

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 55/96.....

R.A/C.P No.....

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

1. Orders Sheet..... Pg. 1..... to 7.....
2. Judgment/Order dtd. 15.12.98..... Pg. 1..... to 38/0.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 55/96..... Pg. 1..... to 53.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
- ✓ 7. W.S..... Pg. 1..... to 25.....
- ✓ 8. Rejoinder..... Pg. 1..... to 2.....
9. Reply *Am M*..... Pg. 1..... to 2.....
Sham Cernus Reply 24/11/98
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

6/11/98
24/11/98

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 55 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

.....B.K. Chakravarty..... APPLICANT(S)

-VS-

.....No. 1 to 2..... RESPONDENT(S)

FOR THE APPLICANT(S)

MR. A. Roy
MR. M. Chanda
MR.
MR.

FOR THE RESPONDENTS

MR. A.K. Choudhury
Addl. C.G.S.C.
Mr. B.K. Sarma, B.N. Chakravarty, S. Sarma & P.

OFFICE NOTE	DATE	ORDER
This application is in form and within time. C.F. of Rs. 50/- deposited vide H.P. No. 2147 dated 6.3.96. <i>12/4/96</i> <i>28/3</i> <i>Requisites are not issued no. 812-70 d. 16.4.96.</i> <i>Service Reports are still awaited.</i>	29.3.96	Learned counsel Mr A.Roy with Mr M.Chanda for the applicant. Learned Addl.C.G.S.C Mr A.K.Choudhury for respondents No.1 and 2. None for the State of Manipur and Tripura. Issue notice on the respondents before admission to show cause as to why this application should not be admitted and reliefs sought be granted. Four weeks for show cause. List on 6.5.95 for disposal of show cause and consideration of admission. Heard counsel of the parties on the interim relief prayer. Pendency of this application shall not be a bar for respondents No.3, 5 and 9 to pursue the proposal at para 3 of letter No.F.No.14015/15/95-AIS(I) dated 17.1.96 issued by the Govt. of India, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training (Annexure-21) to this application. <i>60</i> Member

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO.

OF 1995

OA. 55/96

TRANSFER APPLN. NO.

OF 1995

CONTEMPT APPLN. NO.

OF 1995 (IN OA NO.

REVIEW APPLN. NO.

OF 1995 (IN OA NO.

MISC. PETN. NO.

OF 1995 (IN OA NO.

APPLICANT(S)

RESPONDENT(S)

FOR THE APPLICANT(S)

MR.
MR.
MR.
MR.

FOR THE RESPONDENTS

MR.

OFFICE NOTE

DATE

ORDER

6.5.96

Mr M.Chanda learned counsel for the applicant. Mr M.R.Pathak for Mr B.P.Kataki, Standing counsel for Govt of Tripura.

Show cause has not been submitted

Adjourned for disposal of show cause and consideration of admission to 12.6.96 as requested by Mr M.R. Pathak for respondents 3 and 5. The respondents are at liberty to file show cause in the meantime.

Member

pg

12.6.96

Learned counsel Mr. M.Chanda for the applicant.

Mr. M.R. Pathak for Mr. B.P.Kataki, Standing Counsel for the Govt. of Tripura for the respondent Nos. 3 and 5.

Respondent No. 1 has submitted his show cause reply and served on the opposite parties.

Mr. B.P. Kataki seeks time for filing show cause reply for respondents Nos. 3 and 5. List for show cause and

consideration of admission on 5.7.96

Member (J)

Member (A)

30-5.96

Notice duly served on respondents 1, 5, 6, 7, 9.

11-6-96

Mr. A.K. Chaudhary, Addl. Secy.

Submitted memo of appearance at 17.54.

Reply on behalf of C.O.9

Submitted at pp. 55-66.

show cause has not been filed

11/6

Bow

OA/TA/CL/PA/MP No. 55 of 1996

OFFICE NOTE

DATE

ORDER

20-6-96

5.7.96

None for the applicant.

A.K.Choudhury, Addl.C.G.S.C for the respondents and Mr M.R.Pathak for Government of Tripura.

The respondents No.3 and 5 have submitted show cause today. Copy of the same be served on the applicant.

List for consideration of admission and disposal of show cause on 5.8.96.


Member

Vohra duly served
on ap.nas 1,5,6,7 & 9.

Reply on behalf of
U.O-9 has been W.

pg

5.8.96

Mr M.Chanda for the applicant.
Mr A.K.Choudhury, Addl.C.G.S.C for respondents No.1 and 2. Mr S.Sarma for private respondent No.7.

Respondents No.3 and 5 have submitted written statement on 8.7.96 which is served on the counsel of the applicant today. Mr M.Chanda has submitted rejoinder against show cause replies of respondents No.1, 3 and 5 today. Copies to be served on the opposite parties.

List for consideration of admission and disposal of show cause on 9.8.96.


Member

8-7-96

Show cause reply
on behalf of R.no. 3 & 5
filed at pg-67 & 82

5-8-96

Rejoinder submitted
by an applicant to
show cause replies
of R.no. 1, 3 & 5.

6.8.96

Copy of order issued
to the concerned
parties Mr. B.D. Kakali

OFFICE NOTE

DATE

ORDER

9.8.96

Mr M.Chanda for the applicant. Mr A.K.Choudhury, Addl.C.G.S.C for the respondents No.1 and 2. None for the other respondents.

Mr Chanda seeks time upto Tuesday List for disposal of show cause and consideration of admission on 13.8.96

Member

pg

13.8.96

Mr A.Roy for the applicant. Mr A.K.Choudhury, Addl.C.G.S.C for respondents No.1 and 2. Mr B.P.Kataki for respondent No.3 and 5. Mr B.K.Sharma for respondent No.7.

Heard counsel of the parties for admission. Perused the contents of the application, show causes and the rejoinder. The question involved in this case will be interpretation of provisions of the Indian Administrative Service (Appointment by Promotion) Regulations, 1995 / Particularly the proviso to Regulation 7(3) and second and third proviso of Regulation 7(4) with reference to the facts of the case in this application. It may be specially mentioned here that Mr Roy submits that the special review contemplated in the proviso should be made pending disposal of the disciplinary proceeding or that the concerned respondents may be directed to dispose of the disciplinary proceeding against respondent No.7 within a time limit. On the other hand Mr Kataki submits that the special review cannot be undertaken pending disposal of the disciplinary proceeding.

contd...

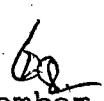
1-10-96

3.10.96

Mr M.Chanda for the applicant
Mr A.K.Choudhury for respondents
No.1 and 2. Mr S.Sarma for respondent No.7.

Mr Chanda has submitted rejoinder to the written statement of respondent No.7. Copy of the same has already been served on the counsel of the opposite parties.

List for hearing on 19.11.96.


Member

pg

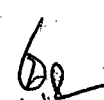

3/10

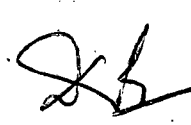
4-10-96

3.3.97

Mr. M.Chanda, learned counsel appearing on behalf of the applicant submits that the case is ready for hearing.

List it for hearing on 24.4.1996.


Member


Vice-Chairman

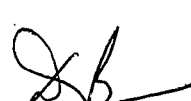
trd


10/9

18.3.97

Mr A.K. Choudhury, learned Addl. C.G.S.C., submits that this case relates to Tripura and desire that the case be taken up at Agartala. Let the case be taken up for hearing at Agartala. The date of hearing will be notified later.


Member


Vice-Chairman

nk m

9.12.98

Law Case / 15/8 filed
R. no. 1, 3, 5 & 7.

13.8.96

The application is admitted. Issue notice on the respondents by registered post. Mr A.K.Choudhury, Addl. C.G.S.C and Mr B.P.Kataki submit the show cause submitted by them may be treated as written statements. Case is ready for hearing.

List for hearing on 11.9.96.

The respondents other than respondent No.1, 2, 3 and 5 may submit written statements before the date of hearing with copy to the opposite parties.

60
Member

pg

13/8

17.9.96

Mr. M.Chanda for the applicant.

Mr. A.K.Choudhury, Addl.C.G.S.C. for the respondent Nos. 1 and 2.

Mr. M.R.Pathak for B.P.Kataki, Standing Counsel for Government of Tripura.

Mr. S.Sarma for respondent No.7.

Mr. S.Sarma submits that he is filing the written statement on behalf of respondent NO. 7 today. He may file the written statement with copy to the counsel of the other parties.

List for hearing on 3.10.1996.

60
Member

trd

17/9

14.8.96

Copy of order and Notice issued to the concerned parties on 14.8.96.

pg

13/8

6.9.96

Notice duly served on respondent Nos. 3, 5, 6, 9, 4, 8.

Bar

w/ statement has not been filed

16/9

Comply The order dated 17.9.96.

17/9

w/ statement - on behalf of respondent no 7 has not been filed. No statement filed on behalf of R. no. 7.

Notes of the Registry	Date	Order of the Tribunal
12.1.99 Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Regd. with A.D. etc. Issued vide D/no. 87 to 96 Dtd 13.1.99. 24/1/99	15.12.98 (Agartala) pg	Heard 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.  Member  Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal

10

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

O.A.No. 55 of 1996.

DATE OF DECISION...15-12-1998.....
(At Agartala)

!! Shri Bhupendra Kumar Chakraborty. (PETITIONER(S))

Shri M.Chanda.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Sri A.K.Choudhury, Addl.C.G.S.C for
respondents No.1 & 2, Mr B.P.Kataki,
Govt.Advocate,Tripura for respondents
No.3,4,5 & 9.

ADVOCATE FOR THE
RESPONDENTS.

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 Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 55 of 1996.

Date of Order : This the 15th Day of December, 1998.

(At Agartala)

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Shri Bhupendra Kumar Chakraborty,
S/o Late Braja Behari Chakraborty
at present resident of Pyari Babu's Bagan,
Dashamighat Road, Agartala-799001. . . . Applicant

By Advocate Shri M.Chanda..

- Versus -

1. Union of India
represented by the Home Secretary,
Government of India,
New Delhi.
2. The Chairman,
Union Public Service Commission,
Dholpur House,
Sahajahan Road, New Delhi.
3. The State of Tripura,
represented by the Chief Secretary
to the Govt. of Tripura, Agartala.
4. The State of Manipur,
represented by the Chief Secretary
to the Govt. of Manipur, Imphal.
5. The Secretary,
Appointment & Services Department,
Govt. of Tripura, Agartala.
6. Shri D.K.Chakraborty, IAS
Joint Secretary to the Govt. of Tripura,
Agartala.
7. Shri Harihar Das, TCS Gr.I,
Joint Secretary to the Govt. of Tripura,
Agricultural Department,
Agartala.
8. Shri D.K.De, IAS
Joint Secretary to the Govt. of Tripura,
Tripura Bhavan, 1, Pritora Street,
Calcutta-71.
9. The Selection Committee,
constituted under regulation 3 of the IAS
(Appointment by promotion) Regulation 1955
for preparing the list of Members of State
Civil Services for nomination to the IAS
for the year 1994-95, representing by its
Chairman, C/o Chief Secretary to the Govt.
of Tripura, Agartala.

By Advocate Sri A.K.Choudhury, Addl.C.G.S.C for Respondents
No. 1 and 2, Mr B.P.Katakji, Govt. Advocate Tripura for
Respondents No.3, 4, 5 & 9.

R

BARUAH J.(V.C.)

The applicant has filed this application challenging the selection for appointment to the Indian Administrative Service (IAS for short) as per the selection held on 29-12-1995. In the said selection the name of the applicant did not find place. According to the applicant, he was illegally and arbitrarily refused appointment.

2. In due course, the respondents No.3 & 5 have filed written statement.

3. We have heard both sides. Mr.M.Chanda, learned counsel appearing on behalf of the applicant submits that his prayer for promotion to IAS has become infructuous in view of the fact that an order has already been passed promoting him to IAS. Mr.B.P.Kataki, learned Government Advocate, Tripura appearing for respondent No.3 and 5, Mr.A.K.Choudhury, learned Addl.C.G.S.C. appearing for the respondents No. 1 & 2 also confirms the submission. Mr.Chanda however, submits that his prayer No.2 & 3 of his application i.e. for consequential service benefits and year of allotment have not yet been disposed of by the respondents. We do not like to pass any order regarding these two prayers but if a representation is filed by the applicant in respect of those two prayers, the respondents may consider the same.

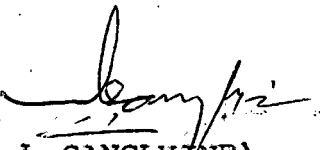
4. Accordingly, we dispose of this application holding that the application in so far the relief claim in para (1) is concerned has become infructuous. The



contd/-

applicant may file a fresh representation within 15 days from the date of receipt of this order before the respondents and if such representation is filed, the respondents may dispose of the same by giving a reasoned order within 2 months thereafter.

No order as to costs.


(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N. BARUAH)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

Serial/Case No.

55/96

of 1996 MAR 1996

Guwahati Bench
গুৱাহাটী বেঞ্চ

I N D E X

Shri Bhupendra Kumar Chakraborti, S/O Late Braja Behari Chakraborti of Pyari Babu's Bagan, Dashamighat Road, Agartala, Tripura West, Pin - 799001.

VERSUS

UNION OF INDIA AND OTHERS RESPONDENTS

1. Application in Form-1 (Sub-rule-4) Page-1 to 16.
2. Crossed Demand Draft on UBI Guwahati for Rs.50/-

	From	To
3. Annexure - 1	Page - 17	
4. Annexure - 2	" - 18	
5. Annexure - 3	" - 19	
6. Annexure - 4	" - 20	
7. Annexure - 5	" - 21	
8. Annexure - 6	" - 22	
9. Annexure - 7	" - 23	
10. Annexure - 8	" - 24	
11. Annexure - 9	" - 25	
12. Annexure - 10	" - 26	
13. Annexure - 11	" - 27 & 28	
14. Annexure - 12	" - 29	36
15. Annexure - 13	" - 37	
16. Annexure - 14	" - 38	
17. Annexure - 15 & 16	" - 39	
18. Annexure - 17	" - 40	
19. Annexure - 18	" - 41	
20. Annexure - 19	" - 42	
21. Annexure - 20	" - 43	47
22. Annexure - 21	" - 48	
23. Annexure - 22	" - 49	
24. Annexure - 23	" - 50	
25. Annexure - 24	" - 51	
26. Annexure - 25	" - 52 & 53	

Bhupendra K. Chakraborti
(Bhupendra Kumar Chakraborti)

Date :

27. Memo of Appearance - 54
28. Reply on behalf of UOI - 55-66

Filed by the applicant
through M.C. Choudhary

Application under Section 19 of the Administrative Tribunals
Act, 1985.

For use in Tribunal Office

Date of filing

or

Date of receipt by Post

Registration No.

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Between

Shri Bhupendra Kumar Chakraborty
S/o Late Braja Behari Chakraborty
at present resident of Pyari Babu's Bagan,
Dashamighat Road, Agartala-799001
now posted as Joint Secretary to the Government
of Tripura, Finance Department,
Agartala, P.S. West Agartala, Tripura West

...Applicant

-versus-

1. The Union of India,
represented by the Home Secretary,
Government of India,
New Delhi
2. The Chairman,
Union Public Service Commission,
Dholpur House,
Sahajahan Road,
New Delhi

Contd..P/2

Bhupendra K. Chakraborty

3. The State of Tripura, represented by the Chief Secretary to the Government of Tripura, Agartala-799001.
4. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
5. The Secretary, Appointment & Services Department, Government of Tripura, Agartala-799001.
6. Shri D.K.Chakraborty, IAS, Joint Secretary to the Government of Tripura.
7. Shri Harihar Das, TCS Gr. I, Joint Secretary to the Government of Tripura, Agriculture Department, Agartala.
8. Shri D.K. De, IAS, Joint Secretary to the Government of Tripura, S.A. Department, Tripura Bhavan, 1, Pritora Street, Calcutta-700071.
9. The Selection Committee, constituted under regulation 3 of the IAS (Appointment by promotion) Regulation, 1955 for preparing the list of Members, of State Civil Services for nomination to the IAS for the year 1994-1995, represented by its Chairman.
C/o Chief Secretary to the Government of Tripura, Agartala-7999001.

....Respondents

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE.

- (i) Order No. 14015/15/95-AIS(1)-(Annexure-1).
- (ii) Dated New Delhi the 29th December, 1995.
- (iii) Pased by the Ministry of Personnel, P.G. and Pensions (Department of Personnel & Training) Government of India.
- (iv) Appointment of Shri Dipak Kumar Chakraborty, a member of the State Civil Service of Tripura, to the Indian Administrative Service on probation under regulation 9(1) of the Indian Administrative Service (Appointment by Promotion) Regulation 1955 admittedly junior to the applicant as will be evident from the fact that he was not included in the Select List (Annexure-2) whereas applicant was included in the said Select List at Sl. No. 12.

Abruptly Sri Dipak Kumar Chakraborty was included in the Select List of 1995 (No. 14015/15/95-AIS(1) dated 6th November 1995) at

Contd..P/3

By order of Mr. Chakraborty.

18

Sl. No.1 superseding the applicant at Sl.No.3 of the said Select List (Annexure - 3).

- (v) Relevant order passed by the Government of India before and after (Annexure - 2 & 3)

4. JURISDICTION OF THE TRIBUNAL.

That the applicant further declares that the subject matter of the orders and decision against which the applicant want redressal is within the jurisdiction of the Tribunal.

5. LIMITATION

That the applicant further declares that the application is within the limitation period prescribed under Section-21 of the Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE

- (a) That the applicant by now completed 33 years qualifying service and due to retire on 31-7-98.
- (b) That the applicant alongwith 7 others joined the Government service as Circle Officer (Class-II Gazetted) on 24.12.1962 through a competitive examination conducted by the Government of Tripura in Appointment & Services Department. The Seniority List was as follows :- (Annexure-4)

10. Shri R.K.Chakraborti.
11. Shri B.B.Bhattacharjee.
12. Shri B.K.Chakraborti.
13. Shri S.R.Paul.
14. Shri D.B.Chakraborty.
15. Shri D.K.Dey.
16. Shri K.B.Nag.
17. Shri P.K.Bhattacharjee.

Contd...P/4.

Bhymangor 18. Chakraborti

(c) That though the applicant joined the Government Service on 24-12-62 the Seniority list was notified basing merit in the written and oral test on 31-7-75 (Annexure-4). After the Seniority List published the applicant again and again represented to the respondent No.3 & 5 for stepping up pay of the applicant and fixation of seniority in subsequently elevated posts by juniors. The respondent No.3 & 5 by an order dated 3-10-1980 (Annexure-5) stepped up the pay of the applicant without re-fixation of Seniority of the applicant whose juniors were promoted in between the period from 1966 to 1980 taking into account the date of joining and other imaginary analogy with utter disregard to the merit list. Till date the respondent No.3 & 5 did not take any step to correct its own mistake but allowed to enhance the deprivation to the applicant. Shri D.K.De even drawn arrear of pay due to the Notification (Annexure-5) being considered admissible. Which is indicative of the fact that he was junior to the applicant since recruited in the batch of 1962.

(d) That since joined, the applicant as per orders issued by the Government from time to time served in the different Sub-Divisions of the State as Circle Officer, Kailashahar, Belonia; Sub-Deputy Collector (Revenue) Belonia, Block Development Officer, Rajnagar and Matabari Block, Deputy Collector (Revenue) Bishalgarh, Sub-Treasury Officer, Dharmanagar, Treasury Officer, Kailashahar, Taxing Officer, Motor vehicle, Agartala; Sub-Divisional Officer, Kailashahar, Khowai and Sadar (Agartala); Executive Officer, TKVIB, Agartala and Senior Deputy Collector attached to District Magistrate & Collector (West) prior to joining the Civil Secretariat on 28-4-1994 as Joint Secretary, Finance (an Ex-cadre Post) and continued as such upto 7-10-94.

(e) That the State Government vide Notification No.F.2(21)-GA/93(L-1) dated 7-10-94 (Annexure-6) issued the officiating appointment in I.A.S. Cadre Post of Joint Secretary to the applicant and 10(ten) other State Civil Service Officers as per below :-

Sl. 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
---	-----------------

Contd...P/5.

Bhupendra K. Chatterjee

1	2	3
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.	Jt. Secretary with charge of Panchayat & LSG Deptts. He will also hold the charge of Director, Panchayat in addition.	
4. Shri S. Sailo, TCS Grade -I, Registrar of Cooperative Societies.	Registrar of Cooperative Societies, Tripura, Agartala.	
5. Shri S.K. Das, TCS Grade-I, Director, Fisheries.	Jt. Secretary, Fisheries Deptt. 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 and Social Education.	Director, Social Welfare and Social Education.	
8. Shri K.P. Goswami, TCS Grade-I, Jt. Secretary, Finance and Agriculture Deptts.	Jt. Secretary, Finance and Agriculture Departments.	
9. Shri Pallab Debbarma, TCS Grade-I, Director, Printing & Stationary.	Jt. Secretary, Printing & Stationary Deptt. He will also hold the charge of Director, Printing & Stationary Deptt.	
10. Shri D.K. De, TCS Grade-I, Joint Resident Commissioner, Tripura Bhavan, Calcutta.	Joint Secretary, S.A. Deptt. with headquarters at Calutta. He will attend to the work relating to Tripura Bhavan, Calcutta. He will also hold the charge of the Joint Resident Commissioner, Tripura Bhavan, Calcutta in addition.	
11. Shri B.K. Chakraborti, TCS Gr.I, Joint Secretary, Finance Department.	Joint Secretary, Finance Department.	

Contd...P/6.

Bhupendra vs. Chakraborti

(F) That the Select List position of 1994 as communicated by the UPSC was as follows :- (Annexure -2)

1. Shri N.K. Maitra.
2. Shri Bimal Bhowmik.
3. Shri Nepal Ch. Sinha.
4. Shri Sailiano Sailo (ST).
5. Shri Sailen Kr. Das (SC).
6. Shri S.S. Dutta.
7. Shri B.K. Roy.
8. Shri Harihar Das (SC).
9. Shri K.P. Goswami.
10. Shri Pallab Deb Barma (ST).
11. Shri D.K. Dey.
12. Shri B.K. Chakraborty.
13. Shri P.K. Bhattacharjee.

(G) That in between the period SI.No.3 Shri Harihar Das was involved in grave lapse in the conduct and performance of duties and a vigilance enquiry was in progress and the State Government finally decided not to give him officiating appointment in IAS and charge sheeted him in a departmental proceeding under Rule-14 of CCS(CCA) Rule, 1965 for imposing major punishment. The State Government decided to fill in all eleven vacancies for State Civil Service Officers and the applicant was also favoured with officiating appointment as per select list (Annexure-6).

(H) That on the strength of the above order dated 7-10-1994 the applicant relinquished the charge of the Joint Secretary (Ex-Cadre Post) (Annexure-7) and took over charge of the Cadre post of Joint Secretary in the afternoon of 7th October, 1994. (Annexure-8).

(I) That after issue of the order dated 7th October, 1994 the respondent No.3 & 5 sent Bio data to the department of personnel, Government of India on 19-11-1994 in respect of SI.No.1 to 5 of the officiating order dated 7-10-94 (Annexure-6) and meted discriminatory treatment thereby and the Government of India in the Department of Personnel after query (Annexure-9) on 28-11-1994 issued the Presidential Order on 9-12-1994. (Annexure-10).

Contd...P/7.

Bhupendra 18. Chakravarty

- 7 -

(J) That by this time respondent No.3 & 5 in a most calculated manner started receiving representations from the direct recruit IAS Officers of Tripura Chapter in the States. The direct recruit IAS Officers Tripura Chapter of M/T Cadre started pocking nose in the matter of promotion of State Civil Service Officers and submitted representation. As a token of example the applicant submitted herewith a copy of representation submitted by Sri Monoj Kumar, IAS addressed to the Chief Minister of the State (Annexure-11). By encouraging the direct recruit officers Tripura Chapter of M/T Cadre to pock nose in the affairs of promotion of State Civil Service Officers to IAS. The respondent No.3 & 5 started consuming time so that interest of some direct recruit officers of Tripura Chapter of M/T Cadre in respect of seniority can be safe-guarded. On this issue the local the Daily News Papers published News about the unfair and fraudulent exercise of respondent No. 3 & 5. (Annexure - 12 A to 12 F)

12 A. Syandan Patrika on 3-12-1994.

12 B. -do- on 18-12-1994

12 C. Tripura Darpan on 31-12-1994

12 D. Dainik Sambad on 3-1-1995

12 E. Tripura Darpan on 7-1-1995

(English version also enclosed Annexure 12 F)

The State Government did not contradict the Press publications.

(K) That Respondent No. 3 & 5 succeeded in their planned design and only after vigorous persuasion the respondent No. 3 & 5 issued letters to the remaining 6 officers of the order dated 7-10-1994 (Annexure-6) to furnish declaration and under-taking as per proforma supplied on 21-1-1995.(Annexure -13) including the applicant.

Contd...P/8.

Bhupendra K. Choudhary

(L) That all the above 6 Officers' including the applicant submitted the required declaration & undertaking on the same day and the respondent No. 3 & 5 sent proposal to Department of Personnel for regular appointment to these six Officers including the applicant on 24-1-1995. The proposal reads as follows :-

"In continuation of this Department letter of even number dated 19th November, 1994, on the subject mentioned above, I am directed to send herewith relevant papers as in the prescribed formats for the 6(six) Officers at Sl.No.6 to 12 except Shri Harihar Das (Sl.No.8) namely S/Shri S.S.Dutta, B.K.Roy, K.P.Goswami, Pallab Debbarma, D.K. Dey and B.K.Chakraborty.

(i) Information in respect S.C.S.Officers to be promoted to IAS in the prescribed Form-I.

(ii) Information in respect of competitive examination recruits Tripura part of IAS (MT) Cadre in Annexure-A.

(iii) Information in respect of working strength of promotion post available for promotion of the Select List Officers in the Annexure-'B'.

(iv) The declaration of the marital status and the written consent for termination of lien in TCS in the even his/her confirmation in IAS alongwith certificate to the effect that there has been no deterioration in the conduct or performance of the Officers.

2. It may further be mentioned that proposals in respect of continuance of officiating appointment of the aforesaid six Select List Officers in the IAS Cadre Posts (as indicated against each) beyond the initial period of three months i.e. from 07-01-1995 to 06-04-1995 have been furnished in Annexure-'E' & 'F' for favour of kind consideration and approval of the Government of India to this effect as required under regulation of IAS (Cadre) Rules, 1954.

I am directed to request you to consider issuing formal order of appointment of the above six officers to the MT (Manipur-Tripura) Cadre of Tripura part on regular basis under sub-regulation (1) of Regulation 9 of the Indian Administrative Service (appointment by promotion) Regulation 1995. and also accord Government of India's approval to the continuance of officiation appointment of the aforesaid six Select List Officers in the vacant post to this Government at an early date." (Annexure-14).

Contd....P/9.

Bhupendra K. Chakraborty

(M) That on receipt of the proposal from respondent No.3 & 5 the Government of India in the Department of Personnel made queries as regards SI.No.8 of the Select List. (Annexure-15).

(N) That in response to the query respondent No. 3 & 5 replied by letter sent by Speed Post that SI.No.8 has been charge sheeted on 9-2-1995 and requested the Government of India in the Department of Personnel to take necessary action for treating the name of Shri Harihar Das SI.No.8 of the Select List as "Demand Provisional" under sub-regulation 3 of regulation 7 of IAS (Appoint by promotion) Regulation, 1995. (Annexure-16).

(O) That in the mean time Government of India, Ministry of Personnel P.G. & Pensions vide (DOP) Notification No.14015/3/94-AIS(1) dated 9-2-1995 issued appointment to the SI.No.6 & 7 on regular basis (Annexure-17).

(P) That GOI, Ministry of Personnel, P.G. & Pension (Department of Personnel & Training), New Delhi in 3rd lot issued appointment on regular basis to SI.No.8,9 & 10 also vide notification No.14015/3/94-AIS(1) dated 21-2-1995 read with corrigendum dated 22-2-1995 (Annexure-18)

(Q) That the Governor of Tripura with the approval of the Government of India, Ministry of Personnel, P.G. & Pension (Deptt. of Personnel & Training) vide Notification No.F.2(21)-GA/93(L) dated 1-7-1995 extended the term of officiating appointment of the 5 officers as per details below : (Annexure-19)

Sl.No.	Name of Officers	Name of Cadre Post held	Period
1.	Shri S.S.Dutta, TCS Gr.I	A.D.M. &Collector, West Tripura.	07-01-1995 to 08-02-1995.
2.	Shri B.K.Roy, TCS Gr.I	Director, Social Welfare & Social Education Agartala.	07-01-1995 to 08-02-1995
3.	Shri K.P.Goswami, TCS Gr.I.	Jt.Secretary, Govt. of Tripura, Finance &	07-01-1995 to 20-02-1995.

Contd....P/10.

By my order *W.* *Chakravarty*

Sl.No.	Name of Officers	Name of Cadre Post held	Period
4.	Shri Pallab Deb Barma, TCS Gr.I.	Jt. Secretary, Govt. of Tripura, Printing & Stationary Deptt. Agt.	07-01-1995 to 20-02-1995
5.	Shri D.K.De, TCS Gr.I.	Jt. Secretary, Govt. of Tripura, S.A. Deptt. with headquarter at Calcutta.	07-01-1995 to 20-02-1995.

(R) That the Government of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training) on receipt of the proposal in the manner stated above DID NOT ADVISE THE STATE GOVERNMENT THAT THE CASE OF THE APPLICANT IF CONSIDERED FOR APPOINTMENT TO IAS BY the State Government be regulated and the proposal is to be initiated to the UPSC under Sub-regulation 4 of Regulation-7 of the IAS (appointment by promotion) Regulation 1995 and the State Government considered to go by a non specific provision of regulation with ulterior motive.

Presumably the respondent No.3 & 5 influenced the respondent No.1 not to advice as such only with a view to fulfill their evil design to safeguard the interest of the direct recruit IAS Officers' of Tripura Chapter in the State to make the evil design, atleast partially successful by adopting dilly dally tactics and sending perverse proposal.

(S) That in response to oral representation to respondent No.3 the applicant was assured that despite clear proposal, the G.O.I. did not agree to remove the name of Shri Harihar Das (SC) Sl.No.8(Annexure -2). Any way in May, 1995 Shri A.M.Dutta, IAS would retire when the case of the applicant would be taken-up with the Government of India.

✓ Select Committee meeting for 1995 hold in March, 1995 for filling up two Vacancies in IAS from State Civil Service Officers. (Annexure-3).

Contd....P/11.

Bhupendra K. Choudhary

(T) That when the State Government issued appointment on 26-12-1995 to the respondent No.6 Shri D.K.Chakraborty the applicant could come to know the unfair play of the respondent No.3 who could manage to include the name of Shri D.K.Chakraborty at Sl.No.1 for his interest elsewhere. Select list position of 1995 is as under :

1. Shri Dipak Kumar Chakraborty.
2. Shri Harihar Das (SC).
3. Shri B.K.Chakraborty.
4. Shri P.K.Bhattacharjee.

The name of Sl.No.2 has been included provisionally as the departmental preceeding still pending (Annexure-3).

(U) That Shri D.K.Chakraborty was not in the Select List of 1994 (Annexure-2). It is not clear how he could float. The applicant does not know if it is due to his extra ordinary ACR of the previous year or otherwise.

Sl. No.2 Shri Harihar Das (SC) who was Sl.No.8 of 1994 List is not a member of Scheduled Caste but the respondent No.3 presumably managed to influence the Select Committee definitely arguing his case as a member of Scheduled Caste especially perhaps to curve the favour of the higher ups. Had the respondent No. 3 & 5 been fair and impartial they would not been furnished false Bio-data to the Select Committee. They only did it in a most calculated manner hoping that it will not be public and shall remain secret.

(V) That the applicant submitted a representation on 3-1-1996 to the respondent No.3 with information to the respondent No.1, 2 & 5. (Annexure-20)

The respondent No.3 & 5 took no interest on the representation only with a view to further the prospect of the cause of Sl.No.2 Shri Harihar Das (SC) of the Select List, 1995 (Annexure-3).

Had they been fair and impartial they would definitely taken steps to set the thing in right motion to correct their perverse doings.

(W) * That the respondent No3 & 5 most reluctantly sought clarification on 2-1-1996 from the Government of India to advise respondent No. 3 & 5 how the case of the applicant can be regularised. Government of India by a Fax Message replied to the letter of the State Government on 17-1-1996 and the advice of the Government of India is reproduced below :- (Annexure -21)

Contd....P/12.

Bm... 18- Chakraborty

3. "The promotion of Shri B.K.Chakraborty can be considered only if an unforeseen vacancy occurs in the Cadre or the vacancy meant for Shri Harihar Das (SC) is released. The Second Vacancy meant for Shri Harihar Das (SC) can be released only subject to and in accordance with the Provisions Contained in the Third proviso to Regulation 7(4) of the Regulations. It is for the State Government to take a Considered view in the matter and submit suitable proposals."

(X) That the applicant decided to move the appropriate forum and there after the applicant did not have any knowledge about decision taken by the respondent No.3 & 5 on the advice of the Government of India.

(Y) Your Lordships may kindly call for the file No.F.2(29)GA/94 and peruse the SNAIL SPEED about taking decision for the applicant though the respondent No. 1, 3 & 5 took action in SUPER ROCKET SPEED in the appointment of the respondent No.6 Shri D.K.Chakraborty on 26-12-1995 (Annexure-22) and issue of regular appointment by the Government of India on 29-12-1995(Annexure-1).

(Z) That the applicant as on date holding the charge of the post of Joint Secretary (an IAS Cadre Post) as the respondent No.3 & 5 till date did not direct the applicant to relinquish the IAS Cadre Post of the Joint Secretary and the applicant discharging same duties assigned to the Cadre Post.

(Z1) The applicant annexing (Annexure - 23, 24 & 25) the Photo Copy of the following documents for favour of kind perusal of your Lordships only to substantiate the representation (Annexure - 20).

(i) Front Page Copy of Service Book of Shri Harihar Das(ST), Ex-Teacher now TCS Gr.I (Annexure-23).

(ii) Confirmation order of Shri Harihar Das (SC), TCS Gr.I issued by the Appointment & Services Department, Tripura in 1986 (Annexure-24).

(iii) Disposition List of Tripura Civil Service Officers (As on 1st November, 1994 showing Shri Harihar Das as SC. (Annexure-25).

Contd....P/13.

Bhupendra K. Chakraborty

28

7. Reliefs (Sought).

Your Lordships may be pleased to issue directives on the respondent Nos. 1 & 3 to issue :-

- (i) That the respondent Nos. 3 & 5 be directed to send necessary proposal to release the 2nd vacancy of 1995 recruitment year meant for respondent No. 7 of the I.A.S. Cadre, in accordance with the Provisions contained in the third proviso to regulation 7 (4) of the Regulations 1955 of the IAS (Appointment by Promotion) in terms of the suggestion issued in Para 3 of the Govt. of India, Ministry of Personnel's letter No. F.No. 14015/15/95-AIS(1) dated 17.1.1996 to facilitate the regular promotion of the applicant in the IAS cadre on regular basis with retrospective effect.
- (ii) Regular appointment of the applicant in IAS since, 8.10.1994 onward in continuance to his officiating appointment in IAS vide No. F.2(21)-GA(L-1) dated 7.10.1994 with all benefits.
- (iii) To declare to place the applicant above Shri D.K.De in the Civil List and revise the year of allotment as made to Shri D.K.De(1990).

8. Interim Order prayed for :

That the respondent Nos. 3 & 5 be directed to consider the case of the applicant by sending necessary proposal to release the 2nd vacancy of 1995 recruitment year meant for respondent No. 7 of the IAS cadre, in accordance with the Provisions contained in the third proviso to regulation 7 (4) of the Regulations 1955 of the IAS (Appointment by Promotion) in terms of the suggestion issued in Para 3 of the Govt. of India, Ministry of Personnel's letter No. F. No. 14015/15/95-AIS(1) dated 17.1.1996 to facilitate the regular promotion of the applicant in the IAS cadre on regular basis with retrospective effect during the pendency of this case.

9. Details of remedies exhausted :

Representation submitted to the State of Tripura addressed to the Chief Secretary with copies to the Union of India as well UPSC, Secretary to the Government of Tripura,

[Handwritten signature]

Appointment & services Department on 3.1.1996 for redressal of grievances followed by oral persuasion and reminders in writing on 6.3.1996, 11.3.1996 and repeated persuasion failed to evoke any response from any corner whatsoever.

10. Matter not pending with any Court.

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

11. Particulars of Bank Draft in respect of Application Fee.

Bank Draft No.	:	2147
Date of issue	:	06.03.1996
Amount	:	Rs. 50.00(Fifty)
Issued from	:	Battala Branch, U.B.I. Tripura
Payable at	:	U.B.I., Guwahati, Assam.

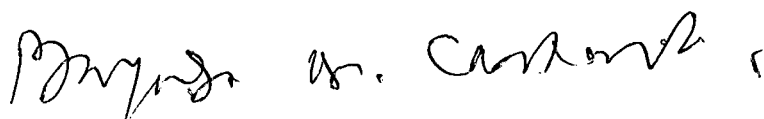
Contd...P/14

Bygones is a must.

12. Details of Index.

- ANNEXURE : 1. Order No.14015/15/95 AIS(1)dated 29-12-1995 of Govt. of India appointing Sri Dil k Kumar Chakraborty to IAS.
- ANNEXURE : 2. Select List of State Civil Service Officers' Tripura Chapter of MI Cadre as communicated by the UPSC for 1994.
- ANNEXURE : 3. Select List of State Civil Service Officers' Tripura Chapter of MI Cadre as communicated by the Department of Personnel for 1995.
- ANNEXURE : 4. Seniority List of Circle Officers' Tripura (Last batch of 1962) from SL.NO. 10 to 17 (related part).
- ANNEXURE : 5. Order dated 3-10-80 of the State Govt., Tripura Stepping-up the pay of the applicant and others.
- ANNEXURE : 6. Order No.F.2(21)-GA/93 (L.1) dated 7-10-94 of the State Govt. appointing the applicant (SL.No.11) & 10 others in IAS under Rule-9(1).
- ANNEXURE : 7. Charge Report in GFR-33 by the applicant relinquishing the post of Joint Secy., Finance (Ex-Cadre Post).
- ANNEXURE : 8. Charge Report in GFR-33 of the applicant assuming charge as Joint Secretary, Finance (as IAS Cadre Post).
- ANNEXURE : 9. Query made by the DOP on 28-11-95 referring proposal dated 19-11-95 of the Govt. of Tripura for appointment of 5 (SL.NO.1 to 5) officers' on regular basis.
- ANNEXURE : 10. Presidential order dated 9-12-94 of the Govt. of India appointing SL.NO.1 to 5 of annexure 6 as issued by the State Govt.
- ANNEXURE : 11. Representation of Sri Monoj Kumar, IAS to the Chief Minister, objecting officiating appointment of State Civil Service Officer in IAS.
- ANNEXURE : 12. Local daily news papers published news about unfair A to F exercise of the Government in appointment of IAS in 1994.
- ANNEXURE : 13. Letter dated 21-1-95 of A & S Deptt., Tripura issued to 6 Officers including the applicant to submit understaking and declaration.
- ANNEXURE : 14. Letter of the State Govt. dated 24-1-95 to the Department of Personnel for issuing regular appointment to six Officers' SL.NO.6 to 12 (except SL.NO.8 of the annexure-2).

Contd..P/2.



- ANNEXURE : 15. Query made by the Deptt. of Personnel on annexure-14. Reply of the State Govt. to query of Deptt. of Personnel at annexure-14.
- ANNEXURE : 17. Notification of Appointment of SL.NO.6 & 7 of annexure by the Govt. of India dated 9-2-1995 circulated by the State Government.
- ANNEXURE : 18. Notification of Appointment of SL.NO.8,9 & 10 in IAS by Govt. of India against proposal at Annexure-14 circulated by the State Govt.
- ANNEXURE : 19. Order of the State Govt. extending term of officiation appointment to the 5 officers on regular basis as per annexure 17 & 18.
- ANNEXURE : 20. Representation of the applicant to the State Govt. dated 3-1-1996 against appointment letter at Annexure - 22.
- ANNEXURE : 21. Advice of the Govt. of India dated 17-1-1996 in response to the letter of the State Govt. dated 2-1-1996 seeking advice how the applicant can be appointed.
- ANNEXURE : 22. Notification of the State Govt. appointing Sri Dipak Kumar Chakraborty in IAS dated 26-12-95.
- ANNEXURE : 23. First page copy of Service Book of Sri Harihar Das to show that he was an S.I. (Khatra) to prove that Sub-caste (Khatra) is not a Sub-Caste covered in Presidential order and he became S.C. instead of S.I. after the judgement of the Hon'ble High Court, Guwahati.
- ANNEXURE : 24. Confirmation letter issued by the State Govt. confirming Sri Harihar Das (SC) & others - after effect of the judgement of the Hon'ble High Court, Guwahati.
- ANNEXURE : 25. Copy of related portion of Civil List showing Sri Harihar Das (SC) in confirmation to annexure-24.

Bmy ngr. as per Certificate

13. List of Enclosures :-

In verification

I, Shri Bhupendra Kumar Chakraborti, S/O Late Braja Behari Chakraborti of Pyari Babu's Bagan, Dashamighat Road, Agartala, Tripura, Pin - 799001 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 facts.

Dated, the 28th March, 1996.

Guwahati

Bhupendra K. Chakraborti

Signature of Applicant.

To
The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Rajgarh Road,
Bhangagarh,
Guwahati.

(TO BE PUBLISHED IN PART 1 SECTION 2 OF THE GAZETTE OF INDIA)

No.F. 14015/15/95-AIS(I)

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

ANNEXURE /

New Delhi, the 29 Dec., 1995.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1996, the President is pleased to appoint Shri Dipak Kumar Chakraborty, a member of the State Civil Service of Tripura to the Indian Administrative Service on probation with immediate effect and to allocate him to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

R. Vaidyanathan

(R.V. VAIDYANATHAN)
Desk Officer

To

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

F.No. 14015/15/95-AIS(I)

New Delhi, the 29 Dec., 1995.

Copy forwarded for information to:-

1. The Chief Secretary to the Government of Tripura, Imphal (with a spare copy 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 CGEGIS or SIS failing which they will be treated as deemed to have opted for CGEGIS.
2. The Chief Secretary to Govt. of Manipur, Agartala.
3. Accountant General, Tripura, Agartala.
4. Secretary, UPSC, New Delhi (Shri G.C. Yadav, SO(AIS))
5. E.O. to the Government of India, New Delhi.

R. Vaidyanathan

(R.V. VAIDYANATHAN)
Desk Officer

INTERNAL DISTRIBUTION:

US(3.III)/RO(CM)/EO(PR)/Training Division

AVD.I/AIS.III Sections (with one spare copy) for cikal list.

10 spare copies.

*Attn
For and
Applicants*

TOP SECRET

ANNEXURE 2

Dated 7.9.1994

The Secretary to the Govt. of India,
Ministry of Personnel, P.G. and Pensions,
Deptt. of Personnel & Training,
NEW DELHI.

(Attn: Shri R. Vaidyanathan, Desk Officer)

Subject: Section Committee Meeting for promotion of SCs Officers to IAS Cadre of Manipur-Tripura (Tripura Part) during 1993

Sir,

I am directed to refer to your letter No.14015/3/94-AIS(1) dated 12th Aug., 94 and Government of Tripura letter No.72(21)-GA/93(2) dated 12th July, 94 on the subject mentioned above. The Government of Tripura had intimated 11 vacancies to be filled by promotion of State Civil Service Officers to Indian Administrative Service. Accordingly, a Select List consisting of 13 names was prepared by the Selection Committee at its meeting held on 29th & 30th March, 94. The Central Government, Government of Tripura & JCA Manipur have sent their observations on the recommendations of Selection Committee.

1. Union Public Service Commission have approved the recommendations of Selection Committee as contained in the minutes of its meeting held on 29/30th March, 94. The Select List consists of the following 13 names in the order indicated below:-

S. No.	Name (S/Shri)
1.	M.K. Mahtam ✓
2.	Bimal Khormik ✓
3.	Hemal Ch. Sinha ✓
4.	Balilana Saino (ST) ✓
5.	Sailen Kr. Das (SC) ✓
6.	S.B. Dutta ✓
7.	B.K. Roy ✓
8.	Harihar Das (SC) ✓
9.	K.P. Goswami ✓
10.	Palleb Deb Barma (ST) ✓
11.	D.K. Day ✓
12.	B.K. Chakrabarty ✓
13.	P.K. Bhattacharjee ✓

*Name at S.NO. 13 has been included provisionally subject to clearance of enquiries pending against him and grant of integrity certificate by the State Government.

Wm
DOR ans

MOST IMMEDIATE
CONFIDENTIAL

Government of India
Ministry of Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi

ANNEXURE 3

F.No.14015/15/95-AIS(I)

Dated the

November, 1995.

6 NOV 1995

✓ Chief Secretary
Government of Tripura
Appointments and Services Department
AGARTALA.

(Kind Attn: Shri R.P. Meena, Secretary)

Subject: Selection Committee Meeting for Promotion of
Officers to IAS Cadre of Tripura part of
Manipur-Tripura Joint Cadre during 1994-95.

Sir,

I am directed to say that the Union Public Service Commission vide their letter No. F.6/12(1)/95-AIS dated the 1st November, 1995, have approved the Select List of the following State Civil Service Officers of Tripura Part of Joint Cadre of Manipur-Tripura for appointment to IAS by promotion, prepared by the Selection Committee in its meeting held on 22.03.95:-

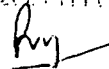
<u>S.No.</u>	<u>Name of the Officer</u>
1.	Dipak Kumar Chakraborty
* 2.	Harihar Das (SC)
3.	<u>B.K. Chakraborty</u>
@ 4.	F.K. Bhattacharjee

* The name at Sl.No.2 has been included in the list provisionally subject to clearance of inquiries pending against him and grant of integrity certificate by the State Government.

@ The name at Sl.No.4 has been included in the list provisionally subject to grant of integrity certificate by the State Government.

2. Kindly acknowledge receipt.

Yours faithfully,



(R. VAIDYANATHAN)
Desk Officer

all
over

Page 20

No.30(6)-CA/74
Government of Tripura
Appointment and Services Department

Dated, Agartala, the 31st July, 1975.

M E M O R A N D U M

ANNEXURE 4

Subject:- Final Seniority list of Circle Officers under the Government of Tripura as on 1st July, 1975.

The Governor has been pleased to fix the seniority of the Circle Officers under the Government of Tripura as shown below, after considering the representations received on the draft seniority list.

Sr No.	Name of the Officer	Date of appointment to the post of Circle Officer.	Date of Confirmation in the post of Circle Officer.
1.	Shri J.K.Shattacharjee	25.4.1955	-
2.	" B.B.Dab	13.2.1956	21.10.72.
3.	" D.B.Chakraborty	25.6.1960	-do-
4.	" Sibdas Paul	6.2.1961	-do-
5.	" Sugopal Ghosh	13.5.1961	-do-
6.	" R.G. Gope	20.6.1961(A/N)	-do-
7.	" M.R. Goswami	16.5.1962	-do-
8.	" N.K. Paul	14.5.1982	-do-
9.	" D.P. Dutta	11.5.1962	-do-
10.	" R.K. Chakraborty	17.12.1962	-do-
11.	" B.B. Bhattacharjee	17.12.1962	-do-
12.	" B.K. Chakraborty	24.12.1962	-do-
13.	" S.R. Paul	16. 1.1963	-do-
14.	" D.B. Chakraborty	17.12.1962	-do-
15.	" D.K. Dey	31.12.1962(A/N)	-do-
16.	" K.B. Nag	19.12.1962	-do-
17.	" P.K. Bhattacharjee	17.12.1962	-do-

By order of the Governor

Sd/- N. Chandra
Deputy Secretary to the Govt. of Tripura

Copy to:-

- 1) All concerned Departments/Heads of Depts/Offices.
- 2) Shri.....

Sd/- N. Chandra
Deputy Secretary to the Govt. of Tripura.

all
prince

Dated, Agartala the 3rd October, 1980.

NOTIFICATION.

ANNEXURE 5

WHEREAS pending finalisation of the seniority list of Circle Officers, Shri D.B.Chakraborty and Shri P.K.Bhattacharjee, the then Circle Officers, were appointed on ad hoc basis in the post of Sub-Deputy Collector with effect from 30.6.66 vide Appointment & Services Department Office Order No.F.2(3)-GA/66(R) dated 7.6.66.

AND WHEREAS S/Shri B.K. Chakraborty, D.K.Dey and K.B.Nag, the then Circle Officers were appointed on ad hoc basis in the post of Sub-Deputy Collector with effect from 21.2.70 vide Notification No.F.2(3)-GA/69 dated 20.2.70 ;

AND WHEREAS in the finalised seniority list of Circle Officers, Shri B.K.Chakraborty was shown senior to Shri D.B.Chakraborty and S/Shri D.K.Dey and K.B.Nag were shown senior to Shri P.K.Bhattacharjee ;

AND WHEREAS had the seniority list of Circle Officers been finalised prior to appointment of S/Shri D.B.Chakraborty and P.K.Bhattacharjee in the post of Sub-Deputy Collector in 1966 on ad hoc, S/Shri B.K.Chakraborty, D.K. Dey and K.B.Nag would have been considered for appointment as Sub-Deputy Collector in 1966 in consideration of their seniority ;

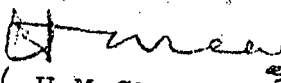
AND WHEREAS Shri B.K.Chakraborty has prayed for regularisation of the above supersession cases in the post of Sub-Deputy Collector by fixation of pay etc. in consideration of higher pay being drawn by his juniors, due to their earlier promotion on ad hoc basis ;

contd..2.

*a km
prc*

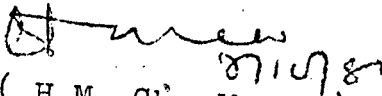
AND WHEREAS the Governor with the concurrence of the Finance Department have sanctioned that pay of Shri B.K. Chakraborty, Shri D.K.Dey and Shri K.B.Nag in the post of Sub-Deputy Collector should be fixed notionally for the period from 30.6.66 to 20.2.70 i.e. the date from which their juniors S/Shri D.B.Chakraborty and P.K.Bhattacharjee were appointed on ad hoc basis in the post of Sub-Deputy Collector, but arrears will be allowed only from 1.4.80.

By order of the Governor,


(H.M.Choudhury) 31/7/80
Under Secretary to the
Government of Tripura.

Copy to :

1. Revenue Department, Civil Secretariat, Agartala.
2. Finance Department, Civil Secretariat, Agartala with reference to their U.O. Note No.4805/Fin(G)/80 dated 29.9.80.
3. Accountant General, Tripura, Agartala. It is requested that necessary pay slip to the officers concerned may kindly be issued accordingly.
4. District Magistrate & Collector, West/North/South Tripura, Agartala/Udaipur/Kailashahar.
5. Treasury Officer, West/North/South Tripura, Agartala/Udaipur/Kailashahar.
6. Shri B.K.Chakraborty, Integrated TCS, Revenue Circle, Bishalgarh.
7. Shri D.K.Dey, Addl. Sub-Divisional Officer, Udaipur.
8. Shri K.B.Nag, Integrated TCS, Office of the D.M. & Collector, West Tripura, Agartala.
9. Personal Files.


(H.M. Choudhury)
Under Secretary to the
Government of Tripura.

abw
mas

1	2	3	4
19.	Sri Bimalendu Biswas Agril. Officer	Office of the S. A. Salema.	Panisagar Agri. Sector S. A/ under S. A. Panisagar Panisagar

The pay and allowances of the Officers will be drawn from the respective head of account of the establishment in which they are posted.

No T. A. and D. A. will be paid to the Officers as indicated at Sl. No- 4, 5, 12, 13, 15 and 16 as their transfer order have been made at their own interest.

They shall assume the charge of their new assignment by relinquishing their present charge by 5th October, 1994.

The Officers at Sl. No. 2, 3, 4, 6, 9, 10, 12, 13, 15, 16 and 18 will move first.

By order of the Governor,
K. P. Goswami
Joint Secretary to the
Government of Tripura.

Government of Tripura
Appointment & Services Department

No. F. 2 (21)-GA/93 (L-1):

Dated, Agartala, the 7th October, 1994.

NOTIFICATION

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

Sl. 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. Saito, TCS Grade-I, Registrar, Cooperative 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.
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, A. L. Chakraborty Deputy Secretary to the Government of Tripura.

am
for me

FORM G.F.R.33
(SEC RULE -73)

ANNEXURE

Certified that I/we have in the forenoon/afternoon
of this day 7th Oct 94 respectively ~~made over and received~~ ^{relinquished}
charge of the office of the Joint Secretary (T.C. & I)
in pursuance of order No.F. 2(21)-GA/93 (2-1)
dated 7.10.94 (for use in Audit Office only), noted in A/R
at page _____ Relieved Officer

Signature _____

(Noted in leave A/C at page _____

Name in Block Letters

Leave Salary Certificate/Service

Statement issued on _____

B.K. CHAKRABORTY
Joint Secretary (Finance)
(B.K. CHAKRABORTY)

Audit Supdt. A.A.G.

Proceeding on Transfer/Leave/
retirement.

A.A.G.

Relieving Officer _____

Noted in leave A/C at page _____

Signature _____

(Name in Block Letters)

Noted in leave A/C at page _____

Pay slip issued on _____

Designation _____

Auditor Supdt. A.A.G.

Station _____

A.A.G.

Date _____

Memo of the balance for which responsibility is accepted by the
Officer relieving charge.

Cash _____

Permanent Advance _____

Where transfer of charge proceeds, the issue of formal order by
the competent authority/a suitable indication to that effect may
be given.

Relieved Officer _____

Relieving Officer _____

B.K. CHAKRABORTY

NO.F.

C(5)-Fin(8)/94

Dated

7.10.94

Forwarded to :-

(B.K. CHAKRABORTY)
Joint Secretary to the
Government of Tripura

1. The Accountant General (A & E), Tripura, Agartala.
2. Treasury Officer, Agartala.
3. Joint Secy, A & E Dept.
4. Commissioner, Finance.
5. Deputy Secretary Fin (E).
- 6.
- 7.

A J D B.
9 X 93

NO.F. 4949 Fin(5)/94
7.10.94

FORM G.F.R.33
(SEC RULE -73)

ANNEXURE 8

Certified that I/We have in the forenoon/afternoon
of this day 7.10.94 respectively made over and received
charge of the office of the Joint Secretary, Finance Dept. (As Cashier)
in pursuance of order No.F. 2(21)-8A/93 (L-1)
dated 7.10.94 (for use in Audit Office only), noted in A/R
at page _____ Relieved Officer

Signature _____

(Noted in leave A/C at page _____ Name in Block Letters

Leave Salary Certificate/Service

Statement issued on _____ Designation _____

Audit Supdt. A.A.G.

Proceeding on transfer/leave/
retirement.

A.A.G.

Relieving Officer _____

Noted in leave A/C at page _____

Signature _____
(Name in Block Letters)

Noted in leave A/C at page _____

C.B.K. CHAKRABORTI
Joint Secretary to the
Government of Tripura

Pay slip issued on _____

Designation Joint Secretary

Auditor Supdt. A.A.G.

Station Agartala

A.A.G.

Date 7.10.94

Memo of the balance for which responsibility is accepted by the
Officer relieving charge.

Cash _____ Permanent Advance _____
Where transfer of charge proceeds, the issue of formal order by
the competent authority/a suitable indication to that effect may
be given.

Relieved Officer _____

Relieving Officer _____

NO.F. 6(5)-Fin(2)/94Dated C.B.K. CHAKRABORTI

Forwarded to :-

1. The Accountant General (A & E), Tripura, Agartala.
2. Treasury Officer, Agartala.
3. Joint Secretary, Finance Dept.
4. Deputy Secretary, Finance Dept.
5. The Commissioner, Agartala.
- 6.
- 7.

A _____ J _____ D _____ B.
9 X 93

am
prais

4024942 Fin(2)/94
7.10.94

FAX MESSAGE

TO SHRI A.L.CHAKRABORTY
DEPUTY SECRETARY
APPOINTMENT & SERVICES DEPARTMENT
GOVERNMENT OF TRIPURA
AGARTALA.

ANNEXURE 9

FROM SHRI R.VAIDYANATHAN
DESK OFFICER
DEPARTMENT OF PERSONNEL AND TRAINING
GOVT. OF INDIA
NORTH BLOCK
NEW DELHI.

NO.14015/3/94-AIS(I)

DATED: 28.11.1994

REFERENCE GOVT. OF TRIPURA LETTER NO.F.2(21)-GA/93(L) DATED
19.11.1994, WITHY PROPOSALS FOR APPOINTMENT OF SCS OFFICERS
INCLUDED AT S.NO.1 TO 5 OF THE SELECT LIST DT.9.9.1994 TO THE
IAS(.) IN THE ANNEXURE 'B' TO THE PROPOSALS AS AGAINST COLUMNS 15
AND 16 EVEN THOUGH A REPLY IS GIVEN IN THE AFFIRMATIVE THE DETAILS
OF THE COURT CASES PENDING AGAINST THIS PARTICULAR SELECT LIST AND
INTERIM ORDERS ISSUED THEREIN BY THE HON'BLE COURTS HAVE NOT BEEN
FURNISHED (.) IT IS REQUESTED THAT THE SAME MAY KINDLY BE
OBTAINED AND FORWARDED TO THIS DEPARTMENT URGENTLY SO THAT THE
PROPOSALS FOR APPOINTMENTS COULD BE PROCESSED FURTHER(.)

(P.VAIDYANATHAN)
DESK OFFICER

ack
prup

ANNEXURE 10

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENTNO.F.2(21)-GA/93(L-I): Dated, Agartala, the 22nd December, 1994.

NOTIFICATION

Consequent on appointment of the following S.C.S. Officers in IAS in Joint Cadre of Manipur-Tripura vide Govt. of India, Ministry of Personnel, P.G. & Pensions, (Department of Personnel & Training), New Delhi Notification No.F.14015/3/94-AIS(I) dated 09-12-1994, the Governor is pleased to order that the Officers concerned will continue to hold their existing IAS Cadre posts as noted against each until further orders.

Sl.No.	Name of Officers.	Name of Cadre Post.
1.	Shri N.K. Maitra, IAS,	Secretary, Tripura Public Service Commission, Agartala.
2.	Shri Bimal Bhowmik, IAS,	Addl. D.M. & Collector, North Tripura, Kailashahar.
3.	Shri Nepal Ch. Sinha, IAS,	Joint Secretary, Panchayet Department, Tripura, Agartala.
4.	Shri Sailiana Sailo, IAS,	Registrar, Co-operative Societies, Tripura, Agartala.
5.	Shri Sailen Kumar Das, IAS,	Joint Secretary, Fisheries Department, Tripura, Agartala.

By order of the Governor,

(A.L. Chakraborty) 22/12/94
(A.L. Chakraborty)
Deputy Secretary to the
Government of Tripura

Copy to:-

1. The Chief Secretary, Tripura, Agartala.
1. The Chief Secretary, Manipur, Imphal.
2. The Secretary to Governor, Tripura, Rajbhavan, Agartala.
3. The Secretary to Chief Minister, Tripura, Agartala.

Contd.....P/2.....

To
The Chief Minister,
Govt. of Tripura.

Through proper channel.

Sub :- Promotion of TCS Officers to I.A.S.

Sir,

Most humbly and respectfully, I submit that injustice of high order has been done to me by promoting 5 T.C.S. Officers to I.A.S. recently in terms of seniority, career prospects etc. These promotion as well as proposed promotion of 6 more have been done without any vacancies for them as per existing rules/instructions/guidelines.

Rule 9(3) of Indian Administration Service (recruitment) rules clearly lays down that for the purpose of determining the percentage of $33\frac{1}{3}$, holders of listed posted are to counted. Similarly guidelines in Annexure- B of IAS (appointment by promotion) regulations 1956 clearly lays down that promotion has to be given only on the basis of effective working strength i.e. total cadre posts of item 1 & 2 - Total posts kept in abeyance or kept vacant for more than 6 months. This principal was always followed by State & Central Govts. while making promotion to I.A.S.

The calculation done as per rules, procedures indicates that the promotions in 1992 through which 4 TCS Officers were promoted to IAS was illegal without any vacancies.

*Wm
for up*

44
By cadre expansion in 1993, at best the total no. of posts which can be filled up by promotion as on 7/10/94 works out to be as under :

Total vacancies in item 1 & 2 = 77

Total posts vacant or kept in abeyance = 22

Effective working strength = 55

No. of posts which can be filled by promotion = 18

Thus additional posts falling vacant as compared to 1992 is 5, so at best one new Officer could have been promoted in 1994 since 4 promotions in 1992 were without any vacancies and based on wrong informations & faulty calculations.

Two posts have to be kept vacant for Sri N.G. Bhattacharjee and Sri S.K. Adhikari who were not promoted because of various reasons and juniors were promoted to I.A.S. It is laid down in regulation 9 of I.A.S. (Appointment by promotion) regulation 1955 that while making appointment of an Officer junior to a select list Officer whose name has been included provisionally in the select list, 1 post will have to be kept vacant for such a provisionally included Officer. Once vigilance case/departmental proceeding is cleared against them, they will have to be considered for promotion.

Guidelines laid down in the M.H.A. letter No.16/2/66-AIS(II) dated 14-2-86 states that there is no quota reserved for appointment by promotion to the IAS/IPS cadres and consequently of the officers in the select list have no legal right to appointment to the cadre. It is open to the government not to make any appointment as to even if there are

Alm
Prave

- 3 -

certain vacancies in the cadre.

SIGNATURE //

Again if we consider, the post vacant for more than 6 months in 40% deputation reserve which has not been utilised fully, there were absolutely no vacancy for any promotion in 1994.

Also while making promotions, the reservation for SC/ST has not been followed.

Whereas in the direct recruitment of IAS, the recruitment is done in a phased manner of the available vacancies, in the recruitment by promotion no such phasing has been done. If ~~11~~ 11 Officers are promoted together in I.A.S., the cadre is incapable of absorbing such a large number and there will be serious administrative imbalances and dislocations.

Considering all the facts pointed out above, there was no justification and legal sanctity in promoting 5 Officers in December, 1994. I earnestly request you to review your decision, not make any further promotions and redress the injustice done to me.

Yours faithfully,

am
for up

ML
16/12/94

Advance copy given to Hon'ble C.M. for early action.

46

ACTUAL CALCULATION OF VACANCIES AND SUBMISSION OF
WRONG INFORMATION TO GOI IS MENTIONED BELOW in 1992

	As mentioned to GOI in Annexure	Actual FACT
A. NO. OF POSTS UNDER 1 and 2 OF CADRE SCHEDULE	40 + 16 = 56	56
B. No. of posts that can be filled up by promotion (33 1/3 % of above posts)	19	19
C. NO. OF CADRE POSTS HELD IN ABEYANCE OR KEPT VACANT FOR OVER 6 MONTHS	1	16
D. "EFFECTIVE WORKING STRENGTH" of the posts that can be filled by PROMOTION i.e., NOT EXCEEDING 1 / 3 of (COLUMN "A" - COLUMN "C")	56 - 1 = 55 55 X 1/3 = 18	56-16=40 1/3X40=13
E. No. of officers in position	15	11
F. NO. OF IAS POSTS AVAILABLE FOR PROMOTION	NIL	2 (Already filled by previous proposal)
G. NO. OF OFFICERS PROMOTED WITH OUT POST	NIL	4

Calculations based on the rules of DOP clearly proves that
4 officers were promoted into IAS

without authorised vacancy
posts shown by wrong calculation
and wrong information in 1992

USE
Y TIME

12/1/83
BRUXELLES

সম্পাদিত পত্রিকা

SYANDAN PATRIKA

উৎকর্ষের আদর্শ
কুক-ওয়েল
সর্বস্ব স্বাস্থ্যসাধনা

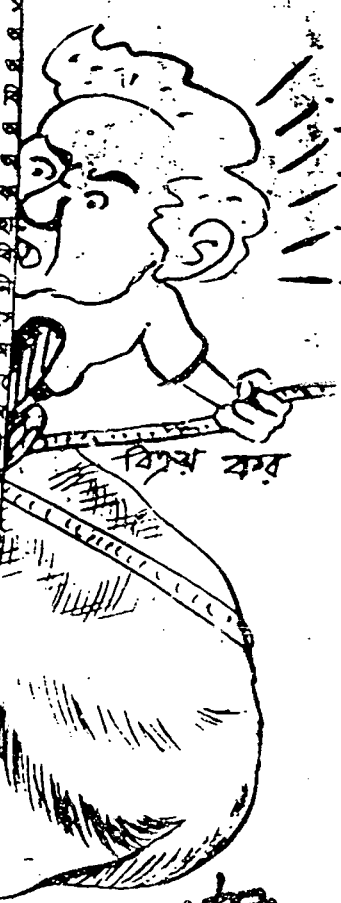
নিয়োগ কলেঙ্কারী

● প্রথম পত্রের পর
জনা কেন্দ্রীয় সরকার রাজা সরকারের
মজবুত যা। প্রশাসনিক প্রধান হিসেবে
মুখ্যমন্ত্রী এর অনুমোদন দিয়ে থাকেন। কিন্তু
ত্রিপুরার মুখ্যমন্ত্রী এগারজনদের অলিঙ্কা
থেকে ১. এন কে মৈত্র, ২. বিমল জৈমি, ৩. নেপাল সিন্ধু, ৪. এস সাইলো, ৫.
শৈলেন দাস এই পাঁচজনকে আই এ এস
পদে নিয়োগ করার জন্য হাটপত্র দেন। বাকী
ছয়জন সম্পর্কে মুখ্যমন্ত্রী কিছু উল্লেখ না
করায় কেন্দ্রীয় সরকার ফের চিঠি দিয়ে
জানতে চায়; এগারজনদের নাম: সিলেট
কমিটি এক ইউনিয়ন পাবলিক সার্ভিস
কমিশন সুপারিশ করার পর কেন যাত্র
পাঁচজনকে নিয়োগ করা হবে। মুখ্যমন্ত্রীর
প্রশাসন সেই চিঠির জবাব দেয়নি আজো।
অর্থাৎ মুখ্যমন্ত্রী চাইছেন না এই পাঁচজন হাট
আর কেউ ১৯৯৪ সালে আই এ এস পদে
প্রয়োজন পান।

এদিকে, মুখ্যসচিব এর কার্যমোদন যার
ইচ্ছাওই আই এ এস পদে প্রয়োজনের
অলিঙ্কাটি তৈরি হয়েছিল তিনিও বসে নেই।
বিদ্রোহে বসে তিনিও কারিগরী করে চলেছেন
যাতে রাজা সরকার এগারজনকেই আই এ
এস পদে হাটপত্র দিতে বাধ্য হন।

এদিকে সচিবালয় সূত্রে জানা গেছে,
আগামী ৩১শে ডিসেম্বরের মধ্যে যদি
মুখ্যমন্ত্রী এগারজনদের অলিঙ্কাটিও হাটপত্র
না প্রদান করেন, তাহলে ১৯৯৪ সালের
কোটায এগারজনের কেউ আই এ এস পদে
প্রয়োজন পাবেন না। আর যাদের আই এ
এস পদে প্রয়োজন দিয়ে তিনমাসের জন্য
এডহক ডিউটিতে নিয়োগ করা হয়েছিল
তাদেরকে আবার টি সি এস প্রেড ওয়ানে
অর্থাৎ রাজা সার্ভিসে চলে আসতে হবে।
মুখ্যসচিব বনাম মুখ্যমন্ত্রীর এই লড়াইয়ে
এখন কে জেতেন তাই দেখার বিষয়।

কে হবেন?



মুখ্যমন্ত্রী বনাম মুখ্যসচিব বিরোধ আই এ এস পদে মনোনয়ন নিয়েও কলেঙ্কারী

সামান্য প্রতিদ্বন্দ্বি, অগ্নিরত্না, ২য়
ডিসেম্বর। রাজ্যের কোম্পানি ত্রিপুরা সিভিল
সার্ভিসের প্রেড ওয়ান অফিসারদের আই এ
এস পদে মনোনয়ন নিয়ে এগারজনের
কলেঙ্কারী সর্বকর্মীরা রেকর্ড পড়ার কুড়ি
জর্মন করেছে। এই সিভিল অফিসারদের
ডিউটিয়ে রাজা সরকারের বিশেষ অফিসার
মুখ্যসচিবের পক্ষ যত্নে ১১ জনকে আই
এ এস পদে মনোনয়ন দিয়েও রাজ্যের
প্রশাসনিক প্রধান হাট পাঁচ জনের বাকী
এবছর আই এ এস পদে প্রয়োজন দিতে
না পারা হওয়ায় পুরো বিক্ষোভে এখন বুকে
গেছে। মুখ্যমন্ত্রীর ইচ্ছা পূরণ রাজনীতিতে
এবছর মনোনয়ন আশু এগারজনদের নামের
পেছনে আই এ এস পদটি নাও লাগতে
পারে কেননা, মুখ্যমন্ত্রী দশরথ দেব
কোনভাবেই পাঁচজনকে বাকী অফিসারকে
আই এ এস পদে হাটপত্র দিতে পারেন।
দশরথ দেব, ত্রিপুরা ও হবিপুর
সরকারের অনুমোদন ক্রমেই সিলেট কমিটির
বৈঠক বসে। সেই বৈঠকে উপস্থিত থাকেন
কেন্দ্রীয় সরকারের প্রতিনিধি এবং ইউনিয়ন
সার্ভিস কমিশনের প্রতিনিধি।

১৯৯৪ সালে রাজ্যের কেন্দ্রীয় আই এ
এস পদে মনোনয়নের জন্য এগারটি পদ
খালি ছিল। সেই এগারটি পদের জন্য সিলেট
কমিটিতে নাম যাত্র ২২ জন টি সি এস
অফিসারের। তার মধ্যে থেকে এগারজনকে
বৈঠকেই চলে আসল। রাজনীতির খেলায়
এবারো আই এ এস পদে। সমস্ত প্রকার যোগ্যতা
থাকার সত্ত্বেও বাদ পড়ে যান সন্তোষ সরকার,
দীপক চক্রবর্তী, মানিক রিয়ার, ভদ্রনাথ
রিয়ার, মোহিত দেববর্মী ও ডি সি দত্তের
মতো অফিসাররা। সমস্ত প্রকার যোগ্যতা
ও সিভিলিয়ারি থাকা সত্ত্বেও সিলেট কমিটির
সভায় অদ্বৈতকে বাদ দিয়ে দেয়ার বিকল্পে
কেন্দ্রীয় টাইব্রুনেলে গিয়েছেন কোন কোন বাদ
পড়া টি সি এস অফিসার। কলেঙ্কারীর পেশ
এখানেই নয়। হবিহর দাসের নাম সিলেট
সিটে থাকার সত্ত্বেও শেষ মুহুর্তে তাঁকে বাদ
দিতে রাজা সরকার অতর্কিতে যে ইন্টিগ্রেটি
সার্ভিসকে দিয়েছিল অ কোন কারণ না
দেখিয়েই প্রজ্ঞাচার করে দেয়। হরিহর দাসও
এখন কেন্দ্রীয় টাইব্রুনেলে বিচারপ্রার্থী।
টি সি এস প্রেড ওয়ানে সিভিলিয়ারি

অলিঙ্কাটি ছিল ১. এন কে মৈত্র, ২. এন
জি উদ্যোক্তা, ৩. বিমল জৈমি, ৪. দীপক
চক্রবর্তী, ৫. নেপাল সিন্ধু, ৬. এস
সাইলো, ৭. মোহিত দেববর্মী, ৮. সন্তোষ
সরকার, ৯. রাকেশ চৌধুরী, ১০. ভদ্রনাথ
রিয়ার, ১১. শৈলেন দাস, ১২. মানিক
রিয়ার, ১৩. এস এস দত্ত, ১৪. বি কে
দাস, ১৫. হরিহর দাস, ১৬. কে সি
গোহাঙ্গী, ১৭. পদম দেববর্মী, ১৮. ডি
কে দে, ১৯. ভূপেন্দ্র চক্রবর্তী প্রমুখ।
সিলেট কমিটির বৈঠকে রাজা সরকারের
সুপারিশ যত্নে সিভিলিয়ারি ডেপুটি
এগারজনকে আই এ এস পদে
মনোনয়নের জন্য বেছে নেয়া হয়। সিলেট
কমিটি যে এগারজনকে আই এ এস পদে
জনা বেছে নেন, সেই নামগুলো হলো ১.
এন কে মৈত্র, ২. বিমল জৈমি, ৩.
নেপাল সিন্ধু, ৪. এস সাইলো, ৫.
শৈলেন দাস, ৬. এস এস দত্ত, ৭. বি
কে দাস, ৮. কে সি গোহাঙ্গী, ৯. পদম
দেববর্মী, ১০. ডি কে দে, ১১. বি কে
চক্রবর্তী।

পদে মনোনয়নের রাজা সরকারের
আপয়েন্টমেন্ট ও সার্ভিস লটার এক আদেশ
ওপে। No.F.2(21) 4A/93(L-1)
dt. 07-10-94। ১৯৯৪ সালের ১ নং
আই এ এস কার্ডার রুল-এ নির্দিষ্ট পদে
তিন মাসের জন্য আই এ এস পদে নিয়োগ
করেন। এই তিন মাস মেয়াদ পার হবে
আগামী ৫ই জানুয়ারি। ৫ই জানুয়ারির আগে
যদি কেন্দ্রীয় সরকার আই এ এস পদে তাদের
নিয়োগ না করেন অথবা অফিসের আধার
পূর্ববাহ্য অর্থাৎ রাজা কাজের চলে আসতে
হবে টি সি এস অফিসার হিসাবে।
আই এ এস পদে কেন্দ্রীয় সরকার
নিয়োগ দিতে পারেন। মনোনয়ন আই
এ এস-দের পেছনে রাজ্যের কোর্ট অনুমতি
এবং রাজা সরকারের সুপারিশ পেলেই
কেন্দ্রীয় সরকার তাদের নিয়োগ দিতে
পারেন।
সিলেট কমিটি যে এগারজনকে ত্রিপুরার
কোটায আই এ এই পদে প্রয়োজন দিয়েছে
তাদের নিয়োগ করতে চলে রাজা সরকারের
অনুমোদন প্রয়োজন। সেই অনুমোদনের
● রাজ্যের পত্রিকার সূত্র

MEDICAL ADMISSION

Diploma Courses (Regular/Postal)

1. INDO ALLOPATHY (D.I.A.M.)	2. BIOCHEMIC (D.B.M.S.)
3. ELECTRO HOMOEOPATHY (D.E.H.M.)	4. NATUROPATHY (D.N.T.)
5. BACH FLOWER REMEDIES (D.B.F.R.)	6. ACUPRESSURE (D.A.T.)
7. MAGNETO THERAPY (D.M.T.)	8. YOGA & MASSAGE (D.Y.M.S.)

MIN QUAL X PASS OR EQUIV. DURATION 6 MONTHS • PROSPECTUS FREE

D.I.A.M. Course for Qualified doctors: R.M.P. on Experience Basis

All Courses R.M.P. under International recognised Indian Board of Alternative Med. Sci.

Dr. S. K. Agarwal Principal

Health & Medicare 80, Chowringhee Rd., Calcutta-700 020

ANNEXURE

12/3

Postal Regd. No. NE 1009 ☎ : 22-6755/22-6684/22-3770

আই এ এস মনোনয়ন : মুখ্যসচিবকে

যথার্থ জবাব

মুখ্যমন্ত্রীর নির্দেশ, সোমবারের মধ্যে ফাইল তৈরী চাই

সামান্য প্রতিনিধি, আগরতলা, ১৭ই ডিসেম্বর। আই এ এস মনোনয়ন নিয়ে আমলা রাজনীতির রশ্মিটা হাতের মুঠোয় পূরে নিলেন মুখ্যমন্ত্রী। সেই সাথে দায়োদরগকে নির্দেশ দিলেন পুনরায় ফাইল তৈরী করতে। সোমবারের মধ্যে পুনরায় নতুন করে তৈরী করা ফাইলটি হাতে পেতে চান মুখ্যমন্ত্রী। মুখ্যমন্ত্রীর উদ্যোগ মাত্রপক্ষে যদি আমলা রাজনীতির কারণে বিলম্ব চালিত না হয় তাহলে বলা যাবে, এবার রাজা থেকে মোট ১১ জনই আই এ এস ক্যাডারের মনোনয়ন পাবে।

গতকাল টি সি এস অফিসার এসোসিয়েশন মুখ্যমন্ত্রীর সাথে দেখা করে

আমলা রাজনীতির কার্যকর সম্পর্কে তাঁকে অবহিত করার পথই তিনি তার সচিবের কাছে আটকে থাকা ফাইলটি তুলব করেন। আজ মুখ্যসচিব মেমোরান্ডাম দায়োদরগকে বাড়ীতে ডেকে নিয়ে আই এ এস মনোনয়ন সংক্রান্ত ফাইলটি পুনরায় তৈরী করতে নির্দেশ দিলেন। মুখ্যমন্ত্রী নির্দেশ দিয়েছেন, আগামী সোমবারের মধ্যে নতুন করে তৈরী করা ফাইল তাকে দিতে হবে। সন্তুঃ সোমবারই মুখ্যমন্ত্রী মহাকরণের দপ্তরে বসবেন। যদিও আমলা রাজনীতির পাঁচ পড়ে মুখ্যমন্ত্রী মাত্র পাঁচজন অফিসারকে আই এ এস পদে চূড়ান্ত অনুমোদন দেয়াব জনা হয়ে পাতার দেখুন

সামান্য প্রতিনিধি, আগরতলা, ১৭ই ডিসেম্বর। সিংহি পানা থেকে এসেলা পোপাটের অভিযোগে কোর্টের বাহিরে পবিত্রকিত শিকারমন্ত্রীর পদত্যাগ দাবী করেছে কংগ্রেস। এবাপারে আপনাব প্রতিজ্ঞা কি? প্রশ্ন করা হয়েছিল উপ মুখ্যমন্ত্রী বৈদ্যনাথ মজুমদারকে। স্বভাবসুলভ ভাষাতে কয়েক সেকেন্ড বিঘটিত চিন্তা করে শান্ত পুরে সহাস্য মন্ত্রী জানালেন, 'অন্যে দাবীও জবাব দেবেন অনিলবাবু। আমি তো ওদের (কংগ্রেস) মতো করে কথা বলতে পারি না। অনিলবাবুর কাছেই যথার্থ জবাব পাবেন।' তিনি ঝপট কোণ্ড প্রকাশ করে বলেন, 'দিল্লীতে কত কিছুই তো ঘটছে কেনি সি, 'জিনি কেলেঙ্কারী, শেয়ার কেলেঙ্কারীর ঘটনায় দোষীদের সুস্পষ্টভাবে চিহ্নিত করেছে। কই, কেউ তো অভিযোগ করছেন না। কোর্টের রায় নিয়ে ওদের (কংগ্রেস) আবেল-অবেল কত দাবীই আনা হচ্ছে।

দিল্লীর রাজনৈতিক ডামাডোলে

তৈরী চাই

● প্রথম পাঠ্য পথ

দিল্লীতে সিলেট কমিটিতে সুপারিশ করেছিলেন। প্রথম দফায় মোট সত্তর জন অফিসারের নাম পাঠানো হয়েছিল। সিলেট কমিটি তার মধ্যে ১১ জনের নামের তালিকায় অনুমোদন দিয়েছিল। নিম্ন অনুযায়ী প্রাথমিকভাবে তিন মাসের জন্য আই এ এস ক্যাডার দেয়া হয়। তিনমাস পরে রাজা সরকারের সুপারিশ অনুযায়ী আই এ এস-এ চূড়ান্ত অনুমোদন দেয় কেন্দ্র।

সংস্করণ: তিন মাসের ৬০ নারা সিলেটের আই এ এস হিসেবে অনুমোদন পেয়ে যায় তাদের বাদ দেয়ার মতো নজীব এবং আরও কখনো রাজা প্রশাসনে ঘটেনি। এবারই প্রথম নজীববিহীন ঘটনা ঘটেছে। বলা যায় মুখ্যমন্ত্রীকে দিয়ে কবিয়ে নেয়া হয়েছে এই কাজটি।

সমস্ত ঘটনা প্রবর্তিত এবং পর আমলা জালের খঁস ছেড়ে মুখ্যমন্ত্রী বেবিয় আসতে পড়ায় বাজার পদস্থ অফিসার বলা বুঝি স্বল্প মুখ্যসচিব সমেত বহিরাগত বেশ কিছু আই এ এস সুযোগ পেলেই বাজার অফিসারদের নাগরিকত্ব করার চেষ্টা করে

Handwritten signature and date
28.3.96

সংস্করণ 11/5

৩০ ডিসেম্বর। অসম
২৭শে নভেম্বর: ১৯৯৪
‘ইউনাইটেড লিবারেশন
নাম’ কে একটি বেআইনী
সবে ঘোষণা করেছেন।
ফাকে বেআইনী ঘোষণার
ত ২৭শে নভেম্বর ১৯৯৪
রত সরকারের বিশেষ
কোশিত হয়েছে।

নিষিদ্ধ

৩০ ডিসেম্বর। অসম
২৭শে নভেম্বর: ১৯৯৪
‘ইউনাইটেড লিবারেশন
নাম’ কে একটি বেআইনী
সবে ঘোষণা করেছেন।
ফাকে বেআইনী ঘোষণার
ত ২৭শে নভেম্বর ১৯৯৪
রত সরকারের বিশেষ
কোশিত হয়েছে।

বিস্ম

৩০ ডিসেম্বর। অসম
২৭শে নভেম্বর: ১৯৯৪
‘ইউনাইটেড লিবারেশন
নাম’ কে একটি বেআইনী
সবে ঘোষণা করেছেন।
ফাকে বেআইনী ঘোষণার
ত ২৭শে নভেম্বর ১৯৯৪
রত সরকারের বিশেষ
কোশিত হয়েছে।

অগনিইজেশনের পক্ষ থেকে সংশ্লিষ্ট
কারখানাগুলির বিরুদ্ধে কড়া ব্যবস্থা
গ্রহণ করা হবে। ফাক্টরী এন্ড বয়লার্সের
এক মুখপাত্র জানান, ভূপাল গ্যাস দুর্ঘটনার
পর সর্বভারতীয় ক্ষেত্রে আইন হয়েছিল
যে ফাক্টরী ওলি সেফটি অফিসার নিয়োগ
করেতে হবে। কিন্তু রাজ্যে কোন সরকারী
এই নতুন নির্দেশিকা মানছেন না। রাজ্যে
সরকারী ছাপাখানায় সেফটি অফিসার

কাজ করছেন তা জানার বিষয় নয়।
বিশেষ পরিস্থিতিতে কারখানার
নিরাপত্তার স্বার্থেই সেফটি অফিসার
নিয়োগ করা প্রয়োজন। ভূটমিলে অদূর
ভবিষ্যতে সেফটি অফিসার নিয়োগ করার
জন্য একটি পরিকল্পনা রয়েছে। কারখানার
নিরাপত্তার স্বার্থেই বর্তমান পরিস্থিতিতে
সংশোধন করা হতে পারে।
অগনিইজেশনের মুখপাত্রটি জানান।

তার সহযোগী কোম্পানী ওলির মু-
এবং ৫০০ কোটি টাকা ছাড়িয়ে যাবে।
গতকাল দিল্লীতে জনৈক সরকারী মুখপাত্র
এই সংবাদ জানিয়েছেন। গত বছরের
তুলনায় এই মূল্যফার পরিমাণ এবছর
১০০ কোটি টাকা বেশী হয়েছে বলে
জানা গেছে। এদিকে জনৈক সরকারী
মুখপাত্র জানিয়েছেন অর্থ দিয়ে নতুন
নতুন প্রকল্প গড়া যাবে।

প্রশাসনিক গাড়িমসিতে ছয় শীর্ষ অফিসারের ভাগ্য অনিশ্চিত অবস্থায়

নিজস্ব প্রতিনিধি : আগরতলা : ৩০
ডিসেম্বর।। রাজ্যের ছয় জন আই এ এস
অফিসারকে নিয়মিতকরণের জন্য রাজ্য
সরকারের তরফ থেকে এখনো কোন
উদ্যোগ নেওয়া হয়নি। তাদের নিয়মিত
করার জন্য কেন্দ্রীয় সরকারের কাছে
নাম পাঠানো হয়নি। ‘অফিসিয়েটিং
এপয়েন্টমেন্ট’ পাওয়ার তিন মাসের মধ্যে
নিয়মিত করার জন্য কেন্দ্রের কাছে নাম
পাঠাতে হয়। আগামী সাত জানুয়ারী তিন
মাসের মেয়াদ শেষ হচ্ছে। নিয়ম অনুযায়ী
তিন মাসের মধ্যে মনোনীত আই এ
এসরা নিয়মিত না হলে তারা আবার
পুরোনো পদে ফিরে যাবেন।
এদিকে মনোনীত আই এ এসদের
নিয়মিত না করার জন্য বহিরাগত আই এ
এস অফিসারদের চাপ অব্যাহত রয়েছে।

তাদেরই একটি চক্র এব্যাপারে সক্রিয়
ভূমিকা নিয়েছেন। গত সতের ডিসেম্বর
রাতে বহিরাগত আই এ এস আর সি এম
রেড্ডী, মনোজ কুমার, লোকেশ্বর প্রসাদ,
আয়েদার সহ আরও কয়েকজন উপ-
মুখ্যমন্ত্রী বৈদ্যনাথ মজুমদারের সঙ্গে
সাক্ষাৎ করেন। এবং মনোনীত ছয় জন
অফিসারকে নিয়মিত না করার জন্য
পরামর্শ দেন। আর সি এম রেড্ডী রাজ্যে
আই এ এস অফিসার এসোসিয়েশনের
সম্পাদক। ফলে তাদের ভূমিকায় অন্যান্য
অফিসারদের মধ্যে তীব্র প্রতিক্রিয়া দেখা
দিয়েছে। মুখ্যসচিব এমু দামোদরন
দিল্লীতে যাওয়ায় এই বিষয়ে অচলাবস্থা
দেখা দিয়েছে। অনেক গুরুত্বপূর্ণ সিদ্ধান্ত
চূড়ান্ত অনুমোদনের অপেক্ষায় রয়েছে।
ছয় অফিসারের রেগুলার করার ফাইলও

হিমঘরে পড়ে আছে। ফলে তাদের মধ্যে
অনিশ্চয়তা চলছে। তারাও প্রশাসনিক
কাজকর্মে টিমেতালি ভাব দেখাচ্ছেন। যে
ছয়জন অফিসারের হাতে গুরুত্বপূর্ণ দায়িত্ব
সমূহ রয়েছে তারা তাঃ মনোনিবেশ
করছেন না। ফলে বড় গুরুত্বপূর্ণ ফাইল
আটকে রয়েছে। কাজকর্মে এরা উৎসাহ
পাচ্ছেন না। কারণ সাত তারিখের মধ্যে
এদের চূড়ান্ত কিছু না হলে এদের আবার
পুরোনো পদে ফিরে যেতে হবে। ফলে
এখন এদের অনিশ্চয়তার মধ্যে কাজ
করতে হচ্ছে। মুখ্যমন্ত্রী এই ছয়জন
অফিসারকে নিয়মিত করার বিষয়ে
আশ্বাস দিয়েছিলেন। কিন্তু তা এখনও
বাস্তবে উদ্যোগ না নেওয়ায় অনিশ্চয়তা
বাড়ছে।

amw
maw
28.3.96

दैनिक सांवाद

ଓଟାକା ଓଟାକା ଓଟାକା
ସୁମାର କଲାର ଫଟୋ ପ୍ରିଣ୍ଟର
 ଅନ୍ତରାଷ୍ଟ୍ରୀୟ ଓପେନସୋର୍ସିବ୍ଲ ସେମିଟେ
 ଏକକୀୟ ବୁକ୍ସିଟ ଛବି ଦେଖିଆ ହୁଅ
ରକ୍ଷିତ ବ୍ରାଦାର୍ମ
 ଏକସକଳପରିରୋଡ, ଆଗରୁ ଓଡ଼ିଆ

মঙ্গলবার, ১৮ই

তিনি ক্রীকোচকার। প্রতিবেশের আড়াই কোটি টাকা এখনও প্রতিভেদে খাওয়া পড়াইনি। টাকা আত্ম নীকার করে নেন তিনি। আরও বলেন, ১৪ কোটি টাকার দেনা-পাওনা বিভিন্ন ব্যক্তির কাছে। ইতিমধ্যেই এই ব্যক্তিগুলি মিলে তাল্লা লাগিয়ে দেবার ইচ্ছাস্বার্থী দিয়েছে বলে সমুদ্রস্রাব জানিয়েছেন।

ପ୍ରଥମ ପାଠାର ପର

ততটা চিন্তা করতে + বেছেন না। বহিরাগত
অফিসারেরা তারই সুযোগ নিয়েছেন।
দ্বিতীয়তঃ মুখামম্বীকে বোঝানো হয়েছে যে,
এদের এখন মনোনিবেশ না দেখা হলে
বিষয়ভেদে স্থানীয় উপজাতি অফিসারেরা
৫০ ডিগ্রি মুযোগ পাবেন। শেষ পর্যন্ত
মুখামম্বীও তাদের ফাঁদে পা দিয়েছেন।

■ **প্রথম স্তরের পৰ**

পরে থেকেই শ্রাবণের ডি জি শ্রী বাণেশ্বর
সঙ্গে মহিষভাব মৃতবিরোধ দেখা দেয় । এক
সময় ফুক ডি জি রাজা থেকে চাকুরী ছেড়ে
চলে যাবারও ইচ্ছা করেন । সে-যাত্রায়
শ্রাবণের দশরথ দেব অনুরোধ করে তাকে
রাখেন । তবে রাজা মহিষভা তাকে কার্যে
সহায়তা করে দেন ।

পৃথিবীভ্রমের দ্বারা যখন প্রাচীন সভ্যতা
দখলী উঠেছে, সেসম্পর্কে সিদ্ধান্ত দিতে
ওয়াশিংটন কমিটিতে দায়িত্ব দেয়া হয়েছে।
উত্তরপ্রদেশ কংগ্রেস(ই) কমিটি সভাপতি
প. বেকের নায়গণ দত্ত ভেড়ওয়ারী শতাব্দীর
সম্পর্কে সাংবাদিকদের এক প্রশ্নের জবাবে
শ্রীসিং বলেন, শ্রীভেড়ওয়ারী পরিবার ভূমির
বিবর্তনশীল যে, মুসলমান সিং কাম্বব সরকারের
উপর থেকে সমর্থন প্রত্যাহার না করা
কিন্তু তিনি সভাপতির পক্ষে ইচ্ছা
করেন। শ্রীসিং পাঠ্য প্রশ্ন করেন যে,
কিন্তু শ্রীভেড়ওয়ারী আর কি করত
কিন্তু ? মুসলমান সিং সরকারের উপর
কিন্তু তিনিও সমর্থন প্রত্যাহারের পক্ষপাতি
কিন্তু সাংবাদিকদের এই প্রশ্নের জবাবে
শ্রীসিং বলেন, এ ব্যাপারে সিদ্ধান্ত নেবার
জন্য কংগ্রেস(ই) ওয়াশিংটন কমিটি দলের
সভাপতি পি ভি ব্রহ্মসীমা রাওকে দায়িত্ব
দেওয়া হয়েছে। ভারত দলের এই সিদ্ধান্ত এখনো
বহুদল।

কমিটিতে (আমি) এবং কব সিংহাচার্য অংশীদার হয়ে একত্রে নেতৃত্বে বিদ্রোহ পোদুশায়ানতার প্রতিযোগ কেন আনছেন এই প্রশ্নের জবাবে তিনি বলেন, “ওইভাবে কাজ করার জন্য আমরা তাকে (শ্রীমদাচার্য) দায়িত্ব দিয়েছি বলে আমি মনে করি না।”

শ্রীসিং বলেন, “আমরা এখন দেখছি দলে কী ঘটছে। সাংগঠনিক কামরা ভেঙ্গে পড়ছে। তার জন্য আমি দুঃখ করেছি বলে গণতান্ত্রিক প্রক্রিয়া পুনরায় ফিরিয়ে আনতে। পদত্যাগপত্রে যেসমস্ত বিষয় উত্থাপন করেছে সেসম্পর্কে দলের ওয়ার্কিং কমিটিতে তিনি ব্যাখ্যা চাইবেন কিনা এই প্রশ্নের জবাবে শ্রীসিং বলেন, আগে ওয়ার্কিং কমিটির বৈঠক ডাকা হোক। এ ব্যাপারে কোন ভাড়া নেই। প্রাক্তন খাদ্যমন্ত্রী কল্পনা রাইয়ের সঙ্গে তার বৈঠক ঘিরে পত্রপত্রিকায় যে জল্পনা-কল্পনা চলছে সেসম্পর্কে তিনি বলেন, শ্রীরাই তার কাছ থেকে কয়েকটি ব্যাখ্যা চেয়েছেন। শ্রীসিং বলেন, রাইয়ের একটা ধারণা হয়েছিল যে, তিনিই প্রধানমন্ত্রীর

সরকারের কাছ থেকেও অনুরূপ ব্যাখ্যা
চাওয়া হয়েছিল।
এরূপাচল প্রদেশ সরকারের পক্ষ থেকে

Phone No. 226577 & 226676, Fax No.: 0381 - 224845

নির্বাচন কমিশন যাতে তার সিদ্ধান্ত পূর্ণাঙ্গভাবে যথেষ্ট শাস্তি পায় সেই ব্যবস্থা
৬-এর শর্তাৱ ৬টি কলমে দেখুন নেয়ার মাঝী জানান

বহিরাগতদের চাপে স্থানীয়রা বঞ্চিত

আই এ এস মনোনয়ন নিয়ে
রাজ্য প্রশাসন কার্যত দ্বিধাবিভক্ত

সংবাদ প্রতিনিধি, আগরতলা, ২রা জানুয়ারী
: ছয় টি সি এস অফিসারের আই এ এস
মনোনয়ন না-ইওয়ার ঘটনাকে ধিরে রাজা
প্রশাসন স্থানীয় ও বহিরাগত অফিসারকা
র মধ্যে কার্যত বিখ্যাত-কল্প-হর পড়েছে । টি
সি এস অফিসার এসসিএসশেন ইতিহাসেই
এই বৈষম্যমূলক আচরণের বিরুদ্ধে
প্রতিবাদ জানিয়েছেন । ফলে স্বাধিকারবোধে
প্রশাসনের কাজকর্মেও এর প্রভাব পড়তে
শুরু করেছে এ ব্যাপারে দুঃখময়ী
ভূমিকা নিয়েও গভীর সংশয়ের সৃষ্টি
হয়েছে ।

বহিরাগত ও ভা. সরকার নিযুক্ত কিছু আই-এ এস অফিসারের দ্বারা রক্ষা করতে গিয়েই রাজ্য কাভারের এই অফিসারদের বঞ্চিত হতে হয়েছে। রাজ্য সরকার প্রথমে এগারজনকে আই-এ এস মনোনয়ন দিয়েছিলেন, কিন্তু পরে বহিরাগত কিছু জুনিয়র আই-এ এস অফিসারের দ্বারা রক্ষা করতে গিয়েই স্থানীয় অফিসারদের এভাবে বঞ্চিত করা হয়। এগারজনের মধ্যে পাঁচজনকে কনফার্ম করতে দেশে প্রবেশ পাঠানো হয়। নিয়ম অনুযায়ী

নবীনরত্ন দেয়ার তিন মাসের মধ্যে
কনফারেন্সের জন্য দিল্লীতে না
পারতে হয়। আগামী ৪ঠা জানুয়ারী
এই তিন মাসের সময়সীমা অতিক্রান্ত হতে
চলেছে। এখন এই ছয় অফিসার যে
এবারে মত ব্যক্তিই হতে চলেছেন তা
একবাক্যে নিশ্চিত করেই বলা চলে।

এই প্রায়জনকে আই এ এস মনোনয়ন দেয়া হলে মাঝে কর্মরত বেশ কিছু বহিরাগত আই এ এইস অফিসার তাদের থেকে স্থানীয় হয়ে যেতেন। কেননা, এখন মনোনয়ন শেলেও আই এ এস কলস অনুযায়ী তাদের সিনিয়রিটি ধরা হতো এবং আগে থেকে। কলস অনুযায়ী যেদিন থেকে তারা আই এ এস মনোনয়নের যোগ্যতা অর্জন করেছে তার থেকে মনোনয়ন পাওয়ার দিন পর্যন্ত সময়ের অর্ধেক সময় তাদের সিনিয়রিটির সঙ্গে যোগ হবে।

এই আশঙ্কা থেকেই একদল বহিরাগত আই
এ এস অফিসার মুশাসিবিবের কাছে ডেপুটেশন
দেন। এতে তারা স্থানীয় অফিসারদের
মনোনয়নের বিরোধিতা করেন। জানা

গেছে, মুখ্যমন্ত্রী এম পামোম্বন প্রথমে
বহিরাগত এই অফিসারদের দাবী-বিস্তারিত
করলেও শেষ পর্যন্ত তাদের চাহিদা কাছে
মাথা নোম্মতে বাধ্য হন ।
আমি সেহে, ইনিয়া অফিসারদের এই
পেশাদারিত্ব বিরুদ্ধিতা করে ডেপুটেশন
দেয়ার কাজে মুখ্য ডুমিকা পালন করেন
মুখ্যমন্ত্রীর সচিব সি রাজেশ্বর রাও । তিনিই
নাকি অন্যান্যদের কাজ থেকে দূরত্ব সংগ্রহ
করেন এবং এ ব্যাপারে মুখ্যমন্ত্রীর সম্মতি
আপান্নে একটি বিশেষ ডুমিকা পালন
করেন । এই ঘটনা আর এ এস অফিসার
এসোসিয়েশনেও গভীর ক্ষোভের সৃষ্টি
হয়েছে । কেননা, এই ডেপুটেশন দেয়ার
আগে এসোসিয়েশনে এ সমস্যা কোন
আলোচনা করা হয়নি ।
এমিকে স্থানীয় অফিসারদের ক্রটি বরণ
এই ঘটনায় মুখ্যমন্ত্রী দশরথ দেবও সম্মতি
দিয়েছেন । ফলে তার ডুমিকা নিয়ও
সংশয়ের সৃষ্টি হয়েছে । এ ব্যাপারে
প্রশাসনে দুটি মত রয়েছে । প্রথমতঃ মার্চ
১৯৬৭তার কারণে মুখ্যমন্ত্রী কোন বিষয়ে
● ৬-এর পাতার ৬ষ্ঠ কলাম দেবন

ত্রিপুরা দর্পণ

ANNEXURE

12 E

শনিবার ২৩ পৌষ ১১৪০ বঙ্গাব্দ ৭ জানুয়ারী ১৯৯৫

ফোন : ২২-৬৬৮৯/২২-৩৮৩৮/২

চক্রান্তের স্বীকার

প্রথম পাতার পর

নিয়মিত করার জন্য নাম পাঠানো হয় পাঁচ অফিসারের। এবং যথার্থি তারা নিয়মিত হয়ে যান। বাদ যাওয়া হয় জন অফিসারকে বলা হয় দ্বিতীয় দফায় তাদের নাম পাঠানো হবে। কিন্তু সময় অতিক্রান্ত হয়ে গেলেও তাদের নাম নিয়মিত করার জন্য পাঠানো হয়নি। তাদের বাদ যাওয়ার পেছনে বহিরাগত অফিসাররাই মুখ্যমন্ত্রীকে ভুল বুঝিয়েছেন। এ অফিসাররা মুখ্যমন্ত্রী দশরথ দেবকে বুঝিয়েছেন বর্তমানে আই এ এস অফিসারের পাঁচটি পদই শূন্য আছে। এখ্যাপারে তারা উনিশ শ ছেয়টি সাধের কলসের কথা মুখ্যমন্ত্রীকে জানান। কিন্তু উনিশ শ উনমত্বেই সালে ঐ কলস পরিবর্তন করা হয়। উনিশ শ তিরানকুই সালে রাজ্যে আই এ এস পদের সংখ্যা উনিশ থেকে বাড়িয়ে পঁচিশ করা হয়। বাদ যাওয়া এক অফিসার জানান, বর্তমানে মোট বারটি শূন্য পদ রয়েছে। কেন্দ্রীয় সরকারের হিসেবেও রাজ্যে শূন্য আই এ এস পদের সংখ্যা বারটি। কিন্তু আই এ এস আয়েসারের নোড়ুড়ে একদল অফিসার দিল্লীতে গিয়ে জানিয়ে আসেন রাজ্যে বর্তমানে পাঁচটি শূন্য পদ আছে। এমনকি গত সতের ডিসেম্বর রাতে বহিরাগত এম সি রেড্ডি, মনোজ কুমার, লোকরঞ্জন এবং আয়েসার উপ-মুখ্যমন্ত্রী বৈদ্যনাথ মজুমদারের সঙ্গে সাক্ষাৎ করেন। শ্রীমজুমদারকে তারা জানান, বর্তমানে রাজ্যে পাঁচটি শূন্য পদ রয়েছে। তাই বাকী ছয় জনের নাম যেন পাঠান না হয়। তাদের নাম পাঠালে বহিরাগত আই এ এস অফিসারদের স্বার্থ ক্ষুণ্ণ হবে। কেন্দ্রীয় সরকারের হিসেব না বাজান অফিসারদের হিসেব সঠিক তা নিয়ে রাজ্য সরকার দ্বিধাভ্রষ্ট হয়ে পড়েন।

মন্ত্রকদের মত প্রকাশ্যে বাদ যাওয়া ছয় অফিসারকে নিয়মিত করার জন্য এখনো নাম পাঠানো হয়নি। বহিরাগত অফিসারদের হাতে রাখতে মুখ্যসচিব এম দামোদরগ এবং মুখ্যমন্ত্রীর সচিব রাজেশ্বর রাও অনেকদিন আগেই ছুটি নিয়েছেন। মুখ্যমন্ত্রীও বর্তমানে মাদ্রাজে আছেন। তবে গত দুই তারিখ রাজ্য সরকারের পক্ষ থেকে কেন্দ্রীয় সরকারের কাছে চিঠি লেখা হয়েছে। এবং সত্যিই বারটি পদ শূন্য কিনা তা জানাতে অনুরোধ করা হয়েছে। যারা বাদ পড়েছেন তারা হলেন, এস এস দত্ত, বি কে রায়, কে সি গোস্বামী, পবন দেববর্মা, ডি কে দে এবং বি কে চক্রবর্তী। এখন বাদ যাওয়া ছয় অফিসারের ভাগ্য রাজ্য সরকারের হাতে। তাদের মনোনীত আই এ এস পদে রাখা হবে না পুরনো টি সি এস পদে ফিরিয়ে নেওয়া হবে এখ্যাপারে রাজ্য সরকার সিদ্ধান্ত নেবেন।

রান ওয়েতে লরীর ধাক্কায় নিহত ২

নিজস্ব প্রতিনিধি: আগরতলা: ৬ জানুয়ারী: বিমানবন্দরের ভিতর গ্রীফ কোম্পানীর একটি গাড়ী দুর্ঘটনায় দুই শ্রমিকের মৃত্যু হয়। গ্রীফ কোম্পানী ভারত-বাংলাদেশে সীমান্তে রাস্তা তৈরীর শিক্ষাদেবের উদ্যোগে রয়েছে। গ্রীফের একটি মালবাহী গাড়ী দ্রুতবেগে নিরঞ্জন দাস ও শান্তি মেননাথ নামে দুই শ্রমিককে ধাক্কা দিলে একজন ঘটনাস্থলেই প্রাণ হারান নিরঞ্জন দাসকে আহত অবস্থায় জিবি হাসপাতালে ভর্তি করার পর রাত প্রায় এগারটা নাগাদ তাঁইও মৃত্যু হয়।

আগরতলা: ৬ জানুয়ারী: ১১ দিল্লীতে প্রজাতন্ত্র দিবস উপলক্ষে আয়োজিত সাংস্কৃতিক অনুষ্ঠানে ত্রিপুরা পক্ষে এবার ঐতিহ্যবাহী হজাগিরি নৃত্যদল যোগ দিয়েছে। গত ৫ জানুয়ারী ১৬ জন রিয়াম নৃত্য শিল্পী সহ ২০ জনের এক দল দিল্লীর উল্লেখ্যে রওনা হয়েছে। আমরপুর মহকুমার তকসাপাড়া পূর্ব দলুমা ও পাহাড়পুর লোকরঞ্জন শাখার নিবাচিত শিল্পীরা এই দলে রয়েছেন। উল্লেখ্য পূর্বাঞ্চল সংস্কৃতি কেন্দ্রের সহযোগিতায় এবং তথ্য, সংস্কৃতি ও পর্যটন দপ্তরের উদ্যোগে ত্রিপুরার এই নৃত্যদলটি দিল্লী যাচ্ছে।

২৬ জানুয়ারী : ত্রিপুরা দল দিল্লী যাচ্ছে

আগরতলা: ৬ জানুয়ারী: ১১ দিল্লীতে প্রজাতন্ত্র দিবস উপলক্ষে আয়োজিত সাংস্কৃতিক অনুষ্ঠানে ত্রিপুরা পক্ষে এবার ঐতিহ্যবাহী হজাগিরি নৃত্যদল যোগ দিয়েছে। গত ৫ জানুয়ারী ১৬ জন রিয়াম নৃত্য শিল্পী সহ ২০ জনের এক দল দিল্লীর উল্লেখ্যে রওনা হয়েছে। আমরপুর মহকুমার তকসাপাড়া পূর্ব দলুমা ও পাহাড়পুর লোকরঞ্জন শাখার নিবাচিত শিল্পীরা এই দলে রয়েছেন। উল্লেখ্য পূর্বাঞ্চল সংস্কৃতি কেন্দ্রের সহযোগিতায় এবং তথ্য, সংস্কৃতি ও পর্যটন দপ্তরের উদ্যোগে ত্রিপুরার এই নৃত্যদলটি দিল্লী যাচ্ছে।

আজ চূড়ান্ত সময়সীমা

চক্রান্তের শিকার

রাজ্যের ৬ অফিসার

নিজস্ব প্রতিনিধি: আগরতলা: ৬ জানুয়ারী: ১১ আমলাতান্ত্রিক গড়িমসি এবং বহিরাগতের আই এ এস অফিসারদের চক্রান্তের শিকার হলেন রাজ্যের ছয়জন মনোনীত আই এ এস অফিসার। তাদের নিয়মিত করার জন্য কেন্দ্রীয় সরকারের কাছে বহিরাগত নাম পাঠানো যাওয়ার নির্দেশ অনুযায়ী মনোনীত আই এ এসদের নিয়মিত করার জন্য তিন মাসের মধ্যে কেন্দ্রীয় সরকারের কাছে নাম পাঠাতে হয়। আগামীকাল তিন মাসের মেয়াদ শেষ হচ্ছে। রাজ্য সরকার এখনো নাম না পাঠানোয় ছয় অফিসার নিয়মিত হতে পারছেননা। ফলে এদের পূর্বতন টি সি এস অফিসার পদে ফিরে যেতে হবে। সংবাদ সূত্রে প্রকাশ, বহিরাগতের আই এ এস অফিসারদের চক্রান্তেই বাদ যাওয়া ছয় অফিসার নিয়মিত হতে পারেননি। তিন মাস আগে একই সঙ্গে রাজ্যের এগার জন টি সি এস অফিসারকে আই এ এস পদে মনোনীত করা হয়। কিন্তু



জন্ম ২০ মার্চ, মাদ্রাসা ০৭ জানুয়ারী

ভোটার তালিকা পঞ্চ ভিত্তি করে ছয় লক্ষ

নিজস্ব প্রতিনিধি: আগরতলা: ৬ জানুয়ারী: ১১ সারা রাজ্যে এবার ছয় লক্ষাধিক নতুন রেশন কার্ড বন্টন করা হবে। আগরতলা পুর এলাকা, কাঞ্চনপুর, সাক্রম এবং অমরপুর মহকুমায় আগামী ১৫ জানুয়ারীর মধ্যে নতুন রেশন কার্ড বন্টনের কাজ শুরু হবে। এই চারটি এলাকার জন্য ইতিমধ্যে ৫০ লক্ষ পার হাজার রেশন কার্ড সংশ্লিষ্ট কার্ডপঞ্জের হাতে তুলে দেয়া হয়েছে। বিলেনীয়া ও উদয়পুরে অষ্টাশি হাজার রেশন কার্ড পাঠানো হয়েছে। বিলেনীয়া ও উদয়পুর মহকুমায় নতুন রেশন কার্ড বন্টনের কাজ চরটি মাসেই সম্পন্ন হবে

মুহুরীর চরে অপরহণের

নিজস্ব প্রতিনিধি: বিলেনীয়া: জানুয়ারী ৬।। ভারত ভূখণ্ডে কতিপয় বাংলাতে দুর্ভুৎ দলের হামলায় গতকাল যে দস্ত নামে এক কৃষক মুহুরীর চর এলাকায় আহত হয়েছে। এই ঘটনায় চর এলাকায় শমধমে। দুর্ভ বিলেনীয়ায় থানা দিয়ে ৩টি গরুর নিয়োগ মাংস চর এলাকায় বাংলা দুর্ভুৎ দলের হামলা সত্ত্বেও বিএস নিষ্ক্রিয় ভূমিকায় জনমনে অসন্তোষ আকার ধারণ করেছে।

রাজ্যে বৈরীতৎ

নিজস্ব প্রতিনিধি: আগরতলা: ৬ জানুয়ারী: ১১ কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী এ চ্যবনের ডাকে দিল্লী যাচ্ছেন স্বরাষ্ট্র মন্ত্রী চৌধুরী। স্বরাষ্ট্রমন্ত্রী শ্রীচৌধুরী তারিখ রাজ্য ত্যাগ করবেন। তবে কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রীর সঙ্গে বৈঠক হবে নয় তারিখে স্বরাষ্ট্রমন্ত্রীর দিল্লী সফরের ব্যাপ সরকারীভাবে কিছু বলা হয়নি। কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী ঠিক কি কি বিষয়ে আলোচনার জন্য শ্রুতমাত্র ত্রিপুরা স্বরাষ্ট্রমন্ত্রীকে বৈঠকে ডেকেছেন কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী জানান।

চ্যবনের ডাকে

নিজস্ব প্রতিনিধি: আগরতলা: ৬ জানুয়ারী: ১১ কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী এ চ্যবনের ডাকে দিল্লী যাচ্ছেন স্বরাষ্ট্র মন্ত্রী চৌধুরী। স্বরাষ্ট্রমন্ত্রী শ্রীচৌধুরী তারিখ রাজ্য ত্যাগ করবেন। তবে কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রীর সঙ্গে বৈঠক হবে নয় তারিখে স্বরাষ্ট্রমন্ত্রীর দিল্লী সফরের ব্যাপ সরকারীভাবে কিছু বলা হয়নি। কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী ঠিক কি কি বিষয়ে আলোচনার জন্য শ্রুতমাত্র ত্রিপুরা স্বরাষ্ট্রমন্ত্রীকে বৈঠকে ডেকেছেন কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী জানান।

GIST OF PRESS REPORTS ON THE NOMINATION OF
SCS OFFICERS INTO IAS IN 1994.

Syandan Patrika on 3-12-94 reported about tussel between the Chief Minister and the Chief Secretary about nomination of State Civil Service Gr.I Officers to IAS. While the Chief Secretary wants eleven Officers to be nominated the Chief Minister desired only 5 of them to get it only against 1994 Select List.

The Select Committee considered 22 Officers for eleven vacant posts and the Select Committee recommended eleven names as a result many senior Officer namely Sri D.P. Datta and others were dropped despite their eligibility. Some of them already moved the Court against injustice meted out to them. The name of Sri Harihar Das was in the Select List but finally without showing any reason his integrity certificate withdrawn and he is now awaiting justice from CAT.

On recommendation of Select Committee Govt. appointed eleven Officers under rule 9(1) for 3 months which would expire on 5-1-95.

Central Govt. gives regular appointment to IAS on the recommendation of the State Govt. Central Govt. wanted concurrence of the State Govt. but as administrative head the Chief Minister of Tripura gave concurrence for only 5 Officers - Central Govt. through correspondence wanted to know reasons for not giving concurrence in respect of other 6 Officers to which no reply had gone from the State Govt.

Unless before 31st Dec'94 the Chief Minister gives concurrence for all eleven Officers no one will get into IAS against 1994 Select List and all of them will have to be reverted to the TCS Posts.

Syandan Patrika on 18-12-94 reported that the Chief Minister wants the file for nomination to IAS by Monday. TCS Officers Association met in a deputation on 16-12-94 and made him aware of the handy-works of the Direct Recruit IAS Officers of Tripura Chapter who mislead Chief Minister requested for giving concurrence for only 5 Officers leaving other 6 Officers.

Generally those Officers who get appointment for 3 months ^{under} rule 9(1) there is no instance in the State Administration to drop any of them. The Chief Minister on being told about the mischief design to malign/deprive the Local Officers by the Direct Recruit IAS Officers of Tripura Chapter gave order to the Chief Secretary to prepare a fresh proposal to give concurrence to all the eleven Officers.

Tripura Darpan on 31-12-94 reported that the fate of 6 Officers is uncertain due to administrative idleness. The time of adhoc appointment to IAS for 6 Officers will expire on 7-1-95 within the time proposal for their regular appointment was to be sent to the Govt. of India failing which these 6 Officers will have to go back to their old TCS posts from which they were elevated.

Though the Chief Minister given assurance for regularisation of those six Officers no action has still been taken and no proposal sent. Meanwhile some Direct Recruit IAS Officers of Tripura Chapter met the Dy. Chief Minister on 17-12-94 advised against giving regular appointment to 6 Officers and they are putting all pressures which has created great resentments among the SCS Officers.

Dainik Sambad on 3-1-95 reported that at the pressure of Direct Recruit IAS Officers in the State the SCS Officers are going to be deprived and about nominated to IAS the State administration is virtually divided.

For not sending regular proposal of 6 Officers to Govt. of India the entire administration virtually been divided between Local and Outsider. The TCS Officers Association have also protested against this discrimination. This has also affected the working condition in the administration.

It is learnt that the State Govt. virtually succumbed to the persistent Pressure tactics of Direct Recruit IAS Officer. If the said 6 Officers are given regular appointment the Direct recruits will be junior. Led by Sri K. Rajeswar Rao, Secretary to the Chief Minister they arranged deputations, signature collections etc. and in *moulding* the Chief Minister to accede to their request by not agreeing to send proposal for the rest 6 Officers of SCS. It is also learnt that these Direct Recruit IAS Officers took advantage of the present condition of ailing Chief Minister and they also might have misled Chief Minister that in future no local Tribal Officer will be benefitted if these 6 posts are not kept vacant and in the process the Chief Minister also was trapped.

Tripura Darpan on 7-1-95 reported that 6 SCS Officers have become the victims of conspiracy of the bureaucratic maneuvering of Direct Recruit IAS Officers of Tripura Chapter.

Within 3 months the proposal for regular appointment of 6 Officers have not been sent as a result these Officers are to be reverted.

Despite assurance their proposal could not go presumably for misleading the Chief Minister by the Direct Recruit IAS Officers of Tripura Chapter.

*a m
for up*

They gave false information regarding interpretation of 1966 rules which had been repeated by rule of 1989 by which Cadre Strength of SCS Officers raised for 19 to 25 and now there is vacancy for 12 SCS Officers. It was reported that Central Govt. also agreed.

The so called outside IAS Officers also gone to Delhi to inform that only 5 vacancies are there and on 17-12-94 at night they met the Dy. Chief Minister to urge for not sending proposal for rest 6 Officers as it will be against their interest.

It was also learnt that the State Govt. wrote to the Govt. of India to know whether there are vacancies for 12 SCS Officers on 2-1-95 last. The name of victims are S.S. Datta, B.K. Roy, K.P. Goswami, Pallab Deb Barma, D.K. De and B.K. Chakraborti.

Officers luck now entirely depends on the State Govt.

am
for up

ANNEXURE

13

NO.F.2(21)-GA/93(1)
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

Dated, Agartala, the 25th January, 1995.

To

- (1) Shri S.S. Dutta, TCS Gr. I,
Addl. D.M. & Collector,
West Tripura, Agartala.
- (2) Shri B.K. Roy, TCS Gr. I,
Director, Social Welfare & Social Education,
Govt. of Tripura, Agartala.
- (3) Shri K.P. Goswami, TCS Gr. I,
Joint Secretary, Finance Department,
Govt. of Tripura, Agartala.
- (4) Shri Pallab Deb Barma, TCS Gr. I,
Director, Printing & Stationery Deptt.,
Govt. of Tripura, Agartala.
- (5) Shri B.K. De, TCS Gr. I,
Joint Secretary, S.A. Department with
Head Quarters at Calcutta.
- (6) Shri B.K. Chakraborty, TCS Gr. I,
Joint Secretary, Finance Department,
Govt. of Tripura, Agartala.

Sir,

I am directed to request you kindly to
furnish two copies of Declaration and Undertaking as
per proforma enclosed to this Department at an early date.

Yours faithfully,

(A.L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

*am
D.K. Chakraborty*

25/1/95

CONFIDENTIAL
SPED POSTNO. E.2(21) CA/93(1)
GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

ANNEXURE 14

Dated, Agartala, the 24th January, 1995.

To
The Deputy Secretary,
Government of India,
Ministry of Personnel, P.G. & Pensions,
(Department of Personnel & Training),
New Delhi-110 001.

Subject:- Selection Committee Meeting for promotion of
State Civil Service Officers to J.S. Joint Cadre
of Manipur-Tripura (Tripura Part) during 1993-94.

Sir,

In continuation of this Department letter of even
number dated 19th November, 1994 on the subject mentioned above,
I am directed to send herewith relevant papers as in the
prescribed formats for the 6(six) Officers at Sl.No.6 to 12
except Shri Harinagar Das (Sl.No.8) namely S/Shri S.S. Dutta,
B.K. Roy, K.P. Goswami, P. K. Das, B.K. Das and B.K.
Chakraborty.

- (i) Information in respect S.C.S. Officers to
be promoted to IAS in the prescribed Form-I.
- (ii) Information in respect of competitive examina-
tion recruits Tripura Part of IAS(M) Cadre
in Annexure- 'A'.
- (iii) Information in respect of working strength
of promotion post available for promotion
of the Select List Officers in the Annexure- 'B'.
- (iv) The declaration of the marital status and
the written consent for termination of lien
in ICS in the even his/her confirmation in
IAS alongwith certificate to the effect that
there has been no deterioration in the conduct
or performance of the officers.

2. It may further be mentioned that proposals in
respect of continuance of officiating appointment of the
aforesaid six select list officers in the IAS Cadre posts
(as indicated against each) beyond the initial period of three
months i.e. from 07-01-1995 to 06-04-1995 have been furnished
in Annexure- 'C' & 'D' for favour of kind consideration and
approval of the Government of India to this effect as required

Contd.....P/2.....

53

- :: (2) :: -

under rule-9 of M.O(Cadre) Rules, 1955.

I am directed to request you to consider issuing formal order of appointment of the above six officers to the J.O.(Manipur-Tripura) Cadre of Tripura Post on regular basis under sub-regulation(1) of Regulation-9 of the Indian Administrative Service (Appointment by promotion) Regulations, 1955 and also accord Govt. of India's approval to the continuance of officiation appointment of the aforesaid 6(six) select list officers in J.O. Cadre Post to this Govt. at an early date.

Yours faithfully,

Enclosure as stated.

(A.L. Chakraborty)
Deputy Secretary to the
Government of Tripura

Copy to:-

1. The Chief Secretary, Govt. of Manipur, IMF.L.

*am
Pore*

A.L. Chakraborty
(A.L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

•*****•

Original

HO.F.2(21)-GA/93(L)
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

ANNEXURE

Dated, Agartala, the 13th February, 1994

1544

To,
The Deputy Secretary (AIS),
Department of Personnel & Training,
Government of India,
North Block,
New Delhi.

(Kind attention Shri R. Vaigyanathan, Desk Officer (AIS-4))

Subject :- Select Committee meeting for promotion of SCS Officers to F-1
Joint Cadre of Manipur-Tripura (Tripura part) during 1993-94

Sir,

I am directed to refer to your letter No. 14015/3/94 AIS(h) dated 09.02.94 on the subject noted above and state that Shri Hanthar Das of C.I. 11 has been chargesheeted under disciplinary Rules by the State Government on 09.02.95 under Memorandum No. F.11(152)-ARD/93/21-23 by the Government. Copy of the same is enclosed herewith for taking necessary action in regard to marking the name of Shri Das as "Deemed Provisional" under Regulation of 7(2) of the IAS (Appointment by promotion) Regulation, 1955.

Yours faithfully,

Enclo : As stated

(A. L. Chakraborty)
Deputy Secretary to the
Government of Tripura

Copy to the Secretary, Union Public Service Commission, Bhawan
House, New Delhi for information.

(A. L. Chakraborty)
Deputy Secretary to the
Government of Tripura.

ahm
for as

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

Page

40

(128)

No. F.2(21)-CA/93(L-I) Dated, Agartala, the 14th March, 1995.

NOTIFICATION

EX-17

17

In pursuance of Govt. of India, Ministry of Personnel, P.G. & Pensions, (Department of Personnel & Training) New Delhi Notification No. F.14015/3/94-AIS(I) dated 09-02-95 read with corrigendum dated 15-02-95, on promotion of the TCS Officers as indicated below to IAS on regular basis, the Governor is pleased to order that the Officers concerned will continue to hold their existing IAS Cadre Posts as noted against each until further orders :-

Sl.No.	Name of Officers	Name of Cadre Post.
1.	Shri S. S. Dutta, IAS	Asst. D.M. & Collector, West Tripura, Agartala.
2.	Shri B. K. Roy, IAS	Director Social Welfare & Social Education, Agartala.

By order of the Governor,

A.L. Chakraborty
(A.L. Chakraborty)

Deputy Secretary to the Government of Tripura.

Contd. F/2.

*am
for up*

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

No.F.2(21)-GA/93(L-I) Dated, Agartala, the 14th March, 1995.

NOTIFICATION

In pursuance of Government of India, Ministry of Person^{nel}, P.G. & Pensions, (Department of Personnel & Training), New Delhi Notification No.F.14015/3/94-AIS(I) dated 21-02-95 read with corrigendum dated 22-02-1995, on promotion of the TCS Officers as indicated below to IAS on regular basis, the Governor is pleased to order that the Officers concerned will continue to hold their existing IAS Cadre Posts as noted against each until further orders :

Sl.No.	Name of Officers	Name of Cadre Post.
1.	Shri K.P.Goswami, IAS	Joint Secretary, Finance & Agriculture Deptt. Govt. of Tripura, Agartala.
2.	Shri Pallab Debbarma, IAS	Joint Secretary, Printing & Stationary Deptt. Govt. of Tripura, Agartala. He will also hold the charge of Director, Printing and Stationary, in addition.
3.	Shri D. K. De, IAS	Joint Secretary, S.A. Deptt., 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 Joint Resident Commissioner, Tripura Bhavan, Calcutta in addition.

By order of the Governor,

(Signature)
(A.L.Chakraborty) 14/3/95
Deputy Secretary to the
Government of Tripura.

Contd. P/2

ANNEXURE 19

NO.F.2(21)-GA/93(L):

Dated, Agartala, the 1st July, 1995.

NOTIFICATION

The Governor with the approval of the Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, New Delhi communicated vide No.11033/13/95-AIS(II) dated 15-06-1995, is pleased to extend the term of officiating appointment of the following five TCS Gr.I Officers in the IAS Cadre posts for the period as noted against each:-

Sl. No.	Name of Officer	Name of Cadre post held	Period
1.	Shri S.S. Dutta, TCS Gr.I,	A.D.M. & Collector, West Tripura.	07-01-1995 to 08-02-1995.
2.	Shri B.K. Roy, TCS Gr.I,	Director, Social Welfare & Social Education, Agartala.	07-01-95 to 08-02-1995.
3.	Shri K.P. Goswami, TCS Gr.I,	Joint Secretary, Finance & Agriculture Department, Agartala.	07-01-95 to 20-02-95.
4.	Shri Pallab Deb Barma, TCS Gr.I,	Joint Secretary, Printing & Stationery Department, Agartala.	07-01-1995 to 20-02-1995.
5.	Shri D.K. De, TCS Gr.I,	Joint Secretary, S.A. Department, with headquarter at Calcutta.	07-01-1995 to 20-02-1995.

By order of the Governor,

(A.L. Chakraborty)
(A.L. Chakraborty)

Copy to:-

Deputy Secretary to the Govt. of Tripura.

- The Chief Secretary, Tripura, Agartala.
- The Chief Secretary, Manipal, Imphal.
- The Secretary to Governor, Tripura, Rajbhavan, Agartala.
- The Secretary to Chief Minister, Tripura, Agartala.
- The Office of the Deputy Chief Minister, Tripura, Agt.
- The offices of all Ministers, Tripura, Agartala.
- The Principal Secretary, All Commissioners/ All Secretaries, Tripura, Agartala.
- The Secretary, U.S.C., Dholpur House, New Delhi.
- The Deputy Secretary (Services), Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, New Delhi.
- The Finance (Estt. Branch)/S.A. Department, Civil Secretariat, Tripura, Agartala.
-

Contd... P/2.....

- (2)
- 62
11. The Accountant General (AGE), Tripura, Agartala.
 12. The D.M. & Collector West Tripura, Agartala.
 13. The Printing & Stationery Department, Tripura, Agartala.
 14. The All Departments/Heads of Departments, Tripura.
 15. The Director, Social Welfare & Social Education, Tripura, Agartala.
 16. The Finance & Agriculture Department, Tripura, Agartala.
 17. The Joint Resident Commissioner, Tripura Bhavan, Calcutta.
 18. The Treasury Officer, Agartala/Kailashahar, West Tripura/North Tripura.
 19. The Manager, Govt. Press, Agartala for publication.
 20. Officers concerned.
 21. Person files.

Approved 11/7/75
(A.L. Chakraborty)

Deputy Secretary to the
Government of Tripura.

[Handwritten signature]

To
The Chief Secretary to the
Government of Tripura,
A_G_A_R_T_A_L_A.

ANNEXURE 20

Through the Commissioner, Finance.

Subj:- Appointment to IAS by promotion from State Civil Service
Officers - Case of Sri B.K.Chakrabarti, TCS Gr.-I.

Sir,

Sri D.K.Chakrabarti, TCS Gr.I has been appointed to officiate in the IAS Cadre Post of Joint Secretary to the Govt. under Rule 9(1)(b) of the IAS Cadre Rule, 1954 vide Notification No.F.2(29)GA/94 dated 26th Dec., 1995.

2. So far my information goes the name of Sri D.K.Chakrabarti has been included in the Select List of 1995 alongwith 3 other officers of BCS including the undersigned as against two vacancies for appointment by promotion. Sri Chakrabarti was not in the Select List of 1994.

3. The name of Sri Harihar Das (SC) included conditionally in Sl. No.2 of the Select List while the name of the undersigned appeared in Sl.No.3 un-conditionally.

4. Due to pending vigilance case against Sri Das, the Administrative Reforms Deptt. did not issue vigilance clearance which is a requirement for the purpose.

5. Though Sri Harihar Das being treated by the State Govt. as a member of the Scheduled Caste Community since 1986 and even prior to that the real position is that Sri Das is not a member of the S.C. Community. But as he belongs to "Laskar" Community he could obtain S.T. certificate declaring himself as "Kshatria" which does not denote that he even belongs to Laskar Community.

6. After the judgement of the Hon'ble Apex Court in Civil Appeal No.479/86 (Appeal by Special Leave Calls in question the judgement of the Guwahati High Court dated 18.3.1985 in Civil Rule No.139/1979) between Sirish Ch.Choudhury V.S State of Tripura & others declaring that the Laskar Community does not constitute Sch.Tribe within the Presidential order issued in accordance with Provision in the Article-342 of the Constitution of India, Sri Das might have taken the advantage of his Surname "Das" and masterminded to declare him as a member of S.C. Community perhaps even prior to 1986 (Record from 1986 available with me).

- 2 -

7. Sri Harihar Das (SC) appeared in TPSC examination in 1975 as an S.T. candidate for appointment to TCS.

Again in 1976 he appeared in TPSC examination as an S.T. candidate and got the preferential Selection as an S.T. candidate in TCS and joined the TCS in July, 1977.

8. Thus it would appear that the State Govt. furnished false biadata to the JCA/Select Committee so as to further the prospect of his name been included in the Select List. At the material time there was move for Special Drive for recruitment/promotion of SC/ST candidate in the State and also pressure from direct recruit IAS due to submission of representation by some direct recruit IAS officers in the State not to make bulk recruitment as their seniority would be disturbed.

In both the Select List of 1994 and 1995 the name of Sri Das included with the mention of (SC) against his name.

9. For furnishing the false & fraudulent information about Caste status of Sri Das the Select Committee definitely took lenient view not to drop his name from the Select List of 1995 despite of his involvement in a vigilance case during 1994 for which he was not given officiating appointment by the State Govt.

10. In the Select List of 1994 the name of Sri Harihar Das (SC) included un-conditionally. But due to his involvement in a departmental proceeding he was not given officiating appointment by the State Govt.

11. As against eleven vacancies during 1994 the undersigned though was at Sl.No.12 was given officiating appointment to IAS in 10/'94 followed by a proposal to the Govt. of India for regular appointment.

12. But for the reasons best known to the State Govt. the proposal for regular appointment of the undersigned was sent in terms of provision in Sub-regulation-3 of Regulation-7 of the Indian Administrative Service (Appointment by Promotion) Regulation, 1955 presumably only with a view to deprive the undersigned and to safe-guard the interest of Sri Harihar Das (SC) as there were sharp reaction in the Govt. for less Proportionate Selection of ST/SC officers from TCS for appointment to IAS during the material time.

13. Had the proposal been sent in terms of provision in Sub-regulation-4 of Regulation-7 of the said Regulation, 1955 the Govt. of India would have no scope not to issue regular appointment by Presidential Order in favour of the undersigned.

Contd. Page-3

ans for up

- 3 -

14. In the earlier part of 1995 when out of eleven officers 10 officers were given regular appointment in IAS I took it as normal and thought that despite of best honest attempt of the State Govt. the Government of India did not agree to issue regular appointment.

15. But when I could collect all the above informations I have been taken to aback for the most unfair and fraudulent exercise of the State Government to further the prospect of appointment of Sri Das in IAS in future.

In any case man of legal jurisprudence shall consider all the above narrated exercise of the Government as partial, bias, unfair and motivated.

16. Incidentally I would like to allude here that Sri D.K.Da, IAS is also a junior officer to me in service. The details of which shall be given in due course of the process.

17. In the premises, to meet the end of justice, I humbly pray to the State Govt. to take appropriate legal step in the spirit of legal parlance to give me :

- (i) Regular appointment in IAS since 1994 onward in continuation to my officiating appointment in IAS vide No.F.2(21)-GA/93 (L-1) dated 7-10-1994.
- (ii) And to stop sending of proposal to the Govt. of India for regular appointment of Sri D.K.Chakrabarti who can not be senior to the undersigned due to the facts stated above.
- (iii) With the best hope of getting justice I conclude here for the present.

Mine faithfully,

(B. K. Chakrabarti)
Joint Secretary to the
Government of Tripura.

Copy in advance forwarded to the :

1. Secretary, Appointment & Services Deptt., Govt. of Tripura, Agartala.
2. Under Secretary, Union Public Service Commission, Dhampur House, New Delhi.
3. Desk Officer, Department of Personnel (AIS 1), North Block, New Delhi.

(B. K. Chakrabarti)
Joint Secretary to the
Government of Tripura.

Received
by Joint Secy. L.O.A
2/11/96

am
prans

Page

46

65

SECRET (S) (C) (U) (D)
Ministry of Finance
Bangkok, Thailand
(S-1000)

ANNEXURE

21

Dated, Bangkok, the 11th March, 1956

To
The Chief Clerk to the
Ministry of Finance

Through the Secretariat, Bangkok

Subject: Representation dated 3-1-1956 regarding appointment in IAS,
etc.

Kindly refer to my representation dated 3-1-1956.

The date of my representation may kindly be intimated.

Yours faithfully,

*Wm
for us*

(B. P. Chakrabarti)
Joint Secretary
Finance Deptt.
Ministry of Finance

To
The Chief Secretary,
Govt. of Tripura, Agartala.

Through the Finance Commissioner.

Sub:- Representation dated 3/1/96 regarding appointment to IAS

Sir,

Kindly refer to my representation addressed to you with
copy to others.

The fate of my representation may kindly be intimated.

Yours faithfully,

(B. K. Chakraborti)
Joint Secretary, Finance Department,
Tripura, Agartala.

*a m
10/1/96*

MOST IMMEDIATE

ANNEXURE 2

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi

F.No.14015/13/95-AIB(I)

Dated the 17th January, 1996.

To

The Chief Secretary
Government of Tripura
Appointments and Services Department
AGARTALA.

17 JAN 1996

(Kind Attn: Shri B.R. Mukherjee, Deputy Secretary)

Subject: Selection Committee Meeting for promotion of Officers
to IAS Cadre of Tripura part of Manipur-Tripura Joint
cadre during 1994-95 - regarding.

Sir,

I am directed to refer to State Government letter No. F.2(29)-GA/94 dated the 2nd January, 1996, on the above subject and to say as follows.

2. In terms of the second proviso to Regulation 9(1) of the I.A.S. (Appointment by Promotion) Regulations, 1955, while making appointment of an officer included in the Select List junior to the Select List officer whose name has been included or deemed to be included, provisionally in the Select List, one post will have to be kept vacant for such a provisionally included officer. It is observed that there are only two vacancies in the Tripura Segment of the IAS Manipur-Tripura Joint Cadre, to be filled from the current Select List and one vacancy has already been filled appointing the officer at Sl.No.1 of the Select List to the I.A.S. In view of this, Shri B.K. Chakraborty, TCS, included at Sl.No.3 of the current Select List for Tripura cannot be promoted to IAS under the rules, without keeping one post vacant for Shri Harihar Das, TCS, included provisionally in the Select List at Sl.No.2, as proposed.

3. The promotion of Shri B.K. Chakraborty can be considered only if an unforeseen vacancy occurs in the Cadre or the vacancy meant of Shri Harihar Das is released. The second vacancy meant for Shri Harihar Das can be released only subject to and in accordance with the provisions contained in the third proviso to Regulation 7(4) of the Regulations. It is for the State Government to take a considered view in the matter and submit suitable proposals.—

Yours faithfully,

R. Vaidyanathan

(R. VAIDYANATHAN)
Desk Officer

AKM
for ans

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

ANNEXURE 20

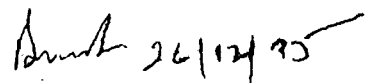
M.O.F.2(29)-CA/94;

Dated, Agartala, the 26th December, 1995.

NOTIFICATION

In the interest of public service, the Governor is pleased to appoint Shri D.K. Chakraborty, TCS Gr. I, Joint Secretary, Govt. of Tripura, Jail Department to officiate in the IAS Cadre post of Joint Secretary to the Govt. under Rule-9(1)(b) of IAS Cadre Rule, 1954 for a period of 3(three) months with effect from the date he takes over.

By order of the Governor,

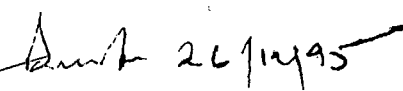


(B.R. Mukherjee)
Deputy Secretary to the
Government of Tripura.

Copy to:-

1. The Chief Secretary, Tripura, Agartala.
2. The Chief Secretary, Manipur, Imphal.
3. The Special Secretary to Governor, Tripura, Agartala.
4. The Secretary to Chief Minister, Tripura, Agartala.
5. The O/O the Deputy Chief Minister, Tripura, Agartala.
6. The offices of all Ministers, Tripura, Agartala.
7. The Principal Secretary/ All Commissioner/ All Secretaries, Tripura, Agartala.
8. The Secretary, Union Public Service Commission, New Delhi.
9. The Deputy Secretary (Services), Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, New Delhi.
10. The Accountant General (A&E), Tripura, Agartala.
11. The Finance (Estt)/S.A. Department, Civil Secretariat, Tripura, Agartala.
12. The Treasury Officer, Agartala, West Tripura.
13. The Manager, Govt. Press, Agartala for publication.
14. Shri D.K. Chakraborty, TCS Gr. I, Joint Secretary, Govt. of Tripura, Jail Department, Civil Sectt., Agartala.
15. Personal file.




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

.mmmmmmmmmm.

ANNEXURE

23

1. Name (in full) *Harikant Das*
2. Permanent Home Address (in full) *Pozvill - Brahmapur, P.S. Bishalganj Tripura*
3. Father's name (and also husband's name in the case of a woman Government servant) and residence *Shri Anan. 20 Khan Das
pozvill - Brahmapur, Tripura West*
4. Nationality (if not a citizen of India, number and date of the certificate of eligibility granted by the Government of India) *Indian*
5. If a member of Scheduled Caste/Scheduled Tribe, particulars of Caste/Tribe *Kshatriya*
6. Date of birth by Christian Era as nearly as can be ascertained *15th July, 1941* *Age verified as per certificate*
7. Educational qualifications *S.F., D.A (Com), B.Com* *Headmaster, Abhoynagar H.S. School, Govt. of Tripura*
8. Exact height by measurement (without shoes) *5' 9"*
9. Personal mark for identification *Cut in right leg*
10. Left hand thumb and finger impressions of (non-gazetted) officer if he is not literate enough to sign his name in English, Hindi or other regional language.

Little finger



Ring finger



Thumb



Middle finger



Fore finger



11. Signature of the Government servant

Harikant Das

12. Signature and designation of the head of the office or other attesting officer.

[Signature]

[Signature]
Headmaster,
Abhoynagar H.S. School,
Govt. of Tripura, Abhoynagar.

Note—(1) The entries on this page should be renewed or re-attested at least every five years and the signatures in lines 11 and 12 should be dated. Finger prints need not be taken afresh every five years under this rule.

(2) For additional entries in respect of Government servant of the Police Department please see Page 32.

1.	2.	3.	4.	5.
19.	Shri Bimal Bhowmik	8.6.76.	7.6.78	8.6.78
20.	Shri Dipak Kumar Chakraborty.	23.4.77.	22.4.79	23.4.79.
21.	Shri Nepal Ch. Sinha.	14.11.76.	13.11.78.	14.11.78.
22.	Shri Sailiana Sailo(ST).	17.6.76.	16.6.78.	17.6.78.
23.	Shri M.K. Deb Barma(ST).	8.6.76.	7.6.78.	8.6.78.
24.	Shri Santosh Kumar Sarkar(SC)	9.6.76	8.6.78.	9.6.78.
25.	Shri R.C. Choudhury (SC).	24.7.77.	23.7.79.	24.7.79.
26.	Shri S.K. Das (SC).	5.6.76.	4.6.78.	5.6.78.
27.	Shri Manik Lal Reang(ST).	11.6.76.	10.6.78.	11.6.78
28.	Shri A.B. Datta.	1.4.77.	31.3.79.	1.4.79
29.	Shri S.S. Dutta.	1.4.77.	31.3.79.	1.4.79.
30.	Shri M.K. Mazumder.	1.4.77.	31.3.79.	1.4.79.
31.	Shri Bijoy Kanti Roy.	12.7.77.	11.7.79.	12.7.79.
32.	Shri Harihar Das(SC).	7.7.77.	6.7.79.	7.7.79.
33.	Shri P.C. Bhattacharjee.	3.10.77.	2.10.79.	3.10.79.
34.	Shri R.K. Chakraborty.	17.3.78.	16.3.80.	17.3.80.
35.	Shri R.B. Deb.	31.3.78	30.3.80.	31.3.80
36.	Shri R.K. Sen.	18.3.78	17.3.80.	18.3.80
37.	Shri D.B. Chakraborty.	22.3.78.	21.3.80.	22.3.80.
38.	Shri R.L. Chakma (ST).	22.3.78.	21.3.80.	21.3.80.
39.	Shri K.P. Goswami.	24.4.78.	23.4.80.	24.4.80.
40.	Shri Pallab Deb Barma(ST).	24.4.78.	23.4.	24.4.80.
41.	Shri D.P. Datta.	28.7.78.	27.7.80.	28.7.80.
42.	Shri R.K. Deb Barma(ST).	19.8.78	18.8.80.	19.8.80.

2. The confirmation of the above officers is subject to condition that it will not confer any right of seniority.

By order of the Governor,

(P. B. Sharma)
Joint Secretary to the

amit
mas



GOVERNMENT OF TRIPURA

ANNEXURE

25

DISPOSITION LIST
OF
TRIPURA CIVIL SERVICE OFFICERS
[As on 1st November, 1994]

APPOINTMENT & SERVICES DEPARTMENT
GOVERNMENT OF TRIPURA
AGARTALA.

[Handwritten signature]

Tripura Civil Service

Sl.No.	Name of the Officers	Category ST/SC/Others	Date of Birth	Educational Qualification
ANNEXURE				
1	2	3	4	5
1.	Shri S. K. Adhikari,	Others	04-02-1942	M.A.
2.	Shri N. K. Maitra,	..	27-09-1942	B.Sc.
3.	Shri N. G. Bhattacharjee	..	16-01-1940	B.A. (Hons.)
4.	Sri Bimal Bhowmik	..	26-12-1942	M.Sc.
5.	Shri D. K. Chakraborty,	..	15-08-1952	B.A.(Hons.)
6.	Shri Nepal Ch. Sinha,	..	03-01-1952	M.Sc.
7.	Shri Sailuma Saino,	S.T.	01-11-1947	M.A. B.Ed.
8.	Shri M. K. Deb Barma,	S.T.	15-01-1943	B.A. (Hons.)
9.	Shri S. K. Sarkar,	S.C.	02-01-1945	M.Com.
10.	Shri R. C. Choudhury,	S.C.	01-10-1948	B.A.
11.	Shri Bhagirath Reang,	S.T.	01-08-1947	B.A.
12.	Shri Sailen Kr. Das,	S.C.	30-10-1951	B.Sc.
13.	Shri Manik Lal Reang,	S.T.	04-11-1946	B.A.
14.	Shri S. S. Dutta,	Others	15-10-1939	B.A.
15.	Shri B. K. Roy,	..	20-03-1952	B.Sc. (Hons.)
16.	Shri Harihar Das,	S.C.	15-07-1941	M.Com. B.Ed.,
17.	Shri K. P. Goswami,	Others	02-05-1950	B.Sc. (Hons)
18.	Shri Pallab Deb Barman,	S.T.	06-07-1952	B. Com.
19.	Shri D. P. Dutta,	Others	20-07-1938	B.A.
20.	Shri R. K. Deb Barma,	S.T.	10-06-1938	B.A.
21.	Shri D. B. Chakraborty,	Others	15-01-1939	B.Com.
22.	Shri P. B. Das,	..	31-08-1937	B.Sc.
23.	Shri D. K. De,	..	04-03-1941	B. Com.

Grade 1 Officers

(Recruitment into TCS)		Last (two) postings	Present posting and date
Direct Promotee	Date	Post	Period
6	7	8	9
			10
(D)	09-06-76		Labour Commissioner, Tripura.
(D)	15-11-76		Secretary, TSPC (Officiating in IAS w.e.f. 07-10-94)
(D)	10-06-76		M.D., T.J.M.
(D)	08-06-76		A.D.M. North (Officiating in IAS w.e.f. 07-10-94)
(D)	23-04-77	DTWO, Kls. ii) Jt. Secy. (Rev.)	9/91 to 10/92 11/92 to 7/93.
(D)	14-11-76		Jt. Secy., Jali & PTG, Sty. Deptt. Director, Panchayat (Officiating IAS w.e.f. 07-10-94)
(D)	17-06-76		Registrar, Co-op. Societies, (Officiating in IAS w.e.f. 07-10-94.)
(D)	08-06-76		Director, TRP & PGP
(D)	09-06-76		Joint Secy., Food.
(D)	25-04-77		Addl. Commissioner, Deptt. of Inquires.
(D)	11-06-76		Director, Manpower.
(D)	06-06-76		Director, Fisheries (Officiating in IAS, w.e.f. 07-10-94).
(D)	01-06-76		Project Officer, A.D.C.
(P)	01-04-1977		Addl. District Magistrate, West (officiating in IAS w.e.f. 07.10.94)
(D)	12-07-77	i) Addl. Director SC, ii) Addl. Labour Commissioner.	3/88 to 10/90 Director, S.E. & S.W. (Officiating in IAS w.e.f. 07-10-94.)
(D)	07-07-77	Jt. Secy., RD,	Sr. D.C., O.O, D.M, (North)
(D)	24-04-98		Joint Secy., Finance & Agri. (officiating in IAS w.e.f. 07-10-94)
(D)	24-04-78		Director P. & S. (Officiating in IAS w.e.f. 07-10-94)
(P)	28-07-78		Director, Small Savings & Jt. Secy., Finance
(P)	19-08-78		Managing Director, TRTC.
(P)	22-03-78		Joint Secy., Political.
(P)	01-10-79		I.G. of Prisons.
(P)	20-08-79		Jt. Resident Commissioner, Tripura Bhawan Calcutta, (adl. charge) officiating in IAS

10 JUN 1996
195

Guwahati Bench
11/6/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

.....

Original Application No. 55 of 1996

B.K. CHAKRABORTY

.....

Applicant

Versus

Union of India & Others

.....

Respondents

REPLY ON BEHALF OF UNION OF INDIA

RESPONDENT NO.1.

.....

RESPECTFULLY SHOWETH:-

I, R. Vaidyanathan, S/o (Late) T.N. Ramachandran working as Desk Officer in the Department of Personnel and Training, Government of India, North Block, New Delhi, am conversant with the facts of the case and competent and authorised to file this written statement on behalf of respondent No.1.

2. That the Ministry of Personnel & Training in the Govt. of India administers the provisions contained in the I.A.S. (Appointment by Promotion) Regulations, 1955 (herein after called the "Promotion Regulations") and is the authority functionally concerned with the application and operation of the statutory provisions contained in

Contd ...2

*Received
Chandra
12-6-96*

Rhr

55
74
Filed by
H.K. Chandra
M.A. Central Govt.
Standing Council
11/6/96

56
...2...

the Promotion Regulations in regard to the appointment of the State Civil Service Officers serving in the State Governments to the Indian Administrative Service.

3. That before replying to the averments made in the Original Application parawise, this Respondent submits by way of preliminary submissions as follows.

PRELIMINARY SUBMISSIONS:-

That the name of the applicant was included in the Select List for promotion to the Tripura Part of the I.A.S. Manipur - Tripura Joint Cadre during 1995-96 prepared by the Selection Committee in its meeting held on 22.3.1995 in accordance with the Promotion Regulations. The Select List was prepared by the Selection Committee towards filling up 2 substantive vacancies anticipated in the Tripura Segment of the IAS Manipur-Tripura Joint cadre during the relevant period. The number of persons to be included in the Select List was worked out as 4 under Regulation 5(1) of the Promotion Regulations and the following 4 TCS officers were included in the Select List.

S/Sh

1. D.K.Chakravorty
- * 2. Harihar Das
3. B.K.Chakravorty
4. P.K.Bhattacharjee

* The officer at S.No.2 was included provisionally in the Select List subject to the outcome of the disciplinary proceedings pending against him and grant of integrity certificate by the State Government.

contd...3

57 76
...3..

That the Select List was approved by the Commission under Regulation 7(3) on 1-12-1995. The inclusion of Shri Harihar Das provisionally at S.no.2 of the Select List was done in accordance with the provisions contained in Regulation 5(5) of the Promotion Regulations. Second Proviso to Regulation 9(1) provides that an officer included provisionally in the Select List cannot be appointed to IAS and until his inclusion in the Select List is made "unconditional" on the recommendations of the State Govt. It further provides that an officer below the provisionally included officer in the Select List can be appointed to the Service, after keeping one post reserved for the provisionally included officer.

Shri D.K.Chakraborty, the TCS officer included at S.No.1 of the Select List was appointed to the IAS on the recommendations of the State Government vide Notification dated -12-1995. The Govt. of Tripura sought the advice of this Respondent by letter dated 2.1.1996 as to whether the applicant, who was included at S.No.3 of the Select List can be appointed to the IAS without keeping one post reserved for Shri Harihar Das, the TCS officer included provisionally at S.No.2 of the Select List. It was clarified by this Respondent that in terms of the 2nd proviso to Regulation 9(1) the applicant cannot be promoted to IAS, without keeping one post

Plat

contd..4

58
12
...4...

reserved for the officer provisionally included above his name in the Select List. It was also explained to the State Govt. that the applicant could be considered for appointment to the Service against an unforeseen/fortuitous vacancy arising in the State Cadre during the period of validity of the Select List. The proposal of the State Govt. to release the vacancy kept reserved for Shri Harihar Das at S.No.2 of the Select List can be processed only subject to and in accordance with the proviso to Regulation 7(4) of the Promotion Regulations.

As already submitted the role of this respondent is confined to the administration of the provisions contained in the Promotion Regulations, giving advice wherever necessary, to the State Governments etc. On the functional side, this respondent is concerned with making appointments to the IAS from the Select List approved by the Commission under Regulation 7(3), in the order in which the names appear in the Select List, in accordance with and subject to the conditions laid down in Regulation 9(1) of the Promotion Regulations. According to this rule, the Central Government can consider appointment of a Select List officer to the IAS prima facie only on receipt of the recommendations of the State Government, after occurrence of the vacancy and observance of other formalities as required under the Rules.

Rhr
.....5

PARAWISE COMMENTS:

In reply to the averments made in para 3 of the O.A. it is submitted that there is no nexus or relationship to the orders cited by the applicant in this para and the reliefs prayed for by him in para 7 of the O.A. Para 3 refers to the Select Lists prepared and approved for promotions to the Tripura Part of the IAS (Manipur - Tripura) Joint Cadre for during the years 1994 and 1995 and the Notification dated 29.12.1995 appointing Shri D.K.Chakraborty, the TCS officer included at S.No.1 of the 1995 Select List to the IAS, by the Central Government on receipt of proposals from the State Government.

The relief prayed for by the applicant in para 7 of the O.A. seeks a direction to the respondent State Government to send proposals to the Commission for release of the vacancy kept reserved in the 1995 Select List for Shri Harihar Das included provisionally at S.No.2 of the Select List and further to send proposals for appointment of the applicant to the IAS since 8.10.1994, with reference to his position in the 1994 Select List and on the basis of his officiating appointment to IAS Cadre Post by the State Government vide their order dated 7.10.1994.

The prayer of the applicant is untenable on more than one count. Prima facie, with the coming into force of the 1995 Select List, the 1994 Select List had ceased to be in force in terms of

contd...

Rhr

Regulation 7(4) of the Promotion Regulations and thus he cannot seek promotion to the IAS with reference to his position in the 1994 Select List. Officiating arrangements made by the State Government under Regulation 8 of the Promotion Regulation read with Rule 9 of the IAS (Cadre) Rules bears no relation to the regular formal appointment of a Select List officer to the Service under Regulation 9(1) of the Promotion Regulations. This matter has been settled by the Hon'ble Supreme Court in RIZVI. Finally, the State Government is the concerned authority to take a decision on the question of invoking the third proviso to Regulation 7(4), to seek a special review of any Select List in order to delete the name of Shri Harihar Das, TCS, at S.No.2 of the Select List and a direction cannot be issued by the Central Government to compel the authority to take such a step. However, under the Rules, unless the name of Shri Das had been duly deleted from the Select List, it is mandatory to keep a vacancy for him until the Select List is reviewed/replaced by a fresh Select List.

That in reply to the averments in sub-paras (a) to (H) of Para 6, it is submitted the respondent Government of Tripura is concerned with the submissions made by the applicant in these paras and the reply filed by Respondents 3 & 5 may be referred to.

contd...

Rlv

That in reply to the averments in sub-para (I) of para 6 it is stated that the appointment of TCS officers included at S.No. 1 to 5 of the 1994 Select List to the IAS by this respondent with reference to the proposals made by the State Govt. under Regulation 9(1) of the Promotion Regulations by Notification dated 9.12.1994, are facts borne on record.

That in reply to sub-para (J) to (Q) of para 6 it is submitted that the averments relate to the respondent Govt. of Tripura and their reply to the O.A. may be referred to.

That in reply to the averment made in sub-para (R) of para 6 it is submitted that the 1994 Select List, reproduced in para 6(F) of the O.A., comprised of 13 TCS officers with the applicant at S.No.12 thereof. The list was prepared to fill up 11 substantive anticipated vacancies in the Tripura Segment of IAS (Manipur - Tripura) Joint Cadre during 1994-95. The name of Shri Harihar Das at S.No.8 of the Select List became "deemed provisional", as per proviso to Regulation 7(3) of the Promotion Regulations, with the initiation of formal disciplinary proceedings against him by the State Govt. subsequent to the approval of the Commission to the Select List. In terms of 2nd proviso to Regulation 9(1) the State Govt. could propose for appointment of the TCS officers included

contd...

Rhr

at S.Nos. 9 to 11 of the Select List, only after keeping one vacancy reserved for Shri Harihar Das, deemed provisional at S.No.8 of the Select List. The applicant was at S.No.12 of the Select List and there was no vacancy left with the State Govt. against which his name could have been recommended for appointment to the IAS during the relevant period. As already stated, invoking the third proviso to Regulation 7(4) in order to delete the name of any officer included in the Select List by a Special Review of the Select List, can only be at the instance of the State Govt.

That in reply to sub-paras (S),(T) and (V) of para 6 it is submitted that the same concerns the respondent State Government and their reply to the O.A. may be referred to.

That in reply to sub-para (U) of para 6 it is submitted that the respondent No.6 is senior to the applicant in the seniority list of State Civil Service. Respondent No.6 and the applicant were included at S.No.5 and S.No.20 of the zone of consideration placed by the State Government before the Selection Committee for the year 1994. On an overall relative assessment of the service records, in terms of Regulation 5(4) of the Promotion Regulations, Respondent No.6 was graded as "Good" and the applicant graded as "Very Good" by that
contd...

Rhr

Selection Committee. That is why, Respondent No.6 was not included in the 1994 Select List whereas the name of the applicant was included at S.No.12 in the waiting part of the 1994 Select List. Both these officers were again before the 1995 Select Committee at S.No.5 and 9 respectively in the zone of consideration forwarded by the State Government. Both the officers were graded "Very Good" on the basis of an overall relative assessment of the ACRs.

In terms of Regulation 5(5) the name of Respondent No.6 was placed at S.No.1 of the 1995 Select List and the applicant included at S.No.3 thereof. The allegations made in regard to the SC status of Shri Harihar Das, another TCS officer, in this para concerns the Respondent Government of Tripura, whose reply may be referred to.

That in reply to sub-para (W) of para 6 it is submitted that the facts and circumstances in which the letter dated 17.01.96 came to be issued to the respondent State Govt. from this respondent had been explained above in the Preliminary Submissions. As already submitted, the respondent Government of Tripura sought advice of this respondent on the viability of recommending appointment of the applicant to the IAS, by utilising the vacancy kept reserved for Shri Harihar Das included provisionally at S.No.2 of the 1995 Select List. It was clarified that the 1995 Select List was prepared for only two

contd...

Rhul

vacancies, out of which one vacancy was filled by appointment of Shri D.K.Chakraborty at S.No.1 of the list to the IAS on 29.12.1995. The other vacancy was to be kept reserved for Shri Harihar Das at S.no.2 of the List so long as he remains provisionally included in the Select List and that the applicant cannot be appointed to IAS against that vacancy. The rules position was further clarified stating that the applicant can be appointed to the Service against an unforeseen/fortuitous vacancy that may arise during the period of validity of the Select List. As for the release of vacancy kept reserved for Shri Harihar Das, it was clarified that the same can be considered only subject to and in accordance with the provisions laid down in the third proviso to Regulation 7(4) of the Promotion Regulations. In the absence of any decision to delete the name of Shri Das from the 1995 Select List, the applicant cannot be appointed against the vacancy reserved for Shri Das during the period of validity of the Select List.

In reply to the averments made in sub-para (X) to (Z) of para 6 it is submitted that the reply filed by the respondent Government of Tripura may be referred to.

That in the light of the preliminary submissions and parawise replies to the O.A.
Contd...

Rhr

submitted by this respondent as above it is made clear that the reliefs prayed for by the applicant for a direction to the respondent to take steps for deletion of the name of the 7th Respondent from the 1995 Select List by invoking the third proviso to Regulation 7(4) of the Promotion Regulations and for forwarding proposals for his appointment to the IAS utilising the vacancy so released therefrom, are entirely in the domain of the Respondent State Government under the scheme of the Promotion Regulations. This respondent is concerned in the matter only to the extent of considering such proposals as for appointment to IAS, as and when received from the State Government, under Regulation 9(1) of the Promotion Regulations and take necessary action in accordance with the rules. As no case has been made out, prima facie, in the petition for deleting the name of Shri Das from the 1995 Select List, the prayer for a direction to that effect appears wholly untenable and in the circumstances of the case, the applicant is not entitled to be appointed to the Service at this stage.

PRAYER:-

That in view of the submissions made in the preceding paragraphs, it is submitted that the O.A. may be dismissed.

RhA

DEPONENT

Dated: 7-6-1996
NEW DELHI

Through CENTRAL GOVT.
STANDING COUNSEL

Contd...

VERIFICATION

I, R. Vaidyanathan, S/o (Late) T.N. Ramachandran, working as Desk Officer in the Department of Personnel and Training, Govt. of India verify that the contents of the short reply are true and correct to my knowledge derived from the official record and that I have not suppressed any material fact therefrom.

PLACE: New Delhi

DATED: 7th June, 1991

FOR AND ON BEHALF OF RESPONDENT NO.1

R. Vaidyanathan
(R. Vaidyanathan)
डेस्क अधिकारी
Desk Officer
'कार्यिक और प्रशिक्षण विभाग'
Deptt. of Personnel & Trg.
भारत सरकार
Govt. of India

Filed in Court
on...5-7-96.....

Court Master

Central Administrative Tribunal
Guwahati Bench
317
8 JUL 1996

67

Filed by

Sanjay
(B. R. MUKHERJEE)

Deputy Secretary to the
Government of Tripura.

through
86

Sanjay
5/7/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH :: GUWAHATI ::

ORIGINAL APPLICATION NO.55 OF 1996

Shri B.K. Chakraborty

- Applicant

- Versus -

Union of India and others.

- Respondents

Show Cause Reply on behalf of the
Respondents No.3 and 5 namely, the
State of Tripura and Secretary,
Appointment and Services Depart-
-ment, Government of Tripura.

SHOW CAUSE REPLY

I, Shri B.R. Mukherjee, Deputy Secretary
Son of Lt. Biswa Rn. Mukherjee aged about 56 years,
by profession service, resident of Agartala, Tripura, do
hereby solemnly affirm and state as follows.

1. That I am the Deputy Secretary, Appointment and
Services Department, Government of Tripura and as such,

fully ...

68
Bhattacharjee
(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

fully acquainted with the facts and circumstances of the case. I am also competent and authorised to file this Show Cause Reply on behalf of the State of Tripura.

2. That except what has been specifically submitted in this Show Cause Reply, all other statements made in the application filed by the applicant may be treated as denied by the answering respondents.

3. That at the outset, the answering respondents state that the name of the applicant was included in the select list for promotion to the Tripura Part of I.A.S. Manipur Tripura Joint Cadre during 1995-96 prepared by the Selection Committee in its meeting held on 22.3.95 in accordance with the provisions of the I.A.S. (Appointment by Promotion) Regulations, 1955, hereinafter referred to as 'the 1955 Regulation'. The said select list was prepared by the Selection Committee towards filling of 2 (two) substantive vacancies anticipated in the Tripura Segment of the I.A.S. Manipur Tripura Joint Cadre during the relevant period. As the number of anticipated vacancy was 2(two), the number of persons to be included in the Select List was worked out as 4 (four) under Regulation 5(1) of the 1955 Regulation. In the said Select List, the name of ~~the~~ Shri D.K. Chakraborty, Shri Harihar Das, Shri B.K. Chakraborty, the present applicant and Shri P.K.

Bhattacharjee

69
B.R. MUKHERJEE
Deputy Secretary to the
Government of Tripura.

Bhattacharjee were included. It may be stated ~~that~~ herein that the name of Shri Harihar Das was included in the Select List provisionally subject to the outcome of the disciplinary proceeding drawn against him and grant of ~~Integrated~~ Certificate by the State Government in terms of the provisions of Regulation 5(5) of the 1955 Regulation. The Select List so prepared, was approved by the Commission on 1.12.95 under Regulation 7(3). The 1955 Regulation further provides that an officer below the provisionally included officer in the Select List can be appointed to the service after keeping one post reserved for the provisionally included officer.

4. That Shri D.K. Chakraborty whose name appeared at Sl.No.1 of the Select List was appointed on promotion to the I.A.S. on the recommendation of the State Government. The answering respondents thereafter sought the advice of the Government of India vide communication dated 2.1.96 as to whether the present applicant whose name appeared at Sl.No.3 in the Select List can be appointed on promotion to I.A.S. without keeping one post reserved for Shri Harihar Das whose name was included provisionally at Sl.No.2 of the Select List. The Ministry of Personnel, Public Grievances and Pension, Government of India vide communication dated 17.1.96 informed the Chief Secretary to the Government of Tripura that the applicant cannot be promoted to

I.A.S. ...

70
B. R. MUKHERJEE
Deputy Secretary to the
Government of Tripura

49

I.A.S. without keeping one post vacant for Shri - Harihar Das who was included provisionally in the Select List at Sl.No.2 in terms of the provisions 2nd proviso to Regulation 9(1) of the 1955 Regulation.

5. That the answering respondents further state that the reliefs sought for by the applicant in the application are not tenable in law and cannot be granted in view of the provisions of the 1955 Regulation. The answering respondents state that the reliefs sought for under Paragraph 7(I) cannot be granted as the same would be in contrary to the provisions of the 2nd proviso to Regulation 9(1) of the 1955 Regulation. Similarly, reliefs sought for in paragraph 7(II) and (III) are also not tenable in view of the fact that after coming into force of the 1995 ~~Regulation~~ Select List, the earlier Select List has ceased to in force in terms of the provisions of Regulation (IV) of the 1955 Regulation.

6. That as regards the statements made in paragraph 6(c) of the application, the answering respondents deny the correctness of the same. The answering respondents state that it is true that the petitioner was senior to Shri D.K. Dey in the post of Circle Officer which was the feeder post for promotion to the post of Sub-Deputy Collector

(i.e. the

71

(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

90

(i.e. the then entry post of Tripura Junior Civil Service against Promotion Quota). Subsequently, the Tripura Junior Civil Service was merged in the Tripura Civil Service Grade-II in the year 1979 by the State Government. It may be mentioned here that in the Seniority List of Tripura Junior Civil Service against the Promotion Quota which was issued in the year 1993 as per judgment passed by Hon'ble Supreme Court of India in Civil Appeals No.2878 and 2879 of 1991, the name of Shri D.K. Dey, who was junior to the applicant in the Seniority List of Circle Officers, has been placed above the applicant as recommended by D.P.C. It is further stated that the D.P.C. has prepared the list recommending for promotion on the basis of the overall performance of the Circle Officers as reflected in their Annual Confidential Reports.

7. That as regards the statements made in paragraph 6(I) of the application, the answering respondents state that as per the provisions of I.A.S.(Recruitment) Rules, 1954, the officers in the Select List have no legal right for appointment to the I.A.S. Cadre. Regulation 9 of the 1955 Regulation provides that appointment to the I.A.S.Cadre post shall be made only from the Select List for the time being in force. The answering respondents

further ...

72
B. R. Mukherjee
(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura

further state that under Rule 9 of the I.A.S. Cadre Rules, 1954, the Government of Tripura issued a notification appointing the persons named therein to officiate in the I.A.S. Cadre Post for a period of 3 (three) months. The answering respondents state that such officiating appointment in the IAS Cadre Post does not give legal right to claim appointment to the applicant.

8. That as regards the statements made in paragraph 6(J) of the application, the answering respondents deny the correctness of the same. The answering respondents ~~state that~~ deny that the Respondents No.3 and 5 in a most calculated manner starting receiving representations from the direct recruit ~~of~~ I.A.S. officers of Tripura Chapter in the State. It is also denied that those direct recruit I.A.S. officers starting poking nose in the matter of promotion of State Civil Service officers. The answering respondents further state that every officer and employee has to submit representation to the Government if they have any grievance whatsoever and it is the duty of the Government to consider the representations before taking any decision in that respect. The answering respondents also deny that the Respondents No.3 and 5 started consuming time so that the interest of some direct recruit officers in respect of

seniority ...

seniority can be safeguarded. The answering respondents state that any news item published in news paper cannot be the basis for consideration of any application filed by any applicant before the Hon'ble Tribunal. Even if the Government did not contradict the press-publication the same does not prove or disprove anything.

9. That as regards the statements made ⁱⁿ paragraph 6(K) of the application, the answering respondents deny the same. The answering respondents state that the State Government has issued licence to 6 (six) Select List officers including the applicant to furnish declaration and undertaking as per proforma supplied on 21.1.95.

10. That as regards the statements made in paragraph 6(R) of the application, the answering respondents state that the contention of the applicant in the said paragraph is not correct. The answering respondents state that the 1994 Select List comprises of 13 T.C.S. Officers with the applicant at Sl.No.12 of the Select List. The said Select List was prepared to fill up 11 substantive anticipated vacancies in the Tripura Segment of I.A.S., Manipur Tripura Joint Cadre during 1994-95. The name of Shri Harihar Das appeared at Sl.No.8 of the said Select List. But as after

publication ...

74.
B.R. Mukherjee
(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

publication of the said Select List, Shri Harihar Das was served with a chargesheet in departmental proceeding, his name in the said Select List became "deemed provisional" in terms of the proviso to Regulation 7(3) of the 1955 Regulation. Proviso to Regulation 7(3) of the 1955 Regulation provides that if an officer whose name is included in the Select List, after such inclusion, is issued with a charge-sheet or a chargesheet is filed against him in a Court of law his name in the Select List shall be deemed to be provisional. The answering respondents further state that in terms of the 2nd proviso to Regulation 9(1) of the 1955 Regulation the State Government could propose for appointment of T.C.S. officers included at Sl.No.9 to 11 of the Select List only after keeping one vacancy reserved for Shri - Harihar Das whose inclusion in the Select List is treated as deemed provisional. As the State Government is bound under the Regulation to keep up vacancy reserved for Shri Harihar Das, no vacancy was left for the applicant whose name appeared at Sl.No.12 of the Select List as the number of vacancies for that year was 11 (eleven). The answering respondents further ~~that~~ state that the State Government at this point of time cannot take recourse to the provisions contained in 3rd proviso to Regulation 7(4) of the 1955 Regulations for removal of the name of Shri Harihar Das.

95

(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

93

11. That as regards the statements made in paragraph 6(S) of the application, the answering respondents state that there is no provision to remove the name of Shri Harihar Das whose name appeared at Sl.No.3 of the Select List of 1994 before completion of the disciplinary proceeding initiated against him and before establishing the charges levelled against him.

12. That as regards the statements made in paragraph 6(T) of the application, the answering beg to state that the performance of Shri D.K. Chakraborty was assessed year-wise by the concerned superior officers as per procedure and was recorded in the A.C.R. which forms the basis of the performance of the individual officers for the year. The Select List has been prepared on the basis of the overall performance of the officers as reflected in the A.C.Rs which were gone into by Selection Committee headed by a Member of the Union Public Service Commission. The U.P.S.C. after going through the records of all the officers falling in the zone of consideration including the names recommended by the Selection Committee to be included in the Select List as well as those who have been superseded, ~~the~~ approved the Select List. Therefore, it is not within the jurisdiction of the State Government to take any

unilateral ...

7/6
B.R. MUKHOPADHYAY
(B.R. MUKHOPADHYAY)
Deputy Secretary to the
Government of Tripura
94

unilateral action in this matter. The answering respondents further state that the name of Shri - Harihar Das whose name appeared at Sl.No.2 of the Select List of ~~the~~ 1995 has been included provisionally in accordance with the provisions of Regulation 5(5) of the 1955 Regulation.

13. That as regards the statements made in paragraph 6(U) of the application, the answering respondents state that there is no bar to include the name of a Member of the State Civil Service in the Select List of a subsequent year on the ground that his name was not included in the Select List of previous year. The answering respondents state that the ~~an~~ name of Shri D.K. Chakraborty ~~was~~ whose name appeared at Sl.No.1 of the Select List of 1995 was not included in the Select List of 1994 but his name was included in the Select List of 1993. The Select List has been prepared on the basis of the overall performance of the officers as reflected in the A.C.Rs. The answering respondents further state that though Shri Harihar Das is not a member of Scheduled Caste but due to topographical mistake, he was shown as Scheduled Caste in the draft Seniority of List. The T.C.S. Officers published in the year 1987. But as none of the officers in the list whose name appears in the Seniority List including Shri Das and the applicant submitted representation against that

mistake ...

mistake in the final Seniority List published in the year 1989 Shri Das was shown as Scheduled Caste. The Government has already taking steps to correct the caste status of Shri Das after receiving the application from the applicant in that regard. In this connection, it is further stated that Shri Harihar Das is direct recruit T.C.S. officer who was appointed in the Tripura Civil Service in the year 1977 and the present applicant is a promotee T.C.S. officer and who was appointed in T.C.S. on promotion in the year 1979. Thus, it is clear that though Shri Harihar Das has been wrongly mentioned as Scheduled Caste in the Seniority List, he is in fact, senior to the applicant being recruited at the earliest point of time. It is further stated that there is no provision in the 1955 Regulations for any reservation for Scheduled Caste and Scheduled Tribes. The Select List for promotion to I.A.S. was prepared strictly in accordance with the provisions of the 1955 Regulations. The answering respondents further state that wrong indication of Shri Harihar Das as Scheduled Caste in the Seniority List has not, therefore, given any undue privilege by Shri Das for inclusion of his name in the Select List for promotion to I.A.S.

78
Amrith

(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

96

14. That as regards the statements made in paragraph 6(V) of the application, the answering respondents state that the State Government after considering the representation submitted by the applicant, carefully has taken steps to correct the caste status of Shri Harihar Das.

15. That as regards the statements made in paragraph 6(W) of the application, the answering respondents state that ~~where~~ the State Government after careful consideration of the representation submitted by the applicant wought with a request from the Government of India to advise the State Government as to how the case of the applicant can be considered though there is a clear provision in Regulation 7(3) of the 1955 Regulations. The Government of India in reply to the said communication issued by the State Government vide letter dated 17.1.96 opined that the promotion of the applicant can be considered only if an unforeseen
✓ vacancy occurred in the cadre or the vacancy meant for Shri Harihar Das is released subject ~~and and~~ to and in accordance with the provisions contained in 3rd proviso to Regulation 7(4) of the 1955 Regulations. The answering respondents further state that as the proceeding initiated against Shri Das has not been completed, the State Government

is not ...

is not in a position to release the vacancy meant for Shri Harihar Das in accordance with the provisions contained in 3rd proviso to Regulation 7(4) of the 1955 Regulations. As there is a clear provision in the said proviso to Regulation 7(3) of the said Regulations, the vacancy meant for Shri Harihar Das cannot be released because of the fact that the proceeding against him has not been completed though he was chargesheeted. The answering respondents state that in the absence of any decision to delete the name of Shri Harihar Das from the 1995 Select List, the applicant cannot be appointed against the vacancy kept reserved for Shri Das during the validity of the Select List of 1995.

16. That as regards the statements made in paragraph 6(X) of the application, the answering respondents deny the correctness of the same and beg to state that the State Government always takes action in accordance with the rules and regulations framed in this regard.

17. That as regards the statements made in paragraph 6(Y) of the application, the answering respondents deny the correctness of the same. The answering respondents state that the proposal for appointment of Shri D.K. Chakraborty, Respondent No.6

was sent ...

was sent to the Government of India for appointment in I.A.S. on 11.12.95 and he was appointed in I.A.S. on regular basis by the Government of India with effect from 29.12.95. The answering respondents further state that there is no mandatory provision to appoint any person in the Select List on officiating basis before sending the proposal for his appointment in I.A.S. on regular basis. Shri D.K. Chakraborty was appointed in the I.A.S. cadre post on officiating basis with effect from 26.12.95 as there was a ban for appointment/promotion for Municipal Election held in the State of Tripura with effect from 28.11.95 to 25.12.95 and hence, Shri DK Chakraborty cannot be appointed in I.A.S. cadre post on officiating basis prior to 26.12.95 though the proposal for his appointment to I.A.S. was sent to Government of India on 11.12.95.

18. That as regards the statements made in paragraph 6(2) of the application, the answering respondents state that the applicant was appointed an in/I.A.S. cadre post of Joint Secretary on officiating basis for a period of 3(three) months with effect from 7.10.94, which post he was holding ~~provisionally~~ previously also. As in the said order, it was clearly mentioned that the applicant was appointed in the I.A.S. cadre post of Joint Secretary on officiating basis under Rule 9(1)(b)

of the ...

of the I.A.S. Cadre Rules, 1954 for a period of three months with effect from he takes over, the question of contradicting the applicant to relinquish the I.A.S. cadre post of Joint Secretary does not arise at all.

19. That as regards the statements made in paragraph 6(Z)(1) of the application, the answering respondents state that the State Government has ~~at~~ already ~~taken action~~ to correct the caste status of Shri Harihar Das, the Respondent No.7.

20. That the answering respondents submit that in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with compensatory cost.

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

I, Shri B. R. Mukherjee son of Late Binwa
Ranjana Mukherjee resident of Agartala, Tripura and
working as Deputy Secretary to the Government of
Tripura, Appointment and Services Department, do
hereby declare and verify that the statements made
in paragraphs 1 and 2 are true

to my ...

to my knowledge; those made in paragraphs 3 to
19 are true to my information derived
from record which I verily believe to be true and
I have not suppressed any material facts therefrom.

B. R. Mukherjee

S I G N A T U R E

(B. R. MUKHERJEE)
Deputy Secretary to the
Government of Tripura.

805
S66190VS

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI**

O. A. No. 55 of 1996

BETWEEN

SHRI BHUPENDRA KUMAR CHAKRABORTY, APPLICANT

VERSUS

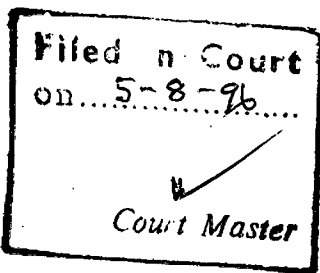
UNION OF INDIA AND OTHERS, RESPONDENTS.

**REJOINDER BY THE APPLICANT TO SHOW-CAUSE REPLIES OF
RESPONDENT No. 1,3 AND 5.**

In Para 2 of the reply of Respondent No. 3 and 5 it has been stated " all other statements made in the application filled by the applicant may be treated as denied by the answering respondents." The applicant submits that this is a vague expression only to avoid answering specifically what are the statements they deny and what are the statements they admit with grounds and reasons thereof. The applicant further submits to your Lordships that the statements which have not been specifically denied with reasons are to be considered to have been admitted.

It would be evident from the reply of the respondent No. 3 & 5 that the very intention of the Paras in reply is to divert the attention of the Hon'ble Tribunal by stating the provision of this and that rule. But the submission of the applicant in the original application gives a clear picture that the respondent No. 3 & 5 gave officiating appointment followed by proposal (Annexure-14) after expiry of 3 (three months) from 8.10.1994 (Afternoon of 7.10.1994).

2. In para 3 of the reply by respondent No. 3 & 5 the respondents stated the provisions of Promotion regulation but they have not made it clear whether they were aware of the provisions of the Promotion Regulation at the time of issuing officiating appointment to the applicant alongwith others for 3 months which though expired on 07.01.1995, the respondent No. 3 & 5 obtained declaration and undertaking on 21.01.1995 (Annexure-13) (after the expiry of 3 months) and sent proposal on 24.1.95 for regular appointment of the applicant and others with recommendation for extension for more 3 months officiating appointment (Annexure-14).



101
Bhupendra Kr. Chakraborty - 88
Filed by Mr. Pab. Jona V
through Mr. Chandra

Recd copy
Chandra
5/8/96
Missin Jona
20/8/96

Bhupendra K.
Chakraborty
62/84

The applicant submits that he did neither applied nor approached the respondent No. 3 & 5 for issuing officiating appointment and subsequent proposal. Respondent No. 3 & 5 took such actions at their own initiative.

3. In Para-4 the respondent No. 3 & 5 stated that they sought the advice of the Govt. of India for advising them as to whether the present applicant can be appointed to IAS to which the Government of India indicated the procedure to be followed in terms of Provisions in Sub- Regulation-4 of Regulation-7 of the Promotion regulation. This submission also indicates that the respondent No. 3 & 5 had no knowledge of the Regulation/Rule but acted very whimsically only to cause wrongful Loss to a citizen.

4. In Para-5 the respondent No. 3 & 5 stated that the relief sought by the applicant, if allowed will be contrary to Rules/ Regulations. On that point, the applicant, leaves it to the final decision of your Lordships in the Tribunal considering the circumstances of the application, submission of reply by respondents and the present rejoinder by the applicant. In short, the applicant begs to submit that the respondents have exceeded limitation to suggest what will be in-conformity and what will be in-contrary when the whole issue is sub-judice under the Tribunal.

5. In Para-6 (page 4 & 5) the respondent No. 3 & 5 admitted that Shri D. K. De (respondent No. 8) was junior to the applicant in the post of Circle Officer which was the feeder post for promotion to the post of Sub-Deputy Collector (TJCS) and that in the year 1993 as per judgement of the ^{Hon'ble} Supreme Court in CA No. 2878 and 2879 of 1991 the name of Shri D. K. De who was junior to the applicant in the seniority list of the circle officers, has been placed above the applicant as recommended by D. P. C.

But the above averment of the respondent No. 3 & 5 is an utter falsehood since the motivated action of the respondents to give undue preference to Shri D. K. De started in the year 1976 when the

Shri D. K. De
Chakraborty

85
109

applicant was pursuing the respondent No. 3 & 5 after submission of representations for taking corollary action for the administrative error made by the respondents in 1966 which could only transpired to the applicant after 13 years in 1975- reckoned from 1962 when the applicant was appointed as Circle Officer.

Instead of taking corrective steps to regularise the irregularity committed by the respondent No. 3 & 5 they had gone a step further to place Shri D. K. De above the applicant in a very calculated manner. The claim of applicant was to place the applicant above Shri D. B. Chakraborty (Sl. No. 12 of Annexure 29) who was wrongly promoted as Sub- Deputy Collector (TJCS) and subsequently as Deputy Collector (TCS) (Annexure- 5) keeping the representations of the applicant to the respondent No. 3 & 5 undecided who were considered to be a virtuous employer and whose duty is to see that a Citizen's right is not taken away to extend undue benefit to another citizen.

But the way the respondent No. 3 & 5 acted does not indicate that they are the virtuous employer rather indicates that even an ordinary employer would not have acted in such a fashion.

To substantiate the submission of the humble applicant that the respondent No. 3 & 5 had motivated actions to make Shri D. K. De senior to the applicant, and the applicant submits as follows :

A. That the applicant and Shri D. K. De were promoted to the post of Sub- Deputy Collector (the then entry post of Tripura Junior Civil Service) on 21-02-70 (copy of the notification annexed) as marked Annexure- 26.

B. That the applicant and Shri D. K. De were confirmed on the same date i.e. on 21-02-73 (copy of the notification No. F. 2 (25)-GA/73 (III) dated 02.08.75 (Applicant at Sl. No. 26 D. K. De at 27) (Annexure 27)

C. That the Provisional Seniority List circulated vide No. F. 30 (3) GA/74 dated 20-08-75 annexed as marked Annexure 28 (Applicant at Sl. No. 26 and D. K. De at 27).

Bhupendra Kr.
Chakraborty
104 86

D. Final Seniority List circulated vide No. F. 30 (3)-GA/74 dated 24.08.76 (Annexure-29) (applicant at Sl. No. 21 and D. K. De at 14).

E. Refixed Seniority List circulated vide No. F. 30 (3)-GA/74 dated 9.9.77 annexed as marked (Annexure-30) (petitioner at Sl. No. 21 and D. K. De at 15).

F. Provisional Seniority List circulated vide No. F. 30 (3)-GA/74 dated 29.9.77 (Applicant at 21 and D. K. De at 15) (Annexure-31)

Thus it would appear from documents at D to F that the respondent No. 3 & 5 started their motivated actions in 1976 and not as per order of the ^{Hon'ble} Supreme Court in 1993.

All the above actions by the respondent No. 3 & 5 were taken giving the applicant's representation a complete go-by from 31.07.75 (Annexure- 4) to 3.10.80 (Annexure- 5) of the original prayer of the applicant.

6. In Para-7 (Page-6) the answering respondent No. 3 & 5 stated " under Rule-9 of the IAS Cadre Rules, 1954, the Government of India issued a notification appointing the persons named therein to officiate in the IAS Cadre Post for a period of 3 (three) months". The officiating appointment for 3 months under Rule-9 has not been issued by the Govt. of India but by the State Govt. There is nothing automatic in Law/Rules. The respondent No. 3 and 5 issued an officiating order and subsequently sent proposal (Annexure- 14) to the Government of India for regular appointment beyond that period after expiry of 3 months on 7.1.1995 means that the officer concerned is to continue officiating and if officiating can not be allowed to be continued a spoken order to step down is a must and as such it gives legal right to claim. Silence of the respondent No. 3 & 5 after the proposal sent for regular appointment to the applicant and others can not snatch away the right of the applicant unless specifically asked to go back to parent cadre. The applicant was given officiating appointment for 3 months but subsequent proposal for extension of officiating appointment (Annexure- 14) beyond 3 months is a conclusive evidence that respondent No. 3 & 5 intended that the

Bhupendra K. Chakraborty
10/11/87

applicant continues officiating. About discrimination as submitted by the applicant in the related para of original prayer the respondents are silent.

7. Shri Harihar Das (Sl. No. 8 of 1994 and Sl. No. 2 of 1995 Select List) had been charge-sheeted in 1994-1995 for gross misconduct. How Shri Das can be graded in 1995 as at proper grade fit for inclusion in the Select List of 1995 is not understood.

In Para 11 of the reply of respondent No. 3 & 5 they stated that there is no provision to remove the name of Shri Harihar Das before completion of the disciplinary proceeding.

The applicant states that mere correction of Caste Status of Sri Das is not enough to cure the issue. It demands action i.e. deletion of his name from the Select List as he has no right to continue in Govt. service for furnishing false information as Scheduled Tribe as the Sub-Caste 'Kahatria' is not a Sub-Caste for Consideration of his status as ST even.

In Para-13 as regards Caste Status of Harihar Das the Respondent No. 3 & 5 in their reply at Para-13 (Page-10) stated that mention of Sri Das as Scheduled Caste in the Seniority List was a topographical mistake. But as none of the officers in the List whose name appears in the seniority List including Sri Das and the applicant submitted representation against that mistake in the final seniority List published in the year 1989 Sri Das was shown as a Scheduled Caste. The Government is now taking steps to correct the Caste Status of Sri Das after receiving the application from the applicant in this regard.

It is funny to note that the respondents expected a representation from the applicant pointing out the so called topographical mistake of the respondents.

The applicant in his original petition at Para-6 (Z) (II) (Annexure-24) mentioned about the confirmation list issued on 7.11.86. But the respondents tactfully shifted to the notification of 1989. Rather the responsibility of pointing out the mistake in any notification lies with

Bhupendra Mr.
Chakrabarty
106 88

the person concerned who is the person supposed to know his correct position as regards his Caste Status. It was his duty to point out the mistake if any but the applicant who is Least bothered about the Caste Status of Sri Harihar Das at that material time was not supposed to represent against any wrong done by the respondents who are now coming with the plea on 5.7.96 stating " the Government is now taking steps to correct the Caste Status etc." though on 20.6.96 a corrigendum has been issued (copy annexed) marked Annexure-32.

In Para-5 of the representation submitted by the applicant to the respondent No. 3 & 5 (Annexure-20) the applicant has challenged Caste Status of Sri Harihar Das even as Scheduled Tribe for declaring himself "Kahatria" (Annexure-23) which does not denote that he even belongs to Laskar Community. The respondent No. 3 & 5 washed up their hands without looking into the aspect for taking appropriate action against Sri Das for furnishing false bio-data at the time of entry into service which is a criminal offence. But instead of attaching due importance the respondents in Para-13 (Page-11) strongly high-lighted the seniority of Sri Harihar Das which the applicant has not at all mentioned at any stage. Your Lordships may kindly take judicial notice of the fact that the offence committed by Sri Harihar Das by declaring himself as belonged to Scheduled Tribe community presumably on the basis of a false certificate and taking all advantages thereof since his entry into Govt. Service is an offence punishable in the Court of Law. It is not curable by a simple correction at this stage. His deletion from select List is a must apart from legal actions against him. It is not enough to declare it to be a mistake or that he has not been given any undue privilege thereby.

As regards submission in Para-14 the applicant states that mere correction of the Caste Status is not enough as the other part of allegation about the Scheduled Tribe status have been challenged and the respondents are silent.

In reply to Para 19 of the reply of respondent No. 3 & 5 the applicant submits further that mere correction of the Caste Status of Sri Das is not enough since other part of the allegation about his ST status

Bhupendra Kr.
Chakraborty
102 82

has not been attended and answered and for that a directive may be issued by the Hon'ble Tribunal to the respondents to delete the name of Sri Harihar Das from the select list as he has lost all right to continue in Govt. service for furnishing false ST certificate by concealing material information which is a serious crime punishable in Court of Law.

8. As stated by the respondent No. 1 at page 8 on an overall assessment of the service records in terms of the Regulations (4) of the promotion Regulation respondent No. 6 (Shri D. K. Chakraborty) was graded as " good " and the applicant was graded " very good " in 1994 and as such the respondent No. 6 was not included in the select list of 1994. On this issue the respondent No. 3 & 5 have gone a step further stating in para 13 (page-10) of the reply " that the name of Shri D. K. Chakraborty whose name appeared at Sl. No. 1 of the list of 1995 was not included in the list of 1994 but his name was included in the list 1993. The select list has been prepared on the basis of overall performance of the officers as reflected in the ACRs. On the basis of the above replies of the respondent No. 1, 3 & 5 it is crystal clear that the overall performance of Shri D. K. Chakraborty respondent No. 6 can not be at par with the overall performance of the applicant and the selection committee has not made proper evaluation of the overall performance of Shri D. K. Chakraborty respondent No. 6 and the applicant. Applicant's name ought to have appeared at Sl. No. 1 of the select list of 1995 as both of them graded " very good " in 1995 but the applicant was graded " very good " in 1994 while Shri D. K. Chakraborty was graded " good " in 1994.

As regards submission of the respondent No. 3 & 5 in para 12 the humble applicant submits that due to this gradation as " good " in 1994 and subsequent one year higher gradation can not be measured at par with the gradation of the applicant.

In the circumstances it can not be said that there were proper evaluation of the records of all officers either by the UPSC or by the selection committee on whose recommendation the UPSC concurred the select list.

9. As regards submission of the respondent No. 3 & 5 in Para-15

Bhupendra v.
Chakraborty
108 90

it is not clear for what purpose such an advice was sought if the respondent were aware of the provision of Law to safeguard the interest of an employee who has misled ~~of~~ the employer at initial entry into Govt. service.

10. Submission of the respondent No. 3 & 5 in para- 8 it is matter of Judicial review by the Hon'ble Tribunal considering all circumstantial aspect of the application.

11. In para-9 the respondent No. 3 & 5 stated that they have issued " Licence" to 6 (six) officers. It is not clear to the applicant what " Licence " the respondents issued to six officers.

12. As regards submission of the respondent No. 3 & 5 at Para-16 the foregoing submission of the applicant which definitely prove the position contrary to the submission that the State Government always takes action in accordance with rules and regulations framed in this regard.

For furnishing false information considering real position in show-cause reply the Hon'ble Tribunal may kindly consider to pass such directives to the respondent No. 3 & 5 as your Lordships deem fit so that virtuous employer remains as virtuous and does not express eagerness to become an ordinary litigent.

13. In Para 17 of the reply the respondent No. 3 & 5 stated " there is no mandatory provision to appoint any person in the Select List on Officiating basis before sending the proposal for his appointment in IAS on regular basis. "

But the Annexure- 6,9,10,14,15,16,17,18 and 19 with the original application gives a contrary picture to the version of the respondents as such the submission of the respondent No. 3 & 5 in para 16 " that the State Govt. always takes action in accordance with the rules and regulation framed in this regard is not based on facts.

14. As regards submission in Para- 18 the respondents No. 3 & 5,

Shripada K.R.
Chakraborty
109 91

the applicant submits that the respondents by their action as in Annexure-14 intended confirmation of officiating of the applicant beyond the period of 3 months w. e. f. 07-01-1995 as they obtained declaration and undertaking after the expiry of 3 months and proposed for continuation and regular appointment on 24-01-1995. As such the applicant has acquired the right to claim that since he is continuing officiating in the IAS Cadre Post the respondents No. 3 & 5 are legally bound to regularise the period extending all benefits as has been granted to others who were appointed for officiating for three months and subsequently been regularly appointed with regularisation of the gap period after the expiry of three months to the date of regular appointment by respondent No. 1 on the recommendation of the respondent No. 3 & 5.

15. To summarise, Shri D. K. De admittedly junior to the applicant was unfairly given a higher seniority in a planned manner as discussed in foregoing paras of this rejoinder. Shri D. K. Chakraborty who was altogether absent in the Select List of 1994 on overall assessment based on ACRs was suddenly brought into select list of 1995 and placed at Sl. No. 1 as discussed in foregoing paras of this rejoinder and instead of deleting Shri Harihar Das from Select List apart from taking actions against him according to law, respondent No. 3 & 5 are taking a lenient view in the matter of grave offence committed by him as discussed in foregoing paras of this rejoinder.

Evidently, there is a deliberate attempt mainly on the part of respondent No. 3 & 5 to deprive the applicant from regular promotion to IAS on the plea that there is no vacancy in the Cadre.

It will be relevant to mention here that their Lordships in the Hon'ble Supreme Court of India had observed in the case reported in A. I. R., 1974 S. C.- 562 that the State is a virtuous litigant and no ordinary party trying to win over a case against one of its citizen by hook and crook.

In the above premises the applicant humbly submits to your Lordship in the Tribunal to grant all reliefs sought in his original

92
110

application and direct respondents to treat applicant as continuing his officiating appointment in IAS w. e. f. 08-10-1994 and regularise his appointment from the said date either in the vacancy caused by deletion of Shri Harihar Das from Select List or by creation of a supernumerary post in the Cadre.

Your Lordships will also be pleased to declare supplicant senior to Shri D. K. De and extend all benefits derived by him by ante-dating applicant's date of appointment to IAS and revising applicant's year of allotment (1990) for the ends of justice.

16. List of enclosures and details of Index.

Verification

I, Shri Bhupendra Kumar Chakraborti, S/ O, Late Braja Behari Chakraborti of Pyari Babu's Bagan, Dashamighat Road, Agartala, Tripura West, Pin-799001, do hereby verify that the contents from Para 1 to 15 are true to my personal knowledge and belief and that I have not suppressed any material of facts.

Dated, Agartala, the
31st July, 1996.

Bhupendra K. Chakraborti
Signature of the Applicant.

To
The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Rajgarh Road,
Bhangagar, Guwahati.

DETAILS OF ENCLOSURES - INDEX

ANNEXURE - 26	Page - 12	Notification of A & S Deptt. appointing the applicant in TJCS w.e.from 21.2.70
	Page - 13	Notification of A & S Deptt. appointing Sri D.K.De in TJCS w.e.from 21.2.70
ANNEXURE - 27	Page - 14	Notification of A & S Deptt. regarding confirmation of the applicant and Sri D.K.De in TJCS w.e. from 21.10.73
ANNEXURE - 28	Page - 16 to 19	Memorandum of A & S Deptt. showing the Provisional seniority List of Officers holding duty Post of Tripura Junior Civil Service as on 15th August, 1975
ANNEXURE - 29	Page - 20 to 23	Final Seniority List of Officers appointed to Tripura Junior Civil Service against Promotion quota
ANNEXURE - 30	Page - 24 to 26	Refixation of Seniority etc. in the TJCS
	- 27	Blank
ANNEXURE - 31	Page - 28 to 31	Provisional Seniority List of Officers holding duty Post of TJCS as on 15th day of August, 1975
ANNEXURE - 32	Page - 32	The corrigendum confirming Topographical mistake of Caste Status

Annexure 26

Tripura



Gazette

सत्यमेव जयते

PUBLISHED BY AUTHORITY

Agartala, Saturday, March 14, 1970 A. D.—Phalguna 23, 1891 S. E.

CONTENTS

Orders & Notifications by the Lieutenant Governor, Secretaries to the Government and the Judicial Commissioner.	53—54	PART III—Acts of the Tripura Government ...	Nil
Orders and Notifications by the Heads of Departments, District Magistrate & District Judge.	Nil	PART IV—Acts of the Parliament of India assented to by the President & Ordinance promulgated by the President, Bill. If there be any.	Nil
Orders & Notifications by the Government of India re-published for general information.	Nil	PART V—Instruction issued by the Accountant General Assam.	Nil
Educational Notices.	Nil	SUPPLEMENT I—Orders, Notifications etc. regarding Police Forces	Nil
Advertisement & Notices.	227—236	SUPPLEMENT II—Weather and crop-reports. Reports regarding attacks of different diseases and the like.	29—30

PART I—Orders & Notifications by the Lieutenant Governor, Secretaries to the Government and the Judicial Commissioner.

Government of Tripura
Appointment and Services Department.

Dated, Agartala, the 3rd March, 1970.

B4-GA/67.

NOTIFICATION

In exercise of the power conferred by sub section (1) of section 12 of the Code of Criminal Procedure, 1898 read with Notification No. 104-J, dated the 24th August, 1950, issued by the Government of India, the Late Ministry of States, the Lt. Governor is pleased to appoint Shri. M. K. Choudhury, Sub-Registrar, as a Magistrate of the Second Class and he shall exercise power as Second Class Magistrate throughout the District of Tripura.

By order of the Lt. Governor,

H. Mukherjee,
Under Secretary to the
Government of Tripura.Government of Tripura
Appointment and Services Department.

Dated, Agartala, the 5th March, 1970.

B3-GA/62.

NOTIFICATION

The Lt. Governor has been pleased to appoint Shri B. K. Chakraborty, Circle Officer, Belonia to officiate under Rule 26(3) of the Tripura Junior Civil Service Rules, 1969 to the duty post of Tripura Junior Civil Service (Reserve) with effect from the forenoon of the 21st February, 1970 and until further orders. He will remain attached to the office of the Sub-Divisional Officer, Belonia and will continue to hold the post of Circle Officer, Belonia in addition to his own duties without any extra remuneration and until further orders.

By order of the Lt. Governor,

H. Mukherjee,
Under Secretary to the
Government of Tripura.

Tripura Gazette Part-I, March 14, 1970 A.D.

Government of Tripura
Appointment and Services Department.

No.F.34(22)-GA/62.

Dated, Agartala, the 3rd March, 1970

NOTIFICATION

The Lt. Governor has been pleased to appoint Shri D.K.De, Circle Officer, Udaipur to officiate under Rule 26(3) of the Tripura Junior Civil Service Rules, 1969 to the duty post of T.J.C.S. (Training Reserve) with effect from the forenoon of the 21st February, 1970 and until further orders.

2. He will remain attached to the Office of the Sub-Divisional Officer, Udaipur and will continue to hold the charge of the post of Circle Officer, Udaipur in addition to his own duties and without any extra remuneration until further order.

By order of the Lt. Governor
H. Mukherjee,
Under Secretary to the
Government of Tripura.

Government of Tripura
Appointment and Services Department.

No.F.34(25)-GA/63.

Dated, Agartala, the 4th March, 1970.

NOTIFICATION

The Lieutenant Governor has been pleased to appoint Shri R.C.Gope, Circle Officer, Kailashahar to officiate under Rule 26(3) of the Tripura Junior Civil Service Rules, 1969 to the duty post of T.J.C.S. (Training Reserve) with effect from the forenoon of the 25.2.70 and until further orders.

2. He will remain attached to the office of the Sub-Divisional Officer, Kailashahar and will continue to hold the charge of the post of Circle Officer, Kailashahar in addition to his own duties and without any extra remuneration, until further orders.

By order of the Lt. Governor,
H. Mukherjee
Under Secretary to the Govt. of Tripura.

Government of Tripura
DEVELOPMENT DEPARTMENT
(TRIBAL WELFARE AND WELFARE OF SCH. CASTES)

No.F.5(6)-TRB/70.

Dated, Agartala, the 5th March, 1970

NOTIFICATION

Subject:-Shifting of Head Quarters of the Director, Amarapur Pilot Project from Agartala to Amarapur.

It is hereby notified for information of all concerned that the Head Quarters of the Director, Amarapur Pilot Project, Tripura will be shifted from its present premises at Agartala to the premises of the office of Amarapur Multi-purpose Block at Amarapur, with effect from 11th March, 1970.

By order of the Lt. Governor,
J. M. M. Lyngdoh
Development Commissioner,
Government of Tripura.

Government of Tripura
Appointment & Services Department.

No. F. 2(21)-GA/73(iii)

Dated, Agartala, the 2nd August, 1975.

NOTIFICATION

Under rule 24 of the Tripura Junior Civil Service Rules, 1969, the Governor is pleased to confirm the following Officers on their satisfactory completion of the period of probation to the Tripura Junior Civil Service with effect from the 21st October, 1973 :—

- | | |
|------------------------------|-------------------------------|
| 1. Shri R. K. Deb Barma. | 21. Shri S. Das Gupta. |
| 2. Shri L. C. Lura. | 22. Shri C. D. Barman. |
| 3. Shri G. D. Chakraborty. | 23. Shri M. C. Bhattacharjee. |
| 4. Shri B. B. Deb. | 24. Shri B. N. Bhattacharjee. |
| 5. Shri D. P. Dutta. | 25. Shri R. K. Sen. |
| 6. Shri M. R. Goswami. | 26. Shri B. K. Chakraborty. |
| 7. Shri R. K. Chakraborty. | 27. Shri D. K. Dey. |
| 8. Shri B. B. Bhattacharjee. | 28. Shri R. C. Gope. |
| 9. Shri P. K. Bhattacharjee. | 29. Shri K. B. Nag. |
| 10. Shri D. B. Chakraborty. | 30. Shri S. C. Majumder. |
| 11. Shri T. N. Chakraborty. | 31. Shri S. R. Paul. |
| 12. Shri D. R. Chakraborty. | 32. Shri A. Dhar Choudhury. |
| 13. Shri Shibdas Paul. | 33. Shri R. L. Chakma. |
| 14. Shri S. R. Das Gupta. | 34. Shri R. M. Paul. |
| 15. Shri A. K. Sen. | 35. Shri Amalendu Das. |
| 16. Shri N. K. Paul. | 36. Shri D. K. Bhattacharjee. |
| 17. Shri S. K. Dey. | 37. Shri S. C. Deb. |
| 18. Shri B. K. Sarkar. | 38. Shri S. A. Khan. |
| 19. Shri A. K. Das. | 39. Shri S. K. Kar. |
| 20. Shri K. K. Chanda. | |

By Order of the Governor,
S. R. Nandy
Under Secretary to the
Government of Tripura.

Government of Tripura
Education Department.

No. F. 83(4-7)-DE/72

Dated, Agartala, the 4th August, 1975.

Applications are invited in the prescribed form for admission to 1st year class of the Diploma Course in Fine Art and Certificate Course in Batik & Decorative Art in the Govt. College of Art & Craft, Rabindra Satabarshiki Bhaban, Tripura, Agartala. Candidates must have passed H. S. or S. F. or any equivalent examination and should normally be between 15 and 20 years.

Particulars and forms of application may be had of the office of the Senior Lecturer, Rabindra Satabarshiki Bhavan, from 16. 8. 75 to 25. 8. 75. Last date of receipt of application is 1. 9. 75.

Adhip Chaudhuri
Director & Joint Secretary,
Education Department.

Government of Tripura
Education Department.

No. F. 3 (86)-E/69.

Dated, Agartala, the 29th July, 1975

NOTIFICATION

In continuation of this Department Notification of even number dated 19-5-75, Governor has been pleased to order extension of re-employment of Shri Gopal Chandra Bhattacharjee, Principal, B. T. (S. T. T.) College, Agartala for a further period of 3 (three) months with effect from 25-7-75 in exigencies of public interest.

By order of the Governor,

Adhip Chaudhuri
Joint Secretary
to the Govt. of Tripura.

Government of Tripura
Appointment & Services Department.

No. F. 2(21)-GA/73(i)

Dated, Agartala, the 2nd August, 1975.

NOTIFICATION.

Under Rule 17 of the Tripura Junior Civil Service Rules, 1969, read with clause (b) of sub-rule (1) of rule 5 of the said Rules, the Governor is pleased to appoint the following officers to the Tripura Junior Civil Service, against promotion quota on probation, for a period of 2 (Two) years, with effect from the 21st October, 1972 :—

- | | |
|------------------------------|-------------------------------|
| 1. Shri R. K. Deb Barma. | 21. Shri S. Das Gupta. |
| 2. Shri L. C. Lura. | 22. Shri C. D. Barman. |
| 3. Shri G. D. Chakraborty. | 23. Shri M. C. Bhattacharjee. |
| 4. Shri B. B. Deb. | 24. Shri B. N. Bhattacharjee. |
| 5. Shri D. P. Dutta. | 25. Shri R. K. Sen. |
| 6. Shri M. R. Goswami. | 26. Shri B. K. Chakraborty. |
| 7. Shri R. K. Chakraborty. | 27. Shri D. K. Dey. |
| 8. Shri B. B. Bhattacharjee. | 28. Shri R. C. Gope. |
| 9. Shri P. K. Bhattacharjee. | 29. Shri K. B. Nag. |
| 10. Shri D. B. Chakraborty. | 30. Shri S. C. Majumder. |
| 11. Shri T. N. Chakraborty. | 31. Shri S. R. Paul. |
| 12. Shri D. R. Chakraborty. | 32. Shri A. Dhar Choudhury. |
| 13. Shri Sibdas Paul. | 33. Shri R. L. Chakma. |
| 14. Shri S. R. Das Gupta. | 34. Shri R. M. Paul. |
| 15. Shri A. K. Sen. | 35. Shri Amalendu Das. |
| 16. Shri N. K. Paul. | 36. Shri D. K. Bhattacharjee. |
| 17. Shri S. K. Dey. | 37. Shri S. C. Deb. |
| 18. Shri B. K. Sarkar. | 38. Shri S. A. Khan. |
| 19. Shri A. K. Das. | 39. Shri S. K. Kar. |
| 20. Shri K. K. Chanda. | |

By Order of the Governor,
S. R. Nandy
Under Secretary to the
Government of Tripura.

Government of Tripura
Appointment & Services Department.

No. F. 2(21)-GA/73(ii)

Dated, Agartala, the 2nd August, 1975.

NOTIFICATION

In exercise of the powers conferred on him by sub-rule (2) of rule 22 of the Tripura Junior Civil Service Rules, 1969, the Governor is pleased to reduce the period of probation of the following officers appointed to the Tripura Junior Civil Service under rule 17 of the said Rules by 1(One) year :—

- | | |
|------------------------------|-------------------------------|
| 1. Shri R. K. Deb Barma. | 21. Shri S. Das Gupta. |
| 2. Shri L. C. Lura. | 22. Shri C. D. Barman. |
| 3. Shri G. D. Chakraborty. | 23. Shri M. C. Bhattacharjee. |
| 4. Shri B. B. Deb. | 24. Shri B. N. Bhattacharjee. |
| 5. Shri D. P. Dutta. | 25. Shri R. K. Sen. |
| 6. Shri M. R. Goswami. | 26. Shri B. K. Chakraborty. |
| 7. Shri R. K. Chakraborty. | 27. Shri D. K. Dey. |
| 8. Shri B. B. Bhattacharjee. | 28. Shri R. C. Gope. |
| 9. Shri P. K. Bhattacharjee. | 29. Shri K. B. Nag. |
| 10. Shri D. B. Chakraborty. | 30. Shri S. C. Majumder. |
| 11. Shri T. N. Chakraborty. | 31. Shri S. R. Paul. |
| 12. Shri D. R. Chakraborty. | 32. Shri A. Dhar Choudhury. |
| 13. Shri Shibdas Paul. | 33. Shri R. L. Chakma. |
| 14. Shri S. R. Das Gupta. | 34. Shri R. M. Paul. |
| 15. Shri A. K. Sen. | 35. Shri Amalendu Das. |
| 16. Shri N. K. Paul. | 36. Shri D. K. Bhattacharjee. |
| 17. Shri S. K. Dey. | 37. Shri S. C. Deb. |
| 18. Shri B. K. Sarkar. | 38. Shri S. A. Khan. |
| 19. Shri A. K. Das. | 39. Shri S. K. Kar. |
| 20. Shri K. K. Chanda. | |

By Order of the Governor,
S. R. Nandy
Under Secretary to the

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

Annexure

28

NO. F. 30 (3)-GA/74.

Dated, Agartala, the

20th

August, 1975.

M E M O R A N D U M

Subject :- Provisional seniority list of officers holding duty posts of Tripura Junior Civil Service as on .15th. August, .1975..... including those who are on deputation etc.

The undersigned is directed to circulate herewith the provisional seniority list of officers appointed to the duty post of Tripura Junior Civil Service. The seniority of the officers is to be determined in pursuance of sub-rule (1)(b) of rule 29 of the Tripura Junior Civil Service Rules, 1969.

2. Officers concerned are requested to examine the provisional seniority list very carefully keeping in view the provisions of rule 29 of the Tripura Junior Civil Service Rules, 1969, and to lodge their claims and objections, if any, by the 10th September, 1975 through their respective Heads of Departments/Offices, who in turn may please forward them to this Department by the 15th September, 1975 alongwith their specific comments. In case of factual inaccuracy about the date of appointment etc., objections, if any, will have to be supported by attested copies of orders etc. on which such objections are based. If no objection is received from any officer by the stipulated date etc. it will be presumed that he has no objection to make and the provisional seniority list will be finalised accordingly.

(S. R. Nandy)
Under Secretary
to the Government of Tripura

.....

Copy to :-

1. All concerned Departments/Heads of Departments/Offices.
2. All Officers concerned.

Shri B. K. Chakroborty, B.D.O.
Rajnagar, South Tripura, Dist.

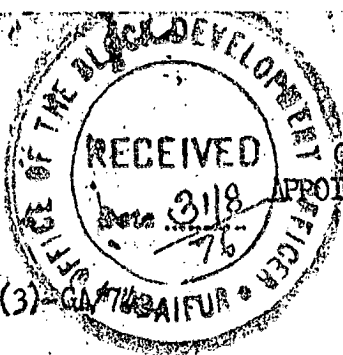
Provisional seniority list of officers holding duty posts of Tripura Junior Civil Service including those who are on deputation etc.

SL. NO.	Name of the officer	Date of birth Date of commencement of service	Date of appointment to T.J.C.S.	Date of continuous officiation in the duty post of T.J.C.S. or equivalent post.	Date of confirmation in T.J.C.S.	Remarks
1.	2.	3.	4.	5.	6.	7.
1.	Shri R. K. Deb Barma.	<u>10. 6. 1936</u> 22. 9. 1962	2-10-72	1-4-1971	21-10-1973	
2.	Shri L. C. Lura.	<u>1. 12. 1936</u> 1. 12. 1962	-do-	1-4-1971	-do-	
3.	Shri G. D. Chakraborty.	<u>12. 2. 1926</u> 5. 10. 1948	-do-	1-4-1971	-do-	
4.	Shri B. B. Deb.	<u>1. 11. 1928</u> 5. 8. 1952	-do-	6-1-1966 (A.N.)	-do-	
5.	Shri D. P. Dutta.	<u>28. 7. 1938</u> 11. 5. 1962	-do-	24-6-1966	-do-	
6.	Shri M. R. Goswami.	<u>10. 12. 1934</u> 17. 8. 1957	-do-	27-6-1966	-do-	
7.	Shri R. K. Chakraborty.	<u>1. 5. 1929</u> 9. 8. 1951	-do-	28-6-1966	-do-	
8.	Shri B. B. Bhattacharjee.	<u>23. 1. 1933</u> 11-12-1962	-do-	29-6-1966	-do-	
9.	Shri P. K. Bhattacharjee.	<u>1. 9. 1940</u> 17. 12. 1962	-do-	30-6-1966	-do-	
10.	Shri D. B. Chakraborty.	<u>15. 1. 1939</u> 3. 10. 1958	-do-	1-7-1966	-do-	
11.	Shri T. N. Chakraborty.	<u>1. 6. 1931</u> 20-8-1954	-do-	9-10-1967	-do-	
12.	Shri D. R. Chakraborty.	<u>1. 1. 1933</u> 27-10-1958	-do-	4-3-1968 (AN)	-do-	
13.	Shri Shibdas Paul.	<u>1. 11. 1933</u> 6. 2. 1961	-do-	4-3-1968 (AN)	-do-	
14.	Shri S. R. Das Gupta.	<u>19. 1. 1923</u> 7. 3. 1949	-do-	6-5-1968	-do-	
15.	Shri A. K. Sen.	<u>1. 9. 1938</u> 29-8-1959	-do-	17-5-1968	-do-	

1.	2.	3.	4.	5.	6.	7.
Shri						
16. Shri N. K. Paul.	<u>24-4-1934</u> 19-8-1957	21-10-72	14-2-1969-	21.10.73.		
17. Shri S. K. Dey.	<u>31-12-1937</u> 31-8-1959	-do-	18-3-1969	-do-		
18. Shri B. K. Sarkar.	<u>1-2-1932</u> 18-2-1955	-do-	27-6-1969	-do-		
19. Shri A. K. Das.	<u>1-11-1934</u> 17-4-1953	-do-	27-6-1969	-do-		
20. Shri K. K. Chanda.	<u>1-8-1934</u> 17-1-1961	-do-	27-6-1969	-do-		
21. Shri S. Das Gupta.	<u>1-7-1932</u> 27-1-1956	-do-	31-1-1970	-do-		
22. Shri C. D. Barman.	<u>1-5-1918</u> 29-5-1950	-do-	31-1-1970	-do-		
23. Shri N.C. Bhattacharjee.	<u>18-2-1919</u> 21-4-1950	-do-	31-1-1970	-do-		
24. Shri F. N. Bhattacharjee.	<u>12-1-1932</u> 4-1-1954	-do-	31-1-1970	-do-		
25. Shri R. K. Sen.	<u>Sept. 1931</u> 18-3-1954	-do-	31-1-1970	-do-		
~~26. Shri B. K. Chakraborty.~~						
26. Shri B. K. Chakraborty.	<u>8-7-1940</u> 24-12-1962	-do-	21-2-1970	-do-		
27. Shri D. K. Dey.	<u>4-3-1941</u> 26-7-1961	-do-	21-2-1970	-do-		
28. Shri R. C. Gope.	<u>5-4-1935</u> 9-10-1957	-do-	25-2-1970	-do-		
29. Shri K. B. Nag.	<u>1-3-1928</u> 19-12-1962	-do-	1-3-1970	-do-		
30. Shri S. C. Majumder.	<u>1-2-1918</u> 28-5-1950	-do-	6-3-1970 (AN)	-do-		

1.	2.	3.	4.	5.	6.	7.
31. Shri S. R. Paul.	<u>18-6-1941</u> 6-9-1962	21-10-72	~~23-3-1970~~ ~~27-6-1969~~	21.10.1973.		
32. Shri A. Dhar Choudhury.	<u>1-3-1934</u> 6-3-1954	-do-	1-4-1971	-do-		
33. Shri R. L. Chakma.	<u>30-6-1934</u> 12-8-1957	-do-	25-6-1971	-do-		
34. Shri R. M. Paul.	<u>1-2-1932</u> 13-3-1955	-do-	25-6-1971	-do-		
35. Shri Amalendu Das.	<u>1-9-1932</u> 25-10-1957	-do-	28-6-1971	-do-		
36. Shri D.K. Bhattacharjee.	<u>1-4-1935</u> 17-11-1954	-do-	30-6-1971	-do-		
37. Shri S. C. Deb.	<u>1-7-1933</u> 14-8-1954	-do-	30-6-1971 (AN)	-do-		
38. Shri S. A. Khan.	<u>24-4-1932</u> ~~15-2-1954~~ 15-2-1954	-do-	3-7-1971	-do-		
39. Shri S. K. Kar.	<u>1-3-1917</u> 1-9-1955	-do-	5-7-1971	-do-		

.....



GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

Page 20

Annexure

107
29
120

NO.F.30(3)-GA/743AIFUR-430111

Dated, Agartala, the 24th August, 1976.

MEMORANDUM

Subject :- Final Seniority list of officers appointed to Tripura Junior Civil Service against promotion quota.

The Governor is pleased to fix in consultation with the Tripura Public Service Commission the seniority of the officers appointed to the Tripura Junior Civil Service under rule 17 of Tripura Junior Civil Service Rules, 1969, read with clause (b) of sub-rule (1) of rule 5 of the said rules as shown below, after considering the representations received on the draft seniority list.

2. The seniority of the officers has been determined under sub-clause (b) of clause (i) of rule 29 of the Tripura Junior Civil Service Rules, 1969.

Sl. NO.	Name of the officer.	Date of birth Date of commencement of service.	Date of appointment to T.J.C.S.	Date of continuous officiation in the duty post of T.J.C.S. or equivalent post.	Date of confirmation in T.J.C.S.	R E M A R K S.
1.	Shri B. B. Deb.	1-11-1928 5-8-1952	21-10-1972	6-1-1966 (AN)	21-10-1973	
2.	Shri R. K. Sen.	Sept. 1931 18-3-1954	21-10-1972	31-1-1970	21-10-1973	
3.	Shri M.C. Bhattacharjee.	18-2-1919 21-4-1950	21-10-1972	31-1-1970	21-10-1973	
4.	Shri L. C. Lura.	1-12-1936 1-12-1962	21-10-1972	1-12-1962	21-10-1973	
5.	Shri D. P. Dutta.	28-7-1938 11-5-1962	21-10-1972	24-6-1966	21-10-1973	

Contd.....2.

Discontinued PCO
Discontinued PCO

(1)	(2)	(3)	(4)	(5)	(6)	(7)
6. Shri R. K. Deb Barma.	<u>10-6-1938</u> 21-9-1962	21-10-1972	21-9-1962	21-10-1973		
7. Shri G. D. Barman.	<u>1-5-1918</u> 29-5-1950	21-10-1972	31-1-1970	21-10-1973	since retd.	
8. Shri B.N. Bhattacharjee.	<u>12-1-1932</u> 4-1-1954	21-10-1972	31-1-1970	21-10-1973		
9. Shri M. R. Goswami.	<u>10-12-1934</u> 17-8-1957	21-10-1972	27-6-1966	21-10-1973		
10. Shri Shibdas Paul.	<u>1-11-1933</u> 6-2-1961	21-10-1972	4-3-1968 (AN)	21-10-1973		
11. Shri R. K. Chakraborty.	<u>1-5-1929</u> 9-8-1951	21-10-72	28-6-1966	21-10-1973		
12. Shri D.B. Chakraborty.	<u>15-1-1939</u> 3-10-1958	21-10-1972	1-7-1966	21-10-1973		
13. Shri T.N. Chakraborty.	<u>1-6-1931</u> 20-8-1954	21-10-1972	9-10-1967	21-10-1973		
14. Shri D. K. Dey.	<u>4-3-1941</u> 25-7-1961	21-10-1972	21-2-1970	21-10-1973		
15. Shri S. K. Dey.	<u>31-12-1937</u> 31-8-1959	21-10-1972	17-5-1968	21-10-1973		
16. Shri A. Dhar Choudhury	<u>1-3-1934</u> 6-3-1954	21-10-1972	1-4-1971	21-10-1973		
17. Shri D.R. Chakraborty.	<u>1-1-1938</u> 27-10-1958	21-10-1972	4-3-1968 (AN)	21-10-1973		
18. Shri A. K. Sen.	<u>1-9-1938</u> 29-8-1959	21-10-1972	17-5-1968	21-10-1973		
19. Shri S.C. Majumder.	<u>1-2-1918</u> 28-5-1950	21-10-1972	6-3-1970 (AN)	21-10-1973	since expired	
20. Shri N.K. Paul.	<u>24-4-1934</u> 19-8-1957	21-10-1972	14-2-1969	21-10-1973		
21. Shri B.K. Chakraborty.	<u>8-7-1940</u> 24-12-1962	21-10-1972	21-2-1970	21-10-1973	~~since expired~~	
22. Shri P.K. Bhattacharjee.	<u>1-9-1940</u> 17-12-1962	21-10-1972	30-6-1966	21-10-1973		
23. Shri R.C. Gope.	<u>5-4-1935</u> 9-10-1957	21-10-1972	25-2-1970	21-10-1973.		

(1) (2) (3) (4) (5) (6) (7)

24. Shri S. Das Gupta.	<u>1-7-1932</u> 27-1-1956	21-10-1972	31-1-1970	21-10-1973	
25. Shri B.B. Bhattacharjee.	<u>23-1-1938</u> 17-12-1962	21-10-1972	29-6-1966	21-10-1973	
26. Shri S. K. Kar.	<u>1-3-1917</u> 1-9-1955	21-10-1972	5-7-1971	21-10-1973	Since retired.
27. Shri K.B. Nag.	<u>1-3-1928</u> 19-12-1962	21-10-1972	1-2-1970	21-10-1973	
28. Shri D.K. Bhattacharjee.	<u>1-4-1935</u> 17-11-1954	21-10-1972	30-6-1971	21-10-1973	
29. Shri Anandendu Das.	<u>1-9-1932</u> 25-10-1957	21-10-1972	28-6-1971	21-10-1973	
30. Shri B.K. Sarkar.	<u>1-2-1932</u> 18-2-1955	21-10-1972	27-6-1969	21-10-1973	
31. Shri S.R. Paul.	<u>18-6-1941</u> 6-9-1952 1962	21-10-1972	23-3-1970	21-10-1973	
32. Shri R.L. Chakma.	<u>3-6-1934</u> 12-8-1957	21-10-1972	25-6-1971	21-10-1973	
33. Shri S.A. Khan.	<u>24-4-1932</u> 15-2-1943	21-10-1972	3-7-1971	21-10-1973	
34. Shri A. K. Das.	<u>1-11-1934</u> 17-4-1953	21-10-1972	27-6-1969	21-10-1973	
35. Shri K. K. Chanda.	<u>1-8-1934</u> 17-1-1961	21-10-1972	27-6-1969	21-10-1973	
36. Shri R. M. Paul.	<u>1-2-1932</u> 13-3-1955	21-10-1972	25-6-1971	21-10-1973	
37. Shri S. C. Deb.	<u>1-7-1933</u> 14-8-1954	21-10-1972	30-6-1971 (AN)	21-10-1973	

Contd.....4.

(1) X (2) Y (3) Y (4) Y (5) Y (6) Y (7) Y

38. Shri G. D. Chakraborty. 12-2-1926 21-10-1972 5-11-65 21-10-1973
5-10-1948

39. Shri S.R. Das Gupta. 19-1-1923 21-10-1972 5-5-1968 21-10-1973
7-3-1949

By order of the Governor,

(S. R. Nandy)

Under Secretary to the Government of Tripura.

.....

Copy to :-

1. Revenue Department, Civil Secretariat, Tripura, Agartala.
2. The District Magistrate & Collector, West/North/South Tripura District Agartala/Kailashahar/Udaipur.
3. The Director of Rehabilitation, Tripura, Agartala.
4. The Director of Land Records & Settlement, Tripura, Agartala.
5. The Director of Welfare for Scheduled Castes and Scheduled Tribes, Tripura, Agartala.
6. The Director of Panchayat, Tripura, Agartala.
7. The General Manager, Tripura Road Transport Corporation, Agartala.
8. All Sub-Divisional Officers/Project Executive Officers/Block Development Officers, Tripura, Agartala.
9. The Accountant General, Tripura, Agartala.
10. Shri.....

11. The Secretary, T.P.S.C. Agartala.

(S. R. Nandy)

Under Secretary to the Government of Tripura.

.....

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT.

Page 24

Annexure 30

No.F.30(3)-GA/74.

Dated, Agartala, the 9th September, 1977.

MEMORANDUM.

Subject:- Re-fixation of seniority of S/Shri R.K.Chakraborty, D.B. Chakraborty and D.R. Chakraborty in the Tripura Junior Civil Service.

.....

In partial modification of this Department's Memorandum of even number dated the 24th August, 1976, the Governor has been pleased to re-fix in consultation with the Tripura Public Service Commission, the seniority of S/Shri R.K. Chakraborty, D.B.Chakraborty and D.R.Chakraborty in the Tripura Junior Civil Service vis-a-vis others as shown below with effect from the date of issue of this order under sub-clause (b) of clause (i) of rule 29 of the Tripura Junior Civil Service Rules, 1969.

1.	Name of the officer.	Date of birth	Date of appointment to T.J.C.S.	Date of continuous official duty post of TJCS or equivalent post.	Date of confirmation in TJCS	Remarks.
2.		Date of commencement of service.				
3.						
4.						
5.						
6.						
7.						
1.	Shri R.K.Chakraborty ✓	1-5-1929 9-8-1951	21-10-1972	28-6-1966	21-10-1973	
2.	Shri B. B. Deb. ✓	1-11-1928 5-8-1952	-do-	6-1-1966(AN)	-do-	
3.	Shri R. K. Sen. ✓	Sept. 1931 18-2-1954	-do-	31-1-1970	-do-	
4.	Shri M.C.Bhattacharjee.	18-2-1919 21-4-1950	-do-	31-1-1970	-do-	Since retired.
5.	Shri L. C. Lura. ✓	1-12-1936 1-12-1962	-do-	1-12-1962	-do-	
6.	Shri D. P. Dutta. ✓	28-7-1938 11-5-1962	-do-	24-6-1966	-do-	
7.	Shri R.K.Deb Barma.	10-6-1938 21-9-1962	-do-	21-9-1962	-do-	
8.	Shri D.B.Chakraborty.	15-1-1939 3-10-1958	-do-	1-7-1966	-do-	
9.	Shri C.D. Barman.	1-5-1918 29-5-1950	-do-	31-1-1970	-do-	Since retired.
10.	Shri B.N.Bhattacharjee.	12-1-1932 4-1-1954	-do-	31-1-1970	-do-	

contd....P-2.

	1.	2.	3.	4.	5.	6.	7.
9	11. Shri M. R. Goswami.	<u>10-12-1934</u> 17-8-1957	21-10-1972	27-6-1966	21-10-1973		
10	12. Shri Shibdas Paul.	<u>1-11-1933</u> 6-1-1961	-do-	4-3-1968(AN)	-do-		
11	13. Shri T.N.Chakraborty.	<u>1-6-1931</u> 20-8-1954	-do-	9-10-1967	-do-		
12	14. Shri D.R.Chakraborty.	<u>1-1-1938</u> 27-10-1958	-do-	4-3-1968(AN)	-do-		
13	15. Shri D. K. Dey.	<u>4-3-1941</u> 26-7-1961	-do-	21-2-1970	-do-		
14	16. Shri S. K. Dey.	<u>21-12-1937</u> 31-8-1959	-do-	17-5-1968	-do-		
15	17. Shri A.Dhar Choudhury.	<u>1-3-1934</u> 6-3-1954	-do-	1-4-1971	-do-		
16	18. Shri A. K. Sen.	<u>1-9-1938</u> 29-8-1959	-do-	17-5-1968	-do-		
	19. Shri S.C. Majumder.	<u>1-2-1918</u> 28-5-1950	-do-	6-3-1970(AN)	-do-	Since expired	
17	20. Shri N. K. Paul.	<u>24-4-1934</u> 19-8-1957	-do-	14-2-1969	-do-		
18	21. Shri B.K.Chakraborty.	<u>8-7-1940</u> 24-12-1962	-do-	21-2-1970	-do-		
	22. Shri P.K.Bhattacharjee.	<u>1-9-1940</u> 17-12-1962	-do-	30-6-1966	-do-		
	23. Shri R. C. Gope.	<u>5-4-1925</u> 9-10-1957	-do-	25-2-1970	-do-		
	24. Shri S. Das Gupta.	<u>1-7-1932</u> 27-1-1956	-do-	31-1-1970	-do-		
	25. Shri B.B.Bhattacharjee.	<u>23-1-1938</u> 17-12-1962	-do-	29-6-1966	-do-		
	26. Shri S. K. Kar.	<u>1-3-1917</u> 1-9-1955	-do-	5-7-1971	-do-	Since retired	
	27. Shri K. B. Nag.	<u>1-3-1928</u> 19-12-1962	-do-	1-3-1970	-do-		
	28. Shri D.K.Bhattacharjee.	<u>1-4-1935</u> 17-11-1954	-do-	30-6-1971	-do-		
	29. Shri Amalendu Das.	<u>1-9-1932</u> 25-10-1957	-do-	28-6-1971	-do-		
	30. Shri B. K. Sarkar.	<u>1-2-1932</u> 18-2-1955	-do-	27-6-1969	-do-		contd....P

	2.	3.	4.	5.	6.	7.
31. Shri S. A. Paul.	<u>18-6-1941</u> 6-9-1962	21-10-1972	23-3-1970	21-10-1973		
32. Shri R. L. Chakma.	<u>30-6-1934</u> 12-8-1957	-do-	25-6-1971	-do-		
33. Shri S. A. Khan.	<u>24-4-1932</u> ~~25-8-1948~~ 15-2-1954	-do-	3-7-1971	-do-		
34. Shri A. K. Das.	<u>1-11-1934</u> 17-4-1953	-do-	27-6-1969	-do-		
35. Shri K. K. Chanda.	<u>1-8-1934</u> 17-1-1961	-do-	27-6-1969	-do-		
36. Shri R. M. Paul.	<u>1-2-1932</u> 13-3-1955	-do-	25-6-1971	-do-		
37. Shri S. C. Deb.	<u>1-7-1933</u> 14-8-1954	-do-	30-6-1971(AN)	-do-		
38. Shri G.D. Chakraborty.	<u>12-2-1926</u> 5-10-1948	-do-	5-11-1965	-do-		
39. Shri S.R. Das Gupta.	<u>12-1-1923</u> 7-3-1949	-do-	6-5-1968	-do-		

By order of the Governor,

(H. M. Choudhury)

Under Secretary to the Government of Tripura.

....

Copy to:-

1. The Revenue Department, Civil Secretariat, Agartala.
2. The District Magistrate & Collector, West/North/South Tripura District, Agartala/Kailasahar/Udaipur.
3. The Director of Rehabilitation, Tripura, Agartala.
4. The Director of Land Records & Settlement, Tripura, Agartala.
5. The Director of Welfare for Sch. Castes & Tribes, Tripura, Agartala.
6. The Director of Panchayats, Tripura, Agartala.
7. The General Manager, Tripura Road Transport Corporation, Agartala.
8. All Sub-Divisional Officers/Project Executive Officers/Block Development Officers.
9. The Accountant General, Tripura, Agartala.
10. The Deputy Secretary, Tripura Public Service Commission, Agartala.
11. Shri P.K. Chakraborty SDC (Rev. Secy) Diphailong.

(H. M. Choudhury)

Under Secretary to the Government of Tripura.

....

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

Annexure 31

NO. P. 30(3)-GA/74.

Dated, Agartala, the 29th September, 1977.

MEMORANDUM

Subject:- Provisional seniority list of officers holding duty posts of T.J.C.S. as on 15-8-77 including those who are on deputation etc.

The undersigned is directed to state that the refixation of seniority of S/Shri R. K. Chakraborty, D. B. Chakraborty and D. R. Chakraborty in TJCS issued vide Appointment and Services Department memo NO. P. 30(3)-GA/74 dated 9-9-77, may be treated as provisional one. The seniority of the officers will be determined in pursuance of sub-rule (I) (b) of Rule 29 of the T.J.C.S. Rules, 1969.

2. All the officers concerned are requested to examine the provisional seniority list very carefully keeping in view the provisions of rule 29 of the T.J.C.S. Rules, 1969, and to lodge their claims and objections, if any, within 15 days from the date of issue of this order, through their respective Heads of Departments/Offices, who, in turn, may forward them to this Department within 5 days alongwith their specific comments. In case of factual inaccuracy about the date of appointment etc, objections, if any, will have to be supported by attested copies of orders etc. on which such objections are based. If so objection is received from any officer by the stipulated etc. date it will be presumed that he has no objection to make and the provisional seniority list will be finalised accordingly. It may be mentioned that no further representation after finalisation of seniority on the objections etc. as called for, would be entertained in future.

(H. M. CHOUDHURY)

UNDER SECRETARY TO THE GOVERNMENT OF TRIPURA.

.....

To

1. All concerned Departments/Heads of Departments/Offices.
2. All officers concerned.
3. Secretary, Tripura Public Service Commission, Agartala.

Shri B. K. Chakraborty,

S.E.C. attached to

S.D.O's office,

Gadar.

"INDRA"
28/9/77.

PROVISIONAL SENIORITY LIST OF OFFICERS HOLDING DUTY POSTS OF TJCS
INCLUDING THOSE WHO ARE ON DEPUTATION ETC.

Sl. NO.	Name of the officer	Date of birth Date of commencement of service.	Date of appointment to T.J.C.S.	Date of continuous official duty post of T.J.C.S. or equivalent post.	Date of confirmation in TJCS	REMARKS.
1.	2.	3.	4.	5.	6.	7.
1.	Shri R. K. Chakraborty.	<u>1-5-1929</u> 9-8-1951	21-10-1972	28-6-1966	21-10-1973	
2.	Shri B. B. Deb.	<u>1-11-1928</u> 5-8-1952	-do-	6-1-1966(AN)	-do-	
3.	Shri R. K. Sen.	<u>Sept. 1931</u> 18-3-1954	-do-	31-1-1970	-do-	
4.	Shri M. C. Bhattacharjee.	<u>18-2-1919</u> 21-4-1950	-do-	31-1-1970	-do-	Since retired.
5.	Shri L. C. Lura.	<u>1-12-1936</u> 1-12-1962	-do-	1-12-1962	-do-	
6.	Shri D. P. Dutta.	<u>2-7-1938</u> 11-5-1962	-do-	24-6-1966	-do-	
7.	Shri R. K. Deb Barna.	<u>10-6-1938</u> 21-9-1962	-do-	21-9-1962	-do-	
8.	Shri D. B. Chakraborty.	<u>15-1-1919</u> x 1939 3-10-1958	-do-	1-7-1966	-do-	
9.	Shri G. D. Barman.	<u>1-5-1918</u> 29-5-1950	-do-	31-1-1970	-do-	Since retired.
10.	Shri E. N. Bhattacharjee.	<u>12-1-1932</u> 4-1-1954	-do-	31-1-1970	-do-	
11.	Shri M. R. Goswami.	<u>10-12-1934</u> 17-8-1957	21-10-1972	27-6-1966	21-10-1973	
12.	Shri Shibdas Paul.	<u>1-11-1933</u> 6-1-1961	-do-	4-3-1968(AN)	-do-	
13.	Shri T. N. Chakraborty.	<u>1-6-1931</u> 20-8-1954	-do-	9-10-1967	-do-	
14.	Shri D. R. Chakraborty.	<u>1-1-1938</u> 27-10-1958	-do-	4-3-1968(AN)	-do-	
15.	Shri D. K. Dey.	<u>4-3-1941</u> 26-7-1961	-do-	21-2-1970	-do-	
16.	Shri S. K. Dey.	<u>31-12-1937</u> 31-8-1959	-do-	17-5-1968	-do-	

1.	X	2.	X	3.	X	4.	X	5.	X	6.	X	7.	X
17.	Shri A. Dhar Choudhury.	<u>1-3-1934</u> 6-3-1954	21-10-1972	1-4-1971	21-10-1973								
18.	Shri A. K. Sen.	<u>1-9-1938</u> 29-8-1959	-do-	17-5-1968	-do-								
19.	Shri S. C. Majumder.	<u>1-2-1918</u> 28-5-1950	-do-	6-3-1970(AN)	-do-	Since expired.							
20.	Shri N. K. Paul.	<u>24-4-1934</u> 19-8-1957	-do-	14-2-1969	-do-								
21.	Shri B. K. Chakraborty.	<u>8-7-1940</u> 24-12-1962	-do-	21-2-1970	-do-								
22.	Shri P. K. Bhattacharjee.	<u>1-9-1940</u> 17-12-1962	-do-	30-6-1966	-do-								
23.	Shri R. C. Gope.	<u>5-4-1935</u> 9-10-1957	-do-	25-2-1970	-do-								
24.	Shri S. Das Gupta.	<u>1-7-1932</u> 27-1-1956	-do-	31-1-1970	-do-								
25.	Shri B. B. Bhattacharjee.	<u>23-1-1938</u> 17-12-1962	-do-	29-6-1966	-do-								
26.	Shri S. K. Kar.	<u>1-3-1917</u> 1-9-1955	-do-	5-7-1971	-do-	Since retired.							
27.	Shri K. B. Nag.	<u>1-3-1928</u> 19-12-1962	-do-	1-3-1970	-do-								
28.	Shri D. K. Bhattacharjee.	<u>1-4-1935</u> 17-11-1954	-do-	30-6-1971	-do-								
29.	Shri Anandendu Das.	<u>1-9-1932</u> 25-10-1957	-do-	28-6-1971	-do-								
30.	Shri B. K. Sarkar.	<u>1-2-1932</u> 18-2-1955	-do-	27-6-1969	-do-								
31.	Shri S. R. Paul.	<u>18-6-1941</u> 6-9-1962	-do-	23-3-1970	-do-								
32.	Shri R. L. Chakma.	<u>30-6-1934</u> 12-8-1957	-do-	25-6-1971	-do-								
33.	Shri S. A. Khan.	<u>24-4-1932</u> 15-2-1954	-do-	3-7-1971	-do-								
34.	Shri A. K. Das.	<u>1-11-1934</u> 17-4-1953	-do-	27-6-1969	-do-								
35.	Shri K. K. Chanda.	<u>1-8-1934</u> 17-1-1961	-do-	27-6-1969	-do-								
36.	Shri R. M. Paul.	<u>1-2-1932</u> 13-3-1955	-do-	25-6-1971	-do-								
37.	Shri S. C. Deb.	<u>1-7-1933</u> 14-8-1954	-do-	30-6-1971(AN)	-do-								
38.	Shri G. D. Chakraborty.	<u>12-2-1926</u> 5-10-1948	-do-	5-11-1965	-do-								
39.	Shri S. R. Das Gupta.	<u>19-1-1923</u> 7-3-1949	-do-	6-5-1968	-do-								

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

NO.F.30(2)-GA/79 : Dated, Agartala, the 20th June, 1996.

C O R R I G E N D U M

Please read in serial number 61 "Shri Harihar Das(ST)" in place of "Shri Harihar Das (SC)" as appearing in Col.No.2 in the Table below para 4 of the Memorandum of even number dated 31st March, 1989 regarding fixation of seniority of Officers in Tripura Civil Services.

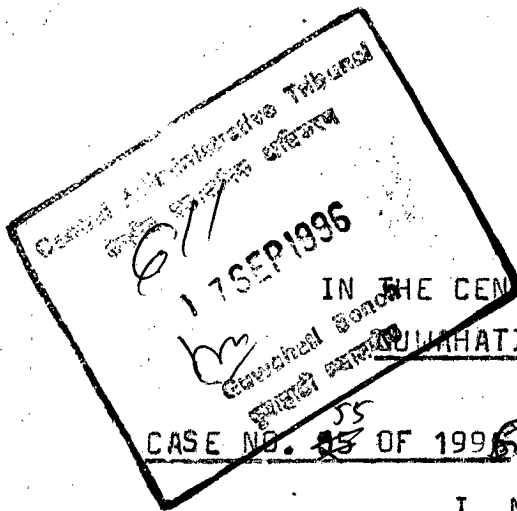
By order of the Governor,

A. Sarkar
26.6.96

(Mrs. A. Sarkar),
Under Secretary to the
Government of Tripura.

To

1. All concerned (TCS Officers)
2. District Magistrate & Collector, West/North/South/
Dhalai, Agartala/Railashahar/Udaipur/Ambassa.
3. Revenue Department/R.D. Department.



I N D E X

In the matter of

Shri Harihar Das,
S/O- Late Ananda Mohan Das,
New Bodhjung Chowmuhani,
North Banamalipur,
P.O.-East Agartala,
Dist- West Tripura. Respondent No.7

A N D

In the matter of

Shri Bhupendra Kumar Chakraborty
..... Applicant.

Versus

The Union of India & others
..... Respondents.

1. Written Statement from page 1 to 9.
2. Annexure No.1 page 10
3. Annexure No.2 page 13
4. Annexure No.3 page 14
5. Annexure No.4 page 15
6. Annexure No.5 page 16
7. Annexure No.6 page 17
8. Annexure No.7 page 18
9. Annexure No.8 page 19
10. Annexure No.9 page 20
11. Annexure No.10 page 21

Received Copy
17-9-96
(M. Chandra)
Advocate
17-9-96

Harihar Das
R.No-7

119

Harish Das 132

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:: GUWAHATI.

In the matter of

D.A. Case No.55 of 1996

A N D

In the matter of

Shri Bhupendra Kr. Chakraborty

.....Applicant.

V E R S U S

The Union of India & Others

.....Respondents.

A N D

In the matter of

Written statement by the Respondent No.7.

The Respondent No.7 above named humbly states as follows :-

1. That the Respondent No.7 has gone through the relevant records of the case. He has also gone through the 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 against respondent No.7 may be taken as denied by him.
3. That as regards para 6(C) & (D) this answering Respondent No.7 has nothing to comment.

115
Harinar Das
133

-: 2 :-

4. That regarding para 6(E) of the application this Respondent No.7 humbly states that the joint cadre authority of Manipur and Tripura prepared the select list of T.C.S. officers in the year 1993-94 in which the name of the Respondent No.7 found place above Shri K.P. Goswami, Shri Pallab Deb Barma, Shri D.K.De and Shri B.K. Chakraborty, who are all juniors to this Respondent No.7 in the T.C.S. and whose Sl.Nos. are 17,18, 23 & 26 in the disposition list published on 19.2.95 by the A & S Department, Govt. of Tripura, whereas Sl.No. of this Respondent No.7 is 16 in the said disposition list. This Respondent No.7 was expecting that he would be appointed to I.A.S. on promotion in order of his seniority position (Sl.No.8) in the select list. But suddenly a Notification dated 7.10.94 has been issued from the A & S Department mentioning the names of some T.C.S. Gd-I officers officiating in the post of IAS under IAS Rule-9 of 1994. In this list the names of said T.C.S. officers Sarvashri K.P.Goswami, Pallab Deb Barma, D.K. De and B.K.Chakraborty who are juniors to this Respondent No.7 have been mentioned while the name of this Respdnt.No.7 has not been mentioned there. Moreover, ultimately the said officers except Shri B.K.Chakraborty(Sl.No.12) have already been appointed to IAS on promotion by Notification dated 21.2.95. Hence those period of their services against IAS cadre post would be counted for the purpose of deciding their year of allotment. As such this Respdnt. No.7 has been deprived of his opportunity to officiate against IAS cadre post. At that time this Respondent No.7 submitted a representation on 24.10.94 to the Chief Secretary, Govt. of Tripura but no response has yet been received from him.

Contd.....P/3

118
Howrah Dns
134
-: 3 :-

Copy of the disposition list published on 19.2.95
copies of the Notification dated 7.10.94 and 21.2.95
and the copy of the representation dated 24.10.94
are annexed as 1,2,3, & 4.

5. That regarding para 6(G) this Respd. No.7 has reason to believe that while his name found place in the select list in the year 1993-94 there was no departmental proceeding pending against him and as such his name was sent to the Govt. of India, Ministry of Home Affairs, Department of Personnel, Grievances & Pension etc. for promotion to IAS. But although the names of juniors including the name of the applicant appearing in the select list were forwarded to the said department of the Central Govt. yet the name of the Respd. No.7 was not sent to the said department and hence the said department of Govt. of India wanted to know as to why senior person's name has not yet been sent. Thereafter it was intimated by the State Govt. that the departmental proceeding was contemplated against the Respd. No.7 and so his name was not sent. Thereafter the said department wanted to know about the specific proceeding and as such in such a situation a proceeding has been initiated on flimsy allegation for the purpose of satisfying the said query made by the Govt. of India and to take an advantage against the claim of this Respd. No.7 for removing the illegal supersession. This Respd. No.7 is presently showing how these allegations are flimsy. These are framed only to support illegal action of the Government in superseding this Respd. No.7 in the matter of promotion to the IAS as well as for appointing his juniors namely Shri B.K.Chakraborty in the IAS. The charge was framed so hurriedly that the date of the letter has been mentioned

117

Harihar Das

135

- : 4 : -

30.2.92 which is an absurd date. In such a situation the Respdt. No.7 submitted representation to the Chief Secretary on 2.1.96 to quash the charge stating the reasons. As the Respdt. No.3 and 5 always favoured the applicant in the matter of promotion to IAS dropping the name of this Respdt. No.7 illegally from the select list as it would be further evident from the facts narrated in para-5 of item No.6 of the application. It is not understood ~~how the~~ how the applicant came to know that Sl.No.8 Shri Harihar Das (Respdt. No.7) was involved in vigilance enquiry at the time of officiating appointment as per select list issued on 7.10.94 when the departmental charge was fromed against Shri Das on flimsy ground on 9.2.95 i.e. after more than 4 months. So the applicant has misrepresented the fact to misguide the Hon'ble Tribunal.

Copies of the departmental proceeding drawn on 9.2.95 and copy of the representation dated 2.1.96 are annexed as 5 & 6.

6. That as regards para 6(H) of the application the Respdt. No.7 has nothing to comment about this fact as the applicant has relinquished the charge of the Joint Secretary on the basis of the illegal order.

7. That as regards para 6(I) of the application this Respdt. No.7 has nothing to comment because he has been illegally superseded by his juniors.

8. That as regards paras 6(J) & (K) this Respdt. No.7 has nothing to comment.

Contd....P/5.

118

Harinarayan

136

- ; 5 : -

9. That as regards para 6(L) of the application this Respd. No.7 humbly states that the alleged submission of declaration and undertakings have been done illegally in violation of Rule-7's constitutional right as this Respd. No.7 has been dropped from the select list and superseded by his junior officer as mentioned above.

10. That ~~xx~~ regarding para 6(M) of the application this Respd. No.7 has nothing to comment afresh because he has already narrated the matter of queries made by the Govt. of India as regards Sl.No. 8 of the selectlist.

11. That regarding para 6(N) of the application this Respd. No.7 has nothing to comment further because he has already narrated the circumstances in para 6(G) of the application under which the charge-sheet has been framed subsequently against this Respd. No.7.

12. That regarding para 6(O) of the application this Respd. No.7 has nothing to comment.

13. That regarding para 6(P) & (Q) of the application this Respd. No.7 has nothing to comment further. This Respd. No.7 has already submitted a representation to the Chief Secretary on 24.10.94 raising objection against illegal supersession.

14. That regarding para 6(R) of the application this Respd. No.7 has nothing to comment.

15. That regarding para 6(S) of the application it is clear from this para that the applicant Shri B.K.Chakraborty was favoured by the Respd.No.3 for which he managed to get oral assurance from him(Chief Secretary) that his case

119

Harivare Das

-: 6 :-

would be taken up with the Govt. of India for promotion to IAS in the event of A.M.Datta's retirement, whereas this Respdt. No.7 has not been able to get least response from the respondent No.3 inspite of submitting different representations to the authority. Of course Govt. of India having realised conspiracy against this Respdt. No.7 did not agree to remove the name of the Respdt. No.7 from the select list.

16. That regarding para 6(T) of the application it is to be mentioned that the name of this Respdt. No.7 has been included provisionally in the select list of 1994-95 as the State Govt. in the meanwhile has already framed the departmental proceeding against this Respdt. No.7 on flimsy and fribulous grounds as a measure of stalling his promotion to IAS which was still pending at the time of preperation of the select list.

17. That regarding para 6(U) of the application it is to be mentioned that this Respdt. No.7 is not a member of the Scheduled Caste for which he has neither submitted any document to this effect nor claimed to be the member of the Scheduled Caste. But he had written to the Government in two occasions dated Sept'91 and May'95 to make necessary correction in all records where his name erroneously appears to be the member of the S.C. community. Besides this the Director of S.C. Welfare had written to the Government for deleting the status of Scheduled Caste appeared against this Respdt. No.7's name. Of course, this Respdt. No.7 was a member of the Laskar community(Kshatriya) which was recognised as Scheduled Tribe . But the status of S.T. was

Harinar Das

120

137

-: 7 :-

ceased after the judgement of the Hon'ble Apex Court in Civil Appeal No.479 of 1986 as stated in para-6 of Annexure-20 of the application. Tripura was a princely ruled State before access to India when Maharaja of Tripura declared Laskar community as Kshatriya and recognised as Scheduled Tribe because Maharaja himself belongs to the Kshatriya and S.T. It may be further stated that there was no provision for reservation of S.C. & S.T. in the matter of promotion to TCS Gd-I and IAS. Of course the officers of S.T. & S.C. of this Government have filed a case to the Gauhati High Court for making provision which is still subjudice. It will be further evident from the disposition list of TCS officers published on 19.2.95 that the senior most S.T. & S.C. officers whose Sl.Nos. are 8,9,10,11 and 13 have been superseded by the junior officers (general) namely Srabashri S.S.Datta, B.K.Roy, K.P. Goswami and D.K.De in the matter of promotion to IAS due to excellent records in ACRs. Had they been favoured with the facilities of ST & SC they would have found place in both the IAS select lists of 1993-94 and 1994-95. So the allegations brought by the applicant has no ground at all.

Copy of the two letters dated Sept '91 and May '95 seeking correction in the disposition list, Copy of the letter of Director(SC) and copy of the ST certificate (Laskar community now defunct w.e.f.1985) are annexed as 7,8,9, & 10.

18. That regarding para-6(U) paras made in representation on 3.1.96 annexed as 20 ~~xxxxxxxx~~ relating to this Respt. No.7 may be taken as denied by him since he has already narrated the matter in the aforesaid paras.

Contd....P/8.

Harihar Das

121
138

-: 8 :-

19. That regarding para 6(W) this Respd. No.7 states that the applicant has produced only para No.3 of the letter annexed as 21 of the application but has not produced the para No.2 of the same where it was specifically stated that in view of this Shri B.K.Chakraborty, TCS Gd-I included at Sl.No.3 of the current select list for Tripura cannot be promoted to IAS under the rule without keeping one post vacant for Shri Harihar Das, TCS Gd-I included provisionally in the select list at Sl.No.2 as proposed. It is clear from this para of the letter that the Government of India is reluctant to appoint Shri Chakraborty to IAS illegally dropping the name of this Respd. No.7.

20. That regarding para 6(X) and (Y) of the application this Respd. No.7 has nothing to comment.

21. That regarding para 6(Z) of the application this Respd. No.7 has nothing to comment about the illegal officiating appointment to IAS issued by the State Government. As such Govt. of India did not agree to such illegal proposal.

22. That regarding para 6(Z.I,II,III) of the application this Respd. No.7 has nothing to comment further as he has already narrated the matter in the aforesaid paras. But it is not understood how he has managed to procure such most confidential letters from the Government custody and annexed in the application as Sl.No.2,3,9,15,15 and 21. It is not equally understood how a copy of the service book of this Respd. No.7 has been procured by the applicant. He has neither obtained permission of the Government who is the custodian of the service book of the Respd. No.7 nor obtained consent of the Respd. No.7. So the applicant

Harinar Das

122

139

-: 9 :-

has violated the code of conduct of the Service Rule and as such he may be placed under misconduct for procuring this confidential letter as well as the first page of the service book of this Respd. No.7.

It may be stated that the Laskar community of Tripura was enjoying the status of S.T. as per valid certificate issued by the Government and this Respd. No.7 as a member of the Laskar community enjoyed this facilities upto 1985. So the applicant has nothing to comment against this.

23. That the rest would be orally submitted.

VERIFICATION

I, Shri Harihar Das, S/O-Late Ananda Mohan Das, aged 55 years, working as Joint Secretary(Agri), Govt. of Tripura, do hereby verify that the contents of paras 4 to 22 are matters of records which I verily believe to be true and the rest are my humble submissions.

Harinar Das

Signature of Respd. No.7.

17/2-10
ANNEXURE - I



K. RAJESWARA RAO
IAS

SECRETARY TO THE
CHIEF MINISTER
GOVT. OF TRIPURA
AGARTALA-799001
Ph. O- 224077, R- 224078
Fax NO. 0381-223201

Date.....19.2.1995.

Dear Shri Das,

You may be happy to receive herewith 'Disposition list' of Tripura Civil Service Officers. You are aware that this is the second compilation of the disposition list of Tripura Civil Service Officers. From the available executive sheets, submitted by officers, we have incorporated more columns, which will be of interest to you. Receipt of the book may be acknowledged.

With best wishes,

Yours sincerely,
(K. RAJESWARA RAO)

Printed by
The Manager, Tripura Government Press,
Agartala.

Tripura Civil Service

Sl. No.	Name of the Officers	Category ST/SC/Others	Date of Birth	Educational Qualification
1	2	3	4	5
1.	Shri S. K. Adhikari,	Others	04-02-1942	M.A.
2.	Shri N. K. Maitra,	"	27-09-1942	B.Sc.
3.	Shri N. G. Bhattacharjee	"	16-01-1940	B.A. (Hons.)
4.	Shri Bimal Bhowmik	"	26-12-1942	M.Sc.
5.	Shri D. K. Chakraborty,	"	15-08-1952	B.A. (Hons.)
6.	Shri Nepal Ch. Sinha,	"	03-01-1952	M.Sc.
7.	Shri Sailuna Saito,	S.T.	01-11-1947	M.A. B.Ed.
8.	Shri M. K. Deb Barma,	S.T.	15-01-1943	B.A. (Hons.)
9.	Shri S. K. Sarkar,	S.C.	02-01-1945	M.Com.
10.	Shri R. C. Choudhury,	S.C.	01-10-1948	B.A.
11.	Shri Binagirath Reang,	S.T.	01-08-1947	B.A.
12.	Shri Sailen Kr. Das,	S.C.	30-10-1951	B.Sc.
13.	Shri Manik Lal Reang,	S.T.	04-11-1946	B.A.
14.	Shri S. S. Datta,	Others	15-10-1939	B.A.
15.	Shri B. K. Roy,	"	20-03-1952	B.Sc. (Hons.)
16.	Shri Harihar Das,	S.C.	15-07-1941	M.Com. B.Ed.
17.	Shri K. P. Goswami,	Others	02-05-1930	B.Sc. (Hons.)
18.	Shri Pallab Deb Barman,	S.T.	06-07-1952	B. Com.
19.	Shri D. P. Dutta,	Others	20-07-1938	B.A.
20.	Shri R. K. Deb Barma,	S.T.	10-06-1938	B.A.
21.	Shri D. B. Chakraborty,	Others	15-01-1939	B.Com.
22.	Shri P. B. Das,	"	31-08-1937	B.Sc.
23.	Shri D. K. De,	"	04-03-1941	B. Com.

Grade I Officers

(Recruitment into TCS		Last (two) posting)		Present posting and date	
Direct/ Promotee	Date	Post	Period		
6	7	8	9	10	
(D)	09-06-76			Labour Commissioner, Tripura.	
(D)	15-11-76			Secretary, TSPC (Officiating in IAS w.e.f. 07-10-94)	
(D)	10-06-76			M.D., T.J.M.	
(D)	08-06-76			A.D.M. North (Officiating in IAS w.e.f. 07-10-94)	
(D)	23-04-77	DTWO, Kls. ii) Jt. Secy. (Rev.)	9/91 to 10/92 11/92 to 7/93.	Jt. Secy., Jail & PTG, Sty. Deptt.	
(D)	14-11-76			Director, Panchayat (Officia- ting IAS w.e.f. 07-10-94)	
(D)	17-06-76			Registrar, Co-op. Societies, (Officiating in IAS w.e.f. 07-10-94.)	
(D)	08-06-76			Director, TRP & PGP,	
(D)	09-06-76			Joint Secy.. Food.	
(D)	25-04-77			Addl. Commissioner. Deptt. of Inquires.	
(D)	11-06-76			Director, Manpower.	
(D)	06-06-76			Director, Fisheries (Officia- ting in IAS. w.e.f. 07-10-94).	
(D)	01-06-76			Project Officer, A.D.C.	
(P)	01-04-1977			Addl. District Magistrate, West (officiating in IAS w.e.f. 07-10-94)	
(D)	12-07-77	i) Addl. Director SC, ii) Addl. Labour Commissioner.	3/88 to 10/90	Director, S.E. & S.W. (Officia- ting in IAS w.e.f. 07-10-94.)	
(D)	07-07-77	Jt. Secy., RD,		Sr. D.C., O/O, D.M. (North)	
(D)	24-04-98			Joint Secy., Finance & Agri. (officiating in IAS w.e.f. 07-10-94)	
(D)	24-04-78			Director P. & S. (Officiating in IAS w.e.f. 07-10-94)	
(P)	28-07-78			Director, Small Savings & Jt. Secy., Finance	
(P)	19-08-78			Managing Director, TRFC.	
(P)	22-03-78			Join Secy., Political.	
(P)	01-10-79			I.G. of Prisons.	
(P)	20-08-79			Jt. Resident Commissioner. Tripura Bhawan Calcutta. (adl. charge) (officiating in IAS w.e.f. 07-10-94) as JS, SAD	

ANNEXURE-1

Tripura Civil Service

Sl. No.	Name of the Officers	Category ST/SC/Others.	Date of Birth	Educational Qualification
1	2	3	4	5
24.	Shri S. K. Dey,	Others	31-12-1937	B.Sc.
25.	Shri A. K. Sen,	"	01-09-1938	B.Sc.
26.	Shri B. K. Chakraborty,	"	08-07-1940	B.A.
27.	Shri P. K. Bhattacharjee	"	01-09-40	B.Com.
28.	Shri S. R. Paul	"	18-06-1941	B. Com.
29.	Shri M. C. Dutta	"	28-09-1947	B.Sc.
30.	Shri S. K. Choudhury	"	13-07-1950	M.A. LL.B
31.	Shri R. K. De Choudhury	"	01-11-1947	M.Sc.
32.	Shri P. R. Kar	"	17-06-1945	B.Sc.
33.	Shri Ajit Kr. Bhowmik	"	20-01-1947	B.A.
34.	Shri Swapan Saha	"	16-11-51	B.A. (Hons)
35.	Shri M. S. Bhattacharjee	"	12-03-1949	B.Com. BA, LLB
36.	Shri T. Bhattacharjee	"	16-08-1945	M.A.
37.	Shri B. B. Das	"	11-09-1948	B.Sc. BA (spl.)
38.	Shri Paritosh Talukder	"	02-02-1946	B.A.
39.	Shri Debatesh Dutta	"	02-02-1948	B.A., M.A. B.Ed.
40.	Shri Mridul Das	"	14-06-1948	B.Sc., B.Ed.
41.	Shri N. G. Das	SC	17-07-1948	B. Com.
42.	Shri N. R. Jamatia	ST	02-06-1947	B.A.
43.	Shri R. K. Deb Barma	"	22-09-1942	B.A.
44.	Shri Shisir Ch. Das	SC	01-12-1945	B.Com.
45.	Shri. M. L. Das	"	21-08-1947	B.A.
46.	Shri Jitdas Tripura	ST	01-03-1949	B.A.
47.	Shri L. Darlong	"	05-05-1950	B.Com.
48.	Shri Santanu Das	Others.	14-08-1952	M.Sc.,
49.	Shri Dilip Acharjee	"	24-03-1952	M.Sc.

Grade I Officers

(Recruitment into TCS)		Last two postings		Present posting and date
Direct/ Promotee	Date	Post	Period	
6	7	8	9	10
(P)	01-10-79			Principal Survey Instt.
(P)	01-10-79			Addl. Director of Land Re- cords & Settlement.
(P)	01-10-79	i) S.D.O., Sadar ii) Executive Officer Khadi.	2/93 of 4/93 4/93	J. Secy. Finance. (Officiating in IAS w.e.f. 7.10.94)
(P)	01-10-79			Sr. D.C., O/o, DM (North)
(P)	01-10-79			Sr. Dy. Collector, O/o, the D.M. & Collector (West)
(D)	01-10-79			M.D. Apex. Weavers Co-op. Society.
(D)	01-10-79	i) Dy. Collector D.M.'s office (West) ii) Sr. D.C., DM's Office West.	2/88 to 8/89 8/89 to 5/92.	M.D., T.T.D.C. Ltd.
(D)	01-10-79			Jt. C.E.O., Tripura.
(D)	01-10-79			Sr. D.C., O/o, D.M. (West)
(D)	01-10-79			Treasury Officer, Udaipur.
(D)	01-10-79			Controller of Weights & Measures.
(D)	01-10-79	i) Addl. Commr. of Taxes ii) P.D., DRDA	4/93 to 9/93 9/92 to	Administrator Agt. Municipality.
(D)	01-10-79			D.P.O., South.
(D)	01-10-79	SDO, BLN,	6/90 to 7/92	E.O., Agartala, Municipality.
(D)	01-10-79			Addl. Commr. of Taxes.
(D)	01-10-79	i) P.D., D.R.D.A. ii) Sr. D.C., D.M. (N)	4/86 to 3/91 4/91 to 9/91	Addl. Director, Panchayats.
(D)	15-07-77	DO, BLN,	1/92 to 4/93	Dy. Transport Commr. Agt.
(D)	01-10-79	Sr. D.C., DM(s)	4/93 to	Addl. Director, SC Welfare.
(D)	01-10-79	i) Dy. Dir., T.W., ii) SDO, Udaipur,	89 to 5/90 5/90 to 7/91.	Addl. Director, ST. Welfare.
(D)	01-10-79			Secy. Zilla Parishad, South.
(D)	01-10-79			Sr. Dy. Collector o/o DM (North)
(D)	01-10-79	i) Dy. Dir SC. Welfare ii) Addl. Dir., SC Welfare	9/88 to 11/92 11/92 to 5/93	Genl. Manager, SC/ST Corpn.
(D)	01-10-79			Sr. Dy. Magistrate, South Tripura.
(D)	01-10-79	MD TSIC	5/93 to 11/93	Addl. R.C.S.
(D)	01-10-79	Addl. Director (Ind)	11/93 to 11/93	M.D., THHDC.
(D)	01-10-79			Dy. Director, Panchaya..

142

ANNEXURE

19. Sri Bimalendu Biswas
Agril. OfficerOffice of the S. A.
Salema.Panisagar Agri. Sector S. A/
under S. A. Panisagar Panisagar

The pay and allowances of the Officers will be drawn from the respective head of account of the establishment in which they are posted.

No T. A. and D. A. will be paid to the Officers as indicated at Sl. No. 4, 5, 12, 13, 15 and 16 as their transfer order have been made at their own interest.

They shall assume the charge of their new assignment by relinquishing their present charge by 5th October, 1994.

The Officers at Sl. No. 2, 3, 4, 6, 9, 10, 12, 13, 15, 16 and 18 will move first.

By order of the Governor,
K. P. Goswami
Joint Secretary to the
Government of Tripura.

Government of Tripura
Appointment & Services Department

No. F. 2 (21)-GA/93 (L-1) :

Dated, Agartala, the 7th October, 1994.

NOTIFICATION

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

Sl. No.	Name of Officer	Name of the IAS cadre post under which appointed.
---------	-----------------	---

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. Registrar, Co-operative Societies, Tripura, Agartala.

4. Shri S. Sailo, TCS Grade-I, Registrar, Cooperative Societies.

Joint Secretary, Fisheries Department. He will also hold the charge of Director, Fisheries, in addition.

5. Shri S. K. Das, TCS Grade-I, Director, Fisheries.

Addl. D. M. & Collector, West Tripura, Agartala.

6. Shri S. S. Dutta, TCS Grade-I, Addl. D. M. & Collector, West Tripura, Agartala.

Director, Social Welfare & Social Education.

7. Shri B. K. Roy, TCS Grade-I Director, Social Welfare & Social Education.

Joint Secretary, Finance & Agriculture Departments.

8. Shri K. P. Goswami, TCS Grade-I, Joint Secretary, Finance & Agriculture Departments.

Joint Secretary, Printing & Stationery Department. He will also hold the charge of Director, Printing & Stationery, in addition.

9. Shri Pallab Debbarma, TCS Grade-I, Director, Printing & Stationery.

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.

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

Joint Secretary, Finance Department.

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

By order of the Governor,
A. L. Chakraborty
Deputy Secretary to the
Government of Tripura.

(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 21st Feb, 1995

NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of Rule-8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation(1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulations, 1955, the President is pleased to appoint S/Shri (1) K.P.Goswami, (2) Pallab Deb Barma and (3) S.K.De, 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 the above mentioned officers to the Indian Administrative Service is subject to the outcome of OA No.145/94 filed by Shri R.C.Choudhury and OA No.214/94 & filed by Shri Deepak Kumar Chakraborty before the CAT, Guwahati.

Sd/-
(R. VAIDYANATHAN)
Desk Officer

To

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

F.No.14015/3/94-AIS(I)

New Delhi, the 21st Feb. 1995.

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 CGEGIS or SIS failing which they will be treated as deemed to have opted for CGEGIS.
2. Chief Secretary to Govt. of Manipur, Agartala.
3. Accountant General, Tripura, Agartala,
4. Secretary, UPSC, New Delhi (Shri G.C.Yadav, SO(AIS))
5. E.O. to the Government of India, New Delhi.

Sd/-
(R. VAIDYANATHAN)
Desk Officer

INTERNAL DISTRIBUTION:

US(S III)/RO(CM)/EO(PR)/Training Division
AVD-I/AIS-III Sections (with one spare copy) for civil list.

10 spare copies.

NO. F. 15(12)/ND/94-95/19/5

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

Ctd. to Page No. 2

129

ANNEXURE-

143

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.

Harinar Das

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

NO.F. 11(152)-ARD/93/21-23
GOVERNMENT OF TRIPURA
ADMINISTRATIVE REFORMS DEPARTMENT

ANNEXURE-1

Dated, Agartala 07th, 1995

M E M O R A N D U M

It is proposed to hold an inquiry against _____

Shri Harihar Das, former Joint Secretary, R.D. DepartmentGovt. of Tripura, now Sr. Deputy Collector, North Tripura District

under Rule 14 of the C.C.S (C.C. & A) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct of misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be substantiated are also enclosed (Annexure-III & IV).

2. Shri Das is directed to submit within 10 days of the receipt of this Memorandum a written statement of his/her defence and also to state whether he/she desires to be heard in person.

3. He/She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He/She should, therefore, specifically admit or deny each article of charge.

4. Shri Das is further informed that if he/she does not submit his/her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring authority or otherwise fails or refused to

contd....2.

comply with the provisions of Rule 14 of the Central Civil Services (C.C.&A) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the Inquiring Authority may hold the inquiry against him/her exparte.

5. Shri Das shall not bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interests in respect of matters pertaining to his/her service under the Government. If any representation is received on his/her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Das is aware of such a representation and that it has been made at his/her instance and action will be taken against him/her for violation of Rule 14 of the Tripura Civil Services (Conduct) Rules, 1988.

6. The receipt of this Memorandum may be acknowledged.

By order and in the name
of the Governor,

Enclo:- As stated

(S.K. Roy)
Joint Secretary
Govt. of Tripura

To

Shri Harihar Das,
Senior Deputy Collector
O/O the D.M. & Collector
North Tripura
Kailashahar.

Copy to:-

1. The Dy. Secretary, A&S Department, Govt. of Tripura Agartala.
2. The D.M. & Collector, North Tripura, Kailashahar.

(S.K. Roy)
Joint Secretary
Govt. of Tripura.

131

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST
SHRI HARIHAR DAS, THE FORMER JOINT SECRETARY
TO THE GOVERNMENT OF TRIPURA, R.D. DEPARTMENT
NOW SENIOR DY. COLLECTOR, NORTH TRIPURA
DISTRICT, KAILASHAHAR.

149

ARTICLE- I

That Shri Harihar Das, Senior Deputy Collector, North Tripura District, Kailashahar while functioning as the Joint Secretary to the Govt. of Tripura, R.D. Department during the period from June, 1989 to 1st week of September, 1993 failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant, in that on receipt of a letter bearing No.F.3(2)-DWD/DM/W/92-93/4603-05 dated, Agartala 30/09/92 from Shri J.P. Gupta, the then District Magistrate and Collector, West Tripura, Agartala regarding procurement of pachara in connection with implementation of a special scheme for Dhoti, Sari and Pachara under SREP scheme wherein a decision of the Government was sought for and he failed to process that letter at all during his tenure.

Thus said Shri Harihar Das, the then Joint Secretary, R.D. Department, Agartala has violated the provision of Rule-3 of Civil Services(Conduct) Rules, 1988 with ulterior motive.

ARTICLE- II

That Shri Harihar Das, Senior Deputy Collector, North Tripura, Kailashahar while functioning as Joint Secretary to the Govt. of Tripura, R.D. Deptt. during the period from June, 1989 to 1st week of Sept., 1993 failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Govt. servant in that on receipt of a letter bearing

Contd-P/2

Mo.F.3(2)-DWD/DM/W/92-93/2108-09 dated the 1st October, 1992 from Shri J.P. Gupta, the then D.M. & Collector, West Tripura addressed to the Managing Director, Tripura Apex Weaver Marketing Co-operative Societies Ltd., Kailashahagar, Agartala with a copy to Shri H. Das, the then Joint Secretary, R.D. Deptt, but he failed to take action on it in time.

Thus said Shri H. Das, the then Joint Secretary, R.D. Deptt. has violated the provision of Rule-3 of Tripura Civil Services (Conduct) Rules, 1988 with ill motive.

ARTICLE-III

That Shri Harihar Das, Senior Dy. Collector, North Tripura while functioning as Joint Secretary to the Govt. of Tripura, R.D. Deptt. during the period from June, 1989 to 1st week Sept., 1993 failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Govt. servant in that while Shri K. Ambuly the then In-charge, Development Section in the Office of the D.M. & Collector, West Tripura, Agartala and now SDO (Sadar), Agartala visited the Office chamber of the then R.D. Minister, Agartala on 01/10/92, Shri H. Das the then Joint Secretary, R.D. Deptt. was present in that chamber and while Shri Ambuly was directed by the then R.D. Minister, to convey to the D.M. & Collector, West Tripura, Agartala his instructions that the supply order issued in favour of TAWMCS should be cancelled immediately as the quantity of pacharas supplied earlier by TAWMCS to the BDOs were reported to be poor and this view of the Minister was supported by Shri H. Das also without proper justification or verification of records.

Thus said Shri Harihar Das, the then Joint Secretary, R.D. Deptt. has violated the provision of Rule-3 of Tripura Civil Services (Conduct) Rules, 1988 with ill motive.

133

151

STATEMENT OF IMPUTATION OF CHARGES FRAMED
AGAINST SHRI HARIHAR DAS, THE THEN JOINT
SECRETARY, R.D. DEPARTMENT, GOVT. OF TRIPURA,
AGARTALA

That Shri Harihar Das, Senior Deputy Collector, North Tripura, Kailashahar, while functioning as Joint Secretary R.D. Deptt., Agartala failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Govt. servant in that on receipt of a letter bearing No.F.3(2)-DWD/DM/W/92-93/4603-05 dt. 30/02/92 from the District Magistrate and Collector, West Tripura regarding procurement of pachara in connection with implementation of a special scheme for Dhoti Sari & Pachara under SREP Scheme he failed to process that letter at all during his tenure to ensure further instruction of the Govt. to the concerned officials. In that letter, DM & Collector, West Tripura District, Agartala addressed to the Joint Secretary, R.D. Deptt. with copy to the D.M. & Collector, South Tripura, Udairpur as well as D.M. & Collector, North Tripura, Kailashahar stated that they has contacted Tripura Apex Weaver Marketing Co-operative Societies Ltd., and Addl. Director, Tripura Handloom & Handicraft Society etc. for ~~XXXX~~ furnishing a list of local registered co-operative societies engaged in manufacturing of pacharas. The Managing Director, TAWMCS had intimated that he would be able to supply 12000 tribal pacharas before puja and the rest quantity of tribal and manipuri pachara after the puja. So, a decision was sought in that letter if supply orders with the TAWMCS to be issued or not etc. It is apparent that Shri H. Das the then Joint Secretary, R.D. Deptt. failed to take any initiative to get the decision of the Govt. and to communicate the same to the District Magistrate & Collector, West Tripura District and the same fact was admitted in his statement dt. 25/02/94 by Shri H. Das, Joint Secretary.

Contd. P/2

Thus said Shri Harihar Das, the then Joint Secretary, R.D. Deptt. has violated the provision of Rule-3 of Tripura Civil Services(Conduct) Rules, 1988 with ulterior motive.

ARTICLE- II

That Shri Harihar Das, Senior Dy. Collector, North Tripura, Kailashahar while functioning as Joint Secretary, R.D. Department, Agartala failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Govt. servant in that he received the copy of the letter bearing No. F.3(2)-DWD/DM/W/92/2108-09 dt. 01/10/1992 issued by D.M. & Collector, West Tripura District to the Managing Director Tripura Apex Weavers Marketing Co-operative Societies Ltd., regarding supply of tribal pacharas with a copy to Shri H. Das, the then Joint Secretary, R.D. Deptt. ^{He} was informed by that letter that the order of question have been ^{be} cancelled following the discussion held in the chamber of the then R.D. Minister, Tripura in ^{which} with the D.M., West Tripura was advised through Shri K. Ambuly, the then O/C Development Section of the office of D.M., West Tripura, Agartala that supplies ^{be} ~~should~~ be obtained from the sources other than the Apex Weavers Marketing Co-operative Societies Ltd., as the quality of their pacharas were not good. As such the supply order to ^{relevant} ~~the~~ extend was cancelled and Shri Das the then Joint Secretary, R.D. Deptt. was ^{be} ~~requested~~ to indicate the sources from which the supply was to be obtained. In respect of the said letter Shri H. Das did not feel it necessary to take up the matter with the authority in time. But about 11(eleven) month after the endorsement made by the D.M. & Collector, West Tripura on ^{be} ~~the~~ letter dt. 01/10/92, in question, Shri H. Das, Joint Secretary, R.D. Department issued a D.O. letter No.F.2(3)/RD/92 dt. 31/08/93 to Shri J.P. Gupta, EX-DM &

Contd. P/3

Collector, West Tripura without any justified reasons as he was supposed to take necessary action after initiating note in R.D. Department in time.

Thus said Shri Harihar Das, the then Joint Secretary, R.D. Department has violated the provision of Rule-3 of Tripura Civil Services(Conduct) Rules, 1988 with ulterior motive.

ARTICLE - III

That Shri Harihar Das, Senior Dy. Collector, North Tripura, Kailashahar while functioning as Joint Secretary, R.D. Department, Agartala failed to maintain absolute integrity and acted in a manner unbecoming of a Govt. servant in that on 01/10/92 in the afternoon Shri K. Ambuly the then O/C Development Section office of the D.M. & Collector, West Tripura being asked by the then R.D. Minister visited the chamber, where Shri H. Das the then Joint Secretary, R.D. Deptt., was present in that chamber, while on being asked by the then R.D. Minister, Shri K. Ambuly the then O/C Development Section, Office of the D.M. & Collector, West Tripura explained the circumstances in which supply orders were placed with TAWMCS. The Minister asked Shri K. Ambuly to convey the D.M. & Collector, West Tripura his instructions that the supply orders issued in favour of TAWMCS should be cancelled immediately as the quality of pachra supplied earlier by TAWMCS to the BDOs was reported to be poor. This view of the Minister about poor quality was supported by Shri Das, the then Joint Secretary, R.D. Deptt. without proper justification or verification of records. It is evident from the statement dated 01/03/94 of Shri N.C. Sinha Ex-Managing Director, TAWMCS that no verbal or written complaint in regard to the quality of the pachra has been received either from the concerned BDOs or from any source or person whatsoever during the relevant period.

Thus said Shri Harihar Das, the then Joint Secretary, R.D. Department has violated the provision of Rule 3 of Tripura Civil Services(Conduct) Rules, 1988 with ill motive.

LIST OF DOCUMENTS/RECORDS BY WHICH CHARGES
FRAMED AGAINST SHRI HARIHAR DAS, THE THEN
JOINT SECRETARY, R.D. DEPARTMENT IS PROPOSED
TO BE SUBSTANTIATED.

1. Statement dt. 25/02/94 of Shri K. Ambuly, SDO (Sadar), Agartala formerly O/c, Development Section, Office of the D.M. & Collector, West Tripura.
2. The statement of Shri J.P. Gupta, Ex-DM & Collector, West Tripura, Agartala.
3. Statement of Shri N.C. Singha, Ex-Managing Director Tripura Apex Weavers Marketing Co-operative Societies Ltd., Agartala now Director of Panchayat, Govt. of Tripura, Agartala.
4. Statement of Shri Harihar Das, Ex-Joint Secretary, R.D. Deptt., Govt. of Tripura now Senior Dy. Collector, North Tripura District, Kailashahar.
5. Letter No.F.3(2)/DWD/DM/W/92/2108-09 dt. 01/10/92 of the D.M. & Collector, West Tripura addressed to the Managing Director, TAWMCS with copy to Shri Harihar Das, Joint Secretary, R.D. Department.
6. Letter No.F. 3(2)/DWD/DM/W/92-93/4603-05 dt. 30/09/92 of the DM & Collector, West Tripura addressed to the Joint Secretary, R.D. Deptt. with copy to the D.M. & Collector, North Tripura and D.M. & Collector, South Tripura.
7. D.O. Letter No.F.2(3)/DR/92 dt. 31/08/93 of Shri H. Das, Joint Secretary, R.D. Deptt. to Shri J.P. Gupta, Ex.DM & Collector, West Tripura, Addl. Secretary to the Govt. of Tripura.

127

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SHRI HARIHAR DAS, EX-JOINT SECRETARY, R.D. DEPARTMENT NOW SENIOR DY. COLLECTOR, NORTH TRIPURA DISTRICT, KAILASHAHAR IS PROPOSED TO BE SUBSTANTIATED.

1. Shri K. Ambuly, Ex-O/C, Development Section, Office of the D.M. & Collector, West Tripura, now SDO(Sadar), Agartala.
 2. Shri J. P. Gupta, Ex-D.M. & Collector, West Tripura.
 3. Shri N.C. Singh, Ex-Managing Director, Tripura Apex Weavers Marketing Co-operative Societies Ltd. Agartala, Tripura.
 4. Shri P.N. Roy, Addl. S.P.(Vigilance) now S.P., South Tripura District, Udaipur.
- 00000

6(4) 24 128 Page No - 17
ANNEXURE - 6 153
No.F.1(1)-JS/AGRI/95
Office of the Joint Secretary,
Agriculture Department

Dated, Agartala, the

2nd day of January '96

To
The Chief Secretary,
Government of Tripura,
Agartala.

THROUGH PROPER CHANNEL

(Principal Secretary to the Government
of Tripura, Department of Agriculture).

Subject :- Prayer for passing an order for exonerating
me from the Departmental proceeding drawn up
against me vide Memo No.F.11(152)-ARD/93/21-23
dated 9.2.1995 of the Administrative Reforms
Department.

Respected Sir,

With reference to the above subject, I
humbly place before your goodself the following facts
in brief for favour of your kind consideration and
doing justice to me.

1. A Departmental proceeding was drawn up
against me vide Memo quoted above on some allegations
flimsy in nature and as a measure of stalling my
promotion to IAS. This proceeding has been drawn up at
a time when my case for promotion to IAS has been
favourably considered by the appropriate authority.

contd...2.

2. There are 3(three) Articles of Charges :

(1) Charges No. 1 is that while I was posted as Joint Secretary, Rural Development Department a decision was sought in the letter dated 30.9.1992 by the District Magistrate & Collector, West Tripura District, regarding procurement of Pachras but I allegedly failed to process that letter at all during my tenure of service there.

(a) In Article of Charge No.1 the date of the said letter has been mentioned as 30.2.1992, but in fact, there were 2(two) such letters issued on 30.9.1992.

(b) Infact, by one letter dated 30.9.1992, the District Magistrate & Collector, West Tripura District, placed orders for such supply of 12,000 (twelve thousand only) Tribal Pachras to the TANMCS and by another letter dated 30.9.92 the District Magistrate & Collector, West Tripura District informed that he had already placed the order for 12,000 (twelve thousand only)

contd....3

120

Tribal Pachras with the TAWMCS and requested the Rural Development Department to intimate whether he should place orders with the TAWMCS i.e. the same concern for the balance quantity. Thereafter on 1.10.1992, the District Magistrate & Collector, West Tripura District, wrote another letter (copy is annexed as A) to the Managing Director, TAWMCS cancelling the order for supply of the 12,000 (twelve thousand only) Pachras and copy of the same was endorsed to me for information. It has been further mentioned that the order has been cancelled following the discussions held in the Chamber of the Hon'ble Minister for Rural Development. It has been also mentioned that the Joint Secretary, Rural Development (myself) who was present advised to obtain supply from sources other than TAWMCS as the quality of their Pachras was not good. So, in this endorsement the District Magistrate & Collector, West Tripura District, requested me

contd....4

141
151

to communicate the sources from which the supply is to be obtained. Thus, as per discussion held in the said meeting the letter of the District Magistrate & Collector, West Tripura District dated 30.9.1992 became in-effective and abandoned and as such there was no question of taking any action on this letter dated 30.9.1992. Thus, the Article of Charge No.1 is not only flimsy but also without any basis.

3. The Article of Charge No.II is on allegation that the receipt of the letter dated 1.10.1992 from the District Magistrate & Collector, West Tripura, addressed to the Managing Director, TANMCS with a copy to myself, I allegedly failed to take action on it in time.

(a) In this connection I humbly refer to the above fact which shows that in the meeting referred to in the endorsement made in the letter dated 1.10.1992, I was also present and in my presence the Hon'ble Minister has instructed that the supply order issued in favour of the TANMCS

contd....5

Should be cancelled immediately as the quality of Pachras supplied early by TAWMCS was reported to be poor. Thus, there was no question of taking action on the letter of District Magistrate & Collector, West Tripura, dated 30.9.1992.

(b) Said letter was dated 1.10.1992 while the office was closed for Puja Holidays from 2.10.1992 upto 11.10.1992. After resuming of the office the letter dated 1.10.1992 reached the Rural Development Office and when it came to me I considered the same regarding the request for indicating other sources of supply. But in the meantime on 24.10.1992 the District Magistrate & Collector, West Tripura District, wrote another letter seeking the Government approval regarding sending of supply order with M/S RPKSS Ltd., at Kailashahar. In fact, in the Rural Development Department's letter dated 24.9.1992 the other

Contd...6

sources of supply were already indicated and it appears that the District Magistrate & Collector, West Tripura District had sent a proposal seeking Government decision / his letter dated 24.10.92 which is rather ~~redundant~~ redundant in view of the Rural Development Department letter dated 24.9.1992. It would appear from the letter dated 24.9.1992 of R.D. Department that the agency from which purchase could be made would be finalised by the DM(W) and this would also further appear from the note No.65 (copy is annexed as B). However, on the basis of the letter dated 24.10.1992 the District Magistrate & Collector, West Tripura was advised by the Rural Development Department to proceed as per his letter dated 24.10.1992. Thus, the allegation of Article of Charge No.II is also a flimsy allegation without any substance.

4. The Article of Charge No.III is that in the meeting held in the Chamber of the Hon'ble Minister for Rural Development Department on 1.10.1992 which I was

contd....7

present and Shri K. Ambuly was also present, the Hon'ble Minister directed Shri Ambuly to convey the District Magistrate & Collector, West Tripura District, Agartala to cancel the supply order issued in favour of the M/S TAWMCS immediately as the quality of Pachras supplied earlier by M/S TAWMCS were reported to be poor and this view of the Hon'ble Minister was supported by me.

a). It shows that in that meeting the Hon'ble Minister had already given a direction without waiting for any body's support. But at the last part of the allegation it was alleged that I supported the direction without proper justification and verification. It has been done only to rope me in Departmental proceedings at a time when the question of my promotion to IAS is very much prospective. In fact, I did not make support as alleged because no supporting was necessary when any high dignitary like Hon'ble Minister directed another officer. I further humbly state that from the official records in course of official transaction I

contd.....

came to know that in Note No.64 dated 17.11.92
of File No.F.2(3)-RD/92, the Secretary to the
Government of Tripura, Rural Development
Department has clearly mentioned that the
quality of Pachras supplied by TAWMCS and
THSDC are reported to be not good as will be
clear from the endorsement of the letter
available at ^{Page} 102/c of the said file. X X

A copy of the statement of Shri

K Ambuly is annexed as (c) herewith

which will prove the truth and a

copy of note no.62 is also annexed

as (D). //

5. In view of the aforesaid facts I humbly
submit that the aforesaid allegation of charges
have been brought against me not for any good
purpose nor on any sound basis but with a view
to deprive me from the opportunity of promotion
to IAS. I humbly say so because this flimsy alle-
gations have been brought against me at a very time
when my promotion process became matured.

contd....9

6. I humbly seek your indulgence to refer to some discussions of the Courts to the effect that even if there is any Departmental proceeding pending, it does not cause any bar to promotion of an officer -

- i) Vide Case of V.J. Rao - Versus -
Post Master General, AP Circle
reported in 1978 SJD 201.
- ii) K. Samiah - Versus - Zonal Manager,
FCI reported in 1978 SJD 195.
- iii) Balbir Singh - Versus - State of
Panjab 1975(A) SJR 239.
- iv) Rup Lal - Versus - State of HP
1980 SJD 348.
- v) Director of Postal Services -
Versus - C.M. Rao 1980(2) SLR 662.

Extract of Rules 11(Case Law No.10) by

P. Mathuswami 1985 edition is annexed as E.

I would, there, humbly request your goodness to kindly consider the above facts and be satisfied that the charges against me

Contd.....10.

147

brought on unfounded and flimsy allegation and may be kind enough to quash and I may be exonerated from the allegation clearing the way for consideration of my promotion to IAS as otherwise I am being superseded by my juniors and thus serious injustice has been done to me and as such I hope that I shall get justice from your goodness by passing appropriate order exempting me from the allegations of the aforesaid charges and dropping the present proceedings.

And for this act of kindness I shall remain ever grateful to you.

Yours faithfully,

Harihar Das
(H. Das) 2/11/96
Joint Secretary to the
Govt. of Tripura,
Agriculture Department,
Agartala.

(5) Reversion to substantive post from *ad hoc* appointment to upgraded post is not reduction in rank.—Upgradation of any post in a Government Office or establishment presupposes that there is a particular lower grade post and that the same is sought to be converted into a higher grade post in the exigencies of public service. Where there is no rule as to how the upgraded post has to be filled, it is a matter to be regulated by Recruitment Rules and, in the absence thereof, by executive orders. With the upgradation of a post the person holding the lower post does not *ipso facto* become the holder of the upgraded post with a right to continue in the said post.

Whenever an appointment is said to be an *ad hoc* appointment, it is a stop-gap fortuitous or purely temporary appointment and is not a regular appointment and does not confer an indefeasible right on the holder of the post to hold the said post. An *ad hoc* appointment is equivalent to a purely temporary appointment or promotion and is liable to be terminated at any time.

Hence, where a post was upgraded and the incumbent who was holding the upgraded post was allowed to continue to work against the upgraded post *ad hoc*, the reversion of the incumbent to his substantive post does not amount to 'reduction in rank'.

[*Pooswamy v. Union of India*, (1978) 1 Karn. L.J. 188; 1978 S.L.J. 297.]

(6) Reversion of an employee on ground of unfitness does not amount to punishment.—The petitioner was holding the post of Medical Checker on an officiating basis and was reverted to his substantive post on the ground that he was not competent to hold the same. The case of the petitioner is fully covered by the principles laid down by the Supreme Court and the contention of the learned counsel for the petitioner that the reversion amounted to punishment which could not be done without following the principles of natural justice, has got no substance. Therefore, there can be no doubt that the reversion of the petitioner by the order contained in the notice, is not any way invalid and accordingly cannot be quashed. It is not possible for this Court to determine the disputed question of facts and to hold the order to be invalid on the ground of *mala fide*.

[*Ahyodhya Paswan v. Union of India*, (1979) B.L.J.R. 154.]

Reversion from temporary post in higher service or grade to substantive post in lower grade of service on account of unfitness to hold high officiating post is not reduction in rank.

[*Divisional Personnel Officer v. S. Raghavendrachari*, A.I.R. 1966 S.C. 1529.]

(7) Reduction as punishment can be to a lower post which the Government servant did not hold at any time.—The expression 'reduction in rank' covers a wider field than reduction to a lower post. It is true, the word 'reversion' always connotes a return to the original post or place. But, the word 'reduction' has no such limitation and, therefore, reduction in rank extends even to a rank which the officer concerned never held. Where a statutory provision uses two different expressions, the normal rule of interpretations is that they cannot be deemed to have been used synonymously. Rule 13 of the Central Civil Services Rules, as it stands, enables the disciplinary authority to impose a penalty of reduction in rank not only to a lower post which the concerned civil servant held earlier but even to a lower post which he did not hold at any point of time.

[*R. Gopal Rao v. The Commissioner of Income-tax, Madras-2*, (1976) 2 M.L.J. 508.]

(9) Removal for overstaying of leave: Art. 311 attracted.—Whichever way one

ment for overstaying one's leave and the burden is thrown on the incumbent to secure reinstatement by showing cause. It is true that the Government may visit the punishment of discharge or removal from service of a person who has absented himself by overstaying his leave; but we do not think that Government can order a person to be discharged from service without at least telling him that they proposed to remove him and giving him an opportunity of showing cause why he should not be removed. If this is done the incumbent will be entitled to move against the punishment for, if his plea succeeds, he will not be removed and no question of reinstatement will arise. It may be convenient to describe him as seeking reinstatement; but this is not tantamount to saying that because the person will only be reinstated by an appropriate authority, that the removal is automatic and outside the protection of Art. 311. A removal is removal and if it is punishment for overstaying one's leave an opportunity must be given to the person against whom such an order is proposed, no matter how the Regulation describes it. To give no opportunity is to go against Art. 311 and this is what has happened here.

[*Jai Shanker v. State of Rajasthan*, A.I.R. 1966 S.C. 492.]

(9) Withholding of promotion pending departmental proceedings—status to be restored after fully exonerated.—If the disciplinary proceedings was the only ground on which the petitioner's claim for promotion was overlooked and if it turned out that the disciplinary proceedings had no legs to stand upon and the charges with which it was concerned were groundless, it should follow indisputably that the refusal of promotion was based on irrelevant and non-existent ground and on his exoneration, the petitioner became entitled to be promoted with effect from the date on which his junior was promoted.

[*M.G. Sirsakar v. State of Mysore*, A.I.R. 1967 Mysore 136.]

(10) Pendency of disciplinary proceeding no ground for overlooking claim for promotion.—In any event the pendency of the disciplinary proceedings cannot be a ground for overlooking the claim of the petitioner when he has been otherwise found suitable for promotion even by the Departmental Promotion Committee. The order withholding the promotion to the petitioner must, therefore, be quashed. Accordingly a direction will issue to the respondents to promote the petitioner to the proper cadre, as per the recommendation of the Departmental Promotion Committee.

[*V. Jagadeswara Rao v. Postmaster-General, Andhra Circle*, 1978 S.L.J. 201.]

The withholding of promotion due to pendency of contemplated initiation of disciplinary proceeding is illegal and the petitioner is hence entitled to be considered for promotion, irrespective of the pendency of contemplated inquiry.

[*K. Somaiah v. The Zonal Manager, Food Corporation of India*, 1978 S.L.J. 295.]

If there is no suspension and the officer continues to work, the pendency of enquiry need not prevent his being either promoted, reverted or transferred in accordance with exigencies of administration.

[*D. Srinivasa Iyer v. Mysore State*, 1971 Lab. I.C. 937; (1971) 1 S.L.R. 302.]

(11) Withholding promotion during enquiry is not punishment.—There is no right to promotion. All that a Government servant is entitled to is consideration for promotion to the higher post when he becomes due and eligible for it. It is inconceivable that a Government servant against whom departmental enquiry is pending can claim to be promoted to a higher post on this ground merely because he is likely to suffer a penalty if he is found guilty. Withholding a consideration for promotion to a higher post during the pendency of an enquiry is not a punishment at all. It is only an offshoot of the misdeed which is alleged to have been committed by him.

149

General Form No. 35

† p. 76-78/c

List of Reference

Ref : Note No. 61 onwards.

This relates to the implementation of SREP during the current year by distribution of Dhuti/Saree/Pachras in lieu of cash wages. The instructions of the Department in this regard provide for a total of 26,442 Tribal Pachras and 6400 Maripuri Pachras in addition to Dhuti and Sarees. The total cost of the Pachras is estimated to be over Rs. 10.00 lakhs including the contingencies. So far as the purchase of Dhuti and Sarees are concerned, as per the instructions, these are to be procured from THHDC and TAWCS Ltd. In case of Tribal and Maripuri Pachras, the instructions provide for their purchase centrally by the D.M. & Collector, West from local registered Co-operative Societies who will also distribute the same among the Blocks as per the break-up given.

(ref. Note No. 398/59)

The D.M. & Collector, West has moved a proposal for purchase of the required No. of Pachras from Rangauti Prathamik Krishi Samabay Samity Limited, Kailashahar vide his letter at page 101/c and sought Govt. approval for the same. It appears that the Govt. had taken the decision for purchase of the Pachras from the local registered Co-operative Societies due to the inability expressed by the THHDC to supply required number of Pachras and also keeping in view the quality of Pachras supplied by the THHDC earlier which was not good. The quality of the Pachras supplied by the Apex Weaver's Marketing Co-operative Society Ltd. also has been reported to be not good as would appear from the endorsement to the letter at page-102/c.

Contd.....

168
General Form No. 35 (Inner)

may also kindly be referred to. It is mentioned therein, normally it would have been desirable to purchase Pachras through THHDC and TAWOS Ltd. rather than to purchase from one Samabay Samity.

4. In this context, Minister RD has observed that there may not be any bar to the above purchase from the aforesaid Samabay Samity as there are no other applicants and the Samity is not an individual. The Hon'ble Minister has also desired for the authority to take action accordingly without further delay.

5. Keeping in view the above, it is proposed to advise the D.M. & Collector, West that there is no objection to the proposed purchase at the rates specified in the D.P.'s Memo at page-76 and 78/c. and as per the standard specifications of the Pachras followed by THHDC/TAWOS Ltd. in the State subject to the condition that there are no other applicants for supply of Pachras.

6. Since the above purchase, proposed/amounts to lakhs, Chief Secretary may also kindly see before issue of the above advice.

Chief Secretary.

(R. K. VAISH
Secretary,
RD, Pachayat etc. D

List of Reference

No 206-Su-2/RD/92
16-11-92
N26411-CS/92
16/11

Secy R.D.

P/Sp2

16/11/92

150

20

169

NOTE NO.65.

The case was discussed with Secretary(RD). I have also gone through the preceding notes. It appears that the scheme contemplated that the agency from which purchase could be made would be finalised by DM(West). It further appears that the present agency has been finalised by the DM(West). What remains to be gone into is whether the rate at which the supplies had been made corresponded to THHDC rates and whether the quality was acceptable. If these criteria are satisfied, it should be possible for RD to finalise the matter by themselves.

2. The present financial position of the State is extremely unsatisfactory and on account of structural imbalances, a very high establishment cost and inelastic revenue sources. The financial difficulties are likely to continue for quite some time. In the coming year it might be necessary for RD to either omit this scheme totally or to scale down the number of beneficiaries.

SECRETARY (RD).


20/11/92
(M. Damodaran)
Chief Secretary

JS(RD)

CC

20/11/92

Reference above it is seen action taken at 0/03-00.

7151
Page No- 18
ANNEXURE - 7
170
To The Secretary to the
Government of Tripura,
Appointment & Services Deptt.
AGARTALA.

Subject : Correction in the Seniority list of TCS officers.

Sir,

I would like to inform you that while preparing the seniority list, my name was wrongly shown as a member of the Scheduled Cast community in the said seniority list. But actually I am not a member of the Scheduled Cast Community.

I would, therefore, request you kindly to make necessary correction in the seniority list of TCS officers published by Appointment & Services Deptt., Government of Tripura.

Dated, Agartala, the
September, 91.

AGARTALA.

Yours faithfully,

Harihar Das

(HARIHAR DAS)
TCS Gr.I,
Joint Secretary,
Rural Development Deptt.
Civil Sectt.

Copy to : The Director of Welfare & S.C. for
information please.

To
The Joint Secretary,
Appointment & Services Deptt.
Government of Tripura,
AGARTALA.

ANNEXURE - 8

Sub :- Correction in the disposition
list of T.C.S. Officers.

Sir,

In acknowledging your D.O.No.F.2(1)-SECY/
95 dated 19/2/95 alongwith a copy of disposition
list of T.C.S.Officers, I would like to inform
you that my name has been wrongly shown as a member
of the S.C.Community in the column No.3 of the
said disposition list. I do not belong to the
member of the S.C.Community. In this regard it may
be stated that on getting earlier copy of the
disposition list, I had communicated the matter
to the Appointment & Services Deptt. vide my letter
dated September'91 with a copy to the Director of
Welfare for Schedule Caste but the correction to
this effect ^{has not} yet been made by the Appointment &
Services Deptt.

It is reiterated that the correction
to this effect may kindly be made at the earliest.

Yours faithfully,

(H. DAS)

T.C.S. Officer,
Senior Deputy Collector,
D.M.'s Office, North Tripura,
Kailashahar.

Copy to :-

The Director of Welfare for Schedule
Caste for information please.

9601
153
Page No 18
ANNEXURE - 9
172
Government of Tripura
Directorate for Welfare of Sch. Castes & OBCs,
Tripura :: Agartala

NO. 12314-20 / F. 2-253/SCW/GL/OBC/95 Dated, the 5th
June, 1996.

To
The Deputy Secretary,
Appointment & Services Department,
Government of Tripura,
Agartala.

Sub : Wrong entry in the caste status of Sri
Harihar Das, T.C.S. Gr.I

Ref : D.O. letter No.F.2(1)-SDCY/95 of Secretary
to C.M. dated 19.2.96

Sir,

In reference to the above, this is to inform you that Sri Harihar Das, TCS Gr.I has been shown as 'SC' at Serial No.16 of the disposition list of Tripura Civil Service Officers circulated vide above mentioned D.O. letter. But Sri Das vide his letter dated 22.5.95 intimated that he does not belong to SC community. It is learnt from his letter that in earlier occasion also he had communicated the matter to the Appointment & Services Department vide his letter dated Sept, '91 with a copy to this Directorate for correction of the entry in the said disposition list.

If Sri Das had not claimed himself to be a member of SC community, the entry 'SC' against his name may kindly be deleted at an early date to avoid confusion regarding entitlement of benefits available to an SC candidate.

Yours faithfully,

(S.C. Das)
Director for Welfare of
Sch. Castes & OBCs, Tripura.

Copy to :-

✓ Sri Harihar Das, TCS Gr.I now Joint Secretary,
Agriculture for information. This refers to his
application dated 22.5.95.

This is to certify that Sri..... Harikare Das
Srimati
Kumari.

son of Sri... Ananda Mohan... Das of village Brajapur
Daughter. Town

in District Tripura of the State of Tripura
Division Union Territory

belongs to the Das Caste which is
Tribe

recognised as a Scheduled Caste under
Tribe

the Scheduled Caste and Scheduled Tribes
Tribes (List) modification order, 1956.

The Constitution (Jammu and Kashmir) Scheduled
Castes order, 1956.

the Constitution (Andaman & ^{Nicobar} ~~Agass~~ Island)
Scheduled Tribes order, 1959.

the Constitution (Dadra and Nagar Haveli)
Scheduled Tribes order, 1962.
Castes

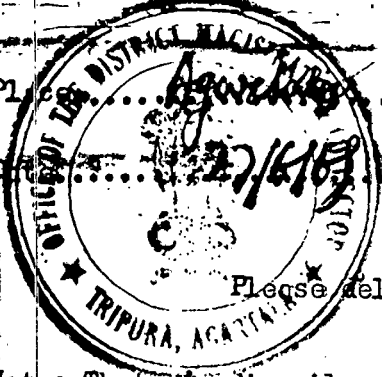
the Constitution (Dadra and Nagar Haveli)
Scheduled Tribes order, 1962.

2. Sri..... Harikare Das and his family ordinarily
Srimati or her
Kumari.

resides in village Brajapur of Tripura
Town

District of the State of Tripura
Division Union Territory.

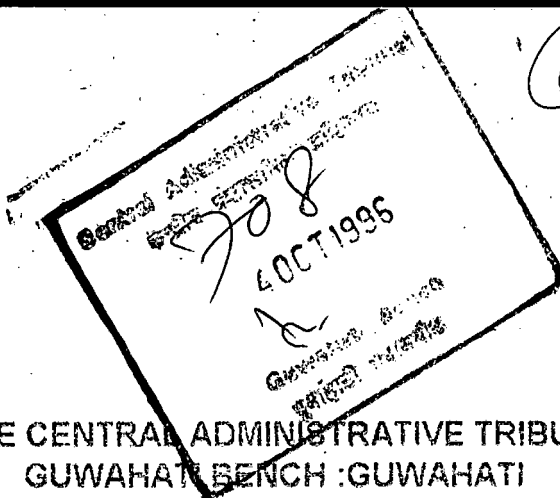
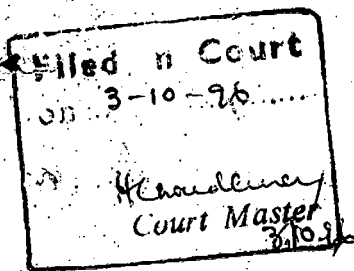
No. 182 M/CL/XVI-11/63 Agartala, the 27/6/1969



Signature..... K. K. Sengupta
Designation..... 27/6/69

Please delete the words which are not applicable.

Note:- The word 'ordinarily resides' used here will have the same meaning as in section 20 of the Representation of the people act.



155
Filed by smi

Bhupendra K.
Chakraborty

applicant through
M. Chandra-Bols.
@smi
biv 3-10-96
124

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

OA NO.55 OF 1996

BETWEEN

SHRI BUUPENDRA KUMAR CHAKRABORTY, APPLICANT

VERSUS

UNION OF INDIA AND OTHERS, RESPONDENTS.

REJOINDER BY THE APPLICANT TO SHOW CAUSE REPLY OF
RESPONDENT NO.7

The applicant submits as follows :-

That the statement of the Respondent No.7 is not specific rather vague. It will appear to your Lordships that the whole belated counter reply is irrelevant & in-consistent.

2. That the statement of the Respondent in Para-6 "the applicant has relinquished the charge of the Joint Secretary" is an utter lie.

3. That the statement of the Respondent in Para-9 indicates lack of basic conception.

4. That the gist of statement made in Para 17 of the counter reply by the Respondent No.7 apparently shows that he had enjoyed S.T. status since his entry into Govt. service till the Hon'ble Appex Court declared Laskar Community not belonging to S.T.Community. He had also enjoyed S.C.Status thereafter till 20.6.96 (Annexure 32 of the applicant's earlier rejoinder). Respondent No.3 & 5 are silent about his (Respondent No.7) earlier S.T. status. It can hardly be presumed that respondent No.7 did not derive any undue benefit firstly as S.T.

Contd...P/2

Received
for
3-10-96

Received
for
3/10/96

Recd copy.
Addl CGSC
3/10/96

and then as S.C. as per provision of the Constitution of India. There is no instance that the members of the royal family who are also "Kshatria" have been denied the status of S.T. but the Respondent "Kshatria" has been denied ST status by the Judgement of the Hon'ble Guwahati High Court and confirmed by the Hon'ble Apex Court of India. The statement of the respondent indicates that he enjoyed benefit as S.T. / S.C. whatever be the size. Though the Respondent No.7 managed to change his caste status in 1986 his submission of representation in 1991 & 1995 (Annexure 7 & 8 of the Respondent) does not justify his innocence. Annexure 9 of the Respondent's reply is also of very recent time (5.6.96)

The applicant craves the leave to draw the kind attention of your Lordships to the reference of D.O. Letter No.F.2(1)-SECY/95 of Secretary to C.M. dated 19.2.96 in Annexure 9 page-20 of the belated counter reply of the respondent No.7 which has a relative reference to the Para 6(J) (Annexure 12 F - Page-35) of the applicants prayer. Thus annexure 7,8 & 9 are the manufactured documents relied by the Respondent No.7 consumed time of about more than 6(six) months to prove himself as innocent and not master-minded to shift from S.T. to S.C. at an appropriate time after the verdict of the Hon'ble Court of Law, in 1985.

VERIFICATION

I, Shri Bhupendra Kumar Chakraborty, S/O Late Braja Behari Chakraborty of Pyari Babu's Bagan, Dashamighat Road, Agartala, Tripura West, Pin - 799001 do hereby verify that the contents from Para 1 to 4 are true to my knowledge and belief and that I have not suppressed any material of facts.

Dated, Agartala
The 24th September, 1996.

Bhupendra K. Chakraborty
Signature of the applicant.

To
The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Rajgarh Road,
Bhangagar, Guwahati.