

20/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

X

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 198/96.....

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SECTION OFFICER (Judl.)

Shah
30.1.18

SA No. 198196

Kan. N. Kamala Devi Applicant(s)
VS

Executive Director, Central Respondent(s)
Social Welfare Board, or

Dr. N.K. Singh, A. R. Choudhary Advocates for the applicant(s)

Mr. S. Ali & Co. Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This application is in form and within time

C. F. of Rs. 50/-

deposited vide

IPO No 346878

Dated 9.9.96

[Signature]
By Registrar 11/9/96

19.9.96

Learned counsel Dr N.K.Singh for the applicant. Learned Sr.C.G. S.C Mr S.Ali for the respondents.

Heard Dr Singh for admission and perused the contents of the application and the reliefs sought. Application is admitted. Issue notice on the respondents by Registered post. Written statement within six weeks.

List for written statement and further orders on 14.11.96.

Heard counsel of the parties on the interim relief prayer. It has been submitted that salary of the applicant with effect from 1.2.96 had not been paid even after she had reported back for duty in Imphal. In the circumstances of the case, it is ordered that the respondents shall pay the salary of the applicant with effect from the date of her resuming duty in Imphal office after returning from Delhi if she was actually working in the post of Assistant Project Officer in Manipur State Social Welfare Advisory Board within one month from today.

Copy of the order may be furnished to counsel of both sides.

Pl. comply the order dated 19.9.96.

[Signature]
20/9

11.10.96

Notice issued to the Respondents vide DN No. 3480 Dt. 9.10.96.

[Signature]

[Signature]
Member

1) Service Reports are still awaited.
2) W/statment has not been filed.

13/11

14.11.96

Learned counsel Dr N.K. Singh for the applicant. Learned Sr. C.G.S.C. Mr S. Ali for the respondents seeks time for submission of written statement.

List for written statement and further orders on 13.12.96.

Member

nkm
14/11

1) Service Reports are still awaited.
2) W/statment - has not been filed.

12/12

13.12.96

16-12-96

Notice duly served on respondent No. 2.

Bom

Dr. N.K.Singh for the applicant. Mr. S.Ali, Sr. C.G.S.C. for the respondents.

Written statement has not been submitted.

List for written statement and for further orders on 8.1.1997.

Member

Statement - has not been filed

97

13/12

6-2-98

8.1.97

1) NOTICE duly served on Respond. No-1.
2) written statement has not been filed.

Learned counsel Dr N.K. Singh for the applicant. Written statement has not been submitted.

List for written statement and further orders on 7.2.97.

Member

nkm
13/11

6.2

10.2.97

Let this case be listed on 14.2.1997.

1) Notice duly served on Rspdt no. 1.

2) w/statement - has not been filed.

nkm


Vice Chairman

13/2

14.2.97

On the prayer of Mr. Ali, Sr. C.G.S.C. appearing on behalf of the respondents 2 weeks further time is granted for filing written statement as last chance.

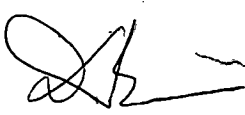
27.2.97.

1) Written statement has not been filed.

2) Memo of appearance not yet filed.

trd
18/2

List on 28.2.1997 for written statement and further orders.


Vice-Chairman

trd
18/2

13-3-97

28.2.97

Adjourned to 14.3.1997.

1) Notice duly served on R. No - 1

2) written statement has not been submitted.

3) memo of appearance not yet filed.

26/3
13.3

Written statement has not yet been filed. Mr. S.Ali, Sr. C.G.S.C. prays for further extension of time. Several adjournments have been given. I am not inclined to grant any further time.

List on 11.4.1997 for hearing.


Vice-Chairman

1) Notice duly served on R. No. 1.

2) w/statement - has not been filed.

trd

23-4-97

10/4 vakalatnama filed by Mr. S.Ali, Sr. C.G.S.C.


Vice-Chairman

Notice duly served on
R. No. 1.
w/s, has not been filed
ts

11.4.97

There is no representation on behalf of the applicant. Mr S.Ali, learned Sr.C.G.S.C is present for the respondents. However, for the ends of justice the case is adjourned till 16.5.97.


Vice-Chairman

pg
Ch
15/4

16.5.97.

Left over. List on 13.6.97 for hearing.


Vice-Chairman

2-2-97

Written statement filed on behalf of the respondents No- 1 to 3 with a prayer mp. No- 163/97 filed by Mr. S. Ali, Sr. C.G.S.C.

pg
A
20/5

Yu

16.6.97

Adjourned. List on 20.6.97.

16.6.97

Adjourned. List on 20.6.97.

By order

By order

16/6/97

20-6-97

On the prayer of Dr.N.K.Singh learned counsel for the applicant this case is adjourned to 27-6-97 for hearing.

nkm


Vice-Chairman

5

O.A. No.198/96

27.6.97

Dr. N.K.Singh, learned counsel appearing on behalf of the applicant prays for two weeks time to receive further instructions. Mr. S.Ali, Sr. C.G.S.C. has no objection. Prayer allowed.

List on 11.7.97 for hearing.

60
Member

JB
Vice-Chairman

W/S - has been filed.

SD 15/7

trd
SD 15/7

11.7.97 Left over. List on *4.8.97*

By order.

4.8.97

On the prayer of Dr. N.K.Singh, learned counsel appearing on behalf of the applicant, the case is adjourned till 6.8.1997.

List it on 6.8.1997.

JB
Vice-Chairman

W/S - has been filed.

SD 5/8

trd
SD 5/8

6-8-97

6.8.97 Adjourned to *8-8-97* *By order.*

Reply Affidavit filed on behalf of The Applicant, at page - 44 to 57.

8.8.97

Mr S.Ali, learned Sr.C.G.S.C prays for short adjournment, as he is not well. Dr N.K.Singh, learned counsel for the applicant has no objection.

List on 12.8.97 for hearing.

JB
Vice-Chairman

12.8.97 Pass over for the day

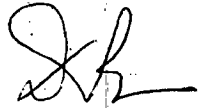
13.8.97 Pass over for the day
By order
By order

pg
SD 11/8

SD

14.8.97

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.



Vice-Chairman

9/9/97

Copy of the Judgment has been sent to the D/Sec. for issuing the same to the L/Admrs. of the parties.

nkm

sh

Jessu vide

D.No. 2942 or 2943

on 4.7.79

sh

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

D.A. NO. 198 of 1996
T.A. NO.

DATE OF DECISION 14.8.1996

Kumari Ningthoujam Kamala Devi

(PETITIONER(S))

Dr N.K. Singh

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Executive Director, Central Social Welfare Board,
New Delhi and others

RESPONDENT (S)

Mr S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

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

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 Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.198 of 1996

Date of decision: This the 14th day of August 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Kumari Ningthoujam Kamala Devi,
Asstt. Project Officer,
Central Social Welfare Board, New Delhi,
now posted at Manipur State Social Welfare
Advisory Board,
Imphal, Manipur.

.....Applicant

By Advocate Dr N.K. Singh.

- versus -

The Executive Director,
Central Social Welfare Board,
New Delhi and others.

.....Respondents

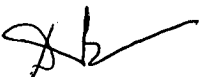
By Advocate Mr S. Ali, Sr. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicant has challenged Annexure A/8 Office Memorandum dated 19.2.1996 issued by the Deputy Director (SB Administration), Central Social Welfare Board, New Delhi, stating that the applicant continued to be posted as Assistant Project Officer in Manipur State Social Welfare Advisory Board and also refusing to pay her any TA/DA for her visit to Delhi and also directing her to apply to Manipur State Board for leave for the period of her absence from the State Board, and Annexure-10 Office Memorandum dated 27.4.1996 issued by the Chairman, Manipur State Social Welfare Advisory Board, Imphal, directing the applicant to submit application of leave for the period from 6.2.1996 to 7.3.1996 (the period of her absence from the State Board), and also prays for further direction.



2. Facts for the purpose of disposal of this application are :

At the material time the applicant was working as Assistant Project Officer in the office of the Mizoram State Social Welfare Advisory Board, Aizwal. In November 1992 she was sent on deputation as Secretary, Manipur State Social Welfare Advisory Board and her deputation was with effect from 1.12.1992. She worked there for about four years. By Annexure A/5 order dated 5.2.1996 the applicant was repatriated to her parent department as Assistant Project Officer (APO for short) which post she held before deputation. Immediately on receipt of the Annexure A/5 order the applicant handed over charge as per Annexure-7 Certificate of Transfer of Charge and thereafter proceeded to New Delhi and reported for duty to the Chairman, Central Social Welfare Board, New Delhi, on 14.2.1996. However, by Annexure-8 order dated 19.2.1996 she was asked to go back to Manipur and join as APO, Manipur State Social Welfare Advisory Board, which post she never held at any time after she came on deputation from Mizoram State Social Welfare Advisory Board. Annexure A/8 order further mentioned that she would not be paid any TA/DA. She was also directed to apply for leave for period of her visit to Delhi. Being aggrieved the applicant submitted Annexure A/9 representation dated 12.3.1996 to the Chairman, Central Social Welfare Board, New Delhi. According to the applicant the representation has not yet been disposed of. Hence the present application.

3. I have heard Dr N.K. Singh, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. The contention of Dr Singh is that she belongs to the Social Welfare Board. She was transferred to Mizoram and posted as APO. Thereafter,

she.....

she was sent on deputation to Manipur as Secretary, Manipur State Social Welfare Advisory Board by Annexure A/5 order dated 5.2.1996. After staying there for about four years she was repatriated to her parent department. However, the order of repatriation did not indicate where she should join. Naturally, the applicant was required to go to Delhi to receive further instructions about her posting. But the Central Social Welfare Board, New Delhi, directed her to join as APO, Manipur State Social Welfare Advisory Board, which post she never held at Manipur after her posting as APO, Mizoram State Social Welfare Advisory Board. Therefore, by no stretch of imagination the applicant could visualise that she should have joined at Manipur, and therefore, she was required to go to Delhi to receive proper instructions about her posting. However, she was denied TA/DA for her visit to Delhi and she was also asked to apply for leave for the period spent on visiting Delhi in order to regularise her absence from Manipur State Social Welfare Advisory Board. Dr Singh further submits that as per direction she went to Delhi and there was nothing wrong in it. According to him refusal to pay TA/DA and direction to apply for leave to the applicant was not only arbitrary but also, unfair and unreasonable. Such direction cannot sustain in law. Mr S. Ali, on the other hand, has pointed out to Annexure A/8 order dated 19.2.1996 wherein the Central Social Welfare Board, New Delhi, directed the applicant to join at Manipur and that is why, according to Mr Ali, she should have joined there.

4. On the rival contention of the learned counsel for the parties it is now to be seen whether the denial for grant of TA/DA and direction to apply for leave for period spent by the applicant for visiting Delhi can sustain in law. I have perused Annexures A/5, A/8 and A/10. Annexure A/5 shows that the applicant was repatriated to her parent department, but it did

SB

not indicate that she should join as APO, Manipur State Social Welfare Advisory Board and so it was not possible for the applicant to join in that post immediately on receipt of Annexure A/5 order. As no place of posting was indicated by Annexure A/5 order it was quite natural for the applicant to go to Delhi, the headquarter of her parent department, to receive further instructions about her posting. She joined at the Central Social Welfare Board, New Delhi on 14.2.1996. About five days thereafter Annexure A/5 order was issued and only then it was made known to the applicant that she should join as APO, Manipur State Social Welfare Advisory Board. In Annexure-8 order it has been mentioned that she was not even released from the Manipur State Social Welfare Advisory Board. But that statement is belied by Annexure A/7 Certificate of Transfer of Charge. Therefore, in my opinion there was nothing wrong in applicant's visiting Delhi. She is entitled to receive TA/DA and also the period spent by her for visiting Delhi should be treated as on duty. There was no question of her making any application for leave.

5. In view of the above I direct the respondents to give TA/DA to the applicant as per rule and also to treat the period spent by her in visiting Delhi as on duty.

6. With the above observation the application is accordingly disposed of. However, considering the facts and circumstances of the case I make no order as to costs.



(D. N. BARUAH)
VICE-CHAIRMAN

9/17

File by

N. Kamala Devi

13 Petitioners

Through N.K. Singh

Admitted
9/19/96

Central Administrative Tribunal
578
11 SEP 1996
Gauhati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

OA No. 198/96

BETWEEN

Kumari Ningthoujam Kamala Devi

APPLICANT

- AND -

**The Executive Director, the
Central Social Welfare Board,
New Delhi and others**

RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of the applicant :

Copy served to
Mr. S. Ali, C.A.T.
A. Rashid
10-9-96

Kum. Ningthoujam Kamala Devi
D/O. late N. Ningthou Singh
Assistant Project Officer,
Central Social Welfare Board,
New Delhi now posted at Manipur
State Social Welfare Advisory
Board, Paona Bazar, Imphal, Manipur,
Lilong Bazar, P.O. & P.S. Lilong
Bazar, Manipur do hereby solemnly
affirm and state that the contents
of the foregoing application
are true and correct to my personal
knowledge and belief and I have
not suppressed any material facts.

2. Particulars of Respondents :

The Executive Director, Central
Social Welfare Board, Samaj Kalyan
Bhavan, B-12 Institutional Area
South of I.I.T., New Delhi-110016.

**3. Particulars of the Order
against which application
is made. :-**

- (a) The Central Social Welfare Board,
New Delhi office Memorandum No.
F-1-3/WO/78-Adm(SB) dated 19.2.96
and,
- (b) Letter No. F-1-3/WO/78/Adm/SB.
Adm dated 8.4.96 both the Orders/
letters passed/issued by Deputy
Director (SB Adm) Central Social
Welfare Board, New Delhi and,
- (c) Office Memorandum No. 4-3/EL/88-89/
94 dated the 27th April, 1996
issued by the Chairman, Manipur
State Social Welfare Advisory
Board, Paona Bazar, Imphal.

Subject in brief :

Consequent upon the expiry of the term

N. Kamala S

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of deputation as Secretary, Manipur State Social Welfare Advisory Board the service of the applicant have been repatriated by the Chairman, Manipur State Social Welfare Advisory Board to her parent Department with effect from 5.2.96 by an order dated 5.2.96. The applicant was relieved of from duty with effect from 5.2.96. As she have been repatriated to her parent Department the applicant reported for duty to the Central Social Welfare Board New Delhi on 14.2.96. However the applicant was advised on 19.2.96 to report for duty as A.P.O. to Manipur State Social Welfare Advisory Board till a specific order is issued and also directed to apply for leave for the period from 6.2.96 from which date she was relieved of and 4.2.96 the day on which she reported for duty to the Manipur State Social Welfare Advisory Board, Imphal only with an intention to evade payment of TA/DA in favour of the applicant. As the applicant is entitled to claim TA/DA for her journey from Imphal to Delhi (for reporting/joining to Central

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Social Welfare Board, New Delhi) and Delhi to Imphal (for reporting for duty at Manipur State Social Welfare Advisory Board, Imphal as A.P.O.) she submitted application objecting the direction to submit the application. As a result her pay have not been ~~re~~ not released w.e.f. 6-2-96 till date.

4. Jurisdiction:

The applicant an employee of the Central Social Welfare Board, New Delhi have been working as Secretary (on deputation) at Manipur State Social Welfare Advisory Board, Imphal and consequent upon the expiry of the term of deputation she have been posted as Assistant Project Officer in the above said Manipur State Social Welfare Advisory Board, Imphal till today. The applicant, therefore, declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction the Central Administrative Tribunal, Guwahati Bench.

contd...p/5

N. Kamala Devi

1*

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the Case:

(A) That the applicant Kum. N. Kamala Devi while serving as Welfare Officer got promoted to the post of Assistant Project Officer by the Central Social Welfare Board, New Delhi and posted at Manipur State Social Welfare Advisory Board, Imphal vide order No. F.4-1/WO/81-Adm(SB-Adm) dated the 20th July, 1982.

Annexure-A/1 is the true photostat copy of the order dated 26.7.82.

(B) That the appointment of the applicant as Assistant Project Officer was confirmed vide Order No. F-5-1/WO/76-Adm(SB. Adm) dated 22.9.1989.

(C) That, the Central Social Welfare Board by an order No. F.2-1/FO/86-SB. Adm. dated 27.5.1992 transferred and posted the applicant as Assistant Project Officer in the office of the

Mizoram State Social Welfare Advisory Board, Aizwal, Mizoram.

Annexure-A/3 is the true Photostat copy of the order dated 27.5.92.

(D) That the applicant, while serving as Assistant Project Officer, (A.P.O. in short), in Mizoram State Social Welfare Advisory Board, Aizwal, was appointed as Secretary, Manipur State Social Welfare Advisory Board on deputation basis, with effect from 1.12.92 for six months in the first instance by the Central Social Welfare Board vide office order No.F.14/92-SB Admn. dated 26.11.92. The said term of appointment was extended till she was repatriated to her parent department, that is, the Central Social Welfare Board by an order No.2/1/78-SB(pt-II)/89-90/95 dated the 5th Feb,96. issued by the Manipur State Social Welfare Advisory Board, Imphal.

Annexure-A/4 is the true photostat copy of the deputation order dated 26.11.92.

N. Kamala B.

Annexure-A/5 is the true photostat copy of the repatriation order dated 5.2.96.

(E) That consequent upon her repatriation to the parent Department the applicant reported for duty to the Central Social Welfare Board, New Delhi on 14.2.96 after handing over the charges on 5.2.96.

Annexure-A/6 is the true copy of the joining report dated 14.2.96.

Annexure-A/7 is the copy of the charge Report.

(F) That on receipt of the joining Report Central Social Welfare Board issued an office memorandum No. F.1-3/WO/78-Admn (SB) dated 19.2.96 stating that the applicant after handing over her charges on 5.2.96 the applicant deemed to continue to be posted as A.P.O. in the Manipur State Board till any specific order is issued in this regard. Accordingly the applicant came back to Manipur and reported for duty to the Manipur State Social Welfare Advisory Board, Imphal.

N. Kamal

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Annexure-A/8 is the true copy of the Memorandum dated 19.2.96.

- (G) That the Central Social Welfare Board, New Delhi by its Memorandum dated 19.2.96 stated that the applicants journey to Delhi to report for duty is illegal as there is no instruction to report to Central Social Welfare Board, Delhi and as such her journey period, that is, from 5.2.96 (the date on which she reported for duty at Delhi) to (the date on which she reported for duty at Manipur State Social Welfare Advisory Board, Impham) be taken as the period of absence. She was directed to submit leave application for the above period to the State Board.
- (H) That the applicant submitted a representation on 12.3.96 to the Chairman, Central Social Welfare Board, New Delhi to review the Memorandum dated 19.2.96 with a request to allow her to enjoy TA/DA and not to press her to submit leave application seeking leave of absence from 5.2.96 to 8.3.96 as the said period was spent by her on transit as on duty as per the Order of repatriation.

N. Kamala

Annexure-A/9 is the true copy of the representation dated 12.3.96.

- (I) That the Chairman, Manipur State Social Welfare Advisory Board, Imphal in pursuance of Central Social Welfare Board, New Delhi letter No.1-3/WO/78/Admn/SB.Admn. dated 8.4.96 issued an Office Memo No.4-3/EL/88-89/94 dated 27.4.96 directing the applicant to submit leave application for the period from 6.2.96 to 7.3.96 for onward transmission to the Central Social Welfare Board, New Delhi.

Annexure-A/10 is the true copy of the Office Memorandum dated 27.4.96.

- (J) That in response to the Office Memo. dated 27.4.96 the applicant submitted a representation on 16.5.96 explaining the circumstances under which the applicant was unable to submit leave application but requested the Chairman, Manipur State Social Welfare Advisory Board not to press to submit leave

N. Kamala

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application and to take up her case with the Central Social Welfare Board so that the period from 6.2.96 to 7.3.96 may be allowed to be treated as on duty. But it was of no effect.

Annexure-A/11 is the copy of the representation dated 16.5.96.

- (K) That since the matter remain unsolved by the Central Social Welfare Board, New Delhi the monthly pay of the applicant have not been released with effect from 1.2.96 till today.

7. Relief(s) sought :

- (1) That the Memorandum No. 1-3/WO/78-Admn (SB) dated the 19-2-96 dictating the applicant to submit leave application for the period from 6.2.96 to 7.3.96 treating the said period which was spent by the applicant on journey for reporting to Central Social Welfare Board as absent and thus debaring the applicant from claiming TA/DA is to be set aside being illegal, violative of service Rules and thus unconditional.

- (II) That, the respondents be directed to issue a specific as contained in the Memorandum of 19.2.96 so as to treat the period from 6.2.96 to 7.3.96 spent on transit as on duty thereby allowing the applicant to claim TA/DA.

GROUND S

- (A) That consequent upon the expiry of the term of deputation as Secretary, Manipur State Social Welfare Advisory Board and/or on the repatriation the services of the applicant as Assistant Project Officer to her parent Department, that is, Central Social Welfare Board, New Delhi it is required and essential for the petitioner to join or report for duty to Central Social Welfare Board, New Delhi as neither the letter No.F.14-2/12/94-SB.Admn. issued by the Central Social Welfare Board, New Delhi on 19.2.96 Annexure-A/ nor the order No.2/1p78-SB(pt-II)/89/90/95 dated 5.2.96 (Annexure-A/) issued by the Manipur State Social Welfare Advisory Board, Imphal indicated the

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place of posting of the applicant as A.P.O. At the same time the applicant was never posted as A.P.O. in Manipur prior to her deputation as Secretary, Manipur State Social Welfare Advisory Board, Imphal.

- (B) That in compliance with the order of the State Board dated 5.2.96 the applicant have been relieved of the charges/post of Secretary, Manipur State Social Welfare Advisory Board, Imphal just after handing over and taking over the charges by signing the T.R.-I on 5.2.96 between the applicant and Smt.R.K.Sanetombi ~~Bank~~ Devi. After such completion of handing over and taking over the charges of Secretary, State Board the applicant have no post to continue or have no right to continue as A.P.O. in the State Board, Manipur. Therefore, the applicant have to report for duty to the Central Social Welfare Board, New Delhi.

- (C) That, as the applicant was never been posted as A.P.O. prior or subsequent

N. Kamala

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to the deputation as Secretary, Manipur Board, the applicant after handing over and taking over the Charges of Secretary on 5.2.96 ~~the~~ it cannot be taken ~~that~~ ~~the charges of Secretary~~ that the applicant continued to be posted as A.P.O. in Manipur Board in the absence of any specific or speaking order of posting. The memorandum No.F.1-3/WO/78-Admn(SB) dated 19.2.96 (Annexure-A/) proves it. Therefore, reporting or joining by the applicant as A.P.O. to Central Social Welfare Board, New Delhi is not only justified and thus entitled to claim TA/DA but also the period from 6.2.96 to 7.3.96 can not be treated as absent. She need not submit leave application.

- (D) That the applicant have been repatriated with effect from 5.2.96 to her parent Department. She requires to report for duty to Central Social Welfare Board, New Delhi. To compel her to submit leave application is unreasonable, unjustified and illegal and violative of Joining Time Rules

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and as such the impugned Memorandum dated 19.2.96 is liable to be set aside.

- (E) That the actions of the respondent is one sided and arbitrary. It is to the detriment of the applicant.
- (F) That the Office Memorandum dated 19.2.96 made it clear that for allowing the applicant to continue as A.P.O. in the Manipur State Board the Central Social Welfare Board needs to issue a specific speaking order. Therefore the Memorandum dated 19.2.96 is liable to be set aside.
- (G) That by virtue of the illegal Memorandum of 19.2.96 the applicant is not in receipt of her monthly salary/ pay with effect from 1.2.96 till today. Such illegal order is liable to be quashed.
- (H) That consequent upon her repatriation she reported for duty in the office of the Central Social Welfare Board, New Delhi as per the provisions of the Service Rules in force and thereafter to the Manipur State Social Welfare

N. Kamala B.

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Advisory Board, Imphal in the light of the impugned order dated 19.2.96.

In other words after her repatriation she have been serving as A.P.O. under the Central Social Welfare Board till today. However, the applicant have been denied her pay/salary with effect from 1.2.96 till today though pay has already accrued. The right to receive the pay becomes fundamental right. Hence, the Memorandum of 19.2.96 is illegal.

- (I) That the applicant has the legal right to recover her pay/back wages as the right to receive it becomes fundamental right.

8. Interim Order

if prayed for:

Pending final disposal/decision on the application the applicant seeks issue-

- (a) direct the respondents to release monthly pay for the period from 6.2.96 till date as the said impugned order was passed without

considering the relative positions of the applicant prior or subsequent to the impugned order.

9. Details of the remedies exhausted.

The application/representation submitted on 12.3.96 and 16.5.96 are still left unattended.

10. Matter not pending without any other Court etc.:

The applicant declares that the matter regarding which this application has been made is not pending before any other authority or any other Bench of the Tribunal.

11. Particulars of Bank Draft/

Postal order in respect of

the Application Fee :

1. 100 no. 346878
 2. 9.9.96
- Rs. 50/- payable at GPO, Guwahati.

12. Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Enclosures :

N. Kamala

29

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

I Kum.Ningthoujam Kamala Devi daughter of late N.Ningthou Singh aged about 49 years and 8months working as Assistant Project Officer in the Central Social Welfare Board, New Delhi at present posted in the Manipur State Social Welfare Advisory Board, Imphal a resident of Lilong Bazar, Manipur do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Signature of the Applicant.

N. Kamala

Date : 9-9-96.
At - Guwahati.

71 -106-22-2

18-
S.No.50

ANNEXURE A/1 20

88

THE CENTRAL SOCIAL WELFARE BOARD

Telegram :
'SANCHASEVA'

Jeevan Deep,
Sansad Marg,
New Delhi-110001.

No. F.4-1/WO/81-Admn(SB.Admn.)

Dated: 26.7.1982

OFFICE ORDER

The following Welfare Officers in the scale of pay of Rs.550-25-750-EB-30-900 are promoted to the posts of Assistant Project Officer in the scale of Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 until further orders. The promotion order as APO will take effect from the date of the assumption of duty as Assistant Project Officer. The postings of the Officers as A.P.Os will be as follows :-

S.No.	Name	State Board to which attached as Welfare Officer	State Board to which posted as Assistant Project Officer
1.	Shri M.C. Saxena	Madhya Pradesh	Gujarat
2.	Smt. Suniti Srivastava	Madhya Pradesh	Madhya Pradesh
3.	Shri S.R. Viswakarma	Madhya Pradesh	Haryana
4.	Shri V.V. Pillai	Maharashtra	Maharashtra
5.	Smt. A. Rathnam	Karnataka	Tamilnadu
6.	Kum.Sipra Chatterjee	West Bengal	West Bengal
7.	Smt. T. Parvathy	Kerala	Tamilnadu
8.	Shri A. Anbarasu	Tamilnadu	Tamilnadu
9.	Kum. N. Kamala Devi	Manipur	Manipur

T.N. Srivastava
(T.N. SRIVASTAVA)
EXECUTIVE DIRECTOR

Shri/Smt/Kum _____

Alleged

THE CENTRAL SOCIAL WELFARE BOARD
JEEVAN DEEP, SANSAD MARG,
NEW DELHI-110 001.

31

Telegram:
'SANGHASEVA', NEW DELHI

NO.F.5-1/WE/76-Adm. (SB. Adm.)

Dated: 22-9-88

OFFICE ORDER

The following Officer has been confirmed and appointed substantively to the post indicated below in accordance with the instructions contained in the Govt. of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) O.M. No. 180011/1/86-Estt(D) dated the 28th March, 1988 :

Sl. No.	Name of the Post	Scale of Pay	Name of the Officer appointed substantively
1.	Assistant Project Officer	Rs. 2000-60-2300- EB-75-3200- 100-3500	1. Kum. N. Kamala Devi ✓

K Singh
(KUSHAL SINGH)
EXECUTIVE DIRECTOR

Kum. N. Kamala Devi,
Manipur State Social
Welfare Advisory Board,
IMPHAL.

- Copy to:
1. I.F.A.
 2. P. & A.O.
 3. P.A. to Executive Director, CSWB
 4. P.S. to Chairman, CSWB
 5. Personal files of all concerned Officers.

K Singh
DEPUTY DIRECTOR (SB Adm.)

Atkins

Telegram : 'SANGHASEVA'

32

THE CENTRAL SOCIAL WELFARE BOARD

'SAMAJ KALYAN BHAWAN'
B-12, INSTITUTIONAL AREA, SOUTH OF I.I.T.,
NEW DELHI - 110 016

NO.F.2-1/FO/86-S.B. Admn.

DATED: 27.5.1992

OFFICE ORDER

The following field officers are transferred and posted to the State Boards indicated against their names under column 4 with immediate effect and until further orders. The concerned officers are directed to report for duty to the Chairman/Administrator State Social Welfare Advisory Board to which they are posted immediately after being relieved by the respective Chairman/Administrator State Board :

SL. NO.	NAME & DESIGNATION	PRESENT PLACE OF POSTING	STATE WHERE POSTED
1	2	3	4
1.	Sh.S.B. Bennur, Asstt. Project Officer	Karnataka	Andhra Pradesh State Social Welfare Advisory Board, H.NO. 3-4/547, YMCA Compound, Narayanacuda, Hyderabad
2.	Sh.V.L. Palaniappan, Welfare Officer	Tamilnadu	-do-
3.	Sh.A.K. Roy, Welfare Officer	West Bengal	Assam State Social Welfare Advisory Board, Fatik Chandra Road, Uzan Bazar, Gauhati
4.	Smt. Uma Singh, Welfare Officer	Uttar Pradesh	Bihar State Social Welfare Advisory Board, Barrack No.9/A-1, Purana Sachivalaya, Patna-1
5.	Kum. U.A. Bhojar, Asstt. Project Officer	Maharashtra	Gujarat State Social Welfare Advisory Board, 21, Ashok Nagar Society, Near Bhatta, Sarkhej Road, Ahmedabad-7
6.	Smt. A.S. Shete, Welfare Officer	Maharashtra	-do-
7.	Sh.S.S. Bhopale, Welfare Officer	Maharashtra	-do-
	Smt. Meena Walia, Welfare Officer	Rajasthan	-do-
	Sh.N.A. Jane, Welfare Officer	Maharashtra	-do-
	Smt. Shashi Srivastava, Welfare Officer	Rajasthan	-do-

Alu
9 AM

1	2	3	4
11.	Smt. Saroj Rani Dhingra, Welfare Officer	Dalhi	Haryana State Social Welfare Advisory Board, SCO 87-82, IInd Floor, Opp. Narlan Cinema, Sector: 17-D, Chandigarh
12.	Sh.M.N. Ansari, Welfare Officer	Uttar Pradesh	-do-
13.	Sh.S.L. Bahri, Welfare Officer	Punjab	-do-
14.	Sh.A.K. Sharma, Welfare Officer	Uttar Pradesh	Himachal Pradesh State Social Welfare Advisory Board, Sapeun Spot Road, Solan, Himachal Pradesh
15.	Sh.B.C. Kandwal Welfare Officer	Rajasthan	Jammu & Kashmir State Social Welfare Advisory Board, Secretariat, Srinagar
16.	Sh.G.L. Murthy, Asstt. Project Officer	Andhra Pradesh	Karnataka State Social Welfare Advisory Board, 58, II Main, Vyalikaval, Bangalore-560 003
17.	Smt. Malathy Ekam- baram, Asstt. Project Officer	Tamilnadu	-do-
18.	Sh.A. Kumaraswamy, Welfare Officer	Kerala	-do-
19.	Sh.S. Karunanidhi, Welfare Officer	Tamilnadu	-do-
20.	Sh. M.A. Subhan, Asstt. Project Officer	Tamilnadu	Kerala State Social Welfare Advisory Board, TC No.9/1790, Sasthamangalan Junction, Trivandrum-10
21.	Sh.C.K. Sebastian Welfare Officer	Lakshadweep	-do-
22.	Smt. Pratibha Suresh	Karnataka	-do-
23.	Sh.M.D. Satpute, Welfare Officer	Maharashtra	Madhya Pradesh State Social Welfare Advisory Board, Char Bungalow Road, Civil Lines, Bhopal
24.	Smt. Arunima Gupta Welfare Officer	Uttar- Pradesh	-do-

contd.....3/-

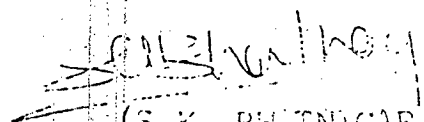
1	2	3	4
25.	Sh.N.G.Vayeda Asstt. Project Officer	Gujarat	Maharashtra State Social Welfare Advisory Board, Mehta Chambers, 5th Floor, Galyan Street, Dana Bunder, Masjid, Bombay-9
26.	Sh.D.B.Trivedi Welfare Officer	Gujarat	-do-
27.	Sh.K.B. Sharma, Welfare Officer	Madhya Pradesh	-do-
28.	Kum. Lajo Fatma Welfare Officer	Madhya Pradesh	-do-
29.	Sh.P.N. Rai Welfare Officer	Uttar pradesh	-do-
30.	Smt. Rathuami Roite, Asstt. Project Officer	Mizoram	Manipur State Social Welfare Advisory Board, Paona Bazar, Imohel.
31.	Sh.S.Roy Choudhury Welfare Officer	West Bengal	-do-
32.	Sh.S.Sailo, Asstt. Project Officer	Mizoram	Assam State Social Welfare Advisory Board, 'Thule Cottage, Lummawrie, Laitumkhrah, Shillong
33.	Sh.W.T. Singh, Welfare Officer	Manipur	Nagaland State Social Welfare Advisory Board, Kohima, Nagaland
34.	Smt. C. Sinha, Asstt. Project Officer	Bihar	Orissa State Social Welfare Advisory Board, Samaj Kalyan Bhawan, A/64, Nyayanalli, Bhubanashwar
35.	Sh.J.Mondal, Asstt. Project Officer	West Bengal	-do-
36.	Sh.Sushital Chanda, Welfare Officer	West Bengal	-do-
37.	Kum. Ritu Wahi, Welfare Officer	Chandigarh	Punjab State Social Welfare Advisory Board, Kothi No.63/18- A, Chandigarh
38.	Sh.H.S. Chauhan, Asstt. Project Officer	Gujarat	Rajasthan State Social Welfare Advisory Board, Sawai Jai Singh Highway, Bina Park, Jaipur
39.	Sh.P. Prakash, Asstt. Project Officer	Karnataka	-do-

1	2	3	4
40.	Sh.V.J. Patel, Welfare Officer	Gujarat	Rajasthan State Social Welfare Advisory Board, Sawai Jai Singh Highway, Ring Park, Jaipur
41.	Sh. Pawan Chopra Welfare Officer	Delhi	-do-
42.	Sh.D.P. Hajra, Welfare Officer	West Bengal	Tripura State Social Welfare Advisory Board, Akhaura Road, P.O. Anantala, West Tripura Pin-799 001
43.	Sh.D.S. Ramlaik Asstt. Project Officer	Himachal Pradesh	Uttar Pradesh State Social Welfare Advisory Board, Nari Kala Mandir Bhawan, 6 Post Nagar, Lucknow.
44.	Sh. P.K. Malhotra, Welfare Officer	Himachal Pradesh	-do-
45.	Smt. Meera Devi Srivastava, Welfare Officer	Bihar	-do-
46.	Sh. N.G. Jani Welfare Officer	Gujarat	-do-
47.	Sh. D.D. Mondal Welfare Officer	Orissa	West Bengal State Social Welfare Advisory Board, 11-A, Mirza Galib Street, Calcutta-16.
48.	Sh. Devendra Nath Welfare Officer	Rajasthan	-do-
49.	Sh. B.N. Mishra Welfare Officer	Orissa	-do-
50.	Kum. Panchali Bhattacharya Welfare Officer	Andhra Pradesh	-do-
51.	Sh. V.V. Pillai, Asstt. Project Officer	Maharashtra	Andaman & Nicobar Islands State Social Welfare Advisory Board, Port Blair
52.	Sh. D. Dominic Welfare Officer	Tamilnadu	-do-
53.	Sh. R.J. Wankar Asstt. Project Officer	Madhya Pradesh	Arunachal Pradesh State Social Welfare Advisory Board, Arunachal Pradesh Secretariat, Itanagar, Arunachal Pradesh
54.	Sh. V.K. Mohanan Welfare Officer	Kerala	Lakshadweep State Social Welfare Advisory Board, Kavarathy Islands (Via) Cochin, Kerala

1	2	3	4
55.	Kum.N.Kamala Devi Asstt. Project Officer	Manipu.	Mizoram State Social Welfare Advisory Board, Aizawal, Mizoram
56.	Sh.S.P. Mukharjee Welfare Officer	West Bengal	-do-
57.	Sh. P.G.Raddena Asstt Project Officer	Andhra Pradesh	Tamilnadu State Social Welfare Advisory Board, Anna Salai, Mandanna, Madras-75
58.	Sh.A.K. Shaji, Asstt. Project Officer	Kerala	-do-
59.	Sh.N. Ramaswamy, Welfare Officer	A&N Islands	-do-
60.	Smt.C.RajaSulochana Welfare Officer	Karnataka	-do-
61.	Sh.M.S.Palani Kumar, Welfare Officer	Andhra Pradesh	-do-
62.	Smt.S.L.Mallick Asstt. Project Officer	Orissa	Pondicherry State Social Welfare Advisory Board, 27 (Upstairs)Romain, Rolland Street, Pondicherry.
63.	Sh.S.K. Bajaj, Welfare Officer	CSWB	Chandigarh State Social Welfare Advisory Board, Karuna Sadan, Building, 3rd Floor, Sector 17 B, Chandigarh-160 011

2. No representations in this regard will be entertained. Non-compliance of these orders will lead to disciplinary action.

3. Transfer to and joining time is admissible to all the Officers.


 (S.K. BHATNAGAR)
 DEPUTY DIRECTOR (S.B.W.M.)

All Concerned Officers

- 1) The Chairman/Administrator
- COPY TO: Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Manipur, Meghalaya, Nagaland, Orissa, Punjab, Nicobar, Arunachal Pradesh, Lakshadweep, Mizoram, Goa, Daman & Diu, Sikkim, Delhi,

Pondicherry and Chandigarh State Social Welfare Advisory Boards with the request kindly to relieve the concerned Field Officers of their duties immediately to enable them to join their duties in their respective State of posting immediately within the admissible joining time under intimation to this Office and forward their reports to this Office as soon as they report for duty in the respective State Board.

2. P&
2. PAY & Accounts Officer
3. All Divisional Heads
4. Personal file

S. B. Balmin
 DEPUTY DIRECTOR (S.B. BALMIN.)

तार : 'संघसेवा'
Telegram : 'SANGHASEVA'

38

केन्द्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-12, इंस्टीट्यूशनल एरिया, राज्य ऑफ बाई-बाई टो, नई दिल्ली-110016

SAMAJ KALYAN BHAVAN

B-12, Institutional Area, South of I. I. T., New Delhi-110016

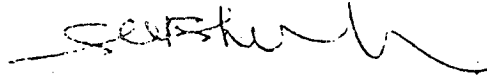
दिनांक Dated... 26.11.1992.....

O F F I C E O R D E R

Consequent upon her selection Kum. N. Kamala Devi, Asstt. Project Officer, Mizoram State Social Welfare Advisory Board, is appointed as Secretary Manipur State Social Welfare Advisory Board, w.e.f. 1.12.1992 initially for a period of six months in first instance on deputation basis on usual Terms and Conditions of foreign service as amended from time to time by Government of India.

The other matters if any not covered in this office order Kum. N. Kamala Devi, will be governed by the Rules/Bye Laws of the Central Social Welfare Board. The appointment would be effective from the date she takes over the charge of the post.

This issues with the approval of Competent Authority.


(S.K. BHATNAGAR)
DEPUTY DIRECTOR (SB. ADMIN)

Kum. N. Kamala Devi,
Asstt. Project Officer,
Mizoram State Social
Welfare Advisory Board,
AIZAWAL.

5/1/93

Attenis
rav.



MANIPUR STATE SOCIAL WELFARE

ADVISORY BOARD

PAONA BAZAR, IMPHAL

Ref. No. Date

ORDERS BY THE CHAIRMAN
Imphal the 5th February, '96

No.2/1/78-SB(Pt-11)/89-90/95 :- In pursuance of the letter No.F.14-2/12/94-SB-Admn dtd. 19-1-96 from the Deputy Director, C.S.W.B., New Delhi, Km. N. Kamala Devi, Secretary, Manipur State Social Welfare Advisory Board, Imphal is repatriated to her parent Department as A.P.O. with immediate effect.

Further, Smt. R.K. Sanatombi Devi, Welfare Officer is to take over the charge of Secretary in addition to her normal duties until further orders.

(R.K. Ongbi Sorojini Devi),
Chairman.

Memo.No.2/1/78-SB(Pt-11)/89-90/95 Dated 5-2-96

- Copy to:
- 1) The Chairman, C.S.W.B., New Delhi for favour of kind information and necessary action.
 - 2) The Deputy Director(SB-Admn), C.S.W.B., New Delhi this has a reference to her letter No.F.14-2/12/94-SB-Admn dtd. 19-1-96.
 - 3) The Commissioner(SW), Govt. of Manipur, Imphal.
 - 4) The Director(SW), Govt. of Manipur, Imphal.
 - ✓ 5) Km. N. Kamala Devi, Secretary, State Board, she has to hand over the charge of Secretary to R.K. Sanatombi Devi, Welfare Officer.
 - 6) Smt. R.K. Sanatombi Devi, Welfare Officer, State Board.
 - 7) The Accountant, State Board.
 - 8) The Relevant File.

R.K. Ongbi Sorojini Devi

CHAIRMAN

Accepted

To:

The Chairman
Central Social Welfare Board,
Samaj Kalyan Bhavan
B-12, Tara Crescent
South of IIT.

New Delhi - 110016.

Sub: joining report

Madam,

In pursuance of the order by
the Chairman Manipal State Social
Welfare Advisory Board vide NO.2/1/
78-SB (part-II) / 89-90/95 dated 5th Feb 89,
I have the honour to join my duty to
Central Social Welfare Board as A.P.O
on 14/2/96 fore-noon for favour of necessary
action. It is enclosed a photo-stal copy
of the order for ready reference.

Dated 14/2/96.

yours faithfully

N. Kamala
A.P.O.

Accepted
Asst. Secy.

S. G. 3
(Treasury Rule 44)

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the fore/afternoon of this day respectively made over and received charge of the office of Secretary, Manipur State Social Welfare Advisory Board Imphal.

N. Kamala Devi
Signature of Relieved Officer. 5/2/96
Designation. (N. Kamala Devi)
Secretary, MSSWAB.

S. K. Sanatombi Devi
Signature of Relieving Officer.
Designation. (S. K. Sanatombi Devi) Welfare Officer.

Station Imphal

5-2-1996

Secretary,
Manipur State Social Welfare Advisory Board
Imphal

Memo of balance for which responsibility is accepted by the officer receiving charge

Treasury balances—
Cash
Opium
Stamps and Match Excise and other

Permanents advance—

Details of Treasury Balances

Description	Under double locks	With Treasurer	In Sub-Treasuries?	Total
as Rs. 10,000	—	—	—	—
" 1,000	—	—	—	—
" 500	—	—	—	—
" 100	—	—	—	—
" 50	—	—	—	—
" 10	—	—	—	—
" 5	—	—	—	—
" 2	—	—	—	—
" 1	—	—	—	—
Whole rupees	—	—	—	—
Half "	—	—	—	—
Quarter "	—	—	—	—
Eighth "	—	—	—	—
Unaccounted coins	—	—	—	—

*The total of the cash balances reported in the latest daily sheets received from sub-treasuries without any details of notes or coin, etc., need only be shown in this column.

Continued overleaf.

A. U. S. B.

Annexure - VII

धारा : 'संप्रदाय'

Telegram : 'SANGHASEVA'

केन्द्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-12, इंस्टीट्यूशनल एरिया, गाऊप जॉफ बाई. बाई. टी., नई दिल्ली-110016

SAMA J KALYAN BHAVAN

B-12, Institutional Area, South of I. I. T., New Delhi-110016

9

File No. P.1-3/WO/72-Admn. (SB)

दिनांक Dated 19/2/1996

MEMORANDUM

With reference to Kum. Kamla Devi, A.P.O.'s (Joining Report dated 14/2/1996), the undersigned is directed to inform that vide this office letter dated 19/1/1996, she was asked to handover charge of Secretary to Smt. Sanatombi Devi, Welfare Officer, and there were no instructions for her to join Central Board. State Board in its order dated 2/2/1996, has repatriated her to her parent Department as A.P.O. but she has not been relieved by them to join Central Board. Hence, after handing over charge of Secretary, Kum. Kamla Devi, A.P.O., continues to be posted as A.P.O. in Manipur State Board till any specific order is issued in this regard.

It may be noted that no TA/DA shall be paid to her for her visit to Delhi and she should apply to the State Board for leave for the said period of absence from State Board.

R Chopra

(ROMILA CHOPRA)
DEPUTY DIRECTOR (SB ADMN.)

Kum. Kamla Devi,
APO

Now she is APO in State Board

A. K. Mishra

TO

43

The Chairman,
Central Social Welfare Board,
Samaj Kalyan Bhawan,
E-12, Institutional Area,
South of I.I.T.,
New Delhi-110016.

Through Proper Channel.

Ref.:- Central Social Welfare Board's Memorandum
No. F.1-3/10/78-Admn(SB) dtd. the 19th Feb. 1996.

Sub:- Prayer for issuance of specific order.

Madam,

In inviting a reference to my representation dated 20.2.96 requesting to review Central Social Welfare Board's Memorandum of even number dated 19th Feb. '96 as referred to above I have the honour to say that-

2. While I was serving as Assistant Project Officer under Central Social Welfare Board and posted at Mizoram I was allowed to serve as Secretary, Manipur State Social Welfare Advisory Board, Imphal on deputation with effect from 11.12.92 to 10.12.95 for a period/term of three years vide Central Social Welfare Board's Order No. F.14-2/92-SB. Admn. dated 26.12.1992 Annexure I is the true copy of the order dated 26/12/92.

3. On the expiry of my term of deputation as Secretary to the Manipur State Social Welfare Advisory Board on 10.12.95 the Chairperson, Manipur State Social Welfare Advisory Board under letter No. 2/1/78-SB(Pt. II) 89-90/95 dtd. 21.12.95 made a request to the Central Social Welfare Board either to extend my term of deputation as Secretary or to agree to the absorption of my service as Secretary to Manipur State Social Welfare Advisory Board, Imphal. True copy of the request letter dated 21.12.95 is at Annexure-II.

4. Central Social Welfare Board, New Delhi while communicating Central Social Welfare Board's inability to agree with the proposal of the Chairman, Manipur State Social Welfare Advisory Board either for extension of my term of deputation or absorption as Secretary, Manipur State Board directed me to hand over the charges of Secretary to Smt. Sanatombi Devi Welfare Officer Manipur State Board, Imphal vide letter No. F. 14-2/12/94-SB. Admn. dated 19th Jan. 1996, a copy of which is enclosed as Annexure-III.

Atm
over

5. In pursuance of the above letter dated 19.1.96 Chairman, Manipur State Social Welfare Advisory Board issued an order being Nb.2/1/78-SB(Pt-ii)/89-90/95 dated 5th Feb. 1996 effecting repatriation of my service as A.P.O. to the parent Deptt., that is, Central Social Welfare Board with immediate effect.

The order further directed me to hand over the charge of Secretary, Manipur State Social Welfare Board to Smt. R.K. Sanatombi Devi, Welfare Officer to whom also directed to take over the charge of Secretary. The copy of the order dated 5.2.96 is at Annexure-IV.

6. In compliance with the order dated the 5th Feb. 1996 handing over and taking over the charges between myself and Smt. R.K. Sanatombi Devi have been completed by signing the ~~T.R.I~~ T.R.I both by me and Smt. R.K. Sanatombi Devi on 5.2.96 and thus I have been relieved of the post/charges of Secretary, Manipur State Social Welfare Advisory Board, Imphal w.e.f. 5.2.96 photocopy of the T.R.I is as at Annexure-V.

7. As I have been repatriated to my parent Department by the the Order dated 5th Feb. '96 and relieved of the charges/post of Secretary, Manipur State Social Welfare Advisory Board by signing the necessary T.R.-I I have submitted my joining report as A.P.O. to the office of the Central Social Welfare Board, New Delhi on 14.2.96. copy at Annexure-VI is enclosed for reference.

8. On receipt of my joining report Central Social Welfare Board to my utter surprise served an office Memorandum Nb.F. 1-3/WO/78-Admn(SB) dated 19.2.96(Annexure-VII) stating that the Central Social Welfare Board while issuing its order/letter dated 19-1-96 no instruction was given to me to join Central Social Welfare Board and the State Board by its order of 5-2-96 repatriated me but not relieved of to enable me to join Central Board, and as such consequent upon my handing over the charges of Secretary it shall be taken that I continue to be posted as A.P.O. in Manipur State Board till any specific order is issued in the regard.

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Apr

Contd/--...3.

Further the Memorandum of 19.2.96 states that I should apply to the State Board for leave for the period from 5.2.96 to 7.3.96 considering this period as my period of absence from the State Board and I shall not be entitled to claim TA/DA though I have reported for duty to Central Social Welfare Board, New Delhi on 14.2.96.

9. Immediately on 20.2.96 I have submitted a representation to the Central Social Welfare Board with a request to review the Memorandum of 19.2.96 but of no effect till to-day. Representation dated 20.2.96 is at Annexure-VIII.

10. Now, what I want to bring to the notice of the Central Social Welfare Board, New Delhi is that -

- a) Consequent upon the expiry of my term of deputation as Secretary, Manipur State Social Welfare Advisory Board and on the repatriation of my service as A.P.O. to my parent Department it is required and essential for me to join or report to my parent Department i.e. Central Social Welfare Board, New Delhi as neither the letter No.F.14-2/12/94-SB-Admn. issued by the Central Social Welfare Board, New Delhi on 19.1.96 nor the order No. 2/1/78-SB(Pt-II)/89-90/95 issued by the Manipur State Social Welfare Advisory Board on 5.2.96 indicated my place of posting as A.P.O. At the same time I have never been posted as A.P.O. in Manipur prior to my deputation as Secretary, Manipur State Social Welfare Advisory Board.
- b) In compliance with the order, of the State Board dated 5.2.96 I have been relieved of the charge/post of Secretary, Manipur State Board after handing over and taking over the charges through or vide T.R.-I dtd. 5.2.96. After completion of handing over and taking over of the charges of Secretary, State Board I have no post to continue as A.P.O. in the State Board as I have not been posted earlier as A.P.O. in the State Board, Manipur. Therefore I have to report/join as A.P.O. to Central Board, New Delhi.
- c) As stated above, I have not been posted as A.P.O. in Manipur Board before or prior to the deputation as secretary, Manipur Board. Therefore, after handing over and taking over the charges of Secretary Manipur Board by Smt. Sanatombi Devi it can not be taken that I have been continued to be posted as A.P.O. in Manipur State Board in the absence of any specific or speaking order of transfer and posting.

- d) On the facts and circumstances of the case as enumerated above my reporting/joining to the Central Board as A.P.O. is justified and I am entitled to TA/DA for my joining/reporting at Central Board, New Delhi.
- e) I have been repatriated with effect from 5.2.96 to my parent Department from Manipur State Board and relieved from the post/charges of Secretary of Manipur Board and as such no leave application, which is at all not necessary, can be entertained. Since I have been repatriated I have to report for duty to Central Board and I may not be compelled to submit leave application as the same may be unreasonable, unjustified and illegal.
- f) Presumming but not admitting that Memorandum No.F.1-3/WB/78-Admn(SB) dated 19-2-96 issued by the Central Board, New Delhi is an order of my Transfer and Posting as A.P.O. at State Board, Imphal. I have joined/reported for duty this 8th day of March 1996.
- g) While I was working as Secretary Manipur State Social Welfare Advisory Board, Imphal on deputation Smt. R.K. Sanatombi Devi was serving under me as Welfare Officer. Smt. R.K. Sanatombi Devi is still Welfare Officer looking after the charge of Secretary Manipur Board. The post of Welfare Officer is lower in rank and status to the post of Assistant Project Officer. Now I am compelled to work under one junior officer thereby causing in subordination. Immediate appropriate action is called for.

From the above premises I request you to kindly issue specific speaking order of my transfer and posting as A.P.O. to Manipur State Board with a specific arrangement that I do not work/serve under one who is junior to me in rank and status; coupled with a prayer to allow me to enjoy or to claim TA/DA for my joining/reporting to Central Board and thereafter to Manipur Board on transfer and posting as A.P.O. or in the alternative to treat the entire period from 6.2.96 to 7.3.96 as period of deputation on the full pay which I would have drawn had I remained on duty as Secretary in Manipur State Board in the interest of justice.

For which act of kindness I shall ever pray.

Yours faithfully,

N. Kamala Devi
(N. Kamala Devi)
Asstt. Project Officer,
Manipur State Social Welfare
Advisory Board, Imphal.

Encl: - 25 leaves

Imphal,
the 12/3/96.

PHONE : 220186
GRAM : RAJKALYAN

MANIPUR STATE SOCIAL WELFARE ADVISORY BOARD 47

Paona Bazar, Imphal



Ref. No.

Date

OFFICE MEMO

Imphal, the 27th April, 1996

No. 4-3/EL/88-89/94 - In pursuance of C.S.W.B's letter No. F.1-3/WO/78/Admn/SB.ADMN dated 8-4-96, Km.N.Kamala Devi, A.P.O. is directed to submit an application of leave to this office immediately for the period from 6-2-96 to 7-3-96 so as for onward transmission to the Central Social Welfare Board, New Delhi since the concerned officer has not yet applied for leave to this office for the above mentioned period.

(Smt.R.K.Ongbi Sorojini)
Chairman.
dated, 27-4-96

Memo.No. 4/3/EL/88-89/94 /20

- Copy to:-
1. The Deputy Director(SB.Admn), CSWB, New Delhi for information. This has a Reference to her letter No.F.1-3/WO/78/Admn/SB.Admn, dated 8-4-96.
 2. Km.N. Kamala Devi, Asstt. Project Officer concerned.
 3. The Relevant File.

R.K.Ongbi Sorojini
(Smt.R.K.Ongbi Sorojini)
Chairman

ved
30/4/96

A. Kumar
Asstt. Secy

TO

The Chairman,
Manipur State Social Welfare
Advisory Board, Imphal.

Ref.:- Manipur State Social Welfare Advisory Board
Office Memorandum No. 4-3/EL/88-89/94 dated
the 27th April 1996.

Subj:- Submission of objection thereof.

Madam,

I have the honour to lay the following few lines
for your kind consideration and necessary action that-

2. Consequent upon the expiry of my term of appointment as Secretary, Manipur State Social Welfare Advisory Board on deputation I was relieved of the charge of the above said post of Secretary with effect from 5.2.96 and repatriated to my parent Department, that is, Central Social Welfare Board, New Delhi. This fact has been admitted by the Central Social Welfare Board, New Delhi, as can be seen from their letter No.F.1-3/WO/78/Admn/SB,Admn. dated 8.4.96.

3. By the order No.2/1/78-SL(Pt-II)/89-90/95 dated the 5th Feb. 1996 of the Manipur State Social Welfare Advisory Board, Imphal I have been repatriated to my parent department, that is Central Social Welfare Board, New Delhi. On my re-patriation to my parent department I have to report for duty to Central Social Welfare Board at New Delhi.

4. I have been repatriated to my parent Department with effect from 5.2.96 from Manipur State Social Welfare Advisory Board and also duly relieved of I have no post to continue at Manipur State Social Welfare Advisory Board any longer as I have never been posted as A.P.O. in this Manipur State Social Welfare Advisory Board prior to my deputation to this state Board. Therefore, it is my duty to report to Central Social Welfare Board, New Delhi, in the absence of any instruction or order or the like in the regard.

Atul
Asst

P.T.O.

5. Only on my reporting or joining to the Central Social Welfare Board, that too, in pursuance of the Manipur State Social Welfare Advisory Board's order dated 5.2.96, Central Social Welfare Board, New Delhi issued an Office Memorandum No.F.1-3/NO/78-Admn(SB) dated 19.2.96 communicating that after handing over the charges of Secretary it shall be deemed to be continued to be posted as A.P.O. in Manipur State Board till any specific order is issued by the Central Social Welfare Board. Accordingly I have reported myself for duty at Manipur State Social Welfare Advisory Board, Imphal. However no specific order have been issued or received from the Central Social Welfare Board till to-day in the regard. In such circumstances it will not be fair on the part of the Central Social Welfare Board, so also, on the part of Manipur State Social Welfare Advisory Board to compel me to submit leave application for the period from 6-2-96 to 7-3-96 treating me as absent during this period .

6. As per the existing rules governing deputation, on the expiry of the term of deputation, unless otherwise specifically provided in the repatriation order, as in the instant case,, the deputationist is required to report for duty to the parent Department. So, I have reported for duty to the parent Department that is Central Social Welfare board, New Delhi.

From the above circumstances I request you to kindly not to compell me to submit leave application for the period from 6-2-96 to 7-3-96 but further request you to kindly take up the matter with the central social welfare board, New Delhi in my favour so that the period for which I have been compelled to submit leave application, that is, from 6-2-96 to 7-3-96 may be treated as on duty as per the existing rules.

For which act of kindness I shall ever pray.

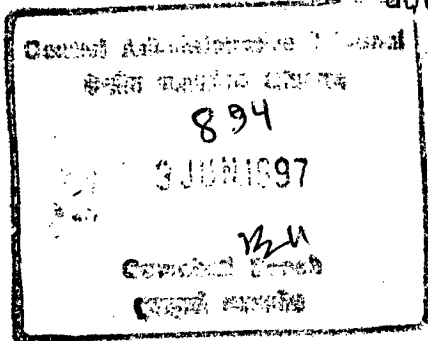
Dated, the 16th May 96

Yours faithfully,

N. Kamala Devi
 (N. Kamala Devi)
 A.P.O. (Manipur)

38-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;
GUWAHATI BENCH:GUWAHATI .



Filed by:

Mamabala
(MD. SHADKAT ALI) 2-69750
Central Govt Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

O. A. NO. 198 OF 1996.

Kumari Ningthougam Kamala Devi

-Versus-

The Executive Director,
Central Social Welfare Board & others.

- AND -

IN THE MATTER OF:

Written Statements submitted by the
Respondent No. 1.

(WRITTEN STATEMENTS)

The humble Respondent begs to
submit his Written Statement
as follows:-

- 1) That the humble Respondent begs to deem it necessary to give a brief background of the case before submitting parawise reply to the application. The brief background is as follows:

Kumari N. Mamala Devi, APD, was appointed as Secretary, Manipur State Social Welfare Advisory Board, on deputation initially for a period of 6 months with effect from 1-12-1992 .Her period of deputation was further extended from time to time till her repatriation to her parent cadre. She joined Manipur State Board as Secretary on deputation on 11-12-1992, till

(Contd.)

viewed copy
K. Singh
6.97

her repatriation to her parent cadre in January , 1996. Though she had requested for extension of term of deputation beyond 3 years, this was not considered by the C.S.W.B. and her term of deputation was terminated. The Chairperson, State Board was requested to give the charge of Secretary, State Board to Smt. Santombi Devi, Welfare Officer, till a decision was taken for the appointment of a regular Secretary. Kumari Ma Kamala Devi was also given directions to handover the charge of Secretary to Smt. Santombi Devi, Welfare Officer (Annexure-R/1) . No further directions were given to Kumari Kamala Devi , either for her transfer from Manipur or to report to C.S.W.B. after her repatriation and she was deemed to continue working in Manipur State Board as APO. However, after being relieved of the charge of Secretary, Manipur State Board, Kumari Kamala Devi, came to Delhi and reported for duty in the C.S.W.B. Her joining report was not accepted in C.S.W.B., as there had been no instructions for her to join C.S.W.B. either by C.B or S.B. and she was asked to continue working in Manipur State Board as APO, till any specific orders are issued for her transfer. She was also informed that no TA/DA would be paid to her for her visit to Delhi and she was asked to ~~be paid de her fee~~ apply for leave for the period of absence, to the State Board Annexure - R/2 . Instead of complying with the instructions of the C.S.W.B., she refused to accept her pay & allowances from Manipur State Board (Annexure-R/2) . She also refused to discharge the duties of APO in the State Board for which a Memo was issued by the Chairperson, Manipur State

Board, seeking her explanation (Annexure- R/3).
On the interim order of the Hon'ble Tribunal on 19/9/1996, she has been paid her salary for the month of March 1996 with effect from 8-3-1996. Her pay and allowances for the month of February, 1996 have yet not been paid since she has not submitted her leave application for the said period.

2) That with regard to the statements made in paragraphs 1, 2, 3, 4 & 5 of the application the Respondents have no comments, the same being matters of record.

3) That with regard to the statements made in paragraphs 6(A), 6(B), 6(C) and 6(D) of the application the Respondents have no comments the same being matters of record.

4) That with regard to the statements made in paragraph 6(E) of the application the Respondent begs to state that, it is a fact that Ms. N. ~~MR~~ Kamala Devi, was asked to hand over charge of Secretary State Board to Smt. Sanatombi Devi, and thus she was deemed to have been repatriated from the deputation post of Secretary, Manipur State Board to the post of Assistant Project Officer in Manipur itself but, she was not directed to report to the Central Social Welfare Board (Annexure-R/4).

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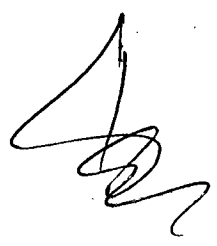


- 5) That with regard to the statements made in paragraphs 6(F) & 6(G) of the application the Respondent has no comments the same being matters of record.

- 6) That with regard to the statements made in paragraph 6(H) of the application the Respondent begs to state that, a decision had already been taken by the competent authority that the period from 5-2-1996, that is, the date on which she was repatriated as Assistant Project Officer to 8-3-1996, that is, the date on which she reported in the Manipur State Board be treated as absence from duty and Ms. N. Kamala Devi should apply for leave for the said period.

- 7) That with regard to the statements made in paragraphs 6(I) and 6(J) of the application the Respondent begs to state that he has no comments the same being matters of record.

- 8) That with regard to the statements made in paragraph 6(K) of the application the Respondent begs to state that the same is not correct and hence denied. In fact, the pay and allowance of Kumari N. Kamala Devi, were not stopped by the Central Social Welfare Board but Kumari N. Kamala Devi refused to accept the same (Annexure- R/5).



(Contd.)

9) That with regard to the statements made in paragraph 7 of the application regarding relief sought for the Respondent begs to state that the applicant is not entitle any of the relief sought for and as such, the application is liable to be dismissed.

10) That with regard to the statements made in the grounds of the application the Respondent begs to state that none of the grounds is maintainable in law as well as in facts and as such, the application is liable to be dismissed.

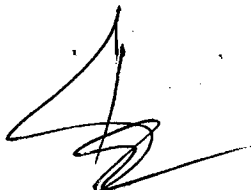
11) That with regard to the statements made in paragraph 8 of the application the Respondent has no comments since no interim relief has been granted to the applicant.

12) That with regard to the statements made in paragraphs 9, 10, 11, 12 & 13 of the application the Respondent begs to state that he has no comments.

13) That the Respondent begs to state that the application has no merits and as such, the same is liable to be dismissed .

That the letter of authority is given to the Secretary, Assam State Social Welfare

(Contd.)

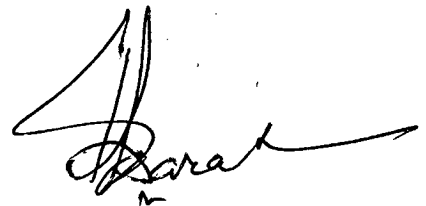


Advisory Board by the Joint Director, Central Social Welfare Board, New Delhi dated 19-12-1996.

VERIFICATION

I, Sri BINANDA CHANDRA BARIH, Secretary of the Assam State Social Welfare Advisory Board as authorised, do hereby solemnly declare that the statements made in the above Written Statements and in paragraphs _____ are true to my knowledge, those made in paragraphs _____ are true to my information and those made in the rest are my humbled submission before this Hon'ble Tribunal.

I sign this verification today on 11th day of ^{April}~~February~~, 1997 at Guwahati.
Barh


Secretary,
Assam State Social Welfare
Advisory Board.

1160
6 AUG 1997
Gauhati Bench
গোহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH: GAUHATI.

REF: O.A.198 OF 1996.

Filed by the applicant
Through A. Roshid
Advocate
6-8-97
44

Kumari Ningthoujam Kamala Devi. .. APPLICANT:
-Versus-

The Executive Director,
the Central Social Welfare Board,
New Delhi and Others. .. RESPONDENTS:

IN THE MATTER OF:

Reply Affidavit of the Applicant
to the Written Statement of Res-
pondent No. 1 of the petition.


REPLY AFFIDAVIT OF THE APPLICANT-AN ANSWER TO THE
WRITTEN STATEMENT OF THE RESPONDENT.

1. I, Kumari Ningthoujam Kamala Devi aged
about 50 years serving as Assistant Project Officer,
Central Social Welfare Board, New Delhi, now posted
at Manipur State Social Welfare Advisory Board,
Imphal a resident of Lilong Bazar, Manipur do hereby
solemnly affirm and state as follows:

2. That, I am the applicant in the above re-
ferred application/petition. I have gone through
the copy of the Written Statement of Respondent No.
1 which has been served on the Learned Counsel for
the applicant and understood the contents thereof
and as such I am competent to swear the reply
affidavit.

2/8/97

Contd...P/2.


COMMISSIONER OF AFFIDAVIT
GAUHATI HIGH COURT: IMPHAL BENCH

3. That, the applicant denies the statements/averments made in the Written statements filed by the respondent save and except those which are specifically admitted and the applicant files this reply affidavit as additional documents/material in support of the main application/petition.

4. That, with reference to paragraph No. 1 of the written statement of Respondent No. 1 the applicant beg to submit that the brief background given or enumerated by the Respondent in paragraph No. 1 is totally onesided and misleading. The applicant, therefore, beg to highlight the real background of the case as under:

- i) The applicant was serving as Assistant Project Officer at Mizoram State Social Welfare Advisory Board, Aizwal as she was posted there vide order No.F.2-1/F.O/86-SB.Admn.dated 27-5-92. While serving as Assistant Project Officer (A.P.O. in short) in Mizoram State Social Welfare Advisory Board she was appointed as Secretary, Manipur State Social Welfare Advisory Board on deputation basis initially for six months with effect from 1-12-92 vide order No. F.1 4/92-SB.Admn.dated 26-11-92 (Annexure-A/4) and the said term of appointment was extended upto 5-2-96.

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Again, while serving as Secretary, Manipur State Social Welfare Advisory Board on deputation, the Chairperson, Manipur State Social Welfare Advisory Board, having found the services rendered by the applicant as satisfactory, recommended the name of the applicant for appointment as Secretary, Manipur State Social Welfare Advisory Board on regular basis vide letter No.2/1/78-SB (Pt-II)/89-90/95 dated 21-12-95. However, before any decision is taken in the regard, the term of appointment as Secretary, Manipur State Social Welfare Advisory Board on deputation basis became expired and thus Manipur State Social Welfare Advisory Board repatriated the services of the applicant to her parent department, that is Central Social Welfare Board, New Delhi as A.P.O. with effect from 5-2-96 vide Order No. 2/1/78-SB(Pt-II)/89-90/95 dated 5-2-96 (Annexure-A/5).

Annexure-A/12 is the true copy of the recommendation letter dated 21-12-95.

- ii) Consequent upon repatriation as A.P.O to the parent department, that is Central Social Welfare Advisory Board, New Delhi it is required and essential for the applicant to join or report for duty to Central Social Welfare Board as there was no post to continue as A.P.O. in Manipur State Social Welfare Advisory Board against which post the applicant can join and as such

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the applicant had no right to continue as A.P.O. in Manipur State Social Welfare Advisory Board. As per the existing Rules governing deputation a deputationist, unless otherwise specifically provided or mentioned in the repatriation order, as in the instant case, is required to report for duty to his/her parent department on repatriation. The order of repatriation in the present case, clearly states that the applicant has been repatriated to parent department. The applicant, in the absence of any specific order of posting as A.P.O. in Manipur State Social Welfare Advisory Board, cannot be deemed to continue as A.P.O. in Manipur State Social Welfare Advisory Board, Imphal. The applicant was never posted as A.P.O. in Manipur State Social Welfare Advisory Board prior to ^{her} deputation as Secretary, Manipur State Social Welfare Advisory Board. Accordingly, the applicant, after repatriation with effect from 5-2-96 reported for duty to Central Social Welfare Board on 14-2-96 (Annexure-A/6).

- iii) On receipt or on the acceptance of the applicants joining report, Central Social Welfare Board issued an Office Memorandum No.F.1-3/WO/78-Admn(SB) dated 19-2-96 (Annexure-A/8) stating that the applicant, after handing over the charges on 5-2-96 shall be deemed to continue to be posted as A.P.O. in the Manipur State Social Welfare Advisory Board till any specific order is issued in this regard and the applicant shall submit or apply for leave for the said period of absence and no TA/DA shall be paid for her visit to Delhi.

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After obtaining such instruction on 19-2-96 the applicant reported for duty to Manipur State Social ^{Welfare} Advisory Board on 7-3-96 presuming that the Memorandum dated 19-2-96 was an order of transfer and posting of the applicant to Manipur State Social Welfare Advisory Board. Since, the applicant reported for duty to Central Social Welfare Board on 14-2-96 after due repatriation with effect from 5-2-96 and thereafter joined again to Manipur State Social Welfare Advisory Board on 7-3-96 as A.P.O. on the Transfer order of 19-2-96 the intervening period from 6-2-96 to 8-3-96 shall be treated as on duty for all purposes including pay and allowances. As the intervening period is to be taken as on duty for all purposes the applicant can not be taken as absent on these days because the said period be treated as on duty spent by the applicant on transit as per the order of repatriation and transfer to Manipur under the provisions of the existing Rules and as such the applicant is entitled to claim for T.A./D.A. No leave application is required to be submitted.

The applicant, therefore, submitted a representation on 12-3-96(Annexure-A/9) with a prayer to review the Memorandum of 19-2-96 so as to enable the applicant to enjoy T.A/D.A. As the matter has been kept unsettled by the Central Social Welfare Board the monthly pay of the petitioner was not released. However on the order of the Hon'ble Court (Tribunal) passed on 19-9-96 her salary have been released with effect from 8-3-96

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only withholding still the pay for the period from 6-2-96 to March, 1996.

Annexure-A/13 is the true copy of the Order dated 19-9-96.

As it was specifically mentioned in the Office Memorandum of 19-2-96 that the applicant shall be deemed to be continued to be posted as A.P.O. in the Manipur State Social Welfare Advisory Board till any specific order is issued in the regard the Manipur State Social Welfare Advisory Board in the absence of any such specific order (as the same have not yet been issued), did not allot any work to the applicant, debared from going to the field or from visiting units by not approving Advance Tour Programmes which were submitted to the authority and thus the applicant lost the chance of rendering her services as A.P.O. Not only that, even a smallspace was not provided with a small room, that too, after great persuasion. Representation dated 12-4-96 testified it. It is therefore clear that it is Manipur State Social Welfare Advisory Board which dit not entrust any work to the applicant but not the applicant who refused to discharge the duties of A.P.O. in the State Board.

L a table to work. Only on 4th April 96 the applicant was provided with

Annexure-A/14 is the true copy of the representation dated 12-4-96.

5. That, with reference to paragraph No. 2 of the written statement of Respondent No. 1 the applicant beg to say that in paragraph No. 2 of the Statement it has been categorically stated by Respondent No. 1 that

Contd...P/7.

Respondent No. 1 have no comment to the averments made by the applicant in paragraph No. 1 to 5 of the petition thereby meaning that the order/direction given under Memorandum/order of 19-2-96 by the Respondent No. 1 to submit an application for leave for the period from 6-2-96 to 8-3-96 was with an intention to evade payment of T.A/DA to the applicant. It means that the applicants claim that the intervening period from 6-2-96 to 8-3-96 shall be treated as on duty for all purposes including pay and allowances and thus the applicant is entitled to claim T.A./D.A. for the said period as the said period was spent by the applicant on transit.

6. That, with reference to paragraph Nos.3,5,7 and 12 of the written statement the applicant beg to say that she has no comment.

7. That, with reference to paragraph No. 4 of the application/petition the petitioner/applicant^{beg} to deny the statement that consequent upon the handing over of the charges of Secretary, Manipur State Social Welfare Advisory Board to Smt.Sanatombi Devi the applicant shall be deemed to be repatriated to the post of A.P.O. in Manipur itself because on the expiry of the term of deputation as Secretary, Manipur State Social Welfare Advisory Board she have been repatriated to her parent Department, that is, Central

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Central Social Welfare Board vide order dated 5-2-96 as A.P.O. It can not be taken or be deemed that she have been repatriated to as A.P.O. in Manipur itself for the simple reason that there was no post of A.P.O. of Central Social Welfare Board, Delhi kept attach to Manipur State Social Welfare Advisory Board prior to the deputation of the applicant/petitioner as Secretary to the Manipur State Social Welfare Advisory Board or at the time of expiry of the term of deputation of the applicant so that she can continue or join as A.P.O. in Manipur State Social Welfare Advisory Board. At the same time just prior to her appointment on deputation as Secretary, Manipur State Social Welfare Advisory Board she was not posted to Manipur as A.P.O. The applicant after handing over the charges on 5-2-96 it can not be taken that the applicant continued to be posted as A.P.O. in Manipur Board in the absence of any specific or speaking order of posting as A.P.O. in Manipur Board and as such reparting or joining by the applicant as A.P.O. to Central Social Welfare Board, New Delhi is not only justified but is a must and thus entitled to claim T.A./D.A. for the period from 6-2-96 to 7-3-96. This intervenning period cannot be taken/treated as absent. She need not submit leave application.

8. That, with reference to paragraph No. 6 the applicant deny the statement made therein and beg to

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submit that the applicant an employee of the Central Social Welfare Board, New Delhi holding the post of A.P.O. in Mizoram State Social Welfare Board, was appointed as Secretary on deputation, Manipur State Social Welfare Advisory Board, Imphal. On the expiry of her term of appointment as Secretary, Manipur Board she was repatriated as A.P.O. to her parent Department, that is, Central Social Welfare Board, Delhi with effect from 5-2-96, consequent upon such repatriation she reported for duty at Delhi Board on 14-2-96. However on receipt of the joining report she was posted as A.P.O. in Manipur Board by an order No. F-1-3/WO/78-Admn(SB) dated 19-2-96 which was virtually an order of transfer and posting of the petitioner as A.P.O. in Manipur Board. Accordingly the applicant reported for duty on 7-3-96 to Manipur Board. Since the period from 6-2-96 to 7-3-96 was spent on transit/journey, cannot be treated as absent from duty as permissible under Rules. Hence N. Kamala Devi cannot be dictated or forced to submit or apply for leave in violation of the existing Rules. She need not submit leave application. The authority is bound to treat the period spent as on duty for all purposes.

9. That, with reference to paragraph No. 8 of the written statement the applicant deny the statement made therein and beg to say that the applicant spent the period from 6-2-96 to 7-3-96 on duty for reporting to Delhi Board and again for joining in Manipur Board. However, to evade payment of T.A./D.A. etc to the applicant Central Social Welfare Board dictated the applicant

Contd..P/10.

to submit/apply for leave of absence for the said period illegally or against the Rule. The applicant did not comply with the illegal order as a result of which Delhi Board kept the matter flouted or unsolved/unsettled inspite of the submissions of a representation by the applicant in the regard (Annexure-A/9). As the matter left unsettled her pay with effect from 1-2-96 was not released. However on the order of the Hon'ble Court passed on 19-9-96 her salary have been released with effect from 8-3-96 only but still with holding for the period from 6-2-96 to 7-3-96 illegally. Therefore question of refusal to accept the pay does not arise. In fact, damage have been done to the petitioner by withholding the pay. T.A. D.A. etc for the above period because there will be an artificial break in her service. Hence the authority be directed to treat the period as on duty for all purposes and release pay, T.A. D.A. etc. in the interest of justice.

10. That, with reference to paragraph No. 9 of the written statements the petitioner/applicant deny the statement made therein and beg to reiterate the averments/submissions made in para No. 7 of the application. Hence the petitioner is entitled to the relief sought for therein.

11. That with reference to paragraph No. 10 of the written statement the applicant deny the statements made therein and beg to reiterate the statements made in the " GROUNDS ".

Contd...P/11.

12. That with reference to paragraph No. 11 of the written statement the petitioner deny the statements made therein in as much as the pay/salary for the period from 6-2-93 to 7-3-96 have not yet been released by the Delhi Board. The statement of the Respondent is nothing but to mislead the Hon'ble Tribunal.

13. That with reference to paragraph No. 13 of the written statement the petitioner while denying the statement therein beg to submit that the written statement of the Respondent in all stages are misleading, misconstrued the facts and thus liable to set-aside in limine.

VERIFICATION

I, Kumari Ningthoujam Kamala Devi D/O. Late N. Ningthou Singh aged about 50 years working as Assistant Project Officer in Central Social Welfare Board, New Delhi at present posted in the Manipur State Social Welfare Advisory Board, Imphal do hereby solemnly declare that the statements made in paragraph No. 1 to 13 are true to my knowledge, those made in paragraph No. are being matters of records are true to my knowledge derived therefrom which I believe to be true and humble submissions before this Hon'ble Tribunal.

Dated/Imphal,

SIGNATURE OF THE APPLICANT:

N. Kamala Devi.
29/7/97.

ADVOCATE.

29/7/97.

MANIPUR STATE SOCIAL WELFARE ADVISORY BOARD
PAONA BAZAR IMPHAL

No. 2/1/78-SB(Pt-II/89-90/95

Dated 21-12-95

To

The Chairman
Central Social Welfare Board
Samaj Kalyan Bhavan
B-12 South of I.T.I.
New Delhi- 110016

sub:- Appointment of Secretary, Manipur State
Social Welfare Advisory Board, Manipur.

Sir,

In inviting a reference to Central Social Welfare Boards Telegraphic message dated 8th December 1995 on the above subject I am to say that the sub-committee after thoughtful consideration recommend the name of Kum. Kamala Devi Assistant Project Officer Central Social Welfare Board New Delhi who is now serving as Secretary Manipur State Social Welfare Advisory Board on deputation for placing before the Selection Committee for appointment against the post of Secretary Manipur State Social Welfare Advisory Board, Imphal either for direct recruitment or on absorption with due protection of her past services rendered in the Central Social Welfare Board, New Delhi as the services rendered by her during her tenure as Secretary under this Board is found satisfactory and suitable for the post. She possessed all the requisits for appointment as Secretary of this Board. Necessary informations like (a) Extract of the Resolution of the Sub-Committee (b) Recruitment Rules of Secretary, Manipur State Social Welfare Advisory Board (c) A.C.R. for 3 years Assesment Report (d) Bio-data of Kum. N. Kamala Devi are also furnished for favour of doing the needful.

Encls:- As above.

Yours Faithfully-

Sd/-

CHAIRPERSON.

13 Annex wa - A/13
56
68

CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH: GAUHATI 5

O.A.No. 198/96

Km. N. Kamala Devi .. Applicant
Vrs.
U.O.I & Ors .. Respt.

P R E S E N T

THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (ADMN)

For the Applicant: Dr. N. K. Singh, Advocate

Mr. A. Rachid

For the Respondents: Mr. S. Ali Sr. C.G.S.C.

Date:

O R D E R

19.9.96

Learned Counsel Dr. N. K. Singh for the applicant
Learned Sr. C. G. S. C. Mr. S. Ali for the respondents.

Heard Dr. N. K. Singh for admission and perused the
the contents of the application and the reliefs sought.
Application is admitted. Issue notice on the respondents
by registered post. Written Statement within six weeks.

List for written statement and further orders on
14.11.96.

Heard counsel for the parties on the interim relief
prayer. It has been submitted that salary of the appli-
cant with effect from 1.2.96 had not been paid even after
she had reported back for duty in Imphal. In the circum-
stances of the case it is ordered that the respondent shall
pay the salary of the applicant with effect the date of
her resuming duty in Imphal office after returning from
Delhi if she was actually working in the post of Assis-
tant Project Officer in Manipur State Social Welfare A
Advisory Board within one month from today.

Copy of the order may be furnished to counsel of
both sides.

SD/MEMBER

Certified to be true
copy.

Court Officer
Central Administrative Tribunal
Gauhati Bench Gauhati-5.

To

The Chairman
Manipur State Social Welfare
Advisory Board, Imphal

Subject: Request for providing the required particulars
to a office Room

Madam,

I have the honour to say thanks for providing
a room for me w.e.f. 4 th April 1996. But I am requesting
again to provide the require particulars such as one

Almirah, rack light, pens And fan is very much necessary f
for these days of summer season. There is no pen except
pen stand and no ceiling bell also

You are therefore requested to provide the
necessary particulars from time to time according to the
season

Yours Faithfully.

Sd/-

(N. Kamala devi)

A.P.O.

Date: 12.4.96.