

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 156/2000

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SECTION OFFICER (Judl.)

Kalish

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 156/2000 OF 199

Applicant(s) Sri Badip Ch. Das

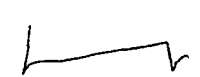


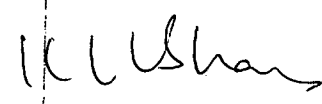

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Ahmed
Mrs. J. Khosla

Advocate for Respondent(s) Dr. B. P. Jodi
K.V.S.

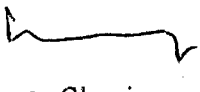
Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form and within time. E. F. of Rs. 100/- deposited. vide IPO No. 406262 Dated 3.5.2000</p> <p>9M/15 14/5/2000</p> <p>9-5-2000</p>	5.5.00.	<p>Issue notice to the respondents by registered post as to why the application shall not be admitted. Notice returnable on 5.6.2000.</p> <p>List on 5.6.2000 for consideration of admission.</p> <p>3m Member(J)</p>
<p>Service of notices prepared and sent to Dissection for issuing of the same to the respondents through Regd. post with A.D. vide D. Nos. 1346 to 1349</p> <p>By Dtd- 9-5-2000.</p>	5.6.00	<p>On the prayer of Mrs. P. Baruah, learned counsel for the applicant the case is adjourned to 6.6.2000.</p> <p>Member (J)</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>5-6-2000</u></p> <p>No cause has been shown.</p> <p><u>5-6-2000</u></p> <p>Show Cause has been filed by Respondent No. 4.</p> <p><u>5-7-2000</u></p> <p>Show Cause has been filed.</p> <p><u>24-7-2000</u></p> <p>Copy of order has been sent to the D/Sec. for issuing the same to the applicant and to Mr. B.P. Todi, Adv. for the K.V.S.</p>	<p>6.6.2000</p> <p>trd</p> <p>12.6.00</p> <p>lm</p> <p>5.7.00</p> <p>trd</p> <p>13.7.00</p>	<p>Counsel for the applicant is not present. Dr. B.P.Todi, learned counsel for the Kendriya Vidyalaya Sangathan.</p> <p>Passed over for the day.</p> <p>List on 12.6.2000 for consideration of admission.</p> <p>Member</p> <p>Present: Hon'ble Mr.D.C.Verma, Judicial Member.</p> <p>None for the applicant. Mr.S.Sarma learned counsel for respondent No.4. On behalf of respondent No.4 show cause has been filed. The other respondents show cause has not been filed. List on 5.7.00 for filing of show cause and further orders.</p> <p>Member(Judicial)</p> <p>Present: Hon'ble Sri S.Biswas, Member(A).</p> <p>At the request of Mr. G.N.Chakraborty (Proxy) the case is adjourned and posted on 13.7.2000. None present for the respondents.</p> <p>Member(A)</p> <p>Present : The Hon'ble Sri S. Biswas, Administrative Member.</p> <p>None present for the parties. The case came up for admission fifth time so far. On the last date (5.7.2000) at the request of the proxy counsel the case was adjourned and posted on 13.7.00. It is seen from records that the applicant's counsel is consistently absent. This shows that the applicant is not interested to pursue the case. The case is dismissed for default.No Costs.</p> <p>Member(A)</p>

Notes of the Registry	Date	Order of the Tribunal
	13.11.00	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>In view of the order passed in M.P. 214/2000 this O.A. is restored to file. Application is admitted. Call for the records.</p> <p>List on 13.12.00 for further order.</p> <p style="text-align: right;"> Vice-Chairman</p>
<p>pg</p> <p>Now Cause filed on behalf of R.No- 4.</p> <p><u>2M</u> 18.12.00</p> <p>Process served on R No 3</p> <p>22/12/00.</p> <p>16-1-2001</p> <p>Written statement has been filed by respondents No. 1, 2, 3, 4.</p> <p>Bar</p>	13.12.00	<p>Present : Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman. Hon'ble Mr. M.P.Singh, Member(A).</p> <p>Ms. T. Khro, learned counsel is appearing on behalf of the applicant.</p> <p>On the prayer of Mr. S. Sarma on behalf of Dr. B.P. Todi, learned counsel for the KVS four weeks time is allowed for filing of written statement.</p> <p>List on 19.1.2001 for written statement and further orders.</p> <p style="text-align: center;"> Member(A)</p> <p style="text-align: right;"> Vice-Chairman</p>
<p>trd</p> <p>19.1.01</p> <p>pg</p> <p>10.4.</p>	19.1.01	<p>R Written statement has been filed by respondent No.4.</p> <p>List for hearing on 10.4.2001. Meanwhile the other respondents may file written statements.</p> <p style="text-align: center;"> Member</p> <p style="text-align: right;"> Vice-Chairman</p>
		<p>There is no written bench.</p> <p>Admitted to 14-5-2001.</p> <p style="text-align: right;">Mh A.K. S 10.4.</p>

OA 156/2000

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Notes of the Registry	Date	Order of the Tribunal
<p><u>24.5.2001</u></p> <p>Copy of the Judgment has been sent to the Office for present the same to the Applicant as well as to the L/Adm. for the Registry.</p> <p>W</p>	<p>14.5.01</p> <p>trd</p> <p>WS</p> <p>18/5/01</p>	<p>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. Application is dismissed. No order as to costs.</p> <p>ICUShah Member</p> <p> Vice-Chairman</p>

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

156/2000
O.A./~~XXX~~ No. of

14.5.2001
DATE OF DECISION

Sri Pradip Chandra Das APPLICANT(S)

Ms. T. Khro ADVOCATE FOR THE APPLICANT(S)

-- VERSUS --

Union of India & Ons. RESPONDENT(S)

Mr. S. Sarma, on behalf of Dr. B. P. Todd, Standing Counsel for the KVS. ADVOCATE FOR THE RESPONDENTS.

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

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

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



X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 156 of 2000.

Date of decision : This the 14th day of May, 2001.

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

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Pradip Chandra Das
Son of Late Jalti Ram Das
Villate : Sadilapur
P.O. Pandu (Sadilapur)
District : Kamrup.

...Applicant

Ms. T. Khro.

-vs-

1. Union of India
represented by the Commissioner,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
2. Joint Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan
Regional Office,
Guwahati-12.
4. Sri K.C.Boro
Audit Assistant
Kendriya Vidyalaya Sangathan,
Regional Office, Maligaon
Guwahati-12.

...Respondents

By Advocate Mr. S. Sarma on behalf of Dr. B.P.Todi, learned
Standing Counsel for the K.V.S.

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

The controversy in this application relates to the
promotion of respondent no.4 to the post of Audit Assistant
vide order 26.3.1999. The applicant is presently serving as
Upper Division Clerk under the Respondents, to which post he

Contd...

was promoted by order dated 20.4.1992. The name of the applicant ^{appeared} at serial no. 256 in all India seniority list in the Guwahati Region. The next promotional avenue from the post of Upper Division Clerk to Assistant/Audit Assistant. As per the Recruitment Rule 60% posts of Audit Assistants are filled up by promotion on the basis of seniority cum fitness from Accounts Clerk/UDC at KVS (HQ) and Regional officers who have rendered 5 years regular service as Accounts Clerk/UDC and 40% by departmental examination open to all Accounts Clerk/UDC's/ Jr. Stenos of KVS (HQ)/Regional Offices/Kendriya Vidya who have rendered at least 4 years regular service. It was stated in the application that for the post of Accounts Clerk minimum qualification is prescribed for five years of regular service in the grade Accounts Clerk/UDC. Admittedly, the respondent no. 4 who is junior to the applicant was promoted to the post of Audit Assistant vide order dated 26.3.1999 though the respondent no.4 did not possess the minimum qualification for the post of Audit Assistant. For that purpose the applicant relied upon a photo copy of the statement showing the names and particulars of all officers/staff members working as on 1.1.1999 which was marked as Annexure-D to the application. In the aforesaid statement the name of the applicant was shown at serial number 11 and against educational qualification was shown H.S.L.C. whereas the name of the respondent no. was shown at serial No.12 and against the column 5 of educational qualification shown appeared HSLC examination as per the Service Book. Ms. T. Khro, learned counsel for the applicant submitted that on the face of the record since the respondent no. 4 did not fulfill the essential qualification for holding the post of even Accounts clerk which was unlawful on the part of the respondents to

Contd..

appoint the respondent no.4 by promoting him to the higher post ignoring the claim of the applicant to the post of Audit Assistant.

2. The respondents submitted their written statement namely respondent nos. 1,2, and 3. The respondents in its written statement denied and disputed the claim of the applicant stated that on receipt of the complaint from the applicant the matter was investigated and the Assam Higher Secondary Education Council, Guwaith vide their letter No. EXB-35/Result/98-99/139 dated 23.8.1999 clarified that respondent No.4 had appeared in the H.S. examination in the year 1995 under Roll No. 702 No. A and passed the said examination in third Division. The official respondents further stated that the applicant belonged to general category whereas respondent belonged to ST community. UDC's/Accounts Clerk upto seniority No. 191 and 267 had been promoted under general and ST category respectively. The seniority position of the applicant as general candidate was at serial no. 245 and was not within the zone for promotion to the post of Assistant/Audit Assistant. On the other hand since the respondent no. 4 belongs to the reserved category ^{was} he promoted to the higher post as per rule. Ms. T. Khro the learned counsel for the applicant mainly concentrated her submission on the eligibility consideration of the respondent no.4. There ^{was} no dispute on the fact that essential qualification was required for the post of LDC under the respondents H.S.L.C namely, matriculate or equivalent. Ms. Khro mainly based her contention on the statement showing the name and post of the staff members and officers mentioned at Annexure-D to the application wherein there was an endorsement against the respondent no.4 to the effect that as per service book his date of birth ^{was} is 01.12.1961 but as per HSLC certificate his date of birth is 01.12.1963. The

respondent no.4 submitted a photo copy of High School Leaving Certificate Examination under the Board of Secondary Education, Assam at Annexure-2 in its written statement. The aforementioned certificate bearing No. 1944 showing that the respondent no.4 passed the HSLC examination in the year 1982 from the Board of Secondary Education, Assam and he ~~was~~ passed in a compartmental chance against Roll No. D-23 No. 528. In addition the respondent No. 4 also annexed a photo copy of the certificate issued by the Principal of the Radhagovinda Baruah College, Ambari, Fatasil stating that he passed the H.S. (Arts) Final Examination in 1995 from the aforementioned college under Roll No. 702 No. A-15 of Assam Higher Secondary Education Council and was placed in third Division. Mr. Khro, learned counsel for the applicant submitted the respondent no.4 ought to have submitted certificate in original.

3. We are not inclined to accept the submission of Ms. Khro and hold that the respondent no.4 was not eligible only on the basis of the entry referred in Annexure-A. It may be mentioned here that Annexure-D containing the statement that the respondent no. 4 appeared in the H.S.L.C. examination but against column no.12 containing another entry which reads as follows :

"As per the service book his date of birth is 01.12.1961 but as per HSLC certificate his date of birth is 01.12.1963."

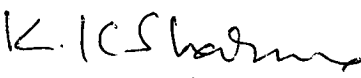
Interestingly that ~~entry~~ ^{entry} was made against the relevant column of the respondent no.4. If he did not pass the HSLC examination question of the aforementioned entry did not arise. The respondents urged that on receipt of the complaint from the applicant the competent authority, to ascertain the eligibility criteria held an enquiry and after holding the enquiry the respondent no.4 was found eligible

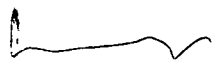
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for appointment to the post of Audit Assistant.

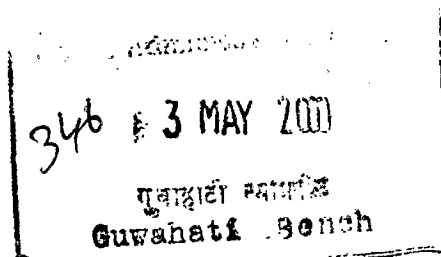
In view of the materials available before us it is difficult for us to accept the contention of Ms. T. Khro, learned counsel for the applicant and find fault with the action of the respondents.

For the reasons stated above, the application stands dismissed. There shall however no order as to costs.


(K.K.SHARMA)
Member(A)


(D.N.CHOWDHURY)
(Vice-Chairman)

trd



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

(An application under Section 19 of the Administrative
Tribunal Act, 1985)

Title of the Case O.A. No. 156 of 2000.

Sri Pradip Ch. DasAppellant

-Versus-

Union of India and Ors.Respondents.

I N D E X

Sl. No.	Particular of Documents	Page No.
1.	Application	1 - 9
2.	Verification	10
3.	Annexure A to H - - -	11 - 20

For use in Tribunal Office only

Date of filing:

Registration No.:

REGISTRY.

Filed by the applicant
through Ms. Tisita Das
Advocate. 3-5-2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. of 2000.

B E T W E E N

1. Sri Pradip Ch. Das,
Son of Late Jalti Ram Das,
Village: Sadilapur,
P.O. Pandu (Sadilapur),
District: Kamrup.

.....Applicants.

- A N D -

1. Union of India,
represented by the
Commissioner, Kendriya
Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
2. Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.

Contd.

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Pradip Ch. Das

3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati-12.

4. Sri K C Boro,
Audit Assistant,
Kendriya Vidyalaya Sangathan,
Regional office, Maligaon
Guwahati-12

... Respondents.

DETAIL OF APPLICATION:

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

The instant application is made challenging the following:

1. That, the order dated 26.3.99 signed by the Senior Administrative Officer for Joint Commissioner (Admn.) promoting one Sri K.C. Boro, ^{Accounts} Clerk to the post of Audit Assistant who is junior to the instant applicant as well as who do not possess the requisite qualification for the said post.

2. That, the order dated 26.3.99 was issued depriving i the instant applicant of his Constitutional rights.

The application is filed praying for stay of the order dated 26.3.99 issued by the Sr. Administrative Officer for Joint Commissioner (Admn.) and upon hearing to set aside and or quash the same.

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2. JURISDICTION OF THE TRIBUNAL

The applicant declare that the subject matter of the instant application for which he want redressal is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

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

4. FACTS OF THE CASE

4.1 That, the applicant is a citizen of India and a permanent resident of village Sadilapur, Kamrup, Assam and as such entitled to all the rights, protections and privileges guaranteed under the Constitution of India .

4.2. That, the applicant joined Kendriya Vidyalaya Sangathan in 9.9.88, thereafter joined KVS Regional Office at Guwahati on 25.9.1984 and later joined as U.D.C. on promotion on 20.4.92 in the institute. The applicant has passed the H.S.L.C Examination in the year 1980.

Photocopy of the HSLC passed certificate is annexed herewith as **ANNEXURE-A**.

4.3. That, the applicant have completed 7 years

Contd.

Pradip Ch. Das.

of service as U.D.C since joined as U.D.C on 20.4.92. That, the applicant name appeared at Sl. No. 245 in the All India Seniority list of H.B.S in the Guwahati Region. The applicant at present is serving as U.D.C at Kendriya Vidyalaya Sangathan at Guwahati.

4.4. That, the applicant next promotion post is Asst./Audit Assistant with Salary Benefit and Grade.

4.5. That, as per the Seniority list in respect to the Guwahati region of Kendriya Vidyalaya Sangathan the applicant is due for promotion as the applicant Sl. No. stands at 245 having more requisite qualification and also having completed 5 years of service for as per Rules the next promotion which is the post of Asstt./Audit Assistant.

Copy of Rectt. Rules dated 13.11.98 ammended by the Assistant Commissioner (Adm) is annexed herewith and marked as **ANNEXURE:B.**

4.6. That, the minimum qualification for the post of Account clerk or for higher post on promotion is H.S.L.C. passed.

4.7. That, one Sri K.C. Boro, Account Clerk of Kendriya Vidyalaya Sangathan, Regional Office, Guwahati whose Sl. No. according to the seniority list stands at 246 has been promoted to the post of Audit Assistant vide order dated 26.3.99 issued by the

Contd.

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Pradip Ch. Das

Senior Administrative Officer for Joint Commissioner (Admn.). It is pertinent to mention herein that the said Sri. K.C. Boro has not possessed the minimum qualification which is H.S.L.C passed as it is apparent from the statement showing the names and particulars of all officer/staff members working as on 1st January 1999 in Kendriya Vidyalaya Sangathan in the region of Guwahati.

Copy of the aforesaid order dated 26.3.99 and statement is annexed herewith and marked as **ANNEXURE: C & D** respectively.

4.8. That, being aggrieved with such promotion order dated 26.3.99 the applicant preferred representations before the appellant authority through proper channel for consideration of his promotion as he is senior to the promotee and also having the requisite qualifications.

Copies of the aforesaid representation prayed by the applicant dated 5.4.99, 20.12.99, 21.2.2000 and 14.3.2000 is annexed herewith and marked as **ANNEXURE: E, F, G & H** respectively.

4.9. That, although the applicant preferred a representation time and again and lately on 14.3.2000 no result have come out of it.

Contd.

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Prakash Ch. Das.

Pradip Ch. Das

5. GROUND FOR RELIEF WITH LEGAL PROVISION

5.1. For that, the impugned order dated 26.3.99 issued by the Senior Administrative Officer for Joint Commissioner (Admn.) thereby promoting a person who is junior to the applicant as well as who do not possessed the requisite qualification was made in a most illegal, colorable, malafide, arbitrary and completely contravened the privileged and protections guaranteed to the applicant by Constitution of India.

5.2. For that, the impugned order dated 26.3.99 was issued infringing the legal rights of the applicant guaranteed under Article 14 and 16 of the Constitution of India.

5.3. For that, the applicant is senior to the instant promotee in as much as his Sl. No. stands at 245 whereas the promotees Sl. no. stands at 246. Moreover the applicant have the minimum qualification whereas the promotee do not. Be it stated that the promotee had only appeared H.S.L.C. Examination but did not passed the said examination as it is apparent from the Annexure B to this application which was recorded position in Regional Office of Guwahati as on 1st January 1999. As such, the order dated 26.3.99. As such the order dated 26.3.99 was passed in most illegal manner and cannot stand before the scrutiny of the Principles of Natural

Contd.

Justice and Administrative fair play as it deprived the applicant from his legal right as such same is liable to be set aside.

5.4. For that, in view of the passing of the impugned order the actions of the Respondent authority are illegal, high handed, mechanical, Unconstitutional and the same is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED

That, the applicant state that he has no other alternative and efficacious remedy except by way of approaching the Hon'ble Tribunal for redressal of his grievances.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT

The applicant further declare that he has not previously filed any application, writ petition or any writ before any Court or Law or any other authority and/or other Bench of this Hon'ble Tribunal regarding the matter in respect of which the instant application is filed and that no such application, Writ Petition or Writ is pending before any of them.

Contd.

Pradip Ch. Das.

Pradit ch. Das.

8. RELIEF SOUGHT FOR:

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to admit the instant application call for the records relating to the applicants services.

And upon hearing on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs:

8.1. Set aside the impugned order dated 26.3.99 issued by the Senior Administrative Officer for Joint Commissioner (Admn.) Kendriya Vidyalaya Sangathan, New Delhi. Thereby promoting the applicant to the next post of promotion.

8.2. Grant any other relief or reliefs to which the applicant is entitled under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

9.1. This Hon'ble Tribunal may be pleased to stay the order dated 26.3.99 issued by the Senior Administrative Officer for Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan, New Delhi whereby the Respondent No. 1 has been promoted to the post of Audit Assistant.

Contd.

9.2. Not to disturb the applicant service in any manner.

This application is filed through Advocate.

10. PARTICULARS OF THE I.P.O.

(i) I.P.O. NO.:

(ii) DATE :

(iii) PAYABLE AT GUWAHATI.

11. LIST OF ENCLOSURES:

As stated in the index.

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Pradip Ch-Dm.

VERIFICATION

I, Sri Pradip Ch. Das, the applicant of the instant application do hereby solemnly affirm and verify that the statement made in the accompanying application in the paragraphs 1, 2, 3, 4.1, 4.3, 4.4, 4.6, 4.8, 4.9, 6 & 7 are true to my knowledge, those made in paragraphs 4.2, 4.5 and 4.7 are true to my knowledge derived from records which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 3 day of May, 2000 at Guwahati.

pradip Ch. Das.

DEPONENT.

22
Pradip Ch. Das.

42004

Board of Secondary Education, Assam



1930

High School Leaving Certificate Examination



1980

ASSAM BOARD OF SECONDARY EDUCATION ASSAM BOARD OF SECONDARY EDUCATION
High School Leaving Certificate Examination

I Certify

Pradip Chandra Das

Roll B-71 No. 772

aged 22 years

1 months x days

on the First of March.

8008 N
1980 July passed

the High School Leaving

Certificate Examination

1980- of this
ASSAM

Board and was placed in the

Third Division.

C TC

Assistant Commissioner,
Lendriya Vidyalaya Sangathan
Banker Dev Path, Pub-Saran
Gwahati-781002

23

-12-

24

Signed For

KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area,
Shahid Jeeb Singh Marg,
New Delhi-110 016

ANNEXURE - B

F.No. 1-1/97-KVS(RF-1)

De: 13.11.98

All Assistant Commissioners
Kendriya Vidyalaya Sangathan
Regional Offices.

2549
15/11/98

Subject: Rectt. Rules for the post of Assistant
and Audit Assistant in KVS(HQ)/ROs -
Amendment there to.

Sir,

The Board of Governors of the Kendriya Vidyalaya Sangathan in its 63rd meeting held on 21.7.98 inter-alia approved the amendment to the eligibility conditions in the Recruitment Rules for filling the post of Audit Assistant and Assistant in KVS(HQ) and ROs by promotion as under:

FOR THE POST OF AUDIT ASSISTANT

"60% by promotion on the basis of seniority-cum-fitness from amongst Accounts Clerks and UDCs of Hqts and ROs of KVS, who have rendered at least 5 years regular service as Accounts Clerks/UDCs in KVS, failing which by direct recruitment."

FOR THE POST OF ASSISTANT

"60% by promotion on the basis of seniority-cum-fitness from amongst Accounts Clerks and UDCs of Hqts and ROs of KVS, who have rendered at least 5 years regular service as Accounts Clerks/UDCs in KVS, failing which by direct recruitment."

2. There is, however, no change in recruitment rules for filling 40% posts of Audit Assistant and Assistant on the basis of Departmental Examination.

3. Kindly acknowledge the receipt.

Yours faithfully,

(V.K. Gupta)
Asstt. Commissioner (Admn.)

Copy to:

1. All Officers and Sections in KVS(HQ).
2. The President, KVSSA, New Delhi.

13 - ANNEXURE - C6

KENDRIYA VIDYALAYA SANGATHAN

18, INSTITUTIONAL AREA

SHAHID JEET SING MARG

NEW DELHI-1100016

No. F.2-2/99-KVS (Estt.I)

Dated 26.3.99

M E M O R A N D U M

SUB: Promotion to the post of Audit Assistant.

Sh./Smt./Kum. K.C. Boro, A/Cs Clerk is hereby promoted to the post of Audit Assistant in the pay scale of Rs. 5500-175-9000/- in the Kendriya Vidyalaya Sangathan. Initially he/she is posted at Kendriya Vidyalaya Sangathan, RO Guwahati.

3. He/She may please convey his/her acceptance within seven days from the date of receipt of this letter if the offer is acceptable and may be join at the place of posting mentioned in para 1 above latest by 15.4.1999.

4. His/her pay in the above time scale of pay will be fixed as per provisions of FR 22(I)(a)(i) as applicable to the employees of Kendriya Vidyalaya Sangathan. So he/she will have an option to have (i) the pay fixed from the date of promotion or (ii) the pay fixed initially at the stage of time scale of the

Contd.

new post above the pay in the post presently held which may be refixed on the date of accrual of next increment in the scale of pay of lower grade held by him/her. The option shall be exercised by the individual concerned within one month from the date of joining on promotion and option once exercised will be final.

5. In case Sh./Smt. K. C. Boro does not want to accept promotion to the above post he/she should make a written request to the appointing authority declining the same setting out reasons for such refusal. Refusal of promotion should entail no fresh offer of promotion being made to him/her for a period of one year from the date of refusal. He/she on eventual promotion to the above post will lose seniority vis-a-vis erstwhile juniors promoted to the above post earlier, irrespective whether the post in question as filled by selection or seniority. In case, the reasons adduced by him/her for his/her refusal of promotion are not acceptable to the appointing authority the promotion may be enforced. If the promotion is still refused he/she will expose himself/herself for disciplinary action under the rules for disobeying the orders.

(K.N. Singh)

Sr. Administrative Officer
for Jt. Commissioner (Admn.)

Contd.

Shri K.C. Boro,
Accounts Clerk,
KVS, Regional Office,
Guwahati.

Copy to:

1. The Assistant Commissioner, KVS, RO Guwahati. In case, Sh. K.C. Boro accepts promotion he/she should be relieved immediately with instructions to join his/her new post. He/She should not be granted leave in conjunction with joining time.
2. The Assistant Commissioner, KVS, RO Guwahati. He is requested to intimate the date of joining of Sh. K.C. Boro.
3. Sr. Accounts Officer/Accounts Officer (Cash), KVS.
4. RP.I Section.
5. Personal file.

Sd/

Sr. Administrative Officer.

STATEMENT SHOWING THE NAMES AND PARTICULARS OF ALL OFFICERS/STAFF MEMBERS WORKING AS ON 1ST JANUARY, 1999

ANNEXURE-D

Sl. No.	Category of post.	Number sanctioned.	Name of the Officer/Staff member.	Date of birth	Educational Qualifications.	Date of joining KVS	Present post	Present office.	Date of confirmation & post in which confirmed.	Seniority No. in the present post if allotted.	Remarks	Whether SC/ST/OBC/Phys./Handicapped.
01.	02.	03.	04.	05.	06.	07.	08.	09.	10.	11.	12.	13.
01.	Asstt. Commissioner	01.	1. Sh. Lilit Kishore	26.04.46	M.Sc, M.Ed	06.06.83	30.12.98	30.12.98	-	-	-	No.
02.	Education Officer	03.	1. Sh. S. - Prebhakar	10.04.62	M.Sc, M.Phil, Ph.D	27.11.95	27.11.95	27.11.95	-	47	-	SC
			2. Sh. S. Vijya Kumar	21.01.66	M.Sc, M.Phil, M.Ed	15.07.93	27.11.95	27.11.95	-	48	-	SC
03.	Administrative Officer	01.	1. Sh. Rakesh-Sharma	18.11.56	M.Com.	03.06.85	04.12.95	10.08.98	-	14	-	No.
04.	A.I.S. Officer	01.	-	-	-	-	-	-	-	-	-	-
05.	Supdt. (Adm.)	01.	-	-	-	-	-	-	-	-	-	-
06.	Supdt. (A/Cs.)	01.	-	-	-	-	-	-	-	-	-	-
07.	Assistant	02.	1. Sh. S. Baishya	01.04.53	B.A.	06.04.77	11.04.88	11.04.88	10.01.82	63	-	No.
			2. Sh. Kanu Das	01.07.62	B.Com.	11.08.86	01.12.95	01.12.95	11.08.88	123	-	SC
08.	Audit Assistant	06.	1. Sh. U.C. Boro	01.03.54	P.U.	11.09.79	28.06.94	28.06.94	24.10.82	133	-	ST
			2. Sh. M.H. Choudhury	05.06.60	B.A.	06.06.85	28.06.94	28.11.94	Not yet	129	-	-
			3. Sh. D.R. Baishya	01.09.54	B.A.	28.12.79	07.12.95	07.12.95	29.09.82	147	-	SC
			4. Sh. Prem Kumar	15.06.59	M.A.	27.11.87	12.04.94	26.02.96	27.11.89	139	-	ST
09.	Sr. Stenographer	01.	1. Sh. B.K. Tara	01.03.62	B.A.	08.11.89	29.01.97	29.01.97	-	55	-	SC
10.	Jr. Stenographer	03.	1. Sh. M.M. Boro	13.07.60	B.A.	13.12.89	13.12.89	13.12.89	-	36	-	No.
11.	U.B.C.	03.	1. Sh. P.C. Das	01.02.58	H.S.L.C.	09.09.76	20.04.92	20.04.92	01.04.87	245	-	SC
			2. Sh. P.K. Sinha	01.01.55	P.U.	23.04.85	31.01.95	31.01.95	-	Not yet	-	-
12.	Accounts Clerk	01.	1. Sh. K.C. Boro	01.12.61	H.S.L.C. App- (As per Service book) eared Exa- mination.)	07.08.79	16.04.92	16.04.92	No.	246	As per service book his date of birth is 01.12.1961 but as per HSLC certificate his date of birth is 01.12.63.	ST
13.	Hindi Translator	01.	-	-	-	-	-	-	-	230	-	-
14.	L.B.C.	05.	1. Sh. D.K. Das	01.04.66	B.A.	09.02.93	09.02.93	09.02.93	-	231	-	-
			2. Sh. P.C. Kumar	08.08.58	H.S.L.C.	02.01.84	26.07.93	26.07.93	01.04.97	232	-	-
			3. Sh. B.K. Sinha	01.03.71	H.S.L.C.	29.07.93	29.07.93	29.07.93	-	233	-	ST
			4. Sh. Ramosh Boro	01.03.69	Hr. Sec.	30.07.93	30.07.93	30.07.93	-	-	-	-

Lilit Kishore
ASSISTANT COMMISSIONER

Contd. 2/-

The Commissioner,
Kendriya Vidyalaya Sangathan, (Hqrs.)
New Delhi-16

(Through The Assistant Commissioner, KVS (R.O.) Guwahati)

Subject:- Promotion from the post of U.D.C. to the post of
Assistant/ Audit Assistant.

Respected Sir,

I have the honour to submit to your kindness
that:-

1. I joined as U.D.C. on promotion in KVS, Regional office,
Guwahati on 20.4.92.
2. I have completed/near about 7 years.
3. My name in the All India Seniority list of UDCs appears
at Sl.No. 245.
4. One Shri K.C. Boro, Accounts clerk of KVS, Regional office,
Guwahati (Seniority No. 246) who is not even HSLC pass (as
per his service records) has been promoted to the post
of Audit Assistant in the same Regional office.
5. The above Accounts clerk who is neither having requisite
qualification for the post of L.D.C. NOR nor having accurate
date of birth, has been promoted to the post of Audit
Assistant.
6. My junior (Sr. No. 246) has been promoted while my name
(Sr. No. 245) has been missed from the zone of consideration
for promotion to the post of Assistant/ Audit Assistant.
7. I am having requisite qualification.

On the above facts, may I request to you, sir, kindly
to look into the matter and consider for promotion to the
post of Assistant/Audit Assistant and for this sympathetic
act I shall remain ever grateful to you.

Yours faithfully,

[Signature]

(P. C. DAS.)

Kendriya Vidyalaya Sangathan
Regional Office: Guwahati.

[Handwritten notes and signatures]
A.O.
1/4
D. 1/4

- 18 -

ANNEXURE - ~~15~~ ^F

30

To

The Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi-16

(Through The Assistant Commissioner, KVS, Regional Office, Guwahati

Respected Sir,

I have the honour to draw your kind attention
to my representation dated 05-04-1999 (Copy enclosed) on the
subject cited above.

May kindly be communicated to me on the subject
as prayed for.

Yours faithfully,

(P. C. DAS.)

U.D.C.

Kendriya Vidyalaya Sangathan
Regional Office, Guwahati.

Dated:- 20th, Dec, 1999

- 19 -

ANNEXURE - 5

To
The Commissioner,
Kendriya Vidyalaya Sangathan
New Delhi-16

(Through the Assistant Commissioner, Regional Office, Guwahati)

Subject: Promotion from the post of UDC to the post of Assistant/
Audit Assistant.

Respected Sir,

The Posts represented vide my representation dated
5.4.99 followed by my requests submitted vide dated 20.12.99
are well known to your good office.

Copies of all communications are enclosed for your
kind ready reference.

Your highness may kindly look into the matter and
consider my case for promotion to the post of higher post.

Yours faithfully,

(P.C.DAS)

UDC

KIB, RO, GUWAHATI

Dated: 21.02.2000

To

The Vice Chairman,
& Additional Secretary
Ministry Of Human Resource Development
Government of India, Shastri Bhawan
New Delhi-110001

(Through Assistant Commissioner, KVS (CR) Guwahati)

Sir,

I have already forwarded my representation to Commissioner, Kendriya Vidyalaya Sangathan, New Delhi but no reply has not been received till date, I request you honour to look in to the matter and solve my grievance. Copies of my representation are enclosed herewith.

Yours faithfully,

[Signature] 14/3

(P. C. Das)

Kendriya Vidyalaya Sangathan,
Regional Office: Guwahati.

Dated: 14th March, 2009.

38888



102
5
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

21 33
Filed by
Khegen Ch. Boro.
through
A.C. Sanna
Advocate
5.6.2000

O.A. No. 156/2000.

Sri Pradip Ch. Das

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondants.

IN THE MATTER OF :

Show cause reply submitted
by the respondent No.4. ✓

The humble reply of the respondent No.4.

MOST RESPECTFULLY SHEWETH :

1. That, the application is not maintainable under law as well as in the facts and circumstances of the case and as such it is liable to be dismissed in limini.
2. That, the application has been made malafide for illegal gain and only to harass the respondent No.4 and as such it is liable to be set aside.

Contd..... 2/-

3. That, the respondent no.4 having all the requisite qualifications was promoted to the post of Audit Assistant after observing all the formalities according to the promotion Rules and as such his promotion is not liable to be set aside on any count and the present application is liable to be dismissed.

4. That, the respondent no.4 who belongs to the schedule Tribe plain Boro Kachari Community of Assam joined the K.V.S. in 1979 and he has been promoted to the post of Audit Assistant by the appropriate authority as per the promotion Rules with due consideration of the reservation policy of the Government.

(A copy of the certificate is annexed as Annexure-I)

5. That, the statements made in the paragraph nos. 4.2, 4.3, 4.4 and 4.5 of the application are to be strictly proved by the relevant records only.

6. That, the respondent no.4 has passed the H.S.L.C. examination in the year, 1982 and the Higher Secondary Arts examination in the year, 1995 and the relevant certificates were submitted to the office in time. As such the allegations made in the paragraph 4.7 of the application that the respondent no.4 of the application that the respondent has not passed the H.S.L.C. examination is not correct at all and the Annexure 'A' does not show the correct and up-to-date information and as such the application is liable to be dismissed.

Contd..... 3/-

37 22
Wagen Ch. Boro.

(Copies of the H.S.L.C. and H.S. examination pass certificates are annexed as annexures - 2 and 3)

7. That, the respondent no.4 was again asked to submit his qualification certificates and to furnish the particulars in a prescribed form of questionnaire and the respondent no.4 accordingly submitted all documents to the respondent no.3 on 9-7-99.

(Copy of the letter dated 9-7-99 and that of the questionnaire are annexed as Annexure-4 & 5)

8. That, the respondent no.4 was promoted to the post of Accounts Clerk vide memo no. F.1-10/92-KVS(Estt-I) dated 2-4-92 issued by the Sr.Administrative Officer, K.V.S. New Delhi and as such the respondent no.4 served as Accounts Clerk for almost 7 years till his promotion to the post of Audit Assistant on 26-3-99.

(A copies of the above orders are annexed as Annexure-6 and 7)

9. That, the allegations made in paragraph nos. 5.1, 5.2, 5.3 and 5.4 are all false and denied by the respondent no.4. The respondent no.4 has been lawfully promoted to the post of Audit Asstt. by the appropriate authority after consideration of his qualification, experience and

Contd..... 4/-

35 23
Khagen Ch. Boro.

and service record etc. and as such the applicant has no any cause to challenge the promotion of the respondent no.4 and as such the application is liable to be dismissed.

10. That, if the promotion order of the respondent no.4 is stayed he will suffer serious injustice as he has been working in the post for more than last one year with satisfaction of the authority concerned.

11. That, in any other view of the matter the application is liable to be dismissed with cost.

36 24
Chagem. Ch. Boro.

37 25

VERIFICATION

I, Sri Khagen Chandra Boro, son of
Sri Halong Chandra Boro, the respondent No.4 of the
above application, do hereby solemnly affirm and
verify that the statements made in the paragraphs

2 to 9 are true to my knowledge and the
rests are my humble submission before this Hon'ble
submission before Tribunal.

And I sign this verification on the 5th day
of June, 2000 at Guwahati.

Khagen Ch. Boro.

- 6 -

26

Annexure - I

R.K. Teran.

27

R.K. Teran,
Joint Secretary
All Assam Tribal Sangha.

ABBARI FATAASHIL
Gauhati-9.
Date- 5.4.78.

Certified that Shri Khagen Ch. Boroa son of
Shri Halong Ch. Boro of village Sontala P.O. Mirza P.S. Palasbari
in the District of Kamrup is known to me.

He belongs to the scheduled tribe plain of Boro
Kachari community of Assam.

I wish him success in life.

Countersigned.

Sd/- Illegible
7.4.78.

Sd/- Illegible
5.4.78

(R.K. Teran)
Joint Secretary,
All Assam Tribal Sangha.

*certified to be
true copy
A.C. Sarma
Barman
5-6-2000*

[Handwritten signature and stamp]

ASSAM BOARD OF SECONDARY EDUCATION

1982

High School Leaving Certificate Examination

ASSAM

1944

I Certify that Khagen Ch. Bora
D 23 N 528 aged 21 years 2 months 8 days
 the First of March, 1982 passed the High School Leaving
Certificate Examination of this Board being successful in the
Departmental Chance

Certified to be
 true copy
 A. C. Chatterjee
 5/6/2000

OFFICE OF THE PRINCIPAL

226

Radhagovinda

Baruah College,

AMBARI

FATASIL



GUWAHATI-781 025 (Assam)

Certified that Sri/Smti Kagen Ch. Boroson / daughter of Holong Ch. Boroson was a student of H. S. 2nd year class of this college, during the session 1994-95. He/She passed the H.S (Arts) Annual/Final Examination in 1995 from the college as a regular/private student under Roll 702 No. A-15 of Assam Higher Secondary Education Council and was placed in Third Division.

During the period of his/her study in the College, he/she was found to bear a good character. I wish him/her all success in life.

Date 29.7.95

[Signature]
Principal

*Certified to be true copy
A.C. Sarma
Principal
5/6/95*

[Signature]
Deputy Superintendent
Joint Director Health
Guwahati

RADHA GOVINDA BARUAH COLLEGE
GUWAHATI-781 025
R. G. Baruah
Fatasil Ambari, Guwahati

29

41

To

The Asst. Commissioner,
Kondriya Vidyalaya Sangathan,
Regional Office Gauhati



Subject :- Submissions of attested photo copies
Certificates.

Sir,

I am submitting herewith photo copies attested
certificates alongwith Questionnaire observation
as under follows :-

- (1) Matriculation Examination passed certificate
- (2) Department of Labour Identity Card.
- (3) Mark sheet of Matriculation.
- (4) Admit Card of Matriculation.
- (5) Higher Secondary passed certificate.
- (6) Higher Secondary passed Marks Sheet.
- (7) Higher Secondary Admit Card.

Yours Faithfully,

(K.C. Baro)
Audit Asstt.
Kondriya Vidyalaya Sangathan,
Regional Office Gauhati
Maligaon.

Certified to be
true copy
A.C. Barua
Advocate
5/8/2000

QUESTIONNAIRE

12

1. It is observed from your personal file that you were initially appointed adhoc group 'D' and joined your service on 7.8.79 (AN) in the Regional Office, Guwahati, therefore you are asked to clarify (a) what was your academic qualification and what was your age at the time of joining the service. *Date of birth 1-1-1961, Class IX pass*
 (b) the proof of such qualification and the date of birth should be forwarded for office record within 3 (three) days of receipt of it.

Certificate enclosed

2. From the record it was also observed that your adhoc service was regularised w.e.f. 7.11.79, in that case whether you have submitted your joining report for joining the regular service, if so, copy of the joining report should be forwarded. *Joining report submitted in the office*
 Furthermore, it is the mandatory requirement for submission of ~~proof~~ proof of date of birth at the time of joining the regular service.

If submitted, the copies of those documents should be forwarded within 3 (three) days of receipt of it.

photo copy of the date of birth (Admit Card) attached herewith

3. You have submitted the attestation form after joining the regular service for police verification etc.

What were your age and qualification mentioned therein?

Date of birth 1-1-1961, Qualification IX passed

4. If you have passed the Matriculation (HSLC) Examination then furnish the followings with documentary proof:

- (a) year of passing *1982*
- (b) as a regular or private candidate *private*
- (c) Roll No. *23 D No. 558*
- (d) Name of the school wherefrom you have passed *Phalasbari R.D. Higher Secondary & Multipurpose School, Hingon*
- (e) Name of the Board/University *Board of Secondary Education, Assam*
- (f) Division/ Percentage of marks obtained *Compartmental, Marks sheet enclosed*
- (g) Age at the time of Matriculation Examination *21 years, 2 months*
- (h) or if you have passed in compartmental examination, the subject in compartment with Roll No. and percentage if marks should be mentioned. *passed in Compartmental, Marks sheet attached*

All the documents should be submitted within 3 (three) days of receipt of it.

*Certified to be true copy
 A. C. Sarmah
 26/12/2000*

(2)

5. It is also observed that you have time to time asked for permission to appear in the higher examinations, if so, mention what are the examinations passed till the date and what is your present qualification with documentary proof.

All the documents mentioned should be submitted within 3 (three) days from the date of receipt of it.

passed Higher Secondary (Arts) in the year 1975. Copy of the certificate enclosed.

Signature

Full Address

Shri. Khagesh Ch. Bhat

Vill - Santala

P.O. - Muzga

Dist - Kanchi (A.P.)

- 11 -

21 Annexure-6

114

KENDRIYA VIDYALAYA SANGATHAN
(Estt. I Section)

18, Institutional,
Shahid Jeet Singh Marg,
New Delhi - 110016.

No. 1-10/92-KVS (Estt. I)

Recd/- Dated : 02.04.1992

M E M O R A N D U M

SUBJECT : PROMOTION TO THE POST OF ACCOUNTS CLERK.

On the recommendation of Departmental Promotion Committee Sh/3012/2000 K.C. Boro, IDC is hereby promoted to the post of Accounts Clerk in the pay scale of Rs. 1200-2040/- in the Kendriya Vidyalaya Sangathan. Initially he/she is posted at Kendriya Vidyalaya Sangathan, RO, Gauhati.

2. He/She will be on probation for a period of two years which may be extended by another one year by the competent authority for the reasons to be recorded in writing.

3. He/She may please convey his/her acceptance within 7 days from the receipt of this letter if the offer is acceptable and may join at the place of posting mentioned in para 1 above latest by 20.04.1992.

4. In case Sh/3012/2000 K.C. Boro does not want to accept to the above post, he/she should make a written request to the appointing authority declining the same setting out reasons for such refusal. Refusal of promotion should entail no fresh offer of promotion being made to him/her for a period of one year from the date of refusal. He/She on eventual promotion to the above post will lose seniority vis-a-vis erstwhile juniors promoted to the above post earlier, irrespective whether the post in question is filled by selection or seniority. In case, the reasons adduced by him/her for his/her refusal of promotion are not acceptable to the appointing authority, the promotion may be enforced. If the promotion is still refused, he/she will expose himself/herself for disciplinary action under the rules for disobeying the orders.

Shri KC Boro, IDC
KVS, RO,
Gauhati.

(V.K. Gupta)
Sr Administrative Officer
for Dy. Commissioner (Admn.)

Copy to :-

1. The Assistant Commissioner, KVS, RO, Gauhati. In case, Sh/3012/2000 K.C. Boro accepts promotion he/she should be relieved immediately with instructions to join his/her new post. He/She should not be granted leave in conjunction with joining time.
2. The Asstt. Commissioner, KVS, RO, Gauhati. He is requested to intimate the date of joining of Sh/3012/2000 K.C. Boro.
3. Accounts Officer (Cash), KVS (HQs).
4. Estt. I Section/
5. Personal File/ward File.

(M. Swamidhas)
Section Officer (Estt. I)

Certified to be
true copy.
A.C. Gauhati
Admn. Secy
5/6/2000

32 Annexure-7
Signed 1888
as

-12-

KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHID JEET SINGH MARG
NEW DELHI-110016

No.F.2-2/99-KVS(Estt.I)

Dated: 26.03.1999

MEMORANDUM

SUB.: Promotion to the post of Audit Assistant.

Sh./Smt./Kum. K.C.Boro./cs Clerk is hereby promoted to the post of Audit Assistant in the pay scale of Rs.5500-175-9000/- in the Kendriya Vidyalaya Sangathan. Initially he/she is posted at Kendriya Vidyalaya Sangathan, RO Guwahati.

2. He/She will be on probation for a period of two years which may be extended by another one year by the competent authority for the reasons to be recorded in writing.

3. He/She may please convey his/her acceptance within seven days from the date of receipt of this letter if the offer is acceptable and may join at the place of posting mentioned in para 1 above latest by 15.04.1999.

4. His/Her pay in the above time scale of pay will be fixed as per provisions of FR 22(I)(a)(i) as applicable to the employees of Kendriya Vidyalaya Sangathan. So he/she will have an option to have:(i) the pay fixed from the date of promotion or (ii) the pay fixed initially at the stage of time scale of the new post above the pay in the post presently held which may be refixed on the date of accrual of next increment in the scale of pay of lower grade held by him/her. The option shall be exercised by the individual concerned within one month from the date of joining on promotion and option once exercised will be final.

5. In case Sh./ Smt. K.C.Boro does not want to accept promotion to the above post, he/she should make a written request to the appointing authority declining the same setting out reasons for such refusal. Refusal of promotion should entail no fresh offer of promotion being made to him/her for a period of one year from the date of refusal. He/She on eventual promotion to the above post will lose seniority vis-a-vis erstwhile juniors promoted to the above post earlier, irrespective whether the post in question as filled by selection or seniority. In case, the reasons adduced by him/her for his/her refusal of promotion are not acceptable to the appointing authority the promotion may be enforced. If the promotion is still refused he/she will expose himself/herself for disciplinary action under the rules for disobeying the orders.

(K.N.SINGH)

Sr.Administrative Officer
for Jt.Commissioner(Admn)

Shri K.C.Boro,
Accounts Clerk,
KVS Regional Office,
Guwahati.

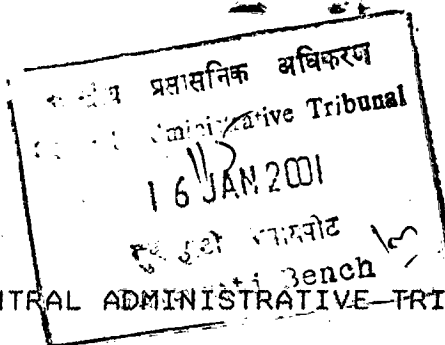
Contd...p/2

certified to be true copy
Acsanna
Admn
5/4/2006

46
- 15
Copy to:

1. The Assistant Commissioner, KVS, RO Guwahati.
In case, Sh./Smt. K.C. Boro accepts promotion he/she should be relieved immediately with instructions to join his/her new post. He/She should not be granted leave in conjunction with joining time.
2. The Assistant Commissioner, KVS, RO Guwahati. He is requested to intimate the date of joining of Sh./Smt. K.C. Boro.
3. Sr. Accounts Officer/ Accounts Officer (Cash), KVS, Guwahati.
4. RP.I Section.
5. Personal file.

Sr. Administrative Officer



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

ORIGINAL APPLICATION No. 156/²⁰⁰⁰~~00~~

Shri Pradip Ch. DasApplicant

VS. ①

Union of India & ors ...Respondents

The Respondent Nos 1, 2, 3, and 4 abovenamed 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 and except what has been specifically admitted herein and what appears from the records of the case.
2. That with regard to the statements made in paragraph 4.1 to 4.4 of the Application the answering Respondents have no comments, as they are matter of records.
3. That with regard to statements made in paragraph 4.5 of the application the answering Respondents have no separate seniority list for UDC's/Accounts clerk of Guwahati

Region as stated by the applicant. However there is one Provisional Seniority list of all UDC's/Accounts clerk or KVS (HQ) and its Regional Offices.

In accordance with the Recruitment Rules, 60% posts of Audit Assistants are filled up by promotion on the basis of seniority cum fitness from accounts clerk/UDC's at KVS(HQ) and Regional Officers who have rendered 5 years regular service as Accounts Clerk/UDC and 40% by departmental examination open to all Accounts clerk/UDC's/Jr. Stenos of KVS(HQ)/Regional Offices/Kendriya Vidyalayas who have rendered at least 4 years regular service as such.

4. That with regard to the statements made in paragraph 4.6 of the application the answering Respondents beg to state that in column 6 of the Recruitment Rules for the post of Audit Assistant educational qualification will not apply in case of promotees.

5. That with regard to the statements made in paragraph 4.7 of the application the answering Respondents beg to state that on receipt of a complaint from Shri P.C.Das, the matter was investigated and the Assam Higher Secondary Education Council, Guwahati vide letter No. EXB-35/Result/98-99/139 dated 23.8.99 have clarified that Shri K.C.Boro had appeared in the H.S.Exam 1995 under Roll No. 702 No.A 15 and passed the said examination in third division.

6. That with regard to the statement made in para-

graph 4.8 and 4.9 of the application the answering Respondent beg to state that the applicant Sri P.C.Das belongs to the general category whereas Shri K.C.Boro belong to the ST Community, UDC's/Accounts clerk upto seniority No. 191 and 267 have been promoted under general and ST category respectively. The seniority No of Shri P.C.Das, who belongs to the general category being 245 is not within the zone for promotion to the post of Assistant/Audit Assistant. On the other hand Shri K.C. Boro has rightly been promoted to the post of Audit Assistant under the reserved quota for ST Community.

On receipt of first representation dated 5.4.99 from the applicant, the matter was got investigated and it is found that Shri K.C.Boro has passed the H.S.Examination in 1995 in third division. Therefore the order dated 26.3.99 promoting Shri K.C.Boro to the post of Audit Assistant has been issued in accordance with the Recruitment Rules under reserved quota for ST category. No person junior to the applicant under unreserved quota has been promoted.

7. That under the facts and circumstances stated above it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application with cost.

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

I, Sri D.K.Saini, aged about 51 years son of Sri C.L.Saini, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon, Guwahati do hereby verify that the statements made in paragraphs ^{2,3,4,6} are true to my personal knowledge, those made in paragraphs 5 are based on records and nothing material has been concealed therefrom.

Place *Imphal*

Date 16-1-2001

Atul Kumar
Signature