

50/100
4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

01/11/17

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 54/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: B.N. Prasad

Respondents: U.O.I. Ass.

Advocates for the Applicant: In person

Advocates of the Respondents: case

Notes of the Registry

Date

Order of the Tribunal

02.03.2005

Present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman

The Hon'ble Mr. K.V. Prahladan
Member (A).

Heard Mr. B.N. Prasad in person.
Applicant shall produce english
translation of the documents.

Ms. U. Das, learned Addl. C.G.S.C.
accepts notice on behalf of the res-
pondents.

post on 4.3.2005.

Member

Vice-Chairman

bb

04.03.2005

Heard the applicant in person
and Ms. U. Das, learned Addl. C.G.S.C.
for the respondents.

The applicant has stated that
he availed casual leave on 18th,
19th, 20th and 25th January, 2005
and two days restricted holidays
i.e. on 14th and 17th January, 2005
by making application in that
regard on the belief that the
Regional Rajbhasha Distribution
Samareh for the year 2003-04

Contd.

Contd.

04.03.2005 originally fixed on 10-11 January, 2005 at Gangtok was postponed to March, 2005 at Shillong. The applicant further submitted that his casual leave application was rejected by the respondents by communication dated 24.1.2005 but the same was received by the applicant only on 31.1.2005 when he returned to duty after availing casual leave. The applicant ~~xxx~~ has also stated that he had participated in the programme and that it was success.

Ms.U.Das, learned Addl.C.G.S.C. submitted that she does not have any information with regard to the factual details mentioned above and therefore she requires some time to get these details from the department. We find merit in the said submission. We accordingly direct the respondents to furnish the factual details with regard to the correctness of the averments made by the applicant. This will be done on or before the next date i.e. 9.3.2005. Issue copy of this order to learned Addl.C.G.S.C. for compliance.


Member


Vice-Chairman


bb

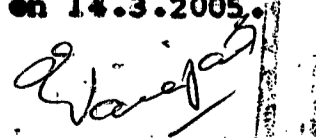
9.3.2005

The 4th respondent has filed counter affidavit today. He was also present before the Tribunal.

Heard the applicant in person and also Ms.U.Das, learned Addl.C.G.S.C. for the respondents. ~~the~~ 4th respondent was also partly heard.

Post for orders on 14.3.2005.


Member


Vice-Chairman

bb

Notes of the Registry | Date | Orders of the Tribunal

14.3.05

Present: Hon'ble Mr. Justice G. Sivarajan,
Vice-Chairman.
Hon'ble Mr. K. V. Prahladan, Administrative Member.

Judgment delivered in open court.
Kept in separate sheets. Application is disposed of.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

28.3.05

Copy of the order has been sent to the office for info. The same to the applicant as well as to the Addl. G.S.C. for the Regd.

18/

Received
Usha Das.
Addl. G.S.C.
29/3/05

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Notes of the Registry Date

Order of the Tribunal

To

The Director(Impl.)
Rajbhasha Vibhag, MHA,
Loknayak Bhavan, Khan Market,
New Delhi.

From

B.N. Prasad
Dy. Director(Impl.) NER
Deptt. of O.L./MHA
Lane 1, Rajgarh Road,
Shilpukhuri Post,
Guwahati-03

Dated 26.02.2005

Subject: Co-operative behaviour in Sammelan reg.

Ref.: Your Memo No. 12018/1/2003-OL(Impl.-1) dated 11 Feb 2005

Sir,

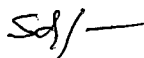
The Memo under ref. was received by me on 25.02.2005. Since Shri Ashok Kumar Mishra, R.O. has locked my office room in unlawful manner and has asked the staff not to co-operate me. I am sending this explanation hand written.

I have to explain that the preponed date of 1-2 Feb 05 from March 05 for the Rajbhasha Sammelan was not informed to me by any means. I programmed to go to Tamilnadu to see my children studying there on four days Casual leave on the occasion of 'Makar Sankranti' after receiving the letter bearing information of Sammelan to be organized in March 05. On 10 Jan. 05, I submitted my application for said leave to office and went to Boko on official tour. On return from Boko to Guwahati I started for Tamilnadu on 13.01.05. If I were informed of the preponed date of 1-2 February for Sammelan, I would have not gone to Tamilnadu during that period. It appears that wrong information has been given to you in the matter.

2. I am not a man who is careless and irresponsible in performing Govt. work. On 31.01.05, I went and received the secretary at Guwahati Airport and from 31.01.05 to 02.02.05 kept myself busy day and night in Sammelan. Previous years Sammelans were also successful by my good efforts. I am a silent worker.

3. Caused by badly ill health on the way of my return journey I could not join my duty on 27.01.05. I have already intimated it. My letter No. 12/1(9)/2002 RIO(GHY)/1806-8 dated 15.02.05 also bears this clarification.

Yours faithfully


(B.N. Prasad)
Dy. Dir. (Impl.) NER, Ghy

No. 12018/1/2003-OL(Impl.-1)-
Govt. of India
Ministry of Home Affairs/Deptt. of O.L.
New Delhi.

Dated 11 Feb. 2005

Memorandum

Shri B.N. Prasad, Dy. Director(Impl.) Rgl. Implementation Office, Guwahati went on leave from 17.01.2005 while the date of Rajbhasha Sammelan to be organized on 1-2 Feb 2005 was known to him. His proposed leave was not granted by the Deptt. The Research Officer Shri Ashok Kumar Mishra working in the office was directed to contact him and inform him to join duty immediately. Shri Prasad did not join duty till 27.1.2005. After joining duty on 31.1.2005 his behaviour was not co-operative and he did not meet the high-ranking officers. It appears that carelessness has been shown towards Govt. work willfully. At previous sammelan also Shri Prasad has shown similar behaviour. For above said behaviour why not strict disciplinary action be taken against Shri Prasad.

Shri Prasad may arrange to send his explanation to the department within 10 days of the issue of this letter.

Sd/-

(S. A. S. Godre)
Director

Shri B.N. Prasad
Dy. Director(Impl.)
Regl. Implementation office (NE)
Rajgarh Road, Bye lane No. 1,
Po Shilpukhuri, Guwahati-781003

गोपनीय

सं० 12018/1/2003-रा०भा०(का०-1)

भारत सरकार

गृह मंत्रालय/राजभाषा विभाग

25-02-05

नई दिल्ली, दिनांक 11 फरवरी, 2005

ज्ञापन

श्री बी०एन० प्रसाद, उप निदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय, गुवाहाटी दिनांक 17.1.2005 से अवकाश पर चले गए जबकि उन्हें राजभाषा सम्मेलन के आयोजन की तिथि 1 एवं 2 फरवरी, 2005 विदित हो चुकी थी। विभाग द्वारा उनका प्रस्तावित अवकाश स्वीकृत नहीं किया गया। कार्यालय में कार्यरत अनुसंधान अधिकारी श्री अशोक कुमार मिश्र को उनसे सम्पर्क कर तुरन्त ड्यूटी ज्वाइन करने की सूचना देने के निदेश दिए गए। श्री प्रसाद ने 27.1.2005 तक ड्यूटी ज्वाइन नहीं की। दिनांक 31.1.2005 को ड्यूटी ज्वाइन करने के बाद भी आपका व्यवहार सहयोगात्मक नहीं रहा तथा न ही आपने उच्च अधिकारियों से सम्पर्क किया। ऐसा प्रतीत होता है कि सरकारी कार्य के प्रति जानबूझ कर लापरवाही बरती गई है। यह बहुत गम्भीर मामला है। इससे पूर्व के सम्मेलन के अवसर पर भी श्री प्रसाद ने इसी तरह का व्यवहार प्रदर्शित किया था। उपरोक्त व्यवहार के लिए क्यो नहीं श्री प्रसाद के विरुद्ध सख्त अनुशासनिक कार्रवाई की जाए।

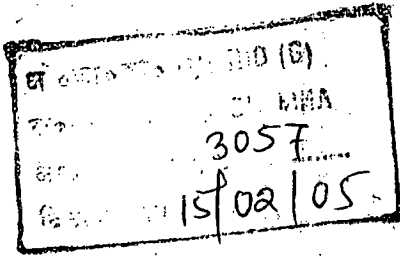
उपरोक्त के संबंध में श्री प्रसाद अपना स्पष्टीकरण पत्र जारी होने के 10 दिन के अन्दर विभाग को भिजवाएं।

(ए०एस० गोदरे)
निदेशक

श्री बी०एन० प्रसाद,
उप निदेशक(का०),
क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर),
राजगढ़ रोड, वाई लैन-1, पोस्ट -शिलपुखरी,
गुवाहाटी 781 003
प्रतिलिपि:

1. उपनिदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर), राजगढ़ रोड, वाई लैन-1, पोस्ट - शिलपुखरी, गुवाहाटी 781 003
2. श्री एस०ए० खान, उप निदेशक (राजभाषा), केन्द्रीय प्रत्यक्ष कर बोर्ड, राजभाषा प्रभाग, आयकर निदेशालय (ग.सां.प्र. व ज.सं.) छठी मंजिल, मयूर भवन, कनॉट सर्कस, नई दिल्ली 110001

(ए०एस० गोदरे)
निदेशक



-2-

ANNEXURE '1' P-5

स्पीड पोस्ट द्वारा

सं० 12018/1/2003-रा०भा०(का०-1)

भारत सरकार

गृह मंत्रालय/राजभाषा विभाग

नई दिल्ली, दिनांक 11 फरवरी, 2005

आदेश

राजभाषा विभाग के क्षेत्रीय कार्यान्वयन कार्यालय गुवाहाटी में उप निदेशक (का०) के पद पर तैनात श्री बी०एन० प्रसाद, की सेवाएँ प्रशासनिक कारणों से तत्काल प्रभाव से उनके मूल विभाग, मुख्य अपर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18 मदन मोहन मालवीय मार्ग लखनऊ-226001 को सक्षम अधिकारी की अनुमति से सौंपी जाती है।

(श्रीमती सरोज जैसिया)
अवर सचिव, भारत सरकार

सं० 12018/1/2003-रा०भा०(का०-1), दिनांक 11 फरवरी, 2005
प्रतिलिपि:-

1. वेतन तथा लेखाधिकारी, सचिवालय, गृह मंत्रालय, सी-1 हटमेन्ट्स, डलहौजी रोड, नई दिल्ली-110011
2. उप निदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय(पूर्वोत्तर), राजगढ़ रोड, वाई लैन-1, पोस्ट - शिलपुखरी, गुवाहाटी 781 003
3. मुख्य अपर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18 मदन मोहन मालवीय मार्ग लखनऊ-226001, को इस अनुरोध के साथ कि वे श्री बी०एन० प्रसाद, सहायक निदेशक (रा०भा०) की तैनाती की को इस अनुरोध के साथ कि वे श्री बी०एन० प्रसाद, सहायक निदेशक (रा०भा०) की तैनाती की तुरन्त व्यवस्था कर लें।
4. श्री एस०ए० खान, उप निदेशक (राजभाषा), केन्द्रीय प्रत्यक्ष कर बोर्ड, राजभाषा प्रभाग, आयकर निदेशालय (ग.सां.प्र. व ज.सं.) छठी मंजिल, मयूर भवन, कनाॅट सर्कस, नई दिल्ली-110001

(श्रीमती सरोज जैसिया)
अवर सचिव, भारत सरकार

10
14-3-05

Before Central Administrative Tribunal Guwahati Bench, Guwahati

OA No. 54/2005

B.N. Prasad ----- Applicant

Union of India & others ----- Respondents

Rejoinder to the written statements dated 9th March 2005 filed on behalf of Respondent No -4.

Though the respondent No. 4 having very limited responsibility of short circuiting the channel and illegally unauthorisedly relieving the applicant and locking his office room and preventing the applicant from attending the official duty but the said respondent has made statements as if he was making the same on behalf of respondent No. 1 etc. This total lacks any locus standi in the matter.

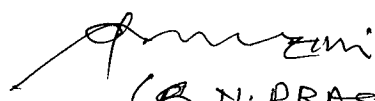
1. The statements made in Para-6 are full of contradictions and as such cannot be relied for any purpose. This very respondent has earlier in the same paragraph admitted of "the applicant after writing the representation dated 12.01.05 addressing to the Director, Deptt. of OL, Ministry of Home Affairs, New Delhi left the office....". In the same Para it is said that the applicant kept himself absent from 10.01.05 to 31.01.05 and so the date of Sammelan fixed on 1-2 Feb 05 received in the office on 12.01.05 was not known to him.

On the basis of information short-circuited to the Director, Deptt. of OL, Ministry of Home Affairs, New Delhi, a Memorandum No. 12018/1/2003-OL(Impl.-1) dt. 11 Feb. 2005(Copy enclosed) also states of leaving Guwahati by the applicant after ~~he~~^{he} knew about the new dates of 1-2 Feb. 05 fixed for the Sammelan. On the other hand the fax message dated 12.1.05 (supplied by the respondent No. 4) is initialed by the said

respondent and there is nothing to show that any action to pass this vital information to the applicant was taken by him.

2. The Statements made in Para-7 are without any authority etc. on part of the respondent No. 4.
3. As regards to the statements made in Para-8, the same is sheer misrepresentation of facts. The order of repatriation-dated 11.02.05 is neither addressed to the respondent No. 4 nor does it directs for any action on the part of said respondent. Hence the actions taken by the respondent were totally unwarranted and as such it was unbecoming for a subordinate officer. The act of justifying his illegal action by the respondent is an exercise to subvert the justice and rule of law by the respondent.
4. Statements made in Para 9 & 10 deserve no reply as the same are without any locus standi of the respondent.
5. Letter No. 12018/1/2003-OL(Impl.-1) dated 11 Feb. 05-the Memorandum asking to submit explanation within 10 days and Reversion Order, even Number and dated (copy enclosed-ii) reflect conflicting views in the matter and as such the said Reversion Order dated 11 Feb. 05 is totally arbitrary and biased.

Hence the applicant prays before this Honourable Tribunal that in view of the above facts the reliefs sought in the application dated 25.02.05 (Page-3, Column-8) may be granted to the applicant.


(B. N. PRASAD)
Signature of the applicant

Place: Guwahati

Date: 14 MARCH 2005

(-1)

Confidential

No. 12018/1/2003-OL(Impl.-1)-
Govt. of India
Ministry of Home Affairs/Deptt. of O.L.
New Delhi.

25/02/05

Dated 11 Feb. 2005

Memorandum

Shri B.N. Prasad, Dy. Director(Impl.) Rgl. Implementation Office, Guwahati went on leave from 17.01.2005 while the date of Rajbhasha Sammelan to be organized on 1-2 Feb 2005 was known to him. His proposed leave was not granted by the Deptt. The Research Officer Shri Ashok Kumar Mishra working in the office was directed to contact him and inform him to join duty immediately. Shri Prasad did not join duty till 27.1.2005. After joining duty on 31.1.2005 his behaviour was not co-operative and he did not meet the high-ranking officers. It appears that carelessness has been shown towards Govt. work willfully. At previous sammelan also Shri Prasad has shown similar behaviour. For above said behaviour why not strict disciplinary action be taken against Shri Prasad.

Shri Prasad may arrange to send his explanation to the department within 10 days of the issue of this letter.

Sd/-

(S.A.S.Godre)
Director

Shri B.N. Prasad
Dy. Director(Impl.)
Regl. Implementation office (NE)
Rajgarh Road, Bye lane No. 1,
Po Shilpukhuri, Guwahati-781003

(-11)

13

Received in the
Office on
15-02-05

No.12018/1/2003-OL (Impl.-1)

Govt. of India

Ministry of Home Affairs/ Dept. of official Language.

New Delhi, Dated. 11th February 2005.

ORDER

The services of Sh. B.N. Prasad, Dy. Director (Impl.) Regl. Implementation Office, Deptt. of Official Language, Guwahati is handed over to his present Deptt ; Chief Commissioner of Income Tax, Official Language development section, Radhakunti Bhavan, 18 Madan Mohan Malaiya Marg, Lucknow - 126001 with the permission of competent authority with immediate effect.

Sd-

(Smt. Saroj Jaisia)

Under Secretary to the Govt. of India

No : 12018/1/2003. OL (Impl.-1) Dated 11th February 2005.

Copy

1. Pay and Accounts Officer, Secretariat, M.H.A. C-1 Hutments Dulhauji Rd, NEW DELHI-110011
2. Dy. Director (Impl.), Regl. Implementation office (N.E.) Rajgarh Rd, Byelane No-1 Post- Silpukhuri, Guwahati 781003
3. The Chief Addl. Commissioner % CCIT, official Language Development Section, Kunti Radha Bhavan, 18 Madan Mohan Malaiya Marg, Lucknow - 226001, with request that the arrangements of Posting of Sh. B.N. Prasad A.D. (OL) may be made soon.
4. Sh. S.A. Khan, Dy Dir. (OL), Central Board of Direct Taxes Rajbhasha Div; Director of Income Tax (RSP& PR), 6th Floor Mayur Bhavan, Connt. Circus, New Delhi-110001.

Sd-

(Smt. Saroj Jaisia)

Under Secretary to the Govt. of India

सं० 12018/1/2003-रा०भा०(का०-1)

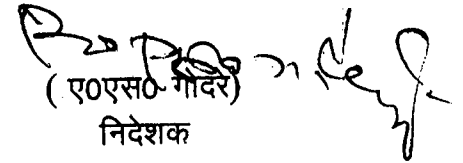
भारत सरकार
गृह मंत्रालय/राजभाषा विभाग

नई दिल्ली, दिनांक 11 फरवरी, 2005

ज्ञापन

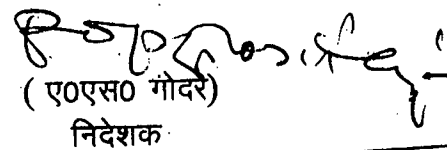
श्री बी०एन० प्रसाद, उप निदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय, गुवाहाटी दिनांक 17.1.2005 से अवकाश पर चले गए जबकि उन्हें राजभाषा सम्मेलन के आयोजन की तिथि 1 एवं 2 फरवरी, 2005 विदित हो चुकी थी। विभाग द्वारा उनका प्रस्तावित अवकाश स्वीकृत नहीं किया गया। कार्यालय में कार्यरत अनुसंधान अधिकारी श्री अशोक कुमार मिश्र को उनसे सम्पर्क कर तुरन्त ड्यूटी ज्वाइन करने की सूचना देने के निदेश दिए गए। श्री प्रसाद ने 27.1.2005 तक ड्यूटी ज्वाइन नहीं की। दिनांक 31.1.2005 को ड्यूटी ज्वाइन करने के बाद भी आपका व्यवहार सहयोगात्मक नहीं रहा तथा न ही आपने उच्च अधिकारियों से सम्पर्क किया। ऐसा प्रतीत होता है कि सरकारी कार्य के प्रति जानबूझ कर लापरवाही बरती गई है। यह बहुत गम्भीर मामला है। इससे पूर्व के सम्मेलन के अवसर पर भी श्री प्रसाद ने इसी तरह का व्यवहार प्रदर्शित किया था। उपरोक्त व्यवहार के लिए क्यो नहीं श्री प्रसाद के विरुद्ध सख्त अनुशासनिक कार्रवाई की जाए।

उपरोक्त के संबंध में श्री प्रसाद अपना स्पष्टीकरण पत्र जारी होने के 10 दिन के अन्दर विभाग को भिजवाएं।


(ए०एस० गोदरे)
निदेशक

श्री बी०एन० प्रसाद,
उप निदेशक(का०),
क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर),
राजगढ़ रोड, वाई लैन-1, पोस्ट -शिलपुखरी,
गुवाहाटी 781 003
प्रतिलिपि:

1. उपनिदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर), राजगढ़ रोड, वाई लैन-1, पोस्ट - शिलपुखरी, गुवाहाटी 781 003
2. श्री एस०ए० खान, उप निदेशक (राजभाषा), केन्द्रीय प्रत्यक्ष कर बोर्ड, राजभाषा प्रभाग, आयकट निदेशालय (ग.सां.प्र. व ज.सं.) छठी मंजिल, मयूर भवन, कनॉट सर्कस, नई दिल्ली 110001


(ए०एस० गोदरे)
निदेशक

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI
O. A. No. 54/2005

Shri B.N. PrasadApplicant

-Vs-

Union of India & OthersRespondents

(Written statements filed on behalf of the Respondents No. 4)

1. That the Respondent No. 4 has received a copy of the OA and has gone through the same. Save and except the statements which are specifically admitted herein below, rest may be treated as total denied. The statements which are not borne on records are also denied and the applicant is put to the strictest proof thereof.

2. That with regard to the statements made in para 1. of the OA the respondent while denying the contentions made there in begs to state that as stated in the 1 (a) the reversion order was not premature because as per the appointment order of the applicant dated 15/01/03, the applicants period for deputation was for three years or until further orders whichever was earlier.

It is further stated that since the regional Rajbhasa Sammelan was scheduled to organise on 1-2 Feb, 2005 at Guwahati for which the presence of the head of the office was essential for preparation of the sammelan the competent authority did not consider this leave for 18th, 19th, 20th and 25th and Restricted holiday for dt . 17th and 24th Jan.

It is also denied by the Respondent that he took charge of the applicant because he had to issue the order in pursuance of the reversion order dt 11/02/05/ of the dept. of official Language .Since the applicant was head of the Resional office that is why the respondent having no other alternative had to issue the order asking handing over his charge to the respondent.

3. That with regared to the statement made in paragagraph 2 and 3 of the OA the Respondent offers no comment on it .

4. That with regard to the statement made in para 4 (i) of the OA the Respondent which denying the statement made therein begs to state that because the tenure of deputation was for three years or until further order which ever was earlier.

Filed by
The Respondent No. 4 Through
Ashu Das
Adv. C. N. S. C.
CAT/GNY 9/2/05

A copy of the appointment order
dt. 15/01/03 in annexed herewith
and marked as Annexure - 1

5. That with regard to the statement made in paragraph 4 (ii) of the OA the Respondent while denying the contentions made therein begs to state that the Regional Rajbhasha Sammelan was fixed on 1-2 February, 2005 by the order dt. 12/01/05.

A copy of the order dt.
12/01/05 in annexed
herewith marked as annexure - 2

6. That with regard to the statement made in paragraph 4 (iii) of the OA the Respondent while denying the contentions made therein begs to state that the applicant after writing the representation dt. 10/01/05 addressing the Director, Deptt. of official Language, Ministry of Home Affairs, New Delhi left office without taking prior permission to leave station and mentioning proper address and kept himself absent from 10/01/2005 to 31/01/2005. It is pertinent to mention here that the Sammelan was fixed on 1-2 February by the order dt. 12/01/2005 which was received by the office on that day itself, but Since the applicant was absent from 10/01/2005 unauthorisedly and did not attend office that is why he might not know about the date of Sammelan

The Respondent further begs to state that the order was issued on 12/01/2005 fixing the date of sammelan and the applicant left office without taking prior permission from the controlling authority and without leaving proper address for communication. It is also relevant to mention here that even if, not admitting but assuming that the applicant was on leave from 17/01/05 to 26/01/05 then also, he ought to have resumed duty on 27/01/05. The applicant himself has admitted that he reached on duty on 31/01/05 where as he applied for leave till 26/01/05 which is not at all sustainable under the eye of law. It is also very astonishing that the applicant reached on duty on 31/01/05 and Sammelan was on 1-2 February, now he has made the statement before this Hon'ble Tribunal that he gave active hand to the samaroh which got a ground success.

7. That with regard to the statement made in paragraph 4 (iv) of the OA the respondent while denying the contentions made therein begs to state that the reversion order is not a premature one because in order dt. 15/01/03 (Annexure- WSI) it is specifically mentioned that " for period of three years or till further orders whichever is earlier " Termination of

deputation before the expiry of the term of deputation is permissible under the eye of law hence the question of giving chance to explain the matter does not come. More so, he could have represented before the authority after receiving the order dt. 24/01/05.

8. That with regard to statement made in paragraph 4 (v) of the OA the respondents while denying the contentions made therein begs to state that the applicant has been reverted back to his parent department purely on administrative ground. The reversion order can not be said to be a premature one. The Respondent No. 4 further begs to state that the competent authority given the direction to take charge as per rule to the Respondent No. 4 by the order dt. 21/02/05. Hence the allegation made by the applicant is misleading and far from truth.

A copy of the order dt.
21/02/05 is annexed herewith and
marked as Annexure. -3

9. That with regard to the statement made in paragraphs 5 (i) and (ii) of the OA while denying the contentions made therein begs to state that in view of the statements made above the grounds stated by the applicant are not valid grounds and hence not at all sustainable in the eye of law. This application is devoid of merit hence liable to be dismissed with heavy cost.

10. That with regard to the statement made in paragraph 6 of the OA the answering respondent begs to state that since he has been reverted back to his parent department on 11/02/05 and he has filed the representation on 15/02/2005 question of exhausting departmental remedies does not come

11. That with regard to the statement made in paragraph 7 of the OA the respondent offers no comment on it.

12. That with regard to the statement made in paragraph 8 & 9 of the OA the respondent while denying the contentions made therein begs to state that in view of the above facts narrated above the applicant is not entitled for any relief as prayed for. The Respondent begs to submit that the applicant has filed this OA suppressing material facts. the applicant has chosen to keep himself absent from duty unauthorisedly and has tried to mislead the court by making false and baseless statement which is not permissible under the eye of law and this application deserves to be dismissed with cost.

The respondent No. 4 begs to bring fact before the Hon'ble Tribunal that the applicant after reversion has been appointed in the office of the Chief Commissioner of Income-tax Sillong in a vacant post till further order.

A copy of the order dtd.
16/02/05 is annexed herewith and
marked as Annexure - 4

That the Respondent prays before this Hon'ble Tribunal that in view of the above facts and circumstances narrated above the OA deserves to be dismissed with cost.

VERIFICATION

I, Shri Ashok Kumar Mishra at present working as
Research officer at Regional Implementation Office (N.E.R)
Guwahati who is

taking steps in this case, being duly authorized and competent to sign this verification.

do hereby solemnly affirm and state that the statements made in para1, 11..... are
true to my knowledge and belief, those made in para 2 to 10....., 12..... being
matter of records, are to my information derived therefrom and the rest are my

humble submission before this Hon'ble court. I have not suppressed any material fact

And I sign this verification this.....9.....th day of March, 2005 at Guwahati.

Ashok Kumar Mishra

VERIFICATION

I, Shri Ashok Kumar Mishra at present working as
Research Officer. at Regional Implementation Office (N.E.R), Guwahati who is Guwahati

taking steps in this case, being duly authorized and competent to sign this verification.

do hereby solemnly affirm and state that the statements made in para1, 11..... are
true to my knowledge and belief, those made in para2-10 & 12..... being
matter of records, are to my information derived therefrom and the rest are my

humble submission before this Hon'ble court. I have not suppressed any material fact

And I sign this verification this.....9.....th day of March, 2005 at Guwahati.

Ashok Kumar Mishra

- 5 -

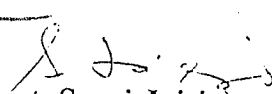
Annexure-1

(TO BE PUBLISHED IN THE GOVERNMENT OF INDIA GAZETTE PART-I,
SECTION-II)

No. 12013/2/2000-OL(Imp.-I)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Official Language/Rajbhasha Vibhag
IInd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi-3, Dated 15 January, 2003

NOTIFICATION

The President is pleased to appoint Shri B.N. Prasad as Deputy Director(Implementation) in the Regional Implementation Office under Department of Official Language, Ministry of Home Affairs, on deputation basis with effect from 16.12.2002 (fore noon) for a period of three years or till further orders whichever is earlier.


(Smt. Saroj Jaisia)

Under Secretary to the Government of India

To

The Manager,
Government of India Press,
Faridabad(Haryana)

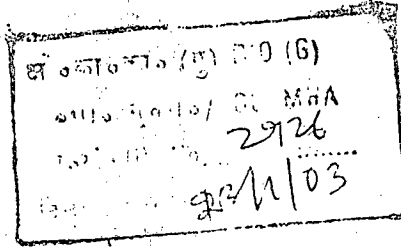
No. 12013/2/2002-OL (Impl.) Dated 15 January, 2003

Copy to:

1. The pay & Account Officer(Sectt.), Ministry of Home Affairs, C-I
Hutments, Dalhousie Road, New Delhi.
2. Deputy Director(Implementation), Regional Implementation Office (N.E.)
Deptt. Of Official Language, M/O Home Affairs, Rajgarh Road, P.O. Shilpukhari,
Guwahati - 781 003.
3. Chief Income Tax Commissioner, Office of the Chief Income Tax
Commissioner, Rajbhasha Vikas Anubhag, Kunti Radha Bhawan, 18-
Madan Mohan Malviya Marg, Lucknow-226001
4. Personal File of Shri B.N. Prasad, Deputy Director.
5. Guard File


(Smt. Saroj Jaisia)

Under Secretary to the Government of India



(13) ✓
23/01/03
Ammanu - 1

(भारत के राजपत्र के भाग प्रथम, खण्ड द्वितीय में प्रकाशनार्थ)

सं० 12013/2/2000 रा०भा० (का० 1)

भारत सरकार

गृह मंत्रालय/राजभाषा विभाग

द्वितीय तल, लोक नायक भवन, खान मार्केट,

नई दिल्ली, दिनांक 15 जनवरी, 2003

अ धि सू च ना

11-6 JAN 2003

राष्ट्रपति सहर्ष श्री बी.एन. प्रसाद को गृह मंत्रालय के राजभाषा विभाग के अंतर्गत क्षेत्रीय कार्यान्वयन कार्यालय में दिनांक 16.12.2002 (पूर्वाह्न) से तीन वर्ष अथवा अगले आदेशों, इन दोनों में जो भी पहले हो, तक की अवधि के लिए प्रतिनियुक्ति आधार पर उप निदेशक (कार्यान्वयन) नियुक्त करते हैं।

रु. जी. दि. ल.

(श्रीमती सरोज जैसिया)

अवर सचिव, भारत सरकार

सेवा में,

प्रबंधक,

भारत सरकार मुद्रणालय,

फरीदाबाद (हरियाणा)

सं० 12013/2/2000- रा०भा०(का० 1) दिनांक 15 जनवरी, 2003

11-6 JAN 2003

प्रतिलिपि:

1. वेतन तथा लेखाधिकारी (सचि०) सी-1 हटमेन्ट्स, डलहौजी रोड, नई दिल्ली 110011
2. उपनिदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर), राजगढ़ रोड, वाई लैन-1, पोस्ट -शिलापुरखरी, गुवाहाटी 781 003.
3. मुख्य आयकर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18-मदन मोहन मालवीय मार्ग, लखनऊ-226001
4. श्री बी०एन० प्रसाद की व्यक्तिगत फाईल के लिये।
5. गार्ड फाईल।

रु. जी. दि. ल.

(श्रीमती सरोज जैसिया)

अवर सचिव, भारत सरकार

23/1

- 7 -

22
Annexure - 2

SPEED POST

No.12016/10/2004-O.L./Impl.-2

Govt. of India

Ministry of Home Affairs

Depatt. of Official Language

Lok Nayak Bhavan, Second floor
Khan Market, New Delhi-3

Dt. 12th Jan, 2005

To

The Dy. Director (Impl.)
Regional Implementation Office (N.E.R.)
Ministry of Home Affairs
Depatt. of Official Language
Rajgarh Road, By Lane -1
P.O. Silpukhuri, Chandmari
Guwahati-781003

Sub : Regarding organisation of a Joint Regional Official Language Conference
at Guwahati on 1st & 2nd Feb, 2005.

Sir,

It has been decided to organised a Joint Regional Conference for Eastern Region (Kolkata) & N. E. Region (Guwahati) and Shield Distribution Ceremony for the year 2003-04 & Computer Exhibition on the 1st & 2nd Feb. 2005 at Guwahati. Responsibility for organisation of the above Conference is entrusted to the Regional Implementation Office Guwahati.

2. Hon'ble Home Minister, Sri Shivraj V. Patil has kindly consented to distribute the shield on 2nd Feb. 2005 in the above Conference.

3. Please send complete information about booking of the Hall & full address, list of guest to be honoured at dice and other arrangements etc. for information of the Depatt. on priority basis. Necessary demand draft in connection with expenditure to be incurred for the Conference and a list of result of prizes are being forwarded shortly. Shields will be prepared at New Delhi.

Yours faithfully,

Sd/-

(NETRO SINGH RAWAT)

Dy. Director (Impl.)

Contd. 2

- 8 -

स्पीड पोस्ट
तत्काल

7

सं०-12016/19/2004-सं०भाषा/का-2

भारत सरकार
गृह मंत्रालय
राजभाषा विभाग

Annexure-2

द्वितीय तल, लोकनाटक भवन, रजत मार्ग
नई दिल्ली-3, दिनांक 12 जनवरी, 2005

सेवा में

उप निदेशक (कार्यान्वयन)
क्षेत्रीय कार्यान्वयन कार्यालय(पूर्वोत्तर)
गृह मंत्रालय, राजभाषा विभाग
राजगढ़ रोड, बाई लेन नं. 1
पोस्ट-शिलपुरचुरी,
चांदनारी, गुवाहाटी-781 003

सं०का०भा० (गु) 810 (G)
राजभाषा विभाग, गृह मंत्रालय
बा०सं०/गु/का०... 1965
दिनांक/Date 12/01/2005

विषय : गुवाहाटी में दिनांक 1-2 फरवरी, 2005 को संयुक्त क्षेत्रीय राजभाषा सम्मेलन के आयोजन के संबंध में।

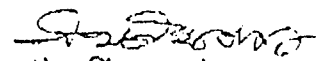
महोदय,

पूर्व क्षेत्र(कोलकाता) एवं पूर्वोत्तर क्षेत्र(गुवाहाटी) के लिए संयुक्त क्षेत्रीय राजभाषा सम्मेलन एवं वर्ष 2003-04 के क्षेत्रीय राजभाषा पुरस्कार वितरण समारोह तथा कम्प्यूटर प्रदर्शनी का आयोजन दिनांक 1-2 फरवरी, 2005 को गुवाहाटी में किया जाने का निर्णय लिया गया है। उक्त सम्मेलन के आयोजन का दायित्व क्षेत्रीय कार्यान्वयन कार्यालय, गुवाहाटी को सौंपा जाता है।

2. उक्त सम्मेलन में पुरस्कारों का वितरण दिनांक 2 फरवरी, 2005 को माननीय गृह मंत्री श्री शिवराज वि. पाटील जी के कर-कमलों से किया जाएगा।

3. कृपया सम्मेलन के लिए हाल की बुकिंग एवं पूरा पता, मंच पर आसीन होने वाले महानुभावों की सूची और अन्य व्यवस्थाओं आदि के संबंध में गृह मंत्रालय के तत्काल भिजवा दें। सम्मेलन पर प्रत्येक अनुभाग राशि के लिए छुट्टी एवं पुरस्कारों के परिणाम की सूची भी भिजवा दी गयी है। पुरस्कारों के लिए शील्डें दिल्ली में बनवाई जाएंगी।

भवदीय,


(नेत्र सिंह रावत)
उप निदेशक(का०)
दूरभाष - 24619709

प्रति सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित

1. निदेशक (नीति)
2. निदेशक (तकनीकी)
3. संयुक्त निदेशक (अनुसंधान) पुरस्कार प्रदर्शनी हेतु।
4. निदेशक (केंद्रीय अनुवाद ब्यूरो एवं हिंदी प्रशिक्षण संस्थान), पर्यावरण भवन, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली-03
5. उपनिदेशक (कार्यान्वयन), क्षेत्रीय कार्यान्वयन कार्यालय (पूर्व), गृह मंत्रालय, राजभाषा विभाग, 18वां तल, निजाम पैलेस परिसर, 234/4, आचार्य जे.सी. बोस रोड, कलकत्ता-700 020
6. सचिव(राजभाषा) के निमित्त प्रधान निजी सचिव
7. संयुक्त सचिव(राजभाषा) के निजी सचिव

12/01/2005

- 9 -

24

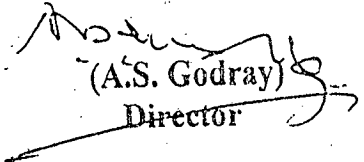
No.12021/6/94-OL(Imp.-1)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Official Language/Rajbhasha Vibhag

ORDER

Annexure - 3

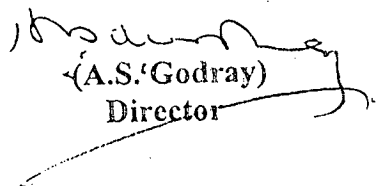
New Delhi, dated 21 February, 2005

In exercise of the powers conferred under Rule 14 of Delegation of Financial Powers Rules, 1978, Shri Ashok Kumar Mishra, Research Officer(Implementation) of the Regional Implementation Office, Guwahati is hereby declared as Head of Office with immediate effect till further orders.


(A.S. Godray)
Director

No.12021/6/94-OL(Imp.-1), dated 21 February, 2005

1. The Pay & Account Officer(Sectt.), Ministry of Home Affairs, C-I Hutments, Dalhousie Road, New Delhi.
2. The Financial Adviser, Ministry of Home Affairs, North Block, New Delhi.
3. Shri Ashok Kumar Mishra, Research Officer (Implementation), Regional Implementation Office(North-East), Ministry of Home Affairs, Deptt. Of Official Language, Rajgarh Road, P.O. Shilpukhari, Guwahati - 781 003
4. Accounts-I/Fin.-II, Ministry of Home Affairs, North Block, New Delhi.
5. Guard File.


(A.S. Godray)
Director

सं. का. का. (गु) R/O (G)
 सं. का. का. (गु) R/O (G)
 आ. सं. का. का. (गु) R/O (G)
 दिनांक Date 28/2/05

सं. 12021/6/94-रा. भा. 0 (का. 0-1)

भारत सरकार

गृह मंत्रालय/राजभाषा विभाग

Annexure-3

द्वितीय तल, लोक नायक भवन, खान मार्केट
 नई दिल्ली, दिनांक 21 फरवरी, 2005

आदेश

22 FEB 2005

वित्तीय शक्तियों के प्रत्यायोजन नियमावली, 1978 के नियम 14 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते-हुए तात्कालिक प्रभाव से अगले आदेशों तक श्री अशोक कुमार मिश्र अनुसंधान अधिकारी(का. 0) को क्षेत्रीय कार्यान्वयन कार्यालय, गुवाहाटी का कार्यालयाध्यक्ष घोषित किया जाता है।

(एस. 0 एस. 0 गोदरे)
 निदेशक

सं. 12021/6/94-रा. भा. 0 (का. 0-1) दिनांक 21 फरवरी, 2005

1. वेतन तथा लेखाधिकारी(सचिवालय), गृह मंत्रालय, सी-1 हटमेंट्स, डलहौजी रोड, नई दिल्ली-110011
2. वित्त सलाहकार, गृह मंत्रालय, नार्थ ब्लॉक, नई दिल्ली-110001
3. श्री अशोक कुमार मिश्र, अनुसंधान अधिकारी(का. 0), क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर) राजमहल रोड, वाई लैन-1, पोस्ट-शिलपुखरी, गुवाहाटी 781003 को एक अतिरिक्त प्रति के साथ।
4. लेखा- I/ वित्त- II/गृह मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।
5. गार्ड फाईल।

(एस. 0 एस. 0 गोदरे)
 निदेशक

केन्द्रीय प्रत्यक्षकर बोर्ड
राजभाषा प्रभाग
आयकर निदेशालय (ग.सां.प्र. व ज.सं.)
उद्योग भवन, मयूर भवन, कनाट सर्कस
नई दिल्ली-110 001
फोन-23412271, फैक्स-23414557, 23411275



सत्यमेव जयते

Central Board of Direct Taxes
Official Language Division
Directorate of Income Tax (R.S.P. & P.R.)
6th Floor, Mayur Bhawan, Connaught Circus,
New Delhi-110001
Phone : 23412271, Fax : 23414557, 23411275

Annexure-4

फा.सं. F. No. 3001/राजभाषा/91-2002/2935

दिनांक Dated 16-02-2005

कार्यालय आदेश सं.4/ 2005

श्री बी. एन. प्रसाद, सहायक निदेशक (राजभाषा) को क्षेत्रीय कार्यान्वयन कार्यालय गुवाहाटी में उप-निदेशक (कार्यान्वयन) के पद पर प्रतिनियुक्ति से आयकर विभाग में प्रत्यावर्तन होने पर एतद्द्वारा मुख्य आयकर आयुक्त शिलांग के कार्यालय में रिक्त पद पर पदस्थापित किया जाता है।

यह आदेश तुरन्त प्रभाव से लागू होगा।

On reversion from deputation as Dy. Director (Implementation) in the Regional Implementation Office, Guwahati, Sh. B.N. Prasad, Asstt. Director (O.L) is hereby posted as such in the Office of the Chief Commissioner of Income-tax, Shillong on a vacant post till further orders.

This will come into force with immediate effect.

दीपा कृष्ण

(दीपा कृष्ण)

आयकर निदेशक (ग.सां.प्र. व ज. सं.)

प्रतिलिपि:

1. मुख्य आयकर आयुक्त, गुवाहाटी/शिलांग/लखनऊ
(C.C.I.T., Guwahati/Shillong/Lucknow.)
2. श्री बी.एन. प्रसाद, उप-निदेशक (का.) क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर) राजगढ़, वाई लैन-1, गोरट-शिलपुखरी, गुवाहाटी को सूचनार्थ।
Sh. B.N. Prasad, Dy. Director (impl.) Regional Implementation Office (N.E), Rajgarh Road, Y- Lane -I, Post- Shilphukhari, Guwahati - 781003. for updated as n.a.
3. श्रीमती सरोज जैसिया, अवर सचिव, भारत सरकार, गृह मंत्रालय, राजभाषा विभाग, लोकनायक भवन, खान मार्केट, नई दिल्ली।
4. क्षेत्रीय लेखा अधिकारी, C/o मु. आ आयुक्त, शिलांग, गुवाहाटी
Z.A.O , C/o CCIT, Shillong, Guwahati.
5. उप निदेशक (राजभाषा) कार्यालय मुख्य आयकर आयुक्त, कोलकता,
Dy. Director (O.L) Kolkata. C/o the CCIT, Kolkata.

एस. ए. खान

उप-निदेशक (राजभाषा) (मुख्या. प्रशा.)

6-1

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 54 of 2005

DATE OF DECISION 14.3.05

.....APPLICANT(S)
Mr. B.N. Prasad

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

-VERSUS -

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

.....ADVOCATE FOR THE
RESPONDENT(S).
Ms. U. Das, Addl. C.G.S.G.

THE HON'BLE MR. **JUSTICE G. SIVARAJAN, VICE-CHAIRMAN**

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

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 **VICE-CHAIRMAN**
- Yes
No
Jy

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 54 of 2005.

Date of Order: This day of 14th March, 2005.

HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

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

B.N. Prasad,

Son of Late Chokat Chaudharui

working as Deputy Director (Implementation)

N.E. Region under Deptt. of Official Language,

Ministry of Home Affairs, Rajgarh Road,

Lane No.1, Shilpukhuri post, Guwahati-781003

and residing at Door No. 12, Jatiya Shahid Path,

Basistha Road, Beltola, Guwahati-781028.

APPLICANT.

-Applicant appeared in person.

-Versus-

1. Union of India service through the
Secretary to the Govt. of India,
Deptt. Of official Language,
Ministry of Home Affairs
Loknayak Bhawan
Khan Market, New Delhi.-03.
2. Director of Income Tax, (RSP & PR)
Official Language, Deptt. of Income Tax,
C.B.D.T, 6th Floor, Mayur Bhawan
Cont Circus New Delhi 110001.
3. Director (Implementation), Deptt. of Official Language .
Ministry of Home Affairs, Loknayak Bhawan,
Khan market, New Delhi-03.
4. Shri Ashok Kumar Mishra, Research Officer (implementation),
N.E. Region under Deptt. Of Official Language,
Ministry of Home Affairs, Rajgarh Road,
Lane No.1 Shilpukhuri post,
Guwahati-781003.

RESPONDENT

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

ORDER (ORAL)G.SIVARAJAN,J(V.C):

Mr.B.N.Prasad, working as Deputy Director (Implementation), North Eastern, Region, Department of Official Language, Ministry of Home Affairs, Guwahati is the applicant in the O.A.. By a Notification dated 15th January, 2003(Annexure 1 to the written statement) the applicant who was working in the office of the Chief Commissioner of Income Tax Rajbhasha Vikas Anubhag, Lucknow was sent on deputation to the present office with effect from 16.12.2002 for a period of 3 years or till further order which ever is earlier. The applicant had accordingly assumed charge in the present office on 16.12.2002. While functioning as such he made an application dated 10.1.2005 for availing casual leave on 18th, 19th, 20th & 25th January, 2005 and 2 days Restricted Holiday for 17th & 14th January, 2005 for visiting his children at Tamilnadu. This application was rejected by communication dated 24th January, 2005 (Annexure ² to the application) ^{Qst} ~~to the application~~ stating that the Regional Rajbhasha Sammelan is going to be organized on 1st and 2nd February, 2005 at Guwahati for which presence of the head of the office is necessary for preparation of the Sammelan. The applicant was accordingly, requested to report at Guwahati office soon. It was also stated that in case the order is not complied, the applicant will be reverted to his parent department before maturity of his tenure. The Government of India in the Ministry of Home Affairs had sent a Fax. Message dated 12th January, 2005 (Annexure 2 to the written statement) stating that the Regional Rajbhasha Sammelan is fixed on 1st & 2nd February, 2005 at Guwahati. This Fax Message is received on the day in the office of the applicant.

2. It so happened that the applicant went to Boko for Inspection on 10th January, 2005 immediately after putting a casual leave application addressed to the Director, Department of official Language, Ministry of Home Affairs, New Delhi in the office.

pr

According to the applicant he returned after inspection from Boko on 12th January, 2005 and was present in the office on that day, but the Research officer the 4th Respondent who received the fax message did not inform the same to the applicant. According to the applicant he was present on 13th also and he left Guwahati to Chennai to see his children only on the evening of 13.1.05. The applicant further stated that as per earlier programme the Sammelan fixed to January 2005 was adjourned to March and that he came to know that the Samaroh was preponed to Feb, 1st and 2nd, 2005, Guwahati only when he returned from leave to this office on 30.1.05. On the other hand the 4th Respondent in the written statement has stated that the applicant had left the office from 10th February, 2005 and he returned to the office on 31st January, 2005. He has also stated that Fax Message regarding organizing Joint Regional Official Language Conference at Guwahati ^{was received by him} on 12.1.2005 and that Since the applicant was not available in the office he personally went to the applicant's house but the door of the house of the applicant was found locked. It is further stated that he tried to contact the applicant in the applicant's mobile phone and also his daughter in Chennai but of no avail.

3. In spite of rejection of the leave application and the receipt of Fax Message dated 12th January, 2005 regarding organization of the joint Regional Official language Conference at Guwahati on 1st and 2nd February, 2005, since the applicant did not return to the office to make all arrangement for the smooth conduct of the function which was attended to by Home Minister, Sri Shivraj V. Patil, Hon'ble Minister for Home Affairs the Central Government by communication dated 11th February, 2005 reverted the applicant to his parent department, namely, Chief Commissioner, Income Tax, official language department section, Lucknow with permission of the competent authority with immediate effect. This was followed by proceedings dated 16.2.05 issued by the 4th Respondent relieving the applicant from



the charge of Deputy Director, (Implementation) in Guwahati in (AF) of 16.2.05 (Annexure 4 P.10) ^{he} the applicant had sent a representation dated 15.2.05 produced alongwith Annexure 3 to the application to the Income Tax Director (RSP & PR), CBDT, New Delhi, for reconsideration of the matter and for alternating ^{ve} relief. The Ministry of Home Affairs issued another communication dated 21st February, 2005, (Annexure 3) to the written statement) declaring Mr. Ashok Kumar Mishra as Head of the office with effect from till further orders. Regarding the absence of the applicant the applicant filed another rejoinder where he explained the said allegations.

4. We have heard the applicant in person and Ms. U. Das, Standing counsel for the Respondents and also 4th Respondent who was present in the Tribunal today. The real issue centers round the receipt of fax message on 12th January, 2005 and its communication to the applicant on that date or on the next day. The applicant has submitted that Fax Message was not received by him nor communicated to him by the 4th respondent who received it. He further stated he returned from Boko on 11th evening and he was present in the office on 12th and 13th January 2005 and that he had left Guwahati to Chennai only on 13th evening. According to the 4th Respondents the applicant was absent from office from 10th Jan. 2005 till 31st Jan, 2005 and the applicant left the office after leaving casual leave letter addressed to the Director without taking prior permission from the Controlling authority. There is nothing on record to support the facts stated either by the applicant or by the 4th respondent. Much can be said about the conduct of the applicant as well as the 4th Respondent. Admittedly the Fax Message ^{was} attended to by the Private Secretary to the Head of the office. When the fax message was received on 12th January, if as a matter of fact the applicant attended the office either on 12th or on 13th January, 2005 the P.S. would have certainly informed the applicant who is the Head of the office immediately, particularly in view of the fact that the function which is arrange to 1st and 2nd

[Signature]

February, 2005 was being attended to by the Hon'ble Home Minister of India It is very difficult to believe that the P.S. has not informed this to the applicant. Much can be said about the conduct of the applicant and the 4th respondent. However, we resist from doing so in the nature of the disposal of this case. Admittedly the applicant is the Head of that office. He was functioning as such for the last about 2 years. By now he should have commanded respect from the subordinates and also maintained discipline in the office. Now, on his own showing, it has come out that none of the subordinates ^{by the way} loyal and cordial to him. Even the Private Secretary to the applicant who is expected to inform the applicant important messages, ^{for top} that time bound, received in the office over phone or by other means to the place where he is, has not done it, according to the applicant. The 4th respondent says that he made all efforts but in vain. But the applicant has got a case that the 4th respondent is the villain. ^{by the way} True, the applicant's term of deputation to this department expires only on 15.12.2005. In the circumstances mentioned above it will not be in the interest of either the applicant or in the interest of department to allow the applicant to continue in this department till the 3 years deputation ^{by the way} is over.


5. We have also seen that the applicant, on reversion to the parent department, has now been posted as such in the office of the Chief Commissioner of Income Tax, Shillong till further order by communication dated 16.2.2005. If the applicant has not so far taken charge in the said post he will do so immediately. The interregnum period from the date of relieving from the deputation post till joining the post in the parent department will be treated as eligible leave.

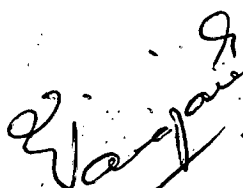
6. In view of the above what remains to be considered ^{by the way} the request of the applicant, by way of alternate relief made in his representation dated 15.2.05 (Annexure 3 to the application). The relief portion of the said representation is reproduced below:

[Signature]

" Hence I request for re-consideration and sympathetic decision in the case. And if the decision of my reversion is not changed I may be arranged my posting in my present department at Chennai or New Delhi my choice place as per O.M. of Ministry of Finance Government of India No.20014/3/83-E,IV Dec.1983 (Amended from time to time. And if at present my Posting could not be done at Chennai or New Delhi. I may be posted - at Guwahati itself in Income Tax Department till I get my posting at Chennai or New Delhi in future." -

7. Accordingly^{has to} the applicant after serving in the North Eastern region for two years or more he is entitled to get a posting to a place of his own choice. Based on this provision of the circular in the extract the applicant requested for choice place of posting in his representation dated 15.2.05. Having regard to the fact that the applicant is living alone in the North Eastern Region, his wife is employed in the Railways at Bangalore and his Children studying in Chennai, it will be in the fitness of things if a posting can be given to the applicant at Chennai or at the Delhi which is the other choice place with reference to the relevant rules and circulars. We are sure that the Director, CBDT, will consider the representation dated 15.2.05 (Annexure 3) which has been submitted by the applicant with sympathy and do the needful.
8. With these observations above we dispose of this application.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE-CHAIRMAN

LM

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNALS ACT 1985-

TITLE OF THE CASE

No. 54/05 B.N. PRASAD -APPLICANT


25 FEB 2005 Vs

Union of India & Ors
Guwahati

UNION OF INDIA & ORS -RESPONDENTS
(DEPARTMENT OF OFFICIAL LANGUAGE)
AND INCOME TAX

INDEX / LIST OF DATES

Sl No.	Documents relied upon	Annexure No.	Page No.
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2.	Prematured Reversion order dated 11.02.2005	1	5
3.	Letter rejecting Casual Leave & Threatening Prematured reversion to parent cadre dated 24.01.2005	2	6
4.	Representation dated 15.02.05	3	7-8
5.	Relieving order issued by subordinate officer (Unauthorised)	4	10


Signature of the applicant

Place, Guwahati

Date: 25-02-05

Filed by
B.N. PRASAD
THE APPLICANT HIMSELF.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

B.N. PRASAD, son of Late CHOKAT CHAUDHARI working as Deputy Director (Implementation) NE, Region under Deptt. of Official Language, Ministry of Home Affairs, Rajagarh Road, Lane No. 1, Shilpukhuri post, Guwahati -781003 and residing at Door No. 12, Jatiya Shahid Path, Basistha Road, Beltola, Guwahati-781028.

APPLICANT

Vs,

1. Union of India Service through the Secretary to the Govt. of India Deptt. of Official Language Ministry of Home Affairs, Loknayak Bhawan, Khan Market New Delhi-03.
2. Director of Incometax, (RSP & PR) Official Language, Deptt. of Incometax , C.B.D.T., 6th Floor Mayur Bhawan Cont Circus New Delhi 110001.
3. Director (Implementation), Deptt. of Official Language Ministry of Home Affairs, Loknayak Bhawan, Khan Market New Delhi-03.
4. Shri Ashok Kumar Mishra , Research Officer (Implementation) NE, Region under Deptt. of Official Language, Ministry of Home Affairs, Rajagarh Road, Lane No. 1, Shilpukhuri post, Guwahati - 781003.

RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made
 - (a) Order No. 12018/1/2003 Rajbhasha (Karyanvayan-1) dated 11 Feb. 2005 subject to premature reversion of B.N. Prasad, Deputy Director (Implementation) NER, Guwahati to his parent cadre. (ANNEXURE '1')
 - (b) Letter No. 12018/1/2003- Rajbhasha (Karyanvayan-1) dated 24 Jan. 2005 arbitrarily rejection of applicants Leave (Casual Leave) and threatening of premature reversion to parent cadre. . (ANNEXURE '2')
 - (c) Relieving order dated 16.02.05 issued by Subordinate Officer without proper authorization. (ANNEXURE '4')
2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the orders against which he wants redressal is within the Jurisdiction of the Tribunal.

Cont..P/2

[Handwritten signature]

3. LIMITATION :

The applicant further declares that the application is within the limitation period prescribed (in section 21 of the A.T. Act. 1985).

4. FACTS OF THE CASE:

(i) The applicant states that he was selected by U.P.S.C. for the post of Deputy Director (Implementation), Deptt. of Official Language, Ministry of Home Affairs, Govt. of India. The applicant assumed the charge of Deputy Director (Implementation) N.E.R., Guwahati on 16.12.02 and the TENURE of deputation is a period of 3 years.

(ii) Regional Rajbhasha Award Distribution Samaroh for the year 2003-04 was first fixed to be organized on 10-11 January 2005 at Gangtok but the same was postponed to March 2005 at Shillong.

(iii) The applicant applied for 4 days Casual Leave i.e. for 18, 19, 20 & 25 January 2005 and 2 days Restricted Holiday i.e. for 17 & 14 January 2005 and went to Tamilnadu to see his children studying at Chennai and Salem. The said Casual Leave was not granted and the applicant was asked through letter no. 12018/1/2003 Rajbhasha (Karyanvayan-1) dated 24 Jan., 05 received in office at Guwahati on 31.01.2005 to return on duty at Guwahati Office since the Regional Rajbhasha Award distribution Samaroh was preponed to Feb. 1-2, 2005 at Guwahati. A threatening is also given through the said letter that Shri Prasad (The Applicant) would be reverted to his parent cadre before maturity of deputation period if orders or not complied.

The applicant states that the preponement of Rajbhasha Samaroh from March 5 to Feb. 1-2, 2005 and rejection of applied Casual Leave etc. was not communicated to him by any means. The applicant reached on duty on 31.01.2005 at 0930 AM after expiry of leave and gave active hand to the Samaroh which got a grand success.

(iv) The applicant has been informed of his premature reversion to his parent cadre vide order dated 11 Feb. 2005 (Annexure -1) as per threatening already given to the applicant vide letter no. 12018/1/2003(Rajbhasha Karyanvayan-1) dated 24.01.2005 (Annexure - 2). The applicant states that no chance was given to the applicant to explain the matter and the decision of reversion has been taken arbitrarily.

(v) the applicant states that the aforesaid impugned reversion order is totally subjective and not in public interest at all. This capricious and bias reversion order has been issued under collusion of the respondents 4 and 3 in the interest of their personal benefits. There is no situation arising for premature reversion of the applicant to his parent cadre at present. Shri Ashok Kumar Mishra, Research Officer (Respondent 4) has taken Suo-Moto charge of the office without any proper authorization and creating lot of problems in the office administration. The applicant further states that in view of manifest whimsical and bias, the aforesaid order no 12018/1/2003 Rajbhasha (Karyanvayan-1) dated 11 Feb., 05 cannot be sustained in law.

Cont...P/3

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

(i) For that the impugned reversion order dated 11 Feb. 2005 is arbitrary capricious, whimsical, bias and not in public interest and therefore the said impugned reversion order dated 11 Feb. 2005 is liable to be quashed with further direction to stay the applicant in the same Regional Implementation office Guwahati.

(ii) For that the applicant after completion of deputation period of 3 years may be reverted to parent cadre with benefits under provision made by Govt. for services in N.E. Region vide OM. No. 20014/3/83-E, IV dated 14 Dec. 1983 (Amended time to time).

6. DEPARTMENTAL REMEDIES EXHAUSTED :

The applicant declares that he has availed of all the remedies available to him departmentally and having remained dissatisfied, he files this application for redress.

7. MATTERS NOT PREVIOUSLY FILED/PENDING WITH ANY COURT:

The applicant further declares that he had not previously filed any application, writ petition etc before any other legal forum nor any such matter relating to the subject matter of this application is pending before any of them.

8. RELIEF SOUGHT :

In view of that has been stated in paragraphs 4 and 6 herein above the applicant prays for the following reliefs :-

- (a) For an order of stay quashing the impugned order dated 11.02.2005.
- (b) For an order directing the Respondents herein to Post the applicant at the place of applicants choice after completion of deputation period of three years as per provisions made by Govt. under OM No. 20014/3/83-E, IV dated 1983.
- (c) For any other order (s) as this Hon'ble Tribunal Considers fit and proper for doing conscionable justice to the applicant.

9. INTERIM ORDERS (if any) :

The applicant seeks the following interim relief (i) Interim relief in term of prayers (a) and (b) in paragraphs herein above.

10. This application is filed by the applicant himself. Hence all the notices may be sent to his address.

[Handwritten signature]

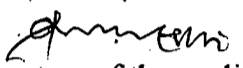
11. Particulars of I.P.O. in respect of application fees.

- (i) IPO No. & Date 20G 116262 dt. 25-02-05
- (ii) P.O. of Purchase: G.P.O, GUWAHATI
- (iii) Amount Rs.50/- only.

12. Enclosures: (a) Annexures 04
(b) I.P.O. for Rs.50/-

VERIFICATION

I, B.N. PRASAD son of Late CHOKAT CHAUDHARI, aged about 53 years at present working as Deputy Director (Implementation). Rajgarh Road Lane 1, Shilpukhuri Post, Guwahati -03 and residing at 12, Jatiya Shahid Path, Beltola, Guwahati -28 do hereby verify and state that statement contained paragraph 1 to 12 are true to my personal knowledge submissions and the contents of in para 8 and 9 are my prayers before this Hon'ble Tribunal and that I have not suppressed any material fact.


Signature of the applicant

Place, Guwahati

Date: 25-02-05

To
The Registrar
Guwahati Bench
Central Administrative Tribunal
Guwahati

R.O - GHY
No 3057
Dt 15/02/05

SPEED POST

39

15/02/05

No.12018/1/2003.- OL (Impl.-1)
Govt. of India
Ministry of Home Affairs/ Dept. of official Language.

New Delhi, Dated. 11th February 2005.

ORDER

The services of Sh. B.N. Prasad, Dy. Director (Impl.) Regl. Implementation Office, Deptt. of Official Language, Guwahati is handed over to his present Deptt ; Chief Commissioner of Income Tax, Official Language development section, Radhakunti Bhavan, 18 Madan Mohan Malaiya Marg, Lucknow - 126001 with the permission of competent authority with immediate effect.

Sd-

(Smt. Saroj Jaisia)

Under Secretary to the Govt. of India

No : 12018/1/2003. OL (Impl.-1) Dated 11th February 2005.

Copy

1. Pay and Accounts Officer, Secretariat, M.H.A. C-1 Hutments Dulhauji Rd, NEW DELHI-110011
2. Dy. Director (Impl.), Regl. Implementation office (N.E.) Rajgarh Rd, Byelane No-1 Post- Silpukhuri, Guwahati 781003
3. The Chief Addl. Commissioner % CCIT, official Language Development Section, Kunti Radha Bhavan, 18 Madan Mohan Malaiya Marg, Lucknow - 226001, with request that the arrangements of Posting of Sh. B.N. Prasad A.D. (OL) may be made soon.
4. Sh. S.A. Khan, Dy Dir. (OL), Central Board of Direct Taxes Rajbhasha Div; Director of Income Tax (RSP& PR), 6th Floor Mayur Bhavan, Connt. Circus, New Delhi-110001.

Sd-

(Smt. Saroj Jaisia)

Under Secretary to the Govt. of India

No.12018/1/2003 - OL. (Impl.-1)
Government of India
Ministry of Home Affairs/ Dept. of Official Language.
New Delhi,

Dated 24th Jan. 2005.

To,
Dy. Director (Implementation)
Regl. Implementation office (N.E.)

Rajgarh Rd. Byelane No 1, Silpukhuri Post,
Guwahati- 781003

R. I. O - GHY
No 2007
Dt. 31/1/05

Sub : Casual leave and Restricted Holidays / Reg.

Sir,

I have been directed to say in the ref. of your above said subject letter no 12 /1(9) 2002 Rgl. Impl. office (Ghy)/ 1426 dt 13.01.2004 that Regl. Rajbhasa Sammelan is going to be organised on 1-2 Feb 2005 at Guwahati for which the presence of the head of the office is necessary for preparation of the Sammelan. So the leave applied viz Casual leave for 18th, 19th, 20th and 25th Jan. 05 and R.H. for dt. 17th and 24th Jan. 05 can not be sanctioned to Sh. B.N. Prasad. Shri Prasad is requested to report at Guwahati Office soon.

In case orders are not complied Sh. Prasad will be reverted to his present department before maturity of his tenure.

Yours Faithfully.

Sd-

(Smt. Saroj Jaisia)
Under Secretary to the Government of India.

41

Government of India
Ministry of Home Affairs
Department of O.L.
Regional Implementation Office, Rajgarh Raod,
Bye-Lane-1, Silpukhuri, P.O. Guwahati-3.

No.....

Date..15-09-05

To

The Director (Implementation)
Department of O.L./MHA
Loknayak Bhavan, Khan Market
New Delhi-110003

Sub:- Premature reversion of B.N.Prasad, Dy.Cirector
(Impl)NER, Guwahati to his parent cadre, Deptt of Income
Tax/Reconsideration of the case/Choice place of posting/forwarding
of letter to the Deptt. Of Income Tax-Reg.

Sir,

Letter addressed to the Director of Income Tax (RSP&PR), Deptt of
Income Tax, CBDT, Rajbhasha Div, 6th floor, Mayur Bhavan, Contt
.Circus, New Delhi-01 is enclosed herewith for necessary consideration of
the case and forwarding. Sympathetic action in the case is requested please.

Encl as above in duplicate.

Yours faithfully,

sd/—

(B.N.Prasad)
Dy. Director (Impl) NER,
Guwahati-03

No 12/1 (9)/2002-R.I.O. (ghy)/1806-8

To,
Income-Tax Director (R.S.P.& P.R.)
Director of Income Tax, CBDT.
Official Language Dir. 6th Floor,
Mayur Bhavan Connt. Circus, New Delhi

Government of India
Ministry of Home Affairs
Dept.of Official Language
Regl. Implementation Office (NER)
Rajgarh Rd, Lane 1,
P.O. Silpukhuri, Guwahati 781003
Tel:& Fax (0361)-2524686
Date: 15/02/2005

Through Proper Channel.

Sub : Premature Reversion of B.N. Prasad, Dy. Dir. (Impl) N.E.R. Guwahati to his present Dept. Choice Place of Posting Reg.

Ref Letter of official language Dept.

- (1) No. 12016/1/2004 -OL (Impl. - 2) dt. 24th Dec. 2004.
- (2) No. 12018/1/2003 -OL(Impl. - 1) dt. 24th Jan. 2005.
- (3) No. 12018/1/2003 -OL(Impl. - 1) dt. 11th Feb. 2005.

Sir,

After receipt of the letter (1) under ref. in which it was informed that the Rajbhasha Award Distribution Function would be organised in the month of March 2005. at Shillong. I went to see my children studying in Tamil Nadu on four days casual leave and two days R.H. i.e. dated 18th, 19th, 20th and 25th C.L. and 17th, 24th, R.H. but through letter N '2' under ref received in the office on 31/01/05. my said leave was not sanctioned and I was asked to return on duty at Guwahati Office. The said message was not communicated to me since I was in Tamilnadu in that period. I had to report on duty on 27/01/05 after expiry of said leave but I fell ill in the way of return Journey and so over phone I informed the research officer in my office that due to ill health I was not able to reach office and the TOLIC meeting fixed for 28/01/05. might be attended by him. Then only he (the Research officer) informed me that the Rajbhasha Award distribution Function was going to be organised on 1/2 Feb 2005. I expressed my helplessness caused by ill health and as I felt better rushed to Guwahati and reached Guwahati on 30/01/05 at 11'30 P.M. and next day went to office and from office went to Guwahati Air port to receive the Secretary. I gat busy day and right in the Programme on 1/2 Feb 05.

-2-

Through letter 3 under ref. I have been informed of my premature reversion to my present dept. Income Tax. In this regard no explanation was asked from me neither I was given a chance to explain the matter.

Hence I request for re-consideration and sympathetic decision in the case. And if the decision of my reversion is not changed I may be arranged my posting in my present department at Chennai or New Delhi my choice place as per OM of Ministry of Finance Government of India No20014/3/83-E, IV Dec. 1983 (Amended from time to time). And if at Present my Posting could not be done at Chennai or N.Delhi. I May be posted at Guwahati itself in Income Tax Dept. till I get my posting at Chennai or N.Delhi in future.

Yours Faithfully

Sd-

B.N.Prasad.
Dy. Director (Impl.) N.E.R.
Guwahati

Copy to :

1. Secretary, Dept. of official Language, Lok Nayak Bhavan, Khan Market, New Delhi 03, with request that I may Pl. be relieved from present office only after my posting at choice place in my present department.
2. Director of Income Tax (RSP & PR) Dept. of Income Tax, CBDT, Mayur Bhavan, Connt. Circus, New Delhi (Advance Copy)

No 12/1 (9) /2002 R.I.O./ (Ghy)/ Government of India
Dept. of official Language, MHA.
Rajgarh Road, Byelane No 1, Post.- Silpukhuri
Guwahati 781003
Date: 16/02/2005

OFFICE ORDER

In pursuance of order No 12018/1/2003-OL (Impl. 1) dated 11/02/2005 of Dept. of Official Language, New Delhi, Sh. B.N. Prasad is received from the charge of Dy. Director (Impl.) N.E.R. Guwahati in the afternoon dated 16/02/05.

He may hand over his charge to the undersigned.

Sd-
(Ashok Kumar Misra)
Research Officer (Impl.)

No. 12/1(9)/2002 - RIO/ Ghy dated 16/02/2005

Copy to:

1. Sh. B.N. Prasad, Rgl. Implementation office, N.E.R. Ghy. - 3.
2. Pay & Account office, Sachivalaya, MHA, C-1 Hutments Dulhausi Rd, New Delhi.
3. The Chief Addl. Commissioner % CCIT, official Language Development Section, Kunti Radha Bhavan, 18 Madan Mohan Malaiya Marg, Lucknow - 226001, with request that the arrangement of Posting of Sh. B.N. Prasad A.D. (OL) may be made soon.
4. Sh. S.A. Khan, Dy Dir. (OL), Central Board of Direct Taxes Rajbhasha Div; Director of Income Tax (RSP & PR), 6th Floor Mayur Bhavan, Connt. Circus, New Delhi-110001.
5. Director (Impl.) Dept. of OL / MHA, Loknayak Bhavan (2nd Floor) Khan Market, New Delhi - for information.

Sd-
Research Officer (Impl.)
Ashok Kumar Misra

APPENDIX - 9

INCENTIVES FOR SERVING IN REMOTE AREAS

[G.I., M.F., O.M. No. 20014/3/83-E, IV, dated the 14th December, 1983, read with O.M. No. 20014/3/83-E, IV, dated the 30th March, 1984, 27th July, 1984, G.I., M.F., U.O. No. 3943-E, IV/84, dated the 17th October, 1984, O.M. No. F. 20014/3/83-E, IV, dated the 31st January, 1985, 25th September, 1985, U.O. No. 824-E, IV/86, dated the 1st April, 1986, O.M. No. 20014/3/83-E, IV, dated the 29th October, 1986, O.M. No. 20014/3/83-E, IV/E, II (B), dated the 11th May, 1987, 28th July, 1987, 15th July, 1988 and O.M. No. F. 20014/16/86-E, IV/E, II (B), dated the 1st December, 1988 and O.M. No. 11 (2)/97-E, II (B), dated the 22nd July, 1998.]

I

Allowances and facilities admissible to various categories of civilian Central Government employees serving in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram, Andaman and Nicobar Islands and Lakshadweep Islands. These orders also apply *mutatis mutandis* to officers posted to N-E Council, when they are stationed in the N-E Region and to the civilian Central Government employees including officers of All India Services posted to Sikkim.

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period $\frac{2}{3}$ rd years. Officers, on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Reports:

Satisfactory performance of duties for the prescribed tenure in the North-East shall be given due recognition in the case of eligible officers in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North-East.

A specific entry shall be made in the CR of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of $12\frac{1}{2}\%$ of basic pay on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn without any ceiling on its quantum. The condition that the aggregate of the Special (Duty) Allowance *plus* Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with from 1-8-1997. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

✓ The Central Government civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para. and are exempted from payment of Income Tax under the Income Tax Act will also draw Special (Duty) Allowance. ✓

NOTE 1.— Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

NOTE 2.— Central Government civilian employees, having 'All India Transfer Liability' on their posting to Andaman & Nicobar Islands and Lakshadweep Islands are, with effect from 24th May, 1989, granted 'Island Special Allowance' in lieu of 'Special (Duty) Allowance'. See Orders in Section V of this Appendix.

(iv) Special Compensatory Allowance:

The recommendations of the Fifth Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1-8-1997.

For orders regarding current rates of Special Compensatory allowance—See Part V of this Compilation - HRA and CCA

(v) Travelling Allowance on first appointment:

In relaxation of the present rules (SR 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in

NOTE.—For extension of foreign service of Central Government Officers to Public Sector Undertakings beyond 3 years, approval of ACC would be necessary in terms of instructions of Department of Public Enterprises on the subject.

8.4 In cases where extension is beyond the fifth year or second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the approval of the Department of Personnel and Training, whether Central Government is the lending organization or the borrowing organization. Proposal in this regard should reach this Department with the approval of the Minister of the borrowing Department *at least three months* before the expiry of the extended tenure with full particulars. A check-list for such particulars is annexed.

8.5 When extension of period of deputation/foreign service for the first and the second year in excess of period prescribed in the Recruitment Rules is considered by the borrowing organization under powers delegated to them, the period for extension may be so decided upon so as to ensure that officer concerned is allowed to continue on deputation till the completion of academic year in cases where the officer has school/college going children.

No proposal for further extension beyond the second year in excess of period prescribed in the RRs shall be forwarded to this Department on the consideration that the officer has school/college going children. Extension beyond this period will be considered only if it is strictly in public interest.

8.6 For computing the total period of deputation/foreign service, the period of deputation/foreign service in another ex cadre post(s) held preceding the current appointment without break in the same or some other organization shall also be taken into account.

8.7 If during the period of deputation/foreign service, the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post on account of pro forma promotion in his cadre under the Next Below Rule or otherwise, the deputation/foreign service of the employee should be restricted to a maximum period of six months from the date on which his pay exceeds such maximum and he should be reverted to his parent department within the said period.

8.8 If during the period of deputation, on account of pro forma promotion in the parent cadre under the Next Below Rule, the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex cadre post, he may be allowed to complete the normal tenure of deputation, subject to 8.7 above but no further extension of the period of deputation should be allowed in such cases.

9. Premature reversion of deputationist to parent cadre

Normally, when an employee is appointed on deputation/foreign service, his services are placed at the disposal of the parent Ministry/Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so

returned after giving advance intimation of reasonable period to the lending Ministry/Department and the employee concerned.

10. Relaxation of conditions

Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel and Training.

11. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consultation with the Comptroller and Auditor-General of India.

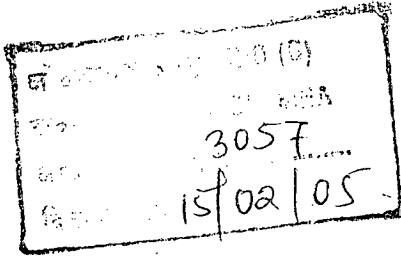
12. These orders take effect from the date of issue. In case of persons already on deputation/foreign service, if the modifications incorporated in these orders are not beneficial, he/she may opt to retain the earlier term(s).

ANNEXURE

CHECK-LIST

[Vide Para. 8.4]

1. Name of the Officer
2. Name of the parent office
Designation of the post held in parent office and pay scale of that post
3. Present basic pay in the parent cadre post ...
4. Designation and pay scale of the post held on deputation and the present basic pay in the ex cadre post
5. Has the officer been given NBR pro forma promotion? If so, pay scale of the post to which promoted
6. Normal period of deputation prescribed in Recruitment Rules for the ex cadre post ...
7. Date of appointment on deputation
8. Is the officer drawing grade pay + d (d) a? If so, has the d (d) a been stopped during the 5th year/2nd year in excess of the period prescribed in the Recruitment Rules?
9. Whether the extension for 1st year/2nd year in excess of period prescribed in the RRs of the post has been given with the approval of the Secretary and Minister-in-charge of the Administrative Ministry/Department respectively
10. Does the proposed extension also require the approval of UPSC/ACC?



सं० 12018/1/2003-रा०भा०(का०-1)
भारत सरकार
गृह मंत्रालय/राजभाषा विभाग

स्पीड पोस्ट द्वारा

नई दिल्ली, दिनांक 11 फरवरी, 2005

आदेश

राजभाषा विभाग के क्षेत्रीय कार्यान्वयन कार्यालय गुवाहाटी में उप निदेशक (का०) के पद पर तैनात श्री बी०एन० प्रसाद, की सेवाएँ प्रशासनिक कारणों से तत्काल प्रभाव से उनके मूल विभाग, मुख्य अपर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18 मदन मोहन मालवीय मार्ग लखनऊ-226001 को सक्षम अधिकारी की अनुमति से सौंपी जाती है।

(श्रीमती सरोज जैसिया)
अवर सचिव, भारत सरकार

सं० 12018/1/2003-रा०भा०(का०-1), दिनांक 11 फरवरी, 2005
प्रतिलिपि:-

1. वेतन तथा लेखाधिकारी, सचिवालय, गृह मंत्रालय, सी-1 हटमेन्ट्स, डलहौजी रोड, नई दिल्ली-110011
2. उप निदेशक(का०), क्षेत्रीय कार्यान्वयन कार्यालय(पूर्वोत्तर), राजगढ़ रोड, वाई लैन-1, पोस्ट - शिलपुखरी, गुवाहाटी 781 003
3. मुख्य अपर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18 मदन मोहन मालवीय मार्ग लखनऊ-226001 को इस अनुरोध के साथ कि वे श्री बी०एन० प्रसाद, सहायक निदेशक (रा०भा०) की तैनाती की को इस अनुरोध के साथ कि वे श्री बी०एन० प्रसाद, सहायक निदेशक (रा०भा०) की तैनाती की तुरन्त व्यवस्था कर लें।
4. श्री एस०ए० खान, उप निदेशक (राजभाषा), केन्द्रीय प्रत्यक्ष कर बोर्ड, राजभाषा प्रभाग, आयकर निदेशालय (ग.सां.प्र. व ज.सं.) छठी मंजिल, मयूर भवन, कनॉट सर्कस, नई दिल्ली-110001

(श्रीमती सरोज जैसिया)
अवर सचिव, भारत सरकार

हस्ताक्षर पोस्ट 47

सं० 12018/1/2003-रा०भा०(का०-1)

भारत सरकार

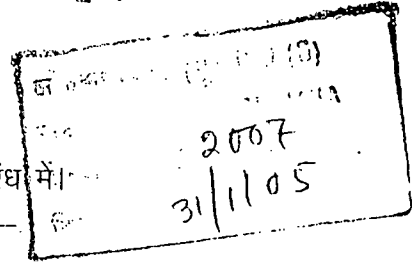
गृह मंत्रालय/राजभाषा विभाग

नई दिल्ली, दिनांक 24 जनवरी, 2005

सेवा में,

✓ उप निदेशक(कार्यान्वयन),
क्षेत्रीय कार्यान्वयन कार्यालय, (पूर्वोत्तर),
राजगढ़ रोड, वाइर् लैन-1, पोस्ट -शिलपुरखरी,
गुवाहाटी 781 003.

24 JAN 2005



विषय:- आकस्मिक अवकाश तथा प्रतिबंधित अवकाश के संबंध में।

महोदय,

उपर्युक्त विषय पर आपके पत्रांक सं० 12 / 1(9)2002-क्ष०का०का०(गु०)/1426 दिनांक 13.1.2004 के संदर्भ में मुझे यह कहने का निदेश हुआ है कि क्षेत्रीय राजभाषा सम्मेलन का आयोजन दिनांक 1-2 फरवरी 2005 को गुवाहाटी में किया जा रहा है, जिसकी तैयारियों के लिये कार्यालयाध्यक्ष की उपस्थिति अनिवार्य है। अतः : श्री बी०एन० प्रसाद, उप निदेशक(का०), को दिनांक 18,19,20 तथा 25 जनवरी 2005 को आकस्मिक एवं दिनांक 17 और 24 जनवरी को प्रतिबंधित अवकाश स्वीकृत नहीं किया जा सकता है। श्री प्रसाद से अनुरोध है कि वे तुरन्त गुवाहाटी कार्यालय में रिपोर्ट करें।

आदेशों का अनुपालन न करने की स्थिति में श्री प्रसाद को समय से पहले ही उनके मूल विभाग को प्रत्यावर्तित कर दिया जायेगा

भवदीय,

रु. श्रीमती

(श्रीमती सरोज जैसिया)
अवर सचिव, भारत सरकार

24/1

भारत सरकार
गृह मंत्रालय
राजभाषा विभाग



क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर क्षेत्र)
राजगढ़ रोड, बाई लेन नं० - 1
पोस्ट - शिलपुखुरी, गुवाहाटी - 781 003
दूरभाष एवं फैक्स - (0361) 2524686

स्वीडिपोस्ट
पिनकोड 781 003
Govt. of India
Ministry of Home Affairs
Deptt. of Official Language
Regional Implementation Office (N.E.R)
Rajgarh Road, Bye Lane No - 1
P.O. - Silpukhuri, Guwahati - 781 003
Tele. & Fax : (0361) 2524686

संख्या/No :

दिनांक / Date 15-02-05

सेवा में

निदेशक (कार्यान्वयन)
राजभाषा विभाग, गृह मंत्रालय,
लोकनायक भवन
खान मार्केट, नई दिल्ली-110003

विषय : वी०एन० प्रसाद, उप निदेशक (कार्यान्वयन) पूर्वोत्तर क्षेत्र, गुवाहाटी की समय से पूर्व मूल विभाग आयकर में वापसी / पसंदीदा स्थान पर पौस्टिंग संबंधी। मामले पर पुनः विचार। पत्र का आयकर विभाग को अग्रोधन संबंधी।

महोदय,

आयकर निदेशक (ग.सा.प्र. व वित्त. सं०) आयकर निदेशालय, केंद्रीय प्रत्यक्ष कर बोर्ड, राजभाषा विभाग, 6वीं मंजिल, मयूर भवन फ्लॉट सर्कस नई दिल्ली-01 को संबोधित पत्र आवश्यक पुनर्विचार व आवश्यक अग्रोधन हेतु संलग्न है। अनुरोध है कि मामले में सहानुभूतिपूर्वक कार्रवाई करने की कृपा करें।

भवदीय,

(वी०एन० प्रसाद)

(वी०एन० प्रसाद)
उपनिदेशक (कार्यान्वयन) पूर्वोत्तर क्षेत्र
गुवाहाटी

0/e

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भारत सरकार
गृह मंत्रालय
राजभाषा विभाग
क्षेत्रीय कार्यान्वयन कार्यालय (पूर्वोत्तर क्षेत्र)
राजगढ़ रोड, बाई लेन नं० - 1
पोस्ट - शिल्पखुरी, गुवाहाटी - 781 003
दूरभाष एवं फैक्स - (0361) 2524686



Govt. of India
Ministry of Home Affairs
Deptt. of Official Language
Regional Implementation Office (N.E.R)
Rajgarh Road, Bye Lane No - 1
P.O. - Silpukhuri, Guwahati - 781 003
Tele. & Fax : (0361) 2524686

संख्या/No 12/1(9)/2002-सैकाका (750)/1806-80-12 दिनांक/Date 15-02-2005

सेवा में
आयकर निदेशक (ग.सा.प्र.व.ज.सं.) ✓
आयकर निदेशालय, केन्द्रीय प्रत्यक्ष कर बोर्ड
राजभाषा प्रभाग, 6वीं मंजिल, मयूर भवन
कनॉट सर्कस, नई दिल्ली-110001

उचित माध्यम से

विषय:- बी० एन० प्रसाद, उप निदेशक (का०) पूर्वोत्तर क्षेत्र गुवाहाटी का समय पूर्व
उनके मूल विभाग आयकर विभाग में वापसी। इच्छित स्थान पर नियुक्ति संबंधी।

संदर्भ:- राजभाषा विभाग का पत्र (1) संख्या-12016/1/2004-रा.भा.(का.-2)
दिनांक 24 दिसंबर, 04

(2) संख्या-12018/1/2003-रा.भा.(का.-1)
दिनांक 24 जनवरी, 2005

(3) संख्या-12018/1/2003-रा.भा.(का.-1)
दिनांक 11 फरवरी, 2005

महोदय,

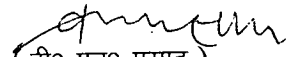
संदर्भाधीन पत्र (1) जिसमें मार्च, 05 के प्रथम पखवांर में शिलांग में राजभाषा पुरस्कार वितरण समारोह का आयोजन सूचित किया गया था, के प्राप्त होने पर मैं तमिलनाडु में अध्ययनरत अपने बच्चों से मिलने और आवश्यक कार्यों को संपन्न करने हेतु दिनांक 18, 19, 20 व 25 जनवरी, 05 की आकस्मिक छुट्टी और दिनांक 17 व 24 जनवरी, 05 के प्रतिबंधित अवकाश पर गया था। किन्तु मेरी उक्त छुट्टी संदर्भाधीन पत्र (2) के द्वारा अस्वीकृत करते हुए मुझे छुट्टी पर उपस्थित होने का निर्देश जारी हुआ जो कार्यालय में दिनांक 31.01.05 को प्राप्त हुआ है। चूंकि उक्त आवेदित छुट्टी के दौरान मैं तमिलनाडु में था मुझे छुट्टी अस्वीकृति की सूचना नहीं मिली। उक्त अवकाश के बाद दिनांक 27.01.05 को मुझे कार्यालय में उपस्थित होना था किन्तु वापसी यात्रा में मैं बुरी तरह अस्वस्थ हो गया और दिनांक 27.01.05 को दूरभाष से कार्यालय में अनुसंधान अधिकारी को इसकी सूचना दी कि मैं काफी अस्वस्थ हूँ और कार्यालय नहीं आ पा रहा हूँ और कल दिनांक 28.01.05 को नराकास(उपक्रम) गुवाहाटी की बैठक है उसमें आप भागले लेंगे। तब अनुसंधान अधिकारी ने बताया कि 1-2 फरवरी, 05 को राजभाषा पुरस्कार वितरण समारोह होने जा रहा है। मैंने अपनी अस्वस्थता जनित बेवशी उन्हें बताई और जैसे ही मेरी हालत थोड़ी सुधरी मैं भागे-भागे दिनांक 30.01.05 की शाम गुवाहाटी पहुँचा और अगले दिन दिनांक 31.01.05 को कार्यालय होते हुए सचिव महोदय को रिसीव करने गुवाहाटी एयरपोर्ट गया। दिनांक 1-2 फरवरी, 05 को संपन्न कार्यक्रम में दिनरात व्यस्त रहा।

-2-

संदर्भाधीन पत्र (3) द्वारा मुझे प्रशासनिक कारण से मेरे मूल विभाग आयकर में वापस भेजने का संदेश दिया गया है। इस विषय में मुझसे कोई स्पष्टीकरण नहीं मांगा गया और न ही मुझे अपना पक्ष रखने का अवसर दिया गया।

अतः अनुरोध है कि मामले में पुनः विचार कर सहानुभूतिपूर्ण निर्णय लिया जाए। फिर भी यदि मुझे वापस ही करने का निर्णय बरकरार रखा जाता है तो समय-समय पर संशोधित भारत सरकार वित्त मंत्रालय का ज्ञापन संख्या-20014/3/83-ई, IV दिनांक 14 दिसंबर, 1983 के अनुसार आयकर विभाग में मेरे इच्छित स्थान चेन्नै या दिल्ली पर मेरी पोस्टिंग की जाए। यदि सम्प्रति चेन्नै या दिल्ली में मेरी नियुक्ति नहीं हो पाए तो मेरी इस पसंद को भविष्य में यथाशीघ्र पूरी करने की बात स्वीकार करते हुए तब तक गुवाहाटी में ही आयकर विभाग के कार्यालय में मेरी पोस्टिंग करने की कृपा की जाए।

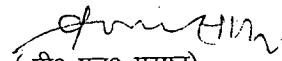
भवदीय,


(बी० एन० प्रसाद)

उप निदेशक (कार्यान्वयन) पूर्वोत्तर क्षेत्र
गुवाहाटी

प्रतिलिपि:- 1. सचिव, राजभाषा विभाग, लोकनायक भवन खान मार्केट, नई दिल्ली-3 को इस अनुरोध के साथ की मेरे मूल विभाग आयकर से मेरे पसंदीदा स्थान पर पोस्टिंग आदेश जारी होने के बाद ही मुझे वर्तमान पद से भार मुक्त करने की कार्यवाई कृपया की जाए।

2. आयकर निदेशक (ग.सा.प्र. व ज. सं.), आयकर निदेशालय, केन्द्रीय प्रत्यक्षकर बोर्ड, मयूर भवन, कनॉट सर्कस, नई दिल्ली (अग्रिम प्रति)


(बी० एन० प्रसाद)

उप निदेशक (कार्यान्वयन) पूर्वोत्तर क्षेत्र
गुवाहाटी

संख्या-12/199/2002-क्षेत्रीय कार्यालय

24/02/05

भारत सरकार

राजभाषा विभाग, गृह मंत्रालय

क्षेत्रीय कार्यान्वयन कार्यालय पूर्वोत्तर क्षेत्र

राजगढ़ रोड, बाइलेन-1, पोस्ट:- भिलपुखुरी

गुवाहाटी-781003

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दिनांक 16/02/05

कार्यालय आदेश

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राजभाषा विभाग, नई दिल्ली के दिनांक 11/02/2005 के आदेश सं० 12018/1/2003-राजभाषा-का०-1 के अनुसरण में श्री बी० एन० प्रसाद, को दिनांक 16/02/2005 के अपसाइन से क्षेत्रीय कार्यान्वयन कार्यालय पूर्वोत्तर क्षेत्र गुवाहाटी के उपनिदेशक कार्यान्वयन के कार्यभार से मुक्त किया जाता है। वे अपना कार्यभार अधोहस्ताक्षरी को सौंप दें।

अशोक कुमार मिश्र

अनुसंधान अधिकारी कार्यान्वयन

संख्या-12/199/2002-क्षेत्रीय कार्यालय

दिनांक 16/02/2005

प्रतिलिपि:-

1. श्री बी० एन० प्रसाद, क्षेत्रीय कार्यान्वयन कार्यालय, पूर्वोत्तर क्षेत्र, गुवाहाटी-3
2. वेतन तथा लेखा अधिकारी, सचिवालय, गृह मंत्रालय, सी-1 इटमन्टस डलडोजी रोड, नई दिल्ली-110011.
3. मुख्य अपर आयुक्त, मुख्य आयकर आयुक्त का कार्यालय, राजभाषा विकास अनुभाग, कुन्ती राधा भवन, 18 मदन मोहन मालवीय मार्ग नखनउ-226001.
4. श्री एस० ए० खान, उपनिदेशक राजभाषा केन्द्रीय प्रत्यक्ष कर बोर्ड, राजभाषा प्रभाग, आयकर निदेशालय ग. सां. प्र. व ज. सं छठी मंजिल, मयूर भवन, कॉर्ट सर्कस, नई दिल्ली-110001.
5. निदेशक कार्यान्वयन राजभाषा विभाग, गृह मंत्रालय, लोकनायक भवन, द्वितीय तल खान मार्केट, नई दिल्ली -को सूचनाार्थ।

अशोक कुमार मिश्र

अनुसंधान अधिकारी कार्यान्वयन