

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. CA.124/2006

R.A/C.P No.

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SECTION OFFICER (Judl.)

Bahli  
24/06/07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 144/06
2. Miso Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(S) Sri Ibotambi Singh

Respondant(S) U. O. I. Jobs

Advocate for the Applicant(S) Mangs... Sonania.....

.. Babul... Deka.....

.. Hs... S. Boro.....

Advocate for the Respondant(S) C.G. S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/DO No. <u>266/324516</u> Dated <u>14.6.06</u></p> <p><u>Deep</u> Dy. Registrar</p> <p><u>Steps Taken</u></p> <p><u>15.6.06</u></p>	<p>16.6.2006</p>	<p>Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman.</p> <p>The applicant is a Mail-Jamadar under the respondents working in the office of the Sub-Post Office, Dimapur, Nagaland. According to his averments and Annexures-D &amp; E produced, his date of birth is 6.9.1949 and it is averred that if that date of birth is taken into account, he will retire only in 2009 whereas vide impugned order dated 26.10.2005 the third respondent has passed an order stating that the applicant will be deemed to have retired on superannuation w.e.f. 30.4.2003 A/N and also stated that his pensionary benefits will be made accordingly. The applicant has made an appeal/representation dated 24.11.2005. Prior to issuance of the impugned order dated 26.10.2005 vide order dated 22.7.2005 applicant was directed to submit his age proof certificate as the same was not available in his Service Book.</p>

Contd.

16.6.2006 The applicant subsequently produced date of birth certificate by the civic authority which was not considered. The applicant further submits that the respondents are desirously trying to vacate his quarter. That apart, an outstanding amount of Rs.2,12,366/- towards excess stayed amount drawn by him in service is also attempted to be recovered by the respondents. Hence the present O.A.

When the matter came up for admission Mr. M. Sarania, learned counsel for the applicant is present and Mr. G. Baishya, learned Sr. C.G.S.C. represented the respondents. Mr. Baishya requests for time to get instruction in the matter. Let it be done. However, in the interest of justice this Tribunal directs the respondents not to initiate any recovery of the amount as per Annexure-J order from the applicant till the next date. Further applicant is permitted to stay in the quarter till the next date if he <sup>has</sup> not already vacated.

Post on 17.7.2006.

Vice-Chairman

bb

17.7.2006

Four weeks time is granted to the respondents to file reply statement.

Post on 18.8.2006. Interim order dated 16.6.2006 will continue till the next date.

Vice-Chairman

bb

18.8.2006

Four weeks time is granted to the respondents to file reply statement. Post on 23.10.2006.

Interim order will continue till such time.

Vice-Chairman

bb

Received.  
Babul Singh  
Adv. 19/6/06.

Received  
G. Baishya  
Sr. C.G.S.C.  
20.6.06.

Order dt. 16/6/06  
issuing to learned  
advocate's for both  
the parties.

20/6/06.

Received  
G. Baishya  
Sr. C.G.S.C.  
18.7.06

Order dt. 17/7/06  
issuing to learned  
advocate's for both  
the parties.

18/7/06 G.

No. 103 has been  
filed.

17.8.06.

O.A. 144 of 2006

23.10.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

Order dt. 23/10/06  
issuing to learned  
learned advocate for  
both the parties.

26/10/06.

No Wks have been  
filed.

21-11-06.

Order dt. 22/11/06  
issuing to both  
the parties.

23/11/06.

No Wks have been  
filed.

19-12-06.

No Wks have been  
filed.

23-1-07.

26-2-07  
No Wks filed so far.

lm

lm

Learned Counsel for the  
Respondents wanted further time to file  
reply statement. Let it be done.

Post on 22.11.2006. Interim order  
will continue till the next date.

Vice-Chairman

/mb/

22.11.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice - Chairman.

The Respondents are directed to file  
reply statement. Post on 20.12.2006.  
Interim order shall continue until further  
order.

Vice-Chairman

/mb/

20.12.06 Counsel for the respondents seek  
further four weeks time to file written  
statement.

Post on 24.1.07 for order.

vice-Chairman

pg

24.01.07

Counsel for the respondents has  
submitted that the written statement is  
ready and he will serve the same within a  
week. Liberty is given to the applicant to  
file rejoinder if any.

Post the matter on 27.2.07.

Vice-Chairman

27.2.07.

Counsel for the respondent submitted that the written statement is being filed to-day. Let the same be kept in record. Respondents are directed to file reply to the written statement. Interim order shall continue. Post the matter on 14.3.07.

Member

Vice-Chairman

lm

2.3.07

W/S submitted  
by the respondents.  
page contains 1 to 24,

Pri.

13.3.07

No rejoinder has  
been filed.

13/3/07.

14.3.2007

Post on 24.04.2007 for filing of rejoinder. It is made clear that no further opportunity will be given to the Applicant to file rejoinder.

wrongly  
typed the  
order dt-  
24/2/06

B/Ban  
4/7/07

/bb/

Member

Vice-Chairman

O.A. 144/06

25.7.07. Pleadings are completed. Post the matter before the next available Division Bench.

Vice-Chairman

lm

26.9.2007

Call on 27.09.2007.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

/bb/

27.9.2007

Call this matter on 12.10.07.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

/lm/

12.10.07 None appears for the Applicant nor the applicant is present. However, Mr G. Baishya, learned Senior Central Govt. Standing Counsel for the Respondents is present.

Call this matter on 13.11.07 for hearing.

(Khushiram)  
Member(A)

(Manoranjan Mohanty)  
Vice-Chairman

pg

11/10/07

Ready for hearing.

The case is ready for hearing.

12.11.07

O.A. 144/07

13.11.2007

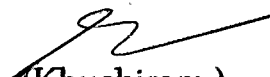

Call this matter on 15.11.2007 for  
hearing before Division Bench.



(M.R. Mohanty)  
Vice-Chairman

Lm

15.11.07 Having heard the counsel for both  
the parties, The case is disposed of vide  
orders recorded in separate sheet. With the  
disposal of this O.A., M.P.Nos. 53/06 &  
101/07 are also stands disposed of.

  
(Khushiram)  
Member(A)  
(M. R. Mohanty)  
Vice-Chairman

pg

22.11.07

Certified Copy  
of the judgment  
has been collected  
by the Applicant  
and copy of the  
judgment has been  
sent to the D/Sec.  
for issuing the  
due to the  
L/Adv. for the  
Respondent and to  
the Respondent No 3  
by post.

TH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

.....

Original Application No. 144/2006

DATE OF DECISION : 15-11-2007

Shri Ibotombi Singh

.....Applicant/s

Mr M. Sarania

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr G. Baishya, Sr.C.G.S.C.

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

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 their Lordships wish to see the fair copy of the judgment ? Yes/No.

Vice-Chairman/Mamber(A)



a

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.144 of 2006.

Date of Order : This the 15th Day of November, 2007.

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Ibotombi Singh  
S/o Late A. Amuba Singh  
Dimapur Postal colony,  
P.O. Dimapur, MDG - 797112  
Dist. Dimapur, Nagaland

.....Applicant

By Advocate Mr M. Sarania

- Versus -

1. Union of India  
represented by the Secretary to the  
Govt. of India, Ministry of Communication,  
New Delhi.
2. The Chief Postmaster General,  
North Eastern Circle, Shillong,  
Meghalaya.
3. The Director of Postal Service,  
Nagaland, Kohima - 979001.
4. The Director of Accounts (Postal)  
North East Circle, Shillong-793001.
5. The Sub Post Master,  
Dimapur Main Dak Ghar, Dimapur  
Dist. Dimapur, Nagaland.

.....Respondents

By Shri G.Baishya, Sr.C.G.S.C.

.....

1  
a

ORDER (ORAL)KHUSHIRAM, MEMBER(A)

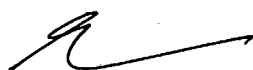
The Applicant was a Group D Mail Jamadar in the Dimapur Sub Post Office, in the State of Nagaland. He was retired, retrospectively, with effect from 30.4.2003 by an order dated 26.10.05. Orders were also issued for recovery of salary paid to him in excess of pensionary entitlement from 01.04.2003 till 26.10.05. Being aggrieved, the Applicant preferred an appeal before the Director of Postal Services at Kohima(Nagaland) on 24.11.05. Earlier, by letter dated 22.07.05, the Applicant was informed (by Director Postal Service) to submit a certificate for proof of his age. The Applicant submitted a birth certificate dated 26.07.05 issued by the Imphal Municipal Corporation. Copy of the Gradation List of Group D Staff (as corrected upto 31.07.99) was also submitted, indicating the date of birth of the Applicant as 06.07.49. He was also asked, by letter dated 20.02.06, to vacate the Staff Quarter by 28.02.06 and subsequently, by letter dated 06.03.06, the Applicant was allowed to retain the quarter upto April 2006, on payment of "double the license fees". The retrial dues of the Applicant, (like his GPF, leave encashment and CGEGIS) were ordered to be debited against the over drawal amount of salary from the date of his restrospective retirement.

2. Aggrieved by all such actions of the Respondents, the Applicant approached this Tribunal with this Original Application filed under Section 19 of the Administrative Tribunals Act 1985. The Tribunal passed an interim order on 16.06.06 restraining the Respondents from



effecting recovery of the total amount of Rs.2,12,366/- and the Applicant was also permitted to stay in the Govt. Quarters till the next date, if he had not already vacated. The said interim order was extended, during the course of litigation, from time to time.

3. The Respondents have filed their written statement in this case stating that the date of birth of the Applicant was recorded to be 01.05.1943 in the service sheet that was opened on his joining service on 17.06.1968 but, due to some clerical mistake, his date of birth was wrongly recorded as 06.09.1949 in the Gradation List and, as a result, he continued in service beyond the actual date of retirement; that the Applicant himself never brought the fact of wrong notings in the Gradation List or about the actual date of retirement to the notice of the Respondents and that therefore, the Respondents sought recovery of the salary paid to him after 30.04.2003 i.e. the actual date of retirement. The Respondents also contended that the date of birth once entered in the service book was not available to be altered; unless sanctioned by the competent authority and that request for change of date of birth was to be made only within 5 years of entry in the service and that by mistake the date of birth of the applicant was shown as 06.09.1949 in the gradation list. They have blamed the Applicant for having not brought this illegality to the notice of the competent authority for correction. The Respondents; who ordered for recovery of license fee and double license fee from the Applicant for retention of quarter, took a stand in their written statement that since the retired Government servant are not entitled to receive salary but only monthly pension, the Respondents were justified in asking for the recovery



of excess payment made to the applicant (as salary) to the tune of Rs.2,11,595/-. It has been disclosed by the Respondents that pension of the applicant has been calculated at Rs.771/- and that it has been calculated after adjustment of Rs. Rs.2,12,366/-, are to be recovered from pensionary benefits; for excess payment (as salary) were made to the Applicant.

4. We have heard Mr M.Sarania, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr. Standing Counsel for the Union of India (appearing for the Respondents) and perused the material placed on record.

5. The learned counsel for the Applicant has asserted that the Applicant is uneducated/illiterate person and his date of birth is shown as 06.09.1949 in the Gradation List of Group D (as corrected upto 31.07.99) and supported by the date of birth certificate submitted by him to the department should be deemed as correct. He also submitted that the Government Quarter could not be vacated by the poor Applicant because the Respondents refused to pay him even the retirement benefit and whatever could have been paid to him was to be adjusted against the alleged excess payment made for salary etc. and that without anything in hand (even as monthly pension/provisional pension) for his/his family's sustenance the poor Applicant could not find out any shelter (for his family) other than the Govt. Quarters, which was in his possession. The applicant has vacated the Government accommodation on 10.10.07.

6. The Learned Senior Standing Counsel for the Respondents, on the other hand, submitted that the Applicant should have brought the mistake regarding his date of birth to the notice of the department; for



which he was duty bound. But he failed to do so. Therefore, the order for recovery of payment (made in excess of pension) from the applicant is justified. He argued that for the reason of claims raised in the present case, no monthly pension are being paid to the Applicant.

7. We have given our careful consideration to the rival contentions of both the parties and perused the documents made available before us. The photo copy of the service book produced by the Respondents indicated the date of birth as 01.05.1943. The Applicant never filed any application for correction of the same. The Gradation List of Group D employees (as corrected upto 31.07.99) shows the date of birth of Applicant as 06.09.49, whereas he entered service on 17.06.68 (the Gradation List however, shows the date of entry in service as 24.04.65). If his date of birth is taken as 06.09.49; then on the date of entry in service (as per Gradation List) he was barely 16 ½ years old; which was not possible as the minimum age for entry in Govt. service was/is 18 years and, therefore, he could not have been employed being under age. Thus, the date 01.05.1943, as mentioned in service book of the applicant, as his date of birth is only to be relied upon and the date (as given in the birth certificate submitted by Applicant, to prove his date of birth as 06.07.49, from Municipal Corporation of Imphal) can not and ought not be relied upon. Obviously the Applicant had superannuated and was retired on 30.04.2003 because as per Chapter V page 79 of Swamy's Pension Compilation incorporating CCS (Pension) Rules, "A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of



sixty years." That apart, the Applicant having never claimed his date of birth as 1949 nor ever asked to correct the entry (regarding date of birth etc.) in his service book within first 5 years of his entry in service, his belated attempt (at the fag end of his service) was/is not available to be entertained.


8. It was a clerical mistake (as admitted by the Respondents) when wrong entries of dates were reflected in the gradation list and, as it appears, for the reason of the said mistake, the Respondents, virtually, allowed the Applicant to continue in service after the actual date of superannuation till the issuance of order dated 26.10.2005. Since the Applicant discharged his duties till he was actually retired, he was entitled to full salary; which has rightly been paid to him. Therefore, on the peculiar circumstances of this case, the Applicant should be paid "notional pension" as applicable to him on normal superannuation calculated on the basis of the pay etc. last drawn on or before 30.04.2003, with effect from 01.05.2003 to 26.10.2005, and actual pension with effect from 27.10.2005; without effecting any recovery (of the amount paid to him as salary etc., in excess of the entitled pensionary benefits) from pension and other terminal benefits payable to the Applicant. Similarly, he continued in occupation of the Government Quarter for a longer time; part of which was under the interim orders of this Tribunal, for which, till the date of vacation of the Quarters, i.e. 10.10.07, the Applicant will have to pay only the normal license fee. We order accordingly. While passing this order, we have taken note of the fact that even after issuance of PPO, the Respondents have not released the monthly pension to the Applicant, apparently for the reason



of pendency of this case (as a result of which he was deprived of his sustenance) which, as stated by the counsel for the Applicant compelled the Applicant to remain in the Quarter.

9. The Respondents are directed to release full pensionary benefits etc. (all arrears) of the Applicant, as per this order by end of January 2008. Monthly pension need be paid to the Applicant from end of December 2007.

10. This Original Application is, virtually, allowed to the extent the observations and directions made hereinabove. There will be no order as to costs.

  
(KHUSHIRAM)  
ADMINISTRATIVE MEMBER

  
(MANORANJAN MOHANTY)  
VICE CHAIRMAN

18

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL : :**

**GUWAHATI BENCH.**

**ORIGINAL APPLICATION NO. 144 /2006.**

Shri A. Ibotombi Singh. .... Applicant.

**- V E R S U S -**

The Union of India & ors. .... Respondents.

**SYNOPSIS**

<b><u>Sl. No.</u></b>	<b><u>Particulars</u></b>	<b><u>P/ No.</u></b>	<b><u>Particular of facts</u></b>
1.	Annexure- "A"	14	The Impugned order dated 26.10.05 was passed by the Director of postal services, Nagaland, Kohima vide No. B-2/Staff/A.Ibotombi Sing, dated 26.10.05.
2.	Annexure- "B"	15	Appeal/Representation before the Director of postal services, Nagaland, Kohima on 24.11.05.
3.	Annexure- "C"	16	Vide letter No. B-2/Staff/A. Ibotombi/ D.O.B./05, dated 22.7.05 the applicant was informed by the respondent No. 3 that the age proof certificate was not available in the personal file and submit the same.
4.	Annexure- "D"	17	The birth certificate dated 26.7.05 issued by the Imphal Municipal Corporation.
5.	Annexure- "E"	18	The unsigned gradation list of group-D staff corrected upto 31.7.99.
6.	Annexure- "F"	19	Vide letter No. D-2/Staff/Quarter/IV/Dmp, dated 20.2.06, the applicant was asked to vacate the T-II staff quarter by 28.2.06.
7.	Annexure- "G"	20	Vide letter No. D-2/Staff/Qtr/IV/Dmp,



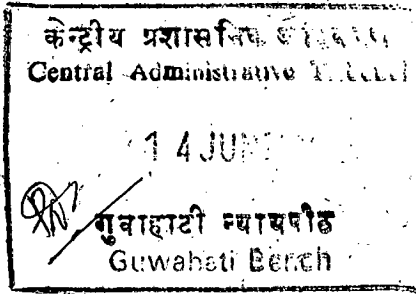
dated 6.3.06, the applicant was directed to pay the double the licence fee and retention of the quarter was permitted upto April / 2006.

8. Annexure- "H" 21 The reminder letter to the respondent No. 3 on 25.4.06
9. Annexure- "I" 22 The direction from the respondent No. 4 vide letter No. NE/Pn/DCRG-15/06-07/LC-61/05-06/191, dated 27.4.06 to the respondent No. 3 that a sum of Rs. 1,05,122/- being the amount of the DCRG in favour of the applicant to be disburse.
10. Annexure- "J" 23 Sanction of Rs. 1,05,122 /- was accorded by the respondent No. 3 vide letter No. C-2/ Pension/Shri A. Ibotombi Singh, dated 8.5.06.
11. Annexure- "K" 24 The applicant was asked to vacate the quarter within 7 days vide this impugned communication No. D-2/Staff/Quarter/IV/Dmp, dated 16.5.06.
12. Annexure- "L" 25 The respondent No. 3 vide another letter No. C-2/Shri A. Ibotombi Singh, dated 25.5.06 informed that the pensionary benefit amounting Rs. 84,303/- payable to the applicant from his GPF, leave encasement and CGEGIS to be debited against the overdrawn amount.

Filed by

*Babul Deka.*  
12/6/06

(Sri Babul Deka.), Advocate.



**RECEIPT SLIP**

Receipt of the application filed in the Central Administrative Tribunal Guwahati Bench by Shri A. Ibotombi Singh in the Department of Communication residing at Dimapur, Postal Coloney, P.O.- Dimapur, MDG, Dimapur-797112 in the district of Dimapur, Nagaland is hereby acknowledged.

Dated

For Registrar,

Seal

Central Administrative Tribunal

Guwahati Bench

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

17 JUN 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH.**

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

**ORIGINAL APPLICATION NO. 144 /2006.**

Shri A. Ibotombi Singh. .... Applicant.

**- V E R S U S -**

The Union of india & ors. .... Respondents.

**I N D E X**

<b><u>Sl. No.</u></b>	<b><u>Particulars</u></b>	<b><u>Page Nos.</u></b>
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Filed by

Babul Deka  
14/6/06

Sri Babul Deka.), Advocate.

*Filed by,  
The applicant through  
Sri Babul Singh,  
Advocate.  
A. L. Lomeli Singh, 20*

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH.**

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

**ORIGINAL APPLICATION NO. 144 /2006.**

Sri A. Ibotombi Singh.

S/o :- Late A. Amuba Singh.

Dimapur Postal Colony.

P.O.- Dimapur, MDG - 797112.

Dist:- Dimapur, Nagaland.

.....Applicant

**-- V E R S U S --**

1. The Union of India

Representation by the Secretary to the  
Ministry of Communication, New Delhi.

2. The Chief Post Master General,

(North-East Region, Shillong)

3. The Director of Post Service, Nagaland

Kohima, 979001

4. The Director of Accounts (Postal)

North-East Circle, Shillong - 793001

5. The Sub-Post Master,

Dimapur, Main Dag Ghar, Dimapur.

Dist:- Dimapur, Nagaland.

.....Respondent.

**Particulars of the Application.**

**1. Particulars of the Order against which this application is made:-**

This application is made against the impugned Order dated 26.10.05 passed by the Director of Postal Services, Nagaland, Kohima vide Order No.B-2/Staff/A. Ibotombi Singh, dated 26.10.05 by which he was allowed to go on retirement from his service as Group-D staff of Dimapur MDG, after attaining the age of 60 years on 30.4.2003 with retrospective effect. It is directed that the applicant deems to have been retired on after reaching superannuation with effect from 30.4.03 and the payment of salary etc. surplus would be recoverable from his monthly pension paid to the applicant after 30.4.03 would be recovered forthwith.

**2. Jurisdiction of the Tribunal :-**

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

**3. Limitation :-**

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

**4. Facts of the case :-**

4.1. That the present applicant has come before this Hon'ble Tribunal seeking an appropriate direction to the respondents authority to allow to resume his duties as mail-jamader in the office of the sub-post office Dimapur till his actual date of retirement.

4.2 That the applicant joined in the postal service in Imphal in the State of Manipur in temporary status. Later on, the applicant has been regularized at Dimapur, Nagaland with effect from 24.4.65. Since then the applicant have been discharging his duties in the said capacity till date

A. Ibotombi Singh

without any break to the satisfaction of the authority concerned. There is no any bad remarks or bad service reputation in his entire service career.

4.3. That the applicant has been served with a copy of the impugned order dated 26.10.05 passed by the Director of postal services, Nagaland, Kohima vide No. B-2/Staff/A.Ibotombi Sing, dated 26.10.05. The applicant after getting the said order on 30.10.05 surprised and shocked after knowing that he was directed to go on superannuation with retrospective effect w.e.f. 30.4.03. In the said order dated 26.10.05 it was also ordered that the applicant deemed to have been retired on 30.4.03 on reaching superannuation. Further it was also ordered in the para- 3 of the impugned order dated 26.10.05 that the surplus payment made by the respondent authority to the applicant till 30.10.05 would be recovered forthwith from the monthly pension. Accordingly, the applicant was released on 31.10.05.

The copy of the impugned order dated 26.10.05 is annexed as Annexure- "A" to this application.

4.4. That the applicant after getting the said surprise impugned order dated 26.10.05 made an appeal/representation before the Director of postal services, Nagaland, Kohima on 24.11.05 stating that according to the gradation list supplied to the applicant by the department, the date of birth of the applicant is mentioned as 6.9.49 which the applicant has entered in initial joining on 24.4.65. But the order to go on retirement and recovery for the past 30 months of pay and allowances received by the applicant for the work done was a major surprise to him and he feels it is very unjustified. Further, it was also appealed that prior to the date of deem to be retirement i.e., 30.4.03, the applicant was not intimated. Therefore, it was requested to the respondent No. 3 to modify the order of retirement and not to recover the amount paid to him for the last 30 months.

22  
A. Ibotombi Singh

A copy of the appeal/representation dated 24.11.05 is annexed as Annexure- "B" to this application.

4.5 That the applicant begs to state that prior to issue of the impugned superannuation order dated 26.10.05 a letter was issued by the respondent No. 3 being No. B-2/Staff/A. Ibotombi/D.O.B./05, dated 22.7.05 to him. In the said letter it was informed that the age proof certificate of the applicant was not available in the personal file. Therefore, the applicant was directed to submit the same to the office within 3 days time without fail. The applicant after receipt of the said letter dated 22.7.05 submitted the date of birth certificate issued by the Imphal Municipal Corporation under the signature of Sub-registrar, Birth and Death, Imphal Municipal Council, Imphal, dated 26.7.05. In the said birth certificate his date of birth has been shown as 6.7.49. Further it may be stated that as the said birth certificate was issued by the Imphal Municipal Council basing on a school certificate issued by the Head Master Akhui Junior High school, Tamenglong district, Manipur. While he was promoted to class-IX in 1963 his date of birth was registered as 6.7.49.

The copies of the letter dated 22.7.05 and the birth certificate dated 26.7.05 are annexed as Annexure- "C" and "D" to this application, respectively.

4.6. That the applicant begs to state that the office of the respondent authority prepared a gradation list of group-D staff corrected upto 31.7.99. In the said gradation list also the applicant's date of birth has been shown as 6.9.49 and the date of entry in service is shown as 24.4.65.

A copy of the gradation list issued to the applicant without any signature and forwarding letter is annexed as Annexure- "E" to this application.

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A. Chotom Singh.

4.7. That the applicant begs to state that after allowed to go on retirement on 26.10.05 with retrospective effect w.e.f. 30.4.03 as he is no longer in service, the respondent No. 3 issued a letter to the applicant vide letter No. D-2/Staff/Quarter/IV/Dmp, dated 20.2.06 with reference to the letter dated 7.2.06 directed to vacate the T-II staff quarter by 28.2.06 paying the double the normal licence fee. In the said letter it was also stated that as per Rule the period for retention of quarter after retirement is 2 months on payment of normal licence fee and another 2 months of payment of the double the licence fee.

The copy of the letter dated 20.2.06 is annexed a Annexure "F" to this application.

4.8. That thereafter, the applicant filed a representation on 24.2.06 before the respondent No. 3 and the respondent No. 3 in reference to the said representation dated 24.2.06 vide letter No. D-2/Staff/Qtr/IV/Dmp, dated 6.3.06, directed the applicant to pay the double the licence fee for the month of January/06 and February/2006 i.e. Rs. 434/- per month x 2=Rs.868/- and be deposit at Dimapur MDG and to furnish the particulars to this office. Further, the applicant was directed to pay the 4 times the nominal fee that is Rs. 868/- (eight hundred sixty eight) only per month for the month of March/2006 and April/2006 and retention of the quarter is permitted upto April /2006.

A copy of the letter dated 6.3.06 is annexed as Annexure- "G" to this application.

4.9. That applicant begs to state that as respondent No. 3 without disposing his appeal/representation dated 24.11.05 was pressing him to vacate the quarter, so submitted another reminder on 25.4.06 in reference to the impugned order dated 26.10.05. In the aforesaid remainder it was urged that an appealed for reconsideration of the order mentioned is pending

24  
A. Chetambar Singh



and till now the applicant has not received any response or any retirement benefits from the department. Further, he is asked to vacate the quarter before 30.4.06 and he is expecting some amount of money as his retirement benefits, so that he can shift his family. But nothing has been paid till date. Therefore, request was made kindly respond to appeal considering the case sympathetically.

A copy of the remainder letter dated 25.4.06 is annexed as Annexure- "H" to this application.

4.10. That the applicant begs to state that the applicant was informed by the superannuation letter dated 26.10.05 that the 30 months excess salary will be recovered forthwith. The respondent No. 4 vide letter No. NE/Pn/DCRG-15/06-07/LC-61/05-06/191, dated 27.4.06 informed to the respondent No. 3 that a sum of Rs. 1,05,122/- (one lakh five thousand one hundred and twenty two) being the amount of the DCRG in favour of the applicant was asked to drawn and disburse in accordance with Rule 65(2) of CSS (pension) Rule 1972. In the said intimation letter of DCR gratuity it was also directed to the respondent no. 3 to recover the outstanding amount reflected in the final LPC if any be recovered and credited through UCR with appropriate details. And vide another letter No. NE/LC-61/05-06/194, dated 27.4.06 issued by the respondent No. 4 informed to the applicant that the applicant's pension has been sanctioned with effect from 1.5.06 at the rate of Rs. 2043/- plus DG per month. But neither he has received the DCRG nor any pension amount till now.

A copy of the letter dated 27.4.06 is annexed as Annexure- "I" to this application.

4.11. That the applicant begs to state that the respondent No. 3 vide letter No. C-2/Pension/Shri A. Ibotombi Singh, dated 8.5.06 has accorded sanctioned of rupees 1,05,122 (rupees one lakh five thousand one hundred

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A. Ibotombi Singh.

and twenty two) only being the payment of DCRG to the applicant. And from the statement of accounts it transpires that seems to be outstanding amount and is recoverable from the applicant as per impugned order dated 26.10.05 has been credited and adjusted alongwith the sanctioned amount. As per the respondent's calculation the outstanding amount recoverable from the applicant is Rs. 2,12,366/- (Rupees two lakhs twelve thousand three hundred and sixty six) only hence, the net payable amount to the applicant is nil.

A copy of the letter dated 8.5.06 is annexed as Annexure- "J" to this petition.

4.12. That thereafter the respondent authority in reference to the representation dated 27.4.06 made the impugned communication to the applicant vide letter No. D-2/Staff/Quarter/IV/Dmp, dated 16.5.06 issued by the respondent No. 3 that as he has not paid /credited the required license fee so he can not be allowed to retain the quarter further. Hence, the applicant was directed to vacate the quarter within 7 days.

The impugned communication dated 16.5.06 is annexed as Annexure- "K" to this application.

4.13. That, further vide another letter No. C-2/Shri A. Ibotombi Singh, dated 25.5.06 which was issued by the respondent No. 3 to the applicant, it was informed that the pensionary benefit amounting Rs. 84,303/- (rupees eighty four thousand three hundred and three) only payable to the applicant from his GPF, leave encasement and CGEGIS to be debited against the overdrawn amount. And the remaining Rs. 22,941/- (Rupees twenty two thousand nine hundred and forty one) only to be recovered from the monthly pension of the applicant. By the said letter the respondent No. 3 requested to the applicant his willingness as well as mode of adjustment of payment.

A copy of the letter dated 25.5.06 is annexed as Annexure- "L" to this application.

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A. Ibotombi Singh

**5. Ground of Relief with legal provision:-**

5.1 For that the action for the aforesaid impugned order dated 26.10.05 (Annexure- "A") and order dated 6.3.06 are illegal, arbitrary and violation the principles of natural justice and the Hon'ble Tribunal may be pleased to set aside the order directing the respondent to reinstate the applicant and to grant the benefit of past service with retrospective effect.

5.2 For that the respondent ought to have informed the applicant that he will reach superannuation on 30.3.03 and failure to inform the same in time can not be made to suffer the applicant for no fault of him.

5.3 For that the respondent asked the date of birth certificate from the applicant on 27.7.05 accordingly he submitted the same issued by the competent authority on the basis of school leaving certificate. Hence, the respondent can not pass an ex-parte order without rejecting the certificate of birth. Therefore, the action of the respondent authority is liable to set aside.

5.4 For that the respondent authority themselves admitted in the gradation list of Group-D staff corrected upto 31.7.99 that the applicant's date of birth is 6.9.49 and accordingly by the said corrected gradation list of the applicant ought to go on retirement/superannuation in the month of Sept/2009. So, the advance superannuation/ date of retirement that to with retrospective effect issued vide order dated 26.10.05 is illegal and arbitrary and liable to be interfered by the learned Tribunal.

5.5 For that if it is presumed that due to some mistake, the applicant is allowed to continue after the date of superannuation upto 30 months by the respondent authority. In spite of that the applicant can not be deprived of the service benefit for the excess 30 months. Hence, the said excess

drawl of salary can not be recoverable or deductible neither from DCRG nor from gratuity and also from pension.

5.6. For that the impugned order dated 26.10.06 has been issued without any authority of law and without any prior information to the applicant that he was supposed to be retired on 30.4.03. And on the basis of the said impugned order he was released on 30.10.05 without releasing any pensionary benefit and other benefits payable to the applicant as such the impugned order dated 26.10.06 is not sustainable in facts as well as in law.

5.7. For that vide order dated 6.3.06 he has been asked to pay the double the licence fee for retaining the quarter for the month of January/ 2006 and February/2006 that is @ Rs. 434/- (four hundred and thirty four) only per month and for the month of March /2006 and April /2006 to pay the four times of nominal fee that is Rs. 868/- (eight hundred sixty eight) only per month upto April /2006 which is illegal and devoid of law. The applicant can not be compelled in such a way to leave the quarter by April /2006.

5.8. For that the direction of the letter dated 16.5.06 to vacate the quarter within 7 (seven) days for not paying or crediting the required licence fee as requested/made vide letter dated 6.3.06 is illegal, arbitrary and violation of Article 14 and 21 of the constitution of India and respective service Rules.

5.9. For that except the last month of salary made in November 2005, the applicant has got nothing even not a single praise from the respondent authority after giving forceful retirement without prior notice vide impugned order dated 26.10.05. Further, whatever amounts, the applicant has

received as DCRG sanctioned vide Annexure- "G" has been deducted vide letter No. C-2/Pension/Shri A. Ibotombi Singh, dated 8.5.06 by the respondent authority to adjust the outstanding amount as surplus salary paid to the applicant for 30 months after 30.4.03. Even now he has a balance amount to be deducted from the applicant's. Hence, without paying anything can not force the applicant for shifting somewhere else or without giving any opportunity to establish his family is foreign to the service jurisprudence, hence the impugned communication dated 16.5.06 is also liable to be interfered by this Hon'ble Tribunal for the interest of justice.

5.10. For that the respondent No. 3 has illegally not allowed the applicant to resume his duties till his retirement as per the date of birth certificate and the gradation list prepared by the respondent authority. Hence, the impugned communication made vide letter dated 26.10.05 is liable to be interfered by staying the operation of the same.

5.11. For that the respondent can not surprisingly issue such surreptitious order to vacate the quarter issued vide letter dated 16.5.06 being no longer in service as respondent claimed as the applicant never prepared to face the such situation as he is suppose to go on retirement in the month of Sept./2009.

5.12. For that the respondent being nodal employer ought to have allowed to resume the present applicant in his duties who is still medically fit in the said post till the reaching of superannuation.

5.13 For that in any view of the matter the action /inaction on the part of the respondent are illegal, arbitrary and violation of the settled principles under service jurisprudence.

5.14. The applicant crave leave of this Hon'ble Tribunal to advance more ground both legal as well as factual at the time of hearing of the case.

**6. Details of the remedy exhausted:-**

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

**7. Matter not previous filed or pending with any other Court :-**

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

**8. Reliefs sought :-**

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

- 8.1. to quash and set aside the impugned order dated 26.10.05 issued vide No. B-2/Staff/A.Ibotombi Sing, dated 26.10.05 (Annexure- "A" ) being not conformity with the service Rule
- 8.2. to direct the respondents (particularly respondent No. 3) to be allowed to resume the present applicant as Mail-Jamadar in the office of the respondent No. 5 with retrospective effect with all consequential service benefit and/ or

*Green Singh 231*  
*Singh*  
*A. Lal Lal Singh*

8. 3. to direct the respondents not to recover the excess drawal of Rs. 2,12,366/- from the applicant and

8.4. to pass an order to release the deducted amount whatsoever to the applicant

8.4. Costs of the application.

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

**9. Interim order, if any prayed for :-**

That the present applicant prays before this Hon'ble tribunal for an interim order directing the respondent mainly the respondent No. 3 may be allowed to resume the applicant on his duties as Mail Jamadar during the pendency of this Original application.

10. ....

**11. Particulars of I. P. O.:-**

- i. I.P.O. No. :- 266324516
- ii. Date :- 14-6-06
- iii. Payable at :- Guwahati.

12. List of enclosure :-

As stated in the index.

**VERIFICATION.**

I, Sri A. Ibotombi Singh aged about 57 years son of late A. Amuba Singh; Ex. M/Jamadar, presently residing at Dimapur Postal Coloney, P.O.- Dimapur, MDG, Dimapur -797112 in the district of Dimapur, Nagaland do hereby verify that the contents of paras 1, 2, 3, 4.1, 4.2, 4.4, 4.5, 4.6, 4.9, 6, 7, and 9 are true to my knowledge and paras 4.3, 4.7, 4.8, 4.10, 4.11, 4.12 and 4.13 are matter of records which I believe to be true and the rest are true to my legal advice and I have not suppressed any material fact.

And I sign this affidavit on the 14th day of June / 2006 at Guwahati.

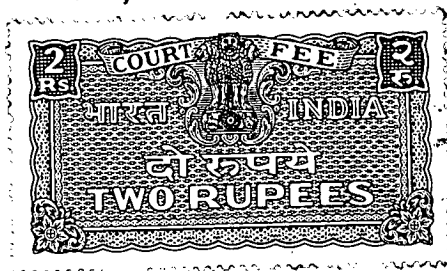
*Angom, Ibotombi Singh*

Date: 14th day of June/06

Place: Guwahati.

**Signature of the applicant**





**AFFIDAVIT**

I, Sri A. Ibotombi Singh aged about 57 years son of late A. Amuba Singh, Ex. M/Jamadar, presently residing at Dimapur Postal Coloney, P.O.- Dimapur, MDG, Dimapur -797112 in the district of Dimapur, Nagaland, do hereby swear in the name of God solemnly affirm and state as follows :

1. That I am the applicant in this instant application. And I being acquainted with the facts and circumstances of this case, I am competent to swear this affidavit and file this application.

2. That the statements made in this affidavit and paragraphs

and are true to my knowledge and those made in paragraphs

are matter of records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this th day of June /2006 at Guwahati.

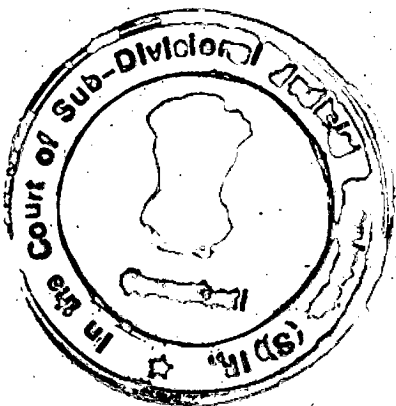
*A. Ibotombi Singh*

**DEPONENT**

Identified by :-

*Babul Chandra*  
6/6/06  
Advocate

Solemnly affirm before me by this deponent before me on this the day of June, 2006 at Guwahati.



*8/6/06*  
*[Signature]*

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND : KOHIMA - 797001

BM

No. B-2/Staff/A. Ibotombi Singh

Dated at Kohima the 26.10.05

ORDER

1. Shri A. Ibotombi Singh, Group D, Dimapur MIDG, has attained 60 years of age on 30-04-2003. However, the official was inadvertently allowed to work till date.
2. It is, therefore, ordered that the official will be deemed to have retired on superannuation with effect from 30-04-2003 A/N.
3. The payment of salary, etc. surplus to his monthly pensions paid to the official after 30-04-2003 should be recovered forthwith.

Sd/-

(SHRI L. PANGERNUNGSANG)  
Director Postal Services  
Nagaland, Kohima, 797001

30/4/03

Copy to :

1. The Postmaster, Kohima H.O for information and necessary action.
2. The Sub Postmaster, Dimapur MIDG for information and necessary action.
3. The Accountant Divl. Office Kohima for info and necessary action
4. Shri A. Ibotombi Singh, Group D Dimapur MIDG.
5. Office Copy.

*Certified to be true copy.*  
*Dr. K. A. Advaita*

(SHRI L. PANGERNUNGSANG)  
Director Postal Services  
Nagaland, Kohima, 797001

*24/10/05*

*6/9/09 D/R*

*2009. P. B. M.*

35

To,  
The Director,  
Postal Services,  
Nagaland Kohima

Reference : Your office order No.B-2/Staff/A.Ibotombi Singh dtd 26-10-05

Sir,

With due respect I beg to state the following few lines for favour of your kind consideration and sympathetic action please. That sir, as per your letter mentioned above, I was ordered to go on retirement w.e.f 30-04-2003 and the pay and allowances received for the past 30 months of my hard labour put by me for the department is also to be recovered from my pension.

Sir, I would like to bring to your knowledge that I was asked to submit my age proof certificate vide DO LETTER No.B-2/Staff/A.Ibotombi/D.O.B/05 dtd 22-07-05 and the same was submitted by me as per which my DOB is 06-07-1949. Also according to the gradation list (copy enclosed) supplied to me by the department my date of birth is mentioned as 06-09-1949. But your order to go on retirement and recovery for the past 30 months pay and allowances received by me for the work done was a major surprise and which I feel is very much unjustified. May I please ask your kind authority as to why this punishment is given to me? Why I was not intimated prior to the date i.e.30-11-03 about my date of retirement as is done to everybody else who is supposed to go on retirement? Am I to be blamed and punished for the mistakes and negligence committed by the department? Moreover, what will happen to 30 months duration of my earning and life. It means a lot to me. Does it mean anything to the department. Sir, your order has deprived me of all the benefits that I have earned after putting my whole life in the service of the department by way of this recovery.

So, it is sorry to state that it is not happily acceptable in any circumstances after rendering a complaint-less service of a service life like that of me.

I therefore request your kind authority to please modify your order and not recover the amount paid to me during these past 30 months of my hard labour and which I will consider as enough compensation for all the physical, mental and emotional pains and hardships borne by me and my family during this unfortunate period.

Thanking you

Yours faithfully

Date : 24-11-05

Ibotombi Singh  
Ex-M/Jamadar  
Dimaur MDG

Copy to : The CPMG NE Circle, Shillong

*Certified to be true copy  
Dns  
Advocate*

**DEPARTMENT OF POSTS : INDIA**  
**OFFICE OF THE DIRECTOR OF POSTAL SERVICES**  
**NAGALAND : KOHIMA-797001.**

No. B-2/Staff/A. Ibotombi/D.O.B/05

Dated at Kohima the 22-07-2005

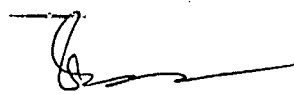
To

✓ Shri A. Ibotombi Singh  
Mail Jamadar  
Dimapur MDG

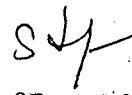
Sub. : Non-availability of Age Proof Certificate

It has come to the notice of this office that your age proof certificate is not available in your Personal File. Therefore, you are hereby directed to submit the same to this office within 3 days time without fail.

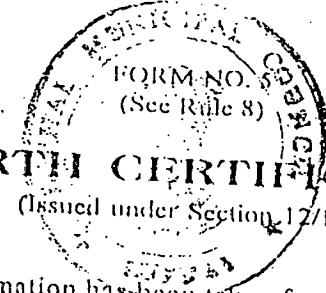
This is very IMPORTANT.

  
For Supdt. of Post Offices  
O/o. The Director Postal Services  
Nagaland, Kohima. 797001

Copy to: The SPM Dimapur MDG. He will please clarify on what basis the D.O.B of the official was written as 06-07-1949 in the gradation list. The same may be intimated to this office by next mail as the matter is very urgent.

  
Supdt. of Post Offices (Hq)  
O/o. The Director Postal Services  
Nagaland, Kohima. 797001.

*certified to be true copy  
DCA  
Advocate*



Awararane — 101

**BIRTH CERTIFICATE**  
(Issued under Section 12/17)

This is to certify that the following information has been taken from the original record of birth which is the register for (Local Area) Imphal Municipal Council  
of Tahsil of Imphal of District Imphal West  
of State Manipur  
Name Angom Motombi Singh Registration No. 209 (D) of July, 2005  
Sex male Date of Registration 26/7/05  
Date of Birth 06-07-49 (Sixth July Ninety four) Permanent Address of Father Urepek Yambem Leikai  
Place of Birth Imphal Name of Mother Alo Parizat Devi  
Name of Father late A. Anurba Singh

Date 26/7/05

Signature of Issuing Authority R. Singh 26/7/05

D/P&S No. 114/25-11-2002 Medical 50,000-C/30-11-2002

Sent to Registrar  
Birth & Deaths  
Imphal Municipal Council  
Imphal

certified to be true copy  
Advocate

Advocate E!

GRADATION LIST OF GROUP 'D' CORRECTED UPTO 31.7.99 Scale of pay -2550 -55-2660-60-3200

Sl. No.	Name of the Official	Community	Date of Birth	Date of Entry	Date of Subsequent entry	Designation	Office to which attached.	Remarks
1.	Shri.A.Ibotombi Singh	OC	06.09.49	24.04.65	-	NyJamadar	Dimapur SO	
2.	Shri.K.N.Sharma	OC	<del>24.01.46</del>	01.11.69	-	N/Guard	Dimapur SO	
3.	Shri.Man Bhadur Chetri	OC	19.10.51	16.09.70	-	Group 'D'	Mokokchung SO	
4.	Shri.Kalicharan Roy	OC	15.01.49	01.12.71	-	N/Guard	Kohima HO	
5.	Shri.G.K.Das	OC	01.04.53	15.04.74	-	Runner	Changtongia SO	
6.	Shri.Mukesh Prasad	OC	04.01.52	30.04.74	-	Group 'D'	Dimapur SO	
7.	Shri.Dil Bahadur	OC	21.01.52	01.05.74	-	Group 'D'	Dimapur SO	
8.	Shri.S.Khiamngam	ST	01.03.44	01.05.74	-	N/Guard	Tuensang SO	
9.	Shri.Nihoshe Sema	ST	15.12.45	05.05.74	-	Group 'D'	Mokokchung SO	
10.	Shri.Putui Kr. Bora	OC	04.04.52	11.05.74	-	Group 'D'	N.Mora SO	
11.	Shri.K.H.Sangtam	ST	22.01.54	25.05.74	-	LR Group 'D'	Tuensang SO	
12.	Shri.Kedilhou Angami	ST	22.11.54	01.01.75	-	Safaiwala	Kohima HO	
13.	Shri.Hiran Ch.Das	SC	23.11.52	24.11.81	-	Group 'D'	N.Mora SO	
14.	Shri.Amar Ch.Dey	OC	19.12.43	24.11.81	-	Group 'D'	N.Mora SO	
15.	Shri.Merikhon Lotha	ST	31.12.45	21.12.81	-	Group 'D'	N.Mora SO	
16.	Shri.Imsulimba Ao	ST	17.08.55	05.01.82	-	Packerman	Wokha SO	
17.	Shri.Mayan Sangha Ao	ST	13.09.43	03.02.82	-	Group 'D'	Mokokchung SO	
18.	Shri.Merentoba Ao	ST	05.02.41	03.02.82	-	Group 'D'	Mokokchung SO	

certified to be true copy  
Dr. K. A. Advaiti

DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND: KOHIMA-797001.

No.D-2/Staff/Quarter/IV/Dmp

Dated at Kohima the 20.02.2006

To

Shri A.I. Singh,  
Ex-Mail Jamadar,  
Dimapur MDG - 797112.

Sub:-

Vacating of T-II staff qtr at Postal Colony, Dimapur.

Ref:-

Your letter No nil dated 07.02.2006.

This is regarding retention of Departmental Quarter at Dimapur Postal Colony. As per rule, period for retention of quarter after retirement is 2 months on payment of normal license fee and another 2 months on payment of double the license fee.

You are therefore, directed to vacate the quarter by 28.02.2006 paying double the normal license fee.

*[Signature]* 20/2/06

FOR THE DIRECTOR OF POSTAL SERVICES  
NAGALAND: KOHIMA-797001.

Copy to:-

1. The PM, Kohima HPO for information and necessary action.
2. The SPM, Dimapur MDG for information and necessary action.

*certified to be true copy  
DnCa  
Advocate*

-20-

anwarang-9'

40

**DEPARTMENT OF POSTS : INDIA**  
**OFFICE OF THE DIRECTOR OF POSTAL SERVICES**  
**NAGALAND : KOHIMA-797 001**

No. D-2/Staff/Qtr/IV/Dmp

Dated at Kohima the 06-03-2006

To.

Shri A.I. Singh,  
Ex-Mail Jamadar,  
Dimapur MDG - 797112.

**Sub:-** Retention of quarter and payment of Licence Fee, permission for 2 months retention i.e. March 06 and April '06.

**Ref:-** *Your letter no. nil dated 24.02.06.*

This is regarding retention of quarter on medical ground and w.r.t. your letter no. nil dated 24.02.06 at Postal Colony, Dimapur.

In this regard, you are directed to pay double the Licence Fee for the month of *January '06 and February '06* i.e. **Rs.434/- per month x 2 = Rs.868/-**. You are to deposit the amount at Dimapur MDG and to furnish the particulars to this Office.

Further, you are directed to pay four times the normal licence fee i.e **Rs.868/-** per month for the month of *March '06 and April '06*.

Retention of quarter is permitted upto *April '06 only*.

*(I. Pangernungsang)*  
Director of Postal Services,  
Nagaland : Kohima - 797001.

Copy to:-

1. The Postmaster, Kohima HO for information.
2. The SPM, Dimapur MDG for information and to report compliance to this Office.

*(I. Pangernungsang)*

*entitled to be true copy.  
B.K.C.  
Advocate*



To  
The Director of Postal Services  
Nagaland, Kohima.

Sub:- Remission of in r/o of my letter dtd. 24/11/05.

Ref:- Your office order No. 3-2/Staff/A.1600mbi Singh dtd 26/11/05  
~~Endorsed for ready reference~~

Sir,

with due respect, I state that

kindly refer to the letter mentioned above, in the  
Subject wherein I had appealed for reconsideration of the  
order, <sup>mentioned</sup> in the above reference. Till now I have

I have not received any ~~letter~~ <sup>of</sup> response ~~either~~  
or any retirement benefit from the department. I  
have also been asked to vacate the quarter  
before 30/4/06. I was expecting some amount  
of money as my retirement benefit, so that I  
can shift my family and my belongings, but  
nothing has been paid to me till date.

I therefore request you, <sup>to kindly</sup> respond to my  
appeal considering my case sympathetically.

Yours faithfully,

(A-1600MBI SINGH)  
Ex

Certified to be true copy.  
D. Co.  
Advocate

21/A

42

Annexure- "H"

To,

The Director of Postal Services,  
Nagaland, Kohima.

Sub. :- Reminder in r/o of my letter dtd. 24.11.05.

Ref. :- Your office order No. B-2/staff/A.Ibotombi Singh, dtd.  
26.10.05

Sir,

Kindly refer to the letter mentioned above in the subject herein, I had appealed for reconsideration of the order mentioned in the above reference. Till now I have not recieved any response or any retirement benifit from the department. I have also been asked to vacate the quarter before 30.4.06. I was expecting some amount of money as my retirement benifit, so that I can shift my family and my belongings, but nothing has been paid to me till date.

I therefore, request you to kindly respond to my appeal considering my case sympathetically.

Your's faithfully

Sd/-Sri A. Ibotombi Singh.

*certified to be true copy  
Dr. A. C. Advoca*

-22-  
**DEPARTMENT OF POSTS: INDIA.**  
**Office of the Director of Accounts (Postal)**  
**N.E.CIRCLE: Shillong - 793001.**  
**[NIDESHAK LEKHA(DAK)KARYALAYA]**

*Angana - I*  
43

No: - NE/Pen/DCRG-15/06-07/LC-61/05-06/ 19/

Dated at Shillong 27 APR 2006

To,

The Director of Postal Services  
Kohima- 797 001.

(1) D/R: 30.04.2003

Sub: - Intimation of D.C.R. Gratuity in favour of. Shri A.Ibotombi Singh, Group D, Dimapur  
MDG Holder of PPO NO. NE-295.

Ref.: Your No. C-2/Pension/Sh A. Ibotombi Singh dated- 21.12.05, 01.03.06 and 05.04.06.

A sum of Rs.1,05,122/- (Rupees One lakh five thousand one hundred twenty-two) only being the amount of D.C.R.G. in favour of Shri A.Ibotombi Singh, may please be drawn and disbursed in accordance with Rule-65(2) of the C.C.S.(Pension) Rules-1972 amended read with Rule- 68 ibid after adjusting the Govt. dues (including immediate relief) and provisional Gratuity sanctioned and paid if any, referred to in Rule -71 and Rule 68 ibid.

The outstanding dues reflected in the final LPC if any, may please be recovered and credited through U.C.R. with appropriate details to facilitate proper classification of accounts.

3. The amount of D.C.R.G. is debit able to 3201-07-104-gratuity.
4. The observations in the C&R made in this case may kindly be kept in view before acting upon this intimation.
5. The receipt of this letter may kindly be acknowledged.

*s.//*  
Accounts Officer (Pension).

No: - NE/Pen/DCRG-15/06-07/LC-61/05-06/ 192

Dated at Shillong 27 APR 2006

Copy forwarded to Shri A.Ibotombi Singh. He is requested to contact The Director of Postal Services, Kohima.

Address: UNIPOK Yambenkikai, Vill- Dist Imphal, Imphal H.O.

*27/04/06*  
For Director of Accounts (Postal),  
Shillong- 793 001.

*Certified to be true copy.  
Dena  
Achochane*

DEPARTMENT OF POSTS:INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND::KOHIMA-797001

No. C-2/Pension/ Shri A. Ibotombi Singh

Dated at Kohima, the 08/05/2006

Sanction is hereby accorded to the payment of Rs. 105,122/- (Rs. One lakh five thousand one hundred twenty two ) only being the payment of DCRG payable to Shri A. Ibotombi Singh, Ex- Gr-D, Dimapur MDG who retired on 30.4.2003.

2. The following outstanding amount is to be recovered from the DCRG amount and credited through UCR with appropriate details to facilitate proper classification of accounts.

3. Overpayment of pay & allowances paid to the ex-official wef:-

1/10/01 to 30.4.03

Rs. 771/-

& wef:- 1/5/03 to 30/9/05

Rs. 211,595/-

Total Rs. 212,366/-

4. Hence, the net amount <sup>payable</sup> comes to Rs. Nil.

5. For recovery of rest amount, matter has been referred to C.O. vide this office letter of even No. dtd. 05/05/2006

The amount is debitible under the head of A/C :- 3201-07-104- Gratuity.

This authority is issued in pursuance of DA(P), N.E. Circle, Shillong memo No. N12/Pension/DCRG/-15/06-07/LC-61/05-06/191 dtd. 27/4/2006.

( I. Pangemungsang )  
Director of Postal Services  
Nagaland Kohima 797001.

Copy to:-

1. The PM Kohima HO for inf. n/a.
2. The DA(P) Kolkata ( through the PM Kohima HO. )
3. The SPM (HSG-1) Dimapur MDG for inf.
4. The Accounts Officer (Pension), O/o the DA(P) Shillong 793001 for inf. w.r. this memo cited above.
5. O/C

6. Sh. A. Ibotombi Singh Ex-Gr-D Dimapur  
MDG c/o SPM Dimapur MDG for inf.

(I. Pangemungsang)

certified to be true copy.  
BNC.  
Achoan

-24- Darnave - K  
**DEPARTMENT OF POSTS : INDIA**  
**OFFICE OF THE DIRECTOR OF POSTAL SERVICES**  
**NAGALAND : KOHIMA-797 001** K 45

No. D-2/Staff/Qtr/IV/Dmp

Dated at Kohima the 16-05-2006.

To,

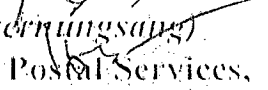
Shri A.J. Singh,  
Ex-Mail Jamadar,  
Dimapur MDG - 797112.

**Sub:- Retention of quarter and payment of Licence Fee-reg.**

**Ref:- Your letter no. nil dated 27.04.06.**

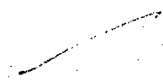
Kindly refer to this Office letter of even no. dated 06.03.06 on the above cited subject. It has been intimated that you have not paid/credited the required licence fee as requested.

As per rule, you cannot be allowed to retain the quarter further. Hence, you are directed to vacate the quarter within (seven) 7 days.

  
(I. Pangernungsang)  
Director of Postal Services,  
Nagaland : Kohima - 797001.

Copy to:-

1. The Postmaster, Kohima HO for information.
2. The SPM, Dimapur MDG for information and to report compliance to this Office.
3. Office Copy.

  
(I. Pangernungsang)  
Director of Postal Services,  
Nagaland : Kohima - 797001.

*Certified to be true copy.  
D.Ka.  
Advocate.*

-25-  
REGISTERED

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND KOHIMA 797001

No. C-2/Shri A. Ibotombi Singh

Dated at Kohima, the 25/05/2006

To,

✓ Shri A. Ibotombi Singh,  
( Ex-Gr-D, Dimapur MDG )  
C/O SPM (HSG-1) Dimapur MDG-797112.

Sub:- Regarding sources of recovery in r/o overpayment of salary paid to you w.e.f 1/5/2003 to 30/9/2005.

The CO, Shillong has directed vide his letter No. Staff/118-14/2005 (L.A.) dtd. 19/5/2006 that pensionary benefits amounting to Rs. 84,303/- payable to you from GPF, Leave encashment and CGEGIS may be deposited by you to be debited against the overdrawn amount. Remaining balance amount of Rs. 22,941/- to be recovered from your monthly pension.

You are also requested to apply commutation of pension immediately. The application for the same has already been sent to you vide this office letter of even No dtd. 27/10/2005. However, a set of application for commutation of pension (in duplicate) is sent herewith for necy. filled-up and early submission to this office.

It is therefore, requested to give your willingness to the above cited direction as well as method of adjustment of over payment amount.

Encls:- AA

( I. Pangermingsang )  
Director of Postal Services  
Nagaland Kohima 797001

Copy to :-

1. The SPM (HSG-1) Dimapur MDG for inf. He is also requested to help to filled-up the application of commutation of pension of Shri A. Ibotombi Singh and forward the same to this office at the earliest.

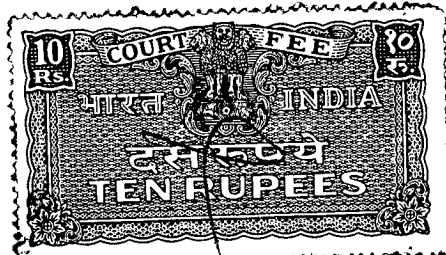
2. O/C

Sd/-  
( I. Pangermingsang )

*Certified to be true copy.  
D.K.A.  
Advocate*

SL. No.

47859

DISTRICT: *Dimaapur*

## VAKALATNAMA

## IN THE GAUHATI HIGH COURT

[ THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH ]

Original Application NO. *144* OF 2006*Sri. A. Ibokambi Singh,*APPELLANT  
PETITIONER

VERSUS

*Union of India & ors,*RESPONDENT  
OPPOSITE-PARTY

Know all men by these presents that the above named *applicant & executant* do hereby nominate, constitute and appoint Sri/Smti *Manas Sarania, Sri Babul Deka and Mr. Suchitra Basu* Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this *14th* Day of *June 2006*.

N. M. LAHIRI (Sr. Adv.)	K.R. PATHAK (Sr. Adv.)	T.C. KHATRI (Sr. Adv.)	R.P. SHARMA (Sr. Adv.)
B. M. GOSWAMI (Sr. Adv.)	BHUBANESWAR KALITA (I) (Sr. Adv.)	MS. BINOYA DUTTA	S.C. BISWAS
J.P. BHATTACHARJEE (Sr. Adv.)	B. R. DAS (Sr. Adv.)	BHABATOSH BANERJEE	P.C. RAYMEDHI
D.C. SHARMA	S.P. DEKA	R.K. JAIN	UTPAL DAS (I)
B. K. GOSWAMI (Sr. Adv.)	D.R. GUHA	G.K. BHATTACHARYYA (Sr. Adv.)	DR S. S. HARLALKA
A. M. MAZUMDAR (Sr. Adv.)	SAUKAT ALI (Sr. Adv.)	PRANABANANDA PATHAK (Sr. Adv.)	D.R. GOGOI
P. K. BARUA (Sr. Adv.)	B. K. ACHARYYA	DR H. N. DAS (Sr. Adv.)	KHAIRUL BASAR
S. N. BHUYAN (Sr. Adv.)	MS. USHA BARUAH	B. C. MALAKAR	A.S. CHOUDHURY (Sr. Adv.)
J. K. BARUAH (Sr. Adv.)	N.C. DAS (Sr. Adv.)	SAMSUL HUDA	DINDAYAL AGARWALA
ANIL SARMA (Sr. Adv.)	A.K. BHATTACHARYYA (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
B.K. DAS (Sr. Adv.)	A. B. CHOUDHURY (Sr. Adv.)	N.N. SARMA	MD. SAMNUR ALI
M. A. LASKAR (Sr. Adv.)	T.S. DEKA (Sr. Adv.)	JANARDAN DAS	JOYDEV CH. DAS
DR S.N. CHETIA	K. P. SARMA (Sr. Adv.)	CHAITANYA BARUAH (Sr. Adv.)	V. K. BHATRA
A.S. BHATTACHARJEE (Sr. Adv.)	B. P. BORAH (Sr. Adv.)	A.C. SARMA	A.C. BORBORA (Sr. Adv.)
A. R. BANERJEE (Sr. Adv.)	H. K. SARMA	N.Z. AHMED	P.K. KALITA
D.K. HAZARIKA (Sr. Adv.)	PRABIN BARTHAHAKUR (Sr. Adv.)	N.C. PHUKAN	SAILEN MEDHI
N.N. SAIKIA (Sr. Adv.)	M.C. BARTHAHAKUR	MUNIN (GAUTOM) SARMA	MRS. M.B. DUTTA CHOUDHURY
J.M. CHOUDHURY (Sr. Adv.)	P.C. GAYAN	FAIZNUR ALI	P.C. GOSWAMI
P.K. GOSWAMI (Sr. Adv.)	C.K. SHARMA BARUA (Sr. Adv.)	D.K. KAKATI	APURBA SARMA (I)
P.G. BARUAH (Sr. Adv.)	ANUP KR. DAS	G.N. SAHEWALLA (Sr. Adv.)	K.H. (SALIM) CHOUDHURY (Sr. Adv.)
C.R. DE (Sr. Adv.)	DR Y.K. PHUKAN (Sr. Adv.)	G. K. JOSHI (Sr. Adv.)	A.K. PURKAYASTHA
D. K. BHATTACHARYYA (Sr. Adv.)	DIBAKAR GOSWAMI	A.A. MIR	ASHIS DAS GUPTA
D.K. TALUKDAR (Sr. Adv.)	BIJON CH. DAS (Sr. Adv.)	MS. REKHA CHAKRAVORTTY	L.P. SHARMA
R.P. AGARWALA (Sr. Adv.)	R.L. YADAV	MRS. JHARANA BORAH	VIJAY HANSARIA
D.P. CHALIHA (Sr. Adv.)	PRAFULLA ROY	S. N. SARMA (Sr. Adv.)	B. N. SARMA
MRS. K. DEKA	A.C. BURAGOHAIR	MD. ABDUL MANNAN	J. L. SARKAR
BISHNU PRASHAD	B.L. SINGHA	DILIP KR. DAS (Sr. Adv.)	R.C. SANCHATI
S.S. RAHMAN	P.K. MUSAHARY	PRADIP KHATANIAR	J.P. BORA
GOLAP SARMA	M.Z. AHMED (Sr. Adv.)	N. CHAKRAVORTY (Sr. Adv.)	SISHIR DUTTA
S.R. BHATTACHARJEE (Sr. Adv.)	R.P. KAKOTI	MRS K. YADAV	C.R. BORAH
P.C. DEKA (Sr. Adv.)	S.I. RASUL	DR B. P. TODI (Sr. Adv.)	P.K. GOSWAMI (I)
BHARGAV CHOUDHARY	GURMOORTHY GOPAL	MRS. K. BHATTACHARYYA	N.S. DEKA
P.K. DAS	B.K. GHOSE (Sr. Adv.)	A. K. BARPUJARI	M. SAHEWALLA
A.K. CHAUDHURI	S. K. BARKATAKI	S.S. SHARMA (Sr. Adv.)	H.A. SARKAR
B. R. DEY (Sr. Adv.)	DR N. K. SINGHA	S. P. ROY	MRS. RUMA BORDOLOI
A.K. PHOOKAN (Sr. Adv.)	D.C. MAHANTA (Sr. Adv.)	K.K. BHATRA	B. K. JAIN
			NILOY DUTTA (Sr. Adv.)

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KAMAL NAYAK	PARAMANANDA TALUKDAR	MD. NAZIMUDDIN AHMED	D.K. KOTHARI
SK. N. MOHAMMAD	MANABENDRA NATH	MD. HABIBUR RAHMAN	KALYAN BHATTACHARJEE
D. C. CHAKRAVARTY	MS. MONIDEEPA SARMA	JAYANTA CHUTIA	DAYAL CH. BARMAN
GIRISH MISHRA	D.K. KOTOKY	A.K. ROY	MS. R.L. GOGOI
JOGINDER SINGH (Sr. Adv)	T. BIDYUT BIKASH	R.K. PAUL	MD. K.A. MAZUMDAR
ABU SHARIF	S.B. SARMA	ASWINI THAKUR	U.C. BHATTACHARYYA
B.B. NARZARI (Sr. Adv.)	S.K. SAHA	JOGESWAR SAIKIA	TAYUM SON
MD. ABDUL WAHED (Sr. Adv.)	YADAB DOLOI	A.K. SARKAR	MS. R. DAS MOZUMDAR
NASIMUDDIN AHMED	R.C. DAS	P.B. MAZUMDAR	MS. SYEDA I.A. BEGUM
MANORANJAN DAS	P.K. TIWARI	L.M. KSHETRY	A.S. NIJAMUDDIN
DR GOBIND LAL	D.C. LAHIRI	M.K. SAIKIA	RANJAN MAZUMDAR
B.C. PATHAK	PRANAB BORAH	A.J. DAS	RAMEN DAS (I)
F.H. LASKAR	DR (MS.) S. RAHMAN	BISHNU BURAGOHAIN	N.N. OZAH
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SAURAV KATAKI	MANOJIT BHUYAN	SANJIB SAIKIA	MUKPERTIN
MD. ABDUL HAI	RAMESH BARPUJARI	MS. PORI BARMAN	DR A.C. PHUKAN
GAUTAM UZIR	MRS. NIRUPAMA SAIKIA	MD. A. SABUR CHOUDHURY	M.C. DEKA
H.R.A. CHOUDHURY (Sr. Adv.)	JENAT MOLLAH	R. N. KALITA	PALLAV KATAKI
MRS. MANJULA DAS	PUSPA KT. BORA	MS. MANOSHI HAZARIKA	S.C. KEYAL
BHABENDRA N. SARMA	NISHITENDU DHAR	MS. A. BHAGAWATI	MS. S. B. BHUYAN
BENU DHAR DAS	M.L. SHARMA	RANJAN BARUAH	SKH. MUKTAR
S. L. TULSHYAN	MS. TRIBENI GOSWAMI	JNAN CH. NATH	APARESH CHAKRAVARTY
N.N. KARMAKAR	R.K. MALAKAR	KR. DEEPAK DAS	MS. J. PHUKAN GOGOI
MRS. REETA BORBORA	BISWAJYOTI TALUKDAR	MONMOHAN TALUKDAR	GAUTAM BAISHYA
HRISHIKESH ROY (Sr. Adv.)	ANIL CH. DUTTA	UPAMANYU HAZARIKA	SIDHARTHA BHATTACHARYYA
PRADIP DAS	SINGHNAD CHOUDHURY	AMLAN DUTTA	M.P. SHARMA
MD. M. H. RAJBARBHUIYAN	DILIP MOZUMDER	BILLAL HUSSAIN	RANJIT DAS
MRS. J. B. KHARBHISH	A.M. BUZARBARUAH (I)	T. J. MAHANTA	RAMESH GOENKA
D. N. CHOUDHURY	ARUP KR. SHARMA (I)	M.D. CHOUDHURY	PHANIDHAR GOGOI
S.S. GOSWAMI	MD. JASIMUDDIN AHMED	MS. S. DEKA BARUAH	MS. P.B. HATIKAKOTI
K. K. MAHANTA (Sr. Adv.)	DR P.N. HAZARIKA	MR. DIGANTA DUTTA	MS. SUNITY SONOWAL
JAGDISH SHARMA	ZIAUL KAMAR	MS. NILIMA DEVI	MS. BABITA GOYAL
P. S. DEKA	MRS. M. PHUKAN	SATYEN SHARMA	BIMAL CHETRI
MONINDRA SINGH	R. K. SAIKIA	RAM CH. SAIKIA	PREM SHARMAH
N.R. PHOOKAN	SUBRATA NATH	UJJAL BHUYAN	BISWAJEET GOSWAMI
K.P. PATHAK (Sr. Adv)	DHANESH DAS	DIBAKAR SHARMA (I)	MRS. EVA KAKOTI
ARUP KR. GOSWAMI (Sr. Adv.)	H.N. GOSWAMI	MS. A.G. BARUAH	T.C. CHUTIA
S.S. DEY	H.P. BARMAN	MS. MANJULI DEV	V.K. CHOPRA
DIGANTA DAS	MS. JYOTI TALUKDAR	AMARENDRA CHOUDHURY	S.K. SINGH
MRS. B. ACHARYA	SACHIN KR. SHARMA	DR P. K. BHUYAN	C.T. JAMIR
DILIP CHOUDHURY	L.R. DUTTA	MS. G. D. MAZUMDAR	MALKIT SINGH
LAKSHESWAR TALUKDAR	J.N. CHAKRAVARTY	JYOTIRMOY ROY	H.K. SHARMA
S.P. MAHANTA	QZI. S. KUTUBUDDIN	ASHIS BHATTACHARJEE	SUDAMA CHAUHAN
SK. CH. MOHAMMAD	S.K. KEJRIWAL	MS. PRANATI SHARMAH	U.K. BORTHAKUR
HASIBUR RAHMAN	MS. PRATIMA DAS	KHARGESWAR DAS	MS. GEETA DEKA
MS. AJANTA DHAR	JAGANNATH BARUAH	H.K. BAISHYA	MS. N. DUTTA SHARMA
B. IBOCHOWBA SARMA	MD. M. AHMED	BISWA NATH SHARMA	MS. S. ADWANI
A.K. MAHESWARI	MS. B. K. DEVI GOSWAMI	CHANDAN DAS	P.J. PHUKAN
P.N. SINGH	B.C. SARMA	S.K. LAHKAR	MS. R. PATHAK BORAH
NILAMONI GOSWAMI	MS. J.D. ACHARYYA	RASAMAY DUTTA	MD. M. H. CHOUDHURY
MS. BHARATI DEVI	V.M. THOMAS	MS. S. BAYAN ROY	RAB HUSSAIN
DR Z.N. SHARMA	K.K. PHUKAN	S. N. DEV NATH	PALLABH BHOWMICK
K.K. DEY	B. DEVA GOSWAMI	D.C. DUTTA	S.M. SARKAR
G.K. DUTTA	AMAL CHANDRA DAS	MS. SNIGDHA BARUAH	S.K. GOSWAMI
B. MRINAL CHOUDHURY	MS. GITI KAKATI DAS	MRS. P.M. DUTTA	HARMOHAN TALUKDAR
KUMUD BARUAH	MS. BAHARUN SAIKIA	PADMA KT. BORAH	R.M. CHOUDHURY
APURBA KR. SHARMA	MRINAL KR. CHOUDHURY (Sr. Adv.)	H.S. THANGKHIEW	MASLIM GHANI
NAZRUL ISLAM	MS. AHMEDA BEGUM	P. J. SAIKIA	J.C. BEZ
RAJIB BORUAH	D.C. KATH HAZARIKA	RAJ KR. AGARWALA	BIJAN CHAKRABORTY
SRIKANTA HAZARIKA	MD. MOTIUR RAHMAN	KAMALESH K. GUPTA	A.B. ROY (Sr. Adv)
K.N. CHOUDHURY (Sr. Adv)	MS. DIPTI DAS	B. C. CHOUDHURY	A.M. BUZARBARUAH (II)
MRS. ABHA BHATTACHARYYA	M.K. JAIN	JAIRAM GIRI	UTPAL RAJ SAIKIA
A.K. THAKUR	MS. BASANA RAJKHOWA	SANTANU BHARALI	L. NESSA CHOUDHURY
A.C. MAHANTA	S.C. DUTTA ROY	P.K. ROY	DHIRAJ KR. SAIKIA
MS. BHUMIKA CHOUDHURY	S.L. JAIN	MS. GOURI SINHA	J.K. MISRA
DR A.K.G. THAKURIA	B. K. BHATTACHARJEE	P.C. DEY	BIPUL SARMAH
D.K. MISRA (Sr. Adv)	MS. ANUPAMA DEVI	K.K. NANDI	MS. S. DAS BARUAH
DR A.K. SARAF (Sr. Adv)	MS. M. BUZARBARUAH	R.N. PURKAYASTHA	G.K. THAKURIA
DR R.C. BARPATRAGOHAIN	MS. MRIDULA DEVI	S.K. SINGH	H. K. NATH
MD. ALI SEIKH	BHASKAR J. DUTTA	D.K. GOSWAMI	RAFIQUL ISLAM
B.K. TALUKDAR	MANIK CHANDA	R.K. JOSHI	K.R. SURANA
NISHITENDU CHOUDHURY	K.K. MOUR	D.C. CHETIA	MS. L. CHENTALAPATI
G.P. BHOWMIK	B.B. GOGOI	MD. ABDUL HANNAN	MS. D. DAS ROY
MD. ABDUL HAKIM (I)	ABDUR ROSHID	MD. IQBAL HUSSAIN	ANUPAL DUTTA
UPENDRA NATH DAS	M.R. PATHAK	DEBJIT KR. DAS	P.K. ROYCHOUDHURY
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GITARTHA PATHAK  
SANKAR P. BHATTACHARJEE  
MD. KOHINOOR ISLAM  
SYED MUSFIQUR RAHMAN  
PUSPENDRA KR. MEDHI  
SANJIB KR. SINGHA  
MISS. NILAKSHI GOSWAMI  
MISS. MANISHA SHARMA  
GAUTAM RAHUL  
MS. ANITA VERMA  
TONGPOK PONGENER  
ANIL GOHAIN  
MISS. ANUJITA BORA  
SANJAY KR. SINGH  
SANJIB BARUAH  
MISS. SOBHANA SAIKIA  
MISS. MOON BARUAH  
BRIJESH SHARMA  
MISS. RAKHI PATHAK  
RATAN CH. DAS  
NABAJIT NARZARY  
SAFIQUL HUSSAIN  
NASIR UDDIN  
MS. N. M. BORDOLOI (BORA)  
PRAKASH KR. BOTHRA  
BIJOY CHETIA  
SUBHAJIT BANIK  
SAHADEV DAS  
DR K. UDDIN AHMED  
MD. A. Q. AKANDA  
PRADIP KR. AGARWALA  
MD. FARID U. BARBHUIYA  
MISS. NIYATI KALITA  
MRS. SADHANA KALITA  
ARUP GOSWAMI (II)  
MS. ARUNDHATI BORA  
MS. RITAMANI GOSWAMI  
SHUROT ZAMAL SHEIKH  
SUMAN CHETIA  
ALAKESH DEV SARMAH  
RANJIT KR. GOSWAMI  
JAKIR HUSSAIN SAIKIA  
BHUPEN CH. PEGU  
KUNTAL SHARMA PATHAK  
DEEPAK KEJRIWAL  
MISS. AMI SAIKIA

MRS. RUBI G. GOHAIN BARUAH  
MISS. JOYATI PAUL  
MISS. ANOWARA MAZUMDAR  
MISS. MADHUSMITA BAISHYA  
ABHIJIT DAS  
BIJOY KR. DAS  
JAHURUL ISLAM  
MISS. GITUMANI DEKA  
MS. HIRANYAMAYEE BARUA  
MD. JEHIRUL I. AHMED  
MS. PRITIBHA DEKA  
MRS. S. BORPATRA GOHAIN  
MRS. MANASI DAS  
SYED S. FAROOQUE  
PARANGAM N. GOSWAMI  
ANOWAR HUSSAIN  
ADITYA HAZARIKA  
SHIMANTA NEOGI  
RUPAK DHAR  
TAPAS DHAR  
RAJA JOY PHOOKAN  
MANOJ KR. SHARMA (I)  
ROUSHAN LAL  
MD. ROFIQUL ALOM  
MISS. PRANATI DAS  
RATUL DAS  
MISS. BAGMITA SARMA  
MISS. P. R. MAHANTA  
SANTANU BORTHAKUR  
MISS. MITALI BHUYAN  
MISS. SABINA YASMIN  
KISHORE KR. HAZARIKA  
MOYNUL H. CHOUDHURY (2)  
JONAB ALI AHMED  
BHASKAR NATH  
ALIN SARMA  
KULA PD. GOGOI  
H. M. A. MANNAN LASKAR  
BIBHASH PATHAK  
MD. JYOTSHNA ALI  
JITU BORAH  
MISS BABITA DAS (II)  
MISS RUNMANI DEKA  
MISS MURCHANA SARMA  
ASHOK KR. BORA  
RANJAN KR. BHARALI  
BIJAY KRISHNA SEN  
MISS MEDHA LILA GOPE  
DR N.G. GOSWAMI  
KASHEM BHUYAN  
MISS LIYANA RAHMAN  
M. U. MONDAL  
MISS PARUL DAS  
JAYABRATA SINHA  
MISS BIJAYA HAZARIKA  
MISS SUMITA CHOUDHURY  
DEBAJIT BARUAH  
MISS DIPANJANA NANDI  
ABDUL KASHIM TALUKDAR  
BIKASH SARAF  
MS. AMVALIKA MEDHI  
BABUL KUMAR DAIMARI  
MISS IVALINA DEKA  
SANJIB GOSWAMI  
SABYASACHI P. CHOUDHURY  
DEBA KUMAR BORDOLOI  
MANINDRA CHANDRA DAS  
MUL HOQUE AHMED  
BATU KRISHNA BORAH  
MISS BANDITA DEY  
MISS JULI GOGOI  
MS. V. N. LASKAR  
MISS RANJITA VERMA  
HARINARAYAN SARMA

MISS DIPANJALI DEKA  
MD. ALAM GEER  
NUR ISLAM  
BABUL DEKA  
AJAY KR. PHUKAN  
ATAL TEWARI  
MISS WAHEEDA REHMAN  
N. UNNI K. NAIR  
NABADIP BAROOAH  
J. A. HASSAN  
MISS SANGEETA SARKAR  
ANJAN KR. DAS  
MISS JAYA CHANDA  
NITESH BHATRA  
MISS DOROTHY ROY  
MS. ARPANA BORAH PHUKAN  
MISS LIPIKA TALUKDAR  
MISS MEGHALI DEHINGIA  
MISS RIMLY BARUAH  
MS. BIPASHA DAS  
MS. PRANITA DAS  
ABHIJEET KR. BARUAH  
SULTAN AHMED  
MISS BARNALI BARUAH  
MRS. M. MAZUMDER DEB  
MS. PANKAJA UPADHYAY  
THANESWAR SARMA  
ASHIM TALUKDAR  
ABID ALI  
MS. SIMA GUPTA  
D. N. BHATTACHARYYA  
MISS SUDAKSHINA KHANIKAR  
ASHIMANTA GOSWAMI  
ANIL SHARMA BHATRA  
K. R. PATGIRI  
DEBENDRA SAHARIA  
RAJIB SARMA  
MUSTAFA JAMAL QUADIR  
MISS MANASKANTA BARUAH  
MISS KAVITA K. JAIN  
TAPAN RANJAN DAS  
TRIDIB KALITA  
MS. MAMONI ROY  
SAIDUL ISLAM  
MS. SHAMIMA BEGUM  
DIPANKAR BAGCHI  
SHYAMAL AICH  
MS. KANIKI SINGHA  
JAGADISH CH. GOGOI  
MISS SWARNALI S. CHOUDHURY  
HARIBRATA CHANDA  
MUKUT CH. BHATTA  
SUJIT KR. ROY  
RAJU GOSWAMI  
NANI G. KUNDU  
SHEKHAR CHAKRABORTY  
OM P. AGARWAL  
RANABRATA BANERJEE  
MS. SUMITRA SARMA  
MRS. BANDANA DEKA  
TARUN BORA  
MOTI RAJ ADHIKARI  
MISS SABBINA YASMIN  
BISWAJIT BURAGOHAIN  
MRS. BOBY G. BURAGOHAIN  
MISS SANGEETA BURAGOHAIN  
NEEL KAMAL DEV NATH  
MISS DIPANNITA CHAKRABORTY  
NAZMUL I. MAZARBHUIYA  
PRASANTA HAZARIKA  
MS. NAZNEEN AHMED  
RIYAJUDDIN ANSARI  
SOURAV SHARMA  
MS. SIMA RANI DEY

MS. SWARNALATA GOSWAMI  
 MAINUL H. BARBHUYAN  
 MUKTI RAM LASKAR  
 MISS BINITA BARUAH  
 RAFICUL ISLAM (II)  
 MISS KAMALA SINGHA  
 MISS ANUPAMA ROY  
 BISWAJIT CHAKRABORTY  
 MD. RAFIKUL ISLAM (III)  
 BINODAN TALUKDAR  
 MISS MINERVA BARTHAHUR  
 MISS NITU HAWELIA  
 RAHUL BEZBARUAH  
 ABU NASERUDDIN AHMED  
 SUMIT DAS  
 SANACHOWBA SINGHA  
 YUNUSH AHMED  
 MISS RITA DEVI  
 N. ANIX SINGH  
 BANDAN KR. KAR  
 BIKRAM MALAKAR  
 LALIT KR. MINDA  
 MD. FAJLEY K.R. AHMED  
 AMZAD HUSSAIN  
 PHANINDRA KALITA  
 JITEN PAYENG  
 MS. KABERI DEKA  
 PRADIP KR. KALITA (II)  
 SANTANU BORA  
 KARABI KALITA  
 MISS MANIKA CHOUDHURY  
 MISS RUMA DAS  
 RAFIQUK ISLAM (IV)  
 MASTER SHELIM  
 MRS. SUNITI KALITA  
 MD. NEKIBUDDIN AHMED  
 RAJIB BORPUJARI  
 DIGANTA BARMAN  
 SAMIR DA  
 ABDUL HASHEM KHANDAKER  
 DR TILOK DASGUPTA  
 ASHIM KUAMR BARUAH  
 SANJAY SINGH  
 PRATIM KR. CHAKRABORTY  
 MOHD. INAM UDDIN  
 NEELOTPAL DEKA  
 MS. RUBINA SULTANA  
 PARSWAJYOTI DAS NAIR  
 MS. AYESHA SIDDIKA  
 MS. BHARATI MUKHERJEE  
 MS. MALABIKA P. GOGOI  
 SRAVAN KR. TALUKDAR  
 HIFZUL I. CHOUDHURY  
 SUSHANTA DAS

AMIT JALLAN  
 ISTIAQUE ALAM  
 RAJIB CHAKRABORTY  
 LASHMI N. DIHINGIA  
 RAKESH DUBEY  
 DEVJYOTI CHOUDHURY  
 PRIYANKU SUNDI  
 SUBRATA NATH (II)  
 MISS GITY KALITA  
 ROSHAN MALOO (JAIN)  
 MS. ONTIMA SHARMA  
 TAPAN ROY  
 MOINUL HOQUE ANSARY  
 MD. RAHMAT ALI (II)  
 MISS MARY GOGOI  
 IDRISH CHOUDHURY  
 MS. MINAKSHI BHATTACHARJEE  
 JYOTIRMOY PATOWARY  
 SHEELADITYA  
 MADHURYA MAHANTA  
 MISS SHEHNAZ RASUL  
 RASIDUL HUSSAIN  
 MISS ANJANA SINGHA  
 MD. ABUBAKKAR SIDDIQUE  
 ABDUL AWAL  
 SOHEL ALIM  
 JAHID M. A. CHOUDHURY  
 MISS JULFIYA BEGUM  
 MD. HOSNUL HOQUE  
 TRIDIB BAIDYA  
 SANTANU KR. SARKAR  
 PRASANTA S. DEKA  
 MS. BINITA SWARGIARY  
 MISS SNIGDHA DAS  
 ATANU GANGULY  
 BHARGAV SARMA  
 TALAT H. HAZARIKA  
 DIPAYAN DUTTA  
 GHANASHYAM DAS  
 NAYANJYOTI MEDHI  
 MS. MOON MOON LASKAR  
 DILIP DEY  
 MANOJ KR. SARMA (II)  
 MRS. JENNIFER ZAMAN  
 GURVINDER SINGH SODHI  
 MD. GIASH UDDIN  
 MS. JULIANA RAHMAN  
 MUSTAKIM RAHMAN  
 PRANJAL BORTHAKUR  
 BIPUL KR. DAS  
 ASHOK KR. BORAH (2)  
 MISS PALLAVI TALUKDAR  
 INDRAJEET SHARMA  
 SUKUMAR SARMA

NAYAN JT. SARMA  
 RITU BARNAL DEKA  
 MS. MOMITA BARAH  
 MISS LIPIKA DEVI  
 RITURAJ BISWAS  
 MISS SEEMA CHAKRABORTY  
 SATYAJIT K. S. THAKUR  
 DR MATIUR RAHMAN  
 MRS. P. DUTTA BUJARBARUAH  
 AMAL KALITA  
 MS. MANJU AGARWALA  
 MOBARAQUE HUSSAIN  
 PURBADRI BANERJEE  
 MRS. C. BARUAH TALUKDAR  
 ZAKIR HUSSAIN  
 MAZHARUL ISLAM  
 MRIDUL KR. BORAH  
 MRS. NANDITA NATH  
 MISS KALPANA TALUKDAR  
 BHUPEN KUMAR  
 MS. MITALI GOGOI  
 MISS RULI BARUAH  
 DIGBIJOY MANDAL  
 SANTANU PARASHAR  
 MS. MRINALEE BHUYAN  
 SWAPAN KUMAR DAS  
 MS. ALPANA SAIKIA  
 MISS NASHREEN AHMED  
 MISS NILAKSHI BARMAN  
 SAIKH MD. A. PAHLAVI  
 SHAH NEWAJ AHMED  
 MRS. ABHINANDITA CHAKRABARTY  
 MRS. NIBEDITA SARMAH  
 MANASH HALOI  
 MISS SUSMITA KANUNGOE  
 MS. TEENA SHARMA  
 MS. MANISHA SARMAH  
 MISS BIJU RANI KALITA  
 MISS BARASHA DAS  
 SAMUDRAGUPTA DUTTA  
 MISS KABITA GOSWAMI  
 RAJEEB KALITA  
 TRIDEEP BARUAH  
 MS. AFSANA IRFAN  
 MRS. DIKSHA H. BAROOWA  
 MS. TRIPTI PATOWARY  
 KRISHNA KT. DAS  
 NAYAN MONI HAZARIKA  
 ZAKIR HUSSAIN (II)  
 ABDUS S. AKAND  
 MRS. SABINA YESMIN (II)  
 MRIDUL MAHANTA  
 MRS. SONGITA MAHANTA  
 ABDUL GONI

TILAK R. SARMA  
 MD. BAHARUL ISLAM (II)  
 MOHENDRA DEKA  
 MRS. B. DAS SARKAR  
 JONE KR. SENAPATI  
 IFTIQUER RAFIQUE  
 I. A. SHEIKH  
 MISS ELAKSHI DEKA  
 MD. ABDUL A. ALAMGIR  
 KAMAL K. GOSWAMI  
 BHASKAR JT. DAS  
 BIBEKA NANDA GOGOI  
 DHRUBOJYOTI CHAKRABORTY  
 MS. ARUNDHUTI BARUAH  
 ARUNANGSHU DHAR  
 MS. SHABANA A. CHOWDHURY  
 TAPAN RANJAN DEURI  
 MANOJ KR. SARMA (III)  
 MRIDUPAWAN GOSWAMI  
 AMLAN SARMA  
 MS. MADHURIMA DUTTA  
 AMIT GOYAL  
 DEBASISH SINGHA  
 YADAV P. DAS  
 JAGAT CH. BORAH  
 ANGSUMAN SARMA  
 MS. TINKU SOM  
 MD. IMRUL HASSAN  
 MS. APARAJITA BHUYAN  
 BHUPEN SARMA  
 BISHWAJYOTI PATHAK  
 AZIM H. LASKAR  
 MRS. SUNITA MEDHI CHOUDHURY  
 RANJAN KR. SAIKIA  
 MS. ANJU AGARWAL  
 MS. JULIE BEGUM  
 RUPAM SARMA  
 K. ENATOLI SEMA  
 JASHADHIR DAS  
 KAJIMUL H. BARUAH  
 MRS. DAISY B. GOGOI  
 UJJWAL KR. DAS  
 DIGANTA SARMA  
 PARTHIV K. GOSWAMI  
 MS. PRITI REKHA BARUAH  
 MS. MANIKA DAS  
 MRS. CHINO O ROY SARKAR  
 MS. USHA DAS  
 MS. BIJITA SARMA  
 MD. SHAFIQUE KHAN  
 SAMEER AHMED  
 BIKASH JAIN

Suchitra Baro

Received from the executant,  
 satisfied and accepted

Advocate

Mr/Ms. .... will lead  
 me/us in the case

And Accepted

Advocate

Advocate

And Accepted

Advocate

And Accepted

Advocate

NOTICE

From: Sni Babul duka.  
Advocate.

Date 14/6/06.

To , Sr. e.a.s.e ,  
Court of India .

At : original application no. of 2006.

Shri A. Ghotambi Singh - Applicant.  
vs.

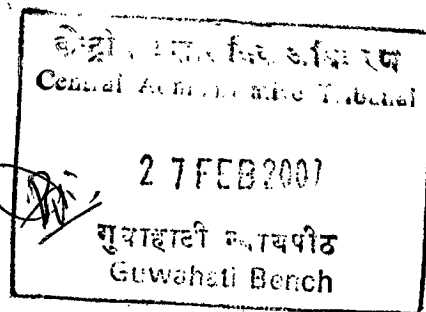
The union of India Cars - Respondents.

Sir

I have find herewith a copy of original application alongwith a memo on filed before this learned Tribunal and kindly may acknowledged the receipt of the same.  
Thanking you,

Copy received by,

yours faithfully,  
Sni Babul duka  
Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH, GUWAHATI

O.A. No. 144 of 2006

Sri Ibotombi Singh

.....Applicant.

-VS-

Union of India & Ors.

.....Respondents.

The written statement on behalf of the  
Respondents abovnamed :

WRITTEN STATEMENT OF THE RESPECTFULLY

MOST RESPECTFULLY SHEWETH

1. That with regard to the statement made in paragraph 1 of the instant application the respondents begs to state that the applicant had on 17.06.1968 under his signature furnished his date of birth as 01.05.1943 which was recorded in his service book. And as per Rules his dates of superannuation would be due on 30.04.2003 on attaining 60 years of age. On 03.05.2005, while perusing his service records the date of birth furnished by the applicant was noticed and subsequently the ap-

Contd....P/

Filed by  
the respondents  
through Grantham Ben Singh  
Sr. Secy  
27.02.07

- 27 -

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[2]

plicant, as per Rule, was deemed to have retired on 30.04.2003 and was released from service on 31.10.2005, vide this office letter no. B-2/Staff/A.Ibotombi Singh, dated the 26.10.2005 and the payment of salary after 30.04.2003 was also ordered to be recovered, as because Retired Government employees are not entitled to receive salary but are paid monthly pension.

The Copy of the Service Roll Book and office letter No. B-2/Staff/A.Ibotombi Singh dated 26.10.2005 is annexed herewith and marked as Annexure-R-1 & R-2.

2. That with regards to the statement made in paragraphs 2 and 3 of the instant application the answering respondents have no comment.

3. That with regards to the statement made in paragraph 4.1 of the instant application the answering respondent beg to state that the applicant has furnished his date of birth on two occasions and both the dates differ, as appended below-

Date of Birth	Date of Submission of Information
(A) 01.05.1943	17.06.1968
(B) 06.07.1949	26.07.2005

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[3]

The date of superannuation in the case of (A) would be due on 30.04.2003 and in the case of (B) due on 30.06.2009, but in the case of (B) his age at the time of entry in the Department on 20.04.1965 would be 15 years 9 months and 13 days old- which is under age viz. below 18 years of age, which means that the service rendered before attaining 18 years of age shall not count for Qualifying Service for calculating pension and other benefits except Compensation gratuity, as laid in Rule 13 (B) of CCS (Pension) Rules. Moreover, the Date of Birth once furnished and recorded in the service book cannot be altered unless sanctioned by the competent authority provided, the request in this regard is made within 5 (five) years of entry into government service. Since, the aforesaid formalities had not been complied with his actual date of superannuation was accordingly calculated to be due on 30.04.2003.

The copies of the Birth Certificate and Qualifying Service is annexed herewith and marked as Annexure-R-3 & R-4.

4. As per office records the applicant joined in the post of mail Peon at Dimapur Post Office on 20.04.1965 and not as stated.

5. That with regards to the statement made in paragraph 4.3 of the instant application the respondent have already stated in 1 and 3 in this instant written statement.

Contd....P/



[4]

6. That with regards to the statement made in paragraph 4.4 of the instant application the answering respondents beg to state that the date of birth recorded in the gradation list was not based on the date furnished by the applicant in 17.06.1968 under his signature and duly recorded in the service book.

7. That with regards to the statement made in paragraph 4.5 of the instant application the answering respondents beg to state that the date of birth recorded in the service book as furnished on 17.06.1968 by the applicant was 01.05.1943. later, it was noticed that age proof was not available, which was called for but the applicant furnished a different date of birth issued on 26.07.2005 by the Sub-Registrar, Imphal Municipal Corporation, certifying the DOB as 06.07.1949. As per Rules DOB once recorded in the service book cannot be altered unless sanctioned by the competent authority and provided the request is made within 5 years of entering service.

8. That with regards to the statement made in paragraph 4.6 of the instant application the answering respondents beg to state that as per office records the applicant's date of entry in service is 20.04.1965 and his date of birth is 01.05.1943. By mistake the DOB has been entered in the gradation list as on 06.07.49. The applicant should have brought this irregularity to the notice of the competent authority for necessary correction.

Contd....P/

[5]

9. That with regards to the statement made in paragraph 4.7 of the instant applicant the answering respondents beg to state that since the applicant was released from service on 31.10.2005, the order of the DPS was issued as per Departmental Rules as laid in S.R. 317-B-11-(2) which states that - a retired government servant can retain his quarter for 2 months on payment of normal license fee and another 2 months on payment of double license fee. The applicant was therefore, asked to comply with the same vide this office letter No. D-2/Staff/Quarter/IV/Dmp. Dated the 20.02.2006 (Annexure-R-6).

A copy of the *Departmental Rules laid down in* S-R-317-B-11(2) and letter No. D-2/Staff/Quarter/IV/Dmp. Dated 20.02.2006 is annexed herewith and marked as Annexure-R-5 & R-6.

10. That with regards to the statement made in paragraph 4.8 of the instant application the answering respondent beg to state that the applicant had represented before the Director of Postal Service, Nagaland, on 24.02.2006 for extending the retention period of the quarter on medical and educational ground, in this regard a medical certificate was also forwarded (Annexure R-7). As per Rules laid down in S.R. 317-B-11-(2)2, on medical and educational ground a retired government servant can further retain his quarter- in addition to the aforesaid period of 4 months- for 2months on payment of 4 times the normal license fee (Annexure-R-8). As

[6]

such the payment was informed for compliance on 06-03-2006.

A copy of the Medical Certificate , Swami's reference and letter dates 6.03.06 are annexed herewith and marked as Annexure-7,8 and 9 respectively.

11. That with regards to the statement made in paragraph 4.9 of the instant application the respondent have already stated in paragraph 9 and 10 in this instant written statement.

12. That with regards to the statement made in paragraph 4.10 of the instant application the answering respondents beg to state that the applicant was released from service on 31.10.2005 on ground of deemed retirement w.e.f 01/05/2003. Retired government servants are not eligible for payment of salary but are paid monthly pension. Hence, the period from 01/05/2003 till 30/09/2005 when he had overdrawal pay and allowances amounting to Rs.2,11,595/- while being eligible for monthly pension and Rs.771/- for the period from 1/10/2001 to 30/04/2003, with the total amount being Rs.2,12,366/- (Two lakhs twelve thousand three hundred sixty six only) was ordered to be recovered from his pensionary benefits.

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[7]

13. That with regards to the statement made in paragraph 4.11 of the instant application the answering respondents beg to state that out of the total amount of Rs.2,12,366/- salary overdrawn by the applicant the amount of Rs.1,05,122/- (One lakh five thousand one hundred twenty two) amount sanctioned as DCRG in favour of the applicant was ordered to be debited against the overdrawn amount, (Annexure-R-11) however, till date the order has not been implemented.

A copy of the sanctioned as DCRG is favour of the applicant is annexed herewith and marked as ANNEXURE-R-10.

14. That with regards to the statement made in paragraph 4.12 of the instant application the respondents beg to state that the applicant was given ample time to pay the required license fees, for retention of the quarter in his name, vide this office letter No.D-2/staff/Quarter/IV/Dmp On 20/02/2006 and 06/03/2006, which he failed to do, finally on 16/05/2006 as per Rule, he was asked to vacate the quarter within 7 days<sup>for</sup> failing to pay the required license fees.

A copy of the letter dated 16/5/2006 is annexed herewith and marked as ANNEXURE-R-11.

15. That with regards to the statement made in the paragraph 4.13 of the instant application the answering respondent beg to state that the based on the date of

Contd....P/

[8]

birth furnished by the applicant in his service book his due date of superannuation was calculated to be due on 30/04/2003 and subsequently was released from service on 31/10/2005. The total amount of salary overdrawn by the applicant was Rs.2,12,366/- which was ordered/proposed to be recovered in the following manner-

A. The amount of Rs.1,05,122/- (payable to the applicant as DCRG) was ordered to be debited against the aforesaid overdrawn amount. However, the order has not been implemented till date.

B. The amount of Rs.84,303/- payable to the applicant as GPF, CGEIS and Leave encashment benefits- was proposed to be recovered by requesting the applicant to deposit the said amount to be debited against the overdrawn amount (Annexure-R-13).

C. The remaining balance of over drawn amount of Rs.22,941/- was also proposed to be recovered from the applicant's monthly dearness relief.

A copy of the recovery letter of over payment is annexed herewith and marked as ANNEXURE-R-12.

16. That with regards to the statement made in paragraph 5.1 of the instant application the respondent have already stated in 1,3,7,9 and 10 in this instant written statement.

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17. That with regards to the statement made in paragraph 5.2 of the instant application the answering respondents have no comment.

18. That with regards to the statement made in paragraph 5.3 of the instant application the DOB certificate was called from the applicant on 22/07/2005 for providing documentary evidence in support of the date furnished by him on 17/06/1968. However, the applicant furnished a different DOB- which was advantageous to him. The department bound by the Rules and could not entertain the applicant's belated claim.

19. That with regards to the statement made in paragraph 5.4 of the instant application the respondent have already stated in the above noted paragraphs 3,7 and 17.

20. That with regards to the statement made in paragraphs 5.5 and 5.6 of the instant application the answering respondents have no comment.

21. That with regards to the statement made in paragraphs 5.7 and 5.8 of the instant application the respondent have already stated in 9,10 and 14 in this instant written statement.

22. That with regards to the statement made in paragraph 5.9 of this instant application the answering respondents beg to state that as per the Rules of the Department a Retired Government Employee can extend the

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[10]

retention period of quarter after paying enhanced license fee. The applicant was informed to comply with the same vide this office letter on the following dates 20/02/2006 and 06/03/2006 and even when the applicant had failed to comply with the same he was finally asked to vacate the quarter.

23. That with regards to the statements made in paragraph 5.10 of the instant application the answering respondents beg to state the applicant has furnished two different dates of birth during his service life-

A. 01/05/1943 furnished by the applicant under his signature in 17/06/1968.

B. 06/07/1949 certified by the Sub-Registrar, birth and death, Imphal Municipal Council on 26/07/2005.

The DOB furnished at a later was advantageous to the applicant, as it would extend the actual date of superannuation by more than 6 (six). Moreover, for changing the DOB it has to be applied within 5 years of entering service and sanctioned by the competent authority. Accordingly, his date of superannuation is 30/04/2003.

24. That with regards to the statement made in paragraph 5.11 of the instant application the respondent have already stated in 9,10 and 14 of this instant written statement.

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[11]

25. That with regards to the statement made in paragraph 5.12 of the instant application the answering respondents beg to state that a Government Servant retires on attaining the age of 60 years. In this case the applicant attained it on 30/04/2003 based on the DOB furnished by him on 17/06/1968 and subsequently was retired from service.

26. That with regards to the statement made in paragraph 5.13 of the instant application the answering respondents beg to state that the action of the Department is based on the Rules framed by the government. The respondent further beg to submit that the grounds set forth in the instant application are not tenable in law, as well as, on facts and hence are liable to be dismissed.

27. That with regards to the statement made in paragraph 5.14 of the instant application the answering respondents have no comment. The respondent further beg to submit that the grounds set forth in the instant application are not tenable in law, as well as, on facts and hence are liable to be dismissed.

28. That with regards to the statement made in the paragraph 8.8 and 9 of the instant application the answering respondents beg to state that in view of the facts and circumstances mentioned above the applicant is not entitled to get any relief as well as for interim relief as prayed for and the instant application is liable to be dismissed.

29. That the respondents submit that the application has no merit and as such the same is liable to be dismissed.

Contd....P/



37-

-12-

65

## V E R I F I C A T I O N

I. SRI I. PANGERNUNGSANG.....  
Son of LATE INSUABA..... aged about years, 45 yrs  
Resident of village /Moh. KOHIMA  
P.S. DO..... Dist. DO..... at  
present posted in the office of  
DIRECTOR OF POSTAL SERVICES.....do,  
hereby verify that the statement made in paragraph  
nos. 2, 4, 8, 11, 12, 16, 29 are true to my  
knowledge and the statement made in paragraph  
Nos. 1, 3, 9, 10, 13, 14 & 15 information derived  
from the record, and rest are by way of submission  
to this Hon'ble Tribunal. I have been authorized to  
verify the written statement by  
.....

Verified on

.....21st.....day of  
February...2007.



Signature of Deponent.

(अई. पांगरनुंगसांग)

(I. Pangernungsang)

निदेशक डाक सेवा

Director of Postal Services

नायालैण्ड कोहिमा - ७९७ ००१







Nagaland, Kohima - 797 001

Service Roll

[For inferior servants other than members of the constabulary and for those superior servants for whom no service books are maintained]

1. Name Sri A. Dattatraya Singh
  2. Race, sect and caste Hindu (Manipuri)
  3. Native place [with name of District, Village, Thana and Post Office] Uzaipek - Yambam - Teikai - P.O. Imphal Thana Imphal - Manipur
  4. Father's name and Residence A. Amulka Singh Uzaipek Yambam Teikai Imphal
  5. Date of birth by Christian era as nearly as can be ascertained 15 May 1943
  6. Exact height by measurement 5' 6"
  7. Personal marks for identification one black spot on the left cheek
  8. Signature or mark of Government servant (with date) A. Dattatraya Singh
  9. Signature with date and year and designation of the attesting officer Adm 17-6-68
- Note—The above entries should be renewed or re-attested at least every five years and the signature in lines 8 and 9 should be dated.

Left hand thumb and finger impressions

Thumb	Fore finger	Middle finger	Ring finger	Little finger	Signature and designation of officer before whom impression is taken	Date
					 A. Dattatraya Singh P.O. Imphal Thana Imphal - Manipur	

—To avoid trouble about pension, take great care, in the following circumstances, that the Service Roll clearly answers the following questions:—

- | Circumstances   | Questions  |
|---|--|
| (1) When substantive inferior servants, e.g., Duffries, Jemadars, etc., appointed to act in the superior grade on pay exceeding Rs. 10. | What is the nature of vacancy? Is there a full vacancy, or does any other officer count the same time for pension in the same appointment? (Article 371, C. S. R.)   |
| (2) When service commences as—<br>(a) "acting";<br>(b) "on probation";<br>(c) "acting in a temporary appointment".                      | Ditto                      Ditto                      Ditto<br>Is it in a probationer's appointment specially allotted? (Article 373, C. S. R.)<br>Is the temporary appointment eventually made permanent? (Article 375, C. S. R.)<br>Is the period ordered to count for leave and pension?<br>What rate of leave allowance was drawn? |
| 3) Upon reinstatement after suspension.   |  |
| 4) During all leave other than leave on average pay.  |  |

True Copy  
Dattatraya Singh

-39-  
18/6  
Annexure - R-2  
~~Annexure - A~~  
Annexure - R-10  
64

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND : KOHIMA - 797001

Dated at Kohima the 26.10.05

No. B-2/Staff A. Ibotombi Singh

ORDER

1. Shri A. Ibotombi Singh, Group D, Dimapur MDG, has attained 60 years of age on 30-04-2003. However, the official was inadvertently allowed to work till date.

2. It is, therefore, ordered that the official will be deemed to have retired on superannuation with effect from 30-04-2003 A.N.

3. The payment of salary, etc. surplus to his monthly pensions paid to the official after 30-04-2003 should be recovered forthwith.

(SHRI PANGERNUNGSANG)  
Director Postal Services  
Nagaland, Kohima, 797001

Copy to :

1. The Postmaster, Kohima H.O for information and necessary action.
2. The Sub Postmaster, Dimapur MDG for information and necessary action.
3. The Accountant Divl. Office Kohima for info and necessary action.
4. Shri A. Ibotombi Singh, Group D Dimapur MDG.
5. Office Copy.

(SHRI PANGERNUNGSANG)  
Director Postal Services  
Nagaland, Kohima, 797001

True Copy  
Advocate

Annexure - R-2

Annexure R-3  
Awareness

Annexure - R-2

BIRTH CERTIFICATE  
(Issued under Section 17(17))

This is to certify that the following information has been taken from the original record of birth which is the register  
for (Local Area) Tuphal Municipal Council  
of Tahsil of Tuphal of District Tuphal West  
of State Manipur  
Name Angom Lotombi Singh Registration No. 209 (D) of July, 2005  
Sex male Date of Registration 26/7/05  
Date of Birth 06-07-49 (Sixth July Nineteen hundred Forty Nine)  
Place of Birth Tuphal Permanent Address of Father Uripok Yambem Leikai  
Name of Father Late A. Amuba Singh Name of Mother (Alo) Parizat Devi  
Date 26/7/05

Signature of Issuing Authority

Seal

D/P&S No. 114/25-11-2002 Medical 50,000-C/30-11-2002

Sub-Registrar

Birth & Deaths

Tuphal Municipal Council

Tuphal

True Copy  
Advocate

Annexure - R-4

41

Annexure - R-4

-LG-

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### CHAPTER III

## Qualifying Service

### 13. Commencement of qualifying service

Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity:

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post:

Provided further that—

- (a) in the case of a Government servant in a Group 'D' service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose, and
- (b) in the case of a Government servant not covered by Clause (a), service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.
- [ (c) the provisions of Clause (b) shall not be applicable in the cases of counting of military service for civil pension under Rule 19. ]

### 14. Conditions subject to which service qualifies

(1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

(2) For the purposes of sub-rule (1), the expression "Service" means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(3) In the case of a Government servant belonging to a State Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous

1. Inserted by G.I., Dept. of P. & P.W. Notification No. 28/19/2001-P&PW(B), dated the 11th November, 2003 and published as S.O. No. 3205 in the Gazette of India, dated the 22nd November, 2003.

True Copy  
Advocate

waiting list for the next month and an allotment will be given to him in his turn on the next month's waiting list only.

[G.I., Dir. of Estates, O.M. No. 12035 (19)/90-Pol. II, dated the 1st October, 1990.]

Period for which allotment subsists and the concessional period for further retention

S.R. 317-B-11. (1) An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until,—

- (a) the expiry of the concessional period permissible under sub-clause (2) after the officer ceases to be on duty in an eligible office in Delhi.
- (b) it is cancelled by the Director of Estates or is deemed to have been cancelled under any provision in these rules;
- (c) it is surrendered by the officer, or
- (d) the officer ceases to occupy the residence.

(2) A residence allotted to an officer may, subject to sub-rule (3) be retained on the happening of any of the events specified in Column (1) of the table below for the period specified in the corresponding entry in Column (2) thereof, provided that the residence is required for the bona fide use of the officer or members of his family—

Events (1)	Permissible period for retention of the residence (2)
(i) Resignation, dismissal or removal from service, termination of service or unauthorized absence without permission	1 month.
(ii) Retirement or terminal leave	<sup>1</sup> [ Two months on the normal licence fee and another two months on double the normal licence fee. ]
(iii) Death of the allottee	<sup>2</sup> [ 12 months. ] Now 2 years. See SR 317-B-22.
(iv) Transfer to a place outside Delhi	2 months.
(v) Transfer to an ineligible office in Delhi	2 months.

1. Substituted vide G.I., M.U.A. & E., Dir. of Estates, Notification No. 12035/28/96 Pol. II, dated the 19th November, 1996, published as G.S.R. 542 in the Gazette of India, dated the 30th November, 1996 and takes effect from 1-1-1997.

2. Substituted vide G.I., M.U.D., Notification No. 12035/1/92-Pol. II, dated 14-5-1992 (G.S.R. 265, dated 30-5-1992).

True copy  
[Signature]  
[Signature]

Dated at Kohima the 20.02.2006

Dated at Kohima the 20.02.2006

Shri A.I.Singh,  
Ex-Mail Jamaradar,  
Dimapur MDG - 797112.

**Süb:-**

**Ref:-**

This is regarding retention of Departmental Quarter at Dindigul Postal Colony. As per rule, period for retention of quarter after retirement is 2 months on payment of normal license fee and another 2 months on payment of double the license fee.

You are therefore, directed to vacate the quarter by 28.02.2006 paying double the normal license fee.

FOR THE DIRECTOR OF POSTAL SERVICES  
NAGALAND: KOHIMA-797001.

Copy to:-

1. The PM, Kohima HPO for information and necessary action.
2. The SPM, Dimapur MDG for information and necessary action.

True Copy

Advocate



Amnepam - K-1 ✓

-19- 234/C

44-  
✓

Amnepam 87

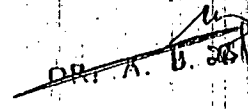
Date 26.02.2007

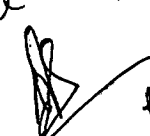
Mr/Mrs/Miss Jayanti Devi wife of Shri D. Mod  
Singh, a ~~medical~~ employee of Dimapur Post of  
Is/was under my treatment for Haemorrhoids with cancer

Since 04.02.2006 to date He/She is/was advised

Complete rest for this period and periodic check up for  
follow up treatment till complete recovery.

He/She is medically fit to resume duty from                     

  
DR. A. B. SINGH, MBBS (G)  
Reg. No. 6505 (A. S. S.)  
Authorized Medical Agent  
For Central Govt. Employees  
NAGALAND  
Doctor's signature & Seal

True Copy  
  
Advocate



occupants under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

2. References have been received from various quarters requesting for regularization of accommodation on re-posting at the last place after the permissible period of eight months is over even in case the date of priority of the officer, for the type of accommodation occupied, is not covered on the date of re-posting in an eligible organization. As such allottees are required to vacate the accommodation to which they are otherwise entitled to, this results in displacement of the families of the officers concerned.

3. The matter has since been considered by the Government and it has now been decided that where an officer is re-posted within a period of four months beyond the permissible period of eight months, the allotment may be regularized on payment double the normal licence fee for the intervening period, irrespective of the fact that the date of priority of the officer concerned on the date of re-posting is covered or not.

4. All the allotment sections are requested to regularize the allotment on re-posting at the last place accordingly.

5. It has also been decided that action under the PPE Act, 1971 may be initiated immediately after expiry of the retention period permissible under the rules, in respect of officers whose retention period is over.

6. These orders are issued in supersession of all previous orders issued regarding regularization of the accommodation on re-posting at the last place of posting.

[G.I., M.U.D. & P.A., Dte. of Estates, O.M. No. 12035/21/95-Pol.II, dated the 31st July 2000.]

**(5) Retention of General Pool Accommodation on medical/educational grounds.**—As per the provisions of SR 317-B-11 (2), an allottee can retain the Government accommodation for a period of two months on payment of normal licence fee and further two months on payment of twice the normal licence on retirement/terminal leave for the bona fide use of the allottee. No further retention is permissible either on educational or medical grounds.

2. The matter has been reconsidered in the light of the representations received and it has now been decided by the Government that further retention of two months on payment of *four times* the normal licence fee and subsequent two months on payment of *six times* the normal licence fee shall also be permissible on *medical/educational grounds*. Such retention shall be permissible under the provisions of SR 317-B-22 which is being amended simultaneously. The allottee will be required to apply for retention of Government accommodation on medical/educational grounds before the expiry of the initial period of four months, duly supported by documentary proof, along with the Bank Draft, in favour of Assistant Director (Cash), Directorate of Estates, in respect of licence fee.

True Copy  
Associate

-65-  
Annexure-8  
73

DEPARTMENT OF POSTS : INDIA <sup>46</sup>  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND : KOHIMA-797 001

No. D-2/Staff/Qtr/IV/Dmp

Dated at Kohima the 06-03-2006

To.

Shri A.I.Singh,  
Ex-Mail Jamadar,  
Dimapur MDG - 797112.

Sub:- Retention of quarter and payment of Licence Fee, permission for 2 months retention i.e. March 06 and April '06.

Ref:- Your letter no. nil dated 24.02.06.

This is regarding retention of quarter on medical ground and w.r.t. your letter no. nil dated 24.02.06 at Postal Colony, Dimapur.

In this regard, you are directed to pay double the Licence Fee for the month of *January '06 and February '06* i.e. Rs.434/- per month  $\times 2 = \text{Rs.868/-}$ . You are to deposit the amount at Dimapur MDG and to furnish the particulars to this Office.

Further, you are directed to pay four times the normal licence fee i.e Rs.868/- per month for the month of *March '06 and April '06*.

Retention of quarter is permitted upto *April '06 only*.

(I. Pangermungsang)  
Director of Postal Services,  
Nagaland : Kohima - 797001.

Copy to:-

1. The Postmaster, Kohima HO for information.
2. The SPM, Dimapur MDG for information and to report compliance to this Office.

(I. Pangermungsang)

True Copy  
Advocate

*Annexure R-10*  
*Doraleme J*  
*28-47*  
*25 g/c*

DEPARTMENT OF POSTS:INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND::KOHIMA-797001

No. C-2/Pension/ Shri A. Ibotombi Singh

Dated at Kohima, the 08/05/2006

Sanction is hereby accorded to the payment of Rs. 105,122/- (Rs. One lakh five thousand one hundred twentytwo ) only being the payment of DCRG payable to Shri A. Ibotombi Singh, Ex- Gr-D, Dimapur MDG who retired on 30.4.2003.

2. The following outstanding amount is to be recovered from the DCRG amount and credited through UCR with appropriate details to facilitate proper classification of accounts.

3. Overpayment of pay & allowances paid to the ex-official welf:-

1/10/01 to 30.4.03

Rs. 771/-

& welf:- 1/5/03 to 30/9/05

Rs. 211,595/-

Total Rs. 212,366/-

4. Hence, the net amount <sup>Payable</sup> comes to Rs. Nil.

5. For recovery of rest amount, matter has been referred to CO vide this office letter of even No. dtd. 05/05/2006

The amount is debitabte under the head of A/C :- 3201-07-104- Gratuity.

This authority is issued in pursuance of DA(P), N.E. Circle, Shillong memo No. NE/Pension/DCRG/-15/06-07/LC-61/05-06/191 dtd. 27/4/2006.

( I. Pangemung )  
Director of Postal Services  
Nagaland Kohima 797001.

Copy to:-

1. The PM Kohima HO for inf. w/a.
2. The DA(P) Kolkata ( through the PM Kohima HO. )
3. The SPM (ISG-1) Dimapur MDG for inf.
4. The Accounts Officer (Pension), O/o the DA(P) Shillong 793001 for inf. w/a this memo cited above.
5. O/C

*Repd* 6. Sh. A. Ibotombi Singh, Ex-Gr-D Dimapur MDG c/o SPM Dimapur MDG for inf.

(I. Pangemung)

*True Copy*  
*[Signature]*  
*Associate*

Ameyan - 2-11  
Barman -  
K  
8/1

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND : KOHIMA-797 001

No. D-2/Staff/Qtr/IV/Dmp

25-  
48

Dated at Kohima the 16-05-2006

To,

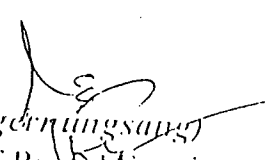
Shri A.I.Singh,  
Ex-Mail Jamadar,  
Dimapur MDG - 797112.

Sub:- Retention of quarter and payment of Licence Fee-reg.

Ref:- Your letter no. nil dated 27.04.06.

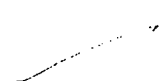
Kindly refer to this Office letter of even no. dated 06.03.06 on the above cited subject. It has been intimated that you have not paid/credited the required licence fee as requested.


As per rule, you cannot be allowed to retain the quarter further. Hence, you are directed to vacate the quarter within (seven) 7 days.

  
(I. Pangernungsang)  
Director of Postal Services,  
Nagaland : Kohima - 797001.

Copy to:-

1. The Postmaster, Kohima HO for information.
2. The SPM, Dimapur MDG for information and to report compliance to this Office.
3. Office Copy.

  
(I. Pangernungsang)  
Director of Postal Services,  
Nagaland : Kohima - 797001.

True Copy  
  
Advocate

*Heaven - R-13*  
**REGISTERED** *- 24 - 49 -* *25/C* *xx*

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
NAGALAND KOHIMA 797001

No. C-2/Shri A. Ibotombi Singh

Dated at Kohima, the 25/05/2006

To,

Shri A. Ibotombi Singh,  
( Ex-Gr-D, Dimapur MDG )  
C/O. SPM (HSG-1) Dimapur MDG-797112

Sub - Regarding sources of recovery in r/o overpayment of salary paid to you w.e.f 1/5/2003 to 30/9/2005.

The CO, Shillong has directed vide his letter No. Staff/118-14/2005 (1A) dt. 19/5/2006 that pensionary benefits amounting to Rs. 84,303/- payable to you from GPF, Leave encashment and CGEGIS may be deposited by you to be debited against the overdraw amount. Remaining balance amount of Rs. 22,941/- to be recovered from your monthly pension.

You are also requested to apply commutation of pension immediately. The application for the same has already been sent to you vide this office letter of even No dt. 27/10/2005. However a set of application for commutation of pension (in duplicate) is sent herewith for perusal, filled-up and early submission to this office.

It is therefore, requested to give your willingness to the above cited direction as well as method of adjustment of over payment amount.

Encls :- AA

*He*  
( L. Pangernungsang )  
Director of Postal Services  
Nagaland Kohima 797001

Copy to :-

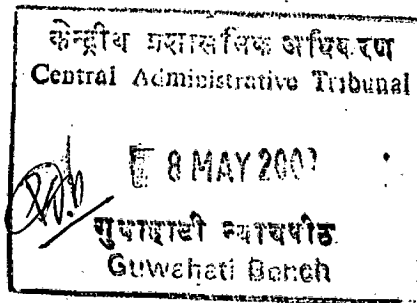
1. The SPM (HSG-1) Dimapur MDG for inf. He is also requested to help to filled-up the application of commutation of pension of Shri A. Ibotombi Singh and forward the same to this office at the earliest.

2.

O/C

*He*  
( L. Pangernungsang )

*True copy*  
*[Signature]*  
*aswacati*



48

Filed by the Applicant  
through Ms. Suchitra Baro.  
Advocate. 7.5.07.

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH.**

**O. A. No. 144 of 2006**

Sri A. Ibotombi Singh. ....Applicant.

- Versus -

Union of India & others. ....Respondents.

-- AND --

**IN THE MATTER OF:-**

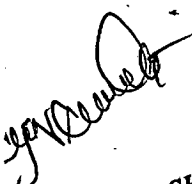
An affidavit in reply to the written statements filed  
on behalf of the respondents.

(Affidavit in reply)

I, Sri A. Ibotombi Singh aged about 59 years son of late A. Amuba Singh, presently residing at Dimapur Postal Colony, P.O.-Dimapur, MDG, in the district of Dimapur, Nagaland do hereby solemnly affirm and state as follows:-

1. That, I am the applicant in the instant application and a written statement filed on behalf of the respondents has also been served upon the counsel of the applicant. I have gone through the same and understood the contents made therein. I do not admit any of the statement made in the written statement which are contrary to and inconsistent with the records of the case, save and except those statements of the written statement which are specifically admitted herein below. The rest which are

not admitted should be treated to have been denied by the deponent.


  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No. KAM-06.  
Ranbazar, Guwahati-781001.

Contd... P / 2

06 MAY 2007

2. That with regard to the statement made in paragraph 1 of the written statement, the deponent states that the date of birth of the deponent has been shown as 06.7.1949 by the respondent in the official communications. The deponent as being not the custodian of the service book has no knowledge regarding the date of birth entered in the service book way back in 17.6.1968. The respondent issued the impugned order dated 26.10.2005 that the deponent had reached superannuation on 30.4.03. The deponent vehemently denies the same and says that the respondent authorities before issuing the impugned order dated 26.10.05 to the applicant should have caused a notice before he was reaching superannuation. The respondents authority without notice or intimation cannot force him to retire with retrospective effect.

3. That with regards to the statement made in paragraph 3 the deponent begs to state that at the time of entry in service the deponent produced a copy of the school certificate issued by the Akhoni Junior High School, Imphal. The said school certificate was burnt in the fire caught in his house in the year 1975. So, he could not able to produce the said certificate and any copy of the said school certificate which was produced at the time of entry before this Hon'ble Court. As per my school certificate my date of birth is 6.7.1949, therefore, he approached the Register of birth and death certificate to Govt. of Manipur to issue him a date of birth certificate on the basis of the record. Accordingly, a birth certificate was issued to the deponent by the authority showing his date of birth as 6.7.1949 (annexure-"D" to O.A.). As per the said D.O.B certificate, he would retire on 5.7.2009. The respondent authority arbitrarily and unilaterally cannot take a decision that the deponent has already superannuated. Assuming that the date of birth of the deponent is 1.5.1943., but not admitting, inspite of that the respondent authority should have intimated to the deponent regarding the date of

  
**NABASISH CHAKRABARTY**  
NOTARY Govt. of Assam  
Regd. No. KAM-06.  
Panbazar, Guwahati-781001.

06 MAY 2007

Contd... P / 3

of the respondent authority he should not be allowed to suffer.

4. That with regard to the avertment made in paragraph 4 of the written statement, the deponent does not want to controvert the facts if record discloses that his date of joining is 20.04.1965.

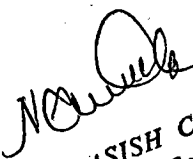
5. That with regard to the avertment made in paragraph 6 of the written statement, the deponent claims his date of birth is 6.9.1949 as reflected in the gradation list (annexure "E" to O.A.) prepared by the respondent authority as his original copy of the age proof certificate is not available.

6. That with regard to the avertment made in paragraph 7 of the written statement, the deponent states that when he was asked to produce his age proof certificate he approached the competent authority to issue on the basis of records.

7. That with regard to the avertment made in paragraph 8 of the written statement, the deponent states that before issuing the letter dated 22.7.06 (annexure- "C") and impugned order dated 26.10.05 (annexure- "A") he was neither served with any notice regarding date of birth/age proof certificate nor any intimation was made that he would be superannuated on 30.4.03. Hence, the question of bringing to the notice of the competent authority for necessary correction does not arise.

8. That with regard to the avertment made in paragraph 9 and 10 of the written statements, the deponent states that his case is not on same footing with any incumbent who is at the verge of retirement. As the deponent's superannuation is deemed to be w.e.f 30.4.03, so he never got time to prepare himself to settle down some where. So, he can not be equated with

any superannuated incumbents.

  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No. KAM-06.  
Panbazar, Guwahati-781001.

06 MAY 2007

Contd... P / 4



9. That with regard to the avertment made in paragraph 12 of the written statement, the deponent states that if it is presumed that the respondent authority rightly released the deponent from service on 31.10.2005 with retrospective effect w.e.f 30.4.03, inspite of that the respondents con not recover 30 months salary as overdraw of pay and allowance. Whatever the period of service rightly or wrongly utilised by the respondents in continuation of his service has to compensate for that. If the deponent really superannuated on 30.4.03 then his excess period of service rendered by him may be counted as required exigency of service for pension and salary etc.

10. That with regard to the avertment made in paragraph 13 of the written statement, the deponent states that whatever amount recovered, as the excess drawal as claim by the respondent authority can not be recovered from him.

11. That with regard to the avertment made in paragraph 14 and 15 of the written statement, the deponent states that he has neither normally retired from service nor getting any retired benefit if he retired from service as they claimed. So, how the respondents expect that he would vacate the quarter within 7 days whereas he is struggling for survival due non receipt of last month salary as well as pension & other benefit if he really retired on 30.4.03. Being a social welfare state, the respondent cannot take such kind of drastic action to the detrimental to him. The service jurisprudence also does not provide such kind of action to be taken.

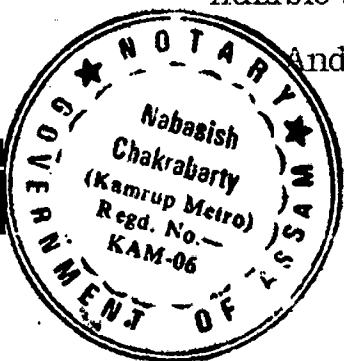
12. That with regards to the statements made in paragraphs 18, 22, 23 and 25 of the writ petition, the deponent does not offer any comments which are contrary and inconsistence with of records of the case.

13. That with regard to the avertment made in paragraphs 26, 27, 28 and 29 are denied by the deponent.

14. That the deponent begs to submit that in any view of the matter the respondent authority cannot recover the amount seems to be overdraw w.e.f. 1.5.03 to 30.9.05 as he has rendered service for those period. Even, the respondents are legally bound to pay the salary for the October/2005 which till now they have not paid to the deponent.

15. That the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are true to my knowledge and the statement made in para ..... are matter of records which I belief to be true and the rest are my humble submission before this Hon'ble court.

And I sign this affidavit on this 7th day of May/ 2007 at Guwahati.



A. Lhotomli Lingph.

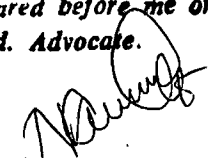
Identified by

DEPONENT

Ms. Suchitra Baro.  
7.5.07.

Advocate, at Guwahati.

Solemnly affirmed and  
declared before me on identification  
of Id. Advocate.

  
**NABASISH CHAKRABARTY**  
NOTARY Govt. of Assam  
Regd. No KAM-06.  
Panbazar. Guwahati-781001.

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