

7/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 258/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....OA.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 17.9.2001.....Pg. 1.....to 5 HO.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....258/2000.....Pg. 1.....to 18.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1.....to 10.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....in opposition page 1426.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

21.12.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO.

358/2000

Uttam Kumar Mazumdar

APPLICANTS

versus.

Union of India & ors Respondents.

FOR THE APPLICANT(S)
ADVOCATE

Mr. A Dasgupta, B. Bairagi
& S. Poluyan.

FOR THE RESPONDENT(S)

CGSC

Notes of the Registry

DATE

COURT'S ORDER

27.10.2000 Present : Hon'ble Mr. Justice D.N.
Chowdhury, Vice-Chairman.

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

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

List on 2.1.2001 for written
statement and further orders.

Vice-Chairman

This application is in
form but not in time

Condonation Petition is

filed / not filed. C.F.

for Rs. 50/ deposited

vide IPO/BD No. 25.503768

Dated 25/10/2000

Dy. Registrar

25/10/2000

2.1.01

Mr. B.C. Pathak learned Addl. C.G.S.C
appearing on behalf of the respondents
No. 1, 2 & 3 and also Mr. D.K. Das learned
counsel appearing on behalf of res-
pondents No. 4. and he prays for time
to file written statement. Prayer is
allowed. List on 31.1.01 for orders.

Vice-Chairman

1 - 1 - 2001

① Service report are still
awaited.

② No. 1 & 2 has been
filed.

By

Notice duly served on

R No 1, 2 & 4.

25/11/2001

1m

31-1

M.D.B. Adjourned to 9.2.2001.

M.D.B.

31/11

9.2.01

List on 12.3.01 to enable the respondents to file written statement.

8-1-2000

"Vakalatnama"
has been filed by
on behalf of
Private Respondent No 4.

[Signature]
Member

[Signature]
Vice-Chairman

1m

12.3.01

On the prayer of Mr.M.K.Choudhury,
learned counsel for the applicant case is
adjourned to 11.4.01 for orders.

[Signature]
Member

[Signature]
Vice-Chairman

① Notice duly served
on R.No. 1, 2 and 4.

1m

② No written statement
has been filed.

11.4.01

[Signature]
8.2.01

List on 17.5.01 to enable the
respondents to file written state-
ment.

[Signature]
Vice-Chairman

1m

17.5.01

Except private respondents no.4
other respondents are yet to file written
statements. Mr. B.C.Pathak, learned Addl.
C.G.S.C. represents respondents no.1, 2, & 3
Mr. M.K.Choudhury, learned counsel, repre-
sents no.4. Three weeks time allowed for
filing of written statement by the other
respondents.

List for orders on 7.6.2001.

12.4.2001

w/s has been

submitted by the Respondent
No. 4.

[Signature]
Member

[Signature]
Vice-Chairman

No written statement
filed by the R.No. 1, 2
and 3.

[Signature]
bb

7.6.01

Four weeks time allowed to the respondents
to file written statement.

List on 11-6-2001 for order.

[Signature]
5.6.01

[Signature]
Member

[Signature]
Vice-Chairman

19.6.2001

Affidavit-in-opposition
filed on behalf of the
Respondent No. 2.

mb

11/6/2001

Adjourned to 25/6/2001.

13/0
W3

12.00

Copy of the Budget
has been sent to the
Officer for forwarding the
same to the Applicant as
well as to the Dr. CGSE.
On the Receipt.

Notes of the Registry

Date

Order of the Tribunal

1. The first of the two cases...	1944	
2. The second of the two cases...	1944	
3. The third of the two cases...	1944	
4. The fourth of the two cases...	1944	
5. The fifth of the two cases...	1944	
6. The sixth of the two cases...	1944	
7. The seventh of the two cases...	1944	
8. The eighth of the two cases...	1944	
9. The ninth of the two cases...	1944	
10. The tenth of the two cases...	1944	
11. The eleventh of the two cases...	1944	
12. The twelfth of the two cases...	1944	
13. The thirteenth of the two cases...	1944	
14. The fourteenth of the two cases...	1944	
15. The fifteenth of the two cases...	1944	
16. The sixteenth of the two cases...	1944	
17. The seventeenth of the two cases...	1944	
18. The eighteenth of the two cases...	1944	
19. The nineteenth of the two cases...	1944	
20. The twentieth of the two cases...	1944	
21. The twenty-first of the two cases...	1944	
22. The twenty-second of the two cases...	1944	
23. The twenty-third of the two cases...	1944	
24. The twenty-fourth of the two cases...	1944	
25. The twenty-fifth of the two cases...	1944	
26. The twenty-sixth of the two cases...	1944	
27. The twenty-seventh of the two cases...	1944	
28. The twenty-eighth of the two cases...	1944	
29. The twenty-ninth of the two cases...	1944	
30. The thirtieth of the two cases...	1944	
31. The thirty-first of the two cases...	1944	
32. The thirty-second of the two cases...	1944	
33. The thirty-third of the two cases...	1944	
34. The thirty-fourth of the two cases...	1944	
35. The thirty-fifth of the two cases...	1944	
36. The thirty-sixth of the two cases...	1944	
37. The thirty-seventh of the two cases...	1944	
38. The thirty-eighth of the two cases...	1944	
39. The thirty-ninth of the two cases...	1944	
40. The fortieth of the two cases...	1944	
41. The forty-first of the two cases...	1944	
42. The forty-second of the two cases...	1944	
43. The forty-third of the two cases...	1944	
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47. The forty-seventh of the two cases...	1944	
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50. The fiftieth of the two cases...	1944	
51. The fifty-first of the two cases...	1944	
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56. The fifty-sixth of the two cases...	1944	
57. The fifty-seventh of the two cases...	1944	
58. The fifty-eighth of the two cases...	1944	
59. The fifty-ninth of the two cases...	1944	
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61. The sixty-first of the two cases...	1944	
62. The sixty-second of the two cases...	1944	
63. The sixty-third of the two cases...	1944	
64. The sixty-fourth of the two cases...	1944	
65. The sixty-fifth of the two cases...	1944	
66. The sixty-sixth of the two cases...	1944	
67. The sixty-seventh of the two cases...	1944	
68. The sixty-eighth of the two cases...	1944	
69. The sixty-ninth of the two cases...	1944	
70. The seventieth of the two cases...	1944	
71. The seventy-first of the two cases...	1944	
72. The seventy-second of the two cases...	1944	
73. The seventy-third of the two cases...	1944	
74. The seventy-fourth of the two cases...	1944	
75. The seventy-fifth of the two cases...	1944	
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77. The seventy-seventh of the two cases...	1944	
78. The seventy-eighth of the two cases...	1944	
79. The seventy-ninth of the two cases...	1944	
80. The eightieth of the two cases...	1944	
81. The eighty-first of the two cases...	1944	
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83. The eighty-third of the two cases...	1944	
84. The eighty-fourth of the two cases...	1944	
85. The eighty-fifth of the two cases...	1944	
86. The eighty-sixth of the two cases...	1944	
87. The eighty-seventh of the two cases...	1944	
88. The eighty-eighth of the two cases...	1944	
89. The eighty-ninth of the two cases...	1944	
90. The ninetieth of the two cases...	1944	
91. The ninety-first of the two cases...	1944	
92. The ninety-second of the two cases...	1944	
93. The ninety-third of the two cases...	1944	
94. The ninety-fourth of the two cases...	1944	
95. The ninety-fifth of the two cases...	1944	
96. The ninety-sixth of the two cases...	1944	
97. The ninety-seventh of the two cases...	1944	
98. The ninety-eighth of the two cases...	1944	
99. The ninety-ninth of the two cases...	1944	
100. The hundredth of the two cases...	1944	

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 358 of 2000.

Date of Decision 17.8.2001

Sri Uttam Kumar Mazumdar

Petitioner(S)

Sri A. Dasgupta.

Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

Respondent(s)

Sri P.N.Choudhury for respondent No.2, 3 and

Sri S.Sarma, for respondent No.4.

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 : Vice-Chairman



4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 358 of 2000.

Date of Order : This the 17th Day of August, 2001.

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

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

Sri Uttam Kumar Mazumdar,
Son of Sri Ram Chandra Mazumdar,
resident of Loco Colony, Lumding,
Dist. Nagaon (Assam). . . . Applicant.

By Advocate Sri A.Dasgupta.

- Versus -

1. Union of India,
represented by the Secretary to
the Govt. of India,
Ministry of Information & Broadcasting,
New Delhi.
2. Station Engineer,
Doordarshan Maintenance Centre,
Dimapur.
3. The Chief Engineer (Eastern Zone)
All India Radio and Doordarshan,
Golf Green,
Calcutta-49.
4. Sri Ashim Kr. Dey,
son of Sri Anil Ch. Dey,
Technician, Low Power T.V.Transmission
Centre, Lumding. . . . Respondents.


By Advocate Sri P.N.Choudhury for respondent No.2 & 3
and Sri S.Sarma, for respondent No.4.

O R D E R

CHOWDHURY J.(V.C)

The appointment vis-a-vis regularisation in service is the subject matter of controversy in this application under Section 19 of the Administrative Tribunals Act 1985. The applicant passed the H.S.L.C examination and also qualified in the prescribed trade test in the trade of Mechanic (Radio & T.V) in Industrial Training Institute.

It was pleaded inter alia that he was engaged in the

 Lumding Low Power T.V.Transmitter with effect from 1.1.96

where he was to operate Low power Transmitter for television broadcasting under Doordarshan Maintenance Centre, Dimapur. According to the applicant he worked as a Technician in Lumding transmitter for a period of 4 years commencing from January 1996. He was to perform there all kind of operational jobs at the L.P.(TV) transmitter. Prasar Bharati Broadcasting Corporation of India, Doordarshan Maintenance Centre, Dimapur notified for a post of Technician. The name of the applicant was sponsored by the concerned Employment Exchange. By a notice the applicant alongwith others were advised to appear before the Interview Board on 13.4.2000 with all certificates and documents. The applicant appeared in the written test. Though there was no indication in the call letter about any such written test, he appeared both on written test and oral test and according to him he performed well. The respondents in a most illegal fashion appointed respondent No.4 overlooking the genuine claim of the applicant. The applicant contended that the respondent No.4 lacked the basic eligibility criteria and the appointment of the respondent No.4 was made on extraneous consideration other than merit. The respondent No.4 was allowed to sit in isolation, whereas all other candidates were sitting together in one room. According to applicant the said respondent No.4 has been a son of Senior Engineering Assistant who was working at Guwahati Doordarshan (PPC) at the relevant time. The applicant pleaded that since he worked for more than 4 years continuously he was entitled for conferment of temporary status and regularisation as per the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme " of Government of India. The respondents authority in a most arbitrary fashion instead terminated his service.

2. The respondents No.2 and 4 entered appearance and filed their respective affidavit in opposition/written statements opposing the claim of the applicant. The respondent No.2 in its written statement stated that the applicant was engaged to work at Low Power Transmitter (for short LPT), Lunding on a month to month contract basis to meet the exigencies of shortage of manpower. The respondent also stated in the written statement that a 30 minute written test was held and not 15 minute as claimed by the applicant. The test was of objective nature which did not require any elaborate preparations. The said test was held only to assess the basic knowledge and ability of the technical skill for the job. ^{was} The practical test/also held to identify basic electrical/electronic components and faulty transistors/diodes. That assessment was conducted by the Station Engineer as the Chairman, Assistant Engineer, DDMC, Dimapur as Member and the Sub Divisional Officer(E), Power department, Sub-Division-II, Dimapur, Government of Nagaland as the Outside Member as required by the Recruitment Rules. The Board assessed the suitability of the candidates on the basis of their performance. The respondents authority denied the allegation of favouritism or nepotism as well as the allegation of irregularity in conducting the examination. The relevant averment made by the respondent on this issue are re-produced below :

h
"That it is most respectfully submitted that the applicant along with the other candidates being tested in the Open Category, were seated by the Member Interview Board i.e. Asst. Engineer, DDMC, Dimapur. That the venue of the Examination Centre for the Interview & Test was the DDMC itself. That the same is a small building consisting of 5 rooms consisting of the Transmitter Room, Asst. Engineer's Room, Account Section's Room, Station Engineer's (Answering Respondent No. 2 herein) Room & P.A. to Station Engineer's Room.

That the same are built strictly to Govt.

Specifications for the said purpose solely leaving no unwanted or extra space. That in order to ensure separation of the candidates being tested so as to ensure independence of test papers being answered, all the Candidates were evenly distributed in the said 5 rooms. That at best not more than 2 candidates could be accommodated in 3 rooms & the 5th Room or P.A.'s Room being little better than a functional cubby hole with the P.A.'s desk, chair & cupboard taking up the majority of the space. That the Accounts section Room being the largest could accommodate 5 candidates including the applicant. The members of the Interview Board along with 4 more staff of the DDMC were also pressed into service at this stage due to the spreading out of the Candidates among the 5 rooms. That thus having divided themselves up for Invigilation Duties & the Answering Respondent No.2 kept an eye on his own Room & the P.A.'s Room, where two candidates & Respondent No.4 were seated. That the P.A.'s Room is not a separate room but a part of the entrance to the Answering Respondent No.2's Room. That the 3 candidates faced each other in a L-Shaped manner at a distance of 8 to 10 feet apart from each other, being seated at the Respondent No.2's Desk & the sofa near the entrance to his room on entry from the P.A.'s Room & one candidate sat at the P.A.'s desk for the examination. The Applicant was placed in the Accounts Section Room with 4 other candidates, as seated herein before & elsewhere. The Invigilators therefore were spread out evenly to keep an eye as required on the 12 candidates that were taking the examination spread over 5 rooms as aforesaid.

That as such no under favour was shown to any candidate as can be demonstrated from the seating arrangements & the spread out duties of the Invigilators themselves.


That it is therefore entirely baseless to say that the selected candidate was seated in one room & all other candidates were put in one room. That further as is well known, the sponsoring of any candidate is well within the purview solely of the Employment Exchange & the Answering Respondent has nothing to do with such sponsoring except to the extent of issue of requirement of suitable candidates who may be eligible for the post & registered with the Employment Exchange.

That the selection of the successful Candidate has been strictly on the basis of merit based on the correct answer scripts Practical Test & Interview. That this is well within the law to select the best person solely on merit for the Selection

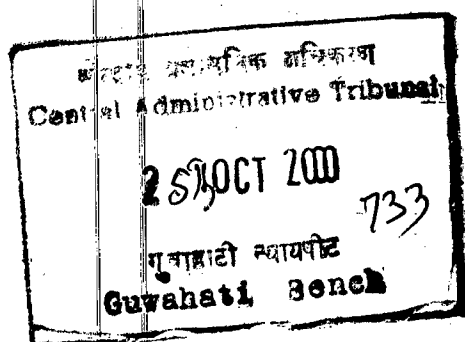
Grade post. That it is further stated that the Interview Board at the time of the Interview did not have any inkling that the successful candidate was the son of an employee of the Answering Respondent's Corporation as his results itself showed a far superior Technical Knowledge needed for the requirement of the job. That the Test Paper itself had been set independently & apart from the paper setter, hence no one else could be said to have had any knowledge of the subject of the Test Paper, which it-self was well within the purview of the guidelines on the Technical nature of the subject.

3. We have heard Mr A.Dasgupta, learned counsel for the applicant as well as Mr P.N.Choudhury and Mr S.Sarma, learned counsel for respondents No.2 and 4 respectively. The respondent No.2 also placed before us all the papers relating to recruitment of Technician including the assessment sheets. On perusal of papers relating to recruitment of Technician we could not discern any illegality in the process of selection. The materials on record in its entirety also did not indicate any infirmity in the selection of the respondent No.4. In the affidavit the respondents clearly stated that applicant was never disengaged from the job. The plea of illegality in the process of selection thus failed. In the circumstances, we however, feel that it is a case in which the respondents authority need to take appropriate measure for consideration of the case of the applicant alongwith the persons similarly situated for conferment of temporary status as per the scheme.

Subject to the observation made above, the application stands disposed. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O A No. 358 / 2000

Uttam Kumar Mazumdar

... Applicant

- Vs -

Union of India & Ors

... Respondents

I N D E X

Sl. No	Partivulars	Page No.
1.	App lication	1 to 12
2.	Verification	13
3.	Annexure - 'A'	14
4.	Annexure - 'B'	15
5.	Annexure - 'B ₁ '	16
6.	Annexure - 'C'	17
7.	Annexure - 'D'	18

Filed by :

Sobrat Bhuyan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

OA No _____/2000

Particulars of Applicant :-

Sri Uttam Kumar Mazumdar
S/O Sri Ram Chandra Mazumdar
Resident of Loco Colony , Lumding
District :- Nagaon , Assam .

Particulars of Respondent :-

1. Union of India
Represented by the Secretary to the
Government of India , Ministry of
Information and Broadcasting ,
New Delhi .
2. Station Engineer
Doordarshan Maintenance Centre
Dimapur .
3. The Chief Engineer (Eastern Zone)
All India Radio and Doordarshan
Golf Green
Calcutta - 49 .
4. Sri Ashim Kr. Dey
Son of Sri Anil Ch. Dey
Technician , Low Power T.V. Transmission
Centre , Lumding .

Contd...2

13
Filed by the
petitioner

Uttam Kumar Mazumdar
Strength Substantive, Advocate

1. Particulars of the Order for which this application is made :-

The applicant in this application challenges the action of the respondent no. 1, 2 & 3 in not regularising his services inspite of continuously serving for about 4 years and the subsequent appointment of the respondent no. 4 in the post of technician depriving the applicant from regularisation. ✓

2. Jurisdiction of the Tribunal :-

This application is within the jurisdiction of this Hon'ble Tribunal .

3. Limitation :-

This application is within the period of limitation .

4. Facts of the Case :-

(i) That the applicant is a citizen of India and a permanent resident of Loco Colony , Lumding , District - Nagaon , Assam .

(ii) That applicant is a matriculate having passed the H.S.L.C Examination in the year 1989 . After his H.S.L.C the applicant took admission in Industrial Training Institute , Diphu and passed the prescribed trade test in the trade of Mechanic (Radio & T.V) .

(iii) That the applicant was engaged as casual worker at Lunding Low Power T.V. Transmitter on 1.1.96 . He was engaged to operate the Low Power Transmitter at Lunding for Television Broadcasting under Doordarshan maintenance Centre , Dimapur , Which has two more such L.P(T.V) transmitter namely at Mojai and Diphu .

(iv) That the applicant worked as a technician at Lunding L.P(T.V) Transmitter continuously for a period of 4 years commencing from January 1996 . The applicant had to perform all kind of operational jobs at the L.P(TV) transmitter for smooth broadcasting of T.V. programmes in and around Lunding .

(v) That the applicant in course of his employment at L.P(T.V) , Lunding had acquired the expertise required for maintenance of this Centre and his knowledge over the various equipments at the Centre was such that he was entrusted with the duties of over all incharge of transmission on certain exigencies . In the absence of installation Officer , the applicant was entrusted with the job of operating the Low Power (TV) Transmitter . This fact is evident from an order dtd. 22.6.96 passed by the Installation Officer wherein the applicant along with another worker was asked to operate the Low Power TV Transmitter daily in shift in the absence of the Installation Officer .

A copy of the order dtd. 22.6.96 passed by the Installation Officer is annexed as Annexure - 'A' .

15
Uttam Kumar Majumdar

- 4 -

(vi) That as stated earlier that the applicant worked continuously as casual worker at Lunding L.P(TV) Transmitter from January 96 and acquired good knowledge of technical work As evident from the Certificates issued by the concerned officer from time to time .

Copies of the Certificates issued on 18.6.96 & 15.10.99 are annexed as Annexure - B & B₁ respectively .

(vii) That the applicant states that he continuously served at Lunding Low Power (T.V) Transmitter for four years . He acquired good knowledge of technical work by virtue of his continuous service . According to the rule in force a casual Labour on completion of 240 days of service in a year is entitled to the grant of temporary status which is a pre- requisite of regularisation . During that period the casual worker is entitled to the scale of pay as paid to other employee . Grant of temporary status brings a casual worker within the zone of regularisation and regularisation takes place in a phase manner according to availability of post . But nothing was done in the Case of the applicant and he was deprived of his right of regularisation in spite of serving 240 days in a year continuously for 4 years .

Conted... 5

(viii) That a post of technician was notified by the Station Engineer , Doordarshan Maintenance Centre Dimapur to be filled up by way of recruitment .Name of candidates for the said post were to be sponsored by the respective employment Exchange within the jurisdiction of the Doordarshan Maintenance Centre , Dimapur. The applicant's name was sponsored by the Hojai Employment Exchange and he was called for an interview vide order dtd. 29.3.2000 along with 11 other candidates. The interview was held on 13 .4.2000 at Dimapur .

A copy of the call letter dtd.29.3.-2000 issued by Station Engineer , Doordarshan Maintenance Centre , Dimapur is annexed as Annexure - C .

(ix) That the applicant appeared before the interview board on 13.4.2000 as directed vide letter dtd.29.3.2000 All the candidates were asked to appear in a Written test, though in the call letter nothing of that sort was indicated and in the written test the candidates were given only 15mts time to answer the questions . Thereafter an oral test was held on the same date and the interview process concluded with practical tests . The applicant appeared in all the tests and to his knowledge his performance was good . The applicant states that in the call letter he was directed to appear before the interview Board with Certificates relating to his age ,Educational & Technical qualification and there was no Written , Oral and Practical tests . Though unprepared , the applicant being in the

in the line of technician for 4 years and having good knowledge of T.V Transmission fared well in the examination .

18
Ullom Kumar Majumdar

R4

(x) That the applicant states that on the date of interview he noticed one Sri Ashim Kr. Dey , a candidate for the said post , was appearing his Written test seperately in a different room though all other candidate were sitting together in one room . This put doubt in the mind of of applicant and later on he came to know that he is the son of one Sri Anil Ch. Dey an employee of Doordarshan and serving as Senior Engineer Assistant at Programme Production Centra (North East) Doordarshan , Guwahati and the name of Sri Ashim Kr. Dey was sponsored by the Diphu Employment Exchange though he is a resident of Guwahati . The sponsoring of name of the respondent no. 4 by the Diphu exchange and the seperate treatment provided to him at the time of interview further confirmed the apprehension of the applicant that the entire process of selection was a foregone conclusion and the respondent no. 4 would be the selected candidate for the said post . The apprehension of the applicant became true and the respondent no. 4 was selected for the post of Technician and posted at Lunding L.P. (T.V) Transmitter in August 2000 .

The applicant craves leave of this Hon'ble Tribunal to produce the appointment order of the respondent no. 4 at the time of hearing as the same could n't be obtained by the applicant inspite of his best efforts .

(xi) That the respondent no. 4 is an Electrical Technician having passed out his trade test from I.T.I Guwahati . The post notified for recruitment was for technician to be posted in the Low Power (T.V) Transmitter which clearly showed that the job was for a T.V. Technician . The respondent no. 4 being an Electrical Technician should N't have been selected for that post as the job of T.V. Technician and Electrical Technician is completely different and he had no experience of such works . The applicant being a T.V. Technician and had been working for such long period should have been regularised in that post , but it was not done .The applicant after rendering so many years of service was disengaged from his job as soon as the respondent no.4 was appointed . The applicant , thereafter preferred a representation on 22.6.2000 before the Chief Engineer(E/Z), respondent no. 3 , seeking his intervention into the matter and do justice to him . Nothing was done by the respondent no. 3 and the applicant was illegally deprived of his due entitlements and his sole means of earning was also taken away by the respondents . The action of the respondents was totally unreasonable and unjustified .

A copy of the representation dtd.

22.6.2000 is annexed as Annexure - 'D'.

Conted... 8

19
Vibum Kumar Majumder

(5) Grounds with Legal Provisions :-

Being aggrieved by action of the respondents the applicant begs to ~~xxxxx~~ prefer this application on the following amongst other grounds -

(A) For that according to the rules in force a casual worker on rendering 240 days of continuous service in a year is entitled to the grant of temporary status which is a prerequisite for regularisation of service of casual work. This is a scheme framed by the Central Govt and is called as casual labourers (Grants of Temporary status and Regularisation) Scheme of Govt. of India . The grant of Temporary status brings a casual worker within the zone of regularisation and regularisation takes place in a phase manner . Till regularisation of the worker certain rights are conferred to him . The applicant was in continuous service from 1.1.96 and rendered 240 days of service in a year . Thus the applicant , for rendering 240 days of work in a year , was entitled to the grant of temporary status and subsequent regularisation. But the same was not done and he was illegally disengaged from his service ;

(B) For that the aforesaid Govt. Scheme provides that a casual worker conferred with temporary status cannot be dismissed or disengaged otherwise by virtue of his long continuous service acquired the right for grant of temporary status and as such he should n't have been disengaged from his service in the manner he was disengaged . The action of the respondents is absolutely illegal and against the procedure established by Law ;

(C) For that the service of a casual worker who rendering 240-days of continuous service in a year cannot be terminated without issuing a notice of retrenchment and paying adequate compensation according to the rule in force . Termination of service of any worker without following the aforesaid mandatory provision of law amounts to illegal termination and such worker is entitled to be reinstated with full back wages . The applicant in view of his long continuous service was entitled for a notice of retrenchment and adequate compensation , but the same was not done and he was removed from his service . This action of the respondents is against the mandatory provisions of law and as such the applicant is entitled to be reinstated with full back wages .

(D) For that call letter of the applicant dtd.29-3-2000 did not indicate that on the date of interview there would be written test , oral test & Practical test . It was incumbent on the part of the respondents to specify the type of tests that would be conducted at the time of interview so the candidates could ~~not~~ come prepared accordingly . This was not done with the purpose to eliminate the candidates who would be taken by surprise at the time of interview as none would be prepared for such tests . This was done only to select the respondent no. 4 , who is the son of a Senior Officer of Doordarshan , Guwahati and serving at Programme production Centre (North East) , and was allowed to give

to give his written test in a different room sitting alone . Further the name of respondent no.4 was sponsored by the Diphu Employment Exchange although he is a resident of Guwahati . All this fact put together casts enough doubt that the entire process of selection was vitiated with malpractice and manipulation and as such the process of selection is liable to be quashed and the appointment made in pursuance of such selection process is also liable to be quashed .

(E) For that the respondent no. 4 was appointed and posted at Lumding Low Power (T.V) Transmitter wherein the applicant was working . The job in the Lumding L.P (T.V) Transmitter was that of a broadcasting T.V technician was required and the applicant was qualified and experienced for that , but the respondent no. 4 is an electrical technician who has no knowledge of such work leave alone the experience . Thus appointing the respondent no. 4 in that post is enough to cast shadow of doubts that the appointment was made for some extraneous consideration and on the merits of the candidates called for the interview . The appointment of respondent no.4 was tainted with manipulation and favour of the respondents and as such the same is liable to be quashed and set aside .

22
Ullam Kumar Majumdar

(6) DETAILS OF REMEDY EXHAUSTED :-

The applicant begs to state that he preferred a representation before the Chief Engineer (E/Z) A.I.R & Doordarshan , Calcutta , respondent No. 3 on 22-6-2000 , but till today nothing has been done .

(7) MATTER NOT PENDING BEFORE ANY COURT/TRIBUNAL :-

The applicant declares that he has not filed any application before any Court or Tribunal for adjudication of this Case .

(8) RELIEF SOUGHT :-

The applicant , therefore , prays that this Hon'ble Tribunal may ~~deem~~ be pleased to -

- (i) To quash the appointment of the respondent no. 4 who was appointed at Lumding Low Power (T.V) Transmitter in the month of August 2000.
- (ii) To direct the respondents to reinstate the applicant with full back wages in the post of Technician at Lumding Low Power (T.V) Transmitter .
- (iii) To direct the respondents to confer temporary status to the applicant in accordance with the rules in force and regularisation .
- (iv) To pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper .

Conted... 12

(9) INTERIM RELIEF PRAYED FOR :-

The applicant does not pray for any interim relief .

(10) PARTICULARS OF I.P.O :-

I.P.O Number :- 24 503768
Date of Issue :- 25.10.20
To whom payable :- Registrar, CAT
Payable at :- Guwahati

(11) DOCUMENTS :-

Detailed particulars of the documents are indicated in the index of this application .

... Verification

25
Ullam Kumar Majumder

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

I, Sri Uttam Kumar Mazumdar , Son of Sri Ram Chandra Mazumdar , aged about years , resident of Loco Colony , Lunding District - Nowgaon -Assam do hereby declare and verify that the Statements made in paragraphs 1, 2, 3, 4(i), 4(iv), 4(vii) are true my knowledge and that made in paragraphs 4(ii), 4(iii), 4(v), 4(vi), 4(viii), 4(x), 4(xi), 4(xii) are true to my information derived from the records and rest are humble submissions before this Hon'ble Tribunal .

I sign this Verification on this the 17 th day of September 2000 at Guwahati .

Uttam Kumar Mazumdar
17/9/2000

ANNEXURE :- A

This is for kind information that Shri Raju Choudhury
& Shri Uttam Kr. Mazumdar will operate the Low Power T.V. Trans-
mitter (100 W) daily as per shift in absence of myself .

Sd/- Illegible

(For Installation Officer)

Date 22.6.96

Attested
Sd/-

ANNEXURE :- B

TO WHOM IT MAY CONCERN .

This is to certified that SHRI UTTAM KUMAR MAZUMDAR
Son of SHRI RAM CHANDRA MAZUMDAR of Loco Colony, Lumding ;
Dist . Nagaon : Assam had been Working unser me as Casual Labour
for technical work from January/96 to May/96 . He has been
honest hard worker and Industrious man . He has very good
knowledge of the technical Work .

Dated :- 18.8.1996

Sd/- Illegible

Installation Officer ,
L.P.T. (T.V) Lumding
Nagaon Assam .

Attested
Substantive

ANNEXURE :- B₁

TO WHOM IT MAY CONCERN .

It is to Certify that SRI UTTAM KUMAR MA ZUNDARYA , Son of Sri Ram Chandra Mazumdar , Loco Colony , Lumding is working at Lumding L.P.T(T.V) Relay Centre as Casual Worker . He has acquired good knowledge of T.V. T.V.Operator and bears a good moral character .

I wish to see him suitably employed .

Dated , Lumding

The 15th Oct/99.

Sd/- (SAMIRAN DAS)

Assistant Engineer

L.P.T.V., Lumding .

Attested
Sd/-

ANNEXURE :- C

PPASAR BHARATI

Broadcasting Corporation of India

Doordarshan Maintenance Centre

Dimapur .

No. DDMC/DIM-14(4)/2000-s/ADMN/2199

Dated 29.3.2000

1. Shri Ashim Roy , Vill, Sitalabari , P.O. Diphu, P.S. Diphu, K/A
 2. Shri Ashim Kr. Dey , C/O Sri Arun Dutta , Near Gining Mill
Opp. Asstt Director of Industries , Diphu , K/A.
 3. Shri Hemanta Kr. Bordoloi , Vill : Nowgaon Bosti, P.O. Rongapahar
P.S. Diphu , Karbi Anglong .
 4. Shri Hemanta Sharma , Vill: Rukasen , P.O. Diphu , Karbi Anglong
 5. Shri Mohen Brama , Vill: Rongmilli , Near I.T.I Diphu , P.O. Diphu
Karbi Anglong .
 6. Shri Jiblal Joisee , M/S- Appan Electronics , M.G. Road , P.O. Diphu
KA.
 7. Shri Sarbamon Taron , Vill : Rongkhelon Diphu , P.O. Diphu, K/A.
- Subject :- Interview for the post of Technician

Sir,

Your name has been sponsored by the Regional Employment Officer , Hojai for the interview for the post of Technician at Doordarshan Maintenance Centre , Dimapur .

Therefore , you are requested to appear before the Interview Board for the interview on 13.4.2000 at 10.AM with all of your certificates/documents etc., relating to your age , educational qualification , technician qualification , caste /tribe etc. In original . You should report to the station Engineer , Doordarshan Maintenance Centre , Dimapur . It may be noted that no Travelling allowances will be admissible in this respect .

Yours faithfully ,

Sd/- Ekl (K. Morang)

Station Engineer .

8. Shri Uttam Kr. Mazumdar , Vill : Loco Colony , P.O. Lunding Gr.No.
EL/7, Dist , Nagaon /Assam .
9. Shri Krinal Bora , Vill : Hathigarh , P.O. Baligaon , Nagaon/Assam
10. Shri Jagannath Das , C/O Tankeswar Das , Vill Dhanuhar Basti ,
P.O. Padump ukhuri , Nagaon /Assam .
11. Romijul Islam Saikia , C/O Kabir Uddin Choudhury , P.H.E. Hojai
P.O. Hojai , Nagaon/Assam .
12. Shri Ashish Mazumdar , Near Public School , Lanka , P.O. Lanka
Nagaon .

Attended
8/4/00

ANNEXURE :- D

To

The Chief Engineer (E/Z)
A.I.R & T.V.
Golf Green ,
CALCUTTA- 49

Sub :- Seeking your intervention for proper justice.

Sir,

With due privileges of making the following few lines for your goodself , positive consideration please .

Sir, I, SRI UTTAM MAZUMDAR ? WAS WORKING AS CASUAL TECHNICIAN at Lumding L.P(T.V) from 01.01.96 to 31.03.2000 continuously with monthly payment it consolidated.

But Sir, surprisingly on 13.04.2000 D.D.M.C, Dimapur Station Engineer , By name K. Morang called me for formal interview asking the name from Local Employment Exchange and accordingly that I appeared the interview Board , and with best of my knowledge I performed nicely as I should have same minimum performance to select for the post .

But Sir, finally in the selection list . My name was not enlisted I was surprised . I was surprised on ~~first~~ that . So, Sir, now I have no option except to inform you to get proper justice. I worked as a Casual Labour since 1996 efficiently . It is also fervently requested upon you to select me as technician at L.P (T.V) Lumding to keep proper justice and following this application my all previous work experience certificate enclose herewith for your ready reference .

Thanking you ,

Dated, Lumding

The 22-06-2000

Copy for information & necessary action please .

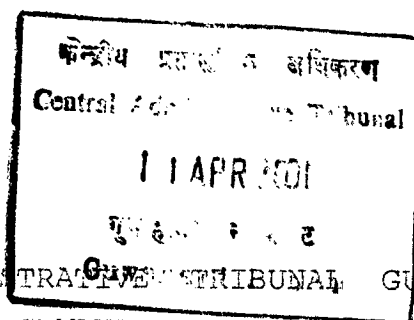
1. E.M.C, Door Darshan Bhawan Copernicus Marg, New Delhi - 110001.

2. Station Engineer - D.D.M.C.Dimapur .

Yours faithfully,

Sd/- Uttam Kumar Mazumdar
C/O Ram Chandra Mazumdar
P. O. Lumding , Dist.-Bongaon
Rly Q.No. EL-7 Loco Colony.

Attested
Signature



32

Filed by
Moining Dutta
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH:
GUWAHATI

O. A 358 / 2000

IN THE MATTER OF :

Sri Uttam Kr. Mazumdar ..Applicant
-Vs-
Union of India & Ors. ..Respondents

-AND-

IN THE MATTER OF :

The Written statement of the
Respondent No. 4, Sri Ashim Kr. Dey.

The Written statement of the Respondent No. 4 most respectfully begs to state : -

1. That the respondent No. 4 has been served with a copy of the application filed by the applicant and having gone through the same has understood the contents thereof.
2. That save and except what is specifically admitted hereinbelow all other statements made in the application are denied. Further statements not borne out of records shall also be deemed to be denied and the applicant is put to strictest proof of those statements.
3. That this petition is not maintainable in its present form and therefore liable to be dismissed in limine. Annexure are irregular and unauthorised.

33
Further, there are allegations against the Diphu Employment Exchange, though they are not a party to the petition.

4. That the application is not properly verified and therefore liable to be dismissed in limine.

5. That with regard to the statements made in paragraph 1 the answering respondent states that these are matters of records and the answering respondent does not admit anything beyond records. Further the applicant is put to the strictest proof of the statements made therein.

6. That with regard to the statements made in paragraph 2 and 3, the answering respondent does not admit anything beyond records and puts the applicant to the strictest proof of the statements made therein.

7. That with regard to the statements made in paragraph 4 (IO and (II) the answering respondent offers no comment.

8. That with regard to the statements made in paragraph 4 (III) and (IV) of the application the answering respondent does not admit anything not borne

out of records and the applicant is put to the strictest proof of the statements made therein.

9. That with regard to the statements made in para 4 (V) and (VI) of the application the answering respondent does not admit anything beyond records and the applicant is put to the strictest ^{proof} of the statements made therein. The answering respondent state that the document annexed as Annexure - A, B and B1 are irregular and unauthorised and are not valid documents in the eye of law. Even if the said letters were issued by the Installment Officer the same were without competence and jurisdiction.

10. That with regard to the statements made in paragraph 4 (VIII) the answering respondent does not admit anything beyond records and the applicant is put to the strictest proof of the statements made therein. The answering respondent further states that the paragraph is also not properly verified.

11. That with regard to the statements made in paragraph 4 (VIII) the answering respondent offers no comment. However, the answering respondent state that the annexure C, the call letter was not dated

29.3.2000 as alleged. The letter was dated 28.3.2000 and the answering respondent was also called for the interview for the post of Technician. The said letter dated 28.3.2000 also figured the name of the applicant.

A copy of the call letter dated 28.3.2000 is annexed hereto as Annexure - A.

12. That with regard to the statements made in paragraph 4 (IX) the answering respondent offers no comment except that the paragraph is not properly verified.

13. That ~~with~~ regard to the statements made in paragraph 4(X), the answering respondent categorically denies the allegations made therein. The answering ^{respondent} has been selected legitimately and in due process in which the applicant had participated. The applicant having failed to qualify is making these allegations, which have no basis whatsoever. The answering respondent was not given any preferential treatment. Further his father had nothing to do with and was in no position to influence the selection ~~the~~ process. The answering respondent further states that the applicant has also made statements against Diphu Employment Exchange without any basis and without making then a party. The respondent No. 4 was registered under the Diphu Exchange and his ~~name~~ was legitimately sponsored. He was a

resident of Diphu for long time. The answering respondent states that the apprehension and allegations of the applicant are misconcieved and have not an ~~xxx~~ iota of truth in them.

14. That with regard to the statements made in paragraph 4 (XI) of the application, the answering respondent while reiterating to the statements made in earlier paragraph, states that the interview held on 13.4.2000 in which the applicant, the answering respondent and ~~12~~ others appeared was for the post of technician and the rules clearly stipulates that the qualification required is apart from being matribulate or equivalent, the candidate must have interalia a two year trade certificate from an ITI in Radio or Electronics or Electrodian with one year practical experience after obtaining the certificate. The answering respondent states that he had the necessary qualification for the post and has been appointed by virtue of his selection though the due and legitimate process of selection. So far as the statements made concerning other respondents the answering respondent does not ~~xx~~ make any comment.

An extract of the rules is annexed hereto as

Annexure - B

15. That with regard to the statements made in paragraph 5 to 8 and the various sub paras of the said

para 5 of the application, the answering respondent while reiterating the statements made in the earlier paragraphs deny any statement not borne out of records, and the applicant is put to the strictest proof of the statements and allegations made therein. The answering respondent states that the records of the case would reveal the true picture and as such Your Lordship's may be pleased to dismiss the petition after perusal of the records in case the anomalies in the petition does not make the petition liable to be dismissed in limine.

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

I Sri Ashim Kumar Dey, Son of Sri Anil Kumar Dey, the respondent No. 4 in the instant petition, working as technician Low Power T. V. Transmission Centre Lumding do hereby verify and state that the statements made hereinabove in this written statement are true to my knowledge.

And I sign this verification on the ~~31~~³¹th day of ~~January~~, 2001.

Ashim Kumar Dey.

No. DDMC/DIM-1(4)/2000-S/ADMN/2193

Dated 28-7-2000

1. Shri Ashim Roy, Vill. Sitalabari, P.O. Diphu, P. S. Diphu, Karbi Anglong
2. Sri Ashim Kr. Day. C/O Sri Arun Dutta, Near Gining Mill, Opp. Asstt. Director of Industries, Diphu, K/A.
3. Shri Hemanta Kr. Bordoloi, Vill. Nowgaon bosti, P.O. Rongapahar, P.S. Diphu, Karbi Anglong.
4. Shri Hemanta Sarma, Vill. Rukasen, P.O. Diphu, Karbi Anglong.
5. Sri Mohen Brahma, Vill. Rongmilli, Near I.T.I., Diphu, P.O. Diphu, K/A.
6. Shri Jiblal Joisee, M/S-Appan Electronics, M.G. Road, P.O. Diphu.
7. Shri Sarbamon Teron, Vill. Rongkhelan Diphu, P.O. Diphu, K/A.

Subject :- Interview for the post of Technician

Dear Sir,

Your name has been sponsored by the Regional Employment Officer, Diphu for the interview for the post of Technician at Television Maintenance Centre, Dimapur.

Therefore, You are requested to appear before the Interview Broad for interview on... 13.4.2000 at... 10.00 AM. with all of your certificates/document, etc. relating to your age, educational qualification, technical qualification, Caste/Tribe etc., in original. You should report to the Station Engineer, Doordarshan Maintenance Centre, Dimapur. It may be noted that no Travelling allowance will be admissible in this respect.

Yours faithfully

(K. MORANG)
STATION ENGINEER.

8. Shri Uttam Kr. Mazumder, Vill: Loco Colony, P.O. Lumding, Or. No EL/7, Dist: Nagaon/Assam.
9. Shri Mrinal Bora, Vill: Hathig h, P.O. Baligaon, Nagaon/Assam.
10. Shri Jagannath Das, C/O Tankeswar Das, Vill: Dhanuwar Basti, P.O. Padumpukhuni, Nagaon/Assam.
11. Romijul Islam Saikia, C/O-Kabir Uddin Choudhury, P.H.E., Hojai P.O. Hojai, Nagaon/Assam.
12. Shri Ashish Mazumder, Near Public School, Lanka, P.O. Lanka, Nagaon.

NOTE

No upper age limit is restricted to 25 years of age relaxation of 3 & 5 years for SC & ST respectively.

allied
30/11/2000

G. C. BATARYAL
Sr. Administrative Officer,
IPC (NE), Doordarshan, Ghy-24

Must
Admission

ESTABLISHMENT MATTERS

S.No.	Name of Post	Number of Posts	Classification	Scale of Pay	Whether Selection post or non-selection posts.	Age limit for direct recruits	Educational & other qualifications required for direct recruitments.
1	2	3	4	5	6	7	8
1.	Technician	600	General Central Service Group 'C' Non-Gazetted Non-Ministerial.	Rs. 330-8-370-10-400-EB-10-480.	Not Applicable.	18-25 years (Relaxable upto 35 years for Govt. Servants).	<p>Matriculate or equivalent and</p> <p>(a) A two-year trade certificate from an I.T.I. in Radio or Electronics or Electrician with one year practical experience after obtaining the certificate.</p> <p>or</p> <p>(b) A one-year Trade certificate from an I.T.I. as Air Conditioning and Refrigeration Mechanics with two years experience after obtaining the certificate.</p> <p>or</p> <p>(c) A certificate of competency or a Diploma from recognised Institution for wiremen Mechanics or electrician or Fitter Mechanic subject to the condition that the candidate possesses suitable Electrical licence with at least two years experience in a reputable workshop in one of the following:</p> <ol style="list-style-type: none"> 1. Lathe Work. 2. Carpentry 3. Electric Wiring Soldering 4. Internal Combustion Engine. 5. Fitting & Plumbing

G. C. BATASYAL
 Sr. Administrative Officer,
 CPC (NE), Doordarshan, Ghy-24

Attested

Advocate

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation if any.	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.	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.
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9	10.	11	12	13	14
Not Applicable	Two years	By direct recruitment failing which by transfer.	Transfer persons working in analogous or equivalent posts from other zones of All India Radio.	(1) Head of the office (or an officer of appropriate level nominated by him) —Chairman (2) Officer(s) of the Station/Office familiar with the work of the post to which recruitment is being made—Member (3) An Officer of another Department of appropriate level having requisite technical competence Member	Not Applicable.

attested
3/11/2000
 G. C. BATABYAL
 Sr. Administrative Officer,
 IPC (NE), Doordarshan, Ghy-24

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION
CALCUTTA

ANNEXURE

No. 1(26)/96-S.

Akashvani Bhavan, 14th floor,
Calcutta - 700001,
Dated: 25.6.96.

CIRCULAR MEMORANDUM

Subject : Revised qualification for recruitment of Technician.

The following are the revised qualifications prescribed by the Directorate General for the recruitment of Technician which is hereby circulated to all Stations/Kendras of AIR/Doordarshan/PFC, TV/DDMC for compliance:

Matriculation or equivalent and

(a). A two years trade certificate from an ITI in Radio/TV Electronics/Electrical or equivalent with one year practical experience after obtaining the certificate.

or

(b). A one year trade certificate from an ITI in air conditioning and refrigeration with two years experience after obtaining the certificate.

Recruitment of Technicians in DDK/AIR Station may be done only after ascertaining number of vacant posts available after restructuring of subordinate Engineering services in the cadre of Technician and Senior Technician.

(S. C. RUDRA)
DEPUTY DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAST ZONE)

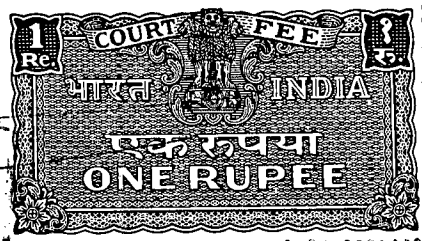
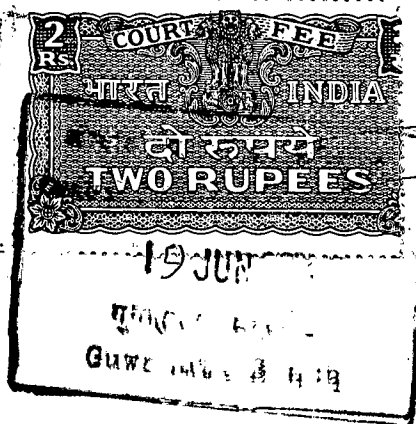
Copy to:-

The Engineering Heads of all AIR/DDK/HPTV/PPC, TV/DDMC for compliance.

FOR CHIEF ENGINEER (EAST ZONE)

G. C. BATASYAL
Sr. Administrative Officer,
P.C. (NF), Doordarshan, Ghy-24

DISTRICT: Dimapur.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A No.358/2000

IN THE MATTER OF:

Uttam Kumar Mazumdar

Applicant

Versus -

Union of India & Ors

Respondents

- AND -

IN THE MATTER OF

Affidavit- in- Opposition filed on behalf of
the Respondents by Respondent No.2
being Station Engineer , DDMC, Dimapur
under Prasar Bharati.

AFFIDAVIT -IN- OPPOSITION

I, Sh.K.Morang, Son of Sh.B.S.Morang, aged about 30 years, presently serving as Station Engineer ,Doordarshan Maintenance Centre , Dimapur, (under Broadcasting Corporation of India , Prasar Bharati in short) arrayed herein as Respondent No.2 , do hereby solemnly affirm, and declare that in such capacity being duly authorized by the other Respondents & on being served a copy of the present Original Application , having gone through the same, am thus conversant with the facts and circumstances as reflected from the records of the case. That as such I am competent to swear the present affidavit, as I fully understand the case from such Records. That save and except what is specifically admitted herein all other averment and contentions may be deemed to be denied.

Filed by -
Respondent
Thought
P.N.Choudhary
Station Engineer
Doordarshan Maintenance
Center, Dimapur
18/6/2001

1. That the averments raised in para 1, 2 and 3 are denied except to the extent contrary to the records of the case. That the Applicant be put to the strict of proof of liability in support of the contentions as put forth by him.

That it is most respectfully submitted that the Applicant was engaged to work at the Low Power Transmitter, (hereinafter LPT), at Lunding on a month to month contract basis initiated by the Installation Officer (hereinafter IO) from the Office of the Respondent No.3. That it was further made clear to him that no payment would be made, if he did not turn up regularly as the Applicant was on the basis of No Work, No Pay as applicable to purely casual workers, who are engaged on a purely Temporary Basis, from time to time to meet the exigencies of Shortage of Manpower that may occur from time to time.

That his nature of duties were equivalent to that of the level of Grade 'D', for which no recruitment was being done at the time.

That during the installation of the said LPT, the said I O from the Respondent No.3's Office, Project Wing was placed in charge to make the LPT operational & to sort out any teething problems that may have occurred due to the initial installation & operation of the sophisticated equipment that had been installed to improve the standard of services for the viewers of the T.V. Channel being beamed to them. That after the installation is completed in all respects, the LPT being commissioned thereafter which it was attached to a nearby Doordarshan Maintenance Centre, or more commonly DDMC. That in addition the Head of the DDMC is declared as the Head of Office in respect of the LPT.

2. That the averments raised in para 4, 5, 6 & 7 being contrary of the records and facts of the case are hence denied.

That it is most respectfully submitted that the Applicant, along with another worker, were engaged to assist in the operation & upkeep of the said LPT by the qualified Door Darshan Technician. That the Applicant never ever worked as a

Technician. That as the records would show the Applicant during January '96 to July '99, did not possess even an ITI Certificate, which is the requisite qualification for a Technician. That therefore the submission that he worked as a Technician for the above stated period besides being wrong on facts, misleading, is also unfounded totally on merit.

That the Applicant can never be said to have acquired the expertise required for proper & technical maintenance as laid down for the care & attention required for the very expensive LPT. That as the records factually for each & every technical problem, the experienced & qualified technical staff from other LPTs were rushed to

43
Rushy

sort it out. That in case the Applicant gained some familiarity, while assisting during operations along with the other similarly employed worker while performing their identical Group 'D' Type of work, the same cannot be regarded as Technical Expertise by any stretch of imagination.

That the Applicant while assisting on a contract basis only as above said, may have been given a Certificate for use for Non-Departmental purposes for better prospects at his own request. That as such for Departmental purposes only, the designated competent authority for such issuance of Certificate is entirely a different authorized person.

That the Applicant while engaged on a contract basis only, the Rule applicable to Casual Labor cannot be said to apply to him & this being a misconception in law by the Applicant, the same cannot be said to arise in it's present form & style.

3. That the averments raised in para 8 besides being misleading, contrary to the facts and records is hence denied except to the extent supported by records, as available in the case. The Applicant is put to strict proof of liability in support of the contentions raised therein.

That it is most respectfully submitted that the Written Test as averred, had a time allowed for 30 minutes & not 15 minutes as claimed by the Applicant. That the said Test being an objective Type Test only, did not require any elaborate preparations, but was designed to assess the suitable candidates basic knowledge & ability as required for the Technical nature of the job being tested for.

That further the practical Test was also simple & candidates were asked to identify basic electrical/electronic components & faulty transistors/diodes. That these tests certainly did not require any special preparation but are kept in view of the level of ITI Certificate Holders who are expected to know them. That further more the Examiner has the discretion to decide on the type of tests for the selection of suitable candidates for the job of LPT Technical Operator, a Group 'C' Post.

That it would not be out of place to mention that all the other candidates on the fixed date, came prepared for the required Test & expressed eagerness to complete the Test set for them, as all were sponsored candidates from the Employment Exchange, having various years without suitable employment. That further none of the other Candidates complained on the said day or later, regarding being unprepared or otherwise.

That it is also most respectfully submitted that the candidates results in an examination is best assessed by the Examiner & not by the claims of an Examinee afterwards. That the Interview Board for the Applicant's Batch of Examinee Candidates comprised of the Answering Respondent No.2 as Chairman, Asst,

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Engineer, DDMC, Dimapur as Member & the Sub-Divisional Officer (E), Power Dept., Sub-Division-II, Dimapur, Govt. of Nagaland as the Outside Member, as required by the Recruitment Rules.

That overall the Interview Board found the performance of the Applicant slightly average. That keeping in mind that the objective of the day was to select the best candidate, the highest meritorious candidate was selected solely on the basis of his overall performance. That the successful candidate emerged to be Respondent No.4.

That the Answering Respondent reserves the right to produce the Records of the Interview Board in support of its stand at the time of hearing.

4. That the averments raised in para 10 being contrary to the records and facts of the case is hence denied.

That it is most respectfully submitted that the Applicant along with the other candidates being tested in the Open Category, were seated by the Member Interview Board i.e. Asst. Engineer, DDMC, Dimapur. That the venue of the Examination Centre for the Interview & Test was the DDMC itself. That the same is a small building consisting of 5 rooms consisting of the Transmitter Room, Asst. Engineer's Room, Account Section's Room, Station Engineer's (Answering Respondent No.2 herein) Room & P.A. to Station Engineer's Room.

That the same are built strictly to Govt. Specifications for the said purpose solely leaving no unwanted or extra space. That in order to ensure separation of the candidates being tested so as to ensure independence of test papers being answered, all the Candidates were evenly distributed in the said 5 rooms. That at best not more than 2 candidates could be accommodated in 3 rooms & the 5th Room or P.A.'s Room being little better than a functional cubby hole with the P.A.'s desk, chair & cupboard taking up the majority of the space. That the Accounts section Room being the largest could accommodate 5 candidates including the applicant. The members of the Interview Board along with 4 more staff of the DDMC were also pressed into service at this stage due to the spreading out of the Candidates among the 5 rooms. That thus having divided themselves up for Invigilation Duties & the Answering Respondent No.2 kept an eye on his own Room & the P.A.'s Room, where two candidates & Respondent No. 4 were seated. That the P.A.'s Room is not a separate room but a part of the entrance to the Answering Respondent No.2's Room. That the 3 Candidates faced each other in a L- Shaped manner at a distance of 8 to 10 feet apart from each other, being seated at the Respondent No.2's Desk & the sofa near the entrance to his room on entry from the P.A.'s Room & one candidate sat at the P.A.'s desk for the examination. The Applicant was placed in the Accounts Section Room with 4 other candidates, as

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stated herein before & elsewhere. The Invigilators therefore were spread out evenly to keep an eye as required on the 12 candidates that were taking the examination spread over 5 rooms as aforesaid.

That as such no undue favor was shown to any candidate as can be demonstrated from the seating arrangements & the spread out duties of the Invigilators themselves.

That it is therefore entirely baseless to say that the selected candidate was seated in one room & all other candidates were put in one room. That further as is well known, the sponsoring of any candidate is well within the purview solely of the Employment Exchange & the Answering Respondent has nothing to do with such sponsoring except to the extent of issue of requirement of suitable candidates who may be eligible for the post & registered with the Employment Exchange.

That the selection of the successful Candidate has been strictly on the basis of merit based on the corrected answer scripts, Practical Test & Interview. That this is well within the law to select the best person solely on merit for the Selection Grade post. That it is further stated that the Interview Board at the time of the Interview did not have any inkling that the successful candidate was the son of an employee of the Answering Respondent's Corporation as his results itself showed a far superior Technical knowledge needed for the requirements of the job. That the Test Paper itself had been set independently & apart from the paper setter, hence no one else could be said to have had any knowledge of the subject of the Test Paper, which itself was well within the purview of the guidelines on the Technical nature of the subject.

5. That the averments raised in para 11 besides being misconceived, misleading, contrary to the records and facts of the case is hence denied.

That it is most respectfully submitted that the Recruitment Rules allow a Candidate with an ITI in Electrician Course to appear in the Interview for the post of Technician. That as a matter of fact, as on date, about more than 50 % of the Technicians in AIR & Doordarshan who have the stated ITI Diploma in Electricians Course. That however selection is made as per the performance in the Interview & not on any type of course done by the candidate in ITI or any other Institution.

That further a clarification to the representation of the Applicant was given to the Respondent No.3 vide Answering Respondent No.2 letter No. DDMC/DIM-14 (4)/2000-S/Admn/1434 dt. 19th July 2000, which set to rest any speculation or query as far as the Respondent Corporation is concerned.

That the Applicant was never disengaged from the job but however it had been made clear to him that no payment would be made to him if he did not turn up for duty as stated herein above & before.

That in the facts & circumstances of the case it is most respectfully prayed that the records of the case be examined in confidence by this Hon'ble Tribunal after which appropriate orders be passed in favor of the Answering Respondents, as the said Records would easily support the submissions & contentions made by the said Answering Respondent herein before & above and /or any other order that may be just, proper & correct in the facts & circumstances of the case.

6. That the Deponent hereby solemnly affirms that the statements made herein and above in paras 1 to 5 are based on the records of the case and as such are believed to be true from such knowledge gained therefrom. That the prayer clause is based on such submission and nothing material has been concealed herefrom, which is also believed to be true.

Sworn on this 18 day of June, 2001 at Guwahati.

Identified by

P. N. Choudhury
Advocate

(KABAN MOHAPANE)
Station Engineer
Doordarshan Maintenance
Center, Dimapur