

of 100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 266/2003

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER-SHEET

Original Application No:- 266/103

Misc. Petition No: _____

Contempt Petition No: _____

Review Application No. _____

Name of the Applicant(s): Mr. M Das Gupta

Name of the Respondent(s): U. O. F. Tony

Advocate for the Appellant:- ~~Dr H.K. Bhattacharya, Mr. B. Choudhury~~
~~Mr. S.H. Sikdar~~

Advocate for the Respondat:- Mrs. U. Das ~~Advocate~~ Add case.

Notes of the Registry	date	Order of the Tribunal
application is filed but not in time limit but the application is valid / no. 144 C.F. of Rs. 1000/- posted under IPO/13/ No 54.018418 dated 7-11-63	10.5.2005	<i>Elly</i> The counsel for the applicant is absent. Post on 18.5.2005. <i>Elly</i> Vice-Chairman
<i>Elly</i> By Registry <i>Elly</i>	bb 18.5.05.	The counsel for the applicant is absent. Post the matter for Admission on 15.6.05. Office will inform the posting in this case to the counsel for the applicant in his Agartala address. <i>Elly</i> Vice-Chairman
not steps taken.		
<i>Elly</i>		
N.B. ① 'So' para short C.F. in rokhalatnama. 1m ② Not before the Division Bench ③ No notice is served on respondent. ④ Application received by Post only one copy for the Variable court. 21/12/03	15.6.2005	Post before the Division Bench on 1.7.2005. <i>Elly</i> Vice-Chairman
1. When the concerned Advocate visits one office, 2 more copies be obtained, as per rules. 2. Synopsis also to be taken.	mls	
<i>Elly</i> 13/12/03 S.O.C.F. 9.1.2. is removed N.S. 10.5.05.		

1.7.05

Post on 8.7.05 for admission.

6.8.04

Dr. H.K. Bhattacharya, advocate for the applicant has filed an application by Post from Agartala, which is registered as O.A 266/03. Due to some technical defects, the original application is pending. In this regards, we have already ~~said~~ informed Dr. H.K. Bhattacharya, advocate for the applicant by our letter dated 16.3.04, mb (see at flag 'A') to remove the defects. But till date no counsel attend the office to remove the defects.

Hence, the pending original application is laid before the Hon'ble Court for further order.

Dr. Gopal Nath
O.A. 266/03
Section Officer

Dr. Gopal Nath
17/8/04

DK

SO(S) 1/1/05
Received
order at 8/7/05
11/7/05

2 Ja
Vice-Chairman

08.07.2005

Heard Mr. M.K. Mazumdar, learned counsel for the applicant and also Ms. U.Das, learned Addl. C.G.S.C. for the respondents.

Admit. Issue notice to the respondents.

Post on 10.8.2005.
Written statement in the meantime.

2 Ja
Member

Vice-Chairman

3
OA 266/2003

P=3.

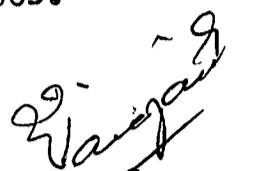
10.8.2005

Counsel for the applicant is present. Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks further time to file written statement. Post on 12.9.2005.

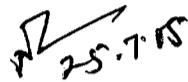
25.7.05

1) Copy of order dated 8.7.05
has already received
by Mr. ~~M.K.~~ M.K. Mazumdar,
Advocate for the applicant.


Member


Vice-Chairman

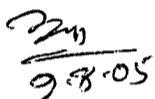
2) NO steps is submitted
for issuing to the respondents.


25.7.05

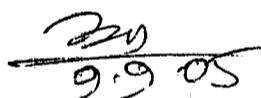
12.9.2005

Learned counsel for the applicant is absent. Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks for further ~~maximum~~ time to file the written statement. Post on 3.11.2005. No further chance.

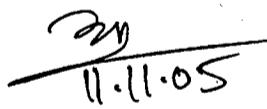
① No W/S has been
filed.


25
9.8.05

① No W/S has been
filed.


9.9.05

No W/S has been
filed.

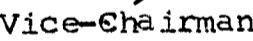

11.11.05

11.11.05

bb

14.11.2005

Counsel for the applicant is absent. Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks for further time to file written statement. Post on 16.12.2005.


Vice-Chairman

1) As per office note dated
25.7.05. The counsel for
the applicant not yet
submitted copy for issuing
to the respondents as per
Court's order dated 8.7.05.
2) NO W/S has been filed
by the counsel for the
respondents.

mb

16.12.2005

Mr. M.K. Mazumdar, learned ~~maximum~~
counsel for the applicant is present. Ms.
U. Das, learned Addl. C.G.S.C. for the
respondents seeks time for filing
written statement. Post on 30.1.2006.


Vice-Chairman


16.12.05

③ As per office note dated
18.5.05 and
the copy by legal post vide
NO. 774 dated 19.5.05 to
Mr. H.K. Bhattacharya, Advocate
Agartala.


11.11.05

4/N

RECEIVED

8-1

15.12.2005

- ① No. steps taken to issue notice.
- ② No. W.Ps filed so far as prayed for.

27-1-05

- ① No. steps taken to issue notice.
- ② No. W.Ps filed by the respondents.

W

Contd.

30.1.2006. Ms.U.Das, learned Addl.C.G.S.C.

Pl. explain as per
Court's order dated
30.1.06.

NTS
31.1.06.

23.02.2006

With respect to the Court order dated 31.01.2006 passed in O.A. No. 266/2003, I hereby explain as follows:

The O.A. was initially received one copy by post from an Advocate of Tripura with several defects. However, this case was put up before the Hon'ble Court on 11.05.2005 with a detailed note and admitted on 08.07.2005. Mr. M.K. Majumdar, Advocate from Guwahati appeared on behalf of the applicant on that day. Vide office note dated 25.07.2005, Mr. Majumdar, Advocate has received the copy of the order dated 08.07.2005, but he has not taken steps to issue notices till date.

On the other hand, Ms. U. Das, Addl. C.G.S.C. for the respondent simply prays for time for filing written statement vide orders dated 10.08.2005, 12.09.2005, 14.11.2005 and 16.12.2005 and never prayed to issue of notices.

Registry has again brought notices by an office notes dated 11.11.2005 about the non-taking steps.

Hence, the Registry presumed that the respondents might have got the copy of the O.A. through respondent's counsel.

However, notice will be issued as soon as the steps received from the counsel for the applicant.

Submitted for favour of necessary orders.

submits that even though this Tribunal has directed to issue notice to the respondents on 8.7.2005, the Registry had not done it, therefore the respondents could not ~~fix~~ get the O.A. and hence they could not file written statement as yet. Registry is directed to explain as to why notices~~/~~ have not been issued despite the fact that this Tribunal directed to do so.

Considering the submissions made by the counsel for the respondents six weeks more time is granted to the respondents to file~~/~~ written statement.

Post on 3.3.2006.


Vice-Chairman

bb

03.03.06. The service report for respondents Nos.1 & 4 are awaited. Respondents No. 2 & 3 have filed the written statement. Liberty is given to the applicant to file rejoinder. Post on 28.4.06.


Vice-Chairman

1m

28.4.2006

Reply statement on behalf of respondents 2 & 3 are filed. Ms.U.Das, learned Addl.C.G.S.C. submits that she would like to have some more time to file reply statement on behalf of respondent No.1. Let it be done.

Post on 31.5.2006.


Vice-Chairman

bb

N. Suresh
24.2.06
DEPUTY REGISTRAR 1/c

Hem. V.C.

24/2/06

at 1-40 PM.

Informalley Telephone
with Mr. M.K. Magundur,
Advocate for the applicant,
to submit copy of the
steps for issue to the
respondents.

Mr. Magundur assure
to submit 27th Feb/06,
positively.

(C) 24/2/06

I have taken steps
for respondent 2&3

Abha Das
Add. CIVIL

1/3/06

steps taken on
1/3/06

(C) 1/3/06

Notice & order
sent to D/Section
for issuing to
resp. nos. 1,4 by
regd. A/D post.

(C) 1/3/06. D/No. 273, 272
Dt. 2/3/06.

Notice duly
Served on resp.
nos. 2, 3.

(C) 1/3/06.

No. Wk has been
billed.

2/3/06

O.A 266/03

Notes of the Registry	Date	Order of the Tribunal
Affidavit in opposition on behalf of Respondent Nos. 2 & 3.	30.3.07.	Counsel for the applicant prays for time to file rejoinder. Post the matter on 30.4.07.
Notice received from unserveed resp. no-1, with a remarks "Incomplete address".	1m	Vice-Chairman
27-3-06	30.3.07.	Respondent No. 2 & 3 has submitted the written statement. Four weeks time is given to the applicant to file rejoinder, if any. Liberty is given to the other respondents to file written statement. Post the matter on 30.4.07.
20.3.06	1m	Vice-Chairman
On overage - this case is pending since last year.	30.4.2007	Ms.U.Das, learned Addl.C.G.S.C. submitted that reply statement has already been filed on behalf of Respondent Nos.2 & 3. Post the case after two weeks for reply statement from other Respondents and also for rejoinder, if any to the reply statement already filed.
1. W/S by R.no. 2 & 3 filed. 2. No W/S from R.1 so adj. 18.5.07. 3. No Appearance from State of Tripura.	1m	Post on 15.5.2007.
27-4-07.	1m	Vice-Chairman

No rejoinder has been filed.

27-4-07.
No rejoinder has been filed.

27-5-07.

No rejoinder
has been filed

33
6.6.07.

7.6.2007

Mr. M. K. Mazumdar, learned counsel for the Applicant wanted to get instruction from his client. Let it be done within three weeks. However this matter being a old one will be kept in the hearing list.

Post the case on 28.6.2007.

No rejoinder filed

33
27.6.07.

L
Vice-Chairman

/bb/

③ OA 266/03

Notes of the Registry

30.3.07 Date

Counsel for the applicant prays
for time to file rejoinder. Post the matter
on 30.4.07.

Vice-Chairman

As per order of the
Hon'ble Member at precease
a draft is prepared and
send for signature 30.3.07.

W/T
rel/s/De
S O (C)

Replies,
17/8/04

DR

Respondent No.2 & 3 has submitted the
written statement. Four weeks time is
given to the applicant to file rejoinder
if any. Liberty is given to the other
respondents to file written statement.
post the matter on 30.4.07.

Vice-Chairman

lm

17.3.05

As per order of Hon'ble Member(s) 30.4.2007
a letter issued to the
advocate for the petitioner
not registered with A/D
on 17.8.2004. But till
date neither appear any
counsel for the petitioner
nor received any letter
from the petitioner itself.

Laid before the
Hon'ble Court for further
order.

Serial
17.3.05
S O (C)

Replies

1/bb 18.5.07.

Vice-Chairman

It is a matter of 2003.

Post the matter after three weeks for
hearing. Counsel for the parties are
permitted to complete further pleadings
if any. No further adjournment will be
granted. Post the matter on 7.6.07.

Vice-Chairman

lm

22.3.05

A reminder is required
to the advocate for the applicant
for placing the same before
the Hon'ble Court. A draft is
put up for approval.

Serial
22.3.05
S O (C)

Replies

04266103

⑧

Notes of the Registry

Date

Orders of the Tribunal

28.4.05

7.6.2007

Defects removed
by the Counsel and
it may be placed
before the Hon'ble Court.

Mr. M. K. Mazumdar, learned counsel
for the Applicant wanted to get instruction
from his client. Let it be done within three
weeks. However this matter being a old
one will be kept in the hearing list.

Post the case on 28.6.2007.

10.5.05

Application received
by post a single ~~bb/~~
with certain defects.

Vice-Chairman

② now the defects has
been removed &
placed to a division
before the Single Bench.

28.6.2007
None for the Applicant. Post the case
on 2.7.2007 for disposal/dismissal.

Vice-Chairman

10.5.05

bb/

2.7.2007

order dt. 18/5/05 sent
to D/Section for
issuing to ~~see~~
the Counsel for the
Applicant in his
Agartala address.
(Regd. A/D).

Let the case be posted on 6.7.2007.
Learned counsel for the Applicant is
specifically directed to produce the rule
regarding reckoning of State Govt. service
in the Central Govt. service as per CCS
(CCA) Rules.

Vice-Chairman

19/5/05
D/No - 774
Dt - 19/5/05.

bb/

14.6.05

Inform by Regd. off
part. to the Counsel of
Applicant.

① No W.O. filed by R. No. 14.

② No Information has been
billed.

2nd 12.5.05

Notes of the Registry	Date	Order of the Tribunal
	6.7.2007	Let the case be posted on 9.7.2007 in hearing list.
	/bb/	
	9.7.2007	Heard Mr M.K.Mazumdar, learned counsel for the applicant and Miss U.Das, learned Addl.C.G.S.C for the respondents. Hearing concluded. Judgment reserved.
pg		Vice-Chairman
Received COPY by Addl. 27.7.07 Mr. M.K. Mazumdar 02/08/07	27.7.07	Judgment delivered in open Court. Kept in separate sheets. Application is allowed. No Costs.
Received U.Das Addl.C.G.S.C 06/08/07	lm	Vice-Chairman

13

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.266 of 2003

DATE OF DECISION: 27.7.2007

Shri Madhusudan Das Gupta

.....Applicant/s

Mr. M.K. Mazumdar

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Ms. U. Das, Addl. C.G.S.C.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to
see the Judgment?

Yes/No

2. Whether to be referred to the Reporter or not?

Yes/No

3. Whether to be forwarded for including in the Digest Being
compiled at Jodhpur Bench & other Benches ?

Yes/No

4. Whether their Lordships wish to see the fair copy
of the Judgment?

Yes/No

Vice-Chairman

27/7/07

14

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 266 of 2003.

Date of Order: This, the 27th day of July, 2007.

THE HON'BLE MR.K.V.SACHIDANANDAN, VICE CHAIRMAN

Shri Madhusudan Das Gupta
Retired Selection Grade (Wing Coach)
R/o Jayanagar
near Upendra Vidyabhaban
Agartala, West Tripura.

..... Applicant.

By Advocates Mr.C.Sinha, Mr.M.K.Mazumdar

- Versus -

1. The Union of India
represented by the Secretary
to the Human Resource Department
New Delhi.
2. The Director General
Sports Authority of India
J.N.Stadium, Lodhi Road Complex
New Delhi - 110 003.
3. The Director in-Charge
Sports Authority of India
Salt Lake City
Netaji Subhash Eastern Centre
Calcutta-98
PIN:-700 098.
4. The Director
of Youth Programme, Tripura
now renamed as the Director
of Youth Affairs & Sports
Govt. of Tripura.
Agartala, West Tripura. ... Respondents.

By Ms.U.Das, learned Addl. C.G.S.C.

1

O R D E RSACHIDANANDAN. K.V., (V.C.):

The Applicant was initially appointed as Social Education Worker under the Director of Education, Govt. of Tripura on 03.04.1963 and he joined as such on 08.04.1963. Thereafter, in continuation of his service he was appointed to the post of Physical Instructor and joined in the said post on 08.05.1970 (FN). Thereafter, he got an offer of appointment to the post of Coach (Swimming) under the Sports Authority of India on 30.04.1973 and he joined in the post on 15.06.1973. According to him, he served the Govt. of Tripura, first, under the Director of Education w.e.f. 08.04.1963 as Social Education Worker and then as Physical Instructor under the Directorate of Youth Programme w.e.f. 08.05.1970 to 14.6.1973. He was promoted to Coach Grade-III and confirmed as such vide Office Order No.1558 dated 21.11.1977. His name was placed at Sl. No.91. Thereafter, he was promoted to Coach Grade-II w.e.f. 01.01.1980 which will be evident from the seniority list wherein his name figured at Sl. No.54. He was further promoted as Coach Gr.-I in the pay scale of Rs.3000-4500/- vide order dated



28.02.1992 (Annexure-8). Applicant was finally promoted as Coach (Selection Grade) vide order dated 18.12.2000 in the pay scale of Rs.12,000-375-16,500/- and he joined the said post on 01.12.2000. On his appointment as Coach (Swimming), the Applicant was supposed to join in Trivandrum, Kerala on lien service from Govt. of Tripura. But the Govt. of Tripura requested the National Institute of Sports, Pathiala, Punjab to allow him to join in the Netaji Subhas Regional Coaching Centre, which is under the control of National Institute of Sports, Pathiala. The Govt. of Tripura allowed the Applicant to join in the said Institute for two years on lien service and accordingly he joined as Coach (Swimming) on 15.6.1973 in Netaji Subhas Regional Coaching Centre, Agartala. He was absorbed and confirmed after completion of two years lien service in the post of Coach (Swimming) Grade-III w.e.f. 15.6.1975. The Applicant submitted a representation dated 2.8.1993 (Annexure-10) to the Director General, Sports Authority of India, New Delhi through proper channel for counting the period w.e.f. 8.4.1963 to 14.6.1973 for pensionary benefit which was forwarded vide letter dated 26.8.1993 (Annexure-11). The Applicant retired from service on



superannuation on 28.2.2002 but the Respondent did not count the said period for pensionary benefits i.e., the period w.e.f. 08.04.1963 to 14.06.1973. The Finance Department, Ministry of Finance issued a Memorandum No.F.8(5)-FIN(G)/80 dated 4.9.1990, which is accepted by the Govt. of Tripura also, allowed to count past service and the Applicant submitted that the same will apply in the case of applicant. The Applicant submitted a Demand Notice dated 12.4.2003 (Annexure-17) through Advocate for reckoning his past service i.e., from 08.04.1963 to 14.06.1973 for the purpose of pensionary benefits but the same also yielded no result. The Govt. of Tripura issued Memorandums dated 23.12.1971 (Annexure-18), 15.01.1987 (Annexure-19) and 09.10.1986 (Annexure-20) whereby simplification of adjustment of accounts of allocation of leave salary/pension between the State and Central Govt.s were made. Aggrieved by non counting aforementioned period for the purpose of pensionary benefits, Applicant has filed this O.A. seeking the following main reliefs:-

"8.iv) to direct the respondents to count the past service rendered by the applicant as SEW and P/S with effect from 8-4-1963 to 14-6-1973 under Deptt. of Education and Deptt. of Youth Programme, Govt. of

Tripura for the purpose of pensionary benefits including gratuity.

- v) to direct the respondents to recalculate the pensionary benefits counting the past service with effect from 8-4-1963 to 14-6-1973.
- vi) to make payment of arrears of pension and gratuity within a period to be decided by the Hon'ble Tribunal."

2. The Govt. of Tripura had not made any representation. The Respondent Nos. 2 & 3 have filed detailed reply statement contending that the Applicant was appointed as Swimming Coach in the Coaching Wing of Sports Authority of India from 15.6.1973 and retired from Sports Authority of India, Netaji Subhas Eastern Centre, Kolkata on 28.02.2002. After verification of the personal file & Service Book, no record or information is ascertainable as being recorded the Applicant's past service during the period 8.4.1963 to 14.6.1973 which could go to show that the Applicant served in Sports Authority of India 'in continuation' of his earlier service. There was no continuity of his earlier service since he was given fresh appointment and therefore the disputed period cannot be reckoned for pensionary benefits of the Applicant. It appears



from the Annexure-10 that the Applicant had worked as a Physical Instructor under the Govt. of Tripura for the period from 8.4.1963 to 14.6.1973 and the Applicant had already withdrawn his total amount from his G.P.F. and had totally detached from the service of the Education Department, Govt. of Tripura. The claim of the Applicant that his total service may be counted and recorded under the Sports Authority of India from 8.4.1963 to 14.6.1973 for getting alleged full pensionary benefit is misguided, invalid and not sustainable. Therefore, question of giving such benefits does not arise. Respondents denied that the memorandums mentioned in paragraph 2 of the O.A. are applicable in Applicant's case and he is not entitled to get the past service counted purported to have served under the Govt. of Tripura. It appears from Annexure-18 of the O.A. that Article 418(b) of CSR provides that, in order to entitle an employee to get his past service counted for consequential benefits in his present service the order accepting the resignation of the employee should clearly indicate that the employee is resigning for joining another appointment with proper permission and that the benefits under the said Article will be admissible



to him. The contents of the said order should also have to be noted in the Service Book of the employee with proper attestation. In the case of the present Applicant, there is no document/order/sanction on record to show that the Applicant had resigned from earlier service to join the service under Sports Authority of India with proper permission in order to enable him to avail of the benefit under the said Article. The Applicant was given fresh appointment and hence his claim for counting the alleged past service cannot be acceded to. In the circumstances, the O.A. is liable to be dismissed, claimed the Respondents in their written statement.

3. I have heard Mr.M.K.Mazumdar, learned counsel for the Applicant and Ms.U.Das, learned Addl. C.G.S.C. for the Respondents. Learned counsel for the Applicant would argue that the Applicant is entitled to get counted the period he served under the Govt. of Tripura for the purpose of pensionary benefits as per Rule 14 of the CCS (Pension) Rules, 1972. Learned counsel for the Respondents, on the other hand, argued that the Applicant had left the State Govt. service without their knowledge and has joined Sports Authority of India of his own as fresh

hands for better prospect. In fact, at the time of joining, Central Govt. service he had not disclosed that he was a State Govt. employee. His application was not forwarded through proper channel. Therefore, no Rules or O.M.s as claimed by the Applicant are applicable in his case.

4. I have given due consideration to the arguments, pleadings, materials and evidence placed on record. From the records submitted by the Applicant it is borne out that he had worked from 08.04.1963 to 14.06.1973 as Social Education Worker and Physical Instructor under the Government of Tripura. The claim of the Applicant is that as per rules, he is entitled to get the pensionary benefits for the aforesaid period also, therefore, the period from 08.04.1963 to 14.06.1973 should be reckoned for that purpose. Now, we are analyzing the legality of such claim. Before getting into the legal aspect of the case, it is pertinent to note that Annexure-4 letter 30.04.1973 offering appointment as Coach was issued to the Applicant in his residence address, not in the official address and in the said letter the following conditions were made:-

"2. TENURE OF POST:



Your appointment is temporary. Your services can be terminated at any time by one month's notice on either side, viz, the appointing authority or the appointee, without assigning reasons. Your services can also be terminated without notice and forthwith or before the expiry of the stipulated period of notice by making payment, in lieu of notice, of a sum equivalent to the pay for full period of notice, or the unexpired portion thereof. You may also leave the service without notice by depositing the similarly the pay equivalent to the notice period of one month or the unexpired portion thereof."

Annexure-4 letter does not whisper anything about the State Government service of the Applicant. The joining report dated 15.06.1973 of the Applicant at Annexure-5 also does not reveal anything about his earlier service. No document, as such, is discernible to show that the Applicant had been appointed as Coach (Swimming) considering his State Govt. service.

5. On 2.8.1993 (Annexure-10), the Applicant had made a representation before the Respondent No.2 through proper channel praying for counting the period he worked under the Govt. of Tripura. For better elucidation, the last paragraph of the said letter is reproduced herein below:-



" So, I pray to your kindself that I have decided to deposit the total amount of G.P.F. drawn by me for the period of my service under Education Directorate Govt. of Tripura to your administration after getting the green signal for your kind end. So that my total service may be counted and recorded under S.A.I. administration from 8.4.1963 to 14.6.75 get the full pension benefit of my service as in the Case of Central Govt. employees for which I shall be grateful to you."

The said representation was forwarded vide Annexure-11 to the Respondent No.3 for necessary action. Applicant claimed that thereafter also he pursued the matter but the Respondents had not replied to his request. The Applicant has retired from service on superannuation w.e.f. 28.02.2002. Learned counsel for the Applicant has taken my attention to Annexure-14 Memorandum dated 5.12.1989 issued by the Asstt. Controller General of Accounts, Deptt. of Expenditure, Govt. of India wherein the system of sharing pension liability has been settled, relevant portion of which is quoted as under:-

" The Controller General of Accounts O.M. No.14(5)/86/TA/1029 dated 9.10.1986 seeks to dispense with the system of sharing pension liability between Central and State Governments, as contemplated in

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Appendix-8-B-IV of Account Code Vol.I. It would, therefore, be naturally applicable to all cases where the system of apportionment of pension liability was in vogue prior to its issue i.e. in respect of both permanent and temporary employees of the Central/State Government, as the case may be."

Learned counsel for the Applicant annexed an order dated 27.04.2001 (Annexure-16) with the O.A. passed by the Secretary, Govt. of Tripura, whereby the period of past service rendered by another employee in the P&T Department was directed to be counted as qualifying service for the purpose of all pensionary benefits to him pursuant to the orders of the Hon'ble Gauhati High Court passed on 26.03.2001 in C.M. Appeal No. 69/2001 in C.R. Case No.320/1995. The operative portion of the judgment (Annexure-15) passed by the Hon'ble Gauhati High Court in C.M. Appeal No. 69/2001 in C.R. Case No.320/1995 is quoted below:-

" From the records available as mentioned above, I am of the considered opinion to hold that as on 1.9.71 the date when the petitioner joined in the present department, he had 75 days' Earned Leave in his credit. Now, the present department of the petitioner will be in no difficulty to calculate the leave encashment benefit of the petitioner treating

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only 75 days earned leave he carried forward at the time of absorption in his present department.

So far the half average pay leave is concerned, from the last entry made in the service book of the petitioner showing verification from 1.4.70 to 31.8.71, it appears that the petitioner never availed any half average pay leave. This being the position, I have no hesitation to take into consideration the Annexure-P-1 as correct and thus from Annexure-P-1 it transpires that on the date when the petitioner's service has been brought here under his present employer w.e.f. 1.9.71, he carried with him 138 days' half average pay leave. So that 138 days' half average pay leave may be credited to the petitioner in granting his leave encashment benefit. However, the learned counsel appearing on behalf of the respondents submits that to avoid any future financial complication, the petitioner may be asked to furnish an Indemnity Bond binding himself and his legal heirs to re-pay an overdrawal subsequently detected. The submission appears to be genuine and bonafide.

In view of the aforesaid, the order dated 22/12/2000 passed by this court in W.P.(C) No.320/95 is modified as follows:-

(i) The petitioner's past service from 3.3.63 to 31.8.71 be counted in calculating his qualifying service for the purpose of retrial benefits;

(ii) So far the leave encashment benefit of the



petitioner is concerned, the authority shall count 75 days as un-utilised Earned Leave and 138 days as un-utilised half average pay leave at his credit as on 31.8.71;

The petitioner is to execute an Indemnity Bond for the amount of leave encashment corresponding his 138 days' half average pay leave before receiving the payment to the satisfaction of the competent authority.

With the above observations and directions the Civil Misc. application is disposed of."

According to the Applicant, being similarly situated, the aforesaid order 26.3.2001 of the High Court is applicable in his case. His Demand Notice dated 12.4.2003 (Annexure-17) submitted before the Respondents yielded no results. In the Memorandum dated 23.12.1971 (Annexure-18) passed by the Under Secretary to the Govt. of Tripura it is stated, "it has been decided that in cases of the above type the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits under CSR 418(b) will be admissible to him. The contents of the above letter should also be noted in the service books of the individuals concerned under proper attestation." From the

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materials on record it appears that the Applicant had joined the service of the Central Government with due permission and his resignation was accepted which will be reflected in the service book. The specific case of the Applicant that he has joined the Central Govt. Service having a lien and he was absorbed as Coach (Swimming) after completion of lien service w.e.f. 15.6.1975 vide Office Order No.1558 dated 21.11.1977. According to the Applicant, he took diploma in Coaching from N.I.S., Patiala for the session 1971-72 and joined as Wing Coach (Swimming) Grade-III under N.I.S. on lien basis and posted at N.S.R.C.C., Agartala, Govt. of Tripura on 15.6.1973 by fulfilling all the requirements needed for the purpose. In that circumstance, I do not think that any specific permission for resignation and empty formality are required as far as the Applicant is concerned. If his appointment is on lien basis the Applicant is entitled to get the benefits. Therefore, the contention of the Respondents that resignation should clearly indicate that he is resigning another department with proper permission does not arise in this case. Before joining Central Govt. service under Sports Authority of India as Coach (Swimming)



the Applicant was serving initially under the Deputy Director (Youth Programme), Tripura as Physical Instructor. Both are correlated with sports activities. It is not altogether a different nature of job, therefore, it can only be in continuation of the earlier job. Learned counsel for the Applicant has taken my attention to Rule 14 Clause (6) of the Swamy's CCS (Pension) Rules, 1972 which is reproduced herein below:-

(6) Counting of temporary service under the State/Central Governments.-1. The Government of India have been considering in consultation with the State Governments, the question of sharing on a reciprocal basis, the proportionate pensionary liability in respect of those temporary employees who had rendered temporary service under the Central Government/State Governments prior to securing posts under the various State Governments/Central Government on their own volition in response to advertisements or circulars, including those by the State/Union Public Service Commissions and who are eventually confirmed in their new posts. It has since been decided in consultation with the State Governments that proportionate pensionary liability in respect of temporary service rendered under the Central Government and State Governments to the extent such service would have qualified for grant of pension under the rules of the respective Government, will be

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shared by the Governments concerned, on a service share basis, so that the Government servants are allowed the benefit of counting their qualifying service both under the Central Government and the State Governments for grant of pension by the Government from where they eventually retire. The gratuity, if any, received by the Government employee for temporary service under the Central or State Governments will, however, have to be refunded by him to the Government concerned.

2. The Government servants claiming the benefit of combined service in terms of the above decision are likely to fall into one of the following categories:-

- (1) Those/who having been retrenched from the service of Central/State Governments secured on their own employment under State/Central Governments either with or without interruption between the date of retrenchment and date of new appointment;
- (2) Those who while holding temporary posts under Central/State Governments apply for posts under State/Central Governments through proper channel with proper permission of the administrative authority concerned;
- (3) Those who while holding temporary posts under Central/State Governments apply for posts under State/Central Governments direct without the permission of the administrative

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authority concerned and resign their previous posts to join the new appointments under State/Central Governments.

The benefits may be allowed to the Government servants in Categories (1) and (2) above. Where an employee in Category (2) is required for administrative reasons, for satisfying a technical requirement, to tender resignation from the temporary post held by him before joining the new appointment, a certificate to the effect that such resignation had been tendered for administrative reasons and/or to satisfy a technical requirement, to join, with proper permission, the new posts, may be issued by the authority accepting the resignation. A record of this certificate may also be made in his Service Book under proper attestation to enable him to get this benefit at the time of retirement. Government servants in Category (3) will obviously, not be entitled to count their previous service for pension."

He further drawn my attention to Rule 14, Clause 8 of the said Rules, which is also quoted herein below:-

"(8) Counting of service under State Governments - sharing of pension liability dispensed with.-

The orders contained in this Department's Letter No.3(20)/Pen. (A)/79, dated 31-3-1982 (Decision (6) above) and Ministry of Finance O.M. No.3 (38) E. V(A)/74, dated 30-6-1976 (Decision (7) above) lay down the procedure for counting of

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the service rendered by a Central Government employee in State Governments. This reciprocal arrangement is, however, not applicable in the case of certain specified State Governments.

2. A doubt has been expressed in the above context about the applicability of the orders contained in Ministry of Finance O.M. No. 14(5)/86/TA/1029, dated 9-10-1986 (*Decision (5) above*) which dispenses with the sharing of pension and leave salary liability between Central and State Governments. The matter has been considered in consultation with the Ministry of Finance (Department of Expenditure), Controller-General of Accounts. It is clarified that according to the provisions of Part-A (Introductory) of Appendix-5 to Government Accounting Rules, 1990, the liability for pension including gratuity should be borne in full by the Central/State Governments to which the Government servant permanently belongs at the time of retirement. These provisions do not exempt any State Government from the applicability of the reciprocal arrangement which dispenses with sharing of pension liability. However, in the matter of processing proposals for counting of service rendered by an employee in the State Government, the procedure laid down in O.M. dated 31-3-1982 (*Decision (6) above*) and 30-6-1976 (*Decision (7) above*) would continue to be followed.

3. Ministry of Defence, etc., are requested to clarify this position to all concerned authorities under their administrative control."



Learned counsel for the Applicant drawing my attention to a decision of the Hon'ble Supreme Court rendered in the case of **M.C.Dhingra vs. Union of India & Others reported in (1996) 7 SCC 564**

submitted that the earlier service rendered under the Govt. of Tripura has to be reckoned for the purpose of granting pensionary benefits.

Respondents' contention that the rules and judgment, as aforesaid, are not applicable in this case since the Applicant was given a fresh appointment, cannot be acceded to for the reasons stated above. The

Applicant has already made his willingness to deposit the G.P.F. amount he has already drawn from the State Government. The fact that the Applicant's claim put forth in 1993 itself i.e., more than nine years before the retirement has not been responded till date shows the lackadaisical attitude of the

Respondents. The Hon'ble Calcutta High Court in a celebrated decision rendered in the case of **Union of India vs. Akshaya Kumar Mondal reported in 2003(7) SLR (Calcutta) 229**

declared that pension is not a bounty, it is a premium paid to an employee for his past service.



6. Considering entire aspects of the case and the legal position, as discussed above, and the submissions made on behalf of both sides, I am of the view that the period the Applicant had rendered under the Govt. of Tripura has to be reckoned for granting of pensionary benefits. For that purpose, I direct the Applicant to refund the G.P.F. amount he had earlier drawn from the Govt. of Tripura and thereafter the Respondents shall reckon the period from 08.04.1963 to 14.06.1973 for the purpose of granting pensionary benefits to the Applicant. It is made clear that the benefits shall be given to the Applicant only from the date of receipt of this order. In other words, the Applicant will not be entitled for any arrears and the benefits will be given notionally, and for the pensionary benefits (no gratuity) alone.

The Original Application is allowed to the extent indicated as above. There will be no order as to costs.



(K.V. SACHIDANANDAN)
VICE CHAIRMAN

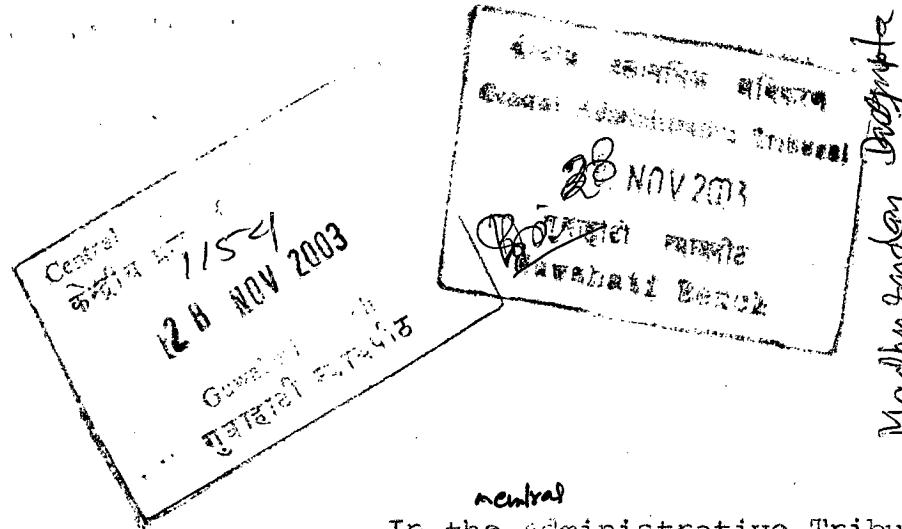
/BB/

Original Application No. 31

SYNOPSIS

<u>Sl No.</u>	<u>Date</u>	<u>Particulars</u>	<u>Annexure</u>
1.	3.4.1963	Appointed as Social Education Officer	Annexure - I. Page - 11.
2.	8.4.1963	Joining Report	Annexure 2. 2. Page 8 13
3.	30.4.1973	Appointed as full time Coach in swimming	Annexure - 4 Page - 15.
4.	21.11.1977	promoted to the post of Grade - III	Annexure - 5. Page - 18
5.	01.01.1980	promoted to Coach Grade - II	
6.	20.02.1992	promoted to Coach Grade - I	Annexure - 6. Page - 20.
7.	13.08.2001	promoted Coach selection (selection Grade)	Annexure - 9. Page - 23.
8.	02.08.1993	Prayer for confirmation of service	Annexure - 10. Page - 24.
9.	26.08.1993	Forwarding of application by Respondent No. 4	Annexure - 11. Page - 25.
10.	28.02.2002	Retired from service	Annexure - 12. Page - 26.
11.	04.09.1990	Memorandum issued by Finance Officer and Deputy secretary, Govt. of Tripura for allocation of leave salary and pension.	Annexure - 13 Page - 27.
		The matter still being not finalised the applicant has approached this Tribunal with a prayer to grant pension and other benefits counting his past service with effect from 3.4.1963 to 14.6.1973.	

Filed by



Dr. H.K. Bhattacharya
 20/11/03
 Gauhati High Court, 35
 Agartala Bench

In the ^{Central} Administrative Tribunal
 8

(Procedure Rules 1987)

Appendix - A

(Form - 1)

Application under Section 19 of the
Administrative Tribunal Act, 1985.

Title Case No. OA of 2003.

I N D E X

Pages

1. Application.	1 - 10
2. Annexure-1. Copy of Order dt. 3-4-1963.	11 - 12
3. Annexure-2. Copy of Order dt. 8-4-63.	13.
4. Annexure-3. Copy of Order dt. 15-5-70.	14.
5. Annexure-4. Copy of appointment letter dated 30-4-1973.	15-16
6. Annexure-5. Copy of Annexure Joining Report dated 15-6-1973.	17
7. Annexure-6. Copy of order dt. 21-11-77.	18 - 18A.
8. Annexure-7. Copy of Seniority List as on 1-1-1993.	19.
9. Annexure-8. Copy of Order dt. 28-2-92.	20 - 22
10. Annexure-9. Copy of Order dt. 13-3-2001.	23.
11. Annexure-10. Copy of Petition dated 2-8-1993.	24.

Contd...p/2.

27/11/03
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Mehmood Dargah

Dr. K. K. Bhattacharya
Advocate
Gauhati High Court '36
Agartala Bench

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Pages

12. Annexure-11. Copy of Forwarding letter dated 26-8-1993.	25
13. Annexure-12. Copy of Order No.675/2002 dated 28-2-2002.	26
14. Annexure-13. Copy of Memo dt. 4-9-1990	27.
15. Annexure-14. Copy of Memo dt. 5-12-1989.	28.
16. Annexure-15. Copy of Order dt. 26-3-2001.	29-32.
17. Annexure-16. Copy of Order dt. 27-4-2001.	33-35
18. Annexure-17. Copy of Notice dt. 12-4-2003.	36-40
19. Annexure-18. Copy of Memo dt. 23-12-1971.	41
20. Annexure-19. Copy of Memo dt. 15-1-1987.	42
21. Annexure-20. Copy of Memo dt. 9-10-1986.	43-44.

For use of
Tribunal's Office

Signature of the applicant.

Date of filing

or

Date of receipt by
post.

Signature of
the Registrar.

Registration No.:

Madhusudan Das Gupta

Dr. Sh.K. Bhattacharya
L.I. (O.P.)
Gauhati High Court.
Agartala Bench.
37

In the Central Administrative Tribunal

Gauhati Bench

Case No. OA of 2003.

Shri Madhusudan Das Gupta,

Retired Selection Grade (Wing Coach),

Resident of Joynagar Near Upendra

Vidyabhawan, Agartala, West Tripura.

.....Applicant.

Versus

1) Union of India, represented by the
Secretary to the Human Resource
Department, New Delhi.

2) The Director General,
Sports Authority of India,
J.N. Stadium, Lodhi Road Complex,
New Delhi - 110 003.

3) The Director in-Charge,
Sports Authority of India,
Salt Lake City, Netaji Subhas Eastern
Centre, Calcutta - 98, PIN- 700 098.

Contd....p/2.

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Madhavendra Debnath

L.C.B. Attorney
Dr. M.K. Bhattacharya
S. D. U. Advocate
Gauhati High Court
Agartala Bench

- 2 -

4) The Director of Youth Programme, Tripura
now renamed as the Director of Youth
Affairs & Sports, Govt. of Tripura,
Agartala, West Tripura.

..... Respondents.

A N D

In the matter of :-

An application u/s 19 of the Administrative
Tribunal Act, 1985.

Details of Application

1) Facts of the case :

(a) That the applicant was appointed in the post
of SES SEW under Director of Education, Govern-
ment of Tripura vide Memo No.F.2(23)-DE/63 dated
3-4-1963 and he joined in the post on 8-4-1963.

8/4/1963
Thereafter, the applicant was appointed
in continuation of his earlier ~~xxxxxxxxxx~~ service,
the post of Physical Instructor and joined in the
post on 8th May, 1970 (Forenoon) and his joining
report was accepted by vide Order No.F.20(1-16)-DE/64
dated 15th May, 1970 issued by Deputy Director (Youth
Programme), Tripura.

8/5/1970

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Machhindra Dasgupta

B
L. M. Bhattacharya
Q.D.U. Advocate
Gauhati High Court
Agartala Bench

- 3 -

The copy of the Order dated 3-4-1963,

~~8-4-1963~~ 8-4-1963 and 15-5-1970 are annexed

herewith and marked as Annexure-1, 2 and 3

respectively.

(b) That the applicant served in the Directorate of Youth Programme, Govt. of Tripura with effect from 8-4-1963 as SEW and with effect from 8-5-1970 he served as Physical Instructor in continuation of earlier service. Thereafter the applicant got an offer of appointment in the post of Coach (Swimming) under the Sports Authority of India vide Order No. 34-1(PP)/73/NIS dated 30-4-1973 and he joined in the post of Coach (Swimming) on 15-6-1973 forenoon and the joining report dated 15-6-1973 was forwarded by the Authority to Dy. Superintendent, Agartala, Physical Education. The applicant served under Government of Tripura with effect from 8-4-1963 to 14-6-73 as SEW/Physical Instructor.

The copy of the appointment letter dated

30-4-1973 and joining report dated

15-6-1973 in the post of Coach (Swimming)

are annexed herewith and marked as Annexure-4 and 5 respectively.

Contd...p/4.

Dr.

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Dr. K.K. Bhattacharya
2011 Advocate
Gauhati High Court
Agartala Bench

- 4 -

(c) Thereafter the applicant was promoted to the post of Coach Grade-III and confirmed in the post of Coach Grade-III vide Office Order No.1558 dated 21-11-1977. His name is placed in Sl.No.91. Thereafter he was promoted to Coach Grade-II with effect from 1-1-1980 which will be evident from ~~xxx~~ the seniority list. His name is placed in Sl. No.54.

The copy of the Order dated 21-11-1977 and Seniority List as on 1-1-1993 are annexed herewith and marked as Annexure-6 and 7 respectively.

(d) Thereafter, the applicant was promoted to Coach (Swimming) Grade-I in the pay scale of Rs.3000-4500/- vide Order No.5555/92 dated 28-2-92 and promotion effect was given with effect from 28-2-1992.

The copy of the Order dated 28-2-1992 is annexed herewith and marked as Annexure-8.

(e) That thereafter, the applicant was promoted to the post of Coach(Selection Grade) vide

Madhvanandan Dasgupta

Dr. K.K. Bhattacharya
Lok Bhattacharya
20th October
Gauhati High Court,
Agartala Bench

Order No.38-1/CS/DPC/SAI/2K/1713 dated 18-12-2000

issued by Sports Authority of India in the pay scale of Rs.12,000-375-16,500/- and he joined in the post of Coach (Selection Grade) on 1-12-2000 (Forenoon). This was communicated to the applicant vide order dated 13-8-2001.

The copy of the Order dated 13-8-2001 is annexed herewith and marked as Annexure-9.

(f) That the applicant was supposed to join in Trivendrum, Kerala at initial stage on lien service from Govt. of Tripura. But the Govt. of Tripura requested the National Institute of Sports, Pathiala Punjab to allow him to join in the Netaji Subhas Regional Coaching Centre, Agartala which is under the control of National Institute of Sports, Pathiala. Govt. of Tripura allowed the applicant for 2 years in the said Institute on lien service and accordingly joined in service as Coach(Swimming) on 15-6-1973 in Netaji Subhas Regional Coaching Centre, Agartala, West Tripura.

Thereafter, the applicant was absorbed and confirmed after completion of two years lien service in the post of Coach(Swimming) Grade-III with effect

Madhavendar Dasgupta

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Dr. M.N. Bhattacharya
29th May 2002
Gauhati High Court
Original Name

from 15-6-1975 vide order No.1558 dated 21-11-1977
(Annexure-6) issued by the Director, National Institute of Sports, Pathiala, Punjab.

(g) That the applicant served under Govt. of Tripura with effect from 8-4-1963 to 14-6-1973. The applicant submitted a petition dated 2-8-1993 to the Director General, of Sports Authority of India, New Delhi for counting the period with effect from 8-4-1963 to 14-6-1973 for pensionary benefits. The petition was forwarded by the authority vide Memo No.PF-201/SAI/EC/8640 dated 26-8-93. But the respondent ~~SAI~~ did not give any reply of the petition.

The copy of the petition dated 2-8-1993 and forwarding letter dated 26-8-1993 are annexed herewith and marked as Annexure- 10 and 11 respectively.

(h) That the applicant has gone on retirement/superannuation with effect from 28-2-2002(A/N) vide Order No.675/2002 issued by the Director in charge, Sports Authority of India, Netaji Subhas Eastern Centre. But the respondent did not count the said period for pensionary benefits. i.e. the

M. D. Bhattacharya
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Dr. H. K. Bhattacharya
23
Gauhati High Court
Agartala Bench

- 7 -

period with effect from 8-4-1963 to 14-6-1973.

The copy of the Order No.675/2002 dated 28-2-2002 is annexed herewith and marked as Annexure-12.

2) That the Finance Department, Ministry of Finance issued a Memo No.F.8(5)-FIN(G)/80 dated 4-9-1990, which is accepted by Govt. of Tripura also, allowed to count past service and this will apply in the case of applicant. Thereafter, also another memo dated 5-12-1989 issued by Deptt. of Expenditure, office of the Controller General of Accounts and this Memo also will apply in the case of present applicant and by these memos the applicant is entitled to get his past service served under Govt. of Tripura with effect from 8-4-1963 to 14-6-1973 for pensionary benefits.

The copy of the Memo dated 4-9-1990 and Memo dated 5-12-1989 are annexed herewith and marked as Annexure- 13 and 14 respectively.

3) That the Hon'ble Gauhati High Court in a case Shri Samir Ch. Saha Vrs. the State of Tripura and others (C.R. 320/95 and CM Appl. 69/2001) allowed counting of past service vide Order dated 26-3-2001. In this case said Shri Samir Saha served in Central Government with effect from 3-3-1963 to 31-8-1971 as Telephone Operator. He joined in

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L.H. Doherty
Smt. Bhattacharya
Dr. S.M. Agarwal
Gauhati High Court
Agartala Bar

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the Tripura Government with effect from 1-9-1971. He came after resignation but this ~~was~~ resignation was treated as Technical resignation. The respondent was directed to count the past service of Shri Samir Ch. Saha and sanctioned the relief by State of Tripura vide Order dated 27-4-2001. Therefore, the applicant's case is covered by the said order dated 26-3-2001 in CM Appl. 69/2001 arising out of C.R. 320/1995. The above order was passed relying upon the decision reported in AIR 1994 SC 592, Para-10 wherein past service was counted for pension.

The copy of the Order dated 26-3-2001 and Order dated 27-4-2001 are annexed herewith and marked as Annexure-15 & 16 respectively.

4) That the applicant submitted a Demand Notice dated 12-4-2003 through his Advocate upon the respondents but the respondent did not give any reply of the Notice.

The copy of the Notice dated 12-4-2003 is annexed herewith and marked as Annexure-17.

5A) That Under Secretary to the Govt. of Tripura issued Memo dated 23-12-1971, Memo dated 15-1-1987 and 9-10-1986 and by these memos simplification of adjustment of accounts of allocation of leave salary/pension between State and Central Govt. have been made.

The copy of the Memo dated 23-12-1971, 15-1-1987 and 9-10-1986 are annexed herewith and marked as Annexure- 18, 19 and 20 respectively.

Contd...p/9.

Av. Madhavendra Dasgupta

b/

Dr. R.N. Bhattacharya
29/11/1991
Gauhati High Court
Agartala Banerji

5) That the applicant did not file any petition to any Court/ or no case pending in Court in the same subject.

6) That is no other alternative remedy than by way of filing this application.

8) Relief sought

- i) to admit the application.
- ii) to call for records including service books etc. from the custody of respondents.
- iii) to issue Notice upon the respondents.
- iv) to direct the respondents to count the past service rendered by the applicant as SEW and P/S with effect from 8-4-1963 to 14-6-1973 under Deptt. of Education and Deptt. of Youth Programme, Govt. of Tripura for the purpose of pensionary benefits including gratuity.
- v) to direct the respondents to recalculate the pensionary benefits counting the past service with effect from 8-4-1963 to 14-6-1973.
- vi) to make payment of arrears of pension and gratuity within a period to be decided by the Hon'ble Tribunal.
- vii) any other relief/reliefs as the Lt. Tribunal deem fit and proper.

Madhu Sudan Das Gupta

6

Subash Das Gupta
Dr. Sh. K. Bhattacharya
20/11/03
Gauhati High Court
Agartala Bench

- 10 -

A N D

For this the applicant as in duty bound
shall ever pray.

9) That applicant sent the application with
documents/copies of application with annexures, by
Registered Post with A/D and prays to admit the
case and he does not submit orally. The case may
be heard at Agartala when the Tribunal Bench will
come.

10) Particulars of Bank draft from SBI
Postal order No. 54038438 dated
for Rs.100.00

11) List of Enclosers

- 1) Application with annexures
- 2) Extra copy of application with annexures
(8 copies).
- 4) Postal order.
- 5) Vakalatnama.

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

I, Shri Madhu Sudan Das Gupta, S/O Late
Sashadhar Das Gupta, age 61 years, & retired from
service in the Sports Authority of India, resident
of Joynagar, Agartala, Tripura West Near Upendra
Vidhyabhaban, do hereby verify that the contents
of paras 1-to 11 are true to my knowledge. and I
have not suppressed any material facts.

Date: 20/11/03.
Place: Agartala.

Madhu Sudan Das Gupta.
Signature of Applicant

Dated, Agartala, the

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ANNEXURE - I

3/4/1962

13/4/1962

MEMORANDUM:

With reference to his application dated 18.8.62 to Minister of Education for appointment under Tripura Administration and his subsequent interview, *the Chief Commissioner has been pleased to offer Shri Madhu Sudhan Das Gupta a temporary post of Social Education Worker

on Rs. 55/- in the scale of pay of Rs. 55-3-88-E.B.3-118-4-130/- . The appointee will also be entitled to draw dearness and other allowances at the rates admissible under, and subject to the conditions laid down in rules and orders governing the grant as such allowances in force from time to time.

2. The terms of appointment are as follows :-

I. The appointment is purely on a temporary basis and will not confer any title to permanent employment.

II. The appointment may be terminated at any time by a month's notice given by either side, namely, the appointee or the appointing authority without assigning any reasons. The appointing authority however, reserved the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice by making payment of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

III. The appointment carries with the liability to serve in any part of the Union Territory of Tripura.

IV. ** The appointee will have to pass a type-writing test at a speed of 30 words per minute within a period of six months from the date of his appointment, failing which his services are liable to be terminated.

V. Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to:-

I. Production of a certificate of fitness from * a Civil Surgeon/ a Medical Board of Tripura Administration or any recognised Govt. Medical Board. ^{not S.V.M. Hospital Agartala}

II. Submission of a declaration in the form enclosed and in event of the candidate having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.

III. Taking of an oath of allegiance to the constitution of India in the prescribed form.

IV. Production of the following certificates:-

a) Degree/Diploma/Certificates of educational qualifications. (attested copy)

b) Certificate of age.

- ** c) Character certificates from two Gazetted Officers of the Central/a State Government or Stipendiary Registrars in the enclosed form.
- d) Certificates in the prescribed form in support of candidate's claim to belong to a Schedule Caste or Tribe.
- e) Discharge certificates of previous employment, if any.
- f) Any other document to be specified.

4. It may please be stated whether the candidate is serving or is under obligation to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

6. If Sri Madhu Sudhan Das Gupta accepts the offer on the above terms, he should communicate acceptance or report for duty to the Dist. Inspector of Social Education, Tripura, Agartala by the 25/6/63. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.

7. No. T.A. will be allowed for joining the appointment offered to him.

8. An attestation from as enclosed herewith should be returned to this administration after having it duly filled in.

*Ans. 4/6/63
25/3/63*

NOTE:-

Signature with Name & designation

*Director of Education,
Tripura.*

* In the case of Class II appointment only.

** In the case of Class III & IV appointment only.

*** In the case of Class III appointment only.

To
Sri Madhu Sudhan Das Gupta
Baulapasa, P.C., Kailasahar.

PR/Paul/15/6/62:

TO

The District Inspector,
Social Education, Tripura.

13

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SUB: Joining Report.

ANNEXURE 2

Sir,

With reference to the Education Department's Memorandum No. F.2(23)-DE/63 dt. 3-4-63, I beg to report for duties and submit my joining report to-day the 8th April, 1963 in the fore-noon with medical certificate, character certificate, oath of allegiance.

I would, therefore, request you to kindly accept it and oblige.

Yours faithfully,

M. S. Dasgupta

(Madhu Sudan Das Gupta)

Baula Passa, Kailasahar, Tripura.

Dated, Agartala,
the 8th April, 1963

~~Re A:~~

No. F. 20(1-16)-DE/64
 GOVERNMENT OF TRIPURA
 EDUCATION DIRECTORATE
 PHYSICAL EDUCATION SECTION

ANNEXURE-3

Dated, Agartala, the 15th May, 1970.

M E M O

Joining of Sri Madhu Sudan Das Gupta, Physical Instructor
 is hereby accepted with effect from 8th May, 1970 (Forenoon).

M. K. Chakraborty
 (M. K. Chakraborty),
 Dy. Director (Youth Programme),
 Tripura.

Copy to:-

1. The Director of Education, Government of Tripura,
 (Esatt. Non-Gazetted Sec.), Agartala in reference to
 his Memo No. F. 5(8)-E/69 dated 6.5.70.
2. Shri Madhu Sudan Das Gupta, Physical Instructor.

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P/40
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DIRECTOR
R.L. ANAND.

"REGISTERED"

PHONE : 472
GRAMS : NATINSPORTS
THE NATIONAL INSTITUTE OF SPORTS.
MOTIBAGH PALACE, PATIALA.

ANNEXURE - 4

Shri Madhusudan Dass Gupta,
West Jaya Nagar, Near to
Upendra Bidya Bhawan,
P.O. AGGARTALA (Tripura)

Ref. No. 34-1(pp.)/73/NIS
Dated the
30 April, 1973.

Subject: APPOINTMENT AS A COACH IN THE COACHING WING.

Reference : Your Interview.

The Board of Governors, N.I.S., are pleased to offer you an appointment as a full time Coach in Swimming in the Coaching Wing of the National Institute of Sports, on the following terms and conditions:-

1. PAY ₹. 1.00

You will draw a starting salary of Rs. 250/- (Rs. Two hundred and fifty only) per mensem in the pay-scale of Rs. 250-10-350-E-15-500 plus dearness allowance as sanctioned from time to time; the present rate of dearness allowance, however, being Rs. 116/- p.m. plus ₹. 50/- as Interim relief.

2. TENURE OF POST :

Your appointment is temporary. Your services can be terminated at any time by one month's notice on either side, viz., the appointing authority or the appointee, without assigning any reason. Your services can also be terminated without notice and forthwith or before the expiry of the stipulated period of notice by making payment, in lieu of notice, of a sum equivalent to the pay for full period of notice, or the unexpired portion thereof. You may also leave the service without notice by depositing similarly the pay equivalent to the notice period of one month or the unexpired portion thereof.

3. TRAVELLING ALLOWANCE:

₹. 1.00

You will be entitled to travelling allowance in accordance with the rules of the Institute, or of the State Government concerned if you are permanently assigned to any of the State Sports Councils, on official business. No TA will, however, be admissible for joining the first appointment.

4. PROVIDENT FUND:

You will be a member of the Contributory Provident Fund Scheme of the Institute and subscription/contribution will be made according to the NIS Provident Fund Rules.

5. CONDITIONS OF SERVICE:

You will be governed by such rules and regulations as applicable from time to time. A copy of general conditions of service can be had from the office on payment of Rs. 3.50 (postage extra).

6. MEDICAL FITNESS ETC:

Your appointment is subject to your being found medically fit by the Medical Officer appointed in this behalf for the service of the Institute; and your character and antecedents being found satisfactory.

.....2/-

7. MISCELLANEOUS:

- a) Your services may be assigned to any place in India as may be considered necessary.
- b) You will carry out such duties of coaching work as may be assigned to you by the National Institute of Sports and/or the Institute/Association/University, etc., whom you may for the time being be assigned to. You will submit to the Director, KSC, periodical reports as may be asked for from time to time.
- c) You will not convert yourself directly or indirectly and will not hold even an honorary office in any other organization, without the prior permission of the Director.
- d) You will not apply for any post elsewhere except with the prior permission of the Director.

If the terms and conditions specified above are acceptable to you, you are directed to report to **Kerala State Sports Council, K.T. Rama Stadium, Trivandrum** at an early date, but not later than **15.5.73** 1973 in any case, failing which this letter of appointment will automatically stand cancelled. You are also required to return the duplicate copy of this appointment letter duly signed in token of your having accepted the terms and conditions. This acceptance should be accompanied by two character certificates, of a recent date, from Gazetted Officers of the State or Central Government and the enclosed Affidavation form duly filled in.

(R.L.ANAND)
DIRECTOR

1. Copy forwarded to **Kerala State Sports Council, K.T. Rama Stadium, Trivandrum**. Please be informed immediately after **15.5.73** 1973 whether the individual has reported for duty or not.
2. Copy forwarded to _____
3. Copy to Accounts Section.
4. Copy to Personal File.
5. Copy to Service Record File
6. Copy to file No. 34-1 (Appt.)

(R.L.ANAND)
DIRECTOR

To:
The Director of Education
Govt. of Tripura
Agartala.

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ANNEXURE 5

(Through the Supdt. of Physical Education, Udaipur,
Tripura (South).)

Sir,

As per instruction I am submitting herein the joining Report in the post of Swimming Coach appointed by the Netaji Subhash National Institute of Sports, Patiala, in the forenoon of the 15th June, 1973.

In this connection, I am to state that I have joined in the same post on the 1st June, 1973 according to the direction of the N.S.N.I.S. Patiala.

I would, therefore, request you to kindly cancel my joining report dated 1/6/73 & intimate the Director, N.S.N.I.S. to accept my joining from 15th June, 1973 (forenoon) & oblige thereby.

Yours truly faithfully,

Madhusudan Dasgupta

Dated Agartala Udaipur,
The 1st June, 1973.

(Shri Madhu Sudan Dasgupta
Swimming Coach)

Forwarded
R. E. Saha
Supt. Edn
15.6.73

ANNEXURE 6

NETAJI SUBHAS NATIONAL INSTITUTE OF SPORTS: PATIALA.
(COACHING WING)

OFFICE ORDER NO. 1553
DATED: 21st Nov.'77

The Board of Governors, SNIPES are pleased to confirm the following Grade III Coaches in the pay scale of Rs. 500-20-700-EB-25-900 in their respective posts from the date mentioned against each:-

Sr. No.	Name of the Coach & Game	Date of Confirmation
1	2	3
1.	Mrs. Kusum A Kurup	Volleyball 1.4.1974
2.	Sh. Riaz Ahmed, Icm	Tennis 1.4.1974
3.	Sh. Vijay Kumar Jain	Cricket 1.4.1974
4.	Sh. K.V. Sharma	Swimming 1.4.1974
5.	Sh. Shamsuddin,	Basketball 1.4.1974
6.	Sh. Dilip Kumar Das	Gymnastics 1.4.1974
7.	Sh. Kewal Krishan	Football 1.4.1974
8.	Sh. W. Kamini Kumar Singh	Football 1.4.1974
9.	Sh. S.L. Sapawat	Basketball 1.4.1974
10.	Sh. I.S. Batra	Badminton 1.4.1974
11.	Sh. M.S. Shekhawat	Gymnastics 1.4.1974
12.	Sh. S.K. Sharma	Football 1.4.1974
13.	Sh. Dharam Singh Dehiya	Volleyball 1.4.1974
14.	Sh. Gautam Kamlesh Kumar	Cricket 1.4.1974
15.	Sh. Gopal Krishan	Volleyball 1.4.1974
16.	Sh. D.S. Joshi	Volleyball 1.4.1974
17.	Sh. M. Robin	Tennis 1.4.1974
18.	Sh. Manjit Singh	Hockey 1.4.1974
19.	Sh. Hargovind Singh	Tennis 1.4.1974
20.	Sh. D.V.K. Pillai	Basketball 1.4.1974
21.	Miss Kamlesh Minocha	T.Tennis 1.4.1974
22.	Sh. Sibcharan Bose	Wrestling 1.4.1974
23.	Sh. Swaranjit Kaur	Volleyball 1.4.1974
24.	Sh. Davinder Singh Thakur	Volleyball 1.4.1974
25.	Sh. Perva Ram Sondhi	Wrestling 1.4.1974
26.	Sh. Harbans Singh	Athletics 1.4.1974
27.	Sh. V.R. Mukkamala	Table Tennis 1.4.1974
28.	Sh. S.G. Tikekar	Gymnastics 1.4.1974
29.	Sh. A.K. Dewan	Badminton 1.4.1974
30.	Sh. Anand Parkash	Football 1.10.1974
31.	Sh. Guy De. Fortgalland	W/Lifting 16.10.1974
32.	Sh. V.K. Saini	Cricket 17.11.1974
33.	Sh. Harbir Singh Sandhu	W/Lifting 18.11.1974
34.	Sh. P.J. Bevesia	Athletics 20.11.1974
35.	Sh. H.B. Wadekannavar	Basketball 21.11.1974
36.	Sh. Nasib Singh Sandher	Athletics 21.11.1974
37.	Sh. V.K. Shukla	Basketball 21.11.1974
38.	Sh. Nihal Singh Thakur	Table Tennis 21.11.1974

Contd.... 2

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1	2	3	4
88.	Sh. K.C.Rane	Volleyball	21.5.1975
89.	Sh. S.S.Agadi	Athletics	26.5.1975
90.	Sh. Prem Singh Antle	Wrestling	30.5.1975
91.	Sh. Madhusudan Das Gupta	Swimming	15.6.1975
92.	Sh. Jasbir Singh Katria	W/Lifting	8.8.1975
93.	Sh. Reheal P.A.	Hockey	1.1.1976
94.	Sh. M.Ishaq	Basketball	1.1.1976
95.	Sh. C.S.Bhuller	Cricket	1.1.1976
96.	Sh. R.S.Tiwana	Hockey	1.1.1976
97.	Sh. Ajit Singh	Athletics	1.1.1976
98.	Sh. Ram Singh Mehrauliya	Hockey	1.1.1976
99.	Sh. Tejbir Singh	Football	1.1.1976
100.	Sh. S.S.Chawla	Football	1.1.1976
101.	Sh. R.S.Rangi	Athletics	1.1.1976
102.	Sh. Sukh Lal Chaudhary	Football	1.1.1976
103.	Miss. Madhu Kapoor	Gymnastics	1.1.1976
* 104.	Miss. Satya Sidhu	Gymnastics	1.1.1976

(R.L.ANAND)
DIRECTOR

Copies to: 1. All Coaches Concerned

2. Secretaries/Youth Coordinators concerned.

3. Accounts Section

4. Personnel files.

5. Office order file

6. File No. 37-167/CW/NIS

* (Confirmed against the vacancy caused due to the death of Sh.C.S.Joshi)

18/1/77

3/-

SPORTS AUTHORITY OF INDIA (COACHING DIRECTORATE)

Seriality list of Coaches as on 1.1.93 (Grade-I). Pay Scale of Rs. 3000-4500/-

S.NO.	NAME	GRADE	DATE OF ENTRY	GRADE	DATE OF ENTRY	GRADE	DATE OF ENTRY	GRADE	PRESENT PAY	REMARKS
52.	Sh.H.S. Sandhu	VR	3.7.48	9.11.71	3	1.1.80		29.2.92		
53.	Sh.K.K. Sanadhaya	VR	1.7.44	24.11.72	3	1.1.80		28.2.92		
54.	Sh.M.S. Dasgupta	SV	7.2.42	15.6.73	3	1.1.80		28.2.92		
55.	Sh.M.S. Rana	CV	14.2.52	10.3.80	2	10.3.80		28.2.92		
56.	Sh.N. Nemai Kanji	SV	1.12.50	14.3.80	2	14.3.80		28.2.92		
57.	Sh.B. Muni appa	FB	17.5.45	11.1.74	3	1.4.80		28.2.92		
58.	Sh.S.R. Dangaonkar	FB	1.3.36	13.1.74	3	1.4.80		28.2.92		
59.	Sh.E.R. Baig	CR	21.9.48	15.1.74	3	1.4.80		28.2.92		
60.	Sh.Manadi Ranga Rec	2TH	26.3.44	15.1.74	3	1.4.80		28.2.92		
61.	Sh.P.S. Gill (SC)	FB	4.2.39	21.1.74	3	1.4.80		28.2.92		
62.	Sh.R.L.Nahar	ED	26.3.47	6.3.74	3	1.4.80		28.2.92		
63.	Sh.D.S. Suryavansi	VR	15.9.44	2.4.74	3	1.4.80		28.2.92		
64.	Sh.S. S.Kalkal	VB	8.4.50	18.6.74	3	1.4.80		28.2.92		
65.	Sh.A. Venkatapathy	FE	23.12.47	30.6.74	3	1.4.80		28.2.92		
66.	Sh.S.R. Sanga	VR	8.1.46	8.8.74	3	1.4.80		28.2.92		
67.	Sh. Same Singh	VR	5.11.37	16.8.74	3	1.4.80		28.2.92		
68.	Sh.S.L. Salwan	VR	20.10.40	28.11.74	3	1.4.80		28.2.92		
69.	Sh.Sajjan Singh	WT	28.7.33	1.10.80	2	1.10.80		28.2.92		
70.	Sh.Sahib Singh **	2TH	24.10.41	24.1.68	3	1.9.81		28.2.92		
71.	Sh.A.S. Bal	IB	1.10.44	21.7.69	3	1.9.81		28.2.92		
72.	Sh.Sukhchain Singh	FCK	16.2.43	23.7.69	3	1.9.81		28.2.92		
73.	Sh.R.S. Tanwar	FCK	15.7.38	31.7.69	3	1.9.81		28.2.92		
74.	Sh.R.S.Negi	CV	5.3.33	10.10.69	3	1.9.81		28.2.92		
75.	Sh.Bakshi's Singh	IB	3.3.36	14.10.69	3	1.9.81		28.2.92		

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ANNEXURE 8

SPORTS AUTHORITY OF INDIA

JAWAHARLAL NEHRU STADIUM,
LODI ROAD COMPLEX,
NEW DELHI - 110 003

NO: 30/194/CS/SAI/92

FEBRUARY 28, 1992

OFFICE ORDER NO: 5555/92

The Director General, Sports Authority of India has been pleased to promote the undermentioned coaches to the Grade-I in the pay scale of Rs. 3000-4500 :-

S.No.	Name	Discipline
1.	S/Shri	
1.	M.D. GURJAR	GYMNASTICS
2.	R.S. AHLUWALIA	ATHLETICS
3.	B.S. SOHI	ATHLETICS
4.	HARMIK SINGH	HOCKEY
5.	N.S. SIDHU	HOCKEY
6.	S.S. BRAR	ATHLETICS
7.	B.S. DHALIWAL	HOCKEY
8.	G.C.S. NAIR	GYMNASTICS
9.	D.S. CHAUHAN	VOLLEYBALL
✓10.	M.S. BHULLAR	SWIMMING
11.	SMT. KAMALJEET KUONAR	ATHLETICS
12.	AHMED HUSSAIN	FOOTBALL
13.	CHARLES CARNELIUS	HOCKEY
14.	BUDH SINGH CHAUHAN	HOCKEY
15.	N.S. JASSAR	ATHLETICS
16.	SUKHDARSHAN SINGH	FOOTBALL
17.	HARBHAGWAN DAS SHARMA	BASKETBALL
18.	M.B. ASARI	VOLLEYBALL
19.	S.S. WALIA	GYMNASTICS
20.	OM PARKASH	LAWN TENNIS
21.	R.C. SHARMA	GYMNASTICS
22.	BIRUMAL	FOOTBALL
23.	H.C. BHARGAWA	BADMINTON
✓24.	H.S. KHEITWAL	SWIMMING
25.	T.K. BOSE	TABLE TENNIS
26.	G.S. MANDER	HOCKEY
27.	M.S. GILL	BASKETBALL
28.	RIAZ AHMED	LAWN TENNIS
29.	W.K.K. SINGH	FOOTBALL
30.	D.V.K. PILLAI	BASKETBALL
31.	HARBANS SINGH	ATHLETICS
32.	V.R. MUKKAMALA	TABLE TENNIS
33.	ANAND PARKASH	FOOTBALL
34.	G.D. FORTGALLAND	WEIGHTLIFTING
35.	H.B. WADAKKANEWAB	BASKETBALL
36.	N.S. SANDHAR	ATHLETICS
37.	H.N. DAS	FOOTBALL
38.	S.M. ARIF	BADMINTON
39.	R.K. NABHACHANDRA SINGH	BADMINTON

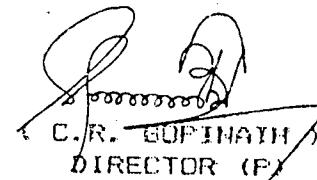
✓ 23/3/92
Smti. M.S. Dasgupta
Smti. M.S. Dasgupta

S.No.	Name	Discipline
40.	GURDAS RAM (SC)	BASLE BALL
41.	V.R. BEEDU	ATHLETICS
42.	RAM CHANDER	VOLLEYBALL
43.	J.S. MEHAL	SWIMMING
44.	K.D.S. NAGRA	WEIGHTLIFTING
45.	S.S. SANDHU	SWIMMING
46.	MISS BARJINDER RANU	BASKETBALL
47.	SMT. GURBACHAN KAUR	BASKETBALL
48.	SATPAL KRISHAN	CRICKET
49.	H.S. SANDHU	WEIGHTLIFTING
50.	K.K. SANADHAYA	WRESTLING
51.	M.S. DAS DUTTA	SWIMMING
52.	NEMAI KANJI	GYMNASICS
53.	M.S. RANA	SWIMMING
54.	B. MUNIAPPA	BASKETBALL
55.	S.R. DANGAONKAR	BASKETBALL
56.	M.R. BAIG	CRICKET
57.	NANADI RANGARAO	ATHLETICS
58.	F.S. GILL (SC)	FOOTBALL
59.	R.L. NAHAR	BADMINTON
60.	D.S. SURYAVANSHI	WRESTLING
61.	S.S. KALKAL	VOLLEYBALL
62.	A. VENKATAPATHY	FOOTBALL
63.	S.R. SANGA	WRESTLING
64.	SAME SINGH	WRESTLING
65.	S.L. SALWAN	WEIGHTLIFTING
66.	SAJJAN SINGH	WRESTLING
67.	SAHIB SINGH	ATHLETICS
68.	A.S. BAL	FOOTBALL
69.	SUKHCHAIN SINGH	HOCKEY
70.	R.S. TANWAR	HOCKEY
71.	K.S. NEGI	GYMNASICS
72.	BAKSHISH SINGH	ATHLETICS
73.	G.S. MEHLA	VOLLEYBALL
74.	G.S. SARAN	ATHLETICS
75.	R.D. ABAHARANAK	HOCKEY
76.	MDHAN CHOURHARY	VOLLEYBALL
77.	PRITAM SINGH	VOLLEYBALL
78.	G.S. RAHI	ATHLETICS
79.	S. SHAMSUDDIN	BASKETBALL
80.	S.L. SARASWAT	BASKETBALL
81.	S.K. SHARMA	FOOTBALL
82.	MANJIT SINGH	HOCKEY
83.	HARGOBIND SINGH	LAWN TENNIS
84.	P.R. SONDHI (SC)	WRESTLING
85.	S.G. TIKEKAR	GYMNASICS
86.	A.K. DEWAN	BADMINTON
87.	V.K. SONI	CRICKET
88.	P.J. DEWASIA	ATHLETICS
89.	JAGJIT SINGH	VOLLEYBALL
90.	K.S. SAMANA	BASKETBALL
91.	CHARAN DAS	WRESTLING
92.	SMT. A.K. PRABHAWATI	HOCKEY
93.	R.C. ANAND	LAWN TENNIS
94.	S.I. JAFRI	LAWN TENNIS
95.	P.P. ANTHONY	HOCKEY
96.	A.K. GUPTA	BADMINTON

<u>S.No.</u>	<u>Name</u>	<u>Discipline</u>
154.	S.C. GOEL	WEIGHTLIFTING
155.	B.S. CHAWAT	TABLE TENNIS
156.	A.S. BABLI	GYMNASTICS
157.	T. NAIGARAJU	WRESTLING
158.	SMT. MANJIT KAUR	VOLLEYBALL
159.	C.S. BHULLAR	CRICKET
160.	A.S. SAHOTA	ATHLETICS
161.	D.L. NAGAR	CRICKET
162.	MADAN SINGH	HOCKEY
163.	SMT. KAMLESH DHANMY	HOCKEY
164.	B.S. RATHORE	VOLLEYBALL
165.	G.S. PATHANIA	CRICKET
166.	P.K. BHANDARI	BADMINTON
167.	VICTOR DAVID	HOCKEY
168.	P.G. KRISHNAMACHARYULU	BASKETBALL
169.	M.A. TAQUI SIDDIQUI	BASKETBALL
170.	DARIAYA SINGH	VOLLEYBALL

The promotion will take effect from the forenoon of February 28, 1992.

To,



C.R. GOPINATH
DIRECTOR (P)

1. All concerned coaches
2. All Executive Directors in Corporate Office
3. Executive Director (A), SAI-NIS, Patiala
4. Dean, SAI-LNCPE, Gwalior
5. Principal, SAI-LNCPE, Trivandrum
6. All Regional Directors
7. AII Directorates
8. CAO, SAI " "
9. DDO, SAI
10. SO to DG, SAI
11. SO to Secretary, SAI
12. Personal Files of all concerned coaches
13. Office Order folder.

23

SPORTS AUTHORITY OF INDIA: NEFAJI SUBI'S
EASTERN CENTRE: SALT LAKE CITY : KOLKATA

60

Ag

No: PF-1001/SAI/EC/3896

Date: 13.08.2001

ANNEXURE 9

OFFICE ORDER NO: 281/2001

In terms of SAI, New Delhi Office Order No. 38-1/CS/DR./
SAI/2k/1713 dated 18.12.2000, Sri Madhu Sudan Dasgupta, SAI
Swimming Coach joined the post of Selection Grade Football
Coach on the forenoon of 01.12.2000 in the pay scale of
Rs. 12,000-375-16,500/- on promotion on purely Adhoc Basis,
vide this Office Order No. 684/2001 dated 30.03.2001.

His pay is fixed at Rs. 13,500/- in the pay scale of
Rs. 12000-375-16,500/- w.e.f. 01.12.2000 (forenoon) and Rs. 13,375/-
from 01.02.2001 with date of next increment to Rs. 14,250/- on
01.02.2002.

This issues with the approval of Director Incharge.

(S.R. Bakshi)
Asstt. Director(C)
13.8.2001

To:

Sri Madhu Sudan Dasgupta,
SAI Swimming Coach
C/O The Secretary,
Tripura State Sports Council,
N S R C C., N S. Road,
Agartala, Tripura(W) - 799001.

SD.

278⁰
For reference
2/8/93 24
6050
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The Director General,
Sports Authority of India
New Delhi.

Through Director of Sports & Youth Programmes
Govt. of Tripura, Agartala.



ANNEXURE 10

Sub:- Prayer for my service confirmation
as Swimming Coach under S.A.I. to
get the PENSION benefit like Central
Govt. employees.

Sir,

I have the honour to bring to your kind notice about the following
facts for your kind perusal and sympathetic consideration to get the
pension benefit.

That Sir,

1) I was working as physical Instructor under the Govt. of Tripura
from 8.4.1963 to 14.6.1973.

2) I took my Diploma in Coaching from N.I.S. Patiala in the session
1971-72 and I joined as Swimming Coach (Swimming) grade III under N.I.S. as per
basis & posted at N.S.R.C.C, Agartala, Govt. of Tripura on 15.6.73 by full-
filling all the requirements needed for the purpose.

3) Accordingly, I have permanently been absorbed as swimming Coach
after completion of my 11th service under N.I.S. administration with the
confirmation as Coach grade III (Swimming) u-o-f- 15.6.1975.

4) Now, I have completed 20(twenty) years of service under N.I.S.
and S.A.I., Department of youth service, Govt. of India and holding the
post of Coach grade I (Swimming Coach) and posted at N.S.R.C.C, Agartala
Govt. of Tripura.

Now, I want to draw your kind attention that, I have already
withdrawn the total amount from my G.P.F. A/M-1/EDN/4729 when I have
been absorbed by the N.I.S. in the year 1975-76 for which I am now
totally detached from the service of education Department Govt. of Tripura.

So, I pray to your kindness that I have decided to deposit the
total amount of G.P.F. drawn by me for the period of my service under
Education Department Directorate Govt. of Tripura to your administration
after getting the green signal for your kind end, So that my total service
may be counted and recorded under S.A.I. administration from 8.4.1963 to 14.6.75
get the full pension benefit of my service as in the case of Central Govt.
employees for which I shall be grateful to you.

Yours faithfully

Machuandan Dasgupta
2/8/93
(Machuandan Dasgupta)
S.A.I. Swimming Coach,
Grade-I, N.S.R.C.C,
Agartala, Tripura West.

Dated, Agartala, the
2.8.93
1993.

993
8-4-1963 to
14-6-75

No.F.1(6-9)-DSYP/90/ 3030-2

Government of Tripura

Directorate of Sports & Youth Programme
(Establishment Section)

ANNEXURE 11

Dated, Agartala, the 21/8/1993.

To
 The Regional Director,
 Sports Authority of India,
 Netaji Subhash Eastern Centre,
 Salt Lake City,
Calcutta-700091.

Sub:- Prayer for service confirmation as Swimming
 Coach under S.A.I. to get the Pension
benifit like Central Govt. employees.

Sir,

I am to forward herewith an application received
 from the Sri Madhusudhan Das Gupta, S.A.I. Swimming Coach
 Grade-I N.S.R.C.C. Agartala, Tripura(W) (in original) for count
 the previous services under Education Department, Government
 of Tripura.

This is for faveur of kind necessary action
 from your end.

Yours faithfully

C-26.8.93

for Director
 Sports & Youth Programme
 Tripura.

Copy to:-

✓ 1. Sri Madhusudhan Das Gupta, S.A.I. Swimming
 Coach, Grade-I, N.S.R.C.C. Agartala, Tripura(W)
 for compliance.

26
SPEED POST

A12 69

SPORTS AUTHORITY OF INDIA
NETAJI SUBHAS EASTERN CENTRE
SALT LAKE CITY : KOLKATA.

ANNEXURE-12

NO: PF-1001/SAI/EC/6041

Dated : 28.02.2002

OFFICE ORDER NO: 675/2002

On attaining the age of Superannuation Sh. Madhu
Sudan Das Gupta, SAI, Swimming coach will demit office
as Selection Grade Swimming coach of SAI with effect
from 28.02.2002 (afternoon).

Somen Chaudhury
(SOMEN CHAUDHURY)
DIRECTOR- INCHARGE

To
Sh. Madhu Sudan Das Gupta,
Selection Grade Swimming coach
C/o. The Incharge
SAI, SAG Training Centre,
Dasharath Deb State Sports
Complex, Badharghat,
Agartala - 799003.

100412
To
Sh. Madhu Sudan Das Gupta,
Selection Grade Swimming coach
C/o. West Joynagar near Upendra
Bidya Bhaban Govt. Girls School,
P.O. Agartala, West Tripura-799001.

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No. F.8(5)-Fin(G)/30
Government of Tripura
Finance Department
00000000

ANNEXURE = 13

Dated, Agartala, the 4th September, 1990.

M E M O R A N D U M

Subject :- Simplification of adjustments on account of allocation of leave salary and pension between Central and State Governments.

In continuation of this Department Memorandum of even number dated 20th May, 1983 and No. F.1(2)-Fin(G)/36 dated 16th January 1987, on the above-subject, the undersigned is directed to forward herewith a copy of this Department's letter of even number dated 16-5-89 and letter No. T-14013/2/87 codes/643 dated 21st December, 1989 together with copy of Office Memorandum No. F.14(5)/86/TA/1112 dated 5-12-89, received from the Government of India, Ministry of Finance, Department of Expenditure, New Delhi, for information, guidance and observance.

AMG 375
(A. M. Goswami)
Finance Officer & Deputy Secretary,
Government of Tripura.

To
All Departments/ Head of Department.
Accountant General (Audit), Tripura, Agartala,
Senior D. A. G. (A & E), Tripura, Agartala.

ANNEXURE 14

NO. 14(5)/86/T/1112
 GOVERNMENT OF INDIA
 MINISTRY OF FINNCE
 DEPARTMENT OF EXPENDITURE
 CONTROLLER GENERAL OF ACCOUNTS
 3TH FLOOR LOK NAVAK BHAWAN
 KHAN MARKET NEW DELHI - 110003.

Dated, the 5th December, 1986.

OFFICE MEMORANDUM

Subject :- Simplification of adjustments on account of allocation of leave salary/Pension between Central and State Governments.

Attention is invited to this office O.M. NO. 14(5)/86/T/1029 dated 9.10.1986 on the subject cited above.

2. This office has been receiving reference from Union Ministries/Departments as also the State Governments in regards to the applicability of the aforesaid O.M. dated 9.10.1986 to Government employees (temporary/permanent), moved from Central Government to State Governments and vice versa in terms of the Department of Personnel and Administrative Reforms Letter No. 3(20)/Pen(2)/79 dated 31.3.1982. The matter was taken up with the Ministry of Personnel, Public Grievances and Pension (Dept. of Pension and Pensioner's Welfare), who have since clarified this point as under :-

"The Controller General of Accounts O.M. No. 14(5)/86/T/1029 dated 9.10.1986 seeks to dispense with the system of sharing pension liability between Central and State Governments, as contemplated in Appendix- 3-B-IV of Account Code Vol. I. It would, therefore, be naturally applicable to all cases where the system of apportionment of pension liability was in vogue prior to its issue i.e. in respect of both permanent and temporary employees of the Central/State Government, as the case may be".

2/2
 Sd/- (R. N. NANDWAN)
 ASSISTANT CONTROLLER GENERAL OF ACCOUNTS.

To :

1. All Ministries/ Departments of the Government of India.

..... 2/-

IN THE GAUHATI HIGH COURT

COMMON COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,
MIZORAM AND ARUNACHAL PRADESH

CIVIL APPELLATE SIDE

AGARTALA BENCH, AGARTALA

ANNEXURE - 15

Appeal from
Civil Rule

C.M. APPL

Sri Sanjukta Saha

Appellant
Petitioner

Person

The State of Assam, Govt.

Respondent
Opposite Party

Appellant
For

Petitioner

Respondent

For
Opposite Party Mr. A. G. Saha, Adv.

69 2001

(C.M. W.P. (C) - 1991)

(C.M. C.R. 32 of 2001)

(P.M. 10/2001)

Ass't. Registrar

Ganbati High Court

Agartala

Agartala
Dated 15/5/2001

Support

Notice by Office
or Advocate/

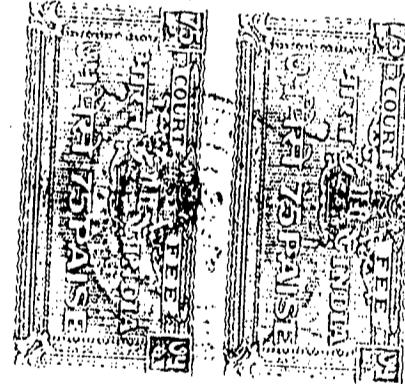
Serial
No.

Date

Office Note, reports, orders or proceedings

25/5/2001

Superintendent (Reception)
Ganbati High Court,
Agartala, Bench



(C.M. C.R. 32 of 2001)

15/5/2001

Serial No. Date

Office notes, reports, orders or proceedings with signature

contd.

26/3/2001

In view of the aforesaid, the order dated 22/12/2000 passed by this court in W.P.(C) No.320/95 is modified as follows :-

(i) The petitioner's past service from 3.3.63 to 31.8.71 be counted in calculating his qualifying service for the purpose of retiral benefit;

(ii) So far the leave encashment benefit of the petitioner is concerned, the authority shall count 75 days as un-utilised Earned Leave and 138 days as un-utilised half average pay leave as his credit as on 31.8.71 ;

The petitioner is to execute an Indemnity Bond for the amount of leave encashment corresponding his 138 days half average pay leave before receiving the payment to the satisfaction of the competent authority.

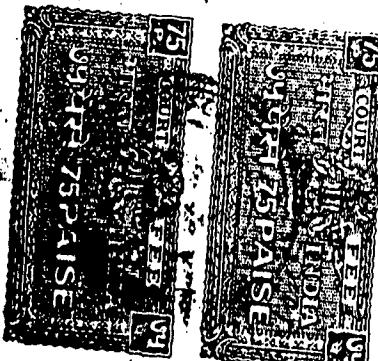
With the above observations and directions the Civil Misc. application is disposed of.

SC/ B.B.DR
July

COMPARSED By

16.6.2001

Subj. to
Gauhati
High Court
Agartala, Assam



-31-

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BEFORE

THE HON'BLE MR. JUSTICE B. B. DEB

26/3/2001

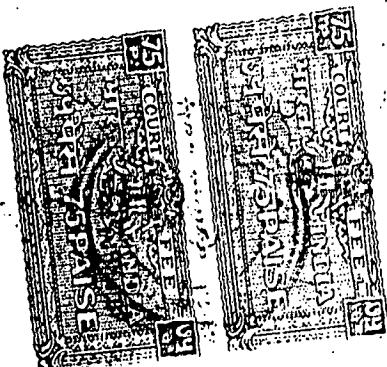
Heard Dr. UK Bhattacharjee, '.

Learned counsel for the petitioner and Mr. A. Ghosh, learned counsel for the respondents.

This petition has been filed seeking modification/clarification of the order dated 22/12/2000 passed by this court in W.P.(C) No.320/1995 so far the counting of past service of the petitioner is concerned.

The present department of the petitioner has been dragging the matter on the plea of non-availability of leave record from his parent department. Vide correspondence dated 9.5.1972 it was confirmed that the petitioner Shri Samir Ch. Saha, Ex-Telephone Operator of Indian Posts & Telegraph Department had 75 days' Earned Leave in his credit as on 1.9.71 and his half average pay leave was for 130 days upto 2.3.1971. The petitioner joined in the present department on 1.9.71.

From the records available as mentioned above, I am of the considered opinion to hold that as on 1.9.71 the date when the petitioner joined in the present department, he had 75 days' Earned Leave in his credit. Now, the present department of the petitioner



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1988-153-3891-10,020-1C-2a, 2291

Contd. . . . P/4.

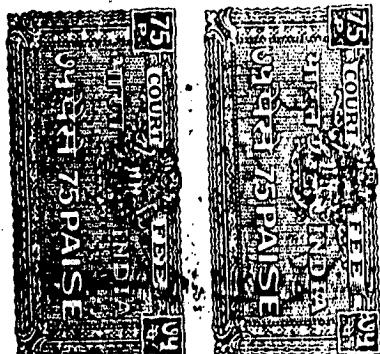
Served by Office of
AdvocateSerial
No.Date
contd.
26/3/2001Office Notes, reports, orders or proceedings
with signature

will be in no difficulty to calculate the leave encashment benefit of the petitioner treating only 75 days earned leave he carried forward at the time of absorption in his present department.

So far the half average pay leave is concerned, from the last entry made in the service book of the petitioner showing verification from 1.4.70 to 31.8.71, it appears that the petitioner never availed any half average pay leave. This being the position, I have no hesitation to take into consideration the Annexure-P-1 as correct and thus from Annexure-P-1 it transpires that on the date when the petitioner's service has been brought here under his present employer w.e.f. 1.9.71, he carried with him 138 days' half average pay leave. So, that 138 days' half average pay leave may be credited to the petitioner in granting his leave encashment benefit. However, the learned counsel appearing on behalf of the respondents submits that to avoid any future financial complication, the petitioner may be asked to furnish an Indemnity Bond binding himself and his legal heirs to re-pay any overdrawal subsequently detected. The submission appears to be genuine and bonafide.

Contd... P/5.

TGP-A-15.2.2001-10/CC-J.C. No 9004



RECORDED BY

33

A-16*

ANNEXURE 6

NO.F.5(93)-ICAT/95/Estt

GOVERNMENT OF TRIPURA.

DEPARTMENT OF INFORMATION, CULTURAL AFFAIRS & TOURISM

AGARTALA

Dated, Agartala, the 27th April , 2001

O R D E R

WHEREAS, Sri Samir Ch. Saha was serving as Telephone Operator to the P & T Department, Government of India from 3-3-1963 to 31-8-1971 and he is training in this Department to the post of S.D.P.O. under the Government of Tripura;

(IN)

WHEREAS, Sri Saha appealed before the Hon'ble High Court for counting of his past service under P & T Department for the purpose of pensionary benefits etc.

AND

WHEREAS, the Hon'ble High Court passed an order on 26-3-2001, against the case No. C.M. Appeal 1469 of 2001, in C.R. Case No. 320 of 1995 that the past service under P & T Department from 3-3-1963 to 31-8-1971 be counted as qualifying service for the purpose of retirement benefits etc. and also 75(seventy five) days Earned Leave and 138(gone hundred thirty eight) days Half Pay Leave as credited under the P & T Department upto 31-8-1971 ~~xxxxx~~ credited with the leaves of this Department.

WHEREFORE, the Governor is pleased to order that the past service of Sri Saha (qualifying the post of Assistant Director) for the period from 3-3-1963 to 31-8-1971 under P & T Department will be counted as qualifying service for the purpose of all pensionary benefits and Earned Leave and Half Pay Leave as credited in favour of him as indicated above and will also be credited with the leaves under this Department.

(Shyamalima Banerjee)

Secretary,

Government of Tripura.

Copy to :-

1. The Accountant General, Tripura, Agartala.
2. The Treasury Officer, Agartala Treasury No II.
3. Sri Samir Ch. Saha, Assistant Director, Tourism Wing, Surya Mahal.
4. The Head of Office, Tourism Wing, Surya Mahal, Agartala for information. He is requested to execute an Intercity Bond from Sri S. S. Sankar before payment of encashment of un-utilised leave.
5. The Head of Office, Directorate of ICA&T, Agartala.

For the Governor

In the name of Sri Samir Ch. Saha, Assistant Director.

Date: 27/04/2001

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Ferri Job
The - Bayle

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Typed copy

ANNEXURE 16

ANNEXURE - 16

No. F.5(93)-ICAT/95/Estt

GOVERNMENT OF TRIPURA

Department of Information, Cultural Affairs & Tourism

Agartala

Dated, Agartala the 27th April, 2001.

O_R_D_E_R

WHEREAS, Sri Samir Ch. Saha was serving as Telephone Operator under the P & T Department, Government of India from 3-3-1963 to 31-8-1971 prior to his joining in this Department to the post of S.D.P.R.O. under the Government of Tripura;

A N D

WHEREAS, Sri Saha appeal before the Hon'ble High Court for counting of his past service under P & T Department as for the purpose of pensionary benefits etc.

A N D

WHEREAS, the Hon'ble High Court passed an order dated on 26-3-2001 against the case No. C.M. Appeal 69 of 2001 in C.R. Case No. 320 of 1995 that the past service under P & T Department from 3-3-1963 to 31-8-1971 be counted as qualifying service for the purpose of retiral benefits etc. and also 75(seventy five) days earned leave and 138 (One hundred thirty eight) days Half Pay Leave as credited under the P & T Department upto 31-8-1971 be credited with the leaves of this Department.

- 2 -

NOW, THEREFORE, the Governor of is pleased to order that the past services of Sri Saha (now holding the post of Assistant Director) for the period from 3-3-1963 to 31-8-1971 under P & T Department will be counted as qualifying service for the purpose of all pensionary benefits and Earned Leave and Half Pay Leave as credited in favour of him as indicated above para will also be credited with the leaves under this Department.

Sd/-
 (Shyamalima Banerjee)
 Secretary
 Government of Tripura

Copy to :-

1. The Accountant General, Tripura, Agartala.
2. The Treasury Officer, Agartala Treasury-II.
3. Sri Samir Ch. Saha Assistant Director, Tourism, Wing, Swat Mahal.
4. The Head of Office, Tourism Wing, Swat Mahal, Agartala for information. He is requested to execute an Integrity Bond from Sri Sri Saha before payment of encashment of unutilised leave.
5. The Head of Office, Directorate of ICAT, Agartala.
6. Director's Cell.
7. Personal file of Sri Samir Ch. Saha, Assistant Director.
8. Guard file.



Harendra Kumar Bhattacharya

Aug 18

22-4862

Mr. B. K. D. (Appl. Maths) LL. B.

Advocate

High Court, Agartala Bench

High Court Bar Association

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RESIDENCE
5, Ramnagar

P. O. Ramnagar
Agartala-799002
Tripura (West)

ANNEXURE

Date: 12/4/03

DEMAND NOTICE

To

1) Union of India, represented by the
Secretary to the Human Resources Deptt.,

New Delhi.

2) The Director General,

Sports Authority of India,

J. N. Stadium, Lodhi Road Complex,

New Delhi - 110 003.

3) The Director-in-Charge

Sports Authority of India,

Salt Lake City, Netaji Subhas Eastern

Centre, Calcutta - 98

PIN - 700 098.

.....Notice Receivers.

For and on behalf of :-

Shri Madhusudan Das Gupta,

Retired Selection Grade (Wing Coach),

Sports Authority of India, posted at

Bashbarghat Wasanath Rao Stadium,

Bashbarghat, Agartala, West Tripura.

.....Notice Giver.

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- 2 -

Dear Sir,

Under instruction and for and on behalf
of my aforesaid client, I serve this Notice upon
you the Notice Receivers stating the facts and cla-
iming the relief as hereunder :-

- 1) That my aforesaid client was appointed in
the post of ASH under the then Director, Education
via Memo No. S.2(23)-DE/63 dated 3-4-1963 issued
by the Director of Education, Government of Tripura
and joined in service on 8-4-1963 A.D.
- 2) That, thereafter, my client was appointed
to the post of Physical Instructor since 1964 in
continuation of service rendered in the post of
SEW.
- 3) That while my client was serving in the
post of Physical Instructor under Government of
Tripura, he received an interview for the post
of Coach(Coaching Wing) and successfully passed
the interview and appointment issued under Memo
of reference No.34-1(PP)/75/NIS dated 30-4-1973
issued by Director of the National Institute of
Sports, Pattiara, Punjab and my client was posted

Contd...p/3.

- 3 -

in State Sports Council, Trivandrum, Kerala. My client was supposed to join in Trivandrum, Kerala but the Government of Tripura requested the National Institute of Sports, Patiala to allow my client to ~~join~~ join in the Netaji Subhas Regional Coaching Centre, Agartala, West Tripura which is under the control of National Institute of Sports, Patiala. The Government of Tripura allowed to join on lien service for two years in the said Institute and accordingly my client join^{ed} on 15-6-1973 in Netaji Subhas Regional Coaching Centre, Agartala, West Tripura.

4) That, thereafter, my client was absorbed and confirmed after completion of 2 years lien period in the post of Coach (Swimming) with effect from 15-6-1975 vide Office Order No.1558 dated 21-11-1977 issued by the Director, National Institute of Sports, Patiala, Punjab. The name of my client is placed in Sl.No.91 of the aforesaid office Order dated 21-11-1977.

Thereafter, my client was allowed Coach (Grade-II) with effect from 1-1-1980 which will be

- 4 -

evident from seniority list of Coaches as on 1-1-1993 (Grade-I). Again, my client was allowed Coach (Grade-I) vide Office Order No.5555/92 dated 28-2-1992 and his name was placed in Sl.No.51 of the aforesaid Order dated 28-2-1992 and he was given the benefit of Coach (Grade-I) with effect from 28-2-1992.

5) That thereafter, Assistant Director(C), Sports Authority of India, Netaji Subhas Eastern Centre, Salt Lake City vide office Order No.299/2001 dated 13-8-2001 and by that order my client was allowed Coach (Selection Grade) with effect from 1-12-2000 A.D.

6) That thereafter, my client has gone on superannuation with effect from 28-2-2002 (A/N) from service vide office Order No.675/2002 issued by the Director In-Charge, Sports Authority of India, Netaji Subhas Eastern Centre, Calcutta. But in counting superannuation, the period 8-4-1963 to 14-6-1973 was not counted and only the period with effect from 15-6-1973 to 28-2-2002 was counted for pensionary benefit. This is quite illegal and

- 5 -

discriminatory in violation of Article 16 of the Constitution of India.

7) That as per Memo No.14(5)/86/7A/1029 issued by Ministry of Finance, Govt. of India, the past service should be counted for pensionary benefits. As such the period w.e.f. 8-4-1963 to 14-6-1993 should be counted for pensionary benefits. You the Notice Receivers have not counted the said period served under Govt. of Tripura and there is no break in service.

Under the above facts and circumstances, I therefore, serve this Notice upon you the Notice Receivers requesting you to count the past service of my client w.e.f. 8-4-1963 to 14-6-1993 in calculating qualifying service for the purpose of retiral benefits and to calculate the pension afresh and make payment of all benefits within 15(fifteen) days from the date of receipt of this Notice, in default, my client will file a petition/proceeding in a Court of competent jurisdiction and you the Notice Receivers will be liable for all costs involved therein.

Yours faithfully,

My Attorney/12/11/03

(Dr. H.K. Bhattacharjee)

Dr. H.K. Bhattacharjee
Gauhati High Court
Agartala Bench
Gauhati High Court,
Agartala Bench,

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GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT

A 18 18

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No.F.1(14)/66

ANNEXURE 18

Dated, Agartala, the 23rd Dec'71.

MEMORANDUM

Subject :- Benefit of part service under Art 418(b) of CSR
procedurare be followed.

The undersigned is directed to forward herewith a copy of the Government of India, Ministry of Finance (Department of Expenditure), Office memorandum No.F.3(6)-EV(A)/71 dt. the 4th Dec'71, for information and favour of necessary action.

Sd/ (H. G. Ray)
UNDER SECRETARY TO THE GOVERNMENT OF
TRIPURA.

ALL SECRETARIES ALL DEPARTMENT/HEADS OF DEPARTMENTS OFFICES.

Copy of G.C.No.3(6)-E.V.(A)/71 dt. the 4th Dec'1971 from the Government of India, Ministry of Finance, Department of Expenditure, to all the Ministries of the Govt. of India, etc.

.....

Under art. 418(b) of CSRs resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary service in which counts ~~not~~ in full or in part is not resignation from public service. A question has been raised whether in such cases a separate sanction should be issued indicating that resignation has been accepted under the above provisions, in order to enable the Audit/Administrative officer to regulate the consequential benefits in the matter of pay fixation, carry forward of leave, ~~and~~ pension etc. The matter has been considered in consultation with the Comptroller and Audit General and it has been decided that in cases of the above type the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission on and that the benefits under CSR 418(b) will be admissible to him. The contents of the above order should also be noted in the service books of the individuals concerned under proper attestation. The issue of any separate sanction has not been considered necessary.

.....

18 42 18
1-19
ANNEXURE 19
NO.F.1(2)-FIN(G)/86
GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT

Agartala, the 7th January, 1987.

MEMORANDUM

Sub:- Simplification of adjustments on account of allocation of leave salary and pension between Central and State Governments.

The undersigned is directed to forward herewith a copy of the Government of India, Ministry of Finance, Department of Expenditure, New Delhi O.M.No.F.14(5)/86/TA/1029 dated 9th October, 1986, on the above subject, for information and guidance.

The decision contained in the above O.M. will be effective from 1-4-1987.

11/1/87
(B.B.Battacharjee)
F.O. & Under Secretary,
Government of Tripura.

To

All Departments/Heads of Department/
Accountant General (Audit), Tripura, Agartala/
Sr. Deputy Accountant General (A&E), Tripura, Agartala.

NO.14(5)/86/TN/1029
 GOVERNMENT OF INDIA
 MINISTRY OF FINANCE
 DEPARTMENT OF EXPENDITURE
 CONTROLLER GENERAL OF ACCOUNTS
 8TH FLOOR LOK NAYAK BHAVAN
 KHAN MARKET, NEW DELHI-11 0003

Dated the 9th October, 1986.

OFFICE MEMORANDUM

Subject:- Simplification of adjustments on account of allocation of leave salary and pension between Central and State Governments.

The Government of India appointed a Committee to review the existing G.F.R.S., Treasury Rules and Account Code Vol.I and to make conceptual suggestions for their revision so as to simplify and rationalise these rules. The Committee in chapter 5 of its Second Report has examined the existing system of allocating the liability on account of leave salary and pensionary charges of the government servants who have served under the Central Government and State Governments as contained in Appendix 3-B-II and IV of Account Code Vol.I and made the following recommendations :-

- (a) The practice of realising leave salary contributions may be dispensed with altogether as this is a very small fraction of amounts payable to state government on account of deputation of their officers to the Central Government.
- (b) Recovery of leave/pension contributions in respect of inter-state transactions, which must be few and far between and could be given up.
- (c) In regard to pensionary liability the Central Govt. may forego any contribution recoverable from State Governments to whom Central Government Officers are deputed.
- (d) In lieu of Central Government liability towards pension of state government officers (mainly All India Service Officers) who are deputed to Centre for varying spells an adhoc grant payable to each State government may be worked out at the beginning of the financial year and disbursed to whom in one lump sum as Grant-in-aid (Non-Plan) on the basis of a simple formula which takes into account cadre strength, and average length of deputation of All India Service Officers to Central Government.

contd.... 2

2. Pursuant to the above, it has been decided in consultation with the State Governments to dispense with the system of allocation of leave, salary and pension between Central and State Governments as specified below :-

- (a) Leave Salary - The existing system of allocation or sharing of the liability on account of leave salary contributions by Central Government to State Govts. or vice versa will be dispensed with. The liability for leave salary will be borne in full by the Deptt. from which the Government proceeds on leave, whether it be his parent Department or a borrowing Department with whom he is on deputation.
- (b) Pension - The liability for pension including gratuity will be borne in full by the Central/State Government to which the Government servant permanently belongs at the time of retirement. No recovery of proportionate pension will be made from Central/State Government under whom he had served.
- (c) Contributory Provident Fund - The liability for Govt. contributions will be borne by the parent Department of the Central or State Government and no share of contributions will be recovered from any borrowing Department.

3. It has also been proposed to extend the above provisions to exchange of officers between two State Government. Accordingly, there will be no allocation of leave salary/pension contribution among the Departments of the various State Governments.

4. These orders will take effect from 1-4-87 and will apply to all cases of leave salaries and pensions sanctioned on or after that date.

5. Necessary action in regard to the payment of compensation in the form of grant-in-aid as envisaged in para 1(d) above, to each State Government in lieu of Central Government liability towards pension of State Government officers is being taken separately.

6. This issues with the concurrence of the Comptroller and Auditor General of India vide his U.O.No.114-AC.I/163-86 Vol.II dated 3.10.86.

Sd/-

(P.V.DESAI)

Jt. Controller General of Accounts.

To

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
1 MAR 2008
गुवाहाटी न्यायपाठ Guwahati Bench

Filed by
 Respondent No. 2 & 3
 through
 Asha Das
 Addl. Cuse
 03/3/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH
 CASE NO. O.A. 266 OF 2003

MADHUSUDAN DASGUPTA,

Retired Selection Grade [Wing
 Coach], Resident of Joynagar
 near Upendra Vidya Bhaban,
 Agartala, West Tripura.

...Applicant

-Versus-

1. UNION OF INDIA,
 represented by the Secretary to
 the Human Resource
 Department, New Delhi.

2. THE DIRECTOR GENERAL,
 Sports Authority of India, J.N.
 Stadium, Lodhi Road Complex,
 New Delhi - 110 003.

3. THE DIRECTOR-IN-CHARGE,
 Sports Authority of India, Salt

Lake City, Netaji Subhas Eastern
Centre, Calcutta - 700 098.

4. THE DIRECTOR OF YOUTH
PROGRAMME, Tripura now
renamed as the Director of Youth
Affairs & Sports, Government of
Tripura, Agartala, West Tripura.

...Respondents

AND

In the Matter of :

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

AFFIDAVIT-IN-OPOPOSITION ON BEHALF OF THE RESPONDENT

NOS. 2 AND 3

I, HARA KANTA BORGOHAIN son of Late NK. Borgohain
aged about 58 years, working for gain at Sports Authority of India, Netaji
Subhas Eastern Centre, Salt Lake City, Kolkata - 700 098 do hereby
solemnly affirm and say as follows :-

1. I am the Dy : Director (1) of the Sports Authority of India, Netaji Subhas Eastern Centre, Salt Lake City, Kolkata - 700 098. I am competent and duly authorized to make and affirm this affidavit for and on behalf of the abovenamed respondent nos. 2 and 3. I am and have made myself well and fully acquainted with the facts and circumstances of the instant case and am accordingly able to depose thereto.
2. I have read a copy of the application filed under Section 19 of the Administrative Tribunal Act, 1985 purportedly verified by Madhusudan Dasgupta, the applicant abovenamed on an unspecified date [hereinafter referred to as the said application]. I state and submit that I have fully understood the scope, contents and purport of the said application.
3. I have been advised to deal with and traverse only such allegations of the said application as are material for the purposes of disposing of the same and to deal therewith in categoric phrases. As such save and except what are matters of record each and every allegation contained in the said application is emphatically denied and disputed as if the same were set out herein and traversed seriatim.
4. With reference to the allegations made in sub-paragraphs (a), (b), (c), (d), (e) and (f) of paragraph 1 of the said application save and except what are matters of record each and every allegation made therein and/or referred to therein is denied and disputed. I say that the applicant was

appointed as a Swimming Coach in the Coaching Wing of Sports Authority of India on and from June 15, 1973. The applicant retired from Sports Authority of India, Netaji Subhas Eastern Centre, Kolkata on February 28, 2002. I say that on verifying the Personal File & Service Book of the applicant no record or information is ascertainable as being recorded regarding the applicant's past service during the period April 08, 1963 to June 14, 1973 which could go to show that the applicant served in the Sports Authority of India 'in continuation' of his earlier service. The applicant was given fresh appointment. There was no continuity of service. Hence, the applicant's service with the Sports Authority of India was from June 15, 1973 to February 28, 2002 and the said period was duly counted for the applicant's pensionery benefits.

5. With reference to the allegations contained in Sub-paragraphs (g) and (h) of paragraph 1 of the said application save and except what are matters of record each and every allegation made therein and/or referred to therein is denied and disputed. It appears from Annexure 10 to the said application that the applicant from the period April 08, 1963 to June 14, 1973, had worked as a Physical Instructor under the Government of Tripura. Moreover, the applicant had already withdrawn his total amount from his G.P.F. and had accordingly been totally detached from the service of the Education Department, Government of Tripura. The applicant's submission in Annexure 10 to the said application that his total service may be counted and recorded under the Sports Authority of India

from April 08, 1963 to June 14, 1973 in order to get the alleged full pension benefit of his service is misguided, invalid and not sustainable. In the circumstances the question of counting the said period of April 08, 1963 to June 14, 1973 for the applicant's pensionery benefits cannot and does not arise. The said purported claim is barred by the principles of waiver and/or estoppel.

6. With reference to the statements contained in paragraph 2 of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed. It is denied that the Memorandums mentioned in the paragraph under reply are applicable in the case of the applicant. It is denied that by the said Memorandums the applicant is entitled to get the period of his past service purportedly served under the Government of Tripura with effect from April 08, 1963 to June 14, 1973 included for computation of his pensionery benefits.

7. With reference to the statements contained in paragraph 3 of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed. It is denied that the applicant's case is covered by the Order dated 26.03.2001 in C.M. Appl. 69/2001 arising out of C.R. 320 of 1995 passed by the Hon'ble Guwahati High Court. The said Order passed by the Hon'ble Guwahati High Court does not apply in the facts and

circumstances of the instant case of the applicant and therefore cannot be relied upon. Hence, the subsequent Order April 27, 2001 passed by the Secretary, Government of Tripura is of no avail to the applicant.

8. With reference to the statements contained in paragraph 4 of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed. The said notice is false, fatuous, misguided and otiose. The contents thereof are denied.

9. With reference to the statements contained in paragraph 4A of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed. The Memorandums mentioned in the paragraph under reply has no application whatsoever in the facts and circumstances of the instant case of the applicant. Without prejudice to the rights and contentions of the respondent nos. 2 and 3 herein and without admitting anything contrary to what has been stated hereinabove I would like to state as follows :-

(i) It appears from Annexure 18 to the said application that under Art. 418 (b) of CSR, in order to entitle an employee to get his past service counted for consequential benefits in his present service the Order accepting the resignation of the employee should clearly indicate that the employee is

resigning to join another appointment with proper permission and that the benefits under the said Article will be admissible to him. Moreover, the contents of the said Order should also have to be noted in the service book of the employee concerned under proper attestation. In the instant case there is no order/sanction/document on record to show that the applicant has resigned from the service of Government of Tripura to join his service with the Sports Authority of India with proper permission in order to enable the applicant to avail of the benefit under the said Article. Hence, the said Article is not applicable in the instant case of the applicant.

(ii) It appears from Annexure 20 to the said application that the Office Memorandum being No. 14(5)/86/TA/1029 dated October 09, 1986 applies to Central/State Government employees who are on deputation from the Central Government to a State Government or vice-versa. Moreover, the said Order speaks about dispensation with the system of sharing pension liability between Central and State Governments. The said Order merely states that the liability for pension will be borne in full by the Central/State Government to which the Government servant permanently belongs at the time of retirement. The said Order does not prove or contain anything about the past service of an employee to be counted in his newly appointed service for pension benefit. The same is also not applicable to a Government of India enterprise. Moreover, in the instant case of the applicant there is no order/document on record to

show that the applicant was on deputation from the service of the Government of Tripura to the service of the Sports Authority of India. Furthermore, from all the documents on record it is crystal clear that the applicant was given a fresh appointment by the Sports Authority of India. Hence, the said office Memorandum has no application in the facts and circumstances of the instant case of the applicant.

10. With reference to the statements contained in paragraphs 5 and 6 of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed.

11. With reference to the reliefs sought for by the applicant in paragraph 8 of the said application it is stated that the applicant is not entitled to any relief as prayed for in the said application or any other relief or reliefs.

12. With reference to the statements contained in paragraphs 9, 10 and 11 of the said application save and except what are matters of record each and every allegation made therein and/or referred thereto is denied and disputed.

13. The said application is vexatious, harrassive, malafide and made with ulterior motive and is liable to be dismissed in limine with exemplary costs.

14. The statements contained in paragraphs 1, 2, 3, 8, 10, 12, ¹³ are true to my knowledge, those contained in paragraphs 4, 5, 6, 7, 9, 11 are based on information derived from records which I verify believe to be true and the rests are my humble submissions before this Hon'ble Court.

Harkanta Borgohain
DERONENT

(H. K. BORGOHAIN)
Dy. DIRECTOR (I)
SAC. NSEC. CALCUTTA