

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 196/2001

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet O.A-196/2001 Pg. 1 to 2  
2. Judgment/Order dtd. 26/11/2001 Pg. 1 to 3 Disposed  
3. Judgment & Order dtd.....Received from H.C/Supreme Court  
4. O.A.....196/2001 Pg. 1 to 28  
5. E.P/M.P..... N.I.L. Pg. .... to .....  
6. R.A/C.P..... N.I.L. Pg. .... to .....  
7. W.S. Respondents No. 1, 2, 3 & Pg. 1 to 13  
8. Rejoinder..... Pg. .... to .....  
9. Reply..... Pg. .... to .....  
10. Any other Papers..... Pg. .... to .....  
11. Memo of Appearance.....  
12. Additional Affidavit.....  
13. Written Arguments.....  
14. Amendment Reply by Respondents.....  
15. Amendment Reply filed by the Applicant.....  
16. Counter Reply.....

SECTION OFFICER (JUDL.)

FORM NO. 4  
(See Rule 42 )

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

ORDER SHEET

APPLICATION NO ... 196 ... OF 2001.

Applicant (s) Sri B. Singh

Respondent (s) U.O.I. & ors

Advocate for Applicants (s) Mr. B.C. Das

Advocate for Respondent (s) Mr. B.C. Pathak,  
Addl. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in accordance with the rules of the Tribunal. Petition is filed vide M.P.W. No. 1000 C.E. for P.S. No. 1000 filed vide IPO/B/2001/66792519. Dated 23.5.2001.	24.5.01	The application is admitted. Call for the records. Any appointment made shall be subject to the result of this application. List for orders on 2-7-2001.

24.5.01  
This application is in form but not in accordance with the rules of the Tribunal. Petition is filed vide M.P.W. No. 1000 C.E. for P.S. No. 1000 filed vide IPO/B/2001/66792519. Dated 23.5.2001.

bb

Dy. Registrar 24/5/01

2.7.2001

25/5/01  
24/5/01

I.C.Usha  
Member

Vice-Chairman

On the request of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents, four weeks time is allowed to the respondents to file written statement.

List on 3-8-2001 for orders.

I.C.Usha  
Member

Notice prepared and sent to DTS for serving the respondent No 1 to 4 by Regd A.O. vide D.No. 2050 & 2053 dt 14/6/01

bb

List on 5/9/01 to enable the respondents to file written statement.

I.C.Usha

Member

Vice-Chairman

① Service report are still awaited  
By 29.6.01

bb

5.9.01 None is present for the application.  
applicant. Written statement has been filed. The applicant may file rejoinder, if any, within 3 weeks.

List on 27/9/01 for order.

27.8.2001

W/S has been submitted by the Respondent,  
Nos. 1, 2, 3 and 4.

I.C.Usha  
Member

mb  
27.9.01

Pleadings are complete. The case may now be listed for hearing. The applicant may file rejoinder, if any, within seven days from today.  
List on 22/11/01 for hearing.

By  
Q.6.9.01

I.C.Usha  
Member

Vice-Chairman

mb

22.11.01

Prayer has been made on behalf of Mr. B.C. Pathak, learned Addl.C.G.S.C by Mr. A.K. Chaudhury for adjournment of the case.

Prayer allowed. List for hearing on 26.11.2001.

I.C.Usha  
Member

Vice-Chairman

bb

26.11.2001

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

I.C.Usha  
Member

Vice-Chairman

nk m

26.12.2001

Copy of the  
order has been  
sent to the Office  
of the learned Addl.  
C.G.S.C. as well as to the Addl.  
C.G.S.C. in the Respondent's  
Office.

HS

4

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./XXX. NO. 196 . . . . . of 2001

DATE OF DECISION 26.11.2001

Shri Birendra Singha

APPLICANT(S)

Mr B.C. Das

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman

W6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.196 of 2001

Date of decision: This the 26th day of November 2001

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

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

Shri Birendra Singha  
Field Assistant (Carpenter)  
Training Centre, SSB,  
Haflong, Assam.

.....Applicant

By Advocate Mr B.C. Das.

- versus -

1. The Union of India, represented through the  
Secretary to the Government of India,  
Ministry of Home Affairs,  
New Delhi.

2. The Directorate General of Security,  
Office of the Director, SSB,  
New Delhi.

3. The Directorate General of Security,  
Office of the Inspector General,  
Training Centre, Haflong,  
Assam.

4. The Senior Instructor (Admn.),  
Training Centre, Haflong,  
Assam.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue pertains to appointment and promotion to the post of Senior Field Assistant (Carpenter). The applicant was initially appointed as Bhisti by the respondents on 7.5.1987. An advertisement was made for the post of Senior Field Assistant (Carpenter). The applicant applied for the said post. By communication dated 31.12.1993 the applicant was advised to appear in the test/interview, which was to be held on 10.1.1994 for selection to the post of Senior Field Assistant (Carpenter). The applicant accordingly appeared before the selection test and the respondent

authority appointed him to the post of Field Assistant (Carpenter). An appointment order was issued to the applicant on 19.3.1994 offering him a temporary post of Field Assistant (Carpenter) in the establishment with effect from 19.3.1994 against the higher vacancy of Senior Field Assistant (Carpenter) and he was placed on probation for two years. The applicant accordingly joined in the post of Field Assistant (Carpenter). He satisfactorily completed his probation period 2.8.1996. The applicant moved the authority for appointing him as Senior Field Assistant (Carpenter) since the advertisement was for the post of Senior Field Assistant (Carpenter) and he was appointed for the post of Senior Field Assistant (Carpenter). The applicant also alternatively prayed for considering his case for promotion to the post of Senior Field Assistant (Carpenter). By order dated 23.4.2001 the respondents informed the applicant that the post of Senior Field Assistant (Carpenter) would be filled up by promotion from the post of Field Assistant (Carpenter) with five years service in the grade and on combined seniority basis. The case of the applicant would be considered according to his seniority. Hence this application assailing the action of the respondents as arbitrary.

2. The respondents contested the case and submitted their written statement. The respondents did not dispute as to the initial advertisement of the post of Senior Field Assistant/Field Assistant (Carpenter). It was stated that the competent authority, however, approved recruitment of one Field Assistant (Carpenter) and did not sanction for recruitinga Senior Field Assistant (Carpenter). The selection was also made for recruitment to the post of Field Assistant (Carpenter). The respondents also indicated in the written statement that as and when recruitments are made for the post of Senior Field Assistant (Carpenter) and DPCs are held, the case of the applicant would be considered alongwith other suitable candidates.

3. We have heard Mr B.C. Das, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. at length. The materials on record indicate that though initially the advertisement was made

for.....

for the post of Senior Field Assistant (Carpenter), but subsequently the post sanctioned was that of a Field Assistant (Carpenter). The proceeding of the selection also indicated that selection was made for Field Assistant (Carpenter) and the applicant stood at No.1 amongst the selected candidates. The grievance of the applicant to the effect that the applicant ought to have been appointed as Senior Field Assistant (Carpenter), in the circumstances, is not sustainable. As regards the contention of the applicant for his promotion, the respondents have already given an undertaking in the written statement itself that his case would be considered in due course by the DPC as per rules. In view of the clear statement made by the respondents we do not think it would be proper for us to issue any instruction. It is expected that the respondents shall take into consideration the case of the applicant for promotion as early as possible as per law.

4. With the above observation the application is disposed of.

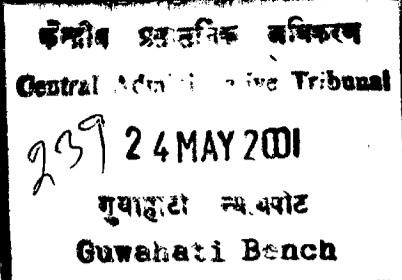
No order as to costs.

*K. K. Sharma*

( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

*D. N. Chowdhury*

( D. N. CHOWDHURY )  
VICE-CHAIRMAN



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

**( An Application under section 19 of the Administrative  
Tribunal Act, 1985 )**

**Title of the Case : Original Application No. 196 /2001.**

**Shri Birendra Singha .... Applicant.**

**- Versus -**

**Union of India & Others. .... Respondents.**

**I N D E X**

Sl. No.	Annexures	Particulars	Pages
1.	-	Application	... 1 - 10
2.	-	Verification	... 11
3.	I	Copy of Order dated 4.5.87	.. 12 - 13
4.	II	Copy of Call letter dtd. 31.12.93	.. 14
5.	III	Memo. dated 18.3.94	.. 15 - 16
6.	IV	Letter dtd. 19.3.94	.. 17
7.	V	Letter dtd. 19.3.94	.. 18
8.	VI	Order dtd. 22.2.8.96	.. 19
9.	VII series	Certificate of appreciation.	.. 20 - 22
10.	VIII	Representation dtd. 24.11.99	.. 23
11.	IX	Representation dtd. 8.1.2001	.. 24
12.	X	Representation dtd. 29.3.2001	.. 25
13.	XI	Order dtd. 12.9.2000	.. 26
14.	XII	Order dtd. 13.2.2001	.. 27
15.	XIII	Order dtd. 23.4.2001	.. 28

**For use in the Tribunal's Office**

**Date of filing :**

**Registration No. :**

**REGISTRAR**

filed by:  
Birendra Chandra Das  
Advocate : 9  
24.5.01

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

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

ORIGINAL APPLICATION NO.

196 /2001

BETWEEN :

Shri Birendra Singha,  
Field Assistant ( Carpenter )  
Training Centre, SSB,  
Haflong, Assam. .... Applicant.

- Versus -

1) Union of India

Represented through the Secretary  
to the Government of India,  
Ministry of Home Affairs,  
New Delhi.

2) Directorate General of Security,  
Office of the Director, SSB  
East Block - V, R.K. Puram,  
New Delhi.

contd... p 2.

4

2.

3) Directorate General of Security,  
Office of the Inspector General,  
Training Centre, Haflong,  
Dist. N.C. Hills ( Assam ).

4) Senior Instructor (Admn.),  
Training Centre, Haflong,  
Dist. N.C. Hills ( Assam ).

.... Respondents.

PARTICULARS OF THE APPLICATION

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

The instant application is directed against the inaction of the respondents for consideration of the candidature of the applicant for appointment/promotion to the post of Senior Field Assistant (Carpenter) inspite of submission of representations dated 24.11.99, 8.1.2001 and 29.3.2001 to the respondent No. 3.

2. JURISDICTION OF THE TRIBUNAL :

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

3.

3. LIMITATION :

The applicant further declares that the subject matter of the application is within the Limitation period as has been 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, as such, he is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and Laws framed thereunder.

4.2) That the applicant joined the services under the respondents in the post of Bhisti from 7.5.87 vide letter No. 1/20/ESTT/86/3288 dated 4.5.87. As per the offer of appointment the applicant was appointed on probation for a period of two years which may be extended or curtailed at the discretion of the competent authority. Thereafter he was continuing in the said post without any blemish.

A copy of the aforesaid letter No. 1/20/ESTT/86/3288 dated 4.5.87 is annexed hereto and is marked as Annexure - I.

contd....

4.3) That the applicant while serving in the post of Bhisti to the satisfaction of the competent authority saw an advertisement whereby the post of SFA (Carpenter) were to be filled up. In terms and conditions as prescribed the applicant had applied for the said post. In response to the said application the applicant was called for the interview for the post of SFA (Carpenter) to be held on 10.1.1994 at 1100 Hrs vide letter No. 1/4/ESTT/93/TCH/9697 dated 31.12.1993.

A copy of the aforesaid call letter dated 31.12.1993 is annexed hereto and marked as Annexure - II.

4.4) That the applicant after appearing in the interview vide Memo No. 1/4/ESTT/93/TCH/1344 dated 18.3.94 was appointed a temporary post of FA (Carpenter) issued by the Respondent No. 4. It is hereby pertinent to state that the applicant had appeared for interview for the post of SFA (Carpenter) but in the aforesaid appointment letter the post against which the applicant was appointed temporarily was the post of FA(Carpenter).

A copy of the aforesaid Memo dated 18.3.94 is annexed hereto and is marked as Annexure - III.

4.5) That the applicant begs to state that vide

5.

letter No. 1/4/ESTT/93/TCH/1881-86 dated 19.3.94 he was offered a temporary post of FA ( Carpenter ) w.e.f. 19.3.1994 against the higher vacancy of SFA (Carpender ) for a probation of two years which may be extended or curtailed at the discretion of the competent authority. Pursuant to the joining in the post of FA (Carpenter) the applicant had submitted his resignation from the post of Bhisti which was duly accepted and was allowed to join in the oist of FA ( Carpenter ) w.e.f. 19.3.1994 vide letter No. 1/4/ESTT/93/TCH/1876-80 dated 19.3.1994.

Copies of the aforesaid letters No. 1/4/ESTT/93/TCH/1881-86 and No. 1/4/ESTT/93/TCH/1876-80 dated 19.3.94 are annexed hereto and are marked as Annexures - IV and V respectively.

4.6) That the applicant begs to state that after his appointment to the post of FA ( Carpenter ) on ~~þ~~ probation he served to the satisfaction of the authority without any blemish. The respondents finding the applicant suitable for the said post and upon satisfactory completion of probation period the competent authority was pleased to remove the probation period w.e.f. 18.3.96 vide order No. 2/8/ B35/87/TCH/5505-09 dated 2.8.96.

A copy of the aforesaid order dated 2.8.96 is annexed hereto and is marked as Annexure- VI.

contd....

14

4.7) That the applicant begs to state that the work performed by him ~~was~~ in the post of FA (carpenter) was duly appreciated by all and the Deputy Commissioner of N.C. Hills had too issued a certificate of appreciation to the applicant for the devotion in duty and work he had shown as the tableau on the occasion of 53rd Independence Day celebration at the SSB Parade ground, Haflong.

Copies of the certificate of appreciation are annexed hereto and are marked as Annexure- VII Series.

4.8) That the applicant after completion of more than 5 years in the post of FA (Carpenter) had submitted representations dated 24.11.1999, 8.1.2001 and 29.3.2001 to the office of the respondent No. 3 for favourable consideration of appointment to the post of SFA(carpenter). The applicant though had appeared for interview in the vacancy post of SFA (Carpenter) after becoming successful in the interview he was appointed against the post of FA (carpenter). Initially the applicant was appointed on probation and subsequently he was regularised as his work was found suitable by the authority. The applicant being regularised and having the experience of 7 years ought to have been considered for posting against the vacancy of SFA (carpenter) which till date is lying vacant. On the presumption for his consideration he had filed the

contd....

7.

representations for his considerations to the post of SFA (carpenter).

Copies of the representations dated 24.11.99, 8.1.2001 and 29.3.2001 are annexed hereto and marked as Annexure- VIII, IX and X respectively.

4.9) That the applicant begs to state that as stated above the respondents are getting over the matter relating to the appointment against the vacant post of SFA (carpenter). The respondents apart from assurance nothing has been communicated to him. It is also pertinent to mention here that the respondents have issued orders dated 12.9.2000, 13.2.2001 and 23.4.2001 by which the applicant has been assured for consideration time and again. It is not worthy to mention here that there is no dispute regarding the outstanding service career of the applicant. To that effect the respondents and the Deputy Commissioner, N.C. Hills, Haflong have extended their appreciation for his excellant work.

Copies of orders dated 12.9.2000, 13.2.2001 and 23.4.2001 are annexed hereto and are marked as Annexures - XI, XII and XIII respectively.

4.10) That the applicant states that at present

contd....

8.

the said post of SFA (carpenter) is lying vacant under the respondents and the applicant being the seniormost in the seniority list is entitled to be considered for promotion for the said post. In addition to that the applicant had served more than 7 years of service in the post of FA (carpenter) which makes the applicant for the said post is just and proper and the act of the respondents in giving assurances after assurances and not appointing thereby to the said post is violative of the principles of administrative fair play.

4.11) That this application is filed bonafide and in the interest of justice.

5. GROUND FOR RELIEF(S) :

For that appointing authority ought to have considered the fact that delay in appointment is not attributable to the applicant, in as much as, in such circumstances it was incumbent upon the appointing authority to consider the case of the applicant as he fulfills the requisite qualification for the post of SFA (Carpenter ).

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant decides that he had availed

contd....

W

of all the remedies available to him and is left with no other alternative than to approach this Hon'ble Tribunal for redressal of his grievances.

7. MATTERS NOT PREVIOUSLY FILED OR RENDING BEFORE ANY OTHER COURT :

The applicant further declares that he had not filed any other Original Application, Writ Petition or suit in respect of the subject matter of the instant application has been made before any other Court, authority or any other Bench of this Hon'ble Tribunal nor such application, Writ Petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT FOR :

In view of the facts and circumstances mentioned above, it is most respectfully prayed that Your Lordships may be pleased to admit this instant application, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant :

(i) To direct the respondents to consider the the case of the applicant for promotion to the post of SFA (Carpenter) ;

contd...

10.

(ii) Cost of the application ; and  
(iii) Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application the applicant in view of the aforesaid facts and circumstances, pray for an interim order from this Hon'ble Tribunal to the respondents not to fill up the post of SFA (Carpenter) without the leave of this Hon'ble Tribunal.

10. .... .... ....

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

I.P.O. NO. : 66-792519  
Date : 01-5-2001  
Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification ....

11.

VERIFICATION

I, Shri Birendra Singha, son of Late Sudhanya Singha, aged about 38 years, presently working as FA (Carpenter) in the Office of the DIG,SSB, Training Centre, Haflong do hereby verify that the statements made in paragraphs 4.1 and 4.10 of this application are true to my knowledge and those made in paragraphs 4.2, 4.3, 4.4, 4.5 to 4.9 being matters of record of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I sign this Verification on this the day of May, 2001 at Guwahati.

Birendra Singha

SIGNATURE

ANNEXURE - I

REGISTERED A/D

No. Y 20/ESTT/86/3287  
Directorate General of Security  
O/O the D.I.G., T.C. Haflong.

Dated the 7-5-87

MEMORANDUM

The undersigned hereby offers Shri Birendra Singh a temporary post of B.W.L. (Secretariat) Service, in the Directorate General of Security of Rs. 750/- + 12/- + 870/- + EB-14/- + 940/- P.M. with usual allowances under the rules and orders in force from time to time.

2. This appointment is purely temporary, but is likely to continue indefinitely. The appointment is liable to termination on one month's notice on either side without reasons being assigned. The appointing authority, however reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

3. The appointee shall be on probation for a period of 2 (two) years which may be extended or curtailed at the discretion of the competent authority but such extension or curtailment shall not exceed one year.

4. The appointment will be further subject to:-

i) Production of a certificate of fitness from the competent medical authority (viz. Medical Board/ Civil Surgeon/ D.M.O. Authority Medical Attendant). This will not be applicable in case he / she has already been medically examined.

ii) In accordance with orders in force in regard to the recruitment to services under the Govt. of India, no candidate who has more than one wife living, or is married to a person having more than one wife living, is eligible appointment under the Govt. of India, provided that Govt. may if they are satisfied that there are special reasons for doing so, exempt any person from the operation of this rule. This offer of appointment is, therefore, conditional upon his/her satisfying the requirement mentioned above and his furnishing to this Office a declaration as in the Annexure-I of this letter, alongwith his reply. If, however, he has more than one wife living/ she is married to a person having more than one wife living, and desires to be exempted from the operation of the above mentioned rules for any special reasons, he/she should make a representation in this behalf immediately. This offer of appointment should in that case, be treated as cancelled and a further communication will be sent to him in due course, if upon a consideration of his/her representation, it is decided to offer him/her appointment.

GERTIFIED  
TO BE TRUE  
B. C. Das  
ADVOCATE

...ng an oath of allegiance faithfulness to the Constitution of India on making of a solemn affirmation to that effect) in the prescribed form. -13-

iv) Production of the following original certificate (if not produced already) :-

- Degree/ Diploma/ Certificates of educational and other technical qualifications.
- Certificate of age.
- Character certificate in the prescribed form Annexure - II to this letter :-
  - attested by a District Magistrate/ Sub-Divisional Magistrate/ their Superior Officer or by two Gazetted Officer.
  - Form a Gazetted or a Magistrate in the case of candidates for Class - IV posts.
  - Certificate in the prescribed form in support of candidates claims that he/she belongs to a Scheduled Caste or Tribe.
  - Discharge certificate in the prescribed form of previous employment, if any.

5. It may please be stated whether the candidate is serving or is under obligation to serve, another Central Government, a State Government or a public authority.

6. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from the service and such other action as Govt. may deem necessary.

7. If Shri Bijendra Singh accepts the offer on the above terms, he should report to the undersigned by the 4th June 1967. If no such reply is received or the candidate fails to report for duty by the prescribed date, offer will be treated as cancelled.

8. No travelling allowance will be allowed for joining the appointment, unless it is admissible under the rules.

*Amulal*  
u.s-87

Senior Instructor (Adm),  
Training Centre, Haflong.

To

Shri Bijendra Singh  
C/o Late Sudhanya Singh  
Baidhurya Batri Haflong.

/sen/

*CERTIFIED  
TO BE TRUE COPY  
B. C. Dan  
ADVOCATE*

ANNEXURE-II

No. 1/4/ESTR/93/TCH/ 9697  
-14-  
Directorate General of Security,  
Office of the D.I.G. of SSB:  
Training Centre, Haflong-788819.  
Distt. NC Hills, Assam.

Dated: 31/12/93

To

✓ Shri Birendra Singh

Training Centre (SSB)

Haflong

Your application for the post of SFA(Carpenter) has been accepted and to inform you that the date for test/interview for the selection of the candidate for the above post is fixed on 10.1.94 at 1100 hrs. at Training Centre, Haflong.

You are, therefore, requested to appear at the said test/interview in the stipulated date and time.

Candidates should bring with them all original certificates in respect of age, educational qualifications, technical certificate and testimonials. They should report for the test/interview by 1000 hrs. on 10.1.94.

This letter shall NOT be treated as an offer of appointment.

Dec 31.12.93

( K.C. SARKAR )

SENIOR INSTRUCTOR(ADMN.),  
TRAINING CENTRE, HAFLONG.

0000 0000

**CERTIFIED**  
BE TRUE COPY

B. C. DAS  
ADVOCATE

ANNEXURE - III

No. 174/ESTT/93/TUH/1844

-15-

Directorate General of Security,  
Office of the D.I.G.,  
Training Centre, Haflong.

MEMORANDUM

Dated, the 18/4/94.

The undersigned hereby offers Shri. Birendra Singh a temporary post of F.A.C. (Carpenter) in the Directorate General of Security (Isolated) Service in this office, in the scale of pay Rs. 800/- 15.10.1993 - 20.11.94/- with usual allowances under the rules and orders in force from time to time.

2. This appointment is purely temporary, but is likely to continue indefinitely. The appointment is liable to termination on one month's notice on either side without reasons being assigned. The appointing authority, however reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

3. The appointee shall be on probation for a period of 2 (two) months years which may be extended or curtailed at the discretion of the competent authority but such extension or curtailment shall not exceed one year.

4. The appointment will be further subject to :-

(i) Production of a certificate of fitness from the competent medical authority (viz. Medical Board/Civil Surgeon/D.M.O./Authorised Medical Attendant). This will not be applicable in case he/she already been medically examined.

(ii) In accordance with orders in force in regard to the recruitment to services under the Govt. of India, no candidate who has more than one wife living or is married to a person having more than one wife living is ineligible for appointment under the Govt. of India, provided that Govt. may if they are satisfied that there are special reasons for doing so, exempt any person from the operation of this rule. This offer of appointment is, therefore, conditional upon his/her satisfying the recruitment mentioned above and his furnishing to this office a letter, alongwith his reply. If, however, he has more than one wife living/ she is married to a person having more than one wife living and desires to be exempted from the operation of the abovementioned rules for any special reasons, he/she should make a representation in this behalf immediately. This offer of appointment in that case, be treated as cancelled and a further communication will be sent to him in due course is upon a consideration of his/her representation, it is decided to offer him/her appointment.

(iii) Taking an oath of allegiance faithfulness to the constitution of India on making of a solmn affirmation to that effect) in the prescribed form.

*CERTIFIED  
TO BE TRUE COPY  
B. C. Dan  
ADVOCATE*

contd... 2/-)

(iv) Production of the following original certificates (if not produced already) :-

- (a) Degree/Diploma certificates of educational and other technical qualifications.
- (b) Certificate of Age.
- (c) Character certificate in the prescribed form (Annexure-II to this letter):-
- 1. Attested by District Magistrate/Sub-Divisional Magistrate/their Superior Officer or by two Gazetted Officer.
- 2. From a Gazetted or a Magistrate in the case of candidate for Class-IV posts.
- (d) Certificate in the prescribed form in support of candidate claims that he/she belongs to a Scheduled Caste or Scheduled Tribes.
- (e) Discharge certificate in the prescribed form of previous employment, if any.

5. It may please be stated whether the candidate is serving or is under obligation to serve, another Central Government, a State Government or a Public Authority.

6. If any declaration, given or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information, he will be liable to removal from the service and such other action as Govt. may deem necessary.

7. If Shri Birendra Singha..... accepts the offer on the above terms, he should report to the undersigned by the 21st Mar '94 if no reply is received or the candidate fails to report for duty by the prescribed date, offer will be treated as cancelled.

8. No travelling allowance will be allowed or joining the appointment, unless it is admissible under the rules.

*Dan*  
18.3.94  
( K.C. SARKAR )  
Senior Instructor (Admn.),  
Training Centre, Haflong.

To

Shri Birendra Singha  
Training Centre  
Haflong... Dist. N.C. Hills (Assam)

\*\*\*\*\*

/sarma/

*TO BE CERTIFIED  
TO BE TRUE COPY  
R. C. Dan  
ADVOCATE*

No.174/ESTT/93/TCH/1881-86  
 Directorate General of Security,  
 Office of the D.I.C.,  
 Training Centre, Haflong.

Dated, the 19/3/94

Q A D S A

Shri Birendra Singha, Bhisti of this Training Centre, Haflong who has been offered a temporary post of F.A(Carpenter) in the establishment of this Training Centre is appointed as such with effect from 19.3.94(FN) against the higher vacancy of SPA(Carpenter) under G.F.77 dated 25.11.93. Technical resignation as submitted by Shri Birendra Singha from the post of Bhisti has been accepted separately vide this office order No.1/4/Estt/93/TCH/1876-S dated 19.3.94.

2. Shri Birendra Singha will be on probation for a period of 2(two) years which may be extended or curtailed at the discretion of the competent authority.

3. He will be entitled to draw the following pay and allowances :-

i) Pay = Rs.800-15-1010-EB-20-1150/-P.M.

ii) DA&CA = As admissible to Central Govt. servants in accordance with the instructions issued by the Min. of Finance from time to time.

iii) H.A.A. = As admissible under the rules.

Ans 19.3.94

( K.C. SARKAR )  
 Senior Instructor(Admn.),  
 Training Centre, Haflong.

Distributions:

1. The Director of Accounts, Cab. Sectt., East Block No.IX, A.K. Puram, New Delhi-110066 for information.
2. The Assistant Director(EA), O/O the Director, SSB., East Block No.V, A.K. Puram, New Delhi-110066 for information with reference to his Memo. dtd.25.11.93 referred to above.
3. The SAO(QM), TC Haflong for information.
4. The Accounts Officer, TC Haflong for information and necessary action.
5. Shri Birendra Singha, TC Haflong for information.
6. Personal file.
7. Office copy.

/sarma/

**CERTIFIED**  
**TO BE TRUE COPY**  
 B. C. Datta  
 ADVOCATE

Encl FA (Carpent)  
 Encl FA  
 Encl FA  
 DPP

ANNEXURE - IV

-18-

NO.1/4/EGIT/93/TCH/1876-80

Directorate General of Security

Office of the Dy. Inspector General, 26

Training Centre (SSB) Haflong-788819

Distr. N.C. Hills (Assam).

Dated, the 19th March 1994

ORDER

On his Selection to the post of a FA(Carpenter) in the establishment of Training Centre, Haflong and has been joined as such on the forenoon of 19th March 1994, Shri Birendra Singha, Bhisti of this Training Centre has submitted a resignation which is a technical formality.

2. The resignation as above is so accepted with effect from 19th March 1994 simultaneously. Shri Birendra Singha is allowed to join as FA(Carpenter) with effect from same date.

19.3.94

( K.P.SARAF )  
Senior Instructor (Admn),  
Training Centre, Haflong.

DISTRIBUTION

- 1) The Director of Accounts, Cabinet Secretariat, East Block No. IX, R.K.Puram, New Delhi-110066 for information.
- 2) The Assistant Director (EA) Office of the Director, SSB., East Block No. V, R.K.Puram, New Delhi-110066 for information.
- 3) The SAO (QM) Training Centre, Haflong for information.
- 4) The Accounts Officer, Training Centre, Haflong for information.
- 5) Shri Birendra Singha, Training Centre, Haflong for information and necessary action.
- 6) Personnel file.
- 7) Office copy.

1.enu/

**CERTIFIED  
TO BE TRUE**  
B.C. DAS  
ADVOCATE

No.2/8/BS/87/TCH/ 5505-09  
Dte. General of Security  
Office of the D.I.G.  
Trg. Centre, Haflong,  
N.C. Hills, Assam. 788819.

Dated the

21.8.96.

ORDER

Shri Birendra Singha, has been appointed in the capacity to the post of Carpenter(FA) w.e.f. 19.3.94 vide this office order No.1/4/ESTT/93/TCH/881-86 dated 19.3.94 on the probation period of 2 years.

2. On satisfactory completion of probation period the competent authority is pleased to remove the probation period of Shri Birendra Singha, FA(Carpenter) w.e.f. 18.3.96.

*Par*  
2.8.96

Senior Instructor(A)  
Trg. Centre, Haflong.

Distrubution

1. The Assistant Director(EA), SSB, Dte. East Block No. V, A.K.Puram, New Delhi-110066.
2. The P.S. to DIG, T<sup>C</sup> Haflong for information and necessary action.
3. Personal File.
4. Service Book.
5. Shri Birendra Singha, Carpenter(FA), T<sup>C</sup> Haflong for information.

.....

*✓ CERTIFIED  
TO BE TRUE COPY  
B. C. DAS  
ADVOCATE*

OFFICE OF THE DEPUTY COMMISSIONER  
NORTH CACHAR HILLS DISTRICT  
HAFLONG

# Certificate of Appreciation

This Certificate of Appreciation is awarded to

Sri/Smt Birendra Kr. Singh,  
of Training Centre, Haflong

for performing the role of the great patriot from this district, SAMBHODHAN PHONGLO, shown on the tableau, on the occasion of 53<sup>rd</sup> Independence Day celebration at the SSB Parade Ground, Haflong.

I wish him / her all success in life.

No. : 4330  
Date : 15/8/99



Deputy Commissioner,  
North Cachar Hills District,  
Haflong

GERTIFIED  
TO BE TRUE COPY  
B. C. Das  
ADVOCATE



In recognition of the relentless and outstanding performance during the year 1998, the undersigned is pleased to Reward Shri Birendra Singh, F.A. (Carpenter) with a token sum of Rs. 100/-, on the auspicious occasion of the 49th Anniversary of our great Republic of India, 26th January 1999.

This will be recorded suitably in your performance dossier of the year.

*Chowdhury*  
Deputy Inspector General  
Training Centre, Haflong.

TO CERTIFIED  
TO BE TRUE COPY  
R. C. Das  
ADVOCATE

In recognition of relentless and selfless services rendered by you during 1996, the undersigned is pleased to reward you with a sum, paltry though, of Rs. 100/- on the occasion of the 48th Anniversary of the Republic Day of India, 26th January 1997.

This will be recorded suitably in your performance dossier of the year.

Shri Biren Singh.  
FA (Carpenter)  
Training Centre, Haflong.

*S.K. Chakrabarti*  
( S.K. CHAKRABARTI )  
DEPUTY INSPECTOR GENERAL  
TRAINING CENTRE, HAFLONG.

*CERTIFIED  
BE TRUE COPY  
R. C. Das  
ADVOCATE*

To

The Deputy Inspector General  
Training Centre, SSB, Haf long

( THROUGH PROPER CHANNEL )

Subject: Regarding appointment of SFA(Carpenter).

Sir,

With due respect and humble submission that I wish to bring under your kind notice a few lines for favour of consideration please:-

1. That Sir, I was initially appointed as Bhisti on 7.5.1987 in Training Centre, SSB, Haflong.
2. After some years ago a circular was issued by T.C. Haflong for the post of SFA(Carpenter). I applied for the said ~~xx~~ post and call letter was issued to me vide TC Haflong letter No. 1/4/Estt/93/TCH/9697 dated 31.12.93 and the date for Test/Interview was fixed on 10.1.94 at Training Centre, Haflong. ( copy enclosed for ready reference), please.
3. I appeared in the said test/interview on 10.1.94 and selected for the same post, but I received an offer of appointment for the post of FA(Carpenter) vide No. 1/4/Estt/93/TCH/1844 dated 18.4.94. ( copy enclosed for ready reference pl). and appointed as FA(Carpenter) instead of SFA (Carpenter).
2. In view of the position as explained above, it is, therefore requested to your kind honour to kindly look into the matter and hoping ~~xx~~ favourable perusal/ consideration please.

Thanking you,

Yours faithfully

Dated: 24.11.99

Birendra Singh  
( BIRENDRA SINGHA )  
FA( Carpenter)  
Training Centre, SSB, Haflong.

GERTIFIED  
BE TRUE COPY  
B. C. Das  
ADVOCATE

To.

The Director,  
S.M. East Block (V)  
R.K. Puram, New Delhi.

(through proper channel)

Sub :

Prayer for Upgradation from the post of  
P.A.(Carpenter) to SFA(Carpenter) considering  
the Interview calling.

Sub :

Interview Call Letter No.1/4/ESTT/93/TCH/9697  
dt. 31.12.93 issued by the D.G.S., O/o the DDC  
SSB, TC, Haflong.

1. Self repr. statement dtd. 27.11.99 addressed  
to the DDC, TC, SSB, Haflong.
2. Memorandum No.1/4/ESTT/93/TCH/9629 dtd.  
12.09.2000 issued by the DGM, DDC, TC, SSB,  
Haflong.

Hon'ble Sir.

Reference to above, I have the honour to draw  
your kind attention towards the following, for favour of your  
kind information and sympathetic consideration the soon please.

1. Hon'ble Sir, I have been appointed at TC, SSB, Haflong  
as Bhisti on 7.6.1987 and performing my duties  
with due satisfaction of my Superior.
2. After serving a couple of years, I have  
been called for appearing Interview for the  
post of S.F.A.(Carpenter) on 10.01.1994 as  
per the calling issued as referred above.
3. That after appearing interview, on 19.3.94,  
I have been appointed in the post of P.A.(Carpenter)  
in the post of SFA(Carpenter) vide Order  
No.1/4/ESTT/93/101/1301-96, dtd. 19.3.94, wherein  
I have been applied for the post of SFA(Carpenter)  
the reason not known till date.
4. That after submitting the copies of letter as  
referred in ref.No. 2 above, I have received  
the memorandum as referred in ref.3 above,  
wherein it has been mentioned that the DDC  
is only entitled to upgrade me.

However, I am to pray that though I have been  
appeared interview for the post of SFA(Carpenter) and my appointment  
(i.e. upgradation) made in the said SFA(Carpenter) post as  
PA(Carpenter), my post may kindly be upgraded, so as to enable  
me to avail the facilities and maintain my family properly.

In view of above, your honour is most earnestly  
prayed that your kindur would be pleased to pass necessary order  
for arranging my upgradation from PA(C) to SFA(S) at your earliest  
convenient please.

And for which act of your kindness I shall ever  
pray.

Enclo : 4(Four) copies.

Dtd. \_\_\_\_\_ /2001.

Yours faithfully

*B.C. Das*

**GERTIFIED**  
**BE TRUE COPY**  
**B.C. Das**  
**ADVOCATE**

To.

The Director,  
SSB, East Block (V)  
Ministry of Home Affairs,  
Govt. of India,  
R.K. Puram, New Delhi.

(Through Proper channel)

Sub :

Ref :

Regarding appointment of SFA(Carpenter)  
Interview Call letter No. 1/4/Estt/93/TECH/9697  
Dt. 31.12.93 issued by the D.C.S. O/O the SSB  
TC Haflong.

2. Self representation dtd. 25.6.97, 28.4.99 and 19.9.2K addressed to the DIG, TC, SSB, Haflong.
3. Memorandum No. 1/4/Estt/98/TCH/9929 Dt. 12.9.2K/ 13.2.2000 issued by the DGS, DIG, TC, SSB, Haflong.

Sir,

With due respect and humble submission that I wish to bring under your kind notice a few lines for favour of consideration please.

1. That Sir, I was initially appointed as Bhisti on 7.5.1987 in Training Centre, SSB, Haflong.
2. After some years ago, a Circular was issued by T.C. Haflong for the post of SFA(Carpenter) as applied for the said post and Call letter was issued to me vide T.C. Haflong letter No. 1/4/Estt/93/TCH/9697 dt. 31.12.93 and the Dt. for Test/interview was fixed on 10.1.94 at T.C. Haflong (copy enclosed for ready reference please).
3. I appeared in the said test/interview on 10.1.94 and selected for the same post according to my appointment order No. 1/4/Estt/93/TCH/1844 Dt. 18.4.94 (copy enclosed for ready reference please) However, I was created as FA(C) which causes a great grievances to my service and Govt. duty.

In this connection, my case may kindly be considered for my Rank as SFA(Carpenter) for which I am appointed as per existing vacancy T.C. Haflong, it is therefore requested to your kind honour to kindly look into the matter and hoping favourable perusal and consideration please.

Enclo : a/s

Yours faithfully

5 copy's

*Birendra Singh*  
29/9/2001  
(Birendra Singh )  
FA (Carpenter) TC, SSB  
Haflong.

*✓* CERTIFIED  
AS TEST COPY  
B. C. Ds  
CONCERN

No. 1/4/Estd/98/TCH/ 9929

Government of India,

Directorate General of Security,

Office of the Dy. Inspector General,

Training Centre, Haflong.

Dated, the 12/9/2000.

## Memorandum.

Reference is invited to his representation dated 24.11.99 regarding ~~approx~~ appointment to the post of SFA(Carpenter).

His representation has been forwarded to the SSB Dte. vide this office memo. No. 1/4/Estd/93/TCH/13 dt. 1.1.2000 with request to hold DPC for considering his promotion from F.A.(Carpenter) to SFA(Carpenter).

In this regard, an extract of SSB Dte. memo. No. 11/SSB/AI/95(4)357 dt. 19.1.2000 is reproduced below for information.

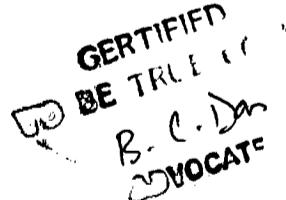
" It is intimated that promotion of F.A.(Carpenter) to the post of SFA(Carpenter) will be made on combined seniority basis maintained at SSB Directorate. If Shri Birendra Singha, FA(Carpenter) will ~~fulfill~~ fulfill all eligibility conditions laid down in Recruitment Rules his case will be considered as and when DPC for promotion to the post of SFA(Carpenter) will meet. "

  
12/9/2000

( S.C. Verma )  
Senior Instructor(Admn.),  
Training Centre, Haflong.

To

Shri Birendra Singha,  
FA(Carpenter),  
T.C. Haflong.

  
CERTIFIED  
TO BE TRUE  
B. C. D.  
ADVOCATE

NO.1/4/ESTT/93/TCH/ 1671-92  
MINISTRY OF HOME AFFAIRS  
O/O THE D.I.G.SSB.,  
TRAINING CENTRE, HAFLONG,  
DIST N.C.HILLS (ASSAM) -788819.

Dated the 12<sup>th</sup> Feb 2001.

MEMORANDUM

**SUBJECT:** Promotion of FA(Carpenter) to the rank of SFA  
(Carpenter).

Please refer to your Memo. NO.11/SSB/AI/95(4) 357  
dated 19.1.2000 on the subject mentioned above.

The contents of above referred memo. has been  
communicated to the concerned incumbent Shri Birendra Singha,  
FA(Carpenter) vide this office Memo. NO.1/4/ESTT/93/TCH/9929  
dated 12.9.2000.

The individual has again requested to consider  
his upgradation to the post of SFA(Carpenter) vide his  
representation dated 8.1.2001 addressed to the Director, SSB,  
New Delhi which is forwarded herewith for favour of your  
necessary action please.

( S.C.VERMA )  
Senior Instructor (Admn),  
Training Centre, Haflong.

Enclo: As above.

TO  
The Jt. Deputy Director(EA),  
SSB Dte. R.K.Puram, New Delhi

✓ Copy to Shri Birendra Singha, FA(Carpenter)  
Training Centre, Haflong for information w.r.t.his  
representation dated 8.1.2001.

*12-2-2001*  
( S.C.VERMA )  
Senior Instructor (Admn),  
Training Centre, Haflong.

*B.C.DAN*  
S. C. VERMA  
ADVOCATE

ANNEXURE - XIII

No. 1/4/Estt/98/TCH/ 4380.  
Government of India,  
Ministry of Home Affairs,  
O/f the DIG TC Haflong.

Dated, the 28/4/2001

Memorandum.

Subject :- Promotion of FA(Carpenter) to the rank of SFA(Carpenter).

Your representation dtd. 8.1.2001 on the subject mentioned above was forwarded to SSB Dte. vide this office memo. No. 1/4/Estt/93/TCH/1691-92 dt. 13.2.2001 for consideration.

In this regard, reply of SSB Dte. vide their memo. No. 11/SSB/AI/95(9) 1518 dt. 5.3.2001 received by this office is reproduced below for information.

"The representation of Shri Birendra Sinha, FA(Carp) has been examined. The post of SFA(Carp) is to be filled by promotion of FA(Carp) with 5 years service in the grade and on combined seniority basis, which is maintained at SSB Directorate. When Shri Birendra Sinha, FA(Carp) will be eligible for promotion according to Seniority his case will be considered for the post of SFA(Carp) as and when vacancy of SFA(Carp) occurs."

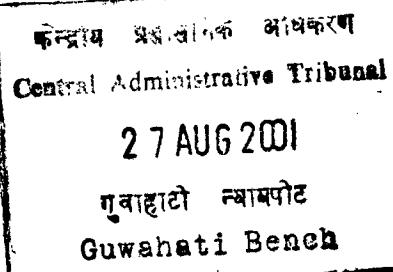
Done on 23/4/2001

( R.K.Sarma )

Senior Instructor(Admn.),  
Training Centre, Haflong.

To  
Shri Birendra Sinha,  
FA(Carpenter), (on leave)  
T.C. Haflong.

*GERTIFIED*  
*TO BE TRUE COPY*  
*R. C. Dan*  
*NOTARIZE*



filed by  
B. C. Pathak  
( B. C. Pathak )  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. NO. 196/2001

Shri Birendra Singh

.... Applicant.

- Vs -

Union of India & Ors.

.... Respondents.

( Written Statements on behalf of the  
respondent No. 1, 2, 3 and 4 )

The written statements of the abovenoted  
respondents are as follows :

1. That a copy of the O.A. No. 196/2001 ( referred to as "application" ) has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar common written statements have been filed for all of them.
2. That the statements made in the application which are not specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in para 1 of the application, the answering respondents give a brief note about the background of the case hereunder and state that one post of Senior Field Assistant ( Carpenter ) was

lying vacant in the establishment of Dy. Inspector General, Training Centre, Halflong. The post was to be filled up. The Directorate, SSB, vide their Memo No. 42/SSB/AI/90(24) 3082 dated 25.11.93 approved recruitment of one Field Assistant (Carpenter) by a General Category Candidate against roster point No.14 of 1st Cycle of the 40 point roster and under the provisions of General Financial Rules, Rule-77 followed by SSB (Isolated Posts) Recruitment Rules, 1981. The Recruitment Rules do not provide for direct recruit for the post of Senior Field Assistant (Carpenter). Under proviso to the Recruitment Rules, the post of Senior Field Assistant (Carpenter) can be filled up by promotion from the feeder grade of Field Assistant (Carpenter) with five (5) years service in the grade. The post of SFA (Carpenter) being a promotional post, that is to be filled up by holding a DPC from among the eligible candidates as per common seniority of the FA (Carpenter) maintained by the establishment of SSB, Directorate. The case of the applicant would also be considered along with other candidates in due course. The respondents also state that the representations of the applicant have been duly respondent and he has been informed about the position of the matter. Therefore it is not correct that his representation are not considered. In fact, there is no cause of action for this application as stated above and the same may be dismissed with cost.

The copy of the Memo dated 25.11.93 is annexed as Annexure - R<sub>1</sub>.

4. That with regard to the statements made in para 2, 4.1 and 4.2 of the application, the respondents have no comments to offer.

5. That with regard to the statements made in para 3, the answering respondents state that the subject matter of the application relates back to the date of 19.3.1994 and the applicant has raised the issue only in the ~~application~~ ~~transmission~~ ~~in~~ ~~any~~ year 2001. Hence the application is hopelessly barred by limitation. Moreover, the applicant sat upon the matter till 24.11.99, when he first raised the issue through his representation.

6. That with regard to the statements made in para 4.3 and 4.4 of the application, the respondents state that the DIG, Training Centre, Haflong, vide Memo No. 1/4/Estt/93/TCH/9111-14 dated 7.12.93 had issued a circular for direct recruitment for the post of SMA/FA (Carpenter). This was done in view of the existing vacancy of the post of SMA (Carpenter) under the provisions of General Financial Rules (Rule 77), but appointment was made as FA (Carpenter) which is a grade for direct recruitment.

A copy of the Memo dated 7.12.93 is annexed as Annexure - R2 .

7. That with regard to the statements made in para 4.5 and 4.6 of the application, the answering respondents state that while the entire matter was well known to the applicant, the applicant knowingly and voluntarily accepted

the offer of appointment as FA ( Carpenter ) as in Annexure -III in the application ( particularly the clause 7 ) and he tendered his resignation from the ~~a~~ earlier post of Bisti and joined in service as FA ( Carpenter ) with effect from 19.3.1994 as in Annexure - IV, V and VI of the application. In view of this documentary proof, the claim of the applicant is now barred by the doctrine of waiver and acquiesce. In this connection, the respondents also state that as stated in the circular memo. dated 7.12.93, the applicant also applied for the post of Carpenter only as indicated in the given format as on 9.12.93 and the Selection Committee also found him suitable to be appointed as F.A. ( Carpenter ) only vide their recommendation dated 10.1.94.

The copies of the application dated 9.12.93 and the Selection Committee recommendation dated 10-1-94 and acceptance of offer of appointment dated 19.3.94 are annexed as Annexure- R<sub>3</sub> and R<sub>4</sub> and R<sub>5</sub> respectively.

8. That with regard to the statements made in para 4.7 to 4.11 of the application, the respondents re-iterate and re-asserts the foregoing statements and say that the representations of the applicant were duly considered and replied. The respondents made it clear to the applicant that the case of the applicant would be considered by the DPC as and when held alongwith others eligible candidates on the basis of seniority maintained centrally by the Directorate of SSB, in due course.

9. That with regard to the statements made in para 5, the respondents state that the ground as shown as "delay" in appointment is not a ground at all in the eye of

of law, moreso when the post of SFA ( Carpenter ) is not exclusively reserved for him alone. Hence, the application is liable to be dismissed with cost. Apparently there is no cause of action in this case at all. .

10. That the respondents have no comments to offer with regard to the statements made in para 6 and 7 of the application.

11. That with regard to the statements made in para 8(I) to 8(III) and 9 of the application the respondents state that in view of the above facts and circumstances of the case and the provisions of rules and law, the applicant is not entitled to any relief whatsoever as prayed for . However, the case of the applicant shall be considered in due course by the DPC as per rules if the competent authority proposes to fill up the post of SFA ( Carpenter ) alongwith other eligible candidates on the basis of seniority and suitability. Hence, the application at this stage, being devoid of any merits ~~and~~ as and barred by limitation is liable to be dismissed with cost.

In the premises aforesaid, it is,  
therefore, prayed that Your Lordships  
would be pleased to hear the parties,  
peruse the records and after hearing the  
parties and perusing the records, shall  
further be pleased to dismiss the appli-  
cation with cost.

VERIFICATION

I, Shri K.D. Singh, son of Shri Qabla Singh, aged about 56 years, presently working as Deputy Inspector General of SSB, Training Centre, Haflong, being competent and duly authorised to sign and swear this affidavit, do hereby solemnly affirm and state that the statements made in para 1, 2, 4, 5, 8 to 11 are true to my knowledge and belief, those made in para 3, 6 7, being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed or concealed any material facts.

And I sign this verification on this 27<sup>th</sup> day of August, 2001 at Guwahati.

Deponent

*Karan Singh*  
Deputy Inspector General,  
SSB Training Centre,  
Haflong (N.C. Hill)  
Assam

6/12/93 ) -7-

ANNEXURE-R

17561

No. 42/SSB/AI/90(24) 3082  
Directorate General of Security,  
Office of the Director, SSB,  
East Block V, RK Puram,  
New Delhi - 110066.

S1(A)  
Please put up this case along  
with recruitment rules of  
Isolated Posts  
Memorandum 1/2

Dated the, 25-XI-93

Please refer to your memo No. 1/2/Esitt/S1/  
TCH/8149, dated 01.11.1993 regarding recruitment of  
Senior Field Assistant(Carpenter) in Training Centre,  
Haflong.

2. The Competent authority has approved recruitment of  
one Field Assistant(Carpenter) by a general category candidate  
against point No. 14 of 1st cycle of 40 points roster under  
GMR-77. The recruitment may please be made after ~~fulfilling~~  
filling the prescribed procedure. Necessary recruitment rules  
for these posts were notified by the Cabinet Secretariat as  
given in the SSB (Isolated Posts) Recruitment Rules, 1981  
which may also be followed.

*Parikh*  
( B.D. ADHIKARI )  
ASSISTANT DIRECTOR (EA) I  
25/11/93

To

The Deputy Inspector General,  
Training Centre,  
Haflong.

\*Ajay\*

Seen  
Project this case for recruitment  
of SFA (Carpenter).  
J. 13/12

*Parikh*  
23.6.1993  
SENIOR INSTRUCTOR (AI)  
Training Centre: Haflong  
S. Q. BILLS. AGRAM

82  
Anneone K  
MEMORANDUM

No.1/4/ESTT/93/ICII / 911-14  
Directorate General of Security  
Office of the D.I.G.  
Training Centre, Haflong.

Dated, the 07/12/93 ,  
(b)  
WV

Sub: Direct Recruitment to the post of SFA/FA(Carpenter)

It is proposed to fill up one vacancy in the Grade of SFA/FA(Carpenter) in Training Centre, Haflong. The post is reserved for General Category.

2. The eligibility conditions for the post are as under :-

- (a) Age limit : 18 to 25 years(as on 20.12.93)
- (b) Educational qualification : Primary School standard with proficiency in Carpentry and practical experience of 3/5 years as carpenter.

3. The upper age is relaxable as under:

- i) Candidates working in our department will be eligible for relaxation in the age upto 40 years in the case of general category and 45 years in the case of SC/ST category.

4. Applications of eligible candidates may be forwarded as per the enclosed proforma alongwith attested copies of certificates in support of educational qualifications, date of birth and testimonials. The application should reach the undersigned on or before 20.12.93. The applications not accompanied by the attested copies of certificates and photographs or received after 20.12.93 will not be entertained.

for 8/12/93  
Deputy Inspector General,

Training Centre, Haflong.

To

The Divt. Organisers, Shillong/IAD/AP/Manipur/KB&S/SS/

2. The Asstt. Director(EA), CO/O the Director, SSB.,  
New Delhi-110066.

Copy to:-

1. The Q.M., TC Haflong for information and wide circulation amongst the staff working under him.
2. The Asstt. Engineer, TC Haflong for information and wide circulation amongst the staff working under him.

Shillong  
23-6-1001

for

8/12/93  
Deputy Inspector General,  
Training Centre, Haflong.

1. Name (in block letter) : SHRI BIRENDRA SINGHA

2. Father's Name : LATE SUDHANYA SINGHA

3. Date of birth (attach attested copies of school certificate) : 27.11.63

4. Educational qualification (attach certificate) : CLASS X

5. Present address : Birendra Singh of the D.G. SSB Training Centre Haflong

6. Permanent address : Birendra Singh P.O. Tina Khal VILL: Parlegour P.S. Patherkandi Dist. Karimganj Manipuri Vishnu prasad

7. Nationality

8. Religion : Hinduism

9. Whether employed or not : I am Serving in the Deptt. of D.G.S of the D.G. SSB. T.C. Haflong

10. Details of service : My present post is Bristly but I am one of full Carpenter present. Salary is very poor is not match my ability so I should like to change my job.

11. Present job with rank : Present job: Carpenter, Rank Bristly O.B.C.

12. Whether belongs to SC/ST : O.B.C.

13. Other qualification, if any: Carpentry, Computer course of I.I. 1979-80 - Srikona

14. Experience, if any : Carpentry, Masonary, Plumber Blacksmith, and other Technical job. etc.

Copies of all certificates are available in office.

SIGNATURE OF THE APPLICANT

Date: 9.12.93

Amrit  
Jyoti DODD  
SENIOR INSTRUCTOR (ADM)  
Training Centre Haflong  
N.C. Hill, Assam

-10-

Annexure-L-4

SELECTION COMMITTEE PROCEEDINGS.

Proceeding of Selection Committees held on 10.1.94 as per DIG, IC Haflong's order No.1/4/ESTT/93/TCH/9698-9701 dated 31.12.93 for the purpose of Selection of candidates for recruitment to the post of FA(Carpenter). 37 18

COMPOSITION OF SELECTION COMMITTEE

1. Shri K.C. Sarkar, Senior Instructor(Adm)	- Chairman.
2. " K.L. Bhuyan, Instructor(CC)	- Member-I
3. " M. Khandelwal, Asstt. Engineer	- Member-II

Having assembled in pursuance of above orders the Selection Committee put forth the following observations and recommendations.

OBSERVATIONS:

I) As per order No.1/4/ESTT/93/TCH/9698-9701 dtd. 31.12.93, the Selection Committee assembled in the Office chamber of S.I(Admn) on 10.1.94. On checking the relevant records found that 7(seven) applications had been received and 3(three) candidates were called for Selection test/ interview as they were found eligible for the post.

II) The candidates were put through the following test.

- i) Elementary knowledge (viva voce).
- ii) Practical test (Trade test).

On completion of the test/interview and on compilation of overall performance of the candidates, the results have been indicated as per merits :-

1. Shri Babla Malakar	- 3rd.
2. " Birendra Singha	- 1st
3. " Achinta Nath	- 2nd

RECOMMENDATIONS:

The Selection Committee on having the ability of the candidates tested thoroughly, opined that Shri Birendra Singha, who stood first position in the Selection test/ interview is considered suitable for recruitment to the post of FA(Carpenter) subject to fulfilment of other conditions.

*M. Khandelwal*  
( M. KHANDELWAL )  
Assistant Engineer,  
Training Centre, Haflong

*K.L. Bhuyan*  
( K.L. BHUYAN )  
Member I

Instructor(CC)

Training Centre, Haflong

*K.C. Sarkar*  
( K.C. SARKAR )  
Chairman  
Senior Instructor(Adm)  
Training Centre, Haflong

Approved/Not approved

*R.D. Thongchit*  
( R.D. THONGCHIT )  
Deputy Inspector General,  
Training Centre, Haflong.

*July 6-2001*

11

Proceeding of Practical test and Viva-voce for the post of FA(Carpenter) conducted on 10.1.94

Sr. No.	Name of candidate	Practical test Mark - 25	Viva voce Mark-25	Total Mark-50	Remark
1.	Shri Birendra Singha	20	18	38	1
2.	Shri Achinta Nath	10	14	24	2
3.	Shri Babla Malakai	8	13	21	3

*M. Khandelwal*  
10.1.94

( M. KHANDELWAL )  
Member- II  
Assistant Engineer.  
Training Centre, Haflong.

*K. L. Bhuyan*  
( K. L. BHUYAN )  
Member- II  
Instructor(CC),  
Training Centre, Haflong

*K. C. Sarkar*  
( K. C. SARKAR )  
Chairman  
Senior Instructor(Adm.),  
Training Centre, Haflong.

*July  
93-6-1994*  
SENIOR INSTRUCTOR  
Training Centre: Haflong  
K. C. Sarkar, Admin.

Sl No	Name	Address	Date of Birth	Educational qualifica-tion.	Practical Test Max: 25	Viva Voce Marks-25	Total Marks-50	Remarks
1.	Shri Babla Malakar	C/O: Monoranjan Malakar, Training Centre, Haflong	2.6.1974	VIII Class Passed.	8	13	21	3rd
2.	Shri Birendra Singha	Office of the D.I.G. SSB Training Centre, Haflong.	27.11.1963	Class-X.	7	18	38	1st
3.	Shri Achinta Nath	C/O: Ananta Mohan Nath, SSB Training Centre, Haflong  Permanent Address:- Vill & PO: Katigarah, Distt. Cachar. <u>A S S A M</u>	1.10.1970	H.S.L.C. Passed.	7	14	24	2nd

( W. KANDELWAL )  
MEMBER II  
Instructor  
Assistant Engineer,  
Training Centre, Haflong.

( K.L. BRYAN )  
MEMBER I  
Instructor (CC),  
Training Centre, Haflong.

( K.C. SARKAR )  
CHAIRMAN  
Senior Instructor (Admn.),  
Training Centre, Haflong.

Approved/Not approved

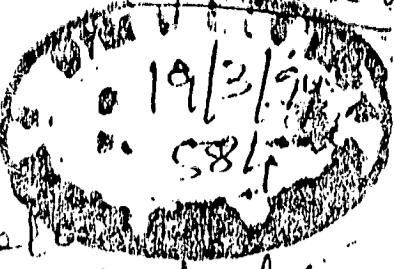
July  
23-6-2001  
SOME INSPECTOR (ADM)  
Training Centre, Haflong  
R. C. SARKAR

( R.D. THONGCHAI )  
Deputy Inspector General  
Training Centre, Haflong.

48

Annexe 8/5

13



(P.A.)  
(U.G.)

The Senior Director  
Training Cell Hafiz.

Subject: Prayer for joining report.

With thanks for your kind

Mess' Memo No. 1/4/ESTT/93/TCH/1  
DT 19/3/94 I have the honour to  
state that I have accepted the job in  
T.A. (Counselor) and joined my 1st  
class post on the (F.N. of 19/3/94)

This is for favour of your kind  
information and necessary action.

19/3/94

Yours faithfully  
Prakash Singh  
T. C. Hafiz

19/3/94

SENIOR INSTRUCTOR (ADM)  
Training Centre : Balong  
E. C. Hill, Assam