

FORM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

- 1. original Application No. 66/06
- 2. Misc Petition No. _____
- 3. Contempt Petition No. _____
- 4. Review Application No. _____

Applicant(S) Krishna Dhan Nath

Respondants U.O.I Jale

Advocate for the Applicant(S) M. Chanda, S. Nath, S. Chaudhry, G.N. Chakraborty

Advocate for the Respondant(S) ADD. CASE : M. U. Ahmed.

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C.F. for Rs. 50/-
deposit
No. 266319563
Dated 26.2.06

N. S. 13-3-06
Dy. Registrar

Steps taken

Di

Mr K-Das pl. note as above

N.S. 13-3-06

Yes, steps taken

13/6/06

pl. comply order dated

20.3.06

N.S. 21/3/06

20.03.2006	Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.
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Heard Mr. M. Chanda, learned
counsel for the applicant.

The claim of the applicant is that
he has been deputed as Director of
Census Operation in Tripura for three
years. As per FRSR option exercised by
the applicant under FRSR, his pay scale
has to be fixed at Rs. 15,100-18,300/-,
which is not granted to him. The applic-
ant submitted repeated representations,
but ~~in vain~~ to no avail. Therefore, he
has filed this application.

When the matter came up for
admission, Mr. M.U. Ahmed, learned Addl.
C.G.S.C. for the respondents submits
that the notice may be issued to the
parties.

Issue notice to the respondents.
Post on 04.05.2006 for admission.

[Signature]
Vice-Chairman

Notice & order sent to D/section for issuing to resp. nos. 1, 2, 3 & 4 regd. A/D post.
D/No - 409 to 412
Dt - 4/4/06
23/03/06

4.5.2006

Mr.M.Chanda, learned counsel for the applicant and Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the respondents are present.

Considering the issue involved is that of pay scale. I am of the view that the O.A. has to be admitted. Admit the O.A. Four weeks further time is granted to the respondents to file reply statement.

post on 8.6.2006.

Vice-Chairman

3-5-2006
Service report awaited
bb

08.06.2006

Post on 10.07.2006 for filing reply statement.

7-6-06
no W/S filed

Vice-Chairman

100 W/S has been filed.

mb

10.07.2006

Learned counsel for the respondents wanted time to file reply statement.

7-7-06

Post on 14.08.2006.

Vice-Chairman

26-7-06
W/S filed by the respondent nos. 1 to 4

mb

28.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Post on 05.09.2006.

W/S has been filed.

Vice-Chairman

4-9-06

/mb/

05.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
wanted time to file rejoinder. Post on
26.10.2006.

26.10.06
No rejoinder filed.

by /mb/


Vice-Chairman

26.10.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
wanted time to file rejoinder. Let it be done.
Post on 20.11.2006.

No rejoinder has
been filed.

by
17-11-06,

/mb/


Vice-Chairman


20.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
wanted time to file rejoinder. Post on
13.12.2006.

No rejoinder has
been filed.

by
12-12-06.

/mb/


Vice-Chairman

13.12.06. The learned counsel for the
applicant wanted time to file rejoinder
to the written statement. Let it be
done. Post the matter on ~~16~~ 17.1.07.

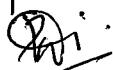
No rejoinder has
been filed.

by
16.1.07.

Im


Vice-Chairman

Counsel for the applicant rejoinder
has filed to-day. Counsel for the Respon-
dents wanted to file reply to the rejoinder.
REXX Let it be done. Post the matter on
14.2.07.

18.1.07
Rejoinder submitted
by the Applicant.
page NO. 4 to 7.


17.1.07.

Wks and rejoinder
filed by the parties. Im

by
13.2.07


Vice-Chairman

GA.66/2006

14.2.2007

Post the case on 8.3.2007.

[Handwritten signature]

Vice-Chairman

The case is ready
for hearing.

/bb/

~~7.3.07.~~

8.3.2007

Post before the Division Bench.

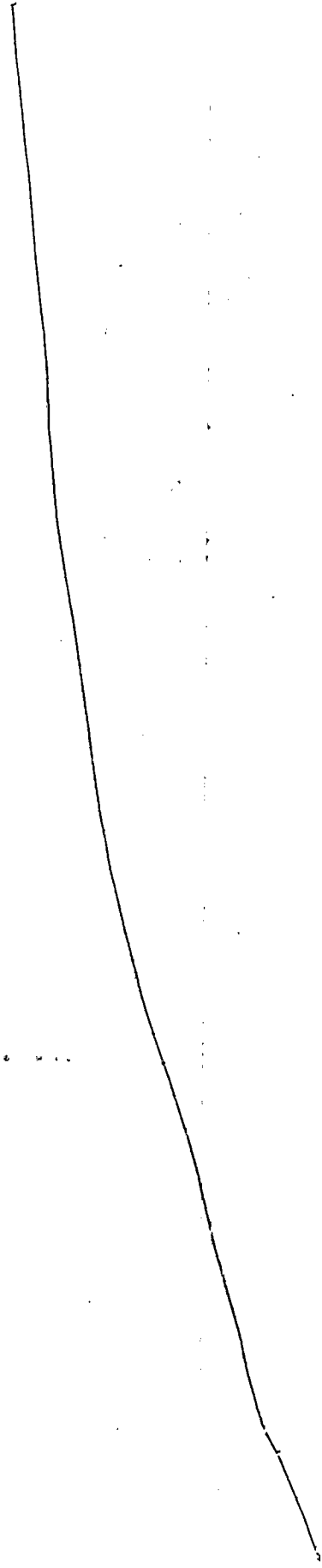
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Vice-Chairman

The case is ready
for hearing.


/bb/

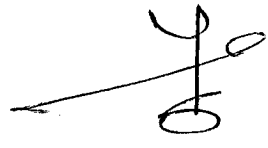
~~7.10.08.~~



08.05.2008

On the prayer of Mr.M.Chanda, learned counsel appearing for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing Counsel appearing for the Union of India , this case stands adjourned ~~and~~ to be taken up on 30th May, 2008 for hearing.


(Khushiram)
Member(A)


(M.R.Mohanty)
Vice-Chairman


Lm

The case is ready
for hearing.


1.07.08

30.05.2008

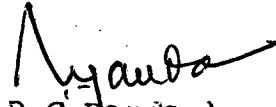
Division Bench matter. Hence adjourned to be taken up on 02.07.2008 for hearing.



(Khushiram)
Member (A)

/bb/

02.07.08

Heard Mr M.Chanda, learned counsel appearing for the Applicant and Mr M.U.Ahmed, learned Addl. Standing Counsel appearing for the Respondent departments. Hearing concluded. Order reserved.

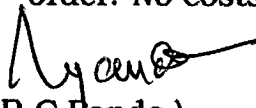

(R. C. Panda)
Member (A)



(M.R.Mohanty)
Vice-Chairman

0A-66/06

08.07.08

Judgment pronounced in open Court, kept in separate sheets. The Application is dismissed in terms of the order. No costs.


(R.C.Panda)
Member(A)


(M.R.Mohanty)
Vice-Chairman

Prints

22/7/08

Add. CGS C

pg

16/7/08

Copy of the bidst send to the D/Sec. for issue the kind to the parties.

at

19.1.08

had vide D/Nos 3147 to 3152 D/D

21.7.08.

th

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: GUWAHATI.

AC N
Applicant

DESPATCH NO. CAT/GHY/JUDL. 3/47 to 3/52 / DTD. GUWAHATI 21-2-08

ORIGINAL APPLICATION NO. 166 / 200 6

MISC. PETITION NO. _____ / 200

CONTEMPT PETITION NO. _____ / 200

REVIEW APPLICATION NO. _____ / 200

Shri Krishna Dhan Nath / APPLICANT(S)

VERSUS

U.O. vs / RESPONDENT(S)

To

Shri Krishna Dhan Nath
S/o Late R. M. Nath,
10 Debendra Debnath Road
P.O. Dhaleswar,
Agartala - 799007. Dist. West Tripura.

Please find herewith a copy of Judgment/Order dated 8.7.08
passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Shri M.R. Mohanty Vice-Chairman and Hon'ble Shri R.C. Panda Member (Adm.) in the above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

Enelo : As above
(Copy of the Original Application in O.A.No

(Signature) 17/7/08
SECTION OFFICER (JUDL.)

Memo.No.

Dated

Copy for information to :

1. ~~Mr. Mrs. Miss~~ _____ / Advocate, Gauhati High Court.
2. ~~Mr. Mrs. Miss~~ M. U. Ahmed / Sr. CGSC, Addl. CGSC.
3. ~~Mr. Mrs. Dr.~~ _____ / Rly. Standing Counsel/
Govt. Advocate, Assam,
Meghalaya, Manipur,
Nagaland, Tripura, A.P.

(Signature)
24/7/08

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: GUWAHATI.

DESPATCH NO. CAT/GHY/JUDL/ _____ / DTD. GUWAHATI
ORIGINAL APPLICATION NO. _____ / 200
MISC. PETITION NO. _____ 66 / 200
CONTEMPT PETITION NO. _____ / 200
REVIEW APPLICATION NO. _____ / 200

shri K. Dhan Nath / APPLICANT (S)
VERSUS
U.O. 2 in ops / RESPONDENT (S)

To

The Secretary to the Govt of India,
Ministry of Home Affairs,
New Delhi.

Please find herewith a copy of Judgment/Order dated _____
passed by the Bench of this Hon'ble Tribunal Comprising of Hon'ble Shri M.R. Mohanty
Chairman and Hon'ble Shri R.R. Choudhary
(Admn.) in the above noted case. Information and necessary action, if any, please take. 8.7.08
Member

Please acknowledge the receipt of the same.

By Order
SECTION OFFICER (JUDL.)

Encl: As above
(Copy of the Original
Application in O.A.No _____)

Dated: 16/7

Memo. No. _____

Copy for information to :

- 1. Mr. Mrs. Miss _____
- 2. Mr. Mrs. Miss _____
- 3. Mr. Mrs. Dr. _____

Advocate, Gauhati High Court.
Sr. CGSC, Addl. CGSC.
Rly. Standing Counsel/
Govt. Advocate, Assam,
Meghalaya, Manipur,
Nagaland, Tripura, A.P.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: :: :: GUWAHATI.

Resp No 2^a

DESPATCH NO. CAT/GHY/JUDL/ 66 DTD. GUWAHATI

ORIGINAL APPLICATION TO. _____ / 200
MISC. PETITION NO. _____ / 200
CONCEPT PETITION NO. _____ / 200
REVIEW APPLICATION NO. _____ / 200

Shri K. Dhan Nath / APPLICANT(S)
VERSUS

U.O.I. V OIS / RESPONDENT(S)

To The Chief Secretary to The Govt of Tripura,
Agartala, Tripura.

Please find herewith a copy of Judgment/Final order dated 8.7.08 passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Shri M.R. Mohanty Vice-Chairman and Hon'ble Shri RK @u Prasad Member (Admn) in the above noted case for information and necessary action, if any. Please acknowledge the receipt of the same.

Encls : As above
(Copy of the Original Application in O.A.No. / 200)

By Order
[Signature] 17/08
SECTION OFFICER (JUDL)

Recd. No. _____ Dated _____

Copy for information to :

1. Mr. Mrs. Miss _____ / Advocate, Gauhati High Court.
2. Mr. Mrs. Miss _____ / Sr. CGSC, Addl. CGSC.
3. Mr. Mrs. Dr. _____ / Rly. Standing Counsel/
Govt. Advocate, Assam,
Meghalaya, Manipur,
Nagaland, Tripura and
Arunachal Pradesh.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH :: :: :: :: GUWAHATI.

Resp No 2

DESPATCH NO. CAT/ GHY/ JUDL/

✓ ORIGINAL APPLICATION TO. CC 130 C
MISC. PETITION NO. _____/200
CONTEMPT PETITION NO. _____/200
REVIEW APPLICATION NO. _____/200

Shri K. Dhan Nath /APPLICANT(S)

VERSUS

U.O. 1. Kops /RESPONDENT(S)

To
The Registrar General of India
(Census Operation)
Govt. of India
2/A Mansingh Road,
New Delhi

Please find herewith a copy of Judgment/ ~~Final~~ order dated 8.7.08 passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Shri M. R. Mohanty Vice-Chairman and Hon'ble Shri R. C. Phandya Member (Admn) in the above noted case for information and necessary action, if any.
Please acknowledge the receipt of the same.

Enclo : As above
(Copy of the Original Application
in O.A.No. /200

By Order
(Signature) 17/7/08
SECTION OFFICER (JUDL)
AP 16/7

Memo.No. _____ Dated _____

- Copy for information to :
1. Mr. Mrs. Miss _____ /Advocate, Gauhati High Court.
 2. Mr. Mrs. Miss _____ /Sr. CGSC, Addl. CGSC.
 3. Mr. Mrs. Dr. _____ /Rly. Standing Counsel/
Govt. Advocate, Assam,
Meghalaya, Manipur,
Nagaland, Tripura and
Arunachal Pradesh.

Recd No 6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: :: :: GUWAHATI

DESPATCH NO. CAT/ GHY/ JUDL/ _____ / DTD. GUWAHATI.

✓ ORIGINAL APPLICATION NO. : _____ 66 / 200 6
MISC. PETITION NO. : _____ / 200
CONTEMPT PETITION NO. : _____ / 200
REVIEW APPLICATION NO. : _____ / 200

Sri K. Dham Nath / APPLICANT(S)

VERSUS

U.O. Vops. / RESPONDENT(S)

To

The Director
Department of Personnel & Training
(DOPT), Govt. of India
New Delhi - 110001.

Please find herewith a copy of Judgment/Order dated
8.7.08 passed by the Bench of this Hon'ble Tribunal
comprising of Hon'ble Shri M.R. Mohanty
Vice-Chairman and Hon'ble Shri R.C. Pandey
Member (Admn.) in the above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

Enclo : /s above
(Copy of the Original
Application in O.A.No)

(Signature) 17/7/08
SECTION OFFICER (JUDICIAL)

Dated 16/7

Memo.No.

Copy for information to :

- 1. Mr. Mrs. Miss _____ / Advocate, Gauhati High Court.
- 2. Mr. Mrs. Miss _____ / Sr. CGSC, Addl. CGSC.
- 3. Mr. Mrs. Dr. _____ / Rly. Standing Counsel/
Govt. Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

Original Application No.66 of 2006.

DATE OF DECISION :08 -07 -2008

Shri Krishna Dhan Nath
.....Applicant/s

Mr M. Chanda
.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.
.....Respondent/s

Mr M. U. Ahmed, Addl. C.G.S.C.
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE DR RAMESH CHANDRA PANDA, MEMBER (A)

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/Member(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 66 of 2006

Guwahati, This the 8th day of July 2008

HONOURABLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN
HONOURABLE DR. RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER

Shri Krishna Dhan Nath
S/O Late R.M. Nath
10, Debendra Debnath Road
Post: Dholeswar
Agaratala 799007
District: West Tripura
Tripura

...Applicant

(By Advocate: Mr M.Chanda)

Versus

1. Union of India
Represented by
Secretary to Government of India
Ministry of Home Affairs, New Delhi

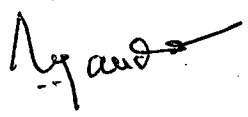
2. The State of Tripura
Represented by
Chief Secretary
Government of Tripura
Agaratala, Tripura

3. Registrar General of India
(Census Operation)
Government of India
2/A Mansingh Road
New Delhi

4. Director
Department of Personnel & Training(DOPT)
Government of India
New Delhi 110001

....Respondents

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



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ORDER

DR. RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER

The Applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act 1985 and sought the following relieves:

(i) to declare that the applicant is entitled to the scale of pay of Rs.15,100-18,300/- during the tenure of his deputation period w.e.f. 05.05.2000 to 31.05.2005 while working as Director of Census Operation, Tripura under the Ministry of Home Affairs of Govt. of India; and

(ii) to direct the respondents to pay the Applicant salary in the scale of Rs.15,100-18,300/- for the period from 05.05.2000 till the date of his repatriation with arrear monetary benefits.

2. The brief facts of the case are that the Applicant is an officer of Tripura Civil Service (TCS for short). He got promoted to the Grade-I post in TCS in 1998. The Government of India i.e. Respondent No. 4 (Director, Department of Personnel & Training (DOPT) vide his letter dated 05.05.1998 (Annexure-D) requested all State/UT Chief Secretaries including the Chief Secretary, Government of Tripura for sending a panel of names of IAS officers of the rank of Director/Deputy Secretary to Government of India for appointment on deputation basis to the post of Director of Census Operation (DCO) in different States/ Union Territories. For the said purpose the States and Union Territories were grouped into 2 different categories. The State of Tripura was in the second category along with other

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11 States/Union Territories. As per the said DOPT letter dated 5-5-1998, the DCO posts in the second category are to be filled up on deputation basis from the IAS officers equal to the rank of Deputy Secretary to the Govt. of India. The Government of Tripura in General Administration Department sought the willingness of various officers. The Government of Tripura could not spare any IAS officer for the post of DCO. However, on 22.12.1999 the Applicant conveyed his willingness to the Govt. of Tripura to join as DCO, Tripura (Annexure-IV). The same was forwarded by the Government of Tripura to the Government of India. The Appointments Committee of the Cabinet in the Government of India approved the proposal of the Registrar General and Census Commissioner of India for appointment of the Applicant to the post of DCO Tripura under the Ministry of Home Affairs on usual deputation terms for a period of 3 years. On 04.05.2000 Government of Tripura placed the services of the Applicant at the disposal of the Government of India for the said post (Annexure -VI). The Applicant joined the post of DCO, Tripura on 05.05.2000 which was notified by the office of the Registrar General of India on 16.05.2000 (Annexure-VIII). After subsequent extension of the Applicant in the Central deputation as DCO, he reverted to the State Government on 31.05.2005. The Applicant has come to this Tribunal seeking direction to allow him the scale of pay of Rs.15,100-18,300/- as per terms and conditions of central deputation for holding the post of DCO Tripura with effect from 05.05.2000.

3. We heard Mr M.Chanda, learned counsel appearing for the Applicant and Mr M.U.Ahmed, learned Addl. C.G.S.C for the Respondents. Both the counsels argued extensively citing different judicial pronouncements and

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defending their respective stand as indicated in the Original Application and the rejoinder filed by the Applicant and also in the written statement filed by the Respondents. We considered the same in the light of the facts of the case, the extant rules and instructions and the appropriate Judgements.

4. The Applicant while working in the State Government, as on 4.5.2000 was drawing basic pay of Rs. 12,800/- per month in the pay scale of Rs. 12000-18000/- (Annexure-XIX). This is stated to be equivalent to the pay scale of Deputy Secretary to the Govt. of India. The Applicant sent a self serving option on his own voluntarily indicating that he opted for the post of DCO, Tripura in the scale of pay of Rs.15,100-18,300/- as per terms and conditions of deputation for holding the post with effect from 05.05.2000. The learned counsel for the Applicant quoted Clause 4.1 on "Exercise of option" to highlight that the Applicant is duty bound to exercise his option "to elect to draw either the pay of deputation/foreign service post or his basic pay in the parent cadre *plus* Deputation /Duty Allowance thereon *plus* personal pay, if any." We find that his option was not sought for nor was it mandatory in the circular issued to the State Government. The DOPT letter dated 5.5.1998 did not prescribe any specific pay scale for the post of DCO less to speak about the scale of pay of Rs.15,100-18,300/-. Further in the said option filed by the Applicant, he mentioned about his initial pay fixation "on the basis of the provisions of F.R.22 (I) (a) (1)." The application of F.R.22 (I) (a)(1) has relevance in the cases of the State Government servants appointed to "higher post" in Central Government and carrying "duties and responsibilities of greater importance than those attaching to the post held by him under State Government." The learned counsel for the

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Applicant submitted that option to convey the willingness for a pay scale which is a part of the deputation norms and therefore the Applicant filed the same within the time schedule for the scale of pay Rs.15100-18300/-. The competent authority is the Government of India who has approved the appointment of the Applicant to the post of DCO and therefore the deputation of the Applicant should be treated as on the Central deputation and the Applicant is entitled to get the scale of pay under FR 22 (I) (a)(1). We considered the averments of the Applicant and could not find any material in support that (i) the DCO post for Tripura was a "higher post" and (ii) the Applicant was discharging "duties and responsibilities of greater importance than those attaching to the post held by him under State Government"

5. The Applicant has not only filed his option on 30.05.2008 but also represented to Registrar General of India on 16.06.2000, 12.9.2000 and on few other occasions thereafter. The Respondent No.3 considered his representations and the said option and rejected twice (on 30.10.2000 and 18.12.2000). The Applicant was informed on 30.10.2000 that grant of pay scale of Rs.15100—18300 as DCO Tripura was not tenable and the Applicant was entitled to get his pay drawn in the state plus deputation allowance at the rate of 5% of the pay he was drawing (Annexure-XIV). The Office of the Registrar General of India in the letter dated 30th October 2000 informed the Applicant as under:

" I am directed to refer to your letter No.A.19018/1/2000-Estt., dated the 12th September, 2000 on the subject mentioned above and to say that the post of Director of Census Operations does not carry any separate pay scale. The officers so appointed to the post of DCO in the States/Union Territories are continued

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to draw their own pay scale which they had been drawing in the State before joining as DCO. Besides, they are given central tenure deputation allowance in respect of officers of All India Services (IAS) and deputation (duty) allowance in terms of the Department of Personnel & Training, Government of India's O.M. No.2/29/91-Estt. (Pay-II) dated the 5th January, 1994 in respect of officers other than All India Services.

2. In view of the above, it is regretted that the request for grant of pay scale of DCO is not tenable. However, Shri Nath is entitled for deputation (duty) allowance at the rate of 5% (if there is no change in the station or 10% if there is change in station) besides pay being drawn by him in the State."

6. Shri M. Chanda stated that some of the averments made in the OA had not been controverted by the Respondents in the written statement. This means the Respondents have accepted the same. He cited the decision of Hon'ble Supreme Court in *Smt Naseem Bano vs. State of U.P and others* (Civil Appeal No.1100 of 1985) reported in the AIR SC 1993 VOL-2 page 2592. Hon'ble Apex Court decision was that "Since no dispute was raised on behalf of respondents Nos.1 to 4 in their reply to the averments made by the appellant in the Writ petition that 40% of the total number of posts had not been filled by promotion in as much as the said averments had not been controverted the High Court should have proceeded on the basis that the said averments had been admitted by respondents." The counsel for the Respondents strongly opposed Mr. Chanda's views and stated that main issue on pay scale demanded by the Applicant and the associated matters had been covered in the written statement filed by the Respondents. We find that the points not covered in the written statement of the Respondents, were clarified during the hearing. We have got views of the rival parties on all relevant counts in the case for our consideration.

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8. The learned counsel for the Applicant quoted the decision of the Hon'ble Supreme Court in **State of Mizoram & another vs. Mizoram Engineering Service Association and another**, (2004) 6 SCC 218 that the service cannot be termed as unorganized merely because of the absence of recruitment rules for the service. The relevant portion of the Apex Court decision is reproduced below:

"The main reason for clubbing Engineering service as an unorganized service in the State is absence of recruitment rules for the service. Who is responsible for not framing the recruitment rules ? Are the members of Engineering Service responsible for it ? The answer is clearly "No". For failure of the State Government to frame recruitment rules and bring Engineering Service within the framework of organized service, the engineers cannot be made to suffer."

9. We find the subject of the O.A is significantly different from the one dealt by Hon'ble Supreme Court of India. Recruitment Rules for the Directors of Census Operation drawn from IAS exist. The Applicant is an isolated case on central deputation from the State Civil Service which is governed by the DOPT OM No.2/29/91-Estt(Pay-II) dated 5th January 1994 applicable in respect of officers other than All India Services. The Applicant was paid his salary as per the said DOPT O.M. Therefore, the Apex Court decision in the aforesaid case between **State of Mizoram & Others vs. Mizoram Engineering Service Association and another** is not applicable in the present O.A.

10. In support of the Applicant's claim to get the scale of pay which IAS officers in the rank of Director to Government of India used to get, the learned counsel for the Applicant cited the Hon'ble Jabalpur Bench of CAT decision in O.A.No. 198 of 2005, between **Sita Ram Yadav and another vs**

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Union of India and others, {(2006) 3 ATJ VOL.50}. The Judgment was that "From these documents it is clear that all those persons who perform duties of Material Clerk should be entitled to get their post upgraded to that of Material Clerk by creating these posts in place of their existing posts, whether called as Store Chaser or by any other name." The cited case was different from the issues involved in the present OA.

11. The learned counsel for the Applicant also quoted the decision of Hon'ble Supreme Court of India in Civil Appeal Nos. 510 of 1995 M.R.Gupta vs. Union of India & Ors (1995) 5 SCC 628) and highlighted that this Tribunal has the power to fix pay of the Applicant though he has been reverted back to his parent service in Government of Tripura. The relevant portion of the decision is that "we are satisfied that the Tribunal has raised the real point and overlooked the crux of the matter. The appellant's grievance that his pay fixation was not in accordance with the rules was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules." In the present case, we are separately analyzing the rule position on the issues raised by the Applicant.

12. The learned counsel for the Applicant also cited the decision of Madras Bench of CAT in K.S.Ranganathan vs. Union of India in No.1019 of 1990, (1992 ATC Vol.120 155) that even the fortuitous holder of a post, was entitled to the scale of pay attached to that post. We have analysed within to find that the DCO posted did not have any attached scale of pay. He also cited a decision of Hon'ble Supreme Court (R.L.Prasad vs. State of Bihar &

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Ors. in Civil Appeal No.3961 of 1992 reported in (1994) 28 ATC 52) that it was not permissible for the State Government to decline to pay a teacher of a School taken over by the Government. He cited this as an analogy for the Applicant to have been working as the DCO in the Government of India for which he was entitled to the pay admissible to the Director to the Government of India. The learned counsel also quoted another judgment of Hon'ble Supreme Court (Union of India & Ors vs. A.K.Roy reported in (1986) SCC 675) that the Government servant once appointed would be governed by service rules and not by terms of contract of service. There was no separate service rule for the post of Director of Census Operation.

13. Learned counsel for the Respondents argued that the post of DCO for the State of Tripura was created at the level of Deputy Secretary to the Government of India. No specific pay scale was prescribed for the post of Director of Census Operations. A State Civil Service Officer could not exercise his option for the pay scale of the Director to the government of India. Applicant's option was on his own. The Applicant is not a member of All India Service. Therefore his pay could not be regulated in terms of IAS (Pay) Rules. The circular did not prescribe such option. Hence the Respondents rightly rejected the Applicant's request. The Applicant was only left with the other choice i.e. deputation (duty) allowance of 5% or 10% as the case may be. Applicant's case was examined by the Respondents in consultation with the DOPT, which is the competent authority in the matter of fixation of pay. It was also clearly mentioned in the appointment order that the Applicant's deputation was as per usual terms of deputation and at no point of time it was indicated that the post of DCO carried any

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specific pay scale. As there is no specific pay scale prescribed for the post of Director he was paid admissible deputation allowance along with his pay in the scale of pay of his parent state cadre. His tenure was extended by the Appointment Committee of the Cabinet from 3 years to 5 years with the consent of his Cadre Controlling Authority. The learned counsel for the Respondents cited the case law of 2008 (1) SCC 630, **Union of India vs Hiranmoy Sen & Ors.**, wherein the Honourable Supreme Court of India decided that the Court should not fix the pay scale of the officials. The decision of the Hon'ble Supreme Court of India rendered on October 12, 2007 is quoted here:-

"This Court in **S C Chandra vs. State of Jharkhand (2007) 8 SCC 279**) has held that the Court cannot fix pay scale as that is the purely executive function. In the aforesaid decision one of us (Markandey Katju J) has discussed in detail the principle of equal pay for equal work and has observed that the said principle has been considerably watered down in recent decision of this Court and it is not applied unless there is a complete and wholesale identity between the two groups, and even there the matter should be sent for examination by an expert committee appointed by the Government instead of the Court itself granting the higher pay scale."

14. While presenting the case the learned counsel for the Applicant, specifically drew our attention to the letter of the Registrar General F.No.A-27011/13/2000-Ad.II dated 01.08.2000 (Annexure-XI) His argument was that the enclosure of the said letter was a statement which indicated the scale of pay of the Director in the Ministry of Home Affairs as Rs.15100-18300/-. As such he stated that the pay scale shown in the said letter which the applicant was legitimately entitled to draw in the DCO post. We find from the letter at Annexure-XI that the subject matter of the letter calling

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for certain information about the DCO in an enclosed prescribed format to furnish to the Group of Secretaries on the issue of downsizing. The prescribed format was not found but a copy of the cadre under the control of Ministry of Home Affairs was enclosed to the Annexure-XI. The learned counsel could not clarify the doubtful position to us. However, we dealt the issue as was placed before us. The Applicant has indirectly brought in the principle of "equal pay for equal work" by cited statement as part of Annexure XI. The Statement indicates that Director in MHA has been getting scale of pay at Rs.15100-18300/.The Applicant's claim was that he was a Director of Census Operation under the Registrar General and Census Commissioner under the control of MHA. Hence, the Applicant claimed that he was entitled for the said scale. We have examined this issue. It is the administration to decide the question whether two posts which very often may appear to be the same or similar should carry equal pay. The Applicant in the present case has equated his post as Director of Census Operation with the Director post in the Ministry of Home Affairs. Equal designation cannot be termed as equal work. Further, we find that the DOPT circular dated 05.05.1998 has grouped the DOC posts into 2 groups of States. Tripura comes under the 2nd group where DOC is to be in the grade of Deputy Secretary to Government of India. Respondents state that the Applicant was in that grade and as such was appointed with usual deputation terms. The Applicant was already drawing the Deputy Secretary Grade pay in the State. He was not in the scale of pay of the Director in the Ministry of Home Affairs, Government of India. The deputation allowance of 5% of the basic pay or Rs.500 which ever is less is the term applicable to

By order

the Applicant. We find that the usual deputation term applicable in this case was the above terms. We, therefore, find that the principle of equal pay for equal work is not admissible for the Applicant in the present case.

15. We have considered the rival submissions in the light of the facts presented before us on the only issue - whether the Applicant is entitled to draw the scale of pay of Rs.15, 100 - 18,300/- when he worked on central deputation as DCO for Tripura from 5.5.2000 to 31.5.2005.

17. We sum up here our analysis and findings. (i) The Applicant belongs to Tripura Civil Service and does not belong to All India Service, more specifically the IAS. (ii) Out of 2 groups of States / UTs, Tripura was in the 2nd group. The first group had the DCO in the grade of Director/Deputy Secretary to Government of India, whereas in the second group of States DCO was only in the rank of Deputy Secretary to Government of India. (iii) Where no IAS officer was spared like in the State of Tripura, officers from the State Civil Services were taken on deputation. His application forwarded by the Government of Tripura for consideration was approved by Government of India for central deputation. (iv) The terms of deputation did not specify any scale of pay. On the other hand the usual terms of the deputation for the Applicant's said DCO post is to carry his own scale of pay admissible in the State plus the deputation (duty) allowance at the rate of 5%. (v) The Applicant joined on deputation as DCO and was drawing the basic pay of Rs.12800 and deputation allowance was allowed to him. (vi) We find that the Govt. of India has not sought for any option from the officials including the Applicant for getting a particular pay scale. The Applicant's salary as TCS officer in the State scale of pay was protected. (vii) We have

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already dealt hereinbefore why the Director of Census Operation cannot be compared with the Director in the Ministry of Home Affairs. We, therefore, do not accept the plea of the Applicant to compare the scale of pay of Director of Census Operations with that of Director in the Ministry of Home Affairs. (viii) There was uniform procedure for all the DCOs and there was no discrimination for the Applicant. (ix) When the Applicant joined as DCO Tripura he was drawing Rs. 12800 per month in the scale of pay of Rs.12000- 400- 18000 though he demanded pay in the scale of Rs.15,100 - 18,300/-. Demanded pay scale was not applicable to him. The Respondents have rightly and justly protected his pay as TCS Officer and granted admissible deputation allowance.

18 In the result, we, therefore find that the Applicant is not entitled to get his pay in the scale of pay of Rs.15, 100 - 18,300/- during the period/tenure of Central deputation as DCO of Tripura. In view of the discussions and observation, the O.A. being devoid of merits is, therefore, dismissed. No costs.


(DR. RAMESH CHANDRA PANDA)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 66/2006

Shri Krishna Dhan Nath.

-Vs-

Union of India and Others.

LIST OF DATES

- 14.03.1970- Applicant was initially appointed as Asstt. Teacher in the Education Department under the Govt. of Tripura.
- 04.09.1983- Applicant joined in Tripura Civil Service (TCS) as Grade-II officer and subsequently promoted to the cadre of Grade-I in the year 1998.
- 05.05.1998- Director, Govt. of India, D.O.P.T vide D.O. letter dated 05.05.98 requested Chief Secretary, Govt. of Tripura for recommendation of some names of suitable and willing officers for appointment as Director, Census Operations on deputation basis.
(Annexure- II, Page- 21)
- 27.06.1998- Govt. of Tripura vide memorandum dated 27.11.98 forwarded copy of letter dated 05.05.98 to the all concerned officers.
(Annexure- I, Page- 20)
- 17.12.1999- Applicant was asked to intimate his willingness by the General Administration (P & T) Department, Govt. of Tripura.
(Annexure-III, page- 23)
- 22.12.1999- Applicant communicated his willingness for the post of Director, Census Operation, Tripura through proper channel.
(Annexure-IV, page- 24)
- 24.04.2000- Govt. of India, D.O.P.T informed the Govt. of Tripura that the Appointment Committee of the Cabinet approved the proposal of the Registrar General of India for appointment of the Applicant as Director, Census Operation, Tripura on deputation basis for a period of three years on usual deputation terms and requested to release the applicant.
(Annexure- V, Page- 26)
- 04.05.2000- Govt. of Tripura placed services of the Applicant at the disposal of the Govt. of India for appointment as Director, Census Operations, Tripura.
(Annexure- VI, page- 27)
- 16.05.2000- Applicant was appointed as Director of Census Operations, Tripura w.e.f 05.05.2000 on deputation basis for a period of 3 years.
(Annexure-VII, page- 28)

Recd. Case
2008(1) Sec 630

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Filed by the applicant
through U. Dutta, advocate
on

- 30.05.2000- Applicant submitted his option electing for the scale of pay of Rs. 15,100-18,300/- against the post of Director of Census Operations, Tripura as per usual terms of deputation.
(Annexure- IX, Page- 34)
- 16.06.2000- Applicant submitted another application to the Registrar General of India for fixation of pay in the scale of the post of Director of Census Operations.
(Annexure-X, page- 35)
- 01.08.2000- Pay scale for the post of Director under the Ministry of Home Affairs as shown in the chart is Rs. 15,100-18,300/-.
(Annexure- XI, Page- 36)
- 12.09.2000- Applicant submitted representations reiterating his prayer for fixation of his pay in the scale of Director.
(Annexure- XII, Page- 38)
- 24.10.2000- Application was invited for appointment to the post of Regional census officer in the Grade of Deputy Director on deputation basis in the scale of Rs. 10,000-15,200/-.
(Annexure-XIII, page- 39)
- 30.10.2000- Respondent No. 3 informed the applicant that grant of pay scale of DCO is not tenable and the applicant is entitled for deputation allowance at the rate of 5 % of his present pay, drawn in the scale.
(Annexure- XIV, page- 41)
- 04.11.2000- Applicant submitted one representation to the Chief Secretary, Govt. of Tripura stating that if his pay is not fixed in the scale of Director then he has no other alternative but to seek his repatriation to his parent department.
(Annexure-XV, page- 42)
- 06.11.2000 Applicant in his D.O letter addressed to the Registrar General of India, reiterated his prayer for grant of pay scale and benefits of Director to him. He also appended a comparative chart showing that in spite of being Director, his total pay comes to Rs. 16,416/- only whereas that of Regional Census Officer working under him amounts to Rs. 20,343 i.e. Rs. 3,927/- more than that of his.
(Annexure-XVI, page- 44)
- 23.11.2000- Appointment of the applicant as Director of Census Operations was notified in Gazette of India.
(Annexure- VIII, Page- 29)
- 18.12.2000- Registrar General of India intimated the applicant that while working as DCO, he would be entitled to continue to draw his own pay scale plus deputation allowance of 5% only and his request for grant of pay-scale of Director cannot be acceded to.
(Annexure-XVII, page- 47)
- 15.12.2000- Govt. of Tripura, Department of General Administration (personal and Training) urged upon the R.G.I, requesting him to take necessary action towards fixation of pay in respect of the applicant in the scale of Rs. 15,100-18,300/-.
(Annexure- XVIII, page- 48)

- 08.03.2001- Registrar General of India made some appointments to the post of Deputy Director of census operation on deputation basis in the scale of Rs. 10,000-15,200/- and they have been given the scale attached to the post of Dy. Director irrespective of their own post and scale of pay, but the said benefit is denied to the applicant.
(Annexure- XXI, page- 52)
- 31.10.2001/10.12.2001- Applicant submitted representations reiterating his prayer for granting him the pay in the scale of Rs. 15,100-18,300/- and fixing his pay as per FR 22 (1) (a) (1), but to no result.
- 20.10.2003- Registrar General of India extended the term of deputation of the applicant w.e.f. 05.05.03 to 04.05.04. (Annexure-XXII, page- 54)
- 31.08.2004- Applicant submitted another representation addressed to the Registrar General of India, praying for grant of the scale of Rs. 15,100-18,300/- i.e. the scale of Director.
(Annexure- XXIII Series, page- 55)
- 03.11.2004- Applicant was directed to continue as Director of Census Operations, Tripura till further orders.
(Annexure- XXIV, Page- 60)
- 05.11.04, 08.12.04, 18.01.05- Applicant submitted representations reiterating his prayers for grant of pay scales of the post of Director, but to no result.
(Annexure- XXIV Series)
- 15.03.2005- Registrar General of India extended the term of deputation of the applicant upto 31.03.05 or until further order whichever is earlier.
(Annexure- XXV Series, page- 66)
- 28.05.2005- Applicant was repatriated to his parent department.
(Annexure- XXV Series, page- 67)
- 25.08.2005- Ex-post-facto approval was accorded regularizing the services of the applicant as Director of Census Operations, Tripura for the period of 01.04.2005 to 31.05.2005.
(Annexure- XXV Series, page-68)
- 04.06.2005- Applicant joined as Additional Director, School Education under the Govt. of Tripura.
(Annexure- XXV Series)

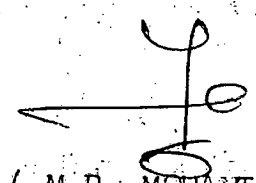
Applicant relies on the following decisions:

- ① (1986) 1 SCC 675 Union of India & Ors. -Vs- Arun Kumar Roy. *Para 18/19/20*
- ② AIR 1993 SC 2592 Smt. Naseem Bano Vs- State of U.P and Ors.
- ③ (1994) 28 ATC 52 (SC) Ram Lakhan Prasad -Vs- State of Bihar and Ors.
- ④ (1995) 5 SCC 628 M.R. Gupta -Vs- U.O.I & Ors. *Continuity work?*
- ⑤ (2006) 3 ATJ 393 Sita Ram Yadav and ann. Vs- U.O.I & Ors.
- ⑥ 1996 (1) Swamy's Case Law Digest page- 386. S.S Pandit V. U.O.I & Ors. *- Higher responsibility*
- ⑦ (2004) 6 SCC 218 State of Mizoram and another -Vs- Mizoram Engineering Service Association & Ors (Para 6) *Employment Services*
- ⑧ 1992 (20) ATC 155- (Madras Bench) K & Rangaswami

✓ OA/CP/RA/MP No. 66 /2006

Order dated 25.3.2008

Call the matter for hearing
on 8.5.08.


(M. R. MOHANTY)
Vice-Chairman



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66/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. _____

- a) Name of the Applicant: K.D. Nath
- b) Respondants: Union of India & Ors.
- c) No. of Applicant (S): ---
- Is the application in the proper form: Yes / No.
- Whether name & description and address of the all the papers been furnished in cause title: Yes / No.
- Has the application been duly signed and verified: Yes / No.
- Have the copies duly signed: Yes / No.
- Have sufficient number of copies of the application been filed: Yes/No.
- Whether all the annexure parties are impleaded: Yes/No.
- Whether English translation of documents in the Language: Yes/No.
- Has the application is in time: Yes/ No.
- Has the Vakalatnama/Memo of appearance /Authorisation is filed: Yes/No
- Is the application by IPO/BD/for Rs. 50/- 266 319563
- Has the application is maintainable: Yes / No.
- Has the Impugned order original duly attested been filed: Yes/ No.
- Has the legible copies of the annexure duly attested filed: Yes/No.
- Has the Index of the documents been filed all available: Yes/No.
- Has the required number of enveloped bearing full address of the respondents been filed: Yes/ No.
- Has the declaration as required by item 17 of the form: Yes/No.
- Whether the relief sought for arises out of the Single: Yes/ No.
- Whether interim relief is prayed for: Yes/ No.
- Is case of Condonation of delay is filed is it supported: Yes/No.
- Whether this Case can be heard by Single Bench/Division Bench:
- Any other points: ---
- Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in order.

SECTION OFFICER (J)

DEPUTY REGISTRAR

13 MAR 2006

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 66 /2006

Shri Krishna Dhan Nath.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 14.03.1970- Applicant was initially appointed as Asstt. Teacher in the Education Department under the Govt. of Tripura.
- 04.09.1983- Applicant joined in Tripura Civil Service (TCS) as Grade-II officer and subsequently promoted to the cadre of Grade-I in the year 1998.
- 27.06.98, 05.05.98, 17.12.99- While the applicant serving as Joint Director of Surveys and Land Records, the Govt. of Tripura issued one memorandum for appointment as Director, Census Operations in the 30 Directorates on deputation basis. Pursuant to that applicant was asked to intimate his willingness by the General Administration (P & T) Department, Govt. of Tripura.
(Annexure-I, II and III)
- 22.12.1999- Applicant communicated his willingness for the post of Director, Census Operation, Tripura through proper channel. (Annexure-IV)
- 24.04.2000, 04.05.2000- Applicant was placed at the disposal of the Govt. of India for appointment as Director, Census Operations, Tripura.
(Annexure-V and VI)
- 16.05.2000, 30.11.2000- Applicant was appointed as Director of Census Operations, Tripura w.e.f 05.05.2000 on deputation basis for a period of 3 years.
(Annexure-VII and VIII)
- 30.5.2000, 16.06.2000, 01.08.2000- While assuming charges as Director of Census Operations, Tripura w.e.f 05.05.2000, applicant submitted his option electing for the scale of pay of Rs. 15,1000-18,300/- against the said post as per usual terms of deputation, applicant submitted another application to the Registrar General of India for fixation of pay in the scale of the post of Director of Census Operations.
(Annexure-IX, X and XI)
- 12.09.2000, 24.10.2000- Applicant submitted another representation reiterating his prayer for fixation of his pay in the scale of the post

Krishna Dhan Nath

of Director. In the meantime proposal was also processed by the Registrar General of India for appointment to the post of Regional census officer in the Grade of Deputy Director on deputation basis in the scale of Rs. 10,000-15,200/- and application were invited vide circular dated 24.10.2000. (Annexure-XII and XIII)

- 30.10.2000- Respondent No. 3 informed the applicant that grant of pay scale of DCO is not tenable and the applicant is entitled for deputation allowance at the rate of 5 % of his present pay, drawn in the scale. (Annexure- XIV)
- 04.11.2000 Applicant submitted one representation to the Chief Secretary, Govt. of Tripura to seek his repatriation to his parent department. (Annexure-XV)
- 06.11.2000 Applicant by his D.O letter addressed to the Registrar General of India, reiterated his prayer for grant of pay scale and benefits of Director to him. (Annexure-XVI)
- 18.12.2000 Registrar General of India issued one letter to the applicant that while working as DCO, he would be entitled to continue to draw his own pay scale plus deputation allowance of 5% only and his request for grant of pay-scale of Director cannot be acceded to. (Annexure-XVII)
- 18.12.2000 Govt. of Tripura, Department of General Administration (personal and Training) urge upon the Registrar General of India, requesting him to take necessary action towards fixation of pay in respect of the applicant in the scale of Rs. 15,100-18,300/-. (Annexure- XVIII)
- 08.03.2001- Registrar General of India made some appointments to the post of Deputy Director of census operation on deputation basis in the scale of Rs. 10,000-15,200/- and they have been given the scale attached to the post of Dy. Director irrespective of their own post and scale of pay, but the said benefit is denied to the applicant. (Annexure- XXI)
- 31.10.2001/10.12.2001- Applicant submitted representations reiterating his prayer for granting him the pay in the scale of Rs. 15,100-18,300/- and fixing his pay as per FR 22 (1) (a) (1), but to no result.
- 20.10.2003- Registrar General of India extended the term of deputation of the applicant w.e.f. 05.05.03 to 04.05.04. (Annexure-XXII)
- 31.08.2004- Applicant submitted another representation addressed to the Registrar General of India, praying for grant of the scale of Rs. 15,100-18,300/- i.e. the scale of Director to the applicant. (Annexure- XXIII Series)
- 03.11.2004- Applicant was directed to continue as Director of Census Operations, Tripura till further orders.

- 05.11.2004, 08.12.2004, 18.01.2004-Applicant submitted representations reiterating his prayers for grant of pay scales of the post of Director. but to no result. (Annexure- XXIV Series)
- 15.03.2005- Registrar General of India extended the term of deputation of the applicant upto 31.03.05.
- 28.05.2005- Applicant was repatriated to his parent department.
- 25.08.2005- Ex-post-facto approval was accorded regularizing the services of the applicant as Director of Census Operations, Tripura for the period of 01.04.2005 to 31.05.2005.
- 04.06.2005- Applicant joined as Additional Director, School Education under the Govt. of Tripura. (Annexure- XXV Series)

Hence this application.

PRAYERS

Relief (s) sought for

1. That the Hon'ble Tribunal be pleased to direct the respondents to pay the scale of Director of Rs. 15,100-18,300/- to the applicant for the period from 05.05.2000 till the date of his repatriation with arrear monetary benefits.
2. That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to the scale of pay of Rs. 15,100-18,300/- during the tenure of his deputation period w.e.f. 05.05.2000 to 31.05.2005, while working as Director in the Census department, Tripura under the Govt. of India, Ministry of Home Affairs.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

During pendency of the application, the applicant prays for the following interim reliefs: -

1. That the respondents be directed that pendency of this application shall not be a bar to the respondents for considering the representations of the applicant.

Krishna Mohan Nair

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 66 /2006
 Shri Krishna Dhan Nath. : Applicant.
 -Versus-
 Union of India & Ors. : Respondents.

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Filed By:

S. Nath.
 Advocate

Krishna Dhan Nath

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Filed by the applicant
through S. Nath,
Advocate
13.03.2006

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

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

O.A. No. 66 /2006

BETWEEN:

Shri Krishna Dhan Nath,

S/o- Late Rashi Mohan Nath,
10, Debendra Debnath Road,
P.O Dhaleswar,
Agartala-799007
Dist. West Tripura, Tripura.

-----Applicant.

-AND-

1. The Union of India,

Represented by Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.

2. The State of Tripura,

Represented by the Chief Secretary,
Govt. of Tripura,
Agartala, Tripura.

3. The Registrar General of India,

2/A Mansingh Road,
New Delhi-110011.

4. The Director,

Department of Personnel & Training (DOPT)
Government of India,
North Block,
New Delhi-110001.

..... Respondents.

Krishna Dhan Nath

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made not against any particular order but against non-consideration of granting the pay-scale and benefits of the post of Director of Census Operations to the applicant as per the usual terms of deputation although the applicant served under deputation to the post of Director of Census Operations, Tripura for long five years.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this 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 as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That your applicant was initially appointed as Asstt. Teacher in Education Department under the Govt. of Tripura on 14.03.1970. He than joined in Tripura Civil Service (TCS) as Grade-II officer on 04.09.1983 and subsequently promoted to the cadre of Tripura Civil Service Grade-I in the year 1998.
- 4.3 That while the applicant was serving as Joint Director of Survey and land Records (TCS Grade-I) under the Govt. of Tripura, the appointment and services department of the Govt. of Tripura vide its memorandum No. F.14 (4)-GA/94(L) dated 27.06.1998 circulated one letter No. 6/3/98-EO (MM.II)

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dated 05.05.1998 issued by the Govt. of India, Department of personnel & Training, Ministry of personnel, P.G & Pensions, New Delhi whereby willingness from departmental officers were invited for consideration for appointment as Director, Census operations in the 30 Directorates on deputation basis. Pursuant to that the applicant was also asked to intimate his willingness, if so denied, vide letter No. F.14 (4)-GA/94 (L) dated 17.12.1999 issued by the General Administration (P & T) department, Govt. of Tripura.

(Copy of memorandum dated 27.06.98, letter dated 05.05.98 and 17.12.99 are annexed hereto as Annexure-I, II and III respectively).

- 4.4 That pursuant to the above, the applicant communicated his willingness for the post of Director, census operation, Tripura, through proper channel via his application dated 22.12.1999, which was forwarded by the Director of land Records & Settlement, Govt. of Tripura vide his forwarding letter No. F.1 (PERS) DLRS/ESTT/98/11294-95 dated 22.12.1999.

(Copy of the application dated 22.12.1999 alongwith the forwarding letter dated 22.12.1999 is annexed hereto as Annexure- IV).

- 4.5 That thereafter the Establishment officer, Govt. of India, DOPT, New Delhi vide his communication No. S/14/99-EO(MM-II), dated 24.04.2000 confirmed to the Govt. of India that the appointments committee of the cabinet has approved the proposal of Registrar General of India for appointment of the applicant to the post of Director of Census Operations, Tripura on usual deputation terms for a period of three years. Accordingly, the services of the applicant was placed at the disposal of the Govt. of India for appointment as Director, Census Operations, Tripura by the Govt. of Tripura vide notification No. F.14 (4)-GA/94(L) dated 04.05.2000.

(Copy of communication dated 24.04.2000 and notification dated 04.05.2000 are annexed hereto as Annexures- V and VI respectively).

4.6 That thereafter the applicant was appointed as Director of Census Operations, Tripura with effect from 05.05.2000 (FN) on deputation basis for a period of 3 (three) years vide notification No. 1/3/98-Ad. III (XXIV) dated 16.05.2000 of Registrar General of India. The applicant assumed charges as Director of Census operations, Tripura at Agartala w.e.f 05.05.2000 (FN) and the same was notified in the Gazette of India dated 30.11.2000 under No. S.O.1074 (E) dated 23.11.2000.

(Copy of notification dated 16.05.2000 and Gazette notification dated 30.11.2000 are annexed hereto as Annexures- VII and VIII respectively).

4.7 That subsequent to his assuming charges as Director of Census operations, Tripura w.e.f 05.05.2000, the applicant submitted his option on 30.05.2000 electing for the scale of pay of Rs. 15,100-18,300/- w.e.f 05.05.2000 against the said post as per usual terms of deputation and further submitted another application on 16.06.2000 to the Registrar General of India praying for fixation of his pay in the scale of the post of Director of Census operations as stated above. It is relevant to mention here that the pay scale for the Post of Director under the Ministry of Home Affairs is Rs. 15,100-18,300/- as shown in the chart appended to letter No. F. No. A-27011/13/2000-Ad.II dated 01.08.2000 of the Registrar General of India.

(Copy of option dated 30.05.2000, application dated 16.06.2000 and letter dated 01.08.2000 are annexed hereto as Annexure- IX, X and XI respectively).

4.8 That having found no response to his application dated 16.06.2000, the applicant submitted another representation on 12.09.2000 reiterating his prayer for fixation of his pay in the scale of the post of Director at the earliest and further informing that his service book etc. were already sent by the Govt. of Tripura to the office of the Registrar General.

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Further to mention here that in the meantime proposal was also processed by the respondent department i.e. the office of the Registrar General of India for appointment to the post of Regional Census Officer in the grade of Deputy Director on deputation basis in the scale of Rs. 10,000-15,200/- and applications were invited vide circular No. A 11013/2/99 Estt. dated 24.10.2000. It is relevant to mention here that the scale of Deputy Director was notified as Rs. 10,000/- to Rs. 15,200/- for the proposed recruitment as per the scale shown in the letter dated 01.08.2000 (Annexure-XI) of the Registrar General of India.

(Copy of the representation dated 12.09.2000 and circular dated 24.10.2000 are annexed hereto as Annexure- XII and XIII respectively).

4.9 That surprisingly, in response to the representation dated 12.09.2000 aforesaid, the office of the respondent No. 3 vide letter No. F. No. P/N (19) Ad. III dated 30.10.2000 informed the applicant that the post of Director of Census Operations does not carry any separate pay scale. The officers so appointed to the post of DCO are continued to draw their own pay scale prior to their joining as DCO and in addition, they are given Central Deputation allowance in respect of IAS officers and deputation (duty) allowance in respect of other officers in terms of DOPT's OM No. 2/29/91-Estt. (Pay-II) dated 05.01.1994. In the letter, it was regretted that the request for grant of pay-scale of DCO is not tenable and the applicant is entitled for deputation allowance at the rate of 5 % of his present pay, drawn in the state.

(Copy of the letter dated 30.10.2000 is annexed hereto as Annexure- XIV).

4.10 That being shocked at such an irrational stand of the borrowing department and denial of the pay scale of the post of DCO to the applicant, the applicant submitted one representation on 04.11.2000 to the Chief

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Secretary, Govt. of Tripura wherein he had ventilated his grievances and requested the Govt. of Tripura to take up the matter with the borrowing department and further expressed that in the event of non-consideration of his pay in the scale of Director by the borrowing department, he would have no other alternative but to seek for his repatriation to his parent department.

(Copy of the representation dated 04.11.2000 is annexed hereto as Annexure-XV).

4.11 That the applicant also addressed one D.O letter on 06.11.2000 the Registrar General of India against the regret letter dated 30.10.2000 wherein he had stated that in the event of grant of only deputation allowance @ 5 %, his total financial benefit would be even less than Rs. 500/- which he is not prepared to accept for undertaking such arduous job and huge responsibilities attached to the post. He also contended in his D.O letter that he is entitled to get the scale of Director as per usual terms and conditions of deputation and his pay has to be fixed in terms of F.R.22 (I) (a) (1) as per the normal rules of deputation. The applicant also stated that due to non-granting of the scale of Director to him, and non-fixation of his pay, the pay and allowances of even a Regional Census Officer (Deputy Director) who is below him in rank and status would be higher than that of him. He also appended a comparative chart to his letter showing that in spite of being a Director, his total pay comes to Rs. 16,416/- only whereas that of Regional Census Officer, working under him amounts to Rs. 20,343 i.e. Rs. 3,927/- more than that of his. The applicant in his said letter reiterated his prayer for grant of pay scale and benefits of Director to him and further expressed that in the event of non-consideration of his prayer he would have no other option but to seek for his repatriation.

(Copy of D.O letter dated 06.11.2000 is annexed hereto as Annexure-XVI).

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4.12 That thereafter, vide letter No. P/N (18)-Ad. III dated 18.12.2000 issued from the office of the Registrar General of India, it was conveyed to the applicant that while working as DCO, he would be entitled to continue to draw his own pay scale plus deputation allowance of 5 % only and his request for grant of pay scale of Director cannot be acceded to.

(Copy of letter dated 18.12.2000 is annexed hereto as Annexure-XVII).

4.13 That thereafter Government of Tripura, Department of General Administration (Personnel and Training) vide its letter No. F. 14 (4)-GA/94 (L) dated 18.12.2000 urged upon the Registrar General of India that the duties and responsibilities pertaining to the post of Director of Census operations are greater in comparison to the assignment which the applicant was holding prior to his joining as Director, census operations, Tripura and further stated that it appears from the enclosure to letter dated 1.08.2000 (Annexure-XI hereto) that the post of Director carries a pay scale of Rs. 15,100-18,300/- and as such the RGI was requested to take necessary action towards fixation of pay in respect of the applicant in the scale of Rs. 15,100-18,300/-.

(Copy of letter dated 18.12.2000 is annexed hereto as Annexure-XVIII).

4.14 That the applicant most respectfully begs to state that Registrar General of India vide his order No. 1/3/2000-Ad.III dated 08.03.2001, made some appointments to the post of Deputy Director of census Operations on deputation basis in the scale of Rs. 10,000-15,200/-. Those officers were also brought on deputation from different State Civil cadres like the applicant and they have been given the scale attached to the post of Dy. Director irrespective of their own post and scale of pay. But the applicant was placed in his original scale of pay which he had been drawing in his substantive post of TCS Gr-I under the Govt. of Tripura. It is relevant to

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mention here that the applicant was in the scale of Rs. 12000-18,400/- in the state of Tripura prior to his deputation and his total emoluments as on 4.5.2000 was Rs. 16516/- which is evident from his last pay certificate dated 20.5.2000 issued by the Govt. of Tripura. But on his joining as Director of Census operations on deputation, his total emoluments in the said scale came to Rs. 16,416/- as on 5.5.2000 i.e. Rs. 100/- less than what he had been drawing prior to his deputation, which is evident from the pay certificate dated 26.2.2001 issued by the Directorate of Census Operation.

(Copy of the last pay certificate dated 20.5.2000, pay certificate dated 26.2.2001 and order dated 08.03.2001 are annexed hereto as Annexures XIX, XX and XXI).

- 4.15 That the applicant thereafter submitted fresh representations to the Joint Registrar General on 31.10.2001 and also to the Registrar General of India on 10.12.2001, reiterating his prayer for granting him the pay in the scale of Rs. 15,100-18,300/- and fixing his pay as per F.R. 22 (I) (a) (I) but with no result whatsoever.

Subsequently, vide order No. 1/3/98-ad. III (XXIV) dated 20.10.2003 issued by the Registrar general of India the term of deputation of the applicant was extended w.e.f 05.05.2003 to 04.05.2004.

(Copy of order dated 20.10.2003 is annexed hereto as Annexure—XXII).

- 4.16 That due to denial of the grant of pay and allowances of the Director of Census Operation to the applicant, and grant of post-based scale etc. to the other deputed/recruited officers who were lower in rank and status in the Directorate of Census, the pay of the applicant became much less than even that of Deputy Director and assistant Director, working under him. Consequently the pay of the applicant as in August, 2004 was Rs. 21,680/- only whereas the corresponding pay of even Asstt. Director came to Rs. 25,159/-, which are evident from the two-pay certificates dated 30.08.2004

although the scale of Asstt. Director was Rs. 7450-13,000/- only as against the scale of Rs. 12000-18,400/- of the applicant. Therefore the applicant submitted a fresh representation dated 31.08.2004 to the Registrar General of India praying again amongst others, for grant of the scale of Rs. 15,100-18,300/- i.e. the scale of Director to the applicant.

(Copy of representation dated 31.08.2004 along with the two pay certificates dated 30.08.2004 are annexed hereto as Annexure XXIII series).

4.17 That vide one order No. 1/3/98-Ad.III (XXIV) dated 3.11.2004. the applicant was directed to continue as Director of census operations, Tripura till further orders. Thereafter the applicant submitted three representations in succession on 05.11.2004, 08.12.2004 and 18.01.2005 reiterating his earlier prayers for grant of pay scale of the post of Director, but with no considerations whatsoever.

(Copy of order dated 3.11.2004 and representations dated 05.11.2004, 08.12.2004 and dated 18.01.2005 are annexed hereto as Annexure - XXIV Series).

4.18 That vide order No. 1/3/98-Ad.III (XXIV) dated 15.03.2005 of the Registrar General of India, the terms of deputation of the applicant was extended upto 31.03.2005. The applicant was thereafter repatriated to his parent department and relieved of his duties as Director of census operations, Tripura vide order No. 1/3/98-ad, III (XXIV) dated 28.05.2005, and eventually vide another order No. 1/3/98-Ad-III (XXIV) dated 25.08.2005, ex-post facto approval was accorded regularizing the services of the applicant as Director of Census operations, Tripura for the period from 01.04.2005 to 31.05.2005. After his repatriation, the applicant has joined as Additional Director, school Education, under the Govt. of Tripura w.e.f 04.06.2005.

(Copy of orders dated 15.03.2005, 28.05.2005 and dated 25.08.2005 are annexed hereto as Annexures - XXV series).

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4.19 That the applicant since his assuming charges as Director of Census Operations, Tripura 05.05.2000 on deputation basis, prayed for grant of his cadre pay in the post of Director and fixation of his pay as per F.R 22 9 (1) (a) (1) which he is entitled to as per the set rules of deputation service. He approached the respondent department time and again and persuaded with all his efforts continuously for grant of his cadre pay and allowances even till he was repatriated, submitting representations, making personal approaches to the competent authorities but with no results whatsoever. He has been denied the benefit by the respondents only on one ground all along, that the post of Director of Census operations in Tripura was meant for selection grade and junior Administrative grade of the IAS equal to the rank of Dy. Secretary and there was no separate pay-scale for the post of D.C.O, and it has been contended that the applicant is entitled for only the pay which he was drawing in his state service plus the deputation allowance of 5 % (since there was no change of station) in his deputed post, which is illegal, arbitrary, unfair and violative of the established rules of deputation service.

4.20 That the applicant begs to submit that under similar situation the respondent department appointed Deputy Directors of Census Operation on deputation basis from officers of state services who were given the cadre pay of Deputy Directors plus all other central allowances in the scale of Rs. 10,000-15,200/- (Annexure-XXI). It is also evident from the annexure to the letter dated 01.08.2000 (Annexure-XI) of the Registrar General of India that there is specific pay-scale for all the posts viz Director, joint Director, Dy. Director and Asstt. Director under the Ministry of Home Affairs wherein the scale of Director has been shown as Rs. 15100-18,300/-. The post of Director of census operation is analogous post under the same ministry and as such the said post also carries the scale of Rs. 15,100-18,300/- and there cannot be any discrimination otherwise, more so when the pay scales shown in letter dated 01.08.2000 in case of other officers i.e. Deputy

Director, Asstt. Directors are being followed in toto in the respondent department also. As such the contention of the respondents that there is no pay-scale for the post of Director of Census Operation is not sustainable since it cannot be a post in isolation and cannot be governed by a separate standard and set of rules whatsoever.

Further, the contention that the post of DCO is meant for selection grade officers and IAS cadre officers and governed by their respective scales is strictly against law in as much as that in a normal/permanent set-up, the scale of a particular post cannot be person based as an isolated one in the hierarchy whereas for all other posts in that hierarchy there have been definite pay-scales attached to. Any incumbent irrespective of his substantive cadre while working in the post of DCO has been discharging the same duties and responsibilities and as such is entitled to the same pay and allowances attached to the post and plea that this particular post is without any pay-scale is not sustainable in service jurisprudence. This is arbitrary, illegal, unfair, discriminatory, opposed to Article 14 and 16 of the constitution of India and violative of the principles of natural justice.

4.21 That the respondents while appointing the applicant to the post of DCO, Tripura did never indicate that the post does not have any pay-scale, rather it was clearly indicated that the applicants appointment to the said post was on "usual deputation terms" which is evident from the communication dated 24.04.2000 (Annexure-V). It is relevant to mention here that the "usual deputation terms" as laid down by the Government of India under fundamental rules are as under: -

"(1) An employee appointed on deputation foreign service may elect to draw either the pay in the scale of pay of deputation/foreign service post or his basic pay in the parent cadre plus Deputation (Duty) Allowance thereon plus personal pay, if any.

- (2) When a State Government servant is appointed to a post under the Central Government and the post carries duties and responsibilities of greater importance than those attaching to the post held by him under State Government, the initial pay may be fixed under F.R. 22 (1) (a) (1)."

From the facts stated in paras hereinabove, it is abundantly clear that-

- (a) The post of Director of Census operations carries the pay-scale of Rs. 15,100-18,300/-.
- (b) The applicant is entitled to opt for the pay scale of the deputation post, and
- (c) If opted, his pay will be fixed as per the provisions of F.R. 22 (1) (a) (1).

As such the denial of the benefit of the pay scale of Rs. 15,100-18,300/- and allowances thereto to the applicant is arbitrary, illegal, unfair, malafide opposed to the established law and the contentions of the respondents otherwise are not sustainable.

(Copy of the extracts of F.R are annexed hereto as Annexures XXVI series).

4.22 That the applicant most respectfully begs to submit that on assuming charges as the Director of Census operations, the applicant had been discharging the duties and responsibilities which are higher than that of his previous post in the parent department. This has been informed to the respondents by the Govt. of Tripura also vide letter dated 18.12.2000 (Annexure-XVIII). This apart, the applicant while working as DCO on deputation, was even assigned with still higher responsibilities of the post of Joint Registrar General with additional duties vide order No. 6/4/98-VS (CRS) dated 23.11.2002. Even thereafter, the applicant has been denied even the pay scale of the post of DCO which he is legitimately entitled to.

Krishmadhan Nath

It is relevant to mention here that the officer holding the post of Director under the Govt. of Tripura are entitled to draw the pay scale of Rs. 14150-20,000/-. In the instant case, the applicant is holding the post of Director of census operations but he has not been granted either the pay scale of the post of the DCO or the pay scale of the post of Director under the Govt. of Tripura which is discriminatory and violative of the principles of natural justice.

(Copy of the order dated 28.11.2002 is annexed hereto as Annexure-XXVII).

- 4.23 That the applicant further begs to state that his initial deputation was for a terms of three years w.e.f 05.05.2000 but the same was extended from time to time by the respondents on their own and stretched upto 31.05.2005 for the instant of works but with no consideration regarding the claims of the applicant for his pay scale etc. whatsoever, which was unilateral, arbitrary and mala fide.
- 4.24 That as per FR 9(25), under Appendix-5 as quoted in para 4.1, the pay of an employee appointed on deputation is regulated as under; -

"4. Exercise of option

- 4.1 An employee appointed on deputation/foreign service may elect to draw either the pay in the scale of deputation/foregoing service post or his basic pay in the parent cadre plus deputation (duty) allowance thereon plus personal pay, if any".

It is evident from "Swamy's Compilation of FRSR, Part- I, General Rules, page- 441. The Rule has therefore laid down by the Govt. beyond any doubt whatsoever, which is applicable in case of the applicant in the instant case.

(Copy of Swamy's compilation of FRSR, page 441 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- XXVIII)

- 4.25 That the applicant has been denied the pay scale of the post of Director of Census operations for long five years inspite of all efforts, appeals and representations made by the applicant and inspite of his shouldering higher responsibilities. As such it is a continuous wrong and as per the settled position of law, a fresh cause of action arose in every month with the payment of less remuneration and lower scale of pay to the applicant on every month.
- 4.26 That your applicant begs to state that due to non-consideration of his case for grant of the pay scale of Director, the applicant has incurred heavy financial loss. As such finding no other alternative the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the respondents to grant the pay-scale of the post of Director of Census operations with all allowances thereto including the special duty allowance (SDA) for the period from 05.05.2000 to 31.05.2005 with all consequential service benefits.
- 4.27 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the applicant is entitled to the usual terms of deputation in terms of the respondents communication of offer dated 24.04.2000 (Annexure-V).
- 5.2 For that, as per the "usual terms of deputation" as laid down under fundamental rules, the applicant is entitled to elect and draw the pay of the deputation post and his pay would be fixed as per the provisions of F.R 22 (1) (a) (1). The applicant elected for the pay of the post of Director

Krishna Maheshwar

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of Census operation i.e the deputation post, which he is entitled to draw under rules.

- 5.3 For that, the post of Directors under the Ministry of Home Affairs is Rs. 15,100 to 18,300/- as notified under letter dated 01.08.2000 (Annexure-XI) of the respondent No. 3. As such the post of Director of census operation under the same ministry also carries the scale of Rs. 15,100- 18,300/-, which the applicant is entitled to draw.
- 5.4 For that, the applicant is entitled to get his cadre pay and allowances at par with Census department norms w.e.f. the date of his deputation in terms of FR 9 (25).
- 5.5 For that, under similar situation, the persons who have been appointed under deputation from state services to the post of Deputy Directors of census operation in the respondent department, have been granted the cadre pay of the deputation post but the same has been denied to the applicant which is discriminatory and violative of the Articles 14 and 16 of the Constitution of India.
- 5.6 For that, for all the posts below the post of Director of census operations i.e the posts of Joint Director, Deputy Director, Assft. Director etc, the respondent department has granted the pay-scales shown in their letter dated 01.08.2000 and as such in all prudence and fitness of the things, the pay-scale of the DCO also will be as shown in the same letter dated 01.08.2000 (Annexure-XI), which the applicant is legitimately entitled to draw.
- 5.7 For that, when there is specific scale of pay for all the posts in the respondent department, the plea of the respondents that there is no specific scale for the post of DCO which is the top post in the hierarchy is

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not sustainable in law and such plea is arbitrary, malafide, illegal, unfair and violative of the principles of natural justice.

- 5.8 For that, the respondents clearly expressed in their communication dated 24.04.2000 (Annexure-V) that the appointment of the applicant is as per "usual terms of deputation" and at no point of time they indicated before his appointment on deputation that the post of DCO does not carry any pay scale. A particular post in the hierarchy cannot be an isolated one in a permanent set up, without any pay scale and it amounts to misrepresentation of facts.
- 5.9 For that the applicant on assuming the charges of DCO has shouldered higher responsibilities, not only for the post of DCO but even that of Joint Registrar General as well and as such he is legitimately entitled to higher pay scale.
- 5.10 For that the applicant had made continuous prayers, representations during the entire period of his deputation for grant of his cadre pay for the post of DCO but with no consideration whatsoever.
- 5.11 For that the respondents kept the applicant engaged for five years on deputation on their own for the interest of works but they did not grant him either the cadre pay for the deputation post nor the pay of Director of his parent department i.e the post of Director under the Govt. of Tripura, for which the applicant has suffered heavy financial loss.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

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The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted 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 relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay the scale of Director of Rs. 15,100-18,300/- to the applicant for the period from 05.05.2000 till the date of his repatriation with arrear monetary benefits.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to the scale of pay of Rs. 15,100-18,300/- during the tenure of his deputation period w.e.f. 05.05.2000 to 31.05.2005, while working as Director in the Census department, Tripura under the Govt. of India, Ministry of Home Affairs.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim reliefs: -

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9.1 That the respondents be directed that pendency of this application shall not be a bar to the respondents for considering the representations of the applicant.

10.

11. Particulars of the I.P.O

i) I.P.O No. : 269 319 563
ii) Date of issue : 28. 2. 06.
iii) Issued from : S.P.O. Guwahati
iv) Payable at : S.P.O. Guwahati

12. List of enclosures:
As given in the index.

Krishna Madhavan Nair

VERIFICATION

I, Shri Krishna Dhan Nath, S/o- Late Rash Mohan Nath, aged about 56 years, resident of 10, Debendra Deb Nath Road, P.O. Dhaleswar, Agartala, Dist. West Tripura, Tripura, Pin- 799007, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 12th day of March 2006.

Krishmadhan Nath

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

NO.F.14(4)-GA/94(L) : Dated, Agartala, the 27th June, 1998.

MEMORANDUM

Subject :- Appointment on deputation to the post of Director, Census Operations.

The undersigned is directed to forward herewith the copy of Government of India, Deptt. of Personnel & Training, Ministry of Personnel, P.G. & Pensions, North Block, New Delhi D.O.NO.6/3/98-PO(MN.II) dated the 5th May, 1998 on the subject mentioned above and to request all concerned whether they are willing to be considered for appointment as Director, Census Operations in the 30 Directorates on deputation and if so, the same may kindly be intimated to this Department at an early date.

P-18/08

(Signature)
26/7/98

Encls :- As stated.

(S. C. Deb)
Under Secretary to the
Government of Tripura.

G/C

To
Shri All officers
at P-154-16/08. except
(S.No. 1 (P. 15/08.))

*Attended
Smt. Advocate*



UPMA CHAUDHRY
DIRECTOR
TELE. NO. 301 6319

भारत सरकार
कामिक और प्रशिक्षण विभाग
कामिक, लोक शिकायत तथा पेंशन मंत्रालय
नोर्थ ब्लॉक, नई दिल्ली-110001
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL AND TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NORTH BLOCK, NEW DELHI-110001

D.O. No. 6/3/98-EO(MM.II) Dated: May 4, 1998

5 MAY 1998

Respected Mr. Pulasida,

The Registrar General & Census Commissioner, India has requested for a panel of names of IAS officers of the rank of Deputy Secretary/Director for appointment on deputation basis to the posts of Director Census Operations in the 30 Directorates dealing with Census Operations in the various States and Union Territories.

2. Of the 30 posts of Directors of Census Operations 18 posts in the following eighteen States are required to be filled by Selection grade officers of the rank of Director/Deputy Secretary to the Government of India:-

- Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, and Delhi.

The remaining 12 posts in the following 12 States/UTs are to be filled by Selection Grade/Junior Administrative Grade Officers of the IAS equal to the rank of Deputy Secretary to the Government of India.

- Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Andaman and Nicobar Islands, Chandigarh, Lakshdweep & Pondicherry.

3. The duties assigned to the post of Director, Census Operations include functioning effectively as a coordinator and maintaining good liaison with District Collectors, Heads of Departments and Senior Officers of the State Government and Union Territories Administration where appointed. The officers would have to be of proven ability with adequate district and administrative experience and also be in sound health and physically fit as the work involves extensive touring and an active regimen.

Attested
Law.
Advocate

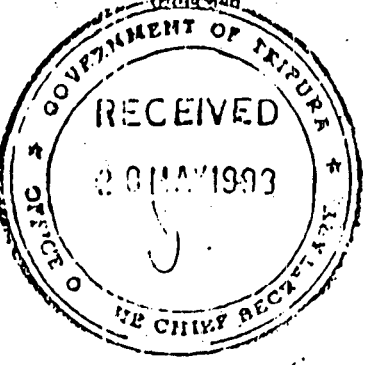
11/05/98

Dr. A.S.S.

upma

201 S. Staffs

NO. 1432/PS/APP/78
22/5
US(A 23)



50

4. I shall, therefore, be grateful if you could recommend some names of suitable and willing IAS officers of the rank of Director/Deputy Secretary for the above posts. As the requirement of the O/O the Registrar General & Census Commissioner is urgent, it is requested that the names may please be recommended immediately and latest by May 29, 1978. While recommending names, it may kindly be ensured that the officers are clear from vigilance angle and their integrity is certified. It is also requested that information in respect of the recommended officers on the following points may also be furnished alongwith:

- (a) the experience of the officers concerned;
- (b) the present post held by them at present;
- (c) their present emoluments; and
- (d) any facts or qualification which would make the officer particularly suitable for the post of Director of Census Operation.

With regards,

Yours sincerely,

Upma Chaudhry

(UPMA CHAUDHRY)

Shri V. Tulasi Das,
Chief Secretary,
Government of Tripura,
AGARTALA.

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION, (P & T) DEPARTMENT

NO.F.14(4)-GA/94(L) : Dated, Agartala, the 17th Dec., 1999.

MEMORANDUM

Subject :- Filling up of the post of Director, Census Operations, Tripura.

The undersigned is directed to request the Officers concerned, to intimate whether they are willing to be considered for appointment to the post of Director, Census Operations, Tripura under the Registrar General of India, Ministry of Home Affairs on deputation basis. The willingness may kindly be communicated to this Department latest by the 20th December, 1999 positively.

(Manish Kumar)
Joint Secretary to the
Government of Tripura.

To
Shri R.D. Nath, T.O, and
Jr. Director, LR Settlement.
JK

*Attended
Law.
Advocate*

58

To
The Joint Secretary,
General Administration (P & T) Department,
Government of Tripura,
Agartala.

Through proper channel

Subject :- Filling up of the post of Director,
Census Operations, Tripura.

Sir,

In pursuance of your letter No.F:14(4)-GA/94(L) dt. 17th Dec'99 received on 22nd Dec'99 I would like to convey my willingness to consider my name for the post of Director, Census Operation, Tripura.

This is for favour of your kind information & necessary action.

Yours faithfully,

W. D. Nath

(K. D. NATH)

Joint Director of Surveys & Land Records,
Government of Tripura.

*Master
Scrib.
Advocate*

59

No. F.1(PERS) DLRS/ESTT/98/11274-95
GOVERNMENT OF TRIPURA
DIRECTORATE OF LAND RECORDS & SETTLEMENT

Dated, Agartala
the 22 th Dec, 99.

To
The Joint Secretary,
General Administration (P & T) Department,
Government of Tripura,
Agartala.

Subject:- Filling up of the post of Director,
Census Operations, Tripura.

Sir,

I am forwarding ~~the~~ herewith the letter dated
22.12.99 submitted by Shri K.D.Nath, T.C.S.Gr.I (Joint Director)
of Surveys & Land Records for favour of doing the needful.

Yours faithfully,

W.K.P.
21/12/99
(K.P.GOSWAMI)
Director,
Land Records & Settlement
Government of Tripura

Copy to:-

✓ Shri K.D.Nath, Joint Director, Surveys & Land Records
for information.

Office of the Secretary
 etc. Deptts.
RECEIVED
 No.
 Dated 6/5/2000 TO

THE ESTABLISHMENT OFFICER 26- ANNEXURE - II
 GOVERNMENT OF INDIA
 DEPARTMENT OF PERSONNEL AND TRAINING
 NEW DELHI

THE CHIEF SECRETARY
 GOVERNMENT OF TRIPURA
 AGARTALA.

60

NO. 6/14/99-EO(MM-II), NEW DELHI, DATED APRIL 24, 2000

THE APPOINTMENTS COMMITTEE OF THE CABINET HAS APPROVED THE PROPOSAL OF THE OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA FOR APPOINTMENT OF SHRI KRISHNADHAN NATH, TCS TO THE POST OF DIRECTOR OF CENSUS OPERATIONS, TRIPURA UNDER THE MINISTRY OF HOME AFFAIRS ON USUAL DEPUTATION TERMS FOR A PERIOD OF THREE YEARS FROM THE DATE OF HIS TAKING OVER CHARGE OF THE POST OR UNTIL FURTHER ORDERS, WHICHEVER EVENT TAKES PLACE EARLIER(.)

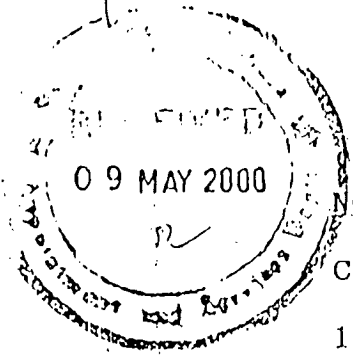
2. THE OFFICER MAY KINDLY BE RELIEVED OF HIS DUTIES IMMEDIATELY WITH INSTRUCTIONS TO TAKE UP HIS NEW ASSIGNMENT(.) THE CR DOSSIER OF SHRI KRISHNADHAN NATH IS RETURNED HEREWITH(.)

Copy by post in confirmation.

us (PPT)
MS
Secretary - Conting
com

Om

(O.P. BUDHIRAJA)
 UNDER SECRETARY TO THE GOVERNMENT OF INDIA



NO. 6/14/99-EO(MM-II), New Delhi, dated April 24, 2000

Copy forwarded to :-

1. Prime Minister Office (Smt. Rashmi Verma, Director).
2. Cabinet Secretariat (Sh. M.S. Mathur, Dy. Secretary).
3. Office of the Registrar General & Census Commissioner, India (Shri S.P. Sharma, Consultant), 2-A, Mansingh Road, New Delhi w.r.t. its letter No.1/3/98-Ad.III(xxiv), dated 25.2.2000.

The appointment of Shri Krishnadhan Nath, TCS as Director of Census Operations, Tripura on usual deputation terms has been approved for a period of three years from the date of his taking over charge of the post or until further orders, whichever event takes place earlier.

4. PS to MOS(PP)/PPS to Secretary(P)/PS to EO/RO (CM)/EO (MM-I)/Guard File.

Om

(O.P. BUDHIRAJA)
 UNDER SECRETARY TO THE GOVERNMENT OF INDIA

10.5.2000

Notification has been issued vide P-1142/06

Alleshwar Singh Acharya

737/509/600 (SMT) / 2000

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (P & T) DEPARTMENT

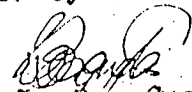
61

NO.F.14(4)-GA/94(L) : Dated, Agartala, the 4th May, 2000.

NOTIFICATION


In pursuance of Government of India, Ministry of Home Affairs, Office of the Registrar General, India, New Delhi letter NO.1/3/98-Ad.III (XXIV) dated the 28th April, 2000, the Governor is pleased to place the services of Shri Krishnadhan Nath, TCS Grade-I, Joint Director of Land Records & Settlement, Government of Tripura at the disposal of the Government of India for appointment as Director, Census Operations, Tripura under the Ministry of Home Affairs, Office of the Registrar General, India with immediate effect.

By order of the Governor,


(B.K. Das Gupta) 4/5/00
Under Secretary to the
Government of Tripura.
.....

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Principal Secretary to Governor, Tripura, Rajbhawan, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Offices of all Ministers, Tripura, Agartala.
5. All Principal Secretaries/Commissioners/Secretaries, Tripura.
6. Establishment Officer & Additional Secretary, Govt. of India, Department of Personnel & Training, North Block, New Delhi - 110001.
7. Consultant, Govt. of India, Ministry of Home Affairs, Office of the Registrar General, India, 2/A Mansingh Road, New Delhi - 1.
8. Director, Census Operations, Tripura, Agartala.
9. Director, Land Records & Settlement, Tripura, Agartala with request to kindly release Shri Krishnadhan Nath, TCS Gr-I to take up his new Assignment as Director, Census Operations, Tripura by 4th May, 2000.
10. Manager, Govt. Press, Agartala for publication.
11. Treasury Officer, Agartala, West Tripura.
12. Accountant General (A & E), Tripura, Agartala.
13. Finance Deptt. (Estt. Br.), Civil Sectt., Tripura.
14. Shri Krishnadhan Nath, TCS Gr-I, Joint Director of Land Records & Settlement, Tripura, Agartala.
15. Personal file/Guard file.


(B.K. Das Gupta) 4/5/00
Under Secretary to the
Government of Tripura.
.....

*Allex
Advocate*



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

भारत के महारजिस्ट्रार का कार्यालय

भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011

OFFICE OF THE REGISTRAR GENERAL, INDIA

(Government of India, Ministry of Home Affairs)

2A MANSINGH ROAD, NEW DELHI 110 011

Handwritten notes and signatures on the left margin, including '29/5' and '30/5'.

Ref. No.: 1/3/98-Ad.III(XXIV)

Date: 16.5.2000

NOTIFICATION

The President is pleased to appoint Sh.Krishnadhan Nath a TCS officer as Director of Census Operations, Tripura with effect from 5.5.2000(FN) on Central Deputation for a period of 3(three) years that is upto 4.5.2003 or until further orders, whichever is earlier.

The Headquarters of Shri Krishnadhan Nath will be at Agartala.

Handwritten signature of J.K. BANTHIA and the number '1910'.

(J.K. BANTHIA)
REGISTRAR GENERAL AND
CENSUS COMMISSIONER OF INDIA

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

No. 1/3/98-Ad-III(XXIV)

1. Sh. Krishnadhan Nath, Director of Census Operations, Tripura.
2. All Directorates of Census Operations.
3. The Chief Secretary, Government of Tripura Agartala with the request that the Service book and LPC of Shri Krishnadhan Nath may be sent to this office at the earliest.
4. The Accountant General (A&E), Tripura, Agartala.
5. The Pay & Accounts Officer(Census), AGCW&M Building, New Delhi.
6. S/Sh. D.K. Maini/G.Sudershan, Ad.III Section.
7. PS to RGI.
8. Order file.

Vertical handwritten notes on the left margin: 'श्री. स/ड. नं. 1/3/98-Ad-III(XXIV) 2000-2001' and 'श्री. स/ड. नं. 1/3/98-Ad-III(XXIV) 2000-2001'.

Handwritten signature 'Attested' and 'Advocate'.



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग-II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 781]
No. 781]

नई दिल्ली, बुधवार, नवम्बर 30, 2000/अग्रहायण 9, 1922
NEW DELHI, THURSDAY, NOVEMBER 30, 2000/AGRAHAYANA 9, 1922

गृह मंत्रालय

भारत के महारजिस्ट्रार का कार्यालय

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1071(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (एमएच. 90) के अधिकारी श्री एस.के. बिस्वास को महाराष्ट्र राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

MINISTRY OF HOME AFFAIRS

Office of the Registrar General, India

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1071(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri S.K. Biswas, an Officer of the Indian Administrative Service (MH : 90), as the Director of Census Operations, to supervise the taking of census within the State of Maharashtra, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India,

*Attestd
J.K. Bantia
Advocate*

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

क्रा. आ. 1072(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (एनएल: एससीएस : 86) के अधिकारी श्री मेटोंगमेरेन को नागालैंड राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1072(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri Metongmeren, an Officer of the Indian Administrative Service (NL : SCS : 86), as the Director of Census Operations, to supervise the taking of census within the State of Nagaland, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India.

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

क्रा. आ. 1073(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (के.एल. : 86) के अधिकारी श्री पी.जी. तेनजिंग को सिक्किम राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1073(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri P.G. Tanzing, an Officer of the Indian Administrative Service (KL : 86), as the Director of Census Operations, to supervise the taking of census within the State of Sikkim, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

क्रा. आ. 1074(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मिपुरा सिविल सेना (सीसीएस : ग्रेड-1) के अधिकारी श्री कुम्पधन नाथ को मिपुरा राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1074(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri Krishnadhan Nath, an Officer of the Tripura Civil Service (FCS : Grade-I), as the Director of Census Operations, to supervise the taking of census within the State of Tripura, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1075(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार एतद्वारा अरुणाचल प्रदेश सिविल सेवा (एपीसीएस) के अधिकारी श्री एन.के. लास्कर को अरुणाचल प्रदेश राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-री.डी. (सेन)]

जयन्त कुमार बाठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1075(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri N.K. Laskar, an Officer of the Arunachal Pradesh Civil Service (APCS), as the Director of Census Operations, to supervise the taking of census within the State of Arunachal Pradesh, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1076(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (ए.जी.एम.यू. : 91) के अधिकारी श्री पी.के. भट्टाचारजी को मिजोरम राज्य में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बाठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1076(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri P.K. Bhattacharjee, an Officer of the Indian Administrative Service (AGMU:91), as the Director of Census Operations, to supervise the taking of census within the State of Mizoram, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1077(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (ए.जी.एम.यू. : 94) के अधिकारी डा. शरत चौहान को अण्डमान और निकोबार द्वीपसमूह संघ राज्यक्षेत्र में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1077(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Dr. Sharat Chauhan, an Officer of the Indian Administrative Service (AGMU:94), as the Director of Census Operations, to supervise the taking of census within the Union Territory of Andaman and Nicobar Islands, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1078(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (ए.जी.एम.यू. : 84) के अधिकारी श्री आर.के. वर्मा को लक्षद्वीप संघ राज्यक्षेत्र में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1078(E).—In exercise of the powers conferred by Sub-section (1) of section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri R.K. Verma, an Officer of the Indian Administrative Service (AGMU:84), as the Director of Census Operations, to supervise the taking of census within the Union Territory of Lakshadweep, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2000

का. आ. 1079(अ).—जनगणना अधिनियम, 1948 (1948 का संख्यांक 37) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय प्रशासन सेवा (ए.जी.एम.यू. : 84) के अधिकारी श्री एस. हेमाचन्द्रन को पॉन्डिचेरी संघ राज्यक्षेत्र में 2001 की जनगणना के कार्य का पर्यवेक्षण करने के लिए जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं. 9/33/99-सी.डी. (सेन)]

जयन्त कुमार बांठिया, भारत के महारजिस्ट्रार और
जनगणना आयुक्त

NOTIFICATION

New Delhi, the 23rd November, 2000

S.O. 1079(E).—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri S. Hemachandran, an Officer of the Indian Administrative Service (AGMU:84), as the Director of Census Operations, to supervise the taking of census within the Union Territory of Pondicherry, for the 2001 census.

[No. 9/33/99-CD (CEN)]

J.K. BANTHIA, Registrar General and
Census Commissioner, India



सत्यमेव जयते

-33-

24/3

भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मंसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

6x

Rel. No.: 9/33/99-CD(CEN)

Date: 7.12.2000

To

The Directors of Census Operations
Maharashtra, Nagaland, Sikkim, Tripura,
Arunachal Pradesh, Mizoram, A&N Islands,
Lakshadweep and Pondicherry

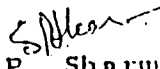
ET

Subject: Notification No.S.O. 1071(E) dated 23rd
November, 2000-Forwarding of

Sir,

I am directed to send herewith a copy of the
Notification No.SO1071(E) dated 23rd November, 2000
regarding appointment of Directors of Census Operations
issued by the Central Government under sub-section(1) of
Section 4 of the Census Act, 1948 (37 of 1948) for favour
of your kind information.

Yours faithfully,


(S.P. Sharma)
Consultant

4836/2000-2001
18.12.2000
S.P.

ANNEXURE - IX 68

FORM OF OPTION

I, SHRI KRISHNADHAN NATH, TCS GRI, Director Census Operations, Tripura, under the control of Registrar General, Government of India, Ministry of Home Affairs do hereby elect for the scale of pay of ~~RS.15,100-~~ 18,300/- as per usual terms and conditions of deputation for holding the post w.e.f. 5th May 2000 vide order No.1/3/98-Ad.III(XXIV) dated 16.5.2000 received on 30.5.2000.

Initially my pay may be fixed on the basis of the provisions of F.R.22(1)(a)(1).

2. The option hereby exercised is final.

Date : 30th May, 2000.
Place : Agartala.

Krishnan 30.5.02
(Krishnadhan Nath)
Director Census Operations
Tripura

*Attested
Sant.
Helvank*

A.19018/1/2000-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations, Tripura.

14/1, Krishnanagar, Agartala.
Dated, 16.6.2000

To
The Registrar General & Census Commissioner, India
Kotah House
2-A, Mansingh Road
New Delhi-110011.

Subject: Fixation of Pay of K.D.Nath Director of Census Operations, Tripura.

Sir,

I have the honour to inform you that I assumed as Director of Census Operations, Tripura on 5.5.2000 (fore-noon) and accordingly I received appointment from your end vide letter No.1/3/98 Ad.III(XXIV) dated 16.5.2000. Now I like to request you to fix my pay in the scale of Director of Census Operations and simultaneously I do hereby exercise my option for the scale of Director of Census operations as per provision.

This is for favour of your kind information and early necessary action.

Yours faithfully,

K.D.NATH
(K.D.NATH)

Director of Census Operations, Tripura.

Copy to:

The Secretary, General Administration (P & T) Deptt., Government of Tripura, Gurkhabasti, Agartala, for favour of his kind information only.

*Attested
Fair
Advocate*

-36-

ANNEXURE-XI

15

65

40



Handwritten signature and scribbles

भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2A मंसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.:

Date:

F.No.A-27011/13/2000-Ad.II

Date: 01.08.2000

To

As per list enclosed

Sub: Downsizing of the Govt.- setting up the Group of Secretaries for making recommendations regarding.

Sir,

I am directed to refer this office letter of even number dated 10.05.2000 on the above mentioned subject and to say that the information may please be sent in respect of your DCO in the prescribed proforma (copy enclosed)

This may please be considered MOST IMMEDIATE and reply sent by SPEED POST/FAX.

Encl. As above

Yours faithfully,

S.C. Sehgal
(S.C. SEHGAL)
DEPUTY DIRECTOR

*Alleged
Adv.
Advocate*

Handwritten notes on the left margin: 11-28, 7/8/00, 1200-2001, 22-8-8

FORMA II

Cadres under the Control of Ministry

Ministry of Home Affairs

Name of the cadre	Group, grade and pay scale of the cadre	Authorised strength as on 01.03.2000	Actual strength as on 01.03.2001	Average Annual Recruitment		Year of last Recruitment	
				By Promotion	By Direct Recrt		
Director	<u>GROUP 'A'</u> 15100-18300	1	1	May be furnished by the Registrar General, India's Office			
Joint Director	10000-15200	1	--				Census 2001 post
Dy. Director	10000-15200	2	2				
Asstt. Director(I)	8000-13500	5	3				
Asstt. Director(G)	8000-13500	1	--				Census 2001 post
Office Supdt	<u>GROUP 'B'</u> 5500-9000	1	1				
Investigator	5500-9000	12	10				2 Census 2001 post
Sr. Supervisor	5500-9000	3	3				
Sr. Typographer	6500-10500	1	--				Census 2001 post
Clerical Asstt.	5500-9000	1	--				
Gr. Typing Asstt	6500-10500	1	--			1 Census post	
Asstt. Clerk	<u>GROUP 'C'</u> 5000-8000	4	3			1991	1 Census post
UD Clerks	4000-6000	7	5			1996	2 Census Ref
LD Clerks	3050-4590	5	4		1/3	1998	
Sr. Hindi Translator	5500-9000	1	1			1991	
Hindi Translator Gr.II	4500-7000	1	1		1/3	1997	

opted in 2000
 sealed

(17) 12/9

No. A.19018/1/2000-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations, Tripura.

14/1, Krishnanagar, Agartala.
Dated, 12th September, 2000

To
The Registrar General, India
Kotah House Annexe,
2/A, Mansingh Road,
New Delhi-110011.

Subject: Fixation of pay of Sri K.D.Nath, Director of census Operations, Tripura.

Sir,

With due regard in pursuance of my letter even number dated 16.6.2000 I would like to request you to kindly fix up my pay in the scale of Director at the earliest so that I can enjoy the benefit of the post already holding after receiving the order of appointment vide No. 1/3/98-Ad.III(XIV) dated 16.5.2000.

I am also informed by the Government of Tripura that my Service Book etc. already been sent to your end.

This is for favour of your kind information and necessary action.

Yours faithfully,

K.D.NATH 12.9.00
(K.D.NATH)

Director of Census Operations, Tripura.

*Attested
J. K. S. Advocate*

सूचक : जनगणना
Telegam : CENSUS

सं०
No. A.11013/2/99-Estt.

फोन : २२-२२२५
Phone : 22-2225
Fax-0381-222225

भारत सरकार

GOVERNMENT OF INDIA

E-mail : dco @ tsu. trp. nic. in

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

कार्यालय निदेशक जनगणना कार्य, त्रिपुरा

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA

14/1, कृष्णनगर, Krishnanagar



अगरतला

24.10.2000

Agartala, the

VACANCY CIRCULAR

Sub :- Filling up of one post of Regional Census Officer(Deputy Director) on transfer on deputation basis in the Directorate of Census Operations, Tripura.

Application is invited for filling up of 1 (one) post of Regional Census Officer (Group 'A' Gazetted) in the pay scale of Rs.10,000-15,200/- for a period upto 31 August 2001 on transfer on deputation basis for the office of the Director, Census Operations, Tripura, Agartala from the officers of the Central Government/State Government preferably from the State Civil Service officers having following qualifications :-

- (a) Holding analogous post or with five years service in posts carrying the pay scale of Rs.8,000-13,500/- or equivalent or with 8 (eight) years of service in the posts carrying pay scale of Rs.6,500-10,500/- or equivalent.
- (b) Possessing experience of administration and accounts matters or of field surveys and tabulation of statistical data.

2. Application in duplicate in the enclosed format may be sent to this office through proper channel along with attested photo copies of the last 5 (five) years ACRs, Integrity Certificate and Vigilance clearance so as to reach this office by 15th November 2000.

K. D. Nath
(K. D. Nath)
Director

... Contd.

*Attested
Date
Signature*

Spam

No.A.11013/1/90-Estt.

Dated : 24 October 20000

Copy forwarded for information and necessary action to :

1. The Chief Secretary, Government of Tripura, Agartala.
2. The Commissioner, Statistics, Govt. of Tripura., Agartala.
3. The Secretary, GA(P&T) Department, Government of Tripura, Agartala.
4. All Heads of Central Government Offices located at Agartala.
5. All DMs & Collector
6. All DCOs of States and Uts.

Copy to : The Registrar General, India - This has approval vide his letter
No.1/11/2000-Ad.III dated 20.10.2000.

Ushahy
Director *U. P. Y.*
Census Operations Tripura



भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.: F.NO.P/N (19)Ad.III

Date: Oct. 30, 2000.

To

Shri K.D. Nath,
Director of Census Operations,
Tripura.

Subject: Fixation of Pay of Director of Census Operations, Tripura.

Sir,

I am directed to refer to your letter No.A.19018/1/2000-Estt., dated the 12th September, 2000 on the subject mentioned above and to say that the post of Director of Census Operations does not carry any separate pay-scale. The officers so appointed to the post of DCO in the States/Union Territories are continued to draw their own pay-scale which they had been drawing in the State before joining as DCO. Besides, they are given central tenure deputation allowance in respect of officers of All-India Services (IAS) and deputation (duty) allowance in terms of the Department of Personnel & Training, Government of India's O.M. No.2/29/91-Estt. (Pay-II) dated the 5th January, 1994 in respect of officers other than All-India Services.

2. In view of the above, it is regretted that the request for grant of pay-scale of DCO is not tenable. However, Shri Nath is entitled for deputation (duty) allowance at the rate of 5% (if there is no change in the station or 10% if there is change in station) besides pay being drawn by him in the State.

Yours faithfully,

(BAL KRISHAN)
Deputy Director

*Sheela
Advocate*

सं. जनगणना
Telegrogram : CENSUS



सं.
No. S.112/CA/DCO/2K/01

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

कार्यालय निदेशक जनगणना कार्य, त्रिपुरा
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA

14/1, कृष्णनगर, Krishnanagar

फोन : २२-२२२५

Phone : 22-2225

Fax-0381-222225

E-mail : dco @ tsu. trp. nic. in

ANNEXURE-XV

अगरतला 4 November 2000

Agartala, the

To
The Chief Secretary,
Government of Tripura,
Agartala.

Subject : Fixation of pay of Shri K.D.Nath, Director Census Operations, Tripura in the scale of pay of Rs.15,100-18,300/- of the Director under the Ministry of Home Affairs.

Respected Sir,

With due regard I like to draw your kind attention to the following facts for favour of your kind consideration and necessary action.

I conveyed my willingness in pursuance of Memo No. F.14(4)-GA/94(L) dated 17.12.1999 issued by the GA(P&T) Department to fill up the post of Director, Census Operations, Tripura. Accordingly, I was released by the GA(P&T) Department vide Memo. of even number dated 4.5.2000 in pursuance of Registrar General India, New Delhi letter No. 1/3/98-Ad.III (XXIV) dated 28.4.2000. Being released, I joined to the post on 5.5.2000 in the forenoon and notification to this effect received from the RGI issued vide No.1/3/98-Ad.III(XXIV) dated 16.5.2000.

2. After joining to this post I requested the Registrar General, India for fixation of my pay in the scale of Director Census Operations vide this office letter No.A.19018/1/2000-Estt dated 16.6.2000 and a reminder was also given on 12.9.2000 with a request to finalise the issue in question.

3. After a long time in the recent past I received a regret letter vide F.No.P/N(19)-Ad.III dated 30.10.2000 stating that the post of Director Census Operations does not carry any separate pay scale. On the other it is informed that I am only entitled deputation allowance @ 5% .

... ..Contd.

*Attestd
Smt.
Advocate*

4. In the light of the regret letter it is assessed that my present assignment does not carry any benefit though the post carries duties and responsibilities of greater importance. It is also to be mentioned here that as per usual terms and condition I am entitled to get the scale of Director and my pay should be fixed as per provision under FR 22 (1) (a) (1).

5. It is also evident that while Memo was issued for filling up the post of Director, Census Operations, Tripura, no separate pay scale was mentioned. It is very much clear from the letter of the ORGI vide F. No.27011/13/2000-Ad.II dated 18.2000 as per annexure that though there is no separate scale for Director, Census Operations but there exists scale of Director under Ministry of Home Affairs which is also applicable to the Director of Census Operations as Census Department is under the same ministry. So, the letter issued by the ORGI is self-contradictory and not at all tenable.

6. It is also revealed from the records that there is separate scales for each post like JDCO/DDCO/ADCO and other posts both under the Director of Census Operations as well as the Registrar General, India.

7. During census operations as per instructions of the ORGI certain posts are being filled up on transfer on deputation basis from the State Government Departments and other organisations and they are usually entitled Central pay scales and as the same is beneficial they are at liberty to elect accordingly.

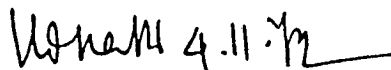
8. Now, it is evident from the regret letter that ORGI is unwilling to give me the Central pay scale for the post of Director though it is applicable in my case also, whereas it appears that if a Regional Census Officer (analogous post of Dy. Director) is posted here and as per terms and conditions he is entitled to get the central pay scale which will be up above my salary.

9. In view of the above, I would humbly request you to kindly take up the matter with the appropriate authority so that I may get the benefit for fixation of pay to the scale of Director as I am holding the post.

10. Further, I am to state that if ORGI does not reconsider and fix my pay in the scale of the Director then I have no other alternative but to seek repatriation to my parent Department.

With best regards,

Yours faithfully,


(K. D. Nath)
Director.



कृपाधन नाथ

निदेशक

जनगणना केंद्र, त्रिपुरा

14/1, कृष्णनगर, अगरतला-799001

D/O-S/12/CA/DCO/2K/01

Phone: 22-2225

Fax: 0381-222225

E-mail: dco @ iso. ip. nic. in

K. D. Nath

DIRECTOR

CENSUS OPERATIONS, TRIPURA

14/1, Krishnanagar, Agartala-799-001

Dated: 6th November 2000

Respected Sir,

With due veneration, I personally like to draw your kind attention to the following facts in favour of your reconsideration and immediate action.

1. In my recent visit to New Delhi, I called on you in your office chamber on the 17th October 2000. In course of discussion, I requested you for fixation of my pay in the scale of Director as I am holding the post since 5.5.2000 in pursuance of your kind order vide No.1/3/98-Ad-III (XXIV) dated 16.5.2000.

2. After a long time, I received a regret letter vide F. No.P/N(19)-Ad.III dated 30.10.2000 stating that the post of Director, Census Operations does not carry any separate pay scale. On the other, it is informed in the said letter that as a Director I am only entitled deputation allowance @ 5%. On scrutiny of Rules in regard to deputation, it is found that the allowance would be not exceeding Rs.500/-.

3. In the light of the above mentioned regret letter, it is assessed that for my present assignment which is a very strenuous one does not carry any benefit though the post carries duties and responsibilities of greater importance. It is also to be mentioned here that as per usual terms and conditions of deputation, I am entitled to get the scale of Director and my pay required to be fixed as per provision under F.R.22(1)(a)(1).

4. It is very much clear from the letter of the ORGI vide F.No.27011/13/2000-Ad.II dated 1.8.2000 as per annexure enclosed that though there is no separate scale meant for Director, Census Operations but there are posts along with pay scales exist for the Director under the Ministry of Home Affairs which is obviously applicable to the Director of Census Operations as the Census Department is under the same Ministry.

5. It is also revealed from the records that there is separate pay scales for each post like JDCO/DDCO/ADCO and other posts both under the control of the Registrar General, India and under the Directors of Census Operations in the country.

6. During Census operations as per kind instructions issued from your end from time to time, certain posts are being filled up on transfer on deputation basis from the State Government Departments and other Departments. The staff so appointed are usually entitled to enjoy the benefit of Central pay scale including other admissible allowances as per their options. As a result, each and every staff is getting handsome financial benefits.

... contd.

Attest
Jals Advocate



29

कृष्णधन नाथ
निदेशक,
जनगणना कार्य त्रिपुरा
14/1, कृष्णनगर, अगरतला-799001

Phone : 22-2225
Fax : 0381-222225
E-mail : dco @ tsu. trp. nic. in

K. D. Nath
DIRECTOR
CENSUS OPERATIONS, TRIPURA
14/1, Krishnanagar, Agartala-799-001

-: 2:-

7. Recently, a vacancy circular issued for filling up the post of Regional Census Officer (Group 'A' Gazetted) in the pay scale of Rs.10,000 – 15,200/- vide No.A.11013/1/90-Estt dated 24.10.2000 from this office in pursuance of your letter No.1/11/2000-Ad.III dated 20.10.2000 . On examination of the pay scale of the RCO, it is found that after his appointment to the post, his total emoluments will be more than what I am entitled to get . (A comparative statement of the pay of both Director and RCO is enclosed for ready reference).
- ✓ 8. In view of the above I would like to further inform you that after rendering so much of tireless labour if I am not allowed to draw the benefit in the scale of Rs.15,000-18300/- applicable for the Director under the Ministry of Home Affairs, it would be considered as a sheer deprivation to me. Moreover, all the staff either in the core post or to the post created for Census 2001 or appointed on transfer on deputation basis are entitled to enjoy better financial benefits. But being the Director of Census Operations and the Head of the Census family in the State I am not in a position to derive any financial benefit as per prerogative of the prescribed rule which I think will also be appreciated by you as injurious to the dignity of the post as well as embarrassing and humiliating.
9. Under the above facts and circumstances, this is my humble submission to your benignity that you would kindly reconsider the matter and allow me to draw the benefit in the pay scale as mentioned above and for this act of your kindness I shall be ever grateful.. On the other, I will have no other option but to seek repatriation.

Encl : As stated.

with best regards,

Yours Sincerely,
Krishnadhan
(Krishnadhan Nath)

To
Shri J.K. Bantia, IAS
Registrar General, India,
2A, Mansingh Road,
New Delhi – 110 011

**COMPARATIVE STATEMENT OF PAY & OTHER ALLOWANCES OF THE
DIRECTOR, CENSUS OPERATIONS, TRIPURA AND PROSPECTIVE REGIONAL
CENSUS OFFICER, TRIPURA.**

1. Present pay of Shri K.D.Nath, DCO, Tripura (As per State Government pay scale of Rs. 12,000 – 18,400/-)

Pay	DA	CA	HRA	Deputation Allowance	Total
12,800	2816	200	600	-	16,416

N.B. The total figure excludes deputation allowance Rs.500/-

- 2 Pay of the prospective Regional Census Officer in the scale of pay of Rs.10,000-15,200/- under the Directorate of Census Operations.

Pay	DA	Spl. CA	HRA	TA	Total
12,925	5299	750	969	400	20,343

N.B. If RCO joins with basic pay of Rs.12,400/- in the pay scale of Rs. 10,000-15,100/- from the State government on transfer on deputation basis, his basic pay will stand at Rs. 12925/- after fixation as per F.R. 22(1)(a)(1).



भारत के महारजिस्ट्रार का कार्यालय
भारत सरकार, गृह मंत्रालय, 2ए मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
(Government of India, Ministry of Home Affairs)
2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.: P/N(18)-Ad.III

Date: 18.12.2000

To

Shri K.D.Nath,
Directorate of Census Operations,
Tripura, Agartala

Sir,

I am directed to refer to your d.o. letter No.S.112/CA/DCO/2K/01 dated 6th November, 2000, addressed to RGI requesting to allow the benefit of Pay-scale of the post of Director.

2. Your request has been considered carefully. It is stated that the post of DCO in Tripura was sanctioned by the Govt. of India in the Selection Grade and Junior Administrative Grade of the I.A.S. equal to the rank of Dy. Secretary. As such, no separate pay-scale for the officer of State Civil Service Officers, while manning the post of D.C.O. was sanctioned.

3. In view of above, the State Civil Service Officers, while working as DCO, will continue to draw their own pay-scale plus central deputation allowance of 5% or 10%, as the case may be. Hence, it is regretted that your request for grant of pay-scale of Director cannot be acceded to.

This issues with the approval of RGI.

Yours faithfully

(SUMAN PRASHAR)
DEPUTY DIRECTOR

Attested
Sd/-
Helmcrete

NO.F.14(4)-GA/94(L)
GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT

Dated, Agartala, the 15th December, 2000.

To
The Registrar General &
Census Commissioner, India,
Kotah House,
2-A, Mansingh House,
New Delhi - 110011.

Subject :- Fixation of pay of Shri K.D.Nath, Director of Census Operations, Tripura in the scale of pay of Rs.15,100 - 18,300/- of the Director under the Ministry of Home Affairs.

Sir,

I am directed to forward herewith the representation of Shri K.D.Nath, TCS Gr-I now on deputation as Director of Census Operations, Tripura, Agartala No.S.112/CA/DCO/2K/01 dated 4th November, 2000 alongwith its enclosures towards fixation of his pay in the pay scale of Rs.15,100 - 18,300/- .

2. ~~Duties and responsibilities~~ pertaining to the post of Director, Census Operations are greater in comparison to the assignment which Shri Nath was holding before his joining as Director, Census Operations, Tripura. It also appears from the enclosure to letter No.F.No.A-27011/13/2000-Ad.II dated 1.8.2000 that the post of Director Census Operations carries a pay scale of Rs.15,100 - 18,300/-. In case Shri Nath is not entitled to any financial benefit for his posting as Director, Census Operations, Tripura on deputation to Government of India, he has expressed an inclination to be reverted back to his parent cadre.

3. I would, therefore, request you kindly to take necessary action towards fixation of pay in respect of Shri K.D. Nath in the pay scale of Rs.15,100 - 18,300/- .

Yours faithfully,

Sdt

(B. K. Das Gupta)
Under Secretary to the
Government of Tripura.

Copy to :-
Shri K.D.Nath, Director of Census Operations, Tripura,
14/1 Krishnanagar, Agartala.

*Attested
for
Advocate*

B.K. Das Gupta
(B.K. Das Gupta)
Under Secretary to the
Government of Tripura.
15/12/00

ANNEXURE - XIX

Major Head
2029-Land Revenue
103-Land Records

9

LAST PAY CERTIFICATE (NON-PLAN)

Last pay certificate of Shri/Smti. Krishnadharam Nath, TCS-Gr I

of the Directorate Of Land Records & Settlement, Government Of Tripura proceeding to join/retire on superannuation as Director Census operations Agartala in the forenoon/afternoon of 4-5-2000

2. He has been paid up to at the following rate in the scale of Rs. 12000-400-1840

Officiating/Substantive pay.....	Rs.	12800/-
Dearness allowances	Rs.	2816/-
Enhance D.A.	Rs.	-
Compensatory allowances	Rs.	200/-
House rent allowances	Rs.	600/-
Medical allowances	Rs.	-
Washing allowances	Rs.	-
Other allowances <u>Out fit allowance</u>	Rs.	100/-

Total:-..... 16516/2

3. He made over charge in the forenoon/afternoon of 4-5-2000

4. Recoveries are to be made from the pay of Government servant are details below:-

5. He has been paid leave salary as detailed below:

Deduction have been made as follows:-

From	To	at Rs.....
From	To	at Rs.....

6. He is also entitled to get joining time as per rules.

Dated.....

31
9/5/2000
Signature
(S. P. Barma)
Joint Director,
Survey & Land Records
Govt. of Tripura,
Code No-083

RECOVERIES:

Name of recovery Over leaf

Details of leave due

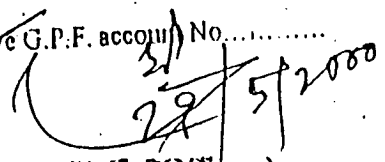
Casual leave:-	10 Days
Restricted leave:-	4 Days
Earned leave	as per service book.
Half pay leave	as per service book.

Shri..... assumed charge of his duties in the
Office of the appointment.

Name & Designation of
Head of Office to which transferred

*Attested
Govt.
Advocate*

- 7. General Provident fund subscription is to be deducted @ Rs. 4,000/- per month with effect from his pay from May'2000 against his G.P.F. account No. FW T/EDN-10454.
- 8. He took an advance toward his G.P.F. account of Rs. 25,000/- out of which a sum of Rs. nil has been recovered in nil instalments from his pay up to April'2000. The balance amount of Rs. 25,000/- is to be recovered in 25 instalments @ Rs. 1,000/- per month w.e.f. his pay from May'2000 payable in June'2000.
- 9. He took the family Advance amounting to Rs. nil on the eve of..... out of which a sum of Rs. has been recovered in instalments from his pay up to..... the balance of amount Rs. per month from his pay w.e.f.
- 10. He took an advance T.A. amounting to Rs. nil towards his journey this transfer vide Bill No. subj: 'to adjustment in full from his final T.A. bill.
- 11. He took advance of Rs. nil for..... purpose, out of which a sum of Rs. has been recovered in..... instalment from his pay up to..... the balance amount of Rs. is to be recovered in..... instalments per month from his pay bill of.....
- 12. He is a member of Tripura State Government Employees Group Insurance Scheme, 1983. His monthly subscription @ Rs. 90/- w.e.f. June'2000.
- 13. The Tripura Professional Tax for the assessment year, 2000-01 for Rs. 1,008/- out of a sum of Rs. 1,681/- has been recover and balance amount of Rs. 840/- is to be recovered from his pay from May'2000 @ Rs 840/pm payable.....
- 14. Income Tax during the Year, 2000-01 for..... out of which a sum of Rs. 500/- has been recovered and balance amount of Rs. is to be recovered from his pay from May'2000 @ Rs 500/-
- 15. T.A. for Rs. may be deposited to the respective G.P.F. account No.


 Head of COM (C.A.)
 Joint Director,
 Customs & Land Records
 Govt. of Tripura,
 Gole No-63

जनगणना
CENSUS



लोकामिमुख
PEOPLE ORIENTED

सं०
No.G,12015/1/2000-Acctts.

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

कार्यालय निदेशक जनगणना कार्य, त्रिपुरा

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA

210 डी/ऑफिस लेन, 210/D Office Lane
Agartala-799 001

अगरतला

Agartala, the

फोन : 32 2225

Phone 32 6112

Fax- 0381-322225

E-mail : dco @ tsu. trp. nic. in

ANNEXURE-XX

26th February, 2001

PAY CERTIFICATE

Shri K.D.Nath, Director of Census Operations, Tripura who is drawing pay & allowances in this Directorate governed by State Government as per L.P.C. issued by his parent Department since his joining from 05.05.2000 to till-date.

i) Pay	Rs. 12,800/- PM
ii) D.A.@ Rs.22%.....	Rs. 2,816/- PM
iii) Compensatory Allowances @ 200/-	Rs. 200/- PM
iv) House rent Allowances @ 10%	Rs. 600/- PM
(Subject to maximum Rs. 600/-)	
	<hr/>
	Rs. 16,416/-

(Rupees sixteen thousand four hundred sixteen) only.

S. Raye 26.2.2001

(S. Raye)

Asstt. Director

(Drawing & Disbursing Officer)

Attestd
Law
Advocate



भारत के महारजिस्ट्रार का कार्यालय
 भारत सरकार, गृह मंत्रालय, 2A मानसिंह रोड, नई दिल्ली 110 011
OFFICE OF THE REGISTRAR GENERAL, INDIA
 (Government of India, Ministry of Home Affairs)
 2A MANSINGH ROAD, NEW DELHI 110 011

Ref. No.1/3/2000-Ad.III

Date: 8.3.2001

ORDER

The president is pleased to appoint the following officers to the post of Deputy Director of Census Operations in the pay scale of Rs.10,000-15,200/- in the Directorate of Census Operations(DCO) under the office of the Registrar General, India as mentioned against their names, by transfer on deputation initially for a period of one year from the date of joining their duties or until further orders, whichever is earlier.

Sl.No.	Name of Officers S/Shri/Smt.	Designation and Office to which presently belongs	Name of DCOs/Office where posted and Hqrs.
1.	Bharati Chanda	Extra Asstt. Commissioner, Govt. of Mizoram, Aizwal.	DCO, Arunachal Pradesh, Shillong
2.	Sanat Kumar Mazumdar	Deputy Director(RCO) DCO, West Bengal Calcutta	DCO, Maharashtra Mumbai
3.	K. Thansang	Deputy Director(FCS) Govt. of Manipur, Imphal	DCO, Manipur, Imphal
4.	V. Venkateswaran	Cartography Officer, All India Soil & Land Use Survey, Ministry of Agriculture, New Delhi.	DCO, Goa, Panaji
5.	Ram Krishna Maity	Deputy Director(RCO) DCO, West Bengal	DCO, West Bengal Kolkatta
6.	Amit Choudhury	Deputy Magistrate & Deputy Collector, Jalpaiguri, Govt. of West Bengal, Calcutta.	DCO, Tripura, Agartala

Their pay will be regulated in accordance with the instructions contained in the DOP&T O.M. No.2/8/97-Estt.(Pay-II) dated 11.3.98 as amended from time to time.

*Alexander
 Jain
 Advocate*

Jayant
 9/3
 (J.K. BANTHIA)
 REGISTRAR GENERAL AND

To:-

1. All Officers Concerned.
2. Shri Lawmthanga, Under Secretary, Govt. of Mizoram, Aizwal with reference to his letter No. A-12024/3/99-P&AR(CSW) dated 4.8.2000 with a request that Smt. Bharati Chanda, MCS may be relieved immediately to take up his new assignment at her place of posting.
3. Shri B.B. Chakrabarti, Deputy Secretary, Govt. of West Bengal, W.B.C.S. Cell, Calcutta-700001 with reference to his letter No. 1691-PAR(WBCS)/1D-230/99 dated 2.5.2000 with a request that Sh. Amit Chowdhury, WBCS may be relieved immediately to take up his new assignment at his place of posting.
4. Director of Census Operations, West Bengal, Kolkatta with a request that Shri Sanat Kumar Mazumdar, WBCS and presently working as Dy. Director(RCO) may be relieved immediately to take up his new assignment at his place of posting.
5. Shri Dhananjoy Singh, Under Secretary(DP), Govt. of Manipur, Imphal with reference to his letter No.4/22/90-MCS/DP dated 2.8.2000 with a request that Shri K. Thansang, Deputy Director(FCS) may be relieved immediately to take up his new assignment at his place of posting.
6. Shri R.K. Agrawal, Under Secretary, Ministry of Agriculture, Deptt. of Agriculture & Co-operation, Shastri Bhawan, New Delhi with reference to his letter No.8-1/83-Lands/SWC-III dated 24.5.2000 with a request that Shri V. Vankateswaran, Cartography Officer may be relieved immediately to take up his new assignment at his place of posting.
7. Pay & Accounts Officer(Census), AGCW&M Building, New Delhi.
8. S/Shri D.K. Maini/G. Sudershan, Ad.III Section.
9. Hindi Section for Hindi Version.
10. PS to RGI.
11. Order File.
12. Spare Copies - 5.

37
62



Office of the Registrar General, India
Government of India
Ministry of Home Affairs
2/A Mansingh Road, New Delhi-110011.

20/10/2003

Ref. No.: 1/3/98-Ad.III (XXIV)

Date:

ORDER

In pursuance of the Department of Personnel & Training's Office Memorandum No. 6/14/99-EO (MM-II) dated 19.09.2003, the term of Central deputation of Shri K.D. Nath, a Tripura Civil Services Officer, presently working on Central deputation as Director of Census Operations, Tripura is extended with effect from 05.05.2003 to 04.05.2004 or until further orders whichever is earlier.

Jyoti
20/10/03

(J.K. BANTHIA)

REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA.

To

1. Shri K.D. Nath, DCO, Tripura.
2. All Directorates of Census Operations.
3. The Chief Secretary, State Government of Tripura.
4. Office of the Establishment Officer, Department of Personnel & Training, North Block, New Delhi.
5. All Heads of Divisions in ORGI, New Delhi.
6. PS to RGI/JRGI.
7. PAO (Census), New Delhi.
8. Shri G. Sudershan, AD-III Section.
9. Order file.
10. Sparecopy.

6/16/03/cts
20-10-03

24/10
DM/...

24/10
25/10

Attested
Law.
Advocate

भारत की जनगणना 2001



जनगणना निदेशालय, त्रिपुरा
210 डी, आफिस लेन, अगरतला 799 001



Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

CENSUS OF INDIA 2001

ANNEXURE - XXIII (Series)

Krishnadhan Nath, Director,
CENSUS OPERATIONS, TRIPURA
210-D, Office Lane, Agartala- 799 001

Dated: 31st August, 2004

Respected Sir

With due veneration once again I personally draw your kind attention to the following facts for favour of your esteemed consideration and immediate action.

1. I joined as Director of Census Operations, Tripura on 5.5.2000 and since then I am perusing to your kind honour to kindly sanction me the scale of Director for holding the post in the Directorate of Census Operations, Tripura and fix my pay in the scale of Rs.15100-18300/- consequent upon my option exercised by me and communicated to you vide this office letter No.A.19018/1/2000-Estt, dated 16.6.2000.
2. I also made representation to the Chief Secretary to the Govt. of Tripura with a request to move to your kind honour for fixation of my pay and accordingly my parent Department referred the matter to you vide letter No.F.14(4)-GA/94(L) dated 18.12.2000 Department of GA(P&T) for favour of your kind consideration. But it is the irony of fate that till date my prayer is not considered.
3. I also wrote a D.O. letter to your kind honour vide No.112/CA/DCO/2K/01 dated 6.11.2000 and even No. letter dated 12-09-2000 and subsequent letter number A.19018/1/2000-Estt dated 14th September 2001. But due to my ill luck my case is not yet considered.
4. Besides my assigned job as DCO, Tripura I am also discharging my duty as Joint Registrar General vide your order No.6/4/98-VS(CRS) dated 28.11.2002 under RBD Act 1969 in the State of Tripura.
5. As per latest concept of introducing Multipurpose National Identity Card, I am entrusted with the works relating to implementation/execution/monitoring and supervising of Pilot Project of MNIC as Director Citizen Registration as per rule framed.
6. I also approached to your kind honour on 10th April 2004 in the office chamber of the Chief Secretary to the Govt. of Tripura, Agartala for considering the scale of Director in my favour during your kind visit to this State.
7. It is worth to mention here that the officer who have been holding the post of Director under the Govt. of Tripura are entitled to draw the scale of Director in the pay scale of Rs.14100-450-20000/- (copy enclosed). But being appointed as Director of Census Operations, Tripura, I am neither favoured with the scale of Director of Govt. of India nor the scale of Director of the State Govt. It is fact that I am discharging my duties in the post carrying higher responsibilities for which my case may kindly be considered with sympathetically.

*Attest
Sub.
Admission*



- am discharging my duties in the post carrying higher responsibilities for which my case may kindly be considered with sympathy.
8. I have also pursued in many occasions to sanction me at least central DA and other admissible allowances befitting to my present scale. But my humble approach is not also considered.
 9. I am also enclosing copies of salary certificate of myself and Assistant Director, Census Operations, Tripura from which it will be revealed that how I have been deprived financially. It is also transpired that my subordinate Assistant Director is drawing higher salary than me which is very much humiliating though his basic pay is lower than me by a margin of Rs.3750/-.
 10. In fine, I am to state again that I have not left any stone unturned as and when I am directed from your kind end to discharge my duties in different capacities. Since my inception I have been compelled to run this office with skeleton staff for which I am to work more and more but without any financial benefit.

In view of the facts stated above, I would fervently approach to your benign self to kindly allow me the scale of Director so that I may derive benefit for rendering higher responsibilities under your kind disposal.

With regards,

Yours Sincerely,

Krishnadhan

(Krishnadhan Nath)
Director

To

Shri J.K.Banthia, IAS
Registrar General of India,
2/A Mansingh Road,
New Delhi-110011

जनगणना
Telegram : CENSUS



57
G/2015/1/2004-Accits.

भारत सरकार
Government of India

गृह मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura

210 डी, आफिस लान / 210-D, Office Lane

अगरतला / Agartala - 799 001.

90 41
फोन : 232-2225
Phone : 232-2225
फैक्स : 0381-2322225
E-mail : dco@tsu.trp.nic.in

30 AUG 2004

Certified that the monthly salary income for the month of August, 2004 of Shri K. D. Nath, DCO, Tripura are as follows :-

Pay : Rs.14,400.00

DA : Rs. 6,480.00

CA : Rs. 200.00

HRA : Rs. 600.00

TOTAL : Rs.21,680.00

(Rupees Twenty one thousand six hundred eighty) only.

S. Raye
30.8.04

(S. Raye)

Assistant Director,
Census Operations, Tripura.



58-
क्र.12015/1/2004-Acctls.

भारत सरकार
Government of India

गृह मंत्रालय
Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura

210 डी, आफिस लेन / 210-D, Office Lane

अगरतला / Agartala - 799 001.

फोन - 232-2225
Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

30 AUG 2004

Certified that the monthly salary income for the month of August, 2004 of Shri S. Raye, ADCO, Tripura are as follows :-

Pay	: Rs.10,750.00
DA	: Rs. 1,774.00
DF	: Rs. 5,375.00
HRA	: Rs. 1,209.00 & 2,895.00
Spl.CA	:Rs. 750.00
SDA	: Rs. 2,016.00
TA	: Rs. 400.00
TOTAL	: Rs. 25,159.00

(Rupees Twenty five thousand one hundred fifty nine) only.

S. Raye
30.8.04
(S. Raye)
Assistant Director,
Census Operations, Tripura.

तार - जनगणना
Telegram : CENSUS



U#12015/1/2004-Accnts.

भारत सरकार
Government of India

गृह मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura

210 डी, आफिस लेन / 210-D, Office Lane

अगरतला / Agartala - 799 001.

Phone : 232-2225

Phone : 232-2225

Fax : 0381-2322225

E-mail : dco@tsu.trp.nic.in

30 AUG 2004

Certified that the monthly salary income for the month of August, 2004 of Shri K. D. Nath, DCO, Tripura are as follows :-

Pay : Rs.14,400.00

DA : Rs. 6,480.00

CA : Rs. 200.00

HRA : Rs. 600.00

TOTAL : Rs.21,680.00

(Rupees Twenty one thousand six hundred eighty) only.

S. Raye 30.8.04

(S. Raye)

Assistant Director,
Census Operations, Tripura.

(27) →
6
26/11/03

ANNEXURE - XXIV (Series)




No.1/3/98-Ad.III(XXIV)
Bharat Sarkar/Govt. of India
Grih Mantralaya/Ministry of Home Affairs
OFFICE OF THE REGISTRAR GENERAL, INDIA
1st Floor, Sewa Bhawan, R.K. Puram, New Delhi - 110066.

Date: 3/11/2004

ORDER

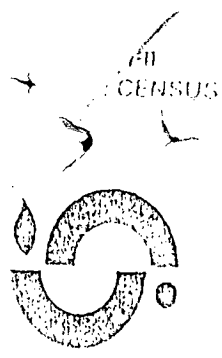
In continuation of this office order of even number dated 20.10.2003, Shri K.D. Nath, a Tripura Civil Services Officer is directed to continue as Director of Census Operations, Tripura till further orders.


(D.K. SIKRI)
REGISTRAR GENERAL, INDIA

To

1. ✓ Shri K.D. Nath, DCO, Tripura.
2. All Directorates of Census Operations.
3. The Chief Secretary, State Govt of Tripura.
4. Office of the Establishment Officer, Deptt. of Personnel & Training, North Block, New Delhi.
5. All Heads of Divisions in ORGI, New Delhi.
6. PS to RGI/PS to JRG(I).
7. PAO(Census), MHA, New Delhi.
8. Shri Vijay Kumar Singh, Ad.III Sec.
9. Order file.
10. Spare copy.

*Attestd
Law.
Advocate*



- 61 -
No.A.19018/1/2000-Estt.

भारत सरकार
Government of India
गृह मंत्रालय
Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 डी. अफिस लेन / 210-D. Office Lane
अगरतला / Agartala - 799 001.

94
फोन - 232-2225
Phone : 232-2225
फैक्स : 0381-2322225
E-mail : dco@tsu.trp.nic.in

5 NOV 2004

To
Shri Sushil Kumar, IAS
Director, DOPT,
Government of India,
North Block,
New Delhi-110001.

Sub :- Fixation of pay of K. D. Nath, Director Census Operations, Tripura.

Sir,

With due regard I fervently approach to your benign self to kindly consider my prayer allowing me the scale of Director for holding the post of Director of Census Operations, Tripura w.e.f. 05.05.2000. I have made so many correspondence with Registrar General, India Ministry of Home Affairs from time to time. But till date my prayer is not considered for which I have been deprived from my legitimate claim.

I am enclosing copies of correspondence made from time to time approaching to the authority for considering my prayer for favour of your kind perusal and necessary action.

I shall be ever grateful for favour of your act of kindness.

With regards,

Encl :- 30(thirty) Sheets.

Yours faithfully,

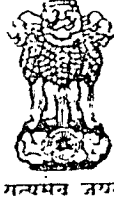
K. D. Nath
K. D. Nath, 5.11.04
Director.

*Affected
Sub.
Helwanak*

की जनगणना 2001



जनगणना निदेशालय, त्रिपुरा
210 डी, आफिस लेन, अगरतला 799 001



Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

CENSUS OF INDIA 2001

No.S.112/CA/DCO/2K/01.

Krishnadhan Nath,
Director,

CENSUS OPERATIONS, TRIPURA
210-D. Office Lane. Agartala- 799 001

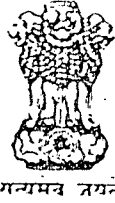
Dated 8th December, 2004

Dear Sir,

With great hope and expectation I personally draw your kind attention to the following facts for favour of your taking immediate action.

1. I joined as Director of Census Operations, Tripura on 5.5.2000 and since then I am perusing to the Registrar General of India to kindly sanction me the scale of Director for holding the post in the Directorate of Census Operations, Tripura and to fix my pay in the scale of Rs.15100-18300/- consequent upon option exercised by me and communicated to ORGI vide this office letter No.A.19018/1/2000-Estt, dated 16.6.2000.
2. I also made representation to the Chief Secretary to the Govt. of Tripura with a request to move to the RGI for fixation of pay and my parent Department referred the matter accordingly vide letter No.F.14 (4)-GA/94(L) dated 18.12.2000 Department of GA(P&T) for favour of his kind consideration. But it is the irony of fate that till date my prayer is not considered.
3. I also wrote a D.O. letter to RGI vide No.112/CA/DCO/2K/01 dated 6.11.2000 and even Letter dated 12-09-2000 and subsequent letter number A.19018/1/2000-Estt dated 14th September 2001 and the recent D.O. letter dated 31.08.2004. But due to my ill luck my case is not yet considered.
4. Besides my assigned job as DCO, Tripura I am also discharging my duties as Joint Registrar General vide ORGI order No.6/4/98-VS(CRS) dated 28.11.2002 under RBD Act 1969 in the State of Tripura.
5. As per latest concept of introducing Multipurpose National Identity Card, I am entrusted with the works relating to implementation/execution/monitoring and supervising of Pilot Project of MNIC as Director Citizen Registration as per rule framed.
6. I also approached to erstwhile RGI on 10th April 2004 in the office chamber of the Chief Secretary to the Govt. of Tripura, Agartala for considering the scale of Director in my favour during his kind visit to this State.
7. It is worth to mention here that the officer who have been holding the post of Director under the Govt. of Tripura are entitled to draw the scale of Director in the pay scale of Rs.14100-450-20000/-. But being appointed as Director of Census Operations, Tripura, I am neither favoured with the scale of Director of Govt. of India nor the scale of Director of the State Govt. It is fact that I am discharging my duties in the post carrying higher responsibilities for which my case may kindly be considered with sympathetically.

*Attest
Joint Advocate*



सत्यमेव जयते

Krishnadhan Nath,
Director,

जनगणना निदेशालय, त्रिपुरा
210 डी, आफिस लेन, अगरतला 799 001

Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

CENSUS OPERATIONS, TRIPURA
210-D, Office Lane, Agartala- 799 001

(Page :2)

8. I have also pursued in many occasions to sanction me at least central DA and other admissible allowances befitting to my present scale. But my humble approach in this regard is also not considered.
9. Kindly refer my earlier D.O. vide No.S.112/CA/DCO/2K/01 dated 31-10-2001 addressed to you detailing my ground for considering the scale of Director for holding the higher responsibility.
10. Now, I may personally request you to do favour me to get the scale of Director so that I may derive legitimate financial benefit which I really deserve for holding the post of Director of Census Operations, Tripura.
11. In fine, it is my fervent appeal to take up the matter with the appropriate authority by exercising your personal sources for which you would have to take some pain and for this I may kindly be pardoned. Before my final departure from this Census family I acknowledge your wholehearted and elderly cooperation received from time to time.

I am confident that you will take a favourable step and for your act of kindness I shall remain ever grateful.

with best regards,

Yours Sincerely,

Krishnadhan Nath
(Krishnadhan Nath)
Director 8, 12-04

To

Mr. B. P. Mallik,
Jt. Secretary &
Jt. Registrar General of India,
2/A Mansingh Road,

Admitted
Jt. Secy
Advocate



कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 डी, आफिस लेन / 210-D, Office Lane
अगरतला / Agartala - 799 001.

Dated 18th January, 2005

To
The Registrar General of India,
2-A, Mansingh Road,
New Delhi - 110 011

Respected Sir,

With propound regard I would like to draw your kind attention to the following facts for favour of your sympathetic consideration:

1. I joined as Director of Census Operations, Tripura on 5.5.2000 and since then I am perusing before your honour to kindly sanction me the scale of Director for holding the post in the Directorate of Census Operations, Tripura and to fix my pay in the scale of Rs.15100-18300/- consequent upon option exercised by me and communicated to ORGI vide this office letter No.A.19018/1/2000-Estt, dated 16.6.2000.
2. I also made representation to the Chief Secretary to the Govt. of Tripura with a request to move to the RGI for fixation of pay and in response to my letter, my parent Department referred the matter accordingly vide letter No.F.14 (4)-GA/94(L) dated 18.12.2000 of Department of GA(P&T) for favour of your kind consideration. But it is the irony of fate that till date my prayer is not considered.
3. I made several correspondences to then RGI and also wrote few D.O. letters vide No.112/CA/DCO/2K/01 dated 6.11.2000 and subsequent letter number A.19018/1/2000-Estt dated 14th September 2001 and the latest D.O. letter dated 31.08.2004. But due to my ill luck my case is not yet favoured.
4. Besides my assigned job as DCO, Tripura I am also discharging my duties as Joint Registrar General vide ORGI order No.6/4/98-VS(CRS) dated 28.11.2002 under RBD Act 1969 in the State of Tripura.
5. As per latest concept of introducing Multipurpose National Identity Card, I am entrusted with the works relating to implementation/execution/monitoring and supervising of Pilot Project of MNIC as Director Citizen Registration as per rule framed.
6. I also approached the then RGI on 14th February, 2001 and 10th April 2004 in the office chamber of the Chief Secretary to the Govt. of Tripura, Agartala for considering the scale of Director in my favour during his kind visit to this State.
7. It is worth to mention here that the officer who have been holding the post of Director under the Govt. of Tripura are entitled to draw the scale of Director in the pay scale of Rs.14100-450-20000/-. But being appointed as Director of Census Operations, Tripura, I am neither favoured with the scale of Director of Govt. of India nor the scale of Director of the State Govt. It is fact that I am discharging my duties in the post carrying higher responsibilities for which my case may kindly be considered with sympathetically.

Handwritten signature:
A. K. Saha
Joint Registrar General

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(Page :2)

8. I have also pursued in many occasions to sanction me at least central DA and other admissible allowances befitting to my present scale. But my humble approach in this regard is also not considered.
9. JRG of ORGI is also well aware about my claim. In several occasions I have perused him to look into my humble submission to allow me the scale of Director. I also wrote D.O. vide No.S.112/CA/DCO/2K/01 dated 31-10-2001 & 08.12.2004 to him detailing my ground for considering the scale of Director for holding the higher responsibility.
10. In fine, I may fervently request you to kindly consider my prayer and provide me to get the scale of Director so that I may derive legitimate financial benefit, which I really deserve for holding the post of Director of Census Operations, Tripura.

I am confident that you will take a favourable step and for your act of kindness I shall remain ever grateful.

With best regards,

Yours faithfully

(K. D. Nath)
Director

01/3/05



No. 1/3/98-Ad.III(XXIV)
Bharat Sarkar/Govt. of India
Grih Mantralaya/Ministry of Home Affairs
OFFICE OF THE REGISTRAR GENERAL, INDIA
Sewa Bhawan, R.K. Puram, New Delhi - 110066.

Date: 15/03/2005

ORDER

In pursuance of the Department of Personnel & Training's O.M.No.6/14/99-EO(MM-II) dated 10.03.2005, the term of central deputation of Shri K.D. Nath, a Tripura Civil Services Officer, presently working on central deputation as Director of Census Operations, Tripura is extended upto 31.03.2005 or until further orders whichever is earlier.


(D.K. SIKRI)

REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA

To

1. Shri K.D. Nath, Director of Census Operations, Tripura.
2. All Directorates of Census Operations.
3. The Chief Secretary, State Government of Tripura.
4. Office of the Establishment Officer, Deptt. of Personnel & Training, North Block, New Delhi.
5. All Heads of Divisions in ORGI.
6. PS to RGI/JRGI.
7. PAO (Census), MHA, New Delhi.
8. Shri S.L. Meena, Ad.III Sec.
9. Order file.
10. Spare copy.

Attested
Adv.
Advocate

21.5.05
at 5-20 AM



Office of the Registrar General, India
Government of India
Ministry of Home Affairs
2/A Mansingh Road, New Delhi-110011.

Ref. No.: 1/3/98-Ad.III (XXIV)

Date: 28.05.2005

ORDER

Shri K.D. Nath, a Tripura Civil Services Officer, is relieved of his duties as Director of Census Operations, Tripura and repatriated to his parent cadre i.e. State Govt. of Tripura with effect from the afternoon of 31.05.2005.

(Signature)
(D.K. SHERI)

REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA

To

1. Shri K.D. Nath, DCO, Tripura.
2. All Directorates of Census Operations.
3. The Chief Secretary, State Government of Tripura.
4. Office of the Establishment Officer, Department of Personnel & Training, North Block, New Delhi.
5. All Heads of Divisions in ORGI, New Delhi.
6. PS to RGI/JRGI.
7. PAO (Census), New Delhi.
8. Shri S.L. Meena, Ad-III Section.
9. Order file.
10. Spare copy.

Office of the Registrar General, India

Government of India

Ministry of Home Affairs

1st Floor, Sewa Bhawan,
R.K.Puram, New Delhi-110066.

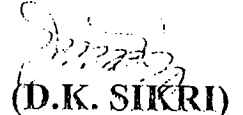


Ref. No:- 1/3/98-Ad-III(XXIV)

Date: -25.08.2005

ORDER

In pursuance of the Department of Personnel & Training's O.M. No.6/14/99-EO(MM-II) dated 16.08.2005, ex-post-facto approval is accorded for regularization of the services of Shri K.D. Nath, TCS on the post of Director of Census Operations, Tripura for the period from 01.04.2005 to 31.05.2005.


(D.K. SIKRI)

REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA

To

1. Shri K.D. Nath, Ex-DCO, Tripura.
2. The Chief Secretary, State Government of Tripura.
3. Office of the Establishment Officer, Department of Personnel & Training, North Block, New Delhi..
4. PS to RGI/JRGI.
5. PAO (Census), New Delhi.
6. Shri S.L. Meena, Ad-III Section.
7. Order file.
8. Spare copy.

0002-2005

10 / 10 / 2005

Application of F.R. 22 (I) (a) (1) when a permanent Government servant is promoted from an officiating post.—Sometimes it may happen that the pay of an employee, permanent in post 'A' but officiating in post 'B' and subsequently transferred/promoted to post 'C' fixed with reference to the officiating pay in post 'B' may work out to be less than the pay fixed with reference to the substantive pay in post 'A'. In order to remove this anomaly, in such cases the pay should be fixed under F.R. 22 (I) (a) (1) with reference to the substantive pay or the officiating pay, whichever may be beneficial to the Government servant. [G.I.O. (14) below F.R. 22

Application of F.R. 22 (I) (a) (1) to State Government servants on appointment to higher post in the Government of India.—When a State Government servant is appointed to a post under the Central Government and the post carries duties and responsibilities of greater importance than those attaching to the post held by him under State Government, the initial pay may be fixed under F.R. 22 (I) (a) (1) [G.I.O. (13) F.R. 22

Fixation of pay on transfer from one post to another when the appointment does not involve assumption of higher responsibilities.—As per clause (a) (2) of F.R. 22 (I), when a Government servant holding a post, *other than a tenure post*, in a substantive or temporary or officiating capacity is appointed in a substantive, temporary or officiating capacity, as the case may be, to another post which does not involve assumption of duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the new post should be fixed at the stage which is equal to his pay in respect of the old post held by him on regular basis and he will draw his next increment in the new post on the date on which he would have received an increment in the time-scale of the old post.

If there is no such equal stage in the time-scale of the new post, his initial pay in the new post will be fixed at the stage next above his pay in respect of the old post and he will draw his next increment in the new post on completion of the period when an increment is earned in the time-scale of the new post.

The above provision is applicable also in the cases of appointments to non-functional Selection Grade posts.

The above provision is applicable also in the case of appointment to a lower post at own request when the maximum pay of the lower post is not less than the pay drawn in the old post.

Attested
J. S. Advaita

pay by one increment plus Dearness Allowance(s) including interim relief, if any, admissible to a person in parent cadre post exceeds the emoluments comprising pay plus Dearness Allowance(s) including interim relief, if any, at the maximum of the ex cadre post.

4. Exercise of option

4.1 An employee appointed on deputation/foreign service may elect to draw either the pay in the scale of pay of deputation/foreign service post or his basic pay in the parent cadre plus Deputation (Duty) Allowance thereon plus personal pay, if any.

4.2 The borrowing authority should obtain the option of the employee within one month from the date of joining the ex cadre post unless the employee has himself furnished the option.

4.3 The option once exercised shall be final. However, the employees may revise the option under the following circumstances which will be effective from the date of occurrence of the same:—

- (a) When he receives pro forma promotion or is appointed to non-functional selection grade in his parent cadre;
- (b) When he is reverted to a lower grade in his parent cadre;
- (c) When the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex cadre post held by the employee on deputation/foreign service is revised either prospectively or from a retrospective date;

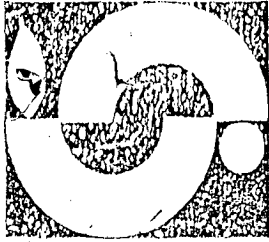
(d) Based on the revised/same option of the employees, in the event of pro forma promotion/appointment to non-functional Selection Grade, revision of scales of pay in the parent cadre, the pay of deputationists will be refixed with reference to the revised entitlement of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in option already exercised is envisaged, the pay already drawn in deputation post will be protected if the pay refixed is less.

NOTE.—Revision in the rates of DA, HRA or other allowances either in the parent or borrowing organization shall not be an occasion for revision of the earlier option.

4.4 If the pay of an employee in his cadre post undergoes downward revision, the pay in the ex cadre post is also liable to be refixed on the basis of revised pay and in accordance with the revised option or existing option, if the employee does not revise his option.

5. Pay fixation

5.1 When an employee on deputation/foreign service elects to draw pay in the scale of pay attached to the ex cadre post, his pay may be fixed as under—



CMS

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सं०/No. 6/4/98-VS(CRS)
भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS
भारत के महारजिस्ट्रार का कार्यालय

ANNEXURE - XXVII

OFFICE OF THE REGISTRAR GENERAL, INDIA
V.S. Division, West Block -I, R.K. Puram, New Delhi - 110066

सं० : जगन्मणि / REGGENLIND

Tele-fax : 6100678

E-mail - rgsrs@ndb.vsnl.net.in

दिनांक 28.11.2002
dated the

ORDER

The Directors of Census Operations have been notified as Joint Registrar Generals and the Joint/Deputy Directors have been notified as Assistant Registrar General under the Registration of Births & Deaths Act, 1969 to discharge such functions as the Registrar General, India may authorize them to discharge from time to time. It has been decided that the following functions may be looked after by the Joint Registrar General/Assistant Registrar General in charge of the Directorate of Census Operations of the state under the overall guidance and control of the Registrar General, India. The other officials of the Directorate would assist the JRG/ARG in carrying out these activities under their supervision.

1. Monitoring of implementation of various provisions of the RBD Act, 1969
2. Coordination with the state government on behalf of the RGI.
3. The designations and functions of the registration functionaries across the states are not uniform in all states. To avoid confusion, standardization of the designations and corresponding functions are required across the states. This aspect will be looked into by the Joint Registrar Generals for taking up with the state government for appropriate action wherever necessary.
4. Publicity for birth and death registration at the local level
5. Providing assistance to Chief Registrars for training of officials and inspections.
6. Modernization of registration system in the state by way of computerization etc. including preservation of civil registration records.
7. Compilation of quarterly reports at state levels and monthly reports for million plus cities/corporations/state capitals.
8. Monthly meetings with Chief Registrars
9. Biannual meeting of all districts and quarterly meetings of all cities in coordination with the Chief Registrars.

The Joint Registrar Generals should submit a monthly report on the activities undertaken by them to the Registrar General, India by 10th of every month beginning November 2002.

Jayant Banthia
(J.K. Banthia) 26/11/02
Registrar General, India

To Joint Registrar Generals & Directors of Census Operations of all states

Copy to the Chief Registrars of all states, with the request to coordinate the work with DCO and JRG to improve the system.

4859
16/12/02
Date

Affected
Chief
Registrar

pay by one increment plus Dearness Allowance(s) or interest on loan relief, if any, admissible to a person in parent cadre post exceeds the increments comprising pay plus Dearness Allowance(s) including interest relief, if any, at the maximum of the ex cadre post.

4. Exercise of option

4.1 An employee appointed on deputation foreign service may elect to draw either the pay in the scale of pay of deputation/foreign service post or his basic pay in the parent cadre plus Deputation (Duty) Allowance thereon plus personal pay, if any.

4.2 The borrowing authority should obtain the option of the employee within one month from the date of joining the ex cadre post unless the employee has himself furnished the option.

4.3 The option once exercised shall be final. However, the employee may revise the option under the following circumstances which will be effective from the date of occurrence of the same:—

- (a) When he receives pro forma promotion or is appointed to non-functional election grade in his parent cadre;
- (b) When he is reverted to a lower grade in his parent cadre;
- (c) When the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex cadre post held by the employee on deputation/foreign service is revised either prospectively or from a retroactive date;
- (d) Based on the revised/same option of the employee, in the event of pro forma promotion/appointment to non-functional Selection Grade, revision of scales of pay in the parent cadre, the pay of deputationists will be revised with reference to the revised element of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in option already exercised is envisaged, the pay already drawn in deputation post will be protected if the pay revised is less.

NOTE.—Revision in the rates of DA, HRA or other allowances either in the parent or borrowing organization shall not be an occasion for revision of the election option.

4.4 If the pay of an employee in his cadre post under revised option is revised, the pay in the ex cadre post is also liable to be revised on the basis of revised pay and in accordance with the revised option or exercise option, if the employee does not revise his option.

5. Pay fixation

5.1 When an employee on deputation/foreign service is appointed to a post in the scale of pay attached to the ex cadre post, his pay shall be fixed as under—

*Attestd
Law Advocate*

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 66 /2006

Sri Krishna Shan Nath

...Applicant(s)

-Vs-

Union of India & others

...Respondent(s)

106
Krishna Shan Nath

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri S. Nath, S. Choudhury and Sri G. N. Chakraborty Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case 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 such acts to be mine/our for all intends and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

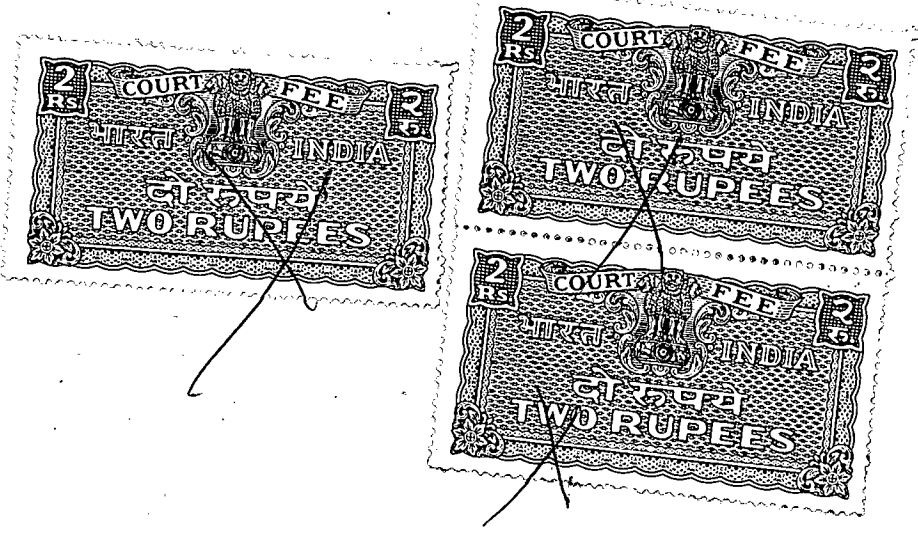
In witness whereof, I/We hereunto set my/our hand on this the 13th day of March 2006

Received from the Executant, Mr. _____ And accepted
satisfied and accepted. Senior Advocate will lead me/us in the case.

Sachalaram Nath
Advocate

Sachin Nath
Advocate

M. Pradeep
Advocate



NOTICE

From: S. Nath
Advocate.

To: Shri G. Basappa,
Sr. C. G. S. C.

Sub:- O. A. No. _____ / 2006 (S. Nath - vs -
U. O. & Ors.)

Sir,
Find please enclosed herewith a copy of the O.A, which
is being filed today. This is for your information
and necessary action.
Please acknowledge receipt of the same.

Yours Sincerely
S. Nath
Advocate.
13/3

Received
(G. Basappa)
13/3/06
Sr. C. G. S. C.

MEMORANDUM OF APPEARANCE

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Date : 20/3/06

To,

The Registrar
Central Administrative Tribunal
Bhangagarh, Rajgarh Road,
Guwahati.

IN THE MATTER OF :

O.A. No. 66 of 2006

Sri Krishna Dham Nath

----- Applicant

- Vs -

Union of India & Others

----- Respondents

I, M. U. Ahmed, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. _____ in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.


(Motin Ud-Din Ahmed)
Addl. C.G.S.C.

26 JUN 2006

गुवाहाटी ब्याचपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

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Filed by

M. M. M. M.

IN THE MATTER OF:

O.A.No. 66/2006

Shri Krishna Dhan Nath

..... Applicant

- Versus -

Union of India & Others.

..... Respondents

- AND -

IN THE MATTER OF :

Written statement submitted by

the Respondents No. 1 to 4.

WRITTEN STATEMENT

1.(a) That I am Debash Roy at present
working as Deputy Director Respondents No. in the case.

I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the Written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on facts and in law.

- (c) That the application is bad for non joinder of necessary parties and misjoinder of unnecessary parties.
- (d) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.
- (e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2.

BRIEF HISTORY OF THE CASE

- (a) Thirty temporary posts of Director of Census Operations in the States/Uts were created for Census of India - 2001 with the approval of Ministry of Finance for a period of 5 years with effect from the date of filling up. Out of these 30 posts, 18 were sanctioned in the selection grade of IAS, equivalent to the rank of Director/Deputy Secretary and 12 posts in the Selection Grade/Junior Administrative Grade of the IAS equivalent to the rank of Deputy Secretary in the Government of India. The post of Director in the State of Tripura was created at the level of Deputy Secretary to the Government of India. As per sanction order dated 17.03.1998, officers belonging to the Selection/Junior Administrative Grade appointed as Director of Census Operations were entitled to draw central deputation allowance, as provided in Schedule III-C to the IAS (Pay) Rules, 1954. No specific pay scale was prescribed for the post of Director of Census Operations.
- (b) Process for selection of IAS officers belonging to various States was initiated by Department of Personnel & Training for appointment as Director of Census Operations. The States of Tripura and Arunachal Pradesh could not spare/locate any IAS officer for appointment to the

post of Director. Therefore, the applicant Shri K.D. Nath, a State Public Civil Service Officer was appointed as Director of Census Operations, Tripura and he joined on 05.05.2000. While working in the State Government, he was drawing basic pay of Rs.12,800/- per month in the pay scale of Rs.12000-18000/- which is almost equivalent to the pay scale of Deputy Secretary to the Government of India.

(c) Applicant, who was appointed as Director of Census Operations, Tripura requested for fixation of his pay in the pay scale of Director, i.e. Rs.15100-18300/- as he was on central deputation. As per Government instructions, the officer while on deputation can exercise his option either for the pay scale attached to the deputation post or the pay scale drawn by him in his cadre post plus deputation (duty) allowance at the rate of 5% when posted in the same station or 10% when posted to another station, subject to maximum of Rs.500/- p.m or Rs.1000/- p.m. respectively.

(d) In the instant case, the applicant, Shri K.D. Nath (a State Public Civil Service Officer), could not exercise his option for the pay scale of the deputation post because no specific pay scale is prescribed for the post of Director of Census Operations in the sanction order. The applicant was left with the other choice, i.e. deputation (duty) allowance viz. 5% or 10%, as the case may be. In fact, all the Directors appointed in the other Directorates were given central deputation tenure allowance on the basic pay drawn by them in the pay scale of their parent cadre.

(e) Applicant's request was examined in consultation with the DOP&T, which is the competent authority in the matter for fixation of pay. Shri Nath is not a member of All India Service. Therefore, his pay could not be regulated in terms of IAS(Pay) Rules. As there is no specific pay scale

prescribed for the post of Director of Census Operations, he could only draw a deputation allowance on his basic pay in the parent cadre. Applicant's representations were, therefore, rejected vide letter No.P/N(19)-Ad.III dated 30.10.2000 and No.P/N(18)-Ad.III dated 18.12.2000 explaining reasons for not acceding to his request. However, he continued in the post of Director of Census Operations and also made several representations without raising any new/additional issues. His tenure was extended by the Appointments Committee of the Cabinet from 3 years to 5 years with the consent of his Cadre Controlling Authority, i.e. Government of Tripura. At no point of time, he made any specific request for his premature repatriation to his parent department.

(f) Applicant has filed an application in the Hon'ble C.A.T, Guwahati Bench stating that under the usual terms of deputation, he is entitled to elect and draw the pay of deputation and his pay should be fixed as per the provisions of FR.22(1)(a)(1). Since he elected for the pay of Director which carries the pay scale of Rs.15100-18300/-, he should be allowed to draw the same for a period of 5 years which he has served as Director of Census Operations Tripura.

3. That with regard to the statement made in para 1 of the application, the answering Respondents beg to submit that the applicant has stated that "This application is made not against any particular order but against non consideration of granting the pay scale and benefits of the post of Director of Census Operations to the applicant as per the usual terms of deputation although the applicant served under deputation to the post of Director of Census Operations, Tripura for long five years." This is factually incorrect.

The applicant has been granted all the benefits of the post of Director of Census Operations as admissible under the rules. His repetitive requests for grant of pay scale of Rs.15100-18300/- which is admissible to Selection Grade Officers of the IAS was considered by this office in consultation with the competent authority, which is Department of Personnel & Training in the Central Government. As his request was not in conformity with the existing rules/procedure, the same was not accepted and his request was rejected.

4. That with regard to the statement made in para 2, 3, 4.1 to 4.6 of the application, the answering Respondents beg to submit that they have no comments as those are matters of records. The answering respondents do not admit anything except those are in record. ~~[The applicant is put to strictest proof thereof.]~~

5. That with regard to the statement made in para 4.7 of the application, the answering Respondents beg to submit that it is a fact that the applicant had given option on 30.05.2000 electing for the scale of pay of Rs.15100-18300/-. In fact, there was no mention of exercising of option in the original circular/appointment letter. Therefore, exercising of option does not entitle the applicant to get the desired pay scale unless it is offered and approved by the competent authority, which is the Registrar General, India. Reference made to letter No.A-27011/13/2000-Ad.II dated 01.08.2000 wherein the pay scale of Director is shown as Rs.15100-18300/- does not entitle the applicant to make a claim to

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this pay scale. This was a letter calling for information from all the Directorates under the RGI's office in connection with a report required to be submitted to Group of Secretaries. The pay scale indicated for the post of Director was based on the pay scale of the Directors in the Central Government. ~~All Other~~ ^{The} Directors posted in other Directorates were drawing salary in the pay scale of their parent cadre. The applicant cannot claim parity on the basis of a general circular which was addressed to all the Directorates, as this was neither a sanction letter nor an authorization with reference to the pay scale for the post of Director.

6. That with regard to the statement made in para 4.8 of the application, the answering Respondents beg to submit that the applicant had made several representations regarding his pay fixation. His representations were rejected twice by the office of RGI vide letter No.P/N(19)Ad.III dated 30.10.2000 and No.P/N(18)Ad.III dated 18.12.2000.

As regards issuing a circular for appointment to the post of Regional Census Officer in the grade of Deputy Director on deputation basis in the pay scale of Rs.10000-15200, it has no relevance to this case.

7. That with regard to the statement made in para 4.9 to 4.13 of the application, the answering Respondents beg to submit that the facts relating to the representations made by the applicant and the reply thereto from the office of RGI are not denied. However, the stand taken by the office of RGI cannot be termed as irrational as it

is based on the relevant rules. It is reiterated that the post of Director does not carry any specific pay scale. Therefore the question of granting any specific pay scale as demanded by the applicant does not arise.

8. That with regard to the statement made in para 4.14 of the application, the answering Respondents beg to submit that the appointments made to the cadre of Deputy Director of Census Operations on deputation basis are in accordance with the Recruitment rules of this post which carries the pay scale of Rs.10000-15200/-. The applicant's case cannot be equated with these appointments. Government of Tripura pays monthly outfit allowance at the rate of Rs.100/-. The reduction of applicant's pay by Rs.100/- is because ~~no~~^{no} such allowance is paid in the Directorate of Census Operations. The applicant has not mentioned about the 5% deputation allowance which he was entitled as per the rules.

9. That with regard to the statement made in para 4.15 to 4.18 of the application, the answering Respondents beg to submit that the facts in these paragraphs are not denied. However, the applicant's representations were rejected twice by the ORGI. As such no response was given to his further representations which did not contain any new facts. As regards grant of more pay to other officers in the Directorate, it is stated that each officer is paid according to his entitlement and no comparisons can be made.

10. That with regard to the statement made in para 4.19 and 4.20 of the application, the answering Respondents beg to submit that

points raised in these paragraphs are repetitive in nature and have already been replied in the preceding paragraphs. It was clearly mentioned in the circular addressed to the State Government of Tripura that the post of Director of Census Operations, Tripura is equivalent to the rank of Deputy Secretary to the Government of India. No pay scale was mentioned for the post and appointment were to be made on deputation basis. The applicant's initial appointment order was for a period of 3 years from the date of his taking over charge. The post of Director of Census Operations is not a permanent post. There are no Recruitment Rules and pay scale prescribed for this post. All the Directors posted in the various Directorates are given the same benefits. They draw deputation allowance as admissible under the rules and no pay scale has been opted/granted so far to any of these Directors.

11. That with regard to the statement made in para 4.21 of the application, the answering Respondents beg to submit that the absence of any pay scale in the circular/appointment letter clearly indicates that the post of Director of Census Operations does not carry any particular pay scale. The "usual deputation terms" as applicable to all the Directors of Census Operations were also made applicable in the applicant's case. As such, no injustice has been done to the applicant and his claim for the pay scale of Rs.15100-18300/- is unjustified.

12. That with regard to the statement made in para 4.22 of the application, the answering Respondents beg to submit that the

applicant was appointed on deputation to the post of Director of Census Operations. He had expressed his willingness for this post. The concept of giving higher pay for higher duties and responsibilities is applicable in the case of promotion. On the other hand, in case of deputation, the terms & conditions of deputation are clearly mentioned in the circular calling for applications from willing persons. The applicant was paid as per the terms & conditions mentioned in the circular and they remain unchanged. The applicant continued to work on these terms & conditions continuously for 5 years and never pressed for his repatriation.

13. That with regard to the statement made in para 4.23 of the application, the answering Respondents beg to submit that the extension of deputation from the initial period of 3 years to 5 years was neither arbitrary nor unilateral & malafide because it was made with the consent of the Cadre Controlling Authority of the applicant which is the Government of Tripura. At no stage, the applicant had expressed his willingness to be repatriated to his parent department and he continued to work on the original terms & conditions which were offered to him at the time of his initial appointment.

14. That with regard to the statement made in para 4.24 of the application, the answering Respondents beg to submit that the rule quoted in this para is correct but in the instant case, in the absence of any prescribed ^{pay} apy scale for the post of Director of Census Operations, none of the Directors could opt for the pay

scale. This condition is applicable not only to the applicant but to all other Directors who were appointed in the other Directorates.

15. That with regard to the statement made in para 4.25 of the application, the answering Respondents beg to submit that it is a fact that the applicant had made several representations which were duly considered by the competent authority and the rejection was conveyed to him in reasonable time. In spite of all this, the applicant continued to work.

16. That with regard to the statement made in para 4.26 of the application, the answering Respondents beg to submit that it is almost a year that the applicant has been repatriated to his parent department, it is not understood as to why he has made this application now. If he was so aggrieved by the terms & conditions of his deputation, he should have opted for premature repatriation to his parent department.

17. That with regard to the statement made in para 4.27 and 5.1 of the application, the answering Respondents beg to submit that no injustice has been done to the applicant. As such this application deserves to be dismissed. The applicant has enjoyed all benefits for which he was entitled.

18. That with regard to the statement made in para 5.2 of the application, the answering Respondents beg to submit that as already explained in the preceding paras, this argument is not sustainable. The applicant's exercising the option for the pay scale

is not acceptable because no pay scale is prescribed for the post of Director of Census Operations.

19. That with regard to the statement made in para 5.3 of the application, the answering Respondents beg to submit that the post of Director of Census Operations cannot be equated with the post of Directors under the Ministry of Home Affairs as the procedure for appointment and the conditions of service are not comparable.

20. That with regard to the statement made in para 5.4 and 5.5 of the application, the answering Respondents beg to submit that FR 9(25) relates to pay & allowances admissible on deputation. The applicant is already getting benefits as per his entitlement.

There is no violation of Article 11 and 16 of the Constitution of India as there is no pay scale prescribed for the deputation post. Therefore, the question of drawing pay in the pay scale of the deputation post does not arise.

21. That with regard to the statement made in para 5.6 of the application, the answering Respondents beg to submit that this point has already been explained in para 5 of this reply. The order referred to in this para is neither a sanction nor authorization letter for grant of pay scale for any particular post.

22. That with regard to the statement made in para 5.7 & 5.8 of the application, the answering Respondents beg to submit that it is a fact that there is no pay scale prescribed for the temporary post of Director of Census Operations. This cannot be considered illegal

because this arrangement is suitable for this office and it has been duly approved by the competent authority.

The post of Director of Census Operations is not a permanent post. As this is a temporary post, no pay scale is attached.

23. That with regard to the statement made in para 5.9 of the application, the answering Respondents beg to submit that orders referred in this para relate to nomenclature of the post of Director as Joint Registrar General, India. It is not upgradation. This nomenclature was done for facilitating the implementation of Registration of Births & Deaths Act. It is an order describing the functions which were already discharged by the concerned officers, and it does not bestow any higher duties and responsibilities on the officers.

24. That with regard to the statement made in para 5.10 of the application, the answering Respondents beg to deny the same. The applicant has suppressed the material facts. The representations submitted by the applicant were duly considered, with proper application of mind to the facts and circumstances of the case and took decision in accordance with law and rules and accordingly the relief sought for in the representation could not be granted by the competent authority.

25. That with regard to the statement made in para 5.11 of the application, the answering Respondents beg to submit that the applicant was not engaged arbitrarily but with the consent of his

parent department. If he was incurring heavy financial loss, he should have opted for his premature repatriation.

26. That with regard to the statement made in para 6, 7, 8 and 9 of the application, the answering Respondents beg to submit that the applicant has failed to make out any legally tenable ground in support of his case and it is totally devoid of merits and as such it is liable to be dismissed with cost.

Furthermore, in the light of the facts and circumstances no interim order is warranted in the case

27. That this written statement is made bonafide and for the ends of justice & equity.

Under the above circumstances,
Your Lordship would be pleased to
dismiss the application filed by the
applicant for the ends of justice.

VERIFICATION

I Debash Ray

aged about 48 years, working as Deputy Director

competent officer of the answering respondents, do hereby verify that the

statements made in paragraph 1,2,3,7 to 27 are true to my knowledge and

those of the paragraphs 5, 6 being matter of record are true

to my information derived there from which I believe to be true and the

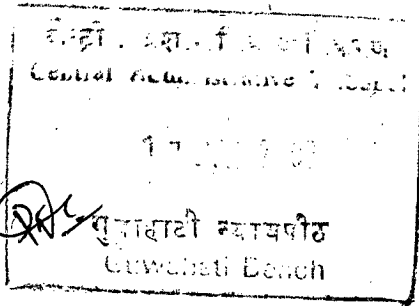
rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 26th day of July 2006 at

Guwahati.

Debash Ray
Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI



Filed by me applicant-
through:
S. N. K. 123
Advocate
17/01/07.

In the matter of:-

O.A.No. 66 of 2006

Sri Krishna Dhan Nath

... Applicant.

-Versus-

Union of India and others.

.... Respondents.

-And-

In the matter of:-

Rejoinder submitted by the applicant
against the written statement filed by
the respondents.

The applicant above-named most respectfully begs to state as under: -

1. That the applicant denies the statements made in para 1 and 2 of the written statement and begs to state that the application has been filed bonafide and in accordance with the provisions of law.

Further, neither in the notification dated 04.05.1998 (Annexure-II to the O.A) for appointment of Director of Census operation on deputation basis nor in the communication dated 24.04.2000 (Annexure-V to the O.A) relating to appointment of the applicant to the deputed post of Director of Census Operation, issued by the Government, it was ever mentioned that the post of Director of Census Operation does not carry any specific pay scale, as contended by the respondents in the written statement. It was

also specifically mentioned in the communication dated 24.04.2000 (Annexure-V to the O.A) that the appointment of the applicant to the post of Director of Census operation was "on usual deputation terms", which only means the usual deputation terms laid down by the Government as Fundamental Rules. The respondents nowhere mentioned that there is any separate rules of deputation in the respondent department deviating from the fundamental rules of the Government. Their statements that there is no pay scale for the post of Director of Census Operation and that the provisions of fundamental rules which are mandatory for deputation service in all cases are not applicable in the case of the applicant are misrepresentation of facts and are arbitrary, malafide, unfair, illegal and opposed to the provisions of Government rules.

2. That the applicant categorically denies the statements made in paragraphs 3, 5, 6, 7, 8, 9, 10, 11 and 12 of the written statement and begs to submit that the applicant in his capacity as the Director of Census Operation had been discharging the same duties and responsibilities which the selection grade officers of the IAS were discharging in the said post. As such all the officers irrespective of the IAS or others, including the applicant, whoever were appointed as Director of Census Operation (DCO), having been appointed in the same post and performing the similar duties and responsibilities are similarly situated and are entitled for same scale of pay on the basic principle of "equal pay for equal works". As such the contention of the respondents that the pay scale of Rs. 15100-18300 is admissible only to Selection Grade Officers of the IAS who are appointed as DCO and not to the applicant though holding the same post, is not sustainable in the eye of law. A pay scale cannot be person-based but it is attached to a post and whoever holds the post is entitled to get the scale of pay attached to the post, as per rules.

The option dated 30.05.2000 submitted by the applicant electing for scale of the deputed post (Rs. 15100-18300/-) was submitted in terms of

the provision of Fundamental Rules which is fundamental for regulating the pay of deputation service in any Government department. The appointment of the applicant as DCO was made on "usual terms of deputation" which was clearly mentioned and the term "usual terms of deputation" means the provisions of the fundamental rules of the Government in terms of which the applicant has to exercise option and accordingly the applicant exercised his option on 30.05.2000, no matter whether it was mentioned in the original circular/appointment letter as pleaded by the respondents.

Further, the contention of the respondents that the post of Director of Census Operation does not carry any specific pay scale is misleading and factually incorrect. It is clearly evident from Annexure-XI to the Original Application that the office of the Registrar General, India itself has indicated therein that the post of Director carries a pay scale of Rs. 15100-18300/-. The respondents have also admitted in para 3 of the written statement that the scale of Rs. 15100-18300/- is admissible for the officers of the IAS, holding the post of DCO and as such the applicant, having been appointed in the same post of DCO cannot be denied the benefit of the said pay scale. It is relevant to mention here that the respondent department has adopted the pay scale shown in Annexure-XI to the Original Application in respect of all other grades of officers Viz: Joint Director, Dy. Director and therefore cannot claim that the pay scale shown therein for the post of Director is not in existence. It cannot be a plea that while all the posts in the hierarchy in the respondent department have got specific scales of pay, the top post of the hierarchy in isolation, does not have any specific scale of pay, leaving it to the discretion of the department so much so, that the applicant in spite of being the Head of the department has been given the pay which has been given the pay which is even less than the pay of Dy. Director, working under him. This apart, the respondent department has made some appointments to the post of Deputy Director of Census operation on deputation basis who

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have been given the cadre pay of the post of Dy. Director irrespective of their scale of pay in the parent department. But under similar situation, in case of the applicant, the contention of the respondent otherwise on the vague plea that the lone post of DCO does not carry any pay scale is incorrect, malafide, unfair and inconsistent with official records. In such a case the respondent department ought to have mentioned specifically in the original circular/appointment letter regarding the pay status of the post of DCO since there cannot be a lone post in the Government department without a pay scale when all other posts in the same set up carry specific scales of pay.

It is therefore clearly evident that the post of DCO has got a specific pay scale of Rs. 15100-18300/- and the applicant has discharged all the duties and responsibilities in the said post as have been done by other DCOs including the officers of the IAS for long 5 years and as such he is entitled to get the benefit of the scale of Rs. 15100-18300/- and denial of the same is arbitrary, malafide, unfair.

3. That the applicant categorically denies the statements made in para 13, 14, 16, 17, 18, 19 and 20 of the written statement and further begs to state that the extension of deputation period of the applicant from the initial period of 3 years to 5 years was done for the interest of works of the respondent department only and that too without asking for the willingness of the applicant whatsoever in an arbitrary manner. The respondents might have done so with the consent of the cadre controlling Authority of the applicant i.e. the Government of Tripura as stated in the written statement by the respondents, but the respondents have lost sight of the fact that the Govt. of Tripura vide it's letter dated 18.12.2000 (Annexure- XVIII to the O.A) itself requested the Registrar General, India to take necessary action towards fixation of pay in respect of the applicant in the pay scale of Rs. 15,100-18,300/-, and also informed that in case such financial benefit is not extended to him, the applicant was willing to be reverted back to his

parent cadre. But the respondents did not inform anything to the Govt. of Tripura in respect to the pay of the applicant and continued to extract services from the applicant in the post of Director of Census operation unilaterally as per their requirements.

The contention of the respondents that DCOs in other Directorates did not apply for the scale, is not relevant here since it is a matter for them to decide.

Further, the contention of the respondents that the applicant has made this application after one year of his repatriation is misleading since the applicant had been praying for his scale since his joining on deputation but the matter remained unsettled and the less payment to the applicant for years together has been a continuous wrong which the applicant has been suffering event till now. As such this application has been made only after having exhausted all means at his disposal for his remedy.

Further, if the post of Director of Census Operation is such an isolated singular case that it has neither any specific pay scale nor comparable to the post of any other Director under the same Ministry nor with any other post in its own hierarchy as stated by the respondents, then in all fitness of the things the respondents ought to have spelt out the specific terms and conditions of deputation including the pay etc. in the original circular/appointment letter before borrowing the officer on deputation to the post of DCO, which the respondents failed to do. However, in absence of all those, it is mandatory for the respondents to abide by the "usual terms of deputation" as laid down by the Government which have been provided in the F.R. But the respondents have not been doing either, and acting in an arbitrary and capricious manner rejecting the claim of the applicant on this score alone, the application deserves to be allowed with costs.

4. That the applicant categorically denies the statements made in para 21, 22, 23, 24, 25 and 26 of the written statement and begs to submit that the Annexure- IX to the Original Application which indicates the pay scale of Director of Census Operation, may not be a sanction or authorization letter as pleaded by the respondents in para 21 of the written statement, but nevertheless it is a public order which is neither false nor without any face value.

It is therefore reiterated that the post of DCO has got the specific pay scale of Rs. 15100-18300/- attached to it and the applicant was appointed to the said post on "usual terms of deputation" i.e. the terms of deputation laid down by the Government as provided in the F.R. and as such the claim of the applicant for above mentioned scale for his deputed post is in conformity with the settled rules which the applicant is legitimately entitled to get. The applicant has not suppressed any material fact and all his prayers for the pay scale have been rejected by the respondents on false plea, most arbitrarily and without any application of mind whatsoever.

5. That in the facts and circumstances stated above, the Original Application deserves to be allowed with costs.

VERIFICATION

I, Shri Krishna Dhan Nath, S/o- Late Rash Mohan Nath, aged about 56 years, resident of 10, Debendra Deb Nath Road, P.O. Dhaleswar, Agartala, Dist. West Tripura, Tripura, Pin- 799007, applicant in the instant original application, do hereby verify that the statements made in Paragraph 1 to 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 14th day of January ~~December~~ 2007.

Krishmadhan Nath