

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./TA/ NO... 57.....2009
R.A./CP/NO.....2015
E.P./M.P./NO.....2015

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SECTION OFFICER (JUDL.)

FORM NO. 4
[see Rule II (b)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

1. Original Application No. 57 / 2009
2. Miscellaneous Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(S) Sri Soren Roy Chowdhury

-VS-

Respondant(S) U. O. I. v. Ors.

Advocate for the applicant(S) Mr. A. Chamuah, Ms. K. Barpuzari,
Mr. R. Guarah & Mr. P. Das.

Advocate for the respondent(S) CGSC

Notes of the Registry	Date	Order of the Tribunal
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this application is in total
is filed/C. F. for Rs. 50/-
deposited vide IPO/ED
No. 326 404433
Dated 23.3.09

27.3.09
Dy. Registrar
26/3/09

26.3.09

4 copies of Application
with envelope received
for issue notice to
the Respondents No 1 to 4.
A copy of the Application
served upon the Addl. CGSC
Miss U. Das on 24.3.09.

26/3/09

Annexure - 7 order
dated 18.12.2008 not
filed.

26/3/09

Recd copy for applicant
Advocate
13/4/09

31.03.2009

Heard Mr A. Chamuah, learned
counsel appearing for the Applicant. ~~is~~
~~present~~ Mr M. U. Ahmed, learned Addl.
Standing counsel appearing for the
Union of India, who has received a copy
of this Original Application, ^{is present.} In course of
hearing, Mr Chamuah, learned counsel
for the Applicant, has filed a
memorandum seeking permission to
withdraw this case with liberty to file
afresh O.A.

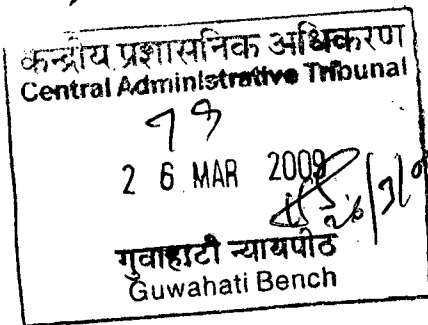
Prayer to withdraw this O.A is
allowed; with grant of liberty to the
Applicant to file a fresh O.A.

This O.A stands disposed of; being
withdrawn.

Send copies of this order to the
Applicant and to all the Respondents
(along with copies of the present O.A)
and free copies of this order be also
supplied to the counsel appearing for
both the parties. (Vice Chairman)

2

20100101



SYNOPSIS.

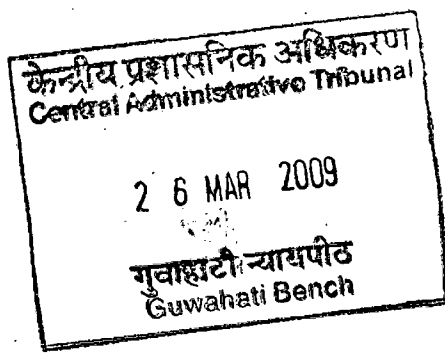
The applicant is an employee in the subsidiary Intelligence Bureau (SIB) and presently posted at Shillong, Meghalaya. The applicant before posted at Shillong was working at his home town i.e. Naihati, West Bengal. But his family i.e. ~~xx~~ his wife, mother and son were living in Naihati since 2001. The applicant is eligible for Additional HRA as per CCS(CCA) Rules 1965 and he applied for the same. His application for additional HRA was considered and granted vide order dated 5.12.01 and since then the applicant is withdrawing the Addl. HRA. In the year 2006 the applicant has brought his son to Shillong from Naihati i.e. his previous place of posting for his schooling leaving his wife at Naihati since it is very much necessary to stay a person at his ancestral house to look after his ancestral property. But it is also admitted that the wife of the applicant used to stay in Shillong for couple of days with the applicant but that ~~xx~~ is done once in a year only.

But strenghly, on 23.10.08 the respondent authority issued a letter deducting the additional HRA alongwith an order to recover the entire amount of Addl. HRA the applicant drawn since 2001. The said letter dated 23.10.08 was issued without giving any notice to the applicant and of course violating the Principles of natural justice and flouting the established principles of service jurisprudence.

Contd..

Received copy
Usha Das
Addl. C.S.C.

For Sr. C.A.S.C.
24/3/09

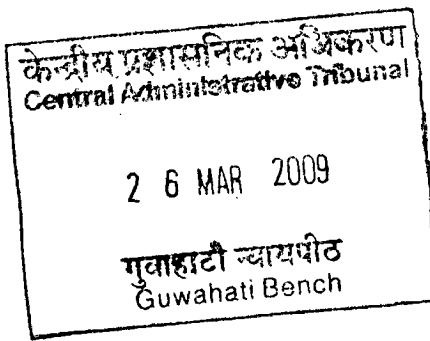


- 2 -

The applicant filed several representations before the authority but that were not considered and as the contrary the authority initiated a departmental proceeding against the applicant. Being aggrieved, the applicant preferred this application to file before this Hon'ble Tribunal.

Filed by :-

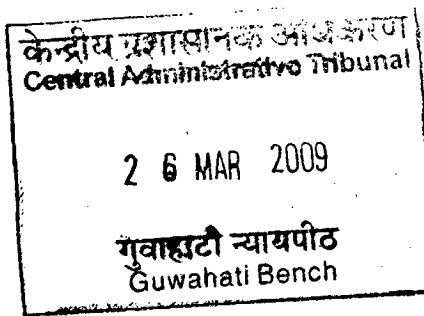
Pran Chandra
Advocate.

LIST OF DATES

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars.</u>
1.	05.11.2001	Applicant transferred from West Bengal to Shillong.
2.	5.12.2001	Additional HRA Granted to the applicant vide Memo No.E-7/2001(1) 5006-6172.
3.	19.06.02	The applicant transferred to Dawki from Shillong.
4.	17.08.04.	The applicant transferred from Dawki to Shillong.
5.	23.10.2008.	Impugned letter issued to the applicant cancelling the Addl. HRA granted to the applicant.
6.	27.10.2008	The applicant filed a representation.
7.	18.12.08	The applicant filed another representation.
8.	18.12.08.	The respondent authority initiated departmental proceedings against the applicant vide Memo No. 26/Admn 2008(8) 475-4830.

Filed by :-

Asliw Choudhary
Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH

ORIGINAL APPLICATION No. 57 2009

Sri Soumen Roy Chowdhury

Applicant

Versus

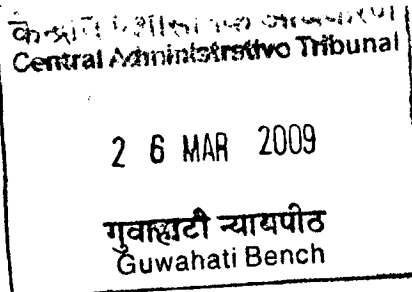
The Union of India & Ors

Respondents

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9.	Annexure	

Filed by
Asir Chandra
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH

ORIGINAL APPLICATION No. 57 2009

Filed By the Applicant -
Soumen Roy Chowdhury
through

1
Ashim Chandra
Advocate
(ASHIM CHANDRAH)

Sri Soumen Roy Chowdhury

Son of Late Sibesh Roy Chowdhury

Resident of 395/75 RBC Road

Rajbondigah, PO Garifa (Naihati),

District 24 Pargana (N), West Bengal,

India

Presently posted at

SIB, Shillong

Kench's Trace

Laban, Shillong, Meghalaya

Applicant

Versus

1. The Union of India

Represented by the Commissioner
& Secretary, Ministry of Home
Affairs, Government of India
New Delhi, India. Pin - 1

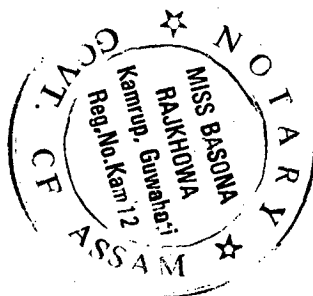
2. The Director

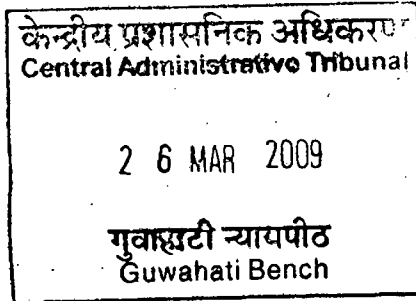
Intelligence Bureau
North Block, New Delhi-1

3. The Deputy Director

Subsidiary Intelligence Bureau
(Ministry of Home Affairs, Govt. of
India), Shillong, Meghalaya
PIN 793004

Continued to page-2





4. The Assistant Director/E

Subsidiary Intelligence Bureau
(Ministry of Home Affairs, Govt. of
India), Shillong, Meghalaya
PIN 793004

_____ Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE

This application has been preferred against an impugned order vide No. E-7/2008 (1)-4250 dated 23/10/2008. passed by the Assistant Director/E, Subsidiary Intelligence Bureau, Shillong (herein after referred to as SIB) cancelling the order of Additional House Rent Allowance (HRA) of the applicant with immediate effect alleging that no family members of the applicant is staying in his previous place of posting either in rented accommodation or in own house and hence the applicant is not entitled to additional HRA. But strangely, the respondent authority neither issued any notice to show cause why his additional HRA should not be curtailed nor he was given any opportunity of being heard. The applicant did not get a chance to represent his case before the authority before passing the impugned order curtailing the additional HRA of the applicant; however, he filed several representations before the appropriate authority for reconsideration of the said impugned order.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

The Applicant declares that the application is within the limitation prescribed under section of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE

Continued to page-3



Gouram Roy Choudhury

4(a) That the applicant is working as a JIO-IWT under the SIB and posted at Shillong. The applicant was transferred from West Bengal to Shillong vide transfer order dated 05.11.2001. Thereafter he had been transferred to Dawki on 19th June 2002. Then he had been called back to Shillong again on 17th August 2004 and since then the applicant is working in Shillong. It is very much pertinent to mention herein that the applicant never claimed TA for his family in any of the aforementioned transfer cases.

4(b) That the applicant on his first transfer from West Bengal to Shillong in the year 2001 did not claim for TA for his family since his son and wife were there in West Bengal i.e. at 395/75 RBC Road Rajbondigah, PO Garifa (Naihati), District 24 Pargana (N), West Bengal. Then the applicant applied for the additional HRA since he is eligible for additional HRA as per Rules. The authority after making enquiry had passed necessary order granting additional HRA to the applicant vide Memo No. E-7/2001 (1)-5006-6172 dated 5/12/2001 giving effect from 05.11.2001.

A copy of the said sanction letter vide Memo No. E-7/2001 (1)-5006-6172 dated 5/12/2001 is Annexed herewith and marked as Annexure 1.

4(c) That the internal audit party of Ministry of Home Affairs (MHA) while doing their internal audit in SIB Shillong between 12-05-2008 to 16-05-2008 vide their Letter No. C-35012/CA/IWA/MHA/Tech/IR-34/08-09/259-60 dated 25-06-2008 observed that the applicant is not entitled to additional HRA and upon having such instruction the Assistant Director/E, SIB Shillong issued a letter to the applicant along with some other staff curtailing the additional HRA granting to him/them vide No. E-7/2008 (1)-4250 dated 23/10/2008 and ordered recovery of the additional HRA which had been already drawn.

A copy of the said letter dated 23/10/2008 is annexed hereto and marked as Annexure 2 (Series).

4(d) That after receiving the aforesaid letter/memo (annexure 2 above) the applicant immediately filed a representation vide letter dated 27/10/2008 seeking information as to why his additional HRA has been cancelled without asking for any explanation from him and without any basis. The authority did not deem it

Continued to page-4

26 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

4

Somen Roy Chowdhury

appropriate to explain the basis of such unilateral decision. After much persuasion by the applicant before the authority not to deduct his additional HRA the authority remained indifferent and started deducting his additional HRA, which is out and out malafide, illegal, arbitrary and perverse to the established principles of service law. Then the applicant again on 18/12/08 filed another representation explicitly explaining the whole story before the authority and prayed before the authority to reconsider the matter of curtailment of his additional HRA. But that prayer had not seen the light of the day.

Photocopies of the letters dated 27/10/2008 and 18/12/2008 are annexed hereto and marked as Annexure 3 & 4 respectively.

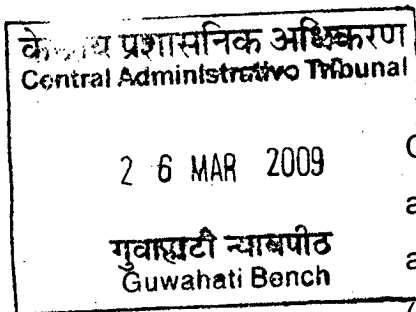
4(e) That the applicant has his ancestral property in West Bengal i.e. at 395/75 RBC Road Rajbondigah, PO Garifa (Naihati), District 24 Pargana (N), West Bengal and that needs guardian to look after. So the wife of the applicant along with their only son used to stay at West Bengal since 2001. But it is also a admitted fact that the wife and the son of the applicant used to visit Shillong once in a year taking LTC from the Department.

Copies of the LTC orders since year 2006 are annexed hereto and marked as Annexure 5 (Series).

4(f) That it is very much obvious that the relatives and family members of the applicant used to visit the present place of posting i.e. Shillong and used to stay with the applicant for couple of days. And in the course of such occasional visit the son and the wife of the applicant also used to stay with the applicant for couple of days basically during summer season. But such occasional staying of the wife of the applicant can not, in any manner, be construed as permanent staying in Shillong with the applicant.

4(g) That the applicant has enough proof in his hand that his wife is staying in his previous place of posting at Naihati, WB since 2001. But in the year 2006 the son of the applicant has been brought to Shillong for giving admission in Kendriya Vidyalaya, Shillong for his schooling but the wife of the applicant is still staying at the previous place of posting. The applicant would like to adduce some of the Medical Practitioner's prescriptions and one certificate from the Councillor of the Naihati Municipality which are sufficient to show that the wife of the applicant has been staying at Naihati, WB.

Continued to page-5



Copies of the Medical Practitioner's Prescriptions along with Certificate of Permanent residency are annexed herewith and marked as Annexure 6 (Series).

4(h) That the applicant did not get a chance or opportunity to establish his case before the authority that his wife and his son are staying at Naihati, WB in as much as the authority did not give the applicant an opportunity of being heard and hence such unilateral decision is not only malafide but also contrary to the service jurisprudence and out and out violation of the Principles of Natural Justice.

4(i) That the authority after issuing the impugned letter has initiated a departmental enquiry against the applicant to impeached the applicant under Rule 14 of the CCS (CCA) Rules 1965 vide No. 26/Admin/2008(8)- 475-4830 dated 18/12/2008. The authority has already appointed presenting officer to present documents before the applicant.

A copy of the memo dated 18/12/2008 is annexed hereto and marked as Annexure 7.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

5(a) That the authority has violated the Principles of Natural Justice by not giving a reasonable opportunity of being heard to the applicant to represent his case so such unilateral decision of the authority to curtail the additional HRA is not only illegal, malafide but also contrary to administrative fair play, hence the impugned letter dated 23/10/2008 is liable to be set aside and/or quashed and the subsequent departmental inquiry cant not stand a judicial scrutiny and hence liable to be stopped and/or abandoned.

5(b) That it is also an admitted fact that in the year 2006 the son of the applicant has been taken to Shillong for his schooling and the wife of the applicant used to come to Shillong for occasional staying, however, the wife of the applicant used to permanently stay at Naihati, WB to look after the ancestral property of the applicant. So the occasional staying of the wife of the applicant can not, in any manner, be construed as permanent staying in Shillong with the

Continued to page-6

Somen Roy Choudhury
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26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

6

Soman Roy Choudhary
13

applicant. That apart, the son of the applicant has been taken to Shillong in the year 2006 only until then they were at Naihati, WB. So for the sake of argument, if it is assumed, but not admitted, that the applicant is not entitled to his additional HRA since his son is with him and the wife used to stay with him occasionally then also the order for recovery of entire additional HRA since 2001 is illegal and disproportionate and does not stand a judicial scrutiny hence the impugned order dated 23/10/2008 is liable to be set aside and the subsequent Departmental Enquiry is also liable to be abandoned.

5(c) That the authority flouting all norms of the administrative fair play and principles of natural justice without giving an opportunity to prove that whether the wife of the applicant is with the applicant or at Naihati WB, the authority issued the impugned the letter dated 23/10/2008 curtailing the additional HRA is illegal, arbitrary, perverse and contrary to the administrative fair play and hence liable to be set aside along with its subsequent action.

6. DETAILS OF REMEDIES EXHAUSTED

The applicant stated that there is no remedy under any rule and this Hon'ble Tribunal is the only remedy.

7. MATTER NOT PENDING BEFORE ANY COURT OF LAW

The applicant declares that there is no case pending before any other court of law or Tribunal pertaining to the same subject matter between the same parties.

8. RELIEF SOUGHT FOR

In the above facts and circumstances of the case the applicant prays for the following relief (s):-

8(i) The Order dated 23/10/2008 along with the order of recovery of additional HRA by the applicant for Rs. 1,06,447/- (Annexure-2 Series) be quashed and/or set aside.

8(ii) The respondent be directed to allow the applicant to draw the additional HRA as drawing on 23/10/2008.

8(iii) The Departmental Inquiry initiated against the applicant under Rule 14 of the CCS (CCA) Rules 1965 vide No. 26/Admin/2008(8)- 475-4830 dated 18/12/2008 (Annexure7) be abandoned and the applicant be released from all such charges and imputations.

Continued to page-7

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गुवाहाटी न्यायपीठ
Guwahati Bench

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9. INTERIM RELIEF

In the above facts and circumstances the applicant prays for an interim order staying the operation of the order dated 23/10/2008 (Annexure2 series) and departmental inquiry initiated vide memo dated 18/12/2008 (annexure7), both the memo issued by the Respondent No. 4 and allow the applicant to draw the additional HRA and the departmental inquiry be stayed pending disposal of this Petition.

10. That this application is filed through Lawyer.

11. PARTICULARS OF POSTAL ORDER

IPO No. 396-404433

Date of Issue: 23.3.09

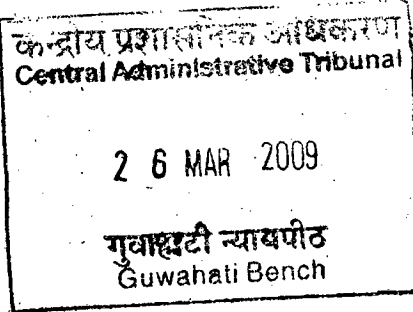
Issuing Post office: GPO Guwahati

Issued in favour of : Central Administrative Tribunal, Gauhati Bench.

Value: Rs.50/- (Fifty) only

12. List of Enclosures as per index

Soman Ray Choudhary 15



7A

VERIFICATION

I, Sri Soumen Roy Chowdhury, aged about 43 years, Son of Late Sibesh Roy Chowdhury, resident of 395/75 RBC Road Rajbondigah, PO Garifa (Naihati), District 24 Pargana (N), West Bengal, India, do hereby solemnly affirm and verify that the statements made in the aforesaid paragraphs are true to the best of my knowledge, belief and information and I have not concealed anything material therefrom.

And I put my hand unto this verification on this 24th day of March 2009 in Guwahati, Assam.

Identified by

Mannil Das
24.3.09

Advocate/ Advocate's Clerk

Suman Ray Chowdhury
Signature/Deponent



8

16

I, Sri Soumen Roy Chowdhury, aged about 43 years, Son of Late Sibesh Roy Chowdhury, resident of 395/75 RBC Road Rajbondigah, PO Garifa (Naihati), District 24 Pargana (N), West Bengal, India, do hereby solemnly affirm and declare as follows:

1. That I am the applicant in the instant case as such I am well acquainted with the facts and circumstances of the case and I am authorised to swear this affidavit.
2. That the statements made in this affidavit and its accompanying petition's statements made in the paragraphs 1, 2, 3, 4a, 4b, 4d, 4e, 4f, 4g, 4h, 6, 7 are true to the best of my knowledge and belief and the statement made in the paragraphs 4c are information derived from the record which I believe to be true and rest are my humble submission before this Hon'ble Tribunal

And I sign this affidavit on this 24th day of March 2009 at Guwahati.

Identified by

Manniel Das

24.3.09

Advocate's Clerk

Soumen Roy Chowdhury

Deponent

Solemnly affirmed and declared before me



26 MAR 2009

Ref : (1) M.O.F. OM No.11016/1/E-11(B)/84 dated 29.03.84.

(2) M.O.F. OM No.11014/1/84-E11(B) dated 08.03.84. गुवाहाटी न्यायपीठ
Guwahati Bench

In accordance with provisions contained in the M.O.F. OM. cited above the following officials of SIB, Shillong, are sanctioned Additional HRA at the rate of/with effect from the date indicated against each :-

<u>Sl.No.</u>	<u>Name & Designation</u>	<u>Previous place of posting</u>	<u>Amount of Addl.HRS Sanctioned</u>	<u>Date from which sanctioned</u>
<u>S/Shri</u>				
1.	S.Roy Choudhury, JIO-II/WT	- Calcutta -	Rs.1113/- LF-120/-	5.11.2001.
2.	B.K.Datta, JIO-I/WT	- Calcutta -	Rs.1620/- LF-120/-	5.11.2001.
3.	P.Ghosh, JIO-II/WT	- Calcutta -	Rs.1808/- LF-181/-	5.11.2001.

The Additional HRA to the above mentioned officials have been sanctioned for retaining accommodation at the previous place of posting at the places mentioned against them, for bonafied use of the members of their families.

Sd/-

Joint Director.

No. E-7/2001(1) - 5026-6172
Subsidiary Intelligence Bureau
(MHA), Govt. of India
Shillong.

Dated, the 05 DEC 2001

Copy to :

1. The Section Officer/A, SIB, Shillong (2 copies).

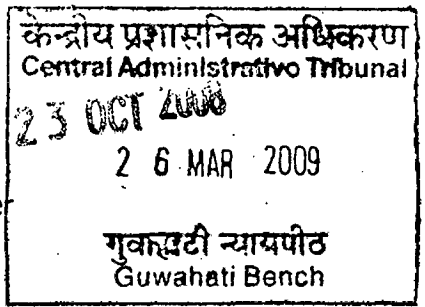
2. Shri ~~person concerned.~~ SIB ~~Shillong.~~
He is informed that the Addl. HRA is granted on the conditions among other admissibility conditions that the hired private accommodation or owned house at the last place of posting is put to bonafide use of the members of the family. He should, therefore intimated any change of position, whenever it occurs to office.

3. P.F. of Shri. _____

Section Officer/E

-10
No.E-7/2008(1)- 4250
Subsidiary Intelligence Bureau
(MHA), Govt. of India
Shillong-793004

Dated the



To,

The Pay & Accounts Officer,
Intelligence Bureau,
Government of India,
New Delhi

The Regional Pay & Accounts Officer
Intelligence Bureau,
Govt. of India,
Shillong

I am directed to convey sanction of the Competent Authority cancelling sanction Orders (as indicated against their names) sanctioning Addl. HRA to the following officers/staff of SIB Shillong with immediate effect:

Sl. No.	Name & Designation	Order No. & Date
1.	Shri Deepak Jha, ACIO-I/G	No.E-7/98(1)-1652-2360 dated 29.4. 1998
2.	Shri Subrata Das, ACIO-I/G	No.E-7/02(1)-2294-2916 dated 3.7. 2003
3.	Shri Prabhat Kumar, Assistant (now SO)	No.E-7/02(1)-376-414 dated 28.1. 2003
4.	Shri S.R. Choudhury, JIO-I/WT	No.E-7/01(1)-5006-6172 dated 5.12. 2001
5.	Shri Aloke Chattopadhyay, UDC	No.E-7/06(1)-1319-1408 dated 29.3. 2006

2. The Internal Audit Party of MHA which inspected the office of the Deputy Director, SIB Shillong from 12.5. 2008 to 16.5. 2008 observed at Para-4 of their letter No.C-35012/ CA/ IWA/ MHA/Tech/IR-34/08-09/259-60 dated 25.6. 2008 that five of the officers/staff of SIB Shillong as indicated above are not eligible to draw Addl. HRA as per Rules and Procedure to concerned matters and advised the office to stop payment of addl. HRA to them and take necessary steps to effect recovery of the inadmissible amount of Addl. HRA drawn by the officials as per annexure enclosed.

Assistant Director/E

Copy to:-

1. The Assistant Director/Cash-III, IB Hqrs., New Delhi with a request to effect recovery as per annexure enclosed in r/o Shri Prabhat Kumar, Section Officer, (Sl. No.3 above) presently posted at IB Hqrs., New Delhi under intimation to us.
2. The Section Officer/Accounts, SIB Shillong. Recovery as per annexure enclosed in r/o Sl. No.1,2,4 & 5. Compliance of audit para may be sent to SO/Admn., SIB Shillong.
3. Shri Prabhat Kumar, Section Officer/MP, IB Hqrs., New Delhi through AD/MP, IB Hqrs., New Delhi.
4. Shri Deepak Jha, ACIO-I/G, SIB Shillong.
5. Shri Subrata Das, ACIO-I/G, Nongpoh unit.
6. Shri S.R. Choudhury, JIO-I/WT, SIB Shillong through DCIO/T, SIB Shillong.
7. Shri Aloke Chattopadhyay, UDC, SIB Shillong through DCIO/NGO.
8. PF of the persons concerned.

23 x 07
Assistant Director/E

26 MAR 2009

Annex-2 (Summary)

गुवाहाटी न्यायपीठ
Guwahati Bench

Sl. No.	Name & Designation S/Shri	Period	Amount drawn	No. of months	Amount to be recovered	
1.	Deepak Jha, ACIO-I/G	4/98 to 9/04 10/04 to 8/05 9/05 to 3/08	@ 973/- @ 851/- @ 1277/-	78 mnts 11 mnts 31 mnts	973x78 mts=75,894 851x11 mths=9361 1277x31 mths=39,587/-	1,24,842/-
2.	Prabhat Kumar, SO	16.1.03 to 31.1.03 2/03 to 9/04 10/04 to 9/05 10/05 to 3/08	@ 1216/- -do- @ 1035/- @ 1553/-	16 dys 20 mnts 12 mnts 30 mnts	1216 x 16 dys = 627/- 31 1216x20 mts =24,320/- 1035x12 mnts=12,420/- 1553x30 mnts=46,590/-	83,957/-
3.	Alok Chattopadhyay, UDC	13.3.06 to 31.3.06 4/06 to 3/08	@ 2295/- -do-	19 days 24 mnts	2295x19 days= 1407/- 31 2295x24 mnts=55,080/-	56,487/-
4.	S.R. Choudhury, JIO-II/WT	5.11.01 to 30.11.01 12/01 to 9/04 10/04 to 9/05 10/05 to 3/08	@ 1233/- -do- @ 1113/- @ 1670/-	26 days 34 mnts 12 mnts 30 mnts	1233x26 dys =1069/- 30 1233x34 mnts=41,922/- 1113x12 mths=13,356/- 1670x30 mths=50,100/-	1,06,447/-
5.	Subrata Das, ACIO-I/G	Arr. AHRA w.e.f. 26.5.03 to 30.6.03. 7/03 to 9/04 10/04 to 9/05 10/05 to 1/08	@ 2371/- @ 2190/- @ 3285/-	1 mth 6 days 15 mths 12 mths 28 mths	=2830/- 2371x15 mnt =35,565/- 2190x12 mths=26,280/- 3285x28 mths=91,980/-	1,56,655/-

Grand Total = 5,28,388/-

12 -
To
The Assistant Director /E
SIB, Shillong , (MHA)

(Through proper channel)

Sub : Request for reconsideration of recovery of Addl. HRA claim.

Sir,

With due respect I am to state that vide SIB Shillong memo No. E.7/2008(1)-4250 dated 23/10/2008 it has been intimated that I am ineligible to draw Addl. HRA w.e.f 5.11.2001 .

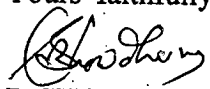
In this connection , I would like to mention that I joined SIB Shillong on transfer from SIB Kolkata on 5.11.2001. My wife was staying at my previous place of posting , i.e 394/75 RBC road , Rajbondigarh, PO- Garifa dist 24 pgs(N) WB. for which I claimed my Addl. HRA .After proper necessary enquiry my additional HRA was sanctioned by competent authority vide SIB Shillong order NO. E.7/01(1)-5006-6172 dated 5.12.2001 .

Therefore it is requested that kindly convey me the ground on which the audit party has decided about my inadmissibility of drawing addl. HRA. And same may please be communicated at the earliest so that I could represent my case to the higher formations.

I further request that any deduction to this effect may kindly be withheld till my representation are logically concluded by the senior formations.

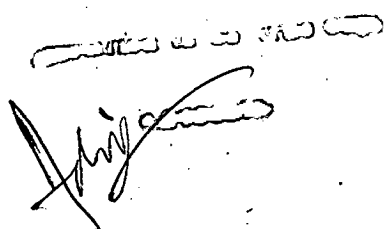
Thanking you sir,

Yours faithfully.


S.R. CHOWDHURY
JIO-I/WT

Dated : 27.10.2008

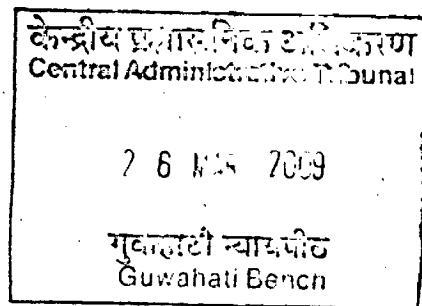
100.1051
27-27/10/08
o/c
Through
Dro/renk (2)



12-3
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
26 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

To
The Assistant Director/E
SIB, Shillong (MHA)
Govt. of India.

- Ref. : 1. Memo No.e-7/2008(1)-4250 dated 23.10.2008
2. Memo NO.26/admn/2008(8)-441-4258 dated 6/11/2008
3. Memo No.32/Accts-2007(13)-840-4308 dated 7.11.2008



Sir,

With reference to SIB Shillong's memorandum dated 23.10.2008 and 06.11.2008 regarding granting additional HRA to me, I would like to draw your kind attention to the following few lines.

I am extremely shocked to received the memo dated 23.10.2008 whereby my sanction order for Addl HRA has been cancelled. In the said memo, it has been indicated that "the internal audit party of MHA which inspected the office of SIB, Shillong that five of the officers/staff of SIB, Shillong are not eligible to draw addl. HRA as per rules and procedure to concerned matters and advised the office to stop payment of Addl. HRA to them to effect recovery of the inadmissible amount of Addl HRA drawn by the officials "

Before coming to such an extreme decision neither I was given the opportunity for personal hearing nor been communicated the ground on the basis of which recovery of drawn addl. HRA was proposed and conveyed by audit vide their letter dated 25/06/2008 referred to in your memo dated 23/10/2008. As such I deny that I am not eligible for the Addl HRA. Further the concerned authority ought to have given me a hearing before canceling my sanction order for grant of Addl. HRA.

Under the aforesaid circumstances, I requested to your goodself vide my letter dated 27.10.2008 to reconsider the recovery of Addl. HRA and prayed to withheld the deduction till the consideration of my representation. But to my utter surprise, a memorandum dated 06.11.2008 was served to me directing to submit a written explanation immediately why departmental action should not be initiated against me under CCS(CCA) Rules, 1965 for preferring false addl. HRA claim. Further another memorandum dated 07.11.2008 was served to me by the Section Officer/A, wherein it is mentioned that an amount of Rs.1,14,767/- will be deducted from my salary.

That sir, may I submit that I joined the IB on 1992. Thereafter, I was transferred from SIB Kolkata to Shillong on 5.11.2001. At the time of reliving, I did not claim transfer T.A advance in respect of my family and after joining the SIB Shillong I claimed my transfer T.A for self only because I left my family and my mother at my previous home address i.e at 395/75 RBC Road Rajbondigah, P.O Garifa, (Naihati), Dist - 24 Pargana (N)(WB) and aforesaid accommodation is bonafidely used for the members of my family. For the aforesaid reason I claimed Addl. HRA as admissible to the employees transferred to N.E Region. After making the necessary enquiry, the Department sanctioned my Addl. HRA vide its order dated 05.12.2001. On 19-06-2002 I was posted at out post Dawki and there also I stayed alone at the office cum residence for which I was paying a house rent of Rs. 250/- per month to office. My claim that I

Signature

have stayed alone at Dawki can also be verified through (1) Shri M.Chakraborty, (2) P.Minze, (3) A.K.Thapliyal, there then I/c's of the post and my other office colleagues of Dawki. On September, 2004 I was transferred back to Shillong and I continued to stay alone and keeping my family at home. In the year April 2006 I brought my son who was then aged about 6 years from my home town to Shillong and admitted him to the Kendriya Vidyalaya as there was no Central School in my home town. Since the year 2006 my wife used to visit Shillong and stayed with us (myself & son) for 4 or 5 months every year. I may also submit before your honour that an interim review over the earlier sanctions of Addl. HRA was undertaken by the office whereby vide SIB Shillong's memo NO. 32/Accts-2007(4)-906-4167 dtd 27/09/2007 some clarification was sought from me. While forwarding my written submission, I explicitly mentioned the fact that my wife used to visit me at Shillong and stays with me for 4-5 months in a year. As my wife is not permanently staying at Shillong, my claim for Addl. HRA is genuine.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

That sir, I have claimed the benefit of Addl HRA because it is admissible to the employees who on transfer keep their families in the previous station in own/hired accommodation after vacating Govt. accommodation due to their transfer to North East Region. As I have been transferred to Shillong from Kolkata and subsequently to Dawki and again back to Shillong and as my family stayed in my home town at Naihati (W.B) I claimed Addl HRA which was duly sanctioned vide dated 06.12.2001 w.e.f. 05.11.2001. It is only in the year 2006, I called my son at Shillong for admission at Kendriya Vidyalaya. Since 2006 my son is staying with me regularly whereas my wife continued to stay at my home town to look after our house and visits Shillong every year for staying with our son for 4 to 5 months. It may be not out of place to mention herein that I occasionally took leave to visit my home town every year. To this fact your good self may make an inquiry to know the true fact and to ascertain genuineness of my claim.

That Sir, payment already made is sought to be recovered by the department, thereby causing me adverse monetary consequences is not tenable without putting on notice and without any explanation called for. It has caused prejudice to me on account of not affording the opportunity to make representation. I drew the allowances on the basis of financial sanction accorded to me by the competent Authority, therefore I should not be penalized for no fault on my part.

That sir, I am serving in the Department of subsidiary Intelligence Bureau since 1992 and serving at North East as JIO-II/WT w.e.f. 05-11-2001 with all sincerity and devotion to the duties entrusted to me from time to time. In the above circumstances it is most humbly prayed to your good self to kindly consider my case sympathetically and stay recovery of the Addl. HRA drawn by me and after considering the above facts it is further prayed that departmental action should not be initiated against me for alleged false Addl HRA claim. Therefore, kindly allow to my admissibility of addl. HRA. as usual and recovery may be stopped forthwith.

Thanking you.

Yours faithfully

(S R Chowdhury) 18/1/08
JIO-I/WT

forwarded please.

Pyman

18/1/08

SO/5

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

95 - 15000/Annex 5-Serial 23
OFFICE ORDER NO. 97 DATED 02-02-2009.

Shri S.R. Choudhury, JIO-I/WT is sanctioned LTC for the Calender Year 2009 in respect of his family (wife) only to visit 'Shillong' (Present place of posting) from his home town 'Naihati' (W.B.) and back during the month of February, 2009.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Sd/-
Assistant Director/E

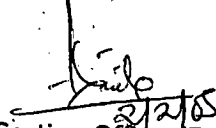
The O.O. Book, SIB, Shillong.

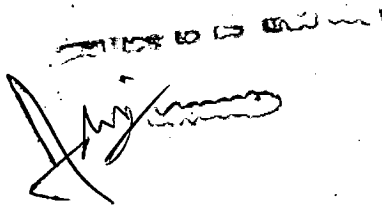
No.E-33/2001(32)- 447-432
Subsidiary Intelligence Bureau,
(MHA) Govt. of India,
Shillong - 793004.

Dated, the 3 - FEB 2009

Copy to :-

1. The Section Officer/A, SIB, Shillong (2 copies).
2. The DCIO/Tech., SIB, Shillong
3. Shri S.R. Choudhury, JIO-I/WT, SIB, Shillong.
4. The 'R' Branch, SIB, Shillong.


Section Officer/E



26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

OFFICE ORDER NO. 685 DATED 30-09-2008

Shri S.R. Choudhury, JIO-I/WT is sanctioned LTC for the Calendar Year 2008 in respect of his family (Wife) only to visit 'Shillong' (present place of posting) from his home town 'Naihati, 24- Parganās (W.B.) and back during the month of Oct, 2008.

Sd/-
Deputy Director

The Office Order Book, SIB, Shillong.

No.E-33/2001(32)- 3970-3804
Subsidiary Intelligence Bureau,
(MHA) Govt. of India,
Shillong - 793004.

Dated, the 30 SEP 2008

Copy to :-

1. The Section Officer/A, SIB, Shillong(2 copies).
2. The DCIO/CR, SIB, Shillong.
- ✓ 2. Shri S.R. Choudhury, JIO-I/WT, SIB, Shillong.
5. The 'R' Branch, SIB, Shillong.


Section Officer/E

17 -
OFFICE ORDER NO. 695 DATED 10-10-2007.

Shri S.R. Choudhury, JIO-I/WT is sanctioned LTC for the Calender Year 2007 in respect of his family members namely, Smt. P. Roy Choudhury (32 yrs.), wife and Shri S. Roy Choudhury (7 yrs.), son to visit 'Shillong' (present place of posting) from his home town 'Naihati' (W.B.) and back during the month of Nov, 2007.

Sd/-

Assistant Director/Admn.

The Office Order Book, SIB, Shillong.

No.E-33/2001(32)- 3922-4364
Subsidiary Intelligence Bureau,
(MHA) Govt. of India,
Shillong - 793004.

Dated, the **10 OCT 2007**

Copy to :-

1. The DCIO/CR, SIB, Shillong.
2. The Section Officer/A, SIB, Shillong(2 copies).
- 13- Shri S.R. Choudhury, JIO-I/WT, SIB, Shillong.
- 4 The 'R' Branch, SIB, Shillong.

[Signature]
Section Officer/E

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

18
OFFICE ORDER NO. 720 DATED 19-09-2006

Shri S.R. Choudhury, JIO-II/WT is sanctioned LTC for the Calender Year 2006 in respect of his family (wife & son) only to visit 'Shillong' (present place of posting) from his home town 'Naihati, 24 Parganas (N)' (W.B.) and back during the month of October, 2006.

Sd/-
Assistant Director/Admn.

No.E-33/2001(32)- 6021-4433
Subsidiary Intelligence Bureau,
(MHA), Govt. of India
Shillong-793004

Dated, the 19 SEP 2006

Copy to :-

1. The JDD/Tech., SIB, Shillong.
2. The Section Officer/A, SIB, Shillong (2 copies).
3. Shri S.R. Choudhury, JIO-II/WT, SIB, Shillong.
4. The ' R ' Branch., SIB, Shillong.
5. The Office Order Book, SIB, Shillong.

Section Officer/E.

D. R.

Adv

MF

25/11/05

Annexure - 6 Series

ENCE :
a Road,
rganas.
la Store
81-3591
Hours :
o 8 a.m.
o 5 p.m.
unday)

- 19 - 2

" Cap Vizylac 1000C
" Bicarax A Cap 1000-1000
" Acibac AD 1000AC
" Unicortin 6000g 1000
" Loxof (500) 1000C

Go Loph Jeld
Greez mp
Guthor at

70up

x 5 days

Bl 120/70

Chs Jap

Thandi

12-35 P.M

क.प्र.प्रशासनिक अधिकरण
Central Administrative Tribunal
26 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

APR
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3
sir B
mich
menur

(Check up of the today)

Sh

R/-

© : 2580-2040

DURGA MEDICINE CORNER

448, R. B. C. ROAD, GARIFA, LALDIGHI, 24 PARGANAS (N).
(Near Garifa Boys School)
(Avoid Self Medication, Please Consult Doctor)

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dy
dy
dy

Engage

ppa:-

e. H. Lumber
Ant - by - m
H. H. - m
Aidish

Cap core x 10 dy

99/99/99 * Sp Merryton

2 x core x 30 minutes

(Starting from 5th day of
menstruation)

12/10/05

♦ IN CASE OF EMERGENCY HOSPITALISATION SOS. ♦

Signature

20

28
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

R

Sanjay Ray Choudhary

Refdr

11/7/07

7mg

~~Paracetamol~~ " Tezine 100 mg
100mg - 50

○ " Azid (500) mg
100mg - 30



Othrin Nasaldrop

SR
RT

☎ : 2580-2040

DURGA MEDICINE CORNER

448, R. B. C. ROAD, GARIFA, LALDIGHI, 24 PARGANAS (N)
(Near Garifa Boy's School)
(Avoid Self Medication, Please Consult Doctor)

Goutam Kr. Bose
B.A.M.S. (Cal.) M.A.I.G.P.A.

21
NAIHATI DRUG HOUSE
R.B.C. Road, Laldighi
Morning 9-30 to 12-30 p.m.
Evening 5-30 p.m. to 8 p.m.
Except Thursday Full
Friday & Saturday Morning.

RESIDENCE :
21/1/1, Sodgope Para Road,
Bhatpara, North 24 Parganas,
Bus Stopage : Kamala Store
☎ 2581-3591
Visiting Hours :
Morning - 7 a.m. to 8 a.m.
Evening - 4 to 5 p.m.
(Except Sunday)
গুৱাহাটী ন্যায্যপীঠ
Guwahati Bench

Not Available From 31/10/05 To 5/11/05

Date 19/10/05 at 12-35 P.M.

For Mrs. Pampa Roy Choudhury, 28 Km. Hff

Adv: Avoid spicy food.

99/99 NAF Powder
2 ts in the empty
stomach in the morning &
evening x 15 days

Tab Alcarex
2 ts in the morning
& evening after taking food
x 15 days

99/99 Himcoacid Gel
2 ts after
lunch & dinner x 15 days

* Cap. Ureal
1 cap twice x 10 days

99/99/99 * Sp. Merryton
2 ts twice x 3 consecutive
(starting from 5th day of
menstruation)

◆ IN CASE OF EMERGENCY HOSPITALISATION SOS. ◆

Dr. Goutam Kr. Bose

B.A.M.S. (Cal), M-A.I.G.P.A

NAIHATI DRUG HOUSE

R.B.C. Road, Laldighi
Morning : 9.30 to 12.30 p.m.
Evening : 5.30 to 8 p.m.

Except Thursday Full
& Saturday Morning

Residence

21/1/1, Sodgope Para Road,
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Bus Stopage : Kamala Store
Phone : 2581-3591

Visiting Hours :

Morning : 7 a.m. to 8 a.m.
Evening : 4 p.m. to 5 p.m.
(Except Thursday & Saturday)

26 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Not Available Fromto

Date 8/06/08 6-10 P.M.

Sp: severe pain in
both knee joints since 2 to 3 hrs.
Painful irregular bowel
movement & much since 3 months.
Genl weak.

Sp: 8-72/
B.P - 110/60 v-v-amp
JG 00 40 w

AQ 50 00 40 w
Tongue - coated
Sp: tend - se
epigastric & pain
initially in
left hypochondrium
but - hyp - mass
Heard - audible

Adv: complete bed rest

o/v Tab Pandys
2 tabs aspc x 3 mte

o/v Tab Rheumayage C Gold
2 tabs aspc x 15 dg

o/v then 1 tab aspc x 2 1/2 mte

99/99 Manall
2 tabs aspc x 3 mte

99/99 Himacid gel
10 ml aspc x 3 mte

- Rumesyl oil
to be applied gently
before hot compress & etc

8/06/08

IN CASE OF EMERGENCY HOSPITALISATION SOS

2/10/08
at 11:15 AM

P-74
B.P - 120/70 mm Hg

Adv:

Rpt - M. the medicine - 23
dated on 8/06/08 for 3 months

2/10/08

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
26 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Dr. Goutam Kx. Bose
B.A.M.S. (Cal), M-A.I.G.P.A.

NAIHATI DRUG HOUSE

R.B.C. Road, Laldighi
Morning : 9.30 to 12.30 p.m.
Evening : 5.30 to 8 p.m.

Except Thursday Full
& Saturday Morning

24

Residence :

21/1/1, Sodgope Para Road,
Bhatpara, North 24 Pgs.
Bus Stopage : Kamala Store
Phone : 2581-3591

Visiting Hours :

Morning : 7 a.m. to 8 a.m.
Evening : 4 p.m. to 5 p.m.
(Except Thursday & Saturday)

26 MAR 2003

Chandni Borch

Not Available Fromto

Date 10/11/06 at 7-30 P.M.

For Pampa Roy Choudhury, 29 Km. #FF

Adv:

Complete bed rest.

Exam of X Ray on both knee jt. - ^{AP} Lat view.

Exam of blood for Uric Acid & Sugar (F.P.)

Tes Bhubaneswar Rese

oo/po

2 tes - aspc x 1 mte

o/po

Tes N-Lexmibiles Rese

oo/po

+
Tes Katsagankush

1 test
20 mte
aspc
x 15 dy

oo/po

Tes Mehe Yograj Guggulo

2 tes - aspc x 1 mte

419

Boimener churno

1 test - aspc x 1 mte

Ketari Teile

to be applied
locally before hot compress
x 1 mte

10/11/06

P. Pair in - see both
knee jts since 6 months
grossly limited movement
in knees for 3-4 times since 14.
General weakness.

P. P. - 12/11/06
B.P. - 110/70 mm Hg
J.O. - 00 70 20

A ⊕
Tongue - coated
Tune - se
P. P. - se
epigastria
se

Ant - hy - mtr
A? Osteo Arthritis
in both knee jts
= Ankylosis

10-1-1101 30-11-1101
 10-1-1101 30-11-1101

10/03/07

B.P. 110 | 70 - 247

dated on 10/11/06 for next 3 months.

केन्द्रीय प्रशासनिक अपील
Central Administrative Tribunal

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

12/12/08

Test: Blubenermer Rese

00/00

2 Feb ~~Braz~~ i. Shanley:

X3 mbe

o/p	Tel Mahayognaj Guggule	100 each
	+	
o/p	Tel Trayadoshanga	Box
		X 3 months

Cap Huhe
0/4 1 cap ~~not~~ 3 knots

- Boimnenan Church
9/9 12p 3p & 3:45

Katari Teile

to be managed
gently before hot
compress x 3 wk

10/03/07

Dr. Goutam Kr. Bose
B.A.M.S. (Cal), M-A.I.G.P.A

NAIHATI DRUG HOUSE

R.B.C. Road, Laldighi
Morning : 9.30 to 12.30 p.m.
Evening : 5.30 to 8 p.m.

Except Thursday Full
& Saturday Morning

26

21/1/1, Sodgope Para Road,
Bhatpara, North 24 Pgs.
Bus Stopage : Kamala Store
Phone : 2581-3591

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Morning : 7 a.m. to 8 a.m.
Evening : 4 p.m. to 5 p.m.
(Except Thursday & Saturday)

Residence Central Administrative Tribunal

26 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Not Available From to

Date 15/01/09 at 8-05 PM

For Pampa Roy Chowdhury, 30 m. + 1/2

40: Severe pain in the
both knee joints including
weight since 3 hrs. +
general weakness

afte: P- 72/-
B.P. - 120/80 - 80/60
A. 70 70 70 70 70 70 70 70

Tongue - coated

afte: Tongue - in the
same position
in the mouth

Uter - by - mtd
streak - Anal

Adv:

Cap Bacilune
1 cap once a 2 mte

Tes Rhumaxose
2 tabs once a 2 mte

10 drops: Siva Drop
10 drops 5 drops honey
in empty stomach x 6 mte

Avipittakar ch
1 sp once a 2 mte

Rumasyt oil.
to be applied locally
x 2 mte

Consult a Physiotherapist
for Active exercise

15/01/09

IN CASE OF EMERGENCY HOSPITALISATION SOS

Dr. Parimal Kanti Biswas
Councillor

Naihati Municipality.

27

RESIDENCE

390/20, R. B. C. Road, Rajbandighat, 26 MAR 2009 35

P.O. - Garifa, Dist. - North 24 Parganas.

Phone : 2580-1502
গুৱাহাটী বেন্চ
Guwahati Bench

Ref. No.....

Date... 20.1.09

TO WHOM IT MAY CONCERN

This is to certify that Shri / Smt. / ~~Kamari~~..... Lampa..... Roy Chowdhury
Son / Daughter / Wife of ... Shri..... Soumen..... Roy Chowdhury..... Residing at
..... Rajbandighat.....
P.O. Garifa..... P.S. Naihati, Dist. North 24 Parganas is personally known to
me for the last 5 ten..... year / years.

~~No~~ She is the permanent resident of the above noted address.

The monthly income of the family to which he / She belongs does not exceed Rs.....
(Rupees 0..... only).

~~No~~ / She deserves all sorts of medical assistance from any Govt Hospital.
I recommend him / her treatment in any hospital under Govt. of West Bengal at free of
all charges.

~~No~~ / She belongs to the Scheduled Caste / Scheduled Tribe / O.B.C. community and
his / her sub-caste is.....

So far as I know ~~he~~ She bears a good moral character.

I wish ~~him~~ her every success in life. ~~I wish him~~ her early cure.

Biswas

20.01.09

Councillor
Naihati Municipality