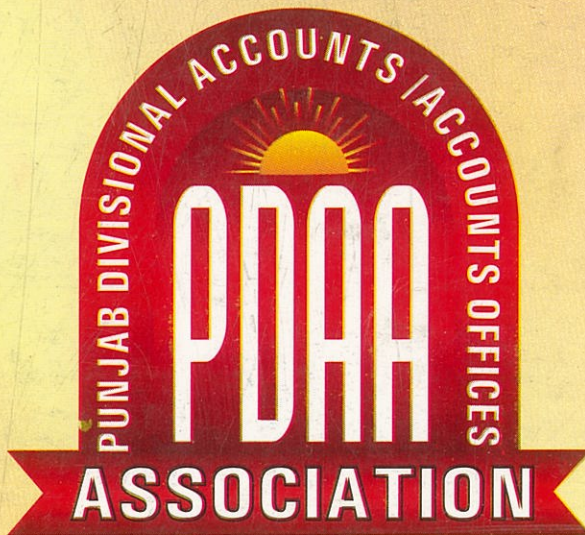


S O U V E N I R

**PUNJAB DIVISIONAL ACCOUNTS OFFICERS /
ACCOUNTANTS ASSOCIATION**

(For Members Only)



**Issued on the Eve of
19th Bi-Annual General Conference of
Punjab Divisional Accounts Officers/
Accountants Association**

Held at Chandigarh on 07-05-2006



Foreword

Dear Friends,

On this historic occasion of 19th General Conference of Punjab DAO's / DA's Association being held at Chandigarh on 7th May, 2006, this Souvenir is being released containing very useful data which shall be definitely helpful to the members in their day today working.

DAO's/DA's Cadre have a grate responsibility not only for proper maintenance of the accounts of Public Works but also to guard against the misuse of funds and to ensure that the expenditure incurred is in consonance with the rules and instructions. To discharge his responsibilities on behalf of the State Govt. and the Accountant General of the State, it is essential that the DAO/DA has proper status and working atmosphere but it is felt that this cadre has been ignored both by the Punjab Govt. as well as by Accountant General. In departmental codes DAO/DA is treated as the senior most member of the PW Division, next to Executive Engineer, thus giving him a status better that of SDE. It is worth mentioning here that with the constant and concerted efforts of the association, gazetted status has been granted to 40% members of the cadre but working conditions in a Division and pay scales are far from satisfactory. To put this cadre to the optimum utility and to enable it's members to discharge their duties fearlessly with pride and devotion and also to relieve them from the present discontentment and frustration, gazetted status for all members and better pay scales/privileges are therefore, very essential.

Work paper submitted by AIF to CAG/Govt. of India wherein inter-alia, we have demanded better pay scales and improved working condition/status to the DAO's/DA's Cadre. This work paper is under active consideration of the Govt. and we should pledge to continue our united efforts till the goal of 100% gazetted status, further promotions in the Cadre and subsequent nominations to I.A. & A.S. is achieved. I hope, unitedly we would be able to persuade the authorities and 6th pay commission to grant us deserving pay scales, better status and conducive working conditions of service.

With my long experience, I can say it with full confidence that Pb. DAO's/DA's Association shall become more strong day-by-day and we shall be able to overcome all hurdles and accomplish our goal with the active participation and cooperation of each member.

(S.K. Arora)
President



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



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Suggestions

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

Editor-in-Charge

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 completion 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 complete accounts and status was given to him as head to Executive Engineer's office establishment. The relative position of Divisional Accountant viz-a-vis the Executive Engineer was also made analogous to Sub Division 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. Accounts code 1921 and three folds 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, where as 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 where as 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 a 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-2/41/1953m 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. 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 latter 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. Fights was carried out united and association was able to get recommendation of 1/3 posts of Accounts Officers in A. G.'s office works and inspection wing to be filled in form amongst the Divisional Accountants from 3rd Pay Commission. But this recommendation was not implemented by the C. A. G. of India's office instead C.A. G. office took the view that this was only on observation by the 3rd pay Commission and not a definite recommendation. Matter was taken up with the departmental council of Indian Audit and Accounts Deptt. but due to hostile attitude of S. A. S. cadre no decision was arrived at.

Cadre continued to suffer till the 4th Pay Commission was set-up by the Govt. But before the Commission could give its report. Audit and Accounts was separated and A. G.'s Office was restructured into two wings i. e. Audit and Accounts w.e.f. 1/3/1984. The pay scale of A. G.'s Office staff were improved leaving the cadre of Divisional Accountants. C. A. G. recommended for the cadre of Divisional Accountants ordinary scale equal to S.O. of A. G.'s office and selection grade of A.O. Pay Commission did not discuss our ordinary scale and recommended a selection grade equal to the grade of S.O. Commission did not agree with the controller and Auditor General contention that for promotion the Divisional Accountants should look to the State Govt. and observed that the fact remains that they are recruited by the Govt. of India and are its employee". The Commission also recommended promotion to the post of Accounts officer in A. G.'s office. This recommendation was again not accepted and hence not implemented. Again we placed this item before the department council during feb. 1987. Also selection grade to 50% of the cadre strength as per the recommendation of the pay commission was not timely granted. There was very long administrative delay. Punjab Divisional Accountants Association had to knock the doors of Central Administrative Tribunal. Chandigarh to get the 50% selection grade with effect from 1/1/1986. Association again represented to the Ministry of Finance about the non implementation of the 4th Pay Commission recommendations regarding promotions to Accounts office. Arguments were given that such promotion can be given in the Divisions itself by up grading some of the Divisions as Accounts officer Divisions and also this would not involve any financial implication. But we were given only 20% promotions in the scale of Rs. 2000-3200 in lieu of post of Accounts Officer in A. G.'s Office w.e.f. 7/88.

This story and said drama of our endless suffering continued till the formation of 5th Pay Commission, 5th Pay Commission did not agree with the C.A.G.'s recommendation regarding two tier system to our cadre instead made this cadre four tier. Recommendation of 5th Pay Commission was partially accepted and implemented for three scales i.e. ordinary scale 50% DAO-II grade 30% and Divisional Accounts Officer-I Scale 20%. The scale of senior Divisional Accounts officer for 15% of the cadre strength was again not implemented w.e.f. 1/1/96. With the constant and concerted efforts of the association this scale was implemented w.e.f. 1/10/97 instead 1/1/1996.

Sad part of the above story is that again during the year 2003, our cadre was ignored while upgrading the various grades and their equivalent posts in the organised accounts cadre in various Ministers/ Departments. The grades of Auditors/Accountants, Senior Auditors, Senior Accountants, Section Officers, Assistant Audit Officers / Asstt. Accounts Officers in Indian Audit and Accounts Deptt. were upgraded with effect from 1.1.96 with financial benefit from 2/2003 and our cadre i.e.

Divisional Accountants cadre was ignored (Govt. of India, Ministry of Finance and C. A. O. M. no. 6/82/E.III (B) /91 dated 28.2.2003) Association was left with no alternative except to enter into protracted struggle with the highest authority in the department. Association was successful due the vision and intelligence of its leaders get the scales of the Cadre upgraded w.e.f 1.1.96 vide C & A. G. (Circular no. 26/NGE/2004) 341-NGE (APP) 36/2003 dated 28.4.2004. But the financial benefit was given w.e.f. 28-4-2004 Association is seeking the legal remedy to get the financial benefit from 2003 (February, 2003) as was given to the other cadres of Indian Audit and Accounts Department. A statement of pay scales since 1947 is as under :-

1.	Pay scale from 1.1.1947 onwards	100 (During probation. 130-10-250/15-355
2.	Pay Scale from 1.7.1959 onwards	180-10-290/15/380/15-440 with Selection Grade of 425-15-475.
3.	Pay Scale from 1.1.73 onwards	425-15-500/ 15-560-20-640-EB 20 700-25-750 Selection Grade 550-20-650-25-800
4.	Pay scale from 1.1.86 onwards	50% 100-40-1600-50-2300/60-2600 50% Selection Grade 1640-20-2600 EB-75-2900
5.	Pay scale from 1.7.88 onwards	20% 2000-60-2300-75-3200 30% 1640-60-2600/75-2900 50% 1400-40-1600-50-2300-60-2600
6.	Pay scale from 1.1.96 onwards	20% 6500-200-10500 30% 5500-9000 50% 5000-8000
7.	Pay scale from 1.10.97	15% 7500-12000 25% 6500-10500 25% 5500-9000 35% 5000-8000
8.	Pay scales from 1.1.96 with financial benefits from 28.4.2004	15% 7500-12000 (no change) 25% 7450-225-11500 25% 6500-200-10500 35% 5500-175-9000

Although Association had been able to get much of the lost pride but struggle should continue until we get 100% gazetted status and further promotions at par with Senior Accounts Officers of A. G. Office and subsequent nomination in Indian Audit and Accounts Deptt. as this cadre deserve 100% gazetted status.



President
A.I.F. DAOs/DAs Association

Message

I am glad to know that Punjab Divisional Accountants/Accounts Officers Association is holding its 19th Bi-annual General Conference on 7th May, 2006 at Chandigarh.

Punjab D.As/DA.O's Association has all along played a very vital role by active participation in organisational activities and towards furtherance of common causes of the Cadre and is always maintaining unity and harmony of the cadre all over the Country. During 5th Pay commission the framing of work paper on strengthening of Pre-check system which the cadre represents, contribution of Punjab D.As./DAOs Association is substantial.

We have achieved much of our lost pride; but still much is to be achieved. I believe that if we move further unitedly with sincerity and determination, victory will be ours.

Events like General Conference also provides an opportunity to up-grade our knowledge and strengthen the feeling of co-operation and mutual understanding.

I wish this General Session to be a total success and through light on the further advancement of the Cadre. I also extend my Good wishes to the Association and participants and wish this Session to be a Grand Success.

(K.K. Jandial)
President
A.I.F. DAOs/DAs Association

Secretary General
A.I.F. of Divisional Accounts/
Divisional Accounts Officers Associations
37, Akash Nagar,
Kotra Sultanabad
Bhopal

Message

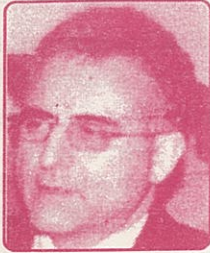
It is of immense pleasure that Punjab DAO/DA Association is holding their general house conference at Amritsar on 7th May, 2006 and tout cause of the cadre throughout the country. Pb. DAOs/DAs Association has always played a pivotal role in furtherance of welfare, upliftment.

Expenditure in public works has increased manifold in past three decades in the context of planned development of communications, Irrigation and power. As the custodian of financial discipline of the grass root level. The divisional Account Officers/ Divisional Accountant play a vital role in ensuring that investment on plan schemes bring forth the maximum desired results and that the Nations precious resources are not trittered away DAO/DA have an important role in works departments as internal checkers and as financial advisors, with manifold increase in expenditure and introduction of new methodologies like build, operate and transfer system. Their duties have increased in importance and complexity.

It is therefor, necessary to re-examine their role so that they can continue to discharge their functions, duties and responsibilities completely freely, fearlessly and favourless and uphold the noble traditions of the Indian Audit & Accounts Department.

I convey my best wishes for the success of the conference.

V. N. Choudhary
(Secretary General)
A.I.F. of Divisional Accounts/
Divisional Accounts Officers Associations



सत्यमेव जयते

**Principal Accountant General (Audit)
Punjab and U.T. Chandigarh-160017
Tel/Fax - 0172-703149**

Message

I convey my heartiest congratulations on the occasion of issue of Souvenir 2006 being brought out in 19th Bi-Annual General Conference of Punjab DAO's/DA's Association on 7th May 2006. During the past few years this Association has won laurels in the field of office work, academic training and extra curricular activities. I appreciate the initiative and drive shown by the Association and forward my best wishes on this occasion

(Sunil Verma)

**Principal Accountant General (Audit)
Punjab and U.T. Chandigarh**



महालेखाकार (लेखा एवं हकदारी) पंजाब
चण्डीगढ़ - 160017

Accountant General (A & F) Punjab
Chandigarh - 160 017
Phone : 2703270, 2704169
Fax No. 0172-2702286
E-mail : agaeph@glide.net.in

Message

I am glad to know that Souvenir 2006 is being brought out on the occasion of 19th Bi-Annual General Conference of Punjab DAO's/DA's Association on 7th May 2006. During the past few years this Association has won laurels in the field of office work, academic training and extra curricular activities. I appreciate the initiative and drive shown by the association. At this occasion, I convey my heartiest congratulations and best wishes.

(Nand Lal)

Accountant General (A & F) Punjab
Chandigarh



Message

I am happy to know that Pb. Divisional Accounts Officers/Accountants Association is bringing out an issue of Souvenir-2006 on the occasion of 19th Bi-Annual General Conference of this Association. I hope that this 'Souvenir' would be able to junction as a bridge between the administration and the staff.

Beside imparting information about the progress made in the field of official work, this would also provide useful information about the different ongoing activities including sports, art, culture and staff welfare.

I convey all my heartiest congratulations and best wishes at this occasion and hope that the Souvenir will play a recommended roll all for the welfare of the staff.

With best wishes.

(A.S. Khokhar)
Dy. Accountant General (Pension)



सत्यमेव जयते

INDIAN AUDIT AND
ACCOUNTS DEPARTMENT
Accountant General (A & E), Punjab
Chandigarh - 160017



Message

I am glad to know that Pb. DAOs/DAs Association is holding its Bi-annual General Conference at Chandigarh on 7-5-2006. This Conference will offer an opportunity to the members to know one another more closely and discuss various problems relating to office work.

Sr. DAOs/DAOs/DAs have great responsibility not only in the proper maintenance of the Accounts of Public Works but also to ensure the maintenance of accounts of expenditure incurred in consonance with the rules and regulations. I hope the Sr. DAOs/DAOs/DAs will continue to shoulder the responsibility honestly, sincerely and efficiently.

I convey my good wishes for the success of the Souvenir.

Tarsem Chand
Deputy Accountant General
W. Admn.



Message

I am pleased to note that Punjab Divisional Accounts Officers / Accountants Association is organising its 19th Bi-Annual General Conference at Chandigarh on 7th May, 2006 and the Souvenir is also brought out on the occasion.

I am confident that this conference would go a long way in brushing up the knowledge of all the Officers and Accountants of the Accountant General (A & E), Punjab to discharge their duties in an efficacious and result- oriented manner.

I send my good wishes on the occasion.

Amarinder Singh
Chief Minister, Punjab



Public Works (B&R)
Cultural Affairs, Archives &
Museums Ministers,
Chandigarh, Punjab ,

Message

It gives me an immense pleasure to note that Punjab Divisional Accounts Officers / Accountants Association is organizing its 19th Bi-Annual General Conference on May 7th, 2006 and a souvenir is also being published on this occasion.

Such conference provide an opportunity to the officers to share their experiences as well as update their working knowledge to further work with more dedication and devotion.

I send my good wishes on this occasion.

Partap Singh Bajwa



Health & Family Welfare
Minister, Punjab
Chandigarh

Message

I am glad to know that Punjab Divisional Accounts Officers / Accountants Association is organising its 19th Bi-Annual General Conference on 7th May at Chandigarh.

I appreciate the efforts of the Association for holding such conference, which provide a platform for the officers to interest and exchange latest information with each-other, which would go a long way in improving the existing work pattern.

I send my best wishes on this occasion.

R. C. Dogra



D.O. No. 5/ETM/06/136
Excise & Taxation Minister,
Punjab, Chandigarh.
Tel : (O) 2740423
(R) 2693519

Dt. 18-4-06

Message

I am happy to know that Punjab Divisional Accounts Officers/Accountants Association is organizing its 19th Bi-Annual General Conference on May 7th, 2006 and to commemorate this conference a souvenir is also being published.

Interactions and deliberations during such conferences provide an opportunity to the participants to exchange their experiences as well as update their working knowledge to work with more zeal, dedication and devotion.

I send my best wishes on this occasion to all the members of the association and wish all the success.

(Sardul Singh)



Mohinder Singh Kay Pee
Transport Minister, Punjab
Chandigarh

Message

It gives me an immense pleasure to learn that the Punjab Divisional Accounts Officers/Accountants Association has decided to hold the Bi-annual Conference of the Association at Chandigarh on 7-5-2006. A Souvenir is also being released on the occasion to highlight the achievements of the Association. This is a wonderful venture undertaken by the Association which provides an opportunity to all the Accounts Officers to improve their knowledge in the accountancy field. The efforts being made by the Association are quite laudable. I wish the Organisers all success.

Mohinder Singh Kay Pee



Food Civil Supplies &
Consumer Affairs & Public
Health Minister, Punjab
Chandigarh.

Message

It is a matter of immense pleasure for me that Punjab Divisional Accounts Officers / Accountants Association is going to hold its Bi-annual General Conference and releasing its souvenir on 7th May, 2006 at Chandigarh. This Souvenir consists of important service matters, judgements, circulars for the beneficial to all the State / Centre Govt. employees working in PWD Deptt.

I congratulate the organizers for holding the conference and issuing a souvenir. I wish them all success.

Avtar Henary



Revenue, Rehabilitation,
Relief & Resettlement
and N. R. Is Minister,
Punjab , Chandigarh

Message

I am glad to note that Punjab Divisional Accounts officers / Accountants Association is organizing its Biannual Conference at Chandigarh on 7th May, 2006 and to commemorate this conference a colourful souvenir is also being published.

All the officers of this association are working with full dedication and devotion. I am sure in future the association will gain more pride due to the sincere efforts of its members.

On this occasion I send my good wishes to all members of the association and wish them this conference a great success.

Amarjit Singh Samra



Finance, Planning,
Institutional Finance
& Banking Minister, Punjab

Message

I am happy to know that Punjab Divisional Accounts Officers/Accounts Association is bringing out a Souvenir on its 19th Bi-annual General Conference being held on 7th May, 2006.

I wish all success to the organizers and convey my best wishes to the participants.

(Surinder Singla)



Chief Parliamentary Secretary
Sports and Youth Services,
Punjab, Chandigarh

Message

I feel great pleasure to know that Punjab Divisional Accounts Officers/ Accountants Association is publishing a souvenir on the occasion of 19th Bi-Annual General Conference of Punjab DAO's/DA's Association being held on 7th May 2006 in examination hall of office of the Accounts General (A & E) Punjab, Chandigarh.

I send my good wishes and congratulations to the association.

(Rana Gurmit Singh Sodhi)



Parliamentary Secretary,
Local Govt. & Freedom Fighters
Deptt. Punjab, Chandigarh

Message

I am glad to note that Punjab Divisional Accounts Officers / Accountants Association is organising its 19th Bi-Annual General Conference at Chandigarh on 7th May, 2006 and to commemorate this conference a souvenir is also being published. All the officers of this association are working with full dedication and devotion. I am sure in future the association will gain more pride due to the sincere efforts of its members.

On this occasion I send my good wishes to all members of the association and with them this conference a great success.

Ashwani Sekhri



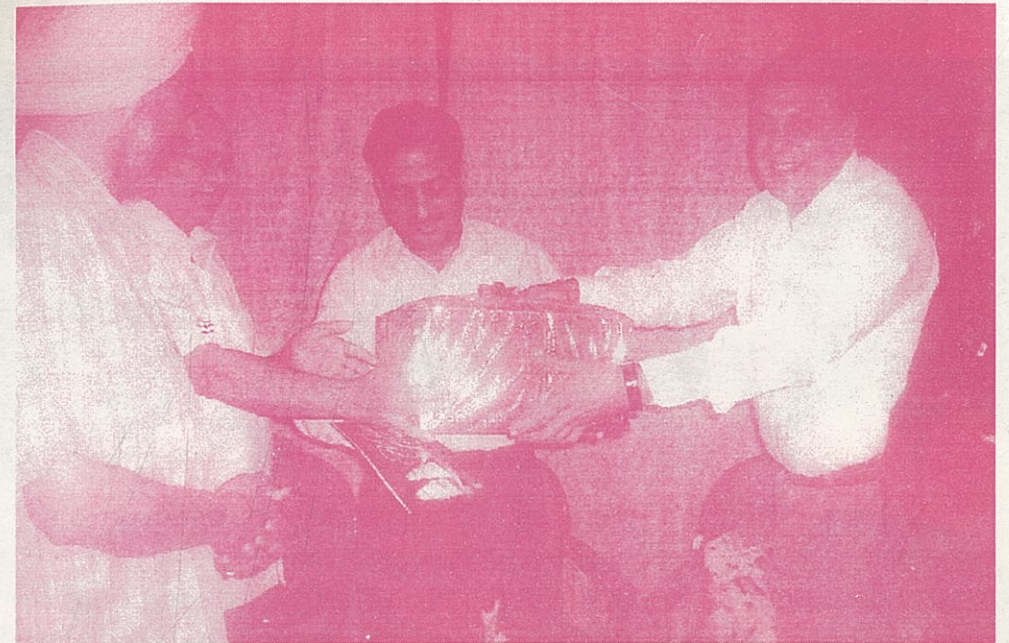
President
Punjab Divisional Accounts Officer/
Accountant Association
1036, Sector 21, Panchkula

Message

This association intends to bring out a Souvenir on the occasion of 19th Bi-Annual General Conference of Punjab DAO's / DA's Association being held on 7th May, 2006 in examination Hall of office of the Accountant General (A&E) Punjab, Chandigarh.

S. K. Arora
President
Punjab Divisional Accounts Officer/
Accountant Association

Kuchh Yadaan



Kuchh Yadaan



Punjab DAO's/DA's Association lead by its President Sh. S.K. Arora and General Secretary, Sh. K.K. Jandial accompanied by other office bearers in meeting with Sh. Nand Lal Ji I.A.V.S. Accountant General (A & E) Punjab



Kuchh Yadaan



Office bearers of Pb. DAO/DA Association during 1st Annual General Conference of A.I.F. of DAOs/DAs Association held at Delhi on 14-8-2005

(from L & R)

Sh. B.R. Sehgal, Org. Secy., Sh. K.K. Jandial, Gen. Secy., Sh. Rakesh Purohit, Member

They also honoured the outgoing President/Secy. Gen. of A.I.F. of DAO's/DA's Association in the Farewell party given in recognition of their Yeomen's Service for the welfare of cadre

Sitting : Sh. A.K. Ghosh outgoing President

(Extreme left) Sh. R.N. Tirpathi, outgoing Secy. Gen.

(third from left)

ASSOCIATION ACTIVITIES

Extract of minutes of the Executive Council Meeting of the All India Federation of Divisional Accounts Officer's and Divisional Accountants' Associations held on 08.02.2004 at Recreation Club Hall

WALMI U.P. IRRIGATION COMPLEX, OKHLA, NEW DELHI.

The meeting started at 12.45 P. M. of 08.02. 2004 to discuss the following items of the agenda :

1. Confirmation of the minutes of the previous Executive Council meeting held on 06.07.2003 at Head-Works Division Agra Canal (Near WALMI Lecture Hall) U. P. Irrigation complex, Okhla New Delhi.
2. Developments in respect of Upgradation of Pay Scales determination of further course of action.
3. Recognition of A. I. F. Under New Rules.
4. Financial Position of A. I. F.
5. Any other items as permitted by the chair.

Representatives from all the constituent units (twelve state units and the Central Unit) were present in the meeting. Pb. DAO/DA's Ass. was represented by Gen. Sec. Sh. K. K. Jandial & Sd. Addl. Secy. Gen. of A. I. F. of DAO's/DA's.

Up to date developments in r/o upgradation of pay scales determination of future course of action

The Secretary General then reported, in detail, the course of actions so far taken by the A.I.F. towards achieving the up-graded Pay Scales.

He stated that the order of the G.O.I. in this regard was issued in february 2003 and the matching order of C.A.G. was issued on 4.03.2003. The A.I.F. was aware in December 2002 that the order was likely to be issued soon and accordingly met the then Dy. C.A.G. Sri. Narasimhan in Jan 03 and requested him to arrange for implementing the same in respect of our Cadre when such Orders of the Govt. would be issued. The A.I.F. then met him on march 03 i.e. after the order was issued but not made effective for our cadre. The then Deputy C.A.G. Sri. Narasimhan who was due to retire on 30.04.2003 stated that certain clarifications from the Ministry of Finance regarding authority to determine the equivalence was considered necessary by the Admn. However, he assured to look into the matter and do what was needed early, Mean while the leaders of the confederation and all India Audit and Accounts Employees Association were contacted who in turn took up the matter with the C.A.G. Admn. in March-April,03 and pressed for early implementation of the G.O.I. Orders in respect of the Upgraded Pay Scales for DA. Cadre.

We took up the matter with the I.A. & A.D. Admn. and also the ministry Sri. Tripathi stated and added that our first letter was issued to C.A.G. on 25.03.2003 after meeting the then Dy. C.A.G. for early implementation of the Govt. Order and then a series of letters were issued seeking meeting with Dy C.A.G., CAG. with a view to having discussions with them to sort out any misgivings that might stand in the way of implementation of the Govt Order On 05.06.2003, the leaders of the A.I.F. met the then Dy. C.A.G. Sri. P.K. Brahma and had discussion with him on this issue alongwith other pending issues. These were all reported

in the last Ex-Council meeting held on 06.07.2003

Sri. Tripathi then stated that immediately after the Executive Council meeting on 6.07.2003, a letter was issued to C.A.G. stating the relevant points at issue that justified implementation of upgraded pay scales for our cadre. A meeting with him was sought for to have an opportunity to discuss the matter at length.

It could be gathered in september 03 that there was some movement of the file and the matter was referred to the Ministry for some clarification. It could also be gathered that towards the end of Sept.03 or early Oct 03 reply of G.O.I. M.O.F. stating the principle as was in the original Govt. Order dated 28.02.2003 for organised A/cs Cadre and equivalent posts reached C.A.G. office and that there was neither acceptance nor rejection of our case, in particular, or any other cases in general.

Then after sustained efforts the leaders of the A.I.F. could meet the then Dy. C.A.G. Sri. P. K. Brahma on 17.10.03 and had a detailed discussion in this regard. The Dy. C.A.G. stated that he was fully convinced that our cadre should get the upgraded Pay scales and he assured at he would try to convince the C.A.G. when the latter would come back from abroad. There after the leaders of the A.I.F. met the Asstt. C.A.G. on a number of occasions. The President and the Secy. Genl. A.I.F. came to Delhi in Dec. 03 twice (Once in the earlier part and then in the later part of Dec. 03) and tried to meet Dy.C.A.G. and C.A.G. but due to their pre occupation no such meeting could take place. Sri. P.K. Brahma, Dy. C.A.G. retired on 31.12.2003 and the new Dy. C.A.G. took over charge on 01.01.2004. Our A.I.F. tried to have a meeting with new Dy. C.A.G. also but till date i.e. 08.02.2004 no meeting with either the Dy. C.A.G. or C.A.G. could be had. The Secretary Genl. stated that there were some indications from the Admn. suggesting possibility of a meeting with the Dy. C.A.G. towards the middle or later part of feb.2004. The Secy. Genl. also reported that there were suggestions from some state units to hold demonstrative programmes like Dharna, Hunger strike etc, but pending discussion and decisions in Ex. Council Meeting no such programmes could be taken. He expected that a decision regarding, future course of action to be taken would be arrived at in this meeting meanwhile the Secy. Genl. added that a fax to C.A.G. with post copy had been submitted to C.A.G. on 04.02.2004 seeking a meeting with him.

Sri. A.K. Ghosh, President A.I.F. stated that he would request the representatives from all constituent units to express their views in order to come to a decision in this regard. But before that he explained that the C.A.G. in his recommendation to IVth & Vth C.P.C. did not include our cadre in the so/called organised Accounts cadre and accordingly the I.A. & A.D. Admn. after evaluating our job, placed us in superior position and suggested better pay scales for our cadre. But both the pay Commissions did not appear to have accepted the suggestions of the C.A.G.. They put us back in the organised A/cs. Cadre as they did not reportedly intend to disturb the relativity and recommended pay scales for our Cadre accordingly. The Govt. accepted the recommendations of the Pay Commissions.

Sri. Ghosh also stated that we could not know what was in the minds of the Admn. as we could not meet the higher officials recently.

Now a decision as to the next course of action had to be taken, he added.

He suggested that if a decision in favour of Court case was taken the same might be filed centrally by A.I.F.

Then the President asked the representatives from constituent units to express their views one by one.

Sri K. K. Jandial, G. S. Punjab & Addl. Secy. Gen. A. I. F.

He stated that we could not achieve the up-graded Pay Scales but the A. I. F. had been relentless in its persuasion, During the last one year the A.I.F. Leadership met Sri. Narsimhan, the then Dy. C. A. G. (Retired on 30.04.2004) twice and also Sri. P. K. Brahma, Dy. C. A. G. (Retired on 31.12.03) twice and had discussion on this issue in the last meeting with Sri. P. K. Brahma on 17.10.2003. The A. I. F. leadership could convince him and he assured to take up the issue with C. A. G. and try to convince him. He then stated that before coming to a decision regarding agitational programme we should consider the ground realities. He said the member of Punjab did not consider agitational programme as practically feasible. He also stated that our aim was to achieve the upgraded Pay Scale and for that we should try to get the meeting with Dy. C. A. G. & C. A. G. and if we failed to have positive response from them we should start legal proceeding. But we should always keep in mind that legal proceeding being long drawn and very costly we must exploit all avenues for a negotiated settlement and if that failed, as a last resort, we should consider legal proceedings.

Sri R. K. Rekhi President Himachal Pradesh & Sr. Vice President A. I. F.

Sri Rekhi endorsed the views of Sri Jandial and stated that legal proceedings would require rejection by the Admn. but what we could gather till date there is no rejection and so negotiations should continue and that Himachal Pradesh Unit was not in favour of agitational programme. He also stated that legal step might be considered if there was rejection from the Admn.

Sri P. D. Wardhane, G. S. Maharashtra

Sri Wardhane stated that Maharashtra endorsed the views by Sri Jandial and Sri Rekhi.

Recognition of A. I. F.

The Secy. Genl. Reported that out of 5 (five), three All India organisations including our A.I.F. had since been approved by the Dy. C. A. G. as could be gathered. It was also gathered that the Admn. was considering other 2 (two) cases and the Admn. wanted to issue recognition to all 5 (five) organisations simultaneously which was expected by 31.03.2004.

He also reported that the Govt. imposed restriction on number of Ex. com. members and in our case it was restricted to 9 (nine) but we explained the scattered nature our Cadre and could make the Admn. agree to enhance the number to 12 (twelve) including office bearers.

Sri. Jandial G. S. Punjab & Addl Secy. Genl. A. I. F.

Sri Jandial also raised the issue of S. O. G. E. (Audit) and stated that the decision of the Admn. in this regard appeared to be unjustified and need be taken up with the Admn.

News in Brief

As reported in the Executive Council Meeting on 08.02.2004 that the A.I.F. had been trying to meet the Dy. C.A.G. and the C.A.G. and that after a series of letters to C.A. G. a fax was sent to him on 04.02.2004

On 09.02.2004 concerned officials in the office of the C.A.G. were contacted over phone and a meeting with the C.A.G. on 10.02.2004 at 3 P.M. could be arranged prior to that a meeting with Dy. C.A.G. could be arranged on 09.02.2004 at 3 P.M, as desired by C.A.G. himself. Accordingly. the A.I.F. leadership met the Dy. C.A.G. on 09.02.2004 at 3 P.M. in her office chamber When the ACN. was also present. The Dy. C.A.G. it appeared, was not fully aware of the problem so the A.I.F. leadership apprised her about the issue and requested her to look into the issue and do the needful for an early implementation of upgrading the Pay-Scales for our Cadre as per the G.O.I. orders. The Dy. C.A.G. assured to look into the matter.

Then around 5 P.M, of 09.02.2004 the representatives of the A.I.F, met the ACN and had discussion with him on the issues of transfer of cadre in Rajasthan, and Ad-hoc appointment on promotion to the post of D.A. of the D.A.G.E. passed Sr. A/cs clerks pending W.A. Training in West Bengal, appointment on promotion to the post of D.A. of the qualified (D.A.G.E. passed and W.A. trained) Sr. A/cs clerks after 1.1.2004 who should be eligible for old promotion rules and also allowing SOGE(A/cs) passed D.A. to appear at SOGE (Audit) grant of recognition of A.I.F. under new rules & extending of C.G.H.S./ facility to retired D.A.Os/ D.A.s .

The ACN ,apprised the latest developments and assured to look into the matters and take appropriate actions early.

On 10.02.2004 the representatives of the A.I.F. met the P.D.(Staff) at 2.30 P.M. prior to meeting the C.A.G. and had discussions with him for an early implementation of the order of Up-gradation of Pay Scales in respect of our cadre. The P.D. (Staff) assured that he would do what was needed. At 3 P.M. of 10.02.2004 the representatives of A.I.F. met the C.A.G.. It appeared that the C.A.G. had no detailed knowledge about the matter. He even expressed his surprise. Then and there he asked the concerned officers to meet him with the file presumably for having a detailed discussion on the issue.

Subsequently it could be gathered that the matter had been referred to finance Ministry reportedly with positive notes, demi officially on 13.02.2004 in view of the above developments the resolution of E.C. dated 8.02.2004 regarding industrial action becomes infructuous.

Regarding the issue of the transfer of cadre in Rajasthan it has recently been gathered that in accordance with the orders of the Court, the Rajasthan Govt. has issued an executive Order in consultation with I.A.& A.D. Admn. The details are awaited. However, the members of our Cadre in Rajasthan have reportedly decide to go to appropriate court of Law Challenging the said Executive order. The A..I.F. assured to extend all sort of support.

Regarding appointment on promotion to the post of D.A. in W.B. of the qualified (D.A.G.E. passed and W.A. trained) Senior A/cs clerks, the matter has been cleared and eligible incumbent/s got the appointment promotion to the post of D.A recently (after 01.01.2004)

News from state Units :- Recently elections were held in Bihar, Punjab & Orissa State Units following were elected as president & General Secretary.

1- Bihar :- Comrade Bhupendra Kumar Singh President & Comrade Kishore Kumar General Secretary.

2- Punjab :- Comrade S.K.Arora President & Comrade KK.Jandial General Secretary.

3- Orissa :- Comrade B.Swain President & Comrade S.N.Das General Secretary.

(R.N.Tripathi)
Secy, General

Extract of Executive Council Meeting of the All India Federation of Divisional Accounts Officers' and Divisional Accountants' Associations held on 19.12.2004 at Okhla, (Head Works Division Agra-Canal Office, New Delhi)

The Meeting was scheduled to start at 11 a. m. but due to heavy fog all the trains reached Delhi very late and the delegates/ members/ representatives from different State Units including Secretary General and President reached late.

The Meeting started at 3. 55 p. m. with Sri R. K. Rekhi, Senior Vice President, A. I. F. on the chair pending arrival of sri A. K. Ghosh, President, A. I. F. The items of the agenda circulated were as follows :-

1. Confirmation of the minutes of last Executive Council Meeting held on 25.07.2004.
2. Stepping down of Sri A. K. Ghosh from the post of President A. I. F. consequent upon his retirement from active service on 31.11.2004.
3. Developments in respect of priority items/ determination of further course of action.
4. Transfer of Cadre in Rajasthan.
5. Any other items as permitted by the chair.

Representatives from Himachal Pradesh, Punjab, Haryana, Gujrat, Maharashtra, M.P. & Chhattisgarh, Orrisa, Bihar & Jharkhand, U. P. & Uttaranchal, West Bengal and central unit were present. Following represented Punjab DAO/DA Association extract Associates

1.	SRI K. K. JANDIAL	Addl. Secy. General A. I. F. & Gen. Secy. Punjab Unit
2.	SRI. S. K. ARORA	President Punjab Unit
3.	SRI S. B. GAUTAM	Vice President Punjab Unit
4.	SRI HARJINDER SINGH	Jt. Secy. Punajb Unit
5.	SRI B. P. HANDA	Stage Secy. Punjab Unit

Sri Jandial, G. S. Punjab & Addl. Secy. Genl. A.I.F. stated that to obtain recognition, requirements had to be fulfilled and keeping that in view we had to restrict the number of office-bearers to twelve as official delegation. But there was no curtailment or substitution of Ex. Council members including office bearers who were elected in the last General Council Meeting. So, the Committee remaining what it was, this Committee should not be termed as Ad hoc Committee. Sri Jandial added that as per Rule Election might be held within 27 months from the date of recognition i. e. June 2004. He also said that perhaps 2 out of 3 top office bearers might be retired persons.

Developments in respect of Priority Items / Determination of further course of action

Sri Tripathi reported that (1) in respect of upgradation of Basic Grade Pay Scale as per Court Order, certain papers could be collected and it could be gathered that the people who

got such favourable order did not belong to our Cadre.

(2) Regarding the benefit of 80:20, the matter was discussed with P. D. (s) in Sept. 2004 when he agreed to forward the matter to Govt. but as could be gathered the matter was yet to be forwarded. This would again be taken up with the Admn.

(3) Regarding model guidelines for trasfer of Cadre and Uniform designation, these would again be taken up with Admn. soon since there was no development.

(4) Regarding implementation of transfer policy, the matter was discucced with Admn and the Admn stated that the same would be followed. Sri Tripathi stated that if there was gross violation, respective state units might bring the same to the notice of A. I. F. about specific cases so that A. I. F. could take it up with the Admn.

(5) Regarding implementation of Upgraded Pay Scales from 19-02-2003 it could be gathered that C.A.G. Admn. forward the matter to Govt. for favourable consideration but reply from Govt. was still awaited when last enquired into. This issue would again be taken up soon when the representatives of A. I. F. would meet the officials.

Meanwhile in Maharashtra, upgraded Pay Scales had been drawn from 28.02.2003 subsequently orders were issued for implementation w.e.f. 28.04.2004 as per G.O.I. Orders. A Court case has been lodged in Maharashtra for effect from 19.02.2003.

**Minutes Proceedings of the general council meeting and conference of the
A.I.F. of D.A.O. & D.A.'s Associations held on 14.08.2005 at Deputy**

Seeaker's Hall, Constitution Club, New Delhi at 10.00 A.M.

This was the first General Council Meeting and Conference of the A. I. F. after recongnition of the Federation by the C& AG of India Rules (CCS [RSA] Rules 1993) Representatives delegates from all the Units except Tripura attended the General Council Meeting and Conference.

The Conference was inaugurated at 10.30 A.M. by Shri A.K. Ghosh, President by linghting lamps.

The Conference started after Saraswati Vandana by the leaders with flowers.

Shri P. K. Tripathi, President of M. P. recited "Saraswati Stotram"

Shir J. K. vyas, President Central Unit delivered welcome address.

In his address Sri Vyas Stated in brief the steady progress of the A.I.F. under the leadership of Sri. A. K. Ghosh and Sri R. N. Tripathi. He welcomed all.

Shri V.N. Chaudhary, G. S - M. P. & C. G. also thanked everyone present and welcomed all.

Sri. A. K. Ghosh President A. I. F. Presided.

With the permission of the president Shri V. N. Chaudhary perfomed the role of 'Sanchalak' (anchor-man).

Sri A. B. Sen in his address stated that this General Meeting and Conference should not be termed as 1st Conference since the Organisation and its functions had been continuing for many years.

He said that the old Govt. had been defeated by the people for its economic policy which was clearly anti-people and that a new Govt. supported by the left parties look over. This Govt. announced a common minimum programme which if implemented would bring some relief to the common people. but there should be no illusion that this Govt. also had to same idea in so far as economic policy was concerned and the persons at the helm of affairs were the intilators of the so-called economic reforms in our country. The working people were in a cross-road. The policy of liberalization. Privatisation and Globalisation would not tolerate organized movement of the working class. Leaders of working class. Leaders of working class movement and comrades were being attacked. The incidence of Gurgaon is a glaring example. It had been our experience that the open market policy would bring in unemployment not only in industrial sector but in agricultural sector. Social Serurity Measures were being withdrawn. Expenditure on education and medical treatment had gone beyond common man's reach.

The Govt. employees were also being hard-hit. The rights achieved through sustained struggle with being withdrawn New Pension Policy had been introduced jeopardizing the security of Govt. employees after retirement.

He said that the need of the hour was brad-based unity among all working people with

the students, the youth and the common man at large. He added that such attacks on common people had increased resoluteness to fight against anti-people policy and that the united movements of working people had slowed down the economic reforms policy of the Govt.

He also said that the leaders of the Govt. Employees Organisations seek negotiated settlement of all outstanding demands.

The Govt. of India is a member of I.L.O. and right to strike by public servants is an approved method of movement in I.L.O. But the Govt. tended to deny such rights.

Now against all anti-workers anti-people policy of Govt. the major trade-unions of the country have given a call for Bharat Bandh on 29.9.05. The steering committee of the Organisations of National Council of J.C.M. decided to go on strike on 29.9.05. The issues being : settlement of outstanding demands of the Govt. employees, right to strike when other forms of movement failed, Vlth C.P.C. etc.

Sri. Sen gave a call to our A.I.F to take necessary steps for a total success of the Bandh countrywide on 29.9.05. He also expected our A.I.F. to participate in the movements of the Govt. employees against any anit-people actions of the authorities.

Sri. Sen concluded wishing success of the Conference and thanking all.

Sri. Tiwari, Asstt. Secy. Genl. All India Audit and Accounts Associations who was a guest in the conference addressed to House. He stated in brief the glorious role of our A.I.F. under the leadership of Sri. R. N. Tripathi in the movement for achieving goal of the cadre and Govt. employees in general. He thanked all and wished success of Conference.

Then the report of the Secy. Genl. & A/cs of A.I.F. for the period from 2002. To 14/08.05 were placed before the house (circulated to all present) which is annexed.

Thereafter, with the unanimous approval of the House, an Election sub-committee to conduct election of the A.I.F. of DAO's & DA Associations in the 3rd session was formed by the President with Sri. R. P. Sharma & Sri. P. K. Goswami as member of the sub-committee.

Then the president of A.I.F. Sri. A.K.Ghosh in his address narrated in brief the history of A.I.F. sine its formation. He praised the leadership of Sri. R.N. Tripathi of A.I.F. since its formantion. He praised the leadership of Sri R.N. Tripathi under whose guidance the AIF worked as a team.

He stated that we achieved some of our vital demands but there was still a long way to go. He expressed the hope that the new leadership would ably guide the AIF to settle the outstanding issues and achieve the goal.

He stressed the need for unity and united movement which would be the key to success.

He concluded by expressing his heart-felt thanks to all for rendering cooperation to enable him to perform his task.

The inagural session concluded after vote of thanks by the Secy. Genl.

The meeting was adjourned at 1.00 P.M. for lunch break for one hour after observing two minute silence to pay respect to the departed souls of our beloved leaders C.S. Udhas and other eminent personalities.

The business session resumed at precisely 2-15 PM.

Opening address was delivered by Sri. V. N. Chaudhary Genl. Secy. M.P. & Chattisgarh Unit and by Sri. Manoj Sharma Secy. Central Unit.

The House then unanimously accepted the Report of the Secy. Genl. and the A/cs.

The House then accepted the modification of the Constitution as under : out of 20 posts of Office bearers 8 posts would solely be organisation linked and 12 posts would be organisation cum administration linked as detailed below :

Organisation cum admn. Linked posts Organisation linked posts

S.no.	Post	Number	S.no.	Post	Number
1.	President	1(One)	1.	Vice President	4 (Four)
2.	Senior Vice President	1(One)	2.	Jt. Secy. Genl	2 (Two)
3.	Vice President	1(One)	3.	Asstt. Secy. Genl	2 (Two)
4.	Secretary General	1(One)		Total	8 (Eight)
5.	Addl. Secretary General	1(One)			
6.	Jt. Secretary General	4 (Four)			
7.	Jt. Secretary General (Fin. H.Qrts.)	1(One) to be nominated by secy. Genl.			
8.	Asstt. Secretary General	2 (Two)			
	Total	12 (Twelve)			

It was unanimously resolved in the House that :

(A) There would be an advisory board of the A.I.F. with Sri. A. K. Ghosh and Sri. R. N. Tripathi as members.

(B) The following demands be placed

- Pay Scale of basic grade Rs. 6500-10500/-
- Nomination in IA & AS from our Cadre.
- Uniform designation of DAO
- Our cadre should have Cheque drawing authority.
- Filling up of all vacant posts.

It was declared in the House by the President that out of 20 office bearers of the existing committee who have right to vote in the Election. 16 will vote barring 4 who retired from service and desired to abstain from voting (A. K. Ghosh, R. P. Sharma, R. N. Tripathi and P. K. Goswami)

As there was no other points to discuss, the President Sri. A. K. Ghosh in his brief address appealed to everyone to remain united and thanked everyone before concluding the business session at 4.00 PM.

Tea-break was declared from 4.00 PM to 4.30 PM after which Election process would start.

Election Process started at 4.30 PM.

Sri. R. P. Sharma and Sri. P. K. Goswami of the Election sub-committee requested everyone to cooperate so that the election could be conducted smoothly.

Nominations for different posts of office bearers were invited.

It was started that prosper and seconder of the nominations should be delegates Anyone other than delegates were requested to please leave the Hall.

The nominations were received upto 5.00 Pm.

Time for withdrawal of nominations were upto 5.15 PM.

Ballot papers were issued immediately after 5.15 P.M.

Election was conducted smoothly & the result was declared at or about 6 P. M.

Result of Election

Admn Cum Orgn. Linked Posts			Orgn. Linked Posts		
1.	President	Sri. K. K. Jandial	Vice President	1.	Sri. B. Swain
2.	Sr. Vice President	Sri. R. K. Rekhi		2.	Sri. P. K. Tripathi
3.	Vice President	Sri. B. N. Singh		3.	Sri A. K. Shrivastava
4.	Secy. Genl.	Sri. V. N. Chaudhary		4.	Sri P. Khemchandani
5.	Addl. Secy. Genl.	Sri. Kishore Kumar	Joint Secretary	1.	Sri Sailesh Verma
6.	Joint Secy. Genl	1. Sri. Alok Chaudhary		2.	Sri. Rajesh Kumar
		2. Sri. P. K. Mittal	Asstt. Secy. Genl.	1.	Sri Vishmadeb Ghosh
		3. Sri. V. G. Pandey		2.	Vacant
		4. Sri V. N. Dass			To be coopted by Executive Council
	Joint Secy. Genl (Fin. & H.Qrs)	To be nominated by Secy Genl.			
7.	Assistant Secy. Genl.	1. Sri J. R. Lepta			
		2. Sri B. Muralimanoharan			

A meeting of all & new executive committee was held on 15.8.05 at Hotel Kabeer New Delhi, Introduction of all members was made. Every member of old and new executive committee took oath to strengthen the unity & to do work in cadre interest. Discussion on priority items was held.

A vote of thanks given all outgoing members & the chair.

Wish you all very happy Deepawali.

V. N. Chaudhary
Secretary General

Minutes of meeting

A meeting of the Executive Committee of A. I. F. held on 13th November 2005 at Youth Hostel Agra (U.P.) Following have attended the meeting

- S. no. Name / State Designation
1. Shri K. K. Jandial President
 2. Shri B.P. Handa Sr. DAO
 3. Shri S. K. Arora Sr. DAO

Shri B.N. Singh vice president of AIF & President of U.P. unit has welcomed the executive members of AIF & delegates who have attended the meeting. Then proceeding were chaired by Shri K.K. Jandial President of A.I.F. Shri Jandial welcomed all the members and invited Shri R.N. Tripathi to share his experience as secretary General of A.I.F. Shri R.N. Tripathi thanked to the chair for giving him opportunity to speak on the occasion. He reiterated that it was already decided in the A.I.F. meeting that first executive meeting of the AIF will be held in U.P. He assure that present leadership of AIF is competent to handle the problems of the cadre & extract something better for the cadre. He assured full support to the cadre whenever required. Shri V.P. Pandey G.S. U.P. unit has raised objection about venue of meeting at Agra. Shri V.N. Singh president U.P. unit has put up the facts before the house and taken entire responsibility if any short coming occurs in conducting meeting at Agra. He also thanks Shri Chaudhary Secretary General to accept his proposal to hold executive Commetee meeting at Agra on very short notice. Then Shri K.K. Jondial President A.I.F. has invited Shri V. N. Chaudhary Secretary General A.I.F. to let all know about the agenda meeting with P .D. staff & current agenda items.

Shri V.N. Chaudhary Secretary General A.I.F. In his opening address Secretary General has thanked U.P. Unit and its comrade for doing excellent arrangement to conduct the first executive council meeting at Agra then described about agenda meeting with P.D. staff. He told that agenda meeting were requisitioned by the old executive in 11/04 on pursance by present executive it has scheduled for 11-11-05. From official side P.D. staff & CAN were Present and from Association side Shri K.K. Jandial president, Shri R.K. Rekhi Sr. Vice president & Shri V.N. Chaudhary Secretary General have attended the meeting. Following points were discussed :-

1. Filling of vacancies in D.A. cadre from D.A.GE passed candidates in west Bengal- official side replied that the issue of filling up the vacancies of Divisional Accountants in west Bengal from eligible DAGE passed Sr. Accounts clerks with deferred works audit Training is still pending in A.G. (AIE) West Bengal., Kolkata, however on request from federation side P.D staff has given her consent to discuss the matter with A.G. (AIE). West Bengal Kolkata to solve the matter.

2. Implementation of reg. High court Judgment -The matter is under consideration (vide letter No.47/-NOE (APP) / 19-2004 dated 29-07-05) .Some information from 2-3 states A.G. is awaited as soon it is received orders will be issued.

3. vacation of discrimination i.e. taking of SOGE (Audit) -As the Division! Accountant are

normally promoted as Divisional Accounts officer Gr.II on completion of 3 years regular service as Divisional Accountant the demand of the federation of Divisional A.O./D.A Association to allow the Divisional accountants to appear in SaGE (audit) has not been acceded to (vide letter No.288/NGE-(APP)/ 19-2004 dated 27.04.05 .

4. Harassment to an vindictive actions against the Association/Federation activities vacation thereof -No specific case has been brought to the notice of Hqrs. office so far. Shri V.N. Chaudhary Secretary General told that he has requested all the general secretary of state units to let him know if there are any cases of harassment against activists of Association or any other member but except Himachal unit no body has replied the letter. He requested all the units to reply the letters issued by A.I.F. to enable A.I.F. to compile the datas of issue memos / show cause notice to the activists / members.

After completion reporting on agenda meeting with P.O. Staff Shri. Chaudhary took up the agenda of meeting vis a vis discussion with P.O. staff on informal basis.

1. Confirmation of minutes of last meeting- As last meeting was the General body meeting! conference its mminutes were read out, therewere only two corrections proposed by Shri. V.P. Pandey & Shri. Manoj Sharma vJhich VJere corrected. Shri. V.P. Pandey General Secretary of UP raised the question how election for 20 members were held, he further told that this was the wrong decision of the out going president. He demanded list of N.S.C. It was clarified by Shri. K.K. Jandial President & Shri. V. N. Chaudhary, Secretary General that election was held as per constitution of A.I.F -Election for 8- organization post was held as per ammendment made by the General Body which is in process of being accepted. Members of N.S.C. are as per constitution only however it will be sent to all units.
2. Regarding court case filed in CAT Gujratfor grant of revised scale form FEB 03 -Nex1 date for hearing has been fixed on 06.12.05. Any progress in the matter will be intimated to all.
3. Grant of higher scale to DA cadre in the light of Supreme Court verdict -Matter was discussed with P.O. Staff on 11.11.2005 after agenda meeting was over P.o. Staff & A.C.N have expressed their unawareness about the matter. However it was agreed upon to submit a fresh proposa4 to C.A.G. in the l"tght of Supreme Court verdict that UA post is higher then the Sr. Accountant of A.G. offire & they should be given proper higher scale.
4. Implementation of 80:20 ratio in DA cadre- At present there is 65:35 ratio m 1t1e cadre, the matter was discussed with P .D. Staff and stress upon to implement 80:20 ratio in D.A. cadre also. Stagnation has taken place in Sr. D.A.O. cadre. Now there are no other opening to D.A. for promotion except in same cadre. A.I.F. has proposed 20% Sr. DAO, 30% DAO-I, 30% DAO -II, & 20% DA. P .D. Staff through not given any assurance but promise to look into sympathetically.
5. Filling of vacancies in Rajasthan, Tamilnadu, Bihar and M.P --There are a number of vacancies exists in these states, if not filled in regularly position may be worsened. A.I.F. requested P.O. staff to take initiative to direct state. A.G's to take necessary

action to fill in vacancies. P.O. staff has cleared that C.A.G. office has already issued a circular to all state A.G.'s that DOPT instruction regarding filling of vacancies of 30% does not apply in D.A. cadre. Hence all state A.G. may be requested by the State General Secretaries to submit their indent to S.S.C. If there is any constrain the same may be brought to the notice of A.I.F. Shri. Chaudhary Secretary General requested all state units to take up the matter with respective A.G.'s & if there is any constrain they can bring it to the notice of A.I.F.

6. Destruction of old record -Permission for destruction of old record was sought by the Secretary General. It was stated by Secretary General that record is very old & is infected by termite & is not usable. Shri. V.P. Pandey General Secretary U.P. proposed to destroy the record up to 1990. Shri. P .K. Awasti proposed to retain the record of IV the pay commission & onward. It was left on the discretion of Secretary General. Secretary General sought the permission of house to purchase two almarha which was granted by the house.
- 7- Any other point --Shri K.K.Jandial President has invited one by one all state5 unit to express their valuable suggestion and views on agenda items and any othermatter of their state.

Central Unit-Shri J .K. Vyas was of the view that criticism should be constructive, and open support be given to A.I.F for working. This process should continue. He also disclosed that he has been nominated as member of C.P.W.A.Code amendment committee. He also invited all to submit any proposal/suggestion for amending CPW A Code'. He also propose to nominate liason officer from nearby Delhi.

Gujrat--Shri Ashok Kumar Gupta President of the unit has raised a question why general body meeting of AIF was not held in Gujrat,how Shri G.C.Patel was shown as elected instead nominated,addresses of all elected members have not been circulated. Secretary General clarified that register of addresses was taken away by some comred in last meeting ,however it will be circulated as soon as it is completed.

Haryana---Shri I.M.Malhotra President of the unit has demanded that Sr.DAO should be considered for the promotion in I.A.A.S. CGHS should be applicable for retired persons of D.A./D.A.O. cadre, state Governments should take the responsibility for expenditure incurred on retired member, he also suggest that matter should taken up with Director General C.G.H.S.

Himachal Pradesh--- Shri J .R. Lepta General Secretary of the unit has informed the house that there is no dispensary under CGHS. Shri R.K.Rekhi President of H.P.unit has been transferred and posted in remote locality. AIF should start preparation for next pay commission, status of the cadre should be increased and elevated. Dual signature system on cheques is not applicable in H.P. Financial powers of the cadre should be elevated. Preparation should be made for vision 2007.

Madhya Pradesh-- Shri P .K. Tripathi President of the unit has stressed on the 1.mjry in the cadre, in Madhya Pradesh we are one after election is over. There is no problem in M.P.

Association is so vigilant there is no complaint in annual transfer, all the vacant divisions have been filled in by giving additional charge to D.A./D.AO. Departmental enquiries are being finalized, there is no new case. About 143 vacancies exist in M.P., 30 probationers have allocated to M.P., vacancy for 50 posts is being communicated to SSC, entire vacancies should be communicated to SSC, AIF should take up the matter with CAG office, 1 percent Gazetted status be given to the cadre. Sr.A.O.scale be given to Sr.DAO.

Maharashtra - Shri. V. G. Pandey General Secretary of the unit described about the increasing number of vacancies in the states. CGHS facility be extended to cadre preparation for next pay commission be made, in Maharashtra posts of corporation are not taken into account for assessing promotion, Maharashtra unit has full confidence in new Executive Committee to serve the cadre problems.

Punjab - Shri S. K. Arora President, elaborated that there is no problem in the state, he assured full support to the AIF.

Rajasthan - Shri N. S. Jhahria informed the house that out of 324 sanctioned post of DA only 103 are in working AIF should take up the matter with CAG office.

Uttar Pradesh - Shri V. P. Pandey General Secretary of the unit informed the house that in UP engineers attitude towards DA is not cordial, persons from our cadre may be allowed to go on deputation in other department, permission be granted to appear in IAAS, uniform designation be given to the cadre, 80:20 ratio be implemented in the cadre as 20:16:14:50, appointed on compassionate ground have been stopped by CAG, a delegate for AIF should be from state, only how a person who is not authorized by state can fight election of AIF.

West Bengal - Shri Alok Chowdhary Jt. Secy. General has described the problem of posting of DAGE passed Sr. Accounts Clerks, they are waiting for posting for want of practical training in WAD. Except this there is no problem in state.

Shri Manoj Kumar of Delhi wished that all units should communicate suggestion to amend in CPWA code.

Shri V. N. Chaudhary Secretary General has informed the house about the list of the priority items worked out during the proceedings of the meeting by the president, Sr. Vice President and Secretary General.

(1) Filling of vacancies in cadre. (2) Upgradation of scale (3) Counting of probationary towards qualifying service (4) Dual signature on cheques (5) 80:20 ratio in the cadre (6) Enhancement in the scale of Sr. DAO.

Shri R. K. Rekhi Sr. V. P. has thanked to the participants for their valuable deleveration and hope that it would continue. Shri K. K. Jandial President has directed all the unit to send information regarding the cadre to prepare a telephone directory of the cadre member within fifteen days positively. A vote of thanks was given to chair. Shri B. N. Singh President U.P. again thanked all for participation in Agra meeting. AIF has lauded the excellent arrangements made by the U.P. unit and specially zone comred Shri K. K. Sharma and Shri. Shishir Kant.

With warm greetings.

NGE (JCM) Section

Current Status of various demands raised by All India Federation of Divisional Accounts Officers and Divisional Accountants Association - regarding Agenda / Informal Meeting

Sr. no.	Item no.	Demand in brief	Reply/ Current Status
1.	1.	Filling of vacancies in Divisional Accountant cadre from D.A.G.E. passed candidates in West Bengal.	The issue of filling up the Vacancies of Divisional Accountant in West Bengal from eligible D. A. G. E. passed Sr. Accnts is still pending AG (A&E) West Bengal, Kolkata The matter is under consideration.
2.	2.	Implementation of Rajasthan High Court Judgement.	(vide letter no. 471-NGE (App)/19-2004 dated 29.07.2005 at page 30-c) As the Divisional Accountants are normally
3.	3.	Vacation of discrimination in taking of the SOGE (Civil Audit)	promoted as Divisional Accounts Officer Grade II on completion of 3 years regular service as Divisional Accountant, the demand of the Federation of Divisional Accountants Association to allow the SOGE passed Divisional Accountants to appear at SOGE (Civil Audit) has not been acceded to (Vide letter no. 288-NGE (App) / 19-2004 dated 27.04.2005 at page 29/ C)
4.	4.	Harassment to and vindictive actions against the Association / Federation activists - vacation Thereof	No specific case has been brought to the notice of Hqrs. office so far.

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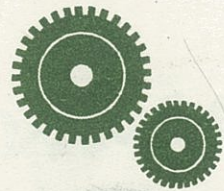
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CASE LAW SECTION

1.

1. Violation of Rule 14 (18) of CCS (CCA) of Rules, 1965 vitiates the enquiry only when EO has recorded ex parte evidence and has not afforded an opportunity to cross-examine the witnesses.
2. In Disciplinary Proceedings, strict rules of evidence and Cr. P. C. would have no application and they are based on the rule of preponderance of probability.
3. The Department proceedings can be initiated and be allowed to come to a logical conclusion even after actiittal in criminal case.
4. When two employees are equally and similarly charge-sheeted, imposing a punishment of dismissal on one person and imposing a lesser punishment on another is a hostile discrimination and violative of Articles 14 and 16 of the Constitution of India.

Facts : In O. A. no. 614 of 2000, applicant impugns penally order, dated 16-11-1998 imposing upon him a penalty of reduction to lower post for a period of three years as well as the appellate order, dated 27-4-2000 upholding the punishment.

Where as in O. A. no. 678 of 2000, a challenge has been made to the Respondents' order, dated 16-11-1998, dismissing applicant from service as well as appellate order, dated 8-5-2000 confirming the penalty.

Both the applicants working as HSK-I in a Naval Dockyard have been proceeded against in the major penalty on the allegations of having attempted to commit theft of Government property and tried to smuggle it though Naval Vehicle on 7-9-1991. In the enquiry, applicants have been held guilty by the Enquiry Officer (EO) and having regard to their confession made before the Chief Security Officer.

Applicant in O. A. no. 678 of 2000 was also made an accused in case under Sections 381-114 IPC, which proceeded before the ACMM in CC 1124/P/91, where in by judgement, dated 20-11-1992, applicant along with other co-acused was acquitted for offence as the witnesses have turned hostile and have not supported the prosecution.

Held : In so far as the plea of non furnishing documents is concerned, we find that the alleged confessional statements have been made part of the listed documents. On perusal of enquiry report, we find that all the listed documents were inspected by the Defence Assistants on 18-3-1997 and complete sets of Photostat copies were also provided by the Presenting Officer to all the Defence Assitants, as such the plea of applicants as to non-supply of documents holds no water.

In so far violation of Rules 14 (18) of CCS (CCA) rules, 1965, i.e. non-questioning applicants by EO in concerned, having regard to the decision of the Apex Court in Ministry of Finance v. S. B. Ramesh [1998 SSC (L & S) 865] violation of Rules 14 and 18 was held

to have vitiated the enquiry only when the EO had recorded ex parte evidence and had not afforded an opportunity to the petitioners there in to cross-examine the witness. But in the cases before us, as applicants were given an opportunity to cross-examine the defence witness, in the absence of any prejudice caused to them violation of Rules 14 (18) ibid would not vitiate the enquiry and the decision of the Apex Court is distinguishable and would not apply to the facts of the present cases.

As regards plea of not proving the documents during the courses of enquiry, i.e. their confessional statement in concerned, we find that both the prosecution state witnesses have categorically stated in their testimony that applicants have confessed of their guilt before them on their own violation without any threat, pressure or coercion. By their testimony, these confessional statements are amply proved. It is to be noted that in a disciplinary proceeding the strict rules of evidence and Cr. P.C. would have no application. The disciplinary proceedings cannot be equated with the criminal trial where the proof is strict but disciplinary proceedings are based on the rule of preponderance of probability. The concept of admissibility of hearsay evidence also has no application. What is to be seen in that, the relevant material has been put to the notice of the delinquent official for rebuttal. As applicants have cross-examined the witnesses, their aforesaid plea cannot be countenanced.

In so far as the plea of confession before a Police Officer is concerned and resort to the decision of the Apex Court would not be applicable as firstly, It is in the context of criminal proceedings and secondly the Naval Police Officer or Security Officer is not designated as Police within the meaning of Cr. P.C. and as the confessions have been recorded by the Chief Security Officer in the presence of another state witness, the same has admissibility in the disciplinary proceedings. Where the preponderance of probability is a rule and the rule of evidence as to admissibility of admission has no application.

However, we find that the Apex Court in State Bank of Bkianer v. Sri Nath Gupta p1997 (I) SCSLJ 5] has validated the admissibility of statement under Section 161 of Cr. P. C. in the disciplinary proceedings. The confessional statements made before the Naval Officer can be equated with the statement under section 161 of Cr. P. C. made before a Police Officer and once these statements are admissible, the same analogy apply to the confessional statement as well. It is a settled principle of law that a confession/admission which is proved to be free, fair and without under pressure or threat is admissible as a piece of evidence against the delinquent official in a disciplinary proceeding. Moreover, from the perusal of the record, it transpires that the same has been proved to be voluntary and in this view of the matter no further proof is required to hold the guilt of applicants. In a disciplinary proceeding, judicial review is very limited and if some evidence is on record and the findings are neither perverse nor based on no evidence peappraisal is precluded. We find that the

conclusions arrived at pass the test of a reasonable common prudent man and in that even we cannot reappraise the evidence by substituting our own views. This is supported by the decision of the Apex Court in Syed Rahimuddin v. Director General CSIR p2001 (9) SCC 575].

We have also perused the findings of the EO, which are based on evidence brought on record proving the guilt of applicants and also the orders passed by the disciplinary and appellate authorities. In O. A. no. 614 of 2000, we do not find any legal infirmity as the orders are reasoned.

In so far as the plea of acquittal in criminal case and unsustainability of punishment is concerned, Apex Court in a recent decision in Secretary Ministry of Home Affairs, v. Tahir Ali Khan Tyagi ;2003 (1) ATJ 257] held that on hostility of prosecution witnesses in a criminal case when they are won over, on acquittal the departmental proceedings can be initiated and be allowed to come to a logical conclusion.

From the perusal of the decisions of the trial Court, it appears that the witnesses who were co-delinquent in the disciplinary proceedings have not supported the prosecution and were declared hostile and as such acquittal on this ground is not honourable acquittal on merits and would not override or affect the punishment in the disciplinary proceedings.

However, in O. A. no. 678 of 2000 we find that where as the other delinquents have been punishment with a lesser punishment, applicant has been imposed upon an extreme punishment of dismissal, which to our considered view, is a hostile discrimination violative of Articles 14 and 16 of the Constitution of India. In Tata Engineering and Locomotive Co. Ltd. v. Jitendra Bd. Singh and another [2002 SCC (L&S) 9091] the Apex Court has set aside the punishment being discriminatory. In all respects, applicant is at par with the co-delinquent in so far as misconduct alleged is concerned, yet has been awarded a severe punishment, which cannot be sustained in the eye of law.

In the result, for the foregoing reasons though finding no merit in O. A. no. 614 of 2000, the same is dismissed. However O. A. no. 678 of 2000 is partly allowed. Impugned orders are quashed and set aside Respondents are directed to pass a fresh order of penalty in consonance with the punishment awarded to the co-delinquents within a period of two months from the date of receipt of a copy of this order. However, till that time applicant shall remain under deemed suspension and the intervening period would be decided in accordance with rules and instructions on the subject. No costs.

Shri Pramod Madukar Shetye and another v Union of India and another, 1/2004, Swamysnews 96, (Mumbai) date of Judgement 17-6-2003.

2.

1. A punishment of reduction of pay with cumulative effect cannot be imposed under

CCS (CCA) rules, 1965.

2. Notice proposing punishment to be imposed is a condition precedent and any punishment imposed without such a notice is not sustainable.
3. Reduction of pay for indefinite period and treating the period of suspension as 'No Duty' are double punishments.

Facts : Applicant, a Field Assitant in the A. R. C. at Charibatia was charge-sheeted vide letter, dated 20-12-1993 and was, ultimately, visited with the punishment of reduction of pay (by one stage from Rs. 1,275 to Rs. 1,250 in the time scale of pay of Rs. 950-20-1, 150 EB-25-1, 400 for a period of one year with effect from 1-12-1995 with cumulative effect. The period from 28-10-1993 to 23-9-1994 during which the Applicant was placed under suspension was also asked to be treated as "non-duty" vide order, dated 1-12-1995. After being unseccessful in the appeal, preferred by the applicant, he has moved this Tribunal under section 19 of the Administrative Tribunals Act, 1985.

Held : The words 'cummulative effect' having been taken away from the statute book, the law makers' intention is very clear that they do not want imposition of such a punishment with cumulative effect. The Disciplinary Authority of the Applicant should, therefore, remember that such a punishment should not at any time be allowed to stand when ti is with the words, "Cummulative effect". For this reason, we were to remit back the matter to the Disciplinary Authority of the Applicant asking them to redraw the punishment, but we are not doing so for the reasons to be discussed in the following paragraphs.

Having heard the learned Counsel for the Applicant and the learned Additional Standing Counsel appearing for the Respondents, it appears to us that really no notice "proposing" punishment to be imposed" was given to the Applicant, before imposition of the aforesaid punishment. Such a procedure, as a condition precedent, has also been recognized by the Hon'ble Apex Court of India in the case of Yoginath D. Bagde v. State of Maharashtra and another (AIR 1999 SC 3734) As a result, the punishment that was imposed on the Applicant, without previous confrontation to the proposal punishment is not sustainabel and as a consequence to the proposed punishment is not sustainable and as consequence, the case is bound to be remitted back to the Disciplinary Authority of the Applicant to start from the stage immediately before imposition of the punishment vide order, dated 1-12-1995. The applicant therefore, shall be entitled to get back all his dues, which has been held up by virtue of the order of punishment.

In the aforesaid premises, the punishment order dated 1-12-1995 (with its Appellate order, date 27-8-1996) are hereby quashed by giving liberty to the Respondents to act afresh from the stage of taking a tentative view as to what punishment should be imposed and giving notice of proposed punishment, requiring the Applicant to show-cause. The

Applicant, as a consequence, is entitled to get back the benefits which has been held up from him by virtue of the punishment order now quashed.

Similarly before treating the period of his suspension as "non-duty", no opportunity was given to the Applicant to have his say in the matter and therefore, there were violations of the principles of natural justice at that stage. No reason has also been assigned as to why the said period was treated as "non-duty" and as such, such action was an arbitrary one ; because every executive action should be a reasoned one. That apart, "reduction of pay for indefinite Period" and "treating the period of suspension as non-duty" are double punishments. In the said premises, the order to treat the suspension period as "non-duty" is also hereby quashed.

(Bansidhar Das v. Director, ARC Headquarters and others, 1/2004 Swamysnews 102, Cuttack) date of judgement 11-8-2003)

3.

1. Before refixation of pay and recovery of excess amount paid, notice should be given to the employee and any denial of such notice should be seriously viewed.
2. When salary was paid in higher scale not on account of any misrepresentation made by the employee the benefits of higher pay cannot be denied to him and the account already paid should not be recovered.

Facts : The Applicant, formely postmaster, Balasore, Head Post Office (HSG-I) has filed this Original Application being aggrieved by the action of the Respondent in curtailing his pensionary benefits and recovering an amount of Rs. 16,717 from his DCRG on the plea that his pay was fixed wrongly earlier. He has therefore approached this Tribunal to quash the order concerning the recovery and to direct the Respondents to recalculate his pension as well as other retirement benefits after taking his last pay at Rs. 2,300 in the pay scale of HSG-I.

Held : Having regard to the grievances ventilated by the Applicant, we see lot of merit in his submission. There is no doubt that the representation of the Applicant was disposed of summarily. We also do not agree with the submission made by the learned Additional Standing Counsel that had the respondents given a notice to the Applicant before refixing his pay and recovering the excess amount paid from him, he could not have produced any material which could have changed the situation. We would like to emphasize here that the principles of natural justice being the cornerstone of administrative system, any denial or infringement of these principles in any way, should be seriously viewed.

For long, about 20 years, the Applicant was being paid his salary on the basis of pay fixation done on 1-1-1973 and thereafter on his promotion to LSG in 1980. Thereafter, without informing him, his pay was reduced and his pension was decreased and he was

confronted with an order to surrender Rs. 16,717 from his hard-earned gratuity money. Such an order was handed out to him when he was preparing to settle down after a long official life in peace and his peace was disturbed very rudely. Since this order of reducing his pay and pension was made in the quiet, howsoever legally correct action that was, there is no doubt that the Applicant was not only shocked, but must have felt that was an arbitrary and unkind act. On the other hand, if the Respondent had, in the first instance, confronted him with their tentative decision to correct the pay as fixed from 1-1-1973 and correct the error of granting him two increments in one year, he could not have suspected that the respondents were based agianst hin and nothing would have shocked him or he would not have felt, deprived. By upholding the principles of natural justice, the administrative can ensure fairness in every sphere of official life and there by create appropriate motivation among the officials to believe in the rule of law. We would therefore conclude that while we agree with the learned Additional Standing Counsel that employer has right to rectify mistakes, it can only do so after giving due notice to the affected person and hearing him before giving their final decision.

The learned Counsel for the Applicant, at the end submitted that by recovering Rs. 16,717 from DCRG amount payable to the Applicant the Respondents have transgressed the accepted law that recovery of overpayment due to wrong fixation of pay cannot be ordered after a long time. In this regard, he has drawn our notice to the case of S. Radha v. Union of India O. A. 348 of 1994 decided on 30-9-1994, wherein it was held by the Tribunal, following the ratio of the judgement in the case of Vital Dagdoo Marathe v. The General Manager, Central Railway (ATR 1989, (2) 65 (New Bombay Bench) K. N. Ramaoorthy v. Director General, Ministry of Defence (1991 91) ATJ 459) (Madras Bench) and Satyanand v. Union of India (1989 (4) SLJ CAT 272 (Patna Bench) that recovery of overpayment due to fixation of pay cannot be ordered after long period. Their Lordships furhter he was not aware that he would have to pay back he excess amount drawn. We find that the ratio of the above judgement eminently applies to the facts of the present case. On the subject we would also like to refer to a decision of the Apex Court. In the case of Sahib Ram v. State of Haryana and others (Civil Apeal no. 6868 of 1994) decided on 19-9-1994, the Apex Court found that the Applicant was not entitled to the pay scale of Rs. 225-550 as a Librarian in Government College because he did not possess the required educational qualification and that granting him promotion to the post by relaxing rules was an error. But since the Appelant had been paid his salary in higher scale not on account of nay misrepresentation made by the Appelant, the benefit of higher pay scale cannot be denied to him because he was not at fault in any way. Under the circumstances, their Lordship held that the amount already paid should not be recovered from the Appellant. In the present case also, as the

Applicant cannot be held responsible either for wrong pay fixation or for wrong calculation of day of increment, the amount already paid to him should not have been recovered and as the applicant has already retired, the amount of Rs. 16,717 recovered from his DCRG be refunded to him within a period of ninety days from the date of receipt of this order.

(Sri RAdhkrushna Biswal v. Union of India and another, 2/2004 Swamysnews 68, (Cuttack) date of judgement 5-8-2003.)

4

1. The issue of bias and mala fide ought to be decided on the facts and circumstances of individual cases and it cannot be on a Strait-Jacket Formula.
2. The term - "Any Equivalent Post" must bear some characteristics and more circumstances that the two posts carried the same pay scale is not enough.

Facts : The Applicant is working as Director, Ministry Farm, Head-quarter, Central Command, Lucknow. He has been transferred and posted to Frieswal Project, Meerut vide order, dated 28-5-2003, which was challenged in this O. A.

Held : It is held in Rajendra Roy v. Union of India (AIR 1993, SC 1236) that it may not be always possible to establish malice in fact in straight-cut manner. In an appropriate case, it is possible to draw inference of mala fide action from the pleadings and antecedent facts and circumstances. But, for such inference, there must be firm foundation of facts, pleaded and established. Similarly, in State of Punjab v. V. K. Khanna (2001) 2 SSC, 330 It is held that mala fide, intent or biased attitude cannot be on a strait-jacket formula but depends upon facts and circumstances of each case and in that perspective, judicial precedents would not be of any assistance. The Apex Court in Kumaon Mandal Vikas Nigam Limited v. Girja Shankar Pant and another (2001) SCC 182 has also reiterated that conceptually, the issue of bias ought to be decided on the facts and circumstances of the individual case.

If we consider the facts and circumstances of the case, we notice that the impugned order has been passed by the Respondents while matter regarding his promotion was heard and the order was reserved. Such action on the part of the Respondents, prima facie shows that the transfer order has been passed in hot haste.

The admitted facts of the case regarding various cases having been filed by the Applicant before this Tribuna/ High Court regarding redressal of his grievance and the impugned transfer order having been passed on the basis of alleged complaints received during the call span of 4 months, after aforesaid litigation clearly reflects that the Respondents have not passed the impugned order either in administrative exigency or in the public interest. In rather shows that the action has been taken for transferring the Applicant from Luckhnow to Meerut to prevent him from pursuing his matter before jusicial fora. The averments

made by the Applicant claiming that he has never earlier been charged-sheeted for any irregularity also shows that the transfer order of disclosed by the Applicant show that the post to which the Applicant has been transferred is definitely lower in status.

It is clear from what has been stated that the Applicant has been transferred from the present post because (i) he has been pursuing the claim for promotion before the Courts and (ii) he has been transferred to a post which is lower than the post presently held by him and (iii) the basis of the transfer of the applicant, stated to be some compaint received against his working during the period of 4 months, i.e. january to April, is not bona fide, as there is no allegation of the Applicant having any past history of misconduct or punishment.

In view of the discussion made above, if we consider the facts and circumstances of the case, we find the action of the Respondents, in transferring the Applicant to be totally biased and the trasfer order has been passed in colourable exercise of power which is liable to be quashed. Accordingly, we allow the O.A. and quash the order, dated 28-5-2003.

(B. B. Biswas v. Union of India and others, 2/2004 Samysnews 84, Luckhnwo, date of judgement 9-7-2003)

5

A person who has himself misled the authority by making a fake statement, cannot invoke the principles of promissory estoppel, if his misrepresentation misled the authority into taking a decision which on discovery of the misrepresentation of sought to be cancelled.

Facts : In this appeal by special leave, the Appellants, here in have impugned the judgement and order of the High Court of Orissa at Cuttack, dated 12-3-1992, in Original jurisdiction Case no. 1969 of 1991. where by the High Court allowing the Writ petition filed by the Respondent here in, directed the Appellants to appoint the petitioner on the post of Airman in the technical trade under the Indian Air Force and to send him for training. The High Court set aside the aside the decision of the Appellate not permitting the respondent to join the aforesaid post after selection, on the ground that he was not eligible for the said post in terms of the advertisement. In doing so, the High Court invoked the principle of primissory estoppel and held that having selected the respodent for appointment, and the respondent having discontinued his studies in Orissa school of Mining Engineering, the Appellants could not be permitted to prevent the respondent from joining the post.

It is not in dispute that an advertisement was published in employment news on 17/22-2-1990, inviting applications from eligible candidates for appointment to the post of Airman in the technical trade under the Indian Air Force. The advertisement prescribed that the candidate should be born between 31-3-1971 and 1-7-1997 (sic) but the upper age limit was relaxable by two years in case of those who had passed the intermediate examination.

It is also not in dispute that the date of birth of the Respondent is 13-7-1970. Therefore, he was not eligible for the post as he was over age, but however, age relaxation was permissible in the case of the respondent if he had passed the intermediate examination.

The petitioner was invited to appear at a written test and there after the primary examination, etc. He was there after medically examined and found suitable for appointment. His name appeared in the all India Merit list and a call letter was issued to him to report at the Airman Selection Centre, Bhubaneswar on 11-3-1991. However, when the respondent reported at the aforesaid centre, he was informed that his selection had been cancelled. The respondent there after represented to the authorities concerned but to no avail. He was therefore compelled to file the writ petition before the Hon'ble High Court which was allowed by the impugned judgement and order.

6

The employee after having been held guilty of unauthorized absence from duty cannot claim the benefit of increments notionally earned during the period of unauthorized absence, in the absence of specific directions in that regard.

Facts : The respondent was a conductor and hence a workman in the employment of the appellant Andhra Pradesh State Road Transport Corporation. He remained absent from duty between 5-6-1982 and 8-8-1982 on the first occasion and again between 3-10-1992 and 1-11-1992 on the second occasion. A charge sheet was served on him alleging the period of absence to be an unauthorized absence from duty. The respondent pleaded that he had remained absent because of ill health due to Jaundice for the first period of absence and due to chest pain and fever for the second period of absence from duty. In the departmental inquiry proceedings, the two charges referable to two periods of absence from duty framed against the respondent were found to be proved and the explanation for absence as offered by him was found not to have been substantiated. The Respondent was inflicted with the punishment of removal from service.

The respondent raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947, as amended in its application to the State of Andhra Pradesh by A. P. Amendment Act 32 to 1987. The Labour Court by its award, dated 24-12-1997, held that no fault could be found with the disciplinary inquiry proceedings or with the findings arrived there at. However the Labour Court concluded that though the respondent was guilty of the charges levelled against him but he had been without employment during the period of absence and has suffered there by and so the penalty of not providing back-wages would be the appropriate penalty in the facts and circumstances of the case, "while ordering for reinstatement with continuity of service" In the operative part of its award, the Labour Court reiterated that an award was being passed, "directing the responding to reinstate the

petitioner in service with continuity of service but without back-wages."

Feeling aggrieved by the award of the Labour Court the respondent preferred a writ petition in the High Court which was heard and disposed of by a learned Single judge vide the judgement, dated 16-8-1999. A grievance was raised before the High Court that although him on his retirement, the periodical increments which would have been earned by him had he been in service during the period of absence were not taken into account. The High Court directed the appellant corporation to compute the periodical increments that would have been earned by the respondent had he been in service during the period of absence from duty and to fix the wages payable to the respondents after his reinstatement by taking into account the said increments. The appellant preferred an intra Court appeal which has been dismissed by a Division Bench of the High Court by its impugned order. The appellant has filed this appeal by special leave.

Held : We find merit in the submissions so made. There is a difference between an order of reinstatement accompanied by a simple direction for continuity of service and a direction where reinstatement is accompanied by a specific direction that the employee shall be entitled to all the consequential benefits which necessarily flow from reinstatement or accompanied by a specific direction that the employee shall be entitled to the benefit of the increments earned during the period of absence. In our opinion, the employee after having been held guilty of unauthorized absence from duty cannot claim the benefits of increments notionally earned during the period of unauthorized absence in the absence of a specific direction in that regard and merely because he has been directed to be reinstated with the benefit of continuity in service.

The regulations referred to here in above clearly spell out that the period spent on the extraordinary leave or leave without pay or a period of overstayal after the expiry of leave or joining time cannot count towards increments unless the order of the competent authority sanctioning the extraordinary leave or leave without pay or the order commuting the period of overstayal into extraordinary leave or leave without pay is accompanied by a specific order to count the period for increments. A period of unauthorized absence from duty is treated as a misconduct and held liable to be punished by extraordinary leave or leave without pay or a period of overstayal. Ordinarily, the increments are earned on account of the period actually spent on duty or during the period spent on leave, the entitlement to which has been earned on account of the period actually spent on duty. The direction of the High Court entitling the Respondent to earn increments during the period of unauthorized absence from duty though held liable to be punished in departmental inquiry proceedings would amount to putting a premium on the misconduct of the employee.

For the foregoing reasons, we are of the opinion that the impugned judgement of the

learned single judge of the High Court and upheld by the Division Bench cannot be sustained. The judgement of the Learned single judge and the Division Bench are, both set aside. The appeal is allowed. No order as to the costs.

7

1. There is a clear mandate in the provisions of Section 7 of the payment of Gratuity Act, 1972 to the employer for payment of gratuity within time and to pay interest on the delayed payment of gratuity.
2. Payment of gratuity with or without interest, as the case may be, does not lie in the domain of discretion, but it is a statutory compulsion.

Facts : While in service, the appellant and a few other officials were kept under suspension in March, 1999. Aggrieved by the same, the appellant and others filed writ petition no. 11893-98 of 1999 inter alia contending that the order of suspension passed was one without authority of law and without application of mind. After service of notice in the writ petition, the respondent corporation realizing that it was not possible to support the said order of suspensions, withdrew the same by an order, dated 21-5-1999. Taking note of the other, dated 21-5-1999, revoking the suspension, the High Court disposed of the writ petitions as having become infructuous, however, reserving liberty to the writ petitioners to approach the High Court for seeking appropriate relief, if necessary. The appellant reached the age of superannuation on 1-1-2000 and retired. The respondent corporation did not pass any order regarding regularization of the suspension period and settlement of salary and allowances payable to him on retirement. In this situation, the appellant was constrained to approach the High Court again in Writ Petition no. 26980 of 2000 seeking payment of full salary and allowances for the period of suspension, gratuity, cash equivalent of earned leave together with interest there on @ 18% per annum and settlement of provident fund dues. During the pendency of the Writ Petition, however the respondent settled the provident fund dues. The High Court disposed of the Writ Petition on 18-6-2001, holding that since the appellant had retired from service, the enquiry contemplated earlier could not have been proceeded with in the absence of enabling provision in the service rules of the respondent corporation and consequently granted reliefs to the appellant except interest on belated payment of gratuity. The appellant, aggrieved by the order of the learned Single Judge, to the extent of denial of interest on the belated payment of gratuity, filed appeal no. 4177 of 2001. The Division Bench in the appeal found that the appellant was entitled to payment of interest on the belated payment of gratuity, but, however, held that the discretion exercised by the learned Single Judge in denying interest was not arbitrary. In that view, the writ appeal was dismissed.

Held : It is evident from section 7 (2) that as soon as gratuity becomes payable, the

employer, whether any application has been made or not, is obliged to determine the amount of gratuity and give notice in writing to the person to whom the gratuity is payable and also to the controlling authority specifying the amount of gratuity. Under section 7 (3) the employer shall arrange to pay the amount of gratuity within 30 days from the date it becomes payable. Under sub-section 3 (A) of section 7, if the amount of gratuity is not paid by the employer within the period specified in sub-section. (3) he shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed payment on that ground. From the provisions made in Section 7, a clear command can be seen mandating the employer to pay the gratuity within the specified time and to pay interest on the delayed payment of gratuity. No discretion is available to exempt or relieve the employer from payment of gratuity with or without interest, as the case may be. However under the provision to section 7 (3-A) no interest shall be payable if delay in payment of gratuity is due to the fault of the employee and further condition that the employer has obtained permission in writing from the controlling authority for the delayed payment on that ground. Under Section 8, provision is made for recovery of gratuity payable under the Act if not paid by the employer within the prescribed time. The Collector shall recover the amount of gratuity with compound interest there on as arrears of land revenue and pay the same to the person entitled. A penal provision is also made in section 9 for non-payment of gratuity. Payment of gratuity with or without interest, as the case may be, does not lie in the domain of discretion but it is a statutory compulsion. Specific benefits expressly given in a social beneficial legislation cannot be ordinarily denied. Employees on retirement have valuable rights to get gratuity and any culpable delay in payment of gratuity must be visited with the penalty of payment of interest as was the view taken in *State of Kerala v. M. Padmanabhan Nair* (1985) 1 SCC 429, 1985 SCC (L & S) 278. Earlier, there was no provision for payment of interest on the delayed payment of gratuity. Sub-section (3-A) was added to section 7 by an amendment, which came into force with effect from 1-10-1987.

In the background of this legal position, now we turn to the facts of the present case. The appellant was under suspension from 15-3-1999 to 21-5-1999. On attaining the age of superannuation, he retired from services of the Respondent corporation on 1-1-2000. The learned Single Judge, after considering the rival contentions, disposed of the writ petition issuing directions to the respondent corporation to settle the full salary and allowances for the period of suspension, gratuity, cash equivalent to leave salary, deferred leave, concession

amount, etc. As regards the claim of interest of gratuity, the learned Single Judge held as under :-

“Since there was a doubt as to whether the petitioner is entitled to the gratuity, cash equivalent of leave salary, etc. in view of the divergent opinion of the Courts during the pendency of an enquiry proceeding of a retired employees, in my view, the petitioner is not entitled to the relief of interest for the belated payment of gratuity and other amounts”.

It is clear from what is extracted above from the order of the learned Single Judge that interest on delayed payment of gratuity was denied only on the ground that there was doubt whether the appellant was entitled to gratuity, cash equivalent to leave, etc. in view of divergent opinion of the Courts during the pendency of enquiry. The learned Single Judge having held that the appellant was entitled to payment of gratuity was not right in denying the interest on the delayed payment of gratuity having due regard to section 7 (3-A) of the Act. It was not the case of the respondent that the delay in the payment of gratuity was due to the fault of the employee and that it had obtained permission of section 7 to the employer for payment of gratuity within time and to pay interest on the delayed payment of gratuity. There is also provision to recover the amount of gratuity with compound interest in case the amount of gratuity payable was not paid by the employer in terms of section 8 of the Act. Since, the employer did not satisfy the mandatory requirements of the proviso to section 7 (3-A), no. discretion was left to deny the interest to the appellant on belated payment of gratuity. Unfortunately, the Division Bench of the High Court, having found that the appellant was entitled to interest, declined to interfere with the order of the learned Single Judge as regards the claim of interest on delayed payment of gratuity only on the ground that the discretion exercised by the learned Single Judge could not be said to be arbitrary, In the first place, in the light of what is stated above, the learned Single Judge, could not refuse the grant of interest exercising discretion as against the mandatory provisions contained in Section 7 of the Act, the Division Bench, in our opinion, committed an error in assuming that the learned Single Judge could exercise the discretion in the matter of awarding interest and that such a discretion exercised was not arbitrary.

In the light of the facts stated and for the reasons aforementioned, the impugned order cannot be sustained consequently, it is set aside. The respondent is directed to pay interest @ 10% on the amount of gratuity to which the appellant is entitled from the date it became payable till the date of payment of the gratuity amount. The appeal is allowed accordingly with cost quantified at Rs. 10,000.

(H. Gangahanume Gowda v. Karnatka Agro Industries Corporation Ltd. dated of judgement 5-2-2003)

1. Unless and until the judgment is modified, set aside or quashed by the Higher Courts, it remains binding on the Courts/Tribunals which pronounced the Order and judgment.
2. The action of employers in effecting recoveries from the pay of the employees without issuing a show-cause notice is illegal and violative of Principles of Natural Justice.

Facts: The Applicant in O.A. Nos. 180 of 2003 and 189 of 2003 were appointed as Washermen while Applicant in O.A. No. 190 of 2003 was appointed as Barber in May, 1983. The pay scale attached to the said posts were Rs. 775-1,025, which was revised to Rs. 800-1,450 in terms of communication, dated 12-4-1993. The Applicants were declared surplus and remustered and consequently posted as Cooks vide order dated 2-7-1998. The pay scale of Rs. 800-1,150 was revised to 2,610-3,540 on implementation of 5 CPC recommendation with effects from 1-1-1996. Since the Applicant had rendered more than 12 years of service in the said post of Washermen and Barber respectively in terms of OM dated 9-8-1999 they were granted first financial upgradation in the pay scale of Rs. 2,650-4,000. Later vide communication dated 28-3-2001, the pay scale of civilian cooks in Messes, Inspection Bungalows, etc., outside the Canteen was revised to Rs. 3,050-4,590 with effect from 1-1-1996. As the pay scale of Rs. 3,050-4,590 was denied to the applicant they earlier approached this Tribunal by filing O.A. Nos. 531, 586-687 of 2001, which was disposed of vide order dated 17-9-2001 with direction to the Government to implement the order dated 28-3-2001 including payments of arrears of pay within a period of four months which time was further extended by filing M.A. No. 29 of 2002 seeking further extension of time. It is the case of the Applicants that they submitted representation dated 18-7-2002 when arrears consequent to revision to pay scale was paid to their colleagues and not to them. It is stated that third Respondent i.e., Commandant, MEG and Centre, Headquarters, Bangalore, did not approve the benefits of first financial upgradation under ACP scheme citing the reason that the revised pay scale effected from the data of reclassification is to be treated as upgradations of pay scale based on the DoP&T OM, dated 10-2-2000. They submitted further representation with prayer to pursue the matter with Army Headquarters vide representation, dated 17-12-2002. Despite laps of sufficient time since the Applicants were not being granted the said pay scale of Rs. 3,050-4,590 and on the other hand the Respondents effected recoveries of alleged overpayment made to them, they filed the present applications. It is stated that similarly situated officials also approached this Tribunal in O.A. No. 52 and 83 to 85 of 2003. It is contended by the Applicants that they are entitled to the pay scale of Rs. 3,050-4,590 and consequential ACP with corresponding revised pay scale. Action of the third respondent in effecting recovery as reflected in the pay slips issued for the month of December, 2002 is illegal and in gross violation of the principles of natural

justice

Held: it is not the case of the Responding that any show-cause notice in specific was issued to the Applicants prior to it .

It is well settled law that unless and the judgment is modified, set aside or quashed by the higher Courts , remains binding on the Courts/Tribunals which pronounced the order and judgment . it is an admitted fact that the Applicants have now been placed in the pay scale of Rs. 3,050-4,590 in terms of Government of India letter, dated 28-3-2001. It is further admitted fact that no specific show-cause notice was issued to any of the Applicants which action of the Respondents is in utter violation of the principles of the natural justice. Grant of revised pay scale of Rs. 3,050-4,590 with effect from 1-6-1998 on Applicants 'remustering and posting as Cooks is better than the first financial upgradation granted to them in the pay

9

1. Government is considered to be a model employer and when certain benefits are extended to one class of employees, the same benefits are required to be extended to the similarly situated employees elsewhere.
2. Relief being granted to certain individuals in law cannot be denied to those who are similarly placed merely because they have not come to court earlier.

Facts: The Applicants are the Civilian Switch Board Operators Grade II working under the Respondent no. 4 etc. and they have approached this Tribunal with a grievance that their representation for extension of the benefit of pay scale of Rs. 260-480/975-1, 660/-3,200-4,900 was rejected by the respondent authorities only on the ground of their being not parties in similar OAs decided by order Tribunals and Hon'ble Supreme Court. According to them, similarly placed employees in other divisions had approached the different Benches of Tribunal viz. Jodhpur, Lucknow, Chandigarh and Principal Bench, etc. for the fixation of their pay in the pay scale of Rs. 260-480/975-1.660/3,200-4,900 and pursuant to the Tribunals allowing their claim the respondent authorities have implemented the judgements and extended the benefits of the pay fixation as prayed for. Their requests for placing them in the same pay scale was however, rejected by the respondents only on the ground that they were not parties to those petitions and as such, they were not entitled to claim the same. They have therefore, prayed that since they are similarly situated employees the respondents should be directed to refix their pay in the pay scale of Rs. 260-480/975-1,660/3,200-4,900 as applicable since their appointment with all consequential benefits including further revision of pay, arrears, etc.

Held : Since it is an undisputed fact that the applicants are similarly placed as the applicants of different OAs before the different Benches and that the different Benches narrated here in below, have allowed the OAs and given the fixation of the revision of the

pay scales to the applicants there in, we are unable to appreciate the stand taken by the respondents that merely because the applicants were not parties to these OAs, the same benefits cannot be extended to them.

The only reason for the respondents to deny the benefits to the applicants in this OA is that, they were not parties in the concerned OAs, as it was the consistent view of the department of personnel and training and ministry of finance that the benefits of the judgement should not be extended to the non-applicants. It appears that the respective department or the Ministry has forgotten that the Government is considered to be a model employer and when certain benefits are extended to one class of employee, the same benefits are required to be extended to the similarly situated employees elsewhere so that the allegations of discrimination can be avoided. The hon'ble Supreme Court in the case *Inderpal Yadav v. Union of India and others* (1985 (2) SLR 2481) and *K. C. Sharma v. Union of India* have categorically laid down that relief being granted to certain individuals in law cannot be denied to those who are similarly placed merely because they have not come to the Court earlier. The Hon'ble Supreme Court has laid down that such benefits are automatically allowed to all those similarly placed, instead of forcing all to come to the court. It is quite evident that the respondents have not taken into consideration the observations of the Hon'ble Supreme Court also and in spite of the fact that the Supreme Court had extended the same benefits to the similarly placed employees elsewhere, they have denied to extend the same benefits to the applicants. The applicants in this OA are similarly/identically placed with the applicants of the earlier OAs which have been allowed. They have been appointed in the similar manner and placed in the same seniority list all over the country and hence, there is no reason whatsoever, not to extend the benefit granted to the petitioners of other OAs.

In the above view of the matter, the OA succeeds and is accordingly allowed. The respondents are directed to place all the applicants in the pre-revised scale of Rs. 260-480 from the date of their appointment with proper replacement scales, on the acceptance of the 4th & 5th Central Pay Commission recommendations. They would be entitled for the notional fixation of pay with increments. The monetary benefits of arrears, etc. in the revised/upgraded scale of the pay shall, however, stand restricted to 18 months prior of the filling of this OA. This exercise shall be completed by the respondents within three months from the date of receipt of a copy of this order. We also direct the respondents to treat this decision as a judgement in rem and extend the same benefits to all the similarly situated employees, who have not been extended the same benefits, so that future litigation on this subject can be avoided and the allegations of discrimination also can be avoided.

(Miss Shirely S. Chauhan and others v. Union of India and others, 8/2004 dated of judgement 9-1-2004)

1. FR 26 clearly stipulates that all duty in a post on time scale counts for increments in that time scale.
2. The ad hoc service rendered by an individual before his regular appointment as a primary teacher should be counted for the purpose of granting increment.

Facts: The Applicant is working as a Primary School Teacher in Kendriya Vidyalaya, Ordnance Factory, Khamaria. He was initially appointed on ad hoc basis for the period from 1-9-1977 to 30-4-1978; 1-8-1978 to 30-4-1979 and from 27-8-1979 to 29-4-1980. Thereafter, he was given regular appointment as Primary Teacher vide memorandum, dated 25-7-1980. According to the applicant, Kendriya Vidyalaya Sangathan (for short 'KVS') has issued a circular, dated 25-4-1989, which stipulates that broken spells of ad hoc service rendered by a regular employee qualify for the purpose of increment under the provisions contained in FR 22. The respondent no. 1 has also issued another circular, dated 17-11-1999 which makes similar provisions for counting of past services rendered in Central / State Government and Autonomous Body for the purpose of pensionary benefits. The applicant has submitted representations to the respondents from time to time and requested them to grant him the aforesaid benefits of counting the past services rendered by him on ad hoc basis for the purpose of increment and pensionary benefits, but the respondents vide their letter, dated 31-10-2001 / 1-11-2001 have turned down the request of the applicant. Affrieved by this order, he has filed this Original Application.

Held : In the instant case, the respondent have not denied specifically that the applicant had rendered service on ad hoc basis as a Primary Teacher in different spells during the period 1-9-1977 to 29-4-1980. The contention of the respondents that the broken period in different spells of the service rendered by the applicant as Primary Teacher cannot be counted as per provisions of FR 26 is not correct. We have gone through FR 26 which stipulates that 'all duty in a post on a time scale counts for increments in that time scale' Furthermore the applicant in Para. 4.6 of the O. A. has specifically stated that benefits of circular, dated 25-4-1989 has been given to one Shri. T. A. Kanji and Smt. Subha Manekar working as Primary Teacher and Music Teacher. The respondent in their reply to Para 4.6 have simply stated that the contents of this Paragraph are specifically denied without controverting the contentions of the Applicant in this regard.

In view of the fact that FR 26 clearly stipulates that all duty in a post on time scale counts for increments in that time scale, and the audit has also pointed out in a similar case to count the ad hoc service rendered by an individual before his regular appointment as a Primary Teacher for the purpose of granting increment, the Applicant is also entitled for the same benefits. In this view of the matter, the contention of the learned Counsel for the

Respondents that the applicant is not entitled to the benefits of ad hoc service, in broken spells, before her regular appointment, is rejected.

As regards the pensionary benefits, to count the broken period of services before her regular employment for the purpose of qualifying service for pension, the applicant has relied upon the letter, dated 17-11-1999. After going through this letter, we find that this letter is not applicable to the applicant as this letter pertains to 'counting of past services rendered in Central / State Government and Autonomous Bodies'. Apart from, the Applicant has not submitted any circular rule or law under which he is entitled for the benefit of ad hoc service rendered by him in broken spells before his regular employment for the purpose of qualifying service for pension. Therefore, this relief claimed by the Applicant cannot be granted.

For the reasons stated above, the OA is partly allowed. The respondents are directed to refix the pay of the applicant at the time of his joining the service as a Primary Teacher by counting the ad hoc service rendered by him, and grant him all consequential benefits within a period of three months from the date of communication of this order. No costs.

11

When the employees has not mis-represented the facts before the authorities and her overstay in service was entirely due to the fault of the employer, the employee could not be held responsible and penalized at the time of her retirement by making recovery from her pension.

Facts: The Applicant was working in the Central Railway as Waiting Room Attendant at Itarsi from 7-5-1971 to 17-2-1995. Even though she worked till 17-2-1995 and then retired by the Station Manager, Central Railway, Itarsi with effect from 17-2-1995 on the basis of the letter of the DRM (Annexure A-1), her services for retirement benefits were treated only up to 30-9-1993. Thus, the Applicant is deprived of all service benefits for full length of service and proper pension, for no fault of her, but due to mistake and negligence on the part of the respondents. Hence this O.A.

The respondents in their reply have stated that the date of birth of the applicant has been taken from the first document submitted by her, along with her application given for appointment on compassionate grounds. In the said document, her age was shown as 35 years on 24-5-1971, and the said date was supported by the medical certificate no. 24425, dated 23-9-1971 issued by the Assistant Medical Officer, Central Railway, Bhusawal at her first appointment. The Doctor has shown her age 36 years on 23-9-1971, therefore, her date of birth came to 23-9-1935 and was to be retired from Railway services on 30-9-1993, however she had continued up to 17-2-1995. According to the respondents, the present order of retirement age of 60 years came into effect from 13-5-1998 only and prior to that

all employees retired from Railway services on attaining the age of 58 years. As the applicant has worked beyond the age of 58 years. The payment of wages drawn by her from 1-10-1993 to 1-12-1995 (sic) and settlement dues can be recovered from the settlement dues and leave salary. As per the Railway Board's letter, dated 7-7-1999 (Annexure R-3) the retirement schedule cannot be allowed beyond the age of 58 years. Therefore, the applicant is bound to refund the payments drawn by her beyond 30-9-1993.

Held : We find that the judgement of the Hon'ble Supreme Court in Radha Krishna v. Union of India and others, [S.L.P. no. 3721 of 1997] must have been given in the year 1997 or thereafter (copy of the order not filed by the respondent) where as the applicant has been permitted to work only up to 17-2-1995. Therefore, the effect of the said judgement will be applicable prospectively. Therefore, the persons, who have retired, after the decision of the Hon'ble Supreme Court in aforesaid SLP. and till the date of issue of the letter, dated 7-7-1999, their cases were not finalized, will be governed by the circular, dated 7-7-1999. In the instant case, the applicant has been permitted to work upto 17-2-1995 and has been deemed to have retired with effect from 30-9-1993, therefore, her case does not come within the ambit of the aforesaid circular, dated 7-7-1999. We also find that the Applicant, who is a poor illiterate lady and was working as a Waiting Room Attendant, has not misrepresented the facts before the authorities, and her overstay in the service was entirely due to the fault of the respondents themselves for which she could not be held responsible and penalized at the time of her retirement, by making recovery from her pension.

In the letter, dated 7-7-1999, on which a strong reliance has been placed by the respondents, as referred to above, also stipulates that :-

"Hitherto, the period of erroneous retention in service beyond the prescribed date of retirement used to be regularized as re-employment.

Therefore, as the respondent, themselves were treating the as re-employment, the respondents should have regularized the period of overstay of the applicant by treating the same as re-employment. Instead they have kept the matter alive for four years to deny her the said benefit in terms of earlier instructions.

Since it is not in dispute that the Applicant has overstayed in service for the period from 1-10-1993 to 17-2-1995, the decision of the Hon'ble Supreme Court in the aforesaid SLP, as well as the subsequent instructions, dated 7-7-1999 issued by the Railway Board are not applicable in the case of the applicant and her period of overstay was required to be regularized in terms of the earlier instructions i.e. her overstay was to be treated as re-employment. In this view of the matter, the OA is liable to be allowed.

In the result, the OA is allowed. The respondents are directed to treat the period of overstay of the applicant beyond 30-9-1993 to 17-2-1995 as re-employment and grant her

all benefits including retiral benefits. The respondents are directed to comply with these directions within a period of three months from the date of communication of this order. As more than nine years have already elapsed, the respondents are directed to comply with the directions in the stipulated period as stated above, failing which they shall be liable to pay interest, on the amount payable to the applicant, at the rate of 10% per annum, from the due date to the actual date of payment, and the said amount of interest may be recovered, if considered necessary, from the officers responsible in delaying the implementation of this order. In the facts and circumstances of the case, the parties are directed to bear their own costs.

12

1. Once a person has physically worked on the post, the question of treating him as a suspended employee during the said period does not arise.
2. Once the suspension order has been revoked, suspension does not remain in existence and the thing which does not remain in existence, cannot be revived.
3. While interpreting an order, nothing is to be added or deducted, the order has to be read as it is otherwise every order which is bad in the beginning can be legalized by the support of additional affidavits and by the supplementing reasons.

Facts: A very short controversy involved in this case which we are required to answer is as to whether the order by which the suspension applicant has, inter alia, assailed he order date 23-5-2003, but date 23-5-2003, and order, dated 26-6-2002 (Annexures) A1 A2 and A3) and has sought for their quashment with all consequent benefits with further directions to the respondents that the applicants should be allowed to work on the post of Officer on Special Duty (ISD) Bundi from 28-4-2003 and also allow 75% pay and allowance for the period of suspension. The applicant was appointed as repeated Station Assistant and enjoyed his further promotion to the post of Sub-Divisional Engineer from 31-1-2002. He was placed under suspension vide order, dated 26-6-2002 by the General Manager Telecom, Jodhpur under Rule 10 (1) of CCS (CCA) rules, 1965 on the ground that a criminal offence is under investigation. His headquarter was fixed at BSNL, Bharat Further facts of the case are that, the applicant requested the respondents for change of his headquarter and the request was accepted by the authorities, and his headquarter was accordingly fixed to Delhi. Thereafter, he submitted a representation for revocation of suspension as well as enhancement of subsistence allowance, but there was no response for quite sometime. It is only on 28-4-2003, an order was passed by which the suspension of the applicant was revoked and in compliance of the same, the respondent no. 5 also issued another order, dated 28-4-2003 by confirming the order of revocation and further posting of the applicant as OSD with headquarter at Bundi. The applicant joined his

duties on 28-4-2003, but on 26-5-2003, order for revocation of suspension has been ordered to be cancelled without any reason and with further directions that suspension order, dated 26-6-2002 will stand revived against the applicant against which the applicant represented before the Competent Authority.

It has next been averred that the applicant is holding the post of Sub-Divisional Engineer, Group 'B' and his appointing Authority is represented no. 1 and the respondent no. 3 did not have any power to place the applicant under suspension. Cancellation of revocation of suspension order is not at all justified since the suspension once revoked cannot be cancelled by any other. The applicant was also entitled for revision of subsistence allowances.

Held : As far letters, dated 26-6-2002 and 28-4-2003 are concerned, these are the suspension orders and the orders for fixing the headquarter of the applicant and have remained unchallenged so far. They have been carried out without any protest. We cannot permit these challenges now and thus we shall not debate on them. In this view of the matter, we are only concerned regarding illegality or otherwise of the basic order which has been passed by the General Manager, Telecom, Kotta; dated 23-5-2003 (Ann. A1) and ANN. A2 is only a covering letter but unfortunately in pleadings the same has been placed at Ann. A2 whereas basically Ann A1 is supposed to be the enclosure of Ann, A2 firstly, we do not find any reason for cancelling the order by which the suspension order was revoked. Secondly once a person has physically worked on the post, the question of treating him as a suspended employee during the said period does not arise. However even if the theory of severable legal part from the impugned order Ann A1 cannot be termed as justified.

We are imposed with the contention of the applicant that once the suspension order has been revoked, suspension does not remain in existence and the thing which does not remain in existence, cannot be revived. We find support of this contention from one of the judgements of the Rajasthan High Court in Kalu Singh v. The State of Rajasthan and other 2003 (3) SLR 102. It was a case of cancellation of transfer order. In that case, the transfer order was already executed and carried out. Their lordships of the High Court have held that once the order has been implemented, its cancellation was illegal. Similar is the position in the instance case. At this juncture we can only assert that if we were to examine the controversy independent of the aforesaid authorities, we would have reached to the same conclusion.

As regards the ground of competence of the authorities who has passed the impugned order is concerned, we find that the suspension order, revocation of suspension order as well as the cancellation of order of revocation have been passed by the GMT (O) Jaipur, respondent no. 3 But in reply it has been averred that competent authority has reviewed the order of revocation. As per rules in force, the power of review has been given to the President

of India and power of revision are vested in the next higher authority. But no such authority has passed the order at Annexure. A/1. The impugned order does not indicate otherwise. Mere perusal of it reveals that it does not contain any reason at all. It is the settled law that while interpreting an order nothing is to be added or deducted, the order has to be read as it is otherwise every order which is bad in the beginning can be legalized by the support of addition affidavits and by the supplementing reasons. This proposition of law has been laid down by the Apex Court in case of Mohinder Singh Gill v. State of Punjab (AIR 1978 SC 851) and the issue does not remain res integra. The same fully supports the case of applicant and submissions of learned counsel for applicant have our concurrence.

The upshot of the aforesaid discussion is that, we reach to an irresistible conclusion that the impugned orders at Annexures A1 and A2 cannot be sustained and the OA merits acceptance. The same stands allowed. The impugned order Annexures A1 and A2 and hereby quashed. The applicant shall be entitled to all consequential benefits. As regards the review of subsistence allowance, i.e. enhancement to 75% is concerned, the competent Authority is directed to decide the same. This order shall be implemented within a period of one month from the date of receipt of a copy of same. However, in the facts and circumstances of this case parties are directed to bear their own costs.

13

1. Department proceeding and proceeding in a criminal case can proceed simultaneously.
2. If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charges in the criminal case in a grave nature involving complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
3. If the criminal case does not proceed or its disposal is being unduly, delayed, the departmental proceedings, even if stayed on account of pendency of criminal case, can be resumed and proceeded with so as to conclude them at an early date.

Facts: By this OA, the applicant has prayed for staying the departmental proceedings initiated against him on the ground that a criminal case on the same set of fact against the applicant is pending in the Court of Special Judge, Ahmedabad. The applicant while working as Income Tax Officer, Ashram Road, Ahmedabad, in the month of February, 2001 was caught red-handed while accepting a bribe of Rs. 20,000 from an assessee, namely Prakashchandra Dwarkadas, HUF. A criminal report was filed and the applicant was also proceeded departmentally. The criminal case is pending. Against the departmental proceedings, the applicant has approached this Tribunal with the relief mentioned above.

Held : The decision, cited by the learned Counsel for the respondents, in the case of Delhi Cloth and General Mills Ltd. v. Kushal Bhan (AIR 1960 SC 806) and various other

decisions has been considered by the Apex Court in the case of Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. and another. (AIR 1999 SC 1416) In para 22, of the judgement, the Apex Court has concluded as below:-

22. The conclusions which are deducible from various decisions of this court referred to above are :-

- i. Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.
- ii. If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee in of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
- iii. Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge-sheet.
- iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.
- v. If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest.

The other two decisions cited by the learned Counsel for the respondents in the case of Union of India v. A. N. Sexena (AIR 1992 SC 1233) and Union of India v. Upendrasingh (1994 (3) (SCC) 357] were decided on different points. The Supreme Courts laid down that the Tribunal or Court cannot interfere and cannot take over the function of the Disciplinary Authority to judge the correctness of the charge on the basis of material produced by an employee. In the case before us, the learned Counsel for the Applicant has not pressed for quashing of the charge memo, but has only prayed for staying the department proceedings because of the pending criminal case. Thus, these two decisions are not relevant for deciding the issue raised before this Bench.

Coming to the fact of the present case, it is noticed that as per the charge memo,

dated 2-4-2004, six persons are named as witnesses and all these six persons are also witnesses in the criminal case as per the charge-sheet, dated 30-3-2001. It is also found that even in the departmental proceedings, documents on which articles of charge has been framed includes the following documents :-

- i. Complaint, dated 14-2-2001 of Shri Prakashchandra Dwarkadas korani before the CBI.
- ii. FIR is Case no. RC 7 (A) 2001-GNR dated 14-2-2001.
- iii. Panchnama parts-I and II, dated 14-2-2001 and its enclosures / annexures.
- iv. Recovery / Seizure Memo, dated 14-2-2001.
- v. 40 GC notes of Rs. 500 denominations amounting to Rs. 20,000 and the computer sheet.
- vi) Assesment folder for A. Y. 1997-98 of Prakashchandra Dwarkadas, HUF.
- vii. CFSI Opinion no. CFSL 2001/C-0101 dated 27-2-2001.

All the aforesaid documents are also to be produced during the criminal trial. Thus, the main set of evidence (oral documentary) which is to be produced during the departmental inquiry, is the same as is to be produced in the criminal trial.

Learned Counsel for the applicant submitted that now the two special courts for dealing with the CBI cases and two judges are appointed and have also taken over the charge, hence, the case shall be proceeded expeditiously, so in the light of the above facts, the departmental proceedings be stayed.

We have considered the facts mentioned above, in the light of the decision in the case of Captt. M. Paul anthony (supra) we are of the view that the departmental proceedings, in the facts and circumstances of the present case, is to be stayed for the period of six months. In case, however, the criminal case does not conclude within the aforesaid period of six months, the department would be free to proceed with the departmental inquiry even during the pending of the criminal case and the charged officer shall co-operate with the departmental proceedings for its expeditious conclusion.

In view of the discussion made above, the departmental proceedings are stayed for a period of six months, from today and the department is given liberty to proceed with the departmental proceedings in case the criminal trial is not concluded in the trial Court proceedings in case the criminal trial is not concluded in the trial court.

14

1. Average remark in the ACR requires to be communicated to the concerned employees, though it may not be taken as adverse remarks.
2. Wherever fitness is stipulated as the basis of selection, it is regarded as a non-selection post to be filled on the basis of seniority subject to rejection of the unfit.

3. 'Fitness' means that there should not be any adverse remarks in the character rolls of the concerned person, at least for the last 3 years and no disciplinary proceedings should be pending against him.

Facts: The applicant is working as an ordinary Jeep Driver in the department of All India Soil and Land Use Survey and his grievance is that, inspite of being eligible to be promoted, he has not been promoted as Jeep Driver. Grade-II though several of his juniors are given promotion vide Order, dated 29-5-2002. According to him, his service record is very good and he has never been communicated any adverse remarks. Even though the promotion was to be made on the basis of seniority-cum-fitness and he has not been declared unfit either by the DPC or by the Department, he has been denied unfit either by the DPC or by the department, he has been denied the promotion to Grade-II. His representation, dated 26-6-2002 has also come to be rejected by the department. He has therefore, approached this Tribunal and prayed for a direction to the respondents to promote him to the post of Jeep Driver, Grade-II with effect from 29-5-2002 with all consequential benefits.

Held : It is therefore, quite evident that the DPC has not declared the applicant as not yet fit or fit for promotion but had not considered his name for promotion at all. We have gone through the ACR's of the applicant for the relevant years i.e. from 1996-97 promotion to the Jeep Driver, Grade-II. We find from the ACR dossier of the Applicant that for the year 1996-97 he was assured as good 1997-98 as average. 1998-99 as average, 1999-2000 as good and 2000-2001 as average. There has not been any adverse entry in the ACRs of the applicant. The 'average' grading is also not communicated to the applicant and this fact is not even denied by the respondent. The average cannot be considered to be an adverse entry and therefore, the DPC was clearly not justified in just ignoring the case of the applicant for consideration for further promotion. It is also to be noted that in the OM, dated 27-3-1997 the Department of personnel and Training, Government of India has given consolidated instructions for departments promotion committee and Para. 6.14 of this Om reads as under :-

Government also desires to clear the misconception about "Average" performance. While "Average" may not be taken as adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as "Average" performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy which should entitle an officer to recognition and suitable rewards in the matter of promotion."

It is also a settled position that average remark in the ACR requires to be communicated to the concerned employee though it may not be taken as adverse remarks. It is an admitted

position in the instant case that average remark in his ACRs for the years 1997-98 and 2000-2001 were not communicated to the Applicant. It also cannot be ignored that for the years 1996-97 and 1999-2000 the applicant had been assessed as good and therefore, the DPC was required to consider his case for promotion to Jeep Driver, Grade-II, Other significant aspect is that, in the year 1996-97 the applicant was assessed as good and in the year 1997-97 he was downgraded to assessment to averages. He had not been communicated his downgrading and therefore, the DPC was not required to consider the average as an adverse remarks. In facts DPC ought to have ignored this average remark and considered the case of the applicant for promotion to the post of Jeep Driver, Grade-II.

What is the effect of non-communication of adverse remarks in the ACRs is clearly laid down in the case of Gurdial Singh Fiji v. State of Punjab and others reported in 1979 2 SCC 368. It is held there in that the principle is well settled in accordance with rules of natural justice. An adverse remarks in a confidence with rules of natural justice. An adverse remarks in a confidential roll cannot be acted upon to deny promotional opportunities to the person concerned. Such an opportunity is not a formality, its object, partially, being to enable the superior authorities to decide on a consideration of the explanation offered by the person concerned, where the adverse report is justified.

So the position is that, when DPC considered average as an adverse remarks, it had failed to consider that these adverse remarks were not communicated to the applicant and as such these un-communicated remarks could not have been relied on by it.

Furthermore admittedly the method of selection was seniority-cum-fitness and what is meant by seniority-cum-fitness is considered by the Supreme Court in the case of Union of India and others v Lt. General Rajendra Singh Kadyan reported in 2000 SCC L&S 797. It is observed there in that selection for promotion is based on different criteria depending upon the nature of the post and requirements of the service. Such criteria fall into three categories namely :

1. Seniority-cum-fitness
2. Seniority-cum-merit and
3. Merit-cum suitability with due regard of seniority.

Wherever fitness is stipulated as the basis of selection, it is regarded as a non selection post to be filled on the basis of seniority subject to rejection of the unfit.

What is meant by fitness is laid down in Union of India v Administrator, Delhi Administration and other 1991 (supplementary) 2 SCC 635 it has been held that 'fitness' means that there should not be any adverse remarks in the character rolls of the concerned persons, at least for the last three years and no disciplinary proceedings should be pending against him.

So far the applicant is concerned, undisputedly there was no communicated adverse remarks in his ACR nor was any disciplinary proceedings pendings against him at the relevant point of time. Merely because he had been gifted with average assessment in his ACRs, he could not have been denied consideration for promotion to the Jeep Driver, Grade-II. Since he had not been considered for promotion at all by the DPC on erroneous assumption that there were adverse remarks in his CRs dossier, the only direction that cant now be given in the instant OA is to hold a review DPC for consideration of his case in accordance with law.

For the foregoing reasons, we allow this OA and direct the respondents to convene a review DPC for consideration of the case of Grade-II or Grade-I as the case may be and it he is assessed as fir for promotion by the review DPC, to give him promotion to the post of Jeep Driver, Grade-II from the date his immediate junior was given promotion with all consequential benefits, including seniority, pay fixation and arrears. This exercise be completed within three months from the date of receipt of a copy of this order. With this direction, the OA stands disposed of with no order as to costs.

16

Acquittal in a criminal case does not conclude the departmental proceedings on the same charges. It is settled law that there is no automatci entitlement to full back wages on reinstatements.

This OA is filed for quashing and setting aside the order, dated 25-3-2004 passed by the Chief Administrative Officer, Currency Note Press informing the applicant that his application, dated 20-9-2003 has been re-examined by the deparment and after careful consideration of all the facts deparment is unable to take him back in Govenment service on the basis that he has been acquitted for the offence under section 409 IPC by sessions Court and for declaration that applicant be reinstated in service with effect from 25-6-1985 with full back-wages, continuity of service and to grant all monetary and non-monetary benefits and for declaration that the report of Inquiry Officer, dated 30-11-1989 is null and void.

The applicant's case is that, he was appointed as LDC on 24-12-1969 and thereafter promoted as UDC on or about 1973-74 thereafter as UDC/Cashier in 1984. It is contended that he was suspend from duty vide order, dated 30-5-1985 which was revoked by order, dated 31-5-1985. It is further contended that he was again put under suspension by order, dated 30-7-1985. The charge sheet was issued to him on 9-9-1987. The deparment Inquiry was conducted and the Inquiry Officer held him guilty of all the charges levelled against him. Applicant was given copy of Inquiry Officer's report. It is further contended that criminal

case relating to defalcation of Government money of the said incident was filed against him in the Court of Chief Judicial Magistrate, Nasik under Sections 409, 467, 468, 471 of IPC. It is contended that the Chief Judicial Magistrate convicted the applicant under section 409 IPC by judgement, dated 19-11-1999. The applicant preferred appeal against the conviction order before the sessions Courts, Nasik. After conviction by the Criminal Court, he was issued a show cause notice, dated 16-12-1999 asking him to show cause as to why he should not be removed from service. Applicant submitted his representation, dated 20-12-1999. The General Manager issued order of removal from service, dated 25-3-2000 under section 19 (1) of CCS (CCA) rules, 1965. It is contended that the applicant was acquitted by sessions court on 9-9-2003 in the Criminal Appeal no. 62/99 by setting aside the conviction order of Chief Judicial Magistrate, it is contended that the applicant submitted a representation, dated 20-9-2003 requesting the respondents to reinstate him in service in view of acquittal by the Sessions Courts. The applicant received the negative reply, dated 25-3-2004 from the respondents which is under challenge.

It is contended that department proceedings and criminal proceedings were launched simultaneously. Inquiry Officer held the applicant guilty if the charges levelled against him way back on 30-11-1989. But no action has been taken by the General Manager right from 1989 till 24-3-2004. It is contended that when the applicant is acquitted in criminal court, no action is permissible for the department in departmental proceedings. Hence this O.A.

The respondents resisted the case by filling the counter affidavit. It is contended that the applicant was issued a charge-shee on 9-9-1989. The applicant filed his reply, dated 4-10-1987 denying all the charges levelled against him, Inquiry was conducted and Inquiry Officer found him guilty of all the charges. A copy of Inquiry report was given vide letter, dated 25-3-1990. It is contended that the disciplinary authority imposed the penalty that :-

- a) The charged official will be reduced to the lower grade in the time scale of LDC (i.e. Rs. 950-1,500 pre-revised) and his pay will be fixed at the minimum of this time scale. He will be considered for promotion to the grade from which he was reduced after lapse of 3 years.
- b) The amount which has been found short and has not yet been made well by the charged official shall be recovered from the charged official.
- c) His suspension order will however, continue to be operative till the criminal case initiated by the Police is finally decided. The disciplinary orders may be revised if necessary depending upon the out come of the criminal case.

It is contended that the Chief Judicial Magistrate had convicted the applicant for the offence under section 409 of IPC and the applicant was sentenced to suffer R.I. for three months and a fine of Rs. 200, in default of payment of fine to suffer further R.I. for 15 days.

There after the show cause notice, dated 16-12-1999 was issued and the removal order, dated 24-3-2003 was passed by the competent authority under rule 19 (1) of CCS (CCA) rules, 1965. The removal of the applicant from service was based on the conviction passed by the Trial Court which has been set aside by the Sessions Court. As the conviction of the applicant has been set aside, the applicant is entitled to be reinstated. The respondent ought to have passed the order regarding the reinstatement of the applicant as he got acquittal from the Sessions Courts.

The applicant has sought a declaration that he be declared to be reinstated in service with effect from 25-6-1985 with full back wages and continuity of service. The removal order of the applicant dated 25-3-2000 mentions that penalty of removal from service in with effect from 19-11-1999. As the applicant has been acquitted by the Sessions Courts, the respondents ought to have reinstated him thus the order regarding reinstatement is required to be passed.

The applicant claims consequential benefits including back wages. It is settled law there is no automatic entitlement to full back wages on the reinstatement. The awarding direction for back wages is a discretion which depends upon the facts and circumstances of the case. As regards the question whether applicant is entitled for pay and allowances for the period of his absence from duty including the period of his absence from duty including the period of his suspension preceding to his removal is concerned, we are of the considered view that it should invariably be left open to be considered and decided by the authorities concerned as per rules and in accordance with law.

In the conspectus of the facts and circumstances of the case, the respondents are directed to reinstate the applicant in service forthwith. The respondents are directed to pass an appropriate order regarding the pay and allowances to be paid to the applicant for the period of his absence from duty including the period of suspension preceding his removal within three months of receipt of copy of the order. In case the applicant is still aggrieved by the order so passed by the competent authority, the applicant is at liberty to seek redressal of his grievance in accordance with law. Accordingly the OA is partly allowed. No order as to cost

Arbitration Awards Timely objections under correct law

(By Harjinder Singh Sr. DAO)

Arbitration cases in the public works environment involve, sometimes huge financial complications. As the cases are to be dealt with under a state fiat by the cadre of Divisional Accountants/Accounts Officers in the government departments and undertakings, wherever public works system of accounts has been adopted, acquisition of working knowledge of relevant law cannot be overemphasized. Any procedural laxity in filing objections to arbitration awards may prove costly in as much as some serious flaws in award may escape merited consideration of the court. Unjustified time-overruns prompt the opposite counsels to oppose extensions and the objections are thrown overboard. Not very long ago, the Apex Court in the case of M/s Gurbax Singh v. Punjab Mandi Board (AIR 2004 SUPREME COURT 1269) upheld the decision of the trial court that objections filed by the Board on 18/01/92 (involving a delay of about 42 days), to the arbitration award (Rs. 49,91,767.52) against time limit of 30 days, to be reckoned from 6/11/91 (deemed date of service as the notice of the court was refused on that date), were time-barred. In this case although the award was filed in the court by the firm on 29/10/91, the Arbitrator filed the arbitration file (Award and proceedings) on 24/12/91. Out go of an enormous amount seemingly without contest!

In another case pertaining to construction work the Arbitrator passed award on 28/12/1996 and notice from the court was received on 21/03/97. Objections could not be filed within 30 days. On 28/04/97 the Court rejected the oral prayer of the counsel for the Union of India that some time may be allowed, as the objection petition was under preparation with him, and made the award rule of the court under S. 17 of the old Act on that very date. Full Bench of the Calcutta High Court ruled that the decree passed under S.17 did not have the character of ex-parte decree as no objections had been filed under S.30 & S. 33. Hence the decree passed could not be set aside. However, the Supreme Court taking note of S. 41 of the old Act held that the court under Order IX, Rule 13, CPC could set aside such a decree (AIR 2001, S. C. 809 Union of India v. M/s Jain and Associates). S. 41 of the old Act (no corresponding provision in the new Act) provided that the procedure and powers of the Court shall be same as applicable to all proceedings under C.P.C. except powers as vested with the Arbitrators by the Act.

It is thus very essential to be careful, more so by fresh entrants, who have no experience to fall back upon -the curriculum for entry to the cadre does not include the study of arbitration law to go through the provisions relating to the processing and filing of objections against arbitration. After announcement of award an explanatory memo along with a copy of the award is required to be sent to the Audit through Administrative Department/Finance Department in a standard proforma which, inter alia, provides for submission of reasons as to why department could not win the case and the names of officers/ officials responsible for omission/loss etc. And any adverse audit comments on the payment where objections collapsed on the technical groups will be too difficult to handle.

Section 34 of the Arbitration and Conciliation Act, 1996 makes the following provision for challenging award : Application for setting aside arbitral Award -

(1) Recourse to a Court against an arbitral award may be made only by an application for

setting aside such award in accordance with sub-section (2) and sub-section (3).

- (2) An arbitral award may be set aside by the court only if -
- (a) the party making the application furnishes proof that -
 - (i) a party was under some incapacity, or
 - (ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or
 - (iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or otherwise unable to present his case; or
 - (iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of submission to arbitration: Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or
 - (v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or
 - (b) the Court finds that
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law for the time being in force, or
 - (ii) the arbitral award is in conflict with the public policy of India.

Explanation.- Without prejudice to the generality of sub-clause (ii), it is hereby declared for the avoidance of any doubt, that an award is in conflict with the public policy of India if the making of the award was induced or affected by fraud or corruption or was in violation of Section 75 or Section 81.

- (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or if a request had been made under Section 33, from the date on which that request had been disposed of by the arbitral tribunal: Provided that the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.
- (4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of the arbitral tribunal will eliminate the grounds for setting aside the arbitral award.

(Note:- A few years ago a proposal was mooted in the Ministry of Law that Section 34 may be so amended as to include, so far as disputes between Indian nationals are concerned, an additional ground of 'error apparent on the face of the record'-this ground initiated by the Privy Council in a very old case had been accepted by the Supreme Court under the old Act in the decision of *Alopi Parshad v. Union of India* (reported in (1960) 2 SCR 793). Further amendments proposed that the arbitrator may be required to refer questions of

law to the Court on the pattern of Section 13(b) of the repealed Act. But the amendments, which also touched Sections 5 and 8 seem to have been shelved owing to strong objections taken by the Indian Council of Arbitration).

Previously as per Article 119(b) of the Limitation Act 1963 period of limitation for filing objections under Section 30 of the Arbitration Act 1940 (now repealed) was 30 days from the receipt of the notice from the court of the award having been filed in the court. In some case where the arbitration proceeding commenced before the present Act came into force the old Act is still relevant. Section 85 (2) of the Act of 1996 provides that notwithstanding repeal of the old Act the provisions thereof will still apply in relation to arbitral proceedings, which commenced before the new Act came in force unless otherwise agreed by the parties. It has been held that phrase "in relation to arbitral proceedings" cannot be given a narrow meaning to mean only the pendency of the arbitration proceedings before the Arbitrator. It would cover not only proceedings before the arbitrator but would also cover the proceedings before the court and any proceedings which are required to be taken under the old Act for the award becoming a decree under S. 17 thereof and also appeal arising there under (AIR 1999 SC 3923).

However, the new Act of 1996 shall apply in relation to arbitration proceedings that commence on or after this Act came in force i.e. 25/01/96. Section 21 of the Act of 1996 reads as follows: Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent. In the previous Act of 1940, Section 37(3) provided that an arbitration was deemed to have commenced when one party to the arbitration agreement served on the parties thereto a notice requiring the appointment of an arbitrator or where the arbitration agreement provided that the reference should be to a particular person named or designated in the agreement requiring that the difference be submitted to the person so named or designated. Applicability of the old or new act has been dealt at length in several court decisions and the matter has gone before the Apex Court a number of times. Under the Old Act only court could make the award a rule of the court whereas the award under the new dispensation becomes a decree on its own if objections are not filed in the proper court within a stipulated period of three/four months as described in detail above.

In *Shetty Construction v. Konkan Railway Construction*, AIR 1999 SC 1535, the Apex court held thus: "A mere look at sub-sec.(2)(a) of S.85 shows that despite the repeal of Arbitration Act, 1940 the provisions of the said enactment shall be applicable in relation to arbitration proceedings which have commenced prior to the coming into force of the new Act. The new Act came into force on 26-1-1996. The question therefore arises whether on that date the arbitration proceedings in the present four suits had commenced or not. For resolving this controversy we may turn to S. 21 of the new Act which lays down that unless otherwise agreed to between the parties, the arbitration suit (the arbitral proceedings in respect of a dispute) in respect of arbitration dispute commenced on the date on which the request for referring the dispute for arbitration is received by the respondents. Therefore it must be found out whether the requests by the petitioner for referring the disputes for arbitration were moved for consideration of the respondents on and after 26-1-1996." In the case of *Thyssen Stahlunion GMBH v. Steel Authority of India* AIR 1999 SC 3923 the Apex Court said that once the arbitration proceedings commence under the old Act a right is accrued in favour of the parties for enforcement of the award passed

therein in terms of the provisions of the old Act. Here the arbitration proceedings commenced on 14th Sept. 1995, terms of reference finalised on 13th May 1996. Award was given on 24th Sept. 1997. Thyssen filed a petition under old Act for making the award a rule of the court but later on filed an application for execution of the award under the Act of 1996 contending also that objections under the new Act had become time-barred. The court ruled: "We cannot adopt a construction which would lead to such an anomalous situations where the party seeking to have the award set aside finds himself without any remedy. We are therefore of the opinion that it would be the provisions of the old Act that would apply to the enforcement of the award in the case.. Any other construction on the S. 85(2)(a) would only lead to the confusion and hardship." This case was related to the enforcement of a foreign award and execution thereof.

In another case decided by the Supreme Court (State of West Bengal v. Amritlal Chatterjee AIR 2003 SC 4564) it was contended on behalf of the State that the words "in relation to arbitral proceedings" which commenced for the purpose of 1940 Act must be given the same meaning as contained in Rule 3 of the First Schedule appended thereto. Rule 3 of the First Schedule of the 1940 Act reads thus:

"The Arbitrators shall make their award within four months after entering on the reference or after having been called upon to act by notice in writing from any party to the arbitration agreement or within such extended time as the Court may allow.

In this case work was completed on 3rd July 1990. The concerned Chief Engineer appointed the Arbitrator on 7th September 1994 but the Arbitrator did not enter upon the reference. The resultant application under the old Act of the contractor for removal of the earlier and appointment of the new Arbitrator by the Court succeeded on 22nd August 1996. The State went in appeal contending that the appointment was illegal, as the new Act had come in force. The Apex Court however did not agree and ruled that the Rule 3 was intended to impose duty upon the Arbitrator within three alternative periods mentioned therein. It was held that the words "commencement of arbitration proceedings" have not been defined in the 1940 Act. S. 85(2) of the new Act has to be construed keeping in view the provisions contained in S. 21 of the new Act. The appeal of the State of Bengal was dismissed on 3-9-2003. S. 5 of the Limitation Act 1963 under which application for condonation of delay in filing objection petition under the old Act could be filed does not appear to be applicable as now the limitation has been enshrined in the S. 34 of the Act of 1996 itself by virtue of S. 29(2) of the Limitation Act, 1963.

In MIS J.P.N. Singh v. National Building Construction Corporation decided on 30-04-04 reference to arbitrator was made on 2nd Nov. 94. During arbitration proceedings new Act came into force. The contractors made an application on 07th Oct. 99 requesting that NDCC may agree to follow new Act. Arbitrator published his award on 19th June 2k. On 7th July 2k the contractors moved an application under S. 14 of the old Act with the Arbitrator to file award in the court. Award was filed in the court on 12th July 2k. The court ordered that as the new Act had come in force the arbitration suit could not be registered. The arbitration clause did not stipulate about the applicability of any particular statute. The Delhi High Court recalled the orders of the lower court and restored the suit for further proceedings under old Act.

From the above discussion it is obvious that the objections must be filed keeping in view the actual arbitration clause within the stipulated time-limit under the correct Act with the right court to avoid unpleasant situation.

CENTRAL GOVT. INSTRUCTIONS

1. G.I. O/o the A.E.M., Dte, of Estates, Chennai-6, O.M. No. A/O.H.H./2005/AEM (M)/1021, 1248, dated 29-4-2005 and 12-5-2005

Revised charges for Holiday Home for Central Government employees at Ooty, Tamil Nadu

A Holiday home in Ooty (Udagamandalam), Tamil Nadu has started functioning under the control of the Directorate of Estates, Office of the accommodations can be availed by the Government servants / dependent family members of the Government servant on leave / LTC. Additional charges for Blanket at the rate of Rs. 2.5 per bed per day will be recovered. The revised charges including the blanket charges are enclosed herewith.

The Holiday Home has 23 Double Bedded Rooms and 2 (two) Dormitories of eight beds each. The accommodation can be booked by sending a request on the prescribed pro forma (not printed) to The Assistant Estate Manager, 26 Haddows Road, Shastri Bhavan, Chennai-600 006. The application should be accompanied by a Demand Draft, payable at Chennai covering the full amount (Non-refundable) drawn in favour of "The Assistant Estate Manager" Government of India, Chennai."

It is requested that the contents of the O.M. may be given wide publicity to all the employees under the various Ministers / Departments / Officers, Autonomous Bodies / Public Sector Undertakings under their control to achieve the optimum use of the Holiday Home.

The charges for the Holiday home at Ooty

Description of rooms	M. Ps./ Central Government Employees	Employees of State Governments / Public Sector Undertaking / Government Companies	Private persons (accompanying guests of M. Ps./ Government Servants)
Double Bed Suite	Rs. 51	Rs. 111	Rs. 176
Dormitory (8 beds)	Rs. 164	Rs. 244	Rs. 564

NOTE :- Additional Licence Fee of Rs. 13 from Central Government servants, Rs. 18 from State Government Employees / Public Sector Undertaking and Rs. 28 from private persons will be charged for each additional persons adjusted over and above the specified capacity of a suite / dormitory.

Application for reservation should be accompanied by Demand Draft covering the full amount drawn in favour of "The Assistant Estate Manager, Government of India, Chennai should be sent directly to the Assistant Estate Manager, Office of the Assistant Estate Manager, Directorate of Estates, No. 26 Haddows, Road, Shastri Bhawan, Chennai-600 006."

The Reservation is made of the Guest House is an under :-

Holiday Home for Central Government Employees, Good Shed Road, Near Railway Station, Ooty (Udagamandalam), Nilgiris District, Tamil Nadu, Pin 643 001

**2. G.I.M.H. & F.W., O. M. No. B-12012/1/2001- CGHS (P)
dated 17-6-2004**

CGHS coverage to Retired Divisional Accountant

1. The undersigned is directed to refer to the department of Health's O. M. to even number, dated 15-4-2002 where in attention was drawn to the clarification received from the office of C & AG vide their Letter no. 605-NGE (Entt.) / 25 2001 (JCM) dated 23-11-2001 stating that the department of Expenditure vice their U.O. no. A-32022/6/85 EG. dated 5-10-1992 had ruled that the incidence of Divisional Accountant's pay and allowances as well as pension is entirely borne by the respective State Governments and met out of the consolidated fund of the respective State Government. Therefore, in terms of the Departments of Health's memorandum no. F-6 (I)-1/54 Hosp. dated 1-5-1954 constituting the Central Government Health Scheme, the medical facilities under the CGHS which are available only to the Central Government servants / pensioners who are paid their salary / pension from the Civil Estimates of the Central Government, the Divisional Accountants not being Central Government pensioners were not found eligible for availing medical facilities under CGHS as pensioners.
2. In the 41st meeting of the National Council (JCM) held under the Chairmanship of Cabinet Secretary on 12-1-2002, the item relating to CGHS coverage to retired Divisional Accountants in addition to two other items were referred to a Joint Committee of the Official Side and the Staff Side. The Committee deliberated over the issue and it was decided to take up the matter again with the office of the C&AG and the department of Expenditure.
3. The proposal was referred to the department of Expenditure who supported the issue of extension of CGHS facilities to the retired Divisional Accountants subject to confirmation that the Divisional Accountants are being categorized as Central Government employees and further subject to the condition that the expenditure so incurred would be 'recouped on cost-to-cost basis' from each State Government every year.
4. The case was referred to the Office of the C & AG who vide U.O. Note no. 95/NGE (JCM) 36/99 III, dated 10-3-2004 have confirmed that the Divisional Accountants are Central Government employees.
5. In view of the above, it has now been decided by the Government of India to extend CGHS facilities to the retired Divisional Accountants on the condition that the expenditure on 'cost-to-cost basis' would be recouped from each State Government every year.
6. The CGHS (HQ) will send the details of expenditure so incurred to the respective

State Governments from where the concerned Divisional Accountants draw pension by calculating the average cost per CGHS card which includes the cost of both OPD treatment and IPD treatment under CGHS. The State Government should accordingly recoup the expenditure so incurred on cost-to-cost basis to the CGHS (HQ), New Delhi, every year based on the number of CGHS pensioner cards issued to the retired Divisional Accountants in each CGHS city.

7. These orders take effect from the date of issue of this O.M.
8. A copy of this O. M. is being circulated to the Heads of all CGHS covered cities to enable them issue CGHS Pensioner cards to the retired Divisional Accountants as per the existing slabs of CGHS contribution. The respective State Government would recoup the expenditure on cost-to-cost basis to the CGHS (HQ), New Delhi, after every financial year ending 31st March. If the State Government fail to make reimbursements to the CGHS (HQ) then such CGHS facilities can be withdrawn.
9. This issues with the concurrence of Dept. of Expenditure vide their U.O. no. 746/E. dated 28-11-2003 and U. O. no/ 337/ E. V/ 2004, dated 2-4-2004.

**3.G.I.Dept. of Per & Trg. O. M. no. 11013/7/2004-Estt (A) dated 5-10-2004
Requirement of taking prior permission by Government Servants for leaving
station / headquarters**

1. The undersigned is directed to refer to the department's O. M. no. 11013/7/94-Estt/ (A), dated 18-5-1994 (sl. no. of Swamy's Annual, 1994) in which it has, inter alia, been clarified that the Government servant should take permission for leaving station / headquarters especially for private visits abroad. It has also been clarified in O. M. no. 11013/8/2000-Estt. (A) dated 7-11-2000 (Sl. no. 114 of Swamy's Annual, 2000) that the leave sanctioning authority while granting leave shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions. Despite these instructions, instances have come to the notice of the Government where Government servants have left their headquarters without taking prior permission and proceeded abroad.
2. The High Court of Delhi, in its judgement, dated 28-5-2004 in the Criminal Writ petition no. 1004/03 (Chandra Kumar Jain v. Union of India) has observed that a Government servant who had visited some foreign countries 161 times on private visits without permission was never questioned and no one in the customs and the other departments suspected why a Government servant was so frequently (161 times) making private

visits without permission. The High Court has, therefore, directed the Central Government to frame guidelines on foreign private visits of the Government servants.

3. Keeping in view the observation of the High Court, the Ministers/ Department are requested to bring the existing instructions on the subject matter to the notice of all concerned and ensure that Government servants take prior permission before leaving for visits abroad as required under these instructions. When such permission to visit abroad is sought, the Government servant is required to furnish information relating to the proposed and previous private visits as per the proforma (enclosed)

Proforma

See O. M. no. 11013/7/2004-Estt.(A) Dated 5-10-2004)

1. Name
2. Designation
3. Pay
4. Ministry / Department (Specify Centre/ State / PSU)
5. Passport no.
6. Details of private foreign travel to be undertaken

Period of abroad		Name of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel : board / lodging, visa, misc, etc.	Source of Funds	Remarks
From	To					

7. Details of previous foreign travel, if any undertaken during the last one year (as under item no. 6)

**4. G.I., M.U.D., O. M. no. 1-17011/2 (2) 2004-H, III dated 15-10-2004
Revision in quantunt of House Building Advance from 15-10-2004**

1. Following the merger of Dearness Allowance equivalent to 50% of Basic Pay with effect from 1-4-2004 vide Ministry of Finance, Department of Expenditure's O. M. no. 105/1/2004-IC, dated 1-3-2004 (sl. no. 103 of Swamys ness of April, 2004) and the decision to count the merged Dearness Allowance (Dearness Pay) for various advances, clarificatory orders were issued vide this ministry's O. M. of eve number, dated 9-8-2004 (sl no. 335 of Swamysnews of November, 2004) in consultation with Ministry of Finance to the effect that the said Dearness Pay will count for the purpose of grant of House Building Advance (HBA) also. However there was no charge in the existing limits of maximum admissible amount of HBA, cost ceiling etc.
2. The matter has been further considered in the Ministry of Finance, Department of Expenditure. Accordingly, the existing limits on House Building Advance, viz the maximum admissible amount, cost ceiling, etc. have been revised as follow :-
 - i) The maximum limit for grant of HBA is revised to 34 months of Basic Pay and Dearness pay taken together in place of existing limit of 50 month's of Basic Pay subject to a maximum of Rs. 7.5 lakh or cost of the house or the repaying capacity whichever is the least, for new construction / purchase of new house / flat.
 - ii) The maximum limit for grant of HBA for enlargement of existing house is revised to 34 months Basic Pay and Dearness Pay taken together in place of existing limit of 50 months's Basic Pay subject to a maximum of Rs. 1.8 lakh or cost of enlargement or repaying capacity, whichever is the least.
 - iii) The cost ceiling limit is revised to 134 times the Basic Pay and Dearness Pay taken together in place of the existing limit of 200 times the Basic Pay subject to a minimum of Rs. 7.5 lakh and a maximum of Rs. 18 lakh, relaxable up to a maximum of 25%.
3. The cases where HBA has been sanctioned under the provisions of this Ministry's O. M. of even number, dated the 9th August, 2004 need not be reopened.
4. All Ministries/ Departments of Government of India are requested to bring the contents of this O. M. to the notice of all concerned.
5. These orders shall be effective from the date of their issue.

5. G.I. Central Vigilance Commission no. 000/VGL/18, (Office Order no. 51/08/2004, dated 10-8-2004)

Adherence to time-limits in processing of disciplinary cases

1. It has been observed that the schedule of time-limits in conducting investigations and departmental inquiries laid down in commission's letter of even number, dated 23rd May, 2000 are not being strictly adhered to. In this context attention is invited to Department of Personnel and Training O. M. no. 11013/2/2004-Estt(A) dated the 16th February, 2004 (sl. no. 95 of Swamynews of April, 2004) regarding accountability for delay in decision-making.
2. Delay in decision making by authorities in processing of vigilance cases would also be construed as misconduct under the relevant conduct rules and would be liable to attract penal action. All administrative authorities are requested to take note and strictly adhere to the prescribed schedule of time-limits in dealing with disciplinary cases.

6. G.I. M. F., O. M. no. 12 (1) E. II (A) 2004, dated 8-10-2004

Revision in eligibility limits and quantum of various advances following merger of Dearness Allowance (DA) with Basic Pay

1. The undersigned is directed to say that following the merger of 50% of Dearness Allowance with Basic Pay vide this Department's O. M. no. 105/1/2004-IC dated 1-3-2004 (sl. no. 103 of Swamynews of April, 2004) it has been decided to amend the existing provisions of Rule of 193, Rule 199, Rule 211, Rule 212, Rule 236 and Rule 263 of General Financial Rules (GFRs), 1963 relating to advances for purchase of Motor Car, Personal Computer, Motor Cycle/ Scooter/ Moped / Bicycle and advance for festival and for providing immediate financial relief to the families of Government servants who die while in service, as per the amendments enclosed.
2. These orders will take effect from the date of issue. The cases where the advances have been sanctioned under the provisions of earlier rules or in terms of this department's O. M. dated 1-3-2004 mentioned above, need not be re-opened.
3. In so far as persons serving in Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor-General of India.
4. All the Ministries / Departments are requested to bring the amendments to the notice of all its attached and subordinate offices for their information.

7. AMENDMENTS TO GENERAL FINANCIAL RULES, 1963

ADVANCE TO GOVERNMENT SERVANTS

Motor car and Motor cycle / Scooter / Moped Advance

In Rule 193 :-

- (a) In clause (ii) relating to the conditions of eligibility for Motor Car Advance, for the words and figure 'Basic Pay is Rs. 10,500 (Rupees ten thousand five hundred) per months or more', the words and figure "Basic Pay and dearness Pay taken together is Rs. 15,750 (Rupees fifteen thousand seven hundred fifty) per month or more", shall be substituted.
- (b) In Clause (iii) relating to the conditions of eligibility for Motor cycle/ Scooter/ Moped Advance, for the words and figure , "Basic pay is Rs. 4,600 (Rupees four thousand six hundred) per month or more", the words and figures "Basic Pay and Dearness Pay taken together is Rs. 6,900 (Rupees six thousand nine hundred per month or more", shall be substituted.

In Rule 199 :-

- (a) In sub-rule (1) relating to the amount of advance for purchase of Motor Car for the first occasion for the words 'on eleven months' Basic Pay of the Government servant', the words 'or eight months' Basic Pay and Dearness Pay of the Government servant taken together, shall be substituted.
- (b) In sub rule (2) relating to quantum of advance admissible on second or subsequent occasions for purchase of Motor Car, for the words, 'of eleven months' Basic Pay of the Government servant, the words 'or eight months' Basic Pay and Dearness pay of the Government servant taken together", shall be substituted.

Rule 211

In rule 211 relating to conditions and quantum of advance admissible for purchase of Motor Cycle / Scooter / Moped :-

- (a) In first proviso relating to amount of advance admissible for the first occasion, for the words "or six months" Basic Pay", the words 'or four months' Basic Pay and Dearness Pay taken together, shall be substituted.
- (b) In the provision relating to quantum of advance that may be granted on second or subsequent occasions for purchase of Motor Cycle / Scooter / Moped for the words, "or five months" Basic Pay, the words "or three months' Basic Pay and Dearness Pay taken together, shall be substituted.

BICYCLE ADVANCE

In Rule 212 in the opening clause relating to eligibility for Bicycle Advance, for the

words and figures "Who is in receipt of Basic Pay not exceeding Rs. 5,000 (Rupees five thousand) per month", the words "Whose Basic Pay and Dearness Pay taken together does not exceed Rs. 7,500 (Rupees seven thousand five hundred) per month, shall be substituted.

FESTIVAL ADVANCE

In rule, 236 in the opening clause relating to eligibility for festival Advance, for the words and figures, "Who is in receipt of Basic Pay not exceeding Rs. 8,3000 (Rupees eight thousand three hundred) per month", the words, "Whose Basic Pay and Dearness Pay taken together does not exceed Rs. 12.450 (Rupees twelve thousand four hundred fifty) per month" shall be substituted.

PART-I LUMP SUM ADVANCE TO PROVIDE FOR IMMEDIATE FINANCIAL RELIEF

In Rule 263, for the words "equal to three months" pay as defined in FR 9 (21) (a) (i) of the deceased Government servant, subject to a maximum of Rs. 8,000 (Rupees eight thousand only", the words

8. G.I. M.U.D. O. M. no. 1-17011/2 (2) 2004 H.III dated 9-8-2004

Dearness Pay to be counted for the purpose of grant of

House Building Advance from 1-4-2004

1. Consequent upon merger of Dearness Allowance (DA) equal to 50% of the existing Basic Pay to Central Government employees to be shown distinctly as Dearness pay (DP) with effect from 1-3-2004 vide Ministry of Finance, Department of Expenditure's O.M. no. 105/1/2004-IC dated 1-3-2004 (sl. no. 103 of swamysnews of April, 2004) it has been decided in consultation with Ministry of Finance that the aforesaid Dearness Pay will also be counted for the purpose of grant of House Building Advance.
2. However the existing maximum limits of HBA of Rs. 7.5 lakhs for constructions / purchase and Rs. 1,80,000 for enlargement of existing house shall remain unchanged.
3. Also, the existing cost ceiling limits of Rs. 7.50 lakhs (minimum) and Rs. 18 lakhs (maximum) relaxable up to a maximum of 25% in individual cases, shall continue unchanged.
4. The rates of interest on House Building Advance during 2004-05, i.e., 1-4-2004 to 31-3-2005 will continue to be at the same level as for 2003-04 which came into effect vide this Ministry's O.M. no. 1-17015/5/97-H, dated 26-3-2003 (sl. no. 30 of Swamys Annual, 2003) These rates of interest are as follows :-

S. no.	Amount of Advance sanctioned to Government Servant	Existing rate of interest on HBA (per annum)
1.	Up to Rs. 50,000	5%
2.	Up to Rs. 1, 50, 000	6.5%
3.	Up to Rs. 5,00, 000	8.5%
4.	Up to Rs. 7,50,000	9.5%
5.	All other provisions of HBA rules like eligibility repaying capacity, recovery, etc. will remain unchanged. However for the purpose of calculating repaying capacity, the Basic Pay shall be sum total of existing Basic Pay and the Dearness pay thus merged therewith.	
6.	These orders will be effective from 1-4-2004.	

9. G.I. Dept. of Per & Trg. O. M. no. 28034/23/2004-Estt. (A) dated 23-8-2004

Posting of husband and wife at the same station

The undersigned is directed to say that the policy of the Government has been to give utmost importance to the enhancement of women's status in all sectors and all walks of life. Keeping this policy in view, the Government has issued detailed guidelines about posting of husband and wife at the same station vide O. M. no. 28034/2/97-Estt. (A) dated the 3rd April, 1986 and O. M. no. 28034/2/97-Estt. (A) dated the 12th June 1997. (sl. Nos. 370 and 224 of swamys annual, 1986 and 1997 respectively) Attention of the Government was drawn that the instructions contained in these Office Memoranda are not being followed in letter and spirit by the Minister/Departments even when there were no administrative constraints. Accordingly, it is impressed upon a Ministries / Departments that the guidelines laid down in the aforesaid Office Memoranda are strictly followed while deciding the request for posting of husband and wife at the same station.

10. G.I. M. F. Dy. no. 522/E IV/2003, dated 3-10-2003 addressed to

Department of Post, New Delhi- 110 001

Entitlement for travelling in 'Ja Shatabdi' train while on tour / transfer

I am directed to refer to your letter no. 17-1-2003 PAP, dated 6-9-2003 on the subject mentioned above and to say that since 'Jan Shatabdi' trains have two classes, Second Class and AC Chair Car, in this regard, it is clarified that those Central Government servants drawing basic pay below Rs. 4,100 are entitled to second class and those who are drawing basic pay of Rs. 4,100 and above would be entitled to AC Chair Car.

**11. C & AG (Cir. no. 26/NGE/2004) no. 341. NGE (App.)
3-6-2003 dated 28-4-2004**

Upgradation of pay scales of Divisional Accountants / Divisions Accounts Officers

Consequent on upgradation of Pay scales of various grades and their equivalent posts in the organized accounts cadres existing in various Ministries / Departments of Government of India vide Ministry of Finance and Company Affairs (Department of Expenditure) O. M. 6/82/E, III (B) dated 28-2-2003, (sl. n. 72 of swamys annual, 2003) the Ministry of Finance (Department of Expenditure) in its D.O. Letter no. 6 (82)-E III (B) 91 dated 19-4-2004 has extended the provision of the O. M. dated 28-2-2003 to the cadre of Divisional Accountants under the administrative control of Indian Audit and Accounts Department notionally with effect from 1-1-1996.

Accordingly, the pay scales of Divisional Accountants/ Divisional Accounts Officers (except Senior Divisional Accounts Officers) working under the cadre control of various Accountants General (A&E) of this department are upgraded as below notionally with effect from 1-1-1996 with actual financial benefits being admissible from the date of issue of this order :-

Designation	Percentage strength of cadre	Pay Scale prior to 1-1-1996	Existing Pay scale	Pay Scale to be extended notionally with effect from 1-1-1996 with actual payments to be made prospectively
		Rs.	P.	
Divisional Accountant (Ordinary Grade)	35%	1,400-40-1,600 50-2,300-60-2,600	5,000-150-8,000	5,500-175-9,000
Divisional Accounts Officer Grade II	25%	1,640-60-2,600 75-2,900	5,500-175-9,000	6,500-200-10,500
Divisional Account Officer Grade	25%	2,000-60-2,300 75-3,200	6,500-200-10,500	7,450-225-11,500

Even after ungradation of Pay scales, there will not be any change in the existing group classification in the Divisional Accountant's cadre.

The national pay fixation in the ungraded pay scales with effect from 1-1-1996 shall be made under the provisions of CCS (Revised Pay) rules, 1997.

**12. G.I. Dept. of Per & Trg. O. M. no. 21011/1/2006-Estt.(A) dated 16-1-2006
Treating of the period of Earned leave taken during the period of report for the purpose of computing 3 months of service under a Reporting / Reviewing Officer**

The undersigned is directed to state that in accordance with the existing instructions of this department, the Reporting and Reviewing Officers are required to have at least 3 months experience of supervision the work and conduct of the Government servant reported upon to record their assessment in the Annual Confidential Report (ACR). The question of treating the period of Earned Leave available at a time for more than 15 days by the officer to be reported upon, during the period of report has been under consideration in this Department. It has now been decided that where an officer has taken earned leave for a period of more than 15 days, the total period spent on leave can be deducted from the total period spent on any post, for purposes of computing the period of 3 months which is relevant for writing of entries in the ACR. Leave taken for short-term duration need not be treated as relevant for the purpose.

**13. G. I. , M. F. (CGA) O. M. no. 1 (1) 2005/TA/ 476, dated 10-6-2005
Salary payments by cheques or direct to bank account by reducing cash transaction tax liability**

Minister / Department are aware that Finance Act, 2005 has introduced a new levy, namely, Banking Cash Transaction Tax (which has already come into force with effect from 1st June, 2005) @ 0.1% of the value of taxable banking transaction. Taxable banking transactions include cash withdrawn by Government Officers / establishments exceeding Rs. 1,00,000 in a single day. Department of Revenue, Ministry of Finance have informed that Central / State Government Officers/ Establishments are also liable to pay the Banking Cash Transaction Tax. In order to reduce Banking Transaction Tax liability of the Government, the Finance Minister has desired that all Government employees (including daily wagers) may be encouraged to open bank accounts and accept salary payments by cheques.

Banking facilities are now available in all parts of the country and the banking habit has spread widely. Various banks are offering a number of services / facilities such as withdrawal of money through ATM machines round the clock, banking through Internet, Operation of accounts from anywhere through Core Banking facility, besides the facilities of zero balance salary accounts for Government employees.

Central Vigilance Commission have also been emphasizing that cash transactions of the Government may gradually be phased out to increase transparency and improve efficiency.

Ministries/ Departments of the Government are accordingly requested to ensure that all employees (including daily wagers) of the Ministries/Departments, Attached and Subordinate offices open bank accounts and receive salary payments by cheques or direct to bank account. Ministries / Departments may also advise all Heads of Departments under their control to take appropriate steps to minimize their cash transactions and reduce their banking cash transaction tax liability.

This may be accorded priority.

**14. G.I. Dept. of Per & Trg. O. M. no. 31011/2/2003-Estt (A) dated 16-6-2004
Groups 'A' and 'B' officers can travel by air between New Delhi to Srinagar on LTC**

The undersigned is directed to say that in relaxation of rule 12 (1) of the CCS (LTC) rules, 1988, the Government have now decided to permit all groups 'A' and 'B' Government servants to travel on LTC by Air Economy (Y) class in national carrier between New Delhi and Srinagar for a period of two years and allow air fare reimbursement accordingly. These orders shall apply to Government servants who intend to visit Srinagar, by availing All India LTC, provided New Delhi is the originating station or is en route to Srinagar.

These orders shall take effect from the date of issue.

In their application to the staff serving in the Indian Audit and Accounts Department, these orders issue after consultation with the comptroller and Auditor-General of India.

**15. G.I. M.H. & F.W. O. M. no. S-11011/4/2003-CGHS (P) dated 8-1-2004
Payment /Reimbursement of medical expenses to the Central Government pensioners from two sources, viz, from the Insurance Companies and the CGHS against the same bills**

The undersigned is directed to say that the question of Payment / Reimbursement of medical expenses to the Central Government Pensioners from two sources, viz from the Insurance Companies and the CGHS against the same bills where in the Government pensioner would give the original vouchers/ bills to one organization and Photostat copies of the vouchers / bills to the second organization has been engaging the attention of the

Government for quite sometime.

The issue has been examined in consultation with the Insurance Division of the Department of Economic Affairs and also the Department of Expenditure. It has been decided that the beneficiaries of CGHS who hold a CGHS Pensioner Card would be allowed to claim reimbursement of medical expenses both from Insurance Companies as well as the CGHS in case such pensioners have taken a Mediclaim Policy. However, medical claim against the original vouchers / bills would be raised by the pensioner first on the Insurance company who would issue a certificate to the Director, CGHS of the amount reimbursed to the pensioner holding the Mediclaim Policy. The concerned Insurance Company would retain the original bills in such cases. The CGHS Pensioner cardholder would then prefer his/her medical claim along with photo copies of the vouchers/ bills duly certified, in ink along with stamp of the Insurance Company on the reverse of the bills, to the concerned Additional Director of CGHS. The CGHS would then reimburse to the pensioner beneficiary only the balance of the admissible amount (that is the admissible amount minus what has been reimbursed to the CGHS pensioner cardholder by the Insurance Company) The CGHS Pensioner cardholder would be subject to the further condition that the total amount reimbursed by the two organizations does not exceed the total expenditure incurred by the pensioner.

This issues with the concurrence of Insurance Division (Department of Economic Affairs) vide their U. O. no. 64 (86) Ins. 1/2003 dated 3-11-2003 and concurrence of the Department of Expenditure vide their U. O. no. 882/E.V/2003 dated 19-12-2003.

16. G. I. M. F. O. M. no. 7(3) E 1/2005 of dated 6-1-2006
Certain Govt. Employees Group Insurance Scheme 1980 ? of benefits in the
saving fund in the period from 1-1-2006 to 31-12-2006

Year of Entry	MONTH OF CESSATION OF MEMBERSHIP											
	1	2	3	4	5	6	7	8	9	10	11	12
1982	11500	11588	11675	11761	11850	11939	12030	12119	11211	12301	12395	12486
1983	10398	10480	10558	10639	10720	10801	10884	10967	11051	11133	11217	11302
1984	9407	9480	9553	9627	9701	9776	9851	9926	10002	10089	10157	10235
1985	8516	8583	8650	8718	8786	8855	8924	8994	9064	9135	9206	9276
1986	7716	7779	7841	7904	7966	8029	8094	8156	8221	8287	8352	8419
1987	7000	7058	7114	7172	7230	7290	7348	7406	7466	7526	7587	7648
1988	6361	6414	6466	6520	6573	6627	6682	6738	6792	6847	6904	6959
1989	5781	5832	5881	5930	5979	6029	6079	6129	6182	6233	6286	6337
1990	5267	5314	5359	5405	5452	5498	5545	5593	5640	5688	5736	5785
1991	4582	4624	4664	4706	4747	4789	4831	4875	4917	4960	5005	5047
1992	3973	4011	4047	4084	4122	4161	4199	4236	4275	4314	4354	4394
1993	3432	3466	3499	3533	3567	3601	3636	3670	3705	3740	3776	3810
1994	2952	2983	3013	3044	3073	3104	3135	3167	3198	3230	3262	3294
1995	2525	2552	2580	2607	2635	2662	2692	2719	2748	2777	2805	2835
1996	2146	2170	2196	2220	2246	2271	2297	2322	2348	2374	2400	2428
1997	1808	1830	1854	1877	1899	1923	1946	1969	1993	2017	2041	2064
1998	1508	1531	1550	1571	1591	1612	1635	1656	1678	1698	1720	1743
1999	1244	1262	1280	1299	1318	1337	1358	1377	1397	1416	1436	1455
2000	1006	1023	1041	1059	1076	1093	1112	1129	1147	1165	1183	1201
2001	797	812	828	844	860	877	893	909	926	942	960	976
2002	610	624	638	651	666	682	697	712	729	744	759	775
2003	439	453	466	480	493	507	521	535	549	564	578	591
2004	284	297	309	322	334	347	360	373	386	399	412	425
2005	142	153	165	177	188	200	212	224	236	248	260	272
2006	11	21	32	42	53	64	75	86	97	108	119	131

ACCUMULATED VALUE OF CONTRIBUTION FROM 1ST JANUARY OF
YEAR OF ENTRY TO THE MONTH AND YEAR OF CESSATION
CONTRIBUTION ON 10 P.M. THROUGHOUT
Year of Cessation of Membership - 2006

Year of Entry	MONTH OF CESSATION OF MEMBERSHIP											
	1	2	3	4	5	6	7	8	9	10	11	12
1982	9747	9819	9888	9961	10035	10107	10182	10257	10331	10406	10481	10557
1983	8645	8710	8773	8839	8904	8970	9036	9102	9169	9237	9306	9374
1984	7651	7710	7767	7827	7884	7943	8003	8063	8123	8185	8244	8307
1985	6762	6814	6864	6918	6970	7023	7077	7130	7183	7238	7293	7349
1986	5962	6010	6056	6102	6149	6197	6245	6293	6341	6390	6439	6489
1987	5245	5287	5329	5371	5413	5457	5499	5542	5587	5630	5673	5718
1988	4605	4642	4680	4719	4756	4794	4834	4872	4912	4950	4990	5030
1989	4027	4060	4095	4127	4162	4197	4231	4266	4300	4336	4371	4408
1990	3513	3542	3574	3603	3634	3664	3696	3727	3760	3791	3823	3855
1991	3056	3082	3109	3138	3166	3193	3221	3250	3278	3306	3334	3363
1992	2650	2674	2698	2724	2749	2774	2799	2824	2849	2875	2900	2926
1993	2289	2310	2333	2356	2379	2401	2423	2446	2470	2492	2515	2539
1994	1968	1988	2008	2028	2049	2069	2090	2110	2131	2151	2173	2194
1995	1684	1701	1719	1738	1756	1775	1793	1812	1831	1850	1869	1888
1996	1431	1446	1464	1480	1497	1514	1530	1548	1564	1582	1598	1616
1997	1205	1221	1235	1251	1265	1281	1296	1312	1327	1342	1358	1375
1998	1007	1019	1033	1047	1061	1074	1088	1103	1117	1132	1146	1160
1999	828	841	854	867	879	891	903	916	929	942	955	968
2000	672	682	694	705	717	730	741	753	765	777	789	801
2001	531	541	553	562	573	584	595	606	617	628	639	651
2002	406	416	425	435	445	455	465	475	485	496	506	516
2003	293	302	311	320	329	338	347	357	366	375	385	395
2004	190	198	206	215	223	231	240	249	257	266	275	284
2005	95	102	110	118	126	133	141	149	157	165	173	181
2006	7	14	21	28	35	43	50	57	65	72	80	87

DELEGATION OF POWER
Departments of Public Works Irrigation, B & R

Serial No.	Nature of Power	Authority to which the power is delegated	Extent of Power delegated
1	2	3	4
136.	To sanctioned the grant of bonus to work-charged employed on excavating machines	Superintending, Engineers, P.W.D. Irrigation Branch.	Provided the bonus accordance with such scales and principles as Government may from time to time determine in this behalf.
137.	To sanction expenditure on rewards in connection with cancal maintenance	Superintending Engineers, P.W.D. Irrigation Branch	Subject to the budget provision
138.	To Sanction the purchase of ferro chemicals	(i) Administrative Deptt. (ii) Chief Engineers, P.W.D. (iii) Superintending Engineers, P.W.D., and Chief Conservator of soils (iv) Executive Engineer, Conservator of Soils and Consulting Architect to Government, Punjab.	(i) Up to a limit of Rs. 1,500 a year, for each Ferro Printng office (ii) Upto the limit of Rs. 1,000 a year for each Ferro Printing office. (iii) Upto the limit of Rs. 200 a year for each Ferro Printing Office. (iv) Upto an annual limit Rs. 50 only for each Ferro Printing Office.
139.	To santion recurring [expenditure in connection with the movement of camp offices, chargeable to contingencies.	Chief Engineer, Irrigation Branch Superintending Engineers, Irrigation Branch	Full powers in respect of Subordinate Officers under him. Full powers in respect of Divisional/Sub-Divisional and Deputy Collector's officers in their circle.
140.	To santion the renting of office accommodation for Superintending Engineers Superintending of Works, Executive Engineers, Sub-		

1	2	3	4
	Divisional Officers. (i) When the accommodation is provided in a separate building	Superintending Engineers P.W.D.	Up to a maximum of Rs. 400 per mensem in case Superintending-Engineers, Superintendents of works and up to a maximum of Rs. 80 per mensem in case of Sub-Divisional Officer Tehsildar, Naib-Tehsildar Land Acquisition Officer and other betterment staff and subject to the production of a non-accommodation certificate as required by Paragraph 32 of Appendix 9 of Punjab Financial Rules, Vol.II and to the further proviso that no lease is entered into for a period of more than one year.
	(2) When it is provided in building in which the Govt. employees resides	Superintending Engineer, P.W.D.	Up to Rs. 60 a month and in special cases, up to a maximum of Rs. 90 per mensem but in no case must the rent paid by Government exceed half the rent of the whole house and subject to other conditions noted against clause (1) above.
	(a) if he happens to be in an executive Engineer incharge of a Division or a Superintending Superintendent of works; or (b) if he happens to be a Sub-Divisional Officer	Superintending Engineer, P.W.D. Ditto	A fair portion of the rent may be paid by Govt. up to a maximum of Rs.40 per mensem subject to other conditions noted against caluse (1) above.
140-A	To sanction the renting of office accomadation for		

1	2	3	4
	Superintending Engineers Superintending of works, Executive Engineers, Sub- Divisional Officer or Deputy Collectors :- (1) When the accommodation is provided in a separate building.	Chief Engineers, P.W.D. Irrigation Branch and B & R/ Public Health	Up to a maximum of Rs. per mensem in case of superintending Engineer and Executive Engineer and upto a maximum of Rs. 200 per mensem in case of Sub-Divisional Officers and Deputy Collectors and subject to the production of a non-accommodation certificate as required by Paragraph 32 of Appen- dix 9 of Punjab Financial Rules, Volume II and further provided that no lease is entered into for for a period of more than one year.
		Superintending, Engineers P.W.D. Irrigation Branch	Up to a maximum of Rs. 300 per mensem in case of Superintending Engg. Superintends of Works and Executive Enggs. and up to a maximum of Rs. 80 per mensem in case of Sub-Divisional Officers and Deputy Collectors subject to the conditions enumerated above.
140-A conti.	(2) When it is provided in the building in which the Government	Chief Engineers, P.W.D. Irrigation Branch and B & R/ Public Health	Up to Rs. 100 a month and in special cases up to a maximum of Rs. 150 per per mensem but in no case must the rent paid by Govt. exceed half the rent of the whole house and

1	2	3	4
	(2) When it is provided in the building in which	Chief Engineers, P.W.D. Irrigation Branch and B & R/ Public Health	subject to other conditions noted against clause (1) above. Up to Rs. 100 a month & in special cases up to a maximum of Rs. 150 per mensem but in no case must the rent paid by Government exceed half the rent of the whole house and subject to other conditions noted against clause (1) above
	(a) If the happens to be Executive Engineer-incharge of a Divisional or a Super- intendent of Works ; or	Superintending Engineer P.W.D. Irrigation Branch	Up to Rs. 60 month and in special cases upto to a maximum of Rs. 90 per mensem, other condition being the same as above A fair portion of the rent may be paid by Govt. up to a maximum of Rs. 60 per mensem subject to other conditions as noted against clause (1) above.
	(b) if he happens to be a Sub-Divisional Officer or a Deputy Collector	Chief Engineers, P.W.D. Irrigation Branch and B & R/Public Health	A fair portion of the rent may be paid by Govt. up to a maximum of Rs. 60 per mensem subject to other conditions as noted against clause (1) above.
	(3) To sanction grant of allo- wance to Zilladars for hiring office accommodation privately	Superintending Enggs. P.W.D. Irrigation Branch	A fair portion of the rent may be paid by Govt. up to a maximum Rs. 40 per mensem subject to other conditions noted against clause (1) above
		Chief Engineers, P.W.D. Irrigation Branch	Up to Rs. 50 a month subject to the condition that the Zilladar is not provided with Govt. quar- ter.
		Superintending Engineers, Irrigation, Branch	Up to Rs. 30 a month other conditions being the same as above.
		Executive Engineers, Irrigation Branch	Up to Rs. 20 a month other conditions being the same as above.
141.	To sanction expenditure on account of carriage of dak office records, treasure,	Chief Engineers, P.W.D. Irrigation Branch and B & R B & R Public Health	Full powers subject to budget provision.

1	2	3	4
	parcels and other Govt. property	Superintending Engineers Irrigation Branch	Up to a limit of Rs. 500 pe annum for any one arrangement for the carriage of dak subject to budget provision.
		Superintending Engineers, Irrigation Branch	Up to a limit of Rs. 500 annum or any one arrangement or the carriage of dak subject to budget provision.
142.	To grant an allowance to Chowkidars employed in P.W.D. Irrigation Branch who are required in addition to their own duties, to (1) do dak work ; or (2) read gauges	Chief Engineer, Irrigation Branch	Up to Rs. 30 per mensem each individual case.
		Superintending Engineer Irrigation Branch	Ditto
143.	To Purchase in the local market articles of Stationery required for the use of students, apprentices or candidates	Principal, the Punjab college of Engineering and the Principal, Government School of Engineering, Punjab	Full powers
144.	To sanction replacement of unserviceable bicycles originally purchased with the sanction of the Chief Engineer.	Superintending Engineers P.W.D. Principal, the Punjab College of Engineering and Principal Government School of Engineering, Punjab	Subject to the following conditions :- (1) that the above have become unserviceable by fair wear and tear and have been in use for not less than 10 years; (2) that the cost will be met from the grant for contingencies at the disposal of the office where the bicycle is to be replaced ; and (3) that bicycles to be purchased are of only Indian manufacture.
145.	To grant a fixed monthly allowance on account of Kerosine oil used for per-duties at night.	Executive Engineers, Resident Engineer, Irrigation Branch	Signallers and Telegraph Attendants Rs. 3 to Rs. 8. Treasury Guard Rs. 5 to Rs. 5. Dak Munshis Rs. 3 to Rs. 5 Chowkidars Rs. 3 to Rs. 5 Gauge Readers at Important Regulating Centres Rs. 5 to Rs. 10.

1	2	3	4
			Provided that : (i) no allowances is granted to signallers, telephons attendant, dak munshis and treasury guards at places where electric light is provided. (ii) no allowance is given to office establishment such as Clerks, Munshis Class IV Government employees, Menials, etc or to Work-charged Establishment except Rest House Chowkidars, oil required for such establishment will be purchased and charged to office contingencies, or works as the case may be. (iii) whenever it can be arranged conveniently e.g. at Head-works, oil should be supplied in kind in preference to the grant of an allowance. (iv) the rate each case will be fixed according to the locality and the amount of work required to be done.
145-A	contd.		
146.	To sanction the payment of fixed monthly paste allowance to the officer peons* or draftries in the open canal circles	Heads of officers in the Irrigation Branch	Upto Rs. Irrigation Branch Secretariat 8.00 Circle Office 2.00 Sub-Divisional Office 3.00 Office 1.50
147.	To sanction purchase of books of reference	(1) Executive Engineers incharge of Divisional (2) The Principal, Engg. School.	Only one or two copies and fare tables and goods tariff of Northern Up to Rs. 50 excluding postage for each purchase subject to the following conditions;-

1	2	3	4
		(3) Secretary, Communications Board.	(1) that the grant for office contingencies is not exceeded;
		(4) Consulting Architect to Government, Punjab	(2) that the total expenditure in any one financial year does not exceed Rs. 100;
		(5) Superintending, Govt. Central Workshop	(4) for his own office up to a limit of Rs. 50 excluding postage for each purchase subject to the condition that the grant for offices contingencies for the year is not exceeded.
147-A Contd.			To the extent of Rs. 100 (excluding postage) for any single purchase provided the grant for office contingencies or the year is not exceeded.
148.	To sanction purchase of survey, field and level and log book from the Thomason Civil Engineering College, Roorkee.	Executive Engineers and Divisional Conservators of Soils	Full powers, subject to budget provision.
149.	To sanction expenditure on the making of any model for which no specific estimate of the work has been sanctioned.	Consulting Architect to Govt. Punjab	Up to a limit of Rs. 80 for any one model.
150.	To sanction the supply of liveries and warm clothing to the regular Class IV staff employed on Boat Bridges.	Superintending Engineers, Building & Roads Branch	To the extent of the provisions for liveries existing in the sanctioned maintenance estimate for the Boat Bridge concerned and provided that the maximum cost of each livery and warm clothing does not exceed the sanctioned cost not exceed the sanctioned cost and that the former is supplied annually and the latter every two years
151.	Deleted		

1	2	3	4
152.	To sanction placing of orders for an expenditure on printing of Shajras at private presses chargeable to office contingencies.	Chief Engineer, P.W.D. Irrigation Branch.	Full powers
153	To Purchase livestock for the working of Farms.	Director, Irrigation Research Punjab	Upto Rs. 2,000 for each purchase subject to budget provision.
154.	To sanction the purchase of implements required for the working of a laboratory or Farms	Ditto	Upto a limit of Rs. 15,000 in each case, subject to budget provision.
155.	To purchase office furniture.	Director, Irrigation Research Punjab	Upto a limit of Rs. 1,000 in each case, subject to budget provision.
156.	To employ regular establishment	Ditto	Upto Rs. 200 per mensem for each person employed for the actual subject to the following conditions. (a) Provision exists in the budget grant. (b) The pay and allowances on such appointment shall not exceed the prescribed rates in cases where such rates have been definitely laid down by a higher authority for any particular class of appointment.
19.7.	Grants, Concession, Lease etc (Rule 2.45). The powers in this rule are purely financial and are not to be confused with the power to execute instruments. They are further subject to general orders contained in Appendix 4 and any other departmental or local orders on the subject and to the proviso that leases are executed or licenses are issued on standard forms where ever prescribed.		
	To sanction lease of- (i) land (ii) land and houses	Department of Public works.	In all cases whether relating to waste land or not where the lease is for a period not exceeding one year. Full Powers In all cases relating to Government Colleges,

1	2	3	4
			Basic Training High or Higher Secondary Schools where the lease is for a period not exceeding one year. In all cases relating to Middle Schools where the lease is for a period not exceeding one year. In all cases relating to Primary Schools where the lease is for a period not exceeding one year.
To sanction leases or licenses of land other than nazul land for construction by private persons of-		Department of Public works (Buildings and Road Branch)	Full power Up to three years and not exceeding an area of five rectangles or two squares.
(i) Works of public utility such as pias, hand pumps and wells			
To sanction leases of houses land or other immovable property belonging to Govt.			Upto one year; provided that the rent of the property as fixed by competent authority does not exceed-
		(i) Superintending Enggr. P.W.D. (ii) Divisional Officers, P.W.D. Department of Public Works (Irrigation Branch)	(i) Rs. 200 a month. (ii) Rs. 100 a month. Where the lease is for a period not exceeding one year
To sanction lease of water power on canals		Superintending Engineers Irrigation Branch.	Full powers upto 1 year
To sanction leases of water power of Mills.		Superintending Engineers, Irrigation Branch.	Full power upto 3 years
To sanction leases for [grazing cattle on canal banks.		Divisional Officers, Irrigation Branch.	Full powers upto 1 years
To sanction leases for grazing cattle on road sides.		Superintending Engineers, Executive Engineers.	Full Powers Upto one year; provided

1	2	3	4
	To sanction leases for sale of water by bulk for purposes other than irrigation	Superintending Engineers, Irrigation Branch.	that the rent does not exceed Rs. 500. Full powers for a period of not exceeding 3 years provided that the rates are not lower than those previously approved by Government. Upto one year.
	To sanction leases of Govt. land for cultivation To sanction agreement for sale of canal water for purposes of irrigation at contractor volumetric rates.	Director, Irrigation Research Punjab Department of Public Works (Irrigation Branch)	Up to five years; provided the agreement are drawn up in prescribed form and the rate charged are in accordance with the rules approved by Govt. Full powers.
	To sanction agreement for the recovery of fines on account of drift wood or other timber entering canals	Superintending Engineers, Irrigation Branch	
	To sanction agreement for the sale at control rates of canal water for purposes of land reclamation	Ditto	For one year; provided the agreements are drawn up in the prescribed forms and the rates charged are in accordance with the rules approved by the Govt.
	To sanction agreements with authioneers for conducting	Superintending Engineers Buildings and Road Branch	Up to one year only and subject to the condition that the terms of the lease are those embodied in Steres B and R No. 93
		Chief Engineer, Irrigation Branch	Full powers subject to the condition that the agreements shall be drawn up in accordance with the conditions set forth in the rules for the appointment of authioneers and the conduct of auction for the sale of surplus stores.
	To issue licences for fishing Government Canals	Divisional Officers, Irrigation Branch.	Full powers upto 1 year in each case.

1	2	3	4
To issue licences to Dhobis to wash clothes in the channels of the running canals Security bonds for the due performance of duties by Govt. employees.	Superintending Engineers, Irrigation Branch (Running Canals). Chief Engineers, Superintending Engineers, Divisional Officers, Department of Public Works.	Full powers upto a period one year in each case.	In the case of Govt. employees whom they are empowered to appoint to vacant posts subject to the minimum prescribed in para 1.154 of the Punjab Public Works Deptt. Code. Full powers.
To sanction recovery of property as security.	Chief Engineers. Superintending Engrs. P.W.D. Divisional Officers, P.W.D.	Full powers; provided that value of the property given as security does not exceed Rs. 3,000 Full powers; provided that the value of the property given as security does not exceed Rs. 2,000.	Full powers; provided that value of the property given as security does not exceed Rs. 3,000 Full powers; provided that the value of the property given as security does not exceed Rs. 2,000.
To cancel leases of land	Superintending Engrs. Irrigation Branch.	In all cases whether the lease is for a period of not exceeding one year year provided the cancellation does not entail any payment of an extraordinary nature e.g. by way of compensation.	In all cases whether the lease is for a period of not exceeding one year year provided the cancellation does not entail any payment of an extraordinary nature e.g. by way of compensation.
To sanction house-building advances	Heads of Departments and Commisioners of Divisions.	Subject to the conditions laid down in Chapter X	Subject to the conditions laid down in Chapter X
To sanction advances for purchase of conveyances	(i) Department of Govt. (ii) Heads of Department	Ditto	Ditto
To sanction advances for purchase of bicycles	(i) All Heads of Deptt. and Controlling Officers	Full powers subject to the conditions laid down in chapter X Subject to usual conditions laid down in Chapter X and to the funds being available and earmarked by the	Full powers subject to the conditions laid down in chapter X Subject to usual conditions laid down in Chapter X and to the funds being available and earmarked by the

1	2	3	4
		(ii) Heads of Offices	Department of Finance. Full power subject to the conditions in chapter X and to the funds being made available and earmarked for the purpose by the authority concerned. Provided the book value no exceed Rs. 10,000
To sanction or write off of buildings in charges of P.W.D.	Chief Engineers B & R Superintending Engineer, P.W.D. Executive Engineers, Buildings and Roads and Irrigation Branch. Selected Officers, Class-I Class II and III	Rs. 2,500 Rs. 1,000 Rs. 500 Rs. 500	Rs. 2,500 Rs. 1,000 Rs. 500 Rs. 500
To sanction sale of articles the stock accounts for full value plus usual charges of 10%.	Superintending Engrs.	Full Powers	If the book value or the estimated original value where book value is not known does not exceed Rs. 10,000 Provided that the sale or deomilition takes place only after other Deptt. of Government with local interests have been consulted in regard to any use they may have for the buildings proposed to be sold or demolished. Full Powers
	Superintending Engrs. P.W.D. Irrigation, Buildings and Roads Branches chief Conservator of Soils Executive Engrs. Irrigation and Buildings and Roads Branches and Conservators of soils Selected Officers Buildings and Roads and Irrigation Branches, Class I and II Buildings and Roads and	Rs. 1000 Rs. 500	Rs. 1000 Rs. 500

2

To sanction the sale of grass trees or other produce in plantations including road side avenue gardens.

To sanction the sale of produce of thinning and puring and dead and fallen trees.

To sanction sale of whole trees wheather standing or fallen green or dead by public auction

To issue orders for the disposal by sale or otherwise of all arm produce.

To sanction the writing off finally of the irrecoverable value of stores or public money lost by fraud or the negligence of individuals or similar other causes.

3

Irrigation Branches, Class III
Superintending Engineers
P.W.D. Divisional Officers

Executive Engineers,
Irrigation Branch

Executive Engineer, Irrigation
Branch
Selected Officers
Class I and II
Class III
Non-Selected Officers.

Director, Irrigation Research

Administrative Deptt.

4

Full powers
Upto Rs. 500

Full powers subject to the conditions in paragraph 2.6 of the Irrigation Manual of Order.

Rs. 1,000

Rs. 500

Rs. 500

Full Powers.

Provided that the (i) amount of the write off in any individual cases does not exceed the limit given below :-

(i) Department of Public Works-Rs. 5000

(ii) Department of Agriculture and Forest-Rs. 2000 in the case of public money and Rs. 5000 in the case of stores;

(3) Other Deptt.
Rs. 2000

(ii) the loss does not disclose.

(a) a defect of system, the amendement of which would require a reference to the Deptt. of Finance ; or

(b) serious negligience on the part of some individual Govt. emp. which might possibly call

1

2

3

4

To sanction the remission of disallowance made by Audit officer

(i) Administrative Deptt.

for disciplinary action requiring a reference to the Deptt. of Finance.

1. Up to Rs. 500 in each individual case subject to an aggregate maximum of Rs. 5,000 in the case of any establishment in which a number of over draws are due to the same cause and further subject to the following conditions ;-

(1) that the money was drawn in good faith ;

(2) that no defect of system is disclose ;

(3) that the overdrawal has not involved other expenditure requiring reference to the deptt. Finance.

(4) that it does not involve an addition of pay of more than Rs. 100 per mensem to any individual and, if the overdrawal is challenged subject to the following further conditions ;-

(a) that it has not been caused by any delay in notifying a promotion or reversion ;

(b) that the pay of the Government employee does not exceed Rs. 100

2. When a disallowance is remitted under this rule the reasons therefor should invariably be recorded by the remitting authority.

In cases of Govt. Empl-

(ii) Superintending Engineers

in the P.W.D., Irrigation and
Buildings and Roads Branches

yees whom they can
appoint up to Rs. 50
in each individual case
subject to an aggregate
maximum of Rs. 250
and to the general
conditions detailed
against (i) above expect
that it does not involve an
addition of more than Rs.
25 per mensem to any
individual.



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. | Shri N.C. Jindal | Sangrur Unit |
| 2. | Shri D.P. Singla | Ludhiana Unit |
| 3. | Shri Jai Ram | Malout 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

PUNJAB D.A.O/D.A.'s ASSOCIATION BALANCE SHEET AS ON 30-4-2006

Receipt	Rs.	Expenditure	Rs.
Opening Balance		Photostat charges	8985.00
Bank A/c 1	301.00	Printing charges	2999.00
Bank Balance	26796.00	Telephone charges	8447.00
Imprest with		Travelling expenses	11462.00
Sh. S.K. Arora	5500.00	Misc. Items	11267.00
Sh. K.K. Jandial	2000.00	Draft A.I. Fedration	5137.00
Receipt during the year	18035.00	Bank Charges	17.00
		Bank Balance	4318.00
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	52632.00		52632.00
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List of Office Bearers of Pb, D.A.O.'s/D.A.'s Association

1. Shakti K. Arora, President
1036, Sector 21, Panchkula.
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3. A. K. Arora, Sr. D. A. O.
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7. J. S. Sekhon, D. A. O. (I)
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