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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 317/2007

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SECTION OFFICER (Judi.)

Shabita
21/10/2017

X
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH:

1. Original Application No. 317/07

2. M/s Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) ... Sunil Kr. Deka ... vs Union of India & Ors

Advocate for the Applicants ... M. Chander, S. Nath ...
Mrs. U. Deka ...

Advocate for the Respondent(s) ... S. C. G. S. G. Baishya ...

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide APC/BD No. 66E.848933, 66F848934 Dated 17.12.07.	07.01.2008	Heard Mr. M. Chanda, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing counsel for the Union of India, on whom a copy of this Original Application has already been served.
<u>Mr. Registrar</u>		The claim of the Applicant (to get Special Duty Allowance etc.) having been turned down, the Applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985.
<u>17/1/08</u> Petition's copy for issue notices are received without envelopes. Undertaking given for service.		This case is admitted. Issue notice to the Respondents requiring them to file reply.
<u>17/1/08</u> Dt 2.1.08 Pl. issue notices to the respondents.		Call this matter on 22.02.2008.
<u>17/1/08</u> Notice & order sent to D/Section for issuing to respondent nos. 1 to 5 by regd. A/D post. D/No. 121 to 125 C/1108 DT= 10/11/08		<u>17/1/08</u> (Khushiram) Member (A)
		<u>17/1/08</u> (M.R. Mohanty) Vice-Chairman

O.A.317 of 07

W/S not filed

21.2.08

22.02.2008

Ms. U. Dutta learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present.

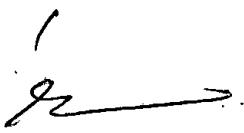
Mr. G. Baishya, counsel for the Respondents wants four weeks time to file written statement. Prayer is allowed.

Call this matter on 24.3.2008.

W/S not filed

20.3.08

lm


(Khushiram)
Member (A)

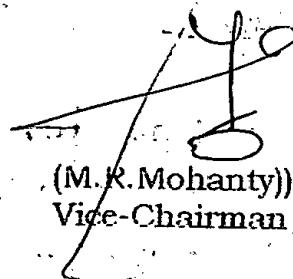
24.03.2008

No written statement has been filed as yet in this case by the Respondents.

Call this matter on 25.04. 2008

W/S not filed

23.4.08


(M. R. Mohanty))
Vice-Chairman

lm

24.04.2008

Three weeks time granted to file written statement.

Call this matter on 16.05.2008.

15.5.08

nkm


(M. R. Mohanty)
Vice-Chairman

16.05.2008 Mr. M. Chanda, learned Counsel appearing for the Applicant is present. Mr. G. Baishya, learned Counsel appearing for the Respondent Department, who is present, has filed a written statement in this case today. He has served a copy thereof to Mr M. Chanda in court today.

In course of hearing, the Advocate for the Applicant has filed a memorandum seeking permission to withdraw this Application and has also prayed for liberty to file a fresh case.

Having heard the learned Counsel for both the parties, this case is permitted to be withdrawn with liberty to file a fresh O.A.

This O.A. is accordingly dismissed being withdrawn. No costs.

Send copies of this order to the Applicant and to all the Respondents in the addresses given in the O.A. and free copies be supplied to the learned Counsel for both the parties.


(Khushiram)
Member (A)

nkm


(M.R. Mohanty)
Vice-Chairman

12.6.08
Copy of the
order send to the
DCA for being
filed to the
parties
AS
Reviewed
Mulla
13/06/08

Recd
Gopal
13.06.08

Q. No. 5 1 DEC 2007

गुवाहाटी बैचल्यपीठ
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 317 /2007

Shri Sunil Kumar Dubey

-Vs-

Union of India and Others.

SYNOPSIS OF THE APPLICATION

Applicant is a permanent resident of Gopalganj, Bihar. He was appointed on regular basis as Motor Truck Driver, in the office of the Executive Engineer, C.G.W.B, Div-VII, Guwahati having a specific clause of all India transfer liability in his offer of appointment letter dated 02.11.88. Applicant was transferred from Guwahati to Varanasi on 08.04.93, and after serving at Varanasi he was transferred back to Guwahati. Again transferred from Guwahati to Bhopal vide order dated 30.01.96. Applicant was promoted as Driver Gd. II on 10.01.02 and further promoted to the post of Driver Gr. I on 14.12.05 and he is posted at CGWB, Div-VII, Guwahati, where he is serving at present. Respondents of their own paid SDA and Emergency Passage Concession to the applicant w.e.f. 20.12.89 in terms of Govt. of India, Ministry of Finance O.M dated 14.12.1983, since the applicant is a permanent resident of Bihar. However, suddenly without any notice payment of SDA to the applicant has been stopped w.e.f. 20.03.02. Respondent No. 5 vide his impugned office order dated 01.06.2005 directed to recover amount paid to the applicant as EPC. Applicant submitted an appeal for stoppage of recovery of EPC, which was rejected vide impugned order dated 03.01.06. Applicant submitted another representation on 16.01.06 for stoppage of recovery of EPC and continuation of payment of SDA. However, the respondent No. 3 vide his impugned office memorandum dated 07.03.2007 stated that he is not entitled to benefit of EPC and SDA. Applicant after his joining at Guwahati he was transferred from Guwahati to outside of the NE Region on two occasions and his seniority and promotion is maintained on all India basis, as such he is eligible for payment of SDA and EPC in terms of Govt. of India O.M dated 14.12.83 and 13.06.2001 as well as in terms of Govt. of India, Ministry of Finance O.M dated 29.05.02. Hence this Original Application.

31 DEC. 2005

गुवाहाटी न्यायालय
Guwahati Bench

LIST OF DATES

14.12.1983- Govt. of India, issued office memorandum granting certain allowance and facilities viz; Special (Duty) Allowance and Emergency Passage Concession etc. to such central Govt. employees who are saddled with all India transfer liability.
(Annexure- 8)

1984- Applicant was appointed on temporary basis as Cleaner in the office of the C.G.W.B, Ranchi. His name was not sponsored by employment exchange; as such his appointment was terminated.

29.10.1985- Deputy Secretary, Govt. of India, Ministry of Water Resource intimated the applicant to apply in response to any vacancy circular from C.G.W.B.
(Annexure- 1)

02.11.1988- Applicant was appointed as Motor Truck Driver. His offer of appointment carries a specific clause of all India transfer liability.
(Annexure- 2)

20.12.1989- Respondents of their own paid SDA and EPC to the applicant.

08.04.1993- Applicant was transferred from Guwahati to Varanasi.
(Annexure- 3)

30.01.1996- Applicant was again transferred from Guwahati to Bhopal.
(Annexure- 4)

01.04.2001- As per seniority list applicant's seniority is maintained on all India basis.
(Annexure- 7)

13.06.2001- Govt. of India, Ministry of Finance clarified that resident of NE Region who are posted in NE Region from outside the NE Region are entitled to payment of SDA.
(Annexure- 16)

10.01.2002- Applicant was promoted as Driver Gd. II.
(Annexure- 5)

20.03.2002- Payment of SDA stopped to the applicant without any notice.

29.05.2002- Govt. of India issued O.M providing benefit of SDA to the employees having all India transfer liability on posting to NE Region from outside region.
(Annexure- 17)

01.06.2005- Respondent No. 5 vide impugned order dated 01.06.05 directed to refund the amount of EPC.
(Annexure- 9)

22.06.2005/15.07.2005- Applicant preferred appeal to the Director, C.G.W.B and requested not to make recovery.
(Annexure- 10 Series)

02.08.2005- Respondent No. 3 directed respondent No. 5 to effect recovery of EPC from the applicant.
(Annexure- 11)

14.12.2005- Applicant was further promoted to the post of Driver Gd. I.
(Annexure- 6)

प्राप्तिकारी = राजीव

03.01.2006- Administrative Officer, C.G.W.B informed respondent No. 5 that applicant is not entitled to payment of EPC. (Annexure- 12)

16.01.2006- Applicant submitted representation for stay of recovery of EPC and requested to pay SDA. (Annexure- 13 series)

27.01.2006- Respondent No. 5 forwarded representation of the applicant. (Annexure- 14)

21.07.06, 05.09.06- Applicant submitted representations for stay of recovery of EPC and requested to pay SDA. (Annexure- 13 series)

02.08.2006- Under Secretary, Ministry of Water Resource in his letter addressed to the Staff Grievance officer, CGWB, Faridabad forwarded representation of the applicant and requested to submit suitable reply to the applicant with detail reasons. (Annexure- 15)

07.03.2007- Respondent No. 3 vide impugned memorandum dated 07.03.07 informed the applicant that he is not available to the concession of EPC and SDA. (Annexure- 18)

11.07.2007- Under Secretary to the Govt. of India, requested Scientist and Staff Grievance Officer, CGWB, Faridabad to look into the grievance of the applicant. (Annexure- 19)

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned order bearing letter No. CGWB/DIV-VII/ESTT./LA/2005-428 dated 01.06.2005 (Annexure- 9) so far the applicant is concerned, impugned letter bearing No. 4-4278/90- Min.Estt-22 dated 03.01.2006 (Annexure-12) and No. 4-4278/90-Min.Estt./387 dated 07.03.2007 (Annexure- 18).
2. That the Hon'ble Tribunal be pleased to declare that the applicant is eligible for payment of Emergency Passage Concession and SDA in terms of Govt. of India's O.M dated 14.12.1983, 22.07.1998 as well as O.M dated 13.06.2001 and 29.05.2002.
3. That the Hon'ble Tribunal be pleased to direct the respondents to refund back the amount of EPC already recovered from the applicant and further be pleased to direct the respondents to continue payment of EPC and SDA to the applicant from the date it has been stopped with arrear monetary benefits.
4. Costs of the application.

31 DEC 1987

गुरुहारी राजपीठ

5. Any other relief (s) to which the applicant is entitled from 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 relief:-

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

3 DEC 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL गुवाहाटी बायपीठ
Guwahati Bench
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 317 /2007

Shri Sunil Kumar Dubey : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

Dutta
Advocate

Date:- 31.12.07

Sunil Kumar Dubey.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 317 /2007

BETWEEN:

Shri Sanil Kumar Dubey,
 S/o Shri Baburam Dubey,
 Working as Driver Grade-I
 O/o The Executive Engineer,
 Central Ground Water Board, Division-7,
 Padmapath, Zoo Road Tinali, Guwahati- 24.

केंद्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal

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 Guwahati Bench

-AND-

Applicant.

1. The Union of India.

Represented by Secretary to the
 Government of India,
 Ministry of Water Resource,
 Shram Shakti Bhavan, Rafi Marg, New Delhi- 110001.

2. The Chairman.

Central Ground Water Board,
 Ministry of Water Resources,
 Bhujal Bhawan, NH-IV, Faridabad, Haryana- 121001.

3. Director (Admin.) and V.O

Central Ground Water Board,
 Ministry of Water Resources,
 Bhujal Bhawan, NH-IV, Faridabad, Haryana- 121001.

4. Regional Director.

Central Ground Water Board,
 North Eastern Region,
 Tarun Nagar, Guwahati- 781005.

5. Executive Engineer,

Central Ground Board, Division-VII,
 Padmapath, Zoo Road Tinali,
 R.G. Baruah Road, Guwahati- 781024.

..... Respondents.DETAILS OF THE APPLICATION1. Particulars of the order (s) against which this application is made:

Sanil Kumar Dubey

Filed by - the applicantThrough - U. Dutta

Advocate On

31.12.07

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गुराहाटी न्यायपीठ

1st Bench

This application is made against the impugned order bearing letter No. CGWB/DIV-VII/ESTT./LA/2005-428 dated 01.06.2005 (Annexure- 9), No. 4-4278/90- Min.Estt-22 dated 03.01.2006 (Annexure-12) and No. 4-4278/90-Min.Estt./387 dated 07.03.2007 (Annexure- 18) whereby claim of the applicant for payment of Emergency Passage Concession (for short EPC) and Special Duty Allowance (for short SDA) has been denied and praying for a direction upon the respondents to continue to pay SDA to the applicant in terms of Govt. of India, Ministry of Finance O.M dated 14.12.1983 and also praying for a direction upon the respondents to refund back the amount of Emergency Passage Concession already recovered from the applicant.

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. Limitations:

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 he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant is a permanent resident of Vill- Jadopur Dubeytola, Dist- Gopalganj, Bihar and he was initially appointed on temporary basis as Cleaner in the office of the Executive Engineer, Central Ground Water Board, Division-V, Ranchi, but his temporary service was terminated on the ground that he did not comply with essential requirement of his appointment. Thereafter, applicant prayed before the respondents for regularization of his service and in reply to his prayer for regularization of his service the Deputy Secretary to the Govt. of India, Ministry of Water Resource, New Delhi vide it's letter bearing No. 25-8/83-GW dated

Suril Kumar Dubey.

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29.10.1985 intimated the applicant that reconsideration of appointment of the applicant is not possible because his services were terminated because of non-compliance of essential requirement i.e. sponsorship of his name through the Employment Exchange. It is also requested in the said letter that applicant may be advised to apply in response to any vacancy circular from the Central Ground Water Board and then his application can be considered along with others under the Rules. Be it stated that in compliance to the advise tendered by the Deputy Secretary vide her letter dated 29.10.85, the applicant approached the authority to accommodate him against a vacancy in the office of the Executive Engineer, CGWB, Guwahati and he was advised to enroll his name at local Employment Exchange at Guwahati for his appointment at Guwahati. Accordingly, applicant enrolled his name at Employment Exchange at Guwahati and he was appointed on regular basis as Motor Truck Driver vide letter bearing No. 17-21/86-Estt. M dated 02.11.1988 in the office of the Executive Engineer, C.G.W.B, Div-VII, Guwahati having a specific clause of all India transfer liability in his offer of appointment letter dated 02.11.88. Accordingly, the applicant joined at Guwahati on 20.12.1989 as Motor Truck Driver in the office of the Executive Engineer, C.G.W.B, Div- VII, Guwahati.

Copy of letter dated 29.10.85 and 02.11.88 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 1 and 2 respectively.

4.3 That the applicant was thereafter transferred from Guwahati to Varanasi vide office order No. 363 of 1993 bearing letter No. 17-15/92-Estt (M) dated 08.04.1993 and applicant carried out the said transfer order and reported for duty at Varanasi. Thereafter, the applicant was transferred from Varanasi to Guwahati and again transferred from Guwahati to Bhopal vide order No. 113 of 1996 dated 30.01.1996, however due to educational problems of his kid the representation of the applicant was considered and he was accommodated at Guwahati. It is pertinent to mention here that from the aforesaid transfer and posting it is evident that the applicant is saddled with all India transfer liability, as such he is entitled to payment of EPC and SDA.

Sanjit Kumar Dubey,

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Bench

Copy of the order dated 08.04.1993 and 30.01.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 3 and 4 respectively.

4.4 That the applicant was thereafter promoted as Driver Gd. II vide office order No. 31 of 2002 bearing letter No. 17-10/2001-Min. Estt. 287 dated 10.01.2002 and further promoted to the post of Driver Gr. I vide office order No. 977 of 2005 bearing letter No. 17-5/2005-Min. Estt. 8168 dated 14.12.2005 and posted at CGWB, Div-VII, Guwahati, where the applicant is serving at present. It is relevant to mention here that the promotion and seniority of the applicant is made on all India basis, which is evident from the promotion order dated 10.01.02 and seniority list as on 01.04.2001.

Copy of the letter dated 10.01.02, 14.12.05 and extract of seniority list as on 01.04.01 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 5, 6 and 7 respectively.

4.5 That it is stated that the Govt. of India, vide office memorandum dated 14.12.1983, granted certain allowance and facilities viz; Special (Duty) Allowance and Emergency Passage Concession etc. to such central Govt. employees who are saddled with all India transfer liability. The relevant portion of the O.M dated 14.12.1983 is quoted below:

"The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur and Tripura and the Union territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government has appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in the region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered

Srinil Kumar Dubey,

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Guruhati Bench

by the Government and the President is now pleased to decide as follows:

(iii) Special Duty Allowance

Central Government civilian employees who have all India transfer liability will be granted Special (Duty) Allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax, will however not be eligible in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- P.M special allowance like Special Compensatory (Remote locality) allowance, Construction Allowance and Project Allowance will be drawn separately."

"(iv) Leave Travel Concession:

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families [spouse and two dependent children] to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M., dated December, 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules."

The benefit of O.M dated 14.12.1983 was subsequently extended by the O.M dated 01.12.1988, 12.01.96 and 22.07.98.

Suraj Kumar Dubey

31 DEC 2007

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Guwahati Bench

Copy of the O.M dated 14.12.83 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 8.

4.6 That it is stated that after joining in the department as Motor Driver at Guwahati, the respondents of their own paid SDA and Emergency Passage Concession to the applicant w.e.f. 20.12.1989 in terms of Govt. of India, Ministry of Finance O.M dated 14.12.1983, since the applicant is a permanent resident of Bihar and as per terms of the appointment letter he is saddled with all India transfer liability and his seniority and promotion is being made on all India basis. However, suddenly without any notice payment of SDA to the applicant has been stopped w.e.f. 20.03.2002.

4.7 That the respondent No. 5 vide his impugned office order bearing letter No. CGWB/DIV-VII/ESTT./I.A./2005-428 dated 01.06.2005 stated that as per observations of the Internal Audit vide their letter No. WR/CA/IA/62/2004-5-93 dated 18.5.05, it has been pointed out that the some of the officials were drawn/paid various in-admissible claims/allowances. It is therefore requested to refund/deposit the amount as mentioned against each latest by 30.06.2005 otherwise the amount will be recovered from the salary of July 2005. In the said impugned letter name of the applicant has been placed at Sl. No. 1 and total amount of Rs. 15763 drawn as E.P.C has been directed to recover from the applicant.

Copy of the impugned letter dated 01.06.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 9.

4.8 That the applicant immediately thereafter submitted an appeal on 22.06.05 addressed to the Director, Administration, C.G.W.B, Faridabad, wherein the applicant cited example of some of the officials who were residents of outside the NE Region and initially appointed in NE Region has been paid Emergency Passage Concession but they were exempted from recovery. In his appeal dated 22.06.03 applicant requested not to make recovery of EPC paid to him. He also stated that he is a low paid employee and facing hardship, as such he requested to look into the matter sympathetically. The appeal dated 22.06.05 submitted by the applicant was duly forwarded by

Suril Kumar Dubey.

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गुरुहारी व्याधपौड़
5 Bench

the respondent No. 5 to the respondent No. 3 for advise and further course of action.

Copy of appeal dated 22.06.05 and forwarding letter dated 15.07.05 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 10 (Series).

4.9 That the respondent No. 3 vide his impugned letter bearing No. 4-4278/90-Min. Estt. dated 02.08.2005 addressed to the respondent No. 5 directed to effect necessary recovery of emergency passage concession from those officials immediately whose names have been pointed out by the internal audit. Thereafter, recovery of emergency passage concession from the salary of the applicant started and the total amount of Rs. 15,763 have been recovered from the applicant.

Copy of the impugned letter dated 02.08.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 11.

4.10 That it is stated that the Administrative Officer, C.G.W.R. vide his impugned letter bearing No. 4-4278/90-Min.Estt-22 dated 03.01.2006 addressed to the respondent No. 5 informed that in terms of FR & SR, Part-II, Govt. servant transferred to NER and Union Territories will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families to travel to their hometown in emergency. As intimated Shri Sunil Kumar Dubey, Driver Gd. II was not transferred to NER, Guwahati but was initially appointed in NER, Guwahati. Therefore, the authority has arbitrarily decided that he is not entitled for "Emergency Passage Concession". It is relevant to mention here that applicant is a permanent resident of outside of NE Region and after his appointment at Guwahati he was transferred outside of NE Region on two occasion and after serving outside of NE Region, he was transferred and posted back at Guwahati, as such contention of the respondents that the applicant was not transferred to Guwahati is wrong, rather he was transferred back to Guwahati by the respondents in the year 1993. Therefore, the contention of the respondents that the applicant was initially appointed to NER and he was not

Sunil Kumar Dubey

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मुख्य विवादी
B Bench

transferred to NER, Guwahati is misleading statement of fact, therefore the impugned letter dated 03.01.06 is liable to be set aside and quashed.

Copy of the impugned letter dated 03.01.06 is enclosed herewith as Annexure-12.

4.11 That the applicant submitted a representation on 16.01.06, addressed to the respondent No. 3, praying for stay of order of recovery of Emergency Passage Concession and requested for payment of SDA. In the said representation applicant stated that as per the office memorandum E.P.C could not be sanctioned to him as he was not transferred from outside the N.E. Region then why the same was sanctioned when he requested for the same at that time. Therefore, he requested for stoppage of recovery of EPC till the final decision of the E.P.C is to be taken as the matter is under consideration and further requested to pay SDA to him. Finding no response applicant submitted series of representations addressed to the authority praying for refund of recovered EPC and payment of SDA, but to no result.

Copy of representation dated 16.01.06, 21.07.06 and 05.09.06 are enclosed herewith and marked as Annexure- 13 (Series).

4.12 That the respondent No. 5 forwarded the representation dated 16.01.06 submitted by the applicant to the respondent No. 3 vide his letter bearing No. CGWB/DIV/VII/ESTT/P-386/-06/1479 dated 27.01.06 with the request to clarify whether the officials from outside of the NE Region, who have been selected through UPSC & SSC and their first appointment was in NE Region are entitled for Emergency Passage Concession and SDA or not.

Copy of the letter dated 27.01.06 is enclosed herewith and marked as Annexure- 14.

4.13 That the Under Secretary to the Ministry of Water Resources vide his letter dated 02.08.06 addressed to the Staff Grievances Officer, CGWB, Faridabad forwarded representation/grievance of the applicant with the request to settle the grievance of the applicant regarding EPC and SDA within 15 days of the receipt of letter and a suitable reply may be sent to

Sunil Kumar Dubey.

31 DFC 2008

प्राप्तिकारी प्राप्ति

the aggrieved person under intimation to the Director (Staff Grievances) Ministry of Water Resources. It is also stated in the said letter that for any reason beyond control, if it is not possible to settle the grievance within the stipulated period, the detail reasons thereof with complete reference of the office and the officer where it is pending, may kindly be reported to the Director of Staff invariably be sent to the aggrieved party simultaneously.

Copy of the letter dated 02.08.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 15.

4.14 That the Govt. of India, Ministry of Finance, Department Expenditure vide O.M. No. F. No. 11 (3)/2000-E-II (B) dated 13.06.2001, it has been specifically clarified that even the officers, who are resident of NE Region if they satisfy the criteria that their appointment in service/post is made on All India basis and the promotion is also done on the basis of All India Common Seniority, thus they are also entitled to payment of SDA. However, it will be admissible when they are posted in NE Region from outside the region. In the instant case the applicant is entitled to the payment of EPC and SDA in view of the fact that applicant is a resident of outside of NE Region, seniority and promotion are being maintained on all India basis. It is categorically submitted that the applicant has been transferred and posted outside the NE Region on two occasions and after serving outside the NE Region he was transferred back to NE Region, as such the applicant is entitled to draw SDA in terms of Govt. of India's O.M dated 13.06.2001 as well as in terms of subsequent O.M bearing letter No. M.F. No. 11 (5)/97-E-II (B) dated 29.05.2002, issued by the Ministry of Finance.

Copy of O.M dated 13.06.01 is enclosed herewith as Annexure- 16.

4.15 That the Govt. of India, Ministry of Finance vide its O.M bearing No. F. No. 11 (5) 97-E. II (B) dated 29.05.2002 issued certain clarification regarding admissibility of SDA following the decision of the Hon'ble Supreme Court, where it is specifically laid down that Civilian Central Govt. employees are

Sumit Kumar Dubey

7-1 DEC 2007

प्राप्ति = रायकॉर्ट

entitled to SDA on posting to any station at N.E. Region provided they are having all India transfer liability. The applicant in the instant case is saddled with all India transfer liability and he is a permanent resident of Bihar and after his appointment at Guwahati he was transferred and posted from outside the NE Region to NE Region. Moreover, the O.M dated 29.05.2002 specifically laid down in para 5, that the SDA shall be admissible to the Central Govt. employees having all India transfer liability on posting to N.E. Region (including Sikkim) from outside the region. The relevant portion of para 5 of the O.M dated 29.05.2002 is quoted below:

“5. In view of the aforesaid judgments, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under:-

“The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region.”

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria”.

Therefore, it is quite clear, as per latest clarification given by the Govt. of India, through O.M dated 29.05.2002, that the Central Govt. employees having all India transfer liability are entitled to payment of SDA on their posting to N.E. Region since the applicant is saddled with all India transfer liability and posted at Guwahati in the N.E. Region, as such he is legally entitled to payment of E.P.A and SDA in terms of the O.M dated 14.12.1983 as well as in terms of clause 5 of OM dated 29.05.2002. But surprisingly in spite of his repeated approach, the said allowances have been denied to the applicant in a most arbitrary manner for the reasons best known to the authority.

Copy of the O.M dated 29.05.2002 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 17.

Sunit Kumar Dubey

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गुवाहाटी न्यायालय

4.16 That it is stated that the respondent No. 3 vide his impugned office Bench memorandum bearing No. 4-4278/90-Min Estt 1387 dated 07.03.2007 it is informed to the applicant that the clarification has been sought for from the Ministry in this regard. The Ministry has informed that as per the extant Government of India instructions the concession of EPC & SDA are available only to those persons who are transferred/posted to North Eastern States from outside the Region. The concessions are not admissible to locals. It is also informed that since the applicant was recruited locally through local Employment Exchange, therefore he is not entitled to these benefits. In this connection it is relevant to mention here that though the applicant recruited locally but he was transferred from Guwahati to Varanasi vide office order dated 08.04.1993 and applicant carried out the said transfer order and reported for duty at Varanasi. Thereafter, the applicant was transferred from Varanasi to Guwahati and again transferred from Guwahati to Bhopal vide order dated 30.01.1996, as such the impugned letter dated 07.03.07 is liable to be set aside and quashed and the Hon'ble Tribunal be pleased to direct the respondents to refund the amount already recovered from the applicant as E.P.C and further be pleased to direct the respondents to continue to pay E.P.C and SDA to the applicant in terms of Govt. of India, Ministry of Finance O.M issued vide F. No. 11 (3)/2000-E-II (B) dated 13.06.2001 as well as in terms of Govt. of India, Ministry of Finance O.M dated 29.05.02 applicant is eligible for payment of EPC and SDA.

Copy of the impugned memorandum dated 07.03.07 is enclosed herewith and marked as Annexure-13.

4.17 That it is stated that the Under Secretary to the Govt. of India issued letter dated 11.07.2007 addressed to the Scientist and Staff Grievance Officer, Central Ground Water Board, Faridabad with reference to the letter dated 02.08.2006 on the Grievance of the applicant and stated that no reply in the matter has been received so far. It is therefore requested that the matter may please be looked into immediately and the decision taken in the matter may be intimated to the applicant immediately under intimation to this Ministry. It is relevant to mention here that the respondent No. 3 issued the

Sanil Kumar Dubey,

गृहानी दिवाली

impugned memorandum dated 07.03.07 rejecting prayer for refund back of 8 month recovered EPC and denied payment of SDA to the applicant in total violation of the Govt. of India's O.M dated 14.12.1983, 13.06.2001 as well as O.M dated 29.05.2002. As such the impugned letter dated 02.08.2005, 03.01.2006 and 07.03.2007 are liable to be set aside and quashed.

Copy of letter dated 11.07.07 is enclosed herewith and marked as Annexure- 19.

4.18 That this application is made bonafide and for the cause of justice.

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

5.1 For that, applicant is a permanent resident of Bihar and he was appointed in the Central Ground Water Board having specific clause of all India transfer liability in his offer of appointment and seniority and promotion of the applicant is maintained on all India basis, as such he is eligible for payment of EPC and SDA in terms of Govt. of India O.M dated 14.12.1983, 13.06.2001 and 29.05.2002.

5.2 For that, applicant had been transferred on two occasions outside the NE Region after his appointment at Guwahati and his seniority and promotion zone are maintained on all India basis, as such he is eligible for payment of EPC and SDA in terms of Govt. of India's O.M dated 14.12.1983 and in terms of subsequent O.M dated 13.06.2001 and 29.05.2002.

5.3 For that, impugned office order dated 01.06.2005 has been issued for recovery of EPC paid to the applicant ignoring the fact that the applicant is a permanent resident of Bihar and his appointment letter carries the clause of all India transfer liability and he has been transferred on two occasions from Guwahati to Varanasi and again from Guwahati to Bhopal. Moreover, the seniority and promotion of the applicant is maintained on all India basis, as such applicant fulfills the norms for payment of EPC and SDA as such the impugned order dated 01.06.2005 directing to recovery EPC from the applicant is void.

Sunit Kumar Dubey.

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गुवाहाटी न्यायपीठ

5.4 For that, the applicant is entitled to payment of SDA since he is not a permanent resident of N.E. Region and posted from outside the region, as such he fulfill the criteria laid down in clause 5 of the clarificatory O.M dated 29.05.2002 and as such applicant is entitled to payment of SDA with arrear monetary benefit w.e.f. 20.03.2002.

5.5 For that, the respondents have paid EPC and SDA to the applicant after being found him eligible for payment of the same, however without notice the amount of EPC paid to the applicant has been recovered and SDA has been stopped to the applicant w.e.f. 20.03.2002 ignoring the Govt. of India's guideline issued vide O.M dated 14.12.1983 as well as O.M dated 29.05.2002. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to refund back the amount of EPC recovered from the applicant and further be pleased to direct the respondents to continue to pay EPC and SDA to the applicant with arrear monetary benefits.

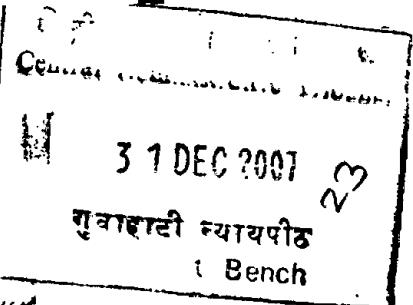
5.6 For that, the applicant fulfill all the condition laid down in O.M dated 14.12.1983 issued by the Govt. of India, Ministry of Finance, New Delhi, as such applicants is entitled to payment of EPC and SDA in the light of the decision rendered by the Hon'ble Supreme Court in S. Vijaykumar's case and also in terms of the O.M dated 29.05.2002.

5.7 For that, impugned letter dated 02.08.2005, 03.01.2006 and impugned memorandum dated 07.03.07 have been issued ignoring the fact that the applicant is a permanent resident of Bihar and he has been appointed in the CGWB having specific clause of all India transfer liability in his offer of appointment and he has been transferred on two occasions from Guwahati to Varanasi and Bhopal and his seniority and promotion are maintained on all India basis, as such the impugned letter dated 03.01.2006 and 07.03.2007 are liable to be set aside and quashed.

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.

Suril Kumar Debey.



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

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 set aside and quash the impugned order bearing letter No. CGWB/DIV-VII/ESTT./LA/2005-428 dated 01.06.2005 (Annexure- 9) so far the applicant is concerned, impugned letter bearing No. 4-4278/90- Min.Estt-22 dated 03.01.2006 (Annexure-12) and No. 4-4278/90-Min.Estt./387 dated 07.03.2007 (Annexure- 18).
- 8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is eligible for payment of Emergency Passage Concession and SDA in terms of Govt. of India's O.M dated 14.12.1983, 22.07.1998 as well as O.M dated 13.06.2001 and 29.05.2002.
- 8.3 That the Hon'ble Tribunal be pleased to direct the respondents to refund back the amount of EPC already recovered from the applicant and further be pleased to direct the respondents to continue payment of EPC and SDA to the applicant from the date it has been stopped with arrear monetary benefits.
- 8.4 Costs of the application.
- 8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Sunit Kumar Dubey

9. Interim order prayed for:

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

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

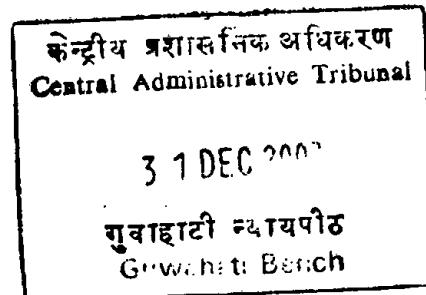
10.

11. Particulars of the I.P.O

i) I.P.O No.	: 66F 848933, 66F 848934, 70E 048922.
ii) Date of issue	: 17.12.07.
iii) Issued from	: G.P.O., Guwahati.
iv) Payable at	: G.P.O., Guwahati.

12. List of enclosures:

As given in the index.



Suril Kumar Dubey

केन्द्रीय अधिकारी न्यायालय
Central Administrative Tribunal

३१ DEC २००८

गुवाहाटी न्यायालय
Guwahati Bench

VERIFICATION

I, Shri Sunil Kumar Dubey, S/o- Shri Baburam Dubey, aged about 45 years, working as Driver Gr. I, in the office of the Executive Engineer, Central Ground Water Board Div. VII, applicant in the instant Original Application, 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 30th day of December, 2007.

Sunil Kumar Dubey.

~~Enclosed~~

Annexure-1

No. 25-8/83-CW

Government of India

Ministry of Water Resources

Ground Water Desk

New Delhi, the 29th Oct , 1985

To

Shri Kali Prasad Pandy
Member of Parliament
2- North Avenue,
New Delhi.

केन्द्रीय प्रशासनिक आयोजना
Central Administrative Tribunal

31 DEC 2001

गृहाधारी विवादपत्र

i. banch

Subject:- Reconsideration of appointment of Shri S. K. Misra
Kumar Dubey Ex-Cleaner of CGWB.

Sir,

I am directed to refer to your letter dated 10th August, 1985 addressed to Shri S.K. Misra Superintending Engineer, Central Ground Water Board, N.H. IV, Faridabad on the above subject and to say that the matter has been considered in the Ministry and it is not possible to reconsider the appointment of Shri Sunil Kumar Dubey because his services were terminated because of non-compliance of essential requirement of his appointment i.e. sponsorship of his name through the Employment Exchange. It is, however requested that Shri Sunil Kumar Dubey may be advised to apply in response to any vacancy circular from the Central Ground Water Board and then his application can be considered alongwith others under the Rules.

Yours faithfully,

(Sushma Nath)

Deputy Secretary to the Govt., etc.

Attested
Bhutta
Advocate

केन्द्रीय प्रशासनिक नियम विधि
Central Administrative Tribunal

31 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

REGISTERED :

No. 17-21/86-Estt.M
Government of India
Central Ground Water Board
NHIV, Faridabad (Haryana)

Dated : 2 NOV 1988

OFFICE MEMORANDUM

Shri/Kum/~~Mrs.~~ Sunil Kumar Dubey is offered an appointment to a temporary post of M.T.D. in the office of the E.E., C.G.W.B., Div. VII, Gauhati. on the pay of Rs. 950/- in the scale of 950-20-1150-EB-25-1500. The appointee will also be entitled to draw dearness and other allowances at the rates admissible under rules and orders governing the grant of such allowances in force from time to time.

2. The other terms of appointment are as follows :-

- i) The post is temporary and is at present sanctioned upto ~~2010~~, but is likely to continue. The claim of the candidate for permanent absorption will be considered in accordance with the Rules and orders on the subject.
- ii) He will be on probation for a period of 2 years from the date of his appointment, which period may be extended at the discretion of the competent authority. Within the period of two years in respect of probation period it shall be deemed to have been extended until further orders.
- iii) The appointment can be terminated at any time without notice and without assigning any reasons during the period of probation. After the expiry of probation period his service may be terminated at any time by giving one month's notice and without assigning any reason thereof. The appointing authority, however, reserves the right of terminating their services of the appointee forthwith or before the expiry of stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof. In the event of appointee leaving the job one month notice would be necessary.
- iv) The appointment carries with it the liability to serve in any part of India.

Attested
Kanta
Advocate

2002...

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v) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to :-

i) Production of a certificate of fitness from the Civil Surgeon/Chief Medical Officer.

ii) Submission of declaration in the prescribed form (Annexure-I) that in the event of the candidates having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.

iii) Taking of Oath of allegiance/faithfulness to the constitution of India in the prescribed form (Annexure-II).

4. Production of the following attested copies/original certificates :-

i) Certificate of educational and other technical qualification (Attested copies).

ii) Certificate of age (Attested copy).

iii) Character Certificate from two Gazetted officers of the Central/State Govt. and stipendiary Magistrate in the prescribed form (Annexure-III) to be submitted in original alongwith attestation.

iv) Certificate in the prescribed form in support to candidate claim to be in Scheduled Caste or Scheduled Tribes in original.

v) Discharge Certificate in prescribed form in previous service.

vi) Attached attestation form duly completed may please be sent in triplicate alongwith the letter of acceptance.

5. If any declaration given or information furnished by the candidate proved to be false or if the candidate is found to have wilfully suppressed any material information he will be liable to removal from service and such other action as Government may deem necessary.

6. It shall be purely at the discretion of the appointing authority in the event of his trying to secure employment elsewhere to forward or withhold his application to the other offices, the undersigned also reserves to himself the right to relieve him to join the appointment secured in other office.

7. If he is re-employed, any amount of over payment made to him earlier will be recoverable by adjustment from his salary during the period of re-employment.

8. He will not be allowed any foreign service terms and will be treated as first contract for all intents and purpose.

केन्द्रीय प्रशासनिक अदायकरण
Central Administrative Tribunal

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31 DEC 2007

गुवाहाटी न्यायपीठ
G. v. (Bench

-3-

9. If the offer is acceptable to him on the above terms and condition he should communicate his acceptance to this office by 10-11-89 if no reply is received or the candidate failed to report for duty in the said office by 27-11-89 the offer will be treated as cancelled.

10. No travelling allowance will be allowed for joining the appointment.


 2-11-89

(J.B.P.DUBEY)
DIRECTOR ADMINISTRATION

To

Shri Sunit Kumar Dubey

C/O E.E., CGWB, Div.VII,

GAUHATI.

Copy to:-

1. The Executive Engineer, CGWB, Div. No. Div.VII, Gauhati. The joining report, Oath of allegiance, plural marriage declaration attestation forms may please be sent as soon as the above person report for duty. He may also please be sent for Medical Examination by Civil Surgeon/C.M.O. and the attested copy of the Medical certificate forwarded to this office.
2. Office Order file
3. Personal file.

(J.B.P.DUBEY)
DIRECTOR ADMINISTRATION

Surya
1/11

केन्द्रीय प्रशासनिक आयोग रण
Central Administrative Tribunal

31 DEC 2007

गुवाहाटी न्यायालय
Gauhati Bench

No. 17-15/92-Estt (H)
 Government of India,
 Central Ground Water Board,
 NH IV, Faridabad - 121 001.

Dated the

OFFICE ORDER NO. 363 OF 1993 8 APR 1993

The following MDs are hereby transferred to the place indicated against each with immediate effect :-

<u>Sl. No.</u>	<u>Name</u>	<u>Place of present posting</u>	<u>Place to which transferred</u>
1.	Sh. Balkar Singh	Div. XI, Jodhpur	Div. II, Ambala
2.	Sh. Ram Singh Thapa	Div. V, Ranchi	Div. II, Ambala
3.	Sh. Dharam Dev Singh	Div. VII, Gauhati	Div. III, Varanasi
4.	Sh. Sunil Kumar Dabey	Div. VII, Gauhati	Div. III, Varanasi
5.	Sh. H.N. Pandey	Div. I, Ahmedabad	Div. III, Varanasi
6.	Sh. M.L. Gupta	Div. V, Ranchi	Div. III, Varanasi
7.	Sh. K. Chitti Babu	Div. IX, Hyderabad	Div. IV, Madras
8.	Sh. Inder Singh Purushit	Div. I, Ahmedabad	Div. XI, Jodhpur
9.	Sh. Tek Bahadur	Div. V, Ranchi	ER, Calcutta
10.	Sh. S.K. Mandal	SUO, Agartala	Div. VII, Gauhati
11.	Sh. Sukh Ram Oran	SER, Bhubaneswar	Div. V, Ranchi
12.	Sh. Bakshi Singh	Div. VII, Gauhati	NCR, Bhopal
13.	Sh. R.S. Pandey	Div. I, Ahmedabad	Div. III, Varanasi
14.	Sh. Lalita Prasad	Div. XI, Jodhpur	Div. III, Varanasi
15.	Sh. Bhordan	NCR, Bhopal	Div. XI, Jodhpur
16.	Sh. Joginder Ram	NCR, Bhopal	Div. XI, Jodhpur
17.	Sh. Jeeta Ram	NCR, Bhopal	Div. XI, Jodhpur
18.	Sh. S.C. Nagori	WCR, Ahmedabad	Div. XI, Jodhpur
19.	Shri Subhan Khan	WCR, Ahmedabad	Div. XI, Jodhpur
20.	Sh. Adikas Hambir	Div. XIII, Raipur	ER, Calcutta
21.	Sh. Mohd. Ishaq	Div. X, Bhubaneswar	SR, Hyderabad
22.	Sh. I.H. Bag	Div. XIV, Bangalore	Div. IX, Hyderabad
23.	Sh. Mohd. Hasib Khan	Div. XIV, Bangalore	NCR, Bhopal
24.	Sh. Shiv Kumar Shah	Div. XIV, Bangalore	Div. V, Ranchi

केन्द्रीय प्रशासन नियम विधि
 Central Administrative Tribunal

31 DEC 2001

गुवाहाटी न्यायपीठ
 Gauhati Bench

.... 2

Attested
 Anita
 Advocate

: 2 :

25. Sh. Mohd. Mohibulla Div. VII, Gauhati NER, Gauhati
 26. Sh. Onkar Singh Div. IX, Hyderabad SR, Hyderabad

17. Since the transfer of Sl. No. 1 to 12 has been ordered in public interest. They are entitled to TA/DA and joining time as admissible under the rules. Sl. No. 13 to 24 are transferred at their own request and they are not entitled to TA/DA and joining time. There is no change in the posting of Sl. No. 25 and 26, as they are transferred at the same station. They are also not entitled to TA/DA and joining time.

J J Hindu 07/11/03
 (R.S. SHARMA)
 ASSTT. ADMINISTRATIVE OFFICER
 for DIRECTOR (ADMINISTRATION)

Distribution :

1. Persons concerned.
2. The Executive Engineer, CGWB, Div. III/IV/XI/V/VII/IX/XII/XIV, Varanasi/Madras/Jodhpur/Ranchi/Ahmedabad/Gauhati/Bhubaneswar/Raipur/Hyderabad/Bangalore.
3. The Director CGWB, NCR/ACR/SER/ER/SR/NER, Bhopal/Ahmedabad/Bhubaneswar/Calcutta/Hyderabad/Gauhati.
4. The Secretary General, AICGWB, Faridabad.
5. Personal files.
6. Office order file.

केन्द्रीय प्रशासनिक अधिकारण
 Central Administrative Tribunal

31 DEC 2007

गुवाहाटी न्यायालय
 Gauhati Bench

केन्द्रीय प्रशासनिक आदानप्रदान
Central Administrative Tribunal

31 DEC 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

Annexure-4

No. 17-1/96-Estt (M)
Government of India
Central Ground Water Board
NH-IV, Faridabad

Dated 30 JAN 1996

OFFICE ORDER NO. 113 OF 1996

The following Drivers are hereby transferred to the places shown against each with immediate effect:-

Sr. No.	Name	Place in which working	Place in which posted
1.	S/Sh Sham Singh	Div VIII Hammu	Div II Ambala
2.	Sh Brijnathpal	MR. Lucknow	Div III Varanasi
3.	Sh Salig Ram	Div V, Ranchi	Div III "
4.	" Amrik Singh	Div VIII, Jammu	WKR Chandigarh
5.	" Albert Tirkey	SICCR Raipur	Div V Ranchi
6.	" Mohd Qummaridān	Div XIII, Raipur	Div V "
7.	" H.L. Saha	SUO Agartala	Div VII, Gauhati
8.	" John Soran	Div V Ranchi	Div XV Calcutta
9.	" Kishan Singh	Div IX Hyderabad	SR Hyderabad
10.	" Baswa Raj	Div IX "	Div IV Madras
11.	" Chandra Ram	Div I A'bād	Div XI Jodhpur
12.	" Jawhar Prasad	Div X Bhubaneshwar	Div XIII Raipur
13.	" Sunil Kumar Dubay	Div VII Gauhati	Div XIII Bhopal
14.	" Rash Pal Singh	Div XII Bhopal	Div VIII Jammu
15.	" Khem Chand Raikwar	WCR A'bād	Div XIII Bhopal
16.	" Jeet Singh Rathore	Div I A'bād	SUC Barielly
17.	" Pyre Lal	Div X Bhubaneshwar	SUO Kangra
18.	" Tek Bahadur	Div V Ranchi	Div IV Calcutta
19.	" Mange Lal	Div XI Jodhpur	Div XII Bhopal
20.	" Karan Bahadur	Div VIII Jammu	Div XVI Barielly
21.	" Jaswant Singh	Div VIII Jammu	SUC Kangra
22.	" Mohan Singh	Div XII Bhopal	Div XVI Barielly
23.	" Tula Ram	Div XIII, Bhopal	"
24.	" M.K. Sharma	Div XIII Raipur	"
25.	" B.D. Joshi	Div VI Nagpur	"
26.	" Sumer	-do-	"
27.	" RAMPAL Singh	-do-	"

Intended
for
Advocate

B. Ravinder

24

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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गुजराती स्थायी पीठ
Gujarati Bench

: 2 :

Sr No	Name	Place in which working	Place for which posted
28.	S/Sh M.I. Khan	CR Nagpur	Div. XIII. Rajpur
29.	" C.F. Nitwane	"	"
30.	" H.R. Balharia	"	"
31.	" T.B. Chauhan	"	Div. X. Bhavnagar
32.	" Arun Kumar	"	"

Since the transfer of Sr No 1 to 8 and 10 to 14, 15 and 18 to 32 have been ordered in public interest, they are entitled to TA/DA & Joining time as admissible under the rules.

3. The transfer of Sr No 15 and 17 has been ordered at their own request and even they have not completed 3 years tenure at present place of posting hence they are not entitled to TA/DA and joining time.

4. Since there is not change of place of posting of Sr. No. 9, he is not entitled for any TA/DA & joining time.

5. This issues with the approval of the Competent Authority.


(K.S. BHASKAR)

Administrative Officer

Distribution:

1. Persons concerned
2. Personal file
3. The EX Engineer, CGWB, Div. VIII/V/XIII/IX/I/X/VII/XII/XI/VI.
4. The Director, CGWB, NR/WCR/CR/NCOR/Lucknow/Ahmedabad & Nagpur/Ranchi
5. The Officer In-Charge, SUO, Agartala.
6. The Secretary General, AICGWEA, Faridabad.
7. Office Order file.

= 1991 : 07 - 815

Annexure-5

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

31 DEC 2001

गुवाहाटी नियमित
G. O. No. 17/2001

No. 17-10/2001-Min. Estt. 287
Government of India,
Ministry of Water Resources,
Central Ground Water Board,
NH-IV, Faridabad - 121 001.

Dated:

10 JAN 2002

OFFICE ORDER No. 31 OF 2002

On the recommendations of DPC (Group 'C') and on the approval of the competent authority the following **Drivers (OG)** are hereby **promoted** to the post of **Driver (Gd.II)** in the pay scale of **Rs. 4000-100-6000/-** with effect from 1.8.98. On promotion, they are posted on the same place at which they are presently posted:

S.No.	Name of the Driver (OG)	Present place of posting
1.	S/Sh. Aziz Hussain	Div.IV, Chennai
2.	Nirmal Singh	Div.VIII, Janunu
3.	Jai Bhagwan	Div.II, Ambala
4.	B. M. Gowda	Div.XIV, Bangalore
5.	V. Rajendran Nair	KR, Trivendrum
6.	Raghavan K. Kandy	KR, Trivendrum
7.	Nar Singh	Div.XI, Jodhpur
8.	Surya Singh	WCR, Ahmedabad
9.	Basta	WCR, Ahmedabad
10.	Dama Ram	Div.XI, Jodhpur
11.	Anand Prakash	SUO, Jodhpur
12.	Tulsi Ram	SUO, Jodhpur
13.	Achhey Khan	Div.III, Varanasi
14.	Aslam A. Murgod	SUO, Belgaum
15.	A. I. Nadaf	SUO, Belgaum
16.	B. V. Navnihal	SUO, Belgaum
17.	M. A. Malaji	SUO, Belgaum
18.	Maguni Nayak	SER, Bhubaneshwar
19.	Muni Gangappa	SWR, Bangalore
20.	S. L. Tamre	SUO, Belgaum
21.	Manohar Lal	NCR, Bhopal
22.	P. N. Mastud	Div.XII, Bhopal
23.	R. Adinarayan	SER, Bhubaneshwar
24.	Ghewar Lal	Div.XI, Jodhpur
25.	Arjun Singh	SUO, Jodhpur
26.	Ram Chander Bisluoi	Div.XI, Jodhpur
27.	Ashok Kumar Das	SER, Bhubaneshwar
28.	Ram Chander Shekhawat	SUO, Jodhpur
29.	Dharam Dev Singh	Div.XVI, Bareilly
30.	Dharam Singh Sedhi	NWR, Chandigarh
31.	S. Baswaraj	SECR, Chennai
32.	Mohd. Quamruddin	Div.V, Ranchi, Ranchi
33.	Sumar	Div.XVI, Bareilly
34.	Prem Singh	Div.XII, Bhopal
35.	T. K. Ghose	Div.XV, Kolkata
36.	Lal Chand	NR, Lucknow
37.	Saligram	Div.III, Varanasi

*Attested
Ranita
Advocate*

38.	Ram Babu	Div. III, Varanasi
39.	Abdul Mazid	Div. III, Varanasi
40.	K. H. Mendhe	Div. VI, Nagpur
41.	Labh Singh	Div. VIII, Jammu
42.	Girdhari Lal	Div. VIII, Jammu
43.	Gurdyal Singh	Div. I, Ahmedabad
44.	M. D. Yadav	Div. XII, Bhopal
45.	Shanker Singh	SER, Bhubaneshwar
46.	G. Laxminarayana	SR, Hyderabad
47.	Gopal Bhushan	Div. VIII, Jammu
48.	Tul Bahadur Thapa	Div. I, Ahmedabad
49.	Akbar Ali	Div. VII, Guwahati
50.	Mohit Kumar Missal	SER, Bhubaneshwar
51.	Parmanand Sahu	SER, Bhubaneshwar
52.	Debender Das	SER, Bhubaneshwar
53.	Rameshwar	Div. X, Bhubaneshwar
54.	Hari Shankar Sahu	SUO, Allahabad
55.	Jora Ram	Div. XI, Jodhpur
56.	Mool Singh	Div. I, Ahmedabad
57.	R. K. Nageshwar	NCR, Bhopal
58.	Joginder Kun. Dass	SER, Bhubaneshwar
59.	P. Malyadri	SR, Hyderabad
60.	Sudershan Bahera	SER, Bhubaneshwar
61.	Kuber Bahera	SER, Bhubaneshwar
62.	Sushil Kumar	NCR, Bhopal
63.	Santosh Chand Nandi	Div. XV, Kolkata
64.	Harbhajan Singh	Div. I, Ahmedabad
65.	J. Raju	SR, Hyderabad
66.	Ramesh Rao	Div. XII, Bhopal
67.	Mohd. Sajiq Khan	NCR, Bhopal
68.	Sunil Kumar Dubey	Div. VII, Guwahati
69.	Abraham Charian	KR, Trivendrum
70.	K. K. Naur	KR, Trivendrum
71.	A. K. Sayed	Div. I, Ahmedabad
72.	Tarsang Bhai H. Chavda	Div. I, Ahmedabad
73.	S. Yadgiri	Div. IX, Hyderabad
74.	Jeet Singh	SUO, Bareilly
75.	M. D. Bahera	Div. X, Bhubaneshwar
76.	Radhey Shyam Pandey	Div. III, Varanasi
77.	Braham Singh Yadav	CHQ, Faridabad
78.	R. K. Kumar	Div. XIV
79.	Braham Singh Badhana	HQ, New Delhi
80.	K. Venkateshwarlu	Div. XIV, Bangalore
81.	A. N. Tidkey	Div. VI, Nagpur, Nagpur
82.	D. D. Badgujjar	Div. VI, Nagpur, Nagpur
83.	Ranjit Singh	Div. XVI, Bareilly
84.	P. D. Sahu	Div. XII, Bhopal
85.	V. V. Jadav	SUO, Pune
86.	B. P. Choudhary	Div. XII, Bhopal
87.	Kailash Ch. Rai	Div. XII, Bhopal
88.	Jagir Singh - II	NWR, Chandigarh
89.	Buadher Singh	NCR, Bhopal
90.	Lalita Prasad	Div. III, Varanasi
91.	D. Bhopalan	Div. IV, Chennai
92.	K. Nagraj (II)	SWR, Bangalore
93.	N.G. Radha Krishnan	SWR, Bangalore

केंद्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

31 DEC 2001

गुवाहाटी न्यायालय
Guwahati Bench

94.	P. P. Oberoi	CR, Nagpur
95.	Md. Hasib Khan	NCR, Bhopal
96.	Muniswamy	SWR, Bangalore
97.	Inder Dev	Div. III, Varanasi
98.	Surender Tiwari	Div. X, Bhubaneshwar
99.	Mohd Isaq	SR, Hyderabad
100.	K. N. Singh	Div. V, Ranchi
101.	Albert Tirkey	Div. V, Ranchi
102.	Kangoi Hansda	Div. X, Bhubaneshwar
103.	S. S. Negi	Div. XVI, Bareilly
104.	Bankey Lal	Div. III, Varanasi
105.	M. K. Sharma	Div. XVI, Bareilly
106.	Jeet Ram	Div. I, Ahmedabad
107.	P.S. Mishra	Div. III, Varanasi
108.	Joginder Ram	NCR, Bhopal

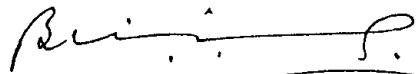
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

31 DEC 2002

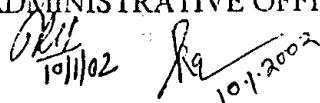
गुवाहाटी न्यायपाल
Court of Justice, Bench

Since, there is no change in their place of posting, they are not entitled to TA/ DA and Joining time as per Rules.

On promotion, they will exercise an option within the period of one month on the date of taking over the charge of post whether they will get the pay fixed in the next post either straightway on the date of their appointment on promotion to the new post or from the date of their next increment in the lower post.



(B. S. PATWAL) 10/01/02.
ADMINISTRATIVE OFFICER


10/01/02 10/01/2002

DISTRIBUTION:

1. Persons concerned.
2. The Regional Director, CGWB, WCR, Ahmedabad/ KR, Trivendrum/ SER, Bhubaneshwar/ SWR, Bangalore/ NWR, Chandigarh/ SECR, Chennai/ SR, Hyderabad/ NCR, Bhopal/ CR, Nagpur/ NR, Lucknow
3. The Executive Engineer, CGWB, Div.I, Ahmedabad/ II, Ambala/ III, Varanasi/ IV, Chennai/ V, Ranchi/ VI, Nagpur/ VII, Guwahati/ VIII, Jammu/ IX, Hyderabad/ X, Bhubaneshwar/ XI, Jodhpur/ XII, Bhopal/ XIV, Bangalore/ XV, Kolkata/ XVI, Bareilly.
4. The Officer Incharge, CGWB, SUO, Belgaum/ Jodhpur/ Allahabad/ Pune/ Bareilly.
5. The Head of Office, CGWB, Jamnagar House, New Delhi.
6. The Pay and Accounts Officer, CGWB, Faridabad.
7. The Administrative Officer (A/c), CGWB, Faridabad.
8. PS to Chairman, CGWB, Jamnagar House, New Delhi.
9. The Secretary General, AICGWBEA, Faridabad.
10. Office order file.

No. 17-5/2005-Min. Estt. 8/68
Government of India
Central Ground Water Board
Bhujal Bhawan
NH IV, Faridabad - 121001

3X

Dated: 14 DEC 2005

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
31 DEC 2005
गुवाहाटी न्यायदीठ G. J. Bench

OFFICE ORDER NO. 977 OF 2005.

On the recommendations of the DPC (Group-C) Shri Sunil Kumar Dubey, Driver(Gr. II), CGWB, Div.VII, Guwahati is hereby promoted to the post of Driver (Gr.I) in the pay scale of Rs. 4500-125-7000/- with his posting at CGWB, Divn. VII, Guwahati. His promotion will take effect from the actual date of his joining to the promotional post at Div. VII, Guwahati.

Since there is no change in place of posting, he is not entitled for TA/DA & joining time as per Rules.

He is advised to give his acceptance or otherwise within 10 days from the date of receipt of order and report for duty at his place of posting within 20 days from the date of issue of order. In case, the acceptance is not received within the stipulated period of 10 days, it will be presumed that the official is not willing to accept the promotion and the promotion order will be cancelled without waiting for any further reference. No extension of time for furnishing acceptance or otherwise for joining the station on promotion will be entertained.

He will exercise option within one month from the date of taking over the charge of the post, whether he will get the pay fixed in the new post either straightway from the date of joining on promotion to the new post or from the date of his next increment in the old scale.

In case of failure to report for duty on promotion, no fresh offer of promotion to the post of Assistant will be given to the official for a period of one year in terms of Ministry of Home Affairs, OM No. 22034/3/81-Estt(D) dated 1.10.81.


(S.K. SINHA)
DIRECTOR (ADMINISTRATION)

DISTRIBUTION:-

1. Shri Sunil Kumar Dubey, Driver (Gr.II), CGWB, Div.VII, Guwahati.
2. The Executive Engineer, CGWB, Divn. VII, Guwahati.
3. The Pay & Accounts Officer, CGWB, Faridabad.
4. PA to Director (Administration), CGWB, Faridabad.
5. The Secretary General AICGWBEA, Faridabad.
6. Personal File.
7. Office Order File.

Attested
Dulta
Advocate

As on 1.4.2001

Diver (06)

Annexure - 7

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44 Mohd Quamruddin	VII	2.1.55	10.5.77	23.7.87	GN	P	Div. V, Ranchi
45 Sumer	VIII	7.7.51	26.3.74	30.7.87	SC	P	Div. XVI, Bareilly
46 Prem Singh	VIII	15.6.49	10.7.69	28.7.87	GN	P	Div. XII, Bhopal
47 T K. Ghose	X	22.11.61	14.11.83	30.7.87	GN	P	Div. XV, Kolkata
48 Lal Chand	VIII	2.7.57	4.12.76	7.8.87	GN	P	Div. VI, Nagpur
49 Saligram	IX	1.7.50	4.3.71	21.8.87	GN	P	Div. III, Varanasi
50 Ram Babu	NIL	1.1.52	2.3.83	21.8.87	GN	P	Div. III, Varanasi
51 Abdul Mazid	IX	18.2.48	22.2.83	25.8.87	GN	P	Div. III, Varanasi
52 Sadhu Ram	III	10.10.53	29.10.71	18.11.87	GN	P	Div. II, Ambala
53 Mohd Gausuddin	SSLC fail	5.12.59	14.12.87	14.12.87	GN	P	Div. IX, Hyderabad
54 K. H. Mendhe	IX	1.7.58	10.12.87	10.12.87	SC	P	Div. VI, Nagpur
55 Labh Singh	VIII	6.12.59	11.3.85	18.12.87	GN	P	Div. VIII, Jammu
56 Girdhari Lal	X	16.2.57	28.12.87	28.12.87	SC	P	Div. VIII, Jammu
57 R. N. Parmar	SSLC	1.6.54	6.1.88	6.1.88	SC	P	WCR, Ahmedabad
58 Gurdyal Singh	V	13.3.49	12.11.76	6.1.88	GN	P	Div. I, Ahmedabad
59 M. D. Yadav	X	10.2.48	1.11.72	13.1.88	GN	P	Div. XII, Bhopal
60 Shanker Singh	IX	20.3.64	19.2.88	19.2.88	GN	P	MER, Patna
61 G. Laxminarayana	VIII	5.5.48	9.5.73	21.3.88	OBC	P	SR, Hyderabad
62 S. Pandurangan	IV	13.8.54	23.7.83	21.3.88	GN	P	Div. IX, Hyderabad
63 Gopal Bhushan	VIII	12.4.60	4.12.84	22.4.88	GN	P	Div. VIII, Jammu
64 Tul Bahadur Thapa	NIL	12.1.50	24.3.73	9.5.88	GN	P	Div. I, Ahmedabad
65 Akbar Ali	VII	21.5.49	13.7.77	30.8.87	GN	P	Div. VII, Guwahati
66 A. K. Sarkar	VIII	4.4.45	23.8.77	11.8.88	SC	P	NCCR, Raipur
67 Mohit Kumar Missal	IX	4.11.59	16.8.88	16.8.88	GN	P	SER, Bhubaneshwar
68 Parmanand Sahu	X	3.6.63	16.8.88	16.8.88	GN	P	SER, Bhubaneshwar
69 Debender Das	XI	2.6.59	19.8.88	19.8.88	SC	P	SER, Bhubaneshwar
70 Sarwan Kumar	V	3.5.49	1.8.71	6.9.88	SC	P	WCR, Ahmedabad
71 Rameshwar	V	1.7.41	1.8.65	12.9.88	SC	P	Div. X, Bhubaneshwar
72 Hari Shankar Sahu	VIII	4.1.52	16.5.81	23.12.88	GN	P	SUO, Allahabad
73 Jora Ram	NIL	15.12.47	9.1.89	9.1.89	GN	P	Div. XI, Jodhpur
74 Mool Singh	NIL	1.9.46	11.1.89	11.1.89	GN	P	WCR, Ahmedabad
75 R. K. Nageshwar	XI	11.3.58	9.3.88	11.8.89	SC	P	NCR, Bhopal
76 Sona Dutt Senapathi	VII	1.3.68	23.8.89	23.8.89	SC	P	SUO, Itanagar
77 S. K. Mandal	VIII	1.7.60	25.8.89	25.8.89	SC	P	Div. VII, Guwahati
78 Joginder Km. Dass	X	22.10.63	25.8.89	25.8.89	SC	P	SER, Bhubaneshwar
79 H. Subash Rao	VIII	14.12.60	25.8.89	25.8.89	ST	P	SR, Hyderabad
80 P. Malyadri	X	1.7.55	28.8.89	28.8.89	ST	P	SR, Hyderabad
81 Anand Naik	VIII	15.7.85	30.8.89	30.8.89	SC	P	Div X, Bhubaneshwar
82 Sudershan Bahera	VII	1.7.63	8.9.89	8.9.89	SC	P	SER, Bhubaneshwar
83 Kuber Bahera	VI	2.1.66	29.9.89	29.9.89	SC	P	SER, Bhubaneshwar
84 Sushil Kumar	VIII	25.11.54	20.10.89	20.10.89	ST	P	NCR, Bhopal
85 Santosh Chand Nandi	VII	1.1.48	25.1.77	17.11.89	GN	P	Div. XV, Kolkata
86 Faqir Chand	X	13.11.58	4.5.78	20.11.89	GN	P	Div. II, Ambala
87 Harbhajan Singh	NIL	22.8.51	17.9.74	20.11.89	GN	P	Div. I, Ahmedabad
88 J. Raju	V	15.6.59	21.11.89	21.11.89	ST	P	SR, Hyderabad
89 Ramesh Rao	VIII	1.7.50	10.5.73	23.11.89	GN	P	Div. XII, Bhopal
90 Mohd Sufiq Khan	IX	1.7.52	14.6.77	28.11.89	GN	P	NCR, Bhopal
91 Bishan Singh	VIII	17.7.54	30.6.73	8.12.89	GN	P	WCR, Ahmedabad
92 Ram Siya Ram Kali	NIL	3.1.53	19.2.71	19.12.89	GN	P	Div. XIII, Raipur
93 Sunil Kumar Dubey	VIII	1.11.62	20.12.89	20.12.89	GN	P	Div. VII, Guwahati

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

31 DEC 2001

गुवाहाटी न्यायालय
BenchAttested
Bulta
Advocate

APPENDIX-9

INCENTIVES FOR SERVING IN REMOTE AREAS

g. [G.I. M.F. O.M. No. 20014/3/83-E, IV, dated the 14th December, 1983, read with O.M. No. 20014/3/83-E, IV, dated the 30th March, 1984, 27th July, 1984, G.I. M.F., U.O. No. 3943-E, IV/84, dated the 17th October, 1984, O.M. No. F. 20014/3/83-E, IV, dated the 31st January, 1985, 25th September, 1985, U.O. No. 824-E, IV/86, dated the 1st April, 1986, O.M. No. 20014/3/83-E, IV, dated the 29th October, 1986, O.M. No. 20014/3/83-E, IV/E, II (B), dated the 11th May, 1987, 28th July, 1987, 15th July, 1988 and O.M. No. F. 20014/16/86-E, IV/E, II (B), dated the 1st December, 1988 and O.M. No. 11 (2)/97-E, I (B), dated the 22nd July, 1998.]

I

Allowances and facilities admissible to various categories of civilian Central Government employees serving in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram, Andaman and Nicobar Islands and Lakshadweep Islands. These orders also apply *mutatis mutandis* to officers posted to N-E Council, when they are stationed in the N-E Region and to the civilian Central Government employees including officers of All India Services posted to Sikkim.

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period $\frac{2}{3}$ rd years. Officers, on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Reports:

Satisfactory performance of duties for the prescribed tenure in the North-East shall be given due recognition in the case of eligible officers in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

*Attested
Nitin
Advocate*

APPX. 9] INCENTIVES FOR SERVING IN REMOTE AREAS

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The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North-East.

A specific entry shall be made in the CR of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of $12\frac{1}{2}\%$ of basic pay on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn without any ceiling on its quantum. The condition that the aggregate of the Special (Duty) Allowance *plus* Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with from 1-8-1997. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Government civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para. and are exempted from payment of Income Tax under the Income Tax Act will also draw Special (Duty) Allowance.

NOTE 1.— Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

NOTE 2.— Central Government civilian employees, having 'All India Transfer Liability' on their posting to Andaman & Nicobar Islands and Lakshadweep Islands are, with effect from 24th May, 1989, granted 'Island Special Allowance' in lieu of 'Special (Duty) Allowance'. See Orders in Section V of this Appendix.

(iv) Special Compensatory Allowance:

The recommendations of the Fifth Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1-8-1997.

For orders regarding current rates of Special Compensatory allowance—See Part V of this Compilation - HRA and CCA

(v) Travelling Allowance on first appointment:

In relaxation of the present rules (SR 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in

case of journeys for taking up initial appointment to a post in the North-Eastern Region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for journey on transfer:

In relaxation of orders below SR 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects up to $\frac{1}{3}$ rd of his entitlement at Government cost or have a cash equivalent of carrying $\frac{1}{3}$ rd of his entitlement or the difference in weight of the personal effects he is actually carrying and $\frac{1}{3}$ rd of his entitlement, as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North-Eastern Region.

This concession is admissible only in cases where the Government servant is transferred from a station outside the region to a station in the N-E Region and vice versa; the same is not applicable from one station to another station within the region.

(vii) Road mileage for transportation of personal effects on transfer:

In relaxation of orders below SR 116, for transportation of personal effects on transfer between two different stations in the North-Eastern Region, the higher rate of allowance admissible for transportation in 'A' class cities, subject to the actual expenditure incurred by the Government servant will be admissible.

The higher rate of road mileage is admissible only between stations not connected by rail.

(viii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in the North-Eastern Region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer

-31-

travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North-East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North-Eastern Region.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families (spouse and two dependent children) to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M., dated December, 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Officers drawing pay of Rs. 13,500 or above, and their families, i.e., spouse and two dependent children (up to 18 years for sons and 24 years for daughters) will be allowed air travel between Imphal/Silchar/Agartala/Aizawl/Lilabari and Calcutta and vice versa; between Port Blair and Calcutta/Chennai and vice versa in case of postings in A & N Islands; and between Kavaratti and Cochin and vice versa in case of postings in Lakshadweep.

(x) Children Education Allowance and Hostel subsidy:

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance up to Class XII will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If the children studying in schools are put in hostels at the last station of posting or any other station the Government servant concerned will be given hostel subsidy without other restrictions. The rates of Children Education Allowance/Hostel subsidy will be as in the DoP & T, O.M. No. 21017/1/97-Estt. (Allowances), dated 12-6-1998.

(xi) Concession regarding of House Rent Allowance to officers posted in the States of North-Eastern Region, Andaman and Nicobar Islands and Lakshadweep Islands:

The present concession as contained in this Ministry's O.M. No. 11016/1-E. II (B)/84, dated 29-3-1984 (item III below), as amended from time to time will continue to be applicable.

NO. CGWB/DIV-VII/ESTT./I.A./2005- 423

GOVERNMENT OF INDIA

CENTRAL GROUND WATER BOARD

DIVISION - VII,

R.G.BARUAH ROAD,

GUWAHATI - 781024.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

31 DEC 2005

गुवाहाटी न्यायालय
Guwahati Bench

Date :- 01.6.05.

OFFICE ORDER

As per observations of the Internal Audit vide their letter No. WR/CA/IA/62/2004-5-93 dt. 18.5.05, it has been pointed out that the following officials were drawn/paid various in-admissible claims/allowances as details indicated each.

Sl.No.	Name of Official	I.R. para No.	details of claims/allowances	
1.	Shri S. K. Dubey Driver-I	7	i) E.P.C. B. 1760 X ii) " " 5865 X iii) " " 8133 X	15763
2.	ShrimR. P. Sharma, Peon	"	i) " " 1808 X ii) " " 5632 X	7440
3.	Shri K.C.Das, T.O.D.(C)	8	Ad Adhoc Bonus. i) 03-04 554 X ii) " 00-01 135 X iii) " 01-02 108 X	797
4.	Shri B.C.Talukder, "	"	i) " " 250 X ii) " " 412 X iii) " 04-05 203 X	865
5.	Shri B.C.Kalita	9	Spil(d) Allow.	2250
6.	Shri K.C.Das	"	"	932
7.	Shri K.C.Nath	"	"	371
8.	Shri Niranjan Medhi, "	"	"	613
9.	Shri R.N.Sharma, ADCM	"	"	1616
10.	Shri A.K.Chakravorty, D.I.C.	"	"	758

Attested
Dawula
Advocate

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

31 DEC 2005

गुवाहाटी न्यायालय
Guwahati Bench

Cat. No. 3/-

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2

It is, therefore, requested kindly to
refund/deposite the above amount as mentioned against each
latest by 30/06/2005 otherwise the amount stated above will
be recovered from the salary of July 2005.

(J. C. BORGOHAIN)
EXECUTIVE ENGINEER

21/06/05

DISTRIBUTION :-

1. Person concerned.

Div. VII, Guwahati for information.

2. The Cashier, CGWB

3. Bill Clerk

केन्द्रीय विधायक नियन्त्रण
Central Administrative Tribunal

31 DEC 2002

गुवाहाटी विधायकीय
G. W. B. Bench

Advance copy already sent to C.R.A.

To,
The Director Administration,
Central Ground Water Board,
C.G.W Complex, NH-IV,
Faizabad - 221001
Dated: 22.6.05

From,

S. K. Dubey (D.I.-II)
Village- Jodpur Dubey Tola
Post- Jodpur
Dist- Gopalganj (Bihar)
Pin- 841428.

(Through Proper Channel)

Subs: Request application for considering the recovering
letter of my Emergency Passage Concession.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Trib

R/Sir,

31 DEC 2007

With profound respect I beg to state that I am a
low post employee of your office, Division-VII, Guwahati.
I received a letter from your this office on 21-6-05
whose no. is NO. C.G.W.B/DIV-VII/ESTT/I.A/2005-423
regarding Emergency Passage Concession. Sir, I was
attached with Executive Engineer for last 12 years and
during this period and to my knowledge the following
officials were appointed in N.E. region as their first
appointment and had availed the Emergency Passage
Concession as follows—

- ① Sri Krishan, E.D.C. (who is now transferred to Bangalore)
- ② Sri A.K. Sahu, DIC (who is now transferred to Bhubaneswar)
- ③ Sri N. Verma, AEE (who is now transferred to Bhopal)
- ④ Sri S.N. Singh, DIC (who is now transferred to Varanasi)
- ⑤ Sri H.K. Behra, DIC (who is now transferred to Bhubaneswar)

Sir, there may be other office staff who have first
appointment in N.E. region and have availed the
Emergency Passage Concession which is not in my
knowledge.

Sir, the letter which I received on 21-6-05 the
above mention officials were excused as their
names are not mentioned in this letter. I also
request you to pardon me and I promise that
in future I will not apply for Emergency Passage
Concession. I am a low post employee and I am
affiliated to Central Ground Water Board I am
from Jodhpur.

22/6/05
S. K. Dubey
D.I.-II
Central Ground Water Board
Jodhpur, VII, Jodhpur

P.T.O.

ways facing financial hardship. I am from M
Bihar and it is very difficult for me to fulfil
the necessary requirement of my family.

I hope you will consider my request
sympathetically keeping in consideration the
actual problem of my family.

I am enclosing the xerox copy of the letter
No. C.G.W.B/ DIR- VII / ESTT / I.A / 2005-423 for your
kind perusal.

Thanking you, Sir.

Yours faithfully

By 22/10/05

S. L. Dubey

Driver - II

C.G.W.B., Dir- VII,
Zoo Road,
Guwahati- 781024.

Copy forwarded to -

① Executive Engineer, (2-Copy)
C.G.W.B., Dir- VII, Zoo Road,
Guwahati - 781024.

② Secretary General
AICGBEA
NH- 15
Paridabad - 121001

③ General Secretary
C.G.W.B., Dir- VII,
Guwahati - 781024.

केन्द्रीय प्रशासनिक अधिदरण
Central Administrative Tribunal

31 DEC 2007

गुवाहाटी न्यायालय
i. P. ch

By 22/10/05
S. L. Dubey
Driver - II

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES
CENTRAL GROUND WATER BOARD
DIVISION VII, ZOO ROAD,
GUWAHATI-24.

NO.CGWB/DIV/VII/Estt/P-386/05-06 Dated : 15th July/2005.

To

The Director (Administration),
Central Ground Water Board,
Bhujal Bhawan, N.H. IV,
Faridabad (Haryana).

Sub.: Application for considering the recovery of emergency passage concession respect of
Sri S.K. Dubey, Driver-Gr.II.

Sir,

I am to forward here with a representation received from Sri S.K. Dubey, Driver, Gr-II
on the subject cited above for your kind perusal.

It is to inform you that the following officers/official names (resident of outside of NER)
mentioned in his representation were appointed in this office through selection of UPSC & SSC
respectively.

1. Sri	A.K. Sahu,	DIC
2. "	N.Verma,	A.E.E.
3. "	S.N. Singh,	DIC
4. "	H.K. Behera,	DIC
5. "	Tridha Trinadha,	LDC

केंद्रीय प्रशासनीय आयोग, असम
Central Administrative Tribunal

31 DEC 2005

गुवाहाटी न्यायपीठ
G. I. B. Bench

As per record of this office Sri S.K. Dubey, Dr-II (resident of outside of NER) had been
appointed in this office (NER), Guwahati through the Local Employment exchange, Kamrup,
Guwaahati under Regn. No. 10388/87 dated 07-11-1987 (copy enclosed).

While scrutinizing the Emergency Passage Concession cases by the internal audit it has
found that S/Sri S.K. Dubey, Driver-II and R.P.Sharma, Peon had drawn/availed (both were
locally appointed) Emergency Passage concession which is not admissible to hem.

As such, the Internal Audit has raised the observation vide their letter No. WR/CA/IA/62-2004-
05/95 dated 18-05-05 (copy enclosed) and directed to recover the drawn amount of
Emergency Passage Concession from them accordingly this office has issued recovery order
vide this office letter CGWB/DIV/VII/ESTT/IA/2005-423 dated 21.06.05.

Therefore, you are requested to kindly advise further courses of action to be taken in this
matter.

Yours faithfully,

- 6d -

(J.C.BORGOHAIN)
Executive Engineer.

Copy to :

- ✓ Sri S.K. Dubey, Driver, CGWB, div-VII, Guwahati for information with reference to
this representation dated 22-06-2005 and No. dated 04-06-05.
- the Secretary General, AICGWBEA, NHIV, Faridabad.
- the General Secretary, AICGWBEABC, Guwahati.

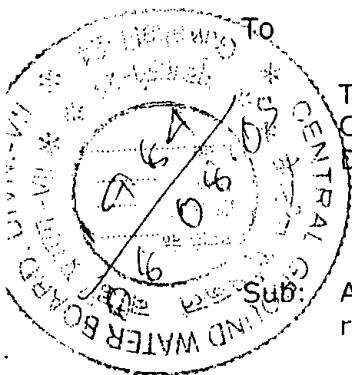
15/07/05
(J.C.BORGOHAIN)
Executive Engineer

Attested
With
Advocate

No.4-4278/90-Min.Estt.,
Government of India,
Ministry of Water Resources,
Central Ground Water Board,
Bhujal Bhawan,
NH-4, Faridabad - 121 001.

Dated:

2 AUG 2005



To
The Executive Engineer,
Central Ground Water Board,
Div.VII, Guwahati.

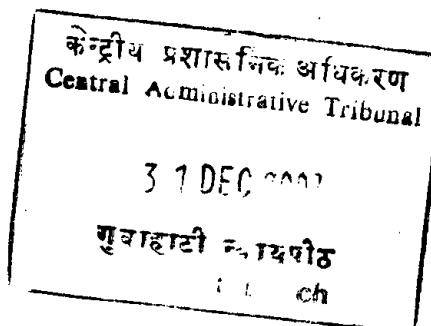
Sub: Application for considering the recovery of emergency passage concession in respect of Sh. S. K. Dubey, Driver (Gd.II).

Sir,

With reference to your letter No.CGWB/Div.VII/Estt/P-386/05-06-551 dated 15th July 2005 on the subject cited above and to say that necessary recovery of emergency passage concession may be affected from those officials immediately whose names have been pointed out by the internal audit. Moreover, other similar case may also be looked into.

Yours faithfully,


(S. K. SINHA)
DIRECTOR (ADMINISTRATION)



Attested
J. Dutta
Advocate

Annexure-12

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No.4-4278/90-Min.Estt., - 22
 Government of India,
 Ministry of Water Resources,
 Central Ground Water Board.
 Bhujal Bhawan,
 NH-4, Faridabad - 121 001.

Dated:



To

The Executive Engineer
 Central Ground Water Board,
 Div.VII, Guwahati

Sub: Prayer for stay order on EPC for re-audit and request for payment of
 SDA – regarding.

Sir,

I am to invite a reference to the representation of Shri Sunil Kumar Dubey dated 5-9-2005 addressed to this office and copy endorsed to the Ministry on the subject cited above. In this connection it is stated that in terms of FR & SR, Part-II, Govt. servant transferred to NER and Union Territories will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families to travel to their hometown in emergency. As intimated Shri Sunil Kumar Dubey, Driver Gd.II was not transferred to NER, Guwahati but was initially appointed in NER, Guwahati. Therefore, he is not entitled for "Emergency Passage Concession".

Shri Sunil Kumar Dubey, Driver Gd.II may be informed accordingly.

Yours faithfully,

(P.N.SEKHRI)
 Administrative Officer

Attested
Anil
Advocate

21/1/06

To,
The Director Administration,
Central Ground Water Board,
Bhujal Bhawan, NH-IV
Fazilabad - 221001
Dated: 16-01-06

(Through Proper Channel)

केंद्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

31 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub:- Praying to Stay Order on E.P.C. for re-audit
and request for payment of S.D.A.

Ref:- Reference to my letter despatch No. 4085 of
DR/VOL/45-51 R/U on dated 5-9-05.

Sir,

With due respect I would like to inform you
that when I last applied for my E.P.C. on dated 1-10-03
(application enclosed) then I received the office memorandum
on dated 29-10-03 (letter enclosed) from C.G.W.B., Dir-VII, Ghy.
But when I requested the Executive Engineer of C.G.W.B.,
Dir-VII, Guwahati on dated 4-11-03 (letter enclosed),
after that my E.P.C. is passed. According to Office
Memorandum E.P.C. could not be sanctioned to me as I
have not been transferred from outside the N.E. Region
then why it was passed when I requested for the
same at that time. I request you to stop the recovery
of E.P.C. till the final decision of the E.P.C. is to be
taken as the matter is under consideration and start
the payment of S.D.A.

I will be highly obliged if you kindly stop
the recovery of E.P.C. and start the payment of S.D.A.
as soon as possible as I am in a financial
hardship.

Thanking you, Sir.

Attested
Abdulla
Advocate

(P.T.O.)

Yours faithfully,
S. K. Dubey

Signature

Suril Kumar Dubey

Dr. Ad. - I
C.G.W.B., Dir-VII,
Zoo Road, Guwahati-24

Copy forwarded to :-

49

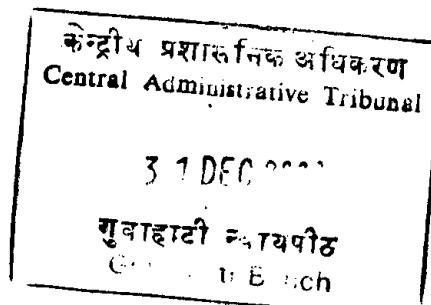
① The Deputy Secretary to the Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
Rajiv Marg,
New Delhi.

② The Director,
C.G.W.B., NER,
Jairam Nagar,
Guwahati.

③ The Executive Engineer (Please issue me the
forwarding letter of this
letter.)
C.G.W.B., Dir. VII,
Zoo Road Sinali,
Guwahati-781024.

Copy to 16/01/06.

*(Sunil Kumar Dubey)
Dr. Ad- I*



Registered Post with A/D Card

Annexure-13 (series)

From

Sunil Kumar Dubey,
Vill+Post :- Jadopur Dubey Tola
Dist :- Gopalganj (Bihar)
Pin :- 841428.

Dated: -21/7/06 -

T₀.

The Director Administration,
Central Ground Water Board,
Bhujal Bhawan, NH-IV,
Faridabad- 121001.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

31 DEC 2007

गुवाहाटी नाथपर्णीठ

Sub:- Regarding payment of recovery EPC & SDA.

Ref:- Reference to my letter on dated 17-4-06 addressed to the Executive Engineer, CGWB, Div-VII, Guwahati.

Sir,

With profound respect I beg to state that I had submitted my letter Reminder-3 about the payment of EPC & SDA to the Executive Engineer, CGWB, Div-VII, Guwahati on dated 20-6-06 but I have not received any information regarding my letter dated 17-4-06 till today and recovery of EPC is being continued. So, I am compelled to request you. I would like to inform you that I was first appointed as Driver (through the advice of Ministry) on 20-12-1989 in CGWB, Div-VII, Guwahati but I was also appointed before as Cleaner in Central Ground Water Board. I got appointed as Driver through Employment Exchange, Guwahati. So I must get my EPC & SDA as my residential address is at Gopalganj (Bihar).

I am to inform you that there are so many cases like me discriminating trade and posts are getting the above facilities in our office which I had informed earlier to consider me also. But till date I did not get justice. As a poor paid employee I seek justice from you.

I therefore request you to look into this matter and advise the concerned authority of CGWB, Div-VII,Guwahati to grant me EPC & SDA as soon as possible considering the above facts.

Thanking you, sir.

Yours faithfully,

Sunil Kumar Dubey
Driver-I
CGWB, Div-VII
Zoo Road, Guwahati

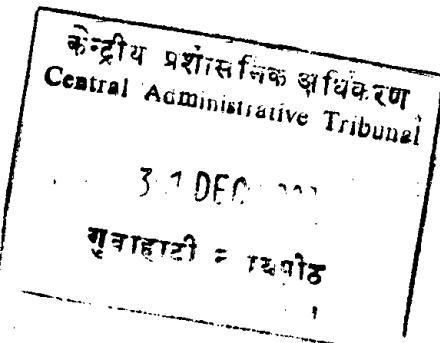
P.T.O.

Enclosures :-

1. Copy of the Ministerial letter No. 25-8/83-GW dated 28 th Oct 1985.
2. Copy of the letter NO. CGWB/DIV/VII/Estt./P-386/05-06/551 dated 15 th July 2005 addressed to Director Administration, Faridabad.
3. Copy of my letter addressed to the Executive Engineer, Reminder-3 dated 20-6-06.
4. Copy of my letter addressed to EE, Reminder-2 dated 20-5-06.
5. Copy of my letter addressed to EE, Reminder-1 dated 3-5-06.
6. Copy of my letter addressed to EE, dated 17-4-06.
7. Copy of the judgement order of CAT, Guwahati Bench dated 12-8-05.
8. Copy of my letter addressed to Director Administration, Faridabad dated 29-3-04.

Copy to :-

1. Sri K. S. Ramasubban,
Joint Secretary (Admn) & Director (P.G.),
Ministry of Water Resources,
Shram Shakti Bhawan,
Room No. 403, IV Floor,
Rafi Marg, New Delhi- 110001, for kind information and necessary
action please.



2. The Executive Engineer,
C.G.W.B., Div-VII,
Zoo Road Tinali,
Guwahati- 781024, for kind information please.

Sunil Kumar Dubey
(Sunil Kumar Dubey)
Driver-I

From : Sunil Kumar Dubey

Vill. & P.O. Jadopur Dubeytola,

Dist. : Gopalganj

State : Bihar

Pin : 841428

Annexure-13(series)

Dated : 5.9.05

To,

The Director Administration,
 Central Ground Water Board,
 Bhujal Bhawan, NH-IV,
 Faridabad-121001.

Through Proper Channel.

केन्द्रीय प्रशासनिक अधिकारी, रा
 Central Administrative Tribunal

31 DEC 2005

गुवाहाटी र. अधिकारी
 C.A.T.

Sub : Praying to stay order on EPC for re-audit and request for payment of S.D.A.

Ref.: Reference to letter No. DR/VOL/75-51 Rig Unit dispatch No. 4071 on dated 11.08.2005

Respected Sir,

With profound respect, I beg to state that I requested you to consider my E.P.C. through proper channel in my letter No. DR/VOL/75-51 Rig unit dispatch No. 4071 on dated 11.08.2005 (Copy enclosed No. 1) whose forwarding letter is not given to me till date and without any information the concerned authority started recovering E.P.C. from my salary which is not in the Central Government Rules. I would like to inform you that I attended the Departmental enquiry on 25.08.2005 in C.H.Q., Faridabad in respect of charges framed against Sri R.K. Shukla, E.E. of letter No. C.G.W.B./WR/ADJ/I0/RKS/05-1317 on dated 29.07.2005 (Copy enclosed No. 2) and I personally investigated about my letter there and found that my request application dated 11.08.2005 is not received by the CHQ, Faridabad. When I came back to Guwahati then they forcibly deducted the amount of Rs. 1063 from my salary without any information. Sir, they are not following the rules of Central Government so you are requested to investigate on this matter.

Sir, I was informed on 21.06.2005 that under I.R. Para No. 7 my E.P.C. have to be recovered as it has been pointed out by the Internal Audit in letter No. C.G.W.B./DIV-VII/Estt./I.A./2005-423, dated 21.06.2005 (Copy enclosed No. 3). But in that letter it is not mentioned what is inadmissible to Para No.7 and under what rule my E.P.C. is to be recovered. I am also to inform you that the concerned authority informed me that I was appointed in this Division through the Local Employment Exchange so E.P.C. is not admissible to me. If this is not in the rule so why they have given me E.P.C. when I first applied for the same. They should need to follow the rule at that time before passing any bill. I would like to inform you that I registered my name in the Employment Exchange, Kamrup, Guwahati on the advised of the Deputy Secretary to the Govt. of India, Ministry of Water Resources, New Delhi in letter No. 25-8/83-GW, Govt. of India, Ministry of Water Resources, Ground Water Desk, New Delhi on dated 29.10.1985 (Copy enclosed No.4). In the Employment Exchange, Kamrup my permanent address of Bihar state is entered and in the Service Book also the same address is mentioned and I am taking the Hometown LTC from

P.T.O.

affeted
 date
 2005

time to time on the address of Bihar. On this address I have also taken Emergency L.T.C. which is recovered now. So, I request you to stop the recovering of my E.P.C. from the next month and return the deducted money of Rs. 1063 considering the above fact. If this is not stopped from the next month then please grant me the permission to appeal before Central Administrative Tribunal (CAT). So, I request you to re-audit this matter as soon as possible and withdraw the Para No. 7 of E.P.C.

Sir, the Deputy Secretary to the Govt. of India advised me that I can apply any vacancy in All India Central Ground Water Board by registering my name in any Employment Exchange of India (copy enclosed No. 4). At that time the post of Driver was vacant in the Employment Exchange, Kamrup, Guwahati and I joined on the same post in this office on 20.12.1989. In this connection, it is to inform you that the Special Duty Allowance (S.D.A.) was given to me from my date of joining to 2/2002 after that from 3/2002 they stayed the S.D.A. till date without informing me the actual cause of stay and it is not mentioned in the rules of Swami News of Clause 108, Page No.17 & 18 (copy enclosed No.5). I request you to give me the detail information regarding S.D.A. and under what rule the concerned authority given the S.D.A. till 2/2002.

I request you to withdraw the E.P.C. by re-auditing and start the payment of S.D.A. as soon as possible considering the above facts.

Thanking you Sir,

Yours faithfully,

Dubey 5/9/05

(Sunil Kumar Dubey)

Dr. Gd-II
C.G.W.B., Div-VII,
Zoo Road Tiniali,
Guwahati-781024.

Information and necessary action, please.

Copy forwarded to :-

- 1) The Deputy Secretary to the Govt. of India (Registered post with A/D),
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi.
- 2) The Executive Engineer, (2 copies)
C.G.W.B., Div-VII,
Zoo Road Tiniali,
Guwahati-781024.
- 3) Advanced copy already send to CHQ Office,
Faridabad.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

31 DEC 2005

गुवाहाटी = । अधिकारी
1. ।

GUWAHATI (PO- CHI001)
RLAD C 3442
Counter No:3, CP-Code:PIAS
To: DY SECY,
N DELHI



Wt: 70grams
Amt: 40.00, 06/09/2005, 13:19

Dubey 5/9/05

(Sunil Kumar Dubey)

Dr. Gd-II

Speed Post

61

Annexure-14

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES
CENTRAL GROUND WATER BOARD
DIVISION VII, ZOO ROAD,
GUWAHATI-24.

NO.CGWB/DIV/VII/ESTT/P-386/06 1479

Dated : 27th January/06.

To

The Director (Administration),
Central Ground Water Board,
Bhujal Bhawan,
NH IV, Faridabad,
Haryana-121001.

Sub: Praying to stay order on EPC for re-audit and request for payment of SDA

Sir,

With reference to the subject cited above, I am to forward herewith one representation letter No. Nil dated 16-01-06 along with enclosures received from Sri Sunil Kr. Dubey, Driver Gr-I, for your kind perusal.

In this connection kindly refer to CHQ's letter No. No. 4-4278 /90-Min.Estt.-5176 dated 02-08-05 and letter No. 4-4278/90-Min.Estt.-22 dated 03-01-06.

Further, it is requested to clarify whether the officials from out side of the NERegion, who have been selected through UPSC & SSC and their first appointment was in the NE Region are entitled for Emergency Passage Concession (EPC) and SDA or not.

An early reply in this matter is requested.

Yours faithfully,

Enclo: As above (total 5 pages).

(J.C.BORGOHAIN)
EXECUTIVE ENGINEER

Copy to:

Sri S.K. Dubey, Driver Gr-I, CGWB, Division-VII, Guwahati for information, with reference to his letter mentioned above and letter No. Nil dated 24-01-06.

27/1/06
(J.C.BORGOHAIN)
EXECUTIVE ENGINEER

Attested
Dulal
Advocate

No. 6/15/2006-Coord.
GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES

Shram Shakti Bhavan,
New Delhi, dated: 2.8.2006

To

Dr. Javed Raza,
Scientist 'B' & Staff Grievances Officer,
Central Ground Water Board,
NH-IV, Faridabad.

Subject: **Grievance of Shri Sunil Kumar Dubey, Driver-I, CGWB, Guwahati regarding payment of recovery of EPC & SDA.**

Sir,

I am forwarding a copy of the representation/ grievance, the details of which are given below:

Name of the person who has : Shri Sunil Kumar Dubey, Driver-I,
sent the representation CGWB
Subject of the representation : Recovery of EPC & SDA

It is requested that receipt of the enclosed grievance be acknowledged and the grievance be settled within **15 days** of the receipt of this letter and a suitable reply may be sent to the aggrieved under intimation to the Director (Staff Grievances), Ministry of Water Resources. If however, for any reason beyond control, it is not possible to settle the grievance within the stipulated period, detailed reasons thereof with complete reference of the office and the officer where it is pending, may kindly be reported to the Director of Staff Grievances together with a brief summary. In such cases, an interim reply may invariably be sent to the aggrieved party simultaneously.

Enci. As above.

Yours faithfully,

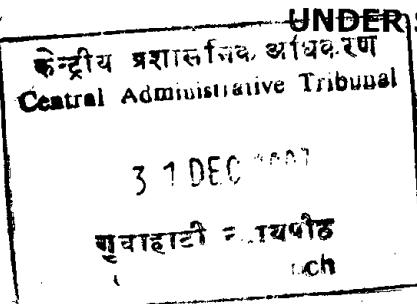
(D.K. PALIWAL)
UNDER SECRETARY (COORD. & PPP)
TELE NO. 23714350

Copy for information to:-

✓ 1. **Shri Sunil Kumar Dubey**, Driver-I, cgwb, Div-VII, Zoo Road, Guwahati w.r.t his communication dated 21.7.2006.

D.K. Paliwal
(D.K. PALIWAL)
SECRETARY (COORD. & PPP)

*Attested
Rutta
Advocate*



ANNEXURE-16

4.7. action taken by the Administration in the case considered by the Privilege Committee, committee considered to be in accordance with the instructions in the matter. All Ministries/Departments are requested to ensure that the basic principles and instructions regarding observance of proper procedure are followed by all concerned in letter and spirit and avoid recurrence of such incidents as reported by the Privilege Committee in a forthright approach and restraint on such occasions.

[66] Copy of D.M. No. 346/2000-JCA, dated 9.7.2001, S. (Annexure
finals) Department of Personnel and Training).

Subject: Setting up of *Ad-hoc* Departmental Anomaly Committees to settle the anomalies arising out of the implementation of the 5th Pay Commission's recommendations.

The undersigned is directed to refer the instructions issued by this Department vide their O.M. No. 197/197-JCA dated 5.1.1998, (*Published in Services Law Journal of Feb. 1999* as Sl. A. 18), wherein, it was *inter-alia* provided that the Departmental Anomalies Committees may be constituted by nominating staff side representatives on such Committees by the Secretary, Staff Side of the respective councils from amongst the members of the Departmental Council only as it existed as on 4.5.1995. In terms of Rule 4 of the CCS (RSA) Rules, 1963, Service Associations or Federations which were recognised before commencement of these rules were allowed to continue to be so recognised for a period of one year, later extended by six months upto 4.5.1995 to enable them to seek recognition afresh under the said rules. Pending the said process to be completed, the Departmental Councils were allowed to function on the basis of nominations as on 4.5.1995.

2. It has come to notice that Departmental Councils in certain Departments where not functioning as on 4.5.1995 for various reasons and hence the Departmental Anomaly Committees could not be constituted. In such cases it has been decided as per decision in the meeting of the Standing Committee of the National Council (JCM) held on 6.2.2001 that *ad-hoc* Departmental Anomaly Committees may be set up to look into the pay related anomalies in terms of this Department's O.M. No. 19/1/97-JCA dated 6.2.1998 (*Published in Services Law Journal of March 1998 as Sl. No. 38*) by co-opting Financial Advisor, representatives of Ministry of Finance and Department of Personnel and Training and six Staff Side members to be nominated by Secretary, Staff Side National Council (JCM). Shri U.M. Purohit, 13-C, Feroze Shah Road, New Delhi, from amongst members of the National Council (JCM).

3. Ministries/Departments may take action accordingly.

Copy of O.M. F. No. 11(3)U2000-E-II(B), dated 13.6.2001
Government of India, Ministry of Finance (Department of
Expenditure).

Subject : Admissibility of Special Duty Allowance of Postal Employees on their posting in NE region.

The undersigned is directed to refer to your D.O. letter No. 5-2/98-PAP III dated 10.4.2001 and D.O. letter No. 5-2/98-Vol. III dated 17.4.2001 and to say that Special Duty Allowance is granted to the Central Government Employees having 'All India Transfer Liability' as clarified in Finance Ministry O.M. No. 11(3)/95-E. II(B), dated 12.1.1995 on their posting to N.E. Region from outside the region. Since Special Duty Allowance is given as an incentive to attract talented officers to serve in N.E. Region from outside the region. It cannot be granted to Group A&B officers belonging to NE and posted in NE

Region

1/4. The aforesaid judgment dated 22.12.2000 in which directs the respondents of Ordnance Depot, Tripura and Postal employees and 16 GAs from other departments for waiving the recovery of 'Special' Duty Allowance till 31.1.1999. Since the issue of waiver of Special Duty Allowance has already been settled by the Supreme Court Judgment dated 30.9.1994, the decision of CAT Guwahati Bench for its further waiving have an error. In case of Department of Posts, it is seen that the payment of 'Special' Duty Allowance from December, 1983 to November, 1993 has not been made to their employees. It seems that the payment of 'Special' Duty Allowance to ineligible employees have been made from December, 1988 onwards. If so, it is totally against the orders issued by Ministry of Finance on 12.1.1996, and the directions of the Apex Court in Judgment dated 20.9.1994. It is further seen the Department of Posts have already advised their regional office in file an appeal in the High Court of Guwahati against the CAT Judgment dated 22.12.2000. Therefore, Department of Posts is advised to vigorously follow up the appeal case in Guwahati High Court, wherein attention of the Court may be drawn to the Supreme Court judgment dated 20.9.1994 and the orders issued by Ministry of Finance on 12.1.1996 based on that judgment of Supreme Court.

It is further clarified that there is no bar in eligibility of Special Duty Allowance for the officers belonging to the NE Region, if they satisfy the criteria that their appointment in service/post is made on All India basis and the promotion is also done on the basis of All India Common Seniority. However, it will be admissible when they are posted in NE Region from outside the region.

[68]

Copy of O.M. No. 36035/4/2000-Estt. (Res.), dated 13.6.2001,
Government of India, Ministry of Personnel, Public Grievances
and Pensions (Department of Personnel and Training).
Designating etc.

Subject:

Designating the competent authority for interchange of reserved vacancies between sub-categories of persons with disabilities in posts/services under the Central Government, directed to invite a reference.

The undersigned is directed to invite a reference to this Department's O.M. No. 36035/17/85-Estt. (SCT) dated 1.4.1986 and No. 36035/16/91-Estt. (SCT) dated 18.2.1997 (Published in Services Law Journal of August, 1997 as Sl. No. 59), wherein the procedure for maintaining a separate 100 point register for implementation of 3% reservation for persons with disabilities has been prescribed.

2. It may be noted that according to the above instructions, the recruitment authorities have to ensure that there is proper rotation of reservation amongst the categories of disabilities consistent with identification of posts suitable for different categories of persons with disabilities. This Department's O.M. dated 1.4.1986 also provided that powers would vest in the Head of Department with regard to deciding which category of the handicapped should be accommodated first if the number of vacancies is such as to cover only one block or two. Although the instructions also provided for mutual exchange in the event of non-availability of candidates in the specific category for which the reserved point occurred, the authority competent to allow such an exchange had not been specified in the aforesaid instructions. The Committee on Petitions, Rajya Sabha, while reviewing the implementation of the reservation policy for persons with disability has pointed to the need for a clarification on this point.

3. The matter has been examined

56

केन्द्रीय प्रशासन आयोग
Central Administrative Tribunal

31 DEC 2002

गुवाहाटी न्यायालय
Guwahati Bench

F.No.11(5)/97-E.II.(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, dated the 29th May, 2002

OFFICE MEMORANDUM

Subject: Special Duty Allowance for civilian employees of the Central Government Serving in the State and Union Territories of North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No.20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No.20014/16/86-E.IV/E.II.(B) dated 1.12.88, and OM No.11(3)/95-E.II.(B) dt 12.1 1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt. 14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for determining the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT-Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993 in the case of UOI and Ors V/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No.7000 of 2001 – arising out of SLP No 5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995.

Attested
Anita
Achowale

(Supp.) SCC, 757. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid, to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme court, is reiterated as under:-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region."

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that -

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgement of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable *mutatis mutandis* for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

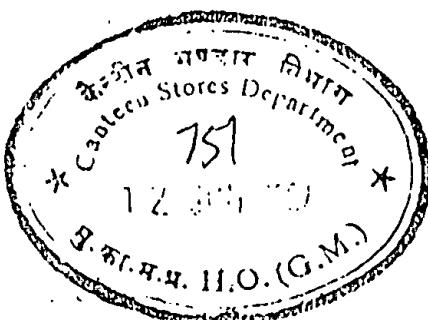
8. In their application to employees of Indian Audit & Accounts Department, these orders issue in consultation with the Comptroller and Auditor General of India.

N.P.S.
(N.P. Singh)

Under Secretary to the Government of India.

All Ministries/Departments of the Government of India, etc.

Copy (with spare copies) to C&AG, UPSC etc. as per standard endorsement list.



केन्द्रीय व्यापार आयोग
Central Administrative Tribunal

31 DEC 2001

गुवाहाटी न्यायपीठ
Gauhati Bench

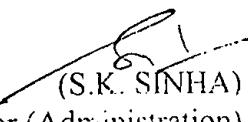
No.4-4278/90-Min.Estt. 1387
Government of India
Ministry of Water Resources
Central Ground Water Board
Bhujal Bhawan
NH IV, Faridabad-121001

Dated: 7 MAR 2007

OFFICE MEMORANDUM

Sub: Representation from Shri Sunil Kumar Dubey, Driver (Grade-I) against recovery of EPC and payment of SDA-regarding.

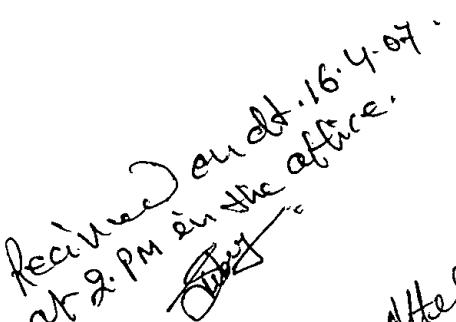
I am to invite a reference of your application dated 05-09-2006 addressed to this office and copy endorsed to the Ministry on the subject cited above and to say that clarification has been sought for from the Ministry in this regard. The Ministry has informed that as per the extant Government of India instructions the concession of EPC & SDA are available only to those persons who are transferred/posted to North Eastern States from outside the Region. The concessions are not admissible to locals. Since you were recruited locally through Local Employment Exchange, therefore not entitled to these benefits.


(S.K. SINHA)
Director (Administration)

To

✓
Shri Sunil Kumar Dubey.
Driver (Grade-I)
Central Ground Water Board,
Division No.VII, Guwahati

Copy to the Executive Engineer, CGWB, Div.VII, Guwahati for information.


(S.K. SINHA)
Director (Administration)

Attested
Mitali
Advocate

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
31 DEC
गुवाहाटी न्यायालय Guwahati Bench

No. 6/15/2006-Coord.
GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES

Annexure-19

Shram Shakti Bhavan,
New Delhi, dated: 11.7.2007

To

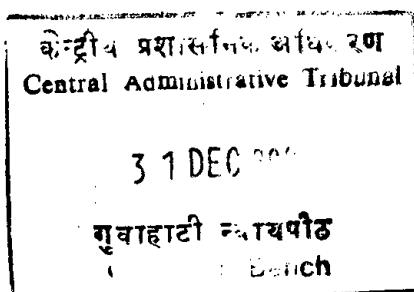
Shri B.C. Mathur,
Scientist 'B' & Staff Grievances Officer,
Central Ground Water Board,
NH-IV, Faridabad.

Subject: Grievance of Shri Sunil Kumar Dubey, Driver-I, CGWB, Guwahati
regarding payment of recovery of EPC & SDA.

Sir,

I am directed to refer to this Ministry's letter of even number dated 2.8.2006 on the subject mentioned above and to say that no reply in the matter has been received so far. It is requested that the matter may please be looked into immediately and the decision taken in the matter may be intimated to the representationist immediately under intimation to this Ministry.

Yours faithfully,



(D.K. PALIWAL)
UNDER SECRETARY TO THE GOVT. OF INDIA
Tele: 23714350
E.mail: uscoord-mowr@nic.in

Copy to Shri Sunil Kumar Dubey, Driver-I, CGWB, Div-VII, Zoo Road, Guwahati.

D.K. Paliwal
(D.K. PALIWAL)
UNDER SECRETARY (COORD. & PPP)

*Attested
Dilip
Advocate*

Court Officer.

61

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. No. 317 OF 2007

Sri S.K. Debey

...Applicant

-Versus-

Union of India & Ors.

....Respondents

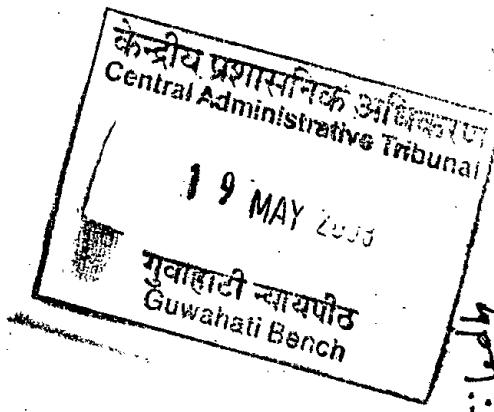
INDEX OF THE WRITTEN STATEMENT

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3.	Annexure- 1 (copy of the order dt.18.5.05)	14-15
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Received
Dutta
16/05/08

Filed

Bratambari Jyoti
S. Ch. S. C.



F: 1/1
H. T. O. R. S. D. S.
Executive Engineer,
C.G.W.B., Div.-VII
Guwahati.

Monogram
Guwahati Bench
Sor. L. S. S.
46.85.08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. NO. 317 OF 2007

Sri S.K. Dubey

...Applicant

-VERSUS-

Union of India & Ors.

...Respondents

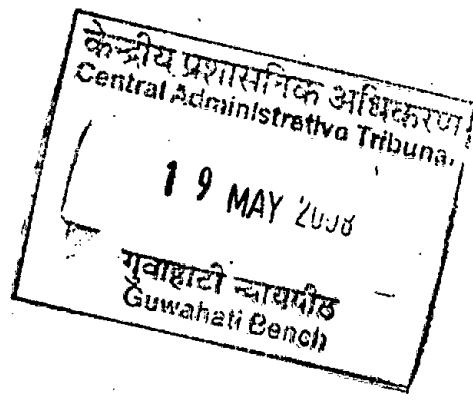
The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraph 1 of the instant application the Respondents beg to state that the applicant was recruited through local employment exchange. As he is from local employment exchange, and as he never gone outside North East on transfer, he is not entitled to Emergency passage concession, Special Duty allowance (SDA) as per Government rules. The applicant was issued transfer orders outside North East on two occasions but the transfer orders were not executed as the applicant had requested to cancel his transfer orders considering his family problems. The applicant since the date of appointment has been serving in this division and till date the applicant had not served outside North East on transfer.

Contd... P/-



[2]

Hence the applicant is not admissible for Emergency passage concession, special duty allowance (SDA).

2. That with regard to the statement made in paragraphs 2, 3 & 4.1 of the instant application the Respondents have no comments.

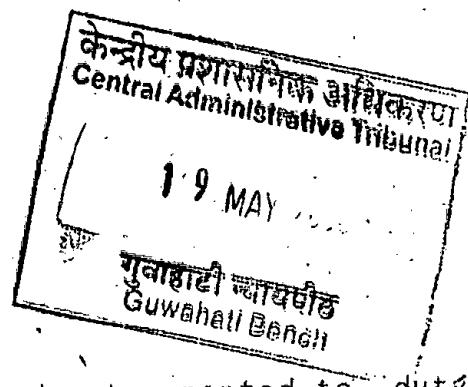
3. That with regard to the statement made in paragraph 4.2 of the instant application the Respondents beg to state that the applicant approached the authority to accommodate him against a vacancy in the office of the Executive Engineer, CGWB, Guwahati and he was advised to enroll the same at local employment exchange at Guwahati for his appointment at Guwahati is misleading and the applicant may be put to strict proof off.

4. That with regard to the statement made in paragraph 4.3 of the instant application are false and misleading. Though the applicant was issued transfer order from Guwahati to Varanasi vide letter No. 363 of 1993 bearing letter No. 17-15/92-Estt(M) dated 08.04.1993, but the transfer order was not carried out. The applicant was not relieved from this division and he had not reported to duty at Varanasi. Subsequently though applicant was issued transfer letter from Guwahati to Bhopal vide order No. 113 of 1996 dated 30.01.1996, the transfer order was not carried out. The applicant since date of appointment, he is working under this

Hisense Re. Dcl.

Contd.: P/-

Executive Engineer,
C G W B, Div.—VII
Guwahati.



[3]

Division VII, Guwahati and he had not reported to duty on transfer outside North East till date.

5. That with regard to the statement made in paragraph 4.4 of the instant application the Respondents beg to state that the applicant had been promoted as Driver Gr.II & subsequently to Drive Gr.I, but there is no change of in the place of posting i.e. the applicant who was working under Division VII, Guwahati since appointment had been promoted and placed in the same place i.e. there is no change of place due to promotion.

6. That with regard to the statement made in paragraph 4.5 of the instant application the Respondents beg to state that the certain special concessions and service benefits are admissible to officers transferred to the North Eastern Council when they are stationed in the North Eastern Region. The applicant had been recruited from local employment exchange and had been working under this Division office, Guwahati since appointment till date. The concessions of EPC & SDA are available only to those officials/officers who are transferred/posted to North Eastern States from outside the region and hence the applicant is not eligible for the above concessions.

7. That with regard to the statement made in paragraph 4.6 of the instant application the Respondents

Contd...P/-

Himanga K. Das,
Executive Engineer,
C G W B, Div.-VII
Guwahati.

19 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

[4]

beg to state that the concessions of EPC & SDA are available only to those officials/officers who are transferred/posted to North Eastern States from outside the region and hence the applicant is not eligible for the above concessions. The internal Audit had pin pointed the above inadmissible payment to applicant vide para 7 and had advised this office to make the recovery in respect of above inadmissible payment.

A copy of the order is annexed herewith as
Annexure - 1.

8. That with regard to the statement made in paragraph 4.7 of the instant application the Respondents beg to state that as stated by the applicant that as per observations of the internal Audit vide their letter N. WR/CA/IA/62/2004-05/93 dated 18.5.05, an office order vide letter No. CGWB/DIV-VII/ESTI/IA/2005-428 dated 01.06.05 was issued in respect of inadmissible claims/allowances that were drawn/paid to various officials.

A copy of the letter dtd. 21.6.05 is annexed herewith as Annexure - 2.

9. That with regard to the statement made in paragraph 4.8 of the instant application the Respondents beg to state that the applicant had submitted an representation vide his letter dated 22.6.05 addressed to the

Hiscocks & De
Executive Engineer,
CGWB, Div.-VII
Guwahati.

Contd... P/-

19 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

[5]

Director of Administration, CGWB, Faridabad, requesting to pardon him and also promising that he will not apply for emergency passage concession from which it can be inferred that he is admitting indirectly that he is not entitled for EPC.

A copy of the letter dtd. 22.6.05 herewith as
Annexure - 3.

10. That with regard to the statement made in paragraph 4.9 of the instant application the Respondents beg to state that it is agreed that as said by Central Head Quarters vide letter No. 4-4278/90-Min. Estt-5176 dtd. 2.8.2005, the recovery in respect of inadmissible amount paid to the applicant amounting to Rs.15763/- had been recovered from his salary in instalments.

11. That with regard to the statement made in paragraph 4.10 of the instant application the Respondents beg to state that the applicant was transferred outside the NE region on two occasion and after serving outside NE region, he was transferred and posted back at Guwahati, is false and misleading. Though the applicant was issued transferred order to other division on two occasions, the transfer orders have not been carried out. The applicant had not worked outside the North East on transfer from his date of appointment to till date. The applicant may be put to submit proof off that he had served outside NE region on transfer.

Hiranya K. Das.

Contd... P/-

Executive Engineer,
C G W B, Div.—VII
Guwahati

19 MAY 2010

गुवाहाटी बायार्ड
Guwahati Bench

[6]

12. That with regard to the statement made in paragraphs 4.11, 4.12 and 4.13 of the instant application the Respondents beg to state that the applicant is informed clearly by Central Head Quarters vide letter No. 4-4278/90-Min. Estt-22 dated 3.1.06 stating that in terms of FR & SR, Part II, Govt. Servant transferred to NER & Union Territories will be entitled to LTC on two additional occasions during their entire services career as "Emergency Passage Concession" and intended to enable them and families to travel to their hometown in emergency. As intimated Sri Sunil Kumar Dubey, Driver Gd.II was not transferred to NER, Guwahati but was initially appointed in NER, Guwahati. Therefore, he is not entitled for "Emergency Passage Concession". Subsequently, again Central Head Quarters informed the applicant vide letter No. 4-4278/90-Min. Estt/378 dated 7.3.2007 in respect of representations against recovery of EPC and payment of SDA that the Ministry has informed that as per the Government of India instructions the concession of EPC & SDA are available only to those persons who are transferred/posted to North Eastern states from outside the Region. The concessions are not admissible to locals. Since the applicant was recruited locality through Employment Exchange, therefore not entitled to these benefits.

A copy of the letter dtd. 3.1.06 and 7.3.07 are annexed herewith as Annexure-4 & 5.

Hironmoy Roy,
Executive Engineer,
CGWB, Div.-VII
Guwahati.

Contd... P/-

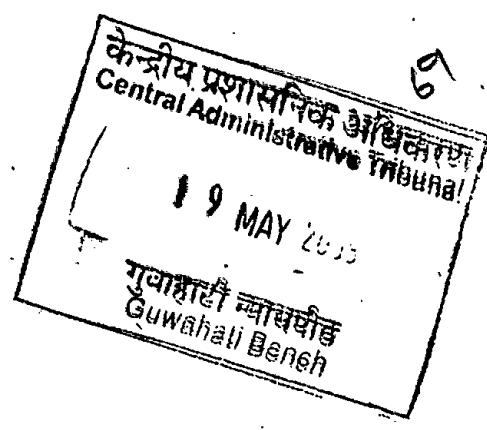
[7]

13. That with regard to the statement made in paragraph 4.14 of the instant application the Respondents beg to state that the statements by the applicant that the applicant has been transferred and posted outside the NE region on two occasions and after serving outside the NE region he was transferred back to NE region are false and misleading. Though the applicant was issued transfer order from Guwahati to Varanasi vide letter No. 363 of 1993 bearing letter No. 17-15/92-Estt(M) dated 08.04.1993, but the transfer order was not carried out and he had not reported to duty at Varanasi. Subsequently though applicant was issued transfer letter from Guwahati to Bhopal vide order No. 113 of 1996 dated 30.01.1996, the transfer order was not carried out. The applicant since the date of appointment has been serving in this division and till date the applicant had not served outside North East on transfer. Hence the applicant is not admissible for Emergency passage concession, special duty allowance (SDA).

14. That with regard to the statement made in paragraph 4.15 of the instant application the Respondents beg to state that the applicant was recruited through local employment exchange. Since the applicant has been recruited locally through local employment exchange and as he had never served outside North East on transfer since the date of appointment, the applicant is not entitled for Emergency passage concession & SDA.

Contd... P/-

Hiranya K. Das,
Executive Engineer,
CGWB, Div.-VII
Guwahati.



[8]

A copy of the letter is annexed herewith as
Annexure - 6.

15. That with regard to the statement made in paragraph 4.16 of the instant application the Respondents beg to state that the statements are misleading. Though the applicant had been transferred from Guwahati to Varanasi vide office order dated 8.4.1993, the transfer order had not been carried out. The applicant may be put to strict proof off to establish that he had been relieved from this division on transfer to the Divisional Office at Varanasi. The applicant may be asked to submit proof like relieving order from this division, a copy of transfer order showing the applicant transferred from Varanasi to Guwahati and relieving order from Divisional office at Varanasi etc. Though the applicant was issued transfer order to Divisional Office at Bhopal, the transfer order was not carried as the applicant had represented to cancel the transfer order considering his family problems.

Copies of the letters are annexed herewith as
Annexures - 7,8,9 and 10.

16. That with regard to the statement made in paragraph 4.17 of the instant application the Respondents beg to state that in reply to the representation

Hironjoy K. Das,
Executive Engineer,
C G W B, Div.—VII
Guwahati.

Contd... P/-

[9]

from applicant against recovery of EPC and payment of SDA, Central Head Quarter had clearly informed the applicant that the concession of EPC & SDA are available only to those transferred/posted to North Eastern states from outside the region. The concessions are not admissible to locals. Since the applicant was recruited locally through local employment exchange, therefore he was not entitled to these benefits.

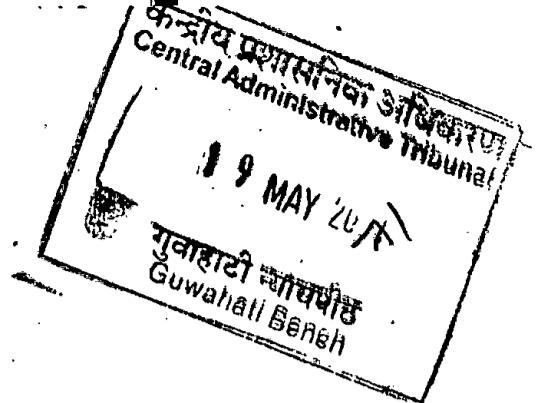
17. That with regard to the statement made in paragraph 4.18 of the instant application the Respondents beg to state that the application made by applicant is not made for bonafide cause.

18. That with regard to the statement made in paragraph 5.1 of the instant application the Respondents beg to state that the applicant was recruited through local employment exchange. As he is from local employment exchange, and as he had never gone outside North East on transfer, he is not entitled to Emergency passage concession, Special Duty allowance (SDA) as per Government rules.

19. That with regard to the statement made in paragraphs 5.2 & 5.3 of the instant application the Respondents beg to state that are misleading. Though the applicant has been issued with transfer order on two occasions, the transfer orders were not carried out. The

Hironjoy Rai Das
Executive Engineer,
CCWB, Div. - VII
Guwahati

Contd... P/-



[10]

applicant had never worked outside North East on transfer. As the applicant is recruited local employment exchange and he had not reported to duty on transfer outside North East, the applicant is not entitled for EPC & SDA.

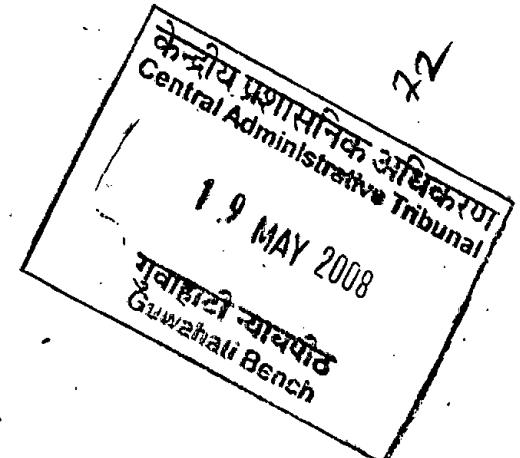
20. That with regard to the statement made in paragraph 5.4 of the instant application the Respondents beg to state that are misleading. The applicant has not been posted from outside region on the other hand the applicant was recruited through local employment exchange. Hence the applicant is not entitled for SDA.

21. That with regard to the statement made in paragraph 5.5 of the instant application the Respondents beg to state that are misleading. The applicant has been informed well in advance by then Head Office vide letter No. CGWB/DIV.VII/ESTT/P-386/03-4343 dated 29.10.03 that "LTC advance & permission for emergency passage concession could not be sanctioned to Sri S.K. Dubey, Driver II, as he has not been transferred from outside the N.E. Region. Moreover entire amount earlier sanctioned to him for emergency passage concession will be recovered from him if any objection pointed out by the audit in this regard."

A copy of the letter dated 29.10.03 is annexed herewith as Annexure - 11.

Contd... P/-

Hiranya R. Das,
Executive Engineer,
CGWB, Div.-VII
Guwahati.



[11]

22. That with regard to the statement made in paragraph 5.6 of the instant application the Respondents beg to state that the applicant had been recruited through local employment exchange and had not worked outside North East on transfer and hence he is not fulfilling the condition laid down in O.M. dated 14.12.1983 issued by the Govt. of India, Ministry of Finance, New Delhi.

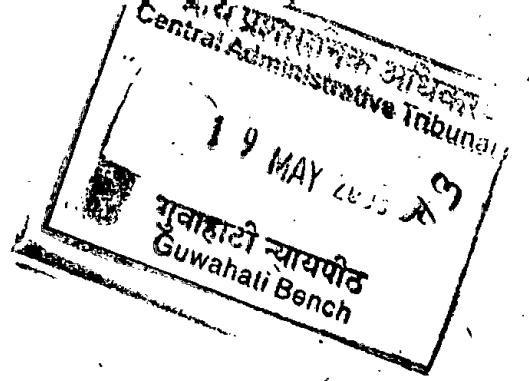
23. That with regard to the statement made in paragraph 5.7 of the instant application the Respondents beg to state that are misleading. Though the applicant has been issued with transfer order on two occasions, the transfer orders were not carried out. The applicant had never worked outside North East on transfer. As the applicant is recruited local employment exchange and he had not reported to duty on transfer outside North East, the applicant is not entitled for EPC & SDA.

24. That with regard to the statement made in paragraphs 6 & 7 of the instant application the Respondents have no comments.

25. That with regard to the statement made in paragraphs 8.1, 8.2, 8.3, 8.4 & 8.5 of the instant application the Respondents beg to state that the applicant had been recruited through local employment exchange

Contd... P/-

Hiranta R. Deo,
Executive Engineer,
C G W B, Div.—VII
Guwahati.

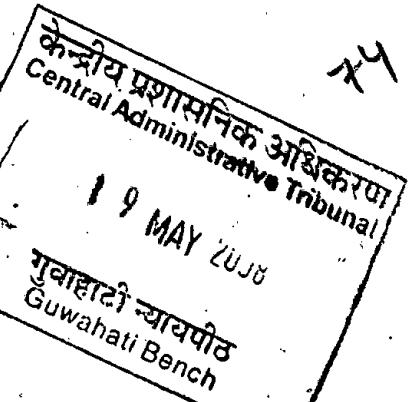


[12]

ge and had worked outside North East on transfer from his date of joining to till date. Hence the applicant is not entitled for Emergency passage Concession & Special Duty allowance. The petition may be dismissed at his cost.

26. That with regard to the statement made in paragraphs 9 & 10 of the instant application the Respondents have no comments.

H. S. K. D.,
Executive Engineer,
C G W B, Div.—VII
Guwahati.



[13]

VERIFICATION

I, HIRANYA KUMAR DAS...s/o. LATHE KISHORE DAS.

aged about years, R/o .MILL, BENGORA.....

District KAMRUP...and working as EXECUTIVE ENGINEER and has been authorised by the Respondent to verify the statement on their behalf. I, do hereby verify that the statement made in paras 1 - 6, 10, 11, 13, 16 - 20

22 — 26 are true to my knowledge and

those made in paras 7, 8, 9, 12, 14, 15 & 21 being matters of record are true to my information derived therefrom which I believe to be true, and the rests are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification on this 16th day of MAY 2008 at Guwahati.

Hiranya Kumar Das.
Signature

Executive Engineer,
C G W B, Div.—VII
Guwahati.

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES
OFFICE OF THE CONTROLLER OF ACCOUNTS
SHASTRI BHAWAN, NEW DELHI

NO. 5 WR/CA/A/62/2004-05/93

The Ex. Engineer,
C.G.W.B. on No. VII,
Zoo Road, Badamiwati
Guwahati (Assam)

Sub: Inspection Report on the account of E.E. C.G.W.B. on No. VII, Guwahati
for the period 1-4-02 to 31-3-04.

Sir,

A copy of the subject Inspection Report is forwarded herewith with the request that the various points raise therein may kindly be examined at your end. Your detailed para wise replies on the report may kindly be sent to this office within one month from the date of receipt of this letter.

Reference to the number of para of the report may invariably be quoted while corresponding on the subject issue.

Yours faithfully,


Asstt. Accounts Officer (I.A.)

Encl.: As above.

True Copy

Microfilm No. 002

Executive Engineer,
C.G.W.B., Div.—VII
Guwahati.

PARA : NO 7

INADMISSIBLE PAYMENT OF Rs. 23,203 on E.P.C.

In terms of FR & SR , Part- II , Govt. servant transferred to North-Eastern Region and Union territories will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families to travel to their home-town in emergency.

While scrutinizing the service particulars and other records of the officials of office of the Executive Engineer , Division-VII, CGWB, Guwahati , it was observed that the "Emergency Passage Concession" was allowed to those officials who were not transferred to North Eastern Region but were initially appointed in NER i.e. Guwahati as detailed below :

Sl.No.	Name of official	Place of initial posting	Details of EPC availed
1.	Sh. Sunil Kumar Dubey, Driver,Gr.-II	Div-VII, CGWB, Guwahati (20-12-89)	<p>(1) The payment of Rs. 1760/- (Rs.1600 Adv.+Rs. 160/- final bill) was made in January 2000.</p> <p>(2) The payment of Rs. 5865/- (Rs. 5600/- adv. + Rs. 265/- final bill) was made in Nov/2001.</p> <p>(3) The payment of adv. Of Rs. 8138 was made vide bill No. 337 of 04-12-03 but no adjustment bill was submitted .</p> <hr/> <p>Total : Rs. 15, 763/=</p>
2.	Sh. R.P. Sharma, Peon	-do-	<p>(1) On first occasion total amount of Rs. 1808/- was paid in February/2000.</p> <p>(2) Total payment of Rs. 5632/- was made in Dec/2003 on second occasion.</p> <hr/> <p>Total : 7440/=</p>

The emergency passage concession is admissible only to those officials who are transferred to NE and not to those who are initially appointed in the region. It may also be mentioned that Sh. S.K.Dubey was allowed EPC on three occasions . As such, inadmissible payment was made of Rs. 23,203/= on this account.

It is stated that Rs. 15,763/= and 7440/= may be recovered from Sh. S.K.Dubey, Driver and Sh. R. Sharma, Peon respectively under intimation to Internal Audit (CHQ).

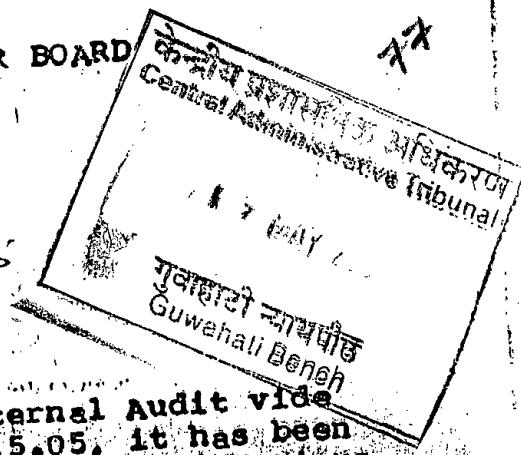
True Copy

Himanta Basu Das
Executive Engineer,
C G W B, Div.—VII
Guwahati.

Annexure - 2

NO. CGWB/DIV-VII/ESTT./I.A./2005- 4086
GOVERNMENT OF INDIA
CENTRAL GROUND WATER BOARD
DIVISION - VII,
R.G.BEHUJI ROAD,
GUWAHATI - 781024.

Date :- 21.6.05



OFFICE ORDER

As per observations of the Internal Audit vide their letter No. WR/CA/IA/62/2004-5-93 dt. 18.5.05, it has been pointed out that the following officials were drawn/paid various in-admissible claims/allowances as details indicated each.

Sl. No.	Name of Official	I.R. para No.	details of claims/allowances
1.	Shri S. K. Dubey Driver-I	7	i) E.P.C. B. 1760 X 15763 ii) " " 5865 X iii) " " 8139 X 1) " " 1808 X 7440 1.i) " " 5632 X
2.	ShrimR. P. Sharma, Peon	"	Ad Adhoc Bonus. 03-04 554 X 11) " 00-01 135 X iii) " 01-02 103 X 1) " 02-03 250 X 11) " 01-02 412 X iii) " 04-05 203 X spill(d) Allow. 2250
3.	Shri K.C.Das, T.O.D.(C)	8	937
4.	Shri B.C.Talukder, "	"	797 865
5.	Shri B.C.Kalita "	9	937
6.	Shri K.C.Das "	"	371
7.	Shri K.C.Nath "	"	427
8.	Shri Niranjan Medhi, "	"	1516
9.	Shri R.N.Sharma, ADCIII	"	729
10.	Shri A.K.Chakravorty, D.I.C.	"	

Copy to S/

True Copy

Hironjoy Baruah

Executive Engineer,
C G W B, Div.-VII
Guwahati

It is, therefore, requested kindly to
refund/deposite the above amount as mentioned against each
latest by 30/06/2005 otherwise the amount stated above will
be recovered from the salary of July 2005.

15/06/05
(J. C. BORGOHAIN)
EXECUTIVE ENGINEER

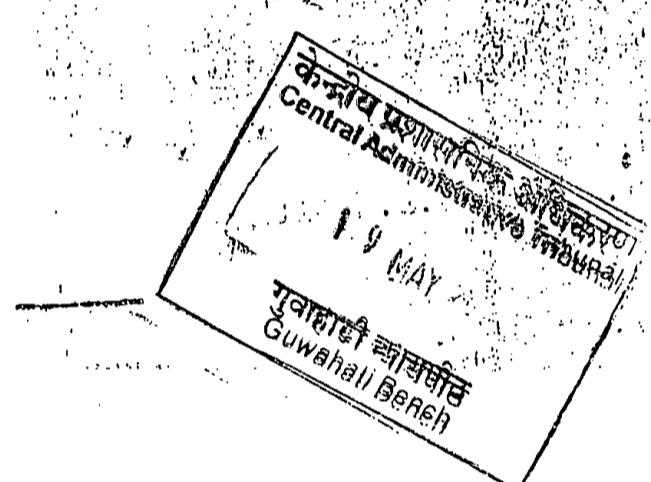
DISTRIBUTION :-

1. Person concerned.

2. The Cashier, CGWB, Div. VII, Guwahati for information

3. Bill Clerk

True copy
Hiranya Basumatary
Executive Engineer,
CGWB, Div. - VII
Guwahati.



18' 80
always facing financial hardship. I am from
Bilas and it is very difficult for me to fulfil
the necessary requirement of my family.

I hope you will consider my request
sympathetically keeping in consideration the
actual problem of my family.

I am enclosing the xerox copy of the letter
No. C.G.W.B/ DIV-VII / ESTT. / I.A. / 2005-423 for your
kind perusal.

Thanking you, Sir.

Yours faithfully
Subj/22/6/05

S. K. Dubey
Driver - II
C.G.W.B., Dir-VII,
Zoo Road,
Guwahati-781024

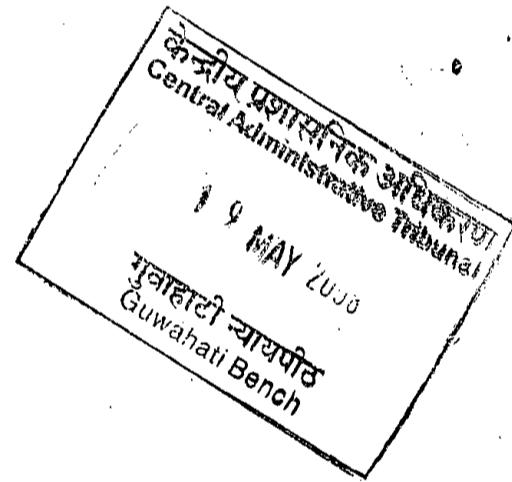
Copy forwarded to -

① Executive Engineer, (2-Copy)
C.G.W.B., Dir-VII, Zoo Road,
Guwahati - 781024

② Secretary General
AICGWB EA
N.H. - IV
Paridabad - 781001

③ General Secretary
C.G.W.B., Dir-VII,
Guwahati - 781024

Advance copy already sent to C.H.Q.



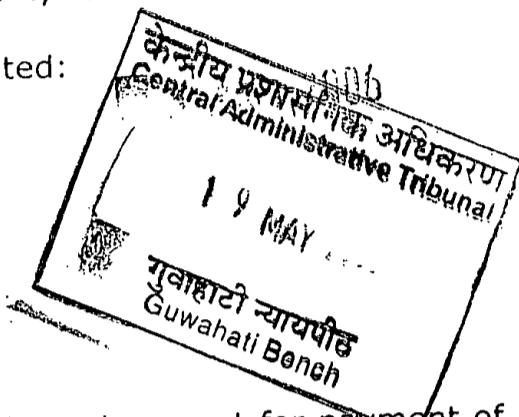
Subj/22/6/05
S. K. Dubey
Driver - II

To & Cpy
Hiranya Basu Das
Executive Engineer,
C.G.W.B., Div.-VII
Guwahati.

Annexure-4

No.4-4278/90-Min.Estt., 22
 Government of India,
 Ministry of Water Resources,
 Central Ground Water Board,
 Bhujal Bhawan,
 NH-4, Faridabad - 121 001.

Dated:



To

The Executive Engineer
 Central Ground Water Board,
 Div.VII, Guwahati

Sub: Prayer for stay order on EPC for re-audit and request for payment of
 SDA - regarding.

Sir,

I am to invite a reference to the representation of Shri Sunil Kumar Dubey dated 5-9-2005 addressed to this office and copy endorsed to the Ministry on the subject cited above. In this connection it is stated that in terms of FR & SR, Part-II, Govt. servant transferred to NER and Union Territories will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families to travel to their hometown in emergency. As intimated Shri Sunil Kumar Dubey, Driver Gd.II was not transferred to NER, Guwahati but was initially appointed in NER, Guwahati. Therefore, he is not entitled for "Emergency Passage Concession".

Shri Sunil Kumar Dubey, Driver Gd.II may be informed accordingly.

Yours faithfully,



(P.N.SEKHRI)
 Administrative Officer

True Why

Himangshu Das
 Executive Engineer,
 C G W B, Div.-VII
 Guwahati.

Annexure - 5

No.4-4278/90-Min.Estt. 1382
Government of India
Ministry of Water Resources
Central Ground Water Board
Bhujal Bhawan
NH IV, Faridabad-121001

20/82

Dated: 7 MAR 2007

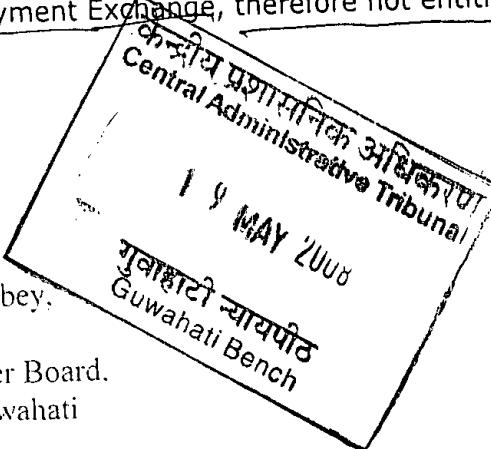
OFFICE MEMORANDUM

Sub: Representation from Shri Sunil Kumar Dubey, Driver (Grade-I) against recovery of EPC and payment of SDA-regarding.

I am to invite a reference of your application dated 05-09-2006 addressed to this office and copy endorsed to the Ministry on the subject cited above and to say that clarification has been sought for from the Ministry in this regard. The Ministry has informed that as per the extant Government of India instructions the concession of EPC & SDA are available only to those persons who are transferred/posted to North Eastern States from outside the Region. The concessions are not admissible to locals. Since you were recruited locally through Local Employment Exchange, therefore not entitled to these benefits.

To

Shri Sunil Kumar Dubey,
Driver (Grade-I)
Central Ground Water Board.
Division No.VII, Guwahati

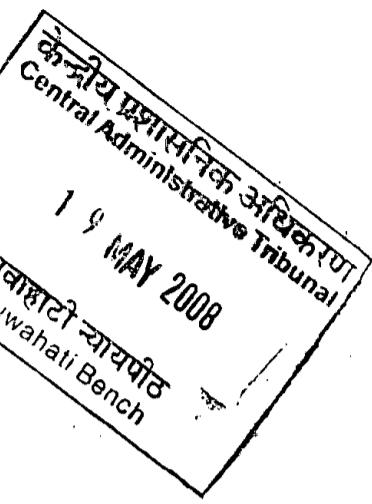


(S.K. SINHA)
Director (Administration)

Copy to the Executive Engineer, CGWB, Div.VII, Guwahati for information.

(S.K. SINHA)
Director (Administration)

True copy
Hiranya Basu Das
Executive Engineer,
C G W B, Div.—VII
Guwahati.



Assam Schedule LXIII, Form No. II X-10(B)

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE

IDENTITY CARD

(Not an Introduction card for interview
with employers)

1. Name of Applicant *Umesh Kumar Doley*
2. Date of Registration *7-11-87*
3. Registration No. *10,388/87*
4. N.C.O. Code No. *98610*

INSTRUCTIONS TO APPLICANT

- Bring this card with you whenever you come to the Exchange.
- Quote your Registration Number and N.C.O. Number whenever you write to the Exchange.
- Renew your Registration every three months. *7/11/90*
If you do not renew by the due date your registration will be cancelled.
- You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

Date before
which
registration
shall be
renewed

7/11/90

True Copy

Hironjoy Deo

Executive Engineer,
C G W B, Div.—VII
Guwahati.

(e) Return this card when you no longer require employment assistance after filling the following entries.

1. * I have secured employment with
* (Name of Employer)
through * my own effort
2. * I no longer require employment assistance.

h.s
Affix Postage
stamp here

(Signature of Applicant)

Date 198

FOR OFFICIAL USE ONLY

Serial Number
Signature

Identification Marks

1.
2.

Naik
Countersigned

Employment Officer

Delete if applicable entries

AGPLXIII.F; No.94/82- 7,50,000-2-2.83

To

The Employment Officer
Employment Exchange

Annexure-7

From

Sunil Kumar Dubey
MTD,
CGWB, Division VII
Guwahati- 78104.

To

The Director (Administration),
Central Ground Water Board,
NH IV,
Faridabad (Haryana).

Sub : Representation for withholding transfer order.

Sir,

Respectfully I beg to state that, vide your office order No. 113 of 1996, issued under letter No. 17-1/96 Eacu(M) dated 30.1.96, I have been transferred to Div-XII, Bhopal. In this connection, I beg to lay down a few lines for your kind and sympathetic consideration.

i) That, Sir, I had applied for my transfer to Varanasi on 10.5.1990 when my family circumstances was deteriorating day by day and the climate of Guwahati was also not suiting me and I was always suffering from Diarrhoea dysentery. But my request for transfer to the places of my choice could not be materialised for a long time. As a result of this delay and anxiously waiting for several years, there was no alternative left with me except to bring and settle my family at Guwahati.

ii) In these circumstances explained above it may be mentioned that all my children are getting education in Guwahati and my family is settled here till the completion of the education of my children according to the syllabus prescribed by the Secondary Education Board of Assam. It will be practically difficult for me to change the course of education from Assamese to Hindi medium in Hachya POCASH.

iii) Therefore, I request to kindly cancel my transfer order for Bhopal Division and my all request for transfer to other places made in past may be treated as cancelled till such request is made again in future, for which I shall be highly obliged.

Thanking you.

Yours faithfully,

(SUNIL KUMAR DUBEY)
MTD, CGWB, DIVISION VII,
GUWAHATI-24.

True copy
Himangul Deo
Executive Engineer,
CGWB, Div.-VII
Guwahati.

Annexure-8

23
86
NO. DIV/VII/ESTT/P-386/96-1616
Government of India
Central Ground Water Board,
Division-VII, Zoo Road,
Guwahati-24

Dated:- 19 MAY 1978

To,

The Director(Admn.)
Central Ground Water Board,
NH-IV, Faridabad
Haryana

Sub: Transfer of Sri Sunil Kr.Dubey, M.T.B. from
Guwahati to Bhopal Division.

Sir,

I am to forward herewith an application of
Sri Sunil Kr.Dubey, M.T.B. of this division, for cancellation
of the transfer order to Bhopal Division.

In view of the difficulties explained by
Shri Sunil Kr.Dubey, M.T.B. in his explanation, his case may
be considered sympathetically, so that the education of his
School going children is not discontinued. Moreover it is also
added that being an obedient and efficient driver of this divi-
sion, his services are absolutely necessary, so he may kindly
be retained in this division.

Thanking You

Yours faithfully,

Encle: As above

(S. HALDAR)
(S. HALDAR)
EXECUTIVE ENGINEER

True Copy
Himanta B. Das
Executive Engineer,
C G W B, Div.-VII
Guwahati.

Annexure - 9

(THROUGH PROPER CHANNEL)

From :

Sunil Kumar Dubey
S.C.D.(OG),
Central Ground Water
Board, Divn. VII,
Guwahati-781024.

To

The Director (Admn.),
Central Ground Water Board
NH IV,
Faridabad (Haryana).

Sub :

Representation for withdrawal of the trans-
fer order No. 113 of 1996 issued under
letter No. 17-1/96-Estt(M) dt. 30.1.96.

Sir,

With reference to the above I have been transferred to Division XII, Bhopal. In this connection, I have already sent my representation for cancellation of my above transfer due to my personal circumstances as laid down in my representation letter dated 6.2.96 (copy enclosed).

But, inspite of my above representation I have been asked to join at Bhopal immediately vide CHQ letter No. 17-1/96-Estt(M) dated 16.9.96. Now I am again requesting you that my above transfer order may kindly be cancelled looking into my circumstances already explained in my letter dated 6.2.96.

An early action in the matter is requested please.

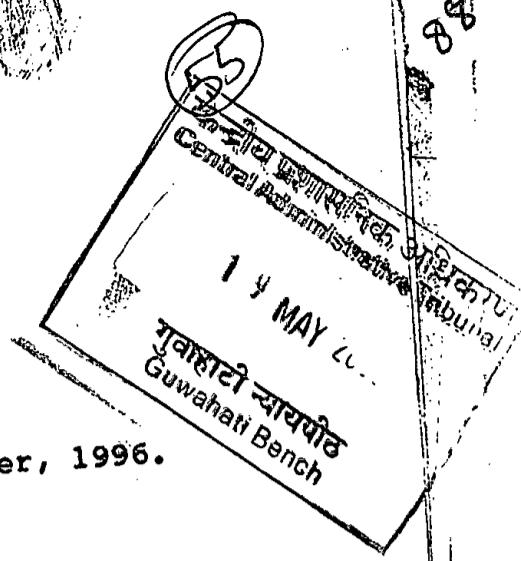
Yours faithfully

SUNIL KUMAR DUBEY)
S.C.D.(OG)

True Copy
Hiranya Devi Deo
Executive Engineer,
C.G.W.B, Div.-VII
Guwahati.

GOVERNMENT OF INDIA
Ministry of Water Resources
Central Ground Water Board
Division VII, Zoo Road,
Guwahati-781024.

894
NO.DIV.VII/Estt/P-386/96- Dated 30th September, 1996.



To The Director (Administration),
Central Ground Water Board,
NH IV,
Faridabad (Haryana).

Sub : Representation of Shri Sunil Kumar Dubey, SCD
(OG) for cancellation of his transfer to
div.XII, Bhopal.

Ref : i) CHQ O.O.No.113 of 1996 issued under letter
No. 17-1/96-Estt(M) dated 30.1.96.
ii) CHQ letter No. 17-1/96-Estt(M) dt.16.9.96.

Sir,
I am to forward herewith an application of
Shri Sunil Kumar Dubey, SCD(OG) on the subject cited
above, which is self-explanatory.

*dated
25/9/96*
It is also informed that the individual had
made a representation in this regard on dated 6.2.96
which was also forwarded to CHQ, Faridabad with
favourable remarks by this office on dated 7.2.96 (copy
enclosed). No response seems to have been received by
this office in this regard till date.

Now this office had again received letter No.
17-1/96-Estt(M) dated 16.9.96 regarding transfer of
Drivers in which the name of Shri Sunil Kumar Dubey is
also under transfer list at serial no. 13 for transfer
to division XII, Bhopal. Since there has already been a
shortage of drivers in north east Division and generally
nobody wants to join here easily from outside of north
eastern region and moreover the individual is willing to
stay in remote area of North East. Looking into the
genuine problem of the individual as well as the
necessity of drivers in this division, it is requested
that his transfer order for Bhopal may kindly be
cancelled and this office may be informed accordingly.

yours faithfully,

14/9/96
(N.P.S. NAGI)
EXECUTIVE ENGINEER

Enclo: As above.

Copy to :

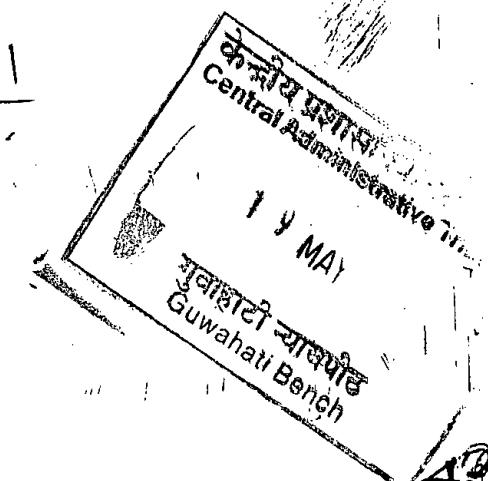
Shri Sunil Kumar Dubey, SCD(OG), CGWB,
Div.VII, Guwahati for information.

14/9/96
(N.P.S. NAGI)
EXECUTIVE ENGINEER

True Copy
Himanya D. Das
Executive Engineer,
C G W B, Div.-VII
Guwahati.

Annexure-11

26



NO. CGWB/DIV.VII/ESTT/P-386/03-
Government of India,
Central Ground Water Board,
Division-VII, Zoo Road,
Guwahati-24.

Dated 29.8.03

OFFICE MEMORANDUM

LTC advance & permission for emergency passage concession could not be sanctioned to Sri S.K.Dubey, Driver-II, as he has not been transferred from outside the N.E. Region. Moreover entire amount earlier sanctioned to him for emergency passage concession will be recovered from him if any objection pointed out by the Audit in this regard.

29/10/03
(J.C. BORGOHAIN)
HEAD OF OFFICE

To,

Sri S.K.Dubey, Driver-II,
CGWB, Division-VII,
Guwahati-24.

True Copy

Hiranya K. De,
Executive Engineer,
C G W B, Div.-VII
Guwahati.

//BK//

*MR. D. CHAN
CIVIL ENGINEER
of India*