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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 124/2000 OF 199

Applicant(s) Sri Prabin Medhi.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. B.K. Sharma

Mr. S. Sarma

Advocate for Respondent(s) Mr. U.K. Goowami

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application filed on 10.4.00 Form and within time Fee of Rs. 50 deposited vide HD PD No. 49425 Dated 10.4.00</p> <p>IN 16/4/00</p> <p>By</p> <p>No. in Requisition Filed.</p> <p>By</p> <p>MS 6/4/2000</p>	<p>10.4.00</p> <p>mk MS 10/4/2000</p>	<p>Heard learned counsel for the parties and perused the application. Application is admitted. Issue notice to the respondents by registered post.</p> <p>Mr.S.Sarma, learned counsel for the applicant prays for an interim order.</p> <p>Any appointment to the post of Pump Operator in question shall be subject to the result of this O.A.</p> <p>List on 15.5.00 for filing of written statement and further orders.</p> <p>Member</p>

(2)

Notes of the Registry	Date	Order of the Tribunal
<p>11-4-2000</p> <p>Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D.</p>	<p>15.5.00</p>	<p>Sri B.C. Das, learned counsel for the respondent No.3 prays for two weeks time to file written statement. Prayer allowed.</p> <p>List on 1.6.2000 for further order.</p> <p><i>[Signature]</i> Member(J)</p>
<p>vide D.Nos. 1081 to 1084 Dtd. 12.4.2000</p>	<p>1.6.00</p>	<p>There is no Bench today. Adjourn - 30.6.00</p> <p><i>[Signature]</i></p>
<p>12-5-00</p> <p>No O/S has been filed</p>	<p>30.6.00</p>	<p>There is no Bench. Adjourn to 2.8.00</p> <p><i>[Signature]</i></p>
<p>15-9-00</p> <p>No written statement has been filed</p>	<p>2.8.00</p>	<p>There is no Bench. Adjourn to 8.9.00</p> <p><i>[Signature]</i></p>
<p>no w/s has been filed - <i>[Signature]</i> 20/10/2000</p>	<p>8.9.00</p> <p>18.9.00</p>	<p>NO Bench. To be listed on 18.9.00</p> <p><i>[Signature]</i></p> <p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Mr. P. Bhowmik, learned counsel appearing on behalf of Respondents No.2 to 4 prays for two weeks time to file written statement. Prayer allowed.</p> <p>List on 23.10.2000 for written statement and further orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>① Service Report are still awaited.</p> <p>② No. ltrs has been filed.</p> <p><u>3.11.00</u></p>	<p>23.10.00</p>	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Two weeks further time is allowed to the respondents to file written statement on the prayer of Mr. B.C. Das, learned counsel appearing on behalf of ICAR.</p> <p>List on 10.11.00 for written statement and further orders.</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman</p>
<p><u>13-11-2000</u></p> <p>Written statement has been filed by the respondents No. 2, 3, 4.</p> <p><u>13-11-2000</u></p>	<p>10.11.00</p>	<p>Heard Mr S. Sarma, learned counsel for the applicant. None appears for the respondents nor ^{did} they file their written statement as was undertaken earlier on 23.10.00. The case shall proceed ex-parte.</p> <p>List on 2.3.2001 for hearing.</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman.</p>
<p>ltrs has been filed.</p> <p><u>29.1.2001</u></p>	<p>2.3.</p>	<p>Heard in part + list again on 21.3.2001.</p> <p><i>[Signature]</i> 2.3.</p>
<p><u>13-2-2001</u></p> <p>Reply to the written statement has been filed by the applicant.</p> <p><u>13/2</u></p> <p>The case is ready for hearing.</p> <p><u>13-2-01</u></p>	<p>21.3.01</p>	<p>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.</p> <p><i>[Signature]</i> Member</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman</p>

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Notes of the Registry	Date	Order of the Tribunal
<p><u>11.4.2001</u></p> <p>Copy of the Judgment has been sent to the office for issuing the same to the applicant as well as to the L/A for the Respondents</p> <p>8/6</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.K. No. . 124 of 2000.

DATE OF DECISION 21-3-2001.

Shri Prabin Medhi

PETITIONER(S)

Sri S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri B.C.Das.


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 ?

Judgment delivered by Hon'ble Vice-Chairman



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.124 of 2000.

Date of Order : This the 21st Day of March, 2001.

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

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

Shri Prabin Medhi,
Chowkidar, in the office of the Indian
Council of Agricultural Research (ICAR)
For N.E.H.Region,
Umroi Road, Umiam, Barapani. . . . Applicant

By Advocate Shri S.Sarma.

- Versus -

1. Union of India,
represented by the Secretary to the
Govt. of India,
Ministry of Agriculture,
Krishi Bhawan, New Delhi-1.
2. The Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan, New Delhi-1.
3. The Director,
ICAR Research Complex,
Umroi Road, Barapani.
4. The Administrative Officer,
ICAR Research Complex,
Umroi Road, Barapani,
Meghalaya. . . . Respondents.

By Advocate Sri B.C.Das.

O R D E R

CHOWDHURY J.(V.C)

The legitimacy of the action of the respondents in not considering the case of the applicant for promotion in right perspective is the key question raised in this application. The applicant is presently holding the post of Chowkidar (Supporting Services Grade-III) in the office of the Indian Council of Agricultural Research (hereinafter referred to as ICAR) under the respondents. He joined the service as Chowkidar Grade-I on 30.11.78. pursuant to an

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indent placed by the respondents for the post of Chowkidar in the local Employment Exchange. The applicant alongwith others were sponsored for the post. A selection was held and the applicant was found suitable for the post and by order dated 16.10.78 he was offered with the post of Chowkidar Grade-I. At the time of entering into the service as Chowkidar the applicant was a non Matric, which was the prescribed qualification at the relevant time. While working as such the applicant completed successfully the diploma course of the Trade of Fitter from the ITI, Meghalaya. He was given the National Trade Certificate on passing the prescribed trade test in the trade of Fitter. The applicant also in the meantime passed the H.S.L.C examination in the year 1987. He was promoted to Grade-II in the year 1984 and by order dated 3.3.90 the applicant was promoted to Chowkidar Grade-III. After obtaining necessary qualifications the applicant submitted representation to the authority on 22.10.88. The applicant while holding the post of Chowkidar he was allowed to work as Pump Operator vide order dated 23.8.93 and he was allowed to take charge of Pump House and pumping and supply of water alongwith Sri Narain during the training period of Sri R.K.Tewari. It also appears that similar orders for allowing the applicant to act as Pump Operator ^{were issued and those were} are also annexed with the application. The applicant on his own submitted representation before the authority for regularising him as Pump Operator since he possessed the necessary qualification. The Joint Staff Council also took up the cause of the applicant and in the meeting dated 12.12.97 the staff side wanted to the management about the vacancy of two Pump Operators. The case of the applicant, a Grade-D staff was pointed out

contd...3

to the management as a qualified Group D person for the post. The immediate superior officer of the applicant also by communication dated 18.8.98 requested the Director for filling up the post of Pump Operator. In his communication the concerned officer referred to the petitions submitted by the applicant which was recommended by the said authority for the post of Pump Operator. Proceeding of the H.C.D meeting dated 17.1.98 and also Estate Cell meeting dated 24.2.98 were also submitted to the Director. The applicant also submitted number of such representations to the authorities for consideration of his case for appointment/promotion to the post of Pump Operator. Failing to get appropriate remedy the applicant served legal notice on the respondents on 12.2.99. The respondents turned down his claim by communication dated 1.7.99. In this application the applicant also stated that for the year 1995 steps were taken for filling up the post of Pump Operator and the applicant among others also appeared before the Selection Board and according to him though he was found eligible he was not appointed. The respondents authority also proposed to fill up one ~~of~~ post of Pump Operator T-1 Grade from amongst the Group D SS-I staff having the minimum qualification. The applicant applied for the post, that also remain unattended. Hence this application assailing the action of the respondents in not considering the case of the applicant for promotion to the post of Pump Operator.

2. The respondents submitted its written statement. In the written statement the respondents stated that under Recruitment rules there was no provision for promotion to the post of Pump Operator in Auxillary Cadre from the post of Chowkidar. The respondents also denied that the applicant

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was performing the duties of Pump Operator for the last 8 years. According to the respondents the applicant was a Chowkidar in SS Grade-III and simply attached temporarily to the Estate Section of the ICAR for performing the normal duties of Chowkidar considering the repeated request of the applicant. The respondents also stated that the applicant was never allotted the duty of Pump Operator and vide order dated 23.8.93 the duties of Pump Operator was assigned to Sri Narain and the applicant was to take charge of the Pump House, which was the duty of the Pump Operator. The aforesaid statement made by the Director, ICAR is patently incorrect ~~in view~~ on the face of the office order No.RC/EO/16/93-94/102 dated 23.8.93 issued by K.A.Paswan, Scientist Ex to & ED, ICAR, Barapani. As per the aforesaid office order in view of the selection of Sri R.K.Tewari for training and preparation thereof the applicant was to take the charge of Pump House alongwith Sri Narain during the training period. Sri Medhi was ordered to maintain the water requirement and if there is any problem he ^{was to} should report to the E.O for ratification. The respondents in its return also stated that the interview that was held for the post of Pump Operator in the year 1995 was reserved for ST candidate and the applicant was called for as a departmental candidate alongwith others sponsored by the local Employment Exchange. "However the selection Committee could find any one suitable for the post." The respondents also stated that the applicant did not fulfil the requisite qualifications for the post of Pump Operator. The qualification acquired by the applicant was full of ambiguity and the certificates have been issued to Sri Prabin Chandra Medhi and not to Sri Prabin Medhi. From the facts narrated above the applicant is holding the post of

Chowkidar Grade-III from 1990. According to the respondents also the applicant is holding the post of Chowkidar in SS Grade-III. As per clause 7.1 of the Hand Book of Technical Service 33 $\frac{1}{3}$ % of vacancies in grade T-I of Category-I may be filled by promotion of persons in supporting services possessing qualifications prescribed for Category-I. The essential qualifications were also indicated in the Circular No.RC(R)19/83.Vol.II dated 31.8.99, which are re-produced below :

*Pump Operator : Matriculate with at least one year's certificate in relevant field, Or
(T-1) Matriculate with 5 years experience of working in the respective field Or
Matriculate with National Trade Certificate/National Apprenticeship certificate or equivalent with 3 years experience in the respective field,
Or
National Trade Certificate/National Apprenticeship certificate (for non Matriculate) or equivalent with 5 years experience in the respective field.*

The applicant being a Group D staff fulfills the qualifications prescribed under the rules. He is in Supporting Service Grade-I and having minimum educational qualification and experience in the field is eligible to be considered. The applicant being a Matriculate with one year Trade Certificate in the respective field is undoubtedly eligible to be considered for the post. That apart even on the own showing of the respondents the applicant possessed the experience of working as Pump Operator In the circumstances the stand taken by the respondents that the applicant did not fulfil the requisite qualification to hold the post of Pump Operator is unsustainable. The other grounds cited by the respondents that the post of 1995 was


reserved for ST also cannot be accepted since there cannot be any reservation against a single vacancy. The Pump Operator post which was sought to be filled up by the Selection Committee in 1995 was a single post though it was cited as reserved for ST.

3. Mr B.C.Das, learned counsel appearing for the respondents referred to the proceeding of the Selection Committee meeting held on 24.9.94 under Chairmanship of the Director, ICAR with 4 other members. As per minutes it appears that 13 candidates were called for the interview, out of which 6 candidates ^{did} were appeared but nobody was found suitable. The applicant was called for the interview and his educational qualification was recorded but in the experience sheet his experience as Pump Operator was not recorded. Be that as it may, the respondents did not find any one suitable [^] because the applicant being a non reserved category, the Selection Committee did not find the applicant suitable. The respondents did not answer specifically as to the Circular dated 31.8.99 proposing to fill up among others the post of Pump Operator T-1 Grade from amongst the Group D having minimum qualification prescribed for Category-1 Technical service. In the written statement however, the respondents made a omnibus statement that the applicant did not possess requisite qualification by the applicant. The qualification acquired by the applicant was full of ambiguity. It was also inter alia stated that there was no provision for promotion from SS Grade-III to the post of Pump Operator. The said statement does not stand scrutiny on the face of Rule 7.1 of the Hand Book of Technical Service in which it is mentioned that 33 1/3% of vacancies may be filled up by promotion from SS Grade. The Certificate

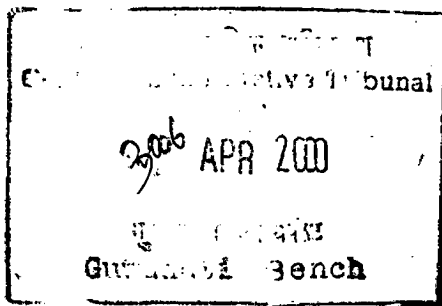
issued by the Meghalaya Board in the name of Prabin Chandra Medhi cannot be outright rejected. The identity of the applicant was never in doubt. The same respondents sometimes used the name of the applicant as Prabin Chandra Medhi and sometimes Prabin Medhi. Since the identity of the applicant is not in doubt ambiguity did not arise. That apart the aforesaid ambiguity was corrected by the respondents themselves by its communication dated 4.11.98 whereby the respondents returned the original certificate, mark sheet etc. The communication dated 31.10.88 in reference to the letter of the applicant dated 22.10.88, the name of the applicant was shown as Prabin Chandra Medhi and in the communication dated 4.11.88 the applicant was described as Prabin Medhi. In our view the applicant did not receive proper consideration in the hand of the respondents. The respondents only pretended to consider his application and turned down his claim on irrelevant consideration. When promotion is also one of the mode of recruitment for filling up the T-1 Grade like Pump Operator from SS Grade possessing the qualification prescribed for Category-I there is no justification for overlooking the claim of the applicant. On the own showing of the respondents the post was proposed to be filled up from amongst the Group D staff which was a single post and no indication was cited that the post was reserved for ST, even law also there cannot be reservation for a single vacancy. From the facts enumerated above, in our view the respondents acted in a most arbitrary fashion in overlooking the claim of the applicant for appointment to the post of Pump Operator. The applicant is denied with his right guaranteed under Article 16 of the Constitution.

4. For the foregoing reasons the impugned communication No.RC(P)65/78 dated 1.7.99 sent by the Administrative Officer is quashed. The respondents are directed to consider the case of the applicant alongwith other eligible candidates for the post of Pump Operator T-1 which is still lying vacant as per law and pass a reasoned order thereof. The respondents are directed to complete the aforesaid exercise within 3 months from the date of receipt of a certified copy of this order.

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


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::

GUWAHATI BENCH

Title of the case :

O.A. No. 124 of 2000

BETWEEN

Shri Prabin Medhi . . . Applicant.

AND

Union of India & ors Respondents.

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Filed by. S.Sarma. Advocate.

REGISTRATION NO.....

File. C:WS7\FMEDHI

DATE.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by
the applicant
through
Ukgeswami
CS Aduseath
4/4/2000

(An application under section 19 of the Central Administrative Tribunal Act.1985)

D.A.No. 124 of 2000

BETWEEN

Shri Prabin Medhi,
Chowkider, in the office of the Indian Council of
Agricultural Research (ICAR)
For N.E.H. Region,
Umroi Road, Umiam, Barapani.
..... Applicant.

VERSUS:

1. Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Agriculture,
Krishi Bhawan, New Delhi-1.
2. The Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan, New Delhi-1.
3. The Director,
ICAR Research Complex,
Umroi Road, Barapani,
Meghalaya.
4. The Administrative Officer,
ICAR Research Complex,
Umroi Road, Barapani,
Meghalaya.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

The Original Application has been directed against the order vide No.RC(R) 65/78 dated 1.7.99 issued by the Administrative Officer ICAR, by which the Legal Notice demanding promotion of the applicant to the post of Pump Operator has been replied. This application has also been made against the action of the respondents, as described in the following paragraphs, in not considering his case for promotion to the next higher grade more

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particularly the post of Pump Operator, for which the applicant is fully qualified and the post which he performing his additional duties without any additional remuneration for last about 8 years.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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, privileges and protection as guaranteed by the Constitution of India and Laws framed thereunder.

4.2. That the applicant joined the services under the respondents as a Chowkider Gr-1, in the year 1978 (30.11.78). The respondents placed their indent to the said post of Chowkider in the local Employment Exchange and accordingly the local Employment Exchange along with numbers of candidates, sponsored the name of the applicant for the said post. Thereafter, the applicant was found suitable for the said post and by an order dated 16.10.78 the respondents have offered the post of Chowkider Gr-1. The applicant on receipt of the said order joined the said post of Chowkider Gr-1, on 30.11.78 and till date he has been performing his duties with the satisfaction of all concerned. Although the applicant joined as a Chowkider Gr-1, he is often allotted the work of Pump Operator in addition to his allotted duties of Chowkider Gr-1.

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4.3. That the applicant at the time of entering into the services as Chowkider Gr-1, he was a non metric candidate and at that time it was the prescribed qualification for the said post of Chowkider Gr-1. Thereafter, the applicant after obtaining due permission from the concerned authority, completed successfully the Diploma course of the trade "Fitter" from the ITI (Meghalaya), from National Council for Vocational Training, Meghalaya. A National Trade Certificate has been issued to him on 12.2.86 after his such completion of the course. It is also pertinent to mention here that the applicant after obtaining the aforesaid National Trade Certificate, the applicant seek permission for appearing in the H.S.L.C. examination, and the authority concerned gave due permission to the applicant to appear in the H.S.L.C. examination. The applicant in the year 1987 passed the said H.S.L.C. Examination while he was serving under the respondents as a Chowkider Gr-1.

Copies of the said National trade Certificate as well as the certificate pertaining to H.S.L.C. is annexed herewith and marked as ANNEXURE-1 AND 2.

4.4. That the applicant due to excellent and outstanding service career has been granted the next promotion to the post of Chowkider Gr-11 in the year 1984 by an order dated 6.11.84. Thereafter, the applicant was further promoted to the post of Chowkider Gr-111, vide order dated 3.3.90.

The applicant craves leave of the Hon'ble Tribunal to produce the copies of order dated 6.11.84 and 3.3.90 at the time of hearing of the case.

4.5. That the applicant begs to state that after obtaining the Diploma certificate as well as after completing the H.S.L.C., he vide his representation dated 22.10.88 made it known to the authority concerned. The respondents have also in reply to his

such representation issued an order dated 31.10.88 directing him to submit all the said certificates and accordingly the applicant submitted all his documents.

Copies of the order dated 22.10.88 and 31.10.88 are annexed herewith and marked as ANNEXURE-3 AND 4.

4.6. That the applicant at the time of his initial appointment was working in the Security Section under the respondents. Thereafter, the respondents having regard to his aforesaid educational qualification as well as Diploma, transferred him to the office of the Estate Officer, vide order dated 15.1.92, to perform the duties of Pump Operator. However, the respondents have not issued any formal order appointing him on temporary basis to the said post of Pump Operator. In fact, the applicant in addition to his allotted duties of Chowkider, was also asked to perform the duty of Pump Operator. The applicant at that time acquired all the required qualification for holding the post of Pump Operator and the respondents have also knowing fully well about the said factual position allowed the applicant to work in the said post.

Copy of the order dated 15.1.92 is annexed herewith and marked as ANNEXURE-5.

4.7. That as stated above, the applicant has been allotted the additional duties of Pump Operator by the respondents and to that effect the applicant although have not given any appointment order on ad-hoc basis, however, the respondents have issued an order dated 23.8.93 by which the applicant has been allotted the charge of entire pump house in addition to his allotted duties. Prior to that the applicant was asked to assist the work of Pump Operator and by the said order dated 23.8.93 he was given the entire charge of the pump house. However, the respondents have

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not paid him any additional pay to his such additional work. The respondents at the time of granting additional work should have fixed the pay of the applicant at a higher rate granting him ad-hoc promotion.

A copy of the order dated 23.8.93 is annexed herewith and marked as ANNEXURE-6.

4.8. That the applicant during the period w,e,f, 15.1.92 onwards has been grated the overtime allowance. However, the respondents have not given the prescribed scale of pump operator as well as the overtime allowance in respect of the salary of a pump Operator. the applicant has only got his overtime allowance in respect of his present pay not as a Pump Operator.

The applicant craves leave of the Hon'ble Tribunal to produce all the relevant documents relating to the overtime allowance at the time of hearing of the case.

4.9. That the applicant begs to state that the action on the part of the respondents in not allowing him the prescribed pay of Pump Operator is illegal and violative of the principles of "equal pay for equal work". In fact the applicant has been made to work in a higher scale/post in addition to his allotted work but he was never prayed for the pay scale of the said higher post.

4.10. That the applicant begs to state that as stated above all along he has been performing the duties of a Pump Operator in addition to his allotted duties without any extra renumeration. To that effect the Estate Officer, issued a certificate on 31.5.94 followed by certificate dated 31.10.94 and certificate dated 21.8.95, for his satisfactory work as Pump Operator.

Copies of the certificates dated 31.5.94, 31.10.94 and 21.8.95 are annexed herewith and marked as ANNEXURES 7,8 AND 8 respectively.

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4.11. That the respondents thereafter issued an another order dated 11.11.94 distributing the duties in the Estate Cell. By the said order dated 11.11.94 ,the Estate Officer, allotted the work of repair and maintenance of pipe lines and water supply in addition to his normal duties. However, the respondents have not mentioned any addition to his pay and allowances for the said additional higher responsibilities, which is violative of the principles enumerated in Art 23 of the Constitution of India and laws framed thereunder.

A copy of the order dated 11.11.94 is annexed herewith and marked as ANNEXURE-10.

4.12. That, the applicant begs to state that at that time the post of Pump Operator is lying vacant for long time and the respondents in the year 1995 issued an order dated 31.7.95 directing him to appear in the selection for the post of Pump Operator. Accordingly the applicant appeared in the said interview and did well. It is pertinent to mention here that in the said interview apart from the applicant there were no other qualified departmental candidates to hold the post of Pump Operator. The applicant was the only Diploma holder and H.S.L.C. passed candidate from Dept.

A copy of the said order dated 31.7.95 is annexed herewith and marked as ANNEXURE-11.

4.13. That as per the Recruitment Rules, the applicant who is a ITI Diploma Holder (2 years) with H.S.L.C., is fully qualified to hold the post of Pump Operator. Apart from the above educational qualification he had put not less then three years service as Pump Operator under the respondents itself. It is noteworthy to mention here that as per technical Rules of ICAR the required qualification is quoted below:

AM

Matriculate with one year's certificate in the relevant field.

Or.

Matriculate with 5 years experience of working in the respective field,

Or.

Matriculate with National Trade Certificate/National apprenticeship Certificate or equivalent with 3 years experience in the respective field.

Or.

National Trade Certificate/National apprenticeship Certificate or equivalent with 5 years experience in the respective field.

Desirable qualification.

Diploma in the relevant field. *

The applicant inspite of his best effort could not collect the authenticated copy of the aforesaid Rules and hence he prays before the Hon'ble Tribunal for a direction to the respondents for production of the said Rules at the time of hearing of the case.

4.14. That the applicant begs to state that after the aforesaid interview no result was declared and the respondents at no point of time have apprised the applicant about the fate of his interview. In the midst of aforesaid development, the respondents have issued an order dated 22.1.97 by which the regular charge of Pump Operator has been handed over to the applicant in view of transfer of one Sri Ramakanta Tewari T-III. Thereafter the applicant has been holding the said post of Pump Operator, including the other additional works allowed to him including his allotted duties.

PM

A copy of the order dated 22.1.97 is annexed herewith and marked as ANNEXURE-12.

4.15. That the applicant begs to state that applicant being aggrieved by the action of the respondents has filed numbers of representations highlighting his grievances. It is also noteworthy to mention here that the union concerned has also took up the matter of the applicant in the 1st Meeting of the Institute Joint Staff Council held at 2 p.m. on 12.1.97 under the presidentship of Chairman, i.e, the respondent No 3. In the said meeting in its discussion more particularly in item No 21 the case of the applicant was discussed and the Chairman after hearing the staff side assured the applicant as well the union that within Feb 1998, the case of the applicant will be taken up and he will be promoted. After such assurance the applicant was under the legitimate expectation that he will be promoted to the Post of Pump Operator within 1998 Feb, but the respondents did not do anything in the matter. It is pertinent to mention here that pursuant to the said meeting the Estate Officer issued a letter dated 18.8.98, to the respondent No 3 for consideration of the case of the applicant with an observation that he is a qualified candidate to hold the said post.

An extract of the minutes of the meeting dated 12.12.97 and the latter dated 18.8.98 are annexed herewith and marked as ANNEXURE-13 AND 14 respectively.

4.16. That the applicant begs to state that after the said development when nothing favorable came out from the respondents he submitted numbers of representations to the authority concerned praying for favourable consideration of the matter but inspite of assurances nothing positive has been communicate to him. It this connection mention may be made of his representa-

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tions dated 16.12.97 which was duly forwarded as well as recommended by the Estate Officer, over all I/C, ICAR, for kind consideration and representation dated 19.9.98. It is also pertinent to mention here that the respondents have issued an order dated 8.12.98 by which the applicant has been assured once again.

Copies of the representation dated 16.12.97, 19.9.97 and the order dated 8.12.98 is annexed herewith and marked as ANNEXURES 15,16 AND 17 respectively.

The applicant craves leave of the Hon'ble Tribunal to produce the other copies of representations as well as reminders at the time of hearing of the case.

4.17. That the applicant begs to state that as stated above the respondents are setting over the matter relating the appointment of the applicant. The respondents apart from assurances nothing has been communicated to him. The respondents even did not publish the result of the interview. It is note worthy to mention here that there is no dispute regarding the outstanding service career of the applicant. To that effect the respondents have extended the honorarium to the applicant by issuing the order dated 15.5.99.

A copy of the order dated 15.5.99 is annexed herewith and marked as ANNEXURE- 18.

4.18. That the applicant begs to state that being aggrieved by the aforesaid facts and circumstances, he was constrained to serve a legal notice dated 12.2.99 through his counsel to the respondents. On receipt of the said legal notice the respondents have issued an order dated 1.7.99 replying the contentions and rejecting the demands of the said legal notice dated 12.2.99. In the said order the crux of the respondents contention is that the applicant does not posses the requisite qualification to hold the

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post of Pump Operator.

A copy of the said order dated 1.7.99 is annexed herewith and marked as ANNEXURE-19.

That the applicant prays before the Hon'ble Tribunal for a direction to the respondents to produce all the relevant documents including the copy of the legal notice dated 12.2.99 at the time of hearing of the case.

4.19. That the applicant submits that the respondents have not considered the relevant recruitment Rules at the time of issuance of the order dated 1.7.99 and virtually have failed to apply their mind. The applicant has got all the required qualification to hold the post of Pump Operator as per the Rules. In this connection mention may be made of order dated 31.8.99 in which the qualification required for the post of Pump Operator has been laid down. As per the said order dated 31.8.99 the applicant is fully qualified to hold the post of Pump Operator. and the denial of such promotion to him is in violation of the settled principles of Administrative fair Play.

A copy of the said order dated 31.8.99 is annexed herewith and marked as ANNEXURE-20.

4.20. That the respondents thereafter issued an order dated 7.8.99 by which the applicant has been asked to hand over the charge of Pump Operator (Both I and II) to one Sri, A.Haque (Welder). It is noteworthy to mention here said Sri A. Haque doesnot have the requisite qualification to hold the post of Pump Operator and also he does not posses any experience in the said field. After the issuance of the said order dated 7.8.99 the applicant handed over the charge of the Pump Hoses (I and II) on 15.12.99 to said Sri A. Haque. However, till date the applicant has been performing the duties of the Pump Operator even after 16.12.99. It is further stated that although, the applicant was

not holding the post on ad-hoc basis with higher pay, but in fact his service has all along been treated as on ad-hoc and the law relating to the said replacement of one ad-hoc by another is well settled and hence this action of the respondents are not sustainable in the eye of law.

Copies of the order dated 7.8.99, 15.12.99 and the documents showing the attendance of the applicant as Pump Operator(Colly) are annexed herewith and marked as ANNEXURE-21,22 AND 23 (Colly).

4.21. That the applicant submits that at the time of entering into the services of the respondents he was under metric, and on coming to know about the required qualifications of the post of Pump Operator, he after taking due permission completed both diploma and H.S.L.C. on the hope that he would be appointed as Pump Operator. The respondents have also all along assuring him that in due time he would be promoted to the said post. The action of the respondents in rejecting the claim of the applicant on the ground of not having required qualification, is therefore illegal more so considering the fact that in addition to his educational qualification and work experience of not less than 8 years under the respondents itself.

4.22. That the applicant submits that at present the said post of Pump Operator is lying vacant under the respondents and the applicant is the only departmental candidate for the said post. In addition to that the applicant had served more than 8 years of service in the said post and till date he has been serving in the said post in addition to his allotted duties without any remuneration.

4.23. That the applicant submits that the respondents have not acted legally in issuing the order dated 7.9.98 appointing one another to the said post who does not possess any of the

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aforesaid qualification for holding the post of Pump Operator. Law is well settled that one ad-hoc can not be replaced any another that too without any prior notice. It is not the fact before the respondents that the applicant does not possess the required qualification for holding the said post of Pump Operator and also there is no scope for the respondents to say that during his service tenure any thing adverse has been happened, rather he has been granted with the Honorarium for his outstanding service to the respondents but the respondents have issued the said order dated 7.9.98, only to establish the fact that the applicant does not have any indefeasible right to the said post. However, in fact the said order dated 7.9.98 is violative of the principles of administrative fair play and hence the same is not sustainable in the eye of law.

4.24. That the applicant begs to state that the respondents have utilized the service of the of the applicant in a most exploitative term. The respondents have not paid the applicant any extra remuneration for his extra duties and ultimately his claim for the said post has been rejected finally after giving assurances after assurances. Even till date the said post is lying vacant and the said post although has been holding by some other but in fact the works have been performed by the applicant only. It is also stated that the applicant once appeared for the said post of Pump Operator as a departmental candidate and also did well in the said interview but the reasons best known to the respondents his whole effort for such interview has been canceled only on the purported ground that he does not possess the required qualification for the said post. It is therefore, the entire action of the respondent is liable to set aside and quashed.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondents have acted contrary to the

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settled proposition Law and prima facie their action/inaction is not sustainable in the eye of law.

5.2. For that the action on the part of the respondents in not promoting the applicant to the post of Pump Attendant more so when he has got all the requisite qualification and added experience, is illegal and arbitrary and liable to be set aside and quashed.

5.3. For that the although the respondents have entrusted with the job of Pump Operator to the applicant in addition to his allotted duty, but no additional pay or allowances have been granted to him. Even the respondents have not paid him the Overtime allowances as per the prescribed rate, applicable to a Pump Operator. In this connection law is well settled that in any case if the employer entrusts some additional work to the employee, the concerned employee is liable to be paid accordingly. This has resulted in violation of the Art 23 of the Constitution of India and hence the entire action is liable to be set aside.

5.4. For that the action of the respondents in not granting the prescribed pay of Pump Operator for the period he worked is violative of the principles of equal pay for equal work and hence the same are liable to be set aside and quashed.

5.5. For that impugned order dated 1.7.99 is not sustainable as the applicant fulfills all the required qualification both educational as well as technical. In addition to that the applicant is holding the said post for more than eight years and till date the works of the said is being done by the applicant and hence the applicant do possess the required experience in the said post and hence the respondents are duty bound to promote the applicant to the said post by setting aside the impugned order.

5.6. For that the entire action on the part of the respondents is not granting the said post to the applicant is based on

certain extraneous consideration and the same also makes malafide and colourable exercise of power exercised by them and on this score alone the impugned action on the part of the respondents are not sustainable in the eye of law and liable to be set aside.

5.7. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual and Legal at the time of hearing of the O.A.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

- 8.1. To set aside and quash Annexure-19 order dated 1.7.99.
- 8.2. To direct the respondents to promote the applicant in the post of Pump Operator, with effect from the date on which he

PM

was initially handed over the entire charge ,with all consequen-
tial service benefits including any other upgradation made subse-
quently.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is
entitled to under the facts and circumstances of the case and
deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant in
view of the aforesaid facts and circumstances, prays for an
interim order from the Hon'ble Tribunal to the respondents not to
fill up the post of Pump Operator without the leave of the Hon'-
ble Tribunal.

10.

11. PARTICULARS OF THE I.P.O.:

- 1. I.P.O. No. : 06/ 494215
- 2. Date : 4-4-2000
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Shri Prabin Medhi, son of Shri K.R. Medhi, aged about 43 years, at present working as Chowkider, in the ICAR Research Complex for NEH Region, Umroi Road, Barapani, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 4.2, 4.9, 4.13, 4.21 to 4.24 & 5 to 12..... are true to my knowledge and those made in paragraphs 4.3, 4.8, 4.10 to 4.12 & 4.14 to 4.20 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 4th day of April of 2000.

Signature.

Prabin ch medhi

क्रम संख्या

No. 000179 ✓

Sl. No. NCT-03(C-4).....



भारत सरकार

GOVERNMENT OF INDIA

श्रम तथा पुनर्वासि मंत्रालय

MINISTRY OF LABOUR AND REHABILITATION

राष्ट्रीय व्यावसायिक प्रशिक्षण परिषद्

NATIONAL COUNCIL FOR VOCATIONAL TRAINING

राष्ट्रीय व्यवसाय प्रमाण-पत्र NATIONAL TRADE CERTIFICATE

श्री/श्रीमती/कुमारी _____

सुपुत्र/पत्नी/सुपुत्री/श्री _____ को

प्रशिक्षण पूरा करने और _____ सन् उन्नीस सी _____ में

को आयोजित _____ की निर्धारित व्यवसाय परीक्षा में उत्तीर्ण होने पर यह व्यवसाय प्रमाण-पत्र प्रदान किया जाता है।

Shri/Shrimati/Kumari Prabin Chandra Medhi.Son/Wife/Daughter of Shri K. R. Medhi.having completed the course of Training at Industrial Training Institute, Shillong and passed theprescribed trade test in the trade of Fitterheld on July _____ One Thousand Nine Hundred andEighty Four _____ is awarded this Trade Certificate.

सचिव

SECRETARY

राष्ट्रीय व्यावसायिक प्रशिक्षण परिषद्

NATIONAL COUNCIL FOR VOCATIONAL TRAINING

सचिव

SECRETARY

राज्य व्यावसायिक प्रशिक्षण परिषद्

STATE COUNCIL FOR VOCATIONAL TRAINING

DIRECTOR

State of Employment &

Shillong Training

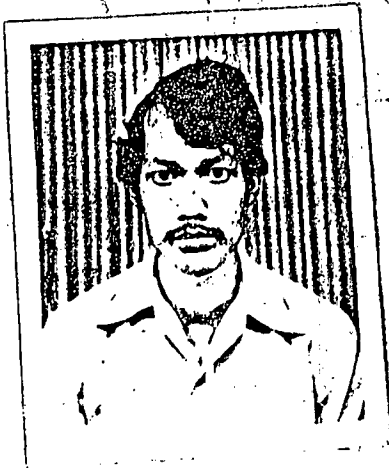
Shillong, Shillong.

प्रशिक्षण अवधि

से तक

PERIOD OF TRAINING

FROM Aug 1982 TO July 1984



12-1-57
5-12-62

[Handwritten signature]
15/10/88

स्कूल के प्रमाण-पत्र में दर्ज जन्म तिथि

DATE OF BIRTH AS RECORDED IN SCHOOL CERTIFICATE

~~Corrected vide memo No. 113/CGE/HSL C/Exam~~
- 4 vol-11/27-28/20065-88 dt. 12.10.88

पता

ADDRESS Lumpaning, Shillong-4. *[Stamp: Industrial Training Institute Shillong]*

प्रधानाचार्य

PRINCIPAL

तारीख

DATE

[Handwritten signature]
Principal
Industrial Training Institute
Shillong.
12/2/86

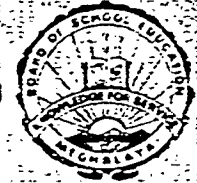
Form No. 34

TURA

No. 001362

Date: 12 MAR 1987 1986

MEGHALAYA BOARD OF SCHOOL EDUCATION



MARK SHEET (OLD COURSE)

This is to certify that Prabon Chandra Medhi Roll Shill - 1 No. 8899 of Male Private School, has secured marks as detailed below in the High School Leaving Certificate Examination, 1986

ENGLISH			Mathematics of Arithmetic and Domestic Science Including Domestic Hygiene	HISTORY	GEOGRAPHY	Major Indian Language			Subject offered in lieu of Major Indian Language		Additional Subject	Grand Total of Marks secured	Minimum for 1st Division 480 2nd Division 360 3rd Division 264	Eligible for Supplementary
First Paper	Second Paper	Total				First Paper	Second Paper	Total	Classical Language of Subject offered in lieu of Classical Language	Subject offered in lieu of Major Indian Language				
Full Marks - 100	Full Marks - 100	Full Marks - 200	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 100	Full Marks - 800	Full Marks - 480	
Pass Marks - 66	Pass Marks - 66	Pass Marks - 132	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 66	Pass Marks - 264	Pass Marks - 360	
18	17	35	30	45	31	37	44	81	47	269			X	F

Marks entered by [Signature]

Marks compared by [Signature]

Rs. 20.00

Date

Date

Controller Examinations

Form No. 54

No.146

TURA

Date: 2 JUL 1988 1988

MEGHALAYA BOARD OF SCHOOL EDUCATION



MARK SHEET (OLD COURSE)

This is to certify that Prabin Chandra Medhi Roll No. 11403
of Male Supplementary School, has secured marks as detailed below in the High School Leaving Certificate Examination, 1987

ENGLISH			Mathematics of Arithmetic and Domestic Science Including Domestic Hygiene	HISTORY	GEOGRAPHY	Major Indian Language			Subject offered in lieu of Major Indian Language		Additional Subject	Grand Total of Marks secured	Minimum for 1st Division 480	2nd Division 360	3rd Division 264	Division	Eligible for Supplementary
First Paper Full Marks 100	Second Paper Full Marks 100	Total Full Marks 200 Pass Marks 66				First Paper Full Marks 100	Second Paper Full Marks 100	Total Full Marks 200 Pass Marks 66	Classical Language or Subject offered in lieu of Classical Language Full Marks 100 Pass Marks 30	Additional Subject Full Marks 800 Pass Marks 264							
30	36	66											P				

Marks entered by [Signature]

Marks compared by [Signature]

[Signature]
Controller of Examinations

Rs. 20.00

Date

Date

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To,

The Admn. Officer (Admn.)
I.C.A.R. Research Complex for NEH Region
"Cedar Lodge", Dhankheti
Shillong

(Through Proper Channel)

Sub:- Regarding my general & Technical qualification
and corrected date of birth.

Sir,

It is to inform you that as per your order
No. RC(P)65/78/51 Dt. 18th June, 1981 and RC(P)65/78/73
Dt. 3rd July, 1983. I was appeared in the Matriculation
examination under the Meghalaya Board of School
Education and National Trade Certificate in trade of
fitter under the Ministry of Labour and Rehabilitation
Govt. of India and passed the both final Examination,
So, I meant you to entry my bio-data in my service
record for my future career. ✓

Further, I like to inform you that my date of
birth according to my matric Certificate has been
corrected from the Meghalaya Board of School Education
Meghalaya and copy of all Certificates and order has
been enclosed herewith for your further necessary action
please.

Yours faithfully,

(Prabin Ch. Medhi)
Chowkidar

ICAR, Amrit-Bhavan Building, Laban
Shillong-793004

Copies

1. Order No. RC(P)65/78/51 Dt. 18th June, 1981
2. " " RC(P)65/78/73 Dt. 3rd July, 1982
3. Memo No. MBOSE/HSLC/Exam-4/Vol.II/
87-88/20065-68 Dt. Tura 12.10.88
4. Admit Card (with marksheet for Matric)
5. Certificate for the Course of Fitter Trade.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
CEDAR LODGE, JOWAI ROAD, SHILLONG-793 003

NO. RC(P)6/78

Dated Shillong, the 31st October, 1988

With reference to his letter dated 22-10-88, Shri Prabin Ch. Medhi, Chowkidar is hereby advised to submit the Certificate, Mark sheets etc., in original.

✓

(B. I. CHOWDHURY)
Asstt. Administrative Officer
(Admn.)

llw
3/x

To

✓ Shri Prabin Ch. Medhi,
Chowkidar, (Agril. Engg.) Division,
ICAR Research Complex for NEH Region,
Shillong.

.....


INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, BARAPANI, MEGHALAYA

NO. RC(P)65/78

Dated Barapani, the 15th Jan., 1992

ORDER

Shri P. Medhi, Chowkidar, ICAR Research Complex for NEH Region, Barapani, Security Section is hereby attached to the Estate Officer temporarily with immediate effect until further orders.


15/1/92

(I.K. SHARMA)
ADMINISTRATIVE OFFICER I/C

To

✓ Shri P. Medhi,
Chowkidar,
ICAR Research Complex for NEH Region,
Barapani.

Copy to :-

1. The Estate Officer, ICAR Research Complex for NEH Region, Barapani.
2. The Security Officer, ICAR Research Complex for NEH Region, Barapani.
3. File No. RC(E)3/87.

To work as P. Medhi

ESTATE OFFICER'S
ICAR RESEARCH COMPLEX,
BARAPANI.

NO.RC/EO/16/93-94/102
23.8.93.

OFFICE ORDER.

In view of the selection of Sri R.K.Tewari, P.O for training and preparation thereof Sri P.Medhi will take the charge of Pump House and pumping and supply of water along with Sri, Narain during his training period. Sri Medhi must try to maintain the water requirement fulfilled. If there is any problem he should report to E.O. for ratification. The Pump House, souses and storage tank should be maintained clean. Now electricity is restored on 1100 KV Transformer, so the pumping hours may be from 5 AM to 6 PM and if necessary night persons may be engaged for the same.

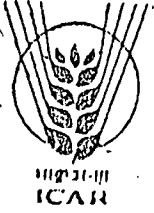
sd/=
K.A.Paswan
Scientist Ex to & EO
ICAR, Complex, Barapani.

copy to,

1. The Director for information.
2. Sri R.K.Tewari, PO for necessary action.
3. Sri P.Medhi, Chowkider, attached to EO.

(They are requested to enlist a copy of the list of body to the Office.

Sd/=
K.A.Paswan.



भारतीय कृषि अनुसंधान परिषद्
उत्तर पूर्वी पर्वतीय कृषि अनुसंधान संस्थान
उमरोई रोड, बड़ा पानी
मेघालय

Gram : Agricomplex
Phone :
Telex : 237-214

ICAR Research Complex for N. E. II. Region
Umroi Road, Bara Pani-793103
Meghalaya

Ref. No.....

Dated 31.5.1994

TU WHOM IT MAY CONCERN

This is to certify that Shri Prabhin Medhi son of Shri Kangsha Ram Medhi resident of Hajo Bharali Tala Village, Kamrup, Assam working as a Chowkidar at ICAR Research Complex, Barapani.

He was attached to Estate Office on 16.1.1992 and asked to help the pump operator in maintaining water supply. He was also engaged in maintenance of pipe line, pumping work in office and colony apart from the duties of pump operation works.

K. A. Patil
31.5.94

(K.A. PATILAK)
Scientist, Entomology & Estate Officer



भारतीय कृषि अनुसन्धान परिषद्
 उत्तर पूर्वी पर्वतीय कृषि अनुसन्धान संस्थान
 उमरोई रोड, बड़ा पानी
 मेघालय

Gram : Agricomplex
 Phone :
 Telex : 237-214

ICAR Research Complex for N. E. H. Region
 Umroi Road, Bara Pani-793103
 Meghalaya

Ref. No.

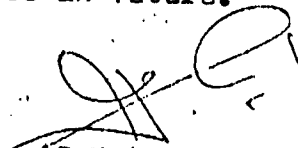
Dated 31-10-1994.

TO WHOM IT MAY CONCERN

This is to certify that Shri Prabin Medhi son of Shri Kongshe Ram Medhi resident of Hejo Bharali Tals Village, Kamrup, Assam working as a Chowkider at ICAR Research Complex for NEH Region, Barapani.

He was attached to Estate Office on 16.1.1992 and asked to help the pump operator in maintaining water supply. He was also engaged in maintenance of pipe line, plumbing work in office and colony apart from the duties of a Pump Operator.

I wish him all success in future.


 (J.K. BHARALI)
 Estate Officer



भारतीय कृषि अनुसंधान परिषद
उत्तर पूर्वी क्षेत्रीय कृषि अनुसंधान संस्थान
उमरोई रोड, बारा पानी
मेघालय

Gram : Agricomplex
Phone :
Telex : 237-214

ICAR Research Complex for N. E. H. Region
Umroi Road, Bara Pani 793103
Meghalaya

Ref. No.

Dated the 21st Aug, '95.

TO WHOM IT MAY CONCERN

This is to certify that Shri.Prabin Medhi S/•
Shri.Kangsha Ram Medhi resident of Hajo Bharali,
Tala village, Kamrup, Assam is working under Estate
Cell as chowkidar and I know him well since 2nd November,
1994.

During the period he was also entrusted with operation
of motor pumps, maintenace of pipe lines and plumbing
works as and when required. He is found hardworking
in his jobs to the satisfaction.

I wish him success in his life.

(D.K.SONOWAL)
T-7(Agril.Engg)&Estate-
Officer

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Estate Cell, Umroi Road, Barapani

No. RC/EO/16/94-95/204

Dated the 11th November, 1994.

OFFICE ORDER

In supersession to this earlier office orders, the following work arrangements is distributed against the staff attached to the Estate Cell for the present.

1. Shri. N. Kharwati, T-1-3.

Supervision of Departmental construction works, supervision of safiawalas and maintenance & cleanliness of the Instt. bldg upto the Division of Agril. Engg. To prepare estimates alongwith Mr. S.K. Biswas, T-4 of Agril. Engg. Division in consultation with the undersigned.

2. Shri. B. Thabah, T-2.

Marking of attendance of DPL attached to Estate Cell, forwardal of attendance and preparation of muster roll and keeping records of Inventories of all the Instt. bldgs, quarters with the assistance of Mr. K.A. Thomas.

3. Shri. P. R. Neog, T-1-3.

Maintenance of water supply and repair of pipe-line etc., from time to time, maintenance of Central stores and issue of the materials, supervision of maintenance, cleanliness/repair works of residential campus including Scientist Home.

4. Shri. P. Medhi, Chowkidar.

Apart from his normal duties, to assist Shri. P. R. Neog in repairs & maintenance of pipe lines and water supply as in practice.

5. Shri. R. K. Tiwari, Pump Operator (T-2).

Operation of water pumps and regulating the water supply and its maintenance, with maintenance of log books properly, to assign duties to the DPL of the water supply section in consultation with the undersigned as and when required.

6. Shri. S. Dutta, Electrician, T-3.

Maintenance and repairs of power supply etc of the Instt. Bldg, quarters, residential campus, street lights etc., preparation of electric bills, maintenance of log books of sub-stations & panel boards etc. and to assign duties to the DPL of the Electrical section in consultation with the undersigned as and when required.

7. Shri. Bhuta Singh, safiawala.

Apart from his normal duties, he will assist Shri. S. Dutta like before in maintenance and repairs of Electrical inventories/installation.

8. Shri. K. Thomas Abraham, Stenographer.

Correspondence, maintenance of files, records, preparation of Imprest bills etc. and assisting in store maintenance to Shri. P. R. Neog.

9. Shri. Ram Babu Rai, Chowkidar.

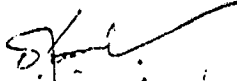
Attached to office. Carrying of daks etc., and any other works assigned from time to time.

10. Shri. Inder Singh, Safiawala.

Cleanliness of residential campus, Scientist Home (General & VIP) ~~and the office of the Estate Officer~~ in consultation with the undersigned as and when required.

The above order will come into force with immediate effect, until further orders in the interest of smooth running of the essential services.

Henceforth all the staff members are requested to be punctual, regular and sincere to their assigned duties and also ensure strictly signing of the attendance daily both the time vis-a-vis at the time of arrival and departure respectively.


16/11/74
ESTATE OFFICER

Copy for kind information to :-

- 1) Director, ICAR Res. complex, Barapani.

Handwritten signature/initials

UNDER CERTIFICATE OF POSTING

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
'UMROI ROAD' BARAPANI MEGHALAYA 793 103.

No. RC (A) 13/94

Dt. Barapani, the 31st July 1995.

M E M O R A N D U M

Shri/Smti Prabin Ch. Medhi is hereby asked to appear before the Interview board for the post of Fieldman/Pump Operator/Projector Operator at ICAR Research Complex for NEH Region, Barapani on the 24th Aug. 95 at 11.00 A.M. (Administrative Block - C).

He/she should bring all the original certificates at the time of Interview.

M.J. KHARMAWPHLANG
ASSTT. ADMINISTRATIVE OFFICER (A)

To

Shri/Smti Prabin Chandra Medhi
% Estate Coll.
ICAR, Barapani

.....1.....

46

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UNHAI ROAD, BARAPANI, MEGHALAYA.

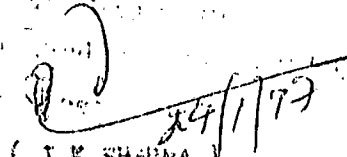
NO.RC(P)28/90

Dated Barapani the 22nd Jan. 97.

ORDER

In pursuance of the Office Order F.No. 1-13 (Rectt.) P/95/11242 Dated 13.12.96 from the A.A.O., NATIONAL RESEARCH CENTRE on Rapeseed-Mustard, Sawai, Bharatpur (Raj.), Shri Ramkant Tiwari, Pump Operator (T-1-3) is hereby deemed to have been relieved w.e.f. 31.1.97 (AM) SHANNAN after expiry of his A/L for the period from 28.1.97 so as to enable him to join in the new place of posting under NRC-AM, Sawai Bharatpur (Raj.) subject to the submission of "No Due Certificate" / handing over / Taking over charge reports etc. and after completion of all formalities as required under procedure.

He is not entitled to T.I.A./joining time etc.
This is issued with the approval of Director.


(I.R. SHARMA)
Administrative Officer

To,

Shri Ramkant Tiwari,
Pump Operator (T-1-3),
ICAR Research Complex for NEH Region
Barapani. He should submit the necessary 'No Due Certificate'
Handing over / Taking over charge reports, etc., He should handover
the charge of Security Asst. to Shri K. Harman, Fieldman (F-1-1)
and Pump Operator to Shri P.R. Neog, (T-1-3).

Copy for information and necessary action to:-

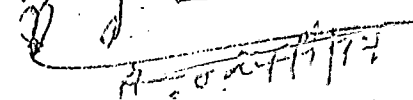
1. P.A.O., ICAR Research complex for NEH Region Barapani.
2. A.A.O. (Rectt.), ICAR Research Complex for NEH Region Barapani.
3. A.A.O., N.R.C For Rapeseed-Mustard, Sawai, Bharatpur (Raj.) 321-303 with reference to his letter Dated 13.12.96.
4. Estate Officer, ICAR Research complex for NEH Region Barapani.
5. Shri K. Harman, Fieldman, (T-1-3) ICAR Barapani. He should take over the charge of Security Asst. from Shri R.K. Tiwari.
6. Shri P. R. Neog, (T-1-3), ICAR Barapani. He should take over the charge of Pump Operator from Shri R.K. Tiwari.
7. Recruitment Cell.

27/1/97

27/1/97

[Handwritten notes and signatures in the bottom left corner, including "Recd" and "27/1/97"]

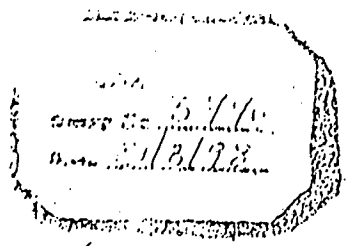
[Handwritten note in the bottom right corner:]
Copy of Bill may take over the charge of Pump Operator to R.K. Tiwari satisfactorily till he P.R. Neog joins and finally the charge may be handed over to Shri Neog on his joining from leave. For the present Shri Neog may assist him in the work of P.O. till Shri Neog joins from leave.


27/1/97

27

PROCEEDINGS OF THE 1ST MEETING OF THE INSTITUTE JOINT STAFF COUNCIL HELD AT 2.00 P.M. ON 12TH DECEMBER, 1997 IN THE MEETING ROOM OF THE COMPLEX HEADQUARTERS, UNJAM.

The first JSC meeting of the newly elected office bearers was held on 12th December, 1997 under the Chairmanship of the Director. The following newly elected members were present in the meeting:



- | | |
|--|------------------|
| 1. Dr. N.D. Verma, Director, ICAR | Chairman |
| 2. Dr. G.C. Munda, Sr Scientist (Agronomy) | Member |
| 3. Shri A. Pattanayak, Scientist (P.B.) | Member |
| 4. Ms. M.J. Khamayphlang, Admn. Officer | Member-Secy. |
| 5. Shri Davis Joseph, Suptd (Sikkim) | Secretary (S.S.) |
| 6. Shri K. Ptasal, Technical Officer | Member |
| 7. Shri Ninda Yolmo, Sr. Clerk (Sikkim) | Member |

Handwritten signatures and dates: 12/12/97, 21/2/22

At the outset, the Chairman welcomed the newly elected members and emphasised that the newly elected members would work with more zeal and enthusiasm for the welfare of the employees of the Institute. Before taking up the agenda items for discussion, the Chairman requested the members to elect their Secretary (S.S.) and Shri Davis Joseph was unanimously elected Secretary (S.S.) by voice vote. The Chairman apprised the members that he was very pleased with the Secy.'s (S.S.) positive attitude to materialise various issues of Staff welfare during his last tenure and also hoped, he would keep his tempo intact in the year to come.

48

Item No.19: Deposit linked Insurance Scheme

The Staff Side informed that DLI's is not being given to any employee of this Institute. In certain cases this benefit was extended to few staff but the same is withdrawn now. It is requested that the same may be restored to the staff.

Director has asked FAO to clarify the matter and put up a note to Director in this aspect.

Action: A.O./FAO

Item No.20: Special pay to Group D staff for operating photostat machine

The Staff Side informed that some of the Group D staff are not getting Special pay for operating Photostate machine whereas in some Sections, the Group D staff are being paid Special pay. Director was requested to look into the matter so that their grievances can be solved

Admn. Officer informed the house that cases of Group D staff for their Special Pay has been moved to the Council for needful.

Action: A.O.

Item No.21: Inter-se-seniority of all S.S. Grade Staff of this Institute to be maintained with details of their qualifications and D.O.B.

The Staff Side pointed out that the final seniority list of S.S. Grade staff of this Institute need to be modified so that there may not be any anomalies in future. The qualification possessed by the staff and their Date of Birth need to be mentioned in the seniority list so that their cases for promotion to L.D.C. posts in Admn. category and T-1 posts in Tech. category can be considered as and when there is any vacancy as per the prescribed ratio for promotion from Group D to Group C posts. It was suggested that the promotion shall be made from among those who possess the prescribed qualifications and relevant experience which will be counted from the date of acquiring the qualifications of matriculation or other academic/professional qualifications for relevance functional group.

It is also pointed out that the name of Mr. Blorend Mark, Helper to Cook, KVK and Shri M. Sam, S.S. Grade I (Helper to Cook) has not been included in the final seniority list. It is requested that these names may please be included.

The Staff side pointed out that there are two posts of Pump Operator lying vacant and there are qualified Group D personnel in this Institute but their cases are not being considered at all for eg. Shri P. Medhi Group D staff etc.

49

After hearing the Staff Side, Director instructed the Admn Officer to constitute a Departmental Promotion Committee of the following Officers to consider all such cases within February, 1998.

- | | | | |
|----|----------------------------------|---|------------------|
| 1. | Shri K.K. Satpathy | : | Chairman |
| 2. | Administrative Officer | : | Member Secretary |
| 3. | Estate Officer | : | Member |
| 4. | A representative from State Govt | : | Member |

The action taken in this regard may please be intimated

Action: A.O.

Item No.22: Inclusion of the names of Technical staff in the Reports/Articles and Projects etc.

In pursuance of the recommendations made in the C.J.S.C. meeting held on 10th & 11th December, 1996 at NAARM, Hyderabad regarding inclusion of the names of Technical staff in reports, articles and projects etc who do important work in a particular research programme/project are not suitably reflected in the concerned reports/projects/articles etc. Director has assured the house that contributions made by the Technical staff will be suitably acknowledged in all the work except projects.

Director has asked Admn. Officer to issue Circular in this regard from Director's side to all Scientists for favour of needful in the light of Council's letter No. 7(13)85/Per.11 dated 10.10.1995 and this Instt. endt. No.RC(G)12/85 dated 10.11.1995.

Action: A.O./AAAAO(A)

Item No.23: Important Orders/Circulars to be provided to I.J.S.C. Secretary

Secretary (SS) requested the Director/Admn. Officer to provide him with the important Orders of Govt. of India/Council so that he may be updated with the latest information for the welfare of the staff.

The competent authority assured to provide the same.

Action: A.O.

Item No.24:

The Secretary (Staff Side) pointed out that there is no interaction between the Staff and Director. The Director should know the problems/constraints of the Staff side so that the problems can be sorted out there and then. It was suggested to hold the meeting with Staff once in every month so that Director will be aware of the problems of all the staff.

Director too felt the need for holding staff meetings and he assured to meet the staff. Admn. Officer should act as Convenor for holding such meetings.

Action: A.O.

Director thanked all the members of Official Side and Staff Side for bringing out the problems of the staff. It was decided that the next meeting of I.J.S.C. will be held in Manipur during April, 1998.

[Signature]
CHAIRMAN/DIRECTOR

[Signature]
18/12/97

Dated 2nd April, 1998

Endorsement No. RC(G)61/93 :

Copy for information and necessary action to :-

- 1) All Members presented.
- 2) All Joint Directors/I/C KVK, Tura.
- 3) All Heads of Divins/Sections, ICAR Res. Complex, Umiam.

[Signature]
2/4/98
(M. J. KHARMAPILANG)
ADMINISTRATIVE OFFICER

No. RC/EO/16/98-99/1745

Dated Umiam, the 18th August, 1998. 5

To,

ANNEXURE - 14

The Director,
ICAR (RC) for NEH Region,
Umroi Road, Umiam.

Sub : Arrangement for filling up of the posts of pump operators.

Ref : 1) Petitions submitted by Shri P. Medhi, SS-Gr. III dt. 15-12-97 and recommended by Estate Authority. ✓

ii) Proceeding of the H.O.D. meeting dt. 17.1.98

iii) Proceeding of the Estate Cell meeting dt. 24-2-98 submitted to the Director.

Sir,

[With the above subject and references I would like to remind you kindly to take necessary urgent action for filling up the two posts of Pump operators lying vacant since long back. That Sir, extreme difficulty is faced presently for want of a regular pump operators to run the essential water supply to the residential Qtrs., Office building and Animal farms of the complex H.Q. under the adhoc arrangements. Moreover, the CPWD has proposed for handing over the deep tube well newly constructed to ICAR for which at least one pump operator is required immediately, otherwise water supply arrangement to the newly constructed residential Qtrs. will not be possible at all.

Therefore, it is requested kindly to take urgent actions for filling up of the posts very urgently.

Further, it is known to the Competent Authority that Shri P. Medhi, S.S. Grade- III is presently engaged in pumping and water supply in the complex H.Q. who has applied for the post. His case may kindly be considered sympathetically as per rule as he is fit for the job and capable.

This is for favour of your kind information and necessary early action and which may be treated as most ESSENTIAL please.

Yours faithfully,

(D. K. SONOWAL)

T-7 (Agril. Engg.) & Estate Officer I/C

The Director
ICAR Research Complex for NEH Region
Umroi Road, Barapani-793 103.

52

(Through Proper Channel)

Sub:- Prayer for departmental promotion to the post of Pump Operator - req.

Ref:- (i) Earlier petition No. Nil dt. 24/4/97
(ii) " " " dt. 27/5/97
(iii) " " " dt. 1.7/97

Respected Sir,

Most humbly, I request you kindly to take early action to fill up the posts of the pump operators lying vacant in the Complex H.Q. by departmental promotion. That, Sir, I strongly believe that the required qualification and experiences are possessed by me, but I have deprived off the opportunity inspite of my devoted sincere services for the works in assisting and doing same kind of job since 1992. Further, I would like to bring to your kind notice and knowledge the following few points in support of my prayer although some of the points I have already brought to the notice of the competent authority(C/A) in my earlier petition dated 24/4/97:-

- (1) I, Sni Prabin Medhi, SS Grade.III assisting in pump operation since 15th Jan., 1992 vide letter of the Administrative Officer No.RC(P)65/78 dt. 15.1.92 (copy of the order and work experience certificate enclosed).
- (2) I am independently operating the pumps for water supply in the complex H.Q. during the period of leave etc. of the regular Pump Operator and in the houses of need as and when required without disturbing the essential services of water supply (documents enclosed).
- (3) I was called to appear actually in an interview on 31st July, 1995 for this post of Pump Operator vide H.Q. letter No. (RC(R)13/94 dt. 26th Aug., 1995 and which I have appeared with satisfactory performance to the best of my knowledge but no offer till date.
- (4) As regards of my qualification I have passed H.S.L.C. examination in 1987 and completed successfully I.T.I. trade in FITTER in the year 1984.
- (5) In terms of experience I have completed above 5 (five) years work experiences in the said job which are reflected truly at Sl.No. (1) to (5).
- (6) Lastly, I may mention that there is a provision for a person possessing matriculation qualification and by length of service in the particular grades and the service rendered under a office establishment/Field/Laboratory/workshop may be treated as experience for T-1 post as well as administrative posts vide Coulcil's letter No.F.7(10)/90-Estt.IV dt.12/4/97. Also the same kind of consideration had already been made in TOT Unit of the Complex H.Q. as in case of Shri T.K. Das, the then messenger has been promoted to Jr.Clerk in the same unit vide order No. ZC/TOT/Estt/62/93-94 dt. 14.7.93 through D.P.C. D. is much junior to me and has joined as messenger and I have joined in chowkidar post in 30.11.78.

Contd..2/-

Ad
76/12/97

It is my fervent pray to consider my case of promotion sympathetically to the Pump Operator post through departmental promotion at the earliest for which act of your kindness I will remain ever grateful to you.

With best regards,

Yours faithfully,

Prabin Medhi
(Prabin Medhi)
SS Grade. III
Estate Office

Dated the 15th Dec., 1997.

Approved & strongly recommended

PFC
16/12/97
EO VC

Sh. P. Medhi, SS Gr. III is a very sincere and hard working person. He deserves promotion to next higher grade. C/A may kindly look into the matter and Sh. Medhi may be given the due benefits of promotion within the provision as mentioned vide letter NO. F.7 (10)/90-ESTB. dt. 12th April, 1990. from Under Secretary, ICAR, Krishi Bhawan, New Delhi.

[Signature]
16/12/97
Overl. Secy of Estate
etc.

To,

The Director
ICAR Research Complex for NEH Region
Umroi Road, Umiam, Meghalaya.

(Through proper channel)

Sub:- Promotion of SS Grade III Shri P. Medhi into Pump Operator.

Respected Sir,

With reference to the subject mentioned above, I am to state before you the following few lines for favour of your kind and necessary action.

That Sir, I am a qualified group D staff working in this Institute for the last 20 years. As per the proceeding of the first meeting of the Institute Staff Joint Council held on 12.12.97, it has been decided that Pump Operator post will be filled up from amongst the qualified Group D personnel and my name was also proposed (page 8, Page 7 of the said proceeding) and accordingly a D.P.C. was also constituted with some of the officers of the Institute headed by K.K. Satapathy as Chairman to consider all such cases within February, 1998. But so far no action has been taken yet by the committee constituted.

I, therefore, once again fervently pray before you to kindly look in to the matter sympathetically and do the needful action and for which act of your kindness, I shall be ever grateful to you.

With kind regards,

Forwarded to the Director
for necessary action, Sir.
from your regard.

[Signature]
19/9/98

Yours faithfully,

[Signature]

(Prabin Medhi)
Group D. Estate Cell.

Dated:- 19/9/98

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAM, MEGHALAYA.

NO.RC(P)65/78

Dated Umiam the 8th Dec., 98

Sub:- Promotion from SS.Grade - III to pump operator in respect of
Shri P.Medhi.

With reference to his letter dated 19.9.98, Shri P.Medhi,
Chowkidar, S.S.Grade - III, ICAR Research Complex for NEH Region Umiam
is hereby inform that his request will be examined/considered as per rule.
Further, No correspondence will be entertained in this regards in future.

This issues with the approval of the Director.

MJ
8/12/98
(M.J.KHARMAWPHLANG)
ADMINISTRATIVE OFFICER

MJ
8/12/98

To,

Shri P.Medhi,
Chowkidar, S.S.Grade - III,
ICAR Research Complex for NEH Region
Umiam.

Copy to:-

The Estate Officer, ICAR Research Complex for NEH Region
Umiam.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for E.E.H. Region
Uttam (PO), URGU Road, Meghalaya-793103

58

No. RC(G)/19/99

Dated the 15th May, 1999

ORDER

Sanction is hereby accorded to an expenditure not exceeding to Rs. 10,925/- (Rupees Ten thousand nine hundred twenty five) only being payment of honorarium to the following staff of ICAR Research complex Umiam for the year 1998-99 as per the recommendations from their respective Heads/Section Officers.

The expenditure will be debitable under the head Payment of Honorarium to Technical/Supporting (Code No.02 03 17,) 2.05.17 for the year 1999-2000%

<u>Sl.No.</u>	<u>Name of the staff</u>	<u>Amount</u>
<u>SECURITY</u>		
1)	Shri. B. B. Chetty	400.00
2)	Shri. A. Honghlaw	400.00
3)	Shri. R. R. Rai	400.00
4)	Shri. K. N. Baruah	400.00
5)	Shri. Anjun Rai	400.00
6)	Shri. L. B. Rai	400.00
7)	Shri. P. S. Gurung	400.00
8)	Shri. L. Hmar	200.00
9)	Shri. H. J. S. Buhroi	200.00
10)	Shri. Jagdish Lal	400.00
11)	Shri. T. Kurkalang	400.00
12)	Shri. Made Rai	400.00
13)	Shri. B. N. Saha	400.00
14)	Shri. Ram Narayan, T-3	750.00

ESTATE

15)	Shri. S. K. Biswas, T-5	1000.00
16)	Shri. N. Khargoti, T-3	375.00
17)	Shri. P. Thobah, T-3	375.00
18)	Shri. P. R. Neog, T-3	750.00
19)	Shri. A. Haque, T-3	375.00
20)	Shri. P. Madhi, SS. Gr. IV	400.00
21)	Shri. Buta Singh, SS. Gr. IV	400.00
22)	Shri. Inder Singh, Safiawala	400.00
23)	Shri. Ajit Singh, Safiawala	400.00
24)	Shri. Mahan Singh, Safiawala	200.00
25)	Shri. S. Z. Dutta, T-3	750.00

10,925.00

15.5.99
(N. D. VERMA)
Director

Copy to :-

Concerned Heads of Division (Estate Officer-cum-Security Officer).
FAO/AEO (ESTT)

Estt. Secy

*Filed
17/05/99*



भारतीय कृषि अनुसन्धान परिषद
उत्तर पूर्वी पर्वतीय कृषि अनुसन्धान संस्थान
उमरोई रोड, बड़ा पानी
मेघालय

Gram : Agricomplex
Phone : 237-214
Fax :

ICAR Research Complex for N. E. II. Region
Umroi Road, Bara Pani-793103
Meghalaya

Ref. No. Re (A) 65/78

Dated 1.2.99

To

✓ Shri H. Unni Krishnan Nair,
Advocate,
S.T.A. Kazi Building,
Hedayatpur, Guwahati - 781 003
Assam.

Sub: Legal notice dated 12.2.99.

Sir,

Your legal notice has been gone through very carefully and it is found that the instruction of your client are not in order for the following reasons :-

1. It is true
2. ✓ He was directed to assist the pump operator on 23.8.93 and maintenance of pipe lines etc. It is also not true that he possesses requisite qualification for pump operator.
3. No comments
4. It is true that he was called for interview alongwith other candidates. But, none was found suitable including your client, Shri Robin Medhi.
5. It may also be noted that Shri P. K. Das belong to a separate Institute and as such question of comparing both the cases does not arise.
6. It may also be noted that decision of the IJEC is not binding on the discretionary power of the Competent Authority i.e. Director. It is a recommending body only.
7. No comments. However, it may be noted that Estate Officer has got no power to recommend for promotion of any staff as promotion of staff is done by the recommendation of DPC and it is mandatory.

Attended
Uk Gogoi
Advocate

Not done
Discussion
Leshan

Self Contention 5

8. It is also not true.

9. The authority is always considerate and try to pay heed to each and every staff members grievance within the purview of Rules. But, in the present case, qualification of Shri Probin Medhi does not suit with the desirable qualification of Pump Operator as per Technical Service Rules. Here having (certificates submitted by Shri Medhi are ambiguous in nature) do not guarantee any person for a claim which is not relevant as per set Rules.

10. The statement is not true. However, it may be noted that Shri Medhi is drawing OTA for any kind of additional work/duty.

11. It may be noted that the promotion cases of Grade-D staff are under consideration. His case for promotion from S.S. Grade-III to IV will be taken up alongwith other cases very soon.

I hope, you would be kind enough to bring the above to the notice of your client for information.

Yours faithfully,

[Signature]
17/99

(M. J. Kharmauphlang)
ADMINISTRATIVE OFFICER.

Attended
Advocate

Ambiguous in sense

Does not suit me
decrease merit

59

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N. E. H. REGION
UMROI ROAD, UMIAM

NO.RC(R)19/83.Vol.II

Di. The 31st Aug. , 99

CIRCULAR

As per provision under Rule 7.1 of Handbook of technical services , the following vacancies in the T-1 grade of the Complex Hqs. are proposed to be filled from amongst the group 'D' (SS Gr.I to IV) ^{staff} having minimum educational qualification prescribed for Category-I Technical Services and necessary experience in the relevant field :-

SL. NO.	Name of the post	No. of posts	Minimum qualification/experience required.
1	Driver(T-1)	1(one)	Essential Qualification:- Read upto Class-VIII and possessing appropriate Driving Licence for heavy vehicle Desirable qualification:- Mechanics certificate/ Diploma in the relevant field.
2	Pump Operator (T-1) <i>filler</i> <i>1992 - pump</i>	1(one)	Essential Qualification:- (Matriculate with at least one year's certificate in relevant field ✓ Or Matriculate with 5 years experience of working in the respective field Or Matriculate with National Trade Certificate/National Apprenticeship certificate or equivalent with 3 years experience in the respective field. Or National Trade Certificate/National Apprenticeship certificate (for non Matriculate) or equivalent with 5 years experience in the respective field. Desirable qualification:- Diploma in the relevant field. → <i>Annex 1 P17 2</i>
3	Fieldman(T-1)	3(three)	As for Sl. No.2 above.

Group 'D' staff fulfilling the above criteria may apply with necessary particulars alongwith attested copies of certificates of educational qualification/Diploma/Trade Certificates and experience etc. on or before the 30th September, 1999 positively.

Checklist see S: 6/11/99

(G. Sinha)
01/9/99
Asstt. Admn. Officer (Admn.)

Copy forwarded to :-

1. All the Joint Directors of Centres All the Joint Directors of Centres
2. Heads of Divisions of Hqs
3. FAO/AOs of Hqs. Umiam.

They may bring it to the notice of all the Group "D" (SS Gr.I to IV only) staff under them.

60

Office of the Estate Officer
ICAR Research Complex, for NEH Region.
Umroi Road, Umiam

No. RC/EO/16/96-97/ 616

Dated , The 7th August., 1999.

Office Order

Sri. A. Haque T-I-3 Estate Cell is hereby informed to look after the Pump House duty (both Pump House I & II) to operate the water pumps as per Scheduled hours until further order. He has to take over the charges from Sri P. Meelhi at the earliest.

(R . Singh)
Estate Officer
I.C.A.R.

Copy to :-

1) A.A.O. (Admn) for information.

2) Sri. A. Haque for information & necessary action. He has to carry out work as per the direction of undersigned.

3) Sri. P. Meelhi. for information. to hand over the charges and to maintain pipe line. Keys of this complex

4) Sri. P.R. Neeg for information.

Haque

ps

a welder
4.20 P 20
4.21 P 11

(R. Singh)

(1) Office of the Estate Officer
 I. O. A. R. Research Complex, for N.E.H Region.
 Umroi Road, Umroi.

Sub: Handing / Taking over charge of The Pump House and The maintain PIPE line, keys of the Complex I. O. A. R. Umroi.

Ref: The office letter No. RC/EO/16/96-97/616 dated 7th August 1999.

- (1) GI Pipe with no checket - 1 Pice 1 m (Approximately)
- (2) " " " 2 " " " 3 " 6 m "
- (3) " " " 2 " " " 2 " 3 m "
- (4) " " " 3 " " 2 " " 3 " 6 m "
- (5) " " " 1 " " 4 Elbow } 12 " 22 m 1
 (1 stop cock)
- (6) Jute 1/2 kg (Approximately)
- (7) Wash Brush 2 No (1 No dismantled and 1 No faded)
- (8) Shing Brush 1 No (Broken)
- (9) Ball (over floating) 5 No 9 m (dismantled)
- (10) " " " 3 " " " 9 " " Small "
- (11) Iron " sheet 5 No 9 m (Approximately)
- (12) GI Pipe, Band, 2 No
- (13) Brush connection pipe 1/2 " 13 Nos (dismantled)
- (14) Brush washed " " 8 " "
- (15) Headlow fan with bleed 1 set
- (16) Pump fan (plastic) 1 No (Broken)
- (17) Over floating rod 6 No
- (18) Elbow 1/2 " 18 No (eighteen)
- (19) " " " 1/2 " 4 Nos Total 8 Nos + 4 = 12 No
- (20) " " " 3/4 " 3
- (21) " " " 3/4 " 1
- (22) " " " 1/2 " 4

(Signature)
 (Prob. Medhi)

Attested
 15.12.99
 (A. Hoque)
 Secy 2

Certified That this Pump operation
Log Book Contains (1 to 174 Pages) only.

Started.

W.P.P. From 24th February - 1999.

New


Pump House

I.C.A.R. Research Complex
for NEH Region Umsot Road

Umiam (Barapani)

Meghalaya - 793103.

1 to 174 - This Receptor being
~~1 to 174~~ pages.

15/6


Dee Tule Pump House

Log Book

5/2

DATE	Voltage Panel Board		MOTOR Load			MOTOR Load Voltage	PUMP Operation Time			Cylinder Pressure	SIDE OF Pumping		SWITCH Position	VALVES Before After		Remarks	
	BY	BR	RY	BY	BR		RY	From	To		Hrs	By		By	Before		After
5-2-2000	410	410	406	400	400	400	8A	7:00 AM	12:00 Noon	6	80	B	S	✓	4" 3" NIL NIL	Whorsh Rkls	
5-2-2000	410	410	410	400	400	400	8A	2:00 PM	6:05 PM	4	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
6-2-2000	410	410	410	400	400	400	8A	6:06 AM	11:00 AM	5	80	B	S	~	4" 3" NIL 1 1/2"	Rkls	voltage went at 6:05 AM to 6:25 AM on 6/2/2000
6-2-2000	410	410	410	400	400	400	8A	1:00 PM	6:00 PM	5	80	B	S	~	7" 4" 3" 1 1/2"	Rkls	(Sun day)
7-2-2000	410	410	410	400	400	400	8A	6:30 AM	11:30 AM	5	80	B	S	✓	4" 2" NIL NIL	Whorsh Rkls	3" Pipe line repairing Near S.H. by Whorsh, Noyan, and P-Mon. UP to 12/21/2000
7-2-2000	410	410	410	400	400	400	8A	1:00 PM	5:00 PM	4	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
8-2-2000	410	410	410	400	400	400	8A	6:00 AM	11:00 AM	5	80	B	S	~	5" 4" 1" 1/2"	Rkls	Noyan off duty in lieu of clearing
8-2-2000	410	410	410	400	400	400	8A	12:00 Noon	6:00 PM	5	80	B	S	~	Full 5" 4" 2"	Rkls	
9-2-2000	410	410	410	400	400	400	8A	7:00 AM	11:00 AM	5	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
9-2-2000	410	410	410	400	400	400	8A	1:00 PM	5:00 PM	4	80	B	S	✓	5" 5" 2" 2"	Whorsh Rkls	
10-2-2000	410	410	410	400	400	400	8A	7:00 AM	12:00 Noon	6	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
10-2-2000	410	410	410	400	400	400	8A	2:00 PM	5:00 PM	3	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
11-2-2000	410	410	410	400	400	400	8A	7:00 AM	12:00 Noon	6	80	B	S	✓	6" 5" 2" 2"	Whorsh Rkls	
11-2-2000	410	410	410	400	400	400	8A	2:00 PM	5:00 PM	3	80	B	S	✓	5" 4" 1" 2"	Whorsh Rkls	
12-2-2000	410	410	410	400	400	400	8A	7:00 AM	12:00 AM	6	80	B	S	✓	4" 4" NIL 1"	Whorsh Rkls	(and Saturday)
12-2-2000	410	410	410	400	400	400	8A	2:00 PM	7:10 PM	5	80	B	S	✓	5" 5" 1" 2 1/2"	Rkls	
3-2-2000	410	410	410	400	400	400	8A	6:00 PM	11:00 PM	5	80	B	S	✓	6" 5" 2" 2"	Rkls	(Sun day)
3-2-2000	410	410	410	400	400	400	8A	1:00 PM	6:00 PM	5	80	B	S	✓	Full 6" 5" 3 1/2"	Rkls	(Sun day)
2-2-2000	410	410	410	400	400	400	8A	6:00 AM	11:00 AM	5	80	B	S	✓	7" 6" 4" 3"	Whorsh Rkls	
2-2-2000	410	410	410	400	400	400	8A	1:00 PM	6:00 PM	3	80	B	S	✓	6" 5" 3" 2"	Whorsh Rkls	

Deep Tube Pump house

Log Book

55

DATE	VOLTAGE Panel Board			MOTOR Load			MOTOR Load Amps Voltage	PUMP Operation Name	WATER Pressure	SIDE OF Pumping Big Small	SUMP Position	WATER STORE		Structure of P.O. and water supply	Remarks		
	BY	BR	RY	BY	BR	RY						Before	After				
15-2-2000	410	410	410	400	400	400	8A	6:00 AM	11:00 AM	2	80	B	S	✓	7" 5" 4" 2"	Aludhi	Nazam off duty in few of 13/12/2000
16-2-2000	410	410	410	400	400	400	8A	1:00 PM	6:00 PM	2	80	B	S	✓	Full 5" 5" 3"	Aludhi	
16-2-2000	410	410	410	400	400	400	8A	6:00 AM	11:00 AM	5	80	B	S	✓	7" 5" 4" 3"	Unoust Aludhi	
16-2-2000	410	410	410	400	400	400	8A	2:00 PM	4:00 PM	3	80	B	S	✓	7" 5" 4" 3"	Unoust Aludhi	
17-2-2000	410	410	410	400	400	400	8A	7:00 AM	12:00 Noon	5	80	B	S	✓	7" 4" 4" 2"	Unoust Aludhi	
17-2-2000	410	410	410	400	400	400	8A	2:00 PM	5:00 PM	3	80	B	S	✓	7" 4" 4" 2"	Unoust Aludhi	
18-2-2000	410	410	410	400	400	400	8A	7:00 AM	12:00 Noon	5	80	B	S	✓	6" 3" 2" 1"	Unoust Aludhi	Village went away back 12:00 Noon
18-2-2000	410	410	410	400	400	400	8A	12:00 Noon	4:00 PM	4	80	B	S	✓	4" 4" 1" 1 1/2"	Unoust Aludhi	Due to shortage of water morning time could not supply of water on 19/2/2000. Type 5, III was
19-2-2000	410	410	410	400	400	400	8A	7:00 AM	2:20 PM	7 1/2	80	B	S	✓	4" 3" 1" 1"	Unoust Aludhi	
19-2-2000	410	410	410	400	400	400	8A	6:00 PM	10:00 PM	5	80	B	S	✓	3" 2" NIL NIL	Aludhi	
20-2-2000	410	410	410	400	400	400	8A	6:00 AM	11:00 AM	5	80	B	S	✓	6" 4" 2" 1"	Aludhi	} Sunday
20-2-2000	410	410	410	400	400	400	8A	12:00 Noon	5:00 PM	5	80	B	S	✓	7" 5" 4" 2"	Aludhi	
21-2-2000	410	410	410	400	400	400	8A	6:00 AM			80	B	S	✓		Aludhi	

To
The Estate Officer
I.C.A.R Res, complex
Umroi Road.

08/2/2000

Subj- Regarding water supply

Sir,
I have the honour to inform you
that in our Scientist Home No. 38,
water is not coming
so, kindly necessary arrangement
please.

Thanking you.

Mr. Haque

Q.S.F.
10/2/2000

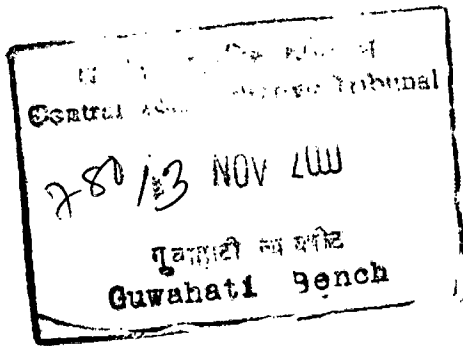
Work done by P. Meeki

Ay.
10/2/2000

Yours faithfully

Ay. S.F.
(P. R. Dey)
Case taker. S. Home

- 49 -



Filed by:

Primal Chancha Das

Advocate. 58

13.11.2000

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

ORIGINAL APPLICATION NO. 124 / 2000.

Shri Prabin Medhi ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

The Respondents No. 2, 3 and 4 beg to file their
Written Statement as follows :-

- 1) That all the averments and submissions made in the Original Application are denied by the Answering Respondents save what has been specifically admitted herein and what appears from the record of the case.
- 2) That with regard to the statement made in paragraph 1 of the Original Application (hereinafter referred to as the OA) beg to state that since the demand for promotion to the post of Pump Operator in Auxillary Cadre has been made by the Applicant who is presently working as Chowkidar for which there is no provision in the relevant Service Rules the same has been rejected.

contd... p 2.

51
67

2.

The applicant is under the misconception that the grade of the post of Pump Operator which was under Auxillary cadre is next higher grade to the grade to which the applicant is working. In fact the applicant is working in supporting grade services and is holding the post of SS Grade III in the Pay +Scale of Rs. 800-15-1010-EB-20-1150/- with effect from 1.7.1989. The applicant has become eligible for consideration of promotion to the next higher grade i.e. SS Grade IV post in the pay scale of Rs. 825-15-EB-900-20-1200/- which has been revised as Rs. 2750-70-3800-75-4400/- per month for which respondents Nos. 3 and 4 have already initiated action whereas, the post of Pump Operator in question was under Auxiliary Cadre and carries the seperate higher pay scale of Rs. 975-25-1150-EB-30-1540/-.

It is also not correct that the applicant is performing the duties of Pump Operator for the last 8 years. In fact the applicant is a Chowkidar in SS Grade III and was simply attached temporarily to the Estate Section of the ICAR Research Complex for N.E.H. Region (hereinafter referred to as the Institute) for performing the normal duties of Chowkidar, considering repeated request of the applicant vide letters dated 12.6.85 and 11.4.90 so that he may remain in touch with the technical staff and get himself acquainted with the works of technical nature. It is apparent from the aforesaid letter that

SS Grade III

contd.... p 3.

the applicant was learning the technical nature of works by assisting technical staff and running of pump in his own interest and for that he was never pressurised by any authority of the Institute. So, the question of any additional remuneration for such occasional assistance does not arise at all.

Copies of the aforesaid letters dated 12.6.85 and 11.4.99 are annexed hereto and marked as Annexures - I and II respectively.

3) That with regard to the statements made in paragraphs 2 and 3 of the Original Application the answering respondents beg to state that it is upto the applicant to prove the veracity of the statements made there in.

4) That with regard to the statement made in paragraph 4.1 of the O.A. the respondents have no comments to offer.

5) That with regard to the statement made in paragraph 4.2 of the O.A. the respondents beg to state that it is incorrect to say that the applicant was often allotted the duties of Pump Operator in addition to the normal duties of Chowkidar Grade I, as because when the applicant was ~~regularly~~ serving as Chowkidar Grade I, he was attached with the Security Section, so the question of any duty with regard to Pump Operator does not arise. The applicant

contd...

53
69

4.

was attached with the estate section only in 1992 and during this time he was working as SS Grade III.

6) That with regard to the statements made in paragraph 4.3 of the Original Application the Respondents beg to state that no formal permission for study was granted to Shri Prabin Medhi. On 4.6.1981 the applicant requested for his transfer to the post of Peon/Messenger stating that while he was performing the duty of Chowkidar in between 4.00 P.M. to 10.00 A.M. it was difficult for him to attend the night/day school and it affects his studies. In the last para of the letter dated 4.6.81 he had requested for permission to continue studies. He did not mention what type of studies he would be continuing and where he will study. The applicant is misguiding this Hon'ble Tribunal that he was granted permission to appear in H.S.L.C. Examination conducted by MBOSE.

A copy of the letter dated 4.6.81 is annexed hereto and marked as Annexure - III.

7) That with regard to the statements made in paragraph 4.4 of the Original Application the Respondents have no comments to offer.

8) That with regard to the statements made in paragraph 4.5 of the Original Application the answering Respondents beg to state that it is true that on 12.10.88 the applicant had informed the Administrative Officer, ICAR,

contd.... p 5.

5.

shillong that he had passed H.S.L.C. Examination as well as completed ITI in the Trade Fitter and also submitted photo copies of NTC Certificate issued by the Secretary, State Council for Vocational Training, Govt. of India, Ministry of Labour and Rehabilitation and also the mark sheets. But Mark-Sheets were issued to one Sri Prabin Chandra Medhi and not to Sri Prabin Medhi, the applicant herein and also informed that his date of birth according to his H.S.L.C. Certificate has been corrected from the Meghalaya Board of School Education, Meghalaya. The date of birth in his school records was 5.12.62 and as per Admit Card for appearing in the Supplementary Examination of H.S.L.C. in 1987 which was corrected as 12.1.57 on 15.10.88. But the date of birth of the applicant as per service book is 31.7.1953.

See
 Dmt
 RJ A P
 RJ P

The applicant, till date did not inform the office in this regard. As per Rule the date of birth once recorded in the service book of a Govt. Servant at the time of entry into service cannot be altered or changed after completion of probationary period and confirmation in the post. Thus the certificate submitted by Sri Prabin Medhi are full of ambiguity and cannot be accepted.

A copy of the letter dated 22.10.88 is annexed hereto and is marked as Annexure - IV.

9) That with regard to the statement made in paragraphs 4.6, 4.7 and 4.8 the answering respondents deny

contd.,.,.

Ann 3 P 22 71

6.

the correctness of the statement that he was transferred to the office of the Estate Officer vide order dated 15.1.92 to perform the duties of Pump Operator. But he was attached to Estate Section to perform the duties of Chowkidar as well as Pump Operator considering the request of the applicant dated 12.6.85 and 11.4.90 so that the applicant may remain in touch with technical staff for his future career. But the Applicant was never allotted the duties of Pump Operator and vide order dated 20.8.93 the duties of Pump Operator was assigned to Sri Narain and the Applicant was asked to take the charge of Pump House to take for ensuring security which was the duty of chowkidar. Hence no question of any additional duties, remuneration and Adhoc promotion and also question of granting the over-time in this respect and salaries of pump operator does not arise. The over-time allowances paid to Sri Prabin Medhi was as per rules.

Working Staff
 Ann 6 P 23
 In Charge

10) That As regards to the statement made in paragraph 4.9 of the Original Application, the answering respondents denies the same as the Applicant has performed the duties of Chowkidar while working in Estate Section also and assigning of Security duties to a Chowkidar is in no way be treated as illegal and violative of the principles of equal pay for equal works.

11) That As regards to the statements made in paragraph 4.10 of the Original Application the answering respondents

contd....

beg to state that Service Experience Certificates produced by the Applicant were issued to him by one scientist Mr. K.A. Pathak, Technical Officer, J.K. Bharali and by an Agricultural Engineer, Mr. B.K. Sonowal, who are not the authorised competent authority. The Service experience certificate is always issued by the Head Office and the Certificate issued other than the Head Office has no validity.

12) That As regards the statements made in paragraph 4.11 the answering respondents state that the statements made in this paragraph is not correct as Prabin Medhi ~~ix~~ was not allotted the work of repair and maintenance of pipe lines and water supply independently in addition to his normal duties, rather he was asked to assist to P.A. Neog T-I/3 for ^{which} he was paid honorarium from time to time.

13) That As regards the statements made in paragraph 4.12 of the Original Application the answering respondents beg to state that the interview held for the post of Pump Operator in the year 1995 was reserved for ST candidate, and the applicant was called for appearing in the interview as a Departmental Candidate along with others sponsored by the local Employment Exchange. However the Selection Committee could find any one suitable for the post.

Not found
Writer

See Annex 14 P 35

14) That with regard to the statement made in paragraph 4.13 of the Original Application the answering

57
X3

8.

Respondents beg to state that the Technical Qualification as stated by the Applicant for the post of Pump Operator in Technical Service Rule are correct. But the Respondents deny the fact that the applicant fulfill the qualification of Pump Operator which was reserved for ST candidate. Moreover, at that relevant time the post of Pump Operator was in the Auxilliary Cadre and not in Technical Cadre.

15) That with regard to the state statement made in paragraph 4.14 of the Original Application the answering respondents beg to state that it is not correct to state that the applicant was not informed about the result of the interview. It is also not correct that vide letter dated 22.1.97 the applicant was given regular charge of pump operator. It has been clearly indicated in the direction issued to Sri Ramakant Tiwari, Pump Operator that he should handover charge of the post of Pump Operator to Sri P.R. Neog. As such the question of the applicant holding the charge of post of Pump Operator does not arise.

16) That with regards to the statement made in paragraph 4.15 of the original Application the answering Respondents beg to state that the question of consideration of the case of the applicant for promotion to the Pump Operator does not arise at all and no assurance was given by the answering respondents at any point of time as regards his claim for promotion.

17) That with regards to the statements made in

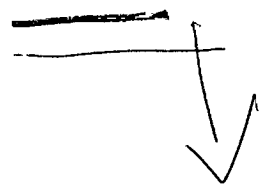
contd....

paragraph 4.16 the answering respondents beg to state that the representations for vague and frivolous claims cannot be considered by the authority. The Administrative Officer of the Institute informed the applicant as his request will be examined as per Rule and it is not correct to state ~~that~~ that the applicant was assured again.

18) That with regard to the statement made in paragraph 4.17 of the Original Application the answering Respondents deny the allegations made therein, but for the fact that honorarium was paid to him for good performance as Chowkidar.

19) That with regard to the statement made in paragraph 4.18 of the Original Application the answering respondents beg to state that the demand of the applicant has been rightly rejected by them as because the applicant does not possess the requisite qualification for appointment to the post of Pump Operator which has been reserved for Scheduled Tribe candidate. The said post of Pump Operator was under Auxilliary Cadre and was not under Technical Cadre.

20) That with regard to the statements made in paragraph 4.19 of the Original Application the answering respondents beg to state that the Applicant does not possess the requisite qualification for appointment of the post of Pump Operator. The qualifications said to be acquired by



contd....

Ambrish

4.11.88
P78

10.

the applicant are full of ambiguity and the certificates have been issued to Sri Prabin Chandra Medhi and not to Sri Prabin Medhi, who is a bonafide chowkidar of the Institute and until and unless these ambiguities are corrected the same cannot be considered and entered in his service Book. Moreover, there is no provision under the Rules to promote a Chowkidar working in SS Grade III to the post of Pump Operator.

21. That with regards to the statements made in paragraph 4.20 of the Original Application the answering respondents beg to state that the petitioner has wrongly interpreted the contents of the letter dated 7.8.99. In fact vide letter dated 7.8.99 Mr. Haque, T-1-3 of the Estate cell was asked to take charge of pump houses and also to operate the water pump. Since the applicant was holding the charge of security of pump house Mr. Haque was informed that he has to take charge of the Pump house from the applicant. It is also not correct that the applicant has been asked to perform the duties of Pump Operator.

22) That with regard to the statements made in paragraph 4.21 of the original application the answering respondents beg to state that it is not correct to state that they assured the applicant to promote him to the post of Pump Operator because there is no provision for such promotion as the post belongs to Auxilliary Cadre. The applicant was allowed to appear in interview as a

contd....

11.

departmental candidate, but the selection committee did not find any body suitable for the post including the applicant and there is no illegality involved in it.

23. That with regard to the statement made in paragraph 4.22 of the original Application the answering respondents beg to state that it is true that the post of Pump Operator is lying vacant and action has been initiated to fill up the same. But due to ban on recruitment imposed by the Central Government the matter has been deferred. The Respondents deny the fact that the applicant has served for 8 years in the post of Pump Operator. That the fact is that he has never been asked to work and has worked in the post of Pump Operator, as such, there is no question of payment of any additional remuneration. However, whenever he had worked extra he was paid overtime for his occasional assistance and Technical jobs and was awarded with grant of honorarium.

24) That with regard to the statement made in paragraph 4.23 of the Original Application the answering respondents beg to state that the same are not correct and hence denied.

25) That with regard to the statements made in paragraph 4.24 of the Original Application the answering respondents beg to state that it is not correct to say

contd...

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7/6

that they have utilise the services of the Applicant in a most exploitative manner rather the respondents have always tried to help the applicant. But the applicant has always concealed the facts and kept the respondents in dark. The certificates submitted by the applicant for attaining the higher qualification are full of ambiguity and cannot be considered without following the administrative procedure regarding his claim for change of date of birth and his name. The applicant has also not submitted his original H.S.L.C. Examination Certificate provided by the MBOSE for verification in the office even after expiry of long period of 13 years.

26) That under the facts and circumstances stated above, it is respectfully submitted that the claim of the applicant for promotion is totally frivolous and vexatious and is liable to be rejected by this Hon'ble Tribunal.

VERIFICATION

VERIFICATION

I, Dr. Narendra Deo Verma, Son of Munilal Verma, aged about 56 years presently working as Director, I.C.A.R. Research Complex for N E H Region do hereby verify that the statements made in paragraphs 1 to 23 of the written Statement are true to my personal knowledge and those made in paragraphs 24 are believed to be true on legal advice and that I have not concealed any material information.

Place : Guwahati.

Date : 20.9.2000

Narendra Deo Verma

SIGNATURE

Dated Shillong, the 12th June, 1985.

To

The Director,
ICAR Res. Com. for N.E.H. Region
Cedar Lodge, Jowai Road, Shillong -3.

(Through Proper channel)

Sub. :- Prayer for transfer to Barapani Agril. Engg. Workshop from my Present post as Chowkidar.

Sir,

With reference to the subject mentioned above, I would like to submit before you the following few lines for your kind consideration and sympathetic action.

That sir, I had been permitted to take admission in I.T.I., Shillong vide your order No.RC(P)65/78/73 dt. 3.7.82 for a period of two years and accordingly I have completed and passed the Diploma in fitter course from the said Institute last year only because of your kind permission.

Now sir, I would like to transfer to our Barapani workshop as I have learned some works in our Institute Workshop and I would like to get some better experience and knowledge for my future life. If you consider my case kindly I shall remain ever grateful to you and your kindness.

Encl:- Attested copy of Diploma course.

Yours faithfully,

(Frabin Ch. Medhi)

Chowkidar

Amrit Bhavan, Laban,

Shillong - 4.

ICAR Shillong
Diary No. 4854
Date 14/6/85

AHO(A)

We may transfer case (cont'd) if a similar case is available there

Supdt (A) / Rom
12/6

Certified to be true copy.
B. C. Dm
Advocate

15
79

To,

The Director
ICAR Complex, Shillong.

(Through proper channel)

Sir,

I am working as Chowkidar at ICAR Complex office located at 'Amrit Bhavan' in Laban. Sir, I have aquired trade certificate in Fitter grade. I shall be grateful, if I ~~am~~ posted in Agril.Engineering Division, when the offices are shifted to Barapani.

This will enable me ^{to be} ~~to be~~ in touch with technical work and at appropriate time I may get chance for my adjustment ⁱⁿ ~~for~~ technical work. cadre.

Submitted for your kind consideration.

Thanking you,

Forwarded to Director
A. S. J.
11/4/90

Yours faithfully,

Prabin Medhi

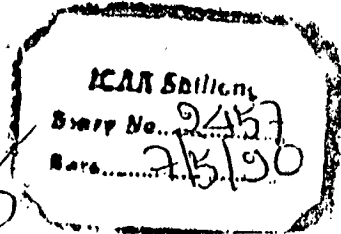
(Prabin Medhi)
Chowkidar
Division of Agril. Engg.

Encl: Photostate of
the certificate
of Fitter, ITI,
Shillong.

Sent to

for
31/5/90

Dated:- 11th April.1990



*Certificate to be
true copy.
B. C. Das
Advocate*

To

The Director
ICAR Research Complex, Shillong

Sub: Request for transfer from
Chowkidar to Peon/ Messenger.

Sir,

It is brought to your kind notice that I am working as a Chowkidar at Amrit Bhavan, Shillong. As I am Chowkidar and doing the duties from 4-00 P.M to 10-00 A.M., it is difficult for me to attend the night/day School. It also affects my studies.

I, therefore, request your honour to kindly adjust me against a post of Peon/Messenger, so that I may start studies timely.

I may kindly be also granted permission to continue my studies. I assure you, Sir that my studies will not affect the normal official duties.

Thanking you,

YOURS Faithfully,

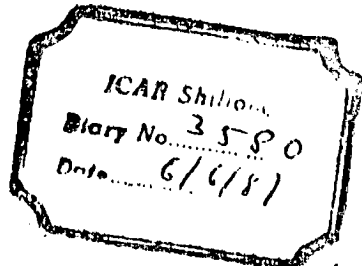
Prabin Medhi

4-6-81

(Prabin Medhi)
Chowkidar I.C.A.R.
Amrit Bhavan.

last to was he granted permission for studies?

*Gr. 80
M/S/6*



*Super (A)
with P. 74.
M/S/6*

M/S/6

*Certified to be true copy.
B. C. Das
Advocate*

To,

The Admn. Officer (Admn.)
I.C.A.R. Research Complex for NEH Region
"Cedar Lodge", Dhankheti
Shillong

(Through Proper Channel)

Sub:- Regarding my general & Technical qualification
and corrected date of birth.

Sir,

It is to inform you that as per your order
No. RC(P)65/78/51 Dt. 18th June, 1981 and RC(P)65/78/73
Dt. 3rd July, 1983. I was appeared in the Matriculation
examination under the Meghalaya Board of School
Education and National Trade Certificate in trade of
fitter under the Ministry of Labour and Rehabilitation
Govt. of India and passed the both final Examination,
So, I meant you to entry my bio-data in my service
record for my future career.

Further, I like to inform you that my date of
birth according to my matric Certificate has been
corrected from the Meghalaya Board of School Education
Meghalaya and copy of all Certificates and order has
been enclosed herewith for your further necessary action
please.

Yours faithfully,

Prabin Ch. Medhi

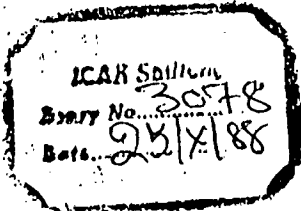
(Prabin Ch. Medhi)
Chowkidar

ICAR, Amrit Bhavan Building, Laban
Shillong-793004

Forwarded to ...
MS
24/10/88

Copies

1. Order No. RC(P)65/78/51 Dt. 18th June, 1981
2. " " RC(P)65/78/73 Dt. 3rd July, 1982
3. Memo No. MBOSE/HSLC/Exam-4/Vol.II/
87-88/20065-68 Dt. Tura 12.10.88
4. Admit Card (with marksheet for Matric)
5. Certificate for the Course of Fitter Trade.



Dated 22/10/1988

T. C. N.
24/10
ASV
24/10/88

*Certificate to be
true copy.
B. C. Dn.
Advocate*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 FEB 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

67
52
Filed by

The Applicant

through

Nyjal kr. Gou

Advocate

11/2/2001

MS
1/2/01

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 124 of 2000

BETWEEN

Shri Prabin Medhi

..... Applicant.

-Vs-

Union of India and others.

..... Respondents.

REJOINER TO THE WRITTEN STATEMENT.

1. That the applicant have received the copy of the written statement and have gone through the same. Save and except the statements which are not admitted hereinbelow, may be treated as total denial and the statement which are born out of record, the respondents are put to the strictest proof thereof.

2. That with regard to the statement made in para 1 of written statement the applicant offers no comment on it.

3. That with regard to the statement made in para 2 of the written statement the applicant while denying the statement made therein begs to state that prior to issuance of Annexure- II order dated 31.7.95 the post of pump operator was under the Auxiliary Cadre of I.C.A.R. and the applicant submitted his candidature as a departmental candidate, he having all the require qualifications under the service rule of I.C.A.R. To that context it will be pertinent to mention here that as per the service rules applicant is a diploma holder in the said Tread and at that time he had the minimum required experience. Although the initial appointment of the applicant was in the grade

contd....2....

grade of Chowkidar he acquired all the required qualifications to hold the post of Pump Operator as a direct requipt. To that effect the applicant made a representation (11-4-90, i.e. Annexure - 2 to the Written Statement) requesting the concerned authorities for his posting as a Technical personal.

4. That with regards to the statement made in paragraphs 3 and 4 of the Written Statement the applicant offers no comment on it.

5. That with regards to the statement made in paragraph 5 of the written statement the applicant denies the correctness of the same and beg to state that since 1992 , he has been performing the duties of Pump Operator in addition to his prescribed duties.

6. That with regards to the statement made in paragraph 6 of the written statement while denying the contention made therein the applicant begs to state that due permission was sought for from the respondent and due intimation was given to the respondent regarding his advance studies, Annexure- 3 letter dated 4-6-81 to the Written Statement clarifies the aforesaid facts.

Copies of letters dated 17/18-6-81 and 3-7-82 are annexed herewith and marked as Annexures- RJ- A and B.

7. That with regards to the statement made in paragraphs 7 and 8 of the Written Statement, the applicant denies the

contd...3...

- 69 -
84

the correctness of the same and reiterates and re-affirms the statement made in the @. A. and begs to state that vide letter dated 22.10.88 (Annexure-4 to the written statement) the applicant prayed for his correction of date of birth. In replied to the said letter the Respondent issued a letter dated 31.10.88 advising him to submit the marksheet and certificates in original. Immediately the applicant submitted the same in original and it was intimated to him by the Respondent vide letter dated 4.11.88, while returning his original certificates, that the respondent took into account the same as a record.

Copies of letters dated 31.10.88 and 4.11.88 are annexed herewith as Annexure - RJ -1 and RJ-2.

8. That with regards to the statement made in paragraph 9 and 10 to the Written Statement, the applicant while denying the correctness of the same begs to state that the applicant raises as a preliminary objection regarding maintainability of the said paragraph. In the said paragraph the respondent all along denied the fact that he was not allotted any additional duties, but on the same paragraph they themselves have admitted the fact of paying him overtime allowance for additional work.

9. That with regards to the statement made in paragraph 11 to the Written Statement, the applicant denies the correctness of the same and begs to state that his satisfactory work has been appreciated by all the
contd....4....

the concerned authorities and that is an admitted fact and also same helped him to earn honourarium.

10. That with regards to the statement made in paragraph 12 in the written statement, the applicant while re-iterating the statement made above begs to highlight Annexure - 10 to the O. A. letter dated 11.11.94.

11. That with regards to the statement made in paragraph 13 to the O. A. , the applicant while denying the statement made therein begs to state that the post of Pump Operator was made for unreserved candidate, since the advertisement issued was for unreserved candidates. The respondent at the time of advertisement also did not specify the category. The applicant as a departmental candidate appeared in the same and he was the only qualified departmental candidate. The selection committee recommended his case for promotion to the post of Pump Operator.

The applicant craves leave of this honourable Tribunal for a direction to the Respondent to produce the minutes of the selection committee at the time of hearing of this case.

12. That with regard to the statement made in paragraph 14 of the written statement, the applicant while denying the statement made therein begs to re-iterate and re-affirm the statement made above as well as in the O. A. for the shake of brevity.

contd...5....

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86

13. That with regards to the statement made in paragraphs 15 of the written statement, the applicant while denying the correctness of the same begs to state that by order dated 22.9.97 he was handed over with the charge of Pump Operator.

14. That with regards to the statement made in paragraph 16 of the written statement, while denying the statement made therein the applicant begs to state that vide Annexure - 13 and 14 of the O. A. the fact of recommendation comes into light.

15. That with regards to the statement made in paragraph 17 of the Written Statement, the applicant begs to state that in the light of the office Memorandum dated 29.7.92 respondents are duty bound to dispose of the representation filed by the applicant.

16. That with regards to the statement made in paragraph 18 of the Written Statement, the applicant offers no comment on it.

17. That with regards to the statement made in paragraph 19 of the Written Statement, the applicant while denying the statement made therein begs to re-iterate and re-affirm the statement made above and the O.A. and begs to state that the order dated 1.7.99 is illegal and void-ab-initio. As its further stated that the same post of Pump Operator is not a reserved post for S.T. candidates that will revealed from the advertisement made earlier.

contd....6....

The respondent again re-advertised the said post wherein nothing has been mentioned regarding reservation (Annexure- 20). The post of Pump Operator is under the Technical Cadre.

18. That with regards to the statement made in paragraph 20 of the Written Statement ~~made~~ the applicant while denying the contention made therein begs to state that he possess all the qualifications required for the post of Pump Operator.

The applicant further denies that there is no ambiguity in regard to his qualification(Certificates etc.) and the said ambiguity came to an end after issuance of letter dated 4.11.88 (Annexure - RJ- 2).

19. That with regards to the statement made in paragraph 21 of the Written Statement, the applicant denies the correctness of the same and put the respondent to the strictest proof thereof.

20. That with regards to the statement made in paragraph 22 of the Written Statement, the applicant while denying the statement made therein begs to state that in the earlier interview (i.e. 1995) the applicant was allowed to appear in the same wherein he was the only qualified departmental candidate and his case was reccomended by the said selection Committee.

21. That with regards to the statement made in paragraph 23 of the Written Statement, the applicant while

contd...7....

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SD

while denying the statement made therein begs to state that the post of Pump Operator is still lying vacant and the respondents have made advertisement illegally without publishing the result of the earlier selection. The applicant for the last 8(eight) years has been performing the duties of Pump Operator and in the department there is no other qualified person to hold the said Post.

22. That with regards to the statement made in paragraph 24 of the Written Statement, the applicant denies the same being not correct.

23. That with regard to the statement made in paragraph 25 of the Written Statement, the applicant begs to state that the respondent have not paid him his entitled pay and allowance for his additional work as a Pump Operator. The applicant further state that in earlier selection although he was otherwise qualified, his case was not considered in the name of ambiguity in Certificates which was duly verified by the Respondent in the year 1998 (Annexure- RJ- 2).

24. That with regard to the statement made in paragraph 26 of the Written Statement, the applicant denied the correctness of the same.

25. That the applicant begs to state that the respondent in their Written Statement has verified the statements 1 to 23 as his personal knowledge without

contd....8....

- 74 -
89

without verifying the records. The statements made in this Written Statement are contradictory and not based on records. The stand taken by the Respondents in the impugned order and in the Written Statement are also contradictory.

In view of the above it is crystal clear that the claim of the applicant made in the O.A. deserves to be consider.

VERIFICATION

I, Shri Prabin Chandra Medhi, son of Shri K. R. Medhi, aged about 44 years, at present worked as Chowkidar in the I.C.A.R. Research Complex, Barapani, Meghalaya, do hereby solemnly affirm and verify that the statement made above in paragraphs 1, 2, 4, 16, 19, 22, 24 are true to the best of my knowledge and belief and those made in paragraphs 3, 5, 15, 17, 18, 20, 21, 23, 25 are derived from records and the rests are my humble submission before this Hon'ble Tribunal and I sign this the 1st day of February 2001 at Shillong.

Prabin Ch Medhi
Signature:

no. 75-

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
'CEDAR LODGE', JOWAI ROAD, SHILLONG-793003.

Memo.No.RC(P)65/78/51

Dated Shillong, the 17th June, 1981.
18

Sub:- Request for transfer from Chowkidar to Peon/Messenger.

With reference to his representation dated 4.6.81, Shri Prabin Medhi, Chowkidar is informed that he has been allowed to continue further studies without detrement to his duties as a Chowkidar.

Shri P.Medhi,
Chowkidar,
ICAR Research Complex for
N.E.H. Region,
Amrit Bhavan,
Laban,
Shillong - 4.

(V.K. Kaushal) 18/6
Senior Administrative Officer.
AK

See

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
KAMR CEDAR LODGE, JOWAI ROAD, SHILLONG-793003.

NO.RC(E) 65/78/73

Dated Shillong, the 3rd July, 1982.

Sub:- Permission for taking admission in I.T.I.

With reference to his application dt.16.6.82, Shri Prabin Medhi, Chewkidar is informed that since he desires to attend the course beyond his duty hours, he is allowed to take admission in I.T.I. at Shillong, without detriment to his duty in any way and subject to withdrawal of permission at any time without assigning any reason.

This has the approval of the Director.

Shri P. Medhi,
Chewkidar,
ICAR Research Complex for
N.E.H. Region,
Amrit Bhavan Building,
Shillong.

Sd/- A.R. Das,
Asstt. Administrative Officer (Admn.).

Copy to the Scientist Incharge Agril Engineering Division, ICAR Research Complex for N.E.H. Region, Shillong for information and necessary action.

(A.R. Das)
Asstt. Administrative Officer (Admn.).

Attested
ASIS
6/7/82

Agril. Engineer,
ICAR Research Complex for
N.E. Hill region, Shillong.

92
- 77 -

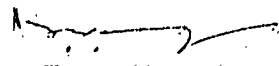
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
CEDAR LODGE, JOWAI ROAD, SHILLONG-793 003

NO.RC(P)65/78

Dated Shillong, the 31st October, 1988

With reference to his letter dated 22-10-88, Shri Prabin Ch. Medhi, Chowkidar is hereby advised to submit the Certificate, Mark sheets etc., in original.

Learn to be Rev.


(B.I. CHOWDHURY)
Asstt. Administrative Officer
(Admn.)

14/3/x

To

✓ Shri Prabin Ch. Medhi,
Chowkidar, (Agril. Engg.) Division,
ICAR Research Complex for NEH Region,
Shillong.

.....

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Cedar Lodge, Jowai Road, Shillong-793003.

27-78-

No. RC(P) 65/78

Dated Shillong, the 4th November, '88.

To

✓ Shri Prabin Medhi,
Chowkidar,
ICAR Research Complex for N.E.H. Region,
Amrit Bhavan, Shillong - 793 004.

Sub: Returning of original certificates, marksheet,
etc.

Ref: Our letter of even number dated 31.10.88

✓

Please find herewith the original certificates,
marksheet, etc. The same has been taken into account for
record in office.



✓

(- B.I. Chowdhury)
Asstt. Administrative Officer
(Admn.)

14/11

Encl.: As above

Copy to:

Shri A. Singh, Scientist S-3 (Agril. Engg.) and
Head, Division of Agricultural Engineering,
ICAR Research Complex for N.E.H. Region,
Amrit Bhavan, Shillong-793 004.