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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 180/2000

R.A/C.P No.

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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. 180/2000 OF 199

Applicant(s) Sri Daripen Rahang and another.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) C. G. S.C.

| Notes of the Registry | Date | Order of the Tribunal |
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| <p>the application is form and within time of Rs. 50/- deposited vide IPO B/D No. 453289 Dated 5.6.2000</p> <p>12/6/00</p> <p>19/6/00</p> <p>Notice prepared & sent to D/Sec. for Union the respondents At 283, vide D/No. 1651 to 1653 dtd 20/6/00.</p> <p>19/6/00</p> | <p>12.6.00</p> <p>1m</p> <p>13/6/2000</p> | <p>Present: Hon'ble Mr. D.C. Verma, Judicial Member.</p> <p>Mr. A. Ahmed learned counsel for the applicant. Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Written statement within 4 weeks. Meanwhile, any appointment made to the post of Mazdoor shall be subject to the result of this O.A.</p> <p>List on 12.7.00 for Admission.</p> <p>Member (Judicial)</p> |
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| Notes of the Registry | Date | Order of the Tribunal |
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| <p>11-7-2000</p> <p>No. Show cause has been filed.</p> <p>13/7/00</p> <p>Order dtd. 12/7/00 communicated to the respondents No 1 to 3 vide D/No _____ dtd _____</p> <p>13/7/00.</p> <p>Notice duly served on Respondent No 1.</p> <p>13/7</p> <p>25-10-2000</p> <p>No. written statement has been filed.</p> <p>25/10</p> <p>14.12.2000</p> <p>1) Notice duly served on R-1.</p> <p>2) Other R-2 & 3 same report are still awaited</p> <p>3) No written statement has been filed.</p> <p>14/12/2000</p> | <p>12.7.00</p> <p>mk 13/7/2000</p> <p>14.8.00</p> <p>25.9.00</p> <p>27.10.00</p> <p>20.11.00</p> | <p>Present : Hon'ble Mr.S. Biswas, Administrative Member.</p> <p>Application is admitted. Issue notice to the respondents by registered post. Returnable by 14.8.00.</p> <p>The case is posted on 14.8.00 for written statement and further orders.</p> <p>S. Biswas Member(A)</p> <p>25.9.00</p> <p>Present : The Hon'ble Mr Justice D.N. D.N.Chowdhury, Vice-Chairman.</p> <p>Two weeks further time allowed for filing of written statement on the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C.</p> <p>List on 27.10.00 for written statement and further orders.</p> <p>Vice-Chairman</p> <p>Three weeks time is granted to the respondents to file written statement on the prayer of Mr.A. Deb Roy, learned Sr.C.G.S.C.</p> <p>List on 20.11.00 for written statement and further orders.</p> <p>Vice-Chairman</p> <p>Three weeks time is granted to the respondents to file written statement on the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C.</p> <p>List on 15.12.2000 for order.</p> <p>Vice-Chairman</p> |

Notes of the Registry

Date

Order of the Tribunal

15.12.00

Written statement has been filed.
The applicant may file rejoinder if any,
within two weeks. List for hearing on
26.3.00.


Member



Vice-Chairman

1m

29.3.01

Judgment delivered in open
Court. Kept in separate sheets. Appli-
cation is disposed of.


Member


Vice-Chairman

1m

18.4.2001

Copy of the Judgment
has been sent to the
Office for issuing the
sums to the applicant
as well as to the
C.G.S.C. for the Respondent
H.S.

23-3-01

Written Statement on
behalf of Respondent
are filed.

101

| Notes of the Registry | Date | Order of the Tribunal |
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6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.180 of 2000

Date of Order: This the 26th Day of March 2001.

HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Shri Dwipen Rahang
Village - Milanpur
Post Office-Sonapur
P.S.Khetri
Dist.Kamrup(Assam)

2. Sri Ranjit Das
Son of Momnranjan Das,
Hat Khola, Sonapurgaon
P.O. Sonapur
P.S. Khetri,
Dist.Kamrup, Assam ... Applicant

By Advocate Mr.A.Ahmed

-Vs-

1. The Union of India
represented by the Secretary
to the Government of India,
Ministry of Defence
New Delhi.
2. The Director General
Ordinance Service, Master
General of Ordinance Branch
Army Head Quarters, P.O.BHQ,
New Delhi-110011.
3. The commandant, 222 ABOD,
Narangi Camp
C/O 99 APO ... Respondents.

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

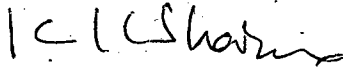
O R D E R.

D.N.CHOUDHURY:

This is an application under section 19 of the
Central Administrative Tribunal Act 1985 the^{2(two)} applicants have
sought for direction for his appointment in the post of
Mazdoor on the basis of selection list made to fill up
the backlog vacancies for recruitment of the SC/ST candida-
tes. It was stated the bar that the case of Shri Ranjit Das
is under consideration. In the light of the order passed

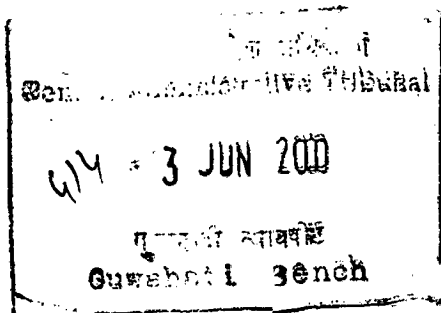
contd/-

in O.A.No.30 of 2000 we close this proceedings with
the expectation that both the applicant should be
appointed in the said post leaving it open to the ^{applicant} to
move the Tribunal, if such occasion arises ^{Application}
Application stands disposed of.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


D.N.CHOUDHURY)
VICE-CHAIRMAN

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 180 OF 2000.

Sri Dwipen Rahang & another
..Applicants.

-Versus-

Union of India & Others
.. Respondents.

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Filed by

Advocate.

Filed by
Shri Dwipen Rahang application no. 1
Jif 19
through
(ADIC AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. OF 2000.

B E T W E E N

1] Shri Dwipen Rahang,
Village-Milanpur,
Post Office-Sonapur,
P.S. -Khetri,
Dist-Kamrup (Assam).

2] Sri Ranjit Das
Son of Manoranjan Das,
Hat Kholā, Sonapurgaon,
P.O. Sonapur,
P.S. Khetri,
Dist- Kamrup, Assam.

... Applicants.

-AND-

1. The Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.

2. The Director General,
Ordinance Service, Master
General of Ordinance Branch,

Shri Dwipen Rahang
2.6.2000

Army Head Quarters, P.O.- DHQ,
New Delhi-110011.

3. The Commandant, 222 ABOD,
Narengi Camp,
C/o 99 APO.

▪ Respondents.

DETAILS OF THE APPLICATION:

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

This instant application is made against the action of the Respondents for not appointing applicants against in the post of Mazdoor against backlog vacancies of S.C/S.T. candidates on special recruitment drive.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

4. FACTS OF THE CASE

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Facts of the case in brief are given below:

4.1 That your humble applicants are all citizens of India and as such, they are entitled to all the rights and privileges and protection guaranteed by the Constitution of India.

4.2. That your applicants beg to state that the applicant No.1 is Scheduled Tribe by community, applicant No. 2 is Scheduled Caste by community. They are permanent residents of Kamrup district, Assam.

4.3. That your applicants beg to state that they have got common grievances, common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend to prefer this application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant applicants redressal to their common grievances.

4.4 That your applicants beg to state that they were called for recruitment as Mazdoor under the Office of the Commandant, 222 Advance Base Ordinance Depot, Narengi. Their candidatures were sponsored by the Employment

D. Rahang

Exchange, Guwahati. It is pertinent to mention here that the above recruitment of Mazdoor were made against backlog vacancies of S.C./S.T. candidates on Special Recruitment Drive in the year 1994. The applicants appeared before the interview board on 28-01-94. After that, the applicants along with other selected candidates were asked by the Respondent No. 3 to submit the Original Certificates and documents and accordingly they submitted their original documents to the personal Officer of the Advance Base Ordinance Depot. The Personal Officer of the Depot served the applicants with forms relating to Police Verification and Medical Verification. Accordingly, the applicants duly filled the forms and submitted before the Personal Officer of the Ordinance Depot.

4.6 That the applicants beg to state that, thereafter, the Respondent No. 3 informed them that they were selected for the post of Mazdoor along with other candidates and they will have to wait for appointment letter from Army Head Quarter, New Delhi.

4.7 That the applicants beg to state that after not getting the appointment letters from the Respondents they submitted representation before the Respondent for early appointment in the post of Mazdoor. The Office of the Respondent No. 3 informed the applicants that their names were in select penal of the Board and their names have been forwarded to the Eastern Command for sanction of vacancies and

D Rahang

whenever the vacancies will release they will be appointed accordingly.

4.8 That your applicants beg to state that Surprisingly the respondents without appointing them in the post of Mazdoor against the backlog vacancies of S.C/S.T. on Special Recruitment Drive the Respondents have again advertised the posts of Mazdoors in the Local Paper, «The Assam Tribune» on 27-12-1999 for the said posts and the interview will be held for this on 28 & 29 January 2000. The total 25 posts are shown in the advertisement; General « 15(05 posts are reserved for ex-service man and one post is reserved for physically handicapped person) for SC « 02, ST « 02, OBC « 06 posts are reserved by the respondents and hence finding no other alternative the applicants have approached this Hon'ble Tribunal for seeking justice.

Annexure-A is the photocopy of Advertisement made in the Local paper, «The Assam Tribune» dated 27-12-1999 for appointment of Mazdoor by the Respondent No. 3.

4.9 That the applicants beg to state that the applicants again filed their representation on 13-03-2000 before the Respondents for their early appointment in the post of Mazdoor as per earlier assurance given by the Respondents. But till today the Respondents neither released the vacancies of Mazdoors as per backlog vacancies of ST/SC candidates on Special Recruitment

DRahang

Drive nor appointed them in the above said posts.

Annexure B is the typed copy of representation submitted by the applicants before the Respondent No. 3 on 13-03-2000.

4.10 That your applicants beg to state that the Office of the Respondent No. 3 informed the applicants vide their letter No. 1523/ SC-ST/180/Est dtd. 12th May 2000 stating that the applicants have been selected by the Selection Board. The appointment of short listed candidates for Mazdoor against backlog vacancy of SC/ST on SRD-93 cannot be issued to you unless and until the vacancies are released by the Government.

Annexures-C & D are the photocopies of letters issued by the office of the Respondent No. 3 dated 12th May 2000.

4.11 That your applicants beg to state that the Respondents have already taken six years valuable time of the applicants without giving them appointment. Now, they are going to be over-aged for appointment in any other Government jobs. Hence, they are compelled to approached this Hon'ble Tribunal for seeking justice and also prayer for direction to the respondents for early appointments.

D Rahang

4.12 That your applicants beg to state that their names have already been struck out from further employment by the Employment Exchange because the Respondents have already intimated the Exchange for their appointment in the post of Mazdoor.

4.13 That your applicants beg to state that similarly situated persons have also filed Original Application No. 30/2000 before this Hon'ble Tribunal for seeking early appointment in the post of Mazdoor against backlog vacancies of SC/ST for the year 1994. The Hon'ble Tribunal admitted the Original Application No. 30/2000 and also given stay that any appointment to the post of Mazdoor as advertised in the local paper. The Assam Tribune dated 27-12-99 shall be subject to the result of the Original application No. 30 of 2000.

Annexures-E, F & G are the photocopies of order dated 28-01-2000, 28-03-2000 and 26-04-2000 passed by the Hon'ble Tribunal in Original Application No. 30/2000.

4.14 That your applicants beg state that the action of the Respondents is illegal and violative of the fundamental rights of the constitution. The act of the Respondents is mala fide because without appointing the persons from earlier selection list against backlog vacancies of SC/ST candidates the

DRahang

Respondents have again advertised for recruitment to post of Mazdoor.

4.15 That the applicants beg to state that they are very poor persons and also hailed from a backward community and they are running from pillar to post for getting appointment in the post of Mazdoor against backlog vacancies of SC/ST candidates against the Special Recruitment Drive.

4.16 That your applicants beg to state that the Union of India has given special attention to the backward community for upliftment of their community and necessary acts and reservation has already been given to this community and as such, the Respondents cannot deny the same to the applicants.

4.17 That your applicants submit they are going to be over aged for further Government or Semi-Government employment and as such, immediate interference by the Hon'ble Tribunal is necessary to save them from further hardships.

4.18 That your applicants submit that the Hon'ble Tribunal may be pleased to pass an interim order to protect the applicants and also to stay the new recruitment for the post of Mazdoor until the applicants are appointed against the backlog vacancies under the Special Recruitment Drive for SC/ST candidates.

Dr. Rahang

4.19 That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to save the entire family members of the applicants from starvation.

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

5. GROUND S FOR RELIEF WITH LEGAL
PROVISION:

5.1 For that, the action of the Respondents for not appointing the applicants as per select list of backlog vacancies of SC/ST on Special Recruitment Drive and as such, the action of the Respondents is illegal, arbitrary, mala fide and violative of the principles of natural justice.

5.2 For- that, the Respondents being a model employer they should appoint the applicants under the Special Recruitment Drive of SC/ST and they should not deprive the applicants from this and hence, the same is bad in the eye of law.

5.3 For that, the Respondent without exhausting the earlier list of SC/ST candidates under the Special Recruitment Drive can not advertise for new recruitment of Mazdoors. As such, the new advertisement is illegal in the eye of law.

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

D Rahay

5.5 For that, the applicant's case is a genuine and they should be appointed by the Respondents against the backlog vacancies of SC/ST candidates under Special Recruitment Drive and hence the Respondents cannot deny it.

5.6 For that, the action of the Respondents is violative of fundamental rights of the constitution of India.

5.7 For that, the action of the Respondents is arbitrary, whimsical, mala fide and also with a motive behind to deprive the applicants to get appointment.

5.8 For the, in any view of the matter the action of the respondents is 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 applicants 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:

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That the applicant further declares that she 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.

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 applicants 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 applicants.

8.1 To direct the Respondents to issue appointment letter to the applicants against earlier selection list of under the backlog vacancies of the SC/ST candidates on Special Recruitment Drive.

8.2 To direct the Respondents to complete the process of appointment as early as possible and also not to recruit fresh candidates in the post of Mazdoor till the earlier list of SC/ST candidates is exhausted by the Respondents.

8.3 Cost of the application.

DRahang

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application, the applicants most respectfully prays for an interim order directing the Respondents not to appoint any other persons in the post of Mazdoor till the earlier list is exhausted and also 2(two) posts of Mazdoor may be reserved to the applicants till disposal of the case.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. OG 453289

Date Of Issue 5.4.2000

Issued from GUWAHATI

Payable at GUWAHATI

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

Dhahang

VERIFICATION

I, Sri Dwipen Rahang, Village-Milanpur, P.O.-Sonapur, P.S. Khetri, District Kamrup, Assam, applicant No. 1 of the instant Original Application and also as authorised by another applicant to sign the verification on behalf of them do hereby solemnly verify that the statements made in paragraphs 4.1 to 4.7,

4.9, 4.11, 4.12, ^{4.14 to 4.16} are true to my knowledge those made in paragraphs 4.8, 4.10, 4.13 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 2nd day of June of 2000.

Sri Dwipen Rahang
Declarant

ASSAM TRIBUNE

ANNEXURE-A

27.12.1999

1. Application are invited to fill up the 25 (Twenty five) vacant posts of Mazdoor and 1 (one) post of messenger in 222 ABOD by 12 Jan 2000.
- a) Name and designation of the Officer to whom application should be sent. Administrative Officer 222 ABOD C/o 99 APO
- b) Reservation of 25 vacant posts SC-02, ST-02, OBC-06 and General 15 (05 posts are reserved for Ex-Servicemen and 01 post for Physically handicapped. The Ex-Servicemen and physically handicapped selected would be absorbed in the Caste/Category that they belong to the first and the balance vacant post would be filled up from the general public). 01 (one) vacant post messenger is reserved for OBC.
- c) Pay scale for both categories Rs. 2550-55-2660-60-3200 plus allowances admissible to Central Govt employees.
- d) Nature of employment Temporary
- e) Age limit (i) 18 to 25 years, 5 years relaxation for SC/ST and 3 years for OBC candidates. (ii) Age limit for Ex-servicemen who have rendered not less than 6 month continuous service in the Armed Forces will be determined as under : "Present age minus period of service plus 3 years, not exceeding 25 years."
- f) Qualification required : Mazdoor (i) Knowledge of Hindi (ii) Primary School pass (iii) Messenger : 8th class pass (iv) The candidate will be on probation for a period of 2 years and on successful completion of probationary period, they will be absorbed as regular (temporary) Mazdoor/Messenger.
2. Eligible candidates will be called for interview being held on 28 and 29 Jan 2000.
3. Specimen of the application form is as under :-

Attest
Advocate

To

The Commandant,
222 A.B.O.D.,
Narengi Camp,
C/o 99 APO.

Dated: 13-03-2000.

Subject: Prayer for appointment of Mazdoors
against backlog vacancies of S.C./
S.T. candidates on Special Recruitment
Drive held on in the year 1994.

Respected Sir,

Most respectfully we beg to state that we belong to Schedule Caste and Schedule Tribe Community respectively. We have been selected for the post of Mazdoor in your Office in the year 1994 against backlog vacancies of S.C./ S.T. candidates on Special Recruitment Drive. It is also pertinent to mention here that we were sponsored by the local employment exchange.

That, thereafter, your Office directed us along with other selected candidates to deposit the papers (Employment Exchange Card and Original Certificates of Educational Qualification and Caste Certificates) and we handed over the same to Personnel Officer of the 222 A.B.O.D. The Personnel Officer of 222 A.B.O.D. served us forms relating police verification and advised us to submit the same and accordingly we submitted the forms to the concerned officer. The Administrative Officer and Personnel Officer of 222 A.B.O.D. advised us to wait till appointment letter for the post of Mazdoor is issued from Army Head Quarter. In the meantime the local employment exchange has also struck our name from unemployed candidates due to our selection to the post of Mazdoor. We made several correspondences to your Office and the Office also assured us to wait till appointment letters are released from Army Head Quarter. But most surprisingly without appointing us you have again advertised for the post of Mazdoor and accordingly from reliable source you have already selected candidates for the same.

Attested
[Signature]
Attested

We. therefore, again request your honor you to appoint us against the backlog vacancies of S.C./ S.T. candidates on Special Recruitment Drive for the year 1994 or we will be compelled to approach the Hon'ble Central Administrative Tribunal for seeking justice. Kindly inform us the position of our case.

Thanking you,

Yours faithfully

(Sri Dwipen Rahang)
Vill-Millanpur,
P.O.-Sonapur,
P.S.-Khetri,
Dist-Kamrup, Assam.

(Sri Ranjit Das)
S/o Manoranjan Das,
Vill-Hatkhole,
Sonapur Gaon.
P.O.-Sonapur,
P.S.-Khetri.
Dist-Kamrup, Assam.

Copy for information & Necessary action:

1] The Secretary to the Govt. of India,
Ministry of Defence, New Delhi.

2] The Director General, Ordinance
Service, Master General of Ordinance Branch,
Army Head Quarter. P.O. DHQ, New Delhi-110011.

Ats/21
JS
Ananta

UPC

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

1523/SC-ST/80/Est

12 May 2000

✓ Sri Dwipen Rahang
 Vill- Millanpur
 PO - Sonapur
 PS - Khetri
 Dist- Kamrup (Assam)

Sri Ranjit Das S/O Manoranjan Das
 Vill- Hatibola, Sonapur Gaon
 PO- Sonapur
 PS- Khetri
 Dist- Kamrup (Assam)

APPOINTMENT OF MAZDOORS AGAINST BACKLOG
 VACANCIES OF SC/ST CANDIDATES ON SPECIAL
 RECRUITMENT DRIVE HELD ON IN THE YEAR 1994

1. Reference your letter No dated 13 Mar 2000 addressed to Commandant this depot.
2. It is for your information that as per instruction received from Army Headquarters, selection of candidates for Mazdoor against backlog vacancies of SC/ST on special recruitment drive 1993 was carried out during 1994 and you had been shortlisted by the selection board.
3. The appointment of shortlisted candidates for Mazdoor against backlog vacancies of SC/ST on SRD-93 was to be released by the Govt, which has not yet been released so far. Therefore, the appointment letter for Mazdoor against backlog vacancy of SC/ST on SRD-93 can't be issued to you unless and untill the vacancies are released by the Govt.

(Signature)
 (RK Bhatia)
 Lt Col
 Adm Officer
 for Commandant

Attended
Dis
Advocate

UPC

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

1523/SC-ST/29/Est

12 May 2000

Sri Dwipen Rahang
Vill- Millanpur
PO - Sonapur
PS - Khetri
Dist- Kamrup (Assam)

Sri Ranjit Das S/O Manoranjan Das
Vill- Matkhola, Sonapur Gaon
PO- Sonapur
PS- Khetri
Dist- Kamrup (Assam)

APPOINTMENT OF MAZDOORS AGAINST BACKLOG
VACANCIES OF SC/ST CANDIDATES ON SPECIAL
RECRUITMENT DRIVE HELD ON IN THE YEAR 1994

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3. The appointment of shortlisted candidates for Mazdoor against backlog vacancies of SC/ST on SRD-93 was to be released by the Govt, which has not yet been released so far. Therefore, the appointment letter for Mazdoor against backlog vacancy of SC/ST on SRD-93 can't be issued to you unless and until the vacancies are released by the Govt.

[Signature]
(RK Bhatia)
Lt Col
Adm Officer
for Commandant

[Signature]
Advocate

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 30/2000 OF 1999

Applicant(s) Sri Pelli Ramanna & Others

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|-----------|---|
| | 28.1.2000 | <p>Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Notice is returnable by 28.2.2000.</p> <p>Any appointment made in respect to the result of this case.</p> <p>List on 28.2.2000.</p> |

VI/VICE CHAIRMAN

3/2/2000

Advocate

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 30/2000 OF 199

Applicant(s) Sri Petli Ramanna & Others

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

pg

28.3.2000

No reply has been submitted. Mr B.S. Basumatary, learned Addl.C.G.S.C prays for some more time to get instructions. Mr A. Ahmed, learned counsel for the applicants opposes due to the fact that advertisement has already been issued to fill up the reserved posts and prays for further interim order. However, for the ends of justice the case is adjourned to 26.4.2000 for consideration of admission. In addition to the interim order dated 28.1.2000, pendency of consideration of admission shall not be a bar for the respondents to grant relief to the applicants.

Sd/MEMBER (ADM)



Copy for information and necessary action:-

- ✓ 1. Shri A. Ahmed, Advocate, CAT, Guwahati Bench, Guwahati-5.
2. Shri B.S. Basumatary, Addl.C.G.S.C, CAT, Guwahati Bench, Guwahati-5.

29/3/2000
SECTION OFFICER (J)

Attal
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original application No. 30/2000

Sri Petli Ramanna & Ors - VS - Union of India & Ors

Advocate for the applicants; Mr. A. Ahmed.

Advocate for the respondents; Mr. B.S. Basumatary, Addl. C.G.S.C.

26.4.00

No show cause reply has been submitted. Heard Mr B.S. Basumatary, learned Addl. C.G.S.C. and Mr A. Ahmed, learned counsel for the applicants.

Permission to the applicants to join in this single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987, is granted.

The application is admitted. Notice, already served. List for written statement and further orders on 17.5.00.

Heard the learned counsel for the parties regarding interim order. It is directed that appointment to the post of Mazdoor as advertised in Annexure-F shall be subject to the result of this O.A.

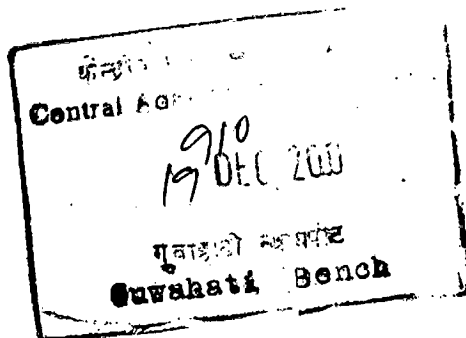
Sd/MEMBER (ADM)

Memo. No. 1322 Date 5.5.2000

Copy of the order

Copy for information and necessary action to:

1. Mr. B.S. Basumatary, Addl. C.G.S.C. Central Administrative Tribunal, Guwahati Bench, Guwahati - 5.
2. Mr. A. Ahmed, Advocate, Central Administrative Tribunal, Guwahati Bench, Guwahati.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

Filed by

(A. DEBROY)

Sr. C. C. C.

G. A. T., Guwahati Bench

O.A. NO. 180 of 2000.

Shri Dwipen Rahang and others .

..... Applicants.

- Vs-

Union of India and others.

..... Respondents.

- And-

In the Matter of :

Written Statement submitted by

Respondents 1, 2, 3, 4 and 5.

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

1. That with regard to the statement made in para 1 of the application, the respondents beg to state that the Govt. of India had decided to launch a "Special recruitment drive" SRD against backlog vacancies for SC/ST candidates, and accordingly, HQ Eastern Command vide letter No. 321891/2/SCT/1009/OS-SC dated 04 Oct 93, directed to implement the same in our depot with the instructions to fill up the vacancies by 31 Mar 94.

Copy of letter dated 4.10.93 enclosed as
Annexure - A.

2. Army HQ vide letter No. 80992/SCT-93/OS-C(1) dated 18 OCT 93 directed not to issue appointment letters

to the selected candidates for SRD-93 till receipt of Govt. clearance. Both the applicants of the instant O.A. were selected by a Board of Officers against backlog vacancies for SC/ST candidates on SRD-93. It is reiterated that since the Army HQ had instructed through letter dated 18 Oct 93, not to appoint the selected candidates for SRD-93 till receipt of Govt. clearance and hence, no appointment letters in respect of the applicants were issued by this depot. The depot authorities has ~~made~~ protracted correspondence with the Higher Headquarters at regular intervals for issuance of clearance in favour of the selected candidates against SRD-93, but till date no clearance has been received.

Copy of letter dated 10.10.93 ~~inclosed~~ enclosed as Annexure - B.

3. That with regard to the statement made in para 2 and 3 of the application, it is stated that the matters relating to the provisions of the Administrative Act, 1985 and Rules made thereunder accordingly, Hence no comments.

4. That with regard to the statement made in para 4.1 and 4.2 of the application, it is stated that the same matter of record. Nothing beyond record is admitted.

5. That with regard to the first part of para 4.3 of the application, the respondents beg to offer no comments. Regarding the last part of the statement, it is stated that the same are matters or record. Nothing beyond record is admitted.

6. That with regard to the first part of the statement made in para 4.4 of the application, it is stated that the same are matters of record. Nothing beyond record is admitted. The allegations are completely denied with regard to the statement made in the later part of the para.

7. That with regard to the statement made in para 4.5, it is stated that the applicants of the instant O.A. along with some other candidates were selected for the post of Mazdoor against backlog vacancies of SRD-93. The respondent No.3 informed the applicants regarding non-receipt of clearance of their case from the Higher authorities.

8. That with regard to the statement made in first part of the para 4.7, the respondents beg to offer no comments. Regarding the later part of the statement, it is stated that the same are matters of record. Nothing beyond record is admitted.

9. That with regard to the statement made in para 4.8, it is reiterated that the applicants of the instant O.A. were selected against backlog vacancies of SC/ST candidates on SRD-93. Further, it is submitted that after making protracted correspondents with the Higher HQ from our end, no clearance about the appointment of selected candidates on SRD has been communicated till date and therefore, the appointment letters could not be issued to the applicants by this office. It is submitted ~~against~~ before the Hon'ble Court that there is no relation between the instant recruitment process held in Jan 2000 and the selection of candidates

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against backlog vacancies of SC/ST on SRD-93. The applicants were selected for appointment of SRD-93 subject to the clearance from the Central Govt., while present recruitment process is "direct recruitment" based on the Army HQ release order No. A/23881/1/Mazdoor S-3C(1)/222 ABOD dated 09 Sep.99. Advertisement for the post of Mazdoors was published/broadcasted in difference agencies/media on the directions of the Central Govt. Interview/physical tests were conducted on 28 and 29 Jan 2000 and based on the performance in the test, candidates were selected for the appointment against the specific vacancies released. It may be pointed out that during 1997, a group of Mazdoors comprising of Gen-5, S6-2, ST-1 and OBC-2 were appointed under "direct recruitment". Thereafter, again in 1998, two candidates belonging to General categories were also appointed, after observing all the necessary formalities as per postulated policy. However, during these two recruitments, viz. 1997 and 1998 no objections were raised by the applicants in connection with their appointment, which was against SRD only. Evidently, the applicants are devoid of the factual/rule position and they are muddled in their approach by mixing SRD and direct recruitment, which are entirely two separate facets procedurally. Therefore, the contentions of the applicants are explicitly denied.

10. With regard to the statement made in para 4.9 of the application, the respondents request the Hon'ble Court to refer the first part of para 8 above.

11. With regard to the statement made in para 4.10 the application, it is stated that the same are matters of record and nothing beyond record is admitted.

12. With regard to the first part of the statement made in para 4.11, the respondents request the Hon'ble Court to refer proceeding paras. With regard to the later part of the para, the respondents beg to offer no comments.

13. With regard to the statement made in para 4.12, it is categorically submitted that the names of candidates for the post of Mazdoors were asked from Employment Exchange. But no intimation regarding the deletion of the applicant's names has been received from Employment Exchange and as such there is no question of striking off their names from the Employment Exchange. The point made by the applicants is not correct and hence, specifically denied.

14. That with regard to the statement made in para 4.13 of the application, it is stated that the same are matters of records and, hence, nothing beyond record is admitted.

15. That with regard to the statement made in para 4.14, it is submitted that appointment in favour of the applicants could not be issued due to the non-receipt of clearance from the Central Govt. for recruitment against SRD-93. The respondents published advertisement seeking suitable candidates for the post of Mazdoors in view of the Army HQ fresh release order No. A/23881/1/Maz/US-OC(i)/222 ABOD dated 09 Sep.99 for "direct recruitment". It is

It is a fact that there is no relation between the present recruitment process and selection of candidates against SRD. Therefore, the contention of the applicants blaming the respondents for not appointing them is misfounded, baseless, unjust, improper and mala fide and has no merits. The allegations are thus totally refuted.

16. That with regard to the first part of the statement made in paras 4.15 and 4.16 the respondents beg to offer no comments. Regarding the appointment of applicants please refer our preceding paras, wherein the position has been amply clarified.

17. That with regard to the statement made in para 4.17, the respondents beg to offer no comments.

18. That with regard to the statement made in para 4.18, the respondents beg to state that since there is no relation between the present recruitment process and that of SRD-93, so advocating new recruitment process is not in order as per Govt. rules.

19. With regard to the statement made in para 4.19 and 4.20 (4.15) the respondents beg to offer no comments.

20. With regard to the statement made in para 5.1, it is stated that the allegations made against the respondents are not admitted since the clearance for appointment against SRD-93 has not been received from the Central Govt. so far.

Contd.....

21. That with regard to the statement made in para 5.2, the observation raised by the applicants is denied since appointment could not be given to them owing to the non-receipt of clearance from the Central Govt.

22. That with regard to the statement made in para 5.3, it is reiterated that there is no relation between the present recruitment process with that of the SRD-93. Thus the contention of the applicants as mentioned in the last part of the para is not agreed to and denied.

23. That with regard to the allegation made in para 5.4, are untrus and hence denied in the light of factual position of the case as enumerated above.

24. That with regard to the statement made in para 5.5, it is once again reiterated that owing to the non-receipt of clearance from the Central Govt. appointment letter could not be given to applicants.

25. That with regard to the statement made in paras 5.6, 5.7 and 5.8, the respondents beg to submit to the Hon'ble Court that at no stage fundamental rights have been denied to the applicants. It is tacit reality that, the defence department and this installation have strictly followed the rule position. The applicants are weaving false story by repeating same point time one again to divert the attention of the Hon'ble Court. It is submitted before the Hon'ble Court to refer to our preceding ~~and~~ paras in connection with the appointment of applicants.

26. That with regard to statement made in para 6, the respondents beg to offer no comments.

27. That with regard to the statements made in para 7, it is submitted that the same are matters of record and nothing beyond record is ~~xx~~ admitted.

28. That with regard to the statements made in paras 8 to 8.4, the respondents beg to state that there is no relation between the present recruitment process with that of the appointment on SRD-93, which is having separate release order from Higher Hq. It is improper and mala fide on the part of the applicants to interfere in the present recruitment process. Also during 1997 some Mazdoors were recruited after observing necessary formalities, but during that time, the applicants did not raise any objections. Filing of court case after the expiry of a considerable period is also a testimony to the fact that the applicants are not clear of rule position. The respondents humbly request the Hon'ble Court to reconsider restrictions imposed in the present recruitment process and set aside and quash of OA filed by the applicants with cost.

29. That with regard to the statement made in para 9, it is submitted before the Hon'ble Court to review the restrictions in the present recruitment process and lift the ban on the appointment to the post of Mazdoors, selected recently as released by Army Hq letter No. A/23881/1/Maz/OS-3C(i)/222 ABOD dated 09 Sept. 99. It is reiterated that since there is no relation between the present recruitment


process with that of SRD-93, the misconceived prayer of the applicants by co-relating both cases prove their malafide and hence their O.A. 180/2000 is liable to be set aside with cost.

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

I, Col Ibrahim Khan, Commandant

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

And I sign this verification on this 16th day of November, 2000, at Guwahati.


Ibrahim Khan
Commandant
Co. Declarant.