

0/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

R.A-01/99 ordered sheet pg-1 to 4 INDEX

Dismissal date- 15/12/2020

Reelgment Copy pg-1 to -5

O.A/T.A No. 25/95.....

R.A/E.P No. 01/99.....

E.P/M.A No.....

1. Orders Sheet O.A. 25/95 Pg..... 1 to 6

2. Judgment/Order dtd. 25/3/98 Pg..... 1 to 6 Disposed

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6. R.A/C.P. 01/99 Pg..... 1 to 15

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13. Written Arguments

14. Amendment Reply by Respondents

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Dismissal date- 24/3/95

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO. 25/95

MISC PETITION NO. (O.A.NO.)

REVIEW APPLICATION NO. (O.A.NO.)

CONT. PETITION NO. (O.A. NO.)

Haridas Das

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

Mr. B.K. Sharma, Mr. D. Bhattacharya Advocate for the
Mr. S. Santra Applicant.

Advocate for the
Respondents

CAS

Office Note

Court Orders

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPO/BD No. 803/88/2547
Dated 22.1.95

21.2.95

Mr B.K.Sharma for the applicant
Mr S.Ali,Sr.C.C.S.C for the
respondents.

The applicant was placed at
serial No.8 in the Select List of
1994 for promotion to IAS against the
existing vacancies. It is however,
averred by the applicant that in the
names approved by the Govt. of Tri-
pura persons above him as well as
respondents 7 to 10 were below him
in the Select List have been recom-
mended excluding his name and this
exclusion is illegal. He has stated
that there is no impediment against
his promotion and the Govt. of
Tripura cannot hold back his name
for the purpose of accommodating his
juniors. A prima-facie case for
consideration is disclosed.

Application admitted. Issue
notice to the respondents. Mr S.Ali,
Sr.C.C.S.C seeks to appear for

Service Report - is not ready

2/2
2/3

contd...

O.A. 25/95

OFFICE NOTE

COURT ORDERS

21.2.95

respondents 4 to 6. The notices however, will be sent directly to the said respondents. The learned Sr.C.G.S.C will file his memo of appearance in due course. Four weeks for written statement.

Adjourned to 21.3.1995 with liberty to apply for interim relief in the event of the application is not ready for final hearing. It is left open to the respondents to file a short show cause reply if they so desire as to why interim order as prayed should not be granted. In the event of they being not in a position to file their written statement on 21.3.95, it is made clear that the pendency of this application will not be a bar to the respondents to consider the inclusion of the applicant for appointment against 1994 Select List.

21.3.95

List on 25.5.95 for orders.

pg

25.5.95

Counter not filed till today.
Adjourned for orders to 24.7.95

Requirements are made
& issued vide no.
1536-45 & 54-95

Vice-Chairman

Member

On 31/4/95 Notice duly served on
2 m. 2.3.1995 to 12.2.1995

24-7-95

None for the applicant. Mr.S.Ali for the respondents 4,5 & 6. None for the other respondents. At the request of Mr.Ali time to file written statement is extended by six weeks. Adjourned to 11-9-95 for order.

Vice-Chairman

Member

lm

ln
24/7

11.9.95

From 21.11.95

27.2.96

For hearing on 22.4.96

Bos:

By order
Bos

21.11.95

22.4.96

Mr. S.Sarma for the applicant.

Mr S.ALI, Sr.C.G.S.C for the respondents.

As requested by learned Sr.C.G.S.C list on 27.5.96 for written statement and further orders.

Member

Service already Regd. No. 1-10.

/statement has not
been filed:

pg

27.5.96

Mr M.R.Pathak for Mr B.P.Kataki for respondents No.1 & 3. Mr S.Ali, Sr.C.G.S.C for respondents No.4,5 & 6. Written statement have been submitted by respondents 1 and 3. Other respondents have not submitted written statement.

List on 28.6.96 for written statement by other respondents and further orders.

Member

pg

27-5-96

28-6-96

Mr.D.S.Bhattacharjee for the applicant. Mr.S.Ali, Sr.C.G.S.C. for the respondents.

List for hearing on 25-7-96

6
Member

lm

13.8.96

Called the records of O.A.25/96
Mr B.K.Sharma for the applicant
and Mr B.P.Kataki for respondents No. 1 and 3 are present.

By consent list for hearing on 11.9.96 together with O.A.55/96.

Called the records
immediately.

m
13/8/96.

6
Member

pg

m
13/8

14-8-96

Copy of order add. 3.10.96

13.8.96 issued to
the concerned
parties Resptt. 1, 3.

Mr S.Sarma for the applicant. Mr S.Ali, Sr.C.G.S.C for respondents No.4, 5 and 6. Mr M.R.Pathak for respondents 1 and 3.

Written statement have not been submitted by respondents No.4, 5 and 6. Mr Ali may submit written statement on behalf of respondents 4, 5 and 6.

List for hearing on 19.11.96.

6
Member

20.6.97

pg

m
3/10

Verification page 15 6.5.97
is not clearly mentioned
by the applicant's
counsel.

The case is ready for hearing.
List on 23.6.97 for hearing.

20/6.

pg
3/15

JK
Vice-Chairman

(5)

23.6.97 It has been informed that Mr B.P. Kataky, learned Government Advocate, Tripura, is suffering from some ailment and he has gone to Delhi for treatment. Under the circumstances we adjourn the case till 5.8.97 for hearing.

6
Member

Sb
Vice-Chairman

nkm

5/5/97

5.8.97

Division Bench is not sitting.

Let the case be listed on 11.9.97 for hearing.

*W/S. hs not been
Served by Q.No. 4,5&6.*

By order

*8/8
10/9*

trd

11-9-97

Learned counsel Mr.B.K.Sharma is reported to be sick. Mention has been made by Mr.S.Sarma learned counsel for adjournment. The other side is not present. This case is adjourned till 28-10-97 for hearing.

6
Member

Sb
Vice-Chairman

27.11.97
1) Written Statement
has been filed on
R - 1 + 3.

2) Notice duly served
on R - 1-5, 7, 9, 10
on 10.

27/11

3) Notice duly served
on R. Nos. 1-5, 7, 9 & 10.

4) W/S hs *sw* on R. Nos. 1 + 3.

17-12-97

Case is adjourned till 27-1-98 for hearing.

6
Member

Sb
Vice-Chairman

16/12
5) Notice duly served on R. Nos
1-5, 7, 9 & 10

6) W/S hs *sw* on R. No. 10

19/12

23/11

27-1-98

There is no representation.

For the ends of justice we adjourn the case till 19-2-98 for hearing.

Member

Vice-Chairman

lm

pg
312

19.2.98

Notice duly served on R.Nos 1-5, 7, 9 & 10 in R.Nos 6, 8 is still awaited

WTS has been filed on R.Nos 1 & 3.

The R.Nos 2, 4 to 10 have not been filed.

Mr B.P. Kataki, learned Government Advocate, Tripura, is in bereavement. A mention has been made for adjournment. The case is adjourned till 6.3.98. Mr B.K. Sharma, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. have no objection.

Member

Vice-Chairman

nkm

pg
2312

6.3.98

Heafd Mr B.K.Sharma, learned counsel for the applicant and Mr B.P.Kataki, learned Government Advocate, Tripura. Hearing concluded. Judgment reserved.

Member

Vice-Chairman

pg

pg

9/3

25.3.98

Judgment delieverd in the open Court and kept in separate sheets. The application is disposed of in the manner indicated in the judgment. No costs.

Member

Vice-Chairman

pg

20.4.98

Copy of the Judgment has been sent to the D/ree. for issuing in due to the parties through Regd. with A/P.

81 issued w/cd.

D.Nos. 113480/144

on 28.4.98.

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.NO. 25 of 1995.

25-3-1998.
DATE OF DECISION.....

Sri Harihar Das

(PETITIONER(S)

Sri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Sri B.P.Kataki for Respdt.No.1 & 3.
None for the other respondents.

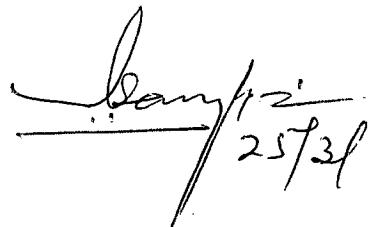
RESPONDENTS ADVOCATE.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


25/3/98

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 25 of 1995.

Date of Order : This the 25th Day of March, 1998.

Justice Shri D.N.Baruah, Vice-Chairman

Shri G.L.Sanglyine, Administrative Member.

Sri Harihar Das
resident of North Baramalipur,
P.S. East Agartala, Dist.West Tripura. . . . Applicant

By Advocate Shri B.K.Sharma.

- Versus -

Union of India and others. . . . Respondents

By Advocate Shri B.P.Kataki for
respondents No.1 and 3.

None present for the other respondents.

O R D E R

G.L.SANGLYINE,ADMINISTRATIVE MEMBER,

The applicant was a member of the Tripura Civil Service and was eligible for appointment to the Indian Administrative Service by promotion. He was selected for such appointment in the select list of 1994. But he was not appointed because of a disciplinary proceeding initiated against him after the meeting of the Selection Committee was held but before issue of his appointment order. In view of the proviso to the Regulation 5(5) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 his inclusion in the list was treated to be only provisional. His juniors were appointed in the I.A.S after keeping one post vacant reserved for the applicant in accordance with the provisions of the first proviso to Regulation 9(1) of the aforesaid Regulations.

2. Mr B.K.Sharma, the learned counsel for the applicant, submitted that the disciplinary proceeding had been dropped

and the applicant had since been appointed in the Indian Administrative Service, in the Joint Cadre of Manipur and Tripura. His only contention in this original application is that since the disciplinary proceeding had been dropped the applicant should be appointed in the Indian Administrative Service with effect from the date of appointment in the IAS of his junior according to the selection List of 1994. In support of his contention he placed reliance on Ashok vs David vs. Union of India and others, reported in AIR 1996 Supreme Court 2165, Dr Y.P.Gupta vs. Union of India and others reported in (1985) 1 S.C.C 43 and on the order of this Tribunal dated 28.7.1997 in O.A.No. 63 of 1994, Bhudev Basumatary, ACS vs. Union of India and others. Mr B.P.Kataki Advocate, Tripura learned Govt. for the respondents No.1 and 3, The State of Tripura, opposed the contention of Mr Sharma. According to Mr Kataki, no appointment can be made on the basis of the selection list of 1994 in view of the provisions of the Indian Administrative Service (Appointment by Promotion) Regulation 1995 as the list had expired. None of the other respondents had submitted written statements and no one appeared for them at the time of hearing.

3. We have heard learned counsel for the parties. In the light of their submissions the following regulations of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 are reproduced below which will be relevant for our consideration in this original application.

(i) Regulation 5(5) -

"The list shall be prepared by including the required number of names, first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and there after from amongst those similarly classified as 'Good' and the order of names inter se

within each category shall be in the order of their seniority in the State Civil Police Service :

Provided that the name of any officer is included in the list, shall be treated as provisional if the State Government withholds the integrity certificate in respect of such officer or any proceedings are contemplated or pending against him or anything adverse against him has come to the notice of the State Government."(emphasis supplied)."

(ii) Regulation 7(4) :

"The Select List shall ordinarily be in force until its review and revision, effected under sub-regulation (4) of Regulation 5, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2):

Provided that no appointment to the service under Regulation 9 shall be made after the meeting of fresh Committee to draw up a fresh list under Regulation 5 is held." (emphasis supplied)

(iii) Regulation 9(1) :

"Appointment of members of the State Civil Service to the Service shall be made by the Central Government on the recommendation of the State Government in the order in which the names of members of the State Civil Service appear in the Select List for the time being in force:

Provided further that the appointment of an officer, whose name has been included in the select list provisionally, under proviso to sub-regulation (5) of Regulation 5 shall be made after his name is made unconditional by the Commission on the recommendations of the State Government during the period the select list remains in force. While making appointment of an officer junior to a select list officer whose name has been included provisionally in the select list, one post will have to be kept vacant for such a provisionally included officer."

(emphasis supplied)

4. The applicant in O.A.63 of 1994 was included in the select list drawn on 31.3.1993. The Vigilance Inquiry against him was dropped on 2.2.1996. In the order dated 28.7.1997

it was held by this Tribunal that the applicant was entitled to appointment on the strength of the 1993 select list and it was ordered that his appointment should be given effect from 20.4.1994 in the facts and circumstances obtaining in that case as narrated in the order. The facts in that case are different from those in the present case. Unlike in that case, in the present case the disciplinary proceeding was closed with a warning. In that case there was an intervention of the Tribunal before the expiry of the select list vide interim order dated 25.3.1994 directing to keep one post vacant till disposal/finalisation of the Vigilance case and further that the vacancy shall be left out of consideration by the Selection Committee of 1994-95. In the present case under consideration there was no such intervention by the Tribunal. Only liberty was left to the respondents to consider the inclusion of the applicant for appointment against the 1994 select list. In AIR 1996 S.C 2165, the appellants were members of a State Civil Service and they were due to be considered for appointment in the Indian Administrative Service in 1983 but were not considered. There was delay in granting them confirmation though they were qualified for the same much earlier than 1983. They were confirmed only on 1.1.1986. This delay had resulted in their non consideration for appointment to the IAS in 1983. Finding that there was no reasonable ground whatever to justify the delay the Hon'ble Supreme Court held :

"In the aforesaid premises, we have no doubt that the appellants had become eligible for consideration when the selection committee sat in December, 1983 and we, therefore, direct the Union of India to give that order of allotment to the appellants which is due to them by treating that their selection for promotion to IAS had taken place, not pursuant to the select list prepared in 1987, but in 1983."

5. The provisions of the first proviso to Regulation 7(4) above prohibits appointment to the Indian Administrative Service under Regulation 9 out of a Select List after meeting of a fresh Committee to draw up a fresh Select List is held. In Brahmananda Pandey vs. Union of India and others (O.A.No. 176/94) the applicant was selected and recommended by the State Government for appointment before the expiry of the Select List in which his name was included but no appointment was made by the Central Government before the next Select List was prepared. This Tribunal in the order dated 20.6.1995 after relying on the decision of the Hon'ble Supreme Court in Syed Khalid Rizvi & Ors. vs. Union of India & Ors. reported in 1993 (Suppl) 3 S.C.C 575 had held :

"In Syed Khalid Rizvi's case Their Lordships have observed that inclusion of a person's name in the Select List does not give that person a vested right to be appointed. Accordingly if no order of appointment was issued before the subsequent list came into existence, the applicant cannot claim appointment on the basis of mere recommendation of the State Government."

The applicant in this Original Application under consideration was appointed in the Indian Administrative Service on 21.2.97 but not out of the Select List of 1994. The first proviso to Regulation 9(1) referred to above provides that on clearance as laid down therein an officer whose name is provisionally included in the Select List can be appointed out of the Select List. This however, has to be done during the period the Select List remains in force. The disciplinary proceeding against the applicant, which prevented his appointment out of the 1994 Select List, was initiated on 9.2.1995, that is immediately before the expiry of the Select List of 1994. The proceeding was concluded on 30.12.1996. Therefore, in

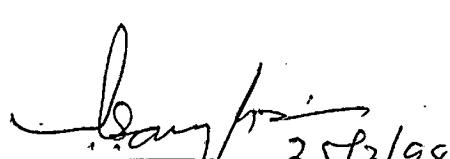
this particular case of the applicant the benefit provided in the First Proviso to Regulation 9(1) could not be availed of during the currency of the Select List of 1994. The Government of India however, has powers to remove hardships or difficulties in certain circumstances if there is any reasonable ground to do so. We therefore, dispose of this application with the following directions.

(i) The applicant may, if he desires, submit a representation to the competent authority of the Respondents 1 to 5 with a request for granting him Allotment Year as if he was appointed out of the Select List of 1994. This must be done within one month from the date of his receipt of this order.

(ii) The above respondents shall, if such representation is received, consider the prayer of the applicant on merit and issue a speaking order within four months from the date of receipt of the representation.

The application is disposed of as indicated above.
No order as to costs.


(D.N. BARUAH)
VICE CHAIRMAN


25/3/98
(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER

16 FEB 1995

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Guwahati Bench

FORM - 1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.
(An application u/s 19 of the Administrative Tribunals Act '95)

Title of the CAT : O.A. No. 25 of 1995.

Sri Harihar Das ... Applicant.

- Vs. -

The State of Tripura,
Union of India & Ors. ... Respondents.

I N D E X.

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For use in Tribunal's Office :

Date of filing : 16.2.95

Registration No. OA 25/95

Signature
Registrar.

16 FEB 1995

Guwahati Bench
গুৱাহাটী বিধালয়

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Sri Harihar Das,
son of late Ananda Mohan Das,
resident of North Banamalipur,
P. S. East Agartala, Dist. West Tripura,
now posted as Senior Deputy Collector,
North Tripura, Kailasahar.

..... APPLICANT.

- Vs. -

1. The State of Tripura, represented by the Chief Secretary to the Govt. of Tripura, Agartala.
2. The State of Manipur, represented by the Chief Secretary to the Govt. of Manipur, Imphal.
3. The Secretary, Appointment & Services Deptt. Govt. of Tripura, Agartala - 799 001.
4. The Union of India (represented by the Home Secy. to the Govt. of India, New Delhi).
5. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances, & Pension, Deptt. of Personnel & Training, North Block, New Delhi-110 001.
6. The Chairman, Union Public Service Commission, Dholpur House, Sahajahan Road, New Delhi.
7. Sri K.P. Goswami, T.C.S. Gr.I, Jt. Secy., Finance & Agriculture Deptt. Civil Secretariat, Agartala.

16 FEB 1995

Guwahati Bench
গুৱাহাটী অধিবেশন

- 2 -

8. Shri ~~P.~~ Debbamma, T.C.S. Gr. I.
Director of Printing & Stationery,
Govt. of Tripura, Agartala.
9. Shri D.K. Dey, T.C.S. Gr. I,
Jt. Resident Commissioner,
Tripura Bhavan,
1, Preteria Street, Calcutta-71.
10. Shri B.K. Chakraborty,
T.C.S. Gr. I, Joint Secretary,
Finance Deptt., Civil Secretariat,
Agartala.

... RESPONDENTS.

DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made :

The order of appointment of T.C.S. Grade I Officer junior to the applicant to officiate in the IAS Cadre posts vide notification dated 7.10.94 published by the Appointment & Services Department, Government of Tripura, Agartala.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction of the Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed u/s 21 of the Administrative Tribunals Act '85.

16 FEB 1995

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4. Facts of the case :

Gauhati Bench
गोवाटी बैच

(i) That on being selected by the Tripura Public Service Commission, the applicant was appointed to the post of T.E.S. Grade vide notification dt 29.6.1977 to which he joined on 7.7.1977 vide order dated 19.7.1978. Since after his joining he has been rendering his service diligently, efficiently and with entire satisfaction of the authorities. The applicant was declared confirmed in the post of Tripura Civil Service (T.C.S.) Grade II on successful completion of the probationary period. Thereafter he has been appointed to T.C.S. Gr. I (Selection Grade) w.e.f. 25.6.1987 and thereafter he was appointed to T.C.S. Grade-I on regular basis w.e.f. 27.6.1991 vide notification dated 27.6.1991.

A copy of notification dated 29.6.1977, a copy of order dtd 19.7.1978, a copy of notification dtd. 25.6.1987 and a copy of notification dtd. 27.6.1991 are annexed and marked 1, 2, 3 and 4 respectively.

(ii) That the applicant was posted to Sub-Divisional Officer's Office, Udaipur as per order of the then District Magistrate & Collector, South Tripura, Udaipur and he served there including the office of the D.M. (South) during 1978 to 1980. He was then posted as Block Development Officer, Bagafa and he served there during June 1980 to September 1982. Thereafter he held the charge of Senior Deputy Magistrate and other sections of the D.M. & Collector's Office w.e.f. 1983 to 1985. Then

16 FEB 1995

Suwahari Bench
सुवाहारी न्यायालय

- 4 -

he has been posted as Superintendent of Excise, West Tripura, Agartala during the period from 1985 to 1987. He served as Treasury Officer-II during 1987-88. During the year 1988-89 he served as Executive Officer (Administration), TTAADC. He held the charge of Deputy Secretary, R.D. Department, Civil Secretariat, during the year 1989 to 1991 and then during the years 1991 to 1993 he served as Joint Secretary, R.D. Department. Thereafter the applicant was transferred and posted as Senior ~~Emk~~ Deputy Collector, North Tripura District, Kailasahar and he has been working there will date with effect from 15.9.1993. In this connection, it is to be stated that injustice has been done to the applicant in regard to his posting also as his junior officer namely, Sri Jitdas Tripura whose serial number is 48 in the disposition list of the T.C.S. Officers published on 15.9.9993, has been holding the post of Senior Deputy Magistrate whereas the applicant whose serial number is 17 was transferred to the D.M's Office, North Tripura as Senior Deputy Collector even after serving for more than 2 years as Deputy Secretary and more than 2 years as Joint Secretary to the Government of Tripura. The applicant already served as Senior Deputy Magistrate 11 years past as will be evident from a copy of the order dated 21.5.83. The malafide behind such treatment can be gathered also from the fact that Shri Pallab Debbarma and Shri D.P. Dutta who are juniors to the applicant have been holding the post of Directors of Printing & Stationery and Institutional Finance in the higher pay scales of Rs.4000-5900/- whereas the applicant has been holding the post carrying the pay

16 Feb 1995

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- 5 -

scale of Rs. 3600-5800/- . Thereafter the applicant made application for higher scale but he has not been given any reply to that. It has set a precedence in the history of the Tripura Civil Service that an officer who worked as Joint Secretary to the Government was transferred to the post of Senior Deputy Collector.

A copy of the disposition list is annexed and marked - 5, A copy of the order dated 21.5.93 is annexed and marked - 6, A copy of the representation dt 23.6.1994 is annexed and marked - 7 and a copy of the notification dtd 18.4.1991 regarding the applicant's holding the post of Joint Secretary is annexed and marked - 8 respectively.

(iii) That the respondents no. ৬ to ১০ are juniors to the applicant in service beginning from T.C.S. Gr. II to T.C.S. Gr. I, i.e. in the present position.

(iv) That the applicant has rendered his service quite efficiently, diligently and with devotion and his service records are also upto the mark of for appointment to IAS by promotion.

(v) That the Joint Cadre authority prepared select list of Tripura Civil Service Officer in the year 1994 in which the applicant's name found place above the respondent nos. ৬ to ১০. This news has been published in the daily newspaper, namely, the Tripura Darpan on 19.9.1994. To

Government of Tripura
Circular No. 13 dated 13.9.1994

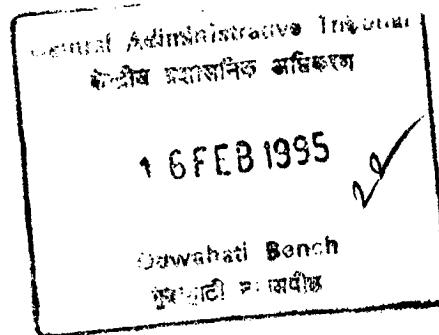
- 6 -

the best of his knowledge, out of the 13 selected candidates, his name appears at Sl. No. 8 in the select list.

A copy of the news published in Tripura Darpan dtd 19.9.1994 is annexed and marked - 9.

(vi) That since the name of the applicant was included in the select list prepared for promotion to IAS in the year 1994, the applicant was expecting that he would be appointed to IAS on promotion in order of his seniority position in the select list. But suddenly a notification dtd 7.10.1994 has been issued from the Appointment & Services Department, Govt. of Tripura, notifying the appointment of some T.C.S. Officers in Grade-I to officiate in the IAS Cadre post under Rule 9 of IAS Rules, 1954. In this list the names of the respondents no. 6 to 9 have been mentioned while the name of the applicant has not been mentioned. Although this is not promotion to IAS but since the juniors of the applicant have been appointed in the IAS cadre posts on the basis of their names in the select list, hence even if the applicant is appointed by the respondents no. 6 to 9 to IAS subsequently, the said juniors will get the benefit of their officiating services in the IAS cadre posts before they are actually appointed to IAS and thereby the applicant will become junior to them. There is no good reason at all to omit the names of the applicant from the said notification appointing the respondent nos. 6 to 9 along with some

Ctd...7



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some others to officiate in the IAS cadre posts. This has been done most arbitrarily, illegally and with malafide reasons and as such it is necessary that injustice should be removed by appointing the applicant to officiate in the IAS cadre post under Rule 9 of the IAS Cadre Rules, 1954 with effect from the date when his juniors have been so appointed and in the meantime, no ~~maxima~~ promotion of the respondents no. 6 to 9 should be made to IAS on the basis of the aforesaid select list without so promoting the applicant. The notification dtd 7.10.1994 in respect of the respondent nos. 6 to 10 are liable to be quashed since they have been given officiating appointment superseding the applicant illegally, arbitrarily and showing undue favouritism.

A copy of the notified dated 7.10.94
is annexed and marked - 10

(vii) That in the meantime, the Govt. of Tripura has sent the names of the selectee nos. 1 to 5 to the Central Govt. for appointment to IAS pursuant to which they have also been appointed vide notification no. F/14015/3/94-AIS(I) dtd. 9.12.94. Admittedly, the persons named in the notification are senior to the applicant and thus he has got no grievance against the said persons. However, as stated above, he is aggrieved by the impugned notification dt 7.10.94 by which the respondent nos. 6 to 10 who are junior to the applicant have been allowed to hold the cadre post on the basis of the select list of 1994.

A copy of the said notification dt 9.12.94 is
annexed and marked - 12.

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Guwahati Bench
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(viii) That the applicant states that being apprehensive in view of the impugned order dtd. 7.10.94 and regular promotion in respect of the persons vide aforesaid notification dt 9.12.94 appointing them to the IAS, ~~THE~~ the applicant enquired about his promotion in the Office. He was completely taken aback when he was told that further 6 names have been approved and sent by the Govt. of Tripura to the Central Govt. from the select list in question and his name does not appear there. This it will appear that the State Govt. have recommended 11 selectees from the select list of 1994 leaving aside the applicant who, Sl. No. is 8 in the select list. As indicated above, 5 selectees above the applicant have already been appointed to IAS. Further 6 names which have been sent for appointment to IAS include 2 seniors to the applicant and the respondent nos. 7 to 9 making the total at 11. It will be pertinent to mention here that ~~XXXXXX~~ present vacancy position is also 11 and thus, the selectee no. 13 would automatically be left out and the applicant has been illegally dropped/omitted from the select list but for which his name would have been sent to the Central Govt. for being appointed to IAS.

(ix) That the applicant states that the aforesaid move on the part of the Govt. of Tripura is quite illegal and is violative of the relevant rules and regulations holding the field. There is no earthly reason as to why the applicant whose name has been included in the select

16 FEB 1995

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list of 1994 should not be sent to the Central Govt. for being appointed to IAS. The applicant emphatically stated that there is no impediment against his such appointment.

Govt. of Tripura cannot hold back the name of the applicant for the purpose of accommodating his juniors. Such a situation has given rise to a situation in which the applicant although selected for being appointed to IAS, has not been so appointed but on the other hand, his juniors have been so appointed.

(x) That the applicant states that the entire action on the part of the Govt. of Tripura is founded on malafide and in colourable exercise of power in-as-much-as with the sole purpose of accommodating the junior of the applicant, he has been deprived illegally for being appointed to IAS and in the process he sought to be superseded by his juniors both in the T.C.S. Gr.I as well as in the select list of 1994.

(xi) That the applicant states that by not recommending the name of the applicant to the Central Government for being appointed to IAS, the Govt. of Tripura have violated the relevant rules and regulations holding the field. As already pointed out above, there is no impediment against the appointment of the applicant to IAS pursuant to his name being included in the select list of 1994 and the respondents have got valid reason to withheld the same. Such illegally withholding of promotion of the applicant to the IAS has resulted in gross violation of principles

of natural justice as well. The applicant craves leave of the Hon'ble Tribunal to produce the newspaper reports high-lighting the public feeling in the matter.

5. Grounds for relief with legal provisions :

(i) For that the impugned order is prima-facie illegal and cannot stand judicial scrutiny and liable to be set aside and quashed.

(ii) For that the name of the applicant having been included in the select list of 1994 and his position being at Sl. No. 8 as against the vacancy position 11, there is no earthly reason as to why he should not be promoted to IAS, more so, when his juniors have been so promoted and sought to be promoted on regular basis.

(iii) For that there being no impediment against the applicant towards his appointment to IAS, the respondents have acted illegally and arbitrarily in not appointing him ~~as~~ as such.

(iv) For that the Govt. of Tripura could not have dropped his name from the select list which was prepared as per the provisions of the rules and regulation holding the field and thus there being violation of the provision of relevant rules and regulations, judicial interference is called for in the matter.

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Guwahati Bench
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(v) For that the applicant having been allowed to be superseded by his juniors in the matter of promotion to IAS without any valid ground, same is resulted in hostile discrimination and there is violation of Article 14 and 16 of the Constitution of India.

(vi) For that the name of the applicant having been included in the select list of 1994, the State Government is estopped from excluding his name from the said select list and that too, behind the back of the applicant in gross violation of the principles of natural justice.

(vii) For that it was the legitimate expectation of the applicant, after his name was included in Sl. No. 8 of the select list in question that he would be promoted like that of others to IAS, but the respondents in gross violation of the rules and regulations holding the field have deprived the applicant in getting his promotion to IAS and in the process, he has been allowed to be superseded by his juniors.

(viii) For that the Govt. of Tripura has acted in a most illegal manner in not sending the name of the applicant to the Central Govt. for the purpose of appointment to IAS and thus the same is required to be set right.

(ix) For that the impugned order dt 7.10.94 though have been stated to be for a period 3 months, the incumbents named therein are still continuant to hold the cadre posts

16 FEB 1995 ✓

Guwahati Bench
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of IAS pursuant to the said notification and now, if the proposal as has been sent by the State Government to the Central Govt. is materialised, the juniors of the applicant will also be regularly promoted jeopardising the service career of the applicant.

(x) For that in any view of the matter, the impugned order and the impugned action of the respondents are not sustainable and liable to be set aside and quashed.

6. Details of remedies exhausted :

The applicant declares that he filed representation seeking redress against the aforesaid wrong done to him. But he has not been favoured with any reply for his representation. There is no provision for any statutory appeal against omission of the applicant from appointment to officiate in the IAS cadre post while his juniors have been so appointed although the name of the applicant is included in the select list where the names of the said juniors are also there and as such, the applicant submitted representation seeking redress which has not been granted to him.

A copy of the representation dt 24.10.1994 is annexed and marked - 11.

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

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter. No representation has been made before any court or any other authority or any Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

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Guwahati Bench
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8. Relief Sought :

Under the facts and circumstances stated above, the applicant prays that the instant application be admitted, records be called for, more particularly, the record/file pertaining to the appointment/proposal for appointment of the juniors (respondent nos. 7 to 10) and also records pertaining to exclusion of the name of the applicant from the select list and upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs :-

- (a) To set aside and quash the impugned order dtd. 7.10.94 (Annexure 10) in so far as the same gives promotion to the respondent nos. 7 to 10 to IAS cadre posts ;
- (b) to direct the respondents not to appoint any of the juniors (respondent nos. 7 to 10) to IAS pursuant to the select list of 1994 without first appointing the applicant to IAS ;
- (c) to set aside and quash the action of the Govt. of Tripura in dropping the name of the applicant from the select list of IAS 1994 and not sending his name to the Central Govt. for being appointed to IAS ;
- (d) to direct the respondents to appoint the applicant to IAS with retrospective effect, i.e. the date from which his juniors have been allowed to hold the IAS cadre posts with all consequential benefits ;

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Guwahati Bench
বাংলা প্রকাশনিক পত্রিকা

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(e) Cost of the application ;

(f) any other relief/reliefs to which the applicant is entitled to and may be deemed fit and proper by the Hon'ble Tribunal under the given facts and circumstances of the case.

9. Interim relief prayed for :

Pending final disposal of the instant application, the applicant prays for the following interim reliefs :-

The respondents be directed not to appoint the respondents nos. 7 to 9 to IAS pursuant to the select list of 1994 without first appointing the applicant to IAS in view of the facts that his name has been included at Sl. No. 8 of the select list and the positions of the respondent nos. 7 to 9 are below him in the select list and also in view of the fact that otherwise also they are junior to the applicant. It is also prayed that the official respondents be also directed not to give any extension of the notification dt 7.10.94 (Annexure 10).

10.

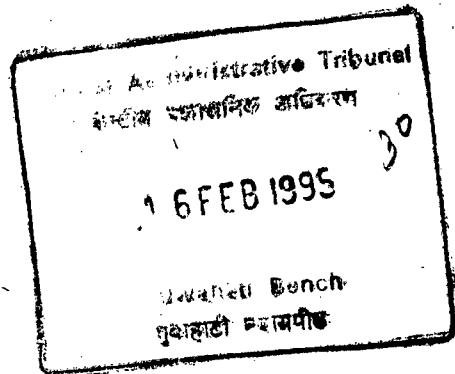
11. Particulars of Bank draft/I.P.O. :

(a) I.P.O. No. 803 882547 (b) Date 27/11/95
(c) Payable at : Guwahati.

12. List of enclosures :

As indicated in the Index.

Verification....15



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VERIFICATION.

I, Harihar Das, son of Late Ananda Mohan Das, aged about 53 years, working as Senior Deputy Collector in the Office of the District Magistrate & Collector, North Tripura, Kailasahar, resident of North Tripura, Kailasahar, resident of North Bamanipur, Sadar, do hereby verify that the contents of paras _____ to _____ are true to my personal knowledge and paras _____ to _____ believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this Verification on this 5th day of Feb. 1995.

Harihar Das
(APPLICANT'S SIGNATURE)

NO.F.2(2)-GA/77. 16

Dated, Agartala, the 29th June, 1977.

NOTIFICATION

Under rule 12 of the Tripura Civil Service Rules, 1967, read with clause (a) of sub-rule (1) of rule 5 of the said Rules, the Governor is pleased to appoint Shri Harihar Das, who competed successfully at the Tripura Civil Services etc. examination held in 1976, to the Tripura Civil Service Grade-II, on probation, with effect from the date of joining.

2. He should report to Director, Administrative Training Institute, Ranchi, Bihar on the 4th July, 1977 (F.N.) positively.

By order of the Governor,

(S. R. Nandy)
(S. R. Nandy)

Under Secretary to the Government of Tripura.

Copy to :-

1. The Special Secretary to the Governor, Tripura, Agartala.
2. The Secretary to the Chief Minister, Tripura, Agartala.
3. P.A.s to all Ministers/State Ministers/Deputy Minister, Tripura.
4. P.A.s to Chief Secretary/Addl. Chief Secretary, Tripura, Agartala.
5. Revenue Department, Civil Secretariat, Tripura, Agartala.
6. The Accountant General, Tripura, Agartala with request kindly to issue necessary pay slip to the officer on receipt of charge report. Shri Das has been appointed against direct recruitment post of T.C.S. Gr-II.
7. The Secretary, Tripura, Public Service Commission, Agartala.
8. The Gazette Department, Government of Tripura, Agartala for publication in the next issue of Tripura Gazette.
9. The Addl. Secretary to the Govt. of Bihar, Department of Personnel, Patna with reference to His D.C. NO.I/Ni-3062/76F-90968/Patna 15, dated the 29th June, 1977.
10. The Treasury Officer, Agartala, West Tripura.
11. The Director, Administrative Training Institute, Ranchi, Bihar with reference to Govt. of Bihar, Department of Personnel D.C. NO. I/Ni-3062/76F-90968/Patna 15, dated 6-6-1977.
12. The Headmaster, Abhoynagar H/S School, Agartala, West Tripura.
13. Shri Harihar Das, S/o. Shri Ananda Mohan Das, Vill- Brajapuri, P.O. Brajapuri, Via- Bishalganj, West Tripura. He is requested to report to the Director, Administrative Training Institute, Ranchi, Bihar on the 4th July, 1977 (F.N.) positively for training and to send necessary charge report to all concerned.
14. Director of Education, Govt. of Tripura, Agartala.

(S. R. Nandy)
(S. R. Nandy)

Under Secretary to the Government of Tripura.

M. CHANDHURI

Attested.

B. A.

Advocate.

Dated, Agartala, the 19th July, 1978

PARAGRAPH

In the interest of public service, Governor has been pleased to grant the joining time to Shri Haribar Das, T.C.S. CR-II (Probationer) for joining as Tripura Civil Service Ex-II for the period from 5-7-77 to 6-7-77 and the above period shall be treated as on duty.

2. Shri Haribar Das has joined as T.C.S. CR-II (Probationer) on account for training at the Administrative Institute, Ranchi, Bihar on 7-7-1977 (Postponed).

This has the concurrence of Finance Department vide P.O. M.
34/P.O.(G)/78 dated 11.3.78.

Order of the Governor,

13/-

(B. B. Bhattacharjee)
Under Secretary to the
Government of Tripura

Copy to :-

1. The Comptt. General, Mysore, Agartala.
2. District Registrar & Collector, West Tripura, Agartala.
3. The Director of Education, Govt. of Mysore, Agartala.
4. The Treasury Officer, Agartala, West Tripura.
5. Shri Haribar Das, T.C.S. CR-II (Probationer), attached to the Office of the District Registrar & Collector, West Tripura, Agartala.


(B. B. Bhattacharjee)
Under Secretary to the
Government of Tripura.

Advocate
B. B. Bhattacharjee
Advocate

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

No. F.2(1)-GA/87.

Dated, Agartala, the 25th June, 1987.

NOTIFICATION

In pursuance of Rule 30 of Tripura Civil Service Rules, 1967 and in terms of Appointment & Services Department Notification No. F.2(1)-GA/87 dated 12.1.87, read with Notification No. F.30(1)-GA/85 dated 24.6.87 Governor is pleased to appoint following TCS Gr. II Officers to TCS Gr. I (Selection Grade) of Tripura Civil Service in the scale of Rs. 1800-2500/- on ad-hoc basis for a period of 6(six) months from the date they joins.

<u>Sl. No.</u>	<u>Name of Officers</u>	<u>Name of post at present holding.</u>
1.	Shri S.K. Adhikari	Deputy Collector, attached to D.M, West, Agartala.
2.	Shri M.K. Majumder	Asstt. Commissioner of Taxes, Agartala.
3.	Shri Bijoy Kanti Roy	Supdt. of Excise & Taxes, North Tripura, Kailashahar.
4.	Shri Harihar Das	Supdt. of Excise & Taxes, West Tripura, Agartala.
5.	Shri P.C. Bhattacharjee	Under Secretary, Welfare for Sch. Tribes/Sch. Castes, Agartala.
6.	Shri R.K. Sen	Controller of Supplies, Tripura Bhavan, Calcutta.
7.	Shri R.L. Chakma	District Tribal Welfare Officer, South Tripura, Udaipur.
8.	Shri K.P. Goswami	Deputy Collector, State Planning Machinery, Agartala.
9.	Shri Palla Deb Barma	Tribal Welfare Officer, Directorate of Welfare for ST., Agartala.
10.	Shri B.N. Bhattacharjee	Under Secretary, Civil Secretariat, Tripura, Agartala.
11.	Shri M.R. Goswami	Land Acquisition Officer, Agartala.

Contd.....p/2.

Attest. C.G.



Advocate.

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12. Shri D.B. Chakraborty Deputy Collector now Managing Director, Tripura Apex Weavers' Coop. Societies Ltd., Agartala.

13. Shri D.K. Dey Assistant Transport Commissioner, Tripura, Agartala.

By order of the Governor,

2516

(P.C. SHARMA)
Joint Secretary to the Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Special Secretary to Governor, Rajbhavan, Tripura, Agartala.
3. Secretary to the Chief Minister, Tripura, Agartala.
4. Offices of Deputy Chief Minister/Ministers, Tripura.
5. Accountant General, Tripura, Agartala with request kindly to issue pay slip to the officers concerned on receipt of formal charge report.
6. Commissioners / Secretaries, Tripura, Agartala.
7. All Departments / Heads of Departments, Tripura.
8. District Magistrate & Collector, West/North/South Tripura, Agartala / Kailashnagar / Udaipur.
9. Treasury Officer, West/South/North Tripura District, Agartala / Udaipur / Kailashnagar.
10. Superintendent of Govt. Press, Agartala for publication.
11. Officers concerned.
12. Personal files.

25/6

(P.C. SHARMA)
Joint Secretary to the Government of Tripura.

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GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

NO. F. 10(13)-GA/79:

Dated, Agartala, the 27th June, 1991.

NOTIFICATION

In pursuance of Rule 30 of TCS Rules, 1967 and in terms of Appointment and Services Department Notification No. F. 19(15)-GA/79 dated 14/5/1987 (Eleventh amendment) read with Notification No. F. 2(1)-GA/87 dated 15-1-1987, Governor with the concurrence of the Tripura Public Service Commission is pleased to appoint the following confirmed TCS Gr. II Officers to the TCS Gr. I Civil (Selection Grade) of Tripura Service in the scale of Rs. 3600/- to 5800/- on regular basis with immediate effect : -

Sl. No.	Name of Officers	Name of post now held
1.	Shri B.K. Sharma	Director of Panchayat.
2.	Shri Nepal Ch. Sinha	Joint Secretary to the Government of Tripura.
3.	Shri Sailana Saino	Addl. Director, Welfare for Sch. Tribes, Tripura, Agartala.
4.	Shri M.K. Deb Parma	District Tribal Welfare Officer, North Tripura, Kailashahar.
5.	Shri S.K. Sarkar	Administrative Officer under the Directorate of Fisheries, Agartala.
6.	Shri R.C. Choudhury	Land Acquisition Officer, North Tripura, Kailashahar.
7.	Shri Sainen Kumar Das	Joint Secretary to the Government of Tripura.
8.	Shri Mahik Lal Reang	Project Officer under TTAADC, Tripura, Agartala.
9.	Shri A.B. Dutta	Addl. Director, Food & Civil Supplies, Tripura, Agartala.
10.	Shri S.S. Dutta	Joint Director, Institutional Finance, Tripura, Agartala.
11.	Shri Harihar Das	Joint Secretary to the Government of Tripura.
12.	Shri K.P. Goswami	Joint Secretary to the Government of Tripura.

Contd. P/2.

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Sr. No.	Name of Officers	Name of post now held
13.	Shri Pallab Deb Barma	Sub-Divisional Officer, Gandacherra, South Tripura.

The Notification is issued in continuation of
Appointment and Services Department Notification No. F.2(1)-GA/87
dated 15-1-1987 and Notification of even number dated 25-6-1987.

By order of the Governor,

Ranu (In 26/6/91)
(B.R. Mukherjee)
Under Secretary to the
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Secretary to the Governor, Tripura, Rajbhavan, Agartala.
3. Secretary to the Chief Minister, Tripura, Agartala.
4. Offices of all Ministers/Ministers of State, Tripura, Agartala.
5. All Commissioners/Secretaries, Tripura, Agartala.
6. Accountant General, Tripura, Agartala.
7. Finance(Estt.) Department, Civil Secretariat, Agartala.
8. Revenue/Panchayat/Tribal Welfare/Finance/R.D./
Fisheries/L.S.G. Department, Agartala.
9. District Magistrate & Collector, West/North/South
Tripura, Agartala/Kailashahar/Udaipur.
10. All Departments/Heads of Department, Tripura.
11. Manager, Government press for publication.
12. Officers concerned.
13. Personal files,

Ranu (In 26/6/91)
(B.R. Mukherjee)
Under Secretary to the
Government of Tripura.

Mrinal/
26691

TRIPURA CIVIL SERVICE GRADE I OFFICERS

SL. NO.	NAME OF OFFICER	DATE OF BIRTH	DATE OF ENTRY INTO T.C.S.	EDUCATIONAL QUALIFICATION	PRESENT POSTING
1	2	3	4	5	6
1.	Sri S.K. Adhikari	04-02-1942	09-06-1976 (D)	M.A.	Director, S.C. Welfare.
2.	Sri N.K. Malra	27-09-1942	15-11-1976 (D)	B.Sc.	Secretary, T.P.S.C.
3.	Sri N.G. Bhattacharjee	16-01-1940	10-06-1976 (D)	B.A. (Hons)	M.D. T.J.M.
4.	Sri Birnai Bhowmik	26-12-1942	08-06-1976 (D)	M.Sc.	Administrator, Agartala Municipality
5.	Sri D.K. Chakraborty	15-08-1952	23-04-1977 (D)	B.A. (Hons)	Jt. Secretary, Jail.
6.	Sri Nepal Ch. Sinha	03-01-1962	14-11-1976 (D)	M.Sc.	Director, Panchayet.
7.	Sri Sallana Saito	01-11-1947	17-06-1976 (D)	M.A., B.Ed.	Director, Research.
8.	Sri M.K. Deb Barma	15-01-1943	08-06-1976 (D)	B.A. (Hons.)	Jt. Secretary, Education.
9.	Sri S.K. Sarker,	02-01-1945	09-06-1976 (D)	M. Com.	Jt. Secretary, R.D. Deptt.
10.	Sri R.C. Choudhury	01-10-1948	24-07-1977 (D)	B.A.	Addl. Commissioner, Deptt. of Inquiries.
11.	Sri Bhagirath Reang	01-08-1947	11-06-1976 (D)	B.A.	Principal Officer, ADC.
12.	Sri Sallen Kr. Das	30-10-1951	05-06-1976 (D)	B.Sc.	Director, Small Savings.
13.	Sri Manik Lal Reang	04-11-1946	01-06-1976 (D)	B.A.	Project Officer, ADC.
14.	Sri A.B. Dutta	02-04-1936	01-04-1977 (P)	B.Com. (Hons)	Addl. Director, Printing & Stationery
15.	Sri B.S. Dutta	15-10-1939	01-04-1977 (P)	B.A.	Dy. Transport Commissioner.
16.	Sri B.K. Roy	20-03-1952	12-07-1977 (D)	B.Sc.	Addl. Commissioner, Labour
17.	Sri Hariner Das	15-07-1941	07-07-1977 (D)	B.Com.	Sr. D.C., O/O D.M. (N).

Atlas Co.



Advocate.

SL. NO.	NAME OF OFFICER	DATE OF BIRTH	DATE OF ENTRY INTO T. C. S.	EDUCATIONAL QUALIFICATION	PRESENT POSTING
1	2	3	4	5	6
36.	Sri Swapan Saha	16-11-1951	01-10-1979 (D)	B.A. (Hons.)	Sr. D.C. O/O D.M. (W)
37.	Sri M.S. Bhattacharjee	12-03-1949	01-10-1979 (D)	B.Com., B.A., LL.B.	Project Director, DRDA (W).
38.	Sri T. Bhattacharjee	16-08-1945	01-10-1979 (D)	M.A.	Sr. D.C. O/O D.M. (S).
39.	Sri B.B. Das	11-09-1948	01-10-1979 (D)	B.Sc.	E.O., Agartala Municipality.
40.	Sri Paritosh Talukder	02-02-1946	01-10-1979 (D)	B.A.	Addl. Commissioner of Taxes.
41.	Sri Debalosh Dutta	02-02-1948	01-10-1979 (D)	M.A., B.Ed.	Addl. Director, Panchayet.
42.	Sri Mridul Das	14-06-1948	01-10-1979 (D)	B.Sc.	Sr. Dy Collector, O/O D.M. (S)
43.	Sri N.G. Das	17-07-1942	01-10-1979 (D)	B.Com.	Addl. Director, S.C. Welfare.
44.	Sri N.R. Jamalia	02-06-1947	01-10-1979 (D)	B.A.	Addl. Director, S.T. Welfare.
45.	Sri R.K. Deb-Barma	22-09-1942	01-10-1979 (D)	B.A.	S.D.O., Udaipur.
46.	Sri Shisir Ch. Das	01-12-1945	01-10-1979 (D)	B.Com.	Sr. D.C. O/O D.M. (W)
47.	Sri M.L. Das	21-08-1947	01-10-1979 (D)	B.A.	General Manager, SC/ST Dev. Corp.
48.	Sri Jildas Tripura	01-03-1949	01-10-1979 (D)	B.A.	S.D.O., Longtharai Valley.
49.	Sri L. Darlong	05-05-1950	01-10-1979 (D)	B.Com.	Addl. R.C.S.
50.	Sri Santanu Das	14-08-1952	01-10-1979 (D)	M.Sc.	M.D., T.S.I.C.
51.	Sri Dilip Acharjee	24-03-1952	01-10-1979 (D)	M.Sc.	L.S.O., South.
52.	Sri Bijoy Deb Barma	04-03-1954	01-10-1979 (D)	B.A.	Sr. D.C. O/O D.M. (S).
53.	Sri Dipak Rn. Dutta	30-03-1951	01-10-1979 (D)	B.Sc.	C.S.O., Food Deptt.

Atto. Ed.

Advocate.

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Government of Tripura
Office of the District Magistrate & Collector,
South Tripura District.

NO. Fg(8)-DM/s/96/32/1392-94

Udaipur,
The 21st May, 1983.

39

ORDER

Shri Alek Deb, District Tribal Welfare Officer
who has been placed at the disposal of S.S.B. should
hand over his charge of the office of the Senior Deputy
Magistrate to Shri Harihar Das, Deputy Collector.

The charge of the District Tribal Welfare office
should be handed over to the Special Officer, Tribal Welfare
Officer, Shri Sridam Paul. *D.P.*

S. Palan
District Magistrate & Collector,
South Tripura.

Copy to :-

1. Shri Alek Deb, District Tribal Welfare Officer,
South Tripura District for compliance.
2. Shri Harihar Das, Deputy Collector.
3. Shri Sridam Paul, Special Officer, D.T.W. Office.

Attoe ad.

R. J.
Advocate.

-25-
ANNEXURE - 7

To
The Secretary,
Govt. of Tripura,
(A AND S Deptt),
AGARTALA, West Tripura.

Through proper channel.

Subject :- PRAYER FOR ALLOWING ME WITH THE HIGHER PAY SCALE OF Rs. 4,000/- -- 5,900/- :-

Respected Sir,

With profound respect I beg to state that I am a T.C.S Gr. I of 1976 batch, but, Sri Pallab Debbarma, T.C.S Gr. I of 1977 batch who is now the Director of Printings & Stationary Department, Govt of Tripura is getting the Higher Pay Scale of Rs. 4000/- -- 5,900/- P.M. As per Rule no junior officer should get the higher Pay Scale depriving the senior Officer.

I would, therefore, fervently pray and hope that you would be so kind enough as to allow me with the Higher Pay Scale with effect from the date from which Sri Debbarma has been getting.

Yours faithfully,

DATED : KAILASHAHAR
THE 23RD JUNE, 1994

H. DAS
(H.DAS) TCS94

Sr. Dy. COLLECTOR,
O/O THE DISTRICT MAGISTRATE & COLLECTOR,
NORTH TRIPURA :::: KAILASHAHAR.

R. M. DAS
Advocate.

NO. F. 10(15)-GA/79:

Dated, Agartala, the 18th April, 91.

NOTIFICATION

In pursuance of Appointment & Services Department Notification No. F. 10(15)-GA/79 dated 2.4.91, the post of Deputy Secretary now hold by the following TCS, Grade-I, Officers are re-designated as Joint Secretary to the Government with immediate effect and until further orders.

1. Shri Dibakar Chakrabortty
2. Shri S. K. Das.
3. Shri Harihar Das.
4. Shri K. P. Goswami.
5. Shri N. C. Singha.
6. Shri M. R. Goswami.
7. Shri Shibdas Paul.

2. As Joint Secretary to the Government of Tripura they will continue to look after the Department in which they are now posted

3. Shri D. B. Chakraborty, TCS, Grade-I, Joint Commissioner of Agrc, Census (now ex-officio Deputy Secretary, Revenue Department) will function as ex-officio Joint Secretary to the Government Revenue Department in addition with immediate effect and until further orders.

B. Order of the Governor,

(B. R. Mukherjee)
Under Secretary to the
Government of Tripura.

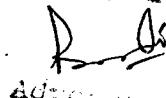
Cop. to :-

1. Chief Secretary, Tripura, Agartala.
2. Secretary to the Governor, Tripura, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Offices of All Minister, Ministers of State, Tripura, Agartala.
5. Principal Secretary, Commissioners' Secretaries, Tripura, Agartala.

7

Contd. P/2.

Attestd.


Addressee

22

6. All Departments/ all/ Head of Departments, Tripura.
7. Accountant General, Tripura, Agartala.
8. Finance Establishment Branch, Civil Secretariat, Tripura, Act.
9. S. A. Department, Civil Servt., Tripura, Agartala.
10. Treasury Officer, Agartala, West Tripura.
11. Manager Government Press for publication in Tripura Gazette.
12. All Officers concerned.
13. Personal file.

Done on 18/4/91
(B.R. Mukherjee)
Under Secretary to the
Government of Tripura.

.....

কেজুর অনুমোদন মিলেছে ১৫ এগাষ্ট মনোনীত আঁই এ প্রেস'কে নিযুক্তি দিচ্ছে রাজ্য সরকার

নিম্নস্ব প্রতিনিধি: আঠার প্রস্তুতি: উল্লেখ্য এস-টি ক্যান্ডারের এ এসদের তালিকা পঞ্চনা নিয়ে
সেপ্টেম্বর: রাজ্য প্রশাসনের এগারজন মনোনীত আই এ এস নিযুক্তির রাজ্য সরকারের তালিবহনার টি সি
টি সি এস প্রেড-ওয়ান - অফিসারকে ব্যাপারে বেশ কয়েক মাস আগে এস প্রেড ওয়ান অফিসারদের মধ্যে
মনোনীত আই এ এস হিসেবে নিযুক্তির কালিকাতার প্রিপ্রেক্ষ ভবনে একটি বৈঠক তৈরি ক্ষেত্র দেখা দেয়।
ব্যাপারে রাজ্য সরকার পীঠীই বিজ্ঞাপ্তি অনুষ্ঠিত হয়। এই বৈঠকে কেন্দ্রীয় মনোনীত আই এ এস হিসেবে
জারী করবে। তিপ্রৱার ক্ষেত্রে এস-টি প্রিপ্রেক্ষ সচিব, প্রিপ্রেক্ষ ও মন্ত্রপ্রের নিযুক্তির প্রশ্নে রাজ্য সরকার মেট
ক্যান্ডারের তেরজন মনোনীত আই এ মধ্যসার্তে ইউ পি এস সি-র প্রতি আঠার জনের একটি নামের তালিকা
এস অফিসারের তালিকাটি, সম্প্রতি নির্ধারিত হিসেবে। অনিষ্টের কেন্দ্রীয় প্রাপ্তয় অধিনায়কে
কেন্দ্রীয় স্বরাষ্ট্র মন্ত্রক 'অন্ত- সরকার ও বৈঠকের প্রেরণ মনোনীত কলকাতাভিসিলজ রিপোর্টের প্রতিক্রিয়া
মাধ্যমে দিবেছে।

তালিকা পাঠানের ব্যাপারে রাজ্য মন্ত্রক পাঠিয়ে দেয়। স্বরূপ্তি মন্ত্রক অন্তর্ভুক্ত করে। পাঁচ জনের নথ দ্বারা
সরকারের চূড়ান্ত তালিবহন ফলে থেকে ও মধ্যসার্ত অন্তর্ভুক্ত প্রাপ্ত যায়। মনোনীত আই এ এস হিসেবে
সংশ্লিষ্ট তালিকা অন্তর্ভুক্ত বিজ্ঞাপ্তি পর মনিশ্বর সরকার মনোনীত আই এ হিসেবে অন্তর্ভুক্ত করে আঁকে
হল। তের জনের নামের তালিকা এস অফিসারদের নিয়ন্ত্রণে হল। অধ্যে আছেন কে কে ইউ প্রিপ্রে
অন্তর্ভুক্ত হলেও রাজ্য সরকার এ তার-ফলে সংশ্লিষ্ট অফিসারের ভৌমিক, নেপাল সিনহা, এস সাইলো,
মুর্তে এগারজনকে মনোনীত আই এ মনোনীত আই এ এস হিসেবে সরকারী শৈলেন দাস, এস এস দত্ত বি কে
এক হিসেবে উল্লেখ করবে। কেন্দ্রীয় স্বৈর্য স্বৈর্য ভোগ করতে আকেন! দ্বারা, ইরিহর দাব কে পি গোম্বারী,
দাজনকে প্রানেলে গাথা হবে।

এ অকস্থায় প্রিপ্রেক্ষ মনোনীত আই চতুর্থ প্রত্ন প্রক্রিয়া

রাজ্য সরকার

প্রশ্ন প্রাপ্তির প্রয়োগ

প্রশ্নের দেববর্মা, ডি কে সে। বি কে
চতুর্থ ও প্রদীপ উচ্চারণ। রাজ্য
সরকার বেহেতু এ মহাতে প্রথম
এগার জনকে মনোনীত আই এ এস
হিসেবে নিযুক্ত দেববে সে ক্ষেত্রে অন্তর্ভু
মনোনীতদের নাম প্রানেলে রাখ দেব।
আঠার জনের তালিকায় বাকী যে পাঁচ
জন বাস গিয়েছেন তাদেব মধ্যে আছেন
দীপক চতুর্থ। যোহিত দেববর্মা,
সচেতন সরকার, তামীরপুর রিয়ার,
শানিক রিয়ার ও রাকেশ চৌধুরী।

এখানে উল্লেখ্য মনোনীত আই এ
এস বিবর টি এস এস প্রেড ওয়ান
অফিসার শাকেল চৌধুরী আদিলাতের
ব্যাপারে হওয়ার মানসিক নিষ্পত্তির না
হওয়া সাপেক্ষে কেন্দ্রীয় সরকার
শ্রী চৌধুরীর নামের অন্তর্ভুক্ত অদলয়ে
যোগ্যে। গত বছর রাজ্য যে সম্পত্তি টি
সি এস প্রেড ওয়ান অফিসারদের নাম
মনোনীত আই এ এস হিসেবে কেন্দ্রীয়
কাছে প্রস্তুত পাঠিয়েছিল সে তালিকা
থেকে সম্পত্তি অধিকারী ও এন জি
উচ্চারণের নথ অন্তর্ভুক্ত করানি
কেন্দ্রীয় সরকার।

A. C. A.
Advocate.

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A

English version of the press clipping dated 19.9.1996
published in Tripura Darpan.

Approval has been received from the Centre. Nominated 11 persons are being appointed to IAS by the State Government.

Staff Reporter : AGARTALA : 18th September : The State Govt. is issuing notification regarding appointment of 11 TCS Grade-I officer of the administration to IAS early. Recently the Central Govt. in the Home Ministry has approved the said list of 13 nominated IAS Officers of M.T. cadre in respect of Tripura.

For the delay in sending the final select list delay has been caused towards its approval by the Central Govt. The State Govt. will appoint only 11 nominated persons to IAS though the list of 13 officers were approved. The rest two will be in the panel.

It may be stated that for the selection Committee meeting was held at Tripura Bhawan, Calcutta for recruitment of nominated IAS officers. In that meeting, the Union Home Ministry Secretary, Chief Secretary Tripura and Manipur and the representative of UPSC were present. The Govt. of Manipur sent the list of nominated IAS officers to the Home Ministry immediately after that meeting and on receipt of approval, the Govt. of Manipur appointed the nominated officers to IAS.

For this, the concerned officers were receiving the benefits as IAS officers.

In this condition the State TCS officers were being aggrieved regarding sending of the list of nominated IAS officers.

The State Govt. sent a list of 13 persons to the Central Govt. in connection with recruitment of nominated IAS officers. The Central Govt. only approved a list of 13 officers on the basis of ACRs. The names of 5 officers were being excluded from the list. Amongst those who were selected as nominated IAS are, N.K. Maitra, Bimal Bhownik, Nepal Sinha, S. Saini, Sajlon Das, ~~and~~ S.S. Dutta, S.K. Roy, Harihar Das, K.P. Goswami, Pallab Deobarma, D.K. De, B.K. Chakraborty and Pradip Bhattacharjee. Since the state Govt. presently will recruit only 11 nominated officer to IAS, the names of rest officers will be in the panel. The list of 13 persons

Alt. S. Ed. Santosh

B. A.

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- 2 -

It may be mentioned that due to institution of a case in the Court by Sri Rakesh Chowdhury, TCS Grade-I the Central Govt. has kept in abeyance his name pending decision of the case. Last year, the names of TCS Gr. I officers which were sent to the Central Govt. for approval for recruitment to IAS, out of that list the Central Govt. did not approve the names of Sri Santosh Adhikari and N.O. Bhattacharjee.

Attest
S. C. D.

40

25/10/94 GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

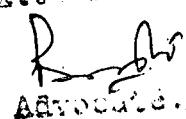
Note, 2(21)-GA/93(L11) : Dated, Agartala, the 7th October, 1994.

NOTIFICATION

In the interest of public service, the Governor is pleased to appoint the following TCS Grade-I Officers to officiate in the IAS cadre post as noted against each under Rule-9 of IAS Cadre Rules, 1954 for a period of 3(three) months with effect from the date they take over :-

S.L. NO.	Name of Officer.	Name of the IAS cadre post under which appointed.
1	2	3
1.	Shri N.K. Maitra, TCS Grade-I, Secretary, TPSC.	Secretary, TPSC.
2.	Shri B. Bhowmik, TCS Grade-I, Addl. D.M. & Collector, North Tripura, Collector, North Tripura.	Addl. D.M. & Collector, North Tripura, Kailashahar.
3.	Shri N.C. Sinha, TCS Grade-I, Director, Panchayat.	Joint Secretary with the charge of Panchayat & LSG Departments. He will also hold the charge of Director, Panchayat, in addition.
4.	Shri S. Sailo, TCS Grade-I, Registrar, Co-operative Societies.	Registrar, Co-operative Societies, Tripura, Agartala
5.	Shri S.K. Das, TCS Grade-I, Director, Fisheries.	Joint Secretary, Fisheries Department. He will also hold the charge of Director, Fisheries, in addition.
6.	Shri S.S. Dutta, TCS Grade-I, Addl. D.M. & Collector, West Tripura, Agartala.	Addl. D.M. & Collector, West Tripura, Agartala.
7.	Shri B.K. Roy, TCS Grade-I, Director, Social Welfare & Social Education.	Director, Social Welfare & Social Education.
8.	Shri K.P. Goswami, TCS Grade-I, Joint Secretary, Finance & Agriculture Departments.	Joint Secretary, Finance & Agriculture Departments.
9.	Shri Pallab Debbarma, TCS Grade-I, Director, Printing & Stationery.	Joint Secretary, Printing & Stationery Department. He will also hold the charge of Director, Printing & Stationery, in addition.

Attest. Ed.


Advocate.

2/10/94

Contd., p/2

1 2 3

10. Shri D.K.De, TCS Grade-I,
Joint Resident Commissioner, Tripura Bhavan, Calcutta.

Joint Secretary, S.A. Department with head quarters at Calcutta. He will attend to the work relating to Tripura Bhavan, Calcutta. He will also hold the charge of the post of Joint Resident Commissioner, Tripura Bhavan, Calcutta, in addition.

11. Shri B.K.Chakraborty, TCS Grade-I, Joint Secretary, Finance Department.

Joint Secretary, Finance Department.

By order of the Governor,

Chakraborty 7/10/94
(A. L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Secretary to the Governor, Tripura, Agartala.
4. Joint Secretary to the Chief Minister, Tripura, Agartala.
5. Offices of all Ministers/Ministers of State, Tripura, Agt.
6. Principal Secretary/All Commissioners/Secretaries, Tripura, Agartala.
7. Secretary, Union Public Service Commission, New Delhi.
8. Deputy Secretary(Services), Ministry of Personnel, PG & Pensions (Department of Personnel & Training), New Delhi.
9. Finance Deptt. (Estt. Branch), Civil Sectt., Tripura, Agt.
10. Accountant General(A&E), Tripura, Agartala.
11. D.M. & Collector/Nest/Opth/South/Agartala/Kailashahar/Udaipur.
12. Panchayat/Urban Development/Co-operative/Fisheries/Printing & Stationery Departments, Tripura, Agartala.
13. All Departments/Heads of Departments, Tripura.
14. Secretary, Tripura Public Service Commission, Agartala.
15. Director, Social Welfare & Social Education, Tripura, Agt.
16. Finance/Agriculture Departments, Tripura, Agartala.
17. Joint Resident Commissioner, Tripura Bhavan, Calcutta.
18. S.A. Department, Civil Sectt., Tripura, Agartala.
19. Treasury Officer, Agartala, West Tripura, North Tripura Kailashahar.
20. Manager, Govt. Press, Tripura, Agartala for publication.
21. Officers concerned.
22. Personal files.

Chakraborty 7/10/94
(A. L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

NO. F. 15(13)/2ND/91-95/1975

dt. 21/10/91

To

The Chief Secretary,
Government of Tripura,
AGARTALA.

Through proper channel

Sub : Appointment to I.A.S. on promotion quota
in the M.T.Cadre in the year 1994.

Sir,

I have the honour to state that I am a T.C.S.
Gr.I Officer and am within the zone of consideration for
appointment to I.A.S. on promotion quota in the M.T.Cadre
in 1994.

Sri Kanu Priya Goswami, Shri Pallab Deb Barma,
Shri Dulal De and Shri Bhupendra Kumar Chakraborty are T.C.S.
Gr.I Officers who are junior to me. In the Tripura Darpan
dated 19th Sept. and other local daily News papers of the
same date, names of 13 T.C.S.Gr.I Officers including myself
and the aforesaid Shri Kanu Priya Goswami, Shri Pallab
Deb Barma, Shri Dulal De and Shri Bhupendra Kumar Chakraborty
TCS Gr.I who are junior to me were published stating that
these Officers have been selected and duly approved for
appointment to I.A.S. on promotion. In the 'SYANDAN' Patrika
dated 8.10.94 and in some other local News papers the names
of 11 T.C.S.Gr.I Officers out of 13 Officers have been
published stating that they have been appointed to I.A.S.
on promotion. In these 11 Officers, although names of
aforesaid 4 Officers who are junior to me are there, yet
my name has not been shown there.

I am at a loss to understand how my name has
been dropped while my juniors have been appointed. This is
illegal supersession which needs to be remedied immediately

Attestd.


Advocate.

2. d. to Page No. 2

- 17/1 -
Page No. 2.

as I have been seriously prejudiced and serious
injustice has been done to me.

I, therefore, humbly request you to
be kind enough to look into the matter and may please
remove the injustice done to me by appointing me to
I.A.S. on promotion quota maintaining my seniority
above my juniors at an earliest convenience and thus
oblige.

Yours faithfully,

Harihar Das

(HARIHAR DAS)
TCS GR. I
SENIOR DEPUTY COLLECTOR
D.M.'S OFFICE: NORTH TRIPURA
KAILASHAHAR.

R. Das

5 C8/10
TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

No. F. 14015/3/94- AIS(I)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, the 9th December, 1994.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulations, 1955, the President is pleased to appoint S/Shri (1) N.K. Maitra, (2) Bimal Bhowmik, (3) Nepal Chandra Sinha, (4) Sailiana sailo and (5) Sailan Kumar Das, members of the State civil Service of Tripura to the Indian Administrative Service on probation with immediate effect and to allocate them to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

2. The appointment of Shri Sailen Kumar Das to the Indian Administrative Service is subject to the outcome to OA.No. 145/94 filed by Shri R.C. Choudhury before the CAT, Guwahati Bench.

R. Vaidyanathan

(R. VAIDYANATHAN)
DESK OFFICER

To

The Manager,
Government of India Press,
Faridabad (Haryana).

F.No.14015/3/94-AIS(I) New Delhi, the 9th December, 1994.
Copy forwarded for information to:-

1. The Chief Secretary to the Government of Tripura, Imphal (with 4 spare copies for onward transmission to the officers concerned etc.) The officers below the age of 50 years may be advised to exercise their option for membership of CGEIS or SIS failing which they will be treated as deemed to have opted for CGEGIS.
2. The Chief Secretary to the Govt. of Manipur, Agartala.
3. Accountant General, Tripura Agartala.
4. Secretary, UPSC New Delhi (Shri G.C. Yadav, S.O.(AIS)).
5. E.O. to the Government of India, New Delhi.

R. Vaidyanathan

(R. VAIDYANATHAN)
DESK OFFICER

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Attn:
R. Vaidyanathan
Attn:

भारत के राजपत्र भाग । खण्ड 2 में प्रकाशना
संख्या 14045/3/94 अ.भा.030।

भारत सरकार
शिर्मिंद, लोक शिक्षायत तथा पैशान मंडल
जा र्मिंद और इशितण दिभाग

नई दिल्ली, दिनांक: ९ दिसम्बर, १९९४.

७. धिलचना

रा. ४५ नि., भारतीय प्रशासनिक सेवा १८ पदोन्नति प्लारा नियुक्ति
दिनिक, १९५५ के विनियम ९ के उप विनियम ११ के साथ पठित भारतीय
प्रशासनिक सेवा भर्ती नियम, १९५४ के नियम ८ के उप नियम ११ प्लारा
प्रदत्त शर्कितयों का उपयोग करते हुए त्रिपुरा राज्य लिंकिल सेवा के लदहर्यों
तर्कीवी ११, एन०२० मेवा, १२ बिम्ल भौमिक, १३ नेपाल चन्द्र सिन्हा,
१४ शर्मा जया लो, तथा १५ शैलेन कुमार दाता को भारतीय प्रशासनिक
सेवा में तत्त्वावधार उभाव से परिवीक्षा पर नियुक्त छरते हैं तथा भारतीय
प्रशासनिक सेवा १८ नियम, १९५४ के नियम ५ के उप नियम ११ के
अधीन उनका आवेदन सणितुर-त्रिपुरा के तंयुक्त दंडा में छरते हैं।

२०. श्री रमेन कुमार दास ठी भारतीय प्रशासनिक लेवा औ नियुक्ति केन्द्रीय प्रशासनिक अधिकारी के गुवाहाटी बैंच में श्री आरोही चौधरी लाला दास ठी एस-रामेन १४५/१४ के निर्णय के छारख्नीन है।

ଶ୍ରୀରାଧାନାଥ

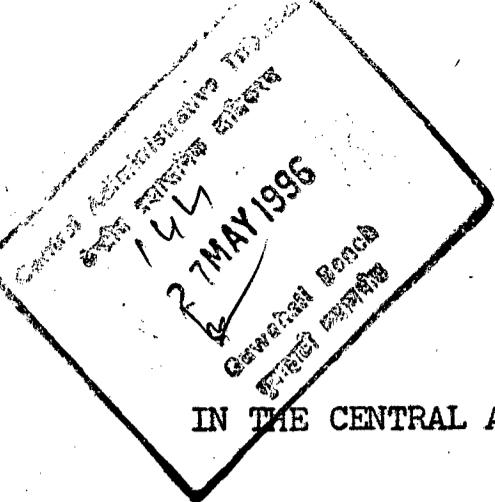
आर० लैधना अन०
डेर० अंग्रेजी

लोटा दे,

३८८

भारत लर्खा र मुद्रपालम्,
परीदाबाद् हरिश्चाणा

Ben.
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File No.:
Name:

(Mrs. A. Sarkar)
Under Secretary
Government of Tripura

Through:
Proj. K. K. Taly
Bhowali

27/5/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH :

GUWAHATI

IN THE MATTER OF -

O.A. NO.25 of 1995.

Shri Harihar Das

- Applicant

- Versus -

The State of Tripura & Others.

- Respondents

-AND-

IN THE MATTER OF -

Written Statement on behalf of
the Respondents No.1 and 3, the
State of Tripura and Secretary,
Appointment & Services Department,
Government of Tripura.

WRITTEN STATEMENT

I, Smti. Anjali Sarkar, wife of Dr. Rabindra
Nath Sarkar, Under Secretary to the Government of Tripura,
Appointment & Services Department, Agartala, do
hereby solemnly affirm and declare as follows.

Received from
Secretary
27/5/96

M. A. Sarkar
Under Secretary
Government of Tripura

1. That I am the Under Secretary to the Government of Tripura, Appointment and Services Department and have been authorised and empowered to file this Written Statement on behalf of the State of Tripura as well as the Secretary, Appointment and Services Department, Government of Tripura. I have gone through the relevant records of the case and also application filed by the applicant before this Hon'ble Tribunal and understood the contents thereof.
2. That save and except what has been specifically admitted in this written statement, all other statements made by the applicant as against the answering respondents may be taken as denied by the answering respondents.
3. That as regards the statements made in paragraph 3 of the application, this deponent denies the correctness of the same and begs to state that the application having not been filed within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985, the same is barred by time and as such, liable to be dismissed.
4. That as regards the statements made in paragraph 4 (ii) of the application, this deponent denies the correctness of the same and begs to state that the State Government in the interest of public service and in exigency of administration and

Shameen
(Mrs. A. Sarkar)
Under Secretary
Government of Tripura.
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smooth functioning is free to transfer any employee anywhere in the State. This deponent further states that the applicant was transferred in the different T.C.S. Cadre posts only. This deponent further states that the State Government is at liberty to post any T.C.S. Grade-I officer in the office of the Director if the State Government thinks so fit for the said post, in administrative exigency and in the interest of public service. As per revision of pay rules of the Government of Tripura, the Directors are entitled to get the payscale of Rs. 4000-5900/- p.m. but the payscale of T.C.S-I officers holding cadre post carry the payscale of Rs. 3600-5800/- p.m. This deponent further denies that there is a set of precedence that an officer who worked as Joint Secretary to the Government has to be transferred to the post of Senior Deputy Collector. This deponent states that the State Government can in the interest of public service and administrative exigency is at liberty to transfer any officer to any post within the cadre.

5. That as regards the statements made in paragraph 4(iv) of the application, this deponent denies the correctness of the same and begs to state that as he has no access to C.R. Dossiers which are confidential and taken into consideration to promote promotion to I.A.S., it is very surprising how the applicant can state that his service records are

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(Mrs. A. Sarkar)
Under Secretary
Government of Tripura.

upto the mark for appointment to the I.A.S. by promotion. This deponent further states that there is a disciplinary proceeding against the applicant pending where the applicant has been chargesheeted.

6. That as regards the statements made in paragraph 4(v) of the application, this deponent states that this Hon'ble Court will not take ~~n~~ into consideration the newspaper report annexed by the applicant as Annexure-9 to the application as the same has no value at all in the eye of law. The applicant also does not derive any right on the basis of the newspaper report and as such, the same is not at all admissible and cannot be taken into consideration while considering the application filed by the applicant. This deponent further states that the newspaper report annexed as Annexure-9 to the application has not been published at the instance of the State Government as the State Government has not briefed any newspaper about the Select List of 1994.

7. That as regards the statements made in paragraph 4 (vi) of the application, this deponent denies the correctness of the same and begs to state that the name of the applicant was included in the Select List of 1994. This deponent further states that after the Selection Committee meeting was held for the purpose of promotion to I.A.S., a disciplinary proceeding has been contemplated against the

applicant ...

applicant and subsequently, the applicant was charge-sheeted under the disciplinary rules by the State Government. The proviso to Regulation 7(3) of the I.A.S. (Appointment by Promotion) Regulations, 1955 provides that if an officer whose name is included in the Select List, after such inclusion, is issued with a charge-sheet or a charge-sheet is filed against him in a Court of law, his name in the Select List shall be deemed to be provisional. This deponent, therefore, states that in view of issuance of charge-sheet against the applicant under the disciplinary rules by the State Government, the selection of the applicant for promotion and inclusion of his name in the Select List for promotion, has become provisional. This deponent further states that under the said 1955 Regulations, the persons who are junior to the persons who have become deemed provisional in the Select List can be appointed in the I.A.S. on promotion by keeping one post reserved for the officer whose name is deemed to be provisional in view of issuance of charge-sheet under the disciplinary rules by the State Government or in ~~as~~ view of filing charge-sheet in the Courts of law. This deponent states that under the said provision, the Respondents No. 7 to 9 who were appointed in the I.A.S. on promotion though they are junior to the applicant after keeping one post reserved for the applicant.

8. That as regards the statements made in

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Sarwar
(Mrs. A. Sarkar)
Under Secretary
Government of Tripura.

paragraph 4(vii) of the application, this deponent denies the correctness of the same and begs to ~~state~~ reiterate the statements made hereinbefore in this Written Statement. This deponent further states that as per the provisions of Rule 9(1) of the I.A.S. Cadre Rules, 1954, the State Government can appoint a non-cadre officer to the cadre post for a period of 3 (three) months on officiating basis and the State Government in terms of the said provisions and in the interest of public service appointed the Respondents No.7 to 9 along with 7 (seven) others to officiate in I.A.S cadre post for a period of 3 (three) months with effect from the date they take over charge. This deponent further states that the appointment of Respondents No.7 to 9 being temporary in nature made under the provisions of Rule 9(1) of the I.A.S. Cadre Rules, 1954 for a period of three months, the applicant cannot challenge the validity of the same as by the said notification, no right of the applicant has been infringed.

9. That as regards the statements made in para-graph 4 (viii) of the application, this deponent denies the correctness of the same and begs to state that the State Government has sent proposal for appointment in I.A.S. on promotion in 2(two) batches for 5 (five) State Civil Service Officers in each batch including the Respondents No.7 to 9 for appointment to I.A.S. on regular basis after keeping one post

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Under Secretary
Government of Tripura.

reserved for the applicant as per provisions contained in the I.A.S. (Appointment by Promotion) Regulations, 1955.

10. That as regards the statements made in paragraph 4 (ix) of the application, this deponent denies the correctness of the same and begs to state that the applicant's name was included in the Select List of 1994 but after the Selection Committee ~~met~~ meeting was held in the month of March, 1994, a disciplinary proceeding was initiated against the applicant and he has been charge-sheeted. The State Government in accordance with the provisions contained in the 1955 Regulations kept one post reserved for the applicant as his selection is deemed to be provisional in the said Regulations and, thereafter the other posts have been filled up by State Civil Service Officers from the Select List of 1994 by maintaining seriality. This deponent further states that under the provisions of the I.A.S. Recruitment Rules, 1954, the officers in the Select List have ~~met~~ no legal right for appointment to I.A.S. cadre. The applicant also cannot, as a matter of right, claim to I.A.S. as inclusion of his name in the Select List does not create any right to claim promotion and appointment to I.A.S.

11. That as regards the statements made in paragraph 4 (x) of the application, this deponent

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Name
(Mrs. A. Sarkar)
Under Secretary
Government of Tripura.

denies the correctness of the same and begs to reiterate the statements made hereinabove in this Written Statement.

12. That as regards the statements made in paragraph 4(xi) of the application, this deponent denies the correctness of the same and begs to state that the State Government has not violated any rules or regulations of 1955 Regulations and has acted in terms of the provisions of the Regulations 1955. This deponent further states that as per the provisions of the 1955 Regulations and in view of the pendency of disciplinary proceeding and issuance of charge-sheet to the applicant, the State Government has not recommended the name of the applicant for appointment in I.A.S. though his name was initially included in the Select List as his name in the Select List is deemed to be provisional in view of the issuance of charge-sheet under the disciplinary rules by the State Government. The State Government also in compliance with the proviso to Regulation 9(1) of the 1955 Regulations recommended the name of the officer junior to the applicant for appointment to I.A.S. on promotion after keeping one post reserved for the applicant.

13. That as regards the grounds taken by the applicant in paragraph 5 of the application, this deponent states that those are not tenable in law

as well as ...

as well as in facts and circumstances of the case instant case. In this connection, this deponent begs to refer and rely on the statements made herein-before in this Written Statement.

14. That as regards the relief sought for by the applicant in the application, this deponent states that he is not entitled to the same in the facts and circumstances of the instant case.

V E R I F I C A T I O N

I, Smti Anjali Sarkar, wife of Dr. Rabindra Nath Sarkar, Under Secretary to the Government of Tripura, Appointment & Services Department, Agartala, do hereby solemnly affirm and verify that the statements made in this Written Statement are true to my knowledge and information derived from record which I believe to be true.

And I sign this verification on this 24th day of May, 1996 at Agartala.

Anjali

D E P O N E N T

(Mrs. A. Sarkar)
Under Secretary
Government of Tripura.

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