

27/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 338/2000

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

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

1. Orders Sheet. OA 338/2000 Pg. 1 to 3
2. Judgment/Order dtd. 22/8/2001 Pg. 1 to 4 Dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 338/2000 Pg. 1 to 26
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
- ✓ 7. W.S. Pg. 1 to 39
8. Rejoinder. NIL Pg. to
9. Reply. Shew Cause Pg. 1 to 7
10. Any other Papers.....Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO.

328/2000

Sri. Nareswar Naik

APPLICANTS

versus.

Union of India & ors Respondents.

FOR THE APPLICANT(S)
ADVOCATE

Mr. A. Ahmed

FOR THE RESPONDENT(S)

C. G. S.C.

Notes of the Registry

DATE

COURT'S ORDER

19.10.2000

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

Heard Mr. A. Ahmed, learned counsel for the applicant.

Issue notice to the respondents to show cause as to why this application shall not be admitted. Returnable by six weeks.

List on 29.11.00 for admission and further orders.

Vice-Chairman

mk

MS

19/10/2000

29.11.00

Reply to the show cause has been filed. The applicant may file rejoinder if any, within 3 weeks from today.

List on 22.12.2000 for admission.

Vice-Chairman

pg

Notice prepared and sent to D/S for issuing the respondent No. 1 to 3 with D/O 2445 to 2447 dated 3/4/2000.

23/10/00

① Service report are still awaited.

② No. Show cause has been filed.

28.11.2001

Notice duly served on
R No 2.

22.12.00

Heard learned counsel for the parties.

Application is admitted. The respondents have also filed the written statement. No notice need be issued. The matter be now posted for hearing on 12.4.00.

[Signature]
Member

[Signature]
Vice-Chairman

29-12-2000

Shaw Cause kept
filed by the
respondents.

lm

12.4.01. no 27B. List on 23.5.01.

[Signature]

24-12-2000

Rejoinder Larkin
filed by the
applicant Advocate.

23.5.01

On the prayer of Mr. A. Ahmed, learned counsel for the applicant, the case is adjourned to 2-7-2001 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

bb

25.4.2001

W/s has been submitted
by the Respondent Nos. 1, 2 & 3.

27.7 There is no D/M today. The case is adjourned to 29.7.2001

[Signature]
27.7

The case is ready
for hearing.

27.7

Mr. M.C. Rathnay, Addl. C.G.S.C. is absent.
The case is adjourned to 14.8.2001.

[Signature]
27.7

29.6.01

The case is ready for
hearing.

14.8

Heard Mr. A. Ahmed, learned Counsel
for the applicant & Mr. M.C. Rathnay,
Addl. C.G.S.C. for the respondent.
Hearing Concluded.
Judgment reserved

[Signature]
14.8

13.8.01

22.8.01

Judgment delivered in open court, kept
in separate sheets. The application is dismissed.
No order as to costs.

[Signature]
Member

[Signature]
Vice-Chairman

mb

3.9.2001

Copy of the Judgment has
been sent to the Office.
Issued the case to the
Court as well as to the
C.G.S.C. for the Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 338 of 2000.

Date of Decision...22.8.01.....

Shri Nareswar Nath

Petitioner(S)

Dr. A. Ahmed

Advocate for the
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

Mr. B.C. Pathak, Addl. C.G.S.C.

Advocate for the
Respondent(s)

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

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Administrative Member.

10/11/01

✓

5

5

5

- 5

5

5

- 5

5

5

5

5

5

ICU Shau

07.2.1975, subsequently he was promoted as Laboratory Attendant on 24.11.1979. He was promoted on adhoc basis to the post of LDC on 06.02.1982 and he continued in the post of LDC till 11.03.1984 till one Shri Rajanikant Das joined as LDC as regular candidate. The applicant also appeared in Limited Departmental Competitive Examination for the LDC in the year 1983 and another examination for the same post held by Staff Selection Commission in December 1983. The applicant was again appointed as LDC by respondent No.2 with effect from 20th April 1999. However, by an order dated 25th August 2000 the applicant had been reverted to the substantive post of Laboratory Attendant(Annexure J to the O.A). It was argued that the applicant has worked as LDC for 3½ years and he should have been allowed to continue in that post and should not have been reverted to the lower post. He also claims to be belonging to Other Backward Class, and on that basis he claimed that he should be appointed to the post reserved for Other Backward Class. By a letter dated 13.4.1999 (Annexure G to the O.A.) it is stated that the post of LDC belonging to OBC is proposed to be filled up through Staff Selection Commission.

We have heard Mr.A.Ahmed learned counsel for the applicant and also Shri B.C.Pathak, Addl.C.G.S.C. for the respondents. The respondent have filed the written statement. It was argued on behalf of the respondents by Mr.B.C.Pathak that the applicant was appointed as LDC on 06.2.1982 only on adhoc basis against the post for direct recruit to be filled up through Staff Selection Commission. One Shri Rajani Kanta Das joined the post of LDC, on being nominated by the Staff Selection Commission. The applicant had to be reverted to the post of Laboratory Attendant. The Recruitment Rules provided for filling up 90% of the posts

CC Usha
contd/-

of LDC through direct recruitments, 5% on the basis of seniority cum fitness, from among these Group 'D' employees and the remaining 5% vacancies are filled up through qualifying examination. The applicant could not qualify in the Departmental Examination in the year 1983, as he also could not qualify in the examination held by Staff Selection Commission. No vested right was created by mere continuance on adhoc basis due to non-availability of regular candidate. The applicant was again appointed as LDC on purely short term and on adhoc basis for a period of 6(six) months or till regular incumbent joins the post whichever is earlier vide (Annexure R-3 to the written statement). Under the recruitment rules it is not open to the applicant to claim any vested right over the post which was required to be filled up by direct recruitments. 74 posts including the post of LDC held by the applicant were reduced by respondent No.2 by an order dated 30th October 2000. Even if the post had not been abolished the applicant could not have been given regular promotion as there were other senior Laboratory Attendants as well as Group 'D' officials for consideration to the post of LDC. The name of the applicant appears Sl.No.33 in the seniority list of Group 'D' officials as per the seniority list(Annexure R-9).

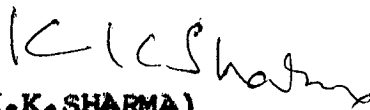
Having considered the application, written statement and the arguments of the learned counsel for the parties we are of the opinion that the respondents have not violated any rules, regulations or guidelines in reverting the applicant from the post of LDC. The Recruitment Rules provided that 90% of the posts of LDC are to be filled by direct recruitments, 5% through Departmental Examination and 5% promotion from eligible Group'D'posts. The applicant's

11/11/2000

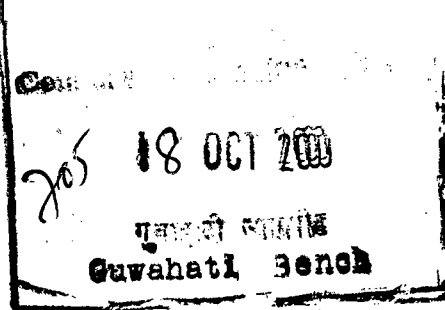
contd/-

name appears at Sl.No.33 in the list of Group 'D' officials. The applicant has not been able to show that any person junior to him in the seniority list of the officials has been promoted. The applicant was also given an opportunity to appear in Departmental Examination as also in the examination held by Staff Selection Commission. The action of the respondents cannot be faulted. In the circumstances no prejudice ^{or} injustice has been established on the part of the respondents.

Application is accordingly dismissed. There shall however, no order as to costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOUDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 338 OF 2000.

Sri Nareswar Nath

..Applicant.

-Versus-

Union of India & Others

.. Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1	Application	1 to 13
2.	Verification	14
3.	Annexure-A	15
4.	Annexure-B	16 to 17
5.	Annexure-C	18
6.	Annexure-D	19
7.	Annexure-E	20
8.	Annexure-F	21
9.	Annexure-G	22
10.	Annexure-H	23
11.	Annexure-I	24
12.	Annexure-J	25
13.	ANNEXURE-K	26

Filed by

Advocate.

(ADIL AHMED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. OF 2000.

B E T W E E N

Sri Nareswar Nath,
Son of Late Dharo Nath,
Presently working as Labora-
tory Attendant, Regional
Agmark Laboratory,
Ministry of Agriculture,
K. C. Road, Bharalumukh,
Guwahati-781009.

- Applicant.

-AND-

- 1] Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Agriculture,
New Delhi.
- 2] The Joint Agriculture Marke-
ting Advisor, Directorate of
Marketing & Inspection,
Branch Head Office,
New Secretariat Building,
Nagpur-440001.
- 3] The Deputy Marketing Advisor,
Sub-Office,

Filed by
Shri Nareswar Nath
Applicant
[Signature]
(Not Attested)
Advocate

Director of Marketing &
Inspection, K. C. Road,
Bharalumukh, Guwahati-781009.

• Respondents.

DETAILS OF THE APPLICATION:

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

This application is made against Reversion of the applicant from Lower Division Clerk to Laboratory Attendant vide letter No. A-32022/1/97-Estt(Pt.F)/638 dated 25th August 2000 issued by the Respondent No. 2 (at Annexure-J) and also Office Order No.A-16013/3/99-Estt./765 dated 7th September 2000 issued by the Respondent No. 3. At Annexure-K also with a prayer for continuation of the applicant in the post of Lower Division Clerk.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

4. FACTS OF THE CASE

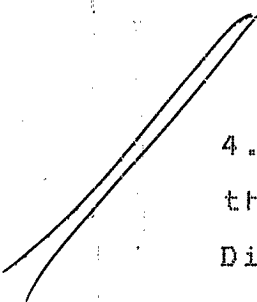
Facts of the case in brief are given below:

4.11 That your humble applicant is citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India. He belongs Other Backward Class.

Annexure-A is the photocopy of Certificate of Other Backward Class issued to the applicant by the competent authority.

4.21 That your applicants beg to state that he was initially appointed as Grading Attendant on 07-02-1975 in the Office of the Deputy Senior Marketing Officer, Guwahati, Government of India, Ministry of Agriculture and Irrigation. Subsequently he was promoted as Laboratory Attendant on 24-11-1979.

Annexure-B is the photocopy of appointment letter of the applicant as Grading Attendant.



4.3 That your applicant begs to state that he was promoted to the post of Lower Division Clerk on ad hoc basis on 06-02-1982 and he continued in the post of Lower Division Clerk till 11-03-1984 till one Sri Rajani Kant Das joined as Lower Division Clerk vide Office Memo No. A-12011/1783-A.N III dated 17-02-

1984. It is pertinent to mention here that in the meantime your applicant appeared in the Departmental Comparative Examination-1983 for the post of Lower Division Clerk (Sub-Office) Directorate of Marketing & Inspection and he also appeared another examination of Staff Selection Commission held in Calcutta held in the Month of December 1983. He had done well in both of the examinations. But till today the examination results have not been declared.

Annexure-C is the photocopy of one of the extension letter of applicant for the post of Lower Division Clerk issued by the Office of the Respondent No. 2.

Annexure-D is the photocopy of relieved order of the applicant from the post of Lower Division Clerk issued by the Office of the Respondent No. 2.

4.4 That your applicant begs to state that he was again appointed and promoted as Lower Division Clerk by the Respondent No. 2 on ad hoc basis vide Office Order No. 66/99 dated 7th April 1999 from Laboratory Attendant in the scale of pay of Rs. 3050-75-3950-80-4590/- p.m. in the Office of the Respondent No. 3. He joined in the said post on 20-04-1999.

Annexure-E is the photocopy of Office order No. 66/99 dated 07-04-99.

Annexure-F is the joining report dated 20-04-1999.

4.5 That your applicant begs to state that the Respondent No. 2 vide his letter No. A-12011/3/98-Estt/345 dated Nagpur 13th April 1999 requested to the Regional Director (NER) Staff Selection Commission, Regional Guwahati to nominate a suitable Other Backward Class (OBC) candidate for the post of Lower Division Clerk for filling up vacancies available in the Office of the Respondent No. 3. It may be stated that the applicant himself is an Other Backward Class (OBC) candidate.

Annexure-G is the photocopy of his letter No. A-12011/3/98-Estt/345 dated Nagpur 13th April 1999.

4.6 That your applicant begs to state that from 20-04-1999 to 07-09-2000 he worked as Lower Division Clerk continuously in the Office of the Respondent No. 3. He was again reverted to the post of Laboratory Attendant vide letter No. A-32022/1/97-Estt(Pt.F)/ 638 dated 25th August 2000. It is pertinent to mention here that in the said order dated 25th August 2000 the applicant's reversion to the post of Laboratory Attendant was on 23-07-2000(A.N.). Although, the applicant was working as Lower Division Clerk continuously from 20-04-1999 till 07-09-2000. The Respondent No. 3 vide his letter No. A-16013/3/99-Estt/765 dated 07-09-2000 relieved the applicant on 07-09-2000 and reverted the

applicant from the post of Lower Division Clerk to Laboratory Attendant with effect from 23-07-2000(A.N.) as per instruction issued by the Respondent No. 2.

Annexure-H is the photocopy of one of the Extension letter for the post of Lower Division Clerk vide order No. 168/99 dated 1st December 1999.

Annexure-I is the photocopy of Extension letter for the post of Lower Division Clerk vide order No. 46/2000 dated 8th May 2000.

Annexure-J is the photocopy of Office Memo. No. A.32022/1/97-Estt.(Pt.-F.) /638 dated 25-08-2000.

Annexure-K is the photocopy of Office Order No. A-16013/3/99-Estt. Dated 07-09-2000.

4.7 That your applicant begs to state that he has worked as Lower Division Clerk in the Office of the Respondent No.3 for 3 and half years and he has also appeared in the Departmental Examination for Lower Division Clerk and also Staff Selection Commission in Calcutta. But the result of the said examination nor the Department has appointed him permanently in the post of Lower Division Clerk. He worked very sincerely and honestly as Lower Division clerk during the above period. Nothing was found against him. The

Respondent No. 2 has also find him very suitable person to carry out the job of Lower Division Clerk and hence he was again and again appointed on temporary basis for 3 and half years. But most surprisingly the Respondents have reverted your applicant to the post of Laboratory Attendant. As such, finding no other alternative your applicant compelled to approach this Hon'ble Tribunal for seeking justice.

4.8 That your applicant begs to state that he has served this department more than 25 years without any blemish in his service career. He has served very sincerely and honestly. But the Respondents have deprived him from his due promotion.

4.9 That your applicant begs to state that he being an Other Backward Class candidate and the post of Lower Division Clerk in the Office of the Respondent No. 3 has also been reserved for the Other Backward Class candidate. But the respondents have fully utilized the service of the applicant for 3 ½ (three and half years) for their own interest. The applicant have also appeared in the Departmental Examination for the post of Lower Division Clerk. But till now the respondents have not taken any positive step for regular appointment of the applicant in the post of Lower Division Clerk.

4.10 That your applicant submits that the action of the Respondents is mala fide, illegal, arbitrary and whimsical and also with a motive behind. As such, the applicant is compelled to approach this Hon'ble Tribunal for seeking justice.

4.11 That your applicant submits that the Respondents have violated the provision of guide line regarding promotion and also deprived your applicant by not giving him the promotion without showing any cause or causes.

4.12 That your applicant submits that the Respondents have resorted the colourable exercise of power to deprive the applicant. The action of the Respondents is arbitrary and whimsical.

4.13 That this application is made bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, on the reasons and facts which are narrated above, the action of the respondents, is prima facie illegal and without jurisdiction.

5.2 For that, it appears the act of the Respondents to be bias and there has been serious miscarriage of justice.

- 18
- 5.3 For that, the Respondents have completely mis-conceived the facts and relevant guidelines for promotion of applicant and consequently come to an erroneous decision.
- 5.4 The action of the Respondents are illegal and mala fide and violative of principle of natural justice.
- 5.5 For that, the Respondents are being model employer cannot be allowed to adopt a discriminatory treatment to the applicant.
- 5.6 For that, the applicant is a victim of hostile discrimination and thereby the respondents violated the principle of administrative fair play and Article 14 & 16 of the Constitution of India.
- 5.7 For that, the Reversion Order of the Applicant from the post of Lower Division Clerk to Laboratory attendant is illegal, mala fide, arbitrary and also without jurisdiction. As such, same is liable to be quash.
- 5.8 For the, in any view of the matter the action of the respondents are not sustainable in the eye of law.

19

The applicant crave 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 he 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 applicants most respectfully prayed that your Lordship may be pleased to admit this petition, records may be called for and after hearing the parties on the

20

cause or causes that may be show and on perusal of the records grant the following relief to the applicant.

8.1 To direct the respondents to continue the applicant in the post of Lower Division Clerk from the date of ad hoc promotion and also regularise the service of the applicant in the post of Lower Division Clerk under the Respondent No. 3.

8.2 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.3 Cost of the application.

9. INTERIM ORDER PRAYED FOR:

The applicant prayed for an interim order from this Hon'ble Tribunal pending disposal of this Original Application the Respondents may be directed not to revert the applicant to the post of Laboratory Attendant and the applicant may be allowed to continue to work as Lower Division Clerk under the Respondent No.3.

10. Application Is Filed Through Advocate.

N Nath

11. Particulars of I.P.O.:

I.P.O. NO. 2G 503088

Date Of Issue 16.10.2000

Issued from Guwahati C.P.O.

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

VERIFICATION

— I, Sri Nareswar Nath, Son of Late Dharo Nath, Presently working as Laboratory Attendant, Regional Agmark Laboratory, Ministry of Agriculture, K. C. Road, Bharalumukh, Guwahati-781009 the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.7, 4.8, 4.9 are true to my knowledge those made in paragraphs 4.3, 4.5, 4.6 — are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 18th day of October, 2000 at Guwahati.

Sri Nareswar Nath,
Declarant



(Registered under the Society Registration)
Act XXI 1860 and recognised by the state Govt.
of Assam vide

MEMO No TAD/MISC/275/85/296 5th January-1994
Regd No: 890

S. K. Barua Road, GUWAHATI-781006

(13th B/S)

Date

5.11.95

Sl. No. 95/

7067

1413

Certified that Shri / Shrimati Narceswar Nath

son / daughter / wife of Shri / Late Dharo Nath

of Gobardhan Village / Town / T.E. Under Chhaygan

P.S. Guwahati Sub-Division in the District of Kamrup

Assam belongs to Nath (Yogi) Caste/
Community / Tribe which is recognised as Other Backward Class / More Other
Backward Class by the State Government of Assam

He / She is residing at Gobardhan Village / Town
T.E. under Chhaygan P.S. in the District of Kamrup Assam

Counter Signature of

DC / SDO

16/11/95

President / Gen. Secy / Joint Secy
(An Assam Other Backward Classes Authorised Person)
Guwahati Office
All Assam Other Backward Classes Association

Attested
Advocate

No. F. 1-2/74-MR/Adm. IV.

Government of India

Ministry of Agriculture and Irrigation

(Department of Rural Development)

Directorate of Marketing and Inspection

(Branch Head Office)

New Secretariat Building, Nagpur

Dated, the 14 February, 1975.

Memorandum

The undersigned hereby offers, Shri Naraswar Nath a temporary post of Grading Attendant in the Directorate of Marketing and Inspection on a pay of Rs. _____ per month in the scale of Rs. 196-3-220-EB-3-232. The appointee will also be entitled to draw dearness and other allowances at the rates admissible under, and subject to the conditions laid down in the rules and orders governing the grant of such allowances in force from time to time.

2. The terms of appointment are as follows :-

- i) The post is temporary but is likely to become permanent. In the event of its becoming permanent, his claim for permanent absorption will be considered in accordance with the rules in force.
- ii) The appointment is purely temporary and liable to be terminated at any time by a month's notice given by either side, viz., the appointee or the appointing authority, without assigning any reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forth-with or before the expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice and the unexpired portion thereof.
- iii) The headquarters of the post is at Gauhati but the appointment carries with it the liability to serve in any part of India.
- iv) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to :-

- i) Production of a certificate of fitness from the competent medical authority namely, Civil Surgeon.
- ii) Submission of a declaration in the prescribed form and in the event of the candidate having more than one wife living. Or being married to a person having more than one wife living the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- iii) Taking of an oath of allegiance/faithfulness to the constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- iv) Production of the following original certificates :-
 - (a) ~~Passport/Photo~~ Certificates of education and other technical qualifications.
 - (b) Certificate of age.

..... contd....2%.....

Attested
 [Signature]
 Advocate

(c) Character Certificate in the prescribed form:-

1) Attested by a District Magistrate or Sub-Divisional Magistrate or their superior officers in the case of candidates for Class III posts.

(d) Certificates in the prescribed form in support of candidates' claim to belong to a Scheduled Caste or Scheduled Tribe.

4. It may please be stated whether the candidate is serving, or is under obligation to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information he will be liable to removal from service and such other action as Government may deem necessary.

6. If, Shri Nareswar Nath is willing to accept the offer on the terms and conditions stipulated above, he should intimate his acceptance to the undersigned immediately and report himself for duty to the Office of the Deputy Senior Marketing Officer Govt. of India, Gauhati-2, not later than 17.2.1975.

If he fails to report himself for duty by that date the offer may be treated as cancelled.

7. No travelling allowances will be allowed for joining the appointment.

He should acknowledge receipt of this Memorandum.

(B.S. Saxena)

Joint Agricultural Marketing Adviser
to the Government of India.

To: ✓ Shri Nareswar Nath, Village Bartari, P.O. Futuri,
District Kamrup (Assam).

Copy to :-

1) The Employment Exchange Officer, Gauhati. Shri Nareswar Nath (Registration No.1990/70) has been selected for appointment as Grading Attendant in the office of the Dy. Senior Marketing Officer, Gauhati, who is being requested to intimate him the date of joining of this ~~candidate~~ candidates under advice to this office.

2) The Dy. Senior Marketing Officer, Gauhati, Proforma referred to above duly completed by Shri Nareswar Nath may please be sent to this office as soon as these are submitted by Shri Nareswar Nath. The concerned Employment Exchange may be intimated about the date of joining. Shri Nareswar Nath is being appointed under scheme for Market Research and Planning Cell.

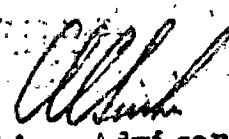
3) Senior Marketing Officer, Incharge, Eastern Region, Calcutta.

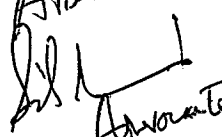
4. Dte. of Marketing & Inspection, Head Office, Faridabad.

5. Devt. III Section D.M.I., B.H.O., Nagpur.

6. Personal file

7. Guard file.


for Jt. Agricultural Marketing Adviser
to the Govt. of India.

Attested

Associate

No.F.A.12011/7/81-Adm.III
GOVERNMENT OF INDIA
MINISTRY OF RURAL DEVELOPMENT
DIRECTORATE OF MARKETING AND INSPECTION
BRANCH HEAD OFFICE N.S. BLDG.
1 NAGPUR

Dated the 21st May, 82.

OFFICE ORDER NO. 82/1982

The Joint Agricultural Marketing Adviser to the Government of India as extended the short term appointment of the undermentioned persons as L.D.C. in the sub-offices of this Directorate for a further period of 90 days as indicated against each.

Sl.No.	Office	Name	Date from which extended
1.	Shri Kuldeep Singh	Chandigarh	5.5.82 to 2.8.82
2.	Shri Nareshwarnath	Gauhati	7.5.82 to 4.8.82
3.	Shri Kuldeep Singh	Amritsar	19.5.82 to 16.8.82
4.	Shri A.S. Maurya	Bhopal	30.5.82 to 27.8.82
5.	Shri K.K. Pushkar	Kanpur	5.5.82 to 2.8.82
6.	Shri J.C. PATEL	Ahmedabad	9.5.82 to 6.8.82

The above appointments will not confer upon them any right for claiming regularisation etc.

(S.C. SEN)

SECTION OFFICER

for Joint Agricultural Marketing Adviser
to the Government of India.

DISTRIBUTION

- 1-5. The Dy. Senior Marketing Officer : Chandigarh/Gauhati/Bhopal/Amritsar/ and Ahmedabad.
6. The Chief Chemist, IAL, Kanpur.
- 7-12. The Individuals concerned through Heads of Offices.
13. The Dy. Agricultural Marketing Adviser IC/M., Bombay.
14. The Senior Marketing Officer, IC/M., New Delhi.
15. The Dy. Senior Marketing Officer, IC/M., Calcutta.
- 16-17. Pay and Accounts Officer, Krishna Bhawan, New Delhi/Bho, DMI, Nagpur.
18. Hindi Unit for Hindi version.
- 19-27. Guard File / Office Order, File / Personal files.
28. Spare.

Pottle

2000

82

18

Attested
[Signature]
Associate

Date : 12-3-1984.
26

OFFICE MEMORANDUM.

Consequent on joining of Sri Rajani Kanta Das to the post of L.D.C., vide Office Memo No. A-12077/1/83-A.N. III Dated 17-2-84 of the Joint Agricultural Marketing Adviser, Nagpur, Sri Nareshwar Nath stands relieved of his duties from the post of L.D.C. w.e.f. 12-3-84 (forenoon) and reverted back to the post of Laboratory Attendant from the same date and time. He may please hand over charge of L.D.C. to Sri. Rajani Kanta Das.

✓ Sri. Nareshwar Nath.
L.D.C., Gauhati.

Okol
Dy. Sr. Marketing Officer,
Gauhati. 17-3-84

Copy to :-

1. Sri. Rajani Kanta Das, L.D.C. . He may please take over charge of L.D.C. from Sri. Nareshwar Nath.
2. Account Section D.M.I., Gauhati in duplicate for necessary action.
3. Recruitment file.

Dy. Sr. Marketing Officer,
Gauhati.

No.A-32022/1/97-Estt.(Pt.F.)/332
 Government of India
 Ministry of Agriculture
 Deptt. of Agriculture and Cooperation
 Dte. of Marketing and Inspection
 BHO, New Secretariat Building

Nagpur, dated the 7th April, 1999.

OFFICE ORDER NO. 66/1999

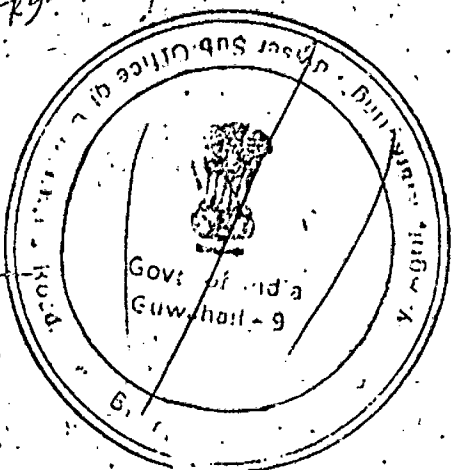
The Joint Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Branch Head Office, Nagpur hereby appoints Shri Nareshwar Nath, Laboratory Attendant, Gauhati to the post of LDC on adhoc and purely short-term basis in the Scale of pay of Rs.3050-75-3950-80-4590/- at Sub-office, Gauhati w.e.f. the date of his joining the post of LDC ~~FOR~~ for a period of six months or a regular incumbent joins the post, whichever is earlier.

(G.S. WASE)

Section Officer
 for Joint Agril. Marketing Adviser

Distribution :-

- ✓ 1. Shri Nareshwar Nath, Laboratory Attndt. through Deputy Agril. Marketing Adviser, Gauhati.
2. Dy. Agril. Marketing Adviser, Gauhati, with reference to his endt. No.1/5/75-GWT/789 dated 11.12.1997.
3. Pay and Accounts Officer, DMI, Branch Head Office, Nagpur.
- 4) Hindi Unit for hindi version.
- 5) Personal file of Sh. Nareshwar Nath, L.A. ..
- 6) Office Order file.
- 7) Guard file.



Attested
 Advocate

To

The Senior Marketing officer,
Incharge, Directorate of Marketing & Inspection,
Gauhati.

Dated-20-4-99

Sub;- Joining Report- Regarding .

Sir

In pursuance with the office order No. 66/1999, 7/4/99, ^{dated} received from Jt. Agricultural Marketing Adviser, Branch Head office, Nagpur, I am to report for duty to the post L.D.C. on (Ad-hoc) to-day the 20th April, 1999 forenoon in the Directorate of Marketing & Inspection, Sub-office, Gauhati.

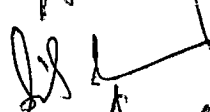
This is for your kind information please.

Yours faithfully.

Nare Swar Nath

(Sri Nareswar Nath)
L.D.C.D.M.I. Gauhati.

20-4-99

Attested
by 
Advocate

- 22 -

SI. NO. 57(2)

BY REGISTERED POST

No.A-12011/3/98-Estt. 1345
Government of India
Ministry of Agriculture
Deptt. of Agriculture & Cooperation
Dte. of Marketing & Inspection, BHO,
New Sectt. Building

ANNEXURE-G

To
The Regional Director(NER)
Staff Selection Commission
Regional Office, Rukmini Nagar,
P.O. Assam, Sachivalaya,
GUWAHATI.

Nagpur, dated the 13th April, 99.

Sub:- Nomination of suitable OBC candidate for the post of Lower Division Clerk - regarding.

Sir,

I have the honour to state that one post of LDC is required to be filled up in the Sub-office of this Directorate at Guwahati. The details are given in the enclosed requisition form(in duplicate).

It is, therefore, requested that suitable candidate may please be nominated and forward necessary dossiers containing relevant documents in respect of the candidate for further necessary action.

Yours faithfully,

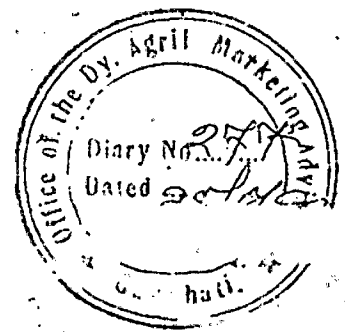
Encl :- Requisition Form

Sd/-
(G.S.WASE)
Section Officer
for Joint Agril. Marketing Adviser

✓ Copy forwarded to the Deputy Agricultural Marketing Adviser, Guwahati for information. He is requested to take up the matter with the Staff Selection Commission personally for early appointment of a suitable candidate in the post of LDC.

for Joint Agril. Marketing Adviser

Adm / Sh. T. Pathy
28-4-99




Attested
Advocate

No.A-32022/1/97-Eatt.(Pt.F.) 18910
Government of India
Ministry of Agriculture & Co-operation
Directorate of Marketing and Inspection
Branch Head Office, New Sectt. Building

Nagpur, dated the 1st Dec., 1999.

OFFICE ORDER NO. 168/1999

The Joint Agricultural Marketing Adviser, Dte. of Marketing and Inspection, Branch Head Office, Nagpur hereby extend adhoc appointment of Shri Nareshwar Nath, Lab. Attdt. Guwahati to the post of Lower Division Clerk for a further period of six months w.e.f. 19.10.1999 for a regular incumbent joins the post, whichever is earlier and posted at Guwahati.



(M.N. MANI IYER)
Section Officer
for Jt. Agril. Marketing Adviser

Distribution :-

- ✓ 1. Sh. Nareshwar Nath, L.A. (Adhoc LDC) through Dy. Agril. Marketing Adviser, Guwahati.
2. The Dy. Agril. Marketing Adviser, Guwahati, with reference to his letter No.A-20014/7/99-GHY/567 dt. 22.10.99 and telegram dated 26.11.99
3. Pay & Accounts Office, DMI, Branch Head Office, Nagpur.
4. Hindi Unit for hindi version.
5. Office Order file
6. Personal file of Shri Nareshwar Nath, LA (Adhoc LDC).
7. Guard file.
8. Spare copy.

Attested
Shri
Advocate

No.A-32022/1/97-Estt. /362.
Government of India
Ministry of Agriculture
Department of Agriculture and Cooperation
Directorate of Marketing and Inspection
Branch Head Office, New Secretariat Building

Nagpur, dated the 8th May, 2000.

OFFICE ORDER NO. 46 /2000

The Joint Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Branch Head Office, Nagpur, hereby extend adhoc appointment of Shri Nareshwar Nath, Laboratory Attdt., Guwahati to the post of Lower Division Clerk, for a further period of three months with effect from 24.04.2000 to 23.07.2000, till a regular incumbent joins the post whichever is earlier.

(G.S.WASE)
Section Officer
for Joint Agril. Marketing Adviser

D i s t r i b u t i o n :-

- ✓ 1. Shri Nareshwar Nath, LDC(Adhoc) through Deputy Agricultural Marketing Adviser, Guwahati.
- ✓ 2. Deputy Agricultural Marketing Adviser, Guwahati, with reference to his letter No.A-20014/7/99-GHY/327 dated 10.04.2000.
3. Pay and Accounts Officer, DMI, Branch Head Office, Nagpur.
4. Hindi Unit for hindi version.
5. Office Order File
6. Personal file of Shri Nareshwar Nath, L.A.(Adhoc LDC)
7. Guard file.
8. Spare copy.

Sh. N. Nath
19/05/2000



Attested
Advocate

No.A-32022/1/97-Estt.(Pt.F.)/638
Government of India
Ministry of Agriculture
Deptt.of Agriculture and Cooperation
Dte.of Marketing and Inspection
Branch Head Office, New Sectt.Building

Nagpur, dated the 25th Aug., 2000.

OFFICE MEMORANDUM

Subject :- Extension of promotion of Shri Nareshwar Nath, LDC(Adhoc) beyond three months - reg.

Ladhoc service
in his tenure,
therefore

The Deputy Agricultural Marketing Adviser, Incharge, Sub-office of Directorate of Marketing and Inspection, Guwahati may please refer to his letter No. A-20014/7/99-GHY/1631 dated 31.07.2000 regarding the subject mentioned above. In this connection, it is informed that the official has completed one year/it may not be possible to extend the further period of adhoc appointment w.e.f. 24.07.2000 to 23.10.2000 i.e. beyond one year in terms of the recent instructions on adhoc appointment issued by the Department of Personnel and Training. Accordingly, the official stands reverted to the post of Laboratory Attendant on 23.07.2000(A.N.).

(G.S.WASE)

Section Officer
for Joint Agril. Marketing Adviser

To

✓ The Deputy Agril. Marketing Adviser,
Incharge, Sub-office of D.M.I.,
Guwahati.

URGENT

Pl. issue necessary
order. Admn.

(Sr. J. Nath)

D.D.O. / H.O.O.

07/09/2000

Attended
Advocate

No.A-16013/3/99-Estt. ¹⁵
 Government of India
 Ministry of Agriculture
 Deptt. of Agril. & Cooperation
 Dte. of Marketing & Inspection
 K.C. Road, Bharalumukh,
 GUWAHATI : 781 009.

Dated the, 7th September, 2000.

OFFICE ORDER

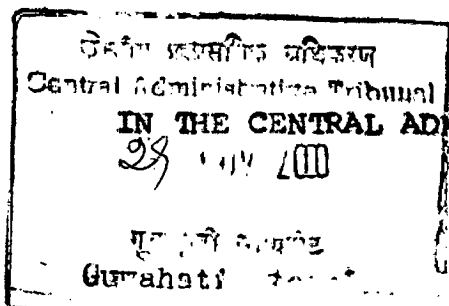
In compliance of directives received from the Branch Head Office, D.M.I., Nagpur vide Office Memorandum No.A-32022/1/97-Estt(Pt.F.)/638, dtd. 25th August, 2000, Shri Nareswar Nath, L.D.C.(Ad-hoc) stands reverted to the post of Laboratory Attendant with effect from 23.07.2000(A.N.) in terms of the instructions on Ad-hoc appointment issued by the Department of Personnel and Training, Government of India.

AgCS: 907/09/2000
 (Dr. B.K. Sinha)
 Dy. Agricultural Marketing Adviser,
 Sub-Office, DMI,
 Guwahati.

DISTRIBUTION :-

1. Shri Nareswar Nath, L.D.C.(Adhoc), D.M.I., Sub-Office, Guwahati.
2. Personal file of Shri Nareswar Nath.
3. Account Section, D.M.I., Sub-Office, Guwahati.
4. Incharge, Regional Agmark Laboratory, Guwahati.
5. The Jt. Agricultural Marketing Advisor, Dte. of Marketing & Inspection, Br. Head Office, Nagpur, with reference to his O.M. No.A-32022/1/97-Estt(Pt.F.)/638, dtd. 25.8.2000.

Attenti
Sil
Advocate



O.A.NO. 338/2000

Shri Nareshwar Nath

-VS-

Union of India and others

In the matter of

Show cause reply submitted by the respondents.

The respondents beg to submit show cause reply as follows :-

1. That the respondents beg to state that as per recruitment rules, for the post of L.D.C. the post at Guwahati was earmarked for direct recruitee only.
2. That the applicant was promoted as Ad-hoc L.D.C. only on short term basis against the regular post of L.D.C. till direct recruitee joins or till his short term tenure of Ad-hoc promotion gets over, as the case may be and whichever is earlier.
3. That while ad-hoc promotion was given, the applicant was informed that he will not be conferred upon any right for claiming regularisation etc. Since it is a time gap arrangement in terms of the instructions of the D.O.P.T., the appointment on short term basis cannot be conferred upon the applicant for claiming regularisation.
4. That in the meantime the post of L.D.C. at Guwahati against which the applicant was given ad-hoc promotion has been abolished as per Government policy, so he has been reverted.
5. That if the L.D.C. post would not have been abolished in that case also, the applicant could not be given regular promotion as there are other senior Laboratory Attendant to the applicant.

R. J. VERMA
Jt. Agril Marketing Advisor
to the Govt. of India
D.M.I. BHO. NAGPUR.


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

I, Shri R.J.Verma, Joint Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Branch Head Office, Nagpur (Cadre controlling authority for Group 'C' and 'D') do hereby solemnly affirm and declare that the statements made in the show cause reply are true to my knowledge and information.

And I sign this verification on the 22nd day of November, 2000.

Place: Nagpur

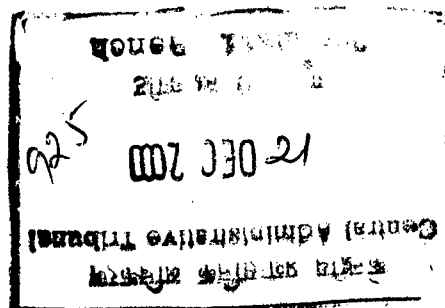
Date :



(R.J. VERMA)

R. J. VERMA

Jr. Agril. Marketing Advisor
to the Govt. of India
D.M.I. BHO. NAGPUR.



Filed by
Shri Nareswar Nath applicant
through J. L. (Adv. Ahmed)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH GUWAHATI.

O. A. NO. 338 OF 2000.

Sri Nareswar Nath

- Applicant.

-Versus-

The Union of India & Ors.

- Respondents.

IN THE MATTER OF:

Rejoinder submitted by the applicant against the show-cause reply of the Respondents.

The humble applicant filed his Rejoinder as follows:

11 That with regard to statements made in paragraphs 1 of the show-cause reply the applicant begs to state that your applicant appeared in the Departmental competitive examination-1983 at Nagpur for the post of Lower Division Clerk (Sub-Office), Directorate of Marketing Inspection. The Roll No. of the applicant was 08 and accordingly he appeared in the said Departmental Examination. The applicant also appeared in another examination of Staff Selection Commission but till today the examination results have not been declared.

Private

Annexure-L is the photocopy of Admit Card/Office Memorandum vide No. F 34012/1/82- Adm-III dated 9th August 83.

21 That with regard to statements made in paragraph 2 and 3 of the show cause reply the applicant begs to state that he is working as Lower Division Clerk for last 3 ½ years in a vacant post. As such, he can be easily regularised in the said post of Lower Division Clerk.

31 That with regard to statements made in para 4 of the show-cause the applicant begs to state that it is not true that the post of Lower Division Clerk at Guwahati has been abolished. The Respondent No. 2 vide his letter No. A-12011/3/98-Estt/345 dated Nagpur 13th April, 1999 requested to the Regional Director (NER) Staff Selection Commission, Regional Office Guwahati to nominate a suitable Other Backward Class (OBC) candidate for the post of Lower Division Clerk for filling up vacancies available in the Office of the Respondent No. 3. It may be stated that the applicant himself is an Other Backward Class (OBC) candidate. The said letter has been annexed with the Original Application as Annexure-G.

it is also pertinent to mention here that there is one Lower Division ^{Clerk} Post at Shillong Office ^{is now vacant.} The Office of the Respondent No. 2 issued a circular vide letter No. A-

Private

11013/1/94-Esstt(Pt. F.)/626 Nagpur dated 23rd August 2000 to all in-charge of the Sub-Offices at New Delhi/Chennai/Mumbai/ Calcutta/Guwahati/Guntur/Chandigarh/Lucknow/ Jaipur /Bhopal for willingness of the eligible UDC/LDC/GA/Chowkidar for posting at Shillong.

Annexure-M is the photocopy of circular dated 23rd August 2000.

41 That with regard to the statements made in paragraph 5 of the show-cause reply your applicant begs to state that he is the Senior Most Laboratory Attendant. As such, he is eligible for promotion to the post of Lower Division Clerk.

In view of the above facts and circumstances your applicant submits that the show cause submitted by the Respondents, are not correct and also misleading to the Hon'ble Tribunal.

Private

VERIFICATION

I, Sri Nareswar Nath, son of Sri Dharonath presently working as Laboratory Attendant, Regional Agmark Laboratory, Ministry of Agriculture, K.C. Road, Bharalumukh, Guwahati-9 the applicant of the instant case do hereby solemnly verify that the statements made in the rejoinder are true to my knowledge belief and information and no material facts has been suppressed.

And I sign this verification today on this the 21st day of December 2000 at Guwahati.

Sri Nareswar Nath
Declarant

22
5-
No.F.34012/1/82-Adm.III

ANNEXURE-L
REGISTERED

Government of India
Ministry of Rural Reconstruction
Directorate of Marketing and Inspection
Branch Head Office, New Sectt.Bldg.,
NAGPUR-440 001

Dated the 9th August, 1983

OFFICE MEMORANDUM

Subject:- L.D.C. (Sub-Office) Departmental Competitive Examination,
1983 - Directorate of Marketing and Inspection.

Shri Nareshwar Nath is informed that he has been allowed to appear/appear provisionally in the L.D.C. Grade (Sub-Office) Departmental Competitive Examination, 1983 to be held in the premises of the Central Agmark Laboratory, North Ambazari Road, Near Nagpur University, Library, Nagpur on 28.8.83 (Sunday). The Time Table of the Examination is as under:-

Paper 'A' : 10.30 to 13.00 Hrs. : 1) Short Essay
ii) General Knowledge
Paper 'B' : 15.00 to 16.00 Hrs. General English

2. He is requested to bring his pen, pencil and other articles. The answer papers will be supplied by the Branch Head Office. He is required to be present at the examination hall fifteen minutes before the commencement of examination. He has to make his own arrangement for boarding and lodging at Nagpur.

3. He will be entitled to T.A. as on tour without any travelling allowances. The payment of T.A. will be made by the respective Heads of Offices.

4. Provisionally admitted candidates are warned that, if it is found, on verification, that their educational qualification is not of matriculation standard, they will not be entitled to T.A. for attending the examination and also the period will not count as duty.

5. He has been allotted Roll No. 08. The admission card bearing Roll Number is enclosed. He may please give his specimen

(PTO).....

Attested
[Signature]
Advert

84

- 6 -

--:(2):--

signature in the admission card, if not already done so. He is required to bring his admission card at the time of Examination.

P. C. Pande
(P.C. PANDE)
Section Officer
for Jt. Agricultural Marketing Adviser
to the Government of India

To
Shri NARESHWAR NATH,
O/o the Dy.Senior Marketing Officer,
GAUHATI

- 1) Copy forwarded to the Dy.Sr.Marketing Officer, Gauhati.
WITH THE REQUEST THAT, original meant for the individual may be handed over to him.
- 2) Copy to Director of Laboratories, Central Mark Laboratory, Nagpur with the request that he may not allot the Lecture Hall to any other on 28th August, 1983.
- 3) Copy to Section Officer, Adm. IV-Section, DMI, BHO, Nagpur with the request that arrangement of 120 Nos. of answer books may kindly be made.

for Jt. Agricultural Marketing Adviser
to the Government of India.

Potle
8883...

--:oOo:--

Attd
Li
Admt

- 7 -

35

ANNEXURE-M

TOP PRIORITY
TIME BOND

No.A-1'013/1/94-Estt.(Pt.F.) / 626
Government of India
Ministry of Agriculture
Deptt. of Agriculture & Cooperation
Dte. of Marketing and Inspection
Branch Head Office, New Sectt. Building

Nagpur, dated the 23rd Aug., 2000.

C I R C U L A R

Sub :- Opening of new Sub-office and RAL of DMI at Shilling.

The Deputy Agricultural Marketing Adviser, Incharge, New Delhi/Cherrai/Mumbai/Calcutta/Gauwahati/Guntur/Chandigarh/Lucknow/Jaipur/Bhopal and Incharges of all Sub-offices/Regional Agmark Laboratory are informed that a new Sub-office and R.A.L. is going to start working at Shillong shortly and the following posts of Group 'C' & 'D' are being provided there.

- | | | | |
|--------------|-----|------------|-----|
| 1. UDC/LDC | - 1 | 4) Jr. Ch. | - 1 |
| 2. G.A. | - 1 | 5) L.A. | - 1 |
| 3. Chowkidar | - 1 | 6) Gr. D. | - 1 |

The willingness of the eligible UDC/LDC/GA/Chowkidar may be obtained for posting at Shillong and such willingness may be forwarded to Branch Head Office on or before 08/09/2000.

(G.S. WASE)

Section Officer
for Joint Agril. Marketing Adviser

To

1. Dy. Agril. Marketing Adviser,
Incharge, New Delhi/Chennai/Mumbai/Calcutta/
Gauwahati/Guntur/Chandigarh/Lucknow/Jaipur/Bhopal.

Attd
S.S.
Amount

Centre: / /

25 APR 66

FILE BY *g*
DATE *24/4/10*

(3. C. P. 11. 11)
Addl. Centre Govt. Statistical Council
Central Administrative Bureau
Gauhati Bench (Gauhati)

O.R. NO. 338/2000

... Applicant

-V8-

... Respondents.

(Written statements filed by the Respondents No.1,2 & 3).

The written statements of the above noted respondents are as follows :-

1. That the copy of the O.A.No. 338/2000 (hereinafter referred to as the "applicant) has been served on the respondents. The respondents have gone through the said application and understood the contents thereof. The interest of all the respondents being common and similar, the respondents have filed this common written statement.

2. That the statements made in the application which are not specifically admitted by the respondents are hereby denied by the respondents.

3. That with regard to the statements made in para 1, 2 & 3 of the application, the respondents have no comments except the facts that the applicant can not be allowed to continue as L.D.C. for the reasons explained hereunder in this written statement.

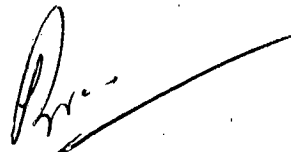
Contd...2.

R. J. VERMA.
Jt. Agric. Marketing Adviser
to the Govt. of India
D. M. E. BHO. NAGPUR.

4. That with regard to the statements made in para 4.1 & 4.2 of the application, the answering respondents have no comments to offer as these are mostly matter of records.

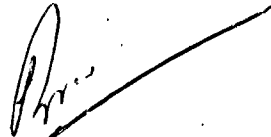
5. That with regard to the statements made in para 4.3 of the application, the respondents state that the applicant was appointed to the post of Lower Division Clerk on ad-hoc basis with effect from 06.02.1982 to 11.03.1984 against the post earmarked for direct recruit to be filled through Staff Selection Commission, Guwahati. Consequent on joining of Shri. Rajani Kanta Das to the post of Lower Division Clerk, nominated by the Staff Selection Commission, the applicant Shri. Nareswar Nath, ad-hoc L.D.C., stood reverted to the post of Laboratory Attendant (Group 'D'), vide copy marked as ANNEXURE R-1. It is further submitted that the recruitment rules for the appointment to the post of Lower Division Clerk contemplates 90% of the post to be filled by direct recruitment, 5% on the basis of seniority-cum-fitness from amongst these Group 'D' employees who are within the range of seniority prescribed and 5% of the vacancies on the basis of qualifying examination held by the Directorate of Marketing & Inspection for the purpose. As such against 90% quota only candidates who qualify themselves through the Staff Selection Commission can be appointed vide ANNEXURE R-2. The applicant could not qualify in the Departmental Competitive Examination in the year 1983 for the post of Lower Division Clerk (Sub-office) of the Directorate of Marketing & Inspection as

contd..3.


R. N. VERMA
Jt. Agril Marketing Adviser
to the Govt. of India
D.M.I. BHO. NAGPUR.

well as the Staff Selection Commission and hence he could not be appointed on regular basis. It is stated that no vested rights are created by mere continuance on ad-hoc basis due to non-availability of regular candidate and hence the request of the applicant for regularization can not be considered under any provision of law.

6. That with regard to the statements made in para 4.4, the respondents state that the applicant was again appointed as Lower Division Clerk on purely short term and on ad-hoc basis with effect from the date of his joining the post of L.D.C. for a period of six months or till regular incumbent joins the post whichever is earlier vide ANNEXURE R-3. It is not in dispute according to the recruitment rules that 90% of the post of L.D.C. are to be filled by direct recruitment. The applicant was appointed on ad-hoc basis in administrative exigencies for smooth functioning of the office. In the face of the recruitment rule it is not open to the applicant to claim any vested right over the post which are filled up by direct recruitment. It may be noted that some of these employees including the applicant participated in the qualifying examination intended for Group 'D' employees for filling up of the 10% reserved post for them but the applicant was not able to secure ranking in the merit list so as to be absorbed on regular basis in the year 1983. The respondents crave the leave of this Hon'ble Tribunal to allow them to produce such records of required at the time of hearing.




R. N. VERMA
Agri Marketing Adviser
to the Govt. of India
D.M.I. BHO. NAGPUR.

Contd...4.

7. That with regard to the statements made in para 4.5, the respondents state that the post of L.D.C. was earmarked for the candidate to be nominated by the Staff Selection Commission under OBC quota of direct recruit. The applicant has accepted the action of the Respondents that the post of L.D.C. is to be filled by a nominee of the Staff Selection Commission under OBC quota. Since the post is filled by a direct recruit under OBC quota as per recruitment rules vide ANNEXURE R-2 belonging to the OBC category, could have availed the opportunity for appearing in the examination conducted by the Staff Selection Commission for absorption on regular basis but he failed to do so.

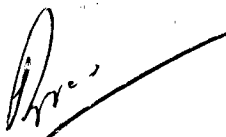
8. That with regard to the statements made in para 4.6 of the application the respondents state that the applicant was appointed as ad-hoc L.D.C. only on short terms basis against a regular post of L.D.C. on the terms and conditions that the period of appointment would be six months or a regular incumbent joins the post, whichever was earlier. From the terms and conditions of ad-hoc appointment it was made clear to the applicant that he would not be conferred upon any right for claiming regularisation, etc. Since the appointment was a stop-gap arrangement in terms of the instructions of the Department of Personnel and Training, vide copy marked as ANNEXURE R-4. In terms of the Ministry of Finance, Department of Expenditure, guidelines on expenditure management, fiscal prudence and austerity measures vide letter no. 7(3)/E-(Coord)/99 dated 5th August, 1999 vide copy marked as ANNEXURE R-5, the Ministry of Agriculture issued instructions regarding report of the

Contd..5.


R. V. VERMA
Sr. Agril Marketing Advisor
to the Govt. of India
D.M.I. BHO. NAGPUR.

Right Sizing Committee for 10% reduction in the number of posts in the Departments including the office of the Respondent No. 2 vide ANNEXURE R-6, for compliance. Accordingly, the Respondent No. 2 vide his order no. 99/2000, dated 30.10.2000, vide copy marked as ANNEXURE R-7, abolished 74 posts including the post of the L.D.C. held by the applicant on ad-hoc basis. The applicant accordingly was reverted to his substantive post of Laboratory Attendant vide letter no. A-32022/1/97-Estt.(pt.F)/638 dated 25.08.2000, vide copy marked as ANNEXURE R-8. It is also stated that had the post of L.D.C. would not have been abolished, in that case also the applicant could not have been given regular promotion as there are other senior Laboratory Attendants as well as Group 'D' officials for consideration to the post of Lower Division Clerk under 5% quota of the recruitment rules. The name of the applicant figure at serial No. 33 of the seniority list vide copy marked as ANNEXURE R-9. It may be seen that there are other senior Group 'D' officials eligible for promotion to the post of L.D.C. However, the promotion from amongst the Group 'D' officials on regular basis under 5% quota as per recruitment rules (Annexure R-2) is to be given on seniority-cum-fitness basis only. Therefore, the contention of the applicant under this para is misleading and baseless.

9. That with regard to the statements made in para 4.7 of the application the respondents state that the applicant had been given a reasonable opportunity for appearing in the Departmental Examination for the post of L.D.C.

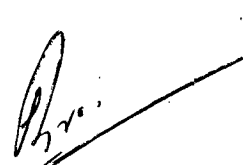

R. J. VERMA
Sr. Agril Marketing Adviser
to the Govt. of India
D.M.I.BHO. NAGPUR.

contd...5.

conducted by the Respondent No. 2 and by the S.S.C. for the purpose of regularising the appointment of such ad-hoc employees but the applicant could not qualify in these examinations and hence it cannot be said to be illegal. As far as the present application is concerned the officiation of the employee was not continuous and it cannot be said that it was for such an inordinately long period. There is the important circumstance that an opportunity was afforded to him to prove his suitability for regular appointment to the post of L.D.C. but he was not successful. Since the post of L.D.C. in the office of the Respondent No.3 stands abolished and there is no post of L.D.C. available anywhere in India under Respondent No.2, the contention of the applicant under this para is baseless and hence the application may be dismissed.

10. That with regard to the statement made in para 4.8 of the application, the respondents state that as per recruitment rules, 5% quota for Group 'D' employees has been earmarked for those employees having qualification prescribed under the recruitment rules and subject to their seniority-cum-fitness. Since the Respondent No.2 is maintaining ^{seniority} the ~~seniority~~ list of all the qualified Group 'D' employees posted all over India under his control apart from 5% Departmental Examination and Special Qualifying Examination for Group 'D' conducted by the S.S.C. an opportunity is given to them to get themselves absorbed on regular and on seniority-cum-fitness basis. Hence the contention of the applicant under this para is frivolous and baseless. In fact the applicant as per the merit assigned

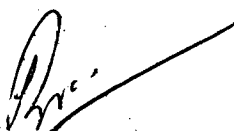
Contdd...7.


R. J. VERMA
Jt. Agril Marketing Advisor
to the Govt. of India
D.M.I. BHO. NAGPUR.

to him as per seniority list his name appears at Serial No. 33 of the seniority list and 5% posts with reference to the sanctioned posts come to 4/5 posts. Hence the applicants claim is far away from truth.

11. That with regard to the statements made in para 4.9 of the application, the respondents state that the applicant was appointed as ad-hoc L.D.C. till regular hand joins but the statutory provisions of the recruitment rules have to be satisfied before the recruitment is done either under 90% or 10% quotas for the OBC category under direct recruitment. Hence the contention of the applicant is baseless and far away from truth. It is also submitted that the denial of regular status is based on existing recruitment rules for the particular category and unless there is policy decision of the Govt. of India, it will not be possible either to stop reversion/termination of employees who are ad-hoc in nature. The applicant was accorded an opportunity for appearing in the examination but he failed to secure a place in the same.

12. That with regard to the statements made in para 4.10, the respondents state that the contention of the applicant is totally frivolous and far away from truth. The respondents are duty bound to Govt. agencies and they have to follow the instructions/guidelines/policy decisions of the Govt. of India. The statutory provisions laid down in the recruitment rules have been followed by the Respondents and hence there is no mala fide, illegal, arbitrary acts or motives behind the reversion of the applicant. However, in a similarly situated case of ad-hoc employees the Hon'ble



R. J. VERMA
Jt. Agril. Marketing Adviser
to the Govt. of India
D.M.I. BHO. NAGPUR.

Contdd...8.

CAT, New Bombay Bench, New Bombay in O.A. No. 335/1997 and O.A.No.368/1987 had delivered a judgement which is also applicable in the case and may kindly be perused vide copy marked as ANNEXURE R-10.

13. That with regard to statements as in para 5.1 to 5.8, the answering respondents re-assert and re-iterate the foregoing statements made in this written statement and state that the grounds shown are no grounds at all in the eye of law hence the application is liable to be dismissed with cost.

14. That with regard to the statements made in para 6 and 7 of the application, the answering respondents have no comments to offer.

15. That with regard to the statements made in para 8.1 to 8.3 and 9 of the application, the respondents respectfully state and submit that, as stated above, the application is totally devoid of any merit and as such the applicant is not entitled to get any relief whatsoever as prayed for. The application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore, prayed that your Lordships would be graciously pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.



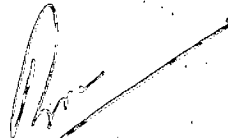
R. J. VERMA
Jr. Agril Marketing Advise.
to the Govt. of India
D.M.I. BHO. NAGPUR.

Contd...9.

VERIFICATION

I, Ramjeet Verma, presently working as Joint Agricultural Marketing Adviser, being competent and duly authorised to sign this verification, do hereby solemnly affirm and state that the statements made in above paras, ^{1 to 4, 7, 9, 10, 11, 13 & 14} 1 to 15, are true to the best of my knowledge and belief, ^{and para 5, 6, 8, 12. but not being material records and.} I have not suppressed/cancelled any material fact.

And I sign this verification on this 3rd.th day of April.....2001, at Nagpur.


R. J. Verma
Joint Agricultural Marketing Adviser
to the Govt. of M.
Dist. Nagpur

No. 1/5/75-NN. -559

Annexure R-1

Date: 12-3-1984

OFFICE MEMORANDUM.

Consequent on joining of Sri Rajanikanta Das to the post of L.D.C., vide Office Memo No. A-12011/1/83-A.N. dated 17-2-84 of the Joint Agricultural Marketing Adviser, Nagpur, Sri Nareshwar Nath stands relieved of his duties from post of L.D.C. w.e.f. 12-3-84 (forenoon) and reverted back to the post of Laboratory Attendant from the same date and time. He may please hand over charge of L.D.C. to Sri. Rajani Kanta Das.

Sri. Nareshwar Nath.
L.D.C., Gauhati.

Dy. Sr. Marketing Officer,
Gauhati.

Copy to :-

1. Sri. Rajani Kanta Das, L.D.C. He may please take over charge of L.D.C. from Sri. Nareshwar Nath.
2. Account Section D.M.I., Gauhati in duplicate for necessary action.
3. Recruitment file.

Dy. Sr. Marketing Officer,
Gauhati.

-11-

Annexure R2 51

-63-

Annexure R-2

(To be published in Part II Section 3 sub-section (1)
of the Gazette of India)

No.F.1-5/81-AM
Government of India
Ministry of Rural Development

New Delhi, the 22nd June, 1982.

NOTIFICATION

S.R. 11-10/7/82 In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Directorate of Marketing and Inspection (Lower Division Clerk in sub-offices) Recruitment Rules, 1972 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the post of Lower Division Clerk in sub-offices of the Directorate of Marketing and Inspection, Ministry of Rural Reconstruction, namely:-

1. Short title and commencement:- (1) These rules may be called the Directorate of Marketing and Inspection (Lower Division Clerk in sub-offices) Recruitment Rules, 1982.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Number of post, classification and scale of pay:- The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit, qualifications, etc.:- The method of recruitment, age limit, qualifications and other matters relating to the said post, shall be as specified in columns 5 to 14 of the said Schedule.

4. Disqualification:- No person,

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax:- Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect of any class or category of persons.

6. Saving:- Nothing in these rules shall affect reservations relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons, in accordance with the orders issued by the Central Govt. from time to time in this regard.

Schedule

MAHARASHTRA GOVT. SECRETARIAT
(20/6/82) 11/10/82

-12-

The Schedule

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post.	Age limit for direct recruits	Whether benefit of added years of service, admissible under Rule 30 of the C.C.S. (Pension) Rules, 1972.
1	2	3	4	5	6	7
Lower Division Clerk	140	General Central Service Group 'C' Non-Gazetted, Ministerial	Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400.	Not applicable	Not exceeding 25 years (Relaxable upto 35 years for Government servants in accordance with the instructions or orders issued by Central Government)	Not applicable

Note 1: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).

Note 2: In case of appointment made through the Employment Exchanges, the crucial date for determining the age limit shall be the last date upto which the Employment Exchanges are asked to submit the names.

* Subject to variations dependent on work-load.

55

-13

- 2 -

period of Probation,
any

10

Two years

Not applicable

8. ...ent qualifications.

- 159

(a) A person not possessing the said qualifications in Typewriting may be appointed subject to the condition that he shall not be eligible for drawing increments in the pay scale or for quasi-permanency or for confirmation in the grade till he acquires the requisite speed.

(b) a physically handicapped person who is otherwise qualified to hold a clerical post, but does not possess the said qualification in typewriting may be appointed subject to the condition that the Medical Board attached to the Special Employment Exchange for handicapped or, where there is no such Board, the Civil Surgeon certifies that the said handicapped person is not in a fit condition to be able to type.

- 4 -

- 3 -

Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.

11

(a) 90% shall be filled by direct recruitment;

(b) 10% of vacancies shall be filled from amongst Group 'D' employees belonging to subordinate offices of the Dte. of Marketing and Inspection who are Matriculates or possess equivalent qualifications and have rendered five years regular service in a Group 'D' post in the following manner:

(i) 5% of the vacancies may be filled on the basis of seniority-cum-fitness from amongst those Group 'D' employees who are within the range of seniority prescribed.

(ii) 5% of the vacancies may be filled on the basis of a qualifying examination held by the Directorate of Marketing and Inspection for this purpose.

Provided that if more of such employees than the number of vacancies available under clause b (ii) qualify at the said examination, such excess number of employees shall be considered for filling the vacancies arising in the subsequent years so that the employees qualifying at an earlier examination are considered before those who qualify at a later examination:

Provided further that if sufficient number of persons do not become available, the vacancies shall be filled in the same manner as prescribed in clause (c).

Note 1: The maximum age limit for eligibility for the examination shall be 50 years (55 years for the Scheduled Castes/the Scheduled Tribes employees)

Note 2: The crucial date for determining the age limit shall be 1st of January or 1st of August accordingly as the examination is held in the first half or the second half of the year, as the case may be.

57

-15-

- 4 -

In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made.

If a Departmental Promotion Committee exists, what is its composition.

Circumstances, in which UPSC is to be consulted in making recruitment.

12

Not applicable

13

Group 'C' Departmental Promotion Committee consisting of

14

Not applicable.

1. Joint Agricultural Marketing Adviser,
Branch Head Office,
Nagpur.....Chairman
2. Director of Laboratories.....Member
3. Deputy Director
(Genl.).....Member
4. A 'Group A' Officer of an
Outside Office.....Member

(Ram Singh)

Under Secretary to the Govt.
of India.

To
The General Manager,
Government of India Press,
Ring Road, New Delhi (with Hindi version)

58

No.A-32022/1/97-Estt.(Pt.F.)/332
Government of India
Ministry of Agriculture
Deptt. of Agriculture and Cooperation
Dte. of Marketing and Inspection
BHO, New Secretariat Building

Nagpur, dated the 7th April, 1999.

OFFICE ORDER NO. (G / 1999

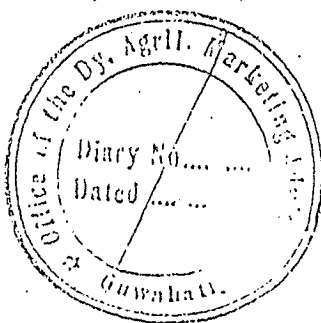
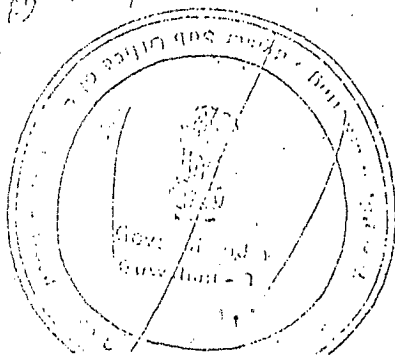
The Joint Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Branch Head Office, Nagpur hereby appoints Shri Nareshwar Nath, Laboratory Attendant, Gauhati to the post of LDC on adhoc and purely short-term basis in the Scale of pay of Rs.3050-75-3950-80-4590/- at Sub-office, Gauhati w.e.f. the date of his joining the post of LDC & Rxa for a period of six months or a regular incumbent joins the post, whichever is earlier.

(Signature)

(G.S. WASE)
Section Officer
for Joint Agril. Marketing Adviser

Distribution :-

1. Shri Nareshwar Nath, Laboratory Attndt. through Deputy Agril. Marketing Adviser, Gauhati.
2. Dy. Agril. Marketing Adviser, Gauhati, with reference to his endt. No.1/5/75-GWT/789 dated 11.12.1997.
3. Pay and Accounts Officer, DMI, Branch Head Office, Nagpur.
- 4) Hindi Unit for hindi version.
- 5) Personal file of Sh. Nareshwar Nath, L.A.
- 6) Office Order file.
- 7) Guard file.



-17-

Annexure-R-4

60

No.5-1/2000-Admn.Coord.
Government of India
Ministry of Agriculture
Department of Agriculture & Cooperation

Krishi Bhavan, New Delhi
Dated Feb., 2000

To

The Heads of All Attached/Subordinate Offices
of the Deptt. of Agri. & Coopn.

Subject:- Curtailment of practice of ad-hoc appointment -
regarding. *****

Sir,

Department of Personnel & Training has been issuing guidelines to contain the practice of ad-hoc appointments, from time to time. That Department has, once again, pointed out that the tendency to resort to adhoc appointments continues, needs to be curbed.

2. A copy of the D.O. letter No. 28036/3/97-Estt.(2) dated 17-12-1999, on the above subject, from Department of Personnel & Training, is enclosed for strict compliance of the guidelines on the subject.

(Mrs. Renu Choudhury)
Under Secretary to the Govt. of India

Copy alongwith enclosure, also to:-

E.I/E.III/E.IV/E.V/E.VI/MY(A)/CA.III/Extn.Hesk/Fort.Flc./
Hort.Admn./Mktg.I/FF-II/SWC-III Section

(Mrs. Renu Choudhury)
Under Secretary to the Govt. of India

1-13 Feb 2000
(Mktg.I/FF-II/SWC-III Section)

D.O. No. 28036/8/97-Estt(D)

Annex-4 (Enclsure)

3963
17/12/97

3424/99 vt
23/12



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NEW DELHI-110001

December 14, 1999

ANDON

1012/SS(1)/99

19/12

Dear Secretary,

17 DEC 1999

Instructions have been issued from time to time by the Department of Personnel and Training (DoP&T) requesting all Ministries/Departments to fill up the posts only in accordance with the prescribed procedure and relevant Recruitment Rules on a regular basis. It has also been emphasised that ad-hoc appointments, if at all required, may be made only by way of exception and, that too, purely on functional considerations. Parameters in this regard have been prescribed vide DoP&T Office Memorandum No. 28036/8/87-Estt(D) dated March 30, 1988. Ministries/Departments have also been requested to ensure that all appointments made on ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available.

2. It has, however, been observed that Ministries/Departments resort to appointments on ad-hoc basis, initially as a short term measure, for meeting the so called exigencies of work. Subsequently, such ad-hoc appointees are allowed to continue for years together, stalling regular appointments and bypassing the statutory requirement to consult the UPSC in the matter. Most of the ad-hoc appointees after continuing in service for some time invariably take recourse to courts and more often than not, courts issue orders for regularisation of their appointments. In this process, the statutory provisions of recruitment rules as well as those for reservation of posts for SCs, STs, OBCs etc. get flouted. Besides, this practice of ad-hoc appointments circumvents the selection process based on merit, equity and justice and leaves scope for nepotism.

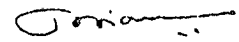
3. DoP&T as well as UPSC have been making constant endeavours to discourage such ad-hoc appointments, which, as and when they come to the knowledge of the Commission, are being highlighted in Commission's Annual Report also, which is placed before the Parliament. DoP&T has also, in the recent past, reviewed the situation and issued detailed instructions for curtailing the practice of ad-hoc appointments and even financial restrictions have been imposed. However, the effect of these instructions is not visible as Ministries/Departments continue to resort to ad hoc appointments. Hence, if the present tendency continues, the Government may be constrained to prescribe stricter norms even in the case of initial ad-hoc appointments like prior approval of DoP&T at the initial stage itself as is the case in regard to their continuance beyond one year.

4. In view of the above, you are requested to kindly take necessary steps to curtail the practice of making ad-hoc appointments so that the back door entry, which becomes fait-accompli subsequently as per court directions, could be checked. The Appointing Authority/Head of the Department may be held personally accountable and responsible to ensure that no irregular ad-hoc appointments are made initially and subsequently continued unauthorisedly beyond one year.

5. The officials may also be instructed to arrange vigorous defence in cases where ad-hoc appointees take recourse to file petitions before courts for regularisation of their services so that such petitions do not succeed. In cases where the lower courts give directions for considering regularisation of ad-hoc appointments, appeals may be filed in higher courts immediately so that such directions are quashed.

With regards,

Yours sincerely,



(B.B. TANDON)

Shri Bhaskar Barua,
Secretary,
Department of Agriculture & Cooperation,
Krishi Bhawan,
New Delhi.

19

No.7(3)/E(Coord)/99
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, 5th August, 1999.

Subject :- Guidelines on Expenditure Management - fiscal prudence and austerity.

-.--.-

In continuation of this Department's O.M.No.19(1)/E-II(A)/98 dated 20th August, 1998 and 10th February, 1999 on the subject cited above, it has been decided to implement the following additional austerity measures with immediate effect :-

(I) Ban on creation of Plan and Non-Plan posts

The existing ban on creation of Non-plan posts will continue and should be strictly enforced. Any unabordable proposals for the creation of plan posts including Group 'B' and 'D' posts shall continue to be referred to the Ministry of Finance (Department of Expenditure) for approval.

(2) Ban on filling up of vacant posts

Every Ministry/Department shall undertake a review of all the posts which are lying vacant in the Ministry/Department and in the Attached and Subordinate Offices, etc., in consultation with the Ministry of Finance (Deptt. of Expenditure). FAs will ensure that the review is completed in a time bound manner and full details of vacant posts in their respective Ministries etc., are available. Till the review is completed no vacant posts shall be filled up except with the approval of the Ministry of Finance (Department of Expenditure).

(3) 10% cut in posts

Those Ministries/Departments which have not fully implemented Government's decision to achieve 10% reduction in the number of posts (as on 1.1.92) shall implement the said decision immediately.

(4) Purchase of new vehicles

Purchase of new vehicles is banned until further orders. Exceptions will be allowed only for meeting the operational requirements of Defence, Central para Ministry Forces, etc.

(5) 10% mandatory cut on Non-Plan, non-salary expenditure

Every Ministry/Department shall make a 10% mandatory cut during the current year (1999-2000) on Non-Plan, Non-salary expenditure, i.e. on TA, Office Expenses, POL, OTA, honorarium etc. No re-appropriation

..2..

of funds to augment these heads of expenditure would be allowed during the current financial year. Austerity must be reflected in functions organised by the Govt. of India (meetings, conferences, inaugurations, etc.) and in furnishing of offices/offices at residences. The expenditure limit prescribed for these purposes shall be strictly enforced.

(6) Foreign Travel

Foreign travel funded by the Government of India unless it is absolutely unavoidable, shall not be undertaken till the end of the current financial year.

(7) New expenditure proposals

No new expenditure proposals will be entertained during the current financial year except those announced in the budget.

(8) Expenditure on existing schemes/programmes

Any unavoidable, increase in expenditure on existing schemes/projects shall be met out of savings; no additional funds will be provided for this purpose. Proposals for inter State transfer of funds in respect of schemes covering all the States will not normally be entertained.

2. All existing instructions on austerity/economy in expenditure issued by the Ministry of Finance (Department of Expenditure) from time to time shall be strictly enforced.

3. Secretaries to the Government of India and Financial Advisers are requested to ensure strict compliance of the above instructions.

Sd/-

(C.M. Vasudev)

Secretary to the Govt. of India

To

All Secretaries to the Government of India (By name)
All Heads of Public Sector Enterprises.
All FAs (By name)

All Chief Secretaries of State Government with the request that they may consider issuing similar instructions in respect of their State Governments.

*True copy
Attested*

1/12
SECRETARY TO GOVT. OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)
1/12

-22-

Annex R-5
65120

Ms. 7(2)/E(Coord)/99

Government of India

Ministry of Finance

Department of Expenditure

New Delhi, 5th August, 1999

Subject: Guidelines on Expenditure Management-fiscal prudence and austerity.

In continuation of this Department's O.M. No. 19(1)-E-II(A)/98 dt. 20th August, 1998 and 10th February, 1999 on the subject cited above, it has been decided to implement the following additional austerity measures with immediate effect:

(1) Ban on creation of Plan and Non-Plan posts.

The existing ban on creation of Non-plan posts will continue and should be strictly enforced. Any unavoidable proposals for the creation of plan posts including Groups 'B' and 'N' posts shall continue to be referred to the Ministry of Finance (Department of Expenditure) for approval.

(2) Ban on filling up of vacant posts

Every Ministry/Department shall undertake a review of all the posts which are lying vacant in the Ministry/Department and in the Attached and Subordinate Offices, etc., in consultation with the Ministry of Finance (Dept. of Expenditure). It will ensure that the review is completed in a time bound manner and full details of vacant posts in their respective Ministries etc., are available till the review is completed. No vacant posts shall be filled up except with the approval of the Ministry of Finance (Department of Expenditure).

(3) 10% cut in posts

Those Ministries/Departments which have not fully implemented Government's decision to achieve 10% reduction in the number of posts (as on 1.1.92) shall implement the said decision immediately.

(4) Purchase of new vehicles

Purchase of new vehicles is banned until further orders. Exceptions will be allowed only for meeting the operational requirements of Defence, Central Para Ministry Forces, etc.

15/4/99
17/9/99

-23-

66

(6) 10% mandatory cut on Non-Plan non-salary expenditure ..

Every Ministry/Department shall make a 10% mandatory cut during the current year (1999-2000) on Non-Plan, non-salary expenditure, i.e., on TA, Office Expenses, POL, OIA, honorarium, etc. No re-appropriation of funds to augment these heads of expenditure would be allowed during the current financial year. Austerity must be reflected in functions organized by the Govt. of India (meetings, conferences, inaugurations, etc.) and in furnishing of offices/offices at residences. The expenditure limit prescribed for these purposes shall be strictly enforced.

(6) Foreign Travel

Foreign travel funded by the Govt. of India, unless it is absolutely unavoidable, shall not be undertaken till the end of the current financial year.

(7) New expenditure proposals

No new expenditure proposals will be entertained during the current financial year except those announced in the budget.

(8) Expenditure on existing schemes/programmes

Any unavoidable increase in expenditure on existing schemes/projects, shall be met out of savings; no additional funds will be provided for this purpose. Proposals for inter State transfer of funds in respect of schemes covering all the States will not normally be entertained.

2. All existing instructions on austerity/economy in expenditure issued by the Ministry of Finance (Department of Expenditure) from time to time shall be strictly enforced.

3. Secretaries to the Govt. of India and Financial Advisers are requested to ensure strict compliance of the above instructions.

Sd/-
(G.M. Vasudav)

Secretary to the Govt. of India.

To,

All Secretaries to the Govt. of India (By name)
All Heads of Public Sector Enterprises
All FAs (By name)

All Chief Secys. of State Govts. with the request that they may consider issuing similar instructions in respect of their State Governments.

24-

Annexure R C 67

Annexure R-6

(36)

MOST IMMEDIATE

No.34-1/98-WSU
Government of India
Ministry of Agriculture
Department of Agriculture & Cooperation

July 24, 2000
Krishi Bhawan, New Delhi

Subject: Department of Agriculture & Co-operation - Report of the
Right-sizing Committee - follow-up action on
recommendations - regarding.

In pursuance of the recommendations made in the
report of the Fifth Central Pay Commission, a core group of
officers headed by Secretary (Co-ordination) in Cabinet Sectt. was
set up in the Department of Administrative Reforms and Public
Grievances to examine the issue of right-sizing the Government.
On the recommendations of that group, instructions were issued
by the Government for:

- (a) Full implementation of instructions of the Government for 10%
cut in the staff strength as on 1.1.92.
- (b) Further 10% reduction in the number of posts created between
Jan., 1992 and Dec., 1999.
- (c) Review of vacant posts and temporary posts in Ministries/
Departments including attached/sub-ordinate offices.
- (d) Time-bound implementation of all SIU reports.
- (e) Identification of additional Divisions/Sections in the
Departments for introduction of Desk Officer system.

2. In pursuance of the above instructions, a Committee
(hereinafter referred to as the Committee) was set up in the
Department of Agriculture & Cooperation, vide Order No.34-1/98-
WSU dated 9.2.2000 under the Chairpersonship of Smt. Sathi Nair,
Additional Secretary, for co-ordinating the follow-up action on the
above recommendations in respect of this Department.

3. The Committee held Division-wise reviews in consultation
with the Divisional Heads and other representatives of the
concerned Divisions. The reviews were undertaken, separately, in
respect of the staff strength at the Headquarters (Secretariat) of
the Department and in the attached/sub-ordinate offices under the
Department.

4. In the reviews undertaken by the Committee, the entire
gamut of the existing range of activities, possibilities of imminent
expansion in the field of operations as also the redundancies
arising in certain operations owing to modernisation and other



28/7/2000

28/7/2000

28/7/2000

28/7/2000

advancements in working methods were taken into account. A rigorous analysis of the extent of existing workload and the future potential of effecting economies in the scale of operations vis-à-vis the roles envisaged for various functional Divisions of the Department was done to make a realistic projection of the staffing requirements.

5. In assessing the staff requirements, the Committee took into account the vacancy position, as obtaining in various offices. In assessing the status of vacant posts, the status of recruitment action for each of such vacant posts was also taken into account.

6. In pursuance to the recommendations made in the report of the Committee, it has been decided with the approval of the competent authority, to abolish/redeploy posts in the Department (Headquarters) and in the attached/sub-ordinate offices, as per details indicated in the Statements enclosed at Annexure I and II, respectively. A summary of the other recommendations made in the report of the Committee for restructuring in various Divisions under the Department is also enclosed in the Statement at Annexure III.

7. All Divisional Heads are requested kindly to issue the necessary orders/instructions for abolition/redeployment of the identified posts and for implementation of the other recommendations of the Committee, immediately, under intimation to the IWSU.

K. D. Sinha
22.7.2000
(K. D. Sinha)

Joint Secretary to the Govt. of India

1. Spl. Secy.(S)/Addl. Secy.(N)/Addl. Secy.(BS)/Addl. Secy. (J).
2. All Divisional Heads (separately for each Division).
3. PS to AM/PS to MOS(A)/Sr. PPS to Secy.(A&C).
4. DS(P)/US(A-I)/US(A-II)/US(Fin.II)/US(E.III)/US(E.IV).
5. Guard File.

J.S. (Agst. Mktg.)

897
(369)

I. Recommendations of Right-sizing Committee - posts identified for abolition in attached/subordinate offices of Department of Agriculture & Cooperation.

Sl. No.	Designation and pay-scale	No. of Posts
<u>A. ATTACHED/SUBORDINATE OFFICES</u>		
<u>CROPS DIVISION</u>		
<u>I. Dte. of Tobacco Development</u>		
1.	Director (Rs.12000 - 16500)	1
2.	Joint Director (Rs. 10000 - 15200)	3
3.	Assistant Director (Rs.6500 - 10500)	1
4.	Administrative Officer (Rs.6500 - 10500)	1
5.	Accountant (Rs. 5500 - 9000)	1
6.	Sr. Technical Assistant. (Rs. 5500 - 9,000)	4
7.	Statistical Investigator. (Rs. 5500 - 9000)	1
8.	Sr. Statistical Clerk. (Rs. 4000 - 6000)	1
9.	UDC (Rs. 4000 - 6000)	2
10.	LDC (Rs. 3050 - 4590)	4
11.	Steno II. (Rs. 5000 - 8000)	1
12.	Steno III. (Rs. 4000 - 6000)	2
13.	Driver (Rs. 8000 - 18000)	1
14.	Jr. Hindi Translator. (Rs. 4000 - 7000)	1
15.	Daftry (Rs. 2650 - 3540)	1
16.	Peon (Rs. 2050 - 3540)	3
17.	Chowkidar/Safaiwala (Rs. 2650 - 3540)	1
Total		29
<u>II. Other Crop Development Directorates</u>		
1.	Joint Director (Rs. 10000 - 15200)	6
2.	Sr. Statistical Clerk. (Rs. 4000 - 6000)	6
3.	LDC (Rs. 3050 - 4590)	6
Total		18
<u>TECH. MISSION ON OILSEEDS AND PULSES</u>		
<u>Directorate of Oilseeds Development</u>		
1.	Joint Director (Rs. 10000 - 15200)	1
<u>Directorate of Pulses Development</u>		
2.	Daftry (Rs. 2650 - 3540)	1
Total		2
<u>AGRICULTURAL MARKETING DIVISION</u>		
<u>Dte. of Mktg. & Inspection</u>		
1.	Deputy Director (AP) (Rs.10,000-15,200)	1
2.	Asstt. Director(GC) (Rs.8,000-13,500)	1
3.	Sr. Market Dev. Officer (Rs.8,000-13,500)	3
4.	Senior Editor (Rs.8,000-13,500)	1
5.	Marketing Officer (Gr.I) (Rs.6,500-10,500)	11
6.	Market Dev. Officer (Rs.6,500-10,500)	3
7.	Junior Chemist (Rs.1400-2300 pre-revised)	20
8.	Lower Division Clerk (Rs.3050-4590) (Sub-ordinate)	13
9.	Calculating Machine Operator (Rs.3050-4590)	2
10.	Electrician (Rs. 950-1400 pre-revised)	1
11.	Grading Attendant (Rs.750-940, pre-revised)	

11/6/60

27-
1/10/2000
Annexure R7

F.No.A-11019/1/91-Estt
Government of India
Ministry of Agriculture
Department of Agriculture
Directorate of Marketing and Inspection
Branch Head Office,
New Secretariat Building,
NAGPUR

Dated the 30th October, 2000

OFFICE ORDER NO. 99/2000

In pursuance of the instructions contained in the Ministry of Agriculture, Department of Agriculture and Co-operation, New Delhi's letter No.34-1/98/WSU dated 24th July, 2000, the Agricultural Marketing Adviser to the Govt. of India has ordered the abolition of 74 posts (36 Group 'C' posts and 38 Group 'D' posts) as per scheme-wise and station-wise details given below, with immediate effect: -

S.No.	Name of the post with pay scale and No. of posts identified for abolition.	Name of the station	Name of the scheme	No. of posts
(1)	(2)	(3)	(4)	(5)
1.	Jr.Chemist Rs.4500-7000/- (20 posts)	Kanpur Kanpur Chittor Guntur Guntur Vadalamudi Vijayawada Calicut Cochin Chennai Chennai Saharanpur Mumbai Patna Calcutta Nagpur Bhopal Rajkot	G.G.S. R.G.G.S. R.G.G.S. G.G.S. R.G.G.S. R.G.G.S. R.G.G.S. S.G.S. Expn.of Agm.Labs G.G.S. Expn.of Agm.Labs R.G.G.S. Estt.of CAL/RAL R.G.G.S. Estt.of CAL/RAL Pkg.Division C.A.R.T.S. R.G.G.S.	2 1 1 1 1 1 1 1 1 1 1 1 1 2 1 1 1 1 1 1
				20

PTO-2

2. Lower Divn. Clerk
Rs.3050-4500/-
(13 posts)

Guntur	T.G.G./S.	1
Guntur	G.G.S.	1
Nasik Road	Q.C.O.G.P.P	1
Chennai	G.G.S.	1
Mumbai	Cold Storage	1
Kanpur	W.B.G.H.S.	2
New Delhi	Cold Storage	1
New Delhi	G.G.S.	1
Bangalore	Setting up of Addl. Laboratories	1
Guwahati	Expn. of Agm. Labs.	1
Bhubaneshwar	Expn. of Agm. Labs.	1
Abohar	Addl. C.C.S.	1

=====

13

=====

(Note: Shri Ram Kumar, ad-hoc L.D.C. will stand reverted to the post of Grading Attndt. from the date of issue of this Order consequent upon abolition of the post of L.D.C.)

3. Calculating Machine
Operator
Rs.3050-4500/-
(2 posts)

Nagpur	Drawing of Grade Standards	1
Faridabad	Main Permtt.	1

=====

2

=====

4. Electrician
Rs.3050-4500/-
(1 post)

Nagpur	M.P.D.C.	1
--------	----------	---

=====

1

=====

5. Grading Attendants
Rs.2550-3200/-
(23 posts)

New Delhi	E.G.Q.C.S.	1
Jaipur	W.B.G.H.S.	1
Chennai	T.G.S.	1
	V.O.C.S.	1
	E.G.Q.C.S.	1
Alleppey	S.G.S.	1
Calicut	S.G.S.	2
Cochin	S.G.S.	2
Tuticorin	S.G.S.	1
Virudhunagar	S.G.S.	3
Guntur	T.G.S.	2
Calcutta	W.B.G.H.S.	1
Mumbai	Basmati Rice	1
Nasik Road	S.G.S.	1
Rajkot	V.O.G.S.	1
Hyderabad	M.R.P.C.	1
Anritsar	W.B.G.H.S.	1
Trivendrum	S.G.S.	1

=====

23

No.A-32022/1/97-Estt.(Pt.F.)/688
 Government of India
 Ministry of Agriculture
 Deptt.of Agriculture and Cooperation
 Dte.of Marketing and Inspection
 Branch Head Office, New Sectt.Building

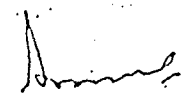
Nagpur, dated the 25th Aug., 2000.

OFFICE MEMORANDUM

Subject :- Extension of promotion of Shri Nareshwar Nath, LDC (Adhoc) beyond three months - reg.

Adhoc service
 in his tenure,
 therefore

The Deputy Agricultural Marketing Adviser, Incharge, Sub-office of Directorate of Marketing and Inspection, Guwahati may please refer to his letter No. A-20014/7/99-GHY/1631 dated 31.07.2000 regarding the subject mentioned above. In this connection, it is informed that the official has completed one year/it may not be possible to extend the further period of adhoc appointment w.e.f. 24.07.2000 to 23.10.2000 i.e. beyond one year in terms of the recent instructions on adhoc appointment issued by the Department of Personnel and Training. Accordingly, the official stands reverted to the post of Laboratory Attendant on 23.07.2000 (A.N.).



(G.S. WASE)
 Section Officer
 for Joint Agril. Marketing Adviser

To
 The Deputy Agril. Marketing Adviser,
 Incharge, Sub-office of D.M.I.,
 Guwahati.

URGENT

Issue necessary
 Agron.

(G.S. Wase)

3.10.2000 / H.O.O.

[15] 09/09/2000

NO.A-23032/1/93-Estt.// Annexure R9
 Government of India
 Ministry of Agriculture
 Department of Agri. & Co-operation
 Directorate of Marketing and Inspection
 Branch Head Office
 New Secretariat Building

Nagpur, dated the 28th Dec., 99.

OFFICE MEMORANDUM

Sub: Draft combined seniority list of educationally qualified Group 'D' officials (Subordinate offices) of the Directorate as on 31-10-1999.

The draft combined seniority list of educationally qualified Group 'D' employees working in Sub-office of the Dte. as on 1.2.1994 was circulated amongst the concerned officials vide this office OM of even no. dated 24.2.1994. Consequent upon the retirement/promotion etc, it is felt necessary to revise the entire seniority list of educationally Group 'D' officials as on 30.11.1999.

The following are the broad principles adopted in facing the seniority in the list :-

1. Persons qualified S.S.C./Matriculate Exam. in the year March, 1977.
2. Persons in the higher cadre of LDC/Daftary/Lab. Atttdt. (Sub-office cadre) are shown enblock senior to those in the lower cadre of Peon/Grading atttdt. etc.
3. The Inter-se seniority of the person has been fixed with reference to date of regular appointment to the respective posts with matriculation education.
4. However, the seniority of the persons in the posts held by them has not been disturbed.

The list may be circulated amongst all the concerned officials and in case of any omission/objection, the same may be obtained and furnished to this Dte. positively by 31.01.2000. In case no objection/comments are received from the individuals within the prescribed date it will be presumed that the seniority list as circulated is acceptable to them. No representations will be entertained thereafter.

(G.S. WASE)

Section Officer

for Joint Agricultural Mktg. Adviser

AM RGS & SCS
 CC DM

COMBINED SENIORITY LIST OF QUALIFIED GROUP 'D' OFFICIALS FOR CONSIDERATION TO THE POST OF
LOWER DIVISION CLERK (SUB-OFFICE) AS PER RECRUITMENT RULES

-31-

Sl.No.	Names in order of seniority having SSC qualification as on 31-03-1977	Date of Birth	Educational qualification	Date of entry with Govt. service	Date of apptt. to the present post/Date of Confirmation.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	S/Shri					
1.	V.D.Savant	05.03.1944	S.S.C.	17.08.1964	17.08.1964 01.01.1973	Adhoc LDC w.e.f. 23.04.1977
2.	R.L.Pankar	01.01.1951	H.S.C.	21.12.1972	21.12.1972 16.03.1978	Adhoc LDC w.e.f. 30.09.1977
3.	Ehupendra Singh	01.01.1953	S.E.Pass	11.10.1972	11.10.1972 16.03.1978	Adhoc LDC w.e.f. 10.01.1979
4.	H.C.Akhani	10.04.1944	S.S.C.	29.09.1964	29.09.1964 01.01.1974	Adhoc LDC w.e.f. 01.04.1980
5.	G.P.Gupta	01.02.1952	Matric	11.10.1972	11.10.1972 01.01.1973	Adhoc LDC w.e.f. 21.06.1983
6.	N.K.Prasad	08.07.1947	Matric	28.10.1969	28.10.1969 16.03.1978	Adhoc LDC w.e.f. 12.06.1984
7.	Muktiair Singh(SC)	15.06.1954	S.S.C.	02.06.1977	02.06.1977 26.09.1980	Adhoc LDC w.e.f. 02.04.1984
8.	H.V.Kerkar	01.06.1954	H.S.C.	02.04.1979	02.04.1979 26.07.1982	Adhoc LDC w.e.f. 23.05.1984
9.	Ramkumar	02.04.1956	Matric	29.03.1979	29.03.1979 26.07.1982	Adhoc LDC w.e.f. 02.07.1984
10.	Jagannath Prasad(SC)	07.03.1942	H.S.S.C.	01.09.1961	01.09.1961 01.08.1981	Laboratory Atttdt.
11.	Menghane S.L.	01.06.1942	Xth	18.06.1963	18.06.1963 08.02.1984	-do-

84

74

-32-

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

12.	K. Nagalab (ST)	15.07.1946	Matric	19.03.1965	19.03.1965	26.07.1986	Daftary
13.	C.K. Kadbe (SC)	01.03.1946	h. Pass	29.06.1965	29.06.1965	04.04.1981	Laboratory Atttd.
14.	D.L. Parmar (SC)	04.05.1945	S.S.C.	16.09.1966	16.09.1966	16.09.1966	-do-
15.	Jagran Sharma	06.03.1947	H.S.C.	29.11.1966	29.11.1968	29.11.1968	-do-
16.	Karan Singh (SC)	12.10.1955	Inter	23.11.1979	23.11.1979	30.01.1973	-do-
17.	M.N. Koli	15.07.1944	Xth	30.01.1973	01.01.1974	20.11.1962	Grading Atttd.
18.	P. Ghana Muthu (SC)	15.05.1943	S.S.L.C.	20.11.1962	20.11.1962	01.01.1969	
19.	K. Kallappa	08.02.1941	S.S.L.C.	14.12.1962	14.12.1962	01.01.1969	-do-
20.	T. Magendra Rao	25.12.1939	Matric	21.05.1963	21.05.1963	01.01.1969	-do-
21.	K. Assan	01.07.1941	E.A.	06.02.1964	06.02.1964	01.01.1973	-do-
22.	K.F. Chavade	08.11.1943	Xth Pass	21.12.1965	21.12.1965	16.03.1978	-do-
23.	Sita Ram	21.12.1945	Matric	23.12.1965	23.12.1965	16.03.1978	-do-
24.	Dharmraj	07.04.1946	E.A.	24.12.1965	24.12.1965	16.03.1978	-do-
25.	V.K. Dhodge	05.10.1945	Xth Pass	25.01.1966	25.01.1966	16.03.1978	-do-
26.	C. Mangamathan	20.10.1947	S.S.L.C.	10.02.1972	10.02.1972	16.03.1978	-do-
27.	Darwan Singh Bist	07.04.1948	Inter	20.12.1972	20.12.1972	16.03.1978	-do-

3/-

(1)	(2)	(3)	(4)	(5)	(6)	(7)
28.	Judagir Ram(SC)	15.01.1947	XIth	30.12.1972	30.12.1972 26.05.1980	Grading Atttdt.
29.	G.Subramaniam	10.04.1949	S.S.L.C.	10.04.1973	19.4.1973 26.09.1980	-do-
30.	A.Bernard(ST)	19.08.1949	S.S.L.C.	15.06.1973	15.06.1973 26.09.1980	-do-
31.	Thiruparkadal(ST)	21.03.1955	XIth	25.06.1973	25.06.1973 26.09.1980	-do-
32.	P.B.Sabare(SC)	3.01.1948	S.S.C.	08.07.1974	08.07.1974 26.09.1980	-do-
33.	Naras ar Nath	01.11.1955	H.S.L.C.	17.02.1975	17.02.1975 04.04.1981	-do-
34.	K.Krishnan	22.09.1951	Xth	18.02.1975	18.02.1975 01.01.1989	Daftary
35.	J.C.Parakh	28.02.1957	S.S.C.	01.05.1976	01.05.1976 26.09.1980	Grading Atttdt.
36.	M.D.Meshram(SC)	16.07.1949	S.S.C.	11.08.1977	11.08.1977 26.09.1980	-do-
37.	Kuldip Singh	02.03.1954	Matric	19.01.1977	19.01.1977 01.08.1984	-do-
38.	Suresh Kumar Thakur	15.05.1955	S.S.C.	24.11.1977	24.11.1977 26.09.1980	-do-
39.	Dev Kumar	10.06.1959	Matric	12.10.1979	12.10.1979	-do-
40.	C.D.Nakum	04.06.1957	Xth	12.02.1980	12.02.1980	-do-
41.	M.S.Sardare(SC)	29.11.1953	S.S.C.	01.02.1980	01.02.1980	-do-
42.	P.M.Patil(SC)	01.07.1952	S.S.C.	18.02.1981	19.02.1981	-do-
43.	S.Chandaz	15.06.1960	Matric	14.05.1982	14.05.1982	-do-

44.	S. Chakraverty	16.07.1958	Metric	07.01.1983	07.01.1983	Grading Attendant
45.	B. Kumarsan(SC)	24.11.1953	S.S.C.	01.02.1980	01.02.1980	-do-
46.	Romesh Chandra	20.03.1960	Metric	27.02.1984	27.02.1984	Laboratory Attnd.
47.	N.N. Sumbade	04.11.1940	S.S.C.	07.09.1963	07.09.1963	-do-
48.	K.S. Chavah	11.04.1943	Mtr	09.12.1965	09.12.1965	Peon
49.	Gopal Sahu	10.01.1958	N.A.	06.03.1980	06.03.1980	-do-
50.	A.B. Ambhort(SC)	25.06.1961	Metric	23.03.1981	23.03.1981	Grading Attendant
51.	Dand Ram Boro(ET)	27.11.1954	S.S.L.C.	17.06.1981	17.06.1981	-do-
52.	B. Muniappa(SC)	15.07.1960	S.S.L.C.	19.06.1982	19.06.1982	-do-
53.	K. Sambhasive Rao(SC)	20.09.1946	S.S.C.	16.08.1983	16.08.1983	-do- Peon
54.	Ramjee	13.09.1956	H.S.C.	19.02.1981	19.02.1981	Peon
55.	A.C. Wasthi	22.11.1959	Metric	17.01.1984	17.01.1984	Peon
56.	M.C. Shivanxar	28.07.1948	S.S.C.	01.04.1984	01.04.1984	Grading Attendant
57.	S.B. Navale	31.05.1947	S.S.C.	27.02.1989	27.02.1989	-do- Peon
58.	S.E. Bamsode(SC)	01.09.1948	S.S.C.	26.03.1989	26.03.1989	Peon
59.	P. Seshgiri Rao(ET)	10.02.1968	S.S.C.	10.02.1992	10.02.1992	Peon
60.	Krishna Prasad	01.03.1952	S.S.C.	14.01.1983	14.01.1983	Chokidar
61.	Baljit Chand (SC)	12.03.1962	Metric	21.07.1983	23.07.1983	-do-
62.	T. Kalai Selvan(SC)	26.12.1958	Mtr	06.05.1983	06.05.1983	-do-
63.	Smt. Rajajalaxmi Kumarsan	13.02.1972	Mtr	16.09.1992	18.09.1992	Grading Attendant
64.	V.N. Nihit Kuttan(SC)	05.07.1963	S.S.L.C.	07.10.1991	07.10.1991	Peon

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY PENCH : NEW BOMBAY

O.A. 335/87 & O.A. 368/87.

National Association,
Directorate of Marketing &
Inspection Employees, Bombay

Applicants

-versus-

Joint Agriculture and Marketing
Adviser, Government of India,
Nagpur and another

Respondents.

P R E S E N T :

The Hon'ble Shri G.Sreedharan Nair, Vice Chairman.
The Hon'ble Shri M.Y.Friolkar, Member (Admn).

For the applicant -

Mr D.V.Gangal, Advocate
Mr.R.C.Kotiankar, Advocate for
Mr M.I.Sethna, Advocate.

For the respondents-

Date of hearing- 17.4.90

Date of Judgment & Order- 19.4.90.

J U D G M E N T & O R D E R :

G.Sreedharan Nair, Vice Chairman.: -

These two applications were heard together
and are being disposed of by a common order.

2. These applications are filed by the National Association, Directorate of Marketing & Inspection Employees. In O.A. 335 of 1987, the Association has espoused the cause of 7 Lower Division Clerks (L.D.Cs.) as well as of 5(five) employees belonging to Group 'D'. In O.A. 368 of 1987, the claim is on behalf of an LDC, namely, Mukesh Kumar Chhotabhai Patel.

3. The relief claimed is for a declaration that these employees have acquired a right to hold the posts held by them and are entitled to be confirmed against the posts since they have been working against the posts, though on ad hoc basis, for a period ranging from 3 to 10 years in the case of LDCs and 4 to 7 years in case of those who are working against Group 'D' posts.

4. When this matter was heard, it was submitted by the counsel of the applicants that the Group 'D' employees on whose behalf also O.A. 333 of 1987 is filed have been appointed on a regular basis with effect from 3.3.1989 by the order dated 3.4.1989 and, as such, the relief claimed on their behalf has become infructuous. ^{Hence} The short question that arises for determination is whether the Group 'C' employees referred to in O.A. 335/87 and the Group 'C' employee on whose behalf O.A. 368/87 is filed are entitled to be regularised against the posts in which they are working on ad-hoc basis. The representation submitted by the Association on this behalf was turned down by the order dated 4.3.1987 pointing out that all regular vacancies in the direct recruitment quota in the cadre of L.D.Cs. have to be filled up on regular basis through the Staff Selection Commission.

5. It is urged that it was because the Department was unable to find suitable candidates that these employees were allowed to continue against the posts and ~~over~~ ^{over} their long officiation on these posts has created a right for them to hold the posts.

6. In the reply filed on behalf of the respondents, it is stated that the Recruitment Rules for appointment to the posts of LDCs contemplate 90% of the posts to be filled up by direct recruitment and 10% from the qualified Group 'D' employees and, as such, against the 90% quota only candidates who qualify themselves through the Staff Selection Commission can be appointed. It is contended that the persons on whose behalf these applications have been filed by the Association have not qualified in the examination conducted by the Staff Selection Commission and hence they cannot be appointed on a regular

37-
3.

basis. It is further stated that on the basis of the qualifying examination for the Group 'D' staff, appointments have been made on the strength of the merit list. According to the respondents, no vested right is created by mere continuance on an adhoc basis due to non-availability of regular candidates and hence the request for regularisation has been turned down.

7. It is not in dispute that, according to the Recruitment Rules, 90% of the posts of IDCs has to be filled up by direct recruitment. It was only because the direct recruits were not available that these employees on whose behalf these applications are filed were appointed on an adhoc basis in administrative exigencies. In the face of the Recruitment Rules, it is not open to them to claim any vested right for these posts which have to be filled up by direct recruitment. It may be noted that some of these employees participated in the qualifying examination intended for the Group 'D' employees for filling up the 10% quota reserved for them, but they were not able to secure ranking in the merit list so as to be absorbed on regular basis.

8. It is on record that the Staff Selection Commission conducted ^{Special} examinations in 1982, 1983 and 1985 so as to afford an opportunity to such employees forgetting themselves regularised. Admittedly, none of these employees came out successful in these examinations.

9. Counsel of the applicants invited our attention to the letter dated 8.6.1984 from the Ministry of

-38-

87

4.

Irrigation to the Chairman, C.W.C., New Delhi, where it is stated that it has been decided with the approval of the Department of Personnel and Administrative Reforms that all adhoc appointments made in the grade of LDCs/ stenos prior to 4.11.1973 may be regularised as a special case. It was submitted that as Shri Patel on whose behalf O.A. 368/87 is filed was appointed on adhoc basis on 26.4.1977, his adhoc appointment has to be regularised in view of the said communication. From the said letter, it cannot be inferred that the regularisation has to be done without assessing the suitability of the employees to hold the posts. It was for the purpose of assessing the suitability that the adhoc employees were allowed the opportunity to take the ^{special} examination conducted by the Staff Selection Commission. Shri Patel did appear for the examination and availed of all the ^{three} chances, but did not come out successful. As such, the respondents cannot be faulted in turning down the request for regularisation.

10. Counsel of the applicants invited our attention to the decision of the Supreme Court in Narender Chadha & ors v. Union of India, A.T.R. 1986 SC 49. The question that arose in that case was whether the entire period of officiation by an officer who had worked for a long period, nearly 15 to 20 years in a post ^{and} had never been reverted, has to be counted for seniority. It was on the ground that the temporary service in the post was not for a short period intended to meet unforeseen circumstances and it was held that such persons have to be assigned seniority in the cadre with effect from the date from which they continuously officiated

-39-

q✓

5.

in the said post. As far as the present applications are concerned, the officiation of the employees was not continuous and it cannot be said that it was for such an inordinately long period. Besides, there is an important circumstance that opportunity was afforded to them to prove their suitability for regular appointment to the posts; but they were not successful.

11. Counsel of the respondents brought to our attention the decision of the Chandigarh Bench of this Tribunal in Registration No. 261-PB of 1987, wherein a similarly situate LDC in the office of the Assistant Marketing Officer, Directorate of Marketing & Inspection, Amritsar, prayed for a similar relief, but it was rejected. Reference has been made in the said judgment to the Special Examination held by the Staff Selection Commission for the purpose of regularising the appointment of such adhoc employees, and it was held that the termination of service, since the applicant therein could not qualify in the said Examination, cannot be said to be illegal.

12. It follows that the claim of the officiating LDCs sponsored by the Association in these applications is not sustainable, and these applications are dismissed so far as they relate to it.

SECTION OFFICER
CENTRAL BOARD OF EXAMINATIONS
NEW DELHI