

10/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Dismissal date-15/12/2000

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

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

E.P/M.A No.

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3. Judgment & Order dtd. Received from H.C/Supreme Court
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Disposal 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.

Hanifas Das

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

Mr. B.K. Sharma, Mr. D. Bhattacharya

Advocate for the
Applicant.

Mr. S. Sarma

Advocate for the
Respondents

Ch S C.

Office Note

Court Orders

This application is in
form and within time
C. F. of Rs. 50/-

deposited vide

IPO/BD No. 803882547

Dated 22.2.95

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 Tripura persons above him as well as respondents 7 to 10 were below him in the Select List have been recommended 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

contd...

Source Report - is not ready

29/3

2
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.

hll
Vice-Chairman

ba
Member

21.3.95

List on 25.5.95 in
orders.

pg

25.5.95

Counter not filed till today.

Adjourned for orders to 24.7.95

hll
Vice-Chairman

ba
Member

Requisites are ready
& issued vide no.
1536-95 d. 5-6-95

3/4/95 Notice duly served on
2.3.4.5.7 10/10

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

lm
24/7

11.9.95

How 21.11.95 ✓

27.2.96

For hearing 22.4.96

Rev.

By order
Rev.

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

By order

Service ready Rept. 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

10.1.96

To be listed for hearing

27.2.96 ✓

By order
Rev.

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.

ba
Member

W/s filed on behalf of R.no. 1 & 3.

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.

ba
Member

Called the records immediately.

m
13/8/96.

pg

m
13/8

14-8-96

Copy of order dtd. 3.10.96

13.8.96 issued to the concerned parties Respitt. 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.

ba
Member

pg

m
3/10

20.6.77

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

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

SL
Vice-Chairman

20/6.

pg
27/5

(5)

23.6.97

It has been informed that Mr B.P. Katakya, 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.

ba
Member

JB
Vice-Chairman

nkm

25/6

5.8.97

Division Bench is not sitting.

Let the case be listed on 11.9.97 for hearing.

By order

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.

ba
Member

JB
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.

lm
13/11

27/11

28.11.97

There is no representation
List on 17.12.97.

By order

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

2) W/S has been filed on R. Nos. 1 & 3.

17-12-97

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

ba
Member

JB
Vice-Chairman

16/12

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

2) W/S has been filed on R. Nos. 1 & 3.

lm
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.

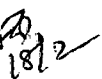

Member


Vice-Chairman

lm


3/2

W/s has been filed on
R.Nos. 1 & 3.


18/2


Notice duly served on
R.Nos 1-5, 7, 9 & 10.
R.No 6, 8 is still awaited
W/s has been filed on
R.Nos. 1 & 3.


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


5/3

19.2.98

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


23/2

6.3.98

Heard 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


9/3

25.3.98

Judgment delivered in the open Court
and kept in separate sheets. The appli-
cation is disposed of in the manner indi-
cated in the judgment. No costs.


Member


Vice-Chairman

pg

20.4.98

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

As issued vide
D.O. 1134001144
on 28.4.98
J.S.

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)

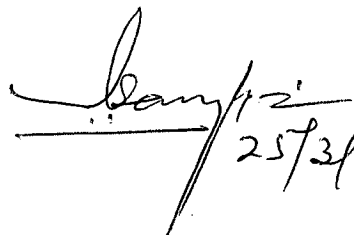
Sri B.P.Kataki for Respdt.No.1 & 3.
None for the other respondents.

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

9

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 Govts/1 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.

(1) 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

contd..

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 set 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

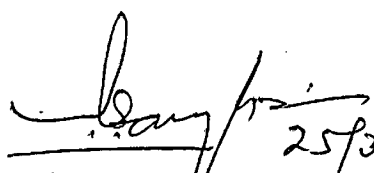
this particular case of the applicant the benefit provided in the First Proviso to Regulation 9(1) could not be availed of during the currency of the Select List of 1994. The Government of India however, has powers to remove hardships or difficulties in certain circumstances if there is any reasonable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

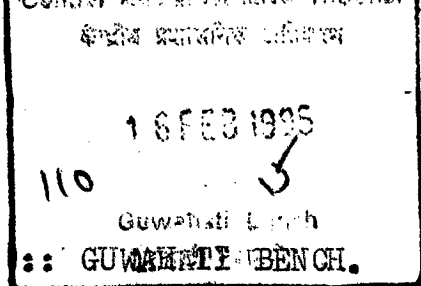
(ii) The above respondents shall, if such representation is received, consider the prayer of the applicant on merit and issue a speaking order within four months from the date of receipt of the representation.

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


(D.N.BARUAH)
VICE CHAIRMAN


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

FORM - 1



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.
(An application u/s 19 of the Administrative Tribunals Act '85)

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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6.	Annexure 4	18
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For use in Tribunal's Office :

Date of filing : 16.2.95
Registration No. OA 25/95
Signature
Registrar.
[Signature]

16 FEB 1995

Guwahati Bench
গুৱাহাটী বেন্চ

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.
- X 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.

Ctd.....2

16 FEB 1995

Guwahati Bench
গুৱাহাটী বেঞ্চ

- 2 -

8. Shri **P.** Debbama, 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.

Ctd.....3

16 FEB 1995

Guwahati Bench
গুৱাহাটী বেঞ্চ

- 3 -

4. Facts of the case :

(i) That on being selected by the Tripura Public Service Commission, the applicant was appointed to the post of T.C.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

Ctd.....4

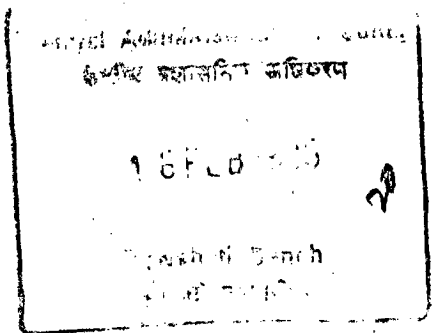
16 FEB 1995

Guwahati Bench
गुवाहाटी बेंच

- 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 ~~Bank~~ Deputy Collector, North Tripura District, Ailashahar and he has been working there 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 15.9.1993, 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

Ctd.....5



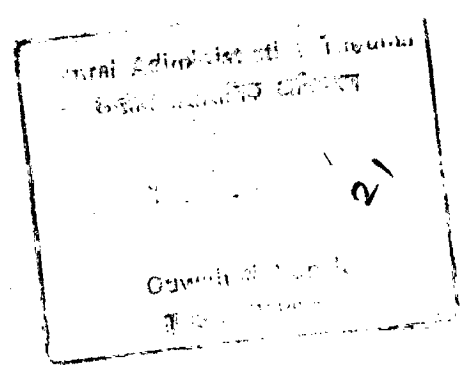
scale of Rs. 3600-5800/- . Thereafter the applicant made application for higher scale but he has not been given any reply to that. It has set a precedence in the history of the Tripura Civil Service that an officer who worked as Joint Secretary to the Government was transferred to the post of Senior 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. ⁷6 to ⁸10 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. ⁸7 to ⁸10. This news has been published in the daily newspaper, namely, the Tripura Darpan on 19.9.1994. To

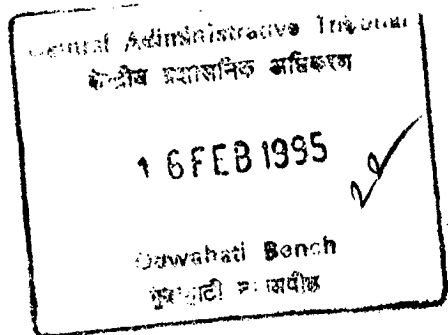


the best of his knowledge, out of the 13 selected candidates, his name appears at Sl. No. 8 in the select list.

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 ~~xxGovt xx of Tripura~~ 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. 7 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. 7 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 name of the applicant from the said notification appointing the respondent nos. 7 to 9 along with some

Ctd...7



- 7 -

some others to officiate in the IAS cadre posts. This has been done most arbitrarily, illegally and with mala fide 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 ~~extra~~ 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. 7 to 9 are liable to be quashed since they have been given officiating appointment superseding the applicant illegally, arbitrarily and showing undue favouritism.

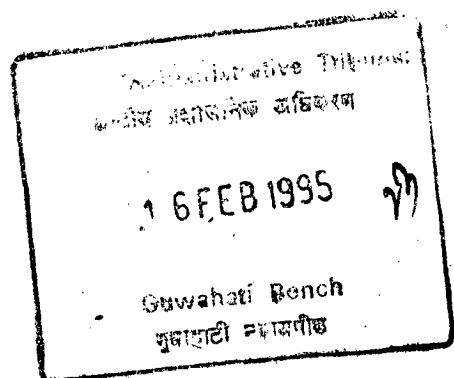
A copy of the notified dated 7.10.94

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. 7 to 9 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.

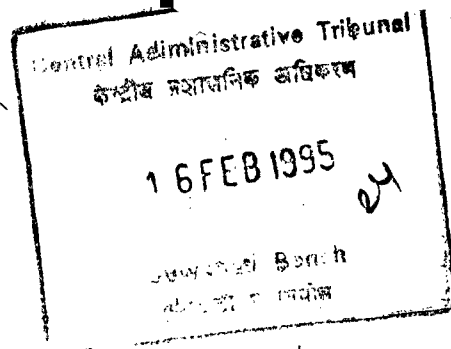
Ctd.....8



(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 at 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^{se} 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 10 making the total at 11. It will be pertinent to mention here that ~~persons~~ 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

Ctd.....9

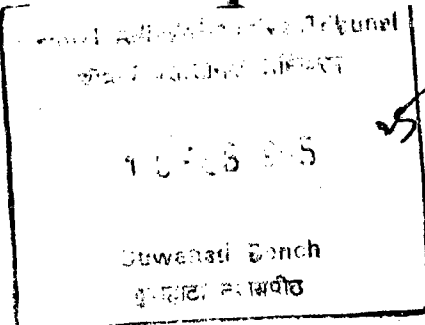


list of 1994 should not be sent to the Central Govt. for being appointed to IAS. The applicant emphatically stated that there is no impediment against his such appointment.

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 :

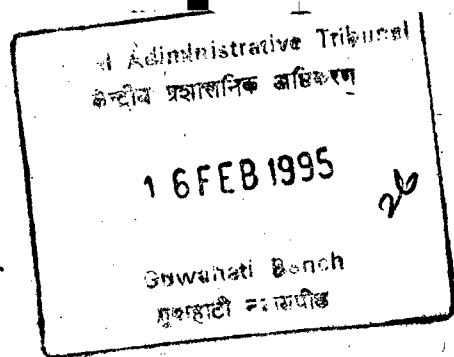
(i) For that the impugned order is prima-facie illegal and cannot stand judicial scrutiny and liable to be set aside and quashed.

(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 ~~xx~~ 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.

Ctd....11



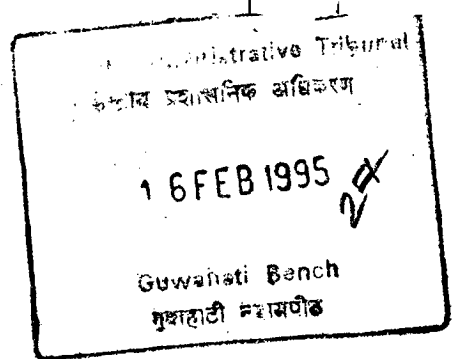
(v) For that the applicant having been allowed to be superseded by his juniors in the matter of promotion to IAS without any valid ground, same is resulted in hostile discrimination and there is violation of Article 14 and 16 of the Constitution of India.

(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 and 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



- 12 -

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.

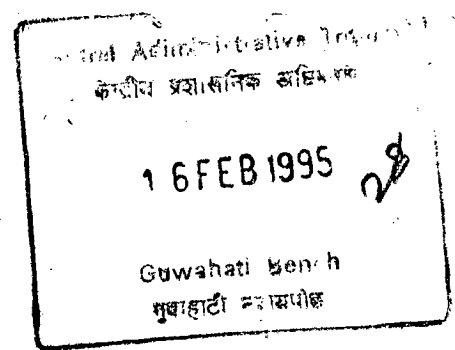
6. Details of remedies exhausted :

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.

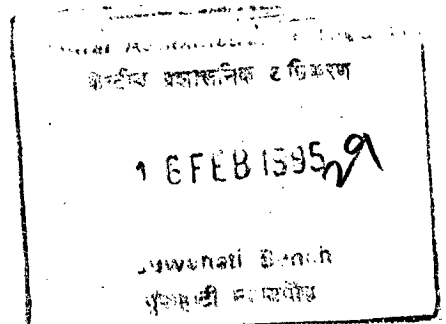
The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter. No representation has been made before any court or any other authority or any Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.



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. 4 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. 4 to 10 to IAS cadre posts ;
- (b) to direct the respondents not to appoint any of the juniors (respondent nos. 4 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 ;



- (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.

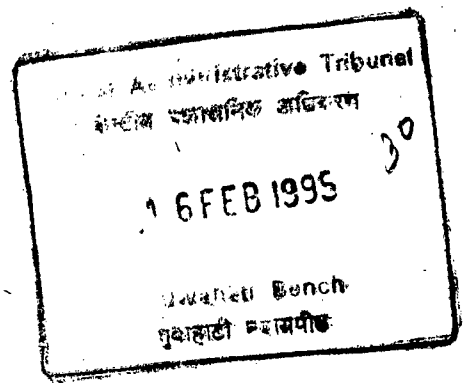
11. Particulars of Bank draft/I.P.O. :

- (a) I.P.O. No. 8.03.88254 (b) Date 27/1/95
- (c) Payable at : Guwahati.

12. List of enclosures :

As indicated in the Index.

Verification.....15



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 Banamalipur, 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.

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)

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.As to all Ministers/State Ministers/Deputy Minister, Tripura.
4. P.As to Chief Secretary/Adl. Chief Secretary, Tripura, Agartala.
5. Revenue Department, Civil Secretariat, Tripura, Agartala.
6. The Accountant General, Tripura, Agartala with request kindly to issue necessary payslip 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 Adl. Secretary to the Govt. of Bihar, Department of Personnel, Patna with reference to his D.O. NO.I/N1-3062/76P-90968/Patna 15, dated the 6th 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.O.NO. I/N1-3062/76P-90968/Patna 15, dated 6-6-1977.
12. The Headmaster, Abhayanagar H/S School, Agartala, West Tripura.
13. Shri Harihar Das, S/O. Shri Ananda Mohan Das, Vill- Brajapur, P.O. Brajapur, 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)

Under Secretary to the Government of Tripura.

M. CHANDHURI

Attested.

Advocate.

Dated, Agartala, the 12th July, 1976

ORDER

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

2. Sri Harihar Das has joined as T.C.S. Gr-II (Probationer) and reported for training at the Administrative Institute, Ranchi, Bihar on 7-7-1977 (Promotion).

3. This has the concurrence of Finance Department vide D.O. No. 330/Fin(2)/76 dated 11-7-76.

By order of the Governor,

12/-

(Sd/-) (Signature)
Under Secretary to the
Government of Tripura

Copy to :-

1. The District Magistrate, Agartala.
2. District Magistrate & Collector, West Tripura, Agartala.
3. The Director of Education, Govt. of Tripura, Agartala.
4. The Treasury Office, Agartala, West Tripura.
5. Sri Harihar Das, T.C.S. Gr-II (Probationer), attached to the Office of the District Magistrate & Collector, West Tripura, Agartala.

(Sd/-) (Signature)
Under Secretary to the
Government of Tripura.

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Advocate
B. A. W.
Advocate

-18-
GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

ANNEXURE - 3

37

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 appointment 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. <i>joined on 11.6.87</i>
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.

Attested

[Signature]
Advocate.

- 64
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. All Commissioners / Secretaries, Tripura, Agartala.
7. All Departments / Heads of Departments, Tripura.
8. District Magistrate & Collector, West/North/South Tripura, Agartala / Kailashhar / Udaipur.
9. Treasury Officer, West/South/North Tripura District, Agartala / Udaipur / Kailashhar.
10. Superintendent of Govt. Press, Agartala for publication.
11. Officers concerned.
12. Personal files.

2516
(P.C. SHARMA)

Joint Secretary to the Government of Tripura.

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- 20 -
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25

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 (Selection Grade) of Tripura ^{/ Civil} Service in the scale of Rs. 3600-5800/- 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 Sailo	Addl. Director, Welfare for Sch. Tribes, Tripura, Agartala.
4.	Shri M.K. Deb Barma	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 Sailen 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.

B. S.

Sl.No.	Name of Officers	Name of post now held
13.	Shri Pallab Deb Barma	Sub-Divisional Officer, Candachera, 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,

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

Copy to :-

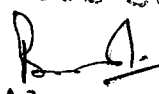
1. Chief Secretary, Tripura, Agartala.
2. Secretary to the Governor, Tripura, Rajbhavan, Agartala.
3. Secretary to the Chief Minister, Tripura, Agartala.
4. Offices of all Ministers/Ministers of State, Tripura, Agartala.
5. All Commissioners/Secretaries, Tripura, Agartala.
6. Accountant General, Tripura, 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,

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

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)	MA.	Director, S.C. Welfare.
2.	Sri N.K. Maltra	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)	MD., T.J.M.
4.	Sri Bimal 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	03-01-1952	14-11-1976 (D)	M.Sc.	Director, Panchayet.
7.	Sri Sailana Saino	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. Sarkar,	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 Sailen 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 S.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 Harihar Das	15-07-1941	07-07-1977 (D)	B.Com.	Sr. D.C., O/O D.M. (N).

Attested.

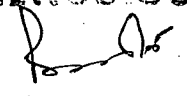

Advocate.

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-3-

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., LLB.	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 Debatosh 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. Jamatia	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. Corpn.
48.	Sri Jitdas 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.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.D., Food Deptt.

Attested.

 Advocate.

-24-
Government of Tripura
Office of the District Magistrate & Collector,
South Tripura District. 9

NO. Fg(8)-DM/514/32/1392-94 Udaipur,
The 21st May, 1983.

ORDER

Shri Alok 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. *Dej*

S. Kumar
District Magistrate & Collector,
South Tripura.

Copy to :-

1. Shri Alok 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.

Attested.
R. D.
Advocate.

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

Harikar Das
(H.DAS) TCSgr I

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

[Signature]
Advocate.

Dated, Agartala, the 18th April, 91.

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

N O T I F I C A T I O N

In pursuance of Appointment & Services Department Notification No. F. 10(15)-GA/79 dated 2.4.91, the post of Deputy Secretary now held 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 Chakraborty
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 Agric, 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.

By 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 Ministers/Ministers of State, Tripura, Agartala.
5. Principal Secretary/Commissioners' Secretaries, Tripura, Agartala.

7

Contd. P/2.

Attached.

Advised.

- 27
- 2
6. All Departments/all/ Head of Departments, Tripura.
 7. Accountant General, Tripura, Agartala.
 8. Finance Establishment Branch, Civil Secretariat, Tripura, Agt.
 9. S. A. Department, Civil Sectt., Tripura, Agartala.
 10. Treasury Officer, Agartala, West Tripura.
 11. Manager Government Press for publication in Tripura Gazette.
 12. All Officers concerned.
 13. Personal file.

18/4/91

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

.....

কেন্দ্রের অনুমোদন মিলেছে : এগার মনোনীত আই এ এস'কে নিযুক্তি দিচ্ছে রাজ্য সরকার

নিজস্ব প্রতিনিধি : আগরতলা : আঠার প্রসঙ্গতঃ উল্লেখ্য এস-টি ক্যাডারের এ এসদের তালিকা পাঠানো নিয়ে সেপ্টেম্বর : রাজ্য প্রশাসনের এগারজন মনোনীত আই এ এস নিযুক্তির রাজ্য সরকারের তালিকাভুক্ত টি সি টি সি এস গ্রেড-ওরান - অফিসারকে ব্যাপারে বেশ কয়েক মাস আগে এস গ্রেড ওরান অফিসারদের মধ্যে মনোনীত আই এ এস হিসেবে নিযুক্তির কালিকাভুক্ত হ্রিপদ্রা ভবনে একটি বৈঠক তাঁর ক্ষোভ দেখা দেয়।
ব্যাপারে রাজ্য সরকার শীঘ্রই বিজ্ঞপ্তি অন্তর্ভুক্ত হয়। এ বৈঠকে কেন্দ্রীয় মনোনীত আই এ এস হিসেবে জারী করবে। হ্রিপদ্রার ক্ষেত্রে এস-টি স্বরাষ্ট্র স চব, হ্রিপদ্রা ও মনিপুরের নিযুক্তির প্রস্নে রাজ্য সরকার মোট ক্যাডারের তেরজন মনোনীত আই এ মধ্যসচিব, ইউ পি এস সি-র প্রতি আঠার জনের একটি নামের তালিকা এস অফিসারের তালিকাটি সম্প্রতি নির্ধি উপস্থিত ছিলেন। মনিপুর কেন্দ্রের কাছে পাঠানো। অগ্নিয়েল কেন্দ্রী স্বরাষ্ট্র মন্ত্রক অনু- সরকার এ বৈঠকের পরেই মনোনীত কনফারেন্সের সিপোর্টের ভিত্তিতে মোদন দিয়েছে। আই এ এস-দের তালিকা স্বরাষ্ট্র কেন্দ্রীয় সরকার মোট তের জনের নাম তালিকা পাঠানোর ব্যাপারে রাজ্য মন্ত্রক পাঠিয়ে দেয়। স্বরাষ্ট্র মন্ত্রক অনুমোদন করে। পাঠানোর নাম দ্বি সরকারের চূড়ান্ত তালিকাভুক্তির ফলে থেকে ও যথারীতি অনুমোদন পাবার যায়। মনোনীত আই এ এস হিসেবে সংশ্লিষ্ট তালিকা অনুমোদন বিলম্বিত পর মনিপুর সরকার মনোনীত আই এ এসদের নাম তালিকা পাঠিয়ে দেয়।
অনুমোদিত হলেও রাজ্য সরকার এ তার ফলে সংশ্লিষ্ট অফিসাররা ভৌমিক, নেপাল সিনহা, এস সাইলো, মনোজ এগারজনকে মনোনীত আই এ মনোনীত আই এ এস হিসেবে সরকারী শৈলেন দাস, এস এস দত্ত, বি কে এক হিসেবে নিযুক্তি করবে। স্বরাষ্ট্র মন্ত্রক সন্মতি দেয়। রাজ্য, হরিরহর দাস, কে পি গোম্বামী, মজুমদার পালকে রাখা হবে। এ অকথ্য হ্রিপদ্রার মনোনীত আই চতুর্থ পৃষ্ঠার দ্রষ্টব্য

রাজ্য সরকার

প্রথম পাতার পর

পল্লব দেববর্মণ, ডি কে দে। বি কে চক্রবর্তী ও প্রদীপ ভট্টাচার্য। রাজ্য সরকার যেহেতু এ মহতে প্রথম এগার জনকে মনোনীত আই এ এস হিসেবে নিযুক্তি দেবে সে ক্ষেত্রে অন্যগণ্য মনোনীতদের নাম প্যাঁনেলে রাখা হবে। আঠার জনের তালিকায় বাকী যে পাঁচ জন বাদ দিয়েছেন তাদের মধ্যে আছেন দীপক চক্রবর্তী, মোহিত দেববর্মণ, সন্তোষ সরকার, ভগীরথ রায়, মানিক সিংহ ও রাকেশ চৌধুরী।

এখানে উল্লেখ্য মনোনীত আই এ এস বিষয় টি এস এস গ্রেড ওরান অফিসার কাকল চৌধুরী আদালতের স্বরাষ্ট্র হওয়ার মামলার নিষ্পত্তির না হওয়া সাপেক্ষে কেন্দ্রীয় সরকার গ্রী চৌধুরীর নামের অনুমোদন স্থগিত রেখেছে। গত বছর রাজ্য যে সমস্ত টি সি এস গ্রেড ওরান অফিসারদের নাম মনোনীত আই এ এস হিসেবে কেন্দ্রের কাছে প্রস্তাব পাঠিয়েছিল সে তালিকা থেকে সন্তোষ অধিকারী ও এন জি ভট্টাচার্যের নাম অনুমোদন করেন কেন্দ্রীয় সরকার।

A. S. S. C. A.

Advocate.

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English version of the press clipping dated 19.9.1994
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 penal.

It may be stated that for the selection Committee meeting was held at Tripura shawen, 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~~ 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 officer 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 AGAs. The names of 5 officers were being excluded from the list. Amongst those who were selected as nominated IAS are, N.K. Maitra, Bimal Bhowmik, Nepal Sinha S. Sailo, Sailon Das, ~~Indranil~~ S.S. Dutta, S.K. Roy, Harinar Das, K.P. Goswami, Pallab Debbarma, D.K. De, B.K. Chakraborty and Pradip Bhattacharjee. Since the State Govt. presently will recruit only 11 nominated officer to IAS, the names rest officers will be in the penal. The ~~list of 13 persons~~ the list of 13 persons. ~~Santosh~~

Attested.
B. *[Signature]*

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- 29 -

- 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.C. Bhattacharjee.

Attested.

Adm. Secy.

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

25/10/94
Not. 2(21)-GA/93(L-1) : Dated, Agartala, the 7th October, 1994.

NOTIFICATION

W 27/10
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.	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.

Attested.

R. S.
Advocate.

2/10/94
Contd...p/2

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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,

B.K. Chakraborty 7/10/96
(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/West/North/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.

B.K. Chakraborty 7/10/96
(A. L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

33-
22-
NO.F. 15(13)/2ND/91-95/1975

ANNEXURE - 11

dt. 24/10/94

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.

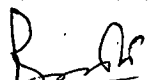
Sir,

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

Attes.ed.


Advocate.

d. to Page No. 2

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Page No. 2.

b

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,

Dated, Kailashahar,
the 24th Day of Oct. '94.

Harihar Das

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

Recd

2/12 9

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.

N O T I F I C A T I O N

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 Sailan 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 CGEIS.
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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Subd.
R. Vaidyanathan
A. S. S. S.

३०

भारत के राजपत्र भाग १ खण्ड २ में प्रकाशना की
संख्या १४०१५/३/९४-७०भा०१०१।

भारत सरकार

कार्मिक, लोक शिक्षा तथा पेंशन मंत्रालय
कार्मिक और प्रशिक्षण विभाग

नई दिल्ली, दिनांक: ९ दिसम्बर, १९९४.

अधिसूचना

राष्ट्रपति, भारतीय प्रशासनिक सेवा पदोन्नति द्वारा नियुक्ति
विनियम, १९५५ के विनियम ९ के उप विनियम ११ के साथ पठित भारतीय
प्रशासनिक सेवा अधिनियम, १९५४ के नियम ८ के उप नियम ११ द्वारा
प्रवृत्त शक्तियों का प्रयोग करते हुए त्रिपुरा राज्य सिविल सेवा के सदस्यों
जवैरी ११, एम०२० मेन्ना, १२ बिमल भौमिक, १३ नेपाल चन्द्र सिन्हा,
१४ श्री तथा शैलो, तथा १५ शैलेन कुमार दास को भारतीय प्रशासनिक
सेवा में तत्कालीन प्रभाव से परिदीक्षा पर नियुक्त करते हैं तथा भारतीय
प्रशासनिक सेवा संवर्ग नियम, १९५४ के नियम ५ के उप नियम ११ के
अधीन उनका आवंटन मणिपुर-त्रिपुरा के संयुक्त संवर्ग में करते हैं।

२. श्री शैलेन कुमार दास की भारतीय प्रशासनिक सेवा में नियुक्ति केन्द्रीय
प्रशासनिक अधिकरण के गुवाहाटी बेंच में श्री आर० सी० चौधरी द्वारा दाख
की० संख्या १५५/९४ के निर्णय के अधीन है।

आर० वैद्यनाथ

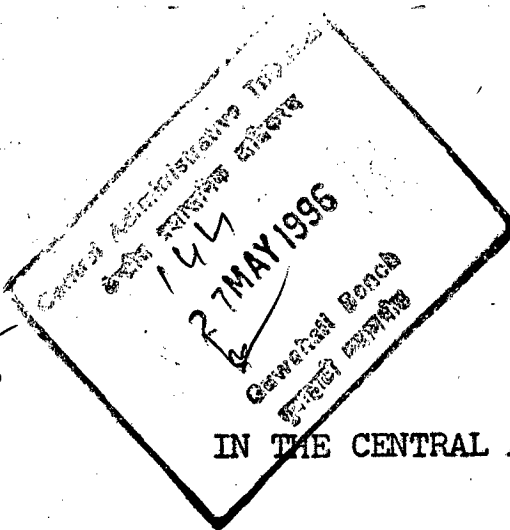
आर० वैद्यनाथ
डेप्टी सचिव

सेवा में,

सचिव,

भारत सरकार मंत्रालय,

परीदाबाद हरियाणा।



Bon.
27/5

36

File by:-

Baner

(Mrs. A. Sarkar)

Under Secretary
Government of Tripura

through:-

Prasanna K. Koley
AD-1

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 Cgm
Baner Sum.
27/5/96

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

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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

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Hanan
(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

upto the ...

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Bhanu
(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 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 ...

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

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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 ~~vs~~ 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

para 4(vii)

Handwritten:
(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~~ ~~that~~ 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 paragraph 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

reserved ...

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

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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 ~~not~~ 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

denies ...

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

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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 hereinbefore 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.

Basu

D E P O N E N T

(Mrs. A. Sarkar)

Under Secretary

Government of Tripura.

29/30-3-94 - 9.8
22-3-95 - 51.2