

30/100

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-204/2000 order pg-1 to 2

INDEX

dismissed date-20/9/2000

M.P-232/2000 order pg-1 to

disposed date-28/9/2000

petition CG Pg-1 to 13

O.A/T.A No. 20/2000

R.A/C.P No.

E.P/M.A No. 204/2000

1. Orders Sheet. OA-30/2000 Pg. 1 to 4
2. Judgment/Order dtd. 12/12/2000 Pg. 1 to 2 disposed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 20/2000 Pg. 1 to 22
5. E.P/M.P. 204/2000 Pg. 1 to 6
6. R.A/C.P. MP-234/2000 Pg. 1 to 13
7. W.S. Pg. 1 to 10
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

MP-234/2000 order pg-1 to 2

disposed date-29/9/2000

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET


APPLICATION NO. 30/2000 OF 199

Applicant(s) Sri Petli Ramanna & Others

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is and within time F. of Rs. 80/- deposited vide PO BD No. 09/56083 Dated 28/1/00</p> <p>27/1/2000 23/1/2000</p> <p>Requires 3 copies filed.</p> <p>27/1/2000</p>	<p>28.1.2000</p> <p>mk 23/1/2000</p> <p>28.2.00</p>	<p>Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Notice is returnable by 28.2.2000.</p> <p>Any appointment made is subject to the result of this case.</p> <p>List on 28.2.2000.</p> <p> Vice-Chairman</p> <p>There is a reference. A 21-3-00.</p>

N

Notes of the Registry	Date	Order of the Tribunal
1 - 2-2000 Service of notice prepared and sent to D. Section for issuing of the summons to the respondents through Regd. post with A/D. 21 - Vide D. Nos. 334 & 336 Dtd- 1-2-2000.	21.3.2000	Mr B.S.Basumatary, learned Addl.C.G.S.C. is present for the respondents. None present for the applicant. List on 28.3.2000 for consideration of admission. Member
25-2-00 Service Reports are awaited.	28.3.2000	No reply has been submitted. Mr B.S. Basumatary, learned Addl.C.G.S.C prays for some more time to get instructions. Mr A.Ahmed, learned counsel for the applicants opposes due to the fact that advertisement has already been issued, to fill up the reserved posts and prays for further interim order. However, for the ends of justice the case is adjourned to 26.4.2000 for consideration of admission. In addition to the interim order dated 28.1.2000, pendency of consideration of admission shall not be a bar for the respondents to grant relief to the applicants. Member
27-3-00 Service Reports are awaited.	26.4.00	No show cause reply has been submitted. Heard Mr B.S. Basumatary, learned Addl. C.G.S.C. and Mr A. Ahmed, learned counsel for the applicants. Permission to the applicants to join in this single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987, is granted. The application is admitted. Notice already served. List for written statement and further orders on
29-03-2000 Copy of the order dated 28.3.2000 has been prepared and sent to Despatch Section for issuing to the counsel. Vide D.Nos. 948 Dtd. 29.3.2000	29/3/2000	

Notes of the Registry	Date	Order of the Tribunal
	26.4.00	3 17.5.00. Heard the learned counsel for the parties regarding interim order. It is directed that appointment to the post of Mazdoor as advertised in Annexure-F shall be subject to the result of this O.A. Member
M. Camp, by 2.5.00 Copy of The order dtd. 26.4.2000 issued The learned Counsel for the Parties. 1322 dtd 5/5/2000	nkm 17.5.00	Mr B.S.Basumatary, learned Addl.C.G.S.C seeks time to file written statement List on 14.6.00 for written statement and further orders. Member(J)
13-6-2000 No. written statements has been filed.	pg 14.6.00	Present : Hon'ble Mr.D.C. Verma, Judicial Member. As prayed for by Mr.B.S.Basumatary, learned Addl. C.G.S.C., three weeks time is granted to the respondents to file written statement. List on 7.7.00 for written statement and further orders. Member (J)
15/7/00 Notice duly served on Respondent No. 2	mk 7.7.00	Present: Hon'ble Mr S. Biswas, Administrative Member Learned counsel Mr A. Ahmed for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. for the respondents. At the request of the learned counsel for the respondents the case is adjourned and posted on 25.7.00 for filing written statement. Member(A)
24-7-2000 Written statement has been filed by the respondents No. 1, 2, 3.	nkm 25.7.00	no answer is available and no 21-8-00. 370

Notes of the Registry	Date	Order of the Tribunal
<p>19-9-2000</p> <p>① Written statement has been filed.</p> <p>② No rejoinder has been filed.</p> <p>4/10/00 Party has headed as per Court's order dated 28/9/00</p> <p>11-12-2000</p> <p>1) Written statement has been filed by the respondents No. 1, 2, 3;</p> <p>2) Respondents No. 4 & 5 have not filed written statement.</p> <p>19.12.2000</p> <p>Copy of the Judgment has been sent to MS D/Sec for issuing the same to MS applicant as well as to Addl. C.S.C. for MS Respt.</p>	<p>21.8.00</p> <p>7.9.00</p> <p>20.9.00</p> <p>28.9.00</p> <p>pg</p> <p>12.12.00</p> <p>trd</p>	<p>There is no Bench, 28-8-00</p> <p>7.9.00 No Bench. To be listed on 20.9.00.</p> <p>Present : The Hon'ble Mr Justice D.N. Choudhury, Vice-Chairman.</p> <p>List on 12.12.2000 for hearing.</p> <p>Vice-Chairman</p> <p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>In view of the order passed in M.P. 232/2000 Sri Ranjan Hazarika and Sri Ch. Appa Rao has been allowed to implead as respondents No. 4 and 5 respectively in this case. Office to add them as respondents in the cause title.</p> <p>List on 12.12.2000 for hearing as already fixed. In the meantime the newly added respondents may file their written statements.</p> <p>Vice-Chairman</p> <p>Heard learned counsel for the parties. Hearing concluded. Judgement delivered in open court, kept in separate sheets. The application is disposed of. No costs.</p> <p>Member (A)</p> <p>Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~P.A.~~ No. . 30/2000 . . . of

DATE OF DECISION 12.12.2000

Shri Petil Ramanna & two Ors. PETITIONER(S)

~~Mr. A. Ahmed.~~ ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors. RESPONDENT(S)

Mr. B.S. Basumatary, Addl.C.G.S.C. ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE MR. M.P.SINGH, MEMBER(A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 30 of 2000.

Date of decision : This the 12th day of December, 2000.

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

Hon'ble Mr. M.P.Singh, Member (A).

1. Shri Petil Ramanna,
Village-KV Narangi,
Post Office - Satgaon,
District - Kamrup (Assam).
2. Sri Dipak Tumung,
Son of Uma Ram Tumung,
Army Ex-Serviceman,
Assam Regiment,
Village-Birkuchi,
P.O. Narenagi
Guwahati-27.
3. Sri Premadhar Das
Son of Shri Debendra Nath Das
Village - Udaygiri
P.O. Narengi,
Guwahati -27


...Applicants

By Advocate Mr. A. Ahmed.

-versus-

1. The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.
2. The Director General,
Ordinance Service, Master General
of Ordinance Branch, Army
Headquarters, P.O. DHQ,
New Delhi-110011.
3. The Commandant, 222 ABOD,
Narengi Camp,
C/o 99 APO

...Respondents

 By Advocate Mr. B.S. Basumatary, Addl. C.G.S.C.

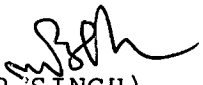
Contd...


O R D E R (ORAL)

CHOWDHURY J.(V.C.).

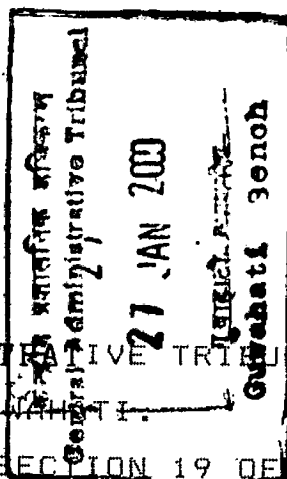
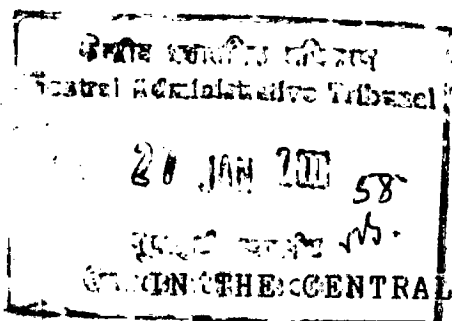
By this application under Section 19 of the Administrative Tribunals Act 1985 the applicants have sought for a direction for their appointment in the post of Mazdoor on the basis of the selection list made to fill up back log vacancies by Special Recruitment Drive. In course of hearing it was informed that two of the applicants out of three namely Dipak Tumung and Premdhar Das were already appointed by the respondents. The respondents have also approached the Army Headquarter for release of more vacancies to appoint the selected candidates vide communication No.1523/SC-ST/191/Civ Est dated 7.7.2000. It has also been stated that the appointment of Shri Petil Ramanna is also under consideration on release of the vacancies. In the circumstances we were not inclined to pursue the matter further with the expectation that Petil Ramanna and other like selected persons will be appointed in due course.

With the observation made above, the application stands disposed of. No order as to costs.


(M.P. SINGH)
Member(A)


(D.N. CHOWDHURY)
Vice-Chairman

trd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 30 OF 2000.

Sri Petli Ramanna & others
..Applicants.

-Versus-

Union of India & Others
.. Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1	Application	1 to 13
2.	Verification	14
3.	Annexure-A	15
4.	Annexure-B	16
5.	Annexure-C	17
6.	Annexure-D	18
7.	Annexure-E	19 to 21
8.	Annexure-F	22

Filed by

Advocate.

গুৱাহাটী বেঞ্চ
27 JAN 2000

27 JAN 2000

গুৱাহাটী বেঞ্চ
27 JAN 2000

2

Filed by
Shri Premadhar Das applicant
through
(Adm. Agent)
D. No. 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 30 OF 2000.

B E T W E E N

1] Shri Petli Ramanna,
Village-KV Narangi,
Post Office-Satgaon,
District-Kamrup (Assam).

2] Sri Dipak Tumung,
Son of Uma Ram Tumung,
Army Ex-Serviceman,
Assam Regiment,
Village-Birkuchi,
Post Office-Narangi,
Guwahati-27.

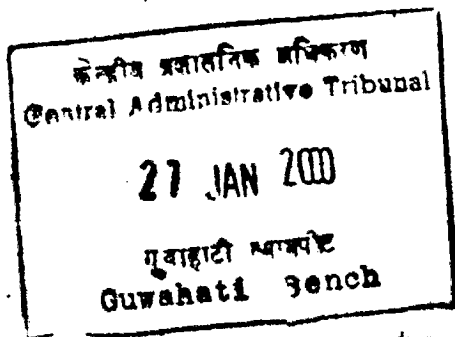
3] Sri Premadhar Das
Son of Shri Debendra Nath Das
Village -Udaygiri,
P.O.-Narengi,
Guwahati-27.

. . Applicants.

-AND-

1. The Union Of India,
represented by the Secretary

Shri Premadhar Das



3

to the Government of India,
Ministry of Defence,
New Delhi.

④ 4. Sri Ranjan Hazarika.
Son of Sri S. Hazarika, 2.
Vill - Perthan, Guazar
PO - Mankhuli, Ghy-
Dist - Kamruih.

The Director General,
Ordinance Service, Master
General of Ordinance Branch,
Army Head Quarters, P.O. - DHQ,
New Delhi-110011.

5. Sri Ch. Akha Rao.
Son of Ch. Pardashu
Vill - Among Torakat
PO - Satgaon, Guwahati
Dist - Kamruih.

3. The Commandant, 222 ABOD,
Narengi Camp,
C/o 99 APO.

■ Respondents.

Implored vide G.O. dtd 28/9/00 ④
Kensel in M.O. No 233/2000.

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

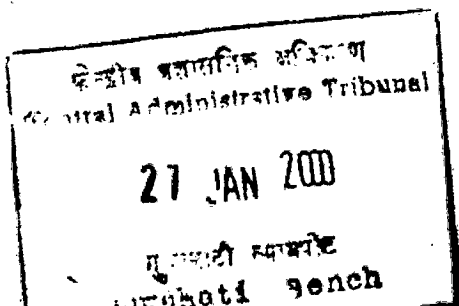
This instant application is made against the action of the Respondents for not appointing applicants against in the post of Mazdoor against backlog vacancies of S.C/S.T. candidates on special recruitment drive.

2. JURISDICTION OF THE TRIBUNAL

The applicants declare that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

Ramkrishna



4

The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act.

4 FACTS OF THE CASE

Facts of the case in brief are given below:

4.1 That your humble applicants are all citizens of India and as such, they are entitled to all the rights and privileges and protection guaranteed by the Constitution of India.

4.2. That your applicants beg to state that the applicant No.1 is Scheduled Caste by community, applicant No. 2 is Scheduled Tribe by community and the applicant No. 3 is also scheduled Caste by community. They are permanent residents of Narengi, Guwahati, Assam.

4.3. That your applicants beg to state that they have got common grievances, common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend to prefer this application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to

B. K. Singh

21 JAN 2000

गुवाहाटी बेंच
Guwahati Bench

5

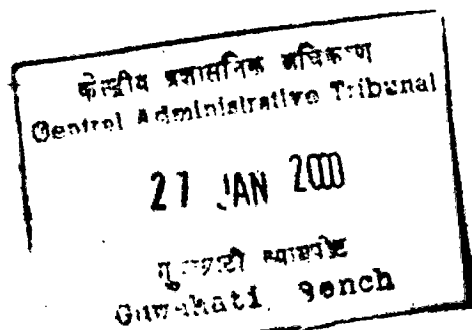
file this joint application and pursue the instant applicants redressal to their common grievances.

4.4 That your applicants beg to state that they were called for recruitment as Mazdoor under the Office of the Commandant, 222 Advance Base Ordinance Depot, Narengi. Their candidatures were sponsored by the Employment Exchange, Guwahati. It is pertinent to mention here that the above recruitment of Mazdoor were made against backlog vacancies of S.C./S.T. candidates on Special Recruitment Drive. The applicant No.1 was called for interview for the post of Mazdoor vide letter dated 1599/T/68/Est dtd. 13th January, 1994. The applicant No.2 was called for interview for the post of Mazdoor vide letter No. 1599/T /157/ Est dated 13th January, 1994. The applicant No.3 was also called for interview for the post of Mazdoor vide letter No. 1599/T/96/ Est* dated 13th January, 1994. All the above mentioned call letters were issued by the Office of the Commandant, 222 Advance Base, Ordinance Depot, C/o 99 APO.

Annexure-A, B & C are the photocopies of call letters dated 13-01-94 issued by the Office of the Respondent No. 3 to the applicants.

4.5 That, the applicants beg to state that all the applicants appeared before the interview board on 28-1-94. After that, the

Handwritten signature



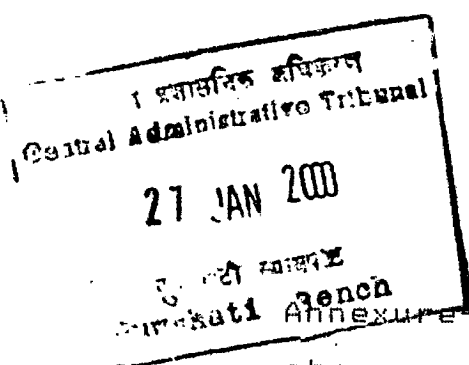
6

applicants along with other selected candidates were asked by the Respondent No. 3 to submit the Original Certificates and documents and accordingly they submitted their original documents to the personal Officer of the Advance Base Ordinance Depot. The Personal Officer of the Depot served the applicants with forms relating to Police Verification and Medical Verification. Accordingly, the applicants duly filled the forms and submitted before the Personal Officer of the Ordinance Depot.

4.6 That the applicants beg to state that, thereafter, the Respondent No. 3 informed them that they were selected for the post of Mazdoor along with other candidates and they will have to wait for appointment letter from Army Head Quarter, New Delhi.

4.7 That the applicants beg to state that after not getting the appointment letters from the Respondents they submitted representation before the Respondent No. 1 for early appointment in the post of Mazdoor. The Office of the Respondent No. 3 informed the applicants that their names were in select penal of the Board and their names have been forwarded to the Eastern Command for sanction of vacancies and whenever the vacancies will release they will be appointed accordingly. The applicants herewith annex one such letter No. 1523/SC-ST/107/Civ Est dated 26-03-1998 for kind the perusal of the Hon'ble Tribunal.

Banath S



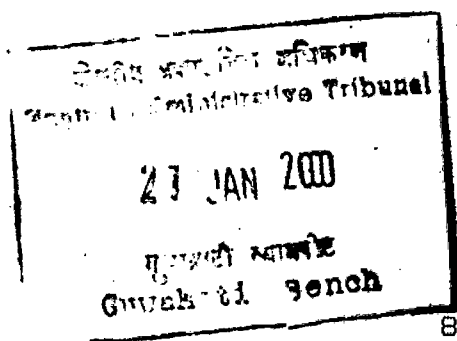
7

Annexure D is the photocopy of the above said letter No. 1523/SC-ST/107/Civ Est dated 26-03-1998.

4.8 That the applicants beg to state that the applicants again filed their representation on 23-02-1999 before the Respondents for their early appointment in the post of Mazdoor as per earlier assurance given by the Respondents. But till today the Respondents neither released the vacancies of Mazdoors as per backlog vacancies of ST/SC candidates on Special Recruitment Drive nor appointed them in the above said posts. Surprisingly the respondents without appointing them in the post of Mazdoor against the backlog vacancies of S.C/S.T. on Special Recruitment Drive, the Respondents have again advertised the posts of Mazdoors in the Local Paper, «The Assam Tribune» on 27-12-1999. For the said posts ~~and~~ the interview will be held for this on 28 & 29 January 2000. The total 25 posts are shown in the advertisement; General « 15(05 posts are reserved for ex-service man and one post is reserved for physically handicapped person) for SC « 02, ST « 02, OBC « 06 posts are reserved by the respondents and hence finding no other alternative the applicants have approached this Hon'ble Tribunal for seeking justice.

Annexure E is the ^{Typed Copy} ~~photocopy~~ of representation submitted by the applicants before the Respondent No.1 on 23-02-1999.

For the Gov



Annexure-F is the photocopy of Advertisement made in the Local paper, «The Assam Tribune» dated 27-12-1999 for appointment of Mazdoor by the Respondent No. 3.

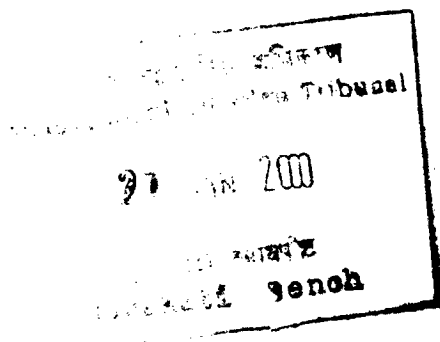
4.9 That your applicants beg to state that their names have already been struck out from further employment by the Employment Exchange because the Respondents have already intimated the Exchange for their appointment in the post of Mazdoor.

4.9 That your applicants beg state that the action of the Respondents is illegal and violative of the fundamental rights of the constitution. The act of the Respondents is mala fide because without appointing the persons from earlier selection list against backlog vacancies of SC/ST candidates the Respondents have again advertised for recruitment to post of Mazdoor.

4.10 That the applicants beg to state that they are very poor persons and also hailed from a backward community and they are running from pillar to post for getting appointment in the post of Mazdoor against backlog vacancies of SC/ST candidates against the Special Recruitment Drive.

4.11 That your applicants beg to state that the Union of India has given special attention to the backward community for upliftment of their community and necessary acts and

Handwritten signature/initials



9

reservation has already been given to this community and as such, the Respondents cannot deny the same to the applicants.

4.12 That your applicants submit they are going to be over aged for further Government or Semi-Government employment and as such, immediate interference by the Hon'ble Tribunal is necessary to save them from further hardships.

4.13 That your applicants submit that the Hon'ble Tribunal may be pleased to pass an interim order to protect the applicants and also to stay the new recruitment for the post of Mazdoor until the applicants are appointed against the backlog vacancies under the Special Recruitment Drive for SC/ST candidates.

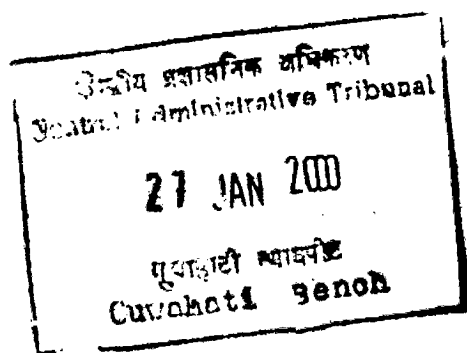
4.14 That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to save the entire family members of the applicants from starvation.

4.15 That this application is filed bona fide and for the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action of the Respondents for not appointing the applicants as per select list of backlog vacancies of SC/ST on Special Recruitment Drive and as such, the

Handwritten signature



10

action of the Respondents is illegal, arbitrary, mala fide and violative of the principles of natural justice.

5.2 For that, the Respondents being a model employer they should appoint the applicants under the Special Recruitment Drive of SC/ST and they should not deprive the applicants from this and hence, the same is bad in the eye of law.

5.3 For that, the Respondent without exhausting the earlier list of SC/ST candidates under the Special Recruitment Drive can not advertise for new recruitment of Mazdoors. As such, the new advertisement is illegal in the eye of law.

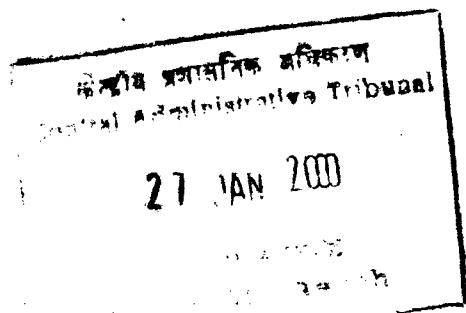
5.4 For that, the action of the Respondents is not sustainable in the eye of law as well as in facts.

5.5 For that, the applicant's case is a genuine and they should be appointed by the Respondents against the backlog vacancies of SC/ST candidates under Special Recruitment Drive and hence the Respondents cannot deny it.

5.6 For that, the action of the Respondents is violative of fundamental rights of the constitution of India.

5.7 For that, the action of the Respondents is arbitrary, whimsical, mala fide and also with a motive behind to deprive the applicants to get appointment.

Amulya S.



11

5.8 For the, in any view of the matter the action of the respondents is not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

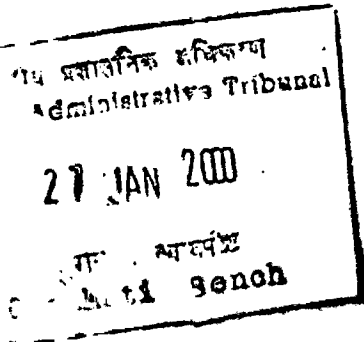
7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition and may call for records of

Pruch Jc



12

the case, issue rule calling upon the Respondents to show cause as to why the relief should not be given to the applicants and after hearing the parties on the cause or causes that may be shown and on perusal of records your Lordships may be pleased to grant the following relief to the applicants.

8.1 To direct the Respondents to issue appointment letter to the applicants against earlier selection list of under the backlog vacancies of the SC/ST candidates on Special Recruitment Drive.

1993-93

8.2 To direct the Respondents to complete the process of appointment as early as possible and also not to recruit fresh candidates in the post of Mazdoor till the earlier list of SC/ST candidates is exhausted by the Respondents.

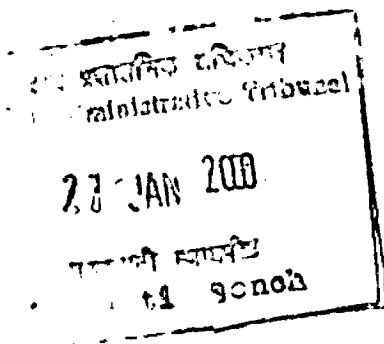
8.3 Cost of the application.

8.4 To pass any other relief or reliefs to which the applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicants most respectfully prays for an interim order directing the Respondents not to appoint any other persons in the post of Mazdoor till the earlier list is exhausted and also 3(three) posts of Mazdoor may be reserved to the applicants till disposal of the case.

Prayer 13



13

10. Application Is Filed Through
Advocate.

11. Particulars of I.P.O.:

I.P.O. NO.. OG 456083

Date Of Issue 22.1.2000

Issued from Guwahati

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

Pauper

VERIFICATION

I, Sri Premadhar Das, Son of Shri Debendra Nath Das, Village - Udaygiri, P.O.- Narengi, Guwahati-27 Assam, applicant No. 3 of the instant Original Application and also as authorised by other applicants to sign the verification on behalf of them do hereby solemnly verify that the statements made in paragraphs 4.1 to 4.3, 4.5, 4.6, 4.10, 4.11

are true to my knowledge those made in paragraphs 4.4, 4.7, 4.8, 4.9 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 27th day of January, 2000.

Sri Premadhar Das

Declarant

REGISTERED POST

1599/T/ 68 /EST

222 Adv Base Ordnance Depot

C/O 99 ABQ

16 Jan 94

Sh P Ramanna

Vill: KU Naranga, PO Satgaon

Gauhati

RECRUITMENT : MAZDOORS

1. Your name has been forwarded by Employment Exchange Gauhati for recruitment as MAZDOOR in this depot.
2. You will report to Personnel Officer (Civ) at 222 ABOD (Naranga Camp) on 21/01/94 at 09:00 for interview/test.

GENERAL INSTRUCTION

- (a) You are advised to bring original copy of educational certificate/date of birth certificate & SC/ST certificate (in case of Schedule Caste/Schedule Tribes candidate) from the District Authority and in the case of Ex-Serviceman, discharge certificate to prove your eligibility before the Board. Land Emp Exch Card
- (b) Candidate will have to appear for interview at their own cost.
- (c) Candidate willing to serve any where in India.
- (d) The decision of the recruitment board in all matters regarding eligibility, conduct of test, interview and selection would be final. No, correspondence would be entertained in this behalf.
- (e) You have full liberty to converse in Hindi during the interview/test.
- (f) Appointment letter will be issued to the selected candidates after necessary police verification report from the civil authority and after medical fitness.

Yours faithfully:

(RP Panel)
Capt. R. S. Singh
Pers Officer (Civ)
for Commandant

/AKSA

REGISTERED BY POST

222 Agrim Sthai Ayudh Bhandar
222 Advance Base Ordnance Depot
C/O 99 APC

1599/T/157/EST

13 Jan 94

Sh. Dipak Tamung

Vill - Birkuchi

PO - Naranyi Ghy - 27

RECRUITMENT : MAZDOOR

1. Your name has been forwarded by Employment Exchange Guwahati for recruitment as MAZDOOR in this Depot.
2. You will report to Personnel Officer (Civ) at 222, ABOD (Naranyi Camp) on 27.1.94 at 0900 hrs for interview/test.

GENERAL INSTRUCTIONS

- (a) You are advised to bring original copy of educational certificate/date of birth certificate and Employment Exchange Card. SC/ST certificate (in case of Scheduled Caste/Scheduled Tribe candidates) from the District authority and in the case of Ex-Servicemen, discharge certificate to prove your eligibility before the Board.
- (b) Candidates will have to appear for interview at their own cost.
- (c) Candidates willing to serve any where in India.
- (d) The decision of the recruitment board in all matters regarding eligibility, conduct of test, interview and selection would be final. No correspondence would be entertained in this behalf.
- (e) You have full liberty to converse in Hindi during the interview/test.
- (f) Appointment letter will be issued to the selected candidates after necessary Police Verification report from the Civil Authority and after medical fitness.

Yours faithfully,

(RP Pandey)

Major Genl
Personnel Officer (Civ)
for Commandant

/Murali/

17
REGISTERED BY POST

ANNEXURE - C

222 Agrim Sthai Ayudh Bhendar
222 Advance Base Ordnance Depot
C/O 99 APO

1599/T/Ab/EST

(3 Jan 94

For Premodha Das

1. Anil Basant Kumar Narayan (Civilian)

2. Anil Basant Kumar Narayan (Civilian)

RECRUITMENT : MAZDOOR

1. Your name has been forwarded by Employment Exchange Guwahati for recruitment as MAZDOOR in this Depot.
2. You will report to Personnel Officer (Civ) at 222 APO (Kharagpur) on 24.12.93 at 09.00h for interview/test.

GENERAL INSTRUCTIONS

- (a) You are advised to bring original copy of educational certificate/date of birth certificate and Employment Exchange Card. SG/ST certificate (in case of Scheduled Caste/Scheduled Tribe candidates) from the District authority and in the case of Ex-Serviceman, discharge certificate to prove your eligibility before the Board.
- (b) Candidates will have to appear for interview at their own cost.
- (c) Candidates willing to serve any where in India.
- (d) The decision of the recruitment board in all matters regarding eligibility, conduct of test, interview and selection would be final. No correspondence would be entertained in this behalf.
- (e) You have full liberty to converse in Hindi during the interview/test.
- (f) Appointment letter will be issued to the selected candidates after necessary Police Verification report from the Civil Authority and after medical fitness.

Yours faithfully,

Attest
[Signature]
[Signature]

(RP Bruck)

Major (Civ)
for Commandant

Murali

[Signature]

- 18 -

ANNEXURE - D

222 Agrim Sthai Ayudh Bhandar
222 Advance Base Ordnance Depot
C/O 99 APO

1523/SC-ST/(8) Civ Est

16 Mar 98

Shri P Rananna
C/O Shri P Damadu ✓
Vill- KV Narangi
Post-Satgaon
Dist-Kamrup (Assam)

REPRESENTATION IN RESPECT OF THE RECRUITMENT OF
MAZDOORS INTERVIEW HELD IN JAN 94 REGARDING

1. Refer to your application dated 07 Mar 98.
2. Select panel of your board was forwarded to HQ Eastern Command for sanction~~ed~~ of the vacancies but the vacancies have not so far been released by the competent Authority. As and when the vacancies are released you will be intimated accordingly.

(HR Sorate)
OOC(Adm)
Pers Officer(Civ)
for Commandant

Copy to :-

Headquarters
51 Sub Area
C/O 99 APO

- for information please.

Advocate

- 19 -

Annexure-E.

To,

Dated 23.2.99

The Secretary to Defence Ministry,
Government of India,
P.O.-New Delhi - 110011.

Sub: Prayer for Recruitment of Mazdoor against
Backlog Vacancies of SC/ST Candidates on
Special Recruitment Drive (SRD).

Sir,

Most Respectfully, We beg to state
that we have been selected in the office of
commandant 222 Adv. Base Ordnance Depot., C/o
99 APO as mazdoor in the year 1994 against
backlog vacancies of SC/ST on Special
Recruitment Drive.

That we were selected with other
7(seven) candidates belonging to SC/ST
community was made by the commandant 222 ABOD
under the authority of O.M. No. 1599/T/157/Est
dated 13 Jan, 94.

That thereafter the office of
commandant direct us along with other selected
candidates to deposit the papers (Employment
card and original certificate of Educational
Qualification and cast certificate) and accor-
dingly we did and handed over to personnel
officer to the Depot.

That the personnel officer of the
depot served us forms relation to police
verification and advised us to submit the form
duly completed in all respect.

Attested
[Signature]
Ashwate

Op

That in due course, We filled up forms duly completed and submitted to the office of commandant. That the Adm Officer and personnel Officer of the depot advised me along with 7(Seven) selected candidates to wait for appointment letter till the post of Mazdoor be released from Army H.O., New Delhi and Eastern Command, Calcutta. The Office of the commandant 222 ABOD vide his letter No. 1523/SC-ST/109/Civ /Est dated 26.3.98 has also informed one of our candidate Sri P. Ramanna that select penal of the Board has forwarded the list candidates to Army H.q. for release of vacancies and accordingly we will be intimated.

In view of the above, your goodself would kind enough to consider out case, and instruct the concerned officials to permit us to join where we have already been selected and oblige.

Thanking you,

Yours faithfully,

11 Shri Petli Ramanna.

21 Sri Dipak Tumung.

31 Sri Premadhar Das.

(Selected candidates for the post of Mazdoor in the office of the Commandant 222 ABOD under Special Recruitment Drive for SC/ST candidates).

Atst
PS
Aswara

km

Copy to:-

1. DGOS (OS-SC), MGO'S Branch, Army H.Q. DHs, New Delhi • 110011.
2. MGAOC H.Q. Eastern Command Fort Willim, Calcutta-21.
3. Commandant, 222 ABOD, C/o 99 APO.

For information and necessary action pleas.

Attd
JSL
Advocate

- 22 -

ASSAM TRIBUNE

~~ANNEXURE - F~~

ANNEXURE - F

27.12.1999

1. Application are invited to fill up the 25 (Twenty five) vacant posts of Mazdoor and 1 (one) post of messenger in 222 ABOD by 12 Jan 2000.
- a) Name and designation of the Officer to whom application should be sent: Administrative Officer 222 ABOD C/o 99 APO
- b) Reservation of 25 vacant posts: SC-02, ST-02, OBC-06 and General 15 (05 posts are reserved for Ex-Servicemen and 01 post for Physically handicapped. The Ex-Servicemen and physically handicapped selected would be absorbed in the Caste/Category that they belong to the first and the balance vacant post would be filled up from the general public). 01 (one) vacant post messenger is reserved for OBC.
- c) Pay scale for both categories: Rs. 2550-55-2660-60-3200 plus allowances admissible to Central Govt employees. Temporary
- d) Nature of employment: Temporary
- e) Age limit: (i) 18 to 25 years, 5 years relaxation for SC/ST and 3 years for OBC candidates. (ii) Age limit for Ex-servicemen who have rendered not less than 6 month continuous service in the Armed Forces will be determined as under: "Present age minus period of service plus 3 years, not exceeding 25 years.
- f) Qualification required: Mazdoor (i) Knowledge of Hindi (ii) Primary School pass (iii) Messenger: 8th class pass (iv) The candidate will be on probation for a period of 2 years and on successful completion of probationary period, they will be absorbed as regular (temporary) Mazdoor/Messenger.
2. Eligible candidates will be called for interview being held on 28 and 29 Jan 2000.
3. Specimen of the application form is as under:-

Applicants
SC 2
ST 2
OBC 6
General 15

Attest
[Signature]
Admnstr

512 24 JUL 2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH
GUWAHATI.

Filed by -
Col. K.K. Naithani,
RES. ADT.
Hrough
Bhogen Singh Basumaty
Appl. CG SC, CAT,
Guwahati Bench.
24/7/2000

O.A.NO. 30 OF 2000

Shri Petli Ramanna & ors

-Vs-

Union of India & ors.

WRITTEN STATEMENT FOR AND ON BEHALF OF RESPONDENT
NOS.1,2 AND 3.

I, Lt Col KK Naithani, Offg-Comdt, 222 Advanced Base Ordinance Depot, C/O 99 APO, do hereby solemnly affirm and state as follows :

1. That I am the ^{offg} Commandant of 222 Advanced Base Ordinance Depot (in short ABOD), C/O 99 APO. I have been arrayed as Party Respondent No. 3 in the instant Original Application. I have received a copy of the aforesaid O.A., gone through the same, understood the contents thereof . Further I am authorised to represent the Union of India and other Official Respondents in the present case, including filing of written statement and other relevant documents that may require time to time. As such I am competent to verify and file this written statement for and on my own behalf as well as for and on behalf of all the Respondents.
2. That this answering Respondent before dealing with the merits as well as parawise statements of the O.A. begs to raise preliminary objection as regards the maintainability of the O.A. inasmuch as the cause of action against which the applicants have filed this O.A. has no nexus with their grievance. As a matter of fact the impugned process of appointment of Mazdoors is meant for the current vacancies for the year 1999-2000 and the applicants are selectees of 1994 under Special Recruitment Drive (in short SRD) for backlog vacancies meant for SC/STs till the year 1994.

It is also pertinent to mention here that the applicants have neither applied nor participated in any manner in the selection process

in question.....

-2-

in question. That apart the applicants after having found selected in 1994 had neither participated in any selection process for the posts of Mazdoors for the current vacancies meant for subsequent years which took place regularly in the year 1997 and 1998 nor did they agitate in any forum against such selection process on earlier occasions. Thus the instant O.A. is not tenable in the eye of law inasmuch as the applicants are not party in the current selection process and through the current selection process only current vacancies available for the year 1999-2000 meant for both general category and SC/STs are going to be filled up. The applicants are by no means affected by the current selection/recruitment process as because neither the backlog vacancies for SC/STs for the year 1993-94 is ~~going to be~~ dereserved to create current vacancies nor those backlog vacancies are going to be exhausted by the current recruitment process. As such the instant O.A. is devoid of any merits and liable to be dismissed.

3. That this answering Respondent does not admit any of the facts, statements, allegations and averments made in the O.A. save and except those have been specifically admitted hereunder in this written statment. Further the statements which are not borne on records have also been categorically denied.

4. That as regards the contents of paragraph 1 of the O.A. this answering Respondent respectfully states that the Govt. of India had decided to launch a 'Special Recruitment Drive' (In short SRD) against backlog vacancies for SC/ST candidates. Accordingly HQ Eastern Command vide letter No. 321891/2/SCT/1009/OS-SC dated 4.10.1993 directed to implement the same in 222 ABOD with the instructions to fill up the vacancies by 31.3.1994.

A copy of the aforesaid letter dated 4.10.93 is annexed herewith and marked as ANNEXURE-'R'¹ hereof.

However, subsequently, Army HQ vide letter No. 80992/SCT-93/OS-C(1) dated 18.10.93 directed not to issue appointment letters to the selected

candidates.....

-3-

candidates under SRD-93, till the receipt of Govt. clearance.

A copy of the aforesaid letter dated 18.10.93 is annexed herewith and marked as ANNEXURE--R² hereof.

Since till date no clearance has been received to the effect, the applicants could not be appointed as such.

5. That as regards the contents of paragraphs 2 and 3 of the O.A. this answering Respondent does not make any comments since those pertain to provisions of law.

6. That as regards the contents of paragraphs 4.1 and 4.2 of the O.A. this answering Respondent does not make any comments since those are matter of records.

7. That as regards the contents of ~~the~~ opening part of paragraph 4.3 of the O.A. this answering Respondent does not offer any comments. Regarding concluding part of the said paragraph, since the same are matter of records hence requires no comments.

8. That as regards the ~~contents~~ contents of paragraph 4.4 of the O.A. this answering Respondent does not make any comments since those are matter of records.

9. That as regards the contents of paragraph 4.5 of the O.A. it is admitted to the extent that the applicants were called for interview on 28.01.1994. However, the allegations made in the later part of the paragraph have been completely denied.

10. That as regards the contents of paragraph 4.6 of the O.A. this answering Respondent respectfully states that the applicants along with some other candidates were selected for the post of Mazdoor against backlog vacancies under SRD-93. This answering Respondent duly informed the applicants about non-receipt of clearance as regards their ~~applied~~ appointment.

11. That as regards the contents of opening part of paragraph 4.7 of the O.A. this answering Respondent does not make any comments and with regard to later part of the statement made in said paragraph this Respon-

Respondent.....

Respondent makes no comments since those are matter of records.

12. That as regards the opening part of the statements made in paragraph 4.8 this answering Respondent respectfully states ~~that~~ that the applicants of the instant O.A. were selected against backlog vacancies for SC/ST candidates under SRD-93. However, as has been stated since no clearance has been received from the competent authorities the applicants and for that matter the selected candidates could not ^{be} appointed. Further it is reiterated that there is no relation between the instant recruitment process January 2000 and the selection ^{of} candidates against backlog vacancies for SC/STs on SRD-93. It is pertinent to mention here that the applicants were selected for appointment of SRD-93 subject to the clearance from the Central Government. While present recruitment process is 'direct recruitment' and for the current vacancies for both general and SC/STs categories based on the Army HQ release order No.A/23881/1/Ma/OS-SC(i)/222 ABOD dated 09-09-99. Advertisement for the post of Mazdoor, was published/broadcasted through the different means/media on the directions of the Central Government. Interviews/Physical tests were conducted on 28 & 29 January, 2000 and based on the performance in the test, candidates were selected for appointment against the specific vacancies released. It is also pertinent to mention here that during 1997, a group of Mazdoors comprising of Gen-5, SC-2, ST-1 and OBC-2 were appointed under 'direct recruitment' process. Thereafter again in 1998, 2 candidates ~~was~~ belonging to general category were also appointed after observing all the necessary formalities as per postulated policy. Interestingly during those two recruitment process held in 1997 and 1998 the applicants never agitated against such process. It appears that the applicants deliberately muddled in their approach by mingling SRD and direct recruitment, which are entirely two different facets in all respects in order only to make out a case in their favour.

13. That as regards the contents of Paragraph 4.9 of the O.A. this answering Respondent respectfully states that the names of candidates

for the.....

for the posts of Mazdoors were called from the Employment Exchange. However, no intimation and applications relating to the applicants were received through/from the Employment Exchange at the relevant point of time and as such, striking off their names from the Roll of Employment Exchange does not arise. That apart unless and until a person is duly appointed in a particular post and no information is given to the Employment Exchange in that respect, normally no one's name is struck off automatically unless and otherwise one becomes defaulter.

14. That as regards the contents of paragraph 4.9(sic) of the O.A. this answering Respondent respectfully states that as has been stated above the applicants could not be issued appointment letters owing to non-receipt of clearance from the Govt. for recruitment against SRD-93. The Respondents published advertisement calling suitable candidates for the post of Mazdoors in view of the Army HQ release order No.A/23881/1/Maz/OS-SC(1)/222 ABOD dated 09.09.99 for 'direct recruitment' and for the current vacancies. As such there is ~~no relation~~ no relation between the present recruitment process and selection of candidates made on earlier occasion way back in the year 1994 against backlog vacancies for SC/STs under SRD. Therefore, the allegations levelled against the Respondents have no legal footings and on that ~~it~~ count itself the instant O.A. is liable ^{to} be dismissed.

15. That as regards the opening part of the statements made in paragraphs 4.10 and 4.11 of the O.A. this answering Respondent does not offer any comments. However, in so far as appointment of the applicants is concerned this Respondent reiterates the statements made in immediate preceding paragraph of this written statement.

16. That as regards the contents of paragraph 4.12 of the O.A. this answering Respondent does not make any comments.

17. That as regards the contents of paragraph 4.13 of the O.A. this answering Respondent respectfully states that since there is no relation between the present recruitment process and that of SRD-93, that apart, the applicants are not participants of the present recruitment process,

as such.....

as such the applicants are not entitled^{to} raise any objection against the recruitment process in question.

18. That as regards the contents of paragraphs 4.14 and 4.15 of the O.A. this answering Respondent does not make any comments.

19. That as regards the contents of paragraph 5(5.1 to 5.7) of the O.A. this answering Respondent respectfully submits that ~~in~~ under the facts and circumstances as have been explained in the foregoing paragraphs of this written statement the instant O.A. is devoid of any legal valid ground and as such not tenable in the eye of law and liable^{to} be dismissed.

20. That as regards the contents of paragraphs 6 and 7 of the O.A. this answering Respondent does not make any comments.

21. That as regards the contents of paragraphs 8(8.1 to 8.3) and 9 of the O.A. this answering Respondent respectfully submits that since the instant O.A. as has been explained in the foregoing paragraphs of this written statement has no legal valid grounds to stand on and liable to be dismissed as such the applicants are not entitled any relief/reliefs including interim relief as prayed for in their O.A. Thus the instant O.A. is liable to be dismissed in ~~its~~ its entirety.

: VERIFICATION :

I, Lt Col KK Mathani, Offg Comdt, 222 Advanced Base Ordinance Depot, C/O 99 APO, do hereby solemnly affirm and state that the statements made in this verification including those have been made in paragraphs 1, 2, 3, 5, 13, 16, 18 and 20 of the written statement are true to the best of my ~~own~~ knowledge and belief and those have been made in paragraphs 4, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 17 are true to the best of my information which have been derived from the records and the rests are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this the 24th day of July, 2000.


DEPONENT.

PERSONAL ATTENTION OF THE COMDTs/COOs/OCs

OP IMMEDIATE/TIME BOUND
Special Recruitment Drive

Tale : 2428321/2289

REGISTERED/SDS
Headquarters
Eastern Command
Fort William, Calcutta - 21

321891/2/SCT/1016 /OS-8C

25 Oct 93

222 ABOD
List 'C'

SPECIAL RECRUITMENT DRIVE FOR THE YEAR 1993 TO FILL
UP THE BACKLOG OF RESERVATIONS FOR SCs AND STs

1. Further to this HQ letter No 321891/2/SCT/1009/OS-8C dated 04 Oct 93 a copy of Army HQ letter No 80992/SCT-93/OS-8C(i) dated 18 Oct 93 is forwarded herewith for strict compliance.

(PK Kwatra)
Lt Col
DA DCS
for MG AOC

ANNEXURE-R²

Copy of Army HQ letter No 80992/SCT-93/OS-8C(i) dt 18 Oct 93.

AS ABOVE

1. Further to our letter No 80992/SCT-93/OS-8C(i) dt 27 Aug/16 Sep 93.
2. The issue of appointment letters to the selected candidates is concerned, no repeat no appointment letters are to be issued to the selected candidates of SRD-93 till receipt of government clearance.

Est GH.

Please ensure

S3/- x x x x x x x

(Iqbal Singh)
Col
Director OS (Pers)
for DG OS

Pers	OS

Pl. H
FR BR
11

PERSONAL ATTENTION OF THE COMDTs/COOs/OCs

OP IMMEDIATE/TIME BOUND
Special Recruitment Drive

Tele : 2428321/2289

REGISTERED/SDS
Headquarters
Eastern Command
Fort William, Calcutta - 21

321891/2/SCT/1009/OS-8C

04 Oct 93

222 ABOD
List 'C'

SPECIAL RECRUITMENT DRIVE FOR THE YEAR 1993 TO FILL
UP THE BACKLOG OF RESERVATIONS FOR SCs AND STs

1. The Government has decided to launch a Special Recruitment Drive for filling up backlog of reserved vacancies as on 31 Mar 93, as was done during the last three years. In this connection a copy of Min of Def/D(JCM) ID No 23(6)/93/SCT/D(JCM) dt 10.8.93 together with copy of DO No 28034/1/93-Estt(A) dt 27.7.93 with its enclosures are enclosed. These may please be strictly adhered to.

2. The salient points of guidelines given in Para 5 of DO letter dt 27.7.93 reproduced below, be followed while conducting the drive as per the time schedule given in the Annexure I. *as per letter No 321891/2/SCT/1009/OS-8C dt 10.8.93*

- i) The first stage of the recruitment process should be completed by the 15th of Oct 1993 by sending requisition to UPSC, SSC, Employment Exchanges and release of advertisement for the indentified vacancies.
- ii) Advertisement may be published under the caption "Special Recruitment Drive for SC/ST."
- iii) While calling for applications, at least a period of six weeks may be prescribed for receipt of applications. Wide publicity may be given so that the information reaches the target groups.
- iv) While sending requisitions to the Employment Exchanges, a period of seven days may be given for nomination of candidates. If no names are received within this period, or if adequate number of candidates are not sponsored, the recruiting authority may advertise the posts calling for applications from SC/ST candidates who are registered with any of the Employment Exchanges. Such applications alongwith names, if any, subsequently received from the Employment Exchanges may be considered for making recruitment.
- v) For locating adequate number of candidates for selections, the help of voluntary agencies may be sought. A list of such agencies is enclosed at Annexure III.

Contd...2/-

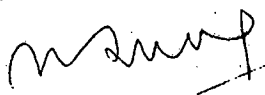
EST

FR | BR
12

3. Attention is also invited to Para 6 of the DO letter dated 27.7.93 and the nominated Officer may be contacted in case of any points regarding clarification.

4. You are requested to assess the backlog of reserved vacancies for SCs/STs as on 31.3.93 and furnish report on Annexure II-Proforma I identified to wipe out the backlog during the proposed drive. The vacancies which are physically available as on 31.3.93 should be taken into account for filling up on immediate basis as per the existing procedure. It is stressed that firm and accurate figures are furnished. Subsequent changes would not be accepted. First report on Annexure II-Proforma I and Proforma II may please be forwarded to this HQ by 10 Oct 93. The subsequent fortnightly progress report may also be sent to this HQ by 1st and 15th of each month on Proforma II. In case these dates happen to be closed holiday in any month all efforts, all efforts should be made to furnish the report one day prior to the target dates.

5. Since the first report and the subsequent progress reports are to be submitted to Ministry of Personnel Public Grievances and Pension through Ministry of Defence, the time schedule for submission of the reports be strictly adhere to.


(T. N. Roy)
Col
DDO's
for MG AOC