

FROM No. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 119/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) Abdul Rahim Ali

Respondants U. O. I. Jones

Advocate for the Applicant(S) S. S. Dey, M. Nath, D. P. Borah, Ms. M. Laskar

Advocate for the Respondant(S) case

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. s. 50/- depos <u>50</u> No. <u>266324225</u> Dated <u>7.5.06</u></p> <p><u>sd/-</u> De Dy. Registrar</p> <p><u>Received</u> <u>Althas Das.</u> <u>Add encl</u> <u>30/5/06</u></p> <p><u>30.5.06</u> Copy of the order has been sent to the Dy Sec. for info in case to the applicant by post. <u>sh</u></p>	<p>23.5.2006</p> <p>bb</p>	<p>Heard counsel for the parties. Order passed, kept in separate sheets. The O.A. is disposed of at the admission stage itself in terms of the order. No costs.</p> <p><u>[Signature]</u> Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

119 of 2006

O.A. No. ....

23.05.2006

DATE OF DECISION .....

Shri A.R.Ali

Mr. S.S.Dey

Applicant/s

Advocate for the  
Applicant/s.

- Versus -

Union of India & Others

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

Respondent/s

Advocate for the  
Respondents

CORAM

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

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

Vice-Chairman (J)

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 119 of 2006.

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

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

Shri A.R.Ali  
Son of Late Ahmad Ali  
Permanent Resident of Vill. &  
P.O: Moniari Tiniali  
P.S: Palashbari  
Dist: Kamrup, Assam  
Presently residing at  
North Eastern Police Academy  
Umraw, Boropani, Dist: Ri Bhoi  
Meghalaya.

... Applicant.

By Advocates Shri S.S.Dey, M.Nath, D.P.Borah & Ms.M.Laskar.

- Versus -

1. Union of India  
Represented by the Commissioner & Secretary  
In the Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw - 793 123, Umiam  
Meghalaya.
  2. The Joint Director  
North Eastern Police Academy  
Umsaw, Umiam  
Meghalaya-793 123.
  3. Deputy Director  
North Eastern Police Academy  
Umsaw, Umiam  
Meghalaya-793 123.
  4. The Senior Accounts Officer  
Regional Pay & Accounts Office (IB)  
Shillong, Meghalaya.
  5. The Deputy Controller of Accounts  
Regional Pay & Accounts Office (IB)  
Shillong, Meghalaya.
  6. The Superintendent of Police  
Central Bureau of Investigation  
Anti-Corruption Branch, Sunderpur  
R.G.B. Road, Guwahati - 781 005.
- 2

7. The Chief Accounts Officer (Funds)  
Central Bureau of Investigation  
New Delhi.
8. The Assistant Accounts Officer (Fund)  
Pay & Accounts Office, C.B.I.  
1st Floor, A-Wing, AGCR Building  
New Delhi - 2.
9. The Accounts Officer  
Pay & Accounts Office  
C.B.I., AGCR Building  
New Delhi.

.....Respondents.


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

.....

**ORDER (ORAL)**

**SACHIDANANDAN, K.V. (V.C.) :**

The applicant, a constable, was sent on deputation in the office of the Superintendent of Police, Central Bureau of Investigation, Anti-Corruption Branch, Guwahati for a period of three years w.e.f. 9.4.1996 to 12.4.1999. While being on deputation, the applicant had made regular monthly contributions towards his General Provident Fund and Refund of advance for the same and according to the information the 6th respondent had remitted the said amount in his account regularly, which is borne out by Annexure-5 letter dated 11.7.2000. It appears that the amount, which was deducted from his salary during the period of deputation, was not transferred to his GPF account and he has been deprived of the said amount to be withdrawn for his family matters. He had made several representations lastly on 15.12.2004 (Annexure-9) followed by lawyer's notice dated 28.11.2005 (Annexure-10), which



are not yet answered. Aggrieved by the said inaction of the respondents he has filed this application seeking the following reliefs:-

"8.1 To direct the respondent No. 2 to immediately transfer the credits/advance of your applicant's G.P.F. amount which was deducted from his salary while he was on deputation at the Office of the respondent no. 3 to his G.P.F. Account No. SHI/NEC/387 maintained by the respondent no.4, i.e., the Sr. Accounts Officer, R.P.A.O. (IB), Shillong-3.

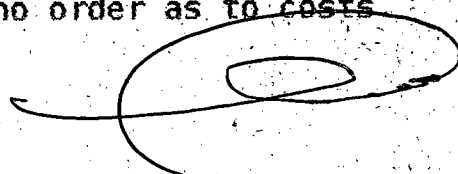
8.2 Cost of the application.

8.3 Any other relief/reliefs as this Hon'ble Tribunal may deem fit and proper. "

2. Heard Mr. S. S. Dey, learned counsel for the applicant and Ms. U. Das, learned Addl.C.G.S.C. represented the respondents. Counsel for the applicant submits that the applicant will be satisfied if a direction is issued to the 7th respondent, who is over-all in charge of the concerned respondents, to consider all his representations collecting particulars from the other stations and pass appropriate orders communicating to him within a time frame. Ms.U.Das has no objection in adopting such course of action. This Tribunal is also of the view that it will suffice the ends of justice. Therefore, this Tribunal directs the 7th respondent to consider and dispose of the Annexure-9

representation submitted by the applicant within a time frame of three months from the date of receipt of this order.

The Original Application is disposed of as above.  
In the circumstances, there is no order as to costs



(K.V. SACHIDANANDAN)  
VICE-CHAIRMAN

BB

# CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

G. A. R. 6

[See Rule 22 (1)]

RECEIPT

No. 1927

Date. 18/5/2006

Received from Abdul Rahim Ali with

Letter No. OA 119/06 dated 20

the sum of Rupees Twenty only

In cash/by IPO on account of Service charges for excise  
by bank draft

Rs. 20/- in payment of

Rs. 20/-

Signature

Cashier

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

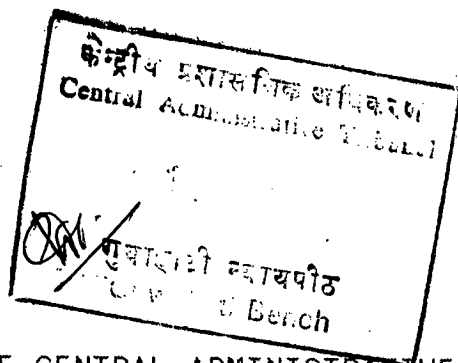
ORIGINAL APPLICATION NO. 119/06

1. a) Name of the Applicant:- Abdul Rahim Ali  
b) Respondants:- Union of India & Ors  
c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/No.
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No.
9. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.
11. Is the application by IPO/BD/For Rs: 5/- 266 324225
12. Has the application is maintainable :- Yes/No.
13. Has the Impugned order original duly attested been filed : Yes/No.
14. Has the legible copies of the annexures duly attested filed:-Yes/No.
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/~~Division Bench~~:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-  
The application is in order.

SECTION OFFICER (J)  
22.5.06

DEPUTY REGISTRAR





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 119 /2006

BETWEEN

SRI ABDUL RAHIM ALI

.....APPLICANT

-AND-

UNION OF INDIA & ORS.

.....RESPONDENTS

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
1.	Synopsis -----	A
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5.	Annexure - 1 -----	12
6.	Annexure - 2 -----	13
7.	Annexure - 3 -----	14
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Filed by

(Dipankar Pd. Borah)

Advocate

Before the Central Administrative Tribunal,

Guwahati Bench

O.A. No. 119 /06

Shri Abdul Rahim Ali ....APPLICANT

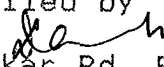
VERSUS

Union of India & others ....RESPONDENTS.

SYNOPSIS

Your applicant was appointed as a Constable in the North Eastern Police Academy, Shillong w.e.f. 2.6.1987. Thereafter on 9.4.1996 he was sent on deputation to the Office of the Superintendent of Police, Central Bureau of Investigation, Anti-Corruption Branch, Guwahati (respondent No. 6) for a period of 3(three) years. After due completion of 3(three) years' period he was reverted back to his parent department, i.e., North Eastern Police Academy. The applicant while he was on deputation to the respondent No. 6 was regularly contributing towards his G.P.F. Account. However, upon his repatriation to his parent department the said amount of money which was deducted from his monthly salary towards his G.P.F. Account during his period of deputation was not transferred to his G.P.F. Account maintained by the Senior Accounts Officer, Regional Pay and Accounts Office(IB), Shillong(respondent No.4). Your applicant had on numerous occasions made various representations before the respondent authorities for transferring his said amount of G.P.F. money but no action has been initiated till date.

Hence this application.

Filed by  
  
(Dipankar Pd. Borah)  
Advocate

LIST OF DATES

- Para-4.1 15.6.1987 Applicant was appointed as Constable  
Page-3 in North Eastern Police Academy,  
Shillong w.e.f. 2.6.1987 on temporary  
basis in the pay scale of 800-1150 p.m.  
ANNEXURE - 1, PAGE : 12
- 20.11.1991 Applicant was thereafter appointed in  
Quasi-Permanent capacity w.e.f. 2.6.90.  
ANNEXURE - 2, PAGE : 13
- Para 4.2 9.4.1996 Applicant was sent on deputation to the  
Page-3 Central Bureau of Investigation,  
Anti-Corruption Branch, Guwahati.  
ANNEXURE - 3, PAGE : 14
- Para 4.3 12.4.1999 Applicant after due completion of the  
Page-4 period of 3(three) years was relieved  
and reverted to his parent department.  
ANNEXURE - 4, PAGE : 15
- Para-4.4 The applicant, while he was on  
Page-4 deputation, was regularly contributing  
towards his G.P.F. Account. But upon his  
repartriation to his parent department,  
the said amount of money was not  
transferred to respondent no. 4 who was  
maintaining your applicant's G.P.F.  
Account before his deputation.
- Para-4.5 11.7.2000 Respondent no. 6 intimated that no new  
Page-4-5 G.P.F. Account number was allotted to  
your applicant and the amount was  
remitted to respondent no. 4.  
ANNEXURE - 5, PAGE : 16
- Para-4.6 19.9.2000 Letter of respondent no. 3 addressed to  
Page-5 respondent No. 5 asking him to intimate  
whether the applicant's G.P.F.  
subscription was credited to his  
account.  
ANNEXURE - 6, PAGE: 17
- Para-4.7 15.12.2000 Respondent No. 6 requested the  
Page-5 respondent no. 9 to furnish details vide  
which the applicant's G.P.F. credits  
were remitted to respondent no. 4.  
ANNEXURE - 7, PAGE: 18-19

Para-4.9 2001-2002 The Annual Statement of General  
Page-6 Provident Accounts issued by the  
Regional Pay & Account Office, Shillong  
specially mentioned that the  
credits/recoveries of the applicant were  
not received from the Pay and Accounts  
Office, C.B.I., New Delhi.

ANNEXURE - 8, PAGE: 20

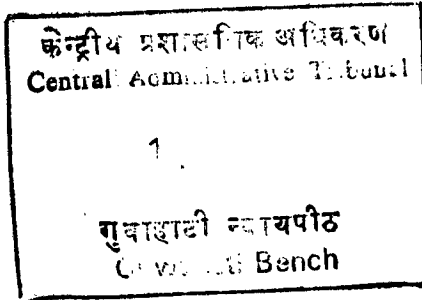
Para-4.10 15.12.2004 The applicant filed a representation  
Page-6-7 before the respondent No. 7 for taking  
necessary steps for transferring his  
G.P.F. credits/advance deducted while he  
was on deputation.

ANNEXURE -9, PAGE : 21-22

Para-4.11 30.11.2005 The applicant sent a pleader's notice  
Page-7 to the respondent no. 7 for immediately  
transferring his G.P.F. credits. to the  
respondent no. 4.

ANNEXURE - 10, PAGE : 23

Filed by  
*[Signature]*  
(Dipankar Pd. Borah)



Filed by  
the applicant through  
13  
Dipankar B. Borah  
Advocate

Before the Central Administrative Tribunal,  
Guwahati Bench

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

O.A. No. 119 /06

BETWEEN

SHRI A. R. ALI

Son of Late Ahmad Ali,

Permanent Resident of Vill & P.O. : Moniari Tiniali

P.S. : Palashbari, District - Kamrup, Assam.

Presently residing at North Eastern Police Academy,

Umsaw, Borapani, Dist : Ri Bhoi, Meghalaya.

....APPLICANT

AND

1. The Union of India

represented by the Commissioner & Secretary in the Ministry  
of Home Affairs, North Eastern Police Academy,  
Umsaw - 793 123, Umiam, Meghalaya.

2. The Joint Director,  
North Eastern Police Academy,  
Umsaw, Umiam, Meghalaya - 793123.

3. Deputy Director,  
North Eastern Police Academy,  
Umsaw, Umiam, Meghalaya - 793123.

4. The Senior Accounts Officer,  
Regional Pay & Accounts Office(IB),  
Shillong, Meghalaya.

*[Handwritten signature]*  
*[Handwritten signature]*

Abdul Rahim Ali

5. The Deputy Controller of Accounts,  
Regional Pay & Accounts Office(IB), Shillong, Meghalaya.

6. The Superintendent of Police,  
Central Bureau of Investigation,  
Anti-Corruption Branch, Sunderpur,  
R.G.B. Road, Guwahati - 781005.

✓ 7. The Chief Accounts Officer(Funds),  
Central Bureau of Investigation, New Delhi.

8. The Assistant Accounts Officer(Fund),  
Pay & Accounts Office, C.B.I. 1st Floor, A-Wing,  
AGCR Building, New Delhi -2.

9. The Accounts Officer,  
Pay and Accounts Office, C.B.I., AGCR, Building, New Delhi.

....RESPONDENTS

PARTICULARS OF THE APPLICATION

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

This application is preferred against the arbitrary action of the respondent Nos. 6, 7, 8 & 9 in not transferring the G.P.F. credits/advance of your applicant which was deducted from his salary while he was on deputation to the Office of the respondent No. 3 to his G.P.F. Account No. SHI/NEC/387 maintained by the respondent no. 4, i.e., the Senior Accounts Officer, R.P.A.O.(IB), Shillong-3 upon his repatriation to his parent department, i.e., North Eastern Police Academy.

Abdul Rahim Ali

2. LIMITATION:-

The applicant declares that this application has been preferred within the period of limitation prescribed under the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:-

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

4. FACTS OF THE CASE:-

4.1 That your humble applicant is a permanent resident in the District of Kamrup in the State of Assam. He was appointed to the post of Constable in North Eastern Police Academy(hereinafter referred to as NEPA), Shillong with effect from 2.6.1987 on a temporary basis in the pay scale of 800-1150 p.m. and thereafter in Quasi-Permanent Capacity in the said post w.e.f. 2.6.90(FN).

Copies of the appointment order dated 15.6.1987 and 20.11.1991 are annexed herewith and marked as ANNEXURE - 1 & 2 respectively.

4.2 That your applicant was thereafter sent on deputation to the Central Bureau of Investigation, Anti-Corruption Branch, Guwahati(hereinafter referred as CBI,ACB) by the Director(Current Charge), NEPA, Umsaw, on 9.4.1996 vide his order No. A.28011/15/87-Esstt/33-38 for an intial period of 3(three) years with effect from the date of his resuming duties in the said department.

A copy of the aforesaid order dated 9.4.1996 is

Abdul Rahim Ali

annexed herewith and marked as ANNEXURE - 3.

4.3 That after due completion of 3(three) years' period of deputation, your humble applicant was relieved of his duties from CBI,ACB, Guwahati by the respondent no. 6 and was reverted to his parent department, i.e., NEPA, Umsaw, Barapani, Shillong vide an order dated 12.4.1999.

A copy of the aforesaid order dated 12.4.1999 is annexed herewith and marked as ANNEXURE - 4.

4.4 That while your applicant was on deputation he was regularly contributing towards his G.P.F. Account in as much a sum of Rs. 300.00(rupees three hundred) and also advance recovery was made from May, 1996 to December, 1996 @ Rs. 1000.00(rupees one thousand) p.m. and again from April, 1998 to May, 1999 @ Rs. 500.00(Rupees five hundred) p.m. were duly deducted from his monthly salary. However upon your applicant's repatriation to his parent department, the said sum of money was not remitted to the respondent No. 4, who was maintaining your applicant's G.P.F. Account before his deputation.

4.5 That your applicant states that thereafter on enquiry made by the respondent No. 2 with regard to the transfer of G.P.F. amount of your humble applicant, it was intimated by the respondent No. 6 on 11.7.2000 vide letter No. DPSHL2000/14362/14/A/99-2000 that no new G.P.F. Account was allotted to your applicant while he was on deputation to the Office of respondent no. 6 and that his monthly subscription/Refund of advance had been remitted to his

Abdul Rahman Ali



account No. SHI/NEC/387 through PAO, CBI, New Delhi debitale to respondent No. 4.

A copy of the aforesaid letter dated 11.7.2000 is annexed herewith and marked as ANNEXURE - 5.

4.6 That the respondent no. 3 then wrote to the respondent no. 5 on 19.9.2000 vide letter no. G.14014/5/00/4124-25 requesting him to intimate whether the G.P.F. subscription made by the applicant for the period of May, 1996 to May, 1999, i.e., while the applicant was on deputation with C.B.I., A.C.B., Guwahati has been credited in his account or otherwise but nothing was communicated from respondent no. 5 end in this regard.

A copy of the aforesaid letter dated 19.9.2000 is annexed herewith and marked as ANNEXURE - 6 .

4.7 That thereafter, the respondent No. 6 on 15.12.2000 vide his letter no. DPSHL2000/07828/14/A/99-2000 requested the respondent no. 9 to furnish the Bank Draft/Cheque Number and the date with amount and forwarding letter number and date vide which your applicant's G.P.F. credits was remitted to the Regional Pay and Accounts Office (IB) directly to the Regional Pay & Accounts Office (IB), Shillong-3 under the intimation of the Office of the respondent no. 6. But even then no action was taken by the concerned authority.

A copy of the aforesaid letter dated 15.12.2000 is annexed herewith and marked as ANNEXURE - 7 .

4.8. That thereafter a number of communications were made from the Office of the parent department of your applicant, i.e., N.E.P.A. to the respondent no. 6 as well as the

Abdul Rahim Ali

-6-

respondent no. 9 but to no avail. Your applicant craves leave to produce the said letters at the time of pressing this application.

4.9 That the amount of credits and recoveries deducted from the salary of your humble applicant while he was on deputation was not transferred to the RPAO(IB), Shillong from the Office of the respondent no. 6 till 2002 which is clearly evident from the Annual Statement of General Provident Accounts issued by the RPAO, Shillong which specially mentioned that the credits/recoveries of your humble applicant were not yet received from PAO, CBI, New Delhi.

A copy of the aforesaid Annual Statement of General Provident Accounts is annexed herewith and marked as ANNEXURE-8.

4.10 That on 19.3.04, the respondent no. 6 vide his letter addressed to the respondent no. 8 stating that as on perusal of all relevant records of your applicant it was found that no C.B.I. Account Number was allotted to him while he was on deputation to C.B.I. and thereby requested him to take necessary action as is fit and proper with intimation to your applicant's concerned office as well as him. Thereafter your humble applicant had communicated to the Office of the respondent No. 7 with regard to his missing G.P.F. credit which is his hard earned money but got no response. He also ran from pillar to post to trace out his missing amount of G.P.F. credits but still when he could not get any answer, he filed a representation-cum-appeal on 15.12.2004 before the respondent no. 7 for taking necessary steps for transferring his G.P.F. credits/advance. But even then the respondent No.7

Abdul Rahim Ali

did not initiate any action in this regard. Your humble applicant had also sent a reminder to the respondent no. 7 for disposing off his representation-cum-appeal and meet his grievances without any delay but to no avail.

A copy of the said representation-cum-appeal is annexed herewith and marked as ANNEXURE - 9.

4.11 That the applicant had also on numerous occasions made various applications as well as communications to the respondent authorities for recovery of his missing G.P.F. amount. But having failed to evoke any response from the concerned respondent authorities, your applicant in order to recover his missing G.P.F. credits/advance which is his hard earned money, sent a Pleader's Notice to the respondent No. 7 for immediate transfer of your humble applicant's G.P.F. credits/advance to his account No. SHI/NEC/38 maintained by the Senior Accounts Officer, R.P.A.O.(IB), Shillong-3 within a period of 30(thirty) days from the date of receipt of the said Notice by the respondent No. 7.

A copy of the aforesaid Pleader's Notice dated 28.11.2005 is annexed herewith and marked as ANNEXURE - 10.

4.12 That the applicant begs to state that he is in dire need of money to meet the medical expenses of his wife and therefore had applied for withdrawal of his G.P.F. fund. but the respondent authorities are turning a deaf ear to his requests and neglecting to take proper action in respect of transferring the amount of money legally due to your applicant and which was deducted towards his G.P.F. credit while he was on deputation to the Office of the respondent No. 6.

Abdul Rahim Ali

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the said amount of money, which was deducted from his salary while he was on deputation with the Office of the respondent no. 6, is his lawful property which he has earned after much physical toil and he has a right to enjoy the same. The said action of the respondent authorities in not transferring the said sum of money is grossly violative of his right to enjoy his own property guaranteed under Article 300A of the Constitution of India..

5.2 For that the action of the respondents in not transferring the G.P.F. credits/advance of your humble applicant, that too, without according any tenable rhyme or reason is nothing but absolutely arbitrary thereby infringing the fundamental rights of your applicant guaranteed under Article 14, 19 and 21 of the Constitution of India.

5.3 For that the humble applicant is in great need of money to defray towards the medical expenses of his wife and as such had applied for the withdrawal of his said G.P.F. amount. But the respondents are not initiating any action in transferring the said amount of money which is the applicant's hard earned money and against which he has every right to enjoy and use as and when required, especially at times of such urgency. Hence, the action of the respondents is totally violative of the legal rights of your applicant.

6. DETAILS OF REMEDIES EXHAUSTED:-

6.1 Your humble applicant had filed an appeal before the respondent no. 7 which was received on 15.12.2004 for transfer

Abdul Rahim Ali

of the credits/recoveries of the sum of money from the salary of the applicant towards his G.P.F. contribution to the Senior Accounts Officer, R.P.A.O.(IB), Shillong.

6.2 Your applicant had also sent a reminder on 9.2.05 for disposal of his appeal which also was pending before the respondent No. 2 but to no avail.

6.3 Your applicant also wrote to the Controller of accounts, Principal Accounts Office, Ministry of Home Affairs, New Delhi on 5.4.05 but got no response.

6.4 Thereafter your applicant sent a pleader's Notice to the respondent No. 2 on 28.11.2005. But to the utter dismay of the applicant, no action has yet been taken for redressal of his grievances. Hence, your humble applicant is approaching this Hon'ble tribunal vide the present application.

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

The applicants declares that he has not filed any application, writ petition or suit against the said inaction of the respondent authorities before any other Court/Tribunal or any other Forum of Law.

8. RELIEF SOUGHT FOR :-

Your applicant prays that this Hon'ble Tribunal may be pleased to admit this application, call for the records of the case and on perusal of the records and hearing the parties be pleased to grant the following reliefs to your humble applicant:

Abdul Rahim Ali

8.1 To direct the respondent No. 2 to immediately transfer the credits/advance of your applicant's G.P.F. amount which was deducted from his salary while he was on deputation at the Office of the respondent no. 3 to his G.P.F. Account No. SHI/NEC/387 maintained by the respondent no. 4, i.e., the Sr. Accounts Officer, R.P.A.O.(IB), Shillong-3.

8.2 Cost of the application.

8.3 Any other relief/reliefs as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM ORDER PRAYED FOR :-

Considering the aforesaid facts and circumstances of the case, this Tribunal may be pleased to direct the respondent No. 6, 7, 8 & 9 to immediately transfer the credits/advance of your applicant's G.P.F. amount which was deducted from his salary while he was on deputation at the Office of the respondent no. 6 to his G.P.F. Account No. SHI/NEC/387 maintained by the respondent no. 4, i.e., the Sr. Accounts Officer, R.P.A.O.(IB), Shillong-3.

10. PARTICULARS OF THE I.P.O :-

(i) I.P.O. No. : 266-324225  
(ii) Date : 9-5-2006  
(iii) Payable at : G.P.O.  
D. W. 2002-

11. LIST OF ENCLOSURES :-

As stated in the index.

Abdul Rahim Ali

VERIFICATION

I, SHRI ABDUL RAHIM ALI, Son of Late Ahmad Ali, aged about 39 years, permanent resident of Vill & P.O. Moniari Tiniali, P.S. - Palashbari, District - Kamrup, Asom at present residing at North eastern police Academy, Umraw, Borapani, District - Ri Bhoi, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.12, 5, 6 and 7 are true to my knowledge and those made in paragraphs 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 & 4.11 being matters of record of the case are true to my knowledge and information derived therefrom which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal.

And in proof I sign this verification on this the 15th day of May, 2006.

*Md. Abdul Rahim Ali*

SIGNATURE

-12-

Government of India  
North Eastern Police Academy  
Umsaw : Barapani 793 103

NO.A.12014/3/87-Estt.

Dtd, Barapani \_\_\_\_\_ 87.

O R D E R  
\* \* \* \* \*

The following individuals are hereby appointed on purely temporary basis to the post of constable in the scale of pay of Rs.800-15-1010-EB-20-1150/-P.M. plus other allowances as admissible from time to time as per Central rules in the North Eastern Police Academy, Barapani, with effect from the date shown against each :-

- |     |                                       |                   |
|-----|---------------------------------------|-------------------|
| 1.  | Shri Sajal Kanti Roy with effect from | 1/6/87 (FN)       |
| 2.  | " A. Tamil Krishnan                   | -do- 4/6/87 (FN)  |
| 3.  | " Khem Chand                          | -do- 1/6/87 (FN)  |
| 4.  | " Nawin Kumar singh                   | -do- 1/6/87 (FN)  |
| 5.  | " Surjya Kanta Boro                   | -do- 1/6/87 (FN)  |
| 6.  | " Sontosh Kumar Rai                   | -do- 1/6/87 (FN)  |
| 7.  | " Basudev Rana                        | -do- 2/6/87 (FN)  |
| 8.  | " Md Abdul Rahim Ali                  | -do- 2/6/87 (FN)  |
| 9.  | " Loukas Dholing Majai                | -do- 3/6/87 (FN)  |
| 10. | " Jiten Singha                        | -do- 3/6/87 (FN)  |
| 11. | " Honelson Matong                     | -do- 3/6/87 (FN)  |
| 12. | " Manglian Thang                      | -do- 3/6/87 (FN)  |
| 13. | " Jam Khanmuaw                        | -do- 3/6/87 (FN)  |
| 14. | " Melansius K. Sabong                 | -do- 4/6/87 (FN). |

Their appointment are purely on temporary basis and may be terminated by giving one months' notice from either side.

Sd/-

B R Lall,  
Director

NO.A.12014/3/87-Estt. 1811-17 Dtd, Barapani, 15/6/87.

Copy to :-

1. Regional Pay & Accounts Office (IB), Shillong.
2. The Accounts Section (Local).
3. The Chief Drill Instructor, NEPA.
4. The Q/Master, NEPA.
5. Individual concern.
6. Personal File.
7. Office Order File.

Certified to be true Copy

*Advocate*

*N Sen Majumdar*  
( N Sen Majumdar )  
Administrative Officer

@@@@@@@@



- 13 -

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Barapani, Meghalaya

No. NEPA/EG/7/82/

Dtd, Umsaw, the \_\_\_\_\_ Oct '91.

DECLARATION AND GRADE OF APPOINTMENT UNDER RULE 3 AND 4 OF  
THE CENTRAL CIVIL SERVICES (TEMPORARY SERVICE) RULE - 1965.

In pursuance of rule 3 and 4 of the Central Civil Services (Temporary Service) Rule-1965, I, Shri G C Raiger, Director, North Eastern Police Academy, Shillong, being satisfied having regard to the quality of work, conduct and character of Shri/Smti Abdul Rahim Ali, Constable, North Eastern Police Academy, Umsaw, /Shillong, he is suitable to be appointed in Quasi-Permanent Capacity under the Govt. of India in the post of Constable with effect from 2.6.90 (FN) hereby appoint the said Shri/Smti Abdul Rahim Ali, Constable in a Quasi-Permanent Capacity to the said post with effect from the said date.

Station :

Date :-

Sd/ G C Raiger )  
Director

Memo No. NEPA/EG/7/82/ 4461-65

Dtd, Umsaw, the 20 Oct '91.

Copy to :-

1. ✓ Shri/Smti Abdul Rahim Ali, Constable, North Eastern Police Academy, Umsaw/Shillong.
2. Service Book of Shri/Smti Abdul Rahim Ali, Constable
3. Personal File of Shri/Smti Abdul Rahim Ali, Constable
4. Accounts Section, North Eastern Police Academy, Umsaw, Barapani.
5. OFFICE ORDER FILE.

(SINHA)

( R P Handa )  
Asstt Director

\*\*\*

Certified to be true Copy

ka  
Advocate

-16-

Government of India  
Ministry of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123, Barapani, Meghalaya

No.A.23011/15/87-Estt/33-38. Dtd. Umsaw, the 9 Apr'96.

## O R D E R

With reference Govt of India, Central Bureau of Investigation, New Delhi, Superintendent of Police(HQ), letter No.A.35013/8/86-AD-III dtd.26/03/1996, Const. Abdul Rahim Ali of North Eastern Police Academy, Umsaw, is hereby relieved with effect from 15/04/1996(AN) on deputation to Central Bureau of Investigation, Anti Corruption Branch, Ganesh Mandir Road, New Guwahati, Guwahati-20 for an initial period of 3 years from the date of resuming duties in the said department.

*T. Chandrasekharan*  
( T Chandrasekharan )  
Director (Current Charge)

Memo No.A.23011/15/87-Estt/33-38. Dtd. Umsaw, the 9 Apr'96.  
Copy to :-

1. Const. Abdul Rahim Ali, NEPA, Umsaw.
2. The Superintendent of Police(HQ), CBI, Block No.3, 4th Floor, CGO Complex, Lodhi Road, New Delhi-03.
3. The Superintendent of Police, CBI, Anti Corruption Branch, Ganesh Mandir Road, New Guwahati, Guwahati-20. Date of resuming duty by the Const. Abdul Rahim Ali, may please be intimated to this office for records.
4. The RPAO(IB), Shillong-03.
5. The A/Cs section(Local), NEPA, Umsaw, for infon. L.P.C. of the individual may please be issued.
6. Office Order File.



*Satpal Kapoor*  
( Satpal Kapoor )  
Deputy Director (A)

Certified to be true Copy

*Advocate*  
Advocate

OFFICE ORDER NO. 68Dated :- 12/4/99

Sri. Abdul Rahim Ali, Constable on deputation to CBI from N.E.P.A., Umaw Barapani, Meghalaya Shillong is being relieved of his duties from this organisation wef 21/04/99 (A.E) on his reversion to his parent organisation after expiry of his deputation period. He has also been sanctioned 44 days E.L. wef 22/04/99 to 04/05/99 on pvt. affairs (self marriage). He is directed to report for his duties to the Director, N.E.P.A., Umaw Barapani, Meghalaya Shillong after availing the leave and usual joining time as admissible.

Superintendent of Police,  
CBI & ACB : Cawabati.

Memo No. A/26/175/95/01521-26

Dated :- 12.07.99

Copy to :-

1. The A.O. (E) CBI/New Delhi.
2. The Director, N.E.P.A., Umaw Barapani, Meghalaya, Shillong for favour of information and n/a.
3. The accounts section in duplicate for n/a.
4. D.O. Section for information and n/order.
5. Sri. Abdul Rahim Ali, Constable, CBI/ACB/Cawabati with a direction to report for duties to the Director, N.E.P.A., Umaw Barapani, Meghalaya, Shillong. He is also directed to return the Identity Card, C.G.M.S. Card etc. to the office.

6. File No. E/36.

Superintendent of Police,  
CBI/ACB/Cawabati.

el/-

Certified to be true Copy

*[Signature]*  
Advocate

- 16 -

Government of India  
Central Bureau of Investigation  
Office of the Supdt. of Police  
ACB::Guwahati.

No.DPSHL2000/04362/14/A/99-2000

Dated: 11/7/2000

To

The Joint Director,  
North Eastern Police Academy,  
Govt. of India,  
Ministry of Home Affairs,  
Umsaw, Umiam,  
Meghalaya-793123.

Sub: Transfer of G.P.F. Account No.SHI/NEC/387 in respect of Sh.A.R. Ali.

Sir,

Please refer your letter No.G.14014/5/00/991-93 dated 10.05.2000 on the subject cited above.

During the period of deputation to CBI, no new G.P.F. Account number has not been allotted to Sh.A.R.Ali, Const. His monthly subscription/Refund of advance have been remitted to his Account No.SHI/NEC/387 through PAO, CBI, New Delhi debitale to Sr.Account Officer, R.P.A.O.(IB), Shillong-3.

Hence, the question of transfer of G.P.F. Account No.SHI/NEC/387 in respect of Sh.A.R.Ali, Const. does not arise.

This is for favour of your kind information please.

Yours faithfully,-

Superintendent of Police,  
CBI:ACB:Guwahati.

14.25  
20/7/2000  
Certified to be true Copy

Advocate

-17-

Govt Of India  
Ministry Of Home Affairs  
North Eastern Police Academy  
Umsaw, 793 123 : Umiam  
(Meghalaya)

No.G.14014/5/00/ 4124-25 Dtd., Umsaw, the 19 Sept. 2000.

To,

The Deputy Controller of Accounts  
Regional Pay & Accounts Office (IB)  
Shillong.

Sub :- Transfer of G.P.F. A/C No. SHI/NEC/387.

Ref :- This office L.No.G.14014/5/00/991-93 dtd.10/5/2K.

Sir,

Enclosed please find herewith a copy of L.No.DPSHL  
2000/04362/14/A/99-2000 dtd.11/7/2K which is self explanatory.  
In this connection you are requested to intimate whether the  
G.P.F. subscription made by Shri A R Ali for the period May.99  
to April.99 i.e. while he was on deputation with C.B.I., A.D.B.,  
Guwahati has been credited in his account or otherwise.

Settlement of above account has become essential as  
the individual is planning to defray expences in connection with  
the medical treatment of his mother.

An early action is requested.

Encl : As stated above

Yours faithfully,

21/9/2000  
( H K Mazumdar )  
Dy. Director (Adjt)  
D.D.O.

Copy to :-

✓ Shri A R Ali, Constable,  
N.E.P.A., Umsaw.



Certified to be true Copy

Advocate

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ANNEXURE-7<sup>30</sup>

Government of India  
Central Bureau of Investigation  
Office of the Supdt. of Police  
ACB::Guwahati-5.

No.DPSHL2000/07828/14/A/99-2000

Dated: 15/12/2000

To

The Accounts Officer,  
PAO/CBI/AGCR Building,  
New Delhi.

Sub: Missing Credit of GPF subscription in respect of Sh.A.R.Ali, Const., G.P.F. Account No.SHI/NEC/387

Sir,

Please find enclosed herewith representation dtd.11.08.2K submitted by Sh.A.R.Ali, Const., CBI on the above noted subject.

The details of month-wise missing credit of subscription/deduction from our end are furnished below:

Month	Bill No. & Date	Gross amount of the Bill	Net Amount of the bill.	Subscription	Advance Recovery	Name of the Office to whom debit adjusted
May/96	113/96-97 dtd.31.05.96	44,088	38,853	300	1,000	Regional Pay & Accounts Office(IB): Shillong-3, Meghalaya.
June/96	167/96-97 dtd.28.06.96	47,692	40,997	300	1,000	
July/96	222/96-97 dtd.31.07.96	43,988	37,878	300	1,000	
Aug/96	262/96-97 dtd.30.08.96	40,365	35,130	300	1,000	
Sept/96	326/96-97 dtd.28.09.96	41,425	35,570	300	1,000	
Oct/96	374/96-97 dtd.31.10.96	37,802	32,102	300	1,000	
Nov/96	419/96-97 dtd.29.11.96	38,532	32,472	300	1,000	
Dec/96	467/96-97 dtd.30.12.96	35,512	28,617	300	1,000	
Jan/97	531/96-97 dtd.31.01.97	38,595	29,055	300	-	
Feb/97	563/96-97 dtd.28.02.97	38,571	33,483	300	-	
March/97	07/97-98 dtd.01.04.97	42,952	36,162	300	-	
April/97	55/97-98 dtd.30.04.97	36,380	28,515	300	-	
May/97	117/97-98 dtd.30.05.97	36,380	29,515	300	-	
June/97	165/97-98 dtd.27.06.97	36,752	32,287	300	-	
July/97	209/97-98 dtd.31.07.97	34,376	29,971	300	-	
Aug/97	263/97-98 dtd.27.08.97	33,398	28,549	300	-	
Sept/97	310/97-98 dtd.30.09.97	33,583	28,634	300	-	

Certified to be true Copy

*Advocate*

Oct/97	367/97-98 dtd.29.10.97	33,583	28,699	300	-
Nov/97	414/97-98 dtd.28.11.97	38,043	32,609	300	-
Dec/97	460/97-98 dtd.31.12.98	39,174	33,840	300	-
Jan/98	484/87-98 dtd.29.01.98	39,270	34,336	300	-
Feb/98	533/97-98 dtd.27.02.98	39,348	34,414	300	✓
March/98	09/98-99 dtd.01.04.98	47,305	41,975	300	-
April/98	50/98-99 dtd.30.04.98	43,297	38,725	300	500
May/98	100/98-99 dtd.28.05.98	43,372	38,650	300	500
June/98	159/98-99 dtd.29.06.98	43,400	38,738	300	500
July/98	224/98-99 dtd.30.07.98	38,396	33,450	300	500
Aug/98	278/98-99 dtd.31.08.98	38,531	33,645	300	500
Sept/98	332/98-99 dtd.24.09.98	40,743	35,838	300	500
Oct/98	379/98-99 dtd.30.10.98	40,880	34,533	300	500
Nov/98	415/98-99 dtd.27.11.98	43,242	36,996	300	500
Dec/98	471/98-99 dtd.29.12.98	43,242	36,582	300	500
Jan/99	489/98-99 dtd.28.01.99	43,311	31,641	300	500
Feb/99	529/98-99 dtd.24.02.99	43,395	35,525	300	500
March/99	07/99-2000 dtd.01.04.99	43,470	36,250	300	500
April/99	47/99-2000 dtd.29.04.99	38,022	27,143	300	500
May/99	92/99-2000 dtd.31.05.99	34,369	28,134	300	500

It is therefore, requested that Bank Draft/Cheque No. and the date with amount and forwarding letter No and date vide which the amount was remitted to the Regional Pay & Accounts Office (IB), Shillong-793003, may please be furnished direct to the Regional Pay & Accounts Office (IB), Shillong-3, Meghalaya, under intimation to this office at an early date.

Yours faithfully,

07829  
Endst.No.DPSHL2000/ /14/A/99-2000  
Copy to : Sh.A.R.Ali, Const., North Eastern Police Academy, Borapangi, Meghalaya for info

Superintendent of Police,  
CBI:ACB:Guwahati  
Dated: 15/12/99  
Superintendent of Police,  
CBI:ACB:Guwahati

G.P.F.

REGIONAL PAY & ACCOUNTS OFFICE (IB)  
MHA : GOVT. OF INDIA  
SHILLONG

ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNTS  
FOR THE YEAR 2001-02

Sl. No.	Name of subscriber	Opening Balance	Recoveries of the year	Interest Allowed	Withdrawal	Closing Balance
37	Md.A.R.Ali	19,515	10,800	2,410		32,725

His credits /recoveries from PAO, CBI, New Delhi not yet received. This office neither knows his account in that office nor any response from that office.

*[Signature]*  
Junior Accounts Officer  
Regional Pay & Accounts Office  
(IB) Ministry of Home Affairs  
Govt. of India, Shillong-793009

Certified to be true copy  
to  
Advocate



-21-

To

The Chief Accounts Officer (Funds)  
Pay and Accounts Office  
CBI, 1<sup>st</sup> Floor, A - Wing,  
AGCR Building,  
New Delhi - 110 002.

Subj.: Representation cum Appeal for Transfer of Credits /  
Recoveries to Sr. Accounts Officer, RPAO (IB), Shillong.

Sir,

With reference to the subject cited above I would like to state before you as follows.

That I am an employee of North Eastern Police Academy, Umsaw, Meghalaya and I was on deputation at CBI, ACB, Guwahati for the period from 16.4.96 to 21.4.99.

That during this period of deputation my monthly GPF contribution was Rs. 300/- (Three Hundred) and also advance recovery was made from May, 96 to December, 96 @ Rs. 1000/- p.m. and again from April, 98 to May, 99 @ Rs. 500/- p.m. The details of subscriptions and advance recoveries has been shown by the S.P., CBI, Guwahati vide their letter dtd. 15.12.2000. A copy of the same has been enclosed herewith and marked as ANNEXURE-I.

That on an enquiry made by the Jt. Director, NEPA (North Eastern Police Academy) with regard to the transfer of my G.P.F., the Superintendent of Police, CBI, ACB, Guwahati (where I was on deputation) informed that my above mentioned subscription / refund of advance have been remitted to my A/c No. SHI/NEC/387 through your office. A copy of the letter informing the same is enclosed herewith and marked as ANNEXURE-II.

That I was surprised to note that the amount i.e. credits and recoveries deducted from my salary was not transferred to the RPAO, Shillong from your office till 2002. The same can be inferred through the Annual Statement of General Provident Accounts issued by the RPAO, Shillong, specially mentioning that my credits / recoveries from PAO, CBI, New Delhi not yet received. A copy of the Annual Statement of GPF is enclosed herewith and marked as ANNEXURE - III.

Certified to be true Copy

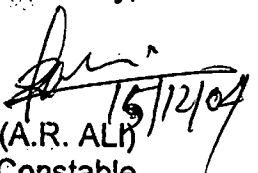
Advocate

That I wrote to your office several times in this regard but so far I have not received any response from your end as to the fate of my above mentioned balance amount of GPF which is my hard earned money.

Under the circumstances mentioned above I would like to request you ardently to look into the matter urgently so that I shall not be deprived of my hard earned money.

And since the matter is pending for a long time and I am urgently in need of money a prompt response from your end is highly solicited so as to satisfy my long pending grievances in this regard.

Yours faithfully,

  
(A.R. ALI)  
Constable  
NEPA, Umsaw.

18/12/04

D. K. Mishra

M.Sc., M.A., Proven, B.L.I.Sc.,

B.C.J., LL.B.

ADVOCATE

GAUHATI HIGH COURT

Annexure - 10  
Beltola Bazar Tinali  
Mobile No:-94350-64440  
Phone No:-03678-240015 (R)

-23-

5

2/

Registered with A/D

To

The Chief Accounts Officer (Funds)  
Pay & Accounts Office, C.B.I.  
1<sup>st</sup> floor, A-Wing, AGCR Building  
New Delhi - 2

Dear Sir,

Under instructions from my client, Sri A.R. Ali, constable, North Eastern Police Academy, P.O. Umsaw, P.S. Umiam, Dist. Ri-Bhoi, Meghalaya, I am giving you this notice as under -

1. That my client Sri A.R., Ali was on deputation in the office of the Superintendent of Police, C.B.I., Anti Corruption Branch, Guwahati, for a period of three years from 16/4/96 to 21/4/99.

2. That during the above mentioned period of his deputation he made regular monthly contributions towards his General Provident Fund and Refund of advance for the same.

3. That the records available from the office of the Superintendent of Police, C.B.I. Guwahati, reveals that monthly subscription / Refund of advance have been remitted to his Account No. SHI/NEC/387 through your office debit to Sr. Accounts Officer, R.P.A.O. (IB), Shillong-3. A copy of the letter issued by the S.P.(C.B.I.), Guwahati, in this regard is being enclosed herewith and marked as Annexure-I.

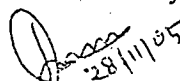
4. That since 2000 my client has communicated the matter to your office and other concerned depts. several times by submitting letters, Representations, Appeal, etc. but of no avail.

5. That therefore my client has been deprived of an amount of Rs. 1,00,000 (one lakh) approximately, which is his hard earned money.

6. That you are hereby requested to do the needful for transfer of the said G.P.F. amount to my client's account within a period of 30 days from the date of receipt of this notice, failing which the matter may be placed before the court of law for the ends of justice.

Encl:- Annexure-I.

Yours Sincerely

  
(Shri Diganta Kr. Mishra)  
Advocate, Gauhati High Court

नहीं NOT INSURED

Postage of Stamps affixed Rs. 25 P.

Reviewed a Registered

Addressed to

New Delhi - 2

क्रमांक  
No. 2267  
Date Stamp

Signature of Receiving Officer

Certified to be true copy  
Advocate