

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO. 03/58

R.A./CP/NO.....

E.P./M.P./NO.....

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29/8/15  
SECTION OFFICER (JUDL.)

01.  
18.8.2015

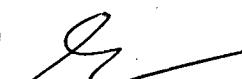
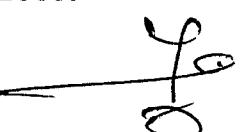
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 3/08
2. Miss Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(s) .. Bimalendu Gupta ... vs Union of India & Ors

Advocate for the Applicants. Sambul Huda, Abdur Huda  
H.K. Das .....

Advocate for the Respondent(s): Sr. C. G. S. L., G. Baishya .....

Note/s of the Registry	Date	Order of the Tribunal
The application is in form No. 66F848206, 66F848267 Dated 8.1.07 70E048425 En. Regd. No. 108	16.01.2008	None appears for the Applicant nor the Applicant is present. Perused.
		Issue notice to the Respondents requiring them to file written statement by 30.01.2008.
		Call this matter on 30.01.2008.
Petition on file for issue notice one received with envelops. Copy served.	/bb/	 (Khushiram) Member (A)
<u>16.1.08. 4/1/08</u> Pl. issue notice to the respondents. Notice sent to D/Section for issuing to resp. nos. 1 to 5 by regd. A/D post.	30.01.2008	 (M.R. Mohanty) Vice-Chairman
		Written statement has been filed in Court to day; after serving copy on Mr. S. Huda, learned counsel appearing for the Applicant.
		Subject to the legal plea to be examined at the time of final hearing. This case is admitted. Notice of Admission is taken in Court by Mr. S. Huda, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents
<u>16/01/08 D/No- 222 to 226</u> <u>16/01/08 DT- 17/01/08.</u>		Call this matter on 11.03.2008 alongwith O.A.No.8 of 2007 and O.A.86 of 2007 of the same Applicant.

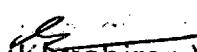
Liberty is, hereby, granted to the

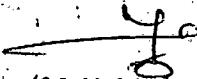
30.01.2008 Written statement has been filed in Court to-day; after serving copy on Mr. S. Huda, learned counsel appearing for the Applicant.

Subject to the legal plea to be examined at the time of final hearing, this case is admitted. Notice of Admission is taken in Court by Mr. S. Huda, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents

Call this matter on 11.03.2008 alongwith O.A. No. 8 of 2007 and U.A. 86 of 2007 of the same Applicant.

Liberty is, hereby, granted to the Applicant <sup>to file</sup> if any, rejoinder, in this case.

  
(Khrushiram)  
Member(A)

  
(M.R. Mohanaty)  
Vice-Chairman

lm

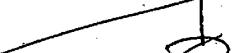
Notice duly served  
on R-2, 1

10/3/08

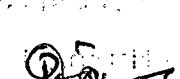
11.03.2008

~~Later~~ the Applicant has filed  
a Memo to fix the date on 18.03.2008.

Call this matter on  
18.03.2008.

  
(M.R. Mohanaty)  
Vice-Chairman

Rejoinder submitted lm  
by the Applicant.  
Copys served.

  
R.M.

U.A. 3 of 08

11.03.2008

Call this Division Bench matter on 02.04.2008.



(M.R. Mohanat�)  
Vice-Chairman

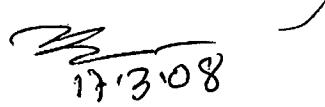
lm

11.03.2008

(Later)

The Applicant has filed a Memo with a prayer to fix the case on 18.03.2008. Prayer is allowed.

Call this matter on 18.03.2008.

  
The case is ready  
for hearing.

  
(M.R. Mohanat�)  
Vice-Chairman

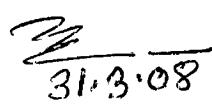
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18.03.2008 On the prayer of the Applicant call this matter on 25.03.2008 for hearing.

  
(Khushiram)  
Member(A)

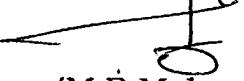
  
(M.R. Mohanty)  
Vice-Chairman

pg

  
The case is ready  
for hearing.

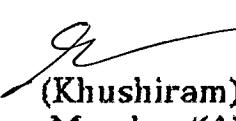
25.03.08

Call this matter on 01.04.2008  
before the Division Bench.

  
(M.R. Mohanty)  
Vice-Chairman

01.04.2008

Call this matter on 30.04.2008.

  
(Khushiram)  
Member (A)

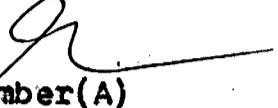
  
(M.R. Mohanty)  
Vice-Chairman

nkm

10.08.2008 This case which was posted to 30.8.2008, is now postponed/re-scheduled to be listed on 5.6.2008.

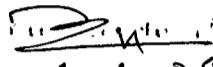
~~Oppressor~~

Send copies of this order to both parties.

  
Member (A)

  
Vice-Chairman

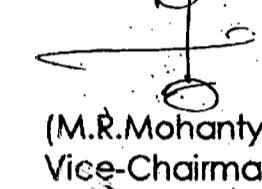
The case is ready for hearing.

  
10.6.08

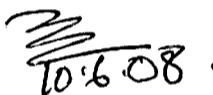
05.06.2008

On the prayer of Mr.S.Huda, learned counsel appearing for the Applicant call this matter on 11.06.2008.

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

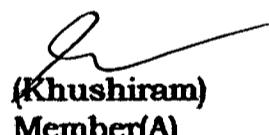
The case is ready for hearing.

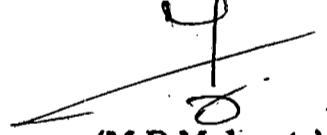
  
10.6.08

/bb/

11.06.08 Heard in part.

Call this matter on 29.07.2008 for hearing.

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

pg

29.07.2008 Mr. S. Huda, learned counsel appearing for the Applicant is absent. However, Mr. H. K. Das, learned counsel appearing for the Applicant has sought an adjournment. Accordingly, call this part heard on 15<sup>th</sup> September 2008, along with other connected cases.

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

lm

0-A-3/08-5

15.09.08 Call this matter on 05.12.2008  
along with O.A. 170/08.

The case is ready  
for hearing.

22  
15.12.08

  
(Khushtiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

pg.

The case is ready  
for hearing.

24  
17.12.08

05.12.08 Mr. H. K. Das, learned counsel for the  
Applicant is present. Mr. G. Baishya, learned  
Sr. Standing Counsel for the Respondent is  
absent on account of his personal difficulty.

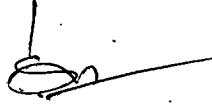
Call this matter on 18.12.2008.

  
(S.N. Shukla)  
Member(A)

/bb/

18.12.2008 Mr.H.K.Das, learned counsel appearing  
for the Applicant, is present. Mr.G.Baishya,  
learned Sr. Standing Counsel, is also present on  
behalf of the Respondents.

On the prayer of learned counsel for both  
the parties, call this matter on 30.01.2009 for  
hearing.

  
(S.N. Shukla)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

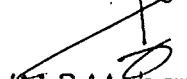
30.01.2009 Mr.H.K.Das, learned counsel appearing  
for the Applicant is present. Mr.G.Baishya,  
learned Sr. Standing counsel appearing for the  
Union of India, is also present.

Call this matter on 19.02.2009 before the  
Division Bench for hearing.

The case is ready  
for hearing.

25  
18.2.09

/bb/

  
(M.R. Mohanty)  
Vice-Chairman

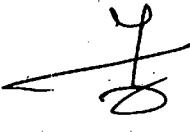
6  
O.A. No.3/08

2009-02-19, 10:00 AM

2009-02-19, 10:00 AM

19.02.2009.

Call this matter on 03.04.2009.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

24.02.2009. This case has been posted to  
03.04.2009.

*Copies of order*

Al. 24/2009 Sent  
to ~~Section to be issue~~  
~~to appear by post~~  
~~issued vide B/103~~

27.2.09 b2a  
27-2-09

The Applicant by his Petition dated 16.02.2009 requested the Hon'ble Chairman of this Tribunal for expeditious disposal of this case.

The Division Bench is available between 16.03.2009 to 27.03.2009.

Accordingly hearing of this case is preponed to 20.03.2009.

Send copies of this order to the Applicant (Bimalendu Gupta, B-103, Arunudoi Residency, Sahid Dilip Huzuri Path, Sarumatoria, Dispur, Guwahati-6, Assam), who should come ready for hearing of his case on 20.03.2009.

  
19.3.09

Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents in this case, who is present in court, takes notice of the preponement of the hearing of this case.

  
(M.R. Mohanty)  
Vice-Chairman

nkm

5A/3/08

20.03.2009 Mr.H.K.Das for the Applicant and  
Mr.G.Baishya, Sr.C.G.S.C. for the Respondents.

With the consent of the parties list this  
case on 26.03.2009 for hearing.

  
(A.K.Gaur)  
Member (J)

/bb/

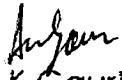
26.03.2009 From the perusal of the records it is found  
that synopsis of the case has not properly been  
supplied. Mr.H.K.Das, learned counsel for the  
Applicant is directed to supply a  
comprehensive detailed synopsis of the case  
within two weeks. Mr.G.Baishya, learned  
Sr.C.G.S.C. is present for the Govt. of India.

The case is ready  
for hearing.

33  
01.5.09

Put up the matter on 04.05.2009. It is  
made clear that the case shall not be  
adjourned on any ground whatsoever on the  
next date.

K  
(Khushiram)  
Member (A)

  
(A.K.Gaur)  
Member (J)

/bb/

04.05.2009 Call this matter on 19.06.2009.

22.5.09  
This order is prepared  
on request.

/bb/

bm

M.R.Mohanty  
(M.R.Mohanty)  
Vice-Chairman

25.05.2009 On the prayer of Mr.H.K.Das,  
learned counsel appearing for the  
Applicant, call this matter on

*The case is ready  
for hearing*

19.06.2009.

*30.6.09*  
lm

(N.D. Dayal)  
Member(A)

*Y*  
(M.R. Mohanty)  
Vice-Chairman

19.06.2009 Call this matter for hearing on 01.07.2009  
along with O.A.170/2008.

*The case is ready  
for hearing*

*1/bb/*

Send notice of hearing to the parties concerned  
19.06.2009 01.07.2009 Call this Division Bench

*21.7.09*

matter for hearing on 22.07.2009.

*Y*  
(M.R. Mohanty)  
Vice-Chairman

*1/bb/*  
T.S. 2009  
17.7.09

*Y*  
P.T.O.

22.07.2009 By order dated 30.01.2009, all these Court cases were asked to be listed on 19.2.2009, for hearing. In absence of the Division Bench, the matter was again adjourned to 03.04.2009. On 16.02.2009 the Applicant sent a Petition to the Hon'ble Chairman of this Tribunal; seeking expeditious hearing of all these cases. A copy of the said representation was made available to this Bench on 18.02.2009, and it was confirmed from the Principal Registrar, on 19.02.2009, that a Division Bench would be available at Guwahati between 16.03.2009 to 23.03.2009. Accordingly, on 24.02.2009, the matter was directed to be listed before Division Bench on 20.03.2009. However, Division Bench was not available, for which the matter was adjourned to 26.03.2009. On 26.03.2009, the matter was listed before Division Bench; when following order were passed.

“From the perusal of the records it is found that synopsis of the case has not properly been supplied. Mr.H.K.Das, learned counsel for the Applicant is directed to supply a comprehensive detailed synopsis of the case within two weeks. Mr.G.Baishya, learned Sr. C.G.S.C. is present for the Govt. of India.

Put up the matter on 04.05.2009. It is made clear that the case shall not be adjourned on any ground whatsoever on the next date.”

2. On 04.5.2009, in absence of Division Bench, the matter was again adjourned to 19.06.2009.

contd/-

22.07.2009

3. Informations having been made available about availability of Division Bench during 18.05.2009 to 29.5.2009, the cases of the Applicant were preponed and listed on 25.05.2009. On 25.05.2009 the Applicant's side sought an adjournment. Accordingly, the matter was adjourned to 19.06.2009. The text of the order dated 25.5.2009 reads as under:-

"Mr. H.K.Das, learned counsel appearing for the Applicant and Mr. M.U.Ahmed, learned Addl. Standing Counsel appearing for the Respondents are present.

Mr. H.K.Das, learned counsel appearing for the Applicant prays for an adjournment of this case. In fact, the case was posted to 19.06.2009 for hearing and, on the request of learned counsel for the Respondents, the matter was preponed to to-day. Since, Mr. H.K.Das, learned counsel for the Applicant seeks an adjournment; call this matter on 19.06.2009 along with O.A.Nos. 86 of 2007, O.A.No.3 of 2008, O.A. 8 of 2007".

4. In the meantime, the Applicant addressed another representation dated 26.05.2009 to the Hon'ble Chairman of this Tribunal seeking expeditious hearing of these cases.

5. On 19.06.2009, in absence of Division Bench, this matter stood adjourned to 1<sup>st</sup> July 2009. On the prayer of the Advocate for the Applicant, an interim direction was, however, issued to the Respondents on that day/ 19.06.2009.

The order dated 19.06.2009 reads as under:-

Contd/-

Contd/-  
22.07.2009

"Applicant Sri Bimalendu Gupta and his Advocate Mr.H.K.Das are present. These O.A. Nos.8 of 2007, 86 of 2007 and 3 of 2008 and 170 of 2008 are matters to be considered by the Division. In absence of the Division Bench this matter has to be adjourned to be taken up by the Division Bench. A Division Bench is expected at any time at CAT/Guwahati.

In the aforesaid premises, hearing of these matters stand adjourned to 01<sup>st</sup> July 2009.

Mr H.K. Das, learned counsel for the Applicant pointed out from the rejoinder filed in O.A.No.170/2008 that the representation dated 18.07.2008 of the Applicant addressed to the CAG (directed against the order dated 07.07.2008 of Accountant General of Assam) is still pending with the CAG. Mr H.K. Das, learned counsel for the Applicant states that, notwithstanding pendency of this case, the CAG/India/New Delhi need consider the representation dated 18.07.2008 of the Applicant.

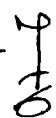
In the aforesaid premises, CAG of India/New Delhi (Respondent No.2 in O.A. 170/2008) need, without prejudice to the pendency of this case, consider the grievances of the Applicant, as raised in his representation dated 18.07.2008, and pass necessary orders."

Call this matter on 01.07.2009 along with O.A.Nos.08/2007, 86/2007 and 03/2008.

Send a copy to Respondent No.2

6. On 01.07.2009 the matter was adjourned to to-day for hearing.

7. Now a permanent Division Bench is available for C.A.T/ Guwahati Bench; Hon'ble new Administrative Member having joined on 14.07.2009.

Contd/-  


Contd/-

22.07.2009

8. The Applicant Sri Bimalendu Gupta; learned counsel for the Plaintiff; Mr. H.K. Das, learned counsel for the Defendant; Mr. G. Baishya, learned counsel for the Applicant; Mr. G. Baishya, learned counsel for the Plaintiff; Mr. M. U. Ahmed, learned Addl. Sr. Standing Counsel for Government of India and Mr. M. U. Ahmed, learned Addl. Standing Counsel for Government of India, are present.

9. At the outset, the Applicant (who is present in Court) stated that the Principal Bench of this Tribunal is in Session of a

**Copy of The order**  
Dtd- 22-7-2009 prepared prayer for transfer (of all the these cases to and send to D. Section the Principal Bench) is being considered; for issuing it. The for which he has already received notice same to the respondent on 15.07.2009 and the said P. T. No. 191 No-2. Vide D. No. 9097, of 2009 is now posted to 07.08.2009 and, in the said premises, he prayed for an adjournment of hearing of these cases. He filed a memo to the said effect.

10. In the aforesaid premises, hearing of all these cases stand adjourned to

12.08.2009.

*The case is ready  
for hearing.*

~~(M.K. Chaturvedi)~~  
Member (A)

lm 11.8.09

~~(M.R. Mohanty)~~  
Vice-Chairman

O.A.No.08/2007,86/2007,03/2008 and 170 of 2008

Ikhairul

Send copies of this order to the Applicant and to the Respondents and also Registrar, Principal Bench.

*Do 13/8/09*

18-8-2009

Copy of the order  
 Dated 12-8-2009 prepared  
 and sent to D. Section  
 for issuing of the same  
 to the applicant & respondents  
 also issued to the principal  
 Registrar, CAT, P.B.

20  
 Vide, D.No-9621 to 9627

Date: - 21-8-09

21-8-09

The case is ready  
 for hearing,

33  
 6.10.09 /lm/

12.08.2009 None appears for the Applicant nor the Applicant is present. Mr. M. U. Ahmed, learned Addl. Standing counsel representing the Respondents states that a petition for transfer of this case PT No.191 of 2009) to the Principal Bench was pending before Principal Bench and was posted to 07.08.2009. He is not in a position to say as to what was the progress of the matter on 07.08.2009.

Call this matter after Puja Vacation on 7<sup>th</sup> October 2009 for hearing.

Send copies of this order to the Applicant and the Respondents of this case.

A copy of this order be also sent to the Registrar of Principal Bench of the Tribunal, requiring him to intimate about the case of P.T.No.191 of 2009. It may also be intimated to the Registrar of the Principal Bench that this matter has been posted to 07<sup>th</sup> October 2009 before Division Bench for hearing.

  
 (M.K. Chaturvedi)  
 Member(A)

  
 (M.R. Mohanty)  
 Vice-Chairman

*PTO*

O.A. 3/08

13.10.09

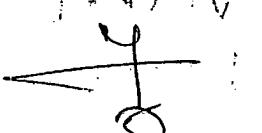
07.10.2009

As per P. B. letter dated 15.9.09 regarding service of notices issued in O.A No.8/07, O.A No.86/07, O.A 3/08 and O.A No.178/08 send to the P. Bench, New Delhi by speed post on 12.10.09, office copy kept in e file in O.A 178/08.

RECD 20/10/09  
13.10.09

None appears for the Applicant nor the Applicant is present. However, Mr. Subhash Paul, Assistant Accounts Officer of the Office of the A.G. (A&E), Assam and Mr. Biswanath Paitya, Sr. Accountant of the Office of the A.G. (A&E), Assam are present with Ms. U. Das, learned Addl. Standing counsel for the Govt. of India. They do not have any information about the fate of the Transfer Application (P.T. No.191/2009) filed in the Principal Bench/New Delhi on behalf of the Applicant.

Call this matter before the Division Bench on 05.11.2009. Send copies of this order to the Applicant and the Respondents in the address given in the O.A. A copy of this order may also be sent to the Deputy Registrar (Judicial) of CAT, Principal Bench, New Delhi for reference in P.T. No.191/2009.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

05.11.2009

On the written request of Mr. H.K. Das, learned counsel for the applicant list on 9.11.2009 for hearing.

  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

/pg/

09.11.2009

Due to general strike call by ULFA, none appears for parties.

Adjourned to 16.11.2009

nkm

  
(Madan Kumar Chaturvedi)  
Member (A)

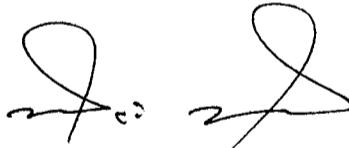
  
(Mukesh Kumar Gupta)  
Member (J)

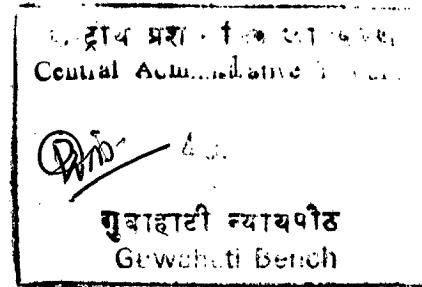
17.11.2009 Mr. H.R. Das, learned counsel for applicant, on our query raised, has agreed that present O.A.No.03/2008, wherein he had been seeking direction to respondents to dispose of his representation, has become infructuous in view of the fact that respondents, after affording him personal hearing, have disposed of said representation by a reasoned and speaking order. We may note that order passed by the authority had been the subject matter of O.A.No.170/2008, which is pending before this Tribunal).

In view of above, present O.A.No.03/2008 has become infructuous and order accordingly.

nkm

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(An application under Sections 19/24 of the Central Administrative  
Tribunal Act, 1985.)

ORIGINAL APPLICATION NO. 3 OF 2007

SHRI BIMALENDU GUPTA .... ... APPLICANT.

-VERSUS-

UNION OF INDIA AND OTHERS ... RESPONDENTS.

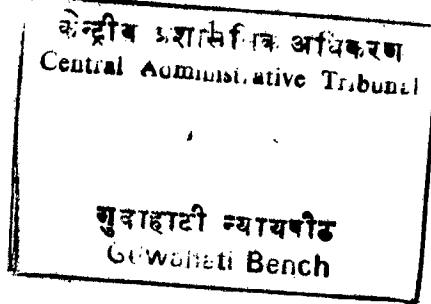
S Y N O P S I S

This Original Application has been filed against the suspension order dated 11.04.2007 issued by the Senior Deputy Accountant General (Administration) praying for withdrawal of the suspension order dated 11.04.2007 and for reinstatement of the Applicant in his original place of posting. The departmental proceeding initiated against the Applicant has already been closed ex parte and, as such, the Applicant is entitled to be reinstated in his original place of posting releasing his all salary/entitlements held up on and from January 2007.

Filed by

(A. Hai),

Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(An application under Sections 19/24 of the Central Administrative  
Tribunal Act, 1985. )

ORIGINAL APPLICATION NO. 3 OF 2007

SHRI BIMALENDU GUPTA .... .... APPLICANT.

-VERSUS-

UNION OF INDIA AND OTHERS ... RESPONDENTS.

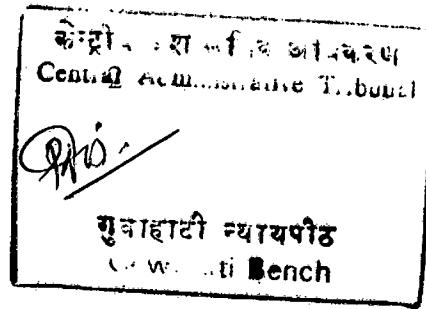
I N D E X

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2.	VERIFICATION	19.
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4.	ANNEXURE-II <sup>Application dated 12-4-2007</sup>	21-22.
5.	ANNEXURE-III <sup>Hon'ble Tribunal order dated 24-4-2007 in OA NO. 97/2007</sup>	23-25.
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7.	ANNEXURE-V <sup>AG(A92) Assam Legislative dated 15-11-2007</sup>	32.

FILED BY -

*A. HAI*  
(A. HAI)

ADVOCATE



Bimalendu Gupta

File No. 3  
A.D. 2008  
Date

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

(An application under Sections 19/24 of the Central Administrative  
Tribunal Act, 1985.)

**ORIGINAL APPLICATION NO. 3 OF 2008**

**BETWEEN : SHRI BIMALENDU GUPTA .... ...APPLICANT.  
-VERSUS-**

**UNION OF INDIA,**

**Represented by the Secretary to the  
Government of India, Ministry of Home Affairs  
(Department of Personnel and Administrative Reforms)**

**North Block, New Delhi –1**

**The Comptroller and Auditor General of India,  
Bahadur Shah Zafar Marg, Indraprastha HPO,  
New Delhi-2 and others** ....  
**RESPONDENTS.**

**PARTICULARS OF THE APPLICANT :**

**1. Name of the Applicant : SHRI BIMALENDU GUPTA**

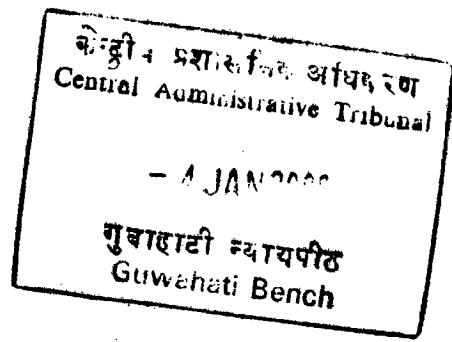
**2. Name of the Father : Late Biswanath Gupta**

**3. Designation and Office in which employed**

**Senior Accountant,**

**O/o the Accountant General**

**(A & E) Assam, Maidamgaon,  
Beltola, Guwahati – 29**



#### **4. Office Address**

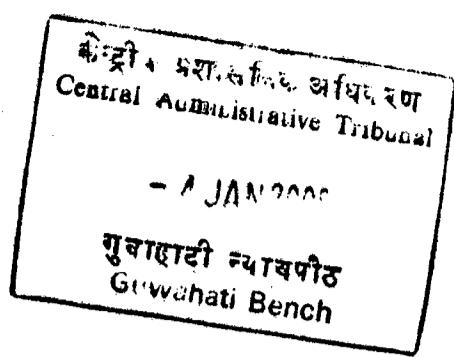
O/o the Accountant General  
(A & E) Assam, Maidamgaon,  
Beltola, Guwahati – 29

#### **5. Address for service of Notice:**

O/o the Accountant General  
(A & E) Assam, Maidamgaon,  
Beltola, Guwahati – 29 or  
through the Advocate.

**VERSUS –**

- 1. The Union of India,**  
Represented by the Secretary to the  
Government of India, Ministry of Home Affairs  
(Department of Personnel and Administrative Reforms),  
North Block, New Delhi.-1
- 2. The Comptroller and Auditor General of India,**  
Bahadur Shah Zafar Marg, Indraprastha HPO,  
Post Bag No.7, New Delhi-2.
- 3. The Accountant General (A & E), Assam,**  
Maidamgaon, Beltola,  
Guwahati-29.
- 4. The Senior Deputy Accountant General (Admn),**  
O/o the Accountant General (A & E),  
Assam, Maidamgaon, Beltola,  
Guwahati-29.
- 5. Shri Tarini Mohan Roy, IA & AS**



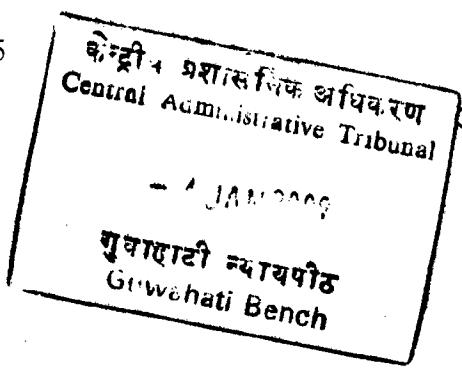
Senior Deputy Accountant General  
(P & F, Pension and Fund)  
C/o the Accountant General (A & E),  
Assam, Maidamgaon, Beltola,  
Guwahati-29,  
Holder of dual charge of  
Sr. Deputy Accountant General (Admn)  
C/o the Accountant General (A & E)  
Assam, Maidamgaon, Beltola, Guwahati-29.

I. PARTICULARS OF ORDER(S) AGAINST  
WHICH THE APPLICATION IS MADE :

The application is made against the order of suspension bearing No.DAG (A)/Admn./PC/BG/194 dated 11.04.2007 issued by Shri Tarini Mohan Roy, IA & AS, Sr. Deputy Accountant General (Admn), Office of the Accountant General (A & E), Assam Beltola, Guwahati-29, Respondent No.5 and delivered at the residence of the Applicant.

II. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application against which the Applicant prays for redressal is within the jurisdiction of the Hon'ble Tribunal for judicious adjudication of the grievances of the applicant.



Dinesh Jyoti Deka

### **III. LIMITATION :**

The humble applicant declares that this application is filed within the time limit prescribed under the Administrative Tribunal Act, 1985.

### **IV. FACTS OF THE CASE :**

(1) That the applicant begs to state that the applicant is a citizen of India belongs to the General Category and his rights and privileges are guaranteed by the Constitution of India.

(2) That the applicant begs to state that the Applicant is a Senior Accountant in the Office of the Respondent No.3 and posted in CA-4 Section. The Applicant has completed about 36 years of service in the Department as the Applicant joined in the service of the Department in November 1977. As an employee under the Union of India he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and he is entitled to right to live under Article 21 of the Constitution of India.

(3) That the applicant begs to state that he is a married man having only a daughter. The applicant's wife is an employee of the Government of Assam. The lone

- 1 JAN 2020

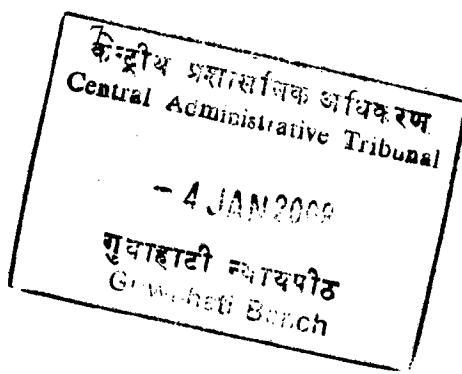
गुवाहाटी न्यायालय  
Guwahati Bench

Guwahati Bench  
Central Admin. Tribunal

child of the applicant has passed the Higher Secondary Final Examination, 2007. The family members of the Applicant are entitled to all benefits and protection to be made available to them by the Respondent No.3 under the provisions of the Rules as and when such necessity arises.

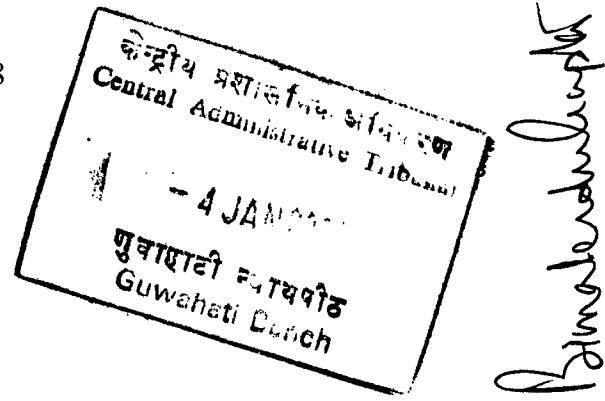
(4) That the applicant begs to state that the applicant and the members of his family are passing a simple life in the State of Assam and there is no adverse record prejudicial to the interest of the security of the State due to any activities of the family members of the applicant and the applicant himself. Neither the applicant nor any of his family members is involved in any criminal offence nor linked with any offence under investigation, inquiry or trial.

(5) That the Applicant begs to state that the Respondent Nos. 2 to 5 are always behind the Applicant to find out fault in him, looking for a plea to go against the applicant and harass the applicant and his family members for one plea or the other. In 1998 the Respondent No.4 vide letter No.DAG(A)/PC/BG/151 dated 4.12.98 declared the period of service of the Applicant with effect from 27.9.98 to 1.11.98 as "dies non" on the plea that he (the applicant) did not do his job except putting his initial in the attendance register and leaving office without permission of the superiors. Accordingly, the matter of "dies non" dated 4.12.98 was

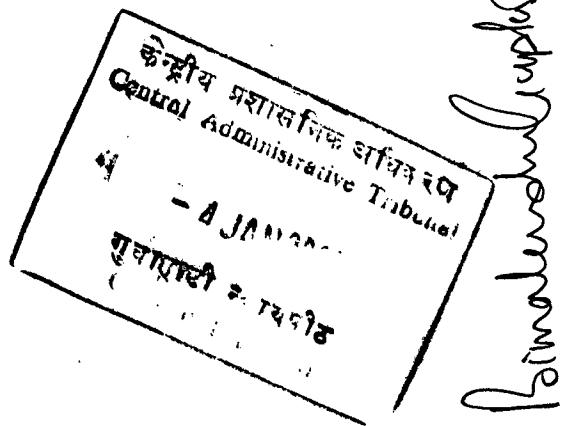


challenged in this Hon'ble Tribunal by the Applicant by filing O.A. No.245 of 2001 when the Respondents declined to consider the applications of the Applicant. The Hon'ble Tribunal after hearing both the parties set aside the impugned order dated 4.12.98 by order dated 28.11.2001. The Respondents No.2 to 5 deliberately disobeyed the order of the Hon'ble Central Administrative Tribunal dated 2.11.2001 and went on retaining the stigma of "dies non" brought out under order dated 4.12.1998 without applying judicious mind on the spirit of the order of the Hon'ble Central Administrative Tribunal and the Respondents still went on holding up the part payment of the salary of the Applicant under order dated 28.11.2001 and stopped annual increment due on 1<sup>st</sup> of January every year, which had prompted the Applicant to file the Original Application before this Hon'ble Tribunal which was registered and numbered as O.A.No.8 of 2001. The aforesaid application is still pending before this Hon'ble Tribunal for disposal.

(6) That the applicant begs to state that even after receipt of the notice of the aforesaid case the Respondent No.5 deliberately stopped payment of salary of the applicant from the month of January 2007 onwards without assigning any reasons or prior information to the Applicant. Thus the Respondents, particularly, Respondent No. 5 has violated the fundamental rights of the Applicant as

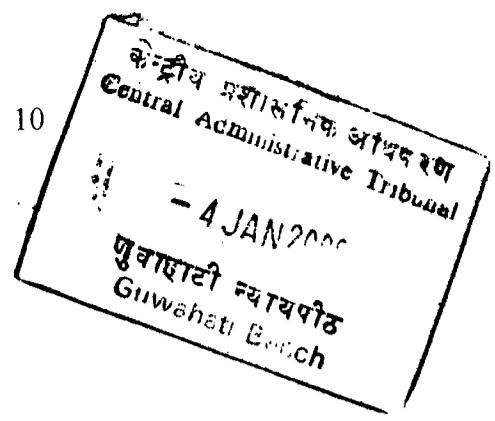


well as the Right to Information despite repeated applications/reminders filed by the Applicant but the Respondents kept mum whereas the salaries for the months of January and February, 2007 have been considered as income of the Applicant towards assessment of income Tax for the assessment year 2007-08. Having no other alternative and keeping in view the inaction on the part of the Respondents Nos.3, 4 and 5, the Applicant has been compelled to file the O.A. No.86 of 2007 before this Hon'ble Tribunal and in course of hearing of the aforesaid Original Application this Hon'ble Tribunal expressed their Lordships' dissatisfaction for non-payment of salaries to the Applicant and accordingly the learned counsel for the Respondents was directed to obtain instructions on or before 10.4.2007. But instead of sending instructions to their counsel, as asked for by this Hon'ble Tribunal, in utter disregard of this Hon'ble Tribunal's direction, the Respondent No.5 has issued an order under Memo No.Sr.DAG(A) /Admn/ PC/BG/194 dated 11.4.2007 informing that the Applicant has been placed under suspension with immediate effect. The aforesaid action of not sending appropriate instructions by the Respondent No.5, who is also holding the charge of Respondent No. 4 does constitute arbitrariness and disregard to the directions of this Hon'ble Tribunal.



7. That it is humbly stated that the Respondent No.5 ought to have handed over the impugned order to the Applicant himself during the office hours in stead of handing over the same to his ailing wife, who was highly shocked on receiving the undesirable and unexpected information from the Respondent No.5. This action on the part of the said Respondent No.5 aggravated her health condition and the Applicant was forced to take her wife to the doctor of the Gauhati Medical College and Hospital on the very next day, i.e., on 12.4.2007. The attending doctors accordingly advised the Applicant to take her to the Apollo Hospital, New Delhi, where she was undergoing treatment earlier, to avoid further deterioration of her condition.

8. That the humble applicant begs to submit that the action of the Respondent No.5, Shri Tarini Mohan Roy, IA & AS Sr. Deputy Accountant General (P & F) and i/c of Administration in issuing the order dated 11.4.2007 (Annexure-1) placing the Applicant under suspension merely on the ground that enquiry is contemplated and debarring the Applicant from entering the office premises by misuse of power on wrong interpretation of sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal ) Rules, 1965 is bad in the eye of law and malice, which has caused considerable injuries to the members of the Applicant's family, as stated above, and as such, the order

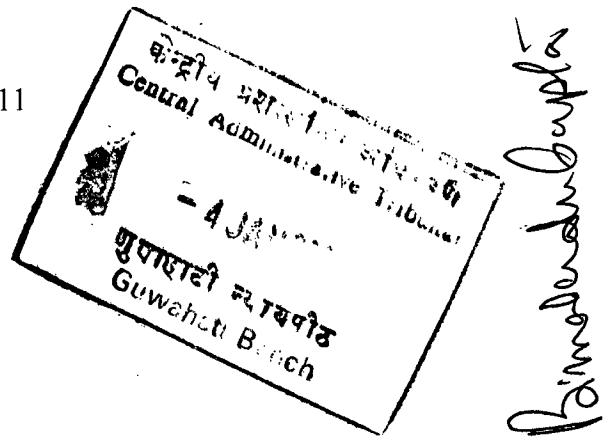


of suspension contained in Memo No.Sr.DAG(A) /Admn/ PC/BG/194 dated 11.4.2007 is liable to be set aside and quashed.

It needs to be mentioned here that similarly situated persons, i.e., Shri Sanjib Majumdar, Senior Accountant, Pension Branch-V, Sri Anup Sinha, Senior Accountant, Pension Branch-IV, who were placed under suspension on account of scam relating pension, they have been subsequently reinstated and they have been receiving their salary and other entitlements whereas the case of the Applicant has not been considered equally and he is remaining under suspension till now.

A copy of the order of suspension bearing No.DAG (A)/Admn./PC/BG/194 dated 11.04.2007 issued by the Respondent No.5, a copy of the Appeal/Representation dated 12.04.2007, a copy of the judgment and order dated 24.04.2007 passed by this Hon'ble Tribunal are annexed herewith and marked as ANNEXURES-I, II & III to this Original Application.

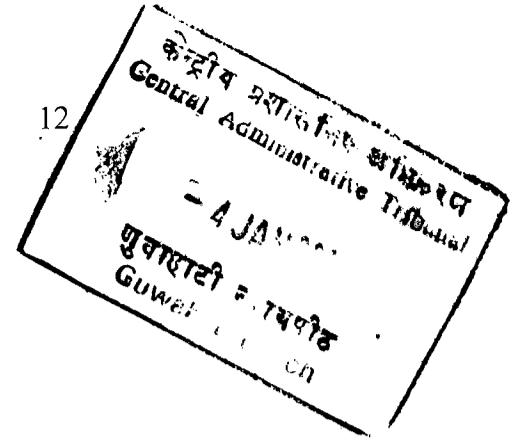
9. That the Applicant begs to state that he filed O.A. No.178 before this Hon'ble Tribunal and this Tribunal by order dated 05.07.2007 directed the Respondent authorities to consider and dispose of the Appeal dated 12.4.2007 filed by the Applicant; but till today nothing has



been done to dispose of the same in spite of receipt of the order dated 05.07.2007 by the Respondents. It may be worth mentioning that the authority has closed the departmental proceeding initiated against the Applicant.

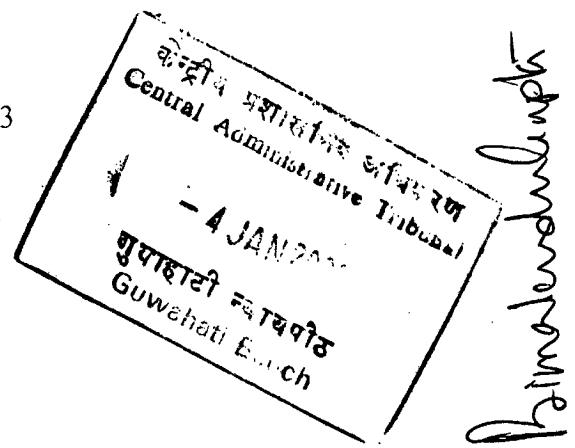
In view of the aforesaid development Your Lordships may be pleased to pass an order directing the Respondent authorities to withdraw the suspension order dated 11.4.2007 (Annexure-1), direct the Respondent authorities to reinstate the Applicant in his original place of posting with all service benefits by treating the Applicant to be on service all along during the period of suspension releasing salary of the Applicant held up on and from 31.01.2007 till date including medical expenses with interest @ 13%, all the exparte orders issued including the departmental proceeding, if any, initiated by the Respondent authorities be directed to be withdrawn forthwith by treating the case of the Applicant at par with the case of Sri Sanjib Majumdar and others, who have already been reinstated in service with all service benefits despite pendency of cases against them relating to pension scam.

A copy of the judgment and order dated 05.07.2007 and a copy of the communication-dated 15.11.2007 are annexed herewith and marked as ANNEXURE-4 and 5



10. That the humble Applicant begs to submit that the action of the Respondent No. 5 in issuing the order of suspension without any basis and/or assigning reason, is capricious, arbitrary, illegal and in violation of the principles of natural justice, and, as such, the same is liable to be set aside and quashed for the ends of justice.

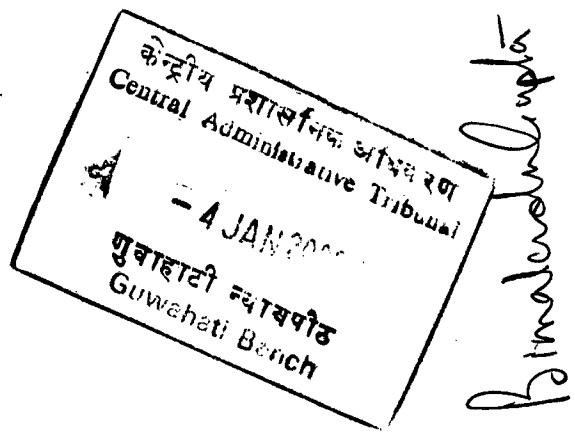
11. That the applicant begs to state that he is working as Senior Accountant in the Office of the Accountant General, Assam, Maidamgaon, Beltola, Guwahati and suddenly without any rhyme and reason and without following any procedure the Respondent No.4, the Senior Deputy Accountant General (Admn) by order dated 11.4.2007 suspended the petitioner from service under Sub Rule (1) of Rule 10 of the Central Services (Classification, Control and Appeal) Rules, 1965, and, as such, against the suspension order the Applicant filed an appeal dated 12.4.2007 by post before the Accountant General (A & E), Assam, Midamgaon, Beltola, Guwahati-29 praying for payment of salary from January, 2007 onward and for withdrawal/cancellation/revocation of the suspension order, but nothing has been done by the authority concerned, and, as such, the Applicant approached this Hon'ble Tribunal and filed a case, which was registered and numbered as O.A. No.97/2007. This Hon'ble Tribunal by its order dated 24.4.2007 was pleased to dispose of the said



case with a direction to the Respondent No.5 to dispose of the appeal dated 12.4.2007 filed by the Applicant by passing appropriate orders in accordance with the Rules within a period of one month. But till today no action has been taken by the Respondent authority in accordance with the directions of the Hon'ble Tribunal.

12. That the Applicant begs to state that his only daughter Anoopriya Gupta passed the Higher Secondary Examination, CBSE Course from Kendriya Vidyalaya, CRPF on 25.5.2007 in the First Division but due to financial crisis the Applicant has not been able to admit her in college for higher education. This fact was brought to the notice of the concerned authority by filing appropriate appeal with a prayer for release of the subsistence allowance, for payment of arrear salary and for revocation/cancellation of the impugned suspension order. But nothing has been done to the utter disappointment of the Applicant.

13. That the Applicant begs to submit that the inaction of the Respondents in not disposing of the appeal/representation dated 12.4.2007 is in violation of the principles of natural justice and in violation of the provisions of Articles 14, 16 and 21 of the Constitution of India.

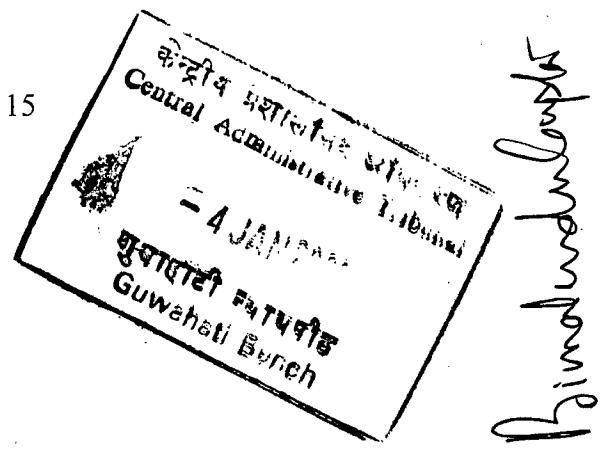


14. That the Applicant begs to submit that the action of the Respondents is malafide, arbitrary, unconstitutional, discriminatory and void ab initio and the authorities concerned adopted the pick and choose policy to harass the application as well as his family members, and, as such, it is a fit case where Your Lordships may be pleased to issue appropriate orders in the interest of justice and equity.

15. That the Applicant begs to submit that the act of the Respondent No.5 who is in charge of the Respondent No.4 in issuing the order dated 11.4.2007 (Annexure-1) without applying his mind and without assigning any reasons and/or basis must be understood to be capricious, arbitrary, illegal and contrary to the provisions of Articles 14, 19 and 21 of the Constitution of India, and, as such, the same is liable to be interfered with by this Hon'ble Tribunal and appropriate relief, as prayed for by the present Applicant, may be afforded for the ends of justice and equity by setting aside the impugned order dated 11.4.2007(Annexure-1).

**(5)RELIEF SOUGHT FOR AND THE GROUNDS :**

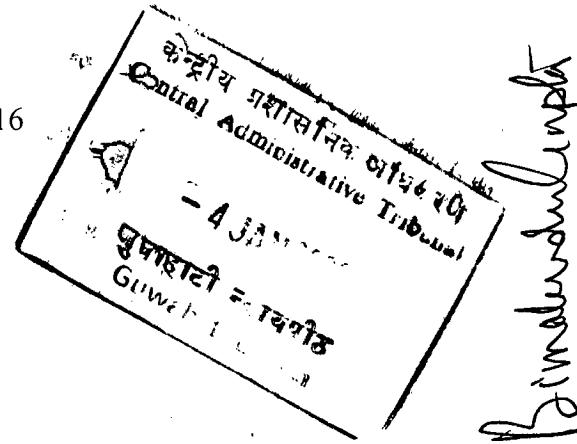
(a) That the impugned suspension order dated 11.4.2007 (Annexure-1) has been issued by



the Respondent No.5 without applying judicious mind and without following any procedure violating the existing Rules/Norms/guidelines and the Circulars/Instructions issued governing matters relating to Central Civil Services (Classification, Control and Appeal) Rules, 1965, and as such, the impugned order dated 11.4.2007 is liable to be set aside and quashed for the ends of justice.

(b) For that the Respondent authority should have considered the appeal/representation of the applicant dated 12.04.2007 (Annexure-2). But the aforesaid appeal/representation has not been disposed of and is lying pending without any action, which is in violation of the principle of natural justice and the procedure established by law and in violation of the provisions of Articles 14 and 21 of the Constitution of India, and as such, the impugned order dated 11.4.2007 (Annexure-1) is liable to be set aside and quashed for the ends of justice.

(c) That the applicant further begs to submit that the Respondent Nos.3, 4 and 5 may be directed not to give effect to the impugned order of suspension dated 11.04.2007 (Annexure-1) on the grounds that the same has been brought out

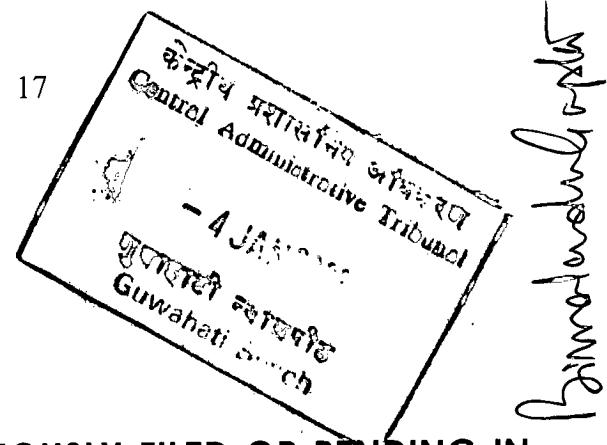


adopting pick and chose policy, conjectures and surmises violating the existing Rules/ Norms/ guidelines and the Circulars/Instructions issued governing matters relating to Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(d) For that the departmental proceeding closed ex parte (Annexure-5 dated 15.11.2007) is illegal and in violation of the fundamental rights of the applicant in absence of any decision relating to the departmental proceeding, and, as such, the Applicant is entitled to be reinstated in service forthwith with all entitlements on and from 31<sup>st</sup> January 2007.

**(6) GROUND OF EXHAUSTION OF REMEDY, IF ANY :**

The applicant has already filed appeal/representation dated 12.04.2007 (Annexure-2) before the authority concerned claiming withdrawal of the impugned suspension order (Annexures-1) and thus the applicant has exhausted all the remedies by filing appeal/representation before the Respondent-authority concerned.



**(7) MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURTS :**

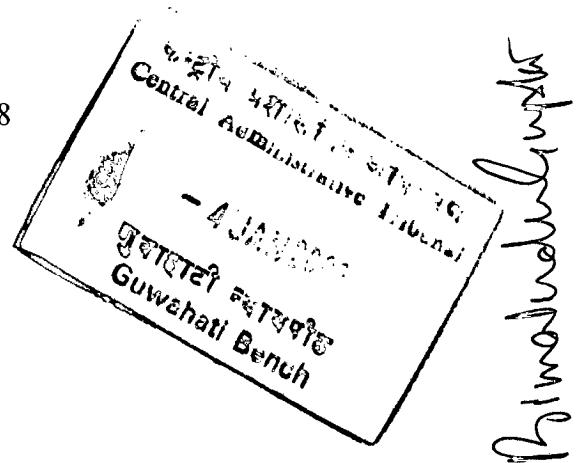
The applicant declares that he has not filed any suit nor any writ petition before any Court nor any such suit nor writ petition is pending anywhere.

**(8) INTERIM ORDER PRAYED FOR:**

Pending final disposal of the Original Application, this Hon'ble Tribunal may be pleased to stay the operation of the impugned suspension order dated 11.4.2007 (Annexure - 1) and reinstate the Applicant in his original place of posting with all entitlements.

**(9) RELIEF SOUGHT FOR :**

It is, therefore, prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notice to the Respondents to show cause as to why a direction should not be issued to them directing them to dispose of the appeal/representation dated 12.04.2007 (Annexure-2) with a further



prayer for setting aside and/or quashing the impugned suspension order dated 11.04.2007 (Annexures-1) directing the respondents to release all entitlements due to the Applicant by treating the Applicant to be on service all along during the period of suspension without any further delay which were held up on and from 31.01.2007 till date including medical expenses with interest @ 13% and all the exparte orders issued including the departmental proceeding, if any, initiated by the Respondent authorities be directed to be withdrawn forthwith by treating the case of the Applicant at par with the case of Sri Sanjib Majumdar and others, who have already been reinstated in service with all service benefits despite pendency of cases against them relating to pension scam.

**(10) PARTICULARS OF THE I.P.O.**

I.P.O. No. for Rs.50.00- NO. 66F 848206

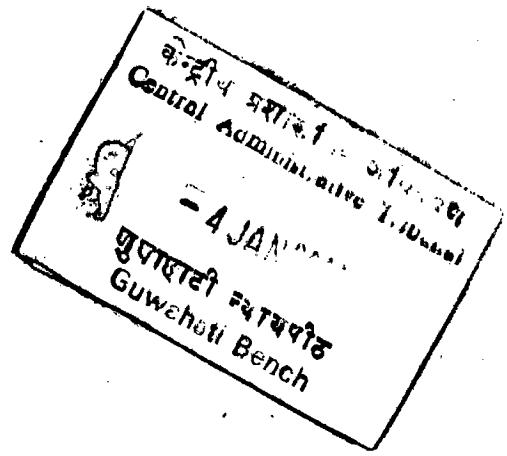
Date - 8/12/2007 66F 848907

70E 048425

Payable at - Guwahati.

**(11) LIST OF DOCUMENTS :**

As stated in the Index.



### VERIFICATION

1. SHRI BIMALENDU GUPTA, son of Late Biswanath Gupta aged about 55 years, by caste Hindu by profession Government Service (under suspension) resident of Sarumotoria, Sahid Dilip Huzuri Path (Arunudoi Residence), Dispur Guwahati-6, Assam do hereby verify that the statements made in this application are true to my personal knowledge and belief.

I sign this verification on this the 14<sup>th</sup> day of Dec, 2007 at Guwahati.

*Bimaleden Gupta* 14/12/07  
SIGNATURE OF THE APPLICANT.

OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM, GUWAHATI

No. Sr. DAG(A)/Admn/PC/BG/194

Dated 11/4/2007

11 APR 2007

STATEMENT OF  
Guwahati Bench  
- 4 JAN 2008

ORDER

Whereas a disciplinary proceeding against Shri Bimalendu Gupta, Senior Accountant of CA 4 Section of this Office is contemplated, and whereas his continuance in office will prejudice investigation and interest of the Department, and subvert discipline in the Office.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Gupta under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Bimalendu Gupta, Senior Accountant shall be Guwahati and the said Shri Gupta, Sr. Accountant shall not leave the headquarters without obtaining the previous permission of the undersigned. It is further directed that Shri Gupta shall not, during the period that this order shall remain in force, enter the office premises save and except he has obtained written permission from the undersigned after applying therefor in writing.

  
Senior Deputy Accountant General (Admn.)

✓ Copy to Shri Bimalendu Gupta, Senior Accountant, CA 4 Section. He is informed that orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately, and directed to furnish his residential address in Guwahati for communication.

De  
certified & copy  
S. S. Dharai  
2/1

Annexure - 2  
4/11/07  
777729 547497  
Central Govt. of Assam  
Guwahati-29

MOST URGENT, BY POST

TO

The Accountant General (A&E) Assam  
Maidamgaon, Beltola Guwahati-29.

Sub: Appeal for payment of Salaries from January, 2007 and withdrawal/Cancellation of the suspension order No. Sr. DAG(A)/Admn/PC/BG/197 dated 11.4.2007 issued by Shri Tarini Mohan Roy, I&R&AS Sr. Deputy Accountant General (P&F) i/c Admn.

Sir,

With reference to the subject, I beg to state that I am surprised to received the letter No. Sr. DAG(A)/Admn/PC/BG/197 dated 11.4.2007 issued by Sr. Deputy Accountant General (P & F) i/c administration and handed over the same to my wife at my residence by the messangers on 11.4.2007 at 6 p.m. when I was absent at residence.

That sir, I have repeatedly submitted applications to the administration for payment of due medical claims which has recovered from my salary arbitrarily against medical advises and wrong application of the CS(MA)Rules and refused to provide follow up life saving treatment to my wife despite clear instructions of the treating physician of Apollo Hospital Delhi. Due to necessity of the follow up and deliberate/ ignorance of the Admin not to provide required treatment cost and conveyance, I have been compelled to take loan from Bank to meet the treatment in Aug'05 and accordingly the final claim received by the Admn-2 on 7.11.07 and not paid/reimbursed the claims. As such I have been compelled to appeal repeatedly for my right claims for continuation of treatment which has ignored.

That sir, suddenly from January, 2007 my salary has been stopped arbitrarily without assigning any reason nor information issued in this regard and the payment of salary under C.A.T. order dated 28.11.2001 was also held up. Accordingly I have filed the applications in OA No.8/2007 and OA No.86/2007 to the Hon'ble CAT for my right salary. After receiving the C.A.T. direction dated 2.4.2007 the administration deliberately disobey the C.A.T. to comply on or before 10.4.2007 and arbitrarily issued the Suspension order against me on 11.4.2007 as stated above by wrong application of sub-rule (1) of Rule 10 CCS(CCA)Rules 1965 which is illegal, motivated, arbitrary and not tenable in law may kind review and dropped the charges and withdraw/cancell the order dated 11.4.2007 forthwith and allow me to continue/join in the service.

contd. on page 2  
contd. on page 3  
D.M.

केन्द्रीय नियन्त्रित  
Central Administrative Tribunal

- 4 JUNE 2007

गुवाहाटी बैच  
Guwahati Bench

- 2 -

Due to restriction imposed on me by the Senior Deputy Accountant General (P & F) i/c Administration to entry in office arbitrarily I have been compelled to send my application to you by post.

In view of the above I beg to request you to examine the matter personally and withdraw/cancelling the order of suspension dated 11.4.2007 which is framed/issued on contemplation and arrange to disburse the all pending salary forthwith from January, 2007 and allow me to resume in duties. For this act of your kindness I shall ever pray.

Dated, Guwahati  
the April 12, 2007

Yours faithfully

*Bimalendu Gupta*  
(Bimalendu Gupta)  
Senior Accountant

Copy submitted by post to :

1. Shri Tarini Mohan Roy, IAS&AS, Sr. Deputy Accountant General (P&F) i/c Administration o/o the AG(A&E) Assam, (1st Floor) Maidamgaon, Beltola Guwahati-29 with a request to cancell the order dated 11.4.2007 which is wrong, illegal, motivated and intentional and beyond the purview of the rules and allow me to continue in the service forthwith and arrange to release the stopped salary.
2. The Comptroller and Auditor General of India, Bahadur Shah Zafar Marg, Indraprasth HPO, Post Bag No. 7 New-Delhi-2. He is requested to examine the matter on priority to pay the all due claims of medical reimbursement which has arbitrarily and wrongly recovered from my pay by the AG(A&E) Assam against Govt. direction and order and arrange to disburse the salary from January, 2007 onwards and cancell/withdraw the Suspension order dated 11.4.2007 which is not based with material facts and motivated.

*Bimalendu Gupta*  
(Bimalendu Gupta)  
Senior Accountant

certified to be  
true copy  
S. Shai  
P.S.

23

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 97 of 2007.

DATE REC'D 27/7/2007  
Guwahati Bench

Date of Order: This, the 24th day of April, 2007.

THE HON'BLE SHRI G. SHANTHAPPA, JUDICIAL MEMBER

THE HON'BLE SHRI GAUTAM RAY, ADMINISTRATIVE MEMBER

Shri Bimalendu Gupta

Soh of Late Biswanath Gupta

Senior Accountant

O/o the Accountant General (A&E), Assam

Maidamgaon, Beltola, Guwahati-29.

...Applicant.

By Advocates Mr. A. Bhattacharya & Mrs. K. Talukdar.

- Versus -

1. The Union of India represented  
by the Secretary to the Govt. of India  
Ministry of Home Affairs (Department of  
Personnel and Administrative Reforms)  
North Block, New Delhi-1.

2. The Comptroller and Auditor General of India  
Bahadur Shah Zafar Marg, Indraprastha HPO  
Post Bag No.7, New Delhi-2.

3. The Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.

4. Senior Deputy Accountant General (Admn)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.

5. Shri Tarini Mohan Roy, IA & AS  
Senior Deputy Accountant General  
(P&F, Pension & Fund)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29  
Holder of duel charge of Sr. Deputy  
Accountant General (Admn)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29. ... Respondents.

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

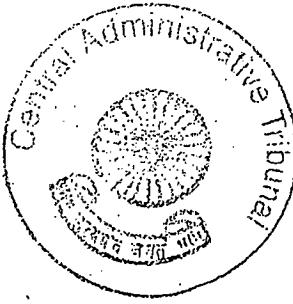
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true copy  
Shri  
P.D.S.

100

ORDER (ORAL)

SHANTHAPPA, G. MEMBER (J).

This Application has been filed by the Applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 11.4.2007 (Annexure-2) on the ground that no reason has been assigned in the impugned order for his suspension. Subsequent to the order of suspension, the Applicant has submitted a representation dated 12.04.2007 which is pending for considering with the third Respondent i.e., Accountant General, (A&E), Assam, Beltola, Guwahati-29. The reliefs as prayed in the O.A. are as follows:-

  
"In the premises aforesaid the humble applicant humbly prays that the Hon'ble Tribunal may be pleased to admit this application and called for the records related suspension order dated 11.4.2007 Annexure-2 and after hearing both the parties quashed and set aside the above impugned order alongwith directions to the Respondents to count the periods of absence from duty as duty for all purposes."

2. We have heard Mr. A. Bhattacharya, learned counsel for the Applicant and Mr.G.Baishya, learned Sr. C.G.S.C. for the Respondents. Since the Applicant's representation is pending with the Respondents, learned counsel for the Applicant submitted that Applicant will be satisfied if a direction is given to the fourth Respondent i.e., the Senior Deputy Accountant

*certified as per  
Smt. Shri  
D.W.*

*G.*

General (Admn), Office of the Accountant General (A&E), Assam to decide the representation. Learned counsel for the Respondents submitted that justice would be met if such a direction is issued to the Respondents.

3. We have considered the request made by both sides.

Accordingly, we direct the Respondent No. 3 to transmit the representation dated 12.04.2007 filed by the Applicant to the Respondent No.4. Without observing on merits of the case we direct the Respondent No.4 to consider the aforesaid representation dated 12.04.2007 (Annexure-3) and also averment made in the O.A. and pass appropriate, considered and reasoned order in accordance with Rules within a period of one month from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above at

the admission stage itself. Liberty is given to the Applicant to approach this Tribunal, if necessary. There will be no order as to costs.

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sd/ MEMBER (J)

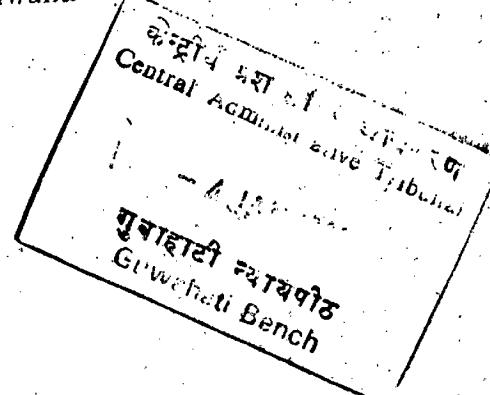
sd/ MEMBER (A)

*Neelam*  
26.4.07

Central Administrative Tribunal

Guwahati Bench

Guwahati-5



/BB/

Exhibit  
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P.D.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 178 of 2007.

Date of Order: This, the 5th day of July, 2007.

THE HON'BLE MR.K.V.SACHIDANANDAN, VICE CHAIRMAN

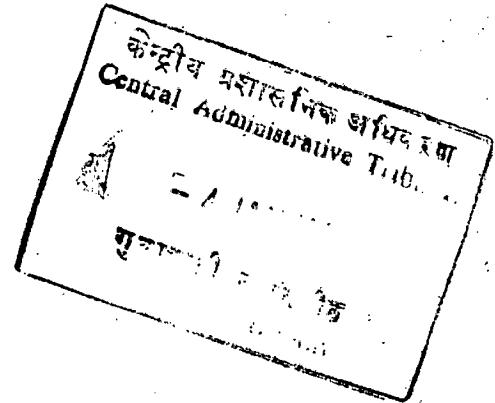
✓ Shri Bimalendu Gupta  
Son of Late Biswanath Gupta  
Senior Accountant  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola  
Guwahati-29.

...Applicant.

By Advocates Mr. S. Huda & Mr. A. Hai.

- Versus -

1. The Union of India  
represented by the Secretary  
to the Government of India  
Ministry of Home Affairs  
(Department of Personnel  
and Administrative Reforms)  
North Block, New Delhi-1.
2. The Comptroller and Auditor  
General of India  
Bahadur Shah Zafar Marg  
Indraprastha HPO  
Post Bag No.7  
New Delhi - 2.
3. The Accountant General (A&E), Assam  
Maidamgaon, Beltola  
Guwahati-29.
4. Sr. Deputy Accountant General (Admn)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola  
Guwahati-29.
5. Shri Tarini Mohan Roy, IA & AS  
Sr. Deputy Accountant General  
(P&F, Pension & Fund)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29  
Holder of dual charge of Sr. Deputy



Ent. 2nd of  
(from the  
2nd)

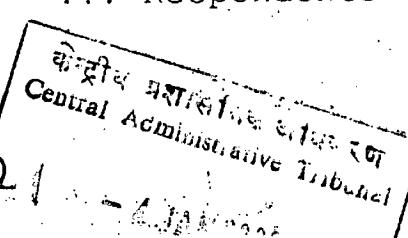
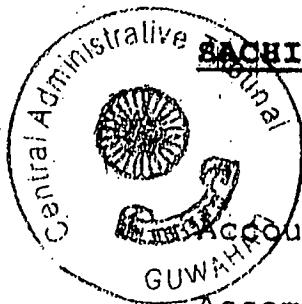
Accountant General (Admn)  
O/o the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati-29.

... Respondents.

By Mr.M.U.Ahmed, Addl.C.G.S.C.

O R D E R (ORAL)

**SACHIDANANDAN, K.V. (V.C.):**



While the Applicant was working as Senior

Accountant under the Accountant General (A&E), Assam, Annexure-1 order dated 11.4.2007 has been issued to him placing him under suspension under sub-rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 with immediate effect. The Applicant approached this Tribunal by way of O.A. No.97/2007 and this Tribunal vide order dated 24.04.2007 directed the concerned Respondent to consider his representation and averment made in the said O.A. and pass appropriate, considered and reasoned order in accordance with Rules within one month from the receipt of that order. It was submitted that subsequently inadvertently a writ petition was filed before the Hon'ble High Court which was later on withdrawn. However, according to the Applicant, since no action was taken by the Respondents he has filed this O.A. seeking the following reliefs:-

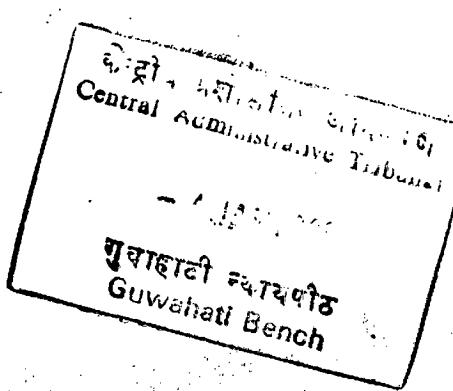
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X/

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"In the premises the humble applicant humbly prays that the Hon'ble Tribunal may be pleased to admit this application and called for the records related suspension order dated 11.4.2007 Annexure-1 and after hearing both the parties quashed and set aside the above impugned order along with directions to the Respondents to count the periods of absence from duty as duty for all purposes and reinstated in service with a further direction to release his salary arrear and current and implementation of order dated 24.4.2007 passed by this Hon'ble Tribunal in O.A. No.97/2007."

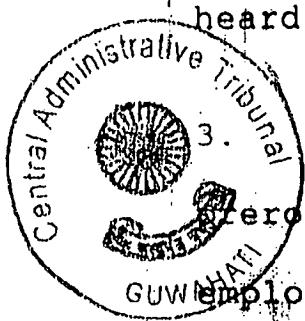


2. Heard Mr.S.Huda, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the Respondents. When the matter came up for consideration Mr.Ahmed has produced a copy of the order dated 22.05.2007 passed by Sr. Deputy Accountant General (Admn) purported to have been passed in compliance of the order of this Tribunal reiterating their contention and upholding the order dated 11.04.2007. Copy of the said letter is kept on record for future reference. Mr.S.Huda, learned counsel for the Applicant, after reading the aforesaid order, copy of which was served upon him during the course of argument across the Bar, submitted that the said order was not passed with due application of mind. However, he submitted that



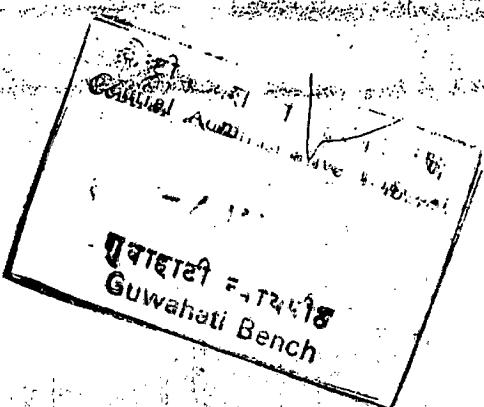
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true copy  
A.P.  
DIN*

since the Applicant has filed an appeal dated 12.04.2007 (Annexure-2) before the third Respondent which is pending disposal he would be satisfied if a direction is issued to the third Respondent to consider and disposed of the same by passing speaking orders communicating the same to the Applicant after affording an opportunity of being heard in person within a stipulated time.

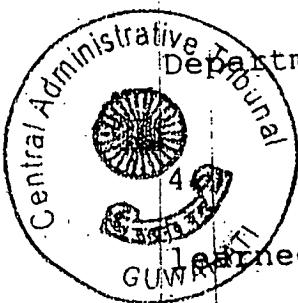


Learned Addl. C.G.S.C. submitted that it is prerogative of the Respondents to suspend an employee. Strictly speaking to the Rules, it may be so, but one of the aspects that the Respondents totally forgetting is that when an employee is suspended on flimsy/silly reasons subsistence allowance @ 50% and enhancement upto 75% has to be paid to the suspended employee from the Govt. exchequer. This Court would like to make it clear that suspension should be an exception rather than a rule, it can be invoked only in the exceptional cases like financial misappropriation, detention by police for more than 48 hours or such serious overacts and when an employee becomes incorrigible, intolerable and a deadwood. While suspending an employee the Respondents should look into these

Central Admin.  
Guwahati Bench  
3.10.2007

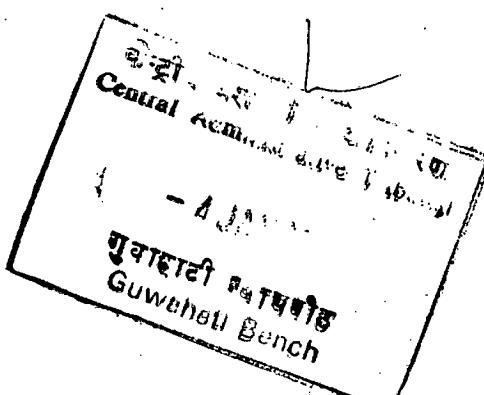


aspects. It should not be mere fancy/fantasy of the superiors to satisfy their ego or an empty formality. In the absence of any materials on record I am not expressing any view in the matter on merit. Suspension of an employee for flimsy/silly reason may have great financial implication on the Govt. exchequer. Initiative through motivation and extracting maximum manpower from the subordinate depends upon the leadership quality of the superior officer as well. The Applicant is in a senior position and has 27 years of unblemished service, as claimed by him. The reasons for rejecting his representation have not convinced this Court. Hence, it is appropriate that it should be dealt with by the highest office of the



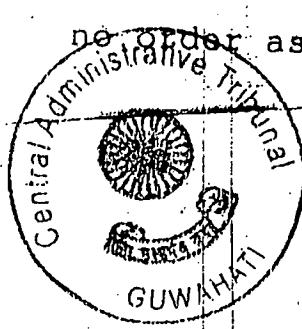
Considering the submissions made by the learned counsel for the Applicant and also the order that has been placed by the learned Addl. C.G.S.C. I am of the view that ends of justice would be met if a direction is issued to the third Respondent i.e., Accountant General (A&E), Assam to consider and dispose of Annexure-2 appeal with due application of mind within a time frame giving due

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D.J.



weightage to the above observations made by this Court. Accordingly, the third Respondent i.e., Accountant General (A&E), Assam is directed to consider and dispose of Annexure-2 appeal dated 12.04.2007 filed by the Applicant and pass a speaking order with due application of mind and keeping in view the above observations after affording a personal hearing to the Applicant within a period of 20 days from the date of receipt of this order. The Applicant will forward the copy of this order along with the appeal dated 12.04.2007 to the third Respondent forthwith.

5. The Original Application is disposed of as above at the admission stage itself. There will be no order as to costs.



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অনুমতি অধিকারী (J.D.)  
Section Officer (J.D.)

Central Administrative Tribunal

পুরাহাটী নথিপত্র

প.৪.১১.১৩.১১

পুরাহাটী গুৱাহাটী-৫

Sd/- VICE CHAIRMAN

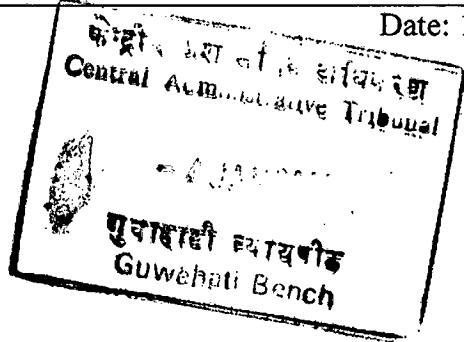
Central Administrative Tribunal  
পুরাহাটী নথিপত্র

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true copy  
Shri  
D.J.

**O/o the Accountant General(A&E),  
Assam, Maidamgaon, Beltola, Guwahati-29**

No:IQO/RC/BG/2006-2007/Com/56

Date: 15-Nov-07



To,  
Sri Bimalendu Gupta, Sr Accountant,  
Arunudoi Residency, Block- B,  
Flat No. 103, Sarumotoria,  
Swahid Dilip Huzuri Path,  
Dispur, Guwahati – 781006

Ref: Disciplinary Proceeding instituted against Sri Bimalendu Gupta, Sr Accountant, under suspension.

Sir,

In response to my letter No. IQO/RC/BG/2006-2007/Com/ 54 dated 16<sup>th</sup> October 2007 along with a copy of the letter bearing No. IQO/RC/BG/2006-2007/Com/53 dated 15<sup>th</sup> October 2007 as corrected, which was received by you on 24<sup>th</sup> October 2007, extended time for submission of "written brief" as allowed by me till 12<sup>th</sup> November 2007, is expired but nothing have been received from your side. However, I have received a copy of one application dated 2<sup>nd</sup> November 2007 forwarded to the Principal Accountant General(Audit), through the secretariat of Principal Accountant General (Audit), in which you have requested for furnishing the photocopy of CCS(CCA) Rule in addition to other requests which are completely irrelevant to this Disciplinary Case and the issues raised by you are also not within my jurisdiction. It may be further mentioned here that your request through your application dated 10<sup>th</sup> October 2007 received on the same day by fax for furnishing the original copy of CCS(CCA) rule and CHHS rule was already turned down by my reasoned order communicated to you vide my letter no IQO/RC/BG/2006-2007/Com/ 53 dated 15<sup>th</sup> October 2007 and the status remain same.

In view of the above since you have not availed any of all reasonable opportunities given to you during the entire proceedings, to present yourself and produce your defense before me, in all probabilities there is no reason to justify further extension of time for the interest of justice.

Therefore I am finally closing the inquiry and no further communication will be entertained and will be made to you.

Yours faithfully

*Ramanuj Chakraborty*  
Ramanuj Chakraborty  
Inquiry Officer  
Date: 15-Nov-07

No:IQO/RC/BG/2006-2007/Com/57

Copy to

1. To Sri J. M Aditya, PO Officer
2. Sr DAG(Admin)

For information.  
For information

*Ramanuj Chakraborty*  
Ramanuj Chakraborty  
Inquiry Officer (Accounts Officer)

*certified true & correct  
Shai  
ADN.*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

File in Court on...3.0.1.1.0.8

गुवाहाटी न्यायालय  
Guwahati Bench

Court Officer.  
30/1/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH  
AT GUWAHATI

O. A. No.3 / 2008

SRI BINALANDU GUPTA.

.....APPLICANT

- VERSUS -

UNION OF INDIA.

.....RESPONDENT

INDEX OF THE WRITTEN STATEMENT

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2	Verification	8
3	ANNEXURE - I (Letter No. Sr.DAG (A)/97/2007/231 dated 10-08-2007).	9 - 17
4	ANNEXURE - II (Application dated 25-01-2008)	18

Rein J.  
Blyplg -  
30/1/08.  
Appdmt.

Filed by -

Central Admin.  
Advocate's

Contd. / -

In the Central Administrative Tribunal, Guwahati Bench at Guwahati.

O.A. No.3 of 2008

गुवाहाटी न्यायसीठ  
Guwahati Bench

Shri Bimalendu Gupta .....

Applicant

Versus

Union of India and others ....

Respondents

Most Respectfully Sheweth :

The written statement on behalf of all the Respondents including Union of India, Ministry of Home Affairs.

1. That with regard to the statement made in Paragraph I and II of the instant application, the Respondents beg to state that in exercise of the Powers conferred by Sub-rule (1) of rule 10 of CCS (CCA) Rules, 1965 the Applicant was placed under suspension w.e.f. 11.4.2007. This is in accordance with Rule as a disciplinary Proceeding against the Applicant was contemplated and whereas his continuance in office would prejudice investigation and interest of the Department and subvert discipline in the office.
2. That with regard to Para III, the Respondents beg to state that they have no comment to offer.
3. That with regard to Para IV (1) (2) (3) and (4) the Respondents beg to state that they have no comment to offer.
4. That with regard to Para IV (5) the Respondents beg to state that the facts of the case were ..... in connection with O.A. No.8 of 2007 which is pending before the Hon'ble Tribunal. However, the facts of the case are submitted again before the Hon'ble Tribunal as follows :-

*Received  
30.1.08*  
The Respondents beg to state that while setting aside the order of dies-non imposed on Shri Gupta from 27.09.98 to 12.11.98, the order of the Hon'ble

Tribunal dated 28.11.01 in O.A. 245/2001 directed the Applicant to make a representation and the respondents to reconsider the representation of the Applicant within a period of 2 months from the date of receipt of the said representation. Shri Gupta submitted his representation dated 7.12.01 to Respondent No. (iii) which was received in the office on 18.12.01. Based on the representation, the facts of the earlier decision were reviewed thoroughly and carefully on the basis of records relating to works allotted to Shri Gupta and the work actually done by him and also in the light of the principles implied in the Hon'ble Tribunal's said order. It is humbly submitted that Hindi training classes to which Shri Gupta and other officials had been nominated were held on Tuesdays and Thursdays, and that the classes were held from 11.00 A.M. for a maximum of two hours a day. It is also submitted that this being the case, Shri Gupta was duty bound to do his allotted work before and after the Hindi classes on Tuesdays and Thursdays and during the entire day on other days. Based on the review, it was decided to treat only those days dies-non on which Shri Gupta had put his signature in the Attendance Register but did not do any work. In other words, it was decided not to treat as dies-non (a) the day (12.11.1998) on which Shri Gupta attended Hindi Examination at Maligaon, (b) Saturdays (a total of 6 days), (c) Sundays (a total of 7 days) and (d) closed holidays (a total of 4 days) during the period from 27.9.1998 to 12.11.1998. It was also decided to refund the Pay and Allowances that had been recovered from Shri Gupta in respect of the said days. The review decision was issued in the form of Office Order No. Admn.I/PC/B-63/2001-2002/3409 dated 05.02.02. The number of dies-non declared in respect of Shri Gupta stood reduced from 47 days to 29 days. It is humbly submitted before the Hon'ble Tribunal that in course of the review it was confirmed that Shri Gupta had not attended to his work during the period in question.

5. That with regard to Para IV (6), the Respondents beg to state that what has been stated by the applicant is not factually correct. The salary of the Applicant was withheld for his not attending to his officially allotted works in

*Narresh Choudhary*

spite of having put his signature in the Attendance Register of his Section and Memos were issued from time to time to him to clear his pending work. However, he has not heeded to the orders of his higher authorities. On the basis of the report of negligence of work, administrative decision was taken to withhold his salary till he completed all pending work. The Applicant was informed the reasons for withholding his salary in writing which he received on 14.2.07. It is also submitted that the salaries for the months of January and February 2007 had not been taken for the purpose of Income Tax for the assessment year 2007-08. Hence, the statement made by the Applicant is denied.

The Respondents beg to state that the relevant records are annexed in the case O.A. No.86/2007 which is pending before the Hon'ble Tribunal. The Applicant is placed under suspension w.e.f. 11.4.2007 due to negligence and dereliction of duty and refusal/deliberate failure to carry out written orders of Superior officers. As per rule, the disciplinary authority may exercise his discretion to place a Government Servant under suspension even when the case is under investigation and before a Prima facie case is made out. Hence, the statement made by the Applicant is denied.

6. That with regard to Para IV.7 the Respondents beg to state that the impugned suspension order dated 11.4.07 delivered by Special Messenger to his residence as he was absent from office without authority. The said order was received by Smti. A. Gupta, wife of the Applicant as the latter was stated to be away.
7. That with regard to Para IV.8 the Respondents beg to state that contemplation of disciplinary proceeding against a Government servant is sufficient ground for placing him under suspension by the competent authority under Rule 10 of CCS (CCA) Rules. As regards his averment that he has been 'debarred' from entering the office premises, your humble Respondents beg to state that that is not a fact and the fact is that in the interest of the Disciplinary Proceeding and maintaining order and discipline in the office some restriction

Baruah Ch. Dass

had been imposed on his free entry into the office Premises by clearly informing him through the said office order of 11.4.2007 that he could do so (that is enter the office) with the permission of Sr. Deputy Accountant General (Admn.)

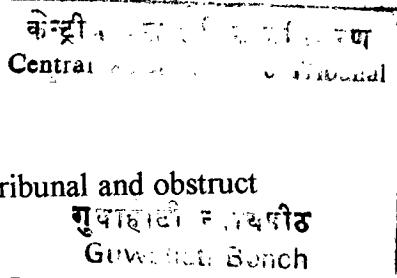
That it is not a fact that Shri Sanjib Majumdar, Senior Accountant and Shri Anup Sinha, Senior Accountant who have since been reinstated were similarly situated persons. It is the Respondent's humble submission that these two cases were not cases of Departmental Proceeding and that they were under deemed suspension in connection with inquiries conducted by authorities other than the Department.

That as directed by the Hon'ble Tribunal vide its order dated 24.04.2007, referred to by the Applicant, Respondent No.4, namely Sr. Deputy Accountant General (Admn) considered the Applicant's representation received through the Hon'ble Tribunal, the original representation not having been received yet, and also the averments made to the OA 97 of 2007 and passed appropriate, considered and reasoned order in accordance with the Rule vide No. Sr.DAG(A)/OA/97/2007/231 dated 10.8.2007.

8. That with regard to Para IV.9 the Respondents beg to state that in connection with O.A. No.178 of 2007 the Hon'ble Tribunal had directed the third Respondent i.e. Accountant General (A&E) Assam to consider and dispose of the Applicant's appeal dated 12.4.07 and pass a speaking order. The Hon'ble Tribunal order dated 5.7.07 in O.A. No.178/2007 was received by the Respondent No. 3 on 11.7.07. His said appeal was disposed of after giving him a personal hearing on 31.7.07 by Respondent No. 3 in his office chamber in compliance with Hon'ble Tribunal's order. The Accountant General had issued speaking orders vide letter No. Sr.DAG(A)/97/2007/231 dated 10.8.07 (Annexure - I).

That, in view of facts stated above, the statement of the Applicant that nothing had been done by the Respondents inspite of receiving the Hon'ble Tribunal's order dated 5.7.2007 is not based on fact, and by making such erroneous

Neeraj Ch Das



averment the Applicant is trying to mislead the Hon'ble Tribunal and obstruct Justice.

That, it is not a fact that the Departmental Proceeding initiated against the Applicant has been closed. It is humbly submitted that in respect of the Departmental Proceeding the Inquiry Officer has submitted his report and a copy of the same has been sent to the Applicant vide letter No.Sr.DAG(A)/Admn/PC/BG/Part/268 dated 04.1.2008 with an instruction to submit a written representation, should he so desire, within 15 days of receipt of the same. As a matter of fact, the said communication was delivered by the Department of Post on 11.1.2008 as confirmed by that Department. As no representation or response has so far been received from the Applicant, the Departmental Proceeding is yet to be closed. Hence, the statement of the Applicant that the Departmental Proceedings has been completed is denied. In the meantime, the Applicant has been drawing subsistence allowance as admissible under the Rules. That it is once again submitted that the Applicant can not be treat at par with the case of Shri Sanjib Majumdar and others as the latter are not Departmental cases.

It is humbly submitted that a communication has in the meantime been received by fax from the Applicant on 25.1.2008 (Annexure II) stating that he had sent his representation by post on 23.01.2008 without specifying any postal receipt number. The said representation is yet to be received by the Respondent.

9. That with regard to Para IV.10 the Respondents beg to state that the statement is not correct, and that on the contrary, it is the Applicant whose cantankerous actions amount to harassment to your humble Respondents and is resulting in wastage of valuable time and energy and obstructing the work of conscientious discharge of their official duties.

10. That with regard to Para IV.11 it is submitted that as stated in the foregoing paras, it is denied outright that the Applicant was placed under suspension "suddenly without any rhyme and reason and without following any

Narresh Choudhary

procedure." It is submitted, as stated in the foregoing paras, that the relevant rules under CCS (CCA) Rules were followed conscientiously and in a ग्रन्थालयीय विवादपीठ  
considered manner in placing the Applicant under suspension

That as already submitted in the foregoing paras, the appeal of the Applicant dated 12.4.2007 stated to have been sent to the Accountant General (A&E) Assam (i.e. the Respondent No.3) is yet to be received. However, as submitted already on the direction of the Hon'ble Tribunal, the said appeal of the Applicant has long been disposed off by giving him a Speaking order vide letter No. No.Sr.DAG(A)/97/2007/231 dated 10.8.07. It is, therefore, submitted that the prevarication of truth resorted to by the Applicant is his way of attempting to mislead the Hon'ble Tribunal.

11. That with regard to Para IV.12, the Respondents humbly submit that the Applicant is duly receiving Subsistence Allowance as provided for by rules and that it is denied, as submitted in the foregoing paras, that nothing has been done about his prayer for, as he put it "revocation/cancellation of the impugned suspension order" etc.
12. That with regard to Para IV.13 it is submitted that as detailed in the foregoing paras, the Applicant's allegation of inaction on the part of the Respondent in respect of his appeal dated 12.4.2007 is wholly untrue and amounts to bringing false allegation against the Respondents and is an attempt to mislead the Hon'ble Tribunal.
13. That with regard to Para IV.14 it is submitted that Disciplinary Proceeding has been drawn up against the Applicant, and there has been no delay in any of the stages of the proceeding. It is submitted that the Applicant was placed under suspension on 11.04.2007, Charge Sheet issued to him on 23.04.2007 vide No. Sr. DAG(A)/Admn./PC/BG/Part/405, the Applicant's representation on the Charge Sheet received on 8.05.2007, and Inquiry Officer appointed on 5.06.2007 vide Disciplinary Authority's letter No. Sr. DAG(A)/Admn/PC/BG/Part/206. The Inquiry Officer has since submitted his report and a copy of it forwarded to the Applicant, being Charged Official to

*Namresh Das*

give him an opportunity to make a representation thereon, if he so desired, in 15 days from the date of receipt of the communication. It is therefore submitted that the Respondents have taken all actions in respect of the Applicant in accordance with rules, based on objective facts, have given him opportunity to explain his position at every stage of the proceeding and therefore it is denied that any malafide, arbitrary, unconstitutional and discriminatory action has been taken against him. On the contrary, it is humbly submitted that the Applicant has been harassing the Respondents and their staff in office by his most unreasonable actions, conduct, misuse of his position as a Government Servant, act of disobedience, his non-performance of work allocated to him in office and leaving additional work for his colleagues.

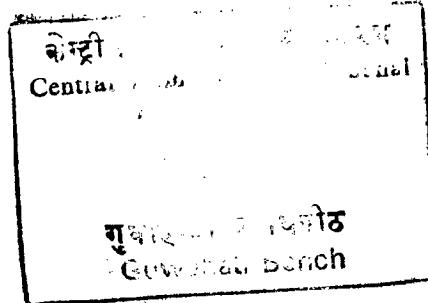
14. That with regard to Para IV.15 of the instant application, it is stated that as explained in the foregoing paras, the order dated 11.4.2007 suspending the Applicant is the most appropriate and lawful act on the part of Respondent No.4 in respect of a delinquent Government Servant like the instant Applicant.
15. That with regard to Para (5) relief sought for and the grounds in the instant application, it is stated that the statements are not correct and hence denied for the facts submitted and reasons explained in the foregoing paras.

It is denied unequivocally that it is the intention of the respondents to harass the Applicant by making recovery from his pay as alleged by him. It is humbly submitted that, on the contrary, it is the Applicant who has utterly neglected his official duty and failed to discharge his responsibility as a public servant and has tried to mislead the Hon'ble Tribunal by prevarication of facts. The Respondents therefore submit that the Hon'ble Tribunal dismiss the Application at the Admission Stage itself without granting any relief in the interest of public service.

*Narresh Chandra*

*100*  
Deponent

Verification



I Shri Ramesh Ch. Das son of Hari Madhukar Ch. Das

Aged about 59 years Senior Deputy Accountant General (Admn), O/o the

Accountant General (A&E) Assam do hereby verify that the statement made in

Paras 8 is true to my record and  
Paras 1 to 7, 9 to 15 are true to my knowledge and humble

submission before this Hon'ble Tribunal and I have not suppressed any  
material fact

And I sign this verification on this 29/6 day of January at

Guwahati.

Ramesh Ch. Das

Signature

R. Ch. Das  
Senior Deputy Accountant General  
O/o the Accountant General  
FRC, Guwahati  
Guwahati, Assam

Registered

Annexure - I (5)

महालेखाकार का दाखिला (लेखा ८)

Office of the Accountant General (A & E) Assis-

मैदामगाँव, बेलतोला, गुवाहाटी-781029

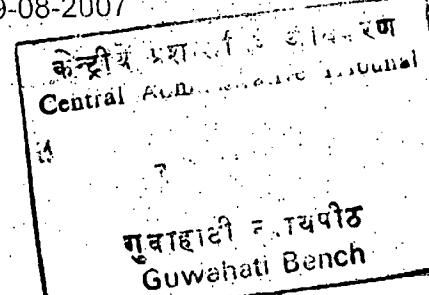
Maidamgaon, Beltola, Guwahati-781029

No. Sr. DAG(A)/OA/97/2007/231

dated 09-08-2007

To

Shri Bimalendu Gupta  
Sr. Accountant (under Suspension)  
"Arunudoi Residency", Block-B, Flat No.103  
Swahid Dilip Hujuri Path, Sarumotoria  
Dispur, Guwahati- 781 006



Subject: - Your Representation of 12.04.2007 and the Undersigned's Personal Hearing Given you on 31-07-2007 in my Office Chamber in compliance with Hon'ble CAT's order dated 05-07-2007 in OA No: 178/2007 filed by you

Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide its order dated 5<sup>th</sup> July 2007 in OA No.178/2007 had directed the undersigned to consider and dispose of your representation dated 12-04-2007 and pass an order after affording a personal hearing to you within a period of 20 days from the date of receipt of the said order. You were also directed by the Hon'ble CAT to forward the copy of the said order along with your representation dated 12-04-2007 to the undersigned "forthwith". A copy each of said Hon'ble CAT's order and your appeal dated 12-04-2007 as sent under your letter dated 11-07-2007 was received in this office on 17-07-2007

As you were informed earlier and again during the Personal Hearing, your original representation dated 12-04-2007 and the copy endorsed to Sr. DAG (Admn) claimed by you to have been sent by post have not yet been received in this office till date which is over three months.

It was possible for me to fix the date of personal hearing for you on Tuesday 31-07-2007 at 11 A.M. in my office chamber as I was out of station from 8<sup>th</sup> to 28<sup>th</sup> July, 2007 (Saturday) for official tour / training as intimated to you with my concurrence vide my office speed post letter No. Sr. DAG(A)/OA/97/178/2007/222 dated, 20-07-2007.

You had informed me vide your FAXED letter dated 26-07-2007 that your Legal Practitioner would be present with you in the personal hearing and also requested to release salary from January 2007. In reply vide this office

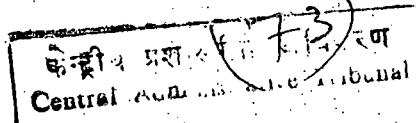
1. Namoshree Das

Guwahati Bench  
7/14/08

letter No. Sr. DAG (A)/OA/97/178/2007/227 dated 27-07-2007, sent through Special Messenger, you were informed that presence of Legal Practitioner with you was not permissible under rules.

You had FAXED another letter dated 30-07-2007 wherein you alleged that by communicating with you through his letters dated 20-07-2007 and dated 27-07-2007 Sr. Deputy Accountant General (Admn. etc.) had 'interfered' on the issues. I wish to clarify to you that all actions taken and communication issued by Sr. Deputy Accountant General (Admn. etc.) are taken or communicated in course of discharge of his official duties and responsibilities and there is no question of 'interference' by him as alleged by you. As regard the aforesaid two letters, dated 20-07-2007 and 27-07-2007, they were issued by him in response to your letters dated 11-7-2007 and dated 26-7-2007 with the approval of Principal Accountant General who was then in charge in my absence on training outside Guwahati. However, as you sought my personal intervention to confirm the time and date of hearing, I confirmed it vide my reply letter No. Sr. DAG (A)/OA/97/178/2007/228 dated 30-07-2007, through a Special Messenger, that the date and time of personal hearing for you as intimated vide this office letters dated 20-07-2007 and dated 27-07-2007 stood. You had further been informed that it was not clear to me as to what conveyance cost and legal fee you had requested for, as no such dues were admissible to you under relevant Rules.

On your personal appearance on 31<sup>st</sup> July 07 at 11 A.M., I gave you the opportunity to explain your position with respect to the order [ No. Sr. DAG (A)/Admn/PC/BG/194 dated 11.04.2007 issued by Sr. DAG (A)] placing you under suspension. Further as requested by you I heard you "one on one" without presence of anybody else in my office chamber. You gave your views essentially on 3 (three) issues. I have verified the facts relating to these issues, considered your appeal in the light of the facts and circumstances and arrived at conclusions. The following are the three issues you had raised and my considered response.



## 1. MEDICAL CLAIMS

### Your appeal:-

You have stated that you had opted out of the CGHS and therefore your claims for Medical Reimbursement for treatment of your wife as obtained from outside the state from September, 1999 were to be regulated under Central Services (Medical Attendant) Rules whereas the office had disallowed all part of your claims on the ground that your Medical Reimbursement claims were to be governed by rules applicable to a CGHS beneficiary.

### Factual Position and My Response:-

The Central Govt. Health Scheme (CGHS) is presently available in many cities including Guwahati. It is applicable to all employees paid from Civil Estimates (other than those employed in Railways and those employed under Delhi Administration) having their headquarters and their family members in those cities. In other words, CGHS was / is a compulsory scheme for all the Central Govt. Employees residing within the areas covered by CGHS dispensaries and hence Central Govt. Employees could not opt out of the scheme. An employee covered by the scheme whose spouse is employed in Defence, Railways or State Governments which provide medical facilities can only opt out of the scheme and avail of the medical facilities provided by the employer of the spouse. A compulsory monthly contribution is levied on all entitled classes of Govt. Servants /Pensioners as per rates prescribed by the Govt. of India from time to time. In terms of Govt. of India, MH&FW (Dept. of Health) O.M. No. S-11011/6/92-CGHS-DESK-I/CGHS (P) dated 04-08-1994, CGHS Dispensaries started functioning in Guwahati city w.e.f. 12-08-1996. A CGHS Card was issued to you, as to other similarly placed staff of this office, on 16-08-1996 and you had received the same on 04-09-1996.

From records of this office it is seen that your wife is an employee of Government of Assam and you have opted for her medical facilities as applicable to you.

I have gone through the Judgement order dated 29-03-2001 of the Hon'ble C.A.T, Guwahati in O.A No. 298/99 which you had filed regarding

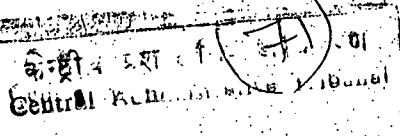
your medical claim that had been disallowed by this office. In its order, the Hon'ble CAT declared in clear terms that when CGHS had been made applicable to the employees residing within the City of Guwahati, the applicant could not have any option to get out of the scheme. Accordingly, your request was rejected by the Hon'ble CAT, Guwahati with a direction that your request for exempting you from deduction of CGHS contribution was without any merit and deserved to be rejected. Further, I find that on being aggrieved at the Hon'ble CAT's order, you filed a Writ Petition (WPC No.7430/2002) before the Hon'ble Gauhati High Court. The Hon'ble Court under its Judgement Order dated 06-05-2003 (in M.C. Case No. 581/2003 in WPC No. 7430/2002) ordered it was for Government to sanction amount for the medical treatment of your wife in accordance with relevant rules.

Thereafter you made a representation to the office on 09-05-2003. I have gone through the same as also the response of this office thereto. I find that you for admitting your medical claims in accordance with applicable rules you had to furnish certain documents after fulfilling the required formalities. Consequently, you were directed by the office vide its letter dated 20-05-2003 to complete the formalities and to submit the required documents. I observe that you are yet to furnish the required documents despite many reminders issued to you from time to time.

I also find that you have taken up this matter with the office on many occasions without responding to the said 20-05-2003 letter of the office, and more specifically, without fulfilling the formalities required by rules.

In view of the facts narrated above, I have arrived at the following two conclusions:

- i) Under the rules you are governed by CGHS rules and your claims for medical treatment will have to be dealt with under these rules and not under CS (MA) Rules.
- ii) To help settle your pending claims you are to adhere to CGHS rules, and submit the documents asked of you in compliance with the said rules.



## 2. RELEASE OF SALARY

### Your appeal:-

You have stated that your salary had been withheld from January 2007 without assigning any reasons thereto and consequently you were facing financial difficulties. You further stated that on your making a representation you had subsequently been informed that your salary would be released on completion of work assigned to you. You also argued that you had not neglected your work but could not do your allotted works because of anomalies in the vouchers received from the Treasuries allocated to you viz. Dispur and Rangia. You further stated that you could not do your work because of not being provided with gloves and mask etc. which you had requisitioned in the face of dust in the section. You appealed to release the withheld salary.

### Factual Position and My Response:-

I have examined the facts of the case in this regard. As communicated to you vide letter / memo No. Admn-2/2-3/2001-03/822 dated 13-2-07 your pay had been withheld for not attending to your officially allocated works in spite of having put your signature in the Attendance Register of your Section (CA-IV). You were issued several Memos by your supervisory officers / controlling officer from time to time advising you to clear your pending works but records indicate that you did not comply with orders of your higher authorities. This led to an administrative decision vide order No. CA-4/CON/2006-2007/107 dated 27-03-2007 to treat the days on which you had put your signature in the Attendance Register as a mark of your attendance in office but had not actually worked as 'dies non'. Accordingly, a total of 213 days had been treated as 'dies non' during the period from 8<sup>th</sup> March 2006 to 23<sup>rd</sup> March 2007. This was communicated to you vide letter No. CA-4/CON/2006-07/Part/107 dated 27-3-07. A due and drawn statement has been prepared according to which no payment was due to you. As a matter of fact, there is overdrawn amount which is to be recovered from you.

Consequent on your having been placed under suspension effective 11-04-2007 Subsistence Allowance is payable to you subject to your furnishing a certificate to the effect that you are not engaged in any other employment, business, profession or vocation during the period of

Central Admin. & Finance Department

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suspension. The said certificate is required in accordance with GIO 3(b) of FR 53. This certificate was sought from you vide letter No. S. DAG (A)/Admn/PC/BG/Part/ 216 dated 12-04-07. You had not supplied your residential address to the office in spite of direction issued by the office in the month of November 2006 vide Admin-I Order No.165 dated 17-11-2006 followed by reminder in office order 266 dated 28-3-2007. The office managed to despatch the letter dated 12-4-2007 by Registered Post No. 8447 to your residential address collected through other sources. The letter, however, returned undelivered as the address collected by the office had an error. The office continued to endeavour to deliver the communications to you and a group of Special Messengers met you with the same on 23-4-07 and as well other official letters for you. However, you refused to receive the said letters and advised the messengers to deliver the same to your lawyer. It is evident that you were directed to furnish the said certificate promptly the very next day of placing you under suspension so that Subsistence Allowance could be paid to you in time. However, as mentioned above, you had refused to accept the same from the Special Messenger who had met you in person.

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The office subsequently collected further information about your residential address including through Police verification and despatch the said letters one more time by Registered post. This time the said letter was delivered to you.

Thereafter, you were reminded to submit the same vide this office letter No. Admn-II/2-3/Misc.Corres/2001-03/83 dated 6-6-2007. You may recall that I had explained to you the requirement of rules for the Certificate sought from you. I advise you once again to do the needful and to enable the office to pay you the subsistence Allowance. As regards salary for the month of January 2007 onwards release of which you have requested for, I have explained the position in one of the foregoing paragraphs.

### 3. REVOCATION OF SUSPENSION

#### Your Appeal:-

You have stated that you had been put under suspension arbitrarily and without any reason and therefore you should be reinstated. You made an appeal to withdraw the suspension order.

Factual Position and My Response :

I have carefully read the order of the Disciplinary Authority bearing No. Sr. DAG (A)/Admn./PC/BG/194 dated 11-04-2007 whereby you were placed under suspension. I find that the said order does state the reasons for placing you under suspension. The operative portion of the said order reads as follows - "whereas a disciplinary proceeding against Shri Bimalendu Gupta, Senior Accountant of CA 4 Section of this Office is contemplated, and whereas his continuance in office will prejudice investigation and interest of the Department, and subvert discipline in the Office". Your contention that your suspension is arbitrary and without any reason is therefore not born out by facts of the case.

I find that Departmental Proceedings have been commenced promptly, and the Inquiry Officer has been directed to complete and conclude the inquiry early. I have gone through, too, the circumstances on record under which you were placed under suspension, as also the charges brought against you and communicated to you vide Memorandum No. Sr. DAG (A)/Admn./PC/BG/Part/405 dated 23-04-2007. The charges, *inter alia*, include those pertaining to insubordination by way of refusal to receive official communications, failure to furnish residential address which was sought from all the officers/officials of this office and failure /refusal to do the official works allocated to you. These charges have a bearing on discipline, official decorum and work culture in this important Government office that deals with the entitlement functions of lakhs of Government of Assam employees and the statutory function of preparation of the accounts of the State Government. I am therefore of the opinion that your suspension was not arbitrary but in accordance with relevant rules and Government of India's decisions and instructions in this behalf. These facts were intimated to you in detail vide this office letter No. Sr. DAG (A)/OA/97/2007/199 dated 22-05-2007 followed by my letter No. AG/OA/178/2007/216 dated 09-07-2007.

I have considered your representation dated 12-04-2007, received in this office on 17-07-2007 under your letter dated 11-07-2007 (the original letter never having been received), and your views presented before me on the aforesaid 3 (three) issues during your personal appearance in my office chamber on 31-07-2007, as also the appeal made by you.

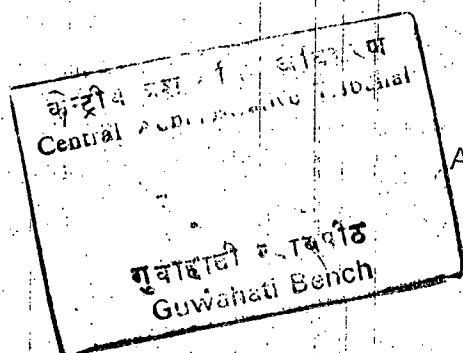
(68)

The fact of prompt initiation of the Disciplinary Proceedings, initiative taken to issue instruction to the Inquiry Officer to complete the process of inquiry speedily lead me to conclude that appropriate action is being taken to bring the Proceedings to a close promptly, and that the Disciplinary Authority is endeavouring to avoid any delay and possible undue hardship to you on account of the Proceedings.

In view of the above, I am constrained to inform you that the circumstances under which you were placed under suspension justified the action taken by your Disciplinary Authority, namely Sr. DAG (Admn). I do not find any compelling reason to overturn the said action / decision of the Disciplinary Authority at this point of time. Besides, I consider it proper in the interest of the office and the clients it serves, namely the Government of Assam and its employees, not to revoke the said suspension order under the circumstances.

I also find that you have not responded to the instructions issued to you from this office regarding furnishing the said Certificate to facilitate payment of Subsistence Allowance to you. You will recall that during your personal appearance before me I had advised you to comply with this requirement of the relevant rules and procedure. You did not however appear to be convinced about this requirement of rules and procedure so that Subsistence Allowance could be paid to you.

Further, let it be reiterated that the disciplinary proceedings are in progress and I am given to understand that the same has advanced significantly. In view of the nature of charges and the utmost compulsion of maintaining and promoting congenial work environment, discipline and order in the office, I conclude that your presence in office would be prejudicial to these considerations and may also adversely impact the smooth and timely conduct of Disciplinary Proceedings.



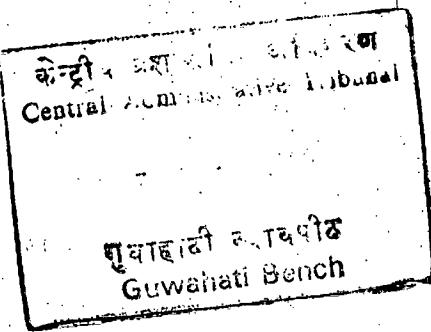
Accountant General

No. Sr. DAG(A)/OA/97/2007/232-33 dated 10-08-2007. 10 AUG 2007  
(67)

Copy with reference to this office endorsement No. Sr. DAG(A)/OA/97/178/  
2007/223-224 dated 20-07-2007 forwarded for information and necessary  
action to:-

1. Mr. M. U. Ahmed, Learned Addl. C.G.S.C, Central Administrative Tribunal,  
Guwahati Bench, Guwahati 781 005.
2. The Director (Legal), O/o the C&AG of India, 10-Bahadur Shah Zafar Marg,  
Indraprastha Head Post Office, New Delhi 110 002.

  
Accountant General



Dy. Sr. DAG (A)/001/982/0257108

Annexure - II

FAX NO. 0361-2303142

To

The Sr. Deputy Accountant General  
 (Adm'n) O/016 AG (Assam),  
 Maidamgon, Beltah, Gauhati-29

Dated 25-01-2008

Subj:- Representation on Inquery Report.

218,

With reference to the subject, the representation  
 as desired by you vide your letter no. Sr. 205 (A)/Adm'n/PC/BS/Part/  
 268 dated 6-1-2008 delivered to me on 14/01/2008, the required  
 representation already sent by post on 23/01/2008 for your kind  
 consideration.

Mailing add:-  
 B-103 (Arvind Residency)  
 Saruswati Dispur (Assam-781006)

Narresh Ch. Das

केन्द्रीय प्रशासनिक विभाग  
 Central Administrative Deptt.

सिलेक्ट अप्प्लाई  
 Select Apply  
 25-01-08

गवाहाटी न. अद्यता

NAO (cc)  
 16000/-  
 25-01-08

Rejoinder in duplicate filed ~~today~~ by  
Shri Bimalendu Gupta, applicant ~~in the cause~~ / प्रतिवादी  
to be posted on 10.3.08. copy ~~Central Administrative Tribunal~~  
the other side.

*Prakash Chandra*  
5/2/08

5/2/2008

गुवाहाटी न्यायालय  
Central Administrative Tribunal  
BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI, BENCH  
G U W A H A T I

O.A. No. 3/2008

Bimalendu Gupta ... Applicant

- versus -

Union of India and Ors. ... Respondents

I N D E X

Sl. No.	Particulars	Page No
1.	Reply to the Written Statement	1 - 3
2.	Verification	3
3.	Annexure- X -Circular No. Admn.II/15 dated 1.02.2008 medical service/ facilities under CID(11), below Rule 2 of CS(MA) Rules 1944, GOI, Min. of Health & FW O.M. No.S 14025/7/2000 MS dated 28.03.2000 and O.M. dated 4.1.2007	4- 5
4.	Annexure- X(I) -Application dated 25.2.2008 wrong calculation of Subsistence allowance and imposition of deduction w.e.f 11.4.07 to 1/2008.	6

filed by advocate

...

DI STRICT :::: KAMRUP

*Bimalendu Gupta*  
F. D. B.  
A. 2008  
4-3-08

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI.

Original Application No. 3/2008

Sri Bimalendu Gupta.

.... Applicant.

-Versus-

Union of India and others.

.... Respondents.

IN THE MATTER OF :

A Written Reply on behalf of the applicant to the written statement filed by on behalf of all the Respondents including Union of India, Ministry of Home Affairs.

1. The applicant begs to state that the statement made in Original Application No. 3/2008 and the prayer thereunder are more correct and genuine and the written statement filed on behalf of the respondents are not correct as the written statement is not based on record and as such the applicant denied the same.

*Bimalendu Gupta  
SC/SC  
04.03.08*

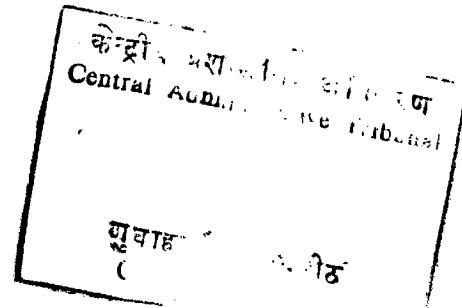
2. That the applicant begs to state that the respondents adopted a pick and choose policy to harass the applicant as well as his family members without any

rhime and reason for wrongful gain to the Department and the written statement filed by the respondents does not tally with the Original Application No. 3/2008 and the statements made in paragraphs-1 - 15 are not based on record and also not based on the statements made in Original Application No. 3/2008 and as such the written statement filed by the respondents is liable to be dismissed with cost. The applicant further begs to state that the Circular dated 1.2.2008 issued by the Sr. Deputy Accountant General (Administration) is very much applicable in the case of the petitioner and as such Your Lordship may be pleased to allow all the entitlement to the applicant as per Circular dated 1.2.2008.

A photostat copy of Circular dtd. 1.2.2008 is annexed herewith and marked as Annexure-X to this written reply.

3. The applicant begs to state that he filed an application before the Accountant General, Assam praying for release of his salary on and from 30.4.2007, but nothing has been done till date.

*Bimalendu Deka*  
A copy of application dated 25.2.2008 is annexed herewith and marked as Annexure-XI to this written reply.



4. That the applicant begs to state that the grounds and the relief sought for in the application are more genuine and correct and as such Your Lordship may be pleased to allow the application quashing the order dated 11.4.2007, Annexure-1 for the ends of Justice.

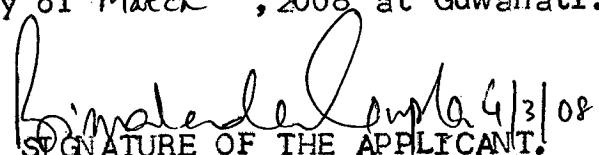
  
Bimalendu Gupta  
DEPONENT/APPLICANT.

#### VERIFICATION

I, SHRI BIMALENDU GUPTA, Son of Late Biswanath Gupta, aged about 55 years, by Caste - Hindu, by profession - Government service (under suspension), Resident of Sarumotoria, Sahid Dilip Huzuri Path (Arunudoi Residence), Dispur, Guwahati-6 in the District of Kamrup, Assam, do hereby verify that the statements made in this application are true to my personal knowledge and belief.

And I sign this verification on this

the 4 th day of March , 2008 at Guwahati.

  
Bimalendu Gupta 4/3/08  
SIGNATURE OF THE APPLICANT.

Office of the Accountant General (A&E), Assam  
Maidamgaon, Beltola, Guwahati

Circular No. Admin.-II/15

Date- 1.02.2008

**C I R C U L A R**

This is for general information that Accountant General (A&E) Assam is pleased to accord his approval towards availing medical services/facilities in the following Hospitals as referral hospital in addition to the referral hospitals already recognised under CGHS Rules, in respect of employees of this office including their dependent family members in terms of GID (II), below rule 2 of Central Services (M.A.) Rules, 1944, Government Of India Ministry of Health and Family Welfare (Department of Health), OM No. S. 14025/7/2000 MS dated 28.03.2000 and O.M. No. S. 14021/06/2005-MS dated 4<sup>th</sup> January 2007.

Sl. No.	Name of the Medical Institution	Nature of ailment for treatment
1.	Tata Memorial Hospital, Bombay	Cancer
2.	Cancer Institute, Adiyar, Madras	Cancer
3.	Christian Medical College & Hospital, Vellore.	Ailments that may require Thoracic Surgery, Cardiac Surgery, Cancer, Neurological Cases and Plastic Surgery
4.	All India Institute of Medical Sciences, New Delhi	Ailments that may require Cardiac Surgery, Neurological Disease, Plastic Surgery, Thoracic Surgery, Genito-Urinary Surgery, Thoracic cases, Eye & Ear Diseases or any other extremely serious diseases.
5.	Mental Hospital, Rauchi	Mental Diseases.
6.	School of Tropical Medicines, Calcutta	Any Tropical Disease.
7.	Post Graduate Institution, Chandigarh	Genito-Urinary Surgery, Nephritis.
8.	National Institution of Mental Health & Neuro-Science (NIMHANS), Bangalore.	Mental Diseases.
	Sankara Nethralaya, Madras	Eye Disease.
10.	Popular Nursing Home, Patna	Orthopaedic Cases.
11.	Apollo Hospital, Madras/Hyderabad	Kidney Diseases, Neurological ailments, Cardiac Diseases, ailments involving Thoracic Surgery, Cancer.
12.	Birla Heart Research Centre, Calcutta	Cardiac ailments.
13.	Chittaranjan Cancer Institution, Calcutta	Cancer.
14.	Eye Hospital, Sitapur (U. P.)	Eye Disease.
15.	Ganga Ram Hospital, Delhi	Kidney Transplantation.

certified to be  
true copy  
S. Chai  
A.D.

		केंद्रीय प्रशासनिक अधिकार बैठक Central Administrative Tribunal	
16.	Peerless Hospital, Calcutta		Orthopaedic Surgery, Neurological cases, Cardiac-Thoracic Surgery, Cardiology, Urology, Trauma Surgery, Arthroscopy, Arthroplasty, Spinal Surgery.
17.	Institute of Neurological Science, Dispur, Guwahati.	ব্রহ্মপুরী নির্মলা মেডিসিন	Treatment of Neurological Ailments.
18	Sankardev Nethralaya, Guwahati		Treatment of Eye Diseases.

Authority:- Accountant General (A&E)'s order dtd 31.01.2008 at page 25<sup>N</sup> of File No. Admin.-II/CGHS-Policy/13-7/2007-08.

Sd/-

Sr. Deputy Accountant General (Admin.)

Memo No. Admin.-II/ CGHS-Policy/13-7/2007-08/679-697

Date-01/02/2008

Copy for information:-

1. Secretary, to A.G.
2. P.S. to A.G.
3. P.A to Sr. DAG (Admin.)
4. P.A. to DAG (P/F)
5. P.A to DAG (A/C).
6. All Branch Officers.
7. All Notice Board.
8. Admin-2 Order File.
9. Hindi Officer (Hindi Cell).
10. Welfare Officer.
11. All Sectional Head with a request to bring the contents of the circular to the notice of staff of their respective sections.
12. Copy to Hindi Cell to make Hindi version of this circular.
13. General Secretary, Accounts Category - II Association, O/o the A.G. (A&E) Assam, Ghy-29
14. General Secretary, Accounts Category - III Association, O/o the A.G. (A&E) Assam, Ghy-29
15. Medical Circular File.
16. Joint Director, C.G.H.S., Govt. Medical Stores Depot., Ministry of Health & Family Welfare Deptt., Gopinath Nagar, N. S. C. B. Road, Guwahati-16.
17. The Chief Medical Officer, i/c CGHS Dispensary No. 1, Hengrabari, Guwahati.
18. The Chief Medical Officer, i/c CGHS Dispensary No. 2, Forest Gate, Narengi, Guwahati.
19. The Chief Medical Officer, i/c CGHS Dispensary No. 3, Bharalumukh, Guwahati-9.

S. Dhar.  
Accounts Officer (Admin.)

Amx - X (1)

By FAX No.0361-2303142 and by Post  
Central Accounts and Audit  
Most Urgent

केंद्रीय खाताधारी व राज्य  
From: Bimalendu Gupta  
Central Accounts and Audit  
B-103, Arunudoi Residency  
Sahid Dilip Huzuri Path  
Sarimotoria, Dispur, Ghy-6  
Dated the 25th February, 2008

To  
Shri Pinuel Basumatary, <sup>Guwahati Bench</sup>  
The Accountant General (A&F) Assam,  
Maidamgaon, Beltola, Guwahati-29

গুৱাহাটী প্রাবণ্যপাঠ

Subject: i) Issue of Due Salary statement for the month of January and February, 2008 showing admissible compulsory deduction including GPF etc. and Stop deduction from Subsistence allowances

Sir,

I have been compelled to draw your kind attention on the subject under wrong information issued to me vide letter No. Admn. 2/2-3/Misc. Corrs/01-03/732 dated 20.02.2008 by the Sr. Dy. Accountant General (Admn.). In my application dated 4.2.2008 and 18.2.2008 by Fax requesting to issue seperate pay due statement for January, 2008 including deduction and a separate statement of subsistence allowance w.e.f. 10/07 onwards.

It is surprising to me, how this false and wrong note, out of Rule prepared by Accounts officer i/c Admn.-II and the Sr. Dy. Accountant General (Admn.) placed before you to misguide the authority to pass wrong order dated 20.2.2008 under FR. There is no provision in any rules or orders issued by the Govt. of India for recovery of Govt. dues from the subsistence allowances. The Accounts officer i/c Administration-2 as well as the Sr. Dy. Accountant General (Admn.) without proper study the Rule i.e. F.R 53 GOI Order (5)-(2)(3)(4)(5) "Swamy's Compilation of FR and SR Part-1 (General Rules) incorporated upto February, 2006" kindly be refer in this regard. In my application dated 29.3.2007 I appeal not to deduct any GPF Con. Mutual Fund deduction and CGHS from the subsistence allowance w.e.f. 11.4.2007 onwards. I, therefore once again request you kindly look into the matter and not to deduct any amounts viz. CGHS Con. Rs. 100/-, Excess Pay Rs. 1900/- and ACAA Co. MBFL Rs. 1418/- under FR 53(5)(3)(4) and 50 GI order from the payment of February, 2008 or onwards and the amount deducted, wrong application of FR 53 w.e.f 11.4.2007 to 1/2008 on CGHS-Rs. 900/- Excess pay Rs. 19000/-, ACAA co-MBFL Rs. 18,478/- please be refunded and deposit to my bank Account without fail. The CGHS is not compulsory and according to GOI, MH OM dated 28.3.2000 employee and family members have right to avail medical service under CS(MA) Rules 1944/CGHS according to option/choice and my option of treatment under CS(MA) Rules 1944 on 10.7.1990 please be refer to ~~The order has not meant for payment of health contribution.~~

It is further requested to arrange to issue a due salary statement for the month of January, 2008 and February, 2008 including deduction forthwith for record. It is mentioned here, that last year you have intimated a wrong information of salary in Form-16 issued on 30.4.2007 which was handed over to me on 31.7.2007.

Yours faithfully

*Bimalendu Gupta*  
(Bimalendu Gupta  
Senior Accountant.

*by Post*  
Copy submitted to the C&AG of India for necessary action on the above facts. In this regard I beg to request you to kindly to refer my application dated 23.1.2008 and 12.2.2008 for early necessary action and order from your end.

*Bimalendu Gupta*  
(Bimalendu Gupta)

*certified to be  
true copy  
Asha  
2/2.*