

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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[Signature]
17.7.2015

SECTION OFFICER (JUDL.)

ORDERSHEET

- 1. Original Application No: 86 /2009
- 2. Misc Petition No _____
- 3. Contempt Petition No _____
- 4. Review Application No _____

Applicant(S) Khargeswar Padhan

Respondant(S) The National Institute of
Malaria Research & ops.

Advocate for the Applicant(S): Mr. U.K. Nair,
Mr. B. Sharma

Advocate for the Respondant(S): Miss U. Das,
1001, CGSC

Notes of the Registri	Date	Order of the Tribunal
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This application is in form
is filed/C.F. Rs: 50/-
deposited vide REC/ED
No. 396/405474
Dated 5.4.09

N. Sarma
Dy. Registrar 12.5.09
11/5/09

13.05.2009 On the oral prayer of Mr.B.Sarma, learned counsel appearing for the Applicant, "Indian Council of Medical Research" is permitted to be impleaded as Respondent No.5.

Mr.B. Sarma, learned counsel for the Applicant to make necessary endorsement in the Cause Title of this O.A. (in presence of Court Officer) and furnish extra copies of this O.A and the envelopes, in course of the day.

On the prayer of Mr. B. Sarma, learned counsel for the Applicant, call this matter ~~on~~ tomorrow/14.05.2009 for consideration of Admission.

M.R. Mohanty
Vice-Chairman

lm

11.5.09
Four copies of application with envelope received for issue notice to the respondents. A copy of the application served upon the Adr case on 4.5.09.

11/5/09

14.05.2009


Heard Mr. B. Sarma, learned counsel appearing for the Applicant and perused the materials placed on record.

2. Admit. Issue notice to the Respondents Nos.1, 2, 4 & 5 by 'Speed Post' (at the cost of the Applicant) and to the Respondent No.3 (by Special Messenger) requiring them to file their written statement/reply/counter by 28th May 2009. Mr. B. Sarma, learned counsel appearing for the Applicant undertakes to deposit required postages for issuance of notice 'by Speed Post' in course of the day.

3. In the meantime, the Applicant should not be evicted from Quarter No.H-82 in Sector-2 of Steel Township of Rourkela, without leave of this Tribunal.

4. Nothing (as the arrear panel/market rent in respect of the said quarter No.H-82/Sector-2 of Steel Township of Rourkela) should be recovered from the salaries of the Applicant; without leave of this Tribunal. However, the Applicant shall remain free to deposit 'Normal House Rent' and Electricity and Water charges (on the basis of actual consumption), in respect of Quarter in question, with the Respondents.

5. Send copies of this order (along with notices) to the Respondents and free copies of this order be supplied to the Applicant and also to the Advocate appearing for the Applicant.

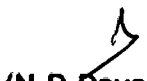

(M.R. Mohanty)
Vice-Chairman

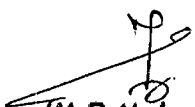
28.05.2009

No written statement has yet been filed by the Respondents.

Call this matter on 30.06.2009 awaiting written statement from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A.


(N.D. Dayal)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/


Copies of notices along with order dated 14/5/09 send to D/Sec. for issuing to R-1, 2, 4 and 5 by speed post, A/D (at the cost of applicant) and R-3 by spl. messenger.

Free copies of this order handed over to applicant and counsel appearing for the applicant.

Case No. 2343/2347
M.No. 2348
Dt. 14-5-2009


14/5/09

Service report awaited.


27.5.09

1.6.09

Send copy of order to the Respondents. urgently.


1/6/09

Order dated 28/5/09
send to D/Sec. Sec 30.06.009
issuing to respondents
and counsel by post.

Pass D/No - 2790 to 2794
11/6/09. D/ 02-6-2009

17.6.09

/bb/

17.08.2009

Notice received back
on undelivered from R-4.

D/ 17/6/09

w/s not filed.

29.6.09.

1.7.2009

w/s filed by
the Respondents No.
1, 2, 3 & 5 through
their Advocate
Messrs. Das, Add
C/S.C. on 29.6.09
in the Court. Copy
served.

11/7/09

No Rejoinder
filed.

14.8.09

/bb/

K. Das

Issue fresh notice
to the Respondent No. 4 with
correct address at the Court
of the Applicant, the correct
address will be submitted by B. Sarma
advocate by tomorrow. and
send copies of this order
to the parties. D/ 19/8/09

On the prayer of Mr.B.Sarma, learned
counsel for the Applicant, call this matter on
17.08.2009 awaiting rejoinder from the
Applicant.

(M.R.Mohanty)
Vice-Chairman

Notice issued to Respondent No.4 has
come back un-served because the Advocate
for the Applicant did not supply the correct
address of the Respondent No.4 on the
envelope filed in the Registry. Mr.B.Sarma,
learned counsel for the Applicant undertakes
to supply fresh envelope and correct address of
the Respondent No.4 by tomorrow. Registry is to
issue fresh notice to the Respondent No.4, at the
cost of the Applicant, requiring the Respondent
No.4 to file written statement, if any, by
01.10.2009. Mr.B.Sarma undertakes to supply
required postage by tomorrow.

On behalf of Respondent Nos.1, 2, 3 & 5,
the written statement has already been filed.
Ms. Usha Das, learned Addl. Standing counsel
representing the said Respondents states that
copies of the said written statement have
already been served on Mr.B.Sarma.
Send Copies to parties.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

OA 86/09 = 4 =


Copies of order dated 17/8/09 send to D/Sec. for issuing to applicant and to the resp. by post.

01.10.2009

None appears for the Applicant. Miss U. Das, learned Addl. Standing counsel for the Respondents is present. In this case written statement has already been filed.

Call this matter on 30.09.2009 for hearing.

Send copies of this order to the Applicant and to the Respondents in the address given in the G.A.


(M.R. Mohanty)
Vice-Chairman

20/8/09. D/Sec. 31.8.09


The correct address and Rs=90/= (Ninty) only, vide memo No-2943 dated 28/8/09 charges^{pg} for issue notice to the Resp. No-4 at the cost of applicant received on 28/8/09.

28/8/09

Copies of notice along with order dated 17/8/2009 send to D/Sec. for issuing to R-4 by speed post, A/D. No. 9666-9671 at

28/8/09. 24.8.09.
① Service awaited from R No-4,
② N/S filed by R No-1,2,3&5
30.9.09

K. Das.
Send copies of this order to the Applicant & to the Respondents in address given in the O.A.


31/10/09

Notes of the Registry

Date

Order of the Tribunal

Copies of order dated 1/10/2009 send to D/Sec. for issuing to applicant and all the respondents by post.

D/No-11715

Dt= 9.10.09

8/10/09.

9/10/09

A/D card received from Respt. No. 4.

9/10/09

19.10.09

N/S on behalf of Respt. No. 4 received

Speed Post

one copy of said written statement to the applicant who will be at liberty to file rejoinder on the next date.

one copy of said written statement to the applicant who will be at liberty to file rejoinder on the next date.

one copy of said written statement to the applicant who will be at liberty to file rejoinder on the next date.

29.10.09

N/S filed

10.11.09

16.11.09

A photocopy of N/S handed over to U.K.Nair advocate for the Applicant.

No rejoinder filed.

9.12.09

30.10.2009

Mr G.Z.Ahmed, learned proxy counsel for the applicant states that Mr U.K.Nair has got some personal difficulty and prays for adjournment on his behalf. Miss U.Das, learned Addl. Standing counsel has no objection.

List on 11.11.2009 for hearing.

(Madan Kr. Chaturvedi) Member (A)

(Mukesh Kr. Gupta) Member (J)

/pg/

11.11.2009

Learned counsel for applicant, states that respondent No.4 has filed written statement directly by sending it to the Registry of this Tribunal by Speed Post without making available a copy of said written statement to the applicant. None appears for respondent No.4 i.e. Steel Authority of India. In the circumstances, Registry is directed to provide one copy of said written statement to the applicant who will be at liberty to file rejoinder on the next date.

List on 10.12.2009.

(Madan Kumar Chaturvedi) Member (A)

(Mukesh Kumar Gupta) Member (J)

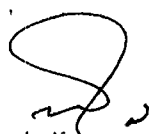

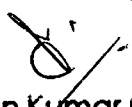

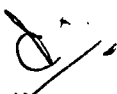


nkm

10.12.2009

Mr G.Z. Ahmed, learned proxy counsel for applicant states that Mr U.K. Nair is out of station and prays for adjournment.

List on 21.12.2009.

(Mukesh Kumar Gupta)

Notes of the Registry	Date	Order of the Tribunal
	10.12.2009	<p>Mr G.Z. Ahmed, learned proxy counsel for applicant states that Mr U.K. Nair is out of station and prays for adjournment.</p> <p>List on 21.12.2009.</p> <p> (Mukesh Kumar Gupta) Member (J)</p>
<p>W/S filed.</p> <p> 22.1.2010</p> <p>1) Rejoinder Against W/S filed by Mr R. Nair. Copy sent.</p>	nkm	<p>21.12.2009</p> <p>Learned proxy counsel states that Mr.U.K.Nair, learned counsel for the Applicant submitted a petition stating that Mr.U.K.Nair has some personal difficulty in appearing before this Court and he prays for adjournment. Learned Standing Counsel for the Respondents has no objection.</p> <p>List the matter 25.1.2010.</p> <p> (Madan Kumar Chaturvedi) Member (A)</p>
<p>2) Rejoinder against W/S filed by Mr R.N. No 4. Copy sent.</p> <p>(102) Advoc filed by the A/Advocate for the Applicant in the Court. 27/1/2010</p> <p>The case is ready for hearing.</p> <p> 5.2.2010</p>	/lm/	<p>25.01.2010</p> <p>Ms.U.Das, learned Addl. C.G.S.C. submitted that she has received copy of the rejoinder just today. As such, she prayed for one weeks time to go through the papers.</p> <p>List on 08.02.2010.</p> <p> (Madan Kumar Chaturvedi) Member (A)</p>
<p>8.2.2010</p> <p>An addl. affidavit filed by the Applicant. Copy received.</p> <p>8/2/2010</p>	/bb/	<p>08.02.2010</p> <p>It is stated that applicant has filed bulky rejoinder affidavit only today which needs some time to react.</p> <p>List on 10.2.2010.</p> <p> (Madan K. Chaturvedi) Member (A)</p> <p> (Mukesh Kr. Gupta) Member (J)</p>

10.2.2010

O.A. 86 of 09

In view of rejoinder affidavit filed on 8.2.2010, Ms. Usha Das, learned counsel for the Respondents prayed time seeking instruction in this regard.

List the matter on 8.3.2010.

(Madan Kumar Chaturvedi)
Member (A)

/lm

08.03.2010

Heard Mr U.K. Nair, learned counsel for the applicant and Ms U. Das, learned Addl. C.G.S.C for the respondents. Hearing concluded.

For the reasons recorded separately the O.A is allowed. No costs.

(Mukesh Kr. Gupta)
Member (J)

/pgl

30-3-2010

Received
Usha Das
Addl C.G.S.C
29/3/2010

Judgment / Final order dated
8/3/2010 prepared and sent
to the Despatch Section for
issuing the all the respondents
by post
vide no 804 to 808

dated 7-4-2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 86 of 2009.

DATE OF DECISION: 08 -03-2010.

Shri Khageswar Padhan

.....Applicant/s

Mr U. K. Nair

.....Advocates for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

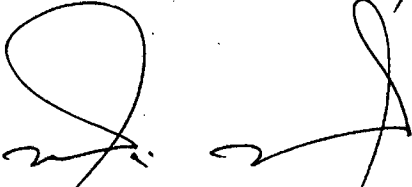
Ms U. Das, Addl. C.G.S.C

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)

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


Member (J)/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 86/2009.

Date of Order : This the 8th Day of March, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Shri Khageswar Padhan,
Resident of Chachal,
Guwahati – 781022 in the District of
Kamrup (Metro), Assam

....Applicant

By Advocate Mr U.K.Nair

-Versus-

1. The National Institute of Malaria Research
represented by its Director,
22, Sham Nath Marg, New Delhi-110054.
2. The Officer-in-Charge,
National Institute of Malaria Research,
Sector-5, Rourkela-2,
Orissa – 769002.
3. The Officer-in-Charge,
National Institute of Malaria Research,
Chachal, Guwahati-781022.
4. The Steel Authority of India Limited,
Rourkela Steel Plant, represented by its
Manager (TS, NEA), Town Services Department,
Rourkela, Orissa – 769011.
5. The Indian Council of Medical Research
represented by its Director General,
V.Ramalinga Swami Bhawan,
Ansari Nagar, New Delhi – 110029. Respondents

By Advocate Ms U. Das, Addl.C.G.S.C.

ORDER (ORAL)

MUKESH KUMAR GUPTA, MEMBER(J)

By present O.A applicant seeks relief in the nature of
permanent injunction staying operation of order dated 27.2.09

(Annexure-20) whereby National Institute of Malaria Research (Indian Council of Medical Research) New Delhi decided to recover a sum of Rs.83,077/- in ten monthly installments from his salary from the month of March 2009 onwards as well as required him to vacate the quarter allotted at Rourkela immediately. He further seeks direction to the respondents to retain the said quarter and charge normal rent as specified vide allotment order No.30 dated 27.3.2001, with further prayer to direct the respondents not to deduct market rent and charge normal rent.

2. Admitted facts are vide Memorandum dated 14.2.1990 applicant was appointed as Assistant Research Scientist in Malaria Research Centre, Rourkela in the pay scale of Rs.2000-3200/- plus usual allowances as admissible under the rules. He continued to perform the function of said post. Vide advertisement published in the Employment News dated 8-14 April 2006 inviting applications for Research Scientist-I in the scale of Rs.8000-13500/-, he being eligible, applied for the same and ultimately selected. Vide memorandum dated 1.9.06 (Annexure-7) Director, National Institute of Malaria Research, New Delhi appointed him to said post for the IDVC Project Staff, Sonapur, Guwahati. When he was working at Rourkela vide order dated 18.4.2001 (Annexure-5) he was allotted Govt. accommodation being H/82, Sector-2. The dispute arose when he was appointed at Sonapur. He had made an application on 16.11.06 for retention of quarter at Rourkela, and granting double HRA as admissible to Central Govt. employees while posted at North East Region of the country. On

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16.3.07 respondents asked him to vacate the same. He again made a representation seeking permission to retain the said quarter. On 12.8.08 respondents raised a demand of an amount i.e. Rs.60,331/- towards house rent and other charges for the quarter occupied by him upto 30.6.08 at market/penal rent. Immediately thereafter he deposited a sum of Rs.14,256/- as a normal license fee for the period from 1.10.2007 to 30.9.2008.

3. The contention raised by applicant is that since employees of the National Institute of Malaria Research (hereinafter referred as NIMA) which is a part and parcel of Indian Council of Medical Research, he is covered by the rules and regulations framed by the Government of India, including HRA, retention of Govt. accommodation etc. Initially the respondents did not provide him copy of the rules and regulations applicable to staff of IDVC, which is a project of the ICMR. It was pointed out that NIMR with its headquarter at New Delhi has 10 Regional Centres located at Rourkela (Orissa), Guwahati (Assam), Ranchi (Jharkhand), Raipur (Chhatisgarh), Jabalpur (M.P), Nadiad (Gujarat), Chennai (Tamilnadu), Bangalore (Karnataka), Haridwar (Uttaranchal) and Goa. The said centres were established in the year 1986 as per the requirement of the National Vector Borne Diseases Control Programme, Government of India depending upon the prevalence of malaria and other vector borne diseases in the area. As such Rourkela project is not different from the Guwahati Project. Further IDVC Project is not a time bound ad-hoc project. The Science and Technology Mission Project "Integrated Control of Malaria,

Filariasis and other Vector Borne Diseases" (in short IDVC Project) was one of the five Science and Technology Mission Projects, having direct relevance to the socio economic development of the country, was announced and approved by the then Prime Minister of India during Seventh Five Year Plan in the year 1986. The project was allocated to the National Institute of Malaria Research under Indian Council of Medical Research under Ministry of Health and Family Welfare, Government of India. The project has been included as an intramural activity of Indian Council of Medical Research in the Eleventh Five Year Plan and it has already continued for 25years and there is no indication that it would be closed in the near future. The IDVC project of National Institute of Malaria Research provides technical supports to the National Vector Borne Diseases Control Program which was operational in the country since independence as a permanent programme of the Government of India under different names such as National Malaria Eradication Programme, National Malaria Control Programme etc. for the control of malaria, filariasis, dengue, Japanese Encephalitis, Kala zar and other Vector borne diseases. The National Institute of Malaria Research follows Central Government Rules on all service matters of IDVC Project employees. The applicant requested the Public Information Officer of NIMR to provide information on rules and regulations governing the service conditions of officers and other employees working in IDVC Project. The PIO did not provide the information and the applicant approached the Central Information Commissioner and in turn the CIC directed the PIO to provide the

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desired information to the applicant. As per above information all the Central Civil Services Rules such as CCS(Leave) Rules 1972, CCS (Conduct) Rules, CCS (CCA) Rules and CCS (Medical Attendance) Rules etc. are applicable to the applicant. In the above backdrop Shri U.K.Nair, learned counsel contended that when all such rules are applicable how could the respondents deny the Govt. accommodation and refuse double HRA to the applicant. Learned counsel in the above circumstances and backdrop vehemently contended that applicant is entitled to the benefit as prayed for. It was further urged that since he has completed 2 years posting in North East Region of the country, initially his request for posting at Rourkela was rejected, but later on when he made another representation dated 28.7.09 the Administrative Officer, NIMR, New Delhi quickly responded vide communication dated 31.7.09 that his case was being considered actively. In the above backdrop it was emphasized that there is no justification in the objection raised by the respondents stating that there is a distinction between regular employees as well as project employees, as projected by the respondents in relation to the grant of HRA/retention of Government accommodation.

4. By filing reply, the respondents stated that he while posted at Rourkela, was allotted a quarter only during his tenure at the said project and his engagement in said project was purely ad-hoc and temporary post of Assistant Research Scientist and as such after leaving Rourkela he is neither entitled to retain the same nor he can claim double HRA. He is not a regular employee of ICMR and not

Q

regularly appointed with the ICMR/NIMR. He is not entitled to the benefits which are admissible to the regular employees of ICMR. The claim made by the applicant is not permissible as he is not a Central Government employee. Applicant being a project employee and the quarter allotted to him is the property of Rourkela Steel Plant and the allottees of such accommodation are to be governed by the rules of SAIL and not by Central Government Rules and as such the respondents have no right over the property owned by SAIL. Applicant's appointment at Sonapur is a fresh appointment and therefore he is not entitled to the benefits of transfer or retention of accommodation in question. As per the rules, he was required to hand over the quarter within a period of 2 months failing which he was liable to pay penal rent/market rate was to be charged from 22.9.2006. A memorandum dated 16.3.2007 was issued to require him to vacate quarter so that the same can be allotted to next contender. Since he failed to vacate the same, he has become unauthorized occupant with effect from 23.11.2006 and liable to pay the penal rent.

5. I have heard Mr U.K.Nair, learned counsel appearing for the applicant and Ms U.Das, learned Addl.C.G.S.C for the respondents, perused the pleadings and other material placed on record including additional pleadings raised by both sides. The short question arising for consideration is whether there is a distinction between regular employee and permanent employee. Further question which requires determination is whether the accommodation in question is governed by the SAIL rules/analogous rules and regulation as framed by the

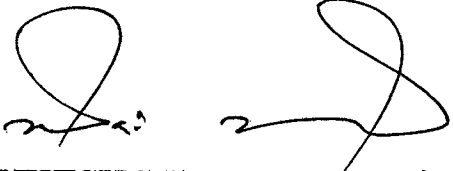


Central Government. I may note that though a plea was raised by the respondents that there exists a distinction between the permanent employee and temporary employee of ICMR, but no rules or regulation has been placed on record or brought to notice of this Tribunal during the course of hearing. As such the distinction to be drawn between a regular and permanent employee, is a misnomer and baseless. Further contention which has been projected by the respondents is applicant is an employee of a project appears to be dubious for the reasons that he continued in employment for more than two decades as on date. No order or material has been produced before the Tribunal to indicate that the so called project has any outer time limit. Under no circumstances, a Government department including autonomous bodies could be termed as a project. Mere giving a shape of "project" can be disastrous and creat frustration to the employees working in such Institute. Learned counsel for the applicant has pointed out specific pleas raised vide para 8 of their additional statement to the effect that casual labourers working in IDVC have made entitled to grant of temporary status like casual workers of Government department provided vide DOPT O.M dated 10.9.1993. There is no rebuttal/contradiction raised to said plea. It was contended that if casual labour of IDVC/ICMR are not at par with Central Govt. employees how such scheme could be extended to them. I may note that employees posted at NIMR headquarter New Delhi and its 10 Regional Centre both belonging to NIMR cadre and IDVC cadre are being transferred from one centre to another. During the year 2009 itself four

Research Scientists of IDVC Project had already been transferred from one centre to another. Specific plea raised by the applicant on this aspect is remains undisputed. In any manner it would thus be established that though it is called project but the employees are transferable from one institute to another, which is impermissible in Projects. In this view of the matter I have no hesitation to conclude that the nomenclature used by the respondents describing it as a project is without any substance and based on no supporting documents. Said term is used only to deprive the employees from getting their due benefits, applicable to regular employees of the Central Government/autonomous bodies. It is undisputable fact as per the policy decision of the Central Government that a Government employee irrespective of whether he is temporary or permanent, when posted to North East region is entitled to double HRA besides entitled to retain the accommodation allotted to him during his service tenure at principal seat. Said rules still holds the field. In the circumstances the respondents action in imposing penal rent and cancelling his allotment of quarter at Rourkela would not be justified and sustainable in law. I may note another aspect of the case namely if the applicant was appointed as Research Scientist-1 afresh, he was liable to resign post held by him at Rourkela as Research Assistant, which has not been done. Similarly when he made a request for his transfer to Rourkela on completion of two years service at North East region, he could not have been posted in the same capacity, particularly when according to respondents this was not a permanent post but was a fresh

appointment. When a person is appointed fresh and seeks transfer it has to be necessarily in a lower post/cadre, which is not the fact in the present case at hand. No rule governing the allotment, framed by SAIL has been placed on record or produce before the Tribunal and therefore it would not be justified to make any observation on said aspect either way.

Taking a cumulative view of the matter, I have no hesitation to hold that respondents action in passing impugned communication dated 27.2.2009 is unsustainable in law and same suffers from arbitrariness and illegality and accordingly the same is quashed. O.A is allowed. No costs.


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 86 / 2009

Sri Khageswar Padhan

.....Applicant

-Versus-

The National Institute of Malaria Research & Ors.

.....Respondents

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27.	Annexure - 25	-	52-53
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29.	Annexure - 27	-	57-59

30.	w/s by R.No. 1, 2, 3 & 5	-	60-69	
31.	w/s by R.No. 4	-	70-74	Filed By
32.	Reforder again w/s by R.No. 1, 2, 3 & 5	-	75-84	<i>[Signature]</i>
33.	Reforder again w/s by R.No. 4	-	85-88	<i>(B. Sharma.)</i> Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 86 / 2009

Sri Khageswar Padhan

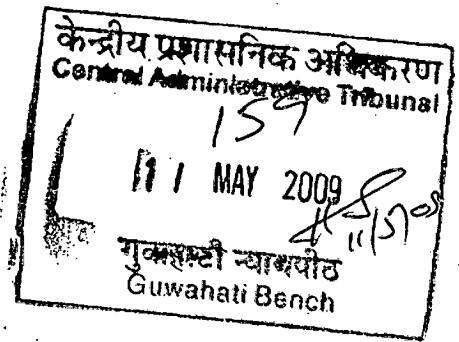
...Applicant

-Versus-

The National Institute of Malaria Research & Ors

.....Respondents

SYNOPSIS



The applicant who is posted as a Research Scientist in the National Institute of Malaria Research, Guwahati being aggrieved by the gross illegality perpetuated against him in denying to him the benefit of retaining his quarter at his former place of posting, i.e. National Institute of Malaria Research, Rourkela which benefit he is legally entitled to avail owing to his posting in the North-Eastern region and also charging rent at market/penal rate for retention of the same, has approached this Hon'ble Tribunal seeking redressal of his genuine and bonafide grievance. Further grievance of the applicant is regarding not sanctioning to him the double HRA admissible to him and non consideration of his case for a choice place of posting on completion of his tenure of posting in the North-Eastern region.

Received
4/5/09
M.D.S.

केन्द्रीय प्रशासनिक अपीलकरण
Central Administrative Tribunal

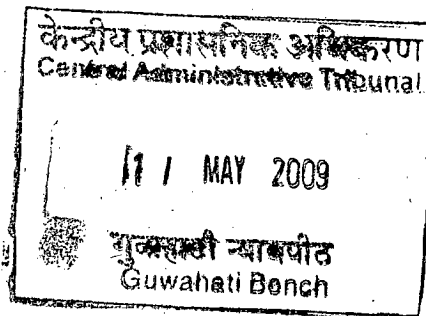
1 / MAY 2009

गुवाहाटी बेंच
Guwahati Bench

The applicant was initially appointed as an Assistant Research Scientist in the Malaria Research Centre, Rourkela vide an appointment order dated 14.02.1990. The authorities of the Malaria Research Centre, Rourkela with a view to provide residential accommodations to its employees entered into an agreement with the authorities of the Rourkela Steel Plant, Steel Authority of India Limited and in terms thereof vide an Allotment Order No.30 of 2001 dated 27.03.2001 the said authorities allotted 3 (three) number of quarters to the Malaria Research Centre, Rourkela. The terms of allotment and the rate at which rent and other allied charges that would be levied was categorically stated in the said allotment order. The Quarter No. H-82, Sector-2, Rourkela provided by the authorities of the Rourkela Steel Plant was subsequently allotted to the applicant vide an order dated 18.04.2001 and he occupied the same and started to pay the rent applicable for the said quarter to the authorities of the Rourkela Steel Plant through the Director, Malaria Research Centre inasmuch as the employees of the Malaria Research Centre were not entitled to pay rent directly to the authorities of the SAIL. As he was continuing as an Assistant Research Scientist at Rourkela, the applicant vide an order dated 01.09.2006 came to be appointed and posted as a Research Scientist in the National Institute of Malaria Research, Sonapur, which office has been subsequently shifted to Chachal, Guwahati.

The Rules governing the service conditions of the employees of the National Institute of Malaria Research entitles the incumbents who are posted in the North-Eastern region to avail certain concessions/ benefits such as retention of the residential accommodation/quarter at the previous place of posting for a period of 3 (three) years beyond the normal permissible period, sanction of double HRA and fixed tenure of posting in the N-E Region. The petitioner on his posting in the N-E Region had vide his representations prayed for sanctioning to him the said

benefits, but the same have been denied to him. The authorities of the National Institute of Malaria Research instead of permitting him to retain the quarter allotted to him at Rourkela had vide an order dated 27.02.2009 directed the applicant to vacate the same and had charged rent at market/penal rate applicable to employees of Steel Authority of India Limited. When the applicant desired to know the basis of charging market/penal rent from him, the replies given by the authorities of both National Institute of Malaria Research and Steel Authority of India Limited seems to be confronting each other inasmuch as the stand of the former is that market/penal rent is charged from the applicant as per rate applicable to SAIL employees whereas the latter took the stand that its interest was limited to the extent of receiving its dues as agreed upon vide the Allotment Order No. 30 of 2001 dated 27.03.2001 and the rate at which dues would be chargeable from the applicant would be governed by the policies and Rules of the National Institute of Malaria Research. The other grievances of the applicant as regards sanctioning to him the double HRA and consideration of his case for a choice place of posting have also been turned down for reasons best known to the respondent authorities. As such the applicant is before the protective hands of Your Lordship's seeking appropriate relief/reliefs.



Filed By

[Signature]
CB. Sharma
Advocate 04/05/2009

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

ORIGINAL APPLICATION NO. 86 / 2009

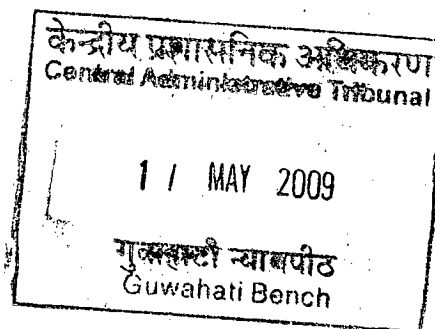
Sri Khageswar Padhan

...Applicant

-Versus-

The National Institute of Malaria Research & Ors

.....Respondents



LIST OF DATES

- The Applicant on being selected was appointed as a Fishery extension officer in the Fishery Department of the Government of Orissa.
- The applicant on relinquishment of his employment with the Government of Orissa, on his selection came to be appointed as a Technical Officer in the Marine Product Export Development Authority

1989

An Advertisement came to be issued in the Employment News for recruitment against three post of

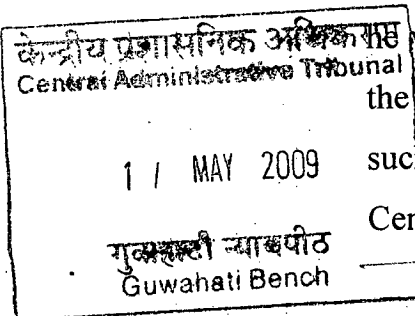
Technical Officers in the Integrated Disease Vector Control Project under the Malieria Research Center, Indian Council of Medical Research.

22.12.1989

The applicant applied for the above mentioned posts and he was issued call letter dated 22.12.89 for appearing in the interview process to be held on 13.01.90 for selection of candidates for appointment against the said post.

14.2.1990

The applicant was selected in the interview process and he was issued appointment order dated 14.02.90 against the post of Assistant Research Scientist and he joined as such under the Officer-in-charge, Malaria Research Center, Rourkela, Orissa.



27.03.2001

The authorities of the Rourkela Steel Plant, SAIL and the Director of Malaria Research Center entered into an agreement for providing residential accommodation to the employees of the Malaria Research Center, Rourkela and in terms thereof the Allotment Order No. 30 dated 27.03.01 came to be issued allotting three number of quarters to the authorities of the Malaria Research Center, Rourkela.

① ad hoc
② not a govt
Q.R.

18.04.2001

The Officer-in-Charge of the Malaria Research Center, Rourkela subsequently allotted the Quarter No. H-82, Sector-2, Rourkela to the applicant vide the order dated 18.04.01.

18.11.05

The organization of Malaria Research Center came to be renamed as National Institute of Malaria Research.

14.04.06

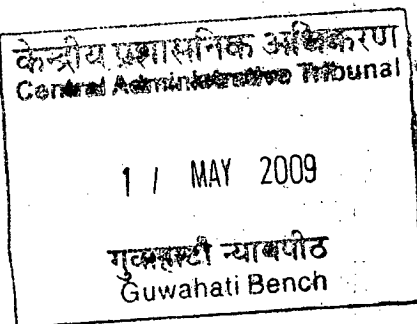
The Indian Council of Medical Research issued an employment notice in the Employment News inviting applications for one post of Research Scientist at the Integrated Disease Vector Control Project and the applicant applied for the same.

1.09.06

Appointment order issued in favour of the applicant pursuant to which he joined as a Research Scientist at Sonapur, Kamrup, Assam.

16.11.06

The applicant preferred a representation before the Director, National Institute of Malaria Research praying for allowing him to retain the quarter allotted to him at Rourkela and also to sanction to him the benefit of double HRA as is admissible to staff posted in the North Eastern region.



16.03.07

The Officer-in-charge, National Institute of Malaria Research, Rourkela issued an Office Memorandum dated 16.03.07 directing the applicant to vacate the quarter allotted to him at Rourkela.

26.03.07

The applicant preferred a representation before the Officer-in-charge, National Institute of Malaria Research, Rourkela highlighting the aspect that he was entitled to retain the said quarter at Rourkela in terms of

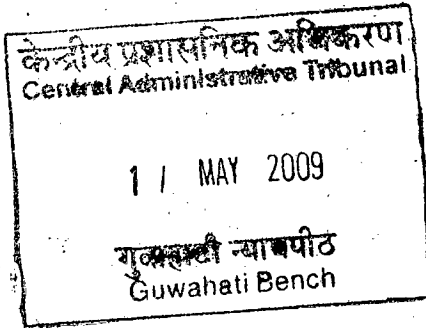
the Rules holding the field and prayed before him to allow him to retain the same.

12.10.07

The Rourkela Steel Plant authorities raised a quarterly bill dated 12.10.07 for the period 1.07.07 to 30.09.07 for the quarter retained by the applicant and the same came to be paid by him through the Director, National Institute of Malaria Research

12.08.08

The Officer-in-charge, National Institute of Malaria Research, Rourkela issued a communication dated 12.08.08 enclosing copies of the letters dated 05.08.08 whereby an amount of Rs. 60,331 was demanded from the applicant towards house rent and other charges for the quarter occupied by him upto 30.06.08 at Market/Penal Rate.



12.08..08

The applicant preferred a representation seeking the details of the bill for Rs. 60,331.

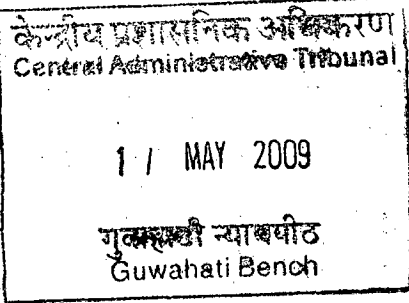
02.09.08

The Senior Administrative Officer, National Institute of Malaria Research, Delhi issued an Office Memorandum dated 2.09.09 directing the applicant to settle the bill for Rs. 60,331 directly with the SAIL authorities, Rourkela.

23.09.08

Vide the representation dated 23.09.08, the applicant forwarded a cheque for the dues in respect of the quarter at Rourkela to the Senior Administrative Officer, National Institute of Malaria Research, Delhi.

14.10.08



The Senior Administrative Officer, National Institute of Malaria Research, Delhi issued an Office Memorandum dated 14.10.08 returning the cheque forwarded by the applicant with further instruction to make payments to the concerned agency through the Officer-in-charge, Rourkela.

4.12.08

The applicant forwarded another cheque for the dues in respect of the quarter at Rourkela to the Officer-in-charge National Institute of Malaria Research, Rourkela..

23.12.08

The Officer-in-charge National Institute of Malaria Research, Rourkela informed the applicant that the SAIL authorities had refused to accept the cheque remitted by him.

6.02.09

The applicant preferred a representation for consideration of his case for a choice place of posting on completion of his tenure of posting in the North Eastern region.

27.02.09

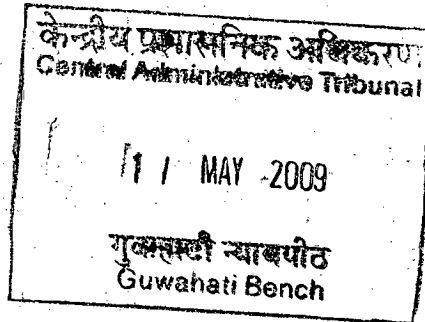
The Senior Administrative Officer, National Institute of Malaria Research, New Delhi issued an Office Memorandum directing to recover an amount of Rs. 83,077 towards license fee and other charges upto 31.12.08 in respect of the quarter at Rourkela and also directed the applicant to vacate the same.

18.03.09

The authorities of the National Institute of Malaria Research issued an Office Memorandum dated 18.03.09 rejecting the prayer made by the applicant vide his representation dated 6.02.09.

Filed by

(Signature)
C.B. Sharma
04/05/2009
Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 86 / 2009

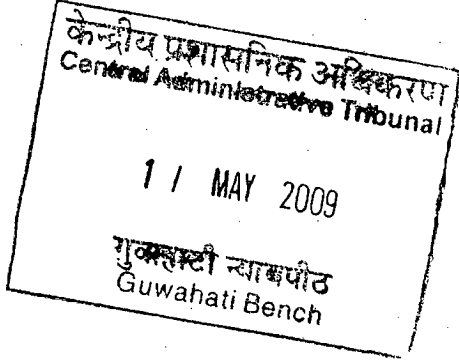
BETWEEN

Sri Khageswar Padhan, resident of Chachal,
Guwahati - 781022 in the District of
Kamrup (Metro), Assam.

....Applicant

-AND-

1. The National Institute of Malaria Research represented by ~~its~~ Director, 22 Sham Nath Marg, New-Delhi - 110054
2. The Officer-in-Charge, National Institute of Malaria Research, Sector-5, Rourkela-2, Orissa. Pin Code - 769002.
3. The Officer-in-Charge, National Institute of Malaria Research, Chachal, Guwahati-22, Assam. Pin Code - 781022.
4. The Steel Authority of India Limited, Rourkela Steel Plant, represented by its Manager (TS, NEA), Town Services Department, Rourkela, Orissa-769-011.
5. The Indian Council of Medical Research represented by its Director General, V. Ramalinga Swami Bhawan, Ansari Nagar, New-Delhi-110029....Respondents



Filed by:- The Applicant
through → Dr. Rajesh Sharma
Advocate.
09/05/2009.

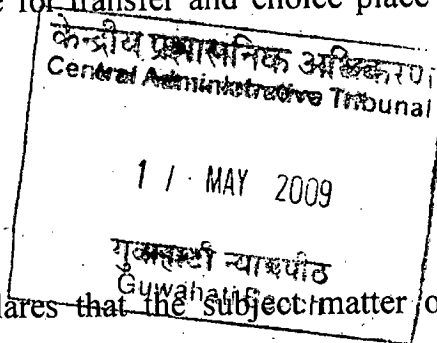
Khageswar Padhan

1. **PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:**

This instant application has been preferred against the Office Memorandum bearing No. A/P-1(41)90/1658 dated 27.02.2009 seeking to recover an amount of Rs. 83,077/- towards license fees and other charges at market/penal rate upto 31st December, 2008 from the salary payable to the applicant in 10 (ten) monthly instalments for retention of the Quarter No. H-82, Sector-2, Rourkela by him at Rourkela with further direction to vacate the same immediately. This application is further directed against the arbitrary, illegal and discriminatory action on the respondent's part in deducting the said market rent from his monthly salary, not sanctioning to him the double HRA which he is entitled to receive owing to his posting in the North-Eastern region and non consideration of his case for transfer and choice place of posting at Rourkela.

2. **JURISDICTION:**

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.



3. **LIMITATION:**

The applicant declares that the instant case has been filed within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE:**

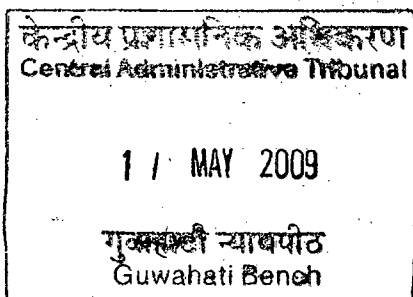
4.1. That the applicant is a citizen of India and is presently residing at Chachal, Guwahati in the state of Assam and as such he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed there under.

4.2. That the applicant states after completing his Master Degree study in the subject of Zoology from the Samalpur University in Orissa, on

Khageswar Pathan

being duly selected he was appointed as a Fishery Extension Officer in the Fishery Department of the Government of Orissa. Thereafter, the applicant on relinquishment of his aforesaid employment, on his selection was appointed as a Technical Officer in the Marine Product Export Development Authority.

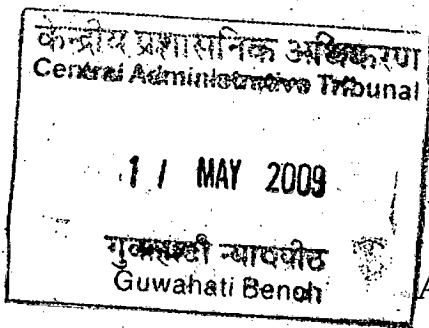
4.3. That the applicant states that while he was continuing as a Technical Officer in the above stated organization, an advertisement was issued in the Employment News and other National Newspapers for recruitment against 3 (three) posts of Technical Officers in the Integrated Disease Vector Control Project under the Malaria Research Centre, Indian Council of Medical Research in the pay scale of Rs. 2000-60-2300-EB-3200. In terms of the said advertisement, the applicant offered his candidature for the said post and he was issued call letter dated 22.12.1989 for appearing in the interview process to be held on 13.01.1990. The applicant participated in the interview/selection process on conclusion of which, he was declared successful and was offered letter of appointment bearing No. Admn/Rect/FS-B/30/87/1377 dated 14.02.1990 against the post of Assistant Research Scientist pursuant to which he joined as such under the Officer-in-Charge, Malaria Research Centre, Rourkela, Orissa.



A copy of the advertisement, interview call letter and the appointment letter are annexed as Annexure - 1, 2 & 3 respectively.

4.4. That your applicant states that in order to provide residential accommodation to its employees, the authorities of the Malaria Research Centre, Rourkela entered into an arrangement/agreement with the authorities of the Rourkela Steel Plant, Steel Authority of India which has been following the practice of allotting its surplus residential accommodation to other Public Sector Undertakings, Central Government Departments and Autonomous Organizations and in terms thereof the authorities of the Rourkela Steel Plant allotted 3 (three) Executive Flats (Quarters) to the Malaria Research Centre, Rourkela vide the Allotment Order No. 30 dated 27.03.2001.

Khageswar Pathan



4

A copy of the allotment order dated 27.03.2001 is annexed as **Annexure- 4.**

4.5. That your applicant states that the Officer-in-Charge, Malaria Research Centre, Rourkela accepted the allotment order and subsequently allotted the said quarters to the three senior officers including the applicant who was allotted the Quarter No H-82, Sector-2, Rourkela vide the order bearing No. 2:4:2:2001/174 dated 18.04.2001, which came to be occupied by him after signing the Occupation/Vacation report.

A copy of the order dated 18.04.2001 is annexed as **Annexure - 5.**

4.6. That your applicant states that initially the Officer-in-Charge, Malaria Research Centre, Rourkela requested the Manager (TS) NEA, Rourkela Steel Plant to allot the quarters in the name of the respective officers and to send the bills for rent and electricity and other charges in the name of the allottee officers, but the Rourkela Steel Plant authorities declined to accept the said request and the bills as regards house rent and other allied charges is being raised in the name of the Director, Malaria Research Centre and all payments are made on behalf of the Director. It is pertinent to mention here that house rent is charged by the Rourkela Steel Plant authorities at the rate of Rs. 1.05 per sq.ft of plinth area i.e. Rs. 787.50 per month per quarter and in addition to that electricity charge is levied at the rate of Rs. 3.90 per unit of actual consumption.

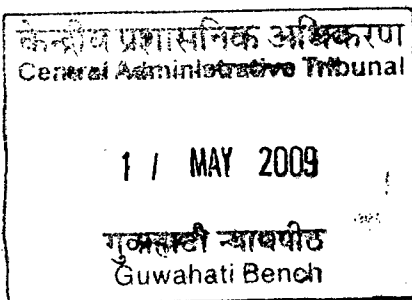
4.7. That your applicant states that the organization of Malaria Research Centre was subsequently renamed as National Institute of Malaria Research vide an Office Order dated 18.11.2005 and since then the said organization has been functioning under the said name and style, albeit its organizational structure, works performed and style of functioning remaining the same.

4.8. That your applicant states that since the date of the initial allotment order of the quarter to him, all dues including the house rent,

Khageswar Pathan

electricity bills are being paid by him through Officer-in-Charge of the National Institute of Malaria Research, Rourkela and the applicant including the other allottees cannot pay their dues directly to the Rourkela Steel Plant in view of the fact that the quarters are allotted to the Malaria Research Centre, Rourkela now renamed as National Institute of Malaria Research.

4.9. That the applicant states that the Indian Council of Medical Research issued an employment notice in the Employment News dated 14.04.2006 inviting applications from eligible candidates for 1 (one) post of Research Scientist at the Integrated Disease Vector Control Project and pursuant thereto the applicant applied and was selected for the same. Thereafter, the Director of National Institute of Malaria Research vide an appointment order bearing No. Admn/IDVC/Appt/RS/SRS/398/06 dated 01.09.2006 appointed and posted the applicant as a Research Scientist in the Integrated Disease Vector Control Project at Sonapur, Kamrup, Assam. The applicant joined his duties against the said post at Sonapur and at present he is working at Chachal, Guwahati as the National Institute of Malaria Research, Sonapur has been shifted to Guwahati w.e.f 01.06.2008.

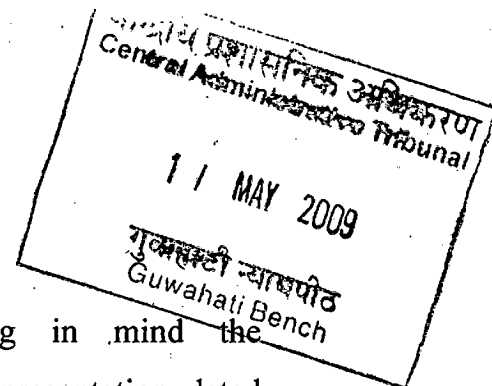


Copies of the employment notice dated 14.04.2006 and the appointment order dated 01.09.2006 are annexed as **Annexure - 6 & 7 respectively.**

4.10. That your applicant states that certain concessions/benefits are availed to Central Government employees who are posted in the North-Eastern region which amongst others, include the benefit of retention of quarter at the previous place of posting for three years beyond the normal permissible period of retention, sanction of double HRA, the pleasure of fixed tenure of posting in the North-Eastern region which is considered to be a hard posting, Special Duty Allowance and Bad Climate Allowance.

A copy of the extract of the concession provisions is annexed as **Annexure - 8.**

Khajuram Pathan



4.11. That your applicant states that keeping in mind the abovementioned concession provisions, he preferred a representation dated 16.11.2006 intimating the Director, National Institute of Malaria Research that his family would continue to utilize the rented house which was made available to him at Rourkela and that he be sanctioned double HRA as is admissible to staff posted in the North-Eastern region. In response thereof, the authorities of the National Institute of Malaria Research sanctioned to him Special Duty Allowance and the Bad Climate Allowance, but the other concessions as admissible to him has not been sanctioned to him till date.

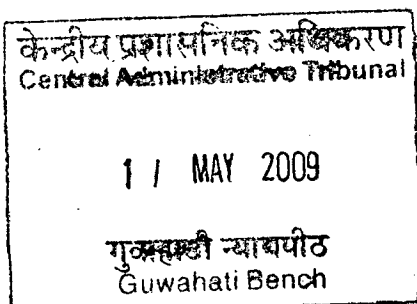
A copy of the representation dated 16.11.2006 is annexed as Annexure - 9.

4.12. That the applicant states that on 16.03.2007 the Officer-in-Charge, National Institute of Malaria Research issued an Office Memorandum bearing No. 2:4:2:07/155 directing him to vacate the Quarter No. H-82, Sector-2, Rourkela, which he had retained there on his transfer appointment at Sonapur, Assam because of the fact that the same was required to be allotted to another scientist who had joined at Rourkela in his place and that in default market rent would be charged for retention of the said quarter at Rourkela as per the norms applicable to the SAIL employees. In response thereof, the applicant preferred a representation dated 26.03.2007 which was forwarded by the Officer-in-Charge, National Institute of Malaria Research, Sonapur to his counterpart at Rourkela wherein he has highlighted that the allotment of the quarter to him was made by the authorities of the National Institute of Malaria Research and for all purpose and intent it was a government allotment and that government norms are required to be followed as regards allotment and vacation of quarters to its employees. It was also brought to the knowledge of the said authority that the authorities of the Rourkela Steel Plant, SAIL had allotted number of quarters to the National Institute of Malaria Research and in turn it was allotted to him by the authorities of the National Institute of Malaria Research and Rourkela Steel Plant authorities is only entitled to charge rent at the rate which was agreed to by the allotment order allotting the quarters to the National Institute of Malaria Research, which payment is made through the Director, Malaria Research Center now National Institute of Malaria Research

Khageswar Pathan

and that the Rourkela Steel Plant authorities has no business to charge market rent from him. Further it was pointed out that his children's were pursuing their school studies in Rourkela and Oriya was one of the subjects incorporated in the syllabus for the studies pursued by his said children's and in the event he was required to vacate the allotted quarter and shift his family to Guwahati, huge inconvenience would be caused inasmuch as Oriya is not offered as a subject in any school in the State of Assam thereby putting there educational career in jeopardy. As such he intimated the authority concerned that he would be retaining the allotted quarter at Rourkela, which he is entitled to as per the provisions holding the field towards availing such facilities.

It is pertinent to mention her that the purpose of allotting the quarter occupied by the applicant to another scientist who had joined in his place no longer exists inasmuch as the new incumbent scientist has been allotted another quarter from amongst the number of quarters allotted subsequently by the Rourkela Steel Plant authorities to the National Institute of Malaria Research.



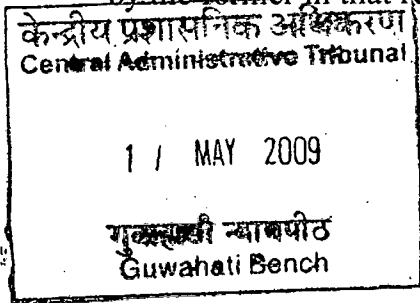
Copies of the forwarding letter and representation dated 26.03.2007 are annexed as Annexure – 10 & 11 respectively.

4.13. That the applicant states that Officer-in-Charge, National Institute of Malaria Research, Rourkela continued to provide bills to him towards House Rent/License Fee at the normal rates till November, 2007 and all these bills were paid to the Rourkela Steel Plant, Steel Authority of India Limited against bills drawn in the name of the Director, National Institute of Malaria Research. The bills above stated have been provided to him after the Rourkela Steel Plant authorities raised a quarterly bill dated 12.10.2007 in the name of the Director, National Institute of Malaria Research claiming house rent/license fee in respect of the residential accommodation occupied by him for the period 01.07.2007 to 30.09.2007. The relevant portion of the said bill was provided to the applicant by the Officer-in-Charge, Rourkela and the amount claimed for the Quarter No. H-82, Sector-2 was Rs. 5028/-, which included the current demand for the quarter July to September, 2007 and

K. Jagannathan

arrears upto the previous quarter. The applicant paid the said bill and all dues upto 30.09.2007 was paid in respect of the said quarter.

4.14. That the applicant states that inspite of the fact that he had cleared all dues in respect of the residential quarter allotted to him at Rourkela, to his utter shock and surprise the Officer-in-Charge, National Institute of Malaria Research, Guwahati vide his communication bearing No.201 dated 12.08.2008 enclosed copies of two letters bearing No. 2:4:2:08/316 and A/P-11(41)/90 Vol.-I/741 both dated 05.08.2008 addressed to him by the Officer-in-Charge, National Institute of Malaria Research, Rourkela and the Senior Administrative Officer, Delhi whereby the authority at Rourkela demanded an amount of Rs. 60,331/- from him towards house rent and other charges in respect of the quarter No. H-82 occupied by him upto 30.06.2008 at the market rate while the Senior Administrative Officer desired to know the action taken by the former in that regard.

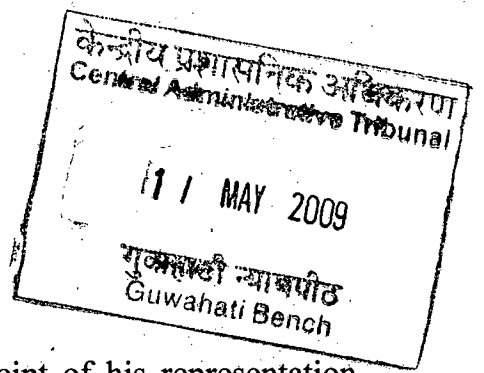


Copies of the communications dated 12.08.2008 and 05.08.2008 are annexed as Annexure - 12, 13 & 14 respectively.

4.15. That the applicant states that in response to the communications dated 12.08.2008 and 05.08.2008, he preferred a representation dated 12.08.2008 before the Officer-in-Charge, National Institute of Malaria Research, Rourkela bringing to his knowledge that he had already cleared all dues in respect of the quarter No. H-82, Sector-2 upto 30.09.2007 in terms of the bills provided to him from time to time and that the amount of house rent and allied charges cannot be Rs. 60,331/- for a period of 9 (nine) months i.e. from 01.10.2007 to 30.06.2008. Therefore, he requested the Officer-in-Charge, Rourkela to provide a detailed bill specifying the house rent/license fee, water charge and electric charges month wise for the amount of Rs. 60,331/- at an early date, however the said information sought for has not been provided to him till date.

A copy of the representation dated 12.08.08 is annexed as Annexure - 15.

Wogerman pathan



4.16. That the applicant states that after receipt of his representation dated 12.08.2008, the Senior Administrative Officer, National Institute of Malaria Research, Delhi issued an Office Memorandum dated 02.09.2008 stating that he had not cleared his dues in respect of the quarter No. H-82, Sector-2 and directed him to settle the bill for Rs. 60,331/- towards house rent, water charge and electric charge directly with the SAIL authorities at Rourkela within a month from the date of issue of the said Office Memorandum failing which the amount would be realized from his salary and sent to the SAIL authorities.

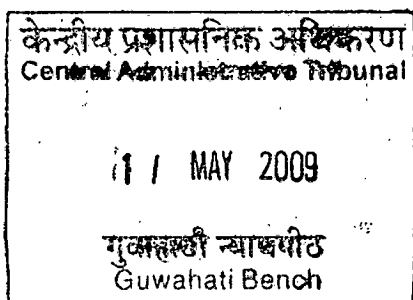
4.17. That the applicant states that he preferred a representation dated 23.09.2008 against the Office Memorandum dated 02.09.2008 before the Senior Administrative Officer, National Institute of Malaria Research, Delhi clarifying the position that he has been regularly paying the admissible dues in respect of the quarter occupied by him and that question does not arise of not paying the said dues by him. It was only in respect of the bill for an amount of Rs. 60,331/- wherein certain errors occasioned in accounting for the amounts claimed towards the dues payable by him and non furnishing of the details sought for on his part from the Officer-in-Charge, Rourkela towards arriving at the amount of Rs. 60,331 payable as dues, delay has occasioned towards remitting the said amount. Therefore, he had vide the said representation forwarded an Account Payee Cheque bearing No. 069948 dated 19.09.2008 drawn in favour of Steel Authority of India Limited, Rourkela Steel Plant towards payment of the dues on his part for the said quarter for the period 01.10.2007 to 30.09.2008 as per the norms of the allotment order the details of which were specified therein.

A copy of the representation dated 23.09.2008 is annexed as **Annexure – 16**.

4.18. That the applicant states that in reference to his representation dated 23.09.2008, the Senior Administrative Officer, National Institute of Malaria Research, Delhi vide an Office Memorandum bearing No. A/P-11(41)90/1020 dated 14.10.2008 returned the cheque forwarded to him vide

Khageshwar Pathan

the above stated representation and instructed him to make the payments to the concerned agency directly through the Officer-in-Charge, Rourkela within 15 (fifteen) days from the date of receipt of the same failing which action would be taken as intimated vide their earlier letter.



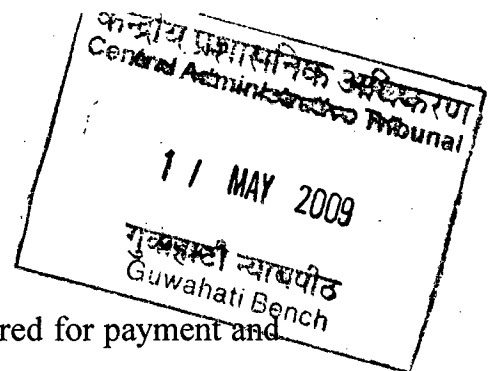
A copy of the Office Memorandum dated 14.10.2008 is annexed as **Annexure - 17.**

4.19. That the applicant states that the copy of the Office Memorandum dated 14.10.2008 along with the returned cheque was mistakenly sent to the National Institute of Malaria Research, Rourkela and the same was returned back to the headquarter at New Delhi. Subsequently, it was again dispatched to the National Institute of Malaria Research, Guwahati through registered post No. 3844 dated 04.11.2008. By the time the said Office Memorandum containing the returned cheque reached National Institute Malaria Research, Guwahati the applicant was on leave and it was finally delivered to him on 08.12.2008. In the meantime the Officer-in-Charge, Guwahati had intimated the applicant over telephone on 04.10.2008 regarding the aspect of issue of the Office Memorandum dated 14.12.2008 and the return of the cheque by the headquarter at New-Delhi and immediately vide his representation dated 04.12.2008 disbursed another cheque bearing No. 069949 dated 04.12.2008 for an amount of Rs. 14,256 to the Officer-in-Charge, Rourkela towards house rent and allied charges in respect of the residential quarter occupied by him at Rourkela. The said amount was paid for the period 01.10.2007 to 30.09.2008 as per the terms and conditions of the Allotment Order No. 30 dated 27.03.2001, which was still holding the field.

A copy of the representation dated 04.12.2008 is annexed as **Annexure - 18.**

4.20. That the applicant states that the Officer-in-Charge, National Institute of Malaria Research, Rourkela vide his communication bearing No. 2:4:2:08/534 dated 23.12.2008 informed him that the Rourkela Steel Plant, Steel Authority of India Limited authorities had refused to accept the cheque

Khageswar pradhan



because the amount due was much higher than the one offered for payment and the quarter No. H-82, Sector-2 occupied by him was in illegal occupation and as such market/penal rent was charged for the same. The cheque dated 04.12.2008 consequently came to be returned to him.

A copy of the communication dated 23.12.2008 is annexed as Annexure - 19.

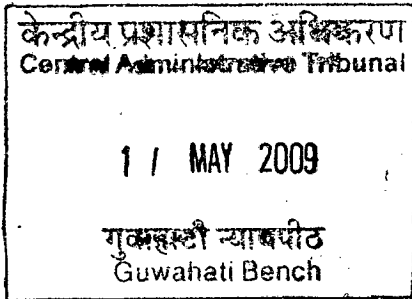
4.21. That the applicant states that thereafter the Senior Administrative Officer, National Institute of Malaria Research, New-Delhi issued another Office Memorandum bearing No. A/P-1(41)90/1658 dated 27.02.2009 directing to recover an amount of Rs. 83,077/- towards license fees and other charges upto 31st December, 2008 from the salary payable to the applicant in 10 (ten) monthly installments with further instruction to vacate the quarter immediately.

A copy of the Office Memorandum dated 27.02.2009 is annexed as Annexure - 20.

4.22. That the applicant states that the service conditions of the employees of the National Institute of Malaria Research are governed by the rules applicable to the Central Government employees and in terms of the rules holding the field, posting in the North-Eastern region is considered to be a hard posting and as such tenure of posting in the said region is fixed at 2 (two) years on completion of which, an employee concerned is entitled to seek transfer to a choice place of posting. The applicant has already completed his tenure in the North-Eastern region and he is entitled to a choice place of posting and consequently he preferred a representation dated 06.02.2009 praying for his posting at Rourkela and also highlighted the difficulties faced by him in the health front including the difficulties he would face with regard to the educational prospects of his children, if he is required to vacate the quarter at Rourkela and shift his family to Guwahati, but the said representation was mechanically turned down vide an Office Memorandum bearing No. A/P-11(41)90/1740 dated 18.03.2009 by the authorities concerned citing administrative reasons without at all specifying them. It is pertinent to mention

K. Jagannathan

here that there is a vacant post of Research Scientist lying vacant at Rourkela wherein the applicant can be easily accommodated, but for the confrontation in the matter of resolving the dispute regarding the house rent payable towards the quarter occupied by him at Rourkela, his is being not favoured with the choice place of posting.



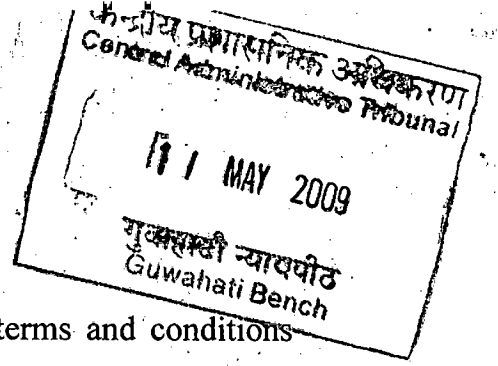
A copy of the representation dated 06.02.2009 and the office memorandum dated 18.03.2009 are annexed as **Annexure - 21 & 22** respectively.

4.23. That the applicant states that in the meantime when the Senior Administrative Officer, National Institute of Malaria Research, New-Delhi had issued the Office Memorandum dated 02.09.2008 directing him to settle the matter of payment of the outstanding dues for an amount of Rs. 60,331/- in respect of the quarter No. H-82, Sector-2, Rourkela with the Rourkela Steel Plant, Steel Authority of India Limited authorities, apart from the representation dated 23.09.2008 as mentioned earlier, he had preferred 2 (two) number of applications under the Right to Information Act 2005, one before the authorities of the National Institute of Malaria Research, New-Delhi and the other one before the authorities of the Steel Authority of India Limited, New-Delhi requiring them to divulge certain information's as regards the allotment of quarters to the National Institute of Malaria Research authorities by the Rourkela Steel Plant, Steel Authority of India Limited authorities and the basis for charging various dues and market/penal charges.

Copies of the applications preferred under the RTI, Act 2005 are annexed as **Annexure - 23 & 24** respectively.

4.24. That the applicant states that both the authorities of the National Institute of Malaria Research, New-Delhi and Steel Authority of India Limited, New-Delhi divulged certain information's sought for under the RTI, Act 2005 and the information divulged so far as applicability of provisions regarding allotment of quarter and charging of market/penal rent seems to be in

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limited to the extent of receiving their dues as per the terms and conditions agreed to vide the Allotment Order No. 30 dated 27.03.2001. The whole exercise of denying the facility of retention of the quarter at Rourkela by the applicant and directing him to vacate the same coupled with the decision of charging market/penal rent from him is arbitrary, illegal and discriminatory to the core of it and cannot stand the test of judicial scrutiny.

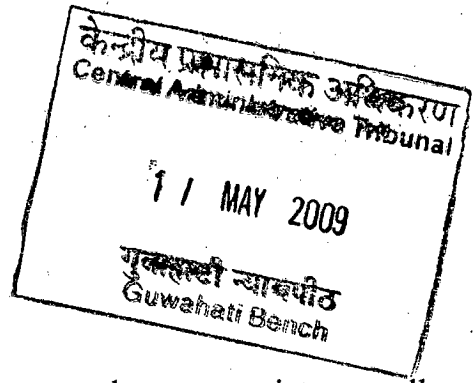
4.26. That the applicant states that his another grievance is regarding the non sanction of the double HRA which he is entitled to as per the Rules holding the field owing to his posting in the North-Eastern region. The said benefit has not been granted to the applicant till date for reasons best known to the respondent authorities.

4.27. That the applicant states that action/inaction and the wanton attitude of the National Institute of Malaria Research authorities towards charging market/penal rent, not permitting him to retain the quarter at Rourkela and not considering his case for a choice place of posting on completion of his tenure of posting in the North-Eastern region have violated the principles of Natural Justice, Administrative Fair Play and the set of Rules applicable to its employees in not extending to the applicant his "just dues" of legitimate claim and thereby infringes upon the mandate of Articles 14, 16(1), 39(a) & 309 of the Constitution of India.

4.28. That it is a fit case wherein your lordship would be pleased to pass an interim direction as has been prayed for, failing which, the applicant stands to suffer irreparable loss and injury.

4.29. That in the event your Lordships is pleased to pass an interim direction as has been prayed for, the balance of convenience would be maintained in favour of the applicant inasmuch as the he is still occupying the Quarter No. H-82, Sector-2, Rourkela which was allotted to him during the tenure of his posting at Rourkela and the Rules governing the field also entitles him to retain the same and pay the dues admissible for occupation of the said quarter as per the terms and conditions of the Allotment Order No. 30 dated 23.07.2001.

Khageswar Patha



4.30. That the applicant states that he has no other appropriate, equally efficacious alternative remedy available to him and the remedy sought for herein when granted would be just, adequate, proper and effective.

4.31 That the applicant demanded justice, but the same was denied to him.

4.32 That this application has been filed bonafide for securing the ends of justice.

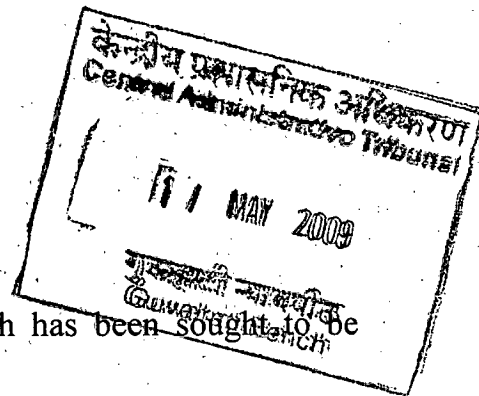
5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the action/inaction on the part of the authorities of the National Institute of Malaria Research in not sanctioning to the applicant the benefit of double HRA, denying the benefit of retention of the quarter at Rourkela, not considering his case for a choice posting and charging market/penal rent for the quarter occupied by him at Rourkela is bad in law as well as in facts.

5.2 For that the Rourkela Steel Plant authorities had vide the Allotment Order No. 30 of 2001 allotted 3 (three) quarters to the authorities of the National Malaria Research Institute for providing residential accommodation to its employees and in turn the Quarter No. H-82, Sector-2, Rourkela came to be allotted to the applicant and for all intent and purpose it was a government allotment and the rules applicable to government employees entitles him to retain the said quarter at Rourkela beyond three years of the normal permissible limit.

5.3 For that since the applicant was legally entitled and expressed his desire to retain the Quarter No. H-82, Sector-2, Rourkela, he was required be sanctioned the benefit of retaining the same and paying the house rent and other allied charges as agreed upon vide the Allotment Order No.30 Of 2001

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dated 27.03.2001 and not at the market rate, which has been sought to be realized from him illegally.

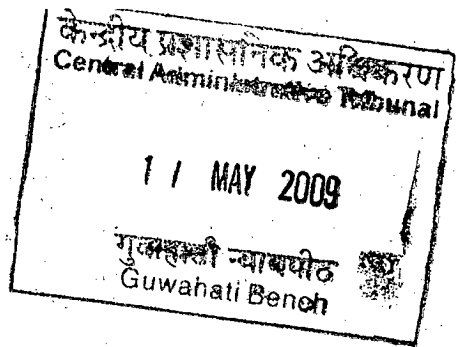
5.4 For that it is an admitted position on the part of the authorities of the Steel Authority of India Limited that subsequent allotment of the accommodations provided by it to the applicant would be governed by the Rules applicable to the employees of the National Institute of Malaria Research, which Rules entitles the applicant to retain the Quarter No. H-82, Sector-2, Rourkela and the question of illegal occupation of the same do not arise at all.

5.4 For that the action on the part of the respondent authorities in charging market/penal rent applicable to employees Steel Authority of India Limited for occupation/retention of the quarter at Rourkela by the applicant is arbitrary and illegal inasmuch as the applicant is not an employee of the Steel Authority of India Limited and more so when it is an admitted position on the part of the authorities of the Steel Authority of India that rent is chargeable from the National Institute of Malaria Research at the rate agreed upon vide the Allotment Order No. 30 of 2001 dated 27.03.2001.

5.5 For that the interest of the Steel Authority of India Limited is limited to the extent of realizing the charges in respect of the residential accommodations provided to the National Institute of Malaria Research at the rate agreed to vide the Allotment Order No. 30 of 2001 and they are not concerned with charging market/penal rent from the applicant.

5.6 For that the Allotment Order No. 30 was still in force when the Office Memorandum dated 27.02.2009 was issued by the National Institute of Malaria Research authorities for payment by the applicant the dues in respect of the Quarter No. H-82, Sector-2, Rourkela at the market/penal rate and the Rourkela Steel Plant authorities were charging the dues from the National Institute of Malaria Research at the rate agreed upon vide the said allotment order; as such the charging of the market/penal rent from the applicant is highly illegal and arbitrary and liable to be interfered with by this Hon'ble Tribunal.

Kogerman Pethan



5.7 For that the Rules applicable to government employees entitles the applicant to sanction of double HRA due to his posting in the North-Eastern region and denial of the said benefit to him has infringed upon his legitimate rights to receive the same and has resulted in perpetuation of gross illegality against him.

5.8 For that tenure of posting from outside to the North-Eastern region is fixed for 2 (two) years after completion of which an incumbent is entitled to a choice place of posting. The applicant has completed his tenure of posting for 2 (two) years in the North-Eastern region and the above stated provision entitles him to a choice place of posting, but the same has been denied to him on the false pretext of administrative difficulties.

5.9 For that in any view of the matter the impugned action on the part of the respondent authorities in denying to the applicant the benefit of retention of the Quarter No. H-82, Sector-2, Rourkela, charging market/penal rent for retention of the same, not sanctioning to him double HRA and not considering his case for a choice place of posting is liable to be interfered with and set aside and quashed.

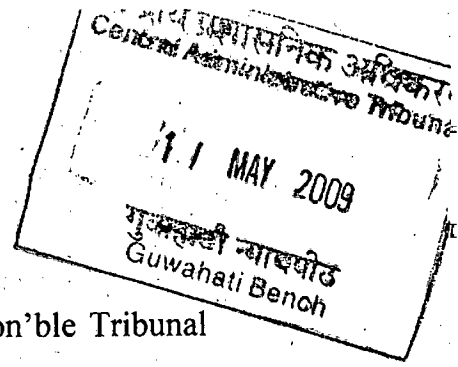
6. **DETAILS OF THE REMDIES EXHAUSTED:**

The applicant declares that he has no other alternative and efficacious remedy except by way of filing this application. As such he is seeking urgent and immediate relief.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:**

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed

Khageswar Pathan



before any other court, authority or any other bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the relief's sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs.

8.1 To set aside and quash the order dated 27.02.2009 directing the applicant to vacate the Quarter No. H-82, Sector-2 retained by him at Rourkela.

8.2 To set aside and quash the order dated 27.02.2009 charging market/penal rent and realizing the same from the monthly salary of the applicant for occupation of the Quarter No. H-82, Sector-2, Rourkela.

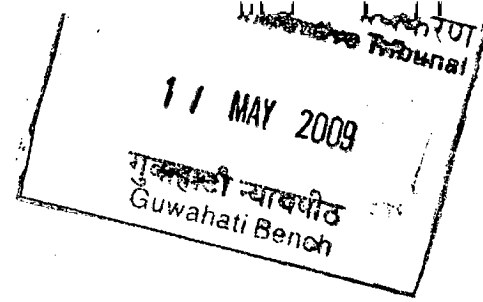
8.3 To direct the respondent authorities to allow the applicant to retain the Quarter No. H-82, Sector-2, Rourkela and charge rent and other allied charges from the applicant as agreed to vide the Allotment Order No. 30 dated 27.03.2001.

8.4 To direct the respondent authorities to sanction to the applicant double HRA as is admissible to him for his posting in the North-Eastern region.

8.5 To direct the respondent authorities to allow him a choice place of posting.

8.6 Cost of the application.

Kogeshwar Pathan



8.7 Any other relief/ reliefs that the applicant in the facts and circumstances of the case would be entitled to.

9. **INTERIM ORDER PRAYED FOR:**

In this facts and circumstances as stated above, the applicant prays for the following interim direction pending disposal of this Original Application;

- (i) To stay the effect and operation of the order dated the 27.02.2009 charging market/penal rent and also directing the applicant vacate the Quarter No. H-82, Sector-2, Rourkela
- (ii) To direct the respondent authorities to allow the applicant to retain the Quarter No. H-82, Sector-2, Rourkela occupied by him and charge rent from him at the rate agreed to vide the Allotment Order No. 30 of 2001.
- (iii) To direct the respondent authorities not to deduct the market/penal rent from the salary of the applicant.

10.

11. **PARTICULARS OF THE I.P.O:**

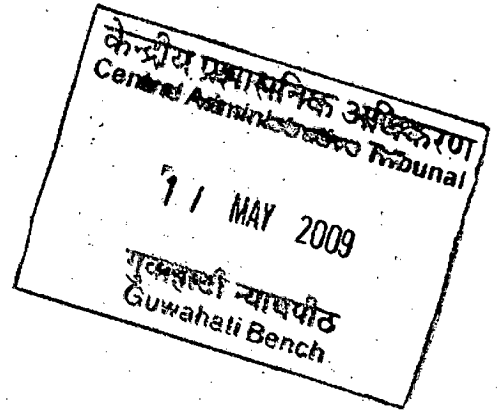
- i) I.P.O No. : 3907405474
- ii) Date : 5-4-09.
- iii) Payable at : Guwahati

12. **LIST OF ENCLOSURES:**

As stated in the index.

.....Verification

Kogerman Pethan



VERIFICATION

I, Khageswar Padhan, aged about 49 years, son of Late Lingaraj Padhan, resident of Chachal, Guwahati-22, Assam, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 1, 2, 3, 4.1 to 4.3, 4.5 to 4.9, 4.11 to 4.25, 4.29, 4.32, 6 and 7. are true to my knowledge; those made in paragraphs _____ 4.4 and 4.10. _____ are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 29th day of April 2009.

Khageswar Padhan
DEPONENT

MALARIA RESEARCH CENTRE

(Indian Council of Medical Research)

Applications are invited upto 25 September 1989 for the following posts in the S&T Mission Project on "Integrated Control of Malaria, Filariasis and other Vector Borne Diseases".

1. Post: TECHNICAL OFFICER — Three

Scale of Pay: Rs. 2000-60-2300-EB-3200

Qualification and Experience

Essential: M.Sc. (Zoology/Life Sciences / Medical Entomology) or B.Sc. in Biology with 7 years research experience.

Desirable: For two posts: Field experience in malaria and filariasis control.

For one post: Field experience in fresh water fisheries / biological control.

Job Requirement: For two posts the incumbent will be required to participate in the studies on biology, ecology and control of vectors of malaria and filariasis. For one post the incumbent will be required to conduct fish fauna surveys, culture of larvivorous fishes and any other work in the field of biological control of vectors.

2. LABORATORY TECHNICIAN — One

Pay: Rs. 1950/- per month (consolidated)

Qualification: B.Sc. (Biology) or Intermediate with Science and Diploma in Medical Laboratory Technology of a recognised institution.

AGE: Below 30 years for the posts of Technical Officers and below 25 years for the post of Lab. Technician; SC/ST and inservice candidates will be allowed relaxation as per Govt. of India rules.

General Conditions:

Age limit, qualifications and experience prescribed above are relaxable in deserving cases only. Posts are temporary but likely to continue.

In addition to pay, the posts of Technical Officers also carry allowances as admissible to the Central Govt. employees. Candidates called for interview for the post of Technical Officers will be paid return 2nd class rail fare by shortest route on production of documents.

Employees working in Central/State Govt. Deptt. / Public Sector undertakings and Govt. funded research agencies must forward their application through proper channel.

For the post of Technical Officer application form can be obtained by sending self addressed and Rs. 1.40 stamped envelope (23cm X 10cm size) from the office of the Officer-in-Charge, Malaria Research Centre, N-8, Area 7 & 8, Civil Township, Rourkela-769 004, Orissa and the duly completed form should be sent back alongwith a crossed IPO for Rs. 8.00 (SC/ST candidates exempted) drawn in favour of Officer-in-Charge, MRC, Rourkela.

Candidates for the post of Laboratory Technician should apply on plain paper giving full details regarding age, qualification, experience etc.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
11 MAY 2009
गुजराती-याकॉठ
Gujarati-Bench

Certified to be true

 Advocate

MALARIA RESEARCH CENTRE
(Indian Council of Medical Research)
FIELD STATION
N-8, AREA 7 & 8, CIVIL TOWNSHIP
ROURKELA-769 004, ORISSA

GRAM : ANOPHELES
PHONE: 7070

No. Rect/ARS/2:1:89/529.

Date 22-12-89

MEMORANDUM

Sub: Filling up of the post of Technical Officer
(Redesignated as Assistant Research Scientist) for
the S&F Mission on "Integrated Disease Vector Control
of Malaria, Filariasis, and other vector borne diseases"-
regarding.

With reference to above Mr./~~Dr./Miss/Ms.~~ Khageswar Padhan

_____ is advised to appear for the
interview on 13-1-90 at 9 A.M for the post of
Technical Officer (now redesignated as Assistant Research Scientist)
in the scale of pay of Rs. 2000-3200 plus allowances as per Central
Government rules, in the office of the Officer-in-Charge, Malaria
Research Centre, N-8, Area 7 & 8, Civil Township, Rourkela-769 004,
Orissa. He/she should bring with him/her original certificates
in support of age, educational qualification etc. and also bring
enclosed proforma duly completed. SC/ST candidates should also
bring relevant certificate from competent authority.

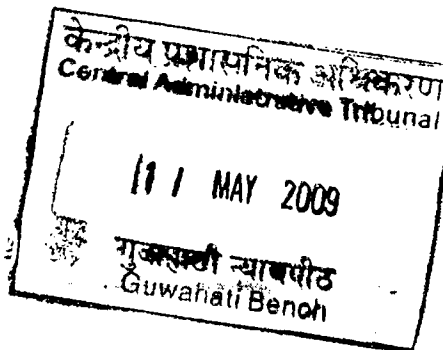
The candidates will be entitled for return second class rail
fare by shortest route on production of travel tickets. Those
candidates who are employees of Government/Semi-Government/Public
Sector undertakings and had not applied through proper channel,
should bring 'No objection certificate' from the employer failing
which they will not be interviewed.

The incumbents will be liable to transfer anywhere in India.

Shelkar

For Officer-in-Charge

To
Mr. Khageswar Padhan
Orissa Shrimp Seed Production
Supply and Research Centre
MPEDA, Gopalpur-on-Sea
Dist. Ganjam, -761 002 (Orissa)



Certified to be true Copy

[Signature]
Advocate

INDIAN RESEARCH CENTRE
(INDIAN COUNCIL OF MEDICAL RESEARCH)
22-SHAM NATH MARG, DELHI-110054

No. Admn/Rect/FS-B/30/87/1377

Dated: 14/2/90

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

11 MAY 2009

गुवाहाटी न्यायापीठ
Guwahati Branch

Sub:- Appointment of Staff of MRC, FS, Rourkela.

MEMORANDUM

The Director for the Centre sanctions the followings appointments to the post of Assistant Research Scientist on a pay of Rs.2000.00 Per Month in the pay Scale of Rs.2000-60-2300-EB-75-3200 plus usual allowances or concessions as admissible under rules for the duration of the project subject to medically found fit for appointment to the post.

Sl.No.	Name of Candidate	Post Offered	Basic Pay Rs.
1.	Mr. Ravindar Raja Sampath	Asstt. Research Scientist	2000-00
2.	Mr. Khageswar Padhan	- do -	2000-00

The appointee will have no claim for regular appointment to the posts. Their services can be terminated at any time without giving any notice and reason. If the terms and conditions mentioned above are acceptable to them, they are directed to report for duty to the Officer Incharge, MRC, N-8, Area 7 & 8, Civil Township, Rourkela-769004 immediately and not later than 15th March, 1990.

(NATHU SINGH)
ADMINISTRATIVE OFFICER (STP)
FOR DIRECTOR

- Ravindra Raja Sampath. T.
C/o Jessie Thomas,
Vennanpalli and Post
Via: Katpadi, NA Dt.,
TAMIL NADU-632516.
- Khageswar Padhan
Orissa Shrimp Seed
Production, Supply &
Research Centre, MPEDA.
Gopalpur-on-Sea, Ganjam
pin 761002 Orissa.

Copy to:-

- Accounts Section
- Cash Section
- Budget File
- Increment File
- Personal File
- The Officer Incharge, MRC, FS, Rourkela-Please forward their joining report alongwith medical fitness certificate at an early date.

Certified to be true Copy

[Signature]
Advocate

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 11 MAY 2009
 गुवाहाटी नगरपालिका
 Guwahati City
 27.05.2009

ALLOTMENT ORDER NO: 30

Allotment of qrs. is made as under with the terms and conditions mentioned below.

Sl.No	Qrs.No	Type	Sector	Name and address of allottee	Remarks
1.	H/007	Ex. Flat	02	OFFICER-IN-CHARGE	- For residence
2.	H/082	-do-	02	MALARIA RESEA-RCH	- On vice-vacation
3.	H/119	-do-	02	CENTRE SECTOR-5 ROURKELA-2.	with the exist- ing occupant.

The allottee is to occupy the quarters within 7 (seven) days and ~~XXXXXX~~ furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalow or goat or any other cattles within the premises of the quarters allotted to him/her.

Liability to pay rent @ Rs.1.05 per sq.ft. of plinth area (Rs.787.50 per month per quarters) as applicable to Public Sector Undertaking Units which will accrue from the 7th day of Issue of this allotment order or date of occupation.

The allottee is liable to pay electricity charges @ Rs.3.90 per unit for actual consumption (subject to revision) ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~ from the 7th day of issue of this allotment order or date of occupation whichever earlier.

No sub-letting is allowed. If the allottee is not found in physical occupation of the quarters and any one else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

The allotment is absolutely temporary and valid for a period of 11 (eleven) months from the date of occupation. The management however reserves the right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the quarters by the allottee without the written permission from this office is strictly forbidden.

- C.c.to: (1) Allottee concerned
 (2) M (FA) New us
 (3) M/S concerned
 (4) Rs.File.

Manager, M, TEA
Town Services Deptt.



Handwritten signature and date 23/9/08

Certified to be true Copy

Handwritten signature and the word Advocate

ALOTMENT ORDER NO : 30

Ref. No. TS/NEA/2001

Dt. 27.03.2001

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Allotment of qrs. is made as under with the terms and conditions mentioned below.

Sl. No.	Qrs. No.	Type	Sector	Name and Address of the allottee	Remarks
1.	H/007	Ex. Flat	02	OFFICER-IN-CHARGE, MALARIA RESEARCH- CENTRE, SECTOR-5, ROURKELA-2	-For residence - On vice-vacation with the existing occupant
2.	H/082	-do-	02		
3.	H/119	-do-	02		

The allottee is to occupy the quarters within 7 (seven) days and furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalo or goat or any other cattles within the premises of the quarters allotted to him/her.

Liability to pay rent @ Rs.1.05 per sq.ft. of plinth area (Rs.787.50 per month per quarter) as applicable to Public Sector Undertaking Units which will accrue from the 7th day of the issue of this allotment order or the date of occupation.

The allottee is liable to pay electricity charges @ Rs.3.90 per unit for actual consumption (subject to revision) from the 7th day of the issue of this allotment order or the date of occupation whichever is earlier.

No sub-letting is allowed. If the allottee is not found in physical occupation of the quarters and anyone else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

The allotment is absolutely temporary and valid for a period of 11 (eleven) months from the date of occupation. The management however reserves the right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the quarter by the allottee without the written permission from this office is strictly forbidden.

Sd/-
Manager (TS NEA)
Town Services Deptt.

C.C. to :

- 1) Allottee concerned
- 2) AM (F & A) Revenue
- 3) P/S concerned
- 4) Pers File

Office Seal
OF
MRC
281
27.03.01

MALARIA RESEARCH CENTRE

(INDIAN COUNCIL OF MEDICAL RESEARCH)

FIELD STATION

SECTOR - 5

ROURKELA - 769 002, ORISSA, INDIA

PHONE : (0661) 647300

E-mail : mrcrkl@dte.vsnl.net.in



मलेरिया अनुसंधान केन्द्र

(भारतीय आयुर्विज्ञान अनुसंधान परिषद)

फील्ड स्टेशन

सेक्टर - ५

राउरकेला - ७६९ ००२, उड़ीसा

दूरभाष : (०६६१) ६४७३००

Date: 18.4.2001

Ref.no. 24:2:2001/174

Manager (TS) NEA
Town Services Deptt.
Rourkela Steel Plant
SAIL, Rourkela

Sub: Possession of allotted quarters.

Dear Sir,

Kindly refer to your letter no.TA/NEA/2001 dt.27.03.2001. vide allotment order no.30, we have been allotted three executive flats in sector-2. In this regard we accept your offer of allotment and wish to inform you that the quarters may be allotted in the name of following officials :

	Name & Designation	Qr.No.
1.	Dr.S.K.Sharma, Officer-In-Charge	H/007, Sector-2
2.	Dr.P.K.Tyagi, Sr. Research Officer	H/119, Sector-2
3.	Mr.K.Padhan, Asst. Research Scientist	H/82, Sector-2

It may be mentioned here that all monthly bills for rent and electricity or any other charges may be sent in the name of individual occupants for necessary payment.

Kindly arrange to provide possession of the quarters as early as possible.

Yours faithfully,

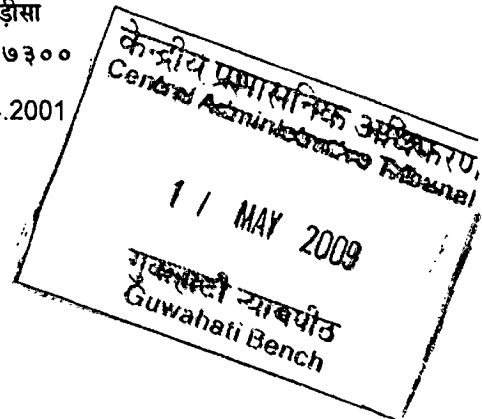
(Dr. S.K.Sharma)
Officer-Incharge

- Copy to : 1. Dr. S.K.Sharma, Officer-In-Charge, MRC, Sector-5, RKL
2. Dr. P.K.Tyagi, Sr.Res.Officer, MRC, Sector-5, RKL
3. Mr. K. Padhan, Asst.Res.Scientist, MRC, Sector-5, RKL

NB : The houses have been allotted as per terms of allotment order enclosed herewith. Necessary steps may be taken for possession of the allotted quarter from the Estate office.

Certified to be true Copy

Advocate



Employment News 8 — 14 April 2006

Indian Council of Medical Research

Applications are invited up to 22nd May 2006 for one post of Research Scientist-1 (reserved for Other Backward Class) in the pay scale of Rs. 8000-275-13500 at the Integrated Disease Vector Control project under the Institute. The post is purely adhoc & temporary and is coterminus with the project.

Qualification & Experience:

Essential: M.Sc. 1st class in any Branch of Life Sciences or MBBS.

Desirable: Ph.D/M.D in respective field or 3 years research experience in vector borne diseases.

Job Requirement: Incumbent has to work in the field in one of the ten field stations of the IDVC project located at Sonapur, Roukela, Jabalpur, Raipur, Ranchi, Bangalore, Chennai, Nadiad, Hardwar & Goa.

Age: Below 48 years for OBC and Departmental candidates are allowed relaxation in accordance with the Govt. Rules, in force.

Allowances as per IDVC Project Rules at the place of posting are admissible. Application from employee working in the Centre/Govt. Departments, Public Sector Undertaking and Govt. funded research agencies must be forwarded through proper channel.

Application forms and other information can be obtained from the office of the Director, National Institute of Malaria Research, 22-Sham Nath Marg, Delhi-110054, and application forms duly completed in all respects may be sent on the same address on or before the last date

alongwith a crossed Indian Postal Order (IPO) for Rs. 25/- (Rupees: twenty five only) payable to the Director, NIMR, Delhi (SC/ST and Council's employees are exempted from this payment). Incomplete/late applications or those without postal orders will not be entertained. Any

canvassing by or on behalf of the candidates or to bring political or other outside influence with regard to selection/recruitment shall be disqualification.

Note: Since it is not possible to call all the eligible candidates for the interview/personal discussion, the applicants will be short-listed for this

purpose. The decision of the Director, NIMR will be final in this regard. Candidates called for personal discussion for the RS post, 2nd class rail fare by shortest route on production of documents will be provided.
davp. 1405/4/2005

EN-474

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी बेंच
Guwahati Bench

Certified to be true Copy


Advocate

NATIONAL INSTITUTE OF MALARIA RESEARCH
Indian Council of Medical Research,
22-Sham Nath Marg, Delhi:110054

No: Admn/IDVC/Appt/RS/SRS/398/06

1987

Dt: 01.09.06



MEMORANDUM

Subject:- Appointment of Sh. Khageswar Padhan to the post of Research Scientist In the pay scale of Rs. 8000-275-13,500 under the "Integrated Disease Vector Control Project...

The Director of the National Institute of Malaria Research is pleased to appoint Sh. Khageswar Padhan to the post of Research Scientist on a pay of Rs 8550/- p.m in the pay scale of Rs. 8000-275-13,500 plus usual allowances as admissible for the IDVC Project staff, Sonapur.

2. He is not entitled to transfer TA, joining time and joining time pay under the rules.
3. Shri Khageswar Padhan will have to work any other places whenever posted/transferred in connection with the Project work as deemed necessary.
4. The other terms and conditions of the appointment will remain same as issued by this Office from time to time and applicable to the staff members of IDVC Project.

Sh. K.Padhan is hereby advised to report for duty to the Officer-Incharge, National Institute of Malaria Research, IDVC Field Unit, P.O. Sonapur, District Kamrup, Assam:782402 immediately and not later than 15th September,06.


Sr. Admn. Officer 11/9/06
For Director

✓ Sh Khageswar Padhan,
Research Scientist,
National Institute of Malaria Research,
IDVC, Field Unit, Sector-5, Rourkela:769002
Orissa State

Copy to:

1. The Director-General, ICMR, New Delhi.
2. Accounts Section, NIMR, Delhi.
3. Bill Section, NIMR, Noida
4. Establishment-II
5. Personal File of the employee concerned
6. Dr.S.K.Sharma, Asstt. Director & Officer-Incharge, NIMR F/U Rourkela
7. Dr. Vas Dev, Asstt. Director & Officer-Incharge, NIMR F/u Sonapur.
8. Budget file.
9. Master file.

Certified to be true Copy


Advocate

1 / MAY 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

23

Concessions when posted to North-Eastern Region, etc.

[Swamy's — FR & SR, Part - I]

Certain special concessions and service benefits are admissible to officers transferred to the North-Eastern Region and Union Territories listed below and to officers posted to North-Eastern Council when they are stationed in the North-Eastern Region. These concessions are also admissible to those on deputation to State Governments of Manipur and Tripura.

- | | |
|--------------|--------------------------------|
| 1. Assam | 6. Arunachal Pradesh |
| 2. Meghalaya | 7. Mizoram |
| 3. Manipur | 8. Andaman and Nicobar Islands |
| 4. Nagaland | 9. Lakshadweep (L & M) Islands |
| 5. Tripura | 10. Sikkim |

1. T.A. and Joining Time

(a) **On first appointment.**— For journeys to take up initial appointment, T.A. will be admissible to the Government servant and his family for the total distance as below—

For journey by rail	...	Second Class fare.
For journey by road	...	Ordinary bus fare.
For journey to take up appointment in A & N/L & M Islands	...	Free sea passage plus rail / bus fare as above for journey within main land up to the port of embarkation.

(b) **On transfer.**— If the family does not accompany the Government servant, he will be paid T.A. on tour for self only for the transit period and will be permitted to carry personal effects up to $\frac{1}{3}$ rd of his entitlement at Government cost; or can have the cash equivalent of carrying $\frac{1}{3}$ rd of his entitlement or the difference in weight of the personal effects he is actually carrying and $\frac{1}{3}$ rd of his entitlement, as the case may be, in lieu of the cost of transportation of baggage. Composite Transfer Grant will be admissible in any case.

If the family accompanies him, he can draw the existing T.A., including the cost of transporting personal effects to his maximum entitlement irrespective of the actual weight carried.

These provisions apply also for the return journey on transfer back from the North-Eastern Region/Union Territory.

- 29 -

Annexure - 8

CONCESSIONS WHEN POSTED TO N-E REGION, ETC. 293

This concession is admissible only in cases of transfer from a station outside to a station in the N-E. Region and vice versa. It is not applicable from one station to another within the region.

(c) **Road mileage for transportation of personal effects.**— Higher rate of allowance as for 'A' class cities, limited to the actual expenditure, will be admissible to all Government servants for transportation of personal effects on transfer between two different stations in the North-Eastern Region/Union Territory not connected by rail irrespective of the fact whether they are having All India transfer liability or not.

(d) **Joining time while proceeding on/returning from leave.**— Government servants proceeding on leave from the place of posting in the Region to a place outside the Region are entitled for the joining time as follows:—

(a) *If the place of posting in the Region is not a remote locality.*—

(i) When the journey time between the place of posting and the place outside the Region is 2 days or less. No joining time is admissible.

(ii) When the journey time referred to in (i) above is more than 2 days. Journey time in excess of 2 days is allowed as joining time.

(b) *If the place of posting in the Region is a remote locality.*—

(i) Period of travel from the remote locality to the specified station. Journey time as prescribed is allowed as free joining time.

(ii) Period of travel from the specified station to a place outside the Region. Journey time in excess of 2 days is allowed as additional joining time.

This concession is also admissible when the Government servants return from leave.

2. Leave Travel Concession

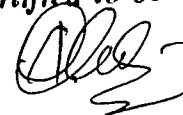
(a) Government servant who leaves his family behind and does not avail transfer T.A. for the family will have the option to choose—

Either: The existing LTC to Home Town once in a block of two calendar years;

Or: The concession for himself once a year from the station of posting to his Home Town or place where the family is residing, and in addition concession for the family (restricted to the spouse and two dependent children only) also to travel once a year from the place of residence to the employee's station of posting.

(b) In addition, Government servants and families posted in the Region will be entitled to LTC on two additional occasions during their entire service career

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Advocate

as "Emergency Passage Concession" and intended to enable them and families (spouse and two dependent children) to travel to their Home Town or to the last place of duty from the station of posting or vice versa in an emergency. These additional passages will be admissible by the entitled mode and class of travel as for normal LTC.

(c) **Travel by air.**— Officers drawing pay of Rs. 13,500 and above and their families (spouse and two dependent children — up to 18 years for boys and 24 years for girls) may perform the above LTC journeys by air as below—

Officers posted in	Between stations
(i) North-Eastern Region	Imphal/Silchar/Agartala/ Aizawl/ Lilabari and Kolkata
(ii) Andaman and Nicobar Islands	Port Blair and Kolkata/Chennai
(iii) Lakshadweep	Kavaratti and Kochi.

3. Tenure

(a) **Fixed Tenure**—

- (i) For staff with service of 10 years or less Three years
- (ii) For staff with more than 10 years of service Two years

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

(b) **Station of choice on completion of tenure.**— On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

4. Weightage for promotion, etc.

(a) Eligible officers shall be given due recognition in the matter of—

- (i) promotion in cadre posts;
- (ii) deputation to Central tenure posts; and
- (iii) courses of training abroad.

(b) The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

(c) **Entry in CR.**— A specific entry shall be made in the CR of all employees who render full tenure of service.

5. Children's Education Allowance / Hostel Subsidy

If the children do not accompany the employee, CEA will be admissible up to class XII to children studying at the last station of posting or any other

station where they reside. If such children are put in hostels, Hostel Subsidy will be admissible without other restrictions. The concession is admissible to the officials transferred from one place to another within the North-Eastern Region also.

6. Benefit of Two HRAs

Central Government employees posted to the specified States/Union Territories from outside the N-E. Region who are keeping their families in rented houses or in their own houses at the last place of posting outside the N-E. Region, will be entitled to HRA admissible to them at the old station, and also at the rates admissible at the new place of posting in case they live in hired private accommodation irrespective of whether they have claimed transfer T.A. for family or not subject to the condition that hired private accommodation or owned house at the last station of posting is put to bona fide use of the members of the family. These concessions are admissible also to those posted to Andaman and Nicobar Islands and Lakshadweep.

The benefit of two HRAs is admissible also to those employees who on their transfer keep their families in the previous station in own/hired accommodation after vacating Government accommodation due to their transfer to N-E. Region, etc.— *O.M. No. 2 (38)/2001-E.II (B), dated 24-9-2003.*

Additional HRA should be based on pay *plus* DP from 1-4-2004.

Those employees who have not been posted to the N-E. Region *from outside* the N-E. Region are not entitled to this benefit.

7. Retention of Quarters / Telephone

(a) **Government accommodation.**— The facility of retention of Government accommodation will continue to be available. Licence Fee will be charged at normal rates whether the accommodation retained is the entitled type or below the entitled type. The facility of retention will be admissible for three years beyond the normal permissible period of retention.

(b) **Residential telephone in the last station.**— Residential telephone at the last station will be allowed to be retained on the condition that the rental and all other charges are paid by the officer concerned.—*Appendix-9.*

8. Special Allowances

(a) **Special Compensatory (Remote Locality) Allowance.**— Please see Section 6.

(b) **Special (Duty) Allowance/Island Special Allowance.**— Employees who have All India Transfer Liability on posting to (i) any station in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Sikkim and Mizoram will be granted Special (Duty) Allowance, and (ii) any station in the Island Territories of Andaman, Nicobar and Lakshadweep will be granted Island Special Allowance. (*For rates and conditions governing the grant of these allowances see under 'Compensatory Allowances' in Section 6.*)

Ref: No: 704 N 16/11/2006

Annexure-9

National Institute of Malaria Research
(Indian Council of Medical Research)
Field Station
Sonapur : Kamrup : Assam

Dated : 16/11/2006

To,
The Director
National Institute of Malaria Research
22, Sham Nath Marg
Delhi - 110 054.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
1 / MAY 2009
गुवाहाटी न्यायाधीश
Guwahati Bench

(Through proper channel)

Sub : Benefit of double HRA as applicable to staff posted in
N.E. region regarding

Sir,

I have taken a house on rent for residential purpose at Sonapur with a rent of Rs. 1500/- per month. My family members would continue to stay in a rented house at Rourkela where I was posted earlier.

Therefore I request you, earnestly, to sanction double HRA as applicable to staff posted in North Eastern Region who were previously posted outside North Eastern Region as per rules.

Thanking you,

Yours faithfully,

(Signature)
16/11/06
(K. Padhan)
Research Scientist
NIMR, Sonapur.

Forwarded
WR
15/11/06
M. ...
S. ...

Certified to be true Copy

(Signature)
Advocate

Dr. Vas Dev
Ph.D. (Notre Dame)
Officer-in-charge



Off: (0361) 2786211
Res: (0361) 2786019
Fax: (0361) 2786072
E-mail: mrcassam@hotmail.com

NATIONAL INSTITUTE OF MALARIA RESEARCH

(Indian Council of Medical Research)
Ministry of Health & Family Welfare
SONAPUR, KAMRUP, ASSAM - 782 402 (INDIA)

Our Ref :.....892.....

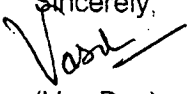
Dated :..26/5/2009..

The Officer Incharge
National Institute of Malaria Research (ICMR)
Sector -5, Rourkela
ORISSA - 769 002

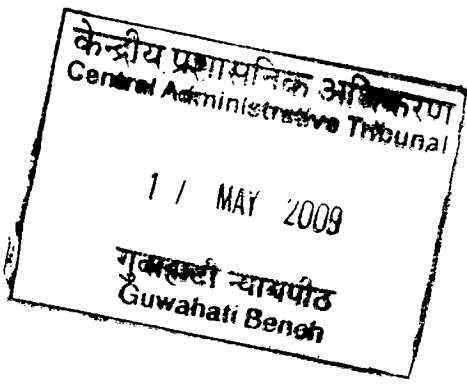
Subject: Representation of Dr. K. Padhan/ residential quarter regarding

Sir,

I am forwarding the representation of Dr. K. Padhan, Research Scientist regarding vacation of family quarter allotted to him in Rourkela for your due considerations.

Sincerely,

(Vas Dev)
Officer-in-Charge


ENCLS: AS ABOVE



Cop4 to :

1. The Director, NIMR, 22, Sham Nath Ennery, Delhi - 110054.
2. The Deputy General Manager (TS) Rourkela Steel plant (SAIL) Rourkela.
P.N - 769002

Certified to be true Copy

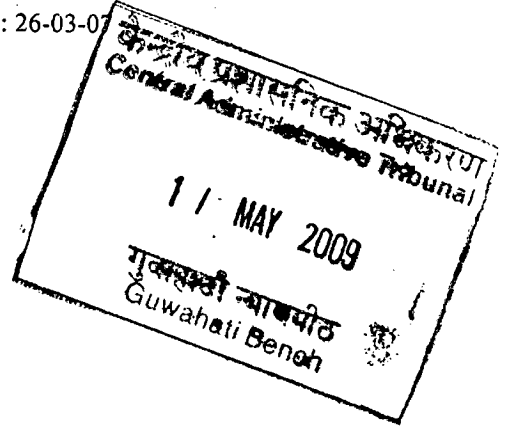

Advocate

BY REGISTERED POST

To

The Officer-in-Charge
National Institute of Malaria Research
Sector-5, Rourkela
ORISSA, PIN - 769 002

Date: 26-03-07



(Through proper channel)

Sub: - Vacation of Government accommodation - regarding.

Ref: - Your notice No 2:4:2:07/155; dated 16.3.07

Sir,

The SAIL has allotted a number of residential quarters in favour of The Director, Malaria Research Centre (NIMR) at highly subsidized rent and you have allotted one of those quarters to me by issuing a separate office order. The house rent and allied charges of these quarters are being deposited with the SAIL on behalf of the Director, NIMR. You have even deposited the house rent and allied charges officially after deducting the same from the salary of staff members on several occasions. Therefore the residential quarters are with the possession of the Director, NIMR and the allotment of quarter to me is considered as Government allotment.

You have given me a notice to vacate the quarter immediately with the intention of allotting the same to another Scientist. You are supposed to follow Government rules on the subject before taking any further action. According to Government rules an employee posted to North-Eastern Region can retain the residential quarter allotted to him, at his previous place of posting, for three years beyond the normal permissible period of retention without paying any extra charges. (Please refer Swamy's- FR & SR, Part-1). I may mention here that I have been receiving Special Allowances admissible to employees posted to North Eastern Region on the basis of the same rules.

In view of my posting at a place in the North Eastern Region my entitlement for the residential quarter at Rourkela remains the same and I can retain the quarter for three years beyond the normal period of retention with out paying any extra charges. I have already informed the Director that my family members will continue

1

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Advocate

to stay at my previous place of posting, Rourkela vide my application dated 16-11-2006.

My son and daughter are studying in Primary School and Oriya is the 1st Language subject for both of them which is not in the syllabus of local schools at Sonapur, Assam. Secondly in view of the recent selective killings of the people from other states by some extremist groups and repeated bomb blasts in nearby areas I do not want to shift my family members from Rourkela to Sonapur and expose them to undesirable risks.

Therefore I would like to inform you that I shall retain the residential quarter allotted to me for the bonafied use of my family members, for which I am entitled as per rules, until the normalization of the situation in Assam. There is no need to charge rent at market rate because I have not overstayed in the quarter. I request you to intimate the DGM (TS), RSP, SAIL accordingly.

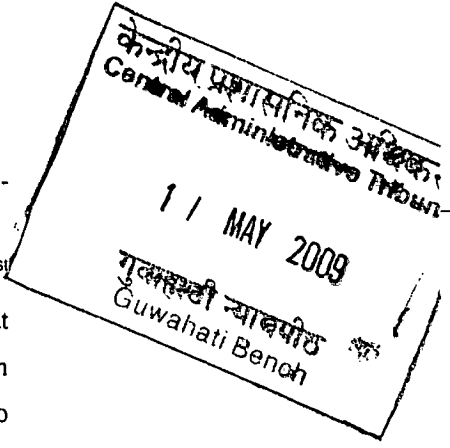
Thanking you.

Yours faithfully,

K. Padhan
26/5/07
K. Padhan,
Research Scientist
NIMR, Sonapur.

Copy to :

1. The Director, NIMR, 22-Sham Nath Marg, Delhi- 110 054
2. The Deputy General Manager (TS), Rourkela Stel Plant (SAIL), Rourkela, PIN-769 002 along with a brief extract of the relevant rules.



Dr. Vas Dev
Ph. D. (Notre Dame)
Officer-in-charge



Off: (0361) 2130920
Res: (0361) 2786019
Cell: 09435345154
E-mail: mrcassam@hotmail.com

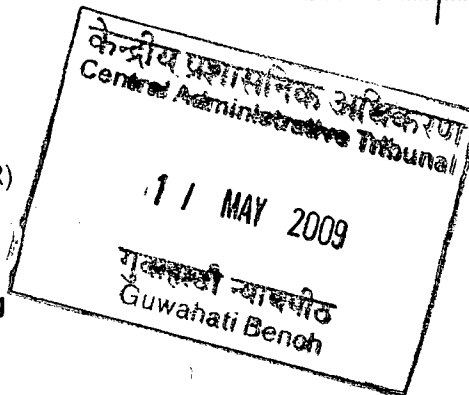
NATIONAL INSTITUTE OF MALARIA RESEARCH

(Indian Council of Medical Research)
Ministry of Health & Family Welfare
CHACHAL, VIP ROAD, SIX MILE, GUWAHATI - 781 022 (INDIA)

Our Ref: 201.....

Dated: 12/08/08

✓ Sh. K. Padhan
Research Scientist
National Institute of Malaria Research (ICMR)
Chachal, VIP Road, Six Mile
Guwahati - 22



Subject: Payment of house rent regarding

Dear K. Padhan,

I am enclosing copy of communication received from OIC, NIMR, Rourkela, and that of Sr. Admn Officer, NIMR, Delhi both dated 5 August 2008, which are self explanatory in nature. You are advised to settle the outstanding bills with the concerned authorities.

Sincerely,

(Vas Dev)
Officer-in-Charge

Copy for information to:

1. The OIC, NIMR, Rourkela (This has reference to your letter No. 2:4:2:08/ 316 dated 5 Aug 2008)
2. The Sr. Admn Officer, NIMR, Delhi (This has reference to your letter No. A/P-11(41)/90 Vol.-1/741 dated 5 Aug 2008)

Certified to be true Copy

Advocate

समन्वित रोग वाहक नियंत्रण परियोजना
क्षेत्रीय इकाई
INTEGRATED DISEASE VECTOR CONTROL PROJECT
FIELD UNIT



Under the administrative control of
राष्ट्रीय मलेरिया अनुसंधान संस्थान
NATIONAL INSTITUTE OF MALARIA RESEARCH
SECTOR - 5, ROURKELA - 769 002, ORISSA, INDIA
E-mail : mrcrkl@dataone.in
Tel. : 0661 - 2647300
Fax : 0661 - 2641207

Ref.No.2:4:2:08/ 316

Date:5.8.08

The Officer-In-Charge
National Institute of Malaria Research
Charhal, VIP Road
Six Mile, Khana Para
Guwahati-781022, (Assam)
Sir,


BY SPEED POST

The SAIL(RSF),Qr.No.H-82, Sector-2, Rourkela was allotted to Mr.K.Padhan, and as per SAIL rules, he has been charged house rent at market rate because he has not vacated the quarter within two months of his leaving this place. We have received a demand notice bill (copy enclosed) for Rs.60331.00 towards rent, water charges and electricity charges of above mentioned staff quarter upto 30.6.08. Therefore, it is requested to kindly instruct Mr.Khageswar Padhan, Research Scientist to deposit the abovesaid payment with SAIL under intimation to the undersigned at the earliest.

An early action in the matter is required.

Yours sincerely,

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी न्यायपीठ
Guwahati Bench


(Dr.S.K.Sharma)
Officer-In-Charge

Copy to: The Director, NIMR, Delhi-110 054 for kind information and necessary action.

Certified to be true Copy

 Advocate

NATIONAL INSTITUTE OF MALARIA RESEARCH
(Indian Council of Medical Research)
22-Sham Nath Marg, Delhi-110054.

No.A/P-11(41)/90 Vol.-I/ 741

Dated : Aug 05, 2008

Officer-in-charge
National Institute of Malaria Research
Field Unit, Sonapur
Chachal, VIP Road, Six Mile, Guwahati
Assam # 781022

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी बेंच
Guwahati Bench

Subject : Payment of house rent of SAIL(RSP) Qr. No. H-82, Sector - 2, Rourkela allotted to Mr. K. Padhan, Research Scientist at present posted at Field Unit, Guwahati, Assam

Sir,

This has reference to the letter No. 2:4:2:08/246 dated 9.6.2008 addressed to you with a copy to the Director, NIMR, Delhi by OIC, Field Unit, Rourkela on the cited subject.

Please let this office know the action taken in this regard urgently.


Yours faithfully,



(J.P. Verma)
Sr. Admn. Officer
For Director

11/8/08
Received letter no
2:4:2:08/316
dt - 5/8/08 of OIC, NIMR, Rourkela
R.P. 11/8/08

Certified to be true Copy

 Advocate

National Institute of Malaria Research (Field Station)
VIP Road, Chachal, Six Mile, Guwahati-781 022

To
The Officer-in-Charge
National Institute of Malaria Research
Sector-5, Rourkela -769 002

August 12, 2008

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी न्यायापीठ
Guwahati Bench

(Through proper channel)

Sub: - Payment of License Fees and allied charges in respect of the residential accommodation.

Ref: - Your Letter No. 2:4:2:08/316; dated 05/08/2008 addressed to the OIC, NIMR, Guwahati.

Sir,

Please refer to your letter cited above wherein you have attached a bill for LICENSE FEES and allied charges in respect of the residential accommodation (Qr. No. H-82, Sector-2, Rourkela) allotted to me. The total amount of the bill is Rs.60,331 (Rupees sixty thousand three hundred thirty one only) which includes current demand for the for the period 01-04-2008 to 30-06-2008 and arrears up to the previous quarter.

Before this I had received another bill amounting Rs.5028 (Rupees five thousand twenty eight only) towards the License fees etc. for the period 01-07-2007 to 30-09-2007 and arrears up to the previous quarter. I have already paid that amount through Receipt No. RSP/TS/47452; dated 19-12-2007 (photocopies of the bill and money receipt attached). As such all the dues in respect of the residential accommodation until September, 2007 have been paid and there is some sort of error in the accounting of the bill provided by you.

Therefore I request you to provide a detailed bill specifying LICENSE FEES, water charge and electric charges etc. (month wise) for the amount Rs.60,331/- as claimed by you, so that I can take further action on the matter. An early action on this matter is solicited.

Thanking you.

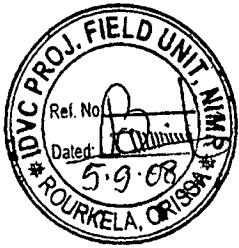
Yours faithfully,

[Signature]
K. Padhan
Research Scientist
NIMR, Guwahati

Enclosures : As above

Copy to: The Director, NIMR, 22 - Sham Nath Marg, Delhi - 110 054 with reference to the letter No. A/P-11(41)/90 Vol-1/741; dated 05-08-2008 for kind information and necessary action.

Ref: No: 203 dt. 12/8/2008



Forwarded: To, Director / o/c Rourkela.

[Signature]
Name: George
NIMR, Guwahati

Certified to be true Copy

[Signature]
Advocate

Ref. No. 383

To
The Senior Administrative Officer
National Institute of Malaria Research
22 - Sham Nath Marg
Delhi - 110 054.

23rd September 2008



(Through proper channel)

Sub: - Payment of license fee/house rent, water charges and electric charges in respect of
Qr. No. H-82, Sector-2, Rourkela.

Sir,

This has a reference to your letter No. A/P-11(41)90/266; dated 02-09-2008. You have stated that, I am not paying rent and other charges to SAIL. You have further asked me to settle the matter with the SAIL or else you would recover the amount from my salary.

In this connection I may mention that the question of not paying house rent and other charges does not arise under any circumstance. I have been paying house rent and other charges as and when the bill for the same were provided to me by the Officer-in-Charge, NIMR, FS, Rourkela. I have paid Rs. 2672/- vide MR No. RSP/TS/38308, dated 28-02-2007, Rs.4044/- vide MR No. RSP/TS/39896, dated 10-05-2007 and Rs.5028/- vide MR No. RSP/TS/47452, dated 19-12-2007, on the basis of the bills provided by the Officer-in-Charge, even after my transfer to NIMR, Sonapur/Guwahati.

There is error in the amount of Rs.60,331 claimed by Dr. S.K. Sharma, OIC resulting in delay in the payment of the current bill. I have requested him to provide a detailed bill specifying LICENSE FEE, water charges and electric charges for the amount of Rs.60,331 (month wise) vide my letter dated August 12, 2008, endorsing a copy thereof to the Director, NIMR (copy of that letter enclosed for your reference). However, he has not provided the desired bill until today. I shall take necessary action after receiving the desired information from him.

I would like to inform you that, RSP, SAIL has allotted three residential quarters including H-82, Sector-2 to the Officer-in-Charge, Malaria Research Centre, Rourkela, vide Allotment Order No. 30 and Ref. No. TS/NEA/2001; dated 27-03-2001. Dr. S.K. Sharma, OIC

Page 1 of 2

Certified to be true Copy


Advocate

has signed the occupation report of the quarter, dated 27-04-2001 and the quarter is with the possession of the Officer-in-Charge as per official record. (Copies enclosed for your reference). As per the terms of the allotment order the allottee is liable to pay rent @ Rs.1.05 per sq. ft. of plinth area (Rs 787.50 per month for a quarter having 750 sq. ft. plinth area) as applicable to Public Sector Undertaking Units.

Therefore, I send herewith an account payee cheque (No.069948; dated 19-09-08) of UCO Bank, Rourkela for an amount of Rs. 14,256 (Rupees fourteen thousand two hundred and fifty six only) drawn in favour of the SAIL (RSP) towards LF/HR, EC and WC for the period 01-10-2007 to 30-09-2008 as per the terms of the allotment order. The split-up of the amount is given below:

- 1) LF/HR @Rs.788/month x12 (October 2007 to September 2008):- Rs 9456.00
- 2) WC @Rs. 50/month x 12 (October 2007 to September 2008):- Rs. 600.00
- 3) EC @Rs.350/month x12 (October 2007 to September 2008):- Rs.4200.00

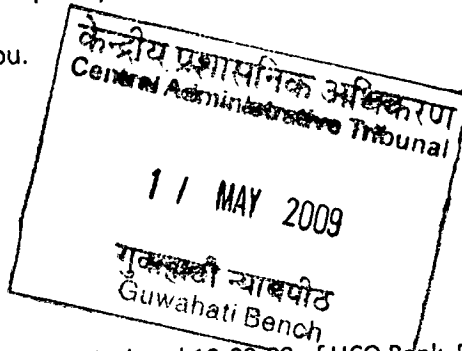
TOTAL :- Rs.14,256.00

The electric charges are tentative and the excess payment/short fall, if any, on the basis of actual consumption will be adjusted in the subsequent bills.

I request you to take necessary action for depositing the cheque with the RSP authorities and dispatching the original money receipt to me through registered post.

Therefore I request you not to recover the amount from my salary.

Thanking you.



Yours faithfully,
[Signature]
K. Padhan
Research Scientist

Enclosures:

1. Cheque No. 069948; dated 19-09-08 of UCO Bank, Rourkela.
2. Copies of the orders and letters mentioned above.

Page 2 of 2

Forwarded
Vand
24/9/08
Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

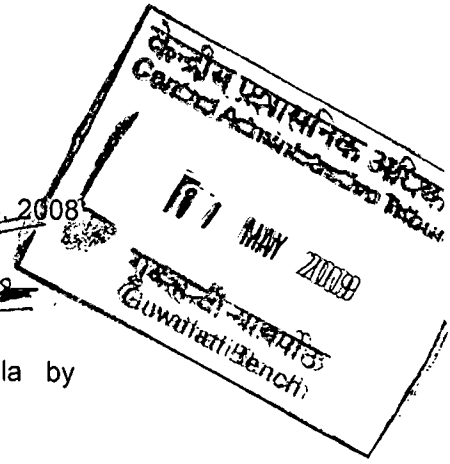
NATIONAL INSTITUTE OF MALARIA RESEARCH
INDIAN COUNCIL OF MEDICAL RESEARCH
22-SHAM NATH MARG, DELHI-110054

No: A/P-11(41)90/ 1090

Dated: October 14, 2008

MEMORANDUM

Regd AD 2




Sub: Payment of dues against quarter No. H-82, Sector - 5, Rourkela by Sh. K. Padhan, Research Scientist

This has reference to his application dated 23.09.2008 on the subject cited above.

The cheque No. 069948 dated 19.09.2008 for Rs.14,256.00 (Rupees fourteen thousand two hundred fifty six only) in favour of SAIL, RSP, Rourkela towards payment of dues against quarter No. H-82, Sector - 5, Rourkela allotted to him is returned herewith with the instructions that the payment may be sent to the concerned agency directly through Officer-in-charge, Field Unit, Rourkela under the intimation to the undersigned within 15 days from the date of receipt of this letter along with NO DUES CERTIFICATE FROM THE CONCERNED AGENCY OR OIC, FIELD UNIT, ROURKELA failing which action will be taken as intimated in our earlier letter.

This is the last and final order. No further correspondence will be entertained in this regard.

Encl: Cheque No. 069948
dt. 19.09.08 for Rs. 14256/-


(J.P. Verma)
Sr. Admn. Officer
For Director


8/12/08

Sh. K. Padhan
Research Scientist
NIMR, IDVC, Field Unit
Chachal, VIP Road, Six Mile, Guwahati
Assam # 781022

Through : OIC, NIMR, Field Unit, Guwahati

- C.C. to : 1. OIC, NIMR, IDVC, Field Unit, Rourkela
2. OIC, NIMR, IDVC Field Unit, Guwahati

Certified to be true Copy


Advocate

The Officer-in-Charge
National Institute of Malaria Research
Sector-5, Rourkela

Date 04-12-2008

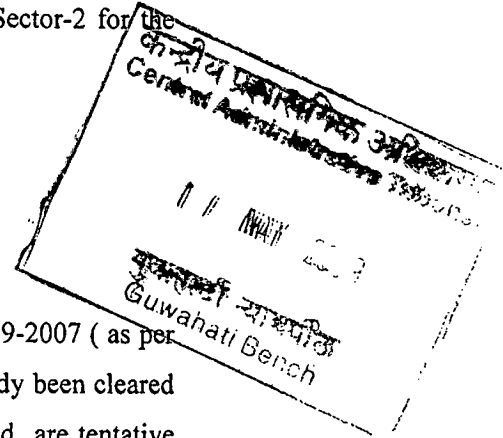
Sub: Payment of License fee, water and electric charges in respect of the Qr. No. H-82, Sector-2.

Sir,

Please find herewith a Cheque (No. 069949 ; dated 04-12-2008) for an amount of Rs 14,256 (Rupees Fourteen thousand two hundred fifty six only) drawn in favour of SAIL, RSP towards license fee, water and electric charges in respect of Qr No. H/82, Sector-2 for the period from 01-10-2007 to 30-09-2008 as given below :

- 1. LF/HR @ Rs 788/ month x 12 months = Rs 9456.00
- 2. WC @ Rs 50/ month x12 months = Rs. 600.00
- 3. E.C. @ Rs 350/ month x12 months = Rs. 4200.00

Total = Rs 14,256.00



It may be noted that all the dues in respect of H/82, Sector-2 until 30-09-2007 (as per the Bill No . 11/00015; dated 12-10-07 of the RSP provided by you) has already been cleared vide MR No. RSP/TS/47452; dated 19-12-2007. The electric charges being paid are tentative and excess payment/short fall, if any, may be adjusted in the subsequent bill.

It may be noted further that, the payment is being done as per the terms of the allotment order No. 30; dated 27-03-2001 which is still in force.

I may request you is take necessary action for depositing the cheque with the RSP authorities and dispatching the original money receipt to me through registered post.

Thanking you.

Yours faithfully
(Signature)
(K. Pradhan)
Research Scientist

Enclosures: Cheque No. 069949; dated 04-12-2008 of UCO Bank, Rourkela.

Copy to : The DGM, Town, Services, Rourkela Steel Plant. for kind information.

Certified to be true Copy

(Signature)
Advocate

समन्वित रोग वाहक नियंत्रण परियोजना
क्षेत्रीय इकाई
INTEGRATED DISEASE VECTOR CONTROL PROJECT
FIELD UNIT



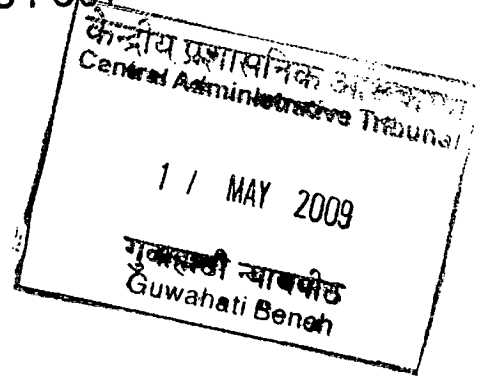
Under the administrative control of
राष्ट्रीय मलेरिया अनुसंधान संस्थान
NATIONAL INSTITUTE OF MALARIA RESEARCH
SECTOR - 5, ROURKELA - 769 002, ORISSA, INDIA
E-mail : mrcrkl@dataone.in
Tel. : 0661 - 2647300
Fax : 0661 - 2641207

Ref.No. 2:21:2:08/534,

Date:23.12.08

Mr.K.Padhan
Research scientist
National Institute of Malaria Research
Field Unit
Guwahati

BY SPEED POST

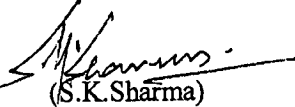


Sub: Payment of License fee, water & electricity charges in respect of
Qr.No.H-82.....reg.
Ref. Your letter dated 4.12.08.

Dear Mr. Padhan,

With reference to your letter dt.4.12.08 alongwith a cheque for Rs.14,256 in favour of SAIL RSP towards payment as mentioned above, Mr.M.K.Rao, UDC & Mr.R.C.Sethi, Clerk were deputed to deposit the cheque & clarify the matter with SAIL authorities. The SAIL authorities have told that Qr.No. H-82, Sec-2 is under illegal occupation as per SAIL rules and being charged market/penal rent. The total outstanding rent upto Sep'2008 is Rs.73927.00 as per details already provided to you. As the outstanding amount against you is quite high, therefore, RSP, SAIL has refused to accept your cheque with the so called terms mentioned by you in your letter.

In the circumstances and facts stated above your cheque no.069949 dt.4.12.08 for Rs.14,256.00 is returned herewith and you are advised to deposit the market/penal rent as per details already provided to you.


(S.K.Sharma)
Officer-In-Charge

- Copy to:
1. The Director, NIMR, Delhi
 2. The Officer-In-Charge, NIMR, FS, Guwahati
 3. The Deputy General Manager, Town Services, RSP, Rourkela

Certified to be true Copy


Advocate

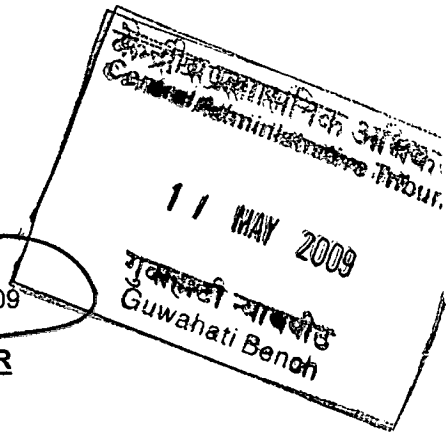


National Institute of Malaria Research
(Indian Council of Medical Research)
22, Sham Nath Marg, Delhi - 110054.

No. A/P-1 (41)90

1658

27.2.09
BY COURIER



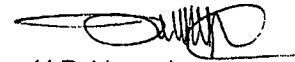
Memorandum

Sub: Recovery of dues for quarter no. H-82, Sector-2, Rourkela occupied by Shri K. Padhan, Research Scientist.

It has been noticed that Shri K. Padhan has occupied SAIL (RSP) quarter no. H-82, Sector-2, Rourkela. Since he has been selected for the post of Research Scientist at NIMR Field unit Guwahati, he was relieved from his duties from Rourkela field unit on 22 September, 2006. However, it is noticed that he is still occupying the quarter. As per SAIL rules, the occupants should have vacated the quarter from the date he left Rourkela.

It is further noticed that he is having the dues of Rs. 83,077.00 towards the license fee and other charges upto 31st December, 2008 and this office asked him to settle the amount with the SAIL office and vacate the quarter immediately. But he has failed to do so.

Under the circumstances mentioned above, OIC Delhi has decided to recover the dues of Rs. 83,077.00 in ten monthly instalments from his salary from the month of March onwards. He is further instructed that he should vacate the quarter immediately and dues, if any, after 31st December, 08 should also be settled before vacating the quarter.

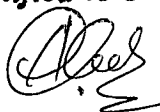

(J.P. Verma)
Sr. Admn. Officer
For Officer-Incharge

✓ Shri K. Padhan
Research Scientist
NIMR Field Unit
Guwahati

Cc to:

1. The OIC, NIMR Field Unit, Guwahati
2. The OIC, NIMR Field Unit, Rourkela
3. Accounts section
4. Bill section

Certified to be true Copy

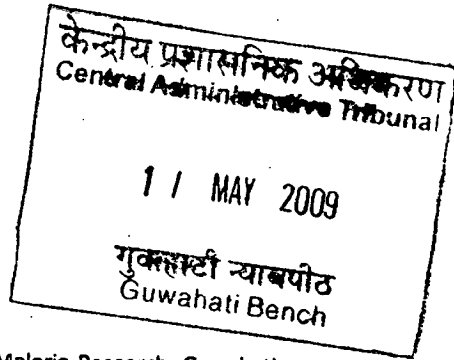

Advocate

National Institute of Malaria Research
VIP Road, Chachal, Guwahati - 781 022

To

The Director
National Institute of Malaria Research
22 - Sham Nath Marg
Delhi - 110 054

6th February 2009.



(Through proper channel)

Sub: - Representation for transfer -regarding.

Respected Sir,

I have been posted as Research Scientist in the National Institute of Malaria Research, Guwahati since 26-09-2006. Prior to this I was posted at NIMR Field Station, Rourkela. I have already completed more than 18 years of service in the IDVC Project of NIMR.

My son and daughter are studying in class-VI and class-III respectively at Rourkela. Both of them have opted for Oriya as the First Language Subject in schools which is not available in the curriculum of any of the schools located at Guwahati. Because of this I am unable to bring my family members to Guwahati and I am subjected to a lot of mental stress.

The weather of Guwahati is also not conducive to my health. This coupled with my mental stress has resulted in the deterioration of my health leading to frequent medical treatment.

In addition to the above I have completed my full tenure of 2 years at a place in the North Eastern Region as I have completed more than 10 years of service in the organization and I am entitled for posting to a station of my choice.

Therefore I request you, earnestly, to transfer me to Rourkela Field Station of National Institute of Malaria Research for which myself as well as my family members shall be ever grateful to you.

Thanking you.

Yours faithfully,

K. Padhan
K. Padhan
Research Scientist

Ref. No: - 6.02.....

Date: - 06/02/09

Forwarded to the Director, National Institute of Malaria Research, 22-Sham Nath Marg, Delhi - 110 054 for kind information and necessary action.

Vand
Officer-in-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

Certified to be true Copy

[Signature]
Advocate

NATIONAL INSTITUTE OF MALARIA RESEARCH
(Indian Council of Medical Research)
22-Sham Nath Marg, Delhi # 110 054

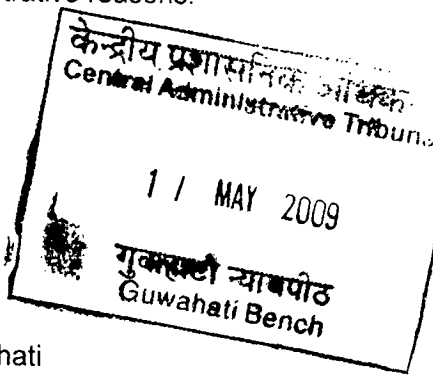
No. A/P-11(41)/90/ 1760


Dated : March 18, 2009

Memorandum

Subject : Request for transfer of Sh. K. Padhan, Research Scientist from Field Unit Guwahati to Field Unit, Rourkela

This has reference to his application dated 06.02.2009 on the subject cited above. It is regretted to inform that it is not possible to consider his request for transfer from NIMR, Field Unit, Guwahati to NIMR, Field Unit, Rourkela at present, due to administrative reasons.




(J.P. Verma)
Sr. Admn. Officer
For Officer-in-Charge

Sh. K. Padhan
Research Scientist
NIMR, Field Unit, Guwahati

Copy for information to :

OIC, NIMR, Field Unit, Guwahati

Certified to be true Copy


Advocate

NATIONAL INSTITUTE OF MALARIA RESEARCH
(INDIAN COUNCIL OF MEDICAL RESEARCH)
22 SHAM NATH MARG, DELHI-110 054

Application for seeking information under Right to Information Act, 2005.

To
Dr. R.C. Dhiman
Scientist 'F' and CPIO

No.1/2008

PART-I

1. Name of the Applicant	Khageswar Pradhan
2. Gender: Male/Female	Male
3. Father's / Mother's full Name	Lingaraj Pradhan
4. Address for correspondence: (with Pin Code):	H-82, SECTOR-2 ROURKELA, ORISSA PIN - 769 006
5. Telephone/Mobile No. E-mail ID (if, any)	094 355 52180, 094 382 47743 kpradhanmrcrkl@rediffmail.com kpradhan4@gmail.com

PART-II

1. Specify the particulars of the information sought for in a separate sheet:-	Please see annexure-1
2. Whether the information sought for is required to be supplied. a. In printed form. b. In diskette or floppy.	The information is required to be sent to the address for correspondence in printed form and a copy of the same to be sent by E-mail.
3. Whether inspection of records also sought.	Yes, all the records in relation to the information sought, with reference to the Points 1 & 3 of annexure-1
4. Whether application fee Rs.10/- (Rupees ten only) paid and, if so, please specify mode of payment (Cash/Demand Draft/ Indian Postal Order payable to "Director, National Institute of Malaria Research, Delhi") a. Please give details of the Demand Draft/ Banker's cheque/Indian Postal Order enclosed.	Yes Indian Postal Order No:- 43C 688177, 43C 688178 Date:-23-09-08 Post Office: - Khanapara, Guwahati- 22

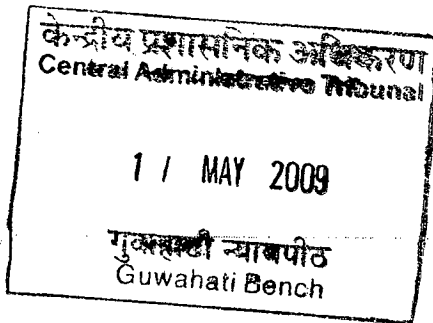
Declaration of the applicant.

I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country.

Place: Guwahati
Date: 23-09-2008

(Signature of the applicant)

[Handwritten Signature]
23/9/08



Certified to be true Copy

[Handwritten Signature]
Advocate

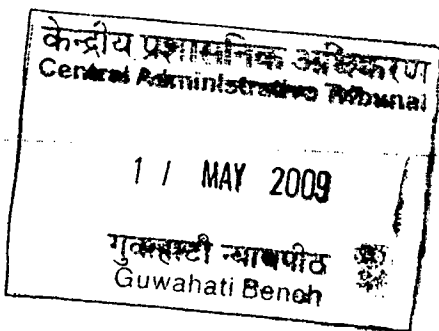
ANNEXURE - 1

Rourkela Steel Plant, SAIL (PSU) has allotted three residential quarters including the Qr. No. H-82, Sector-2 to the Officer-in-Charge, Malaria Research Centre, Rourkela, vide Allotment Order No. 30 and Ref. No. TS/NEA/2001; dated 27-03-2001 (Copy enclosed). The Officer-in-Charge has signed the occupation report of the Qr. No. H-82 and the quarter is under the possession of the Officer-in-Charge as per official record. However, he has allotted the quarter to me for residential purpose by issuing an office order. Subsequently several other quarters were also allotted to the Officer-in-Charge vide allotment orders issued from time to time and the OIC has allotted these quarters to the employees of NIMR. The bills regarding license fee/ house rent, water charges and electric charges in respect of all the residential quarters and office building are made in the name of the Director and all the payments are also done on behalf of the Director, Malaria Research Centre.

As per the terms of the allotment order the allottee is liable to pay rent @ Rs.1.05 per sq. ft. of plinth area (Rs 787.50 per month for a quarter having 750 sq. ft. plinth area) as applicable to Public Sector Undertaking Units. During December 2007 the OIC had provided me a bill for Rs.5028 towards the LF, WC and EC for the period 01-07-2007 to 30-09-2007 including all the arrears until then. The amount (Rs.5028) has already been paid vide M.R. No. RSP/TS/47452; dated 19-12-2007. Recently the OIC has further claimed an amount of Rs.60, 331 towards LF, WC and EC in respect of the quarter until 30-06-2008. I have requested the OIC to provide month wise details of his claim vide my letter dated August 12, 2008 as I was not convinced about the justification of his claim. However, he has not provided the desired information until today. The S.A.O. has also asked me to settle the matter within one month or else he would recover the amount from my salary.

I request you to provide the following information vis-a-vis the facts presented above within one month as stipulated in the RTI Act-2005.

1. Amount of license fee/house rent, water charges and electric charges in respect of the Quarter No. H-82, Sector-2, Rourkela from January 2006 to June 2008. The information is to be provided month wise under the columns amount due, amount paid and balance to be paid, if any. If the amount of house rent is variable in different months, the nature of the rent i.e license fee, subsidized rent as applicable to PSUs/ autonomous organizations, market rent, panel rent etc. should also be



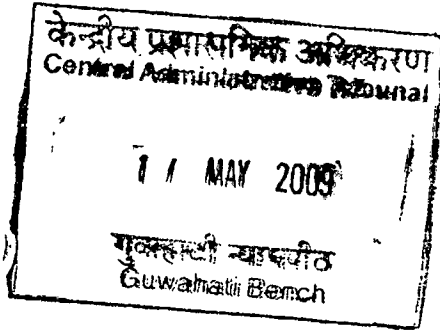
231 9108

mentioned against each month. The units of electricity consumed and rate per unit in different months should also be given for electric charges.

2. Certified copies of rules/guidelines (only the relevant portion) on the basis of which the rate/amounts of house rent, electric charges etc. have been determined.
3. Certified copies of all correspondence between Officer-in-Charge, Rourkela Steel Plant, Director, MRC/NIMR and Mr. K. Padhan, ARS/RS in respect of the Qr. No. H-82, Sector-2, Rourkela. Please attach a duly signed list/index of the letters/correspondence provided.
4. Please provide information on the nature of the rent in respect of the quarters. In other words whether the rent of Rs.1.05 per sq. ft. of plinth area (Rs 787.50 per month for a quarter having 750 sq. ft. plinth area) is the license fee, subsidized rent as applicable to PSUs/ Autonomous Organizations or market rent?
5. Please provide a certified copy of the Rules or a duly signed statement on the Rules governing the payment of House Rent Allowances to the employees of NIMR and IDVC Project. I request you further to inform me whether an employee of NIMR is entitled for HRA when he is provided with a quarter by a Public Sector Undertaking at a subsidized rent and/or is not paying rent at market rate?

[Handwritten Signature]
23/5/08

(Signature of the applicant)



Note:

Although I am not required to give reason for seeking information under RTI Act, I would like to give reason for the same in order to avoid any kind of misunderstanding. Dr. S.K. Sharma, OIC has threatened me to disconnect water and electric supply to the quarter and even remove my family members from the quarter physically. I need the information urgently in order to protect myself and my family members from the harassment of Dr. S.K. Sharma. (This note may not be treated as a part of the application)

STEEL AUTHORITY OF INDIA LIMITED
ISPAT BHAWAN, LODHI ROAD
NEW DELHI - 110 003

Application for seeking information under Right to Information Act, 2005.

To
Shri G.G. Gautam,
AGM (Personnel) & CPIO

केन्द्रीय प्रशासनिक अपीलकर्ता
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी न्यायालय
Guwahati Bench

PART-I

1. Name of the Applicant : Khageswar Pradhan

2. Gender: Male/Female : Male

3. Father's / Mother's full Name : Lingaraj Pradhan

4. Address for correspondence: (with Pin Code):
C/o Mr. P.K. Das, House No. 15,
MONI MUGDHA NAGAR, CHACHAL
PO: - KHANAPARA
GUWAHATI - 781 022

5. Telephone/Mobile No. : 094 355 52180
E-mail ID (if, any) : kpradhan4@gmail.com

PART-II

1. Specify the particulars of the information sought for in a separate sheet:- Please see annexure-1

2. Whether the information sought for is required to be supplied.
a. In printed form.
b. In diskette or floppy. The information is required to be sent to the address for correspondence in printed form and a copy of the same to be sent by E-mail.

3. Whether inspection of records also sought. No

4. Whether application fee Rs.10/- (Rupees ten only) paid and, if so, please specify mode of payment (Cash/Demand Draft/ Indian Postal Order payable to "Steel Authority of India limited, New Delhi")
Yes
Indian Postal Order

a. Please give details of the Demand Draft/ Banker's cheque/Indian Postal Order enclosed. No:- 43C 688181, 43C 688182 Date:-23-09-08
Post Office: - Khanapara, Guwahati- 22

Declaration of the applicant.

I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country.

Place: Guwahati
Date: 23-09-2008

(Handwritten Signature)
23/9/08
(Signature of the applicant)

Certified to be true Copy

(Handwritten Signature)
Advocate

ANNEXURE - 1

Steel Authority of India Limited has several steel plants located in different parts of the country with residential colonies. In addition to providing residential accommodations to its own employees, SAIL also provides residential accommodations to Central Government Departments, Autonomous Organizations and other Public Sector Units depending upon the availability of surplus quarters. Therefore it is expected that SAIL may have certain policies/guidelines for providing residential accommodations to Central Government Departments, Autonomous Organizations and other Public Sector Undertakings.

In this context I request you to provide the following information under Section 6 of the RTI Act-2005 within the time frame stipulated in the Act.

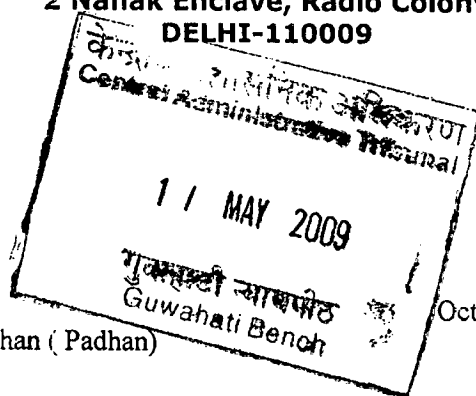
1. Certified copy of SAIL Rules governing the allotment of residential quarters to Public Sector Units, Central Government Departments and Autonomous Organizations; rates of license fee/ house rent at subsidized, market and panel rates applicable to these organizations; definition of retention of/overstay in quarters in the context of the above Rule; terms and conditions for retention of quarters by the employees of the respective Organizations; terms and condition for charging house rent at market rate and panel rate
2. When a number of quarters are allotted/handed over to a Central Government / Autonomous Organization or PSU and the quarters are with the possession of the concerned Department/Organization, the subsequent allotment of quarters by the H.O.D. of the respective Department/organization to its employees is to be governed by which Rule i.e. SAIL Rule or the Rule of the respective organization?
3. Certified copy of the guidelines for action to be taken by SAIL against the Department/Organization to which quarters have been allotted or against the employees who have been allotted SAIL quarters by Head of the Departments of the respective organizations, for delay in payment of house rent due to dispute over the charging of house rent at market and panel rate. This information should be provided with special reference to the case in which a Steel Plant under SAIL has allotted a number of quarters to an autonomous organization under Central Government/ PSU and the Head of the Department of that Organization has allotted quarters to its employees.
4. A Steel Plant under SAIL has executive flats with a plinth area of 750 sq.ft.. The Steel Plant provides such executive flats to its own employees and Central/ State Government employees at a nominal license fee of Rs.62 per month. However, the same executive flat is provided to PSUs and Autonomous Organization at a rent of Rs.1.05 per sq. ft. per month (Rs.778.50 per month). Please provide information on whether the rate of Rs.1.05 per sq.ft. per month is license fee, subsidized rent or market rent?

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal
11 / MAY 2009
गुवाहाटी ब्रांच
Guwahati Bench

[Handwritten Signature]
23/5/09

(Signature of the applicant)

National Institute of Malaria Research
(Indian Council of Medical Research)
2 Nanak Enclave, Radio Colony
DELHI-110009



RTI 18.
/08

Shri Khageswar Pradhan (Padhan)
H-82, Sector-2
Rourkela, Orissa
PIN-769006

October 27, 2008

Subject: Supply of information under RTI Act 2005 (Your letter No 1/2008).

Sir,

Reference to your letter No 1/2008 received on 27th Sept 2008, on the above mentioned subject, the information required by you is being provided as under:

1. The details of the house rent being charged by SAIL in respect of Qr.No.H-82, Sector-2 is attached herewith. Mr. K. Padhan was relieved from Rourkela field station on 22.9.2006 and as per SAIL rules market/Penal rent from the defaulter party has to be charged beyond 2 months of overstay. In respect of SAIL quarter No. H-82, Sector-2, the market/penal rent is being charged w.e.f. 23.11.2006.
2. There is no codified Rules for allotment of RSP quarters to non-employees. Allotment of RSP quarters to non-employees is done on the request from State/Central Institutions on a case-to-case basis on the approval of MD, RSP and in case of defaulting parties, market/Penal rates are charged as applicable to SAIL employees.
3. All correspondence between Officer-In-Charge and Mr.K.Padhan regarding Qr.No.H-82, Sector-2 has also been duly communicated to RSP(SAIL) and Director, NIMR and the original letters of correspondence on the matter are already with Mr. K. Padhan.
4. The amount charged by SAIL @ Rs.1.05 per sq.ft. plinth area of house is the monthly house rent being paid by NIMR staff occupying SAIL quarters.

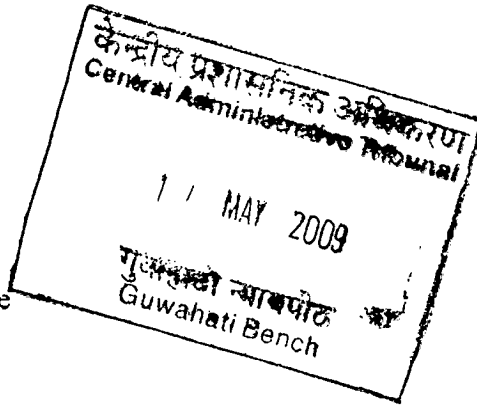
Certified to be true Copy


Advocate

5. HRA to the employees of NIMR and IDVC are being paid as per Govt. of India rules. HRA to NIMR/IDVC staff staying in SAIL quarters is being paid in the light of the judgement delivered on 30.6.2003 by Hon'ble CAT, Jabalpur on O.A. No.268 of 1998. (Summary judgement as appeared in Swamys news 2/2004).

Points mentioned in footnote are not being attended as the applicant has mentioned that "This note may not be treated as a part of the application".

It may be noted that the appellate authority on administrative matters is Mrs Brij Bala, Sr Administrative Officer, ECD I & II, Indian Council of Medical Research, V Ramalingaswami Bhawan, Ansari Nagar, New Delhi-110029



Encl: As stated above

Yours faithfully

Rishman

(Dr R C Dhiman)

Scientist F & PIO, NIMR
For Director

स्टील अथॉरिटी आफ इंडिया लिमिटेड

बोकारो स्टील प्लांट

इस्पत भवन

बोकारो स्टील सिटी-

ग्राम : बोकारो

स्पीड पोस्ट

STEEL AUTHORITY OF INDIA LTD

BOKARO STEEL PLANT

ISPAT BHAWAN

DIST BOKARO(JHARKHAND)

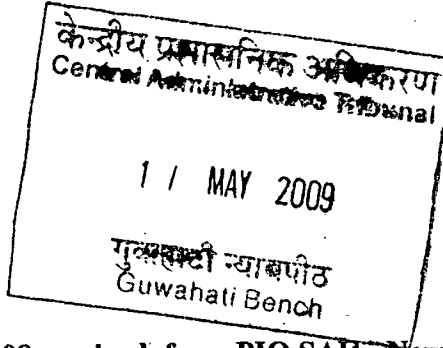
GRAMBOKSTEEL

FAX NO.06542-2 40227

Dated: 10.11.2008

No. BSL/RTI-492/08-3079

To
Shri Khageswar Pradhan
C/o Mr. P .K . Das,
House No. 15,
Monei Mugdha Nagar,
Chanchal, P/O. Khanpara,
Guwahati - 781022



Sub: Your application dated 23.09.08 received from PIO SAIL, New Delhi

Sir,

In response to your application above referred, information received from concerned department in four (4) pages in annexed herewith.

Yours faithfully,
For SAIL, Bokaro Steel Plant

P.S. Dviwedi
12-11-08

(P.S.Dviwedi)

AGM (Pers-RTI/VIP Ref/PQ) & PIO

Encl: As above.

Certified to be true Copy

[Signature]
Advocate

Point-wise reply in the context of Bokaro Steel Plant is as under:

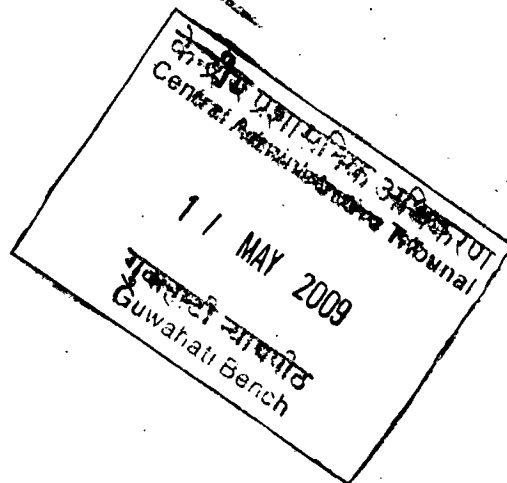
1. Allotment of quarters to other PSUs, Central Government departments and autonomous organizations is done on case to case basis, depending on its individual merit, with the approval of the competent authority. Copies of house rent charged from these organizations is enclosed as annexures I & II.

Definition of overstay in quarters allotted to the aforesaid organizations and the rules thereof pertaining to the terms and conditions of retention of quarters by their employees is governed by their own organizational policies.

2. When a number of quarters are allotted / handed over to Central Govt /autonomous organizations or with PSUs and the quarters are with the possession of the concerned department/organization, the subsequent allotment of quarters by the HoD of the respective department/organization to its employees is to be governed by the rules of the respective organization.
4. BSL does not have any executive flat with a plinth area of 750 sq feet. Hence , we are unable to comment on the referred rent of Rs 1.05 per sq feet per month.

Dr. Mishra
27/10/08

Sr. Mgr. (L&E)



Reply to Point No. 3

The allottee Department/ organization is wholly responsible for payment of dues to SAIL/BSL. Due care is taken for amicable settlements of all disputes related to bills. However, bill revision is taken up on the merit of the individual case.

It is expected that clearance of dues be given priority over settlement of disputes, i.e. bill- disputes can not be the basis for non-payment/ delay in payment of dues in general. Bill revision is also taken up even after clearance of dues, based on the merit of case.

Penal actions, (e.g. disconnection of electricity supply from the premises, cancellation of allotted premises etc) are being taken for cases of Non-payment / delay in payment of dues.

Handwritten signature
30/10/08

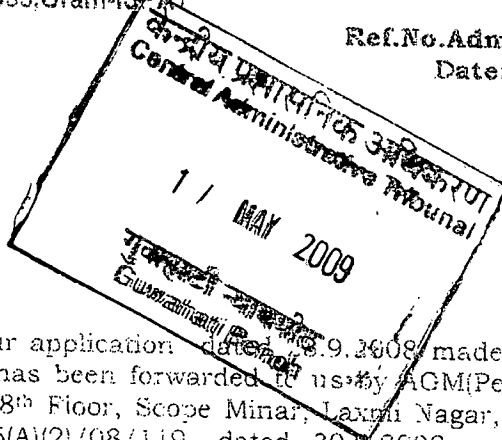
केन्द्रीय प्रशासनिक अधिकारिका
Central Administrative Tribunal
11 MAY 2009
गुवाहाटी बेंच
Guwahati Bench

स्टील अथॉरिटी ऑफ इण्डिया लि.
रूरकेला इस्पात संयंत्र
रूरकेला-769011, फेक्स: 0661-2510085, ग्राम-इस्पत
STEEL AUTHORITY OF INDIA LTD.
ROURKELA STEEL PLANT
Rourkela-769011, Fax: 0661-2510085, Gram-ISPAT



Ref.No.Adm/RI/791/343
Date: 21.11.2008

To
Sri Khageswar Pradhan,
Qr.No. H-82,
Sector-2,
Rourkela-769006.



Dear Sir,

Please refer to your application dated 30.9.2008, made under Right to Information Act, which has been forwarded to us by AGM(Personnel) & P.O. SAIL Corporate Office, 18th Floor, Scope Minar, Laxmi Nagar, New Delhi vide ref. no.PERS/RTI/B-425(A)(2)/08/119, dated 30.9.2008, seeking following information:-

Steel Authority of India Limited has several steel plants in different parts of the country with residential colonies. In addition to providing residential accommodations to its own employees, SAIL also provides residential accommodations to Central Government Departments, Autonomous Organisations and other Public Sector Units depending upon the availability of surplus residential accommodations to Central Government Departments, Autonomous Organizations and other Public Sector Undertakings.

In this context I request you to provide the following information under Section 6 of the RTI Act, 2005 within the time frame stipulated in the Act.

1. Certified copy of SAIL Rules governing the allotment of residential quarters to Public Sector Units, Central Government Departments and Autonomous Organizations; rate of license fee; house rent at subsidized market and panel rates applicable to these organizations; definition of retention of/overstay in quarters in the context of the above Rule; terms and conditions for retention of quarters by the employees of the respective organizations; terms and condition for charging house rent at market rate and panel rate.
2. When a number of quarters are allotted/handed over to a Central Government/Autonomous Organization or PSU and the quarters are with the possession of the concerned Department/Organization, the subsequent allotment of quarters by the H.O.D. of the respective Department/Organization to its employees is to be governed by which Rule i.e. SAIL Rule or the Rule of the respective organization?

Contd.P/2

पंजीकृत कार्यालय : इस्पत भवन, लोदी रोड, नई दिल्ली-110003.
Regd. Office : Ispat Bhawan, Lodi Road, New Delhi-110003.

Certified to be true Copy

Advocate

स्टील अथॉरिटी ऑफ इण्डिया लि.

राउरकेला इस्पॉट संयंत्र

राउरकेला-769011, फेक्स: 0661-2510085, ग्राम-इस्पॉट

STEEL AUTHORITY OF INDIA LTD.

ROURKELA STEEL PLANT

Rourkela-769011, Fax: 0661-2510085, Gram-ISPAT




(2)

3. Certified copy of the guidelines for action to be taken by SAIL against the Department/Organization to which quarters have been allotted or against the employees who have been allotted SAIL quarters by Head of the Departments of the respective organizations, for delay in payment of house rent due to dispute over the changing of house rent at market and panel rate. This information should be provided with special referent to the case in which a Steel Plant under SAIL has allotted a number of quarters to an autonomous organization under Central Government/PSU and the Head of the Department of that Organisation has allotted quarters to its employees.
4. A Steel Plant under SAIL has executive flats with a plinth area of 750 sq.ft. The steel Plant provides such executive flats to its own employees and Central/State Government employees at a nominal license fee of Rs.61/- per month. However, the same executive flat is provided to PSUs and Autonomous Organisation at a rent of Rs.1.05 per sq.ft. per month (Rs.778.50 per month). Please provide information on whether the rate of Rs.1.05 per sq.ft. per month is license fee, subsidized rent or market rent?"

On receipt of the cost towards fee for providing information, the informations as available are enclosed.

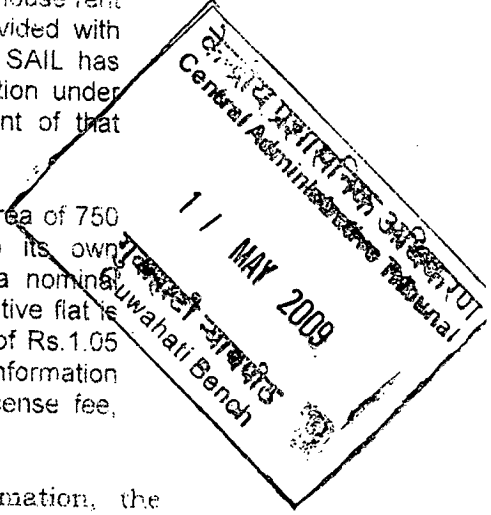
Yours Sincerely,


Central Public Information Officer/
Central Asst. Public Information Officer
Rourkela Steel Plant
Rourkela

Encl: As above (1 page)

N.B.: Appeal can be filed within 30 days, before First Appellate Authority,
Sri Balbir Singh, Executive Director(P&A), Rourkela Steel Plant, Rourkela.

पंजीकृत कार्यालय : इस्पॉट भवन, लोदी रोड, नई दिल्ली-110003.
Regd. Office : ispat Bhawan, Lodi Road, New Delhi-110003.



Enclosure to letter Ref.No.Adm/RI/791/343, dated.21.11.2008

Point:-1&2- The terms of allotment are as mutually agreed upon and stated in respective Allotment Orders.

Point:-3- In case of default in payment of rentals & other charges, letters are issued to higher authorities for releasing payments, asking for vacation and if required, allotment is cancelled, action for eviction under due process of law is taken.

Point:-4- Rs 1.05 per sqft. Per month is charged in respect of such qrs. towards Licence fee only.

True Copy

[Signature]
Central Asst. Public Information Officer
R.S.P, Rourkela

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
17 MAY 2009
गुवाहाटी बेंच
Guwahati Bench

30 JUL 2009

गुवाहाटी ब्याचरीठ
Guwahati Bench

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(d) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.


(2) That before traversing the paragraphs of the Original Application the respondents would like to Preliminary Objection, the Hon'ble Tribunal may be pleased to treat the same as an integral part of the Written Statement.

Preliminary Objection

1. That the present OA has been filed by the applicant seeking sanctioning of double HRA and also staying the recovery of the amount towards the licence fee for retaining the accommodation is totally untenable, false, frivolous, having no merits. It is submitted that the applicant is well aware if the fact that he while posted at Rourkela he was allotted a residential quarter only during his tenure at the said Project i.e. IDVC Project and his engagement in the said Project was purely ad-hoc and temporary post of Assistant Research Scientist and as such after leaving the said Project at Rourkela, he is neither entitled to retain the said quarter nor he can claim double HRA. In these circumstances, the present OA is not maintainable and liable to be dismissed.

2. That it is also a matter of record that the applicant was working in a project and his engagement is co-terminus with the said Project and this fact was duly intimated to him at the time of his engagement and as such he is not entitled to the relief claimed.

3. That the applicant is not a regular employee of ICMR. Since the applicant not regularly appointed with the ICMR to NIMR, he is not entitled to the benefits, which are admissible to the regular employees of ICMR.


Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

4. That the claim of the applicant with respect to double HRA since he is posted in North Eastern Region is not permissible as he is not a central Government employee. The said benefit is available only to the central Government employees who are posted in North eastern Region.

5. That the retention of the quarter at the previous place if posting for three years beyond the normal permissible period and sanctioning of double HRA is applicable only to the permanent regular employees and the temporary and adhoc employees like the applicant herein, cannot be equated with the regular employees in terms of granting such benefits and, therefore, the applicant is not entitled to the benefits as claimed by the applicant.

Where's
Rule
governing
this
aspect?

6. That the house allotted to the applicant being a project employee is the property of Rourkela Steel Plant (Steel Authority of India) and the same is not government quarter and the allottees of such accommodation are to be governed by the rules of SAIL and not by the Central Government Rules and as such the Respondents have no right over the property owned by SAIL.

7. That the applicant applied of the post pursuant to the advertisement and was selected for the temporary post of Research Scientist in IDVC Project at NIMR Field Unit at Guwahati. The terms and conditions of his engagement were as applicable to temporary IDVC project employees. The applicant was duly informed of this fact at the time of his interview and also the engagement and he gave his consent to the same and joined the post at Guwahati. In these circumstances, he is estopped from seeking double HRA on the basis of temporary appointment.

Vas De
Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati--781 022

30 2009

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Guwahati Bench

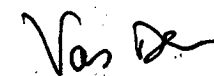
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8. That the post of the applicant at Guwahati is not arising out of the transfer, rather the fresh engagement on his application and selection for the post of Guwahati and in these circumstances he is not entitled to the benefit of transfer or retention of the quarter at a previous station. This is without prejudice to the contentions of the Respondents that the applicant is not a regular employee.

9. That since the residential quarters belong to SAIL, the same as per the rules are liable to be vacated and handed back to SAIL within two months of leaving Rourkela, otherwise penal market rent is to be charged for the excess period of stay in the quarter. The applicant was relieved from Rourkela on 22.9.2006. He was, therefore, issued a Memorandum dated 16.3.2007 to vacate the quarter so that the same is allotted to the next contender. Since he had failed to vacate the quarter, he had become an unauthorized occupant with effect from 23.11.2006 and as such liable to pay the penal rent at the market rate of Rs. 2000/- per month from 23.11.2006 to 5.4.2007 and at the revised rate at Rs. 3,000/- per month with effect from 6.4.2007 till the vacation of the quarter. The applicant has neither paid the rent nor vacated the quarter illegally occupied by him and in these circumstances he is liable to vacate and pay the penal rent and this Hon'ble Tribunal, with due respect, would not like to interfere in the orders of recovery of rent and vacating of the quarter by the applicant.

10. That with regard to the statement made in paragraph 1 of the OA, the answering respondents beg to submit that in view of the Preliminary Objection made above the applicant is not entitled to any relief.

11. That with regard to the statement made in paragraph 2 and 3 of the OA, the respondents beg to offer no comment.


Officer-In-Charge

National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781022

30 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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12. That with regard to the statements made in paragraphs 4.1 to 4.5, the answering respondents do not admit anything contrary to the record of the case.

13. That with regard to the statement made in paragraph 4.6 of the OA, the answering respondents beg to state that as per agreement with the SAIL authorities, the rent is charged during the allotment period on a subsidized rate but as per the rules after the occupant does not vacate the quarter after cessation of his engagement with the Project, he is liable to pay the market rate for such unauthorized occupation of the quarter.

14. That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to offer no comment on it.

15. That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to submit that the contentions made in this para are wrong. It is submitted that the dues of the quarter under illegal occupation of the applicant were paid by the applicant directly to SAIL which is evident from the rent receipts annexed with this reply as Annexure-R-1.

16. That with regard to the statement made in paragraph 4.9 of the OA, the answering respondents beg to submit that contents of the para are matter of record. However, the engagement at Guwahati is not transfer of the applicant.

17. That with regard to the statement made in paragraph 4.10 of the OA, the answering respondents beg to submit that concessional benefits are available only to the Central Government employees posted at North

Vas De

Officer-In-Charge

National Institute of Malaria Research

IDVC Field Unit

Chachal, Guwahati - 781 022

30 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Eastern Region but the applicant being not so is not entitled to the said benefits.

18. That with regard to the statement made in paragraph 4.11 of the OA, the answering respondents beg to offer no comment.

19. That with regard to the statement made in paragraph 4.12 of the OA, the respondents while denying the contentions made therein beg to submit that it is not a case of transfer of the applicant, rather pursuant to the advertisement, he applied for the post of Guwahati. It is also denied that SAIL authorities are not entitled to recover the market rent. It is submitted that since the applicant has become illegal occupant, he is liable to pay the penal rent as per the rules. It is further submitted that the contention of the applicant that the quarter allotted to him is not required by the Respondents is also untenable as the said quarter is required for the Scientists working at Rourkela.

20. That with regard to the statement made in paragraph 4.13 of the OA, the answering respondents beg to offer no comment.

21. That with regard to the statement made in paragraph 4.14 of the OA, the respondents beg to submit that it is stated that although the applicant had cleared all the dues but since he was an unauthorized occupant of the quarter after joining Guwahati project, he is liable to pay the penal rent as per the rules.

22. That with regard to the statement made in paragraph 4.15 of the OA, the answering respondents beg to submit that the contents of this para are matter of record. However, the details of the period and the amount of rent to be paid by the applicant were duly intimated to him.

Vas De

Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

(66)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
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गुवाहाटी न्यायपीठ
Guwahati Bench

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23. That with regard to the statement made in paragraphs 4.16 to 4.21 of the OA, the respondents beg to offer no comment.

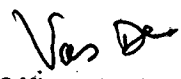
24. That with regard to the statement made in paragraph 4.22 of the AO, the respondents beg to state that the contents of the para are wrong and denied. The applicant is not an employee of NIMR, as alleged and hence is not governed by the rules applicable to the Central Government employees. It is a matter of record that the applicant pursuant to the advertisement applied for IDVC Guwahati Project and his appointment being totally ad-hoc and co-terminus with the project cannot claim the benefit of the Central Government rules.

25. That with regard to the statement made in paragraph 4.23 of the OA, the answering respondents beg to offer no comment.

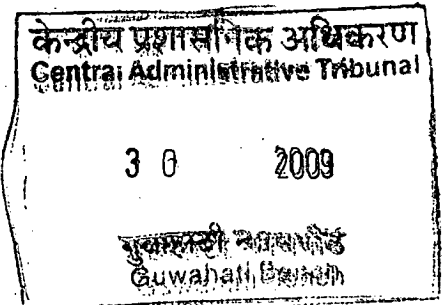
26. That with regard to the statement made in paragraph 4.24 of the OA, the answering respondents beg to submit that the contentions raised in this para are totally wrong and denied. It is submitted that since the residential houses allotted to NIMR staff Rourkela are the property of SAIL, the same is governed by their rules and not by the Central Government rules. The respondents have no right over the property owned by SAIL.

27. That with regard to the statement made in paragraph 4.25 of the OA, the answering respondents while denying the contentions made therein beg to rely an refer upon the statement made above.

28. That with regard to the statement made in paragraph 4.26 of the OA, the answering respondents beg to submit that the contentions of the para


Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

(67)



are wrong hence denied. The applicant is not entitled to double HRA as claimed by him.

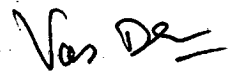
29. That with regard to the statement made in paragraph 4.27 of the OA, the answering respondents beg to state that the contents of this para are wrong hence denied. There is no violation of Articles 14, 16 and 39 of the Constitution of India as alleged by the applicant.

30. That with regard to the statement made in paragraph 4.28 of the OA, the respondents while denying the contentions made therein beg to submit that the applicant has failed to make out a case for interim directions.

31. That with regard to the statement made in paragraph 4.29 of the OA, the answering respondents deny the contentions made therein and beg to submit that the quarter allotted to the applicant during his posting at Rourkela is not permissible to be retained by him after he has joined at Guwahati Project.

32. That with regard to the statement made in paragraphs 4.30 to 4.32 of the OA, the answering respondents beg to submit the contents of these paras are wrong hence denied.

33. That with regard to the statement made in paragraph 5 of the OA, the answering respondents beg to submit that none of the grounds as raised by the applicant are tenable in the eye of law as such the applicant not to entitle to any relief. The grounds are repetitive in nature and have duly been replied to in the Preliminary Objections as well as in the preceding paras. The applicant is not entitled to any relief.


Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

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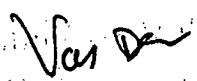
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
30 JUL 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

34. That with regard to the statement made in paragraph 6 and 7 of the OA, the answering respondents beg to offer no comment.

35. That with regard to the statement made in paragraph 8 of the OA, the answering respondents beg to submit that in view of the submissions made hereinabove, the applicant is not entitled to the relief as prayed for by him in this para.

36. That with regard to the statement made in paragraph 9 of the OA, the answering respondents beg to submit that the applicant is also not entitled to the interim relief as prayed for by him in this para.

37. That in view of the submissions made above the applicants are not entitled for double HRA. The present OA is devoid of merit hence liable to be dismissed with cost.


Officer-In-Charge
National Institute of Malaria Research
IDYC-Field Unit
Chachal, Guwahati - 781 022

(69)

केन्द्रीय प्रशासनिक आधिकारण
Central Administrative Tribunal
30 JUL 2009
गुवाहाटी ब्याचपीठ
Guwahati Bench

VERIFICATION

I Var Dev, aged
about 55 years at present working as
Officer-in-charge

....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

A, B, 33 to 37 are true
to my knowledge and belief, those made in paragraph
1 to 32 being matter of records, are

true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 19th day of June 2009 at Guwahati.

Var Dev
DEPONENT
Officer-In-Charge
National Institute of Malaria Research
IDVC Field Unit
Chachal, Guwahati - 781 022

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

1309

16 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Jud. Section



STEEL AUTHORITY OF INDIA LTD.

ROURKELA STEEL PLANT

Rourkela-769 011. Fax No. : 510085.

By Speed Post with A.D.

To

Ref.No. Law/OA-86/09/783

Date : 24.0.09.

Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench
Guwahati-5


Sub : Original Application No.86 of 2009
(Khageswar Pradhan -v- Union of India & Ors.)

Sir,

Pursuant to your notice dtd.28.08.2009, the written statement reply of respondent No.4 is filed herewith which may kindly be taken into record in Original Application No.86/2009 (Sri K.Pradhan -v- UOI & Ors.) and the same may kindly be placed before the Hon'ble Bench.

Yours faithfully
For SAIL, Rourkela Steel Plant

Encl.: As above


23.9.09
(J.K.Dash)

Sr.Manager (Law)

ESH

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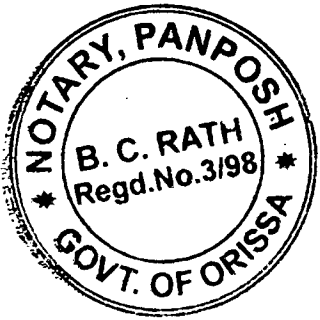
**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH : GUWAHATI**

ORIGINAL APPLICATION NO.86/2009

Sri Khageswar Pradhan ... Applicant

-versus-

The National Institute of Malaria
Research and Ors. ... Respondent



WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO.4

Most respectfully states:

1. That Respondent No.4 is neither a Government Department/Government and as such there is no scope for the Hon'ble Tribunal to exercise jurisdiction over this Respondent.
2. That the application is misconceived, devoid of merit and is not maintainable against this respondent.
3. That Steel Authority of India Limited a Public Sector Undertaking has several Steel Plant in different State with colonies for its Staff and Officers. In addition to providing

*Identified
Sri Khageswar Pradhan*

Shaswati Choudhury

B. C. RATH
B. C. RATH
NOTARY, PANPOSH
GOVT. OF ORISSA

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residential accommodations to its own employees, SAIL as a gesture of good will, also provides residential accommodations on licence basis to Central/State Government Departments, Autonomous Organisations and other Public Sector Units depending upon the availability. Normally on transfer/release from Rourkela such persons vacate the building so occupied to the SAIL authorities through their departmental heads and clear the dues towards house rent , electricity etc.

4. That the Officer In-charge of Malaria Research Centre, Rourkela requested this respondent for providing few building for occupation of their employees and accordingly on 27.3.2001, Qrs.No.H/82, Sector-2 of SAIL, RSP was allotted on licence basis in favour of the Officer Incharge, Malaria Research Centre, Sector-5 and thereafter the said building in turn was allotted by the said centre to the applicant vide order dtd.18.4.2001 for his occupation during his stay at Rourkela (Orissa).

5. That the Officer In-charge of NIMR, Rourkela issued a notice to the applicant on 16.3.2007 to vacate the Qrs.No.H/82, Sector-2 since the applicant was transferred from Rourkela and as it was required for another Scientist who joined at Rourkela on transfer. The applicant defied the instruction and continued to occupy unauthorisedly inspite of repeated order, direction, memorandum issued to him by his Administrative Authority. In spite of repeated orders, memorandums issued



20/04/2007

Shaswati Saha

[Signature]

B. C. RATH
NOTARY, PANPOSH
GOVT. OF ORISSA

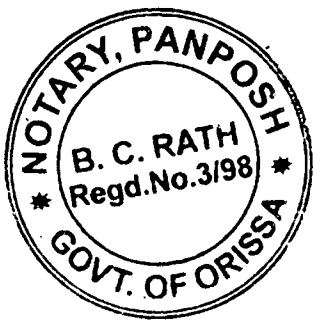
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3 -

by the Officer-in-charge, Malaria Research Centre, Rourkela the applicant did not vacate the said quarter. The applicant was directed vide letter dtd.27.2.2009 to pay an amount of Rs.83,077/- towards licence fees and other charges to this respondent and vacate the said quarter immediately. It appears, Sr. Administrative Officer, New Delhi also directed to recover the dues of Rs.83.077/- in ten monthly installments from his salary commencing from the month of March-2009.

6. That it is humbly submitted as per the policy/rules of this respondent in case of transfer of an occupant who was given a quarter for use on licence basis, he is to vacate the said quarter within 2 months or else he is liable to pay market rent as prescribed till vacation. The applicant failed to vacate the said quarters within the stipulated time. Therefore the applicant is liable to pay the market rent for the period he is in unauthorised occupation. Also he is liable for eviction under a proceeding under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971, since the house in question is a public premises.

7. That the ground mentioned in the application filed by the applicant are not sustainable in law since the applicant has no right to occupy the quarters after his transfer and this respondent is entitled to charge market rent and seek his eviction under due process of law.



*I destroyed
20/11/2011*

Shaswati Sarpah

B. C. RATH
B. C. RATH
NOTARY, PANPOSH
GOVT. OF ORISSA

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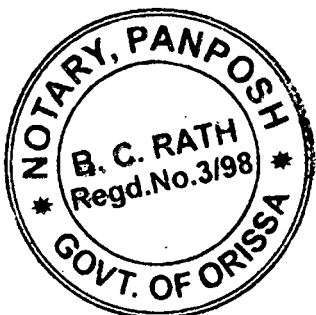
8. That the averments made in para-1 to 9 of the application save and except matter of record are denied. The petitioner is not entitled to any relief as claimed for therefore the application is liable to be dismissed.

By the Respondent No.4 through.

Place : Rourkela
Date : 23rd Sept '09

*Inde...
23/9/09*

Shaswati Tripathy
(Shaswati Tripathy)
Asst.General Manager
Town Services, NEA & PPC
SAIL, Rourkela Steel Plant



VERIFICATION

I Shaswati Tripathy, D/o. Dr. Debendra Nath Tripathy working as Asst. General Manager(TS) NEA & PP Court under Steel Authority of India Limited, Rourkela Steel Plant, do solemnly verify and declare that what have been stated in paragraph 1 to 8 above are true to the best of my knowledge, belief and on the basis of official records.

This verification is signed by me on this the 23rd day of September, 2009 in my office at Rourkela.

*Inde...
23/9/09*

Shaswati Tripathy
VERIFICANT

B. C. RATH
23/9/09
B. C. RATH
NOTARY, PANPOSH
GOVT. OF ORISSA

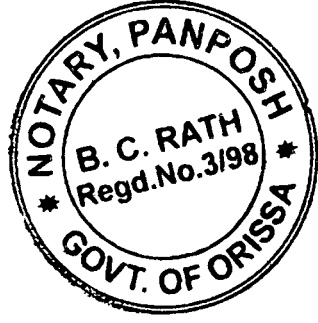
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Before Sri B. C. RATH, Notary, Panposh
AFFIDAVIT



I Shaswati Tripathy, D/o. Dr. Debendra Nath Tripathy working as Asst. General Manager(TS) NEA & PP Court under Steel Authority of India Limited, Rourkela Steel Plant, do hereby solemnly affirm and state as follows.



1. That I am one of the principal officer of the Respondent No.4 and being acquainted with the facts of the case, I am competent and duly authorised to swear this affidavit on behalf of the defendant company.
2. That the facts stated in para-1 to 8 of this written statement are true to the best of my knowledge and based on official records.

Shaswati Tripathy
DEPONENT

Place : Rourkela
Date : 23rd Sept '09 .

Solemnly affirmed and declared
before me on identification by
S. S. Mishra Advocate

B. C. Rath
B. C. RATH 23/9/2009
Notary, Panposh
Govt. Of Orissa

75

File in Court on 25/1/2010
Court Offices.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Central Administrative Tribunal
27 JAN 2010
25/1/2010

Original Application No. 86 / 2009

Sri Khageswar Padhan

Filed by the applicant
through Mr. G. Z. Ahmed,
Advocate 25.01.10.

-Versus-

The National Institute of Malaria Research & Ors

IN THE MATTER OF:-

Rejoinder by and on behalf of the applicant to the
written statement submitted by the Respondents
No. 1, 2, 3 & 5 in O.A No. 86/2009.

REJOINDER FOR AND BEHALF OF THE APPLICANT

1. That I am the applicant in O.A No. 86/ 2009. The copy of the
written statement filed by the respondents no. 1, 2, 3 and 5 as served on my
counsel, has been perused by me and I have understood the contents thereof.

Received
Lisha
Adv. GZ
25/1/2010

2. That save and except the statements that are specifically admitted
to herein below all the averments as made in the written statement, under reply,
are categorically denied.

3. That with regard to statement made in paragraph A (a) of the
written statement, under reply, your deponent begs to offer no comments.

4. That with regard to statement made in paragraph A (b) of the
written statement, under reply, your deponent denies the same and states that

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the instant Original Application has been filed bonafide and to secure the ends of justice.

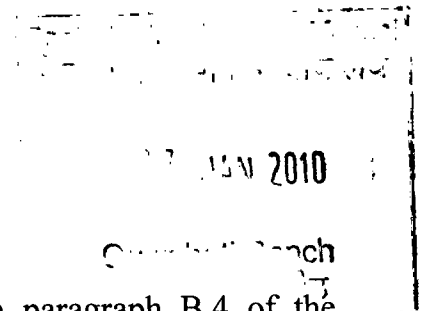
5. That with regard to statement made in paragraph A (c) of the written statement, under reply, your deponent denies the same and states that the Original Application being based on substantive and material grounds the applicant is entitled to the reliefs claimed in the Original Application.

6. That with regard to statement made in paragraph A (d) of the written statement, under reply, your deponent denies the same and states that

7. That with regard to statement made in paragraphs B.1 and B.2 of the written statement, under reply, your deponent denies the same and states that the averment by the respondent authority that the engagement of your deponent in the IDVC Project as the Assistant Research Scientist was purely adhoc and temporary and as such he is not entitled to claim the benefit of double House Rent Allowance is false and untenable. The deponent is holding the post against which his functioning on a substantive basis and as such the rules and provisions of law applicable an employee of the NIMR and ICMR is applicable in case of the deponent also.

8. That with regard to statement made in paragraph B.3 of the written statement under reply, your deponent denies the same and states that he is substantively holding the post of Research Scientist in the NIMR, which organisation is under the all perverse control of ICMR which in turn is under the direct control of the Ministry of Health and Family Welfare, Government of India. It is pertinent to mention here that the respondents have admitted to the fact that the reliefs claimed by the deponent is admissible to an employee of the ICMR, but is not admissible to employee not appointed with the ICMR on a regular basis. The ICMR is also an autonomous organisation under the Government of India and the Rules applicable to Central Government employees, if applicable to the employees of the ICMR the same are also applicable to the employees of the NIMR and the applicant is entitled to the reliefs claimed in the Original Application.

R.S.R.

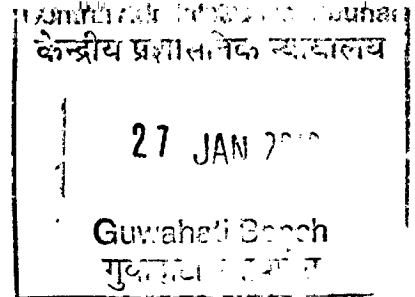


9. That with regard to statement made in paragraph B.4 of the written statement under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 8 of this rejoinder.

10. That with regard to statement made in paragraph B.5 of the written statement under reply, your deponent denies the same and states that he is holding the post of Research Scientist in the NIMR on a substantive basis and the rules made applicable to the employees of the ICMR and NIMR is also applicable in the case of the deponent. It is only because of the applicability of the said Rules, the deponent was allowed to occupy the quarter allotted to him at Rourkela. If the statements made by the respondents herein are taking on its face value, than the deponent could not have been allotted the quarter tat was actually allotted to him for occupation at Rourkela. The said quarter was allotted to him at Rourkela was so allotted to him by applying the rules applicable to the employees of the ICMR and NIMR.

11. That with regard to statement made in paragraph B.6 of the written statement, under reply, your deponent denies the same and states that the quarter allotted to the applicant is the property of the Rourkela Steel Plant, Steel Authority of India Ltd. (SAIL). However, the said quarter and many others have been licensed by the SAIL authority to provide accommodation for the employees of the NIMR. Further, the payments as regards the House rent and other allied charge is made on behalf of the Director, NIMR. Thus in view of the fact that the quarter has been licensed to the NIMR by the Rourkela Steel Plant, SAIL authorities and is not used by the SAIL employees and the SAIL Rules shall not be applicable to the aforesaid quarters. It is pertinent to mention here that the respondent authorities have been allotting the quarters to the incumbents concerned in the NIMR by applying the rules applicable to its employees and not the rules that are applicable to the SAIL employees.

12. That with regard to statement made in paragraph B.7 of the written statement, under reply, your deponent denies the same and also does not admit anything that is inconsistence and/ or contrary to the records of the case.



13. That with regard to statement made in paragraph B.8 of the written statement, under reply, your deponent denies the same and states that his appointment and positing as a Research Scientist in the IDVC project at Sonapur, Kamrup, Assam (now at Chachal, Guwahati) is in the nature of continuation of his previous engagement as an Assistant Research Scientist, Malaria Research Center (Now NIMR) at Rourkela, Orissa. It is pertinent to mention here that only those incumbents who had worked in the NIMR under the IDVC project could apply for the post of Research Scientist and the project itself was under the direct control of the ICMR.

14. That with regard to statement made in paragraph B.9 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statements made in Para- 4.12 and further states that the averment as regards your deponent being an unauthorised occupant is false and frivolous as the said quarter No. H-82, Sector – II was duly allotted in his favour by the NIMR, ICMR authority vide issue of order bearing No. 2: 4: 2: 2001/ 174 dated 18.04.01 (Annexure – 5 of the Original Application).

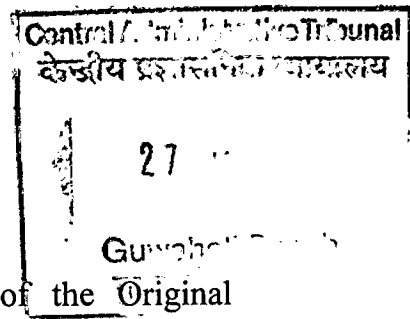
15. That with regard to statement made in paragraph B.10 of the written statement, under reply, your deponent denies the same and states that the preliminary objections raised by the respondent authority is misplaced and mis-founded and that the instant Original Application has been filed bonafide and to secure the ends of justice.

16. That with regard to statement made in paragraph B.11 of the written statement, under reply, your deponent reiterates and reaffirms the statements made in the paragraph – 2 and 3 of the Original Application.

17. That with regard to statement made in paragraph B.12 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statements made in paragraph – 4.1 to 4.5 of the Original Application.

18. That with regard to statement made in paragraph B.13 of the written statement, under reply, your deponent denies the same and reiterates

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and reaffirms the statements made in paragraph - 4.6 of the Original Application and states that the averment that he is liable to pay the market rent is misfounded and misplaced as the incumbents posted in North-Eastern Region is entitled to the benefits of Double House Rent Allowance. Further, the averment that the deponent is an un-authorized occupants is false and frivolous. Further it is stated that there is no agreement between the NIMR authorities and SAIL authorities that market rent is required to be charged on posting of an incumbent allottee to other place. Be that as it may, there is no cessation of engagement of the deponent with the project and he is still engaged in the project. In fact the SAIL authorities are concerned with receipt of their licence fee from the NIMR authorities and they are no way concerned or connected with the selection of candidates for allotment of quarters by the NIMR authorities to its employee.

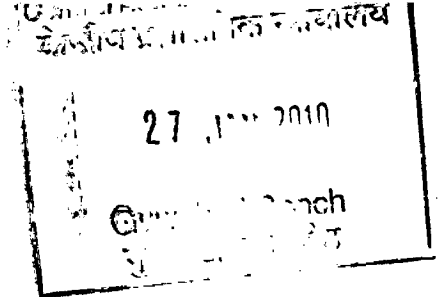
The deponent craves leave of this Hon'ble Tribunal to direct the respondent authorities to produce the copy of the agreement stated in the paragraph under reply before this Hon'ble Tribunal to the time of hearing of the case.

19. That with regard to statement made in paragraph B.14 of the written statement, under reply, your deponent reiterates and reaffirms the statements made in the paragraph- 4. 7 of the Original Application.

20. That with regard to statement made in paragraph B.15 of the written statement, under reply, your deponent denies the same reiterates and reaffirms the statements made in the paragraph- 4.8 of the Original Application.

21. That with regard to statement made in paragraph B.16 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph - 4.9 of the Original Application and further states that your deponent's engagement as Research Scientist at IDVC Project, NIMR, Guwahati is in continuation of his previous engagement as Assistant Research Scientist at IDVC project, NIMR Rourkela.

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22. That with regard to statement made in paragraph B.17 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statements made in the paragraph – 4.10 of the Original Application and also the statements made in the paragraphs 8 and 11 of this rejoinder. As such he is entitled to avail the concessional benefits conferred upon the Central Government Employees posted at North-Eastern Region.

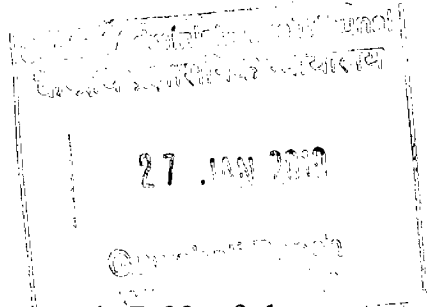
23. That with regard to statement made in paragraph B.18 of the written statement, under reply, your deponent reiterates and reaffirms the statements made in paragraph – 4.11 of the Original Application.

24. That with regard to statement made in paragraph B.19 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.12 of the Original Application and further states that your deponent's engagement at Guwahati is in continuation of his previous engagement as Assistant Research Scientist at Rourkela and as such he is entitled to consequential benefits arising out of his posting in the North-Eastern Region. It is only the employees who had experience of working in the IDVC projects were eligible for applying for the post of Research Scientists which the applicant is presently holding.

25. That with regard to statement made in paragraph B.20 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 4.13 of the Original Application.

26. That with regard to statement made in paragraph B.21 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.14 of the Original Application and further states that is not an unauthorised occupant and as such he is not liable to pay penal rent. On the contrary he is entitled to the benefit of double House Rent Allowance which is one of the consequential benefits arising out of his posting in the North-Eastern Region.

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27. That with regard to statement made in paragraph B.22 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 4.15 of the Original Application.

28. That with regard to statement made in paragraph B.23 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 4.16 to 4.21 of the Original Application.

29. That with regard to statement made in paragraph B.24 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.22 of the Original Application and also the statements made in the paragraphs 8 and 11 of this rejoinder. Moreover, his engagement in Guwahati is in continuation of his prior engagement at Rourkela.

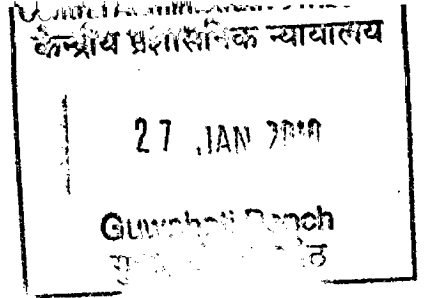
30. That with regard to statement made in paragraph B.25 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 4.23 of the Original Application.

31. That with regard to statement made in paragraph B.26 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.24 of the Original Application and further states that the allotted quarter is not subject to the SAIL Rules but is governed by the Rules that are applicable to the employees of the ICMR and NIMR Central Government Rules as the quarter in question has been licenced by the SAIL authorities to the NIMR authorities for allotment to its employees.

32. That with regard to statement made in paragraph B.27 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph– 4.25 of the Original Application.

33. That with regard to statement made in paragraph B.28 of the written statement, under reply, your deponent denies the same and reiterates

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and reaffirms the statement made in paragraph – 4.26 of the Original Application.

34. That with regard to statement made in paragraph B.29 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.27 of the Original Application and further states that the act of charging market or penal rent from your deponent is arbitrary and illegal.

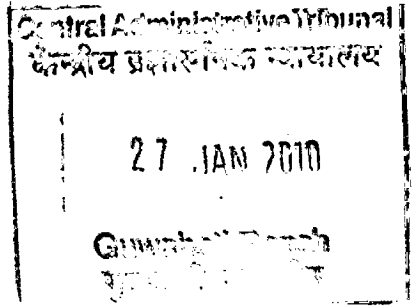
35. That with regard to statement made in paragraph B.30 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.28 of the Original Application and further states that the Hon'ble Tribunal was pleased to pass an interim direction on 14.05.09 on being satisfied with the contentions made by the deponent in the Original Application as regards his grievances.

36. That with regard to statement made in paragraph B.31 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.29 of the Original Application and the statements made in the paragraphs 8 and 11 of this rejoinder.

37. That with regard to statement made in paragraph B.32 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 4.30 to 4.32 of the Original Application.

38. That with regard to statement made in paragraph B.33 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph – 5 of the Original Application and further states that the grounds raised are substantive and material and as such your deponent is entitled to the reliefs prayed for in the Original Application.





39. That with regard to statement made in paragraph B.34 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 6 and 7 of the Original Application.

40. That with regard to statement made in paragraph B.35 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraph – 8 of the Original Application and states that your deponent is entitled to the reliefs as prayed for in the Original Application.

41. That with regard to statement made in paragraph B.36 of the written statement, under reply, your deponent denies the same and states that the Hon'ble Tribunal was pleased to grant interim relief as prayed for by the applicant in the Original Application vide the order dated 14.05.09.

42. That with regard to statement made in paragraph B.37 of the written statement, under reply, your deponent denies the same and states that the applicant is entitled to the benefit of double House Rent Allowance and all the reliefs prayed for by the applicant in the Original Application.

.....Verification/-

[Handwritten signature]



VERIFICATION

I, Khageswar Padhan, aged about 49 years, son of Late Lingaraj Padhan, resident of Chachal, Guwahati-22, Assam, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph A to 42 are true to my knowledge; those made in paragraphs _____ are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 25th day of January 2010.

Khageswar Padhan
DEPONENT

File in Court on 25/1/2010
Court Officer.

85

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়
27 JAN 2010
Central Bench
গুৱাহাটী

Original Application No. 86 / 2009

Sri Khageswar Padhan

-Versus-

The National Institute of Malaria Research & Ors

Filed by the Applicant
through Mr. G. Z. Ahmed
28.01.2010.

IN THE MATTER OF:-

Rejoinder by and on behalf of the applicant to the
written statement submitted by the Respondent No.
4 in O.A No. 86/2009.

REJOINDER FOR AND BEHALF OF THE APPLICANT

Received copy
for R 1, 2, 3,
R 5
Usha Das
Adv e use
25/1/2010

1. That I am the applicant in O.A No. 86/ 2009. The copy of the
written statement filed by the respondent no. 4 as served on my counsel, has
been perused by me and I have understood the contents thereof.

That save and except the statements that are specifically admitted
to herein below all the averments as made in the written statement, under reply,
are categorically denied.

3. That with regard to statement made in paragraph 1 of the written
statement, under reply, your deponent denies the same and states that your
deponent is an employee of the NIMR, ICMR and as such the rules of the
SAIL does not hold the field in his case. Further, NIMR is subject to the

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jurisdiction of this Hon'ble Tribunal and as such the contention that the Hon'ble Tribunal does not exercise jurisdiction in this Original Application is devoid of any merit.

4. That with regard to statement made in paragraph 2 of the written statement, under reply, your deponent denies the same and states that the instant Original Application is based on substantive and material grounds and as such your deponent is entitled to the reliefs prayed for in the Original Application.

5. That with regard to statement made in paragraph 3 of the written statement, under reply, your deponent begs to offer no comment, but does not admit anything that is contrary or inconsistency with the records of the case.

6. That with regard to statement made in paragraph 4 of the written statement, under reply, your deponent reiterates and reaffirms the statement made in paragraphs 4.6 and 4.8 of the Original Application. The residential accommodations provided to the employees of the NIMR have been so provided by the SAIL authorities to the NIMR and the rules applicable to the employees of the NIMR would be applicable towards occupation of such residential accommodation by an employee of the NIMR. The interest of the SAIL is limited to the extent of receiving their dues in time towards providing such residential accommodation to the organisation of NIMR. The applicant is not adverse to paying the monthly dues for occupation of the quarter in question, but the authorities are declining to accept the same and is charging rent towards occupation of the said quarter at market rate, which the applicant is not required to pay in terms of the provisions that are applicable in the case.

7. That with regard to statement made in paragraph 5 of the written statement, under reply, your deponent denies the same and reiterates and reaffirms the statement made in paragraph - 4.12 of the Original Application and further states that he is not an unauthorised occupant, as averred in the written statement, as he is entitled the benefit of double HRA arising out of his posting in the North- Eastern Region.

Retos

केन्द्रीय प्रशासनिक न्यायालय
27 JAN 2018
Guwahati Bench
गुवाहाटी न्यायपीठ

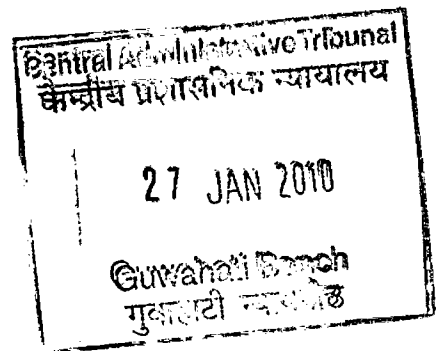
8. That with regard to statement made in paragraph 6 of the written statement, under reply, your deponent denies the same and states that the service condition of your deponent is not governed by the SAIL rules but by the Central Government Rules, which confers upon him the benefit of double HRA and as such he is not liable to pay market or penal rent. Further, your deponent raises a query as to why proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has not been initiated if your deponent is an unauthorised occupant, as alleged by the respondent authorities.

9. That with regard to statement made in paragraph 7 of the written statement under reply, your deponent denies the same and states that the grounds raised in the Original Application are substantive and material and as such he is entitled to the reliefs prayed for in the Original Application.

10. That with regard to statement made in paragraph 8 of the written statement under reply, your deponent denies the same and states that the Original Application being bonafide and filed for securing the ends of justice your deponent is entitled to the reliefs prayed therein.

.....Verification/-





VERIFICATION

I, Khageswar Padhan, aged about 49 years, son of Late Lingaraj Padhan, resident of Chachal, Guwahati-22, Assam, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 3 to 10 are true to my knowledge; those made in paragraphs _____ are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 25th day of January 2010.

Khageswar Padhan
DEPONENT

File in Court on 8/2/10
Court Officer.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 FEB 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

Original Application No. 86 / 2009

Sri Khageswar Padhan

-Versus-

The National Institute of Malaria
Research & Ors.

Filed by:- the Applicant/Deponent
through - Dr. Jyoti Sharma, Advocate.
08/02/2010.

IN THE MATTER OF :

An additional Affidavit by and on
behalf of the applicant to bring on
record materials in support of the
claims as made in the Original
Application.

ADDITIONAL AFFIDAVIT

1. That the applicant is filing the instant additional affidavit to bring on record certain materials which have a bearing on the claims made by him in the Original Application.

2. That the National Institute of Malaria Research with its head quarter at New Delhi has 10 Regional Centres (Field Stations) located at Rourkela (Orissa), Guwahati (Assam), Ranchi (Jharkhand), Raipur (Chhatishgarh), Jabalpur (M.P), Nadiad (Gujarat), Chennai (T.N), Bangalore (Karnataka), Haridwar (Uttaranchal) and Goa. These Regional Centers were established in the year 1986 as per the requirement of the National Vector Borne Diseases Control Program, Government of India depending upon the prevalence of malaria and other vector borne diseases in the area. Therefore, the Rourkela Project is not different from the Guwahati Project. Further, IDVC Project is not a time bound ad-hoc project. The Science and Technology Mission Project on

Author

Received
Usha Das.
Addl. Clk. J.C.
08/2/2010.

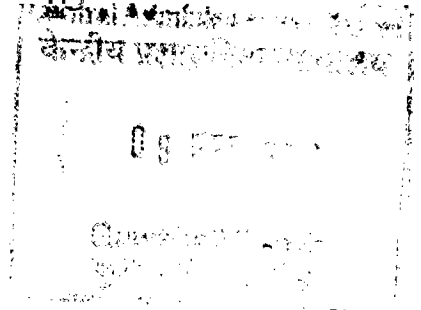
08 FEB 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

“Integrated Control of Malaria, Filariasis and other Vector Borne Diseases”(in short IDVC Project) was one of the Five Science and Technology Mission Projects, having direct relevance to the socio-economic development of the country, was announced and approved by the then Prime Minister of India during Seventh Five Year Plan in the year 1986. The Project was allocated to the Malaria Research Centre (renamed National Institute of Malaria Research) under Indian Council of Medical Research, Ministry of Health and Family Welfare, Government of India. Recently the Project has been included as an intramural activity of Indian Council of Medical research in the Eleventh Five Years Plan. The Project which was initiated in the Seventh plan has already continued up to Eleventh Plan (for 25 years) and there is no indication that it will be closed in the near future. The IDVC Project of National Institute of Malaria Research provides technical supports to the National Vector Borne Diseases Control Program (in short NVBDCP) which is operational in the country since independence as a permanent program of the Government of India under different names such as National Malaria Eradication Program (NMEP), National Malaria Control Program (NMCP) etc. for the control of malaria, filariasis, dengue, Japanese Encephalitis, Kala-zar and other Vector borne diseases.

3. That the National Institute of Malaria Research follows Central Government Rules on all service matters of IDVC Project employees. Recently the applicant had requested the Public Information Officer of National Institute of Malaria Research to provide information on rules and regulations governing the service conditions of officers and other employees working in IDVC Project of National Institute of Malaria Research, Indian Council of Medical Research vide his application dated April 10, 2009 (No. 2) under RTI Act – 2005. The PIO did not provide the desired information within the stipulated time as a result of which the applicant filed a complaint before the Central Information Commissioner. The Central Information Commissioner was pleased to issue direction to the PIO vide Order No. CIC/AD/C/2009/900510, to provide the desired information within 15th July 2009. In compliance of the direction of the Central Information Commissioner, the PIO, NIMR, New Delhi has provided the Rules and Regulations governing the service conditions

P. S. Das



of IDVC Project employees including the Rules on special concessions and allowances admissible to employees posted to North-Eastern Region vide his Letter No. RTI-91/09 dated 31.07.2009.

The PIO has stated that Rules on special concessions and allowances admissible to employees of IDVC Project posted to north-eastern region are applicable as per Government of India Rules in accordance with the guidelines issued by the Department of Personnel and Training, Government of India. According to the information provided by the PIO all the Central Civil Services Rules such as CCS (Leave) Rules 1972, CCS (Conduct) Rules 1948, CCS (Classification, Control and Appeal) Rules, CCS (Medical Attendance) Rules 1948 etc. are applicable to the applicant.

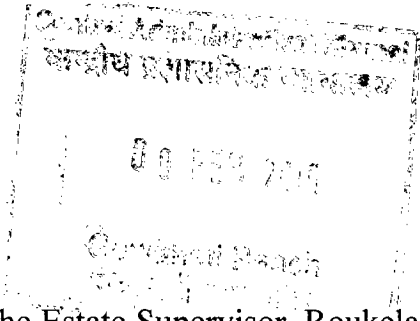
The fact regarding the admissibility of pay scales, allowances and concessions to the applicant as admissible to Central Government employees was also specified in the advertisement and office orders in Annexure – 1, 2 and 3 of the Original Application.

Therefore the respondents have admitted that, the applicant is entitled to the reliefs sought for in the Original Application such as fixed tenure and posting at a place of his choice after completion of the fixed tenure, benefit of double H.R.A and retention of residential accommodation at is previous place of posting for three years beyond the normal period of retention by paying the normal rent as contained in Sl. No.3, 6 and 7 of Central Government Rules on Special Concessions and benefits for employees posted to North-eastern region which is annexed to the Original Application as Annexure- 8. The respondents have already provided the benefits of Special Duty Allowance and Bad Climate Allowance in accordance with the above said rule.

Copy of the said communication dated 31.07.2009 are annexed as Annexure – A.

4. That the Rourkela Steel Plant, SAIL has allotted the Qr. No. H –82, Sector- 2 to the Officer-in-Charge, NIMR as per his request vide Letter No. 2:4:2:2001/38 dated 19.01.2001. He even took the possession of the quarter

Prakash



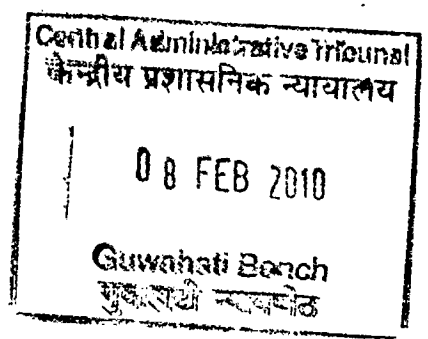
along with the fittings and fixtures therein from the Estate Supervisor, Rourkela Steel Plant and signed the occupation deed. The quarter was subsequently provided to the applicant for residential purpose by virtue of an internal arrangement although no specific order of allotment was issued against his name. The quarter was allotted to the applicant by the NIMR and not by the SAIL authorities.

As per the request of the Officer-in-Charge, National Institute of Malaria Research , Rourkela some more quarters were allotted to him subsequently. At present a total of 29 residential quarters and one office premises are under his possession. The Officer-in-Charge has provided these quarters to the employees depending upon their eligibility. Therefore for all practical purpose there quarters are under the possession of the Officer-in-Charge. More over the SAIL itself has reiterated the fact that when a number of quarters are allotted/handed over to Central Government/Autonomous Organizations and the quarters are with the possession of the concerned department/organization, allotment to the employees of the allottee organisation, is to be governed by the Rules of the respective organization as evident from the Annexure – 26 (page – 55) of the O.A. Therefore, the Officer-in-Charge is supposed to follow Government rules for the allotment of quarters to the employees of NIMR.

Copy of the letter of the Officer-in-Charge dated 19.01.2001 requesting the Rourkela Steel Plant for the allotment of quarter is annexed as **Annexure – B.**

Copies of allotment orders of residential quarters in the name of the Officer-in-Charge are annexed as **Annexure – C Series.**

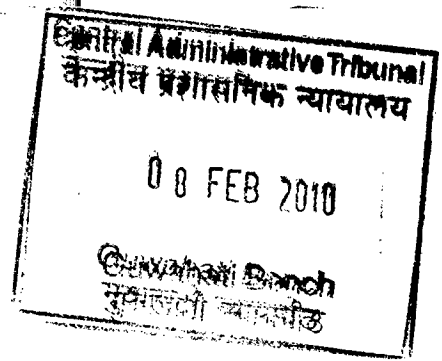
Copy of the occupation and vacation report dated 27.04.2001 signed by the Officer-in-Charge and a representative of the Estate Office in respect of Or. No. H-82, Sector – 2 is annexed as **Annexure – D.**



5. That as per the advertisement published in the Employment News leading to the appointment of the applicant in the post of Research Scientist, which was annexed to the Original application as Annexure - 6, the incumbent was liable to be posted in any of the 10 Field Stations of NIMR located at Rourkela, Jabalpur, Raipur, Ranchi, Bangalore, Chennai, Nadiad, Hardwar, Sonapur (Guwahati) and Goa. Therefore, it cannot be presumed that the applicant had specifically applied for the post meant for NIMR Field Station, Guwahati alone.

✓ 6. That the posting of the applicant as NIMR, Guwahati is not a fresh engagement. The applicant was appointed to a higher post of Research Scientist in the same organization in which he was working as an Assistant Research Scientist earlier. He has not resigned from the post of Assistant Research Scientist in order to join the higher post of Research Scientist. Rather he was relieved of his duty at National Institute of Malaria Research, Rourkela in the afternoon of 22.09.2006 so as to enable him to join duty at NIMR, Field Station, Sonapur (Guwahati) vide Office Order no. 1:42:90/460 dated 22.09.2006. All of his service benefits like Provident Fund, Earned Leave of his previous post were also carried forward to the higher post of Research Scientist. After joining the post of Research Scientist at NIMR, Sonapur (Guwahati) on 27.09.2006, the applicant had applied for Earned Leave for 11 days from 03.10.2006 to 13.10.2006. His leave was sanctioned by the competent authority of National Institute of Malaria Research, Delhi vide Office Order No. A/P - 11 (41)90/1231, dated 23.10.2006 under Central Civil Services (Leave Rule) 1972. As per the sanction order the applicant was having a total balance of 129 days of E.L., to his credit as on 31.12.2006. (Had the appointment of the applicant to the higher post of Research Scientist in the same organization been considered as a fresh appointment, he could not have a balance of 129 days of E.L. to his credit just after 3 months of appointment. Therefore, for all practical purpose the posting of the applicant in the higher post of Research Scientist at Sonapur (Guwahati) in the same organization in which he was posted at Rourkela (Orissa) in the lower post of Assistant Research Scientist cannot be considered as a fresh appointment under any circumstance.

Red Power



In addition to the above as per the Central Government Rules on special Concessions and benefits to employees posted to a place in the north-eastern region from out side the region, an employee can retain the residential accommodation allotted to him at his previous place of posting and claim double HRA. The condition of transfer is not mandatory for claiming these benefits. Recently the applicant had forwarded another representation through proper channel requesting for his transfer to Rourkela vide Ref. No. 811, dated 28.07.2009 to the NIMR headquarter, New Delhi. The Administrative Officer, NIMR, New Delhi has responded quickly to his application and informed, vide his letter no, A/P -11 (41) (0/346, dated 31.07.2009 that, the case of the applicant for transfer from Guwahati to Rourkela is being considered actively in view of his posting in the north-eastern region. The respondents cannot deny the fact under any circumstance that, prior to his posting at NIMR, Sonapur (Guwahati) the applicant was posted at NIMR, Roukela in the same organization. Therefore, the applicant is entitled to the reliefs as sought for the Original Application.

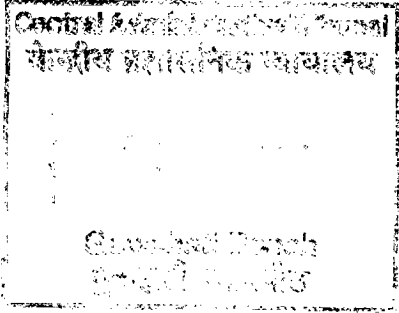
No further action till date.

7. That with regard to the question of charging of market and penal rent in respect of Qr. No. H - 82, Sector - 2 the applicant submits most humbly that, as per the letter dated 21.11.2008 of the Rourkela Steel Plant which is annexed to the Original Application as Annexure - 27 (page - 59) the terms of allotments are mutually agreed upon and stated in the respective Allotment Order. As per the Allotment Order which is attached to the Original Application as Annexure - 4 (page - 24) the allottee is liable to pay rent @ Rs. 1.05 per Sq. ft. of plinth area (Rs. 780 per month per quarter) and electric charges @ Rs. 3.90 per unit of actual consumption during the period of allotment. According to the Letter No. 66/09/150 dated 02.06.2009 of National Institute of Malaria Research, the authorities of Rourkeal Steel Plant has neither cancelled the allotment of Qr. No. H- 82, Sector - 2 nor issued any notice to the allottee for eviction from the quarter or for charging house rent at market/panel rate so far. It is pertinent to mention that the allottee of the quarter in question is the Officer-in-Charge, National Institute of Malaria Research, Rourkela. This implies that the allotment order of the Qr. No. 82 is still in force and the question of unauthorized occupation of the quarter does

Reshor

not arise. Further a consolidated bill towards house rent, water charges and electric charges of all these residential quarters and office premises are claimed by the Rourkela Steel Plant from the Director, National Institute of Malaria Research and all the payments are also done on behalf of the Director, NIMR.

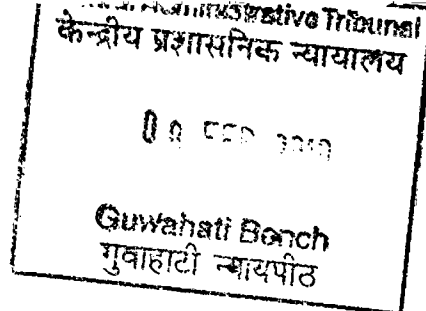
Copy of the letter No. 66/09/150 dated 02.06.2009 of National Institute of Malaria Research, New Delhi is annexed as Annexure - E.



Copies of a consolidated bill towards house rent and allied charges and payment receipt in the name of the Director, NIMR are annexed as Annexure - F and G respectively.

8. That your applicant states that the Principal Bench of CAT, New Delhi has delivered a Judgment on 11.05.2005 in T.A. No. 50/99/PB on the matter of the Casual Labourers working in the IDVC project of National Institute of Malaria Research in which the applicant is also working. The Hon'ble Tribunal has directed the respondents to treat the Casual Labourers as EMPLOYEES OF ICMR and grant them Temporary Status as per the Scheme of DoPT dated 10.09.1993. The DoPT order dated 10.09.1993 for the grant of temporary status is applicable to Casual Labourers who are in the employment of ministries/Departments under Government of India and have completed 240 days of work (206 days for offices observing 5 days week). The direction of the Hon'ble Tribunal was upheld by the Delhi High Court and Supreme Court of India. In accordance with the direction of the Hon'ble Tribunal, the respondents have issued an Office Order No. Admin/Temp. Status/NIMR/507/09472, dated 22.06.09 granting temporary status to the Casual Labourers working in IDVC project who had completed 206 days of work as on 10.09.1993.

Prakash



If the Casual Labourers of IDVC Project can be considered as employees of ICMR and grated benefits applicable to Casual Workers in the employment of Government Departments in accordance with the notification issued by the Department of Personnel and Training, there is no reason why the applicant who is working as a Research Scientist classified as a Group 'A' post and appointed as per the recruitment rules of ICMR cannot be considered as an employee of ICMR as objected by the respondents. Employees posted at NIMR headquarter New Delhi and its 10 Regional Centre both belonging to NIMR cadre and IDVC cadre are being transferred from one center to another center. During the year 2009 alone 4 Research Scientists of IDVC Project have already been transferred from one center to another.

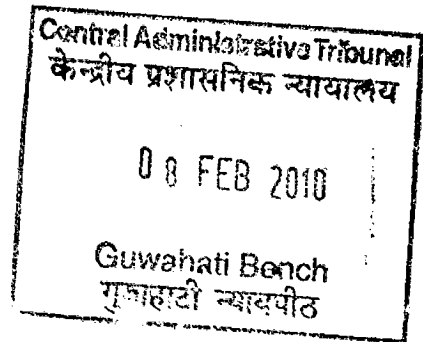
9. That the materials as brought on record vide this additional affidavit are elaborations of points already taken by the applicant in the Original Application and the Rejoinders as filed by him in the matter and no new point has been urged by him. As such Your Lordship be pleased to consider this Additional affidavit at the time of final consideration of the above noted Original Application.

10. That the materials brought on record vide this additional affidavit clearly indicates that the claims as made by the Applicant before this Hon'ble Tribunal are fully justified and the applicant is entitled to be granted the reliefs as prayed for by him in the Original Application.

11. That this affidavit has been filed bonafide for securing the ends of Justice.

[Handwritten signature]

... Affidavit/-

AFFIDAVIT

I Shri Khageswar Padhan, aged about 49 years, son of Late Lingaraj Padhan, resident of Chachal, Guwahati, Assam, do hereby solemnly affirm and state as follows;

1. That I am the applicant in Original Application No.86/09 conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That the statements as made in this affidavit and those made in paragraphs 1, 2, 3, 5, 6, 8 & 11 of the accompanying additional Affidavit are true to the best of my knowledge; those made in paragraphs 4 & 7 being matters of record are true to the best of my information and I verily believe it to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this 08th day of February, 2010 at Guwahati.

Identified by

Brijesh Sharma

Advocate

Khageswar Padhan

DEPONENT

Signed before me by the applicant who is identified by Shri Brijesh Sarma, on this the 08th day of February, 2010 at Guwahati.

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 08 FEB 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

ANNEXURE- A

NATIONAL INSTITUTE OF MALARIA RESEARCH
 (Indian Council of Medical Research)
 Room No. 8, Sector -8, Dwarka
 NEW DELHI - 110077

RTI 91 /09

Dated: 31.07.2009

Shri Khageswar Padhan
 IDVC Field Unit,
 Under National Institute of Malaria Research
 VIP Road, Chachal; P.O.- Khanapara
 Guwahati - 781 022, Assam.

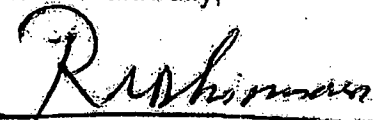
Subject :- Information under RTI Act - 2005.

Reference: CIC Notice No. CIC/AD/C/2009/900510 dated 25.06.2009 (received on 5.7.2009)

Sir,

In continuation of our letter No. RTI-75/09/596 dated 14.07.2009, please find attached herewith rules & regulations governing IDVC Project (office note attached) including rules on special concession and allowances admissible to the employees posted to north-eastern regions received from ICMR. Rest of the matters are under consideration.

Yours faithfully,

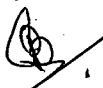


(Dr. R.C. Dhiman)
 Scientist 'F' & PIO, NIMR
 For Officer-in-Charge

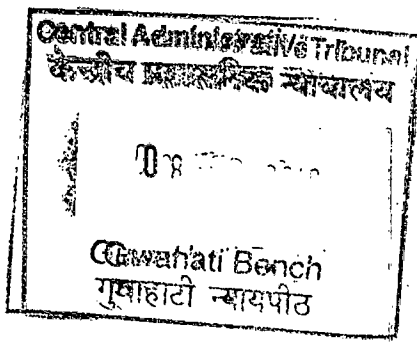
Encl. As above.

Copy to : Mrs. Annapurna Dixit, Information Commissioner, Central Information Commission,
 Club Building, Near Post Office, Old J.N.U. Campus, New Delhi - 110067

Certified to be true Copy



Advocate



टिप्पणी-पत्र Note Sheet
मलेरिया अनुसंधान केन्द्र (भा.आ.अ.प.) दिल्ली
MALARIA RESEARCH CENTRE (I.C.M.R.) DELHI

अनुभाग / Section सचिका / मिसिल सं. / File No.

Office Note

Sub: Information under RTI Act 2005.

Ref: Application of Shri Khageswar Padhan dated 10.04.2009 (No. 2) seeking information under Right to Information Act 2005.

With reference to the above application of Shri Khageswar Padhan, the point wise information is given below:

- a. Recruitment Rules specifying the qualification and experience for various posts depends on the post concerned. (Annexure I at 'A').
- b. Rules on pay Structure and allowances including dearness allowance, HRA, Transport Allowance and NPA were similar to Central Govt. employees till 31.12.1995. There were some changes after implementation of Vth pay Commission Recommendations (ICMR Circular attached Annexure II).
- c. Different posts are classified under Group 'A', 'B', 'C' & 'D'. For example, the post of Asstt. Research Scientist comes under Group 'B', as per DOPT Notification No. 13012/1/98 Estt. (D) dated 22.06.1998 (Annexure III)
- d. Leave Rules are applicable as per CCS (Leave Rules) 1972.
- e. Conduct Rules are applicable as per CCS (Conduct) Rules, 1964.
- f. Discipline Rules are applicable as per CCS (CCA) Rules.
- g. Contributory Provident Fund (CPF) is applicable to those IDVC employees who have been appointed on or before 31.12.2003 and are in running pay scales. Rules regarding CPF are followed as per ICMR/Govt. of India Rules of CPF.
- h. Rules on special concession and allowances admissible to the employees posted to north-eastern region are applicable as per Govt. of India Rules (Copy of DOPT Rules attached Annexure IV).
- i. Traveling Allowance Rules are under consideration.
- j. Staff appointed on graded scales of pay are governed by CCS (Medical Attendance) rules, 1948. However, staff appointed on consolidated pay are not given this benefit.
- k. Rules on other service matters as framed and amended from time to time by the Competent Authority in respect of Projects (Annexure I).

The above information is forwarded to PIO, NIMR for information and further necessary action.

[Signature]
31/7/09

[Signature]
31/7/09
(N.K. Bhalla)
Administrative Officer

Dr. R.C. Dhiman
Scientist 'F' & PIO, NIMR

[Signature]
Dr. R.C. Dhiman
Scientist F & Head I.P.O.,
Environmental Epidemiology
National Institute of Malaria Research
Deptt. of Health Research, Govt of India
Sector-8, Dwarka, Delhi-110077

Certified to be true Copy
[Signature]
Advocate

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

08 FEB 2010

Guwahati Branch

C (Series)

स्टील अथॉरिटी ऑफ इण्डिया लिमिटेड
 STEEL AUTHORITY OF INDIA LTD.
 राउरकेला इलाहाबाद रोड
 Rourkela Steel Plant

Copy

फार्म संख्या
Form No. 1510

ALLOTMENT ORDER NO: 48

REF: NO: TS/NEA/2002/

DATED: 07.05.2002

Allotment of qrs. is made as under with the terms and conditions mentioned below.

Sl.No	Qrs.No	Type	Sector	Name and address of allottee	Remarks
1.	H/254	Ex.Flat	02	OFFICER-IN-CHARGE MALARIA RESEARCH CENTRE, SECTOR-5 ROURKELA-2.	- For residence - On vice-vacation with the exist- ing occupant.

The allottee is to occupy the quarters within 7 (seven) days and furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalo or goat or any other cattles within the premises of the quarters allotted to him/her.

Liability to pay rent @ Rs.1.05 per sq.ft. of plinth area (Rs.787.50 per month per quarters) as applicable to Public Sector Undertaking Units which will accrue from the 7th day of Issue of this allotment order or date of occupation.

The allottee is liable to pay electricity charges @ Rs.3.90 per unit for actual consumption (subject to revision) from the 7th day of issue of this allotment order or date of occupation whichever is earlier.

No subletting is allowed. If the allottee is not found in physical occupation of the quarters and any one else also is found in occupation, it will automatically be deemed that the house shas been sublet and from the date of such detection the allotment order will stand cancelled.

The allotment is absolutely temporary, and valied for a period of 11 (maxix eleven) months from the date of occupation. The Management however reserves the ~~xx~~ right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the quarters by the allottee without the written permission from this office is strictly forbidden.

[Signature]
 MANAGER (TS) ALLOT.
 TOWN SERVICES DEPT.

- C.c.to: (1) Allottee concerned
 (2) DM(F&A)E/R
 (3) E/S concerned
 (4) Qrs. File
 (5) A.C.M.(TE)

True Copy

Certified to be true Copy
[Signature]
 Advocate

Received the
 allotment order in original
[Signature]
 8.5.02
 Dr. M.A. Hoque
 to A.C.M. (TE) Adv. Secy.

[Signature]
 Central Asst. Public Information Officer
 R.S.P. Rourkela

09 SEP 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT :: ROURKELA

DATED: 1.7.02

REF:NO:TS|NEA|

ALLOTMENT ORDER NO: 59

Allotment of grs. is made as under with the terms and conditions mentioned below.

Srs.No	Type	Sector	Name and address of allottee	Remarks
M/139	Executive Flat	02	Officer-in-Charge Malaria Research Centre Field Station, sector-5 Rourkela-2	-For residential purpose -On vice vacation with the present occupant

The allottee is to occupy the grs. within 7 (seven) days and furnish the occupation & vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalow or goat or any other cattles within the premises of the grs. allotted to him/her.

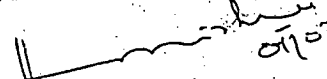
Liability to pay rent and other allied charges as admissible under rules as applicable to ~~RAIL employees/Govt. Deptt/Private Parties/Under-~~ taking (P.S. Co.) will accrue from the 7th day of issue of this allotment order or date of occupation.

Sri/Smt ~~XXXXXXXXXX~~ is liable to pay rent @ Rs. per months plus electricity charges @ Rs. for actual consumption as applicable to the contractor from the 7th day of issue of this allotment order or date of occupation whichever is earlier.

No subletting is allowed, if the allottee is not found in physical occupation of the grs. and anyone else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

This allotment is absolutely temporary and valid for a period of 11 (eleven) months from the date of occupation. The management however reserves the right of cancellation of this order at any time. The grs. will have to be vacated and surrendered to the representative of Estate Department and as and when required.

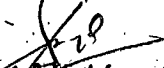
Any extension/alternation/modification of the grs. by the allottee without the written permission from this office is strictly forbidden.


MANAGER (TS) EA/NEA
TOWN SERVICES DEPTT.


- C.c.to:
- (1) Allottee concerned.
 - (2) A.M.(F&A) Revenue.
 - (3) E/S concerned.
 - (4) A.G.M.(Th.Engg.)
 - (5) Grs. File.

Received the allotment order in original
1.7.02
R.M.A. Nagu

True Copy


Central Asst. Public Information Officer
R.S.P. Rourkela

Certified to be true Copy


Advocate

-103-
-15-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 FEB 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

119

STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT :: ROURKELA

DT: 24.09.2002

REF:NO:TS|NEA|

ALLOTMENT ORDER NO: 100

Allotment of qrs. is made as under with the terms and conditions mentioned below.

Qrs.No	Type	Sector	Name and address of allottee	Remarks.
H/222	Ex.Flat	02	OFFICER-IN-CHARGE MALARIA RESEARCH CENTRE FIELD STATION, SECTOR-5 ROURKELA-2.	- For residential purpose - On vice-vacation with the present occupant. - To vacate the qrs.No. H/222/Sector-02. 07/2

24.9.02

The allottee is to occupy the qrs. within 7 (seven) days and furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalo or goat or any other cattle within the premises of the qrs. allotted to him/her.

Liability to pay rent and other allied charges as admissible under rules as applicable to ~~SAIL employees/Govt. Deptt/Private Parties/Undertaking~~ will accrue from the 7th day of issue of this allotment order or date of occupation.

Sri/Smt. _____ is liable to pay rent @ Rs. _____ per months plus electricity charges @ Rs. _____ for actual consumption as applicable to the contractor from the 7th day of issue of this allotment order or date of occupation whichever is earlier.

No subletting is allowed, if the allottee is not found in physical occupation of the qrs. and any one else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

This allotment is absolutely temporary and valid for a period of 11 months from the date of occupation. The management however reserves the right to cancellation of this order at any time. The qrs. will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the qrs. by the allottee without the written permission from this office is strictly forbidden.

Received the allotment order in original

ASST. MANAGER (TS) EA/NEA
POWER SERVICES DEPTT.

- C.c.to:
- (1) Allottee concerned
 - (2) A.M. (F&A) Revenue
 - (3) T/S concerned
 - (4) G.M. (Tn. Enge.)
 - (5) P.S. File.

(DR. S.K. SHARMA)

True Copy

Central Asst. Public Information Officer
R.S.P. Rourkela

Certified to be true Copy

Advocate

STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT :: ROURKELA

REF:NO: TS/NEA/

DATED: 15.3.03

ALLOTMENT ORDER NO: 150

Allocation of qrs. is made as under with the terms and conditions mentioned below.

Qrs.No	Type.	Sector	Name and address of allottee	Remarks.
1. C/355	01	05	OFFICER-IN-CHARGE	- For residential purpose
2. C/133	02	15	MILARIA RESEARCH CENTRE	- On vice vacation with the present occupant.
3. C/257	01	15	FIELD STATION	
			ROURKELA-2.	

The allottee is to occupy the qrs. within 7 (seven) days and furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalo or goat or any other cattle within the premises of the qrs. allotted to him/her.

Liability to pay rent and other allied charges as admissible under rules as applicable to SAIL employees/Govt. Deptt/Private parties/Undertaking/CPSUs will accrue from the 7th day of issue of this allotment order or date of occupation.

Sri/Smt. _____ is liable to pay rent @ Rs. _____ per months plus electricity charges @ Rs. _____ per actual consumption as applicable to the contractor from the 7th day of issue of this allotment order or date of occupation whichever is earlier.

No subletting is allowed, if the allottee is not found in physical occupation of the qrs. and any one else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

This allotment is absolutely temporary and valid for a period of _____ months from the date of occupation. The management however reserves the right to cancellation of this order at any time. The qrs. (eleven) will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the qrs. by the allottee without the written permission from this office is strictly forbidden.

[Signature]
ASST. MANAGER (TS) EA & NEA
TOWN SERVICES DEPTT.

- C.c. to
- (1) Allottee concerned
 - (2) D.M. (F&A) E/R
 - (3) E/S concerned
 - (4) JGM (Tn. Engg)
 - (5) Qrs. File.

True Copy

[Signature]
Central Asst. Public Information Officer
R.S.P. Rourkela

Certified to be true Copy

[Signature]
Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

08 FEB 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

-106-
-18-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 FEB 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

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STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT :: ROURKELA

REF:NO: TS/NEA

DATED: 7.5.03

ALLOTMENT ORDER NO: 177

Allotment of qrs. is made as under with the terms and conditions mentioned below.

Qrs.No	Type	Sector	Name and address of allottee	Remarks
C/352 (C/302)	C.T	06	ARTICLE-11 CLASSIC RAJANIL RESORTS CENTRE PURA SECTION ROURKELA-2	- For residential purpose - On vice-occupation with the present occupant.

The allottee is to occupy the qrs. within 7 (seven) days and furnish the occupation and vacation reports through the Estate Supervisor concerned.

The allottee shall not keep any cow, buffalow or goat or any other cattle within the premises of the qrs. allotted to him/her.

Liability to pay rent and other allied charges as admissible under rules, as applicable to SAIL employees/Govt. Deptt/Private parties/Undertaking/...

will accrue from the 7th day of issue of this allotment order or date of occupation.

Sri/Smt. ... is liable to pay rent @ Rs. ... per months plus electricity charges @ Rs. ... per actual consumption as applicable to the contractor from the 7th day of issue of this allotment order or date of occupation whichever is earlier.

No subletting is allowed, if the allottee is not found in physical occupation of the qrs. and any one else also is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection the allotment order will stand cancelled.

This allotment is absolutely temporary and valid for a period of ~~12 (twelve)~~ months from the date of occupation. The management however reserves the right to cancellation of this order at any time. The qrs. will have to be vacated and surrendered to the representative of Estate Department as and when required.

Any extension/alternation/modification of the qrs. by the allottee without the written permission from this office is strictly forbidden.

[Signature]
ASST. MANAGER (TS) NEA
TOWN SERVICES DEPTT.

- C.c. to:
- (1) Allottee concerned
 - (2) D.M. (F&A) E/R
 - (3) E/S concerned
 - (4) BGM. (Tn. Engg)
 - (5) Qrs. File.

Received
o/c *[Signature]*
7-5-03

Certified to be true Copy
[Signature]
Advocate

True Copy
[Signature]
Central Assy. Public Information Officer
R.S.P. Rourkela

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-19-

Central Ass. Public Information Officer
केन्द्रीय प्रशासनिक न्यायालय

08 FEB 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

(17)

STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT
ROURKELA

Ref.No.: TS/NEA/

Dated: 14.06.2006

ALLOTMENT ORDER NO.: 84

Allotment of quarters is made on 11 months licence basis with the terms and conditions mentioned below:-

Qrs.No	Sector	Type	Name & Address of the Allottee	Remarks
C/180	08	Cheap Type	Officer Incharge,	1. For residence of staff only.
C/182	08	Cheap Type	National Institute of Malaria	2. On vice vacation with the present occupant.
E/398	15	Cheap Type	Research, Sector-5,	
E/399	15	Cheap Type	Rourkela - 769002.	
E/414	15	Cheap Type		
E/418	15	Cheap Type		
D/172	16	Cheap Type		
D/291	16	Cheap Type		
D/301	16	Cheap Type		

The allottee is to occupy the quarters within 7(seven) days and furnish the occupation report through the Estate Supervisor concerned. If the allotment is not accepted or the house is not occupied within the stipulated period the allotment shall stand automatically cancelled.

The allottee is to utilise the quarters only for the purpose for which it is allotted. The allottee shall not keep any cow, buffalo or goat or any other cattle or any other obnoxious material within the premises of the quarters allotted to him.

The allottee is liable to pay rent and other allied charges as admissible under rules as applicable to P.S.U rate will accrue from the date of occupation of the quarters and are subject to revision from time to time.

This allotment is absolutely temporary and valid for a period of 11(eleven) months from the date of occupation. The Management of SAIL, RSP reserves the right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representatives of Town Services Department as and when required. In case of any damage, missing fittings etc. in the quarters during vacation, the allottee will be liable to pay the repair / replacement cost etc. of the same as per rules.

The allottee shall not carry out any extension/ alternation/ modification of the quarters without the written permission from this office. A list of actual occupancy position may be sent to this office for records.

[C.S.MOHAPATRA]
Dy.Mgr.(TS-NEA&EV)

Offtee concerned.
M (TE)Civil
I/c.(TE)Elect.
I/c.(TE)WS

5. Manager(F&A)ER
6. Estate Supervisor concerned.
7. Quarters File./ Office copy.

Certified to be true Copy

Advocate

True Copy

Central Ass. Public Information Officer
R.S.P., Rourkela

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 08 FEB 2010
 Guwahati Bench
 गुवाहाटी न्यायापीठ

- 20 - 108 -

ROURKELA STEEL PLANT
 1126

STEEL AUTHORITY OF INDIA LIMITED
 ROURKELA STEEL PLANT
 ROURKELA

Dated: 20.07.2006

Ref.No.: TS/NEA/

ALLOTMENT ORDER NO.: 101

Allotment of quarters is made on 11 months licence basis with the terms and conditions mentioned below:-

Qrs.No	Sector	Type	Name & Address of the Allottee	Remarks
26.8.06 E/46	06	Cheap Type	Officer Incharge, National Institute of Malaria Research, Sector-5, Rourkela - 769002.	1. For residence of staff only. 2. On vice vacation with the present occupant. 3. Qrs.No.E/398, E/399, E/414, E/418, Sector-15 allotted vide allotment order No.84, dtd.14.06.2006 is hereby cancelled.
26.7.06-E/58	06	Cheap Type		
26.7.06-E/92	06	Cheap Type		
26.7.06-E/114	06	Cheap Type		

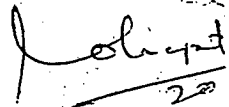
The allottee is to occupy the quarters within 7(seven) days and furnish the occupation report through the Estate Supervisor concerned. If the allotment is not accepted or the house is not occupied within the stipulated period the allotment shall stand automatically cancelled.

The allottee is to utilise the quarters only for the purpose for which it is allotted. Allottee shall not keep any cow, buffalo or goat or any other cattle or any other obnoxious material within the premises of the quarters allotted to him.

The allottee is liable to pay rent and other allied charges as admissible under rules applicable to P.S.U. ^{unit which} rate will accrue from the date of occupation of the quarters and are subject to revision from time to time.

This allotment is absolutely temporary and valid for a period of 11(eleven) months from the date of occupation. The Management of SAIL, RSP reserves the right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representatives of Town Services Department as and when required. In case of any damage, missing fittings etc. in the quarters during vacation, the allottee will be liable to pay the repair / replacement cost etc. of the same as per rules.

The allottee shall not carry out any extension/ alteration/ modification of the quarter without the written permission from this office. A list of actual occupancy position may be sent to this office for records.



 [C.S.MOHAPATRA]
 Dy.Mgr.(TS-NEA&I)

Copy to:

1. Allottee concerned.
2. DGM (TE)Civil
3. AGM I/c.(TE)Elect.
4. AGM I/c.(TE)WS

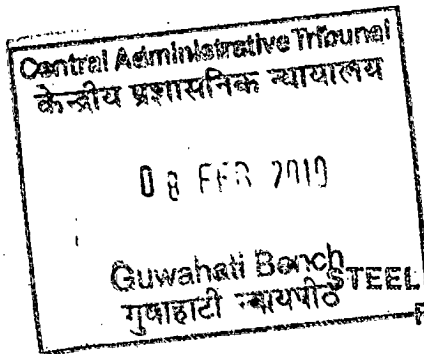
5. Manager(F&A)ER
6. Estate Supervisor concerned.
7. Quarters File./ Office copy.

True Copy


 Central Asst. Public Information Officer
 R.S.P, Rourkela

Certified to be true Copy.

Advocate



-21- -109-

STEEL AUTHORITY OF INDIA LIMITED
ROURKELA STEEL PLANT
ROURKELA

152

Dated : 21 . 09 . 2007

Ref.No.: TS/NEA/

ALLOTMENT ORDER NO.: 102

Allotment of quarters is made on 11 months licence basis with the terms and conditions mentioned below:-

Qrs.No	Sector	Type	Name & Address of the Allottee	Remarks
11.10.07 C/274	06	Cheap Type	Officer Incharge, National Institute of Malaria Research, Sector-5, Rourkela - 769002. 1. Com. No. 902)	1. For residence of staff. 2. On vice vacation with the present occupant.
09.10.07 C/296	06	Cheap Type		
13.10.07 C/301	06	Cheap Type		
09.10.07 C/317	06	Cheap Type		
16.10.07 C/322	06	Cheap Type		
12.10.07 C/398	06	Cheap Type		
16.10.07 D/78	06	Cheap Type		

The allottee is to occupy the quarters within 7(seven) days and furnish the occupation report through the Estate Supervisor concerned. If the allotment is not accepted or the house is not occupied within the stipulated period, the allotment shall stand automatically cancelled.

The allottee is liable to pay rent and other allied charges as admissible under rules applicable at P.S.U rate will accrue from the date of occupation of the quarters subject to revision from time to time.

The allottee is to utilise the quarters only for the purpose for which it is allotted. No subletting is permissible. In case, the allottee is not found in physical occupation of the Qrs. and any one else is found in occupation, it will automatically be deemed that the house has been sublet and from the date of such detection, the allotment order will stand cancelled. The allottee shall not keep any cow, buffalo, goat, pig, poultry etc. or any other obnoxious material within the premises of the quarters allotted to him.

This allotment is absolutely temporary and valid for a period of 11(eleven) months from the date of occupation. The Management of SAIL, RSP reserves the right of cancellation of this order at any time. The quarters will have to be vacated and surrendered to the representatives of Town Services Department as and when required. In case of any damage, missing fittings etc. in the quarters during vacation, the allottee will be liable to pay the repair / replacement cost etc. at the same as per rules.

The allottee shall not carry out any extension/ alteration/ modification of the quarter without the written permission from this office.

A list of actual occupancy position may be sent to this office for records.

S. K. Sarangi
21-09-07
(S.K. Sarangi)
AGM(TS-A&EV)

Copy to:

1. Allottee concerned.
2. DGM (TE) Civil
3. DGM (TE)WS.
4. AGM I/c (TE)Elect.
5. Manager (TS-ER)
6. Estate Supervisor concerned.
7. Quarters File/ Office copy.

Certified to be true Copy

Advocate

True Copy

Central Asst. Public Information Officer
R.S.P. Rourkela

868307

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 08 FEB 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

विषय: जल आपूर्ति एवं निकास / Misc. Assets and Damages :

(W/C) जल आपूर्ति एवं निकास / WATER SUPPLY & SANITARY :

1. नलों की संख्या No. of Taps	मुख्य बिल्डिंग में / In main building (बाश बेसिन और सिंक को छोड़कर) (Excluding wash basin & sink) बगीचे में / In garden नोकर के क्वार्टर में / In servant quarters	2. फव्वारे की संख्या No. of showers	3. बाश बेसिन की संख्या No. of wash basin	4. बाश बेसिन में नलों की संख्या No. of taps in wash basin	5. सिंक की संख्या / No. of sink	6. सिंक में नलों की संख्या No. of taps in sink	7. सिंक में ड्रैनिंग बोर्ड की संख्या No. of draining board in sink	8. शीशों की संख्या No. of mirror	9. शीशों की सेल्फों की संख्या No. of Glass shelves	10. तौलिया कुडों की संख्या No. of towel rails	11. स्नान कुडी की संख्या No. of bath tub	12. फ्लोर ट्रेप ग्रेटिंग की संख्या No. of floor traps grating	13. टॉयलेट पेपर होल्डर की संख्या No. of Toilet Paper Holder	14. इन्ड्यूसी पैन की संख्या No. of W.C. Pans	यूरोपियन / European कोमोड शीट कवरेज Commode sheet cover भारतीय / Indian

उपर्युक्त के अनुसार कब्जा लिया/दिया गया
 Taken/Handed Over as above

[Signature]
 कब्जा लेने वाले के हस्ताक्षर
 Signature of the Occupant

प्रतिहस्ताक्षर
 Counter Signature

सहायक प्रबंधक, सम्पदा
 Asst. Manager, ESTATE

वितरण
 Distribution

1. कार्डेक्स /Kardex.
2. राजस्व अनुभाग/ Revenue Section.
3. संबंधित व्यक्ति/ Individual Concerned.

उपर्युक्त के अनुसार कब्जा लिया/दिया गया
 Handled/Taken over as above

[Signature]
 एस्टेट ऑफिस के प्रतिनिधि के हस्ताक्षर
 Signature of the Representative of Estate Office

4. एस्टेट कार्यालय के प्रतिनिधि
 Representative of Estate Office
5. टाउन इंजीनियरी
 Town Engineering

Certified to be true copy

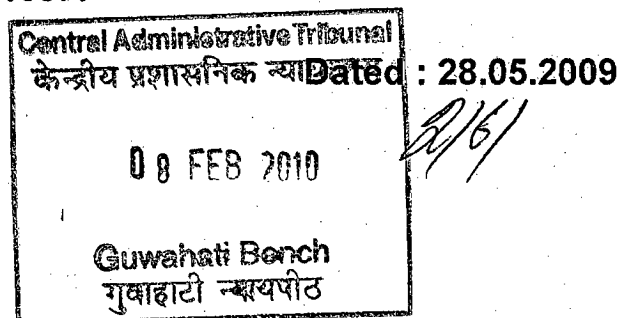
[Signature]
 Advocate

ANNEXURE - E..

**NATIONAL INSTITUTE OF MALARIA RESEARCH
(Indian Council of Medical Research)
Room No. 8, Sector -8, Dwarka
NEW DELHI - 110077**

RTI- 66 109 / 150

Sh. Khageswar Padhan
IDVC Field Unit,
Under National Institute of Malaria Research
VIP Road, Chachal; P.O.- Khanapara
Guwahati - 781 022, Assam.



Sub :- Application under Section - 6 & 7 of the RTI Act -2005 dt. 10th Apr. 2009.

Sir,

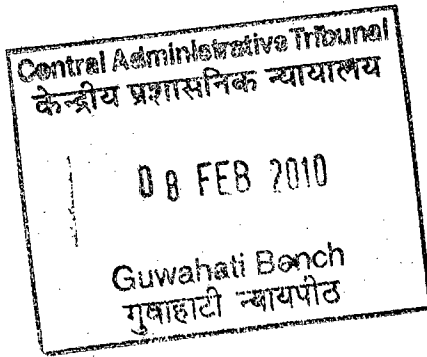
In response to your above mentioned application dated 10th April 2009 (No.1), point wise reply is given below :

1. Rourkela Steel Plant has allotted 29 residential premises in installment as and when requisition was received from the NIMR staff. Out of these, 6 are Executive Flats for Officers and rest are all cheap type quarters.
2. There is no designated Estate Officer in respect of residential premises allotted to NIMR staff. The staff quarters belongs to SAIL (RSP) and as such allotment of quarters are governed by SAIL rules and NIMR is not bound to appoint Estate Officer for temporary allotment of residential property not belonging to it.
3. Not applicable in the light of para 2.
4. Three residential quarters were allotted to NIMR staff (H-7, H-82 and H-119) vide allotment order No. TS/NEA/2001 dt. 27.03.2001 initially for a period of 11 months as per terms of allotment applicable to Public Sector Undertakings. However, RSP has never sent any reminder for renewal of license agreement although the OIC Rourkela has written a letter No. 2:4:2:05/228 dated 27.05.2005 for extension of allotment (Copy of letter enclosed).
5. Copy of the letter No. 2:4:2:2001/38 dated 19.01.2001 for the requisition of residential premises to NIMR staff is enclosed.
6. After receiving allotment for three residential quarters, the Officer Incharge, NIMR, Rourkela has written to RSP vide letter No. 2:4:2:2001/174 dated 18.04.2001 (copy enclosed) that the quarters may be allotted to individual person including Quarter No. H-82 to Mr. K. Padhan.

Certified to be true Copy
Advocate

Contd. - 2 -

7. The occupation deed of Quarter No. H-82 was signed by OIC as well as Mr. K. Padhan and as such a copy of this deed is already provided to Mr. K. Padhan.
8. The allotment of Qr. No. H-82 allotted to Mr. K. Pradhan is not yet cancelled by the RSP.
9. RSP has not issued any notice to O.I.C., NIMR to charge house rent at market / penal rate in respect of Qr. No. H-82.
10. RSP authorities have not issued any eviction notice to the allottee.
11. The matter for retention of residential premises provided to Sh. K. Padhan is under consideration with the legal advisor. Decision on this matter will be intimated later on.



Yours faithfully,

R. C. Dhiman

(Dr. R.C. Dhiman)
Scientist 'F' & PIO, NIMR
For Officer-in-Charge

Encl. As above.

Certified to be true Copy
[Signature]
Advocate

ROURKELA STEEL PLANT

TOWN SERVICES DEPARTMENT

Water and Electricity Charges from 01/07/2007 To 30/07/2007

Bill No: 11/00015 Consumer No: 110015 Print Date: 12/10/07 10:42 AM

Address: DIRECTOR, MALARIA RESEARCH
HEALTH CENTRE, SECTOR-5
ROURKELA-769002

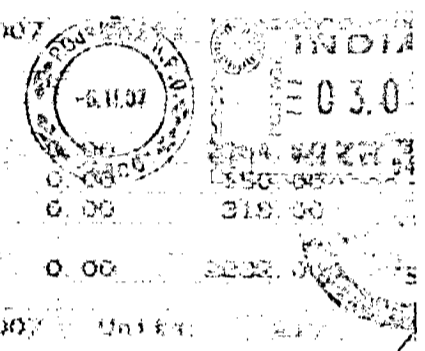
BILL HEAD SERVICE

(All figures in Rs.)

Am. Up to Last Ctr.	Current Demand	Amount Adjusted	Amount Received	Amnt of Adv. Adjusted	Balance Payable
2364.00	2364.00	0.00	0.00	0.00	4728.00
150.00	150.00	0.00	0.00	0.00	300.00
0.00	0.00	0.00	0.00	0.00	0.00
2514.00	2514.00	0.00	0.00	0.00	5028.00

Unit: 4182 Curr MR: 4183 MR Date: 14/08/2007
Rate No: 50

0.00	2364.00	0.00	0.00	0.00	
0.00	150.00	0.00	0.00	0.00	
0.00	318.00	0.00	0.00	0.00	318.00
0.00	2832.00	0.00	0.00	0.00	2832.00



Unit: 4878 Curr MR: 5097 MR Date: 14/08/2007
Rate No: 50

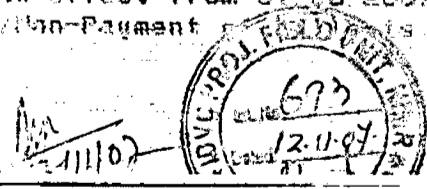
4728.00	2364.00	0.00	4728.00	0.00	1404.00
300.00	150.00	0.00	300.00	0.00	150.00
3060.00	0.00	0.00	3060.00	0.00	0.00
8088.00	2514.00	0.00	8088.00	0.00	2514.00

Unit: 6842 Curr MR: 8042 MR Date: 14/08/2007
Rate No: 50

2364.00	2364.00	0.00	2364.00	0.00	2364.00
150.00	150.00	0.00	150.00	0.00	150.00
0.00	1530.00	0.00	0.00	0.00	1530.00
2514.00	4044.00	0.00	2514.00	0.00	4044.00

Unit: 4625 Curr MR: 5355 MR Date: 30/09/2007
Rate No: 50

Tax @12% on Rent/LF, Edcn. Cess @2% and SHEC @1% on Service tax with effect from 01.05.2007 (Not applicable to Govt./Rasi/Eis) Payment is governed as per rules printed overbill.



Qualified to receive Copy
Advocate

-27-115-

ANNEXURE-6:

ROURKELA STEEL PLANT

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 08 FEB 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

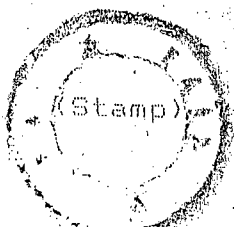
STEEL AUTHORITY OF INDIA LIMITED; ROURKELA STEEL PLANT
TOWN SERVICES

Cash Receipt
=====

Receipt No: RSP/TS/47452 Shop/Qtr. No: H-082/02 Date: 19-Dec-2007

Challan No: 21955
 Party Name: DIRECTOR, MALARIA RESEARCH ID: 110015
 Depositor : P.K. BEHERA
 Purpose : LF & WC UPTO 9/07
 Amount : Rs. 5028/- WITHOUT PREJUDICE
 In Words : Rs. Five Zero Two Eight Only
 Cash : Rs. 5028/-

RENT/LICENCE FEE Rs. 4728/-
 WATER CHARGES Rs. 300/-



(Cashier)

[Signature]
 19/12/07
 Manager (Finance) Estate

Note: Receipts for payment by cheque/Draft are subject to realisation.

Certified to be true Copy
[Signature]
 Advocate