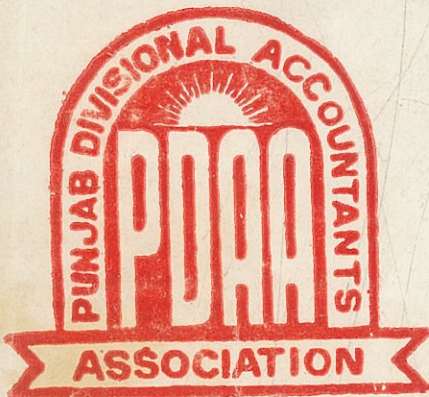


SOUVENIR

PUNJAB DIVISIONAL ACCOUNTS OFFICERS/ ACCOUNTANTS ASSOCIATION (FOR MEMBERS ONLY)



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Persons who remain parasite on others can never be men of courage and perseverance. They do not possess confidence and will power to perform any task before them. "Gird up your loins and make your physical body strong and sturdy". His knowledge must have link with 'Karmas'. A scholar who is actionless and always talks of spiritualism falls deep into the darkness of ignorance than a person of action. Knowledge and action should go side by side.

Use soft words and hard arguments.



A hungry stomach has no ears.

Issued on the Eve of 16th Annual General Conference of
PUNJAB DIVL. ACCOUNTS OFFICERS/ACCOUNTANTS ASSOCIATION
Held at CHANDIGARH on 23-1-2000.

FOREWORD

Dear Friends,

At the time of last General Body Meeting held on 7th December, 1997, you cast your valuable votes to elect us to lead the Association. At that time, the Association was almost in shambles. It was not recognized, no agenda Meetings were given by the authorities and all activities of the Association were at the ever lowest ebb. We had made certain promises with you and I am proud that after taking over the reins of this Association, we have been able to keep those promises and have brought up this Association to new heights. Now it is recognized Association. Agenda meetings are being taken and minutes circulated. We were the 1st to get the promotions orders for all the three categories. Printing of News Bulletin has been revived. I will not mention the achievements in detail as these will be discussed in the General Secretary's Report.

All these achievements of Association have only been possible because of your co-operation and valuable suggestions and faith reposed in us. I congratulate all of you for achievements. I hope in future also all of you will actively take part in the Association affairs and resolve to attend its meetings as religiously as you go to worship. Your active participation will further strengthen the Association.

Your valuable suggestions & criticism would enable it to lead on the right path. During the tenure of my Presidentship. I have tried to serve you to the best of my ability & capacity. I take this opportunity to thank all of you for the co-operation, love, affection, regards and faith you had in me for which I will ever remain indebted. I pay my homage to our colleagues who left us during the last two years. May their souls rest in peace. We have entered in a new millennium. I wish this new year brings health. Prosperity & happiness for all of you and your families.

With Love & gratitude.

Raj Kumar Sharma
President
Punjab Divisional Accounts Officers/
Accountants Association

If you tell the truth, you don't have to remember anything.

This Souvenir Contains

Sr. No.	Brief Particulars	Pages No.
Section-I		
1.	9 No. Messages	1-9
2.	Editorial	1-3
3.	General Secretary's Report	1-5
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1.	Constitution of the Association & Recent Govt. Orders.	1-32
Section-IV		
1.	Case Law Section	1-25

Note :- Even though all possible efforts were made to verify the accuracy of proofs, Yet some mistakes might have still escaped the notice of Publication Incharge, which are regretted please.

—Publication Incharge—

It is wrong to put friendship above truth.

Souvenir Publication Committee

1. Editor-in-Chief & Publication Incharge.	Sh. K. K. Jandial Sr. D.A.O.
2. Editor	Sh. B. P. Handa D.A.O.-I
3. Sub Editors	(i) Sh. B. R. Sehgal D.A.O.-II
	(ii) Sh. Sunil Kapoor D.A.
	(iii) Sh. Rajesh Puri D.A.
	(iv) Sh. Harjinder Singh D.A.O.-I
	(v) Sh. Sewa Singh D.A.O.-II

SUGGESTIONS

Suggestions, if any, for improvement may kindly be addressed to the Publication Incharge.

Editor-in-Charge

Without contentment, no one gets true tranquility of mind.

—Sri Guru Arjun Dev

Section-I

Sr. No.	Brief Particulars	Pages No.
1.	9 No. Messages from :- (i) Smt. Mahua Chatterjee Principal, AG (A&E), Punjab, Chandigarh. (ii) Sh. Daulat Ram, Sr. D.A.G. (Accounts). (iii) Capt. Kanwaljit Singh, Finance & Planning Minister, Punjab, Chandigarh. (v) Raja Narinder Singh, Public Health & Civil Aviation Minister Punjab, Chandigarh. (iv) Dr. Rattan Singh Ajnala, Animal Husbandry, Fisheries & Dairy Development Minister, Punjab, Chandigarh. (vi) Shri Asok Kanti Ghosh, President of All India Federation of Divisional Accountants/Divisional Accounts Officers Associations'. (vii) Sh. D. P. Bajaj, Chief Engineer, P.H.S.C., Chandigarh. (viii) Sh. S. K. Jain, C.E. Chandigarh Housing Board; Chandigarh. (ix) S. Puranjit Singh, Chief Engineer, Municipal Corporation, Chandigarh.	1—9
2.	Editorial-Brief history of Divisional Accountants Struggle	1—3
3.	General Secretary's Report	1—5

The surest way to do many things is do only one thing at a time.

Section-I

St. No.	Brief Particulars	Pages No.
1.	9 No. Messages from :-	1-8
(i)	Smt. Mahua Chatterjee Principal, AG (A&E), Punjab, Chandigarh.	
(ii)	Sh. Daljit Ram, Sr. D.A.G. (Accounts).	
(iii)	Capt. Kanwaljit Singh, Finance & Planning Minister, Punjab, Chandigarh.	
(v)	Raja Nandher Singh, Public Health & Civil Aviation Minister, Punjab, Chandigarh.	
(iv)	Dr. Rattan Singh Ajnala, Animal Husbandry, Fisheries & Dairy Development Minister, Punjab, Chandigarh.	
(vi)	Shri Asok Kanti Ghosh, President of All India Federation of Divisional Accountants/Divisional Accounts Officers Associations.	
(vii)	Sh. D. P. Bajaj, Chief Engineer, P.H.S.C., Chandigarh.	
(viii)	Sh. S. K. Jain, C.E. Chandigarh Housing Board, Chandigarh.	
(ix)	S. Purnajit Singh, Chief Engineer, Municipal Corporation, Chandigarh.	
2.	Editorial-Brief history of Divisional Accountants Struggle	1-3
3.	General Secretary's Report	1-5

SUGGESTIONS
 Suggestions for improvement may kindly be addressed to the
 Incharge.

The surest way to do many things is to do only one thing at a time.

**INDIAN AUDIT AND ACCOUNTS DEPARTMENT,
 PRINCIPAL ACCOUNTANT GENERAL (A&E), PUNJAB
 CHANDIGARH - 160 017**



Message for Souvenir

I am happy to know that the Punjab Divisional Accounts Officers/Accountants Association is publishing a bi-annual souvenir.

Divisional Accountants have a significant role to play in the proper maintenance of Public Works Accounts. Being watchdog of public finance, it becomes all the more important to equip the Divisional Accountants dealing with accounts matters with upto date knowledge. I am confident that this souvenir would be of great help to the Divisional Accountants.

I send my best wishes for the release of this souvenir.

**(MAHUA CHATTERJEE)
 I.A.&A.S.
 Principal Accountant General
 (A&E) Punjab**

INDIAN AUDIT AND ACCOUNTS DEPARTMENT,
PRINCIPAL ACCOUNTANT GENERAL (A&E) PUNJAB
CHANDIGARH - 160 012



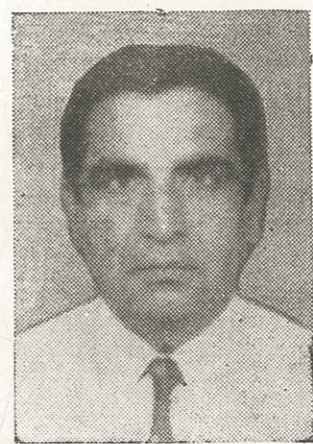
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the Divisional Accountants.

I send my best wishes for the release of this
souvenir.

(MANU CHATTERJEE)
I.A.&A.S.
Principal Accountant General
(A&E) Punjab



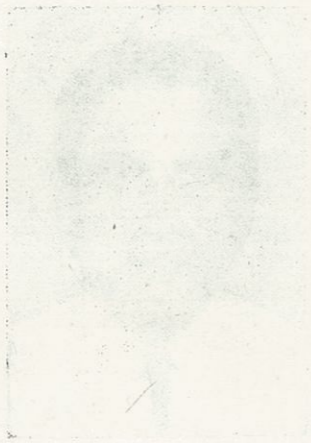
MESSAGE

I am glad to learn that the Punjab Divisional
Accounts Officers / Divisional Accountants Association is
going to publish a bi-annual Souvenir. I am sure that the
releasing of this Souvenir will help Divisional Accounts
Officers/Divisional Accountants to update their knowledge
regarding service, administrative and technical matters.

I wish a success for the fruitful releasing of this
Souvenir in the new millenium.

(DAULAT RAM)
I.A.&A.S.
Sr. Deputy Accountant General
(A/cs.)

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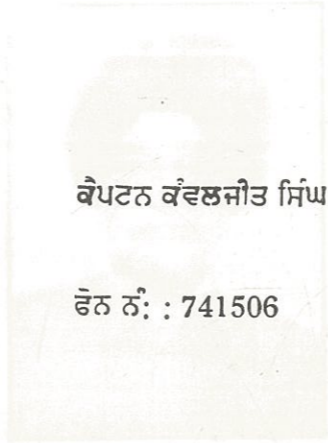


MESSAGE

I am glad to learn that the Punjab Divisional Accounts Officers Association is going to publish a bi-annual journal. I am sure that the releasing of this journal will help Divisional Accounts Officers Divisional Accounts Officers to update their knowledge regarding service administrative and technical matters.

I wish success for the fruitful releasing of this journal in the new millennium.

(BAJAJ RAM)
I.A.S.
Sr. Deputy Accountant General
(Acs.)



ਕੈਪਟਨ ਕੰਵਲਜੀਤ ਸਿੰਘ

ਫੋਨ ਨੰ : 741506

RAJA HARINDER SINGH



D.O. No. PS/PHM/
Public Health & Civil
Assistant Minister, Punjab,
Chandigarh

ਅ.ਸ.ਪ. ਨੰ: 050/ਐਫ ਐਮ-70

ਵਿੱਤ ਤੇ ਯੋਜਨਾ ਮੰਤਰੀ,

ਪੰਜਾਬ।

ਮਿਤੀ, ਚੰਡੀਗੜ, 19/1/2000

MESSAGE

ਸੰਦੇਸ਼

ਮੈਨੂੰ ਇਹ ਜਾਣਕੇ ਹਾਰਦਿਕ ਖੁਸ਼ੀ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਡਵੀਜ਼ਨਲ ਅਕਾਉਂਟਸ ਅਫਸਰਾਂ ਦੀ ਸੰਸਥਾ ਭਾਰਤੀ ਆਰਥਿਕ ਐਸੋਸੀਏਸ਼ਨ ਦੀ 16ਵੀਂ ਸਾਲਾਨਾ ਕਾਨਫਰੰਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਇੱਕ ਸੇਵੀਨਾਰ ਪ੍ਰਕਾਸ਼ਿਤ ਕਰਨ ਜਾ ਰਹੀ ਹੈ।

ਮੈਨੂੰ ਆਸ ਹੈ ਨਹੀਂ ਬਲਕਿ ਪੂਰਨ ਵਿਸ਼ਵਾਸ ਹੈ ਕਿ ਪ੍ਰਕਾਸ਼ਿਤ ਕੀਤੇ ਜਾ ਰਹੇ ਇਸ ਸੇਵੀਨਾਰ ਵਿੱਚ ਅਕਾਉਂਟਸ ਅਤੇ ਆਰਥਿਕਤਾ ਬਾਰੇ ਭਰਪੂਰ ਜਾਣਕਾਰੀ ਹੋਵੇਗੀ। ਜਿਸ ਤੋਂ ਨਿਹਸੰਦੇਹ ਹੀ ਅਕਾਉਂਟਸ ਨਾਲ ਸਬੰਧ ਰੱਖਣ ਵਾਲੇ ਹਰ ਵਿਅਕਤੀ ਅਤੇ ਵਿਭਾਗ ਨੂੰ ਸਹਾਇਤਾ ਮਿਲੇਗੀ।

ਸੇਵੀਨਾਰ ਦੀ ਸਫਲਤਾ ਲਈ ਮੇਰੀਆਂ ਸ਼ੁਭ ਇਛਾਵਾਂ ਤੇ ਪੂਰਨ ਸਹਿਯੋਗ ਸੰਸਥਾ ਦੇ ਨਾਲ ਹੈ।

(ਕੈਪਟਨ ਕੰਵਲਜੀਤ ਸਿੰਘ)

RAJA HARINDER SINGH
Public Health & Civil
Assistant Minister, Punjab,
Chandigarh

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ਸਰਕਾਰੀ ਆਰਡਰ ਨੰ. 100/2000
ਜਿਲਾ ਚੰਡੀਗੜ੍ਹ
ਮੁਕਾਮ
ਮੁਕਾਮ 1/101, ਚੰਡੀਗੜ੍ਹ, ਚੰਡੀਗੜ੍ਹ

ਸ਼੍ਰੀ ਨਰਿੰਦਰ ਸਿੰਘ
ਮੁਕਾਮ : ਚੰਡੀਗੜ੍ਹ

ਸਰ

ਮੈਂ ਸਹਾਇਕ ਸਰਕਾਰੀ ਆਰਡਰ ਆਫਿਸਰਾਂ ਦੀ ਸੰਗਠਿਤ ਕਮੇਟੀ ਨੂੰ ਖੁਸ਼ੀ ਮਹਿਸੂਸ ਕਰਦਾ ਹਾਂ ਕਿ ਉਹਨਾਂ ਨੇ ਸਰਕਾਰੀ ਆਰਡਰ ਆਫਿਸਰਾਂ ਦੀ ਸੰਗਠਿਤ ਕਮੇਟੀ ਦੀ ਸਥਾਪਨਾ ਕਰਨ ਵਿੱਚ ਸਹਾਇਤਾ ਦਿੱਤੀ ਹੈ।

ਇਹ ਕਮੇਟੀ ਸਰਕਾਰੀ ਆਰਡਰ ਆਫਿਸਰਾਂ ਦੀ ਸੰਗਠਿਤ ਕਮੇਟੀ ਵਿੱਚ ਸਮੇਂ ਸਿਰ ਮਿਲੇਗੀ। ਇਸ ਕਮੇਟੀ ਦੀ ਸਥਾਪਨਾ ਸਰਕਾਰੀ ਆਰਡਰ ਆਫਿਸਰਾਂ ਦੀ ਸੰਗਠਿਤ ਕਮੇਟੀ ਦੀ ਸਥਾਪਨਾ ਕਰਨ ਵਿੱਚ ਸਹਾਇਤਾ ਦਿੱਤੀ ਹੈ।

ਮੈਂ ਆਪਣੇ ਸਹਾਇਕ ਸਰਕਾਰੀ ਆਰਡਰ ਆਫਿਸਰਾਂ ਨੂੰ ਆਪਣੀ ਸਹਾਇਤਾ ਲਈ ਧੰਨਵਾਦ ਕਰਦਾ ਹਾਂ।

(ਸ਼੍ਰੀ ਨਰਿੰਦਰ ਸਿੰਘ)



D.O. No. : PS/PHM/
Public Health & Civil
Aviation Minister, Punjab,
Chandigarh



RAJA NARINDER SINGH

MESSAGE

I am glad that Punjab Divisional Accounts Officers/Accountants Association is holding its bi-annual general session on the 23rd of January, 2000.

This general body meeting of these associations would be beneficial for the concerned and I sincerely want that in this informative souvenir matters relating to the economics and accounts would be incorporated. This information, I trust, it would go a long way to educate those persons who are directly associated with accounts.

I send my good wishes on the occasion.

RAJA NARINDER SINGH
Public Health & Civil
Aviation Minister, Punjab,
Chandigarh

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D.O. No. PS/PHM
Public Health & Civil
Aviation Minister, Punjab
Chandigarh



MESSAGE

Asok Kanti Ghosh
President

DR. RATTAN SINGH AJNALA

Tele No. : 740024

D.O. No. PS/AHM-2000/32
Animal Husbandry, Fisheries
& Dairy Development Minister,
Punjab, Chandigarh.

Dated : 17-1-2000

MESSAGE

MESSAGE

Dear Friend,

I am very happy to know that Punjab Divisional
Accounts Officers / Accountants Association is going to
hold its bi-annual general meeting on 23-1-2000 and also
publishing a colourful programme on this occasion. I am
sure that association will work for the employees whole
heartedly.

I send my good wishes on this occasion.

(Dr. Rattan Singh Ajnala)

Sr. K. K. JANDIAL

General Secretary

Punjab Divisional Accounts Officers &
Divisional Accountants Association

RATA RATTAN SINGH
Public Health & Civil
Aviation Minister, Punjab
Chandigarh

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D.O. No. PS/AHM-2000/32
Animal Husbandry, Fisheries
& Dairy Development Minister,
Punjab, Chandigarh.
Dated : 17-1-2000

DR. RATAN SINGH JINDAL

Tele No. : 740024

MESSAGE

I am very happy to know that Punjab Divisional
Accounts Officers' Association is going to
hold its bi-annual general meeting on 23-1-2000 and also
publishing a colourful programme on this occasion. I am
sure that association will work for the employees whole
heartedly.

I send my good wishes on this occasion.

(Dr. Ratan Singh Jindal)

Asok Kanti Ghosh

President

All India Federation of Divisional Accountants' /
Divisional Accounts Officers' Association.

Residence :

31, Rajendra Banerjee Road,
Calcutta - 700 034

Resi. : Telephone No. (STD 033) 458 6441

Date : 03/01/2000

MESSAGE

Dear Friend,

I like to avail myself of this opportunity to wish you all happy and
prosperous new year.

I am happy to learn that the Punjab Divisional Accounts Officers' and
Divisional Accountants' Association is holding conference on the eve of the new
year - new Century - new Millenium.

Punjab D.A.O./D.A. Association always played a pivotal role in maintaining
unity and harmony of the cadre all over the country. I hope this conference will
formulate the path for strengthening the cadre in order to achieve our goal.

I am sorry to intimate that, inspite of utmost effort, I might not be
present in the conference.

I wish great success of this conference.

With warm and heartiest greeting,

Sincerely Yours,

(ASOK KANTI GHOSH)

To
Sh. K. K. JANDIAL
General Secretary
Punjab Divisional Accounts Officers &
Divisional Accountants Association.

D. P. BHOWMIK
Chief Engineer
P.H.S.C., Chandigarh

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Asok Kanti Ghosh
President
All India Federation of Divisional Accountants
Divisional Accounts Officers Association
31, Rajendra Benarjee Road,
Calcutta - 700 034
Residence :
Date : 03/01/2000
Tel. : Telephone No. (STD 033) 482 6441

MESSAGE

Dear Friend,
I like to avail myself of this opportunity to wish you all happy and prosperous new year.
I am happy to learn that the Punjab Divisional Accounts Officers and Divisional Accountants Association is holding a conference on the eve of the new year - new Century - new Millennium.
Punjab D.A.O. & A. Association always played a pivotal role in maintaining unity and harmony of the cadre all over the country. I hope the conference will formulate the path for strengthening the cadre in order to achieve our goal.
I am sorry to intimate that in spite of utmost effort, I could not be present in the conference.
I wish great success of the conference.

With warm and best wishes,
Sincerely Yours,
ASOK KANTI GHOSH

To : SH. K. JANDIAL
General Secretary
Punjab Divisional Accounts Officers Association

PUNJAB HEALTH SYSTEMS CORPORATION
S.C.O. No. 126-127, Sector 8 C, Chandigarh - 160 018
☎ : 0172-778108, 778103, 778104 Telefax : 0172-778121
E. mail : Phschd @ ch 1. vsnl. net. in

Message for Souvenir

I am glad to know that Punjab Divisional Accounts Officers / Accountants Association is holding its bi-annual session at Chandigarh. Divisional Accounts Officers play a vital role in preparing budget estimates and Keeping a sharp eye on the utilization of Public Money as per rules and regulations and proper maintenance of its accounts.

I am confident that the Souvenir would contain useful material for updating the knowledge.

I send my wishes for the release of this souvenir.

D. P. BAJAJ
Chief Engineer,
P.H.S.C., Chandigarh.

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3.

CHANDIGARH MUNICIPAL BOARD
A-10, Sector-10, Chandigarh - 160 010
Phone: 244000, 244001

MESSAGE

I am glad that Punjab Divisional Accounts Officers/ Divisional Accountants Association is holding its bi-annual session on 23rd January, 2000. I convey my good wishes to Punjab Divisional Accounts Officers / Divisicnal Accountants on this occasion.

I convey my best wishes to all Divisional Accountants Officers & Divisicnal Accountants on this occasion.

S. K. JAIN
Chief Engineer

Chandigarh
Dated 21.1.2000

SU

MESSAGE

I am glad that Punjab Divisional Accounts Officers/ Divisional Accountants Association is holding its bi-annual session on 23rd January, 2000. I convey my good wishes to Punjab Divisional Accounts Officers / Divisicnal Accountants on this occasion.

(PURANJIT SINGH)
Chief Engineer,
Municipal Corporation,
Chandigarh.

MESSAGE

I am glad that Punjab Divisional Accountants Officers
Divisional Accountants Association is holding its 21-annual
session on 23rd January, 2000. I convey my good wishes
to Punjab Divisional Accountants Officers Divisional
Accountants on this occasion.

(PURNAMIT SINGH)
Chief Engineer,
Municipal Corporation,
Chandigarh.

EDITORIAL

HISTORY OF DIVISIONAL ACCOUNTANTS - 'STRUGGLE'

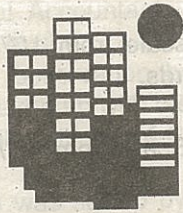
Public Works Department was formed in Feb. 1855. The respective Chief Engineers of the then provinces were made responsible for compilation of Accounts and control over expenditure incurred by the disbursing officers. During the year 1860, it was felt that Chief Engineers were not able to manage the accounts and this responsibility was taken back from them. During the year 1889 a Committee was set up by the Govt. on P.W.Accounts, which stressed the need for having a properly trained Accountant in the office of every Executive Engineer to compile accounts and status was given to him as head of Executive Engineer's office establishment. The relative position of Divisional Accountant viz-a-vis the Executive Engineer was also made analogous to Sub Divisional officer.

Rules relating to financial transactions in respect of P.W.Deptt. as originally contained in the existing P.W.D. Code were replaced by those contained in P.W.Account code 1921 and the three fold duties of Divisional. Accountants were amplified for the first time and the cadre of Divisional Accountants was constituted into a separate cadre. Prior to 1947 cadre was placed in the scale of 100-10-270-15-300, Whereas Sub Divisional Officer was placed in the scale of Rs. 70-5-150-10-200 and to make him analogous to Divisional Accountants, special pay of Rs. 50/- was given to the Sub-Divisional Officer. But the first pay commission set-up by the Govt. of India granted a scale of Rs. 100-10-250-E.B.-15-355 in place of 100-10-270-15-300 giving no benefit of revision in the scale. Even the rise in the price index was not kept in view whereas increase in the scales of staff working under the Divisional Accountant was more than 270%. The cadre of Divisional Accountant was created with a definite purpose of keeping central control over the spending by the respective State Govt. in the P.W.Deptt. and it was a part of Indian Audit and Accounts Deptt. and no distinction between the service condition of the Divisional Accountants and other members of the staff of A.G.'s office was made.

It would not be out of place to mention here that this cadre had always been the victim of inter cadre rivalry at the hands of S.A.S. who had been dealing with the administration of our cadre at every step and who would never think of any betterment of the cadre of Divisional Accountants. As a result of this hostile attitude, the idea of sending the cadre to State Govt. was cropped up in the Controller and Auditor General of India's office in the year 1953. As a first step the duties of Primary Auditor were taken back by C.A.G. of India, vide its U.O.No. 250/ Admn-2/41/1953, dated 26/2/1958. Although Finance Ministry was of the view that the acceptance of the proposal of C.A.G. of India, would virtually mean that spot Audit will be dispensed with entirely and unless some alternate arrangement is made for spot audit. It would not be desirable to accept the proposal. Moreover, under para 21 of C.P.W.A. code the Divisional Accountant is expected to remain independent of the Divisional officer and if the former is made entirely responsible to the later the very purpose of his appointment with P.W.D. would be defeated". However, the Divisional Accountants although requiring to exercise the same check was down-graded from primary auditor to internal checker i.e. doing check on behalf of the Divisional officer instead of Audit Deptt. This resulted in demoralisation of the cadre.

During the year 1961, All India Federation of Divisional Accountants Associations was recognised which was formed during 1957. In the mean time Punjab Divisional Accountants Association was also recognised and joined the All India Federation of Divisional Accountants Associations. Fight was carried out united and association was able

With best compliments from :



**M/s. Charanjit Rai Builders
& Govt. Contractor (Pvt.) Ltd.**

Add : 158-159, Shastri Vihar, Amritsar.

Tel.: (O) 220443, 223343

Mobile : 98140-52948 Pager : 96281683

With best compliments from :

Oriental Travels

Contact for :

**VISA, PASSPORT &
CHEAP AIR TICKETS**

Travelling Consultants & Tour Operators

**Opp. Custom House, Maqbool Road,
Amritsar. Tel. : 221872**

General Secretary's Report

The 16th Bi-annual General House Conference of Punjab Divl. Accounts Officers/ Accountants Association is being held at Chandigarh after more than 2 years. Last General House Conference was held at Chandigarh on 7-12-97 in this very hall; when I was entrusted by the General House with the most arduous job of General Secretary and confidence was reposed in me by the General House. In accordance with the dictates of the General House, I took up the task of General Secretaryship of the Association. Before taking up issues with the Administration; the working of the Association was reviewed. By this review, we in fact wanted to know as to what was our short-comings and what had been lacking all along due to which we could not achieve the desired results. The aim was to devise a better approach in coming days in order to have concrete results, A cordial relations with the Administration and required close-ness was considered very essential to enable a right start. We tried to build up the much needed healthy and cordial relationship with the Administration to regain our rightful and legal parent-hood in the Accountant General's Office. During this period, i.e. from 7-12-97 to 22-1-2000 following Executive Council Meetings were arranged :-

1. Executive Meeting at Patiala on 21-3-98.
2. Executive Meeting at Faridkot on 19-9-98.
3. Executive Meeting at Ludhiana on 17-4-99.
4. Executive Meeting at Shahpur Kandi on 9-10-99.

In addition to above, following Meetings of Office-Bearers were also held at Chandigarh on 1-1-98, 22-5-98, 11-10-98, 1-1-99, 10-8-99 & 3-1-2000.

The discussions and deliberations in these meetings provided us with necessary guide-lines on the basis of which we moved further to solve the problems being faced by this cadre and for the betterment of Cadre. During this period we met the Senior D.A.G. (Accounts) and Accountant General (A&E), Punjab, Chandigarh frequently; which helped us to sort out the various problems faced by the Cadre. We were also able to get the agenda meetings with the A.G. (A&E), Punjab, Chandigarh; proceedings of which have been printed in this Souvenir.

In this period following colleague left us for his heavenly abode and we pray that his soul may rest in peace :-

1. Shri Rajinder Prasad, D.A.O., Mohali Unit. & Sh. C. M. Kakkar D.A.O., Muktsar Unit.

The following members retired during the period under report on attaining the age of superannuation/On voluntarily retirement :-

1. Shri D. C. Mehru, D.A.O., Voluntarily Retirement
2. Shri W. M. Chopra, D.A.O. 30-4-98.
3. Shri J. S. Dhawan, D.A.O. 31-12-99. (Voluntarily Retirement).
4. Shri Pritpal Singh, D.A.O. 31-12-99

The above members rendered yeoman's service for the welfare of the cadre and Association acquired its present status under their able leadership and matured guidance.

In fact they were the Pillars of the Association and set many laudable examples for present members and served as back-bone of the Association. The Association will not be able to fill in the Vacuum created by the retirement of these patrons-colleagues. The Association wishes all these colleagues a Happy and Healthy Retired life.

Now I present brief report about the activities and achievements of the Association.

1. Promotions W.E.F. 1-10-97

During the period under report, we got further promotions to Senior Divisional Accounts Officers, @ 15% of the cadre strength w.e.f. 1-10-97, All the eligible D.A.O.-I have been promoted to Sr. D.A.O. w.e.f. 1-10-97 and then from the month promotions were due. Similarly, all the eligible D.A.O.-II/DA's have been promoted to D.A.O.-I D.A.O.-II w.e.f. 1-10-97 and then from the month, the promotions were due. This is the unique achievement. We thank the Administration for ordering the promotions timely.

2. Recognition of the Association :-

The Association has been accorded the Recognition by the Accountant General, (A&E) Punjab, Chandigarh. This issue was hanging over since 1993.

3. Avenues of Deputation :-

Deputation which was being denied to us in the past was successfully allowed with the constant persuasion of Association. Eligible and suitable D.A's were sent on Deputation to Punjab Mandi Board. Replacements were also got provided to U.T. Housing Board, Punjab Health systems corporation. Further deputation to the Departments sending requisitions of services of D.A.O's/D.A's are being taken care of.

4. A.C.R's of Sr. D.A.O's/D.A.O-I/D.A.O-II & D.A's :-

Association has observed in the past that few Executive Engineers either do not write the A.C.R's or causes delay in writing of the A.C.R's of the D.A.O's. To solve this problem once for all, we have demanded that in the A.C.R. proforma of the Executive Engineers, a specific column should be introduced regarding writing of the ACR's of DAO's/D.A's. In case, the entry in this column is negative then action should be initiated against such Executive Engineer. The matter was taken up with the Secretary, B&R, Public Health and Irrigation for issuing such instructions. Govt. of Punjab has issued such instructions during 11/99 vide their letter No. 15/6/99/-PP-I/12905 dated 3-11-99.

4 (a) :- Writing of ACR's of Sr. D.A.O's/D.A.O-I/D.A.O-II & D.A's by the Inspecting Officers :-

Association expressed its concern regarding re-introduction of writing of ACR's of Sr. DAO's/DAO's/DA's by Inspecting Officers; who are controlled by the A.G (Audit) whereas Divisional Accountants/DAO's are working under A.G. (A&E) As such inspecting officers are not authorised to write ACR's of our cadre. Moreover, Inspecting Officers are not authorised to write ACR's of Sr. Accounts Functionaries of other Departments like Health and Transport etc. However, Inspecting Officers are not the best judge of the work and conduct of DA's/DAO's; because in 5 or 6 working days, no impartial assessment on the working of DAO's/DA's can be made, under the Divisional circumstances in which they work. Only best judge is the Executive Engineer of the Division under which DA/

DAO's are working. Also under the instructions on ACR's for a short period no comments in ACR's is to be given. As Inspecting Officers test audits the accounts only for few days; as such they have no authority to comment on the work and conduct of the DA's/DAO's. It is, therefore, requested that writing of ACR's by the Inspecting Officers may be discontinued.

5. Filling up of Vacant Posts :-

About 40 Probationers Divisional Accountants were got posted to fill up the vacant posts. Training of Probationers was also got provided with reference to the Practical Works in the Divisions and Senior Members of our Association like President and General Secretary also delivered Theoretical Lectures to them. Now most of the Probationers have been provided with the Regular Charge.

6. Specifying Extent of Checks as Internal Checker by DA's/DAO's :-

Association has observed that a tendency has developed amongst the Field Officers in Public Works Deptt to hold Divl. Accounts Officers/Divl. Accountants responsible for all bills and Arrears; although most of the Arrears do not fall within the codified functions of the Divl. Accounts Officers/Divl. Accountants. As such Association had requested the Administration to specify extent of Checks to be exercised by our Members as Internal Checker, for all items In General and for Attestation of entries in the Service books, checking of Salary Bills and other Claims of Staff, Pension Cases, G.P. Fund Cases, Group Insurance cases and Contractor Bills etc. in particular. Although this matter was taken up by the Administration with all the Secretaries of the Govt. of Punjab and also with the Principal Secy. Finance Deptt. Govt. of Punjab, but required check is still to be specified by the Govt of Punjab/Accountant General, (A&E). We request the Admn. to specify extent of Checks in above cases at an early date.

7. Dual Signatures on Cheques :-

The matter was taken up with the Administration and instructions were got issued from the A.G. (A&E), Punjab to the Administrative Departments for dual signatures on cheques alongwith Executive Engineers/SDE's & Divl. Accounts Officers/Divl. Accountants for proper control. Secretary Irrigation Deptt has already instructed the field Officers to implement above system of dual signatures on Cheques. For implementing this system in whole P.W.D. B&R and Public Health & Irr. Departments, matter has again been taken up with the Punjab Govt for issuing the similar instructions to the Chief Engineers/Superintending Engineers and Executive Engineers and Treasury Officers. We are closely in touch with the concerned authorities to put this demand in practice.

8. Pre-Auditing of Contractor Bills Under Seperate Rubber Stamp of Senior Divl. Accounts Officers/Divl Accounts Officers/Divl. Accountants.

This matter was also taken up with the Administration, Secretary Irrigation has already endorsed our this demand to the Field Officers. Response from the Secy. P.W.D. B&R and Public Health Deptts. is awaited. Association is expecting positive action from them also.

However, it is mentioned here that no concurrence from State Govt. to accept our this Demand is required as we are already doing this job but not under separate Rubber Stamp.

9. News Bulletin :-

News Bulletin which was restarted was released on 6-4-98 at Amritsar was widely appreciated by the Members.

10. Seminars on Legal Matters :-

The Association maintained cordial relations with the Administration. As a result, Seminars on Legal Matters were got arranged from the Administration from 6-4-98 to 7-4-98 & from 28-12-99 to 29-12-99 at Amritsar; in which all the Members from Amritsar, Jalandhar, Batala, Gurdaspur, Pathankot, Ferozepur & Ludhiana participated & benefitted.

11. Avenues of Further Promotions :-

The Association has taken up the matter with the All India Federation, Matter regarding further Career Progression has been taken up with the Govt. of India for granting the Scale of Rs. 8 000-12,000 on percentage basis to our cadre. This matter is with Implementation Cell of the Govt. of India, Finance Deptt. We are expecting acceptance of this demand in the near future. The Association has also taken up with All India Federation, the following issues :-

- i) Increase in Rate of Increment in all the Four Scales with corresponding increase in Services.
- ii) Re-Structuring the Cadre into 20:80 ratio in lower and Higher Scales.
- iii) Restarting Training Programmes at Regional Training Institutes.
- iv) Training period of D.A's should be counted towards Seniority.
- v) T.A. should be at Central Rates.
- vi) Transport allowance should be admissible on actual basic pay and not on the basis of Pay Scales.

12. Representation in the All India Federation of the Divisional Accounts Officers/Divisional Accountants Associations' :-

Annual General Session of All India Federation of the Divisional Accounts Officers/Divisional Accountants Associations' was held at Nagpur on 14/15-11-98. Punjab Divisional Accountants Association was represented by Sarvshri R. K. Sharma, K. K. Jandial & S. B. Gautam, President, General Secretary & Member respectively. During Elections, Sh. K. K. Jandial, General Secretary of Punjab Divisional Accounts Officers / Accountants Association was elected Joint Secretary General of All India Federation of Divisional Accounts Officers/Accountants Associations'.

13. General Transfers :-

As a result of Four Tier Pay Scales, Divisions were classified accordingly as per instructions of the C.&A.G. of India with reference to actual expenditure and General Transfers were got ordered as per above classifications. 99% General Transfers were ordered by the Administration as per the Options & requests of the Members. Association was able to get the post of Branch Officer at Shahpur Kandi. Sh. D. L. Tatial Sr. D.A.O. is working as Branch Officer at Shahpur Kandi.

In the end, I take this opportunity to request the Administration to solve our remaining outstanding problems such as Specifying extent of Checks as Internal Checker, Dual Signatures on Cheques in all the Branches of P.W.D., Preauditing of Claims of Contractors under separate Rubber Stamp. dispensing with the Writing of ACR's by the Inspecting Officers, Increase in Rate of Increment in all the Four Scales with corresponding increase in service, Restructuring the Cadre into 20:80 ratio in Lower and Higher Scales, Restarting Training Programmes at Regional Training Institutes, Counting of Training period of D.A's towards Seniority, Allowing T.A. at Central rates, Allowing Transport Allowance on the basis of Actual basic Pay drawn.

I also thank the Worthy Chief Guest, Senior D.A.G. (Accounts) & other distinguished Guests and Officers; who have spared their most valuable time to grace this occasion. I am also thankful to all the delegates for their whole hearted co-operation, moral and financial support and extend them my regards and best wishes and also advice them to maintain the perfect unity, Solidarity and work for the betterment of the Cadre.

JAI HIND

(K. K. JANDIAL)
General Secretary,
Punjab Divisional Accounts Officers/
Accountants Association.



With best compliments from :-

Baldev Singh Pannu

Govt. Contractor

Specialist in : Public Health, Building Works,
Electric, Sewerage & O.H.S.R. Etc.

227, Green Field Avenue, Majitha Road,

AMRITSAR - ☎ : 421968



Section-II-Proceedings of the Meetings

Sr. No.	Brief Particulars	Pagehd.
1.	Proceedings of the Meeting of the representatives of Sr. D.A.O's/ D.A.O's/D.A's Association with A.G. (A&E), Punjab, Chandigarh, on 4/3/1998.	1
2.	—do—	30/11/1998
3.	—do—	25/06/1999
4.	Extract of Minutes of the Executive Council Meeting Federation of Divisional Accountants/Divisional A Associations held on 31/5/1998.	2. Harmed Singh, A.A.O.
5.	—do—	14/11/1998 &
6.	—do—	25/07/1999
7.	Election of Sh. K. K. Jandial as Joint Secretary General of All India of Divisional Accountants Association	

...ussion the Sr. Deputy Accountant General, welcomed the members
... following Agenda items were discussed :-

...otions :-

...ociation members thanked the Administration for effecting promotion from
... I and D.A.O-II to D.A.O-I. They were apprised that this was the first time
...pan that promotions have been effected so early. The Association members
...nded that a copy of each promotion order may be made available to them so
...ews of promotion may be printed in the News Bulletin. The Chairman agreed to
...mand of the association.

Identification of Posts of DAO-I & DAO-II.

The Association demanded that Identification of posts/Divisions of DAO-i and
-II may be made and a copy thereof be supplied to them. The chairman said that
...tification of posrs/Divisions is a secret matter and purely administrative. As such this

The secret

Baldev Singh Pannu

Govt. Contractor
Specialist in Public Health, Building Works
Electric, Sewerage & O.H.S.R. Etc.
227, Green Field Avenue, Majina Road,
AMRITSAR - 141008

JAI HIND

Subject :- Minutes of the Meeting of the representatives of Divisional Accounts Officers/ Divisional Accountants Association held on 4-3-98 under the Chairpersonship of Sh. Daulat Ram, Sr. DAG (A/cs). office of the A.G. (A&E) Punjab, Chd.

The followings were present in the meeting :-

STAFF SIDE

OFFICIAL SIDE

- | | S/Sh. | S/Sh. |
|-----|--|------------------------------|
| 1. | K. K. Jandial, DAO-I
General Secretary | 1. R. K. Sabharwal, Sr. A.O. |
| 2. | R. K. Sharma, DAO-I
President | 2. Harmed Singh, A.A.O. |
| 3. | S. K. Arora, DAO-I
Sr. Vice President | |
| 4. | A. K. Arora, DAO-I
Vice President-I | |
| 5. | S. B. Gautam, DAO-I
Member All India Federation | |
| 6. | Harjinder Singh, DAO-I
Joint Secretary | |
| 7. | R. L. Deol, DAO-II
(Local Vice President) | |
| 8. | Parkash Ram, DAO-II
Vice President | |
| 9. | Billa Ram Sehgal, DA
(Auditor) | |
| 10. | Sunil Jindal, DA
(Cashier) | |

Initiating the discussion the Sr. Deputy Accountant General, welcomed the members of the Association. The following Agenda items were discussed :-

1. Delay in Promotions :-

The Association members thanked the Administration for effecting promotion from D.A. to D.A.O-II and D.A.O-II to D.A.O-I. They were apprised that this was the first time in 10 years span that promotions have been effected so early. The Association members have demanded that a copy of each promotion order may be made available to them so that the news of promotion may be printed in the News Bulletin. The Chairman agreed to this demand of the association.

2. Identification of Posts of DAO-I & DAO-II.

The Association demanded that Identification of posts/Divisions of DAO-I and DAO-II may be made and a copy thereof be supplied to them. The chairman said that identification of posrs/Divisions is a secret matter and purely administrative. As such this

information can't be supplied. However, it was agreed upon to supply them a copy of Divisions with expenditure and that too with the approval of A.G.

(B) a) Facilities to the Association :-

The Association has demanded that a copy of Audit Bulletin should be supplied to them. They were told that the Audit Bulletin was not being sent by C.A.G's. office presently.

b) The Association members have asked for providing room in A.G's. office. The chairperson told the members that due to shortage of space in office building it was not possible to provide room to them.

3. Filling up the vacant Posts :-

The Association stated that there were so many divisions lying vacant where even dual charge has not been provided. They demanded to fill vacant posts arisen out of retirement or otherwise immediately either by providing dual charge or on regular basis. The Chairman told that some D.A's (on Probation) have joined/are joining and will be ready for work in the divisions after training. Some Sr. Accountants on deputation as DA's are also being posted in vacant divisions very shortly. It was agreed upon to fill vacant Divisions particularly heavy divisions immediately, subject to availability of D.A's at the same station/some complex.

4. Delay in Finalisation of Panel for Deputation :-

The Association has thanked the A.G. for sending their D.A's/DAO's to Chandigarh Housing Board and Punjab Public Health System Corporation. The association was apprised that this is the first time that such a large no. of DA's were sent in short span inspite of shortage in the cadre. The association has observed that there is delay in the finalisation of deputation case of Punjab Mandi Board. The chairman stated that the case is being dealt vigorously. Last reminder to Mandi Board asking them to intimate specific requirement of DA's was issued on 23-2-98. A copy of reminder was also made available to the association.

5. Specifying extent of Check as internal checker by Divisional Accountants/ Divisional Accounts Officers :-

The association asserted that a tendency has developed among the field officers officers in P.W. Department to hold DA's/DAO's responsible for the ills and arrears of the P.W. Department, although most of the arrears do not fall within the codified functions of DA's. This is due to the reason that extent of check to be exercised as internal checker, has not been specified. It is, therefore, necessary that remedial steps are taken and extent of check to be exercised by the DA/DAO is specified for all items in general & particularly for items viz at testation of ent.ies in the Service Book, checking of salary bills and other claims of the Staff, pension cases, GPF cases, Insurance cases, contractors bills etc. The chairman observed that amendment of rules is beyond the purview of this office. However the matter will further be discussed in the next meeting.

6. Dual Signatures on Cheques :-

The association demanded that to have better control over expenditure and also to prevent fraud and embezzlement cases in P.W. Deptt. the desirability of adopting the system of dual signatures on cheques drawn by Division/including Sub-Division by D.A's/DAO's alongwith Executive Engineer/S.D.E. may be considered. The chairman asked the association to send the detailed case for examination.

7. Non-writing of ACR by Executive Engineer in time :-

The Association demanded that where period of delay in writing ACR's of DA's/DAO's by Executive Engineers is more than 3 months, nothing adverse remarks may be recorded in the personal record of concerned DAO/DA as per instructions of Government of Punjab. The chairman observed that Central Rules are applicable to DAO's/DA's, so far as writing of ACR's is concerned. Hence ACR has to be written by the Reporting Officer without any time limit. The Sr. DAG has stated that the reminders were sent to Secretary to Government. In reply, the Association members have stated that those letters have been received by them from Secretary to Chief Engineer, Chief Engineer, to Superintending Engineer, Superintending Engineer to Executive Engineer, and from Executive Engineer to Divisional Accountant. The Executive Engineers have stated that since the matter pertain to DA's therefore they are to keep these letters. However it was agreed upon to pursue the matter of pending ACR's with the State Government till finality.

8. Miscellaneous Items :-

(a) The association demanded that Executive Engineers/Financial Adviser & Chief Accounts Officer's be asked, as has been done last year, to deduct Rs. 120/- as subscription towards Association from the pay of members of Association. The chairman directed the works Admn. Section to look into the matter and do the needful.

(b) The association demanded that a Refresher Course on Legal matters, disciplinary proceedings be held at Amritsar/Jalandhar immediately to keep the knowledge of DAO's/DA's up dated. The chairperson has asked the Sr. Accounts Officer (W. Admn.) to put up the case in this regard.

The meeting ended with vote of thanks.

R. K. SABHARWAL
Sr. Accounts Officer (W. Admn.)

With best compliments from :

M/s. Gurudev Constructinn

Branch Office : House No. 382/22,

Shankar Nagar, Fatehgarh Road,

HOSHIARPUR.

☎ : No. 21124

Subject : Minutes of the meeting of the representatives of Sr. D.A.O's/D.A.O's/D.A's Association held in the chamber of Accountant General and under the Chairpersonship of Accountant General on 30-11-98 at 11-30 A.M.

The followings were present in the meeting :-

Staff Side

Office Side

- | | |
|---|--------------------------------------|
| 1. Sh. R. K. Sharma, President | 1. Sh. Daulat Ram. Sr. D.A.G. (A/Cs) |
| 2. Sh. K. K. Jandial, General Secretary | 2. Sh. R. K. Sabharwal, Sr. A.O. |
| 3. Sh. S. K. Arora, Sr. Vice President | |
| 4. Sh. A. K. Arora, Vice President | |
| 5. Sh. B. P. Handa, Joint Secretary | |
| 6. Sh. Sunil Jindal, Cashier | |
| 7. Sh. Vijay Tikku, Member Office Council | |

Initiating the discussion the Accountant General welcomed the members of the Association. The following Agenda items were discussed.

1. Delay in Promotions

The Association thanked the Chairperson for effecting the promotions of Sr. DAO's/DAO-I and requested to complete the process for the promotions of DAO-II. At this, they were informed that the said process was almost complete and promotions would be made shortly.

2. Identification of posts of Sr. DAO's/DAO's-I/DAO's-II/DA's

Pending Headquarters reply on the said subject, it was decided to obtain actual works expenditure figures from form 41 instead of from form 42. Reference in this context is being made to A O. works Accounts to supply the figures of 97-98 from form 41.

3. Filling up the vacant posts

The Sr. D.A.G. has stated on the position of vacant posts in the D.A. cadre that during the last six months 40 new D.A's have joined through S.S.C. and moreover due to increase in the retirement age, the position is very safe now. Presently 44 vacancies are existing. Out of these, 21 are in two projects viz. BBMB and Thien Dam. Regional Director, S.S.C., New Delhi is being reminded regularly to sponsor candidates for the post of DA's.

It was pointed out by the Association that some Executive Engineers have been compelling the probationers to sign the Bills and other records. The Association was informed that no such like instructions were issued in writing by the Administration. If there was any instance the same may be quoted. In reply the Association quoted two cases (1). Shri Sunil Kapoor, Probationer O/O the Director, Irrigation, Power and Research Institute, Amritsar and (2). Shri Vikas Kohli, Probationer Central Works Division No. 1, Ludhiana. The Accountant General has agreed to issue instructions to the Executive Engineers and also to provide additional charge to the regular Divisional Accountants in these two cases.

4. Delay in finalization of panel for deputation

In regard to delay of finalisation of panel for deputation to Mandi Board, the Association was informed that panel has been sent to Mandi Board for obtaining their acceptance. On this account the Association again thanked the Chairperson. The Association has however stated that one more person for Ludhiana is needed by Punjab Health Systems Corporation. In reply the Association was informed that no such letter has been received. The Association has promised to send copy of the letter to Works Admn.

5. Specifying Extent of Check as internal Checker by Sr. DAO/DAO/DA

Sr. DAO/DAO/DA has to act strictly in accordance with the prescribed checks mentioned in the codal provisions. Rectification of the prescribed percentage of check is beyond the purview of this office. However, the Chairperson has informed the Association that the case will be looked into and reference in this regard will be made to the State Govt.

6. Dual signatures on cheques

The Chairperson has agreed to make a reference to the State Government.

7. Non-writing of Annual Confidential Reports by the Executive Engineers in time

The Association was informed that as per Central Govt. Rules ACR has to be written by the Reporting Officer. In case of delay in writing the ACR, there is no provision for the waive off or considering the ACR "Good". However, efforts are being made even at personal level to obtain pending ACR's and reference will also be made to State Government specifying the reporting officers who have either delayed the writing of ACR's or have not written at all.

8 (a) Counting of probation period for the purpose of reckoning five year service for promotion from Divisional Accountant to Divisional Accounts Officer

As per Government of India instructions, only increment is allowed and the probation period is not to be accounted for promotion purposes. However, as requested by the Association the Chairperson has agreed to make a reference to Headquarters office.

8 (b) Annual subscription for the year 1998 @ Rs. 120/- for each member through Divisional Accounts Officers

The Association has requested to Chairperson to grant recognition to their body. In reply the Chairperson has asked the Association to submit the reply to Admn. section for further scrutiny.

9. Misc. Items

A. Delegation of DDO powers to Sr. DAO's/DAO-I being Group-B Officers

Being a State subject, the Chairperson has agreed to make a reference to State Government.

B. Pre-audit of Bills by the DAO's/DA's before passing such bills by the Executive Engineers under their separate rubber stamp

Being a State subject the Chairperson has agreed to make a reference to the State Government.

C. Credit of G.P. fund subscription of DAO's/DA's from the month of deduction and not from the date of encashment of the Bank Draft

The Association was informed that there was no such case where the interest was not allowed from the date/month of deduction. The Association was asked to mention any case. However, the Association has stated that they will look into the case and will submit the same, if any, to works Admn. section.

D. Ear marking of Govt. accommodation to D.A.O's/D.A's in A.G.'s colony and in the colonies of PWD B&R, Public Health and Irrigation Branches

The chairperson has stated that presently there is a already shortage of accommodation. Being a Estate Subject, the case will be examined after completion of last phase of the Colony.

E. Medical expenses reimbursement to DAO's/DA's

In regard to Medical reimbursement the Association was informed that the matter has already been taken up with the State Government vide this office letter dated 14.10.98. Reminder to this effect has also been Issued on 2.12.98.

The meeting ended with vote of thanks.

DAULAT RAM

Sr. Deputy Accountant General (A/Cs)

Subject : Minutes of the meeting of the representatives of Sr. D.A.O's/D.A.O's/D.A's Association held under the Chairpersonship of Pr. Accountant General on 28-5-99 at 11-00 A.M.

The following were present in the meeting :-

Staff Side

1. S/Sh. Raj Kumar Sharma, President
2. K. K. Jandial, General Secretary
3. S. K. Arora, Sr. Vice President
4. A. K. Arora, Vice President
5. S. B. Gautam, Member A.I.F.
6. Harjinder Singh, Joint Secretary
7. P. L. Satija, Member
8. Parkash Ram, Vice President

Initiating the discussion, the Pr. Accountant General welcomed the members of the Association. The following Agenda items were discussed :-

1. Delay in Promotions :

The Association requested the chairperson to complete the process for promotions from DAO-I to Sr. DAO, DAO-II to DAO-I and DA to DAO-II for the panel year 1999.

Office Side

S/Sh.

1. Daulat Ram, Sr. D.A.G. (A/Cs)
2. R. K. Sabharwal, Sr. A.O.

At this they were informed that during the last year 9 DPC, were conducted in r/o four tier system and also w.e.f. 1-1-86 and it was time consuming process. However, the matter is under process and promotions of Sr. DAO's/DAO-I will be made shortly.

2. Recognition of the Association :

The Association has since been recognised. However the Association has desired that the Administration may be asked to issue further guidelines regarding subscription for the years 1998 and 1999. In this regard, reference to Deputy Accountant General (Admn.) has since been made.

3. Identification of Posts : of Sr. DAO/DAO-I/DAO-II/DA

The guide lines issued from the headquarter office will be kept in view.

4. Filling up the vacant Posts.

The Association requested to fill up vacant posts of Divisional Accountants early. at this they were informed that matter is already under correspondence with Staff Selection Commission.

5. Specifying Extent of Checks as Internal Checker by DAO's/DA's

As agreed upon, reference has been made to the Finance Department of State Government of Punjab with copy to all the Secretaries and the Association.

6. Dual Signature on Cheques

Matter has already been taken up with State Government under intimation to the Association.

7. Non-Writing of ACR's by the Executive Engineers in Time

The Association demanded that Government of Punjab may be approached to Initiate disciplinary action against such Executive Engineers who do not write the ACR's of Sr. DAO's/DAO's/DA's or who delay writing of ACR's. They further demanded that State Government be requested to introduce a column in the ACR proforma of Executive Engineer to the effect whether the ACR of Sr. DAO/DAO/DA has been written and submitted to AG's office or not with documentary evidence.

8. Delegation of DDA Powers to Sr. DAO's/DAO-I

The Association was asked to make out a comprehensive case for onward submission to this office and then to State Government.

9. Pre-Audit of Bills by DAO's/DA's before Passing such Bills by the Executive Engineer under their Separate Rubber Stamp.

It was agreed upon to make a reference to the State Government.

10. Credit of GPF Subscription of Sr. DAO's/DAO's/DA's from the month of Deduction and not from the date of Encashment of Bank Draft.

It was decided to make a reference to PAO for considering the demand of the Association with reference to rules. Examples mentioned by the Association will also be conveyed for examining the cases.

11. Medical Expenses : Reimbursement to Sr. DAO's/DAO's/DA's

Matter has already been taken up with State Government.

12. Earmarking of Government Accommodation to Sr. DAO's/DAO's/DA's in Audit Colony and in the colony of P.W.D. B&R, Public Health and Irrigation.

It was agreed upon to make a reference to all the Chief Engineers for earmarking accommodation for DA's cadre.

13. Allotment of Room to the Association in AG's Office.

The association was informed that at present there is no space and will be considered when the new building comes up.

14. Supply of Circulars/Office Orders/Other Letters to the Association.

It was agreed upon to supply the copy of Promotion Order/Transfer Order/Dual Charge order to the Association.

The meeting ended with vote of thanks.

R. K. SABHARWAL
Sr. Accounts Officer (W. Admn.)

With best compliments from :-

M/s. Sharma Const. Co.

HOT MIX PLANT

VERKA BYE PASS, AMRITSAR.

Home Address :-

H./No. 117, Krishna Square-II,

AMRITSAR.

☎ : 271199

Extract of Minutes of the Executive Council Meeting of the All India Federation of Divisional Accountants' Associations held on 31-5-98.

The meeting was attended by the following members/delegates/Active members :-

1. Sh. R. K. Sharma Punjab Unit
2. Sh. K. K. Jandial ..
3. Sh. S. B. Gautam ..

2. Implementation of the Vth C.P.C. Report as accepted by the Govt. and programme for future action.

Initiating the discussion the Secy. General congratulated the members for having a major break through in Career progression and having a 4 tier cadre structure. Then statewise report regarding implementation of 4 tier cadre structure was asked for.

The State Units reported the position as below :

PUNJAB

Sh. K. K. Jandial, President Punjab State Unit stated that there was D.P.C. Problem and also the perennial problem of non availability of A.C.R. He suggested that A.C.R. not written by Reporting Officers within stipulated time should be considered as "Good" and the A.I.F. should move with admn. accordingly.

Sh. K. K. Jandial also cited. G.O.I., D.O.P. letter No. 220 11/5/86 Estt(D) of April, 89 in this regard for A.I.F. to take up the issue of C.R. with Admn.

He also suggested that rate of increment should have been greater when it is nearing maxim of a pay scale.

Items needed to be followed/taken up by A.I.F. were discussed and decided as under :-

1. Grant of 80% & 20%

Higher Grade needs to be given to 80% and balance 20% basic scale may be given to probationers. The house was informed by Secretary General that A.I.F. had been advised to make two separate issues i.e. improvement of basic scale and grant of higher scales to balance categories the rates of which needs re-fixing. It was felt that four tier be distributed as 20:30:30:20 or any other appropriate or favourable manner and further fight fought accordingly.

2. One Name to Entire Cadre

It was discussed and resolved that there should be one name for all the cadre and four categories needs to be named as D.A.O., D.A.O. (Gr.-II)' D.A.O. (Gr.-I) and Sr. D.A.O.

3. Transfer of Cadre to State

The house was informed that at present there is no move for the transfer of cadre to State Govt. However, as a precautionary move, as this topic had repeatedly been engaging attention, Model Guidelines framed by C.A.G. are pending in his office. If transfer of cadre to State at any stage becomes unavoidable as maintenance of accounts is State subject and D.A.O./D.A.'s posted for preparation of State account, the model guidelines shall form the guidelines for the same.

The Priority Items Are :

1. Restructuring of the cadre in the ratio of 80:20, 20% being in the lowest grade pending upgradation of the basic grade pay scale.
2. Giving effect to 4 tier cadre structure w.e.f. 1-1-96.
3. Uniform designation.
4. Creation of higher grade posts in S.E's./C.E's. offices.
5. Dual signatures on cheques.

During discussions with the concerned officials of the office of the C.A.G. of India, the following issues were taken up :-

- a) Recruitment of Deputationists :- Considering the alarming situation regarding vacant posts the matter was discussed on the basis of requests from certain State Units for filling up vacant posts of D.A.s as a one time measure.
- b) Delayed promotion to the post of D.A.O.-II, D.A.O.-I & Sr. D.A.O. :- In certain States, promotions to higher grades were unnecessarily delayed. It was urged upon the administration that delay due to administrative reasons need be avoided and retrospective affect may be given.

The Admn. assured to look into these matters.

The issue of implementation of 80:20, has been taken up with the G.O.I.

Besides above, the cadre structure in I.A. & A.D. was closely studied by Shri A. K. Ghosh, President A.I.F. and it was observed that different cadres in I.A. & A.D. can get promotion upto the pay scales of Sr. A.O. As such, on his initiative, the A.I.F. took up the issue of granting Sr. A.O. pay scale by promotion certain percentage of our cadre. The issues has, therefore, been taken up with the Hon'ble Finance Minister G.O.I. who is gathered to have sought opinion of the Finance Ministry and the matter is under consideration in the Implementation cell of Finance Ministry, G.O.I.



Copy of Letter No. 048/AIF/SG/98 Dt. 28-11-98 from the Secy. General of A.I.F. of Divisional Accountants' Associations to A.G. (A&E), (Punjab), Chandigarh with a copy to S.E. P.H.S.C., Amritsar.

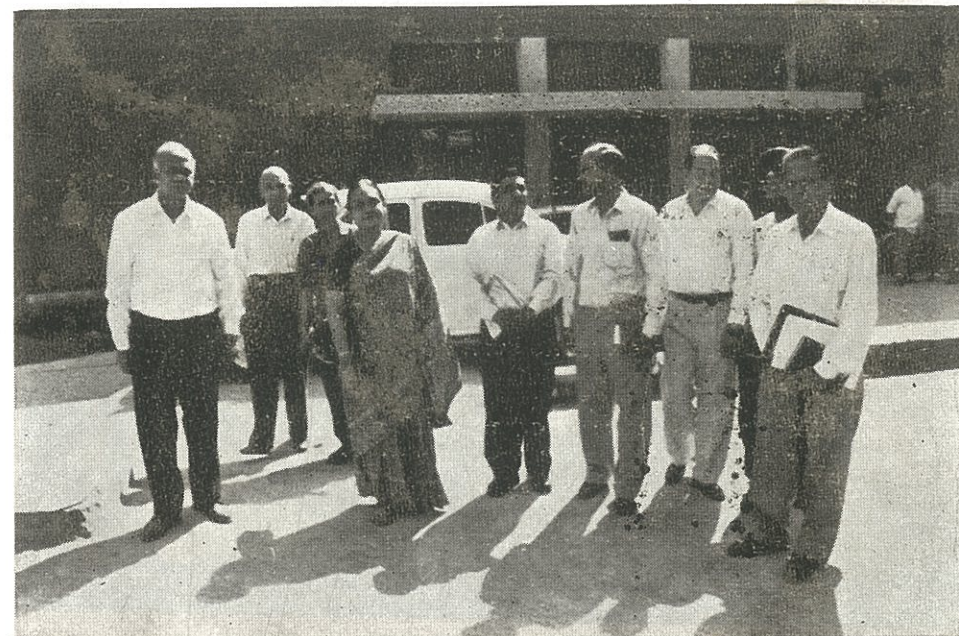
Sub :- Election results of office bearers of All India Federation of Divisional Accountants' Associations'.

Sir,

I have been directed to bring to your kind notice that following members working under your administrative control have been elected as office bearers of A.I.F. Executive Council on post mentioned against each as under :-

Sl.	Name	Post	State
1.	K. K. Jandial, Sr. D.A.O.	Jt. Secy. General	Punjab

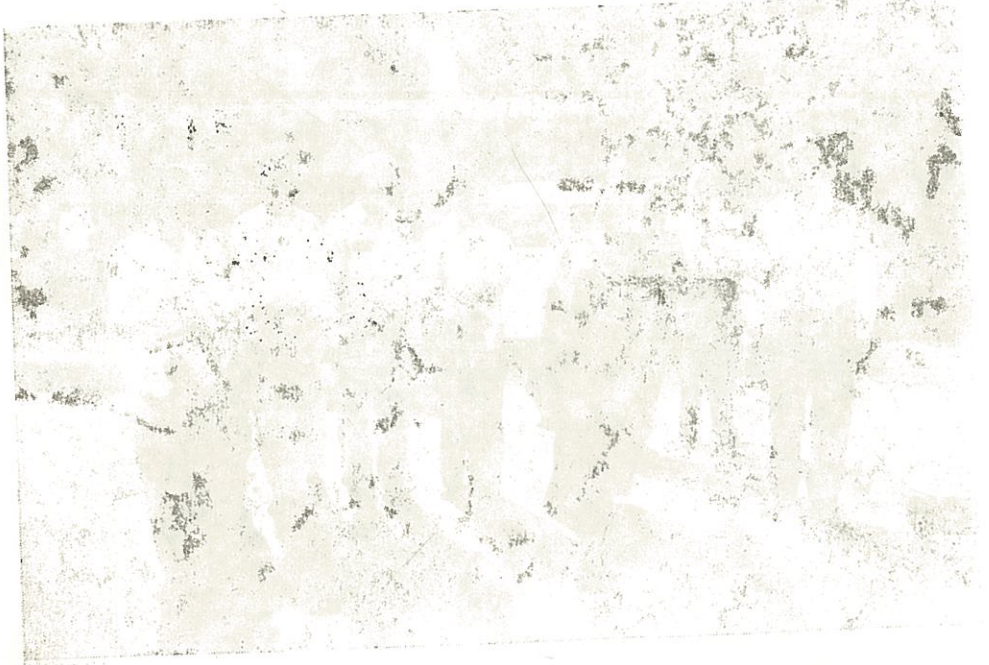
You are, therefore, requested to kindly inform the concerned Divisional Officers and extend the facilities, made available to the office bearers of Recognised Service Associations.



Shrimati Mahua Chatterjee A.G. (A&E) Punjab, Chandigarh proceeding to inaugurate the seminar on Legal matters for Divisional Accounts Officers/ Accountants on 6-4-1998 at Amritsar.



Shrimati Mahua Chatterjee A.G. (A&E) Punjab, Chandigarh releasing the News Bulletin published by Punjab Divisional Accounts Officers/ Accountants Association on 6-4-1998 in the Conference Hall of D.I.P.R.I. at Amritsar.



Shrimati Mahua Chatterjee Pr. A.G. (A&E), Punjab Chandigarh receiving the Memento from the President of the Punjab Divisional Accounts Officers/Accountants Association on the Conclusion of Seminar on Legal Matters on 7-4-1998 at Amritsar.



Group photo of Participants on Legal Matters alongwith Pr. A G. (A&E) Punjab, Chandigarh taken at Amritsar on 7-4-1998 on the Conclusion of the Seminar.



Shrimati Mahua Chatterjee Pr. A.G. (A&E), Punjab Chandigarh receiving the Memento from the President of the Punjab Divisional Accounts Officers/Accountants Association on the Conclusion of Seminar on Legal Matters on 7-4-1998 at Amritsar.



Group photo of Participants on Legal Matters alongwith Pr. A G. (A&E) Punjab, Chandigarh taken at Amritsar on 7-4-1998 on the Conclusion of the Seminar.



Group photo of Divisional Accounts Officers/Divisional Accountants of Amritsar alongwith Madam Mahua Chatterjee, Principal A.G. (A&E) Punjab, Chandigarh on 5-4-98 on her arrival at Amritsar to Conduct the Seminar on Legal Matters for D.A.O's/D.A's



Group photo of Probationers Divisional Accountants with Smt. Mahua Chatterjee Principal A.G. (A&E) Punjab, Chandigarh.



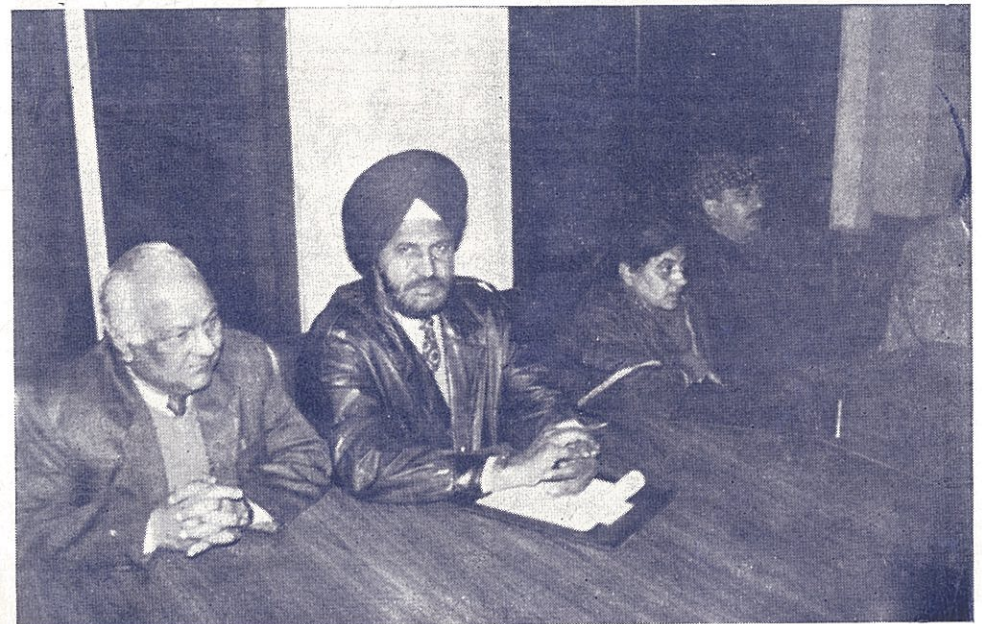
Sh. Shakti Kumar Arora, Senior Vice-President of the Association welcoming
Smt. Mahua Chatterjee Principal A.G. (A&E) Punjab, Chandigarh
at Amritsar on 28-12-99,



Sh. R. K. Sharma, President of the Association receiving Sh. Daulat Ram,
Senior D.A.G. (Accounts) at Amritsar on 28-12-99.



**Smt. Mahua Chatterjee I.A. & A.S. Principal A G. (A&E) Punjab,
Chandigarh inaugurating the Seminar on Management & Legal Matters
on 28-12-99 at Amritsar.**



**A view of the participants in the Seminar on Management
and Legal Matters on 29-12-99 at Amritsar.**



General Secretary, Punjab Divisional Accounts Officers/Accountants Association presenting Memento to Smt. Mahua Chatterjee, I.A.&A S. Principal A.G. (A&E) Punjab, Chandigarh on the conclusion of Seminar on 29-12-1999



Group photo of participants in the Seminar alongwith Smt. Mahua Chatterjee, I.A.&A.S. Principal A.G. (A&E), Punjab, Chandigarh on the conclusion of Seminar on 29-12-99 at Amritsar in the Conference Hall of D.I. P.R.I., Amritsar.

SECTION - III

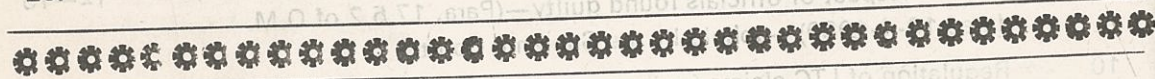
Constitution of the Association & Recent Govt. Orders

Sr. No.	Contents	Page No.
1.	Constitution Containing Memorandum & Bye Laws of Punjab Divisional Accounts Officers & Divisional Accountants Association.	1-6
2.	All posts in the pay scale of Rs. 5,500-9,000 in I.A.&A.D. classified as Group 'B' non-Gazetted.	0-7
3.	Final orders in disciplinary cases should be passed within three months.	0-7
4.	Revised rates of Daily Allowance from 17-4-1998. for Staff Side members of the JCM.	0-7
5.	Change in Classification of encashment of leave salary.	8-9
6.	Amendment to Note 5 below Rule 15 and Note 1 below Rule 16 of G.P.F. (CS) Rules, 1960.	9-10
7.	Amendment to travel entitlements for Road journey.	10-11
8.	Enhanced Family Pension up to 67 years, instead of 65	11-12
9.	Instructions that recommendations in sealed cover need not be acted upon in respect of officials found guilty—(Para. 17.5.2 of O.M. dated 10-4-1989)—upheld by the Supreme Court.	12-13
10.	Regulation of LTC claims for journeys performed by non-entitled modes/class of accommodation.	13-16
11.	Option of date for fixation of pay on promotion.	17-18
12.	Post-tender negotiations only with the lowest tenderer & not with others	00-18
13.	Seald Cover Procedure for ad-hoc promotions also in the case of employees against whom Disciplinary/Court proceedings are pending and those under suspension.	18-19
14.	Incentive for promoting Small Family Norms in the revised scales of pay.	19-20
15.	Clarification regarding grant of Paternity Leave and enhancement of the period of Maternity Leave.	20-21
16.	Employees in the pay range of Rs. 4,100-7,999 may avail LTC by AC 3-Tier in Rajdhani Express Trains.	00-21
17.	Ceiling for reimbursement of expenses on purchase/replacement/repair/adjustment of Hearing Aid under CS (MA) Rules, 1944 and CGHS, enhanced.	21-22
18.	Clarifications regarding procedure to be observed by the DPC's with reference to "chain vacancies" on account of retirement, etc, in the higher grades/hierarchy during that vacancy (panel) year.	22-23
19.	Disciplinary cases should be closed on the death of the charged official	00-23

SECTION - III

Constitution of the Association & Recent Govt. Orders

Sr. No.	Contents	Page No.
20.	Rates of Dearness Allowance on the pre-revised basis to an employee under suspension on 1-1-1996.	00—24
21.	For LTC, the spouses are one unit and the conditions of dependency is not applicable on the husband and wife.	24—25
22.	Recoveries from subsistence allowance.	00—25
23.	Benefit of FR 22 (I) (a) (I) is not permissible when appointed/promoted in the same/identical Time Scale of pay.	00—26
24.	Transfer and postings of Divisional Accounts Officers/Divisional Accountants.	27—28
25.	Restructuring of cadre of Divisional Accountants from 1-10-97.	28—29
26.	Writing of Annual Confidential Reports and communication of Adverse remarks etc. prescribing of revised time schedule.	00—30
27.	Grant of recognition to the Association under C.C.S. (RSA) Rules, 1993	00—31
28.	Procedure of Sales Tax.	00—32



With best compliments from :-

A. K. Sharma

Punjab Motor Stores (Regd.)

**D. G. Set :- Sale, Service, Spares
CUMMINS SPARES, CATERPILLAR SPARES,
RUSTON SPARES, RUSSIAN, LEYLAND SPARES.**

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☎ : (O) 557163, (R) 551687



**Constitution Containing Memorandum & Bye Laws
of Punjab Divisional Accounts Officers
& Divisional Accountants Association.**

**Part-I Memorandum of Association, objects, Scope
& Limit-Article-I.**

NAME

The name of the organisation will be Punjab Divisional Accounts Officers and Divisional Accountants Association.

NOTES

- A) The Association as at present Comprises of the local units at Ludhiana, Nangal, Hoshiarpur, Chandigarh, Patiala, Abohar, Fazilka, Malout, Amritsar, Jalandhar, Sangrur, Thein Dam (Ranjit Sagar Project) Shahpur Kandi, Talwara, Sundernagar, Gurdaspur, Faridkot, Ropar, Ferozepur, Bhatinda, Muktsar and other individual members who have a direct attachment with the state body or through the local units.
- B) As and when any other local unit is formed at any place, information shall be given to the state body.
- C) Activities of the local units will be continued in matter of the local Common interest of their members. The state body will concern itself with those matters only which are of common interest to all the Divisional Accountants/Divisional Accounts Officers-I & II.

Article-II

Aims and objectives.

- i) To inculcate the sense of unity and oneness amongst the members of Punjab Divisional Accountants & DAO Cadre under the control of Accountant General (A&E) Punjab, Chandigarh.
- ii) To foster brotherly affectionate relations between all the Divisional Accounts Officers Grade-I & II/Divisional Accountants in the country through the India Federation of Divisional Accounts Officers/Divisional Accountants Association.
- iii) To promote special, cultural and economic welfare of members.
- iv) To safeguard and promote interests relating to service conditions which are common to all members of the Association.
- v) To achieve better service conditions to members and to suggest as well as to participate for betterment of audit and accounts procedure in respect of the development works of various departments, where the members are posted.
- vi) To provide assistance to members in distress.
- vii) To take up the matters of common service interest and grievances of its members with the Accountant General (A&E), Punjab or any other authority in the State Govt./Union Govt. on its own or through AIF of General Govt. Employees and Workers within the provisions of Constitution of India.

- viii) To communicate and co-operate with such organisation having same objects and subjects of same service interest.
- ix) To establish closer and better relations between the authorities and members.
- x) To assist the Indian Audit & Accounts Department in General & Accountant General (A&E), Punjab in particular and to maintain cordial relations between the authorities and members of the Association for better management.

Article-3

Office

The office of the Association shall be located at the place of posting of the General Secretary of the Association and all correspondence shall be addressed to the General Secretary.

Article-4.

Membership

- i) Sr. Divisional Accounts Officers/All Divisional Accounts Officers / Divisional Accountants on the establishment of Accountant General (A&E), Punjab shall be eligible for the membership of the Association either direct or through the various local units on payment of subscription.
- ii) The members shall have to apply in the prescribed proforma (Annexure-I) and the membership will be accorded/or will be allowed to continue in compliance of the terms and conditions stated in (Annexure-II) of G.O.I. No. 2/10/80-JCA dt. 31-1-94.

Part-II.

Articles of Association/Bye Laws, Rules of Business.

Article-5 Deleted

Article-6.

Every member will pay a fee of Rs. 10/- P.M. or Rs. 120/- per annum through his D.D.O.

Article-7

- a) The Supreme Power of the Association shall be vested in the General Council which will be held bi-annually to consider all matters concerning well being of the members to lay down the programme and time of action to be followed by the Association for the session and to adopt the general report and accounts of the Association and also to elect Executive Committee of the Association. The Bi-annual session can be convened even earlier if the majority of the members and District units so favour to discuss any vital issue by giving at least one month's notice to General Secretary and President of the Association simultaneously.

- b) Total No. of office Bearers/Members of Executive Committee.

The Executive Committee of the Association shall consist of the following :-

(A) Office Bearers :

- 1) A President.
- 2) A. Sr. Vice President.
- 3) One Vice President.
- 4) A General Secretary.
- 5) Two Joint Secretaries.
- 6) Organising Secretary.
- 7) Finance Secretary (Cashier).
- 8) Auditor.
- 9) Two Assistant Secretaries.
- 10) Liaison Officer.
11. Twenty six members.

Above 26 members will be nominated by the President/General Secretary and will remain unrepresented in the Executive Council. These members are provided in the internal management of the Association and for better co-ordination amongst all the members of the Association.

The Office bearers to the Posts of President and General Secretary will be elected by General Council by Secret voting.

Other office bearers will be nominated jointly by the elected President and Secretary.

- B) Member of the Executive Council (Committee) of the Association shall hold office for two years from General Council meeting of the Association in which election are held.
- C) The members of Executive Council including office bearers will be elected for a term of two years. The election of new office bearers compulsorily be held within three months of the expiry of the two years failing which, as per statutory provision, they will cease to be duly elected representative of the Association.
- D) Any member of the Executive Committee who without adequate reasons absent himself from three consecutive meetings or fails to send his opinion by post or otherwise after due notice shall be considered to have vacated his seat but shall be eligible for reinstatement by the Executive Committee.
- E) Vacancies occurring within the same year amongst the Executive Committee shall be filled up at the discretion of the Executive Committee.
- F) **Quorum**
 - i) Half of the number of the members on roll will be the quorum for the General body meeting.
 - ii) One third of the members of Executive Council will form the quorum for holding the Executive Committee Meeting.



With best compliments from :-

Er. Judgebir S. Walia Ar. Inderbir S. Walia

A.I.F; A.I. (I.O.V.), B.E. (Civil)

D. Arch. C.B.M. (SLIET)

Mobile : 9814055179

Mobile : 9814050709

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Architectural & Structural Consultants
Approved Valures & Interior Designers

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P.O. Khalsa College, Amritsar-143002

Office :

378/17, M.M. Malviya Road,

Amritsar-143001

☎ : 0183-401682 565579

☎ : 0183-213149 211732

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Phone : 271521

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Govt. Approved 'A' Class Contractor

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☎ : 656310, 657310, 658310

M/s. Prem Constructions

310, INDUSTRIAL AREA,
CHANDIGARH.



Article-8.

- i) a) The annual/Bi-annual General Meeting will be held for the purpose and manner mentioned in Cl. 7 (a).
All the valid members of the Association are entitled to participate in the proceedings of the Annual General Meeting.
- b) The Executive Committee (Council) shall meet at least once in every three months or earlier if considered necessary by the members. The General Secretary shall be competent to convene the meeting on receipt of requisition by not less than three members of the Executive Committee after giving 10 days clear notice. One third of the present Executive Committee members shall for the quorum of the meeting and all the decisions put to vote will be decided by majority vote.
- ii) The Travelling Expenses of office bearers of members of the Executive Committee attending Executive Committee meetings of General Council meetings etc. shall be ordinarily be the liability of the respective local units to which they belong. In exceptional cases such liability may be assumed by the Association at the discretion of the Executive Committee.
- iii) Expenses in connection with the General Council meeting shall be borne by the Association or the host local units or collectively by the Association and local unit as the case may be.
- iv) Place and time for General Council meeting will be decided by the Executive Council. Time and place for Executive Committee meetings may be decided by General Secretary and Presidents on their own or in Consultation with the Executive Committee and hosting District Unit,
- v) The President shall preside over all the meetings of the Association and of the Executive Committee and shall regulate all their proceedings. In absence of the President, the Senior Vice President, Vice President or any of the members of Executive Committee shall preside over the meetings.
- vi) The General Secretary shall keep a record of the proceedings. He shall be responsible for carrying out the resolutions of Association and of the Executive Committee.
- vii) The duties of the Joint Secretary shall be laid down by the Executive Committee from time to time. In the absence of the General Secretary, the Joint Secretary (i) shall discharge the functions of General Secretary. The Joint Secretary (i) for this reason should be kept posted with day to day activities of the Association.
- viii) All resolutions forwarded at any meeting shall be decided by majority vote of the members. Each member shall have one vote and in case of equality of votes, the President shall have a casting vote.

- ix) All correspondence with the authorities shall be made by the President/General Secretary of the Association.
- x) No local unit or individual member shall decide upon any important matter of policy affecting the Association without the previous concurrence of Executive Committee of the Association.
- xi) The Association shall function strictly according to the frame work of the constitution and rules/instructions of Govt. or Comptroller & Auditor General of India for the conduct and functioning of Association Union.
- xii) The Association shall not represent the interest of any caste, tribe or religious denomination or of any group within or section such castes, tribes or religious denomination.

Article-9

Procedure of Election

- i) Elections to the posts of President and General Secretary will be held by the General Council by Secret ballot.
- ii) A returning officer will be appointed by the Executive Committee of the Association to ensure fair and free election.

The returning officer will issue the election notice and call for nomination for the posts of President and General Secretary to be filled up by election by the General Council. The election notice and call for nomination will be issued one month before the General Council meeting of the Association.

- iii) Only the members on the pay rolls of the Association shall have the voting right to contest the election.
- iv) List of the voters will be finalised by the Finance Secretary and will be presented in the last meeting of Executive Committee meeting in which the Returning Officer will be appointed and this list will be handed over to Returning Officer after approval by the Executive Committee.

The Executive Committee may empower the Returning Officer to enroll the other members by some specified date if the defaulters pay the arrears as shown by the Finance Secretary. For this the Returning Officer had to ensure that the individual produces clearance from cashier (F. Secretary).

Article-10

Accounts

- a) The Finance Secretary will receive all money and will maintain the accounts of all receipts and expenditure and present same to the General Council.

A Bank account will be opened by the Association. The Pass Book of the Association will be operated jointly by Finance Secretary and one more member nominated by the President/General Secretary for the purpose. The Finance Secretary shall be responsible for submission of accounts to the General Council after the accounts are duly checked by the Auditor of the Association.

- b) Each member shall pay a subscription of Rs. 120/- per annum which will be deducted from the pay-rolls of the member employees. The same will be remitted to the Association as per procedure laid down and in C.A.G. office No. 830-NGE/(JCA)/40-94-II dt. 5.10.94 and NGE/36/1996/No. 333/NGE (JCA)/40-96-I dt. 18.10.96 & GOI, Ministry of Personnel, PG and Pension letter No. 2/6/94-JCA dt. 11.16.96, Ministry of Finance letter No. 9 (4)/93/TA/404 dt. 25.6.96.

c) Expense

- i) The funds of the Association will be utilised specifically for day to day expenditure on postage, stationery, publishing/cyclostyling/photostating/memorandum/proceedings, news letters and souvenir etc,
- ii) Subscriptions to the All India Federation of Divisional Accounts Officers/Divl. Accountants Associations or for purchase of periodicals useful for Association,
- iii) Travelling expenses of President & General Secretary or any other member for attending the meeting of the A.I.F. Other State Units, attending meeting with A.G. members of the Pay Commission, or any other activity for the welfare of the Association.
- iv) In addition to normal expenditure on postage, the President & General Secretary shall have the Power to incur expenditure upto Rs. 500/- for each item. Any expenditure in excess of Rs. 500/- will have to be approved by the Executive Committee. The President and General Secretary may draw imprest to cover expenses on activities/assignments approved by the Executive Committee or the General Council.

Article-11.

Accounting Year

The accounting year of the Association shall be 1st April to 31st March.

Article-12.

Bye Law

Only the General Council will have the Powers to frame and amend bye laws of the Association from time to time.

Article-13.

Amendment of the Constitution.

- a) The final authority for the interpretation of rules and laws shall be the General Council. The amendment to the constitution shall be made by a majority vote of at least 2/3rd of members present in the General Council.
- b) Any amendment in the Article of the constitution may be made only with the prior approval of the CAG of India.

Article-14.

Statutory declaration in the form of resolution has been incorporated in the Annexure-I,
President.

General Secretary.

ANNEXURE - I

It is resolved that this Association shall comply with the following conditions namely:—

- a) that the membership of the Govt. servant shall be automatically discontinued on his ceasing to belong to respective category.
- b) that only the Govt. employees who are in service shall be members of office bearers of the Service Association.
- c) that the Executive of the Service Association shall be appointed from amongst the members only.
- d) that the funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Govt. and are applied only for the furtherance of the objects of the Service Association.
- e) that the Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the service Association.
- f) that the Service Association shall not espouse or support the cause of individual Govt. servants relating to service matters.
- g) that the Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party.
- h) that all representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary to the Government/Head of the organisation or Head of the Department or office.
- i) that it would give a list of its members and office bearers and upto date copy of the rules and an audited statement of accounts of the Service Association to the Government annually through proper channel after the Annual General Meeting so as to reach the Government before the 1st day of July each year.
- j) that the Service Association shall not start or publish any periodical, magazine or bulletin without the previous approval of the Govt.
- k) that the Service Association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Govt. of any State or any Govt. of any authority or to good relations between Govt. servants and the Govt. of any Govt. authority, or to good relations between the Govt. of India and the Government of a Foreign State.
- l) that the Service Association shall not address any communication to, or enter into correspondence with a foreign authority except through the Govt. which shall have the right to withhold it.
- m) that the Service Association shall not do any act, or assist in the doing of any act which, if done by a Govt. servant, would contravene any of the provisions of the C.C.S. (Conduct) Rules, 1964.

(R. K. SHARMA)
President

(K. K. JANDIAL)
General Secretary

C.&A.G. of India, Cir. Lr. No. 1123-NGE (ADD)/67-98, dt. 26-10-98

All posts in the pay scale of Rs. 5,500-9,000 in IA & AD,

classified as Group 'B' non-Gazetted

Some field offices have sought clarification whether the posts carrying the pay scale of Rs. 5,500-9,000 in Indian Audit and Accounts Department shall be classified as Group 'B' Gazetted or Group 'B' non Gazetted. The matter has been considered and it has been decided that all the posts in the pay scale of Rs. 5,500-9,000 in IA & AD shall be classified as Group 'B' non-Gazetted.

G.I., Dept. of Per. & Trg., O.M. No. 11012/21/98-Estt. (A), dated 11-11-1998

Final orders in disciplinary cases should be passed within three months

The undersigned is directed to say that the Union Public Service Commission in its 47th Annual Report for the year 1996-97 has observed, inter alia as follows:

“(iv) In passing orders by the Disciplinary Authorities also, delays still continue to occur. There were 175 cases as against 145 cases last year where orders were pending for issue for six months”.

2. Attention is invited in this connection to the instructions contained in the O.M. No. 39/43/70-Estt. (A), dated 8-1-1971, wherein it has been envisaged that it should normally be possible for the Disciplinary Authority to take a final decision on the enquiry report within a period of three months. In cases where it is felt that it is not possible to adhere to this time-limit, a report may be submitted to the next higher authority indicating the additional period required and reasons for the same. It should also be ensured that cases involving consultation with the CVC and UPSC are disposed of as quickly as possible.

3. Though no specific time-limit has been prescribed in the above OM in respect of cases where consultation with CVC and UPSC is required, it is imperative that the time-limit of three months prescribed for other cases should be adhered to in such cases after receipt of the advice of the UPSC. All Ministries/Departments are, therefore, requested to dispose of disciplinary cases as quickly as possible within the time-limit indicated above.

G.I., Dept. of Per. & Trg., O.M. No. 8/4/98-JCA, dated 17-11-1998

Revised rates of Daily Allowance from 17-4-1998, for Staff Side members of the JCM

The undersigned is directed to say that with the revision of Daily Allowance in accordance with the instructions issued by the Department of Expenditure vide O.M. No. 19030/2/97-E. IV, dated 17-4-1998 the JCM members shall with effect from 17-4-1998 be entitled to Daily Allowance in the following manner:

NATIONAL COUNCIL/DEPARTMENTAL COUNCIL JCM:

Flat rate of Rs. 230 per day when they make their own arrangement and Rs. 505 per day while staying in a hotel, etc.

REGIONAL COUNCIL/OFFICE COUNCIL JCM:

At normal rates admissible to them while on duty, subject to a minimum indicated below :-

Classification of cities	Stay in Government/PSU Guest house or making their own arrangement	Stay in hotel or order Establishment providing boarding and/or lodging at scheduled tariff
1. 'A-1' Class	Rs. 200 per day	Rs. 380 per day
2. 'A' Class	Rs. 160 per day	Rs. 305 per bay
3. At other places	Rs. 105 per day	Rs. 200 per day

This OM issues in consultation with Department of Expenditure vide U.O. No. 530/E, IV/89, dated 15-9-1998.

G.I., M.F., (CGA) O.M. No. 2 (1)/98/TA/108, daied 14-1-1999

Change in Classification of encashment of leave salary

In terms of provisions of Rules 39, 39-A, B, C and D of CCS (Leave) Rules, 1972, payments towards encashment of leave salary at the credit of the Government servants at the time of their retirement/death/termination are made to the employees/families of the employees. Presently, these payments are classified to the head to which the salaries of the Government servants were being debited prior to retirement/death, etc.

2. The question of changing classification of these payments was examined in consultation with the C & AG of India and it has been decided that with effect from 1-4-1999, the payment on account of Encashment of Earned Leave at credit at the time of retirement/death or termination of Government servants of different Ministries/Departments should be classified as follows :-

3. (i) In the case of employees of Civil Ministries/Departments the payments should be charged to Head—
"2071. Pension and Other Retirement Benefits—01. Civil—115. Leave Encashment Benefits".
- (ii) The benefits payable to the Defence personnel at the time of retirement, termination of service, etc., are chargeable to the sub-head "Leave Encashment Benefits" below the Minor Heads—
"101—Army (minor head)
102—Navy
103—Air Force"
under the Major Head "2071. Pension and other Retirement Benefits—02. Defence (Sub-Major head)".
- (iii) In the case of payments relating to the employees of Railways, the debit will be classified to the Heads— "3002. Indian Railways—Commercial Lines — Working Expenses— 11. Provident Fund. Pension and Other Retirement Benefits — 111. Leave Encashment Benefits".

OR

"3003. Indian Railways—Strategic Lines—Working Expenses—11. Provident Fund, Pension and Other Retirement Benefits — 111, Leave Encashment Benefits", as the case may be.

(iv) In the case of employees belonging to the Department of Posts and Department of Telecommunications, the classification will be as follows :-

Postal Side : "3201—Postal Services (Major Head)
07—Pension (Sub-major Head)

108—Leave Encashment Benefits"

Telecom Side : "3225—Telecommunication Services
08—Pension
108—Leave Encashment Benefits"

4. Necessary amendments to the List of Major and Minor Heads have been issued separately by this Office—vtde Correction Slip Nos. 354 to 358.

5. Payments made on account of encashment of leave salary made to the Govt. servants at the time of availing of Leave Travel Concession during service in terms of Department of Personnel and Training, O.M. No. 14028/7/97-Estt. (L), dated 7-10-1997 should continue to be classified to the Salary Head only.

6. All the Ministries/Departments and their Attached/Subordinate Organizations are requested to ensure that the classification as outlined above is followed.

7. The receipt of this OM may kindly be acknowledged.

G.I., Dept. of Pension & P.W., Notfn. No. 45/44/97-P & PW (F), dated 18-11-1998

Amendment to Note 5 below Rule 15 and Note 1 below Rule 16 of GPF (CS) Rules, 1960

S.O. 2500.—In exercise of the powers conferred by the proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the C & AG of India in relation to persons serving in the IA&AD, the President hereby makes the following rules further to amend the GPF (CS) Rules, 1960, namely :-

1. (i) These rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1998.
- (ii) They shall come into force on the date of their publication in the Official Gazette. (published on 5-12-1998).

2. In the General Provident Fund (Central Services) Rules, 1960.

(a) For Note 5 below Rule 15, the following Note shall be substituted, namely :-

"Note 5.— Only one withdrawal shall be allowed for the same purpose under this rule. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local Municipal Body of the area where the house or flat is situated shall not be treated as the same purpose. Withdrawal for meeting the cost of education of a child may be allowed on annual basis till

the concerned child continues to pursue the technical or professional course. Second or subsequent withdrawal under sub-clause (a) or (f) of Clause (B) for completion of the same house shall be allowed up to the limit laid down under Note 3".

(b) For Note 1 below Rule 16, the following Note shall be substituted, namely :-
Note 1. — A withdrawal to a subscriber under sub-clause (a) of Clause (A) of sub-rule (1) of Rule 15, may be permitted annually so long as the concerned child of the subscriber continue to pursue the course".

G.I., M.F., O.M. No. 10/2/98-IC & 19030/2/97-E. IV, dated 21-12-1998

Amendment to travel entitlements for Road journey

The undersigned is directed to refer to this Department's O.M. No. 10/2/98-IC and 19030/2/97-E. IV, dated 17-4-1998 on the above mentioned subject and to say that the Travel Entitlements for Journeys by Road as per the orders, dated 17-4-1998 have been prescribed as under :—

	Pay Range (1)	Entitlement (2)
(i)	Rs. 16,400 and above.	Actual fare by any type of public bus; including air-conditioned bus : OR At prescribed rates for AC Taxi when the journey is actually performed by AC Taxi : OR At prescribed rates for auto-rickshaw for journeys by auto-rickshaw, own scooter / motor cycle, moped, etc.
(ii)	Rs. 8,000 and above, but less than Rs. 16,400.	Same as at (i) above with the exception that journey by AC Taxi will not be permissible.
(iii)	Rs. 6,500 and above, but less than Rs. 8,000,	Same as at (ii) above with the exception that journeys by air-conditioned bus will not be permissible.
(iv)	Rs. 4,100 and above, but less than Rs. 6,500,	Actual fare by any type of public bus other than air-conditioned bus : OR

Pay Range (1)	Entitlement (2)
Below Rs. 4,100	At prescribed rates for auto-rickshaw for journeys by auto-rickshaw, own scooter/motor cycle/moped, etc. Actual fare by ordinary public bus only : OR At prescribed rates for auto-rickshaw, own scooter / motor cycle/moped, etc.

2. Some doubts have been raised with regard to entitlements of Ordinary Taxi in respect of the Government servants. It is clarified that the entitlement prescribed at Sl. No. (i) above may be substituted by the following :

(i)	Rs. 16,400 and above	Actual fare by any type of public bus, including air-conditioned bus : OR At prescribed rates for AC Taxi when the journey is actually performed by AC Taxi : OR At prescribed rates for Ordinary Taxi when the journey is actually performed by Ordinary Taxi/own car : OR At prescribed rates for auto-rickshaw for journeys by auto-rickshaw, own scooter / motor cycle, moped, etc.
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Entitlement in respect of Central Government servants in all other Pay Ranges shall remain unchanged.

G.I., Dept. of Pen. & P.W., O.M. No. 45/8/97 P. & P.W., (E), dated 2-2-1999

Enhanced Family Pension up to 67 years, instead of 65

The government of India has decided to increase the age of retirement from 58 to 60 years vide its notification No. 25012/2/97-Estt. (A), dated 13th May, 1998. In

pursuance of this decision of the Government and in view of the recommendation of the Fifth Central Pay Commission, the Government of India, in partial modification of Rule 54 (3) (a) of CCS (Pension) Rules, 1972 has decided that the payment of family pension at enhanced rates will be payable for 7 years or till the Government servant/pensioner would have attained the age of 67 years against the existing provision of 65 years. This will be applicable in cases where Government servant is to retire at the age of 60 years in pursuance of the notification No. GSR 248 (E), dated 13-5-1998 and not where Govt. servant has already retired at the age of 58 years or would have retired at the age of 58 years but for his premature demise.

2. The formal notification regarding amendment in the rules will be issued separately.

3. In their application to the persons belonging to Indian Audit and Accounts Department these orders issue in consultation with the Comptroller and Auditor-General of India.

4. Ministry of Agriculture, etc., are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officer and Attached and subordinate offices under them on a top priority basis. All pension disbursing offices are also advised to prominently display these orders on their notice board for the benefit of pensioners.

G.I., Dept. of Per. & Trg., O.M. No. 22011/1/99-Estt. (A) dated 25-2-1999

Instructions that recommendations in sealed cover need not be acted upon in respect of officials found guilty — (Para. 17 6.2 of O.M. dated 10-4-1989)— upheld by the Supreme Court.

The undersigned is directed to refer to the Department of Personnel & Training's O.M. No. 22011/4/91-Estt. (A), dated 14th September, 1992 on the subject mentioned above and to say that as stated in the OM, these instructions have been issued in the light of the judgement, dated 27-8-1991 of the Supreme Court in the case of Union of India, etc. v. K. V. Jankiraman, etc. (AIR 1991 SC 2010).

2. It has come to notice of this Department that in some cases decided by the Central Administrative Tribunal were contrary to these instructions, the matter was not contested in appeal by some Ministries/Departments. Perhaps, it was because of lack of knowledge on the part of the officers/advocates handling the cases.

3. Attention in this connection is invited to Para. 3.1 of the OM, dated 14-9-1992 wherein it has been provided that :

"If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him".

In Janakiraman's case, the Supreme Court has upheld a similar provision (as quoted above) contained in the O.M. No. 22011/1/79-Estt. (A), dated 30-1-1982. A Full Bench of the Central Administrative Tribunal had struck down the said provision contained in the OM, dated 30-1-1982 but the Supreme Court set aside the finding of the Tribunal holding that an employee found guilty of misconduct cannot be placed at par with other employees and that treating his case differently is not discriminatory.

4. All Ministries/Departments, therefore, requested to follow these instructions without fail and contest the cases relating to the subject matter, if any, before the Tribunal/High Court bringing to their notice the decision rendered by a three-Judge Bench of the Supreme Court in Janakiraman's case. In terms of Article 141 of the Constitution, the law declared by the Supreme Court is binding on all Courts within the territory of India.

G.I., Dept. of Per. & Trg., O.M. No. 31011/8/98-Estt. (A), dated 31-3-1999

Regulation of LTC claims for journeys performed by non-entitled modes/class of accommodation

Consequent upon implementation of the recommendations of the Fifth Central Pay Commission, CCS (LTC) Rules were amended vide this Department's Notifications No. 31011/7/97-Estt. (A), dated 28-10-1997 (GSR No. 602-E) and 28-7-1990 (GSR No. 412-E), Certain clarifications have been sought by various Ministries/Departments from time to time. The doubts raised by various authorities are clarified as under :—

Points raised	Clarifications
1. Can an employee be entitled to travel via a station connected by air services even if the Home Town/declared place of visit is not directly connected by air services ?	An employee entitled to travel by air can travel by the national carriers (and not by private airlines) to airport nearest to the Home Town or the declared place of visit in case where these are not directly connected by air services. The air journey in such cases shall, however, be performed by the shortest direct route.
2. Entitlement for journey by train has been modified through the Notification, dated 28-7-1998, which came into force with effect from 1-10-1998. How the entitlement will be determined for a journey performed prior to 1st October, 1998,	The entitlement of an officer is to be determined strictly in terms of the orders in force and applicable on the date of commencement of the outward journey.
3. If an employee commenced his outward journey before 1-10-1998 but returned after 1-10-1998, how his claim shall be regulated.	The claim shall be regulated strictly in terms of the orders in force on the date of commencement of the outward journey.

4. LTC orders provide for journey by AC Chair Car in Rajdhani Express Trains by employees in the pay range of Rs. 4,100 and above but less than Rs. 8,000. In cases where Chair Car is not provided, can an employee travel by AC 3-Tier sleeper on such trains and claim reimbursement accordingly?
5. LTC orders permit journeys by Rajdhani / Shatabdi Express Trains. Can the entitlement be determined on notional basis?
6. LTC orders provide for journey by Rajdhani/Shatabdi Express Trains where both the originating and destination stations are directly connected by these trains. Can an employee travel by these trains if the Home Town/declared place of visit is not directly connected by rail but the nearest Railway station is directly connected by Rajdhani/Shatabdi Trains?
7. If the Home town of an employee is connected by train but is not directly connected by Rajdhani/Shatabdi Express Trains. In such a case can the employee be entitled to travel partly by Rajdhani/Shatabdi Express Trains and partly by other train(s).
- Travels by Rajdhani Express is a special concession provided in the LTC Rules. In the circumstances, reimbursement of AC 3-Tier sleeper fare on trains in which Chair Car accommodation is not provided will not be permissible and the claim shall be restricted only to the applicable Chair Car fare.
- No, In order to be entitled to reimbursement of fares applicable on Rajdhani or Shatabdi Express, the journeys in question have to be actually performed by these trains. In cases where LTC journeys are undertaken in trains other than Rajdhani or Shatabdi Express by a class of accommodation higher than the one to which the employee is entitled to or by an alternative mode of travel (e.g. by air) to which he/she is not entitled, reimbursement of fares cannot be determined on a notional basis with reference to the fares applicable by the entitled class on the Rajdhani/Shatabdi Express.
- This will be permissible provided the employee concerned is entitled to travel by Rajdhani/Shatabdi Express on LTC.
- If the journey is actually performed by Rajdhani/Shatabdi Trains up to an enroute railway station by direct shortest route and thereafter the journey is completed in a train other than Rajdhani/Shatabdi trains, fare for both the types of trains by the entitled class would be admissible for the respective portion of journey.

8. Whether reimbursement is permissible in cases where an employee travels by a longer route or breaks journey when he is travelling only by Rajdhani Express Trains. Can the reimbursement in such cases be restricted to the fare applicable on Rajdhani Express Trains by the shortest direct route or will only the ordinary train fare be admissible?
9. If an employee travels partly by Rajdhani / Shatabdi Express Trains and partly by other train(s) or by any other mode of transport, such as ship, bus, etc., how is the LTC claim to be regulated?
10. Certain places are not directly connected by trains and one has to change train at nearest rail head. In such cases can journey be undertaken up to nearest rail head which is connected by Rajdhani/Shatabdi Express?
11. If the originating and terminating points fall on the routes of Rajdhani/Shatabdi Express Trains but these trains do not halt at these stations, can an employee travel by Rajdhani/Shatabdi Express and claim reimbursement?
12. If two stations are connected by direct trains but the route traversed by such trains is not the shortest, can the fare applicable for travel by the direct longer route be reimbursed in full?
13. Revised LTC orders permit travel by private vehicles i.e., Taxi, Auto-
- Reimbursement of fares by the entitled class of accommodation applicable on Rajdhani/Shatabdi Express by the shortest direct route, shall be permissible provided all the legs of the journey are actually performed exclusively by these trains and both the originating and destination stations are directly connected by these trains.
- As already clarified at Sl. No. 7 above, in cases where travel on LTC is performed partly by Rajdhani/Shatabdi Express and partly by other trains/modes of transport, the claim shall be reimbursable subject to the condition that the journey is performed by the shortest route.
- Clarification in respect of Sl. No. 9 may be seen in this connection.
- The employee can travel by Rajdhani/Shatabdi Express up to the nearest enroute station which should not be beyond the destination, i.e., Home Town or the declared place of visit.
- Yes, provided travel by the longer route on LTC has been specifically recognized and approved by the Government in terms of the separate orders issued in this regard from time to time.
- Journeys on LTC by taxi, autorickshaw, etc., are permissible only between places which

rickshaw, etc. It may be clarified whether the orders prohibiting LTC journeys by road in a private, hired vehicle or by own vehicles have been withdrawn. If so, in such cases, can the claim be restricted to the bus fare or the fare actually paid ?

14. If journeys on LTC are performed by taxi or autorickshaw between stations connected by rail and/or bus, can the LTC claim be restricted to the bus fare ? If not, what amount be admissible ?

15. Can claims in respect of local journeys performed by taxi, autorickshaw, etc., from the residence to the Railway Station, airport, etc., & vice-versa be restricted to the applicable bus fare ?

16. LTC Rules provide that when a journey is performed by taxi, autorickshaw, etc., the claim shall be restricted to the entitled bus fare. However, various State Roadways Corporations operate on the same route but have different fare structures, How will the claim be regulated in such a situation ?

are not connected by rail. This is further subject to the condition that these modes of transports operate on a regular basis from point to point with the specific approval of the State Governments Transport Authorities concerned and are authorized to ply as public carriers. The existing restrictions on travel by private chartered vehicles, own vehicles, etc., shall, therefore, continue to be in force and applicable. No reimbursement shall be permissible in such cases.

Journeys by taxi, autorickshaw, etc., are permissible only between places not connected by rail and subject to the further condition that these operate on a regular basis from point to point with the specific approval of the State Governments/Transport Authorities concerned. Journeys by these modes on LTC are not permissible between places connected by rail.

Incidental expenditure incurred on local journeys between the residence/place of stay and the airport/Railway Station/bus terminal are not reimbursable.

When journey on LTC is actually undertaken by buses operated by a State Roadways Corporation, the actual fare paid by the entitled type of bus shall be reimbursable. As clarified against SI. No. 13, journeys on LTC by taxi, autorickshaw, etc., are permissible only between places not connected by rail and subject to the conditions specified. When journeys are performed by these modes, and more than one State Roadways Corporation operate on the route, the lowest fare applicable on the route is reimbursable.

G.I., Dept. of Per. & Trg., O.M. No. 1/12/97-Estt. (Pay-I), dated 23-4-1999

Option of date for fixation of pay on promotion

The undersigned is directed to invite a reference to the saving Clause of FR 22 (1) (a) (1) on the subject mentioned above which provides that when a Central Government employee is promoted to next higher grade or post where pay has to be fixed under the provisions of FR 22 I (a) (I), he may be given option for fixation of his pay as under :—

- (a) either his initial pay may be fixed in the higher post on the basis of FR 22 I (a) (I) straightaway without any further review on accrual of increment in the pay scale of the lower post, or
- (b) his pay on promotion may be fixed initially at the stage on a time scale of the new post above the pay in the lower post, which may be re-fixed on the basis of the provisions of FR 22 I (a) (I) on the date of accrual of next increment in the scale of the lower post.

2. References have been received from various Ministries/Departments regarding applicability of the above provisions in the cases of employees who had been promoted before the 1st January, 1996, and who had exercised option as at (b) above, for fixation of their pay on promotion and in whose cases the date of next increments in the lower scales (both pre-revised and revised) fell on or after 1st January, 1996. The matter has been carefully examined and the President is pleased to decide as follows :—

- (i) on 1st January, 1996, the pay of such Government servants may be fixed in the promoted posts with reference to pay that had been fixed at the time of promotion initially at the stage on time scale of new post above the pay in the lower post or from which he has been promoted on regular basis. They will be allowed to draw that pay in the revised scales with effect from 1st January, 1996.
- (ii) their notional pay in the lower posts in the revised scales may also be fixed as on 1st January, 1996. From the dates of accrual of the next increment in the revised scale in the lower post, their pay in the promoted post may be re-fixed on the basis of provisions of FR 22 I (a) (I).
- (iii) in the promoted post, they will draw their next increments on completion of one year from the date the pay was re-fixed under (ii) supra subject to the satisfaction of other conditions.

3. The question as to whether the Government servants promoted 1st January, 1996, should be given another opportunity to give fresh option to get their pay fixed in the promoted post in view of the introduction of revised pay scales with effect from 1st January, 1996, has also been considered and it has been decided that the employees promoted after 1-1-1995 but before 1st January, 1996, and whose date of next increment in the lower posts falls on or after 1st January, 1996, may be allowed another option to get their pay fixed in the promoted post under FR 22 I (a) (1) either from the date of promotion or from the date of next increment in the lower post falling on or after 1st January, 1996.

4. Option in terms of Para 3 shall be exercised within a period of three months in case of officers who have been promoted on or after 1st January, 1996, till the date of issue of these orders. In case of promotions after the date of issue of these orders, option shall be given within one month of the date of promotion. Option once exercised shall be final.

5. In so far as their application to the employees belonging to the Indian Audit and Accounts Departments is concerned, these orders issue in consultation with the Comptroller & Auditor-General of India.

6. Ministry of Finance, etc., are requested to bring the above decision to the notice of all concerned,

G.I., D.G. of Works (CPWD), O.M. No. DGW/MAN/24, dated 10-5-1999

**Post-tender negotiations only with the lowest tenderer
and not with others**

Central Vigilance Commissioner, vide Circular No. 8 (1) (h)/98 (1), dated 18-11-1998, has banned post-tender negotiations, except in the case of negotiations with the LI (i.e. lowest tenderer). Therefore, in partial modification of Para. Nos. 20.18.1, 20.18.2.3., 20.18.2.4 and 20.18.2.5 of CPWD Manual, Volume II, it is enjoined upon all concerned officers that no negotiations be resorted to with any tenderer other than the lowest tenderer till further orders.

CPWD Manual, Volume II, shall be amended in due course

This issues with the approval of D.G. (W), CPWD.

[Issued from File No. 30/1/96/SE/CM]

G.I., Dept. of Per. & Trg., O.M. No. 28036/2/98-Estt. (D), dated 23-2-1999

**Sealed Cover Procedure for ad hoc promotion also in the case of employees
against whom Disciplinary/Court proceedings are pending and those
under suspension**

The undersigned is directed to invite reference to the Department of Personnel and Training, O.M. No. 28036/8/87-Estt. (D), dated 30-3-1988. These instructions lay down general scheme for ad hoc appointments/promotions and prescribe the parameters for such appointments/promotions.

References are being received in this Department of Personnel and Training seeking clarifications as to adoption of the "Sealed Cover Procedure" prescribed, vide the Department of Personnel and Training, O.M. No. 22011/4/91-Estt. (A), dated 14-9-1992 in regard to such ad hoc appointments/promotions.

The matter has been examined and it has been decided that the "Sealed Cover Procedure" prescribed in the Department of Personnel and Training, O.M. No. 22011/4/91-Estt. (A), dated 14-9-1992 referred to above may be followed at the time of consideration for ad hoc promotion also in the case of Government servants—

(i) who are under suspension;

(ii) in respect of whom a charge-sheet has been issued and the disciplinary proceedings are pending; and

(iii) in respect of whom prosecution for a criminal charge is pending
Ministries/Departments are requested to bring the aforesaid instructions to the notice of all concerned and to take action accordingly.

G.I., M.F., O.M. F. No. 6 (39)/98-I. C. II, dated 6-7-1999

Incentive for promoting Small Family Norms in the revised scales of pay

According to the provisions contained in this Ministry's Office Memorandum No. 7 (39)-E. III/79, dated December 4, 1979, Central Government employees who undergo sterilization were entitled to a Special Increment in the form of Personal Pay not to be absorbed in future increases in pay. The rate of increment was equal to the amount of the next increment due at the time of grant of the incentive and was to remain fixed during the entire service.

2. Consequent upon the revision of pay scales with effect from January 1, 1996, based on the recommendations of the Fourth Central Pay Commission, orders were issued in this Ministry's Office Memorandum No. 7 (60)/E. III/86, dated February 9, 1987, to the effect that the rate of Personal Pay shall be an amount equivalent to the lowest rate of increment in the revised pay scales corresponding to the pay scale of the post against which an individual had initially earned the Personal Pay for adopting Small Family Norms in the pre-revised scales of pay.

3. The recommendations of the Fifth Central Pay Commission on incentives for adopting Small Family Norms contained in paragraphs 109.10 to 109.15 of their Report have been carefully considered by the Government. In partial modification of the provisions contained in this Ministry's Office Memorandum No. 7 (39)-E. III/79, dated December 4, 1979, as amended from time to time, the President is now pleased to decide as follows:

(a) The Special Increment presently admissible in the form of Personal Pay to the Central Government employees who had undergone sterilization prior to January 1, 1996, and were drawing pay in the pre-revised pay scales shall be revised so as to be equivalent to the lowest rate of increment applicable in the relevant revised scales of pay corresponding to the pay scale of the post against which the employee concerned had initially earned the Personal Pay in the applicable pre-revised scale of pay.

(b) Such of those Central Government employees who had undergone sterilization after January 1, 1996, and had opted to come over to the revised scales of pay shall also be entitled to the Special Increment equal to the lowest rate of increment in the revised scales of pay applicable at the time of undergoing sterilization,

(c) Employees who had opted to retain the pre-revised scales of the pay shall, however, be entitled to the Special Increment only at the lowest rate of increment applicable in the relevant pre-revised scale of pay. This will be revised so as to correspond to the lowest rate of increment in the applicable revised pay scale only on their switching over to the revised scales.

(d) The Personal Pay shall henceforth be termed as "Family Planning Allowance".

(e) The Family Planning Allowance for adoption of Small Family Norms shall be admissible in future only to those Central Government employees with not more than two surviving children.

4. All other terms and conditions governing the grant of this incentive shall continue to be applicable.

5. These orders will be effective from the date an employee draws pay in the revised scales of pay applicable in terms of the Central Civil Services [Revised Pay] Rules, 1997.

6. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor-General of India.

G.I., Dept. of Per. & Trg., O.M. No. 13018/2/98-Estt. (L), dated 16-7-1999

Clarification regarding grant of Paternity Leave and enhancement of the period of Maternity Leave

The undersigned is directed to refer to this Department's O.M. No. 13018/1/97-Estt. (L), dated 7-10-1997 regarding the enhancement of the period of Maternity Leave to 135 days and grant of Paternity Leave of 15 days and to say that the President is pleased to decide that in partial modification of the said O.M., Paternity Leave may henceforth be allowed to a male Government servant (including an Apprentice) with less than two surviving children during the period of confinement of his wife, i.e., up to 15 days before or up to six months from the date of delivery of the child and if such leave is not availed of within this period, it shall be treated as lapsed.

2. These orders shall take effect from the date of issue.

3. It has also been decided that Paternity Leave may also be allowed to a male Government servant covered under the CCS (Leave) Rules if he had already applied for leave within a period of 135 days of child birth under the provisions of this Department's Orders, dated the 7th October, 1997 but was not allowed the same on account of lack of receipt of said orders in time. Paternity Leave of 15 days (in one spell) may now be allowed as a one-time measure in such cases within a period of 45 days of the date of issue of this order.

4. As per orders, dated the 7th October, 1997, the enhanced period of Maternity Leave of 135 days was also to be allowed to a female Government servant in case her Maternity Leave of 90 days had not expired as on that date. The balance of the unavailed period of Maternity Leave of 135 days in such cases may also be allowed in case of female Government servant had applied for such leave but was not allowed the same on account of the non-receipt of the said orders in time, Maternity Leave in this type of cases may be allowed, as a one-time measure, either by conversion of leave of the kind due and admissible already availed of by the female Government servant into Maternity Leave or by

grant of another spell of Maternity Leave of 45 days if applied for within a period of 45 days of issue of these orders.

5. In so far as persons serving in the IA & AD are concerned, these orders issue in consultation with the C & A-G of India.

G.I., Dept. of Per. & Trg., O.M. No. 31011/7/98-Estt. (A), dated 21-7-1999

Employees in the pay range of Rs 4,100-7,999 may avail LTC by AC 3-Tier in Rajdhani Express trains

Consequent upon implementation of the recommendations of the Fifth Central Pay Commission CCS (LTC) Rules were amended vide this Department's Notifications No. 31011/7/97-Estt. (A), dated 20-10-1997 (GSR No. 602-E) and Notification No. 31011/7/97-Estt. (A), dated 28-7-1998 (GSR No. 412-E) effective from 1-10-1998. Besides other amendments, entitlements to travel by Rajdhani Express were modified to provide as under :—

Travel by Rajdhani Express Trains :

Rs. 16,400 and above	AC First Class
Rs. 8,000 and above but less than Rs. 16,400	II AC 2-tier sleeper
Rs. 4,100 and above but less than Rs. 8,000	Chair Car

2. After issue of the Notification, dated 28-7-1998 (effective from 1-10-1998) references were received from various quarters seeking clarifications whether Government servants in receipt of pay between Rs. 4,100 to Rs. 8,000, who were entitled to travel by Chair Car in Rajdhani Express trains could travel by AC 3-Tier in Rajdhani Express. The matter was examined in consultation with the Department of Expenditure and the position was clarified as under vide this Department's O.M. No. 31011/8/98-Estt. (A), dated 31-3-1999.

"Reimbursement of AC 3-Tier sleeper fare on trains in which Chair Car accommodation is not provided will not be permissible and the claim shall be restricted only to the applicable Chair Car fare".

3. It has been brought to the notice of this Department that Chair Car accommodation has been replaced with AC 3-Tier in all long distance Rajdhani trains. The Ministry of Railways (Railway Board) has also clarified that Indian Railways do not provide AC Chair Car Service in Rajdhani Express trains. The fares are, therefore, not notified for AC Chair Car and AC 3-Tier Sleeper is the lowest class in Rajdhani trains.

4. It has, therefore, been decided in consultation with Department of Expenditure, that in Rajdhani Express trains, Government servants in the pay range of Rs. 4,100 and above but less than Rs. 8,000 would be entitled to travel by AC 3-Tier.

5. LTC claims already decided shall not be reopened.

G.I., Min. of Health & F.W., O.M. No. S. 14025/36/93-MS, dated 17-8-1999

Ceiling for reimbursement of expenses on purchase/replacement/repair/adjustment of Hearing Aid under CS (MA)

Rules, 1944 and CGHS, enhanced

The undersigned is directed to say that a Committee was appointed to consider the issue of revision of rates of Hearing Aids fixed by this Ministry vide O.M. No. S. 14025/36/93-MS, dated 26-9-1994 and also to determine a time period for replacement of the Hearing Aids. On the recommendations of the Committee of experts, it has been decided to fix the maximum ceiling rate up to Rs. 10,000 for body worn/pocket/behind the ear type/in the canal type (conventional), as per requirement of the patient for one-sided Hearing Aid. Any patient requiring a bilateral Hearing Aid on the basis of his/her hearing loss and its attendant disability/speech training requirement/rehabilitation, specially in child/job requirement in adult may be permitted up to a maximum ceiling of Rs. 20,000. However, the Hearing Aid should be recommended by ENT surgeon after considering the hearing loss of a patient and its attendant disability supported by audiometric evidence.

2. In special circumstances, digital hearing aid may also be reimbursed up to a limit of Rs. 60,000 the recommendation of three ENT experts.

3. Keeping in view the average life of hearing aid as five years, a replacement may be permitted on the basis of a condemnation certificate from a technical expert and on approval of a ENT Specialist.

4. These orders will be applicable to both types of beneficiaries viz., CGHS beneficiaries and the beneficiaries covered under CC (MA) Rules.

5. The orders will come into effect from the date of issue.

6. This issues with the concurrence of Finance Division vide their Dy. No. 3653/99 JS & FA (H), dated 23-7-1999.

G.I., Dept. of Per. & Trg., O.M. No. 22011/9/98-Estt. (D), dated 6-10-1999

Clarifications regarding procedure to be observed by the DPC's with reference to "chain vacancies" on account of retirement, etc., in the higher grades/hierarchy during that vacancy (panel) year

The undersigned is directed to invite reference to the Department of Personnel and Training O.M. of even number, dated 8-9-1998 on the subject cited above. Paragraph 7 of the said O.M., inter alia, provides that DPC for the concerned grade may take into account the existing and clear anticipated vacancies due to retirement, etc., in the concerned grade as well as "chain vacancies" on account of retirement, etc., in the higher grades which can be clearly anticipated in the same vacancy year. References are being received in the Department of Personnel and Training seeking clarifications as to whether the "chain vacancies" in the higher grades may include vacancies arising on account of promotion also in the higher grades.

2. The aforesaid matter has been considered in consultation with the Union Public Service Commission. Accordingly, it is hereby clarified that the "chain vacancies" on account of retirement, etc., in the higher grades in a vacancy (panel) year shall include :-

The vacancies which can be clearly anticipated as likely to become available in the concerned grade by promotion of officers of the service to higher grades during that vacancy (panel) year. (Expected promotion to the higher grades under the Model Calendar for DPCs would normally be against vacancies arising by retirement in all the higher grades/hierarchy as per Paragraph 7 of the OM, dated 8-9-1998).

For the sake of illustration, if a panel is being prepared for promotion to JTS, the chain vacancies in the higher grades in that vacancy (panel) year shall include vacancies arising on account of retirement in STS, JAG, NFSG and SAG' etc.. in the same panel year, i.e., if four officers are retiring in STS, three officers in JAG and two in NFSG and one in SAG in the panel year, the total number of anticipated chain vacancies for JTS in the said panel year shall be 10.

3. With the Model Calendar for DPCs coming into operation, panels for various grades of a cadre would become available well in time. Moreover, in terms of Paragraph 6 of the Department of Personnel and Training O.M. No. 22011/9/98-Estt. (D) dated 8-9-1998, an occasion may arise necessitating preparation of a fresh panel for the same year/grade during the currency of the earlier panel prepared for the purpose. It shall, therefore, be ensured that officers included in the earlier panel are promoted before officers from the next panel are picked up.

4. Ministries/Departments are requested to give wide circulation to these clarifications for general guidance in the matter and to ensure strict adherence to the time-schedule prescribed in the Model Calendar for DPCs including the position clarified in the preceding paragraphs for successful operation of these instructions.

G.I., Deptt. of Per. & Trg., O.M. No. 11012/7/98-Estt. (A), dated 20-10-1999

Disciplinary cases should be closed on the death of the charged official

The undersigned is directed to say that this Department has been receiving references seeking clarification whether disciplinary cases initiated against the Government servant under CCS (CCA) Rules, 1965, could be closed in the event of death of the charged officer during pendency of the proceedings. After careful consideration of all the aspects, it has been decided that where a Government servant dies during the pendency of the inquiry i.e. without charges being proved against him imposition of any of the penalties prescribed under the CCS (CCA) Rules, 1965, would not be justifiable. Therefore, disciplinary proceedings should be closed immediately on the death of the alleged Government servant.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, this issues with the concurrence of the C&AG.

G.I., Dept. of Posts, Clr. Lr. No. 8/1-99-PAP, dated 27-8-1999

Rates of Dearness Allowance on the pre-revised basis, to an employee under suspension on 1-1-1996

This is regarding rates of Dearness Allowance in respect of officers/officials under suspension. References in this regard had been received from various Circles. The matter

was referred to the Department of Expenditure, Ministry of Finance, who intimated vide their I.D. No. 1 (18)/97-E. II (B), dated 5-8-1999 that the DA to an employee under suspension is related only to the subsistence allowance that he is drawing. For Government employees under suspension on 1-1-1996, Para. 6 (I) (II) of the Department of Expenditure, Ministry of Finance, Notification, dated 30-9-1997 may be referred to where-in it is provided that such persons can exercise their option within three months of the date of their return to duty. Till then, they may be granted D.A. on the pre-revised basis on the subsistence allowance.

2. The rates of D.A. on the pre-revised basis, based on the IV CPC are as intimated in G.I., M.F. (Dept. of Expenditure). O.M. No. 1 (5)/96-E. II (B), dated 23-3-1996: 1 (18)/96-E. II (B), dated 11-9-1996 and 1 (8)/97-E. II (B), dated 3-4-1997, with effect from 1-1-1996, 1-7-1996 and 1-1-1997 respectively and such rates of D.A. with effect from 1-7-1998 and 1-1-1999 are as calculated below :-

Pay range (in pre-revised scale)	Rates of D.A. per month with effect from	
	1-7-1998	1-1-1999
(i) Basic pay up to Rs. 3,500 p.m.	203% of pay.	228% of pay.
(ii) Basic pay above Rs. 3,500 p.m. and up to Rs. 6,000 p.m.	152% of pay, subject to a minimum of Rs. 7,105.	171% of pay subject to a minimum of Rs. 7,980
(iii) Basic pay above Rs. 6,000 p.m.	132% of pay, subject to a minimum of Rs. 9,120	148% of pay, subject to a minimum of Rs. 10,260

G.I., Dept. of Per. & Trg., Ref. No. 1605/99/E-II (B), dated 8/15-9-1999

[Addressed to MTNL, Kidwai Bhavan and endorsed by the DoT. under its I.D. No. 1605/99-Estt.-(A), dated 16-9-1999]

For LTC, the spouses are one unit and the condition of dependency is not applicable on the husband and wife.

The PUC is a representation of Smt. Purabi Ghosh, Senior Section Supervisor of Mahanagar Telecom Nigam Limited, New Delhi, forwarded by her officer for seeking clarification, whether the leave travel concession to her husband who is a pensioner and drawing pension more than Rs. 1,500 is admissible or not.

2. It is clarified that the husband and wife is one unit for the purpose of LTC and thus, the condition of dependency is not applied on the husband or wife, as the case may be. Therefore, the husband of Smt. Purabi Ghosh, Senior Section Supervisor would be entitled to LTC, if otherwise admissible.

14.37. Recoveries from subsistence allowance.—At present there is no provision in any rules or orders issued by the Punjab Government for the recovery of Government dues from the subsistence allowance granted to a Government employee under suspension. The permissible deductions fall under two categories :—

(a) Compulsory deductions

(b) Optional deductions.

It has been decided that the recovery of following deductions which fall under category (a) above, shall be made from the subsistence allowance :—

- Income-tax, super tax and professional tax provided the employee's yearly income calculated with reference to subsistence allowance is taxable.
- House rent and allied charges, i.e., electricity, water, furniture, etc.
- Repayment of loans and advances taken from Government at such rates as the head of the department deems it right to fix.

The following deductions falling under category (b), should not be made except with the Government employee's written consent :—

- Premia due on Postal Life Assurance Policies.
- Amounts due to Co-operative Societies and Co-operative Credit Societies.
- Refund of advances taken from General Provident Fund.

It has further been decided that deduction of the following nature should not be made from the subsistence allowance :—

- Subscription to a General Provident Fund.
- Recovery of loss to Government for which a Government employee is responsible.

As regards recovery of overpayments, there is no bar to the same being effected from the subsistence allowance, but the competent administrative authority will exercise discretion to decide whether the recovery should be held in abeyance during the period of suspension, or it should be effected at full or reduced rate, depending on the circumstances of each case.

(No. 7561-FR-II-59/16052, datee 24th November, 1959).

Note :- The question whether the provisions of sub-rule (4) below Rule 6.1 of Subsidiary Treasury Rules issued under the Treasury Rules should be made applicable to recoveries of over payments from the subsistence allowance of a Government employee under suspension has been considered and it has now been decided, in partial modification of the said orders that the said sub-rule should apply by analogy in such cases and the recoveries of overpayments falling under paragraph 2 of Finance Department No. 7561-FR-II-59/16052, dated the 24th November, 1959 should not ordinarily be made at a rate-greater than one-third of the gross amount of subsistence and other allowances admissible under Rule 7.2 of Punjab C.S.R., Volume I, Part I.

(No. 8741-(7) FR-II-60/8550, dated 6th October, 1960).

G.I., Dept. of Posts, Cir. Lr. No. 2-54/99-PAP, dated 27-8-1999

Benefit of FR 22 (I) (a) (I) is not permissible when appointed/promoted in the same/identical Time Scale of pay

I am directed to forward herewith a copy of decision, dated 14-6-1999 of CAT, Hyderabad Bench in O.A. No. 951/98 on the subject cited for information and appropriate action in cases of similar nature. It has been observed that there are two conditions for pay fixation under FR 22(I) a(I) viz., (i) the employee should shoulder higher responsibility; (ii) the promotion cadre shall be in higher scale compared to lower scale from which an employee was promoted. The pay fixation is not permissible under FR 22 (I) (a) (I), in case second provision of the rule is not fulfilled.

Central Administrative Tribunal Hyderabad Bench

O.A. No. 951 of 1998

[P. Ramaiah v. Secretary, Department of Posts and others]

ORDER

[Hon'ble Shri R. Rangarajan, Member (A)]

Heard Shri S. Ramakrishna Rao, learned Counsel for the Applicant and Shri V. Vinod Kumar, learned Counsel for the Respondents.

The Applicant in this OA, while working as Lower Selection Grade (LSG) Accountant was posted as the Assistant Postmaster [Accounts], Nellore on 2-2-89. Earlier also he worked as Assistant Postmaster [Accounts] from 30-11-83 to 28-6-87 and second spell from 29-6-87 to 31-1-89. From 2-2-89 he was continuously working as Assistant Postmaster [Accounts] Nellore Head Post Office. Later he got BCR promotion in the scale of Rs. 1,600-2,660 on par with all other general line staff with effect from 1-10-91.

This OA, is filed to set aside the impugned Order No. AC, 5/PF/DIgs./97-98, dated 10-11-97 for fixing the pay of the applicant under FR 22 (I) (a) (I) on his posting as APM [Accounts] by holding the rejection or the claim of the applicant is arbitrary, illegal and unwarranted and for a consequential direction to the respondents to re-fix the pay of the applicant in the scale of Rs. 1,400-2,200 in the post of APM [Accounts], Nellore duly granting the benefit of shouldering the higher responsibilities in the post under FR 22-C with effect from 30-11-83 to 28-6-87 and from 2-2-89 to 30-9-91 with all consequential benefits.

The rule for fixing the pay under FR 22 (I) (a) (I) has been clearly laid down by the Hon'ble Supreme Court in the reported case in Union of India and others v. Ashoke Kumar Banerjee [1988] 5 SCC 242

There are two conditions laid down in that case for fixation of pay under the said rule of FR 22 (I) (a) (I) They are- (i) the employee should shoulder higher responsibilities and (ii). The promotion cadre shall be in the higher scale compared to the lower scale from which an employee was promoted. In the present case the post of LSG Accountant and the APM [Accounts] are in the same scale of pay. Hence the applicant has not fulfilled the second limb of the rule laid down by the Hon'ble Supreme Court in the case cited supra.

In that view, the OA, is to be dismissed as having no merit. Hence the OA, is dismissed No costs.

Comptroller and Auditor General of India, New Delhi, Confidential Circular No. 624-NGE (App)/11-98 dated 26-5-1999 Addressed to All the Pr. Accountants General/Accountants General/Sr. Deputy Accountants General (A&E) (Dealing with the cadre of Divisional Accountants).

Subject : Transfers and postings of Divisional Accounts Officers/Divisional Accountants.

Considering the manifold increases in the developmental activities and budgeted outlay of P.W.D. Divisions in the States over the years and changes in the structure of Divisional Accountant's cadre during the past several years, the question of re-defining the existing classification of Divisions for the purpose of transfers & postings of Divisional Accounts Officers/Divisional Accountants was under consideration of the Headquarters. The matter has been reviewed and in partial modification of this office confidential circular Letter No. 2820-NGE.II/49-72 dated 21-11-1972 on the above subject, the following have been decided :

1. Classification of Divisions :

The Divisions shall be classified as follows to match four tiers of the cadre of Divisional Accountants :

Category of Division	Category of incumbent	Percentage of Divisions
(i) Very Heavy Divisions	Sr. Divisional Accounts Officers	15%
(ii) Heavy Divisions	Divisional Accounts Officers Grade-I	25%
(iii) Medium Divisions	Divisional Accounts Officers Grade-II	25%
(iv) Light Divisions	Ordinary Grade Divisional Accountants	35%

(a) The above classification will be based on the average annual budgeted outlay for the last three years. Exact monetary limit for each category may, however, be fixed by the respective Accountants General (A&E) depending upon the outlay in the respective States.

(b) Other aspects like nodal Divisions irrespective of expenditure ceiling, nature of work assigned to Divisions and territorial jurisdiction of Divisions should also be kept in view for the purpose of classification of Divisions.

(c) Classification of Divisions on the basis of (a) and (b) above would be valid for three years.

2. Tenure of Posting :

The tenure of posting of Divisional Accounts Officers/Divisional Accountants in a Division would continue to be normally for three years.

3. Other considerations for transfers and postings :

While considering transfers and postings of Divisional Accounts Officers/Divisional Accountants adverse comments of the Inspecting Officer of o/o Accountant General (Audit) auditing the accounts of the Division, adverse remarks of the Executive Engineers on their performance as reflected in their Annual Confidential Reports and their performance

in proper and timely submission of accounts of the Division to the Accountant General may also be taken into account by the Transfer Committee.

4. The above guidelines may be scrupulously adhered to uniformly in a transparent manner so as not to give any room for grievance/complaint.

Comptroller and Auditor General of India, New Delhi Circular No. 498-GE-222-97 dated 16-4-1998 Addressed to All Pr. Accountants General/Accountants General (A&E) controlling the cadre of Divisional Accountants (As per standard list).

Subject: Restructuring of cadre of Divisional Accountants from 1-10-97.

With a view to provide additional avenues for promotion of Divisional Accountants, Fifth Central Pay Commission had recommended the following four-tier cadre structure and scales of Pay:

Sl. No.	Designation and Scale of Pay	Cadre Composition
1.	Divisional Accountant (Rs. 5000-8000)	35%
2.	Divisional Accounts Officer Grade-II (Rs. 5500-9000)	25%
3.	Divisional Accounts Officer Grade-I (Group 'B' Gazetted) (Rs. 6500-10,500)	25%
4.	Sr. Divisional Accounts Officer (Group 'B' Gazetted) (Rs. 7500-12,000)	15%

The question of implementing the above recommendations was taken up with the Government, who have now accorded approval for the implementation of the Pay Commission's recommendations regarding the revised cadre composition and creation of new grade of Senior Divisional Accounts Officers from 1-10-97.

2. The number of posts in each of the four grades will be worked out on the basis of the total number of regular posts, excluding seasonal and casual posts, in existence on 1st July of that year.

3. Due to the introduction of four-tier structure from 1-10-97 the number of vacancies may arise in each of the three higher grades. For promotions that may be made against vacancies upto the end of April, 98, benefit may be given from 1-10-97 on the date of occurrence of the vacancies whichever is later. For instance if 10 vacancies exist in any of the three higher grades on 1-10-97, promotion of 10 persons will be made from 1-10-97 in the respective higher grade. Subsequently if a vacancy arises in any of the higher grades from, say 1-1-98, the senior most empanelled officer may be promoted against that vacancy from 1-1-98. Such retrospective promotion is only for the interim period. From 1-5-98 onwards, promotions can be made only prospectively.

4. The new functional grade of Senior Divisional Accounts Officer will be non-selection post and Divisional Accounts Officers Grade-I with three years of regular service will be eligible for promotion as Senior Divisional Accounts Officers. Promotions will be

on the basis of seniority-cum-fitness and the eligibility criteria will have to be satisfied on 1st October, as in the case of other promotions.

5. Being a Group 'B' post, the Appointing Authority in the case of Senior Divisional Accounts Officers will be Principal Accountant General/Accountant General and the DPC constituted for Group 'B' posts will be competent to consider cases for promotion of the new grade of Senior Divisional Accounts Officers. Usual conditions about reservation of posts for SC/ST candidates will apply.

6. Prior concurrence of the State Government to implement this scheme is not necessary, but the State Government may be informed that consequent on the recommendations of the Fifth Central Pay Commission, the cadre of Divisional Accountants has been restructured.

7. A report on implementation of these orders may please be despatched to this office by 1-6-98.

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President :-

BALBIR SINGH



Copy of Letter No. 15/6/99-PP-1/12905 dated 3-11-99 from Government of Punjab Department of personnel (Personnel Policies Branch-I) to All Heads of Departments etc.

Sub :- Writing of Annual Confidential Reports and communication of Adverse remarks etc. prescribing of revised time schedule.

Sir/Madam,

I am directed to refer of Punjab Government circular letter No. 15/23/92-1/9158, dated 28-5-1993 on the subject cited above and to say that it has been observed that inspite of strict instructions, Annual Confidential Reports of the employees are not being recorded within the stipulated period as laid down in Punjab Government instructions referred to above. Non-writing of Annual confidential reports within the prescribed time, affects proper personnel management and career prospects of the concerned employee (s). This aspect of the matter has already been brought out pointedly in the previous instructions from time to time.

2. The matter has been considered with a view to streamline the process of writing of Annual Confidential Reports within the time frame as prescribed vide instructions under reference and it has been decided that in order to ensure that the officers record the Annual Confidential Reports of the officers/officials working under them in time, a column should be added in the self appraisal/Annual Confidential Report from the officer that he has recorded/reviewed/accepted the Annual Confidential Reports of his subordinates within the prescribed period. These instructions may be brought to the notice of all concerned for meticulous compliance.

Sd/- (SURINDER SIDHU)

Secretary to Government of Pb. Deptt. of Personnel



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Telephone No : 556503

Copy of Letter No. Admn-1/33(5)/D.A.O. & D.A.s' Association/99-2000 dt. 21/5/99 from the Accountant General (A&E) Punjab, Chandigarh to the President, Punjab Divisional Accounts Officers/Divisional Accountants Association, 388, Sector 15. Panchkula.

Subject :- Grant of recognition to the Association under C.C.S. (RSA) Rules, 1993,

With reference to your Letter No. 4/Spl dated 05-03-1999, I hereby accord recognition to the Punjab Divl. Accounts Officers and Divisional Accountants Association under the C.C.S. (RSA) Rules, 1993. subject to the conditions mentioned in the above stated Rules. Some salient conditions are as under;

- (i) The recognition granted under the C.C.S. (RSA) Rules, 1993 will remain valid for a period of two years from the date of grant to such recognition in terms of the instructions contained in para 3(IV) of Hqrs. office circular No. 295-NGE (JCM)/40-94/1 dated 17-04-1995 or till it is withdrawn, whichever is earlier.
- (ii) The recognition granted under C.C.S. (RSA) Rules, 1993 is subject to the judgment by the High Court of Delhi in the case of writ petition filed by the All India Audit and Accounts Associations challenging the provisions of C.C.S. (RSA) Rules, 1993.
- (iii) The Association shall act in accordance with various instructions issued by this office as well as by the Govt. of India, Department of Personnel and Training, New Delhi, relating to the recognition of the Associations under the C.C.S. (RSA) Rules, 1993 from time to time.
- (iv) Any amendment in the Constitution of the Association shall be made only with the prior approval of the Comptroller & Auditor General of India. The C.A.G. can also ask the Association to amend any clause of its constitution, if considered necessary at any time.
- (v) The service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association.
- (vi) The Service Association shall not espouse or support the cause of individual Government servants relating to service matters.
- (vii) The Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party.
- (viii) All the representations by the service Association shall be submitted through proper channel and shall be addressed to the Head of the Organisation or the Head of the Department or office.

The receipt of this letter may be acknowledged.

Copy of Letter No. W-Admn/120/ST/99-2000/2446-47 dated 16-9-99 from the A.G. (A&E) Punjab, Chandigarh to the address of the Excise & Taxation Commissioner, Punjab, Chandigarh.

Subject :- Procedure of Sales Tax.

Sir,

I am to invite your attention to Punjab Sales Tax Act, 1997 vide which a deduction of 2% Sales Tax of the gross work done is made from the bills of contractual agencies. This deduction is passed through the monthly accounts by Public Works Divisions through book adjustment in the same manner as for Income Tax Deductions.

A Seminar on legal matters was organised by this office at Amritsar in April, 1998 in which Sr. D.A.O's/D.A.O's of this office & Sales Tax Authorities had participated. During the discussion it was agreed upon to continue the above said procedure.

Now the Punjab D.A.O's/D.A's Association has pointed out that local district authorities of Sales Tax Department are insisting that Sales Tax should be deposited in Government Treasury in cash through challans.

You are, therefore, requested to look into the matter and issue instructions to the District Authorities to follow the prescribed procedure.

Copy forwarded to Sh. R. K. Sharma Sr. Divisional Accounts Officer, H. No. 388, Sector 15, Panchkula w.r.t. his letter dated 24-8-99.



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Circumstances under which a claim for compassionate appointment will be justified.

Held: This Court in the case of *Umesh Kumar Nagpal v. State of Haryana* [(1994)] 4 SCC 138 ; 1994 SCC (L & S) 930 ; (1994) 27 ATC 537] has observed that compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the Rules. The consideration for, such appointment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over. In the present case, at the time of the death of the mother, she was not the sole breadwinner, of the family. 2 sons were already employed and the father was receiving a small pension. The appellant sought employment on compassionate ground. After a lapse of ten years. It was there fore, obvious that there was no immediate financial crisis in the family which would warrant any out of turn appointment to the appellant on compassionate grounds. The financial crisis, if any, caused by the death of the mother was 10 years prior to the application of the appellant. At the time of the death of his mother, the appellant was around 12 or 13 years of age and his two brothers were employed. Looking to all the circumstances, the Government has rightly refused to give him appointment. The fact that the appellant was continued in service on account of interim orders passed during the pendency of the proceedings taken by the appellant will not be of any help to the appellant, since he was throughout aware that these were only interim orders which was, subject to the outcome of the proceedings. We do not see any reason to set aside the order of the tribunal. The appeal is, therefore, dismissed.

[S. Mohan v. Government of Tamil Nadu and another, 1998 SCC (L & S) 1231, date of judgment 12-11-1997.]

C.A. No. 3057 of 1991

Extent of equality under the principle of 'equal pay for equal work.'

Held: The short question is whether the High Court was justified in directing the appellant State to pay the respondents before the High Court the salary and allowances as are being paid to the regular employees holding similar posts and whether the respondents could be held entitled to the payment of difference of the pay scale for the period of last 3 years from the date of filing of the writ petition. It is not in dispute and cannot be disputed that the respondents are NMR daily wage Ledger-Keepers/Ledger-Clerks. Their contention before the High Court was that they were doing the same work as regular Ledger-Clerks who are recruited by the employer. Consequently they must be paid equal pay on the ground of equal work. In our view, the principle of "equal pay for equal work" can ensure to the respondents to the limited extent that when they were found to have been giving similar work as Ledger-Clerks/Ledger-Keepers they could have been paid the minimum of the pay scale of a Ledger-Keeper which was available to regularly appointed Ledger-Keepers/Ledger-Clerks. We, therefore, allow this appeal to the limited extent that though the respondents are held entitled on the principles of "equal pay for equal work" to get the salary available to Ledger-Keepers/Ledger-Clerks who was regularly recruited they would be entitled to the minimum of the pay scale of Ledger-Keepers which may be available to the regularly appointed Ledger-Keepers and they cannot straightaway be paid the running time-scale as they were not regularly appointed as Ledger-Keepers/Ledger-Clerks. The direction issued by the High Court in favour of the respondents entitling them to get the salary and allowances as regularly appointed

employees is set aside. In view of the present order, if in case any amount is found to have been paid to the respondents in excess, it will be adjusted in a phased and reasonable manner, so that the respondents may not be out of pocket to a large extent. [State of Punjab and others v. Devinder Singh and others, 1998 SCC (L & S) 1261, date of judgment 21-7-1997.]

C.A. No. 4942 of 1997

3 The reason for making compassionate appointment which is exceptional is to provide immediate financial assistance to the family of a Government servant, who dies in harness, when there is no other earning member in the family

Held: 17 years after the death of father, the respondent on 8-1-1986 made an application for being appointed in the post of a Primary School Teacher under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974. His application was rejected. He thereafter, filed a writ petition before the High Court. This writ petition was allowed by the High Court and an appeal from the decision of the Single Judge of the High Court was dismissed by the Division Bench of the High Court, Hence, the State has filed the present appeal.

The purpose of providing employment to a dependent of a Government servant dying in harness, in preference to anybody else, is to mitigate the hardship caused to the family of the employee on account of his unexpected death while in service. To alleviate the distress of the family, such appointments are permissible on compassionate grounds provided there are Rules providing for such appointment. The purpose is to provide immediate financial assistance to the family of a deceased Government servant. None of these Considerations can operate when the application is made after a long period of time, such as, 17 years in the present case.

We may, in this connection, refer to only one judgment of this Court in the case of Union of India v. Bhagavan Singh [(1995) 6 SCC 476 ; 1996 SCC (L & S) 33 ; (1995) 31 ATC 736] in this case, the application for appointment on similar compassionate grounds was made 20 years after the Railway Servant's death. This Court observed:

"The reason for making compassionate appointment, which is exceptional, is to provide immediate financial assistance to the family of a Government servant who dies in harness when there is no other earning member in the family"

No such consideration would normally operate 17 years after the death of the Government servant. The High Court was, therefore, not right in granting any relief to the respondents.

The appeals are, therefore, allowed. The impugned judgment and orders of High Court are set aside and the original petitions filed by the respondents before the High Court are dismissed.

[State of U.P. and others v. Parasnath, 1998 SCC (L & S) 570, date of judgment 15-1-1998.]

C.A. No. 1761 of 1993.

4 Whether it was permissible to the Government to order compulsory retirement of a Government servant on the basis of materials which included uncommunicated adverse remarks

Held: The Supreme Court considered the various judgments on its issue and laid the following principles in Baikuntha Nath Das v. Chief District Medical Officer [(1992) 2 SCC 299 ; 1993 SCC (L & S) 521 ; (1992) 21 ATC 649:] "The following principles emerge

(2)

from the above discussion: (i) An order of compulsory retirement is not a punishment. It implies no stigma nor any suggestion of misbehaviour ; (ii) The order has to be passed by the Government on forming the opinion that it is in the public interest to retire a Government servant compulsorily. The order is passed on a subjective satisfaction of the Government; (iii) Principles of natural justice have no place in the context of an order of compulsory retirement. This does not mean that judicial scrutiny is excluded altogether. While the High Court or this Court would not examine the matter as an appellate Court, they may interfere if they are satisfied that the order is passed (a) mala fide or (b) that it is based on no evidence or (c) that it is arbitrary, in the sense that no reasonable person would form the requisite opinion on the given material; in short, if it is found to be a perverse order; (iv) The Government or the Review Committee, as the case may be, shall have to consider the entire record of service before taking a decision in the matter-of course attaching more importance to record of and performance during the later years. The record to be so considered would naturally include the entries in the confidential records/character rolls both favourable and adverse. If a Government servant is promoted to a higher post notwithstanding the adverse remarks, such remarks lose their sting, more so, if the promotion is based upon merit (selection) and not upon seniority; (v) An order of compulsory retirement is not liable to be quashed by a Court merely on the showing that while passing it uncommunicated adverse remarks were also taken into consideration. That circumstance by itself cannot be a basis for interference. Interference is permissible only on the ground mentioned in (ii) above.

In the present case the only ground on which the order prematurely retiring Gurdas Singh was set aside was that two adverse entries after his promotion from the rank of Assistant Sub-Inspector to Sub-Inspector were not communicated to him and earlier adverse entries could not be taken into account because even when those existed Gurdas Singh had earned his promotion. It is not necessary for us to again reiterate the principles where the Court will interfere in the order of premature retirement of an employee as these have been accurately set down by various pronouncements of this Court and particularly Baikuntha Nath Das's case (supra). Before the decision to retire a Government servant prematurely is taken, the authorities are required to consider the whole record of service. Any adverse entry prior to earning of promotion or crossing of the efficiency bar or picking up higher rank is not wiped out and can be taken into consideration while considering the overall performance of the employee during whole of his tenure of service whether it is in public interest to retain him in service. The whole record of service of the employee will include any uncommunicated adverse entries as well.

We, therefore, allow the appeal filed by the State of Punjab and dismiss the suit filed by Gurdas Singh. In consequence the appeal filed by Gurdas Singh is also dismissed. [State of Punjab v. Gurdas Singh, 1998 SCC (L & S) 1004, date of judgment 31-3-1998.]

C.A. No. 2978 of 1991

Sealed cover procedure for promotion when to be adopted

Facts: The respondent was appointed to the post of Obstetrician and Gynaecologist on 30-7-1979. She was considered by the Departmental Promotion Committee for promotion to the post of Specialist Grade II, (Senior Scale) in non-teaching specialist sub-cadre on 8-3-1989, but the proceedings of the Selection Committee were placed in a sealed cover. On 16-4-1991, the respondent was placed under suspension which was followed by a charge-sheet issued to her on 8-5-1991. The Tribunal has found it as a fact that on the date on which the Departmental Promotion Committee met to assess the case

(3)

of the petitioner, she was neither under suspension nor was any charge-sheet issued to her. The Tribunal thereupon relying upon its own Full Bench decision as also a decision of this Court in *New Bank of India v. N.P. Sehgal* [(1991) 2 SCC 220 ; 1991 SCC (L & S) 525 ; (1991) 16 ATC 487 ; JT (1991) 1 SC 498] allowed the original application and directed opening of the sealed cover and giving effect to the recommendations with retrospective and consequential benefits.

Held: The question, however, stands concluded by a 3 Judge decision of this Court in *Union of India v. K.V. Jankiraman* [(1991) 4 SCC 109 ; 1993 SCC (L & S) 387 ; (1993) 23 ATC 322] in which the same view has been taken. We are in respectful agreement with the above decision. We are also of the opinion that if on the date on which the name of a person is considered by the Departmental Promotion Committee for promotion to a higher post, such person is neither under suspension nor has any Departmental proceedings had been initiated against him, his name if he is meritorious and suitable has to be brought on the select list and the "sealed cover" procedure cannot be adopted. The recommendation of the Departmental Promotion Committee can be placed in a "sealed cover" only if on the date of consideration of the name for promotion, the departmental proceedings had been initiated or were pending or on its conclusion, final orders had not been passed by the appropriate authority. It is obvious that if the officer, against whom the Departmental proceedings were initiated is ultimately exonerated, the sealed cover containing the recommendation of the Departmental Promotion Committee would be opened and the recommendation would be given effect to. The appeal, therefore, has no merits and is dismissed.

[*Union of India and others v. Dr. Sudha Salhan (Smt.)* 1998 SCC (L & S) 884, date of judgment 7-1-1998.]

C.A. No. 4266 of 1991

6. **Non-supply of the copies of the documents relied by the prosecution in the charge-sheet to the delinquent employee is a violation of the principles of natural justice which vitiates the enquiry.**

Facts: The respondent who was a Lekhpal in the service of the State Government was dismissed from service after a regular departmental enquiry. The Tribunal has found as a fact that copies of the documents which were proposed in the charge-sheet to be produced in the departmental proceedings as proof in support of the articles of charges, were not supplied to the respondent. This finding was based on the own admission of the appellant in the written statement that the copies of the documents mentioned in the charge-sheet were not supplied to the respondent which could be inspected by him at any time. The Tribunal further found that copies of the statements recorded during the preliminary enquiry on the basis of which the charges were subsequently framed against the respondent were also not supplied to him. It was on these two grounds that it was held by the Tribunal that the enquiry proceedings were bad in law.

Held: Now, one of the principles of natural justice is that a person against whom an action is proposed to be taken has to be given an opportunity of hearing. This opportunity has to be an effective opportunity and not a mere pretence. In departmental proceedings where charge-sheet is issued and documents which are proposed to be utilized against that person are indicated in the charge-sheet but copies thereof are not supplied to him in spite of his request, and he, is at same time, called upon to submit his reply, it cannot be said that an effective opportunity to defend was provided to him. [See: *Chandrama Tewari v. Union of India* [1987 Supp. SCC 518 ; 1988 SCC (L & S)

226 ; (1987) 5 ATC 369 ; AIR 1988 SC 117], *Kashinath Dikshita v. Union of India* [(1986) 3 SCC 229; 1986 SCC (L & S) 502 ; (1986) 1 ATC 176 ; AIR 1986 SC 2118], *State of U.P. v. Mohd. Sharif* [(1982) 2 SCC 376 ; 1982 SCC (L & S) 253 ; AIR 1982 SC 937.]

In *High Court of Punjab and Haryana v. Amrik Singh* [1995 Supp (1) SCC 321 ; 1995 SCC (L & S) 471 ; (1995) 29 ATC 311] it was indicated that the delinquent officer must be supplied copies of documents relied upon in support of the charges. It was further indicated that if the documents are voluminous and copies cannot be supplied, then such officer must be given opportunity to inspect the same, or else, principle of natural justice would be violated.

Preliminary enquiry which is conducted invariably on the back of the delinquent employee may often constitute the whole basis of the charge-sheet. Before a person is, therefore, called upon to submit his reply to the charge-sheet, he must, on a request made by him in that behalf, be supplied the copies of statements of witnesses recorded during the preliminary enquiry particularly if those witnesses are proposed to be examined at the departmental trial. This principle was reiterated in *Kashinath Dikshita's case (supra)*, wherein it was also laid down that this lapse would vitiate the departmental proceedings unless it was shown and established as a fact that non-supply of copies of those documents had not caused any prejudice to that delinquent in his defence.

Applying the above principles to the instant case, it will be seen that the copies of the documents which were indicated in the charge-sheet to be relied upon as proof in support of the articles of charges were not supplied to the respondent nor was any offer made to him to inspect those documents. For the above reasons, the appeal has no merits and is, therefore, dismissed.

[*State of U.P. v. Shatrughan Lal and another*, 1998 SCC (L & S) 1635, date of judgment 30-7-1998.]

C.A. No. 2469 of 1982

7 **Equal pay for equal work cannot be claimed by Draftsmen in Central Water Commission and Central Public Works Department when there is difference between the two in educational qualifications and promotion criteria.**

Held: It is submitted that admittedly Draftsmen Grades I, II and III in Central Public Works Department (CPWD) and in Central Water Commission (CWC) were treated as equals up to 20-6-1980. and they were treated as equals with effect from 13-5-1982 If they were equals for 40 years before and are equals for all time to come after 1982, how can they be unequals for this short interval of 1 year and 11 months alone? The question that is posed assumes that they are being treated as equals after 1982. In fact, up to 1987 qualification-wise they were not equals but only because the Tribunal stretched a point in favour of the appellants and gave them benefit of O.M. of 1984 it cannot be said that they became equals all throughout even prior to 1982. So far as the question about the prospective effect of revision of pay scales of CPWD and CWC Draftsmen are concerned because they become equals qualification-wise at least from 1987 prospective effect was being given to their pay scales at least from that time. So far as the retrospective application was concerned the appellants remained unequal as compared to Draftsmen of CPWD between 1982 and 1987 and it is only because of the application of the O.M. of 1984 that they were given the benefit by the Tribunal which could not be further enhanced in their favour. So far as the submission in connection with the revision of pay scales fixed by the third Pay Commission with effect from

1-1-1973 is concerned the said revision granted to CPWD Draftsmen could not automatically have been granted to Draftsmen CWC whose educational qualifications during the relevant period in dispute were not the same. The submissions based on the nature of work, duties, functions and responsibilities being the same, would not advance the case of the appellants any further as their qualification were not on par till 1987. It is true that one of the reasons given by the Central Administrative Tribunal to deny the benefit of revised pay scales from 1978 to 1982 to CWC Draftsmen only because CPWD people had gone the Board of Arbitration is not sustainable. But the ultimate conclusion to which the Tribunal reached could be sustained on the ground that qualification-wise the Draftsmen of CWC at least at the grass root level could clearly be distinguished as a separate category as compared to that of the Draftsmen under CPWD at grass root level. The submission that difference in educational qualification should not be a discriminating factor for a truncated period cannot be sustained for the simple reason that the period get truncated only because the Tribunal stretched a point in favour of the appellants by narrowing the gap for the short period by giving retrospective benefit of pay scales to the appellants both notionally and actually from 1982-1983 though the difference in educational qualifications for recruitment at grass root level so far as CWC are concerned remained up to 1987. The submission based on the difference between Draftsmen Grade III in CWC and CPWD so far as educational qualifications were concerned though was confined to Grade III Draftsmen only. even in promotional avenues there was a clear distinction so far as the requirements for promotional eligibility even to higher grades were concerned during the relevant time. Consequently, in the light of these clear distinguishing features between the two cadres of Draftsmen of CWC and CPWD which are well established on record, no useful purpose could be served by remanding the matter to CAT as lastly submitted in these submissions. The contention canvassed in support of the appeal fail and the appeal is dismissed.
[Nain Singh Bhakuni and others v. Union of India and another, 1998 SCC (L & S) 850, date of judgment 8-1-1998.]

C.A. No. 2985 of 1991

8 The principle of equal pay for equal work is well settled but to arrive at the conclusion the facts of each case have to be scrutinized with precision

Held: The only question involved in all the aforesaid appeals is whether non-gazetted, non-combatised staff when posted in static area that is to say non-operational area is entitled to ration allowance or not?

We have heard learned Counsel for the parties and we find that there is clear distinction in the terms and conditions of service, nature of work and even tenure of service inter se between combatised and non-combatised personnel. The combatised personnel retire at the age of 53 while the non-combatised personnel retire at the age of 55. The nature of work, so far as combatised personnel are concerned, is arduous in nature in the operational and sensitive areas, In fact even the non-combatised personnel while working in operational areas and such sensitive places are granted the ration allowance. It is only when they are working in static areas there is no provision for this allowance. Even terms and service conditions are totally different. The combatised personnel are governed by the Central Reserve Police Force act and rules which is an army rule more stringent in nature while non-combatised staff is governed by civilian law, namely, CCS Rules made by the Government of India under Article 309 of the Constitution. The question of discrimination in the matter of allowance has to be listed differently even

(6)

inter se between those falling under class of "equal pay for equal work". In cases where some perform overtime duties, night duties, duties in hazardous places viz., mountain terrain at heights or at sensitive border areas an additional allowance is made applicable to the nature of work they perform. Similarly, when option is given it is with clear intention of there being plus and minus points in the two categories. That by itself differentiates inter se between the two. Ones not opting to enjoy the benefit, as in the present case, to continue in service of one category up to, larger length of service (55 years) and not to involve in the hazardous nature of duties with stringent service conditions cannot come forward to claim the benefit of the other category also on the ground of discrimination. In fact, treating unequal to be equal itself would be discriminatory Thus, we conclude it is neither a case of "equal pay for equal work" nor a case of discrimination or violation of Articles 14 and 16 of the Constitution of India.

In fact this distinction is being drawn on the basis of the report of the IVth Central Pay Commission submitted, which is an expert body in this regard. It is not possible for this Court, on the basis of affidavits filed, to come to a clear conclusion specially in contradiction to the expert body report, such as the IVth Central Pay Commissions Report, to hold it arbitrary unless there are cogent facts and reasons brought before us, which is not in the present case.

The Tribunal allowed the relief as claimed by the respondents primarily on the principle of "equal pay for equal work"

We find that in the present case also the IVth Central Pay Commission making a distinction between the two classes while recommending the ration allowance to combatised staff personnel and denying to non-combatised staff personnel for the specified area.

We do not find anything to deviate from the said opinion and for the reasons also to hold the same to be discriminatory or violative of Articles 14 and 16 of the Constitution of India. For the aforesaid reasons, the impugned orders, dated 30-3-1990, 1-10-1992 and 23-8-1994 by the Tribunal are not sustainable.

[Union of India and other v. Ram Gopal Agarwal and others, 1998 SCC (L & S) 706, date of judgment 15-1-1998.]

C.A. No. 4368 of 1991

Termination of Services of a daily wager working for 20 years, without following the provisions of Section 25-F of the ID Act or holding of an enquiry and passing of an order cannot be upheld.

Facts: In this appeal the appellant MCD is between the devil and the deep sea. This situation is of its own creation. Respondent 1 at the relevant time was working as Non-Technical Staff on muster-roll as daily wager. He was appointed on 1-6-1978. At that time he was working under the DDA whose successor-in-interest is the present appellant, MCD. In the year 1981 he was alleged to have committed misconduct of persuading fellow workman Shri Mahendra Kumar to interpolate the name of R1 along with Mahendra Kumar's name in the list for recommended employees for regularization in service. It appears that the appellants conducted a preliminary enquiry into this alleged misconduct of R 1 and Mahendra Kumar and thereafter in the light of the proceedings in the preliminary enquiry and presumably relying upon the statements recorded therein a discharge order was passed against R 1. It is this order which was not interfered with in departmental appeal and consequently an industries dispute was raised by R 1. The Presiding Officer came to the conclusion on the merits of the controversy that there was

(7)

no legal evidence to justify the order of termination as passed against R 1. The said award of the Labour Court was unsuccessfully challenged before the High Court in Writ Petition and that is how the appellant is before us in this appeal by special leave.

Held: Unfortunately, for the appellant the impugned order of termination does not show that it was passed after a departmental enquiry wherein the Disciplinary Authority was satisfied about the said misconduct. On the contrary, it seeks to terminate the services of R 1 by way of a simple discharge and not by way of any penalty. It is only during the proceedings before the Labour Court that a different stand was taken it was by way of penalty. This stand was obviously taken by the appellant because the order of simpliciter termination would have remained stillborn as Section 25-F of the Industrial Disputes Act was admittedly not complied with by the appellant. With this difficulty staring in the face, a stand was taken that it was by way of penalty. If it was by way of penalty then at least a regular departmental enquiry had to be conducted. It was required to be followed by the enquiry officer's report resulting in adverse findings against R 1 and its acceptance by the Disciplinary Authority. Nothing of this sort was done. There is neither the enquiry officer's report holding R 1 guilty of the charge which in fact was never framed against him nor is there any acceptance of such a finding of the enquiry officer by the Disciplinary Authority. Consequently, the impugned order of termination would fail even on that ground. In either view of the matter, the impugned order must be held to be rightly set aside by the Labour Court and the said decision was also rightly confirmed by the High Court.

However, as R 1 was knowing typing at the relevant time and as the order under Section 17-B of the Industrial Disputes Act has been passed by the Court while admitting this appeal, we deem it fit to direct even though R 1 will be entitled to continuity of service and reinstatement in service as directed by the Labour Court, the back wages deserve to be reduced to 50% instead of cent per cent awarded by the Labour Court. This order is passed keeping in view the salient features of this case and especially keeping in view the fact that R 1 succeeds on account of the bungling on the part of the appellant.

[Municipal Corporation of Delhi v. Praveen Kumar Jain and others, 1998 SCC (L & S) 1222, date of judgement 21-1-1998.]

C.A. 5933 of 1994

10. Denial of Promotion on the ground that serious charges for acts of misconduct were pending against an employee if sustainable

Facts: The respondent who was appointed initially as a Junior Assistant was ultimately promoted to the post of Deputy Thasildar in the year 1975 and was placed on deputation in the Tamil Nadu Civil Supplies Corporation, where he committed misconduct causing financial loss to the corporation for which a charge-sheet, dated 6-5-1985 was issued to him. In 1987 while the disciplinary proceedings were still pending, a panel of names for promotion to the post of Thasildar was prepared for which the respondent, who was one of the eligible candidates was also considered, but on an assessment of the service records, he was not found suitable and consequently his name was not included in the panel. Non inclusion of the name in the panel was challenged by the respondent before the Tamil Nadu Administrative tribunal which by its judgment, dated 19-2-1993, allowed the petition and directed that the name of the respondent be included in the panel for promotion to the post of Thasildar prepared for the year 1987 by placing his name just above his junior and all consequential benefits be given to him. The Tribunal was of the opinion the mere pendency of disciplinary proceedings on the

basis of which charge-sheet was issued to him in 1985 which had not been concluded up to the date of consideration of names for promotion would not disqualify the respondent from being considered.

Held: In Para 4 of the counter affidavit, it was clearly pleaded by the appellant before the Tribunal that the name of the applicant was considered along with others for inclusion in the panel for the year 1987 but considering all aspects including the seriousness of the charges against him, he was not found fit for being included in the panel of names for promotion to the post of Thasildar.

Once the respondent was considered for promotion to the post of Thasildar on an assessment of his service records, he was not found meritorious or fit for promotion, the appellants were justified in not including his name in the panel. The respondent had the right to be considered for promotion and this right was not denied to him as he was duly considered but was found to be unfit.

The Tribunal committed the mistake of not reading the whole of the counter-affidavit and coming to the conclusion, merely on the basis of Para 3 thereof that the petitioner's name was not included in the panel because of the pendency of disciplinary proceedings.

For the reasons stated above, the judgement passed by the Tribunal cannot be sustained and is liable to be set aside. The appeal is consequently allowed. The judgement and the order, dated 19-2-1993 passed by the Tribunal is set aside and the claim petition filed by the respondent is dismissed.

[Government of T.N. and another v. K.N. Rathinavelu, 1998 SCC (L & S) 904, date of judgement 20-1-1998]

C.A. No. 2141 of 1994

Date of birth entered in the service register has to be accepted as correct and it cannot be doubted merely by filing copy of Birth Register after a long time.

Facts: The applicant in this O.A. prays that his date of birth has to be corrected as 5-12-1939, instead of 5-12-1937. In support of his contention he has produced extract of Birth Register he obtained in 1995. He further submits even in the seniority list and pay slip also it was registered as 5-12-1939. The respondents submits that his date of birth was registered in service register as 5-12-1937, and in the 'A' Card also he signed and put thumb impression accepting date of birth as 5-12-1937.

Held: The signature of the employee, i.e., of the applicant was obtained on 19-1-1978. The thumb and finger prints were also obtained thereon. If the signature was obtained on 19-1-1978, the applicant cannot, after 20 years, challenge the said signature and thumb impression. If the applicant had any grievance in 1978, he could have challenged the same within the reasonable time thereafter. Now after two decades the applicant cannot be allowed to challenge the accepted date of birth as the principle of estoppel would operate against the employee. Union of India and others v. C. Ramaswamy and others [1997 SCC (L & S) 1158].

The applicant has also placed reliance on the copy of birth register. This copy was obtained on 30-12-1995. As already mentioned, in the matter relating to appointment to service for age of the person appointed, the entry in the service book regarding the age of the employee has to be accepted, unless the same was changed as per rules in the present case, the entry of date of birth in 'A' card as 5-12-1937 has to be accepted and cannot be doubted by filing of copy of Birth Register after a long time.

[Mohd. Sami V. Union of India and another, 5/99 Swamysnews 71, (Lucknow), date of judgement 24-12-1998.]

C.A. No. 436 of 1996

and adjust this amount against retirement gratuity. Railway or Government dues include dues pertaining to Railway or Government accommodation including arrears of licence fees.

In this case it is presumed that the regular licence fee was recovered till the permissible period after the date of superannuation. Thereafter the applicant continued to stay in the accommodation in an unauthorized manner and exposed himself to the liability of paying penal rent and damages which are clearly recoverable from the gratuity. Rules 16(8) and 16 (9) of Railway Services (Pension) Rules, 1993 are extracted hereunder: "A Railway servant shall vacate the Railway accommodation immediately after his retirement.

In case where a Railway accommodation is not vacated by a Railway Servant after superannuation or after cessation of service such as voluntary retirement or death, the full amount of the retirement gratuity/death gratuity or special contribution Provident Fund as the case may be shall be withheld. The amount so withheld shall remain with the administration in the form of cash which shall be released immediately on the vacation of such Railway accommodation".

In view of the 1993 Pension Rules which govern the applicant's case, the earlier Court decisions relied upon by the applicant viz. Wazir Chand v. Union of India and others case are no longer good law.

On a careful consideration of the rival submissions, I direct the respondents to compute the gratuity payable and deduct from this all the rent including penal rent as per provisions of law and hand over the same to the applicant on any date to be fixed in consultation with the applicant within 6 weeks from the date of receipt of a copy of this order. The applicant shall convey the date of vacation and handing over of vacant possession of the Railway accommodation to the respondents within this period. With regard to release of post retirement passes, the Full Bench decision in the case of Wazir Chand (supra) still holds the field. The post retirement passes have nothing to do with the applicant's retaining the quarter. I direct the respondents to release the post retirement passes for the unexpired period, provided the applicant sends a requisition for the same.

With regard to interest on DCRG that still remains payable. I rely on an unreported decision of the Hon'ble Supreme Court in the case of Raj Pal Wali (supra) held in which their Lordships held that when the delay in the payment of gratuity was on the basis of the circular, dated 24-4-1988 of the Railway Board, the applicants are not entitled to payment of interest as the delay in payment occurred due to the order passed on the basis of the said circular and not on account of any administrative lapse. This Apex Court decision was followed by a Division Bench of this Court in Som Lata v. Union of India [(1993) 24 ATC 680]. The facts and issue in this Division Bench decision are also similar to the facts in this OA. I, therefore, hold that no interest is payable on the net DCRG to be released to the applicant.

There is no legal or moral justification for withholding commuted value of pension. The reply of the respondents at Para 4.19 of the counter is unfortunately vague. The delay is unconscionable. A direction has already been issued to settle this within 6 weeks from the date of receipt of a copy of this order. Interest at 12% on whatever be the Commuted value of pension legally determined as payable shall be paid from 1-2-1995 till the date of payment and the cheque shall include the interest amount also.

This OA is disposed of as above.

[Aksham Chand v. Union of India and another, 6/99 Swamynews 83, (P.B., New Delhi), date of judgment 20-4-1998.]

O.A. No. 2164 of 1996

15 When the retired official was himself responsible in release of his retiral benefits, he is not entitled for interest to the delayed payment.

Facts: The applicant seeks a direction to the respondents to release his retiral benefits which have been withheld on the ground that disciplinary proceedings are pending against him.

While in service the applicant had been served with a charge Memo, dated 27-12-1993 but claims that he has been exonerated though the formal orders of Disciplinary Authority are still awaited. Another charge-sheet, dated 28-10-1997 was also served upon him, which according to the applicant, discloses no misconduct and hence, cannot stand in the way of release of his retiral benefits.

The respondents in the reply have stated that the disciplinary enquiry has not reached a finality since the orders of the Disciplinary Authority have not been pronounced. The second enquiry has also been initiated and is pending against the applicant. Regarding the non-release of retiral benefits, the respondents say that this delay has been caused by the failure of the applicant in filing the necessary pension papers till April, 1996.

Held: The first enquiry has undoubtedly continued for too long a period. Since it has not been denied on the part of the respondent that the enquiry officer has long ago submitted his report, Disciplinary Authority should have passed orders by now. As regards the second enquiry, we are not in agreement with the learned Counsel for the applicant that on the face of it, no misconduct is disclosed in the charge-sheet. The allegation against the applicant is that he filed an affidavit in this Tribunal in his personal capacity renouncing official policies without seeking permission from the department or without intimating the department. Whether the applicant was justified in doing so can only be ascertained by the enquiry. We also find that the applicant had admittedly submitted his pension papers as late as in April, 1998 though he claims that he could not do it earlier as the department had not issued his final pay fixation order.

The applicant himself was deliberately delaying finalization of his post-retirement benefits by not filing pension papers in time.

In the facts and circumstances of the case, we consider it appropriate to dispose of this OA with the following directions;

- (a) The respondents, i.e. the Disciplinary Authority, will pass the final orders in the first charge-sheet of 1993 within a period of two months from the date of receipt of a copy of this order.
- (b) The respondents will also complete and finalize the second charge-sheet of 1997 within a period of six months from the date of receipt of a copy of this order.
- (c) The respondents will finalize the provisional pension on the basis of the pay scale of Rs. 1,640-2,900 admissible to the post of Yoga Coach held by the applicant on the date of his retirement and release of GPF, encashment of leave salary and other retiral benefits apart from DCRG within the next period of one month and pay the same to the applicant. No interest is payable to him as he himself was delaying the matter for certain ulterior motive.

[R.C. Gupta (Dr.) v. Director of Education and another, 7/99 Swamysnews 90, (P.B., New Delhi), date of judgment 27-11-1998.]

O.A. No. 241 of 1998

16 It is settled proposition of law that strict rules of evidence are not applicable to departmental enquiries

Facts: M.A. Waheed Khan, the respondent in the appeal herein, was serving as an Inspector of Police in the State of Tamil Nadu. Disciplinary proceedings were initiated against him on the following charges: "(i) Highly reprehensible conduct in flouting the provisions of section 160 (8) (Sic) Cr. PC and Standing Instructions of the Director-General of Police in having allowed one Rani, wife of Ramalingam and Kasi Ammal of lanangur Village to remain at the Police Station and asked them to have their bed within Chidambaram Town Police Station premises on the night of 25-3-1983 (ii) Gross misconduct and outrageous behaviour with a woman by name Rani (19) wife of Ramalingam of elanangur Village on the night of 25-3-1983 at Chidambaram Town Police Station and outside the Police Station". During the pendency of the disciplinary proceedings, he was tried by the Criminal Court for the offences under Sections 166, 354, 365 and 366 of the Indian Penal Code. As a result of the disciplinary Proceedings, he was dismissed from service. In the criminal proceedings, the Trial Court, Convicted him under Sections 166 & 354 IPC. He was, however, Acquitted by the Appellate Court. The Tamil Nadu Administrative Tribunal set aside the order of dismissal.

Held: We are of the view that the Tribunal fell into patent error, The criminal Charge and the charge at the departmental enquiry were entirely different. The Appellate Court in the criminal case came to the conclusion that since the two ladies had not supported the prosecution case, the charges against the appellant were not proved. In the judgment, the criminal Courts have however accepted that one of the ladies, namely Rani visited the Police Station at midnight allegedly to find out as to what had happened to the other lady (Rani's sister-in-law) who was already in the Police Station. When the two ladies were admittedly at the Police Station at night, no fault can be found with the charges as framed in the departmental enquiry. The Tribunal further fell into patent error in holding that it was a case of "no evidence". It is a settled proposition of law that strict rules of evidence are not applicable to departmental enquiries. Before the Enquiry, Officer, the statements of both the ladies were recorded. He appreciated the evidence in the light of their earlier statements made in the preliminary enquiry, In this view of the matter it is not correct to say that there was no evidence before the Enquiry Officer.

We are, therefore, of the view that the Tribunal was not justified in setting aside the order of dismissal in the disciplinary proceedings. We allow the appeal, set aside the order of the Tribunal and restore the order of dismissal passed against the respondent. [State of T.N. v. M.A. Waheed Khan, 1999 SCC (L & S) 257, date of judgment 1-8-1996.]

C.A. No. 2609 of 1996

17 Where unauthorized absence from duty has been regularized by treating the period of absence as leave without pay, the charge of misconduct did not survive

Facts: The respondent who was a Police Constable in Punjab was dismissed from service on 1-6-1988, after a regular departmental enquiry on a charge of unauthorized absence from duty. This order was challenged by the respondent in a suit filed in the Trial Court on 16-7-1990, which was decreed on 12-5-1993 and the order of dismissal was set aside as it was found by the Trial Court that the defendants themselves have

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regularized and treated the period of the respondent's absence from duty as the 'period of leave without pay', could not legally say that he was guilty of misconduct for unauthorized absence from duty. The Trial court also recorded a finding that the respondent's statement that he was not given an opportunity of personal hearing and that his signatures were obtained under duress in the departmental proceedings was not controverted by the appellant as no evidence was produced by the appellant in defence. Having affirmed the findings of the Trial court that the charge of absence from duty did not survive, the lower Appellate Court proceeded to consider the question whether absence from duty was a misconduct of the gravest kind so as to warrant the maximum penalty of "dismissal from service" or it was a mere "misconduct" for which the lesser punishment would be appropriate. Having found that it was not a case of misconduct of gravest kind, the lower Appellate Court remanded back the case to the punishing authority for passing fresh order of punishment. The appellant then filed a second appeal in the High Court which was dismissed summarily.

Held: In this case, what we propose to do would be fully in consonance with the provision of Order XLI, Rule 33 of the Code of Civil Procedure. The power of the Appellate Court are also indicated in Section 107 of the Code of Civil Procedure which provides that the Appellate Court shall have the same powers as are conferred on the original Court. If the Trial Court could dispose of a case finally, the Appellate Court could also by virtue of Clause (a) of sub-section (1) of Section 107 determine a case finally. In R.S. Lala Praduman Kumar v. Virendra Goyal [(1969) 1 SCC 714; AIR 1969 SC 1349] it was held that the Appellate Court could even release against forfeiture in a case under the Transfer of Property Act, 1882. This too was based on the principle that the power which was available to the original Court could be exercised by the Appellate Court also.

Applying the above principles to the instant case, it will be noticed that the Trial Court recorded a categorical finding of fact that a proper opportunity of hearing was not afforded to the respondent in the departmental proceedings and that his allegation that his signatures on certain papers during those proceedings were obtained under duress was not controverted as the State of Punjab had led no evidence in defence. The Trial Court also recorded a finding that unauthorized absence from duty having been regularized by treating the period of absence as leave without pay, the charge misconduct did not survive. It was with this finding that the suit was decreed. The lower Appellate Court confirmed the finding that since the period of unauthorized absence from duty was regularized, the charge did not survive but it did not say a word about the finding relating to the opportunity of hearing in the departmental proceedings. Since those findings were not specifically set aside and the lower Appellate Court was silent about them, the same shall be treated to have been affirmed. In the face of the findings, it was not open to the lower Appellate Court to remand the case to the punishing authority for passing a fresh order of punishment. The High Court before which the second appeal was filed by the State of Punjab, did not advert itself to this inconsistency as it dismissed this appeal summarily, which indirectly reflects that it allowed an inconsistent judgement to pass through its scrutiny.

It is in these circumstances that we, in exercise of our power of doing complete justice between the parties finally decide this appeal and the whole case as under: (a) The appeal is allowed (b) The judgment, dated 15-1-1996, passed by the lower Appellate Court insofar as it purports to remand the case to the punishing authority as also the judgment of the High Court, dated 21-8-1996 as set aside. (c) The judgment and decree passed by the Trial Court is upheld.

(15)

[*State of Punjab and others v. Bakshish Singh*, 1999 SCC (L & S) 183, date of judgment 8-9-1998.]

C.A. No. 4212 of 1997

18 Tests to find out whether any Government servant has outlived his utility and is to be retired compulsorily in public interest maintaining efficiency in administration

Facts: The respondent was appointed as a Clerk in the Office of the Food Controller, Ahmedabad and after about twenty-one years of service, he was promoted as an Assistant Food Controller (Class II). In 1983, certain complaints were received against the respondent regarding permits for cement having been issued illegally by him and, therefore, he was placed under suspension on 31-5-1983 and an enquiry by the State CID (crime and Railway) was ordered into the matter of issuance of bogus cement permits. On the receipt of CID Enquiry Report, which *prima facie* made out a case of issuing cement permits to bogus institutions which were not in existence at Ahmedabad, a First Information Report under various sections of the Indian Penal Code read with the provisions of the prevention of Corruption Act, 1947, was filed against the respondent on 23-12-1983. Another FIR was lodged against the respondent on the same day in respect of offences committed by him by fabricating the rubber stamp of the Government and fabricating bogus permits in favour of bogus parties. In the meantime, respondent made two applications to the appellants for revocation of the suspension order but this was not done. By another order, dated 21-7-1988 passed under Rule 161 of the Bombay Civil Service Rules, 1959, the respondent was compulsorily retired from service in public interest. It was this order which was challenged by the respondent in a writ petition before the Gujarat High Court which was initially dismissed by the Single Judge but was allowed, in appeal by the Division Bench by the impugned judgment, dated 11-2-1998 which has compelled the State to approach this Court under Article 136 of the Constitution.

Held: What is "public interest" was explained in the classic decision of this Court in *Union of India v. Col. J.N. Sinha* [(1970) 2 SCC 458; AIR 1971 SC 40; (1971) 1 SCR 791]. It was pointed out that the object to premature retirement of a Government servant was to weed out the inefficient, corrupt, dishonest employees from the Government service. The public interest in relation to public administration means that only honest and efficient persons are to be retained in services while the services of dishonest or the corrupt or who are almost dead wood are to be dispensed with.

In order, therefore, to find out whether any Government servant has outlived his utility and is to be compulsorily retired in public interest for maintaining an efficient administration, an objective view of overall performance of that Government servant has to be taken before deciding, after he has attained the age of 50 years either to retain him further in service or to dispense with his services in public interest, by giving him three month's notice or pay *in lieu* thereof.

The performance of a Government servant is reflected in the annual character roll entries and therefore, one of the methods of discerning the efficiency, honesty and integrity of a Government servant is to look at his character roll entries for the whole tenure from the inception to the date on which decision for his compulsory retirement is taken. It is obvious that, if the character roll is studded with adverse entries or the overall categorization of the employee is poor and there is material also to cast doubts upon his integrity, such a Government servant cannot be said to be efficient. Efficiency is a bundle of sticks of personal assets, thickest of which is the stick of integrity. If this is missing the whole bundle would disperse. A Government servant has, therefore, to keep

his belt tight.

Purpose of adverse entries is primarily to forewarn the Government servant to mend his ways and to improve his performance. That is why, it is required to communicate the adverse entries so that the Government servant to whom the adverse entry is given, may have either opportunity to explain his conduct so as to show that the adverse entry was wholly uncalled for or to silently brood over the matter and on being convinced that his previous conduct justified such an entry to improve his performance.

Applying the principles laid down above to the instant case, what comes out is that, in compulsorily retiring the respondent from service, the authorities themselves were uncertain about the action which was to be taken ultimately against him. In fact, there was hardly any material on the basis of which a bona fide opinion could have been formed that it would be in public interest to retire the respondent from service compulsorily. The material which was placed before the review Committee, to repeat, the respondent was promoted in 1981; the character roll entries for the next two years were not available on record; there were no adverse entries in the respondent's character roll about the integrity; he was involved in two criminal cases, in one of which a final report was submitted while in the other a charge-sheet has been filed. Although there was no entry in his character roll that the respondent's integrity was doubtful, the Review Committee on its own, probably on the basis of the FIRs lodged against the respondent, formed the opinion that the respondent was a person of doubtful integrity. The Review Committee was constituted to assess the merits of the respondent on the basis of character roll entries and other relevant material and recommend whether it would be in public interest to compulsorily retire him from service or not. The review Committee, after taking into consideration the character roll entries and noticing that there were no adverse entries and his integrity was at no stage doubted, proceeded, in excess of its jurisdiction to form its own opinion with regard to respondent's integrity merely on the basis of the FIRs lodged against him. Whether the integrity of an employee is doubtful or not, whether he is efficient and honest is the function of the appointing authority or the immediate superior of that employee to consider and assess. It is not the function of the Review Committee to brand and that too offhand the employee as a person of doubtful integrity. Moreover, the Review Committee did not recommend compulsory retirement. It was of the opinion that the respondent had committed grave irregularity and that he must be retained in service so that he may ultimately be dealt with and punished severely. The Secretary and the Chief Secretary who considered the recommendation of the Review Committee, had other ideas. They thought that the investigation and subsequent prosecution of the respondent would take a long time and that it would be better to immediately dispense with his services by giving him the temptation of withdrawing the criminal cases and retiring him compulsorily from service, provided he does not approach the Court against the order of compulsory retirement. This proposal too was not immediately acted upon and it was thought that no body could say whether the order of compulsory retirement would be challenged by the respondent before the Court or he would merely submit to it on the temptation that the criminal cases against him would be withdrawn. It was at this stage the order of compulsory retirement was passed.

The whole exercise described above would, therefore indicate that although there was no material on the basis of which a reasonable opinion could be formed that the respondent had outlived his utility as a Government servant or that he had lost his efficiency and had become a dead wood, he was compulsorily retired merely because of his involvement in two criminal cases pertaining to the grant of permits in favour of fake

and bogus institutions. The involvement of a person in a criminal case does not mean that he is guilty. He is still to be tried in a Court of law and the truth has to be found out ultimately by the Court where the prosecution is ultimately conducted. But before that stage is reached, it would be highly improper to deprive a person of his livelihood merely on the basis of his involvement in a criminal case. We may, however, hasten to add that mere involvement in a criminal case would constitute relevant material for compulsory retirement or not would depend upon the circumstances of each case and the nature of the offence allegedly committed by the employee;

There being no material before the Review Committee inasmuch as there were no adverse remarks in the character roll entries, the integrity was not doubted at any time, the character roll entries subsequent to respondent's promotion to the post of Assistant food Controller (Class II) were not available, it could not come to the conclusion that the respondent was a man of doubtful integrity nor could anyone else come to the conclusion that the respondent was a fit person to be retired compulsorily from service. The order, in the circumstances of the case was punitive having been passed for the collateral purpose of his immediate removal, rather than in public interest. The Division Bench in our opinion was justified in setting aside the order passed by the Single Judge and directing reinstatement of the respondent. We find no merit in this appeal which is dismissed.

[*State of Gujarat and another v. Suryakant Chunilal Shah*, (1999 SCC (L & S) 313, date of judgment 3-12-1998.]

C.A. No. 6043 of 1998

9 Representation against the adverse entries in the ACRs should be disposed of by a reasoned and speaking order

Facts: The applicant was appointed as a Lecturer in Mathematics in the National Defence Academy, Pune in 1980 after being selected through UPSC. The applicant was promoted as Senior Lecturer from 8-3-1987. The applicant contends that till the year 1992-1993, since the date of appointment, he did not get any adverse remarks. However, for the years 1993-1994 and 1994-1995 he was conveyed the adverse remarks for both the years on the same date by letter, dated 6-12-1995. The applicant made separate representations against both the ACRs on 14-12-1995 but no reply had been received to the same till the filing of the present OA. Thereafter, the applicant was conveyed adverse remarks for the year 1995-1996 as per letter, dated 11-5-1996. The applicant made a representation against the same on 5-8-1996 and his representation was rejected by the order, dated 8-8-1996. For the year 1996-1997 the applicant was conveyed adverse entries as per letter, dated 4-7-1997. The applicant made a representation against the same on 21-7-1997, but the same was also rejected as per order, dated 31-7-1997. Being aggrieved by the adverse entries in the ACRs the present OA has been filed. The applicant in OA challenges the adverse entries in the ACRs for the years 1993-1994, 1994-1995, 1995-1996 and 1996-1997. This application has been filed seeking the relief of expunging the adverse entries in the ACRs for the years 1993-1994, 1994-1995, 1995-1996 and 1996-1997 or in the alternative to declare that the same would not be taken into consideration for any purpose. The respondents contend that representations made against the adverse entries were rejected based on facts and merits of the case and not with any vindictive attitude.

Held: I have heard the arguments of the learned Counsel for the applicant and learned Counsel for the respondents. The first ground of challenge is that the applicant

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understands that his ACRs for the years 1993-1994 and 1995-1996 had been initiated by respondent No. 6, Sri S.N. Maitra who as per the applicant was not competent to report upon the applicant. The respondents have strongly contested this stating that respondent No. 6, Shri S.N. Maitra was working as Head of the Department and the applicant was under his direct administrative control and, therefore, he was competent to report upon the performance of the applicant. I have carefully considered the rival contentions and inclined to endorse the stand of the respondents. The applicant has not brought out any rules on record to substantiate his arguments. The second ground of attack is that the representations made by the applicant against the Annual Confidential Reports for the years 1995-1996 and 1996-1997 had been disposed of with nonspeaking order. However, in this connection, I would refer to the judgment of the Hon'ble Supreme Court in the case of *Union of India and others v. E.G. Nambudiri* [1991 SCC (L & S) 813] wherein the matter of rejection of the representation by a non-speaking order without giving reasons had been dealt with on an appeal against the order of the Tribunal. The Hon'ble Supreme Court has held in this judgment that where order does not adversely affect any vested right or involve civil consequence, administrative authority is not required to record his reasons in absence of any statutory provision requiring communication of reasons.

Keeping in view the facts of the case as emerging from the written reply and observations of the Hon'ble Supreme Court, I am compelled to hold that the orders rejecting the representation of the applicant against the adverse remarks in the ACRs of the years 1995-1996 and 1996-1997 are not legally sustainable.

The 3rd ground which is the main thrust of the defence of the applicant is that the adverse entries in the ACRs have been made with mala fide intention by respondents No. 5 and 6 in particular with an intention to damage the career of the applicant. Though it may be agreed that these communications had started after the applicant had withdrawn his membership from the Officer's mess but it is difficult to accept the contention that these communications pointing out lapses in the working of the applicant were with mala fide intentions. Keeping these observations in view, I am not persuaded to accept the contention of the applicant that the respondents No. 5 and 6 have acted with a mala fide intention to spoil his career.

The main contention of the applicant in challenging the adverse remarks in the confidential reports is that the adverse remarks have been made with mala fide intention. It is for the competent authority to consider his representations and the points raised in the representation and come to the conclusion whether the adverse remarks deserve to stand in spite of the representation made by the applicant. As already held, the representations of the applicant for the years 1995-1996 and 1996-1997 have not been disposed of by a speaking order covering the points raised by the applicant. In respect of the confidential reports of the years 1993-1994 and 1994-1995, the representations have not yet been disposed of. Considering these facts, I am of the considered opinion that the matter should be remitted back to the competent authority.

[*R.P. Rai (Dr.) v. Union of India and others*, 9/99 Swamysnews 81, (Mumbai), date of judgment 28-1-1999.]

O.A. No. 755 of 1997

20 Adverse order could not be passed without affording reasonable opportunity to show cause

Facts: The applicants in this OA challenge the impugned order, dated 17-4-1996,

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from aggrieved candidates from Punjab, Haryana and Rajasthan.

"This Court has to ensure that, in matters relating to affirmative action by the State, the rights under Articles 14 and 16 of the Individual to equality of opportunity, are not affected, and that a reasonable balance has to be struck so that the affirmative action does not lead to reverse discrimination," the Bench said.

It observed that "further promotion to level 4 must be on the basis of such a modified seniority at level 3, namely, that the senior general candidate of level 2 will remain senior also at level 3 to the reserved candidate, even if the latter had reached level 3 earlier and remained there when the senior general candidate reached that level 3."

"In cases where the reserved candidate has gone up to level 4 ignoring the seniority of the senior general candidate at level 3, seniority at level 4 has to be re-fixed (when the senior general candidate is promoted to level 4) on the basis of when the time of reserved candidate for promotion to level 4 would have come, if the case of the senior general candidate was considered at level 3 in due time," it observed.

Such a procedure "will properly balance the rights of the reserved candidates and the fundamental rights guaranteed under Article 16 (1) — (equality of opportunity in public employment) — to the general candidates," the Bench said.

The Bench held that an earlier Apex Court Division Bench (DB) ruling in *Ajit Singh I case* (1996) was correctly decided.

"The general candidates who are senior at Assistant level (level 2) and who have reached Superintendent Grade-II (level 3) before the reserved candidate moved to level 4 (Superintendent Grade-I), will have to be treated as senior at the level 3 also (Superintendent Grade II) and it is on that basis that promotion to the post of level 4 must be made, upon first considering the cases of the senior general candidates at level 3," the Bench observed.

"But if reserved category candidate is otherwise eligible and posts are available for promotion to level 4, they cannot be denied right to be considered for promotion to level 4, merely because erstwhile seniors at the entry levels have not reached level 3," the Bench said and added that what it stated "accords, in fact, with what was actually stated in *Ajit Singh I case* (1996)".

Where, before March 1, 1996 the date of *Ajit Singh I* judgment at the level 3, there were reserved candidates who reached there earlier and also senior general candidates who reached there later, (but before the reserved candidate was promoted to level 4) and when in spite of the fact that the senior general candidate had to be treated as senior at level 3 (in view of *Ajit Singh*), the reserved candidate is further promoted to level 4 — without considering the fact that the senior general candidate was also available at level 3 — then, after March 1, 1996 (*the date of Ajit Singh case*) it becomes necessary to review the promotion of the reserved candidate to level 4 and reconsider the same (without causing reversion to the reserved candidate who reached level 4 before March 1, 1996), the Bench said.

As and when the senior reserved candidate was later promoted to level 4, the seniority at level 4 had also to be re-fixed on the basis of when the reserved candidate at level 3 would have got his normal promotion, treating him as junior to the senior general candidate at level 3, the Bench said.

— Courtesy : THE HINDU, Chennai, dated 20-9-1999.

23 If an employee is facing departmental proceedings on the dates when the DPC met, adoption of sealed cover procedure for promotion cannot be faulted with

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Facts: The applicant joined the department in Group 'D' post on 1-1-1955. On 17-12-1983, he was promoted as Assistant Postmaster. The respondents introduced the BCR scheme by order, dated 11-10-1991 with effect from 1-10-1991. The recommendation of the DPC held in November, 1991 was kept in a sealed cover due to the pendency of a disciplinary case. The respondents have stated that the applicant's case for promotion was again considered with effect from 1-7-1992 by the DPC held on 23-3-1992, but the recommendation was again kept in the sealed cover. The applicant retired from service on superannuation on 31-12-1992.

The applicant is aggrieved by the action of the respondents in not giving him the benefit of the BCR which according to him, has accrued to him with effect from 1-10-1991 and further on 9-3-1992 when all his juniors were given the benefits. Hence, he has filed this OA.

Held: The BCR scheme was issued by order, dated 11-10-1991 and came into effect from 1-10-1991. As per the scheme, it is seen that the first BCR for eligible officials was to be conducted immediately and orders were to be issued before 31-12-1991. Thereafter, the BCR for eligible officers from 1-1-1992 to 31-12-1993 who will be completing 26 years of service or more on the crucial dates, i.e., the dates of the review as on 1-7-1992, 1-1-1993 and 1-7-1993 were to be conducted. Admittedly, the respondents held the BCR in December, 1991 that is after the order of 11-10-1991 was issued. Although the respondents have also stated in their reply that no disciplinary case was pending against the applicant on 1-10-1991, when the scheme came into effect, but when the DPC met in December, 1991, the charge-sheet dated 13-11-1991, has been issued. By the time the next DPC was held on 23-3-1993 another penalty order in the second charge, dated 16-8-1992 had been given in which recovery of Rs. 2,400 was imposed against him vide order, dated 23-9-1992. In *Union of India v. K.V. Jankiraman* [AIR 1991 SC 2010], case the Supreme Court held that the sealed cover procedure is to be resorted to only after the charge-memo/charge-sheet is issued.

Having regard to the facts in the present case and the judgments of the Supreme Court in *K.V. Jankiraman's case*. Since on the dates when the DPCs met, the applicant was facing departmental proceedings the procedure adopted by the respondents in placing his name in the sealed cover cannot be faulted. Therefore, even though on 1-10-1991 no disciplinary proceedings had been initiated or pending against the applicant, but at the time when the DPCs met, this was not the situation. In the facts and circumstances of the case, therefore, we find no justification to interfere in the matter.

In the result, for the reasons given above this application fails and it is accordingly dismissed.

[*Babara, O.P. v. Union of India and others, 11/99 Swamsnews 65, (P.B., New Delhi), date of judgment 27-8-1998.*]

O.A. No. 861 of 1997

24 An employee who resigns from service after completion of the minimum qualifying service if entitled to pension

Held: By this OA the applicant has claimed pension with effect from 1-2-1978. As per the respondents, the applicant served the department for 14 years 4 months and 26 days with effect from 3-9-1963 to 1-2-1978. The main objection of the respondents is that as the applicant resigned from service, he is not entitled to pension in terms of Rule 26 of the Central Civil Services (Pension) Rules, 1972. A similar matter came up for consideration before the Division Bench of the Central Administrative Tribunal, Jabalpur in O.A. No. 623 of 1991, *A.P. Shukla v. Union of India and others* decided on 13-10-

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1995. In this case, the applicant had tendered resignation on 11-5-1971 after completing 17 years 9 months and 10 days service. The applicant therein was a Railway servant. The objection of the respondents was that since the applicant had resigned from the job, he was not entitled to pension under Rule 311 of the Manual of Railway Pension Rules, 1950. This question was dealt with by the Jabalpur Bench in Paras. 4, 15 and 16 of its order. The same is reproduced below:

"Para. 4. The first question to be considered is whether the resignation tendered by the applicant can be treated as retirement for purpose of grant of pension. The applicant has relied on *M/s. J.K. Cotton Spinning and Weaving Mills Company Ltd., Kanpur v. State of U.P. and others* [AIR 1990 SC 1808] in which the employee's request contained in the letter of resignation was accepted by the employer and that brought to an end the contract of service. The meaning of the term 'resign' as found in the Shorter Oxford Dictionary includes 'retirement'. Therefore, when an employee voluntarily tenders his resignation it is a act by which he voluntarily gives up his job. Therefore, the resignation of the applicant could be treated as superannuation for all purposes.

Para. 15. The Apex Court in the case of *M/s. J.K. Cotton Spinning and Weaving Mills Company Ltd. Kanpur (supra)* held that the resignation amounts to voluntary retirement. The applicant after all has served the department for 10 years. Had he not tendered his resignation he would have received pension. As such when there is voluntary resignation, there is a termination of service which for the purpose of pension may be treated as voluntarily retirement though under the rule this benefit is available only on completion of 30 years of service.

Para. 16. Why a person who could get pension on completion of 10 years of service should not be equated with a person who has tendered resignation after 17 years of service as having performed his service for 10 years for purpose of obtaining pension".

Learned Counsel for the applicant has also placed reliance on another Division Bench, decision of the Central Administrative Tribunal, Principal Bench, New Delhi in the case of *Smt. Bimlar Devi v. Union of India and others* (1992 (2) SLJ 310.]. In this cited case also the applicant had submitted resignation. It was held that the applicant therein was entitled for pension. In view of the decisions in these cases, I am of the view that pension cannot be forfeited in terms of Rule 26 of the CCS (Pension) Rules 1972. [*Om Prakash Singh Maurya v. Union of India and others*, 11/99 Swamysnews 74, (Lucknow), date of judgment 14-9-1998.]

O.A. No. 353 of 1994

5 Circumstances under which a Tribunal can order the quashing of the charge-sheet as well as enquiry proceedings on the ground of delay

Held: By this OA the applicant has claimed quashing of the charge-sheet as well as inquiry proceedings on the ground of delay and also on the ground that non-submission of the return of the property cannot be termed as violation of the Government conduct rules.

Before we proceed to examine the facts of the present case, we propose to quote the Hon'ble Supreme Court in the case of *State of Punjab and others v. Chamanlal Goyal* [1995 SCC (L & S) 541]. It is as below: "Now remains the question of delay. There is undoubtedly a delay of five and half years in serving of the charges. The question is whether the said delay warranted the quashing of the charges in this case. It is trite to

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say that such disciplinary proceedings must be conducted soon after the irregularities are committed or soon after discovering the irregularities. They cannot be initiated after lapse of considerable time. It would not be fair to the delinquent officer. Such delay also makes the task of proving the charges difficult and is thus not also in the interest of administration. Delayed initiation of proceedings is bound to give room for allegations of bias, *mala fides* and misuse of power. If the delay is too long and is unexplained, the Court may well interfere and quash the charges. But how long a delay is too long always depends upon the facts of the given case. Moreover, if such delay is likely to cause prejudice to the delinquent officer in defending himself, the enquiry has to be interdicted. Whenever such a plea is raised, the Court has to weigh the facts appearing for and against the said plea and taken a decision on the totality of the circumstances. In other words, the Court has to indulge in a process of balancing."

Keeping in view the principle laid down in *Chamanlal's case*, (*supra*) we note that it is not a case where voluminous documents are required to be traced and examined. The only charge is contained the Memo of charge-sheet that the applicant had refused to submit to the Railway Administration the special property statement. It happened in the year 1986 and the applicant was served with a charge-sheet, dated 2-5-1988. Since, then the case has not proceeded a step further. No doubt, the respondents could not proceed with the enquiry between 21-3-1989 and 2-2-1993 in the light of the order of the Tribunal passed in O.A. No. 185 of 1988. But, for the delay caused prior to 21-3-1989, no explanation has been given. The record shows that for the first time Shi S.P.K. Naidu was appointed as enquiry officer through letter, dated 27-10-1989. Thereafter 7 other enquiry officers were appointed.

Similarly, as in the case of enquiry officers, the presenting officers were also changed on various dates. For the delay caused the applicant cannot be held responsible. There is nothing on record to show that any act or omission on the part of the applicant has caused the delay. Admittedly, the applicant retired on 31-12-1992 and is still facing an enquiry which was initiated against him by filing of charge-sheet, dated 2-5-1988. Ever after retirement more than six years have passed, but the sword of enquiry is still hanging over his head.

In view of the discussions made above, without getting into the controversy as to whether there was any breach of conduct rules, we are of the considered view that even if it be so, the applicant who has since retired, cannot be left to face the enquiry for an unreasonable period. The OA is allowed. The impugned charge-sheet and the subsequent disciplinary proceedings are quashed.

[*P.P. Kalra v Union of India and others*, 12/99 Swamysnews 82, (Lucknow), date of judgment 16-2-1999.]

O.A. No. 455 of 1998

(Courtesy — Swamynews, 1999)

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OBITUARY

With profound grief and sorrow, we inform the members of the sad and sudden demise of our following Veteran Colleagues since our last General Conference.

- 1. Sh. Rajinder Prasad, Mohali Unit.**
- 2. Sh. C. M. Kakkar, Muktsar Unit.**

These sad and sudden deaths have caused untold miseries on the bereaved families and nothing on earth can console them, as the departed souls were the only earning members.

We pray to God, the Almighty to be kind to these noble departing souls and to give them a place in the heaven.

Women are wiser than men, they know less and understand more. —James Stephen

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