

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

W.P.C. 125 (W) 04 order sheet
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O.A/T.A No. 124/2005

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

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 124/05 in WP(C) 125(k)/04

Misc. Petition No. _____

Cobtempt petition No. _____

Review Application No. _____

Applicants. Shri Timuwati

h. o. i. gos

Advocates. for the Applicant. P. B. Paul

Advocates of the Respondents. Cafe

Notes of the Registry	Dated	Order of the Tribunal
This is a transfer of matter received from the Deputy Registrar, Guwahati High Court, Kohima Bench.	15.6.2005	Post before the Division Bench on 21.6.2005.
The matter is under the jurisdiction of Central Administrative Tribunal, Guwahati Bench. Hence the matter is transferred to this Bench and registered as an original application No. 124/05.	21.6.2005	Counsel for the applicant is absent. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents present. Post for final hearing on 20.7.2005.
Laid before the Hon'ble Court for further orders.	20.7.2005	Order of the Tribunal
Mr. Section Officer		

2/2/2005
Vice-Chairman

2/2/2005
Member

2/2/2005
Vice-Chairman

order dt. 20/7/05 20.7.2005
Sent to D/Section
for issuing to
learned Advocate
of applicant.

The learned counsel for the
applicant is absent. Mr. M.U. Ahmed,
learned Addl. C.G.S.C. is present. Post
on 8.8.05.

Co. No/No=1164
21/7. DT= 21/7/05. nkm

Mr. Heard
Member

Vice-Chairman

order dt. 21/6/05
and 20/7/05, duly
Served on learned
Advocate of applicant.

(Co)
29/7/05.

8.8.2005 Mr. P.B. Paul, learned counsel
for the applicant is absent. Post on
26.8.2005.

Mr. Heard
Member

Vice-Chairman

26.8.05.

Mr. B.P. Paul learned counsel
for the applicant is not present.

Learned Addl. C.G.S.C.
Order to be sent to the
Respondents.

Mr. M.U. Ahmed learned Addl. C.G.S.C.
is also present.

Post the matter on 6.9.05.

Mr. Heard
Member

Vice-Chairman

6.9.2005

Learned counsel for the applicant
is absent. Mr. Heard learned counsel
for the respondents. The application
is disposed of in terms of the order
passed in separate sheets.

Addl. C.G.S.C.

15.9.05.

Copy of the judgement
has been sent to the
D/secy for hearing
the case to the applicant
by post.

Mr. Heard
Member

Vice-Chairman

IN THE GAHHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MECHALAYA, MANIPUR & TRIPURA,
MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

W.P.(c) No. 125 (K) 2004 of

Shn Timewati

Appellat.
Petitioners.

- VERSUS -

Union of India & ons.

Respondent
Opposition to an

For Appellant Mr. P. B. Paul, Adv. For Respondent
Petitioner Opposite party

WPC 125/04

NUTING-BY OFFICER
OR ADVOCATE.

DATE

OFFICE/NOTE/REPORT ORDERS PRODUCED
WITH SIGNATURE.

1

2

3

11/8/04.

Order AT. 3.8.04

bent to RPN 3. Notice
has also been served
upon RPN 2 & 3 vide
issuance NO. 1714 - 1716,
AT. 4.8.04.

Return service received
from RPN 3. In
rfo RPN 2 postal
receipt is enclosed in
the office copy.

Anakha.

11/8/04.

16-11-04

The case is pen-
ding for R/No. 2.

11/8/04

RJ

BEFORE

THE HON'BLE MR. JUSTICE B. LAMARE

03-8-04

Heard Mr. P.B. Paul, learned counsel for the petitioner.

Let a notice of motion issue calling upon the respondents to show cause as to why a rule as prayed for should not be issued; or why such further or other orders should not be passed as to this Court may deem fit and proper.

The notice is made returnable within a month.

Mr. K. Meruno accepts notice on behalf of the respondent No. 1 and no further notice is required to be served.

Petitioner shall take steps for service of notice on the respondents 2 and 3 by registered post with AD within 2 (two) days.

In the interim, it is directed that no deduction shall be made from the salary of the petitioner.

List it after a month.


JUDGE

O:

6
NOTING BY OFFICER
OR ADVOCATE.

DATE

OFFICE/NOTE/REPORT ORDERS PRODUCED
WITH SIGNATURE.

1

2

3

Before
the Hon'ble Mr. Justice, Ramjan Gogoi

9-3-05

dist it in the next
week.

DR
JUDGE

WPC 125(k)09

Noting by Office or Advocate | Date | Office / Note / Order & proceedings with signature.

2

3

BEFORE
THE HON'BLE MR. JUSTICE RANJAN GOOGOI.

17-03-2005

The respondents are granted 2 (two) weeks further time to file affidavit, if any.

JUDGE.

Akum.

30/3/05

Affidavit-in-opposition filed on behalf of the respondents no. 1, 2, and 3.

- Before -

The Hon'ble Mr. Justice T.N.K. Sath

Licenced Counsel appearing for the respondents submits that affidavit-in-opposition had already been filed and this case is now matured for hearing.

As prayed for, list it for hearing in the usual course.

Dr

JUDGE

PLACED ON GENERAL WARNING LIST

on 13.4.05

Amritpal
13/4/05

Amritpal

Noting by Office or Advocate	Date	Office/Note/Orders proceedings with signature.
---------------------------------	------	---

2

3

BEFORE
THE HON'BLE MR. JUSTICE B. LAMARE

3/5/05 Mr. P.B. Paul learned counsel for
the Petitioner pray that the
matter be adjourned to Thursday
the prayer is granted. let the
matter be listed as prayed for.

Lamare
JUDGE

d

Noting by Office or Advocate.	Date	Office/Note/Orders proceedings with signature.
1	2	

5-5-2005

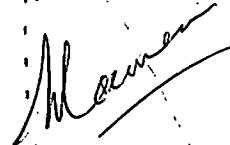
BEFORE

THE HON'BLE MR. JUSTICE B. LAMARE

Heard Mr. P.B. Paul, learned counsel for the petitioner and Mr. K. Meruno, learned Asstt. Solicitor General for the respondents.

Perusal of the records shows that the petitioner was taken on deputation to the Directorate of Census Operation by order dated 14-11-2000. At the relevant time, the petitioner was serving as LDA in the Directorate of Social Welfare, Nagaland. The petitioner joined the post of Statistical Assistant in the Directorate of Census Operation, Nagaland, w.e.f. 16-11-2000. After joining the post, the petitioner had opted for the Central scale of pay, and he was allowed to draw the pay scale applicable to Central Govt. employees. Later on, by office order dated 18-7-03 it is seen that the Directorate of Census Operation has stated that the petitioner is not entitled to the Central scale of pay, and he is entitled only the deputation allowance and he shall remain in the scale of pay of his parent Department. The dispute, therefore, is regarding the service of the petitioner while on deputation under the Directorate of Census Operation Nagaland. The matter, therefore, falls within the jurisdiction of Central Administrative Tribunal.

In view of the above position, Registry is directed to transmit the records of this case to the Central Administrative Tribunal, Guwahati Bench, Guwahati, immediately.



Noting by Office or Advocate.	Date	Office/Note/Orders proceeding with signature.
1	2	3

cont...

The interim order dated
3-8-04 passed by this Court in this writ
petition shall however continue till the
matter is decided by the CAT.

This petition, therefore stands
closed.

Manna
JUDGE

RJ

16/5/05
Court's order dt. 5.5.05
communicated to RPN No. 2 + 3
wide issuance NO. 4357-58
dt 9.5.05

Postal Receipt in RPN
2 is enclosed in the office copy.

Jmada
16/5/05

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. Nos. 124/2005

DATE OF DECISION: 06.09.2005

Shri Tinuwati

APPLICANT(S)

Mr. P.B. Paul

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgments?
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?

110

Judgment delivered by Hon'ble Vice-Chairman.



**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 124 of 2005

Date of Order : This the 6th day of September 2005.

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

Shri Tinuwati
S/o - Shri Temjenmongba
Presently serving as LDA,
Directorate of Social Welfare,
Nagaland, Kohima.

... Applicant

By Advocate : Mr. P.B. Paul.

- Versus -

1. The Union of India,
Through the Secretary,
Ministry of Home Affairs
South Block, New Delhi - 110 001.
2. The Registrar General of India,
2/A, Mansingh Road,
New Delhi - 110 011.
3. The Director,
Directorate of Census Operations,
Nagaland, Kohima.

... Respondents.

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

ORDER (ORAL)SIVARAJAN. I. (V.C.)

The applicant had earlier filed W.P. (C) No. 125(K)/2004 before the Hon'ble Gauhati High Court, Kohima Bench. The said writ petition was transmitted to this Tribunal pursuant to the order dated 05.05.2005 passed in the writ petition. An interim order dated 03.08.2004 passed by the High Court in the said writ petition was also ordered to continue till the matter is decided by the Tribunal.

2. On receipt of records from the High Court it was numbered as O.A. No. 124/2005. On 21.06.2005 when the matter came up for consideration the counsel for the applicant was not present. Hence, the matter was posted on 20.07.2005. This fact was duly intimated to the counsel for the applicant. The counsel had acknowledged the same on 27.07.2005 vide acknowledgement card. Thereafter, this matter was posted on 08.08.2005 and 26.08.2005. There is no representation either by the counsel or by the applicant.

3. The respondents have filed their written statement while the matter was pending before the High Court.

4. The applicant had filed a representation dated 28.07.2003 (Annexure - F) regarding fixation of scale of pay for the deputation post. This was against the office order dated 18.07.2003 issued from the office of the 3rd respondent in which it is stated that since the selection on deputation to the post of Statistical Investigator Grade - III in the scale of pay of Rs. 5000-8000/- was not as per the rules, the option of scale of pay is not accepted by the office of the Registrar General of India and the applicant has been allowed to draw the pay



as per his parent department plus deputation allowance. According to the applicant, rejection of the option exercised by the applicant in the deputation post is illegal and unsustainable for the various reasons stated in the representation (Annexure - F). The deputation period of three years was over on 30.04.2004 and he was repatriated to his parent department. In the written statement, in paragraph 11, it is stated that the representation submitted by the applicant was forwarded to the Registrar General of India vide communication dated 19.09.2003 for consideration. The Registrar General of India by communication dated 29.12.2003 clarified that the payment to the applicant in the post of Statistical Investigator Grade - III was highly irregular as the approval of the competent authority i.e., Registrar General, India was not obtained which is mandatory as per standard terms of deputation given appendix V of fundamental rules wherein it is clearly mentioned that the power of deputation in respect of non-gazetted Government servants may be exercised by the head of department i.e., Registrar General, India in this case. It is further stated that the Registrar General of India has further directed to relieve the applicant after completion of 3 years and accordingly, he was relieved vide order dated 30.04.2004.

5. Counsel for the applicant is absent. Heard Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents.

6. Standing counsel pointed out that deputation to the post of Statistical Investigator Grade - III was ordered by an authority who was incompetent to order such deputation and that the only authority who is to order deputation in the instant case is Registrar General of India. He further submits that said authority, as noted, had already

Spf

stated that appointment on deputation to the post of Statistical Investigator Grade - III was highly irregular since the approval of Registrar General of India was not obtained for such appointment. The Standing counsel in the above circumstances submits that the option exercised by the applicant for fixation of his pay in the deputation post was not accepted.

7. As already noted, there is nothing in the written statement to show that the applicant was informed about the fate of his representation (Annexure - F). Though, the initial appointment of the applicant to the post of Statistical Investigator Grade - III was not approved by the competent authority, the said authority, in the context request made for extension of period of deputation, had directed that the applicant be relieved from the said post after completion of 3 years. This would show that the Registrar General of India had in fact condoned the initial irregularity. Admittedly, this order was passed by the Registrar General of India subsequently as is evident from paragraph - 11 of the written statement. That apart, getting approval of the competent authority is a matter for the concerned respondent who had appointed the applicant to the post of S.I. Grade - III. For his fault the applicant cannot be punished if the applicant was otherwise qualified. There is no mis-representation on the part of the applicant. In the above circumstances, I am of the view that this O.A. can be disposed of by directing the 2nd respondent - Registrar General of India to consider the representation (Annexure - F) submitted by the applicant afresh in the light of the subsequent decision taken by the said respondent evidenced from paragraph - 11 of the written statement and in the light of the observations made hereinabove and pass fresh orders in accordance with law as

[Signature]

expeditiously as possible at any rate within a period of four months from the date of receipt of this order.

The O.A. is disposed of as above. Counsel for the respondents will forward a copy of this order to the 2nd respondent for compliance. Office will also forward a copy of this order to the counsel for the applicant and to the applicant.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

DISTRICT : KOHIMA

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR :
TRIPURA : MIZORAM AND ARUNACHAL PRADESH)

KOHIMA BENCH

(CIVIL WRIT JURISDICTION)

WRIT PETITION (C) NO.125(K)/2004

Shri. Tinuwati Petitioner

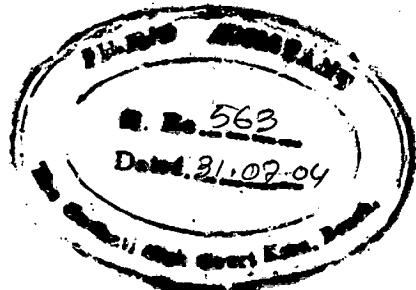
- Vs -

Union of India & Ors. Respondents

I N D E X

Sl.	Particulars	Annexure	Page
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2.	Affidavit		13
3.	Advertisement dt. 17.8.2000	'A'	14
4.	Appointment Order dated 14.11.2000	'B'	15 - 16
5.	Option Letter	'C'	17
6.	Entry/noting in the Service Book	'D'	18
7.	Order dt. 18.7.2003	'E'	19 - 20
8.	Representation dated 28.7.2003	'F'	21 - 26
9.	Order dt. 30.4.2004	'G'	27
10.	Vakalatnama		

Filed by :




(P.B. PAUL)
ADVOCATE

18

Note
Sof
S.P.C.F. Rs.....
Stamp sufficient (as per valuation)
In time
In form
The 2nd Judge's copy filed/not filed
Stamp Report pg. No. 104
S.P.C.F.

DISTRICT : KOHIMA

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR :
TRIPURA : MIZORAM AND ARUNACHAL PRADESH)

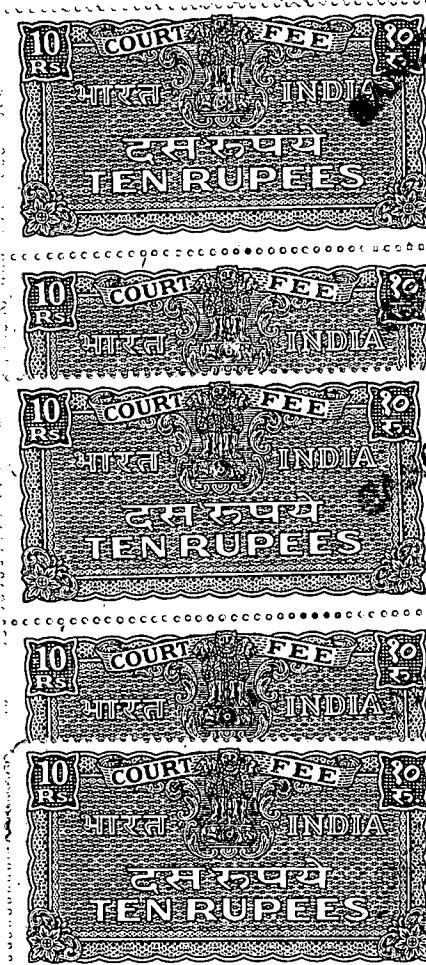
KOHIMA BENCH

(CIVIL WRIT JURISDICTION)

WRIT PETITION (C) NO. 125 (K) /2004.

TO,

THE HON'BLE SHRI. P.P. NAOLEKAR, B.Com., LL.B.,
THE CHIEF JUSTICE OF THE GAUHATI HIGH COURT
AND HIS LORDSHIP'S COMPANION JUSTICES OF THE
SAID HON'BLE HIGH COURT.



IN THE MATTER OF :

An application under Article 226
of the Constitution of India
praying for issuance of a writ
in the nature of Mandamus and/or
Certiorari and/or any other
appropriate order or directions
of the like nature.

- AND -

IN THE MATTER OF :

Enforcement of the petitioner's
rights as guaranteed under
Part III of the Constitution of
India.

Contd. ... 2

Commissioner Affidavit
Gauhati High Court
Kohima Bench

- AND -

IN THE MATTER OF :

Violation of the principle of
Natural Justice and administra-
tive fair-play.

- AND -

IN THE MATTER OF :

Arbitrary and illegal action
of the respondents in refusing
to accept the option of scale of
pay opted by the petitioner, on
deputation and intimating the
same after 3(three) years.

- AND -

IN THE MATTER OF :

Letter No.35018/17/2002-Ad. IV
dated 13.5.2003, issued by the
Office of the Registrar General
of India, New Delhi.

- AND -

IN THE MATTER OF :

Office Order No.G.11033/23/90-
FIN dated 18.7.2003, issued by
the Office of the Director of
Census Operations, Nagaland,
Kohima.

- AND -

Commissioner Andavits
Gauhati High Court
Kohima Bench.

Contd. ... 3

IN THE MATTER OF :

Shri. Tinuwati
S/O. Shri. Temjenmongba
presently serving as LDA,
Directorate of Social Welfare
Nagaland, Kohima.

..... Petitioner.

- VERSUS -

1. The Union of India
through the Secretary,
Ministry of Home Affairs
South Block, New Delhi-110001.

2. The Registrar General of
India,
2/A, Mansingh Road
New Delhi - 110011.

3. The Director
Directorate of Census Operations
Nagaland, Kohima.

..... Respondents.

The humble petition of the
petitioner above-named,

MOST RESPECTFULLY SHEWETH :

1. That the petitioner before your Lordship is a citizen of India and belong to the Ao/Naga tribe which is classified as a Scheduled Tribe under the Constitution of India. Therefore the petitioner is entitle to all the rights and privileges as guaranteed under the Constitution of India and laws framed there-under.

Contd. 4

Commissioner A.G. Javits
Gauhati High Court
Kohima Bench.

2. That the petitioner respectfully state that in response to an Advertisement No. A-11023/13/99-Adm/439 dated Kohima the 17.8.2000, issued by the Office of the Directorate of Census Operations, Nagaland, Kohima, inter alia, proposing to fill up the posts of Statistical Assistant on transfer or deputation basis, the petitioner has applied for the post of Statistical Assistant.

Photostat copy of the said
Advertisement dated 17.8.2000,
is annexed hereto as Annexure-A.

3. That the criteria/educational qualification as given in the said advertisement for the post of Statistical Assistant is reproduced herein below :

Post and Pay Scale

Essential :

Degree with Economics or Statistics or Mathematics as a subject from any recognised University.

Desirable :

Candidates having experience in Statistical work will be given preference.

4. That at the time of the said advertisement dated 17.8.2000, the petitioner was serving as Lower Divisional Assistant, on regular basis, under the establishment of Directorate of Social Welfare. Howevr, except for the fact that the petitioner was possessing a degree with Economics, the petitioner was neither holding an analogous post of Statistical Assistant nor was the petitioner holding 5 years regular service in the post in the scale of Rs.4500-125-7000/-.

5. That while submitting his application for the said post of Statistical Assistant, the petitioner has brought to the notice of the competent authority that he does not possess the requisite qualification as prescribed in the advertisement dated 17.8.2000. However, the respondents have accepted his application and informed him that if there is no applicant with requisite qualification, his case shall be considered as there was shortage of staff.

6. That vide Office Order No.11023/13/99-Adm dated 14.11.2000, issued under the signature of Asstt. Director of Census Operations, Nagaland, Kohima, the petitioner was appointed to the post of Statistical Assistant in the scale of pay of Rs.5000 - 8000/- . A copy of the said appointment order was also endorsed to the Jt. Director, Directorate of Social Security and Welfare, Nagaland, Kohima, requesting to release the petitioner so as to enable him to join on deputation to the post of Statistical Assistant, in the Directorate of Census Operations, Nagaland, Kohima.

Photostat copy of the said appointment Order dated 14.11.2000, is annexed hereto as Annexure - B.

Contd. 6

Commissioner Andhavits
Gauhati Hif' Court
Kohima, Nagaland

7. That accordingly, the petitioner on 16.11.2000(FN), has joined in the post of Statistical Assistant in the Directorate of Census Operations, Nagaland, Kohima and vide letter dated 22.11.2000, the petitioner has offered his option for Central Pay Scale.

Photostat copy of the said option letter dated 22.11.2000, is annexed hereto as Annexure-C.

8. That in this connection it is relevant to reproduce herein the entry/noting dated 16.2.2001, made at page 8 in the Service Book of the petitioner by the Asstt. Director of Census Operations, Nagaland, which reads as follows :

" Shri. Tinuwati LDA, Dte. of Social Security and Welfare, Nagaland, has been appointed as Statistical Assistant in the Scale of Rs.5000 - 8000/- on deputation basis for the period upto 28.2.2001, vide this Office Order No.11023/13/99 -Adm. dated 14th Nov. 2000, against the post sanctioned for Census 2001.

Shri. Tinuwati has joined as Statistical Assistant on 16th Nov.2000(FN). Since he has joined on 16th Nov.2000 his date of increment will on 1st Nov.2001, if further extension is allowed."

Photostat copy of the said entry/noting from the Service Book is annexed hereto as Annexure - D.

9. That though as per the records the petitioner was appointed as Statistical Assistant on deputation for a period upto 28.2.2001, the deputation period was extended from time to time by the respondents.

10. That the petitioner respectfully state that as per the aforesaid entry/noting dated 16.2.2001, made in the Service Book, the petitioner is entitle to get his first increment on 1st Nov. 2001 and 2nd increment on 1st Nov. 2002. However, inspite of his several requests the petitioner was not given his yearly increment. Instead the petitioner was served a copy of the Office Order No.G.11033/23/90 - FIN., dated Kohima 18.7.2003, intimating the petitioner that his selection on deputation in the post of S.I. Gr.III, in the scale of pay of Rs.5000 - 8000, was not as per the rules. Hence the petitioner's option of scale of pay is not accepted by the Office of the Registrar General of India and that the petitioner will be granted 5% deputation allowance over his basic pay in the parent department with effect from the date of his joining i.e., 16.11.2000.

Photostat copy of the said Order dated 18.7.2003, is annexed as Annexure - E.

11. That being aggrieved by the said impugned Order dated 18.7.2003, the petitioner has submitted a representation dated 28.7.2003, before the Director, Directorate of Census Operations, Nagaland. However, the said representation is yet to be disposed of.

Photostat copy of the said representation is annexed as Annexure - F.

Contd.8

12. That in the meantime vide Office Order No.11023/13/99-Adm dated 30.4.2004, issued by the Office of the Director of Census Operations, Nagaland, the petitioner has been reverted to his parent department with effect from 30.4.2004.

Photostat copy of the said Order dated 30.4.2004 is annexed hereto as Annexure - G.

13. That the petitioner respectfully state that vide the said impugned Order dated 18.7.2003, the respondents has rejected the petitioner's option of scale of pay and he has been allowed to draw pay as per his parent department plus 5% deputation allowance over his basic pay with effect from the date of his joining i.e. 16.11.2000. Consequently, the petitioner has been informed that the respondents shall deduct the excess pay already drawn by the petitioner since the date of his joining the post of Statistical Assistant on deputation.

14. That the petitioner respectfully state that as per the service rules an employee on deputation may opt to draw either pay in the scale of pay of the deputation post fixed under normal rules or his basic pay in the parent department.

15. That the petitioner has opted for the scale of pay of the deputation post and the respondents has also accepted the option of the petitioner by fixing his scale of pay at Rs.5000 - 8000/-, as reflected in the entry/noting dated 16.2.2001, in the Service Book of the petitioner. Therefore, the respondents are estopped from denying the said scale of pay to the petitioner.

16. That the petitioner further beg to state that the action of the respondents in issuing the said impugned Order dated 18.7.2003, refusing to accept the option of scale of

Commissioner Adm
Gauhati High Court
Kohima Bench.

Contd. ...9

pay of the petitioner after nearly 3(three) years of deputation service is highly arbitrary, discriminatory and illegal.

Therefore, the said impugned Order dated 18.7.2003 and also the letter No.35018/17/2002-Ad. IV dated 13.5.2003, issued by the office of the Registrar General of India, are liable to be quashed and set aside.

17. That the action of the respondents in issuing the said impugned Order dated 18.7.2003 purportedly on the basis of the letter No.35018/17/2002-Ad.IV of the Registrar General of India and re-fixing his scale of pay without giving any opportunity to the petitioner is violative of the principle of natural justice and are therefore, liable to be quashed and set aside.

18. That the petitioner further state that grant of yearly increment is not the discretion of the respondents inasmuch as all goverment servants are entitle to yearly increment. As such the action of the respondents in refusing to give yearly increment to the petitioner during the period of deputation is highly arbitrary, discriminatory and unconstitutional. As such, the respondents ought to be directed to give the benefits of increment to the petitioner which has been illegally denied to him for 2(two) years.

19. That the petitioner humbly submits that he has joined in the post of Statistical Assistant on deputation in the Directorate of Census Operations, Nagaland on 16.11.2000 for a period upto 28.2.2001. However, his deputation period was extended from time to time which implies that the petitioner has been performing his assigned duties satisfactorily. As such the action of the respondents in refusing to give the

Contd. ... 10

Commissioner Affidavits
Caunati High Court
Kohima Bench.

scale of pay to the petitioner as per the advertisement dated 17.8.2000 and also refusing to accept the option of scale of pay opted by the petitioner is highly arbitrary and illegal.

20. That the petitioner humbly submits that during the period of his deputation the petitioner has been performing the duties of Statistical Assistant. Therefore, by extending the principle of Equal Pay for Equal Work, the petitioner is entitle to the scale of pay and other benefits as enjoyed by other similarly situated persons.

21. That the petitioner further submits that the action of the respondents in refusing to accept the option of scale of pay as opted by the petitioner and intimating the same after nearly 3(three) years of deputation service is arbitrary, illegal and cannot stand the test of law. Therefore, the impugned order dated 18.7.2003 and also the letter dated 13.5.2003 issued by the office of the Registrar General of India are liable to be quashed and set aside.

22. That the petitioner submits that the petitioner is entitle to yearly increment during the period of his deputation. Therefore, the action of the respondents in refusing to give increments to the petitioner during the period of his deputation is arbitrary, illegal and unconstitutional. Therefore, the respondents ought to be directed to give the yearly increment to the petitioner during the period of his deputation.

23. That the petitioner has demanded justice but the same has been denied to him.

24. That there is no other alternative and efficacious then to file this instant writ petition.

Contd. ... 11

Commissioner of Appeals
Gauhati High Court
Kachima Bench.

25. That this petition is filed bonafide in the interest and for the ends of justice.

In the premises aforesaid it is, therefore most respectfully prayed that your Lordship may graciously be pleased to admit this petition; Issue Rule calling upon the respondents to show cause as to why a writ as prayed for should not be issued; Call for the records and on perusal of the same and upon hearing the parties be further pleased to make the Rule absolute and :

- a) quash and set aside the letter No. 35018/17/2002-Ad.IV dated 13.5.2003 issued by the Office of the Registrar General, India;
- b) quash and set aside the Order No. G.11033/23/90-FIN dated 18.7.2003, issued by the Office of the Director of Census Operations, Nagaland;
- c) direct the respondents to give the benefits of yearly increment to the petitioner during the period of his deputation;
- d) direct the respondents to give all consequential benefits in accordance to the option of scale of pay as opted by the petitioner during the period of his deputation.

And/or pass such further order and/or directions as your Lordship may

deem fit and proper.

- AND -

And pending disposal of the
Rule your Lordship may further
be pleased to direct the respon-
dents not to deduct the excess
salary drawn by the petitioner
during the period of his deputation
in the interim.

AND FOR WHICH ACT OF KINDNESS THE PETITIONER
AS IN DUTY BOUND SHALL EVER PRAY.

- A F F I D A V I T -

Commissioner of
Gauhati High Court
Kohima Bench.

- A F F I D A V I T -

I, Shri. Tinuwati, aged about 27 years, son of Shri. Temjenmongba, presently serving as LDA in the Directorate of Social Welfare, Nagaland, Kohima, do hereby solemnly affirm and declare as follows :

1. That I am the petitioner in the accompanying writ petition and as such I am fully conversant with the facts and circumstances of the case and also competent to swear this affidavit.

2. That the statements made in this affidavit and in the accompanying writ petition at paragraphs 1, 4, 5, 9, 13 to 18 are true to my knowledge and those made in paragraphs 2, 3, 6, 7, 8, 10, 11, 12 being matter of records are true to my information derived therefrom and which I believe them to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 31st day of July, 2004.

Identified by :

P.B. Paul

ADVOCATE

Tinuwati

DEPONENT

solemnly affirmed before me this the 2nd day
Identified by P.B. Paul Adv
of July, 2004..... The declarant is Tinuwati

I, J. J. Joy,
personally know the
certify that I read over and explained the contents
declarant and that he
perfectly to understand them.

COMMISSIONER OF AFFIDAVITS
CHIEF JUSTICE'S COURT
NAGALAND BENCH

37

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
O/O THE DIRECTORATE OF CENSUS OPERATIONS
NAGALAND : KOHIMA

NO. A-11023/13/99-Adm/439

Dated, Kohima the 17.8.2000

VACANCY CIRCULAR

It is proposed to fill up the post detailed in enclosure as per Annexure-I on transfer on deputation basis in the office of the Directorate of Census Operations, Nagaland, Kohima against the short term vacancies created for Census 2001, from amongst suitable officials of Central/State/Union Territory Govt. Department fulfilling the eligibility condition as indicated against the post.

The pay of the selected officials will be regulated in accordance with the instructions contained in the Department of Personal and Training O.M. No. 2/12/87 - Estt (Part II) Dated 29.4.98 as amended time to time.

Period of deputation will be initially upto 28.2.2001 which may be extended for further period.

Applications of officials who are eligible and are willing to be considered for appointment on transfer on deputation basis and can be relieved after selection may be forwarded in the prescribed proforma at Annexure-II along with their AGR dossiers for the preceding 5 years and vigilance certificate so to reach this office within 30 days from the date of publication of this circular.

Sd/-

Metongmeren Ao IAS
 Director of Census Operations,
 Nagaland, Kohima

ANNEXURE-I

Post and Pay scale

1. Statistical Assistant 2(two) officials of Central/State Govt.
 Rs. 4500-7000/- holding analogous post or with 5 years regular service in the posts in the scale of Rs. 4500- 125-7000/- or equivalent and possessing the educational qualification as under:-

Essential
 Degree with Economics or Statistics or Mathematics as a subject from any recognised University.

Desirable
 Candidates having experiences in statistical work will be given preference.

2. Draftsmen
 Rs. 4000-100-6000/- 1(one) Official from State/Central Govt. possessing

1. Matriculation or equivalent
2. Diploma in Commercial of Fine Arts or Draftsmanship from recognised institute with knowledge in drawing maps, charts and diagrams.
3. At least one year experience as Draftsman - cum Artist.

3. Lower Division Clerk - 1(one)
 Rs. 3050-75-3950-80-4590/- Essential

1. Matriculate or equivalent
2. Minimum speed of 30 words per minute in typewriting (English).
3. 5 years of regular service in the grade/scale of pay Rs. 3050-75-3950-80-4590/-

ANNEXURE-II

1. Name :
 2. Date of Birth :
 3. Educational Qualification :
 4. Date of Entry in Govt. Service :
 5. Designation of post held at present : A.S.S. (NST)
 6. Date from which the present post is held on regular basis : Temporary
 7. Whether Permanent/Quasi Permanent/Temporary : Temporary
 8. Whether SC/ST : ST
 9. Scale of pay in the present post :
 10. Present Pay :
 Details of Experience

Post held	period From	to	scale of Pay	Nature of work done in detail
<u>A.S.S. (NST)</u>	—	—	—	

ANNEXURE - 15 -

वर्षाया
Program: CENSUS
Nagaland



सं.
No. 11023/13/96-Adm
भारत सरकार

Annexure - B

GOVERNMENT OF INDIA

गृह संसाधन

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय निदेशक, जनगणना प्रिव्यालन, नागालैण्ड

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND

दिनांक, कोहिमा

Dated, Kohima the
14th Nov, 2000

APPOINTMENT ORDER

The following officials are appointed by transfer on deputation in the office of the Directorate of Census Operations, Nagaland to the post and scale of pay shown against them:-

Name and designation/ address of the official	Post to which appointed	Scale of pay
1	2	3
1. Shri Tinuueti, LDA Directorate of Social Security & Welfare Nagaland.	Statistical Assistant	Rs. 5000-8000/-
2. Shri Lijovisha Chishi, Ass'tt. Station Supt. Nagaland State Transport Moikokchung, Nagaland.	Statistical Assistant	Rs. 5000-7000/-
3. Smt. Killenkale, LDA, Directorate of Industries Nagaland, Kohima.	Lower Division Clerk, Cum Typist	Rs. 3000-70-3950- 20-4590/-
4. Dearness and other allowances shall be admissible as per the rules and regulations issued by the Govt. of India time to time.		
5. The above officials will be repatriated to the parent Department on completion of the period of deputation if the same is not extended. These appointments have been made initially upto 28/2/2001 against the temporary post sanctioned for Census of India, 2001.		

Sd/-

(RULANGMEI AO)
Director of Census Operations,
Nagaland, Kohima.

No. 11023/13/96-Adm

At 14th Nov, 2000

Copy to:-

1. Shri. Tinuueti, LDA.

2. Shri. Lijovisha Chishi, Ass'tt. Station Supt.

3. Other concerned officials.

Contd.

4. The Joint Director,
Directorate of Social Security & Welfare
Nagaland, Kohima - To release Shri Tinuwati, LDA
immediately to enable him to join
the post of Statistical Assistant
in the DCO, Nagaland, Kohima.

5. The Divisional Manager,
Nagaland State Transport,
Mokokchung, Nagaland - To release Shri Lhovisha Chishi,
Asstt. Station Supdt. immediately
to enable him to join to the post of
Statistical Asstt. in the DCO,
Nagaland, Kohima.

6. Smt. Gayshree Gupta,
Deputy Registrar General, India,
O/O the Registrar General, India,
2/A, Mansingh Road,
New Delhi - 110011 - Regarding to send the Administrative
approval at an early date.

7. The Directorate of Industries,
Nagaland, Kohima - To release Smt. Kilenkala, LDA to enable
her to join this Directorate to the post
of LDC.

8. Accountant (2 copies)

9. Assistant D/A of personal file.

Peseyie
15/11/2001

(E: PESEYIE)
Asstt. Director of Census Operations,
Nagaland, Kohima.

To,

The Director

Directorate of Census operation
Mangalore; Koduvu.

Sub:- Option for Central pay scale

Sir,

With due respect, I have the honor
to bring forward these few lines
to you, that I would like to opt
for Central pay scale as I have
been deputed from State Government
Service to Central Govt. Service
w.e.f. 18th nov. 00.

This is for your kind considera-
tion and necessary action, please.

etc
D.S.P.
21/11/2000

Yours faithfully
C. S. S.
(TINNUWATI)
22/11/00

Statistical Assistant

For temporary service, necessary certificate with references to Article 370 O.S.R. should be recorded

श्री भगवान
लोगोगम: CENSUS
Phone 2222821

No. G.11033/23/90-FIN.

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय निदेशक, जनगणना परिचालन, नगालैण्ड

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND

दिनांक, कोहिमा

OFFICE ORDER

Dated, Kohima 18.7.2003

In pursuance of the Office of the Registrar General, India letter No.35018/17/2002-Ad. IV dated 13/5/2003, the pay of Shri Tinuwati, S.I.Gr.III (on deputation) will be regulated as follows :

i) Basic pay (revised scale of Govt. of Nagaland as on date of joining i.e. 16/11/2000 (DNI=1/9/2001))	Rs. 3965.00
ii) Basic pay as on 1-9-2001	Rs. 4050.00
iii) Basic pay as on 1-9-2002	Rs. 4135.00

Shri Tinuwati, S.I.Gr.III, was holding the post of LDA in the State Govt. in the revised scale of pay of Rs.3200-85-4900. The selection on deputation in the post of S.I.Gr.III in the scale of pay of Rs. 5000-8000 was not as per the rules and hence the option of scale of pay is not accepted by the Office of the Registrar General, India and he has been allowed to draw the pay as per his parent department plus deputation allowance. As Shri Tinuwati's last posting was in the same station i.e. Kohima, he will be granted 5% deputation allowance over his basic pay with effect from the date of his joining i.e. 16-11-2000.

(R.N. CHHIPA)
HEAD OF OFFICE
DIRECTORATE OF CENSUS OPERATIONS :
NAGALAND : KOHIMA.

Contd. on 2/-

NO.G.11033/23/00-FIN

Dated Kohima the 18th July, 2003

Copy to :

1. The Registrar General, India
2/A, Mansingh Road,
NEW DELHI - 110011- With reference to his office
letter No.35018/17/2002.Ad.IV
dated 13-5-2003.
2. Pay & Accounts Officer (C), NEW DELHI.
3. Director, Social Security & Welfare,
Nagaland, KOHIMA.
4. Shri Tinuwati, S.I.Gr.III.
5. Accountant (2 copies) - For necessary action.
6. Service book & Personal file (2 copies).
7. Guard file.


(R.N. CHHIPA)
HEAD OF OFFICE
DIRECTORATE OF CENSUS OPERATIONS :
NAGALAND: KOHIMA.

To,
The Director
Directorate Of Census Operation
Kohima Nagaland

Ref : Your office letter No. G.11033/23/90-FIN

Sub : Re-fixation of scale of pay and representation thereof.

Sir,

With due respect I beg to lay down these following lines for your kind consideration and necessary action.

1. That in pursuance to the advertisement No.A-11023/13/99-Adm/439, dated, Kohima the 17.8.2000, issued by the O/O the Directorate of Census Operations, Nagaland, Kohima, inter alia, proposing to fill up the post of Statistical Assistant on transfer on deputation basis, I have applied for the said post.
2. That the criteria/educational qualification as given in ANNEXURE - I, to the said advertisement is reproduced herein below for your ready reference :

Post and Pay scale

1. Statistical Assistant
2 (two)
Rs.4500-7000/-

Official of Central/State Govt.
holding analogous post or with
5 years regular service in the
posts in the scale of Rs.4500-125-
7000/- or equivalent and possess-
ing the educational qualification
as under :-

Essential

Degree with Economics or Statistics
or Mathematics as a subject from
any recognised University.

Desirable

Candidates having experiences in
statistical work will be given
preference.

3. That except for the fact that I was possessing a degree with Economics I was neither holding an analogous post of Statistical Assistant nor was I holding 5 years regular service in the post in the scale of Rs.4500-125-7000. Therefore, at the time of applying for the said post of Statistical Assistant I have brought it to the notice of the competent authority and I was told that if there is no applicant with requisite qualification, my case shall be considered as there was shortage of staff.

4. That vide office Order No.11023/13/99-Adm., dated 14.11.2000, issued under the signature of Asstt. Director of Census Operations, Nagaland, Kohima, I was appointed to the post of Statistical Assistant in the scale of pay of Rs.5000 - 8000.

Photocopy of the said Order dated 14.11.2000, is annexed hereto as Annexure - A.

5. That it is pertinent to mention herein that prior to my joining the Directorate of Census Operations on deputation I was serving as Lower Divisional Assistant under the Directorate of Social Security & Welfare, Nagaland, Kohima, and the same was within the knowledge of the competent authority. Therefore, a copy of the said appointment order dated 14.11.2000, has also been endorsed to the Jt. Director, Directorate of Social Security & Welfare, Nagaland, Kohima, to release me so as to enable me to join on deputation to the post of Statistical Assistant, in the Directorate of Census Operations, Nagaland, Kohima.

6. That consequently, I have joined to the post of Statistical Assistant in the Directorate of Census Operations on 16.11.2000 (FN). In this connection, it is relevant to

reproduce herein the entry/noting made at page 8 in my service book which reads -

" Shri. Tinuwati LDA, Dte. of Social Security and Welfare, Nagaland, has been appointed as Statistical Assistant in the scale of Rs.5000 - 8000/- on deputation basis for the period upto 28.2.2001, vide this Office Order No.11023/13/99 -Adm. dated 14th Nov. 2000, against the post sanctioned for Census 2001.

Shri. Tinuwati has joined as Statistical Assistant on 16th Nov. 2000 (FN). Since he has joined on 16th Nov. 2000 his date of increment will on 1st Nov.2001, if further extension is allowed."

Photocopy of the said entry/noting form the service book is annexed hereto as

Annexure - B.

7. That though as per the records I have been appointed as Statistical Assistant on deputation basis for the period upto 28.2.2001, my deputation has been extended from time to time.

8. That as reflected in the entry/noting made in my service book, since my deputation period has been extended I was entitled to get my first increment on 1st Nov.2001 and the second increment on 1st Nov.2002. Inspite of my several requests, the increments to which I am entitled, has been denied to me. Instead, I have been served a copy of the office Order No. G.11033/23/90 - FIN., dated, Kohima 18.7.2003, intimating

that my selection on deputation in the post of S.I. Gr.III, in the scale of pay of Rs.5000 - 8000, was not as per the rules and hence my option of scale of pay is not accepted by the Office of the Registrar General, India and that I will be granted 5% deputation allowance over my basic pay in the parent department with effect from the date of my joining i.e., 16.11.2000.

Photocopy of the said Order dated 18.7.2003, is annexed hereto as Annexure - C.

9. That at the time of joining the post of Statistical Assistant, as I have been deputed from State Government service I have submitted an application as early as on 22.11.2000, opting for Central pay scale. Therefore, issuance of the said Order dated 18.7.2003, rejecting my option for Central pay scale, after a lapse of nearly 3(three) years is most unreasonable, unjustified and against service jurisprudence.

Photocopy of the said application dated 22.11.2000, is annexed hereto as Annexure - D.

10. That as per the service rules an employee on deputation may elect to draw either pay in the scale of pay of the deputation post fixed under the normal rules, or his basic pay in the parent department. The option should be exercised within one month of joining the deputation post and the option once exercised shall be final. Therefore, the said order dated 18.7.2003, is highly illegal and untenable in law.

11. That furthermore, it shall be highly arbitrary and discriminatory if other Statistical Assistant who holds the same post and also performs the same nature of works are paid

a higher scale of pay without extending the same benefit to me. As such, the order dated 18.7.2003, is unwarranted and uncalled for and the same is liable to be modified and/or revoked forthwith.

In view of the facts and circumstances as stated above, I shall be very grateful if your kind authority may graciously be pleased to consider my genuine grievances and modify and/or revoke the said order dated 18.7.2003, for refixation of my scale of pay, in the interest of justice.

And for which act of kindness I shall remain ever grateful.

Dated, Kohima
the 28th July, 2003.

Yours faithfully



(TINUWATI)

Statistical Assistant
Directorate of Census Opera-
tion, Nagaland, Kohima.

Copy to :

1. The Director

Directorate of Census
Operations, Nagaland,
Kohima.

To

The Director
Directorate Of Census Operation
Kohima Nagaland

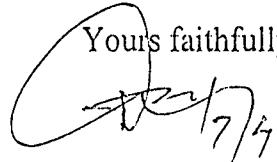
Sub:-Reminder of representation in respect of shri.Tinuwati submitted on 28th july 03'

Sir,

It may be stated that I have submitted my representation regarding my fixation of pay on 28th July 2003 and till date I have not received any intimation /reply from your end. And so may I therefore request you to kindly to the needful and reply back the same to me within one month from the received of this letter. Otherwise I'll have to seek justice from the court of law.

Dated;The 7th April 2004

Yours faithfully


(TINUWATI)

S I III

Enclosed; A copy
Of the said representation

NO.A-11023/13/99 - Adm
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS/GRIHAMANTRALAYA
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND : KOHIMA

Dated Kohima,
the 30th April 2004

OFFICE ORDER

On completion of deputation service in the office of the Director of Census Operations, Nagaland, Kohima the following officials are hereby relieved from this office in the afternoon of 30 - 04 -2004. They have been further directed to report to their parent department. The pay and allowances has been paid upto 30 - 04 - 2004.

1. Shri Tinuwati, S.I. Grade III
2. Shri Lhovishe Chishi, S.I. Grade III

(R. N. CHHIPA)
Research Officer
Head of Office

NO.A-11023/13/99 - Adm :

Dated Kohima, the 30th April, 2004

Copy to :

1. The Registrar General, India
New Delhi - for information with reference to ORGI office order No. 35018/17/2002. Ad. IV dt. 29-12-2003.
2. Shri Tinuwati, S. I. Grade III.
3. Shri Lhovishe Chishi, S.I. Grade III.
4. The Pay and Accounts (C) New Delhi.
5. The Director, Social Security and Welfare Nagaland, Kohima - for information and necessary action.
6. The General Manager, Nagaland State Transport Dimapur, Nagaland - for information and necessary action.
7. Acctt. Branch (2 copies) - for necessary action.
8. Smt. Sesu Apon, Asstt. - She is directed to prepare L.P.C. in respect of the above mentioned officials.
9. Guard file.


(R. N. CHHIPA)
Research Officer
Head of Office

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DISTRICT : KOHIMA

Filed through:
B/2005/105
(T. S. Sondhi, Lawyer)
Advocate

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

KOHIMA BENCH

(CIVIL WRIT JURISDICTION)

WRIT PETITION (C) NO. 125 (K) 2004

TO

THE HON'BLE MR. JUSTICE D. BISWAS B.A., LLB.,
THE CHIEF JUSTICE (ACTING) OF THE GAUHATI
HIGH COURT AND HIS LORDSHIP'S COMPANION
JUSTICE OF THE SAID HON'BLE HIGH COURT.

IN THE MATTER OF :

SHRI TINUWATI

..... Petitioner

- VERSUS -

The Union of India and others.

..... Respondents.

- AND -

IN THE MATTER OF :

An Affidavit - in - Opposition
on behalf of the respondents
No. 1, 2 and 3.



52
Note

.....C.P. Re.....


Stamp sufficient (as per valuation) ->

In time

In form

The 2nd Judge's copy is + filed


Stamp Reporter

AFFIDAVIT - IN - OPPOSITION

I, Shri R.N. Chhipa aged about 49 years, son of L. Shri M.L. Chhipa presently serving as Statistical Investigator Gr. III, office of the Director of Census Operations, Nagaland, Kohima, do hereby solemnly affirm and declare as under :

1. That I am fully conversant with the facts and circumstances of the case. I have gone through the statements made in the writ petition and understood the contents made therein. I am competent and duly authorised to swear this affidavit for and on behalf of respondents.
2. That save and except what has been specifically admitted hereinafter, all other statements which are contrary to and inconsistent with what has been stated hereinafter are deemed to have been denied, as if the same set out and denied in seriatim.
3. That the petitioner is serving under the Directorate of Census Operations which is a Department under the Government of India and in view of which any issue concerning his service comes under the purview of the Central Administrative Tribunal and as such filing the present writ petition is misplaced and the petitioner may be directed to approach the appropriate Forum in the Central Administrative Tribunal.
4. That with reference to the statement made in paragraph 1 of the writ petition, the deponent offer no comments.
5. That with reference to the statements made in paragraph 2 of the writ petition the deponent admits the same to the extent borne by

records. However, the deponent beg to state that the post of Statistical Assistant was subsequently upgraded to the scale of pay of Rs. 5000/- - 150 - 8000/- and later on redesignated as Statistical Investigator Gr. III. Both the vacancies were short term vacancies created for census - 2001.

6. That with reference to the statements as made in paragraph 3 and 4 of the writ petition the deponent admits the same to the extent borne by the records.

7. That with reference to the statements as made in paragraph 5 of the writ petition the deponent respectfully state that it is very clear from the application of Shri Tinuwati the petitioner forwarded by the Lt. Director, Directorate of Social Security & Welfare, Nagaland, Kohima that Shri Tinuwati was working as 'Lower Divisional Assistant' (only Rs.1270/- was mentioned in the application and no proper scale of pay was indicated). At the time of submission of application shri Tinuwati has only completed four years service as LDA in Govt. of Nagaland.

As per the eligibility criteria given in the advertisement referred in para 3 above, the petitioner was not at all eligible for the post of Statistical Assistant.

However, this is in-correct to say that the Directorate of Census Operations, Nagaland, Kohima has informed Shri Tinuwati, the petitioner that if there is no applicant with requisite qualifications, his case shall be considered as there was shortage of staff.

Photo copy of the said application
is annexed hereto as Annexure - 1.

P

8. That with reference to the statement as made in paragraph 6 of the writ petition being matter of record the deponent admits the same. Simultaneously a copy of the said appointment order dated 14-11-2000 was also enclosed to the Dy. registrar General, India, 2/A Mansingh Road, New Delhi - 110011 regarding administrative approval at an early date.

9. That with reference to the statements as made in paragraph 7,8 and 9 of the writ petition being matter of records the deponent admits the same.

10. That with reference to the statements as made in paragraph 10 of the writ petition the deponent respectfully state that shri Tinuwati, the petitioner was appointed as Statistical Investigator, Gr. III with effect from 16-11-2000. In the meantime administrative approval was sought simultaneously from the Registrar General, India vide office letter No. 11023/13/99-Adm/927 dated 13-11-2000 which is mandatory as per appendix V of fundamental rules in respect of standard terms of deputation.

As far as annual increment is concerned, it could not be granted because of the reason that his pay in the scale of Statistical Investigator, Gr. III could not be fixed owing to the difference of pay scales in his parent cadre post i.e. LDA (Rs.3200-4900/-) and in deputation capacity (Rs. 5000 - 8000/-). The matter of pay fixation was referred to the Registrar General, India, vide this office letter No. G-11033/23/90-Fin./124 dated 10-04-2002 and subsequent reminder of even No. dated 21-08-2002.

The Registrar General, India vide his office letter No.35018/17/2002-Ad IV dated 26-08-2002 has intimated that fixation of pay of shri Tinuwati the petitioner may not be done as proposed by DCO Nagaland vide the aforesaid letter dated 21-08-2002.

The Registrar General, India vide his office letter No. 35018/17/2002 - Ad IV dated 13-05-2003 allowed shri Tinuwati the petitioner to draw the pay in his parent department plus deputation allowance as per the rules. Accordingly the impugned office order was issued by this directorate vide No. G.11033/23/90-Fin dated 18-07-2003 regulating his pay as per the revised scale of pay of LDA under the Nagaland Government. he was also allowed to draw 5% deputation allowance as per the rules.

Photo copy of the aforesaid letter dated 13-11-2000 ; letter dated 10-04-2002 ; reminder dated 21-08-2002; letter dated 26-08-2002; letter dated 13-05-2003 are collectively annexed hereto as Annexure - 2,3,4,5 and 6 respectively.

11. That with reference to the statements made in paragraph 11 of the writ petition, the deponent respectfully state that the representation submitted by Shri Tinuwati the petitioner was forwarded to the Registrar General, India by this office vide office letter No. A-11054/44/2000 - Adm/1402 dated 19-09-2003 for consideration.

In response to above letter, the Registrar General, India has clarified vide his office letter No. 35018/17/2002 - Ad IV dated 29-12-2003 that the appointment of Shri Tinuwati the petitioner on the post of Statistical Investigator Gr. III was highly irregular as the

approval of the competent authority i.e. Registrar General, India was not obtained which is mandatory as per the standard terms of deputation given in appendix V of fundamental rules wherein it is clearly mentioned that the power of deputation in respect of non-gazetted Government servants may be exercised by the Head of Department. ie. Registrar General, India in this case.

The Registrar General, India has further directed to relieve Shri Tinuwati the petitioner after completion of three (3) years and accordingly he was relieved vide this office letter No. A-11023/13/99 - Adm. dated 30th April, 2004.

Photostat copy of the said letter dated 19-09-2003, letter dated 29-12-2003 and letter dated 30th April, 2004 are collectively annexed hereto as annexure - 7,8 and 9 respectively.

12. That with reference to the statements made in paragraph 12 of the writ petition, the deponent admit the same.

13. That with reference to the statement as made in paragraph 13 of the writ petition, the deponent respectfully state that as stated in para 10 this affidavit, the competent authority for appointment on deputation is head of department i.e. Registrar General, India in this case and his approval was not obtained before issuing the appointment order and the same was stated as highly irregular by the Registrar General, India.

However, the Registrar General, India has allowed Shri Tinuwati the petitioner to draw the basic pay as per his scale of pay in his parent department plus the deputation allowance.

As per the eligibility criteria Shri Tinuwati the petitioner, LDA, in the scale of pay of Rs. 3200-4900/- was not eligible for the post of Statistical Investigator Gr. III. As per the circular, the minimum scale of pay should have been Rs. 4500 - 7000/-. Since Shri Tinuwati the petitioner was appointed in anticipation of the approval of the competent authority, the case was considered by the Registrar General, India and regularised his deputation period and allowed him to draw, pay & allowances as per the rules.

Shri Tinuwati the petitioner was allowed to draw the minimum of the pay (Rs.5000/-) as per the scale of pay of Statistical Investigator Gr.III instead of what he was actually drawing in his parent cadre was also irregular and hence recovery of excess amount was inevitable. Part of the recovery was paid by Shri Tinuwati through GAR-6 and the remaining amount has been reflected in his LPC to be recovered by his parent department as per the rules.

14. That with reference to the statement as made in paragraph 14 of the writ petition, the deponent respectfully state that it is true that an employee on deputation may opt to draw either the scale of pay or the scale of pay of post held in his parent department plus deputation allowance.

In this case, as stated in para 13 he was not eligible to the post of Statistical Investigator Gr. III with reference to scale of pay as well as No. of years of experience. Since Shri Tinuwati the deponent was appointed without obtaining the approval of the competent authority, his option of scale of pay was not accepted and the 2nd option of scale of pay as per the post of LDA in his parent department plus deputation allowance was approved and allowed by the Registrar General, India.

15. That with reference to the statement as made in paragraph 15 of the writ petition the deponent respectfully state that Shri Tinuwati the petitioner the deponent has opted for the scale of Rs. 5000 - 8000/- of Statistical Investigator Gr.III. His pay was drawn at Rs. 5000/- the minimum of the scale of pay but when the scale of pay is not approved by the competent authority the order was rectified by this office vide letter No. G.11033/23/90- Fin dated 18-07-2003 as already stated in the preceding paragraph.

16. That with reference to the statement as made in paragraph 16 of the writ petition the deponent respectfully state that action taken by the Registrar General, India is not arbitrary, discriminatory and illegal because the decision has been taken as per the rules of the Government of India which every authority has to follow.

17. That with reference to the statement as made in paragraph 17 of the writ petition the deponent respectfully state that there is no question of re-fixing of his scale of pay by the Registrar General, India. The appointment of Shri Tinuwati the petitioner in the post of Statistical investigator Gr. III by the Directorate of Census Operations, Nagaland, Kohima was itself irregular and this was rectified by the Registrar General, India who is competent authority in this case. However, by the decision of Registrar General, India, the salary of Shri Tinuwati the petitioner was not deducted but the excess amount paid to him for which he was not entitled was recovered as per the accounting procedures.

18. That with reference to the statement as made in paragraph 18 of the writ petition the deponent respectfully state that the yearly increments could not be granted to Shri Tinuwati the petitioner in the scale of pay of Statistical Investigator Gr.III owing to the awaited

approval by the competent authority. Immediately after the Registrar General, India has communicated his approval that Shri Tinuwati the petitioner is allowed to draw pay in his parent post plus deputation allowance, his pay was regulated accordingly and increments were also granted in his scale of pay of LDA.

19. That with reference to the statement as made in paragraph 19 of the writ petition the deponent humbly submits that the scale of pay of Rs. 5000 - 8000/- was not approved and allowed to shri Tinuwati the petitioner not due to his bad' performance in this office. The higher scale could not be given to him because he was not eligible for the same as per the eligibility criteria which was mentioned in the circular/advertisement in the Employment News.

20. That with reference to the statement as made in paragraph 20 of the writ petition the deponent humbly submits that Shri Tinuwati the petitioner was appointed as Statistical Investigator Gr.III on deputation basis to this office in anticipation to the approval of the competent authority i.e. the Registrar General, India. When he was not found eligible to be granted the scale of pay of Statistical Investigator Gr.III as per the eligibility criteria, the Registrar General, India has allowed him to draw the pay in his parent post plus deputation allowance which is as per the rules and does not violate any kind of rules framed by the government.

21. That with reference to the statement as made in paragraph 21 of the writ petition the deponent humbly submits that Under the circumstances of any candidate not fulfilling the eligibility criteria for deputation, the higher scale can not be granted. As Shri Tinuwati the petitioner was already appointed on deputation without obtaining approval from the Registrar General, India who is competent authority

5

in this case, therefore he was allowed to draw the pay in his parent post plus deputation allowance.

22. That with reference to the statement as made in paragraph 21 of the writ petition the deponent humbly reiterate the statements as made in paragraph of the affidavit.

23. That in view of the aforesaid facts and circumstances, the deponent humbly submits that the petitioner has failed to make out a case and there is no merit in the instant petition and the same is therefore, liable to be dismissed in limine.

24. That the statements made in paragraphs 1-5, 7,8,11-13, 15-17 and 19-22 of this Affidavit-in-opposition are true to my knowledge and those made in paragraphs 6,9,10, and 18 of this Affidavit-in-opposition are true to my information derived from records which I believe them to be true to my information and rest are my humble submission before this Hon'ble Court.

And I sign this Affidavit on this^{30th}.....day of
March 2005.

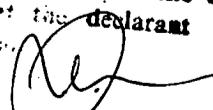
Identified by :


30/3/05
(R. B. DASGUPTA, B.A., LL.B.)
Advocate


DEPONENT

.....^{30th}.....
Identified by I B. DASGUPTA, Mys.
Advocate
.....^{30th}.....
March The declarant is.....^{30th}.....
Advocate

.....^{30th}.....
I read over and explained the contents
to the declarant and that the declarant seemed
to understand them.


COMMISSIONER OF AFFIDAVITS
GAUHATI HIGH COURT
KORIMA BENCH

GOVERNMENT OF NAGALAND
DIRECTORATE OF SOCIAL SECURITY & WELFARE
NAGALAN : : KOHIMA.

~~ANNEXURE II~~
Annexure-1

NO. SW/ESTT-1/96 / / 32

Dt. Kohima, the

th Sept. 2000.

20

To,

The Director of Census Operation
Nagaland, Kohima.

Sub:-

FORWARDING OF APPLICATION IN RESPECT OF
SHRI TINUWATI LDA.

Sir,
I have the honour to forward herewith an application received from Shri Tinuwati LDA applying for the post of Statistical Assistant under your department on deputation basis for your consideration and necessary action.

In this connection it may be stated here that Shri Tinuwati was appointed to the post of LDA under this Directorate w.e.f. from September 1996. Now he has completed 4 years in the post of LDA (Directorate).

This office have no objection in respect of Shri Tinuwati to appoint to the post of Statistical Assistant in your Office.

Yours faithfully,


(L. AKANGMEREN JAMIR)
Joint Director.

22.9.2000

ADCO

OS

Durg
22/9/2000

Application for the post of Statistical Assistant

Name : TINUWATI
 Date of Birth : 07-02-1977
 Educational Qualification : B.A.(econ.)
 Date of entry in Govt. Service : 10-09-1996
 Designation of post held at present : L.D.A.
 Date from which the present post is held on regular basis : 10-09-1996
 Whether Permanent /Quasi/ Permanent/Impor-
 try :
 Whether SC/ST : ST.
 Scale of pay in the present post : 1270
 Present pay :

Details of experience			
Post held	Period from to	Scale of Pay	Nature of work done in detail
D.A.	Sept. 96	1270	INTEGRATED CHILD DEVELOPMENT SYSTEM - MONTHLY PROGRESS REPORT OF ALL THE ICDS PROJECTS IN NAGALAND
			Signature of applicant

Date Certificate to be issued by the
Head of Office of the applicant

1. It is certified that the particulars furnished by the applicant are correct.

2. It is certified that no disciplinary case is pending or contemplated against the applicant and he/she is clear from Vigilance angle.

Head of Office

10/10/2000

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11023/13/99-Adm /936

9

the
14th Nov, 2000

APPOINTMENT ORDER

The following officials are appointed by transfer on deputation in the office of the Directorate of Census Operations, Nagaland to the post and scale of pay shown against them:-

No. 11023/13/99-Adm

24.11.2000

Name and designation/
address of the official

Post to which
appointed

Scale of
pay

1	2	3
1. Shri Tinuati, LDA Directorate of Social Security & Welfare Nagaland.	Statistical Assistant	Rs. 5000-8000/-
2. Shri Devi Singh Chishi, Asstt. Station Supdt. Nagaland State Transport Mokokchung, Nagaland.	Statistical Assistant	Rs. 5000-8000/-
3. Smt. Kilonkala, LDA. Directorate of Industries Nagaland, Kohima.	Lever Division Clark, Com Typist	Rs. 3050-75-3950- 80-4590/-

4.earmarks and other allowances shall be admissible as per the rules and regulations issued by the Govt. of India time to time

5. The above officials will be repatriated to the parent Department on completion of the period of deputation if the same is not extended. These appointments have been made initially upto 28/2/2001 against the temporary post sanctioned for Census of India, 2001.

(RETUNGERED AD)

Director of Census Operations,
Nagaland, Kohima.

Dt. 14th Nov, 2000

No. 11023/13/99-Adm

C. 1. 1. 1.

1. Shri. Tinuati, LDA.
2. Shri. Devi Singh Chishi, Asstt. Station Supdt.
3. Smt. Kilonkala, LDA.

contd.....

.....2.....

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4. The Joint Director, Directorate of Social Security & Welfare, Nagaland, Kohima - To release Shri Tinuwati, LDA immediately to enable him to join the post of Statistical Assistant in the ODC, Nagaland, Kohima.

5. The Divisional Manager, Nagaland State Transport, Mokokchung, Nagaland - To release Shri Lhovisha Chishi, Asstt. Station Supdt. immediately to enable him to join to the post of Statistical Asstt. in the ODC, Nagaland, Kohima.

6. Smt. Jayshree Seputa, Deputy Registrar General, India, C/o the Registrar General, India, 2/A Mani Singh Road, New Delhi - 110011 - Requesting to send the Administrative approval at an early date.

7. The Directorate of Industries, Nagaland, Kohima - To release Smt. Wilsonkala, LDA to enable her to join this Directorate to the post of LDC.

Accountant (2 copies)

Assistant D/A or personal file.

Copy
13/11/2011
(E: PESEYIE)
Asstt. Director of Census Operations,
Nagaland, Kohima.

Copy
13/11/2011

To,

Smt. Jayshree Gupta,
Deputy Registrar General, India,
O/O the Registrar General, India,
2/A, Mansingh Road,
New Delhi - 110011.

Sub:-

Census of India, 2001- Creation of temporary Posts in
the office of the Directorate of Census Operations,
Nagaland.

Madam,

With reference to the above subject, I have the honour
to send herewith the details of applicants for appointment by
transfer on deputation to the posts of 2(two) Statistical Asstts.
and 1(one) post of LDC in the DCO Nagaland for your favour of
necessary action. The posts were advertised by the DVP on 8th to
13th Sept, 2000 (copy enclosed). This Directorate have received
several applications from other States but the applicants are not
Govt. employees for which the same are being dropped from selec-
tion for appointment.

in the
employment
Nagaland

You are therefore requested to send the administrative
approval for appointment of Sl.1 & 2 to the post of Statistical
Asstt. and Sl.3 to the post of LDC at an early date.

Further, regarding the appointment of Smt. Neikasanu
to the post of Confidential Assistant Vide your office letter
No.35016/15/2000-AdmIV dated 28/8/2000 I am to say that the
incumbant joined on 23/9/2000 and cancelled her joining report
instantly after 3 days.

Kindly send your administrative approval regarding
appointment of Statistical Asstts. and LDC who are being appointed
on 13.11.2000 on anticipation of your kind approval as per detail
particulars through the staff attending the IV DCO's conference
at New Delhi.

Yours faithfully,

E.P. ELEYIE

(E.P. ELEYIE)
Asstt, Director of Census Ops.
Nagaland, Kohima

Enclosed

O/c

SUS

सं

No.

भारत सरकार
G-11033/23/90-FIN /124

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय निदेशक, जनगणना परिचालन, नागालैण्ड

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND

10-4-02.

दिनांक, कोहिमा

Dated, Kohima

To

Shri N.R.Singh,
Under Secretary,
Office of the Registrar General, India,
2/A Man Singh Road,
New Delhi-110011.

Sub:- Appointment by transfer on deputation - reg.

Sir,

I have the honour to refer to the above subject and to state that Shri Tinuwati a Lower Division Assistant is on the scale of pay of Rs.3200-4900/- in the Govt. of Nagaland was appointed as SI-III in the scale of pay of Rs.5000-8000/- with effect from 16.11.2000. He had opted for the pay scale of the post of SI-III but his pay has not been fixed yet though his salaries has been drawn at the minimum of the pay scale of the post of SI-III.

The Case has been put up a few days back and I am quite unusual about fixing his pay as between the pay scale of Rs.3200-4900/- and Rs.5000-8000/- these two scales of pay.

The undersigned may kindly be advised as to how his pay is to be fixed.

Yours faithfully,

(A.PYRTUH)
Joint Director of Census Operations
Nagaland, Kohima.

O/C

ved
Akela
11/4/02

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आरत दस्तावेज़

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय निदेशक, जनगणना परियोजना, नागालैण्ट

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND

346

63

दिनांक, कोहिमा

Dated, Kohima

21st August, 2002.

To,

Shri. M.R. Singh,
 Under Secretary,
 Office of the Registrar General, India,
 2/A, Mansingh Road,
 New Delhi-110011.

Sub:- Appointment by transfer on deputation-reg.

Sir,

I am to refer to this office letter of even number dated 10/4/2002 on the above subject (copy enclosed) and to request the favour of an early reply. If no reply is received within 30 days from the date of issue of this letter, it is presumed that the appoint of Shri. Tinuwati in the scale of pay of Rs.5000-150-8000/- is approved by your office and is pay will be fixed at Rs.5000/- with DNI after completely 12 months.

Yours faithfully,


 (A. PYRFUH)
 Joint Director,
 Census Operations, Nagaland,
 Kohima.


 O/e

Enc: As above

and
 M. Alanta
 M. 21/8/02

भारत के संचारजिरदार का कार्यालय

भारत सरकार, पूर्व पंचालय, 2A मानसिंह रोड, नई दिल्ली 110 011

OFFICE OF THE REGISTRAR GENERAL, INDIA

(Government of India, Ministry of Home Affairs)

2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.: File No. 35018/17/2002 Ml IV

Date: 26.8.2002

To

The Director of Census Operations,
Nagaland,
Kohima.

Sub: Appointment by transfer on deputation — regarding.

Sir,

I am directed to refer to your letter No. G-11033/23/90 FIN./346 dated 21.8.2002 on the above subject and to say that it may please be clarified whether the approval of Head of Deptt. was obtained before appointing Sh.Tinuwati LDC Govt. of Nagaland to the post of S.I.Gr.III in DCO, Nagaland. If so, the details of the same may please be indicated. If the approval of Competent authority was not obtained the reasons for not doing so may please be clarified.

The matter will be examined further after a reply is received from you. In the meantime the pay of Sh.Tinuwati may not be fixed as proposed by you.

Yours faithfully,

Mahendra Singh

(M.R.SINGH)

UNDER SECRETARY TO THE GOVT. OF INDIA

Meena

125
29/8/02

SW

Brief details of applicants for appointment by transfer
on deputation to the Posts of Statistical Asstt. and Lower
division clerk.

1. Shri Tinuwati :- Born on 07.02.1977 and armed with a Bachelor of Arts with Economics as educational qualification. He entered in Govt. service on 10.09.1995 as LDC in the Dte. of Social security, Nagaland in the scale of pay Rs.1150-2120/- (Pre-revised). He is one of the two candidates for the post of Statistical Asstt. His ACR gradings during the year 1995-97, 1997-98; 1998-99 and 1999-2000 are as follows:-

Year	1995-97	1997-98	1998-1999	1999-2000
Grading	Good	Good	Good	Good

2. Shri. Lhovishe K.Chishi :- Born on 05.12.1970 and He is a S.Com. Graduate as educational qualification. He entered in the Govt. service in 19th June 1996 as Assistant Station Superintendent in the scale of Rs.1450-2840/- (Pre-revised) under the Dpt. of Nagaland state Transport. He is one of the candidate for Statistical Asstt. His ACR gradings for the year 1995-99, 1997-98, 1998-1999, & 1999-2000 are as follows:-

Year	1995-97	1997-98	1998-99	1999-2000
Grading	Good	Good	Good	Good

3. Miss Kilenkala :- Born on 31.06.1971 She is Bachelor of Arts (Educational qualification). She entered in the Govt. service on 19.10.1994 as LDA in the Directorate of Industries, Nagaland in the scale of Pay Rs.1150-2120/- (Pre-revised). She is the only candidate for the post of LDA. Her ACR gradings for the year 1996-97, 1997-98, 1998-99, & 1999-2000 are as follows:-

Year	1996-97	1997-98	1998-99	1999-2000
Grading	Good	Good	Good	Good

Q (12) 6/6
17/11/05

33.3.2002

2013/17/2002, 2011/17

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The Director of Census Operations,
Nagaland,
Kohima

Sub: Appointment by transfer on deputation basis.

Sir,

I am directed to refer to your letter No. A 11023/13/99
M/s/637 dated 13.1.2003 on the subject noted above and to say that
S/Sh. Tinuwati and Bhawisha Chital may be allowed to draw the pay in
their parent departments plus deputation allowance.

Yours faithfully

(H.R.SINGH)

SECRETARY TO THE GOV. OF INDIA

सार्वि दंडा
Recd/ct No. 217
Trans/Date 6/7/2002
कार्यक्रम/प्रा. H.A.

Visa issued
Please file
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use also

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Dated Kohima the 18th July, 2003.

033/23/90-FIN

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jk

1. The Registrar General, India
2/A, Mansingh Road,
NEW DELHI - 110011- With reference to his office
letter No.35018/17/2002.Ad.IV
dated 13-5-2003.

1. 2003.

03.

2. Pay & Accounts Officer (C), NEW DELHI.

ati.

3. Director, Social Security & Welfare,
Nagaland, KOHIMA.

4. Shri Tinuwati, S.I.Gr.III.

5. Accountant (2 copies) - For necessary action.

6. Service book & Personal file (2 copies).

7. Guard file.

tion

pay

(R.N. CHHIPA)
HEAD OF OFFICE
DIRECTORATE OF CENSUS OPERATIONS:
NAGALAND: KOHIMA.

).

नियमित
न: CENSES
नो. 222821

सं०

No. A. 11054/44/2000-ADM. /

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIHA MANTRALAYA

कार्यालय विदेशक, जनगणना परिवातन, नागालैण्ड

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,
NAGALAND

By hand
1402 Special Post. S

दिनांक, कोडिमा

Dated, Kohima 19.9.2003.

To

The Registrar General, India,
2/A, Mansingh Road,
NEW DELHI - 110011.

Sub:

RE-FIXATION OF SCALE OF PAY AND REPRESENTATION BY
SHRI TINUWATI, S.I.GR. III REGARDING.

Sir,

With reference to your letter No. 35013/17/2002-Ad. IV dated 13.5.2003 on the subject cited above I have the honour to state that his pay is refixed as per your instruction (copy of the Order enclosed).

In this connection a representation has been submitted by Shri Tinuwati. As directed by the D.C.O., I am enclosing a copy of the representation for your sympathetic consideration.

Yours faithfully,

Encl: - As above

(R.H. CHHIPA)
RESEARCH OFFICER,
DIRECTORATE OF CENSUS OPERATIONS,
NAGALAND: KOHIMA.

01
9/9/2003
1/9/2003
22-9-2003

भारत के महारजिस्ट्रार का कार्यालय

भारत सरकार, यूह भवन, 2A मानसिंह रोड, नई दिल्ली 110 011

OFFICE OF THE REGISTRAR GENERAL, INDIA

(Government of India, Ministry of Home Affairs)

2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No. 35018/17/2002-Ad.IV

Date 29.12.2003

To

The Director of Census Operations,
Nagaland,
Kohima.

Sub: Appointment by transfer on deputation basis.

Sir,

I am directed to refer to your letter No. A- 11054/44/2000-
Admn./1402 dated 19.9.2003 on the subject noted above and to say that
according to standard terms of deputation given in appendix V of
fundamental rules, it is clearly mentioned that the power of deputation in
respect of non-gazetted Govt. servants may be exercised by the Head of
Department. Therefore appointment of S/Sh. Tinuwati and Lhovishe Chisi
on the post of S.I Gr.III on deputation basis in your DCO without obtaining
the approval of Head of Department i.e. RGI is highly irregular.

In view of above the extension of their deputation period
beyond 3rd year cannot be agreed to. They may be relieved immediately
after completion of 3rd year of their deputation period.

Please relieve
the officials immediately.

2-1-04

UNDER SECRETARY TO THE GOVT. OF INDIA

AD CO
OS

M. S. S.
2-1-04
N. I. S.
S. I. C.

कार्यालय प्रमाणित नम. प्रमाणित दिन प्रमाणित दिन का नम.	837
प्रमाणित दिन प्रमाणित दिन का नम.	3/1/04

NO.A-11023/13/99 - Adm
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS/GRIHAMANTRALAYA
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS.
NAGALAND : KOHIMA.

Dated Kohima,
the 30th April 2004

OFFICE ORDER

On completion of deputation service in the office of the Director of Census Operations, Nagaland, Kohima the following officials are hereby relieved from this office in the afternoon of 30 - 04 -2004. They have been further directed to report to their parent department. The pay and allowances has been paid upto 30 - 04 - 2004.

1. Shri Tinuwati, S.I. Grade III
2. Shri Lhovishe Chishi, S.I. Grade III

(R. N. CHHIPA)
Research Officer
Head of Office

NO.A-11023/13/99 - Adm : :

Dated Kohima, the 30th April, 2004

Copy to :

1. The Registrar General, India
New Delhi - for information with reference to ORGI office order No. 35018/17/2002. Ad. IV dt. 29-12-2003.
2. Shri Tinuwati, S. I. Grade III.
3. Shri Lhovishe Chishi, S.I. Grade III.
4. The Pay and Accounts (C) New Delhi.
5. The Director, Social Security and Welfare Nagaland, Kohima - for information and necessary action.
6. The General Manager, Nagaland State Transport Dimapur, Nagaland - for information and necessary action.
7. Acctt. Branch (2 copies) - for necessary action.
8. Smt. Sesü Apon, Asstt - She is directed to prepare L.P.C. in respect of the above mentioned officials.
9. Guard file.
10. Concern file / SB.


(R. N. CHHIPA)
Research Officer
Head of Office