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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 340/2000

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 340/2000

G. L. S. Basumaty APPLICANTS
versus.

Union of India & ors Respondents.

FOR THE APPLICANT(S) *M. M. Chanda*
ADVOCATE

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. M. Chanda, learned
counsel for the applicant and Mr. A.
Deb Roy, learned Sr. C.G.S.C. for the
respondents.

Application is admitted. Issue
usual notice. Call for the records.

Meanwhile, the respondents may
take necessary process in pursuance
of the notification dated 28.9.2000
issued vide bearing No. DGET-320/1/2000-
EE.I (Annexure-9A) but shall not
finalise the process of selection and
posting to the post of Office Superin-
-tendent in the office of the
Vocational Rehabilitation Centre for
Handicapped at Guwahati without prior
permission from this Tribunal.

List on 8.11.00 for written
statement and further orders.

[Signature]
Vice-Chairman

mk

NS

19/10/00

25/10/00

25/10/00

25/10/00

25/10/00

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25/10/00

502964
30.9.2000

9/11/00

28/10/00

28/10/00

One Copy Short.
23/10/00

Notice prepared and sent to
Despatch Section for issuing
the Respondent No 1 to 3
vide S/No - 3252 to 3254
dttd - 30/10/00
do
25/10/00

No. wts has been filed.

25/11.2000

(2)

8.11.00

On the prayer of Mr. A. Deb Roy, Sr.C.G.S.C. four weeks time is allowed for filing of written statement. List on 6.12.00 for filing of written statement and further orders.

[Signature]
Vice-Chairman

① Service report are still awaited.

② No. 1015 has been filed.

lm

6.12.00

Written statement has already been filed by the respondents. List for hearing on 6.4.00. The applicant may submit rejoinder within two weeks from today.

[Signature]
Vice-Chairman

5-12-2000
Written statement
has been filed by the
respondents No 1, 2, 3.

mk

6.4.01 There is no division bench today.
The case is adjourned to 30/4/2001.

[Signature]
6.4.01

Notice duly served on.
Respondent No 1. Others are
awaited.

30.4.01

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.

[Signature]
Member

[Signature]
Vice-Chairman

No. Rejoinder has
been filed.

[Signature]
6.4.01

16.5.2001

pg

Copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant
as well as to the Sr. CGSC.

HS

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./X.X. No. . . 340 of 2000.

DATE OF DECISION . . . 30-4-2001

Sri Ghanashyam Basumatary

APPLICANT(S)

Sri M.Chanda

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C

ADVOCATE FOR THE
RESPONDENTS.

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 ?

5. Judgment delivered by Hon'ble Vice-Chairman.

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6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 340 of 2000.

Date of Order : This the 30th Day of April, 2001.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

Shri Ganashyam Basumatary,
Upper Division Clerk,
Resident of Pillingkata,
P.O.Basistha,
Guwahati-781029.

. . . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the Govt. of
India, Ministry of Labour,
New Delhi.

2. The Director,
Ministry of Labour,
Government of India,
DGE & T, Sharamashakti Bhawan,
Rafi Marg,
New Delhi-110001.

3. The Superintendent,
Government of India, Ministry of Labour,
(DGE&T) Vocational Rehabilitation Centre
for Handicapped, Rehabari,
Guwahati-781008.

. . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

ORDER

CHOWDHURY J.(V.C)

The only issue requiring adjudication relates to the area of consideration for promotion to the next higher grade. The applicant is presently holding the post of U.D.C to which post he was promoted on 28.6.1995. The post of Office Superintendent in the Vocational Rehabilitation Centre of handicapped at Guwahati under the respondents has fallen vacant with effect from 3.5.2000. As per Recruitment Rules

contd...2

the post is to be filled up from amongst the U.D.Cs those who have 5 years of regular service. The applicant admittedly completed 5 years of regular service on 27.5.2000.

2. The respondents in their written statement stated that in the DPC meeting that was held on 10.1.2000 but his case was not recommended by the DPC for promotion since he did not complete the required 5 years of service in the cadre of U.D.C. But in the meantime the applicant was involved in a criminal case which was registered and numbered as Paltanbazar Police Station Case No.181/97 under Section 409 IPC.

3. The applicant asserted the application that during 1994 one Shri M.Ramakrishnan was working as Superintendent in the office. On the direction of Drawing and Disbursing Officer the applicant handed over a sum of Rs.30,300/- on different occasions on pursuation with his superior officer from the Government cash against receipt. When the applicant relented his superior officer advised the applicant to hand over the cash to the Stenographer. According to applicant he intimated the matter to the concerned authority but no action so far taken. In the written statement the respondents stated that the amount said to be taken by Ramakrishnan of Rs.30,300/- as per record and the said amount pertains to stipend of the disable trainees. The applicant cannot avoid his responsibility as a custodian of the amount.

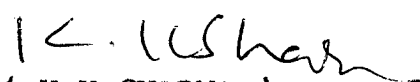
4. I have heard Mr M.Chanda, learned counsel for the applicant and also Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length.


5. From the facts as emerged as on today the applicant ^{was} is neither charge sheeted with a criminal proceeding nor any departmental proceeding was drawn against him. In the circumstances it would not be appropriate on the part of

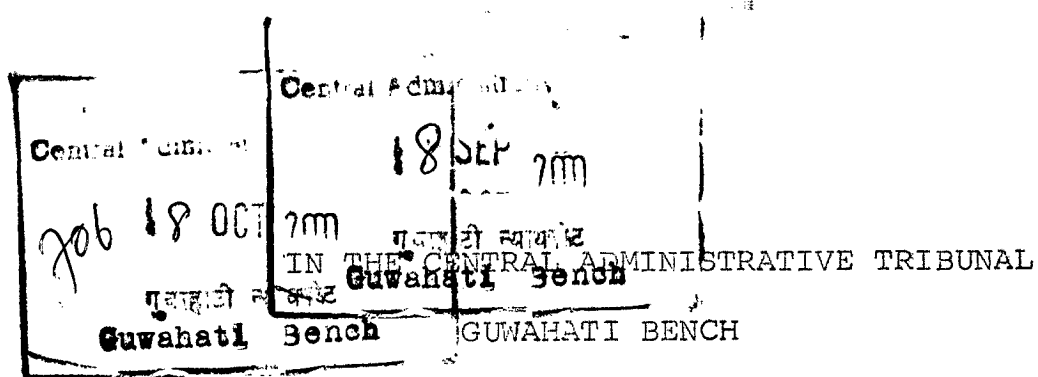
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the respondents not to consider the case of the applicant for promotion. In the light of the observation made by the Supreme Court in Union of India & Ors. vs. K.V. Janaki Raman, reported in 1991 (4) SCC 109. we are of the view that the applicant is entitled for consideration of his ^{Office} case for promotion to the post of Superintendent which is lying vacant despite the pendency of the criminal case.

The application is accordingly allowed to the extent indicated. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



(An Application under Section 19 of the Administrative Tribunals Act, 1985).

Title of the Case : O.A. No. 340/2000

Sri Ghanashyam Basumatary : Applicant

-versus-

Union of India & Ors. : Respondents

I N D E X

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2	-	Verification	14
3	1	Copy of complaint dt.9.3.94	15-16
4	2	Copy of complaint dt.29.4.94	17-18
5	3	Copy of complaint dt 24.6.94	-19-
6	4	Audit report dt.4.7.94	-20-
7	5	Reply dt. 5.7.94	-21-
8	6	Reply dt. 11.7.94	-22-
9	7	Representation dt.20.12.99	-23-
10	8	Letter dt. 28.4.2000	-24-
11	9	Letter dt. 18.8.2000	-25-
12	9A	Impugned order dt. 28.9.2000	26-27
13	10	Recruitment Rule(Extract)1980	28-31

Date :

Filed by :

Advocate

Ghanashyam Basumatary

a

Filed by the applicant
through: Sujit Ghosh,
Advocate,
18.10.2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

O.A. No. 340/2000

BETWEEN

Shri Ghanashyam Basumatary
Son of Sri Nareswar Boro
Upper Division Clerk
Resident of Pillangkata
P.O. Basistha
Guwahati-781029

..... Applicant

-AND-

1. The Union of India
Through the Secretary to the Government
of India, Ministry of Labour,
New Delhi.
2. The Director,
Ministry of Labour,
Government of India
DGE & T, Sharamashakti Bhawan,
Rafi Marg,
New Delhi-110001
3. The Superintendent,
Government of India, Ministry of Labour
(DGE&T) Vocational Rehabilitation Centre
for Handicapped, Rehabari,
Guwahati-781008

..... Respondents

Ghanashyam Basumatary

Cert. 13000

18 OCT 2000

Guwahati

DETAILS OF APPLICATION.

1. Particulars of orders against which this application is made.

This application is made against the impugned letter bearing No. DGE&T-320 /1/2000-EE.II dated 28.9.2000 whereby applications are invited to fill up the vacant post of Office Superintendent in the office of the Vocational Rehabilitation Centre for Handicapped, Guwahati in the pay scale of Rs.5000-8000 on transfer on deputation basis in total violation of the policy of Recruitment/appointment laid down in the Vocation Rehabilitation Centre (Group C & D) Recruitment Rules 1980 and also praying for a direction to the respondents to consider the promotion of the applicant to the vacant post of Office Superintendent, Guwahati Office with effect from 1.7.2000 and also praying for a direction to the respondents to promote the applicant to the vacant post of Office Superintendent with effect from 1.7.2000 with all consequential service benefits.

2. Jurisdiction of the Tribunal

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

3. Limitation

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

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed

Ghanshyam Barumal

18 OCT 2000
Guwahati Bench

4.2 That your applicant initially appointed as Lower Division Clerk in the month of June 1986 in the office of the Government of India, Ministry of Labour, Directorate General of Employment and Training, Vocational Rehabilitation Centre for Handicapped, Rehabari, Guwahati-781008. The applicant immediately after his joining to the post of Lower Division Clerk was entrusted with the charge of Cashier in the said office. The applicant thereafter was promoted to the post of Upper Division Clerk on 28.6.1995 after being found him fit and suitable for promotion to the post of Upper Division Clerk. The applicant belongs to Scheduled Tribe Community, as such he is also entitled to all benefits granted by the Government of India including the benefit of reservation and concession.

4.3 That your applicant while working in the office of the Vocational Rehabilitation Centre for Handicapped Rehabari, Guwahati during the year 1994, at the relevant time Shri M. Ramakrishnan was also working as Superintendent in the said office at Guwahati. The said Sri Ramakrishnan very often used to force the applicant to pay him money from cash. In some occasion whenever the applicant refused to pay him money from cash on various pretext then the said Superintendent Sri Ramakrishnan used to threaten him with dare consequence and also used to threat of recording adverse entry into his ACR. In such compelling circumstances the applicant finding no other alternative had to pay money obtaining necessary receipt from said Shri Ramakrishnan. Ultimately the applicant finding no other alternative lodge his first complaint on 9.3.1994 addressed to Shri Gopal Bhattacharyya, the then Director General of Employment and

Contd...

Ghanashyam Barumaling

Training, New Delhi. In the said complaint the applicant stated that Shri Ramakrishnan has taken altogether an amount of Rs. 30,500/- on different occasions after threatening and pressurising the applicant and now expressing his inability to repay the said amount and also stated that he had to incur office expenditure without having any power and also used to pressure false LTC bill and used to draw travelling allowance advance when submitting any bill for final adjustment and on 4.3.1994 Shri M. Ramakrishnan also passed the order asking the applicant to handover the cash to Stenographer and also stated that the said money receipt duly signed by Shri Ramkrishnan are available with him and also prayed for an enquiry in this regard to save the poor applicant. Subsequently the applicant finding no favourable response lodged another complaint on 29.4.1994 to the then Director General, Employment and Training. Similarly on 24.6.1994 the applicant in a compelling circumstances sent a Fax Message addressed to Shri Gopal Bhattacharyya, the then Director General. The said Fax message was sent on 24.6.1994. In the said Fax Message the applicant further requested the Director General, DGE&T to take necessary action for misappropriation of Government money. However after lodging several complaints an enquiry is being conducted by the authority which would be evident from the letter dated 4.7.1994 and the present applicant was asked to submit his reply. The applicant with reference to the letter dated 4.7.1994 submitted his reply on 5.7.1994 addressed to the Accounts Officer, I.A, Ministry of Labour, Camp at Guwahati and also wrote another reply

8 OCT 1994

Guwahati Bench

Ghanashyam Barman

on 11.7.1994 wherein the applicant stated in detail how the money was taken as advance without adjustment of bills by then Shri M. Ramakrishnan, Superintendent, BRC Guwahati.

Copies of the complaint dt. 9.3.1994, 29.4.1994, 24.6.1994 and Audit report dated 4.7.1994 and reply of the applicant dated 5.7.1994 and 11.7.1994 are Annexed as Annexures- 1,2,3,4,5 and 6 respectively.

4.4 That it is stated that after the enquiry an FIR was lodged with the local Police Station, Paltan Bazar by Sri L.K. Varte, Superintendent in charge regarding shortage of cash and accordingly the Police Case was registered by Paltan Bazar P.S. and the same was registered as P.S. Case No. 181/97 under Section 409 IPC. After the enquiry by the Police Shri M. Ramakrishnan was arrested by the Police and thereafter he was enlarged on bail by the learned Chief Judicial Magistrate, Guwahati. However the present applicant was also interrogated by the Police authority and he has stated the detailed factual position before the local police authority.

4.5 That the next avenue for promotion of the applicant is Office Superintendent as per the existing recruitment Rule namely the Vocational Rehabilitation Centre (Group C & D post) Recruitment Rule 1980. As per the said recruitment rule the post of Office Superintendent should be fill up "by promotion" failing which by deputation or transfer. It is relevant to mention here that the applicant has completed 5 years of service in the cadre of Upper Division Clerk in the month of June, 2000 and thereby he

18 OCT 2000
Guwahati Bench

Ghanshyam Barumda

has acquired/earned eligibility for consideration of promotion to the vacant post of Office Superintendent in Vocational Rehabilitation Centre, Guwahati. It is also relevant to mention here that the post of Office Superintendent has fallen vacant in the office of the Vocational Rehabilitation Group Centre, Guwahati with effect from 3.5.2000 as such the applicant being a Scheduled Tribe Candidate and being one of the seniormost UDC is entitled to be considered for promotion to the available vacant post of Office Superintendent in the pay scale of Rs.5000-8000. In this connection it is stated that the applicant was earlier promoted to the post of Office Superintendent on ad hoc basis during the period from 20.12.1996 to February, 1998 and he has discharged his duty with full satisfaction to all concerned while officiating in the cadre of Office Superintendent.

4.6 That your applicant submitted representation on 20.12.199 for consideration of promotion to the post of Office Superintendent addressed to the Director. However the Superintendent, VRC, Guwahati did not forward the said representation of the applicant to the Director but he has observed that the case of the applicant may be put up to the DPC members for their consideration.

Copy of the representation dated 20.12. 99 is annexed as Annexure-7.

4.7 That it is stated that on 10.1.2000 DPC meeting was held at Guwahati and the case of the applicant is also considered in the said meeting. However the case of the applicant was not recommended for promotion by the

Ghanshyam Barumata

DPC with the observation that since the applicant has not completed five years of regular service in the cadre of UDC his case may be put up in the next DPC Meeting for promotion. It is pertinent to mention here that the applicant has completed five years of regular of service in the cadre of UDC in the month of June, 2000, therefore his case could have been considered for promotion by the DPC held on 10.1.2000 as the vacancy occurred on 3.5.2000.

4.8 That the Superintendent, Vocational Rehabilitation Centre for Handicapped, Guwahati recommended the case of the present applicant for promotion to the post of Office Superintendent vide his letter bearing No. VRCG-A.11015/1/2000/99 dated 28.4.2000 wherein it is categorically stated by the Superintendent that the applicant has earned eligibility for promotion to the post of Office Superintendent on 27.6.2000 as per the recruitment Rule and he had also earlier officiated as Office Superintendent on ad hoc basis more than a year. It is also categorically stated by the Superintendent in the letter dated 28.4.2000 that no disciplinary proceeding or vigilance is contemplated against the applicant. However he made a mention in the said letter that a Police investigation is pending against the applicant on the charge of cash shortage and also made a mention that the applicant belongs to Scheduled Tribe Community and requested for either to allow the centre to fill up the vacant post of Office Superintendent by constituting a DPC Meeting or otherwise to fill up the vacancy on adhoc or on deputation basis. Again the case of the applicant has been recommended for consideration of promotion by the Super-

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Current 4.

Ghanshyam Barman

intendent vide his letter bearing No. VRCG-A.11025/1/2000/1207 dated 18.8.2000 with notes on the proposed item of agenda for DPC Meeting. In the said note also it is clearly indicated that the applicant is eligible for consideration of promotion to the post of Office Superintendent. However the Superintendent also made a mention that a Police enquiry is still pending against the applicant in a case of cash shortage and simultaneously it is also made abundantly clear that the case pertaining to the year 1994 and the same is still rested with the Chief Judicial Magistrate, Kamrup, Guwahati.

Copy of the letters dated 28.4.2000 and 18.8.2000 are annexed as Annexures 8 & 9 respectively.

4.9 That most surprisingly while the applicant is looking forward for his promotion to the post of Office Superintendent an impugned Circular/letter under letter bearing No. DGE&T-320/1/2000/EE.II dated 28.9.2000 has been issued by the Deputy Director General of Employment and Training inviting applications for filling up the vacant post of Office Superintendent at VRC, Guwahati for handicapped on transfer on deputation basis in the pay scale of Rs. 5000-8000 in total violation of the recruitment rule of Vocational Rehabilitation Centre (Group C&Dposts) 1980. In the said recruitment rule the post of ~~Super~~ Office Superintendent is liable to be filled up by promotion failing which by deputation or transfer and for the purpose of promotion five years regular service has been prescribed as eligibility criteria for consideration of promotion for appointment to the post of Office Superintendent by holding DPC. Therefore it appears that the Director General of Employment and Training has decided

18 OCT 2000

Guwahati Bench

Ghanshyam Barman

to fill up the existing vacant post of Office Superintendent in the office of the Vocational Rehabilitation Centre for Handicapped at Guwahati by transfer on deputation, ignoring the legitimate claim of the present applicant who has earned eligibility in the month of June 2000 for consideration for promotion to the post of Office Superintendent as per the existing recruitment rule. As such the decision of the respondents to fill up the said post of Office Superintendent by transfer on deputation is highly arbitrary, illegal, unfair and contrary to the recruitment policy. As such the impugned circular/letter dated 28.9.2000 is liable to be set aside and quashed.

A copy of the impugned letter dated 28.9.2000 and extract of the Recruitment Rule 1980 for Group C & D are annexed as Annexures 9 & 10 respectively.

4.10 That it is stated that no departmental proceeding or criminal proceeding is pending against the present applicant as such the respondents cannot deny the legitimate claim of promotion to the vacant post of Office Superintendent to the applicant in the Vocational Rehabilitation Centre for Handicapped, Guwahati. It is pertinent to mention here that the applicant while working to the post of LDC cum Cashier, he himself lodged several complaints with the higher authorities for misappropriation of Govt. money from the cash by then then Superintendent Sri M. Ramakrishnan in as much as four complaints have been lodged by the present applicant demanding enquiry and for necessary action and it is at the instance of the present applicant the audit enquiry has been conducted and FIR

Central

18 03

Guwahati

Ghonesh Kumar Barman

has been lodged during the year 1997 regarding the alledged mis appropriation of Govt. money by the then Superintendent Shri M. Ramakrishnan. Therefore due to pendency of a police enquiry as indicated in the recommendation for promotion of the applicant by the Superintendent, the respondents cannot withheld or ~~xxxxxx~~ deny the legitimate claim for promotion to the applicant and to attempt to fill up the vacant post of Office Superintendent by transfer on deputation is contrary to the rule and policy ~~by~~ the Government of India. It is also relevant to mention here that the applicant had also been granted promotion to the post of Office Superintendent on ad hoc basis during the year 1996-1998. Therefore denial of his regular promotion when he has earned eligibility for promotion to the post of Office Superintendent is illegal and unfair and arbitrary. Therefore Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for promotion to the post of Office Superintendent with effect from 1st July 2000 with consequential service benefit as the applicant has earned eligibility in the month of June 2000 and the post of Office Superintendent lying vacant with effect from 3.5.2000 by constituting a DPC with immediate effect.

18 OCT 2000
Gazetted Bench

4.11 That this application is made bona fide and for the cause of justice.

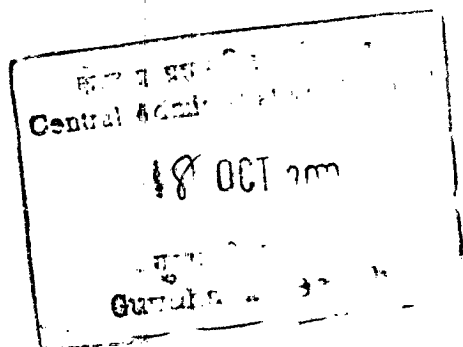
5. Grounds for relief(s) with legal provisions.

5.1 For that the applicant has earned eligibility for promotion to the post of Office Superintendent in terms of the existing Recruitment Rule 1980.

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Ghanshyam Barametia

- 5.2 For that as per Recruitment rule the post of Office Superintendent is liable to be filled up by promotion failing which the said post can be filled up by transfer on deputation.
- 5.3 For that eligible candidate as per recruitment rule is available in the department itself therefore inviting application to fill up the post by transfer on deputation is amount to violation of the recruitment rule.
- 5.4 For that there is no disciplinary proceeding or criminal proceeding is pending against the present applicant.
- 5.5 For that the applicant belong to Scheduled Tribe ~~Community~~ Community therefore he is entitled to all concessions and benefit as granted by the Govt. of India from time to time.
- 5.6 For that pendency of a Police investigation in case of cash shortage which is ~~alleged~~ lodged by the department, at the instance of the present applicant cannot be a ground for non-consideration of promotion to the applicant to the post of Office Superintendent.
- 5.7 For that decision to fill up the post of Office Superintendent as circulated under impugned letter dated 28.9.2000 is contrary to recruitment rule as well as contrary to the various instructions issued by the Govt. of India from time to time regarding disciplinary case.



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Ghanshyam Basumaty

6. Details of remedies exhausted.

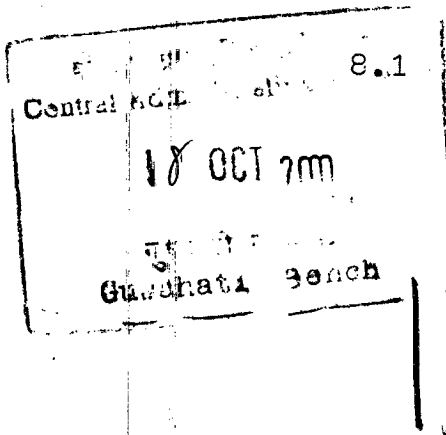
That the applicant states that he has no other alternative or other efficacious remedy available before him than to file this application.

7. Matters not previously filed or pending with any other Court/Tribunal.

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other Tribunal nor any such application writ petition or suit is pending before any of them.

8. Relief(s) sought for :

Under the facts and circumstances stated in paragraph 4 of this application, the applicant prays for the following relief(s) :



- 8.1 That the impugned circular/letter issued under No.DGE&T-320 /1/2000-EE.II dated 29.8.2000 (Annexure-9A) proposing to fill up the post of Office Superintendent at Vocational Rehabilitation Centre for Handicapped at Guwahati on transfer on deputation basis be set aside and quashed.
- 8.2 That the respondents be directed to constitute a DPC to consider the case of promotion of the applicant to the post of Office Superintendent with immediate effect.
- 8.3 That the respondents be directed to grant promotion to the post of Office Superintendent to the applicant with all consequential service benefits

Contd...

Chandrashekar Bannur

at least with effect from 1.7.2000 in terms of the instructions laid down by the Govt. of India.

8.4 ~~Costs~~ of the Application.

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

9. Interim reliefs prayed for :

During the pendency of this application the applicants prays for the following reliefs under the facts and circumstances as stated in paragraph 4 of this instant application :

9.1 That the respondents be restrained to fill up the vacant post of Office Superintendent in the office of the Vocational Rehabilitation Centre for Handicapped at Guwahati on transfer on deputation basis and further be pleased ~~xxx~~ to stay the operation of the impugned letter dated 28.9.2000 (Annexure-9A) till final disposal of this application.

9.2 That the respondents be directed to constituted a DPC to consider the case of the applicant for promotion to the post of Office Superintendent in the existing vacant post.

10.

This application is filed through Advocate.

11. Details of Postal Order :

i.	Postal Order No.	: 26502864
ii.	Date of Issue	: 30-9-2000
iii.	Issued from	: G.P.O., Guwahati.
iv.	Payable at	: G.P.O., Guwahati.

12. List of enclosures

As per Index.

Ghanshyam Barman

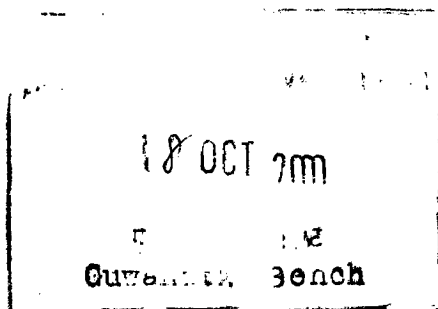
V E R I F I C A T I O N

I, Shri Ghanashyam Basumatary, son of Sri Nareswar Boro, aged about 38 years, Upper Division Clerk, resident of Pillangkata, P.O. Basistaha, Guwahati-781029, do hereby verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 of this application are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 16th day of October, 2000

Ghanashyam Basumatary

Signature



SHRI GOPAL BHATTACHARYA,
DIRECTOR GENERAL OF EMPLOYMENT & TRAINING,
SHRI SHAKTI BHAWAN RAJI MANS,
NEW DELHI-1.

SUB : HARASSMENT OF L. D.C.-CASHIER BY SH. N. RAMAKRISHNAN,
SUPTD. V.R.C. FOR HANDICAPPED, AND OTHER MALPRACTICE OF
SH. N. RAMAKRISHNAN SUPTD. IN VOCATIONAL REHABILITATION
CENTRE FOR HANDICAPPED, GURGAONI. REG.

SIR,

I WANT TO BRING IN TO YOUR KIND NOTICE FOLLOWING POINTS :-

1. I AM WORKING AS L.D.C.-CASHIER IN V.R.C. GURGAONI
SINCE 16-6-66, I BELONG TO SCHEDULED TRIBE CATEGORY (S.T.).
2. SH. N. RAMAKRISHNAN, SUPTD. V.R.C. GURGAONI HAS BECOME
HABITUAL TO MISUSE THE OFFICIAL CASH AND OTHER MACHINERY OF
THE OFFICE.
3. SIR, HE HAS TAKEN AN AMOUNT OF RS.30,300/- (THIRTY
THOUSAND THREE HUNDRED) ONLY AT DIFFERENT OCCASIONS FROM
CASH I AM THE CASHIER BUT I AM BEING ALWAYS PRESSURISED AND
COMPELLED TO GIVE MONEY TO HIM AS AND WHEN HE REQUESTED. HE
HAS THREATENED ME AT NUMBER OF TIMES OF DIRE CONSEQUENCES
SUCH AS SUSPENSION FROM SERVICE AND BAD ENTRY FOR PROMOTION.
THAT SIR WHEN SH. N. RAMAKRISHNAN, SUPTD. EXPRESS HIS INABILITY
TO DEPOSIT THE MONEY AND REQUESTED ME TO HELP HIM AND ALSO
REQUESTED TO OBTAIN A LOAN FOR HIM WHICH WILL BE REPAYED
WITHIN A WEEK AFTER THE AUDIT IS OVER, SO THAT THERE SHOULD
NOT BE ANY DISCREPANCY IN THE CASH BALANCE AND RECORD THERE.
AFTER I OBTAIN LOAN FROM MY RELATIVES AND DEPOSITED THE SAME
WITH THE CASH BUT RAMAKRISHNAN TILL DATE NOT REPAYED MY
MONEY. THEREFORE NECESSARY ACTION MAY BE TAKEN FOR RECOVERY OF
MY MONEY FROM SH. N. RAMAKRISHNAN, SUPTD. V.R.C. GURGAONI.
4. IT IS ALSO FOUND AS PER THE VERSION OF CLIENTS THAT
STIPEND IS NOT BEING PAID AS PER THE ACTUAL AMOUNT FOR THE
YEAR 1992-93 THE STIPEND IS BEING PAID BY THE SUPTD. HIMSELF
INSTEAD OF THE CASHIER IT IS ALSO COMPLAINT BY THE CLIENTS
THAT AMOUNT IS FILLED ON THE STIPEND PAYMENT REGISTER OUTING
PAYMENT OF THE STIPEND. HENCE THE CLIENT IS NOT AWARE HOW
MUCH MONEY IS DUE FOR HIS FOR THE TRAINING PERIOD.
5. THERE IS MISMANAGEMENT OF THE PAYMENT OF THE STIPEND TO
THE CLIENTS OF THE OUTSIDE TRAINING CENTER WHICH HAS BEEN
OPEN BY THE SUPTD. WITHOUT APPROVAL OF THE HEAD QUARTER.
6. HE HAS BECOME HABITUAL TO GO OUT OF STATION WITHOUT PRIOR
PERMISSION OF HIS H.Q. DURING HIS ABSENT HE SIGN THE CHECK
IN ADVANCE FOR PAYMENT OF SALARY WITH THE INSTRUCTION TO THE
CASHIER THAT PAYMENT MAY BE DISBURSED ON SALARY DAY IF I
COULD NOT COME ON SALARY DAY.

7. HE USED TO TAKE BLANK CHEQUE WHILE GOING TO THE MARKET FOR PURCHASE OF ITEMS.
8. HE USED TO PURCHASE THE ITEMS WHICH ARE NOT UNDER HIS POWER WHICH REQUIRE APPROVAL OF THE H.O. SUCH AS WATER COOLER, WATER TANK, EMERGENCY LIGHT ETC.
9. HE HAS CLAIMED L.T.C. FOR HIS MOTHER IN 1993 WHERE AS HIS MOTHER HAS NEVER CAME TO GUNNATI TO MADRAS. HENCE IT IS A FALSE CLAIM FOR WHICH FINAL DISBURSEMENT HAS BEEN MADE.
10. HE USED TO DRAW T.A. ADV. WITHOUT FINAL ADJUSTMENT OF THE PREVIOUS BILL.
11. SIR, THE SUPDT. HAD ISSUED AN ORDER ON DT. 4-3-94 WITH THE INSTRUCTION THAT I SHOULD HAND OVER THE CHARGES OF CASHIER TO THE STENOGRAPHER ON MEDICAL GROUNDS WHERE AS I HAVE NOT APPLIED FOR LEAVE OF ANY KIND (VIDE O.O. NO. 17/94 DT. 4-3-94).

SIR, I HAVE REQUESTED THE SUPDT. TO GIVE THE MONEY IN THE CASH WHICH HAS BEEN TAKEN BY HIM AT NUMBER OF TIMES? MENTION AT SERIAL NO. 3. BUT HE REFUSED TO PAY THE SAID MONEY. NOW HE IS PRESSURISING ME TO DEPOSIT THE BALANCE IN THE CASH FROM MY POCKET. OTHER-WISE I WILL HAVE TO BE SUSPENDED BY HIM. SO, SIR YOU ARE KINDLY REQUESTED TO TAKE IN TO CONSIDERATION ALL THE ABOVE MENTIONED FACTS. SO THAT I MAY NOT BE VICTIMIZED IN THE HANDS OF THE SUPDT. AS HE HAD TREATED ME ON DATED 8-3-94 THAT "I WILL SUSPEND YOU FROM THE SERVICE IF YOU DO NOT DEPOSIT THE BALANCE IN THE CASH" WHERE AS THE BALANCE IS WITH HIM FOR WHICH DUE RECEIPTS OF THE SUPDT. ARE WITH ME.

YOU ARE KINDLY REQUESTED TO SAVE THE POOR GROUP 'C' EMPLOYEE FOR THE CRUEL HANDS OF THE SUPDT. BY WAY OF CONDUCTING IMPARTIAL MANNER IN THIS MATTER AT THE EARLIEST EXPECTING A FAVOURABLE JUSTIFIED AN IMPARTIAL ACTION.

THANKING YOU.

YOURS FAITHFULLY.

G. Bagumtary
(G. BAGUMTARY)
L.D.C.-CUM- CASHIER,
V.R.C. FOR H. GHY-8.

COPY TO :-

SH. HARIKRISHNAN,
DIRECTOR OF EMPLOYMENT EXCHANGES (DGERT)
MINISTRY OF LABOUR, 3/10, JAM NAGAR HOUSE,
NEW DELHI-11

G. Bagumtary
(G. BAGUMTARY)
L.D.C.-CUM- CASHIER,
V.R.C. FOR HANDICAPPED
GUNNATI-8.

PLACE : GUNNATI-8
D.D. 9TH MARCH, 1994.

CONFIDENTIAL
NOT IMMEDIATE

TO,

Shri Gopal Bhattacharya,
Director General of Employment & Training,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-1.

Sub:- Harassment of L.D.C-Cum-Cashier By Shri M. Ramakrishnan,
Supdt. VRC for Handicapped and other Malpractice of Sh.
M. Ramakrishnan, Supdt. in V.R.C. for Handicapped,
Guwahati - Reg.

Sir,

With reference to my letter dt. 9.3.94 and 21-3-94 I am to submit the following additional information in connection with the subject mentioned above.

1. He has hide/missed the original list of the candidates for payment of Stipend for the year 1992-93. On the basis of which the stipend was paid to the trainees.
2. The balance amount of Rs. 8,352/- has to be paid to the trainees as stipend for the financial year 1992-93 but the said amount has been taken by Sh. M. Ramakrishnan, Supdt. during payment of stipend which I have already mentioned in my above referred letter. Now, he is pressurising me to adjust the said amount of stipend in the cash Book by away of submitting Bogus vouchers of payment of stipend.
3. As I have already mentioned in my previous letter that there is shortage of money in the chess box. But he is giving certificate in the cash book that the cash has been physically verified and tallies with the balance of the cash book where as he has not physically verified the balance in the chess box as per balance of the cash book.
4. He has made some furniture for C.G.C. Imphal in the V.R.C. Guwahati but there is no proper official record. He has submitted the bill in the name of Supdt. VRC Guwahati to SREO, C.G.C., Imphal where as he himself is the supdt. of VRC, Guwahati and SREO of C.G.C. Imphal the bill which he has produce, said item, is totally Bogus.
5. He has taken contract from other Govt. offices to prepare their furniture as well as their repairing work in this matter he has earned a lot of money illigally for this type of work which he is doing in VRC there is no proper official record.
6. He has already drawn as advance of Rs. 25,000/- for his transfer since long back due to which the balance in the Bank is falling short to pay the salary of the staff for the month of April '94.
7. He is getting the vehicle repaired frequently where as the vehicle has already been condemn by the competened authority of the state Govt. the condemn certificate has been issued to Mr. Ramakrishnan, Supdt. four or five month back by the said competened authority of the state Govt. But the said certificate has not been sent by Sh. Ramakrishnan to Head Quarter for necessary action.

He is taking S.T.D. Service of Telephone through C.T.O.(pvt.) Co., Guwahati for which he is giving payment by cheque to the company.

He is threatening me of dire consequences if I do not follow his illegal and un official instructions. Sh. M. Ramakrishnan, Supdt. threatened me that I have got my transfers cancelled from H.Q. now I will teach you a lesson which you will remember in your whole life. Hence, your good office is kindly requested to take appropriate action in this regard so that the undersigned, poor and low paid employee may be saved from the hardclutched hands of Sh. M. Ramakrishnan, Superintendent, V.R.C. for Handicapped, Ghy. and the government money may also be saved from being misused by Sh. M. Rakakrishnan, Supdt. V.R.C. for H. Guwahati.

Thanking you.

Yours faithfully,

Ghanashyam Basumatary

(G. BASUMATARY)
L.D.C.-Cum-Cashier,
V.R.C. for Handicapped,
Bhabari, Guwahati-8.

Copy to:-

Shri Harikrishna,
Director of Employment Exchanges(DGET)
Ministry of Labour, 3/10, Jam Nagar House,
New Delhi-11 for information with the request to take at the earliest in this regard because he is trying to consil. the relavent record from the office.

Ghanashyam Basumatary

(S. BASUMATARY)
L.D.C.-Cum-Cashier, VRC
for H. Guwahati-781008.

Place: Guwahati-8.

Dated: 29th April '94.

-19-
GUWAHATI DATED ON 24JUN

PERSONAL FAX AND KINDLY DELIVER TO DIRECTOR GENERAL
DGE & T IMMEDIATELY.

MR. GOPAL BHATTACHARJEE
DIRECTOR GENERAL DGE & T,
FAX NO. :- 011 - 3711097.

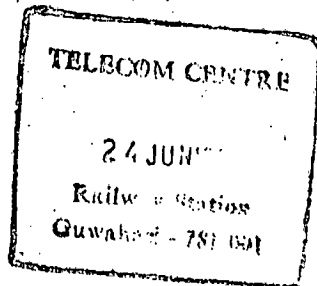
WITH REFERENCE TO MY SERIOUS COMPLAINT AGAINST SHRI
M. RAMAKRISHAN SUPDT. OF VRC GUWAHATI REGARDING
MIS APPROPRIATION GOVERNMENT MONEY AND MISUSE OF
OFFICIAL STATUS OF THE SUPDT. ON DATED 9/3/1994 AND
SUBSEQUENT REMINDERS AND TELEPHONIC DISCUSSION WITH
MR. HARIKRISHAN D.E.X. AT HIS RESIDENCE ON 10TH
APRIL 1994 IN WHICH HE PROMISED TO TAKE APPROPRIATE
ACTION FOR SUCH SERIOUS CASE IMMEDIATELY BUT NO
ACTION HAS BEEN INITIATED BY THE CONCERNED AUTHORITY
(.) TODAY I TRIED TO TALK TO SHRI HARIKRISHAN ON
TELEPHONE BUT THE P.A. REFUSED TO GIVE CONNECTION (.)
I ALSO TRIED TO CONTACT SHRI HARIKRISHAN ON 22/6/1994
AT HIS RESIDENCE AT ABOUT 8 P.M. AND I WAS ASKED TO
TO CONTACT IN THE OFFICE AND TODAY I WANTED TO CONTACT
OVER TELEPHONE AS PER HIS ORDER BUT I WAS REFUSED TO
GIVE CONNECTION REASONS BEST KNOWN TO HIM.

SHRI M. RAMAKRISHAN SUPDT. IS PERSUADING AND MOTIVA-
TING THE CONCERNED PERSON IN THIS REGARD TO FAVOUR
HIM THROUGH FALSE ASSURANCE TO ERADICATE RELEVANT
RECORDS WHICH CAN CHANGE THE SERIOUSNESS OF THE CASE (.)

YOU ARE KINDLY REQUESTED TO TAKE APPROPRIATE ACTION
BY WAY OF TRANSFERING HIM AND PUNISHING HIM FOR HIS
MISDEEDS

IN CASE ACTION IS NOT TAKEN FOR SUCH SERIOUS CASE
AGAINST SHRI RAMAKRISHAN VRC GUWAHATI OTHERWISE
YOU WILL BE FORCING ME TO TAKE UP THE CASE WITH THE
HIGHEST AUTHORITY WHICH PLEASE NOTE VERY SERIOUSLY (.)

WITH REGARDS



G. Hanashyam Basumatary
(GHANASHYAM BASUMATARY)
L.D.C. cum Cashier,
O/O the Supdt., V.R.C.,
Rohabari, Guwahati 781 001.
24th June, 1994.

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Annexure 3

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www
24/6/94

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Annexure-4

Confidential

Accounts Office (IA)
Ministry of Labour, Camp Guwahati

No. IA/LAB/VRC Guwahati/94/Cashier

dt. 04.07.94

Please furnish the following information by 5.7.94 positively in c/w your complaint against the V.R.C. Guwahati (Sent to the Directorate)

- i. Photocopy of the complaint with all the vouchers/sub vouchers etc.
- ii. Any other more complaint you want to make against him.
- iii. Whether the payment taken as advance by the V.R.C. Guwahati were recorded in the Cash Book on the dates and how they were classified in the Cash Book.
- iv. Whether the advances taken from you during the period of complaint were referred to the office ? ~~if so~~ if so, when and how they were shown in the cash book and under whose authority.
- v. Why and on what grounds the advances were paid to the V.R.C. Guwahati during the period of complaint.
- vi. Any other irregularity done by the V.R.C. Guwahati with regard to cash etc. during the period of complaint.

Cashier
o/o V.R.C. Guwahati

Sd/- Illegible
04.07.94
Accounts Officer (IA)
Camp : Guwahati
Min. of Labour

Answer line - 5
Answer line - 5 | 38

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- a) Compliance letter dat. 7-3-84 re 27-11-83
b) Memoing document dat. 10-8-1986 re 27-11-83
c) Compliance letter dat. 10/9/84, 408, 414, 422, 421 and 428
d) Final copy of the's report for the Board
e) Summary used to discuss the S.I.S. 64
f) List of ship-S project with signature to 1992-33
g) Compliance or Ship-S from 1984 to the S.I.S. 64

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Letter: dt

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Thanking you
Yours truly, J. Edgar Hoover

[illegible]

Dated: 9th Dec 1944

L.D.C.-Cum-CASHIER, V.R.C. for
Handicapped, Rehabari, Guahati-3.

To,

The Accounts Officer(I.A),
Ministry of Labour, Camp at Guwahati.

Sir,

As desired I am to intimate that the payment of Stipend for 1992-93 to the Trainees was given by Sh. M. Ramakrishnan, Supdt. V.R.C. for H. Guwahati himself except Mikalango Lokor Punor Sanstha Aru Govešana Kendra, Dubia, Dt. Sonitpur(Assam). I requested the Supdt. at the time of payment of the stipend, that the stipend that the stipend should be paid by the cashier but he refused and did the payment of stipend for the period for 1992-93 which can be verified from the list of candidates in which Sh. M. Ramakrishnan, Supdt. VRC had written the amount against each clients in his own handwriting by wooden pencil, from where I was instructed to write the amount against the name of the candidates in the Aquatance Roll which was kept blank during the time of payment except the thumb impression of the candidates on revenue ticket. Sh. M. Ramakrishnan had made some correction in the Aquatance Roll at Serial No 18, 34, 40, 53, 82 and 83 (Stipend payment Register for 1992-93) in his own handwriting (copy of the Register).

It is also informed that the stipend was paid by Sh. M. Ramakrishnan, Supdt. VRC, Ghy. himself and the balance amount was also kept by him that was not put by Sh. Ramakrishnan in the cash box when I came to know through the cash book that Rs. 8,352/- each balance for payment of Stipend when I requested the supdt. to give the list of candidates for whom balance stipend in to be paid he told there is no list as such but the list was with him, again when I requested him to deposit the balance of the stipend in the Bank he refused to do so. Since then he is keeping the balance amount of the stipend of the non paid candidates.

The stipend was paid by the supdt. himself in his chamber to the candidates this can be verified from the candidates as well as the Vocational Instructor of Sh. K.K. Baishya, Sh. D. Sarma, Sh. S.K. Bera, Mtd. I.P. Saikia and Mrs. R. Bordoloi of V.R.C. for Handicapped, Guwahati. Supdt. had also gone on tour at Bokakhat for payment of stipend which can be verified from his receipt of the money on 7-8-93.

Thanking you.

Yours faithfully,

Encl:- 110.

Place: Guwahati

Dated: 11-07-94

Ghanashyam Basumatary

(GHANASHYAM BASUMATARY)
L.D.C.-Cum-Cashier, V.R.C. for H.
Guwahati-781008.

c/c Received
K. Singh
11/7/94

To,

The Director, (L.M.I.)
Govt. of India,
Ministry of Labour (DGE&T),
Sharam Shakti Bhawan,
Rafi Marg,
New Delhi-110001.

Through the proper channel,

Sub:- Prayer for promotion to the post of Office Superintendent.
- regd.

Sir,

With reference to my application dated 16.12.98 regarding discontinuance in the grade of Office Superintendent after holding the post of one year which was forwarded vide letter no. VRCG-A.20017/1/87-Admn/1033 dt. 16.12.98 (copy inclosed).

That Sir, since I am going to complete 5 years of regular service in the grade of Upper Division Clerk by 31st May 2000. Moreover since I belongs to the Schedule Tribe community of Assam also. I was holding in that grade w.e.f. 20.12.96 to 28.02.98, I am eligible for promotion to that grade by relaxing the normal R/R for a period of 5 months only.

You are therefore, requested to kindly look into the matter for promotion to the grade of Office Superintendent in this Office as the post of O.S. also likely to be vacant shortly and oblige.

Yours faithfully,

Encl:- As above.

Dated:- 20/12/99

Ghamadhyam Basumatary
(G. BASUMATARY)
U.D.C.
VRC-H, Ghy.

Case for promotion is proposed
for the DPC meeting. No need
to get it forwarded. May be
put up to the DPC members
for their consideration

O.S.

23/12

NO.	518
DATE	23/12/99
BY	[Signature]

Govt. of India
Ministry of Labour (D.G.E & T)
Vocational Rehabilitation Centre of Handicapped,
Rehabari, Guwahati-781007

No. VRCG-A.11015/1/2000/99 Dated the Guwahati 28th April,
2000.

To

The Director (I.M.I)
Govt. of India
Ministry of Labour (D.G.E&T)
S.S. Bhawan, R. Marg,
New Delhi-110001

Sub : Filling up of the post of Office Superintendent -
proposal for DPC.

Sir,

It is proposed to have a DPC meeting to consider the promotion to the post of Office Superintendent out of feeder cadre of the UDC, the post of Office Superintendent falls vacant w.e.f. 3.5.2000 and as per recruitment rules it is to be filled up amongst the UDC who have 5 years of regular service. Shri G. Basumatary, the present UDC will get completed his five years of regular service on 27.6. 2000 and qualifies for promotion to the post of Office Superintendent.

He has also rendered ad hoc service on the same post between 20.12.1996 to 31.10.99. No disciplinary proceeding/vigilance case is contemplated against him. However, here it may be mentioned that a police investigation is pending against him on charge of cash shortage. Being the single post in the recruitment year it does not attract any reservation point. He also belongs to ST category.

Therefore, it is requested to either allow the centre to fill up the vacant post of Office Superintendent by fixing the DPC meeting or otherwise to be filled up on ad hoc/deputation basis.

Yours faithfully,

Sd/- 28.4.

(K.K.BHATT)
SUPERINTENDENT

SPEED POST

Annexure-9

Govt. of India
Ministry of Labour (D.G.E.&T)
Vocational Rehabilitation Centre for Handicapped
Rehabari, Guwahati-8

No. VRCG-A-11025/1/2000/1207 Dated the 18/9/2000

To
The Director (L.M.I)
Govt. of India
Min of Labour (DGERT)
S.S.Bhawan, R. Marg,
New Delhi-110001

Sub : Convening of DPC - forwarding of the agenda paper.

In continuation of this office letter No. VRCG-A.11015/1/2000/99 dt. 28th April, 2000, the centre forwards the agenda papers pertaining to the proposal for convening of the DPC meeting for the following two items.

- (A) Promotion to the post of Office Superintendent.
- (B) Award of ACP to IAs.

The notes on both of the items are enclosed for your perusal. However, it should be mentioned that the incumbent who awaits his turn for the promotion to the post of OS is one of the co-accused in a case pertaining to the cash shortage and a police enquiry is pending against him. But so far, no chargesheet is issued to hold him and as such, it will be in fitness of the things not his promotion for an indefinite period. The law may mistake in its own time to dispose of the case. The case pertains to the year 1994 & now rests with the CJM office, Dist. Kamrup, Guwahati. Of course, the furnishing of integrity & vigilance clearance certificates can well be decided upon the legal advice.

As far the second (B) item, both the incumbents complete their twelve years length of regular services during Oct. 2000 & Dec. 2000 - respectively. The Departmental Screening Committee is due to consider their cases.

Therefore, it is suggested/proposed to convene the DPC/DSC meeting sometime in Nov./Dec, 2000 depending upon your convenience and approval. Alternatively, a circular DPC/DSC can also be held upon your advice.

Expecting your approval.

Yours faithfully,

Sd/- 19/9

(K.K.BHATT)
SUPERINTENDENT

No. DGET-320 /1/2000-EE.I
Government of India/Bazrat Sarkar
Ministry of Labour/Sharam Mantralaya
Directorate General of Employment & Training

New Delhi 28.9.2000

To

1. The Secretary Labour & Employment Department
All States/T.Ts Administrations.
2. All State Directors of Employment.
3. All Subordinate Offices under D.G.E.&T.
4. All Section/Branches of DGET.

Subject : Filling up the post of Office Superintendent
at V.R.C. ~~Rehabilitation Centre for Handicapped~~,
Guwahati ~~under D.G.E.&T. Ministry~~ on deputation
basis.

Sir,

I am directed to say that the following posts at the
Vocational Rehabilitation Centre for Handicapped, Guwahati
under D.G.E.&T., Ministry of Labour are required to be
filled up on transfer on deputation basis (period of
deputation ordinarily not exceeding three years) :-

Sl.No.	Name of the post and Cadre	Scale of pay	Eligibility con- ditions.
1	Office Superintendent (Vocational Rehabili- tation Centre for handicapped, Guwahati)	Rs.5000-8000	Upper Division clerks with five years regular service in the grade.

2. It is, therefore, requested that particulars (in duplicate) in the enclosed proforma alongwith complete A.C.Rs of last (five) 5 years and Vigilance clearance of suitable persons fulfilling the eligibility criteria detailed above and willing to be appointed on transfer on deputation basis, and who can be relieved, may be forwarded to the undersigned (by name) latest by 25th of October, 2000. Particulars received without ACRs and Vigilance Clearance or after the due date mentioned above will not be considered. The candidate once selected for the post will not be allowed to withdraw his/her candidature.

Yours faithfully,

Sd/-

(R .NARASIMHAM)

DY. DIRECTOR OF EMPLOYMENT EXCHANGE.

Copy to :

1. The Superintendent, VRC, Handicapped, Guwahati with ref. to their letter No.VRCG/A-1125/2000 1/2000/1207 dt.18.8.2000 with the request to give wider publicity of the vacancy at local level.

Sd/- Illegible

DY. DIRECTOR OF EMPLOYMENT Exchange

Att. as per
@ Shri
Adv.

PROFORMA FOR THE POST OF OFFICE SUPERINTENDENT
(to be filled in duplicate)

Name of the Centre opted: _____

1. Name :
2. Date of Birth :
3. Date of Retirement :
4. Educational Qualifications :
5. Present Post held, date from which held, scale of pay and present pay :
6. DETAILS OF PAST SERVICE:

S1. Post No. held	Period	Scale	Whether adhoc or regular	Name of the Employer	Duties performed
1	2	3	4	5	6
					7

7. Whether belongs to SC/ST/OBC:

8. Any other information :

(Signature of applicant)

Certified that the above mentioned particulars furnished by the applicant have been verified and found correct. No Vigilance Case is pending or contemplated against the applicant. His Complete ACRs (last five years) are also enclosed.

Signature of the Employer
with seal and date:

*Attended
Chh
Adm.*

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-II-SECTION-3(1)

No. DGET-27/2/76-EP-II
Government of India
Ministry of Labour
(D.G.E.&T.)
Shram Shakti Bhavan,
Rafi Marg, New Delhi-1

Dated _____ May, 1980

NOTIFICATION

C.S.R. No. _____ In exercise of the powers conferred by the proviso to article 309 of the Constitution and in super-session of the Vocational Rehabilitation Centre (Class-III and IV posts) Recruitment Rules, 1970, the President hereby makes the following rules regulating the method of recruitment to Group and 'D' posts in the offices of the Vocational Rehabilitation Centres under the Directorate General of Employment & Training, Ministry of Labour, namely :-

1. Short title and commencement: (i) these rules may be called the Vocational Rehabilitation Centres (Group C and D posts) Recruitment Rules, 1980,

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

2. Application:- These rules shall apply to the posts specified in column 1 of the schedule annexed to these rules.

3. Number, classification and scales of pay:- The number of posts, their classification and the scales of pay attached thereto, shall be as specified in column 2 to 4 of the schedule aforesaid.

4. Age limit, Method of recruitment and other qualifications:- The age limit, qualifications, method of recruitment and other matters relating to the said posts shall be as specified in columns 5 to 13 of the said schedule.

5. Disqualifications:- No person -
(i) who has entered into or contracted a marriage with a person having a spouse living or

(ii) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts ;

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

.....2/-

6. Power to relax :- Where the Central Government is of the 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 to any class or category of persons or posts.

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

THE SCHEDULE

Name of post	No. of posts in each of the Vocational Rehabilitation Centre for Physically Handicapped.	Classification.	Scale of Pay.	Whether selection post or Non-Selection.	Age for Direct Recruitment.	Educational qualifications required for direct recruits.	Whether age and qualifications prescribed for direct recruits will apply in the case of promotion.	Period of probation.
1. Officer in-charge of the Vocational Rehabilitation Centre for Physically Handicapped.	1	Central Govt. service Group C	425-15500-EL-15-560-20-700.	Selection.	Not applicable.	Not applicable.	Not applicable.	Two years.
2. Upper Division Clerk.	1	Central Govt. service Group C Non-Gazetted (Ministerial)	330-10-380-EB-12-500-EB-15-560.	Non-Selection.	-do-	-do-	-do-	Two years.

(6)

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Method of recruitment
whether by direct recruitment
or by deputation or transfer
or by any other method.
In case of recruitment by
promotion/deputation/
transfer made from which
promotion/deputation/
transfer to be made.

If a Departmental
Committee exists,
what is its
composition.

Circumstances
in which UPSC
is to be con-
sulted in
making
recruitment.

1. By promotion
failing which
by deputation
or transfer.

Promotion: Upper Division Clerk of
the concerned unit of Vocational
Rehabilitation Centre with 5 Yrs.
service in the grade rendered
after appointment thereto on a
regular basis, in the concerned
unit.

Deputation: Upper Division Clerk
with at least 5 years' service in the
grade rendered after appointment
thereto on a regular basis in the
Min. of Labour, its attached and
subordinate offices, Directorate
General of Employment & Training or
State Employment Service. (Period
of deputation ordinarily not
exceeding three years.).

Transfer: Transfer is to be effec-
ted only of persons holding
similar or equivalent posts.

Promotion: Lower Division Clerk of
the concerned unit of Vocational
Rehabilitation centre with 5 years'

Group C Departmental Promotion
Committee consisting of -
(1) Director of Employment
Exchanges or his nominee -
Chairman

Not
appli-
cable.

(2) Superintendent of the Voca-
tional Rehabilitation Centre
concerned.

(3) Principal of the local Central
Training Institute or Industrial
Training Institute where Central
Training Institute does not exist.
In case of Vocational Rehabilita-
tion Centre, Delhi, Dy. Director,
NVTV, New Delhi.

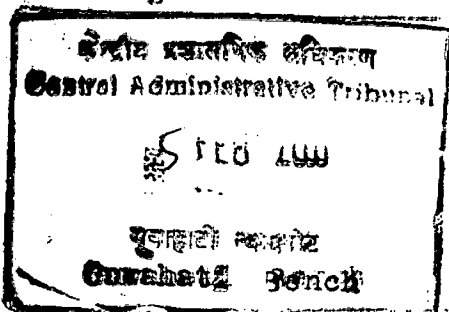
(4) An Officer belonging to the
Scheduled Castes or the Scheduled
Tribes category not below the
rank of Group B.

Group C Departmental
promotion committee
consisting of -

Not
appli-
cable.

2. By Promotion
failing which
by deputation
or transfer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BANCH
O. A. No. 340 of 2000



Shri Ghanashyam Basumatary,
-vs-
Union of India & Others.

Filed by

32
5/12/2000
(A. DEBROY)
Sr. C. A. T. C.
C. A. T., Guwahati Bench

From

IN THE MATTER OF

Written statement submitted by the Respondent
No. 1, 2, and 3.

The respondents beg to submit the written statement
as follows:-

1. That with regard to paras 1, 2, 3, 4.1 & 4.2 the respondents beg to offer no comments.
2. That with regards to para 4.3 the respondents beg to state that the amount said to be taken by Shri M. Ramakrishnan is Rs. 30,300/- as per record. This amount pertained to the stipend of the disabled trainees received from the Ministry of Social Welfare, Govt. of India for the year 1991-92 & 1992-93.

In no circumstances, what so ever, as narrated by the applicant, the money should had passed on to the then Supdt. for personal reasons, as both stands to be custodians of Govt. money. Simply by narrating the compelling conditions by the applicant, he cannot be escaped from the criminal charge imposed on him under section 409 IPC vide Paltanbazar P.S. case No. 181/97 relating to criminal breach of trust by public servant. The case is still pending

Contd.

with the office of the C.J.M. Kamrup District. Secondly the entire issue was brought to the notice only after the applicant was asked to hand over the complete & charge of the cash to the other official. Accordingly the applicant he lodged the complaint to the Director General of Employment & Training, New Delhi on 9.3.94 only after he was ordered on 4-3-94 to hand over the cash to the Stenographer. ✓

3. That with regard to para 4.4 the respondents state that it is not true that applicant was only interrogated by Police. In fact he was arrested by the police and subsequently he was released on bail on production of Anticipatory bail. The applicant suppressed this fact with a view to misleading the court.

4. That with regard to 4.5 & 4.6 the respondents beg to offer no comment.

5. That with regard paras 4.7 the respondents state that when DPC meeting was held on 10-01-2000 the case of applicant was considered but not recommended by DPC for promotion with the observation that he did not complete required five years of regular service in the cadre of UDC. But in the meantime because of criminal breach of trust in respect of Govt. money, case was pursued with the police Station and it is contemplated to initiate departmental proceeding.

6. That with regard to para 4.8 the respondents beg to offer no comment.

Contd.

7. That with regard to paras 4.9 & 4.10 the respondents beg to say that the department has decided to fill up the post of office Supdt. by deputation on transfer, as the case of the applicant cannot be considered now since a criminal case is pending against him and the department is contemplating to initiate departmental proceeding against him.

8. That with regard to para no. 5.1 to 5.7 the respondents beg to state that ground for relief are not tenable as a criminal case is pending against the applicant and also it is contemplated to initiate departmental proceeding against him.

9. That with regard to para 6 & 7 the ~~xxx~~ respondent beg to offer no comment.

10. That with regard to paras 8.1 to 8.5 the respondent beg to state that the applicant is not entitled any relief as a criminal case is pending against him and is contemplated to initiate departmental proceeding against him.

It is a pertinent to say that the department intends to fill up the post of Office Superintendent bringing on deputation on transfer basis as the applicant has got a pending criminal case against him. However, the department will convene the DPC before the permanent posting of Office Supdt. and applicants name will also be considered.

11. That with regard to paras 9.1 & 9.2 the respondent beg to say that the interim order dated.19.10.2000 passed by the Hon'ble Tribunal be vacated.

To bring an official on deputation to fill up the post of Office-Supdt. is a stop gap arrangement.

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VERIFICATION

I Shri K.K.Bhatt, Superintendent being authorised do hereby solemnly affirm and declare that the statements made in this verification are true to my ~~own~~ knowledge and information & I have not suppressed any matterial fact .

And I signed this verification on this 4th Day of December ,2000.



Declarant.