

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 183/2007

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1to 5
M.P 35/08 orderPg. 1to 2 8/00104 2008
2. Judgment/Order dtd.....Pg.....to.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 183/2007Pg. 1to 44
5. ✓ E.P/M.P. 35/2008Pg. 1to 6
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH

ORDER SHEET

1. Original Application No. 183/07

2. Misc Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) J. R. Chakraborty vs Union of India & Ors

Advocate for the Applicant(s) M. Chanda

S. N. Ait, H. M. Datta

Advocate for the Respondant(s) R. C. Bose, G. B. Bhatia

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

File application is in form
is filed/C F. for Rs. 50/-
deposited vide IPO/BB
No. 346654533
Dated 22.6.07

3.7.2007

The Applicant initially joined as Asstt. Teacher in Assam Education Department. In 1966 he was placed in SSB on deputation basis and joined as such on 15.7.1966. He retired on 31.5.1988. He filed an O.A. before this Tribunal and vide order dated 11.2.1987 this Tribunal directed the Respondents to absorb the Applicant. The matter was taken up before the Hon'ble Supreme Court directed that order of this Tribunal to absorb the Applicant would only apply only for the purpose of monetary benefits. Now, the grievance of the Applicant is that his five years three months service prior to his deputation has not been counted for retrial benefits. Hence this O.A.

Registrar

Petitioner's Copy
for issuance of order are
not received.

22/6/07

Contd..

- 2 -

OA. 18/3/07

Contd
3.7.2007

Heard Mr.M.Chanda, learned counsel for the Applicant. Mr.G.Baishya, learned Sr. C.G.S.C. appeared on behalf of the Respondents.

Considering the issue involved in this case I am of the view that the O.A. has to be admitted. Admit the O.A. Issue notice to the Respondents.

Post the case on 14.8.2007.


Vice-Chairman

/bb/

19.9.2007

Four weeks time allowed to Mr G. Baishya, learned Sr. C.G.S.C. to file reply. List on 5.11.07.


Vice-Chairman

nkm

31/7/07

Pl. comply



Steps taken on 20/8/07.

~~20/8/07~~
20/8/07

Notice & order sent to D/Section for issuing to R- 1 to 6 by regd. A/D post.

~~20/8/07~~
20/8/07. D/No-840 to 845
Dt= 21/8/07

Notice for R- 6 received back as unserved with a postal remark "There are two branch in Edu. Dept. so incomplete address (Return to sender)".

~~30/8/07~~
30/8/07

Notice for R- 4 received back as unserved.

~~11/9/07~~
11/9/07

Q Service report awaited.

~~18/9/07~~
18.9.07

Notice for R-2
received back
as unserved with
a postal remark
"Not for beat no-3"
dt. 29/8/07.

~~27/9/07.~~

Notice duly served
on R-3.

~~27/9/07.~~

2-11-07.

W/S not biled.

~~5.12.07.~~

W/S not biled.

~~8.1.08.~~

05.11.2007

Mr.G.Baishya, learned Sr.

Standing counsel for the Union of India
undertakes to file reply statement within
the next four weeks time.

Call this matter on 06.12.2007.

Member (A)

/bb/

06.12.2007

No written statement has been filed
in this case yet.

Call this matter on 09.01.2008
awaiting written statement from the
Respondents.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

09.01.2008

Notice sent to Respondent No.2 has
come back unserved, apparently, due to
incorrect address supplied by the Applicant.
Mr.M.Chanda, learned counsel appearing for
the Applicant, undertakes to furnish correct
address of the Respondent No.2 by 15.01.2008.


Issue fresh notice to the Respondent No.2
(in the correct address to be supplied by the
Applicant ^{and} at the cost of the Applicant) requiring
the said Respondent No. 2 to file reply by
15.02.2008.

Contd.....

Contd.
09.01.2008

Mr.G.Baishya, learned Sr. Standing counsel for the Union of India seeks an adjournment for filing written statement in this case. Prayer is allowed.

Call this matter on 15.02.2008 awaiting written statement from the Respondents.

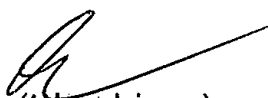

(Khushiram)
Member (A)



(M.R. Mohanty)
Vice-Chairman

/bb/

15.02.2008

On the prayer of learned counsel appearing for both the parties, call this matter on 21.02.2008.

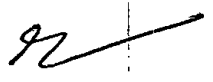

(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm


21.02.2008 Mr. S. Nath, learned counsel appearing for the Applicant is present. Mr. G. Baishya learned Sr. Standing Counsel appearing for the Respondents wants to file reply in this case and he prays for adjournment. Prayer is allowed.

Call this matter on 11.03.2008.


(Khushiram)
Member(A)


lm

Steps and cost of notice issue for R-2 received, vide receipt no-2579, dated:- 23/1/08, Rs=70/- only.



23/01/08

Notice sent to D/Section for issuing to resp. nos 2 by regd. A/D post.


D/No. 301


23/01/08 Dt= 24/01/08


W/s not filed.


14.2.08

W/s not filed.


20.2.08

W/s not filed.


10.3.08

11.03.2008

Mr.M.Chanda learned counsel for the Applicant is present. Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents department has tendered leave application.

Call this matter on 1st April, 2008.

W/s not bldel.

31.3.08.


(M.R. Mohanty)
Vice-Chairman


lm


01.04.2008

Heard. Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No costs.

15.4.08

Copy of the budget sent to the office for the line item to the parties along with the L/Adv. for the parties.
HS


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No 183, of 2007

DATE OF DECISION: 01.04.2008

Shri J.R.Chakravorty

Applicant/

Mr.M.Chanda

Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

Respondent/s

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

Advocate for the
Respondents

CORAM

THE HON'BLE MR.MONORANJAN MOHANTY.VICE-CHAIRMAN
THE HON'BLE KHUSHIRAM, ADMINISTRATIVE MEMBER.

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.183 of 2007

Date of Order: This the 1st Day of April, 2008.

HON'BLE MR.MONORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Jashada Ranjan Chakraborty
"SUSHAMA", longai Road,
P.O. & Dist-Karimganj.
Assam-788712

Applicant

By Advocate Mr.M.Chanda, Mr.S.Nath,
Mrs. U.Dutta.

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi-110066
2. The Director General S.S.B,
F.H.Q East Block - V,
R-K Puram, New Delhi-110066
3. The Director, SSB
Block-V (East)
R.K.Puram,
New Delhi-110066
4. The Divisional Organiser, SSB,
Shillong Division,
Shillong-793001
5. The Sr. Asstt.Director of Accounts,
Special Service Bureau (MHA)
East Block-IX, Level-VII,
R.K. Puram, New Delhi-110066.
6. The State of Assam,
Represented by the Secretary,
Department of Education,
Dispur,Guwahati-781006

Respondents.

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



ORDER (ORAL)M.R.MOHANTY,V.C:

The Applicant, before joining Government of India, was in services of the State Government of Assam for about five years. On his retirement, on 31.05.1998, he was not given pensionary benefits; for which the Applicant had approached this Tribunal in an earlier round of litigation and, only with the intervention of this Tribunal, pensionary benefits of the Applicant was sanctioned during February, 2003. Applicant, thereafter, came to know that the entire period of service (rendered by him in the state of Assam) were not computed for the purpose of granting pension to him. In the aforesaid premises, the grievances of the Applicant were raised before the Respondents by way of filing representations. Not having got the required redressal, the Applicant filed, again, this Original Application, under Section 19 of the Administrative Tribunals Act, 1985, on 02.07.2007, seeking the following reliefs:-

- "8. 1 That the respondents be directed to refix the pensionary benefit and retrial benefits of the applicant taking the past services of the Applicant in the state department prior to his deputation into reckoning and pay the enhanced pensionary benefits and other retrial benefits accordingly with consequential arrears and further interests @ 18% per annum on the entire amounts already paid and to be paid w.e.f. the date on which the applicant retired on superannuation.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get interest @ 18% per annum for the inordinate delay of 5 years 4 months in making payments of pensionary benefits and other retrial benefits to the applicant for no fault of his.
- 8.3 Costs of the application.



8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

2. In this case, notices were directed to be issued to the Respondents on 03.07.2007 and, however, notices were actually issued on 21st August, 2007; because steps were only taken, on 20th August, 2007 (by the Applicant) for issuance of notices to the Respondents.

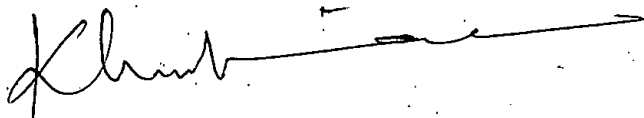
3. By filing a Petition (M.P No.35 of 2008), on 15.02.2008, the Respondents have disclosed that "during pendency of the instant Application the matter was administratively examined by the Respondents authorities at SSB Head Quarter, New Delhi and thereafter, the authority issued the revised pension letter dated 14.11.2007 by the Pay & Accounts Officer, SSB, (MHA) vide which revised pension Rs. 4921/- instead of Rs.4772/- has been fixed alongwith consequential retirement benefits in favour of Shri J. R. Chakravorty, Ex- S.A.O." The Respondents have placed on record, a copy of the aforesaid letter dated 14.11.2007 as Annexure-1 to the M.P. No.35 of 2008 ; wherein pension of the Applicant has been revised by taking into account the period services rendered (by the Applicant) in Government of Assam. In said M.P.No.35 of 2008, the Respondents have prayed to dispose of the O.A for the reasons of release of revised pension (by their letter dated 14.11.2007) in favour of the Applicant.

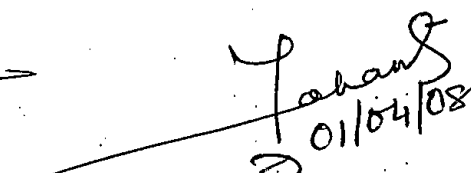
4, Heard Mr.M.Chanda, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents department and perused the materials placed on record.



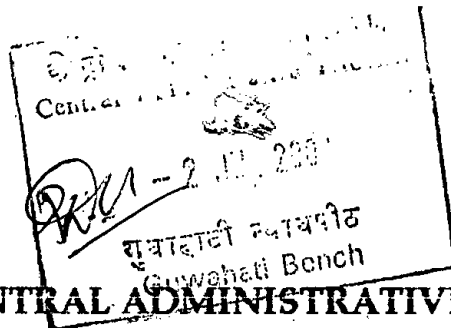
5. It is seen that the Respondents department did not grant even pension to the Applicant until he approached this Tribunal in earlier round of litigation/ in O.A.No.390 of 2002 and that too after almost five years of his retirement. Again, he pointed out to the Respondents that five years of his services (to the State of Assam) were not computed for granting pensionary benefits. It appears that the Respondents did not act upon the matter until notices (in the present case) were received by them and, only thereafter, the Respondents revised the pension of the Applicant by issuing letter dated 14.11.2007.

6. In the aforesaid premises, while disposing this O.A, and the M.A., a cost of Rs.1,500/- is imposed on the Respondents, (to be paid to the Applicant within a period of 60 days from now); for they have delayed in releasing pension to the Applicant without any reasonable excuse.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(M.R. MOHANTY)
VICE-CHAIRMAN

LM



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

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

O. A. No. 183 /2007

Sri Jashada Ranjan Chakravarty .

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 25.11.1959- Applicant joined as Asstt. Teacher in Assam Education Department.
- 15.06.1966 Applicant was placed under Special Service Bureau (S.S.B) on deputation basis and joined w.e.f 15.07.66 until he retired on superannuation on 31.05.98. (Annexure-I)
- 22.04.1981- Applicant filed a writ petition before the Hon'ble Gauhati High Court against the order unilateral repatriation, which was eventually transferred to the learned CAT, Guwahati Bench, the learned Tribunal vide its judgment dated 11.02.1987, directed the respondents to absorb the applicant in the respondent department with immediate effect.
- Respondent SSB preferred an appeal before the Hon'ble Supreme Court against the order of the learned CAT, the Hon'ble Supreme Court vide its judgment dated 05.02.1997 dismissed the appeal and upheld the order of the learned CAT. Pursuant to the said order applicant was allowed to continue in the respondent department and subsequently promoted to the post of Sub Area Organiser vide order dated 03.09.97 and worked for 32 years till he is retired on superannuation on 31.05.1998. (Annexure-II)
- 28.08.1997- Respondent No. 3 instructed the applicant to submit his pension papers to Director of Accounts, Cabinet Secretariat, New Delhi. (Annexure-III)
- 29.09.1997- Respondent No. 5 informed the respondent No. 3 that applicant is deputationist and his pension has to be borne by his parent department and he was advised to submit his papers to the office of the Director of Accounts, till any decision taken by the Directorate. (Annexure-IV)

Jashada Ranjan Chakravarty

- 25.06.1998- Applicant submitted his pension papers to the Director of Public Instructions, Secondary Education Department, Govt. of Assam, Kahilipara, for grant of pension but to no result. (Annexure-V)
- 05.07.2002- Respondent No. 4 entered into unnecessary correspondences with the parent department again sent all the relevant documents and pension papers to the Govt. of Assam, Education department. (Annexure-VI)
- 10.2.03, 25.4.03- Applicant approached this learned Tribunal through O.A. No. 390/02, respondent released his pensionary benefits on 10.2.03, as such the learned Tribunal vide its order dated 25.04.03 disposed the O.A with observation that the respondents authority shall release the retrial benefits with utmost expedition without any further delay. (Annexure-VII and VIII)
- 31.07.03, 12.08.03- Pay and Accounts office of the S.S.B forwarded the pension payment order to the Central Pension Accounting office, New Delhi, wherein applicants date of entry shown as 15.7.1966, whereas his actual date of entry is 25.11.1959 in the Education Department, Assam. (Annexure-IX and X)
- 18.09.2003- Applicant submitted representations to the respondent No. 5 pointing out the anomalies in the pension payment order. (Annexure-XI)
- 22.10.03, 03.12.04, 15.09.05, 27.02.06, 27.02.04, 18.11.05- Applicant submitted representations regarding his permanent absorption in the respondent department and the settlement of his retrial benefits, but the respondents adhered to their earlier stand. (Annexure-XII series and XIII series)

Hence this Original Application.

PRAYERS

1. That the respondents be directed to re-fix the pensionary benefit and retrial benefits of the applicant taking the past services of the applicant in the state department prior to his deputation into reckoning and pay the enhanced pensionary benefits and other retrial benefits accordingly with consequential arrears and further interests @18 % p.a on the entire amounts already paid and to be paid w.e.f the date on which the applicant retired on superannuation.

Joshada Ranjan Chakravarty

2. That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get interest @ 18% Per annum for the inordinate delay of 5 years 4 months in making payments of pensionary benefits and other retrial benefits to the applicant for no fault of his.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

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

1. That pendency of this application shall not be a bar to the respondents for considering the representation of the applicant and the prayers sought for.

Joshada Rajou Channawark

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : **O.A. No. 183 /2007**

Shri. Jashada Ranjan Chakraborty.

: Applicant.

-Versus-

Union of India & Ors.

: Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	—	Application	1 - 14
2.	---	Verification	- 15 -
3.	I	Copy of order dated 15.06.1966	- 16 -
4.	II	Copy of Supreme Court's order dated 05.02.1997	17 - 18
5.	III	Copy of the memorandum dated 28.08.1997	- 19 -
6.	IV	Copy of the letter dated 29.09.1997	- 20 -
7.	V	Copy of the letter dated 25.06.1998	21 - 22
8.	VI	Copy of the letter dated 05.07.2002	23 - 24
9.	VII	Copy of the letter dated 10.02.2003	- 25 -
10.	VIII	Copy of the Hon'ble Tribunal's order dtd. 25.4.03.	26 - 27
11.	IX	Copy of the pension payment letter dated 31.07.03.	28 - 33
12.	X	Copy of authorization letter dated 12.08.2003.	- 34 -
13.	XI	Copy of the representation dated 18.09.2003.	35 - 36
14.	XII (Series)	Copy of the representations dated 22.10.03, 03.12.04, 15.09.05 and 27.02.06.	37 - 42
15.	XIII (Series)	Copy of letters of dated 27.02.04 and 18.11.05.	43 - 44

Filed By:

U. Dutta
Advocate

Date:- 02.07.07

Jashada Ranjan Chakraborty

24

Filed by the applicant
through U. Dutta, advocate
on 02-07-07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 183 /2007

BETWEEN:

Shri Jashada Ranjan Chakraborty.

"SUSHAMA", Longai Road.

P.O & Dist- Karimganj.

Assam-788712.

.....Applicant.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi-110066.

- * 2. The Director General of Security,
South Block,
New Delhi-110001.

* R-2.
The Director General S.S.B,
F.H.Q. East Block - V,
R.K. puram, New Delhi - 110066

3. The Director, SSB
Block-V (East)
R.K. Puram,
New Delhi-110066.

(The learned advocate for
applicant given correct
address of the R-2, vide order
dated 9/01/08).

4. The Divisional Organiser, SSB,
Shillong Division,
Shillong-793001.

23/01/08

S. Dutta, 23/01/08

5. The Sr. Asstt. Director of Accounts,
Special Service Bureau (MHA)
East Block-IX, Level-VII,
R.K. Puram, New Delhi-110066.

6. The State of Assam,
Represented by the Secretary,
Department of Education,
Dispur, Guwahati- 781006.

..... Respondents.

Jashada Ranjan Chakraborty

DETAILS OF THE APPLICATION

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

This application is made not against any particular order but against wrong calculation of length of service and inordinate delay in making payment of pensionary benefits to the applicant which after 5 years and 3 months of his retirement, without any valid reason causing huge financial loss to the applicant and against non-consideration of the applicant's claim for less payment of pension amount and interest accrued on the pension amounts for 5 years 3 months during which the said money have been unlawfully retained by the respondents.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant initially joined as Asstt. Teacher in the Assam Education Department on 25.11.1959, subsequently, his services were placed under Special Service Bureau (S.S.B) in the Ministry of Home Affairs on deputation basis vide order No. 235 dated 15.06.1966 issued by the Govt. of Assam and he joined in the deputed post w.e.f 15.07.1966 as

Goshada Rajan Chakravarty

Circle Organiser. He had since been continuing in the said department until he retired on Superannuation on 31.05.1998, as Sub-Area Organiser, a post to which he was promoted on 03.09.1997.

(Copy of the order dated 15.06.1966 is annexed hereto as Annexure-I).

- 4.3 That while serving under deputation, the Special Service Bureau (S.S.B), the borrowing department unilaterally repatriated the applicant back to his parent department on 22.04.1981. The applicant agitated against the order of repatriation and filed writ petition under C.R. No. 188 of 1981 in the Gauhati High Court, which was eventually transferred to the Hon'ble Central Administrative Tribunal (CAT), Guwahati Bench under G.C. No. 314 of 1986. The Hon'ble CAT vide its order dated 11.02.1987 in G.C No. 314/1986 disposed of the case directing the respondent department to permanently absorb the applicant in the respondent department with immediate effect. The respondent deptt. preferred appeal before the Hon'ble Supreme Court against the said order of the learned CAT which was registered as Civil Appeal No. 1877/88. The Hon'ble Supreme Court vide its order dated 05.02.1997 in C.A. No. 1877/88 dismissed the appeal and upheld the order of the learned CAT, Guwahati Bench, with the modification that the order of the Tribunal that the respondent (applicant herein) should be absorbed in the department will apply only in so far monetary benefits to the respondent (this applicant) are concerned but with regard to his promotion it will be considered by the promotion Committee if he is found fit and suitable. Pursuant to the said orders, the applicant was allowed to continue in the respondent department and was subsequently promoted to the post of Sub Area Organiser vide order dated 03.09.1997 and worked as such till his retirement. Having served about 32 years in the respondent department, the applicant retired on superannuation on 31.05.1998

Joshada Rajan Chakravarty

(Copy of the Hon'ble Supreme Court's order dated 05.02.97 is annexed hereto and marked as Annexure-II).

- 4.4 That following his retirement on superannuation after serving for long 32 years in the respondent department, the applicant was entitled to get all his retrial benefits including pensionary benefit, as per normal rules. Accordingly, vide memorandum dated 28.08.1997, the office of the respondent No. 3 instructed the applicant to submit his pension papers to Director of Accounts, Cabinet Secretariat, New Delhi.

(A Copy of the memorandum dated 28.08.1997 is enclosed as Annexure-III).

- 4.5 That in response to the memorandum aforesaid, the respondent No. 5 vide his letter No. GE I/A/267/1094-98 dated 29.09.1997 informed the respondent No. 3 that the applicant being a deputationist, his liability of pension has to be borne by his parent department and that the position would be different if he is permanently absorbed in the respondent department. As such it was communicated that the applicant be advised not to submit his pension papers to the office of the Director of Accounts till any decision regarding his permanent absorption is taken by the Directorate.

(Copy of the letter dated 29.09.1997 is annexed hereto and marked as Annexure-IV).

- 4.6 That thereafter the applicant submitted his pension papers on 07.04.1998 through the Sub Area Organiser, Kailashar. But the office of the respondent No. 4, vide it's letter No. E.1/9-2/SD/6912-17 dated 25.06.1998 forwarded all the pension papers in respect of the applicant to the Director of Public Instructions, Secondary Education Department, Govt. of Assam,

Joshada Rajan Chakravarty

Kahilipara, Cuwahati asking the parent department of the applicant to arrange for grant of pension of the applicant. Thus, after extracting the services of the applicant for long 32 years, the respondent department neither confirmed anything about the status of the applicant nor inclined to settle his retrial benefits and shifted the liability to the parent department in an illegal manner.

(Copy of letter dated 25.06.1998 is annexed hereto as Annexure-V).

- 4.7 That thereafter, the respondent department in a bid to shift their responsibility, entered into unnecessary correspondences with the parent department of the applicant i.e the Govt. of Assam contending that the liability of the pension including the gratuity in respect of the applicant should be borne by the Govt. to which the applicant permanently belongs to at the time of retirement. Thus the respondent department sought to disown the applicant as its employee on the plea that he was on deputation in the respondent department but belongs to the Govt. of Assam. Accordingly, the office of the respondent No. 4 again sent all the relevant documents and pension papers of the applicant to the Govt. of Assam, Department of Education vide letter No. E.1/9-2/SD/2251-52 dated 05.07.2002. It is relevant to mention here that even after 32 years of his rendering service in the respondent department, the respondent department surprisingly claims that the applicant was a deputationist and not belonging to the respondent department. Had it been so, then how the respondent department in the capacity of a so called borrowing department could release the applicant on superannuation without repatriating him back to his parent department prior to his superannuation which is elementary procedure of deputation service and when the respondents contend that the applicant belonged to the parent department. It is not understood as to how the employee of the lending department could be sent on retirement by the borrowing department and then disowning the

Joshada Rajan Chokkavarthy

liability of his retrial benefits, which is opposed to all canons of law in the service jurisprudence.

(Copy of the letter dated 05.07.2002 is marked as Annexure- VI).

- 4.8 That being aggrieved due to non payment of his retrial benefits, the applicant approached this Hon'ble Tribunal through O.A.No. 390 of 2002 for his relief. Thereafter, the respondent department decided to release the pensionary benefits of the applicant which is evident from the letter No. E.1/9-2/ED/03/_ dated 10.02.2003 issued by the Dy. Inspector General, Mazaffarpur. Subsequently, this Hon'ble Tribunal vide its order dated 25.04.2003, disposed of the O.A. No. 390/2002 with the observation that it would not be appropriate to pass any order at this stage since the authority has already taken steps for releasing the retrial benefits to the applicant and with further observation that the respondents authority shall release the retrial benefits with utmost expedition without any further delay.

(Copy of the letter dated 10.02.2003 and learned Tribunal's order dated 25.04.2003 are annexed hereto as Annexure-VII and VIII)

- 4.9 That pursuant to the above decisions, the pay and Accounts office of the S.S.B forwarded the pension payment order in response of the applicant to the Central Pension Accounting Office, New Delhi vide letter No. PN (SSB)/2130/SUPN/2289-92 dated 31.07.2003. The Central Pension Accounting Office in turn, sent the payment authorization letter to the State Bank of India, Karimganj vide authority letter No. 2530/0306817/390567 dated 12.08.2003 for making payments to the applicant.

(Copy of the letter dated 31.07.03 and dated 12.08.03 are annexed hereto and marked as Annexure-IX and X respectively).

Joshada Rajan Chakravarty

4.10 That the applicant most respectfully begs to state that in the pension payment order aforesaid, the applicants date of entry into the service has been erroneously shown as 15.07.1966 and accordingly the total length of service has been shown as 31 years 10 months 17 days, thus resulting into payment of reduced pension amount to the applicant. It is relevant to mention here that the date 15.07.1966 is the date on which the applicant joined of entry into Govt. Service is 25.11.1959 when he joined in the education department of the Govt. of Assam and in continuation to that only he joined on deputation in the SSB on 15.07.1966. As such he served continuously in the State of Assam and thereafter in the SSB from 25.11.1959 till his superannuation on 31.05.1998 and accordingly his total length of service comes to 38 years 6 months 5 days and not 31 years 10 months 17 days as shown in the pension payment order, which was erroneous and not in accordance with the pension rules.

4.11 That in view of situation stated above, the applicant submitted representation on 18.09.2003 to the respondent No. 5 pointing out the anomalies in the pension payment order and prayed for corrections thereto and issuance of necessary orders in respect of his pensionery benefit.

(Copy of representation dated 18.09.2003 is annexed hereto and marked as Annexure-XI).

4.12 That the applicant most respectfully begs to submit that the indecision and illegal action of the respondent department in deciding the status of the applicant led to inordinate delay in payment of pensionery benefit to the applicant and resulted into erroneous computation of the pension amount vis-à-vis length of service etc. It is relevant to mention here that out of a total length of more than 38 years of his service, the applicant served for about 32 years in the respondent department. But even thereafter the respondents did not take any action for permanent

Joshada Ranjan Chakravarty

absorption of the applicant in the department and treated the applicant as a deputationist in the respondent department. The respondent therefore denied to pay pensionary benefit and other retrial benefits to the applicant on the plea that the same cannot be paid to a deputationist unless he is permanently absorbed. Eventually they paid the retrial benefits and pensionary benefit through a reduced amount, to the applicant which implies that the applicant had been permanently absorbed in the respondent department prior to granting of his pensionary benefit etc. But even in spite of that the respondents maintain that the applicant is not a permanent employee in the respondent department and as such the period of his continuous service under the Govt. of Assam prior to his deputation to the respondent department have not been taken into calculation for the purpose of pension, thereby reducing to total length of his service and pension amount, which is inconsistent with the pleas of respondents themselves and violative of the Govt. pension rules. The applicant submitted representations time and again regarding his permanent absorption vis-à-vis his status in the respondent department and settlement of his retrial benefits, but the respondents adhered to their usual earlier stand and refused the permanent absorption of the applicant in the respondent department. Some of the representations submitted by the applicant and letter of denial issued by the respondents are annexed hereto for kind perusal of the Hon'ble Tribunal.

(Copy of representations dated 22.10.03, 03.12.04, 15.09.05, 27.02.06 are annexed hereto as Annexure-XII (Series) and the letters dated 27.02.04 and 18.11.05 are annexed hereto as Annexure-XIII (Series)).

- 4.13 That the applicant further begs to submit that the ultimate granting of pension to the applicant by the respondents leads to the inescapable conclusion that the applicant was permanently absorbed in the

Joshada Rajan Chakraborty

respondent department prior to granting of his pension since the respondents themselves pleaded earlier that pension could not be granted unless the applicant is permanently absorbed in the respondent department. Now since he has been granting pensionary benefit by the respondent department, the applicant is deemed to have been permanently absorbed by the said department which was a condition precedent made by them. This gains support from the fact that the Hon'ble Tribunal vide its judgment and order dated 11.02.1987 in G.C. No. 314/1986 quashed the order of repatriation of the applicant to his parent department and directed the respondents to absorb the applicant permanently with immediate effect. The appeal preferred by the respondents against the said judgment was also dismissed by the Supreme Court vide its order dated 05.02.1997 (Annexure-II) and the judgment dated 11.02.1987 of the CAT was upheld. Pursuant to those orders only, the applicant was allowed to continue in the respondent department till his retirement on superannuation. As such it attained finality and thereafter the respondents have no ground to plead that the applicant has not been absorbed in their department nor they have any right to deny the payment of pensionary benefits and other retiral benefits to the applicant for more than 5 (five) years after his retirement which they did arbitrarily and illegally violating the orders of this Tribunal and the Apex Court. Therefore, the inordinate delay in releasing the pensionary benefit and other retiral benefits to the applicant is attributable to the respondents only which was for no fault of the applicant and as such it attracts penal interests on the amounts for the entire period of delay.

- 4.14 That the matter of permanent absorption of the applicant in the respondent department having been decided matter as stated above, it is an inescapable conclusion that the applicant was not a deputationist but permanent employee in the respondent department at the time of his

Joshada Renujan Chakravarty

superannuation, more so when he was never repatriated to his parent department and he had rendered continuous service for 32 years in the respondent department. The next question therefore is the computation of his pensionary benefits. It is the settled position of law that when a deputationist is absorbed in the borrowing department, his past continuous service in his parent department has to be reckoned for the purpose of computation of his total length of service and the calculations of retrial benefits be made on that basis. But in the instant case, the respondents have erroneously counted only the period of service which the applicant rendered in the respondent department and have excluded the period of his service in the parent department prior to his deputation while calculating his retrial benefits. Consequently, his total length of service has been wrongly compounded 31 years 10 months 17 days which ought to have been 38 years 6 months 5 days since he had had joined in the Government service in his parent department on 25.11.1959 and retired from the respondent department on 31.05.1998. Such wrong calculation of his total length of service, the applicant has been paid a reduced amount of pensionary benefit and other retrial benefits and as such the same have to be refixed and the difference of amounts including arrears have to be paid with interest to the applicant, which the applicant is legitimately entitled to.

- 4.15 That due to reduced payment of pensionary benefit and other retrial benefits and due to inordinate delay in making the payments to the applicant for no fault of his, the applicant has been suffering heavy financial loss. Therefore finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the respondents to refix the pensionary amount and other retrial benefits of the applicant taking his past services in his parent department into reckoning and make

Joshada Ranjan Chakravarti,

payments accordingly with arrear and other consequential benefits along with interests @ 18 % per annum on all amounts paid so far and so on w.e.f the date on which the applicant retired from service on superannuation.

4.16 That this application is made bona fide and for the cause of justice.

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

- 5.1 For that, the applicant was initially taken on deputation in the respondent department and was made to render his services for long 32 years in the respondent department from where he retired on superannuation.
- 5.2 For that, the Hon'ble CAT, Guwahati Bench quashed the order of repatriation of the applicant to his parent department and directed the respondents to absorb the applicant permanently with immediate effect in view of his long services in the respondent department. The said order of the Tribunal was upheld by the Hon'ble Supreme Court and as such it attained finality.
- 5.3 For that, the applicant became the permanent employee of the respondent department in all fitness of the things and accordingly he was made to continue in the respondent department till his retirement on superannuation.
- 5.4 For that, the respondents do not have any right to delay the payment of pensionary benefits to the applicant by more than of 5 years on the plea that the applicant does not belong to their department when the matter has earlier been decided by this Hon'ble Tribunal and the Apex Court. As such this inordinate delay in payment attracts penal interest which the respondents are liable to pay.

Joshada Rajan Choudhary

- 5.6 For that, while calculating the total length of service in respect of the applicant, the respondents have excluded the past services of the applicant which he rendered in the state department prior to his deputation thereby reducing his pensionary benefit and other retrial benefits which is violative of the settled position of law. As such this has to be re-fixed and the applicant is entitled for enhanced retrial benefits and pensionary benefit with consequential arrear and interests thereon.
- 5.7 For that, the inordinate delay in payment of pensionary benefit and erroneous calculations thereon resulting into less payment to the applicant is far no fault of the applicant and are attributable to the respondents.
- 5.8 For that, the applicant made prayers to the respondents for timely payment of his retrial benefits and re-fixation of his pensionary benefits etc. but with no results.
- 5.9 For that, due to less payment and late payment of his retrial benefits the applicant has been suffering heavy financial loss.
- 5.10 For that, the action of the respondents resulting into less payment and late payment of the pensionary benefit and other retrial benefits to the applicant is arbitrary, malafide, unfair, illegal, opposed to the directions of this Tribunal and the Apex Court and violative of the principles of natural justice.

6. Details of remedies exhausted.

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

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority.

Joshada Ranjan Chakravarty

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 respondents be directed to refix the pensionary benefit and retrial benefits of the applicant taking the past services of the applicant in the state department prior to his deputation into reckoning and pay the enhanced pensionary benefits and other retrial benefits accordingly with consequential arrears and further interests @ 18 % per annum on the entire amounts already paid and to be paid w.e.f the date on which the applicant retired on superannuation.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get interest @ 18% Per annum for the inordinate delay of 5 years 4 months in making payments of pensionary benefits and other retrial benefits to the applicant for no fault of his.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

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

Joshada Benjam Chakravarty

9.1 That pendency of this application shall not be a bar to the respondents for considering of the reliefs sought for herein above.

10

11. Particulars of the I.P.O

- i) I.P.O No. : 34 G 654533
ii) Date of issue : 27.8.07.
iii) Issued from : G. P. O. Guwahati
iv) Payable at : G. P. O. Guwahati

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

Joshada Ranjan Chakraborty

3

VERIFICATION

I, Shri Jashada Ranjan Chakraborty, resident of "SUSHAMA", Longai Road, P.O & Dist- Karimganj, Assam-788712, 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 1st day of July 2007.

Jashada Ranjan Chakraborty

ASSAM SCHOOL SERVICE.

No. 255.

Dt. Shillong the 15th June '66.

TOP SECRET.

In pursuance of Edn. Deptt's letter No. ESS.70/65/253 dated 16.5.66 the services of the following two Assistant Teachers in Class-II, A.S.S. are placed at the disposal of the Prime Minister's Sectt. as Circle Organisers with effect from the date of their joining.

ANNEXURE-I

- 1) Shri Jashada Ranjan Chakraborty,
Asstt. Teacher, Govt. Higher Secondary
School, Karimganj.
- 2) Shri Rajit Kumar Biswas,
Asstt. Teacher, Govt. High School
Bilakandi.

Sd/- G.C.S. Barua:
Addl. Director of Public Instruction
Assam

Dt. 15.6.66

Mem No. 48/57/65/25 Dt. Shillong, the 15th June '66

Copy to:- 1) The Secretary to the Govt. of Assam, Edn. Deptt. with reference to their letter No. ESS.70/65/253, dt. 16.5.66
As regards release of Shri Rajit Kumar Biswas, Librarian,
Dist. Library, Silchar a further communication will follow.

- 2) The Divisional Officer, SSR, SA, Div. Silchar date of joining of the teachers may be reported to this office.
- 3) The Inspector of Schools, S.A.C. Silchar.
- 4) The Principal, Govt. Secondary School, Karimganj.
- 5) The Head Master, Govt. High School, Bilakandi.

They are requested to relocate the teacher concerned immediately to join their new duties.

- 6) Shri Jashada Ranjan Chakraborty, Asstt. Teacher, Govt. High School, Higher Secondary School, Karimganj.
- 7) Shri Rajit Kumar Biswas, Asstt. Teacher, Govt. High School, Bilakandi.

They should report to the Divisional Officer, SSR, SA, Div. Silchar immediately. They will get their own grade pay plus a special pay of Rs. 100/- P.M. during the period of this deployment.

Sd/- G.C.S. Barua
Addl. Director of Public Administration
Assam.

Attested
Dutta
Adm

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

ANNEXURE-II

CIVIL APPEAL NO. 1877/88

155087

U.O.I. and ors.

..Appellants

vs.

Joshada Ranjan Chakravarty

..Respondent

O B D E R

We heard counsel.

In the peculiar facts and circumstances of the case, we are not inclined to go into the details of the matter.

The respondent was sent on deputation to S.S.B. as early as on 15.8.66. He has been continuing in the said "Department" since then. The Screening Committee was formed only in 1976 and it was decided on 7.3.1977 that the respondent should be repatriated to the parent Department. The repatriation was stayed by court's order from time to time. Finally, the Central Administrative Tribunal, Gauhati Bench, by order dated 11.2.87, passed an order quashing the order of repatriation and directed the appellants to absorb the respondent in the "Department" with immediate effect.

*Attested
by
D. W.
D. W.*

-:2:-

The respondent has got only a year or a little more to retire. In the peculiar facts of this case, we are of the view that the respondent should be permitted to continue in the Department - S.S.R. till his retirement. The order of the Tribunal that the respondent should be absorbed in the Department will apply only insofar as monetary benefits to the respondent are concerned. With regard to promotion, the case of the respondent will be considered by the Promotion Committee and only if he is found fit and suitable by the Committee, he will be entitled to the benefits relating thereto. Subject to this modification, the appeal shall stand dismissed with no order as to costs. We make it clear that this decision shall not be a precedent in other cases.

.....J.
[K.S. PARIPOORNAN]

.....J.
[S.P. KURDUKAR]

N. Delhi,
February 5, 1997

42
New

ANNEXURE-III

Dated the 20th August 1997.

MEMORANDUM

Reference Shri J.R. Chakraborty, Circle Officer, Rathamkandi, Shillong Division letter No. PB(1)/IT/97/249 dated 5.8.97 seeking clarification whether he will get pension from the central Govt. or from his parent department.

2. In this connection it is intimated that Shri J.R. Chakraborty has been allowed to continue in SSB till his superannuation i.e. 31.5.98 vide order No.17/SSB/A2/83(2) Vol. IV dated 16.7.97. Therefore, he is to now submit his pension papers to Director of Accounts, Ceb. Sectt. New Delhi. He may please be informed accordingly. Shri J.R. Chakraborty, C.O. may also please be advised to make his applications only through proper channel.

Sd/- (KARAN SINGH)
ASSISTANT DIRECTOR(EA),

To
Divisional Officer,
Shillong Division.

Copy to :-
Director of Accounts, Ceb. Sectt., East Block IX,
R.K. Puram, New Delhi- 66.

Assistant Director(EA).

Ref. No. E.1/9-2/SH/16370 dated 16.2.97.

Copy to :-
The Area Officer, SSB, Kishipur, Cachar, for
information and necessary action please.

Sd/- (H.R. Goswami).
Section Officer, SSB,
Shillong Division, Shillong.

No.

Dated the 27th Sept 97

1. Copy forwarded to Shri J.R. Chakraborty, Sub-Area
Officer, SSB, Dailadhar, Tripura North.

2. The Area Officer, SSB, Tripura, Agartala- 792001.
for information please.

Area Officer, SSB,
Cachar : Kishipur.

43

मंत्रिमंडल सचिवालय

CABINET SECRETARIAT

कार्यालय लेखा निदेशक
OFFICE OF THE DIRECTOR OF ACCOUNTS

मंत्रिमंडल सचिवालय
CABINET SECRETARIAT

पूनी ब्लॉक-९, रात-७
EAST BLOCK No. IX, LEVEL-7

रामा कृष्णा पुरम
R. K. PURAM

ANNEXURE-IV

7 SEPT 97

नई दिल्ली-६६
New Delhi-66 the

No. GE I/A/267/2094-98

The Asset Director (FA)
SSB Dto. New Delhi.

Sub : Extension of deputation period of Sh. JR Chakraborty, C.A.

Sir,

I am to invite a reference to your Memorandum No. 4/SSB/100/107/74/11-2321 dt. 20.8.97, addressed to DO Shillong Div, with a copy to this office.

In this connection it is stated that being a deputationist in SSB from Assam Govt, pensionary benefits, of Sh. JR Chakraborty are to be finalised by his parent deptt. Since the liability for pension is borne by the parent deptt. to which the officer permanently belongs. The position will however be different if he is permanently absorbed in SSB.

Accordingly, the official may not be advised to submit his pension papers to this office till any decision regarding his permanent absorption is stated in your office DO No. 10 t/SSB/SA/A2/66(74)/2055 dt. 29.5.97 is taken by your Dto.

yours faithfully

Attended
Dutta
dow

SR ASST DIR

Copy for information and necessary action to :-

1. DO Shillong Division, DO Shillong.
2. Sh. JR Chakraborty, of SS Patharkandi, Distt. Karimganj, Assam-788724.
3. The Director of Secondary Education, Dibrugarh, Assam-786001.
4. Spare copy.

D/Secy

Directed to General of Security,
c/o the District Commander,
Shillong District, Shillong,
A.M.S., Shillong, District
Shillong Hill, Shillong.

ANNEXURE-V

25-6-98

20

The Director of Public Instructions,
Secondary Education Department,
Philippine, Cumbria 70,
A S S A M.

Grant of Pension on superannuation to Shri J.R. Chakraborty, 31.5.98 afternoon.

I am to invite a reference to SSB Directorate's Confidential Order No. 4/SSB/12/55(74)2703 dated 11.5.58 (copy enclosed), the following documents are enclosed herewith for favour of granting pension to Shri J.R. Chakraborty, Teacher of Govt. Assam who was on deputation in SSB, Govt. of India and retired from Service on 31.5.28 due to superannuation.

1. Original Service Card/ Service statement in respect of Shri J.R. Chakraborty, ex-SAO, received from Director of Accounts, Cabinet Sectt. East Block IX, Level 7, P.W. Bureau, New Delhi 110055. = 3 sheets.
2. 3 copies of Joint photographs in r/o Sh. Chakraborty with his wife. = 3 copies
3. Specimen signature of Shri Chakraborty. = 3 "
4. Identification cards = 3 "
5. Form I (Being gratuity pension without medical examination). = 3 "
6. Form III (Family details) = 3 "
7. Form 4 (application of family pension) = 3 "
8. Form 5 (personal particulars before retiring by Govt. Servant). = 3 "
9. Descriptive Roll = 3 "
10. Form 7 (application of Pension & gratuity). = 3 "

You are, therefore, requested kindly to arrange grant of Pension to Shri Chakraborty at an early date. In case any further information is required, the same may be obtained from Shri S.B. Chakraborty at the address given as under:-

Shri J.R. Chakraborty,
"SUCCHANA"
Longal Road, P.O. Dist. Karimganj, Assam.
Pin- 788712

.. 2 ..

An early confirmation will be highly appreciated.

Please acknowledge receipt.

Yours faithfully,

Encls: 40 ^(Forty) sheets.

Area Organiser (Admn),
Shillong Division, Shillong.

Copy to:-

1. The Director of Accounts, Cabinet Sectt.,
East Block No. IX, Level 7, R.K. Puram, New
Delhi - 110056 for information please.
2. The Joint Deputy Director (EA), SSB Dte.,
East Block No. V, R.K. Puram, New Delhi
110066 for information please w.r.t. their
letter No. 4/SSB/A2/65(74) II-2776 dtd
18.6.98.
3. The Area Organiser, SSB Agartala, Tripura.
4. Accounts Officer, SSB Shillong.
5. Shri J.R. Chakraborty, ex- SAO, "SUSHAMA"
Longal Road, PO & Dist. Karimganj, Assam
Pin 788712.

Shaw
25/6/98
Area Organiser (Admn),
Shillong Division, Shillong.

-23-
Government of India.
Ministry of Home Affairs,
Office of the Divisional Organiser, SSB,
Shillong Division, Shillong-793001.

46
ANNEXURE-VI

No. E.J. 9-2/SD/2251-52

DATED:- 05TH JULY -2002

To,
The, Director of Secondary Education,
Assam, Kalulipara, Guwahati-19.

Sub:- Grant of pension to SH Jasuda.Ranjan Chakraborty (Retd. SAO) EX-
Asst. Teacher on Deputation in SSB

Ref:- Government Of Assam, Educational Department Ltr. No. .
AAP/PEN/15/98/22 DATED 11.6.02 AND NO. AAP/PEN/15/98/22
DATED 13.12.2001

SIR,

Please refer to your letter No. cited above in connection with Grant of Pension to SH. J.R.Chakraborty ,(retired Sub Area Organiser, SSB) Ex. Assistant Teacher of Education Department ,Government Of Assam.

It is to mention here that SH. J.R.Chokroborty Ex SAO could not be released from SSB before his retirement due to the order of Honb'le Supreme Court Vide order No- 155087 dated 05-02-1997.. Departmental Promotion Committee also considered his promotion to the rank of Sub-Area -Organiser before his retirement, as per the direction of Honb'le Supreme Court. Accordingly SH. J.R.Chokroborty continued to serve in SSB till his superannuation as on 31-05-1998(AN) on attaining the age of 58 years (fifty eight Years)
The order No- 17/SSB/A2/83(2) VOL-IV/2057 DATED 16TH JULY 1997 vide which SH. J.R.Chokroborty Ex -SAO SSB was allowed to continue in SSB up to the age of 58 superannuation i.e. 31-05-1998 copy of which was also endorsed to you.(copy enclosed).

SH. J.R.Chokroborty,ex-assisstant teacher, Education department ,Government Of Assam, on deputation to SSB joined in the organization on 15th july 1966 as Circle Organiser .He was relieved of his duties on superannuation from Government service on the afternoon of 31st May 1998 after attaining the age of 58 years. (copy of the order enclosed).

As per order contained in the Ministry Of Finance O.M. No-14(5)/86/TA/1029 dated 09-10-1986. the liability of the pension including the gratuity should be borne in full by the Central /state Government to which the Government servant permanently belongs at the time of retirement from service . SH. J.R.Chokroborty was confirmed as teacher while Directorate Of Secondary Education, Govt. Of Assam. Letter No-AAP/C/2/69/7 Dated 24-01-1970 . SH. J.R.Chokroborty Assistant Teacher was released from the educational department, Government Of Assam on deputation to SSB Vide Director Of Secondary education , Govt. Of Assam. letter No AAP AD/7-65/25 Dated 15-06-1966

Contd:- 22-

*Attested
Mulla
Dew*

It is therefore requested for arranging payment of pensionary benefits to the officer in the light of above. Service Book along with Supreme Court Order and Pension Papers with all relevant documents and orders are enclosed herewith for further necessary action please.

Your's faithfully

(B.K.Chakraborty)
Area Organiser(ADM)
Shillong Division.

Encls:- (Total 66 Pages.)

1. Service Book.(Three pages)
2. Pension Papers.
3. Copy of the Honb'le Supreme Court Order No-155087 and 187580 Dated-05-02-1997.
4. Copy of release order on superannuation of SH. J.R.Chakraborty Ex- SAO, SSB.

Copy to,

1. Joint Deputy Director (EA-I), SSB Dte. New Delhi for information please.
2. ✓ SH. J.R. Chakraborty Ex- SAO, SSB Longai Road Karimganj for information.

Wd. 5/12/02
(B.K.Chakraborty)
Area Organiser(ADM)
Shillong Division.

-25-

No. E.1/9-2/SD/03/11111111 ANNEXURE-VII
GOI MHA
O/O the Dy Inspector General,
SSB SHQ Muzaffarpur, Mishra Bhawan,
Near Srikrishna Medical College &
Hospital, Umanagar-824004(Bihar)

Dated the 10th Feb. 03.

To

The Dy Director of Accounts,
PAO SSB (MHA)
East Block No. IX, Level 6,
R K Puram, New Delhi 110066.

Sir,

With reference to DG SSB's Memo. No. 14/SSB/A2/2000 (19)407-08 dated 23.1.2003, the pension papers alongwith other relevant documents in respect of Sh J.R. Chakraborty, ex-SAO who has retired from service w.e.f 31.5.1998 Afternoon are enclosed herewith for favour of further action at your end please.

DG SSB vide above referred memo. No. 407-08 dated 23.1.03 has intimated that the pension case of Sh Chakraborty ex-SAO has already been decided by the Government and it is being released shortly.

Yours faithfully,

Encls: (total-66 pages)

1. Service sheet-3 pages
2. Pension papers
3. Copy of the Honb'le SHQ Muzaffarpur Supreme Court Order No.155087 & 187580 dated 05.02.1997.
4. Copy of release order on superannuation of Sh J P. Chakraborty, ex-SAO SSB.

Copy to:-

1. The Assistant Director (EA I), SSB HQR. East Block No. V, R K Puram, New Delhi 110066 wrt SSB HQR. Memo. No.14/SSB/A2/2000(19) 407-08 dtd,23.1.03.
2. The Area Organiser (S), FHO Patna, Bihar.
3. Shri J.R. Chakraborty, Retd. SAO, SSB "Sushama Longai Road, PO & Dist. Karinganjan Assam, Pin-788712.
4. P.E. SSB SHQ Muzaffarpur.

Attested
10/2/2003
Dy Inspector General,
SSB Muzaffarpur.

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No :
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) : J. R. Chakrabarti

- Vs. -

Respondent(s) : M. C. J. Chowdhury

Advocate for the Applicant(s) : P. P. Samra, P. Chakrabarti, Mr. A. Deb Roy

Advocate for the Respondent(s) : M. C. J. Chowdhury

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

25.4.2003

Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

Heard Mr. B. Chakraborty, learned counsel appearing for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C.

The issue relates to payment of retiral benefits. The applicant retired from service on 31.5.1998. In view of the inordinate delay in releasing the retiral benefits, the applicant has made this application praying for an appropriate direction on the respondents.

In the written statement also the respondents stated that administrative decision was taken by S.S.B. to process the pension and other retiral benefits admissible to the applicant. Accordingly directions were issued to Divisional Organiser, Shillong to submit the pension papers of the applicant to P.A.O., S.S.B., M.H.A. for immediate release of post retiral benefits to the applicant.



*Submitted
with
A.S.*

Contd.

25.4.2003

Mr. B. Chakraborty, learned counsel for the applicant has placed before me an order No. E.1/9-2/SD/O3/1174-77 dated 10.2.2003 which reads as follows:-

"With reference to the DG SSB's Memo No. 14/SSB/A2/2000(19)407-08 dated 23.1.2003, the pension papers alongwith relevant documents in respect of Sh. J. R. Chakraborty, ex-SAO who has retired from service w.e.f. 31.5.1998 Afternoon are enclosed herewith for favour of further action at your end please.

DG SSB vide above referred memo. No. 407-08 dated 23.1.03 has intimated that the pension case of Sh Chakraborty ex-SAO has already been decided by the Government and it is being released shortly."

Since the authority, after much delay had taken up the issue and passed appropriate order, it would not be appropriate to pass any order at the stage. The authority has already taken steps for releasing the retiral benefits to the applicant. It is expected that the respondents authority shall release the retiral benefits with utmost expedition without any further delay.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.



SD/VICE CHAIRMAN

Memo. No. 92.5

FD. 62-5-03

Copy for information and necessary action to:

- 1) Shri Joshada Ranjan Chakravarty, Resident of "Susoma" Longai Road, Karimganj, P.O. in Dist. Karimganj, Assam
- 2) Mr. A. Deb Roy, Sr. C.G.S.C., C.A.F.

J. B. 6
7/5/03
Section Officer (V).
P. B.

-28-

ANNEXURE-IX

51

PAY & ACCOUNTS OFFICE
SPECIAL SERVICE BUREAU (MHA)
EAST BLOCK-IX, LEVEL-VI,
R.K. PURAM, NEW DELHI-110066.

NO. PN(SSB)/2160/SUPN/2289-92.

REGD.

3.1.12.12

To

The Pay & Accounts Officer,
Central Pension Accounting Office,
Block-11, Tri Koot Complex,
Bhikaji Cama Place, New Delhi-110066.

Sir,

A Pension Payment Order in favour of **Sh. J.R. CHAKRABORTY** details of which are given below is forwarded herewith for arranging payments.

1	PPO No & Date	25301 OZ 0681 7
2	Category of Pension	SUPERANNUATION
3(a)	Amount of Basic Pension	Rs.4772/-

Relief: Relief on Pension will be admissible.

(b) Family Pension in the event of death of Pensioner
Enhanced Rate Rs.4772/-

upto 31-5-2005 or 7 years whichever is earlier and thereafter
Normal Rate Rs.2973/- to Smt. RATNA CHAKRABORTY till her death or
remarriage whichever is earlier.

4	Date of Commencement of Pension -	1-6-1998
---	-----------------------------------	----------

5	Name of Bank -	STATEBANK OF INDIA
	Branch -	KARIMGANJ
	Location & Code No. -	0109
	Account No. -	C/6216A
	Distt. -	-
	State -	ASSAM

6 Commutation not applied with remarks that commutation papers
received without Medical Ground by this office.

Condition attached to Pension Payment may be made subject to the
conditions specified in the PPO as well as in the CCS(Pension)
Rules and Treasury Rules.

Yours faithfully,

Sd-

(J. K. GILLON)

SR. ASSTT. DIRECTOR OF ACCOUNTS

Encl:-1.PPO (Pensioner & Disburser's Portion)

2.Photo.

3.Specimen Signature Slip/Height Identification Mark.

4.Option of the pension indicating Name and full address of
the authorised Public Sector Banks.

Cont.2.

Attested
10/11/98
H.W.

Copy to:

1. The Asstt. Director (Admin.), FHM SSB, East Block V, R.K. Puram, New Delhi for drawl and disbursement of Retirement Gratuity in respect of Sh. J. R. Chakraborty amounting to Rs. 13400/- (Rs. One lakh eighty four thousand two hundred & eight only) by preferring a claim on NGE-111 section of this office after adjusting all outstanding Govt dues against him if any.


The S/book in r/o Sh. J.R. Chakraborty is returned herewith.

Encl. - Service Book.

2. The Asstt. NGE-111 section for making payment on receipt of a claim.

3. Sh. J.S. Chamiyal, (DIG) for information and necessary action.

✓ 4. Sh. J. R. Chakraborty,
CUSHMAN, Longai Road,
PO/Distt. Kachinaj,
Assam.


SR. ASSTT. DIRECTOR OF ACCOUNTS

फॉर्म सी.एम.52

(Form C.A.M.52)

(Part/Para 7.2.1)

P.P.O. NO. - 253010306817

Pension Book NO - 104/79.

पेंशन अदायगी आदेश जारी करने वाले कार्यालय की रबड़ मोहर)

(Rubber Stamp of the Office issuing the Pension Payment Order)

पेंशन अदायगी आदेश

PENSION PAYMENT ORDER

(पेंशन पाने वाले का भाग)

(Pensioner's Portion)

PN/SSB/2130/SUPN

पेंशन अदायगी आदेश संख्या

दिनांक

सरकार को डेबिट किया जाता है।

P.P.O. No. 253010306817

Date

6/2003

Debitable to

Central

Civil

Government.

लेखा शीर्ष

Head of Account

मुख्य शीर्ष

Major Head

लघु शीर्ष

Minor Head

स्वीकृत/प्रभारित

Voted/charged

2071 - Pension & CRB
Superannuation

अगली सूचना दिए जाने तक, और प्रत्येक महीने की समाप्ति पर पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता की उचित पहचान के बाद श्री/श्रीमती

को * इस आदेश के भाग-11 में निर्दिष्ट किए गए अनुसार पेंशन/इस आदेश के भाग 111 में निर्दिष्ट किए गए अनुसार परिवार पेंशन तथा समय समय पर मंजूर की जाने वाली महंगाई राहत को एशि की अदायगी करें। अदायगी महीने से आरम्भ की जानी चाहिए। जहाँ आयकर को कटौती की जानी है, उसे छूट पर ही काट लिया जाना चाहिए।

UNTIL FURTHER NOTICE, and on the expiration of every month be pleased to pay Shri/Mr. J. R. Chakraborty

the pension as set out in Part II of this order/Family Pension as set out in Part III of this order *, plus the amount of dearness relief as admissible from time to time thereon after due identification of the pensioner/family pensioner. The Payment should commence from 1-6-1978

The income tax, where deductible, should be deducted at source.

Attested
J. R. Chakraborty
Adv

2. श्री/श्रीमती _____ को _____ से _____ तक
 _____ वर्ष (_____ वर्ष मास) प्रति मास की दर पर पेंशन/परिवार पेंशन की वसूली

रशि तथा उस पर मंजूर की गई राहत की रशि की वसूली भी करें।

2. Arrears of pension/family pension at Rs. 4772- Four thousand Seven hundred & Seventy two only P.M. (Rupees _____ per month) from 1-6-98 till date plus the admissible dearness relief thereon may

also be paid to Shri/Smt. J R Chakraborty

हस्ताक्षर
 Signature

पदनाम

Designation Joint Director of Accounts

Joint Director of Accounts
Joint Director of Accounts

(पेंशन वसूली आदेश जारी करने वाले अधिकारी की विशेष मोहर)
 (Special Seal of the Pension Payment Order issuing Authority)

सेवा में,

(पेंशन वसूली अधिकारी, जहां पेंशन अदा की जाती है)

To,

(Pension Disbursing Authority where pension is paid)
State Bank of India, Karingpuri, A. S. M.

C/No. 0107 A/C No. 2/6215

* जो राई लागू न हो उसे खट दें। * In applicable clause to be deleted

भाग-1-पेंशन प्राप्तकर्ता/मृत सरकारी कर्मचारी की सेवा का ब्यौरा
 PART I-PARTICULARS OF SERVICE OF THE PENSIONER/DECEASED GOV. GOVERNMENT SERVANT.

1. सरकारी कर्मचारी का नाम
 1. Name of the Government servant
2. भारत सरकार के अन्तर्गत जिस मंत्रालय/विभाग/ कार्यालय से सेवा निवृत्त हुए हैं, इसका नाम तथा अन्त में धारण किया गया पद/ग्रेड/रैंक
2. Pos/Grade/Rank last held and the name of the Ministry/Deptt. office from which retired under the Government of India.
3. सेवा निवृत्ति के समय वेतनमान
3. Pay scale at the time of retirement
4. जन्म तिथि
4. Date of Birth
5. सरकारी सेवा में शामिल होने की तारीख
5. Date of entry into Government service.
6. सेवा समाप्त होने की तारीख (सेवा का अन्त दिन)
6. Date of ending service (last day of the service)
7. सेवा में स्वीकार किया गया महत्व, यदि कोई है
7. Details of weightage in service allowed, if any.
8. पेंशन के लिए न ली जाने वाली अर्हक सेवा
8. Period of service not qualifying for pension.

Sh. J. R. Chakraborty

SAO Kailashahar

8500-275-13500

1-6-1940

15-7-1966

31-5-1998 (AM)

NIL

NIL

से	तक	अवधि Period			कारण Reasons
		वर्ष y	महीने m	दिन d	
-	-	-	-	-	

9. सेवा की कुल अवधि
 खसिस कारण [(5-4) + (6-7)]

9. Total length of qualifying Service Cal. [(5-4) + (6-7)]

वर्ष

Year

3

महीने

Month

10

दिन

Days

17

9. 10 महीने की अवधि में ली गई परितलियाँ और वे परितलियाँ जो औसत परितलियों की गणना के लिए हिसाब से ली जानी हैं।
EMOLUMENTS DRAWN DURING 10 MONTH PERIOD AND THOSE RECKONED FOR CALCULATION OF
AVERAGE EMOLUMENTS

से	तक	ली गई परितलियाँ Emoluments drawn			औसत परितलियों के लिए गणना की गई परितलियाँ Emoluments reckoned for			टिप्पणियाँ Remarks
		पेहन Pay	बोनस सहित अन्य मदें, अर्थात् वैयक्तिक पेहन, विशेष पेहन, प्रतिनिधित्व भत्ता, महंगाई भत्ता आदि Other items with details viz. Personal pay, pay Deputation Allowance, DA, Etc.	जोड़ Total	पेहन Average Pay	गणना की गई अन्य मदें बोनस सहित Other items reckoned with details	जोड़ Total	
1	2	3	4	5	6	7	8	9
1/6/1997	31/5/1997	9500	As per rules	9500				
1/7/1997	29/9/1997	9500	—do—	9183.32				
30/9/1997	30/9/1997	9925	—do—	330.83				
1/10/1997	31/5/1998	9925	—do—	79400				
				98414.16	9841.16			

32-

55

10. पेंशन के लिए औसत परितलियाँ :
10. Average Emoluments for pension.

Rs. 9841.41

11. परिवार के लिए औसत परितलियाँ :
11. Emoluments for family pension.

Rs. 9925-

12. सेवा निवृत्ति उपदान/मृत्यु उपदान
के लिए परितलियाँ
12. Emoluments for retirement
Gratuity/Death Gratuity.

Rs. 9925 + 1588 = 11513-

13. सेवा निवृत्ति उपदान/मृत्यु उपदान
की भरपूर की गई राशि एवं वेंचर
द्वारा भुगतान की गई राशि
13. Amount of Retirement
Gratuity/Death Gratuity
allowed & paid by P.A.O.

Rs. 184,203.

14. बैंक द्वारा चिकित्सा भत्ता के अग्रुपन
की रकम द्वारा भुगतान की गई राशि
14. Grant of Medical allowance
to be paid by the Bank.

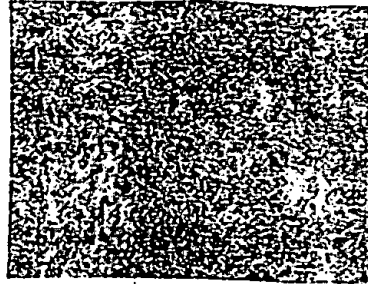
Rs.

Payment authorized by Officer

भाग-II
PART II
(सेवानिवृत्ति पर लागू)
(Applicable on Retirement)

खंड I-1- पेंशन प्राप्तकर्ता के विवरण
Section-I-1- particulars of Pensioner

1. पति/पत्नी के साथ संयुक्त फोटोग्राफ
1. Joint photograph with the spouse



2. सेवानिवृत्त हो रहे सरकारी कर्मचारी का नाम
2. Name of the retiring Govt. servant.

Sh. J. R. Chakraborty

3. स्थायी पता
3. Permanent Address.

'SUSHANTA' Longai Road
PO/Dist: Kazimganj
Assam

4. पहचान के लिए व्यक्तिगत चिह्न
4. Personal marks of identification.

As per descriptive roll

5. पेंशन प्राप्तकर्ता के हस्ताक्षर अथवा बाएं हाथ के अंगूठे की छाप (पेंशन की पहली अदायगी के समय प्राप्त किया जाना है)
5. Signatures or the left hand Thumb impression of the pensioner (To be obtained at the time of first payment of pension)

भाग-II- पेंशन के विवरण
Section 2- Details of Pension

1. सरंशीकरण से पूर्व मासिक पेंशन की राशि
1. Amount of monthly pension before commutation
2. पेंशन की श्रेणी
2. Class of Pension
3. नियम, जिनके अन्तर्गत मंजूर की गई
3. Rules under which sanctioned
4. पेंशन के शुरू किए जाने की तारीख
4. Date of commencement of pension
5. पेंशन के सरंशीकरण का अंश/की राशि
5. Fraction/amount of pension commuted, if any
6. सरंशीकरण का मूल्य और अदायगी की तारीख
6. Commuted value and the date of its payment.
7. सरंशीकरण के बाद घटी हुई मासिक पेंशन
7. Reduced monthly pension after commutation.
8. घटी हुई पेंशन के शुरू किए जाने की तारीख
8. Date of commencement of reduced pension.
9. तादित (शब्दों में) जिसमें सरंशीकृत भाग पुनः बहाल किया जाएगा।
(जो कि उक्त तारीख को पेंशन प्राप्तकर्ता के जीवित होने की शर्त पर है)
9. Date (in words) from which commuted portion shall stand restored (subject to pensioner being alive on that date)
10. क्या पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता कोई अन्य पेंशन प्राप्त कर रहे हैं? यदि हां, तो उसका ब्यौता दे और वह किस स्रोत से ली जा रही है।
10. Whether the pensioner/ Family Pensioner is in receipt of any other pension. If so, its particulars and source from which being drawn.

Rs. 4772-

Superannuation

CCS(P) rules

1-6-1998

(X) Commutation not authorised

केन्द्रीय पेंशन लेखा कार्यालय
भारत सरकार, नई दिल्ली

ANNEXURE-X

CENTRAL PENSION ACCOUNTING OFFICE

GOVERNMENT OF INDIA,
TRIKOOT-2, BHIKAJI CAMA PLACE, NEW DELHI-110066
Web site: <http://www.cpao.nic.in>
EPADN NO. 6174433, 6174596 FAX No. 011-6167326
IVRS NO. 6715108, 6715109, 6715110, 6715112
(CENTRAL CIVIL PENSIONS)

CC

372864

विशेष मोहर प्राधिकार
SPECIAL SEAL AUTHORITY

सं० :

No. : 225.5010306817/ 300567

दिनांक

Date :

सेवा में
To

THE MANAGER
STATE BANK OF INDIA
P.B NO:1, MAIN BRANCH KARIMGANJ
DISTT. KARIMGANJ
ASSAM
PIN - 788701

Dy. No. 3008535

पें० अ० आ० से कभी भी
अलग न किया जाए
THIS SHOULD NOT BE
DETACHED FROM PPO

आपसे अनुरोध है कि निम्नलिखित प्राधिकार के अनुसार भुगतान करें। (जिसका विवरण पें० अ० आ० में दिया गया है)

You are requested to make payments as per this authorisation below, (Details are given in the enclosed P.P.O.) to

SHRI J R CHAKRABORTY

धारक पें० अ० आ० सं०
holder of P.P.O. No.

अदायगी शाखा Paying Branch
KARIMGANJ BR, A/C: C/6216A

पेंशन की श्रेणी Catagory of Pension

SUPERANNUATION PENSION

पें० अ० आ० जारी करने वाला प्राधिकरण
P.P.O. issuing authority

PAO (SSB), New Delhi

मूल पेंशन प्र० मा० Basic Pension P.M.

से 4772/- Date of Commencement
(Four thousand seven hundred and seventy two only)

सरांशीकृत पेंशन शुरू करने की तारीख

सरांशीकृत पेंशन प्र० मा० Residual Pension P.M. A.

Date of Commencement of Residual Pension

बढ़ी हुई दर पर परिवार पेंशन

Family Pension at Enhanced Rate Rs. 4772/-

से From

तक To

31/05/2005

सामान्य दर पर पारिवारिक पेंशन

Family Pension at Normal Rate Rs. 2978/-

से From

01/06/2005

तक To

बैंक द्वारा सरांशीकरण मूल्य

Commuted Value to be paid by bank NIL

पेंशन एवम् लेखा अधिकारी
PAY & ACCOUNTS OFFICER

NOTES :-

1. The Pensioner's portion of the P.P.O. may please be handed over to the pensioner after identification.
2. If pension papers do not pertain to your branch, please redirect them to the concerned branch, under intimation to this office, to avoid delay.
3. Please see reverse for other guidelines for Banks and Pensioners.

COPY FORWARDED TO :

1. (Pensioner)

2. The PAO

SHRI J R CHAKRABORTY
"SUCHANA" LUNGAI ROAD,
PO&DISTT. KARIMGANJ, ASSAM

PAO (SPECIAL SERVICE BUREAU), HOME AFFAIRS
EAST BLOCK IX, LIVING VI, B K PURAM
NEW DELHI - 110066

Attached
With
Adm

From:- J.R.Chakraborty,
Rtd. Sub Area Organiser,SSB,
"SUSHAMA" LONGAI ROAD,
P.O.& Dist-KARIMGANJ -788712, ASSAM.
ILR A/C.NO.616.

No.PEN/2003/17-

Dated, the 18th Sept.'03.

To

The Sr. Asstt. Director,
PAO,SSB (MHA),
East Block-IX,Level-VI,
R.K.Puram,New Delhi-66.

Sub:-PPO No.25301 03 0681 7
and No.PN/SSB/2130/SUPN.

Sir,

With reference to above, I have the honour to state that, some discrepancies occur in the above PPO and the pensioner's portion in my case and these have affected the calculation of my pension, Gratuity etc.

1.Length of service :- In page 3 of the PPO Pensioner's portion Col.5. the date of my entry into Govt. service has been noted as 15-7-1966. But this date relates only to my joining SSB, in continuation of my service in the Assam State Govt., where I joined on 25.11.1959 (AN). Hence, the total length of service till 31-5-98; is 38 years 6 months 5 days and not 31 years 10 months 17 days.

2.Increment : My annual increment due on 1-10-97 has not been given on page 4 of the PPO-Pensioner's portion.

3.Leave Salary : No mention has been made of the leave salary. I have got enough leave to my credit to admit the full quota of leave encashment.

4.Commutation : I submitted my option for 40% commutation along with my pension papers, submitted in February'98, about three months before retirement. Hence, the question of Medical ground, as mentioned in your Memo No.PN(SSB)/2130/SUPN/2289-92, dt. 31st July,2003; is not applicable in my case. However, kindly intimate as to what I am to do now, to get the benefit of commutation.

Affected
Adm. P.
Ash

Contd...P/2.

5. In view of the DACs. Memo No. GE.I/A/267/2094-98, dt. 29th Sept. '97, addressed to the Asstt. Director (EA) SSB DTE (copy enclosed), it is obvious that my prayer for permanent absorption has been granted. In that event, 2(two) more years will be added to my length of service, and will favourably modify my last pay, gratuity, leave salary etc.

I am, therefore, to request you to kindly remove the above discrepancies and issue your kind orders to the appropriate authorities for correction, at an early date and oblige.

Yours faithfully,

Encls: 5 (five) sheets.

(J.R.Chakraborty)
Retd. Sub-Area Organiser, SSB

No. PEN/2003/18

Dated 18th Sept. '03

Copy forwarded to :-

The Director General, S.S.B, New Delhi, with the prayer to endorse me with a copy of the kind orders absorbing me in SSB. Shri T.N.Deka, Retd Sub Area Organiser was permanently absorbed w.e.f. 30.6.1976; at the initial constitution of the SSB Jr. Executive Service Rules, under identical circumstances under SSB Directorate order No. 1/63-Misc. (35) Assam (21)-III dated 18.8.87 (copy enclosed).

(J.R.Chakraborty)
Retd. Sub Area Organiser, SSB
Longai Road, Karimganj
Assam.

From : J.R. Chakravarty,
Retd. Sub-Area Organiser, S.S.B.
"SUSHAMA" Longai Road,
Karinganji, 788712, Assam.

NO. BEN/2003/19

Dated, the 22nd Oct. 2003.

To

The Director General, SSB.
East Block-V, New Delhi-66.

Ref :- My Regd. letter No. BEN/2003/18 dt. 18.9.03.

Sir,

With reference to above, I have the honour to state that in view of the DACS letter No. GE.1/A/267/2094-98, dt. 29.9.97, addressed to the Asstt. Director (EA), SSB, DTE (Copy enclosed), it is obvious that my prayer for Permanent absorption has been granted. The kind order regarding absorption is the most important document regulating my whole Service career. I am, therefore, to request you to kindly endorse me with a copy of the order, in case my long standing Prayer for absorption has been acceded to.

Further, I beg to state that I have not yet received my Gratuity, as mentioned in PAO, SSB letter No. PN(SSB)/2130/SUPN/2289-92, dt. 31.7.03. Again no mention has been made of my LEAVE SALARY.

I am, therefore, to request you to kindly issue your kind order regarding my Permanent absorption to SSB and also pass your kind orders, releasing my gratuity, leave salary and other monetary benefits and oblige.

Encls: 1 (one)

Yours faithfully,

(J.R. Chakravarty)
Retd. Sub-Area Organiser, SSB.

No. BEN/2003/20 Dated, the 22nd Oct. 03.

Copy forwarded to :-

The Sr. Asstt. Director, PAO, SSB (MHA), New Delhi-66 in continuation of my representation No. BEN/2003/17, dated 18th Sept. 03; together with a copy of D.O. SSB Shillong's No. E.1/92/SD/6912-17, dt. 25-6-98; to show my option for 40% Commutation, Submitted along with the Pension Papers, before retirement. An early action is solicited.

Encls 2 (Two) sheets.

(J.R. Chakravarty)
Retd. Sub-Area Organiser, SSB.

*Attended
10/10/03
AOW*

From :- J.R. Chakravarty
Retd. Sub-Area Organiser, S.S.B.
"SUSHAMA" LUNGAI ROAD.
PO./Dist. Karimganj - 788712.
Assam.

5.

NO. PEN/04/40-42.

Dated the 23rd. Dec/2004.

TO : The Director General, S.S.B.
East Block - V.
R.K. Puram, New-Delhi - 66.

Ref : My representations -

		address to	Copy to	
1) No. PEN /03/5	dt. 29.3.03	DIG MZP.	-	Speed post.
2) No. PEN /03/7	dt. 26.5.03	DG. SSB.		
3) No. PEN /03/8-9	dt. 24.6.03.	DG. SSB.	PAO-SSB.	
4) No. PEN /03/10-11.	dt. 12.7.03	DG SSB.	PAO-SSB.	
5) No. PEN /03/14.	dt. 26.6.03	DIG. MZP.	-----	Speed post.
6) No. PEN /03/15-16	dt. 10.8.03	Jt. D.D. SSB. HQ	AO staff PZp.	
7) No. PEN /03/17-18	dt. 18.9.03	Sr. A. D. PAO.	DG. SSB.	
8) No. PEN /03/19-20.	dt. 22.10.03	DG. SSB.	PAO SSB.	
9) No. PEN /04/23-24	dt. 10.2.04.	DG. SSB.	PAO SSB.	
10) No. PEN /04/25	dt. 12.3.04	DIG MZP.		
11) No. PEN /04/26-27	dt. 1.4.04	AO. Araria	PAO SSB.	
12) No. PEN /04/29-30	dt. 2.6.04	DG. SSB.	PAO SSB.	
13) No. PEN /04/31-33	dt. 2.7.04	DG. SSB.	PAO, AO ARA.	
14) No. PEN /04/34-36	dt. 9.7.04	AO. ARA.	AD SSB HQ, Sr. A. D. PAO.	
15) No. PEN /04/38	dt. 12.8.04	AO ARA.		
16) No. PEN /04/39-46	dt. 26.8.04	DG. SSB.	PAO SSB.	

Sir,

I have the honour to state that my pension case was decided by the Government in the month of January, 2003 as intimated in Directorate General letter No. 14/SSB/A2/2000 (19)407-08 dt. 23.1.03. I received my pension in the month of October, 03, with some discrepancies in the calculation thereof, as pointed out in my representation No. 17-18 dated 18-9-03. The discrepancies have not yet been corrected, nor have the other pensionary benefits, been released, despite such a large number of representations (under reference) over last one year and a half.

Contd...2.

-39-

That Sir, my gratuity, Leave salary, Commutation etc. are still awaited although all the relevant papers have been furnished from my end, as desired. I knocked at various Head Quarters, as directed, but to no avail. It is most unfortunate that a govt. servant retired long back; has been waiting indefinitely for pensionary benefits.

That Sir, I yet do not know my status in the Department, I retired from. I have not been intimated whether I have been receiving pension from the central government as a deputationist (an outsider) from Assam Govt. (after 32 years of service in SSB). In that case I could be given pension on my retirement and six years long unspeakable misery; resulting in irreparable physical, mental and material loss could be averted. Respected Shri R.P. Kureel, the then Director SSB; in his order No. 4/SSB/A2/66 (74) pt. - 427 dt. 31.1.2000 (page-3(d); The Director of Accounts, Cabinet Secy in their memo. No. GE.I /A/267/ 2094-98, dt. 29.9.99; The Divisional Officer, Shillong Division, in their letter No. E.1/9-2/SD/2251-52 dated 5th July 2002; contended that grant of pension presupposes permanent absorption. Hence conversely, it is presumed that the Government decision on my pension followed order on permanent absorption, although the formal order has not yet been received. Hence, I am to request you to kindly intimate my position, vis-a-vis, the SSB Deptt. at an early date.

That Sir, Hon'ble central Administrative Tribunal Guwahati Bench, in their order dated, 25.4. 2003 (copy enclosed) expected that "the respondent authority shall release the retiral benefits with utmost expedition without any further delay". But the expectation is belied due to such inordinate delay.

That Sir, my thirtytwo year long flawless service career in the department was without a single adverse remark in my ACRs; and was marked by commendations, honourarium, Medals for distinguished performance; and also arduous jobs,

contd...3.

- 3 -

Performed at life risk during the fateful year of 1971 (Bengladesh liberation war). All the Superior Officers, I served under, always talked highly of my performance. A letter from Shri R.D. Thongchi, the then Area organiser to the Divisional organiser, Shillong Division (copy enclosed) may be an indicator in this respect.

But Sir, inspite of all these, I have been dragged to the court, time and again; during the last twentyfive years. And yet I do not know the reason, behind such a life-long deprivation.

I am, therefore, to request you to kindly issue such necessary orders, as might be required to release all my dues at an early date and oblige.

Yours faithfully,

J.R. Chakravarty 3/11/04

(J.R. Chakravarty)

Retd. Sub Area Organiser, SSB.

Enclo : 2 (two)
(as stated above).

Copy forwarded to :-

The Sr. Asstt. Director of Accounts, PAO, SSB.

New Delhi - 661

J.R. Chakravarty 3/11/04

(J.R. Chakravarty)

Retd. Sub Area Organiser, SSB.

*Attested
M.D.B.
A.W.*

- 41 -

FROM: J.R. CHAKROBARTY.
Retd. Sub-Area Organiser, SSB.
Longai Road, Karimganj, 788712. Assam.

No. PEN/05-06./48
Dtd. the 15th Sept/05.

To,

The Director General, S.S.B.
East Block-V.
R.K. Puram, New Delhi-66.

SUB:- Status in the Department.

Sir,

I have the honour to state that I submitted a large Number of representation over the years, on the above subject, but nothing is heard in reply, Presumably because those did not reach your kind hand and lost on some interim stage. This possibility prompts me to write in your name cover, with the prayer for your propitious orders, at your earliest.

That Sir, I served in SSB for long 32 years and retired in may/1998, I received pension in Oct/2003, Presumably because, the Deptt. took time to decide on my status. I was repeatedly told that as long as I was considered a deputationist, I would not get pension from the central Govt. and that grant of pension presupposed permanent absorption. In this connection, the under mentioned correspondence among many others, may kindly be referred to :-

- a) Order issued by Respected Sri R.P. Kurrel, the then Director, SSB, No.4/SSB/A2/66(7A) Pt-427, Dtd. 31-01-2000, Page-3 (d)
- b) The DACS, Memo No. GEI/A/267/2094-98 Dtd. 29-09-1997.
- c) The Divisional Organiser, Shillong Division, Memo.No.E.I.9-2/SD/2251-52 Dtd. 05-07-2002.

That Sir, it is obvious that the order regarding the release of my pension followed a favourable decision on my permanent absorption in the Deptt. In case it was possible to grant the pension, considering me a deputationist (an out-sider); I could be given pension immediately on my retirement in 1998 and thus irreparable physical, mental and material loss could be averted.

That Sir, I have already incurred huge expenditure, towards postal registration and exorbitant typing cost, on fruitless correspondence, which a retired person can hardly afford. I therefore, solicit your favour of a kind expeditious reply on the subject.

I am, therefore, to request you to kindly intimate me the status, I held in the Department (S.S.B). In case my prayer for absorption, was favourably considered, kindly issue me with a copy of the Order, as was done in case of Sri T.N. Deka (Copy enclosed) under identical circumstances.

For this act of your great kindness, I shall ever remain grateful.

Enclo :- 1 (One)

Yours faithfully,

(J.R. CHAKROBARTY.)

Retd. Sub-Area Organiser, SSB.
Karimganj, Assam.

*Attested
10/11/05
Adw*

From J. R. Chakravarty
Retd. Sub Area Officer, S.S.B.
'SUSHAMA' Longri Road.
P.O./DIST. KARIMGANJ. - 788712
ASSAM.

NO. PEN/OS-06/51.
Dated, the 27th Feb. 06.

TO: The Director General, S.S.B.
East Block-V. R.K. Puram.
New Delhi - 66.

Ref: NO. 14/SSA/A2/2001 (19) - 5640
Dated 18th Nov. 05.

Sir,

With reference to above, I have the honour to state that your kind memo. under reference did not deal with the vital questions, I mentioned in my representations NO. 48 and NO. 49. V/3.

① My Pension was refused for long 5 (five) years after retirement on the ground that so long my absorption has not considered. I was granted Pension in Oct. 03, which obviously follows that the question of absorption was finalised. It was possible to grant Pension to a deputationist the reason of holding up the Pension etc. for such a long period, causing irreparable physical, mental and financial loss is not conceivable; and it entails a claim for compensation.

in 1983.

② The Government orders, introducing SDA, did not make any discrimination between the deputationists and the Direct recruits. In SSB. DTE. letter date 26th Dec 1989. Confirmed my eligibility for SDA. along with that of Shri T.N. Deka, SAO. (another deputationist), who was granted SDA. Similarly, S/shri B. R. Nath, R.K. Biswas, B.R. Boro, B.C. Bora, K. Boro, A.C. Dutta and many others, who were never posted out of Assam duly received SDA. I yet do not know, as to why, my case is the only one with a difference in the consideration of the SSB. DTE.

I am, therefore, to again request you to kindly reconsider the above questions in favour to my absorption and release of SDA. and oblige.

yours faithfully

Jan 27/2/06

(J. R. Chakravarty)
Retd. Sub Area Officer
Karimganj, Assam.

Attested
Mulla
P.O.

No.14/SSB/A2/2001(19) S64
Government of India
Ministry of Home Affairs
Directorate General SSB
East Block-V, R.K.Puram
New Delhi-110066.

Dated, the 27 February, 2004.

To

Shri J.R.Chakraborty,
Retd. Sub Area Organiser, SSB
'SUSIAMA' Longai Road,
PO/Distf: Karimganj-788712
ASSAM.

Subject: Retirement benefits.

Sir,

Kindly refer to your letter No. PEN/2003-04/23-
dated 10.2.2004 on the subject cited above.

2. In this connection, it is to inform that you were allowed to continue till your superannuation for the pensionary benefit. At this stage, not possible to consider for permanent absorption in the SSB. In order to release the gratuity, leave salary and CGEIS, DIG SSB SHQ Muzaffarpur has already been directed to claim all dues. The latest position of the case will be intimated immediately on receipt reply from SHQ Muzaffarpur.

You are requested to correspond with Deputy Inspector General SSB SHQ Muzaffarpur to expedite the case as per your convenience.

Yours faithfully,

(SUDHAKAR)
Assistant Director (A-II).

.....

Attended
Mulla
Adv

- 44 -

69

No.14/SSB/A2/2001(12)-
Government of India
Ministry of Home Affairs
Directorate General SSB
East Block-V, P.K.Puram
New Delhi-110006.

Dated, the 18/11 November, 2005.

MEMORANDUM

Please refer to your letter No.PEN/05-06/47 dated 15/9/2005 and No.PEN/05-06/49 dated 15/9/2005 regarding absorption in SSB and Special Duty Allowance.

2. You were not found fit for permanent absorption in SSB and was allowed to continue in SSB till retirement on the direction of Supreme Court. SSB have considered all direction passed by Hon'ble Supreme Court and all financial benefits have been given as admissible. Question of absorption in SSB does not arise.

3. As regards of DA, the same is not admissible because you were deputationist from North Easter Region and never posted out of North East Region. 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.

(SUBHASH KUMAR)
ASSISTANT DIRECTOR (EA-II)

To

Shri J.R.Chakraborty,
Retd.SAO SSB
Longai Road, Karimganj-788712
ASSAM.

....