....Pg.....1.....to.....25.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. ~~Memo of Appearance~~.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

6/

FROM No. 4  
(SEE RULE 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET.

Original Application No: 234/03

Misc Petition No: /

Contempt Petition No: /

Review Application No: /

Applicants: Jogendra Nath Deka

Respondents: N.O.T. Form

Advocate for the Applicants: - Mr. P. Roy, B.N. Thakuria, R. Datta

Advocate for the Respondents: - Casel A.K. Chaudhury

Notes of the Registry Date File Order of the Tribunal

21.10.2003 Heard Mr. P. Roy, learned counsel for the applicant. The application is admitted on call for the records.

Issue notice on the respondents to show cause as to why the interim order as prayed for shall not be granted, returnable by two weeks.

Meanwhile respondents are directed not to make any recovery from the applicant till the returnable date.

List the case on 7.11.2003 for order

Steps taken with  
envelopes.

21/10/03

Re. copy on an  
dated 21/10/03.

21/10/03 7.11.03

Notice and order dt-21/10/03,  
Sent to D/Section for  
issuing to respondent No  
1 to 4.

Car 27/10/03. D/No 2169 to 2171  
Dt. 27/10/03.

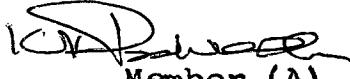
Recd learned counsel for other  
parties. Judgment delivered in open Court.  
Kept in separate sheets. Application is  
disposed of on 27/10/03.

No Bench today.  
Adjourned to 6.12.03.  
570  
10.

Vice-Chairman

19.12.2003

List on 30.1.2004 for orders.

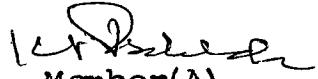
  
 Member (A)

mb

4.3.04  
 WTS submitted  
 by the Respondent  
 Nos. 1, 2, 3 & 4.

9.03. 04

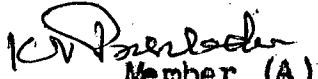
On the plea of the learned  
 counsel for the applicant, list the  
 case on 12.4.04 for hearing.

  
 Member (A)

bb

28.4.2004

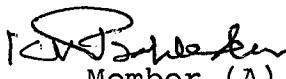
List on 3.5.2004 for hearing.

  
 Member (A)

mb

20.5.2004

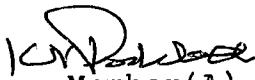
On the plea of learned counsel  
 for the applicant, the case is  
 adjourned. List on 2.6.2004.

  
 Member (A)

mb

2.6.2004

List again on 7.6.2004 for  
 hearing.

  
 Member (A)

7.6.04

Heard learned counsel for the  
 parties. Judgment delivered in open Court.  
 Kept in separate sheets. Application is  
 disposed of. No costs.

lm

  
 Member (A)

Received copy of the Judgment  
 of H.C. from Mr. A.Y.  
 11/6/04  
 Copy of the Judgment  
 has been sent to  
 the Office for ready  
 the same to the applicant  
 by post.  
 H.P.

11.6.2004

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A. No. 111 234 of 2003

DATE OF DECISION 07.06.2004

Sri Jogendra Nath Deka

.....APPLICANT(S).

Mr. P. Roy, Mr. B. N. Thakuria, Mrs. Rituja Dutta.

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

-VERSUS-  
Union of India & Ors.

.....RESPONDENT(S)

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

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

THE HON'BLE MR. K. 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 ADMINISTRATIVE MEMBER

bw

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No: 234 of 2003

Date of Order: This the 7th Day of June 2004.

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

Sri Jogendra Nath Deka,  
S/o Late Garga Ram Deka,  
Postal Assistant, Officer of the  
Chief Post Master General, Assam Circle,  
Guwahati,Guwahati-781001      ...      ... Applicant

By Advocate Mr.P.Roy,Mr.B.N.Thakuria , Mrs.Rituja Dutta.

-Vs-

1. The Union of India - Represented by the Secretary to the Govt of India, Ministry of Communication, New Delhi.
2. The Chief Post Master General, Assam Circle,Guwahati, P.O.Guwahati. G.P.O-781001.
3. The Director of Postal Services, Assam, Guwahati,P.O.Guwahati. GPO-781001.
4. The Assistant Director of Accounts, o/o the Chief Postmaster General, Assam, Guwahati-781001.

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

O R D E R

K.V.PRAHLADAN, MEMBER(A) :

The applicant is an employee in the office of the Chief Post Master General, Assam, Guwahati and working as a P.A. (BCR). The applicant joined in the Goalpara Postal Division as Time Scale Clerk on 3rd February, 1969. By order dated 30th March, 1983 (Annexure III) the pay of the applicant was stepped up on 15.1.1981 at par with Sri U.C.Sarma ~~till to day~~, who was promoted as UDC

*ICWD*

contd/-

*bwp*

on 15.1.1981. The applicant's pay was stepped up in terms of FR.22(c)(10) w.e.f. 15.1.1981. The Chief Post Master General issued an order vide Memo No.AP/3-1/2003 dated 28.8.2003 whereby the pay of the applicant was reduced. This was done as per the directions of the Audit Report which found that the Applicant's stepping up of pay was irregular as it did not meet the conditions of stepping up of pay as per FR 22. Further order has been made to recover the pay and allowances of the petitioner for the period from 2.10.1980 to 31-7-2003 amounting to Rs. 26,460/-. The applicant made a prayer to the respondents to stop reduction of pay and allowances and recovery of the excess payment, but it was rejected. The Respondents claims that both the ~~Applicant~~ and Shri U.C.Sharma were borne on different Gradation Lists. They were recruited in two different divisions and hence the stepping up of pay of the applicant did not attract FR 22.

2. Heard both the counsel for the applicant and for the Respondents. The Respondents have filed their written statement. From the materials on record it is not possible to conclude whether these two officials were ~~not~~ borne on <sup>law</sup> the same or different divisional Gradation list. The applicant submitted his representation on 29.8.2003 to the Chief Post Master General, Assam, on the audit objections, but the Chief PMG by issuing Memo No.AP/31-1/2003 dated 9.9.03 rejected the prayer.

3. Considering the facts and circumstances of the case I am of the opinion that it is a fit case in which the direction is to be given to the applicant to file a

contd/-

9

fresh representation before the Respondents. Accordingly, the applicant shall file a fresh representation before the Respondents listing all his grievances within a period of 15 days from the receipt of this order. If such representation is made the Respondents are directed to pass an order that is just, fair and lawful within 4 months from the date of receipt of his representation. A pre-decisional hearing may also be given to the Applicant.

Accordingly, the application is disposed of. No order as to costs.

lm

*K.V. Prahadan*  
(K.V. PRAHLADAN)  
ADMINISTRATIVE MEMBER

J.N.Deka -Vs- Union of India & Ors.,

LIST OF DATES

1. 3.2.69 : Appointed and joined as Lower Division clerk.

2. 3.10.69 : One U.C.Sarma also appointed and joined as Lower Division Clerk .

3. 21.10.80 : Promoted as U.D.C on adhoc basis.

4. 15.1.81 : Sarma also promoted as UDC on adhoc basis.

5. 11.2.83 : Regularly appointed as U.D.C.

6. 11.3.83 : Sarma also appointed regularly.

7. 1.2.74 : Sarma who is all along junior to the petitioner but his scale was step up undue FR 22(C)(10). But petitioner's pay was not step up.

8. 10-11.82 - Discrepancy of pay came to the notice when both the appellant and U.C.Sarma joined to the same office.

9. 18.11.82 - Appellant filed representation praying for stepping up his pay since he is receiving less pay to his junior U.S. Sarma.

10. 30.3.83 - Perusing the records and considering all aspect of the matter the Respondent/ authority passed order stepping up his pay and refixed @ Rs.370/- with effect

Contd.....

Filed by: Q. Dutta  
Advocate

: 2 :

from 15.1.81 at per his junior.

... (Annexure-III, Page-16)

Page-16).

11. 28-8-2003 : Impugned order of recovery alleging  
to be illegal over payment passed.

.... (Annexure-IV,

Page-17)

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SYNOPSIS

Guwahati Bench  
Central Administrative Tribunal  
90 OCT 2003  
Guwahati Bench

The Petitioner Sri Jogendra Nath Deka is an employee in the Office of the Chief Post Master General, Assam, Guwahati and working as a P.A. (BCR). He originally joined in the Goalpara Postal Division as Time Scale clerk on 3.2.69, The Petitioner was promoted as U.D.A. on 21.10.80 and Sri U.C. Sarma joined as U.D.A. on 15.1.81. But the petitioner is drawing salary after stepping up his pay on 15.1.81 at par with Sri U.C. Sarma till today.

The Asstt. Director (Accts.) on behalf of the Chief Post Master General issued an order vide Memo No. AP/3-1/2003 to reduce the pay and allowances of the petitioner w.e.f. 1.8.2003. Further, order has been made to recover the pay and allowances of the petitioner for the period from 2.10.80 to 31-7-03 amounting to Rs. 26,460/. The petitioner made a prayer to the respondent to stop reduction of pay and allowances and recovery of the excess payment. But it was rejected by the Asstt. Director (Accts.) on behalf of the C.P.M.G., Assam, Guwahati.

There being no other alternative the petitioner made this petition before this Hon'ble Court against the order dated 28.8.03

This application is also made for an appropriate Direction to the respondents to confirm the stepping up the pay of the applicant with his junior to Shri U.C. Sarma and to confirm the seniority of the applicant with his junior Shri U.C. Sarma.

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*SN*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

D.A. NO. 234 /2003.

BETWEEN :

Sri Jogendra Nath Deka,  
S/o Late Garga Ram Deka,  
Postal Assistant, Office# of the  
Chief Post Master General, Assam Circle,  
Guwahati, Guwahati-781001.

*Jogendra Nath Deka  
S/o Late Garga Ram Deka  
Postal Assistant  
Office# of the  
Chief Post Master General  
Assam Circle  
Guwahati-781001*

..... Applicant.

-AND-

1. The Union of India - Represented by the Secretary to the Govt. of India, Ministry of Communication, New Delhi.
2. The Chief Post Master General, Assam Circle, Guwahati, P.O. Guwahati GPO-781001.
3. The Director of Postal Services, Assam, Guwahati, P.O. Guwahati GPO - 781001.
4. The Assistant Director of Accounts, O/o the Chief Postmaster General, Assam, Guwahati-781001.

.... Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE :

The instant application is made against the order dated 28.8.2003 issued under Memo No. AP/31-1/2003 by Sri S.

Contd....2.

Ghose, Asstt. Director (Accounts) ~~on behalf~~ of the Chief Post Master General, Assam, Guwahati reducing the pay and allowances of the applicant with effect from 1.8.2003 and for recovery of the pay and allowances of the applicant for the period of 20.10.80 to 31.7.03 amounting Rs. 26,460/- (Twenty six thousand four hundred sixty) only and also against the order dated 9.9.03 issued under Memo No.AP/31-1/2003 ~~on behalf~~ by Sri Sudhir Ghose, Asstt. Director (Accounts), ~~on behalf~~ the Chief Postmaster General, Assam, Guwahati rejecting the prayer of the applicant to stop reduction of pay and allowances and recovery of the over payment of Rs. 26,460/- as directed in Memo No.AP/31-1/2003 dated 28.8.2003 .This application is also made for an appropriate direction to the respondents to confirm the stepping up the pay of the applicant with his junior Sri U.C.Sarma in terms of FR 22(c)(10) which was made by the Director of Postal Services, Assam Region, Guwahati by issuing a Memo under No. Staff/SD/1-55/80 dated 30th March'83 and also to confirm the seniority of the applicant with his junior Sri U.C.Sarma in the light of departmental provisions and rules made in connection with the services of Central Government employees of the Grade of Postal Assistants under the respondents.

2. JURISDICTION OF THE TRIBUNAL

The applicant further declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

Contd.....3..

*Jogendranath Malakar*

3. LIMITATION:

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

4. FACTS OF THE CASE :-

The facts of the case are given below :-

(i) That the applicant Sri Jagendra Nath Deka was originally appointed as time scale clerk and joined on 3-2-69 in Goalpara postal division . His service was made quasipermanent w.e.f. 3.2.72 vide office memo No. B/A-30/ 71 dtd.7.6.72 and has been serving diligently and honestly to the utmost satisfaction of higher authority. Sri. U.C. Sarma and Sri Chakrapani Das were also appointed to the same grade of time scale clerk and joined their service on 3-10-69 and 17-4-70 respectively in other postal divisions and their service were also made quasipermanent subsequently .

A copy of the memo No B/A-30/71 dtd.7.6.72 is annexed as Annexure -I .

(ii) That the applicant was thereafter selected and promoted to the post of upper Division Assistant on Adhoc basis with effect from 21.10.80 and posted at the office of Director ~~xxx~~ of Postal services, Assam Region, Guwahati . Both Sri U.C. Sarma and Sri Chakrapani Das who were juniors to the applicant were also promoted on Adhoc basis to the post of upper Division Assistant on a later date than that of the applicant and they were also posted in the same D.P.S. office at Guwahati.

The copy of the order of promotion of the applicant issued under No. ADPS, Guwahati no staff (RD) 2-1179 dated 26-9-80 is annexed as Annexure- II.

(iii) That subsequently it reveals that the applicant Sri Jagendra Nath Deka and his junior Sri U.C. Sarma recruited in the same time scale cadre being in different

contd - - 4

Jagendra Nath Deka

14

scale Cadre being in different Postal divisions and the pay of Sri U.C.Sarma having been stepped up in terms of FR 22(C)(10) with effect from 1.2.74 the applicant Sri J.N.Deka is found to have been drawing less pay and allowances than the pay of Sri U.C.Sarma from the said that is 1.2.74. As the applicant Sri J.N.Deka and his junior Sri U.C.Sarma were serving in different Postal divisions the difference of pay of both the U.D.As was not noticed and so refixation of Pay of the applicant in terms of FR- 22(C)(10) did not arise. But on joining as U.D.A by the applicant and Sri U.C.Sarma at the Office of D.P.S., Assam Region, Guwahati, the anomaly or difference of pay and allowances between them even after refixation of their Pay came to light.

(iv) That Sri J.N.Deka submitted one representation to the Director of Postal Services, Guwahati on 18.11.82 praying for stepping up his pay with pay of Sri U.C.Sarma.

(v) That on receipt of the representation the then DPS, Guwahati thoroughly enquired into the above facts and passed a detail order issuing Memo No. Staff/SD/1-55/80 dated 30th March'83 with the observation that the applicant's claim for refixation became legitimately due only after joining of his junior Sri U.C.Sarma as UDA on 15.1.81 and accordingly passed order for stepping up pay of the applicant and refixed his pay at Rs.370.00 P.M. with effect from 15.1.81 with D.N.I (Date of next increment) on 1.1.82.

Contd.....5.

Jogendranath Deka

The copy of the order under Memo

No.Staff/SD/1-55/80 dated 30th March'83 is  
annexed as ANNEXURE-III

(vi) That the Services of the applicant as U.D.A. and other UDA's of the D.P.S. Office were however subsequently regularised/confirmed through an examination in the year 1983.

(vii) That Sri W.C.Sarma is junior by virtue of original entry in the department as T.S.Clerk and also junior as U.D.A. since the applicant joined as U.D.A. on 21.10.80 so and Sri W.C.Sarma joined as U.D.A. on 15.1.81. But the applicant is drawing salary after stepping up his pay on 15.1.81 at par with Sri W.C.Sarma till today.

(viii) That the Cadre of U.D.A. which was temporarily created at D.P.S. Office have already been lapsed or made ineffective for the change of departmental policy and provisions and all the posts of T.S.Clerk or U.D.A. have been designated as Postal Assistants only with two promotions to the P.A. one promotion as TBOP (Time Bound Promotion) at the age of 16 years service and the other promotion as B.C.R.(Bional Cadre Review) at the age of 26 years of Service from original entry in the department.

(ix) That your applicant has already got two promotions. TBOP Promotion on 26.6.93 and BCR Promotion on 3.2.95 and Sri W.C.Sarma has got his BCR promotion on date later than that of

Contd.....6.

Jogendranath Mukherjee

your applicant, but he has been drawing salary even more than your applicant.

(x) That to the utter surprise of your applicant, a memo under No. AP/31-1/2003 dated 28.8.03 issued by Asstt. Director (Accounts), D/o the Chief PMG, Assam Circle, Guwahati has been received by your petitioner whereby the Pay and allowances of the applicant has been reduced with effect from 20.10.80 showing a new pay fixation of your applicant on the basis of ICIR objections raised vide DA(P), Kolkata No. ICIR/CPMG/GHY/2001/IC/2504 dated 21.2.2002.

The copy of the order under Memo No.AP/31-1/2003 dated 28.8.03 (2) *Guwahati* .

(6) annexed as ANNEXURES-IX

(xi) That in the said impugned letter dtd. 21.2.02, the applicants pay has been reduced from Rs. 7100/- to Rs. 6950/- per month with effect from 1.8.2003 and also has shown over payment of Rs. 26,460.00 (Twenty six thousand four hundred sixty) for the period from 16.1.81 to 31.7.03 as per calculation of over payment enclosed with the impugned order dated 28.8.2003 and also directed to recover the amount from the applicant.

(xii) That the stepping up of pay and allowances of the applicant was done as per FR No.22(c)(10) by the DPS, Assam

Contd.....7.

*Jogendranath Saha*

Region, Guwahati in March'83 and the applicant is entitled to get the benefits under departmental provisions and no objection was raised during this long 23 years time.

(xiii) That the ICIR objections raised by DA(P),Kolkata issued under No.ICIR/CPMG/GHY/2001/2504 dated 21.2.2002. ~~.....~~ are not valid and justified in view of the fact that the applicant is actually senior to Sri M.C.Sarma in the Cadre of T.S.Clerk, U.D.A. and last BCR promotion.

(xiv) That the audit objections raised on the basis of vague and defective (now infructuous) list of UDAs, are not to be relied upon for fixation of the pay of the applicant reducing the pay after long 23 years time and recovery of over payment after a long gap, is illegal, and violative of the departmental provisions and principle of natural justice.

(xv) That as the stepping up of Pay and allowances of the applicant is legal and justified in terms of FR No.22(c)(10), the new fixation of pay and allowances vis-a-vis reduction of pay and allowances and order for recovery of pay and allowances which had been paid during last 23 years time are most illegal and violative of legal and Fundamental rights of the applicant guaranteed under Articles 14, 15, 16, 19 and 21 of the Constitution of India.

(xvi) That the applicant has been maintaining his family

Contd.....8.

Jogendra Nath Deba

comprising 6 members out of his monthly salary only during his 34 years service period with good records and if his pay is now suddenly reduced with recovery of Rs. 26,460/- from his pay it would be harsh, inhuman and also a severe punishment causing injustice and financial strain in his family.

(xvii) That, whatever pay and allowances had been allowed to the applicant during this 23 years time is permissible in departmental rules and provisions and the applicant, has not taken any undue favour or advantage and so the reduction of pay & allowances is nothing but a punitive measure and it has been done without serving any notice requiring to submit his written statement or replies and also without giving any chance of personal hearing in the matter and so is to be stopped for giving adequate relief to your applicant.

(xviii) That the order for stepping up of the pay and allowances of the applicant was issued by the Director of Postal Service, Assam Region, Guwahati after verifying the facts thoroughly and giving due consideration in terms of FRs but the present reduction of pay and allowances has been made abruptly without verifying the correctness of the audit objections raised by auditors who are officers far below the rank of D.P.S.

(xix) That the impugned order has been issued in a mechanical process without mentioning the reasons and intention for reduction of pay and allowances and hence the said order is to be set aside.

Contd.....9.

Jogenkumar Deka

(xx) That due to stepping up of pay and allowances only one increment has been given to the applicant to equalise his pay with his junior staff and it was allowed during the span of long 23 years time and now the reduction has been made which will effect the future salary and pension benefits to your applicant and so the same is to be set at right for doing natural justice to the applicant.

(xxi) That, after issue of the impugned order the applicant submitted his representation on 29.8.2003 to the Chief Post Master General, Assam, Guwahati to enquire into the illegal audit objections and to take appropriate action if necessary by taking instruction from the higher authority, but the Chief PMG by issuing Memo no. AP/31-1/2003 dtd. 9/9/03 rejected the prayer simply saying that prayer cannot be considered. It is therefore, quite apparent that the Chief PMG, Assam, Guwahati is quite prejudical, unconscionable, inhuman and discriminatory in deciding the applicant's above case.

A copy to memo No.AP/31-1/2003 dated 9.9.03 which is annexed as Annexure-V.

5. GROUNDs :

(i) The stepping up of pay and allowances of the applicant which was made long before 23 years time is legal, genuine in term of FR 22(C)(10) which the applicant believes to be true.

(ii) The ICIR audit objection of DA(P),Kolkata issued under No. ICIR/CPMG/GHY/2001/IC/2504 dated 21.2.2002 is illegal, incorrect, improper and discriminatory in terms of FRs.

Contd.....10.

Jogendhar Nath Deo

28.8.03 and no AP/31-1/2003 dtd.

(iii) The impugned order no. AP/31-1/2003 dtd. 28.8.03 issued by the AD(A/cs) of the Chief PMG, Assam Circle, Guwahati are illegal, improper, unjust and violative of the legal and Fundamental rights of the applicant and also violative of the principle of natural justice.

6. **RELIEF(S) SOUGHT FOR :-**

Under the facts and circumstances stated above, applicant most respectfully prayed that the instant application may please be admitted, call for the records and after hearing the parties and on perusal of the records be granted the following reliefs :-

(1) The impugned order No.AP/31-1/2003 dated 28.8.2003 issued by AD(A/Cs) for Chief PMG, Assam Circle, Guwahati by which pay fixation of the applicant has been made reducing the pay and allowances from 20.10.80 with recovery of over payment of Rs.26460.00 (Twenty six thousand four hundred sixty)only is to be set aside.

(2) The impugned order No. AP/31-1/2003 dated 28.8.03 issued by AD(A/Cs),O/o the Chief PMG, Assam Circle, Guwahati by which the representation/prayer of the applicant on the subject of refixation of applicant's pay and allowances, reduction of pay and allowances and recovery of over payment of Rs. 26,460/- from the applicant, was made is to be declared illegal and set aside.

(3) The original order of DPS, Assam Region, Guwahati issued under No.Staff/UD/1-55/80 dated 30th March, 1983 by which

Contd.....11.

Jogendranath  
Sarkar

applicant's pay and allowances were stepped up is to be confirmed and declared valid and genuine.

(4) The original stepping up of the pay of the applicant under Memo No. Staff/SD/1-55/80 dated 30th March'83 issued by the Director of Postal Services, Assam Region, Guwahati be confirmed and declared valid and genuine in terms of FR 22(C)(10).

(5) That the applicant be declared senior to Sri G.C.Sarma in the Grade as T.S.Clerk, U.D.A. and now as Postal Assistant (B.C.R.).

(6) The cost of the application with interest to the applicant.

(7) Any other relief or reliefs to which the applicant is entitled to and as deemed fit and proper by the Hon'ble Tribunal.

7. INTERIM ORDER, IF PRAYED FOR:-

Pending final decision of the application, the applicant seeks issue of the following orders :-

(1) Ex-parte stay order of the impugned order No.AP/31-1/2003 dated 28.8.2003 issued by AD(A/Cs) for Chief PMG, Assam Circle, Guwahati i.e. from giving effect to reduction of Pay and allowances of the applicant w.e.f. 20.10.80 and from recovery of Rs.26,460.00 (Twenty six thousand four hundred sixty) only from

Contd....12.

Jogendranath Sekh

the pay of the applicant which is paid for the maintenance of the applicant and members of his family. The reduction of pay and allowances <sup>is</sup> inhuman consideration keeping in view that there is no other source of income for the livelihood of the applicants family comprising six members.

**8. DETAILS OF THE REMEDIES EXHAUSTED :**

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. The applicant in addition to his filing representation with relevant documents & information also personally requested the authority to consider his case, but his attempt has become null and void at the prejudicial consideration and rejection of his prayer by the authority. The list of documents and references exhausted also enclosed. The Chief Postmaster General, Assam Circle, Guwahati is the competent authority to consider the case for giving the real justice to the applicant.

**9. MATTER PENDING WITH ANY OTHER COURTS :**

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of law and any other bench of the Tribunal.

**10. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER IN RESPECT**

**OF THE APPLICATION FEES :**

- (i) No of Postal order : 8.Gt484196
- (ii) Name of the issuing Post Office : Guwahati C.P.O
- (iii) Date of issue : 25.9.03
- (iv) Post Offices at which payable : Guwahati

Contd.....13.

Jogendra Nath Gogoi

93

[ 13 ]

IN VERIFICATION

I, Sri Jogendra Nath Deka, S/o Late Garga Ram Deka, aged about 55 years, working as P.A. (BCR), O/o the Chief Post Master General, Assam, Guwahati, do hereby verify that the contents from para No. 1-~~9~~ are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Guwahati.

Date : 20.10.03

*Jogendranath Deka*  
SIGNATURE OF THE APPLICANT.

Annexure-1

INDIAN POSTS AND TELEGRAMS DEPARTMENT  
OFFICE OF THE SUPERINTENDENT OF POST OFFICES  
GOALPARA DIVISION : : : : : Dhubri.

Dated, Dhubri the 7-6-72.

Memo No. B/A-30/71.

Whereas the undermentioned temporary clerks have been in continuous service for more than 3 ( three ) years and have fulfilled the requisite conditions for employment in quasi-permanent employment, I, Shri U. Bhattacharjee, Superintendent of Post Offices, Goalpara Division, Dhubri under rule 3 of C.C.S. (TS) rules 1965 herby appoint them to the clerical grade of R. 110-4-16-5-175-EP.6-265-RB.7-240/- in Goalpara Division in quasipermanent capacity with effect from the dates noted against their names.

<u>Sl. No.</u>	<u>Name and designation</u>	<u>Date from which I lared as Q.P.</u>
1.	Shri Raghu Nath Barman, Ty. clerk/Dhubri H.O.	3.2.72.
2.	Shri Jogendra Nath Deka, Ty. clerk./Dhubri H.O.	3.2.72
3.	Shri Bangshi Gopal Banerjee Clerk/Mankachar.	29.3.72
4.	Mrs. Farbati Chakraborty, Ty. Clerk/Dhubri H.O. (now working at South Cal. Divn.).	25.11.68.

Sd/- (U. Bhattacharjee)  
SUPERINTENDENT

Copy to :-

- 1-2) The Postmasters-Dhubri & Tura H.O.
- 3-6) S/Shri R.N. Barman, Clerk Dhubri H.O.; Shri Jogendra Nath Deka, Clerk Dhubri H.O.; Bangshi Gopal Banerjee, Clerk, Mankachar; Mrs. Farbati Chakraborty, Clerk, South Cal. Division, C.S. Supdt. of Post Offices, South Calcutta Division, Calcutta.
- 7.) The Sr. Supdt. of Post Offices, South Calcutta Division, with reference to his no. B-25/Q.P./Part II dated 23.
- 8) Spare.

Certified to be  
true copy

R. D. H.  
Advocate

W. Bhattacharjee  
Supdt. of Post Offices,  
Goalpara Divn., Dhubri.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT,  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES :: ASSAM REGION GAUHATIMemo. No. Staff (RD) / 2-1/79  
Dated Gauhati, the 26th September '80

The D.P.S. Assam region, Gauhati is pleased to issue the following orders in the interest of service.

The officials named below who volunteered and selected are hereby ordered to work on deputation and on adhoc promotion in the office of the D.P.S. Assam Region, Gauhati in the vacancies of U.D. clerks in the scale of pay of Rs.330/- to 560/- with usual allowances with immediate effect.

- 1) Sri Jajneswar Bora, Clerk, Nowgong Division.
- 2) Sri Jogendra Nath Deka, Clerk, Dhubri H.O.

The approved officials will not be entitled to deputation allowance T.A. and joining time.

(K.M.R.C.)  
A.D.P.S./GH  
for Director of Postal Services,  
Assam Region, Gauhati-S.

## Copy to :-

1. The D.A.(P) Calcutta.
2. The Bill Clerk, D.P.S. Office, Gauhati.
3. The Supdt. of P.O.s, Nowgong Division, Nowgong with reference to his letter No.B1/UDC/LDC/RD dated 22-9-80. He will please arrange immediate relief of Shri Bora. The official may be relieved as and when approved and suitable hand is posed in his place.
4. The Supdt. of P.O.s, Goalpara Division, Dhubri with reference to his letter No.B/Staff/Misc dated 17-9-80 for similar action in respect of Shri Jogendra Nath Deka.
- 5-6. Postmaster Nowgong H.O. and Dhubri H.O. They will please send the S.Boks and L.P.G.s of Shri Bora and respectively.
- 7-8) Officials concerned.

certified to be  
true copy

R. Datta  
Advocate

(K.M.R.C.)  
A.D.P.S.,  
for Director of Postal Services,  
Assam Region, Gauhati-S.

O/C

INDIAN POSTS AND TELEGRAMS DEPARTMENT  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES OF ASSAM REGION GUWAHATI

Memo No. Staff/ED/1-35/80  
Dated Guwahati, the 30th March '80

Shri J.N. Deka, U.D.A. of this office submitted a representation on 12.11.82 stating that he is in receipt of less pay and allowances than drawn by his Juniors S/Sri Uday Sharma and Chakrapani Das - both UDAs of this office and quoted that he joined as T.S. clerk in the department on 3-2-69 while S/Sri U. Ch. Sharma and Chakrapani Das joined the department as T.S. clerks on 31-10-69 and 17-4-70 respectively. Shri J.N. Deka, thus requested for stepping up his pay with that of his Juniors S/Sri U.Ch. Sharma and S. Das mentioned above.

(1) Enquiries revealed that Shri J.N. Deka and Shri Uday Ch. Sharma originally recruited as T.S. clerks are working on promotion in the U.D.A. cadre of this office. But they were appointed as T.S. clerks in two different postal divisions. Shri J.N. Deka, joined as T.S. clerks on 3-2-69 and started drawing less pay from 1-2-74 than that drawn by Shri U.Ch. Sharma, who joined in identical cadre on 31-10-69 and whose pay was stepped up in terms of FA.22(c)(10) w.e.f. 1-2-74.

(2) The fact remains that the question of refixation of pay of Shri J.N. Deka, visa-via Shri U.Ch. Sharma in terms of FA.22(c)(10) did not arise, as both the officials continued to work in two different postal divisions. But on their joining as UDAs of this office, the anomaly in the emoluments drawn by them came into existence even after fixing their pay in the U.D.A. cadre. Therefore, in fitness of things, there is need for refixation of pay of Shri J.N. Deka to remove the anomaly.

4. In view of what has been discussed as above, there is no justification in refixing the pay of Shri J.N. Deka, who worked as T.S. clerk in Goalpara Division and before his joining as UDA on promotion in this office. His claim for such refixation becomes legitimately due only after the joining of his junior S/Sri U.Ch. Sharma as U.D.A. on 15-1-81. Accordingly, it is hereby ordered that the pay of Shri J.N. Deka, UDA of this Office shall be stepped up and refixed @ Rs.370/- with effect from 15-1-82 with DNI on 1-1-82.

(i. Sevi)  
Director of Postal Services,  
Assam Region, Guwahati-1.

Copy to

1. The P.M.(G) Guwahati for information and necessary action. This has a reference to his D.O. No.46/J/1 Deka dated 13.12.82.
2. The D.A.(E) Calcutta through P.M.(G) Guwahati.
3. Shri J.N. Deka, UDA, O/O the DPM/G.
4. Dpara.

certified to be  
true copy R. Datta  
Advocate

*Annexure -V*

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:  
GUWAHATI-781001.

NO. AP/31-1/2003,

2X

Dated at Guwahati the 28-08-2003.

As per ICIR objections raised vide DA (P), Kolkata No. ICIR/CPMG/GHY/2001/IC/2504 dtd. 21-02-2002, pay fixation of Shri Jogendra Nath Deka, formerly PA, Dhubri Division Now PA O/O the Chief PMG, Guwahati has been made as under.

Period	U.D.C/PA Rs.330/- to 560/- Rs.1200/- to 2040/-	TBOP/PA Rs.1400 - 2300	BCR/PA Rs.1600-2660-5000- 8000
20-10-80	360		
1-10-81	370		
1-10-82	380		
1-10-83	392		
1-10-84	404		
1-10-85	416		
1-01-86 x	1380		
1-10-86	1410		
1-10-87	1440		
1-10-88	1470		
1-10-89	1500		
1-10-90	1530		
1-10-91	1560		
1-10-92	1600		
26-06-93	1600	1640	
1-10-93		1720	
1-10-94		1760	
3-02-95		1760	1850
1-01-96			5750
1-02-96			5900
1-02-97			6050
1-02-98			6200
1-02-99			6350
1-02-00			6500
1-02-01			6650
1-02-02			6800
1-02-03			6950

His pays may be reduced w.e.f. 01-08-2003 and paid @ Rs.6950/-.

Contd.... 2/-...

(2)

Over payment of pay & allowances for the period from 20-10-80 to 31-07-03 amounting to Rs.26,460/- (Rupees Twenty six thousand four hundred sixty) only be recovered from the official.

mmms  
28/8  
( S. GHOSE )

Asstt Director (A/Cs)  
For Chief Postmaster General,  
Assam Circle, Guwahati-781001

Copy to:-

1. The Sr. Accounts Officer, I.C.Cell O/O the Director of Accounts (Postal), Kolkata w.r.t. ICIR/CPMG/GHY/2001/IC/2504 dtd. 21-02-2002.
2. P/F of official.
3. Service Book of official.
4. Official.
5. The Asstt Director (A/Cs), CO, Guwahati to make recovery of the amount.

mmms  
28/8  
For Chief Postmaster General,  
Assam Circle, Guwahati-781001

*Certified to be true copy*

R. Datta  
Guwahati

## CALCULATION OF OVERPAYMENT

	<b>Paid</b>	<b>Payable</b>	<b>Difference</b>
1-01-02 to 31-01-02	6800	6650	Rs.150.00
1-02-02 to 31-01-03	6950	6800	Rs.150.00
1-02-03 to 31-07-03	7100	6950	Rs.150.00

1. Pay w.e.f. 1-01-02 to 31-07-03 @ Rs.150 x 19 months =Rs.2,850.00
2. DA 1-01-02 to 30-06-02 = 49% = 73.50 x 6 = 441.00  
 1-07-02 to 31-12-02 = 52% = 78 x 6 = 468.00  
 1-01-03 to 30-06-03 = 53% = 82.50x6 = 495.00  
 1-07-03 to 31-07-03 = 55% = 82.50x1 = 83.00 =Rs.1,487.00
3. HRA @ 15% on Rs.150/- for 19 months = 15% = 22.50x19 = Rs. 428.00 =Rs. 428.00  
 =Rs.4,765.00

Over payment of w.e.f. 16-01-81 to 31-12-01 objected by ICIR party =Rs.21,695.00  
Rs.26,460.00

( D. CHAKRABORTY )

A.A.O. (Bgt)

For Chief Postmaster General,  
Assam Circle, Guwahati-781001

certified to be  
true copy

R Ditts  
Ditts Calo

## भारतीय डाक विभाग / Department of Posts, India

कार्यालय/Office of the

To:

कार्यालय मुख्य पोस्टमास्टर जनरल  
 O/O the Chief Postmaster General  
 असम परिमुद्रा, गुवाहाटी-781001  
 Assam Circle, Guwahati-781001

Shri. J.N. Deka, P.A (GCR)  
 O/o the Chief P.M.A. Assam Circle,  
 Gauhati-1.

No. AP/31-1/2003 - - - - - dt. 9/9/03

Sub:- Redirection of Pay & allowances  
 from 20-10-1980 to 31-5-2003

Kindly refer to your representation  
 dt. 29.8.2003 on the above subject In  
 this respect I am directed to inform  
 you that your prayer cannot be  
 considered.

*mmg*  
*9/9*  
 (Subhajeet Ghose AD (A))

सहायक निदेशक (लेखा)  
 Asstt. Director (Accounts)  
 कार्यालय मुख्य पोस्टमास्टर जनरल  
 O/O the Chief Postmaster General  
 असम परिमुद्रा, गुवाहाटी-781001  
 Assam Circle, Guwahati-781001

Certified to be  
 true copy

R. Datta  
 Addl. Secy.

4/1/2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH::GUWAHATI

330  
Union of India & Ors. - Respondents  
- Strong -  
Anup Kumar Choudhury  
Addl. Central Govt. Secretary  
3.3.03

In the matter of :-

O.A. No.234 of 2003

Shri J.N. Deka .... Applicant

- Versus -

Union of India & Ors. ... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENTS NOS. 1,2,3 & 4.

I, B. Radhika Chakravarty, A.P.M.G.(Vig), Office of the Chief Postmaster General, Assam Circle, Guwahati, do hereby solemnly affirm and say as follows :-

1. That I am the A.P.M.G.(Vig), Office of the Chief Postmaster General, Assam Circle, Guwahati and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.
2. That the respondents crave leave of the Hon'ble Tribunal to place the brief history of the case as follows :-
  - i) The applicant was recruited as a Time Scale Clerk in the Department of Posts and joined as such on 3-2-1969 in Goalpara Postal Division, He was posted as Upper Division Clerk in the Office of the Director of Postal Services, Assam Region, Guwahati with effect from 21-10-1980 on deputation basis. At the same time another official named Shri Uday Ch. Sarma who was recruited as Time Scale Clerk and joined in Darrang Division w.e.f. 31-10-1969 was also posted as UDC in the same office on adhoc promotion w.e.f. 15-1-1981. Both the applicant and Shri Sarma

appeared in the UDC promotional examination and declared qualified in 1983. On being regularly promoted as UDC the applicant joined as such regularly on 11-2-83 and Shri U.C. Sarma also joined as regular UDC on 11-3-83 in the same office. Since the applicant ranked lower in merit in the examination than Shri U.C. Sarma and others he was placed in ~~the~~ junior position than Shri Sarma in the Office Gradation List. (A copy of the Gradation List is enclosed as Annexure-4). The applicant submitted a representation on 18-11-82 to step up his pay at par with Shri U.C. Sarma who was junior to him in the Time Scale Clerk Cadre as well as in the UDC Cadre during the adhoc promotion period. On examination of the representation it was decided that the stepping up of the pay of the applicant at par with his junior in Time Scale Clerk Cadre was not admissible for the reason that both the applicant and his junior Shri U.C. Sarma belonged to two different Unit Gradation Lists. However, stepping up of pay of the applicant in the cadre of UDC at par with his junior was allowed from the date i.e. 15-1-81 on which Shri U.C. Sarma joined as UDC on adhoc promotion.

ii) In course of the Internal Check inspection of the Circle Office, Guwahati, the Director of Accounts (Postal), Kolkata raised an audit objection that the stepping up of the pay of the applicant w.e.f. 15-1-81 was irregular due to the fact that the applicant was drawing less pay in Time Scale Clerk cadre than Shri N.C. Sarma at the time of promotion in ~~the~~ U.D.C. cadre apart from the fact that both the officials were not borne on the same divisional Gradation list thereby not fulfilling the conditions laid down in GIO(23) below FR 22. The DA(P) therefore asked to refix the pay of the applicant retrospectively and to recover the overpayment to the tune of Rs.26,460/- (A copy of the Audit Inspection report is enclosed as Annexure-6).

iii) The matter was reviewed thoroughly by the competent authority and found that the stepping up of the pay of the applicant was irregular in terms of the existing rules and guidelines. Therefore in compliance of the Audit Objection and facts of the case, the pay of the applicant was refixed and the recovery of the overpayment of Rs.26,460/- was ordered vide No. AP/31-1/2003, dtd. 28-8-03 (A copy of the order dated 28-8-03 is enclosed as Annexure-3)

The applicant submitted a representation on 29-8-03 requesting to reconsider the order of refixation of his pay and recovery of the overpayment. The authority considered the representation but could not acced to his request. He was informed accordingly on 9-9-03. (Copy enclosed as Annexure - 5)-

3. That with regard to the statement made in paragraph 1 of the application, the respondent beg to state that the order No. AP/3141/2003, dated 28-8-03 was issued in the name of the competent authority (Resp No.2 & 3) to have the pay of applicant refixed and to recover the amount of overpayment of Rs.26,460/- from the applicant in pursuance of the Audit objection. The pay of the applicant was stepped up at par with his junior in the scale of UDC W.e.f. 15-1-81 on his representation on 18-11-82 vide Memo No. Staff/RD/1-55/80, dtd.30-3-83 (A copy of the order is annexed as Annexure-I). This stepping up of the pay has been found to be irregular during the Internal Check inspection of the Circle Office Guwahati by the Director of Accounts (POSTAL) Kolkata in February, 2002. It was observed by the Audit that the stepping up of the pay of the applicant was contrary to rules as the conditions for each such stepping up were not fulfilled for the reasons that the applicant was drawing less pay in the basic P.A. cadre than his junior at the time of promotion in UDC cadre and moreover the applicant and his junior with whom the pay was brought at par by stepping up were not borne in the same Gradation list in the basic Time Scale Clerk cadre being recruited in two different divisions. The stepping up of the pay of the applicant was not in conformity with the guidelines laid down in the Govt. of India instruction No.(23) below FR-22 read with the Ministry of Finance OM No.F2(78)-E.III(A)/66, dated 4-2-66. Since the error has to be rectified and the undue consequential overpayment was to be recovered to recoup the loss to Govt. Exchequer, the Audit raised an objection on this and asked the authority to refix the pay of the applicant correctly and to recover the overpayment from the official (applicant). The responding authority acted bonafide accordingly by issuing the order dated 28-8-03 the applicant has no cause to agitate against the said order. (A copy of the Extract of the GIO(22) of FR-22 and the order dated 28-8-03 are annexed as Annexures-~~Exx~~ 2&3).

4. That the respondents have no comments to the statement made in paragraph 2 and 3 of the application.

5. That with regard to the statement made in paragraph 4(i) to 4(x) of the application, the respondents beg to state that the statements of the applicant in the paras 4(I) to 4(x) which are based on the facts on records are only admitted. The rest which are not based on records are denied. With regard to the contention made in the para 4(vii) to 4(x) of the application, it is however added that Shri U.C. Sarma and the applicant were recruited in T/S Clerk cadre and joined in two separate Postal Divisions having separate Gradation lists independently. Though Shri U.C. Sarma joined in the T/S Clerk cadre later than the applicant, he was drawing more pay than the applicant by virtue of stepping up of pay. In consequence thereof, the pay of Shri U.C. Sarma was got fixed at higher stage than that of the applicant at their adhoc promotion in UDC cadre. The promotion under TBOP and BCR Scheme is based on the length of service i.e. 16 years and 26 years respectively with reference to the date of entry in the basis PA cadre (old T/S Clerk). Since the applicant entered the Department as T/S Clerk earlier than Shri U.C. Sarma, he got the TBOP and BCR promotion earlier than Shri U.C. Sarma by virtue of his length of service. Such promotion which is a mere a financial upgradation does not confer to the applicant any right to draw more pay than his junior at the relevant period. Moreover on regular promotion to UDC cadre (now converted as PA cadre) after qualifying the test, the applicant was placed at junior position to Shri U.C. Sarma as the applicant ranked lower in merit than Shri Sarma. Since the applicant was drawing less pay in T/S Clerk cadre than his junior Shri Sarma, the stepping up of the pay on joining in UDC cadre on adhoc and deputation basis was not in order in terms of rule mentioned at para 1 above (A copy of the Gradation list is enclosed as Annexure-4).

6. That with regard to the statement made in paragraph 4(xi) of the application, the respondents beg to state that the applicant drew excess pay from 16-1-81 to 31-7-03 due to irregular stepping up of his pay vide order dated 30-3-83 (Annexure-1). The error was to be rectified and the overpayment made to the applicant during the period from 16-1-81 to 31-7-03 had to be recovered as per Audit objection. Hence the order dated 28-8-03 was issued bonafide.

7. That with regard to the statement made in paragraph 4(xii) to 4(XXI) of the application, the respondents beg to state that the pay of the applicant was stepped up at par with his junior Shri

U.C. Sarma in the pay of UDC cadre which he held on adhoc promotion. There was error on the part of the administrative decision as the applicant did not fulfil the conditions governing the stepping up of pay in terms of GIO(23)below FR-22. This error was detected during the Audit inspection and rectification thereof was instructed. Accordingly, the authority has taken action to refix the pay of the applicant with retrospective effect and recover the overpayment of Rs.26,460/-

The overpayment of the applicant to the fact that he was senior to Shri U.C. Sarma in UDC cadre and BCR promotion is not true. Though the applicant was posted as UDC on adhoc basis prior to Shri U.C. Sarma ultimately he was ranked junior to Shri Sarma on regular promotion on UDC cadre due to his lower position in merit list of the promotional examination than Shri U.C.Sarma. (A copy of the Gradation list is enclosed as Annexure-4). The promotion to BCR cadre earlier than Shri Sarma does not entail him any right to claim seniority in the UDC cadre (now PA cadre)than Shri Sarma. The BCR promotion is mere a financial upgradation and based on completing 26 years of service in the basic entry cadre.

The representation of the applicant to allow him to continue to draw existing pay is not justified and legal. The request was therefore rejected and informed accordingly vide letter No. AP/31-1/2003 dated 9-9-03.(A copy is enclosed as Annexure-5). In course of the Audit inspection of the Circle Office, Guwahati the Director of Accounts (Postal), Kalkata detected the irregularity in stepping up of the pay of the applicant and raised the objection with instruction to rectify the error and recover the overpayment from the applicant. The administrative authority has to comply and settle the Audit objection in pursuance of the financial regulations. Therefore the action of the DA(P) Kolkata and the administrative authority is very much within the bind of the rules & procedures. The applicant has no cause to challenge them.(A Copy of Audit Report No. ICIR/CPMG/Ghy/2001/IC/2004 dated 21-2-02 is enclosed as Annexure-6).

8. What with regard to the statement made in paragraph 5 of the application, the respondents beg to state that under the facts and circumstances stated above, there is no ground to state the orders of refixation of pay of the applicant and recovery of the overpayment as illegal,arbitrary,discriminatory as averred by the applicant.

09. That with regard to the statement made in paragraph 6(1) to 7(vii) of the application, the respondent beg to state that for the reasons and facts stated above the prayer of the applicant for setting aside of the orders dated 28-8-03(Annexure-3) and dated 9-9-03(Annexure-5) is not maintainable and liable to be rejected.

10. That with regard to the statement made in paragraph 7 of the application, the respondents beg to state that for the grounds and reasons stated above, the applicant is not entitled to any interim relief sought for and the application is liable to be dismissed.

11. That with regard to the statements made in paragraph 8 of the application, the respondents beg to state that the representation of the applicant was rejected on the bonafide ground as stated above.

12. That the respondents have no comments to the statements made in paragraph 9 to 10 of the application.

13. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

#### VERIFICATION

I, B. Radhika Chakravarty, presently working as A.P.M.G. ("Vig"), Office of the Chief Postmaster General, Assam Circle, Guwahati being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 of the application are true to my knowledge and belief, those made in paragraphs 2 - 12 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 5 th day  
of Feb, 04

#### DEPONENT

B. Radhika

Asstt. Postmaster General (Vig.)  
O/o the Chief Postmaster General  
Assam Circle, Guwahati-781001

*copy*

ANNEXURE-1

(2)

LETTER TO THE AND THE STATE DISPARTMENT  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES, ASSAM REGION, GUWAHATI

Memo No. 100/1-55/00  
Dated Guwahati, the 30th March '83

Shri J. S. Deka, U.P.A. of this office submitted a representation on 10.11.82 stating that he is in receipt of less pay and allowances than drawn by his Juniors S/Sri Uday Sharma and Chakrapani Das - both U.P.A.s of this office and quoted that he joined as T.S. clerk in the department on 3-2-69 while S/Sri U. Ch. Sharma and Chakrapani Das joined the department as T.S. clerks on 31-10-69 and 17-4-70 respectively. Shri J. S. Deka, thus requested for stepping up his pay with that of his Juniors S/Sri U. Ch. Sharma and S. Das mentioned above.

(1) Enquiries revealed that Sri J. S. Deka and Shri Uday Ch. Sharma originally recruited as T.S. clerks are working on promotion in the U.P.A. cadre of this office. But they were appointed as T.S. clerks in two different postal divisions. Shri J. S. Deka, joined as T.S. clerks on 3-2-69 and started drawing less pay from 1-2-74 than that drawn by Shri U. Ch. Sharma, who joined in identical cadre on 31-10-69 and whose pay was stepped up in terms of P.R. 22(2)(b) w.e.f. 1-2-74.

(2) The fact remains that the question of refixation of pay of Shri J. S. Deka, visa-via Shri U. Ch. Sharma in terms of P.R. 22(2)(b) did not arise, as both the officials continued to work in two different postal divisions. But on their joining as U.P.A.s of this office, the anomaly in the emoluments drawn by them came into existence even after fixing their pay in the U.P.A. cadre. Therefore, in fitness of things, there is need for refixation of pay of Shri J. S. Deka to remove the anomaly.

4. In view of what has been discussed as above, there is no justification in refixing the pay of Shri J. S. Deka, who worked as T.S. clerk in Goalpara Division and before his joining as U.P.A. on promotion in this office. His claim for such refixation becomes legitimate due only after the joining of his junior S/Sri U. Ch. Sharma as U.P.A. on 19-1-81. Accordingly, it is hereby ordered that the pay of Shri J. S. Deka, U.P.A. of this office shall be stepped up and refixed at Rs.370/- with effect from 15-1-83.

*(S. Deka)*  
Director of Postal Services,  
Assam Region, Guwahati-1.

*Copy to*

1. The P.M.(S) Guwahati for information and necessary action. This has a reference to his No. 19.52/J. Deka dated 15.12.82.
2. The D.A.(F) Calcutta through T.S.(S) Guwahati.
3. Shri J. S. Deka, U.P.A. of this office.

*(S. Deka)*

O.M. No. 5/16/88-CS. I, dated 21-3-1994 [not printed]. The Fifth Central Pay Commission, in Para. 45.23 (x) of its report, has recommended continuance of the existing practice, viz., fixing the initial pay of the Assistants and Stenographers, Grade 'C' on their promotion to the respective grade of Section Officers and Grades 'A & B' (merged) of CSS/CSSS at two incremental stages higher than the minimum pay of the pay scale of the higher posts.

2. After careful consideration, the Government have decided to accept the recommendation of the Commission. Accordingly, the pay of the Assistants of CSS and Grade 'C' Stenographers of CSSS on their promotion to the Section Officers' grade of CSS and Grades 'A' & 'B' (merged) of CSSS respectively, shall be fixed at Rs. 6,900, i.e., two incremental stages higher than the minimum of the pay scale of Rs. 6,500-200-10,500 as revised on the recommendations of the Fifth Central Pay Commission.

3. The Ministry of Agriculture, etc., are requested to bring the above decision to the notice of all concerned under them for appropriate action.

[G.I., Dept. of Per. & Trg., O.M. No. 21/18/97-CS. I, dated the 1st January, 1998.]

**(22) Pay to be fixed at the minimum of the pay scale on regularization of casual labourers with temporary status against a Group 'D' post.**— References are being received in this Department seeking clarifications with regard to fixation of pay of casual labourers with temporary status on their regularization against a Group 'D' post.

2. As per the provisions of Casual Labourers (Grant of Temporary Status and Regularization) Scheme, the conferment of temporary status, to the casual labourers is without reference to the availability of a regular Group 'D' post and despite conferment of temporary status they continue to draw wages on actual basis. The pay of casual labourer with temporary status on their regularization against a Group 'D' post may, therefore, be fixed at the minimum of the pay scale of the relevant Group 'D' post.

3. This issues in concurrence with the Ministry of Finance *vide* their I.D. No. 1675/E. III-A/98, dated 9-1-1998.

[G.I., Dépt. of Per. & Trg., O.M. No. 49014/4/97-Estt. (C), dated the 29th January, 1998.]

**(23) Removal of anomaly by stepping up of pay of Senior on promotion drawing less pay than his junior.**— (a) *As a result of application of FR 22-C. [Now FR 22 (I) (a) (1)].*—In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:—

a

30  
F.R. 22

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) The anomaly should be directly as a result of the application of FR 22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officers in accordance with the above provisions shall be issued under FR 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

[G.I., M.F., O.M. No. F. 2 (78)-E. III (A)/66, dated the 4th February, 1966.]

*(b) As a result of FR 22 (1) (a) (1) application in the revised scales of CCS (RP) Rules, 1997.*—In cases, where a Government servant promoted to a higher post before the 1st day of January, 1996, draws less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 1996, the pay of the senior Government servant should be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfilment of the following conditions, namely:—

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre;
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay, should be identical;
- (c) the senior Government servants at the time of promotion have been drawing equal or more pay than the junior;
- (d) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule 22 or any other rule or order regulating pay fixation on such promotion in the revised scale. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provisions of this Note need not be invoked to step up the pay of the senior officer.

2. The order relating to refixation of the pay of the senior officer in accordance with the above provisions should be issued under FR 27 and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

[Note 9 below Rule 7 of CCS (RP) Rules, 1997.]

s should belong to the same cadre  
been promoted or appointed should

and higher posts in which they are  
tical;

as a result of the application of  
the lower post the junior officer  
ate of pay than the senior by virtue  
the above provisions will not be  
nior officer.

ior officers in accordance with the  
27. The next increment of the  
of the requisite qualifying service  
1.

ed the 4th February, 1966.]

application in the revised scales of  
Government servant promoted to a  
996, draws less pay in the revised  
higher post on or after the 1st day  
Government servant should be stepped  
for his junior in that higher post.  
from the date of promotion of the  
fulfilment of the following condi-

overnment servants should belong to  
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e.

of pay of the lower and higher  
raw pay, should be identical.

the time of promotion have been  
junior.

a result of the application of the  
or any other rule or order regula-  
n in the revised scale. If even in  
s drawing more pay in the pre-re-  
tue of any advance increments  
te need not be invoked to step up

f the pay of the senior officer in  
d be issued under FR 27 and the  
increment on completion of his  
he date of refixation of pay.

Such stepping up is permissible if the *anomaly* has arisen as a result of the application of provisions of FR 22-C [Now FR 22 (I) (a) (1)] or any other rules or order regulating pay fixation on such promotion in the revised scale *vis-a-vis* the fulfilment of other conditions mentioned therein. The anomaly can be said to exist only if a senior employee, drawing equal or more pay than his junior in the lower post *and promoted earlier*, starts drawing less pay than such junior promoted later on regular basis. Further, two employees are said to be drawing equal pay if they have been drawing pay at the same stage with same date of increment. In the case the junior has been drawing the same pay with date of increment earlier than senior, then senior cannot be said to have been drawing equal pay and hence no anomaly.

Instances have come to notice where the pay of a senior Government servant has been allowed to be stepped up equal to junior even though there was no anomaly because the senior had no occasion to draw more or equal pay than junior in the lower post. Such stepping up wherever allowed should be rectified.

2. It has also come to notice that in certain cases, where anomaly arose not because of application of Rule 22-C [Now FR 22 (I) (a) (1)] or any other rule/order regulating pay fixation on promotion, pay has been stepped up under Note 7 below Rule 7 of CCS [RP] Rules, 1986. These are the cases where the junior Government servant started drawing enhanced pay in lower post itself because of increments under Provisos 3 and 4 of Rule 8 of CCS (RP) Rules, 1986 and then on promotion his pay fixed under FR 22-C [Now FR 22 (I) (a) (1)]. As the junior employee started drawing more pay not because of application of FR 22-C [Now FR 22 (I) (a) (1)] but more pay as a result of increments in lower post under Provisos 3 and 4 of Rule 8 ibid Note 7 below Rule 7 ibid is not attracted, and stepping up of pay under these provisos is not in order.

3. Nevertheless, the Government is of the view that even if the anomaly is as a result of increments in terms of Provisos 3 and 4 of Rule 8 of CCS (RP) Rules, 1986, combined with application of FR 22-C [Now FR 22 (I) (a) (1)], anomaly may be rectified by stepping up the pay of senior promoted before 1-1-1986, equal to junior promoted on or after 1-1-1986 subject to fulfilment of following conditions:—

- both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre,
- the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical, and
- the senior Government servant promoted before 1-1-1986, has been drawing equal or more pay in the lower post than his junior promoted after 1-1-1986.

(2)

Over payment of pay & allowances for the period from 20-10-80 to 31-07-03 amounting to Rs.26,460/- (Rupees Twenty six thousand four hundred sixty) only be recovered from the official.

28/8/03  
S. GHOSE  
Asstt Director (A/Cs)  
For Chief Postmaster General,  
Assam Circle, Guwahati-781001

Copy to:-

1. The Sr. Accounts Officer, I.C.Cell O/O the Director of Accounts (Postal), Kolkata w.r.t. ICIR/CPMG/GHY/2001/IC/2504 dtd. 21-02-2002.
2. P/F of official.
3. Service Book of official.
4. Official.
5. The Asstt Director (A/Cs), CO, Guwahati to make recovery of the amount.

28/8  
For Chief Postmaster General,  
Assam Circle, Guwahati-781001

4/12  
12  
ANNEXURE - 3

6

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL (ASSAM CIRCLE)  
GUWAHATI-781001.

NO. AP/31-1/2003,

Dated at Guwahati the 28-08-2003.

As per ICIR objections raised vide DA (P), Kolkata No. ICIR/CPMG/GHY/2001/IC/2504 dtd. 21-02-2002, pay fixation of Shri Jogendra Nath Deka, formerly PA, Dhubri Division Now PA O/O the Chief PMG, Guwahati has been made as under.

Period	U.D.C/PA Rs.330/- to 560/- Rs.1200/- to 2040/-	TBOP/PA Rs.1400 - 2300	BCR/PA Rs.1600-2660-5000- 8000
20-10-80	360		
1-10-81	370		
1-10-82	380		
1-10-83	392		
1-10-84	404		
1-10-85	416		
1-01-86	1380		
1-10-86	1410		
1-10-87	1440		
1-10-88	1470		
1-10-89	1500		
1-10-90	1530		
1-10-91	1560		
1-10-92	1600		
26-06-93	1600	1640	
1-10-93		1720	
1-10-94		1760	
3-02-95		1760	1850
1-01-96			5750
1-02-96			5900
1-02-97			6050
1-02-98			6200
1-02-99			6350
1-02-00			6500
1-02-01			6650
1-02-02			6800
1-02-03			6950

This pay may be reduced w.e.f. 01-08-2003 and paid @ Rs.6950/-.

Contd....2/-...

## CALCULATION OF OVERPAYMENT

	<b>Paid</b>	<b>Payable</b>	<b>Difference</b>
1-01-02 to 31-01-02	6800	6650	Rs.150.00
1-02-02 to 31-01-03	6950	6800	Rs.150.00
1-02-03 to 31-07-03	7100	6950	Rs.150.00

Over payment of w.e.f. 16-01-81 to 31-12-01 objected by ICIR party =Rs.21,695.00  
Rs.26,460.00

( D. CHAKRABORTY )

A.A.O. (Bgt)

For Chief Postmaster General,  
Assam Circle, Guwahati-781001

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ANNEXURE-4

13

**POSTAL ASSISTANTS CIRCLE OFFICE/REGIONAL OFFICE**

[ As on 01.07.1999 ] [ Corrected upto 31.12.1999 ]

{ All LDC/UDC officials of CO/RO Converted to PA {CO/RO} wef 26.6.1993 for implementation of TBOP [LSG] and HSG-II [BCR] Scheme. }

No. of Posts:

Office Supdt.	= 1	{ CO = 1 }
Section Supervisor	= 6	{ CO = 4, RO = 2 }
DO PLI	= 2	{ CO = 2 }
PA	= 73	{ CO = 46, RO = 27 }
<b>TOTAL</b>		<b>82</b> [Eighty-two]

<i>Scale of Pay :</i>	<i>Postal Asstt [CO/RO]</i>	<i>4000-100-6000</i>
	<i>LSG [TBOP]</i>	<i>4500-125-7000</i>
	<i>HSG-II [BCR]</i>	<i>5000-150-8000</i>
	<i>HSG-I</i>	<i>6500 - 200 - 10500</i>

SL No.	Name of the official	Community	Date of birth	Date of entry in the Department	Date of entry in PA/SA/ LDC Cadre	Date of entry in UDC cadre	Date of Promotion to LSG	Date of Promotion to HSG-II	Date of Promotion to BCR	Remarks
1	2	3	4	5	6	7	8	9	10	

01	Sri Santi Ram Saikia	OC	1.6.42	2.10.61	2.10.61	12.12.67	1.8.87	2.12.92	Promoted to HSG-II
02	Sri Kirendra Ch. Nath	OC	1.2.43	11.5.65	11.5.65	9.9.73	7.2.90	26.6.93	Promoted to HSG-II
03	Sri Anil Kr Chowdhury	OC	1.6.48	8.11.67	8.7.75	16.7.75	7.2.90	26.6.93	-do-
04	Sri Basanta Kr Rabha	ST	30.9.46	21.3.66	21.3.66	31.3.80	7.2.90	26.6.93	-do-
05	Sri Deben Ch Das	SC	1.4.51	10.10.73	10.10.73	8.3.82	7.2.90	3.2.95	-do-
06	Sri Purna Kt Patra	OC	1.3.53	13.2.73	13.2.73	2.5.83	7.3.90	3.2.95	Promoted to HSG-II
07	Sri Pradip Ch Das	SC	1.3.52	9.11.76	9.11.76	9.7.82	22.6.90	3.2.95	Promoted to HSG-II
08	Sri Dharma Kt Roy	OC	11.8.51	3.10.72	3.10.72	1.12.82	2.12.92	3.2.95	-do-
09	Sri Uday Ch Sarma	OC	1.9.48	31.10.69	31.10.69	11.3.83	25.1.93	3.2.95	-do-
10	Sri Tarun Ch Das	OC	1.2.53	18.3.74	18.3.74	15.3.83	26.6.93	3.2.95	-do-

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Sl. No.	Name of the official	Community	Date of birth	Date of entry in the Department	Date of entry in PA/S/A	Date of entry in UDC	Date of promotion to LDC cadre	Date of promotion to cadre	Date of promotion to LSG cadre	Date of promotion to TBOP	Date of promotion to IHSG-II	Date of promotion to BCR	Remarks
													Remarks
11	Sri Om Prakash Tewari	OC	28.2.51	13.9.73	13.9.73	5.4.84	26.6.93	3.2.95					Promoted to HSG-II[BCR]
12	Sri Bhabendra Nath Sarma	OC	1.6.48	7.2.71	7.2.71	11.3.83	26.6.93	3.2.95					-do-
13	Sri Jogendra Nath Deka	OC	1.12.48	3.2.69	3.2.69	11.2.83	26.6.93	3.2.95					-do-
14	Sri Chakrapani Das	OC	1.12.47	1.4.70	1.4.70	11.3.83	26.6.93	1.7.96					-do-
15	Sri Kali Kanta Mazumder	OC	1.1.53	13.11.75	13.11.75	20.2.84	26.6.93						Promoted to LSG
16	Sri Anil Kr Roy	OC	2.2.53	1.11.73	1.11.73	21.03.85	26.6.93	1.1.2000					Promoted to HSG-II [BCR]
17	Sri Bidhu Bhusan Das	OC	27.6.48	3.8.67	26.10.73	5.3.83	26.6.93	1.1.2000					-do-
18.	Sri Gaurmoni Sarma	OC	1.3.55	3.10.74		5.5.84	26.6.93						Promoted to LSG
19	Sri Janmajay Bhuyan <i>Retired</i>	OC	1.10.42	3.7.61	3.7.61	21.12.67	-	26.6.93					Promoted to HSG-II
20	Sri Osman W Rynjah	ST	17.10.54	16.9.78	16.9.78	25.04.85	26.6.93						Promoted to LSG
21	Sri Hiren Ch Saloi	OC	1.10.57	16.9.77	16.9.77	10.9.84	26.6.93						-do-
22	Sri Hara Goyinda Chowdhury	OC	1.3.51	15.11.75	15.11.75	23.5.85	26.6.93						-do-
23	<i>Mrs Smriti Rekha Baruah [Sinha]</i> OC		4.11.53	12.12.74	12.12.74	1.6.87	1.3.98						-do-
24	Sri Tankeswar Deka	OC	16.12.59	19.9.80	19.9.80	21.1.87	26.6.93						-do-
25	Sri Matiur Rahman	OC	22.11.55	13.1.75	13.1.75	10.6.88	26.6.93						-do-

कोर-7 / Corr-7

## आरतीख डाक विभाग / Department of Posts, India

### कार्यालय / Office of the

To, Shri. J. N. Deka, P.A (BCR).  
कार्यालय मुख्य पोस्टमास्टर जनरल  
O/C the Chief Postmaster General  
असम प.म.स्ट, गुदाहटी-781001  
Assam Circle, Guwahati-781001  
o/o the Chief P.M.A, Assam Circle,  
Guwahati-1.

Sub:- Reduction of Pay & Allowances  
from 20-10-1980 to 31-8-2003

Kindly refer to your representation  
dtd. 29.8.2003 on the above subject in  
this respect I am directed to inform  
you that your prayer cannot be  
considered.

1969  
Sudan GHOSE ADP

सहायक निदेशक (लेखा)  
 Asstt Director (Accounts)  
 काशीलय मुख्य पोस्टमास्टर जनरल  
 O.O the Chief Postmaster Gener.  
 असम परिमिति, गुवाहाटी-781 001  
 Assam Circle, Guwahati-781 00

1/1  
1/1

Vide ~~2~~ ACP/ Kolkata

ANNEXURE-6

to ICR/CPAC/OM/2001/1c/2504 21/2/2001

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Part III(A) :- 3. Overpayment of Leave Salary

Shri Abdul Kalam, PA, is found to have been made irregular payment of full allowances-Leave Salary for the periods of Extra Ordinary Leave and Half pay leave availed of by him. Thus the official has been paid leave salary in excess to the tune of Rs.2206/-as per calculation shown in Annexure - C.

The overpaid amounts as mentioned in (1) to (3) may be recovered from the officials concerned and compliance reported to Postal Accounts Office, Kolkata with particulars of recovery.

4. Overpayment of Pay & allowances

Pay of Shri Jogendra Nath Deka, formerly P.A. Dhubri Division, Subsequently Promoted to U.D.C. grade, Assam regional Office on 21-10-80 and now PA(BCR), Circle Office, was found to have irregularly been stepped up w/r to the Pay of Shri Uday Ch. Sarma with effect from 5.1.81 i.e. date of the latter's promotion to U.D.Cadre, Assam - Regional office from PA Cadre, Darrang Division without fulfilling the conditions of stepping up as laid down in G.I.O.(22) below FR 22, read with M.F.OM No. F2(78)-S.III(A)/66 dated 4.2.66.

The two basic conditions of stepping up of Pay of a Senior Official w/r to the pay of a Junior Official are that the Junior in the Promoted Post should also be Junior in the lower grade and that the Senior official should not draw less pay than the Junior in lower grade at any point of time, have not been fulfilled in the case of Shri Deka.

Shri Deka was drawing less pay in PA Cadre at the time of his Promotion in U.D.Cadre than Shri Sarma. Both the officials were not borne on the same Divisional gradation list and as such Shri Deka could not claim that he was senior to Shri Sarma in PA Cadre. Stepping up of Pay of

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senior to Shri Sarma in PA Cadre. Stepping up of Pay of

Part III :- Contd

Shri Jogendra Nath Deka he has been overpaid Pay & allowance during the period from 15.1.81 to 31.12.2001 to the tune of Rs.21695 as per calculation shown in Annexure -B.

Payfixation of Shri Deka may be got corrected in his Service Book and recovery of overpaid amount be effected under from him under intimation to P.A.O.Kolkata with particulars of recovery.

Part III(B) :- Irregularities which though not Major but are to be brought to the notice of the higher authorities and followed by PAO

1. Revenue Target and its achievement during Financial year 2001-2002

An analysis of Figures relating to realisation of revenue, working expenses and capital outlay upto 9/2001 during the Financial year 2001-2002 reveals that revenue realisation is only 35.97% against a Six months Target of 45% of total Targeted revenue of Rs.24,94,00,000 for the year. Similarly capital outlay is at 10.29% against Six months Target of 3.5% of total allotment of Rs.1,85,50,000 for the year.

Such a short expenditure towards Capital works during six months of the Current financial year indicates lack of Proper planning in the Circle.

All out efforts may be made by the Circle Office to achieve the fixed revenue Target locating the areas of leakage, in the ensuing months.

2. Rush of expenditure in the month of March

A large number of cheques were found to have been issued on 30.3.2001 and 31.3.2001 obviously to avoid lapse of Budget grant for making payment in anticipation of receiving supply of Materials /articles from the supplies.

Calculation of overpayment of pay & allowances in 1/0  
classification with Delta, P/H (BCR), Circle Office

1. Pay :-

Period	Pay admissible	Pay drawn	Diff. month	Amount over paid
15.1.81 30.7.81	360	370	10	8 $\frac{17}{31}$ 85=00
1.1.82 30.7.82	370	380	10	9 0=00
1.1.83 30.7.83	380	392	12	108=00
1.1.84 30.7.84	392	404	12	108=00
1.1.85 30.7.85	404	416	12	108=00
1.1.86 30.7.86	416	4380	30	270=00
1-1-87 30-9-87	4380	4440	30	270=00
1-1-88 30-9-88	4440	4500	30	270=00
1-1-89 30-9-89	4500	470	30	270=00
1-1-90 30-9-90	470	500	30	270=00
1-1-91 30-9-91	500	530	30	270=00
1-1-92 30-9-92	530	560	30	270=00
1-1-93 31-12-93	560	600	40	360=00
1-6-93 30-9-93	600	640	40	233=00
1-10-93 31-12-93	640	680	40	127=00
1-1-94 30-9-94	680	720	40	120=00
1-1-95 30-9-95	720	760	40	360=00
1-2-95 31-12-95	760	800	40	43=00
1-1-95 31-12-95	800	850	50	546=00

Contd...  
11.1.81

<u>Period</u>	<u>Days allowable</u>	<u>Pay column</u>	<u>Diff.</u>	<u>Month</u>	<u>Amount overpaid</u>	<u>(4)</u>
1.1.96 31.1.96	5750	5700	150	1	150 = 00	✓
1.2.96 31.1.97	5900	6050	150	12	1800 = 00	✓
1.1.97 31.1.98	6050	6200	150	12	1800 = 00	
1.2.98 31.1.99	6200	6350	150	12	1800 = 00	
1.2.99 31.1.2000	6350	6500	150	12	1800 = 00	
1.2.2000 31.1.2001	6500	6650	150	12	1800 = 00	
1.2.2001 31.12.2001	6650	6800	150	11	1650 = 00	
						14468 = 00

B - ADA :-

<u>Period</u>	<u>ADA allowable</u>	<u>ADA column</u>	<u>Diff.</u>	<u>Month</u>	<u>Amount overpaid</u>
15.1.81 31.1.81	<u><math>360 \times 32\%</math></u> 115	<u><math>370 \times 32\%</math></u> 118	3	17	2 = 00
1.2.81 31.3.81	<u><math>360 \times 36\%</math></u> 130	<u><math>370 \times 36\%</math></u> 133	3	2	6 = 00
1.3.81 31.5.81	<u><math>360 \times 40\%</math></u> 144	<u><math>370 \times 40\%</math></u> 148	4	2	8 = 00
1.4.81 31.7.81	<u><math>360 \times 48\%</math></u> 173	<u><math>370 \times 48\%</math></u> 178	5	4	20 = 00
1.5.82 31.3.82	<u><math>370 \times 60\%</math></u> 222	<u><math>380 \times 60\%</math></u> 228	6	3	18 = 00
1.6.82 31.5.82	<u><math>370 \times 64\%</math></u> 237	<u><math>380 \times 64\%</math></u> 243	6	2	12 = 00
1.7.82 31.8.82	<u><math>370 \times 68\%</math></u> 252	<u><math>380 \times 68\%</math></u> 258	6	2	12 = 00
1.8.82 31.9.82	<u><math>370 \times 72\%</math></u> 266	<u><math>380 \times 72\%</math></u> 271	8	1	8 = 00
1.9.83 30.1.83	<u><math>380 \times 76\%</math></u> 281	<u><math>392 \times 76\%</math></u> 298	9	2	18 = 00
1.10.83 30.2.83	<u><math>380 \times 80\%</math></u> 304	<u><math>392 \times 80\%</math></u> 314	10	2	20 = 00
1.11.83 30.3.83	<u><math>380 \times 84\%</math></u> 319	<u><math>392 \times 84\%</math></u> 329	10	2	20 = 00
1.12.83 30.4.83	<u><math>380 \times 88\%</math></u> 334	<u><math>392 \times 88\%</math></u> 345	11	1	11 = 00
1.1.84 31.1.84	<u><math>380 \times 92\%</math></u> 350	<u><math>392 \times 92\%</math></u> 361	11	2	22 = 00
	<u><math>392 \times 104\% + 62</math></u> 470	<u><math>404 \times 104\% + 616</math></u> 479	9	1	9 = 00

Contd. ....

Period	DA remissible	DA drawn	Diff. Month	Account over paid
1.2.84	$372 \times 108\% + 61$	$406 \times 155\% + 61$	10 2	10 = 00
31.3.84	$485$	$495$		
1.4.84	$392 \times 112\% + 61$	$406 \times 155\% + 61$	10 2	20 = 00
31.5.84	$561$	$511$		
1.6.84	$392 \times 116\% + 62$	$406 \times 155\% + 61$	10 2	20 = 00
31.7.84	$517$	$511$		
1.8.84	$392 \times 120\% + 62$	$406 \times 155\% + 60$	11 2	21 = 00
30.9.84	$532$	$543$		
1.1.85	$406 \times 155\% + 61$	$416 \times 155\% + 61$	1 9	9 = 00
30.9.85	$63$	$64$		

C - DA :-

Period	DA remissible	DA claim	Diff. Month	Account over paid
1.1.84	$372 \times 27\%$	$406 \times 27\%$	1 9	9 = 00
30.9.84	$108$ (minus)	$107$		
1.1.85	$406 \times 27\%$	$416 \times 27\%$	1 9	9 = 00
30.9.85	$109$	$110$		
1.7.86	$1380 \times 6\%$	$1410 \times 4\%$	1 3	3 = 00
30.9.86	$55$	$56$		
1.1.87	$1410 \times 8\%$	$1440 \times 8\%$	2 6	12 = 00
30.9.87	$113$	$115$		
1.7.88	$1410 \times 13\%$	$1440 \times 13\%$	4 3	12 = 00
30.9.88	$183$	$187$		
1.1.88	$1440 \times 18\%$	$1470 \times 18\%$	6 6	36 = 00
30.9.88	$259$	$265$		
1.7.89	$1440 \times 23\%$	$1470 \times 23\%$	7 3	21 = 00
30.9.89	$331$	$338$		
1.1.89	$1470 \times 29\%$	$1500 \times 29\%$	9 6	54 = 00
30.9.89	$4126$	$435$		
1.7.90	$1470 \times 34\%$	$1500 \times 34\%$	10 3	30 = 00
30.9.90	$580$	$510$		
1.1.90	$1500 \times 38\%$	$1530 \times 38\%$	11 6	66 = 00
30.9.90	$570$	$581$		
1.7.91	$1500 \times 43\%$	$1530 \times 43\%$	13 3	39 = 00
30.9.91	$645$	$658$		
1.1.91	$1530 \times 51\%$	$1560 \times 51\%$	16 6	76 = 00
30.9.91	$780$	$796$		
1.7.91	$1530 \times 60\%$	$1560 \times 60\%$	18 3	54 = 00
30.9.91	$718$	$736$		
1.1.92	$1530 \times 71\%$	$1600 \times 71\%$	28 6	168 = 00
30.9.92	$1108$	$1136$		

contd .....

Period	Dr. outwards	Dr. inward	Bal.	Month	Amount recd./paid
1.7.92	4560 x 83/-	1600 x 83/-	33	3	97 = 00
30.9.92	1293	1178			
1.10.93	1600 x 92/-	1610 x 92/-	37	30	216 = 00
2.10.93	1472	1509			
3.10.93	1640 x 92/-	1650 x 92/-	37	30	6 = 00
4.10.93	1509	1546			
5.10.93	1640 x 92/-	1680 x 92/-	39	3	117 = 00
6.10.93	1591	1630			
7.10.93	1720 x 92/-	1680 x 92/-	138	3	114 = 00
8.10.93	1668	1630			
9.10.93	1720 x 104/-	1760 x 104/-	41	6	246 = 00
10.10.93	1789	1830			
11.10.93	1720 x 114/-	1760 x 114/-	45	3	135 = 00
12.10.93	1961	2006			
13.10.93	1760 x 125/-	1800 x 125/-	50	1 2/3	54 = 00
14.10.93	2200	2250			
15.10.93	1850 x 125/-	1900 x 125/-	62	4 16/28	306 = 00
16.10.93	2313	2375			
17.10.93	1850 x 136/-	1900 x 136/-	68	6	408 = 00
18.10.93	2516	2584			
19.10.93	5900 x 4/-	6050 x 4/-	6	6	36 = 00
20.10.93	236	242			
21.10.93	5900 x 8/-	6050 x 8/-	12	1	12 = 00
22.10.93	472	484			
23.10.93	6050 x 8/-	6200 x 8/-	12	5	60 = 00
24.10.93	484	496			
25.10.93	6050 x 13/-	6200 x 13/-	19	6	114 = 00
26.10.93	787	806			
27.10.93	6050 x 16/-	6200 x 16/-	24	1	24 = 00
28.10.93	968	972			
29.10.93	6200 x 16/-	6350 x 16/-	24	5	120 = 00
30.10.93	972	1016			
31.10.93	6200 x 22/-	6350 x 22/-	33	6	198 = 00
	1364	1397			

Con'td... ... ...

44

51

24

Period	DA admissible	DA claim	Diff. Month	Amount overpaid
1.1.9999 31.1.9999	$6200 \times 32\%$ 1984	$6350 \times 32\%$ 2032	48	48.00
1.2.9999 31.6.9999	$6350 \times 32\%$ 2032	$6500 \times 32\%$ 2080	48 5	240 = 00
1.7.9999 31.12.9999	$6350 \times 37\%$ 2350	$6500 \times 37\%$ 2405	55	350 = 00
1.1.2000 31.1.2000	$6350 \times 38\%$ 2413	$6500 \times 38\%$ 2470	57	57 = 00
1.2.2000 30.6.2000	$6500 \times 38\%$ 2470	$6650 \times 38\%$ 2527	57 5	285 = 00
1.7.2000 31.12.2000	$6500 \times 41\%$ 2665	$6650 \times 41\%$ 2727	62 6	372 = 00
1.1.2001 31.1.2001	$6500 \times 43\%$ 2795	$6650 \times 43\%$ 2860	65 1	65 = 00
1.2.2001 30.6.2001	$6650 \times 43\%$ 2860	$6800 \times 43\%$ 2924	64 5	320 = 00
1.7.2001 31.12.2001	$6650 \times 45\%$ 2993	$6800 \times 45\%$ 3060	67 6	402 = 00

D - HRA (15%) and SDA (12.5%) :-  $4765 = 00$

Period Allowances admissible Allowances Paid

Period	Allowances admissible	Allowances Paid	Diff. Month	Amount overpaid
1.8.979 31.1.98	1664	1705	41 6	246.00
1.2.989 31.1.99	1705	1746	41 12	492.00
1.2.9999 31.1.2000	1746	1788	42 12	504 = 00
1.2.2000 31.1.2001	1788	1829	41 12	492 = 00
1.2.2001 31.12.2001	1829	1870	41 11	451 = 00

Total overpaid Amount =  $\text{Rs } 21,675 = 00$

Rupees Twenty one thousand Six hundred Ninety five only

Ass'tt. Accounts Officer  
(15.1.1) Collected  
on 10/11/2001