

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 240/2005

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SECTION OFFICER (Judl.)

Bahita
06.11.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 240/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): Surendra Kumar Kadam

Respondant(S): M. U. Ahmed

Advocate for the Applicant(S): By person M. Chandra, G.N. Chakrabarty
S. Nath.

Advocate for the Respondant(S): Case

Notes of the Registry

Date

Order of the Tribunal

16.9.2005

Mr. Surendra Kumar Kadam the applicant in this case appeared in person. ~~Mr. M. U. Ahmed~~ Mr. M. U. Ahmed, learned Addl. C.G.S.C. was present on behalf of the respondents.

The applicant seeks reliefs against All India Radio which falls under the Prasar Bharati. This Tribunal has held that it has no jurisdiction to hear the service matters of the employees of Prasar Bharati. The applicant says that he is a Central Govt. employee and that he wants to confirm the position. Post on 30.9.2005.

V. V. V.
Vice-Chairman

bb

30.9.2005

Mr. Surendra Kumar Kadam, the applicant is present in person. He has placed certain proceedings of the Govt. of India, Ministry of Information and Broadcasting to show that he is presently continuing in the Prasar Bharati as a deputationist without an actual transfer to Prasar Bharati.

In the circumstances, without going into the question of jurisdiction at this stage the respondents are

Contd.

This application is filed by the applicant and is deposited with the Registry.
No. 2004/10.644
Dated 12.9.05

Sum
Dy. Registrar

Steps taken with
envelops

20/9/05
(M. U. Ahmed)
Addl. C.G.S.C.

OA 240/05

Contd.

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

30.9.2005 directed to show cause as to why
this application shall not be admitted.
The Affidavit in Opposition has to be
filed within six weeks. post on 18.11.
2005.

[Signature]
Vice-Chairman

bb

D/No = 1502 to 1505

18.11.05

Dt = 19/10/05

The applicant appears in person.
He is absent to-day. Mr. M. U. Ahmed
learned Addl. C.G.S.C. submits that since
the applicant continues to be as Central
Government employees in spite of deputa-
tion, this Tribunal has got the jurisdic-
tion and that the Respondents wants to
file their written statement.

Post the matter on 4.1.06.

[Signature]
Vice-Chairman

Notice duly
Served on resp.

No-2

lm

17-11-05

04.01.2006

Present : Hon'ble Mr. Justice G.
Sivaraman, Vice-Chairman.
Hon'ble Mr. N.D. Dayal,
Administrative Member.

Mr. M. Chanda, learned counsel
for the applicant is present. Mr. M. U.
Ahmed, learned Addl. C.G.S.C. for the
respondents seeks for further time for
filing written statement. Post on
6.2.2006. Written statement, if any,
in the meantime.

Member

Vice-Chairman

3-1-06

No written statement
has been filed.

3.2.06

No W.S. filed so far.

mb

Contd.

06.02.2006

Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that he is going to file written statement today itself. A copy of the same shall be given to the learned counsel for the applicant and in that event he will file rejoinder within three weeks. Post on 8.3.06.

Vice-Chairman

mb

8.3.2006

The issue involved is that due to non-payment of TA/DA the applicant could not join ~~the~~ in the transferred place in time. The applicant has got the TA/DA after 120 days. Now, he is claiming that 120 days of intervening period may be granted as Special leave or may be treated as on duty.

Considering the issue involved, we are view that the O.A. is to be admitted. The O.A. is admitted. Reply statement has already been filed. Since the pleadings are complete let the case be posted after two weeks.

Post on 28.3.2006.

Vice-Chairman(J)

Vice-Chairman(A)

bb

Mr. M.U. Ahmed learned Addl. C.G.S.C. has some personal difficulty. Post the matter on 6.4.2006.

Vice-Chairman

Post on 01.05.2006.

Vice-Chairman

le. comply
N3
7-2-06.

8.2.06

W/S filed by
the Respondent Nos. 1 to 4.

7-3-06

No Rejoinder has
been filed.

20

fil. comply order dated
8.3.06.

N3
9.3.06

28.03.06.

9.3.06

Rejoinder submitted
by the Applicant.

lm

06.04.2006

20/3/06

Order dt. 8/3/06 issuing to
learned advocates for both
the parties.

mb

Case is ready for hearing.

20/3

20.3.06.

1.5.2006

post the matter on 4.5.2006.

Order ready for hearing.

my
5.4.06

Vice-Chairman

bb

4.5.2006

post on 8.5.2006.

Vice-Chairman

bb

08.05.2006 Heard Mr. M. Chanda, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents.

Reserved for orders.

Vice-Chairman

mb

23.5.2006

Judgment pronounced in open Court, kept in separate sheets.

The O.A. is dismissed in terms of the order. No costs.

Vice-Chairman

bb

25/5/06
Addl. C.G.S.C.

30.5.06

Copy of the order has been sent to the office for deposit the same to the applicant by post.

gk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

.....

240 of 2005

O.A. No.

DATE OF DECISION 23.05.2006.....

Surendra Kumar Kadam

..... Applicant/s

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

..... Advocate for the
applicant/s.

- Versus -

Union of India & Ors.

..... Respondent/s

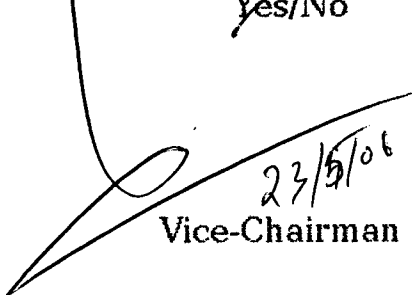
Mr. M.U. Ahmed, Addl. C.G.S.C.

..... Advocate for the
respondents

CORAM

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

- | | | |
|----|---|--------------------|
| 1. | Whether reporters of local newspapers may be allowed to see the Judgment ? | Yes/ No |
| 2. | Whether to be referred to the Reporter or not ? | Yes/ No |
| 3. | Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench ? | Yes/ No |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment ? | Yes /No |


23/5/06
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 240 of 2005

Date of Order : This the 23rd of May 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Surendra Kumar Kadam
Assistant Station Engineer
All India Radio
Chandmari
Guwahati - 781 003.

... Applicant

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

- Versus -

1. The Union of India, Service
through the Secretary to the Government of India
Ministry of Information & Broadcasting, Shastri Bhavan
New Delhi - 110 001.
2. The Prasar Bharati
Services through the Chief Executive Officer,
PTI Building
New Delhi - 110 001.
3. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi - 110 001.
4. The Station Director
All India Radio
Chandmari, Guwahati 781 003.

... Respondents.


By Advocate Mr. M.U. Ahmed, Addl. C.G.S.C.

.....

W ✓

ORDERK.V. SACHIDANANDAN, (V.C.)

The applicant, who is now working as Assistant Station Master, All India Radio, Chandmari, Guwahati, was at Indore and vide Annexure-I dated 05.04.2005, he was transferred from All India Radio, Indore to Itanagar. This was modified vide Directorate's order dated 26.07.2004 and he was transferred from All India Radio, Indore to All India Radio, Tezu instead of Itanagar. Again this order was modified transferring the applicant to Guwahati (North East) instead of All India Radio, Tezu vide order dated 30.08.2004 (Annexure - III). As per the averments made in the application, the transfer was on public interest and the applicant was entitled for TA Advance. He had sent letters dated 27.10.2004 and 01.12.2004 (Annexures - XVI & XVII). The Station Directorate granted TA advance of Rs. 20,000/- on 07.12.2004 (Annexure - XVIII), which was received by the applicant on 09.12.2004. The applicant joined on 27.12.2004 and had written a letter (Annexure - XIX) dated 03.01.2005 stating that due to non receipt of transfer advance, he could not join and sought for grant of special disability leave from 12.08.2004 to 09.12.2004, i.e. 120 days. Vide annexure - XX dated 22.02.2005, the respondents had informed the applicant that special disability leave is not admissible for non payment of transfer TA and again the applicant wrote a letter dated 24.02.2005 (Annexure - XXI) to consider the leave as a special case. The applicant again wrote a letter dated 01.04.2005 (Annexure - XXII) for which reply was given to the applicant rejecting his case and requested the applicant to submit leave application for 120 days for earned leave. Aggrieved by the said non grant of special leave for non



reporting for duty, the applicant has filed this application and sought for the following reliefs :-

"a) For a direction upon the respondents that the intervening period from 12.08.2004 to 09.12.2004 i.e., 120 days be granted special leave which would not be debited from leave account of applicant.

OR

b) For a direction upon the respondents that the intervening period from 12.08.2004 to 09.12.2004 i.e., 120 days be treated as duty for all purpose. This is a similar case of OA No. 421/2005 order (a) in Central Administrative Tribunal Calcutta bench, Kolkata.

(Annexure- XXIV, A,B,C,D)

c) Any other relief(s) as this Hon'ble tribunal may deem fit and proper."


2. The respondents filed a detailed reply statement contending that the application is not maintainable being barred by non joinder of parties and mis-joinder of unnecessary parties and also the application is hit by waiver, estoppel and acquiescence and liable to be dismissed and further submitted that the applicant is put to the strictest proof thereof. The All India Radio, Indore vide letter dated 28.07.2005 has notified the poor fund position under TA Head and the applicant could not be granted Transfer TA advance and the Directorate was requested to grant an additional Budget under TA Head for an amount of Rs. 1,50,000/- to meet station's need and the same was endorsed to the applicant. Under FR 44 of CCS (Leave Rules), Special Disability Leave could not grant to a Government Servant who is disabled by injury intentionally inflicted or caused in, or in consequence of the duty performance of his official or in consequence of his official position. The applicant cannot claim

✓

special disability leave for that reason. The application of the applicant was forwarded to the Directorate to consider his case vide letter dated 12.05.2005. The Directorate directed the applicant to submit leave application for 120 days earned leave from 12.08.2004 to 09.12.2004 to regularise his period of absence. The prayer for grant of special leave, which could be debited from his leave account, or the period of his absence from duty for 120 days from 12.08.2004 to 09.12.2004 could not be acceded to. There is no such provision in CCS (Leave Rules).

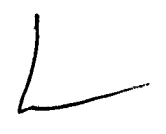
3. The applicant has filed a rejoinder reiterating his contentions and averments made in the O.A. and further submitted that despite his efforts by sending letter after letter for releasing his TA advance to facilitate him to join at Guwahati was not granted. The fund shortage could be a reason for denying advance. He was released from Indore without granting TA advance and he could not move out of Indore for paucity of funds and failed to join at All India Radio, Guwahati. He received TA advance on 09.12.2004 and he managed to join on 27.12.2004. Failure to join in his new station in time is for no fault of the applicant and is purely attributable to the respondents and the intervening period from 12.08.2004 to 09.12.2004, i.e. 120 days ought to be granted as special leave, which is not debitable to his leave account.

4. I have heard Mr. M. Chanda, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.



5. I have given due consideration to the averments, arguments and evidence placed on records. The issue involved in this case is that the applicant was transferred finally to Guwahati and he could not join for non-sanction of TA advance for four months. The intervening period could be considered as special leave to leave his credit. Counsel for the applicant argued that the delay in joining is caused because of inaction of the respondents and special leave has to be granted to him. Learned counsel for the respondents, on the other hand, persuasively argued that there is no provision either disability or special leave and grant of TA advance is not condition precedent, but it depends on various facts and circumstances, like one such situation is availability of funds.

6. Due consideration is given to the arguments and pleadings as stated above. The short question for consideration by this Tribunal in this O.A. is whether the applicant is entitled for special leave on account of delay in joining in the transferred place. Admittedly, the applicant was transferred to Guwahati though modifications have been made in the original transfer order, which appears from the records. After the receipt of the final order of transfer, he has made transfer claim as evidence by Annexures - IV, V, etc. The specific contention of the respondents is that there is no deliberate and willful disobedience on the part of the respondents in not granting TA advance, but funds was not available. To substantiate their case, annexure - VI produced by the respondents dated 28.07.2004 will reveal the facts. For better illustration the said order in Hindi is reproduced below: -



" प्रसार भारती
1 भारतीय प्रसारण निगम।
आकाशवाणी इन्दौर - 452001

संख्या: इन्दौर 1111/2004-05/लेखा - — दिनांक 28-07-2004

महा निदेशक,
आकाशवाणी,
प्री. एस. ए. अनुभाग,
आकाशवाणी भवन,
संसद मार्ग,
नई दिल्ली - 110001

विषय :- धरेलू यात्रा व्यय मद के अतिरिक्त वजत जारी करने का पत्र।
संदर्भ - इस कार्यलय के समस्तक एम दिनांक 15-04-2004, 2-6-2004 एवं
14-07-2004

महोदय,
कृपया उपरोक्त विषय के इस कार्यलय के संदर्भित पत्रों का
अवलोकन करके का. करके करें। इस केन्द्र के वित्तीय वर्ष 2004-05 में धरेलू
यात्रा व्यय के दिया गया वजत रु. 1,65,000/- के से. से. वजत लगभग 500/-
शेष पचा है।

श्री एस. के. कदम, सहायक केन्द्र अभियंता का स्थानान्तरण इस केन्द्र से
आकाशवाणी इटावा एवं अथ इटावा से तेजपुर (अरुणाचल प्रदेश) हुआ है।
उन्होंने रु. 84,000/- स्थानान्तरण पत्रों अभिमत की जांग की है (प्रति संलग्न)।

श्री एस. एस. चौहान, सहायक केन्द्र अभियंता आकाशवाणी इटावा
से दिनांक 06-08-2004 को रिलीव हो रहे हैं तथा इस केन्द्र पर कार्यग्रहण
करेंगे (प्रति संलग्न)।

अतः श्री एस. एस. चौहान सहायक केन्द्र अभियंता के कार्यग्रहण
करने पर श्री कदम को रिलीव करना होगा उन्हें स्थानान्तरण पत्रों
भत्ता नहीं दिया जा सकेगा।


अतः अनुरोध है कि यात्रा व्यय मद में रु. 1,50,000 (रुपय एक
लाख पचास हजार केवल) अतिरिक्त वजत स्वीकृत करने की
कृपा करें।

भवदीय
sd/-

प्रतिलिपि:-


श्री एस. के. कदम सहायक केन्द्र अभियंता को सूचना के। (केन्द्र को दिया
केन्द्र निदेशक)

From para 2 of the said letter it reveals that the department having paucity of funds on this account and requesting for sanction of additional funds, shows the bonafide of the respondents. During the course of argument, counsel for the applicant fairly conceded that the applicant is not eligible for disability leave. On going through FR 44 of CCS (Leave) Rules, I am of the view that it is strictly applicable to disabled person who is disabled by injury intentionally inflicted or caused in, or in consequence of due performance of his official duties or in consequence of his official position. The injury in FR 44 denotes physical injury (not mental injury or academic). Therefore, since the applicant has not caused any type of injury, this provision is not applicable as contended by the learned counsel for the applicant. Learned counsel for the applicant submitted that leave now claimed is special leave. Counsel for the applicant has taken my attention to a letter dated 05.08.2004, annexure - VIII in which he has requested to the respondents "It is therefore, once again requested that I may kindly be retained at AIR, Indore till TA advance grant to me." The question raised in this context is whether grant of TA advance is a condition precedent in joining the transferred place? The TA advance in transfer rule has specified a point that transfer employee is entitled to get TA, if he has transferred on public interest. If it is a request transfer and he has completed a tenure posting in a specific station, he does not become eligible for TA advance. The respondents have admitted that the applicant is entitled for TA advance. The question is non payment of the advance, which unabled the applicant to join the transferred place in time. Rule 222 of the Grant of TA advance to Government servants was brought to my notice, which reads, "Head of office may sanction the advances". On the face of it, it is made clear



that grant of advance is not mandatory and condition precedent: it is the discretion of the competent authority. Various factors like availability of funds, eligibility of the candidate, etc. are to be considered. In this case the respondents have no case that the applicant is not entitled to TA advance but due to paucity of funds, they could not disburse the same. The applicant could have raised the funds to join the transferred station and claim for reimbursement. Instead of adopting such course, he insisted on getting advance. According to the respondents this obviously delayed and protracted the employee from carrying out the transfer order and the counsel for the respondents also submitted that if the leave/relief is granted a plethora of cases would come to the Tribunal for such matter and administration will have a standstill in implementing the transfer orders.

7. Learned counsel for the applicant has brought to my notice a decision dated 24.04.1992 rendered by this Tribunal in O.A. No. 148 of 1991 (Single Bench), Sri Vinod Kumar Pipersenia Vs. Union of India & Ors. and contended that the word 'may' should be read as 'should' as that has been done in that case. After going through the said judgment, it is found that, that case pertained to transfer of an IAS Officer from Assam-Meghalaya Cadre to Uttar Pradesh Cadre and Punjab Cadre and for a direction for necessary notification within 60 days. The Court has interpreted various provisions regarding conferment of All India Services and inter State transfer thereof and came to the conclusion that in such cases the word 'may' should be read as 'shall'. In other words that case pertained to All India Services Rules, which cannot be equated to Rule



222, wherein it was in a different circumstances, taking into consideration of the statutory/legislative intention. If in all cases the word 'may' should be read as 'should' that will result in far-reaching consequence. I do not find any reason to give an emphatic colour to the word 'may' to that of 'should'. Therefore, that contention of the learned counsel for the applicant cannot stand in its legs.

8. The contention of the learned counsel for the applicant that the applicant should have been retained in a particular station cannot be accepted since his services were probably more wanted in the transferred station. Therefore, I am of the view that the applicant has not made out a case.

9. Learned counsel for the applicant has brought to my notice a Judgment and Order 26.05.2005 of the Calcutta Bench of the Tribunal passed in O.A. No. 421/2005, wherein it is directed to extend the joining time. There 15 days time were extended, wherein 4 months is in this case. As per rules the joining time can be extended only for 15 days than the prescribed days. The facts of that case and in this case are different. Hence, it is not applicable in the given circumstances.

10. The respondents were fair in granting the applicant to earned leave for the absented periods, which is debitable from the earned leave account of the applicant and regularised the absented period of four months and therefore, no break in service and less hardship and the principle of equity and natural justice complied.

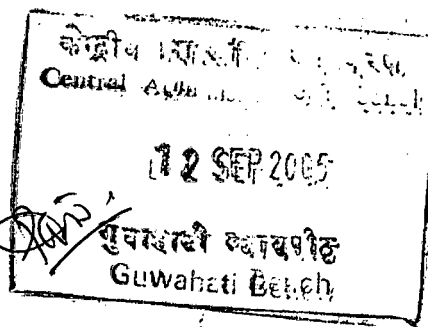
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11. In the conspectus of facts and circumstances, I am of the considered view that the applicant has not made out a case. Therefore, the O.A. fails and the same is, accordingly, dismissed. No order as to costs.



(K.V. SACHIDANANDAN)
VICE CHAIRMAN

/mb/



(1)

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

O.A. NO. 240 /2005.

Surendra Kumar Kadam - Applicant
Versus
Union of India & others - Respondents.

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(2)

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

O.A. NO. 240 /2005.

BETWEEN.

Surendra Kumar Kadam,
Assistant Station Engineer,
All India Radio,,
Chandmari,
Guwahati-781003..... Applicant.

AND

1. The Union of India, Service
through the Secretary to the Government of India ,
Ministry of Information & Broadcasting ,
Shastri Bhavan,
New Delhi-110001.
2. The Prasar Bharati
Services through the Chief Executive Officer,
PTI Building,
New Delhi-110001.
3. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi-110001.
4. The Station Director,
All India Radio,
Chandmari, Guwahati-781003..... Respondents.

DETAILS OF THE APPLICATION AND FACTS OF THE CASE THAT

1. The applicant is a citizen of India and as such he is entitled to all the right, protections and privileges as guaranteed under the constitutions of India. Applicant is presently working as Assistant Station Engineer, posted at All India Radio Guwahati.

2. The applicant transferred from All India Radio Indore to All India Radio Itanagar vide directorate order No.20/2004-SIII dated 5.04.04 (Annexure-I)

3. The above order had been modified vide Directorate order No.43/2004-SIII dated 26.7.2004 and applicant transferred from All India Radio Indore to All India Radio, Tezu. (Annexure - II).

4. Again Directorate had been modified above order vide order No.54/2004-SIII dated 30.08.2004 and the applicant transferred in the same capacity to All India Radio, Guwahati (North East) instead of All India Radio, Tezu. Transfer was in public interest and applicant was entitled for TA. (Annexure-III)

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(3)

5. Applicant applied for TA advance on transfer dated 23.7.04 and 27.7.04
(Annexure-IV & V).

6. Applicant had been informed by All India Radio, Indore vide their letter No. Ind-1(1)/2004-05/A/C/2118 dated 28.7.2004 that AIR Indore can not provide TA advance on transfer.
(Annexure VI).

7. Applicant sent two letters dated 30.7.04 and 5.8.04 to Directorate General, All India Radio, New Delhi regarding TA on transfer and intimated that AIR, Indore as well as Dte(B&A section) is unable to provide TA advance. Applicant stated that he can not move on transfer without TA and requested that he may kindly be retained at AIR Indore Till TA advanced grant.
(Annexure-VII & VIII)

8. Applicant personally met to Chief Engineer(D), All India Radio, New Delhi on 10.08.2004 and told him about TA advance crisis. He said to applicant that if your stations is not providing TA advance you ask your stations to write a letter to Directorate. He also added that applicant would not ask to move without TA advance.
(Annexure-IX)

9. Stations Engineer, AIR Indore sent a letter No.-8(4)/2004/AC dated 11.8.2004 to Directorate and Dy Director General(Fin.) requesting to provide TA advance for Sh. S.K. Kadam, ASE.

10. All India Radio, Indore relieved applicant on 11.8.2004 vide letter No. Ind-1(2)/2004-S/3303 dated 11.8.2004 without granting TA advance. It is stated that Guwahati is 2700 Kms. away from Indore. Rs.8500/-(approximate) was needed for to and fro journey by train in the entitle class. Rs.12,000/-(approximate) was also needed for lodging and boarding for one month stay. Thus atleast Rs.20,000/- was needed to move alone from Indore. It was impossible to arranged such huge amount for applicant.
(Annexure -X).

11. Applicant written a letter dated 31.8.2004 to Superintending Engineer AIR, Indore and requested them to provide TA advance as early as possible. It is also stated that without TA advance he can not move
(Annexure -XI).

12. Applicant sent a letter dated 6.9.2004 to Directorate General, All India Radio, New Delhi stated that AIR, Indore as well as Directorate is unable to provide TA advance and under this circumstances he can not move from Indore on transfer without TA advance.

13. All India Radio, Indore informed applicant vide letter No. Ind(1(1)/2004-05/A/C/558 dated 3.9.2004. ((received on 10.9.2004) that grant of TA advance is not possible
(Annexure -XIII).

14. Applicant sent two letters dated 21.9.2004 and 12.10.2004 to Engineer-in-Chief, All India Radio, New Delhi and copy to Chief Executive officer Prasar Bharati, New Delhi stated that he can not move from Indore on transfer without TA advance. He requested to arrange TA advance as early as possible and he may be treated on duty since his relieving to till advance grant him.
((Annexure - XIV & XV).

28

(4)

15. Applicant sent a letter dated 27.10.2004 to Director General, All India Radio, New Delhi requested to arrange TA advance as early as possible and may be treated on duty since his relieving to till advance grant him.

(Annexure -XVI).

16. Applicant written a letter dated 1.12.2004 to the Station Director, All India Radio, Indore and requested to grant TA advance at the earliest.

(Annexure -XVII).

17. The Station Director, All India Radio, Indore sanctioned Rs.20,000/- as a TA advance against Rs.82,885/- (applicant letter dated 23.7.04) vide their letter No. Ind-8(4)/2004-05/A/C/4715 dated 7.12.2004. Advance received by applicant on 9.12.2004.

((Annexure - XVIII).

18. Applicant joined All India Radio, Guwahati on 27.12.2004. He written a letter dated 3.1.2005 to Superintending Engineer, All India Radio, Guwahati stated why he could not be joined All India Radio Guwahati just after his relieving. He requested to grant special disability leave from 12.08.2004 to 09.12.2004 i.e., 120 days which would not be debited from his leave account.

((Annexure -XIX).

19. All India Radio, Guwahati, informed to applicant vide letter No.21(2)/2004-05-S dated 22.2.2005 that special disability leave is not admissible for non payment of transfer TA.

(Annexure -XX)

20. Applicant written a letter dated 24.2.2005 to Superintending Engineer, All India Radio, Guwahati and requested to consider his leave case as a special case and may be sanctioned/regularised any other kind of leave from 12.08.2004 to 09.12.2004 i.e., 120 days which would not be debited from his leave account.

(Annexure XXI)

21. Applicant written a letter dated 1.4.2005 to the Directorate General, All India Radio New Delhi through All India Radio Guwahati and requested to consider his leave case as a special case and may kindly be granted special leave from 12.8.2004 to 09.12.2004 i.e., 120 days which would not be debited from his leave account. 10.12.2004 to 24.12.04 was normal joining time.

(Annexure-XXII-A,B)

22. All India Radio Guwahati informed to applicant vide their letter No.21(2)/2005-S/(SKK)/1868 dated 30.6.2005 and vide Directorate letter No.9/159/99-SIII/501 dated 09.06.2005 that the request of Shri S.K. Kadam, Assistant Station Engineer for grant of 120 days special leave is not possible as it is not covered under Rules, applicant was also instructed to Submit leave application of 120 days earn leave.

(Annexure -XXIII)

21
(5)

RELIEF (S) SOUGHT FOR

23. Under the above facts and circumstances. The applicant humbly prays that your lordships be pleased to admit this applications, call for the records of the case and be pleased to grant the following relief(s).

- a) For a directions upon the respondents that the intervening period from 12.08.2004 to 09.12.2004 i.e., 120 days be granted special leave which would not be debited from leave account of applicant.

OR

- b) For a directios upon the respondents that the intervening period from 12.08.3004 to 09.12.2004 i.e., 120 days be treated as duty for all purpose. This is a similar case of OA No.421/2005 order (a) in Central Administrative Tribunal Calcutta bench, Kolkata.

(Annexure-XXIV-A,B,C,D)

- c) Any other relief(s) as this Hon'ble tribunal may deem fit and proper.

24. This application is filed in person.

25. Particulars of the IPO.

- i) IPO) No : 11G410644
ii) Date of Issue: 12.9.05
iii) Issued from: University head post office

26. List of enclosures:
As given in the index..

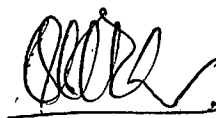
22

(6)

VERIFICATION

I, Surendra Kumar Kadam, Assistant Station Engineer, All India Radio, Guwahati, aged 47 years, do hereby verify that the statement made in paragraph 1 to 26 are true to the best of my knowledge and believe.

I sign this verification on this the 12 day of ^{Sept.}~~July~~, 2005.



ANNEXURE - I

PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) DIRECTORATE GENERAL: ALL INDIA RADIO

No. 2/1/2004-S.III

New Delhi, dated 5.4.2004

ORDER NO. 20/2004-S.III

The following transfers in the cadre of Junior Time Scale of Indian Broadcasting (Engineers) Service are ordered with immediate effect:-

| Sl. No. | Name S/Shri | Present place of posting | Transferred to |
|---------|----------------------------------|------------------------------|------------------------------|
| 1. | L.S. Chauhan (IRLA No. 11271) | All India Radio, Itanagar | All India Radio, Indore |
| 2. | S.K. Kadam (IRLA No.) | All India Radio, Indore | All India Radio, Itanagar |

To

(RAM BILAS)
Dy. Dir. of Admn. (E)
for Director General

1. PPS to CEO.
2. PS to DG.
3. PS to E-in-C, AIR.
4. PS to E-in-C, Doordarshan.
5. CE(TV)/Dir. (E) (Sh. D.K. Gupta), DG-Doordarshan, New Delhi.
6. Head of Office AIR Itanagar/Indore.
7. CE(R&D)/STI(T), AIR, New Delhi.
8. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(NZ), AIR & DDn, New Delhi - 3 copies.
9. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(SZ), AIR & DDn, Chennai - 3 copies.
10. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(EZ), AIR & DDn, Kolkata - 3 copies.
11. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(WZ), AIR & DDn, Mumbai - 3 copies.
12. CE(NEZ) Guwahati.
13. Pay & Accounts Office, IRLA-Min. of I&B, AGCR Building, New Delhi.
14. Ministry of I&B, US BA(E), Shastri Bhawan, New Delhi.
15. Persons concerned through their respective Offices.

Copy to:

1. PS to CE(D)/PS to CE(M)/PS to CE(MR)/PS to CE(Proj.)/DE(P)/DE(Coordination)/DE(HQ)/DE(Estimates)/Dir. (IT Division)/Dir. (EPM)/DDG(A)/DDA(E).
2. A&G/Vig. Section/Scor Section.



AIRNET

ALL INDIA RADIO

HOME

BACK

Transfer/Promotion etc

Section : S-III

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL:ALL INDIA RADIO

No.2/1/2004-S.III
dated 26.7.2004

New Delhi,

ORDER NO.43/2004-S.III

In partial modification of this Directorate's Order
No.22/2004-S.III (issued from
File No.2/5/2004-S.III) dated 13.04.2004, the following Assistant
Station Engineers are
hereby transferred in the same capacity to their new place of
posting:-

| Sl. posting | Name & present place of posting | New place of |
|----------------|--|------------------|
| No. | S/Shri | |
| 1. | S.K. Kadam, AIR, Indore (UOT-AIR, Itanagar) | All India Radio, |
| Tezu | | |
| 2. | P.K. Sen, AIR, Lucknow (UOT-AIR, Aizwal) | All India Radio, |
| Varanasi | | |
| 3. | S.K. Tiwari, AIR, Varanasi (UOT-AIR, Bhuj) | All India Radio, |
| Chattarpur | | |

No.2/1/2004-S.III

New Delhi, dated 30.8.2004

ORDER NO.54/2004-S.III

In further partial modification of this Directorate's Order No.43/2004-S.III (issued from File No.2/1/2004-S.III) dated 26.7.2004, Shri S.K. Kadam, Assistant Station Engineer, All India Radio, Indore is hereby transferred in the same capacity to All India Radio, Guwahati instead of All India Radio, Tezu

(O.P. GULIANI)
Dy. Dir. of Admn.(E)
for Director General

To

1. PPS to CEO.
2. PS to DG.
3. PS to E-in-C, AIR.
4. Dir.(E)(Sh.D.K.Gupta), DG:Doordarshan, New Delhi.
5. CE(P&A)/CE(AVM & DDM), O/o CE(EZ), AIR & DDn, Kolkata - 3 copies.
6. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(NZ), AIR & DDn, New Delhi - 3 copies
7. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(SZ), AIR & DDn, Chennai - 3 copies.
8. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(WZ), AIR & DDn, Mumbai - 3 copies.
9. CE(NEZ) Guwahati.
10. STI(T)/CE(R&D), AIR, New Delhi.
11. Head of Office AIR, Indore/Guwahati/Tezu
12. Pay & Accounts Office, IRLA-Min. of I&B, AGCR Building, New Delhi.
13. Ministry of I&B, US BA(E), Shastri Bhawan, New Delhi.
14. Person concerned through his respective office. Person concerned is requested to send a copy of this order to P&AO(IRLA) after mentioning their IRLA Number.

Copy to:

1. PS to CE(D)/PS to CE(M)/PS to CE(MR)/PS to CE(Proj.)/DE(P)/DE(Coordination)/DE(HQ)/DE(Estimates)/Dir.(IT Division)/Dir.(EPM)/DE(NBH)/DDG(A)/Dir.(EA)/DDA(E).
2. A&G/Vig. Section/Scor Section.
3. The General Secretary, AIR & DDn Engineers' Association, P&D Unit, AIR, New Delhi.
4. The President, Association of Radio & Television Engineering Employees Post Box No. 422, Gole Market, New Delhi.
5. The General Secretary, All India Akashvani and Doordarshan SC/ST Employees Welfare Association, Post Box No.471, GPO, New Delhi-1.
6. The General Secretary, AIR & Doordarshan Technical Employees Association, Post Box No.736, New Delhi.
7. Spare Copies-5.

(O.P. GULIANI)
Dy. Dir. of Admn.(E)

The Superintending Engineer,
All India Radio,
Gudure

Sub: - Transfer TA advance

Respected Sir

As per Dte order no 20/2004 - SIII dated 5.4.04 I have been transferred from ATR Gudure to ATR Stanegor. It is therefore requested to provide me transfer TA advance as given below.

1. Composite transfer grant - $11850 + 5925 = 17775/-$

2. Fare for self and family

Gudure to N. Delhi (818 km) = 1193/-

N. Delhi to Rangiya (1864 km) = 2730/-

(Rajohani Pop)

Rangiya to Stanegor = 588/-

for one fare 4461/-

Total fare $5\frac{1}{2}$ - $4461 \times 5\frac{1}{2} = 24535/-$

= 22755/-

3. cost of transportation of (2975 km) personal effects

= 17850/-

4. cost of transportation of car 2975×6

= 82850/-

Total

Family detail

1. Self — 46 years

2. Mrs Shrin Kadam (Wife) - 42 y

3. Deepali (Daughter) - 18 y


4. Varshali (-) - 13 y

5. Sonali (-) - 4 y

6. Shrinendra (Son) - 9 y

Thanking you

Yours faithfully



S.K. Kadam

Dated - 23.3.04


23/3/04

To,
The Superintending Engineer,
All India Radio,
Indore

Sub:- Transfer TA Advance.

Respected Sir,

As per Dte. order No.2/1/2004-S-III dated 26.07.2004. I have been transferred from AIR Indore to AIR, Tezu. It is therefore, requested to provide me transfer TA advance as given below:-


| | | | | | |
|----------------|--|---|--------------|---|-------------------|
| 1. | Composite transfer grant | = | 11850 + 5925 | = | 17,745/- |
| 2. | Fare for self and family : | | | | |
| | Indore to New Delhi(818 Km.) | = | 1193/- | | |
| | N.Delhi to Tinsukiya(2441 Km.) | = | 3110/- | | |
| | (Rajdhani Exp.) | | | | |
| | Tinsukiya to Tezu (110Km.) | = | 500/- | | |
| | By Road (Taxi) Total | = | 4803/- | | |
| | Total fare 5 & 1/2 | = | 4803 X 5.50 | = | 26,416/- |
| 3. | Cost of transportation of (3369 Km.) | | | = | 24,460/- |
| | personal effect. | | | | |
| 4. | Cost of transportation of car 3369 X 6 | | | = | 20,214/- |
| TOTAL : | | | | | = 88,835/- |

Family Detail :-

1. Self - 46 Yrs.
2. Mrs. Shiv Kadam (Wife) - 42 Yrs.
3. Deepali (Daughter) - 19 Yrs.
4. Vaishali (Daughter) - 17 Yrs.
5. Sonali (Daughter) - 14 Yrs.
6. Shivendra (Son) - 09 Yrs.

Thanking You,

Self attested


9/9/05

Yours faithfully,


(S.K. Kadam) 27/7/04

Assistant Station Engineer
All India Radio, Indore

Date : 27.07.2004

प्रसार भारती
भारतीय प्रसारण निगम
आकाशवाणी: इन्दौर-452001

संख्या: इन्दौर 1111/2004-05/लेखा/2118 दिनांक : 28-07-2004

महानिदेशक,
आकाशवाणी,
बी. एण्ड ए. अनुभाग,
आकाशवाणी भवन,
संसद मार्ग,
नई दिल्ली-110001

विषय : घरेलू यात्रा व्यय मद में अतिरिक्त बजट जारी करने बाबत ।
संदर्भ : इस कार्यालय के समसंख्यक पत्र दिनांक 15-04-2004, 2-6-2004 एवं 14-07-2004.

महोदय,

कृपया उपरोक्त विषय में इस कार्यालय के संदर्भित पत्रों का अवलोकन करने का कष्ट करें । इस केन्द्र को वित्तीय वर्ष 2004-05 में घरेलू यात्रा व्यय में दिया गया बजट रु. 1,65,000/- में से शेष बजट लगभग 5000/- शेष बचा है ।

श्री एस.के.कदम, सहायक केन्द्र अभियंता का स्थानान्तर इस केन्द्र से आकाशवाणी, इटानगर एवं अब इटानगर से तेजु अजयचल प्रवेश हुआ है ।
उन्होंने रु. 87,000/- स्थानान्तर यात्रा अग्रिम की मांग की है प्रति सलग्न ।

श्री एल.एस. चौहान, सहायक केन्द्र अभियंता, आकाशवाणी, इटानगर से दिनांक 06-08-2004 को रिलीव हो रहे हैं तथा इस केन्द्र पर कार्य ग्रहण करेंगे प्रति सलग्न ।

अतः श्री एल.एस. चौहान, सहायक केन्द्र अभियंता के कार्य क ग्रहण करने पर श्री कदम को रिलीव करना होगा उन्हें स्थानांतर यात्रा भत्ता नहीं दिया जा सकेगा ।

अतः अनुरोध है कि यात्रा व्यय मद में रु. 1,50,000/- रुपये एक लाख पचास हजार केवल अतिरिक्त बजट स्वीकृत करने की कृपया करें ।

Self attested

Red Budget

भवदीय,

हरेन्द्र कोटिया
केन्द्र निदेशक

प्रतिलिपि :

9/9/05
आकाशवाणी
All India Radio
गुवाहाटी
Guwahati

श्री एस.के.कदम, सहायक केन्द्र अभियंता को सूचनाार्थ ।

Q. 10

Q. 10

SPEED POST/TAX

The Directorate General,
(B & A Section)
All India Radio,
Akashwani Bhavan,
Parliament Street,
NEW DELHI - 110 001

"THROUGH PROPER CHANNEL"Sub:- TA on transfer.

Respected Sir,

Kindly refer to letter No.Ind-1(1)/2004-05/A/C/2118 (Photocopy enclosed) dated 28.07.2004. As per this letter AIR Indore is unable to provide me TA on transfer. In this connection it is intimated that I can not move without TA advance.

It is therefore requested that I may kindly be retained at AIR Indore till TA advance grant to me.

Dated : 30.07.2004

Yours faithfully,

Sd.

(S.K.KADAM)

ASSTT. STATION ENGINEER

Copy to :- The Directorate General, (Kind Attn:- Dr. Shri V.K.Singh, CE(D)), All India Radio, Akashwani Bhavan, Parliament Street, New Delhi for your kind information and request you kindly consider my request dated 27.07.2004 for change of place of posting



(S.K.KADAM)

ASSTT. STATION ENGINEER

Self attested


3/8/05
बहालक केंद्र अभियंता

Asst Station Engineer,

भाकाश्वानी.

All India Radio

गुवाहाटी

Guwahati

FAX/SPEED POST

To,
The Directorate General,
[Kind Attn : Dr. Shri V.K. Singh, CE(D)]
Akashwani,
Akashwani Bhavan,
Parliament Street,
NEW DELHI - 110001.

"THROUGH PROPER CHANNEL."

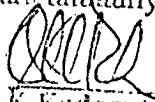
Respected Sir,

Kindly refer to my letter dated 30.07.2004 regarding TA on transfer. In this connection it is intimated that AIR, Indore is unable to provide me TA advance. I came to know that Dte.(B&A section) is also unable to provide fund till R.E. release. Under above circumstances I can not move without TA advance.

It is therefore, once again requested that I may kindly be retained at AIR, Indore till TA advance grant to me.

Thanking You,


Yours faithfully,


(S.K. Kadam)

Assistant Station Engineer
All India Radio, Indore

Date : 05.08.2004

Self attested


१/१/०५

सहायक केंद्र अभियंता
Station Engineer,
आकाशवाणी.

All India Radio
गुवाहाटी
Gowahati

1/8
5/8/04
5/8/04

Signature for return

INDIAN RAILWAYS 150 YEARS OF GLORIOUS SERVICE

शुभ यात्रा HAPPY JOURNEY

| श्रेणी CLASS | पी एन आर नं. PNR NO. | गाडी नं. TRAIN NO. | तिथि DATE | कि.मी. K.M. | वयस्क ADULT | बच्चे CHILD | टिकट नं. TICKET NO. |
|-----------------|-------------------------|-----------------------|--------------|----------------|----------------|----------------|------------------------|
| 840-4259387 | 2415 | 08-08-2004 | 818 | 1 | 0 | | 90509726 |

ANNEXURE IX A JOURNEY CUM RESERVATION TICKET

थया इंदौर निजामुद्दीन RESV. UPTO

| कोच COACH | सीट/बेथ SEAT/BEARTH | लिंग SEX | वय AGE | आधिकारिता T.AUTHORITY | आ. शु. CONC. | स. शु. R.FEE | स. अ. S.CH | वाचन VOUCHRS | कु. नकद रु. T.CASH RS. |
|--------------|------------------------|-------------|-----------|--------------------------|-----------------|-----------------|---------------|-----------------|---------------------------|
| 58 | 16 | SU | 46 | | | 20 | 20 | | 323 |

Rs. THREE TWO THREE ONLY

IND NZM EXPRESS BOARDING INDORE IN 20 08-08-2004 SCHEDULED DEP LEHR/1.2

704 03-08-2004 18:41 INDR 2 VIA UJR-NAD-KOTA-TKD

Karamchand Thapar & Bros (C.S.) Ltd., Mumbai

आर. पी - R.P. 54 भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्राप्ति स्वीकृति / ACKNOWLEDGEMENT

बीमा/रजिस्ट्री-पत्र पार्सल प्राप्त हुआ
Received Insured/Registered Letter/Parcel /.....

क्रमांक / No तारीख / Dated का / of

बीमा का मूल्य रूपयों में
Insured for Rupees

पाने वाला The Directorate General
Addressed to Kind Attn: Shri K. M. Paul (R. & E)
All India Radio, Akashvani Bhawan
Parliament Street
NEW DELHI को / on

वितरण डाकघर की तारीख - मोहर
Date Stamp of office of delivery पाने वाले के हस्ताक्षर / Signature of Addressee

आर. पी - R.P. 54 भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्राप्ति स्वीकृति / ACKNOWLEDGEMENT

बीमा/रजिस्ट्री-पत्र पार्सल प्राप्त हुआ
Received Insured/Registered Letter/Parcel /.....

क्रमांक / No तारीख / Dated का / of

बीमा का मूल्य रूपयों में
Insured for Rupees

पाने वाला The Directorate General
Addressed to Kind Attn: Dr. Shri V. K. Singh (CCO)
All India Radio, Akashvani Bhawan
Parliament Street को / on

वितरण डाकघर की तारीख - मोहर
Date Stamp of office of delivery पाने वाले के हस्ताक्षर / Signature of Addressee

आर. पी - R.P. 54 भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्राप्ति स्वीकृति / ACKNOWLEDGEMENT

बीमा/रजिस्ट्री-पत्र पार्सल प्राप्त हुआ
Received Insured/Registered Letter/Parcel /.....

क्रमांक / No तारीख / Dated का / of

बीमा का मूल्य रूपयों में
Insured for Rupees

पाने वाला The Presses Bhawan Section
Addressed to Kind Attn: Shri K. S. Sarma, (CCO)
PTI Building
NEW DELHI को / on

वितरण डाकघर की तारीख - मोहर
Date Stamp of office of delivery पाने वाले के हस्ताक्षर / Signature of Addressee

Self attested

9/9/05
Station Engineer
आकाशवाणी
All India Radio
गुवाहाटी
Guwahati

रजिस्ट्री-पत्र/पार्सल प्राप्त हुआ।
Received Registered Letter/Parcel /

क्रमांक/No.

तारीख/Dated

का/of

* बीमे का मूल्य रुपये में

* Insured for Rupees

पाने वाले

Addressed to

The Director General
Kind All - Shri Braijeshwar Singh
All India Radio D.C.O.
Akashvani Bhawan, Parliament
Street को/On NEW DELHI-110001

वितरण डाकघर की तारीख-मोहर

Date stamp of office of delivery

हस्ताक्षर और नाम/Signature and Name

INDORE GPO (452001)

RLAD A 915

Counter No:1, OP-Code:BKT

To:DIRECTOR GENERAL, ALL INDIA RADIO
NEWDELHI

Wt:10grams,

Amt:25.00 , 12/10/2004 , 12:34

Have a nice day.

भारतीय डाक



भारतीय डाक



INDORE GPO (452001)

RLAD A 9491

Counter No:1, OP-Code:SANJU

To:THE PRASAR BHARTIA SEC.

NEW DELHI, PIN:110001

Wt:15grams,

Amt:22.00 , 20/09/2004 , 12:35

Have a nice day

INDORE GPO (452001)

RLAD A 916

Counter No:1, OP-Code:BKT

To:PRASAR BHARTIA SEC., K B SARMA
NEWDELHI

Wt:10grams,

Amt:25.00 , 12/10/2004 , 12:35

Have a nice day

भारतीय डाक



भारतीय डाक



INDORE GPO (452001)

RLAD A 9499

Counter No:1, OP-Code:SANJU

To:DIRECTOR GENERAL,

NEW DELHI, PIN:110001

Wt:15grams,

Amt:22.00 , 20/09/2004 , 12:35

Have a nice day

INDORE GPO (452001)

RLAD A 917

Counter No:1, OP-Code:BKT

To:DIRECTOR GENERAL, V.K. SINGH, ALL INDIA
NEWDELHI

Wt:10grams,

Amt:25.00 , 12/10/2004 , 12:35

Have a nice day

भारतीय डाक



भारतीय डाक



INDORE GPO (452001)

RLAD A 9500

Counter No:1, OP-Code:SANJU

To:DIRECTOR GENERAL,

NEW DELHI, PIN:110001

Wt:40grams,

Amt:27.00 , 20/09/2004 , 12:34

Have a nice day

INDORE GPO (452001)

RLAD A 9500

Counter No:1, OP-Code:SANJU

To:D G DR. BAKHAR SINGH, ALL INDIA RADIO

NEWDELHI, PIN:110001

Wt:15grams,

Amt:22.00 , 20/09/2004 , 12:34

Have a nice day

भारतीय डाक



Self attested

Station Master

All India Radio

गुवाहाटी

Gowahati

प्रसार भारती
(भारतीय प्रसारण निगम)
आकाशवाणी इन्दौर

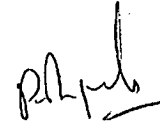
कमांक इन्दौर-1(2)2004-एस / 3363

दिनांक 11-8-2004

आदेश

आकाशवाणी महानिदेशालय आदेश संख्या-2/1/2004-एस-3, दिनांक 26-7-04 के अनुसार श्री एस.के.कदम, सहायक केन्द्र अभियंता का स्थानान्तरण समान पदक्षमता में आकाशवाणी तेजु केन्द्र पर हुआ है। उन्हें दिनांक 11/8/2004 (पूर्वाह्न) को इस केन्द्र से कार्यभार मुक्त किया जाता है।

श्री कदम को सूचित किया जाता है कि यदि उनके पास कोई सरकारी सम्पत्ति देय हो तो तुरंत कार्यालय में जमा करा दें।



(पुष्पा के. मेंघानी)
प्रशारणिक अधिकारी,
कृते केन्द्र निदेशक

✓ श्री एस.के. कदम, (इरला नं.15054)
सहायक केन्द्र अभियंता,
आकाशवाणी,
इन्दौर

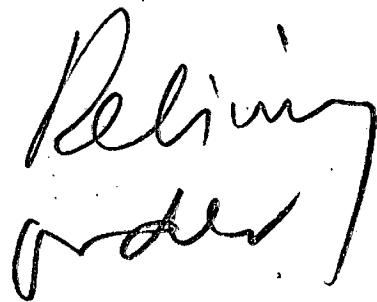
- 1/ महानिदेशक, एस-3 अनुभाग, आकाशवाणी, आकाशवाणी भवन, संसद मार्ग, नई दिल्ली को उनके आदेश दिनांक 26/7/04 के संदर्भ में सूचनार्थ।
- 2/ मुख्य अभियंता(प.क्ष.), आकाशवाणी एवं दूरदर्शन, 101, एम.के. रोड, मुंबई-20।
- 3/ पैतन एंव. लेखा अधिकारी, इरला ग्रुप, कम्प्यूटर-1, सूचना एवं प्रसारण मंत्रालय, ए.जी.सी.आर.बिल्डिंग, इन्दूरप्रस्था एस्टेट, नई दिल्ली (सी.टी.सी. संलग्न)।
- 4/ केन्द्र अभियंता, आकाशवाणी, तेजु।
- 5/ अधीक्षण अभियंता / केन्द्र निदेशक के निजी सहायक
- 6/ पुस्तकालय / सामग्री लिपिक / कैशीयर / वलय सचिव।
- 7/ वैयक्तिक फाइल एवं सेवा पंजी हेतु।

Self attested



सहायक केन्द्र अभियंता
Asst. Station Engineer
आकाशवाणी
All India Radio
गुवाहाटी
Gowahati

हस्ताक्षर
कृते केन्द्र निदेशक



The Superintending Engineer,
All India Radio,
Malwa House,
INDORE

Subject : TA on Transfer

Ref'nce : Dte. Order No.2/1/2004-SIII dated 26/07/04.

My letters dated 27/07/04, 30/07/04 & 05/08/04.

AIR, Indore letter No.Ind.1(1)2004/AC 2118 dated
28/07/04 and Ind.1(2)2004/S/3303 dated 11/08/04

Sir,

Kindly refer to above referred letters on the subject cited above. I have been relieved from AIR, Indore on 11.08.04 but so far Transfer TA advance have not been provided to me. I cannot move without TA advance.

It is, therefore, requested that I may kindly be granted TA advance as early as possible or let me know accordingly.

Yours faithfully,

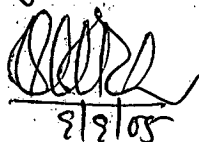


(S.K. KADAM)

ASSTT. STATION ENGINEER

Dated : 31/08/2004

Self attested



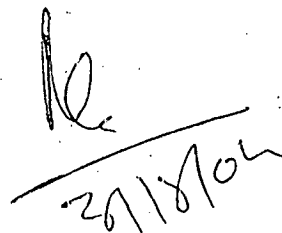
सहायक स्टेशन अभियंता
Station Engineer

आकाशवाणी.

All India Radio

गुवाहाटी

Gowahati



REGISTERED

Directorate General,
(Kind Attn.: Dr. Shri. V.K.Singh, CE(D))
All India Radio,
Akashwani Bhavan,
Parliament Street,
NEW DELHI

ON LEAVE

Sub:- TA on transfer.

6/9/04

Respected Sir,

Kindly refer to my letters dated 30.07.2004 and 05.08.2004 regarding TA on transfer. In this connection it is intimated that I have been relieved from AIR, Indore (Now as per Dte. order No.2/1/2004-SIII dtd. 30.8.2004 I have been transferred from AIR, Indore to AIR, Guwahati instead of AIR, Tezu) on 11.08.2004 without TA advance as AIR Indore was unable to provide me above advance. As per Dte. letter No.1/187/2003-B&A/1625 dtd. 20.08.2004 (photocopy enclosed) Dte. is also unable to provide fund till R.E. release. Under above circumstances I can not move from Indore on transfer without TA advance.

It is therefore once again requested to provide me TA advance at the earliest.

Thanking you,

Yours faithfully,



(S.K.KADAM) 6/9/04

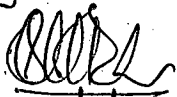
ASSTT. STATION ENGINEER

Date: 06.09.2004

Copy to:-

1. The Directorate General (Kind Attn.: Sh.O.P.Bhatti, DE(HQ)), All India Radio, Akashwani Bhavan, Parliament Street, New Delhi for your kind information.
2. The Superintending Engineer, All India Radio, Chandmari, Guwahati - 781003 for your kind information.

Self attested

2/9/05
सहायक स्टेशन अभियंता

Asstt. Station Engineer

आकाशवाणी.

All India Radio

गुवाहाटी

Guwahati

(S.K.KADAM)
ASSTT. STATION ENGINEER

प्रसार भारती
 {भारतीय प्रसारण निगम}
 आकाशवाणी: इन्दौर-452001

संख्या : इन्दौर।११/2004-05/लेखा/SSS
 प्रति

दिनांक : 3-09-2004

श्री एस.के. कदम,
 सहायक केन्द्र अभियंता,
 मूसाखोडी,
 इन्दौर {म.प्र.}

विषय : स्थानान्तर यात्रा अग्रिम संबंधी ।

महोदय,

आपके पत्र संख्या दिनांक 31-8-2004 के संदर्भ में महानिदेशालय, आकाशवाणी नई दिल्ली के पत्र संख्या 1/187/2003/ बी. एण्ड ए./1625 दिनांक 20-08-2004 के द्वारा सूचित किया है कि घरेलू यात्रा व्यय में अतिरिक्त बजट राशि देना संभव नहीं है । अतः आपको स्थानान्तर यात्रा अग्रिम का भुगतान करना संभव नहीं है ।

भवदीया,

{श्रीमती पुष्पा मेंधानी}
 प्रशासनिक अधिकारी
 कृते केन्द्र निदेशक

Received

10/9

Self attested

{Signature}

सहायक केन्द्र अभियंता

Asst. Station Engineer

आकाशवाणी

All India Radio

मूसाखोडी

Gawabadi

For Budget
 {Signature}

REGISTERED

The Directorate General,
(Kind Attn.: Sh. K.M.Paul, E-in-C)
All India Radio,
Akashwani Bhavan,
Parliament Street,
NEW DELHI

Sub:- TA on transfer.

Respected Sir,

It is brought to your kind notice that I was transferred from AIR, Indore to AIR, Itanagar vide Dte. Order No.20/2004-SIII dated 05.04.2004. This order had modified vide Dte. order No.43/2004-SIII dated 26.07.2004 in which I was transferred from AIR, Indore to AIR, Teju. Again Dte. have modified above order vide order No.54/2004-SIII dated 30.08.2004 and I have been transferred in the same capacity to All India Radio, Guwahati(North-East) instead of All India Radio, Teju.

I was applied for TA on transfer dated 23.07.2004 and 27.07.2004. But as per AIR Indore letter No.Ind-1(1)/2004-05/A/c/2118 dated 28.07.2004(Photocopy enclosed) have been informed me that AIR Indore can not provide TA on transfer. I sent three letters dated 30.7.2004, 5.8.2004 and 6.9.2004 (Photocopy enclosed) to CE(D) regarding TA on transfer and intimated that AIR Indore as well as Dte.(B&A section) are unable to provide me TA advance. I also requested that I may kindly be retained at AIR Indore till TA advance grant me. I personally met to CE(D) on 10.8.2004. I told him about TA advance crisis. He told me if your station is not providing TA advance you ask your station to write a letter to Dte.(DE,HQ), Directorate would provide you TA on transfer. He also added that you would not ask to move without TA advance. As CE(D) instructions the station engineer, AIR, Indore sent letters No.Ind-8(4)/2004/AC dated 11.08.2004 to Dte.,DE(HQ) and Dy.Director General(Finance) requesting to provide TA advance for Sh. S.K.Kadam, ASE.

As per AIR Indore letter No.Ind-1(2)/2004-S/3303 dtd. 11.08.2004, I have been relieved from AIR Indore on 11.08.2004 without TA advance as AIR, Indore was unable to provide me TA on transfer. As per Dte letter No.1/187/2003-B&A/1625 dtd. 20.8.2004 (Photocopy enclosed) Dte. is also unable to provide fund till R.E. release. Under above circumstances I can not move from Indore on transfer without TA advance.

It is therefore requested that I may kindly be arranged TA advance as early as possible so that I may join AIR, Guwahati. I may consider on duty since my relieving to till advance grant me.

Thanking You,

Dated : 21.09.2004

Yours faithfully,

Sd.

(S.K.KADAM)

ASSTT. STATION ENGINEER

Copy to:

1. The Prasar Bharati Secretariat(Kind Attn.: Sh. K.S.Sarma, CEO), P.T.I.Bldg, New Delhi-110001 for your kind information.
2. The Directorate General(Kind Attn. Sh. V.K.Singh, CE(D)), All India Radio, Akashwani Bhavan, Parliament Street, New Delhi for your kind information.

Self attested

(Signature)
Station Engineer
आकाशवाणी,
All India Radio
गुवाहाटी
Guwahati

(Signature)
(S.K.KADAM) 21/9/04
ASE

**REMINDER-I
REGISTERED**

✓ The Directorate General,
(Kind Attn.: Sh. K.M.Paul, E-in-C)
All India Radio,
Akashwani Bhavan,
Parliament Street,
NEW DELHI

Respected Sir,

Sub:- TA on transfer.

Kindly refer to my letter dated 21.09.2004 on the above cited subject. In this regard once again it is brought to your kind notice that I was transferred from AIR, Indore to AIR, Itanagar vide Dte. Order No.20/2004-SIII dated 05.04.2004. This order had modified vide Dte.order No.43/2004-SIII dated 26.07.2004 in which I was transferred from AIR, Indore to AIR, Teju. Again Dte. have modified above order vide order No.54/2004-SIII dated 30.08.2004 and I have been transferred in the same capacity to All India Radio, Guwahati(North-East) instead of All India Radio, Teju.

I was applied for TA on transfer dated 23.07.2004 and 27.07.2004. But as per AIR Indore letter No.Ind-1(1)/2004-05/A/c/2118 dated 28.07.2004 have been informed me that AIR Indore can not provide TA on transfer. I sent three letters dated 30.7.2004, 5.8.2004 and 6.9.2004 to CE(D) regarding TA on transfer and intimated that AIR Indore as well as Dte.(B&A section) are unable to provide me TA advance. I also requested that I may kindly be retained at AIR Indore till TA advance grant me. I personally met to CE(D) on 10.8.2004. I told him about TA advance crisis. He told me if your station is not providing TA advance you ask your station to write a letter to Dte.(DE,HQ), Directorate would provide you TA on transfer. He also added that you would not ask to move without TA advance. As CE(D) instructions the station engineer, AIR, Indore sent letters No.Ind-8(4)/2004/AC dated 11.08.2004 to Dte.,DE(HQ) and Dy.Director General(Finance) requesting to provide TA advance for Sh. S.K.Kadam, ASE.

As per AIR Indore letter No.Ind-1(2)/2004-S/3303 dtd. 11.08.2004, I have been relieved from AIR Indore on 11.08.2004 without TA advance as AIR, Indore was unable to provide me TA on transfer. As per Dte letter No.1/187/2003-B&A/1625 dtd. 20.8.2004 Dte. is also unable to provide fund till R.E. release. Under above circumstances I can not move from Indore on transfer without TA advance.

It is therefore requested that I may kindly be arranged TA advance as early as possible so that I may join AIR, Guwahati. I may consider **on duty** since my relieving to till advance grant me.

Thanking You,

Dated : 12.10.2004

Yours faithfully,

(S.K.KADAM) 12/10/04

ASSTT. STATION ENGINEERCopy to:

1. The Prasar Bharati Secretariat(Kind Attn.: Sh. K.S.Sarma, CEO), P.T.I.Building, New Delhi-110001 for your kind information.
2. The Directorate General(Kind Attn. Sh. V.K.Singh, CE(D)), All India Radio, Akashwani Bhavan, Parliament Street, New Delhi for your kind information.
3. The Superintending Engineer, All India Radio, Chandmari, Guwahati - 781003 for your kind information.

Self attested

(Signature)
Station Engineer,
All India Radio,
Guwahati

(S.K.KADAM)

Rep

The Directorate General,
(Kind Attn.: Dr. Sh. Braijeshwar Singh, DG)
All India Radio,
Akashwani Bhavan,
Parliament Street,
NEW DELHI

REGISTERED

39

Sub:- TA on transfer.

Respected Sir,

It is brought to your kind notice that I was transferred from AIR, Indore to AIR, Itanagar vide Dte. Order No.20/2004-SIII dated 05.04.2004. This order had modified vide Dte.order No.43/2004-SIII dated 26.07.2004 in which I was transferred from AIR, Indore to AIR, Teju. Again Dte. have modified above order vide order No.54/2004-SIII dated 30.08.2004 and I have been transferred in the same capacity to All India Radio, Guwahati(North-East) instead of All India Radio, Teju.

I was applied for TA on transfer dated 23.07.2004 and 27.07.2004. But as per AIR Indore letter No.Ind-1(1)/2004-05/A/c/2118 dated 28.07.2004(Photocopy enclosed) have been informed me that AIR Indore can not provide TA on transfer. I sent three letters dated 30.7.2004, 5.8.2004 and 6.9.2004(Photocopy enclosed) to CE(D) regarding TA on transfer and informed that AIR Indore as well as Dte.(B&A section) is unable to provide me TA advance. I also requested that I may kindly be retained at AIR Indore till TA advance grant me. I personally met to CE(D) on 10.8.2004. I told him about TA advance crisis. He told me if your station is not providing TA advance you ask your station to write a letter to Dte.(DE,HQ), Directorate would provide you TA on transfer. He also added that you would not ask to move without TA advance. As CE(D) instructions the station engineer, AIR, Indore sent letters No.Ind-8(4)/2004/AC dated 11.08.2004 to Dte.,DE(HQ) and Dy.Director General(Finance) requesting to provide TA advance for Sh. S.K.Kadam, ASE.

As per AIR Indore letter No.Ind-1(2)/2004-S/3303 dtd. 11.08.2004, I have been relieved from AIR Indore on 11.08.2004 without TA advance as AIR, Indore was unable to provide me TA on transfer. As per Dte letter No.1/187/2003-B&A/1625 dtd. 20.8.2004(Photocopy enclosed) Dte. is also unable to provide fund till R.E. release. I written two letters dated 21.9.2004 and 12.10.2004 (Photocopy enclosed) to Engineer-in-Chief and Chief Engineer(D) requesting to arrange TA advance as early as possible. But till date TA on transfer could not grant me. Under above circumstances I can not move from Indore on transfer without TA advance.

It is therefore requested that I may kindly be arranged TA advance as early as possible so that I may join AIR, Guwahati. I may consider **on duty** since my relieving to till advance grant me.

Thanking You,

Dated : 27.10.2004



Self attested



9/10/04

Station Engineer

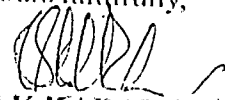
अभिषेक

All India Radio

गुवाहाटी

Guwahati

Yours faithfully,



(S.K.KADAM) 20/10/04

ASSTT. STATION ENGINEER

The Station Director,
All India Radio,
INDORE

Subject : TA on Transfer

Ref'nce : 1. Dte. order No.2/1/2004-SIII dated 26/07/04.
2. My letters dated 27/07/04, 30/07/04, 05/08/04 and 31/08/04.
3. AIR, Indore's letters no. IND.1(1)2004/AC/2118 dated 28/07/04, IND.1(2)2004/S/3303 dated 11/08/04 and IND.1(1)2004/AC/558 dated 03/09/04

Sir,

Kindly refer to above referred letters on the subject cited above. I have been relieved from AIR, Indore on 11/08/04 but so far transfer TA advance has not been provided to me, therefore, I could not join at AIR, Guwahati. I am waiting for TA advance.

I came to know that Dte. has released some fund under the Head of DTE. It is therefore, requested that I may kindly be granted TA advance at the earliest otherwise, it will be presumed that you are forcing me to knock the door of the Honourable Court.

Yours faithfully,

Dated : 01/12/2004

(S.K. KADAM) 11/12/04
ASSTT. STATION ENGINEER

Copy for kind information to :

1. The Director General (Kind Attn : Dr. Braijeshwar Singh)
All India Radio, Akashvani Bhawan, Parliament Street,
New Delhi-1.
2. The Dte. General (Kind Attn : Dr. V.K. Singh, CE(D), AIR,
Akashvani Bhawan, Parliament Street, New Delhi-1

All India Radio
Indore

ASSTT. STATION ENGINEER

Self attested

9/12/04

आकाशवाणी केंद्र, गुवाहाटी

Station Engineer

आकाशवाणी

All India Radio

गुवाहाटी

Guwahati

प्रसार भारती
 भारतीय प्रसारण निगम
 आकाशवाणी, इन्दौर
 x x x x

By Hand

क्रमांक: इन्दौर-४४४ 2004-05/लेखा/ 4715

दिनांक 7/12/2004

मंजूरी आदेश
 =====

केन्द्र निदेशक, आकाशवाणी, इन्दौर द्वारा जी. एफ. आर. परिशोधित एवं परिवर्तित अधिनियम 1963 पैरा 222 के अन्तर्गत श्री एस. के. कदम, सहायक केन्द्र अभियंता को स्थानान्तरण अग्रिम यात्रा भत्ता राशि के रूप में रु. 20,000/- (रुपये बीस हजार केवल) की स्वीकृति प्रदान की जाती है।

यह व्यय लेखा शीर्ष 222।ए प्रसारण ए-1४४३३ टी.ए. के अंतर्गत 2004-05 के लिए स्वीकृत मद के अन्तर्गत दिया जायेगा।

स्थानान्तरण अग्रिम धनराशि का समायोजन अंतिम स्थानान्तरण बिल केन्द्र निदेशक, आकाशवाणी, गौहाटी के कार्यालय में प्रस्तुत करने के बाद होगा।

इनके पक्ष में इस समय कोई भी धनराशि शेष नहीं है।

आहरण एवं संवितरण अधिकारी
 कृते केन्द्र निदेशक

श्री एस. के. कदम,
 सहायक केन्द्र ~~निदेशक~~ अभियंता,
 मुसाखेडी- इन्दौर

प्रतिलिपि: केन्द्र निदेशक, आकाशवाणी, गौहाटी (आसाम)
 : लेखा विभाग (बिल फॉर्म) 2 प्रतियाँ

Self attested

9/12/04
 Station Engineer
 आकाशवाणी,
 All India Radio
 गुवाहाटी
 Guwahati

आहरण एवं संवितरण अधिकारी
 कृते केन्द्र निदेशक

ANNEXURE - XIX

25
✓

To
The Superintending Engineer,
All India Radio,
Guvahati.

Sub:- Special disability leave.

Respected Sir,

Kindly refer to Dte. Order No.54/2004-SIII dated 30.08.2004 and AIR Indore letter No.Ind-1(2)/2004-S/3303 dated 11.08.2004 (Photo copy enclosed). I have joined AIR Guvahati on 27.12.2004 (F/N). I could not joined this stations just after my relieving due to following reason.

I was applied for TA on transfer dated 23.07.2004 & 27.07.2004. But as per AIR Indore letter No.Ind-1(1)/2004-05/A/c/2118 dated 28.07.2004 (Photo copy enclosed) was informed me that AIR Indore can not provide TA on transfer. I sent three letters dated 30.07.04, 05.08.04 and 06.09.04 (Photo copy enclosed) to CE(D) regarding TA on transfer and informed that AIR Indore as well as Dte.(B & A section) is unable to provide me TA advance. I also requested that I may kindly be retained at AIR Indore till TA advance grant me. I personally met to CE(D) on 10.08.2004. I told him about TA advance crisis. He told me if your station is not providing TA advance you ask your station to write a letter to Dte.(DEHQ) Directorate would provide you TA on transfer. He also added that you would not ask to move without TA advance. As CE(D) instructions the station engineer, AIR, Indore sent letters No.Ind-8(4)/2004/AC dated 11.08.2004 to Dte.DE(HQ) and Dy. Director General(Finance) requesting to provide TA advance for Sh. S.K. Kadam, ASE.

I was relieved from AIR Indore on 11.08.2004 without TA advance as AIR Indore was unable to provide me TA on transfer. As per Dte. Letter No.1/187/2003-B & A dated 20.08.2004 (Photo copy enclosed) Dte. Was also unable to provide me TA on transfer. I had written three letters to Engineer-in-Chief, Chief Engineer(D) and Director General dated 21.09.2004, 12.10.2004 and 27.10.2004 (Photo copy enclosed) respectively, requesting them to arrange TA advances as early as possible. I again requested to Station Director AIR Indore dated 01.12.2004 (Photo copy enclosed) for TA advance. He granted me Rs.20,000/- on 09.12.2004 against TA advance request of Rs.82885/- dated 23.07.2004.

It is therefore requested that I may kindly be granted special disability leave from 12.08.2004 to 09.12.2004 i.e., 120 days which will not be debited from leave account.

Thanking you

Dated: 03.01.2005

Self attested



9/1/05

Station Engineer

Station Engineer

(All India Radio)

Guvahati

Yours faithfully,



(S.K. KADAM)

Asstt. Station Engineer.

Received

03/01/05

ANNEXURE - XX

26

17

No.21 (2)/2004-05-S/
PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO: GUWAHATI
@@@@@@@@@

22 FEB 2005


Chandmari, Guwahati-781 003
Dated the 16th Feb, 2005.

MEMORANDUM

With reference to his application dated 03.01.2005 regarding grant of Special Disability Leave for 120 days from 12.08.2004 to 09.12.2004 for non-payment of Transfer T.A. in connection with his transfer from AIR, Indore to AIR, Guwahati.

Shri S.K.Kadam, Assistant Station Engineer at this Station is hereby informed that as per Rules Special Disability Leave is not admissible on the ground stated above.

Shri Kadam is therefore requested to submit the leave application in the prescribed form to regularise the same.


(A. R. PATHAK)
Sr. Administrative Officer,
for Station Director.

Shri S.K.Kadam,
Assistant Station Engineer,
All India Radio,
Guwahati.

Self attested



Station Engineer.
All India Radio
Guwahati

M/5
Received on 22/2/05

To
The Superintending Engineer,
All India Radio,
Guwahati.

Sub:- Regarding leave.

Respected Sir,

Kindly refer to your letter No.21(2)/2004-05-S dated 22.02.2005. You have informed me that as per Rules special disability leave is not admissible. In this connection I would like to draw your kind attention, On my leave application dated 03.01.2005. In which I clearly mentioned that why I could not be joined this station just after my relieving from AIR, Indore.

I, therefore once again requested that above leave case may be treated as special case and I may be sanctioned/regularised any other kind of leave from 12.08.04 to 09.12.04 that is 120 days which will not be debited from my leave account or It may kindly be forwarded to directorate.

Thanking you.


Dated: 24.02.2005

Yours faithfully,


(S.K. KADAM)

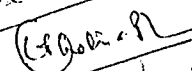
Asstt. Station Engineer.

Self attested


9/9/05

Asstt. Station Engineer.

आकाशवाणी
All India Radio
गुवाहाटी
Guwahati

Received

24/02/05

1
ANNEXURE - XXII-A

To
The Director General,
Kind attn.: Shri Ranbir Singh, DE(E & P),
All India Radio, Akashvani Bhavan,
Parliament Street,
New Delhi-110001.

(THROUGH PROPER CHANNEL)

Sub:- Special leave.

Respected Sir,

Kindly refer to Dte. Order No.54/2004-SIII dated 30.08.2004 and AIR Indore letter No.Ind-1(2)/2004-S/3303 dated 11.08.2004(Photo copy enclosed). I have joined AIR Guwahati on 27.12.2004 (F/N). I could not joined AIR, Guwahati just after my relieving due to following reasons.

I was applied for TA on transfer dated 23.07.2004 & 27.07.2004. But as per AIR Indore letter No.Ind-1(1)/2004-05/A/c/2118 dated 28.07.2004 (Photo copy enclosed) was informed me that AIR Indore can not provide TA on transfer. I sent three letters dated 30.07.04, 03.08.04 and 06.09.04(Photo copy enclosed) to CE(D) regarding TA on transfer and informed that AIR Indore as well as Dte.(B & A section) is unable to provide me TA advance, under above circumstances I can not move from Indore on transfer without TA advance. I also requested that I may kindly be retained at AIR Indore till TA advance grant me. I personally met to CE(D) on 10.08.2004. I told him about TA advance crisis. He told me if your station is not providing TA advance you ask your station to write a letter to Dte.(DE,HQ) Directorate would provide you TA on transfer. He also added that you would not ask to move without TA advance. As CE(D) instructions the station engineer, AIR, Indore sent letters No.Ind-8(4)/2004/AC dated 11.08.2004 to Dte.,DE(HQ) and Dy. Director General(Finance) requesting to provide TA advance for Sh. S.K. Kadam, ASE.

I was relieved from AIR Indore on 11.08.2004 without TA advance as AIR Indore was unable to provide me TA on transfer. As per Dte. Letter No.1/187/2003-B & A dated 20.08.2004 (Photo copy enclosed) Dte. Was also unable to provide me TA on transfer. I had written three letters to Engineer-in-Chief, Chief Engineer(D) and Director General dated 21.09.2004, 12.10.2004 and 27.10.2004 (Photo copy enclosed) respectively, requesting them to arrange TA advances as early as possible. I again requested to Station Director AIR Indore dated 01.12.2004 (Photo copy enclosed)for TA advance. He granted me Rs.20,000/- on 09.12.2004 against TA advance request of Rs.82885/- dated 23.07.2004. Thus I could joined at AIR Guwahati on 27.12.2005.

Self attested



Station Engineer

All India Radio

Guwahati

Guwahati

Guwahati

Contd... 2

I applied for leave to Superintending Engineer AIR, Guwahati requesting them to sanction special disability leave from 12.08.2004 to 09.12.2004 i.e., 120 days which would not be debited from my leave account dated 03.01.2005 (Photo copy enclosed). In reply of above letter AIR, Guwahati informed me that as per rule special disability leave is not admissible for non payment of transfer T.A. dated 22.02.2004 (photo copy encl.).

I once again requested that above case may consider as a special case and I may be sanctioned/regularised any other kind of leave dated 24.02.2005, but so far leave is not sanction.

It is therefore requested that above case may consider a special case and I may kindly be granted special leave from 12.08.2004 to 09.12.2004 i.e., 120 days ^{which} would not be debited from my leave account.

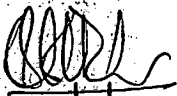
Thanking you.

Dated: 01.04.2005

Yours faithfully,

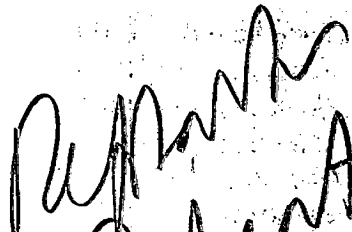

(S.K. KADAM) 11/4/05
Asstt. Station Engineer.

Self attested


3/9/05

Asstt. Station Engineer
आकाशवाणी.
All India Radio
गुवाहाटी
Guwahati

Received
GK 12
01/06/05


~~Reported~~
Spent leave?

No.21 (2)/2005-S/(SKK)/ 1868

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO::GUWAHATI
@@@@@@@@@

30 June 2005

Chandmari, Guwahati-781 003
Dated the June 24, 2005.

MEMORANDUM

Sub: Grant of 120 days Special Leave to Shri S. K. Kadam,
Assistant Station Engineer, AIR, Guwahati.

Ref:- His representation dated 01.04.2005.

The Directorate, vide their OM. No.9/159/99-S.III/501 dated 09.06.2005 has informed that the request of Shri S. K. Kadam, Assistant Station Engineer for grant of 120 days Special leave has been considered in Directorate but it is not found possible to accede to his request as it is not covered under Rules.

The Directorate has instructed to obtain fresh leave application of 120 days Earned Leave from Shri Kadam from 12.08.2004 to 09.12.2004 to regularize the period of absence. Shri S. K. Kadam, Assistant Station Engineer may therefore submit application for leave accordingly to this office.

Mohan Singh
(MOHAN SINGH)
28/6/05
SUPERINTENDING ENGINEER.

Sh. S.K. Kadam,
Assistant Station Engineer,
All India Radio,
Guwahati.

imposed order

Copy to :- Chief Engineer(NEZ), AIR & TV, Dr. P. Kakoti's Building, Near Ganeshguri flyover, G.S.Road, Guwahati-781 006 for kind information.

Self attested

[Signature]

সহায়ক প্রোগ্রামার,
Assistant Station Engineer,

আকাশবাণী,
All India Radio
গুৱাহাটী
Guwahati

SUPERINTENDING ENGINEER

CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, KOLKATA.

ORIGINAL APPLICATION NO. 421/2005.

This is the 26 day of May, 2005.

Hon'ble Shri Anand Kumar Bhatt, Administrative Member.

Soumitra Mazumder,
9/43A, Netaji Nagar,
Kolkata - 700 092.
(By Advocate Shri R.K.De)

...Applicant.



1. Union of India service
through the Secretary to
the Government of India,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi - 110 001.
2. Prasar Bharati,
service through the
Chief Executive Officer,
Mandi House,
Copernicus Marg,
New Delhi - 110 001.
3. Director,
Doordarshan Kendra,
18/7, Uday Shankar Sarani,
Golf Green,
Kolkata - 700 095.
4. Chief Engineer,
Edst Zone,
All India Radio &
Doordarshan, Akashvani Bhavan,
4th Floor, Eden Gardens,
Kolkata - 700 001.
(By Advocate Shri S.Panda)

...Respondents.

ORDER

{Anand Kumar Bhatt, Member (A)}

The following relief has been sought by the applicant in the present application:

- a) For an order directing the respondents to release the salary of the applicant for the month of March, 2005 and for subsequent periods regularly.

-32/
49

b) For a direction upon the respondents for payment of TA & DA advances before effecting any release order for movement from Kolkata to North-East Region.

c) For quashing the impugned release order which has been issued by non-application of mind and pending release of advance of TA & DA to the applicant as per Rules.

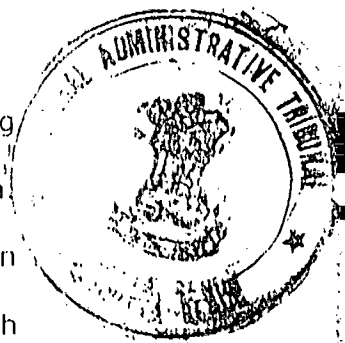
d) For a direction upon the respondents that the intervening period from 15.3.2005 till the applicant is lawfully released be treated as duty for all purposes.

e) Any other order/order(s) as this Hon'ble Tribunal may deem fit and proper".

2. Facts according to the applicant are that :

The applicant is one of the seniormost Senior Engineering Assistant posted at Doordarshan Kendra (for short, DDK), Kolkata. His cadre controlling officer is Chief Engineer, Eastern Zone. In August, 2003 the Eastern Zone was bifurcated and a separate North East Zone was carved out. The applicant opted to go to the North East Zone and accordingly transfer order dt. 30.9.2004 was issued transferring the applicant to DDK Guwahati. The applicant states that copy of this order was marked to him. Later, because of some objection from the Unions, the Chief Engineer, East Zone issued orders on 28.10.2004 (Annexure - A-5) not to relieve the applicant without prior concurrence of Zonal Office, East Zone. Therefore, his transfer and application for TA/DA were shelved. The applicant was on duty till 9.3.2005. He left for Durgapur to see his father. He was scheduled to report for duty on 15.3.2005 in the evening shift. However, when he came to report for duty on 15.3.2005, he came to know that he was relieved on transfer vide order dt. 11.3.2005.

11.3.2005 was a Friday and the order was to take effect from 14.3.2005 afternoon. No action was taken for releasing TA/DA to the applicant. The applicant reported on 28.3.2005 requesting for

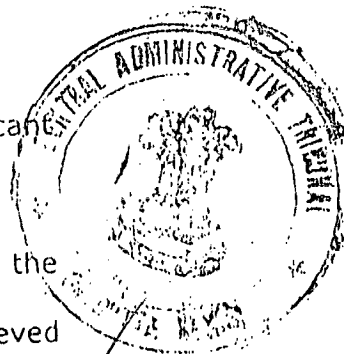


disbursement of T. /DA advance before giving effect to such relief order. The applicant further states that he has not been given any salary for March, 2005 and no LPC has been issued in respect of the applicant. Pay advance has also not been given to the applicant.

3. In the oral submissions, Shri R.K.De, counsel for the applicant reiterated the written pleadings.

4. In the oral submissions, Shri S.Panda, counsel for the respondents stated that the applicant has already been relieved about 2 1/2 months back and TA/DA has been sanctioned and is lying in the office since 21.3.2005, but the applicant has not taken it as yet.

5. I have considered the case. The applicant states that he was not given the copy of the transfer order dt. 30.9.2004, as well as, the order dt. 11.10.2004 (Annexure - A-3). However, the applicant has stated that he applied for TA/DA on 26.10.2004 and therefore, it is difficult to believe that he did not know of the transfer, especially when he opted for a transfer to Guwahati. Vide order dt. 28.10.2004, the Chief Engineer issued orders not to relieve the applicant. However, he was relieved vide order dt. 11.3.2005 (Annexure - A-6). This order has been marked to the official concerned and the applicant has annexed a copy of the said order in his O.A. and therefore, it is presumed that the applicant received the copy of the order, some how or the other. The main grudge of the applicant seems to be, that TA/DA advance was not given to him before issuing his relief order for which he made a representation dt. 28.3.2005. It is found that in the said representation dt. 28.3.2005 (Annexure - A-7) the applicant has not made any



ANNEXURE - XXIV-D

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request for pay advance and therefore, I do not think that any direction is required to give the applicant any pay advance and to ~~the extent~~ ^{extend to} the joining time on this pretext. However, the respondents have stated that the TA/DA was sanctioned and was ready for payment on 21.3.2005 and that has not been collected by the applicant. Taking all things into consideration, it is ordered that:



- a) The period from 14.3.2005 to 21.3.2005 be taken as extended joining time *on full pay.*
- b) The applicant should report to DDK, Guwahati in accordance with the order dt. 11.3.2005 not later than 15 days of the date of issue of this order.
- c) The period between 22.3.2005 and the date the applicant joins at Guwahati be regularized by giving the applicant leave due to him after deducting the normal joining time.

6. The O.A. is disposed of as above. No costs.

sd/
(ANAND KUMAR BHATT)
MEMBER (A)

B.

अनुवाद प्रति प्रमाणित

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11/8/6/05

अधीक्षारी
Tribunal

अधीक्षारी

अधीक्षारी

NO. 11/8/6/05

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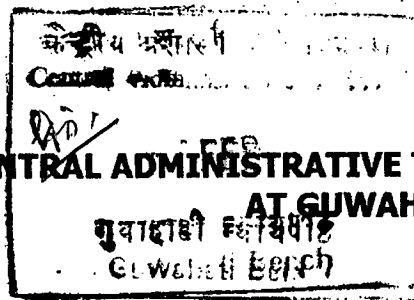
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT GUWAHATI.



IN THE MATTER OF

O.A. No. 240 of 2005

Surendra Kumar Kadam

..... Applicant.

- Versus -

The Union of India & Ors.

..... Respondents.

- AND -

IN THE MATTER OF

Written Statement submitted by the

Respondent Nos. 1 to 4.

WRITTEN STATEMENTS:

The humble answering Respondents

submit their written statement as follows:-

1. (a) That I am the Station Director, AIR, Guwahati
and Respondent No. 4 in the aforesaid case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the written statement on behalf of the Respondents.
- (b) The application is filed unjust and unsustainable both on facts and in law.

- (c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.
- (d) That the application is also hit by the Principles of waiver, estoppel and acquiescence and liable to be dismissed.
- (e) That any action taken by the Respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents against the applicant had suffered from the vice of illegality.
2. That with regard to the statements made in Paragraphs 1 to 5 and 7 to 18 and 20 the Respondent submits that, these are all matters of records and as such the applicant is put to strictest proof thereof.
3. That with regard to the statements made in Paragraph 6 of the application, the answering Respondent not fully admitted the same since it is only partially correct. Actually AIR, Indore vide letter No.Ind-1 (1)/2004-05/AC/2118 dated 28/07/2004 notified Directorate about the poor fund position under TA Head and due to poor fund position applicant could not be granted TTA advance. As such AIR, Indore requested Directorate to grant an additional Budget under TA Head for an amount of Rs.1, 50,000 to meet stations need and the same was endorsed to applicant.
4. That with regard to the statements made in Paragraph 19 of the application, the answering Respondent submits that under FR-44 of CCS (Leave Rules), Special Disability Leave could be granted to a Government Servant who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

5. That with regard to the statements made in Paragraphs 21 & 22 of the application, the answering Respondent beg to state that the applicant's application was forwarded to Directorate vide SD, AIR, Guwahati's letter No.21 (2)/2005-S (SSK) dated 12/05/2005 to consider his case.

All India Radio, Guwahati had conveyed the Directorate's decision about his leave case vide Memo No.21 (2)/2005-S (SSK) dated 30/06/2005 and as per Directorate's decision applicant was requested to submit leave application for 120 days earned leave from 12/08/2004 to 09/12/2004 to regularize the period of absence.

6. That with regard to the statements made in Paragraph 23 of the application, the answering Respondent submits that the applicant has prayed for grant of Special leave, which would not be debited from his leave account or the period of his absence from duty for 120 days from 12/08/2004 to 09/12/2004 be treated as duty for all purposes.

There is no such provision in CCS (Leave Rules). Hence the prayer may not be granted.

7. That the Respondent submits that the application is devoid of merit and as such the same is liable to be dismissed.
8. That this written statement is made bona-fide and for the ends of justice and equity.

Verification

VERIFICATIONI, L. P. Yobmo, Station Director, AIR, Guwahati

do hereby solemnly affirm and verify that the statements made hereinabove are true to my knowledge, belief and information and nothing being suppressed.

I sign this verification on this 2nd day of January, 2006 atGuwahati.
SIGNATURE

केन्द्र निदेशक

Station Director

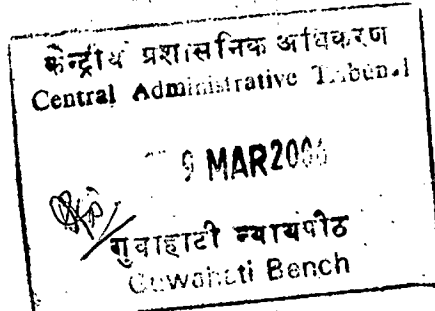
आकाशवाणी

All India Radio

गुवाहाटी

Guwahati

12/01/06 5 PM/10/11
L. P. Yobmo



57
Filed by me applicant
through: Subrata Naha
Advocate
08.03.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of:

O.A No. 240/2005

Surendra Kumar Kadam

-Vs-

Union of India & Ors.

-And-

In the matter of

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

The applicant above named most respectfully begs to state as under: -

1. That the applicant categorically denies the statements made in paragraph 1 (b), (c), (d) and (e) of the written statement and further begs to submit that the contentions of the respondents are not true and not in accordance with the facts and circumstance with the facts and the law.
2. That the applicant categorically denies the statements made in Para 3 of the written statement and begs to submit that the applicant made all efforts by meeting the appropriate authorities personally and by sending letters time and again praying for release of his TA advance to facilitate

his joining at All India Radio, Guwahati but the same was not granted. The letter dated 28.07.04 issued by the respondents, as stated in the written statement is not at all relevant since that did not serve the purpose of the applicant, since the same did not facilitate his movement from Indore nor it was within the scope of the applicant to do anything regarding fund shortage etc. of the department.

3. That with regard to the statements made in paragraphs 4, 5 and 6 of the written statement, the applicant most respectfully begs to submit that the applicant was relieved from Indore on 11.08.2004 without granting TA advance inspite of his successive letters as such he could not move out of Indore for paucity of funds and failed to join at AIR, Guwahati, for no fault of his. He received his TA advance only on 09.12.2004 and that too a small amount of Rs. 20,000/- only as against his entitlement of Rs. 82,885/- which he applied for. However, with extreme financial hardships, he somehow managed to join at AIR, Guwahati on 27.12.2004. The applicant's failure to join in his new station in time is for no fault of his own and is purely attributable to the Respondents and the intervening period from 12.08.2004 to 09.12.2004 i.e. 120 days ought to be granted as special leave not debitablc to his leave account, or alternatively he should be treated as on duty during the said period.

It is relevant to mention here that in a similarly situated case (O.A. No. 421/2004), the Hon'ble CAT, Calcutta Bench directed the Doordarsan department to treat the period of absence of the applicant therein as

extended joining time. The applicant's case being similarly situated, the principle laid down in the aforesaid case is applicable on the applicant too.

4. That the applicant categorically denies the statements made in paragraph 7 of the written statement and further begs to state that this Original Application is full of merit and deserves to be allowed.


In the facts and circumstances stated above, this application deserves to be allowed with costs.

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VERIFICATION

I, Surendra Kumar Kadam, aged about 47 years, working as Assistant Station Engineer, All India Radio, Guwahati, do hereby verify that the statements made in Paragraph 1 to 4 are true to my knowledge and my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 8th day of March 2006.



S.K. Kadam