

FIRST APPEAL DETAILS(प्रथम अपील विवरण)

Registration Number (पंजीकरण संख्या) :	FSOID/A/E/24/00040	Date of Receipt (प्राप्ति की तारीख) :	18/08/2024
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Kumar Kalbande	Gender (लिंग) :	Male
Address (पता) :	C/O Dr B B Kalbande , Rathi Lay Out, Katol Nagpur		
State (राज्य) :	Maharashtra	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-9356009568	Mobile Number (मोबाईल नंबर) :	+91-9356009568
Email-ID (ईमेल-आईडी) :	kumarkalbande@gmail.com		
Status (स्थिति) :	Rural	Educational Status (शैक्षणिक स्थिति) :	Above Graduate
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Does It Concern Life or Liberty of a person :	Details not provided.
RTI Request Registration No (सूचना का अधिकार अनुरोध पंजीकरण सं.) :	FSOID/R/E/24/00057/1	RTI Request Registration Date (सूचना का अधिकार अनुरोध पत्र दिनांक) :	05/05/2024
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided	Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) :	Details not provided
Ground for Appeal (अपील का आधार) :	Provided Incomplete,Misleading or False Information	Reason for delay (if any) in filing this appeal(इस अपील को दायर करने में विलंब, यदि कोई हो, का कारण) :	N/A
Prayer or Relief Sought (प्रार्थना या अनुरोध की गई राहत) :	Respected FAA FSI Doon The Information requested regarding email. the CPIO has provided misleading information. you are also denying my request to consider hearing under section 19 of RTI Act. Please consider my request and you may provide requested information. May take action for reason for providing misleading information.		

ACTION HISTORY OF RTI FIRST APPEAL No. : FSOID/A/E/24/00040

Applicant Name (आवेदक का नाम)		Kumar Kalbande		
Text of Appeal (अपील का पाठ)		Respected FAA FSI Doon The Information requested regarding email. the CPIO has provided misleading information. you are also denying my request to consider hearing under section 19 of RTI Act. Please consider my request and you may provide requested information. May take action for reason for providing misleading information.		
Reply of Appeal (अपील का उत्तर)		sought information has been provided by CPIO under RTI Act, 2005. Appeal disposed of.		
SNo. (क्रमांक)	Action Taken (कार्रवाई की गई)	Date of Action (कार्रवाई की तारीख)	Action Taken By(कार्रवाई के द्वारा लिया)	Remarks(टिप्पणि)
PrintClose				

ACTION HISTORY OF RTI REQUEST No.FSOID/R/E/24/00057/1**Applicant Name**

Kumar Kalbande

Text of Application

Respected CPIO FSI Dehradun and FSI Nagpur Please find the email in attachment. Under RTI Act 2005, Kindly provide following information 1) True copies of further correspondence action initiated on the email marked to Regional Director FSI CZ Nagpur 2) True copies of further correspondence action initiated on the email marked to Director General FSI Dehradun 3) True copies of Notesheet and all the related documents for both I am ready to provide legal charges

Reply of Application

Please find attached document for the information sought.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	RTI REQUEST RECEIVED	06/05/2024	Nodal Officer	FSOID/R/E/24/00057
2	REQUEST FORWARDED TO CPIO	06/05/2024	Nodal Officer	Forwarded to CPIO(s) :
3	REQUEST DISPOSED OF	28/05/2024	Sugandha Srivastava-(CPIO)	

[Print](#)



Denial of giving me unauthorised LPC by Regional Director FSI Nagpur.

1 message

Sunandha Bhashkar Kalbande <sunandhabhashkarkalbande@gmail.com>
To: dgfsi@fsi.nic.in
Cc: dgfindia@nic.in
Bcc: Kumar Kalbande <kumarkalbande@gmail.com>, rdcz@fsi.nic.in

Wed, 1 May, 2024 at 11:55

To,
DG,
FSI,
Dehradun

Respected Sir,
Please find the trailing mail.
Your kind attention is invited to Karnataka High Court:- The Controller Of State Accounts vs Smt. B. Nagarathnamma And Anr. on 5 December, 2002

“ Therefore, it has to be held that first respondent is not entitled to last pay certificate until he/she hands over charge as required under the rules.”

A person can not be relived during his unauthorised absence. For LPC, High Court mandated handing over the charge physically.

Despite of multiple request, The Regional Director FSI CZ Nagpur has denied my request LPC. Further, The official has also submitted false Affidavit in CAT regarding reliving order.

You are requested to kindly take immediate action. Your office successfully kept me without salary for 3 years 4 months now. I have obeyed your transfer order many times.

I shall be obliged if you do the needful urgently.
Thanking you

Yours Faithfully
Kumar Bhashkar Kalbande
JTA FSI MOEFCC
9356009568

Copy for information and necessary action to
1) DGF&SS, MOEFCC IP Bhavan New Delhi

----- Forwarded message -----
From: **Sunandha Bhashkar Kalbande** <sunandhabhashkarkalbande@gmail.com>
Date: Wed, 17 Apr, 2024, 17:01
Subject:
To: <rdcz@fsi.nic.in>, <dgfsi@fsi.nic.in>, <fsiadm.1@gmail.com>, <abhay.78@gov.in>

To,
Regional Director,
Forest Survey of India,
MOEFCC, CZ, Nagpur

Subject:-
1. Requesting you to provide corrected LPC in hands and my belongings in order join FSI Kolkata Immediately

Reference:-
1. Karnataka High Court:- The Controller Of State Accounts vs Smt. B. Nagarathnamma And Anr. on 5 December, 2002
2. NHRC Case No 27/13/17/2023
3. Letter No 17-11/2023-FE(E-216510) dated 18/2/2024 & Letter No E-484/2019/194 dated 25/5/2023

Respected Sir,

Through Letter No 17-11/2023-Fe(E-216510) dated 18/2/2024, Ministry has asked me to join Kolkata Office. After NHRC Case No 27/13/17/2023 recommendation, I have decided to take the call offered through NHRC.

Through Letter No E-484/2019/194 dated 25/5/2023, Complaint for unauthorised LPC has been forwarded to FSI, Kolkata.

Further through Letter No E 417-06/967 dated 27/1/2023, You stated that reliving order was given on 6/6/2022 and later through CPGRAMs in year 2023.

The LPC provided does not have date of handing over the charge. The increment of July 2021 was not added in LPC. Recovery of amount 7 Lakhs(approximately) was just wishful amount because RD was started getting inquired by Ministry for his illegal practices.

Now, your kind attention is invited to Karnataka High Court:- The Controller Of State Accounts vs Smt. B. Nagarathnamma And Anr. on 5 December, 2002

" Therefore, it has to be held that first respondent is not entitled to last pay certificate until he/she hands over charge as required under the rules."

A person can not be relived during his unauthorised absence. For LPC, High Court mandated handing over the charge physically.

Moreover, you office has not given dates of handing over the charge in LPC and further, you denied to take action on unauthorised LPC through grivance.

Hence, it is once again submitted that allow me to take LPC from your office immediately today so that I can join Kolkata in this week.

Through Letter No E-484/2019/194 dated 25/5/2023, you acknowledge that paucity of fund is your office fault. I am going through extreme hardship as you delayed my medical bills over lakhs for 7 months.

I have visited your office on Monday 15/5/2024 since No disability assistance was provided i can back. I am visiting your office and please provide me disability assistance as section 38 of RPWD Act 2016 in order to complete process immediately and join the posting immediately. **In case LPC can not be provided please give me in writing that LPC can be issued without mentioning handing over charge date.**

Shri Kushwaha STA Kolkatta has provided LPC on 5th August 2021 and relieved on same date. Same is the case with Shri Ravi Patil JTA Bangalore amongst 5 people who transferred by Unauthorised Post of JD P&A, FSI, Dehradun.

You are also requested to handover my belongings stolen by Women Official of your office and kept in custody of office.

Kindly do the needful immediately as per extant of Law.

Thanking you

Yours Faithfully

Kumar Bhaskar Kalbande

JTA FSI CZ MOEFCC Nagpur

9356009568

Copy for information and necessary action to

1. Shri Anup Jalota, DG, FSI, Dehradun
2. Shri Abhay Bhaskar Barapatre, DIG, FE MOEFCC IP Bhavan New Delhi

Copy for information to

1. Secretary MoEFCC IP Bhavan New Delhi
2. DGF&SS, MOEFCC IP Bhavan New Delhi
3. Assistant Registrar, Law Division 4, NHRC, New Delhi

Annexure 1 NHRC Case No 27/13/17/2023

National Human Rights Commission

Diary No	4939/CR/2023	Case / File No	27/13/17/2023
Victim Name	KUMAR KALBANDE	Registration Date	11/01/2023

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date
6	Closure of case with direction to the authority	To:- THE DIRECTOR GENERAL Forest Survey of India (Ministry of Environment and Forests & Climate Change) Kaulagarh Road, P.O. IPE Dehradun - 248195 Uttarakhand (India) DEHRADUN UTTARAKHAND Email- dgfsi@fsi.nic.in	04/04/2024
5	Additional Information Called for	To:- THE SECRETARY Ministry of Environment, Forest and Climate Change DELHI DELHI Email- secy-moef@nic.in THE DIRECTOR GENERAL Forest Survey of India (Ministry of Environment and Forests & Climate Change) Kaulagarh Road, P.O. IPE Dehradun - 248195 Uttarakhand (India) DEHRADUN UTTARAKHAND Email- dgfsi@fsi.nic.in	04/01/2024
4	Comments of Complainant Called for		07/08/2023
3	Additional Information Called for	To:- THE DIRECTOR GENERAL NAGPUR MAHARASHTRA Email- dgfsi@fsi.nic.in	01/05/2023
2	Comments of Complainant Called for		03/03/2023
1	Action Taken Report Called for	To:- THE DIRECTOR GENERAL NAGPUR MAHARASHTRA Email- dgfsi@fsi.nic.in Cc:- THE SECRETARY MAHARASHTRA HUMAN RIGHTS COMMISSION, 09, HAZARIMAL SOMANI MARG, OPP. CSMT STATION, MUMBAI MAHARASHTRA MAHARASHTRA	12/01/2023

400001

Email- mshrc2000@yahoo.in

[Expand All Action List](#)[Action](#)**Action : Closure of case with direction to the authority(Action No 6)**

Action Date	04/04/2024
Authority	To:- THE DIRECTOR GENERAL Forest Survey of India (Ministry of Environment and Forests & Climate Change) Kaulagarh Road, P.O. IPE Dehradun - 248195 Uttarakhand (India) DEHRADUN UTTARAKHAND Email- dgfsi@fsi.nic.in
Proceeding	The instant complaint relates to allegation of denial of medical bills reimbursement and other benefits etc. to the complainant and his family members by the Forest Survey of India. Vide proceedings dated 04.01.2024 this Commission has directed the Secretary, Ministry of Environment, Forest & Climate Change and Director General, FSI to look into the matter and submit consolidated report qua the allegations including denial of emergency medical treatment to the complainant Kumar Kalbande within a period of four weeks, observing as under:- <i>"...Pursuant to the direction of the Commission, Deputy Director (P&A), Ministry of Environment, Forest & Climate Change, FSI, Dehradun, Govt. of India vide letter dated 09.02.2023 has submitted an action taken report along with associated report of Regional Director, Central Zone, Nagpur, Maharashtra dated 23.1.2023. As per reports, the complainant Sh. Kumar Kalbande had been serving in Forest Survey of India, Regional Office (Central), Nagpur since 2009. He was transferred from Regional Office, Nagpur to Regional Office, Kolkata by order No. 7-4/2010- Adm-1224 dated 30.07.2021 along with 4 other employees i.e. 2 Senior Technical Assistants and 2 Junior Technical Assistants in public interest. But after his transfer order, he has not joined at Forest Survey of India, Regional Office (Eastern), Kolkata office till today. It is further stated that Sh. Kumar Kalbande has submitted a medical reimbursement claim for his Covid hospitalization which could not be paid by Forest Survey of India, Regional Office (Central), Nagpur office due to paucity of funds. As Sh. Kumar Kalbande was transferred from Forest Survey of India, Regional Office (Central), Nagpur on 30.07.2021 and his Last Pay Certificate was also sent to Forest Survey of</i>

India, Regional Office (Eastern), Kolkata. His medical claim for Covid hospitalization for the period from 17.12.2020 to 01.04.2021 was also forwarded to his current place of posting i.e. Forest Survey of India, Regional Office (Eastern), Kolkata. He has already been intimated by the office of the Director General, Forest Survey of India, Dehradun that his pending claims can be settled only after he joins duty in the new office, Forest Survey of India, Regional Office (Eastern), Kolkata.

While taking up the matter on 7.8.2023, the Commission had called for comment's of the complainant on additional report dated 10.05.2023 of Forest Survey of India alongwith associated documents whereby the concerned authority had reiterated their stand, substantiated by various documents including court orders etc. The complainant was asked to submit his comments on same in para-wise manner.

Pursuant to the direction vide email dated 12.9.2023, the complainant has submitted his detail comments with counter to each issue/reply given by FSI and has prayed for immediate intervention of the Commission in matter to stop his harassment by the authorities of FSI. The Commission further observes that vide online complaint dated 30.12.2023, the mother of the complainant has approached this Commission alleging harassment of her son by authorities, frivolous chargesheets and that her son went to join thrice at Kolkata but that office has posted him at place which was without any lift. His request for facility of lift and Disability assistance under Section 38 of RPWD Act 2016 was turned down by the said office. It is also alleged as son was not given any subsistence allowances from past 35 months, so he travelled through General Class and Sleeper Coach and suffered injuries. On consulting CGHS Doctors at Nagpur, he has been advised to undergo surgery but officials of FSI directed CGHS Officials to stop his medical facility at CGHS. It is stated that her son is facing medical emergency. The family is not having funds to approach court and hence request has been made for detailed inquiries and urgent intervention to save life of her son.

The Commission has considered the matter on record and directs Secretary, Ministry of Environment, Forest & Climate Change and Director General, FSI to look into the matter and submit consolidated report in the matter on allegations including denial of emergency medical treatment to complainant Kumar Kalbande within a period of four weeks..."

Pursuant to same Under Secretary, Ministry of Environment, Forest & Climate Change, Govt. of India has sent report dated 07.02.2024. Vide same a consolidated report is submitted in the matter. The relevant portion of said report is as under:-

".....The matter was examined at the Ministry and following points are submitted before Hon'ble Commission:

1. The complainant (Shri Kumar Kalbande) is an employee of Forest Survey of India. Forest Survey of India is a sub-ordinate organization of Ministry of Environment, Forest and Climate Change, Govt. of India.

2. The report of FSI vide letter File No. 13-15/20222-Admin-Part-1-1396 dt. 25/01/2024 is submitted (A-I) and as per the information received from FSI, the point-wise information are as follows:-

i. The complainant Shri Kumar Kalbande was transferred from Regional Office (Central), FSI, Nagpur to Regional Office (Eastern), FSI, Kolkata vide Order No.7-4/2010-Adm-1224 dated 30.07.2021 (A-II) (ToC page no. 103 and order ToC page no. 114).

ii. As per the FSI, complainant Shri Kumar Kalbande has not joined the Regional Office (Eastern), FSI, Kolkata till today. (ToC page no. 103)

iii. Complainant Shri Kumar Kalbande has also moved the Hon'ble High Court, Bombay (Nagpur Bench) (WP: 3967/2021) against the transfer order and Hon'ble High Court upheld the transfer order vide its order dated 27.10.2021. (A-III) (ToC page no. 103 and order ToC page no. 116).

iv. The complainant Shri Kumar Kalbande is not under suspension and his claim of subsistence allowance is not admissible as per FR Rule 53 (A-IV). (As per the FR Rule 53, he is not entitled for subsistence allowance as the same is allowed only when the officer is under suspension) and FR Rule 17(1) (an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence) (ToC page no. 105)

v. The complainant Shri Kumar Kalbande is under unauthorized absence from the period January 2021 till date. Thus, his CGHS contribution of Rs.450/- per month could not be deducted by FSI for last 3 years. Therefore, CGHS authorities have been informed about his unauthorized absence, non-

payment towards CGHS card and his transfer from Regional Office (Central), FSI, Nagpur to Regional Office (Eastern), FSI, Kolkata. (ToC page no. 105).

vi. FSI report states that complainant Shri Kumar Kalbande email dt. 28.12.2023 shows referral receipt of CGHS dt. 26.12.2023, meaning he is availing the CGHS facilities. (ToC page no. 106 and order ToC page no. 220-222).

Prayer:

It is submitted before the Hon'ble Commission that on the compliance of the transfer Order No.7-4/2010-Adm-1224 dated 30.07.2021 i.e from Regional Office (Central), FSI, Nagpur to Regional Office (Eastern), FSI, Kolkata by the complainant Shri Kumar Kalbande and joining in the new place of posting, all benefits as Government Employee will be restored subject to outcome of the disciplinary proceedings by the FSI.

It is also submitted before the Honorable Commission that there is no violation of Human Rights in this case and requested that this case may kindly be disposed of."

The concerned authority has clarified its stand and in the last besides denying the allegations, it is also submitted that on compliance of transfer order by the complainant and his joining in the new place of posting all benefits as government employee will be restored subject to the outcome of disciplinary proceedings by the FSI. It is also clear from the record that complainant has approached Hon'ble High Court of Bombay, Nagpur Bench vide writ petition No.3967/2021 against the transfer order. Moreover he has also approached the political leadership qua his issue. Basically issue relates to service matter and arose from his transfer orders, i.e. the matter which has already been decided by the Hon'ble High Court. In view of all above this Commission deems it fit to transmit the copy of above referred report to the complainant to take a call on the offer made by the concerned authority. The Director General, Forest Survey of India, Dehradun is recommended to deal the matter of the complainant as per facts and rules, and without any prejudices.

With this recommendation the case is closed.

Complaint

Diary No	4939/CR/2023	Section	M-4
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फा.सं17-11/2023-एफ ई (ई - 216510)
भारत सरकार/Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
(वन स्थापना अनुभाग/Forest Establishment Division)

इंदिरा पर्यावरण भवन,
Indira Paryavaran Bhawan
छठ तल, जल स्कंध, अलीगंज, जोरबाग रोड,
6th Floor, Jal Wing, Aliganj, Jorbagh Road
नई दिल्ली/New Delhi -110003
दिनांक : 19.2.2024.

To,
Sh. Kumar Kalbande (Email: kumarkalbande@gmail.com)
JTA, FSI, Nagpur
(Through Regional Director, FSI Nagpur)

Subject: Representation of Sh. Kumar Kalbande received via email dt. 21/12/2023-reg.

Sir,

I am directed to refer to your representation dated 21.12.2023 on the subject mentioned above and to say that your representation has been examined in the Ministry in consultation with FSI, Dehradun. Your representation is for following issues (a) Refusing to allow me to join Kolkata (b) Violations of RPWD Act 2016 and (c) Denial of Subsistence Allowances by DG, FSI, Dehradun.

2. Accordingly the following is submitted:

- FSI vide letter no. 13-15/2022-Admin-Part3348 dt. 04/01/2024 (A-I), has communicated that, Shri Kalbande has been given many opportunities to report for duty to FSI, Kolkata.
- Shri Kumar Kalbande was relieved from duty on 30.07.2021 vide FSI Central Zone, Nagpur Office Order no. 35 dt. 30.07.2023 (A-II) and LPC was issued vide LPC no. E-426-2009/Part-2/634 dt. 22/11/2021 (A-III). As per the LPC, "2. He has been paid upto the period 01/12/2020 to 31/12/2020 at the following rates, after that he has remained absent unauthorizedly from duty till 30/07/2021 (date of relieve)".
- The FSI has also informed in one of its communications that, "2. The Ramp and wash room facilities are available as per the requirement specification in Ground Floor. Further, one suitable room is also available for attending office on ground floor. Maintenance work of the installed lift is under progress by CPWB."

3 The FSI, Nagpur had issued relieving order dated 30.7.2021 and LPC dated 22.11.2021 to Shri Kumar Kalbande, stating that after joining the new place of posting all claims will be entertained by new Office where in the posting is given. The matter of

Subsistence Allowances does not arise, as the employee has been relieved and yet to join the new place of posting. As per records made available by FSI, *pram facia* there is no violation of RPWD Act 2016.

4 In view of above, Shri Kumar Kalbande is hereby asked to report for duty without any further delay with prior intimation to FSI, Dehradun and FSI, Kolkata and in case of facing any difficulty in entering/joining office, as claimed by him, he may contact Regional Director, FSI, Kolkata and O/o DG, FSI Dehradun under intimation to FE Division. Shri Kumar Kalbande may please note that his absence after relieving from FSI, Nagpur may attract the provisions as per applicable CCS (Conduct) Rules / CCS(CCA) Rules.

5. This issues with the approval of competent authority.

Yours faithfully,


(B.R. Meena)

Under Secretary to the Govt. of India
Tel. No. 011-20819272

Copy to: The DG, FSI, Dehradun

WRIT Powered by Google Translate

Select the following parts of the judgment

Facts	Issues	Respondent's Arguments	Analysis of the law
Precedent Analysis	Court's Reasoning	Conclusion	

For entire document [Mark above structure](#) [Remove all markings](#)

[Cites [3](#), Cited by [1](#)]

User Queries

handing over charge

"last pay certificate"

r. v. raveendran

joining time

"last pay certificate"

article 85

disciplinary action

application of review application

Transfer certificate

condition precedent

Review Application

relieving and relieved

*Take notes as you read a judgment using our **Virtual Legal Assistant** and get email alerts whenever a new judgment matches your query (**Query Alert Service**). Try out our **Premium Member** services -- **Free for one month**.*

Karnataka High Court

The Controller Of State Accounts ... vs Smt. B. Nagarathnamma And Anr. on 5 December, 2002

Equivalent citations: 2003(2)KARLJ26, 2003 LAB. I. C. 685, 2003 AIR - KANT. H. C. R. 414 (2003) 2 KANT LJ 26, (2003) 2 KANT LJ 26

BuAuthor: [R.V. Raveendran](#)

Bench: [R.V. Raveendran](#), [N.K. Patil](#)

ORDER

R.V. Raveendran, J.

1. The first respondent is working in the State Accounts Department. Between 8-9-1998 to 16-7-2001 she was working as Accounts Superintendent in the office of the Karnataka State Women's Commission (second petitioner). On 16-7-2001, she was transferred on promotion and posted as Audit Officer in the office of the Department of Rural Development Engineering, second respondent. She approached the Karnataka Administrative Tribunal in Application No. 9687 of 2001 seeking a direction to the second petitioner herein to despatch her last pay certificate forthwith to the second respondent so as to enable her to draw her salary. In the said application she stated that in spite of expiry of four months from the date of transfer, the second petitioner did

not issue the last pay certificate. When the matter came up for preliminary hearing before the Tribunal on 22-11-2001, the Tribunal directed the Government Pleader to take notice and disposed of the application directing the second petitioner herein to despatch the last pay certificate of the first respondent herein to the office of the second respondent within three days from the date of receipt of the order with a condition, that if the second petitioner failed to do so, he shall be personally liable to pay interest at 12% per annum on the salary of the first respondent herein for the period during which the last pay certificate was withheld from 16-7-2001.

2. The petitioners filed a Review Application No. 2 of 2002 contending that the first respondent had not handed over charge of office on her promotion and transfer as per order dated 16-7-2001 and that was coming in the way of issuing the last pay certificate. The petitioners also relied on Rule 85 of the Karnataka Financial Code in this behalf. The Tribunal rejected the review application by an order dated 7-6-2002 on the ground that handing over charge is not a condition precedent for issue of a last pay certificate and if a Government servant did not hand over charge, it was open to the employer to either initiate disciplinary action or recall the employee to the department from which he was transferred for obtaining charge.

3. Feeling aggrieved, the petitioners have filed this petition and sought quashing of the order dated 22-11-2001 passed in Application No. 9687 of 2000 and order dated 7-6-2002 passed in Review Application No. 2 of 2002. The respondents though served, have remained unrepresented.

4. Issue of last pay certificate is governed by [Article 85](#) of the Karnataka Financial Code, 1958, made in exercise of the power under [Article 283\(2\)](#) of the Constitution of India. The relevant portions of [Article 85](#) are extracted below:

"The head of an office should give a last pay certificate to a Government servant of his establishment, who is transferred or deputed to another establishment. The certificate should be given even when a subordinate is transferred from one establishment to another under the same Government servant.

xx x xx

(i) The last pay certificate (Form No. 14) provides for details of the fund deductions, although the officer preparing the bills is responsible for their correctness; but the officer preparing the last pay certificate is responsible not only for entering in the certificate all demands against the departing Government servant, including any made under an order of attachment of his pay by a Court of law of which he may have received notice before granting the certificate, but also for passing on any of which he may afterwards receive notice, to the treasury of the disbursing office from which the Government servant will in future, draw pay.

xx x xx

(iv) The last pay certificate of a Government servant who is transferred or is proceeding on leave should not be issued until the date and hour making over charge are known to the treasury or

other Government servant who has to issue the certificate".

(emphasis supplied) [Article 97](#) of the Financial Code requires the last pay certificate to be issued without any delay, to avoid hardship to the officers. We extract below the form of last pay certificate (Form No. 14) Government of Karnataka ([Article 85](#)) Last Pay Certificate Last pay certificate of..... of the proceeding on to

2. He has been paid up to at the following rates:

Particulars Rate Substantive pay

Officiating pay

Allowances etc.

Deductions

3. He made over charge of the office of on the noon of.....

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period	Rate	Amount	From	to	at Rs.	a month	From	to	at Rs.	a month	From	to	at Rs.	a month
.....at Rs. a month														

6. He is entitled to draw the following:

7. He is also entitled to joining time for days.

8. The details of the income-tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

Details of recoveries Nature of recovery

Amount of Rs.

To be recovered in instalments.

Deduction made from leave salary From to on account of..... Rs.

From to on account of..... Rs.

From to on account of..... Rs.

5. Rule 12 of the Karnataka Civil Services Rules ('KCSR', for short) requires that when charge of an office is made over, both the relieving and the relieved Government servants should be present. Chapter VII of KCSR dealing with the joining time makes it clear that a Government servant, on transfer, should make over charge at the place from which he is transferred. The explanation

inserted at the end of Rules 76 to 85 in Chapter VII of KCSR provides as to when transfer of charge is complete. It reads as under.--

"Explanation.--Transfer of charge is not completed until the certificate of transfer of charge has been signed by both the relieving and the relieved Government servants. As soon as the transfer of charge is thus completed, the relieved Government servant is regarded as on joining time and must take charge of his new post before its expiry. Ordinarily, the transfer of charge should be completed before the expiry of the joining time of the relieving Government servant and it is his duty to arrive at the new station in time to take charge within the joining time admissible to him. Where the relieving Government servant does not sign the transfer certificate within this period, he should be regarded as having exceeded his joining time".

6. A reading of the relevant provisions of the Karnataka Civil Services Rules and the Karnataka Financial Code, makes it clear that handing over charge and issue of last pay certificate are interlinked and are integral parts of the process of transfer. In fact, the form of last pay certificate requires a specific entry as to when the Government servant made over charge. A Government servant may be in charge of stores or cash or records/confidential documents or other valuables. When the Government servant is transferred, he should account for the record/cash or other valuables in his custody and deliver the same to the new incumbent so that work of the respective office can be continued smoothly and there is no loss of records/cash or other property entrusted to the Government servant.
7. The Tribunal has recognised the fact that handing over of charge is absolutely necessary when a person is transferred. But it has proceeded on the premises that when there is failure on the part of a Government servant to handover charge, the only remedy available is to initiate disciplinary action or to recall him for handing over charge; and that withholding the salary by not issuing the last pay certificate is not one of the consequences of failure to handover charge. We are afraid that the Tribunal committed an error when it treated handing over charge on transfer and issue of last pay certificate on transfer, as two independent issues not linked to each other. Complete delinking of the issue of last pay certificate from the issue of handing over charge may lead to disastrous consequences in the working of the department. Officers who have committed irregularities or who have not maintained records properly may leave the department without handing over charge to the new incumbent and bring the work of the department to a standstill or disarray. There is no gainsaying the importance of handing over charge by an officer who is transferred or who proceeds on leave.
8. The Tribunal has also wrongly assumed that when disciplinary proceedings are initiated and last pay certificate is withheld, on the ground of failure to handover charge, it will amount to double jeopardy by firstly, exposing the employee to disciplinary action which may result in imposition of a punishment and secondly, withholding of salary. But non-release of salary is not by way of punishment, but on account of the Government servant's refusal or failure to comply with a condition precedent for release. If for example, a receipt is needed for releasing salary, an employee cannot refuse to issue a receipt and then complain that non-payment of salary is a

punishment. Consequences of non-fulfilment of a condition precedent for payment of salary is not imposition of a penalty or punishment by the employer.

9. In this case, the appellant has clearly stated that the first respondent has not handed over charge. The first respondent has not appeared nor contested the said allegation. Nor did the first respondent produce before the Tribunal, any relieving order which is issued on handing over charge. Therefore, it has to be held that first respondent is not entitled to last pay certificate until she hands over charge as required under the rules.

10. In the circumstances, this petition is allowed as follows.--

(i) The order of the Karnataka Administrative Tribunal, dated 22-11-2001 passed in Application No. 9687 of 2001 directing the second petitioner to issue last pay certificate of the first respondent and the order dated 7-6-2002 passed in Review Application No. 2 of 2002 are set aside.

(ii) Application No. 9687 of 2001 on the file of the Tribunal stands dismissed. It is however made clear that the first respondent may go over to the office of the second petitioner and handover charge and thereafter seek expeditious issue of a last pay certificate

2. Last Pay Certificate of Shri. Kumar B. Kalbunde, Jr. Technical Assistant, Pay Level-6 of the office of Regional Director proceeding on Transfer to (075126) PAO, Environment New Delhi (1-54-05) Regional Director, PSI, Kolkata on account of General Transfer.
2. He has been paid upto the period 01/12/2020 to 31/12/2020 at the following rates. After that he has remained absent unauthorizedly from duty till 30/07/2021 (date of relieve)
- | Particulars | Rate | Amount |
|--|-------|---------------|
| Education Pay | 38700 | 38700 |
| Dearness Allowance | 6579 | 6579 |
| Transport Allowance | 4212 | 4212 |
| Deduction | | |
| Deduction Details | | Amount |
| 0071013000100001 NPS Deduction (Emp Tier-I) | | 4528 |
| 02100110400010001 CGHS | | 450 |
| 0210011060200001 Licence Fee/HRR | | 750 |
| 8011001030000006 CGHS | | 60 |
| 8658001010100006 Profession Tax | | 200 |
| Licence Fee for Government Accommodation No. (807118) Rs. 750 (Including Service Charge, Water Charge/Electricity Charge/Garage Charge/Lawn Maintenance) | | |
3. Provident Funds/NPS:
- a. He Permanent Retirement Account No. (PRAN) 110050635839 maintained by Central Recordkeeping Agency (CRA), National Securities Depository Limited (NSDL).
3. He made over charge of the office of (175154) Regional Director on the Afternoon of
4. Recoveries are to be made from the emoluments etc. of the Government servant as detailed on the reverse.
5. He is also entitled to draw the following:-
6. He has been sanctioned leave proceeding joining time for days.
- | Period | Rate | Amount |
|---------------------|-------------|----------------|
| From to | at Rs. | a month. |
7. The details of Income Tax recovered from his upto date from the beginning of the current financial year are noted on the reverse.
8. Service for the period From Date 11/05/2009 to Date 30/07/2021 (during his stay in this office) has been verified. A copy of LPC has been given to the Government Servant.
9. Recoveries are to be made the pay of the Government Servant detailed on the reverse.
10. He is also entitled to joining time for 12 days.
11. The unexpired gaps of service including for the periods prior to joining this office are indicated below:-

No. E-426-2009/Pent-2/634

Signature

Date: 27/11/2021

Designation
Assistant Director
Forest Survey of India
Central Zone, Nagp.

Details of recoveries

1. LTC over payment recovery (As per Audit Para No.36) : Rs. 219 drawn in one installment. (Copy enclosed)
2. Irregular excess payment recovery (As per Audit Para No.41) : Rs.6,26,629/- (Copy enclosed)
3. Advance T.A. 22,000/-
4. Any other recovery m/d due, will be intimated in due course.

Signature
DDO Assistant Director
Forest Survey of India
Central Zone, Nagp.

GOVERNMENT OF INDIA
FOREST SURVEY OF INDIA
Central Zone, CGO Complex
Block'A', Seminary Hills, Nagpur- 440 006

No.E-484/2019/ 194

Date 25/05/2023

Reply to Grievance raised in PG Portal under Registration No. MOEAF/E/2023/0001096 dated 24.04.2023 by Shri Kumar B Kalbande, JTA ,received in this office on 10.05.2023.

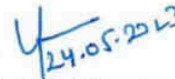
With regard to the above cited grievance, the reply is as under:

At the outset it is stated that the address mentioned in above cited grievance is false. The Estate Manager, Nagpur has already intimated this office that you have vacated the said CPWD Type 4 Quarter No.1, Block 66, Civil Lines, Nagpur on 02.06.2022.

The grievances mentioned in your complaint dated 24.04.2023 pertains to Forest Survey of India, EZ, Kolkata. Hence, your grievance has been forwarded to Regional Director, FSI, EZ, Kolkata vide letter No. E-484/2019/185 dated 24.05.2023.

Further, this office has already forwarded your last pay certificate to O/o the Regional Director, FSI, EZ, Kolkata vide this office letter No.E-426-2009/Part-2/634 dated 22.11.2021 (copy enclosed).

Encl: As above.


24.05.2023
Regional Director

No. E-417-06/967
GOVERNMENT OF INDIA
FOREST SURVEY OF INDIA
Central Zone, CGO Complex
Block'A', Seminary Hills, Nagpur- 440 006

Date 27/01/2023

To,

Shri Kumar Kalbande
Junior Technical Assistant
Forest Survey of India
Eastern Zone,
Kolkata

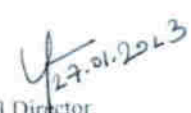
(Through email 'kumarkalbande@gmail.com')

Subject: Your letter dated 24.01.2023 requesting for relieving order and NOC-regarding.

With reference to your letter dated 24.01.2023 on the above mentioned subject, you are informed that a signed copy of your relieving order No.35 dated 30.07.2021 issued by this office on your transfer from this office to Forest Survey of India, Eastern Zone, Kolkatta, was already sent to you on 09.08.2021 on your email id 'kumarkalbande@gmail.com'.

Further, in reply to your First Appeal under Registration No.FSOID/A/E/22/00010 dated 06.06.2022 filed under the Right to Information Act, 2005, a copy of the same relieving order was again provided to you vide this office letter No. E-417-06/239 dated 12.07.2022.

As regards your request for providing NOC to submit at Kolkata office, it is stated that this office has already issued your last pay certificate to the Regional Director, FSI, EZ, Kolkata on 22.11.2021 and there is no provision to supply any No-Objection Certificate to a transferred employee for joining at the new place of posting.


Regional Director

GOVERNMENT OF INDIA
FOREST SURVEY OF INDIA
Central Zone, CGO Complex
Block 'A', Seminary Hills, Nagpur- 440 006

No.E-484/2019/134

Date 25/05/2023

Reply to Grievance raised in PG Portal under Registration No. MINPA/E/2023/0000888 dated 18.04.2023 by Shri Kumar B Kalbande, JTA, received in this office on 10.05.2023.

With regard to the above cited grievance, the reply is as under:

i). Medical reimbursement claim.

Your medical reimbursement claim for Rs. 116942/- for Covid hospitalization could not be paid to you due to paucity of funds. As you have been transferred to FSI, EZ, Kolkata, your pending medical claim was forwarded to FSI, EZ, Kolkata for further action vide this office letter No.47/85/Medical/930 dated 11.03.2022 (copy is enclosed).

ii) Your application for NPS advance.

You had submitted a letter dated 02.03.2021 requesting for 25% advance from NPS (New Pension Scheme) fund. However, as you have not submitted the application in proper format FORM 601 PW (copy enclosed) for drawal of NPS advance along with your letter dated 02.03.2021, action could not be taken on it. Since you are already relieved from this office on 30.07.2021, you should submit the application in proper format to the Regional Director, FSI, ER, Kolkata for further action.

iii) Nil leave present as on 01.01.2021.

You were often unauthorizedly absent from duty during the year 2019 & 2020. You were also unauthorizedly absent from duty since 04.12.2020 to till your transfer from this office on 30.07.2021 (except on 12.03.2021 you have attended the Inquiry). Due to above reason, Shri Chaturbhuj Behera, IFS who took charge of this office on 30.12.2020 as Regional Director, has constituted a Committee vide Office Order No.141 dated 02.03.2021 to examine the details of your attendance so as to regularize your leave records and any payment of salary or recovery if any, can be effected immediately (copy enclosed). As per the report submitted by the Committee, your unauthorized absence between 23.01.2019 to 31.03.2020 (219 days) and 01.04.2020 to 31.12.2020 (86.5 days) were debited in your leave account vide Office Order No.08 dated 15.04.2021 and Order No. 11 dated 23.04.2021. Therefore, after deducting the unauthorized absence from your leave account, your leave account of Earned Leave remained zero leave balance as on 01.01.2021.

iv) Relieving of Shri Chaturbhuj Behera, IFS.

Your statement regarding relieving of Shri Chaturbhuj Behera, IFS, the then Regional Director from this office on 12.03.2023 is untrue. On completion of his tenure of deputation, Shri Chaturbhuj Behera, IFS, Regional Director was relieved from this office on 30.04.2022 AN. Further, in compliance to Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, New Delhi's order No.A-19011-1-2010-IFS-1 dated 13.07.2022, he joined duty in this office on 18.07.2022 and was again relieved of the charge on 12.08.2022 (AN) to take up the charge of Inspector General of Forests, Integrated Regional Office, Raipur.

Encl: As above.


Regional Director

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संख्या-13-7/2024-प्रशा0-553
भारत सरकार
भारतीय वन सर्वेक्षण
पो0ऑ0-आई0पी0ई0, कौलागढ़ मार्ग
देहरादून-248195

दिनांक 27 मई, 2024

सेवा में,

लोक सूचना अधिकारी
भारतीय वन सर्वेक्षण
कौलागढ़ मार्ग, देहरादून।

विषय:- RTI under the Right to information Act, 2005.

संदर्भ:- पत्र संख्या:-13-9/2024-आर0टी0आई0-429 दिनांक 15.05.2024.

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Shri Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/E/24/00057/1 दिनांक 05.05.2024 के द्वारा मांगी गई संबंधित उपलब्ध सूचना प्रशासन अनुभाग से प्रेषित की जा रही है।

भवदीया,

(सविता समवाल)

सहायक निदेशक (का0 एवं प्रशा0)


22/05
RTI cell
संलग्नक:-उपरोक्तानुसार

Government of India
Forest Survey of India
Central Zone, CGO complex
Seminary Hills, Nagpur - 6.

Dated: 30.07.2021

Office Order No. 35

In pursuance of the Director General, Forest Survey of India, Dehradun's Office Order No. 7-4/2010-Adm. 1224 dated 30 July, 2021 Sh. Kumar B. Kalbande, JTA, Forest Survey of India, Central Zone, Nagpur stands relieved from his duties with immediate effect, with instructions to report for duty to the Regional Director, Forest Survey of India, Eastern Zone, Kolkata.

"No Dues Certificate" may be submitted to this office.

Chakraborty
30/7/21
(Chaturbhuja Behera)
Regional Director

Endt. No. E-426-2009/346

Dated: 30.07.2021

Copy forwarded for information and necessary action to:-

1. The Director General, Forest Survey of India, Kaulagarh Road, Dehradun with reference to his Office Order cited above.
2. Pay & Accounts Officer, Ministry of Environment & Forests, Jorbag Road, Aliganj, New Delhi- 110003.
3. The Regional Director, Forest Survey of India, Eastern Zone, Kolkata.
4. Sh. Kumar B. Kalbande, JTA, Forest Survey of India, Central Zone, Nagpur
5. Account Section/Cashier, FSI, Central Zone, Nagpur.
6. Service Book of the person concerned.
7. Office Order file.

Chakraborty
30/7/21
(Chaturbhuja Behera)
Regional Director

LAST PAY CERTIFICATE

(See rule 11(4), and 80 of Central Government Accounts, Receipts and Payments Rules, 1963)

2. Last Pay Certificate of Shri Kumar B. Kalbande, Jr. Technical Assistant, Pay Level-6 of the office of Regional Director proceeding on Transfer to (075126) PAO, Environment New Delhi, (175152) Regional Director, FSI, Kolkata on account of General Transfer.

2. He has been paid upto the period 01/12/2020 to 31/12/2020 at the following rates, After that he has remained absent unauthorizedly from duty till 30/07/2021 (date of relieve)

Particulars	Rate	Amount
Officiating Pay	38700	38700
Dearness Allowance	6579	6579
Transport Allowance	4212	4212

Deduction

Deduction Details	Amount
0071015000100001:NPS Deduction(Emp Tier-I)	4528
0210011030000001:CGHS	450
0216011060200001:Licence Fee/HRR	750
8011001030000006:CGEGIS	60
8658001010100006:Profession Tax	200

Licence Fee for Government Accommodation No. (807118) Rs. 750 (Including Service Charge/Water Charge/Electricity Charge/Garage Charge/Lawn Maintenance)

3.. Provident Funds/NPS:

- a. His Permanent Retirement Account No. (PRAN) 110050635839 maintained by Central Recordkeeping Agency (CRA), National Securities Depository Limited (NSDL).

3. He made over charge of the office of (175154) Regional Director on the Afternoon of

4. Recoveries are to be made from the emoluments etc. of the Government servant as detailed on the reverse.

5. He is also entitled to draw the following:-

6. He has been sanctioned leave proceeding joining time for days.

Period	Rate	Amount
From to	at Rs.	a month.

7. The details of Income Tax recovered from his upto date from the beginning of the current financial year are noted on the reverse.

8. Service for the period From Date 11/05/2009 to Date 30/07/2021 (during his stay in this office) has been verified. A copy of LPC has been given to the Government Servant

9. Recoveries are to be made the pay of the Government Servant detailed on the reverse.

10. He is also entitled to joining time for 12 days.

11. The unverified gaps of service including for the periods prior to joining this office are indicated below:-

No: E-426-2009/Pent-2/634

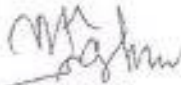
Date 22/11/2021

Signature

[Signature]

Details of recoveries

- 1 LTC over payment recovery (As per Audit Para No.36) : Rs. 219 drawn in one installment. (Copy enclosed)
- 2 Irregular excess payment recovery (As per Audit Para No.-41): Rs.6,26,629/- (Copy enclosed)
- 3 Advance T. A. : 22,000/-
- 4 Any other recovery m if due, will be intimated in due course.


Signature
DDO Assistant Director
22/11/21 Forest Survey of India
Central Zone, Nagpur.