

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 239/2006

R.A./C.P No.

E.P./M.A No.

1. Orders Sheet..... O.A. Pg. 1 to 2
2. Judgment/Order dtd. 15.2.2007 Pg. X to 10 x 10/15.2.07
MD 20/07 order Pg. X to 10 x 10/15.2.07
Withdrawn
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 239/2006 Pg. 1 to 3.6
5. EP/M.P. 20/07 Pg. 1 to 3
6. R.A/C.P..... Pg..... to.....
7. W.S. 1001 to 4 Pg..... to 3
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Kalita
26/10/17

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 239/06
2. Misc Petition No. _____
3- Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Mr. M. Ali

Respondants U. O. I 90ms

Advocate for the Applicant(S) D.K. Das, Mr. R. S. Chaudhary
K. Barthakur

Advocate for the Respondant(S) R. S. Sarkar, S. N. Tamuli
for Respondents nos. 2 & 3,
Addl. C.G. Mis. D. Das for Respondent No. 1

Notes of the Registry Date Order of the Tribunal

18.9.2006

Heard Mr. D.K. Das, learned counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C. for the respondents.

post the matter on 21.9.2006. Respondents are directed to take instruction as to why the districts for which he was earlier allotted have been divested from him.

Dr. J.L. Sarkar, learned counsel has accepted notice on behalf of respondent No. 4.

Vice-Chairman

bb

21.9.06

Issue notice on the respondents.

After hearing the counsel for the parties Mr. counsel for the respondents has submitted that he will take instructions from the respondents.

Post the matter on 9.11.06.

Vice-Chairman

lm

260326761
11-9-06
shub
Shi.
NS
18-9-06
shub not taken
Shi.
Notice & order sent to D/Section for issuing to resp. nos. 1, 2 & 3 by regd. A/D post. D/No- 1011, 1012, 1013.
3/10/06 Dt- 10/6/06.

Step Reviewed
for R-4.

Sumit
23/10/06

Notice duly
Served on

R-4.

Sumit
23/10/06

- ① Notice duly served
on R-4
- ② Service awaited
from R.No-1,2&3.
- ③ No Wks has been
biled.

Sumit
8.11.06.

No Wks has been
biled.

Sumit
10.11.06

14-12-06

No Wks has been
biled.

No Wks has been
biled.

Sumit
8.1.07.

No Wks has been
biled.

Sumit
2.2.07

Received
Advocate
23/2/07

Sumit
Advocate

xxxxxx

9.11.2006

post the matter on 13.11.2006.

~~Star~~ alongwith connected matters.

Since the matter pertains to
Division Bench, the O.A. could only
be disposed of by Division Bench.

Vice-Chairman

bb

13.11.2006

post the matter on 15.12.2006

Vice-Chairman

bb

9.1.2007

Post on 13.2.2007.

Vice-Chairman

bb

5.2.2007

Post on 05.03.2007 for filing of
reply statement.

Vice-Chairman

/bb/

15.2.07.

In view of the order passed in
M.P.No.20 of 07 the O.A. is dismissed on
withdrawal.

Vice-Chairman

lm

4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 239 of 2006

Shri Mustaquim Ali

... Applicant.

- VERSUS -


Union of India & Ors.

... Respondents.

INDEX

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE</u>
1.	Synopsis/List of Dates	
2.	Application	1-16
3.	Verification	17
4.	Annexure – A	18-20
5.	Annexure – B Colly	21-23
6.	Annexure – C Colly	24-25
7.	Annexure – D Colly	26-29
8.	Annexure – E	30-31
9.	Annexure – F	32-33
10.	Annexure – G	34-36

Filed by


(Mrs. R. S. Chowdhury)
Advocate

6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 239 OF 2006

SYNOPSIS/LIST OF DATES/CHRONOLOGY OF EVENTS

- 1987 The Applicant was appointed in the Central Social Welfare Board and was sent on deputation to various State Social Board. The Applicant has rendered services in Meghalaya, Nagaland, Arunachal Pradesh as well as in Assam.
- 2005 The Applicant, on completion of his tenure of posting at Arunachal Pradesh, requested the authorities to consider his case for transfer to Assam.
- 26.05.2006 The Respondent No.3 was pleased to transfer and appoint the Applicant as Secretary, Assam State Social Welfare Board on deputation basis with the additional charge of Assistant Project Officer, Assam as well as the Assistant Project Officer, Arunachal Pradesh.
- (ANNEXURE – A, Pg.18)
- 29.05.2006 The Applicant was directed to report for duty before the Respondent No.4.
- 09.06.2006 &
14.06.2006 The Chairperson, Arunachal Pradesh State Social Welfare Board released the Applicant and he accordingly joined at Assam on 14.06.2006 and reported his joining to the Respondent No.4.
- (ANNEXURE – B Colly, Pg 21)
- 28.06.2006 The Respondent no.4 vide Order dated 28.06.06 was pleased to allocate the Area/Zone of distribution amongst the field officers of the ASSWB wherein the A was given to work for four districts namely Darrang, Sonitpur, Dhemaji and Lakhimpur.

(ANNEXURE – E, Pg 30)

4X

01.07.2006 A file for transfer of funds from Plan to Non-plan account for payment of staff salary for the month of June, 2006 was put up before the Applicant and the Applicant signed two Cheques to the amount of Rs.1,80,000/= (Rupees One lakh eighty thousand) and Rs. 98,700/= (Rupees Ninety-eight thousand Seven hundred) and endorsed both the Cheques to the Respondent No.4 for necessary approval.

03.07.2006 &
07.07.2006 The Applicant subsequently came to learn that the Cashier/U.D.A. presented the cheques before Bank without prior approval of the Respondent No.4 who signed the cheques only on 03.07.2006 and 07.07.2006.

03.07.2006 &
04.07.2006 The Respondent No.4 vide letter dated 03.07.2006 demanded an explanation from the Cashier/U.D.A. as to why he presented the Cheques without her approval. The said U.D.A. vide letter dated 04.07.2006 informed the Respondent No.4 that he had misunderstood her telephonic consent on 01.07.2006 and rendered his apology for the same.

24.07.2006 The Applicant vide letter dated 24.07.2006 also asked an explanation from the U.D.A. with regard to the said anomaly committed by him. The said U.D.A. vide his reply dated 24.07.2006 apologized for his mistake.

04.08.2006 &
05.08.2006 The Respondent No.3 vide Order dated 04.08.2006 was pleased to appoint one Shri D.D.Mondal as Secretary of Assam State Social Welfare Board in super cession of the earlier Order dated 26.05.2006. Accordingly, the Applicant being a responsible employee handed over charge to the said incumbent on 05.08.2006. However, no notice/opportunity/hearing was given to the Applicant before passing the said Order.

10.08.2006 &
18.08.2006 The Applicant was shocked to learn that vide impugned Order dated 10.08.2006 the Respondent authorities were pleased to transfer the Applicant to Arunachal Pradesh on administrative grounds. The said Order was received by the Applicant only on 18.08.2006 and on the said

date, the Respondent No.4 passed another impugned Order relieving the Applicant of his charge of Assistant Project Officer at Assam State Social Welfare Board and directing him to hand over charge to one Sri D.D. Mondal.

(ANNEXURE – C Colly, Pg.24)

21.08.06 Being aggrieved by the impugned actions of the Respondent authorities, the Applicant preferred an Original Application, which was numbered as O.A. No. 213/06. This Hon'ble Tribunal vide interim Order dated 21.08.06 was pleased to direct the Respondent authorities to permit the Applicant to continue at Guwahati in his capacity as A.P.O.

22.08.06 The said interim Order was duly communicated to the Respondent No. 4 by the Applicant, which was also duly received by the Respondents.

(ANNEXURE – D Colly, Pg.26)

13.09.06 The Respondent No. 4 vide impugned Order dated 13.09.06 was pleased to re-allocate the area/zonal distribution amongst the field officers of ASSWB in supercession of the earlier officer Order dated 28.06.06, whereby the Applicant has been divested of all duties and the area of work allocated to him has been allocated to certain Welfare Officers.

(ANNEXURE – F, Pg 32)

08.11.2002. Policy decision of the Central social Welfare Board which was communicated to all chairpersons/ Secretary/APO's whereby it was categorically laid down that the " frequent changes in distribution of area should be avoided."

(ANNEXURE – G, Pg 34)

Being highly aggrieved by the Impugned actions of the Respondent Authorities particularly by the Respondent No. 4 of having divesting the Applicant of his powers/duties by way of the Order dated 13.09.06 by flouting and in gross violation of the instructions issued by the Central Social Welfare Board in this regard, the Applicant has preferred this Original Application praying for setting aside the Impugned Order dated 13.09.06.

**BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

(An Application under Section 19 of the Administrative Tribunals
Act, 1985.)

FILED BY:
THE APPLICANTS IS
THROUGH:

MR. RAKHEE SIRAUTHIA CHOWDHURY
ADVOCATE.
18/09/2006

ORIGINAL APPLICATION NO. 239/2006

BETWEEN

Sri Mustaquim Ali,
Son of Late Mehboob Ali,
Resident of 7th Mile, Jalukbari,
P.O. & P.S. Jalukbari,
Guwahati – 781 014, Dist. Kamrup, Assam.

... **APPLICANT**

-AND -

1. The Union of India,
Represented by the Secretary to the Govt. of India
Ministry of Human Resource Development, ,
Department of Women and Child Development,
New Delhi.

2. The Executive Director,
Central Social Welfare Board,
Samaj Kalyan Bhawan,
B-12, Qutab Institutional Area, South of I.I.T.,
New Delhi – 110016

3. The Deputy Director (FO, ESTT)
Central Social Welfare Board,
Samaj Kalyan Bhawan,
B-12, Qutab Institutional Area, South of I.I.T.,
New Delhi – 110016

4. Dr. (Mrs.) Mukti Deb Choudhury,
Chairperson,
Assam State Social Welfare Board,
Beltola, Guwahati – 781 028

OA 213/06

... **RESPONDENTS.**

DETAILS OF THE APPLICATION

1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE:

The instant application has been filed challenging the legality and validity of the impugned Order issued under Memo No.SWB/XXII-9/Pt./90/1521-35 dated 13.09.2006 issued by the Respondent No.4 whereby the distribution amongst the Field Officers of Assam State Social Welfare Board (herein after referred to as A.S.S.W.B in short) has been rescheduled/revised and the Applicant, despite being senior most Assistant Project Officer (A.P.O.), has been divested/deprived of any official work by the said Respondent No.4. The Applicant is highly aggrieved by the impugned action of the Respondent authorities of having divested him of all powers/functions in a most mala fide and arbitrary manner despite the fact that such frequent changes in distribution/allocation of work is to be avoided as per the instructions issued by the Central Social Welfare Board (herein after referred to as C.S.W.B. in short).

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The Applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

- 4.1 That the applicant is a citizen of India and a resident of Jalukbari, Guwahati in the State of Assam and as such, he is entitled to all the rights, privileges and

protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

- 4.2 That the applicant is presently serving as Assistant Project Officer (hereinafter referred to as APO in short) of the Assam State Social Welfare Board at Guwahati. Be it stated herein that the Applicant had been given the additional charge of APO, Arunachal Pradesh.
- 4.3 That, after being initially appointed to the Central Social Welfare Board in the year 1987, the Applicant was sent on deputation to various State Welfare Boards and accordingly the Applicant has rendered his services at the Arunachal Pradesh, Meghalaya, Nagaland as well as in Assam State Social Welfare Board. In the year 2001, the Applicant was transferred to the Arunachal Pradesh State Social Welfare Board and the Applicant rendered his services at the said place in the post of APO till the year 2006.
- 4.4 That on having completed his tenure of posting at Arunachal Pradesh, the Applicant requested the authorities to consider his case for transfer to Assam due to his personal difficulties. Accordingly, the Respondent No.4, vide Office Order under Memo No. F-14-1/Secretary/Policy/2005/ SB Admn dated 26.05.2006, was pleased to appoint the Applicant as Secretary of the Assam State Social Welfare Board on deputation basis. In the said Order it was further mentioned that the Applicant is appointed on deputation basis with the additional charge of APO, Assam.

Copy of the relevant portion of the said Office Order dated 26.05.2006 is annexed herewith and marked as ANNEXURE – A.

- 4.5 That, in continuation of the aforesaid Office Order, the Applicant was directed to report for duty before the Chairperson of the Assam State Social Welfare

Board vide Office Order issued under Memo No. 2-4/F.O/79/FO.Estt/41 dated 29.05.2006. Be it stated herein that in the said Order dated 29.05.2006 it was further mentioned that the Applicant would also look after the work of Arunachal Pradesh as an additional charge. As such, it is evident that the Applicant was given three charges, i.e., Secretary, Assam State Social Welfare Board, Assam, APO, Assam State Social Welfare Board, Assam and APO, Arunachal Pradesh as the additional charge. In pursuance of the said Order, the Chairperson of the Arunachal Pradesh State Social Welfare Board released the Applicant on 09.06.2006 and the Applicant joined at his new place of posting at Assam on 14.06.2006. The Applicant duly reported his joining to the Respondent No.4 vide his letter dated 14.06.2006.

Copies of the said Orders dated 29.05.2006, 09.06.2006 and the joining Report of the Applicant dated 14.06.2006 are annexed herewith and marked as ANNEXURE – B colly.

- 4.6 That, while the Applicant was rendering his services at Assam, on 01.07.2006 a file for transfer of funds from Plan to Non-plan account, with regard to the payment of staff salary for the month of June, 2006 was put up before the Applicant by the Accounts Section. Accordingly, the Applicant signed the Cheque bearing No. 198634 amounting to Rs. 1,80,000.00 (Rupees One lakh Eighty thousand) for transfer of funds from Plan to Non-Plan and endorsed the same to the Chairperson (Respondent No.4) for her final approval and signing of the Cheque. It is worthy of mention herein that the Chairperson could not attend her office on 01.07.2006, as she was unwell. Be it stated herein that on the very same day the file for payment of salary of the office staff was put up before the Applicant by the Accounts Section and simultaneously a Cheque amounting to Rs.98,700.00 (Rupees Ninety-eight thousand Seven hundred) bearing No. 331738 for payment of salary was also placed before the

Applicant for his signature. The Applicant accordingly signed the same and once again endorsed it to the Respondent No.4 for her necessary approval.

4.7 That, it is relevant to state herein that the Cashier of the said office, without obtaining the final approval of the Respondent No.4, presented the Cheques to the Bank for withdrawal. It is categorically stated herein that the Secretary has no role to play with regard to the withdrawal of funds from the Banks or ensuring the final approval of the Chairperson, which is the sole duty of the Cashier/Accounts Section. The Applicant as Secretary, at no point of time advised/instructed/directed the Cashier/Accounts Section either verbally or in writing to make the fund transfer from Plan to non-Plan or to draw the salary without approval of the Respondent No.4. However, the Applicant subsequently came to learn that the Cheques so presented before him were actually signed by the Respondent No.4 only on 03.07.2006 and 07.07.2006 respectively.

4.8 That, the Applicant subsequently came to learn that the Respondent No.4 vide letter under Memo No. SWB/XII-25(2)/2005-06/819 dated 03.07.2006 was pleased to issue a letter to the U.D.A. of the State Board, Sri Prabin Thakuria demanding an explanation as to why he has presented the Cheque No. 331738 of Rs.98,700/= dated 01.07.2006 to the Bank under single signature despite the fact that the Respondent No.4 had allegedly left instruction to get the Cheque signed by her, in her capacity as authorised signatory. In response to the said letter of the Respondent No.4, the said Sri Prabin Thakuria, vide his letter dated 04.07.2006 was pleased to inform the Respondent No.4 that Cheque No. 331738 dated 01.07.2006 for Rs. 98,700/= was drawn on 01.07.2006 for payment of salary of the staff for the month of June, 2006. He further stated that he had informed the Respondent No.4 about the same over telephone for her consent on 01.07.2006, which was wrongly understood by him for which he rendered his apology and further gave an undertaking that such mistake would not be committed in future.

4.9 That, from the facts narrated herein above it is evident that the Applicant had no inkling with regard to any such drawing/payment made towards salary payment of the staff for the month of June, 2006. The blame/fault, if any, was of the Cashier/U.D.A./Accounts Section of the Board, i.e. the said Sri Prabin Thakuria. However, to the utter shock and surprise of the Applicant, the Respondent No.4 in a most malafide manner started harassing the Applicant and with a vindictive attitude, mistreated the Applicant and for reasons best known to the Respondent No.4, and to the best knowledge of the Applicant, made verbal complaints against the Applicant before the Respondent Nos. 2 and 3 alleging insubordination and misappropriation of funds. However, the Applicant humbly states that such action of the Respondent No.4 is contradictory to the fact that the Respondent No.4 had herself approved the said Cheques on 03.07.2006 and 07.07.2006. As such, the Respondent No.4 ought not to have blown hot and cold by signing on the Cheques and then complaining about the same to the detriment of the Applicant.

4.10 That, while matters remained thus, the Applicant also issued a letter to the U.D.A. Sri Prabin Thakuria to clarify as to why he deposited the Cheques of Rs.1,80,000/= and Rs.98,700/= to the Bank without obtaining prior signature of the Chairperson, vide his letter dated 24.07.2006. The said U.D.A./Cashier Sri Prabin Thakuria vide his reply dated 24.07.2006 apologized for his mistake and further gave an undertaking that such mistake would not be done by him in future.

The Applicant craves leave of this Hon'ble Tribunal to refer to and rely upon the aforesaid documents, if so required at the time of hearing of the instant application.

4.11 That, to the utter shock and surprise of the Applicant, the Respondent No.4 vide an Order under Memo No. F.14-2/2/94-SBA dated 04.08.2006 in supersession of the earlier Order dated 26.05.2006 (Annexure-A) was pleased to appoint one Sri D. D. Mondal, as Secretary of Assam State Social Welfare Board. A copy of the same was forwarded to the Applicant directing him to handover charge to the said incumbent with immediate effect. The said Order was received by the Applicant on 05.08.2006 and accordingly the Applicant, being a responsible employee handed over charge to the said incumbent on 05.08.2006 itself vide Order under Memo No. ASSWB/PER/ESTT/2006/928-29. Be it stated herein that the Applicant was neither given any notice/opportunity nor any hearing prior to appointing the said Sri D.D. Mondal at the said post of Secretary of Assam State Social Welfare Board.

4.12 That, after handing over charge to the said Sri D.D. Mondal with regard to the post of Secretary, Assam State Social Welfare Board, the Applicant continued to render his services as APO in Assam State Board. However, the Applicant noticed several irregularities in following the procedure as laid down by the Central Social Welfare Board and also with regard to the management of fund in the Assam State Social Welfare Board. On bringing such irregularities to the notice of the Respondent No.4, the Applicant was assured that things would be looked into. However, to the utter shock and surprise of the Applicant, the Deputy Director (FO ESTT) of the Central Social Welfare Board, vide an Order issued under Memo No. F.1-2/FO/87/FO.ESTT/184 dated 10.08.2006, was pleased to transfer the Applicant to Arunachal Pradesh State Board on administrative grounds with immediate effect. The said Order dated 10.08.2006 was communicated to the Applicant vide impugned Order under Memo No. SWB/1-4(1) 77/Pt.IV/97/1247-51 dated 18.08.2006 issued by the Respondent No.4, which was received by the Applicant on the same date, and the Applicant was relieved of his charge of A.P.O. at the Assam State Social Welfare Board by the said Order. A bare glance of the said impugned Order clearly reveals that the said action had been initiated to

accommodate the said Sri D. D. Mondal, who influences political clout, and the Applicant was being victimized by the Respondent No.4 due to the fact that he has tried to render sincere services in the department, much to the dislike of the Respondent No.4. Such impugned action clearly reflects malafide intention on the part of the Respondent Nos.4.

Copies of the said Orders dated 10.08.2006 and 18.08.2006 are annexed herewith and marked as ANNEXURE – C Colly.

- 4.13 That, being highly aggrieved by such impugned actions of the Respondent No. 4 in trying to illegally transfer the Applicant from the said place, the Applicant approached this Hon'ble Tribunal by way of an Original Application, which was registered and numbered as O.A. No. 213 of 2006. The said Original Application was taken up on 21.08.2006, on which date this Hon'ble Tribunal, after hearing the parties, was pleased to stay the impugned Orders therein, i.e. the transfer orders dated 10.08.2006 and 18.08.2006. The Hon'ble Tribunal was further pleased to direct in the interim that the Applicant should be permitted to continue at Guwahati as Assistant Project Officer. The Applicant accordingly forwarded a certified copy of the said Order to the Respondent No. 4 herein vide his letter dated 22.08.2006, which was duly received by the Secretary on 23.08.2006. As such, the Applicant humbly states that the Respondent No. 4 was fully aware of the fact that that this Hon'ble Tribunal had categorically directed that the applicant ought to be permitted to continue at Guwahati in his capacity as Assistant Project Officer, if not as Secretary.

Copies of the said interim Order dated 21.08.2006 passed by this Hon'ble Tribunal in O.A. No. 213 of 2006 along with the forwarding letter dated 22.08.2006 are annexed herewith and marked as ANNEXURE – D Colly.

4.14. That, although the Applicant was allowed to continue at the said post, pursuant to the interim Order dated 21.08.2006, however the Respondent No.4 refused to acknowledge the work of the Applicant and further refused to confirm the tour programme of the Applicant, due to which the Applicant has been unable to render his services sincerely to the department. Be it further stated herein that the Respondent No.4 even refused to address the Applicant during the meetings scheduled in the office. It is pertinent to mention herein that by an Order issued under Memo No. SWB/XXII-9/Pt. II/90/768-82 dated 28.06.2006; the Respondent No. 4 had issued an Office order wherein the area/zonal distribution amongst the Field Officers of the A.S.S.W.B. was made. In the said Order, the Applicant had been given the areas of the Darrang, Sonitpur, Lakhimpur and Dhemaji districts. Such allocation had been done pursuant to the Applicant's joining at Assam on 14.06.2006.

A copy of the said Office Order dated 28.06.2006 issued by the Respondent No. 4 is annexed herewith and marked as **ANNEXURE – E.**

4.15. That, however, to the utter shock and surprise of the Applicant, the Respondent No. 4 vide impugned Order issued under Memo No. SWB/XXII-9/Pt./90/1521-35 dated 13.09.2006 in super cession of the earlier Office Order dated 28.06.2006 was once again pleased to reallocate/distribute the areas/zones amongst the Field Officers of the A.S.S.W.B. In the said impugned Order dated 13.09.2006 the name of the Applicant does not figure at all and all the earlier districts, which have been allocated to him, have now been allocated to one Smti. S. Teronpi and one Sri C. R. Pawe, both Welfare Officers. The Applicant humbly states that such impugned action of the Respondent No. 4 in divesting the Applicant of his official powers is a clear

and categorical indication of the malafide intention and arbitrary action being practiced by the Respondent No. 4.

A copy of the said impugned Order dated 13.09.2006 is annexed herewith and marked as ANNEXURE – F.

- 4.16 That, the Applicant deems it pertinent to mention herein that the Joint Director (F.O. ESTT) of the C.S.W.B. vide notification under Memo No. F.1-7/Policy/2000-01/FCI/785 dated 08.11.2002 has been pleased to issue instructions to all Chairpersons/Secretaries/Field Officers with regard to submission of Inspection Reports as well as allocation of works. Clause-6 of the said instructions categorically lays down that “It is also noted that the State Boards are not allotting work to the field officers equitably as per instructions issued earlier. Work distribution/district allocation is to be done every 2 (Two) years and information sent to the C.S.W.B. Financial year. *Frequent changes in distribution of area should be avoided*”.

A copy of the said instructions issued by the C.S.W.B dated 08.11.2002 is annexed herewith and marked as ANNEXURE – G.

- 4.17 That, the Applicant further deems it pertinent to mention herein that the Respondent No. 4 herein on 12.09.2006 filed a Miscellaneous Application registered as M.P. No. ____/2006 in the aforesaid Original Application No. 213/2006, for vacating/clarification of the interim order dated 21.08.2006 passed by this Hon'ble Tribunal. Be it stated herein that the said Misc. Petition is still pending consideration before this Hon'ble Tribunal and the same has been fixed for hearing on 21.09.2006. However, the Respondent No. 4, in a most malafide and arbitrary manner, without waiting for the outcome of the said Misc. Petition, has illegally issued the impugned order dated 13.09.2006 in an undue haste. The same reflects the actions of the said

authority in trying to remove the Applicant from the said post of Assistant Project Officer, Guwahati in any manner, whatsoever. The Applicant humbly craves leave of this Hon'ble Tribunal to refer to and rely upon the statements and averments made in the said Original Application No. 213/2006.

5. GROUND'S FOR RELIEF/S WITH LEGAL PROVISIONS:

5.1 For that the facts and circumstances that have been narrated herein above would clearly indicate that the respondents, particularly, the Respondent No. 4 have deliberately flouted in all impunity, the policy decision of the C.S.W.B. as envisaged vide Circular dated 08.11.2002. The Applicant having been allocated with his area/zone of work only in the month of June, 2006, could not have been reallocated on/before June, 2008. However, the Respondent No. 4 with undue haste has taken away the work allocation of the Applicant vide the impugned order dated 13.09.2006, barely two months after his taking over charge. The said action is, as such, ex-facie illegal and hence, liable to be interfered with by this Hon'ble Tribunal.

5.2 For that the impugned action of the Respondent No. 4 in issuing the order dated 13.09.2006 amounts to nullifying the specific and categorical orders/directions passed by this Hon'ble Tribunal on 21.08.2006 in the Original Application No. 213/2006, which amounts to a deliberate and willful disregard/disobedience to this Hon'ble Tribunal. The Respondent No. 4 has, as such, made itself liable to be proceeded against for contempt of this Court for violating the Tribunal's orders. The volume of malafide is writ large on the face of the impugned order dated 13.09.2006, which was issued by the Respondent No. 4 in such great haste that the said authority did not even deem it fit to wait for the outcome of the Misc. Petition No. ___/2006 in Original Application No. 213/2006, prior to issuing the said impugned order. The said actions seek interference of this Hon'ble Tribunal and the Respondent No. 4 ought to be made answerable for her action.

5.3 For that, the facts and circumstances narrated herein above would clearly reveal that the impugned Order dated 13.09.2006 has been issued by the Respondent No. 4 in a deliberate attempt to divest the Applicant of all his powers and deprive him of any work. The said action is not only illegal, arbitrary and capricious, in as much as, the same has been issued by the Respondent No. 4 at her own whims and fancies, in sheer disregard to the guidelines so issued by the C.S.W.B., but also, the same has been issued with a malafide intention to frustrate the sincere efforts of the Applicant. The Applicant humbly states that this Hon'ble Tribunal having categorically held vide order dated 21.08.2006 in Original Application No. 213/2006 that "the Applicant shall be allowed to continue at Guwahati as A.P.O.," it was incumbent upon the Respondent No. 4 to have honoured the directions of this Hon'ble Tribunal. However, the Respondent No. 4 has deemed it fit to flout with complete disregard the directions of this Hon'ble Tribunal and has issued the impugned order dated 13.09.2006. As such, this Hon'ble Tribunal may be pleased to interfere in the matter by quashing the impugned order dated 13.09.2006 and directing the Respondent No. 4 to allow the Applicant to render his services as per the earlier allocation order dated 24.06.2006

5.4 For that, the Applicant has been discriminated against without any reasonable basis or justification. The Applicant has been picked up for discriminatory treatment as will be evident from the fact that the Applicant was brought in to the Assam State Social Welfare Board only in the month of June, 2006, after having rendered 5 years of service at Arunachal Pradesh and was allocated his duties/area of work vide order dated 28.06.2006. The guidelines so issued in this regard having specifically laid down that the said allocation / re-allocation of work ought not to be done within short periods, and it having been further clarified that the persons ought to be allowed to work for at least 2 (Two) years, the Respondent No. 4 had no business in issuing the impugned order dated 13.09.2006 and violating the instructions of the higher authorities. Divesting the Applicant of any work is most illegal, arbitrary and malafide in

addition to being unfair, unreasonable and capricious. The said impugned actions are in gross violation of Articles 14 and 16 of the Constitution of India. The said impugned actions reflect malice in law as well as malice in facts. As such, it is humbly submitted that the same are liable to be set aside and quashed.

5.5 For that, the facts and circumstances that have been narrated herein above would clearly reveal that the impugned Order dated 13.09.2006 has been issued by the Respondent No. 4, only with a view to frustrate the Applicant and to illegally accommodate certain blue-eyed persons. The Respondent no.4 has been instrumental in the issuing of the earlier impugned transfer Order dated 10.08.2006 as well as the impugned Order dated 13.09.06. No person reasonably instructed in law could have been oblivious to these factors, which are germane to the issue at hand. There apparently has been a colourable exercise of power for collateral purposes. The impugned order, on the face of the records is not sustainable. As such, it is humbly submitted the said impugned Order is liable to be set aside and quashed.

5.6 For that, the policy decision circulated by the C.S.W.B. vide Circular dated 08.11.2002 under Clause 6 categorically lays down that *"the State Boards are not allocating works to the field officers equitably Works distribution/district allocation is to be done every two years..... frequent changes in distribution of area should be avoided."* A bare glance at the impugned order dated 13.09.2006 issued by the Respondent No. 4 clearly reveals that the distribution of area is in a no way equitable since two Welfare Officers have been allocated with the work of 12 and 13 districts, whereas the Applicant has been divested of all duties/work areas. Further, the said impugned order dated 13.09.2006 having been issued within a short span of 2 months of the earlier work allocation order dated 28.06.2006, it is evidently in contravention of the Policy decision of the C.S.W.B. As such, the said impugned action is illegal and liable to be interfered with by this Hon'ble Tribunal.

22

- 5.7 For that, the Applicant humbly submits that the conditions precedent for exercise of powers by the Respondent authorities has not been followed in the instant case. As such, the impugned Order dated 13.09.06 is void ab-initio.
- 5.8 That the applicant has a strong prima-facie case in his favour. The applicant shall suffer irreparable loss and injury which cannot be compensated in terms of money if the said impugned Order dated 13.09.06 is given effect to. The balance of convenience is strongly in favour of the applicant. As such this Hon'ble Tribunal may be pleased to stay/ suspend the operation of the impugned order dated 13.09.06 during the pendency of the instant application.
- 5.9 That the applicant has no other adequate, equally efficacious alternative remedy available to him and the relief as prayed for, if allowed, shall be just, adequate and proper.
- 5.10 That the applicant demanded justice but the same has been denied to him.
- 5.11 That this application is made bonafide and for the ends of justice

6. **DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. **RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, and a notice be

w/

issued to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 To set-aside and quash the impugned Order under Memo No. SWB/XXII-9/Pt./90/1521-35 dated 13.09.2006 issued by the Respondent No.4 whereby the Applicant has been divested of his powers as Assistant Project Officer and the work area so allocated to him, has been given to other persons.
- 8.2 To direct the Respondent authorities, particularly, the Respondent No. 4 to allow the Applicant to continue to serve as Assistant Project Officer for the districts of Dhemaji, Lakhimpur, Darrang and Sonitpur as per the earlier work allocation order dated 28.06.2006.
- 8.3 To direct the Respondent No. 4 to appear before this Hon'ble Tribunal and explain the compelling reasons/circumstances for issuing the impugned order dated 13.09.2006, despite the fact that the interim order dated 21.08.2006 was well within her knowledge, in exercise of the powers under section 17 of the Administrative Tribunal Act, 1985.
- 8.4 To direct the Respondent authorities, particularly, the Respondent No. 4 not to give effect to impugned order dated 13.09.2006.
- 8.5 Costs of the application.
- 8.6 Any other relief or reliefs to which the applicant is entitled to, under the facts and circumstances of the case, as may be deemed fit and proper by the Hon'ble Tribunal. The Applicant further prays that the said Application ought to be tagged along with O.A. No. 213/06 and the merits of both the cases ought to be considered together in view of the fact that the action under challenge herein is consequential to the actions which were under challenge in the said O.A. No. 213/06.

27

9. **INTERIM ORDER PRAYED FOR**

The applicant respectfully prays that during the pendency of the instant Application, the operation of the impugned Order dated 13.09.2006 issued under Memo No. SWB/XXII-9/Pt./90/1521-35 by the Respondent No. 4 be stayed/suspended.

-AND-

The Applicant be further allowed to render his services as per the earlier work/area /zonal distribution order dated 28.06.2006. (Annexure-E herein)

10. **PARTICULARS OF THE IPO.**

- i. I.P.O. NO. 264 326701
- ii. Date of Issue 11.9.06.
- iii. Issued from :
- iv. Payable at :

11. **DETAILS OF ENCLOSURES:**

As stated in the Index.

wt

25

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

I, Shri Mustaquim Ali, son of Late Mehboob Ali, resident of 7th Mile, Jalukbari, P.O. & P.S. Jalukbari, Guwahati – 781 014, Dist. Kamrup, Assam., aged about 48 years, do hereby solemnly affirm and verify that I am the Applicant in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The

statements made in Paragraphs-1, 2, 3, 4, 4.3, 4.4(pt), 4.5(pt)

4.6(pt), 4.7(pt), 4.8(pt), 4.9(pt), 4.10(pt), 4.11(pt), 4.12(pt), 4.13(pt), 4.14(pt), 4.15(pt), 6 to 11. are true to my knowledge and those made

in Paragraphs-4.4(pt), 4.5(pt), 4.6(pt), 4.7(pt), 4.8(pt), 4.9(pt), 4.10(pt), 4.11(pt), 4.13(pt), 4.14(pt), 4.15(pt), 4.16... are matters of records derived

therefrom, which I believe to be true and those made in paragraphs- 5- are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 18th day of September, 2006 at Guwahati.

Mustaquim Ali

SIGNATURE OF THE APPLICANT

FAX NO. : 0361 2309470

Jun. 06 2006 03:40PM F1

FROM : B.C SERVICE

- 18 -

Speed Post

ANNEXURE - A

CENTRAL SOCIAL WELFARE BOARD
(State Board Administration)

Assam State Social Welfare Board
Belhola, Guwahati-28
Receipt No. 372
Date 6-6-06

F.14-1/Secretary/Policy/2005/SB Admin

Dated: 26.5.2006

OFFICE ORDER

The following officers are appointed as Secretaries of the State Social Welfare Boards on usual terms and conditions of deputation. The period of deputation will be applicable with the date of assumption of charge of the post. The appointments have been made on administrative grounds and in public interest. The officers who have been transferred and given charge of Secretary State Board are directed to report immediately for duty to the Chairperson, State Social Welfare Boards to which they are appointed under intimation to this office.

S.No.	State/U.T.	Name of the Secretary/PO/Field Officer	Designation	Deputation/ Permanent	Remarks
1.	Andhra Pradesh	Sh. C. Shaktivel	PO	Deputation as Secretary	Deputation extended for another one year. He will continue to hold additional charge of PO.
2.	Arunachal Pradesh	Sh. P.R. Deka	State Board Employee	Permanent	Nil
3.	Assam	Sh. M. Ali	APPO	Deputation as Secretary	Sh. M. Ali is appointed as Secretary, State Board with immediate effect. He is appointed on deputation with additional charge of Asst. Project Officer.
4.	Bihar	Sh. N.G. Jani	APPO	Deputation as Secretary	Sh. N.G. Jani is appointed as Secretary, State Board with immediate effect. He is appointed on deputation with additional charge of Asst. Project Officer.

Certified to be true Copy

Babhee Sirauthia Chowdhury
ADVOCATE

*Seen
20/6
5.6.06*

*Estt
Seen
27/6/06*

22

31.	Pondicherry	Sh. D. Dominic	Welfare Officer	Deputation as Secretary, State Board	The period of deputation of Sh. D. Dominic is extended for another year as Secretary, State Board. He will continue to hold additional charge of Welfare Officer.
32.	Chattisgarh	Sh. Narain Mohanty	APO	Deputation as Secretary, State Board	Sh. Mohanty is appointed as Secretary, State Board with immediate effect. He is appointed on deputation with additional charge of Asst. Project Officer.
33.	Uttaranchal	Sh. P.K. Ojha	Welfare Officer	Deputation as Secretary, State Board	The period of deputation of Sh. P.K. Ojha is extended for another year as Secretary, State Board. He will continue to hold additional charge of Welfare Officer.

Note Sh. A.K. Dua, Deputy Director and Sh. D.S. Bhukkal, Deputy Director are repatriated to CSWB Headquarters with immediate effect.

This issues with the approval of the Competent Authority.

(Signature)

(NEELAM BHARDWAJ)
JOINT DIRECTOR (SB ADMN/ ESTT)

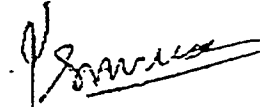
1. All Concerned

Copy to:

1. All Chairpersons of State Social Welfare Boards with the request to

kindly relieve the officer of their duties immediately to enable them to join their duties.

2. P & AO, CSWB for informat on and necessary action.
3. All Joint Directors
4. All Divisional Heads
5. Personal File
6. PS to Chairperson for information
7. PA to ED for information.
8. Establishment Division
9. Vigilance Cell
10. ACR Cell



(V. BHASKARAN)
DEPUTY DIRECTOR (SB ADMN/ ESTT)

2/

M/Ref. No. 2-4/F.O./99/F.O. Estt. 41

फैक्स / Fax : 26960057

TELEGRAM : "SANCHHASEVA"

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-12, कुतुब इन्स्टीट्यूशनल एरिया, नई दिल्ली - 110 016

B-12, Qutub Institutional Area, New Delhi - 110 016

दिनांक / Dated : 29.5.2006

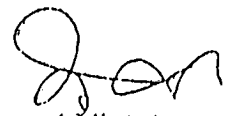
OFFICE ORDER

In continuation to this Office Order of even number dated 18.5.2006, the following field officers are transferred and posted to the State Boards indicated against their names under column No.4 with immediate effect and until further orders on administrative grounds and in public interest. The concerned officers are directed to report for duty to the Chairperson, State Social Welfare Board to which they are posted within a fortnight of issue of this order and after being relieved by the respective Chairperson of the State Boards.

S.No.	Name & Designation	Transferred from	Transferred to
1. ✓	Sh. M. Ali, APO	Arunchal Pradesh	Assam (He will also look after the work of Arunchal Pradesh - Additional Charge)
2.	Sh. P. Prakash, PO	Orissa	Tamil Nadu
3.	Smt. Parvathi, PO	Madhya Pradesh	Kerala
4.	Sh. A.K. Shaji, PO	Tamil Nadu	Karnataka
5.	Smt. Arunima Gupta, WO	Rajasthan	Uttar Pradesh

2. No representation will be considered without joining the new place of posting. Any recommendation or outside pressure will lead to disciplinary action. All the transferred officers are entitled for getting TADA on transfer except S.No.1, 3 & 5 whose transfers have been made on their own request.

4. This issues with the orders of the Competent Authority.

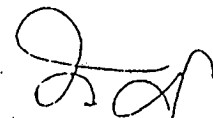


(Vinesh Lata)

Joint Director(F.O. Estt.)

Copy to :-

1. All concerned field officers for immediate compliance.
2. Chairpersons of all concerned State Social Welfare Boards with the request to kindly relieve the concerned field officers of their duties immediately to enable them to join their duties in their respective place of postings after availing the joining time under intimation to this Office. The joining report of the transferred officers may also be immediately forwarded to the Central Social Welfare Board.
3. P & AO for information and necessary action.
4. All Joint Directors and Divisional Heads for information
5. Deputy Director(FCI)
6. Deputy Director(SBA)
7. Personal file of concerned officer.
8. P.S. to Chairperson and P.A. to Executive Director for information.



Joint Director(F.O. Estt.)

Certified to be true Copy


Rakhee Srivastava
ADVOCATE

-22-

ARUNACHAL PRADESH STATE SOCIAL WELFARE BOARD

NAHARLAGUN-791 110
ARUNACHAL PRADESH

Telegram : 'RAJYAKALYAN'

Telephone	Off.	STD 0360
		Res.
Chairperson	245323	248660
Secretary	244751	244930
FAX :	244751	

Ref. No. APSSWB/ESTT-79/2001-02/18

Dated.....9.6.2006.....

ORDER

Consequent upon the CSWB's Order No.F.14-1/Secretary/
Policy/2005/S.B.Admn. dated 26.5.06 and F.No.2-4/F.O./99/F.O. Estt
dated 29.5.06 Shri M. Ali, A.P.O. attached to Arunachal Pradesh State
Social Welfare Board is hereby released on 9th June 2006 (A.N.) to
enable him to join Assam State Social Welfare Board as Secretary on
deputation and additional charge of A.P.O.. He will continue to
look after the work of Arunachal Pradesh as A.P.O. - additional charge.

Sd/- TADAR YADIR
CHAIRPERSON

MEMO.NO.APSSWB/ESTT-79/2001-02/182

Dtd. 9.6.2006

Copy to:-

1. The Executive Director, CSWB, New Delhi for information.
2. The Chairperson, Assam State Social Welfare Board, Guwahati for information.
3. Shri M. Ali, A.P.O., APSSWB for information and necessary action.
4. O/o

(TADAR YADIR)
CHAIRPERSON

Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOCATE

No. ASSWB/PER/ESTT./2006/1

Date : 14/06/2006

To
The Chairperson,
Assam State Social Welfare Board,
Beltola, P.O. Guwahati-28 (Assam).

SUBJECT :- JOINING REPORT IN ASSAM STATE BOARD ON TRANSFER.

Reference :- C.S.W.B.'s Orders vide No. F.14-1/Secretary/Policy/2005/SB Admn dt.26/05/06
& F.2-4/FO/99/F.O.Estt. dt.29/05/06 and Arunachal Pradesh State Board's release
order vide No.APSSWB/Estt.-79/2001-02/181 dt.09/06/2006.

Madam,

I have the honor to refer to the Order's of Central Social Welfare Board, New-Delhi
and subsequent release order of Arunachal Pradesh State Board on the above quoted subject and
to inform you that I have joined to-day i.e. on 14th June 2006 (F.N.) in The Assam State Social
Welfare Board, Guwahati as Secretary on deputation with additional charge of A.P.O.

May I therefore, request you kindly to forward a copy of my joining report to The
Central Social Welfare Board, New-Delhi for further necessary action.

Enclo. Duplicate copy.

Yours Faithfully

[Signature]
14/6/06

(MUSTAQUIM ALI)
SECRETARY & A.P.O.
ASSAM STATE SOCIAL WELFARE BOARD
GUWAHATI.

Copy for kind information & necessary action to :

- i) The Executive Director, Central Social Welfare Board, New-Delhi -16.
- ii) The Dy, Director (F.O.Estt.), C.S.W.B., New-Delhi -16
- iii) The Pay & Accounts Officer, C.S.W.B., New-Delhi -16 with the request kindly to
remit my pay & allowances to Assam Board from this month onwards.
- iv) The Chairperson, Arunachal Pradesh State Social Welfare Board, P.O. Naharlagun
Dist. Papum pare.

[Signature]
14/6/06

(MUSTAQUIM ALI)
SECRETARY & A.P.O.

Assam State Social Welfare Board
Beltola, Guwahati-28
Report No. 471
dt. 14.6.06

Certified to be true Copy

[Signature]

Rakhee Sirauthia Chowdhury
ADVOCATE

1-2/FO/87/FO. ESTT. /184

-24-

ANNEXURE - C -
COPY

Tel. No 26960059

फैक्स नः 26960057

तार -

संघसेवा

Telegram: 'SANGHASEVA'

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIALWELFARE BOARD

समाज कल्याण भवन

बी-12, क़ुतुब इंस्टीट्यूशनल एरिया नई दिल्ली-110016

SAMAJ KALYAN BHAVAN

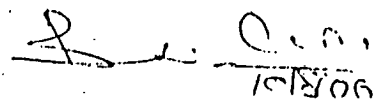
B-12, Qutab Institutional Area, New Delhi-110016

DATED : 10.8.2006

MEMO

Sh. M. Ali, Asstt. Project Officer, attached to Assam State Social Welfare Board is transferred to Arunachal State Board on Administrative grounds with immediate effect. He is entitled for TA/DA and Joining time as rule.

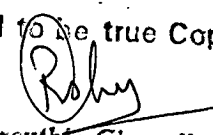
This issues with the approval of the competent Authority.


10/8/06

(B.C. THAKUR)
DEPUTY DIRECTOR (FO. ESTT)

✓ Sh. M. Ali, APO.
Assam State Social
Welfare Board
GUWAHATI

Certified to be true Copy


Rakhee Sirauthia Chowdhury
ADVOCATE

ASSAM STATE SOCIAL WELFARE BOARD
BELTOLA GUWAHATI-781028

SWB/1-4(1)77/Pt-IV/97/1247-51

Date: 18/8/06

OFFICE ORDER

In pursuance of the C.S.W.B's Memo No. F.1-2/F.O/87/FO Estt/184 dated 10-08-2006 Shri M. Ali, A.P.O. attached to Assam State Social Welfare Board is hereby relieved on 19-08-2006 (F.N) to enable him to join in Arunachal Pradesh State Social Welfare Board.

MD 18.8.06
Dr. (Smt) Mukti Deb Choudhary
CHAIRPERSON
u.

MEMO NO. SWB/1-4(1)77/Pt-IV/97/1247-51

Date: 18/8/06

Copy to :-

- ✓ 1) Shri M. Ali, A.P.O. for information and necessary action. He is directed to handover the charge to the Secretary.
- 2) The Executive Director, C.S.W.B., New Delhi for information.
- 3) The Chairperson, Arunachal Pradesh State Social Welfare Board.
- 4) The Deputy Director, (F.O. Estt.), C.S.W.B.
- 5) The Pay and Accounts Officer, C.S.W.B.
- 6) Personal File.

MD 18.8.06
CHAIRPERSON
u.
18-8

Certified to be true Copy

Rakhee Sirauthi Chowdhury
Rakhee Sirauthi Chowdhury
ADVOCATE

NO. SWB/ESTT./MA-PER/2006

Dt. 22/08/2006

To
The Chairperson
Assam State Social Welfare Board
Beltola : Guwahati - 28

Sub:- Stay order of Hon'ble Central Administrative Tribunal, Guwahati Bench -
Submission of.

Madam,

With reference to the above quoted subject, I have the honour to submit herewith
a photocopy of the order dated 21/08/2006 in Case No. 213 of 2006 passed by Hon'ble
Central Administrative Tribunal, Guwahati Bench for your kind information.

Yours faithfully,

ml
22/08/06

(Mustaquim Ali)
A.P.O., C.S.W.B.
Attached to Assam State
S.W.Board. ; Guwahati.

Zinnat
all
22/8/06
Secretary
Assam State Social Welfare Board

Copy for kind information and necessary action to :-

- 1) The Executive Director, Central Social Welfare Board, New Delhi-16
- 2) The Dy. Director (F.O.Estt), Central Social Welfare Board, New Delhi-16
- 3) The Dy. Director (SBA), Central Social Welfare Board, New Delhi-16
- 4) The P.S. to Hon'ble Chairperson, Central Social Welfare Board, New Delhi-16
- 5) The Chairperson, Arunachal Pradesh State Social Welfare Board, Naharlagun.

ml
(M. Ali)
A.P.O.

Certified to be true Copy

Rakhee
Rakhee Sirauthia Chowdhury
ADVOCATE

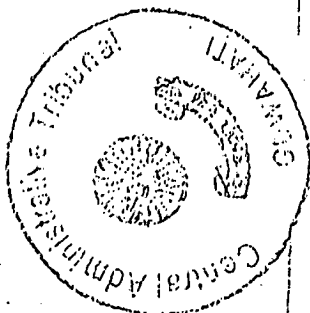
Plr. Copy

ORDERS SHEET

- Advocate for the Respondant(s) CASE

Order of the Tribunal

21.08.2006 Present : Hon'ble Sri K.V. Sachidanandan,
Vice-Chairman.



Rakhee Sirauthia Chowdhury
ADVOCATE

The Applicant was appointed in the Central Social Welfare Board and was sent on deputation to various State Social Boards. After completion of his tenure posting at Arunachal Pradesh, the Applicant was transferred and appointed as Secretary, Assam State Social Welfare Board on deputation basis with additional charge of Assistant Project Officer, Assam as well as the Assistant Project Officer, Arunachal Pradesh. Accordingly, the Applicant joined on 14.06.2006 and reported to the Respondent No. 4. The Applicant after taking over charge admitted his two minor children at Kendriya Vidyalaya, Maligaon. While so, proposal for transfer of funds from Plan to Non-plan account for payment of staff salary for the month of June, 2006 was put up before the Applicant and the Applicant signed two cheques to the

Contd/-

Contd/-

21.08.2006 amount of Rs. 1,80,000/- and Rs. 98,700/- and endorsed both the cheques to the Respondent No. 4 for necessary approval. The Applicant subsequently came to learn that the Cashier/UDA presented the cheques before the Bank without prior approval of the Respondent No. 4, who signed the cheques on 03.07.2006 and 07.07.2006. The Respondent No. 4 demanded explanation from the Cashier/UDA as to why he presented the cheques without approval. The Cashier vide letter dated 04.07.2006 stated that he had obtained the telephonic consent from the Respondent No. 4 and acted thereof and rendered his apology for the same. The Applicant also issued explanation for the said anomaly committed by him. While so, the orders dated 10.08.2006 and 18.08.2006 have been issued transferring the Applicant to Arunachal Pradesh State Welfare Board. The Applicant alleged malafide and submitted that he has no role to play to the alleged irregularities, if any.

Heard Mr D.K. Das, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. Central Government Standing Counsel for the Respondents.

Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents wanted time to take instructions. Let it be done.

Post on 21.09.2006. Considering the fact that the Applicant's two minor children have been admitted in the school at Guwahati and the Applicant has shifted

Contd/-



Contd/-

21.08.2006 from Arunachal Pradesh to Guwahati and holding the charge of Assistant Project Officer, Assam at Guwahati, the Respondents are directed to permit the Applicant to continue at Guwahati in his capacity as above, if not as Secretary to the Board.



Sd/- vice-Chairman,

TRUE COPY

নথি কপি

[Signature]
21.8.06.
অসম চ. বি. ব. ১৬

সে.

Central Administrative Tribunal

গুৱাহাটী - বেন্চ

GUWAHATI BENCH

গুৱাহাটী-৫

21/8/06.

ASSAM STATE SOCIAL WELFARE BOARD
BELTOLA ; GUWAHATI-28

OFFICE ORDER

In supersession to this office order No.SWB/XXII-9/pt-II/752-84 dt. 29-8-05 the Area/Zonal distribution amongst the Field Officers of Assam State Social Welfare Board are made as under with immediate effect and will continue until further order

<u>Sl. No.</u>	<u>Name of Officer</u>	<u>District</u>
1.	Mr. M. Ali, Secretary/A.P.O.	1. Darrang 2. Sonitpur 3. Lakhimpur 4. Dhemaji
2.	Mr. D.D. Mandal, A.P.O.	1. Kamrup 2. Goalpara 3. Barpeta 4. Morigaon
3.	Mrs. S.Teronpi, W.O.	1. Nagaon 2. Golaghat 3. Sibsagar 4. Jorhat 5. Dibrugarh 6. Tinsukia 7. Karbi Anglong 8. N.C. Hills.
4.	Mr. C.R. Pawe, W.O.	1. Dhubri 2. Kokrajhar 3. Bongaigaon 4. Nalbari 5. Cachar 6. Hailakandi 7. Karimganj

Sri R. Kakati, Steno, Gr. 'D' will attend the official work of Secretary, State Board, Field Officers and any other work assigned to him from time to time.

(Dr. (Smt.) M.D. Choudhary)
CHAIRPERSON

Certified to be true Copy

Contd...2...

Rekhee
Rekhee Srauthia Chowdhury
ADVOCATE

1 R. 21/8/06

Memo No. SWB/XXII-9/pt-II/90/ 768-82

Dt. 28-6-06

Copy for information to :-

1. The Executive Director, Central Social Welfare Board, New Delhi-16.
2. The Dy. Director (F.O. Estt.), Central Social Welfare Board, New Delhi.
3. The Pay & Accounce Officer, Central Social Welfare Board, New Delhi.
- ✓ 4. All officers of Central Board attached to Assam State Board.
5. The Secretary, Assam State Board.
6. P.A. to Chairperson, Assam State Board.
7. Shri R. Kakati, Steno, Assam State Board.
8. All U.D.A., Assam State Board.

(Dr. (Smt.) M.D. Choudhary.)
CHAIRPERSON

OFFICE ORDER

In supervision to this office order No.SWB/XXII-9/PI-II/ 90/768/82 date 28/6/06 the Area/Zonal distribution amongst the Field Officers of Assam State Social Welfare Board are made as under with immediate effect as per Central Social Welfare Board's instruction and will continue until further order

Sl No. Name of the OfficerDistricts

- | | |
|--|---|
| 1. Shri D.D. Mandal, A.P.O. / <i>scw</i> | 1. Morigaon
2. Goalpara |
| 2. Smt. S. Teronpi, W.O. | 1. Kamrup Metro
2. Nagaon
3. Golaghat
4. Sibsagar
5. Jorhat
6. Dibrugarh
7. N.C. Hills.
8. Karbi Anglong
9. Tinsukia
✓ 10. Darrang ✓
✓ 11. Sonitpur ✓
12. Odalguri |
| 3. Shri C. R. Pawe, W.O. | 1. Dhubri
2. Kokrajhar
3. Bongaigaon
4. Barpeta
5. Nalbari
6. Cachar
7. Hailakandi
8. Karimganj
✓ 9. Lakhimpur ✓
✓ 10. Dhemaji ✓
11. Kamrup Rural
12. Baksa
13. Chirang |

Sri Rajani Kakati, Steno, Grade 'D' will attend the official work of Secretary, State Board, Field Officers and and other work assigned to him from time to time.

m.d.c. 13.9.06
Dr. (Smt.) Mukti Deb Choudhary
CHAIRPERSON

Contd...P/2

Certified to be true Copy

Rakhee
Rakhee Sirauthi Chowdhury
ADVOCATE

13/9/06

Memo No. SWB/XXII-9/PV90/ 1521-35

Date 13/7/06

Copy for information to :-

1. The Executive Director, Central Social Welfare Board, New Delhi-16.
2. The Dy Director (F.O. Estt.) Central Social Welfare Board New Delhi-16.
3. The Pay & Accounts Officer, Central Social Welfare Board New Delhi-16.
4. All Officer of Central Board attached to Assam State Board.
5. The Secretary, Assam State Board.
6. P.A. to Chairperson, Assam State Board.
7. Sri Rajani Kakati, Steno, Assam State Board.
8. All U.D.A. Assam State Board.

MJC 13.9.06
Dr. (Smt.) Mukti Deb Choudhary
CHAIRPERSON

CENTRAL SOCIAL WELFARE BOARD

Telegram: "SANGHASEVA"

SAMAJ KALYAN BHAWAN
B-12, Qutab Institutional Area,
South of I. I. T.,
New Delhi - 110 016.
8th November, 2002

F. 1-7/Policy/2000-01/FCI/1285

The Chairperson/ Secretary/
All Field Officers

Sh. Mustaqim Ali (APO)
Arunachal Pradesh State Social
Welfare Advisory Board.
Naharlagun

Subject: Submission of information by field officers pertaining to inspections,
monthly diary and tour programmes.

Madam / Sir,

I am directed to inform you that the performance report of each field officer is being maintained in Central Board based on the work allotted to him /her and the actual work done during the year. This performance report is a crucial document as it is placed in the ACR folder and is given due consideration at the time of promotion / grant of ACP etc. On perusal of records available it is seen that:-

1. At the time of visit to an organisation all programmes run by the institution are not inspected and reported upon simultaneously. Separate visits are made to inspect different programmes run by the same institution in the same premises. This is to be avoided. It should be ensured that all institutions in a particular area of visit are covered in "one go". Reasons for not reporting all the programmes should be recorded and submitted to Central Board along with coverage statement.
2. The field officers are expected to be on tour for a minimum of 10 days in a month and tour programmes should be prepared accordingly. In several cases it is seen that sometimes field officers do not go on tours for months together or are on tour only 2 to 3 days in a month and are thus unable to complete the targets assigned to them.
3. The monthly diary of the field officers is not being sent on time and in the proper format. These are to be sent within the first week of the following month giving the dates of submission of inspection reports, whenever visits were made. During stay at headquarters, the officers should intimate the work done on each day. The format for monthly diary is once again enclosed. (Annexure-5).
4. Inspection reports for each month should be sent in one bundle along with the monthly diary as this will ensure receipt of all inspection reports by FCI Division.
5. The inspection reports should preferably be typed or hand-written neatly and legibly. Copies sent to FCI Division should also be clear and legible.

5 years

Certified to be true Copy

Rakhee
Rakhee Sirauthia Chowdhury
ADVOCATE

- ✓ 6. Performance of each officer is assessed on the basis of the coverage statement which is to be sent in April after end of the financial year. It is observed that even though the field officers are sending the coverage statement, they are not in the prescribed proforma and do not serve any purpose in assessing their performance. The coverage statement format is enclosed and it should be ensured that statements are sent in the prescribed format. (Annexure 3 - 4).

It is also noted that the State Boards are not allotting work to the field officers equitably as per instructions issued earlier. Work distribution/district allocation is to be done every two years and information sent to CSWB in the prescribed format. (Annexure -1) and forwarded to Central Board at the beginning of each financial year. Frequent changes in distribution of area should be avoided. Presently this also has been observed in some States.

7. The State Boards are required to send monthly absentee statement of the field officers in the prescribed format which is not being done by the State Boards. This may be sent henceforth every month in the prescribed format (Annexure-2).

You are requested to kindly keep the above instructions in ready reference and ensure compliance so that justice is done to the field officers while assessing their performance during the year.

Yours faithfully,



(K. J. KAKANWAR)
JOINT DIRECTOR (F.O.ESTT.)

Encl.: As above.

8/11/02

Annexure - 1

DISTRICT ALLOCATION OF FIELD OFFICERS FOR THE YEAR _____

Name of Field Officer 1.	District allocated 2.	Name of Programme 3.	No. of Institution 4.	No. of Units 5.

Annexure - 2

STATEMENT OF LEAVE OF THE FIELD OFFICER

S.No.	Name of the field officer	Days attended in office	Days on field work	On leave / Comm. H.P.L.	Application enclosed	Joining report enclosed with MC/TC/ where necessary	Remarks

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

O.A. No. 239/06
Shri Mustaquim Ali
- VERSUS -
U.O.I & ORS.

58
Filed by the respondent-
through S.N. Tamuli
Advocate 11/2/07

Written statement filed by Respondents No. 1, 2, 3 and 4.

- (1) That Respondent No. 4 had gone through the above O.A. and understood the contents thereof.
- (2) That it is stated that the Respondent No. 4 is the chairperson of the Assam State Social Welfare Board (ASSWB). The ASSWB is an organisation which is not a Central Government organisation and as such is not within the jurisdiction of this Hon'ble Tribunal. The Respondent No. 2 and 3 is under the jurisdiction of the Hon'ble Tribunal by notification under Section 14 of the A.T. Act 1985.
- (3) That in reply to para 4.1 to 4.5 it is stated that the applicant has been transferred from the ASSWB, Guwahati to Arunachal Pradesh State Social Welfare Board and released from Guwahati office w.e.f. 19.8.2006. This transfer order has been challenged by the applicant in O.A. No. 213/06 before this Hon'ble Tribunal which is pending hearing.
- (4) That in reply to statements in para 4.6 to 4.10 the respondents states that the facts of the signing of cheques etc relate to financial irregularity which would be inquired separately. However if the Hon'ble Tribunal wants facts will be placed before the Hon'ble Tribunal. The allegation in para 4.9 of malafide and harassment by respondent No. 4 is unfounded and hence denied.
- (5) That in respect to statements 4.11 to 4.13 it is stated that as already stated the matter is already pending in O.A. No. - 213/06. The applicant was already released

-2- 39

w.e.f. 19/8/2006 and as such there was no scope to allow him to join in ASSWB, Guwahati, the interim was passed on 21/8/2006. An M.P. has been filed before the Hon'ble Tribunal explaining the factual position which is pending (M.P. No. 97/06).

(6) That in reply to statement n 4.14 to 4.16 the correctness of the statement that the applicant was allowed to continue in the post at ASSWB is denied. As the applicant was already released w.e.f. 19/8/2006. The volume of works did not justify additional hand and as such respondent No. 4 distributed the works amongs the existing incumbents for smooth running of the Board. It is stated that with the above distribution the works of the Assam Board are running smoothly. The alligation of malafide and arbitrariness of respondent No. 4 is unfounded and denied. That in facts and circumstances explained above the deserve to be dismissed with cost.

- 3 -

9

VERIFICATION

I, Shri DD Mandal aged about 55 years working as Secretary, Assam State Social Welfare Board do hereby verify that statements made in para 1 to 6 are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this 8th day of February 2007 at Guwahati.

Date : 8/2/07

Guwahati

Shri DD Mandal

Signature


Assam State Social Welfare Board