

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 71/2000
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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 71/2000

OF 199

Applicant(s)

Sri Durga Puri.

Respondent(s)

Union of India and others.

Advocate for Applicant(s)

A. A. Ahmed

Advocate for Respondent(s)

C.G.SL.

Notes of the Registry	Date	Order of the Tribunal
Application No. 71/2000 Received within time C. P. of Regd. Deposited vide Addl. No. 45327 Recd. 11/2/2000 M/s. 11/2/2000 1 - 3 - 2000	18.2.2000	Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Hon'ble Mr. G.L. Sanglyine, Administrative Member. Application is admitted. Issue usual notices. Returnable by 21.3.00. List on 21.3.00.
Service of notices prepared and sent as per Section 30 issuing of the same to the respondents through Regd. post with A.P.O. vide D.No. 651 & 653 Dtd. 1-3-2000	21.3.2000	On the prayer of Mr B.S. Basumatary, learned Addl.C.G.S.C the case is adjourned to 6.4.2000 for filing written statement and further orders.

Notes of the Registry	Date	Order of the Tribunal
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① Service report
are still awaited.

② No. written statement has been filed.

*30
5.4.2000*

6.4.00 Two weeks further time is allowed for filing of written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C.

List on 27.4.2000 for written statement and further orders.

6
Member

trd.

27.4.00

No written statement has been submitted. Two weeks further time is allowed for submission of written statement on the prayer of Mr. A. Deb Roy learned Sr. C.G.S.C.

List for written statement and further orders on 12.5.00.

6
Member

*11-5-00
no w.s. has been
filed.*

mk

12.5.00

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. 3 weeks time allowed for filing of written statement.

List on 7.6.00 for order.

*2
7.6.00*
Member (J)

pg

7.6.00

Present: Hon'ble Mr. D.C. Verma,
Judicial Member

None for the applicant. Mr. A.

Deb Roy, learned Sr. C.G.S.C., seeks two weeks time to file written statement. Time is granted. List the case on 21.6.00 for orders.

Member (J)

nkm

21.6.00

*There is no Court today.
Adjudic. on 17.7.00.*

b7b

17.7.00 *There is no Court today,
Adjudic. on 7.8.00. No
7.8.00 no Court. Adjudic. 6.9.00. No*

(3) on 21/9.

(3)

Notes of the Registry	Date	Order of the Tribunal
1) Service report are still awaited.	6.9.00	no Bm. to be list on 21.9.00
2) No W/s has been filed.	21.9.00	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. 3 weeks further time granted for filing of written statement on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C. List on 23.10.2000 for written statement and further orders.
9 - 11 - 2000		<u>Vice-Chairman</u>
1) Service report are still awaited.	pg	
2) No. W/s has been filed.	23.10.00	Two weeks time is allowed to the respondents for filing of written statement on the prayer of Mr.A. Deb Roy, learned Sr.C.G.S.C. List on 10.11.00 for written statement and further orders.
<u>30</u> No. written statement has been filed.	mk	<u>Vice-Chairman</u>
<u>29/11/2000</u>	10.11.00	List on 30.11.00 to enable the respondents to take instructions.
15.12.2000	lm	<u>Vice-Chairman</u>
1) Service report are still awaited vide D.No. 651-653 dated 1.3.2000.	30.11.00	Written statement has been filed. List on 18.12.2000 for hearing. The applicant may file rejoinder, if any, within 7 days from today.
2) No W/s has been filed by the respondents	pg	<u>Vice-Chairman</u>
14/12/2000		
No. Rejoinder has been filed.		
<u>16/11/2001</u>		

(4)

Notes of the Registry

Date

Order of the Tribunal

~~Received order
Searched case no. 55~~~~Written statement
has been filed.~~

8.12.00

The case was brought at my instance to adjust the date of hearing from 18.12.000 for the Division Bench. The case is now ordered to be heard on 25.1.2001 instead of 18.12.2000. In the meantime, the respondents may file if written statement, if any.

Vice-Chairman

lm

15.12.00

No representation on behalf of the applicant. List it again on 17.1.2001.

Vice-Chairman

trd

17.1.01

Mr. S. Sarma learned counsel on behalf of Mr. A. Ahmed learned counsel for the applicant stating that due to illness of his mother he could not attend this Tribunal to-day. List on 31.1.01 for hearing.

H. Khan
Member

lm

31.1.

Ms. S. B. Adyaweed to 7.2.2001.

P.M.

A. & J. S.

31.1.2001

7.2.2001

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

Vice-Chairman

nkm

*Received
copy of the judgment
of 7/3/2001*

12.3.2001
Copy of the judgment
has been sent to the
Office of the Registry in
time to the applicant
H.S.

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. No. . 71 of 2000

DATE OF DECISION 7.2.2001

Shri Durga Puri

PETITIONER(S)

Mr A. Ahmed

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

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

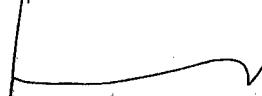
ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE

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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.71 of 2000

Date of decision: This the 7th day of February 2001

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

Shri Durga Puri,
P.K.R./Mate Ex-T NO.34,
Office of the 222 Advance Base Ordnance Depot,
C/o 99 A.P.O.

.....Applicant

By Advocate Mr A. Ahmed.

- versus -

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Defence,
New Delhi.
2. The Director General,
Ordnance Service,
Master General of Ordnance Branch,
Army Head Quarters,
New Delhi.
3. The Commandant,
222 Advance Base Ordnance Depot,
C/o 99 APO.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The case pertains to appointment on compassionate ground. The father of the applicant was working as PKR/Mate Ex-T under the respondent No.3, who died in course of his employment. The applicant approached the respondents for providing with a Group 'D' civilian post on compassionate ground. According to the applicant he moved the authority from time to time. Since his case was not considered he filed this application for redressal of his grievance.

2. The respondents submitted their written statement and stated that as per the policy adopted, appointments are made by the respondents under relaxation of normal rules issued from time to time. The applications

are entertained from the nominees of the expired/retired personnel and subsequently a Board of Officers scrutinise the most deserving cases based on the marks obtained by them. The criteria for allotting marks in the different aspects of the candidate is laid down in the Army Head Quarter policy letters dated 8.7.1999 and 30.7.1999. Based on the availability of vacancies, the details are generally forwarded to Headquarters in connection with the appointment under relaxation of normal rules. The case of the applicant was also forwarded to the Head Quarter Eastern Command on two occasions, but on both occasions he could not secure the qualifying marks and hence he was not selected. Thereafter, as per directions of the higher authority, Board of Officers was convened at the depot level to recommend the names of suitable candidates under relaxation of normal rules. The applicant submitted a fresh application for employment under relaxation of normal rules and accordingly Board proceedings were carried out during January 1998. However, the case of the applicant could not be recommended since he secured lesser. Only those candidates who secured more than 75% marks were recommended for appointment. In another Board of Officers convened in November 1998 the applicant's case was considered, where he got only 38 marks and at that time also his name could not be recommended. According to the respondents since the applicant could not obtain the necessary marks, his case could not be considered for employment as per the Scheme.

3. I have heard Mr A. Ahmed, learned counsel for the applicant as well as Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Ahmed submitted that the applicant is one of the deserving candidates who was entitled for such compassionate appointment. The right of a person seeking employment is extended to the right for consideration of his case. There is no fundamental or legal right for appointment. The right is for consideration of his case. The Department adopted a procedure for consideration and the applicant's case was considered, but he could not

.....

~~fit~~ the bill and accordingly he could not be appointed. No illegality, as such, is discernible.

4. In the circumstances, the application stands dismissed. There shall, however, be no order as to costs.

(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

Central Administrative Tribunal
Guwahati Bench

17 FEB 2000

গুৱাহাটী বিধৃত
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 21 OF 2000.

Mr. Durga Puri

...Applicant.

-Versus-

Union of India & Others

... Respondents.

I N D E X

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Filed by
Signature
Advocate..

D. Puri

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

File by
Shri Durga Puri
Applicant
Abu Hashem
Advocate
Advocate

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

ORIGINAL APPLICATION NO. 72 OF 2000.

B E T W E E N

Mr. Durga Puri,
S/o Late Hiralal Puri,
P.K.R. / Mate Ex-T No. 34,
Office of the 222 Advance
Base Ordnance Depot,
C/o 99 A.P.O.
Resident of Vill- Amsing
Jorabat, P.O.-Satgaon,
Dist-Kamrup, Assam.
PIN - 781027

Applicant.

-AND-

1. The Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.
2. The Director General,
Ordnance Service, Master
General of Ordnance Branch,
Army Head Quarters,
P.O.- DHQ, New Delhi-110011.

D. Puri

33 The Commandant,
 222 Advance Base Ordi-
 nance Depot, C/o 99 APO:
 . . Respondents.

DETAILS OF THE APPLICATION:

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

This instant application is not made against any particular order but it is made against the inaction of the Respondents for not appointing the applicant against any Group 'D' Post on compassionate Ground and also prayer for consideration of appointment of the applicant as Mazdoor in the Office of the Respondent No.3.

JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

D. Puri

FACTS OF THE CASE

Facts of the case in brief are given below:

4.1 That your humble applicant a citizen of India and permanent resident of Village- Amsing, Jorabat P.O. & P.S.- Satgaon, District- Kamrup, Assam and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2 That the father of the applicant was working as PKR/Mate Ex-T. No. 34 under the Respondent No.3. The Applicant's father died on harness on 03-08-1993. The applicant is the eldest son of his family. He read up to Class-IX (Nine) standard.

Annexure-A is the Photocopy of School Certificate issued by the Kendria Vidyalaya Sangathan, Guwahati Region.

4.3 That your applicant begs to state that his father left his widow wife and five children including the applicant. The applicant is the eldest among the children left by his father. The applicant's two sisters, have already married and they are leaving with their respective husbands.

4.4 That after the death of applicant's father the family members of the applicant has to face tremendous financial hardships and

D.P.G.P.I

also mental sufferings. Immediately after death of his father the applicant approached the authority concerned for getting appointment in any Group-'D' Civilian post in the in the Defence Department on compassionate ground. He filed various representations before the authority. The authority concerned from time to time gave him assurance that his case will be considered as per policy of employment in relaxation to normal rule for appointing a candidate on compassionate ground in the Defence Department and he was asked to submit fresh application. Accordingly, the applicant applied in the prescribed form provided by the Defence Department from time to time. Lastly he applied for the post of Mazdoor in the Office of the Respondent No.3 and the said interview was held on 13-01-2000. But till today the Respondents have not taken any steps to provide employment to the applicant. Hence, he is compelled to approach this Hon'ble Tribunal for seeking justice.

Annexure-B is the photocopy of the letter No. 1504/Relax/76/Civ Est dated 22nd May, 1998 issued by the Office of the Respondent No.3.

Annexure-C is the photocopy of the format of Appendix-C to Army Head Quarter Letter No.93669/Policy/OS-8 C(I) dated 8th 1989 provided by the Respondents along with the Representation submitted by the applicant.

D.6421

Annexure-D is the photocopy of the Call letter for the post of Mazdoor in the Defence Department issued by the Respondent No.3 dated 13-01-2000.

4.5 That your applicant begs to state that the Respondents have dragging his case of appointment on compassionate ground for last several years but till today they have not come into conclusion about his appointment. The Respondents every time assured the applicant that he will be appointed and also the Respondents provided necessary form for fresh application for appointment but till today they have not appointed.

4.6 That your applicant begs to state that he has applied for the post of Mazdoor in the Office of the Respondent No.3 and as per his application he has reported before the Respondent No.3 on 29-01-2000. As such, the applicant seek a direction from the Hon'ble Tribunal to Respondents to consider his appointment on compassionate ground for the post of Mazdoor as per interview held on 29-01-2000 or any other vacant group 'D' post under the Respondents.

4.7 That the applicant submits that he is running from pillar to post for getting an employment in any Group 'D' post in the Office of the Respondent No.3 where his father was working. It may be stated that the mother of the applicant has also expired and as such, the only source of income of family pension is also stopped. But till today the Respondents have not taken any sympathetic view in this matter.

4.8 That in view of the facts and circumstances it is a fit case for interference by

J. Puri

the Hon'ble Tribunal to save the entire family members of the application from starvation.

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

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that, the action of the Respondents for not appointing the applicant on compassionate ground is illegal, arbitrary, mala fide and violative of the principles of natural justice.

5.2. For that, the Respondents being a model employer he should consider the case of the applicant for appointment on compassionate ground and hence the action of the Respondents is bad in the eye of law.

5.3. For that, the Respondents have deliberately dragging the matter for several years and the Respondents have not taken any action in this matter. As such, the inaction, on the part of the Respondents is mala fide, illegal, arbitrary and without jurisdiction.

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

5.5. For that, the applicant's case is a genuine and also need a sympathetic consideration of the matter by the Respondents and hence the Respondents cannot deny it.

D. Puxi

5.6 For that, till death applicant's father served under the Respondent No.3 with full sincerity and devotion. As such, the Respondents cannot deny the applicant's benefit of getting his appointment on compassionate ground.

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

D Puri

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8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition and may call for records of the case, issue rule calling upon the Respondents to show cause as to why the relief should not be given to the applicant and after hearing the parties on the cause or causes that may be shown and on perusal of records your Lordships may be pleased to grant the following relief to the applicant.

8.1 To direct the Respondents to issue appointment letter to the applicant on compassionate ground against any vacant post of Group 'D' relaxing the normal rule. ✓

8.2 To direct the Respondents to consider his appointment as Mazdoor on compassionate ground as per interview held on. 29-01-2000. ✓

8.3 To direct the Respondents to complete the process of appointment as early as possible.

8.4 Cost of the application.

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

S. Puri

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant most respectfully prays for an interim order directing the Respondents to consider his case of appointment against any vacant post on temporary basis till his regular appointment is made by the Respondents.

10. Application Is Filed Through Advocate.11. Particulars of I.P.O.:

I.P.O. NO. 06453272

Date Of Issue 11.2.2000

Issued from Guwahati

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

D. Basu

VERIFICATION

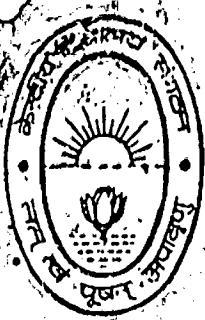
I, Sri Durga Puri, S/o Late Hiralal Puri, P.K.R. / Mate Ex-T No. 34, Office of the 222 Advance Base Ordnance Depot, C/o 99 A.P.O. Resident of Vill-Amsing Jorabat, P.O.-Satgaon, Dist-Kamrup, Assam do hereby solemnly verify that the statements made in paragraphs 41, 43, 45, 46 — are true to my knowledge those made in paragraphs 42, 44 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 17th day of February, 2000.



Declarant

KENDRIYA VIDYALAYA SANGATHAN
GAUHATI REGION
 केंद्रीय विद्यालय संगठन (गोपनीय संगठन)



Name of School Nariangi

विद्यालय का नाम

पुस्तक सं. 179 क्रम संख्या 17812
BOOK No. 188 SL. No.

राशा संख्या ADMISSION No. 2532

1. छात्र का नाम, Name of the Pupil Durga Puri

2. पिता/अमितावक का नाम Father's/Guardian's Name S. H. H. Puri

3. राष्ट्रीयता Nationality Indian
क्या छात्र अनुसूचित जाति/अनुसूचित जनजाति से सम्बन्धित है

4. Whether the candidate belongs to Scheduled Caste or Scheduled Tribe N.A.
विद्यालय में प्रथम प्रवेश की तिथि दिनांक सहित

5. Date of first admission in Vidyalaya with class 19.7.79 in class IV
जन्म तिथि प्रवेश पंजीकरण रजिस्टर के अनुसार

6. Date of birth, (in Christian Era) according to Admission Register Thirteenth May N.H
(अंकों में) (in figures) 13.5.1970 (शब्दों में) (in words) Seventy.
क्या जिसमें छात्र ने, अध्ययन किया है (अंकों में)

7. Class in which the pupil last studied (in figures) IX
(शब्दों में) (in words) Ninth
स्कूल/बोर्ड वार्षिक परीक्षा जिसमें संभिलित हुआ

8. School/Board Annual Examination last 1985-86 with result IX class Failed.
वया उसी क्षण में अग्रणी, पांच हां, पांच वर्षीय हुआ जाता है

9. Whether failed, if so once/twice in the class Failed once.

10. Which Subject studied All Compulsory Subjects
अनियाचर Compulsory Q. Class Elective

क्या उच्च कक्षा में प्रोग्राम है, यदि हां हो तो कक्षा की विषय

11. Whether qualified for promotion to higher class, if so, to which class No. Study in
(शब्दों में) (in words) class Ninth.
लिख समीक्षा तक स्कूल को देय रूपक दिया

12. Month upto which the (pupil has paid) schools dues paid October 1986
शुल्क मुक्ति एवं प्रक्रिया

13. Any fee concession availed of, if so, the nature of such concession N.A.

14. विद्यालय के कार्य दिवसों की कुल संख्या Total No. of working days 446 Meetings

15. कुल दिन विद्यार्थी संपर्कित रहा Total No. of working days present 97 Meetings

वया एन० सी० सी०/सालाना/ग्राह्य १८ (विषय विद्या जारी)

16. Whether NCC Cadet/Boy Scout/Girl Guide (details may be given) 1. Attended State Jamboree at Hyderabad in 1984
2. Attended National Camp, Bangalore in 1985

सेल जिनमें भाग लिया, पाठ्यपत्र लिया ये जिनमें छात्र ने प्रायः भाग लिया (उपलब्ध के तत्त्व को ध्यान देना जारी रखा जाए)

17. Games played or extra curricular activities in which the pupil usually took part (mention achievement level therein) Worked as a Volunteer in All India Bimetal Conference at Kuvempu in 1985

18. सामाजिक चाल धरन General Conduct. Good.

19. स्थानान्तरण के लिये अन्यथा वी. तिथि Date of application for certificate 4.2.91

20. प्रमाण पत्र जारी करने की तिथि Date of issue of certificate 5.2.91

21. विद्यालय छोड़ने का कारण Reasons for leaving the school Discrepancy due to domestic affair.

22. अन्य विषय Any other remarks

V. Verified

OK Solution

60. Fill in (एवं नाम एवं पद)

Checked by

(full name and designation)

उत्तरांश विद्यालय
Sig. of class teacher

प्राप्ताय

Principal

J. A. Vaidya
(Signature) 5/2/91

Prescribed

केंद्रीय विद्यालय कार्यपाली
Kendriya Vidyalaya Hassan

UPC

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

1504/Relax/78/Civ Est

22 May 98

Spouse deceased
S/o late Hiralal Puri
Vill- Amsing Torabat
Post- Salgon
Dist- Ramrup (Assam)

EMPLOYMENT IN RELAXATION TO NORMAL RULES

1. It is intimated that your application for employment in relaxation to normal rules was forwarded to HQ Eastern Command vide our letter No 1504/Relax/78/Civ Est dated 30 Dec 97. The same was returned under HQ Eastern Command letter No 321914/2/B-27/17/OS-8C dated 05 Jan 98, stating that only the most deserving cases commensurating with the available vacancy from each of the Ordnance unit be forwarded again.

2. In view of the directions of the HQ Eastern Command, a Board of Officers was detailed and the utmost very deserving cases based on the higher percentage of marks obtained by the nominees of the deceased as per Army HQ letter No 98669/Policy OS-8C (i) dated 08 Jun 89 have been scrutinised and the same were re-submitted to HQ Eastern Command for their consideration. Your case did not find merit by the Board of Officers.

3. As per policy, a fresh application addressed to Commandant 222 ABOD, C/O 99 APO requesting employment and Appendix 'C' to Army HQ letter No 93689/Policy/OS-8C (i) dated 08 Jun 89 are required to submit in triplicate duly signed by the applicant at each time. Hence three copies of the above appendix 'C' are forwarded herewith for signature and return the same duly signed alongwith other papers by 15 Jun 98.

Encls: (Three only)

(MK Chaudhary)
Lt Col
Adm Officer
for Commandant

Attn'd
J.S.
Advocate

Appendix 'C' to Army HQ letter
No 93669/Policy/OC-OC (1) dt
08 Jun 89

PROFORMA FOR APPOINTMENT OF DEPENDENT OF GOVT SERVANT DYING
WHILE IN SERVICE/RETired OR INVALID PENSION

PART -I

I (a) Name of the deceased/retired on invalid pension employee : Late Hira Lal Puri
(b) T.No/P.No designation and unit of the employee : PKR/Male, Ex-T.No. 34
(c) Date of death/retirement on in valid pension : 03-08-1993
(d) Total length of service rendered : 30 yrs 02 months 15 days
(e) Balance of service left out :
(f) Whether belonging to SC/ST (if yes attested copy will be enclosed) : NO
(g) Whether permanent or temporary : Permanent

II (a) Name of the candidate for appointment : Sri Durga Puri
(b) His/Her relationship with the employee : Son
(c) Date of birth (enclosed proof education certificate containing date of birth or birth certificate from municipal records and assessed age from Medical Authority alongwith an affidavit from the applicant through the court that the date of birth will be challenged at a later) : 13-5-1970 (Enc. Education Certificate)
(d) Education Qualification (Enclose attested copies of certificate in triplicate) : Read upto Class 10 (Enclosed School Certificate in triplicate)
(e) Whether any other dependents has been appointed on compassionate grounds (if so give brief details) : NO
(f) Unit and post for which employment sought : Dy Grade in 222 ABOD C/099 NPO
(g) Whether applying for compassionate appointment for the first/Second/Third time : Applying soon after the death of the deceased employee (since the year of 1993)

.....P/2

Attested
by
Advocate

III Conclusion of total assets left including amount of :-

(a) Family Pension	: Rs 565/-
(b) GP Fund Balance	: Rs 8335/-
(c) Gratuity	: Rs 28195/-
(d) Group Insurance Scheme	: Rs 17013/-
(e) Encashment of leave	: Nil
(f) Movable & Immovable Properties and Annual income earned there from by the family	: Nil
(g) Any other terminal benefits/ assets payable	: Nil

Note : Column (a) to (c) will be completed by Office and (f) to (g) will be completed by the applicant.

IV Brief particulars of liabilities if any Nil

V Particulars all dependents of employee (if some are employed their income and whether they are living together or separately)

S.No	Name	Age	Relationship with the employee	Employed or not	Particulars of employee (encl cert from employee)	Married or unmarried if living with the dependents	No of members from family	Living together
1.	Mrs. Meena Kumar	49 yrs.	Wife.	Not employed	Mrs. Meena Kumar	Not married	— Do —	— Do —
2.	Sri Durga Puri	28 yrs.	Eldest Son.	— Do —	— Do —	— Do —	— Do —	— Do —
3.	“ Laxman Puri	23 yrs.	2nd Son	— Do —	— Do —	— Do —	— Do —	— Do —
4.	“ Ram Puri	19 yrs.	3rd Son	— Do —	— Do —	— Do —	— Do —	— Do —
5.	“ Sakuntala Kumar	34 yrs.	Eldest daughter	— Do —	— Do —	Married	— Do —	Living Separately
6.	Sureswari Kumar	30 yrs.	2nd daughter	— Do —	— Do —	— Do —	— Do —	— Do —
7.								
8.								
9.								

VI I do hereby declare that the facts given by me above are true to the best of knowledge and correct. If any of fact therein mentioned are found to be incorrect or false at a future date my service may be terminated.

I solemnly affirm that in the event of my appointment as Grade. I will support the family of the employee who died in harness or retired on invalid pension.

Date : - 06 - 1998

(Sig of the candidate)

Attested
by
Advocate

To,

The Commandant
222 ABOD C/O 99 APO
Dated the 4th June '98

Sub : Employment in relaxation to normal rules.

Ref : Your letter vide No 1504/Relax/76/CIV Smt
dated the 22nd May '98.

Sir,

With reference to the subject cited above, I have the honour to state the following few lines for favour of your kind consideration and necessary order please.

That Sir, I have been intimated that very deserving cases based on the higher percentage of marks obtained by the nominees of the deceased were already been submitted to the HQ Eastern Command, but my case did not find merit by the Board of officers.

In this context, I would like to draw your kind attention that I am also a nominee of a deceased ex employe who expired during his service period. I am the eldest son of the deceased employee who has been praying for the employment under prescribed rules to support my widow mother and younger brothers. My father left no movable or immovable property and there is no any source of income to support my family.

I therefore earnestly request your honour to consider my case as a deserving candidate and provide me the employment so that I can look after my starving family members. I shall remain ever grateful to you for this act of kindness.

Encl : - Three copies of Appendix 'C' Yours faithfully.

to Army HQ. letter No-
93689/Policy/OS-8C(1)
dated 08th June '89

Durgapuri
Sri Durga Puri
8/O Late Hiralel Puri
PKR/Mate, Ex.T.No-34
Ansing Jorabat.

Copy to :-

- 1) The M.G.A.O.C,
Head quarters,
Eastern Command(Ord)
Fort William, Calcutta-21.
For favour of necessary action.
- 2) D.G.A.O.S.
Master General of Army,
(Ord Branch) D.H.Q. (OS-8C),
Army Head Quarters, New Delhi-110011,
For favour of necessary action.
- 3) The General Secretary,
222 A.B.O.D. Mazdoor Union,
C/O. 99 A.P.O.
For favour of necessary action.

[Handwritten signatures and initials]

ANNEXURE - D



222 Advance Base Ordnance
C/O 99 APO

13 Jan. 2000

152/Recd/Vaz/- /Civ Est

Dogra Dvi

SDU Lek Hart/1/2001

Vill Darping (Jharkhand)

PC Puri/Orissa

Dist. Deoghar (Jharkhand)

28/10/27

DEPLOYMENT OF MAZDOOR

Name

Dogra Dvi

Roll No.

618

1. Ref your application dated
2. You are hereby directed to report to 222 ABOD at 0900 hrs on 29 Jan 2000 for interview for the post of Mazdoor. You are required to bring the following documents in original while reporting for interview :-(
 - (a) Caste/Cat certificate (SC/ST/OBC/Ex-Serviceman).
 - (b) Educational qualification certificate.
 - (c) Domicile or Ration Certificate.
 - (d) Document proving date of birth.
3. Please note that your candidature will be rejected summarily, if you fail to produce the above certificate in original at the time of interview.

Ches
(Anil Sehgal)

Major
Offg Administrative Office

AD
AS
Admire

18
13/11/2000
F. D. No. 13/11/2000
S. C. No. 13/11/2000
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal
Guwahati Bench

2 NOV 2000

Guwahati Bench

GUWAHATI BENCH

O. A. NO. 71 OF 2000

Shri Durga Puri

.....Applicant

- VS -

Union of India & others

..... Respondents

IN THE MATTER OF

Written statement submitted by respondent.

(WRITTEN STATEMENT)

1. That with regard to the statement made in para 1 of the application, the respondents beg to state that necessary instructions/guidelines/polities in connection with the appointment under relaxation to normal rules, was laid down vide Army HQ letter Nos 98669/Policy/OS-8C(i) dated 08 Jun 89 and 93669/Policy/OS-8C(i) dated 24 Sep 98. Subsequently, Army HQ vide letter No. 93669/policy/OS-8C(i) dated 30 Jul 99 issued fresh policy, supersending the earlier policy on the subject. It may be mentioned that applications in connection with the "appointment under relaxation to normal rules" are entertained from the nominees of the expired/retired personnel and subsequently a Board of Officers scrutinised, the most deserving cases based on the marks obtained by them. The criteria for allotting marks in the different aspects of the candidate is laid down in the Army HQ policy letters dated 08 and 30 Jul 99. The marks are strictly awarded/allotted by the Board of Officers according to the laid down norms, as mentioned in Army HQ letters above. It is further

submitted that as per the latest policy of Army HQ only most deserving cases are recommended by the Board of Officers. Based on the availability of vacancies, the details are generally forwarded to Headquarters in connection with the appointment under relaxation to normal rules. It is submitted to the Hon'ble Court that the applicant of the instant OA had submitted an application and connected documents, requesting for appointment as Mazdoor under relaxation to normal rules, and accordingly the same was forwarded to HQ Estern Command vide letter Nos 1504/Relax/152/Civ Est dated 30 Dec 97 and 1504/Relax/62/Civ Est dated 10 Jun 97. On both the occasions, Shri Durga Puri could not secure the qualifying marks, and hence, he was not selected. Thereafter, on the directions of Higher Headquarters, Board of Officers was convened at the depot level to recommend the names of suitable candidates under relaxation to normal rules. The applicant of the instant OA, had submitted fresh application requesting for employment under relaxation to normal rules and accordingly, Board proceedings were carried out during Jan 1998. After examining the different aspects of the application of Shri Durga Puri, Board of Officers could not recommend his case, since he secured only 27 marks out of 100. The candidates who secured more than 75% marks were recommended for appointment. In yet another Board of Officers which was convened during Nov, 1998, the applicant of the instant OA got only 31% marks and as such, again his name could not be recommended for appointment. It is reiterated that since the applicant could not secure qualifying marks on more than three occasions, his name was finally rejected for employment as per laid down policy. **KK**

It is pertinent to mention that initially the system of scrutiny/selection of suitable candidates, was not being done at the depot level. The depot authorities used to forward the applications of the effected individuals in a lot to the HQ Eastern Command for their recommendation. During that time also, Shri Durga Puri's name was forwarded to the Higher Headquarters on two different occasions as mentioned above ; but the higher authorities did not recommend him for appointment since he could not fulfil/meet the required criteria, as mentioned in the policy letter. Owing to the increased number of job-aspirants in the depot, higher HQs instructed the depot authorities to convene Board of Officers to recommend the names of suitable candidates or onward submission to HQ Eastern Command based on the marks obtained by them. As mentioned above, the applicant's name was not recommended by a Board of Officers on two occasions, since he could not secure required percentage of marks. Also as per latest policy, total vacancies for compassionate appointment are to worked out at 5% of the total wastage in the Corps in the preceding year and vacancies to Commands/CODs are allotted on pro-rate basis on the number of deaths/invalidments cases(Refer Army HQ letter dated 30 Jul 99). In fact the applicant is not aware of the rule position/policies on the subject, and as such, the present OA is filed by him to malign the image of the organisation. The contention expressed in the para is totally denied.

Photo copies of letter dt. 8.6.89
annexed as ANNEXURE - A, letter
dt. 24.9.98 as ANNEXURE - B, and
letter dated 30.7.99 as ANNEXURE - C.
Contd.... 4/P

2. That with regard to the statement made in paras 2 and 3 of the application, it is stated that the matter relating to the provisions of the Administrative Act, 1985 and Rules made thereunder, accordingly save what appears therefrom, the respondents beg to offer no comments.

3. That w with regard to the statement made in paras 4.1 and 4.2 of the application, it is stated that the same are matters of record. Nothing beyond record is admitted.

4. That with regard to the statement made in para 4.4 of the application, the respondents beg to offer no comments.

4. That with regard to the first part of para 4.5 of the application, the respondents beg to offer no comments. Regarding the remaining part of para 4.5, it is submitted that due to policy constraints, the applicant could not be appointed as Mazdoor by the Govt. It may be mentioned that applicant of the instant OA, submitted representation seeking employment under relasation to normal rules a number of times, but his candidature was finally rejected as he could not secure qualifying marks as stipulated in the policy made by the Govt., on more than three occasions. It may be mentioned that the individual applied for the post of Mazdoor in view of the advertisement published in " The Assam Tribune" under the category of "direct recruitment". The date of interview was communicated ~~to the~~ to the applicant as 29 Jan 2000 and not as 13 Jan 2000 as mentioned in the para. It is pertinent to note that the applicant has mixed-up recruitment under relaxation to normal rules and "direct recruitment". The policies of both

- 5 -

the process of appointment are different and separate, and intermingling of both the contentions, is unwarranted and his plea is totally denied.

6. With regard to the statement made in para 4.5 of the application, the respondents request the Hon'ble Court to refer our preceding paras.

7. With regard to the statement made in para 4.6 of the application, the respondents beg to state that the applicant applied for the post of Mazdoor in view of the advertisement published in "The Assam Tribune" under "direct recruitment" process. The applicant of the instant OA was not selected by the Board of Officers considering his performance in the interview/test. Necessary formalities in connection with the appointment of selected candidates have been completed, but due to the filing of a Court case OA 30/2000 in CAT, Guwahati by P. Ramanna & Ors challenging the recruitment for the post of Mazdoor, appointment process has been stalled for the time being. Since the applicant could not get selected in the interview/test held on 29 Jan 2000, so his contention in this para is completely refuted.

8. With regard to the statement made in para 4.7 and 4.8 of the application, the respondents beg that our reply in preceding paras be referred to.

9. The contention expressed in the para 4.12 is explicitly denied since the applicant's name was not recommended by the Board of Officers as ~~many~~ many as four times and the applicant also could not qualify in the test/interview for the post of Mazdoor held on 29 Jan 2000 for direct recruitment as mentioned in the preceding paras.

10. The contention expressed in the paras 5.1 to 5.5 is specifically denied. In this connection please refer to our preceding paras.

11. That with regard to the part of para 5.6, it is stated that the same are matters of record and nothing beyond record is admitted. Regarding the letter part of the para, it is submitted before the Hon'ble Tribunal ~~that the same~~ that due to policy constraint, the applicant of the instant OA could not be appointed by the Govt.

12. That with regard to the statement made in para 5.8, it is submitted that ~~the~~ due to policy constraint as well as owing to the facts explained in the preceding paras, the applicant of the instant OA, could not be recommended for appointment by this depot. Hence, the contention expressed in the para is categorically denied.

13. That with regard to the statement made in paras ~~5.9 & 6.1 to 6.3~~ 6 and 7, the respondents beg to offer no comments.

14. That with regard to the statement made in paras 8, 8.1 to 8.3, the respondents request the Hon'ble Tribunal to refer to our preceding paras.

15. With regard to para 8.4, the respondents beg to offer no comments.

16. With regard to para 8.5 and 9 of the application, it is reiterated that due to policy constraints as well as the applicant's failure to obtain required marks as explained in the preceding paras as also owing to the sub-standard performance in the physical test/interview held on 29 Jan 2000, for the post of Mazdoor, the Board

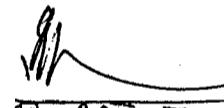
of Officers could not consider the applicant for appointment. Hence, the contention expressed in the para is completely denied. The OA is liable to set aside and quashed with cost.

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

I, Col Ibrahim Khan, Commandant

, 222 Adv Base Ordnance Depot C/O 99 APO being authorised do hereby solemnly declare that the statements in this written statement are to my knowledge and information. I have not suppressed any material fact.

And I sign this verification on this 2nd day
of ^{NOV} 2000.



Ibrahim Khan

Colonel
Commandant
DECLARANT