

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 96/2003

R.A/C.P No.

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SECTION OFFICER (Judl.)

Verma
T.6.11.17

... (SEE RULE -4)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No.:

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant (s) V. K. Bhandawat

Respondent (s) -V.S- h.o.i forms

Advocate for the Respondent(s) Case

Notes of the Registry	Date	Order of the Tribunal
<p>The application is in form but not in time. Condonation for late filing / late deposit for the same is not deposited. Vide IPO/CD No 8949/0021 Dated 22.4.03</p> <p><i>ABP</i> By: Registrar <i>ABP</i></p>	9.5.2003	<p>Heard Mr. S. Sarma, learned counsel for the applicant.</p> <p>Issue notice on the respondents to show cause as to why the application shall not be admitted returnable by four weeks.</p> <p>List on 13.6.2003 for reply. Pendency of this application shall not preclude the respondents to consider the prayer of the applicant.</p> <p><i>U</i></p>
<p>ps: taken with encl. ps.</p> <p><i>ABP</i></p> <p>Preferred and sent to D/s the respondent No. by Regd. A/c 974/1977 dt 14/5/03</p>	bb	<p><i>U</i></p> <p>Vice-Chairman</p>
03		

23.5.03

An additional Statement of fact has been submitted by the applicant.

P.D.

24.6.03

Parawise Comments submitted by the Respondent No. 5.

P.D.

mb

18.7.2003

Mr. A. Deb Roy, learned Sr. C.G.S.C. stated that due to inadvertence para wise comments were filed from the office which he wants to take back and seeks some time to file written statement.

Four weeks time is allowed to Mr. A. Deb Roy to file written statement. Office is to return the para wise comments to Mr. A. Deb Roy.

List the case on 22.8.2003 for further order.

Vice-Chairman

bb

22.8.2003

List again on 24.9.2003 to enable the respondents to file written statement.

Vice-Chairman

mb

24.9.03 Adjudged to 14.11.03.

18/10

14.11.03

Adjudged to 1.12.03.

*18/10
In.*

19.12.2003 Written statement has been filed. The applicant may file rejoinder, if any. List the matter for hearing on 29.1.2004.

20/12/03
Written statement has been filed by the
Sr. C.G.S.C. on behalf
of the respondents.

K.V. Prahadan
Member (A)

NTS
20/12/03

mb

25.2.2004 present: The Hon'ble Shri Shanker Raju
Judicial Member.
The Hon'ble Shri K.V.Prahadan
Administrative Member.

By
Heard learned counsel for the parties
The application stands disposed of for
the reasons recorded separately.

25.2.2004 present: The Hon'ble Shri Shanker Raju
Judicial Member.

Heard the learned counsel for the
parties.

The O.A. stands disposed of for
the reasons recorded separately.

10.3.04

Copy of the Judgment
has been sent to the
S.P.C. for record
the same to the
applicant as well as
to the Sr. C.G.S.C.

h
Member (J)

bb

10/3

11/3

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 111 96 of 2003.

DATE OF DECISION 25.2.2004.

.....Sri Vijay Kr. Bhardwaj.....APPLICANT(S).

.....Mr. S. Sarma & Ms. U. Das.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....Union of India & Ors.....RESPONDENT(S)

.....Mr. A. Deb Roy, Sr. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgment ? ✓
4. Whether the judgment is to be circulated to the other Benches ?
Judgment delivered by Hon'ble Member (J). ✓

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 96 of 2003.

Date of Order : This, the 25th Day of February, 2004.

THE HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER.

Sri Vijay Kr.Bhardwaj
Scientist - 'D' (Chem)
Central Ground Water Board
North Eastern Region
Tarun Nagar, Bye Lane-1
Guwahati-781005.

..... Applicant.

By Advocates Mr.S.Sarma & Ms.U.Das.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Communication
Shram Shakti Bhawan
New Delhi.
2. The Chairman
Central Ground Water Board
Jam Nagar House
Managing Road, New Delhi-110001.
3. The Director (Admn)
Central Ground Water Board
N.H.IV, Faridabad
Haryana.
4. The Regional Director
Central Ground Water Board
North Eastern Region
Near Rajib Bhawan
Tarun Nagar, Bye Lane-1
Guwahati-5.

..... Respondents.

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

O R D E R (ORAL)

SHANKER RAJU, MEMBER(J):

I have heard Ms.U.Das, learned counsel for the applicant, and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

The respondents are yet to take a final decision for payment of TTA bills of the applicant. Taking note of S.R.194 (A) the right of a Government servant to travelling allowance, including daily allowance, is to be forfeited or deemed to have been relinquished if the claim

is not preferred within one year from the date on which it became due.

3. Admittedly, the bills became due on 20.2.2002 and the claim was preferred on 26.12.2002, which is within one year. Accordingly, respondents are directed to take a final decision regarding TTA bills of the applicant within one month from the date of receipt of copy of this order.

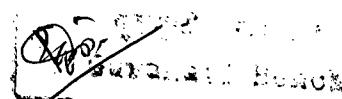
The O.A. stands disposed of accordingly. No costs.

S. Raju

(SHANKER RAJU)
JUDICIAL MEMBER

bb

8 MAY



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : D.A. No. 96 of 2002

BETWEEN

Shri Vijay Kr. Bhandwaj Applicant.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : Alsha Das .

Regn. No. :

File : C:\WS7\VIJAY

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act, 1985)

D.A. No. 96 of 2003

Vijay Kr. Bharadwaj

-VS-

Union of India & Ors.

LIST OF DATES

1. Feb 2002 The applicant was transferred from Nagpur to Guwahati as Scientist-D.
2. 20/2/2002 Applicant joined as Scientist-D at Guwahati.
3. 3/10/2002 Representation submitted by the applicant praying for extension of time to submit TTA Bills.
4. 5/11/2002 Forwarding letter
5. 13/12/2002 Letter written by the respondents highlighting the rules guiding the field.
6. 26/12/2002 Representation
7. 20/2/2003 Forwarding of representation with comments.
8. 18/2/2003 Representation with a prayer to release admissible bills.
9. Complain letter written by the applicant.

10
Filed by
the applicant through
Abha Das
Advocate
C15103

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

D.A.No. 96 of 2003

BETWEEN

Sri Vijay Kr. Bhardwaj
Scientist- 'D' (Chem)
Central Ground Water Board.
North Eastern Region,
Tarun Nagar, Bye Lane-1.
Guwahati-781005.

..... Applicant.

- AND -

1. The Union of India.
Represented by the Secretary to the
Govt. of India.
Ministry of Water Resources.
Shram Shakti Bhawan,
New Delhi.
2. The Chairman
Central Ground Water Board
Jam Nagar House
Managing Road, New Delhi-110011.
3. The Director (Admm)
Central Ground Water Board
N.H.IV, Faridabad,
Haryana,
4. The Regional Director
Central Ground Water Board,
North Eastern Region,
Near Rajib Bhawan,
Tarun Nagar, Bye Lane-1
Guwahati-5.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This present application has been made against the
action of the respondents in not setting the TTA Bill of the

Partha Dasgupta
1

applicant by issuing various orders which are reflected more particularly in para 4 facts of the case below.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the petitioner is aggrieved by the action of the respondents in not setting the TTA Bills by showing various reasons without any authority. The applicant while was working as scientist 'D' in Nagpur, received an order of transfer in the month of February 2002 and immediately he carried out the said order of transfer and on 20/2/2002 he joined the office of the respondent No.4 at Guwahati. The applicant at the time of transfer applied for TTA along with a request for extending the period of 6 months for drawl of the same. However, these representations have been forwarded by the respondent No.4 belatedly to frustrate the claim of the applicant. The applicant submitted number of representations for extending the period of submission of TTA Bills. But most of those representations were never forwarded by the respondent No.4 and other representative competent authority so that too frustrate the claim of the applicant. The applicant on 17/2/2002 submitted his TTA

1974 301) 2195¹²

✓

Bills but for the reasons best known to the said authority the aforesaid TTA Bills are yet to be settled. The respondents issued various orders by which the claim of the applicant has been rejected on the ground that the TTA Bills were submitted after the expire of the stipulated time frame. The Rules cited by the respondents in one of it's impugned orders indicates that the claim for TTA Bills can be placed within one year and even beyond the aforesaid stipulated period subject to clearance from the competent authority. Even after repeated persuasion the respondents have not yet released the aforesaid TTA Bills of the applicant. The applicant having no other alternative as a last resort has come under the protective hands of this Hon'ble Tribunal.

4.2. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicant initially joined as a Technical Asstt. under Central Ground Water Board (Ministry of Water Resources). the sincere and devoted services of the applicant helped him in earning promotion and within a short time he got his promotion up to the level of Scientist-D. The applicant during his service tenure had occasioned to serve various stations through out the country. The applicant while was working as scientist -D at Nagpur received an order in the month of February 2002 by which he was transferred to the present place of posting. The applicant pursuant to the aforesaid order of transfer joined the service on 20/2/2002 as Scientist-D and in the same

1974 301 211951 ✓

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capacity he is still working under the direct control of respondent No.4. The applicant as per the Rule is entitled to TTA for his family in the event of transfer from one station to another. The Rule also stipulates the time period for submission of TTA Bills. As per the Rule SR116 the stipulated time period is 6 months with a rider that the competent authority may extend the aforesaid period under special circumstances. On the other hand in their terms of SR 194(A), the aforesaid stipulated time period is one year. The applicant submitted an application praying for extension of time for submission of TTA Bills. As stated above on 28/2/2002 the applicant resumed his duty at Guwahati and thereafter he took earned leave w.e.f. 2/7/2002 to bring his family but he fell ill and could not bring his family within the time stipulated. During the period of Medical leave he even could not prefer representation for extension of time. However on 3/10/2002 highlighting the aforesaid factual events he preferred a representation to the concerned authority praying for extension of time enabling to bring his family at an early date.

A copy of the said representation dated 3/10/2002 is annexed herewith and marked as Annexure-1.

4.4 That the aforesaid Annexure-1 representation was received by the Respondent No.4 on same day but the said respondent No.4 with an intention to delay the matter and to frustrate the claim of the applicant forwarded the same to the respondent No.3 by a letter dated 5.10.2002.

A copy of the said letter dated 5.11.2002 is annexed herewith and marked as Annexure-2.

194 B/21) JAGSV ✓

4.5. That the respondent No.3 thereafter issued an order dated 13.12.2002 by which the period for preferring his family TTA Bills has been extended up to 19.11.2002. The aforesaid order was received by the applicant on 19.12.2002.

A copy of the said order dated 13.12.2002 is annexed herewith and marked as Annexure-3.

4.6. That the applicant immediately on receipt of the said order preferred a representation dated 26.12.2002 highlighting the fact that the extension order dated 13.12.2002 has been issued after the expiry of the cut off date issued (19.11.2002) and same was received by him on 19.12.2002 and as such he once again prayed for extension of the aforesaid cut off date to a reasonable period. However from the Respondents there was no communication in respect of his aforesaid representation dated 26.12.2002.

A copy of the said representation dated 26.12.2002 is annexed herewith and marked as Annexure-4.

4.7. That the applicant begs to state that he could come to know from liable source that the aforesaid Annexure-4 representation was never forwarded by respondent No.4 to the Respondent No.3. Under these circumstances the applicant before expire of one year submitted the TTA Bill on 17.2.2003. The respondent No.4 exactly on expire of one year period w.e.f. his date of joining (20.2.2002) that is on 20.2.2003 issued a letter to the respondent No.3 forwarding his representation dated 26.12.2002 requesting him to take necessary action in this regard.

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A copy of the said communication dated 28.2.2003 is annexed herewith and marked as Annexure-5.

4.8. That the applicant begs to state that the aforesaid TTA bills and representations were followed by another representation dated 18.2.2003 highlighting the fact that under compiling circumstances he had to submit the TTA bills on 17.2.2002 with a request to release/settle the bill within the permissible limit, as per his entitlement.

A copy of the said representation dated 18/02/2003 is annexed herewith and marked as Annexure-6.

4.9. That the applicant begs to state that under the Rules guiding the field he is entitled to get extension even beyond the prescribed limit. It is noteworthy to mention here that the authority in fact extended the said period but it was communicated to the applicant after the expiry of said extended period. That extension in fact served no purpose to the applicant as it was communicated after its expiry.

4.10. That the applicants state that the respondents have acted contrary to the Rules guiding the field. It is further stated that there are no ground for rejection of the case of the applicant and it is a fit case wherein this Hon'ble Tribunal may be pleased to direct the respondents to release the TTA bill of the applicant so that he can bring his family members to Guwahati.

4.11. That the applicant begs to state that the action/inaction on the part of the respondents in not setting/releasing the TTA bill is a net result of malafide extension of the respondent No.4. In fact the respondent

1974 (321) } 2175/6

No.4 is putting pressure on the applicant to reduce the grading of one officer namely P.K.Konwar. However, the applicant point blank rejected such illegal direction but the respondent No.4 kept on preserving the applicant in this regard. The respondent No.4 ever has gone to the extant of threatening the applicant even pointing out to his own ACR's. Situated thus, the applicant has preferred a representation to the respondent No.3 highlighting the aforesaid factual expert of the matter. And infect this is the core reason as to why the TTA bills of the applicant is yet to be settled.

A copy of the said representation is annexed herewith and marked as Annexure-7.

4.12. That the applicant begs to state that in terms of the Rules guiding the field, he is entitled to the claim made by him on 17.2.2003. In fact the applicant has been pursuing the matter before the authority concerned through respondent No.4, but for the reasons best known to him the said respondent No.4 never forwarded the representations/requests to the concerned authority with some ulterior motive. In such an eventuality the applicant is not and/or about the actual orders passed in this regard by the respondent No.3. The applicant through his various representations made it known to the authority concerned that what ever amount he is entitled to may kindly be released so that he can bring his family. In this peculiar circumstances, the applicant having no other alternative has come under the protective hands of this Hon'ble Tribunal seeking an appropriate remedies.

194301) 219515
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5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the responders have acted illegally in not setting the TTA bills of the applicant and their such action/inaction can be termed as illegal and same are required to be set aside and quashed.

5.2. For that the respondent No.4 has acted illegally in adopting delaying tactics with the intention to frustrate the claim of the applicant and as such appropriate direction need be issued for releasing TTA bills from the personal pay of the said respondent No.4.

5.3. For that the Rules guiding the field is very clear regarding finalisation of TTA claims even after the expire of the stipulated time frame and as such the action of the respondents may be declared unconstitutional/ illegal/ arbitrary directing them to settle/finalise the TTA bills of the applicant as per his entitlement.

5.4. For that the respondents have acted contrary to the settled proposition of law in rejecting the TTA claim of the applicant and as such their such action is required to be set aside and quashed.

5.5. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

ab

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to settle the TTA bills of the applicant forthwith as per his entitlement.

8.2. To set aside and quash any such order/orders rejecting the claim of TTA made by the applicant.

8.3. To direct the respondent not to act upon any action detrimental to his ACR's or any service conditions in terms of Rules.

(1254 B/01) 21/25/99

8.4. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of the application, the applicant prays for an appropriate interim order releasing his TTA bills.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 8 G 490021

2. Date : 22/4/03

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

194301211252

VERIFICATION

I, Sri Vijay Kumar Bharadwaj, aged about 55 years, at present working as Scientist Grade-D(Chem) in the office of the Regional Director, Central Ground Water Board, North Eastern Region, Near Rajib Bhawan, Tarun Nagar, Guwahati, I hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 2, 4, 9, 4, 10, 4, 12 & 5 to 12, are true to my knowledge and those made in paragraphs 4, 1, 4, 3 to 4, 8, 4, 11, are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 5th day of April of 2002.

(dnyb) 219512
Signature.

2

Annexure-i

To,
The Regional Director,
C.G.W.B., N.E.R.,
Guwahati (Assam)

Sub:- Request for extn. of T.T.A. time for six months.

Sir,

I have joined my duties on 26.2.2002. I have taken E.L. w.e.f. 2.7.2002 to bring my family from Nagpur to Guwahati after meeting my old and ill mother (INDORE) but unfortunately fell at Indore and was on medical leave w.e.f. 13.7.2002 to 13.9.2002 (The photocopies of medical certificates are enclosed for ready reference). Since the period of six months for bringing my family was already expired on 26.8.2002 I could not bring my family. I was having fluctuating blood pressure and allied problems to such an extent that I could not be able to write even extension of T.T.A for further six months.

I request you to kindly permit me by extending permissible time so that I may be able to bring my family from Nagpur to Guwahati at an early date.

Yours faithfully

Guwahati

3.10.2002

(V.K.Bharadwaj)

Attested
V.K.B.
Bharadwaj

/3

(2)

~~Acct~~

ANNEXURE -2

13

NO 3263 /210/CGWB/NER/Acctt/2002
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. I
Guwahati-781005

Dated:- 5.11.2002

To,

The Director(Admn.)
Central Ground Water Board,
NH-IV, Faridabad
Haryana

Sub: Extension of time limit to bring family

Sir,

I am directed to forward herewith an application received from Sri V.K.Bhardwaj, Sc'D' which is self explanatory.

It is requested to extend time limit by three months for utilisation of T.T.A. by Sri V.K.Bhardwaj, Sc'D' as admissible under the rule.

Yours faithfully,

Encls: As Above

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

N.O.O.

Copy to:

Sri V.K.Bhardwaj, Sc'D', CGWB, NER, Guwahati for his information.

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

Advocate
Advocate

Accession

ANNEXURE - 3

- 14 -

No. 3-551/73.Sci.Estl. 97.81
Government of India
Central Ground Water Board
Ministry of Water Resources
NHI IV, Faridabad

Dated: 13 DEC 2002

OFFICE ORDER NO. 1069 OF 2002

Under the provisions of SR-116 (iii) (b), approval of the competent authority is hereby conveyed in favour of Shri V.K.Bhardwaj, Scientist 'D' (Sr Chemist), CGWB, NER, Guwahati for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining at CGWB, NER, Guwahati i.e. 20.2.2002 and prefer his family's TTA Claim upto 19.11.2002. He may also refer to SR-194 A and Government of India's orders below it.

✓ 1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

✓ 1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

✓ 1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

Distribution:

✓ 1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
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✓ 1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

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Annexure-4

To
The Director (Administration)
Central Ground Water Board,
N.H.4, Faridabad (Haryana)

(Through proper channel please)

Sir,

With reference to office order No.1069 of 2002 dated 13.12.2002 (Request for extension of T.T.A. permissible limit time to avast TTA facilities upto 20.2.2003 which should be conveyed to the undersigned in advance (Say before one month, Say upto 20.1.2003) so that undersigned can plan to bring family from Nagpur to Guwahati), I wish to inform as under:-

i. Above office order (1069 of 2002 dated 13.12.2002) is received by the undersigned on 19.12.2002 allong me to avast TTA facilities upto 19.11.2002. The time limit i.e. 19.11.2002 is already extended before one month since the office order received by the undersigned on 19.12.2002 (Exactly after one month). After expiry of time which is stated in office order (No.1069 of 2002 dated 13.12.2002) received by me on 19.12.2002. I request you to kindly permit me to bring my family by extending time upto 20.2.2002 by conveys me the permission will in advance (Say before one month i.e. upto 20.1.2003) so that it can be planned to sought my family from Nagpur to Guwahati.

Thanking you,

Yours Faithfully

Guwahati
24.12.2002
26.12.2002

(Vijay Kumar Bharadwaj)
SC-D (Chem)

Affested
V.K.B.
Advocate.

No. 7981/210/CGB/NER/Accts/02-03
 Govt of India,
 Central Ground Water Board,
 North Eastern Region,
 Guwahati, bye lane-1
 Guwahati-781005

Dated: 20/2/2003

To

The Director (Admn),
 Central Ground Water Board,
 N.H. IV, Faridabad,
Haryana

Sub: Settlement of Final TTA bill in respect of Sri
 V.K. Bhardwaj, Sc.'D' - regarding.

Sir,

I am directed to seek your advise in connection with settlement of TTA bill of Sri V.K. Bhardwaj, Sc.'D'. Sri V.K. Bhardwaj, Sc.'D' who joined this office on 20.2.02 could not bring his family along with him due to his ill health although he has performed the journey from Guwahati to Nagpur on 3.7.02 and Nagpur to Guwahati on 20.9.02 for the purpose. Therefore, he has applied for extension of required time to bring his family on 3.10.02 after expiry of six months time. His representation was sent to you vide this office letter No. 3263/210/CGB/NER/Accts/02 dt 5-11-02 and consequently Office Order No. 1069 of 2002 under letter No. 3-551/73.Sci.Estt.9781 dt 13th December, 2002 had been issued by you for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining to prefer his TTA claim upto 19.11.02 and also refer to SR-194A and Govt. of India's Order below it.

But after receipt of the said Office Order Sri V.K. Bhardwaj, Sc.'D' has again represented vide his application dt. 26-12-02 (Copy enclosed) to permit him to bring his family upto 20.2.02 (date should have been 20.2.03) since Office Order which granted the time limit upto 19.11.02 had been received on 19.12.02. But since, he was also allowed to refer the SR-194A and Govt. of India's Order below it he was verbally told by this about the provision of SR-194A and his representation dt 26-12-02 was not sent to you. Inspite of that Sri V.K. Bhardwaj, Sc.'D' apparently found not appropriate to bring his family and submitted his TTA bill to this office on 17.2.02 with the additional fare for himself which he had performed to bring his family.

It is therefore, requested kindly to look into the matter and allow him the additional fare or a favourable decision in this regard may be given as per admissibility at an early date in view of his representation dt 26.12.02 so as to enable this office to settle his TTA claim.

Yours faithfully,

(B.C. KALITA)
 Scientist 'B'

for Regional Director

Encl: (1) His representation
 dt 26.12.02
 (2) Photo Copy of TTA
 bill

✓ Copy for information to:-

Sri V.K. Bhardwaj, Sc.'D' for his information

(B.C. KALITA)
 D.D.

Attested
 [Signature]
 Advocate

Annexure-6

To,

The Regional Director,

C.G.W.B., N.E.R.

Guwahati (Assam)

Sub:- T.T.A. Bills regarding

Sir,

This is in continuation of letter dated 17.2.2003 vide I have submitted my T.T.A. Bills because there are certain bills which are not permissible. I am aware of these bills. It is requested to pass permissible bills immediately so that T.T.A. bill can be settled at early date.

Yours Faithfully

Guwahati

(Assam)

18.2.2003

(V.K.Bharadwaj)

Alfonso
W.S.
Advocate

By Teleg. No. 18 - ANNEXURE 7
Recd of letter
is stored over
with this regard

From : Vijay Kumar Baruwa, Sc.D.(Chem),
C.G.W.B., N..., Near Rajiv Bhawan
Jharu Nagar, G.S.Road,
Guwahati, Assam

To : The Chairman
C.G.W.B., Jam Nagar House,
Man Singh Road,
New Delhi-110 011.

Sub : Threatening regarding Report (C)

Sir,

It is to inform you that, before 3 (three) months (approximately) Sri A.R.Bakshi, Regional Director and Sri K.Keerthaseelan, Q/c literary cried creating frowzy atmosphere to spoil confidential report of Shri P.K. Konwar, A/c (reasons not known to me). It can be varied from my record at various stations that I have not spoiled any bodies confidential report in my entire career. Since Sri P.K.Konwar, (appointed in 1971 who deserves promotion) is against wishes of Sri A.R. Bakshi and Sri Keerthaseelan, may fan the flames therefor confidential reports of both (Shri Konwar and Shri Reddi, A/c) are being sent by registered post.

Recd attested

My TTA/LTC etc. which are pending since long to pressurise me to spoil confidential report of Shri Konwar and filthy and obscene grounds with Shri Konwar and with me. ~~OK if fully release my dues etc.~~ to further pressurise to spoil my confidential report. I will most reluctantly refer the case to the Ministry of Water Resources, New Delhi.

It is further to inform you that I am repeatedly asked by Shri Bakshi for proforma of extension of leave

contd .. 2

W.D.W.

19-

-(2) :-

and related explanation. The other referential evidences in this regard are being sent with registered post.

It is requested to desist to give such unhealthy treatment with junior officers and kindly issue a warning to Shri A.R.Bakshi and Shri Keerthseelen regarding facts that confidential report are not for taking vengence if any and are not tools for fighting.

It is further requested that the letter if any written on filthy grounds requested to provide copies of all letters immediately so that action can be taken against those spoiling Scientific Department like C.G.W.B. for creating unhealthy atmosphere with me and with Shri Konwar and which are planned to spoil my C.R. and C.R. of Shri Konwar.

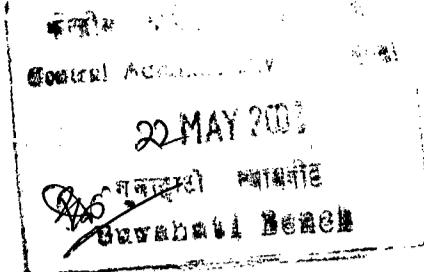
It is once again requested to provide all copies of letters if any written about me which are on filthy and obscence grounds. All the copies of letters should be provided to me immediately.

Thanking you,

Yours faithfully,

(Vijay Kr. Bharadwaj)
Sc.D. (Chem).

W.D.W.
Associate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by
the applicant through
29. Usha Das,
Advocate
20/5/03

O.A.No. 96 of 2003

V. K. Bhardwaj

..... Applicant

-VS-

Union of India & Ors.

..... Respondents

IN THE MATTER OF

An additional statement of fact
highlighting the subsequent
development of the case.

The humble applicant above mentioned

MOST RESPECTFULLY SHEWETH

1. That the applicant claiming settlement of TTA Bills and challenging the action of the Respondents in delaying the settlement of TTA Bills preferred the above noted OA. During the pendency of the OA. During the pendency of the OA the Respondents have issued an order dated 20.3.2003 by which the claim made by the applicant in respect of additional force from Guwahati to Nagpur and back is not permissible as the claim has been preferred after the expiry of the stipulated period.

A copy of the said letter dated 20.3.2003 is annexed herewith and marked as Annexure-B.

2. That the applicant states that after submission of the TTA bills the respondents by the reasons best known to them delayed the matter without any rhymes and reasons and

- 2 -

80

Because of such delay the settlement is yet to be finalised. Although the claim was preferred within the stipulated time frame but the matter was forwarded to the authority belatedly so that matter became time barred. As per the rules guiding the field the claim preferred by the claim was well within the time frame and as such the contention of the aforesaid impugned order is not at all sustainable. Apart from that the respondents have failed to take into consideration the provisions of law while issuing the impugned communication. The applicant through this application has brought the aforesaid fact to the notice of the Hon'ble Tribunal.

3. That the applicant states that the applicant by filing Annexure-6 representation dated 18.2.2003 made it known to the authority that the amount which is permissible may kindly be settled at an early date to ~~mitigate~~ the hardship. The Respondents however failed to take into consideration the aforesaid representation of the applicant and now by annexure-8 impugned communication dated 20.3.2003 by which the respondents sought to reject the claim of the applicant which he made well within the time frame in terms of the Rules guiding the field. Under the aforesaid fact situation the applicant prays before this Hon'ble Tribunal for an appropriate direction towards the Respondents to settle the TTA claim of the applicant treating it to be made within the stipulated timeframe.

4. That the applicant states that the Respondents have acted beyond its jurisdiction in issuing the impugned communication dated 20.3.2003 and thereby erred in law. It is further stated that the identity of the signatory and the dates indicated the impugned communication itself indicative

- 3 -

⑤

of the fact that the power exercised by him is not under any statute and there has been indication of malafide on the part of the respondents in issuing the same on this score alone the impugned communication dated 20.3.2003 is liable to be set aside and quashed.

5. That the applicant ^{as} ~~stated~~ above in view of the subsequent development has filed this additional statement of fact praying for treating the same to be a part of the OA made with a further prayer to set aside and quashed the impugned communication dated 20.3.2003.

6. That ^{two} additional statement of fact has been filed ^A bonafide and to secure ends of justice.

- 4 -

AFFIDAVIT

I Sri Vijay Kumar Bhardwaj, aged about 55 years, son of Late Madan Mohan Bhardwaj at present working as Scientist Grade-D (Chem) in the Office of the Regional Director, Central Ground Water Board, North Eastern Region, Near Rajib Bhawan, Tarun Nagar, Guwahati, do hereby solemnly affirm and state as follows;

1. That I am the petitioner and I am acquainted with the facts and circumstances of the case. I am competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying application in paragraphs _____ are true to my knowledge ; those made in paragraphs _____ being matters of records are true to my information derived therefrom. Annexures are true copies of the originals and grounds urged are as per the legal advice.

And I sign this affidavit on this the 20 th day of May ... of 2003.

Identified by me :

Misha Das.
Advocate

Deponent

Parag 21 P52

3 copy

5 -

ANNEXURE - 8 -24-

No.3-551/73-Ser Estt 26/03
Government of India
Ministry of Water Resources
Central Ground Water Board
NH 114, Faridabad

3M

To

The Regional Director,
Central Ground Water Board
NER, Guwahati.

SUB: Settlement of final TTA Bill in respect of Sh. V. K. Bhardwaj, Scientist-D (Senior Chemist)

Sir,

With reference to your office letter No.7981/210/CGWB/NER/Actt/02-03 dated 20th February, 2003 on the subject mentioned above and to inform that Sh. V. K. Bhardwaj, Senior Chemist is not entitled for additional fare from Guwahati to Nagpur and back as he has not shifted his family from Nagpur to Guwahati on transfer. *Mr. Bhardwaj 6 me*

Yours faithfully

M. C. Verma
26/03
(MOOL CHAND VERMA)
ADMINISTRATIVE OFFICER
For REGIONAL DIRECTOR & DIRECTOR (ADMIN)

Approved
N. D. D.
for. date

Notice

From,

Usha Das,
Advocate

34
Date - 20/5/03

To,

Sr. C.G.S.C.
CAT, Ghy

Sub: Additional Statement of fact
filed in ~~in~~ OA no. 96/03

Sir,

Please file herewith a copy of
additional statement of fact being
filed today. Kindly acknowledge the
receipt thereof.

Thanking You.

Sincerely Yours

Received copy

Usha Das
Advocate

Sr. C.G.S.C.
CAT, Ghy.

I undertake to serve
a copy of additional
statement of fact on
Mr. A. Deb Ray,
Sr. C.G.S.C., CAT, Ghy.

Usha Das
Advocate
20/5/03

=25

केन्द्रीय नदी नियंत्रण अधिकारी	
General Administrative Tribunal	
23 JUN 2003	
गुवाहाटी न्यायालय	No. 675
Guwahati Bench	

Fax : 2455497
 Ph : 2456276
 2529358
 2456298

85
 1/96/03/CGWB/NER/CAT/03
 Central Ground Water Board
 North Eastern Region
 Tarun Nagar, Bye Lane-1
 Guwahati-781005

To,

Sri A.Debroy
 Sr.CGSC, CAT
 Guwahati Bench

Sub: OA No.96/2003 filed by Shri V.K.Bhardwaj, Scientist-D
 v/s UOI and Others before CAT, Guwahati Bench.

Sir,

With reference to the above subject, please find enclosed herewith parawise comments for the subject case. You are requested to kindly prepare the draft counter affidavit on the basis of above parawise comments and send the same to this office for getting it vetted by the Ministry of Law, Department of Legal Affairs before filling.

Yours faithfully

U.GOGOI
 (U.GOGOI)
 Nodal Officer
 for Regional Director

18/6/03

Encl:

1. Copy of the OA.No.96/2003
2. Parawise comments alongwith Annexures 1-13

Copy to-

1. The Director(Adm), CGWB, NH-IV, Faridabad, for information.

26

PARAWISE REPLY OF COURT CASE NO.O.Aw96/2003 FILED
BY SHRI V.K.BHARDWAJ,SR.CHEMIST(SC'D') AGAINST GOVT
OF INDIA AT CAT, GUWAHATI BENCH, GUWAHATI

PARA - 1,2 and 3 : No Comments

PARA - 4,1 Joined on 20.2.2002 (Annexure-1)

TTA advance sanctioned vide Office Order No.60 of

2002 dated 5.2.2002 (Annexure-2)

Application for 6 months extension (Annexure-3)

dated 3.10.2002 and forwarded to Director Admin.Central Ground
Ground Water Board,Faridabad vide this letter No.3263/210/CGWB
NER/ACCTT/2002 dated 5.11.2002 (Annexure-4)

Extension was granted upto 19.11.2002 by CHQ,Faridabad
vide office order No.1069 of 2002 (Annexure-5)

Another application dated 26.11.02 has been received on
26.11.02 for extension but without furnishing any reason for
extension (Annexure-6)

Again on 26.12.02 another application has been received from
Sri V.K.Bhardwaj,SC'D' for extending time limit upto
20.2.2002 (Annexure-7)

Which is wrong.This could not be corrected as Sri V.K.
Bhardwaj was on leave from 30.12.2002 to 27.1.03

The applicant submitted his TTA bill on 17.2.03 (Annexure-8)
and not on 17.2.2002

The applicant's application dated 26.12.02 was forwarded to
Director Administration alongwith the TTA bill vide letter
No.7981/210/CGWB/NER/ACCTTs/02-03 dated.28.2.03 (Annexure-9)
and reply from CHQ received on 24.3.03 vide letter No.3-551/73-
Sci.Estt.2260 dated.20.3.2003 (Annexure-10)

He has availed leave to bring his family w.e.f.2.7.02 (Annexure-11)

27-
8X
ARA-4.2

NO Comments

PARA-4.3

Shri V.K.Bhardwaj Sr.Chemist(SC'D) having all India transfer liability had joined in this office on 20.2.02 on transfer from CGWB,CR,Nagpur and since then he is enjoying special facility(SDA etc) admissible to Central Govt.employees posted in NER from outside.The permissible period of 6 months for bringing his family expired on 19.8.02.Hence he was to seek permission of the competent authority immediately when he failed to bring his family within 6 months from the date of his joining here,but he applied for extension in ordinately delay i.e on 3.10.2002 which is a lapse of his part. (Annex-2)

PARA-4.4

There was not any intention to delay the matter of course sometime it takes time to complete the office procedure/formalities.

PARA-4.5

The competent authority (CHQ,CGWB,Faridabad) had approved the extension for bringing his family till 19.11.02 i.e. for 3 month beyond expiry of 6 months from the date of his joining here. He should have brought his family here within the extended period. (Annex-5)

PARA-4.6

His representation dated 26.12.02 was forwarded to our CHQ, CGWB,Faridabad(i.e.competent authority) for clarification/decision in the matter.

PARA-4.7

His TTA bill was submitted to this office on 17.2.03 and photo-copy of the said TTA bill was referred to our CHQ at Faridabad on 20.2.03 for decision (Annexure- 9)

28-
B

PARA-4.8 Shri Bhardwaj is not entitled to additional fare from Guwahati to Nagpur & back as he has not shifted his family as clarified by our CHQ (Annexure - 10) His TTA bill will be settled as per rules.

PARA-4.9 Extension period for bringing family may be permitted by the Head of Department in desesing cases. Accordingly he was permitted extension for shifting his family upto 19.11.02 by our CHQ at Faridabad. (Annex-3)

PARA-4.10 His TTA bill has not yet been rejected and it will be finalised as per his admissibility under TTA Rules.

PARA-4.11 The allegation made by Shri V.K.Bhardwaj against the respondent No.4 (Regional Director, NER Guwahati) is false and motivated. He (R/D) has never given threatening to Sri Bhardwaj over any matter.

PARA-4.12 His TTA bill will now be settled/released as per his admissibility under Rules.

PARA-5.1 His TTA bill will be settled/finalised as per the provision of TTA Rules and the question of illegal does not arise in this case.

PARA-5.2 To grant permission for bringing family, our CHQ at Faridabad (Head of the Deptt.) is the competent authority. Hence his claim can be settled only after obtaining the guidance/decision of CHQ, Faridabad.

PARA-5.3 His TTA bill can be settled as per his admissibility under existing Rules within permissible time limit.

PARA. 5.4 His TTA bill has not yet been rejected.

PARA-5.5 No Comments

PARA-5.6 No Comments

PARA-7 No Comments

PARA-8.1, to 8.5 No Comments

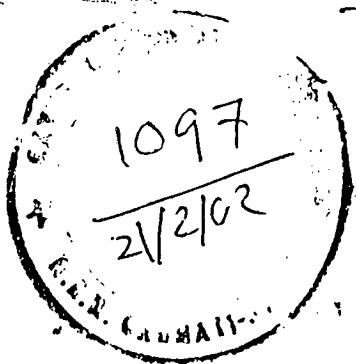
PARA-9 No Comments

Shri V.K.Bhardwaj was sanctioned LTC Advance
for the financial year 2000-2001
of Rs.4500/- from Guwahati to Indore & back for self only (Annexure- 12)
but he had submitted LTC final bill on 14.2.2003 for self & wife (Annex 13)

As per LTC Rules for availing LTC, prior approval
of the controlling officer, should be obtained before commencement of the
outward Journey. Hence the LTC in respect of his wife cannot be entertained
at this stage. However the bill will be finalised as per LTCs Rules, for self
only.

D - 936
Chittagong
Annex - 1
21.2.02

Off 102
- 30 - 40.



To

The Regional Director,
C.G.W.B., N.E.R.,
Guwahati

Sub : Joining Report.

Sir

I have joined my duty to day
i.e. on 20.2.2002 (F.N.) on transfer

from C.R. Nagpur to N.E.R., Guwahati

GP/2002

This is for your kind information

please.
20/2/2002

Thanking you.

Yours faithfully

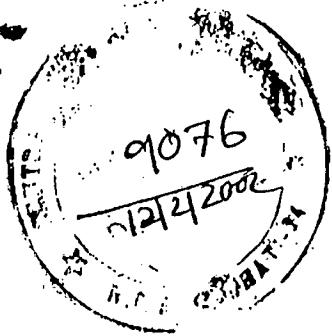
10974 B 2113 S102
20.2.2002

SC-D (Ahan)

Guwahati

20.2.2002

From B.C. Rani
10/2/2002



D-810
11.2.02. Annex 2
2
Annex 2

No. 7-1/209/Ac/
Government of India,
Central Ground Water Board,
Central Region,
New Secretariat Building,
Civil Lines,
N A G P U R - 440 001.

278 41
-31-

Dated the :- 5/2/2002.

OFFICE ORDER NO. 60 OF 2002.

Under the provision of rules 222 and 223 of GFR (Revised and Enlarged) 1963, as amended from time to time the sanction of Regional Director, Central Ground Water Board, Central Region, Nagpur is here by conveyed to the grant of T.T.A. advance and pay advance to Shri V.K.Bhardwaj, Scientist 'D' (Sr.Chemist) transfer from Central Ground Water Board, Central Region, Nagpur to Central Ground Water Board, NER, Gauhati.

1. T.T.A. advance Rs.45,000/-
2. Pay advance Rs.15,000/-

Total -----
Rs.60,000/-

(Rupees Sixty thousand only)

Off Balance
11/2/2002

The TTA advance will be recovered in lumpsum from his T.T.A. bill and pay advance may be recovered in three equal instalments from his salary

6/2/02
(H.M.KUMARAY)
ADMINISTRATIVE OFFICER
for REGIONAL DIRECTOR.

DISTRIBUTION :-

1. Shri V.K.Bhardwaj, Scientist 'D' (Sr.Chemist), CGWB, CR, Nagpur.
2. The Pay & Accounts Officer, CGWB, N.H.IV, Faridabad.
3. The Director (Admn), CGWB, N.H.IV, Faridabad.
4. The Regional Director, CGWB, NER, Gauhati.
5. The Accounts Section, CGWB, CR, Nagpur (2 copies).
6. Pay bill clerk, CGWB, CR, Nagpur.
7. Office Order file.

V 111 01.10.02

Annex 3

Annex 3

32

32

To

26/6

24/6

07/7/02

4. SACHAT

The Regional Director

C.G.W.B., N.E.R.

Guwahati (Assam)

Sir,

I have joined this Region on 20.2.2002 (C.F.N.). Due to my health problems when I was fell ill at Indore, It was not possible for me to work for extension of F.T.A. till for six months time. I request you to kindly consider my case sympathetically and permit me to avail 6 month time to bring my family which is abroad in Nagpur (M.s.)

Kindly extend six months time

DDO/01
31/02
Regd. No. 2
31/02

so that widowed can bring
family from Nagpur to Amravati.

Thank you,

yours faithfully

Patil ^{Patil}
3-10-2002

SC-1 (Cm)

Amravati

(Assm)

3-10-2002

NO 3263 / 210/CGWB/NER/ACtt/2002
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar
Bye Lane No. I
Guwahati-781005

Dated: 5.11.2002

To:

The Director (Admn.)
Central Ground Water Board,
NH-IV, Faridabad
Haryana

Sub:

Extension of time limit to bring family

Sir,

I am directed to forward herewith an application received from Sri V.K.Bhardwaj, Sc'D' which is self explanatory.

It is requested to extend time limit by three months for utilisation of T.T.A. by Sri V.K.Bhardwaj, Sc'D' as admissible under the rule.

Yours faithfully,

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

Encls: As Above

OR
30/11/02

N.O.O.

Copy to:

Sri V.K.Bhardwaj, Sc'D', CGWB, NER, Guwahati for his information.

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

OR
30/11/02

11/12/02



D-5337
19.12.02

Annex-3

34V
44
Ref. No. 9781
No. 3-551/73.Sci.Estt. 9781
Government of India
Central Ground Water Board
Ministry of Water Resources
NH IV, Faridabad.

Date: 13 DEC 2002

OFFICE ORDER NO.1069 OF 2002

Under the provisions of SR-116 (iii) (b), approval of the competent authority is hereby conveyed in favour of Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining at CGWB, NER, Guwahati i.e. 20.2.2002 and prefer his family's TTA Claim upto 19.11.2002. He may also refer to SR-194 A and Government of India's orders below it.

B. S. S.
ADMINISTRATIVE OFFICER
12/12/02.

DDO PA
MR
19/12/02
in P.C. Register No.

Distribution:

1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

D-504
27.11.02
Printed
Through a 'channel'

To

1245

3/12/02

The Director (Administration)

CGWB, N.E. N.H.-IV, Faridabad (Haryana)

Sub: Extension of time limit to bring
family (wife & kids)

Re: letter no. 3263/216/CGWB/NER/RCCL/

2002 dt. 5.11.2002

Sir,

DDO P
forward
M.R.P
26/11/02
B.C. Rajbhangshi

It is requested to extend time
limit by two months for
utilization of T.T.M. by the concerned
which is admissible under the
rule.

Yours faithfully

Sarju B. M. DAS S.I.
26.11.2002

S.C.-1 (ccn)

Guwahati

26.11.2002

To

The Director (Administration)
Central Ground Water Board
N.H. No. 1, Faridabad (Haryana)

(Through proper channel please)

Sir,

With reference to office order No. 1069
of 2002 dated 13.12.2002 (Request for
extension of T.T.A. permissible limit/
time to avail T.T.A. facilities upto 20.2.2003
which shall be conveyed to the undersigned
in advance (say before one month, say
15/12/2002 upto 20.1.2003) so that the undersigned
can plan to bring family from Nagpur
to Gauhati), I wish to inform as
under -

① The above office order (1069 of 2002
dated 13.12.2002) is received by the
undersigned on 19.12.2002 allowing me
to avail T.T.A. facilities upto 19.11.2002

(ii)

38- The time limit 1.2.19.11.2002 is
already expired before one month
since the office order received by
me undesignated on 19.12.2002 (Exactly
after one month) After expiry of
time which is stated in office order
(No. 1069 of 2002 dated 13.12.2002) received
by me on 19.12.2002, I request you to
kindly permit me to bring my family
by extending time upto 20.2.2002 by
convey me the permission well in
advance (say before one month i.e. upto
20.1.2003) so that it can be planned
to bring my family from Nagpur to
Guwahati.

Guwahati
Thanking you,

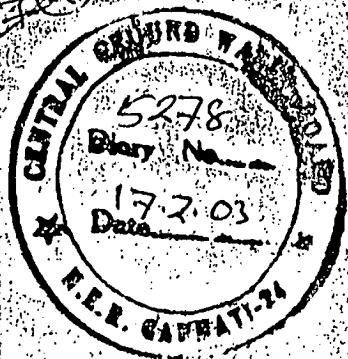
Guwahati
24.12.2002
26.12.2002
26.12. Enc.

Yours faithfully
Amit Bhai 24.12.2002

(Vijay Kumar Baradwaj)

S-1 (Enc.)

Regd. Post. (a/c)
109
Chit
Anno
The Regional Director,
C.G.W.B. (N.E.R.)
Guwahati (Assam)



Sub : Submission of T.T.A. Bills

Sir

I kindly find enclosed T.T.A. Bills
(in duplicate) along with Eleven
original vouchers and one photocopy
(original with R/stm, Guwahati) for 1/1.
(Original with R/stm, Guwahati) for 1/1.
Please.

Yours faithfully

Thank you.

1994/3/20

2003 ✓
17.2.2003

Guwahati
(Assam)

17.2.2003

Rekha
B. Enc. As above i.e. 11 original
Vouchers along with T.T.A. Bills in duplicate
by one photocopy (Scotter)

pegd son
No. 7981/211/CGB/NER/Accounts/02-03
Govt of India,
Central Ground Water Board,
North Eastern Region,
Tarun Nagar, bye lane-1
Guwahati-781005

Dated: 10 February, 2003

To

The Director (Admn),
Central Ground Water Board,
N.H. IV, Faridabad,
Haryana

Sub: Settlement of Final TTA bill in respect of Sri
V.K. Bhardwaj, Sc. 'D' - regarding.

Sir,

I am directed to seek your advice in connection with settlement of TTA bill of Sri V.K. Bhardwaj, Sc. 'D'. Sri V.K. Bhardwaj, Sc. 'D' who joined this office on 20.2.02 could not bring his family along with him due to his ill health although he has performed the journey from Guwahati to Nagpur on 3.7.02 and Nagpur to Guwahati on 20.9.02 for the purpose. Therefore, he has applied for extension of required time to bring his family on 3.10.02 after expiry of six months time. His representation was sent to you vide this office letter No. 3263/210/CGB/NER/Accounts/02 dt 5-11-02 and consequently Office Order No. 1069 of 2002 under letter No. 3-551/73.Sci.East.9781 dt 13th December, 2002 had been issued by you for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining to prefer his TTA claim upto 19.11.02 and also refer to SR-194A and Govt. of India's Order below it.

But after receipt of the said Office Order Sri V.K. Bhardwaj, Sc. 'D' has again represented vide his application dt. 26-12-02 (Copy enclosed) to permit him to bring his family upto 20.2.02 (date should have been 20.2.03) since Office Order which granted the time limit upto 19.11.02 had been received on 19.12.02. But since, he was also allowed to refer the SR-194A and Govt. of India's Order below it he was verbally told by this, about the provision of SR-194A and his representation dt 26-12-02 was not sent to you. Inspite of that Sri V.K. Bhardwaj, Sc 'D' apparently found not appropriate to bring his family and submitted his TTA bill to this office on 17.2.02 with the additional fare for himself which he had performed to bring his family.

It is therefore, requested kindly to look into the matter and allow him the additional fare or a favourable decision in this regard may be given as per admissibility at an early date in view of his representation dt 26.12.02 so as to enable this office to settle his TTA claim.

Yours faithfully,

(B.C. KALITA)

Scientist 'B'

Off for Regional Director

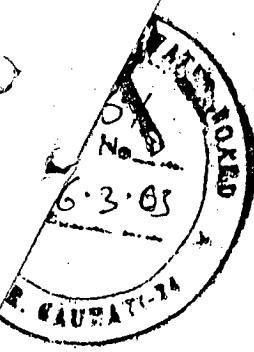
Encl: (1) His representation
dt 26.12.02

(2) Photo Copy of TTA
bill

Copy for information to:-

Sri V.K. Bhardwaj, Sc 'D' for his information

(B.C. KALITA)
Off. only
B.D.O.



D-6559
25.3.03

Annex-10
40

HCR
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No.3-551/73-Sci.Estt 2260
Government of India
Ministry of Water Resources
Central Ground Water Board
NH IV, Faridabad

DATED: 20 MAR 2003

To

The Regional Director,
Central Ground Water Board
NER, Guwahati.

SUB: Settlement of final TTA Bill in respect of Sh. V. K. Bhardwaj, Scientist-D (Senior Chemist)
Sir,

With reference to your office letter No.7981/210/CGWB/NER/Actt/02-03 dated 20th February, 2003 on the subject mentioned above and to inform that Sh. V. K. Bhardwaj, Senior Chemist is not entitled for additional fare from Guwahati to Nagpur and back as he has not shifted his family from Nagpur to Guwahati on transfer. with ~ *Mr. Slipulated fine.*

Yours faithfully

M.C.V.

15/3/03
(MOOL CHAND VERMA)

ADMINISTRATIVE OFFICER
For REGIONAL DIRECTOR & DIRECTOR (ADMN)

Mr. Bhardwaj
29/3/03
R. Rajendra Singh N

18/12
TAI
80

50

छुटी की अर्जी का कार्ड
FORM OF APPLICATION FOR LEAVE

प्रयोग वारों।
S.R.I

राजस्व विभाग के (मनुप्रक नियम 21.6 विविध) / (See supplementary Rule 21.6) विधियों (प्रधान, सं.) 1 से 11.1 प्रत्येक प्रार्थी के सरकी यात्रा, याहूं वह राजपत्रित हो वराजपत्रित।

Note: Items 1 to 11 must be filled in by all applicants whether gazetted or non-gazetted.

1. प्रार्थी का नाम/Name of applicant VIJAY KUMAR BHARADWAJ

2. लागू होने वाली छुटी नियमावली/Leave rules applicable

3. पद/Post held As Adminisit

4. विभाग, कार्यालय और अनुभाग/Office and Section CWB, NER, Guna Hatti

5. वेतन/Pay Rs. 1500/-

6. वर्तमान पद पर मिलने वाला मकान किराया
भत्ता, सबारी भत्ता, या अन्य प्रतिकर भत्ते।
House rent allowance, conveyance allowance, or
other compensatory allowances drawn in the
present post.

7. मांगी गयी छुटी की किस्म, अवधि और उसके शुरू होने की तारीख/Nature and period of leave applied for and date from which required.

11 days' E.I.L. W.e.f. 27.7.2022 to 12.7.2022

8. रविवार और छुटी के दिन, यदि कोई हो, जिन्हे छुटी से पहले/बाद में जोड़ना चाहते हैं।
Sundays and holidays, if any proposed to be prefixed/suffixed to leave.

13.7.2022 / 14.7.2022
by Saturday & Sunday

9. छुटी का कारण
Ground on which leave is applied for

10. पिछली छुटी से लोटने वी तारीख और उस छुटी की किस्म तथा अवधि।
Date of return from last leave and the nature and period of that leave.

11. मेरा विचार आगामी छुटी में के बाण वर्षी के लिए छुटी यात्रा की कैफियत लेने का है/नहीं है। I propose/do not propose to avail myself of leave travel concession in the block years..... during the ensuing leave.

12. (क) मैं बचन देता हूं कि औसत वेतन छुटी/परिवर्तित छुटी की अवधि में लिए गए छुटी वेतन और आधे औसत वेतन/आधे वेतन को छुटी से मिलने वाले वेतन के अन्तर को टप्स रकम को वापस कर दूंगा जो छुटी की समाप्ति पर अथवा उसके दोरान मेरे सेवा निवृत्त होने की स्थिति में मैल नियम 8। (ब) (II) /संशोधित छुटी नियमावली, 1933 के नियम 11 (ग) (III) के लागू न होने पर अनुमत्य न होती।

I undertake to refund the difference between the leave salary drawn during leave on half pay leave and that admissible during leave on half average pay/ rule 11(c) (III) of the Revised Leave Rules, 1933, not been applied in the event of my retirement from service at the end or during the currency of the leave.

12. (ब) मैं बचत देता हूँ कि मेरे स्वेच्छा से सेवा निवृत्त होने या सेवा से त्याग-पत्र देने तक यदि मैं कम से कम आधे वेतन की उत्तरी छुट्टी अंजित न कर सके जितनी अंग्रेज छुट्टी मैंने ली है तो अंग्रेज छुट्टी के दोगुना जो मूल नियम ४। (ग) संशोधित छुट्टी नियमावली, १९३३ के नियम १। (घ) के लक्ष्य तक किए जाने पर सुन्दर ज्ञानमिल प्राप्ती।

(b) I undertake to refund the leave salary drawn during leave not due which would not have been admissible had F. R. 81 (c)/Rule 11 (d) of the 'Revised' Leave Rules, 1933 not been applied, in the event of my voluntary retirement or resignation from service at any time until I earn half pay leave not less than the amount of leave not due availed of by me.

तारीख/Date: २७.६.२००२ प्रार्थी के हस्ताक्षर/Signature of applicant १९९५/३२१ २१.२.५.२०२२

13. नियंत्रण अधिकारी की टिप्पणी या सिफारिश। Remarks and/or recommendation of the Controlling Officer.

Signature of Controlling Officer २७.६.२००२

SC-D Cclay

तारीख/Date.....

छुट्टी की अनुमत्यता के बारे में प्रमाण-पत्र
CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE
(राजपत्रित अधिकारियों के सद्वध में महालेखाकार द्वारा)
(By Accountant General in the case of gazetted officers)

14. प्रमाणित किया जाता है कि

तक दिन के लिए

नियम के अधीन।

Certified that for
is admissible under rule
from to (Period)

(छुट्टी की किसी) अनुमत्य है।
(Nature of Leave)

हस्ताक्षर/Signature.....
पदनाम/Designation.....

तारीख/Date.....

15. *स्वीकृति दो वाले अधिकारी के आदेश।

*Orders of the sanctioning authority:

प्रदेशी नियम १९३३ के अनुसार यहाँ लिखना।

पदनाम/Designation.....

तारीख/Date.....

*यदि प्रार्थी को कोई प्रतिकर भत्ता मिलता हो तो मंजूरी देने वाले अधिकारी को यह लिखना चाहिए कि छुट्टी पूरी होने पर प्रार्थी उसी पद पर या किसी ऐसे पद पर लौटने की आवश्यकता है या नहीं।

जहाँ इसी प्रकार का भत्ता मिलता हो।

*If the applicant is drawing any compensatory allowance, the sanctioning authority should state whether on the expiry of leave he is likely to return to the same post or to another post carrying a similar allowance.

प्रमाणमुद्रक-35 सिविल/91-92-प्रासमुद्रक-(सी-27)-25-11-91-80,00,000।

MGIPTC-35 Civil/91-92-GIPTC-(C-27)-25-11-91-80,00,000।

(S.F. 12) 103560 / FF / 10-54 / CGWR / IER / Estt / 2002
 Government of India,
 Central Ground Water Board,
 North Eastern Region,
 Tarun Nagar, G.S. Road,
 Guwahati - 781005.

(S.F. 13) - 43 - 52

Dated :- 19.12.02

OFFICE MEMORANDUM

Sri. V. K. Bhardwaj Sr. Chemist (S.c.D) Central Ground Water Board, IER, Guwahati - 781005 is allowed to avail L.T.C. for Self and family as detailed below :-

Sl. No.	Family Name	Relationship	Age	Block/year of ITC of L.T.C.	Place of Journey
1.					
2.					
3.					
4.					
5.					
6.					
7.					

Sanction is hereby accorded under the provision of Rule 235 of G.F.R. (Revised & Enlarged, 1963) to the grant of ITC advance amounting to Rs. 4500/- (Rupees Four Thousand Five Hundred Only) to Sri. V. K. Bhardwaj Sr. Chemist (S.c.D) Guwahati being the 4/5 of the Railway Travel Expenses. He has been granted 19 days E.L. w.e.f. 30.12.2002 to 17.01.2003 pertaining to 29th Dec 2002 and 18th & 19th Jan 2003 following conditions should be followed as per ITC rules :-

1. Outward journey should commence within 60 days of receipt of ITC advance otherwise the advance should be refunded.
2. Tickets for outward journey should be purchased within 10 days of receipt of ITC advance. This should be deposited with the Director or OIC of the region and SUO and should be taken back on the last working day before departure outward journey.
3. The advance should be adjusted in full through ITC advance bill immediately on return.

B. Majhi

DIRECTOR.
 C.G.W.B., N.E.R.

DISTRIBUTION :

1. Sri. V. K. Bhardwaj Sr. Chemist (S.c.D) C.G.W.B., N.E.R.
2. The Pay & Accounts Office, CGWR, III-IV, Faridabad, Guwahati (2 copies) for information and necessary action.
3. Accounts Section, CGWR, IER, Guwahati (2 copies) for information and necessary action.
4. Office Order file.

16/03/18/12

*P. M. *
 21/12/97.

S.C.
 18/12/02

वित्त द०/Sub Bill No..... संक्षेप में इसके लिए छट्टी यात्रा रियायत बिल
 *वर्ष से तक के लिए इसके लिए छट्टी यात्रा रियायत बिल
 Letter Travel Concession Bill for the block of year.....
 योग्यता :- यह वित्त द० मित्रियों में, एक संवाद के लिए और दूसरी कार्रायत प्रति के लिए तैयार किया जाना चाहिए।
 जोर—This bill should be prepared in duplicate—one or payment and the other as office copy.
 पारग-ग (सरकारी सेवक हारा यात्रा जाना है)
 PART-A (To be filled up by Government servant)
 SK-17

1. नाम/Namo..... V. K. Bharadwaj 2. पदनाम/Designation.....
 3. वेतन/Pay..... 15,000/- 4. मुख्यास्थ/Headquarters..... कुल
 सक. मंजूरी की गई छुट्टी की प्रगति और व्यापक
 से.....to.....

5. Nature and period of leave sanctioned, from.....
 6. कुटुम्ब के सदस्यों को विविधियाँ, जिनको वार्षिक छूटी यात्रा रियायें दी गयी है।
 Particulars of members of family in respect of whom the L. T. C. has been claimed.

क्रम संख्या Sl. No:	नाम Name	वयस्सा Age	सरकारी सेवक से संबंध Relationship with the Govt. servant
1.	V.K. Bharadwaj	55	Self
2.	Smt. Mamini Bharadwaj	45	wife
3.			
4.			
5.			
6.			

7. सरकारी सेवक और एसके कुटुम्ब के सदस्यों द्वारा की गई पाता (पातामो) की जांच:-
 Details of Journey(s) performed by Govt. servant and the members o' his/her family:-

8: लिए गए अधिग्रह की रकम, यांत्रिकी है।

10. रेल से जुड़े स्थानों के बीच, गाड़ियां मार्ग से की गई यात्रा/यात्राओं के व्यापार :—
 Particulars of journey(s) of performed by road between places connected by rail :—

प्रमाणित किया जाता है कि/Certified that the

प्रमाणित किया जाता है। (Corroborated).....

1. कार दी गई जानकारी मेरे नवोंतम ज्ञान और विश्वास के अनुसार सत्य है, और Information, as given above is true to the best of my knowledge and belief and
2. मेरा/.....मेरी पत्नी सरकारी सेवा में नियोजित नहीं है ये या पति/मेरी पत्नी सरकारी सेवा में नियोजित है और उसमे वर्ष के ब्लाक के द्वारा आपने लिए या कुटुम्ब के लिए रियायत पा उपयोग नहीं किया है।
3. That my husband/wife is not employed in Government service/that my husband/wife is employed in Government service and the concessional has not been availed of by him/her separately or himself/herself, or for any of his family members for the connected block of.....years.

सरकारी सेवक के हस्ताक्षर /Signature of Government servant
तारीख / Date

प्राप्ति द्वारा अनुरोध में दरा जाता है।
PART-B (To be filled in the Bill Section)

1.	छुटी यात्रा विवरण मेंदूरे छुट्टी इलाजारी	द० रुपयी है जिसकी व्यापे निमि दिए हैं :-
	This net entitlement on account of leave travel concession works out to Rs.....as detailed below :-
(क)	रेल/वायुयान/बस/स्टीमर यात्री भारा	द०
(द)	Railways/Air/Bus/Steamer fare Rs.....	के अनुसार सिए गए विभिन्न परी रकम यही
(ग)	वातुवर सं०	सारोद
	वटा वे ।	
(b)	Less amount of advance drawn Vide Voucher No.....	द० /Rs.....
		मुद्र रकम/Net amount द० /Rs.
2.	दृग्य	में विकल्पनीय है ।
	The expenditure is debitable to ()	
	१. डिक्टेन्ट/Officer of All clerk	प्रांदान श्रीर संतिरक अधिकारी के हस्तांश/Signature of D. D. O.

आदान और संति अधिकारी के हस्ताक्षर/Signature of D. D. O.

प्रति प्रस्तावित/Countersigned

४. नियन्त्रक अधिकारी का दाखिला/Signature of Controlling Officer

प्रमाणित किया गया है कि श्री/श्रीमति/डॉ की सेवा
युक्तिका में आवश्यक प्रविष्टियाँ कर दी गई हैं।
Certified that necessary entries have been made in Service Book of Shri/Shrimati/Miss.,

सेवा गुम्भिरा में की प्रतिनिधियों को अनुप्रभावित करने के लिए प्राप्त इस अधिकारी के हस्ताक्षर
Signature of the Officer authorized to attest entries in the Service Book:

प्रगासनुटेक - 22 सिविल / 90-91-भासपटेक - (पी-15) - 4-4-91 - 4,000,000
प्रगासनुटेक - 22 सिविल / 90-91-भासपटेक - (पी-15) - 4-4-91 - 40,00,000.

NOTICE FOR APPEARANCE AND PRODUCTION OF RELEVANT RECORDS.

(Under Rule 29 of the Central Administrative Tribunal Rule of Practice 1993)

Vikas Bhardwaj
(APPLICANT (S))

ORIGINAL APPLICATION NO. 96/03/977 (4)

VERSUS UNION OF INDIA & ORS at 14-5,
RESPONDENT (S)

Represented by the Applicant Adv. Represented by Sri C.G.S.C/Addl.
Sri S. Sanna C.G.S.C./Govt. Adv.

To

The Regional Director,
Central Ground Water Board, North Eastern Region,
Near Rajib Bhadra, Tarihi Nagar, Dibrugarh-1, Assam

WHEREAS AN APPLICATION filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereinto has been registered and upon preliminary hearing the Tribunal has directed that you should be given and opportunity to show cause why the application should not be admitted, or why it should not be disposed of at the stage of admission itself, if admitted why it should not be disposed of at the subsequent stage without any further notice. In order to contest the application, you may file your reply along with the documents in support thereof and after serving copy of the same on the applicant or his legal practitioner within 30 (thirty) days of the receipt of this notice and appear before this Tribunal either in person or through a Legal Practitioner/Presenting Officer appointed by you in this behalf.

THEREFORE, notice is hereby given to you to appear along with the relevant records before this Bench of the Tribunal in person or through Legal Practitioner/Presenting Officer in this matter at 10.30 a.m. of the 13th day of January 2003. If you fail to appear the application will be heard and disposed of in your absence without any further notice to you.

GIVEN UNDER my hand and seal of the Tribunal this day of

14/1/2003
Enclo: An Application &
Order Dtd. 7/1/2003

BY ORDER OF THE TRIBUNAL

[Signature]
14/1/2003
DEPUTY REGISTRAR.

[Signature]
23/5/2003

[Signature]
J. George
Notary Officer
(CC)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No.: 96/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) V.K. Bhattacharyya

-Vs-

Respondent (s) U.C. Jain

Advocate for the Applicant (s) S. Sarma, Mr. U. Deka

Advocate for the Respondent(s) CASE

Notes of the Registry

Date

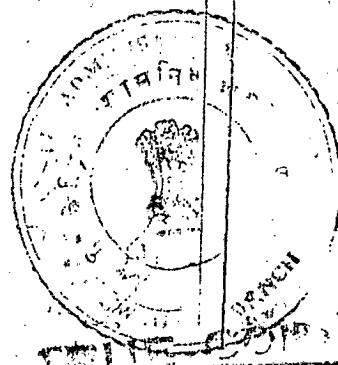
Order of the Tribunal

9.5.2003

Heard Mr. S. Sarma, learned counsel for the applicant.

Issue notice on the respondents to show cause as to why the application shall not be admitted returnable by four weeks.

List on 13.6.2003 for reply. Pendency of this application shall not preclude the respondents to consider the prayer of the applicant.



Sd/ VICE CHAIRMAN

(Signature)

S. SARMA
VICE CHAIRMAN
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

48-
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APPEAL BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act, 1985)

2. FILING.

O.A. No.

96

of 2003

BETWEEN Section 19 of the TTA Bill of the Central Adminis-
trative Tribunal Act, 1985 filed before the Central Adminis-
trative Tribunal at Guwahati Bench, Assam,
Brin Vijay Kr. Bhardwaj, IAS, 21 of the Central Adminis-
trative Tribunal Act, 1985, Scientist - 'D' (Chem),
Central Ground Water Board,
North Eastern Region,
Tarun Nagar, Bye Lane-1,
Guwahati-781005.

3. BRIN VIJAY KR. BARDWAJ Applicant.

1. The Union of India.
/ Represented by the Secretary to the
Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi-110011.
2. The Chairman
Central Ground Water Board
Jam Nagar House
Managing Road, New Delhi-110011.
3. The Director (Adm) of the Regional Office
Central Ground Water Board
(N.H.IV, Faridabad, till 10th January 2002 and thereafter
Haryana,
4. The Regional Director after of the Regional Office
Central Ground Water Board,
(North Eastern Region, the Respondent No. 1, i.e.,
Near Rajib Bhawan,
Tarun Nagar, Bye Lane-1, or where ever existing till
Guwahati-8.

Request for providing the period of 6 months
The same, however, on the representation from the
Respondents,
the Respondent No. 4 relieves to instruct the other
the applicant. The applicant, however,

REASON FOR PARTICULARS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION

IS MADE: by the respondent No. 1 and others
This present application has been made against the
actions of the respondents in not setting the TTA Bill of the

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applicant by issuing various orders which are reflected more particularly in para 4 facts of the case below.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the petitioner is aggrieved by the action of the respondents in not setting the TTA Bills by showing various reasons without any authority. The applicant while was working as scientist 'D' in Nagpur, received an order of transfer in the month of February 2002 and immediately he carried out the said order of transfer and on 28/2/2002 he joined the office of the respondent No.4 at Guwahati. The applicant at the time of transfer applied for TTA along with a request for extending the period of 6 months for drawl of the same. However, these representations have been forwarded by the respondent No.4 belatedly to frustrate the claim of the applicant. The applicant submitted number of representations for extending the period of submission of TTA Bills. But most of those representations were never forwarded by the respondent No.4 and other representative competent authority so that too frustrate the claim of the applicant. The applicant on 17/2/2002 submitted his TTA

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headed not
along with
his family

Bills but for the reasons best known to the said authority the aforesaid TTA Bills are yet to be settled. The respondents issued various orders by which the claim of the applicant has been rejected on the ground that the TTA Bills were submitted after the expire of the stipulated time frame. The Rules cited by the respondents in one of its impugned orders indicates that the claim for TTA Bills can be placed within one year and even beyond the aforesaid stipulated period subject to clearance from the competent authority. Even after repeated persuasion the respondents have not yet released the aforesaid TTA Bills of the applicant. The applicant having no other alternative as a last resort has come under the protective hands of this Hon'ble Tribunal.

Wrong

4.2. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicant initially joined as a Technical Asstt. under Central Ground Water Board (Ministry of Water Resources). the sincere and devoted services of the applicant helped him in earning promotion and within a short time he got his promotion up to the level of Scientist-D. The applicant during his service tenure had occasioned to serve various stations through out the country. The applicant while was working as scientist "D" at Nagpur received an order in the month of February 2002 by which he was transferred to the present place of posting. The applicant pursuant to the aforesaid order of transfer joined the service on 28/2/2002 as Scientist-D and in the same

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capacity he is still working under the direct control of respondent No.4. The applicant as per the Rule is entitled to TTA for his family in the event of transfer from one station to another. The Rule also stipulates the time period for submission of TTA Bills. As per the Rule SR116 the stipulated time period is 6 months with a rider that the competent authority may extend the aforesaid period under special circumstances. On the other hand in their terms of SR 194(A), the aforesaid stipulated time period is one year. The applicant submitted an application praying for extension of time for submission of TTA Bills. As stated above on 20/2/2002 the applicant resumed his duty at Guwahati and thereafter he took earned leave w.e.f. 2/7/2002 to bring his family but he fell ill and could not bring his family within the time stipulated. During the period of Medical leave he even could not prefer representation for extension of time. However on 3/10/2002 highlighting the aforesaid factual events he preferred a representation to the concerned authority praying for extension of time enabling to bring his family at an early date.

A copy of the said representation dated 3/10/2002 is annexed herewith and marked as Annexure-1.

4.4 That the aforesaid Annexure-1 representation was received by the Respondent No.4 on same day but the said respondent No.4 with an intention to delay the matter and to frustrate the claim of the applicant forwarded the same to the respondent No.3 by a letter dated 5.10.2002.

A copy of the said letter dated 5.10.2002 is annexed herewith and marked as Annexure-2.

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4.5. That the respondent No.3 thereafter issued an order dated 13.12.2002 by which the period for preferring his family TTA Bills has been extended up to 19.11.2002. The aforesaid order was received by the applicant on 19.12.2002.

A copy of the said order dated 13.12.2002 is annexed herewith and marked as Annexure-3.

4.6. That the applicant immediately on receipt of the said order preferred a representation dated 26.12.2002 highlighting the fact that the extension order dated 13.12.2002 has been issued after the expiry of the cut off date issued (19.11.2002) and same was received by him on 19.12.2002 and as such he once again prayed for extension of the aforesaid cut off date to a reasonable period. However from the Respondents there was no communication in respect of his aforesaid representation dated 26.12.2002.

A copy of the said representation dated 26.12.2002 is annexed herewith and marked as Annexure-4.

4.7. That the applicant begs to state that he could come to know from liable source that the aforesaid Annexure-4 representation was never forwarded by respondent No.4 to the Respondent No.3. Under these circumstances the applicant before expire of one year submitted the TTA Bill on 17.2.2002. The respondent No.4 exactly on expire of one year period w.e.f. his date of joining (28.2.2002) that is on 28.2.2003 issued a letter to the respondent No.3 forwarding his representation dated 26.12.2002 requesting him to take necessary action in this regard.

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dated 20.2.2003 is annexed herewith
and marked as Annexure-5.

4.8. That the applicant begs to state that the aforesaid TTA bills and representations were followed by another representation dated 18.2.2003 highlighting the fact that under compiling circumstances he had to submit the TTA bills on 17.2.2002 with a request to release/settle the bill within the permissible limit, as per his entitlement.

A copy of the said representation dated 18/02/2003 is annexed herewith and marked as Annexure-6.

4.9. That the applicant begs to state that under the Rules guiding the field he is entitled to get extension even beyond the prescribed limit. It is noteworthy to mention here that the authority in fact extended the said period but it was communicated to the applicant after the expiry of said extended period. That extension in fact served no purpose to the applicant as it was communicated after its expiry.

4.10. That the applicants state that the respondents have acted contrary to the Rules guiding the field. It is further stated that there are no ground for rejection of the case of the applicant and it is a fit case wherein this Hon'ble Tribunal may be pleased to direct the respondents to release the TTA bill of the applicant so that he can bring his family members to Guwahati.

4.11. That the applicant begs to state that the action/inaction on the part of the respondents in not setting/releasing the TTA bill is a net result of malafide extension of the respondent No.4. In fact the respondent

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b3

No.4 is putting pressure on the applicant to reduce the grading of one officer namely P.K.Konwar. However, the applicant point blank rejected such illegal direction but the respondent No.4 kept on pressuring the applicant in this regard. The respondent No.4 ever has gone to the extant of threatening the applicant even pointing out to his own ACR's. Situated thus, the applicant has preferred a representation to the respondent No.3 highlighting the aforesaid factual expert of the matter. And infact this is the core reason as to why the TIA bills of the applicant is yet to be settled.

A copy of the said representation is annexed herewith and marked as Annexure-7.

4.12. That the applicant begs to state that in terms of the Rules guiding the field, he is entitled to the claim made by him on 17.2.2003. In fact the applicant has been pursuing the matter before the authority concerned through respondent No.4, but for the reasons best known to him the said respondent No.4 never forwarded the representations/ requests to the concerned authority with some ulterior motive. In such an eventuality the applicant is not and/or about the actual orders passed in this regard by the respondent No.3. The applicant through his various representations made it known to the authority concerned that what ever amount he is entitled to may kindly be released so that he can bring his family. In this peculiar circumstances, the applicant having no other alternative has come under the protective hands of this Hon'ble Tribunal seeking an appropriate remedies.

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b4

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondents have acted illegally in not setting the TTA bills of the applicant and their such action/inaction can be termed as illegal and same are required to be set aside and quashed.

5.2. For that the respondent No.4 has acted illegally in adopting delaying tactics with the intention to frustrate the claim of the applicant and as such appropriate direction need be issued for releasing TTA bills from the personal pay of the said respondent No.4.

5.3. For that the Rules guiding the field is very clear regarding finalisation of TTA claims even after the expire of the stipulated time frame and as such the action of the respondents may be declared unconstitutional/ illegal/ arbitrary directing them to settle/finalise the TTA bills of the applicant as per his entitlement.

5.4. For that the respondents have acted contrary to the settled proposition of law in rejecting the TTA claim of the applicant and as such their such action is required to be set aside and quashed.

5.5. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

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6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to settle the TTA bills of the applicant forthwith as per his entitlement.

8.2. To set aside and quash any such order/orders rejecting the claim of TTA made by the applicant.

8.3. To direct the respondent not to act upon any action detrimental to his ACR's or any service conditions in terms of Rules.

8.4. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of the application, the applicant prays for an appropriate interim order releasing his TTA bills.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. :
2. Date :
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Sri Vijay Kumar Bharadwaj, aged about 35 years, at present working as Scientist Grade-D(Chem) in the office of the Regional Director, Central Ground Water Board, North Eastern Region, Near Rajib Bhawan, Tarun Nagar, Guwahati, I hereby solemnly affirm and verify that the statements made in paragraphs are true to my knowledge and those made in paragraphs are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the ... day of of 2002.

Signature.

To,
The Regional Director,
C.B.W.B, N.E.R.,
Guwahati (Assam)

Sub:- Request for extn. of T.T.A. time for six months.

Sir,

I have joined my duties on 20.2.2002. I have taken E.L. w.e.f. 2.7.2002 to bring my family from Nagpur to Guwahati after meeting my old and ill mother (INDORE) but unfortunately fell at Indore and was on medical leave w.e.f. 13.7.2002 to 13.9.2002 (The photocopies of medical certificates are enclosed for ready reference). Since the period of six months for bringing my family was already expired on 20.8.2002 I could not bring my family. I was having fluctuating blood pressure and allied problems to such an extent that I could not be able to write even extension of T.T.A for further six months.

I request you to kindly permit me by extending permissible time so that I may be able to bring my family from Nagpur to Guwahati at an early date.

Yours faithfully

Guwahati

3.10.2002

(V.K.Bharadwaj)

MANE 60
139

NO 3263 / 210/CGWB/NER/ACCTT/2002

Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. 1
Guwahati-781005

Dated: 5/11/2002

TO,

The Director (Admn.)
Central Ground Water Board,
NH-IV, Faridabad
Haryana

Subs:

Extension of time limit to bring family

SIR,

I am directed to forward herewith an application received from Sri V.K.Bhardwaj, Sc'D' which is self explanatory.

It is requested to extend time limit by three months for utilisation of C.T.A. by Sri V.K.Bhardwaj, Sc'D' as admissible under the rule.

Yours faithfully,

Encs: As Above

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

N.O.O.

Copy to:

Sri V.K.Bhardwaj, Sc'D', CGWB, NER, Guwahati for his information.

(B.C.KALITA)
JR.HY(SC'B') &
D.D.O.

ATTACHMENT
No.3-551/73.Sci.Eslt - 7281
Government of India
Central Ground Water Board
Ministry of Water Resources
NHI.IV, Faridabad

Dated: 13 DEC 2002

OFFICE ORDER NO. 1069 OF 2002

Under the provisions of SR-116 (iii) (b), approval of the competent authority is hereby conveyed in favour of Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining at CGWB, NER, Guwahati i.e. 20.2.2002 and prefer his family's TTA Claim upto 19.11.2002. He may also refer to SR-194 A and Government of India's orders below it.

✓ *✓* 13/12/02
ADMINISTRATIVE OFFICER

Distribution:

✓ 1. Shri V K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NHI IV, Faridabad.
4. Office Order File.

Annexure-4

The Director (Administration),
Central Ground Water Board,
L.H.IV, Faridabad (Haryana)

(Through proper channel please)

Sir,

With reference to office order No.1069 of 2002 dated 13.12.2002 (Request for extension of T.T.A. permissible limit time to avast TTA facilities upto 20.2.2003 which should be conveyed to the undersigned in advance (Say before one month, Say upto 20.1.2003) so that undersigned can plan to bring family from Nagpur to Guwahati), I wish to inform as under:-

1. Above office order (1069 of 2002 dated 13.12.2002) is received by the undersigned on 19.12.2002 along me to avast TTA facilities upto 19.11.2002. The time limit i.e. 19.11.2002 is already extended before one month since the office order received by the undersigned on 19.12.2002 (Exactly after one month). After expiry of time which is stated in office order (No.1069 of 2002 dated 13.12.2002) received by me on 19.12.2002. I request you to kindly permit me to bring my family by extending time upto 20.2.2002 by conveying the permission will in advance (Say before one month i.e. upto 20.1.2003) so that it can be planned to sought my family from Nagpur to Guwahati.

Thanking you,

Yours Faithfully

Guwahati
24.12.2002
26.12.2002

(Vijay Kumar Bharadwaj)
SC-D (Chem)

No. 7981/210/CGWB/NER/Accts/02-03
Govt of India,
Central Ground Water Board,
North Eastern Region,
Tarun Nagar, b/o lango-1
Guwahati-781005

63-22
Dated: 9//February, 2003

To

The Director (Admn),
Central Ground Water Board,
N.H. IV, Faridabad,
Haryana

Sub: Settlement of Final TTA bill in respect of Sri
V.K. Bhardwaj, Sc.'D' - regarding.

Sir,

I am directed to seek your advise in connection with settlement of TTA bill of Sri V.K. Bhardwaj, Sc. 'D'. Sri V.K. Bhardwaj, Sc. 'D' who joined this office on 20.2.02 could not bring his family along with him due to his ill health although he has performed the journey from Guwahati to Nagpur on 3.7.02 and Nagpur to Guwahati on 20.9.02 for the purpose. Therefore, he has applied for extension of required time to bring his family on 3.10.02 after expiry of six months time. His representation was sent to you vide this office letter No. 3263/ 210/CGWB/NER/Accts/02 dt 5-11-02 and consequently Office Order No. 1069 of 2002 under letter No. 3-551/73.Sci.Estt.9781 dt 13th December, 2002 had been issued by you for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining to prefer his TTA claim upto 19.11.02 and also refer to SR-194A and Govt. of India's Order below it.

But after receipt of the said Office Order Sri V.K. Bhardwaj, Sc. 'D' has again represented vide his application dt. 26-12-02 (Copy enclosed) to permit him to bring his family upto 20.2.02 (date should have been 20.2.03) since Office Order which granted the time limit upto 19.11.02 had been received on 19.12.02. But since, he was also allowed to refer the SR-194A and Govt. of India's Order below it he was verbally told by this about the provision of SR-194A and his representation dt 26-12-02 was not sent to you. Inspite of that Sri V.K. Bhardwaj, Sc 'D' apparently found not appropriate to bring his family and submitted his TTA bill to this office on 17.2.02 with the additional fare for himself which he had performed to bring his family.

It is therefore, requested kindly to look into the matter and allow him the additional fare or a favourable decision in this regard may be given as per admissibility at an early date in view of his representation dt 26.12.02 so as to enable this office to settle his TTA claim.

Yours faithfully,

S/—
(B.C. KALITA)
Scientist 'B'

for Regional Director

Encl: (1) His representation
dt 26.12.02

(2) Photo Copy of TTA
bill

Copy for information to:-

sri V.K. Bhardwaj, Sc 'D' for his information

(B.C.)
11.1.03

Annexure-6

To,

The Regional Director,
C.G.W.B., N.E.R.
Guwahati (Assam)

Sub:- T.T.A. Bills regarding

Sir,

This is in continuation of letter dated 17.2.2003 vide
I have submitted my T.T.A. Bills because there are certain
bills which are not permissible. I am aware of these bills.
It is requested to pass permissible bills immediately so
that T.T.A. bill can be settled at early date.

Yours Faithfully

(V.K.Dharadola)

Guwahati
(Assam)

18.2.2003

By Telegovt

Recd (C) 1/1/71
is attached when
recd 1/1/71

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From : Vijay Kumar Bharawaj, Sc.D.(Chem),
C.G.W.B., N.H.R., Near Rajiv Bhawan
Jarun Nagar, G.S.Road,
Guwahati, Assam

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To : The Chairman
C.G.W.B., Jam Nagar House,
Man Singh Road,

It is NEW DELHI 110 011.

Sub with Threatening regarding Report. (C)

Sir,

It is to inform you that, before 3 (three) months
(approximately) Sri A.R.Bakshi, Regional Director and Sri
K.Keerthseelen, O/G literary, existed creating frowzy atmos-
phere to spoil confidential report of Shri P.K. Konwar, A/c
(reasons not known to me), It can be verified from my
record at various stations that I have not spoiled any
bodies confidential report in my entire career. Since
Sri P.K.Konwar (appointed in 1971 who deserves promotion)
is against wishes of Sri A.R. Bakshi and Sri Keerthseelen
may fan the flames therefore confidential reports of both
(Shri Konwar and Shri Reddi, A/c) are being sent by regis-
tered post.

Recd (C) 1/1/71

My TTA/LTC etc. which are pending since long to
pressurise me to spoil confidential report of Shri Konwar
and Filthy and obscene grounds with Shri Konwar and with
me. ~~or if filth please evidence etc.~~ to further pressurise to
spoil my confidential report. I will most reluctantly
refer the case to the Ministry of Water Resources, New
Delhi.

It is further to inform you that I am repeatedly
asked by Shri Bakshi for proforma of extension of leave

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Dharm Dik* 66-
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and related explanation. The other referential evidences
in this regard are being sent with registered post.

It is requested to desist to give such unhealthy
treatment with junior officers and kindly issue a warning
to Shri A.R.Bakshi and Shri Keerthveelan regarding facts
that confidential report are not for taking vengeance if
any and are not tools for fighting.

It is further requested that the letter if any
written on filthy grounds requested to provide copies of
all letters immediately so that action can be taken against
those spoiling Scientific Department like C.G.W.B. for
creating unhealthy atmosphere with me and with Shri Konwar
and which are planned to spoil my C.R. and C.R. of Shri
Konwar.

It is once again requested to provide all copies
of letters if any written about me which are on filthy
and obsecne grounds. All the copies of letters should be
provided to me immediately.

Thanking you,

Yours faithfully,

(Vijay Kr. Dharawaj)
Sc.D. (Chem).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal
GUWAHATI BENCH = GUWAHATI

Central Administrative Tribunal
Guwahati Bench

20th DEC 2003

Guwahati Bench

O.A. NO. 96 OF 2003

SHRI V.K.BHARDWAJ

..... Applicant

-Vs-

UNION OF INDIA & Ors.

..... Respondents

-And-

In the matter of :

Written Statement submitted by
the respondents.

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

1. That with regard to para 1,2, and 3, of the application the respondents beg to offer no comments.
2. That with regard to statement made in para 4.1, of the application the respondents beg to state that the applicant joined in the North Eastern Region, Guwahati on 20.2.2002 on his transfer from Central Region, Nagpur. TTA advance of Rs 45,000/- was sanctioned to the applicant of the O.A. vide office order No. 60 of 2002 dated 5.2.2002. The applicant, under clause (b) (iii) of SR-116 must have sought extension for shifting of his family within a period of six months from the date of his joining at New Station. However, the application dated 3.10.2002 submitted by the applicant for 6 months extension was forwarded to Director (Adm), Central Ground Water Board, Faridabad vide this office letter No.326/210/C.G.W.B/NER/ACCTS/2002 dated 5.11.2002.

Copy of application dated 3.10.2002 is annexed herewith and marked as Annexure – A

Copy of letter dated 5.11.2002 is annexed herewith and marked as Annexure – B

Extension was granted upto 19.11.2002 by CHQ, Faridabad vide Office Order No. 1069 of 2002 dated 13.12.2002 under Rule SR-116(b)(III).

Filed by

(A. DEB POKORN
Sr. C. J.
C. A. T. Guwahati Bench

Copy of office order dated 13.12.2002 alongwith the copy of the extract of Rule SR-116(b)(III) is annexed herewith and marked as Annexure – C.

Another application dated 26.11.2002 has been received on 26.11.2002 for extension but without furnishing any reason for extension. Again on 26.12.2002 another application has been received from the applicant for extending time limit upto 20.2.2002. The date was wrong. This could not be got corrected as the applicant was on leave from 30.12.2002 to 27.1.2003.

Copy of the application dated 26.12.2002 is Annexed herewith and marked as Annexure – D.

The applicant submitted his TTA bill on 17.2.2003 alongwith his application bearing diary No. 5278 dated 17.2.2003 (Annexure E-1) and not on 17.2.2002 as per statement made in para 4.1. The applicants application dated 26.12.2002 was forwarded to the Director Administration alongwith the TTA bill vide letter No.7981/210/C.G.W.B/NER/ACCTTS/02-03 dated 28.2.2002 and reply from CHQ received on 24.3.2003 vide letter No.3-551/73-Sci.Esst. 2260 dated 20.3.2003 to the effect that he is not entitled for additional fare from Guwahati to Nagpur and back.

Copy of letter dated 20.3.2003 alongwith the TTA bill is annexed herewith and marked as Annexure – E.

He has availed leave to bring his family w.e.f. 2.7.2002.

Copy of the application for leave and sanction order is annexed herewith and marked as Annexure – F.

3. That with regard to para 4.2, of the application, the respondents beg to offer no comments.

4. That with regard to the statement made in para 4.3, of the application, the respondents beg to state that the applicant having All India Transfer Liability had joined in this office on 20.2.2002 on transfer from C.G.W.B., CR, Nagpur and since then he is enjoying special facility (SDA etc.) admissible to Central Government employees posted in NER from outside. The permissible period of 6 months for

bringing his family expired on 19.8.2002. Hence he was to seek permission of the competent authority immediately when he failed to bring his family within 6 months from the date of his joining here, but he applied for extension inordinately delaying on 3.10.2002 which is a lapse on his part. (Annexure-A), although he was present at Guwahati upto the end of June, 2002.

5. That with regard to the statement made in para 4.4, of the application, the respondent beg to state that there was not any intention to delay the matter, of course sometime it takes time to complete the office procedure/formalities.
6. That with regard to the statement made in para 4.5, of the application, the respondents beg to state that the competent authority (CHQ, CGWB, Faridabad) had approved the extension for bringing his family till 19.11.2002 i.e. for 3 months beyond expiry of 6 months from the date of his joining here. He should have brought his family here within the extended period.
7. That with regard to the statement made in para 4.6, of the application, the respondents beg to state that his representation dated 26.12.2002 was forwarded to the CHQ, CGWB, Faridabad (i.e. competent authority) vide letter No.7981/210/C.G.W.B/NER/Accts/02-03 dated 20.2.2003 for clarification/decision in the matter.
8. That with regard to the statement made in para 4.7 of the application, the respondents beg to state that his TTA bill was submitted to this office on 17.2.2003 and photocopy of the said TTA bill was referred to our CHQ at Faridabad on 20.2.2003 for decision (Annexure- E).
9. That with regard to the statement made in para 4.8 of the application, the respondents beg to state that the applicant is not entitled to additional fare from Guwahati to Nagpur and back as he has not shifted his family as clarified by the CHQ vide letter No.3-551/73-Sci.Estt.2260 dated 20.3.03 (Annexure-E). His TTA bill will be settled as per rules.
10. That with regard to the statement made in para 4.9 of the application, the respondents beg to state that the extension period for bringing family may be permitted by the Head of Department in deserving cases. Accordingly he was permitted extension for shifting his family upto 19.11.2002 by our CHQ at Faridabad.

11. That with regard to the statement made in para 4.10 of the application, the respondents beg to state that his TTA bill has not yet been rejected and it will be finalized as per his admissibility under TTA Rules. In this context it may also be added here that the TTA claim of the applicant could not be settled so far, because the applicant himself has failed to refund the unutilized amount of TTA advance of Rs.13,185/- He was requested to refund the unutilized amount of TTA advance vide O.M. No. 943/C.G.W.B./NER/02 DATED 24.07.2003 (Annexure-G) and in reply to the O.M., the applicant submitted an application stating that the matter is under Court of Law, only after finalization, he would do the needful (Annexure-H).

12. That with regard to the statement made in para 4.11, of the application the respondents beg to state that the allegation made by the applicant against the respondent No.4 (Regional Director, NER, Guwahati) is false and motivated. He (RD) has never given threatening to the applicant over any matter.

13. That with regard to the statement made in para 4.12 of the application, the respondents beg to state that the TTA bill will be settled/released as per his admissibility under Rules as soon as the applicant deposits the unutilized amount of TTA advance.

14. That with regard to the statement made in para 5.1 of the application, the respondents beg to state that his TTA bill will be settled/finalized as per the provision of TTA Rules as soon as the applicant deposits the unutilized amount of TTA advance and the question of illegal does not arise in this case.

15. That with regard to the statement made in para 5.2 of the application, the respondents beg to state that for grant of permission for bringing family, CHQ at Faridabad (Head of the Deptt.) is the competent authority. Hence his claim can be settled only after obtaining the guidance/decision of CHQ, Faridabad.

16. That with regard to the statement made in para 5.3 of the application, the respondents beg to state that his TTA bill can be settled as per his admissibility under existing Rules within permissible time limit.

17. That with regard to the statement made in para 5.4 of the application, the respondents beg to state his TTA bill has not yet been rejected.

18. That with regard to the statement made in para 5.5 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the unutilized amount of TTA advance.

19. That with regard to the statement made in para 6 of the application, the respondents beg to state that the averments made by the applicant are not accepted as stated, as he has not exhausted all the channels available in CHQ office for redressal of his grievances.

20. That with regard to the statement made in para 7 of the application, the respondents beg to offer no comments for want of knowledge.

21. That with regard to the statement made in para 8 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the unutilized amount of TTA advance as per rules. Therefore, the averments made in the subject O.A. are false, misleading, bear no grounds whatsoever. Thus the O.A. is liable to be rejected.

22. That with regard to the statement made in the paras 8.1 and 8.2 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the utilized amount of TTA advance.

23. That with regard to the statement made in the para 8.3 of the application, the respondents beg to state that necessary action on this aspect will be taken within the admissibility of relevant rules.

24. That with regard to the statement made in the para 8.4 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the unutilized amount of TTA advance. Therefore, the applicant is not entitled to any relief as sought for by him.

25. That with regard to the statement made in the para 8.5 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the unutilized amount of TTA advance. Therefore, the applicant is not entitled to any relief as sought for by him.

26. That with regard to the statement made in the para 9 of the application, the respondents beg to state that in view of the position explained in the preceding paras, the action for settlement of the TTA claim of the applicant is pending just because the applicant himself is responsible for not depositing the unutilized amount of TTA advance. Therefore, the applicant is not entitled to any relief as sought for by him.

27. That the averments made in paras 10 to 12 of the application, need no comment.

73

VERIFICATION

I, Shri U. GOGOI, presently working as Scientist 'D',
being duly authorized and competent to sign the verification, do hereby solemnly affirm
and state that the statements made in para _____ are true to my
knowledge and belief and those made in para _____ being matter of
records, are true to my information derived therefrom and the rest are my humble
submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 12 th _____ day of November, 2003.



Deponent
Utpal Gogoi
Scientist 'D'
C.W.B.N.R, Guwahati

(87)

ANNEXURE - A

83

To

REASON
RE. VACATION

The Regional Director

C.A.W.B. N.E.R.

Guwahati (Assam)

Sir,

I have joined this region on 20.2.2002 (C.F.N.). Due to my health problems when I was felt ill at Indore, it was not possible for me to write for extension of F.T.A. bills for six months time. I request you to kindly consider my case elaborately and permit me to avail 6 months time to bring my family which is abroad in Nipper (U.S.A.).

Kindly extend six months time

to your understanding can be
fully from Nagpur to Amravati

Thanking you

yours faithfully

Patna B 271 (21250)
3-10-2002

Second (con't)

Amravati

(A-55-2)
3-10-2002

(9)

NO 3265 / 210/CGWB/NER/Acctt/2002
 Government of India,
 Central Ground Water Board,
 North Eastern Region,
 G.S.Road, Tarun Nagar
 Bye Lane No. X
 Guwahati-781005

Dated: - 5.11.2002

75

TQ.

The Director(Advn.)
 Central Ground Water Board,
 NH-IV, Faridabad
 Haryana

Sub:

Extension of time limit to bring family

SIX.

I am directed to forward herewith an application received from Sri V.K.Bhardwaj, Sc'D' which is self explanatory.

It is requested to extend time limit by three months for utilisation of T.T.A. by Sri V.K.Bhardwaj, Sc'D' as admissible under the rule.

Yours faithfully,

(B.C.KALITA)
 JR.HY(SC'D') &
 D.D.O.

01/12/02
 30/12

Encls: As Above

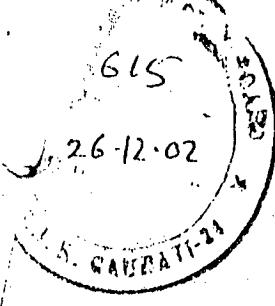
O.O.

by to:

Sri V.K.Bhardwaj, Sc'D', CGWB, NER, Guwahati for his information.

(B.C.KALITA)
 JR.HY(SC'D') &
 D.D.O.

01/12/02
 30/12



Annex - c
10

No.3-551/73 Sci.Estt. 9/781
Government of India
Central Ground Water Board
Ministry of Water Resources
NH IV, Faridabad

Date: 3 DEC 2002

6(R)
84
-76-

OFFICE ORDER NO. 1069 OF 2002

Under the provisions of SR-116 (iii) (b), approval of the competent authority is hereby conveyed in favour of Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati for shifting his family from Nagpur to Guwahati on transfer beyond the period of six months from the date of joining at CGWB, NEI, Guwahati i.e 20.2.2002 and prefer his family's TTA Claim upto 19.11.2002. He may also refer to SR-194 A and Government of India's orders below it.

2002
new
19/12/02
B.C. Rajbari 101
B.C. Rajbari 101

B
ADMINISTRATIVE OFFICER

12/12/02

Distribution:

1. Shri V.K.Bhardwaj, Scientist 'D' (Sr. Chemist), CGWB, NER, Guwahati.
2. The Regional Director, CGWB, NER, Guwahati.
3. The Pay & Accounts Officer, CGWB, NH IV, Faridabad.
4. Office Order File.

(11)

77

82

(ii) A Government servant travelling by air on transfer between places connected by road only, is entitled to draw—

(a) if he is authorised to travel by air on transfer, the air fare actually paid for himself and members of his family, or if he is not so authorised, lower of the following two:—

(1) the air fares actually paid for himself and the members of his family; or

(2) a single road mileage allowance at the rate which would have been applicable to him had he performed the journey by road if he travels alone, at twice the above rate if he is accompanied by [] two members of his family, and at thrice the above rate if accompanied by more than two members of his family.

(b) *Deleted.*

II—For a journey by road

(i) He may draw mileage allowance at the rate applicable to him under Rule 46 or 56 or any rate, applicable to him, which has been fixed under Rule 47, as the case may be.

(ii) He may draw additional mileage allowance at the rate applicable to him under Rule 46 or 56 or any rate, applicable to him, which has been fixed under Rule 47, as the case may be, if two members of his family accompany him, and at twice that rate if more than two members accompany him.

(iii) For the transportation of personal effects, within the limits prescribed in sub-clause I (iii) of this clause, he may draw mileage allowance at a rate to be fixed by a competent authority. This rate will be calculated on the average cost of conveying goods by the cheapest method of conveyance.

(iv) *Not printed.*

NOTE.—*Not printed.*

(b) The following explanations are given of terms employed in clause (a) of this rule:—

(i) The term "personal effects" is not subject to definition, but the controlling officer must satisfy himself that a claim to reimbursement on account of transportation is reasonable.

(ii) The term "motor cycle" includes a side car.

(iii) A member of a Government servant's family who follows him within six months from the date of his transfer or precedes him

1. The words 'not more than' deleted by G.I., M.F., Correction No. 1050, dated the 18th February, 1970.

2. For liberalisation of definition of "family", see Order below this rule.

by not more than one month may be treated as accompanying him. These time-limits may be extended by the competent authority in individual cases attendant with special circumstances. If such member travels to the new station from a place other than the Government servant's old station, the Government servant may draw the actual fare for the journey made by such member by rail or steamer *plus* the road mileage, if any, at the rate and subject to the conditions prescribed in clause (a) II (ii), for the actual distance of the road journey performed by such member provided that their sum shall not exceed the total mileage allowance that would have been admissible had such member proceeded from the old to the new station:

Provided further that in the case of transfer of a Government servant from station A to station B and again to station C, the interval between the first and subsequent transfer being within six months, he may draw the actual fare for the journey from station A to station C made by any member of the family subject to the condition that the total amount claimed from station A to station B, from station B to station C and from station A to station C shall not exceed the amount admissible from station A to station B *plus* that admissible from station B to station C. For the purposes of this rule, the grade of a Government servant should be determined with reference to the facts on the date of his transfer while the number of fares admissible should be determined with reference to the facts on the date of the journey in respect of which the travelling allowance is claimed, subject to the condition that no travelling allowance would be admissible in respect of a member added to the family after the date of transfer.

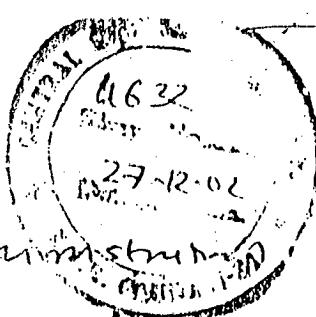
(c) Tents supplied by Government are transported at the expense of Government. Tents purchased and maintained by a Government servant himself may be transported at the expense of Government: provided that they do not exceed a scale to be prescribed in this behalf by a competent authority as suitable to a particular Government servant or class of Government servants. If they exceed this scale the excess may be treated as a part of personal effects.

(d) A Government servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.

(e) A Government servant claiming the cost of transporting personal effects must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. He should state in the certificate the weight of personal effects actually carried and the amount actually paid for their transport separately, by rail, road, steamer or other craft; and the

Annex-D D-530
26.12.02

(12)



6(R)
89
T9-

The Director, (Administration)
Central Ground Water Board,
NH 5, Fazilka (Haryana).

(Through proper channel please)

Sir,

With reference to office order No. 1069
of 2002 dated 13.12.2002 (Request for
extension of T.T.A. permissible limit/
time to avail TTA facilities upto 20.2.2003
which should be conveyed to the undersigned
in advance (say before one month, say
up to 20.1.2003) so that the undersigned
can plan to bring family from Nagpur
to Guwahati), I wish to inform as
under:

① The above office order (1069 of 2002
dated 13.12.2002) is received by the
undersigned on 19.12.2002 allowing me
to avail T.T.A. facilities upto 19.11.2003.

The time limit i.e. 19.11.2002

already expired before one month
Since the grace order received by
me undersigned on 19.12.2002 (Exactly
after one month). After expiry of
time which is stated in grace order
(No. 1067 of 2002 dated 13.12.2002) received
by me on 19.12.2002 I request you to
kindly permit me to bring my family
by extending time upto 20.2.2003 by
convey me the permission well in
advance. (say before one month i.e. upto
20.1.2003) so that it can be planned
to bring my family from Nagpur to
Guwahati.

Thanking you,

Guwahati
24.12.2002
26.12.2002
Enc.

Yours faithfully
Amit Kumar Bhattacharyya
(Vijay Kumar Bhattacharyya)
S.I.D (Cm)





D-6559
25.3.03
(13)

Annex - E

11(2)

No.3-551/73-Sci Estt 2160
Government of India
Ministry of Water Resources
Central Ground Water Board
NH 114, Faridabad

01

-81-

(R)

DATED: 20 MAR 2003

To

The Regional Director,
Central Ground Water Board
NER, Guwahati

SUB: Settlement of final TTA Bill in respect of Sh. V. K. Bhardwaj, Scientist-D (Senior Chemist)

Sir,

With reference to your office letter No.7981/210/CGWB/NER/Act/02-03 dated 20th February, 2003 on the subject mentioned above and to inform that Sh. V. K. Bhardwaj, Senior Chemist is not entitled for additional fare from Guwahati to Nagpur and back as he has not shifted his family from Nagpur to Guwahati on transfer with the stipulated fare.

Yours faithfully

M. S. Verma
(MOOL CHAND VERMA)
ADMINISTRATIVE OFFICER
For REGIONAL DIRECTOR & DIRECTOR (ADMN)

DRB

DRB

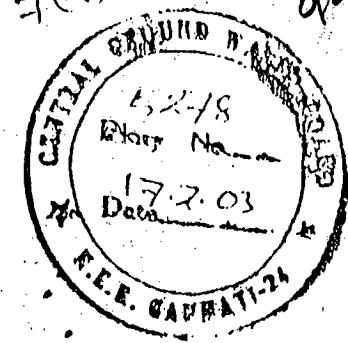
24/3/03

DRB

To,

Armed F

(14)



The Regional Director,
C.G.W.B. N.E.E.R.
Guwahati (Assam)

Sub: Submission of T.T.A. Bills

Sir

I kindly find enclosed T.T.A. Bills
(in duplicate), along with Eleven
original Vouchers and one photocopy
(original with R/stmr, Guwahati) for yr.

Please

Yours faithfully

Thank you.

1994 3rd J.F.Y.S. ✓
17.2.2003

S.C. D.C. (Ch)

(Guwahati)
(Assam)

17.2.2003

Enc. As above ~~the~~ 11 original
Vouchers along with T.T.A. Bills in duplicate
along with one photocopy (S.C. D.C.)

17/2
17/2
17/2

यात्राभारण के लिए यात्रा भत्ता
TRAVELLING ALLOWANCE BILL FOR TRANSFER

पारा-क—(सरकारी भूक्तं द्वारा प्रदान जाना है)
PART-A—(To be filled by the Government)

1. नाम/Name	VIJAY KUMAR	134 ASADU
2. पदनाम/Designation	SC-VIR (Clerk)	
3. विवाहारण के समय-वेता/Pay at the time of transfer	Rs. 100/-	
4. मुख्यालय/Headquarters	Nagpur	
(क) पुराना/(a) Old		

5. निवास का पता/Residential address:

(क) पुराणा/ (ख) Old GR. No. 17, Td. 10, C pure

१०. यानानीसी तो तारीक का चुदाक क तरीक क विविधी धनि निः । (a) या (b) नव

Conway

Nehayr, enclavé,
8221 (Sudan)

As I am, Gunther

क्रम सं. Sl. No.	नाम Name	वयस्सा Age	सरकारी सेवक से सम्बन्ध Relationship with Govt. servant
1.	VIJAY KUMAR BHARADWAJ	55	Self
2.			
3.			
4.			
5.			
6.			

7. भगवारी सेवक और उपके बृद्धाव के सदस्य) द्वारा की गई यात्रा/यात्राओं के विवर।
Details of journey(s) performed by the Govt. servant as well as members of his/her family.

८. अनियंत्रित व्यापार का परिवहन प्रभाव (पूर्ण-सार्व गंतव्य करें) : विवरण, विवरण, विवरण

तिथि Date	रीति Mode	स्टेशन Station		मात्र तिथि मात्रा में Weight in Kgs.	दर Rate	रकम Amount		टिप्पणी Remarks
		से From	तक To			रु. Rs.	पै. P.	
1962-01-27	Air	Nagpur	Gwalior	—	87	87	—	87/- 0. P.
1962-01-28	"	"	"	—	—	78.51	20	78.51/- D.V. Atch
1962-01-29	Air	Gwalior	—	—	—	117.51	—	117.51/- D.V. Atch
1962-01-30	"	"	"	—	—	131.21	—	131.21/- D.V. Atch
1962-01-31	"	"	"	—	—	177.4	—	177.4/- D.V. Atch
Total						1281	—	1281/- D.V. Atch

छुट्टी की अर्जी का फॉर्म
FORM OF APPLICATION FOR LEAVE
(अनुप्रारूप नियम 216 देखिए) / (See supplementary Rule 216)

एस० आर०-१

S.R.-1

(अनुप्रारूप नियम 216 देखिए) / (See supplementary Rule 216)

(i) — ग्राम संप्र० १ से ११ प्रस्त्रेक, प्रार्थी को भरनी आहिए, चाहे वह राजपत्रित हो वराजपत्रित।
(ii) — Items 1 to 11 must be filled in by all applicants whether gazetted or non-gazetted.

1. प्रार्थी का नाम / Name of applicant

2. नामू होने वाली छुट्टी नियमावली
Leave rules applicable

3. पद / Post held : ३००, नियमावली

4. विभाग, कार्यालय और अनुभाग
Department, Office and Section

5. वेतन / Pay

6. वर्तमान पद पर मिलने वाला मकान विराया
पता, सवारी भत्ता या अन्य प्रतिकर मस्ते।
House rent allowance, conveyance allowance, or
other compensatory allowances, drawn in the
present post.7. मांगी गयी छुट्टी की किस्म, अवधि और उसके गुण
होने की तारीख / Nature and period of leave
applied for and date from which required.8. विचार और छुट्टी के दिन, यदि पोई हों, जिन
छुट्टी से पहले/बाद में जोड़ा जाएते हैं।
Sundays and holidays, if any proposed to be
prefixed/suffixed to leave.9. छुट्टी का कारण
Ground on which leave is applied for10. विलूप्ति छुट्टी से लौटने की तारीख और उस
छुट्टी की किस्म तथा अवधि।
Date of return from last leave and the nature
and period of that leave.11. मेरा विचार आगामी छुट्टी में के खण्ड वर्षी के लिए छुट्टी यात्रा की कौकियत
में का है/नहीं है। I propose/do not propose to avail myself of leave travel concession in the
block years during the ensuing leave.12. (क) मैं बतन देता हूं कि मीसां वेतन छुट्टी परियोजित छुट्टी की अवधि में लिए गए छुट्टी वेतन
और आधे औसत वेतन/आधे वेतन का छुट्टी से मिलने वाले वेतन के अन्तर की दस रकम
को वापस कर दूँगा जो छुट्टी की समाप्ति पर अयवा उसके दोरान मेरे सेवा निवृत्त होने
की स्थिति में मूल नियम 81 (व) (ii)/संशोधित छुट्टी नियमावली, 1933 के
नियम 11 (ग) (iii) के सामून होने पर अनुगम्य न होती।(a) I undertake to refund the difference between the leave salary drawn during leave on
average pay/commuted leave and that admissible during leave on half average pay/
half pay leave, which would not have been admissible had the proviso to F.R. 01 (b)
(ii)/rule 11 (c) (iii) of the Revised Leave Rules, 1933, not been applied in the event of my
retirement from service at the end or during the currency of the leave.

VIJAY KUMAR BURADWAJ

AS Adminis'te
(G.O. C. O. S.)C.G.W.B., N.E.R, Guwahati
B.S.I.S.D.

As admissible

Medical leave

E.L., W.E.F. ८.७.२००२

to १२.७.२००२ (11 days)

③ Leave for 62 days

E.L. 6 days w.e.f.

16.७.२००२ to १७.७.२००२

③ E.L. 6 days w.e.f.

(17)

- (P)

87-92

MO. 3244 / 92 / 10-54 / COMB / SER / 1077 / 0
 Government of India.
 Central Ground Water Board,
 North Eastern Region,
 G.D. Road, Tariha, Nagpur
 441 008
 Date 30/10/02

LEAVE UNDER THE 101 OF 2002

SRI V.K. Bhattacharya, Jr. Chemist (SC "D"), COMB
 M/s. Committed to grant the following leave under CGW (Leave) Rule 1072 as recorded from him to date.

1. E.L. for 11 days v.e. 2.7.2002 to 12.7.2002
2. Computed leave (HC) for 63 days v.e. 1.10.7.2002 to 13.9.2002
3. E.L. for 6 (Six) days v.e. 14.9.2002 to 19.9.2002.

Certified that he would have continued to officiate in the same post but for his proceeding on leave during the above period. He has regularized his duty on 20.9.2002 (P.M.)

He has 200 days E.L. and 10 days H.C. but his credit as calculated upto 31.12.2002.

B. K. Bhattacharya
 (B.C. KALITA) 891/02
 JR. M.Y (SC "B")
 D.D.O.

FOR DIRECTIONAL DIRECTOR

B/C

12/10/02

EXERCISES

1. Sri V.K. Bhattacharya, Jr. Chemist (SC "D"), COMB, M/s. COMB, Guwahati
2. Accounts Section, COMB, M/s. COMB, Guwahati (S. 102, 4th)
3. Office Order File

20/10/02

Annex - G

18

88-
AB

No 943 CGWB/NER/ACTT/02
Government of India,
Central Ground Water Board,
N.E. Region,
Guwahati-781005.

9

Dated: - 24/7/03

OFFICE MEMORANDUM

With reference to his final TTA bill dt. 17.2.03, Sh V.K. Bhardwaj, Sr. Chemist (Sc-'D') of this office is hereby informed that additional fare from Guwahati to Nagpur & back is not entitled to him since he failed to shift his family in the stipulated extended period upto 19.12.02. Hence is is requested to refund the un-utilised TTA advance of Rs. 13,185/- (Rupees thirteen thousand one hundred eighty five only) for final adjustment of his TTA advance Rs. 45,000/- immediatly.

To,

(B.C. KALITA)

D.D.O.

for REGIONAL DIRECTOR.

Sh. V.K. Bhardwaj,
Sr. Chemist (Sc-'D')
CGWB, NER,
Guwahati.

for 2125 IX
24.7.2003
Sc-D (Copy)

I will discuss the matter
with my lawyer from 3/07/2003
and inform you later.

1.9

69

sh

n

5/-

O/ Balch
22/7/03Regional Director
Regional Office

The Regional Director

C.G.W.B., N.C.R.

Guwahati (Assam)

your letter dated 943/CWB/

NER/ACTT/02 dated 24.7.2003

2003

Since the matter is
under Scrutiny of court the
payment/ refund as reflected

payment/ refund as reflected

in your letter shall be made

in your finalization of the case.

Yours faithfully

Pass 301 (S. K. S. S.)
25.7.2003

S. K. S. S. (Chen)

7-2003